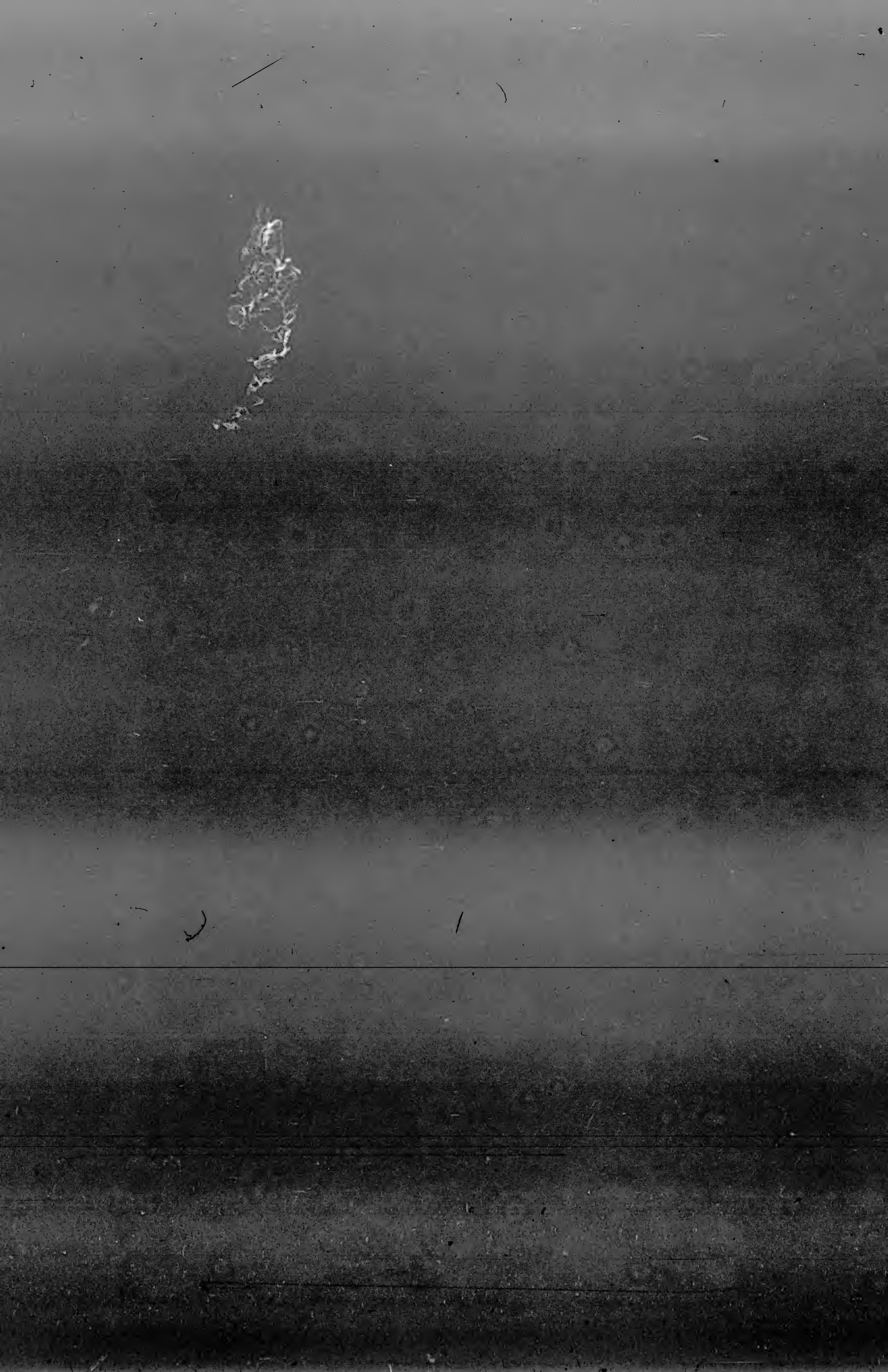


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Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A Codification Guide is also published periodically. The Codification Guide is a numerical finding aid to the rules and regulations in the *Federal Register* keyed to the *Code of Federal Regulations*. The Guide is published as follows: Monthly for the months of January, February, April, May, July, August, October, and November, and cumulatively for the periods January–March, January–June, January–September, and January–December (the Annual Codification Guide).

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Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current volumes and pocket supplements of the Code of Federal Regulations. (The rate for subscription service to all revised volumes and pocket supplements to be issued as of January 1, 1963, is $100 domestic, $30 additional for foreign mailing.) Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

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Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER A—GENERAL PROCEDURES

PART 6—STANDARDS OF CONDUCT OF OFFICERS AND EMPLOYEES OF THE GENERAL ACCOUNTING OFFICE

A new Part 6 is published to implement and supplement the act of October 23, 1962, 71 Stat. 1119; 18 U.S.C. 201–218, as follows:

Sec.
6.1 Purpose of part.
6.2 Conduct of employees.
6.3 Gratuities.
6.4 Indebtedness of employees.
6.5 Outside employment.
6.6 Conflict of interest laws.
6.7 Compliance.

AUTHORITY: §§ 6.1 through 6.8 issued under sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218.

§ 6.1 Purpose of part.

It is eximatic that ethical standards and morals in the Government service should be of the highest order. The General Accounting Office expects its officers and employees to maintain the strictest Government standards of integrity. It expects them by word and deed to reflect a criterion of conduct commensurate with the unique functions and special trust imposed upon the Office. No rules, regulations, or statements of conduct can be effective without the use of common sense and good judgment by the individual, plus the moral dictates of his conscience. However, there are certain policies which need to be reiterated as fundamental guidelines to assist all personnel of the General Accounting Office in meeting various situations involving the work of the Office, intragovernmental relationships, contacts with public and private interests, and unofficial activities.

§ 6.2 Conduct of employees.

The personal demeanor of officers and employees of the General Accounting Office is subject to the closest public and official scrutiny and as representatives of the Office they are judged by their personal associates and activities as well as by their official actions and conduct. In all their dealings, officers and employees of the General Accounting Office

shall so conduct themselves as to permit no possible basis for suspicion of unethical practices. The obligation to protect fully the interests of the General Accounting Office, and of the Government as a whole, demands the avoidance of circumstances which invite conflict between self-interest and integrity of one's employment. Loyalty to the Office and its programs and purposes as an agency of the Congress is a necessary attribute.

§ 6.3 Gratuities.

General Accounting Office personnel shall not accept any gratuity or favor of any nature whatsoever, directly or indirectly, from any person, firm, corporation, or other entity, which in any possible manner could be considered as motivated by the expectation of any special benefit to the giver arising from the fact that the officer or employee is employed by the Government or the General Accounting Office.

§ 6.4 Indebtedness of employees.

The General Accounting Office regards with disfavor an employee, who without specific and adequate cause, refuses or neglects to meet his financial obligations. While the General Accounting Office does not propose to become a collection agency for private creditors of its employees, each complaint of nonpayment of a debt will be referred to the employee concerned and the employee will be requested to submit a report in writing relative thereto. An employee who, without specific and sufficient reasons, habitually fails or refuses to meet his financial obligations, or who otherwise demonstrates personal and financial irresponsibility, will be considered for separation from the service.

§ 6.5 Outside employment.

The interest of the United States requires that the employees of the General Accounting Office refrain from (a) engaging in any work, for financial gain or otherwise, not connected with their official duties, that may tend to impair their mental or physical capacity to render proper and efficient service at all times; or (b) engaging in any employment which by its nature is related to the work, the function, or the responsibility of the General Accounting Office in such a manner that a reasonable question of propriety might be raised should any employee of the General Accounting Office accept such employment. It will be necessary, therefore, for all employees to obtain written permission before engaging in any employment outside the General Accounting Office. Employees will be furnished a copy of the procedures to be followed in making their application for permission to engage in outside employment.

§ 6.6 Conflict of interest laws.

The main conflict of interest provisions of Public Law 87–849, approved October 23, 1962, 76 Stat. 1119, effective January 21, 1963, are:

(a) *Regular officers and employees*—(1) *Prohibitions.* A regular officer or employee is in general subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205). This prohibition does not, however, preclude employees of the General Accounting Office from assisting in the preparation of Federal tax returns for taxpayers, with or without compensation, so long as they do not at any time in any manner intercede with or appear for the taxpayer before the Internal Revenue Service.

(ii) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(iii) Certain acts are prohibited where a personal financial interest is involved by 18 U.S.C. 208. While it is not clear whether the General Accounting Office comes within the scope of the terms used in section 208, the prohibition of the section will for the present be viewed as applying to officers and employees of the General Accounting Office. Consequently, no officer or employee of the General Accounting Office will participate in any audit, investigation, ruling or other determination, contract, claim, controversy, or other matter before the General Accounting Office in which he has outside financial interest within the purview of section 208. The prohibition extends to financial interests of an officer's or employee's spouse, minor child, partner, organization with which he is connected, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

(2) *Nondisqualifying financial interest.* A regular officer or employee need not disqualify himself under subparagraph (1)(iii) of this paragraph, if his financial holdings are in shares of a widely held diversified mutual fund or regulated investment company. The indirect interest in business entities which the holder of shares in a widely held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is hereby exempted from the provisions of 18 U.S.C. 208(a), in accordance with the provisions of 18 U.S.C. 208(b)(2) as being too remote or inconsequential to affect the integrity of the officers' or employees' services.

(3) *Disqualification procedure.* Where General Accounting Office personnel have any outside financial interest in a matter which has been assigned to them or is before them for action, they will so inform their appropriate supervisor and will thereupon be relieved of their duty and responsibility in that particular matter. In cases of disqualification of an officer or employee, the matter will be reassigned for action or decision to another officer or employee. A memorandum of such disqualification will be made and forwarded to the head of the division or office to which the officer or employee is assigned with copies to the Director of Personnel and the General Counsel. Any exception to disqualification will be granted only for the reasons set forth in 18 U.S.C. 208(b)(1), upon written approval of the Comptroller General.

(b) *Special Government employees*—(1) *Definitions.* The term "special Government employee" includes an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (18 U.S.C. 202).

(2) *Prohibitions.* In general, a special Government employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205). This restriction applies to both paid and unpaid representation of another.

(ii) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially. This restriction applies to both paid and unpaid representation of another.

(iii) He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (18 U.S.C. 208).

(iv) After his Government employment has ended, he is subject to the prohibition pertaining to a "former employee" (18 U.S.C. 207).

(c) *Former officers or employees*—(1) *Definition.* The term "former officer or employee" includes those full-time civilian officers or employees who have left Government service and special Government employees who have left Government service.

(2) *Prohibited activities.* In general, a former officer or employee is subject to the following major prohibitions:

(i) He may not, at any time after his Government employment has ended, represent anyone other than the United State in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(ii) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 202(b) and 207(b)).

§ 6.7 Advisers and consultants.

(a) The President in a memorandum to the Heads of Executive Departments and Agencies dated May 2, 1963, entitled "Preventing Conflicts of Interest on the Part of Special Government Employees" discusses the application of the new conflict of interest provisions mentioned above with respect to employment of advisers and consultants. See 28 F.R. 4539.

(b) In line with the President's memorandum and in accordance with the provisions of 18 U.S.C. 208(b)(2) advisers and consultants who are employed for the purpose of rendering advice on recruiting and staff development are hereby exempted from the provisions of 18 U.S.C. 208(a) since such employees render advice of a nature from which no preference or advantage over others might be gained by any particular person or organization and therefore any financial interests are too remote to affect the integrity of the employees' services.

(c) In all cases where employment of an adviser or consultant to work on a specific audit or legal problem is contemplated, or if an adviser or consultant already employed for general advisory work is to be requested to work on a specific audit or legal problem, the proposed employment or assignment will be reported to the Comptroller General. Instructions will be issued at that time as to the nature of the information concerning private employment and financial interests that will be required. After this information is obtained the matter will be resubmitted to the Comptroller General, through the General Counsel, for a determination as to any possible conflicts of interest.

§ 6.8 Compliance.

Except as otherwise specifically provided for in this Order, any matter coming within the provisions of this Order arising in the General Accounting Office will be referred immediately by the head of the office or division or other official concerned to the Division of Personnel for appropriate disposition, or to the Comptroller General in serious matters. The heads of offices and divisions shall have the responsibility to determine that this Order is fully complied with and to issue whatever supplementary instructions are deemed desirable.

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 63-9438; Filed, Sept. 3, 1963; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Free and Restricted Percentages and Withholding Factors For 1963–64 Crop Year

Notice was published in the August 14, 1963, issue of the FEDERAL REGISTER (28 F.R. 8325) regarding a proposal to establish free and restricted percentages and withholding factors applicable to particular varieties of domestic dates for the 1963–64 crop year which began August 1, 1963. The percentages are based on recommendations of the Date Administrative Committee and other available information, in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free percentages, restricted percentages, and withholding factors applicable with respect to marketable dates certified for handling or further processing during the 1963–64 crop year are established as follows:

§ 987.211 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety[1] shall be, for the crop year beginning August 1, 1963, as follows: (a) Deglet Noor variety dates: Free percentage, 70 percent; restricted percentage, 30 percent; and withholding factor, 42.9 percent; (b) Zahidi variety dates: Free percentage, 75 percent; restricted percentage, 25 percent; and withholding factor, 33.3 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and order require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable with respect to all dates certified for handling or for further processing during that crop year, and (b) the withholding obligations based on the continued regulation from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; (2) the current crop year began on August 1, 1963; and (3) the percentages and withholding factors established herein will apply, and adjustment thereto of handlers' withholding obligations are required, automatically with respect to all such dates.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1963.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 63-9456; Filed, Sept. 3, 1963; 8:47 a.m.]

[1] The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 1126), it is hereby found and determined that:

(a) The following provision of the order will not tend to effectuate the declared policy of the Act for the month of September 1963:

1. All of § 1126.51(a) except the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent), plus $1.85 for the months of March through June, and plus $2.25 for all other months * * *

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Cooperatives submitting evidence at a hearing held in Dallas, Texas, on August 14–15, 1963, on a proposed amendment to increase the North Texas Class I price by 10 cents, supported the alternatives of either revising the supply-demand adjustment mechanism or adding 10 cents to the Class I price. The principal cooperative in the North Texas market with the support of cooperative associations representing more than seventy-five percent of the producers of the Austin-Waco, Central West Texas, Corpus Christi, Lubbock-Plainview and San Antonio markets requested suspension action pending further consideration of the evidence and amendatory action on the requested Class I price revision considered on the record of the

hearing. Their request was supported by most of the handlers participating in the hearing who indicated grave concern over the anticipated fall and winter supply situation.

(4) During the past year (July 1962–July 1963) there has been a substantial downward adjustment of milk supplies for the Texas markets in relation to increased Class I sales. Beginning in the fall months of 1962, supplies of milk decreased in relation to increasing Class I sales. While supplies were short during the fall months of 1962, necessitating importation of milk from distant sources, it is expected that supplies will be even shorter in the coming fall and winter months, since drought conditions in recent months have adversely affected the supplies of home-grown feeds, and pastures. Because of the shortage of home-grown feeds, the demand and price for commercial feeds have substantially increased.

(5) This suspension order will eliminate a four-cent downward adjustment of the Class I price through the supply-demand adjustment mechanism for September. Since the North Texas Class I price (adjusted to reflect transportation) is the basis for establishing the Class I price in five of the other Texas Federal order markets, excepting the Texas Panhandle market, this action will also result in an upward adjustment of four cents in the Class I price for these markets. This action will tend to mitigate the difficult price situation now faced by producers on the Texas markets and encourage the production of an adequate supply of milk.

Therefore, good cause exists for making this order effective September 1, 1963.

It is therefore ordered, That all of § 1126.51(a) of the order is hereby suspended for the month of September 1963, excepting the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months • • •.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1963.

Signed at Washington, D.C., on August 29, 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9426; Filed, Sept. 3, 1963; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-EA-17]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On June 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6407) stating that the Federal Aviation Agency was considering a proposal by the Department of the Air Force to alter Restricted Area, R–3901 DeBlois, Maine, by:

1. Lowering the miximum designated altitude from flight level 390 to 15,000 feet MSL.

2. Changing the time of designation from "0800 to 2200 e.s.t. Monday through Friday; 0800 to 1300 e.s.t. Saturday" to "Sunrise to sunset".

3. Changing the using agency from "Commander Dow AFB, Maine" to "102 TAC Fighter Wing, Massachusetts Air National Guard, Boston 28, Massachusetts".

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

In accordance with the foregoing, and for the reasons stated in the notice, the following action is taken:

In § 73.39 (28 F.R. 19–23; January 26, 1963), R–3901 DeBlois, Maine, is amended to read:

R–3901 DeBlois, Maine.

Boundaries. Beginning at latitude 44°-40'00" N., longitude 67°42'00" W.; to latitude 44°40'00" N., *longitude* 67°56'00" W.; to latitude 44°50'00" N., longitude 67°56'00" W.; to latitude 44°50'00" N., longitude 67°42'00" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. 102 TAC Fighter Wing, Massachusetts Air National Guard, Boston 28, Massachusetts.

This amendment shall become effective 0001 e.s.t. October 17, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 27, 1963.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 63-9415; Filed, Sept. 3, 1963; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55981]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Instruments of International Traffic

Section 10.41a, Customs Regulations, designates certain containers and coverings as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. In order to provide specifically for cores for textile fabrics and to promote greater flexibility by permitting the prompter designation of additional articles and classes of articles as instruments of international traffic, as developments warrant from time to time, the following is substituted in lieu of the first sentence of § 10.41a(a): "Lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic are hereby designated as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. The Commissioner of Customs is authorized to designate as instruments of international traffic, in decisions to be published in the weekly Treasury Decisions, such additional articles or classes of articles as he shall find should be so designated."

Because paragraph (b) of § 10.41a has been found to be unduly restrictive in excluding from the benefits of the regulation such containers as certain large shipping tanks which are dutiable under paragraph 328 of the tariff act, § 10.41a (b) is deleted in furtherance of the objectives of the regulation.

(Sec. 14, 67 Stat. 516, Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1322 1623)

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: August 27, 1963.

JAMES P. HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 63-9447; Filed, Sept. 3, 1963; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950———)

Subpart F—Overpayments, Underpayments, Waiver of Adjustment or Recovery of Overpayments and Liability of Certifying Officer

DEFEAT THE PURPOSE OF TITLE II

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.502(c)(1) is amended to read as follows:

§ 404.502 **Overpayments.**

Upon determination that an overpayment has been made, adjustments shall be made against benefits and lump sums as follows:

• • • • •

(c) *Adjustment by withholding part of a monthly benefit.* Adjustment under paragraphs (a) and (b) of this section may be effected by withholding a part of the monthly benefit payable to an individual where it is determined that:

(1) Withholding the full amount each month would "defeat the purpose of Title II," i.e., deprive the person of income required for ordinary and necessary living expenses (sec § 404.508); and

• • • • •

2. Section 404.508 is amended to read as follows:

§ 404.508 **Defeat the purpose of Title II.**

"Defeat the purpose of Title II," for purposes of this subpart, means defeat the purpose of benefits under this title, i.e., to deprive a person of income required for ordinary and necessary living expenses. This depends upon whether the person has an income or financial resources sufficient for more than ordinary and necessary needs, or is dependent upon all of his current benefits for such needs.

3. *Effective date.* The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 204, 205, and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 404, 405, and 1302)

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

AUGUST 19, 1963.

Approved: August 26, 1963.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 63-9444; Filed, Sept. 3, 1963; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PRESSURE-SENSITIVE ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, New Jersey, and other relevant material, has concluded that the following regulation should issue to prescribe the safe use of pressure-sensitive adhesives as the food-contact surface of labels and/or tapes applied to raw fruit and/or raw vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 384(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section.

§ 121.2577 **Pressure-sensitive adhesives.**

Pressure-sensitive adhesives may be safely used as the food-contact surface of labels and/or tapes applies to raw fruit or raw vegetables provided that the pressure-sensitive adhesives are prepared from one or a mixture of two or more of the following substances:

(a) Substances generally recognized as safe in food.

(b) Substances used in accordance with a prior sanction or approval.

(c) Color additives listed for use in or on food in Part 8 of this chapter.

(d) Substances identified in this paragraph and subject to the limitations provided:

BHA.
BHT.
Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-styrene copolymer.
Butyl rubber.
Chlorinated natural rubber.
Glycerol ester of partially hydrogenated wood rosin, having an acid number of 3 to 10, a drop softening point of 79° C. to 88° C., and a color of N or paler.
Isobutylene-styrene copolymer.
Pentaerythritol ester of partially hydrogenated wood rosin, having an acid number of 7 to 18, a drop softening point of 102° C. to 110° C., and a color of K or paler.
Petrolatum.
Polybutene-1.
Polyisobutylene.
Polystyrene.
Propyl gallate.
Rapeseed oil, vulcanized.
Rubber hydrochloride.
Rubber (natural latex solids, crepe, smoked or unsmoked).
Terpene resins (α- and β-pinene), homopolymers, copolymers, and condensates with phenol, formaldehyde, coumarone, and/or indene.
Tetrasodium ethylenediaminetetraacetate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 27, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9443; Filed, Sept. 3, 1963; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6670]

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

Amendments Relating to Bonds, Special Tax, and Spirits Eligible for Drawback

On November 20, 1962, a notice of proposed rule making to amend 26 CFR Part 197 was published in the FEDERAL REGISTER (27 F.R. 11427). In accordance with the notice, interested persons were given an opportunity to submit written comments or suggestions pertaining thereto.

After consideration of all comments and suggestions received within the prescribed period, the amendments as published in the FEDERAL REGISTER are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. The proposed amendment of § 197.9, as set forth in paragraph 2 of the notice, is withdrawn.

PAR. 2. Immediately following paragraph 9, a new paragraph 9a is added, as follows:

PAR. 9a. Section 197.75 is amended to remove the words "or release" in the last sentence of the section in order to conform the wording to the title of Form 1490. As amended, § 197.75 reads as set forth below:

PAR. 3. Paragraph 13 is changed to remove from § 197.79 the words "or release" from the phrase "termination or release" in order to conform the wording to the title of Form 1490. As amended, § 197.79 reads as set forth below.

PAR. 4. Immediately following paragraph 13, a new paragraph 13a is added, as follows:

PAR. 13a. Section 197.30 is amended to remove the words "or release" from the phrase "termination or release" in order to conform the wording to the title of Form 1490. As amended, § 197.80 reads as set forth below.

PAR. 5. Paragraph 15 is changed to make § 197.105 more clearly reflect the conditions under which drawback in respect of spirits used in nonbeverage manufacture is allowable. As amended, § 197.105 reads as set forth below.

PAR. 6. Paragraph 18 is changed to provide in paragraph (b) of § 197.109 that the spirits on which drawback is claimed must be fully taxpaid at the distilled spirits rate. As amended, § 197.109 reads as set forth below.

• • • • •

PAR. 7. Immediately following paragraph 21, a new paragraph 21a is added, as follows:

PAR. 21a. Section 197.115 is amended by adding thereto a new sentence covering the information required with regards to rectified spirits. As amended, § 197.115 reads as set forth below.

PAR. 8. Immediately following paragraph 23, a new paragraph 23a is added, as follows:

PAR. 23a. Paragraph (e) of § 197.130 is amended to provide for records relating to the use of rectified products in manufacturing. As amended, § 197.130 reads as set forth below.

This Treasury decision shall be effective on the first day of the first month that begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 27, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order (a) to preclude allowance of drawback on the alcohol content of rectified products used in nonbeverage manufacture unless the claimant can establish, by evidence satisfactory to the assistant regional commissioner, that such alcohol content is fully taxpaid at the distilled spirits rate, (b) to liberalize the requirement regarding time for payment of special tax, (c) to provide for submission of drawback bonds and powers of attorney relating thereto in duplicate rather than triplicate, (d) to standardize procedures relating to termination of bonds, (e) to provide for the adoption of formulas and processes by a successor, and (f) to make certain technical and editorial changes, the regulations in 26 CFR Part 197 are amended as follows:

PARAGRAPH 1. Section 197.1 is amended to reflect the revision of § 197.27 as to the time for payment of special tax. As amended, § 197.1 reads as follows:

§ 197.1 Drawback of tax on spirits used in nonbeverage products.

The regulations in this part relate to obtaining drawback of internal revenue tax on distilled spirits used in the manufacture of certain nonbeverage products. The regulations cover the allowance of drawback of internal revenue tax on distilled spirits used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes; the payment of special (occupational) taxes in order to be eligible for drawback; claims; formulas and samples; losses; and records and reports of distilled spirits received and used in the manufacture of nonbeverage products.

PAR. 2. [Revoked]

PAR. 3. Section 197.25 is amended to reflect the revision of § 197.27 as to the time for payment of special tax. As amended, § 197.25 reads as follows:

§ 197.25 Payment and rates of special tax.

Each person who uses distilled spirits in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, in order to be eligible for drawback on the distilled spirits so used, must pay special tax at the rate of $25 per annum for total annual use not exceeding 25 proof gallons of distilled spirits; $50 per annum for total annual use not exceeding 50 proof gallons; or $100 per annum for total annual use of more than 50 proof gallons. Where a claim is filed in the first quarter of a year, covering distilled spirits used during the preceding year, and special tax has not been paid for the preceding year, special tax for such preceding year must be paid in the appropriate amount. Special tax, based upon estimated use, may be paid in advance of actual use. Adjustments of the special tax where improperly paid will be made in accordance with §§ 197.55 and 197.56. The manufacturer is not required to pay the special tax if he does not claim drawback on the distilled spirits used by him.

PAR. 4. Section 197.27 is amended to require that special tax be paid before drawback can be allowed rather than before claims are filed. As amended, § 197.27 reads as follows:

§ 197.27 Time for payment of special tax.

The special tax shall be paid before a claimant is eligible for drawback. Regardless of the portion of a fiscal year covered by a claim, the full annual special tax of $25, $50, or $100, as the case may be, shall be paid.

PAR. 5. Section 197.28 is amended to reflect the revision of § 197.27 as to the time for payment of special tax. As amended, § 197.28 reads as follows:

§ 197.28 Filing of return and payment of special tax.

Returns shall be executed on Form 11, and shall be filed, with remittances, with the district director of internal revenue for the district in which the place of manufacture is located.

PAR. 6. Section 197.49 is revised to conform to the wording of section 5143, I.R.C. As revised, § 197.49 reads as follows:

§ 197.49 Right of succession.

Under the conditions set out in § 197.48, persons listed below have the right of succession:

(a) The surviving spouse or child, or executor, administrator, or other legal representative of the taxpayer;

(b) A husband or wife succeeding to the business of his or her living spouse;

(c) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

(d) The partner or partners remaining after death or withdrawal of a member of a partnership.

PAR. 7. Section 197.65 is amended by changing the word "triplicate" to "duplicate" and by deleting the last sentence. As amended, § 197.65 reads as follows:

§ 197.65 General.

Every person required to file a bond or consent of surety under the provisions of this part shall prepare and execute it on the prescribed form, in duplicate, in accordance with the provisions in this part and the instructions printed on the form, and shall submit it to the assistant regional commissioner. The bonds required by the provisions in this part shall be given with corporate surety or collateral security.

PAR. 8. Section 197.67 is amended to provide that evidence of authority to execute consents to changes in bonds on behalf of sureties must be submitted to the Commissioner of Accounts, and to delete the requirement for a third copy of Form 1534. As amended, § 197.67 reads as follows:

§ 197.67 Powers of attorney.

Powers of attorney and other evidence of appointment of agents and officers to execute bonds or consents to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, assistant regional commissioners. Powers of attorney or other evidence of appointment of agents and officers to execute bonds on behalf of the principal shall be filed on Form 1534, in duplicate, with the assistant regional commissioner with whom the bond is filed.

§ 197.74 [Deletion]

PAR. 9. Section 197.74 is deleted.

PAR. 9a. Section 197.75 is amended to remove the words "or released" from the phrase "termination or release" in order to conform the wording to the title of Form 1490. As Amended, § 197.75 reads as follows:

§ 197.75 General.

Continuing bonds on Form 1730 will be terminated by the assistant regional commissioner as to liability on drawback allowed after a specified future date (a) pursuant to a notice by the surety as provided in § 197.76, (b) following approval of a superseding bond, as provided in § 197.73, or (c) following notification by the principal of his intent to discontinue the filing of claims on a monthly basis: *Provided*, That the bond will not be terminated until all outstanding liability thereunder has been discharged. Upon termination, the assistant regional commissioner will mark the bond "canceled" followed by the date of cancellation, and will issue a notice of termination on Form 1490, as provided in § 197.79.

PAR. 10. Section 197.76 is amended to standardize procedures relating to termination of bonds by sureties. As amended, § 197.76 reads as follows:

§ 197.76 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time, in writing, notify the principal and the assistant regional commissioner in whose office the bond is on file that he desires, after a date named, to be relieved of liability under said bond. Such date shall not be less than 60 days after the date the notice is received by the assistant regional commissioner. The notice shall be executed in triplicate, and the surety shall deliver one copy to the principal and the original and one copy to the assistant regional commissioner. The surety shall also file with the assistant regional commissioner an acknowledgement or other proof of service on the principal.

PAR. 11. Section 197.77 is amended to standardize procedures relating to termination of bonds by sureties. As amended, § 197.77 reads as follows:

§ 197.77 Extent of release of surety from liability under bond.

Unless the notice required by § 197.76 is withdrawn, in writing, before the date named therein, the notice shall become effective on such date. The rights of the principal as supported by the bond shall be terminated on such date, and the surety relieved from liability for drawback allowed subsequent thereto. Liability for drawback allowed prior to the date named in the surety's notice will continue until the claims for such drawback have been properly verified by the assistant regional commissioner according to law and this part. Where the principal files a valid superseding bond, the surety on the bond superseded will be relieved from liability for drawback allowed wholly subsequent to the effective date of the superseding bond.

§ 197.78 [Deletion]

PAR. 12. Section 197.78 is deleted.

PAR. 13. Section 197.79 is amended to delete the provision that a copy of the notice of termination be forwarded to the National Office and to delete the words "or release" from the phrase "termination or release". As amended, § 197.79 reads as follows:

§ 197.79 Notice of termination.

Upon determination that the bond on Form 1730 may be terminated (a) where a superseding bond has been approved, (b) where the principal has discontinued filing monthly claims, or (c) where the surety has made application for release from bond as provided in § 197.76, the assistant regional commissioner will issue a notice of termination of bond and furnish a copy of such notice to the principal and each surety on the bond.

PAR. 13a. Section 197.80 is amended to remove the words "or release" from the phrase "termination or release". As amended § 197.80 reads as follows:

§ 197.80 Release of collateral.

The release of collateral pledged and deposited to support bonds required by this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing issuance of notices on Form 1490 of the termination of such bonds. When the assistant regional commissioner determines that there is no outstanding liability against the bond, and has satisfied himself that the interests of the Government will not be jeopardized, the security may be released and returned to the principal.

(61 Stat. 646; 6 U.S.C. 15)

PAR. 14. Section 197.95 is amended by deleting the penultimate sentence. As amended, § 197.95 reads as follows:

§ 197.95 Products requiring formulas.

Manufacturers intending to file drawback claims are required to file quantitative formulas for all preparations except those covered by § 197.96. Such formulas should be sent direct to the Director, Alcohol and Tobacco Tax Division, Washington 25, D.C., on Form 1678, in quadruplicate, before or at the time of manufacture of the products. Upon receipt by the Director, Alcohol and Tobacco Tax Division, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes they will be approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. The formulas should be serially numbered, commencing with number one and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly. One copy of each formula will be retained by the Director, Alcohol and Tobacco Tax Division, one copy returned to the manufacturer, and the original and one copy will be sent to the assistant regional commissioner for filing. The formulas returned to manufacturers shall be filed in serial order by the manufacturer and made available for examination by internal revenue officers in the investigation of drawback claims. In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product.

PAR. 15. A new § 197.99 is added to provide for adoption of formulas and processes by a successor. Section 197.99 reads as follows:

§ 197.99 Adoption of formulas and processes.

Where there is a change in the proprietorship of a nonbeverage manufacturer and the successor desires to use the predecessor's previously approved formulas, he may, in lieu of submitting new formulas in his own name, adopt any or all of the approved formulas of his predecessor by filing a certificate of adoption with his assistant regional commissioner. The certificate should list the adopted formulas by serial number, name of product, and date of approval, and state that the products will be manufactured in accordance with the approved formulas and processes. The adoption certificate shall be prepared in quadruplicate. The manufacturer shall retain one copy in his formula file and forward the original and two copies to his assistant regional commissioner.

PAR. 16. Section 197.105 is revised to more clearly reflect the conditions under which drawback in respect of spirits used in nonbeverage manufacture is allowable. As revised, § 197.105 reads as follows:

§ 197.105 Drawback.

Upon the filing of a claim as provided in this subpart, drawback will be allowed to any person eligible therefor at the rate specified by law on each proof gallon of distilled spirits on which the tax has been paid or determined at the distilled spirits rate and which has been used in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes. Drawback shall not be allowed in respect of any alcoholic ingredient of a product if the alcohol content of such ingredient is not fully taxpaid or tax-determined at the distilled spirits rate (e.g., wine, or alcoholic blenders or flavors containing alcohol on which drawback has been or may be claimed). Drawback will be allowed only to the extent that the claimant can establish, by evidence satisfactory to the assistant regional commissioner, the actual quantity of fully taxpaid or tax-determined distilled spirits contained in the product: *Provided*, That, at the option of the claimant, the alcohol content of a rectified distilled spirits product which derives not more than 2½ percent of its total alcohol content from ineligible ingredients may be calculated by assuming that the maximum 2½ percent of ineligible alcohol is present. Special tax as a manufacturer of nonbeverage products shall be paid before drawback is allowed.

PAR. 17. Section 197.107 is amended by changing the word "triplicate" to "duplicate". As amended, § 197.107 reads as follows:

§ 197.107 Bond, Form 1730.

Every person desiring to file claims for drawback on a monthly basis shall, upon filing his notice of such intention as provided in § 197.106, execute a bond on Form 1730, in duplicate, in conformity with the provisions of Subpart E and file the same with the assistant regional commissioner. The penal sum of the bond must be sufficient to cover the amount of drawback which will, during any quarterly period, constitute a charge against the bond: *Provided*, That the penal sum of any bond shall not exceed $200,000 nor be less than $1,000. The bond shall be a continuing one, and the liability thereof subject to increase as successive monthly claims are allowed thereunder and to decrease as the verifications of such monthly claims are made. When the limit of liability under

a bond given in less than the maximum penal sum has been reached, no further drawback on monthly claims will be allowed unless prior charges against the bond have been decreased, or a new, or additional, bond in sufficient penal sum is furnished.

PAR. 18. Paragraphs (a) and (b) of § 197.109 are amended to more clearly bring out the requirements for eligibility to drawback. As amended, they read as follows:

§ 197.109 Information to be shown by the claim.

* * * * *

(a) Whether the special tax has been paid.

(b) That the distilled spirits on which drawback is claimed are fully taxpaid or tax-determined at the distilled spirits rate, and were produced in a domestic registered distillery or an industrial alcohol plant, or were withdrawn from the bonded premises of a distilled spirits plant.

* * * * *

PAR. 19. Section 197.111 is amended to delete the requirement that date of issuance be shown in the supporting data. As amended, § 197.111 reads as follows:

§ 197.111 Identification of special tax stamp.

If special tax has been paid, the claim shall be accompanied by a statement identifying the special tax stamp by serial number, denomination, fiscal year for which issued, and internal revenue district where issued.

PAR. 20. Section 197.112 is amended to require identity of the producer or blender or warehouseman, whichever is shown on Form 179. As amended, § 197.112 reads as follows:

§ 197.112 Distilled spirits received in tank cars or tank trucks.

Each claim covering distilled spirits received in tank cars or tank trucks will be accompanied by a statement showing in respect of each shipment received: The date of receipt; the name and address of the vendor; the number or other identification mark of the tank car or tank truck; the serial number of the distilled spirits stamp and the date it was affixed to the tank car or tank truck; the name of the producer, blender, or warehouseman as shown on Form 179, and the kind, quantity, and proof of the spirits. If the tank car or tank truck is received without the stamp affixed thereto, the vendee shall note such fact on the bill of lading, if any, or on Form 179, and immediately notify the assistant regional commissioner who will cause such inquiry to be made respecting the shipment and receipt of the conveyance as he may deem appropriate. (The distilled spirits stamp shall be completely destroyed when the distilled spirits have been removed from the tank car or tank truck.)

PAR. 21. Section 197.113 is amended to require identity of the producer or blender or warehouseman, whichever is shown on Form 2630. As amended, § 197.113 reads as follows:

§ 197.113 Distilled spirits received in barrels, drums, or other portable containers.

Each claim covering distilled spirits received in barrels, drums, or other portable containers bearing distilled spirits stamps shall be acompanied by a statement showing: The date of receipt; the name and address of the vendor; the kind and serial number of the stamp affixed to the container and the date the stamp was issued or affixed as stated on the stamp; the serial number, if any, of the container; the name of the producer, blender, or warehouseman as shown on Form 2630; and the kind, quantity, and proof of the spirits. (When the container is emptied, the stamp shall be completely destroyed.)

PAR. 21a. Section 197.115 is amended by adding thereto a new sentence covering the information required with respect to rectified spirits. As amended, § 197.115 reads as follows:

§ 197.115 Use of distilled spirits.

Each claim covering the use of distilled spirits in the manufacture of nonbeverage products will be accompanied by a statement showing the name, description, and formula number, if any, of each nonbeverage product in the manufacture of which distilled spirits were used, the alcoholic content by volume of each such product, the number of proof gallons and kind of distilled spirits used in manufacture thereof, and the quantity produced. If a rectified product was used as an ingredient in the manufacture of a nonbeverage product, the statement shall show, as to such ingredient, the proof gallon content eligible for drawback and the proof gallon content ineligible for drawback.

PAR. 22. Section 197.118 is amended by deleting an incorrect reference. As amended, § 197.118 reads as follows:

§ 197.118 Account of distilled spirits recovered in the manufacture of intermediate products.

Each claim will be accompanied by a summary statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity recovered during the period, quantity used during the period in the manufacture of nonbeverage products subject to drawback, quantity otherwise used, and the quantity remaining on hand at the end of the period. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's record must be reported in the summary with an explanation of the cause thereof. Any distilled spirits recovered from the dregs or marc of percolation, or extraction of intermediate products are eligible for drawback of tax only when used in the manufacture of a nonbeverage product.

§§ 197.120, 197.121 [Deletion]

PAR. 23. Sections 197.120 and 197.121 (and the center heading immediately preceding § 197.120) are deleted.

PAR. 23a. Paragraph (e) of § 197.130 is amended to provide for records relating to the use of rectified products in manufacturing. As amended, § 197.130 reads as follows:

§ 197.130 Nature of records.

* * * * *

(e) Number of proof gallons and kind of distilled spirits used in the manufacture of each product, and the date of use. (The record of rectified distilled spirits products containing spirits not fully taxpaid (or tax-determined) at the distilled spirits rate shall also show as to such products the percent of spirits fully taxpaid at the distilled spirits rate and the percent of spirits not so taxpaid.)

* * * * *

[F.R. Doc. 63-9448; Filed, Sept. 3, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Parker River National Wildlife Refuge, Massachusetts

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Hunting of big game on the Parker River National Wildlife Refuge, Massachusetts, is suspended for the 1963 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1963.

[F.R. Doc. 63-9432; Filed, Sept. 3, 1963; 8:46 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special conditions; big game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Hunting of big game on the Missisquoi National Wildlife Refuge, Vermont, is suspended for the 1963 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1963.

[F.R. Doc. 63-9433; Filed, Sept. 3, 1963; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

Filing of Financial Statement

Section 1467.4 *Filing of information and data pertaining to standard commercial articles* is amended by changing the reference "§ 1470.3(d)(1)" in paragraph (d)(2) to read "§ 1470.3(d)".

Section 1467.31 *Application for Commercial Exemption* is amended by changing the reference "§ 1470.3(d)(2)" in paragraph (d) to read "§ 1470.3(d)".

Section 1470.3(d) *Time for filing* is amended by adding a new paragraph (3) to read as follows:

(3) *When time to file income tax return has been extended.* Notwithstanding any other provisions of this paragraph (d), if a contractor is required to file the Standard Form of Contractor's Report for a fiscal year, and the time of such contractor to file a Federal income tax return for such fiscal year shall have been extended by the Internal Revenue Service, such contractor shall not be required to file the Standard Form of Contractor's Report with respect to such fiscal year until fifteen (15) days after the extended due date fixed in the document evidencing such extension of time, provided that a copy of such document is filed with the Board on or before the date when the contractor is required to file the Standerd Form of Contractor's Report with respect to such fiscal year. Unless the Federal income tax return of the contractor for such fiscal year shall have been filed before the extended due date fixed in such document, a Standard Form of Contractor's Report for such fiscal year filed before such extended due date may be returned to the contractor, and if so returned will not constitute the filing of a financial statement under section 105(e) of the Act and will not commence the running of the 1-year period of limitations prescribed in section 105(c) of the Act.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 29, 1963.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 63-9434; Filed, Sept. 3, 1963; 8:46 a.m.]

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

How Assignment Is Made

Section 1471.2, *How assignment is made*, is amended by inserting at the beginning of paragraph (f) thereof, the following: "Any case designated as a Class A or a Class B case may be redesignated at any time if the Board considers such redesignation desirable in the public interest."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 29, 1963.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 63-9435; Filed, Sept. 3, 1963; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Notice 63-34; Docket No. 1927]

FLIGHT TIME LIMITATIONS

Proposed Maximum Hours or Periods of Service of Air Carrier Crewmembers

The Federal Aviation Agency is considering amending the Civil Air regulations applicable to the maximum hours or periods of service of air carrier crewmembers. Such rules applicable to flight crewmembers are presently set forth in Parts 40, 41, and 42 of the Civil Air Regulations and in related applicable operations specifications governing the operations of air carriers and commercial operators when conducting operations pursuant to these parts. These rules are prescribed in accordance with section 601(f) of the Federal Aviation Act of 1958 in order to preclude service by flight crewmembers while in a fatigued condition, in the interest of safe operations.

This advance notice of proposed rule making is being issued pursuant to the Agency's policy for the early institution of public rulemaking proceedings. An "advance" notice is issued when it is found that the resources of the Agency and reasonable inquiry outside the Agency do not yield a sufficient basis to identify and select tentative or alternate courses of action upon which a rulemaking procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternate courses of action. The subject matter has been found to involve the situation contemplated by this policy.

Interested persons are invited to participate in this proceeding by submitting such written material as they may desire. Communications should identify the notice or docket number, and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. Communications should be received on or before December 3, 1963, in order to insure proper consideration. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. After consideration of available data and comments received in response to this notice, a subsequent notice of proposed rulemaking will be issued.

In view of the innumerable factors which relate to fatigue and the lack of precise rationale which may be used in establishing rules designed to preclude such fatigue, this area of rule making is one of the most complex and difficult with which the Agency is faced. Also, because of the vital importance of efficient flight scheduling to the economic well-being of air carriers and the fact that any rules in this area tend to limit the flexibility of such scheduling, the economic factors involved in prescribing such rules cannot be ignored. On the other hand, the adverse effects of fatigue on the alertness and efficiency of crewmembers must be fully considered.

The present rules in this area have remained essentially unchanged for many years despite the many changes which have occurred in the nature of operations and they have been subject to numerous interpretations over the years in response to specific questions applicable to specific situations. As a result, there are in effect today a group of regulations which, in addtion to having been subject to a number of interpretations, apply varying standards to different types of operations, the nature of which may no longer justify such varying standards. In addition, these rules, as they have been interpreted, may be unnecessarily stringent in some instances and in others be ineffective in precluding fatigue. Attempts to amend or up-date these rules have in the past been hampered to a degree by the strong and divergent views of the interested parties.

The Civil Aeronautics Board in publishing Civil Air Regulations Draft Release No. 55-15, emphasized the difficulty of such rule making as follows:

> In its study of the voluminous records relating or purporting to relate to the operational consequences of fatigue, the Bureau has been impressed with the fact that there are very few specific conclusions pertinent to air transportation which can clearly be justified, particularly so far as quantitative time limitations are concerned. The wealth of scientific literature in this field serves principally to enforce the view that we are here dealing with a subject of staggering complexity. Regulations in this field are not susceptible of so high a degree of rationalization as to insure against all adverse effects of fatigue and, simultaneously, insure against unreasonable restrictiveness. The Bureau has no illusions, therefore, concerning the possibility of finding a magic quantity which is readily supported by scientific evidence, and we fully expect to continue to be confronted with divergent views in any further exploration of this matter.

We agree with the above generalization; however, in the face of such difficulties, the Agency must resolve certain inconsistencies and questions which are a part of the present regulatory situation in this area. In order to do so in the most equitable and productive manner, this Advance Notice of Proposed Rule Making is being issued.

In conducting an overall review of the flight time limitation rules, it is anticipated that sufficient information will be obtained to enable the development of clear, concise, and effective rules, equally appropriate and applicable to all air carrier operations.

In so doing, consideration must be given to (1) using duty time in conjunction with or in lieu of flight time, (2) assuring adequate rest periods, (3) extending the applicability of the flight time rules to include cabin attendants, and (4) the specific numerical limitations which must be prescribed in order to preclude fatigue.

Comments, suggestions, and specific recommendations with respect to the following are therefore desired:

1. The use of daily duty time, in conjunction with, or in lieu of, flight time, as a limitation to preclude the performance of assigned functions by crewmembers while in an overly fatigued condition.

The limitations contained in Parts 40 and 41 applicable to scheduled air carrier operations are expressed primarily in terms of flight duty irrespective of the amount of on-duty time accrued during the course of accumulating flight duty. While an 8-hour nonstop flight may involve only 9 to 10 hours of on-duty time, there is no limit to the duty time which may be required in accumulating 8 hours of flight duty on a multistop operation.

2. The prescription of clearer and more specific requirements for rest periods than are presently set forth in the rules.

If a flight crewmember subject to the provisions of Part 40 is not scheduled for, and does not exceed 8 hours of flight time in any 24-hour period, the rules do not preclude such 8 hours of flight time being scheduled in such a manner that little or no rest is possible until such time as 30 hours of flight has been accrued. While such a situation might never occur, it does highlight a possible deficiency in the rules which should be corrected by more specific requirements pertaining to daily rest periods. On the other hand, the rules, by interpretation of the term "series of flights," may in some instances require rest periods of such duration, and at such times, that the actual need for these rest periods could be questioned.

In the case of multiple or augmented flight crews, the present rules limit such a flight crew to 350 hours of flight in a 90-day period. These rules do not prescribe any specific rest periods within this 90-day period, but place upon the carrier the responsibility to schedule "adequate ground rest periods for the flight crew while away from their home base." In light of some recent scheduling practices, the Agency has proposed an interim revision to the Part 42 flight time rules, limiting the length of single continuous on-duty periods for which such flight crewmembers may be scheduled.

3. Extension of the flight time rules to include crewmembers other than flight crewmembers.

Existing flight time limitation rules are applicable only to flight crewmembers. While cabin attendants are not involved in piloting and navigating airplanes on which they serve, they are assigned certain duties which must, in the event of an emergency situation, be executed with a high degree of skill and competence. As the degree of such skill and competence would tend to be diminished in the event such crewmembers became overly fatigued, consideration should be given to insuring that such fatigue is not induced by extremely long periods of duty, without proper intervening rest.

4. The specific maximum safe limits of daily flight and/or duty time for both nonaugmented or single, and augmented or multiple, flight crews having available sleeping quarters on board.

Under the existing requirements, nonaugmented flight crews operating pursuant to Part 40 may be scheduled for 8 hours of flight duty without an intervening rest period. In certain instances, on nonstop coast-to-coast flights, this limit is increased to 10 hours. On the other hand, under operating conditions existing today, the same flight crew, operating the same type of airplane pursuant to Part 41 may be scheduled for, and actualy perform, 12 hours of flight duty. As stated above, the present rules do not specifically limit either the number of flight hours, or the length of an on-duty period, which a member of an augmented crew may be scheduled before he must be given a rest period on the ground. While the differences which at one time existed between domestic and international operations, i.e., the type of airplanes flown, the size and composition of the flight crews used, and other factors, undoubtedly justified these differences in flight time limitations, it is believed that such differences are no longer justifiable.

In view of the many complex problems which this subject presents and which have been highlighted above, the vital importance of rules in this area to the various interested parties, the many honest and sincere differences of view held by the various affected groups, and the urgent need to up-date, clarify, and simplify all of the rules in this area, the Agency desires and invites comments by all interested persons on this subject. As the development of a notice of proposed rule making in the area is one of the most difficult of regulatory projects, it is sincerely hoped that the comment requested herein will be objective and constructive. Categorical statements of position by affected groups are, and have been in the past, of little assistance in drafting rules in this area. The Agency is firm in its intention to effect that regulatory action considered necessary in light of the above discussion and desires the full cooperation of all interested groups in the development of an appropriate notice of proposed rule making.

Issued in Washington, D.C., on August 27, 1963.

GEORGE S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 63-9414; Filed, Sept. 3, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Alaska Public Sale Act Classification No. 13]

ALASKA

Partial Cancellation

AUGUST 23, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 3, Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, that portion of Alaska Public Sale Classification No. 13 of December 28, 1953, which classified the following lands for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a-364e), for industrial and commercial purposes is hereby cancelled:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 24: N½N½NW¼SW¼, W½NW¼: that portion south of right-of-way of the Richardson Highway.

Containing approximately 58.5 acres.

2. This order will take effect immediately. Cancellation of this order does not affect valid existing rights as to the lands embraced thereby.

GERALD G. WRIGHT,
Chief, Branch of Lands and Minerals Operations, Fairbanks District Office.

[F.R. Doc. 63-9416; Filed, Sept. 3, 1963; 8:45 a.m.]

[Alaska Small Tract Classification Order No. 78]

ALASKA

Cancellation

AUGUST 23, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 3, Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, Alaska Small Tract Classification Order No. 78 of January 8, 1954 (F.R. Doc. 54-371), which classified the following lands for disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. Sec. 62a), for lease and sale as homesites is hereby cancelled entirely:

U.S. SURVEY 3148, ALASKA:

Lots 1 to 57 inclusive.
Lots 61 to 108 inclusive.

Comprising 105 tracts aggregating approximately 64.93 acres

2. This order will take effect immediately. Cancellation of this order does not affect valid existing rights as to the lands embraced thereby.

GERALD G. WRIGHT,
Chief, Branch of Lands and Minerals Operations, Fairbanks District Office.

[F.R. Doc. 63-9417; Filed, Sept. 3, 1963; 8:45 a.m.]

Office of the Secretary

CHARLES S. MITCHELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 9, 1963.

Dated: August 13, 1963.

C. S. MITCHELL.

[F.R. Doc. 63-9418; Filed, Sept. 3, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CALHAN CASH AUCTION MARKET ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Calhan Cash Auction Market,
Calhan, Colo.
North Tangipahoa Stockyard, Inc.
Kentwood, La.
Blackwell Sales, Inc.,
Blackwell, Okla.
Haskell Livestock Auction Co.,
Haskell, Tex.
Othello Auction Yards, Inc.,
Othello, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Sevice, United States Department of Agriculture, Washington, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of August, 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-9424; Filed, Sept. 3, 1963; 8:46 a.m.]

Office of the Secretary

FARMERS HOME ADMINISTRATION

Assignment and Reservation of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953 (5 U.S.C. 133x-15), sections 1400 and 1401 of the Secretary's Order dated May 24, 1962 (27 F.R. 5005), are revised and amended to assign additional functions and to read as follows:

SEC. 1400 *Assignment of functions.* Subject to the reservations in section 1401, there are hereby assigned and transferred to the Farmers Home Administration all of the functions, powers, duties, and assets under or with respect to:

(a) The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

(b) Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

(c) The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation and other agreements entered into pursuant thereto.

(d) Section 8, and those with respect to repayment of the obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

(e) Rural Areas Development Program activities consisting of (1) furnishing technical information and services in initiating and implementing projects, (2) certifying individual over-all economic development programs in rural areas as being consistent with the general objectives of the economic development of rural areas of the United States, and (3) certifying industrial and commercial water facility projects and community facility projects as being consistent with approved over-all economic development programs for the areas involved. The foregoing are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

(f) Rural Renewal Program activities consisting of coordination, direction, and supervision of Rural Renewal Projects and assistance in planning, developing, and carrying out such projects under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(g) Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(h) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

SEC. 1401 *Reservations.* (a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (42 U.S.C. 1484, 1485(b)), and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $85,000,000, or to exceed $25,000,000 thereof for domestic farm labor housing, or $10,000,000 thereof for rental housing for elderly persons and families.

(b) Designation of areas in which Emergency loans may be made (7 U.S.C. 1961).

Done at Washington, D.C. this 27th day of August 1963.

ORVILLE L. FREEMAN.
Secretary.

[F.R. Doc. 63-9427; Filed, Sept. 3, 1963; 8:46 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

McLennan	Stonewall
Robertson	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of August 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9428; Filed, Sept. 3, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1963.

MARVIN S. PLANT.

AUGUST 15, 1963.

[F.R. Doc. 63-9445; Filed, Sept. 3, 1963; 8:47 a.m.]

[Department Order No. 179 (Rev.)]

OFFICE OF TECHNICAL SERVICES

Organization and Functions

This material supplements the material appearing at 28 F.R. 6661-6662 of June 27, 1963, relating to the Office of Technical Services.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Office of Technical Services.

SEC. 2. *Organization.* The office of Technical Services shall consist of the following organization units:

1. Office of the Director; Director; Deputy Director.
2. Administrative Division.
3. Technical Information Center.
4. Inventions and Innovations Division.

SEC. 3. *Functions of the Office of Technical Services.* .01 The Director determines, develops, and coordinates policies and programs and directs all operations of the Office of Technical Services. The Director is Executive Secretary of the National Inventors Council.

.02 The Deputy Director shall be the chief operating aide to the Director and shall perform the functions of the Director in the latter's absence.

.03 The Administrative Division shall be responsible for all aspects of administration and management including budget, personnel management and utilization, security and agency inspection, organization planning, administrative procedures, data processing operations, and securing administrative services. Administrative services for the Office of Technical Services shall be secured through the staff service offices reporting to the Assistant Secretary of Commerce for Administration. The division shall also, as directed, prepare administrative and program budgets for the Office of Assistant Secretary for Science and Technology.

.04 The Technical Information Center shall be responsible for publishing research reports, translations, subscription journals, and other publications; and preparing and issuing a regularly-scheduled series of special science and technology releases for the Office of the Secretary covering the scientific and technical activities of offices and bureaus of the Department. More specifically, the Technical Information Center shall:

1. Collect and process technical, scientific, and engineering information, both foreign and domestic, including translations of material from the Soviet Bloc countries, and disseminate the information to business and industry;

2. Prepare for semi-monthly publication, the United States Government Research Reports, Technical Translations, and Keyword Index journals and appropriate indexes, listing the current acquisitions from Government and Goverhment-sponsored contracts;

3. Provide a central technical reference information service for responding to requests from the general public;

4. Provide retrospective and current awareness bibliographic service on request;

5. Prepare technical information in response to inquiries from industrial firms and organizations, employing materials available in the office's files or document collections, or obtainable from other non-confidential sources;

6. Prepare and issue, for domestic industrial consumption, reviews covering important segments of Federally-supported research and development in specific areas;

7. Provide an international technical information service in support of technical assistance programs sponsored by other Federal agencies in accordance with agreements entered into between the Department of Commerce and such agencies; and

8. Provide to Federal Government agencies translations of foreign language documents.

.05 The Inventions and Innovations Division shall:

1. Stimulate consideration of Government policy as it affects invention and innovation in the industrial community;

2. Stimulate the formation of experimental programs designed to solve problems of innovation in industry;

3. Provide information and assistance to inventors and innovators in the presentation of ideas of potential value to the Federal Government;

4. Collaborate with other Government agencies and state and local bodies to devise programs of assistance to inventors in their efforts to introduce new products;

5. Make known to inventors and the research community, problems requiring inventive solutions to achieve national scientific objectives;

6. Conduct competitions for special searches for inventive solutions to unique problems when a nationwide effort is justified;

7. Encourage the formation of local inventors' groups to stimulate interest in inventions; and

8. Provide staff support to the National Inventors Council.

Effective date. August 22, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 63-9412; Filed Sept. 3, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

FILM DOSIMETRY CALIBRATION LABORATORY

Notice Regarding Need for Establishment

The Atomic Energy Commission and other users of sources of ionizing radiation presently place considerable reliance on personnel monitoring services, including film dosimetry services, as important factors in the control of exposure to radiation. Various studies have been made by the Commission, the National Bureau of Standards, and others, to evaluate overall performance of the film dosimetry services. While such studies have not yet been sufficiently numerous or broad in scope to reach firm conclusions in view of the very limited suitability of the data for a comparison of their findings, the studies indicate that the accuracy of some dosimetry services may vary.

The Atomic Energy Commission is considering the desirability of issuing for public comment a proposed regulation that would require AEC licensees subject to the personnel monitoring requirements of the Commission's regulations to utilize film dosimetry services which meet certain minimum performance criteria. This requirement would apply both to licensees who operate their own film dosimetry services, and to licensees who contract for such services.

In addition, a set of minimum performance criteria is now under consideration to provide standards of accuracy for evaluating film dosimetry services utilized by licensees. These criteria are given in Table I. They are designed to be applicable for many conditions of radiation exposure and for various film dosimetry monitoring systems. The criteria do not imply that one particular film dosimetry system is superior to another, but are designed to provide a standard for measuring the continuing accuracy of each service. It is expected that such criteria would be revised periodically when the need is demonstrated.

To implement the criteria under consideration, the establishment of a calibration laboratory appears to be desirable. It is hoped that the laboratory will be privately financed. Should this prove impractical, the laboratory might have to be established by the AEC or other agency of the Federal Government.

The Commission is studying the possibility of utilization of such a laboratory for Commission contract activities.

The Commission anticipates that the following factors or premises will be of significance in connection with the possible establishment and operation of the calibration laboratory:

1. The laboratory must have the requisite staff, equipment and procedures to perform the calibration services. An existing laboratory or other establishment having the requisite capability will be considered, as will a proposed new establishment.

2. To assure objectivity, it would appear inadvisable for the laboratory to be established by any group operating a film dosimetry service or manufacturing dosimetry components, including film.

3. Dosimetry services under evaluation will periodically send representative samples of their film badge dosimeters to the calibration laboratory. The dosimeters will be exposed by the calibration laboratory to known quantities of radiation of varying types and returned to the dosimetry services for processing and analysis. The results of the analysis will be transmitted to the calibration laboratory where they will be compared with the calibration laboratory test exposure information in accordance with applicable statistical techniques. All film dosimetry services will be re-evaluated periodically on a schedule based on their previous performances.

4. The firm dosimetry performance criteria listed in Table I are divided into classes (assigned by type of radiation) and sub-classes (assigned by energy ranges). Film dosimetry services require differing degrees of evaluation, according to the coverage provided. (For example, a service providing monitoring for the users of sealed gamma radiography sources generally will not require the extensive review given a service providing monitoring for a large-scale isotopes laboratory operation, where a variety of types of radiation is encountered.)

5. The film dosimetry service will be evaluated in one class or combination of classes and will be evaluated for all energy ranges in each class specified, unless otherwise requested by the service.

6. The calibration laboratory will be expected to demonstrate periodically its ability to perform calibration work accurately so that the Commission can determine that evaluations performed by the laboratory satisfy the Commission's requirements.

7. The laboratory will not be necessarily restricted to the handling of film badges but might in the future include calibration of other similar radiation measuring devices.

Notice is hereby given that the Atomic Energy Commission desires to determine the interest of organizations and other persons in establishing and operating such a laboratory, and is also interested in receiving suggestions and comments, particularly from AEC licensees and contractors, concerning the proposed calibration laboratory and film dosimetry performance criteria. This notice should not be deemed to be an offer or a request for proposals with respect to the establishment or operation of a calibration laboratory. Persons, organizations, or groups of organizations which are interested in establishing a calibration laboratory, and others, should direct their comments in this matter to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., within 90 days from date of publication of this notice.

It is suggested that comments filed pursuant to this notice discuss among other things the following questions, taking into account the governing factors and premises previously discussed:

1. Would you be interested in establishing a calibration laboratory without Government financial assistance? If so, how would the laboratory establishment and operation be financed?

2. What additional information from the Commission do you need to aid you in determining the costs of establishing and operating a calibration laboratory?

3. What other information from the Commission do you need to aid you in determining whether or not you are interested in establishing such a laboratory?

4. What suggestions do you have with respect to any of the following:

a. What should be the content of the calibration laboratory's findings? In what manner should these findings be released? By publication, by issuance of certificates, or by issuance of reports?

b. What distribution should be made of the findings?

c. What procedures, equipment and staff do you consider adequate for such a laboratory?

5. What comments do you have with respect to the reasonableness of the performance criteria? Do you suggest any modifications to Table I?

TABLE 1—INTERIM FILM DOSIMETRY PERFORMANCE CRITERIA

Class	Type of radiation	Subclass	Energy range	Dose Range [1] [3]	Control limits [2]	
					Positive (%)	Negative (%)
A	X or gamma	----------	<0.05 Mev [4]	50 mrems- 25 rems	100	30
B	X or gamma	1	0.05–0.2 Mev	50 mrems–100 rems	100	30
		2	>0.2–3 Mev	50 mrems–600 rems	40	30
C	Beta	1	Uranium	50 mrems- 10 rems	30	30
		2	>0.5 Mev Max. energy (source other than uranium).	50 mrems–800 rems	100	50
D	Neutron	1	<0.04 ev (thermal)	125 mrems–100 rems	[5] 200	[5] 50
		2	1–10 Mev (fast)	125 mrems- 10 rems	[6] 50	[6] 50
E	Mixed	----------	Any combination B, C, D.	100 mrems–100 rems	[7] 200	[7] 50

[1] Ranges given do not imply that dosimetry in ranges above or below these values is undesired or unusable, but only that appropriate control limits may be different outside these ranges.

[2] Dose ranges are based on the following RBE values:

Type of radiation	*RBE*
X or gamma	1
Beta	1
Neutrons (NBS Handbook 63, Table 2, p. 15):	
Energy—MEV	
Thermal	3
0.0001	2
0.005	2.5
0.02	5
0.1	8
0.5	10
1	10.5
2.5	8
5	7
7.5	7
10	6.5

[3] Selected values, within which averaged experimental results are expected to fall with statistical accuracy. For example, if the calibration exposure is 100 mrems beta plus 100 percent minus 50 percent, then the film dosimetry service's averaged findings should be within the band of 50 mrems to 200 mrems with an acceptable statistical probability.

[4] Radiation spectrum and/or source of radiation is positively identified and used as basis for calibration.

[5] Provided the gamma ray dose does not exceed the thermal neutron dose.

[6] Provided the gamma ray dose does not exceed 1 roentgen.

[7] Provided source is unknown. Otherwise, subject to control limits in classes B, C, D according to types of radiation encountered.

Dated at Germantown, Maryland this 23d day of July 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63-9411; Filed, Sept. 3, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E-19961; Docket 14235, Agreement C.A.B. 17281]

PROMOTIONAL AREA-FARE TARIFFS FOR FOREIGN VISITORS

Agreement Among Certain Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of August 1963.

By Orders E–17828, December 13, 1961; E–17905, January 5, 1962; E–19171, January 8, 1963; and E–19514, April 22, 1963, the Board granted authority to all local service, Alaskan, and Hawaiian carriers to engage in discussions concerning promotional area-fare tariffs that could be offered to foreign visitors traveling in the United States. As a result of these discussions, Alaska Airlines and all the local service carriers except Trans-Texas have filed,[1] for September 1, 1963, effectiveness, a Visit U.S.A. tariff. In addition, pursuant to the above-stated orders and in accordance with section 412 of the Act, Bonanza Air Lines, acting on its behalf and on behalf of the other carriers, submitted on August 12, 1963, an agreement among the carriers participating in the Visit U.S.A. tariff. The agreement has been assigned C.A.B. Agreement number 17281.

The agreement provides for proration of common costs, 30-days' notice to all parties of intent of any party to withdraw from the agreement,[2] and 90-days' notice of proposed amendments to conditions for transportation. The issuing carrier will be responsible for rate proration of the used transportation. For the purposes of such proration, only first-class, year-round, adult, one-way local fares will be used; discounted, coach, excursion, or promotional fares cannot be used. The proposed tariff, which is incorporated by reference in the agreement, provides that passengers who reside more than 100 miles beyond the border of any State of the United States may, within 30 days after arrival in the United States, purchase a Visit U.S.A. Exchange Order for transportation on the participating carriers' scheduled flights from, to, or between points in the United States via the named junction points. A free-baggage allowance of 66 pounds will be permitted. No refunds will be made when any transportation has been used under the Exchange Order.

The Board does not find that, on the basis of all the facts presently known, the above-described agreement is adverse to the public interest or in violation of the Act. These special fares should be an inducement to foreign travelers to visit this country and, at the same time, should result in increased revenues for the carriers concerned.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412 and 414 thereof,

It is ordered:

1. That Agreement C.A.B. 17281 is approved.

2. That any air carrier party to the agreement, or any interested person, may, within 10 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-9500; Filed, Sept. 3, 1963; 9:16 a.m.]

[1] Agent C. C. Squire's C.A.B. No. 72, later canceled by C.A.B. No. 73. The latter tariff was filed August 2, 1963.

[2] It appears from the provisions of the agreement that it is interdependent with the Visit U.S.A. tariff and that adherence to or withdrawal from the agreement would likewise change the carrier participation in the related tariff.

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND BURMA FIVE STAR LINE, LTD.

Notice of Filing of Transhipment Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9246, between American President Lines, Ltd. and Burma Five Star Line, Ltd., establishes a transhipment agreement for movement of through cargo from U. S. Pacific Coast ports to Burma, with transhipment at Yokohama or Kobe, Japan in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D. C., or may inspect a copy at the

offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D. C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: August 29, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9453; Filed, Sept. 3, 1963; 8:47 a.m.]

PORT OF CHICAGO MARINE TERMINAL ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-12 establishes the Port of Chicago Marine Terminal Association (Association). Any person who furnishes marine terminal facilities or services at the Port of Chicago may become a member, with the consent of a majority of the members and after written advice has been given to the Federal Maritime Commission (Commission). Notice of rejection of any applicant, together with the reasons, shall also be given to the Commission. The Association will publish a tariff which shall be filed with the Commission and all changes and additions thereto shall become effective after 30 days notice, unless good cause exists for a change upon shorter notice. Any party may withdraw, provided that the Association receives written notice 30 days in advance of the effective date of withdrawal. In no case, however, may the effective date occur between April 1 and the end of the shipping season. The agreement may be amended by a two-thirds vote of the members.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

AUGUST 29, 1963.

[F.R. Doc. 63-9454; Filed, Sept. 3, 1963; 8:47 a.m.]

ROHNER, GEHRIG & CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Rohner, Gehrig & Co., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Salentine & Co., Inc., Milwaukee, Wis.	FF-901
Maher & Co., New Orleans, La.	FF-902
N. D. Cunningham & Co., Inc., Mobile, Ala.	FF-903
T. D. Downing Co., Boston, Mass.	FF-904
Pistorino & Co., Inc., Boston, Mass.	FF-905
John H. Faunce, Inc., Philadelphia, Pa.	FF-906
Frank P. Dow & Co., Inc., Los Angeles, Calif., and branches in San Francisco, Portland and Seattle	FF-907
W. M. Stone & Co., Inc., Norfolk, Va.	FF-908

Chas. Kurz Co., Philadelphia, Pa., is party to the following agreements, the terms of which are identical. The other parties are:

The Hipage Co., Inc., Norfolk, Va.	FF-909
Bernardine Shipping Co., Inc., New York, N.Y.	FF-910

George M. Leininger Co., Inc., New Orleans, La., is party to the following agreements, the terms of which are identical. The other parties are:

International Shipping Corp., Miami, Fla.	FF-916
Shipping Unlimited, New York, N.Y.	FF-917
Alberto Scott & Company, Inc., San Francisco, Calif.	FF-918
Maron Shipping Agency, Inc., New York, N.Y.	FF-944

Franoren Shipping Corp., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

W. R. Zanes & Co., Houston, Tex.	FF-921
H. S. Thielen, Inc., Lake Charles, La.	FF-922

Loretz & Company, Los Angeles, Calif. (and offices at San Francisco and Houston), is party to the following agreements, the terms of which are identical. The other parties are:

West Coast Traffic Bureau, Stockton, Calif.	FF-923
Caldwell & Company, Inc., New York, N.Y.	FF-924

United Forwarders Service, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

J. S. Lipinski Co., Toledo, Ohio	FF-941
J. S. Lipinski Co., Baltimore, Md.	FF-942

The following agreements have similar terms:

Mohegan International Corporation, New York, N.Y. and Seaport Shipping Co., Portland, Oreg.	FF-919
Mohegan International Corp. of Louisiana, New Orleans, La. and Rogers Terminal & Shipping Corp., Port Allen, La.	FF-920
Buchholz & Kuttruff, Inc., New Orleans, La. and Hugo Zanelli & Co., Houston, Tex.	FF-911
United Forwarders Service, Miami, Fla. and J. E. Lowden & Co., San Francisco, Calif.	FF-914
Argus Shipping Co., Inc., New York, N.Y. and R. G. Hobelmann & Co., Inc., Baltimore, Md.	FF-915
Jay International, Inc., Philadelphia, Pa. and G & W International Forwarders, Inc., Buffalo, N.Y.	FF-925
W. O. Smith & Co., Inc., Norfolk, Va. and Barr Shipping Company, Inc., New York, N.Y.	FF-930
H. E. Schurig & Co., Inc., Houston, Tex. and Transportelle Co., Inc., New York, N.Y.	FF-931
Express Forwarding & Storage Co., Inc., New York, N.Y. and Alla Bros. Co., Philadelphia, Pa.	FF-932
The Interport Co., Chicago, Ill. and Win-Mar, Inc., New Orleans, La.	FF-933
Wolf & Gerber, Inc., New York, N.Y. and Fillette Green & Co., Inc., Pensacola, Fla.	FF-934
Bennett Forwarding Co., Houston, Tex. and Universal Transport Corp., New York, N.Y.	FF-935
Interamerican Forwarding Corp., Los Angeles, Calif. and Alltransport Inc., New York, N.Y.	FF-938
Maron Shipping Agency, Inc., New York, N.Y. and Godwin Shipping Co., Inc., Mobile, Ala.	FF-945
Union Storage Co., Inc., Washington, D.C. and Export-Import Services, Inc., New York, N.Y.	FF-912
Stone & Downer Co., Inc., Boston, Mass. and The F. H. Shallus Co., Baltimore, Md.	FF-913
Schenkers International Forwarders, Inc., New York, N.Y. and Judson Sheldon International, San Francisco, Calif.	FF-926
Interamerican Forwarding Corp., Los Angeles, Calif. and Kuehne & Nagel, Inc., New York, N.Y.	FF-937
Seven Seas Mercantile Transport, Inc., New York, N.Y. and Buchholz & Kuttruff, Inc., New Orleans, La.	FF-943

Paul A. Boulo, Mobile, Ala., is party to the following agreements, the terms of which are identical. The other parties are:

Seaport Shipping Co. (Portland), Portland, Oreg.	FF-947
Pistorino & Co., Inc., Boston, Mass.	FF-946

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway,
New York, N.Y.

180 New Montgomery Street,
San Francisco, Calif.

Room 333 Federal Office Building, South,
600 South Street,
New Orleans 12, La.
Mail address:
P.O. Box 30550,
Lafayette Station,
New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9455; Filed, Sept. 3, 1963; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

WEST BRANCH BANK AND TRUST CO.

Order for Public Proceeding

In the matter of the application of West Branch Bank and Trust Company, Williamsport, Pennsylvania, for prior approval of proposed merger with the Bank of Newberry, Williamsport, Pennsylvania.

West Branch Bank and Trust Company, Williamsport, Pennsylvania, has filed an application under the provisions of section 18(c) of the Federal Deposit Insurance Act, as amended, for the Board's prior approval of the merger of the Bank of Newberry, Williamsport, Pennsylvania, into the West Branch Bank and Trust Company, under the charter of the latter and the title "Northern Central Bank and Trust Company". Notice of the filing of this application was published by the Applicant pursuant to the requirement of section 18(c).

It now appears to the Board to be in the interest of the public, as well as the Applicant, to afford an opportunity for the expression of views and opinions by persons in a public proceeding before the Board. Accordingly,

It is hereby ordered, That a public proceeding before the Board be held commencing at 2:00 p.m. on September 19, 1963, at the offices of the Board of Governors, Washington, D.C.

It is further ordered, That any person desiring to appear before the Board at this proceeding should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington, D.C., 20551, on or before September 13, 1963, a written request setting forth a brief statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 63-9540; Filed, Sept. 3, 1963; 10:44 a.m.]

OFFICE OF EMERGENCY PLANNING

NEW YORK

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated August 23, 1963, reading in part as follows:

I hereby determine the damage in the various areas of the State of New York adversely affected by excessive rainfall and flooding beginning on or about July 29, 1963, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of New York to have been adversely affected by the catastrophe declared by a major disaster by the President in his declaration of August 23, 1963:

The County of Erie.

Dated: August 27, 1963.

J. M. CHAMBERS,
Acting Director,
Office of Emergency Planning.

[F.R. Doc. 63-9413; Filed, Sept. 3, 1963; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 444]

ARIZONA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Maricopa and Yavapai Counties in the State of Arizona;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from rain, flood and accompanying conditions occurring on or about August 17, 18 and 19, 1963.

OFFICES

Small Business Administration Regional Office,
312 West Fifth Street,
Los Angeles 13, Calif.

Small Business Administration Branch Office,
2727 North Central Avenue,
Phoenix, Ariz.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1964.

Dated: August 21, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63-9436; Filed, Sept. 3, 1963; 8:47 a.m.]

[Declaration of Disaster Area 445]

VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1963, because of the effects of certain disasters, damage resulted to residences and business property located in the Arlandria area of the City of Alexandria in the State of Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid City and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about August 20, 1963.

OFFICES

Small Business Administration Regional Office,
1904 Byrd Avenue,
Richmond, Va.

Small Business Administration Branch Office,
726 Jackson Place NW.,
Washington 25, D.C.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1964.

Dated: August 21, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63-9437; Filed, Sept. 3, 1963; 8:47 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 126-63]

ATTORNEY GENERAL OF THE UNITED STATES v. ADVANCE

Notice of Hearing

Robert F. Kennedy, Attorney General of The United States, Petitioner, v. Advance, an Organization of Progressive Youth, Respondent.

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong., 50 U.S.C. 781 et seq.), particularly section 13 of said Act (50 U.S.C. 792), a hearing in the above entitled proceeding on the petition of the Attorney General for an order of the Board requiring the respondent to register as a Communist-front organization pursuant to section 7 of said Act (50 U.S.C. 786), will be held commencing on Monday, September 9, 1963, at 10:00 a.m., e.d.t., in Hearing Room A, Fourteenth Floor, 30 Church Street, New York City, New York.

Dated at Washington, D.C., August 28, 1963.

[SEAL] THOMAS J. DONEGAN,
Acting Chairman.

[F.R. Doc. 63-9431; Filed, Sept. 3, 1963; 8:46 a.m.]

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Official guide to the functions of the Federal Government

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FEDERAL REGISTER

VOLUME 28 NUMBER 173

Washington, Thursday, September 5, 1963

THE UNIVERSITY OF MICHIGAN
SEP 10 1963
MAIN READING ROOM

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DEPOSITED BY THE UNITED STATES OF AMERICA

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Apples

On June 11, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5675) regarding a proposed revision of the United States Standards for Grades of Apples (7 CFR, §§ 51.300 to 51.327).

Statement of considerations leading to the revision of the grade standards. The last major revision of the U.S. Standards for Apples was in 1951. Since then minor amendments have kept the standards reasonably functional but industry changes in handling, packaging, and marketing practices, plus repeated requests by many trade members for consideration of various changes have made modernization of the standards both desirable and necessary.

The standards proposed were the result of meetings, discussions, suggestions, and opinions of representatives of all major and many minor U.S. apple producing areas. One of the unresolved, controversial provisions was modified and included in the proposal while certain other even more controversial provisions were omitted.

Interest generated by publication of the proposed revised standards was nationwide. Communications were received from growers' and shippers' organizations throughout the many producing areas, carrying suggestions, comments, criticism of specific provisions or general agreement.

NOTE: Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Following are the principal changes from the published proposal with briefly described determining reasons:

A majority of comments opposed the proposed requirement that packs in tray packed or cell packed cartons be both "fairly tight" and "fairly well filled." This was changed to provide that such packs meet one or the other of the two requirements, but with a general provision to prevent definitely over-filled or under-filled packages.

Various opinions and requests also indicated the effective date for applying the provision "free from damage by invisible watercore" should be changed from "after December 31 of the year of production" to "after January 31 of the year following the year of production."

Requests from most producing areas favored a change in color requirements for "U.S. Fancy" grades of solid red varieties which would allow a more practical color differential between the two higher grades. A 40 percent requirement for U.S. Fancy was favored.

Another color change considered necessary by regional groups representing heavy shipments of McIntosh is reduction of the "U.S. Extra Fancy" color requirement for that variety to 50 percent. This is reasonably comparable to proposed color provisions for "U.S. Extra Fancy" grade of various other important varieties.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Apples are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

GRADES

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51.300 U.S. Extra Fancy.
51.301 U.S. Fancy.
51.302 U.S. No. 1.
51.303 U.S. Utility.
51.304 Combination grades.

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51.308 Application of tolerances.

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51.321 Seriously deformed.
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51.323 U.S. Condition Standards for Export.

AUTHORITY: §§ 51.300 to 51.323 issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.300 U.S. Extra Fancy.

"U.S. Extra Fancy" consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins, bruises (except slight bruises which are incident to proper handling and packing), and visible watercore. The apples are also free from injury caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, or other means; and free from damage by invisible watercore after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in § 51.305 for the variety. (See §§ 51.305 and 51.307.)

§ 51.301 U.S. Fancy.

"U.S. Fancy" consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins, bruises (except those incident to proper handling and packing), and visible watercore. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in § 51.305 for the variety. (See §§ 51.305 and 51.307.)

§ 51.302 U.S. No. 1.

The requirements for this grade are the same as for U.S. Fancy except for color, russeting, and invisible watercore. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade are free from excessive damage caused by russeting which means that apples meet the russeting requirements for U.S. Fancy as defined under the definitions of "damage by russeting", except the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided*, That in the case of the Yellow Newtown or similar varieties the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent. Each apple of this grade has the amount of color specified in § 51.305 for the variety. There is no requirement in this grade pertaining to invisible watercore. (See §§ 51.305 and 51.307.)

(a) *U.S. No. 1 Early.* "U.S. No. 1 Early" consists of apples which meet the requirements of U.S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature, and are not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See § 51.307.)

(b) *U.S. No. 1 Hail.* "U.S. No. 1 Hail" consists of apples which meet the requirements of U.S. No. 1 grade except that hail marks where the skin has not been broken, and well healed hail marks where the skin has been broken, are permitted, provided the apples are fairly well formed. (See §§ 51.305 and 51.307.)

§ 51.303 U.S. Utility.

"U.S. Utility" consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously deformed; free from decay, internal browning, internal breakdown, scald and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible watercore, disease, insects, or other means. (See § 51.307.)

§ 51.304 Combination grades.

(a) Combinations of the above grades may be used as follows:

(1) Combination U.S. Extra Fancy and U.S. Fancy;

(2) Combination U.S. Fancy and U.S. No. 1;

(3) Combination U.S. No. 1 and U.S. Utility.

(b) Combinations other than these are not permitted in connection with the U.S. apple grades. When Combination grades are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See § 51.307.)

COLOR

§ 51.305 Color requirements.

In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.304 apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided,* That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U.S. GRADES OF APPLES BY VARIETIES

Variety	U.S. Extra Fancy	U.S. Fancy	U.S. No. 1
Solid Red:	*Percent*	*Percent*	*Percent*
Black Ben	66	40	25
Gano	66	40	25
Winesap	66	40	25
Other similar varieties [1]	66	40	25
Red Sport varieties [2]	66	40	25
Striped or partially red:			
Jonathan	66	33	25
McIntosh	50	33	25
Cortland	50	33	25
Other similar varieties [3]	50	33	25
Rome Beauty	50	33	15
Stayman	50	33	15
York Imperial	50	33	15
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
Northern Spy	50	25	15
Other similar varieties [4]	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other similar varieties	50	15	10
Red June	50	15	(5)
Red Gravenstein	50	15	(6)
Williams	50	15	(6)
Other similar varieties	50	15	(6)
Gravenstein	25	10	(6)
Duchess	25	10	(6)
Other similar varieties [4]	25	10	(6)
Red cheeked or blushed:			
Maiden Blush	(7)	(8)	(8)
Twenty Ounce	(7)	(8)	(8)
Winter Banana	(7)	(8)	(8)
Other similar varieties	(7)	(8)	(8)
Green varieties	(8)	(8)	(8)
Yellow varieties	(8)	(8)	(8)
Golden Delicious	(12)	(10)	(11)

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.
[2] When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.
[3] Haralson, Kendall, Macoun, Snow (Fameuse).
[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon, Melba.
[5] Tinge of color.
[6] Red Astrachan, Smokehouse, Summer Rambo, Dudley.
[7] Blush check.
[8] None.
[9] Characteristic ground color.
[10] 75 percent characteristic color. NOTE: When the white or light green predominates over the green color, this is considered as minimum characteristic color.
[11] 33 percent characteristic color.

UNCLASSIFIED

§ 51.306 Unclassified.

"Unclassified" consists of apples which have not been classified in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.307 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, are provided as specified:

(a) Defects:

(1) U.S. Extra Fancy, U.S. Fancy, U.S. No. 1, U.S. No. 1 Early and U.S. No. 1 Hail Grades: 10 percent of the apples in any lot may fail to meet the requirements of the grades, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including in the latter amount not more than 1 percent for apples affected by decay or internal breakdown or both.

(2) U.S. Utility grade: 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects, and including in the total tolerance not more than 1 percent for apples affected by decay or internal breakdown or both.

(b) When applying the foregoing tolerances to Combination grades no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination but individual containers shall have not less than 40 percent of the higher grade.

(c) Size: When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than ¼ inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

APPLICATION OF TOLERANCES

§ 51.308 Application of tolerances.

The contents of individual packages in the lot, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) Packages which contain more than 10 pounds:

(1) Shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(b) Packages which contain 10 pounds or less:

(1) Not over 10 percent of the packages may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any package: *Provided,* That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

CALCULATION OF PERCENTAGES

§ 51.309 Calculation of percentages.

(a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight, except that when the variation between minimum and maximum diameters is not more than one-fourth inch, percentages may be calculated on the basis of count.

(c) When the apples are in bulk, percentages shall be calculated on the basis of weight.

CONDITION AFTER STORAGE OR TRANSIT

§ 51.310 Condition after storage or transit.

(a) Decay, scald or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

PACKING REQUIREMENTS

§ 51.311 Packing requirements.

(a) Apples tray packed or cell packed in fiberboard cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight [1] or fairly well filled [2] but the contents shall not show excessive or unnecessary bruising because of over-filled packages and the top layer of apples shall be not more than ¾ inch below the top edge of the carton.

(b) Closed cartons containing apples not tray packed or cell packed shall be fairly well filled [2] or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(c) Packs in wooden boxes or baskets shall be sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple shall be completely enclosed by its individual wrapper.

(d) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(e) Tolerances. In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

MARKING REQUIREMENTS

§ 51.312 Marking requirements.

The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(a) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole and quarter inches, or whole and eighth inches, in accordance with the facts.

[1] "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible.

[2] "Fairly well filled" means that the net weight of apples in containers ranging from 2100 to 2900 cubic inch capacity is not less than 37 pounds for Cortland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.

DEFINITIONS

§ 51.313 Mature.

"Mature" means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor except the Delicious variety.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety.

§ 51.314 Overripe.

"Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.315 Carefully hand-picked.

"Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

§ 51.316 Clean.

"Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

§ 51.317 Fairly well formed.

"Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.318 Injury.

"Injury" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as injury:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(1) Smooth net-like russeting, when an aggregate area of more than 10 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(2) Smooth, solid russeting which covers an aggregate area of more than 5 percent of the surface, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[3]

(3) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter when outside the stem or calyx basin.[3]

(4) Rough russeting which covers an aggregate area of more than one-fourth inch in diameter unless it is well within the stem cavity or calyx basin and is not readily apparent.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-fourth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.[3]

(d) Hail marks with unbroken skin, drought spots or other similar depressions or scars where there is appreciable discoloration or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-half inch in diameter.[3]

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-fourth inch.

(f) Diseases:

(1) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[3]

(2) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[3]

(3) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[3]

(g) Insects:

(1) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.[3]

(2) Worm holes.

§ 51.319 Damage.

"Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not

[3] The area refers to that of a circle of the specified diameter.

an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[3]

(5) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[3]

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.[3]

(d) Hail marks, drought spots, or other similar depressions or scars when the skin has not been broken and the injury is more than slightly depressed or affects a total area of more than one-half inch in diameter; or hail marks or similar scars when the skin has been broken and the injury is not well healed, or is more than slightly depressed, or affects an aggregate area of more than one-fourth inch in diameter.[3]

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Invisible watercore existing around the core and extending to watercore in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

(g) Diseases:

(1) Scab spots which affect a total area of more than one-fourth inch in diameter.[3]

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[3]

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[3]

(4) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[3]

(h) Insects:

(1) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.[3]

(2) Worm holes.

§ 51.320 **Serious damage.**

"Serious damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided,* That any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided,* That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[3]

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible watercore which affects an area of more than one-half inch in diameter.[3]

(g) Diseases:

(1) Scab spots which affect a total area of more than three-fourths inch in diameter.[3]

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[3]

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-third of the surface.

(5) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(h) Insects:

(1) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.[3]

(2) Worm holes.

§ 51.321 **Seriously deformed.**

"Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.322 **Diameter.**

"Diameter" means the greatest dimension of the apple measured at right angles to a line from the stem to blossom end.

U.S. CONDITION STANDARDS FOR EXPORT

§ 51.323 **U.S. Condition Standards for Export.**

(1) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(2) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(3) Not more than a total of 5 percent of the apples in any lot shall be affected by scald, internal breakdown, freezing injury or decay; or damaged by watercore, bitter pit, Jonathan spot, or other condition factors: *Provided,* That:

(a) Not more than a total of 2 percent shall be allowed for apples affected by decay and soft scald;

(b) Not more than 2 percent shall be allowed for apples affected by internal breakdown; and,

(c) Not more than 2 percent of slight scald shall be allowed for lots especially and properly treated to prevent scald; otherwise, the apples must be free from scald.

(4) Container packs shall comply with packing requirements specified in § 51.311 of the U.S. Standards for Grades of Apples.

(5) Any lot of apples shall be considered as meeting the U.S. Condition Standards for Export if the entire lot averages within the requirements specified: *Provided,* That no package in any lot shall have more than double the percentages specified, except that for packs which contain 10 pounds or less, individual packages in any lot are restricted to 3 times the tolerance or one apple (whichever is the greater amount).

NOTE: "Damage by watercore" means externally invisible watercore existing around the core and extending to watercore in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles; or any externally visible watercore.

Effective date: It is hereby found that good cause exists for dispensing with the effective date requirements of section

[3] The area refers to that of a circle of the specified diameter.

[4] These Standards may be applied to domestic shipments as well as export lots, and may be alternately referred to as "U.S. Condition Standards."

4(c) of the Administrative Procedure Act (5 U.S.C. 1003), in that: (1) The current packing season for apples is now underway and it is in the interests of the public and the industry that this revision be placed in effect at the earliest possible date; (2) No special preparation is required for compliance with the amendment on the part of the members of the apple industry or of others. Accordingly this revision shall become effective September 20, 1963 and will thereupon supersede the United States Standards for Apples which have been in effect since September 19, 1958, as amended June 10, 1959 (7 CFR §§ 51.300 to 51.327) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 203, 205, 60 Stat. 1087 as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

Dated: August 30, 1963.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 63-9518; Filed, Sept. 4, 1963; 8:50 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 70]

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area (7 CFR Part 1070), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period through April 30, 1964:

a. In § 1070.10(d)(3) the following provisions:

1. In the text preceding the table the phrase, "in the months indicated,"; and

2. In the table of months and minimum percentages, all provisions other than the heading "Minimum percentage" and the figure "30".

The suspension of these provisions would result in the text reading as follows:

(3) From which the quantity of milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is at least the following percentages of the total quantity of Grade A milk delivered by all producers who are members of the association:

Minimum percentage: 30

b. In § 1070.14 paragraph (b)(1).

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will maintain the pool status of a market-balancing plant operated by the principal cooperative association in the market. This plant is historically associated with the market and performs the function of handling the reserve supply in the market. This action will also prevent uneconomic movements of milk to maintain the producer status of cooperative members shipping to this plant.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning suspension of these provisions. (28 F.R. 8412.) Views supporting such action were received from producer associations representing about 70 percent of the producers supplying the market. No opposing views were filed.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period through April 30, 1964.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 30, 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9519; Filed, Sept. 4, 1963; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs.; Amdt. 66]

PART 385—EXPORTATION OF TECHNICAL DATA

General Licenses; Requirements of Written Assurance

Section 385.2 *General Licenses,* paragraph (c) *General License GTDU; unpublished technical data,* subparagraph (4) *Requirements of written assurance,* subdivision (ii) is amended by:

1. Substituting the word "inches" for the symbol in (*a*), (*b*), (*e*), (*f*) and (*g*);

2. Redesignating (*h*) as (*k*); and

3. Adding the following new (*h*), (*i*), and (*j*):

(*h*) Portable pneumatic and hydraulic drilling machines capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow (Schedule B Nos. 74570 and 74601);

(*i*) Meters with inlet or outlet diameter 10 inches or larger specially designed to measure flow in petroleum and/or natural gas pipe line (Schedule B No. 76680);

(*j*) Valves specially designed for temporarily stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d. (Schedule B No. 77450); and

This amendment shall become effective September 23, 1963.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-9476; Filed, Sept. 4, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

HOT-MELT STRIPPABLE FOOD COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1038) filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of hot-melt strippable food coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2578 **Hot-melt strippable food coatings.**

Hot-melt strippable food coatings may be safely applied to food, subject to the provisions of this section.

(a) The coatings are applied to and used as removable coatings for food.

(b) The coatings may be prepared, as mixtures, from the following substances:

(1) Substances generally recognized as safe in food.

(2) Substances identified in this subparagraph.

List of substances	*Limitations*
Acetylated monoglycerides.	Complying with § 121.1018.
Cellulose acetate-butyrate.	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REG-

ISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: August 30, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9493; Filed, Sept. 4, 1963; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Exemptions Under Contract Work Hours Standards Act

Pursuant to the Contract Work Hours Standards Act (76 Stat. 357), I hereby amend 29 CFR 5.12a(b) by adding thereto a new subparagraph (5) to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules relate to public contracts, grants and benefits. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended § 5.12a(b) shall read as follows:

§ 5.12a Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

* * * * *

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours Standards Act, it is hereby found to be necessary and proper in the public interest to avoid serious impairment of the conduct of Government business to exempt the following classes of contracts or parts thereof from all of the provisions of that Act, and they are hereby exempted.

(1) Agreements entered into by or on behalf of the Commodity Credit Corporation providing for the storing in or handling by commercial warehouses of wheat, corn, oats, barley, rye, grain sorghums, soybeans, flaxseed, rice, naval stores, tobacco, peanuts, dry beans, seeds, cotton, and wool.

(2) Sales of surplus power by the Tennessee Valley Authority to States, counties, municipalities, cooperative organization of citizen or farmers, corporations and other individuals pursuant to section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i).

(3) Construction contracts of $2,000 or less.

(4) Purchases and contracts other than construction contracts in the aggregate amount of $2,500 or less. In arriving at the aggregate amount involved there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising.

(5) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam; Wake Island; and the Canal Zone.

(76 Stat. 359)

Signed at Washington, D.C., this 29th day of August 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-9486; Filed, Sept. 4, 1963; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart D—Procurement Responsibility and Authority

Revise § 1001.453 to read as follows:

§ 1001.453 Delegations of authority.

* * * * *

(d) Authorities delegated by the Deputy Chief of Staff, Procurement and Production, Hq AFSC, and the Director of Procurement and Production, Hq AFLC, may not be redelegated except as expressly provided in individual authorizations.

* * * * *

(h) In the absence of a person occupying a position to which authority has been delegated, the authority may be exercised by the person who is occupying the position in an "acting" capacity. "Absence" refers to absence from the installation on leave or temporary duty travel. In cases of extreme emergency "absence" may be construed to mean absence from the office regardless of whereabouts, except redelegations of authority which must be accomplished by the person occupying the position to which authority has been delegated.

* * * * *

(k) Authority to make awards and execute or approve contracts applies only when such documents include all prescribed clauses approved for use by the Deputy Chief of Staff, Procurement and Production, Hq AFSC, or the Director of Procurement and Production, Hq AFLC, or higher authority.

(l) * * *

(6) Except as otherwise authorized, any supplemental agreement defining contract change notifications when the contract change notifications being definitized accomplishes a change which increased the cost to the Government by more than the dollar limitation regardless of whether there are offsetting credits provided in the same supplemental agreement.

* * * * *

(m) * * *

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 1003.409(b) of this subchapter), indefinite quantity contracts (§ 1003.409(c) of this subchapter), or call procurement arrangements (§ 1003.409-50 of this subchapter), except as provided in § 1001.201-3.

* * * * *

(6) Communication Service Authorizations (CSA).

(7) Blanket Purchase agreements as set forth in § 3.606 of this title and § 1003.606 of this subchapter.

* * * * *

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

1. Revise §§ 1002.205 (c)(1) and (d), 1002.205-4 and 1002.205-51 to read as follows:

§ 1002.205 Bidders' mailing list.

* * * * *

(c) *Augmenting lists—(1) Policy.* Contracting officers may add names and mailing addresses to the bidders' "list." AF small business specialists may add names and addresses to those elected by the contracting officer for solicitation, and such additions will include any that may be furnished by Small Business Administration (SBA) representatives.

* * * * *

(d) *Qualified products list.* The bidders' mailing list will include names of suppliers who have been placed on a QPL for items within the FSC concerned (see Subpart K, Part 1001 of this subchapter).

* * * * *

§ 1002.205-4 Excessively long bidders' mailing lists.

(a) to (b) No implementation.

(c) *Pre-invitation notices.* (AFPI Form 2, "IFB Information," will be attached to the description sheet or IFB schedule sheet mailed to the prospective suppliers.)

§ 1002.205-51 Commodity class catalogs (commodity lists).

This section applies to all procurement activities unless otherwise provided in the following paragraphs.

(a) A commodity and services list or catalog broken down into property classes or services codes as provided in § 1002.205-1(a), will be attached to each Standard Form 129 mailed to firms desiring to be placed on the bidders list. The purpose of this document is to allow potential suppliers to easily identify and select items or services they are capable of furnishing. The lists or catalogs will be revised when necessary and a semiannual review will be made to insure that they are up to date. The catalog or list may contain check blocks for marking by the supplier or AFPI Form 24 may be used.

(b) The following requirements for commodity catalogs or lists are mandatory for AFLC activities and are optional for other activities:

(1) A "foreword" or introductory page will set forth a general index and descriptions of classes procured by the activity and such explanatory comments necessary to help potential suppliers identify and select items. The complete address of the procuring activity will be included. The telephone number of the base and appropriate extension may be included except that individual buyers will not be listed by name.

(2) Federal supply classes or services for which procurement responsibility has been assigned to an activity other than the Air Force will generally be excluded. However, such items may be listed if the Air Force should be required to make emergency purchases.

(3) Federal supply classes will be broken down to the extent required consistent with the mission of the procurement activity. For example, some activities may only use 95 Metal Bars, Sheets and Shapes where others may use the more detailed breakdown of codes 9505 through 9545.

(4) The resultant catalog will be restricted in size to permit distribution to all interested firms. Trim size of the page will not exceed 8½ by 11 inches.

(5) The use of code numbers is restricted to those listed in the DOD Procurement Coding Manual. If a further breakdown of a code is desired, additional code numbers will be coordinated with the statistical activity in the comptroller organization.

(c) Each issuing activity will make automatic distribution of sufficient copies of commodity class catalogs or commodity lists, and revisions, to small business specialists at CMDs and CMOs and to contractor relations activities at AFLC/AFSC field procurement activities, to facilitate servicing interested suppliers as provided in § 1002.205(b). Distribution of said publications will be made in advance of that made to contractors to obviate previous instances where contractors possessed commodity lists and revisions prior to their receipt by the above AF organizations.

§ 1002.205-2 [Deletion]

2. Delete § 1002.205-2.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart D—Types of Contracts

Section 1003.404-6 is reinserted to clarify that section as published in 28 F.R. 9151, August 20, 1963. This section should read as follows:

§ 1003.404-6 Retroactive and prospective price redetermination at a stated time during performance (FPR-C).

(a) to (b) No implementation.

(c) *Limitations.* To obtain Hq AFSC or Hq AFLC written approval for use of this contract, as required by § 3.404-6(c)(8) of this title, contracting officers located in AFSC procurement activities and Office of Aerospace Research (OAR) will address requests to AFSC (ASXKF), WPAFB, Ohio; requests from contracting officers located in all other AF procurement activities will be addressed to AFLC (MCPKP). Requests for approval will be signed by the contracting officer and will contain the following information:

(1) Name of proposed contractor and brief description of supplies or services being procured.

(2) Unit and total prices, including both billing and ceiling prices.

(3) Delivery schedule of supplies to be furnished, or scheduled date for completion of performance if services are being procured.

(4) Method of source selection. If competitive, indicate also the contract type, and the unit and total prices proposed by each rejected offeror, including ceiling prices, if applicable.

(5) Copy of the record of price negotiation.

(6) Statement indicating that each of the requirements under § 3.404-6(c)(1) through (7) of this title has been considered and complied with.

(d) *FPR-C clause.* Section 7.109-3 of this title applies.

PART 1005—INTERDEPARTMENTAL PROCUREMENT

Subpart A—Procurement Under Federal Supply Schedule Contracts

Revise § 1005.106(c) to read as follows:

§ 1005.106 Federal supply schedules with multiple sources provisions.

* * * * *

(c) Comparable level of authority in other AF activities: Such approval will constitute full authority to the procuring activity for placing the order. The justification statement will be attached to the purchase request and will be included in the contract file as documentation to justify the order. No formal determination or finding need be filed with either GSA or the General Accounting Office. Where the price of comparable items of two or more contractors is identical, orders will be rotated to the extent practicable to avoid a sole source situation.

Subpart E—Procurement of Blind-Made Supplies

Subpart E is deleted.

Subpart F—Procurement of Printing and Related Supplies (July 7, 1961)

1. The center head for Subpart F is revised as shown above.

2. In § 1005.650-3 a new paragraph (c) is added as follows:

§ 1005.650-3 Books, blank books, loose-leaf binding devices, paper and similar items.

* * * * *

(c) Government publications on sale by the Superintendent of Documents may be obtained by:

(1) Requisitioning procedure in AFR 212-3 (Requisitioning Technical Library Publications).

(2) Submitting a purchase order or making payment on SF 1080.

(3) Submitting a letter requesting the desired publication(s) and inclosing a check or money order to cover the cost.

(4) The Superintendent of Documents will furnish price information on any item he sells. He will not accept invitations to bid on any item. He will allow a 25 percent discount on any order for 100 or more copies of a single publication delivered to a single address. Smaller requirements for two or more publications cannot be combined to obtain this discount.

3. Revise § 1005.650-4(a) as follows:

§ 1005.650-4 Procurement of printing and binding equipment.

(a) Printing, binding, and related or auxiliary equipment are controlled by the Congressional Joint Committee on Printing. Prior authority is required by AF activities to purchase, issue, rent, exchange or transfer this equipment. AFR 6-1 (Policies and Procedures Governing AF Printing and Duplicating) prescribes the procedures for obtaining this authority. A list of the equipment controlled by JCP is contained in attachment 1, AFR 6-1. This list is not all inclusive. If there is any doubt as to whether an item of equipment requires JCP approval, pre-procurement clarification should be requested through command channels from the Director of Administrative Services (AFDASD), Hq USAF, Washington 25, D.C.

PART 1008—TERMINATION OF CONTRACTS

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

In § 1008.252(b), revise subparagraph (3) as follows:

§ 1008.252 Settlement of unadjusted contractual changes (UCCs).

• • • • • •

(b) • • •

(3) Where a contract has been partially terminated, any outstanding UCCs relating to the terminated portion will normally be handled by the procuring contracting officer (buyer) unless authority to include the UCCs in the termination settlement is delegated by the buyer to the TCO. The delegation, if issued, will be processed by the buyer to the TCO through AFSC (ASXKK). On termination settlements being processed by AFLC activities, the delegation will be processed by the buyer to the TCO through AFLC (MCPK).

PART 1012—LABOR

Subpart A—Basic Labor Policies

§ 1012.102–1 [Deletion]

1. Delete § 1012.102–1.

2. In § 1012.102–3(a), revise subparagraph (1)(ii) to read as follows:

§ 1012.102–3 Procedures.

(a) • • •

(1) • • •

(ii) In the administration of contracts, overtime of 20 hours in any one work week by any employee will be the maximum approvable except under compelling exigencies involving the national interest. This approval is to be consistent with need and is at the maximum to be a "ceiling" rather than a "floor."

• • • • •

3. Revise § 1012.102–4 to read as follows:

§ 1012.102–4 Approvals.

(a) No implementation.

(b) [Reserved]

(c) Contractors performing overtime and extra-pay shift work prior to receipt of the approval do so at their own risk since retroactive approval will be considered only for cases of extreme urgency for which retroactive action can be fully justified.

(d) Each approving authority is responsible for maintaining statistical data showing the separate amount of overtime and extra-pay shifts requested and approved against a program or item and the involved contractor. The contracting officer is responsible for maintaining adequate justification documentation for contract files.

(e) No additional prior authorization by the ACO is required after the overtime and extra-pay shifts have been approved according to § 12.102–4(a) (1), (2), and (3) of this title.

PART 1013—GOVERNMENT PROPERTY

Subpart U—Adjustment of Discrepancies Incident to the Shipment of Government Property

1. Revise §§ 1013.2101, 1013.2103–3(a)(2), 1013.2103–4(c) and 1013.2104 through 1013.2104–4, as follows:

§ 1013.2101 Definition.

"Discrepancies incident to shipment" include all deficiencies incident to the shipment of government property to or from a contractor's facility whereby differences exist between the property purported to have been shipped and the property actually received. Such deficiencies include, but are not limited to loss, damage, destruction, improper status and condition coding, error in identity or classification, and improper consignment. Deficiencies in preservation, packaging, packing, marking, loading, handling, and storage will be reported according to AFR 71–4. When the deficiency is in quality or specifications of product and is sufficient to warrant initiation of an Unsatisfactory Report, the procedures of TO 00–35D–54 will be used.

§ 1013.2103–3 Responsibilities.

(a) *At the consignee's activity.* • • •

(2) If conditions require, and request has been made ready for, reply to AF Form 672, AF personnel responsible for the preparation and distribution of the report (see subparagraph (1) of this paragraph) will take followup action when reply has not been received within 30 days from the date of distribution.

§ 1013.2103–4 Reply to AF Form 672.

• • • • •

(c) Concurrent with the reply action described in the foregoing, a copy of the reply will be furnished to the property administrator assigned to the contract under which the original discrepancy was made, or if no property administrator has been assigned, to the chief of the industrial property division at the AFPRO, Test Site Office (TSO), or CMD having cognizance of the contractor, for assignment of a property administrator.

§ 1013.2104 Discrepancies which involve carrier liability.

§ 1013.2104–1 General.

Common carriers are liable for loss or damage to property while in their custody except when such loss or damage is caused by the Act of God, the public enemy, the authority of law, or by the act or default of the shipper. The liability of a contract carrier is as agreed to in the governing contract.

(a) When a common carrier fails to deliver all packages listed on a bill of lading, or when property is received in a damaged condition, the carrier will be immediately notified as to the nature and extent of the loss or damage. Normally, adjustment for the loss or damage will be accomplished through the media of the DD Form 46, "Report of Survey (Discrepancies Incident to Shipment of Materiel)." This document will be prepared and processed according to the provisions of chapter 2, part three, AFM 177–111 (Reports of Survey at Base Level).

(b) Loss or damage incident to the shipment of materiel moving via U.S. Postal Service, government transport, or other types of government controlled transportation or by contract carrier, do not normally require adjustment by Report of Survey action. However, when the receiving officer is of the opinion that there is evidence to indicate fraudulent or illegal disposition of the property, a DD Form 200, "Report of Survey," will be prepared according to provisions of chapter 1, part two, AFM 177–111.

(c) When a discrepancy occurs in connection with a shipment made on a commercial bill of lading for conversion to government bill of lading at destination: (1) The conversion will be made, (2) the notation of discrepancy will be placed on the government bill of lading, and (3) the DD Form 46 will then be prepared.

(d) When a shortage in shipment or damage to government property received creates a problem in connection with the contract for which the property was requisitioned or procured, the AF representative will determine action to be taken to preclude production delay or stoppage. Such action will be separate and without effect upon the settlement under the Report of Survey proceedings or determination of liability of the carrier under the claim.

(e) The responsibilities prescribed in paragraph 30157, AFM 177–111, for determining disposition of property not released to carrier or scheduled for repair will be accomplished by the property administrator prior to referral of the property to the appropriate plant clearance activity for disposition.

(f) DD Form 6, "Report of Damaged or Improper Shipment," will be prepared: (1) When it is apparent that a shipment received in a damaged or unsatisfactory condition is the fault of the carrier, and the cost of correcting the deficiency is $25 or more.

(2) When a shipment of ammunition or other dangerous materials is received in carrier equipment that is determined to be deficient for the shipment of such material (regardless of whether damage or unsatisfactory conditions occurred) and when there is damage, regardless of cost to correct.

(3) When there are continual deficiencies on the part of a specific carrier for shipment from the same source.

§ 1013.2104–2 Responsibilities for initiation and review of DD Form 46.

(Chapter 2, part three, AFM 177–111.)

(a) The responsibility for insuring that DD Form 46, in connection with discrepancies on government bills of lading covering shipments consigned to AF contractors, are promptly initiated, properly prepared and distributed, vests in the property administrator. The accumulation of facts and evidence in support of the Report of Survey will be a collective effort on the part of the property administrator, quality control representative, and interested contractor personnel.

(b) The AF representative is designated as the appointing authority and will be responsible for all actions prescribed for the appointing authority and the base commander at activities under his jurisdiction. Where discrepancies involve carrier liability in excess of $500, the AF representative will appoint an individual to serve as surveying officer. Otherwise, a surveying officer will be appointed only if evidence in a DD Form 46 or DD Form 200 is conflicting or insufficient to afford a clear understanding of data presented, or the AF representative determines such action necessary.

§ 1013.2104–3 Preparation and submission of the DD Form 46.

(Chapter 3, part three, AFM 177–111.)

(a) The requirement that the major accounting classifications be cited on the Report of Survey prior to submission to the Air Force Accounting and Finance Center is the responsibility of the PIC office having fiscal administration of the contract(s) involved.

(b) If no repair action is contemplated, complete details, including those covered in paragraph 30322e, AFM 177–111, will be furnished.

§ 1013.2104–4 Distribution and reinvestigation.

(Chapter 4, part three, AFM 177–111.)

(a) Upon completion of the DD Form 46, all copies will be submitted to the AF representative for his action or the appointment of a surveying officer, if appropriate. Where a surveying officer is appointed, all copies of the DD Form 46 will be forwarded to him by the AF representative. Upon completion of action by the surveying officer, all copies will be returned to the AF representative for completion and distribution as follows:

(1) Original and triplicate: Submit through the appropriate PIC office for accounting classification to the Air Force Accounting and Finance Center.

(2) Duplicate: This copy will be attached to and filed with the pertinent shipping document.

(3) Quadruplicate: Retained in the office of the AF representative with permanent files of DD Form 46 processed by that activity.

(4) Where the shipment involves reimbursement between the Air Force and another government agency, an additional copy will be prepared for the office responsible for billing or certifying payment to the agency concerned.

2. Add new § 1013.2104–5 as follows:

§ 1013.2104–5 Computation of liability to be assessed against common carrier.

(Chapter 1, part four, AFM 177–111.)

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

In § 1030.5, the following amendments are made:

In Part II—Basic Policies:

1. Revise paragraphs E–212.51, E–213.50 and E–213.51(b)(8) to read as follows:

§ 1030.5 Appendix E—Contract Financing.

• • • • • •

E–212.51 *Financial control report.* This report includes those contractors reported under § 163.86(d), Subchapter E, Part 163 of this title. The report will be marked "For Official Use Only."

E–213.50 *Responsibilities.* (a) The chief, contract division in each CMD/AFPRO will obtain financial information from contractors doing business with the Air Force and on a company for which an FCR is being completed when adequate data is not available from published sources. OAR will obtain financial information from contractors for contracts which are being administered solely by OAR. When contractors, under AFSC administration, also have contracts administered by OAR, financial surveillance will be done by AFSC. Forward an original or a signed copy of each item of financial data to AFSC (ASXKMF), as soon as received from companies or from internal AF sources. (See paragraph E–214.53.)

(b) Buyers, price analysts, or others will not request financial data from contractors or prospective contractors other than cost data for use in pricing contracts. If an FCR is not required, anticipate the need for such data and request the information from the Financial Branch (ASXKMF) or the cognizant CMD/AFPRO, whichever is nearer. The CMD/AFPRO will provide or will direct the appropriate CMD/AFPRO to provide the needed information. A division or subsidiary of a company may be asked to obtain financial data from its home office if needed for completion of an FCR.

E–213.51 *Obtaining financial data.*

• • • • • •

(b) • • •

(8) The CMD/AFPRO may, prior to granting financial clearance, require the proposed contractor to agree in writing that it will furnish financial statements acceptable to the Air Force during the life of the contract. The required frequency of interim statements will be determined according to (a) of this paragraph and will be made known to the proposed contractor. Fiscal year-end statements in such cases will be required within 90 days after the close of the fiscal year and interim statements within 30 days after the close of the interim period. The action authorized by this subparagraph (8) normally will be taken by the CMD/AFPRO upon determination that close surveillance will be required while contracts are outstanding and the proposed contractor does not publish financial statements adequate for such surveillance.

2. In paragraph E–212.52, *Procedures*, delete paragraphs (c) through (e).

PART 1054—CONTRACT ADMINISTATION

Subpart N—Payment of Fixed Fee Under CPFF Contracts

In § 1054.1403(b)(2), subdivision (iii) is reinserted as follows:

§ 1054.1403 Formulas for estimating percentage of completion of work and fixed fee due.

• • • • • •

(b) *Research and development contracts.* • • •

(1) • • •

(2) The monthly fee payment may be approved by the contracting officer if he is reasonably assured that satisfactory progress has been made. This can be determined by a combination of two or more of the following factors:

(i) A review of the appropriate statements or substantiating documents supporting claims for reimbursement of costs which may indicate the extent of the contractor's activity.

(ii) Personal observation by AF field personnel of the contractor's progress.

(iii) A certification signed by an individual authorized to represent the contractor and supported by documents substantiating that the requested payment is proportionate to the progress or completion of the contract. This certification may be substantially in the following form:

I certify that the fixed fee claimed is correct and just, and that it is proportionate to the progress made on the contract.

Signed ----------

Official title ----------

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 31, June 28, 1963]

By Order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63–9457; Filed, Sept. 4, 1963; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Connecticut River, Conn., and San Juan Harbor, Puerto Rico

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.55 is hereby amended revising paragraph (b) to redesignate the boundaries of Special Anchorage Area No. 2 in the Connecticut River at Essex, Connecticut, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, revoking paragraph (c) and adding a note after paragraph (b), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.55 Connecticut River, Conn.

• • • • • •

(b) *Area No. 2, at Essex.* Beginning at a point latitude 41°21′22″, longitude 72°22′53″; thence 205°30′, 375 yards; thence 194°31′, 100 yards; thence 185°-00′, 440 yards; thence 153°30′, 80 yards; thence 121°00′, 220 yards; thence due north approximately 1060 yards to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

(c) *Area No. 3, at Essex.* [Revoked]

• • • • • •

[Regs., August 20, 1963, 285/111 (Connecticut River, Conn.)—ENGCW–ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.812 is hereby amended with respect to paragraph (a)(1) redesignating the boundaries of a seaplane restricted area

in San Juan Harbor, Puerto Rico, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.812 San Juan Harbor, Puerto Rico; seaplane restricted area.

(a) *The area.* (1) Beginning at a point on the north edge of the Graving Dock Channel, bearing 207° from Isla Grande Light; thence to latitude 18°27'-08", longitude 66°06'38.5"; thence to latitude 18°27'08", longitude 66°08'02.5"; thence to latitude 18°26'49.6", longitude 66°07'54"; thence 90° to the eastern edge of the Army Terminal Channel; thence southerly along the eastern edge of the Army Terminal Channel to latitude 18°26'09.2"; thence to latitude 18°26'-38", longitude 66°05'30"; thence to latitude 18°27'06.9", longitude 66°05'57"; thence to latitude 18°27'07.1", longitude 66°06'05.7"; thence to 227° to a point on the north edge of the Graving Dock Channel; thence northwesterly along the north edge of the Graving Dock Channel to the point of beginning. The following described portions of the area are exempted:

(i) That part of the Graving Dock Channel within the area.

(ii) That part of the Army Terminal Channel within the area.

• • • • •

[Regs., August 21, 1963, 285/111 (San Juan Harbor, Puerto Rico)—ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63–9459; Filed, Sept. 4, 1963; 8:45 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Little Wood River Dam and Reservoir, Little Wood River, Idaho

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709) the following § 208.92 is hereby prescribed to govern the use and operation of Little Wood River Dam and Reservoir on the Little Wood River, Idaho, for flood control purposes.

§ 208.92 Little Wood River Dam and Reservoir, Little Wood River, Idaho.

The Bureau of Reclamation, acting through the Little Wood River Irrigation District, shall operate the Little Wood River Dam and Reservoir in the interest of flood control as follows:

(a) Storage space in Little Wood River Reservoir will be kept available for flood control purposes in accordance with the Flood Control Storage Space Reservation Schedule currently in force.

(b) Releases from the Little Wood River Reservoir shall be restricted to quantities which will not cause downstream flows at the Carey gaging station to exceed 1,200 cubic feet per second, insofar as this control can be accomplished using the total active storage capacity (initially 30,000 acre-feet) in the Little Wood River Reservoir between elevations 5127.8 and 5237.3 feet.

(c) The flood control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modification may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of the same day to the office of the Regional Director of the Bureau of Reclamation in charge of the locality.

(d) The Flood Control Storage Space Reservation Schedule currently in force as of the promulgation of this section is that dated August 13, 1963, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C., and in the office of the Commissioner, Bureau of Reclamation, Washington, D.C. Revisions of the Flood Control Storage Space Reservation Schedule may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation, and from that date until replaced shall be considered as currently in force for purposes of this section. Copies of the Flood Control Storage Space Reservation Schedule currently in force shall be kept on file in, and may be obtained from, the office of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

(e) Noting in the regulations in this section shall be construed to require dangerously rapid changes in magnitude of releases, or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and the reservoir from major damage.

(f) The Bureau of Reclamation, acting through the Little Wood River Irrigation District, shall currently procure basic hydrological data, making determinations of required flood control space reservations from the Flood Control Storage Space Reservation Schedule currently in force, and make calculations of permissible releases from the reservoir as are required to accomplish the flood control objectives prescribed in this section.

(g) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, advised of hydrological data and other operating criteria which affect the schedule of operation. Also, the Bureau of Reclamation shall keep the Watermaster, Water District 11–C, acting under the control and supervision of the Department of Reclamation, State of Idaho, currently advised of reservoir releases.

[Regs., August 13, 1963 ENGCW–EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63–9458; Filed, Sept. 4, 1963; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—VEHICLE, GUIDE, ADMISSION, AND MISCELLANEOUS FEES

Cape Cod National Seashore, Massachusetts; Commercial Passenger-Carrying Vehicle, Guide, and Bathhouse Fees

On page 7098 of the FEDERAL REGISTER of July 11, 1963, there was published a notice and text of a proposed amendment to §§ 6.3 and 6.14 of Title 36, Code of Federal Regulations. The purpose of this amendment is to establish vehicle and guide permit fees for the control of commercial over sand vehicle operations and to establish a fee for the use of baskets or lockers for the storage of clothing and other personal belongings in the bathhouses on federally owned lands within the boundaries of the Cape Cod National Seashore.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections concerning the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted with the following change: The wording of the bathhouse services fee in paragraph (a) of § 6.14 is rearranged to show the name of the area at the beginning of the paragraph. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Section 6.3 is amended by adding new paragraph (j)(1)(2) and § 6.14(a) is added to read as follows:

§ 6.3 Commercial passenger-carrying vehicles.

• • • • • •

(j) *Cape Cod National Seashore; permits.* Permits issued by the superintendent shall be required for the operation of commercial passenger-carrying vehicles, carrying passengers for hire over sand routes on federally owned lands within the seashore, as follows:

(1) Annual permit for calendar year: $3.00 for each passenger-carrying seat in the vehicle to be operated.

(2) Annual guide permit for the calendar year, or any part thereof: $5.00.

§ 6.14 Bathhouse services.

(a) *Cape Cod National Seashore.* A fee of 25 cents shall be charged for the use of each bathhouse basket or locker.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 28, 1963.

[F.R. Doc. 63–9469; Filed, Sept. 4, 1963; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

PART 33—SPORT FISHING

Additions to List of Open Areas

On page 7564 of the FEDERAL REGISTER of July 25, 1963, there was published a notice of proposed amendments to §§ 32.11, 32.21, and 33.4, of Title 50, Code of Federal Regulations. The purpose of these amendments is to provide for public hunting and sport fishing on the below listed wildlife refuge areas of the National Wildlife Refuge System as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received. The proposed amendments are hereby adopted without change.

Since these amendments benefit the public by relieving existing restrictions on hunting and fishing, they shall become effective upon publication in the FEDERAL REGISTER. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i.)

1. Section 32.11 is amended by the addition of the following areas to those where the hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

• • • • • •

CALIFORNIA

Clear Lake National Wildlife Refuge.
Delevan National Wildlife Refuge.

2. Section 32.21 is amended by the addition of the following areas to provide for the hunting of upland game:

§ 32.21 List of open areas; upland game.

• • • • • •

ARIZONA

Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.

CALIFORNIA

Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.
Delevan National Wildlife Refuge.

DELAWARE

Killcohook National Wildlife Refuge.

NEW JERSEY

Killcohook National Wildlife Refuge.

3. Section 33.4 is amended by the addition of the following areas to provide for sport fishing:

§ 33.4 List of open areas; sport fishing.

• • • • • •

CALIFORNIA

Delevan National Wildlife Refuge.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 28, 1963.

[F.R. Doc. 63–9465; Filed, Sept. 4, 1963; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2938]

[Washington 03842, Oregon 09924]

WASHINGTON AND OREGON

Power Site Restoration and Cancellation; Partial Revocation of Power Withdrawals; Opening of Lands; Correction

Public Land Order No. 2938 of February 11, 1963 (28 F.R. 1478–9; issued February 9, 1963), is corrected in the following particulars:

(a) In paragraph 1, delete reference to lot 5, sec. 4 T. 6 N., R. 45 E., where it is shown under Willamette Meridian, Oregon. The land is correctly shown in the listing for Washington.

(b) Include the said lot 5, sec. 4, among the Washington lands described in paragraph 2b of the order, to be opened subject to the conditions specified in paragraphs 4, 5, 6, and 7.

(c) Secs. 27, 32, and 33, in the last three lines of land description in paragraph 2b of the order, should be shown as a part of T. 7 N., R. 46 E., rather than in T. 6 N., R. 46 E. (a publication error).

JAMES F. DOYLE,
Assistant Director.

AUGUST 23, 1963.

[F.R. Doc. 63–9467; Filed, Sept. 4, 1963; 8:45 a.m.]

[Public Land Order 3181]

[Washington 04716]

WASHINGTON

Power Site Restoration, and Partial Revocation of Power Site Reserves; Correction

In Public Land Order No. 3181 of July 31, 1963 (F.R. Doc. 63–8372; page 8036–7), the reference to the State of California in paragraph 3 is corrected to read "State of Washington".

JAMES F. DOYLE,
Assistant Director.

AUGUST 23, 1963.

[F.R. Doc. 63–9468; Filed, Sept. 4, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS DISTRICTS, PORTS, AND STATIONS

Proposed Revocation of Designation of Crosby, North Dakota, as Customs Port of Entry

AUGUST 29, 1963.

Notice of proposed revocation of designation of Crosby, North Dakota, as a customs port of entry in customs collection district No. 34 (Dakota).

The customs port of entry of Crosby, North Dakota, is situated on the Canadian border in northwestern North Dakota. However, the port has not been staffed for many years. In addition, there is no Canadian customs office directly across the boundary from Crosby, nor any main highway in Canada leading to that port except through the ports of Noonan and Ambrose, North Dakota. These geographical factors preclude any potential volume of customs business, and, at the same time, render the designation of Crosby, North Dakota, as a customs port of entry unnecessary and contrary to the public interest.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), it is proposed to revoke the designation of Crosby, North Dakota, as a customs port of entry in Customs Collection District No. 34 (Dakota), and to amend § 1.1(c) of the Customs Regulations to reflect this change.

Data, views, or arguments with respect to the proposed revocation of the above-mentioned customs port of entry may be addressed to the Commissioner of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice, in the FEDERAL REGISTER. No hearings will be held.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 63-9488; Filed, Sept. 4, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Rule Making With Respect To Expenses and Fixing of Rate of Assessment for 1963–64 Fiscal Year

Consideration is being given to the following proposals by the Texas Valley Citrus Committee established under the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that reasonable expenses not to exceed $3,500 will be necessarily incurred by said committee during the fiscal year August 1, 1963, through July 31, 1964, for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles oranges and grapefruit shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of two cents ($0.02) per 1⅗ bushel box or equivalent quantity of oranges and grapefruit so handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

Dated: August 30, 1963.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9517; Filed, Sept. 4, 1963; 8:50 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS

Power-Driven Meat Patty Forming Machines; Notice of Proposed Rule Making

The occupations in or about slaughtering and meat packing establishments, rendering plants, or wholesale, retail, or service establishments which have been found and by order declared to be particularly hazardous for the employment of persons between 16 and 18 years of age pursuant to subsection 3(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203) are set forth in 29 CFR 1500.61, formerly 29 CFR 4.61 (Hazardous-Occupations Order No. 10). Subparagraph (4) of paragraph (a) of that section lists several power-driven meat processing machines the operation of which comes within application of the Order. A recent investigation by the Bureau of Labor Standards indicates that the operation of power-driven meat patty forming machines is particularly hazardous for the employment of 16 and 17 year old persons. It appears appropriate, therefore, to amend the Order to include these machines.

Accordingly, pursuant to subsection 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203), and Reorganization Plan No. 2 of 1946 (3 CFR 1943–1948 Comp., p. 1064), and in accordance with the procedure established in 29 CFR Part 1500, Subpart D, I hereby propose to amend § 1500.61 (a) (4) as set forth below.

Interested persons may file written statements of data, views, or argument in regard to the proposal with the Director of the Bureau of Labor Standards, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 30 days after this notice is published in the FEDERAL REGISTER. Copies of the Bureau's report of investigation may also be obtained by writing to the Director.

As amended § 1500.61(a)(4) would read as follows.

§ 1500.61 Occupations involving slaughtering, meatpacking or processing, or rendering (Order 10).

(a) *Finding and declaration of fact.* The following occupations in or about slaughtering and meatpacking establishments, rendering plants, or wholesale, retail or service establishments are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

* * * * *

(4) All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including setting-up, adjusting, repairing, oiling, or cleaning such machines: Meat patty forming machines, meat and bone cutting saws, knives (except bacon-slicing machines), head-splitters, and guillotine cutters; snout-pullers and jaw-pullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines).

(52 Stat. 1061 as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 29th day of August 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-9485; Filed, Sept. 4, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 13]

[Notice 63-35; Docket No. 1925]

TWO AND ONE-HALF-MINUTE POWER RATING FOR HELICOPTER TURBINE ENGINES

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 13 of the Civil Air Regulations to establish a 2½-minute power rating and associated test requirements for type certification of turbine engines intended for use in multiengine helicopters. Manufacturers of engines, and manufacturers and operators of multiengine helicopters may be affected by these proposed amendments.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 4, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The currently effective provisions of Part 7 of the Civil Air Regulations require for Category A that the takeoff performance shall be determined and scheduled in such a manner that, in the event of one engine becoming inoperative at any instant after the start of takeoff, it shall be possible for the rotorcraft either to return to and stop safely on the takeoff area, or to continue the takeoff climbout. For the landing approach, performance must be determined and scheduled in such a manner that, in the event of one engine becoming inoperative at any point in the approach path, it shall be possible for the rotorcraft to land and stop safely or to climbout safely. Under the present schedule of engine power ratings, takeoff power is used to show compliance with these requirements.

The Aerospace Industries Association of America, Inc., has petitioned the Administrator to issue a rule that would establish a rated power, greater than takeoff, but limited in use to two and one-half minutes to determine takeoff and approach performance when one engine of a multiengine helicopter becomes inoperative. The petitioner contends that establishment of such a rating would improve the economics of domestically built multiengine helicopters, would enhance the position of the United States manufacturers in the foreign market, and would result in no degradation of safety. In consideration of the effects of the proposed rating upon takeoff and landing performance, and pursuant to the authority vested in me by § 11.45 of the Federal Aviation Regulations [New] (27 F.R. 9585), I have concluded that the proposal made by petitioner for a two and one-half minute power rating warrants notice of proposed rule making action.

With respect to the effect of the 2½-minute rating upon engine reliability, the limitations on turbine engine power and performance are determined, in a physical sense, by considerations of the cumulative turbine blade creep, which is dependent principally upon the temperature and mechanical loads to which the blades are subjected. There has been no clear criterion for establishing the absolute power limit of a turbine engine. The power ratings that are established represent compromises intended to produce engines which have reasonable performance, a satisfactory service life, and are able to complete the endurance test program satisfactorily. When the basis for the established ratings is evaluated against the fundamental consideration of material creep, it is seen that higher temperatures and speeds than are associated with rated power levels may be attainable. To date, however, there has been no particular effort by manufacturers to exploit this capability.

To grant engine power ratings in excess of takeoff power would not be justifiable if engine reliability were adversely affected. It is recognized that there are temperatures and/or speeds for any particular engine that could result in immediate and catastrophic failure. It is also recognized that continued operation of a particular engine at temperatures and/or speeds slightly higher than its established limits would probably cause an appreciable reduction in service life. Referring, however, to the stated reasons for the industry proposal that a 2½-minute power rating be introduced, it is seen that such a rating would be needed only in the event of an engine failure during takeoff or approach to landing. Service experience so far gathered with respect to multiengine helicopters indicates that this situation occurs relatively infrequently, hence, it would be expected that an engine would rarely be called upon to deliver 2½-minute power. On this basis, it appears that establishment of 2½-minute power would not adversely affect engine reliability by subjecting turbine blades to prolonged operations at elevated temperatures or speeds. A definition of the power is proposed as a new § 13.1(b)(5). The format of the definition differs from that in the currently effective regulations. It is consistent with that of a rated power and properly does not include limitations. Similar revisions to the existing definitions of the various power and thrust ratings are being considered.

To establish that the introduction of 2½-minute power will not involve temperatures or speeds that would immediately impair engine reliability, and otherwise to establish that a satisfactory level of overall reliability exists when the selected 2½-minute rating is used, it is necessary that the endurance test schedule be modified for engines to be granted this rating. It is proposed to revise the endurance test schedule of § 13.254 to require that during the 150-hour endurance test the engine be operated at 2½-minute power during 50 periods of 2½ minutes duration. It is considered that this procedure will establish the reliability of the engine with a 2½-minute rating when operated in service under the conditions proposed for this rating.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698). The final rule, if adopted, may be in the recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, it is proposed to amend Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) as follows:

1. By amending § 13.1(b) by redesignating subparagraphs (5), (6), (7), and (8) as (6), (7), (8), and (9), and by adding a new subparagraph (5) to read as follows:

§ 13.1 Definitions.

* * * * *

(b) *General design.*

* * * * *

(5) *Two and one-half-minute power for helicopter turbine engines.* Two and one-half-minute power for helicopter turbine engines is the brake horsepower developed statically in standard atmosphere at sea level, or at a specified altitude, for one-engine-out operation of multiengine helicopters for two and one-half-minutes at rotor shaft rotational speed and gas temperature established for this rating.

2. By amending § 13.254 by adding a new paragraph (c) to read as follows:

§ 13.254 Endurance test.

. . . . .

(c) *Helicopter engines for which 2½-minute and 30-minute power ratings are desired*—(1) *Takeoff, 2½-minute power, and idling.* One hour of alternate 5-minute periods of engine operation shall be conducted at takeoff power and thrust and at idling power and thrust except that, during the third and sixth takeoff power periods, only 2½ minutes will be conducted at takeoff power and the remaining 2½ minutes will be conducted at 2½-minute power. The developed powers and thrusts at takeoff, 2½-minute, and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer. It shall be permissible to control manually during any one period the rotor speed and power and thrust while taking data to check performance. For engines with augmented takeoff ratings which involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at rated takeoff power shall be at the augmented rating. In changing the power setting after or during each period, the power control lever shall be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *Thirty-minute power.* Thirty minutes of engine operation shall be conducted at 30-minute power, or thrust, or both.

(3) *Maximum continuous power and thrust.* Two hours of engine operation shall be conducted at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours of engine operation shall be conducted at the successive power lever positions corresponding with not less than 12 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, it shall be permissible to vary the thrust and power in lieu of speed. In the event significant peak vibrations exist anywhere between ground idle and maximum continuous conditions, the number of increments chosen shall be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not exceeding 50 percent of the total time spent in incremental running. (See also § 13.251.)

(5) *Acceleration and deceleration runs.* Thirty minutes of engine operation shall be conducted of accelerations and decelerations consisting of 6 cycles from idling power and thrust to takeoff power and thrust and maintaining at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately 4½ minutes. In complying with the provisions of this subparagraph, the power-control lever shall be moved from one extreme position to the other in not more than one second except that, where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds.

(6) *Starts.* One hundred starts shall be made, of which 25 starts shall be preceded by at least a 2-hour engine shutdown. Ten starts shall be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten starts shall be normal restarts, each performed not more than 15 minutes after engine shutdown. It shall be acceptable to make the remaining starts after completion of the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and oil inlet temperatures shall be substantiated by operation at these limits during all the takeoff, 2½-minute power, 30-minute power, and maximum continuous running of the endurance test.

Issued in Washington, D.C., on August 28, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9474; Filed, Sept. 4, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-55]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS, TRANSITION AREAS, REPORTING POINTS AND CONTROL AREA EXTENSION

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 108 is designated in part from Linden, Calif., to Currant, Nev., VOR Federal airway No. 1732 is designated from Linden to Scottsbluff, Nebr. The Fresno, Calif., control area extension is bounded in part by Victor 108. The Mina, Nev., and Currant, Nev., VORs are designated as low altitude reporting points. The Currant VOR is also designated as an intermediate altitude reporting point. The Mina and Big Trees, Calif., transition areas are designated for the protection of aircraft executing holding procedures associated with operations along Victor 108.

The Federal Aviation Agency is considering the following actions:

1. Revoke the segment of Victor 108 and its associated control areas from Linden to Currant, including the south alternate between Mina and Currant.

2. Revoke Victor 1732 from Linden to Scottsbluff.

3. Revoke Mina and Currant as low altitude reporting points.

4. Revoke Currant as an intermediate altitude reporting point.

5. Revoke the Mina and Big Trees transition areas.

6. Alter the Fresno control area extension by substituting a line 5 miles south of and parallel to the Linden VORTAC 077° True radial for Victor 108 in the description of the control area extension.

The latest Federal Aviation Agency IFR Peak Day airway traffic survey for Victor 108 showed only three aircraft movements on the segment between Linden and Mina and no aircraft movements on the segment between Mina and Currant. The same survey also showed a maximum of only three aircraft movements on any segment of Victor 1732. Accordingly, it appears that the retention of Victor 1732, and the segment of Victor 108 between Linden and Currant are unjustified as assignments of airspace. With the revocation of these airways, there would no longer be a requirement for the Big Trees and Mina transition areas nor the Mina and Currant reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9460; Filed, Sept. 3, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 5]

FARMERS MUTUAL HAIL INSURANCE COMPANY OF IOWA

Surety Company Acceptable on Federal Bonds

AUGUST 30, 1963.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $995,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20220.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office
Iowa; Farmers Mutual Hail Insurance Company of Iowa; Des Moines, Iowa.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 63-9489; Filed, Sept. 4, 1963; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Department of the Navy

U.S. NAVAL SUBMARINES

Distinctive Lights Authorized for Submarines

The Secretary of the Navy on 30 July 1963, in accordance with Rule 13(a) International Rules and Article 13, Inland Rules, authorized the display of a distinctive light by U.S. Naval submarines in international waters and in the inland waters of the United States. The light will be exhibited in addition to the presently prescribed navigational lights for submarines.

The normal navigational lights of submarines have been found to be easily mistaken for those of small vessels when in fact submarines are large deep draft vessels with limited maneuvering characteristics while they are on the surface. The newly authorized light is expected to promote safety at sea by assisting in the identification of submarines.

United States submarines may therefore display an amber colored rotating light producing 90 flashes per minute visible all round the horizon at a distance of at least three miles, the light to be located approximately six feet above the masthead light.

(Sec. 1 (Art. 13), 30 Stat. 99, sec. 6 (Rule 13(a)), 65 Stat. 415; 33 U.S.C. 145k(a), 182)

[SEAL] ROBERT D. POWERS, JR.,
Acting Judge Advocate General of the Navy.

AUGUST 29, 1963.

[F.R. Doc. 63-9487; Filed, Sept. 4, 1963; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 4]

ALASKA

Small Tract Classification; Cancellation

AUGUST 28, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 3, Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, that Small Tract Classification Order No. 4 of January 10, 1961, which classified the following lands for disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), or for selection by the State of Alaska under the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) is hereby cancelled:

FAIRBANKS MERIDIAN, ALASKA

T. 1 S., R. 1 W.,
Sec. 9: Lot 12 and SW¼SW¼.

Containing 72.64 acres.

U.S. SURVEY 3148, ALASKA

Lots 109–114, 121–132 and 136–186.

Containing 41.05 acres.

2. This order will take effect immediately. Cancellation of this order does not extinguish any valid, existing rights established thereunder and does not preclude the selection by the State of Alaska of any of the above lands, otherwise available for selection, under any of the laws applicable thereto.

Gerald G. Wright,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-9466; Filed, Sept. 4, 1963; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Virginia a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

Albermarle.	Highland.
Alleghany.	James City.
Amelia.	King and Queen.
Amherst	King George.
Appomattox.	King William.
Augusta.	Lancaster.
Bath.	Loudoun.
Bedford.	Louisa.
Botetourt.	Lunenburg.
Brunswick.	Madison.
Buckingham.	Mathews.
Campbell.	Mecklenburg.
Caroline.	Middlesex.
Charles City.	Montgomery.
Charlotte.	Nelson.
Chesterfield.	New Kent.
Clarke.	Northumberland.
Craig.	Nottoway.
Culpeper.	Orange.
Cumberland.	Page.
Dinwiddie.	Patrick.
Essex.	Pittsylvania.
Fairfax.	Powhatan.
Fauquier.	Prince Edward.
Floyd.	Prince George.
Fluvanna.	Prince William.
Franklin.	Rappahannock.
Frederick.	Richmond.
Giles.	Rockbridge.
Gloucester.	Rockingham.
Goochland.	Shenandoah.
Greene.	Spotsylvania.
Halifax.	Stafford.
Hanover.	Warren.
Henrico.	Westmoreland.
Henry.	York.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of August 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9473; Filed, Sept. 4, 1963; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ADMINISTRATOR, MARITIME ADMINISTRATION

Authority To Appoint Special Policemen

1. Pursuant to the authority vested in the Secretary of Commerce by law and by delegation of authority No. 413 of May 18, 1962, from the Administrator, General Services Administration authority is hereby delegated to the Administrator,

Maritime Administration to appoint uniformed guards as special policemen with

property over which the United States has

Maritime Administration to appoint uniformed guards as special policemen with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281), for protection duties on those parcels of property at the United States Merchant Marine Academy, Kings Point, New York over which the United States Government has acquired exclusive criminal jurisdiction.

2. This authority shall be exercised strictly in accordance with the attachment entitled "Authority of Special Police"[1] and any other standards, procedures or regulations hereafter prescribed by the General Services Administration.

3. There shall be submitted to the General Services Administration an annual report at the close of each fiscal year summarizing operations under this delegation of authority. The report shall be in the form prescribed by the General Services Administration for the purpose.

4. This authority may be redelegated to such officials of the Maritime Administration as the Administrator may deem necessary.

5. This delegation shall be effective as of the following date.

Dated: August 29, 1963.

LUTHER H. HODGES,
Secretary of Commerce.

AUTHORITY OF SPECIAL POLICE

Special Police. The Administrator of General Services and duly authorized officials of the General Services Administration are authorized by law to appoint special policemen. Pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471) the Administrator may delegate that authority to the heads of Federal agencies when so requested by such agencies. The Act of May 27, 1924, as amended (D.C. Code 4–208), and the Act of June 1, 1948, as amended (40 U.S.C. 319) the pertinent provisions of which are set forth hereunder, specify the degree of police power conferred and the scope of activity of such special police.

1. *Act of May 27, 1924.* Under this enactment and subsequent transfers of functions and authorities, the Administrator of General Services is authorized to appoint special policemen, without compensation, to police reservations under his jurisdiction in the District of Columbia. These special policemen have the same powers and perform the same duties as the United States Park Police and the Metropolitan Police Force of the District of Columbia but such powers are restricted to reservations within the District of Columbia and under the control of the Administrator of General Services.

2. *Act of June 1, 1948.* Under this enactment, the Administrator of General Services is authorized to appoint uniformed guards as special policemen, without additional compensation, for duty in connection with the policing of public buildings and other areas under the jurisdiction of the General Services Administration. These special policemen have the same powers as sheriffs and constables, upon such Federal property, to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce rules and regulations made and promulgated by the Administrator or other duly authorized officials. The jurisdiction and police powers of these special policemen are restricted to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction.

Definitions:

1. *Exclusive Federal Criminal Jurisdiction* exists when the Federal Government has the exclusive right to enforce the criminal laws in effect in a location or area, ordinarily one which is owned by the United States. Such jurisdiction is obtained through legislation by the State in which the property is located, or in the enabling act governing the admission of the State. Where such jurisdiction exists the State and local authorities have no responsibility for criminal law enforcement, which rests entirely upon the Federal Government.

2. *Concurrent Federal Criminal Jurisdiction* exists when the Federal Government and the State in which the property is located both enforce criminal laws in a location or area. The State jurisdiction usually results from the reservation by the State of the right concurrently to exercise the same or part of the same powers as are vested in the Federal Government.

Local Procedures. When properties over which the Federal Government has exclusive or concurrent criminal jurisdiction are guarded by special police every effort must be made to obtain the co-operation of local and Federal law enforcement agencies, as well as other protection organizations in the vicinity. Mutual assistance agreements should be entered into with these agencies in order to cope with large scale disorders, the handling and prosecution of Federal prisoners, fire fighting, and any other mission of the special police which might require more manpower, equipment, or facilities than are at their immediate disposal. Special policemen must be thoroughly instructed in the type of jurisdiction applicable to each facility in which they operate, their authorities under such jurisdiction, and the procedures which they should follow.

[F.R. Doc. 63–9506; Filed, Sept. 4, 1963; 8:48 a.m.]

[1] Filed as part of the original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

B. F. GOODRICH CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1191) has been filed by the B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, proposing that paragraph (c)(4)(i) of § 121.2562 *Rubber articles intended for repeated or continuous use* be amended by inserting alphabetically therein the following new items:

Butadiene-acrylonitrile-methacrylic acid copolymer.
Butadiene-styrene-methacrylic acid copolymer.

Dated: August 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63–9490; Filed, Sept. 4, 1963; 8:47 a.m.]

MONSANTO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Sodium Dodecylbenzenesulfonate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1042) has been filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, proposing the issuance of a regulation to provide for the safe use of sodium dodecylbenzenesulfonate in mixtures employed for lye-peeling and washing fruits and vegetables, with a requirement that the application be followed by potable water rinse.

Dated: August 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63–9491; Filed, Sept. 4, 1963; 8:47 a.m.]

SURGETS CO., INC.

Notice of Filing of Petition Regarding Food Additive Salicylic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1215) has been filed by The Surgets Company, Inc., Spring Valley, Minnesota, proposing the amendment of § 121.249 *Food additives for use in milk-producing animals* by adding thereto a new paragraph (b), to provide for the safe use of salicylic acid:

(b) It is used or intended for use for the removal of scar tissue in the teat canal of milk-producing cows.

(1) It contains in each dose 0.55 gram of salicylic acid (in gum arabic and dextrin vehicle).

(2) Each dose is incorporated upon a mechanical device (teat dilator) suitable for insertion in and subsequent removal from the teat canal.

(3) The method of treatment is as follows: Treat lactating cows initially by inserting dosage and removal of the device. Insert the second dose and permit device to remain in the canal until the next milking. Insert one dose following each milking for not more than 2 days.

(4) Milk that has been drawn from animals within 48 hours after such treatment may not be used for food.

Dated: August 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63–9492; Filed, Sept. 4, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14726; Order E–19962]

ALASKA AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of August 1963.

Discounts with respect to Category A and Z Fares, proposed by Alaska Airlines, Inc. and Pan American World Airways, Inc.; Docket No. 14726.

By tariff revision[1] marked to become effective September 1, 1963, Alaska Airlines, Inc., proposes to make children's and family fare discounts applicable to military personnel traveling on Category A or Z with Government Transportation Requests between Seattle and Fairbanks and between Seattle and Anchorage via Fairbanks. Pan American World Airways, Inc., as a defensive measure, filed a similar revision[2] marked to become effective September 5, 1963, and confined the applicability of Category A and Z fares to its tourist flights between Seattle and Fairbanks, and the applicability of the discounts to round trip tickets.

The subject proposals would offer free transportation to infants, 50 percent reduction to children between 2 and 12 years of age, and 33⅓ percent reduction to spouses and children between 12 and 22 years of age.

Northwest Airlines, Inc., and Pacific Northern Airlines, Inc., have filed complaints (Dockets 14704 and 14697) against Alaska's filing, requesting suspension and investigation. In essence, the complaining carriers urge that the proposal of Alaska is unlawful since it (1) results in individual fares which range between 1.37 cents and 1.85 cents per passenger mile, and thus would be uneconomically and unreasonably low, and far below the established minimum rates for planeload charters, (2) will not generate any additional traffic, but rather will only serve to dilute revenues, (3) is being implemented by Alaska through its reliance on subsidy, and (4) is an effort to divert traffic from other carriers.

Alaska has filed a complaint (Docket 14711) against Pan American's defensive tariff, requesting that, in the event the Board takes action with respect to its own filing, similar action be taken on Pan American's proposal, and that the two matters be treated together.

Upon consideration of the matters contained in the filings and complaints, the Board finds that the subject proposal may result in unjustifiably low fares and yields in light of the fact that it is unlikely that sufficient new traffic will be generated to offset the dilution which will result. Additionally, children's and family fare discounts have historically not been available in conjunction with special fares similar to those involved here, and such practice may have a disruptive effect on the market involved and the revenues of the carriers, as well as possible adverse subsidy implications. Consequently, it is found that the proposals of Alaska and Pan American outlined above should be investigated. In view of the unusually low yields involved and resulting harmful effects upon the revenues of the carriers in these markets, and especially because of the involvement of substantial subsidy funds in regard to the services in these markets, suspension of the effectiveness of the applicable tariff provisions appears to be warranted.

Since the issues presented by the proposals of Alaska and Pan American are closely related, the request of Alaska to consider the matters together will be granted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions of paragraph 5. on 7th Revised Page 4 of Alaska Airlines, Inc., C.A.B. No. 72 and Rule 6 (including the Exception thereto) on 3rd Revised Page 3 of Agent R. C. Lounsbury's C.A.B. No. 338 are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful, to determine and prescribe the lawful provisions.

2. Pending hearing and decision by the Board, paragraph 5, on 7th Revised Page 4 of Alaska Airlines, Inc., C.A.B. No. 72 and Rule 6 (including the Exception thereto) on 3d Revised Page 3 of Agent R. C. Lounsbury's C.A.B. No. 338, are suspended and their use deferred to and including November 29, 1963, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The investigation ordered herein be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order will be served upon Alaska Airlines, Inc., Pan American World Airways, Inc., Pacific Northern Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

5. The complaints of Northwest Airlines, Inc. (Docket 14704), Pacific Northern Airlines, Inc (Docket 14697), and Alaska Airlines, Inc. (Docket 14711), are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63–9501; Filed, Sept. 4, 1963; 8:48 a.m.]

[1] Alaska Airlines' C.A.B. No. 72.
[2] Agent Lounsbury's C.A.B. No. 338.

[Docket No. 14727; Order E–19973]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action on Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August 1963.

Agreement adopted by the members of Traffic Conference 1 of the International Air Transport Association relating to passenger sales agency rules, Agreement CAB 17165, Docket No. 14727.

On June 13, 1963, the members of Traffic Conference 1 of the International Air Transport Association (IATA) filed, pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), an amendment to the passenger sales agency rules, which was adopted by mail vote for intended effectiveness on September 1, 1963.

The resolution provides a separate set of passenger sales agency rules (810a Part II) and the related form of agency application (810q) to be applicable within the United States (including possessions in Traffic Conferences 1 and 3). The rest of Traffic Conference 1 would continue to be governed by the current resolution, which would be designated 810a Part I and amended to eliminate its effectiveness in the United States.

The major changes contained in the resolution are given in the appendix[1]; however, certain of them may be briefly described here. Under the new rules, an application for a passenger sales agency could be approved or disapproved by the Conference Secretary; at present, such action may be taken only by the Agency Subcommittee which is required to meet not less than twice a year for such purpose. If the application meets specified requirements, the Secretary would be obligated to enter into a sales agency agreement with the applicant within thirty to sixty days after receipt of the application.

The resolution contains a number of new requirements including certain specific experience qualifications for the agency's owner, officers, or managerial employees. In addition, the application must be accompanied by a surety bond in the amount of $10,000 or an undertaking by a surety company to issue same when the application is approved. In addition to prohibitions against approval contained in the presently effective agreement, the Conference Secretary may not approve an application where a customer of the applicant has any interest therein; where the agency would be located in a private residence, airport or airport terminal building, or hotel having an interest in the applicant; where the applicant's experience qualifications do not meet the stated requirements; or where statements in the application are erroneous or fraudulent or where the applicant's ethical practices are unsatisfactory. In addition, there is continued the present restriction against approval where "the applicant's financial or credit standing is unsatisfactory." Applications unable to be approved by the Conference Secretary may be referred to the Agency Subcommittee which may, for example, accept a demonstration of promotional willingness, ability and activity on the part of the applicant in lieu of the experience requirements.

The resolution further provides that, during the first twelve months following a successful application, the agent will

[1] Filed as part of the original document.

increase the bond quarterly to an amount

for lack of production are objectionable;

increase the bond quarterly to an amount equal to the highest average monthly gross sales during any quarter of such twelve - month period.[3] Effective January 1, 1964, each agent and each branch office location on the agency list will be required to procure and maintain a bond. No single agency location will be required to maintain a bond in excess of $50,000, and no agent operating more than one location will be required to maintain a bond in excess of $100,000 to cover all locations. Failure to maintain a bond may result in suspension, including withdrawal of tickets and exchange orders, and, if not corrected within 30 days after notice of the suspension, in termination of the sales agency agreement.

Supplemental information submitted by IATA[4] shows that, as of December 31, 1962, there were 4,576 IATA-approved passenger sales agents in the U.S., and that approximately 3,223 IATA agents in the U.S. are also approved by the Air Traffic Conference of America (ATC). Defaults in the past three years, according to IATA, were as follows:

Year	Reported defaults	Total amount
1960	17	$180,309
1961	22	131,052
1962	39	262,523

It is further noted by IATA that the minimum bond of $10,000 represents sales of $120,000 per annum and commissions of $8,400; that such commissions are considered to represent minimum income which an agent could earn and reasonably expect to remain solvent; and that the maximum bonds of $50,000 for a single location and $100,000 for agents with multiple locations[5] are considered to provide adequate, but not excessive protection.

On August 13, 1963, the American Society of Travel Agents (ASTA) submitted comments opposing the bonding requirement and various detailed provisions, but not the aims, of the balance of the resolution. ASTA indicates that, prior to approval of a bonding requirement, IATA should be required to demonstrate, among other things, that a bond is essential to the protection of IATA carriers; that there is no other objective way of assuring the financial responsibility of agents; that a reasonable correlation exists between the minimum bonding coverage proposed by IATA and "the average report period sales" of IATA agents in Traffic Conference 1; and that the discrimination in imposing a bond requirement on U.S. passenger sales agents only is reasonable and justified. Beyond comments on bonding, ASTA notes that the experience requirements for agency owners or other personnel are too vague; that provisions permitting completely discretionary revocation of an agent's appointment by the Agency Subcommittee for lack of production are objectionable; and that numerous other named provisions are inequitable, discriminatory and unjustified.

The general purpose of the resolution, as the Board would understand it, is to replace subjective standards where possible with more definitive criteria governing the approval of agents, to expedite the consideration of agency matters by granting broader powers to the Conference Secretary, and to assist administrative processes by delineating more clearly the agency procedures which are applicable to the U.S. only. Such aims are noteworthy and the resolution, considered broadly, may contribute significantly to the expedition with which IATA agency matters are handled. The detailed procedures, however, are obviously of substantial interest to the agency industry. Hence, the Board will provide an opportunity for agents, as well as carriers and any other interested persons, to submit comments on the matter.[6] Subject to any modifications which may be warranted as a result of the submissions of interested persons, the Board would, in general, favor approval of the provisions of the resolution which do not relate to the bonding program.[8] Insofar as the bonding requirements are concerned, it is questionable, on the basis of the present record, whether our full approval is warranted.[7]

The proposed bonding program for IATA agents suggests several questions: What specific difficulties, if any, prompted the apparent need for additional measures to protect carrier funds? Assuming such measures are necessary, why was bonding selected over other possible alternative procedures? If bonding represents the best solution, what are the merits of the particular program? Would it not be preferable, in the interest of economy and efficiency, to develop a joint ATC–IATA bonding program?

In connection with the foregoing, we recognize that the bonding program contemplated by IATA is similar to that established earlier by agreement among the members of ATC. A major benefit of the ATC program, however, consisted of the elimination of the subjective requirement that agents possess a satisfactory credit standing. By contrast, the Board notes the retention in the instant resolution of the existing prohibition against approval of applicants showing an unsatisfactory financial or credit standing. In view of the retention by IATA of a subjective criterion of this type, it is questionable whether the bonding program is actually to be a significant factor in the screening of applications.

Similarly, the ATC bond eliminated the requirement that agents maintain trust accounts, in handling airline funds. Such trust account procedure has not been an IATA requirement; hence, there is no corresponding offset in the adoption of the IATA bond. In fact, there is no evidence that further precautionary measures are necessary. Finally, in weighing the significance of the figures submitted by IATA as to losses from agents' defaults as supporting the need for a bond, we must note that no adjustment has been made for subsequent recoveries to show the actual net losses of the carriers. Such net figures, in turn, are not related to IATA agents' sales volume for the years shown. Accordingly, in the absence of such data, the need for carrier protection is difficult to evaluate.

However, assuming there is a need for the bonding of IATA agents, either for more protection or as a substitute for current subjective credit standards, we reach the question of whether a joint ATC–IATA bond would be preferable to an entirely separate IATA program. It would appear that the latter may cause agents to maintain bond coverage in excess of that required to accomplish the intended objectives, resulting in unnecessary costs to the agency industry. For example, an agent maintaining separate bonds in the minimum amount ($10,000) for both ATC and IATA may conceivably have combined domestic and international sales that are substantially less than the $20,000 total of the two bonds.[9] In this connection, the Board does not understand that an agency with sales of transportation for IATA carriers of less than $10,000 per month would, on that account alone, represent an uneconomic operation. Such a firm might act as agent for travel and transportation interests unrelated to IATA and generate a reasonable profit margin on its overall business. Nor would we share IATA's belief that a firm with combined ATC–IATA sales under $10,000 per

[3] Thereafter, such increases may be made semiannually.

[4] Letter dated July 31, 1963, in response to an inquiry of July 5 from the Board's staff.

[5] The amount is based on the smallest such multiple unit—a head office and one branch.

[6] ASTA's comments raise a number of questions which the Board will consider in light of any responses to this order. We understand that such comments have been served upon members of Traffic Conference No. 1.

[8] The resolution retains a provision, section J, subparagraph 1(f), subjecting members' paid advertising in an agents' trade journal to unanimous approval by the Agency Subcommittee. By Order E–19383, dated March 18, 1963, the Board did not approve the application of this provision to the United States. Reference is also made to that portion of the resolution dealing with commissions on transportation sold to an agency's owners, employees, etc., section I, subparagraph 4(b). The Board's views on this matter are as set forth in Order E–19876, dated August 2, 1963.

[7] It appears that the bonding and nonbonding provisions of the resolution are not inter-related and may be considered separately.

[9] Aside from the apparent excess bond coverage which would result from separate ATC and IATA programs, the same situation may obtain to a lesser extent under the IATA proposal alone, particularly as it applies to agents with multiple branches. Thus, the head office and each branch location must maintain a bond in the minimum amount of $10,000. It appears that such individual bonds are not combinable into a single bond unless and until the total sales of an agent with, for example, a head office and one branch are such as would require a bond in excess of $20,000. Nor does the resolution specifically provide for downward adjustments in bonds above the minimum amount in case of decreased sales. In addition to comments on these matters, the Board would be interested in receiving further information on the bases for the adoption of the $10,000 minimum and the $50,000 and $100,000 maximum bond limits.

month no matter where located must necessarily be considered unproductive. Even if this contention were correct, however, it would not appear to represent an acceptable criterion for setting the minimum amount of a bond.

While we have no information as to the number of IATA agents which would qualify for the minimum $10,000 bond, we recently received data from ATC indicating that approximately 55 percent of its bonded agents so qualified. To require such agents to maintain an entirely separate minimum $10,000 bond related to IATA business may represent an undesirable and needless burden on agents least able to afford it. Since the approximately 3,223 agents holding both IATA and ATC authority represent a clear majority of the total number of agents in both groups, there may be overbonding and resultant unjustifiable cost burden upon agents if the resolution were implemented in its present form.[8] The Board understands that the adoption of a joint bonding program for IATA and ATC has not been formally discussed between the two associations; that there is a degree of sympathy on the part of a number of IATA members for a joint bond; and that a majority, while not opposed to it, "apparently holds the view that since the average cost of an international ticket is approximately sixteen times greater than the average cost of a domestic ticket (283.00–17.50), it is necessary to first obtain specific IATA experience in the matter of agents' bonds."[10]

On the basis of available information, we are unable to discern any reason why a period of experience with a separate IATA bond would be either necessary or desirable, particularly in view of the apparent overbonding, and resultant higher costs to agents. Similarly, the fact that the average international ticket has a higher value than a domestic one would not appear to bar cooperative action in the bonding area, since the amount of the bond would not be related to such average ticket prices, but rather to the agents' gross sales of passenger transportation on behalf of IATA and ATC carriers.

As indicated above, the Board has decided to defer further action to afford interested persons an opportunity to comment upon the questions raised, or upon any other aspects of the agreement.

Accordingly, it is ordered:

1. That action on Agreement C.A.B. 17165 be and it hereby is deferred;

2. That any interested persons desiring to file comments with respect to the matters discussed in this order shall file such comments within 30 days after the issuance of this order. Such comments shall conform with the general requirements of the Board's rules of practice in economic proceedings, and should be submitted in triplicate to the Board's Docket Section; and

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63–9502; Filed, Sept. 4, 1963; 8:48 a.m.]

[8] Aside from the problem of over-bonding, there are certain dissimilarities with the ATC program. We have already noted the IATA requirement of a $10,000 bond for each agency location (subject to a maximum of $100,000), as opposed to ATC's single bond with a $50,000 maximum for an entire agency firm. In addition, unlike ATC, the IATA program does not permit bank travel departments or agents with net worth in excess of $75,000 to maintain a bond in the minimum amount. These variations would appear to pose certain additional costs for IATA agents by comparison with the ATC program, and the precise basis and/or justification for such differing treatment is not readily apparent to the Board.

[10] See footnote 2, supra.

[Docket No. 13777; Order E–19969]

JOINT CONFERENCE 1–2 OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August 1963.

Agreements adopted by Joint Conference 1–2 of the International Air Transport Association relating to specific commodity rates, Docket No. 13777, Agreement C.A.B. 17232, Agreement C.A.B. 17233, R–1.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA). The agreements were adopted by mail vote and at the 20th meeting of the Atlantic Specific Commodity Rates Board held at Paris, July 2–5, 1963. The agreements have been assigned the above-designated C.A.B. Agreement numbers.

The agreements relate to specific commodity rates. Insofar as air transportation is concerned it extends for a further period of effectiveness certain current rates; names additional rates and amends rates under existing descriptions; cancels certain items and rates; amends descriptions; and names rates under commodity descriptions not now in effect, including salmon, razor blades, sweaters, sewing machine needles, cutting tools, drinking and first-aid kits and other kits. Increases will be effected on shipments of furs, skins and pelts to and from Beirut, Cairo, Damascus and Teheran. By amending the commodity description containing electronic data processing machine and computer parts to now include the complete machines and computers, this equipment will move at significantly lower rates and the reductions will apply on traffic to and from the United States. Similarly, telephone, telegraph, and teletype apparatus and parts will be afforded reduced rates through its inclusion in the description of electronic control panels and parts. In addition, rates are reduced on magazines, periodicals, books, and parts thereof in certain markets to and from the United States by the establishment of additional weight breaks.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds that, on the basis of all the facts presently known, Resolution JT12 (Mail 325) 590n, which is incorporated in Agreement C.A.B. 17232, does not affect air transportation within the meaning of the Act.

2. The Board does not find Resolutions JT12 (Mail 325) 590k and JT 12 (Mail 325) 590m, which are incorporated in Agreement C.A.B. 17232, and Agreement C.A.B. 17233, R–1, promulgated in IATA Memoranda JT12/MEET 44 and 45, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 17232 contained in Resolution JT12 (Mail 325) 590n; and

2. Agreement C.A.B. 17233, R–1, and that portion of Agreement 17232 contained in Resolution JT12 (Mail 325) 590k and JT12 (Mail 325) 590m, are approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreements, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63–9503; Filed, Sept. 4, 1963; 8:48 a.m.]

[Docket No. 13777; Order E–19978]

JOINT CONFERENCE 3–1 OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August 1963.

Agreement adopted by Joint Conference 3–1 of the International Air Transport Association relating to specific commodity rates, Docket No. 13777, Agreement C.A.B. 17004, R–8.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regu-

lations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3–1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names an additional specific commodity rate as follows:

Item 0751—Ginger. Rate: 202 cents per kilogram, minimum weight 500 kilograms, from Manila to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered; That Agreement C.A.B. 17004, R–8, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-9504; Filed, Sept. 4, 1963; 8:48 a.m.]

[Docket No. 13777; Order E-19975]

TRAFFIC CONFERENCE 1 OF INTERNATIONAL AIR TRAFFIC ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August 1963.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 13777, Agreement C.A.B. 17280, R–2.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names an additional specific commodity rate as set forth below:

Agreement C.A.B. 17280	IATA memorandum	Commodity item	Rates
R–2.....	TC1/Rates 1754.	4700	64 cents per kilogram; minimum weight, 45 kilograms; Seattle to Mexico City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R–2, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-9505; Filed, Sept. 4, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15155]

ROBERT L. BONNELL

Order To Show Cause

In the matter of Robert L. Bonnell, Lawton, Oklahoma, order to show cause why there should not be revoked the license for radio station KEG4411 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated April 19, 1963, alleging the violation of §§ 19.61 (a), (f), (g), and 19.62 of the Commission's rules.

It further appearing that said licensee did not reply to such communication or to a follow-up letter dated May 7, 1963, also mailed to the licensee at his address of record; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 14th day of August 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 1003 Dearborn Avenue, Lawton, Oklahoma.

Released: August 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9511; Filed, Sept. 4, 1963; 8:49 a.m.]

[Docket No. 15153]

HOLLIS M. FORRESTER

Order To Show Cause

In the matter of Hollis M. Forrester, Lake Jackson, Texas, order to show cause why there should not be revoked the license for radio station WE9875 aboard the vessel "Carleen F."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated May 7, 1963, also mailed to the licensee at his address of record; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 14th day of August 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 107 Southern Oak Drive, Lake Jackson, Texas.

Released: August 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9513; Filed, Sept. 4, 1963; 8:49 a.m.]

[Docket No. 15156]

FRED E. KRUSE

Order To Show Cause

In the matter of Fred E. Kruse, Long Beach, California, order to show cause why there should not be revoked the license for radio station KFA–9557 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated May 28, 1963, alleging violation of § 19.33 of the Commission's rules.

It further appearing that said licensee did not reply to such communication or to a follow-up letter dated May 28, 1963, also mailed to the licensee at his address of record; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 14th day of August 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 821½ Daisy, Long Beach, California.

Released: August 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9514; Filed, Sept. 4, 1963; 8:49 a.m.]

[Docket No. 15152]

CHARLES D. PETTIS

Order To Show Cause

In the matter of Charles D. Pettis, Las Vegas, Nevada, order to show cause why there should not be revoked the license for radio station KEJ1859 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated June 5, 1963, alleging violation of § 19.33 of the Commission's rules.

It further appearing that said licensee did not reply to such communication or to a follow-up letter dated July 5, 1963, also mailed to the licensee at his address of record; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 14th day of August 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 208 North Ninth Street, Apartment 2, Las Vegas, Nevada.

Released: August 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9515; Filed, Sept. 4, 1963; 8:49 a.m.]

[Docket No. 15154]

CHARLES A. SCHLICHT

Order To Show Cause

In the matter of Charles A. Schlicht, Encinitas, California, order to show cause why there should not be revoked the license for radio station 11W2882 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated April 24, 1963, alleging violation of § 19.33 of the Commission's rules.

It further appearing that said licensee did not reply to such communication or to a follow-up letter dated May 1, 1963, also mailed to the licensee at his address of record; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 14th day of August 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) or Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 332 Laveta Street, Encinitas, California.

Released: August 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9516; Filed, Sept. 4, 1963; 8:49 a.m.]

[Docket No. 15124; FCC 63M-938]

DUTCHESS COUNTY BROADCASTING CORP. (WKIP)

Order Rescheduling Prehearing Conference

In re application of Dutchess County Broadcasting Corporation (WKIP), Poughkeepsie, New York, for construction permit; Docket No. 15124, File No. BP–14824.

The Hearing Examiner having for consideration the request by respondent, Hudson Valley Broadcasting Corporation, for postponement to September 11 of the September 9 date now scheduled for a prehearing conference in this proceeding;

It appearing that good cause has been shown for the requested change;

It is ordered, This 27th day of August 1963, that the request is granted and that the prehearing conference is rescheduled for September 11, 1963, at 9:00 a.m. in the offices of the Commission in Washington, D.C.

Released: August 28, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9512; Filed, Sept. 4, 1963; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PENSON AND CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46

U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements.

Agreement No. FF-927 between Penson & Company, New York, N.Y., and G. E. Posey Corp., Houston, Tex., is an arrangement under which forwarding and service fees will be divided as agreed and ocean freight compensation shared equally (50 percent/50 percent).

Agreement No. FF-936 between Interamerican Forwarding Corporation, Los Angeles, Calif., and Jahrett Shipping, Inc., New York, N.Y., is an arrangement under which forwarding and service fees will be divided as agreed and ocean freight compensation shared equally (50 percent/50 percent).

Agreement No. FF-939 between Cosdel International Company, San Francisco, Calif., and J. T. Steeb & Co., Inc., Portland, Oreg., is an arrangement under which forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the originating party.

Agreement No. FF-928 between Geo. S. Bush & Co., Inc., Portland, Oreg., and Dineen Shipping Service, New York, N.Y., is a working arrangement under which forwarding and service fees will be divided as agreed. Ocean freight compensation is to be divided equally only if the amount exceeds $1.99 for the performing forwarder.

Agreement No. FF-831 between J. R. Michels, Inc., Houston, Tex., and all branch offices, and O. W. Lochner, Inc., New York, N.Y., is a working arrangement under which all forwarding and service fees will be retained by the party performing the service. Ocean freight compensation will be divided equally (50 percent/50 percent) between the parties.

Agreement No. FF-940 between J. S. Lipinski Company, Toledo, Ohio, and Uno Shipping Co., Inc., New York, N.Y., is an oral informal arrangement under which J. S. Lipinski Company will try to avail themselves in Toledo, Ohio, New Orleans, La., Baltimore, Md., and other ports where Uno Shipping Co., Inc., maintains offices. Uno Shipping Co., Inc., will try to avail themselves to J. S. Lipinski Company for services on shipments through the port of New York.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway
New York, N.Y.

180 New Montgomery Street
San Francisco, Calif.

Room 333 Federal Office Building South
600 South Street
New Orleans 12, La.
Mail address:
Post Office Box 30550
Lafayette Station
New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 30, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9507; Filed, Sept. 4, 1963; 8:48 a.m.]

PARTIES COMPRISING NORDANA LINE

Notice of Filing of Modification of Joint Service Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8960-1, between Skibsaktieselskabet Varild, Aksjeselskapet Marina, Aktieselskabet Glittre, Dampskibsinteressentskabet Garonne, Aktieselskabet Standard, and Fearnley & Egers Befragtningsforretning A/S (Fearnley Companies), and Det Forenede Dampskibs-Selskab A/S (Forenede), parties to joint service Agreement 8960, and operating under the trade name of Nordana Line, modifies the basic agreement to provide for the enlargement of its geographical scope and trades to include the trades between ports in the United States and its districts, territories and possessions and ports in Mexico, Central America, the Caribbean Sea, the West Indies, Colombia, Venezuela, British Guiana, Surinam, French Guiana, and ports in Brazil from and including Recife to the border of French Guiana, but such trades shall not include any transportation within the purview of the coastwise laws of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C. within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 30, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9508; Filed, Sept. 4, 1963; 8:48 a.m.]

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Filing of Application

Notice is hereby given that the Pacific Coast European Conference (Agreement No. 5200) has filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, an application for permission to increase the spread between contract and non-contract rates on cargo moving under its exclusive patronage (dual rate) contracts from that reflected in Conference Tariff No. 13 ("Except as otherwise specifically provided, non-contract rates will be determined by the addition of 15 cents to the contract rates shown on a '100#' basis, $3.00 to contract rates shown on a 'W/M' basis, and $3.35 to contract rates shown on a '2240#' basis") to 15 percent of the non-contract rates in the trade from Pacific Coast Ports of the United States and Canada to ports of call in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon (except the Black Sea), and French Morocco.

Interested parties may inspect a copy of the contract and the application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C. within 20 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such application and their position as to approval or disapproval thereof, together with a request for a hearing, should such hearing be desired.

Dated: August 30, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9509; Filed, Sept. 4, 1963; 8:48 a.m.]

U.S. ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 6200-7, between the member lines of the U.S. Atlantic and Gulf/Australia-New Zealand Conference, modifies the basic agreement of that conference, No. 6200, as amended, to provide that (1) any member line operating from Canadian ports (excluding Pacific Coast ports) to ports within the scope of Agreement 6200 will observe any rate maintenance agreement existing between the conference members and any carrier or carriers operating from said Canadian ports to ports within the scope of Agreement 6200; (2) so long as there is in effect a rate maintenance agreement, as described above, freight contracts concluded by the conference members will include all parties to such rate maintenance agreement and will cover such Canadian ports as well as the United States ports covered by Agreement 6200; (3) in the event of there being no such maintenance of rate agreement in effect, the conference members will quote conference rates from Canadian ports to the destinations covered by Agreement 6200, provided however, that they may take independent action upon giving 48 hours prior notice to the conference secretary of the rate or rates they intend to quote; and (4) conference actions, other than actions modifying the conference agreement, shall require two-thirds assent of all the member lines.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9510; Filed, Sept. 4, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-215]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Notice of Motion To Amend Opinion and Order

AUGUST 29, 1963.

Take notice that on July 5, 1963, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), filed a "Motion to Amend Opinion and Order" requesting amendment to Opinion No. 389, Kansas-Nebraska Natural Gas Co., Inc., Docket No. CP62-215, issued May 27, 1963. Kansas-Nebraska requests permission (1) to connect to its system two new alfalfa dehydration plants to be located at Winside, Nebraska and Sargent, Nebraska and (2) to construct 10.0 miles of 3-inch pipeline and 2.0 miles of 2-inch pipeline to serve Winside rather than the 12.0 miles of 2-inch pipeline authorized by Opinion No. 389. Further, Kansas-Nebraska asks us to provide that the revenues to be derived from the alfalfa plant sales are to be excluded from the calculation of the investment to be made by Kansas-Nebraska for lateral construction.

Kansas-Nebraska is willing to provide this service if it can be provided on the same terms as it serves other such plants in Nebraska. These terms include payment to Kansas-Nebraska by the plants of the cost of any transmission lateral line required to serve it and sales on an interruptible basis at the standard rate of 28 cents per Mcf. The owners of the proposed plant in Winside have agreed to pay the increase in cost associated with the increased size which is estimated to be approximately $20,000. No additional investment, other than meters and regulators, is needed to serve interruptible natural gas to the dehydration plant to be built in Sargent. That customer has agreed to make a contribution in aid of construction of $10,000. This contribution in aid of construction will be deducted from the amount of contribution to be collected by Kansas-Nebraska from the other customers in Sargent and Comstock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9494; Filed, Sept. 4, 1963; 8:47 a.m.]

[Project No. 2367]

MAINE PUBLIC SERVICE CO.

Notice of Application for License

AUGUST 29, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Maine Public Service Company (correspondence to: R. A. Brown, Treasurer, P.O. Box 828, Presque Isle, Maine) for license for constructed Project No. 2367, known as the Caribou Hydraulic Plant, located on the Aroostook River, Township of Caribou, Aroostook County, Maine.

The project consists of a rock-filled timber crib dam with concrete cap, 14 feet high and 450 feet long, and brick and concrete powerhouse containing two water-wheels of 535 horsepower each, and two generators of 400 kilowatt capacity each.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 28, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9495; Filed, Sept. 4, 1963; 8:47 a.m.]

[Docket No. RI60-448]

FRANCO WESTERN OIL CO.

Order Substituting Respondent, Redesignating Proceeding and Requiring Filing of Undertaking To Assure Refund of Excess Charges

AUGUST 27, 1963.

On April 16, 1962, Franco Western Oil Company (Franco) filed a motion to be substituted[1] as respondent in the proceeding in Docket No. RI60-448. In support of its motion, Franco states that pursuant to written consent from the stockholders of McElroy Ranch Company (McElroy), the corporate name of McElroy Ranch Company was changed to Franco Western Oil Company.

The proceeding in Docket No. RI60-448 relates to a rate increase filed by McElroy on June 1, 1960, designated as Supplement No. 2 to McElroy's FPC Gas Rate Schedule No. 1. By the Commission's order issued June 30, 1960, the proposed increased rate was suspended and allowed to become effective subject to refund as of July 3, 1960. Franco did not submit with its motion to substitute an agreement and undertaking assuming all obligations to make refund arising on or after the proposed increased rate became effective subject to refund in Docket No. RI60-448.

By order issued May 29, 1963, in Docket Nos. G-2813, et al., Franco was substituted for McElroy as certificate holder in Docket No. G-17022, which relates to McElroy's FPC Gas Rate Schedule No. 1, and such rate schedule, as supplemented, was redesignated as Franco's FPC Gas Rate Schedule No. 1, as supplemented.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Franco be substituted as respondent for McElroy in the proceeding in Docket No. RI60-448, that said proceeding be redesignated accordingly, and that Franco be required to file an appropriate agreement and undertaking in Docket No. RI60-448.

The Commission orders:

(A) Franco Western Oil Company is hereby substituted as respondent in lieu of McElroy Ranch Company in the proceeding in Docket No. RI60-448, and said proceeding is redesignated accordingly.

(B) Within 30 days from the date of the issuance of this order Franco Western Oil Company shall execute and file with the Secretary of the Commission an agreement and undertaking assuming any and all obligations to make refunds arising on or after the increased rate became effective, subject to refund, in Docket No. RI60-448. Unless notified to the contrary by the Secretary within 15 days from the date of filing, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(C) Franco Western Oil Company shall comply with the refunding and re-

[1] Franco's Notice of Change in Corporate Name filed April 16, 1962 in Docket No. G-17022 is construed as a motion to have Franco substituted for McElroy in the rate proceeding in Docket No. RI60-448.

porting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Upon acceptance of the agreement and undertaking required to be filed pursuant to Paragraph (B) above, Franco's agreement undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-9462; Filed, Sept. 4, 1963; 8:45 a.m.]

[Docket Nos. CP63-290, CP63-291]

TRANSWESTERN PIPELINE CO. AND NORTHERN NATURAL GAS CO.

Notice of Applications and Date of Hearing

AUGUST 27, 1963.

Take notice that on April 25, 1963, and April 29, 1963, Transwestern Pipeline Company (Transwestern) in Docket No. CP63-290 and Northern Natural Gas Company (Northern) in Docket No. CP63-291, respectively, filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the exchange of quantities of natural gas, and the construction and operation of facilities enabling such exchange, all as more fully set forth in the applications which are on file with the Commission and open to public inspection. Transwestern maintains its principal place of business in Houston, Texas, while Northern's principal place of business is located in Omaha, Nebraska.

The applicants state that pursuant to an agreement dated April 12, 1963, Transwestern agrees to deliver to Northern an average daily volume of 30,000 Mcf of natural gas per day for an initial period of one year with the parties exercising their best efforts to increase such average daily volume to 40,000 Mcf per day. Northern shall have the option to take like volumes for an additional year immediately following final delivery of the initial volumes. Beginning two years after date of first delivery by Transwestern, Northern will begin redelivering volumes to Transwestern in the Permian Basin Area. Redelivery of the gas shall extend for as long a period as may be required for Northern to redeliver a total volume of gas equal to the volume delivered by Transwestern. The parties contemplate that the period of redelivery will approximate the length of the delivery period from Transwestern to Northern.

The applications state that delivery to Northern shall be at a point where the parties' existing lines cross in Hutchinson County, Texas, and in Beaver County, Oklahoma, and at such other points mutually desired by the parties. However, since redelivery of exchange gas to Transwestern will not commence until two years after initial deliveries to Northern, the operating characteristics of the two pipeline systems may be somewhat different than at the present time. Consequently, the most advantageous point or points of redelivery have not yet been determined. Northern, therefore, requests authority to install the necessary exchange facilities required at that time.

Transwestern alleges that the installation of the metering and related facilities will cost an estimated $33,780. Northern presently proposes to construct a side tap on its existing 30-inch line in Hutchinson County, Texas, at an estimated cost of $1,800.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1963, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-9464; Filed, Sept. 4, 1963; 8:45 a.m.]

[Docket No. E-6751]

MAINE PUBLIC SERVICE CO.

Notice of Application

AUGUST 29, 1963.

Take notice that on August 19, 1963, Maine Public Service Company (Applicant), incorporated under the laws of the State of Maine and doing business in that State, with its principal place of business at Presque Isle, Maine, filed an application in Docket No. E-6751 for a supplemental order, pursuant to section 202(e) of the Federal Power Act, modifying Applicant's current authorization to transmit electric energy from the United States to Canada.

By Commission order issued October 17, 1957, in Docket Nos. E-6751 et al., 18 FPC 504, Applicant was authorized to transmit electric energy from the United States to Canada (1) in an amount not to exceed 30,000,000 kwh per year at a maximum rate of transmission of 20,000 kw for delivery to New Brunswick Electric Power Commission (New Brunswick Commission), an instrumentality of the Province of New Brunswick, Canada, over certain facilities of Applicant covered by a Permit signed by the Chairman of the Federal Power Commission on September 18, 1957 (Docket No. E-6752); and (2) in an amount not to exceed 30,000,000 kwh per year for delivery to Maine and New Brunswick Electrical Power Company, Limited (Canadian Subsidiary), a Canadian corporation wholly owned by Applicant, without limitation as to the rate of transmission except insofar as such transmission is limited by the carrying capacity of the facilities used therefor, which facilities of Applicant are covered by a Presidential Permit signed by the President of the United States on January 3, 1948 (Docket No. IT-6027), as modified by Commission order issued April 4, 1952 (Docket No. E-6409), 11 FPC 932. The amount of energy authorized to be exported by Applicant to Canadian Subsidiary included 26,000,000 kwh per year generated in Canada by Canadian Subsidiary and imported into the United States by Applicant for redelivery to Canadian Subsidiary.

Applicant now requests that the authorization granted by Commission order issued October 17, 1957, referred to above, be modified so as to authorize Applicant to transmit electric energy from the United States to Canada (1) for delivery to New Brunswick Commission at various points on the Maine-New Brunswick border where Applicant is presently authorized to make deliveries of energy to Canadian Subsidiary; and (2) for delivery to Canadian Subsidiary under conditions differing from those set forth in the Commission's October 17, 1957, order. This request is based upon material changes in conditions affecting the operations of Applicant and Canadian Subsidiary resulting from the expropriation of all the distribution facilities and most of the transmission facilities of Canadian Subsidiary situated in New Brunswick on December 31, 1962, by New Brunswick Commission.

Concurrently with the filing of its application for a supplemental order in Docket No. E-6751, Applicant filed an application in Docket No. IT-6027, pursuant to Executive Order 10485, dated September 3, 1953, requesting a further modification of the Presidential Permit signed by the President of the United States on January 3, 1948, referred to above, so as to authorize Applicant to construct and operate certain proposed facilities at the United States-Canadian border for the transmission of electric energy between the United States and Canada, to change the character and operation of certain existing facilities of Applicant covered by that Permit, and to retire and remove certain other existing facilities of Applicant also covered by that Permit.

Any person desiring to be heard or to make any protest with reference to the application filed in Docket No. E-6751 should on or before September 20, 1963 file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-9496; Filed, Sept. 4, 1963; 8:47 a.m.]

[Docket No. E-7123]

PACIFIC POWER & LIGHT CO.

Notice of Application Seeking Authorization To Assume Liability

AUGUST 29, 1963.

Take notice that on August 22, 1963 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking authorization to assume liability as guarantor of promissory notes or other evidence of indebtedness or obligations issued by persons to commercial banks to finance costs of constructing and installing extensions of electric or water service lines and costs of acquisition and installation by customers of the Applicant of wiring modernization or improvements and wired-in electrical equipment and appliances, the aggregate principal amount of all such obligations not to exceed $3,000,000 at any one time.

The purposes of such notes or obligations are divided into three categories as follows:

(1) To finance payment by property owners to the Company of part of the cost of constructing and installing extensions of the Company's electric or water service lines required in order to supply adequate electric or water utility service to the properties of such property owners under circumstances which are such that under applicable rules, regulations and tariffs the property owners or other customers to be furnished service by the line extension would be required, as a condition to obtaining the new service, to make an advance payment or payments to the Company;

(2) To finance payment by property owners of the cost of acquisition and installation in and about houses and other residential buildings, owned partly or wholly by such owners and being furnished electric service by the Company, of wiring modernization or improvements, or of equipment and appliances for the utilization of electricity (of such kind as to necessitate more or less permanent wiring-in to the structure or other attachment to the structure or land), along with any necessary wiring modification or changes for the installation and operation of such equipment and appliances;

(3) To finance payment by property owners or their tenants of the cost of acquisition and installation in and about buildings and structures used principally for a commercial purpose or purposes, and to which the Company at the time is furnishing electric utility service through one or more customer accounts, of wiring modernization or improvements, or of equipment and appliances for the utilization of electricity (of such kind as to necessitate more or less permanent wiring-in to the structure or other attachment to the structure or land), along with any necessary wiring modifications or changes for the installation and operation of such equipment and appliances;

The maximum liability to be assumed with respect to any such note, other evidences of indebtedness or obligation for any of the above described purposes, shall not exceed $5,000 with respect to purpose numbered (1) above; $1,200 for purpose numbered (2) above; and $2,500 for purpose numbered (3) above. Each obligation made or entered into for purposes numbered (2) and (3) above shall be payable in monthly installments within a term or period not exceeding sixty (60) months from the date it becomes effective. Each obligation made or entered into for purpose numbered (1) above shall be payable in monthly installments within a period not exceeding ten (10) years from the date it becomes effective. The aggregate principal outstanding balance of all such obligations for purposes numbered (1) above to which the Company, at any one time shall assume liability, shall not exceed $2,000,000 and the aggregate principal outstanding balance of all such obligations for purposes numbered (2) and (3) above with respect to which the Company at any one time may assume liability, shall not exceed $1,000,000. The face amount of said obligations will generally vary in each case and the total amount outstanding will vary from time to time, but the aggregate will not exceed $3,000,000 at any one time. The date of issue and the date of maturity will generally vary with each separate obligation.

Applicant states that the promissory notes or other evidences of indebtedness and obligations will be executed from time to time by property owners and customers of the applicant to commercial banks for the purposes as stated above and that applicant, after satisfying itself as to the financial responsibility and credit risk of such issues in each case, will guarantee payment of such obligations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 25, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-9497; Filed, Sept. 4, 1963; 8:47 a.m.]

[Project No. 2382]

UPPER PENINSULA POWER CO.

Notice of Application for License

AUGUST 29, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Upper Peninsula Power Company (correspondence to: J. H. Warden, President, Upper Peninsula Power Company, 616 Sheldon Avenue, Houghton, Michigan) for license for constructed Project No. 2382, known as the Victoria Project, located on South Branch of Ontonagon River and West Branch of Ontonagon River, in Ontonagon and Gogebic Counties, Michigan, and Vilas County, Wisconsin, in the vicinity of Bergland, Cisco Lake, and Victoria, Michigan.

The project consists of: Cisco Lake Dam—a wooden plank level control dam (about 21 feet long between concrete abutments, including a fish lock, and about 5 feet high), located on the South Branch of Ontonagon River at the outlet of Cisco Lake; a reservoir about 10,500 acres in area with about 10,500 acre-feet useful storage below elevation 1,683.51 feet, msl (one foot above normal low water) in the upstream chain of lakes; Bergland Dam—a wooden plank level control dam (about 179 feet long between concrete retaining walls, including a fish ladder, and about 4 feet maximum height), located on the West Branch Ontonagon River at the outlet of Lake Gogebic; a reservoir about 14,080 acres in area with about 35,200 acre-feet below elevation 1,296.2 feet, msl (about 30 inches above normal low water); and Victoria Dam and Power House—a diversion dam located on the West Branch Ontonagon River near Rockland, includes a concrete inclined four-bay multiple arch dam (about 300 feet long and about 115 feet maximum height); a gated concrete spillway section, about 100 feet long, on the right bank, adjacent to the dam; earth embankments (combined length about 260 feet) at either end of the concrete structures; a reservoir (Victoria Intake Basin) about 350 acres in area with capacity of 3,500 acre-feet; a pipeline intake structure at left end of dam; a 10 foot diameter, wood pipeline about 6,050 feet long; a surge tank; a 10 foot diameter, steel penstock about 300 feet long; a powerhouse containing two 9,300 hp turbines, each connected to a 6000 kw generator; a substation; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 18, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-9498; Filed, Sept. 4, 1963; 8:47 a.m.]

[Project No. 2086]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Additional Land Withdrawal, California

AUGUST 29, 1963.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as

title thereto remains in the United States are included in Power Project No. 2086 for which completed application for amendment of license was filed November 7, 1955, by Southern California Edison Company, Los Angeles, California. Under said section 24 these lands are from the date of filing of said application, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

Those portions of the following subdivisions lying within 50 feet of the center line survey of the Warm Creek Diversion as delimited upon map, Exhibit "K" sheet 4 (FPC No. 2086–9):

T. 6 S., R. 27 E. (unsurveyed),
Sec. 21: SE¼NE¼;
Sec. 22: SW¼NW¼, W½SW¼;
Sec. 27: SW¼NE¼, N½NW¼, SE¼NW¼.

The additional area reserved pursuant to the filing of this application is approximately 19.66 acres, of which approximately 15.38 acres have been withdrawn for Project No. 105.

All of the foregoing lands of the United States are within the Sierra National Forest.

Copies of the aforementioned map, Exhibit "K" sheet 4 (FPC No. 2086–9) have been transmitted to the Forest Service, Bureau of Land Management and the Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–9463; Filed, Sept. 4, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4162]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of $18,525,000 Principal Amount of First Mortgage Bonds at Competitive Bidding

AUGUST 29, 1963.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) thereof and Rules 42(b)(2) and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application, on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $18,525,000 principal amount of First Mortgage Bonds, ____ percent Series due 1993. The interest rate of the new bonds (which will be a multiple of ⅛ percent) and the price (exclusive of accrued interest) to be paid by JCP&L for the new bonds (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The new bonds will be dated October 1, 1963, are to mature October 1, 1993, and will be issued under and secured by JCP&L's Indenture dated as of March 1, 1946, to First National City Bank, Trustee, and Indentures supplemental thereto, including a Tenth Supplemental Indenture to be dated as of October 1, 1963.

The proceeds from the proposed sale of the new bonds, to the extent of $8,525,000, will be used for the redemption of an equivalent principal amount of outstanding First Mortgage Bonds, 5⅜ percent Series due 1990 and the balance will be used to pay short-term bank indebtedness then outstanding.

Fees and expenses to be incurred by JCP&L in connection with the proposed transactions are estimated to aggregate $72,000 including printing and engraving expenses of $23,500, legal fees of $6,250, and accounting fees of $3,500. The fee and expenses of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment.

The application further states that the issuance and sale of the new bonds are subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, the State commission of the State in which JCP&L is organized and doing business, and to the jurisdiction of the Pennsylvania Public Utility Commission, JCP&L having qualified in the Commonwealth of Pennsylvania. According to the filing no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 23, 1963, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should a hearing thereon be ordered. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant, at the above-stated address; and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted, as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from such rules and regulations, as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 63–9470; Filed, Sept. 4, 1963; 8:45 a.m.]

[File No. 70–4163]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of $9,000,000 Principal Amount of Debentures at Competitive Bidding

AUGUST 29, 1963.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $9,000,000 principal amount of Debentures, ____ percent Series due 1988. The interest rate of the debentures (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to JCP&L (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an Indenture to be dated as of October 1, 1963, between JCP&L and Irving Trust Company, Trustee.

The proceeds (other than premium, if any, and accrued interest) from the sale of the debentures will be applied toward JCP&L's 1963 construction program, to partially reimburse JCP&L's treasury for expenditures therefrom for that purpose, or to pay short-term notes due banks which were issued for such purpose.

Fees and expenses incident to the proposed transaction are estimated as follows:

Filing fees:	
Board of Public Utility Commissioners of the State of New Jersey	$3,589
Securities and Exchange Commission	927
Federal issue tax	9,900
Printing and engraving	27,700
Legal fees:	
Alfred A. Rochester	2,125
Berlack, Israels & Liberman	4,375
Ballard, Spahr, Andrews & Ingersoll	750
Accounting fees: Lybrand, Ross Bros. & Montgomery	2,500
Fees and expenses of debenture indenture trustee	5,500
Miscellaneous	3,634
Total	61,000

The fees and disbursements of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment.

The application states that the issue and sale of the debentures are subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, the State commission of the State in which JCP&L is organized and doing business, and the Pennsylvania Public Utility Commission, JCP&L having qualified in said State. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 23, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 63–9471; Filed, Sept. 4, 1963; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION VII (PUERTO RICO AND VIRGIN ISLANDS)

Designation

Jose E. Febres-Silva, Regional Counsel, Region VII (Puerto Rico and Virgin Islands), is hereby designated to serve as Acting Regional Administrator, Region VII, during the present vacancy in the position of Regional Administrator, Region VII, with all the powers, functions, and duties delegated or assigned to the Regional Administrator.

(62 Stat. 1283 (1949), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of August 31, 1963.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 63–9499; Filed, Sept. 4, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 860–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 30, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65791. By order of August 27, 1963, Division 3, Acting as an Appellate Division, approved the transfer to Steve Horvath, Joseph George Horvath and Frank Horvath, a partnership, doing business as Horvath Bros., Kearny, N.J. of Certificates in Nos. MC 70695, MC 70695 (Sub No. 4), MC 70695 (Sub No. 8), and MC 70695 (Sub No. 15), issued September 20, 1945, July 26, 1946, December 6, 1949, and June 19, 1952, respectively, to Clare Schnepp, Walton, N.Y., authorizing the transportation of: Evaporated milk, in containers, over irregular routes, from Chateaugay, N.Y., to Bayonne, Camp Dix, Jersey City, and Newark, N.J., Philadelphia, Pa., and points in the New York, N.Y., Commercial Zone; from Canton, N.Y., to Bayonne, Jersey City, and Newark, N.J., Boston, Mass., Philadelphia, Pa., and points in the New York, N.Y., Commercial Zone; pasteurized cream, from Boonville, N.Y., to Boston, Mass.; evaporated milk, from Walton, N.Y., to Hoboken, Newark, Jersey City, Paterson, Passaic, Bayonne, Rutherford, New Brunswick, and Asbury Park, N.J., Bridgeport, Waterbury, Stamford, and Danbury, Conn., and points in the New York, N.Y., Commercial zone; paper labels from New York, N.Y., to Walton, N.Y., milk sugar, from Walton, N.Y., to New York, N.Y.; damaged and rejected shipments, of the 3 commodities listed above from destination points to origin points; evaporated milk, over irregular routes, from Walton, Canton, and Chateaugay, N.Y., to Lynn, Cambridge, Fitchburg, Springfield, Worcester, and New Bedford, Mass., Portsmouth, N.H., Providence, R.I., and Norwich, New London, New Haven, New Britain, Hartford, Meriden, South Norwalk, and Norwalk, Conn.; from Walton and Chateaugay, N.Y., to Boston, Mass.; from Canton and Chateaugay, N.Y., to Waterbury, Bridgeport, Stamford, and Danbury, Conn.; household goods, between New York, N.Y., and Fleischmanns, N.Y., and the intermediate points of Pine Hill, Shandaken, Westville, Lexington, Hunter, Tannersville, Haines Falls, Palenville, Saugerties, Kingston, Ellenville, Liberty, Monticello, and Middletown, N.Y., the off-route points of Windham, Margaretville, and Andes, N.Y., and the intermediate point of Phoenicia, N.Y., with restrictions; groceries, butter, eggs and perishable merchandise, from New York, N.Y., to Fleischmanns, N.Y., and the intermediate points of Pine Hill, Shandaken, Westville, Lexington, Hunter, Tannersville, Haines Falls, Palenville, Saugerties, Kingston, Ellenville, Liberty, Monticello, and Middletown, N.Y., and the off-route points of Windham, Margaretville, and Andes, N.Y., restricted to delivery only; and the intermediate point of Phoenicia, N.Y., restricted to traffic originating at New York, N.Y., wine from New York, N.Y., to Newburgh, N.Y.; cauliflower, from Fleischmanns, N.Y., to Boston, Mass.; coal, from Forest City, Pa., to Fleischmanns, N.Y., with restriction; general commodities, with exceptions, between New York, N.Y., on the one hand, and, on the other, points in Greene, Ulster, Delaware and Sullivan Counties, N.Y.; and wooden pallets, from Arkville, N.Y., to Bayonne, Clifton, Elizabeth, Harrison, Jersey City, Kearny, Linden, Newark, Passaic, Paterson, and Ridgefield Park, N.Y., Bridgeport, Hartford, and Waterbury, Conn., and Port Chester and Yonkers, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., practitioner for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–9483; Filed, Sept. 4, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 30, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38508: *Cotton, less-than-carload to the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–8436), for interested rail carriers. Rates on cotton (other than absorbent, carded or dyed), in less-than-carloads, from points in Oklahoma, to points in Texas.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 156 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4268.

FSA No. 38509: *Sulphuric acid from Baton Rouge, La.* Filed by O. W. South, Jr., Agent (No. A4369), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from Baton Rouge, La., to specified points in Alabama, Florida, and Tennessee.

Grounds for relief: Market competition.

Tariff: Supplement 60 to Southern Freight Association, Agent, tariff I.C.C. S–162.

FSA No. 38510: *Grains between points in Arkansas.* Filed by Southwestern Freight Bureau, Agent (No. B–8435), for interested rail carriers. Rates on barley, corn (other than popcorn), shelled, milo maize, oats, rye, soybeans and wheat, in carloads, between specified points in Arkansas, on the lines of the Mo.-Pac. RR., on the one hand, and points in Arkansas, also Memphis, Tenn., on the other.

Grounds for relief: Carrier competition.

Tariffs: Supplements 27 and 23 to Southwestern Freight Bureau, Agent, tariffs I.C.C. 4413 and 4494, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–9478; Filed, Sept. 4, 1963; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 30, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 15361, filed August 21, 1963. Applicant: DEWEY LOWERY, JR., doing business as LOWERY TRUCKING SERVICE, Highway 43 North, Fayette, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* (1) from Fayette and Berry Ala., to Birmingham, Ala., (2) from Birmingham, Ala., to Fayette and Berry Ala., over U.S. Highway 78 to Alabama Highway 69, thence to Alabama Highway 18 to U.S. Highway 43, and return, (3) from Birmingham to Jasper, to Oakman, to Berry, to Fayette, and return, serving all intermediate points and the Police Jurisdictions of each and every town, city or municipality. Applicant states proposed operations will be conducted over regular routes.

Information as to date, time and place assigned for hearing application, requests for procedural information, including the time for filing protests, concerning this application should be addressed to Orville P. Large, Secretary, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala., 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–9479; Filed, Sept. 4, 1963; 8:46 a.m.]

[Notice 269]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 30, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests, if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 13235 (Deviation No. 3), CENTRALIA CARTAGE CO., 650 West Noleman Street, Centralia, Ill., filed June 21, 1963. Attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Decatur, Ill., over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 to junction U.S. Highway 50 at East St. Louis, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 66 to Bloomington, Ill., thence over U.S. Highway 51 to Sandoval, Ill.; from St. Louis, Mo., over U.S. Highway 50 to Olney, Ill., and return over the same routes.

No. MC 52953 (Deviation No. 4), ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., filed August 16, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Tennessee Highway 57 to junction Tennessee Highway 128 (near Pickwick Dam), thence over Tennessee Highway 128 to Savannah, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Memphis over U.S. Highway 64 to Selmer, Tenn., thence over U.S. Highway 45 to Corinth, Miss., thence over U.S. Highway 72 to Florence, Ala.; from Selmer over U.S. Highway 64 to Waynesboro, Tenn., thence over Tennessee Highway 13 to the Tennessee-Alabama State line, thence over Alabama Highway 17 (formerly Alabama Highway 34) to Florence, and return over the same routes.

No. MC 52953 (Deviation No. 5), ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., filed August 18, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Greensboro, N.C., over Interstate Highway 40 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Greensboro over U.S. Highway 29 to junction Alternate U.S. Highway 29, near China Grove, N.C., thence over Alternate U.S. Highway 29 to junction U.S. Highway 29, thence over U.S. Highway 29 to Charlotte, N.C., thence over U.S. Highway 74 to Asheville, N.C., thence over U.S. Highway 70 to Knoxville, Tenn., thence over U.S. Highway 11 to Chattanooga, Tenn., thence over U.S. Highway 64 to Savannah, Tenn., thence over U.S. Highway 64 to Selmer, Tenn., thence over U.S. Highway 64 to Memphis, Tenn., thence over U.S. Highway 70 to Little Rock, and return over the same route.

No. MC 78632 (Deviation No. 19), HOOVER MOTOR EXPRESS COMPANY, INC., Post Office Box 450, Polk Avenue, Nashville, Tenn., filed August 22, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 20 to Birmingham, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Birmingham over U.S. Highway 78 to Atlanta, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 33), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr.,

filed August 21, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* over deviation routes as follows: (A) From Princeton, Ill., over Illinois Highway 26 to junction Interstate Highway 80, north of Princeton, thence over Interstate Highway 80 in an easterly direction to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill; (B) from junction Interstate Highway 55 and Illinois Highway 83 over Illinois Highway 83 to Hinsdale, Ill.; (C) from junction Interstate Highways 55 and 294 over Interstate Highway 294 to junction Interstate Highway 90 (Congress Street Expressway), and return over the same routes, for operating convenience only. The notice indicates that the carrier presently is authorized to transport passengers over pertinent service routes as follows: From Chicago over U.S. Highway 20 to junction Illinois Highway 42–A, thence over Illinois Highway 42–A to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 45, thence over U.S. Highway 45 to La Grange, Ill., thence over U.S. Highway 34 to junction Illinois Highway 65, at Naperville, Ill., thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 92 (also over U.S. Highway 34 to junction U.S. Highway 275 at Glenwood, Iowa); from Chicago over U.S. Highway 34 to La Grange; from Aurora, Ill., over Illinois Highway 25 to Oswego, Ill., thence over U.S. Highway 34 to junction Illinois Highway 31, and return over the same routes.

No. MC 109598 (Deviation No. 9), CAROLINA SENIC STAGES, 217 North Converse Street, Spartanburg, S.C., filed August 19, 1963. Attorney Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* over a deviation route as follows: From junction Interstate Highway 85 and South Carolina Highway 129, over Interstate Highway 85 and Interstate Highway 385 to Greenville, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From junction U.S. Highway 29 and South Carolina Highway 198 over U.S. Highway 29 to Lyman, S.C.; from Spartanburg, S.C. over Alternate U. S. Highway 29 to junction unnumbered highway east of Jackson Mill, S.C., thence over such unnumbered highway via Jackson Mill to Lyman, thence over South Carolina Highway 292 to Duncan, S.C., thence over South Carolina Highway 290 to Greer, S.C.; and from Landrum, S.C. over South Carolina Highway 14 via Gowensville, S.C. to a point one and two-tenths miles south of Gowensville, thence over unnumbered highways via New Hope Church, Holly Springs, Friendship, Appalachee Mill, and Greer, S.C., to Brushy Creek Church, thence over South Carolina Highway 291 to Greenville, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–9480; Filed, Sept. 4, 1963; 8:46 a.m.]

[Notice 558]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 30, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 61), filed August 13, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cork and cork products,* in bulk, in van-type semi-trailers, from Baltimore, Md., to Atlanta, Ga.

NOTE: Applicant states it has existent authority for transportation of general commodities between Baltimore, Md., and Atlanta, Ga.; however, portions of the route segments are restricted against transportation of commodities in bulk.

HEARING: September 27, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 730 (Sub-No. 224), filed April 21, 1963. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: W. S. Pilling, P–I–E Building, 14th and Clay Streets, Post Office Box 958, Oakland 4, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, articles of unusual value, and commodities requiring special equipment, between Salina, Utah, and Denver, Colo., from Salina over Utah Highway 10 to Price, Utah, thence over U.S. Highway 6 to Denver and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Common control may be involved.

HEARING: November 1, 1963, at the New Customs House, Denver, Colo., before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 730 (Sub-No. 225), filed May 3, 1963. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's attorney: W. S. Pilling, P.I.E. Building, Post Office Box 958, 14 and Clay Streets, Oakland 4, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Walsenburg, and La Junta, Colo., from Walsenburg, over Colorado Highway 10 to La Junta and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and with service at Walsenburg, and La Junta, for purposes of joinder only.

NOTE: Applicant states the proposed service will be restricted to traffic moving between Los Angeles, Calif., on the one hand, and, on the other, Kansas City, Kans., or Kansas City, Mo., or St. Louis, Mo. Common control may be involved.

HEARING: November 1, 1963, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 730 (Sub-No. 232), filed August 20, 1963. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: (1) *Petroleum and petroleum products,* in bulk, in tank vehicles, from Imperial, Calif., and points within ten (10) miles thereof, to points in Yuma and Maricopa Counties, Ariz., and Ports of Entry on the International Boundary line between the United States and Mexico located at or near Andrade, Calexico, Tecate and San Ysidro, Calif., and (2) *rejected and contaminated shipments* from the destination territory specified above, to points in Los Angeles and Orange Counties, Calif.

HEARING: September 27, 1963, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate before Examiner James I. Carr.

No. MC 3094 (Sub-No. 14) (CORRECTION), filed July 3, 1963, published in FEDERAL REGISTER issue July 24, 1963, and republished as corrected this issue. Applicant: SERVICE MOTOR FREIGHT, INC., Atlantic Avenue, Lawnside, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Pulpboard, fibreboard boxes,* and *paper and paper products* (except printing and fine papers), from Spotswood, N.J., to points in New York, New Jersey, New Hamp-

shire, Pennsylvania, Rhode Island, Massachusetts, Maine, Maryland, Delaware, Vermont, Connecticut, Virginia and the District of Columbia, and *machinery, materials* and *supplies* used and useful in the manufacturing, packing and shipping of the above described commodities, on return.

NOTE: Applicant states proposed operations will be limited to a transportation service to be performed under a continuing contract, or contracts, with Inland Container Corporation. Common control may be involved. The purpose of this republication is to show the continuing contract, or contracts of Inland Container Corporation, for which applicant will be performing its service, inadvertently omitted from previous publication.

HEARING: Remains as assigned September 16, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 10761 (Sub-No. 141) (AMENDMENT), filed June 28, 1963, published FEDERAL REGISTER issue July 24, 1963, amended August 26, 1963, and republished as amended this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Seabrook, N.J., and points in Atlantic, Camden, Cumberland, Gloucester and Salem Counties, N.J., to Philadelphia, Pa., and *refused and rejected shipments*, on return.

NOTE: The proposed operation will be for the purpose of joinder with existing authority of applicant in its Certificate MC 10761 and sub numbers thereunder so as to provide a direct single line service from Seabrook, N.J., to all points and places which applicant is presently authorized to serve under its existing authority in Certificate MC 10761 and sub numbers thereunder. The purpose of this republication is to include the additional origin points of New Jersey counties.

HEARING: Remains as assigned September 27, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 10761 (Sub-No. 144), filed July 15, 1963. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between New Milford, and Bridgeport, Conn., serving New Milford, as an off-route point in connection with applicant's presently authorized regular route operations between Bridgeport, Conn., and New York, N.Y.

HEARING: November 4, 1963, at the Bond Hotel, Hartford, Conn., before Examiner Parks M. Low.

No. MC 18088 (Sub-No. 29), filed October 10, 1962. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's attorney: John W. Cooper, 507–509 Title Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Sylacauga, Talladega, Childersburg and Sycamore, Ala., on the one hand, and, on the other, Chattanooga, Tenn., Anniston, Ala., Atlanta, Ga., and points in South Carolina.

HEARING: October 7, 1963, at the Public Health Building, Sylacauga, Ala., before Examiner Allen W. Hagerty.

No. MC 19778 (Sub-No. 56), filed August 7, 1963. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, Room 508, Union Station Building, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transmission line towers and parts thereof*, and *commodities which are used or useful in the erection, construction*, and *maintenance of a power transmission line, including conductors, insulators, static wire*, and *cable* but not limited thereto, between Chamberlain, Mitchell, Oacoma, Reliance, Kennebec, Presho, Draper, Murdo, Oakton, Stamford, Kadoka, Interior, Imlay, Scenic, Creston, Caputa and Rapid City, S. Dak., Stegall, Gering, Northport and North Platte, Nebr., on the one hand, and, on the other, points in Stanley, Haakon, Pennington, Meade, Custer and Fall River counties, S. Dak., and points in Dawes, Sioux and Scotts Bluff Counties, Nebr.

NOTE: Common control may be involved.

HEARING: September 25, 1963, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 184.

No. MC 20091 (Sub-No. 1), filed August 1, 1963. Applicant: JOHN H. McCLURE, 26 East Main Street, Annville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baggage, express* and *newspapers*, between points in the Township of Annville (Lebanon County), Pa., (2) *newspapers*, from Lebanon (Lebanon County), Pa., to points within ten (10) miles thereof, (3) *Sunday newspapers*, from Harrisburg (Dauphin County), Pa., to Lebanon and the village of Mt. Gretna (Lebanon County), Pa., and points located on U.S. Highway 422, between Harrisburg and Lebanon, Pa.

HEARING: October 24, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 25798 (Sub-No. 95), filed July 31, 1963. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in Camden, Salem, Atlantic, Gloucester and Cumberland Counties, N.J., Jersey City, N.J., Baltimore, Md. and Wilmington, Del., to points in Massachusetts, Connecticut, Michigan, Georgia, Alabama, Kansas, North Carolina, Minnesota, Indiana, Florida, Missouri, Maryland, Ohio, New York, South Carolina, Wisconsin, Kentucky, Texas, Tennessee, Virginia, Pennsylvania, Illinois, Louisiana and West Virginia, and (2) from Montezuma, Ga. to points in New Jersey, Maryland, Ohio, Kansas and Texas.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 25798 (Sub-No. 96), filed July 31, 1963. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Doylestown and Philadelphia, Pa. and Braddock, N.J., to points in Ohio, West Virginia, Virginia, North Carolina, the District of Columbia, Texas, Indiana, South Carolina, Georgia, Alabama, Florida, Illinois, Missouri, Michigan, Kentucky, Tennessee, Louisiana, Minnesota, New York, Wisconsin, Pennsylvania, and Oklahoma.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 26161 (Sub-No. 1), filed April 25, 1963. Applicant: GLENN BLANK, doing business as G AND E. TRUCK LINE, Joes, Colo. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General* commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Joes, Colo., and points within 25 miles thereof, on the one hand, and on the other, Lincoln and Omaha, Nebr., St. Joseph, Carthage, and Kansas City, Mo., and points in Kansas.

HEARING: October 29, 1963, at the New Customs House, Denver, Colo., before Examiner Leo M. Pellerzi.

No. MC 27817 (Sub-No. 52), filed August 1, 1963. Applicant: H. C. GABLER, INC., Rural Delivery 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furniture, wooden furniture, related padding, wooden toys, wooden gates, ironing tables and clothes dryers*,

(1) from Wellsville and Whitesville, N.Y., to points in Virginia, West Virginia, Ohio, Indiana, Michigan, Illinois, Kentucky, Iowa, Missouri and Wisconsin, and (2) from Newburgh, N.Y. to points in Virginia, West Virginia, Ohio, Indiana, Michigan, Illinois, Kentucky, Iowa, Missouri, Wisconsin, Pennsylvania, Maryland, and the District of Columbia.

HEARING: October 18, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 29934 (Sub-No. 13), filed July 16, 1963. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., Post Office Box 18, Bridgeton, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments*, on hangers and in primary boxes, in bundles and in containers, from Bridgeton, N.J., to Wilkes-Barre, Pa., and plants, warehouses or storage places which are now or hereafter may be operated by, or in behalf of, McGregor Doniger Inc., its affiliated or subsidiary companies, located in Lackawanna, Luzerne, Wyoming, Columbia, Monroe, Pike, Wayne, Susquehanna, Sullivan, Bradford, Northumberland, Schuylkill, Lehigh, and Northampton Counties, Pa., and *returned or rejected shipments*, on return.

HEARING: October 21, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Examiner Parks M. Low.

No. MC 30837 (Sub-No. 294), filed July 25, 1963. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1903 N. Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements by the driveaway and truckaway method, from Denton, Tex., to points in the United States (except those in Hawaii).

HEARING: November 1, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Jerry F. Laughlin.

No. MC 30844 (Sub-No. 116), filed June 30, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* as described by the Commission in Appendix I, 61 M.C.C. 209, and 766, from Luverne, Minn., and Sioux City, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states the proposed service is restricted to traffic from Sioux City originating at the plant site of Sioux City Dressed Pork Company, and moving in mixed loads with traffic originating at Luverne, Minn.

HEARING: November 7, 1963, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 31600 (Sub-No. 549), filed July 31, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper vehicles, from Wallingford, Conn., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: October 28, 1963, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 41404 (Sub-No. 39), filed July 15, 1963. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meatpacking houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Minnesota, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states the proposed service will be "restricted against the transportation of said commodities in liquid and bulk, in bulk or tank vehicles."

HEARING: October 28, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner John B. Mealy.

No. MC 41404 (Sub-No. 40), filed August 2, 1963. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala. and New Orleans, La., to points in Arkansas, Alabama (except Montgomery), Florida (except Pensacola), Georgia (except Atlanta and points within fifteen (15) miles of Atlanta), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Missouri, Oklahoma, Ohio, Tennessee, Texas, and Wisconsin.

NOTE: Applicant states the purpose of this application is to eliminate Gulfport, Miss. as a gateway point in the operations from Mobile, Ala. and New Orleans, La.

HEARING: October 25, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Jerry F. Laughlin.

No. MC 44513 (Sub-No. 1), filed July 19, 1963. Applicant: MATCO TRANSPORTATION, INC., 195 Colden Street, Jersey City, N.J. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Jersey City, South Kearny, Hoboken and North Bergen, N.J., on the one hand, and, on the other, points in New Jersey.

NOTE: Applicant states "proposed operation to be restricted to traffic having an immediately prior or subsequent move via rail or truck."

HEARING: November 8, 1963, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 50493 (Sub-No. 20), filed August 9, 1963. Applicant: PAUL J. MILLER, Rural Delivery No. 1, Orefield, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, in bulk, from Philadelphia, Pa., to points in Genesee, Madison, Onondaga, Ontario, Wayne and Wyoming Counties, N.Y., and (2) *fertilizer and fertilizer materials*, in bags and in packages and in bulk, from Philadelphia, Pa., to points in Cattaraugus, Delaware, Greene, Orange, and Steuben Counties, N.Y.

NOTE: Applicant also has pending application for contract carrier authority in MC 115859 Sub 1; therefore dual operations may be involved.

HEARING: October 30, 1963, at the Bellevure Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 52458 (Sub-No. 174) (AMENDMENT), filed May 23, 1963, published FEDERAL REGISTER issue August 14, 1963, amended August 20, 1963, and republished as amended this issue. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Vegetable, animal, fish and sea animal and mineral oils, and products, blends and derivatives thereof*, in bulk, in tank vehicles, (a) between Boonton, N.J., on the one hand, and, on the other, points in Illinois, and Indiana, and (b) from points in Ohio, to Boonton, N.J.

NOTE: The purpose of this republication is to limit the transportation service sought to movements of commodities as shown above "in bulk, in tank vehicles".

HEARING: Remains as assigned September 30, 1963, at The U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 52458 (Sub-No. 177), filed August 1, 1963. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route No. 9, Woodbridge, N.J. Ap-

plicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue N.W., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palm oil*, in bulk, in tank vehicles, from points in Jefferson County, Ohio to points in Hudson County, N.J.

HEARING: October 23, 1963, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 52458 (Sub-No. 179), filed August 27, 1963. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route No. 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue N.W., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Niagara Falls and Buffalo, N.Y., to points in Connecticut, Massachusetts, Rhode Island and Wisconsin, and *rejected shipments*, on return.

HEARING: October 1, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 54891 (Sub-No. 1), filed August 13, 1963. Applicant: GEORGE E. BURKHOLDER, 31 Broad Street, Newville (Cumberland County), Pa. Applicant's attorney: John McCrea, Newville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Borough of Newville and the Townships of West Pennsboro, Newton, Upper Mifflin, Lower Mifflin, Penn, Upper Frankford, and Lower Frankford (Cumberland County), Pa.

HEARING: October 25, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 61592 (Sub-No. 12), filed April 21, 1963. Applicant: K & A TRUCK LINES, INC., 7308 Elm Street, Bettendorf, Iowa. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, agricultural tractors, and parts thereof*, from Rock Island, Moline and East Moline, Ill., and Davenport and Bettendorf, Iowa, to points in Minnesota, Nebraska and South Dakota, and (2) *agricultural implements, agricultural machinery and agricultural tractors*, from Rock Island, Moline and East Moline, Ill., and Davenport and Bettendorf, Iowa, to points in North Dakota.

NOTE: In reference to (1) above, applicant states it presently holds the authority as sought herein, joining at the common point of Ida Grove, Iowa, requiring operation through Ida Grove as a gateway. Applicant is regularly tacking this authority to other authorities presently held between points in Wisconsin and Illinois to a ten mile radius in Moline to originate traffic in these states. Applicant, therefore, will not accept a tacking restriction to this grant of authority. Applicant seeks to eliminate the requirement of traveling through Ida Grove. In reference to (2) above, applicant states it presently holds the authority as sought herein, joining at the common point of Kewanee, Ill., requiring operation through Kewanee, as a gateway. Applicant seeks to eliminate the requirement of traveling through Kewanee. In reference to (1) and (2) above applicant agrees that any rights granted herein shall not be construed as conferring more than a single operating right and shall not be severable from the underlying authority which it was granted by sale or otherwise.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 61825 (Sub-No. 25), filed July 29, 1963. Applicant: ROY STONE TRANSFER CORPORATION, Post Office Box 385, Collinsville, Va. Applicant's attorney: Spencer T. Money, Mills Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including *compounded oils and greases*, in packages and containers, from St. Marys, W. Va., to Guntersville, Ala., and *rejected and returned shipments* of the above specified commodities, on return.

HEARING: October 17, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 72235 (Sub-No. 7), filed April 24, 1963. Applicant: JOHN F. IVORY STORAGE CO., INC., 8035 Woodward, Detroit 2, Mich. Applicant's attorneys: Walter N. Bieneman, One Woodward Avenue, Suite 1700, Detroit 26, Mich., and Arthur P. Boynton, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: November 4, 1963, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner James O'D Moran for applicant's presentation only.

No. MC 76032 (Sub-No. 178), filed March 14, 1963. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Post Office Box 1437, Santa Fe. N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring refrigeration, those requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Academy Industries located at or near Sandoval, N. Mex., approximately seven (7) miles northwest of Albuquerque, N. Mex., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

HEARING: November 4, 1963, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 77202 (Sub-No. 2), filed July 31, 1963. Applicant: CAPITOL TRANSIT & STORAGE CO., INC., 509 Wethersfield Avenue, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New school furniture*, uncrated and unwrapped, from the plant site of Westfield Manufacturing Company located at Westfield, Mass., to points in Connecticut, and *refused, damaged and rejected shipments* of commodity specified, on return.

HEARING: November 7, 1963, at the Bond Hotel, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 82492 (Sub-No. 14), filed June 3, 1963. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 900 Monroe Avenue NW., Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denison, Iowa to points in Indiana, points in the lower peninsula of Michigan and points in Ohio on and north of U.S. Highway 224.

HEARING: October 23, 1963, in Room 401, Old Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 89300 (Sub-No. 2), filed August 12, 1963. Applicant: JOHN S. MARVIN AND LEONA MARVIN, a partnership, doing business as J. S. MARVIN BUILDING COMPANY, 34 Central Avenue, Mansfield, Pa. Applicant's attorney: Robert E. Farr, First National Bank Building, Mansfield, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from Buffalo, N.Y., to the site of the J. S. Marvin Building Co. Warehouse, Mansfield, Pa., and (2) *uncoated stone, amiesite, sand, uncoated gravel* and *coated gravel*, between points in Chemung and Steuben Counties, N.Y., on the one hand, and, on the other, points in Bradford, Tioga, and Potter Counties, Pa.

HEARING: October 24, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 92983 (Sub-No. 422), filed June 7, 1963. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City 41, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Colorado, Iowa, and North Carolina, to Turner, Kans.

HEARING: October 29, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner James Anton.

No. MC 94265 (Sub-No. 104), filed May 7, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Appendix I, parts A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Restriction: Service at Sioux City, Iowa, shall be restricted to the pickup of traffic at the plant sites of Sioux City Dressed Pork Company to move in mixed loads with traffic originating at Luverne, Minn.

HEARING: November 7, 1963, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 94265 (Sub-No. 110), filed June 10, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meatpacking houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Iowa Falls, Iowa, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant holds temporary authority under MC-F-8427 to operate Nelms Motor Line, Inc.

HEARING: October 24, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 95540 (Sub-No. 474) (AMENDMENT), filed October 25, 1962, published in FEDERAL REGISTER issue of December 5, 1962, amended May 22, 1963, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Washington, D.C. Restriction: The service at Sioux City, Iowa, will be restricted to the movement of traffic from the plant site of Sioux City Dressed Pork Company moving in mixed loads with traffic originating at Luverne, Minn.

NOTE: The purpose of this republication is to change the commodity description and to broaden the territorial description as shown above, and to set forth new hearing information.

HEARING: November 7, 1963, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 95540 (Sub-No. 534), filed June 7, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses*, from points in Nebraska, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

HEARING: October 28, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 95540 (Sub-No. 544), filed July 31, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in Camden, Salem, Atlantic, Gloucester and Cumberland Counties, N.J., and Jersey City, N.J., Baltimore, Md., and Wilmington, Del., to points in Alabama, California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and (2) Montezuma, Ga., to Kansas City, Kans., Dallas, Amarillo, and Lubbock, Tex.

NOTE: Common control may be involved.

HEARING: October 22, 1963, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 95540 (Sub-No. 545), filed July 31, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Doylestown and Philadelphia, Pa., and Braddock, N.J., to points in Alabama, Florida, Georgia, Tennessee, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Oklahoma, Texas, Colorado, Utah, Arizona, California, Oregon, Louisiana, and Washington.

NOTE: Common control may be involved.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 101075 (Sub-No. 81), filed April 21, 1963. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, from Minneapolis and St. Paul, Minn., and points within 30 miles of each, to points in North Dakota, South Dakota, Wisconsin, Iowa, Upper Peninsula of Michigan, and Minnesota.

NOTE: Common control may be involved.

HEARING: September 20, 1963, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles W. Murphy.

No. MC 103051 (Sub-No. 148), filed June 26, 1963. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank, hopper and dump type vehicles, from points in Colquitt County, Ga., (except Moultrie, Ga., and points within (3) three miles of Moultrie), to points in Alabama, Florida and South Carolina.

NOTE: Common control may be involved.

HEARING: October 25, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner John B. Mealy.

No. MC 103051 (Sub-No. 149) (CORRECTION), filed July 26, 1963, published issue of August 21, 1963, and republished as corrected this issue. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, in bulk, in tank vehicles, from Nashville, Tenn., to points in North Carolina.

NOTE: Common control may be involved. The purpose of this republication is to correct the applicant's name.

HEARING: Remains as assigned September 24, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 8.

No. MC 103378 (Sub-No. 258), filed May 17, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Mar-

garet Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, (1) from points in Georgia, to points in Georgia, (2) from points in Florida, to points in Florida, (3) from points in South Carolina, to points in South Carolina and (4) from points in North Carolina, to points in North Carolina.

NOTE: Applicant states the proposed authority will be restricted to shipments having a prior movement by rail and/or water.

HEARING: October 25, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner John B. Mealy.

No. MC 103378 (Sub-No. 261) (AMENDMENT), filed June 21, 1963, published in FEDERAL REGISTER issue of August 14, 1963, amended August 20, 1963, and republished as amended this issue. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sodium silicate* and *potassium silicate*, from points in Bartow County, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: The purpose of this republication is to change the origin point "from Cartersville, Ga." to "from points in Bartow County, Ga." and to advance the hearing date from September 24 to September 11.

HEARING: September 11, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Alvin H. Schutrumpf.

No. MC 103378 (Sub-No. 265), filed August 5, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operated as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, in tank vehicles, from points in Twiggs County, Ga., to points in Florida.

HEARING: October 24, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate before Examiner John B. Mealy.

No. MC 103880 (Sub-No. 296), filed August 11, 1963. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Phosphatic fertilizer solutions* (not including phosphoric acid), in bulk, in tank vehicles, from Trenton, Mich., to points in Illinois, Indiana, and Ohio.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 103378 (Sub-No. 266), filed August 14, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, over *irregular routes*, transporting: *Sand*, in bulk, from points in Clay and Putnam Counties, Fla., to points in Georgia.

HEARING: October 24, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate before Examiner John B. Mealy.

No. MC 105500 (Sub-No. 4), filed August 9, 1963. Applicant: HARRY HOLCK, 489 Riverside Avenue, Rutherford, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Organic coatings* in containers from Huntington, Long Island, N.Y., to New York, N.Y.

NOTE: Applicant states the proposed operation will be performed under a continuing contract with the American Can Company and will be limited to traffic having a subsequent move via truck or freight forwarder in interstate or foreign commerce.

HEARING: October 21, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Examiner Parks M. Low.

No. MC 105813 (Sub-No. 91), filed May 17, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products* and *articles distributed by meatpacking houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from points in Nebraska to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

HEARING: October 28, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebraska, before Examiner John S. Messer.

No. MC 105813 (Sub-No. 95), filed June 28, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, candy and confectionery*, in vehicles equipped with mechanical refrigeration, from points in New York, Pennsylvania, Maryland, Massachusetts, and New Jersey, to points in Florida, Georgia, Alabama, Mississippi, and Louisiana.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the Dupont Plaza Hotel, Miami, Examiner John B. Mealy.

No. MC 105813 (Sub-No. 102), filed August 27, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Frozen foods* from Albany and Holley, N.Y., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: September 19, 1963, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 105886 (Sub-No. 10), filed July 31, 1963. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, limited to high temperature bonding mortar, magnesite* and *dolomite, lime and lime products*, and *limestone and limestone products*, from New Beaver Borough, Lawrence County, Pa., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and *empty containers* incidental to the outbound transportation described above, on return.

HEARING: October 18, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 106398 (Sub-No. 214), filed May 17, 1963. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Golf cars and utility power trucks*, designed for specialized golf course turf maintenance, from Fowler, Kans., to points in the United States (except Alaska and Hawaii).

HEARING: November 5, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner James Anton.

No. MC 106920 (Sub-No. 19), filed May 1, 1963. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, New Bremen, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Carroll V. Lewis, Third Floor, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, *frozen foods, canned foods and cured meats*, in mixed and straight shipments, from Chicago, Ill., Minneapolis and St. Paul, Minn., and points in Eau Claire, Barron, Green, Columbia, Wood, and Brown Counties, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return. Restrictions: (1) Shipments from Chicago, Ill., are restricted to shipments requiring prior pickup at one or more of the other named origin points. (2) Shipments from St. Paul and Minneapolis, Minn., are restricted to shipments requiring additional pickups at one or more points in Eau Claire, Barron, Green, Columbia, Wood, and Brown Counties, Wis.

HEARING: October 31, 1963, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 107107 (Sub-No. 271), filed May 31, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meatpacking houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk in tank vehicles) from points in Nebraska, and Mitchell, S. Dak., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: October 28, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 107107 (Sub-No. 278), filed July 19, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Palm Beach County, Fla., to points in Georgia.

HEARING: October 29, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate before Examiner John B. Mealy.

No. MC 107403 (Sub-No. 483), filed July 30, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions* (not including phosphoric acid), in bulk, in tank vehicles, from Trenton, Mich., to points in Illinois, Indiana and Ohio.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 107403 (Sub-No. 485), filed August 1, 1963. Applicant: E. Brooke Matlack, Inc., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Ashtabula, Ohio to points in Indiana, Kentucky, Pennsylvania, and West Virginia.

HEARING: October 18, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. O'Brien, Jr.

No. MC 107496 (Sub-No. 279), filed April 24, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Wyoming.

NOTE: Common control may be involved.

HEARING: October 23, 1963, at Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner James Anton.

No. MC 107515 (Sub-No. 451), filed August 6, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (not canned and not frozen), in vehicles equipped with mechanical refrigeration, from Dallas and San Antonio, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Common control may be involved.

HEARING: November 8, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Jerry F. Laughlin.

No. MC 107698 (Sub-No. 31), filed July 29, 1963. Applicant: BONANZA, INC., Post Office Box 5526, Southeast 28th and Sooner Road, Oklahoma City, Okla. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from points in Louisiana to points in Colorado, Wyoming, Montana, Utah, and Idaho, and (2) from points in Louisiana to points in Washington and Oregon restricted to the transportation of drop shipments in the same vehicle and at the same time with a shipment or shipments moving from Louisiana to the destinations shown in (1) above.

HEARING: October 22, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Jerry F. Laughlin.

No. MC 109397 (Sub-No. 71), filed May 14, 1963. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 450 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, supplies* and *agents*, (1) between Louviers, Colo. and points within five (5) miles thereof, on the one hand, and, on the other, points in Texas, New Mexico, Arizona, Wyoming, Montana, Oklahoma, Nebraska, South Dakota, California, Utah, Idaho, Nevada, Kansas, and Du Pont, Wash.; and (2) between Barksdale, Wis. and points within three (3) miles thereof, on the one hand, and, on the other, points in Wyoming, Texas, New Mexico, Oklahoma, and Colorado.

HEARING: November 6, 1963, at the New Mexico State Corporation Commission, Santa Fe., N. Mex., before Examiner Leo M. Pellerzi.

No. MC 109599 (Sub-No. 3), filed July 5, 1963. Applicant: HOMER BENNETT, doing business as HOMER BENNETT TRUCKING COMPANY, 800 Allen Street, Post Office Box 543, Clovis, N. Mex. Applicant's attorney: Donovan N. Hoover, Post Office Box 897, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Retired railway cars*, from Clovis, N. Mex., and points within 5 miles thereof, to points in Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hemphill, Roberts, Hutchinson, Moore, Hartley, Oldham, Potter, Carson, Gray, Wheeler, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Taylor, Nolan, Mitchell, Howard, Andrews, and Martin Counties, Tex.

HEARING: November 5, 1963, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 109708 (Sub-No. 30), filed July 24, 1963. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in bulk, in tank vehicles, (a) from Petersburg, Va., to points in Alabama, Maryland, New York, Illinois, Massachusetts, Connecticut, Ohio, Florida, and the District of Columbia, and (b) from Chicago, Ill., to Canandaigua, N.Y., and Petersburg, Va. (2) *Grape juice*, in bulk, in tank vehicles, from Westfield, N.Y., to Petersburg, Va. (3) *Grape juice and wine*, in bulk, in tank vehicles, from Paw Paw, Mich., to Canandaigua, N.Y., and Petersburg, Va.

HEARING: November 7, 1963, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 110098 (Sub-No. 33), filed June 12, 1963. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Station A, Box 7249, San Antonio 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Texas, to points in Colorado, Montana, Nevada, North Dakota, South Dakota, and Wyoming.

HEARING: October 31, 1963, at the Granado Hotel, San Antonio, Tex., before Examiner Jerry F. Laughlin.

No. MC 110098 (Sub-No. 35), filed July 5, 1963. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Station A, Box 7249, San Antonio, Tex., 78207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration from Poncha-

toula, La., to points in Colorado, Nevada, Utah, Idaho, Montana, North Dakota, South Dakota, and Wyoming.

HEARING: October 28, 1963, at the Granado Hotel, San Antonio, Tex., before Examiner Jerry F. Laughlin.

No. MC 110193 (Sub-No. 51), filed June 7, 1963. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products,* and *articles distributed by meatpacking houses,* as described in *sections A, B, C, and D of Appendix I* to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Saunders County, Nebr., to points in Pennsylvania, New Jersey, New York, Massachusetts, Maine, Rhode Island, Connecticut, New Hampshire, Vermont, Maryland, and Delaware, and to those points in Ohio south of U.S. Highway 20 extending from the Ohio-Indiana State line to and including Toledo, Ohio, and on and north of U.S. Highway 40, to those points in Indiana south of U.S. Highway 20 extending from the Indiana-Illinois State line to the Indiana-Ohio State line, and on, north, and east of U.S. Highway 52 between the Indiana-Illinois State line and Indianapolis, Ind., and U.S. Highway 40 extending between Indianapolis, Ind., and the Indiana-Ohio State line, and to Chicago, Ill., and Washington, D.C.

HEARING: October 31, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 110420 (Sub-No. 334), filed August 18, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and chemicals*, in bulk, in tank or hopper-type vehicles, from Cordova, Ill., and points within ten (10) miles thereof, to points in Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Michigan, Nebraska, Kentucky, Kansas, North Dakota, and South Dakota.

NOTE: Common control may be involved.

HEARING: October 15, 1963, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 110525 (Sub-No. 590), filed August 1, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper vehicles, from Wallingford, Conn., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: October 28, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 110525 (Sub-No. 591), filed August 2, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle irregular routes, transporting: *Phosphatic fertilizer solutions* (not including phosphoric acid), in bulk, in tank vehicles, from Trenton, Mich., to points in Illinois, Indiana, and Ohio.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 112520 (Sub-No. 91), filed June 3, 1963. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clays, sand and fuller's earth*, in bulk, in tank or hopper-type vehicles, from points in Decatur County, Ga., and Gadsden County, Fla., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Mayflower Hotel, Jacksonville, Fla., before Examiner John B. Mealy.

No. MC 113362 (Sub-No. 23), filed May 20, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products,* and *commodities distributed by meat-packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 768, from Iowa Falls, Iowa, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: October 24, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 113388 (Sub-No. 54), filed July 31, 1963. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 265, Bridgeville, Del. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Camden, Salem, Atlantic, Gloucester, and Cumberland Counties, and Jersey City, N.J., Baltimore, Md., and Wilmington, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 113388 (Sub-No. 55), filed July 31, 1963. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 265, Bridgeville, Del. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions*, from Doylestown and Philadelphia, Pa., and Braddock, N.J., to points in Connecticut, New Jersey, New York, Massachusetts, and Rhode Island.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 113678 (Sub-No. 54), filed August 8, 1963. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and exempt commodities*, when moving in the same vehicle with regulated commodities, from Philadelphia, Pa., and points in Bucks County, Pa., to points in Colorado, Minnesota, Missouri, Illinois, Utah, Arizona, California, Oregon, Washington, and Wyoming, and to Omaha and Gering, Nebr.

NOTE: Common control may be involved.

HEARING: October 31, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 113908 (Sub-No. 124), filed June 13, 1963. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar* and *vinegar stock*, in bulk, in tank vehicles, from points in California and Washington to points in Texas, Arkansas, and Missouri.

HEARING: November 1, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Streets, Kansas City, Mo., before Examiner James Anton.

No. MC 114004 (Sub-No. 42), filed April 12, 1963. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Watercraft, not exceeding 22 feet in length, and watercraft accessories*, from Grabill and Syracuse, Ind., to points in the United States, including Alaska but excluding Hawaii, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 28, 1963, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 114045 (Sub-No. 117), filed August 9, 1963. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary products*, from Los Angeles, Calif., to points in Kansas, Oklahoma, Missouri, and Texas.

HEARING: November 7, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Jerry F. Laughlin.

No. MC 115331 (Sub-No. 52) (AMENDMENT), filed June 30, 1963, published FEDERAL REGISTER issue August 21, 1963, amended August 20, 1963, and republished as amended this issue. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and chemicals*, from Cordova, Ill., and points within 10 miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin.

NOTE: The purpose of this republication is to delete "in bulk" as shown in previous publication and to include Wisconsin as an additional destination state.

HEARING: Remains as assigned, October 15, 1963, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 115841 (Sub-No. 145) (AMENDMENT), filed August 8, 1963, published FEDERAL REGISTER August 21, 1963, and amended August 26, 1963 and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in sections A, B, C, and D, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods*, (1) between points in Loudon County, Tenn., and points in Gordon County, Ga., and (2) between points in Loudon County, Tenn., and points in Gordon County, Ga., on the one hand and, on the other, points in Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Illinois, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, Maryland, Delaware, Washington, D.C., New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE: The purpose of this republication is to add one (1) above.

HEARING: Remains as assigned September 9, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Alvin H. Schutrumpf.

No. MC 115873 (Sub-No. 8), filed July 30, 1963. Applicant: HAROLD WAGGONER & COMPANY, a corporation, 103 Westminster, Collinsville, Ill. Applicant's attorney: Paul Coyle, 5631 Utah Avenue NW., Washington 15, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia, and Wisconsin, to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission.

HEARING: October 22, 1963, at Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner James Anton.

No. MC 116063 (Sub-No. 33), filed August 2, 1963. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, P.O. Box 7346, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials, liquid fertilizer solutions*, in bulk, *anhydrous ammonia*, in bulk and *feed grade urea*, from Kerens, Tex., to points in Oklahoma, Kansas, Arkansas, Louisiana, and New Mexico, and (2) *fertilizer and fertilizer materials*, from Gainesville, Pittsburg, and Vernon, Tex., to points in Oklahoma, Kansas, Arkansas, Louisiana, and New Mexico, and *rejected and damaged shipments*, on return.

HEARING: November 5, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Jerry F. Laughlin.

No. MC 116144 (Sub-No. 12), filed August 6, 1963. Applicant: ARTHUR W. SORENSEN, doing business as SORENSEN TRANSPORTATION COMPANY, Amity Street, Bethany, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bulk, and *fertilizer*, in bags, from Carteret, N.J., to points in Franklin and Hampshire Counties, Mass.

HEARING: November 8, 1963, at the Bond Hotel, Hartford, Conn., before Examiner Parks M. Low.

No. MC 116144 (Sub-No. 13), filed August 6, 1963. Applicant: ARTHUR W. SORENSEN, doing business as SORENSEN TRANSPORTATION COMPANY, Amity Street, Bethany, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, (1) from Cambridge and North Weymouth, Mass., and Carteret, N.J., to points in Connecticut, (2) from Carteret, N.J., to points in Berkshire and Hampden Counties, Mass., (3) from Baltimore, Md., to points in Tolland, New Haven, Windham, New London, Fairfield, Litchfield, and Hartford Counties, Conn., (4) from Cambridge, Mass., to points in Tolland County, Conn., (5) from Lebanon, Pa., to Wethersfield and Woodbridge, Conn., and (6) from Wilmington, Del., to points in New Haven, Hartford, Windham, and New London Counties, Conn.

HEARING: November 8, 1963, at the Bond Hotel, Hartford, Conn., before Examiner Parks M. Low.

No. MC 116503 (Sub-No. 3), filed August 11, 1963. Applicant: BENJAMIN R. SCHOLL, M. R. No. 1, Fifth Street, Perkasie, Pa. Applicant's attorney: Harry J. Liederbach, 539 Street Road, Southampton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, gravel,* and *soil*, from points in Bucks County, Pa., to points in New Jersey, and *sand*, on return.

HEARING: November 1, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 116544 (Sub-No. 38), filed August 19, 1963. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Minnesota, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and *commodities, exempt from regulation* under section 203(b)(6), on return.

HEARING: September 26, 1963, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Examiner Lyle C. Farmer.

No. MC 116544 (Sub-No. 39), filed August 19, 1963. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin and Minnesota, to points in Kansas, Missouri, Iowa, Nebraska, Oklahoma, and Arkansas, and *commodities, exempt* from regulation under section 203(b)(6), on return.

HEARING: October 10, 1963, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 116763 (Sub-No. 36), filed August 27, 1963. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Maine, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and District of Columbia and Kansas City, Kans.

HEARING: September 23, 1963, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 117119 (Sub-No. 97), filed July 29, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., Wilmington, Del., Philadelphia and Doylestown, Pa., Jersey City and Braddock, N.J., and points in Camden, Cape May, Cumberland, Gloucester, Monmouth, and Salem Counties, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Ohio, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: October 9, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 117119 (Sub-No. 99), filed August 4, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from points in Louisiana, to points in Colorado, Wyoming, Montana, Utah, and Idaho, and (2) from points in Louisiana, to points in Washington and Oregon, restricted to the transportation of drop shipments in the same vehicle and at the same time with a shipment or shipments moving from Louisiana to the destination shown in (1) above, and *exempt commodities*, on return in (1) and (2).

HEARING: October 22, 1963, at the Federal Office Building 600 South Street, New Orleans, La., before Examiner Jerry F. Laughlin.

No. MC 117344 (Sub-No. 109), filed August 16, 1963. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorneys: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to St. Paul, Minn.

HEARING: September 23, 1963, in Room 393, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Wm. N. Culbertson.

No. MC 117547 (Sub-No. 11), filed April 30, 1963. Applicant: BELL TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx 52, New York, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger motor vehicles*, in driveaway method, between points in New York, New Jersey, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, points in Florida.

HEARING: November 1, 1963, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 117557 (Sub-No. 7), filed May 1, 1963. Applicant: MATSON, INC., Post Office Box 43, Cedar Rapids, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-unloading bulk material trailers*, in initial movements, in truckaway service, and *self-unloading material bodies*, from Cedar Rapids, Iowa, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah).

HEARING: October 22, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 117686 (Sub-No. 27), filed May 22, 1963. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North Sioux City, Iowa. Applicant's attorney: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Luverne, Minn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: November 7, 1963, at the U.S. Courtrooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 117766 (Sub-No. 3), filed April 12, 1963. Applicant: R & S BROKERAGE COMPANY, Post Office Box 1027, 5508 Guadalupe Trail NW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dough and frozen pies*, (1) from Anaheim and Los Angeles, Calif., to Durango, Colo., Phoenix, Ariz., Albuquerque, N. Mex., and El Paso, Tex., and (2) from Seattle, Wash., to Phoenix, Ariz., Albuquerque, N. Mex., El Paso, Tex., and Durango, Colo.

HEARING: November 4, 1963, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Leo M. Pellerzi.

No. MC 117883 (Sub-No. 24), filed August 27, 1963. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Maine, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and District of Columbia, and Kansas City, Kans.

HEARING: September 23, 1963, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 117898 (Sub-No. 2), filed April 24, 1963. Applicant: WILLIAM EARNHARDT, doing business as EARNHARDT TRANSPORT, Post Office Box 376, Salisbury, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (except plywood and veneer), (a) from points in South Carolina on and west of U.S. Highway 52 from the North Carolina-South Carolina State line to Charleston, S.C., thence on and west of U.S. Highway 17 to the Georgia-South Carolina State line, Augusta, Ga., and points in Georgia within 25 miles thereof, to points in Tennessee on and east of U.S. Highway 27, and points in North Carolina, Virginia, Kentucky, West Virginia, Ohio, Missouri, Michigan, Pennsylvania, New York, New Jersey, and Connecticut, (b) from points in North Carolina on and west of U.S. Highway 15 and on and east of U.S. Highway 601, to points in Tennessee on and east of U.S. Highway 27, and points in North Carolina, Virginia, Kentucky, West Virginia, Ohio, Missouri, Michigan, Pennsylvania, New York, New Jersey, and Connecticut, and (c) from points in Ohio, Maryland, Pennsylvania, New York, and West Virginia, to points in Virginia on and west of U.S. Highway 29, points in Tennessee on and east of U.S. Highway 27, points in North Carolina, and Sumter and Spartanburg, S.C., and (2) *grain and grain products*, from points in Michigan, Illinois, Ohio, Indiana, and Kentucky, to points in North Carolina, South Carolina, Georgia, and Florida.

HEARING: October 21, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Armin G. Clement.

No. MC 117941 (Sub-No. 2), filed August 2, 1963. Applicant: W. A. JONES, 2228 Park Lake Drive, Waco, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bananas*, (1) from Houston, Tex. to Waco, Tex.; from Houston over U.S. Highway 290 to Hempstead, Tex.; thence over Texas Highway 6 to Waco, and return over the same route, serving no intermediate points, and (2) from Galveston, Tex. to Waco, Tex.; from Galveston over U.S. Highway 75 to Houston, Tex., thence over U.S. Highway 290 to Hempstead, Tex., thence over Texas Highway 6 to Waco, and return over the same route, serving no intermediate points.

HEARING: November 6, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 118034 (Sub-No. 7), filed August 2, 1963. Applicant: MILLER TRUCK LINE, INC., 901 NE. 28th Street, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 2412 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in section A, B, and C Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as defined by the Commission, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Texas, Louisiana, Oklahoma, Arkansas, Mississippi, and Alabama, and *empty containers or other such incidental facilities* used in transporting the above described commodities and *rejected shipments* thereof, on return.

HEARING: November 4, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Jerry F. Laughlin.

No. MC 118051 (Sub-No. 4), filed June 3, 1963. Applicant: ALBERT ACEVEDO, RAMIRO ACEVEDO, ERNEST ACEVEDO, RAUL ACEVEDO, AND JESSE ACEVEDO, doing business as, J. ACEVEDO & SONS, 308 Produce Terminal Market, 1500 South Zarzamora, San Antonio, Tex. Applicant's attorney: Maynard F. Robinson, Frost National Bank Building, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Houston, Beaumont, Corpus Christi, and Brownsville, Tex., to El Paso and San Antonio, Tex.

HEARING: October 30, 1963, at the Granado Hotel, San Antonio, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 118142 (Sub-No. 8), filed April 8, 1963. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Utah, Oregon, Idaho, and Washington to points in Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: November 6, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner James Anton.

No. MC 118142 (Sub-No. 13), filed July 17, 1963. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in California, to points in Kansas on and east of U.S. Highway 75, and (2) from points in Utah, to points in Kansas.

HEARING: November 7, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner James Anton.

No. MC 118142 (Sub-No. 14), filed August 12, 1963. Applicant: M. BRUENGER & CO., INC., 400 East 21st, Wichita, Kans. Applicant's attorney: James F. Miller, Suite N–13 Medical and Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products, frozen juices, and frozen citrus concentrates*, in mixed loads with *frozen fruits, frozen berries, and frozen vegetables*, from Sanger, Calif., and from points in that part of California bounded on the north by U.S. Highway 40, on the east by U.S. Highway 99, on the south by Los Angeles and on the west by the Pacific Ocean, including points on the indicated portions of the specified highways, to points in Kansas, and to Kansas City, Mo., and Oklahoma City, Okla.

HEARING: November 8, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner James Anton.

No. MC 118468 (Sub-No. 15), filed May 31, 1963. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry, in bulk or in bags, from points in Illinois, Minnesota, Nebraska, South Dakota, Wisconsin, and that part of Missouri on and north of U.S. Highway 36, to Fort Dodge, Iowa.

NOTE: Applicant states that the proposed operation would be limited to a transportation service to be performed, under a continuing contract or contracts with Farmers Elevator Service Company, Inc., of Fort Dodge, Iowa. Applicant also holds common carrier authority in MC 124813; therefore dual operations may be involved.

HEARING: October 25, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 119493 (Sub-No. 15), filed June 9, 1963. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured animal and poultry feeds and ingredients used in the manufacture of animal and poultry feeds*, (a) between Joplin, Mo., and points within five (5) miles thereof, and points in Texas, and Indiana, and (b) between Springfield, Mo., and points within ten (10) miles thereof, and points in Texas, (2) *composition asphalt shingles*, from Joplin, Mo., to points in Arkansas, Kansas, and Oklahoma, beyond 250 miles of Joplin, Mo., and (3) *nitrocarbo-nitrate*, in bulk, in bags, and in packages (but not in liquid), from Pittsburg Midway Coal Company, Mine Number 19, approximately 2½ miles north and 2 miles west of Hallowell, Kans. and points in North Dakota, South Dakota, and Minnesota.

HEARING: October 30, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Streets, Kansas City, Mo., before Examiner James Anton.

No. MC 119741 (Sub-No. 3), filed June 9, 1963. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago 9, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and products and commodities used by packinghouses*, as defined by the Commission, between Wahoo, Nebr., on the one hand, and, on the other, Chicago, Highwood, Hoopston, North Chicago, and Rantoul, Ill.

HEARING: November 1, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 119848 (Sub-No. 3), filed July 1, 1963. Applicant: KENISON TRUCKING, INC., Post Office Box 324 (1975 South 1045 West), Salt Lake City, Utah. Applicant's attorney: Mark Boyle, 345 South State Street, Salt Lake City 10, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides and pelts, dry, green, and salted*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Montana, Idaho, Utah, Wyoming, Nevada, and California, and (2) *hides and pelts, dry, green and salted*, from points in Utah, Idaho, and Wyoming, to points in Oregon and Washington, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 115504; therefore, dual operations may be involved. Applicant states that it is presently authorized to transport animal and poultry feed, animal and poultry foods, and ingredients used in the manufacture of both commodities (except commodities moving in bulk, in tank vehicles and bulk salt), within the above named territory; that animal hides and pelts, dry, green, and salted, are used as an animal food; and that it is of the opinion that its present authority includes the commodities sought herein.

HEARING: October 24, 1963, at the U.S. Courtrooms, Salt Lake City, Utah, before Examiner Leo M. Pellerzi.

No. MC 121043 (Sub-No. 2), filed May 31, 1963. Applicant: LINK TRUCKING, INC., 1410 South Third West, Salt Lake City, Utah. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except acid and petroleum products, in bulk, and except commodities, which by reason of their weight, size and shape, require special equipment and special handling). (A) REGULAR ROUTES: Between Salt Lake City and Dutch John, Utah, (1) from Salt Lake

City over U.S. Highway 40 to Vernal, Utah, thence over Utah Highway 44 to Manila, Utah, thence over Utah Highway 43 to Linwood, Utah, thence over Wyoming Highway 530 to junction Bureau of Reclamation road, thence over Bureau of Reclamation road across the Utah-Wyoming State line to Dutch John, and return over the same route, serving all intermediate points in Duchesne, Uintah, and Daggett Counties, Utah, (2) from Salt Lake City over U.S. Highway 40 to Vernal, Utah, thence over Utah Highway 44 to junction Utah Highway 260, thence over Utah Highway 260 to Dutch John, and return over the same route, serving all intermediate points in Duchesne, Uintah and Daggett Counties, Utah, and (3) from Salt Lake City over U.S. Highway 91 to Provo, Utah (also from junction U.S. Highway 91 and Utah Highway 52 over Utah Highway 52 to junction U.S. Highway 189), thence over U.S. Highway 189 to Heber City, Utah, thence over U.S. Highway 40 to Vernal, Utah, thence over Utah Highway 44 to Manila, Utah, thence over Utah Highway 43 to Linwood, Utah, thence over Wyoming Highway 530 to junction Bureau of Reclamation road, thence over Bureau of Reclamation road across the Utah-Wyoming State line to Dutch John, and return over the same route, serving all intermediate points in Duchesne, Uintah, and Daggett Counties, Utah. (B) IRREGULAR ROUTES: Between points in Morgan, Salt Lake, Utah, Carbon, and Emery Counties, Utah, and Helper, Price and Heber, Utah, on the one hand, and, on the other, points in Daggett, Uintah, and Duchesne Counties, Utah, via Utah and Wyoming highways.

NOTE: Applicant states it now holds the above, and some additional authority, by virtue of an intrastate certificate issued under No. 1374 and registered with the Interstate Commerce Commission in MC 121043 (BMC 75) and MC 121043 (Sub-No. 1) (pending BOR 99), which registration will be dismissed upon the granting of this authority, which is necessary due to the fact that through the elimination of certain bridges, certain areas near the Flaming Gorge Damsite can be reached only by traversing Wyoming highways.

HEARING: October 25, 1963, at the U.S. Courtrooms, Salt Lake City, Utah, before Joint Board No. 85, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 123639 (Sub-No. 9), filed August 27, 1963. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Post Office Box 6506, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greeley, Colo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

HEARING: September 19, 1963, at the New Customs House, Denver, Colo., before Examiner Lasrence A. Van Dyke, Jr.

No. MC 124196 (Sub-No. 1), filed April 10, 1963. Applicant: RACCO EXPRESS, INC., 618 Crabtree, Racine, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Engine cooling radiators*, (1) from Paducah, Ky. to Fort Wayne and Indianapolis, Ind., and Rock Island and East Moline, Ill., and (2) from La Porte, Ind. to Rock Island, Moline, and East Moline, Ill. and Dubuque, Davenport, and Waterloo, Iowa. RESTRICTION: The proposed operations herein will be limited to a transportation service to be performed under a continuing contract, or contracts, with Modine Manufacturing Company, of Racine, Wis.

HEARING: November 1, 1963, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 124340 (Sub-No. 3), filed July 17, 1963. Applicant: A-P-A TRANSPORT CORP., 2110 North 85th Street, North Bergen, N.J. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes and corrugated paper products, fibre board boxes and fibre board paper products, pulp board boxes and pulp board paper products, and store display racks of the above-described commodities*, from the Delair plant of the Weyerhaeuser Company in Pennsauken Township, N.J., to points in New Castle County, Del.; Baltimore, Md.; and points in Pennsylvania on and east of the western boundaries of Tioga, Lycoming, Union, Mifflin, Juaniata, Franklin, Perry, Cumberland, and Adams Counties, and *rejected, damaged and returned shipments of the above commodities* on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in MC 25399; therefore, dual operations may be involved.

HEARING: November 6, 1963, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 124410 (Sub-No. 3), filed June 10, 1963. Applicant: ROBERT A. STATON, doing business as BOB STATON TRANSPORT CO., Junction U.S. Highways 36 and 65, Chillicothe, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, and in bulk, (1) between the plant sites of W. R. Grace Company (Davison Chemical Division) located at Perry, Iowa, and Trenton, Mo., and (2) between the said plant sites located at Perry, Iowa, and Trenton, Mo., on the one hand, and, on the other, points in Kansas, Missouri, Iowa, Nebraska, South Dakota, and Minnesota.

HEARING: October 29, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner James Anton.

No. MC 124573 (Sub-No. 5), filed July 10, 1963. Applicant: STILL FERTILIZER AND GRAIN COMPANY, a corporation, Steele, Mo. Applicant's attorney: R. Conner Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, (1) from Yazoo City, and Gulfport, Miss., to points in Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, and Stoddard Counties, Mo.; (2) *bagging* (for wrapping cotton), from Gulfport, Miss., to points in Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, and Stoddard Counties, Mo.; and (3) *bale ties*, from Birmingham, Ala., to points in Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, and Stoddard Counties, Mo.; and (4) *rejected shipments and empty containers or other such incidental facilities* used in transporting the commodities specified in (1) through (3) above, on return.

HEARING: October 24, 1963, at Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner James Anton.

No. MC 124722 (Sub-No. 2), filed July 14, 1963. Applicant: E'PORT WAREHOUSE & TRANSFER CO., a corporation, 70 South Park Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products*, as listed in Appendix I—A and B of *Descriptions in Motor Certificates*, 61 M.C.C. 209, in mechanically refrigerated equipment, between the warehouse of Food Fair Stores, Inc., located in Linden, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, New Haven, and Hartford Counties, Conn.

NOTE: Applicant states the proposed service will be restricted to service under contract with Food Fair Stores, Inc. It is further noted common control may be involved.

HEARING: November 4, 1963, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 124813 (Sub-No. 1), filed May 31, 1963. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed* and *feed ingredients* (except liquids, in bulk, in tank vehicles); (a) from Eagle Grove, Iowa to DeKalb and Sycamore, Ill., points in that part of Illinois on and north of U.S. Highway 24, and on and west of U.S. Highway 51, that part of South Dakota on and south of U.S. Highway 14 and east of the Missouri River, and points in Missouri, Nebraska, Minnesota, and Wisconsin; (b) between Eagle Grove, Iowa, on the one hand, and, on the other, points in Colorado, Kansas, and that part of Wyoming east of the Continental Divide, restricted against the transportation of soy bean meal between Eagle Grove, Iowa and points in Kansas; (c) from Fremont, Nebr., to points in South Dakota, Wyoming, and Colorado; and (d) from points in Illinois, Minnesota, Nebraska, South Dakota, Wisconsin, and that part of Missouri on and north of U.S. Highway 36, to Fort Dodge, Iowa; (2) *dry commercial feeds*, in bags and in bulk; (a) from Muscatine, Fort Dodge and West Bend, Iowa, to points in Illinois (except those in the commerical zone of East St. Louis, Ill.), Minnesota, Nebraska, South Dakota, Wisconsin, and that part of Missouri on and north of U.S. Highway 36, (3) *animal and poultry feed ingredients;* (a) from points in Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, to Eagle Grove, Iowa; (b) from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin; and (c) from Muscatine, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; (4) *dry fertilizer*, in hopper-type self-unloading equipment, in bulk, and in bags when moving in combination with bulk movements; (a) from Joplin and St. Joseph, Mo., and Lawrence, Kans., to points in Iowa.

NOTE: Applicant presently holds authority as a contract carrier, or has contract carrier applications pending which duplicate all of the authority sought above. If granted common carrier rights, applicant would request revocation of the corresponding contract carrier permits.

HEARING: October 21, 1963, in Room 401, Old Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 125111 (Sub-No. 2), filed April 19, 1963. Applicant: BOTSFORD READY-MIX CO., a corporation, 5600 East 50 Highway, Post Office Box 6827 Parkway Station, Kansas City 30, Mo. Applicant's attorney: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete aggregate, cement, pozzalan and other additives* to cement or concrete aggregate, between points in Weld and Logan Counties, Colo., Goshen, Laramie, and Platte Counties, Wyo., and Kimball, Banner, Cheyenne, Morrill, and Scottsbluff Counties, Nebr.

HEARING: October 31, 1963, at the New Customs House, Denver, Colo.; before Joint Board No. 198, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

No. MC 125112 (Sub-No. 1), filed June 13, 1963. Applicant: V. V. BRIM, Live Oak, Fla. Applicant's attorney: W. J. Winburn, Jr., Post Office Box 339, Live Oak, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, wire fence and posts*, from Adel, Valdosta and Cordele, Ga., to points in Suwannee, Lafayette and Hamilton Counties, Fla.

HEARING: October 23, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate before Examiner John B. Mealy.

No. MC 125225 (Sub-No. 1), filed July 24, 1963. Applicant: DAVID G. STOKLEY, Route 3, Box 316–B, Madison, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Adel and Cordele, Ga., to Madison, Fla., and points in Madison, Hamilton, Taylor, and LaFayette Counties, Fla.

HEARING: October 23, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate before Examiner John B. Mealy.

No. MC 125247, filed April 8, 1963. Applicant: WILLIAM G. BECK, Rural Route No. 9, Box 487, Michigan City, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in trucks equipped with special unloading equipment: (a) from Michigan City, Ind., to points in the lower peninsula of Michigan, points in Illinois north of U.S. Highway 36 and points in Ohio north of U.S. Highway 30 and west of U.S. Highway 25; (b) from points in Barrien County, Mich., to points in Indiana on and north of U.S. Highway 40 to points in Illinois north of U.S. Highway 36 and points in Ohio north of U.S. Highway 30 and west of U.S. Highway 25; and (c) from Oregon, Ill., to points in Indiana on and north of U.S. Highway 40 to points in the southern peninsula of Michigan and to points in Ohio north of U.S. Highway 30 and west of U.S. Highway 25.

NOTE: The proposed operation will be under a continuing contract with Manley Sand Division of Martin Marietta Corporation.

HEARING: November 1, 1963, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 125301 (AMENDMENT), filed April 24, 1963, published FEDERAL REGISTER issue August 28, 1963, amended and republished as amended this issue. Applicant: UTLEY LUMBER COMPANY, INC., Post Office Box 205, Steele, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in boxes, bags, sacks and other containers from New Orleans, Reserve, Supreme, Gramercy, Southdown, and Matthews, La., to points in Louisiana, Arkansas, Missouri, Iowa, Illinois, Indiana, Kentucky, Tennessee, Mississippi, and Alabama.

NOTE: The purpose of this republication is to include additional origin points, in lieu of those shown in previous publication.

HEARING: Remains as assigned October 15, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Sammuel Horwich.

No. MC 125316, filed April 29, 1963. Applicant: GOMEZ AND KEIR TRUCKING, INC., 10875 West 38th Place, Wheatridge, Colo. Applicant's attorney: Herbert M. Boyle, 946 Metropolitan Building, Denver 2, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay pipe*, and (2) *rejected brick and pipe, and used brick*, between points in Denver and Jefferson Counties, Colo., on the one hand, and, on the other, points in Nebraska, Wyoming, New Mexico, Arizona, Kansas, South Dakota, Utah, and Colorado.

HEARING: October 28, 1963, at the New Customs House, Denver, Colo., before Examiner Leo M. Pellerzi.

No. MC 125407, filed May 27, 1963. Applicant: CHARLES E. KING, JR. AND HAROLD A. SCOTT, a partnership, doing business as KING & SCOTT, Gray, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, in cans, bottles, and kegs, (a) from Minneapolis, Minn., to Carroll, Iowa, and (b) between Omaha, Nebr., and Carroll, Iowa; and (2) *butter cartons*, from Kansas City, Kans., to Carroll, Iowa, and *empty containers or other such incidental* facilities (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 23, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 125437, filed June 9, 1963. Applicant: DANNY ELLIS, Fort Scott, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boler and binder twine, sisal twine, rope, baling wire, barbed wire, nails, fence post, field fence, reinforcement bars, and reinforcement mesh*, between Houston and Freeport, Tex., and New Orleans, La., on the one hand, and, on the other, points in Louisiana, Texas, Oklahoma, Arkansas, Colorado, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Wyoming, Minnesota, Wisconsin, and North Dakota.

NOTE: Applicant states that the proposed service will be provided under a continuing contract with Frank W. Winne & Son, Inc., of Philadelphia, Pa.

HEARING: October 31, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Streets, Kansas City, Mo., before Examiner James Anton.

No. MC 125453 (Sub-No. 1), filed August 6, 1963. Applicant: JOSEPH TUCKER TRUCKING CORPORATION, 218–17 68th Avenue, Bayside 64, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Elevator doors, door parts, cabs and cab parts*, uncrated, from New York, N.Y., to points in Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and *refused, rejected and returned shipments*, on return.

HEARING: November 7, 1963, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 125535, filed July 17, 1963. Applicant: JOHN J. SHARP, 346 Central Avenue, Woodbury Heights, N.J. Applicant's attorney: Thomas S. Forkin, 628 Cooper Street, Camden 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration and freezing units, machines, and equipment, and all parts and supplies connected thereto*, from the plant site of Hussman Refrigeration, Inc., located at Haddonfield, N.J., to points in Maine, New

Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, Ohio, North Carolina, South Carolina, New Jersey, and Washington, D.C.

NOTE: Applicant states the proposed operation will consist of hauling services rendered exclusively for Hussman Refrigeration, Inc. Also, damaged and defective equipment will be hauled on return.

HEARING: October 30, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 125580, filed August 2, 1963. Applicant: JOSEPH J. SHINE AND LENA SHINE, a partnership, doing business as DIRECT TRUCKING CO., 77 Cornelison Avenue, Jersey City, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags and cases, from Port Newark, N.J., to New York, N.Y. and points in Rockland, Westchester, and Nassau Counties, N.Y.

NOTE: Applicant states the proposed service will be performed under continuing contract with the Diamond Crystal Salt Company.

HEARING: October 22, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Examiner Parks M. Low.

No. MC 125584, filed August 8, 1963. Applicant: HARMON RIDGWAY, doing business as HARMON RIDGWAY TRUCKING COMPANY, 500 Cherry Street, Dodge City, Kans. Applicant's attorneys: Everett C. Fettis, Suite 504–120 South Market Street, Wichita 2, Kans., and William C. Farmer, 729 Beacon Building, Wichita, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Creosote posts, poles, and lumber*, from DeQueen, Ark., Hugo, Okla., and Albuquerque, N. Mex., to points in Kansas. (2) *Nth Stone*, from Oklahoma City, Okla., to points in Kansas. (3) *Mink feed and feed ingredients*, from Jewell, and Decorah, Iowa, Wheat Ridge, Delta, and Denver, Colo., Medford, Pittsville, Menomonie, and Fond du Lac, Wis., Sioux Falls, S. Dak., Omaha, Nebr., and Fort Worth, Tex., to points in Kansas. (4) *Processed and manufactured livestock feed and feed products*, between points in Kansas, Altus and Oklahoma City, Okla., Quanah, Sweetwater, Lamesa, Ft. Worth, and Lubbock, Tex., and St. Joseph, Mo.

HEARING: November 5, 1963, at the Hotel Lassen, Wichita, Kansas, before Examiner James Anton.

No. MC 125601, filed August 12, 1963. Applicant: J. R. SEALE, doing business as J. R. SEALE TRUCKING CO., Throckmorton Highway, Box 602, Olney, Tex. Applicant's attorney: R. E. Thornton, First National Bank Building, Olney, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Oil field equipment*, between points in Texas on and west of U.S. Highway 81.

HEARING: November 6, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 281), filed September 4, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter bus service, from points in Nassau and Suffolk Counties, Long Island, N.Y., to points in the United States (except Hawaii).

NOTE: Common control may be involved. Application is accompanied by motion to dismiss and petition to reopen certain other proceedings.

HEARING: October 28, 1963, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Frank R. Saltzman.

No. MC 1501 (Sub-No. 296), filed April 9, 1963. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Belleview, Fla., and Lady Lake, Fla., from Belleview over U.S. Highway 441 (relocated) to Lady Lake and return over the same route serving all intermediate points.

HEARING: November 4, 1963, at the Angebilt Hotel, Orlando, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate before Examiner John B. Mealy.

No. MC 29850 (Sub-No. 4), filed July 26, 1963. Applicant: TRENTON-PHILA. COACH CO., a corporation, 200 West Wyoming Avenue, Philadelphia 40, Pa. Applicant's attorney: Peter Platten, Land Title Building, Philadelphia 10, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers with baggage in the same vehicle*, in special operations, sightseeing tours and round trips, beginning and ending at Philadelphia, Pa., and Trenton, N.J., and points intermediate thereto adjacent to U.S. Highways 1 and 13, and extending to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.

HEARING: October 28, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 58915 (Sub-No. 47), filed June 28, 1963. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers, between points in Woodbridge Township and points in Madison Township, N.J.; from junction U.S. Highways 1 and 9 in Woodbridge, N.J., over U.S. Highway 9 (formerly New Jersey Highway 35) to junction U.S. Highway 9 and New Jersey Highway 34 in Madison Township, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently has authority to operate over the above stated route in a certificate dated August 28, 1946 with the following restriction: Service is authorized to and from all intermediate points subject to the restriction that no passengers shall be transported between and including the junction of U.S. Highway 9 and the new alignment of New Jersey Highway 4 near Cheesequake, N.J. and junction U.S. Highway 1 and New Jersey Highway 35, near Woodbridge on the one hand, and, on the other, New York, N.Y. The purpose of this application is to eliminate the above stated restriction.

HEARING: October 24, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 84728 (Sub-No. 38), filed July 5, 1963. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 1012 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express* in the same vehicle with passengers, in charter service, from points in Nassau and Suffolk Counties, N.Y., to points in the United States (except Hawaii), and return.

HEARING: October 28, 1963, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Frank R. Saltzman.

No. MC 116623 (Sub-No. 1), filed April 18, 1963. Applicant: RITZENTHALER BUS LINES, INC., Route 2, Post Office Box 245, Long Grove, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between Prairie View, Ill., and points in Illinois within 15 miles thereof, including Prairie View, on the one hand, and, on the other, points in Indiana, Michigan, Iowa, Missouri, Ohio, Wisconsin, Illinois, and the District of Columbia.

HEARING: October 29, 1963, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 119556 (Sub-No. 11), filed June 11, 1963. Applicant: AIRPORT COACHES, INC., 186 Sound Beach Avenue, Old Greenwich, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver, between Stratford, Fairfield, and Westport, Conn., on the one hand, and, on the other, LaGuardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., from Stratford over U.S. Interstate Highway 95 to the corporate limits of New York, N.Y., and thence over city streets and highways to LaGuardia Field Airport, N.Y., and New York International Airport, Idlewild, N.Y., and return over the same routes, serving Westport, and Fairfield, Conn., as intermediate points.

NOTE: The proposed service will be rendered in conjunction with authority now pending in MC 119556 Sub-No. 3, which authorizes similar service between Bridgeport, Norwalk, Stamford, and Greenwich, and these same New York Airports.

HEARING: November 6, 1963, at Bond Hotel, Hartford, Conn., before Examiner Parks M. Low.

No. MC 125329 (Sub-No. 1), filed June 17, 1963. Applicant: APEX TRUCKING CO., Inc., 330 West 42d Street, New York 36, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, for the account of McGraw Hill Publishing Company, Inc., between New York, N.Y., and East Windsor, (Hightstown), N.J. Restriction: The proposed service is to be restricted to the transportation of no more than 12 passengers per vehicle at any one time.

NOTE: Applicant states that it presently holds Permit MC 117184, under which it serves the named contract shipper in the transportation of "such commodities as are dealt in by book and magazine publishing companies, and fixtures, materials, supplies and equipment used in the operation of such business," between the above named points. Applicant proposes, under the authority herein sought, to transport its shipper's property, as well as such personnel required by its shipper to be transported, between New York, N.Y., and East Windsor, N.J., separately, as well as together in the vehicles adapted to such transportation service.

HEARING: November 5, 1963, at 346 Broadway, New York, N.Y., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 125494, filed June 28, 1963. Applicant: D & M TAXI CO., INC., Post Office Box 38, Fort Dix, N.J. Applicant's attorney: John D. Hawke, Jr., 1229 19th Street, NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, providing nonscheduled, door-to-door service, in special and charter operations. *Special operations* proposed between Fort Dix and McGuire Air Force Base, N.J., and points within (12) twelve miles thereof, on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., Idlewild International Airport, La Guardia Airport, Manhattan Beach Air Force Station, Fort Hamilton and Brooklyn Army Terminal, New York, N.Y. Service will be limited to the transportation of not more than (11) eleven passengers in any one vehicle, not including the driver, and not including children under (10) ten years of age who do not occupy a seat. *Charter operations* proposed between Fort Dix, McGuire Air Force Base and Springfield Township, N.J., on the one hand, and, on the other, points in and within a radius of (10) ten miles of Philadelphia, Pa., and New York City, N.Y. Service will be limited to the transportation of not more than (6) six passengers in any one vehicle, not including the driver, and not including children under (10) ten of age who do not occupy a seat.

HEARING: October 23, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 125509, filed July 5, 1963. Applicant: CHARLES E. BOUCHER, doing business as FALLS LIVERY, 447 River Road, South Hadley Falls, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations consisting of nonscheduled door-to-door service, limited to transportation of no more than eight (8) passengers in any one vehicle (not including the driver thereof), between South Hadley, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, and New Jersey.

HEARING: November 7, 1963, at the Bond Hotel, Hartford, Conn., before Examiner Parks M. Low.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12876, filed July 29, 1963. Applicant: THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D.C. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Washington, D.C., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter services, as individuals or in groups, in all-expense tours, beginning and ending at Washington, D.C., and extending to points in the United States.

HEARING: October 17, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 261.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 50), filed August 19, 1963. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Selma, Ala., and Meridian, Miss.: from Selma, Ala., over U.S. Highway 80 to Meridian, Miss., and return over the same route serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations.

No. MC 7075 (Sub-No. 15), filed August 8, 1963. Applicant: NEMASKET TRANSPORTATION COMPANY, INC., 58 West Grove Street, Middleboro, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Island of Nantucket, Mass., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 19553 (Sub-No. 25), filed August 18, 1963. Applicant: KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), serving the site of the Stepan Chemical Company plant located in Millsdale, Ill., as an off-route point in connection with applicant's regular-route operations between Dundee, Ill. and Chicago Heights, Ill.

NOTE: Common control may be involved.

No. MC 29555 (Sub-No. 40), filed August 15, 1963. Applicant: BRIGGS TRANSPORTATION COMPANY, INC., a corporation, 2360 West County Road "C", St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cedar Rapids, Iowa and Iowa City, Iowa: from Cedar Rapids over U.S. Highway 218 to Iowa City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operation.

No. MC 66562 (Sub-No. 1951) (AMENDMENT), filed May 13, 1963, published issue May 29, 1963, and republished as amended this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodi-*

ties, moving in express service, between New York, N.Y., and West Paterson, N.J.; from New York through the Lincoln Tunnel to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Browerton Road, thence over Browerton Road to West Paterson, and return over the same route, serving Hoboken, N.J., as an off-route point. Restrictions: The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts.

NOTE: The purpose of this republication is to show the change in the destination point in lieu of Passaic, N.J.

No. MC 103435 (Sub-No. 145), filed August 19, 1963. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: Maurice Andren, 1734 Tilford Street, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and Classes A and B explosives), from Scottsbluff, Nebr. to Fort Morgan, Colo.; from Scottsbluff over Nebraska Highway 71 (formerly designated as Nebraska Highway 29) to the Colorado-Nebraska state line, thence over Colorado Highway 21 to Stoneham, Colo., thence over Colorado Highway 14 to junction Colorado Highway 52, thence over Colorado Highway 52 to Fort Morgan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

No. MC 110525 (Sub-No. 592), filed August 18, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Nitro, W. Va. to Cincinnati, Ohio.

No. MC 110525 (Sub-No. 593), filed August 19, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cement*, from West Conshohocken, Pa. to points in Maryland.

No. MC 112750 (Sub-No. 159), filed August 19, 1963. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: J. K. Murphy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Checks, audit and accounting media, magnetic tape, punch paper tape, and business papers and records* (excluding plant removals) for the account of The Wingate Computing Center of Hartford, Conn., between Providence, R.I., on the one hand, and, on the other, points in Connecticut, points in Bristol and Worcester Counties, Mass., and points in Albany, Broome, Nassau, Onondaga and Westchester Counties, N.Y., and (2) *invoices, inventory control documents and business records pertaining to general accounting and auditing of chain grocery stores*, for the account of Stop & Shop, Inc., between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire and Rhode Island.

NOTE: Common control may be involved.

No. MC 114194 (Sub-No. 52), filed August 19, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends*, in bulk from Granite City, Ill. to points in Alabama, Georgia, Florida, Mississippi, South Carolina, North Carolina, Virginia, and West Virginia, and *rejected shipments* on return.

No. MC 114848 (Sub-No. 15), filed August 18, 1963. Applicant: WHARTON TRANSPORT CORPORATION, Post Office Box 2591, DeSoto Station, Memphis, Tenn. Applicant's attorney: James Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum trihydrate*, dry, in bulk, in tank or hopper type motor vehicles, from Bauxite, Ark., to New Johnsonville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

No. MC 114897 (Sub-No. 44), filed August 15, 1963. Applicant: WHITFIELD TANK LINES, INC., 308 North Clark Road, Post Office Drawer 9897, El Paso 89, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Animal fats*, in bulk, in tank vehicles, from El Paso, Tex., to points in New Mexico.

NOTE: Common control may be involved.

No. MC 115841 (Sub.-No. 147), filed August 16, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Birmingham, Ala., and its commercial zone to Tupelo, Hattiesburg, Jackson, and Meridian, Miss., and points in Louisiana except New Orleans.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8538. Authority sought for control by JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark., of SMOCK TRANSPORTATION COMPANY, INC., Doniphan, Mo., and for acquisition by HARVEY JONES, also of Springdale, Ark., of control of SMOCK TRANSPORTATION COMPANY, INC., through the acquisition by JONES TRUCK LINES, INC. Applicants' attorneys: Wentworth E. Griffin, 1221 Baltimore, Kansas City, Mo., and John H. Dalton, 203 College Avenue, Kennett, Mo. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk as a *common carrier* over regular routes, between Hoxie, Ark., and National Stock Yards, Ill., serving certain intermediate points, between Doniphan, Mo., and Poplar Bluff, Mo., serving certain intermediate and off-route points, between Corning, Ark., and Walnut Ridge, Ark., serving all intermediate points and the off-route points of Brookins and Beech Corner, Ark.; *petroleum lubricating oils and greases*, between Roxana, Ill., and Doniphan, Mo. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Texas, Mississippi, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8539. Authority sought for purchase by INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind., of the operating rights of C. V. BOLIN, doing business as BOLIN FOODS TRANSPORTATION CO, 5736 West 35th Street, Cicero 50, Ill., and for acquisition by RODNEY TETRAULT, Rural Route No. 1, Eaton, Ind., LILLIAN TETRAULT, Matthews, Ind., and JOHN HARTMEYER, 11 Oak Road, Muncie, Ind., of control of such rights through the purchase. Applicants' attorneys: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill., and Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over irregular routes, from Fruitland, Md., and Bridgeville, Del., to points in Iowa, Minnesota, Wisconsin, Nebraska, Kansas, and Missouri, and from Fruitland, Md., to points in Illinois and Indiana. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Kentucky, Maryland, Missouri, Maine, New Hampshire, Connecticut, Delaware, Vermont, Oklahoma, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8540. Authority sought for purchase by J. J. WILLIS TRUCKING COMPANY, 306 East Second Street, Post Office Box 2112, Odessa, Tex., of the operating rights of MERCURY OILFIELD TRANSPORTATION, INC., Post Office Box 1083, Oklahoma City, Okla., and for acquisition by MARY ADELE WILLIS, Odessa, Tex., as executrix of the estate of J. J. WILLIS, of control of such rights through the purchase. Applicants' attorneys: Jerry Prestridge, Post Office Box 858, Austin, Tex., 78765, and Rufus Lawson, Post Office Box 5114, Oklahoma City 7, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, as a *common carrier* over irregular routes, between points in Kansas, Oklahoma, and Texas. Vendee is authorized to operate as a *common carrier* in Louisiana, Texas, New Mexico, and Arizona. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–9481; Filed, Sept. 4, 1963; 8:46 a.m.]

[Notice No. 860]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 30, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65833. By order of August 28, 1963, The Transfer Board approved the transfer to Maynard D. Blanchard and Thomas H. Newman, Jr., a partnership, doing business as Acadia Express Company, Southwest Harbor, Maine, joined as applicants in No. MC 28806 (Sub-No. 3), BOR 99 filed in the name of Harold A. Moore, doing business as Moore's Express, Ellsworth Falls, Maine, for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Maine Certificate No. 48, authorizing the transportation of property as a common carrier between Bangor, Maine, and West Tremont, Maine, passing through and serving: Bangor, Brewer, East Hampden, Holden, Lucerne, Goose Pond, Green Lake, Nicolin, North Ellsworth, Ellsworth Falls, Ellsworth, Trenton, Town Hill, Somesville, Hall Quarry, Southwest Harbor, Manset, Seawall, McKinley, Bernard, Tremont, Seal Cover, Center, and West Tremont. Francis E. Barrett, 25 Bryant Avenue, East Milton 86 (Boston), Mass., attorney for applicant.

No. MC–FC 65947. By order of August 28, 1963, The Transfer Board approved the transfer to Samuel F. O'Brien, doing business as O'Brien Moving & Storage, 153 Charlestown Road, Claremont, N.H., of Permit in No. MC 62326, issued December 6, 1949, to E. Clarence Peterson, doing business as E. C. Peterson, 45 Forest Street, Claremont, N.H., authorizing the transportation of: Cement vaults, from Claremont, N.H., to points in Vermont and New Hampshire; and, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Claremont, N.H., to specified points in New Hampshire and Vermont.

No. MC–FC 66006. By order of August 28, 1963, The Transfer Board approved the transfer to Hilt Truck Line, Inc., Lincoln, Nebr., of Certificates in Nos. MC 123462 and MC 123462 (Sub-No. 2), issued June 9, 1961 and March 8, 1963, respectively, to Nebraska Motor Express, Inc., Lincoln, Nebr., authorizing the transportation of: Malt beverages, over regular routes, from St. Paul, Minn., to Lincoln, Nebr., serving specified intermediate points, from St. Paul, Minn., to Beatrice, Nebr., from Milwaukee, Waukesha and La Crosse, Wis., to Lincoln, Nebr., from Quincy, Ill., to Lincoln, Nebr.; canned goods, from St. Paul, Minn., to Lincoln, Nebr.; fresh meats, packinghouse products, and frozen poultry, from Omaha, Nebr., to Chicago, Ill.; agricultural machinery and parts thereof, from Chicago, Ill., to Lincoln, Nebr., serving specified intermediate points; macaroni, noodles, grain products, pancake and cake flour, spaghetti, and vermicelli, from Lincoln, Nebr., to St. Paul and Minneapolis, Minn., Chicago, Ill., and Waterloo and Clinton, Iowa, serving intermediate points; eggs and dressed poultry, from Lincoln, Nebr., to Chicago, Ill.; junk, from Lincoln, Nebr., to Chicago, Ill., and Marshalltown, Iowa; over irregular routes: Grain, from points in Iowa, to Grand Island, Nebr.; petroleum products, from Kansas City, Mo., and Kansas City and Topeka, Kans., to Grand Island, Nebr.; agricultural implements and parts thereof, and twine, from Chicago, Canton, and East Moline, Ill., to Grand Island, Nebr.; feed, from Topeka, Kans., to Grand Island, Nebr.; canned goods, from points in Iowa, Illinois, and Kansas, to Grand Island, Nebr.; food products and canned goods, from Chicago, Ill., and Kansas City, Mo., to Grand Island, Nebr.; hides and junk metal, from Hastings, Nebr., to Chicago, Ill.; livestock, between Grand Island, Nebr., and points in Nebraska within 50 miles of Grand Island, and Columbus, Nebr., on the one hand, and, on the other, points in Colorado, Wyoming, South Dakota, Kansas, Iowa, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Pennsylvania; household goods and emigrant movables, between points within 25 miles of Grand Island, Nebr., including Grand Island, on the one hand, and, on the other, points in Iowa, Illinois, Missouri, Kansas, Colorado, and South Dakota; and agricultural machinery, trucks, tractors, and parts thereof, between Chicago, Rock Island, and Canton, Ill., and Council Bluffs, Iowa, on the one hand, and, on the other, Grand Island, Ogallala, Sutherland, Big Spring, and Brule, Nebr. Donald E. Leonard, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

No. MC–FC 66019. By order of August 28, 1963, The Transfer Board approved the transfer to George Transit Line, Inc., Des Moines, Iowa, of Certificate in No. MC 119657, issued December 13, 1960, to F. S. Millard, Grimes, Iowa, authorizing the transportation over irregular routes of prepared animal and poultry feed, from Des Moines, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; animal and poultry feed ingredients, from the above-specified destination points to Des Moines, Iowa; radios, from Chicago, Ill., to Des Moines, Iowa; ironers and parts therefor, and washing machines and parts therefor, from Peoria, Ill., to Des Moines, Iowa; from Newton, Iowa, to points in that part of Illinois on and north of U.S. Highway 36 and on and east of U.S. Highway 45; washing machines, washing machine parts and materials used in the manufacture thereof, ironers and parts thereof, drain tubs, and paper fibre cartons, between Newton and Des Moines, Iowa, on the one hand, and, on the other, points in Illinois and Nebraska; animal and poultry feed, from Danville, Ill., to points in Arkansas and Kansas; and damaged, defective, rejected, or returned shipments of animal and poultry feed and empty containers used in transporting animal and poultry feed, from points in Arkansas and Kansas to Danville, Ill. Robert E. Dreher, 212 Equitable Building, Des Moines 9, Iowa, attorney for applicants.

No. MC–FC 66176. By order of August 28, 1963, The Transfer Board approved the transfer to Union Garage, Inc., San Francisco, Calif., of Certificate in No. MC 119542, issued October 5, 1961, to James E. Anderson, doing business as Union Garage Car Processing Center, Fairfield, Calif., authorizing the transportation, over irregular routes, of automobiles, in secondary movement, in driveaway service, from the site of Travis Air Force Base near Fairfield, Calif., to Oakland, Calif., via Richmond, Calif. Marquan C. George, 20th Floor, Tribune Tower, Oakland 12, Calif., attorney for applicants.

No. MC–FC 66198. By order of August 28, 1963, The Transfer Board approved the transfer to Schultz Trucking Service, Inc., St. Francis, Kans., of Certificates in Nos. MC 115742 and MC 115742 (Sub-No. 1), issued March 28, 1957, and February 19, 1962, respectively, to Theodore Schultz, doing business as

Schultz Trucking Service, St. Francis, Kans., authorizing the transportation of general commodities, excluding household goods, over regular route, between Denver, Colo., and St. Francis, Kans., serving no intermediate points, but serving Bird City, Kans., as an off-route point; general commodities, excluding household goods, over irregular routes, between points in Colorado east of the Continental Divide, on the one hand, and, on the other, points in Cheyenne County, Kans.; and livestock, grain, livestock feed, seeds, salt, building materials, contractor's tools and equipment, agricultural machinery and tools, coal, wood, fencing materials and posts, scrap metals and junk, over irregular routes, between points in Cheyenne, Rawlins, and Sherman Counties, Kans., Yuma County, Colo., and Dundy County, Nebr., on the one hand, and, on the other, Denver, Colo. Einar Viren, 904 City National Bank Building, Omaha 2, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-9482; Filed, Sept. 4, 1963; 8:46 a.m.]

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Volume 76

UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Washington, Friday, September 6, 1963

THE UNIVERSITY OF MICHIGAN SEP 10 1963 MAIN READING ROOM

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Road, thence over Browerton Road to West Paterson, and return over the same route, serving Hoboken, N.J., as an off-route point. Restrictions: The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts.

[illegible] to show the change in the destination point to that of Passaic, N.J.

No. MC 102435 (Sub-No. 145), filed August 19, 1963. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 611 Springfield Avenue, Spokane, Wash. Applicant's representative: Maurice Auerbach, 1734 Tilford Street, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and Classes A and B explosives), from Scottsbluff, Nebr. to Fort Morgan, Colo.; from Scottsbluff over Nebraska Highway 71 (formerly designated as Nebraska Highway 29) to the Colorado-Nebraska state line, thence over Colorado Highway 21 to Stoneham, Colo., thence over Colorado Highway 14 to junction Colorado Highway 52, thence over Colorado Highway 52 to Fort Morgan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

No. MC 110525 (Sub-No. 592), filed August 18, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Nitro, W. Va. to Cincinnati, Ohio.

No. MC 110525 (Sub-No. 593), filed August 19, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cement*, from West Conshohocken, Pa. to points in Maryland.

No. MC 112750 (Sub-No. 159), filed August 19, 1963. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: J. K. Murphy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Checks, audit and accounting media, magnetic tape, punch paper tape*, points in Albany, Broome, Nassau, Onondaga and Westchester Counties, N.Y., and (2) *invoices, inventory control documents and business records pertaining to general accounting and auditing of chain grocery stores*, for the account of Stop & Shop, Inc., between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire and Rhode Island.

NOTE: Common control may be involved.

No. MC 114194 (Sub-No. 52), filed August 19, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends*, in bulk from Granite City, Ill. to points in Alabama, Georgia, Florida, Mississippi, South Carolina, North Carolina, Virginia, and West Virginia, and *rejected shipments* on return.

No. MC 114848 (Sub-No. 15), filed August 18, 1963. Applicant: WHARTON TRANSPORT CORPORATION, Post Office Box 2591, DeSoto Station, Memphis, Tenn. Applicant's attorney: James Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum trihydrate*, dry, in bulk, in tank or hopper type motor vehicles, from Bauxite, Ark., to New Johnsonville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

No. MC 114897 (Sub-No. 44), filed August 15, 1963. Applicant: WHITFIELD TANK LINES, INC., 308 North Clark Road, Post Office Drawer 9897, El Paso 89, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Animal fats*, in bulk, in tank vehicles, from El Paso, Tex., to points in New Mexico.

NOTE: Common control may be involved.

No. MC 115841 (Sub.-No. 147), filed August 16, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Birmingham, Ala., and its commercial zone to Tupelo, Hattiesburg, Jackson, and Meridian, Miss., and points in Louisiana (except New Orleans.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-F-8539. Authority sought for purchase by INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind., of the operating rights of C. V. BOLIN, doing business as BOLIN FOODS TRANSPORTATION CO, 5736 West 35th Street, Cicero 50, Ill., and for acquisition by RODNEY TETRAULT, Rural Route No. 1, Eaton, Ind., LILLIAN TETRAULT, Matthews, Ind., and JOHN HARTMEYER, 11 Oak Road, Muncie, Ind., of control of such rights through the purchase. Applicants' attorneys: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill., and Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over irregular routes, from Fruitland, Md., and Bridgeville, Del., to points in Iowa, Minnesota, Wisconsin, Nebraska, Kansas, and Missouri, and from Fruitland, Md., to points in Illinois and Indiana. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Kentucky, Maryland, Missouri, Maine, New Hampshire, Connecticut, Delaware, Vermont, Oklahoma, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8540. Authority sought for purchase by J. J. WILLIS TRUCKING COMPANY, 306 East Second Street, Post Office Box 2112, Odessa, Tex., of the operating rights of MERCURY OIL-SMOCK TRANSPORTATION COMPANY, INC., Doniphan, Mo., and for acquisition by HARVEY JONES, also of Springdale, Ark., of control of SMOCK TRANSPORTATION COMPANY, INC., through the acquisition by JONES TRUCK LINES, INC. Applicants' attorneys: Wentworth E. Griffin, 1221 Baltimore, Kansas City, Mo., and John H. Dalton, 203 College Avenue, Kennett, Mo. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk as a *common carrier* over regular routes between Hoxie, Ark., and National Stock Yards, Ill., serving certain intermediate points between Doniphan, Mo. and Poplar Bluff, Mo., serving certain intermediate and off-route points between Corning, Ark. and Walnut Ridge, Ark., serving all intermediate points and the off-route points of Brookins and Beech Corner, Ark.; *petroleum lubricating oils and greases*, between Roxana, Ill. and Doniphan, Mo. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Texas, Mississippi, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-FC 65833. By order of August 28, 1963, The Transfer Board approved the transfer to Maynard D. Blanchard and Thomas H. Newman, Jr., a partnership, doing business as Acadia Express Company, Southwest Harbor, Maine, joined as applicants in No. MC 28806 (Sub-No. 3), BOR 99 filed in the name of Harold A. Moore, doing business as Moore's Express, Ellsworth Falls, Maine, for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Maine Certificate No. 48, authorizing the transportation of property as a common carrier [illegible] Post Office Box 858, Austin, Tex., 78767, and Rufus Lawson, Post Office Box 5114, Oklahoma City 7, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, as a *common carrier* over irregular routes, between points in Kansas, Oklahoma, and Texas. Vendee is authorized to operate as a *common carrier* in Louisiana, Texas, New Mexico, and Arizona. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-9481; Filed, Sept. 4, 1963; 8:46 a.m.]

[Notice No. 860]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 30, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

No. MC-FC 65947. By order of August 28, 1963, The Transfer Board approved the transfer to Samuel F. O'Brien, doing business as O'Brien Moving & Storage, 153 Charlestown Road, Claremont, N.H., of Permit in No. MC 62326, issued December 6, 1949, to E. Clarence Peterson, doing business as E. C. Peterson, 45 Forest Street, Claremont, N.H., authorizing the transportation of: Cement, vaults from Claremont, N.H., to points in Vermont and New Hampshire, and such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Claremont, N.H., to specified points in New Hampshire and Vermont.

No. MC-FC 66006. By order of August 28, 1963, The Transfer Board approved the transfer to Hilt Truck Line, Inc., Lincoln, Nebr., of Certificates in Nos. MC 123462 and MC 123462 (Sub-No. 2), issued June 9, 1961 and March 8, 1963, respectively, to Nebraska Motor Express, Inc., Lincoln, Nebr., authorizing the transportation of: Malt beverages, over regular routes, from St. Paul, Minn., to Lincoln, Nebr., serving specified intermediate points, from St. Paul, Minn., to Beatrice, Nebr., from Milwaukee, Waukesha and La Crosse, Wis., to Lincoln, Nebr., from Quincy, Ill., to Lincoln, Nebr.; canned goods, from St. Paul, Minn., to Lincoln, Nebr.; fresh meats, packinghouse products, and frozen poultry, from Omaha, Nebr., to Chicago, Ill.; agricultural machinery and parts thereof, from Chicago, Ill., to Lincoln, Nebr., serving specified intermediate points; macaroni, noodles, grain products, pancake and cake flour, spaghetti, and vermicelli, from Lincoln, Nebr., to St. Paul and Minneapolis, Minn., Chicago, Ill., and Waterloo and Clinton, Iowa, serving intermediate points; eggs and dressed poultry, from Lincoln, Nebr., to Chicago, Ill.; junk, from Lincoln, Nebr., to Chicago, Ill., and Marshalltown, Iowa; over irregular routes: Grain, from points in Iowa, to Grand Island, Nebr.; petroleum products, from Kansas City, Mo., and Kansas City and Topeka, Kans., to Grand Island, Nebr.; agricultural implements and parts thereof, and twine, from Chicago, Canton, and East Moline, Ill., to Grand Island, Nebr.; feed, from Topeka, Kans., to Grand Island, Nebr.; canned goods, from points in Iowa, Illinois, and Kansas, to Grand Island, Nebr.; food products and canned goods, from Chicago, Ill., and Kansas City, Mo., to Grand Island, Nebr.; hides and junk metal, from Hastings, Nebr., to Chicago, Ill.; livestock, between Grand Island, Nebr., and points in Nebraska within 50 miles of Grand Island, and Columbus, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, New Mexico, Arizona, Utah, California, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Colorado, Pennsylvania, New York, Maryland, Delaware, New Jersey, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Michigan, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, Maine, and the District of Columbia; and agricultural machinery, trucks, tractors, and parts thereof, between Chicago, Rock Island, and Canton, Ill., and Council Bluffs, Iowa, on the one hand, and, on the other, Grand Island, Ogallala, Sutherland, Big Spring, and Brule, Nebr. Donald E. Leonard, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

No. MC-FC 66019. By order of August 28, 1963, The Transfer Board approved the transfer to George Transit Line, Inc., Des Moines, Iowa, of Certificate in No. MC 119657, issued December 13, 1960, to P. S. Millard Grimes, Iowa, authorizing the transportation over irregular routes of: prepared animal and poultry feed, from Des Moines, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; animal and poultry feed ingredients, from the above-specified destination points to Des Moines, Iowa; radios, from Chicago, Ill., to Des Moines, Iowa; ironers and parts therefor, and washing machines and parts therefor, from Peoria, Ill., to Des Moines, Iowa; from Newton, Iowa, to points in that part of Illinois on and north of U.S. Highway 36 and on and east of U.S. Highway 45; washing machines, washing machine parts and materials used in the manufacture thereof, ironers and parts thereof, drain tubs, and paper fibre cartons, between Newton and Des Moines, Iowa, on the one hand, and, on the other, points in Illinois and Nebraska; animal and poultry feed, from Danville, Ill., to points in Arkansas and Kansas; and damaged, defective, rejected, or returned shipments of animal and poultry feed and empty containers used in transporting animal and poultry feed, from points in Arkansas and Kansas to Danville, Ill. Robert E. Dreher, 212 Equitable Building, Des Moines 9, Iowa, attorney for applicants.

No. MC-FC 66176. By order of August 28, 1963, The Transfer Board approved the transfer to Union Garage, Inc., San Francisco, Calif., of Certificate in No. MC 119542, issued October 5, 1961, to James E. Anderson, doing business as Union Garage Car Processing Center, Fairfield, Calif., authorizing the transportation, over irregular routes, of automobiles, in secondary movement, in driveaway service, from the site of Travis Air Force Base near Fairfield, Calif., to Oakland, Calif., via Richmond, Calif. Marquan C. George, 20th Floor, Tribune Tower, Oakland 12, Calif., attorney for applicants.

No. MC-FC 66198. By order of August 28, 1963, The Transfer Board approved the transfer to Schultz Trucking Service, Inc., St. Francis, Kans., of Certificates in Nos. MC 115742 and MC 115742 (Sub-No. 1), issued March 28, 1957, and February 19, 1962, respectively, to Theodore Schultz, doing business as

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Schultz Trucking Service, St. Francis, Kans., authorizing the transportation of general commodities, excluding household goods, over regular route, between Denver, Colo., and St. Francis, Kans., serving no intermediate points, but serving Bird City, Kans., as an off-route point; general commodities, excluding household goods, over irregular routes, between points in Colorado east of the Continental Divide, on the one hand, and, on the other, points in Cheyenne County, Kans.; and livestock, grain, livestock feed, seeds, salt, building materials, contractor's tools and equipment, agricultural machinery and tools, coal, wood, fencing materials and posts, scrap metals and junk, over irregular routes, between points in Cheyenne, Rawlins, and Sherman Counties, Kans., Yuma County, Colo., and Dundy County, Nebr., on the one hand, and, on the other, Denver, Colo. Einar Viren, 904 City National Bank Building, Omaha 2, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-9482; Filed, Sept. 4, 1963; 8:46 a.m.]

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[87th Cong., 2d Sess.]

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Rules and Regulations

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 63-40]

SMALL PASSENGER VESSELS

Miscellaneous Amendments

Pursuant to the notices of proposed rule making published in the FEDERAL REGISTER on February 2, 1963 (28 F.R. 1052-1058) and February 16, 1963 (28 F.R. 1510, 1511) and the Merchant Marine Council Public Hearing Agenda dated March 25, 1963 (CG-249), the Merchant Marine Council held a public hearing on March 25, 1963, for the purpose of receiving comments, views and data.

The proposals considered were identified as Items I to XI, inclusive. Item I contained proposals regarding small passenger vessels. The proposals in this Item regarding "portable lights for emergency purposes," "patrolmen on vessels with below deck passenger lounge areas," and "lounge arrangements for passenger spaces located below deck" are adopted without change. The proposals regarding scope of regulations for small passenger vessels are adopted with minor changes. These proposals provide that the regulations in 46 CFR, Parts 175 to 186 would apply to all small passenger vessels under 100 gross tons regardless of length. The regulations which apply only to small passenger vessels not more than 65 feet in length have been designated with an "S" for "small vessels" while those vessels which are over 65 feet in length have been designated as "L" vessels. Those regulations which do not have a specific designation are applicable to both categories of vessels, i.e., "S" and "L" vessels. In a number of cases, the text within a particular section may apply to small vessels only when the paragraph is designated as "S," or to large vessels only when it is designated "L," or to both small and large vessels when it is designated "S and L." Changes were made in 46 CFR 175.01-1, 176.01-3(c), 180.30-10(c) and 181.10-1 (c). This document is the eighth of a series covering the regulations and actions considered at the March 25, 1963, public hearing.

A regulation designated 46 CFR 180.10-35 was inserted to continue existing requirements for rescue boats on "L" vessels unless the Officer in Charge, Marine Inspection, is of the opinion that the vessel itself provides a fully satisfactory rescue platform. In order that the regulations in 46 CFR Chapter I will properly reflect a change in scope of the small passenger vessel regulations in Subchapter T, amendments are made to 46 CFR 2.01-7, 24.05-1, 30.01-5, 70.05-1, 70.05-3, 90.05-1 and 110.05-1. These changes which were not described in the notices of proposed rule making published in the FEDERAL REGISTER are considered to be editorial changes and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedure thereon and effective date requirements thereof) is unnecessary.

By authority invested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-9 dated August 3, 1954 (19 F.R. 5195), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), 167-38 dated October 26, 1959 (24 F.R. 8857), and 167-46 dated November 6, 1961 (26 F.R. 10609), the following actions are ordered:

1. The vessel inspection regulations shall be amended in accordance with the changes in this document.

2. Unless specifically specified otherwise, the regulations in this document shall become effective on and after the 30th day following the date of publication of this document in the FEDERAL REGISTER.

3. Regulations containing specific effective dates shall become effective on and after such dates.

4. The amendments designated 46 CFR 177.30-7, 184.30-5, and 185.22-1 shall be effective as follows:

(a) For all new vessels or vessels converted to passenger service, all requirements on or after the effective date of the regulations in this document.

(b) For existing vessels the requirements concerning lounge arrangements and portable lights for emergency purposes in 46 CFR 177.30-7 and 184.30-5 must be complied with prior to the next date of inspection for certification or 12 months from the effective date of the regulations in this document, whichever is later.

(c) For all vessels the requirements concerning patrolmen in 46 CFR 185.22-1 shall apply as of the effective date of the regulations in this document.

5. The regulations in this document may be complied with in lieu of existing requirements; however, the new or revised requirements in this document shall be met by no later than the effective dates specified herein.

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.01—Inspecting and Certificating of Vessels

§ 2.01-7 Classes of vessels (including motorboats) examined or inspected and certificated.

Section 2.01-7 is amended by revising footnote 4 to Table 2.01-7(a) in paragraph (a) to read as follows:

'Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret sec. 3, 60 Stat. 238, 5 U.S.C. 1002. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER C—UNINSPECTED VESSELS

PART 24—GENERAL PROVISIONS

Subpart 24.05—Application

§ 24.05-1 Vessels subject to the requirements of this subchapter.

Section 24.05-1 is amended by revising footnote 4 to Table 24.05-1(a) in paragraph (a) to read as follows:

'Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

(R.S. 4405, as amended, 4462, as amended; sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

§ 30.01-5 Application of regulations—TB/ALL.

Section 30.01-5 is amended by revising footnote 4 to Table 30.01-5(d) in paragraph (d) to read as follows:

'Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

Subpart 70.05—Application

1. Section 70.05-1 is amended by revising the introductory sentence (but not the subparagraphs) in paragraph (a) and by revising footnote 4 to Table 70.05-1(a) to read as follows:

§ 70.05-1 United States flag vessels subject to the requirements of this chapter.

(a) This subchapter shall be applicable to all United States flag vessels indicated in Column 4 of Table 70.05-1(a) that are 100 gross tons or more, except as follows:

* * * * *

TABLE 70.05-1(a)

'Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

2. Section 70.05–3 is amended by revising the introductory sentence (but not the subparagraphs) in paragraph (a) to read as follows:

§ 70.05–3 Foreign vessels subject to the requirements of this subchapter.

(a) Except as specifically noted in paragraph (b) of this section, this subchapter shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in Column 4 of Table 70.05–1(a) that are 100 gross tons or more:

* * * * *

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret sec. 3, 60 Stat. 238, 5 U.S.C. 1002. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

Subpart 90.05—Application

§ 90.05–1 Vessels subject to requirements of this subchapter.

Section 90.05–1 is amended by revising footnote 4 to Table 90.05–1(a) in paragraph (a) to read as follows:

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret sec. 3, 60 Stat. 238, 5 U.S.C. 1002. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

Subpart 110.05—Application

§ 110.05–1 Vessels subject to the requirements of this subchapter.

Section 110.05–1 is amended by revising footnote 4 to Table 110.05–1(a) in paragraph (a) to read as follows:

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

The heading for Subchapter T is amended to read "Small Passenger Vessels (Under 100 Gross Tons)." (This change broadens the scope of these regulations to include passenger vessels of over 65 feet in length and under 100 gross tons and states realistic, attainable requirements for these vessels.)

PART 175—GENERAL PROVISIONS

1. The authority for Part 175 is amended to read as follows:

AUTHORITY: §§ 175.01–1 to 175.30–1 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4464, as amended; 46 U.S.C. 391, 392, 399, 404, 435, 451. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 5659; CGFR 56–28, July 24, 1956, 21 F.R. 5659. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 175.01—Authority

2. Section 175.01–1 is amended to read as follows:

§ 175.01–1 General.

(a) *S.* By virtue of the authority vested in the Commandant of the Coast Guard by the Secretary of the Treasury in Treasury Department Order 167–20, dated June 18, 1956 (21 F.R. 4894), the regulations in this subchapter are prescribed to carry out the intent and purposes of Title 46, U.S. Code, sections 390 to 390g and 404, which require the inspection and certification of certain vessels carrying passengers.

(b) *L.* By virtue of the authority vested in the Commandant of the Coast Guard by the Secretary of the Treasury in Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), 167–20, dated June 18, 1956 (21 F.R. 5659), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), the regulations in this subchapter are prescribed to carry out the intent and purposes of Title 46, U.S. Code, sections 375, 391, 392, 399, 404, 416, 435 and 451, which require inspection and certification of certain vessels carrying passengers for hire.

(c) *S and L.* Where other laws are applicable to vessels inspected under this subchapter, appropriate references following certain regulations are made to show that such regulations interpret or apply such laws.

Subpart 175.05—Application

3. Section 175.05–1 is amended to read as follows:

§ 175.05–1 Vessels subject to the requirements of this subchapter.

(a) *S.* The general overall application of the regulations in this subchapter to small passenger vessels, and the application of other vessel inspection regulations are tabulated in Table 175.05–1(a). Specifically, this subchapter shall be applicable to vessels not more than 65 feet in length carrying more than 6 passengers, which are propelled in whole or in part by steam or any form of mechanical or electrical power; propelled by sail; or non-self-propelled. The regulations in this subchapter are applicable to all such United States flag vessels and all such foreign flag vessels carrying more than 6 passengers from a port of the United States, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea, 1948, and which has on board a current, valid safety certificate.

(Sec. 4, 70 Stat. 153; 46 U.S.C. 390c; E.O 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.

(R.S. 4400, as amended, sec. 1, 70 Stat. 151; 46 U.S.C. 362, 390(b))

(3) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(Sec. 1, 70 Stat. 151; 46 U.S.C. 390(b))

(4) Any vessel while laid up and dismantled and out of commission.

(R.S. 4417, as amended, sec. 1, 70 Stat. 151; 46 U.S.C. 391, 390)

(5) With the exception of vessels of the United States Maritime Administration, any vessel with title vested in the United States and which is used for public purposes and operated by a department or agency of the Federal Government.

(Sec. 1, 41 Stat. 305, as amended, sec. 1, 70 Stat. 151; 46 U.S.C. 363, 390)

(6) Any lifeboat forming part of a vessel's lifesaving equipment.

(Sec. 1, 70 Stat. 151; 46 U.S.C. 390)

TABLE 175.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulation: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [3] [4]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk. [5]	All vessels carrying more than 6 passengers. [7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5. [6]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk. [5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers. [7] 3. All other vessels, except:	All vessels except those covered by columns 3 and 4.	None.

See footnotes at end of table.

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [3] [4]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
			a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.		
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers. [7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk. [5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers. [7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk. [5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers. [7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers. [7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1950 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

(b) *L.* The provisions of this subchapter will also be applicable to any vessel which is more than 65 feet in length and which is less than 100 gross tons and carries passengers for hire. (See footnote 4 to Table 175.05–1(a).)

(c) *S and L.* Any vessel carrying more than 150 passengers shall comply with the provisions of this subchapter and shall be subject to certain additional requirements as determined by the Officer in Charge, Marine Inspection. These additional requirements are contained in applicable regulations in Subchapter H (Passenger Vessels), Subchapter P (Manning), Subchapter F (Marine Engineering), and Subchapter J (Electrical Engineering) of this chapter.

(R.S. 4463, as amended; 46 U.S.C. 222; Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

(d) *S and L.* Nothing in the regulations in this subchapter shall be construed as exempting any mechanically propelled vessel, other than a yacht, which carries more than 12 passengers on an international voyage from the applicable requirements of the International Convention for Safety of Life at Sea, 1948.

(Sec. 3, 70 Stat. 153, 46 U.S.C. 390c; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

(e) *S and L.* Any vessel which carries inflammable or combustible liquid

cargo, or explosives, or other dangerous articles or substances is subject to additional requirements provided in other laws and regulations. Any Officer in Charge, Marine Inspection, may be contacted for information concerning these additional requirements.

(R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521).

(f) *S and L.* Any mechanically propelled vessel inspected and certificated under the provisions of this subchapter, which is of above 15 gross tons and carries freight for hire, is subject to additional requirements provided in other laws and regulations. Any Officer in Charge, Marine Inspection, may be contacted for information concerning these additional requirements.

(R.S. 4426, as amended; 46 U.S.C. 404)

4. Section 175.05–5 is amended to read as follows:

§ 175.05–5 Specific application noted in text.

(a) For the purposes of this subchapter, vessels subject to inspection under the provisions of § 175.05–1(a) are termed "S" vessels; vessels subject to inspection under the provisions of § 175.05–1(b) are termed "L" vessels. Certain portions of this subchapter applicable to only "S" vessels will be indicated by the designator "S". Portions applicable to only "L" vessels will be indicated by the designator "L". Those portions of this subchapter applicable to both categories of vessel will contain no designator or will be designated "S and L."

(b) At the beginning of the various parts, subparts and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date.

(c) As used in this subchapter the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

Subpart 175.10—Definitions of Terms Used in This Subchapter

5. Section 175.10–27 is amended to read as follows:

§ 175.10–27 Passenger.

A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. The following special considerations should be noted:

(a) *S and L.* In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

(b) *S.* For vessels subject to the provisions of the Act of May 10, 1956 (46 U.S.C. 390–390g), the term passenger means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The master and the bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services;

(3) Any employee of the owner of the vessel engaged in the business of the owner except when the vessel is operating under a bareboat charter;

(4) Any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;

(5) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly, for his carriage; or

(6) Any person on board a vessel documented and used for tugboat or towboat service of fifty gross tons or more who has not contributed any consideration, directly or indirectly, for his carriage.

6. Subpart 175.10 is amended by inserting after § 175.10–27 a new section reading as follows:

§ 175.10–28 Passengers for hire, carriage of.

(a) The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, agent, or any other person interested in the vessel.

(R.S. 4426, as amended, sec. 1, 70 Stat. 151; 46 U.S.C. 404, 390)

Subpart 175.25—Special Consideration

§ 175.25–1 By Officer in Charge, Marine Inspection.

7. The authority note following § 175.25–1(a) is amended to read as follows:

(R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 175.30—Appeals

§ 175.30–1 Right of appeal.

8. The authority note following § 175.30–1(a) is canceled because statutes cited are included in authority for this part.

PART 176—INSPECTION AND CERTIFICATION

1. The authority for Part 176 is amended to read as follows:

AUTHORITY: §§ 176.01–1 to 176.35–10 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4464, as amended; 46 U.S.C. 391, 392, 399, 404, 435, 451. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 176.01—Certificate of Inspection

2. Section 176.01–1 is amended to read as follows:

§ 176.01–1 When required—S.

(a) Except as noted in this subpart, every vessel subject to inspection and certification shall, when carrying more than six passengers, have on board a valid certificate of inspection, Form CG–3753, and shall be operated in compliance therewith.

(Sec. 4, 70 Stat. 153; 46 U.S.C. 390c)

(b) Every mechanically propelled vessel of above 15 gross tons inspected and certificated under the provisions of this subchapter shall, during the tenure of the certificate, be in full compliance with the terms of the certificate when carrying freight for hire. Any other vessel certificated under the provisions of this subchapter when carrying not more than 6 passengers, and when operating as a yacht, commercial fishing vessel, cargo carrier, etc., will be subject only to the laws, rules and regulations governing the type of operation in which it engages.

(R.S. 4463, as amended, sec. 26, 41 Stat. 998, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 222, 882, 526p)

(c) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG–854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

3. Subpart 176.01 is amended by inserting after § 176.01–1 a new section reading as follows:

§ 176.01–3 When required—L.

(a) Except as noted in this subpart or § 176.01–27, no vessel subject to inspection and certification shall be operated without a valid Certificate of Inspection; Form CG–841.

(b) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG–854, shall be issued pending the issuance and delivery of the regular certificate of inspection, Form CG–841. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

(c) Nothing in this subpart shall prevent a vessel upon a regularly established line from a port in the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of Hawaii from lawfully completing her voyage without the valid certificate of inspection or temporary certificate required by this section: *Provided*, That the voyage shall be completed within 30 days after the expiration of the certificate of inspection. No such vessel shall depart if its certificate of inspection will expire within 15 days of the date of sailing unless the voyage will be completed before such expiration.

§ 176.01–5 Description.

4. The authority following §176.01–5(a) is amended to read as follows (statutes now included in authority for part are deleted):

(R.S. 4463, as amended, 4488, as amended, sec. 26, 41 Stat. 998, as amended; 46 U.S.C. 222, 481, 882. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

5. Section 176.01–10 is amended to read as follows:

§ 176.01–10 How to obtain or renew.

(a) *S and L.* The certificate of inspection shall be obtained or renewed by making application for inspection on Form CG–3752, Application for Inspection of Small Passenger Vessel, to the Coast Guard Marine Inspection Office located in, or nearest the port at which the inspection is to be made. The application forms are available at any local Coast Guard Marine Inspection Office.

(b) *S and L.* The application for initial inspection of a vessel being newly constructed or converted shall be submitted prior to the start of such construction or conversion. Information and requirements or plans are in Subpart 177.05 of this subchapter.

(c) *S and L.* The construction, arrangement and equipment of all vessels shall be acceptable to the cognizant Officer in Charge, Marine Inspection, as a prerequisite of the issuance of the initial certificate of inspection. Such acceptance will be based on the information, specifications, drawings and calculations available to the Officer in Charge, Marine Inspection, and on the successful completion of an initial inspection for certification.

(d) *S.* Certificates of inspection will be renewed by the issuance of new certificates of inspection. Such renewal will normally be made triennially upon expiration of the old certificate of inspection but may be made at any time within the three years upon proper application.

(e) *L.* Certificates of inspection will be renewed by the issuance of new certificates of inspection. Such renewal will normally be made annually upon expiration of the old certificate of inspection but may be made at any time within the year upon proper application.

(f) *S and L.* The condition of the vessel and its equipment shall be acceptable to the cognizant Officer in Charge, Marine Inspection, as a prerequisite of the certificate of inspection renewal. Such acceptance will be based on the condition as found at the periodic inspection for certification.

6. Section 176.01–15 is amended to read as follows:

§ 176.01–15 Period of validity

(a) *S.* A certificate of inspection will be issued for a period of three years, and will remain valid for such period unless renewed, revoked, suspended, or surrendered.

(b) *L.* A certificate of inspection will be issued for a period of one year and will remain valid for such period unless renewed, revoked, suspended, or surrendered.

(c) *S and L.* A certificate of inspection may be revoked, or suspended and withdrawn by the Officer in Charge, Marine Inspection, at any time for noncompliance with the provisions of this subchapter or requirements established thereunder.

§ 176.01–25 Passengers permitted.

7. The authority following § 176.01–25(a) is amended to read as follows (statutes now included in authority for part are deleted):

(R.S. 4463, as amended, 4488, as amended, sec. 26, 41 Stat. 998, as amended; 46 U.S.C. 222, 481, 882. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

8. Subpart 176.01 is amended by inserting after § 176.01–25 a new section reading as follows:

§ 176.01–27 Permit to proceed to another port for repair—L.

(a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG–948, to a vessel if in his judgment it can be done with safety even if the certificate of inspection of the vessel has expired or is about to expire.

(b) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

(c) The permit will state upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry freight or passengers. Passengers may not be carried if the certificate of inspection has expired, except as provided under § 176.01–3(c).

(d) The permit shall be carried in a manner similar to that described in § 176.01–40 for a certificate of inspection.

§ 176.01–30 Permit to carry excursion party.

9. The authority following § 176.01–30(e) is amended to read as follows (statutes now included in authority for part are deleted):

(R.S. 4466, as amended, 4488, as amended 46 U.S.C. 453, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 176.05—Inspection for Certification

§ 176.05–1 General.

10. The authority note following § 176.05–1(a) is canceled because statutes cited are included in authority for this part.

Subpart 176.10—Reinspection

11. Section 176.10–1 is amended to read as follows:

§ 176.10–1 When made.

(a) *S.* At least two reinspections shall be made on each vessel within each triennial inspection period. When possible these reinspections will be made at approximately equal intervals between triennial inspections for certification, but may be made at such other times as may be required by the Officer in Charge, Marine Inspection.

(b) *L.* Vessels in this category are not required to be reinspected between annual inspections, except where specifically deemed necessary by the Officer in Charge, Marine Inspection.

Subpart 176.25—Materiel Inspections

§ 176.25–1 Inspection standards.

12. The authority note following § 176.25–1(a) is amended to read as follows:

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

§ 176.25–5 Hull.

13. The authority note following § 176.25–5(a)(5) is canceled because statutes cited are included in authority for this part.

§ 176.25–10 Machinery.

14. The authority note following § 176.25–10(b) is canceled because statutes cited are included in authority for this part.

§ 176.25–15 Electrical.

15. The authority note following § 176.25–15(a)(6) is canceled because statutes cited are included in authority for this part.

§ 176.25–20 Lifesaving equipment—S.

16. The headnote for § 176.25–20 is amended to read *"Lifesaving equipment—S."*

17. The authority note following § 176.25–20(b) is amended to read as follows:

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

18. Subpart 176.25 is amended by inserting after § 176.25–20 a new section reading as follows:

§ 176.25–22 Lifesaving equipment—L.

(a) At each initial and subsequent inspection for certification, the marine inspector shall inspect all lifesaving equipment to determine its serviceability.

(b) Life preservers, if found to be of approved type and in good condition shall be stamped "Passed," together with the date, the port and the marine inspector's initials.

(c) At each reinspection conducted in accordance with § 176.10–1(b), such examination of lifesaving equipment shall be made as deemed necessary by the Officer in Charge, Marine Inspection.

(R.S. 4488, as amended; 46 U.S.C. 481 Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

§ 176.25–25 Fire extinguishing equipment—S.

19. Section 176.25–25 is amended by changing the headnote to read *"Fire extinguishing equipment—S."*

20. The authority note following § 176.25–25(c) is amended to read as follows:

(R.S. 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 170, 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

21. Subpart 176.25 is amended by inserting after § 176.25–25 a new section reading as follows:

§ 176.25–27 Fire extinguishing equipment—L.

(a) At each initial and subsequent inspection for certification, the provisions of § 176.25–25 shall apply.

(b) At each reinspection conducted in accordance with § 176.10–1(b), such examination of fire extinguishing equipment shall be made as deemed necessary by the Officer in Charge, Marine Inspection.

(R.S. 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 170, 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

§ 176.25–30 Pressure vessels—S.

22. Section 176.25–30 is amended by changing the headnote to read *"Pressure vessels—S."*

23. Subpart 176.25 is amended by inserting after § 176.25–30 a new section reading as follows:

§ 176.25–32 Pressure vessels—L.

(a) At each initial and subsequent inspection for certification, the provisions of § 176.25–30 shall apply except that those examinations and tests required by § 176.25–30 (b)(3) and (b)(4) shall be performed triennially at the time of regular annual inspection.

§ 176.25–35 Steering apparatus.

24. The authority note following § 176.25–35(a) is canceled because the statutes cited are included in authority for this part.

§ 176.25–40 Miscellaneous systems and equipment.

25. The authority note following § 176.25–40(b) is amended to read as follows:

(R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

PART 177—CONSTRUCTION AND ARRANGEMENT

1. The authority for Part 177 is amended to read as follows:

AUTHORITY: §§ 177.01–1 to 177.35–15 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended; 46 U.S.C. 391, 392, 404, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659.

Subpart 177.05—Plans

§ 177.05–1 Plans required for "S" vessels carrying not more than 150 passengers—S.

2. Section 177.05–1 is amended by changing the headnote to read *"Plans required for 'S' vessels carrying not more than 150 passengers—S."*

3. Section 177.05–3 is amended to read as follows:

§ 177.05–3 Plans required for "S" vessels carrying more than 150 passengers, all "L" vessels, and certain other vessels.

(a) *S and L.* The owner or builder shall, prior to the start of construction if practicable, or in any case prior to the initial inspection of the vessel, submit for approval to the Officer in Charge, Marine Inspection, of the inspection zone where the vessel is to be inspected, at least two copies of each of the plans listed in § 177.05–1(a). Prior to the initial certification, the owner or builder shall submit for approval by the Commandant two copies of each of the following plans:

(1) Lines and offsets.

(2) Curves of form.

(3) Capacities of the tanks, including sizes and locations in vessel.

(b) *S and L.* Additional calculations and data shall be submitted as required by §§ 178.20–5(a) and 179.10–5(a) of this subchapter.

(c) *S.* If a vessel carrying not more than 150 passengers for any reason is required or elects to have a stability test according to the standards and procedures set forth in Subchapter H (Passenger Vessels) of this chapter; the additional plans listed in paragraph (a) of this section shall be submitted together with the calculations and data required by § 179.10–5(a) of this subchapter.

(d) *S.* If a vessel carrying not more than 150 passengers for any reason is required or elects to meet one compartment subdivision and damage stability requirements calculated in accordance with Subchapter H (Passenger Vessels) of this chapter, the additional plans listed in paragraph (a) of this section shall be submitted together with the calculations and data required by § 178.20–5(a) of this subchapter.

(e) *S.* Where internal buoyancy is installed in accordance with § 178.10–1 (b) of this subchapter, the plans and calculations demonstrating compliance with such paragraph shall be submitted for approval.

Subpart 177.10—Hull Structure

4. Section 177.10–5(a) is amended to read as follows:

§ 177.10–5 Fire protection.

(a) The general construction of the vessel shall be such as to minimize fire hazards insofar as reasonable and practicable. Vessels contracted for on or after July 1, 1961, which carry more than 150 passengers shall meet the requirements of Subpart 72.05 of Subchapter H (Passenger Vessels) of this chapter. The application of these requirements to specific vessels shall be as determined by the Officer in Charge, Marine Inspection.

Subpart 177.30—Passenger Accommodations

5. Subpart 177.30 is amended by adding after § 177.30–5 a new section reading as follows:

§ 177.30–7 Lounge arrangements.

(a) The specific requirements in this section apply to passenger lounge areas located below the main deck. Variation from these requirements may be authorized by the Officer in Charge, Marine Inspection, for unusual arrangements or design: *Provided*, That there is no significant reduction of space, accessibility or sanitation.

(b) Bunks, where installed, shall have a minimum length of 74 inches and a minimum width of 24 inches. They may be constructed of wood or metal. Mattress is to be covered with material which has been treated to give it fire resistant properties and which will provide the mattress with a reasonably smooth surface free of sharp depressions. (Example: Treated duck stretched smoothly, fully sewn, covering the basic mattress.) Arrangement shall be not more than three high, with a minimum distance of 24 inches vertically between bunks; ladders or steps shall be provided for each top bunk. Construction and arrangement shall allow free and unobstructed access to the bunks. Each bunk shall be immediately adjacent to an aisle leading to a means of escape from the lounge area.

(c) Means of escape from lounge areas shall be provided in accordance with Subpart 177.15. Aisles alongside bunks shall be not less than 24 inches in width and after the joining of two or more aisles, the width of the aisles leading to an escape shall be not less than 42 inches. Head room in lounge areas shall be not less than 74 inches which may be reduced at the sides of the space to allow for camber, wiring, ventilation ducts or piping. However, main aisles leading to exists shall have not less than 74 inches clear head room. All aisles shall be kept clear of obstructions.

(d) Covered metal trash containers shall be provided in lounge areas and the spaces shall be maintained to minimize fire and safety hazards and to preserve sanitary conditions. Portable fire extinguishers shall be provided as indicated in Subpart 181.30 of this subchapter.

PART 178—WATERTIGHT INTEGRITY AND SUBDIVISION

1. The authority for Part 178 is amended to read as follows:

AUTHORITY: §§ 178.01–1 to 178.40–1 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152, 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended; 46 U.S.C. 391, 392, 404, 435, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 178.10—Watertight Bulkheads Required

2. Section 178.10–1 is amended to read as follows:

§ 178.10–1 Requirements for "S" vessels carrying more than 49 passengers and all "L" vessels.

(a) *S and L.* Except as otherwise provided in this section, all "S" vessels carrying more than 49 passengers and all "L" vessels shall be fitted with a collision bulkhead and such additional transverse watertight bulkheads as are required to provide one compartment subdivision, i.e., so that the fully-loaded vessel shall remain afloat with positive stability with any one main compartment flooded.

(b) *S.* Vessels carrying more than 49 passengers but not more than 150 passengers may, in lieu of one compartment subdivision, be fitted with a collision bulkhead and sufficient air tankage or other internal buoyancy to maintain the fully-loaded vessel afloat with positive stability in the flooded condition.

§ 178.10–5 Requirements for "S" vessels carrying not more than 49 passengers in ocean or coastwide service—S.

3. Section 178.10–5 is amended by changing the headnote to read *"Requirements for 'S' vessels carrying not more than 49 passengers in ocean or coastwise service—S."*

§ 178.10–10 Requirements for "S" vessels carrying not more than 49 passengers in other than ocean or coastwise service—S.

4. Section 178.10–10 is amended by changing the headnote to read *"Requirements for 'S' vessels carrying not more than 49 passengers in other than ocean or coastwise service—S."*

Subpart 178.20—Location of Watertight Bulkheads

§ 178.20–1 Requirements for "S" vessels carrying not more than 150 passengers—S.

5. Section 178.20–1 is amended by changing the headnote to read *"Requirements for "S" vessels carrying not more than 150 passengers—S."*

6. Section 178.20–5 is amended to read as follows:

§ 178.20–5 Requirements for "S" vessels carrying more than 150 passengers and all "L" vessels—S and L.

(a) For "S" vessels carrying more than 150 passengers and all "L" vessels, the location of the transverse watertight bulkheads to meet the requirements for subdivision and damaged stability, shall be determined by direct calculations which take into account the form and proportions of the hull. The details of such calculations shall be in accordance with the provisions of Part 73 and Part 74 of Subchapter H (Passenger Vessels) of this chapter. These calculations and the supporting data shall be submitted to the Commandant for approval.

PART 179—STABILITY

1. The authority for Part 179 is amended to read as follows:

AUTHORITY: §§ 179.01–1 to 179.20–5 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended; 46 U.S.C. 391, 392, 404, 435, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 179.01—Application

2. Section 179.01–1 is amended to read as follows:

§ 179.01–1 General.

(a) *S.* The provisions of this part shall apply to the following "S" vessels:

(1) All vessels carrying more than 49 passengers.

(2) All vessels permitted an increased passenger allowance by § 176.01–25(b) of this subchapter.

(3) Any other vessel whose stability is questioned by the Officer in Charge, Marine Inspection.

(b) *L.* The provisions of this part shall apply to all "L" vessels.

Subpart 179.10—Stability Test Procedure

§ 179.10–1 Procedure for "S" vessels carrying not more than 150 passengers—S.

3. Section 179.10–1 is amended by changing the headnote to read *"Procedure for 'S' vessels carrying not more than 150 passengers—S."*

§ 179.10–3 Alternate procedure for "S" vessels carrying not more than 150 passengers—S.

4. Section 179.10–3 is amended by changing the headnote to read *"Alternate procedure for 'S' vessels carrying not more than 150 passengers—S."*

5. Section 179.10–5 is amended to read as follows:

§ 179.10–5 Procedure for "S" vessels carrying more than 150 passengers and all "L" vessels—S and L.

(a) The stability of "S" vessels carrying more than 150 passengers and all "L" vessels shall be checked according to the standards and procedures set forth in Part 74 of Subchapter H (Passenger Vessels) of this chapter.

(b) The results of the test together with the supporting plans and data shall be submitted to the Commandant for approval.

PART 180—LIFESAVING EQUIPMENT

1. The authority for Part 180 is amended to read as follows:

AUTHORITY: §§ 180.01–1 to 180.35–10 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4488, as amended, 46 U.S.C. 391, 392, 404, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 180.05—General Provisions Pertaining to Lifesaving Equipment

§ 180.05–1 Equipment of an approved type.

2. The authority note following § 180.05–1(b)(9) is amended to read as follows:

(R.S. 4491, as amended, sec. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 489, 526e, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 180.10—Primary Lifesaving Equipment Required

§ 180.10–1 General.

3. The authority note following § 180.10–1(a) is amended to read as follows:

(R.S. 4491, as amended, 46 U.S.C. 489. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

4. Subpart 180.10 is amended by adding after § 180.10–30 a new section reading as follows:

§ 180.10–35 Rescue boat—L.

(a) A suitable rescue boat shall be required, except when, in the opinion of the Officer in Charge, Marine Inspection, the vessel is of such design and operating characteristics that the vessel itself provides a fully satisfactory rescue platform.

Subpart 180.25—Life Preservers

§ 180.25–1 Type required.

5. The authority note following § 180.25–1(b) is amended to read as follows:

(R.S. 4491, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 489, 526e, 526p. Treasury Department Order, 120, July 31, 1950, 15 F.R. 6521)

Subpart 180.30—Ring Life Buoys and Water Lights

§ 180.30–1 General.

6. The authority note following § 180.30–1(a) is amended to read as follows:

(R.S. 4491, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 489, 526e, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

7. Section 180.30–5 is amended to read as follows:

§ 180.30–5 Number and size required.

(a) *S.* All vessels shall be fitted with one ring life buoy of not less than 24 inches in diameter, except that vessels less than 26 feet in length may use one ring life buoy of not less than 20 inches in diameter.

(b) *L.* All vessels shall be fitted with three ring life buoys of not less than 24 inches in diameter.

(c) *S and L.* Vessels not limited to daytime operation shall be provided with an approved water light.

(Secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 526e, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

8. Section 180.30–10 is amended to read as follows:

§ 180.30–10 Location, distribution, and securing.

(a) *S.* The ring life buoy shall be so placed as to be readily accessible. It shall be capable of being cast loose, shall not be permanently secured in any way, and shall have attached to it a line at least 60 feet in length.

(b) *L.* The ring life buoys shall be so placed as to be readily accessible. They shall be capable of being cast loose, shall not be permanently secured in any way, and one of the ring life buoys shall have attached to it a line at least 60 feet in length.

(c) *S and L.* The water light, which is to be attached for nighttime operation, shall be stowed close to or attached to that ring life buoy which is located nearest the pilothouse.

(Sec. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 526e, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 180.35—Pyrotechnic Distress Signals

§ 180.35–1 General.

9. The authority note following § 180.35–1(a) is amended to read as follows:

(R.S. 4491, as amended; 46 U.S.C. 489. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

PART 181—FIRE PROTECTION EQUIPMENT

1. The authority for Part 181 is amended to read as follows:

AUTHORITY: §§ 181.01–1 to 181.35–1 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4488, as amended; 46 U.S.C. 391, 392, 404, 435, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 181.05—Approved Fire Protection Equipment

§ 181.05–1 General.

2. The authority note following § 181.05–1(b) is amended to read as follows:

(R.S. 4491, as amended, secs. 8, 17, 54 Stat. 165, as amended, 166, as amended, 46 U.S.C. 489, 526g, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 181.10—Fire Pumps

3. Section 181.10–1 is amended to read as follows:

§ 181.10–1 Power fire pump.

(a) *S and L.* A power-driven fire pump shall be installed on each mechanically propelled "S" vessel which is a ferry vessel or which is permitted to carry more than 49 passengers, and on each mechanically propelled "L" vessel.

(b) *S.* The power fire pump shall be selfpriming and of such size as to discharge an effective stream from a hose connected to the highest outlet.

(c) *L.* The minimum capacity of the power fire pump shall be 50 gallons per minute at a pressure of not less than 60 pounds per square inch at the pump outlet. The pump outlet shall be fitted with a pressure gage.

(d) *S.* The power fire pump may be driven off a propulsion engine or other source of power and shall be connected to the fire main. This pump may also be connected to the bilge system so that it can serve as either a fire pump or a bilge pump as described in Subpart 182.25.

(e) *L.* The power fire pump may be driven off one of the propulsion engines in a twin engine installation. In a single engine propulsion installation, the pump shall be driven by a source of power independent of the propulsion engine. The pump may also be connected to the bilge system so that it can serve as either a fire pump or a bilge pump as described in Subpart 182.25 of this subchapter.

Subpart 181.15—Fire Main System

4. Section 181.15–5 is amended to read as follows:

§ 181.15–5 Fire main and hydrants.

(a) *S and L.* Fire hydrants, when required, shall be of sufficient number and so located that any part of the vessel may be reached with an effective stream of water from a single length of hose.

(b) *L.* There shall be a minimum of two (2) fire hydrants on all mechanically propelled "L" vessels.

(c) *S and L.* All piping, valves, and fittings shall be in accordance with good marine practice and suitable for the purpose intended.

5. Section 181.15–10 is amended to read as follows:

§ 181.15–10 Fire hose.

(a) *S and L.* One length of fire hose shall be provided for each fire hydrant required.

(b) *S.* Fire hose may be commercial fire hose or equivalent of not over 1½-inch diameter or garden hose of not less than ⅝-inch nominal inside diameter. Hose shall be in one piece not less than 25 feet and not more than 50 feet in length.

(c) *L.* Fire hose shall be 1½ inches in diameter and 50 feet in length.

(d) *S and L.* If 1½-inch hose is used, it shall be of a good grade fire hose and provisions shall be made for proper stowage to prevent kinking. The hose shall be fitted with a good grade bronze or equivalent metal nozzle having a ½-inch solid stream orifice or an approved combination nozzle.

(e) *S.* If garden hose is used, it shall be of a good commercial grade constructed of an inner rubber tube, plies of braided cotton reinforcement and an outer rubber cover or of equivalent material, and shall be fitted with a commercial garden hose nozzle of good grade bronze or equivalent metal.

(f) *S and L.* All fittings on fire hose shall be of brass, copper, or other suitable corrosion-resistant metal.

(g) *S and L.* A length of fire hose shall be attached to each fire hydrant at all times.

Subpart 181.20—Fixed Fire Extinguishing System

§ 181.20–1 Where required.

6. The authority note following § 181.20–1(a)(3) is canceled because appropriate statutes cited are included in authority for this part.

Subpart 181.25—Manual Sprinkling System

§ 181.25–1 Where required.

7. The authority note following § 181.25–1(a) is canceled because statutes cited are included in authority for this part.

Subpart 181.30—Portable Fire Extinguishers

§ 181.30–5 Approved extinguishers.

8. The authority note following § 181.30–5(a) is amended to read as follows:

(R.S. 4491, as amended, secs. 8, 17, 54 Stat. 165, as amended, 166, as amended; 46 U.S.C. 489, 526g, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

9. Part 181 is amended by inserting after § 181.30–10 a new Subpart 181.35, consisting of § 181.35–1, reading as follows:

Subpart 181.35—Fire Axe

§ 181.35–1 Required number and location—L.

(a) Each "L" vessel will be equipped with one (1) fire axe located in or adjacent to the pilothouse.

PART 182—MACHINERY INSTALLATION

1. The authority for Part 182 is amended to read as follows:

AUTHORITY: §§ 182.01–1 to 182.35–1 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4488, as amended; 46 U.S.C. 391, 392, 404, 411, 435, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 182.01—Application and Intent

§ 182.01–1 Application.

2. The authority note following § 182.01–1(a) is canceled because statutes cited are included in authority for this part.

Subpart 182.15—Machinery Using Gasoline as Fuel

§ 182.15–45 Ventilation of compartments containing gasoline machinery or fuel tanks.

3. Section 182.15–45 is amended by adding after paragraph (h) the following additional authority note:

(Secs. 11, 17, 54 Stat. 165, as amended, 166, as amended; 46 U.S.C. 526j, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 182.20—Machinery Using Diesel Fuel

§ 182.20–45 Ventilation of compartments containing diesel machinery.

4. Section 182.20–45 is amended by adding after paragraph (e) the following additional authority note:

(Secs. 11, 17, 54 Stat. 165, as amended, 166, as amended; 46 U.S.C. 526j, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

§ 182.20–50 Ventilation or venting of compartments containing diesel fuel tanks.

5. Section 182.20–50 is amended by adding after subparagraph (a)(2) the following additional authority note:

(Secs. 11, 17, 54 Stat. 165, as amended, 166, as amended; 46 U.S.C. 526j, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 182.25—Bilge and Ballast Systems

6. Section 182.25–5(b) is amended to read as follows:

§ 182.25–5 Bilge piping system.

* * * * * *

(b) The bilge pipe in "S" vessels shall be not less than one inch nominal pipe size, and in "L" vessels not less than one and one-half inches. The bilge suctions shall be fitted with suitable strainers having an open area not less than three times the area of the bilge pipe.

7. Section 182.25–10 is amended to read as follows:

§ 182.25–10 Bilge pumps.

(a) *S and L.* All vessels shall be provided with bilge pumps in accordance with Table 182.25–10(a).

TABLE 182.25–10(a)

Number of passengers	Length of vessel	Bilge pumps required	Minimum capacity required (gallons per minute)
"L" vessels (any number of passengers)	Over 65 feet	2 fixed power pumps	50 GPM
"S" vessels carrying more than 49 passengers and all "S" ferry vessels.	65 feet and less	1 fixed power pump and 1 portable hand pump	25 GPM 5 GPM
"S" vessels other than ferry vessels, carrying not more than 49 passengers.	26 feet up to 65 feet	1 fixed power pump and 1 portable hand pump	10 GPM 5 GPM
		or	
		1 fixed hand pump and 1 portable hand pump	10 GPM 5 GPM
	Less than 26 feet	1 portable hand pump	5 GPM

(b) *S.* The fixed power bilge pump shall be self-priming and may be driven off the main engine or other source of power. It shall be permanently connected to the bilge main and may also be connected to the fire main. If of sufficient capacity the power bilge pump may also serve as a fire pump.

(c) *L.* The two required fixed power bilge pumps shall be self-priming and shall each be driven by different sources of power. If one pump is driven off the main engine in a single propulsion engine installation, the other shall be independently driven. In a twin engine installation, each pump may be driven off a main propulsion engine. The pumps shall be permanently connected to the bilge main and may also be connected to the fire main.

(d) *S and L.* The fixed hand bilge pump shall be permanently connected to the bilge main and may also be connected to the fire main.

(e) *S and L.* The portable hand bilge pump shall be provided with suitable hoses for pumping bilges on the suction and discharge ends. This pump may also serve as a portable fire pump if it is of sufficient capacity.

PART 183—ELECTRICAL INSTALLATION

1. The authority for Part 183 is amended to read as follows:

AUTHORITY: §§ 183.01–1 to 183.10–50 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4488, as amended; 46 U.S.C. 391, 392, 404, 411, 435, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5650; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 183.01—Application and Intent

§ 183.01–1 Application.

2. The authority note following § 183.01–1(a) is canceled because statutes cited are included in authority for this part.

Subpart 183.05—Electrical Installations Operating at Potentials of Less Than 50 Volts

3. Section 183.05–10 is amended to read as follows:

§ 183.05–10 Generators and motors (less than 50 volts).

(a) *L.* If both of the required fixed power bilge pumps (Table 182.25–10(a)) are electrically driven, two generators shall be provided. One of these generators shall be driven by a means independent of the main propulsion plant.

(b) *S and L.* Generators and motors shall be placed in dry, accessible and adequately ventilated locations.

(c) *S and L.* Independent generators and motors should be mounted on foundations as high as practicable above the bilges to avoid damage by splash or contact with low lying vapors. They shall not be located in low or pocketed positions.

(d) *S and L.* All generators shall be suitably protected from overcurrent by circuit breakers, fuses or by an overcurrent relay.

(e) *S and L.* Overcurrent protection of a third brush type generator shall open the field circuit.

(f) *S and L.* An emergency switch shall be provided in the normally ungrounded main supply conductor from the battery and located as closely as practicable to the supply battery.

Subpart 183.10—Electrical Installations Operating at Potentials of 50 Volts or More

4. Section 183.10–5 is amended to read as follows:

§ 183.10–5 Generators and motors (50 volts or more).

(a) *S and L.* Each major generator and motor shall be fitted with a nameplate of corrosion-resistant material marked with the following information as applicable:

(1) Name of manufacturer.
(2) Manufacturer's type and frame designation.
(3) Output in KW of watts or horsepower rating.
(4) Kind of rating (continuous, intermittent, etc.).
(5) Revolutions per minute at rated load.
(6) Amperes at rated load.
(7) Voltage.
(8) Frequency if applicable.
(9) Number of phases, if applicable.
(10) Type of winding (for direct-current motors).

(b) *L.* If both of the required fixed power bilge pumps (Table 182.25–10(a)) are electrically driven, two generators shall be provided. One of these generators shall be driven by a means independent of the main propulsion plant.

(c) *S and L.* Generators and motors shall be mounted as high as practicable above the bilges to avoid damage by splash or contact with low lying vapors. They shall not be located in low or pocketed positions.

(d) *S and L.* Generators and motors for use below decks shall be located in as dry a place as practicable.

(e) *S and L.* Motors for use in locations exposed to the weather shall be of the watertight type or shall be enclosed in watertight housings. The motor enclosure or housing shall be provided with a check valve for drainage or a tapped hole at the lowest part of the frame which will serve for application of a drain pipe or drain plug.

(f) *S and L.* Generators and motors for use in machinery spaces shall generally be designed for an ambient temperature of 50° C. (122° F.). Generators and motors for use in locations where the ambient temperature will not exceed 40° C. (104° F.) may be designed for an ambient temperature of 40° C.

(1) If it can be substantiated that the ambient temperature in machinery spaces will not exceed 40° C. under normal operating conditions, the motors and generators may be designed for an ambient temperature of 40° C.

(2) Generators and motors designed for 40° C. may be used in 50° C. ambient locations provided the machines are derated to 80 percent of full load rating, and the rating or setting of the overcurrent devices is reduced accordingly. An additional nameplate specifying the derated capacity shall be provided for each such motor and generator.

(g) *S and L.* A voltmeter and an ammeter shall be provided that can be used for measuring voltage and current of each generator that is in operation. For alternating-current generators a means for measuring frequency shall also be provided. Additional control equipment and measuring instruments shall be provided as necessary to insure satisfactory operation of the generator or generators.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

1. The authority for Part 184 is amended to read as follows:

AUTHORITY: §§ 184.01–1 to 184.40–15 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended; 46 U.S.C. 391, 392, 404, 435. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 184.01—Application and Intent

§ 184.01–1 Application.

2. The authority note following § 184.01–1(a) is amended to read as follows:

(Sec. 17, 54 Stat 166, as amended; 46 U.S.C. 526p)

Subpart 184.30—Emergency Lighting

3. Section 184.30–1 is amended to read as follows:

§ 184.30–1 Portable lights.

(a) Vessels shall be equipped with a suitable number of portable battery lights.

4. Subpart 184.30 is amended by inserting after § 184.30–1 a new section reading as follows:

§ 184.30–5 Lights for lounge areas below the main deck.

(a) Adequate emergency lighting automatically actuated upon failure of the main lighting system shall be fitted along the line of escape in vessels having lounge areas below the main deck as per Subpart 177.30–7 of this subchapter.

(b) Vessels not equipped with a single source emergency lighting system shall have individual storage battery powered automatically operated lights in strategic locations. These lights shall have an automatic battery charger, shall not be readily portable, and shall have sufficient capacity for 6 hours continuous operation.

Subpart 184.40—Work Vests

§ 184.40–1 Approved unicellular plastic foam work vests.

5. The authority note following § 184.40–1(b) is amended to read as follows:

(R.S. 4488, as amended; 4491, as amended; 46 U.S.C. 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

PART 185—OPERATIONS

1. The authority for Part 185 is amended to read as follows:

AUTHORITY: §§ 185.01–1 to 185.30–25 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended; 46 U.S.C. 391, 392, 404, 435. Treasury Department Orders 120, July 31, 1950; 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 185.20—Miscellaneous Operating Requirements

§ 185.20–1 Compliance with provisions of certificate of inspection.

2. The authority note following § 185.20–1(a) is amended to read as follows:

(R.S. 4421, as amended, 4463, as amended, 4464, as amended, sec. 26, 41 Stat. 998, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 399, 222, 451, 882. 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

3. Part 185 is amended by inserting after § 185.20–25 a new Subpart 185.22, consisting of § 185.22–1, reading as follows:

Subpart 185.22—Patrolmen

§ 185.22–1 Duties.

(a) At all times during which bunks in passenger lounge areas located below the main deck may be occupied (whether or not the vessel is underway), a member of the vessel's crew shall be designated by the operator in charge of the vessel as a roving patrolman.

(b) It shall be the duty of the roving patrolman to frequently visit such lounge areas to insure that safe conditions are being maintained.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959; 24 F.R. 8857)

Dated: August 29, 1963.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63–9520; Filed, Sept. 5, 1963; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

Subsequent to the promulgation of § 121.2571 *Components of paper and paperboard in contact with dry food* in the FEDERAL REGISTER of May 8, 1963 (28 F.R. 4615), comments were received from Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, relating to the substance identified as acetylated monoglycerides, distilled. The Commissioner of Food and Drugs, having evaluated the comments received, and other relevant material, has concluded that § 121.2571 should be amended by deleting the term "distilled" from the above-identified substance to provide for the use of acetylated monoglycerides whether or not distilled. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2571(b) is amended by changing the first item in the list of substances to read as follows:

List of substances	*Limitations*
Acetylated monoglycerides.	Complying with § 121.1018.

The amendment ordered removes a restriction on the identification of the product involved and conforms the limitation to an existing regulation. Because of the nature of the change, notice and public procedure are not deemed necessary in this instance.

Effective date. This order shall be effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a))

Dated: August 30, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–9547; Filed, Sept. 5, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Miscellaneous Amendments

Section 9–51.101(a)(1) is amended to read as follows:

(1) The Field Offices at Chicago, Richland, Nevada, Idaho, New York, Oak Ridge, Savannah River, San Francisco, Albuquerque, and the Brookhaven Office will communicate directly with the Director, Division of Contracts, on all contract actions requiring Headquarters' consideration.

Effective date: This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Dated at Germantown, Md., this 29th day of August 1963.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHORN,
Acting Director,
Division of Contracts.

[F.R. Doc. 63–9551; Filed, Sept. 5, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1895, Amdt. 336]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above types is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Elkins VOR	Elkins LFR	Direct	4700	T–d*	1000–2	1000–2	1000–2
				T–n	NA	NA	NA
				C–d	2000–2	2000–2	2000–2
				C–n	NA	NA	NA
				A–d	2000–3	2000–3	2000–3
				A–n	NA	NA	NA

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 4700' within 10 miles.
Minimum altitude over facility on final approach crs, 4300'.
Crs and distance, facility to airport, 177°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing EN–LFR, climb to 6000' on S crs within 10 miles, make right turn to EN–LFR, hold on N crs 174° bearing Inbnd 1-minute right turns.
AIR CARRIER NOTE: Night operations not authorized. Sliding scale not authorized. No reduction in minimums authorized due to local conditions. No reduction in takeoff minimums authorized.
*Takeoffs all runways. Climb direct to EN LFR, then via 042° bearing to intercept the EKN VOR R–074, then continue climb on R–074.

City, Elkins; State, W. Va.; Airport Name, Elkins Municipal—Randolph County; Elev., 1987'; Fac. Class., SBMRAZ; Ident., EN; Procedure No. 1, Amdt. 4, Eff. Date, 7 Sept. 63; Sup. Amdt. No. 3, Dated, 15 July 61

PROCEDURE CANCELLED, EFFECTIVE 7 SEPT. 1963, OR UPON DECOMMISSIONING DATE OF FLO LFR.

City, Florence; State, S.C.; Airport Name, Florence Airport; Elev., 146'; Fac. Class, SBMRLZ; Ident., FLO, Procedure No. 1, Amdt. 6, Eff. Date, 18 June 63, Sup. Amdt. No. 5; Dated, 7 June 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Swiss Int	CR LOM	Direct	3000	T–dn	300–1	300–1	300–1
CRW VOR	CR LOM	Direct	2800	C–dn	600–1	600–1	600–1½
Gay Int	CR LOM	Direct	3000	S–dn–23	600–1	600–1	600–1
Walnut Grove Int	CR LOM	Direct	3000	A–dn	800–2	800–2	800–2
Ivydale Int	CR LOM	Direct	3000				

Radar vectoring authorized in accordance with approved procedures.
Procedure turn N side of crs, 050° Outbnd, 230° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 230°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 3000', then proceed direct to CRW VOR, maintain 3000', hold CRW R–261 1-minute right turns 081° Inbnd.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982'; Fac. Class., LOM, Ident., CR; Procedure No. 1, Amdt. 12; Eff. Date, 7 Sept. 63; Sup. Amdt No. 11; Dated, 21 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Salem Int	GON RBn	Direct	2000	T–dn	300–1	300–1	*300–1
Saybrook Int	GON RBn	Direct	2000	C–dn	500–1	500–1	500–1½
Watch Hill Int	GON RBn	Direct	2000	A–dn**	800–2	800–2	800–2
Norwich VOR	GON RBn	Direct	2100				

Radar vectoring authorized in accordance with approved patterns from Quonset Point, R.I. RATCC.
Procedure turn W side of crs, 298° Outbnd, 058° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 049°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing GON RBn, make a right climbing turn to 1800′, direct to GON RBn, hold SW, 058° Inbnd, 1-minute left turns.
NOTE: Facility must be monitored aurally during this approach.
*200–½ authorized for takeoff Runway 23 only.
**Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Groton, State, Conn., Airport Name, Trumbull; Elev., 10′, Fac. Class., MHW, Ident., GON, Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 10 Mar. 62

Norwich VOR	GON RBn	Direct	2100	T–dn	300–1	300–1	*300–1
Salem Int	GON RBn	Direct	2000	C–dn	500–1	500–1	500–1½
Saybrook Int	GON RBn	Direct	2000	A–dn**	800–2	800–2	800–2
Watch Hill Int	GON RBn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns from Quonset Point, R.I. RATCC.
Procedure turn N side of crs, 258° Outbnd, 078° Inbnd, 1900′ within 10 miles of Groton RBn.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 049°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing GON RBn, make a right climbing turn to 1900′ direct to GON RBn, hold SW, 078° Inbnd, 1-minute left turns.
NOTE: Facility must be monitored aurally during this approach.
*200–½ authorized for takeoff Runway 23 only.
**Alternate weather minimums of 800–2 authorized only for those who have an approved arrangement for weather service at the airport.

City, Groton: State, Conn.; Airport Name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., GON; Procedure No. 2, Amdt. 1; Eff. Date, 7 Sept. 63, Sup. Amdt. No. Orig; Dated, 4 Aug. 62

Hartford VOR	HFD RBn (final)	Direct	1400	T–dn	300–1	300–1	300–1
				C–dn	800–1	900–1	900–1½
				A–dn	NA	NA	NA

Radar vectoring utilizing Bradley Radar is authorized in accordance with approved patterns.
Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 323°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing HFD RBn, make a left climbing turn to 2400′ on the 143° bearing from HFD RBn within 10 miles. Return to HFD RBn and hold SE at 2400′, 323° Inbnd, right turns, 1 minute.
CAUTION. 580′ building 1.5 miles N of airport.

City, Hartford, State, Conn.; Airport Name, Brainard Field, Elev., 18′; Fac. Class., MHW, Ident., HFD, Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Sept. 63

Mobile VOR	LOM	Direct	1800	T–dn	300–1	300–1	200–½
Brookley VOR	LOM	Direct	1800	C–dn	400–1	400–1	500–1½
				S–dn–14	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 139°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn, climb to 1800′ on 320° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800′ and enter VOR holding pattern.

City, Mobile; State, Ala.; Airport Name, Bates Field, Elev., 217′, Fac. Class., LOM; Ident., MO; Procedure No. 1, Amdt. 12; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 11; Dated, 25 Aug. 63

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2200′ on crs of 170° and return to MBS RBn.
CAUTION 947′ MSL radio tower 3.0 miles 170° from airport. 780′ MSL elevator 2.2 miles W of airport.

City, Saginaw, State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BMII; Ident., MBS; Procedure No. 1, Amdt. 10; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 9; Dated, 9 Dec. 61

Tulsa VOR	(DW) LOM	Direct	2200	T–dn	300–1	300–1	*200–½
Collinsville Int	(DW) LOM	Direct	2200	C–dn	400–1	500–1	500–1½
Big Cabin Int	(DW) LOM	Direct	2200	S–dn–17L	400–1	400–1	400–1
Will Rogers Int	(DW) LOM	Direct	2200	A–dn	800–2	800–2	800–2
Murnan Int	(DW) LOM—(final)	Direct	2200				

Radar vectoring may be used to position aircraft for a final approach within 5 miles N of DW LOM with elimination of procedure turn.
Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 174°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing DW LOM, climb to 2200′ on crs 174° within 20 miles of (DW) LOM, or when directed by ATC, climb to 2200′ on TUL-VOR R-035 within 20 miles.
*300-1 required on Runway 31, 21[illegible] and 35L.

City, Tulsa, State, Okla. Airport Name, Municipal [illegible] Class., LOM, Ident., DW, Procedure No. 2, Amdt. Orig., Eff. Date, 7 Sept. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Boyds Int	Poolesville RBn (final)	Direct	2300	T–dn	300–1	300–1	200–½
				C–dn*	500–1	500–1	500–1
				S–dn–19R*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2300′ within 10 miles of Poolesville RBn.
Minimum altitude over Poolesville RBn on final approach crs, 2300′. Do not descend below 813′ until after passing DLX outer marker.
Crs and distance, facility to airport, 186°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing PLV RBn, make a right climbing turn, proceed direct to PLV RBn, cross PLV RBn at 2000′, continue climb to 2300′ in holding pattern. Hold N 006° bearing, 186° Inbnd, 1-minute right turns.
*If DLX OM not received, minimums of 500–2 apply.

City, Washington, D.C.; Airport Name, Dulles International; Elev., 313′; Fac. Class., MHW; Ident., PLV; Procedure No. 2, Amdt. 4; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 3; Dated, 11 May 63

Bradley Int	BD LOM	Direct	2500	T–dn	300–1	300–1	200–½
New Britain Int	BD LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Tamie Int	BD LOM	Direct	2700	S–dn–6	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 058°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make a climbing right turn to 2500′ direct BD LOM. Hold SW of BD LOM, 058° Inbnd, left turns, 1 minute.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
CAUTION: Unlighted hills 2.4 miles NW of airport approximately 768′ MSL. Standard clearance not provided for straight-in minimums over ridge approximately 1 mile N of LOM.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field, Elev., 173′; Fac. Class., LOM; Ident., BD; Procedure No. 1, amdt. 12; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 11; Dated, 27 Dec. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
EKN VOR	Lost Creek Int	Direct	4000	T–dn	*500–1	NA	NA
Lost Creek Int	CKB VOR (final)	Direct	2500	C–dn	700–1	NA	NA
				A–dn	1000–2	NA	NA

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 3200′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 040°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing CKB VOR, climb to 3200′ on R-040 CKB VOR within 10 miles and return to CKB VOR.
Hold SW on R–220 at 3200′, 1-minute left turns, 040° Inbnd.
CAUTION: High terrain 1600′ 1.3 miles SE of airport. 2040′ antenna 3.5 miles NW of CKB–VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
*Night takeoffs not authorized on Runways 16–34—obstructing terrain E side of runways of 1270′.
#Lost Creek Int: Int EKN R–329 and CKB R–220.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209′; Fac. Class., BVOR; Ident., CKB; Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 21 Apr. 62

Daggett RBn	DAG–VOR	Direct	6000	T–dn*	2000–4	2000–4	2000–4
				C–dn	2000–4	2000–4	2000–4
				A–dn	2000–4	2000–4	2000–4

Procedure turn N side crs, 042° Outbnd, 222° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 224°—11.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing DAG–VOR, turn right, climb to 6000′ on R–230 to Daggett VOR.
*500–1 authorized for takeoff on Runways 3 and 7.

City, Daggett; State, Calif.; Airport Name, Barstow-Daggett, Elev., 1927′; Fac. Class., BVORTAC; Ident., DAG; Procedure No. 1, Amdt. 2; Eff. Date, 7 Sept. 63, Sup. Amdt. No. 1; Dated, 21 Feb. 59

60 pounds per square inch at the pump outlet. The pump outlet shall be fitted

§ 131.20–1 Where required.

ments containing diesel machinery.

4. Section 132.20–45 [illegible]

under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375,

(d) *S and L.* All generators shall be suitably protected from overcurrent by

locations provided the machines are de-rated to 80 percent of full load rating

(g) *S and L.* A voltmeter and an ammeter shall be provided that can be used for measuring voltage and current of each generator that is in operation. For alternating-current generators a means for measuring frequency shall also be provided. Additional control equipment and measuring instruments shall be provided as necessary to insure satisfactory operation of the generator or generators.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

1. The authority for Part 184 is amended to read as follows:

AUTHORITY: §§ 184.01–1 to 184.40–15 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended; 46 U.S.C. 391, 392, 404, 435. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 184.01—Application and Intent

§ 184.01–1 Application.

2. The authority note following § 184.01–1(a) is amended to read as follows:

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

Subpart 184.30—Emergency Lighting

3. Section 184.30–1 is amended to read as follows:

§ 184.30–1 Portable lights.

(a) Vessels shall be equipped with a suitable number of portable battery lights.

4. Subpart 184.30 is amended by inserting after § 184.30–1 a new section reading as follows:

§ 184.30–5 Lights for lounge areas below the main deck.

(a) Adequate emergency lighting automatically actuated upon failure of the main lighting system shall be fitted along the line of escape in vessels having lounge areas below the main deck as per Subpart 177.30–7 of this subchapter.

(b) Vessels not equipped with a single source emergency lighting system shall have individual storage battery powered automatically operated lights in strategic locations. These lights shall have an automatic battery charger, shall not be readily portable, and shall have sufficient capacity for 6 hours continuous operation.

Subpart 184.40—Work Vests

§ 184.40–1 Approved unicellular plastic foam work vests.

5. The authority note following § 184.40–1(b) is amended to read as follows:

(R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

PART 185—OPERATIONS

1. The authority for Part 185 is amended to read as follows:

AUTHORITY: §§ 185.01–1 to 185.30–25 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended; 46 U.S.C. 391, 392, 404, 435. Treasury Department Orders 120, July 31, 1950; 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 185.20—Miscellaneous Operating Requirements

§ 185.20–1 Compliance with provisions of certificate of inspection.

2. The authority note following § 185.20–1(a) is amended to read as follows:

(R.S. 4421, as amended, 4463, as amended, 4464, as amended, sec. 26, 41 Stat. 998, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 399, 222, 451, 882, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

3. Part 185 is amended by inserting after § 185.20–25 a new Subpart 185.22, consisting of § 185.22–1, reading as follows:

Subpart 185.22—Patrolmen

§ 185.22–1 Duties.

(a) At all times during which bunks in passenger lounge areas located below the main deck may be occupied (whether or not the vessel is underway), a member of the vessel's crew shall be designated by the operator in charge of the vessel as a roving patrolman.

(b) It shall be the duty of the roving patrolman to frequently visit such lounge areas to insure that safe conditions are being maintained.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959; 24 F.R. 8857)

Dated: August 29, 1963.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63–9520; Filed, Sept. 5, 1963; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

Subsequent to the promulgation of § 121.2571 *Components of paper and paperboard in contact with dry food* in the FEDERAL REGISTER of May 8, 1963 (28 F.R. 4615), comments were received from Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, relating to the substance identified as acetylated monoglycerides, distilled. The Commissioner of Food and Drugs, having evaluated the comments received, and other relevant material, has concluded that § 121.2571 should be amended by deleting the term "distilled" from the above-identified substance to provide for the use of acetylated monoglycerides whether or not distilled. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2571(b) is amended by changing the first item in the list of substances to read as follows:

List of substances	*Limitations*
Acetylated monoglycerides.	Complying with § 121.1018.

The amendment ordered removes a restriction on the identification of the product involved and conforms the limitation to an existing regulation. Because of the nature of the change, notice and public procedure are not deemed necessary in this instance.

Effective date. This order shall be effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a))

Dated: August 30, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–9547; Filed, Sept. 5, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Miscellaneous Amendments

Section 9–51.101(a)(1) is amended to read as follows:

(1) The Field Offices at Chicago, Richland, Nevada, Idaho, New York, Oak Ridge, Savannah River, San Francisco, Albuquerque, and the Brookhaven Office will communicate directly with the Director, Division of Contracts, on all contract actions requiring Headquarters' consideration.

Effective date: This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Dated at Germantown, Md., this 29th day of August 1963.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHORN,
Acting Director,
Division of Contracts.

[F.R. Doc. 63–9551; Filed, Sept. 5, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1895, Amdt. 336]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Elkins VOR	Elkins LFR	Direct	4700	T–d*	1000–2	1000–2	1000–2
				T–n	NA	NA	NA
				C–d	2000–2	2000–2	2000–2
				C–n	NA	NA	NA
				A–d	2000–3	2000–3	2000–3
				A–n	NA	NA	NA

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 4700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 177°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing EN–LFR, climb to 6000′ on S crs within 10 miles, make right turn to EN–LFR, hold on N crs 174° bearing Inbnd 1-minute right turns.
AIR CARRIER NOTE: Night operations not authorized. Sliding scale not authorized. No reduction in minimums authorized due to local conditions. No reduction in takeoff minimums authorized.
*Takeoffs all runways: Climb direct to EN LFR, then via 042° bearing to intercept the EKN VOR R–074, then continue climb on R–074.

City, Elkins; State, W. Va.; Airport Name, Elkins Municipal—Randolph County; Elev., 1087′; Fac. Class., SBMRAZ; Ident., EN; Procedure No. 1, Amdt. 4; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 3; Dated, 15 July 61

PROCEDURE CANCELLED, EFFECTIVE 7 SEPT. 1963, OR UPON DECOMMISSIONING DATE OF FLO LFR.

City, Florence; State, S.C.; Airport Name, Florence Airport; Elev., 146′; Fac. Class, SBMRLZ; Ident., FLO; Procedure No. 1, Amdt. 6; Eff. Date, 18 June 63; Sup. Amdt. No. 5; Dated, 7 June 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Swiss Int	CR LOM	Direct	3000	T–dn	300–1	300–1	200–½
CRW VOR	CR LOM	Direct	2800	C–dn	600–1	600–1	600–1½
Gay Int	CR LOM	Direct	3000	S–dn–23	600–1	600–1	600–1
Walnut Grove Int	CR LOM	Direct	3000	A–dn	800–2	800–2	800–2
Ivydale Int	CR LOM	Direct	3000				

Radar vectoring authorized in accordance with approved procedures.
Procedure turn N side of crs, 050° Outbnd, 230° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 230°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 3000′, then proceed direct to CRW VOR, maintain 3000′, hold CRW R–261 1-minute right turns 081° Inbnd.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 12; Eff. Date, 7 Sept. 63; Sup. Amdt No. 11; Dated, 21 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salem Int	GON RBn	Direct	2000	T–dn	300–1	300–1	*300–1
Saybrook Int	GON RBn	Direct	2000	C–dn	500–1	500–1	500–1½
Watch Hill Int	GON RBn	Direct	2000	A–dn**	800–2	800–2	800–2
Norwich VOR	GON RBn	Direct	2100				

Radar vectoring authorized in accordance with approved patterns from Quonset Point, R.I. RATCC.
Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 049°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing GON RBn, make a right climbing turn to 1800′, direct to GON RBn, hold SW, 050° Inbnd, 1-minute left turns.
NOTE: Facility must be monitored aurally during this approach.
*200–½ authorized for takeoff Runway 23 only.
**Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., GON; Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 10 Mar. 62

Norwich VOR	GON RBn	Direct	2100	T–dn	300–1	300–1	*300–1
Salem Int	GON RBn	Direct	2000	C–dn	500–1	500–1	500–1½
Saybrook Int	GON RBn	Direct	2000	A–dn**	800–2	800–2	800–2
Watch Hill Int	GON RBn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns from Quonset Point, R.I. RATCC.
Procedure turn N side of crs, 258° Outbnd, 078° Inbnd, 1900′ within 10 miles of Groton RBn.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 049°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing GON RBn, make a right climbing turn to 1900′ direct to GON RBn, hold SW, 078° Inbnd, 1-minute left turns.
NOTE: Facility must be monitored aurally during this approach.
*200–½ authorized for takeoff Runway 23 only.
**Alternate weather minimums of 800–2 authorized only for those who have an approved arrangement for weather service at the airport.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., GON; Procedure No. 2, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig; Dated, 4 Aug. 62

Hartford VOR	HFD RBn (final)	Direct	1400	T–dn	300–1	300–1	300–1
				C–dn	800–1	900–1	900–1½
				A–dn	NA	NA	NA

Radar vectoring utilizing Bradley Radar is authorized in accordance with approved patterns.
Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 323°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing HFD RBn, make a left climbing turn to 2400′ on the 143° bearing from HFD RBn within 10 miles. Return to HFD RBn and hold SE at 2400′, 323° Inbnd, right turns, 1 minute.
CAUTION: 580′ building 1.5 miles N of airport.

City, Hartford; State, Conn.; Airport Name, Brainard Field; Elev., 18′; Fac. Class., MHW; Ident., HFD; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Sept. 63

Mobile VOR	LOM	Direct	1800	T–dn	300–1	300–1	200–½
Brookley VOR	LOM	Direct	1800	C–dn	400–1	400–1	500–1½
				S–dn–14	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 139°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn, climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800′ and enter VOR holding pattern.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class., LOM; Ident., MO; Procedure No. 1, Amdt. 12; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 11; Dated, 25 Aug. 63

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2200′ on crs of 170° and return to MBS RBn.
CAUTION: 947′ MSL radio tower 3.0 miles 170° from airport. 780′ MSL elevator 2.2 miles W of airport.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BMH; Ident., MBS; Procedure No. 1, Amdt. 10; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 9; Dated, 9 Dec. 61

Tulsa VOR	(DW) LOM	Direct	2200	T–dn	300–1	300–1	*200–½
Collinsville Int	(DW) LOM	Direct	2200	C–dn	400–1	500–1	500–1½
Big Cabin Int	(DW) LOM	Direct	2200	S–dn–17L	400–1	400–1	400–1
Will Rogers Int	(DW) LOM	Direct	2200	A–dn	800–2	800–2	800–2
Murnan Int	(DW) LOM—(final)	Direct	2200				

Radar vectoring may be used to position aircraft for a final approach within 5 miles N of DW LOM with elimination of procedure turn.
Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 174°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing DW LOM, climb to 2200′ on crs 174° within 20 miles of (DW) LOM, or when directed by ATC, climb to 2200′ on TUL–VOR R–035 within 20 miles.
*300–1 required on Runway 3L, 21R, 17R and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., LOM; Ident., DW; Procedure No. 2, Amdt. Orig.; Eff. Date, 7 Sept. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boyds Int	Poolesville RBn (final)	Direct	2300	T–dn	300–1	300–1	200–½
				C–dn*	500–1	500–1	500–1½
				S–dn–19R*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2300′ within 10 miles of Poolesville RBn.
Minimum altitude over Poolesville RBn on final approach crs, 2300′. Do not descend below 813′ until after passing DLX outer marker.
Crs and distance, facility to airport, 186°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing PLV RBn, make a right climbing turn, proceed direct to PLV RBn, cross PLV RBn at 2000′, continue climb to 2300′ in holding pattern. Hold N 006° bearing, 186° Inbnd, 1-minute right turns.
*If DLX OM not received, minimums of 500–2 apply.

City, Washington, D.C.; Airport Name, Dulles International; Elev., 313′; Fac. Class., MHW; Ident., PLV; Procedure No. 2, Amdt. 4; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 3; Dated, 11 May 63

Bradley Int	BD LOM	Direct	2500	T–dn	300–1	300–1	200–½
New Britain Int	BD LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Tamie Int	BD LOM	Direct	2700	S–dn–6	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 058°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make a climbing right turn to 2500′ direct BD LOM. Hold SW of BD LOM, 058° Inbnd, left turns, 1 minute.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
CAUTION: Unlighted hills 2.4 miles NW of airport approximately 768′ MSL. Standard clearance not provided for straight-in minimums over ridge approximately 1 mile N of LOM.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., LOM; Ident., BD; Procedure No. 1, amdt. 12; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 11; Dated, 27 Dec. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
EKN VOR	Lost Creek Int	Direct	4000	T–dn	*500–1	NA	NA
Lost Creek Int	CKB VOR (final)	Direct	2500	C–dn	700–1	NA	NA
				A–dn	1000–2	NA	NA

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 3200′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 040°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing CKB VOR, climb to 3200′ on R–040 CKB VOR within 10 miles and return to CKB VOR.
Hold SW on R–220 at 3200′, 1-minute left turns, 040° Inbnd.
CAUTION: High terrain 1600′ 1.3 miles SE of airport. 2049′ antenna 3.5 miles NW of CKB–VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
*Night takeoffs not authorized on Runways 16–34—obstructing terrain E side of runways of 1270′.
‡Lost Creek Int: Int EKN R–329 and CKB R–220.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209′; Fac. Class., BVOR; Ident., CKB; Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 21 Apr. 62

Daggett RBn	DAG–VOR	Direct	6000	T–dn*	2000–4	2000–4	2000–4
				C–dn	2000–4	2000–4	2000–4
				A–dn	2000–4	2000–4	2000–4

Procedure turn N side crs, 042° Outbnd, 222° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 224°—11.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing DAG–VOR, turn right, climb to 6000′ on R–230 to Daggett VOR.
*500–1 authorized for takeoff on Runways 3 and 7.

City, Daggett; State, Calif.; Airport Name, Barstow-Daggett; Elev., 1927′; Fac. Class., BVOR~~TAC~~; Ident., DAG; Procedure No. 1, Amdt. 2; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 1; Dated, 21 Feb. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	300–1
				C-d	1200–1	1200–1	1200–1½
				C-n	1200–2	1200–2	1200–2
				A-dn	1200–2	1200–2	1200–2
				If aircraft is equipped with VOR and ADF, and the 120° bearing from HFD RBn is received, the following minimum applies:			
				C-dn*	500–1	500–1	500–1½

Radar vectoring utilizing Bradley Radar is authorized in accordance with approved patterns.
Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 2400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 347°—7.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.0 miles after passing HFD-VOR (2.5 miles after passing the 120° bearing from HFD RBn), make a right climbing turn to 2400′ direct to HFD-VOR. Hold SE of HFD-VOR on R-143, right turns, 1-minute.
CAUTION: 580′ building 2.0 miles NW of airport.
*Do not descend below 1245′ until after passing the 120° bearing from HFD RBn.

City, East Hartford; State, Conn.; Airport Name, Rentschler Field; Elev., 45′; Fac. Class., M-BVOR; Ident., HFD; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Sept. 63

				T-d*	1000–2	1000–2	1000–2
				T-n	NA	NA	NA
				C-d	2000–2	2000–2	2000–2
				C-n	NA	NA	NA
				A-d	2500–3	2500–3	2500–3
				A-n	NA	NA	NA

Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 102°—11.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make immediate left climbing turn to 5000′ to EKN VOR, hold W on R-268 Inbnd, 1-minute right turns.
CAUTION: Obstructions reaching 3400′ 3 miles W of airport.
AIR CARRIER NOTE: Night operations not authorized. Sliding scale not authorized. No reduction in landing visibility for local conditions. No reduction in takeoff minimums authorized.
*Takeoffs all runways: Climb direct to EN LFR, then via 042° bearing to intercept the EKN VOR R-074, then climb on R-074.

City, Elkins; State, W. Va.; Airport Name, Elkins Municipal—Randolph County; Elev., 1987′; Fac. Class., MBVORTAC; Ident., EKN; Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 1 Apr. 54

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 054° Outbnd, 234° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 234°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing FLO-VOR, climb to 1700′ on R-234 within 20 miles, turn left, returning to FLO-VOR via R-223.
Other change: Deletes transition from FLO-LFR.

City, Florence; State, S.C.; Airport Name, Florence; Elev., 146′; Fac. Class., BVOR; Ident., FLO; Procedure No. 1, Amdt. 3; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 2; Dated, 18 June 60

THS VOR	HGR VOR	Direct	3600′	T-dn	300–1	300–1	200–½
MRB VOR	HGR VOR	Direct	3600′	C-dn*	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′ until crossing MRB VOR R-359, then maintain 2000′ to HGR VOR.
Crs and distance, facility to airport, 091°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing HGR VOR, make immediate left climbing turn to 3600′ direct to HGR VOR, hold SW on R-246, 1-minute right turns.
*Circling approaches to runway 2/20 authorized during daylight hours only.

City, Hagerstown; State, Md.; Airport Name, Hagerstown Municipal; Elev., 704′; Fac. Class., BVOR; Ident., HGR; Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 18 Aug. 62

				T-dn	300–1	300–1	300–1
				C-d	1200–1	1200–1	1200–1½
				C-n	1200–2	1200–2	1200–2
				A-dn	NA	NA	NA
				If aircraft equipped with VOR and ADF and 240° bearing from HFD RBn is received, the following minimum applies:			
				C-dn*	800–1	900–1	900–1½

Radar vectoring utilizing Bradley Radar is authorized in accordance with approved patterns.
Procedure turn E side of crs, 154° Outbnd, 334° Inbnd, 2400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 334°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing HFD VOR (2.0 miles after passing the 240° bearing from HFD RBn), make a left climbing turn to 2400′ direct to HFD VOR. Hold SE of HFD VOR on R-143, right turns, 1-minute.
CAUTION: 580′ building 1.5 miles N of airport.
*Do not descend below 1218′ until after passing the 240° bearing from HFD RBn.

City, Hartford; State, Conn.; Airport Name, Brainard Field; Elev., 18′; Fac. Class., M-BVOR; Ident., HFD; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Sept. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE 7 SEPT. 1963.							

City, Morris; State, Ill.; Airport Name, Morris Municipal; Elev., 588′; Fac. Class., BVORTAC; Ident., JOT; Procedure No. 1, Amdt. 1; Eff. Date, 27 Apr. 63; Sup. Amdt. No. Orig.; Dated, 20 June 59

				T-d	300–1	NA	NA
				C-d	500–1½	NA	NA
				S-d-8	500–1½	NA	NA
				A-d	NA	NA	NA

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 086°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing COL-VOR, make a right climbing turn to 1900′ and return to COL-VOR. Hold W, 1-minute right turns; Inbnd crs 086°.

City, Red Bank; State, N.J.; Airport Name, Red Bank; Elev., 80′; Fac. Class., VOR; Ident., COL; Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 27 May 61

				T-d	300–1	300–1	NA
				C-d	700–1	700–1	NA
				S-d-29	700–1	700–1	NA
				A-dn	NA	NA	NA

Procedure turn N side crs, 108° Outbnd, 288° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 288°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing RBV-VOR, make right climbing turn to 1900′ and return to RBV-VOR. Hold E, 1-minute right turns, Inbnd crs 288°.

City, Robbinsville; State, N.J.; Airport Name, Trenton-Robbinsville; Elev., 115′; Fac. Class., B-VORTAC; Ident., RBV; Procedure No. 1, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. Orig.; Dated, 28 Jan. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BTT LFR	BTT VOR	Direct	2800	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-01	400–1	400–1	400–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 189° Outbnd, 009° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to approach end of Runway 01, 006°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BTT VOR, turn left, climb to 3000′ on R-189 of BTT VOR within 15 nautical miles.
CAUTION: High terrain E of airport, all maneuvering to be accomplished W of airport. 1000′ terrain 2 miles NNE; 2000′ terrain 7 miles E.

City, Bettles; State, Alaska; Airport Name, Bettles; Elev., 665′; Fac. Class., HVOR; Ident., BTT; Procedure No. TerVOR-1, Amdt. Orig.; Eff. Date, 7 Sept. 63

SCK-VOR	MOD-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Woodward Int	MOD-VOR	Direct	2000	C-dn	500–1	500–1	500–1½
SCK-VOR	Salida Int*	Direct	2000	A-dn	NA	NA	NA
Salida Int*	MOD-VOR (final)	Direct	600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn, climb to 2000′ on R-274 within 20 miles.
*Salida Int: Int MOD-VOR R-274 and SCK-VOR R-147.

City, Modesto; State, Calif.; Airport Name, Modesto City-County; Elev., 96′; Fac. Class., BVOR; Ident., MOD; Procedure No. TerVOR R-274, Amdt. Orig.; Eff. Date, 7 Sept. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Manakin RBn	RIC VOR	Direct	2000	C-dn	600-1	600-1	600-1½
Hopewell VOR	RIC VOR	Direct	1700	S-dn-6	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF receivers and Stack Int received, the following minimums apply:			
				C-dn	500-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 1700′ within 10 miles of RIC VOR.
*Minimum altitude until over Stack Int# on final approach crs, 800′.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000′ on R-056 RIC VOR within 10 miles. Return to RIC VOR, hold SW 220° Outbnd, 040° Inbnd, 1-minute right turns.
*If Stack Int# not received, maintain 800′ over RIC VOR.
#Stack Int: Int R-236 RIC VOR and 304° bearing from RIC RBN.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-6, Amdt. 7; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 6; Dated, 18 May 63

Flat Rock VOR	Biltmore Int*	Direct	2000	T-dn	300-1	300-1	200-½
Biltmore Int*	RIC VOR (final)	Direct	800	C-dn	600-1	600-1	600-1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-15	600-1	600-1	600-1
5-mile radar fix	RIC VOR (final)	Direct	600	A-dn	800-2	800-2	800-2
				If aircraft equipped with dual VOR receivers and Biltmore Int* or 5-mile radar fix received, the following minimum applies:			
				S-dn-15	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over Biltmore Int* on final approach crs, 800′; over facility, 600′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R-167 RIC-VOR within 10 miles, return to RIC VOR. Hold SW 220° Outbnd, 040° Inbnd, 1-minute right turns.
*Biltmore Int: Int R-008 Flat Rock VOR and R-347 Richmond VOR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. 9; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 8; Dated, 18 May 63

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Hopewell VOR	RIC VOR	Direct	1700	C-dn	600-1	600-1	600-1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-33	600-1	600-1	600-1
Brown Int*	RIC VOR (final)	Direct	600	A-dn	800-2	800-2	800-2
5-mile radar fix	RIC VOR (final)	Direct	600	If aircraft is equipped with VOR and ADF receivers and Brown Int* or 5-mile radar fix received, the following minimum applies:			
				S-dn-33	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved pattern.
Procedure turn N side of crs, 138° Outbnd, 318° Inbnd, 1700′ within 10 miles.
Minimum altitude over Brown Int* on final approach crs, 800′; over facility, 600′.
Crs and distance, breakoff point to approach end of runway, 334°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000′ on R-318 of RIC VOR within 10 miles, return to RIC VOR. Hold SW 220° Outbnd, 040° Inbnd, 1-minute right turns.
*Brown Int: Int RIC-VOR R-138 and 060° bearing RC-LFR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-33, Amdt. 6; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 5; Dated, 18 May 63

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-5	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 049°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2200′ on MBS VOR R-058 and return to MBS VOR.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BVOR; Ident., MBS; Procedure No. TerVOR-5, Amdt. 2; Eff. Date, 7 Sept. 63; Sup. Amdt. No. VOR, 1; Dated, 2 Dec. 61

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-14	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 139°—0.28 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2200′ on MBS VOR R-170 and return to MBS VOR.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class. BVOR; Ident., MBS; Procedure No. TerVOR-14, Amdt. 1; Eff. Date, 7 Sept. 63; Sup. Amdt. No. VOR, Orig.; Dated, 21 Dec. 57

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-23	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 038° Outbnd, 218° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 229°—0.29 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2200′ on MBS VOR R-218 and return to MBS VOR.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BVOR; Ident., MBS; Procedure No. TerVOR-23, Amdt. 2; Eff. Date, 7 Sept. 63; Sup. Amdt. No. VOR, 1; Dated, 2 Dec. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Camp Int**	McGregor Pt RBn	Via S crs of ILS	2700	T-dn#	300-1	300-1	200-½
Harpoon Int	Camp Int**	Direct	4000	C-dn	600-1	600-1	600-1½
Int LNY R-096 and 230° bearing from McGregor Pt RBn.	Camp Int**	Direct	4000	B-dn-2*	300-¾	300-¾	300-¾
				A-dn	700-2	700-2	700-2

Procedure turn not authorized. Straight-in from McGregor Pt RBn only.
Crs, McGregor Pt RBn to airport, 024°.
Altitude of glide slope and distance to approach end of runway at McGregor Pt RBn, 2700′—8.2 miles; at OM, 1205′—3.5 miles; at LMM, 289′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on OGG–VOR R-027, reverse course, climb to 5000′ and return to VOR.
CAUTION: 1. Precipitous terrain W of McGregor Pt RBn. Turbulence of varying intensities may be encountered. 2. 570′ tower 4 miles W of airport; 255′ stacks 1.6 miles SW on final. 3. Approach lights not installed.
*When glide slope not utilized do not descend below 1700′ until 3 miles past McGregor Pt RBn and minimums are 500–1.
#Takeoff minimums Runways 23, 20 and 17 are 600–1, and all aircraft must cross airport under VFR conditions prior to departing on course.
**Camp Int: Int LNY–VOR R-096 and S crs ILS.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59′; Fac. Class., ILS; Ident., I-OGG; Procedure NO. ILS–2, Amdt. Orig.; Eff. Date, 7 Sept. 63

MKE VOR	Lake Park Int	Direct	2700	T-dn	300-1	300-1	200-½
MKE-RBn	Lake Park Int	Direct	2700	C-dn	600-1	600-1	600-1½
MK-LOM	Lake Park Int	Direct	2700	S-dn-19	400-1	400-1	400-1
MWC VOR	Lake Park Int	Direct	2700	A-dn	800-2	800-2	800-2
Cardinal Int	Lake Park Int (final)	Direct	2300				

Radar transitions to final approach course authorized according to approved patterns. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 2 miles N of Lake Park Int.
Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2700′ within 10 miles of Lake Park Int.
No glide slope, outer or middle marker, and no approach lights.
Minimum altitude over Lake Park Int on final approach crs, 2300′; over Harbor Int, 1900′.
Crs and distance, Lake Park Int to airport, 186°—7.3 miles; Harbor Int to airport, 186°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Harbor Int, climb to 2000′ on S crs ILS within 10 miles of MK LOM.
NOTES: 1. Aircraft on missed approach may be radar controlled after radar identification. 2. This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously, unless radar controller advises passing Lake Park Int and Harbor Int.
CAUTION: 787′ power line 0.5 mile N of Runway 19.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 702′; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-19, Amdt. Orig.; Eff. Date, 7 Sept. 63

Mobile VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
Brookley VOR	LOM	Direct	1800	C-dn	400-1	500-1	500-1½
				S-dn-14	200-½	200-½	200-½
				A-dn	#600-2	#600-2	#600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1500′—4.5 miles; at MM, 424′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn, climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800′ and enter VOR holding pattern.
*400–¾ required when glide slope not utilized.
#All installed components of ILS must be operating otherwise alternate minimum of 800–2 applies.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class., ILS; Ident., I-MOB; Procedure No. ILS-14, Amdt. 12; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 11; Dated, 1 Sept. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
Tulsa VOR	DW LOM	Direct	2200	T–dn	300–1	300–1	*200–½
Collinsville Int	DW LOM	Direct	2200	C–dn	400–1	500–1	500–1½
Big Cabin Int	DW LOM	Direct	2200	S–dn–17L#	300–¾	300–¾	300–¾
Will Rogers Int	DW LOM	Direct	2200	A–dn	600–2	600–2	600–2
Murman Int	DW LOM (final)	Direct	2200				

Radar vectoring may be used to position aircraft for a final approach within 5 miles N of DW LOM with the elimination of procedure turn.
Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2200′ within 10 miles.
Crs and distance, DW LOM to airport, 174°—5.6 miles; WE LMM to airport, 174°—0.6 mile.
Minimum altitude at glide slope intercept Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2190′—5.6 miles; at MM, 835′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on crs 174° within 20 miles of DW LOM or, when directed by ATC, climb to 2200′ on TUL–VOR R–035 within 20 miles.
NOTE: Glide slope angle 2.5°.
*300–1 required on Runway 3L, 21R, 17R and 35L.
#No approach lights.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., ILS; Ident., I–DWE; Procedure No. ILS–17L, Amdt. Orig.; Eff. Date, 7 Sept. 63

Boyds Int	Poolesville RBn (final)	Direct	2300	T–dn#	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–19R##	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 066° Outbnd, 156° Inbnd, 2300′ within 10 miles of PLV RBn.
Minimum altitude at glide slope intercept Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at Poolesville RBn, 2297′—7.3 miles; at OM, 1282′—3.6 miles; at MM, 462′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn to 2000′, proceed to Nokesville Int**. Hold S R–309 HRN, 029° Inbnd, 1-minute left turns.
**Nokesville Int: Int R–309 HRN–VOR and R–110 LDN–VOR.
#Runway visual range 2000′ also authorized for takeoff on Runway 19R in lieu of 200–½ when 200–½ is authorized, provided high intensity runway lights are operational.
##Runway visual range 2000′ also authorized for landing on Runway 19R, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 513′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
Major change: Deletes description of Boyds Int.

City, Washington, D.C.; Airport Name, Dulles International; Elev., 313′; Fac. Class., ILS; Ident., I–DLX; Procedure No. ILS–19R, Amdt. 4; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 3; Dated, 11 May 63

Bradley Int	BD LOM	Direct	2500	T–dn**	300–1	300–1	200–½
New Britain Int	BD LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Tamie Int	BD LOM	Direct	2700	S–dn–6*#	200–¾	200–¾	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM 1671′—4.5 miles; at MM 416′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on the localizer course to R–150 CTR–VOR, then SE on R–150 to Skylark Int. Hold E of Skylark Int on PUT–VOR R–276, right turns, 1-minute.
CAUTION: 1. Unlighted hills 2.4 miles NW of airport approximately 768′. 2. Standard clearance not provided for straight-in minimums over ridge approximately 1 mile N of LOM.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
*400–¾ required with glide slope inoperative.
#Runway visual range 2600′ also authorized for landing on Runway 6; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 373′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 6 in lieu of 200–½ when 200–½ authorized; provided high intensity runway lights are operational.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I–BDL; Procedure No. ILS–6, Amdt. 14; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 13; Dated, 23 Dec. 61

Bradley Int	DL LMM	Direct	2700	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–24*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 058° Outbnd, 238° Inbnd, 2700′ within 13 miles of DL LMM, but NE of Thompson Int.**
Minimum altitude crossing Thompson Int on final approach crs, 1900′.
No glide slope. No outer marker or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Thompson Int, climb straight ahead to 2500′ direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
NOTE: Procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: Unlighted hills 2.4 miles NW of airport, approximately 768′.
*Descent to published minimums authorized after passing Thompson Int on final approach.
**Thompson Int: Int NE course BDL/ILS and BAF/VOR R–163.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I–BDL; Procedure No. ILS–24, Amdt. 2; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 1; Dated, 1 Dec. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
070°	290°	Within: 15 miles	2500	Precision approach			
290°	070°	15 miles	3000	S–dn–9##	200–½	200–½	200–½
000°	360°	15–25 miles	3000	A–dn–9	600–2	600–2	600–2
				Surveillance approach			
				T–dn#	300–1	300–1	300–½
				C–dn*	400–1	500–1	500–1½
				C–dn–15, 9	500–1	500–1	500–1½
				S–dn*	400–1	400–1	400–1
				S–dn–15, 9	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar azimuths are clockwise with distance and altitudes based on antenna located on Atlanta Municipal Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 9 and 3: climb to 3000′ and proceed to Conyers Int via E crs ILS or, when directed by ATC, climb to 3000′ on 050° magnetic bearing from ATL RBN within 20 miles.
15: climb to 2200′, turn right and proceed to ATL VOR or, when directed by ATC, climb to 2200′ on 145° magnetic bearing from ATL RBn within 20 miles.
27 and 33: climb to 3000′ and proceed to Chattahoochee Int via W crs ILS or, when directed by ATC, turn left, climb to 3000′ on 231° magnetic bearing from ATL RBn within 20 miles.
*Runways 27, 33, 3.
##Runway visual range 2600′ also authorized for landing on Runway 9, provided all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 1224′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600′ also authorized for takeoff on Runway 9 in lieu of 200–½ when 200–¾ is authorized, provided high intensity runway lights are operational.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class. and Ident., Atlanta Radar; Procedure No. 1, Amdt. 8; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 7; Dated, 24 Aug. 63

000°	360°	Within: 30 miles	2500	Surveillance approach			
100°	022°	10 miles	2000	T–dn	300–1	300–1	200–½
				C–dn*	400–1	500–1	500–1½
				C–dn**	700–1	700–1	700–1½
				S–dn*	400–1	400–1	400–1
				S–dn**	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1746′ obstruction 9 miles ENE of airport, and a 1550′ obstruction 24 miles NE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 4 and 36: Climb to 2500′ and proceed to New Baltimore Int. Hold N 1-minute right turns, 186° Inbnd. Runways 9, 18, 22, and 27: Climb to 2000′ and proceed to CV LOM. Hold S 1-minute right turns, 360° Inbnd.
*Runways 4, 9, 18, 36.
**Runways 22 and 27.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class. and Ident., Cincinnati Radar; Procedure No. 1, Amdt. 4; Eff. Date, 7 Sept. 63; Sup. Amdt. No. 3; Dated, 7 July 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes	Ceiling and visibility minimums			
	Condition	2-engine or less		More than 2-engine, more than 65 knots
		65 knots or less	More than 65 knots	
	Surveillance approach			
Within 5 miles:				
012°—238°, 1800'.				
238°—012°, 2200'.	T–dn	300–1	300–1	200–½
Within 10 miles:	C–dn	400–1	500–1	500–1½
012°—192°, 2000'.	S–dn–1, 33, 19 and 24.	400–1	400–1	400–1
192°—238°, 2500'.	A–dn	800–2	800–2	800–2
238°—012°, 2700'.				
Within 15 miles:				
012°—058°, 2200'.				
058°—148°, 2600'.				
148°—238°, 2500'.				
238°—012°, 3000'.				
Within 20 miles:				
012°—148°, 2700'.				
148°—238°, 2500'.				
238°—012°, 3200'.				
Within 25 miles:				
012°—148°, 2700'.				
148°—238°, 2500'.				
238°—012°, 3300'.				
Within 30 miles:				
012°—148°, 2700'.				
148°—238°, 2500'.				
238°—012°, 3600'.				
Within 35 miles:				
012°—058°, 2800'.				
058°—148°, 2700'.				
148°—192°, 2500'.				
192°—238°, 2600'.				
238°—328°, 4100'.				
328°—012°, 3800'.				
Within 50 miles:				
All directions, 5300'.				

All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 1 and 33: Make a climbing left turn to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns. Runway 19: Make a climbing right turn to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns. Runway 24: Climb straight ahead to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
CAUTION: Unlighted hills 2.4 miles NW of airport approximately 768'.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173'; Fac. Class. and Ident., Bradley Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Sept. 63

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 5, 1963.

WILLARD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63–8665; Filed, Sept. 5, 1963; 11:50 a.m.]

[Reg. Docket No. 1903; Amdt. 337]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CSG-VOR	CSG RBn	Direct	2000	T–dn	300–1	300–1	200–½
CSG LOM	CSG RBn	Direct	2000	C–dn	600–1	600–1	600–1½
Marvyn Int	CSG RBn	Direct	2000	S–dn–2	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 204° Outbnd, 024° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 022°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing CSG RBn, turn left, climb to 2000' and return to CSG RBn. Hold SW, 1-minute left turns.
CAUTION: Jump towers 574' 1½ miles NE. R–3002 E and SE of Lawson AAF.
NOTE: Authorized for military use only except by prior arrangement.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232'; Fac. Class., SBH; Ident., CSG; Procedure No. 1, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig; Dated, 12 Jan. 63

Enterprise RBn	LOR RBn	Direct	2000	T–dn	300–1	300–1	200–½
Cairns LOM (RBn)	LOR RBn	Direct	2000	C–dn	500–1	500–1	500–1½
Abbeville Int	LOR RBn	Direct	2000	A–dn	800–2	800–2	800–2
Dothan VOR	LOR RBn	Direct	2000				
Hartford Int	LOR RBn	Direct	2000				
Darlington Int	LOR RBn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1600' within 10 miles. Nonstandard due traffic Cairns AAF.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 065°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LOR RBn, turn right, climb to 2000', proceed direct to Enterprise RBn.
NOTE: Authorized for military use only except by prior arrangement.

City, Fort Rucker; State, Ala.; Airport Name, Lowe AAF; Elev., 224'; Fac. Class., MHW; Ident., LOR; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Sept. 63

DHN VOR	OZ LOM	Direct	2000	T–dn	300–1	300–1	200–½
Hartford Int	OZ LOM	Direct	2000	C–dn	500–1	500–1	500–1½
ETP RBn	OZ LOM	Direct	2000	S–dn–6	400–1	400–1	400–1
Abbeville Int	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Opp Int*	LOM	Direct	2000				
Darlington Int	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 238° Outbnd, 058° Inbnd, 2000' within 10 miles. Nonstandard due to airway S.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 058°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, turn left, climb to 2000' and proceed direct to ETP RBn or, when directed by ATC, turn left and return to OZ LOM at 2000'.
NOTES: 1. Authorized for military use only except by prior arrangement. 2. Teardrop procedure turn authorized, same altitude utilizing crs of 256° Outbnd, 058° Inbnd.
*Opp Int: Int OZR VOR R–267 and CEW R–040.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class., LOM; Ident., OZ; Procedure No. 1, Amdt. 5; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 4; Dated, 19 Jan. 63

DHN VOR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
ETP RBn	LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Hartford Int	LOM	Direct	2000	S–dn–6	400–1	400–1	400–1
Abbeville Int	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Opp Int*	LOM	Direct	2000				
Darlington Int	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn teardrop, 261° Outbnd, 058° Inbnd. Initial penetration 15,000' or below; penetration turn left, 8000', complete at 2000' within 20 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 058°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, turn left, climb to 2000' and proceed direct to ETP RBn.
NOTES: 1. Rate of descent not to exceed 4000 feet per minute and 200 K. 2. Direction of penetration turn nonstandard due ATC requirements. 3. Authorized for military use only except by prior arrangement.
*Opp Int: Int OZR R–267 and CEW R–040.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class., MHW; Ident., OZ; Procedure No. 2, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig; Dated, 8 July 61

MLS VOR	MLS RBn	Direct	4500	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side crs, 236° Outbnd, 056° Inbnd, 4500' within 10 miles.
Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 056°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing RBn, climb to 4500' on 056° crs of RBn within 10 miles.
NOTE: Final approach from holding pattern at RBn not authorized. Procedure turn required.

City, Miles City; State, Mont.; Airport Name, Municipal; Elev., 2628'; Fac. Class., SABH; Ident., MLS; Procedure No. 1, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 27 Oct. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Patterson RBn	TEB LMM	Direct	1800	T-dn	300–1	300–1	200–½
TEB LMM	AR LOM (final)	Direct	1200	C-dn	900–1	900–1	900–1½
				S-dn-22	900–1	900–1	900–1
				A-dn	1000–2	1000–2	1000–2

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 217°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing LOM, climb to 2000′ on crs 217°, intercept R-069 ARD-VOR, then make right turn, proceed to Kilmer Int at 2000′. Hold SW, 1-minute right turns, Inbnd crs 069°.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 15′; Fac. Class., LOM; Ident., AR; Procedure No. 2, Amdt. 2; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 1; Dated, 20 July 63

Billings Int	LOM	Direct	2800	T-dn	300–1	300–1	200–½
Sparta Int	LOM	Direct	3000	C-dn	400–1	500–1	500–1½
SGF VOR	LOM	Direct	2600	S-dn-1	400–1	400–1	400–1
SGF RBn	LOM	Direct	2600	A-dn	800–2	800–2	800–2
Miller Int	LOM	Direct	3000				
Plano Int	LOM	Direct	2800				

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 015°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2800′ on crs 015°, proceed to SGF-VOR.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., LOM; Ident., SG; Procedure No. 1, Amdt. 4; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 3; Dated, 9 Mar. 63

SGF VOR	SGF RBn	Direct	2800	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 137°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing RBn, climb to 3000′ on 137° bearing from SGF RBn within 15 miles.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.

City, Springfield; State, Mo.; Airport Name, Municipal; Elev., 1267′; Fac. Class., HSAB; Ident., SGF; Procedure No. 2, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 26 Jan. 63

HUF-VOR	HUF RBn	Direct	2000	T-dn	300–1	300–1	200–½
Clinton Int	HUF RBn	Direct	2200	C-dn	400–1	500–1	500–1½
				S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 225°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing HUF RBn, climb to 2000′ on crs of 225° and return to HUF RBn or, when directed by ATC, make left turn and proceed to Lewis VOR at 2200′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BH; Ident., HUF; Procedure No. 1, Amdt. 2; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 1; Dated, 11 Feb. 61

HUF RBn	LOM	Direct	2100	T-dn	300–1	300–1	200–½
HUF VOR	LOM	Direct	2100	C-dn	400–1	500–1	500–1½
LEU VOR	LOM	Direct	2200	S-dn-5	400–1	400–1	400–1
Fairbanks Int	LOM (final)	Direct	2000	A-dn	800–2	800–2	800–2
Sanford Int	LOM	Direct	2200				
Clinton Int	LOM	Direct	2200				
Spencer Int	LOM	Direct	2200				

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 045°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, proceed direct to HUF RBn, climbing to 2000′ or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU-VOR.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., LOM; Ident., HU; Procedure No. 2, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 16 Dec. 61

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Miles City RBn	MLS-VOR	Direct	4500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-runway 4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs 211° Outbnd, 031° Inbnd, 4500′ within 10 miles.
Minimum altitude over VOR on final approach crs, 3500′; over Fort Int,* 3100′.
Crs and distance, Fort Int to airport, 031°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing MLS-VOR, climb to 4500′ on R-062 within 10 miles.
CAUTION: RBn tower 2800′.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
*Fort Int: Int MLS-VOR R-031 and 300° bearing to MLS RBn or 1.5-mile DME-fix R-031.

City, Miles City; State, Mont.; Airport Name, Municipal; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. 1, Amdt. 5; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 4; Dated, 27 Oct. 62

SGF RBn	SGF-VOR	Direct	2800	T-dn	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	500–2	500–2	500–2
				S-d-19	500–1	500–1	500–1
				S-n-19	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 193°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing SGF-VOR, climb to 3200′ on R-203 SGF-VOR and proceed to Billings Int.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., BVORTAC; Ident., SGF; Procedure No. 1, Amdt. 6; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 5; Dated, 9 Mar. 63

				T-dn	300–1	300–1	NA
				C-dn	1000–1	1000–1	NA
				A-dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns by Boston Approach Control.
Procedure turn E side of crs, 022° Outbnd, 202° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 202°—11.5 miles.
Minimum altitude 1000′ within 6 miles after passing HTM VOR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing HTM VOR, make right climbing turn to 2000′ return to HTM VOR, hold SW on R-240, 1-minute right turns, 060° crs Inbnd.

City, Taunton; State, Mass.; Airport Name, Municipal; Elev., 40′; Fac. Class., LVOR; Ident., HTM; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Sept. 63

Lena Int*	HUF VOR (final)	Direct	1500	T-dn	300–1	300–1	200–½
Brazil Int**	HUF VOR (final)	Direct	1500	C-dn	400–1	500–1	500–1½
HUF-BH	HUF VOR	Direct	2000	S-dn-23	400–1	400–1	400–1
Clinton Int	HUF VOR	Direct	2200	A-dn	800–2	800–2	800–2
Spencer Int	HUF VOR	Direct	2200				

Procedure turn N side of final approach crs, 049° Outbnd, 229° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 229°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing HUF VOR, make climbing left turn to 2200′ and proceed direct to Lewis VOR or, when directed by ATC, make climbing right turn and return to HUF VOR.
*Lena Int: Int HUF VOR R-047 and LEU VOR R-022.
**Brazil Int: Int HUF VOR R-062 and LEU VOR R-022.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVOR; Ident., HUF; Procedure No. 1, Amdt. 2; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 1; Dated, 26 Aug. 61

HUF BH	BUF VOR	Direct	2100	T-dn	300–1	300–1	200–½
LEU VOR	Riley Int*	Direct	2200	C-dn	400–1	500–1	500–1½
HUF VOR	Riley Int*	Direct	2100	S-dn-5	400–1	400–1	400–1
Sanford Int	Riley Int*	Direct	2200	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 2100′ within 10 miles of Riley Int.*
Minimum altitude over Riley Int* on final approach crs, 1600′.
Crs and distance, facility to airport, 048°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Riley Int,* climb to 2500′ and proceed to Manhattan Int or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU VOR.
NOTE: Procedure restricted to aircraft equipped with dual omni.
*Riley Int: Int HUF VOR R-228 and LEU VOR R-315.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVOR; Ident., HUF; Procedure No. 2, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 8 July 61

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–d	400–1	400–1	400–1
				n	500–1	500–1	500–1
				C–d	800–1	800–1	800–1½
				n	800–1½	800–1½	800–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 17, 171°—1.0 miles.
If visual contset not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a climbing right turn to 2300′ on R-232 within 10 miles, return to AUG–VOR. Hold R-232 AUG–VOR, right turns, 1-minute.
Other change: Deletes straight-in minimums.

City, Augusta; State, Maine; Airport Name, Augusta-State; Elev., 357′; Fac. Class., BVOR; Ident., AUG; Procedure No. Ter VOR-17, Amdt. 3; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 2; Dated, 29 Sept. 62

				T–d	400–1	400–1	400–1
				T–n	500–1	500–1	500–1
				C–d	600–1	600–1	600–1½
				C–n	600–1½	600–1½	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, breakoff point to approach end of Runway 26, 260°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if lauding not accomplished within 0.0 mile, make climbing left turn to 2300′ on R-232 within 10 miles. Hold R-232 Augusta VOR, 1-minute right turns.
Other change: Deletes straight-in minimums.

City, Augusta; State, Maine; Airport Name, Augusta-State; Elev., 357′; Fac. Class., BVOR; Ident., AUG; Procedure No. Ter VOR-26, Amdt. 3; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 2; Dated, 29 Sept. 62

				T–d	400–1	400–1	400–1
				n	500–1	500–1	500–1
				C–d	600–1	600–1	600–1½
				n	600–1½	600–1½	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, breakoff point to approach end of Runway 35, 351°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 2300′, return to AUG VOR. Hold SW, R–232, right turns, 1-minute.
Other change: Deletes straight-in minimums.

City, Augusta; State, Maine; Airport Name, Augusta-State; Elev., 357′; Fac. Class., BVOR; Ident., AUG; Procedure No. TerVOR-35, Amdt. 4; Eff. Date, 14 Sept. 63, Sup. Amdt. No. 3; Dated, 29 Sept. 62

CSG VOR	LSF VOR	Direct	2200	T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–2	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 204° Outbnd, 024° Inbnd, 1900′ within 10 miles of CSG RBn.
Minimum altitude over CSG RBn on final approach crs, 1100′.
Crs and distance, CSG RBn to Runway 2, 024°—2.9 miles.
Crs and distance, breakoff point to Runway 2, 022°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LSF VOR, turn left, climb to 2000′ on R–205 LSF VOR within 15 miles.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having operating VOR and ADF receivers.
CAUTION: Jump towers 580′ 1½ miles NE, R–3002 E and SE of Lawson AAF.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232′; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-2, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt-No. Orig.; Dated, 25 Aug. 62

CSG VOR	LSF VOR	Direct	2200	T–dn	300–1	300–1	200–½
				C–dn	800–1	800–1	800–1½
				S–dn–14	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2
				If aircraft equipped with VOR and ADF receivers and Crawford Int* received, minimums become:			
				C–dn	600–1	600–1	600–1½
				S–dn–14	600–1	600–1	600–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 2200′ within 10 miles of CSG LOM.
Minimum altitude over CSG LOM on final approach crs, 2100′.
Crs and distance, CSG LOM to Runway 14, 159°—6.9 miles; Crawford Int* to Runway 14, 159°—4.0 miles.
Crs and distance, breakoff point to Runway 14, 143°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LSF VOR, turn right, climb to 2000′ on R–205 LSF VOR within 15 miles.
CAUTION: Jump towers 580′ 1½ miles NE, R–3002 E and SE of Lawson AAF.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having operating VOR and ADF receivers.
*Crawford Int: Int R–339 LSF VOR and 204° bearing from CSG LMM.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232′; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-14, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 25 Aug. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Enterprise RBn	OZR VOR	Direct	2000	T–dn	300–1	300–1	200–½
DHN VOR	OZR VOR	Direct	2000	C–dn	500–1	500–1	500–1½
Skipperville Int	OZR VOR	Direct	2000	S–dn–6	500–1	500–1	500–1½
Hartford Int	OZR VOR	Direct	2000	A–dn	800–2	800–2	800–2
Abbeville Int	OZR VOR	Direct	2000	If aircraft equipped with VOR and ADF, and Bellwood Int* received, the following minimum applies:			
				S–dn–6	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′ (700′ if Bellwood Int identified).
Crs and distance, breakoff point to end of Runway 6, 058°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn left, climb to 2000′ on R-280 OZR–VOR within 20 miles.
NOTE: Authorized for military use only except by prior arrangement.
*Bellwood Int: Int 320° bearing to OZ RBn and R–230 OZR VOR.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., VOR; Ident., OZR; Procedure No. TerVOR-6, Amdt. 4; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 3; Dated, 3 Sept. 60

Abbeville Int	OZR VOR	Direct	2000	T–dn	300–1	300–1	200–½
DHN VOR	OZR VOR	Direct	2000	C–dn	800–1	800–1	800–1½
Skipperville Int	OZR VOR	Direct	2000	S–dn–24	800–1	800–1	800–1
Hartford Int	OZR VOR	Direct	2000	A–dn	800–2	800–2	800–2
Enterprise RBn	OZR VOR	Direct	2000	If aircraft equipped with dual VOR and Newton Int* received, minimums become:			
Darlington Int	OZR VOR	Direct	2000	C–dn	500–1	500–1	500–1½
				S–dn–24	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′ (700′ if Newton Int identified).
Crs and distance, breakoff point to end of Runway 24, 238°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR turn right, climb to 2000′ on R-280 OZR VOR within 20 miles.
NOTE: Authorized for military use only except by prior arrangement.
*Newton Int: Int R–160 HEY VOR and R–060 OZR VOR.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., TerVOR; Ident., OZR; Procedure No. TerVOR-24, Amdt. Orig.; Eff. Date, 14 Sept 63

Goffs VOR	Crescent Int*	Direct	9000	T–dn	300–1	300–1	200–½
Boulder VOR	Sloan Int**	Direct	8000	C–dn	500–1	500–1	500–1½
Goodsprings RBn	Sloan Int**	Direct	8000	A–dn	800–2	800–2	800–2
Crescent Int*	Sloan Int**	Direct	6300				
Sloan Int**	Arden Int*** (final)	Direct	3500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 165° Outbnd, 345° Inbnd, 8000′ within 16 miles of Sloan Int**.
Minimum altitude over Sloan Int** on final approach crs, 6300′; over Arden Int***, 3500′; over VOR, 2700′; VOR on airport.
Crs and distance, Arden Int*** to airport, 345°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 5000′ on R–065 to Kids Int.
*Crescent Int: Int LAS R–165 and BLD R–212.
**Sloan Int: Int LAS R–165 and BLD R–238.
***Arden Int: Int LAS R–165 and BLD R–260.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., BVORTAC; Ident., LAS; Procedure No. TerVOR R–165, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 20 July 63

SCK–VOR	MOD–VOR	Direct	2000	T–dn	300–1	300–1	200–½
Woodward Int	MOD–VOR	Direct	2000	C–dn	500–1	500–1	500–1½
SCK–VOR	Salida Int**	Direct	2000	S–dn–29R	500–1	500–1	500–1
Salida Int**	MOD VOR	Direct	2000	A–dn	NA	NA	NA
				*If 5-mile radar fix received, the following minimum will apply:			
				S–dn–29R	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 282° Inbnd, 1600′ within 10 miles. Nonstandard to provide separation from Castle AFB traffic.
Minimum altitude over 5-mile radar fix on final approach crs, 600′; over facility, 500′.
Facility on airport. Crs and distance, breakoff point to approach end of runway, 287°—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ or R–274 within 20 miles.
*Descent below 600′ not authorized until past 5-mile radar fix.
**Salida Int: Int SCK VOR R–147 and MOD VOR R–274.

City, Modesto; State, Calif.; Airport Name, Modesto City-County; Elev., 96′; Fac. Class., BVOR; Ident., MOD; Procedure No. TerVOR-29R, Amdt. Orig; Eff. Date, 14 Sept. 63.

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME Fix R-211	10-mile Fix DME R-211	Direct	4500	T-dn	300–1	300–1	200–½
10-mile DME Fix R-211	0-mile DME Fix R-211	Direct	3500	C-dn	400–1	500–1	500–1
0-mile DME Fix R-031	1.5-mile DME Fix R-031	Direct	3100	S-dn-4	400–1	400–1	400–1
1.5-mile DME Fix R-031	3.5-mile DME Fix R-031	Direct	3000	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 4500′ within 10 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.5-mile DME Fix R-031, climb to 4500′ on R-062 within 10 miles.

NOTES: (1) When authorized by ATC, MLS DME may be used to position aircraft for straight-in approach at 5500′ between R-097 clockwise to R-271 via 15-mile DME arc with the elimination of procedure turn. (2) Final approach from holding pattern at VOR not authorized. Procedure turn required.

City, Miles City; State, Mont.; Airport Name, Miles City Municipal; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 1; Dated, 27 Oct. 62

MLS VOR	10-mile DME Fix R-033	Direct	4500	T-dn	300–1	300–1	200–½
20-mile DME Fix R-033	10-mile DME Fix R-033	Direct	4500	C-dn	400–1	500–1	500–1½
10 mile DME Fix R-033	4.5-mile DME Fix R-033	Direct	3000	S-dn-22	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 033° Outbnd, 213° Inbnd, 4500′ between 10 and 20 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.5-mile DME Fix R-033, climb to 4500′ on R-213 within 10 miles of MLS VOR.

NOTE: When authorized by ATC, MLS DME may be used to position aircraft for straight-in approach at 5500′ between R-271 clockwise to R-097 via 15-mile DME arc with the elimination of procedure turn.

City, Miles City; State, Mont.; Airport Name, Miles City Municipal; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 7 July 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ventura VOR	ILS W crs	057°—16.9 miles	5000	T-dn#	300–1	300–1	#300–1
Sangus Int	LOM	Direct	5600	C-d*	900–1½	900–1½	900–1¼
Malibu Int	LOM	Direct	5000	C-n*	900–2	900–2	900–2
Fillmore VOR	Woodland Int	Direct	5000	S-dn-7**	300–¾	300–¾	300–¾
Int LAX-VOR R-276 and Lake Hughes VOR R-169.	Woodland Int	Direct	5000	A-dn	900–2	900–2	900–2
Twin Lakes Int	Woodland Int	Direct	5000				
Woodland Int	LOM (final)	Direct	2800				

Radar transitions and vectoring using Burbank Radar authorized in accordance with approved radar patterns.

Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 4000′ within 10 miles of LOM. Beyond 10 miles not authorized.

Minimum altitude at glide slope interception Inbnd, 2800′.

Altitude of glide slope and distance to approach end of runway at OM, 2738′—6.0 miles; at MM, 1355′—1.7 miles; at inner compass locator, 924′—0.4 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate right climbing turn to 4000′ on W crs BUR ILS within 10 miles W of LOM or, when directed by ATC, (1) climb direct to Glendale RBn, climb via 098° bearing from Glendale RBn to 3000′, turn right, climb to recross Glendale RBn not below 4500′, then proceed direct to BUR ILS LOM or, (2) climb direct to Glendale RBn, then climb via 098° bearing of Glendale RBn to 4000′ within 12.0 miles.

Major change: Deletes transitions from Point Dume Int and Newhall LFR.

CAUTION: High terrain NE and E of airport.

AIR CARRIER NOTES: Sliding scale prohibited below ¾ mile for takeoff on Runways 7, 15, 33, and for straight-in landing minimums. Sliding scale not authorized for circling minimums.

NOTES: Nonstandard installation. Localizer antenna at approach end of runway.

#200–½ authorized for takeoff on Runway 25 only.

*Maneuvering NE and E of airport not authorized.

**For minimums of 300–¾, all components of ILS must be utilized. If glide slope not received, then minimums of 400–1 apply.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Terminal; Elev., 775′; Fac. Class., ILS; Ident., I-BUR; Procedure No. ILS-7, Amdt. 19; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 18; Dated, 15 June 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Berners Int	CGL RBn	Direct	7000	T-d#	700–2	1000–2	1000–2
Thane Int	CGL RBn	Direct	6000	T-n	NA	NA	NA
SSR-VOR	CGL RBn	Direct	5000	C-d	2500–4	2500–4	2500–4
SSR-VOR	Rockledge Int*	Direct	5000	C-n	NA	NA	NA
Rockledge Int*	CGL RBn (final)	Direct	2500	S-d-07	2500–4	2500–4	2500–4
Point Retreat RBn	Barlow Int	Direct	5000	S-n-07	2500–10	2500–10	2500–10
				A-d	3000–5	3000–5	3000–5
				A-n	NA	NA	NA

Procedure turn S side of crs, 241° Outbnd, 061° Inbnd, 4000′ within 10 miles of CGL RBn (not authorized beyond 10 miles—3500′ terrain 15 miles W of CGL RBn).

Minimum altitude over CGL RBn on final approach crs, 2500′.

Crs and distance, CGL RBn to airport, 061°—3.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over Coghlan Island RBn, immediately turn right and climb to 5000′ to Sisters Island VOR via Barlow Int.** Cross Barlow** at or above 3000′.

CAUTION: 1. Mountainous terrain all quadrants. 2. Terrain to 3115′ within 4.7 miles SE of CGL RBn. Do not exceed a ground tract radius of turn of 1.25 miles on missed approach. 3. LTDA reliable only within 30° N and 45° S of approach crs. Disregard localizer fluctuations in vicinity of Sisters Island VOR. 4. Strong northerly cross winds and turbulence may be encountered on final approach during winter months.

NOTES: 1. Visual flight required for CGL RBn to airport. 2. Sliding scale not authorized. 3. Shuttle descent from CGL RBn holding pattern not authorized. 4. If Juneau Airport lights not visible over CGL RBn at night, execute missed approach. 5. This procedure not authorized unless CGL RBn received and identified throughout transitions and approach.

#When departing Runway 07, maintain visual flight until over airport westbound on course.

##LTDA—Localizer Type Directional Aid (not associated with runway; no glide slope, no back crs.)

*Rockledge Int: Int SSR-VOR R-006 and LTDA W crs.

**Barlow Int: Int SSR-VOR R-015 and LTDA W crs.

City, Juneau; State, Alaska; Airport Name, Municipal; Elev., 26′; Fac. Class., LTDA##; Ident., JDL; Procedure No. 1, Amdt. 1; Eff. Date, 14 Sept. 63; Sup. Amdt. No. Orig.; Dated, 7 July 62

Greensburg Int	McKeesport RBn (final)	Direct	3000	T-dn	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C-dn	500–1	500–1	500–1½
Pittsburgh VOR	McKeesport RBn	Direct	3000	S-dn–27%	300–¾	300–¾	300–¾
GP LOM	McKeesport RBn	Direct	3000	A-dn*	600–2	600–2	600–2
McKeesport RBn	ILS OM (final)	Direct	2700				
Imperial VOR	McKeesport RBn	IRL R-116	3000				

Radar vectoring authorized in accordance with approved radar patterns.

Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000′ within 10 miles. Nonstandard due to traffic.

Minimum altitude at glide slope Int Inbnd, 2700′. Glide slope may be intercepted at 3000′ over MKP-RBn or 2700′ between MKP-RBn and the ILS-OM.

Altitude of glide slope and distance to approach end of runway at OM, 2015′—4.2 miles; at MM, 1480′—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ proceeding to PIT RBn. Hold W right turns, 1-minute pattern, 082° Inbnd.

Other change: Deletes Butler RBn and River RBn transitions.

*All installed components of the ILS must be operating, otherwise alternate minimums of 800–2 will apply.

%400–¾ with glide slope inoperative.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class., ILS; Ident., I-AGC; Procedure No. ILS-27, Amdt. 11; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 10; Dated, 15 Sept. 62

Billings Int	LOM	Direct	2800	T-dn	300–1	300–1	200–½
Sparts Int*	LOM	Direct	3000	C-dn	400–1	500–1	500–1½
SGF VOR	LOM	Direct	2600	S-dn-1	200–½	200–½	200–1½
Miller Int	LOM	Direct	3000	A-dn	600–2	600–2	600–2
Plano Int	LOM	Direct	2800				
SGF RBn	LOM	Direct	2600				

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2600′ within 10 miles.

Minimum altitude of glide slope Int Inbnd, 2500′.

Altitude of glide slope and distance to approach end of runway at OM, 2440′—3.6 miles; at MM, 1465′—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2800′ on N crs of ILS. Proceed to the SGF VOR.

City, Springfield; State, Mo.; Airport Name, Municipal; Elev., 1267′; Fac. Class., ILS; Ident., I-SGF; Procedure No. ILS-1, Amdt. 3; Eff. Date, 14 Sept. 63, Sup. Amdt. No. 2; Dated, 9 Mar. 63

SGF-VOR	Spring Int	Direct	2800	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-19	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				The following minimum applies for aircraft having ADF receiver and Glidewell Int identified:			
				S-dn-19	400–1	400–1	400–1

Procedure turn W of N crs, 015° Outbnd, 195° Inbnd, 2800′ within 10 miles of Spring Int.*

Minimum altitude over Spring Int on final approach crs, 2800′; over Glidewell Int, 1800′.

Crs and distance, Spring Int to Runway 19, 195°—6.8 miles; Glidewell Int to Runway 19, 195°—2.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Spring Int, climb to 3200′ on R-203 SGF-VOR and proceed to Billings Int or, when directed by ATC, climb to 2600′ on S crs ILS and proceed to LOM.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., ILS; Ident., I-SGF; Procedure No. ILS-19, Amdt. 4; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 3; Dated, 9 Mar. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bainbridge Int	Carbon Int#	Via R-259 Int and NE crs.	2400	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
Int HUF R-009 and SCJ R-339	Carbon Int#	HUF ILS via SCJ R-339.	2000	S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Carbon Int#	HUF RBn (final)	Direct	1500				
Carbon Int#	HUF VOR (final)	Direct	1500				
Clinton Int	HUF VOR or HUF RBn	Direct	2200				
Spencer Int	HUF VOR or HUF RBn	Direct	2200				
Sanford Int	HUF VOR or HUF RBn	Direct	2200				
Fairbanks Int	HUF VOR or HUF RBn	Direct	2200				
Manhattan Int	HUF VOR or HUF RBn	Direct	2200				
LEU VOR	HUF VOR or HUF RBn	Direct	2000				
HUF LOM	HUF VOR or HUF RBn	Direct	2000				

Procedure turn N side localizer crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles of HUF RBn* or HUF VOR**.
Minimum altitude over HUF RBn, 1500′; over HUF VOR, 1500′.
Crs and distance, HUF RBn to airport, 225°—4 miles; HUF VOR to airport, 225°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing HUF RBn or 3 miles after passing HUF VOR, climb to 2200′ southwestbound on SW crs HUF ILS to Prairie Creek Int## or, when directed by ATC, make climbing left turn to 2200′ and proceed direct to LEU VOR.
NOTES: 1. No glide slope. 2. No approach lights. 3. This procedure not authorized unless aircraft equipped to receive ILS and ADF or ILS and VOR simultaneously.
#Carbon Int: Int NE crs HUF ILS and LEU R-013.
##Prairie Creek Int: Int HUF ILS SW crs and LEU R-280.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I-HUE; Procedure No. ILS-23, Amdt. 2; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 1; Dated, 24 Feb. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within—		Surveillance approach			
All directions		15 miles	3500				
All directions		25 miles	5000	T-dn	300–1	300–1	200–½
160°	210°	10 miles	3000	C-dn	600–1	600–1	600–1½
210°	160°	10 miles	2600	S-dn-5, 14 & 23	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 5: Climb straight ahead to 2500′, proceed to LOM hold NE 1-minute right turn inbnd crs 230°. Runways 14 and 23: Climb straight ahead to 3000′, then proceed direct to CRW VOR, maintain 3000′, hold CRW VOR R-261 1-minute right turns, 081° Inbnd.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982′; Fac. Class., Charleston Radar; Procedure No. 1, Amdt. 2; Eff. Date, 14 Sept 63; Sup. Amdt. No. 1; Dated, 15 Sept. 62

000°	360°	Within 17–20 miles.	3000	Precision approach			
175°	095°	Within 7–17 miles	2200	T-dn	300–1	300–1	200–½
000°	360°	Within 0–7 miles	2000	C-dn	600–1	600–1	600–1½
				S-d-2	300–¾	300–¾	300–¾
				S-n-2	400–1	400–1	400–1
				S-d-20	400–¾	400–¾	400–¾
				S-n-20	400–1½	400–1½	400–1½
				A-dn	800–2	800–2	800–2
				Surveillance approach			
				S-dn-14	600–1	600–1	600–1

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 2: Turn left, climb to 2000′ on 202° crs from CSG RBn within 20 miles. Climb to 2000′ on 202° crs from CSG RBn within 20 miles. Runway 14: Immediate right turn, climb to 2000′ on 202° crs from CSG RBn within 20 miles.
CAUTION: Jump towers 580′ 1½ miles NE, R-129 E and SE of Lawson AAF.
NOTE: Authorized for military use only except by prior arrangement.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232′; Fac. Class., Lawson AAF, Radar; Procedure No. 1, Amdt. 1; Eff. Date, 14 Sept. 63, Sup. Amdt. No. Orig.; Dated, 7 Nov. 59

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within		Precision approach			
000°	360°	20 miles	2000				
043°	345°	20–40 miles	3000	S-dn-6	200–½	200–½	200–½
345°	045°	20–40 miles	4000	S-dn-18, 36	300–¾	300–¾	300–¾
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn-6, 24, 36	500–1	500–1	500–1½
				C-dn-18	600–1	600–1	600–1½
				S-dn-6, 24, 36	400–1	400–1	400–1
				S-dn-18	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

All bearings and distances are from radar antenna with sector and azimuth progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 6 or 36, turn left (Runway 18 or 24, turn right), climb to 2000′ on R-280 OZR-VOR within 20 miles or, when directed by ATC, proceed direct to ETP RBn or climb to 2000′ on R-330 OZR-VOR within 20 miles.
NOTE: Authorized for military use only except by prior arrangement.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., Cairns Radar; Procedure No. 1, Amdt. 4; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 3; Dated, 1 Apr. 61

105° clockwise	130°	0–3 miles	2000	Surveillance approach			
105° clockwise	130°	3–25 miles	3700				
130° clockwise	240°	0–25 miles	1500	T-dn	300–1	300–1	200–½
240° clockwise	265°	0–6 miles	1600	C-dn*	500–1	500–1	500–1½
240° clockwise	265°	6–7 miles	2000	S-dn-4L	400–1	400–1	400–1
240° clockwise	265°	7–11 miles	3000	A-dn	800–2	800–2	800–2
265° clockwise	265°	11–20 miles	2000				
265° clockwise	270°	0–6 miles	1500				
265° clockwise	270°	6–8 miles	3100				
	270°	8–25 miles	3600				

Radar vectoring authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing right turn, intercept HNL-VOR R-168 and proceed to Southgate Int at 2000′.
CAUTION: 1. *Circling N of airport not authorized due 385′ terrain 1.5 miles and 524′ 2 miles NE of airport. 2. 181′ water tower 1 mile NNW of approach end Runway 8.

City, Honolulu; State, Hawaii; Airport Name, International; Elev., 13′; Fac. Class., Honolulu Radar; Procedure No. 1, Amdt. 5; Eff. Date, 14 Sept. 63; Sup. Amdt. No. 4; Dated, 1 June 63

These procedures shall become effective on the dates specified therein.
(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 9, 1963.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 63-8755; Filed, Sept. 5, 1963; 11:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6674]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Returns

On August 8, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under subchapter A of chapter 6 of the Internal Revenue Code of 1954 (relating to consolidated returns) to conform the regulations to certain provisions of the Revenue Act of 1962 (76 Stat. 960), the Trade Expansion Act of 1962 (76 Stat. 889), the Act of September 27, 1962 (Public Law 87–710; 76 Stat. 648), and the Act of September 14, 1960 (Public Law 86–780; 74 Stat. 1010) was published in the FEDERAL REGISTER (28 F.R. 8148). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: September 4, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under subchapter A of chapter 6 of the Internal Revenue Code of 1954, relating to consolidated returns, to certain provisions of the Revenue Act of 1962 (76 Stat. 960), the Trade Expansion Act of 1962 (76 Stat. 889), the Act of September 27, 1962 (Public Law 87–710; 76 Stat. 648), and the Act of September 14, 1960 (Public Law 86–780; 74 Stat. 1010), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1502–31 is amended by revising paragraph (a)(1)(i) (*g*) and (*h*), by adding a new (*i*) and (*j*) to paragraph (a)(1)(i), by revising paragraph (a)(3), by revising paragraph (a)(4)(i), by revising paragraph (a)(5), by revising paragraph (a)(18)(i), by revising paragraph (a)(23)(i), by adding a new subparagraph (38) to paragraph (a), by revising paragraph (b)(1), by revising paragraph (b)(2)(ix)(*a*), by revising paragraph (b)(3), and by revising paragraph (b)(6). These revised and added provisions read as follows:

§ 1.1502–31 Basis of tax computation.

* * * * *

(a) *Definitions*—(1) *Consolidated taxable income.* * * *

(i) * * *

(*g*) Any consolidated section 247 deduction,

(*h*) Any consolidated section 582(c) net loss, and

(*i*) [Reserved]

(*j*) Any consolidated section 181 deduction,

* * * * *

(3) *Consolidated net operating loss carryovers.* (i) The consolidated net operating loss carryovers to the taxable year shall consist of—

(*a*) The consolidated net operating losses, if any, for the five preceding taxable years (and the consolidated net operating losses, if any, for the sixth and seventh preceding taxable years (not including as a sixth or seventh preceding taxable year any taxable year ending on or before December 31, 1955) to the extent attributable to members of the affiliated group which are, and were in the taxable year in which the loss originated, regulated transportation corporations as defined in section 172(j)(1)), but only to the extent that the consolidated net operating loss for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not absorbed as a carryover or carryback for preceding or intervening taxable years,

and, with respect to a net operating loss sustained by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(3) of this section,

(*b*) The amount of the net operating losses, if any, of such corporation for the five preceding taxable years (and the net operating losses, if any, for the sixth and seventh preceding taxable years (not including as a sixth or seventh preceding taxable year any taxable year ending on or before December 31, 1955) if such corporation is, and was in the taxable year in which the loss was sustained, a regulated transportation corporation as defined in section 172(j)(1)), to the extent that the net operating loss for any such preceding taxable year was not absorbed as a carryover or carryback for preceding or intervening taxable years.

(ii) For purposes of subdivision (i) of this subparagraph, there shall not be included as a fifth preceding taxable year any taxable year beginning prior to 1950, unless such preceding taxable year began in 1949 and ended in 1950, and unless all members of the group for such preceding taxable year (or the corporation filing a separate return or joining in a consolidated return filed by another affiliated group) commenced business in 1949; and in such case the amount of the consolidated net operating loss (or net operating loss) for such fifth year shall not be treated as a carryover except to the extent that such loss is allocable to 1950.

(iii) For purposes of this section, a net operating loss attributable to a regulated transportation corporation shall not be a net operating loss carryover to the sixth taxable year following the year in which the loss originated unless, for such sixth taxable year, the corporation to which the loss is attributable is a regulated transportation corporation; and shall not be a carryover to the seventh taxable year following the year in which the loss originated unless for both such sixth and seventh years the corporation to which the loss is attributable is such a regulated transportation corporation.

(iv) In the case of a net operating loss for a taxable year beginning in 1955 and ending in 1956, attributable to a regulated transportation corporation, the amount of such loss which may be carried to—

(*a*) The sixth taxable year following the loss year shall be the amount which bears the same ratio to the amount which would (without regard to the limitation prescribed in paragraph (b)(3) of this section for such sixth taxable year) be carried to such sixth taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year, and

(*b*) The seventh taxable year following the loss year shall be the amount which bears the same ratio to the amount which would (without regard to the limitation prescribed in paragraph (b)(3) of this section for such seventh taxable year) be carried to such seventh taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year.

The amounts determined under (*a*) and (*b*) of this subdivision shall be subject to the limitation prescribed in paragraph (b)(3) of this section.

(v) See paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a) or any member of the group is subject to the limitations provided in section 382.

(4) *Consolidated net operating loss carrybacks.* (i) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending after December 31, 1957, shall consist of—

(*a*) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years (and for the third and fourth preceding years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met),

(*b*) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year (and for the second and third preceding years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met),

(*c*) The amount of the consolidated net operating loss, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met,

(*d*) That portion of the consolidated net operating loss for the fourth succeeding taxable year which is attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year,

(*e*) That portion of the consolidated net operating loss for the fifth succeeding taxable year which is attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years (and for the third and fourth preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met),

(*f*) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first two preceding taxable years (and for the third and fourth preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met),

(*g*) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first preceding taxable year (and for the second and third preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met),

(*h*) The amount of the net operating loss, if any, sustained by such corporation for the third succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first and second preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met,

(*i*) [Reserved]

(*j*) The amount of the net operating loss, if any, sustained by such corporation for the fourth succeeding taxable year (but only if a certification of such loss for such year has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met), reduced to the extent absorbed in a separate return (or in a consolidated return) for the first preceding taxable year, and

(*k*) The amount of the net operating loss, if any, sustained by such corporation for the fifth succeeding taxable year (but only if a certification of such loss for such year has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met).

If the taxable year in which the net operating loss or consolidated net operating loss was sustained is a year beginning in 1957 and ending in 1958, the carryback is subject to section 172(i) or paragraph (b)(4)(v) of this section, respectively. See also paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a), or any member of the group is subject to the limitations provided in section 382.

* * * * *

(5) *Consolidated net operating loss.* The consolidated net operating loss shall be an amount equal to the excess of the sum of:

(i) The combined net operating losses of the several affiliated corporations having net operating losses,

(ii) The consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(iii) The consolidated section 181 deduction,

(iv) The consolidated section 1231 net loss,

(v) The aggregate of the deductions of the several affiliated corporations under sections 243, 244, and 245 (computed without regard to the limitation contained in section 246(b)) and under section 247 (computed without regard to the limitation of subsection (a)(1)(B) of such section), and

(vi) The consolidated section 582(c) net loss,

over the sum of—

(vii) The combined taxable income of the several affiliated corporations having taxable income, computed without regard to any deductions under section 242 (relating to partially tax-exempt interest), and

(viii) The consolidated net capital gain.

* * * * *

(18) *Consolidated accumulated taxable income.* * * *

(i) The combined Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E, chapter 2 of the Internal Revenue Code of 1939, for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164(b)(6)), accrued during the taxable year by the several affiliated corporations or deemed to be paid by the several domestic affiliates under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law,

* * * * *

(23) *Consolidated undistributed personal holding company income.* * * *

(i) The combined Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E, chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164(b)(6)) accrued during the taxable year by the several affiliated corporations or

deemed to be paid by the several domestic affiliates under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by the corresponding sections of prior income tax law;

* * * * *

(38) *Consolidated section 181 deduction.* The consolidated section 181 deduction for the taxable year shall be the sum of—

(i) With respect to the portion of a consolidated unused credit not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for such taxable year, the amount determined under the provisions of section 181, and

(ii) With respect to unused credits arising in unused credit years for which a corporation filed a separate return or joined in a consolidated return filed by another affiliated group, the amount determined under the provisions of section 181.

(b) *Computations.* * * *

(1) Taxable income. * * *

(xii) No deductions under section 175 (relating to soil and water conservation expenditures) shall be taken into account by a member of an affiliated group to which the consolidated section 175 deduction is applicable;

(xiii) In the case of a bank, for taxable years beginning after December 31, 1958, there shall be disregarded all gains and losses from sales and exchanges of property described in section 582(c); and

(xiv) No deduction under section 181 (relating to deduction for certain unused investment credit) shall be taken into account.

Intercompany profits and losses which have been realized by the group through final transactions with persons other than members of the group, and intercompany transactions which do not affect the consolidated taxable income shall not be eliminated. For the purpose of this subparagraph, gain includible in income pursuant to section 357(c) with respect to transfers of assets other than capital assets and other than assets to which section 1231 is applicable, and gain includible in income by reason of the application of paragraph (a)(1)(iii) of § 1.1502–37, shall not be eliminated. For the purpose of the regulations under section 1502, a transaction not involving a sale or exchange of a capital asset or of property subject to the provisions of section 1231 shall not be considered an intercompany transaction if such transaction occurs in the regular course of the trade or business of the members of the group and if such members adopt, with the consent of the Commissioner and subject to such conditions as he deems proper, a consistent accounting practice of taking into account in the computation of consolidated taxable income the gains and losses reflected in such transactions. As used in this paragraph, the term "taxable income" includes the case in which the allowable deductions of a member (not including any net operating loss deduction) exceed its gross income. For purposes of section 593(b)(2) (relating to addition to reserve for bad debts), taxable income of an organization to which section 593 applies shall be computed as if such organization filed a separate return for the taxable year.

(2) *Other computations on separate basis.* * * *

(ix) *Mutual savings banks, domestic building and loan associations, and cooperative banks.* * * *.

(*a*) In the computation of total deposits or withdrawable accounts at the close of the taxable year for the purpose of section 593 (relating to the deduction for bad debts), there shall be excluded the total deposits or withdrawable accounts of other members of the group, and

* * * * *

(3) *Limitation on net operating loss carryovers and carrybacks from separate return years.* In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carryovers or carrybacks under paragraphs (a)(3)(i)(*b*), (a)(4)(i) (*f*), (*g*) (*h*), (*j*), and (*k*), and (a)(4)(ii) (*c*) and (*d*) of this section (relating to net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the taxable income of such corporation included in the computation of the consolidated taxable income for the taxable year decreased by its deductions under sections 181, 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction), increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains and losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231. This subparagraph shall not be applicable to a carryover under paragraph (a)(3)(i)(*b*) of this section of a net operating loss of a corporation attributable to a period for which it was included in a consolidated return filed by another affiliated group for a taxable year beginning prior to January 1, 1954, all of whose members are included in the consolidated return filed for the taxable year if all of the members of such other affiliated group would have been members of the affiliated group if the law applicable to the taxable year had been applicable to such prior taxable year.

* * * * *

(6) *Apportionment of consolidated net operating loss.* If an affiliated group filing a consolidated return sustains a consolidated net operating loss for the taxable year within the provisions of section 172, relating to the net operating loss deduction, and if—

(i) There are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, either in a preceding taxable year or in a succeeding taxable year, or

(ii) There are included as members of such group one or more corporations which sustain a net operating loss for the taxable year for which a certification is issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) are met, or

(iii) In the case of a taxable year ending after December 31, 1955, there are included as members of such group one or more corporations which are regulated transportation corporations for the taxable year (within the meaning of section 172(j)(1)),

then the portion of such consolidated net operating loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined in an amount proportionate to the net losses (capital net losses and ordinary net losses alike) of the several affiliated corporations having net losses, to the extent that such losses were taken into account in the computation of the consolidated net operating loss.

PAR. 2. Section 1.1502–37 is amended by revising paragraph (a)(1) (i) and (ii) and by adding a new subdivision (iii) to paragraph (a)(1). These revised and added provisions read as follows:

§ 1.1502–37 Liquidations; recognition of gain or loss.

(a) *During consolidated return period.* (1) * * *

(i) Where such distribution is in complete liquidation and redemption of all of its stock (whether in one distribution or a series) and of its bonds and other indebtedness, if any, and falls without the provisions of section 332, and is the result of a bona fide termination of the business and operations of such member of the group, in which case the adjustments specified in §§ 1.1502–34 and 1.1502–35 shall be made, and § 1.1502–36 shall be applicable;

(ii) Where such a distribution without the provisions of section 332 is one made in cash in an amount in excess of the adjusted basis of the stock, and bonds and other indebtedness, in which case gain shall be recognized to the extent of such excess; or

(iii) Where the basis of the property distributed in the hands of the distributee is determined by reference to section 334(b)(2), in which case gain shall be recognized as provided in section 1245(a)(1).

PAR. 3. Section 1.1502–38 is amended by revising paragraph (c)(2)(ii) to read as follows:

§ 1.1502–38 Basis of property.

* * * * *

(c) *Basis after liquidation.* * * *

(2) * * *

(ii) If the basis of such property is determined by reference to section 334(b)(2), such section (and, if applicable, section 1245(c)) shall be applicable in

determining the basis of property received on the liquidation (except property received by the liquidating corporation from other members of the affiliated group during a consolidated return period) and to any property transferred by the liquidating corporation to other members of the group during a consolidated return period as if such property had not been transferred and was received in such liquidation. In addition, proper adjustment shall be made with respect to the effect of any other transactions between members of the group during a consolidated return period which creates a distortion of income or a substantial variation in basis of property from the basis such property would have had if there had been no such transactions.

PAR. 4. Section 1.1502–43 is amended to read as follows:

§ 1.1502–43 Credit for foreign taxes.

(a) *In general*—(1) *Choice of credit or deduction.* The credit under section 901 for taxes paid or accrued to any foreign country or possession of the United States shall be allowed to an affiliated group filing a consolidated return only if the common parent corporation chooses to use such credit in the computation of the tax liability of the group for the taxable year. If this choice is made, no deduction may be taken under section 164 on the consolidated return for such taxes paid or accrued by any member of the group.

(2) *Amount of credit.* If the per-country limitation on the credit provided in section 904(a)(1) applies in computing the tax liability of the group for the taxable year, the amount of the credit shall be determined under paragraph (b) of this section; if the overall limitation provided in section 904(a)(2) applies, the amount of the credit shall be determined under paragraph (c) of this section. If any member of the group receives "interest income" from sources within any foreign country or any possession, the credit for taxes paid or accrued to such foreign country or possession with respect to such income shall be determined separately under paragraph (d) of this section.

(3) *Definitions.* For purposes of this section—

(i) The term "taxes paid or accrued" includes the amount of taxes deemed paid pursuant to sections 902 and 960(a), and

(ii) The term "interest income" means interest income described in section 904(f)(2) for taxable years beginning after October 16, 1962, but only if such interest income results from transactions consummated after April 2, 1962, and the term "consolidated taxable interest income" means the aggregate interest income of the several members of the affiliated group.

(b) *Amount of credit with respect to noninterest income where per-country limitation applies*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to income other than interest income for a taxable year for which the per-country limitation applies shall be an amount equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to any foreign country or any possession with respect to income other than interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to such country or possession with respect to income other than interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to any foreign country or any possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable income of the group (computed by excluding any consolidated taxable interest income) from sources within such country or possession (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(ii) The amount of such excess tax paid by such corporation to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to such country or possession for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year), and

with respect to the excess tax paid, with respect to income other than interest income, to such country or possession by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(c) *Amount of credit with respect to noninterest income where overall limitation applies*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to income other than interest income for a taxable year for which the overall limitation applies shall be equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to all foreign countries and possessions with respect to income other than interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to all foreign countries and possessions shall not exceed an amount which bears the same ratio to the total tax of the affili-

ated group against which the credit is taken as the consolidated taxable income of the group (computed by excluding any consolidated taxable interest income) from sources without the United States (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1961) to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(ii) The amount of such excess tax paid by such corporation to all foreign countries and possessions for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1961) to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year), and

with respect to the excess tax paid, with respect to income other than interest income, to all such countries and possessions as a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904 (d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(5) *Carrybacks to certain taxable years.* The excess tax paid (whether consolidated or separate) with respect to income other than interest income for any taxable year for which the overall limitation applies may not be carried back to a taxable year beginning before January 1, 1961; and in determining the carryover or carryback to taxable years beginning on or after January 1, 1961, no amount shall be treated as absorbed for taxable years beginning before such date.

(d) *Amount of credit with respect to interest income*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to interest income shall be an amount equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to any foreign country or any possession with respect to interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to such country or possession with respect to interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to any foreign country or any possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable interest income of the group from sources within such country or possession (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to any foreign country or any prossession with respect to interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the five preceding taxable years to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

(ii) The amount of such excess tax paid by such corporation to such country or possession for the five preceding taxable years to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to such country or possession for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year), and

with respect to the excess tax paid, with respect to interest income, to such country or possession by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(5) *Transitional rules for carrybacks and carryovers.* (i) If the total excess tax paid (consolidated or separate) to any foreign country or any possession for a taxable year beginning on or before October 16, 1962, is a carryover to a taxable year beginning after such date, then (*a*) the portion of such carryover attributable to taxes paid or accrued with respect to interest income shall be an amount equal to such carryover multiplied by the ratio which the taxes paid or accrued to such foreign country or possession for such year beginning after October 16, 1962, with respect to interest income, bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year, and (*b*) the portion of such carryover attributable to taxes paid or accrued with respect to income other than interest income shall be an amount equal to such carryover multiplied by the ratio which the taxes paid or accrued to such foreign country or possession for such year beginning after October 16, 1962, with respect to income other than interest income, bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year.

(ii) The amount of the total excess tax paid (consolidated or separate) to any foreign country or any possession for a taxable year beginning after October 16, 1962, which is a carryback to a taxable year beginning on or before such date shall be determined without regard to the provisions of this paragraph.

(e) *Consolidated excess tax paid*—(1) *Income other than interest income.* The consolidated excess tax paid to any foreign country or any possession (or to all foreign countries and possessions if the overall limitation provided in section 904(a)(2) applies) for any taxable year with respect to income other than interest income is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income over the applicable limitation provided in section 904(a) (1) or (2) (increased to the extent provided in section 960(b)). However, there is no consolidated excess tax paid for a taxable year in which the affiliated group takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(2) *Interest income.* The consolidated excess tax paid to any foreign country or any possession with respect to interest income is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession with respect to interest income over the limitation provided in section 904(a)(1) (increased to the extent provided in section 960 (b)). However, there is no excess tax paid for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(f) *Excess tax paid*—(1) *Income other than interest income.* The excess tax paid to any foreign country or any possession (or to all foreign countries and possessions if the overall limitation provided in section 904(a)(2) applies) with respect to income other than interest income, by a corporation for any taxable year for which a separate return is filed, is the excess of the taxes paid or accrued by the corporation to such country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income over the applicable limitation provided in section 904(a) (1) or (2) (increased to the extent provided in section 960(b)). However, there is no excess tax paid for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(2) *Interest income.* The excess tax paid to any foreign country or any possession with respect to interest income, by a corporation for any taxable year for which a separate return is filed, is the excess of the taxes paid or accrued by the corporation to such country or possession with respect to interest income over the limitation provided in section 904(a)(1) (increased to the extent provided in section 960(b)). However, there is no excess tax paid for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(g) *Limitation on credit for carryovers and carrybacks of excess tax paid from separate return years.* In no case shall there be included in the credit for taxes paid or accrued to any foreign country or any possession for the taxable year as consolidated excess tax paid carryovers under paragraphs (b)(3)(ii), (c)(3)(ii), and (d)(3)(ii) of this section (relating to excess tax paid by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group) and as consolidated excess tax paid carrybacks under paragraphs (b)(4) (iii) and (iv), (c)(4) (iii) and (iv), and (d)(4) (iii) and (iv) of this section (relating to excess tax paid by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate that which would be allowed as a credit for a carryover or carryback to such corporation if it had filed a separate return for such taxable year.

(h) *Apportionment of consolidated excess tax paid.* If an affiliated group filing a consolidated return has a consolidated excess tax paid with respect to any foreign country or any possession (or with respect to all foreign countries and possessions if the overall limitation applies) for the taxable year attributable to income other than interest income, or has a consolidated excess tax paid with respect to any foreign country or any possession attributable to interest income, and if there are included as members of such group one or more corporations which make separate returns (or join in a consolidated return filed by another affiliated group) for any of the two preceding or five succeeding taxable years, the portion of each such consolidated excess tax paid attributable to such corporations severally shall be determined. The portion of each such consolidated excess tax paid in the case of any such corporation shall be the amount which bears the same ratio to such consolidated excess tax paid as the tax paid or accrued by such corporation to such foreign country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to such foreign country or possession with respect to interest income, as the case may be, bears to the total tax paid or accrued by the affiliated group to such foreign country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to such foreign country or possession with respect to interest income, as the case may be.

(i) [Reserved]

(j) *Consolidated excess tax paid before or after consolidated return period.* The consolidated excess tax paid by an affiliated group to any foreign country or any possession (or with respect to all foreign countries and possessions if the overall limitation applies) with respect to any foreign country or any possession attributable to income other than interest income, or to any foreign country or any possession with respect to interest income, as the case may be, shall be used in computing the consolidated excess tax paid carryover and carryback of the group notwithstanding that one or more corporations which were members of the group in the taxable year in which such consolidated excess tax paid originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carryback, for a preceding taxable year) but only to the extent that such consolidated excess tax paid is not attributable to such corporation. Such portion of such consolidated excess tax paid as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carryback, for a preceding taxable year) reduced to the extent absorbed in earlier years shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of another affiliated group. Any excess tax paid by a corporation prior to the first taxable year in which its income is included in the consolidated return of the group (or paid in either of the two years immediately following a consolidated return year) may be used in com-

puting the carryover or carryback of such corporation (or of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in the consolidated return of another affiliated group, but only to the extent that such excess tax paid was not absorbed (either as a carryover or as a carryback).

(k) *Limitation effective under section 904(a).* The determination of whether the overall limitation or the per-country limitation applies during a consolidated return period shall be made by reference to the limitation effective with respect to the common parent corporation for such period. An election made by the common parent for a year for which it filed a separate return may be changed or revoked during a consolidated return period only in accordance with the provisions of section 904(b). If the limitation effective with respect to any affiliate for a taxable year (immediately preceding the consolidated return period) for which it filed a separate return (or joined in a consolidated return filed by another affiliated group) differs from the limitation effective with respect to the common parent corporation for the consolidated return period, then such affiliate shall, if the overall limitation is effective with respect to the common parent, be deemed to have made an election to use such overall limitation, or, if the per-country limitation is effective with respect to the common parent, be deemed to have revoked its election to use the overall limitation. Consent of the Secretary or his delegate is hereby given to such affiliate for such election or revocation. Any such election or revocation shall apply only prospectively beginning with such consolidated return period. The limitation effective with respect to an affiliate for the consolidated return period immediately preceding a year for which it does not join in the filing of the consolidated return shall, except to the extent otherwise provided in this paragraph, remain in effect for such subsequent year in accordance with the provisions of section 904(b).

(l) *Carryovers or carrybacks from overall year to per-country year, and vice versa.* (1) The excess tax paid (whether consolidated or separate) to any foreign country or any possession of the United States with respect to income other than interest income, in a taxable year for which the per-country limitation under section 904(a)(1) applies, may not be carried to a taxable year for which the overall limitation under section 904(a)(2) applies.

(2) The excess tax paid (whether consolidated or separate) to all foreign countries and possessions with respect to income other than interest income, in a taxable year for which the overall limitation applies, may not be carried to a taxable year for which the per-country limitation applies.

(3) Subject to the provisions of section 904(f)(3) and the regulations thereunder, the excess tax paid (whether consolidated or separate) to any foreign country or any possession with respect to interest income may be carried to a taxable year for which the overall limitation applies in respect of taxes paid or accrued with respect to income other than interest income.

PAR. 5. There is inserted immediately after § 1.1502–50 a new § 1.1502–51 to read as follows:

§ 1.1502–51 Credit for investment in certain depreciable property.

(a) *Determination of amount of consolidated credit*—(1) *In general.* Except as otherwise provided in this section, the amount of the consolidated credit allowed by section 38 for the taxable year is the aggregate amount of the "credit earned" for such year of the several members of the affiliated group. Such amount shall be referred to in this section as the "consolidated credit earned". The "credit earned" of each member of the affiliated group is an amount equal to 7 percent of such member's qualified investment (determined under section 46(c)).

(2) *Consolidated limitation based on amount of tax.* (i) Notwithstanding the amount of the consolidated credit earned for the taxable year, the consolidated credit allowed by section 38 to the group for the taxable year is limited to—

(*a*) So much of the consolidated liability for tax as does not exceed $25,000, plus

(*b*) 25 percent of the consolidated liability for tax in excess of $25,000.

The $25,000 amount referred to in (*a*) and (*b*) of the preceding sentence shall be reduced by any part of such $25,000 amount apportioned, under section 46(a)(5), to members of the affiliated group (as defined in section 46(a)(5)) which do not join in the filing of the consolidated return. The amount determined under this subparagraph shall be referred to in this section as the "consolidated limitation based on amount of tax".

(ii) If an organization to which section 593 applies or a cooperative organization described in section 1381(a) joins in the filing of the consolidated return, the $25,000 amount referred to in subdivision (i) (*a*) and (*b*) of this subparagraph (or such $25,000 amount reduced by any part of such amount apportioned to members of the affiliated group which do not join in the filing of the consolidated return) shall be apportioned equally among the members of the affiliated group filing the consolidated return. The portion of such $25,000 amount (or such reduced amount) so apportioned equally to any such organization shall then be decreased to the ratable share of such portion in accordance with the provisions of section 46(d). Finally, for purposes of computing the consolidated limitation based on amount of tax under subdivision (i) (*a*) and (*b*) of this subparagraph, the sum of all such equal portions (as decreased under section 46(d), where applicable) of each member of the affiliated group filing the consolidated return shall be substituted for the $25,000 amount referred to in subdivision (i) (*a*) and (*b*) of this subparagraph.

(3) *Consolidated liability for tax.* For purposes of this section, the consolidated liability for tax shall be the income tax imposed for the taxable year upon the group by chapter 1 of the Code (including the 2-percent tax on consolidated taxable income), reduced by the credit allowable under section 33 (relating to taxes of foreign countries and possessions of the United States). The tax imposed by section 531 (relating to imposition of accumulated earnings tax) or by section 541 (relating to imposition of personal holding company tax) shall not be considered tax imposed by chapter 1 of the Code. In addition, any increase in tax resulting from the application of section 47 (relating to certain dispositions, etc., of section 38 property) shall not be treated as tax imposed by chapter 1 for purposes of computing the consolidated liability for tax.

(b) *Carryback and carryover of consolidated unused credit*—(1) *Allowance of consolidated unused credit as carryback or carryover.* (i) A "consolidated unused credit" is the excess of the consolidated credit earned for the taxable year over the consolidated limitation based on amount of tax for such taxable year. Subject to the limitations contained in subparagraphs (2) and (9)(i) of this paragraph, a consolidated unused credit shall be added to the amount allowable as a credit under section 38 for the years to which the consolidated unused credit can be carried. The year with respect to which a consolidated unused credit arises shall be referred to in this section as the "consolidated unused credit year".

(ii) A consolidated unused credit shall be an investment credit carryback to each of the 3 taxable years preceding the consolidated unused credit year and shall be an investment credit carryover to each of the 5 taxable years succeeding the consolidated unused credit year, except that a consolidated unused credit shall be a carryback only to taxable years ending after December 31, 1961. A consolidated unused credit must be carried first to the earliest of the 8 taxable years to which it may be carried, and then to each of the other 7 taxable years (in order of time) to the extent that the consolidated unused credit may not be added (because of the limitation contained in paragraph (a)(2) of this section) to the amount allowable as a credit under section 38 for a prior taxable year.

(2) *Limitation on allowance of consolidated investment credit carryback or carryover.* The amount of the consolidated investment credit carryback or carryover from any particular unused credit year which may be added to the amount allowable as a credit under section 38 for any of the 3 preceding or 5 succeeding taxable years to which such credit may be carried shall not exceed the amount by which the consolidated limitation based on amount of tax for such preceding or succeeding taxable year exceeds the sum of (i) the consolidated credit earned for such preceding or succeeding year, and (ii) other unused credits carried to such preceding or succeeding year which are attributable to unused credit years prior to the particular unused credit year.

(3) *Effect of net operating loss carryback.* If the effect of a net operating loss carryback is to create a consolidated unused credit, such unused credit shall not be treated as a consolidated investment credit carryback. However, the full amount of the unused credit so arising shall be available for use as an investment credit carryover for the five taxable years following the consolidated unused credit year.

(4) *Taxable years beginning before January 1, 1962, and ending after December 31, 1961.* For purposes of determining the amount of unused credits which may be carried back to a consolidated return year beginning before January 1, 1962, and ending after December 31, 1961, and added to the amount allowable as a credit for such year, the consolidated limitation based on amount of tax for such year, determined without regard to this subparagraph, shall be reduced to an amount which bears the same ratio to such limitation as the number of days in such taxable year after December 31, 1961, bears to the total number of days in such year.

(5) *Consolidated investment credit carryover.* The consolidated investment credit carryover which may be added, subject to the limitation contained in subparagraph (2) of this paragraph, to the amount allowable to the group as a credit under section 38 for any taxable year shall be—

(i) The consolidated unused credits, if any, for the five preceding taxable years to the extent that the consolidated unused credit for any such preceding taxable year is not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not allowed as a credit under section 38 for a preceding or intervening taxable year, and

(ii) With respect to unused credits of a corporation arising in unused credit years for which such corporation filed a separate return or joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed by subparagraph (7) of this paragraph, such unused credits, if any, for the five preceding taxable years to the extent that the unused credit for any such preceding taxable year was not allowed as a credit under section 38 for a preceding or intervening taxable year.

(6) *Consolidated investment credit carryback.* The consolidated investment credit carryback which may be added, subject to the limitation contained in subparagraph (2) of this paragraph, to the amount allowable to the group as a credit under section 38 for any taxable year shall be—

(i) The amount of the consolidated unused credit, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent such consolidated unused credit was allowed as a credit under section 38 for the first preceding taxable year,

(ii) The amount of the consolidated unused credit, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent such consolidated unused credit was allowed as a credit under section 38 for the first preceding taxable year,

(iii) The amount of the consolidated unused credit, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), and

(iv) With respect to an unused credit of a corporation arising in an unused credit year for which such corporation filed a separate return or joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed by subparagraph (7) of this paragraph—

(*a*) The amount of the unused credit, if any, of such corporation for the first succeeding taxable year, reduced to the extent such unused credit was allowed as a credit under section 38 for the first two preceding taxable years,

(*b*) The amount of the unused credit, if any, of such corporation for the second succeeding taxable year, reduced to the extent such unused credit was allowed as a credit under section 38 for the first preceding taxable year, and

(*c*) The amount of the unused credit, if any, of such corporation for the third succeeding taxable year.

(7) *Limitation on investment credit carryover and carryback from separate return years.* (i) For any taxable year, the amount included in the consolidated investment credit carryover of the group, under subparagraph (5)(ii) of this paragraph, and in the consolidated investment credit carryback of the group, under subparagraph (6)(iv) (*a*), (*b*), and (*c*) of this paragraph, shall not exceed the limitation determined under subdivision (ii) of this subparagraph.

(ii) For purposes of subdivision (i) of this subparagraph, the limitation for any taxable year shall be an amount equal to the amount by which the portion of the consolidated limitation based on amount of tax for such taxable year attributable to the corporation which filed a separate return, or joined in the filing of a consolidated return by another affiliated group, in a preceding or succeeding taxable year exceeds the sum of—

(*a*) The credit earned (as defined in paragraph (a)(1) of this section) of such corporation for the taxable year, and

(*b*) The unused credits of such corporation (or attributable to such corporation) which may be carried to the taxable year arising in unused credit years prior to the particular unused credit year.

(iii) For purposes of subdivision (ii) of this subparagraph, the portion of the consolidated limitation based on amount of tax attributable to a corporation shall be the sum of—

(*a*) So much of the consolidated liability for tax attributable to such corporation as does not exceed $25,000 divided by the number of corporations in such affiliated group (as defined in section 46(a)(5)), and

(*b*) 25 percent of so much of the consolidated liability for tax attributable to such corporation as exceeds $25,000 divided by the number of corporations in such affiliated group (as defined in section 46(a)(5)).

(iv) For purposes of subdivision (iii) of this subparagraph, the consolidated liability for tax attributable to a corporation is the consolidated liability for tax for the taxable year multiplied by the ratio which—

(*a*) The taxable income, if any, of such corporation, bears to

(*b*) The aggregate of the taxable incomes of the several members of the affiliated group having taxable income.

For purposes of the preceding sentence, taxable income of a corporation means the taxable income of such corporation included in the computation of consolidated taxable income for the taxable year decreased by its deductions under sections 181, 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction), increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231.

(8) *Consolidated unused credit attributable to each of the several members*—(i) *In general.* If an affiliated group filing a consolidated return has a "consolidated unused credit" for a taxable year and if there are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, for any of the three preceding or five (or six in the case of a section 181 deduction) succeeding taxable years, the portion of such consolidated unused credit for such consolidated unused credit year attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined under the provisions of subdivisions (ii) and (iii) of this subparagraph.

(ii) *Carryback.* In the case of a carryback of a consolidated unused credit to a taxable year for which the corporation made a separate return or joined in a consolidated return filed by another affiliated group, the portion of such consolidated unused credit for the consolidated unused credit year attributable to such corporation shall be an amount equal to the amount of such consolidated unused credit multiplied by the ratio which—

(*a*) The credit earned (as defined in paragraph (a)(1) of this section) of such corporation for the consolidated unused credit year, bears to

(*b*) The consolidated credit earned (as defined in paragraph (a)(1) of this sec-

tion) for such consolidated unused credit year.

(iii) *Carryover.* In the case of a carryover of a consolidated unused credit to (or a section 181 deduction for) a taxable year for which the corporation makes a separate return or joins in a consolidated return filed by another affiliated group, the portion of such consolidated unused credit for the consolidated unused credit year attributable to such corporation shall be an amount equal to the amount of such consolidated unused credit multiplied by the ratio which—

(*a*) The portion of the consolidated credit earned with respect to any section 38 property placed in service in the consolidated unused credit year and owned by such corporation (whether or not placed in service by such corporation) at the close of the last day with respect to which the taxable income of such corporation is included in the consolidated return, bears to

(*b*) The consolidated credit earned for such consolidated unused credit year.

(9) *Consolidated unused credit before or after consolidated return period.* (i) The consolidated unused credit of an affiliated group filing a consolidated return shall be used in computing the consolidated investment credit carryover or carryback to (or section 181 deduction for) a subsequent (or preceding) taxable year of the group notwithstanding that one or more members of the group in the consolidated unused credit year make separate returns (or join in a consolidated return made by another affiliated group) for such subsequent (or preceding) taxable year, but only to the extent that such consolidated unused credit is not attributable (as determined under subparagraph (8) of this paragraph) to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for such subsequent (or preceding) taxable year.

(ii) The portion of such consolidated unused credit attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent (or preceding) taxable year (reduced to the extent allowed as a credit under section 38 for a prior taxable year) shall be used by such corporations severally as investment credit carryovers (or carrybacks) to such separate returns or such consolidated returns of another affiliated group or as section 181 deductions on such separate returns (or such consolidated return of another affiliated group).

(10) *Rules with respect to unused credits under section 381.* (i) If, in the computation of the consolidated investment credit carryover, there is included an amount with respect to an unused credit of a corporaiton, arising in a taxable year for which it filed a separate return or for which such corporation joined in a consolidated return filed by another affiliated group, which is a transferor or distributor of assets within the meaning of section 381(a) to a member of the affiliated group, the amount included in the consolidated investment credit carryover with respect to such transferor or distributor shall not exceed the limitation contained in subparagraph (7) of this paragraph determined with reference to the acquiring corporation. The computation shall be made as described in subparagraph (7) of this paragraph as though the acquiring corporation had an unused credit in a year for which it filed a separate return or for which such acquiring corporation had joined in a consolidated return filed by another affiliated group.

(ii) If, in addition to the amount described in subdivision (i) of this subparagraph, there is included an amount with respect to an unused credit of the acquiring corporation in a year for which it filed a separate return or for which it joined in a consolidated return filed by another affiliated group, the unused credits of both the acquiring corporation and the transferor or distributor corporation which may be taken into account as unused credits in determining the consolidated investment credit carryover may not exceed the limitation, determined with reference to the acquiring corporation, computed in a manner described in subparagraph (7) of this paragraph.

(iii) For purposes of subdivisions (i) and (ii) of this subparagraph, if the transferor or distributor corporation was a member of another affiliated group which filed a consolidated return, the amount of the consolidated unused credit of such affiliated group, if any, attributable to such transferor or distributor, shall be treated as the unused credit of such corporation.

(c) *Early dispositions, etc., of section 38 property*—(1) *Dispositions of section 38 property during and after consolidated return period.* Except as provided in subparagraph (2) of this paragraph—

(i) If property placed in service in a consolidated return period is disposed of or otherwise ceases to be section 38 property, or becomes public utility property, with respect to any corporation during any taxable year (whether consolidated or separate), the provisions of section 47(a) (1) or (2), as the case may be, shall apply (whether such property was placed in service by such corporation or was received by such corporation in an intercompany transaction to which subparagraph (2)(i) of this paragraph applied) and the increase in tax, if any, shall be added to the tax liability of such group or such corporation, as the case may be.

(ii) If property placed in service in a separate return year is disposed of or ceases to be section 38 property, or becomes public utility property, with respect to any corporation during a taxable year for which such corporation joins in the filing of a consolidated return, the provisions of section 47(a) (1) or (2), as the case may be, shall apply and the increase in tax, if any, shall be added to the tax liability of such group.

(2) *Exceptions.* (i) For purposes of sections 46(c) and 47(a)(1), a transfer of section 38 property from one member of an affiliated group to another member of such group in an intercompany transaction during a consolidated return period shall not be treated as a disposition or cessation. The preceding sentence shall not apply to a transfer of section 38 property unless such property was placed in service by a member of the group in a consolidated return period of such group.

(ii) If, in any taxable year, section 38 property placed in service during a consolidated return period is disposed of by one member of an affiliated group to another member of such group which is an organization to which section 593 applies or a cooperative organization described in section 1381(a), the tax under chapter 1 of the Code for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would result solely from treating such property, for purposes of determining qualified investment, as placed in service by such organization to which section 593 applies or such cooperative organization described in section 1381(a), as the case may be, but with due regard to the use of the property before such transfer. The consolidated investment credit carrybacks and carryovers shall be adjusted under the principles of section 47(a)(3) by reason of such change in use.

PARAGRAPH 6. Section 1.1503 is amended by adding a new subsection (d) to section 1503 and by adding a historical note. These added provisions read as follows:

§ 1.1503 Statutory provisions; computation and payment of tax.

SEC. 1503. *Computation and payment of tax.* • • •

(d) *Special rule for application of foreign tax credit when overall limitation applies*—(1) *In general.* If the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 921), and if for the taxable year an election under section 904(b)(1) (relating to election of overall limitation on foreign tax credit) is in effect, then the amount of taxes paid or accrued to foreign countries and possessions of the United States by such Western Hemisphere trade corporations which may be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which—

(A) The amount of such taxes (or, if smaller, the amount of the tax which would be computed under subsection (a), if such corporations were not Western Hemisphere trade corporations, with respect to the portion of the consolidated taxable income attributable to such corporations), exceeds

(B) The amount of the tax computed under subsection (a) with respect to the portion of the consolidated taxable income attributable to such corporations.

(2) *Adjustment in case of certain public utilities.* So much of any reduction under paragraph (1) as is attributable to taxes paid or accrued to foreign countries and possessions of the United States by one or more corporations which are both Western Hemisphere trade corporations and regulated public utilities shall be decreased by the excess of—

(A) The amount of tax computed under subsection (a) with respect to the portion of the consolidated taxable income attributable to income derived, by the corporations in the affiliated group which are not Western Hemisphere trade corporations, from sources within the foreign countries referred to in paragraph (3)(B), over

(B) The amount of taxes paid or accrued to such foreign countries by the corporations referred to in subparagraph (A).

This paragraph shall apply only if the corporations described in subparagraph (A) derive 80 percent or more, of the gross income (computed without regard to capital gains and losses) which they derive from sources within the foreign countries described in paragraph (3)(B), from regulated public utilities and from operations as regulated public utilities.

(3) *Special rules.* (A) For purposes of paragraph (2), a corporation is a regulated public utility only if it is a regulated public utility within the meaning of subparagraph (A) (other than clauses (ii) and (iii) thereof) or (D) of subsection (c)(1). For purposes of the preceding sentence, subsection (c)(2) shall be applied as if subsection (c)(1) were limited to subparagraphs (A)(i) and (D) thereof.

(B) For purposes of paragraph (2), the foreign countries referred to in this subparagraph include only any country from which any public utility referred to in the first sentence of paragraph (2) derives the principal part of its income.

(C) For purposes of paragraph (1)(A), the amount of tax which would be computed with respect to the portion of the consolidated taxable income attributable to any corporation or corporations shall be determined without regard to the increase of 2 percent provided in subsection (a).

[Sec. 1503 as amended by sec. 2, Act of September 14, 1960 (Pub. Law 86-780, 74 Stat. 1011)]

[F.R. Doc. 63-9611; Filed, Sept. 5, 1963; 9:10 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Revision of 1962–63 Expenses of Date Administrative Committee

Notice was published in the August 14, 1963, issue of the FEDERAL REGISTER (28 F.R. 8325) regarding a proposal to increase the total amount of the expenses of the Date Administrative Committee authorized for the 1962–63 crop year, and to increase the amount authorized to be placed in the operating monetary reserve (§ 987.307; 27 F.R. 8728). No increase in the 1962–63 assessment rate is necessary as sufficient funds are available to meet the increase in authorized expenses. The Committee is established under, and operates pursuant to, the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The present provisions of § 987.307(c) approved the establishment of an operating monetary reserve fund and authorized the Committee to place in such reserve for the 1962–63 crop year not to exceed $2,500 of the assessment funds collected pursuant to §§ 987.72 and 987.307. The amount of $2,500 was also specified in § 987.307(a) as being included in the amount of expenses approved for the maintenance and functioning of the program during the 1962–63 crop year. Present § 987.307(c) is intended to continue the reserve fund from one crop year to the next and each year the amount, if any, authorized to be placed in the reserve is to be specified with the approval of the Committee's expenses for that crop year. The revision herein of § 987.307 makes this intent clear and, in addition to reflecting the increased total expenses (including the increased amount authorized to be placed in the reserve fund), sets forth as a separate section the provisions applicable to the establishment of the monetary reserve fund (currently § 987.307(c)).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is found that § 987.307 (7 CFR 987.307) should be, and hereby is, revised to read as follows so as to reflect the increased total expenses and to set forth, as a separate section, the provisions applicable to the monetary reserve (currently § 987.307(c)):

§ 987.307 Expenses of the Date Administrative Committee and rate of assessment for the 1962–63 crop year.

(a) *Expenses.* Expenses (including $9,430 for the maintenance of an operating monetary reserve fund) in the amount of $47,210 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1962, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 17 cents per hundredweight of free dates he handles or has certified for handling or for further processing during the crop year.

§ 987.301 Operating monetary reserve.

The establishment of an operating monetary reserve as permitted by § 987.72(c) is hereby approved. The Committee is authorized to place in such reserve (a) for the crop year beginning August 1, 1962, not to exceed $9,430 of the assessments collected pursuant to §§ 987.72 and 987.307, and (b) for each subsequent crop year, not more than the amount prescribed for such crop year for the maintenance of such reserve. Funds in such reserve are available for use in accordance with said § 987.72(c).

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and order require that the expenses and rate of assessment fixed for a particular crop year shall be applicable to all dates handled or certified for handling or for further processing during that crop year; (2) the crop year here involved began on August 1, 1962, and the increased expenses herein approved will automatically apply to that crop year; (3) this revision in expenses does not require any additional assessments from handlers since sufficient funds are available to cover the increases in total authorized expenses (including the amount for the operating monetary reserve); and (4) since the 1962–63 crop year ended July 31, 1963, the increased expenses should be reflected in the records of the Committee so as to permit the audit for 1962–63 to be completed, thereby enabling the Committee to make available, as required by the program, for distribution to handlers any excess assessment income not required for the increased expenses.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 3, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-9561; Filed, Sept. 5, 1963; 8:48 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Expenses of Date Administrative Committee for 1963–64 Crop Year and Rate of Assessment for That Crop Year

Notice was published in the August 13, 1963, issue of the FEDERAL REGISTER (28 F.R. 8292) regarding proposed expenses of the Date Administrative Committee for the 1963–64 crop year and rate of assessment for that crop year, pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is found that the expenses of the Date Administrative Committee

and the rate of assessment for the crop year beginning August 1, 1963, shall be as follows:

§ 987.308 **Expenses of the Date Administrative Committee and rate of assessment for the 1963–64 crop year.**

(a) *Expenses.* Expenses (including $2,500 for the maintenance of the operating monetary reserve fund) in the amount of $41,650 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1963, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 17 cents per hundredweight of free dates he handles or has certified for handling or for further processing during the crop year.

It is found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and order require that the rate of assessment fixed for a particular crop year shall be applicable to all dates handled or certified for handling or for further processing during that crop year; (2) the current crop year began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 30, 1963.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-9542; Filed, Sept. 5, 1963; 8:46 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 131]

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Arizona marketing area (7 CFR Part 1131), it is hereby found and determined that:

a. The following provisions of the order do not tend to effectuate the declared policy of the Act for the month of September 1963.

1. In the introductory text of § 1131.51, the words: "And shall be increased or decreased by a 'supply-demand adjustment' of not more than 50 cents computed as follows".

2. All of subparagraphs (1), (2) and (3) of § 1131.51(a).

b. Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will establish a Class I price for the month of September 1963 at a level eight cents per hundredweight higher than would otherwise be effective for the month. The order suspends the supply-demand adjustment factor of minus eight cents applicable to the Class I price. This factor computed on the basis of milk supply and sales in the market during April through July this year reflects the relatively ample supply of milk through June. Milk supplies relative to fluid sales dropped sharply in July and have continued short relative to sales. This suspension order eliminates the minus adjustment which reflects a market condition of oversupply which no longer exists.

Because of the short supply in July and August milk was imported to meet needs for Class I sales. The price for such imported milk has exceeded the cost of milk priced under order terms and it is expected that prices for imported milk in September may be even higher as the demand for milk increases with the opening of schools. This suspension action is needed to bring the order Class I price more in line with the cost of imported milk.

(4) This suspension action was requested by cooperative associations representing 98 percent of the producers supplying handlers regulated by the Central Arizona milk marketing order.

(5) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (28 F.R. 9357). One handler filed views favoring the suspension and two handlers opposed it. The handlers opposing the suspension offered no evidence refuting the contention that emergency action is needed to establish a price more in line with current supply-sales relationships.

Therefore, good cause exists for making this order effective September 1, 1963.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for September 1963.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1963.

Signed at Washington, D.C., on August 30, 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9543; Filed, Sept. 5, 1963; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Amendments to Regulations Governing Interstate Movement of Sheep Because of Scabies

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 74, Title 9, Code of Federal Regulations, restricting the interstate movement of sheep because of scabies, is amended in the following respects:

1. A new § 74.5a is added to read:

§ 74.5a **Specifically approved stockyards.**

(a) The Director of the Division is hereby authorized to approve stockyards for the purposes of the regulations in this part when he determines that (1) the inspection and dipping and handling of sheep at such stockyards are adequate to effectuate the purposes of the regulations in this part and (2) the Division and the State in which such stockyards are located have entered into a memorandum of agreement setting forth certain standards for such stockyards. Such stockyards shall be designated as "specifically approved stockyards." The Director of the Division may withdraw approval of a specifically approved stockyard when he determines that (1) there is not full compliance with all provisions of the standards involved, or (2) when the inspectional services are withdrawn by the State, or (3) when it is in the best interests of the Sheep Scabies Eradication Program to do so.

(b) Notices containing lists of stockyards specifically approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to specifically approved stockyards may also be obtained from the Division or a Division representative.

§ 74.22 [Amendment]

2. The portion of § 74.22(d) which precedes the proviso is amended to read:

(d) No sheep shall be shipped, trailed, driven, or otherwise moved interstate from a public stockyard or a specifically approved stockyard without a certificate, showing that the sheep are free from scabies or have been dipped for scabies as required in this part, issued by a Division inspector with respect to movements from public stockyards and by a State inspector or a designated accredited veterinarian with respect to movements from specifically approved stockyards:

3. The portion of § 74.23 which precedes the first proviso therein is amended to read:

§ 74.23 **Interstate movement without dipping prohibited unless for slaughter.**

No sheep shall be shipped, trailed, driven, or otherwise moved interstate for purposes other than slaughter, from a public stockyard without being dipped under Division supervision, or from a specifically approved stockyard without being dipped under State supervision;

4. Section 74.23 is further amended by inserting the phrase "or specifically approved stockyard" after the phrase "public stockyard" in the second proviso in said section.

5. Wherever in §§ 74.9, 74.12, 74.13, 74.22(a), 74.22(b) and 74.22(c), and in the center headings preceding said sections, the phrase "public stockyard" appears, the phrase "or specifically approved stockyard" is inserted immediately thereafter.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs, 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments grant authority to the Director of the Animal Disease Eradication Division to specifically approve stockyards to handle interstate shipments of certain classes of sheep under the regulations as contained in 9 CFR Part 74. The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of August, 1963.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63-9544; Filed, Sept. 5, 1963; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Reg.; Amdt. P.L. 38]

PART 339—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

Section 399.1 *Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Other industrial machines and parts					
77119	Parts and accessories, n.e.c., specially fabricated for pumps: Pump parts and accessories wholly made of fluorocarbon polymers and/or copolymers. (See § 399.2, Interpretation 22.)[1]	.....	CONS 0	100	RO	A
77465	Pipe valves and parts: Pipe valves, n.e.c., and specially fabricated parts and accessories, n.e.c.: Valve parts and accessories wholly made of fluorocarbon polymers and/or copolymers. (See § 399.2, Interpretation 22.)[1]	.....	GIEQ 11	100	RO	A

[1] On or after October 7, 1963, an import certificate (or a Hong Kong Import License) will be required in support of a license application covering exports to the countries specified in § 373.2 for the commodities added to the Positive List by this revision.

2. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description of the revised entry:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Other industrial machines and parts					
77119	Parts and accessories, n.e.c., specially fabricated for pumps: Parts and accessories, n.e.c., specially fabricated for ion vacuum pumps having pumping speeds of 800 or more liters of hydrogen per second at pressures of 10^{6} mm./Hg or more. (1)[1]	.....	GIEQ 3	100	RO	A
77119	Parts and accessories, n.e.c., specially fabricated for other ion vacuum pumps. (2)[1]	.....	GIEQ 4	100	RO	
77119	Parts and accessories, n.e.c., specially fabricated for diffusion vacuum pumps included on the Positive List under Schedule B No. 77086. (3)[1]	.....	GIEQ 10	100	RO	
77119	Parts and accessories, n.e.c., specially fabricated for glandless centrifugal pumps included on the Positive List under Schedule B No. 77101. (4)[1]	.....	CONS 10	100	RO	
77119	Parts and accessories, n.e.c., specially fabricated for other pumps included on the Positive List under Schedule B Nos. 77101 through 77117 for which a validated license is required to both R and O country destinations. (5)[1]	.....	CONS 9	100	RO	A

[1] The GLV dollar-value limit is increased.

This amendment shall become effective as of August 29, 1963, except that shipments of commodities removed from general license to Country Group R or Country Group O destinations as a result of this amendment which were on dock for lading on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., August 29, 1963, may be exported under the previous general license provisions up to and including September 23, 1963. Any such shipment not laden aboard the exporting carrier on or before September 23, 1963 requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-9477; Filed, Sept. 5, 1963; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

Miscellaneous Amendments

Scope and purpose. Part 710 is amended to conform with the current edition of Regulations Governing the Admission of Candidates Into the United States Naval Academy as Midshipmen in 1964, NAVPERS 15,010.

1. Section 710.3 is revised to read as follows:

§ 710.3 Entrance date.

Candidates will be required to enter the Naval Academy on the last Wednesday in June. The fourth class summer program is of nine weeks duration beginning the ninth Tuesday preceding Labor Day. The Academic year begins on the first Wednesday following Labor Day. Each eligible candidate will be notified individually by the Bureau of Naval Personnel of the hour and date he is to report to the Naval Academy for admission.

2. Section 710.7 is revised to read as follows:

§ 710.7 Congressional.

The Vice-President, each Senator, each Representative, and the Resident Commissioner of Puerto Rico are individually allowed to have a maximum of five midshipmen attending the Naval Academy at any one time. Applications for nominations or questions regarding them should be addressed to the official from whom you want to obtain the nomination. These Members of Congress may nominate a principal and five alternates for each vacancy in their quotas, or they may designate six candidates for each vacancy in their quotas to compete for such vacancy with the order of merit being determined by the Academic Board of the U.S. Naval Academy. In the latter case, the Academic Board will consider not only the scores on the scholastic examination but also the candidate's previous academic record, all evidence of character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude, and in general, his predicted ability to develop into a competent naval officer. All candidates should insure that the U.S. Naval Academy is in possession of a transcript of their previous school record (to include academic marks, class standing or estimated standing for the final year), and recommendations from their high school principals, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable and not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate.

3. Section 710.20a is inserted, after § 710.20, reading as follows:

§ 710.20a Governors of Virgin Islands, Guam and American Samoa.

On nomination of the Governors of the Virgin Islands, Guam or American Samoa, there may be at the Naval Academy one midshipman selected from among U.S. citizens and nationals residing in those places.

4. Section 710.31(a) is revised to read as follows:

§ 710.31 Scholastic entrance examination method.

(a) Subject to provisions of law, the basic method of qualifying is by presenting an acceptable secondary school certificate and by taking the scholastic entrance examination consisting of the December, January or March administrations of the following tests of the College Entrance Examination Board: The Scholastic Aptitude Test (verbal and mathematics sections), the English Composition Test, and either the Intermediate Mathematics Test or the Advanced Mathematics Test. These tests must be taken during the school year preceding admission. Candidates are encouraged to choose the Mathematics achievement test in which they feel they can attain the higher score. No additional weight is given to results of the test in Advanced Mathematics over those in Intermediate Mathematics. Candidates who fail to score acceptably in the tests will be rejected. All candidates for appointment from the various competitive sources and all other candidates not qualifying by the College Certificate Method must take the College Board Test at at least one of the applicable administrations. Each such duly nominated candidate must register with the College Entrance Examination Board for the tests as promptly as possible after receiving the necessary instructions from the Bureau of Naval Personnel, Navy Department, Washington, D.C., 20370. These instructions will include the provision for payment by the Navy for these tests. Although the Navy Department will pay for only one administration of the tests, the Naval Acadamy will accept scores from the other applicable administrations and will credit a candidate with the highest scores achieved.

* * * * *

5. Sections 710.36 and 710.37, including the note at the end of § 710.37, are revised to read as follows:

§ 710.36 Formal physical examinations.

(a) The formal physical examination will be scheduled at the activities listed in § 710.47(a) during the period November 1, 1963, through February 28, 1964. Every eligible candidate will be notified by the Bureau of Naval Personnel when and where to report for examination. Normally, such an examination will require only one day. Each candidate receiving official notification authorizing him to report for a formal physical examination must bear all expenses for travel and subsistence incident to this examination. In cases of urgent necessity for change in the place and date for the examination, the candidate shall make a written or telegraphic request to the Chief of Naval Personnel, Navy Department, Washington, D.C., 20370, for change. Those candidates who are unable to obtain a formal physical examination during the foregoing period will be scheduled for examination during the week beginning March 9, 1964, at activities listed in § 710.47 (a) and (b).

(b) Candidates are required to notify the Chief of Naval Personnel, Naval Academy Midshipman Branch, Washington, D.C., 20370, of any change in medical condition following their formal physical examination which requires hospitalization or the services of a physician.

(c) In order to determine coordination, strength, and endurance of the body musculature a physical aptitude test will be given in conjunction with the formal physical examination. The Physical Aptitude Examination will consist of a series of tests such as sit-ups, pull-up, push-ups, arm hang, and duck walk. Also included in this battery of tests will be movements which will bring out disqualifying orthopedic defects such as shoulder and knee malfunctions. Failure to obtain a passing grade in this examination will be cause for rejection. See § 710.45(v) for details.

(d) When reporting for formal physical examination it is recommended that each candidate have with him an athletic supporter and shorts suitable for use when undergoing the required physical exercises.

(e) The report of the formal physical examination of a candidate shall be submitted on Standard Form 88 in quadruplicate, and on Standard Form 89 in the candidate's own handwriting in duplicate. The report shall be distributed as follows: a copy of Standard Form 88 to the Admissions Office, U.S. Naval Academy, Annapolis, Maryland; a copy of Standard Form 88 to the Chief of Naval Personnel (Naval Academy Midshipman Branch), Navy Department, Washington, D.C., 20370; a copy of Standard Form 88 and one Standard Form 89 to the Permanent Board of Medical Examiners, U.S. Naval Academy, Annapolis, Maryland; and the original of Standard Form 88 and one Standard Form 89 to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C., 20370.

§ 710.37 Review and waiver procedure.

(a) The results of all physical examinations are subject to review by the Permanent Board of Medical Examiners, U.S. Naval Academy. A candidate found to be physically qualified by a medical examining board, however, may assume that he is in fact qualified unless notified to the contrary.

(b) A candidate found to be disqualified by a formal physician examining board will be advised in writing of his disqualifying defects. He may, upon his request, be given a recheck of his disqualifying defects within two weeks following the formal physical examination. This reexamination may be conducted at the hospital where the candidate underwent his formal physical examination or the candidate may (of his choice) report to the U.S. Naval Academy within two weeks for such recheck. In either event he must make his intention to report for reexamination known to the physical examining board before departing from the hospital in order that he may be so scheduled. Should he elect to return to the hospital conducting the formal physical examination for the recheck, his examination report will be retained at that activity until the recheck has been completed, at which time it will be forwarded as prescribed in § 710.36. If he elects to report to the U.S. Naval Academy for the recheck, the examination report will be promptly forwarded to the Permanent Board of Medical Examiners together with the date (a working day within the two week period) the candidate chooses to report. All costs of travel and subsistence relative to the formal physical examination or reexamination must be borne by the candidate. It is emphasized that the decision to report for reexamination is completely optional with the candidate and that failure to do so will in no way jeopardize his prospects for waiver of minor disqualifying defects.

(c) The results of formal physical examination and/or reexaminations are final with the following exception: The Permanent Board of Medical Examiners, U.S. Naval Academy, will review records of all candidates and will make recommendations for waiver based upon the medical aspects of the case. In this connection, where the disqualifying defect is subject to medical or dental correction, the candidate may be conditionally rejected subject to later certification by a registered physician or dentist that the defect has been corrected with complete restoraton of function. Such certification must be forwarded to the Permanent Board of Medical Examiners prior to April 1. The Academic Board, U.S. Naval Academy, may grant waiver of a very minor physical defect for a candidate who is outstanding in all other respects.

NOTE: Since waiver action is predicated upon the overall quality of a candidate's record, it is important that transcripts of secondary school or college work, the report of extracurricular activities, and the required letters of recommendation be submitted as soon as possible. In many instances it will be necessary to delay evaluation of a record until results of the March College Board tests have been received. It is emphasized that review and waiver procedures are automatic for all candidates who were found not physically qualified upon formal physical examination and that queries regarding the status of waiver action will only delay final determination. Notification of scholastic and physical qualifications will be made to all candidates by the Chief of Naval Personnel in late April.

6. Section 710.41 is revised to read as follows:

§ 710.41 Civil Service Commission examinations.

It is the policy of some of the authorized nominators to have the U.S. Civil Service Commission hold special competitive examinations solely for the purpose of assisting them in selecting their candidates. These special competitive examinations have no bearing upon the candidate's scholastic qualifications for admission to the Naval Academy and the Naval Academy requirements must still be met fully. All the details concerning administration of the special competitive examinations are handled by the nominator concerned and the U.S. Civil Service Commission in Washington. Correspondence in regard to these examinations should be addressed accordingly.

7. Section 710.42(h) is revised to read as follows:

§ 710.42 Appendix I—Entrance procedure, equipment and pay.

* * * * *

(h) Upon being admitted to the Naval Academy, midshipmen receive travel and transportation allowances as prescribed in paragraph 5000, Joint Travel Regulations (ordinarily, mileage allowance of 6 cents per mile for authorized travel). This reimbursement will be paid to the midshipman. Reimbursement will be made for the actual cost of passage fares on commercial vessels if sea travel is involved and provided no Government transportation is available. In the event travel originates outside the United States, candidates must contact the nearest naval activity for information as to the availablity of Government transportation before endeavoring to procure commercial transportation. When Government transportation is not available, a certified statement to this effect must be presented in order for the candidate to be reimbursed after he has become a midshipman.

* * * * *

8. Section 710.45 (c)(4)(ii)(*e*); (d)(3)(v); (g)(2) including (i) to (iii); (h)(7) including (i) and (ii); (o)(7); (r)(1)(i); (r)(2) (i), (ii) and (v); (u)(2)(ii); and (v) is revised to read as follows:

§ 710.45 Appendix IV—Physical standards and disqualifying defects.

* * * * *

(c) *Psychiatric disorders.* * * *

(4) Character and behavior disorders:

* * * * *

(ii) Immaturity reactions:

* * * * *

(*e*) Immaturity with symptomatic habit reaction particularly if manifested by:

(*1*) Stammering, stuttering, or lisping of any degree.

(*2*) Enuresis or history thereof persisiting into late childhood or adolescence.

(*3*) Sleepwalking or history thereof persisting into late childhood or adolescence.

* * * * *

(d) *Weight, height and miscellaneous considerations.* * * *

(3) The following miscellaneous conditions are causes for rejection:

* * * * *

(v) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis; leprosy, actinomycosis; authenticated history of rheumatic fever within the previous five years, rheumatic heart disease, rheumatoid arthritis; osteomyelitis; malignant diseases of all kinds in any location; hemophilia; purpura; leukemia of all types; pernicious anemia; sickle cell anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of any acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream; chronic metallic poisoning, allergic manifestations such as hay fever, if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis; asthma or a history of asthma, including so-called "childhood" asthma, unless there is a trustworthy history of freedom from seizures subsequent to age 12 provided that seizures prior to that time were not severe or prolonged and did not require extensive therapy; allergic conjunctivitis, allergic dermatoses, or allergic rhinitis particularly if there is associated hyperplastic sinusitis or nasal polyps, or a history thereof, when in the opinion of the examiner, the condition is likely to frequently recur, or to cause more than minimal loss of time from duty or otherwise is of present or future clinical significance.

* * * * *

(g) *Color perception.* * * *

(2) When the American Optical Company pseudo-isochromatic plate test set is used for determination of color perception, a color vision test lamp with daylight filter or a fluorescent light with a daylight tube shall be used for illumination. The examinee shall not be allowed to trace the patterns or otherwise touch the test plates. The plates shall be shown at a distance of thirty inches and two seconds allowed to identify each plate. If the examinee hesitates, he should be asked again to "read the numbers." If he fails to respond, the examiner must turn to the next plate without comment. Qualification of examinees using the American Optical Company pseudo-isochromatic test plates is ascertained as follows:

(i) When the old twenty plate test set (Former Stock number N3–885–960) is used and the examinee reads correctly seventeen of the twenty plates, demonstration plates excluded, he is qualified.

(ii) When the eighteen plate test set (number 6515–388–6806) is used and the examinee reads correctly fourteen of the eighteen plates, demonstration plate excluded, he is qualified.

(iii) When the fifteen plate test set (number 6515–299–8186) is used and the examinee reads correctly ten of the fourteen plates, demonstration plate excluded, he is qualified.

* * * * *

(h) *The ears.* * * *

(7) Any diminution of auditory acuity in either ear by audiogram in excess of the limits set forth in the following table: (or below 15/15 by whispered voice if such test is used)

Frequency	500 512	1000 1024	2000 2048	3000 2896	4000 4096	8000 8192
Maximum loss in decibels:						
Better ear	15	15	15	35	(*)	(*)
Worse ear	15	15	15	35	(*)	(*)

*Record for baseline information only.

* * * * * *

(o) *The heart and blood vessels.* * * *

(7) History or evidence of pericarditis, endocarditis, myocarditis, angina pectoris, coronary occlusion, or coronary atherosclerosis, except for history of a single acute idiopathic or coxsackie pericarditis with no residuals.

* * * * *

(r) *The genito-urinary system and venereal disease.*

(1) * * *

(i) When albumin, casts, hemoglobin, or red blood cells are found in the urine, the applicant shall not be accepted unless further study proves such findings to be of no significance. Such further study, if desired, should include daily complete examinations of the urine for at least 3 days and such other tests as are necessary, unless the presence of albumin and casts is associated with enlargement of the heart, high blood pressure, or other evidence of cardiovascular disease of such degree that a diagnosis of renal disease may be made immediately. When albumin is constantly or intermittently present, the underlying pathological condition should, if possible, be determined and stated as the cause for rejection.

* * * * *

(2) The following conditions are causes for rejection:

(i) Acute or chronic nephritis, diabetes, mellitus or insipidus, or glycosuria if accompanied by abnormal response to blood sugar tests. In the presence of diabetes mellitus in a parent, sibling or more than one grandparent, a standard glucose tolerance test is a requirement.

(ii) Hematuria, pyuria, or albuminuria including so-called orthostatic or functional albuminuria.

* * * * *

(v) Vesical calculi, tumors of the bladder, incontinence of urine, enuresis (see also paragraph (c) (4) (ii) (*e*) of this section), or retention of urine.

* * * * * *

(u) *Dental.* * * *

(2) Standards. * * *

(ii) Candidates who are dentally disqualified in the formal physical examination should have the disqualifying defects corrected and submit a letter to the Permanent Board of Medical Examiners, U.S. Naval Academy, Annapolis, Maryland (accompanied by a completed Dental Deficiency Chart signed by a civilian dentist) requesting that he now be qualified. No further action in this matter is required by the candidate.

* * * * * *

(v) *Physical aptitude.* (1) All candidates for the U.S. Naval Academy will be required to pass the following tests—(For detailed description and illustration of each test see "*Description of Administration Procedures for Measuring Physical Aptitude of Candidate*" separately distributed to Examining Centers):

(i) *Two pull-ups.* Using an overhand grip on a horizontal bar, pull up from a full hang until the chin is over the bar, lower to a hang, elbows locked; immediately pull up again until chin is over bar.

(ii) *Fifteen sit-ups in thirty seconds.* From a full lying position on the back with the hands behind the neck (feet held down by partner) sit up, touch one elbow to the opposite knee and return to lying. Elbow-knee touching must be alternated to each side.

(iii) *Ten push-ups.* With the feet supported sixteen inches (chair height) above the floor, body straight and hands on floor, bend the elbows until chin touches floor and return to locked elbow position; repeat continuously.

(iv) *Arm hang.* Full length and completely relaxed, hang from a horizontal bar for three full seconds with each hand.

(v) *Squat walk.* With the hands on the hips, squat deeply with the knees spread and walk ten paces forward.

(2) The tests set forth in subparagraph (1) of this paragraph should be supervised by a medical officer, preferably one trained in orthopedics.

9. § 710.46 is revised to read as follows:

§ 710.46 Appendix V—Installations conducting preliminary physical examinations for the U.S. Naval Academy.

ALABAMA

Anniston—Noble Army Hospital, Fort McClellan
Birmingham—USN Recruiting Station
Daleville—USAH, Fort Rucker
Montgomery—Maxwell AFB

ALASKA

Adak—U.S. Naval Station
Anchorage—Elmendorf AFB
Kodiak—U.S. Naval Station

ARIZONA

Fort Huachuca—USAH
Phoenix—USNAF, Litchfield Park
Tucson—Davis Monthan AFB
Yuma—USMCAAS

ARKANSAS

Little Rock—USN Recruiting Station

CALIFORNIA

Alameda—U.S. Naval Air Station
Barstow:
  Station Hosp, US MarCorps Supply Center
Camp Pendleton USNH
China Lake—Station Hosp, USNOTS
El Centro—USNAAS
Fairfield—Travis AFB
Long Beach—USNAS, Los Alamitos
Los Angeles—USN Recruiting Station
Moffet Field—USNAS
Monterey—USAH, Fort Ord, NAF & PG Sch
Port Hueneme—Station Hosp. USNCBC
Riverside—March AFB
San Diego—USNH, USNAS N. Island
San Francisco:
  USN Disp., 50 Fell St.
  USN Recruiting Station
  Treasure Island—USN Station
  USN Shipyard
  Letterman GH
Santa Ana—USMCAF
Twentynine Palms—Station Hospital, USMCB
Vallejo—USNDISP, Mare Island

CANAL ZONE

Naval Station, Rodman
  Balboa—Albrook AFB

COLORADO

Colorado Springs—USAH, Ft. Carson
Denver:
  Fitzsimons GH, Lowry, AFB
  USN Recruiting Station

CONNECTICUT

New London—Station Hosp. USN Sub Base

CUBA

Guantanamo Bay—USNH

FLORIDA

Homestead—Homestead AFB
Jacksonville—USNAS
Pensacola—USNAS
Tampa—MacDill AFB
Key West—USNAS

GEORGIA

Albany—USMC Supply Center
Atlanta—USAH, Fort McPherson
Augusta—USAH, Fort Gordon
Brunswick—USNAS, Glynco
Columbus—Martin AH, Fort Benning
Walthourville—USAH, Fort Stewart
Macon—USN Recruiting Station

HAWAII

Honolulu:
  Hickam AFB
  Tripler U.S. Army General Hospital
  USN Base, Pearl H.
  USNAS, Barbers Pt.

ILLINOIS

Belleville—Scott AFB
Chicago—USN Recruiting Station
Glenview—USNAS
Great Lakes—USNH, USNTC

INDIANA

Indianapolis:
  USAH, Ft. Benjamin Harrison
  USN Recruiting Station

IOWA

Des Moines—USN Recruiting Station

KANSAS

Fort Leavenworth—Munson AH
Junction City—Irwin AH, Fort Riley
Olathe—USNAS

KENTUCKY

Ashland—USN Recruiting Station
Fort Knox—Ireland Army Hosp.
Hopkinsville—USAH, Fort Campbell
Louisville—USN Recruiting Station

LOUISIANA

New Orleans:
  USAH—Camp Leroy Johnson
  USNAS
  USN Recruiting Station
Shreveport—Barksdale AFB

MAINE

Brunswick—Station Hospital, USNAS

MARYLAND

Aberdeen—Kirk AH, Aberdeen Proving Ground
Annapolis—USNA
Bainbridge—Station Hospital, USNTC
Baltimore—USN Recruiting Station
Bethesda—USNH, National Naval Med Center

Fort George G. Meade—Kimbrough AH
Patuxent River—Station Hospital, USNAS
Suitland—USNAF, Andrews AFB

MASSACHUSETTS

Ayer—USAH, Fort Devens
Boston:
  U.S. Army Dispensary, Boston Army Base
  USN Recruiting Sta
Chicopee Falls—Westover AFB
South Weymouth—USNAS

MICHIGAN

Detroit—USN Recruiting Station
Grosse Ile—USNAS
Mount Clemens—Selfridge AFB

MINNESOTA

Minneapolis:
  Station Hosp, USNAS
  USN Recruiting Station

MISSISSIPPI

Biloxi—Keesler AFB

MISSOURI

Kansas City—USN Recruiting Station
Newburg—USAH, Fort Leonard Wood
St. Louis—USN Recruiting Station

MONTANA

Great Falls—Malmstrom AFB

NEBRASKA

Omaha:
  Offutt AFB
  USN Recruiting Station

NEVADA

Fallon—USNAAS
Hawthorne—Station Hospital—USN Ammunition Depot

NEW HAMPSHIRE

Portsmouth—USNH

NEW JERSEY

Lakehurst—Station Hospital, USNAS
Little Silver—Patterson AH, Fort Monmouth
Fort Dix—Walson AH

NEW MEXICO

Albuquerque—USN Recruiting Station
Las Cruces—USNOM Test Fac, White Sands
Roswell—Walker AFB

NEW YORK

Albany—USN Recruiting Station
Buffalo—USN Recruiting Station
Governors Island—USAH, Fort Jay
New York City:
  USNAS, Floyd Bennett Field
  USN Recruiting Station
West Point—U.S. Army Hosp., USMA

NORTH CAROLINA

Camp Lejeune—USNH
Cherry Point—Station Hosp., USMCAS
Fayetteville—Womack AH, Fort Bragg
Raleigh—USN Recruiting Station

OHIO

Cincinnati—USN Recruiting Station
Cleveland:
  USN Finance Center
  USN Recruiting Station
Columbus—USN Recruiting Station
Dayton—Wright-Patterson AFB

OKLAHOMA

Fort Sill—USAH, Fort Sill
Oklahoma City—USN Recruiting Station

OREGON

Portland—USN Recruiting Station

PENNSYLVANIA

Carlisle—Dunham AH, Carlisle Barracks
Mechanicsburg—USN Supply Depot
Middletown—Olmstead AFB
Phoenixville—Valley Forge GH
Philadelphia—USN Recruiting Station
Pittsburgh—USN Recruiting Station
Willow Grove—USNAS

PUERTO RICO

Aguadilla—Ramey AFB
San Juan—Rodriguez AH

RHODE ISLAND

Newport—U.S. Naval Station
Quonset Point—Station Hosp., USNAS

SOUTH CAROLINA

Beaufort—USNH
Charleston—U.S. Naval Base
Columbia:
  USAH, Fort Jackson
  USN Recruiting Station
Sumter—Shaw AFB

TENNESSEE

Memphis—USNAS
Nashville—USN Recruiting Station
Smyrna—Stewart AFB

TEXAS

Beeville—USNAAS Chase Field
Corpus Christi—USNAS
Dallas:
  USNAS
  USN Recruiting Station
El Paso—William Beaumont GH
Houston—USN Recruiting Station
Killeen—USAH, Fort Hood
San Antonio:
  Brooke General Hospital, Fort Sam Houston
  Randolph AFB

UTAH

Ogden—Hill AFB

VIRGINIA

Newington—DeWitt Army Hospital, Fort Belvoir
Hampton:
  Fort Monroe
  Langley AFB
Lee Hall—McDonald AH, Fort Eustis
Little Creek—USN Amphibious Base
Norfolk—USNAS, USN Station
Oceana—USNAS
Petersburg—Kenner AH, Fort Lee
Quantico—USNH

WASHINGTON

Bremerton—USNH, Naval Shipyard
Seattle:
  USNAS
  USAH, Fort Lawton
Tacoma:
  Fort Lewis, Madigan GH
  McChord AFB
Whidbey Island, Oak Harbor—Station Hospital, USNAS

WASHINGTON, D.C.

U.S. Army Dispensary, Pentagon
U.S. Naval Dispensary
Walter Reed GH—Physical Examining Section (Outpatient Clinic)

HOSPITAL SHIPS

U.S.S. *Haven*, Long Beach, Calif.

GERMANY

USAH, Heidelberg

GUAM—USNH

JAPAN

Camp Zama—USAH
Yokosuka—USNH

10. Section 710.47(b) is revised to read as follows:

§ 710.47 Appendix VI — Installations conducting formal physical examinations for the U.S. Naval Academy.

* * * * *

(b) The below installations conduct formal physical examinations only on specified days in the month of March when additional naval medical and dental officers are furnished:

U.S. Naval Air Station, Dallas, Tex.
U.S. Naval Air Station, Olathe, Kans.
Fitzsimons General Hospital, Denver, Colo.
Tripler U.S. Army General Hospital, Honolulu, Hawaii.

* * * * *

11. Section 710.48 is amended by revising the tables captioned "Fourth Class—Freshman Year—Summer Term" and "The basic curriculum" to read as follows:

§ 710.48 Appendix VII—Course of instruction.

* * * * *

ASSIGNMENT OF TIME—FOURTH CLASS

Summer Term

Departments	Total hours	Subjects	Textbooks
Executive	21	Orientation	*U.S. Naval Academy Regulations*, Orientation movies.
Physical Education	46	Infantry drill	*Drill Manual.*
	31	Physical achievement tests. Basic instruction in swimming, boxing and wrestling. Orientation in 9 additional sports.	*Physical Education Plebe Summer Drill Manual* (revised).
Command	61	Practical seamanship. Basic instruction in knot-tying, piloting, sailing, visual communications, and handling motor launches and yard patrol craft.	*Elementary Seamanship. Seamanship* (NavPers 16118B). *Bluejacket's Manual.*
Weapons	37	Small arms.	
Naval Hygiene	4	Personal hygiene, including social and mental hygiene, oral hygiene, care of the eyes, preventable diseases, and rules for maintaining health.	Moving pictures are employed.
Engineering	25	Demonstrations of basic shop practices, introduction to ship's propulsion system and machinery and introduction to drawing materials and instruments.	*Summer Drill Manual* by Engineering Department. *Basic Graphics*, Luzadder.
Mathematics	11	Plane trigonometry [1]	*College Algebra and Plane Trigonometry* by Spitzbart and Bardell.
Science	6	Chemistry	Department's *Measurements and Mathematical Operations.*

[1] For those midshipmen not offering trigonometry upon entrance.

ASSIGNMENT OF TIME—FOURTH CLASS—Continued

Summer Term

Departments	Total hours	Subjects	Textbooks
English, History, and Government.	23	Library and museum orientation. Readings in naval history. Lectures in naval history. Examination.	*The Compact History of the United States Navy*, by Pratt. *Webster's New Collegiate Dictionary. Handbook for Writers*, by Leggett, Mead, and Charvat (second edition).
Foreign Languages	7	Language interviews and assignment to language courses. Evening seminars and classroom work.	
Total	[1] 261		

[1] Does not include time devoted to mathematics. See note 1.

The Basic Curriculum

FOURTH CLASS YEAR

		Semester hours
	FIRST TERM	
M103.	Analytic Geometry and Calculus	5
S101.	Chemistry	4
B105.	Engineering Drawing and Descriptive Geometry	3
H101.	Composition and Literature	3
L101.	Foreign Language	3
T101.	Physical Education	1
X101.	Executive	1
		20
	SECOND TERM	
M104.	Analytic Geometry and Calculus	5
S102.	Chemistry	4
E106.	Statics	2
H102.	Composition and Literature	3
L102.	Foreign Language	3
C104.	Shipboard Orientation and Fleet Operations	¾
T102.	Physical Education	1
X102.	Executive	1
		19¾

THIRD CLASS YEAR

		Semester hours
	FIRST TERM	
M205.	Analytic Geometry and Calculus*	5
S201.	Physics	5
E203.	Strength of Materials	3
H201.	Modern European History	3
L201.	Foreign Language	2½
T201.	Physical Education	¾
X201.	Executive	1
		20¼
	SECOND TERM	
M202.	Mechanics	5
S202.	Physics	5
E204.	Engineering Materials	3
H202.	U.S. Foreign Policy and Geography	3
L202.	Foreign Language	2½
C204.	Seapower	¼
T202.	Physical Education	¼
X202.	Executive	1
		20

SECOND CLASS YEAR

	SUMMER TERM	
C300.	Air Ocean Environment	1¼
W300.	Introduction to Digital Computers	½
E300.	Ship Hydrostatics (Buoyancy and Stability)	½
M300.	Spherical Trigonometry	1
H300.	Speech	¾
		4
	FIRST TERM	
M303.	Differential Equations	3½
S301.	Electrical Science I	3¾
E305.	Thermodynamics I	4
H301.	United States Government	2
C301.	Piloting and Navigation	3½
W305.	Terminal Ballistics	2¼
T301.	Physical Education	½
X301.	Executive	1
		20½
	SECOND TERM	
S302.	Electrical Science II	4
E306.	Fluid Mechanics I	4
H302.	Economics	2¾
C306.	Introduction to Military Psychology and Management	2½
C308.	Navigation	3
W306.	Target Intercept Analysis	2¼
T302.	Physical Education	½
X302.	Executive	1
		20

FIRST CLASS YEAR

	FIRST TERM	
S401.	Electrical Science III	3
E405.	Fluid Mechanics II	3
H401.	Naval History	3½
C407.	Case Studies in Leadership and Military Law	2½
C411.	Naval Operations I	3¾
W407.	Elements of Weapons Systems Dynamics	2½
Y401.	Naval Hygiene	¾
T401.	Physical Education	¼
X401.	Executive	1
		20¼
	SECOND TERM	
S402.	Electrical Science IV	3
E406.	Thermodynamics II	3
H402.	Advanced Composition and Literature	3¾
C414.	Naval Operations II	4½
C408.	Meteorology	1
W408.	Weapons Systems Analysis and Synthesis	2½
T402.	Physical Education	½
X402.	Executive	1
		19¼

*Includes 1½ semester hours of probability and statistics.

(R.S. 161, secs. 5031, 6951–6974, 70A Stat. 278, 428–436, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6951–6974)

By direction of the Secretary of the Navy.

Dated: September 3, 1963.

[SEAL] ROBERT D. POWERS, JR.,
Rear Admiral, U.S. Navy Acting Judge Advocate General of the Navy.

[F.R. Doc. 63-9559; Filed, Sept. 5, 1963; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER on May 2, 1963 (28 F.R. 4359), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, hunting methods, shooting hours, transportation and importation controls, and bag and possession limits for migratory game birds for the 1963–64 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding proposed amendments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession

limits proposed to be prescribed for the 1963–64 seasons on waterfowl and coots; on gallinules in the Pacific Flyway; on lesser sandhill (little brown) cranes in limited areas of Texas and New Mexico; and on whistling swans in Utah. The State game departments were invited to submit their recommendations for hunting seasons on applicable species in the respective States; such hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now being prescribed, and consideration having been given to all other relevant matters presented, it has been determined that Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit the taking of these species within specified periods of time beginning as early as September 20, 1963. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.52 is amended by adding a new paragraph (c) to read as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

* * * * * *

(c) *Puerto Rico and the Virgin Islands.*

	Ducks	Coots	Wilson's snipe
Daily bag limit	3 [2]	6	8.
Possession limit	6 [2]	6	8.
Shooting hours [1]	Sunrise until sunset on all species.		
Seasons in:			
Puerto Rico [1 2]	Nov. 2–Nov. 30; Jan. 18–Feb. 2; Dec. 15–Feb. 2		Nov. 2–Nov. 30. Jan. 18–Feb. 2. Jan. 3–Feb. 2.
Virgin Islands. [1 2]			

[1] Shooting hours: In Puerto Rico, on the opening day of the season for ducks, coots, and Wilson's snipe (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). In the Virgin Islands, on the opening day of the season for ducks and coots shooting will begin at 12 o'clock noon (standard time).

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks. The possession limit may not include more than: (a) 2 hooded mergansers; (b) 2 wood ducks.

2. Section 10.53 is amended by adding new paragraphs (b), (c), (d), and (e) to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, and gallinules.

* * * * * *

(b) *Atlantic Flyway States.*

	Ducks	Coots	Geese (except snow geese)	Brant
Daily bag limit	(2) [3]	8	2	6.
Possession limit	(2)	16	4	6.
Shooting hours [1]	Sunrise until sunset on all species.			
Seasons in:	[3]			
Connecticut [4]	Oct. 19–Nov. 2; Dec. 6–Jan. 4		Oct. 19–Nov. 16; Dec. 6–Jan. 15.	
Delaware	Nov. 1–Nov. 23; Dec. 9–Dec. 30		Nov. 1–Jan. 9.	
District of Columbia	Closed season		Closed season.	
Florida [5]	Nov. 27–Jan. 5		Nov. 27–Jan. 5.	
Georgia	Nov. 26–Jan. 4		Nov. 7–Jan. 15.	
Maine [4]	Oct. 5–Oct. 26; Nov. 22–Dec. 14; Nov. 13–Jan. 1		Oct. 5–Dec. 13.	
Maryland	Oct. 18–Nov. 2; Nov. 29–Dec. 27		Nov. 7–Jan. 15.	
Massachusetts [3]			Oct. 18–Nov. 26; Nov. 29–Dec. 28.	
New Hampshire [3]	Oct. 11–Nov. 29		Oct. 11–Dec. 19.	
New Jersey	Oct. 26–Nov. 16; Dec. 13–Jan. 4		Oct. 26–Jan. 3.	
New York [3 6]	Oct. 18–Dec. 6		Oct. 18–Dec. 26.	
North Carolina	Nov. 16–Jan. 4		Nov. 7–Jan. 15.	
Pennsylvania [4]	Oct. 12–Nov. 30		Oct. 12–Dec. 20.	
Rhode Island [4]	Nov. 17–Jan. 5		Nov. 7–Jan. 15.	
South Carolina	Nov. 16–Jan. 4		Do.	
Vermont	Oct. 11–Oct. 27; Nov. 11–Dec. 8		Oct. 11–Oct. 27. Nov. 11–Jan. 2.	
Virginia	Nov. 16–Jan. 4		Nov. 7–Jan. 15.	
West Virginia	Oct. 18–Oct. 26; Nov. 30–Jan. 4		Oct. 12–Dec. 20.	

[1] Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at sunrise.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; (c) 2 mallard or black ducks, singly or in the aggregate of both kinds. The possession limit may not include more of the following species than: (a) 2 hooded mergansers; (b) 2 wood ducks; (c) 4 mallard or black ducks, singly or in the aggregate of both kinds. In all States in the Flyway, a daily bag limit of 5 and a possession limit of 10 American and red-breasted mergansers, singly or in the aggregate of both kinds, are permitted in addition to the basic limits on ducks collectively; and in all States in the Flyway, a daily bag limit of 2 and a possession limit of 4 scaup ducks are permitted in addition to the basic limits on ducks collectively. In the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, the daily bag limit on ducks collectively is 3 and the possession limit is 6. In the States of Florida and Georgia, the daily bag limit on ducks collectively is 4 and the possession limit is 8.

[3] New York: On Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, the open season for taking ducks and coots is Oct. 19–Nov. 2 and Dec. 6–Jan. 4, and for taking geese and brant Oct. 19–Nov. 16 and Dec. 6–Jan. 15.

[4] Pennsylvania: In Crawford County, the open season for taking geese is Oct. 12–Dec. 20 and the daily bag limit may not include more than 1 Canada goose or subspecies.

[5] Not withstanding the provisions of 50 CFR 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; but not including any coastal waters of New York State lying south of Long Island; under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200 yard radius of such fixed position, pursue, shoot, and retrieve such crippled birds from a motorboat under power.

[6] Check State regulations for additional State restrictions.

(c) *Mississippi Flyway States.*

	Ducks	Coots	Geese
Daily bag limit	4 [2]	8	5 [3]
Possession limit	8 [2]	16	5 [3]
Shooting hours [1]	Sunrise until sunset on all species.		
Seasons in:			
Alabama	Dec. 2–Jan. 5		Nov. 7–Jan. 15.
Arkansas [2 10]	do		Oct. 28–Jan. 5.
Illinois [4 10]	Nov. 1–Dec. 5		Oct. 20–Dec. 23; Jan. 1–Jan. 5.
Indiana	Nov. 8–Nov. 30; Dec. 20–Dec. 28		Oct. 19–Dec. 14; Dec. 20–Jan. 1.
Iowa	Oct. 5–Oct. 13; Oct. 26–Nov. 17		Oct. 5–Dec. 13.
Kentucky	Dec. 1–Jan. 4		Nov. 7–Jan. 15.
Louisiana [2 5]	Nov. 29–Jan. 2		Do.
Michigan	Oct. 5–Nov. 8		Oct. 5–Dec. 13.
Minnesota [10]	do		Do.
Mississippi [6]	Dec. 2–Jan. 5		Oct. 19–Nov. 12; Dec. 2–Jan. 15.
Missouri: [7]			
Swan Lake Area	Oct. 25–Nov. 28		Oct. 14–Nov. 17; Dec. 16–Jan. 13.
Rest of State	do		Oct. 25–Jan. 2.
Ohio [8]	Oct. 21–Nov. 15; Dec. 23–Dec. 28		Oct. 21–Dec. 28.
Tennessee [10]	Dec. 2–Jan. 5		Nov. 7–Jan. 15.
Wisconsin [1 10]	Oct. 5–Nov. 8		Oct. 5–Dec. 13.

[1] Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at sunrise.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; (c) 2 mallard or black ducks, singly or in the aggregate of both kinds. The possession limit may not include more of the following species than: (a) 2 hooded mergansers; (b) 2 wood ducks; (c) 4 mallard or black ducks, singly or in the aggregate of both kinds. In all States in the Flyway, a daily bag limit of 5 and a possession limit of 10 American and red-breasted mergansers, singly or in the aggregate of both kinds, are permitted in addition to the basic limits on ducks collectively. In that portion of the State of Louisiana lying south of U.S. Highway 190, a daily bag limit of 2 and a possession limit of 4 scaup ducks are permitted in addition to the basic limits on ducks collectively.

[3] Geese: In all States in the Flyway, the daily bag or possession limit may not include, in the alternative, more of the following species than: (a) 2 Canada geese or subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or subspecies and 1 white-fronted goose. No open season is prescribed in the States of Louisiana and Arkansas for taking Canada geese or subspecies.

[4] Illinois: In the counties of Alexander, Jackson, Union, and Williamson only, the combined kill of Canada geese will be limited to a total of 20,000 birds; and when it has been determined by the Director,

Bureau of Sport Fisheries and Wildlife, that 20,000 Canada geese have been killed in these four counties, the season for taking geese therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

[4] Louisiana: For the lands and waters of the State of Louisiana lying easterly of the centerline of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season for taking ducks and coots is Dec. 2–Jan. 5 and the season for taking geese is Oct. 19–Nov. 12 and Dec. 2–Jan. 15. In this area the daily bag and possession limits on geese may not include, in the alternative, more than: (a) 2 Canada geese or subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or subspecies and 1 white-fronted goose.

[4] Mississippi: For the lands and waters of the State of Mississippi lying westerly of the centerline of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season for taking ducks and coots is Nov. 29–Jan. 2 and the season for taking geese is Nov. 7–Jan. 15. In this area the season is closed for taking Canada geese or subspecies and the daily bag or possession limit may not include more than 2 white-fronted geese.

[7] Missouri: In those portions of the Missouri counties of Livingston, Carroll, Lafayette, Saline, Howard, Charlton, and Linn bounded by roads starting at the junction of U.S. Highways 36 and 65 at Chillicothe in Livingston County; thence south along U.S. Highway 65 to Waverly in Lafayette County; thence east along U.S. Highway 65 to the junction with State Highway 41 at Marshall in Saline County; thence east along State Highway 41 to the junction with State Highway 240; thence north and east along State Highway 240 to the junction with State Highway 5 at Glasgow in Howard County; thence north along State Highway 5 to the junction with U.S. Highway 36 north of Marceline in Linn County; thence west along U.S. Highway 36 to the point of beginning, the combined kill of Canada geese will be limited to a total of 25,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 25,000 Canada geese have been killed in this area, the season for taking geese therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

[8] Ohio: For Pymatuning reservoir in Ashtabula County and ¼ mile in any direction from said reservoir, the season for taking ducks and coots is Oct. 12–Nov. 30 and the season for taking geese and brant is Oct. 12–Dec. 20. In this area the daily bag limit is 3 and the possession limit is 6 ducks collectively; and a daily bag limit of 2 and a possession limit of 4 scaup ducks are permitted in addition to the basic limits on ducks collectively. In this area the daily bag limit is 2 geese of which not more than 1 may be a Canada goose or subspecies and the possession limit is 4 geese, and the daily bag and possession limit is 6 brant.

[9] Wisconsin: In those portions of the Wisconsin counties of Dodge and Fond du Lac bounded by roads beginning at the junction of State Highways 28 and 33 in Horicon, Wisconsin; thence northeast on State Highway 28 to the junction with County Road "V"; thence north on County Road "V" to the junction with State Highway 49; thence west on State Highway 49 to the junction with County Road "YY"; thence north on County Road "YY" to the junction with County Road "Y"; thence north on County Road "Y" to the junction with County Road "B"; thence northeasterly on County Road "B" to the junction with County Road "D"; thence northeasterly on County Road "D" to the junction with U.S. Highway 151; thence west on U.S. Highway 151 to the junction with State Highway 103; thence west on State Highway 103 to the junction with County Road "X"; thence south and west on County Road "X" to the junction with State Highway 49; thence south on State Highway 49 to the junction with County Road "AW"; thence west on County Road "AW" to the junction with County Road "W"; thence south on County Road "W" to the junction with County Road "A"; thence southeasterly on County Road "A" to the junction with State Highway 33; thence east on State Highway 33 to the point of beginning, the combined kill of Canada geese will be limited to a total of 12,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 12,000 Canada geese have been killed in this area, the season for taking geese therin will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

[10] Check State regulations for additional State restrictions.

(d) *Central Flyway States.*

	Ducks	Coots	Geese
Daily bag limit.	4 [1]	8	5 [2]
Possession limit.	8 [1]	16	5 [2]
Shooting hours. [3]	Sunrise until sunset on all species.		
Seasons in:			
Colorado (east of Continental Divide). [4] [5]	Nov. 15–Dec. 19		Nov. 2–Jan. 15.
Kansas	Oct. 26–Nov. 29		Oct. 5–Dec. 18.
Montana (east of Continental Divide). [6]	Oct. 13–Nov. 16		Oct. 6–Dec. 19.
Nebraska	Oct. 5–Oct. 13 / Nov. 16–Dec. 8		Oct. 2–Dec. 15.
New Mexico (east of Continental Divide). [7]	Nov. 29–Jan. 2		Nov. 29–Jan. 15.
North Dakota. [8]	Oct. 5–Nov. 8		Oct. 1–Nov. 30.
Oklahoma	Nov. 8–Dec. 12		Oct. 12–Dec. 25.
South Dakota. [8]	Oct. 12–Nov. 15		Oct. 1–Dec. 14.
Texas	Dec. 1–Jan. 4		Nov. 1–Jan. 14.
Wyoming (east of Continental Divide).	Nov. 2–Dec. 6		Oct. 17–Oct. 31. / Nov. 17–Jan. 15.

(e) *Pacific Flyway States.*

	Ducks	Coots and gallinules (singly or aggregate)	Geese	Brant
Daily bag limit	(1)	25	6 [2]	3.
Possession limit	(1)	25	6 [2]	3.
Shooting hours [3]	One-half hour before sunrise until sunset on all species.			
Seasons in:				
Arizona [4]	Oct. 8–Jan. 5	Oct. 8–Jan. 5		Closed season.
California [4] [5]	Oct. 23–Jan. 5	Oct. 23–Jan. 5		Nov. 23–Jan. 31.
Colorado (west of Continental Divide) [4] [5]	Oct. 5–Jan. 2	Oct. 5–Jan. 2		Closed season.
Idaho [4] [5]	Oct. 8–Jan. 5	Oct. 8–Jan. 5		Do.
Montana (west of Continental Divide) [4]	Oct. 13–Dec. 26	Oct. 6–Dec. 26		Do.
Nevada [4]	Oct. 11–Jan. 5	Oct. 11–Jan. 5		Do.
New Mexico (west of Continental Divide) [4] [5]	Oct. 12–Jan. 5	Oct. 12–Jan. 5		Do.
Oregon [4]	Oct. 8–Jan. 5	Oct. 8–Jan. 5		Nov. 18–Jan. 31.
Utah [4]	Oct. 5–Jan. 2	Oct. 5–Jan. 2		Closed season.
Washington [4] [5]	Oct. 12–Jan. 5	Oct. 12–Jan. 5		Nov. 17–Jan. 30.
Wyoming (west of Continental Divide) [4]	Oct. 5–Dec. 31	Oct. 5–Dec. 31		Closed season.

[1] Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at sunrise.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; (c) 2 mallard ducks. The possession limit may not include more of the following species than: (a) 2 hooded mergansers; (b) 2 wood ducks; (c) 4 mallard ducks. In all States in the Flyway, a daily bag limit of 5 and a possession limit of 10 American and red-breasted mergansers, singly or in the aggregate of both kinds, are permitted in addition to the basic limits on ducks collectively.

[3] Geese: In all States in the Flyway, the daily bag or possession limit may not include more of the following species than: (a) 1 Ross's goose; (b) in the alternative, 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or 1 white-fronted goose. No open season is prescribed for taking blue, snow, and Ross's geese in the Montana counties of Beaverhead, Gallatin, and Madison.

[4] Colorado: In the Colorado counties of Alamosa, Conejos, Costilla, and Rio Grande, and that portion of Sagauche County lying east of the Continental Divide, a special experimental open season on ducks (except canvasback and redhead) is prescribed from Oct. 1–Oct. 18 with a daily bag limit of 5 and a possession limit of 10 ducks and daily shooting hours from sunrise until sunset including opening day.

[5] Check State regulations for additional State restrictions.

[6] Shooting hours: On the opening day of the season for ducks, coots, and gallinules (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks, coots, and gallinules in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks, coots, and gallinules and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from one-half hour before sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks, coots, and gallinules, shooting on those species (geese, brant, or Wilson's snipe) will start at one-half hour before sunrise.

[7] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks. The possession limit may not include more of the following species than: (a) 2 hooded mergansers; (b) 2 wood ducks. In all States in the Flyway, a daily bag limit of 5 and a possession limit of 10 American and red-breasted mergansers, singly or in the aggregate of both kinds, are permitted in addition to the basic limits on ducks collectively; a daily bag limit of 2 and a possession limit of 4 mallard ducks are permitted in all of the State of Washington lying east of the summit of the Cascade Mountains; in the Idaho counties of Ada, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Twin Falls, and Washington; and in the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco. In the States of Nevada, Oregon, and Washington, and those portions of the States of Colorado, New Mexico, and Wyoming lying west of the Continental Divide, the basic daily bag limit on ducks collectively is 4 and the possession limit is 8; in the States of Arizona, Idaho, and Utah, the basic daily bag and possession limits on ducks collectively are 5; in that portion of the State of Montana lying west of the Continental Divide, the basic daily bag limit on ducks collectively is 5 and the possession limit is 10; and in the State of California the basic daily bag and possession limits on ducks collectively are 6.

[8] Geese: In all States in the Flyway, the daily bag and possession limit may not include more than 1 Ross's goose; and the daily bag limit may not include more than 3 geese of the dark species: *Provided*, That in the States of Washington and Idaho, the daily bag limit is 3 geese and the possession limit is 6 geese; in the States of Arizona and Utah, in Clark County, Nevada, in the Idaho counties of Bear Lake, Bonneville, and Caribou, and in those portions of the States of Montana, Wyoming, Colorado, and New Mexico lying west of the Continental Divide, the daily bag or possession limit may not include more than 2 Canada geese or subspecies thereof; and in California Fish and Game District No. 22, the daily bag or possession limits may not include more than 1 Canada goose or subspecies thereof. No open season is prescribed on snow, blue, and Ross's geese in the Idaho counties of Clark, Madison, Fremont, and Teton.

[9] California: In that portion of the State lying east and north of a line beginning at the point where U.S. Highway 99 intersects the California-Oregon State line; thence south and east on U.S. Highway 99 to the junction with State Highway 89; thence south and east on State Highway 89 to the junction with Alternate U.S. Highway 40; thence south and east on Alternate U.S. Highway 40 to the point of intersection with the California-Nevada State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 8–Jan. 5. In this area the basic daily bag limit on ducks collectively is 4 and the possession limit is 8.

In those portions of San Bernardino, Riverside, and Imperial Counties lying east of a line beginning at the point where U.S. Highway 95 intersects the California-Nevada State line; thence south on U.S. Highway 95 to Blythe; thence south on the paved and graded road from Blythe through Ripley, Palo Verde, and Ogilby to the intersection with U.S. Highway 80; thence east on U.S. Highway 80 to the intersection with the California-Arizona State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 8–Jan. 5. In this area the basic daily bag and possession limits on ducks collectively are 5; and the daily bag limit on geese may not include more than 1 Canada goose or subspecies and the possession limit may not include more than 2 Canada geese or subspecies.

[10] Check State regulations for additional State restrictions.

3. A new § 10.54 is added to read as follows:

§ 10.54 Seasons and limits on lesser sandhill (little brown) cranes and whistling swan.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the areas open to hunting, the shooting hours, and the daily bag and possession limits on the species of migratory game birds designated in this section, are prescribed as follows:

(a) An open season for the taking of lesser sandhill (little brown) cranes of 30 consecutive days between Saturday, November 2, 1963, and Sunday, December 1, 1963, is prescribed in the New Mexico Counties of Lea, Chaves, Eddy, Curry, Roosevelt, Quay, and De Baca, and in that portion of the State of Texas lying west of a line from the International Toll Bridge in Del Rio, Val Verde County; thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County; thence northwesterly following U.S. Highway 87 to the junction with U.S. Highway 287 at Dumas, Moore County; thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma State line in Dallam County. The daily bag and possession limit is 2 lesser sandhill (little brown) cranes, and the shooting hours are from sunrise until sunset.

(b) A limited open season for the taking of whistling swans under permit is prescribed for the State of Utah subject to the following conditions: (1) Not more than 1,000 special permits will be issued which will authorize the permittee to take one (1) only whistling swan during the open season; (2) the open season dates and shooting hours will run concurrently with those prescribed for ducks in the State of Utah; and (3) the special permit forms will be furnished by the Bureau of Sport Fisheries and Wildlife to the Utah State Department of Fish and Game which will issue such permits without charge to those persons making written application for such permits: *Provided*, That if more than 1,000 applications for permits are received by the Utah Department of Fish and Game, a drawing will be held to determine which applicants shall be issued permits.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR, 1949–1953 Comp., p. 757)

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63–9475; Filed, Sept. 5, 1963; 8:45 a.m.]

PART 32—HUNTING

California and Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds for individual wildlife refuge areas.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

Public hunting of Upland Game Birds on the Lower Klamath National Wildlife Refuge, California and Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,890 acres or 40 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: California—November 23 and 24, 1963, for all refuge lands except Adm. Units 2 and 3. November 23 through December 8, 1963, Adm. Units 4, 7, 8 and 9. Shooting hours will be in accordance with State regulations.

(c) Daily bag limits: California—2 cocks. Oregon—3 cocks.

(d) Methods of hunting:

(1) Weapons: Shotgun only (not larger than 10 gauge and incapable of holding more than 3 shells) may be used.

(2) Dogs: Dogs, not to exceed two (2) in number, may be used for hunting upland game birds.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping: Camping permitted in designated areas only.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to December 9, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63–9532; Filed, Sept. 5, 1963; 8:46 a.m.]

PART 32—HUNTING

California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds for individual wildlife refuge areas.

CALIFORNIA

TULE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of Upland Game Birds on the Tule Lake National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,000 acres or 40% of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season:

1. November 23 through November 24, 1963, all refuge lands east of the Hill Road except that portion south of the center line in Secs. 19, 20, 21 and 22, T. 47 N., R. 4 E., and west of Dike A and the west boundary dike of the Sump 1B and headquarters area.

2. November 23 through December 8, 1963, League of Nations, a strip ¼ mile wide along the west boundary of the Frog Pond, the south half of the Panhandle buffer strip, and that portion of Sump 1A and the area east to Hill Road which is north of the center line in Secs. 19, 20, 21 and 22, T. 47 N., R. 4 E., except headquarters area. Shooting hours in accordance with State regulations.

(c) Bag limits: Two cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) may be used.

2. Dogs: Dogs, not to exceed two (2) in number, may be used for hunting upland game birds.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping: Camping permitted in designated areas only.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to December 9, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9533; Filed, Sept. 5, 1963; 8:46 a.m.]

PART 32—HUNTING

Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Public hunting of big game on the Charles M. Russell Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 900,000 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 13 through November 24, 1963, inclusive. Shooting hours—one-half hour before sunrise to one-half hour after sunset.

(c) Bag limits:

State fish and game area No.:
62—2 deer, either sex.
63—1 deer, either sex.
65—2 deer, either sex.
70NL—2 deer, either sex.
410—2 deer, either sex.

(d) Methods of hunting: 1. Weapons: As prescribed by State regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to November 25, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9534; Filed, Sept. 5, 1963; 8:46 a.m.]

PART 32—HUNTING

Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 **Special regulations; upland game birds; for individual wildlife refuge areas.**

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the McKay Creek National Wildlife Refuge, Oregon is permitted only on the area designated by signs as open to hunting. This open area, comprising 660 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, valley and mountain quail, chukar and Hungarian partridge.

(b) Open season: Pheasant—October 12 through November 24, 1963, quail, chukar and Hungarian partridge—October 12 through December 31, 1963. Shooting hours in accordance with State regulations.

(c) Bag limits: Peasants—3 cocks. Valley or mountain quail—10 (singly or in the aggregate). Chukar and Hungarian partridge—8 (singly or in the aggregate).

(d) Methods of hunting:

1. Weapons—Shotguns only may be used, not larger than 10 gauge and incapable of holding more than 3 shells.

2. Dogs—Dogs not to exceed two (2) per hunter, may be used for hunting pheasants.

3. Cars—No cars shall be permitted in the Refuge Public Hunting Area except at designated parking locations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Checking Stations—Hunters upon entering or leaving the hunting area shall report at such checking stations as may be established.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to January 1, 1964.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9535; Filed, Sept. 5, 1963; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN

Minimum Salary Requirements for Employees of a Retail or Service Establishment; Correction

The date contained in 29 CFR 541.5b (b) (28 F.R. 9506, August 30, 1963) which reads "September 3, 1963," is hereby corrected to read "September 30, 1963." As amended, this paragraph shall read as follows:

§ 541.5b **Minimum salary requirements for employees of a retail or service establishment.**

* * * * *

(b) For the period beginning September 30, 1963, and terminating September 2, 1965, the minimum salary rate for an executive or administrative employee of a retail or service establishment shall be not less than $80 per week ($55 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa); the minimum salary rate for a professional employee of a retail or service establishment shall be not less than $95 per week ($75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa); and for an executive administrative or professional employee of a retail or service establishment the minimum salary rate for purposes of the final paragraph of § 541.1, 541.2 or 541.3, respectively, shall be not less than $125 per week.*

Signed at Washington, D.C., this 3d day of September 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-9549; Filed, Sept. 5, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Records; Disposition; Notice of Proposed Rule Making

In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that, pursuant to the authority contained in section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Agricultural Marketing Service proposes to amend § 201.50 of the regulations under the Packers and Stockyards Act (9 CFR 201.50) in order to relieve stockyard owners, market agencies, dealers, and licensees from the requirement of obtaining the written consent of the Director of the Packers and Stockyards Division to destroy or dispose of certain records which contain, explain, or modify transactions in their business under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

It is proposed to amend § 201.50 of the regulations under the Packers and Stockyards Act to read as follows:

§ 201.50 **Records; disposition.**

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, no stockyard owner, market agency, dealer, or licensee shall, without the consent in writing of the Director, destroy or dispose of any books, records, documents, or papers which contain, explain, or modify transactions in his business under the Act.

(b) Every stockyard owner, market agency, dealer, or licensee may destroy or dispose of the following categories of records after they have been retained for a period of two full calendar years:

STOCKYARD OWNERS

All feed records.
Dipping and spraying orders.
Vaccinating and testing orders.
Routine correspondence.
Railroad advance charges.
Bills to commission firms and others.
Records of shipments by States and markets.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Railroad in-bound records.
Truck-in receipt records.
Delivery records.
Yarding receipts.
Pass-out and delivery orders.
Truck shipping orders.
Railroad shipping orders.
Scale yarding records.
Scale tickets.

MARKET AGENCIES

Scale tickets.
Bills from stockyard company.
Bills for livestock purchased.
Gate tickets.
Routine correspondence.
Way-bills and truckers tickets.
Accounts of sales.
Accounts of purchases.
Bills and invoices to buyers.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.

DEALERS

Bills from stockyard company.
Bills for livestock purchased.
Accounts of sales.
Routine correspondence.
Bills to purchasers.
Scale tickets.
Deposits slips.
Bank statements.
Cancelled checks and drafts.

LICENSEES (COMMISSION MERCHANTS)

Invoice or receiving tickets.
Scale tickets–charge tickets.
Account of sales.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Bills to purchasers.
Lists of accounts receivable.
Routine correspondence.

LICENSEES (DEALERS)

Purchase statements to shippers.
Contracts with shippers.
Bills from receivers.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Sales tickets–charge tickets.
Routine correspondence.

(c) The two year period specified in paragraph (b) of this section shall be extended if necessary to comply with any Federal, State, or local law, or if the stockyard owner, registrant, or licensee is notified in writing by the Director that specified records should be retained pending the completion of any investigation or proceeding under the Act.

Any person who wishes to submit suggestions for inclusion of accounts, records, or memoranda not already specified in proposed paragraph (b) of § 201.50 or other data or views pertaining to the proposal may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., prior to October 10th, 1963.

Done at Washington, D.C., this 30th day of August 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63-9560; Filed, Sept. 5, 1963; 8:48 a.m.]

[7 CFR Part 362]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture, pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d), is considering the revision of the regulations for the enforcement of the Act (7 CFR 362.1 et seq.).

The revision, in general, would strengthen the regulations with respect to labeling requirements, conform the regulations with interpretations and policies followed in administration of the Federal Insecticide, Fungicide, and Rodenticide Act, and clarify certain provisions of the regulations. The principal specific changes that would be made are indicated below.

The use of an appropriate foreign language version of the label, in addition to the English version, would be permitted in areas of the United States where such language is spoken. The requirements regarding legibility and placement of labels are clarified in that specifications regarding size of type to be used in connection with required warnings or cautions are set forth, and provisions are made that the ingredient statement, required warnings or cautions, and designated signal words shall appear on the front part of the label or that part of the label displayed under customary conditions of purchase unless otherwise authorized by the Director. Provision is made that economic poisons shall bear the statement "Keep out of reach of children" and such a signal word as the Director may prescribe. Any claims such as "Safe," "Non-poisonous," "Non-toxic," "Non-injurious," or "Harmless" would not be permitted on the labeling.

The provision concerning determination of economic poisons highly toxic to man reflects certain strengthening of the testing procedures and specifies the number and type of laboratory animals to be used. Provision is also made that registration of any economic poison may be refused if, in the opinion of the Director, directions or warnings cannot be written which would when followed prevent injury to the general public.

The regulation dealing with the handling of experimental compounds is clarified in that authority is provided for the Director to refuse a permit for shipment of an experimental compound for any use that might result in residues on food or feed unless a tolerance or an exemption from the need of a tolerance has been established by the Food and Drug Administration. The revision further provides for certain other restrictions on issuance of experimental permits.

It is proposed to revise the regulations to read as follows:

GENERAL

§ 362.1 **Words in singular form.**

Words used in the singular form in this subpart shall include the plural, and vice versa, as the case may require.

§ 362.2 Terms defined.

Terms used in this subpart shall have the meanings set forth for such terms in the Act. In addition, as used in this subpart, the following terms shall have the meanings stated below:

(a) *Act.* "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

(b) *Director.* "Director" means the Director of the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, or any officer or employee to whom he has heretofore lawfully delegated or to whom he may hereafter lawfully delegate the authority to act in his stead.

(c) *Official inspector.* "Official inspector" means any employee or agent of the Department of Agriculture or the Treasury Department authorized by the Director or by the Secretary of the Treasury to make investigations in connection with enforcement of the Act.

(d) *Vertebrate animals.* "Vertebrate animals" means all species of the subphylum vertebrata including domestic vertebrates and vertebrate species of fish and wildlife.

(e) *Invertebrate animals.* "Invertebrate animals" means all forms of animal life other than vertebrate animals, including both domestic and wild species.

§ 362.3 Administration.

The Director is authorized to take such action as, in his discretion, may be necessary in the administration and enforcement of the Act and the regulations in this part.

LABELING

§ 362.4 Labeling required.

Every economic poison shall bear a label containing the information specified in the Act and the regulations in this part.

§ 362.5 Language to be used.

All statements, words, and other information required by the Act or the regulations in this part to appear on the label or labeling of any economic poison shall be in the English language: *Provided,* That shipments of articles intended solely for sale in foreign countries may bear labels or labeling in the appropriate foreign language. The Director may permit the use of an appropriate foreign language version of the label or labeling in addition to the English version on products intended for distribution in areas of the United States where a large percentage of the population does not speak English.

§ 362.6 Labeling.

(a) *Contents of label and labeling.* The label of every economic poison must show, clearly and prominently, the name, brand or trademark under which the product is sold; the name and address of the manufacturer, registrant, or person for whom manufactured; the net contents as prescribed in paragraph (d) of this section; an ingredient statement as prescribed in § 362.7, and an appropriate warning or caution statement as prescribed in § 362.9. The label or labeling of every economic poison must bear directions for use which are necessary and if complied with, adequate for the protection of the public.

(b) *Placement of label.* The label shall appear on the economic poison or the immediate container thereof. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read by a person with normal vision, the label must also appear on such outside wrapper or container if it is a part of the retail package. The label need not appear on shipping containers from which the retail package will be removed prior to being displayed or offered for retail sale.

(c) *Name and address of manufacturer, distributor, packer, formulator, or registrant.* An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom the economic poison was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for * * *," "Distributed by * * *," or "Sold by * * *" to show that the name is not that of the manufacturer. If a person has two or more locations at which an economic poison is manufactured or packaged, or from which it is distributed, the name and address of the person's principal office will be acceptable except in cases where the Director determines that the address of the exact location is necessary for the protection of the public. The address of the manufacturer, registrant, or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

(d) *Name, brand, or trade-mark of economic poison.* The name, brand, or trade-mark of the economic poison, appearing on the label shall be that under which the economic poison is registered.

(e) *Net content.*

(1) The net content shall be exclusive of wrappers or other material, and shall be deemed to be average content unless stated as a minimum quantity.

(2) Net content shall be stated in the terms of weight or measure in general use by consumers and users of the type of economic poison to give accurate information as to the quantity of the economic poison. If there is no general use, the net content statement shall be in terms of liquid measure if the product is a liquid, and in terms of weight if it is solid, semi-solid, viscous, or a mixture of liquid and solid. Statements of liquid measure shall be in terms of the United States, gallon, quart, pint, and fluid ounce at 68° F. The statements of weight shall be in terms of avoirdupois pound and ounce. All statements of net content shall be in terms of the largest unit present.

(3) If the contents are stated as a minimum quantity, variation below the stated quantity is not permissible and variation above shall not be unreasonably large.

(4) If the contents are not stated as a minimum quantity, variation shall be permitted only to the extent that it represents deviations unavoidable in good packing practice. The average quantity in the packages in a shipment shall not fall below the average quantity stated, nor shall there be any unreasonable variation from the average in the contents of any package.

(f) *Legibility of label and labeling.* All words, statements, graphic representations, or designs required by the regulations in this part to appear on the label or labeling must be clearly legible and easy to read by a person with normal vision. The signal word and the statement "Keep out of reach of children" prescribed in § 362.9(a) shall be of a size bearing a reasonable relationship to the other type on the front part of the label and to the size of the container. The signal word shall not be less than 18 point type and the said warning statement shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type sizes in which case the Director shall prescribe the type sizes. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than is necessary and in no event to a size smaller than 6 point type.

§ 362.7 Ingredient statement.

(a) *Location of ingredient statement.* The ingredient statement must appear on the front panel or that part of the label displayed under customary conditions of purchase, except in rare cases where the Director determines that, due to the size or form of the container, a statement on that portion of the label is impracticable, and permits such statement to appear on another side or panel of the label. Regardless of the placement of the ingredient statement on the label, it shall be sufficiently prominent and in type size which can be easily read by a person with normal vision. The ingredient statement must run parallel with other printed matter on the panel of the label on which it appears and must be on a clear contrasting background not obscured or crowded.

(b) *Names of ingredients.* The common name of each of the listed ingredients must be given or, if an ingredient has no common name, the correct chemical name as accepted by the editors of "Chemical Abstracts" published by the American Chemical Society. If there is no common name and the chemical composition is complex, the Director may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the Director may prescribe the terms under which it may be used. A trade-mark or trade name shall not be used as the name of an ingredient except when it has become a common name.

(c) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

(d) *Designation of ingredients.*

(1) Active ingredients and inert ingredients shall be so designated, and the term "inert ingredients" shall appear in the same size type and be equally as prominent as the term "active ingredients."

(2) If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively, be shown in the descending order of the percentage of each present in each classification and the name of each ingredient shall be given equal prominence.

(e) *Active ingredient content.* As long as an economic poison is subject to the Act the percentages of active ingredients in the economic poison shall be those declared in the ingredient statement.

§ 362.8 Economic poisons highly toxic to man.

Oral toxicity and inhalation toxicity tests shall be conducted on both rodent and nonrodent species of animals. Skin absorption toxicity tests shall be conducted on rabbits, unless testing on another species of animal is authorized by the Director. Economic poisons which fall within any of the following categories when tested on laboratory animals as specified in this section, are highly toxic to man or contain substances or quantities of substances highly toxic to man within the meaning of the Act (such economic poisons being hereinafter in this part referred to as economic poisons highly toxic to man): *Provided, however,* That the Director may, upon application and after opportunity for hearing, exempt any economic poison which is in any of these categories, but which is not in fact highly toxic to man, from the requirements of the Act and the regulations in this part with respect to economic poisons highly toxic to man:

(a) *Oral toxicity.* Economic poisons which produce death within 14 days in half or more than half of the test animals of either species at a dosage of 50 milligrams at a single dose, or less, per kilogram body weight when administered orally to ten or more animals of the rodent species, such as, rats, mice, rabbits, or guinea pigs, and eight or more of a non-rodent species, such as dogs or cats.

(b) *Toxicity on inhalation.* Economic poisons which produce death within 14 days in half or more than half of the test animals of either species at a dosage of 2,000 micro-grams of a dust or mist product per liter of air, or 200 parts per million by volume of a gas or vapor, when administered by continuous inhalation for one hour or less to ten or more animals of the rodent species, such as rats, mice, rabbits, or guinea pigs, and eight or more of a non-rodent species, such as dogs or cats.

(c) *Toxicity by skin absorption.* Economic poisons which produce death within 14 days in half or more than half of the test animals tested at a dosage of 200 milligrams or less per kilogram of body weight when administered by continuous contact with the bare skin for 24 hours or less to ten or more animals.

(d) *Toxicity based on human experience.* If the Director finds, after opportunity for hearing, that available data on human experience with any economic poison indicate a toxicity greater than that determined from the above described tests on animals, the human data shall take precedence and, if he finds that the protection of the public health so requires, the Director shall declare such an economic poison to be highly toxic to man for the purposes of this Act and the regulations thereunder.

§ 362.9 Warning or caution statement.

Warning or caution statements, which are necessary to prevent injury to living man and useful vertebrate animals, useful vegetation, and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in nontechnical language the particular hazard involved in the use of the economic poison, e.g., ingestion, skin absorption, inhalation, inflammability or explosion, and the precautions to be taken to avoid accident, injury, or damage.

(a) The label of every economic poison shall bear warnings or cautions which are necessary for the protection of the public, including the statement, "Keep out of reach of children," and a signal word such as "Poison," "Danger," "Warning," or "Caution" as the Director may prescribe, on the front panel or that part of the label displayed under customary conditions of purchase: *Provided, however,* The Director may permit reasonable variations in the placement of that part of the required warnings and cautions other than the statement "Keep out of reach of children" and the required signal word, if in his opinion such variations would not be injurious to the public. If an economic poison is marketed in channels of trade where the likelihood of contact with children is extremely remote, the Director may waive the requirement of the statement "Keep out of reach of children" if in his opinion such a statement is not necessary to prevent injury to the public.

(b) The label of every economic poison which is highly toxic to man as described in § 362.8 shall bear the word "Poison" in red on a contrasting background in immediate proximity to the skull and crossbones and an antidote statement including directions to call a physician immediately, on the front panel or that part of the label displayed under customary conditions of purchase: *provided, however,* The Director may permit reasonable variations in the placement of the antidote statement if some reference such as "See antidote statement on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

REGISTRATION

§ 362.10 Registration.

(a) *Eligibility.* Any manufacturer, packer, seller, distributor, or shipper of an economic poison is eligible to apply for registration of such economic poison.

(b) *Effect of registration.* If an economic poison is registered under the Act no further registration under the Act by other persons is required: *Provided,* That—

(1) The product is in the manufacturer's or registrant's original unbroken immediate container; and

(2) The claims made for it and the directions for its use do not differ from the representations made in connection with registration; and

(3) The product contains the labeling accepted in connection with registration or otherwise complies with the Act.

(c) *Procedure for registration.* Applications for registration should be addressed to Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250. Application forms will be furnished upon request. All applications for registration shall be accompanied by duplicate copies of the proposed labeling, including all printed or graphic matter which is to accompany the economic poison at any time and, if requested by the Director, a full description of the tests made and the results thereof upon which the claims for the economic poison are based, together with such other information as may be necessary to assure compliance with the Act and the regulations in this part. If any part of the proposed labeling submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. Applications should be submitted as far in advance as possible, and at least 30 days, before it is desired that registration take effect. However, the period of time required to process applications to determine the adequacy of the proposed labeling may exceed 30 days in some cases. Applications which require consultation with other governmental agencies will take a longer period of processing. No fees are charged for registration.

(d) *Effective date of registration.* Registration of an economic poison shall become effective on the date the notice of registration is issued.

(e) *Responsibility of a registrant.* The registrant is responsible for the accuracy and completeness of all information submitted in connection with his application for registration of an economic poison.

(f) *Changes in labeling or formulas.*

(1) Changes in the labeling or changes in the formula of a registered economic poison must be submitted in advance to the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250. The registrant must describe the exact changes desired and the proposed effective date and, upon request, shall submit a description of tests which justify such changes.

(2) After the effective date of a change in labeling or formula, the product shall be marketed only under the new claims or formula: *Provided, however,* The Director may permit a reasonable time for the disposition of stocks of the discontinued product, if in his opinion such an extension would not endanger the public.

(g) *Claims must conform to registration.* Claims made for an economic poison must not differ from representations made in connection with registra-

tion, including representations with respect to effectiveness, ingredients, directions for use, or pests against which the product is recommended.

(h) *Duration of registration.* If at any time it does not appear to the Director that the economic poison is such as to warrant the proposed claims for it or if the economic poison and its labeling and other material required to be submitted do not comply with the provisions of the Act, the Director shall notify the registrant of the facts involved and afford him an opportunity to correct the labeling so as to comply with the Act. If after a reasonable period of time, the registrant has not corrected the labeling, the Director may cancel the registration under the provisions of section 4c of the Act. Unless canceled in accordance with this paragraph or with the acquiescence of the registrant, or unless continued in effect in accordance with the provisions of paragraph (i) of this section, the registration of an economic poison shall be cancelled at the end of a period of five years following the date of registration of such economic poison, or at the end of five years following the date of any subsequent registered change in formula or labeling, or at the end of five years following the date of any continuance of registration pursuant to paragraph (i) of this section: *Provided, however,* That prior to any such cancellation the Pesticides Regulation Division shall send to the registrant a notice of intent to cancel, and, in the event such notice is not sent to the registrant 30 days prior to the expiration of the five-year period, the registration shall remain in effect until 30 days following the date such notice has been sent to the registrant at his latest address submitted to the Pesticides Regulation Division.

(i) *Continuance of registration.* If a registrant desires to continue the registration in effect, he shall notify the Pesticides Regulation Division in writing and it shall be continued in effect under the same terms as the original registration: *Provided, however,* That if, on the basis of information available at the time, it appears that the product or its labeling fails to comply with the Act, the registrant shall be so notified and afforded the opportunity to make the necessary corrections. If the corrections are not made, registration will be cancelled as provided in section 4c of the Act.

(j) *Limitations on registrations.* The Director may refuse to register any economic poison or any specific use thereof, if in his opinion, directions and warnings cannot be written which will, when followed, prevent injury to the general public. If, however, such an economic poison is proposed for certain acceptable uses, the Director may require the label to bear a warning against specific unacceptable uses such as in the home or home garden.

GUARANTEES

§ 362.11 Guarantee of economic poison.

(a) *By whom given; Effect of guarantee.* Any manufacturer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells an economic poison a guarantee that the economic poison was lawfully registered at the time of sale and delivery to such person, and that the economic poison complies with all the requirements of the Act and of the regulations in this part. The Act provides that penalties for violation of section 3a of the Act shall not apply to a person who establishes that he has received a guarantee as specified in the Act.

(b) *Reference to guarantee.* No reference to a guarantee or suggestion that such a guarantee has been given shall be made in the labeling of any economic poison.

(c) *Contents of guarantee.* In order to afford effective protection, each guarantee must:

(1) Be signed by and contain the name and address of the person giving it; and

(2) State that the economic poison was lawfully registered at the time of sale and delivery and that it complies with all other requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(d) *Scope of guarantee.* A guarantee may be (1) limited to a specific shipment or other delivery of a product, in which case it shall be a part of or attached to the invoice or bill of sale covering such shipment or delivery, or (2) general and continuing, in which case, in its application to any shipment or other delivery of a product it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guarantee.

(e) *Expiration of guarantee.* Any guarantee shall expire when the product is repacked or relabeled by the purchaser or when it becomes in violation of the Act or the regulations in this part after shipment or other delivery by the person who gave such guarantee.

(f) *Forms of guarantee.* The following are suggested forms of guarantee:

(1) *Limited form for use on invoice or bill of sale.*

---------- hereby guarantees
(Name of guarantor)
that the economic poison herein listed is lawfully registered with the Secretary of Agriculture and that the same complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(Signature and post office address of guarantor)

(Date)

(2) *General and continuing form.*

The economic poisons comprising each shipment or other delivery hereafter made by ----------, to or on the order of
(Name of guarantor)
---------- are hereby
(Name and address of person receiving guarantee)
guaranteed to be lawfully registered with the Secretary of Agriculture and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

(Signature and post office address of guarantor)

(Date)

COLORATION OF ECONOMIC POISONS

§ 362.12 Coloration and discoloration.

The white economic poisons hereinafter named shall be colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Maryland.

(a) *Coloring agent.* The coloring agent must produce a uniformly colored product not subject to change in color beyond the requirements specified in the regulations in this part during ordinary conditions of marketing or storage, and must not cause the product to be ineffective or result in its causing damage when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more then 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(d) *Exceptions.*

(1) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the Director, after opportunity for hearing, may permit other hues to be used for any particular purpose if he determines that use of the prescribed hues is not feasible for such purpose and that such action will not be injurious to the public.

(2) Any economic poison specified in this part which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dyer as a mothproofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric may be exempted by the Director from the requirements of section 3a(4) of the Act and the requirements of this section.

(3) The economic poison sodium fluoride shall be exempt from the requirements of section 3a(4) of the Act and paragraph (c) of this section when (i) it is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods; (ii) coloration of the economic poison in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods; (iii) the economic poison will not be present in such finished goods in sufficient quantities to cause injury to any person; and (iv) the economic poison will not come into the hands of the public except after incorporation into such finished goods.

ADULTERATION AND MISBRANDING

§ 362.13 Adulteration.

An economic poison is adulterated if, upon analysis, it is found that any active ingredient listed on the label is not present in the amount represented in the ingredient statement; or if it is found that any ingredient has been added which will affect the effectiveness of the product as an economic poison and will increase its toxicity.

§ 362.14 Misbranding.

An economic poison or device is misbranded if the article or its labeling is false or misleading to the public in any particular.

(a) Examples of false or misleading representations in the labeling of an economic poison or device which render it misbranded are the following:

(1) A false or misleading statement concerning composition of the product.

(2) A false or misleading statement concerning the effectiveness of the product as an economic poison or device.

(3) A false or misleading statement about the value of the product for purposes other than as an economic poison or device.

(4) A false or misleading comparison with other economic poisons or devices.

(5) A false or misleading representation as to the safety of the economic poison or its ingredients, including a statement such as "Safe," "Non-poisonous," "Non-toxic," "Non-injurious," or "Harmless" with or without such a qualifying phrase as "When used as directed."

(6) Any statement directly or indirectly implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government.

(7) The name of an economic poison which contains two or more principal active ingredients if it suggests the name of one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling.

(8) Prominent reference in the labeling to one or more active ingredients without giving their percentages in immediate proximity thereto or without giving equal prominence to the other active ingredients or to the inert ingredients.

(9) A true statement used in such a way as to give a false or misleading impression to the purchaser.

(b) *Justification of false and misleading statements not permitted.*

(1) The use of any false or misleading statement on any part of the labeling, given as the statement or opinion of any person or based upon such statement or opinion, shall not be justified by the fact that the statement or opinion is actually that of such person.

(2) The use of a false or misleading statement in the labeling cannot be justified by an explanatory statement.

ENFORCEMENT

§ 362.15 Enforcement.

(a) *Collection of samples.* Samples of economic poisons and devices shall be collected by official inspectors or by any employee of the Federal Government, or of a State or Territory, or political subdivision thereof who has been duly designated as an official inspector by the Director.

(b) *Examination of samples.* Methods of examination of samples shall be those adopted and published by the Association of Official Agricultural Chemists, where applicable, or such other methods as the Director may find necessary to determine whether the product complies with the law.

(c) *Notice of apparent violation.*

(1) If, from an examination or analysis, an economic poison or device appears to be in violation of the Act, a notice in writing shall be sent to the person against whom criminal proceedings are contemplated, giving him 20 days within which to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the Act and the regulations thereunder.

(2) Any such person may, in addition to his reply to such notice, file within 20 days of its receipt a written request for an opportunity to present his views orally in connection therewith.

(3) No notice or hearing is required prior to the seizure of any economic poison or device.

§ 362.16 Notices of judgment.

Publication of notices of judgments of the courts in cases arising under the criminal or seizure provisions of the Act shall be made in the form of notices, circulars, or bulletins as the Director may prescribe.

PERMITS FOR EXPERIMENTAL USE

§ 362.17 Shipments for experimental use.

(a) *Articles for which no permit is required.*

(1) A substance or mixture of substances being put through tests in which the purpose is only to determine its value for economic poison purposes or to determine its toxicity or other properties, and where the user does not expect to receive any benefit in pest control from its use, is not considered an economic poison within the meaning of section 2a of the Act. Therefore, no permit under the Act is required for its shipment.

(2) An economic poison shipped or delivered for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons shall not be subject to the provisions of the Act and the regulations in this part.

(b) *Articles for which permit is required.*

(1) An economic poison shipped or delivered for experimental use by qualified persons but not under the supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons, for which a permit has been issued by the Director pursuant to the provisions of this section, shall otherwise be exempt from the provisions of the Act and of the regulations in this part. Permits will be of two types, specific and general. A specific permit will be issued to cover a particular shipment on a specified date to a named person. A general permit will be issued to cover more than one shipment over a period of time to different persons.

(2) If an economic poison is to be tested for a use which is likely to result in a residue on or in food or feed, a permit for shipment will be issued only when:

(i) The food or feed product will not be used for food or feed except for laboratory or experimental animals, or

(ii) Sufficient data are submitted to show that no illegal residue will be present on food or feed derived from the experimental program or

(iii) A tolerance or exemption from the need of a tolerance, or a temporary tolerance or a temporary exemption from the need of a tolerance, has been established by the Food and Drug Administration to cover any detectable residue which may be present on food or feed derived from the experimental program.

(3) A permit for shipment of any experimental economic poison for testing in any place likely to be frequented by people will be granted only if it is clearly shown in the application for such permit that the applicant's instructions for use reasonably assure the avoidance of injury to all persons concerned.

(4) All applications for permits covering shipments for experimental use shall be filed in duplicate with the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, and must be signed by the shipper and must contain the following:

(i) Name and address of the shipper and place or places from which the shipment will be made.

(ii) Proposed date of shipment or proposed shipping period not to exceed one year.

(iii) A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

(iv) A statement of the approximate quantity of material to be shipped.

(v) Available data or information, or reference to available data or information, on the toxicity of the economic poison.

(vi) A statement of the nature of the proposed experimental program, including designation of the type of pests or organisms to be experimented with, the crops or animals on which the economic poison is to be used, a statement of the dates during which the proposed experimental program will be conducted, and the states or geographical areas where it is proposed to conduct the program, and including the results of previous tests where necessary to justify the issuance of a permit for the quantity requested.

(vii) An affidavit to the effect that food or feed derived from the experimental program will not be used or offered for consumption or sale for consumption, except by laboratory or experimental animals until acceptable analytical data are furnished to the Department to show that no residues are present in or on such food or feed or that the residues present are within the tolerance or temporary tolerance limits

established by the Food and Drug Administration.

(viii) The percentage of the total quantity of material specified under subdivision (iv) of this subparagraph which will be supplied without charge to the user.

(ix) A statement that the economic poison is intended for experimental use only.

(x) Proposed labeling which must bear (*a*) the prominent statement "For Experimental Use Only" on the container label and any accompanying circular or other labeling, (*b*) a warning or caution statement if in the opinion of the Director it is necessary, which statement shall, if complied with, be adequate in his opinion, for the protection of those who may handle or be exposed to the experimental formulations, (c) the name and address of the applicant for the permit, (*d*) the name or designation of the formulation, and (*e*) an ingredient statement as prescribed in § 362.7.

(5) The Director may limit the quantity of economic poison covered by a permit to such less quantity than requested as he may determine if the available information on effectiveness, or toxicity or other hazards, is not sufficient to justify the scope of experimental use proposed in the application, or may make such other limitations in the permit as he may determine to be necessary for the protection of the public.

(6) An economic poison shipped under a permit shall not be offered for general retail sale.

(c) *General permit for economic poisons for experimental use which are also subject to the new drug requirements of the Federal Food, Drug, and Cosmetic Act.*

(1) Notwithstanding the provisions of paragraph (b) of this section, a general permit is hereby issued under section 7.a.(4) of the Act to the manufacturers and shippers of economic poisons for experimental use only, to ship such economic poisons: *Provided*, (i) That the product is a "new drug" within the meaning of section 201(p) and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 321(p) and sec. 355); (ii) That it is subject to, and the manufacturer or shipper complies with, the provisions of section 505(i) of said Act (21 U.S.C. sec. 355(i)) and § 130.3 of the regulations (21 CFR 130.3) thereunder; and (iii) That the documents referred to in said § 130.3 shall be made available for inspection upon the request of any officer or employee of the Agricultural Research Service of the United States Department of Agriculture at any reasonable time within three years after the introduction of the product into interstate commerce.

(2) The general permit referred to in the preceding paragraph shall apply only insofar as the experimental uses are for drug purposes within the meaning of the Federal Food, Drug, and Cosmetic Act. It shall not apply to other experimental uses even though the product may be intended for both drug and nondrug uses.

(d) *Cancellation of permits.* Any permit for shipment for experimental use may be canceled at any time for any violation of the terms thereof or if it shall appear to the Director that the permit should be canceled for the protection of the public.

DECLARATION OF PESTS

§ 362.25 Forms of plant and animal life and viruses declared to be pests.

(a) Each of the following forms of plant and animal life and viruses is declared to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances:

Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;
Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;
Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;
Amphibians and reptiles, including but not limited to poisonous snakes;
Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;
Roots and other plant parts growing where not wanted;
Viruses, other than those on or in living man or other animals.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed revision of the regulations may do so by filing them with the Director, Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 60 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of September 1963.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63-9541; Filed, Sept. 4, 1963; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

GRATED AMERICAN CHEESE FOOD

Notice of Proposal To Amend Standard of Identity

The standard of identity for grated American cheese food (21 CFR 19.790) was promulgated by an order ruling on proposals filed by the Borden Company, New York, New York (22 F.R. 4323). Before this order became effective, Kraft Foods Division of National Dairy Products Corporation filed objections to essential provisions in the standard and requested a public hearing. The order was stayed in its entirety (22 F.R. 7783). The Borden Company, on the basis of the analogy of grated American cheese food to pasteurized process cheese food (21 CFR 19.765), now petitions to have § 19.790, the standard of identity for grated American cheese food, amended as follows:

1. By changing the basis and the minimum percentage, as set out in paragraph (a) of § 19.790, for prescribing the milk fat requirement from 28 percent on the dry solids basis to 23 percent on the over-all weight of the finished food basis.

2. By changing the listing of optional ingredients as set out in paragraph (c) of § 19.790 to include dried whey and those emulsifying ingredients and acidifying ingredients permitted by paragraph (e)(1) and (2) of § 19.765 to be used in pasteurized process cheese food.

The attorney for the Kraft Foods Division, having been advised of the amendments proposed by the Borden Company, has withdrawn Kraft's objections and the request for a hearing.

Since the amendments now proposed by the original petitioner meet the exceptions of the parties filing objections, it is concluded that no purpose will be served by scheduling a public hearing on the objections. Accordingly, under authority of the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and pursuant to the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that it is proposed to amend paragraphs (a)(2) and (c) of the standard of identity for grated American cheese food. As amended, § 19.790 will read as follows:

§ 19.790 Grated American cheese food: identity; label statement of optional ingredients.

(a) (1) Grated American cheese food is the food prepared by mixing, with or without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (b) of this section, with one or more of the optional ingredients prescribed in paragraph (c) of this section, into a uniformly blended, partially dehydrated, powdered or granular mixture.

(2) Grated American cheese food contains not less than 23 percent of milk fat, as determined by the methods prescribed in § 19.500(c).

(b) The optional cheese ingredients referred to in paragraph (a) of this section are cheddar cheese, washed curd cheese, colby cheese, and granular cheese.

(c) The other optional ingredients referred to in paragraph (a) of this section are:

(1) Nonfat dry milk.
(2) Dried whey.
(3) An emulsifying agent consisting of one or any mixture of two or more of the emulsifying ingredients named in § 19.765(e)(1), of this chapter, in such quantity that the weight of the solids thereof is not more than 3 percent of the weight of the grated American cheese food.
(4) An acidifying agent consisting of one or more of the acid-reacting ingredients named in § 19.765(e)(2) of this chapter.
(5) Salt.
(6) Artificial coloring.

(d) (1) The label of grated American cheese food shall bear the common name of the optional ingredients used as prescribed in paragraphs (b) and (c) (1), (2), (3), (4), and (5) of this section, except that the cheese ingredient may be designated as "American cheese."

(2) If artificial coloring is used, the label shall bear the statement "artificially colored" or "contains artificial color."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 30, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9546; Filed, Sept. 5, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-10]

CONTROL ZONES, CONTROL AREA EXTENSION, AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Red Bluff, Calif., terminal area:

1. The Red Bluff control zone is designated as that airspace within a 5-mile radius of Red Bluff Municipal (Bidwell) Airport.

2. The Redding, Calif., control zone is designated within a 5-mile radius of Redding Municipal Airport, and within 2 miles each side of the Redding VOR 186° True radial, extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch. This control zone is effective from 0600 to 2100 hours, local time, Monday through Saturday and from 1100 to 2100 hours, local time, Sunday.

3. The Red Bluff control area extension is designated within a 25-mile radius of the Red Bluff VORTAC; within 12 miles southwest and 12 miles northeast of the Red Bluff VORTAC 291° True radial extending from the 25-mile radius area to 50 miles northeast of the VORTAC, and within 12 miles southwest and 12 miles northeast of the Red Bluff VORTAC 342° True radial extending from the 25-mile radius area to 70 miles northwest of the VORTAC.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Red Bluff area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Red Bluff control zone by redesignating it to comprise that airspace within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15'' N., longitude 122°14'50'' W.), and within 2 miles west and 2.5 miles east of the Red Bluff VORTAC 163° True radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

2. Alter the Redding control zone by redesignating it to comprise that airspace within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35'' N., longitude 122°17'30'' W.), and within 2 miles each side of the Redding VOR 192° True radial, extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00'' N., longitude 122°22'35'' W.). This control zone would be effective from 0600 to 2100 hours, Monday through Saturday and from 1100 to 2100 hours, Sunday.

3. Revoke the Red Bluff control area extension and designate the Red Bluff transition area to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35'' N., longitude 122°17'30'' W.); and within 2 miles each side of the Redding VOR 192° True radial, extending from the 5-mile radius zone to 10 miles south of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00'' N., longitude 122°22'35'' W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° True radial, extending from the 20-mile radius area to 52 miles northwest of the VORTAC; within 9 miles west and 10 miles east of the Red Bluff VORTAC 342° True radial, extending from the 20-mile radius area to 67 miles north of the VORTAC, and within 10 miles west and 6 miles east of the Red Bluff VORTAC 015° True radial, extending from the 20-mile radius area to 56 miles north of the VORTAC. The floors of the airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, realign the Redding control zone south extension on the Redding VOR 192° True radial to coincide with the final approach course specified by the VOR instrument approach procedure. The Red Bluff control zone would be altered by adding a control zone extension south of Red Bluff to provide protection for aircraft executing prescribed VOR and radio range instrument approach procedures at Bidwell Airport. The portion of the proposed Red Bluff transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Redding Airport during the time the Redding control zone is not effective. The portion of the proposed transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the higher portions of prescribed instrument approach, departure, holding and radar vectoring procedures within the Red Bluff terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 30, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9525; Filed, Sept. 5, 1963; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-WA-61]

JET ROUTE

Proposed Revocation

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 33 is presently designated from Lake Charles, La., to Kansas City, Mo., via Shreveport, La., and Springfield, Mo. The FAA is considering the revocation of this jet route. An FAA IFR peak-day airway traffic survey for the period July 1, 1962, through June 30, 1963, shows only one movement on J-33. Therefore, it appears that the retention of J-33 is unjustified as a route assignment within the continental control area. Accordingly, the FAA proposes to revoke J-33 in its entirety.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 30, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9526; Filed, Sept. 5, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-22]

TRANSITION AREA

Alteration of Proposal; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on June 4, 1963 (28 F.R. 5480) it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Plainview, Tex.

Subsequent to the publication of the notice, a review of the controlled airspace requirements in the Plainview terminal area indicates a requirement for a 700-foot floor transition area within a 5-mile radius of the Hale County Airport in addition to the 1,200-foot floor area proposed in the notice. This additional controlled airspace would provide protection for aircraft executing prescribed approach and departure procedures below 1,500 feet above the surface at the Hale County Airport. In addition, revision of prescribed holding procedures requires alteration of the proposed 1,200-foot area by deleting that portion based on the Lubbock, Tex., VORTAC 008° True radial and substituting the Plainview VOR 006° and 186° True radials. No change would be made to the Plainview control zone.

Accordingly, the notice is hereby amended to propose the Plainview transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport (latitude 34°10'10'' N., longitude 101°43'00'' W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles west and 5 miles east of the Plainview VOR 354° and 174° True radials, extending from 7 miles south to 13 miles north of the VOR; within 8 miles southeast and 5 miles northwest of the Plainview VOR 214° and 034° True radials, extending from 7 miles northeast to 13 miles southwest of the VOR; and within 8 miles west and 5 miles east of the Plainview VOR 006° and 186° True radials, extending from 7 miles south to 13 miles north of the VOR.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this supplemental notice.

Communications should be submitted to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 30, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9526; Filed, Sept. 5, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 1928]

AIRWORTHINESS DIRECTIVES

Bendix Type 9054 Fuel Flow Transmitters

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator by amending Airworthiness Directive 63-9-1, Amendment 560, 28 F.R. 4164, requiring replacement or modification of Bendix (Eclipse-Pioneer) Type 9054 fuel flow transmitters because of magnet bore failures. Since the issuance of Amendment 560, it has been learned that Type 9054 transmitters are used in units carrying other manufacturers' identification. It is proposed to amend the directive to include all known transmitters of Type 9054 identified with other manufacturers' designations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before October 8, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), as follows:

Amendment 560, 28 F.R. 4164, AD 63-9-1, Bendix (Eclipse-Pioneer) Type 9054 fuel flow transmitters, is amended by:

1. Changing the applicability statement to read:

Applies to all aircraft equipped with Bendix (Eclipse-Pioneer) Type 9054 fuel flow transmitters or with certain Beech P/N 414-180204 fuel flow transmitters or Garwin P/N 8007 fuel flow transmitters.

2. Changing the compliance statement to read:

Compliance required for Bendix (Eclipse-Pioneer) Type 9054 transmitters within 150 hours' time in service after the effective date of this AD unless already accomplished and for Beech P/N 414-180204 and Garwin P/N 8007 transmitters within 150 hours' time in service after the effective date of this amendment.

3. Adding the following note at the end of the directive:

NOTE: Bendix 9054 and 9100 transmitters with the Bendix identification removed are used to make up Beech P/N 414-180824 and Garwin P/N 8007 transmitters. The affected Beech and Garwin transmitters with the 9054 units have a 2.205 inch diameter autosyn housing, while the unaffected units with the 9100 part have a 1.75 inch diameter housing.

Issued in Washington, D.C., on August 28, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9523; Filed, Sept. 5, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 1929]

AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Douglas Model DC-8 Series aircraft. There have been instances of failure of the landing gear bogie beam due to cracking initiated by corrosion in an area where the paint was found chipped off the bogie beam surface. To correct this unsafe condition, this proposed AD requires inspection of the bogie beam assembly and repair or replacement of any found defective.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 8, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

DOUGLAS. Applies to all Model DC-8 Series aircraft.

Compliance required as indicated.

There have been failures of the landing gear bogie beam due to cracking initiated by corrosion in an area where the paint has been chipped off the bogie beam surface. To preclude further failures of this type, accomplish the following on bogie beam assemblies, P/N's 5760635, 5760630, or 5716469:

(a) Within the next 920 hours' time in service as of the effective date of this AD for bogie beam assemblies having more than 1,000 hours' time in service as of the effective date of this AD, and prior to the accumulation of 1,920 hours' time in service for bogie beam assemblies having less than 1,000 hours' time in service as of the effective date of this AD, and thereafter at intervals not to exceed 920 hours' time in service, accomplish the inspection and/or rework outlined in (b).

(b) Conduct a thorough visual inspection of the bogie beam to detect any evidence of nicks, scratches, or impact dents. Replace bogie beams exhibiting such defects before further flight, unless the part can be reworked as specified below.

(1) Repaint nicks, scratches, and impact dents up to 0.005 inch in depth before further flight. The affected area shall be blended smooth and shot peened prior to accumulation of 6,000 hours' time in service after repainting. Accomplish shot peening as indicated in (b)(4).

(2) Nicks, scratches, and impact dents greater than 0.005 inch in depth but not exceeding 0.030 inch, shall be blended smooth, and repainted before further flight. The reworked area shall be shot peened prior to accumulation of 6,000 hours' time in service after the rework. Accomplish shot peening as indicated in (b)(4).

(3) If bogie beam damage exceeds 0.030 inch in depth, any rework to remove such damage shall be accomplished in accordance with FAA approved Douglas rework procedures or FAA approved equivalent, before further flight.

(4) Shot peening referred to in (b) (1) and (2) shall be accomplished in accordance with DC-8 Overhaul Manual, Chapter 13-3-2, paragraph 3(L), page 13, dated January 15, 1963, or FAA approved equivalent.

(c) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

NOTE: Chemical cleaners, rust removers, or acids should not be used for cleaning parts of the landing gear bogie beam.

Issued in Washington, D.C., on August 28, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9524; Filed, Sept. 5, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

KURT JACOBSOHN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Kurt Jacobsohn, Hildesheimer Str. 28, Hannover, Germany; Claim No. 64375, Vesting Order No. 10476; $7,377.14 in the Treasury of the United States.

Executed at Washington, D.C., on August 27, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-9521; Filed, Sept. 5, 1963; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-s]

COPPER SHEETS FROM YUGOSLAVIA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value or Constructed Value

AUGUST 30, 1963.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of copper sheets imported from Yugoslavia is less, or likely to be less, than the foreign market or constructed value, whichever is applicable, as defined by sections 203, 205, and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 164, and 165).

Customs officers are being authorized to withhold appraisement of entries of copper sheets from Yugoslavia pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 63-9558; Filed, Sept. 5, 1963; 8:47 a.m.]

Comptroller of the Currency

GETTYSBURG NATIONAL BANK AND BIGLERVILLE NATIONAL BANK

Notice of Decision Granting Application To Merge

On June 25, 1963, Gettysburg National Bank, Gettysburg, Pennsylvania, and Biglerville National Bank, Biglerville, Pennsylvania, applied to the Comptroller of the Currency requesting permission to merge under the charter and with the title of the former.

On August 19, 1963, the Comptroller of the Currency granted this application, effective on or after August 26, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 30, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-9552; Filed, Sept. 5, 1963; 8:47 a.m.]

HILLIARD BANK AND CITY NATIONAL BANK AND TRUST CO. OF COLUMBUS

Notice of Decision Granting Application To Merge

On July 10, 1963, Hilliard Bank, Hilliard, Ohio, and City National Bank and Trust Company of Columbus, Columbus, Ohio, applied to the Comptroller of the Currency requesting permission to merge under the charter and with the title of the latter.

On August 21, 1963, the Comptroller of the Currency granted this application, effective on or after August 28, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 30, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-9553; Filed, Sept. 5, 1963; 8:47 a.m.]

NATIONAL BANK AND TRUST CO. OF NORWICH AND PEOPLES NATIONAL BANK OF MARGARETVILLE

Notice of Decision Granting Application To Merge

On June 4, 1963, The National Bank and Trust Company of Norwich, Norwich, New York, and The Peoples National Bank of Margaretville, Margaretville, New York, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On August 23, 1963, the Comptroller of the Currency granted this application, effective on or after August 30, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 30, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-9554; Filed, Sept. 5, 1963; 8:47 a.m.]

SOUTH CAROLINA NATIONAL BANK OF CHARLESTON AND BAMBERG COUNTY BANK

Notice of Decision Granting Application To Merge

On July 22, 1963, the $295 million South Carolina National Bank of Charleston, Charleston South Carolina, and the $3.6 million Bamberg County Bank, Bamberg, South Carolina, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On August 26, 1963, the Comptroller of the Currency granted this application, effective on or after September 3, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 30, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-9555; Filed, Sept. 5, 1963; 8:47 a.m.]

SOUTH CAROLINA NATIONAL BANK OF CHARLESTON AND CITIZENS STATE BANK

Notice of Decision Granting Application To Merge

On June 26, 1963, the $293 million South Carolina National Bank of Charleston, Charleston, South Carolina, and the $2.5 million Citizens State Bank, Bennettsville, South Carolina, applied to the Comptroller of the Currency to merge under the charter and with the title of the former.

On August 23, 1963, the Comptroller of the Currency granted this application, effective on or after August 30, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 30, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-9556; Filed, Sept. 5, 1963; 8:47 a.m.]

VIRGINIA NATIONAL BANK AND FARMERS EXCHANGE BANK

Notice of Decision Granting Application To Merge

On July 8, 1963, Virginia National Bank, Norfolk, Virginia, and the Farmers Exchange Bank, Abingdon, Virginia, applied to the Comptroller of the Currency requesting permission to merge under the charter and with the title of the former.

On August 23, 1963, the Comptroller of the Currency granted this application, effective on or after August 30, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 30, 1963.

A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-9557; Filed, Sept. 5, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 032841]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The National Park Service, Department of the Interior, has filed an application, Serial No. AR-032841 for the withdrawal of the lands described below from all forms of appropriation and entry, including the mining and mineral leasing laws, except for applications for exchange to eliminate private holdings from national parks and national monuments under 43 CFR 150.29-150.35.

The applicant desires the lands in furtherance of an exchange of privately-owned lands within Point Reyes National Seashore, State of California, for lands described below, pursuant to the Act of September 13, 1962 (76 Stat. 538; 16 U.S.C. sec. 459c).

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona, 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be announced in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 3 N., R. 6 E.,
Sec. 4, All;
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 9, All;
Sec. 17, All;
Sec. 20, E½, SW¼;
Sec. 21, All;
Sec. 28, All;
Sec. 29, All.

The area described above contains approximately 6,839.75 acres. The lands are situated approximately 15 miles northeast of Phoenix, Arizona, on the eastern slope of the McDowell Mountains.

Dated: August 30, 1963.

FRED J. WEILER,
State Director.

[F.R. Doc. 63-9536; Filed, Sept. 5, 1963; 8:46 a.m.]

CALIFORNIA

Notice of Amendment and Partial Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 27, 1963.

Notice of an application Serial Number Sacramento 076310, for withdrawal and reservation of lands, was published as Federal Register Document No. 63-8938 on page 9215 of the issue for August 21, 1963.

The applicant agency has added the following lands to the application:

MOUNT DIABLO MERIDIAN, CALIFORNIA

MODOC NATIONAL FOREST

Modoc County

A strip of land 150 feet wide on each side of the center line of the named roads through the following described lands:

Forest Service Road No. 44N22-1 and 44N22-A

T. 44 N., R. 5 E.,
Sec. 2, SE¼SW¼ and SW¼SE¼;
Sec. 9, N½SW¼, SW¼SW¼, and SE¼;
Sec. 10, S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 11, N½N½;
Sec. 12, NE¼, N½NW¼, and SE¼NW¼.
T. 44 N., R. 6 E.,
Sec. 7, Lots 2, 3, E½SW¼, and SW¼SE¼;
Sec. 17, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 18, N½NE¼ and SE¼NE¼.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The applicant agency has cancelled its application insofar as it involves the lands described hereinafter. Therefore, pursuant to the regulations contained in Title 43, Code of Federal Regulations, Part 295, such lands will be at 10:00 a.m. on September 30, 1963, relieved of the segregative effect of the afore-mentioned application:

MOUNT DIABLO MERIDIAN, CALIFORNIA

MODOC NATIONAL FOREST

Modoc County

A strip of land 150 feet wide on each side of the center line of the named roads through the following described lands:

Forest Service Road No. 44N22-1 and 44N22-A

T. 44 N., R. 5 E.,
Sec. 6, Lot 3 and W½SE¼;
Sec. 7, SE¼NW¼ and SW¼SE¼;
Sec. 8, N½SW¼ and NW¼SE¼;
Sec. 13, W½SW¼ and SE¼SW¼;
Sec. 14, S½N½, N½SW¼, and SE¼;
Sec. 15, SE¼;
Sec. 16, S½NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 17, N½NE¼ and SE¼NE¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼NE¼ and N½NW¼;
Sec. 24, N½N½.
T. 44 N., R. 6 E.,
Sec. 19, Lot 1, NE¼NW¼, and N½NE¼;
Sec. 20, NW¼NE¼ and N½NW¼.

JOHN E. CLUTE,
Acting Manager,
Land Office, Sacramento.

[F.R. Doc. 63-9537; Filed, Sept. 5, 1963; 8:46 a.m.]

[NM 0437684]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 29, 1963.

Forest Service, U.S. Department of Agriculture has filed an application, Serial Number NM 0437684 for the withdrawal of the lands described below, subject to valid existing rights, from prospecting, location, entry and purchase under the United States mining laws. The applicant desires the land for campgrounds and picnic area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

CIBOLA NATIONAL FOREST

McGaffey Recreation Area

T. 13 N., R. 16 W.,
Sec. 2, SW¼;
Sec. 3, W½, NE¼SE¼, W½SE¼, W½SE¼SE¼;
Sec. 4, E½, NW¼;
Sec. 9, E½NE¼, E½SW¼NE¼;
Sec. 10, SW¼NW¼, W½SW¼, E½SE¼;
Sec. 11, W½;

Sec. 14, NE¼NW¼, S½NW¼NW¼, S½NW¼;
Sec. 15, NE¼.
T. 14 N., R. 16 W.,
Sec. 19, E½;
Sec. 20, All;
Sec. 28, N½, N½N½SW¼, SW¼NW¼SW¼, W½SW¼SW¼, SE¼;
Sec. 29, E½, NW¼;
Sec. 32, NE¼;
Sec. 33, E½NE¼, E½NW¼NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 34, SW¼.

The areas described aggregate 4,910 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 63-9538; Filed, Sept. 5, 1963; 8:46 a.m.]

National Park Service

[Order 1]

SAN JUAN NATIONAL HISTORIC SITE; ADMINISTRATIVE ASSISTANT

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 F.R. 1495))

JULIO MARRERO NUNEZ,
Superintendent,
San Juan National Historic Site.

AUGUST 12, 1963.

[F.R. Doc. 63-9539; Filed, Sept. 5, 1963; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW-DRUG APPLICATIONS

Notice of Approvals

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved. This list covers new-drug applications approved during the month of June 1963.

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed[1]
Drugs for human use: Penicillamine	Cuprimine Capsules.	Chelating agent	Merck Sharp and Dohme, Division Merck and Co., Inc., West Point, Pa.	Apr. 4, 1963 (inadvertently omitted from Aug. 6. 1963, listing).	Rx
Idoxuridine	Herplex Ophthalmic Solution.	Antiviral agent	Allergan Pharmaceuticals, Inc., 1000 South Grand Avenue, Santa Ana, Calif.	June 11, 1963	Rx
Meprobamate		Tranquilizer	Bryant Pharmaceutical Corp., 70 South MacQuesten Parkway, Mount Vernon, N.Y.	June 18, 1963	Rx
Meprobamate		do	American Pharmaceutical Co., 120 Bruckner Boulevard, New York, N.Y.	do	Rx
Meprobamate		do	McKesson Labs., P.O. Box 548, Bridgeport, Conn.	June 19, 1963	Rx
Fluocinolone	Synalar Ointment.	Corticosteroid	Syntex Labs., Inc., 701 Welsh Road, Palo Alto, Calif.	do	Rx
Idoxuridine	Stoxil Ophthalmic Solution.	Antiviral agent	Smith Kline and French Labs., 1500 Spring Garden Street, Philadelphia, Pa.	June 24, 1963	Rx
Idoxuridine	Dendrid	do	Alcon Labs., Inc., P.O. Box 1959, Fort Worth, Tex.	June 28, 1963	Rx
Drugs for veterinary use: Hexetidine	Udder Lotion; Udder-Sol.	Anti-infective agent.	Philips Roxane, Inc., 2400 Frederick Avenue, St. Joseph, Mo.	June 13, 1963	OTC

[1] The abbreviation "Rx" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs which by law are not required to be sold on prescription.

Dated: August 30, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

-9548; Filed, Sept. 5, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-199]

MANHATTAN COLLEGE CORP.

Notice of Issuance of Provisional Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Construction Permit No. CPRR-75 authorizing Manhattan College Corporation to construct on its campus in New York City a tank-type nuclear reactor designed to operate at a maximum thermal power of 0.1 watt.

The permit, as issued, is as set forth in the Notice of Proposed Issuance of Provisional Construction Permit published in the FEDERAL REGISTER August 9, 1963, 28 F.R. 8225, except that the earliest date for completion of the reactor has been changed from August 15, 1963, to August 27, 1963.

Dated at Bethesda, Md., this 27th day of August 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-9550; Filed, Sept. 5, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-105—RI64-109]

DELHI-TAYLOR OIL CORP. ET AL.

Order Accepting Rate Filing in Part, Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 27, 1963.

Delhi-Taylor Oil Corporation, Docket No. RI64-105; Western Natural Gas Company, Docket No. RI64-106; Western Natural Gas Company, et al., Docket No. RI64-107; Western Natural Gas Company (Operator), et al., Docket No. RI64-108; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. RI64-109.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia with the exception of the sale made under Western Natural Gas Company (Operator), et al. FPC Gas Rate Schedule No. 3, which is made at 14.65 psia. The proposed changes which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-105	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas, Tex.	52	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin).	87	7-29-63	[4] [17] 8-29-63	[18] 8-30-63	10.0	[6] 11.2104	
		14	5	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin).	9,268	7-29-63	[4] [16] [17] 8-29-63	[16] 8-30-63	13.0001	[12] 13.2498	
RI64-106	Western Natural Gas Co., Post Office Box 1508, Houston 1, Tex.[3]	14	2	El Paso Natural Gas Co. (Blanco and San Juan Fields, San Juan County, N. Mex.) (San Juan Basin).	62	8-12-63	[16] 9-12-63	[18] 9-13-63	[6] 12.0	[3] [10] 13.2308	
RI64-107	Western Natural Gas Co., et al.[3]	28	1	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	4	8-12-63	[16] 9-12-63	[18] 9-13-63	[3] 13.0	[3] [7] 13.2295	
RI64-108	Western Natural Gas Co. (Operator), et al.[3]	29	1	El Paso Natural Gas Co. (Hiway and North Farmington Fields, San Juan County, N. Mex.) (San Juan Basin).	851	8-12-63	[16] 9-12-63	[16] 9-13-63	[3] 12.0	[3] 13.2295	
		3	8	El Paso Natural Gas Co. (Various fields, Lea County, N. Mex.) (Permian Basin).	17,285	8-12-63	[16] 9-12-63	[18] 9-13-63	[6] 15.5598?	[6] [8] 15.8563	RI61-437
		10	4	El Paso Natural Gas Co. (Pictured Cliffs and Mesa Verde Fields, San Juan County, N. Mex.) (San Juan Basin).	2,110 84	8-12-63	[16] 9-12-63	[18] 9-13-63	[3] 11.0 [3] [11] 12.0	[3] [16] 11.2116 [3] [16] [11] 13.2308	
RI64-109	Socony Mobil Oil Co., Inc. (Operator), et al., 150 East 42d St., New York 17, N.Y.	38	9	El Paso Natural Gas Co. (Jicarilla Area and Regina Area, Rio Arriba County, N. Mex.) (San Juan Basin).	2,142 143	7-31-63 7-31-63	[16] [17] 8-31-63 [3] [17] 7-31-63	[18] 9- 1-63	[16] 13.0 [16] 11.0	[13] [14] 13.0469 [13] [15] 11.0397	

[1] Date of filing.
[2] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[3] El Paso Natural Gas Co. owns 19 percent of Western Natural Gas Co.'s voting stock.
[4] Requests waiver of 30-day notice.
[5] Exclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[6] Reflects partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[7] Tax reimbursement computed on basis of 12.0 cents per Mcf.
[8] Subject to 0.4467 cent per Mcf deduction by buyer for compression.
[9] For gas produced from Pictured Cliffs formation.
[10] Reflects partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax plus 0.015 percent increase in Conservation Tax.
[11] For gas produced from Mesa Verde formation.
[12] Reflects partial reimbursement of full 2.55 percent New Mexico Oil and Gas Emergency School Tax (0.2486 cent per Mcf) plus partial reimbursement for portion of balance of increase in Conservation Tax (0.0011 cent per Mcf).
[13] Reflects partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[14] High-pressure gas (above 500 psig).
[15] Low-pressure gas (below 500 psig) from certain Pictured Cliffs formation wells in Jicarilla Area.
[16] The stated effective date is the 1st day after expiration of the required statutory notice.
[17] Requests 4-1-63, effective date of increase in New Mexico Oil and Gas Emergency School Tax.
[18] The suspension period is limited to 1 day.

The notice of change tendered by Socony Mobil Oil Company, Inc. (Operator), et al. (Socony) under its FPC Gas Rate Schedule No. 38 which involves the sale of both high-pressure gas (above 500 psig) and low pressure gas (below 500 psig) reflects partial reimbursement for the 0.55 percent increase from 2.0 percent to 2.55 percent in the New Mexico Oil and Gas Emergency School Tax. The proposed rate of 11.0397 cents per Mcf for low-pressure gas sold under Socony's FPC Gas Rate Schedule No. 38 is below the applicable ceiling for increased rates in the San Juan Basin Area and should be accepted to be effective as of July 1, 1963, the date of filing with the Commission, and the 30-day notice requirement should be waived. The proposed increased rate for high-pressure gas is in excess of the applicable area ceiling, and will, therefore, be suspended.

Delhi-Taylor Oil Corporation (Delhi-Taylor) filed a proposed increase in rate from 11.0 cents per Mcf to 11.2104 cents per Mcf designated as Supplement No. 3 to Delhi-Taylor's FPC Gas Rate Schedule No. 52. However, since the currently effective rate is 10.0 cents per Mcf, the notice of change is construed herein as a contractually authorized periodic increase of 1.0 cent per Mcf plus the increase due to tax reimbursement.

With the exception of the rate increases proposed under Socony's FPC Gas Rate Schedule No. 38, all of the rate increases have been protested by the purchasers, El Paso Natural Gas Company (El Paso) and Southern Union Gathering Company (Southern Union). El Paso questions the right of the producers under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim that there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Southern Union has specifically protested the filing by Delhi-Taylor under its FPC Gas Rate Schedule No. 14. Southern Union contends that Delhi-Taylor under its contract does not have the right to file for a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis as well as the statutory lawfulness of the producers' rate filings.

With the exception of Supplement No. 3 to Delhi-Taylor's FPC Gas Rate Schedule No. 52 and Supplement No. 4 to Western Natural Gas Company (Operator), et al. FPC Gas Rate Schedule No. 10 [2] and low-pressure gas sold under Supplement No. 9 to Socony's FPC Gas Rate Schedule No. 38, all of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The increased rates proposed by Western Natural Gas under Supplement No. 2 to its FPC Gas Rate Schedule No. 14, by Western Natural Gas, et al. under Supplement No. 1 to its FPC Gas Rate Schedule No. 28, by Western Natural Gas Company (Operator), et al. under Supplement Nos. 1, 8 and 4, to its FPC Gas Rate Schedule Nos. 29, 3 and 10, respectively, are suspended, among other reasons as set forth herein, because of an affiliation between buyer and seller.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 11.0397 cents per Mcf rate for low-pressure gas contained in Supplement No. 9 to Socony's FPC Gas Rate Schedule No. 38 should be accepted for filing, and the 30-day notice requirement provided in the National Gas Act should be waived with respect thereto and such rate should be allowed to become effective as of July 31, 1963.

(2) Except for the increased rate set forth in (1) above, it is necessary and proper in the public interest and to aid

[2] Insofar as it is applicable to gas produced from Pictured Cliffs Formation.

in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of the proposed filings, and the statutory lawfulness of the producers proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 11.0397 cents per Mcf rate for low-pressure gas contained in Supplement No. 9 to Socony's FPC Gas Rate Schedule No. 38 is hereby accepted for filing, and the 30-day notice requirement provided in the Natural Gas Act is waived with respect thereto and such rate is hereby allowed to become effective as of July 1, 1963.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which El Paso and Southern Union have protested, and the statutory lawfulness of producers' proposed increased rates and charges contained in the above-designated supplements, with the exception of the increased rate set forth in paragraph (A) above, and with the further exception that the hearing with respect to the proposed rate contained in Supplement No. 3 to Delhi-Taylor's FPC Gas Rate Schedule No. 52 shall involve only the contractual basis for the tax reimbursement filing.

(C) Pending hearings and decisions thereon, the above-designated rate supplements, excepting low-pressure gas sold under Supplement No. 9 to Socony's FPC Gas Rate Schedule No. 38, are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(D) Neither the supplements hereby suspended, nor the rate Schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 17, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-9461; Filed, Sept. 5, 1963; 8:45 a.m.]

[Docket No. AR61-2 etc.]

AREA RATE PROCEEDING ET AL.

Order Redesignating Proceedings, Severing Certain Rate Suspension and Certificate Proceedings, Adding and Deleting Respondents, and Consolidating Proceedings

AUGUST 30, 1963.

Area Rate Proceeding,[1] Docket No. AR61-2; Amerada Petroleum Company et al.[2] Docket No. RI62-505, et al.

By order issued herein on May 10, 1961 (25 FPC 942), the Commission, among other things, initiated a proceeding to establish a just and reasonable rate or rates for sales of natural gas produced in the Southern Louisiana area. In that order, the Commission named as respondents in the proceeding all persons set forth in Appendix "A" thereto and all parties on whose behalf such persons had filed FPC Gas Rate Schedules for sales in the area, and consolidated therein a number of rate suspension proceedings listed in Appendix "C" thereto, as well as a number of certificate proceedings listed in Appendix "B" thereto.

By subsequent orders, various changes have been made relative to the respondents to these proceedings and the certificate and rate suspension proceedings consolidated herewith. The instant order makes further changes which appear to be appropriate. The appendices, "Revised Appendix A" and "Revised Appendix C" reflect these changes for the convenience of all concerned and are current as of the date of issuance of this order. As is explained below, all certificate proceedings have been severed and Appendix B has been deleted.

Most of the certificate proceedings previously consolidated herewith have been severed and consolidated with the proceedings in Union Texas Petroleum, A Division of Allied Chemical Corporation, et al., Docket Nos. G-13221, et al., by order issued December 31, 1962. The certificate proceedings still consolidated herewith, should be severed at this time.[3]

Generally, they are those in which the application has been withdrawn, cancelled, or granted, or in which disposition will be made in other proceedings.

A motion has been made to change the name of Grey-Wolf Drilling Company to Wolfe Oil & Gas Company. The motion should be granted, and the change will be shown in Revised Appendix A.

It appears from the Commission's records that Argo Oil Corporation, Slick Oil Corporation, Aluminum Company of America (ALCOA), and Grande Corporation should be deleted as respondents because their sales in South Louisiana are now being made by The Atlantic Refining Company (Atlantic), Midhurst Oil Corporation, (Midhurst), Southeastern Public Service Company (Southeastern) and Magna Oil Corporation (Magna) respectively. Midhurst, Southeastern, and Magna should now be made respondents. Atlantic is already a respondent. ALCOA in its motion requesting that it be dismissed as a respondent in these proceedings, states that there is no refund obligation involved. Southeastern has filed a motion to be substituted for ALCOA as respondent. As above indicated, these motions should be granted.

Louis Ross (Ross) and Thomas Jordan, Inc. (Jordan) were made respondents in these proceedings by order issued May 10, 1961. It now appears from our records that Ross and Jordan were not making jurisdictional sales of natural gas in South Louisiana in 1960, and should therefore be deleted as respondents. By order issued May 16, 1963, Louisiana Natural Gas Corporation (Louisiana Natural) was made respondent to these proceedings. It now appears that Louisiana Natural makes no jurisdictional sales of natural gas. For this reason, Louisiana Natural should also be deleted as a respondent herein.

Three other producers, Owens Production Company, Inc., Southdown, Inc., and Whitehall Oil Company have rate schedules on file for sales in South Louisiana in 1960, but are not respondents. They will be made respondents to these proceedings by this order and added to Revised Appendix A.

By order issued April 25, 1963, in Gulf Oil Corporation, et al., Docket Nos. G-9520, et al., provision was made for the termination of certain rate suspension proceedings consolidated with the proceedings in Docket No. AR61-2. These rate suspension proceedings, in Docket Nos. G-18669, G-19865, G-19911, RI60-392, RI61-40, and RI61-170 will now be severed from the proceedings in Docket Nos. AR61-2, et al.

On July 15, 1963, Haroldson L. Hunt, Jr., Trust Estate (Hunt) filed a motion to be dismissed as a respondent in these proceedings. In support of its motion, Hunt states that it made only one sale in South Louisiana which has been discontinued by reason of depletion, and that it has no refund obligations. Under these circumstances, it appears that Hunt's motion should be granted.

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[1] For a listing of all persons who are now respondents in such proceeding see Revised Appendix "A" hereto.

[2] For a listing of rate suspension proceedings which have been consolidated herewith, see Revised Appendix "C" hereto.

[3] These certificate proceedings are: Hassie Hunt Trust, Docket No. G-8647; Oil Participations, Inc., Docket No. G-17448; Socony Mobil Oil Company, Docket No. G-18344; Continental Oil Company, Docket No. G-18755; Texas Gas Exploration Corp., Docket No. CI60-76; Union Producing Company, Docket No. CI60-622; North Central Oil Corporation, Docket No. CI61-553; Tennessee Louisiana Oil Co., Docket No. CI62-682; The Preston Oil Company, Docket No. CI62-1209; and The Pure Oil Company, Docket No. CI62-1224.

Certain rate suspension proceedings which have been instituted recently, involving respondents in these proceedings, should now be consolidated herewith. These proceedings are incorporated into Revised Appendix C as indicated therein.

By order issued herein on November 9, 1961, 26 FPC 723, § 1.17(b) of the Commission's rules of practice and procedure with respect to service of copies of documents was waived, and provision was made for each party who desired to be served with copies of filings made by other parties to these proceedings to so notify the Secretary on or before November 28, 1961. Because of the lapse of time since that date, and the addition of new parties, it appears that it would be equitable to offer this opportunity again, as hereinafter ordered. Those who have already filed will not be required to do so again.

The Commission finds:

(1) These proceedings should be redesignated as hereinafter ordered.

(2) The certificate proceedings in Docket Nos. G-8647, G-17448, G-18344, G-18755, CI60-76, CI60-622, CI61-553, CI62-682, CI62-1209, and CI62-1224, and the rate suspension proceedings in Docket Nos. G-18669, G-19865, G-19911, RI60-392, RI61-40 and RI61-170, should be severed from the proceedings in Docket Nos. AR61-2, et al.

(3) The motions filed by Wolfe, ALCOA, Southeastern, and Hunt should be granted, as hereinafter ordered.

(4) The rate suspension proceedings identified in Revised Appendix C by a double asterisk (**) should be consolidated with the proceedings in Docket Nos. AR61-2, et al.

(5) Certain parties should be made respondents in the proceedings in Docket Nos. AR61-2, et al., and deleted as respondents, as hereinafter ordered.

(6) Provision should be made for the filing, by those desiring to do so, of notices to the Secretary, requesting that they be served with copies of filings made by other parties to these proceedings.

The Commission orders:

(A) These proceedings are hereby redesignated as shown in the caption to this order.

(B) The motions filed by Wolfe, ALCOA, Southeastern, and Hunt, are hereby granted.

(C) The certificate proceedings in Docket Nos. G-8647, G-17448, G-18755, CI60-76, CI60-622, CI61-553, CI62-682, CI62-1209, and CI62-1224, are hereby severed from the proceedings in Docket Nos. AR61-2, et al.

(D) The rate suspension proceedings in Gulf Oil Corporation, et al., Docket Nos. G-18669, G-19865, G-19911, RI60-392, RI61-40, and RI61-170, are hereby severed from the proceedings in Docket Nos. AR61-2, et al.

(E) The rate suspension proceedings in Revised Appendix C hereto, which are identified therein by a double asterisk (**), are hereby consolidated with the proceedings in Docket Nos. AR61-2, et al.

(F) Owens Production Company, Inc., Southdown Inc., Whitehall Oil Company, Wolfe Oil & Gas Company, Southeastern Public Service Company, Midhurst Oil Corporation and Magna Oil Corporation, are hereby made respondents to the proceedings in Docket Nos. AR61-2, et al.

(G) Grey-Wolf Drilling Company, Aluminum Company of America, Argo Oil Corporation, Slick Oil Corporation, Louis Ross, Thomas Jordan, Inc., Louisiana Natural Gas Corporation, Haroldson L. Hunt, Jr., Trust Estate, and The Grande Corporation are hereby deleted as respondents in the proceedings in Docket Nos. AR61-2, et al.

(H) All parties to these proceedings, desiring to receive copies of filings made herein by other parties shall, within 10 days of the issuance of this order, so notify the Secretary of the Commission by filing an original and three copies of a notice naming one specific representative to be served on their behalf, with a certificate of service showing that a copy thereof has been properly served on all parties to these proceedings. In addition, parties to the proceedings who have associated together in common interest groups for participation in such proceedings may designate one representative to be served on behalf of such common interest groups. On and after a date 10 days following the issuance of this order, the service required by § 1.17(b) of the Commission's rules of practice and procedure need be made only on the person named in the required notices and on staff counsel; *Provided, however*, That any party who has previously filed such notice with the Secretary shall not be required to do so again by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

REVISED APPENDIX "A"

RESPONDENTS[1]

Aladdin Exploration Co., Inc.
Amerada Petroleum Corp.
American Natural Gas Production Co.
Arnold, Agnes Cullen, et al.
Arnold, Isaac
Atlantic Refining Co., The
Austral Oil Co., Inc.
Barnhart, Paul F.
Bass, Perry R.
Earl G. Bateman, d/b/a, Bateman Drilling Co.
Beck Oil Co.
Bell Oil Corp.
Benedum Trees Oil Co.
Benin Oil Co.
Berkshire Oil Co.
Bradco Properties, Inc.
British American Oil Producing Co.
Brown, George R.
Brown, Herman
Bruner, Arnold H., & Co.
Wm. T. Burton Industries, Inc.
Cabot Corp.
The California Co., a division of California Oil Co.
Callery, F. A., Inc.
Callery Properties, Inc.
Carter, Reese E.
Chance, R. L., Sr.
Cheyenne Oil Corp. of Delaware
Chicago Stockyards Research
Christie Mitchell & Mitchell
Cities Service Co.
Cities Service Petroleum Co.
Cities Service Production Co.
Cocke, W. H.
Cockrell, E., Jr.
Cole, Howard S., Jr.
Colorado Oil & Gas Corp.
Columbian Fuel Corp.
Conover, William V.
Continental Oil Co.
Cordell, J. H.
Crow, David, Trustee
Crown Central Petroleum Corp.
Cunningham, James M.
Cyprus Oil Co.
Delhi Taylor Oil Corp.
Delta Drilling Co.
Delta Gulf Drilling Co.
Dillion, Herbert L., Jr.
Diversa, Inc.
Dixon Management Corp.
Dorn & Miller Co.
Drew Petroleum, Inc.
Falcon Seaboard Drilling Co.
Fidelity Oil & Royalty Co.
Flaitz, J. M., & Mitchell, R. B.
F. O. Corp., The
Forest Oil Corp.
Frankel, J. R.
Frankel, R. R.
Freedom Minerals, Inc.
Freeport Oil Co.
Gas Gathering Corp.
General American Oil Co. of Texas
General Crude Oil Co.
Geological Geophysical Associates, Inc.
Gilger, C. C.
Glassell, Alfred C., Jr.
Goff, J. R., Trustee
Goodrich, R. H.
Graridge Corp.
Grigsby, Jack W.
Gulf Interstate Co.
Gulf Oil Corp.
Halbouty, Michel T.
Harbor Oil Co., Inc.
H. L. Hawkins & H. L., Jr.
Helis Petroleum Corp.
Helis, Wm. G., Estate of
Herrington, Mrs. Louise H.
Hibbert, R. E.
Hope Natural Gas Co.
Hudson, E. J.
Hudson Gas & Oil Corp.
Roy M. Huffington, Inc.
Humble Gas Transmission Corp.
Humble Oil & Refining Co.
Hunt, H. L.
Hunt, Hassie Trust
Hunt, Lamar
Hunt, Lyda, Margaret Trusts
Hunt, Lyda, Caroline Trusts
Hunt, Lyda, Herbert Trusts
Hunt, Lyda, Bunker Trusts
Hunt, Lyda, Lamar Trusts
Hunt Oil Co.
Hunt, W. H.
Hunt, Wm. Herbert, Trust Estate
Hurley Oil & Gas
Hurt Oil & Gas Corp.
Jameson, F. E., et al.
Jefferson Lake Sulphur Co.
Johnston, C. N.
Jones, Joseph M.
Kellerman, R. E.
Kerr-McGee Oil Industries
Kilroy Properties, Inc.
Lamson & Bennett, Inc.
Langton, Claude M., Trustee
Lone Star Producing Co.
Lyons and Logan
Lyons, C. H., Jr.
Lyons, C. H., Sr.
Magna Oil Co.
MPS Production Co., Inc.
McCain, M. F.
J. Ray McDermott Co., Inc.
McGhee, George C.
McIntyre Oil Co.
McKnight, W. L., d/b/a LaGorce Oil Co.
McLean, Harvey
Maracaibo Oil Exploration Corp.
Mayfield, M. L.
Mayronne, R. W., Jr.

[1] All persons named herein and all parties on whose behalf such persons have filed FPC Gas Rate Schedules for sales in Southern Louisiana are respondents in this proceeding.

Mecom, John W., Mecom Petroleum
Midhurst Oil Corp.
Midwest Oil Corp.
Mississippi River Fuel Corp.
Monsanto Chemical Co.
Moore, Homer T.
Mosbacher, Robert
Mound Co.
Newmont Oil Co.
Nicklos Oil & Gas Co.
North Central Oil Corp.
O'Meara, M. P.
O'Meara, Robert W.
Ocean Drilling & Exploration Co.
Ohio Oil Co.
Oil Participations, Inc.
Olin Gas Transmission Corp.
Owen, J. P.
Owens Production Co.
Pan American Petroleum Corp.
Pareti, John D.
Peltier, Harvey
Penton, E. Doyle, & Penton, D. N., d/b/a, Penton & Penton
Petroleum, Inc.
Petroleum Offshore Leaseholds
Petroleum Leaseholds, Inc.
Phillips Petroleum Co.
Phillips, R. P.
Pioneer Oil & Gas Co.
Placid Oil Co.
Pray, Max
Prentice, Robert B.
Preston Oil Co., The
Pure Oil Co., The
Rasberry, Elge
Rauch, Morris
Rault, Joseph M., Jr., Inc.
Rebstock & Reeves Drilling Co.
Recile, Sam J.
Rimrock Tidelands, Inc.
Riverside Oil Co.
Royalite Oil Co., Inc.
Rutherford, P. R.
Rycade Oil Corp.
Samedan Oil Corp.
San Jacinto Oil & Gas Co.
Sands, Caroline Hunt
Joseph E. Seagram & Sons, Inc.
Secure Trusts
Shallow Oil Co., Inc.
Shell Oil Co.
Shoreline Exploration, Inc.
Sinclair Oil & Gas Co.
Skelly Oil Co.
Socony Mobil Oil Co., Inc.
Sohio Petroleum Co.
Southdown, Inc.
Southeastern Public Service Co.
Southern Natural Gas Co.
Southwest Gas Producing Co., Inc.
Southwest Resources, Inc.
State Exploration Co.
Stokes, Winston L.
Sun Oil Co.
Sunnyland Contracting Co., Inc.
Sunray Mid-Continent Oil
Superior Oil Co., The
Sword Co.
Tamborello, Anthony J.
Tenneco Corp.
Tenneco Oil Co.
Tennessee-Louisiana Oil Co.
Texaco, Inc.
Texas Crude Oil Co.
Texas Gas Exploration Corp.
Texas Gulf Producing Co.
Texas Liberty Gas Corp.
Texas Liberty Oil Co.
Texas National Petroleum Co.
Texas Pacific Coal & Oil Co.
Tex-Star Oil and Gas Corp.
Texstar Corp.
Tidewater Oil Co.
Trahan, J. C., Drilling Contractor, Inc.
Trice Production Co.
Trunkline Gas Co.
The TXL Oil Corp.
Union Oil Co. of California
Union Producing Co.
Union Texas Natural Gas Corp.
Union Texas Petroleum, a division of Allied Chemical Corp.
U.S. Oil of Louisiana, Inc.
Vincent and Welch, Inc.
W. W. F Oil Corp.
Walker, Willard E.
Walker, W. E.
Walker, W. E. & Meeker, Jr.
Webster, C. B.
Weiner, Ted
Whitehall Oil Co., Inc.
Williams Brothers Co.
Wolfe Oil and Gas Co.
Wrightsman, Charles B.
Young, Marshall R.
Zapata Offshore Co.

Producer[1] and Docket Nos.

Amerada Petroleum Corp., RI62-505**
Arnold, Agnes Cullen, et al., RI61-222
Atlantic Refining Co., G-11844, G-12159, G-13440, G-16127, G-16518, G-16723, G-17741, G-19536, G-19922, RI61-128, RI61-485, RI62-276, RI61-335, RI63-92,** RI63-93**
Austral Oil Co., Inc. (Operator), et al., G-13842, G-16891, G-17797, G-19830, RI61-179, RI62-93, RI62-484,** RI63-146**
Austral Oil Co., Inc. (Operator), Agent for Oil Participations, Inc., RI61-175, RI62-94, RI62-360, RI63-143,** RI63-154,** RI63-155**
Benedum Trees Oil Co., RI62-191
The British American Oil Producing Co. (Operator), et al., RI61-174, RI61-540, RI62-184, RI62-274
Berkshire Oil Co., RI62-266, G-19948, RI60-334
Cabot Corp., RI62-208
Brown, George R., RI62-145
The California Co., a division of California Oil Co., G-14313, G-16682, G-19535, G-20346
Chicago Stockyards Research Co. (Operator), et al., RI61-28
Columbian Fuel Corp., G-14101, G-17157, G-19942, RI61-238, RI63-188**
Continental Oil Co., G-16701, G-17936, RI60-165, RI61-470, RI63-168**
William V. Conover, RI63-68**
Crescent Oil & Gas Corp.,[2] G-12439
Crow, David, Trustee, G-20083
Cunningham, James M. (Operator), et al., RI60-232
Delhi-Taylor Oil Corp., RI62-506**
Dixon Management Corp., RI61-552
Falcon Seaboard Drilling Co., RI61-509
F. O. Corp., The, RI62-214
Forest Oil Corp., G-16726, G-19939, G-19940, RI61-186, RI61-187, RI62-68, RI62-69, RI63-120,** RI63-136***
Frankel, R. R., G-17671**
Gas Gathering Corp., G-20118
General American Oil Co. of Texas, G-19476, RI61-321, G-19874, G-19875, G-19924, RI62-133, RI62-392,** RI63-127,** RI61-173, RI62-234, RI63-161**
General Crude Oil Co., G-16727, RI61-548, RI62-359, RI63-389**
Goff, J. R. Trustee, G-14053, G-17527, G-20441, RI60-472, RI62-169
Jack W. Grigsby, RI62-536**
Hawkins, H. L., and Hawkins, H. L., Jr., G-16314
Herrington, Mrs. Louise H., RI62-270
Hudson, E. J., et al., RI60-211
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*This proceedings is consolidated only insofar as it pertains to sales in South Louisiana.

**Consolidated with the proceedings in Docket Nos. AR61-2, et al., by the instant order.

[1] This producer designation is for general identification and may not include all of the respondents designated in the respective orders initiating rate suspension proceedings.

[2] Now Southwest Resources, Inc.

[3] Now Austral Oil Co., Inc., agent for Oil Participations, Inc.

[F.R. Doc. 63-9528; Filed, Sept. 5, 1963; 8:46 a.m.]

[Docket No. RI64-118]

ALFRED D. McKELVY ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 30, 1963.

On July 31, 1963, Alfred D. McKelvy (Operator), et al. (McKelvy)[1] tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following filing:

Description: Notice of change, dated July 29, 1963.
Purchaser and producing area: Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).
Rate Schedule Designation: Supplement No. 11 to Alfred D. McKelvy (Operator), et al. FPC Gas Rate Schedule No. 1.
Effective date: August 31, 1963.[2]
Amount of annual increase: $66,000.[3]
Effective rate: 8.7 cents per Mcf.[4]
Proposed rate: 12.0 cents per Mcf.[4 5]
Pressure base: 14.65 psia.

A full proportionate downward Btu adjustment is provided for gas containing less than 950 Btu's per cubic foot in the original contract. However, this provision has been amended to provide that in no event shall buyer pay seller less than than 11.0 cents per Mcf for the gas involved. The estimated Btu content of the gas for the succeeding twelve month period as reported in the notice of change is 690 Btu's per cubic foot. Application of the proposed 11.0 cents per Mcf minimum price to the 690 Btu gas is the equivalent of 15.1448 cents per Mcf for 950 Btu gas. Therefore, the proposed rate change may result in the sale of less than pipeline quality gas at the applicable area price level of 11.0 cents per Mcf for pipeline quality gas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed increased rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 11 to McKelvy's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to McKelvy's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said rate schedule and supplement thereto are hereby suspended and the use thereof deferred until January 31, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule and supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 18, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-9529; Filed, Sept. 5, 1963; 8:46 a.m.]

[1] Address is 49 Lloyden Lane, Atherton, Calif.

[2] The stated effective date is the first day after expiration of the required thirty days' notice.

[3] Amount of increase for 690 Btu gas is $46,000.

[4] Subject to downward Btu adjustment for gas containing less than 950 Btu per cubic foot.

[5] Rate to be not less than 11.0 cents per Mcf regardless of Btu content (Btu content is 690 Btu's per cubic foot).

[Docket No. CP64-13]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

AUGUST 30, 1963.

Take notice that on July 16, 1963, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed its so-called Amended Application For Certificate of Public Convenience and Necessity in Docket No. CP63-264. This filing in fact covers only a part of the original application in Docket No. CP63-264 and is being treated as a new application assigned the designation Docket No. CP64-13.

The authorization requested herein covers the acquisition of certain underground storage rights and the construction and operation of pipeline and well facilities for evaluation of the characteristics and capabilities for development of an underground natural gas storage reservoir described as the Keota Storage Area, located in Washington County, Iowa, all as more fully set forth in said application which is on file with the Commission and open to public inspection.

The facilities proposed include:

(1) 1.1 miles of 10-inch lateral pipeline extending from Applicant's main transmission system to the proposed Keota Storage Area;

(2) 1.2 miles of 6-inch gathering line in the same area;

(3) 6 injection-withdrawal and 8 observation wells; and other appurtenant facilities.

The estimated cost of the project including cushion gas and acquisition of storage rights is $1,086,550, to be financed from funds on hand. Applicant proposes to inject approximately 1,500,000 Mcf of natural gas into the St. Peter formation in the Keota Storage Area as the initial stage of its development program.

Applicant states that the proposed storage project, if successful, will provide an economical means of augmenting Applicant's ability to meet the increased peak-day requirements of its customers and that further authorization to so utilize the proposed storage will be requested upon completion of the initial testing and development program.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of

§ 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before September 23, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9530; Filed, Sept. 5, 1963; 8:46 a.m.]

[Docket No. RI64-119]

WESTERN NATURAL GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 30, 1963.

On August 2, 1963, Western Natural Gas Company (Western)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 14.65 psia. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 1, 1963.

Purchaser and producing area: El Paso Natural Gas Co. (Brown Bassett Field, Ellenburger Formation, Terrell County, Texas) (R.R. District No. 7-C).

Rate schedule designation: Supplement No. 6 to Western Natural Gas Co. FPC Gas Rate Schedule No. 26.

Effective date: September 2, 1963.[2]
Amount of annual increase: $33,850.
Effective rate: 16.0 cents per Mcf.[3]
Proposed rate: 17.0 cents per Mcf.[3][4]
Pressure base: 14.65 psia.

An affiliation exists between Western Natural Gas Co. and El Paso Natural Gas Co. inasmuch as El Paso owns 19 percent of the common stock of Western.

The proposed increased rate exceeds the applicable 11.0 cents per Mcf area ceiling for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to Western Natural Gas Co. FPC Gas Rate Schedule No. 26 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Western Natural Gas Co. FPC Gas Rate Schedule No. 26.

(B) Pending such hearing and decision thereon, Supplement No. 6 to Western Natural Gas Co. FPC Gas Rate Schedule No. 26 is hereby suspended and the use thereof deferred until February 2, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 11, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9531; Filed, Sept. 5, 1963; 8:46 a.m.]

[1] Address is: P.O. Box 1508, Houston 1, Texas.

[2] The stated effective date is the first day after expiration of the required statutory notice.

[3] Ellenburger Gas is subject to 4.5 cents per Mcf diluent removal charge paid by seller, and subject to a further deduction for carbon dioxide content and shrinkage.

[4] Periodic increase.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in the notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION I

Ann-Hope Factory Outlet, Inc., Mill Street, Cumberland, R.I.; effective 8-8-63 to 3-31-64 (department store; 501 employees).

REGION III

F. W. Woolworth Co., No. 1578, 6174 Ridge Avenue, Philadelphia, Pa.; effective 8-9-63 to 3-31-64 (variety store; 23 employees).

REGION IV

T.G. & Y. Stores Co. of Louisiana, Inc., d/b/a T.G. & Y. Stores Co., No. 210, 7929 Airline Highway, New Orleans, La.; effective 8-31-63 to 3-31-64 (variety store; 15 employees).

REGION VI

Park 'n Shop Supermarket, East Jefferson, Culver, Ind.; effective 7-29-63 to 3-31-64 (food store; 12 employees).

Park 'n Shop Supermarket, 5497 Mayflower Road, South Bend, Ind.; effective 7-29-63 to 3-31-64 (food store; 10 employees).

Thompson Food Basket, Inc., 646 West Jackson Street, Morton, Ill.; effective 7-26-63 to 3-31-64 (food store; 20 employees).

Thompson Food Basket, Inc., 1724 North Knoxville Avenue, Peoria, Ill.; effective 7-26-63 to 3-31-64 (food store; 10 employees).

Thompson Food Basket, Inc., 330 North Western Avenue, Peoria, Ill.; effective 7-26-63 to 3-31-64 (food store; 13 employees).

Ward D. Prickett, Inc., d/b/a Prickett's Super Market, 4001 Lincolnway East, Mishawaka, Ind.; effective 6-10-63 to 3-31-64 (food store; 33 employees).

REGION VII

Hested Stores Co., No. 773, 2700 South Colorado Boulevard, Denver, Colo.; effective 6-10-63 to 3-31-64 (variety store; 18 employees).

S. S. Kresge Co., No. 692C, 1700-1702 South Federal Avenue, Mason City, Iowa; effective 6-10-63 to 3-31-64 (variety store; 34 employees).

S. S. Kresge Co., No. 93, 132 East Main Street, Ottumwa, Iowa; effective 6-10-63 to 3-31-64 (variety store; 37 employees).

S. S. Kresge Co., No. 152, 219 East Fourth Street, Waterloo, Iowa; effective 6-10-63 to 3-31-64 (variety store; 40 employees).

S. S. Kresge Co., No. 127, 413 Delaware, Leavenworth, Kans.; effective 6-10-63 to 3-31-64 (variety store; 37 employees).

S. S. Kresge Co., No. 697, Parklane Shopping Center, 1012 South Oliver, Wichita, Kans.; effective 6-10-63 to 3-31-64 (variety store; 36 employees).

Younker Brothers, Inc., 118 High Street West, Oskaloosa, Iowa; effective 7-16-63 to 3-31-64 (department store; 19 employees).

REGION VIII

H. E. B. Food Store, No. 31, 824 West 12th Street, Austin, Tex.; effective 8-13-63 to 3-31-64 (food store; 25 employees).

REGION IX

Jack's West End, 703 West Main, Mesa, Ariz.; effective 8-14-63 to 3-31-64 (food store; 17 employees).

REGION X

Kuhn's 5-10-25¢ Store, Natchez Trace Drive, Lexington, Tenn.; effective 8-2-63 to 3-31-64 (variety store; 14 employees).

REGION XI

Richbourg Brothers Markets, Inc., 700 Bleckley Street, Anderson, S.C.; effective 8-20-63 to 3-31-64 (food store; 22 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Food Mart, No. 32, 800 West Hobbs, Roswell, N. Mex.; effective 8-15-63 to 3-31-64; bag boy, carry-out boy, janitor, stock clerk, checker; 10 percent for each month (food store; 28 employees).

Food Mart, No. 28, 7406 Alameda, El Paso, Tex.; effective 8-7-63 to 3-31-64; bagger, carry-out boy, checker, stock clerk, janitor; between 9.2 percent and 10 percent (food store; 17 employees).

Jupiter Discount Store, No. 4504, 648 Penn Street, Reading, Pa.; effective 8-15-63 to 3-31-64; sales clerk; between 4.5 percent and 10 percent (variety store).

S. S. Kresge Co., No. 554, King Plaza Center, 23d Avenue at 41st, Moline, Ill.; effective 7-17-63 to 3-31-64; sales; 10 percent for each month (variety store; 40 employees) (replacement certificate).

S. S. Kresge Co., No. 450, South Shore Plaza, Granite Street (Route 37) and Route 128, Braintree, Mass.; effective 8-7-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 50 employees).

S. S. Kresge Co., No. 468, Arborland Shopping Center, 3601 Washtenaw Avenue, Ann Arbor, Mich.; effective 8-13-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 42 employees).

S. S. Kresge Co., Westgate Center, 2511 Jackson Road, Ann Arbor, Mich.; effective 8-13-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 34 employees).

S. S. Kresge Co., No. 465, 17101 Kercheval Avenue, Grosse Pointe, Mich.; effective 8-13-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 34 employees).

S. S. Kresge Co., No. 516, Pontiac Mall Shopping Center, 343 North Telegraph Road, Pontiac, Mich.; effective 8-13-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 75 employees).

S. S. Kresge Co., No. 364, 29134 Van Dyke Avenue, Warren, Mich.; effective 8-21-63 to 3-31-64; sales clerk; between 8.1 percent and 10 percent (variety store; 47 employees).

S. S. Kresge Co., No. 274, Preakness Shopping Center, Paterson-Hamburg Turnpike, Wayne, N.J.; effective 8-9-63 to 3-31-64; sales clerks; 10 percent for each month (variety store; 33 employees).

S. S. Kresge Co., No. 434, Brookgate Shopping Center, 5837 Smith Road, Cleveland, Ohio; effective 8-13-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 28 employees).

S. S. Kresge Co., No. 814, 7851 Ridgewood Drive, Parma, Ohio; effective 8-21-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 42 employees).

S. S. Kresge Co., No. 62, West Hills Shopping Center, 925 Broadhead Road, Coraopolis, Pa.; effective 8-13-63 to 3-31-64; sales clerk; between 1.1 percent and 10 percent (variety store; 37 employees).

S. S. Kresge Co., No. 189, 19 Olmsted Plaza Shopping Center, West Harrisburg Pike, Middletown, Pa.; effective 8-13-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 25 employees).

S. H. Kress & Co., Cache Road Square Shopping Center, 38th and Cache Road, Lawton, Okla.; effective 8-13-63 to 3-31-64; sales clerk; between 5.6 percent and 10 percent (variety store; 34 employees).

Mart Grocers, Inc., 501 East Armour, North Kansas City, Mo.; effective 8-9-63 to 3-31-64; bag boys, carry-out boys; 10 percent for each month (food store; 12 employees).

G. C. Murphy Co., No. 240, Roanoke-Salem Shopping Center, 4142-14 Melrose Avenue, Roanoke, Va.; effective 8-22-63 to 3-31-64; sales clerk; stock clerk, janitor, clerk; between 9.2 percent and 10 percent (variety store; 38 employees).

G. C. Murphy Co., No. 156, 642 Jefferson Davis Highway, Woodbridge, Va.; effective 8-22-63 to 3-31-64; sales clerk, stock clerk, janitor, clerk; 10 percent for each month (variety store; 37 employees).

Newberry Poplar Bluff Corp., No. 527, Valley Plaza Shopping Center, Poplar Bluff, Mo.; effective 8-13-63 to 3-31-64; office clerk, stock clerk, sales clerk; 10 percent for each month (variety store; 59 employees).

Rose's Stores, Inc., No. 149, 322 Main Street, Tarboro, N.C.; effective 8-6-63 to 3-31-64; sales clerks, cashiers; between 1.9 percent and 10 percent (variety store; 16 employees).

Rose's 5-10-25¢ Store, 4840 Forest Drive, Trenholm Plaza, Columbia, S.C.; effective 8-16-63 to 3-31-64; sales clerk, stock clerk; between 6.0 percent and 10 percent (variety store; 23 employees).

Sam Glass Minimax, Inc., 1301 East Levee, Brownsville, Tex.; effective 8-9-63 to 3-31-64; bagger, carry-out, janitorial, errand boy; between 9.5 percent and 10 percent (food store; 50 employees).

Wm. A. Lewis Clothing Co., Elmhurst Road (Route 83) and Rand Road, Mount Prospect, Ill.; effective 8-20-63 to 3-31-64; receptionist, check writers, wrappers; between 9.1 percent and 10 percent (apparel store; 29 employees).

F. W. Woolworth Co., No. 399, 150 East Front Street, Traverse City, Mich.; effective 8-13-63 to 3-31-64; sales clerk, stock clerk; 10 percent for each month (variety store; 36 employees).

F. W. Woolworth Co., No. 2461, Town Plaza Shopping Center, U.S. Highway No. 61 and William Street, Cape Girardeau, Mo.; effective 8-13-63 to 3-31-64; sales clerk; between 8.8 percent and 10 percent (variety store; 22 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 22d day of August 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-9484; Filed, Sept. 4, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 3, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38511: *Liquid caustic soda to Franklin, Va.* Filed by O. W. South, Jr., Agent (No. A4370), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Brunswick, Ga., to Franklin, Va.

Grounds for relief: Market competition.

Tariff: Supplement 95 to Southern Freight Association, Agent, tariff I.C.C. S-194.

FSA No. 38512: *Liquid caustic soda from Evans City, Ala.* Filed by O. W. South, Jr., Agent (No. A4371), for and on behalf of Southern Railway Company. Rates on liquid caustic soda, in tank-car loads, from Evans City, Ala., to Enka and Pisgah Forest, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 95 to Southern Freight Association, Agent, tariff I.C.C. S-194.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-9545; Filed, Sept. 5, 1963; 8:47 a.m.]

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Washington, Saturday, September 7, 1963

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Rules and Regulations

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Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Miscellaneous Amendments

Sections 24.157 and 24.158 are added as set out below.

§ 24.157 Medical Intern (Rotating), St. Elizabeths Hospital, Department of Health, Education, and Welfare.

(a) *Educational requirement.* Applicants must meet one of the following requirements:

(1) Graduation with degree of Doctor of Medicine from a United States or Canadian medical school listed as approved by the Council on Medical Education and Hospitals, American Medical Association, in the list published for the year of the applicant's graduation.

(2) Graduation with degree of Doctor of Medicine or equivalent degree from a medical school other than one covered by subparagraph (1) of this paragraph (including foreign schools): *Provided*, That his medical education and the medical knowledge he acquired therefrom are substantially comparable and equivalent to that of graduates of approved medical schools as described in subparagraph (1) of this paragraph. Such comparability may be evidenced in one of the following ways:

(i) Permanent and full or unrestricted license to practice medicine and surgery in a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States;

(ii) At least one year as an active duty commissioned medical officer in the Medical Corps of the United States Military Service or the United States Public Health Service, involving performance of unrestricted duties including the treatment of patients;

(iii) Certification in a specialty by an American Specialty Board approved by the Council on Medical Education and Hospitals of the American Medical Association;

(iv) (*a*) Permanent or temporary certification by the Educational Council for Foreign Medical Graduates in its American Medical Qualifying Examination (NOTE: Temporary certifications must be valid for the duration of the internship at the time of appointment); or

(*b*) Having passed the full examination of the National Board of Medical Examiners.

(b) *Duties.* Interns are employees in a training status. They have 1 year of rotating service including medicine, surgery, pediatrics (by affiliation), obstetrics (by affiliation), and specialties. They receive training integrated with clinical work with patients under the guidance and supervision of staff and consulting physicians. Duties include admitting patients, taking case histories, making physical examinations, and recording findings on charts, prescribing for ailments, treating acute emergency cases, performing minor surgical operations and doing surgical dressings, assisting in major surgical operations, administering anesthesia under supervision, assisting in outpatient clinics, and performing other related work. Interns have considerable responsibility, under guidance and supervision, in performing their activities. There are regularly scheduled teaching rounds with the medical, the surgical, and the neurological services. Staff conferences, lectures, by consulting specialists, clinical-pathological conferences, and other activities are included in the training activities.

(c) *Knowledge and training requisite for performance of duties.* The performance of the duties of these positions requires a thorough knowledge of medicine and its supporting sciences. Medical Interns must have a thorough knowledge of the anatomy, physiology, and functioning of the human body and its reactions to drugs and biologics. They must have a fundamental knowledge of bacteriology and chemistry. They must have the ability to apply, under guidance and supervision, scientific knowledges in order to detect, analyze, evaluate, and interpret symptoms and signs of disease and the causes of disease, and to give therapeutic, corrective, or preventive services, and to carry out other medical work.

(d) *Methods of obtaining basic knowledge and training.* The only method by which the knowledge and training can be acquired is by graduation from a formal course of study in medicine in a medical school.

§ 24.158 Medical Resident (Psychiatry), First Year Resident, Second Year Resident, Third Year Resident, St. Elizabeths Hospital, Department of Health, Education, and Welfare.

(a) *Educational requirement*—(1) *For first year medical resident (psychiatry).* Applicants must meet the requirements of subdivision (i) or (ii) of this subparagraph, and, in addition, must meet the requirements of subparagraph (iii) of this subparagraph:

(i) Graduation with degree of Doctor of Medicine from a United States or Canadian medical school listed as approved by the Council on Medical Education and Hospitals, American Medical Association, in the list published for the year of the applicant's graduation;

(ii) Graduation with degree of Doctor of Medicine or equivalent degree from a medical school other than one covered by subdivision (i) of this subparagraph (including foreign schools): *Provided*, That his medical education and the medical knowledge he acquired therefrom are substantially comparable and equivalent to that of graduates of approved medical schools as described in subdivision (i) of this subparagraph. Such comparability may be evidenced in one of the following ways:

(*a*) Permanent and full or unrestricted license to practice medicine and surgery in a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States;

(*b*) At least one year as an active duty commissioned medical officer in the Medical Corps of the United States Military Service or the United States Public Health Service, involving performance of unrestricted duties including the treatment of patients;

(*c*) Certification in a specialty by an American Specialty Board approved by the Council on Medical Education and Hospitals of the American Medical Association;

(*d*) (*1*) Permanent certification by the Educational Council for Foreign Medical Graduates in its American Medical Qualifying Examination; or

(*2*) Having passed the full examination of the National Board of Medical Examiners.

(iii) Successful completion of a year's straight, rotating, or mixed medical internship approved by the Council on Medical Education and Hospitals of the American Medical Association.

(2) *For second year medical resident (psychiatry).* Applicants must meet the requirements specified above for first year resident, and in addition, must have successfully completed first year residency training in psychiatry in a program approved by the Council on Medical Education and Hospitals of the American Medical Association.

(3) *For third year medical resident (psychiatry).* Applicants must meet the requirements specified above for first year resident, and in addition, must have successfully completed first and second year residency training in psychiatry in a program approved by the Council on Medical Education and Hospitals of the American Medical Association.

(b) *Duties.* All medical resident (psychiatry) employees are in a training status. They receive progressive training of a didactic nature integrated with clinical work with patients under the direction of physicians who are Diplomates of the American Board of Psychiatry and Neurology. The didactic programs carried on through each year of residency training consists of lectures, seminars, and conferences covering basic, theoretical, and clinical aspects of psychiatry. The clinical duties are progressively responsible and include interviews with patients and relatives, examinations, case study reports, progress reports,

physiologic treatments, psychotherapy and general care of patients. Residents may also perform research and work with special problems. They also give lectures to student nurses and student occupational therapists on aspects of psychiatry as related to the training of such students.

(c) *Knowledge and training requisite for performance of duties.* The performance of the duties of these positions requires a thorough knowledge of medicine and its supporting sciences. Medical residents must have a thorough knowledge of the anatomy, physiology, and functioning of the human body and its reaction to drugs and biologics. They must have a fundamental knowledge of bacteriology and chemistry. They must have the ability to apply, under guidance and supervision, scientific knowledges in order to detect, analyze, evaluate, and interpret symptoms and signs of disease and the causes of disease, and to give therapeutic, corrective, or preventive services, and to carry out other medical work. Residents must also acquire and apply during each year of residency training a progessively more intensive knowledge of the basic, theoretical and clinical aspects of psychiatry.

(d) *Methods of obtaining knowledge and training.* The only method by which the knowledge and training can be acquired is by graduation from a formal course of study in medicine in a medical school, successful completion of an approved medical internship; and for second and third year medical residents, successful completion of approved residency training in psychiatry as specified above.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-9603; Filed, Sept. 6, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 26]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.376 Grapefruit Regulation 26.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 3, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.783 of this title).

(2) Grapefruit Regulation 25 (§ 905.375; 28 F.R. 4493) is hereby terminated at 12:01 a.m., e.s.t., September 9, 1963.

(3) During the period beginning at 12:01 a.m., e.s.t., September 9, 1963, and ending at 12:01 a.m., e.s.t., September 23, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 5, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9654; Filed, Sept. 6, 1963; 8:49 a.m.]

[Export Reg. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

§ 905.378 Export Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of grapefruit, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of grapefruit, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 3, 1963; such meeting was held to consider recommendations for regulations on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.783, 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., September 9, 1963, and ending at 12:01 a.m., e.s.t., September 23, 1963, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any grapefruit, grown in the production area, which are of a size smaller than $3^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said revised United States Standards for Florida Grapefruit.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 5, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9655; Filed, Sept. 6, 1963; 8:49 a.m.]

[Valencia Orange Reg. 63]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.363 Valencia Orange Regulation 63.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 5, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 8, 1963, and ending at 12:01 a.m., P.s.t., September 15, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 6, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9682; Filed, Sept. 6, 1963; 11:17 a.m.]

[Lemon Reg. 79]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.379 Lemon Regulation 79.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the pro-

visions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 4, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 8, 1963, and ending at 12:01 a.m., P.s.t., September 15, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 153,450 cartons;

(iii) District 3: 9,790 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 5, 1963.

PAUL A. NICHOLSON,
PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–9681; Filed, Sept. 6, 1963; 11:17 a.m.]

[Orange Reg. No. 5]

PART 944—FRUIT; IMPORT REGULATIONS

Oranges

§ 944.304 Orange Regulation No. 5.

(a) On and after 12:01 a.m., e.s.t., September 16, 1963, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 3, and are of a size not smaller than 2 2/16 inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2 2/16 inches in diameter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of oranges that are imported into the United States under the provisions of section 8e of the act. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports of oranges. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the oranges will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., 305 E. Jackson, Harlingen, Tex. (Telephone: Garfield 3-5644), or Norman E. Taylor, Room 204, U.S. Courthouse, El Paso, Tex. (Telephone: Keystone 3-9351, Ext. 340)	1 day. Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, York 13, N.Y. (Telephone: Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bartelson, 136 Grande Ave., Nogales, Ariz. (Telephone: Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 N.W. 21 Terrace, Room 5, Miami, Fla. (Telephone: Newton 5-7967), or Hubert S. Flynt, 775 Warner St., Orlando, Fla. (Telephone: Garden 2-2447).	Do. Do.
All California points.	Carley D. Williams, 784 S. Central Ave., Room 294, Los Angeles 21, Calif. (Telephone: Madison 2-8756).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington 25, D.C. (Telephone: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of oranges that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any oranges to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of oranges which, in the aggregate, does not exceed five 1 1/9 bushel boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of oranges for the purpose of making it eligible for importation under the act.

(h) It is hereby determined that imports of oranges, during the effective time of this section, are in most direct competition with oranges grown in the State of Texas. The requirements set forth in this section are the same as those in effect for oranges grown in Texas (Minimum standards; § 906.308, 28 F.R. 9417).

(i) No provisions of this section shall supersede the restrictions or prohibitions on oranges under the Plant Quarantine Act of 1912.

(j) The terms "U.S. No. 3" and "diameter" shall have the same meaning as when used in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.712). "Importation" means release from custody of the United States Bureau of Customs.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those in effect on domestic shipments of oranges grown in Texas (Minimum standards; § 906.308, 28 F.R. 9417); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, September 3, 1963, to become effective at 12:01 a.m., September 16, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–9591; Filed, Sept. 6, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963-Crop Barley Supp., Amdt. 2]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Crop Barley Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation (28 F.R. 6258 and 8273) with respect to barley produced in 1963 which contain specific requirements for the 1963-crop of barley are hereby amended as follows:

1. Section 1421.2204(a) (1) is amended to make barley grading No. 5 eligible for price support. The amended subparagraph reads as follows:

§ 1421.2204 Eligible barley.

* * * * *

(a) * * *

(1) The barley must be of any class grading No. 5 or better, except that Western Barley shall have a test weight of not less than 36 pounds per bushel. In addition, barley may have the following special grade designations: (i) Garlicky and (ii) in the State of Alaska only, "Tough." The provisions of subparagraph (3) of this paragraph pertaining to barley grading "Tough" are not applicable to barley produced in Alaska.

2. Section 1421.2206(c) is amended to extend the table of test weight adjustment factors to include barley with test weight as low as 36 pounds per bushel. The amended paragraph reads as follows:

§ 1421.2206 Determination of quantity.

* * * * *

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined for barley of a different test weight shall be adjusted by the applicable percentage in the following table.

Test weight (pounds per bushel):	Percent
50 or over	104
49 or over, but less than 50	102
48 or over, but less than 49	100
47 or over, but less than 48	98
46 or over, but less than 47	96
45 or over, but less than 46	94
44 or over, but less than 45	92
43 or over, but less than 44	90
42 or over, but less than 43	88
41 or over, but less than 42	85
40 or over, but less than 41	83
39 or over, but less than 40	81
Test weight (pounds per bushel)—Continued	
38 or over, but less than 39	79
37 or over, but less than 38	77
36 or over, but less than 37	75

3. Section 1421.2210(d) is amended to provide a discount of 15 cents per bushel for barley grading No. 5. The amended paragraph reads as follows:

§ 1421.2210 Support rates.

* * * * *

(d) *Discounts.* The applicable basic support rate shall be adjusted by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Other—Garlicky	10
Weed control laws (see § 1421.27)	10

NOTE: Discounts are cumulative except only one grade discount shall be applied. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 4, 1963.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63–9602; Filed, Sept. 6, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–WE–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways and Associated Control Areas; Modification

On August 13, 1963, there were published in the FEDERAL REGISTER (28 F.R. 8282) amendments to the Federal Aviation Regulations which realigned VOR Federal airways Nos. 23 west alternate and 230 from the Los Banos, Calif., VOR to the relocated Fresno, Calif., VORTAC. These amendments were to become effective October 17, 1963.

Because of a delay in commissioning of the Fresno VORTAC until November 13, 1963, action is taken herein to alter Airspace Docket No. 63–WE–1 by postponing the effective date until November 14, 1963, the first aeronautical charting date after the relocated facility is commissioned. In addition, it has been determined that in VOR Federal airway No. 283, which is designated from Fresno to the intersection of Fresno 002° and Friant, Calif., 318° True radials, the Friant radial should be designated as the Friant 319° True radial.

Since the alteration of Victor 283 is editorial in nature, and since more than thirty days will elapse from the time of publication of the amendments as originally adopted to the new effective date, these changes are in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following actions are taken:

1. Airspace Docket No. 63–WE–1 is amended as follows: "effective 0001, e.s.t., October 17, 1963," is deleted and "effective 0001, e.s.t., November 14, 1963," is substituted therefor.

2. Section 71.123 (27 F.R. 220–6, November 10, 1963) is amended as follows: In V–283 "Friant, Calif., 318° radials." is deleted and "Friant, Calif., 319° radials." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 30, 1963.

MICHAEL J. BURNS,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–9569; Filed, Sept. 6, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1931; Amdt. 611]

PART 507—AIRWORTHINESS DIRECTIVE

De Havilland Model DH 104 Dove Aircraft

Amendment 1, 22 F.R. 2417 (AD 56–15–5), as amended by Amendment 2, 22 F.R. 6047, requires inspection for cracks in the aileron, rudder and elevator hinge links and hinge brackets, as well as the tail upper attachment fitting on de Havilland Model DH 104 Dove aircraft. Since the issuance of AD 56–15–5, no cracks have been detected on the tail inspection and it is considered unnecessary to continue the special inspections of the tail attachment fittings. In addition, investigation substantiates increasing the inspection intervals for the modified control brackets. Accordingly, AD 56–15–5 is being superseded by a new directive to omit the inspection of the tail upper attachment fitting and to increase the inspection intervals for the control brackets, which have been modified.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective on the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to all Model DH 104 Dove aircraft.

Compliance required as indicated.

As a result of cracks in the aileron, rudder, elevator and flap hinge links and hinge brackets, accomplish the following:

(a) Hinge links and brackets not incorporating Modifications 841, 842 or 843 shall be inspected for cracks at intervals not exceeding 600 hours' time in service, or each 12 months, whichever occurs first. Remove the paint from the components before inspection, and reapply protective coating after inspection.

(b) Hinge links and brackets incorporating Modification 841, 842 or 843 shall be inspected for cracks at intervals not exceeding 1,800 hours' time in service.

(c) Replace cracked parts before further flight.

(De Havilland Service Technical News Sheet CT (104) No. 123, Issue 5 dated March 19, 1962, covers this subject.)

This supersedes Amendment 1, 22 F.R. 2417 (AD 56-15-5), as amended by Amendment 2, 22 F.R. 6047.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective September 7, 1963.

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9566; Filed, Sept. 6, 1963; 8:45 a.m.]

[Reg. Docket No. 1933; Amdt. 612]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller Model UH-12E Helicopter

There have been failures of the tail rotor pinion gear on Hiller Model UH-12E helicopters. Failure of this pinion results in loss of power to the tail rotor and consequent loss of antitorque and directional control. Investigation has revealed that the failures have been confined to two particular heat treat lots. Accordingly, an airworthiness directive is being issued to require replacement of pinion gears with these heat treat lot numbers.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HILLER. Applies to all Model UH-12E helicopters.

Compliance required as indicated.

A number of failures of the tail rotor pinion gear have been experienced. These failures have been confined to two particular gear heat treat lots and have occurred predominantly in helicopters incorporating rotor brakes. To preclude additional failures, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, visually inspect the tail rotor pinion gear, P/N 23522, in the main transmission for the heat treat lot number. The heat treat lot number is prefaced by the designation "VHI" and is etched on the gear. Remove any tail rotor pinion gear marked with heat treat lot number 325 or 342 and replace with gear of same P/N 23522 marked with VHI lot numbers other than 325 or 342, or replace with gear of P/N 23634 or 23634-3. Tail rotor pinion gears identified as P/N 23634-3 are satisfactory for unlimited service life on UH-12E helicopters with or without rotor brake installed.

(b) Tail rotor pinion gears, P/N 23522 with heat treat lot numbers other than 325 or 342, or pinion gears of P/N 23634 are satisfactory for an unlimited service life provided these gears have no history of operation on helicopters with a rotor brake installed. Any of these tail rotor pinion gears with any history of operation with a rotor brake installed shall be retired within 500 hours' total time in service on the pinion gear or within 50 hours' time in service after the effective date of this AD.

(Hiller Service Information Letter 3036A dated August 12, 1963, covers this same subject.)

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective September 7, 1963.

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9567; Filed, Sept. 6, 1963; 8:45 a.m.]

[Reg. Docket No. 1935; Amdt. 613]

PART 507—AIRWORTHINESS DIRECTIVE

Lockheed Model 1329 Aircraft

Amendment 600, 28 F.R. 8285 (AD 63-17-4), imposes a restriction on the use of speed brakes during flight except in an emergency for all Lockheed Model 1329 aircraft. Subsequent to the issuance of the AD, the manufacturer has substantiated the structure for the use of speed brakes at speeds below 250 knots and at altitudes below 30,000 feet. Accordingly, Amendment 600 is being amended to incorporate the new limitation.

Since this amendment relaxes a requirement and imposes no additional burden on any persons, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 600, 28 F.R. 8285, AD 63-17-4, Lockheed Model 1329 aircraft, is amended by changing (a)(2) to read:

(a)(2) "Do not extend speed brake during flight at speeds above 250 knots EAS or at altitudes above 30,000 feet except in an emergency."

This amendment shall become effective September 7, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9568; Filed, Sept. 6, 1963; 8:45 a.m.]

[Reg. Docket No. 725; Amdt. 68]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS AND APPLIANCES

Individual Flotation Devices—TSO-C72

This rule establishes the minimum performance standards for individual flotation devices for use on civil aircraft of the U.S. Section 4b.647 of the Civil Air Regulations requires an approved flotation means for each occupant if the airplane is not equipped with life preservers. The substance of this amendment was set forth in a notice of proposed rule making published in 27 F.R. 10854, and circulated as Regulations of the Administrator Draft Release No. 62-46 dated October 29, 1962.

Interested persons have participated in the making of the amendment by submitting comments in response to the draft release. A complete record of the disposition of comments is available in the docket of this TSO on file with the Federal Aviation Agency, Washington, D.C. Pertinent recommendations, none of which increased the severity of the tests or procedures set forth in the draft release, have been incorporated into the performance standards. Among the most significant are: paragraph 2.2, Instruction for Use, rewritten to indicate that instructions when required, shall be provided; also the term "dim cabin lighting" changed to "emergency lighting" since the Agency is establishing intensity limits under their emergency evacuation program; paragraph 3, Definitions, revised to include the definition for corrosion resistant; paragraph 4.1.2, Miscellaneous Design Features, changed by deleting the requirement that the device not be capable of upsetting or supporting the wearer in a face down position as this requirement may add unnecessarily to the complexity of some types of flotation devices; and paragraph 5.0.2, Time to Render Functional, changed by deleting the specific time limit and adding a more objective requirement. Other minor changes were made for clarity and consistency. The recommended revisions which were not incorporated are discussed herein.

It was recommended that two gas tight chambers be required for inflatable devices either of which would provide the buoyancy required by the standard. Dual buoyancy chambers are not necessary for devices of the inflatable type. Individual flotation devices are not intended to be the equivalent of TSO-C13c life preservers but only to provide the minimum of buoyancy when rescue is close at hand.

The need for paragraph 4.0.2, Fungus Protection, was questioned. It was suggested instead that an inspection procedure be substituted to detect possible fungus growth. Inspections, even repetitive inspections, do not provide the continuing safeguards which result from the use of materials which do not support fungus growth, or prevent such growth. In addition, an inspection requirement, if desirable, is properly the subject of an operating rule, not a technical standard order.

It was suggested that paragraph 4.0.3, Corrosion Protection, be revised to indicate that only metallic parts which may be exposed to sea water need be corrosion resistant. Metal parts which are exposed to the atmosphere are also subject to corrosion and, therefore, adequate protection against corrosion must be considered if the part is exposed to the atmosphere regardless of whether it will be subjected to sea water when used. Therefore, no change has been made in that paragarph.

There was an objection to the 14 pounds of buoyancy requirement specified in paragraph 5.0.1, Buoyancy, stating that such a requirement could not be met unless inflatable devices were used. The Agency considers 14 pounds of buoyancy the absolute minimum from the standpoint of safety and has conducted tests which show that 10 inch by 14½ inch typical airline pillows will provide from 12 to 15 pounds of buoyancy if enclosed in a waterproof cover and a seat cushion provided 14 pounds of buoyancy for a period of over 90 hours. Open cell materials which would lose buoyancy when compressed would have to be covered with waterproof covers.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended by adding § 514.78 as follows:

§ 514.78 Individual flotation devices—TSO-C72.

(a) *Applicability.* Minimum performance standards are hereby established for individual flotation devices for use on civil aircraft of the United States. New models of individual flotation devices manufactured on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standard, "Individual Flotation Devices",[1] dated July 15, 1963.

(b) *Marking.* The markings specified in § 514.3(d) shall be shown except that the weight need not be included.

(c) *Data requirements.* In addition to the data specified in § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the descriptive information on the device;

(2) Six copies of the manufacturers' equipment operating instructions and limitations;

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, HQ-440, Federal Aviation Agency, Washington, D.C.

(3) Six copies of the applicable installation instructions indicating any restrictions or other conditions pertinent to installation;

(4) One copy of the manufacturers' test report; and

(5) One copy of the manufacturers' special cleaning and maintenance instructions.

(Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Effective date. December 9, 1963.

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9570; Filed, Sept. 6, 1963; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55985]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Unaccompanied Articles

The issuance of customs Form 6059, 6063, or 6063-B, used in permitting a returning resident to declare unaccompanied articles, does not afford any substantial assistance in the administration of the law since it is a repetition of information already obtained in the letter of request. The letter of request, therefore, may be used in lieu of customs Form 6059, 6063, or 6063-B.

Section 10.17(k) is accordingly amended to read as follows:

(k) *Unaccompanied articles.* It is not necessary that articles accompany a resident at the time of his return to the United States to be within such exemptions as are applicable. See § 10.20(b). However, customs officers shall apply the exemptions only to articles before them for examination, and the application of an exemption to unaccompanied articles shall be finally determined only after they have been imported and the importer has performed the acts required of him for their customs clearance. If any allowance of the exemptions is to be claimed in respect of any articles not cleared at the time of a resident's return, whether such articles have already arrived, will arrive later, or are being shipped in bond to another port, they must be declared in writing to a customs officer. Such declaration of articles accompanying the resident shall be made at the time of the resident's return to the United States. A declaration for articles not accompanying the resident on his return should be made by him in writing at the time and place of his return, but if satisfactory reasons are given to the collector for failure to so declare such articles, a written declaration may be accepted, either at the port of clearance of the articles or at the port of the resident's return, for such articles within one year after the return. An application to make such supplemental declaration either by letter or on customs Form 6059, 6063 or 6063-B, appropriately modified, shall be accompanied by any invoices, receipts, and any other available pertinent data to aid the collector in determining whether the articles were acquired abroad by the claimant as an incident of a journey made by him and are for his personal or household use.

(See. 624, 46 Stat. 759; 19 U.S.C. 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: August 29, 1963.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 63-9599; Filed, Sept. 6, 1963; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.3, paragraphs (b)(2)(ii), (c)(2) and (d)(2)(ii) are amended to read as follows:

§ 3.3 Pension.

* * * * * * *

(b) *Service pension; Indian and Spanish-American Wars.* * * *

(2) *Spanish-American War.* Basic entitlement exists if the veteran:

* * * * * * *

(ii) Was discharged or released from such service for a disability service connected without benefit of presumptive provisions of law, or at the time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability. (38 U.S.C. 512)

(c) *Disability pension; World War I and later wars.* Basic entitlement exists if the veteran:

* * * * * * *

(2) Was discharged or released from such service for a disability service connected without benefit of presumptive provisions of law, or at the time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability; and

* * * * * * *

(d) *Death pension.* * * *

(2) *Spanish-American War.* Basic entitlement exists for the widow or child of a deceased veteran if the veteran:

* * * * * * *

(ii) Was discharged or released from such service for a disability service connected without benefit of presumptive

provisions of law, or at the time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability. (38 U.S.C. 536, 537)

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2. In § 3.314(a), subparagraphs (1)(i) and (2)(i) are amended and subparagraph (2)(iv) is revoked; in paragraph (b), subparagraph (4) is amended and subparagraph (5) is added so that the added and amended portions read as follows:

§ 3.314 Basic pension and eligibility determinations.

(a) *Pension—(1) Prior to World War I.* • • •

(i) Claims based on service of less than 90 days in the Spanish-American War require a rating determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration Regulation. (38 U.S.C. 512)

• • • • • •

(2) *World War I and subsequent wars.* • • •

(i) Claims based on service of less than 90 days may require a determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration Regulations (38 U.S.C. 521(f)(2)) unless, in the case of death pension, the veteran was, at the time of his death, receiving (or entitled to receive) compensation or retirement pay based upon a wartime service-connected disability. (38 U.S.C. 541(a) and 542(a))

• • • • • •

(iv) [Revoked]

(b) *Eligibility—widower, dependent husband; "child" over 18, educational benefits and loans.* • • •

(4) *Educational benefits.* Where there was less than 90 days' service, eligibility of veterans of the Korean conflict for educational benefits under chapter 33, Title 38, United States Code, requires a rating determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. The disability must have been actually incurred in or aggravated by service, without resort to any presumptions of incurrence or aggravation.

(5) *Loans.* Where there was less than 90 days' service, eligibility of veterans of World War II or the Korean conflict for home, farm and business loans under chapter 37, Title 38, United States Code requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence or aggravation under §§ 3.304(b) and 3.306(b). The provisions of this subparagraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability.

(72 Stat. 1114; 38 U.S.C. 210)

These Veterans Administration Regulations are effective the date of approval.

Approved: September 4, 1963.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 63-9596; Filed, Sept. 6, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation; Postponement of Effective Date

On August 9, 1963, a document was published in the FEDERAL REGISTER establishing radiation safety and health standards for application to Federal supply contracts (28 F.R. 8208). This document provides that these regulations are to become effective September 8, 1963. Upon further consideration, I have decided to, and do hereby, postpone this effective date to January 6, 1964, for the purpose of giving consideration to requests for changes that have been received.

Signed at Washington, D.C., this 5th day of September 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-9632; Filed, Sept. 6, 1963; 8:48 a.m.]

Chapter 60—The President's Committee on Equal Employment Opportunity

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Part 60–1 was originally issued by the President's Committee on Equal Employment Opportunity for the purpose of implementing Executive Order 10925 (26 F.R. 1977) which provides for the promotion and insurance of equal employment opportunity on Government contracts for all qualified persons without regard to race, creed, color or national origin. The Committee now hereby revises this part in order to implement, in addition, Executive Order 11114 (28 F.R. 6485) which provides certain amendments to Executive Order 10925 and extends its requirements to certain contracts for construction financed with assistance from the Federal Government. This revision also incorporates amendments previously made to this part, and effects other miscellaneous changes. As revised, Part 60–1 reads as follows:

Subpart A—Preliminary Matters; Equal Opportunity Clause; Exemptions; Compliance Reports

Sec.
60–1.1 Purpose and application.
60–1.2 Definitions.
60–1.3 Equal opportunity clause.
60–1.4 Exemptions.
60–1.5 Duties of agencies.
60–1.6 Compliance reports.
60–1.7 Compliance by labor unions.
60–1.8 Use of compliance reports.

Subpart B—General Enforcement; Complaint Procedure

60–1.20 Compliance review by the agency.
60–1.21 Who may file complaints.
60–1.22 Where to file.
60–1.23 Contents of complaint.
60–1.24 Processing of matters by agencies.
60–1.25 Assumption of jurisdiction by the Executive Vice Chairman over matters before an agency.
60–1.26 Processing of matters by the Executive Vice Chairman.
60–1.27 Hearings.
60–1.28 Opportunity to achieve compliance before referrals to the Department of Justice or contract termination.
60–1.29 Contract ineligibility list.
60–1.30 Notification of Comptroller General in cases of contract ineligibility or contract termination.
60–1.31 Reinstatement of ineligible contractors or subcontractors.

Subpart C—Certificates of Merit

60–1.40 By the Committee on its own initiative.
60–1.41 By the Executive Vice Chairman upon agency recommendation.
60–1.42 Suspension or revocation.

Subpart D—Ancillary Matters

60–1.60 Solicitations or advertisements for employees.
60–1.61 Access to records of employment.
60–1.62 Rulings and interpretations.
60–1.63 Reports to the Committee.
60–1.64 Existing contracts and subcontracts.

AUTHORITY: §§ 60–1.1 to 60–1.64 issued pursuant to sec. 306, E.O. 10925 (26 F.R. 1977) and sec. 105, E.O. 11114 (28 F.R. 6485).

Subpart A—Preliminary Matters; Equal Opportunity Clause; Exemptions; Compliance Reports

§ 60–1.1 Purpose and application.

The purpose of the regulations in this part is to achieve the aims of Part III of Executive Order 10925 and Executive Order 11114 for the promotion and insuring of equal opportunity for all qualified persons, without regard to race, color, creed or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts. These regulations apply to all contracting agencies of the Federal Government and to contractors and subcontractors who perform under Government contracts, to the extent set forth in this part. These regulations also apply to all agencies of the Federal Government administering programs involving Federal financial assistance which may involve a construction contract, and, to the extent set forth in this part, to all contractors and subcontractors performing under construction contracts which are related to any such programs. The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Committee or by any other Government agencies of powers not herein specifically set forth, but granted to them by Executive Orders 10925 and 11114.

§ 60–1.2 Definitions.

(a) "Committee" means the President's Committee on Equal Employment Opportunity.

(b) "Chairman" means the Chairman of the Committee.

(c) "Vice Chairman" means the Vice Chairman of the Committee.

(d) "Executive Vice Chairman" means the Executive Vice Chairman of the Committee.

(e) "Order" means Executive Order 10925 of March 6, 1961 (26 F.R. 1977), as amended by Parts II and III of Executive Order 11114 of June 22, 1963 (28 F.R. 6485).

(f) "Orders" means those parts of Executive Order 10925 of March 6, 1961 relating to Government contracts and Executive Order 11114 of June 22, 1963.

(g) "Contract" means any Government contract or any federally assisted construction contract.

(h) "Government contract" means any binding legal agreement or modification thereof between the Government and a contractor for supplies or services, including construction, or for the use of Government property, in which the parties, respectively, do not stand in the relationship of employer and employee.

(i) "Federally assisted construction contract" means any binding legal agreement or modification thereof between an applicant and a contractor for construction work which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to any Federal program involving a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee; or any approved application or modification thereof for a grant, contract, loan, insurance or guarantee under which the applicant itself performs construction work other than through the permanent work force directly employed by an agency of government.

(j) "Modification" means any written alteration in the terms and conditions of a contract accomplished by bilateral action of the parties to the contract, including supplemental agreements and amendments.

(k) "Subcontract" means any agreement made or purchase order executed by a prime contractor where a material part of the supplies or services covered by such agreement or purchase order is being obtained for use in the performance of a contract.

(l) "Prime contractor" means any person holding a contract.

(m) "Subcontractor" means any person holding a subcontract. "First-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor. "Second-tier subcontractor" refers to a subcontractor holding a subcontract with a first-tier subcontractor.

(n) "Agency" means any contracting or any administering agency.

(o) "Contracting agency" means any department (including the Departments of the Army, Navy, and Air Force), agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which enters into contracts.

(p) "Administering agency" means any department (including the Departments of the Army, Navy and Air Force), agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

(q) "Applicant" means an applicant for Federal assistance or, as determined by regulation of an administering agency, other program participant, with respect to whom an application for any grant, contract, loan, insurance or guarantee, or change therein, is not finally acted upon prior to July 22, 1963, and it includes such an applicant after becoming a recipient of such Federal assistance.

(r) "Equal opportunity clause" means the contract provisions of section 301 of the Order.

(s) "Rules, regulations and relevant orders" of the Committee as used in paragraph 4 of the equal opportunity clause mean rules, regulations and relevant orders issued pursuant to the Orders and in effect at the time the particular contract subject to the Orders was entered into.

(t) "United States" as used herein shall include the Commonwealth of Puerto Rico, the Panama Canal Zone and the possessions of the United States.

(u) "Standard commercial supplies" means an article:

(1) Which in the normal course of business is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial dealer for the marketing of such article; or

(2) Which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

(v) "Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services.

(w) "Site of construction" means the physical location of any building, highway or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility established by a contractor or subcontractor specifically to meet the demands of his contract or subcontract.

§ 60–1.3 Equal opportunity clause.

(a) *Government contracts.* Each contracting agency shall include the equal opportunity clause in each of its Government contracts (including modifications thereof) which is not exempt from the requirements of the clause. Government bills of lading may incorporate by reference the equal opportunity clause.

(b) *Federally assisted construction contracts.* (1) Each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance or guarantee involving a federally assisted construction contract which is not exempt from the requirements of the equal opportunity clause:

> The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the President's Committee on Equal Employment Opportunity, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee, the following equal opportunity clause:
>
> During the performance of this contract, the contractor agrees as follows:
>
> (1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
>
> (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color or national origin.
>
> (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and of the rules, regulations and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(5) The contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and by the rules, regulations and orders of the said Committee, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause in any federally assisted construction work which it performs itself other than through the permanent work force directly employed by an agency of government.

The applicant agrees that it will cooperate actively with the administering agency and the President's Committee on Equal Employment Opportunity in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Committee, that it will furnish the administering agency and the Committee such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11114 with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to Part III, Subpart D of Executive Order 10925 and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Committee pursuant to Part III, Subpart D of Executive Order 10925. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings the administering agency may cancel, terminate or suspend in whole or in part this grant [contract, loan, insurance, guarantee], may refrain from extending any further assistance under any of its programs subject to Executive Order 11114 until satisfactory assurance of future compliance has been received from such applicant, or may refer the case to the Department of Justice for appropriate legal proceedings.

(2) In any case in which the administering agency makes a determination that inclusion of the language prescribed in § 60–1.3(b)(1) for applicants would be inconsistent with law, the agency shall notify the Executive Vice Chairman of the determination and the reasons therefor. The Executive Vice Chairman shall request a ruling from the Attorney General regarding such determination and shall report thereon to the Committee.

(c) *Prime contractors and subcontractors.* Each nonexempt prime contractor and subcontractor shall include the equal opportunity clause in each of their nonexempt subcontracts, provided that except upon special order of the contracting agency or the Executive Vice Chairman, and except in the case of subcontracts for the performance of construction work at the site of construction, the clause shall not be required to be inserted in subcontracts below the second tier. Subcontracts may incorporate by reference the equal opportunity clause.

(d) *Adaptation of language.* Such necessary changes in language may be made in the equal opportunity clause, and in the clause prescribed by paragraph (b)(1) of this section, as shall be appropriate to identify properly the parties and their undertakings.

§ 60–1.4 Exemptions.

(a) *General*—(1) *Transactions of $10,000 or under.* Contracts and subcontracts not exceeding $10,000, other than Government bills of lading, are exempt from the requirements of the equal opportunity clause. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern.

(2) *Standard commercial supplies and raw materials.* Contracts and subcontracts not exceeding $100,000 for standard commercial supplies or raw materials are exempt from the requirements of the equal opportunity clause, except that the Executive Vice Chairman may, whenever he finds it necessary or appropriate to achieve the purposes of the Orders, withdraw such exemption in whole or in part with regard to any specified articles or raw materials. No agency, contractor or subcontractor shall procure supplies or materials in less than usual quantities to avoid applicability of the equal opportunity clause.

(3) *Contracts outside the United States.* Contracts and subcontracts under which work is to be or has been performed outside the United States and where no recruitment of workers within the United States is involved are exempt from the requirements of the equal opportunity clause. To the extent that work pursuant to such contracts is done within the United States the equal opportunity clause shall be applicable.

(4) *Sales contracts.* Contracts providing for the sale of Government real and personal property where no appreciable amount of work is involved are exempt from the requirements of the equal opportunity clause.

(5) *Contracts and subcontracts for an indefinite quantity.* Contracts and subcontracts for an indefinite quantity (including, without limitation, open-end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements) which are not to extend for more than one year are exempt from the requirements of the equal opportunity clause if the purchaser determines that the amounts to be ordered under any such contract or subcontract are not reasonably expected to exceed $100,000 in the case of contracts or subcontracts for standard commercial supplies and raw materials, or $10,000 in the case of all other contracts and subcontracts. When not so determined to be exempt from the requirements of the equal opportunity clause, such contracts or subcontracts shall be subject to those requirements even though the amounts actually ordered do not exceed the appropriate dollar limitation. With respect to contracts or subcontracts for an indefinite quantity which are to extend for more than one year or continue indefinitely, the equal opportunity clause shall be included unless the purchaser knows in advance that the amounts to be ordered in any year under such contract or subcontract will not exceed the appropriate dollar limitation. When so included in any contract the applicability of the equal opportunity clause shall be determined by the purchaser at the time of award for the first year, and at the end of each year for the succeeding year, based upon the amounts that are reasonably expected to be ordered during such year, and the purchaser shall notify the contractor or subcontractor in writing when the equal opportunity clause is so determined to be applicable. Once the equal opportunity clause is determined to be applicable, the contract or subcontract shall continue for its duration to be subject to such clause, regardless of the amounts ordered, or reasonably expected to be ordered, in any succeeding year. Whenever it has been determined in accordance with the provisions of this subparagraph (5) that a contract or subcontract for an indefinite quantity is exempt from the requirements of the clause, or that such requirements are not to be applicable in any one year, such determination shall be controlling even though the amounts actually ordered exceed the appropriate dollar limitation.

(b) *Specific contracts and facilities*—(1) *Specific contracts.* The Executive Vice Chairman may, with the approval of the Vice Chairman, exempt an agency from requiring the inclusion of any or all of the equal opportunity clause in any specific contract, or subcontract, when he deems that special circumstances in the national interest so require. The Executive Vice Chairman may also, with the approval of the Vice Chairman, exempt groups or categories of contracts of the same type where he finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the Orders.

(2) *Facilities not connected with contracts.* The Executive Vice Chairman may, with the approval of the Vice Chairman, exempt from the requirements of the equal opportunity clause any of a contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the contractor or subcontractor related to the performance of the contract or subcontract: *Provided,* That he also finds that such an exemption will not interfere with or impede the effectuation of the Orders.

(3) *Review of exemptions.* The Executive Vice Chairman shall report periodically to the Committee for its review any exemptions granted under subparagraphs (1) and (2) of this paragraph.

(c) *Effect of exemption.* Notwithstanding the inclusion in any contract or subcontract of the equal opportunity clause, the contractor or subcontractor shall be exempt from compliance therewith if the contract or subcontract containing such clause is exempt.

(d) *Withdrawal of exemption.* When any contract or subcontract is of a class exempted under this section, the Executive Vice Chairman may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the Orders. Such withdrawal shall not apply to any contracts or subcontracts entered into prior to the effective date of the withdrawal.

§ 60–1.5 Duties of agencies.

(a) *General responsibility.* The head of each agency shall be primarily responsible for obtaining compliance with the equal opportunity clause, the Orders, the regulations in this part, and any relevant orders of the Committee. Each agency shall furnish the Committee such information and assistance as it may require in the performance of its functions under the Orders.

(b) *Contracts Compliance Officers and Deputy Contracts Compliance Officers; designations; duties.* The head of each agency shall appoint from among its personnel a Contracts Compliance Officer, who shall be subject to the immediate supervision of the head of the agency for carrying out the responsibilities of the agency under this part. The head of the agency or the Contracts Compliance Officer may also designate, when appropriate, Deputy Contracts Compliance Officers to assist the Contracts Compliance Officer in the performance of his duties. The name of each Contracts Compliance Officer and any Deputy Contracts Compliance Officers, their addresses, telephone numbers, and any changes made in their designation shall be furnished to the Executive Vice Chairman.

(c) *Regulations.* (1) The head of each agency may prescribe, subject to the prior approval of the Executive Vice Chairman, regulations not inconsistent with those in this part for the administration of the provisions of the Orders.

(2) Each administering agency shall prescribe, subject to the prior approval of the Executive Vice Chairman, regulations or other appropriate instructions requiring that applicants for Federal assistance shall undertake and agree to the clause set forth in § 60–1.3(b)(1), and indicating that the agency shall be primarily responsible for compliance.

(3) Prior to the receipt of the approval of the Executive Vice Chairman, current agency regulations, and proposed regulations or instructions relating to applicants, may be enforced to the extent that they are not inconsistent with the regulations in this part and with the Orders.

§ 60–1.6 Compliance reports.

(a) *Requirements for contractors and subcontractors.* (1) Each agency shall require each nonexempt contractor to file, and each nonexempt contractor and subcontractor shall cause their nonexempt subcontractors to file timely, complete and accurate compliance reports in accordance with, and to the extent required by, the instructions attached to the official compliance report forms, as well as to furnish such other pertinent information as may be requested by the agency, the applicant, or the Executive Vice Chairman.

(2) Compliance reports shall be filed at the times specified by the instructions attached to such forms or at such other times as may be required by the agency or the Executive Vice Chairman. The agency, with the approval of the Executive Vice Chairman, may, in appropriate cases, extend the time for the filing of compliance reports.

(3) Compliance report forms may be obtained from the agency, the applicant or from the prime contractor. Among other things, the forms shall provide that whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or other representative of employees, information shall be furnished as to the labor union or other workers' representative's practices and policies affecting compliance, and in connection therewith, the contractor or subcontractor shall request the union or workers' representative for any necessary data within its possession. Where such information is within the exclusive possession of a labor union or other workers' representative and the labor union or other workers' representative shall fail or refuse to furnish such information, the contractor or subcontractor shall so certify in his report and shall set forth what efforts he has made to obtain such information. When such failure or refusal is certified to an agency, it shall immediately advise the Executive Vice Chairman.

(4) Failure to file timely, complete and accurate compliance reports as required constitutes noncompliance with the contractor's obligations under the equal opportunity clause and is ground for the imposition by the agency or the Committee of any of the sanctions available under the Orders.

(b) *Requirements of bidders or prospective contractors*—(1) *Compliance reports.* Each agency shall require any bidder or prospective contractor, or any of their proposed subcontractors, to state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed with the Committee or agency all compliance reports due under applicable instructions. In any case in which a bidder or prospective contractor or proposed subcontractor which has participated in a previous contract or subcontract subject to the equal opportunity clause has not filed a compliance report due under applicable instructions, such bidder, prospective contractor or proposed subcontractor shall be required by the agency to submit a compliance report prior to the award of the proposed contract or subcontract. In all other cases, the agency may, or upon the direction of the Executive Vice Chairman, shall, require the submission of a compliance report by a bidder or prospective contractor, or proposed subcontractor, prior to the award of the contract or subcontract. When a determination has been made to award a contract to a specific contractor, such contractor may be required, prior to award, to furnish such other pertinent information regarding its own employment policies and practices as well as of its proposed subcontractors as the agency, the applicant, or the Executive Vice Chairman may require.

(2) *Union statement.* Each agency may as a part of the bid or negotiation of the contract, or upon the direction of the Executive Vice Chairman, shall, direct any bidder or prospective contractor, or any of their proposed subcontractors, to file a statement in writing (signed by an authorized officer or agent of any labor union or other workers' representative with which the bidder or prospective contractor or subcontractor, deals or has reason to believe he will deal in connection with performance of the proposed contract), together with supporting information, to the effect that the said labor union's or other workers' representative's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the labor union or other workers' representative either will affirmatively cooperate, within the limits of its legal and contractual authority, in the implementation of the policy and provisions of the Orders or that it consents and agrees that recruitment, employment and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Orders. In the event the union or other workers' representative fails or refuses to execute

such a statement, the bidder or prospective contractor shall so certify, and state what efforts have been made to secure such a statement. When such failure or refusal has been certified, the agency shall immediately advise the Executive Vice Chairman.

§ 60–1.7 Compliance by labor unions.

(a) The Executive Vice Chairman shall use his best efforts, directly and through agencies, contractors, subcontractors, applicants, State and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting agency or other representative of workers who are or may be engaged in work under contracts to cooperate with, and to comply in the implementation of, the purposes of the Orders.

(b) In order to effectuate the purposes of paragraph (a) of this section, the Executive Vice Chairman may hold hearings, public or private, with respect to the practices and policies of any such labor organization.

(c) The Executive Vice Chairman may also notify any Federal, State, or local agency of his conclusions and recommendations with respect to any such labor organization which in his judgment has failed to cooperate with the Committee, agencies, contractors, subcontractors, or applicants in carrying out the purposes of the Orders.

§ 60–1.8 Use of compliance reports.

The agency and the Committee shall use compliance reports only in connection with the administration of the Orders or the furtherance of their purposes.

Subpart B—General Enforcement; Complaint Procedure

§ 60–1.20 Compliance review by the agency.

(a) *General.* The purpose of compliance reviews shall be to ascertain the extent to which the Orders are being implemented by the creation of equal employment opportunity for all qualified persons in accordance with the national policy. They are not intended to interfere with the responsibilities of employers to determine the competence and qualifications of employees and applicants for employment. Both routine and special reviews shall be conducted by agencies to ascertain the extent to which contractors and subcontractors are complying with the Orders, and to furnish information that may be useful to agencies and the Committee in carrying out their functions under the Orders. If a contractor or subcontractor has contracts or subcontracts involving more than one agency, the agency having the predominant interest shall normally conduct compliance reviews. The agency under which the contractor or subcontractor holds the largest aggregate dollar value of contracts or subcontracts at the time of filing of the most recent compliance report shall be deemed to have the predominant interest in any proceeding under this part, unless otherwise provided by the Executive Vice Chairman.

(b) *Routine compliance review.* A routine compliance review consists of a general review of the practices of the contractor or subcontractor to ascertain compliance with the requirements of the Order. A routine compliance review shall be considered a normal part of contract administration.

(c) *Special compliance review.* A special compliance review consists of a comprehensive review of the employment practices of the contractor or subcontractor with respect to the requirements of the Order. Special compliance reviews shall be conducted by the Executive Vice Chairman; or the agency (1) from time to time, (2) when special circumstances, including complaints which are processed under § 60–1.24, warrant, or (3) when requested by the Executive Vice Chairman. The agency shall report the results of any special compliance review conducted by it to the Executive Vice Chairman.

§ 60–1.21 Who may file complaints.

Any employee of any contractor or subcontractor or applicant for employment with such contractor or subcontractor who believes himself to be aggrieved under the equal opportunity clause, may, by himself or by an authorized representative, file in writing a complaint of alleged discrimination. Such complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the agency or the Executive Vice Chairman upon good cause shown.

§ 60–1.22 Where to file.

Complaints may be filed with the agency or with the Committee. Those filed with the Committee may be referred to the agency for processing, or they may be processed in accordance with § 60–1.26. Where complaints are filed with the agency, the Contracts Compliance Officer shall transmit a copy of the complaint to the Executive Vice Chairman within ten days after the receipt thereof and shall proceed with a prompt investigation of the complaint. When a complaint is filed against a contractor or subcontractor who has contracts involving more than one agency, the agency having the predominant interest in such contracts shall normally conduct the investigation and make such findings and determinations as shall be appropriate for the administration of the Orders.

§ 60–1.23 Contents of complaint.

(a) The complaint should include the following information: The name and address (including telephone number) of the complainant; the name and address of the contractor or subcontractor committing the alleged discrimination; a description of the acts considered to be discriminatory; and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant or his authorized representative.

(b) Where a complaint contains incomplete information, the agency or the Executive Vice Chairman (when acting pursuant to § 60–1.26), shall seek promptly the needed information from the complainant. In the event such information is not furnished to the agency or the Executive Vice Chairman within 60 days of the date of such request, the case may be closed.

§ 60–1.24 Processing of matters by agencies.

(a) *Investigations.* (1) The agency shall institute a prompt investigation of each complaint filed with it or referred to it, and shall be responsible for developing a complete case record. The investigation should include, where appropriate, a review of the pertinent personnel practices and policies of the contractor or subcontractor, the circumstances under which the alleged discrimination occurred, and other factors relevant to a determination as to whether the contractor or subcontractor has complied with the equal opportunity clause.

(2) Whenever a compliance review, report or other procedure indicates the possible violation of the equal opportunity clause, the agency shall institute such investigation as shall be necessary and shall be responsible for developing a complete case record.

(b) *Resolution of matters.* (1) If the investigation by the agency pursuant to paragraph (a) of this section shows no violation of the equal opportunity clause, the agency shall so inform the Committee. The Executive Vice Chairman shall review the findings and upon concurrence therewith he shall so advise the agency, which shall in turn notify the applicant, if any, the appropriate contractors and subcontractors, and the complainant, if any, and the case shall be closed. If upon review, the Executive Vice Chairman does not concur with the findings of the agency, he may request further investigation by the agency or may undertake such investigation by the Committee as he may deem appropriate.

(2) If any investigation under paragraph (a) of this section indicates the existence of an apparent violation of the equal opportunity clause, the matter should be resolved by informal means whenever possible.

(3) If a matter in which the investigation has shown apparent discrimination is not resolved by informal means, the agency may afford the contractor or subcontractor an opportunity for a hearing before reporting its findings and recommendations to the Executive Vice Chairman, as provided in paragraph (c) of this section. If the agency's decision is that a violation of the equal opportunity clause has taken place, the agency may make recommendations to the Executive Vice Chairman, may cause the cancellation, termination, or suspension of the contract or subcontract pursuant to section 312 of the Order, or may with the approval of the Executive Vice Chairman impose such other sanctions as seem necessary and appropriate to carry out the purposes of the Orders. No case shall be referred to the Department of Justice under section 312(b) of the Order and no contract or subcontract shall be cancelled or terminated in whole or in part under section 312(d) of the Order without compliance with § 60–1.28. Whenever debarment from contracts under section 312(e) of the Order may be proposed by the agency, it shall afford the contractor or subcontractor an opportunity for a hearing before the head of the agency or his authorized representative in accordance with § 60–1.27. When a contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of an agency or the Executive Vice Chairman and believes such recommendations or orders to be erroneous, he shall upon filing a request therefor within 10 days of such compliance be afforded an opportunity for a hearing and review of the alleged erroneous action by the agency or the Executive Vice Chairman as the case may be.

(c) *Report to the Executive Vice Chairman.* (1) Within 60 days from receipt of a complaint by the agency, or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the agency shall process the complaint and submit to the Executive Vice Chairman the case record and a summary report containing the following information:

(i) Name and address of the complainant;

(ii) Brief summary of findings, including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the Order;

(iii) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

(2) As to any other matter processed by the agency involving an apparent violation of the Orders, the agency shall submit to the Executive Vice Chairman a report containing a brief summary of the findings, including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the Order, and a statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

§ 60–1.25 Assumption of jurisdiction by the Executive Vice Chairman over matters before an agency.

The Executive Vice Chairman may inquire into the status of any matter pending before an agency, including complaints and matters arising out of reports, reviews, and other investigations, and where he considers it necessary or appropriate to the achievement of the purposes of the Orders he may assume jurisdiction over the matter and proceed as provided in § 60–1.26.

§ 60–1.26 Processing of matters by the Executive Vice Chairman.

(a) The Executive Vice Chairman may process matters over which he assumes jurisdiction under § 60–1.25 or other matters, including complaints and matters arising out of special compliance reviews conducted or ordered by the Executive Vice Chairman. Whenever the Executive Vice Chairman processes any matter he may conduct, or have conducted, such investigations, hold such hearings, make such findings, issue such recommendations and directives and order such sanctions and penalties as may be necessary or appropriate to achieve the purposes of the Orders.

(b) No case shall be referred to the Department of Justice under section 312 of the Order and no contract shall be cancelled or terminated in whole or in part under section 312(d) of the Order without compliance with § 60–1.28. Whenever debarment from contracts under section 312(e) of the Order may be proposed, the Executive Vice Chairman shall afford the contractor an opportunity for a hearing in accordance with § 60–1.27.

(c) The Executive Vice Chairman shall promptly notify the agency of any corrective action to be taken or any sanctions to be imposed by the agency. The agency shall take such action, and report the results thereof to the Executive Vice Chairman within the time specified in individual cases.

§ 60–1.27 Hearings.

(a) *General hearing procedure*—(1) *Notice.* Whenever a hearing is to be held pursuant to Subpart B of this part reasonable notice of such hearing shall be given by registered mail, return receipt requested, to the contractor or subcontractor complained against. Such notice shall include (i) a convenient time and place of hearing, (ii) a statement of the provisions of the Order and regulations pursuant to which the hearing is to be held, and (iii) a concise statement of the matters pursuant to which the action forming the basis of the hearing has been taken or is proposed to be taken.

(2) *Hearings.* The Executive Vice Chairman, the head of the agency, or such other official or officials designated as hearing officers shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his case or defense including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended conclusions upon the basis of the record before them.

(b) *Contract ineligibility cases.* When hearings are held pursuant to section 310(b) of the Order to declare a contractor or subcontractor ineligible for further contracts, the procedure provided in paragraph (a) of this section shall be followed except as hereinafter set forth.

(1) *Notice of proposed ineligibility.* Before any determination is made to declare any contractor or subcontractor ineligible for further contracts or subcontracts under sections 301 and 312 of the Order, a notice of proposed determination in writing and signed by the Executive Vice Chairman or head of the agency, or his authorized representative, as the case may be, shall be sent to the last known address of the contractor or subcontractor, return receipt requested.

(2) *Hearing request.* Whenever a contractor or subcontractor has been notified by an agency of a proposed determination of contract ineligibility under the Orders, such contractor or subcontractor shall be entitled to request an opportunity to be heard by the agency. When such notice is received from the Executive Vice Chairman, a request for an opportunity to be heard may be made to the Committee. The letter to the Executive Vice Chairman or the head of the agency, or his authorized representative, as the case may be, may include a request for a written statement specifying charges in reasonable detail. The request for an opportunity to be heard shall be made within ten days from the date of receipt of notice of the proposed determination. If at the end of such ten day period, no request has been received, the Executive Vice Chairman or the head of the agency, or his authorized representative, may assume that an opportunity to be heard is not desired, and the Executive Vice Chairman may enter an order declaring such contractor or subcontractor ineligible for further contracts, or extensions or other modifications of existing contracts, until such contractor or subcontractor shall have satisfied the Committee that he has established and will carry out personnel and employment policies in compliance with the provisions of the Orders.

(3) *Hearing, time and place.* Upon receipt of a request for an opportunity to be heard, the Executive Vice Chairman or the head of the agency, or his authorized representative, shall arrange a timely hearing. The hearing shall be conducted by the head of the agency or his authorized representative or by a panel of the Committee consisting of not less than three members thereof appointed by the Chairman or Vice Chairman of the Committee. When the hearing is conducted by an agency, no decision by the head of the agency, or his authorized representative, shall be final without the prior approval of a panel of the Committee.

§ 60–1.28 Opportunity to achieve compliance before referrals to the Department of Justice or contract termination.

No case shall be referred to the Department of Justice under section 312(b) of the Order and no contract shall be terminated in whole or in part under section 312(d) of the Order until the expiration of at least ten days from the mailing of notice of such proposed referral or contract termination to the contractor or subcontractor involved, affording him an opportunity to comply with the provisions of the Orders. Reasonable efforts to persuade the contractor or subcontractor to comply with the provisions of the Orders and to take such corrective action as may be appropriate shall be made during this period.

§ 60–1.29 Contract ineligibility list.

The Executive Vice Chairman shall distribute periodically a list to all executive departments and agencies giving the names of contractors and subcontractors who have been declared

ineligible under these regulations and the Orders. The Executive Vice Chairman may also publish such a list together with a list of those contractors for subcontractors who may have reestablished their eligibility in such form and in such places as he may deem appropriate.

§ 60–1.30 Notification of Comptroller General in cases of contract ineligibility or contract termination.

Whenever a contract or subcontract is terminated or whenever a contractor or subcontractor is declared ineligible from receiving further contracts or subcontracts because of noncompliance with the equal opportunity clause, the Executive Vice Chairman shall notify the Comptroller General of the United States.

§ 60–1.31 Reinstatement of ineligible contractors and subcontractors.

Any contractor or subcontractor declared ineligible for further contracts or subcontracts under the Orders may request reinstatement in a letter directed to the Executive Vice Chairman. In connection with the reinstatement proceeding, the contractor or subcontractor shall be required to show that it has now complied with the Orders or that it has a program of compliance acceptable to the Executive Vice Chairman.

Subpart C—Certificates of Merit

§ 60–1.40 By the Committee on its own initiative.

The Committee acting through the Chairman or Vice Chairman may award United States Government Certificates of Merit to employers or employee organizations which are or may hereafter be engaged in work under contracts, if the Committee is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the employee organization conform to the purposes and provisions of the Order.

§ 60–1.41 By the Executive Vice Chairman upon agency recommendation.

The Committee, acting through the Executive Vice Chairman, may award a United States Government Certificate of Merit upon the recommendation of an agency. The recommendation should include a statement in sufficient detail to inform the Executive Vice Chairman of the basis for the proposed award.

§ 60–1.42 [Deleted]

§ 60–1.43 Suspension or revocation.

The Committee acting through the Chairman or Vice Chairman may at any time review the continued entitlement of any employer or employee organization to a United States Government Certificate of Merit, and may suspend or revoke in the public interest the Certificate if the holder thereof, in the judgment of the Executive Vice Chairman, is no longer in compliance with the provisions of the regulations and those of the Order. The Executive Vice Chairman shall notify all agencies of such suspension or revocation of the Certificate of Merit.

Subpart D—Ancillary Matters

§ 60–1.60 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a contractor or subcontractor, the requirements of paragraph (2) of the equal opportunity clause shall be satisfied whenever the contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Committee. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, creed, color, or national origin;

(d) Uses single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer."

§ 60–1.61 Access to records of employment.

Each contractor and subcontractor shall permit access during normal business hours to his books, records, and accounts pertinent to compliance with the Orders, and all rules and regulations promulgated pursuant thereto, by the agency, the Committee, the Executive Vice Chairman, and the Secretary of Labor for purposes of investigation to ascertain compliance with the Orders and the rules, regulations, and relevant orders of the Committee. Information obtained in this manner shall be used only in connection with the administration of the Orders.

§ 60–1.62 Rulings and interpretations.

The Executive Vice Chairman shall have authority to issue rulings and interpretations regarding the contracts portion of the Orders and the regulations contained in this part. The rulings and interpretations of the Executive Vice Chairman, unless and until modified or revoked, shall be authoritative.

§ 60–1.63 Reports to the Committee.

The Executive Vice Chairman shall make periodic reports to the Committee and such other reports as may be requested by the Chairman or Vice Chairman of the Committee.

§ 60–1.64 Existing contracts and subcontracts.

All Government contracts and subcontracts in effect prior to April 5, 1961, which are not subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive Orders. Any Government contract or subcontract modified on or after April 5, 1961, but before June 22, 1963, shall be subject to Executive Order 10925. Any Government contract or subcontract modified on or after June 22, 1963, shall be subject to the Order, and shall include as part of such modification the equal opportunity clause contained in Part II of Executive Order 11114. All federally assisted construction contracts in effect prior to July 22, 1963, which are not subsequently modified shall be administered in accordance with the provisions of any prior applicable agency regulations or instructions. Any federally assisted construction contract or subcontract modified on or after July 22, 1963, shall be subject to Executive Order 11114. Complaints received by, and violations coming to the attention of agencies regarding contracts and subcontracts not subject to either Executive Order 10925 or 11114 shall be reported to the Executive Vice Chairman. The agency shall, upon its own initiative or upon the request of the Executive Vice Chairman, investigate such complaints or alleged violations and take such other action as may be appropriate.

Effective date. Because the requirements of this chapter concern matters excepted from the provisions of section 4 of the Administrative Procedure Act and because of the desirability of prompt implementation of the provisions of Executive Orders 10925 and 11114, this revision of Part 60–1 shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 30th day of August 1963.

HOBART TAYLOR, Jr.,
Executive Vice Chairman.

[F.R. Doc. 63–9598; Filed, Sept. 6, 1963; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3206]

[Wyoming 059320]

WYOMING

Partial Revocation of Public Land Order No. 2278 of February 27, 1961

By virtue of the authority vested in the President and pursuant to the Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 2278 of February 27, 1961, which withdrew national forest lands in Wyoming for use of the Forest Service as administrative sites is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

Shingle Mill Administrative Site

T. 15 N., R. 85 W.,
Sec. 26, SW¼SW¼, and W½SE¼SW¼;
Sec. 33, N½NW¼NE¼NW¼, and N½N½NW¼NW¼.

Rambler Administrative Site

T. 14 N., R. 86 W.,
Sec. 26, SE¼NW¼SW¼, E½SW¼SW¼, and SW¼SE¼SW¼.

Trail Administrative Site

T. 13 N., R. 88 W.,
Sec. 17, N½NE¼.

Deep Creek Administrative Site

T. 14 N., R. 88 W.,
Sec. 12, N½NW¼.

The areas described aggregate 275 acres.

2. At 10:00 a.m. on October 5, 1963, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63–9578; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3207]

[Nevada 054561]

NEVADA

Partial Revocation of Reclamation Withdrawal, Washoe Lake Reservoir Site

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental Order of July 18, 1940, which withdrew lands for reclamation purposes under the Act of June 17, 1902, supra, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 16 N., R. 19 E.,
Sec. 26, NE¼SW¼.
T. 17 N., R. 19 E.,
Sec. 34, W½NE¼, N½NW¼ and SE¼NW¼.
T. 16 N., R. 20 E.,
Sec. 20, E½, SW¼SW¼, E½SW¼;
Sec. 27, S½;
Sec. 33, W½SW¼.

The areas described aggregate 960 acres of public land, and 120 acres of national forest land in the Toiyabe National Forest.

2. The lands are located north of Carson City, Nevada. Topography is generally rough, with rocky, sandy, and sandy loam soils.

3. At 10:00 a.m. on October 5, 1963, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

4. Subject to any valid existing rights and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals, the public lands are hereby opened to filing of applications and selections. All valid applications and selections under the nonmineral public land laws presented at or prior to 10:00 a.m. on October 5, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be opened to location under the United States mining laws at 10:00 a.m. on October 5, 1963.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63–9579; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3208]

[1966031]

ALASKA

Partial Revocation of Public Land Order No. 537 of December 15, 1948

By virtue of the authority contained in section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 537 of December 15, 1948, so far as it reserved for public purposes, lot 1, U.S. Survey No. 2707, Paxsons Lake, latitude 62°55′ N., longitude 145°30′ W., containing 4 acres, is hereby revoked.

2. Until 10:00 a.m. on November 30, 1963, the State of Alaska shall have a preferred right to select the land in accordance with the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the land until 10:00 a.m. on November 30, 1963. At that time the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State received at or prior to 10:00 a.m. on October 5, 1963, shall be considered as simultaneously filed at that time.

4. The land has been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. It will be open to location for nonmetalliferous minerals under the United States mining laws at 10:00 a.m. on November 30, 1963.

5. Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63–9580; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3209]

[Riverside 03011]

CALIFORNIA

Partial Revocation of Public Land Order No. 431 of December 19, 1947

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 431 of December 19, 1947, which withdrew certain lands in California for the use of the Navy Department as a Naval Ordnance Testing Center and proving range, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 38 E.,
Sec. 2, W½ of lots 1 and 2 of NE¼, and the SE¼.
T. 26 S., R. 39 E.,
Sec. 6, SW¼NE¼SE¼.

The areas described aggregate approximately 251 acres, of which about 170 acres are patented. The W½ lots 1 and 2 is public land.

2. Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public lands are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Until 10:00 a.m. on March 1, 1964, the State of California shall have a preferred right of application to select the lands as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852).

b. All other valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented at or prior to 10:00 a.m. on October 5, 1963, will be considered as simultaneously filed at that hour. Rights under such applications, and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on March 1, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63–9581; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3210]

[Los Angeles 0143391]

CALIFORNIA

Partial Revocation of Public Water Reserve No. 56

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order

No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of October 16, 1918, creating Public Water Reserve No. 56, California No. 7, so far as it affects the following-described land, is hereby revoked.

SAN BERNARDINO MERIDIAN

T. 3 S., R. 4 E.,
Sec. 30, NE¼.

Containing 160 acres.

2. Until 10:00 a.m. on March 1, 1964, the State of California shall have a preferred right of application to select the lands as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852). On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on October 5, 1963, will be considered as simultaneously filed at that time.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m. on March 1, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9582; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3211]

[Los Angeles 0134245]

CALIFORNIA

Withdrawal of National Forest Lands for Use of Forest Service; Correction

The land description for the Oak Creek Camp and Picnic Grounds appearing in Public Land Order No. 3074 of May 7, 1963, published in the FEDERAL REGISTER of May 11, 1963, at page 4757, so far as it refers to "T. 12 S., R. 34 E.," is corrected to read "T. 13 S., R. 34 E.,".

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9600; Filed, Sept. 6, 1963; 8:47 a.m.]

[Public Land Order 3212]

[Oregon 012508]

OREGON

Withdrawal for Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Umatilla National Forest, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture for utilization of the surface as administrative sites as indicated:

WILLAMETTE MERIDIAN

GOODMAN RIDGE LOOKOUT ADMINISTRATIVE SITE

T. 1 N., R. 37 E.,
Sec. 5, W½SW¼SE¼.

HIGH RIDGE LOOKOUT ADMINISTRATIVE SITE

T. 2 N., R. 38 E.,
Sec. 6, W½SE¼NE¼.

TUPPER BUTTE ADMINISTRATIVE SITE

T. 6 S., R. 27 E.,
Sec. 4, N½, and N½SE¼.

SUMMIT GUARD STATION ADMINISTRATIVE SITE

T. 1 S., R. 37 E.,
Sec. 17, SW¼NE¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate approximately 506 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9583; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3213]

[Wyoming 085048 (Nebr.)]

NEBRASKA

Withdrawal of Lands for Reclamation Purposes, Merritt Dam and Reservoir Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights the following-described national forest lands in the Nebraska National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for construction, operation and maintenance of the Merritt Dam and Reservoir, Ainsworth Unit, Missouri River Basin Project:

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 31 W.,
Sec. 25, S½ and S½NW¼;
Sec. 26, NE¼, S½NW¼, N½SW¼, and SE¼.

Containing approximately 880 acres.

The lands will continue to be administered by the Forest Service, Department of Agriculture, until such time as they are needed for project purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9584; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3214]

[Sacramento 048180]

CALIFORNIA

Withdrawal for Forest Service Roadside Zones

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in the Stanislaus National Forest, California, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for protection of existing roads and highways and adjacent roadside zones:

MOUNT DIABLO MERIDIAN

A strip of land 200 feet on either side of the center line as surveyed on the ground of the Big Oak Flat Forest Highway Route No. 39 (State of California Route No. 120) through the following sections:

T. 1 S., R. 18 E.,
Secs. 25 to 29, incl.;
Sec. 36.
T. 1 S., R. 19 E.,
Secs. 27 to 31, incl.;
Secs. 34 and 35.

The area described contains approximately 375 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9585; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3215]

[Montana 056834-056836]

MONTANA

Addition of Lands to Gallatin, Flathead, and Lewis and Clark National Forests

By virtue of the authority vested in the President by section 1 of the Act of July 20, 1939 (53 Stat. 1071; 16 U.S.C. 471b) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

1. The following-described lands are hereby added to and made a part of the national forests indicated, subject to existing valid rights, and hereafter shall be subject to all laws and regulations applicable to such national forest:

PRINCIPAL MERIDIAN

(a) (Montana 056834.)

GALLATIN NATIONAL FOREST

T. 4 S., R. 2 E.,
Secs. 29, 31, and 33.

The areas described total 1,917.32 acres.

(b) (Montana 056835.)

FLATHEAD NATIONAL FOREST

T. 27 N., R. 23 W.,
Sec. 6, lots 7, 8 and S½NE¼.
T. 27 N., R. 24 W.,
Sec. 2, lots 1 to 4 incl.

The areas described total 282.52 acres.

(c) (Montana 056836.)

LEWIS AND CLARK NATIONAL FOREST

T. 11 N., R. 19 E.,
Sec. 34, NW¼NW¼.

Containing 40 acres.

2. The boundaries of the Lewis and Clark National Forest are hereby extended to the extent necessary to include the lands described in paragraph 1(c) hereof.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9586; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3216]

[1935558]

[Fairbanks 031363]

ALASKA

Partial Revocation of Air Navigation Site Withdrawal No. 162

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of June 25, 1941 creating Air Navigation Site Withdrawal No. 162, as enlarged by departmental order of October 16, 1953, is hereby revoked so far as it affects public lands in Alaska identified as U.S. Survey No. 2626, containing 3984 acres.

2. The lands are withdrawn by Public Land Order No. 255 for use of the Department of the Army for military purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9587; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3217]

[Los Angeles 0164678]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal, Yuma Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of April 2, 1909, which withdrew lands for reclamation purposes in connection with the Yuma Project, is hereby revoked so far as it affects the following-described lands:

SAN BERNARDINO MERIDIAN

T. 9 S., R. 12 E.,
Sec. 2, N½N½NE¼, SW¼NE¼NE¼, SE¼NW¼NE¼ and NE¼NE¼NW¼ (portion of lot 2 in NE¼ and portion of lot 2 in NW¼).

Containing approximately 70 acres.

The lands have been patented to the County of Imperial, California, under the provisions of the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869—869-3), as amended, with a reservation to the United States of an easement for seepage and overflow.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9588; Filed, Sept. 6, 1963; 8:46 a.m.]

[Public Land Order 3218]

[Utah 049508]

UTAH

Withdrawal of National Forest Lands for Use of Forest Service

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Ashley and Manti-LaSal National Forests, Utah, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as campgrounds, summer home areas, an administrative site, and a recreation area as indicated:

UINTA SPECIAL MERIDIAN

ASHLEY NATIONAL FOREST

Uinta River Recreation Area

T. 3 N., R. 2 W.,
Sec. 19, lot 4, W½SE¼SW¼, SE¼ of lot 3, SW¼NE¼SW¼;
Sec. 29, SW¼SW¼, and SW¼SE¼SW¼;
Sec. 30, W½NE¼NW¼, E½ of lot 1, NE¼ of lot 2, SE¼NE¼NW¼, SE¼NW¼, W½SW¼NE¼, SE¼SW¼NE¼, SW¼SE¼NE¼, N½NE¼SW¼, NW¼SE¼, NE¼NE¼SE¼, NW¼SW¼SE¼, E½SW¼SE¼, W½SE¼SE¼, S½NE¼SE¼SE¼, and SE¼SE¼SE¼;
Sec. 31, N½NE¼NE¼;
Sec. 32, N½NW¼NW¼, SE¼NW¼NW¼, NE¼NW¼, SE¼NW¼, NW¼SW¼NE¼, S½SW¼NE¼, N½NE¼SW¼, SE¼NE¼SW¼, NW¼SE¼, W½NE¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼.

Uinta River Summer Home Area

T. 2 N., R. 2 W.,
Sec. 4, E½NW¼SW¼, E½W½NW¼SW¼, and NE¼SW¼SW¼.

Uinta Park Administrative Site

T. 3 N., R. 2 W.,
Sec. 30, W½NE¼SE¼, SE¼NE¼SE¼, and N½NE¼SE¼SE¼.

Paradise Park Camp and Picnic Ground

T. 3 N., R. 1 E.,
Sec. 7, SE¼SE¼;
Sec. 8, lot 4, and SW¼SW¼.

Pole Creek Lake Camp and Picnic Ground

T. 3 N., R. 2 W.,
Sec. 12, NW¼NE¼, and NE¼NW¼.

SALT LAKE MERIDIAN

MANTI-LASAL NATIONAL FOREST

Warner Lake Summer Home Area

T. 26 S., R. 24 E.,
Sec. 28, SW¼NE¼.

Lake Oowah Campground

T. 26 S., R. 24 E.,
Sec. 33, E½NW¼NE¼, W½NE¼NE¼, NE¼SW¼NE¼, and NW¼SE¼NE¼.

The areas described aggregate 1,079.28 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9595; Filed, Sept. 6, 1963; 8:47 a.m.]

[Public Land Order 3219]

[88574]

MONTANA

Modification of Grazing Districts

By virtue of the authority contained in the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, it is ordered as follows:

The following-described lands included in Montana Grazing District No. 2 by Departmental Order of July 11, 1935, are hereby deleted from that district and added to and made a part of Montana Grazing District No. 6, established by Departmental Order of October 4, 1939:

MONTANA PRINCIPAL MERIDIAN

T. 13 N., R. 30 E.,
Sec. 12, N½;
Sec. 14, N½N½, SW¼NW¼, SW¼SW¼, S½SE¼;
Sec. 24, E½;
Sec. 26, N½, SE¼.
T. 13 N., R. 31 E.,
Sec. 4, Lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 30, Lots 1, 2, 3, 4, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼.
T. 13 N., R. 32 E.,
Sec. 4, Lot 4, SE¼NE¼, SW¼NW¼, S½SW¼, S½SE¼, NE¼SE¼;
Sec. 6, Lots 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼;
Sec. 8, S½;
Sec. 12, W½.
T. 13 N., R. 33 E.,
Sec. 2, Lots 1 and 2, S½NE¼, SE¼;
Sec. 10, NE¼, N½NW¼, N½SE¼;
Sec. 12, S½NE¼, NW¼, S½;
Secs. 14, 20, 24, All;
Sec. 26, E½.
T. 14 N., R. 30 E.,
Sec. 2, Lot 3, SE¼NW¼;
Sec. 12, S½;
Sec. 14, NW¼SW¼;
Sec. 24, All;
Sec. 34, SW¼.
T. 14 N., R. 31 E.,
Sec. 4, Lots 1, 2, 3, and 4, S½N½, that portion south of the highway, S½, that portion south of highway.
T. 14 N., R. 31 E.,
Sec. 8, NE¼, NW¼ that portion south of the highway;
Sec. 10, NW¼, S½;
Sec. 18, Lots 1, 2, 3, and 4, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 20, W½W½.
T. 14 N., R. 31 E.,
Sec. 22, S½;
Sec. 24, N½NE¼, SE¼NE¼, NW¼SW¼, S½S½;
Sec. 26, All;
Sec. 28, All;
Sec. 32, All;
Sec. 34, All.
T. 14 N., R. 32 E.,
Sec. 4, Lots 1, 2, 3, and 4, SW¼SW¼;
Sec. 28, W½;
Sec. 30, Lots 1, 2, 3, and 4, E½W½.
T. 14 N., R. 33 E.,
Sec. 2, SE¼NE¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 10, S½SW¼;
Sec. 12, N½;

Sec. 14, N½NE¼, NW¼, S½SE¼;
Sec. 28, E½NE¼, W½NW¼, W½SW¼, SE¼SW¼, SE¼SE¼;
Sec. 32, W½NW¼, SW¼SW¼.
T. 14 N., R. 30 E.,
Sec. 2, Lot 3, SE¼NW¼.
T. 14 N., R. 31 E.,
Sec. 4, Lots 1, 2, 3, and 4, S½N½ that portion north of the highway, NW¼SW¼, that portion north of the highway;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, NW¼ that portion north of the highway.
T. 15 N., R. 30 E.,
Sec. 1, Lots 5, 7, and 8, S½NW¼, N½SW¼, SW¼SE¼;
Sec. 2, Lots 5, 6, 7, and 8, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 3, Lots 5, 6, 7, and 8, S½N½, S½;
Sec. 4, Lots 5, 6, 7, and 8, S½NE¼, SW¼NW¼ that portion east of the Musselshell River, SE¼NW¼, W½SW¼ that portion east of the Musselshell River, E½SW¼, SE¼.
T. 15 N., R. 30 E.,
Sec. 9, N½NE¼ that portion north of the Musselshell River, NE¼NW¼, SE¼SE¼;
Sec. 10, N½, NE¼SW¼, SE¼;
Sec. 11, All;
Sec. 12, S½NE¼, SW¼NW¼, N½SW¼, SE¼;
Sec. 13, W½SW¼;
Sec. 14, All;
Sec. 15, All;
Sec. 22, N½NE¼, SE¼NE¼, NW¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 23, N½, NW¼SW¼, SE¼;
Sec. 26, NE¼, S½NW¼, S½;
Sec. 34, S½SW¼, that portion south of tract No. 41.
T. 15 N., R. 31 E.,
Sec. 4, Lot 5;
Sec. 5, SE¼NW¼, NE¼SE¼, S½SE¼;
Sec. 6, Lot H (Tract 41).
T. 15 N., R. 31 E.,
Sec. 7, Lots D, E, 7, 8, 9, and 10, S½SE¼;
Sec. 8, SE¼NW¼;
Sec. 9, NW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 10, NE¼NW¼;
Sec. 18, Lots 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 20, SE¼SW¼;
Sec. 24, Lots 1 and 2, SW¼NE¼, NW¼SE¼;
Sec. 30, Lots 5, 6, 7, and 8;
Sec. 32, Lot 2;
Sec. 34, N½N½, SE¼NW¼.
T. 16 N., R. 30 E.,
Sec. 3, Lot 5, NE¼SE¼;
Sec. 4, Lot 6;
Sec. 5, Lots 7, 8, N½SW¼, SE¼SE¼;
Sec. 6, Lots 7, 8, 11, and 12;
Sec. 7, W½E½, E½W½;
Sec. 8, NW¼NW¼;
Sec. 9, NE¼NE¼, S½NE¼, S½NW¼, S½, that portion south of east of the Musselshell River;
Sec. 10, S½NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 11, NW¼SW¼, S½SW¼;
Sec. 13, W½NW¼, SW¼, SW¼SE¼;
Sec. 14, All;
Sec. 15, All;
Sec. 20, Lots 1, 11, and 12 that portion east of the Musselshell River, SE¼SE¼.
T. 16 N., R. 30 E.,
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, NW¼NE¼, NW¼, SW¼SW¼;
Sec. 26, N½NE¼, NW¼, W½SW¼;
Sec. 27, All;
Sec. 28, Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, and 18;
Sec. 32, Lot 7, NE¼SE¼;
Sec. 33, NE¼, E½NE¼, NW¼NW¼ and that portion south and east of the Musselshell River, S½NW¼, S½;
Sec. 34, All;
Sec. 35, W½NW¼, SW¼, S½SE¼.
T. 16 N., R. 31 E.,
Sec. 29, NW¼SW¼, S½SW¼;
Sec. 30, Lots 5, 10, and 13, N½SE¼, SE¼SE¼;
Sec. 31, Lots 5, 6, 7, and 8, E½E½;
Sec. 32, N½NW¼, SW¼SW¼.
T. 17 N., R. 30 E.,
Sec. 31, SE¼SE¼.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 30, 1963.

[F.R. Doc. 63-9589; Filed, Sept. 6, 1963; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 63-55]

PART 171—STANDARDS FOR NUMBERING

Subpart 171.10—Application for Number

COMMONWEALTH OF PUERTO RICO

The Act of August 30, 1961 (Public Law 87-171), amended the Federal Boating Act of 1958 (46 U.S.C. 527–527h) so that its provisions apply in the Commonwealth of Puerto Rico. The Federal Boating Act requires the numbering of undocumented vessels propelled by machinery of more than 10 horsepower. The appropriate changes making the regulations in 46 CFR Part 171 applicable in the Commonwealth of Puerto Rico were published in the FEDERAL REGISTER on April 24, 1962 (27 F.R. 3886–3889). At that time the undocumented vessels in the Commonwealth of Puerto Rico were temporarily exempted from the numbering requirements and the Commonwealth of Puerto Rico was approached concerning whether or not it desired to assume the numbering functions as authorized under the Federal Boating Act. Since the Puerto Rican Legislature failed to enact a numbering law, the temporary exemption granted April 24, 1962, is canceled effective January 1, 1964.

The United States Coast Guard will issue the numbers for the undocumented vessels subject to the Federal Boating Act which are principally used in the Commonwealth of Puerto Rico. The amendments in this document provide that a special decentralized numbering system will be used in the Commonwealth of Puerto Rico, such as that established for Guam. The forms presently used in the administration of the Federal Numbering Program will be used. The application fee ($3.00) and the duplicate certificate fee ($1.00) will be the same as that presently charged to applicants in those States where numbering is performed by the Coast Guard. The applications for numbers together with appropriate fees for undocumented vessels propelled by machinery of more than 10 horsepower and principally used in the Commonwealth of Puerto Rico shall be submitted to the United States Coast Guard, Marine Inspection Office, Federal Building, San Juan, Puerto Rico (P.O. Box 3666).

Because these changes to the regulations provide the procedures for handling the numbering function in the Commonwealth of Puerto Rico, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking and public rulemaking procedures thereon) is unnecessary or exempted by the specific provisions in section 4 of that Act (5 U.S.C. 1003).

By virtue of the authority transferred to me as Commandant, United States Coast Guard, by Treasury Department Order 167-32 dated September 23, 1958 (23 F.R. 7605), I hereby promulgate the following amendments pursuant to section 7 of the Federal Boating Act of 1958 and these amended regulations shall be in effect on and after January 1, 1964:

1. In § 171.10-1 *To whom made,* paragraph (a) (2) is amended by adding after the name "Guam" in the list of States the name "Commonwealth of Puerto Rico."

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

2. In § 171.10-3 *Procedures for making application to the Coast Guard directly,* paragraph (a) is amended by adding after the name "Guam" in the list of States the following: "Commonwealth of Puerto Rico: United States Coast Guard, Marine Inspection Office, San Juan."

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

Dated: September 3, 1963.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 63-9522; Filed, Sept. 6, 1963; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Georgia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of raccoon and turkey gobblers on the Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres or 82 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree, Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Raccoons and turkey gobblers. The taking of other upland game species as may be otherwise authorized by Georgia State Regulations is prohibited.

(b) Open season: November 25 through November 30, 1963, and December 30, 1963 through January 4, 1964. Daylight to 9:30 a.m. and 3:30 p.m. to sunset daily (standard time). Total season kill for turkeys limited to twenty (20) gobblers.

(c) Daily bag limits: Turkey gobblers—two per season. Raccoons—no limit.

(d) Methods of hunting:

(1) Weapons: Bows of not less than forty (40) pounds pull and arrows.

(2) Prohibited methods: Firearms, crossbows, and mechanical bows.

(3) Dogs: No dogs permitted.

(4) Hunting permitted from daylight to 9:30 a.m. (standard time) and from 3:30 p.m. (standard time) to sunset each day.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Preseason scouting prohibited. Hunters will be restricted to the camping area until the morning of the first day of the hunt.

(3) Participants must arrange their own transportation to the island; may not enter the refuge more than three days in advance of each opening date.

(4) Camping permitted at designated camping area only. Fires must be confined to this area.

(5) A Federal permit is required to enter the public hunting area. Permit applications will be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, South Carolina, until November 15, 1963.

(6) The provisions of this special regulation are effective to January 5, 1964.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9575; Filed, Sept. 6, 1963; 8:46 a.m.]

PART 32—HUNTING

Wildlife Refuges in Georgia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Piedmont National Wildlife Refuge, Georgia is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,358 acres or 98 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree, Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer of either sex. The hunting of big game species as may be otherwise authorized by Georgia State regulations is prohibited.

(b) Open season: November 4 through November 9, 1963.

(c) Daily bag limits: Deer—1.

(d) Methods of hunting:

(1) Weapons: Bows of not less than forty (40) pounds pull and arrows ⅞ inch in width or wider.

(2) Firearms, crossbows, and mechanical bows prohibited.

(3) Dogs: Dogs on leash may be used to track wounded game only. No other use permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Pre-season scouting prohibited.

(3) Hunters must remain on their stands between sunrise and 9:30 a.m. (standard time).

(4) Camping and fires are restricted to designated camping area.

(5) Deer killed must be checked out at refuge headquarters before leaving the refuge area.

(6) A Federal permit is not required to enter the public hunting area.

(7) The provisions of this special regulation are effective to November 10, 1963.

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,358 acres or 98 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree, Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer. The hunting of big game species as may be otherwise authorized by Georgia State regulations is prohibited.

(b) Open season: November 11, 1963 through November 15, 1963.

(c) Daily bag limits: Deer—1.

(d) Methods of hunting:

(1) Guns for hunting deer are limited to shotguns, 20 gauge or larger loaded with slugs, or to rifles using center fire cartridges .22 caliber or above, with the following exceptions: .25–.20; .32–.20; .30 Army Carbine; .22 Hornet or .218 Bee.

(2) Dogs are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Pre-season scouting prohibited.

(3) Camping and fires prohibited.

(4) Deer killed must be checked out at refuge headquarters before leaving the refuge area.

(5) A Federal permit is not required to enter the public hunting area.

(6) The provisions of this special regulation are effective to November 16, 1963.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Blackbeard Island National Wildlife Refuge, Georgia is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres or 82 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree, Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer, either sex. The hunting of big game species as may be otherwise authorized by Georgia State Regulations is prohibited.

(b) Open season: November 25 through November 30, 1963, and December 30, 1963 through January 4, 1964. Daylight to 9:30 a.m. and 3:30 p.m. to sunset daily (standard time). Total season kill limited to 150 animals.

(c) Daily bag limits: Two of either sex per hunter for the season.

(d) Methods of hunting:

(1) Bow and arrows only. Bows of not less than forty (40) pounds pull. Arrowheads must be ⅞ inch wide or wider. Crossbows and mechanical bows prohibited.

(2) Dogs prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All camping will be done at designated camping areas only. Fires must be confined to this area.

(3) Participants must arrange their own transportation to the Island and may not enter the refuge more than three days in advance of each opening date.

(4) Hunters will be restricted to the camping area until the morning of the first day of the hunt.

(5) A Federal permit is required to enter the public hunting area. Permit applications will be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, South Carolina until November 15, 1963.

(6) The provisions of this special regulation are effective to January 5, 1964.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9576; Filed, Sept. 6, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 719]

RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Land Removed From Agricultural Production (Not Acquired Under Right of Eminent Domain); Notice of Proposed Rule Making

Pursuant to the authority contained in section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Agricultural Act of 1961 (Public Law 87–128, approved August 8, 1961), it is proposed to amend the regulations governing the reconstitution of farms, farm allotments, and farm history and soil bank base acreages as follows:

§ 719.9 Reconstitution of farm allotments, history acreages, and farm bases.

* * * * *

(h) *Land removed from agricultural production (not acquired under right of eminent domain).* In applying the provisions of this subsection, if a parent farm is composed of tracts under separate ownership, each separately owned tract being transferred in whole or in part shall be considered as a separate farm.

(1) *Conditions under which the farm will not be reconstituted.* The farm shall not be reconstituted and the allotments, history acreages and farm bases shall remain with the parent farm if all of the following conditions prevail: (i) The ownership of a tract of land is transferred from a parent farm; (ii) the tract transferred is to be used for nonagricultural purposes; (iii) the tract was not or could not have been acquired under right of eminent domain; (iv) the cropland on the tract transferred does not exceed the larger of 5 acres or 25 percent of the cropland on the farm from which the tract was transferred; (v) the county committee determines that the tract transferred will be changed to nonagricultural uses; and (vi) an agreement signed by all persons interested in the transfer is obtained stating that the land is in fact to be changed to non-agricultural uses. In these cases, the farmland and cropland data shall be corrected on all appropriate records for the parent farm.

(2) *Conditions under which the farm will be reconstituted.* The farm shall be reconstituted on the basis of conditions existing at the time of transfer of ownership and the farm allotment(s), history acreages and farm bases shall be apportioned among the tracts in accordance with applicable regulations when any of the following conditions prevail: (i) An entire ownership tract in a multiple ownership farm is transferred for non-agricultural uses; (ii) all of the conditions prescribed in subparagraph (1) of this paragraph are not present; (iii) the land is not in fact changed to non-agricultural uses but is continued in agricultural use; (iv) the county committee, State committee or the Deputy Administrator determines that the land transferred was continued in agricultural use or was returned to agricultural uses within a period of years equal to the longest base period used in establishing eligibility for an old farm allotment for any commodity involved in the transfer.

Prior to the issuance of the amendment referred to herein, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 4, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9601; Filed, Sept. 6, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

CERTAIN INDIAN IRRIGATION PROJECTS IN ARIZONA, NEVADA, AND OREGON

Proposed Operation and Maintenance Charges

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of April 4, 1910 (36 Stat. 270); August 1, 1914 (38 Stat. 583); and March 7, 1928 (45 Stat. 210); and pursuant to section 4(a) of the Administrative Procedures Act of June 11, 1946 (60 Stat. 238), it is proposed to modify § 221.105 Charges, Title 25, Code of Federal Regulation, dealing with the operation and maintenance assessments against the irrigable lands of Miscellaneous Indian Irrigation Projects in Arizona, Nevada, and Oregon, by raising the annual per acre assessment rate for non-Indian owned lands and for Indian owned lands leased to non-Indians at Duck Valley and Pyramid Lake Indian Irrigation Projects, Nevada.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments, to the Area Director, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, Arizona, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

The revised section will read as follows:

§ 221.105 Charges.

Pursuant to the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charges against the lands to which water can be delivered under the respective irrigation systems of the projects listed in this section are hereby fixed in the following amounts for non-Indian owned lands, Indian owned lands leased to non-Indians, and Indian owned and operated lands, for the calendar year 1963 and for each succeeding calendar year thereafter until further notice:

ANNUAL PER ACRE ASSESSMENT

Project	Non-Indian owned land	Indian owned land leased to non-Indians	Indian owned and operated land
Duck Valley:			
Subjugated lands	$3.40	$3.40	$3.40
Native hay lands	3.40	3.40	1.00
Pyramid Lake	8.50	8.50	.50
San Carlos Reservation	16.00	16.00	5.50
Warm Springs	2.00	2.00	0

HARRY L. STEVENS,
Acting Area Director.

[F.R. Doc. 63-9577; Filed, Sept. 6, 1963; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 249, 292]

[Docket No. 14736]

CHARTER TRIPS AND SPECIAL SERVICES

Contents and Retention of Passenger Manifests; Notice of Proposed Rule Making

SEPTEMBER 4, 1963.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed new regulations which would require that the names and addresses of all passengers on charter trips and special services shall appear legibly on the flight manifests and that these are to be retained for one year by the carriers.

The principal features of the proposed regulations are explained in the attached Explanatory Statement. It is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. sections 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of their views in writing addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received by October 7, 1963, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory Statement. Interviewing passengers who have traveled on particular flights is an important source of information for the Bureau of Enforcement in aid of its responsibility to insure that charter flights and special services meet the regulatory requirements of such operations. This task is simplified, with resulting economy of time and money, if the flight manifests for such operations contain the names and addresses of the passengers and if these manifests are required to be retained by the carriers for a reasonable time. It is the Board's purpose in these regulations to make provision for the availability of this source of information.

Part 207 contains the Board's regulations pertaining to charter trips and special services by certificated air carriers other than Alaskan and supplemental carriers. Part 208 contains the terms, conditions and limitations of certificates to engage in supplemental air transportation, Part 212 relates to off-route charter trips by foreign air carriers and Part 292 relates to Alaskan Air Carrier operations. It is proposed to provide in each of these parts for names and addresses to be placed on flight manifests, except in cases of charter trips performed for the military.

It is not necessary to amend Part 295—Transatlantic Charter Trips, since a comparable provision now exists in §§ 295.6 and 295.35.

Part 249—Preservation of Air Carrier Accounts, Records and Memoranda, will be amended to require retention of these passenger manifests for a period of one year.

Contemporaneously the Board is issuing an order to reexamine its approval of Agreement CAB 16847, R–7, Docket 13777, Order E–19426, March 28, 1963 to determine whether condition (c) thereto should be changed to require retention of the same information in regard to charter operations to or from the United States conducted pursuant to the agreement.

Proposed rules. 1. Amend Part 207 (14 CFR Part 207) by adding a new § 207.14 which reads as follows:

§ 207.14 Passenger names and addresses on manifests.

(a) The name and address of each person transported on any charter trip or special service shall appear legibly upon all copies of a flight manifest relating to that trip or service, and no person shall be transported unless his name and address does so appear.

(b) Paragraph (a) of this section shall not apply to charter trips or special services performed pursuant to contracts with any department of the Military Establishment.

2. Amend Part 208 (14 CFR Part 208) by adding a new § 208.4 which reads as follows:

§ 208.4 Passenger names and addresses on manifests.

(a) The name and address of each person transported on any charter trip shall appear legibly upon all copies of a flight manifest relating to that trip, and no person shall be transported unless his name and address does so appear.

(b) Paragraph (a) of this section shall not apply to charter trips performed pursuant to contracts with any department of the Military Establishment.

3. Amend Part 212 (14 CFR Part 212) by changing the heading of § 212.7, changing paragraph (a) to (c), and adding new lettered paragraphs (a) and (b) so that § 212.7 shall read as follows:

§ 212.7 Passenger manifests and other records.

(a) The name and address of each person transported on any charter trip originating or terminating in the United States shall appear legibly upon all copies of a flight manifest relating to that trip, and no person shall be transported unless his name and address does so appear.

(b) Paragraph (a) of this section shall not apply to charter trips performed pursuant to contracts with any department of the United States Military Establishment.

(c) Each foreign air carrier receiving an authorization under this part shall make available true copies of all manifests, air waybills, invoices and other traffic documents covering flights originating or terminating in the United States, at a place in the United States where such documents may be inspected upon request by an authorized representative of the Board or the Federal Aviation Agency.

4. Amend Part 249 (14 CFR Part 249) by adding a new category of records in § 249.8 to read as follows:

12. Passenger manifests for charter flights. 1 year.

5. Amend Part 249 (14 CFR Part 249) by changing the 4th and 5th category of records in § 249.10 to read as follows:

4. All passenger manifests including those filed by charterers. 1 year.

5. Proof of the commission paid to any travel agent by the carrier. 2 years.

6. Amend Part 249 (14 CFR Part 249) by adding paragraph (c) to § 249.12 to read as follows:

(c) Each foreign air carrier engaged in operations pursuant to Part 212 of this chapter shall maintain for a period of one year all manifests, air waybills, invoices and other traffic documents covering flights originating or terminating in the United States.

7. Amend Part 249 (14 CFR Part 249) by adding a new category of records to the Schedule of Records in § 249.13(f) to read as follows:

OPERATING STATISTICS

* * * * *

302. Reservations, reports and records:

* * * * *

(c) Passenger manifests for charter flights and special services. 1 year.

8. Amend Part 292 (14 CFR Part 292) by redesignating the present § 292.8 as § 292.8(a) and adding new paragraphs (b) and (c) to that section so as to read as follows:

§ 292.8 Charter trips and special services of certificated Alaskan air carriers.

(a) An Alaskan air carrier which holds a certificate of public convenience and necessity issued by the Board may make charter trips and render other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be rendered to or from any other point within or without Alaska: *Provided, however,* That such trips originate at or are destined to a point in Alaska which is named in the carrier's certificate or which is located within 25 miles of the airline course over the carrier's regular route and is actually being served by the carrier as an intermediate point pursuant to a schedule on file with the Board under section 405(b) of the Act: *And, provided further,* That all such trips to or from points outside of Alaska are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or scheduled service.

(b) The name and address of each person transported on any charter trip or special service shall appear legibly upon all copies of a flight manifest relating to that trip or service, and no person shall be transported unless his name and address does so appear.

(c) Paragraph (b) of this section shall not apply to charter trips or special services performed pursuant to contracts with any department of the Military Establishment.

[F.R. Doc. 63-9609; Filed, Sept. 6, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SO–10]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal

Aviation Regulations, the substance of which is stated below.

The following controlled airspace is designated in the Gainesville, Fla., terminal area:

1. The Jacksonville, Fla., control area extension is designated as that airspace within 5 miles each side of the Jacksonville VORTAC 064° True radial, extending from the VORTAC to 20 miles northeast, and the airspace southwest of Jacksonville bounded on the north by Victor 22, on the east by Victor 267, on the south by latitude 29°00'00'' N., on the southwest by Victor 159 and on the west by Victor 157. The portions of this control area extension within Restricted Areas R–2903A, R–2903B, R–2903C, R–2903D, R–2906, R–2907 and R–2910 shall be used only after obtaining prior approval from appropriate authority.

2. The Taylor, Fla., transition area is designated as that airspace southwest of Taylor extending upward from 2,500 feet MSL bounded on the north by Victor 22, on the east by Victor 157, and on the southwest by Victor 159.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Gainesville area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Designate the Gainesville control zone as that airspace within a 5-mile radius of the Gainesville Airport (latitude 29°41'20'' N., longitude 82°16'30'' W.) and within 2 miles each side of the Gainesville VOR 032° True radial, extending from the 5-mile radius zone to the VOR. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Gainesville Airport. Communications and weather services for the proposed control zone would be provided by the Gainesville FAA Flight Service Station.

2. Designate the Gainesville transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the 221° True bearing from latitude 29°40'03'' N., longitude 82°18'07'' W., extending from latitude 29°40'03'' N., longitude 82°18'07'' W. to 8 miles southwest; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 29°56'20'' N., longitude 82°15'25'' W.; to latitude 29°48'40'' N., longitude 82°01'10'' W.; to latitude 29°21'40'' N., longitude 82°21'30'' W.; to latitude 29°28'50'' N., longitude 82°34'50'' W.; to point of beginning. This would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures within the Gainesville terminal area.

The proposed Gainesville transition area would raise the floor of controlled airspace, beyond the proposed 700-foot area and the portion within the Taylor transition area, from 700 to 1,200 feet above the surface and, as a result, would make such airspace available for other uses, yet sufficient controlled airspace would be retained to provide adequate protection for aircraft executing prescribed holding, arrival and departure procedures within the Gainesville terminal area.

The floors of the airways which traverse the transition area proposed herein and the floor of a portion of the Jacksonville control area extension which coincides with the proposed transition area would automatically assume a floor coincident with the floor of the transition area. The revocation of the Jacksonville control area extension will be accomplished at a later date as a part of the CAR Amendments 60–21/60–29 program proposed for the terminal areas which adjoin the Gainesville terminal area. An editorial change would be made in the description of the Taylor transition area to exclude the portion which would coincide with the Gainesville transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance, characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 30, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9565; Filed, Sept. 6, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1936]

GRUMMAN MODEL G–21 SERIES AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Grumman Model G–21 Series aircraft. There have been several instances of failure of the rod end fitting located at the aft end of the rudder control push rod assembly. Failure of either the forward or aft rod end fittings can result in loss of rudder control. To correct this unsafe condition, this proposed AD requires inspection of the rod end fittings and replacement of any found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 8, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GRUMMAN. Applies to all Model G–21 Series aircraft.

Compliance required as indicated.

As a result of cracks found on the rod end fitting, P/N 12727–7, located at the aft end of the rudder control push rod assembly, P/N 12727–1, accomplish the following within 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

(a) Remove the rudder control push rod assembly, P/N 12727–1. This assembly consists of a tube with a fitting, P/N 12727–7, attached at each end. The length of the assembly is 20½ inches from fitting center to fitting center. The rod assembly, used in conjunction with the left rudder pedals, is located below the pilot's compartment floor, the forward end approximately 2½ inches below, and the aft end approximately 12 inches below. Laterally, the rod assembly is located approximately 9½ inches to the right of the aircraft's centerline.

(b) Clean both rod end fittings, removing all grease and dirt.

(c) Inspect both rod end fittings for cracks using a dye penetrant in conjunction with at least a 10-power magnifying glass, or an FAA approved equivalent inspection.

(d) If a crack is found, that part shall be replaced in accordance with Grumman Drawing No. 12727 with a new part having the same part number, or an FAA approved equivalent before further flight.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–9562; Filed, Sept. 6, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1934]

MARVEL-SCHEBLER MA4–5 CARBURETORS

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Marvel-Schebler MA4–5 carburetors. Several cases of engine malfunctions have occurred in certain airframe installations as a result of the primary venturi in Marvel-Schebler carburetors becoming dislodged. The carburetor manufacturer has developed a one-piece combination primary-main venturi to correct this unsafe condition. This AD requires incorporation of the new design venturi.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attn: Rules Docket, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 8, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

MARVEL-SCHEBLER. Applies to all MA4–5 carburetors not having the one-piece combination primary and main venturi and used on the following: Continental O–470 Series engines installed in Cessna 180 and 182 Series aircraft; Continental GO–300 Series engines installed in Cessna 175 and 172 Series aircraft; Lycoming O–540 Series engines installed in Aero Commander 500 Series aircraft, Piper PA–23–250 Series aircraft and Piper PA–24 Series aircraft; Lycoming O–360 Series engines installed in Piper PA–24 Series aircraft, Beech 95 Series aircraft, and Mooney Mark 20 or 21 Series aircraft; and Franklin 6A4–165 Series engines installed in Stinson 108 Series aircraft.

Compliance required at next carburetor removal or overhaul of either the carburetor or engine, whichever occurs first after the effective date of this AD, on all carburetors not having the one-piece combination primary and main venturi installed. Carburetors having the one-piece combination primary and main venturi installed are identified by the letter "V" stamped on the nameplate.

The primary venturi may become loose resulting in wear of the primary venturi support legs on the ends contacting the carburetor body and at the retaining clip area. As a result, the retaining clips may become dislodged or dislocated and wear may progress to the point the venturi becomes dislodged or dislocated. This can cause erratic engine operation or complete engine stoppage. To preclude this, accomplish the following:

Replace the existing primary and main venturi with a one-piece combination primary and main venturi of the correct part number for the carburetor involved. When accomplished, stamp the letter "V" on the carburetor nameplate below the serial number.

(Marvel-Schebler Service Bulletin No. A4–63, Lycoming Service Bulletin No. 297, and Continental Motors Service Bulletin No. M63–18 cover this same subject.)

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–9563; Filed, Sept. 6, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1932]

PIAGGIO MODEL P.166 AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Piaggio Model P.166 aircraft. Failures of the main landing gear shock absorber have occurred in service. To correct this unsafe condition, it is proposed to require modification of the main landing gear shock absorbers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before October 8, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PIAGGIO. Applies to all Model P.166 aircraft.

Compliance required within 50 hours' time in service after the effective date of this AD.

As a result of failures of the main landing gear shock absorber the following modifications must be accomplished in the manner specified in Piaggio Service Bulletin 166–25A.

(a) Install Teflon sealing gasket P/N 4/22015.52 on inner ring nut of shock absorber casing.

(b) Replace light alloy piston bottom with steel P/N 4/22015.55.

(c) Replace the present ring nut with P/N 4/22015.56.

(d) Shock absorbers modified as specified herein shall have a letter "D" placed on the nameplate.

(e) Shock absorbers modified as specified herein shall be overhauled every 1,200 hours' time in service or every 2 years, whichever occurs first.

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–9564; Filed, Sept. 6, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Des Moines Independent Community School District, 1800 Grand Avenue, Des Moines 14, Iowa, File No. 25, to improve the operation of the noncommercial educational television broadcasting station KDPS–TV operating on channel 11, Des Moines, Iowa.

Santa Barbara Educational Television, c/o John M. Sink, 831 State Street, Suite 32, Santa Barbara, California, File No. 26, for the establishment of a new noncommercial educational television broadcasting station operating on channel 20, Santa Barbara, California.

Saint Louis Educational Television Commission, 6996 Millbrook Boulevard, St. Louis, Missouri, 63130, File No. 27, to improve the operation of the noncommercial educational television broadcasting station KTEC operating on channel 9, St. Louis, Missouri.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington 25, D.C.

(76 Stat. 64, 47 U.S.C. 390)

CHARLES N. ZELLERS,
Acting Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 63–9597; Filed, Sept. 6, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order No. E–19983]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement of Traffic Conference Relating to Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of September 1963.

By Order E–19426, March 28, 1963, the Board approved Resolution R–7 filed as part of Agreement CAB 16847, subject to conditions stated in an Appendix. Condition (c) required that for passenger charter flights, a true copy of each charter application and agreement, manifest, invoice, or any other document pertaining to the flight shall be made available by the carrier for inspection by an authorized representative of the Board at a place in the United States upon reasonable notice and request.

By notice of proposed rule making, EDR–59, issued simultaneously herewith the Board has given notice that it has under consideration proposed amendments to Parts 207, 208, 212, 249, and 292 of the Economic Regulations to require that the names and addresses of persons transported on charter trips (or special services in some instances) shall appear legibly upon all copies of a flight manifest relating to that trip, and that the carrier shall retain the manifest for a period of one year. If the Board adopts the amendments the requirement will apply to charter operations of the United States route carriers on-route and off-route, supplemental air carriers, Alaskan air carriers, and off-route charter by foreign air carriers originating or terminating in the United States. It would not apply to on-route charter operations of foreign air carriers to or from the United States.

In the Explanatory Statement of the proposed rule the Board pointed out that interviewing passengers who have travelled on a particular flight is an important source of information for its Bureau of Enforcement in aid of its responsibility of insuring that charter flights meet the requirements of such operations, and that the purpose of the amendments is to preserve access to this information for a reasonable time.

Therefore, in order to fulfill the same purpose in cases of on-route charter operations of foreign air carriers originating or terminating in the United States, the Board will reexamine its approval of the IATA agreement relating to charter operations (Agreement CAB 16847, R–7) with a view to amending condition (c) thereto to require passenger manifests to contain the name and address of each passenger and that the manifest be retained for a period of one year. Persons interested in such reexamination are invited to present their comments in writing for inclusion in Docket 13777. Such comments should be submitted in triplicate to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, by October 7, 1963.

Accordingly, pursuant to sections 204 (a) and 412 of the Federal Aviation Act of 1958: *It is ordered*, That:

1. The approval of Agreement CAB 16847, R–7 heretofore granted in Order E–19426, March 28, 1963 be reexamined to determine whether changes should be made in condition (c) thereto to conform with the final action of the Board on the notice of proposed rule making, EDR–59, issued simultaneously herewith.

2. Interested persons may file comments and suggestions pertinent to the reexamination of Board approval of Agreement CAB 16847, R–7, by October 7, 1963.

3. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc 63–9610; Filed, Sept. 6, 1963; 8:48 a.m.]

[Docket No. 14347]

NATIONAL POST-PAK SYSTEM ET AL.

Notice of Postponement of Hearing

National Post-Pak System v. Western Transportation Company, Coast Air Post and W.T.C. Air Freight Enforcement:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in the above-entitled proceeding now assigned to be held on September 10, 1963, is indefinitely postponed.

Dated at Washington, D.C., September 4, 1963.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 63–9642; Filed, Sept. 6, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15159]

BETTY J. BOOTH

Order To Show Cause

In the matter of Betty J. Booth, Anaheim, California, order to show cause why there should not be revoked the license for Citizens Radio Station KEJ–4555.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of an alleged violation of section 303(n) of the Communications Act of 1934, as amended, and of § 19.73 of the Commission's rules by the captioned licensee, and of the use being made of Citizens Radio Station KEJ–4555;

It appearing, that, on or about January 11, 1963, an authorized representative of the Commission requested that the licensee's representative, C. T. Booth, make the facilities of Citizens Radio Station KEJ–4555 available for inspection, but that such inspection was not permitted; and

It further appearing, that, C. T. Booth, the husband of the licensee, under the call signs KEJ–0893, KEJ–4542 and

11Q3420, violated §§ 19.12, 19.33, 19.61 (a), 19.62 and 19.83 of the Commission's rules at various times between April 17 and September 12, 1962; and

If further appearing, that, C. T. Booth was notified of these violations of the Commission's rules by Official Notices of Violation mailed on April 23, May 1, May 28, July 17, and October 9, 1962; and

It further appearing, that, after the cancellation of the licenses of C. T. Booth for Citizens Radio Stations KEJ–0893 and KEJ–4542, he has been permitted to operate Citizens Radio Station KEJ–4555, licensed to Betty J. Booth, his wife, and that he has continued to operate in violation of the Commission's rules and regulations; and

It further appearing, that, at various times between October 6, 1962, and January 11, 1963, inclusive, Citizens Radio Station KEJ–4555 has been operated in violation of §§ 19.61(a), 19.61(e), 19.61 (f), 19.61(g) and 19.62 of the Commission's rules; and

It further appearing, that the licensee was notified of rule violations by Official Notices of Violation dated October 17 and October 19, 1962; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated section 303(n) of the Communications Act of 1934, as amended, and § 19.73 of the Commission's rules, and has operated, or permitted to be operated, radio station KEJ–4555 in violation of various other sections of the Commission's rules as described above; and

It further appearing, that, in view of the foregoing, the public interest, convenience and necessity would not be served by the retention of Betty J. Booth as a licensee in the Citizens Radio Service; and

It further appearing, that, had the Commission, at the time of the issuance of the license for Citizens Radio Station KEJ–4555, been aware of the conditions under which such station would be operated, it would have been warranted in refusing the grant of the license for Citizens Radio Station KEJ–4555 and would have refused to grant such license;

It is ordered, This 30th day of August 1963, pursuant to section 312 (a) (2) and (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence with respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested (Air Mail) to the licensee at her last known address of 412 South Broder, Anaheim, California.

Released: September 3, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–9604; Filed, Sept. 6, 1963; 8:48 a.m.]

[Docket Nos. 14973–14975; FCC 63M–943]

CALHIO BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Thomas B. Friedman tr/as Calhio Broadcasters, Seven Hills, Ohio, Docket No. 14973, File No. BP–13946; Salem Broadcasting Company, Salem, Ohio, Docket No. 14974, File No. BP–13950; Tele-Sonics, Inc.,-Parma, Ohio, Docket No. 14975, File No. BP–14992; for construction permits.

The Hearing Examiner having under consideration joint motion filed August 23, 1963 on behalf of Thomas B. Friedman tr/as Calhio Broadcasters, Salem Broadcasting Company, and Tele-Sonics, Inc., requesting that certain procedural dates heretofore determined in an order released July 3, 1963 (FCC 63M–785) be postponed for a period of 60 days;

It appearing, that an agreement has been consummated, subject to the approval of the Commission or its Review Board, by the Salem Broadcasting Company on the one hand and Friedman and Tele-Sonics on the other, under which Salem will dismiss its application and Friedman and Tele-Sonics will pay Salem certain expenses incurred in the preparation and prosecution of its application;

It further appearing, that as of this date a joint request for approval of a merger agreement between Friedman and Tele-Sonics was filed with the Commission;

It further appearing, that if said agreements referred to above are approved by the Commission or its Review Board, that a substantial part of the issues now designated for hearing will be eliminated;

It further appearing, that if approval of said agreements is granted, it would result in substantial saving of time and expense to the parties;

It further appearing, that there is no objection to said joint motion and good cause exists why it should be granted;

Accordingly, it is ordered, This 29th day of August 1963, that the joint motion herein is granted, and that the exchange of exhibits shall be accomplished on or before November 4, 1963 in lieu of September 3, 1963;

It is further ordered, That the hearing herein now scheduled for September 23, 1963, be and the same is hereby rescheduled for November 25, 1963, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: August 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–9605; Filed, Sept. 6, 1963; 8:48 a.m.]

[Docket Nos. 12865, 12866; FCC 63M–945]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Continuing Hearing

In re applications of Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits.

It is ordered, this 29th day of August 1963, that the prehearing conference herein, now scheduled for September 9, 1963, be and the same is hereby rescheduled for September 16, 1963, 9:00 a.m. in the Commission's Offices, Washington, D.C.

Released: August 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–9606; Filed, Sept. 6, 1963; 8:48 a.m.]

[Docket No. 14627; FCC 63M–944]

NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION, INC.

Order Continuing Hearing

In re application of Northern California Educational Television Association, Inc., Redding, California, Docket No. 14627, File No. BPCT–2890; for a construction permit for a new noncommercial educational television broadcast station.

It is ordered, This 29th day of August 1963, that the hearing in the above-entitled proceeding now scheduled for September 11, 1963, be and the same is hereby rescheduled for September 17, 1963, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: August 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–9607; Filed, Sept. 6, 1963; 8:48 a.m.]

[Docket No. 15006 etc.; FCC 63M–948]

TELEVISION CO. OF AMERICA, INC., ET AL.

Order Regarding Place of Hearing

In re applications of Harry Wallerstein, Receiver, Television Company of America, Inc., Docket No. 15006, File No. BRCT–397, for renewal of license of Station KSHO–TV, Las Vegas, Nevada; Harry Wallerstein, Receiver, Television Company of America, Inc. (Assignor) and Television Company of America, Inc. (Assignee), Docket No. 15007, File No. BALCT–181, for assignment of license of Station KSHO–TV, Las Vegas, Nevada; Reed R. Maxfield, Robert W. Hughes, Carl A. Hulbert and Alex Gold (Transferors) and Arthur Powell Williams (Transferee), Docket No. 15008, File No. BTC–3965, for transfer of control of Nevada Broadcasters' Fund, Inc., holding company of Television Company of America, Inc., licensee of Station KSHO–TV, Las Vegas, Nevada.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed August 13, 1963, requesting that the place of hearing in the above-entitled proceeding be changed from Washington, D.C., to Las Vegas, Nevada, and opposition to this pleading by certain of the parties;

It appearing, that a hearing conference in the proceeding is scheduled to be held September 30, 1963, and the formal hearing on October 15, 1963, both in Washington, D.C.;

It appearing further, that in this renewal, assignment and transfer proceeding, which involves issues of possible unauthorized transfers of control, misrepresentations, and failure to file various reports and documents required under the Commission's rules, petitioner anticipates that the testimony of some twelve witnesses will be necessary to develop a full record, all of whom reside in the western part of the United States, viz., Las Vegas, Nevada, Salt Lake City, Utah, and Los Angeles, California; and that the records of pertinent court proceedings, escrow arrangements, and filings with other governmental agencies, which, for the most part, are located in the cities of Las Vegas and Salt Lake City, contain matter which is relevant and material to the issues herein;

It appearing further, that a field hearing in this instance is clearly indicated, and would be in keeping with Commission policy to hold hearings in broadcast renewal and revocation proceedings in the communities in which the stations involved are located;

It appearing further, that the comments of the parties regarding the instant petition have no effect upon the foregoing determinations;

It is ordered, This 30th day of August 1963, that the petition is granted and the place of hearing in the above-entitled proceeding is hereby changed from Washington, D.C., to Las Vegas, Nevada.

Released: August 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9608; Filed, Sept. 6, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-12484 etc.]

ATLANTIC REFINING CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 3, 1963.

The Atlantic Refining Company, Docket No. G-12484; Texaco Inc., Docket No. G-12710; Socony Mobil Oil Company, Inc., Docket No. CI62-362; James C. Sherrill, et al., Docket No. CI62-660; Tenneco Oil Company, Docket No. CI63-195; Consolidated Oil & Gas, Inc., Docket No. CI63-1061; Marian F. Johnson, Docket No. CI64-235; Apache Corporation, Docket No. CI64-236; Coastal States Gas Producing Company, Docket No. CI64-237; Consolidated Oil & Gas, Inc. (Operator), et al., Docket No. CI64-238; W. H. Appell (Operator), et al., Docket No. CI64-239; J. D. Hedley (Operator), et al., Docket No. CI64-240; Slade Oil and Gas, Inc., et al., Docket No. CI64-241; Arnold Well Service, Inc. (Operator), et al., Docket No. CI64-242; Chas. Daubert, et al., Docket No. CI64-243; J. P. Petkas, et al., Docket No. CI64-244; Texam Oil Corporation, Docket No. CI64-245; Texam Oil Corporation (Operator), et al., Docket No. CI64-246; John L. Welsh, Jr., et al., Docket No. CI64-247; W. B. Cleary, Inc. (Operator), et al., Docket No. CI64-248; Lenore N. Bailey, et al., Docket No. CI64-249; Bridwell Oil Company, Docket No. CI64-250; The Atlantic Refining Company, Docket No. CI64-251; Skelly Oil Company, Docket No. CI64-252; Pratt-Hewitt Oil Corporation, et al., Docket No. CI64-253; Wynn D. Miller, et al., Docket No. CI64-254; Parker Petroleum Co., Inc., Docket No. CI64-255; Skinner Corporation (Operator), et al., Docket No. CI64-256; Cosden Petroleum Corporation, et al., Docket No. CI64-257; H. B. Lively (Operator), et al., Docket No. CI64-258; H. B. Lively (Operator), et al., Docket No. CI64-259; Jake L. Hamon, Docket No. CI64-260; Sunray DX Oil Company, Docket No. CI64-261; J. C. McCullough Farm Gas Co., Docket No. CI64-262; B.D.K. Production Company (Operator), et al., Docket No. CI64-263; Continental Oil Company, Docket No. CI64-264; Tidewater Oil Company, Docket No. CI64-265; N. C. Ginther, et al., Docket No. CI64-266; Frank B. Waters, d/b/a Frank Waters Oil Company (Operator), Docket No. CI64-267; Texaco Inc., Docket No. CI64-268; Coastal States Gas Producing Company, Docket No. CI64-269; Compass Exploration, Inc., Docket No. CI64-270; Compass Exploration, Inc., Docket No. CI64-271; Skelly Oil Company, Docket No. CI64-272; The Superior Oil Company, Docket No. CI64-273.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-12484 C 8-23-63	United Gas Pipe Line Co	Cadeville Field, Ouachita Parish, La.	13.5	15.025
G-12710 C 8-26-63	Colorado Interstate Gas Co	Adams Ranch Area, Meade County, Kans.	16.0	14.65
CI62-362 D 8-27-63	Panhandle Eastern Pipe Line Co.	Acreage in Seward County, Kans.	Assigned	
CI62-660 C 8-26-63	Colorado Interstate Gas Co	Acreage in Potter County, Tex	12.0	14.65
CI63-195 C 8-23-63	El Paso Natural Gas Co	Basin Dakota Field, San Juan County, N. Mex.	12.0495	15.025
CI63-1061 C 8-23-63	do	Various fields, Rio Arriba County, N. Mex.	13.0	15.025
CI64-235 B 8-22-63	Hope Natural Gas Co	Sardis District, Harrison County, W. Va.	Uneconomical	
CI64-236 A 8-21-63	Natural Gas Pipeline Co. of America.	Acreage in Zapata County, Tex	15.0	14.65
CI64-237 B 8-21-63	Trunkline Gas Co	Acreage in Bee County, Tex	(1)	
CI64-238 A 8-22-63	El Paso Natural Gas Co	Blanco Mesaverde and Basin Dakota Fields, San Juan County, N. Mex.	13.0	15.025
CI64-239 B 8-21-63	Coastal States Gas Producing Co.	Acreage in Bee County, Tex	(1)	
CI64-240 B 8-21-63	do	do	(1)	
CI64-241 B 8-21-63	do	do	(1)	
CI64-242 B 8-21-63	do	do	(1)	
CI64-243 B 8-21-63	do	Acreage in San Patricio County, Tex.	(1)	
CI64-244 B 8-21-63	do	do	(1)	
CI64-245 B 8-21-63	do	do	(1)	
CI64-246 B 8-21-63	do	do	(1)	
CI64-247 B 8-21-63	do	do	(1)	
CI64-248 B 8-21-63	do	Acreage in Bee County, Tex	(1)	
CI64-249 B 8-21-63	do	do	(1)	
CI64-250 B 8-21-63	do	do	(1)	
CI64-251 B 8-21-63	do	do	(1)	
CI64-252 B 8-21-63	do	do	(1)	
CI64-253 B 8-21-63	do	do	(1)	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
CI64-254 B 8-21-63	Coastal States Gas Producing Co.	Acreage in Bee County, Tex	(1)	
CI64-255 B 8-21-63	do	do	(1)	
CI64-256 B 8-21-63	do	do	(1)	
CI64-257 B 8-21-63	do	do	(1)	
CI64-258 B 8-21-63	do	do	(1)	
CI64-259 B 8-21-63	do	do	(1)	
CI64-260 B 8-21-63	do	do	(1)	
CI64-261 A 8-23-63	Arkansas Louisiana Gas Co	North Cooper Field, Blaine County, Okla.	16.8	14.65
CI64-262 B 8-23-63	Hope Natural Gas Co	Lafayette District, Pleasants County, W. Va.	Uneconomical	
CI64-263 B 8-23-63	Coastal States Gas Producing Co.	North Mathis Area, San Patricio County, Tex.	(2)	
CI64-264 A 8-26-63	Cities Service Gas Co	South Burlington Field, Alfalfa County, Okla.	13.0	14.65
CI64-265 B 8-26-63	United Gas Pipe Line Co	Corpus Channel Field, San Patricio Nueces Counties, Tex.	Depleted	
CI64-266 B 8-26-63	Coastal States Gas Producing Co.	Acreage in San Patricio County, Tex.	(1)	
CI64-267 A 8-27-63	Hydrocarbon Transmission Co.	North A.S.O.G. Field, Jim Wells County, Tex.	11.0	14.65
CI64-268 A 8-27-63	Northern Natural Gas Co	Banner Block Area, Hugoton Field, Stevens County, Kans.	[4] 14.0 [4] 16.0	14.65
CI64-269 B 8-21-63	Trunkline Gas Co	Acreage in San Patricio County, Tex.	(2)	
CI64-270 A 8-28-63	Southern Union Gathering Co.	Basin-Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI64-271 A 8-28-63	do	do	13.0	15.025
CI64-272 A 8-28-63	Northern Natural Gas Co	Banner Block, Hugoton Field, Stevens County, Kans.	16.0	14.65
CI64-273 A 8-28-63	Panhandle Eastern Pipe Line Co.	Acreage in Cimarron County, Okla.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

[1] Declined in pressure.
[2] Supra.
[3] Production no longer economically feasible under present contract.
[4] Price is 14.0 cents from base of the Wolf Camp formation to the top of the Morrowan Series; 16.0 cents from formations below the top of the Morrowan Series.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 23, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9572; Filed, Sept. 6, 1963; 8:46 a.m.]

[Docket No. E-7104]

POTOMAC EDISON CO.

Order Amending Order Instituting Investigation and Providing for Hearing

AUGUST 30, 1963.

On June 7, 1963, an order was issued in this docket instituting formal investigation concerning the lawfulness of Electric Rate Schedule Tariff "WS" filed with the Commission by Potomac Edison Company (Potomac Edison), and providing for hearing. That order, in paragraph (B), directed Potomac Edison to file, on or before September 9, 1963, cost and revenue data showing its costs of rendering service to each wholesale for resale customer served under the Rate Schedule Tariff "WS" utilizing as the test period the calendar year 1962.

On August 19, 1963, Potomac Edison filed with the Commission a request for an extension of time to December 9, 1963, in which to file the required cost and revenue data. Potomac Edison stated that additional time is necessary to properly prepare the data in the detail and scope required.

The extension of time to December 9, 1963, will result in data for the calendar year 1962 being out of date by the time the hearing is held on this matter. Consequently, a test year beginning July 1, 1962, and ending June 30, 1963, would be more appropriate.

The Commission finds: It is appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 304, 307, 308 and 309 thereof, that paragraph (B) of the Commission's order issued June 7, 1963, in this docket be amended: (1) To change the date by which cost and revenue data must be submitted from September 9, 1963, to December 9, 1963, and (2) to change the test period which shall be utilized from the calendar year 1962 to a period beginning July 1, 1962, and ending June 30, 1963.

The Commission orders: Paragraph (B) of Commission Order issued June 7, 1963, in this docket is hereby amended to read as follows:

(B) Potomac Edison shall file, on or before December 9, 1963, cost and revenue data showing Potomac Edison's cost of rendering service to each wholesale for resale customer served under the Rate Schedule Tariff "WS" referred to in paragraph (A) above, calculated in accordance with applicable Commission rulings and utilizing, among other things, as the test period a period beginning July 1, 1962 and ending June 30, 1963, showing both historical revenues and pro forma adjustments thereto, a prudent net investment rate base, and a fair rate of return thereon.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9573; Filed, Sept. 6, 1963; 8:46 a.m.]

[Docket No. G-2067]

TEXAS GAS TRANSMISSION CORP.

Notice of Application To Amend Order

AUGUST 30, 1963.

Take notice that on July 25, 1963, Texas Gas Transmission Corporation (Applicant), Owensboro, Kentucky, filed in Docket No. G-2067 an application to amend the Commission's order effective May 1, 1953,[1] by extending the period of the certificate authorization for an additional 15 years commencing October 7, 1963, and ending October 6, 1978, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The subject order authorized Applicant to construct and operate certain fa-

[1] By notice of May 4, 1953, the Presiding Examiner's decision in Docket No. G-2067 was adopted by the Commission as its final decision and order to be effective May 1, 1953.

cilities and to transport and deliver, on an interruptible basis, maximum daily and annual volumes of natural gas of 30,000 Mcf and 6,959,000 Mcf, respectively, to Mississippi Power & Light Company (Mississippi Power) for use by the latter in its Delta Steam Electric Generating Plant near Cleveland, Mississippi. Such authorization was for a period of ten years from the date of first delivery to Mississippi Power (October 7, 1953) unless such period shall have subsequently been extended by order of the Commission.

The application shows that Mississippi Power and Applicant have entered into an amendatory agreement dated June 12, 1963, providing for the proposed extended term and for a price of 26.2 cents per Mcf for natural gas sold during said extended term.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9574; Filed, Sept. 6, 1963; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

SEPTEMBER 3, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period September 4, 1963, through September 13, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-9590; Filed, Sept. 6, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 4, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38513: *Substituted service—Sea-Land Service, Inc., for Allied Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, Agent (No. 63), for interested carriers. Rates on property loaded in highway trailers, between Port of New York, N.Y., viz: Elizabeth Port Authority Pier, N.J., and Port Newark, N.J., on the one hand, and Portland, Oreg., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariffs: Household Goods Carriers' Bureau, Agent, tariffs MF-I.C.C. 113 and 114.

FSA No. 38514: *Substituted service—MP & T&P for North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 64), for interested carriers. Rates on property loaded in highway trailers, between Little Rock, Ark., Kansas City and St. Louis, Mo., Omaha, Nebr., Memphis, Tenn., and Fort Worth and Houston, Tex., on the one hand, and interchange points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Tennessee, and Texas, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, Agent, tariff MF-I.C.C. 113.

FSA No. 38515: *Substituted service—MP & T&P for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 65), for interested carriers. Rates on property loaded in highway trailers, between Little Rock, Ark., Kansas City and St. Louis, Mo., Omaha, Nebr., Memphis, Tenn., Fort Worth and Houston, Tex., on the one hand, and interchange points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Tennessee, and Texas, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, Agent, tariff MF-I.C.C. 114.

FSA No. 38516: *Canned Goods to and from Points in Colorado and Wyoming.* Filed by Southwestern Freight Bureau, Agent (No. B-8437), for interested rail carriers. Rates on canned goods, in carloads, between points in southwestern territory, on the one hand, and points in Colorado and Wyoming, on the other.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 45 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4506.

FSA No. 38517: *Petroleum and Petroleum Products to Southern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8441), for interested carriers. Rates on petroleum and petroleum products, in carloads and tank-car loads, from points in southwestern territory, also Kansas and northern Missouri, to points in southern territory, also southern-official territory border points.

Grounds for relief: Restore origin rate relationships.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-9592; Filed, Sept. 6, 1963; 8:47 a.m.]

[Notice No. 861]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 4, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65883. By order of August 29, 1963, The Transfer Board approved the transfer to William D. Smith, doing business as K.G. & C. Truck Line, 925 Quincy Drive, Hamilton, Ohio, of Certificate in No. MC 123176, issued February 21, 1961, to Norbert L. Thomas, doing business as C. H. & M. Truck Line, 204 South Vine Street, Greencastle, Ind., authorizing the transportation of: malt beverages, from Milwaukee, Wis., to Hamilton and Cincinnati, Ohio.

No. MC-FC 65895. By order of August 29, 1963, The Transfer Board approved the transfer to Bush Van Lines, Inc., Akron, Ohio, of the "grandfather" operating rights claimed in No. MC 120659 (Sub-No. 1), by J. William Bush, doing business as Bush Van Lines, Akron, Ohio, covering interstate operating rights in the State of Ohio.

No. MC-FC 66042. By order of August 30, 1963, The Transfer Board approved the transfer to Skinner Motor Express, Inc., 6341 West Minnesota Street, Indianapolis, Ind., of Certificates in Nos. MC 116159 and MC 116159 (Sub-No. 2), issued October 31, 1958 and June 23, 1959, respectively, to Ernest Hines, Inc., 2600 East 52d Street, Indianapolis, Ind., authorizing the transportation over irregular routes, of road building materials and construction materials (except liquid bulk materials in tank vehicles), in bulk, between points in Boone, Kenton, and Campbell Counties, Ky., on the one hand, and, on the other, points in Hamilton and Clermont Counties, Ohio, road building materials and construction materials, in bulk, between points in Indiana (except Speed), Ohio, and that part of Kentucky within 50 miles of Milton, Ky., including Milton, restricted against the transportation of cement from Limedale, Ind., dry bulk commodities (not including cement), in bulk, in dump trucks, or other similar type self-unloading equipment, from river terminals, located at Madison and Aurora, Ind., to points in a described portion of Indiana and a described portion of Kentucky.

No. MC-FC 66048. By order of August 29, 1963, The Transfer Board approved the transfer to Matth Kanthak and LeRoy Kanthak, Nassau, Minn., of Certificate in No. MC 82082, issued December 23, 1941, to Matth Kanthak, Nassau, Minn., authorizing the transportation of: Feed, livestock, agricultural commodities, lumber, household goods, emigrant movables, twine, and farm machinery and parts thereof, over regular routes, between Nassau, Minn., and points in Minnesota within 35 miles thereof on the one hand, and, on the other, points in Roberts, Grant, Deuel, and Codington Counties, S. Dak., and between points in South Dakota within 35 miles of Nassau, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Newport, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC-FC 66061. By order of August 29, 1963, The Transfer Board approved the transfer to Bronx Bus Corporation, Yonkers, N.Y., of Certificate in No. MC 100737 (Sub-No. 1), issued February 15, 1962, to Cambridge Charter Coach Corp., Yonkers, N.Y., authorizing the transportation, over irregular routes, of passengers and their baggage, restricted to traffic originating and terminating in the territory indicated, in round-trip charter operations, from points in Bronx County, N.Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia and return. Adolf F. Grossman, 20 South Broadway, Yonkers, N.Y., attorney for applicants.

No. MC-FC 66159. By order of August 27, 1963, The Transfer Board approved the transfer to Frank A. Guerero, doing business as Frank A. Guerero Trucking, 2224 Iroquois Avenue, Long Beach, Calif., of Certificate in No. MC 89910, issued May 12, 1949, to Fern Trucking Company, a corporation, 1200 Mines, Montebello, Calif., authorizing the transportation, over irregular routes, of lumber, serving points within the Harbor and Commercial Zones of Long Beach and Los Angeles, Calif.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-9593; Filed, Sept. 6, 1963; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order No. 160, Amdt. 1]

FORT DODGE, DES MOINES & SOUTHERN RAILWAY

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 160 (Fort Dodge, Des Moines & Southern Railway) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 160 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date:* This order shall expire at 11:59 p.m., October 31, 1963, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1963, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 30, 1963.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 63-9594; Filed, Sept. 6, 1963; 8:47 a.m.]

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VOLUME 28 NUMBER 176

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for 1961 and Succeeding Crop Years

DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Archer and Wichita Counties, Texas, are hereby deleted from the list of counties published April 16, 1963, which were designated for wheat crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 63–9629; Filed, Sept. 9, 1963; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Pear Reg. 2, Amdt. 1]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Beurre D'Anjou and Beurre Rose pears grown in the Wenatchee District.

(b) *Order, as amended.* The provisions of paragarph (b)(1) (i) and (ii) of § 927.302 (Pear Regulation 2; 28 F.R. 7933) are hereby amended to read as follows:

(i) Beurre D'Anjou pears shall grade at least U.S. No. 2, and be of a size not smaller than the 195 size: *Provided,* That Beurre D'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenths (3/16) of an inch in diameter or depth, as the case may be, if the pears otherwise grade at least U.S. No. 1 and are of a size not smaller than the 150 size: *Provided, further,* That Beurre D'Anjou pears grown in the Wenatchee District which fail to meet the U.S. No. 2 grade only because of serious damage caused by hail may be shipped;

(ii) Beurre Bosc pears shall grade at least U.S. No. 2 and be of a size not smaller than the 180 size: *Provided,* That Beurre Bosc pears grown in the Wenatchee District which fail to meet the U.S. No. 2 grade only because of serious damage caused by hail may be shipped;

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a.m., P.s.t., September 6, 1963.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 5, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–9658; Filed, Sept. 9, 1963; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Drugs; Prescription-Drug Advertisements

The Commissioner of Food and Drugs on February 14, 1963, published proposed regulations (28 F.R. 1448) to carry out the purposes of the Kefauver-Harris Drug Amendments of 1962. Numerous comments and objections were received. On June 20, 1963, the Commissioner issued revised regulations (28 F.R. 6375) incorporating some of the suggested changes. Section 1.105 entitled "Prescription-drug advertisements" related to the information required by section 502(n) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 352(n). Paragraphs (e)–(j) were intended to describe the information relating to side effects, contraindications, and effectiveness that is to appear in prescription drug advertisements and to provide for the preclearance of prescription drug advertisements in extraordinary circumstances.

By notice published in the FEDERAL REGISTER of August 3, 1963 (28 F.R. 7936), the Commissioner of Food and Drugs stated that he would consider any objections already filed as having been filed in accordance with the procedure outlined in section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e), and that an additional 30 days would be allowed for filing objections.

Pursuant to this notice, objections to section 1.105 (e), (f), (g), (h), (i), and (j), (1) and (2) were received from the Pharmaceutical Manufacturers Association, acting on behalf of approximately 45 named drug concerns, by Merck & Company, Inc., and by the American Medical Association.

Having considered the objections filed, the Commissioner has concluded that the persons objecting may be adversely affected and that the objections are based upon reasonable grounds.

Now, therefore, under the authority provided in sections 502(n) and 701 (a) and (e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 352(n) and 371 (a) and (e), 52 Stat. 1050, 1051, as amended, 76 Stat. 790, 791, 792; 1055, as amended, 70 Stat. 919, 74 Stat. 399; and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that a public hearing will be held at 10 o'clock in the forenoon on October 10, 1963, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., for the purpose of receiving relevant and material evidence on the following issues:

1. Whether paragraph (e) of the regulation exceeds the Secretary's authority in requiring that a fair balance shall be achieved in presenting information as to effectiveness and side effects and contraindications.

2. Whether paragraph (f) exceeds the Secretary's authority in requiring that the advertisement shall present information as to side effects and contraindications for all the uses for which the drug advertised is commonly prescribed when the advertisement relates to only one of such uses.

3. Whether the Secretary may limit the advertised claims of effectiveness of old drugs (not subject to a new drug application or certification) to those uses for which the drug is generally recognized as safe and effective and to uses for which there is substantial evidence to support the advertised claim. (Paragraph (h)).

4. Whether the regulation in paragraph (i) is invalid in requiring that the information concerning side effects and contraindications for the advertised drug shall appear in reasonably close association with the information on effectiveness and shall have the same relative degree of prominence and conspicuousness.

5. Whether paragraph (j) is invalid in establishing a rule for pre-clearance of advertisements in extraordinary circumstances.

The Department believes these are legal issues of statutory interpretation which must ultimately be settled by the Courts, but the hearing will offer the opportunity to present evidence on any factual matters relating to the issues.

Notice is further given that a prehearing conference will be held at 10 o'clock in the forenoon in Room 5131 on September 26, 1963, for the purpose of considering the simplification of issues, obtaining stipulations, admissions of facts and/or documents, scheduling of witnesses, and such other matters as may aid in the disposition of this proceeding.

It is further ordered, That the effective date of the provisions of § 1.105 (e), (f), (g), (h), (i), and (j) (1) and (2) as published in the FEDERAL REGISTER of June 20, 1963 (28 F.R. 6375) is stayed pending the outcome of the hearing.

William E. Brennan, a duly qualified Hearing Examiner, is hereby designated to conduct the hearing, with full authority to administer oaths, make affirmations, and to do all other things appropriate to the conduct of the hearing as set forth in 21 CFR 1.701 et seq.

Dated: September 6, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9702; Filed, Sept. 9, 1963; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Bacitracin Methylene Disalicylate

No comments were received on the notice published in the FEDERAL REGISTER of June 26, 1963 (28 F.R. 6564), proposing to amend the food additive regulations and the general regulations for the certification of antibiotic and antibiotic-containing drugs to establish appropriate levels, limitations, and indications for use for bacitracin methylene disalicylate in medicated poultry feeds alone or in combination with other additives permitted by regulation. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 507, 59 Stat. 463 as amended, 72 Stat. 1785 as amended; 21 U.S.C. 348, 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the amendments proposed are adopted with the following changes:

1. The section added to Part 121, Subpart C is numbered "§ 121.252."

2. In § 146.26(b)(51), the portion "and § 121._____" is changed to read "and § 121.252."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 507, 59 Stat. 463 as amended, 72 Stat. 1785 as amended; 21 U.S.C. 348, 357)

Dated: September 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

1. The following new section is added to Part 121, Subpart C:

§ 121.252 Bacitracin methylene disalicylate.

The food additive bacitracin methylene disalicylate may be safely used in animal feed in accordance with the following prescribed conditions:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1. Bacitracin	10–50			For chickens; 50 gm. per ton first 4 to 6 weeks of egg production; 10–50 gm. per ton for remainder of egg-laying period; as bacitracin methylene disalicylate.	Maintaining or increasing egg production.
1.2. Bacitracin plus penicillin.	10–50			For chickens; 12.5 gm. of penicillin plus 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin plus not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 1.1 or 1.2	10–50	Hygromycin B	8.0–12.0	For chickens	§ 121.213(c), table 1, item 1.
2.1. Bacitracin	50–100			For chickens; as bacitracin methylene disalicylate.	Prevention of chronic respiratory disease (airsac infection); blue comb (nonspecific infectious enteritis).
2.2. Bacitracin plus penicillin.	50–100			For chickens; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 2.1	50–100	Amprolium	36.3–227	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 2.1	50–100	Amprolium plus ethopabate.	113.5–227 3.6	For broiler chickens; not for laying chickens; as prescribed § 121.210(c) table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 2.1 or 2.2	50–100	Hygromycin B	8.0–12.0	For chickens	§ 121.213(c), table 1, item 1.
3.1. Bacitracin	50–100			For turkeys; as bacitracin methylene disalicylate.	Prevention of infectious sinusitis, blue comb (mud fever).
3.2. Bacitracin plus penicillin.	50–100			For turkeys; 50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
4.1. Bacitracin	100			For chickens; as bacitracin methylene disalicylate.	Maintaining or increasing hatchability of eggs.
4.2. Bacitracin plus penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 4.1 or 4.2	100	Hygromycin B	8.0–12.0	For chickens	§ 121.213(c), table 1, item 1.
5.1. Bacitracin	100			For chickens; as bacitracin methylene disalicylate.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.
5.2. Bacitracin plus penicillin.	100			For chickens; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as procaine penicillin plus bacitracin methylene disalicylate.	During times of stress, prevention of diseases named in this section caused by organisms susceptible to penicillin plus bacitracin.
6.1. Bacitracin	100			For chicks; in starter ration; as bacitracin methylene disalicylate.	Prevention of early mortality of chicks due to susceptible organisms.
6.2. Bacitracin plus penicillin.	100			For chicks; in starter ration; 100 gm. of combination; 75 gm. of bacitracin plus 25 gm. of penicillin; as bacitracin methylene disalicylate plus procaine penicillin.	Do.
a. 6.1 or 6.2	100	Hygromycin B	8.0–12.0	For chicks; in starter ration.	§ 121.213(c), table 1, item 1.
7.1. Bacitracin	100–200			For chickens; as bacitracin methylene disalicylate.	Treatment of chronic respiratory disease (airsac infection); blue comb (nonspecific infectious enteritis).
7.2. Bacitracin plus penicillin.	100–200			For chickens; 100–200 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.
a. 7.1	100–200	Amprolium	36.3–227	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, items 2.1 and 3.1.	§ 121.210(c), table 1, items 2.1 and 3.1.
b. 7.1	100–200	Amprolium plus ethopabate.	113.5–227 3.6	For broiler chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
c. 7.1 or 7.2	100	Hygromycin B	8.0–12.0	For chickens	§ 121.213(c), table 1, item 1.
8.1. Bacitracin	100–200			For turkeys; as bacitracin methylene disalicylate.	Treatment of infectious sinusitis, blue comb (mud fever).
8.2. Bacitracin plus penicillin.	100–200			For turkeys; 100–200 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	Do.

(a) Bacitracin methylene disalicylate is the methylene disalicylate salt of the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this section refers to bacitracin methylene disalicylate or feed grade bacitracin methylene disalicylate.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of bacitracin methylene disalicylate alone and with certain other additives in medicated feeds are described in tabular form in this section. These tables are to be read as follows:

(1) Where the principal ingredient is the sole medicament, the required limitations and indications for use are found on the same line entry.

(2) Where the principal ingredient is combined with a secondary ingredient, the required limitations and indications for use for the secondary ingredient are found on the same line entry. The required limitations and indications for use of the principal ingredient at the designated concentration are found on the line entry for the principal ingredient alone, and both sets of applicable limitations and indications for use shall apply. If duplicate limitations occur, these may be appropriately simplified.

(3) Permitted combinations of principal ingredient and secondary ingredient are individually listed. Unless specifically provided for by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section, and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

(e) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

2. Section 146.26(b)(51) is amended to read:

§ 146.26 Animal feed containing antibiotic drugs.

* * * * * *

(b) * * *

(51) It is a medicated chicken or turkey feed containing bacitracin, bacitracin methylene disalicylate, or zinc bacitracin or a combination of one of these with penicillin, in the amounts and for the purposes indicated in §§ 121.232, 121.233, and 121.252 of this chapter, and its labeling bears adequate directions and warnings for such use.

[F.R. Doc. 63-9631; Filed, Sept. 9, 1963; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

PART 37—GROUP LIFE INSURANCE

PART 89—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Miscellaneous Amendments

1. Subparagraph (2) of paragraph (a) of § 29.2 is amended as set out below.

§ 29.2 Exclusions from retirement coverage.

(a) The following groups of employees in the executive branch of the Government are excluded from the Civil Service Retirement Act: * * *

(2) Intermittent employees—non-full-time employees without a prearranged regular tour of duty.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

2. Subparagraph (6) of paragraph (a) of § 37.2 is amended as set out below.

§ 37.2 Exclusions.

(a) Employees in the following groups shall be excluded from the application of this part: * * *

(6) Intermittent employees—non-full-time employees without a prearranged regular tour of duty.

(Sec. 11, 68 Stat. 742; 5 U.S.C. 2100)

3. Subparagraph (4) of paragraph (b) of § 89.2 is amended as set out below.

§ 89.2 Coverage.

* * * * * *

(b) Employees in the following groups are not eligible: * * *

(4) Intermittent employees—non-full-time employees without a prearranged regular tour of duty.

(Sec. 10, 73 Stat. 715; 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-9662; Filed, Sept. 9, 1963; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

PART 180—DESIGNATION OF METHODS

Amendment Relating to New Equipment Used in Conjunction With the Chemical Method of Humane Slaughter

Pursuant to the authority conferred by the Humane Slaughter Act of August 27, 1958 (7 U.S.C. 1901 et seq.), § 180.5(b)(1)(i) of the regulations relating to humane slaughter of livestock (9 CFR 180.5(b)(1)(i)) is hereby amended to read as follows:

(b) *Facilities and procedures*—(1) *General requirements for gas chambers and auxiliary equipment; operator.* (i) The carbon dioxide gas shall be administered in a chamber which accomplishes effective exposure of the animal. Two types of chambers involving the same principle are in common use for carbon dioxide anesthesia. They are the "U" type chamber and the "Straight Line" type chamber. Both are based on the principle that carbon dioxide gas has a higher specific gravity than air. The chambers open at both ends for entry and exit of animals and have a depressed central section. Anesthetizing carbon dioxide concentrations are maintained in the central section of the chamber. Effective anesthetization is produced in this section. Animals are driven from holding pens through a pathway constructed of pipe or other smooth metal onto a continuous conveyor device which moves the animals through the chamber. The animals are compartmentalized on the conveyor by impellers synchronized with the conveyor or are otherwise prevented from crowding. Where impellers are used to compartmentalize the animal, a mechanically or manually operated gate will be used to move the animal onto the conveyor. Surgically anesthetized animals are moved from the chamber by the same continuous conveyor that carried them into and through the carbon dioxide gas.

This amendment redefines the general facility requirements for the use of carbon dioxide as a humane method of slaughtering and handling certain livestock under the Humane Slaughter Act. It relieves restrictions by permitting the use of equipment that does not utilize impellers to compartmentalize the animal. The modification in procedure provided for by the amendment should be made available for adoption by the industry as soon as possible, in order to be of maximum benefit to affected persons.

The redefinition of this method was recommended to the Department by the Advisory Committee established under the Act. The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by public rulemaking procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Therefore, under section 4 of the Administrative Procedure Act, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and since the amendment relieves restrictions, it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 4, 72 Stat. 863; 7 U.S.C. 1904)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of September 1963.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63-9659; Filed, Sept. 9, 1963; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Underwriting Bonds Payable From Proceeds of State Sales Taxes

§ 208.104 Underwriting bonds payable from proceeds of State sales taxes.

(a) The opinion of the Board of Governors of the Federal Reserve System has been requested with respect to the authority of member State banks to underwrite securities issued by States and political subdivisions thereof, with particular reference to $35,750,000 of Public Building Bonds, 1961, Series D, and Public School Plant Facilities Bonds, 1961, Series C, of the State of Washington. The Comptroller of the Currency has held that said bonds are eligible for underwriting by national banks.

(b) Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) provides that a national bank "shall not underwrite any issue of securities", but further provides that this restriction "shall not apply to * * * general obligations of any State or of any political subdivision thereof". The twentieth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 335) subjects State member banks to the same limitations with respect to the underwriting of investment securities "as are applicable in the case of national banks under paragraph 'Seventh' of section 5136."

(c) Under the statutory provisions quoted above, member banks are prohibited from underwriting securities issued by a State unless those securities are "general obligations". In the opinion of the Board of Governors, securities are not "general obligations" unless they are backed by the full faith and credit of the issuer. As stated in paragraph 520 of the "Digest of Opinions of the Office of the Comptroller of the Currency", "Securities payable only out of particular funds or out of the obligor's revenues from a particular source are not general obligations." In order to be eligible for underwriting by member banks, the issuer must possess the power of general property taxation and the securities must be supported by that power, as a part of the "full faith and credit" of the issuer.

(d) The bonds in question are issued pursuant to Washington Laws of 1961, Ex. Sess., Chapters 3 and 23. These statutes provide that the bonds "shall not be a general obligation of the state of Washington but shall be payable * * * from the proceeds of retail sales taxes * * *." The statutes also provide that "the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full."

(e) The statutory provisions that the bonds in question "shall not be a general obligation of the State of Washington" and "shall be payable * * * from the proceeds of retail sales taxes" appear to indicate that the bonds will not be supported by the full faith and credit of the State, including its power of general property taxation. If this is correct, it follows, on the principles previously stated, that these bonds would not be "general obligations" of the State within the meaning of R.S. 5136 and would not be eligible to be underwritten by member banks. The undertaking to levy retail sales taxes that will provide sufficient funds to pay the bonds in full reflects the intent of the State that the bonds (and interest thereon) shall be paid, but it does not negate the plain statement in the Washington statute that the bonds shall be payable from a particular source—namely, the proceeds of retail sales taxes—and are not general obligations.

(f) This conclusion does not conflict with the decision of the Supreme Court of Washington in State of Washington v. Martin, decided August 7, 1963. It was there held that bonds of this nature are "issued upon the credit of the state and are in truth debts of the state." However, the Court made it quite clear that such bonds are not supported by the full faith and credit of the State and its plenary taxing power. Under the State constitutional and statutory provisions dealt with in that decision, bonds of the State of Washington that are payable from a particular source of revenue constitute a debt of that State but are not general obligations thereof.

(g) For these reasons, the Board concludes that the bonds in question are not "general obligations" within the purview of section 5136 of the Revised Statutes and consequently are not eligible for underwriting by State banks that are members of the Federal Reserve System.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 335)

Dated as Washington, D.C. this 4th day of September 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-9628; Filed, Sept. 9, 1963; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55986]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Customs Stations; Tucson, Arizona

The city of Tucson, Arizona, including the Tucson International Airport, has been designated a customs station in Customs Collection District No. 26 (Arizona), effective August 1, 1963.

Section 1.2(d) of the Customs Regulations is therefore amended by adding "Tucson, Arizona" after "Lochiel, Arizona" in the column headed "Customs Station", and by adding "Nogales" opposite "Tucson" in the column headed "Port of Entry having supervision" in District No. 26.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623; 5 U.S.C. 22, 19 U.S.C. 1, 2)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: August 30, 1963.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 63-9637; Filed, Sept. 9, 1963; 8:46 a.m.]

[T.D. 55987]

PART 6—AIR COMMERCE REGULATIONS

International Airports; Regulations

CHANGE IN OFFICIAL NAME OF BROWARD COUNTY AIRPORT, FORT LAUDERDALE, FLORIDA, AND C.A.A. FIELD, JUNEAU, ALASKA

The official name of the Broward County Airport, Fort Lauderdale, Florida, which is a designated international airport (airport of entry), has been changed by the Board of County Commissioners, Broward County, to "Fort Lauderdale—Hollywood International Airport", effective October 1, 1963. Section 6.13 of the Customs regulations is amended by substituting the name "Fort Lauderdale—Hollywood International Airport" for the name "Broward County Airport" opposite Fort Lauderdale, Florida.

The official name of the C.A.A. Field, Juneau, Alaska, which is a designated international airport (airport of entry), has been changed to "Juneau Municipal Airport." Section 6.13 of the Customs regulations is amended by substituting the name "Juneau Municipal Airport" for the name "C.A.A. Field" opposite Juneau, Alaska. This change is effective upon publication in the FEDERAL REGISTER.

(R.S. 161, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 49 U.S.C. 1509)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: August 30, 1963.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 63-9638; Filed, Sept. 9, 1963; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WE-57]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to § 73.67 of the Federal Aviation regulations is to alter the Whidbey Island, Washington, Restricted Area R-6713.

The Department of the Navy has requested that the time of designation of R-6713 be changed from "0700 to 2400 P.s.t." to "0700 to 2400 local time". The Navy advises this change is desired so that compatibility will exist when normal duty hours are altered during the yearly changeover from standard to daylight time.

It is the policy of the Federal Aviation Agency to designate the time of use of restricted areas in standard time appropriate to the location of the area in order to avoid the uncertainty, on the part of the aviation public, as to whether a community is operating on standard or daylight time. However, the entire State of Washington, by act of the legislature, operates on daylight time from the last Sunday in April to the last Sunday in October annually. Since the changeover to daylight time is statewide in Washington, this area of doubt is eliminated. Therefore, action is taken herein to effect this change.

Since this amendment imposes no additional burden on the public, notice and public procedure are unnecessary. However, in order for this change to appear on appropriate aeronautical charts, more than 30 days will elapse prior to it becoming effective.

In consideration of the foregoing, the following action is taken:

In § 73.67 Washington (28 F.R. 19-45, January 26, 1963), R-6713 Whidbey Island, Washington, "Time of designation. 0700 to 2400 P.s.t." is deleted and "Time of designation. 0700 to 2400 local time." is substituted therefor.

This amendment shall become effective 0001 e.s.t. November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 4, 1963.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 63-9620; Filed, Sept. 9, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 1940; Amdt. 614]

PART 507—AIRWORTHINESS DIRECTIVES

Sud Aviation SE 3130 Alouette II Aircraft

Cracks have been found in the main rotor hub on Sud Aviation SE 3130 Alouette II aircraft. Since cracked main hubs reduce the airworthiness of the part and, if undetected, could result in complete failure of the hub in service, it has been determined necessary to establish a service life for these hubs.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SUD AVIATION. Applies to all SE 3130 Alouette II aircraft.

Compliance required as indicated.

To prevent fatigue failure of the main rotor hub P/N 3130.12.20.001 the following must be accomplished:

(a) The main rotor hub must be replaced with a new hub prior to accumulating a total of more than 600 hours' time in service, except as provided for in (b).

(b) The service life of the main rotor hub may be extended to a maximum of 1,200 hours' time in service if the hubs are inspected by means of the ultrasonic method specified in Sud Service Bulletin No. AL.II 12.11.204/A, or an FAA approved equivalent method, as follows:

(1) Hubs which have accumulated less than 600 hours' time in service on the effective date of this AD shall be inspected prior to 600 hours' time in service and thereafter at intervals not exceeding 50 hours' time in service.

(2) Hubs which have accumulated more than 600 hours' time in service on the effective date of this AD shall be inspected within 10 hours' time in service after the effective date, and thereafter at intervals not exceeding 50 hours' time in service.

(3) Replace cracked hubs before further flight.

(Sud Service Bulletin No. AL.II 12.11.204/A dated April 18, 1962; covers the same subject.)

This amendment shall become effective September 16, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 4, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9619; Filed, Sept. 9, 1963; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bombay Hook National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,045 acres or 6.6 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Smyrna, Delaware, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: From ½ hour before sunrise to ½ hour after sunset on October 5, 12, 19, and 26, 1963.

(c) Daily bag limits: One deer of either sex.

(d) Methods of hunting: (1) Bows and arrows.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Persons may enter the public hunting area only at the designated entrance gate.

(3) All deer bagged must be taken to the Refuge Headquarters to be checked by a refuge officer.

(4) A Federal permit is not required to enter the public hunting area.

(5) The provisions of this special regulation are effective to October 27, 1963.

JOHN S. GOTTSCHALK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 29, 1963.

[F.R. Doc. 63-9641; Filed, Sept. 9, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-14—INSPECTION AND ACCEPTANCE

Sec.

9-14.000	Scope of part.
9-14.101	General.
9-14.201	General.
9-14.5001	Inspection and acceptance requirements.
9-14.5002	Contract articles relating to inspection and acceptance.
9-14.5003	Construction contracts.

AUTHORITY: §§ 9-14.000 to 9-14.5003 issued under sec. 161, Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9-14.000 Scope of part.

This part implements and supplements FPR 1-14 by prescribing the policies and requirements for inspection and acceptance under contracts for supplies and services (including construction contracts) procured by AEC and by AEC cost-type contractors.

§ 9-14.101 General.

Supplies and services shall be inspected by or under the supervision of an inspector representing the Government, or the AEC cost-type contractor with respect to its procurements.

§ 9-14.201 General.

Acceptance includes the act of an authorized representative of an AEC cost-type contractor with respect to its procurements.

§ 9-14.5001 Inspection and acceptance requirements.

(a) Inspection and acceptance shall be conducted in accordance with:

(1) Provisions of the contract;

(2) This part;

(3) Instructions issued by Headquarters' divisions, offices, or Managers of Field Offices; and

(4) Instructions issued by AEC cost-type contractors which have the approval of Managers of Field Offices as appropriate.

(b) The instructions referred to in subparagraphs (3) and (4) of paragraph (a) shall not be inconsistent with the contract or this part.

§ 9-14.5002 Contract articles relating to inspection and acceptance.

The fixed-price supply contract article covering inspection and acceptance for use by AEC is set forth in section 9-7.5005-6. The construction contract article covering inspection and acceptance for use by AEC is the "Inspection and Acceptance" article in Standard Form 23A: General Provisions (Construction Contract). Contract articles relating to inspection and acceptance, which are used by AEC cost-type contractors, should provide no less a degree of protection for the Government than are provided by the contract articles used by AEC.

§ 9-14.5003 Construction contracts.

(a) Inspection services may be performed by the architect-engineer responsible for the design. Inspection services may not be procured from a fixed-price construction contractor with respect to its own work since this would represent self-inspection. Under cost-type contracts where the construction contractor and architect-engineer are the same, some degree of self-inspection may be permitted but shall not constitute final inspection and acceptance by the Government. (See 9-1.355.)

(b) AEC Manual Chapters 6402 and 6403 contain specific instructions on "Inspection of Construction" and "Acceptance of Completed Facilities", respectively.

(c) When one contractor is to inspect the work of another, written instructions should be furnished the inspecting contractor defining his responsibilities and stating that he is not authorized to modify the terms and conditions of the contract, nor to direct additional work, nor to waive any requirements of the contract, nor to settle any claim or dispute. Copies of these instructions should be furnished the contractor who is to be inspected, with a request that he acknowledge receipt on a copy to be returned to the Contracting Officer. In this manner, both contractors are on express notice of the authority, and limitations on the authority, of the inspecting contractor.

Effective date. These regulations are effective 45 days after publication in the FEDERAL REGISTER but may be observed earlier.

Dated as Germantown, Md., this 29th day of August 1963.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHORN,
Acting Director,
Division of Contracts.

[F.R. Doc. 63-9613; Filed, Sept. 9, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Proposed Administrative Rules and Regulations; Surplus Dates and Exemption

Notice is hereby given of a proposal recommended by the Date Administrative Committee to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) by adding a new section, § 987.147, to prescribe procedures applicable to surplus dates and by revising § 987.152(a) to add certain conditions in regard to producers' obtaining exemptions on direct sales to consumers. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal follows:

1. Add § 987.147 to read as follows:

§ 987.147 Surplus.

(a) *Pooling, and payment of equity holders.* All surplus dates delivered to the Committee pursuant to § 987.47 in any crop year shall be disposed of as a pool: *Provided,* That if any such surplus dates contain a large portion of dates of a quality not less than that of marketable dates, as determined by the Committee, and some or all of such surplus dates are disposed of by the Committee at premium prices, a separate pool shall be established for all such dates. Equity holders or their assignees shall be paid, in accordance with § 987.47, the net proceeds from each pool in proportion to the weight of the surplus dates contributed to the particular pool.

(b) *Certain deliveries of surplus dates to the Committee.* Any holder of surplus dates may have them removed from his premises and delivered to the Committee by another person if such holder first notifies the Committee in writing of the removal and delivery. Such notification shall be on a release form provided by the Committee. The executed form shall include the name of the person authorized to remove the surplus dates, the date of the authorization, the approximate quantity to be removed, and a certification by the holder and the authorized person that the dates so removed will be delivered to the Committee or its designee(s) in accordance with § 987.47. The holder of the dates may assign his interest in such surplus dates in any pool to the authorized remover; and such assignment may be included in the executed form.

(c) *Condition.* As a condition to the Committee accepting surplus dates, the dates shall, as determined by the Committee, not be excessively soured or fermented and shall be free from tree rubble, thorns, rocks, paper, wood, glass, and other foreign matter. However, surplus dates may be delivered to the Committee for conditioning or cleaning and acceptance of the sound date material. The cost of the conditioning or cleaning shall be deducted from the equity holder's share of the net proceeds of the applicable pool. For the purpose of determining such share, the weight of surplus dates delivered shall be the conditioned or cleaned weight.

(d) *Delivery of small lots to the Committee.* As a condition for acceptance, the Committee may require the delivery of any lot of surplus dates weighing less than 5,000 pounds to a central point designated by the Committee.

(e) *Estimating weights.* With the consent of the person delivering the surplus dates, the Committee, or its representative for that purpose, may estimate at the time of loading, on the basis of the number of containers, the weight of any lot of dates of less than one truck load. Any person delivering surplus dates and desiring a certified scale weight for less than a truck load shall pay the transportation and other costs incurred in hauling such load to a scale. Upon obtaining a certified scale weight of an entire truck load comprised of containers of surplus dates of different persons, the Committee shall make appropriate adjustments in the applicable estimates.

(f) *Delivery manifest.* Upon delivery of surplus dates to the Committee each such deliverer shall execute that part of the Committee's form DAC SP-1, Delivery Manifest, captioned "Growers and Handlers" showing (1) the person to receive payment for the dates as provided in § 987.147(a), (2) the location of loading, (3) if field surplus, the location of the garden where grown, (4) the name of the owner of the garden, (5) the type and number of containers of the dates dumped, and (6) the estimated net weight of each load. The delivery manifest shall be signed by the person delivering the dates or his representative in charge of the loading, and the pink and yellow copies of the Delivery Manifest shall be retained by the deliverer.

(g) *Exemption.* A handler may feed surplus dates of his own production within his own livestock feeding operations after first giving the Committee notice of such intention and in such manner as the Committee may require.

2. Revise paragraph (a) of § 987.152 to read as follows:

(a) *Producer exemptions.* Any producer may, after obtaining written approval of the Committee, sell particular varieties of dates of his own production directly to consumers, free of the requirements of §§ 987.45, 987.48 and 987.72 in the outlets as specified in subparagraphs (1) and (2) of this paragraph. However, such approval shall continue only so long as he does not purchase or acquire, except as an approved manufacturer or feeder, from any other producers or handlers any uncertified dates (i.e., not certified pursuant to § 987.41) of the variety or varieties for which exemptions have been approved for him pursuant to this paragraph.

(1) *Roadside stands or date shops.* Any quantity if sold directly to consumers at roadside stands or date shops at such locations within 25 miles of the city limits of Indio, California, as are specifically approved by the Committee.

(2) *Parcel post or express shipments.* Shipments by parcel post or express directly to consumers.

Dated: September 5, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-9657; Filed, Sept. 9, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-56]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Proposed Alteration, and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation regulations. As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO international standards and recommended practices. The substance of these proposals is stated below.

Applicability of international standards and recommended practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil

flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations. The international standards and recommended practices in Annex 11 apply in those parts of the airspace under the jurisdiction of the contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the international standards and recommended practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the alteration of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

VOR Federal airway No. 22 and its associated control areas and VOR Federal airway No. 1630 extend in part from Sabine Pass, Tex., to Tibby, La. The Agency is commissioning a VOR in the vicinity of White Lake, La. (latitude 29° 39'51" N., longitude 92°22'38" W.) in March 1964, and is considering the realignment of Victors 22 and 1630 from Sabine Pass via this new facility to Tibby. The realigned segment of Victor 1630 would be designated as a 10-mile wide airway. White Lake would be designated as a reporting point for both airways.

The realignment of these airways via the new VOR would provide for improved navigational guidance along these airway segments. The reduced width of Victor 1630 would be to provide lateral separation between the airway and terminal operations at Lake Charles, La., and New Iberia, La. The designation of White Lake as a reporting point would be for air traffic control purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on September 3, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9615; Filed, Sept. 9, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-62]

TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Escanaba, Mich., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.) within 2 miles either side of the 265° True bearing from the Escanaba Municipal Airport, extending from the 5-mile radius area to 8 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the 085° and 265° True bearings from the Escanaba Municipal Airport, extending from 7 miles east to 14 miles west of the airport.

It has been determined by the Federal Aviation Agency that the Escanaba transition area as presently configured does not offer the controlled airspace necessary for the retention of Escanaba Municipal Airport straight-in instrument approach landing minimums. The existing boundaries and floors established for the Escanaba transition area were, in part, based on a minimum procedure turn altitude of 2,400 feet MSL for the Escanaba VOR Runway 9 instrument approach procedure. The FAA is currently considering lowering this procedure turn altitude to retain straight-in instrument approach landing minimums. Accordingly, the FAA has under consideration the alteration of the Escanaba transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.) and within 5 miles north and 8 miles south of the 265° True bearing from Escanaba Municipal Airport, extending from the airport to 12 miles west of the airport.

The alteration of the Escanaba transition area as proposed herein would reduce the lateral extent of the area, since there is no requirement for holding aircraft at the higher altitudes at high speeds at this location. However, the floor of the portion proposed for retention would be lowered from 1,200 to 700 feet to permit aircraft to conduct instrument approaches from the prescribed holding pattern without executing a procedure turn.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington D.C., on September 3, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9616; Filed, Sept. 9, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-75]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 71.181 of the Federal Aviation Regulations, the substance of which is stated below.

As a result of the review of controlled airspace requirements, attendant to completion of the implementation of CAR Amendments 60-21/60-29 in the Anthony, Kans., terminal area, the Federal Aviation Agency has under consideration the designation of a transition area at Anthony. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Anthony Municipal Airport (latitude 37°09'45" N., longitude 98°04'55" W.) and within 2 miles each side of the Anthony VOR 269° True radial, extending from the 6-mile radius area to 8 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the Anthony VOR 269° and 089° True radials, extending from 3 miles east to 12 miles west of the VOR. Communications service within the proposed transition area would be furnished through the remoted receiver and voice facilities associated with the Anthony VOR which are controlled by the FAA's Wichita, Kans., Flight Service Station.

The action proposed herein would raise the floor of controlled airspace beyond the immediate vicinity of the Anthony Municipal Airport from 700 to 1,200 feet above the surface. The controlled airspace released would become available for other aeronautical activities. The portions of controlled airspace proposed for designation would provide protection for aircraft executing prescribed holding, arrival, missed approach and departure procedures within the Anthony terminal area.

A small portion of the existing Wichita, Kans., control area extension coincides with the transition area proposed herein. The revocation of the Wichita control area extension will be considered at a later date as a part of the CAR Amendment 60-21/60-29 implementation actions proposed for terminal areas adjoining the Anthony area.

The floors of the airways which traverse the proposed transition area and the floor of the portion of the Wichita control area extension which would coincide with this transition area would automatically assume a floor coincident with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711, New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 3, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9617; Filed, Sept. 9, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-49]

TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Pasco, Wash., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pasco VOR; within 5 miles southeast and 8 miles northwest of the Pasco VOR 038° True radial, extending from the VOR to 12 miles northeast, and within 5 miles southwest and 8 miles northeast of the Pasco VOR 132° True radial, extending from the VOR to 12 miles southeast, excluding the portion within R-6715 and the airspace within Federal airways.

As a result of the review of the controlled airspace requirements, attendant to completion of the implementation of CAR Amendment 60-21/60-29 in the Pasco terminal area, the FAA has under consideration the following airspace action:

Alter the Pasco transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Pasco Airport (latitude 46°15'50" N., longitude 119°06'55" W.); within 2 miles each side of the Pasco VOR 036° True radial, extending from the 5-mile radius area to 8 miles northeast of the VOR, and within 2 miles each side of the Pasco VOR 132° True radial, extending from the 5-mile radius area to 8 miles southeast of the VOR, excluding the portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles northwest and 5 miles southeast of the Pasco VOR 036° and 216° True radials, extending from 6 miles southwest to 12 miles northeast of the VOR, and within 8 miles northeast and 5 miles southwest of the Pasco VOR 132° True radial, extending from the VOR to 12 miles southeast of the VOR, excluding the portion within R-6715. The floors of the airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The portion of the Pasco transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Pasco Airport during the time the Pasco control zone is not effective. The portion of the proposed transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the higher portions of prescribed instrument holding, approach and departure procedures within the Pasco terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examina-

tion at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 3, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9618; Filed, Sept. 9, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1941]

AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Douglas Model DC-8 Series aircraft. There have been instances of failure of the main landing gear forward bogie beam swivel pin lower lugs due to cracking initiated by the effects of pitting from corrosion of the lug surface in the area of the swivel pin. This corrosion was attributed to the lack of lubrication of the swivel pin point. To correct this unsafe condition, this proposed AD requires inspection of the bogie beam assembly and repair or replacement of any found defective.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 10, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all Model DC-8 Series aircraft.

Compliance required as indicated.

There have been several failures of the main landing gear forward bogie beam swivel pin lower lugs due to cracking as a result of corrosion. To preclude further failures of this nature accomplish the following on both left and right forward bogie beam assemblies, P/N's 5719124, 5760631, or 5760633.

(a) For bogie beam assemblies which do not incorporate the rework outlined in paragraph 2, "Accomplishment Instructions", Kit "A" or "D" of DC-8 Service Bulletin No. 32-79 dated July 11, 1962, or FAA approved equivalent, within the next 500 hours' time in service after the effective date of this AD, on forward bogie beam assemblies having more than 1,000 hours' time in service as of the effective date of this AD, and prior to the accumulation of 1,500 hours' time in service for bogie beam assemblies having less than 1,000 hours' time in service as of the effective date of this AD, and thereafter at intervals not to exceed 500 hours' time in service, accomplish the inspection outlined in (a)(1) and rework as necessary per (a)(2).

(1) Conduct close visual inspection of the forward bogie beam swivel joint lugs and the swivel bolt, P/N 5719288, with swivel bolt removed for indication of cracks using at least a 10-power glass, paying particular attention to the swivel bolt keyways of both the lower lug and the swivel bolt. Also, inspect visually for corrosion in these same areas.

(i) Any parts found cracked must be replaced with undamaged parts before further flight.

(ii) If no corrosion or cracks are found, reassemble the bogie beam and grease the swivel joint in accordance with the instructions outlined in paragraph 2C(5) of DC-8 Service Bulletin No. 32-64, before further flight.

(iii) If corrosion is found, accomplish the inspection and rework outlined in (a)(2).

(2) Determine the depth of corrosion in the manner described in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64.

(i) If corrosion in the affected areas can be removed within the tolerance limits specified in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64, and the maximum diametral clearance after removal of the corrosion does not exceed 0.010 inch between the bogie beam swivel bolt and the lug, accomplish the inspection and rework outlined in paragraph 2C(7) of Service Bulletin No. 32-64 or FAA approved equivalent, before further flight. See also (b). If maximum metal removal exceeds the limits specified in paragraphs 2C(6) or 2C(7) of Service Bulletin No. 32-64, the bogie beam must be replaced with an undamaged part before further flight.

(ii) If corrosion in the affected areas can be removed within the tolerance limits specified in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64, and the maximum diametral clearance after removal of the corrosion exceeds 0.010 inch between the bogie beam swivel bolt and lug, accomplish the inspection and interim rework outlined in paragraph 2C(8) of Service Bulletin No. 32-64, or the final rework referred to in (c), or an FAA approved equivalent, before further flight.

(iii) Bogie beam assemblies incorporating the interim rework outlined in paragraph 2C(8) of Service Bulletin No. 32-64, may be continued in service not to exceed 1,500 hours' time in service from the time the interim rework is accomplished. However, if this interim rework is incorporated, the final inspection and rework referred to in (c) must then be accomplished prior to the accumulation of 1,500 hours' time in service from the time the interim rework was accomplished. The 500-hour periodic inspection is not required for bogie beams incorporating this interim rework.

(b) As an alternate measure to (a)(2)(i), if corrosion in the affected areas can be removed within the tolerance limits specified in (a)(2)(i), the inspection and rework outlined in paragraph 2D of DC-8 Service Bulletin No. 32-64 may be accomplished. Repeat the inspection, and rework as necessary, at intervals not to exceed 350 hours' time in service. If maximum metal removal exceeds the limits specified in paragraph 2C(6) or 2C(7) of Service Bulletin No. 32-64, the bogie beam must be replaced with an undamaged part before further flight.

(c) When the bogie beam has been inspected and reworked in accordance with Kit "A" or "D" of DC-8 Service Bulletin No. 32-79 or an FAA approved equivalent, the periodic inspections specified in (a) and (b) may be discontinued.

(d) Lubricate the bogie beam swivel joint at intervals not to exceed every 75 hours' time in service in accordance with the following:

(1) Subsequent to the initial inspection and/or rework per (a) or (b), lubricate in accordance with the instructions specified in paragraph 2C(5)(c) of DC-8 Service Bulletin No. 32-64.

(2) Subsequent to the final rework per (c), including those bogie beam assemblies previously modified, if Kit "A" is incorporated, lubricate in accordance with the instructions specified in paragraph 2A(6) of DC-8 Service Bulletin No. 32-79. If Kit "D" is incorporated, lubricate in accordance with the instructions specified in Figure 2, Item (20) of DC-8 Service Bulletin No. 32-79.

(e) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Service Bulletins Nos. 32-64, Reissue No. 3, dated April 26, 1962, and 32-79, dated July 11, 1962, cover this same subject.)

Issued in Washington, D.C., on September 4, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9614; Filed, Sept. 9, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55989]

COTTON TEXTILES PRODUCED OR MANUFACTURED IN KOREA

Restriction on Entry

SEPTEMBER 4, 1963.

There is published below a letter of August 22, 1963, from the Acting Chairman, President's Cabinet Textile Advisory Committee, which supplements that Committee's directive of July 19, 1963, regarding restraints on imports of Category 22 Korean cotton textiles exported to the United States on or after June 26, 1963.

The letter of August 22, 1963, directs that immediately upon the expiration date of the earlier directive on August 24, 1963, and during the period extending through June 25, 1964, no cotton textiles in Category 22, produced or manufactured in Korea and exported from Korea to the United States on or after June 26, 1963, shall be allowed entry or withdrawal for consumption in the United States (including the Commonwealth of Puerto Rico).

Collectors of customs and appraisers of merchandise have been directed accordingly and have been advised to give the information public notice.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

AUGUST 22, 1963.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements my letter to you of July 19, 1963, appearing in the FEDERAL REGISTER on August 1, 1963 (28 F.R. 7862), regarding restraints on imports of cotton textiles and cotton textile products in Category 22, produced or manufactured in Korea. As you were advised in that letter, the United States Government on June 26, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Korea to restrain the export of cotton textiles and cotton textile products in Category 22 to the United States during the twelve-month period beginning June 26, 1963. The period of discussion with the Government of Korea on the restraint request made by the United States, carried out under the terms of Article 3(3) of the Long Term Arrangement, will expire on August 24, 1963.

Accordingly, under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective immediately upon the expiration of the directive contained in my letter to you of July 19, 1963, referred to above, and for the period extending through June 25, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 22, produced or manufactured in Korea and shipped from Korea on or after June 26, 1963, in excess of the corrected level of restraint provided:

Category	12-month level of restraint	Corrected level of restraint
22	100,000 square yards	0

The corrected level of restraint reflects entries made during the period June 26, 1963, to date.

A detailed description of the listed category in terms of Schedule A numbers and U.S.I.D.A. numbers was attached to my letter of July 19, 1963, referred to above.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Korea and with respect to imports of cotton textiles and cotton textile products from Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D. ROOSEVELT, JR.,
Acting Secretary of Commerce, and Chariman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-9635; Filed, Sept. 9, 1963; 8:45 a.m.]

[T.D. 55988]

COTTON TEXTILES PRODUCED OR MANUFACTURED IN TURKEY

Restrictions on Entry

SEPTEMBER 4, 1963.

There is published below a letter of August 22, 1963, from the Acting Chairman, President's Cabinet Textile Advisory Committee, which directs that effective as soon as possible and through June 19, 1964, not more than 200,000 square yards of cotton textiles in Category 9, manufactured or produced in Turkey, which were exported from Turkey to the United States on or after June 20, 1963, be allowed entry for consumption or withdrawal from warehouse for consumption in the United States (including the Commonwealth of Puerto Rico). This directive became effective August 26, 1963.

Collectors of customs and appraisers of merchandise have been advised of the procedure to be followed in carrying out this directive and have been instructed to bring such procedure to the attention of all brokers, importers, and others concerned.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

AUGUST 22, 1963.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on June 20, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Turkey to restrain the export of cotton textiles and cotton textile products in Category 9 to the United States. A level of restraint has been decided upon for the twelve-month period beginning June 20, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective as soon as possible, and for the period extending through June 19, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 9 produced or manufactured in Turkey and shipped from Turkey on or after June 20, 1963, in excess of the level of restraint provided:

Category:	*Level of restraint*
9	200,000 square yards

There have been no entries during the period June 20, 1963 through July 31, 1963 to be charged against the level of restraint of 200,000 square yards established for the twelve-month period June 20, 1963, through June 19, 1964. Corrections have not been made to reflect entries, if any, subsequent to July 31, 1963.

A detailed description of the listed category in terms of Schedule A numbers and U.S.I.D.A. numbers is attached.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Turkey and with respect to imports of cotton textiles and cotton textile products from Turkey have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D. ROOSEVELT, JR.,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Description	Schedule A number	U.S.I.D.A. number
9	Sheeting, carded	3048 212	0904–0905 156 [1]
		216	158 [1]
		222	162 [1]
		228	166 [1]
		3068 226	266 [1]
		3068 200	366 [1]

[1] The last digit represents average yarn number groups (e.g., 0 represents average yarn numbers 10 or lower; 3 represents average yarn numbers 21 through 25; 9 represents average yarn numbers over 60, etc.).

[F.R. Doc. 63–9636; Filed, Sept. 9, 1963; 8:46 a.m.]

Foreign Assets Control

IMPORTATION OF GOAT HAIR DIRECTLY FROM KOREA

Available Certifications by the Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity:

Goat hair

[SEAL] MARGARET W. SCHWARTZ,
Director, Foreign Assets Control.

[F.R. Doc. 63–9660; Filed, Sept. 9, 1963; 8:48 a.m.]

Office of the Secretary

[AA 643.3–W]

12-OUNCE CANNED LUNCHEON MEATS FROM DENMARK

Fair Value Determination

SEPTEMBER 5, 1963.

A complaint was received that 12-ounce canned luncheon meats from Denmark were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that 12-ounce canned luncheon meats from Denmark are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)).

Statement of reasons. The investigation covered shipments by the principal Danish sellers of luncheon meat for exportation to the United States. The purchase price or the exporter's sales price, depending upon the circumstances, was compared with the home market price or third country price, as applicable, for fair value purposes. The third country price was found to be appropriate in the case of all except one seller because the quantity sold for home consumption was found to be inadequate as a basis for comparison for fair value purposes except in the case of such seller.

In the case of the purchase price calculations, inland freight, ocean freight, and insurance, as well as a small cash discount, were deducted as applicable in order to arrive at the net ex-plant price. In the case of the exporter's sales price calculations, there were deducted in addition to the foregoing, selling expenses in the United States, trucking and forwarding in the United States, and included duty.

The third country prices were computed on the basis of the delivered foreign port prices, less a cash discount, as applicable, and less inland freight in the exporting country, ocean freight, and insurance. Deductions were also made for advertising costs incurred on behalf of customers where such was shown to exist. Additions were made, as applicable, for the cost differential deriving from the higher quality of the luncheon meat sold for exportation to the United States and for commissions and promotional allowances granted in connection with sales for exportation to the United States which were not present in the case of third country sales. Adjustments were also made, as indicated, for differences in packing costs which in some instances were higher for exportation to the United States and in other instances higher for exportation to third countries.

The home market price was computed on the basis of the ex-factory price to which was added the cost differential deriving from the higher quality of the luncheon meat sold for exportation to the United States, and the amount of commission and promotional expense involved in sales for exportation to the United States, such expenses not being incurred in sales for home consumption. Packing costs were not found to differ from those for exportation to the United States.

Purchase price and exporter's sales price, as applicable, were found not to be lower than adjusted third country price or adjusted home market price, as applicable, except in the case of one firm. As to this firm, the amount by which purchase price was lower than the adjusted third country price was found to be not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 63–9661; Filed, Sept. 9, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHARD V. FORD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 24, 1963.

RICHARD V. FORD.

AUGUST 24, 1963.

[F.R. Doc. 63–9639; Filed, Sept. 9, 1963; 8:47 a.m.]

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: Admiral Plastics Corporation, Brush Beryllium Co., Loral Electronics, Royal McBee Corporation.

This statement is made as of August 27, 1963.

RICHMOND LEWIS.

AUGUST 27, 1963.

[F.R. Doc. 63–9640; Filed, Sept. 9, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Change in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the list (28 F.R. 8422, August 16, 1963) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to sheep and swine with respect to Kenton Packing Company, establishment 36, and to calves with respect to Wholesale Cooperative Meat Dealers Association, establishment 541, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
George A. Hormel and Co.	199H	(*)					
Nations Brothers Packing Co.	684	(*)	(*)			(*)	
New Establishments Reporting: Total 2.							
Glover Packing Co. of Amarillo	60A				(*)		
Pacific Meat Co., Inc.	267		(*)				
Nobles Independent Meat Co.	335			(*)			
Emge Packing Co., Inc.	380		(*)				
Wholesale Cooperative Meat Dealers Association	541	(*)					
Greendell Packing Corp.	542			(*)			
Harman Packing Co.	596		(*)				
Acme Meat Co., Inc.	618		(*)				
McCook Packing Co.	660		(*)				
Hibbs Packing Co.	825			(*)			
Samuels and Co., Inc.	878				(*)		
Joe Doctorman and Son Packing Co., Inc.	949			(*)			
Perlin Packing Co., Inc.	974			(*)			
Species Added: Total 13.							

Done at Washington, D.C., this 4th day of September 1963.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 63–9656; Filed, Sept. 9, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GOODYEAR TIRE AND RUBBER CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 1154) has been filed by The Goodyear Tire and Rubber Company, Akron 16, Ohio, proposing that paragraph (c) (4) (iii) of § 121.2562 *Rubber articles intended for repeated or continuous use* be amended by inserting alphabetically therein the following new items:

Alkylated (C_4 and/or C_8) phenols.
Butylated, styrenated cresols.
Diaryl-*p*-phenylenediamine, where the aryl group may be phenyl, tolyl, and/or xylyl.

Dated: September 4, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63–9630; Filed, Sept. 9, 1963; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–4]

AMERICAN MAIL LINE LTD.

Notice of Amendment of Byproduct and Source Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to License No. 46–3623–1 which authorizes the licensee to receive, possess and dispose by burial at sea waste byproduct and source material in packages prepared by the Boeing Company, Seattle, Washington.

The license amendment provides for the following:

1. Renewal of the license to August 31, 1965.

2. An increase in the amount of source material which the licensee may possess at any one time from 15 pounds to 200 pounds.

The license amendment does not involve consideration of safety factors significantly different from those previously evaluated and provides only for the continuation of previously authorized activities.

The Commission has determined pursuant to the provisions of 10 CFR, Parts 2, 30, 40 and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations and orders issued by the Commission.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the amendment is attached to this Notice.

Dated at Bethesda, Maryland, August 30, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[License No. 46–3623–1 (H65); Amdt. No. 2]

In accordance with application dated September 28, 1962, License No. 46–3623–1 is amended as follows:

The expiration date is extended to August 31, 1965.

Condition 2 is amended to read as follows:

2. The licensee shall not possess more than 200 pounds of source material at any one time.

Condition 3 is amended to read as follows:

3. Waste disposal operations shall be carried out by, or in the physical presence of, H. V. Walker or H. A. Greenwood.

Condition 6 is amended to read as follows:

6. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D.C., and the Director, Region V, Division of Compliance, USAEC, 2111 Bancroft Way, Berkeley 4, California, of its intent to conduct a disposal operation at least 20 days prior to loading the packaged byproduct and source material aboard ship, by letter deposited in the United States mail, properly stamped and addressed. This notification shall contain the total number of containers, the total activity of byproduct material in millicuries and the total amount of source material in pounds. Information regarding the date of disposal and the disposal location in latitude and longitude shall be supplied to the Chief, Isotopes Branch within thirty (30) days after the date of disposal.

Date of issuance: August 30, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[F.R. Doc. 63–9612; Filed, Sept. 9, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14214]

SALISBURY-WILMINGTON "USE IT OR LOSE IT" CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence Thursday, September 26, 1963, at 10:00 a.m. (local time), in the Courtroom, County Court House, Salisbury, Maryland. At the conclusion of the Salisbury session the hearing will recess. It will reconvene on Monday, September 30, 1963, at 10:00 a.m. (local time), in the Public Building, Wilmington, Delaware, before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require:

(a) The suspension of Allegheny's certificate insofar as it authorizes the carrier to serve Salisbury, Maryland, or

(b) The alteration, amendment, or modification of Allegheny's certificate in such a manner as to delete Salisbury, Maryland?

2. Do the public convenience and necessity require:

(a) The suspension of Allegheny's certificate insofar as it authorizes the carrier to serve Wilmington, Delaware, on segment 3, or

(b) The alteration, amendment, or modification of Allegheny's certificate in such a manner as to delete Wilmington on segment 3?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., September 5, 1963.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 63-9643; Filed, Sept. 9, 1963; 8:47 a.m.]

[Docket No. 11278, etc.; Order No. E-19986]

RIDDLE AIRLINES, INC.

Proposed Reduced Specific Commodity Rates Between New York and Puerto Rico Points; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of September 1963:

By tariff revision marked to become effective September 8, 1963, Riddle Airlines, Inc. (Riddle) proposes specific commodity rates effecting reductions on numerous articles between New York, N.Y., and points in Puerto Rico in both directions. The reductions would apply to rates for shipments with a minimum weight of 100 pounds (the only rates to be in effect) and amount to approximately 21 percent northbound and 14 percent southbound below Riddle's current rates. The proposal bears an expiration date of January 27, 1964.

Upon consideration of all relevant factors, the Board finds that the proposed rates may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated. The proposals are identical to the specific commodity rates currently in effect for Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America, recently reduced by these carriers but set for investigation by the Board.[1] The Board based its decision to investigate the foregoing rates chiefly on their low level. The issues involved in Riddle's current proposal are the same as those raised when the Board considered the identical filings of the other carriers.

Consistent with our action with regard to the foregoing investigations, we shall consolidate the investigation instituted herein into the investigation pending in Docket 11278 et al., New York-San Juan Cargo Rates Investigation, embracing numerous rates in that area. We have similarly instructed our staff to arrange for appropriate reporting procedures, in order to enable us to maintain careful surveillance over the traffic and revenue experience of the carrier.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That

1. An investigation is instituted to determine whether the rates from New York, N.Y., to Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, P.R., applicable to Commodity Group Numbers 20, 30, 75, 150, 160, and 215, and from Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, P.R., to New York, N.Y., applicable to Commodity Group Numbers 20, 30, 150, and 215, appearing on 38th Revised Page 10 of Riddle Airlines, Inc., C.A.B. No. 7, including subsequent revisions and reissues of such rates, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates;

2. This investigation is consolidated with the proceeding entitled "New York-San Juan Cargo Rates Investigation," Docket 11278 et al.;

3. A copy of the order will be served upon Riddle Airlines, Inc. and all other parties in Docket 11278 et al.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-9644; Filed, Sept. 9, 1963; 8:47 a.m.]

[1] Order E-19905, dated Aug. 15, 1963, Order E-19850, dated July 24, 1963, and Order E-19894, dated Aug. 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15158]

ARNE B. KONGELBAK

Order To Show Cause

In the matter of Arne B. Kongelbak, San Francisco, California, order to show cause why there should not be revoked the license for radio station WB-8830 aboard the vessel Apache.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: official notice of violation dated June 11, 1963, alleging violation of §§ 8.364(a) (1) and 8.366(a) (2) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated June 26, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 30th day of August 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 700 Laguna Street, San Francisco, California.

Released: September 3, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9650; Filed, Sept. 9, 1963; 8:48 a.m.]

[Docket No. 15081; FCC 63M-952]

O. L. WITHERS

Order Continuing Hearing

In re application of O. L. Withers, Woodburn, Oregon, Docket No. 15081, File No. BP-15411; for construction permit.

Because of a conflict of official duties on September 23, 1963, the Examiner, on his own motion, *Hereby orders,* This 3d day of September 1963, that the hearing herein presently scheduled to commence on September 23, 1963, is postponed to September 26, 1963, at the time and place heretofore specified.

Released: September 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9651; Filed Sept. 9, 1963; 8:48 a.m.]

[Docket Nos. 15106-15107; FCC 63M-956]

COMMUNITY BROADCASTING CO., INC. (WHPB), AND CLEVELAND COUNTY BROADCASTING CO., INC. (WADA)

Order Continuing Hearing

In re applications of Community Broadcasting Company, Inc. (WHPB), Belton, South Carolina, Docket No. 15106, File No. BP-14476; Cleveland County Broadcasting Co., Inc. (WADA), Shelby, North Carolina, Docket No. 15107, File No. BP-15269; for construction permits.

Due to other commitments of the Hearing Examiner, *It is ordered,* This 3d day of September 1963, that the hearing herein, presently scheduled to commence on September 25, 1963, is continued to 10:00 a.m., September 30, 1963.

Released: September 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9652; Filed, Sept. 9, 1963; 8:48 a.m.]

[Docket No. 15120; FCC 63M-963]

STANLEY HELFMAN

Order Continuing Prehearing Conference

In re application of Stanley Helfman, Fontana, California, Docket No. 15120, File No. BP-14972; for construction permit.

On the Examiner's own motion, and with the consent of the parties, *It is ordered,* This 4th day of September 1963, that the prehearing conference in this proceeding now scheduled for 9:00 a.m., September 10, 1963, is continued to 9:00 a.m., September 11, 1963.

Released: September 5, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9653; Filed, Sept. 9, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2384]

CLEVELAND-CLIFFS IRON CO.

Notice of Application for License

SEPTEMBER 3, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Cleveland-Cliffs Iron Company (correspondence to: Mr. D. R. Forrest, Vice President, The Cleveland-Cliffs Iron Company, 1460 Union Commerce Building, Cleveland 14, Ohio) for license for constructed Project No. 2384, known as the Au Train River Project, located on Au Train River, Alger County, Michigan.

The project consists of: a storage-intake dam composed of two earth-fill sections with concrete core walls, about 900 feet and 650 feet long, respectively, and about 40 feet high, separated by a concrete gravity spillway and intake section about 125 feet long and 30 feet high topped by two feet of flashboards; a penstock consisting of 1356 feet of 72-inch diameter wood pipe, and 980 feet of 66-inch diameter steel pipe; a concrete, brick and steel powerhouse housing two hydroelectric units of 448 kilowatts each; a reservoir covering about 1950 acres with a surface elevation of 780 feet; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 25, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9621; Filed, Sept. 9, 1963; 8:45 a.m.]

[Docket No. E-7124]

GULF STATES UTILITIES CO.

Notice of Application

SEPTEMBER 3, 1963.

Take notice that on August 27, 1963, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of 100,000 shares of Preferred Stock ("New Preferred Stock"). The new Preferred Stock will have a par value of $100 per share with $_____ dividend payable quarterly. Applicant proposed to sell the New Preferred Stock by competitive bidding. The dividend rate on the New Preferred Stock will be determined by competitive bidding. Applicant states that the proceeds from the sale of the New Preferred Stock will be used to initially reimburse its treasury, in part, for construction expenditures heretofore made and will enable Applicant to pay $10,000,000 principal amount of short-term notes of the aggregate principal amount of $12,825,000 short-term notes estimated to be outstanding as of the date of issuance of the New Preferred Stock.

The construction program for the year 1963 is estimated to amount to $32,000,000, of which approximately $15,757,000 will be expended toward completion of projects begun prior to 1963. During the first six months of 1963, $16,468,000 was expended on this program. These expenditures were financed by cash on hand at the beginning of the period, cash derived from operations and the proceeds from the issuance of short-term notes.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of September 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9623; Filed, Sept. 9, 1963; 8:45 a.m.]

[Docket Nos. RI64-120, RI64-121]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 3, 1963.

Gulf Oil Corporation, Docket No. RI 64-120; F. William Carr (Operator), et al., Docket No. RI64-121.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-120	Gulf Oil Corp. P.O. Drawer 2100, Houston, Tex., 77001.	40	9	Texas Eastern Transmission Corp. (Meyerswville Field, DeWitt and Goliad Counties, Tex.) (R.R. District No. 2).	$1,546	8- 9-63	[1] 9- 9-63	2- 9-64	[2] [3] 13.8733	[2] [4] 14.3733	
	do	42	9	Texas Eastern Transmission Corp. (Southwest Helen Gohlke and North Arneckville Fields, Victoria and DeWitt Counties, Tex.) (R.R. District No. 2).	5,898	8- 9-63	[1] 9- 9-63	2- 9-64	[2] [3] 13.8733	[2] [4] 14.3733	
	do	108	17	Texas Eastern Transmission Corp. (Maley Field, Bee County, Tex.) (R.R. District No. 2).	1,272	8- 9-63	[1] 9- 9-63	2- 9-64	[2] [3] 13.8733	[2] [4] 14.3733	
RI64-121	F. William Carr (Operator), et al., c/o Head & James, 707 Wilson Tower, Corpus Christi, Tex.	10	14	Texas Eastern Trasmission Corp. (Sunset Field, Live Oak County, Tex.) (R.R. District No. 2).	1,827	8-12-63	[1] 9-12-63	2-12-64	[2] [3] 13.8733	[2] [4] 14.3733	
	do	11	8	Texas Eastern Transmission Corp. (West George West Field, Live Oak County, Tex.) (R.R. District No. 2).	1,137	8-12-63	[1] 9-12-63	2-12-64	[2] [3] 13.8733	[2] [4] 14.3733	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Rate exclusive of 0.5 cent charge by buyer for dehydration and central point delivery.
[3] Settlement rate accepted in order issued June 5, 1961, in Docket No. G-11444, et al.
[4] Periodic rate increase.
[5] Settlement rate accepted in order issued Aug. 19, 1960, in Docket No. G-14557.

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

F. William Carr (Operator), et al., (Carr) request an effective date of September 6, 1963, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Carr's proposed rate filings and such request is denied.

The producers' present effective rates of 13.8733 cents per Mcf are the results of offers of settlement submitted by Gulf Oil Corporation and F. William Carr (Operator), et al., and accepted by the Commission's orders issued June 5, 1961, in Docket Nos. G–11444, et al., and August 19, 1960, in Docket No. G–14557, respectively. The proposed increased rates of 14.3733 cents per Mcf, which were contractually due February 5, 1963, are equivalent to 14.8733 cents per Mcf when the 0.5 cent per Mcf cost to the buyer for dehydration and central point delivery is taken into consideration and exceed the increase ceiling of 14.6 cents per Mcf for Texas Railroad District No. 2 as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before October 15, 1963.

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–9622; Filed, Sept. 9, 1963; 8:45 a.m.]

[Docket No. CP63–222]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Postponement of Hearing

SEPTEMBER 3, 1963.

Take notice that the hearing in the above-entitled proceeding heretofore scheduled to be held on September 18, 1963, in Washington, D.C., by notice issued August 13, 1963, and published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9170), is hereby postponed to a date to be hereafter fixed. A Petition for Leave To Intervene in opposition to the application has been filed by Public Service Electric and Gas Company of 80 Park Place, Newark 1, N.J., on August 27, 1963.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–9624; Filed, Sept. 9, 1963; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Barnett National Securities Corporation, which is a bank holding company located in Jacksonville, Florida, for the prior approval of the Board of the acquisition by Applicant of 60 percent of the voting shares of The Arlington Barnett Bank, Arlington, Florida, a proposed new bank.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 4th day of September 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 63–9625; Filed, Sept. 9, 1963; 8:45 a.m.]

[2] Commissioner O'Connor dissenting.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI (SEATTLE, WASHINGTON)

Redelegation of Authority With Respect to Community Facilities Programs

1. The Director for Northwest Operations, Region VI, at Seattle, Washington, is hereby authorized within his jurisdiction (the Counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley, and Washington, in the State of Idaho; and the States of Alaska, Montana, Oregon and Washington) to exercise the authority delegated by the Housing and Home Finance Administrator to each Regional Administrator under the programs administered under the Community Facilities Administration, including the following:

(a) Advances for public works planning authorized under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended, 40 U.S.C. 462 (a), (c), and (g) (28 F.R. 5486, June 4, 1963);

(b) Loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended, 12 U.S.C. 1749–1749c (25 F.R. 5801, June 23, 1960);

(c) Public facility loans authorized under section 202(a)–(d) of the Housing Amendments of 1955, as amended, 42 U.S.C. 1492(a)–(d) (27 F.R. 10598, Oct. 31, 1962);

(d) Grants-in-aid authorized under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act, 42 U.S.C. 1492(e) (27 F.R. 10598, Oct. 31, 1962);

(e) Loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended, 12 U.S.C. 1701q (27 F.R. 1850, Feb. 27, 1962);

(f) Loans and grants authorized under sections 7 and 8 of the Area Redevelopment Act, 42 U.S.C. 2506 and 2507 (26 F.R. 7992, Aug. 25, 1961).

2. This redelegation supersedes the redelegation effective October 31, 1962 (28 F.R. 421, Jan. 16, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 10th day of September 1963.

[SEAL] J. G. MELVILLE, *Regional Administrator, Region VI.*

[F.R. Doc. 63–9645; Filed, Sept. 9, 1963; 8:47 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION III (ATLANTA)

Redelegation of Authority Regarding Advances for Public Works Planning (Third Advance Planning Program)

The Regional Director of Community Facilities, Region III (Atlanta), with respect to the Program of Advances for Public Works Planning under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended (40 U.S.C. 462 (a), (c), and (g)), is hereby authorized within such Region:

1. To execute offers to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due pursuant to subsection 702(c) of the Act if the public agency undertakes construction of only a portion of the planned public work;

3. To determine the amount of the advance which the public agency is relieved of liability to repay pursuant to subsection 702(g) of the Act if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective October 31, 1962 (28 F.R. 2933, March 23, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective June 4, 1963 (28 F.R. 5486, June 4, 1963))

Effective as of the 10th day of September 1963.

[SEAL] MCCLELLAN RATCHFORD, *Regional Administrator, Region III.*

[F.R. Doc. 63–9646; Filed, Sept. 9, 1963; 8:47 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION IV (CHICAGO)

Redelegation of Authority Regarding Advances for Public Works Planning (Third Advance Planning Program)

The Regional Director of Community Facilities, Region IV (Chicago), Housing and Home Finance Agency, in carrying out the program of advances for public works planning under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended (40 U.S.C. 462 (a), (c), and (g)), is hereby authorized within such Region:

1. To execute offers to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due pursuant to subsection 702(c) of the Act if the public agency undertakes construction of only a portion of the planned public work;

3. To determine the amount of the advance which the public agency is relieved of liability to repay pursuant to subsection 702(g) of the Act if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective November 29, 1962 (27 F.R. 11785).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective June 4, 1963 (28 F.R. 5846))

Effective as of the 10th day of September 1963.

[SEAL] JOHN P. MCCOLLUM, *Regional Administrator, Region IV.*

[F.R. Doc. 63–9647; Filed, Sept. 9, 1963; 8:47 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION V (FORT WORTH)

Redelegation of Authority Regarding Advances for Public Works Planning (Third Advance Planning Program)

The Regional Director of Community Facilities, Region V (Fort Worth), with respect to the program of advances for public works planning under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended (40 U.S.C. 462 (a), (c), and (g)), is hereby authorized within such Region:

1. To execute offers to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due pursuant to subsection 702(c) of the Act if the public agency undertakes construction of only a portion of the planned public work;

3. To determine the amount of the advance which the public agency is relieved of liability to repay pursuant to subsection 702(g) of the Act if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective November 30, 1962 (27 F.R. 11837, November 30, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective June 4, 1963 (28 F.R. 5486))

Effective as of the 10th day of September 1963.

[SEAL] W. W. COLLINS, *Regional Administrator, Region V.*

[F.R. Doc. 63–9648; Filed, Sept. 9, 1963; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority Regarding Advances for Public Works Planning (Third Advance Planning Program)

The Regional Director of Community Facilities, Region VI (San Francisco), in carrying out the program of advances for public works planning under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended (40 U.S.C. 462 (a), (c), and (g)), is hereby authorized within such Region:

1. To execute offers to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due pursuant to subsection 702(c) of the Act if the public agency undertakes construction of only a portion of the planned public work;

3. To determine the amount of the advance which the public agency is relieved of liability to repay pursuant to subsection 702(g) of the Act if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective November 30, 1962 (27 F.R. 11837, 11–30–62).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective June 4, 1963 (28 F.R. 5486, 6–4–63))

Effective as of the 10th day of September 1963.

[SEAL] J. G. MELVILLE, *Regional Administrator, Region VI.*

[F.R. Doc. 63–9649; Filed, Sept. 9, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7–2317—7–2322]

ABBOTT LABORATORIES

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 4, 1963.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Secu-

rities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Abbott Laboratories	File 7-2317
Electronic Associates, Inc	File 7-2318
American Hospital Supply Corp	File 7-2319
First Charter Financial Corp	File 7-2320
Howard Johnson Co	File 7-2321
J. P. Stevens	File 7-2322

Upon receipt of a request, on or before September 20, 1963 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 63-9626; Filed, Sept. 9, 1963; 8:46 a.m.]

[File No. 24NY-5930]

SAVANT INSTRUMENTS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

I. Savant Instruments, Inc. (formerly Servonuclear Corp.), a New York corporation located at 221 Park Avenue, Hicksville, Long Island, New York filed with the Commission on July 5, 1963, a notification on Form 1-A and a statement in lieu of an offering circular (pursuant to rule 257 of regulation A) relating to an offering by selling stockholders of 15,000 shares of its 10 cents par value common stock at prevailing market prices not to exceed an aggregate offering price of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The rule 257 statement contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading with respect to the failure to disclose accurately and adequately that prevailing prices, described as prices in the over-the-counter market for issuer's securities, were in fact not representative of a free and independent market but were affected by false and artificial means.

B. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under regulation A be temporarily suspended:

It is ordered, Pursuant to rule 261(a), subparagraphs (5) and (6) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 63-9627; Filed, Sept. 9, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 5, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38518: *Potash to Points in Idaho, Oregon and Washington.* Filed by G. H. Mitchell, agent (No. 11), for interested rail carriers. Rates on potassium (potash), as described in the application, in carloads, from Clavet, Potasco and Yarbo, Saskatchewan, Canada, to points in Idaho, Oregon, and Washington.

Grounds for relief: Market competition.

Tariff: Supplement 14 to G. H. Mitchell, agent, tariff I.C.C. 144.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9633; Filed, Sept. 9, 1963; 8:46 a.m.]

[Notice No. 862]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 5, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65925. By order of August 30, 1963, the Transfer Board approved the transfer to City Delivery Service, Inc., 119 South 13th Street, Boise, Idaho; of the "grandfather" interstate operating rights claimed by Roy Williams, doing business as Boise Valley Parcel Service, P.O. Box 722, Boise, Idaho; in No. MC 121044 (Sub-No. 1), covering operations in Idaho.

No. MC-FC 66052. By order of August 30, 1963, the Transfer Board approved the transfer to Gem City Transfer Line, Inc., 409 Broadway, Quincy, Ill., of the certificate in No. MC 5618 and the permit in No. MC 52665, issued November 23, 1942 and December 18, 1944, respectively, to Ben M. Miller, doing business as Gem City Transfer Line, 409 Broadway, Quincy, Ill., authorizing the common-carrier transportation of: Household goods, between Quincy, Ill., and points within 50 miles thereof, on the one hand, and, on the other, points in Illinois, Missouri, and Iowa; and authorizing the contract-carrier transportation of: Such commodities as are usually dealt in by retail department stores, between Quincy, Ill., on the one hand, and, on the other, points in Marion, Lewis, Adair, Monroe, Shelby, Ralls, Knox, and Pike Counties, Mo.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9634; Filed, Sept. 9, 1963; 8:46 a.m.]

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Washington, Wednesday, September 11, 1963

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3553

PROCLAMATION OF PROTOCOL FOR THE ACCESSION OF SPAIN TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

By the President of the United States of America

A Proclamation

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(A) Agreement Supplementary to a Prior Trade Agreement
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PART I—PURPOSES

The purposes of this proclamation are:

(a) To proclaim an agreement for the accession of Spain to the General Agreement on Tariffs and Trade (GATT). (61 Stat. (pt. 5) A11)[1]

(b) To terminate in part a proclamation relating to a prior trade agreement with Spain.

PART II—IDENTIFICATION AND JUSTIFICATION

(A) Agreement supplementary to GATT

(1) *Identification of Agreement.* The protocol of July 1, 1963 for the accession of Spain to GATT, containing no new tariff concessions by the United States, supplements provisions of GATT which have been proclaimed. This protocol includes a schedule to GATT of United States concessions (hereinafter referred to as "schedule XX" Spain—1963) which comprises the concessions provided for in the schedule of United States concessions annexed to the Interim Agreement of December 31, 1962, signed by the United States and Spain, and proclaimed by Part III (A) of Proclamation 3517 of January 31, 1963 (28 F.R. 1195). Schedule XX (Spain—1963) became a schedule to GATT on August 29, 1963. A copy of the protocol of July 1, 1963, is annexed to this proclamation.[2]

(2) *Determination that It Is Required or Appropriate that GATT be Supplemented.* As President, I have determined that it is required or appropriate, on and after August 29, 1963, that those provisions of GATT and of agreements supplementary thereto which have heretofore been proclaimed be applied as supplemented by the protocol of July 1, 1963 (identified in paragraph (1) of this subpart).

[1] That agreement of October 30, 1947, has been proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103) which proclamation has been supplemented by subsequent proclamations.

[2] The agreement annexed to this proclamation has been published by the Contracting Parties to the General Agreement on Tariffs and Trade, the United States sales agency for the publications of which is the Columbia University Press. The English text of the general provisions of this agreement and the schedule of United States concessions will be published in Treasury Decisions (Customs) with this proclamation. The agreement will be published by the Department of State in Treaties and Other International Act Series (TIAS) and eventually in United States Treaties (UST).

DEPOSITED BY THE UNITED STATES OF AMERICA

(B) Termination of prior trade agreement proclamations

As President, I determine that on and after August 29, 1963 it is required or appropriate that Part III (A) of Proclamation 3517 of January 31, 1963 (28 F.R. 1195) be terminated in part insofar as it relates to the Interim Agreement of December 31, 1962 (identified in subpart (A)(1) of this part). This termination results from the proclamation in Part III (A) of this proclamation of schedule XX (Spain—1963) comprising the same concessions as were proclaimed by the proclamation of January 31, 1963.

NOW, THEREFORE, I, JOHN F. KENNEDY under the authority vested in me, as President, by the Constitution and statutes, including section 350(A)(6) of the Tariff Act of 1930, as amended (19 U.S.C. 1351(a)(6)), do proclaim that:

PART III—PROCLAIMING PART

(A) Agreement supplementary to a trade agreement

On and after August 29, 1963, those provisions of GATT and agreements supplementary thereto which have heretofore been proclaimed shall be applied as supplemented by the protocol relating to Spain of July 1, 1963 (identified in Part II(A)(1) of this proclamation).

(B) Termination of prior trade agreement proclamation

On and after August 29, 1963, the proclamation of January 31, 1963 (identified in Part II(B) of this proclamation) is terminated in part as specified in Part II(B) of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of September in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-9789; Filed, Sept. 10, 1963; 11:56 a.m.]

Proclamation 3554

OBSTRUCTIONS OF JUSTICE IN THE STATE OF ALABAMA

By the President of the United States of America

A Proclamation

WHEREAS the Governor of the State of Alabama, together with certain other officials of that State, and other persons, individually and in unlawful assemblies, combinations, and conspiracies, have been and are willfully opposing and obstructing the execution of the laws of the United States, including the enforcement of orders entered by the United States District Courts in the State of Alabama relating to the enrollment and attendance of students in public schools in that State, and have been and are impeding the course of justice under those laws; and

WHEREAS such unlawful assemblies, combinations, and conspiracies make it impracticable to enforce the laws of the United States in the State of Alabama by the ordinary course of judicial proceedings; and

WHEREAS such unlawful assemblies, combinations, and conspiracies so hinder the execution of the laws of the State of Alabama, and of the United States within the State of Alabama, that a part or class of its people is deprived of rights, privileges, immunities, and protections named in the Constitution and secured by law, and the constituted authorities of that State refuse to protect such rights, privileges, or immunities, or to give that protection:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly Sections 332, 333 and 334 thereof, do command all persons engaged in such unlawful obstructions of justice, assemblies, combinations, and conspiracies to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of September in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN FITZGERALD KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-9774; Filed, Sept. 10, 1963; 10:13 a.m.]

Executive Order 11118

PROVIDING ASSISTANCE FOR REMOVAL OF UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE STATE OF ALABAMA

WHEREAS, on September 10, 1963, I issued a proclamation entitled "Obstructions of Justice in the State of Alabama" pursuant in part to the provisions of Section 334 of Title 10 of the United States Code; and

WHEREAS the commands contained in that proclamation have not been obeyed, and the unlawful obstructions of justice, assemblies, combinations, and conspiracies referred to therein continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly Sections 332, 333 and 334 thereof, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to remove obstructions of justice in the State of Alabama, to enforce the laws of the United States within that State, including any orders of United States Courts relating to the enrollment and attendance of students in public schools in the State of Alabama, and to suppress unlawful assemblies, combinations, conspiracies, and domestic violence which oppose, obstruct, or hinder the execution of the law or impede the course of justice under the law within that State.

SEC. 2. In furtherance of the authorization and direction contained in Section 1 hereof, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

SEC. 3. I hereby authorize and direct the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard of the State of Alabama to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use the units, and members thereof, of the Army National Guard and of the Air National Guard of the State of Alabama called into the active military service of the United States pursuant to this section or otherwise.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 10, 1963.

[F.R. Doc. 63-9775; Filed, Sept. 10, 1963; 10:43 a.m.]

Executive Order 11119

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10735 of October 17, 1957, No. 10984 of January 5, 1962, and No. 11098 of March 14, 1963, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Subparagraph (3) of paragraph (a) of section 1631.7 of Part 1631, *Quotas and Calls*, is amended to read as follows:

"(3) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who do not have a wife with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first."

2. Subparagraphs (4) and (5) of paragraph (a) of section 1631.7 are redesignated as subparagraphs (5) and (6), respectively, and a new subparagraph (4) is added to paragraph (a) to read as follows:

"(4) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who have a wife with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first."

JOHN F. KENNEDY

THE WHITE HOUSE,
September 10, 1963.

[F.R. Doc. 63-9793; Filed, Sept. 10, 1963; 12:27 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1920; Amdt. 338]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Aberdeen VOR	ABR-LFR	Direct	2900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-35	400-1	400-1	400-1
				S-n-35	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 162° Outbnd, 342° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 342°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing AR-LFR, make right climbing turn to 2900′ and return to the LFR.
NOTE: Final approach from holding pattern at LFR not authorized. Procedure turn required

City, Aberdeen; State, S. Dak.; Airport Name, Aberdeen Municipal; Elev., 1300′; Fac. Class., SBRAZ; Ident., AR; Procedeure No. 1, Amdt. 11; Eff. Date, 21 Sept. 63, Sup. Amdt. No. 10; Dated, 6 Aug. 55

PROCEDURE CANCELLED, EFFECTIVE 21 SEPT. 1963, OR UPON DECOMMISSIONING OF FACILITY.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659′; Fac. Class., SBMRAZ; Ident., PA; Procedure No. 1, Amdt. 6; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 5 Dated, 4 Oct. 58

PROCEDURE CANCELLED, EFFECTIVE 21 SEPT. 1963, OR UPON DECOMMISSIONING OF PU LFR.

City, Poughkeepsie; State, N.Y.; Airport Name, Dutchess County; Elev., 165′; Fac. Class., SBRAZ; Ident., PU; Procedure No. 1, Amdt. 9; Eff. Date, 12 Aug. 61; Sup. Amdt No. 8; Dated, 23 Mar. 57

BFF VOR	BJ LFR	Direct	6200	T-dn#	300-1	300-1	*300-1
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 6200′ within 10 miles.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, facility to airport, 302°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing BJ LFR, make right turn climbing to 6200′, return to BJ LFR.
CAUTION: 5144′ MSL tower 7.6 miles NW of airport.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
*AIR CARRIER NOTE: 300-1 required Runway 23.
#IFR flight planned to SW, WSW, or NW. After takeoff, climb on heading 260° until 5000′ before departing on crs.

City, Scottsbluff; State, Nebr.; Airport Name, Scottsbluff Municipal; Elev., 3965′; Fac. Class., SBMRLZ; Ident., BJ; Procedure No. 1, Amdt. 11; Eff. Date, 21 Sept. 63 Sup. Amdt. No. 10; Dated, 1 July 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Peabody FM or 10-mile DME Fix	Revere Int or 5-mile DME Fix (final)#.	Direct	1000	T-dn*	300–1	300–1	200–½
				C-dn**	600–1	600–1	600–1½
				S-dn-22L	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectors to final approach course at Peabody FM required. If radar inoperative, procedure not authorized.
Minimum altitude over Peabody FM (or 10-mile DME Fix) on final approach crs, 1800'; over Revere Int# (or 5-mile DME Fix) on final approach crs, 1000'.
Crs and distance, Peabody FM (or 10-mile DME Fix) to airport, 215°—10 miles; Revere Int# (or 5-mile DME Fix) to airport, 215°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Revere Int# (or upon reaching the 2-mile DME Fix or passing BOS SABH) on final approach, climb to 2000' to BO LOM, hold SW, 035° Inbnd, 1-minute right turns.
CAUTION: 370' stack 1.2 miles SW, 505' building 1.4 miles W, 772' building 3.1 miles W, 1349' antennas 10.5 miles W of airport boundary.
NOTES: (1) If Revere Int# (or 5-mile DME Fix) not received, maintain 1000'. (2) VHF navigation equipment and/or TACAN/DME equipment required.
#Revere Int: Int E crs Bedford localizer and 035° bearing from OS LMM.
*Departures from Runway 27, make left turn to crs 260° as soon as practical after takeoff.
**No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19'; Fac. Class., LMM; Ident., OS; Procedure No. 2, Amdt. 3; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 2; Dated, 17 Aug. 63

CTB VOR	CTB RBn	Direct	5700	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 5700' within 10 miles.
Minimum altitude over facility on final approach crs 4600'.
Crs and distance, facility to airport 329°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing RBn, make left turn and proceed to the CTB RBn, climbing to 5700'.
NOTE: Final approach from holding pattern at RBn not authorized. Procedure turn required.

City, Cut Bank; State, Mont.; Airport Name, Cut Bank; Elev., 3854'; Fac. Class., BH; Ident., CTB; Procedure No. 1, Amdt. 1; Eff. Date, 21 Sept. 63; Sup. Amdt. No. Orig.; Dated, 16 Feb. 63

FNT VOR	LOM	Direct	2100	T-dn	300–1	300–1	200–½
Fosters Int	LOM	Direct	2500	C-dn	500–1	500–1	500–1½
Russell Int	LOM	Direct	2800	S-dn-9	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 091°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, make left turn, climb to 3000', proceed to Fosters Int via FNT VOR R-340 or, when directed by ATC, climb to 2300' on crs of 091° and return to LOM.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 731'; Fac. Class., LOM; Ident., FN; Procedure No. 1, Amdt. 6; Eff. Date, 21 Sept. 63; Sup Amdt. No. 5; Dated, 18 Mar. 61

Mescal Int	FHU RBn	Direct	10,000	T-dn	300–1	300–1	200–½
DUG VOR	FHU RBn	Direct	9000	C-dn#	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 8700' within 16 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 5400'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of FHU RBn, make right turn, climb to 9000' on crs of 101° bearing from FHU RBn within 20 miles.
NOTES: 1. Procedure lies within Restricted Area R-2303. 2. Authorized for military use only except by prior arrangement.
#CAUTION: Rapidly rising terrain begins 2.0 miles S of airfield to 9466'.

City, Fort Huachuca; State, Ariz.; Airport Name, Libby AAF; Elev., 4665'; Fac. Class., HW; Ident., FHU; Procedure No. 1, Amdt. 1; Eff. Date, 21 Sept. 63; Sup. Amdt. No. Orig; Dated, 2 Dec. 61

IND VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Shelbyville VOR	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
IND RBn	LOM	Direct	2000	S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2000' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 044°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn to 2400' and proceed direct to IND RBn or, when directed by ATC, make right climbing turn to 3000' and proceed to SHB-VOR via SHB R-293.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797'; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 7; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 6 Dated, 11 May 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
LAN VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
St. Johns Int	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Eagle Int	LOM	Direct	2500	S-dn-27	400–1	400–1	400–1
Fowler Int	LOM	Direct	2900	A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 2500' within 10 miles.
Minimum altitude over LOM on final approach crs, 1900'.
Crs and distance, LOM to Runway 27, 273°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LOM, climb to 2500' on crs of 273° from LOM and proceed direct to LAN-VOR or, when directed by ATC, make right turn, climb to 2500' and proceed to St. Johns Int via LAN-VOR R-031.
CAUTION: 1889' tower 9 miles SE and 1923' tower 11.5 miles SE of airport.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859'; Fac. Class., LOM; Ident., LA; Procedure No. 1, Amdt. 9; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 8; Dated, 22 June 63

Neola VOR	LOM	Direct	2600	T-dn#	*300–1	*300–1	##200–½
OMA-VOR	LOM	Direct	2700	C-d	600–1	700–1	700–1½
				C-n	600–1½	700–1½	700–1½
				S-dn-14L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar transitions authorized all sectors 2600' except 2700' within 3 miles of 1739' tower 4 miles W and 2700' within 3 miles of 1746' tower 3 miles SW of airport.
Procedure turn W side NW crs, 315° Outbnd, 135° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 135°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 2900' on crs 135° from LOM within 20 miles or, when directed by ATC, climb to 2800' on crs 135° from LOM, turn left and proceed direct to Neola VOR.
CAUTION: Bluff 1339' MSL 1.3 miles E. Towers 1739' MSL 4 miles WNW and 1746' MSL 3 miles SW of airport. Stack 1102' MSL 0.8 mile SSE of LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Final approach from holding pattern at LOM not authorized. Procedure turn required.
AIR CARRIER NOTES: *No reduction in 2-engine or less aircraft takeoff minimums authorized except on Runways 14L, 32R, 17L and 35R.
##300–1 takeoff minimums required for more than 2-engine aircraft except on Runways 14L, 32R, 17L and 35R.
#Unless radar vectored after takeoff, climb to 2200' before proceeding in a westerly direction.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982'; Fac. Class., LOM; Ident., OM; Procedure No. 1, Amdt. 13; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 12, Dated, 29 June 63

Stratus on top approach procedure—day only.				T-d	300–1	300–1	300–1
Must be on top with tops not above 2000' MSL.				C-d	600–1	600–1½	600–1½
				A-d	900–3	900–3	900–3

Procedure turn—None (aircraft to arrive over CAV on top and descent to airport on final approach).
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 261°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing CAV RBn, climb to 3000' or on top, on Outbnd crs of 261° within 20 miles of CAV RBn.

City, Oxnard; State, Calif.; Airport Name, Ventura County; Elev., 43'; Fac. Class., BHZ; Ident., CAV; Procedure No. 1, Amdt. 7; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 6; Dated, 11 Apr. 59

Ponca City VOR	PNC RBn	Direct	2600	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 216° Outbnd, 036° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600' on crs of 036°, turn left and return to PNC RBn.

City, Ponca City; State, Okla.; Airport Name, Ponca City Municipal; Elev., 1008'; Fac. Class., BHM; Ident., PNC; Procedure No. 1, Amdt. 6; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 5; Dated, 31 Aug. 63

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Aberdeen LFR	ABR-VOR	Direct	2400	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-d-30	400–1	400–1	400–1
				S-n-30	400–1	400–1	400–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 121° Outbnd, 301° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 301°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing ABR VOR, climb to 3500′ on R–301 within 20 miles.

City, Aberdeen; State, S. Dak.; Airport Name, Aberdeen Municipal; Elev., 1300′; Fac. Class., BVOR; Ident., ABR; Procedure No. 1, Amdt. 4; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 3; Dated, 11 June 55

Alexandria LFR	AXN-VOR	Direct	3000	T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2
				S-d-22	700–1	700–1	700–1
				S-n-22	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 224°—8.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing AXN-VOR, make left climbing turn to 3000′ and return to VOR.
CAUTION: Tank 1585′ MSL located 1 mile N of airport. Radio tower 1573′ MSL located 1½ miles NW of airport. Radio tower 1555′ MSL located 1 mile E of airport.

City, Alexandria; State, Minn.; Airport Name, Alexandria Municipal; Elev., 1425′; Fac. Class., BVOR; Ident., AXN; Procedure No. 1, Amdt. 6; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 5; Dated, 4 May 63

CTB RBn	CTB VOR	Direct	5700	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 5700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 312°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing CTB VOR, make left turn and proceed to the CTB VOR, climbing to 5700′.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.

City, Cut Bank; State, Mont.; Airport Name, Cut Bank; Elev., 3854′; Fac. Class., M-BVOR; Ident., CTB; Procedure No. 1, Amdt. 4; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 3; Dated, 17 Nov. 62

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 321° Outbnd, 141° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 141°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing IND-VOR, climb to 3000′ on R–136 and proceed to Whiteland Int or, when directed by ATC, (1) climb to 3000′ on NE crs ILS and proceed to Castleton Int, (2) climb to 3000′ on SW crs ILS to R–205 IND-VOR and proceed to Wilbur Int.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., BVORTAC; Ident., IND; Procedure No. 1, Amdt. 11; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 10; Dated, 11 May 63

				T-dn	300–1	300–1	NA
				C-d	400–1	500–1	NA
				C-n	400–1½	500–1½	NA
				A-dn	800–2	800–2	NA

Procedure turn W side of crs, 309° Outbnd, 129° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 129°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing IRK VOR, climb to 2600′ on R–129 within 10 miles, make right turn and return to PRK VOR.

City, Kirksville; State, Mo.; Airport Name, Kirksville Municipal; Elev., 970′; Fac. Class., BVORTAC; Ident., IRK; Procedure No. 1, Amdt. 5; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 4; Dated, 14 Jan. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lansing LOM	LAN-VOR	Direct	2500	T-dn	300–1	300–1	200–½
Potter Int	LAN-VOR	Direct	2500	C-dn	400–1	500–1	500–1½
				S-dn-6	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2500′within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 054°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LAN-VOR, climb to 2500′ on R–054 and proceed direct to LAN LOM or, when directed by ATC, make left climbing turn to 2500′ and proceed to St. Johns Int via LAN R–031.

City, Lansing; State, Mich; Airport Name, Capital City; Elev., 859′; Fac. Class., BVOR: Ident., LAN; Procedure No. 1, Amdt. 8; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 7; Dated, 7 July 63

PROCEDURE CANCELLED, EFFECTIVE 21 SEPT. 1963.

City, Merced; State, Calif.; Airport Name, Municipal; Elev., 155′; Fac. Class., VORW; Ident., MER; Procedure No. 1, Amdt. 4; Eff. Date, 20 Apr. 63; Sup. Amdt. No. 3; Dated, 18 Feb. 61

Brookley VOR	MOB VOR	Direct	1800	T-dn	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	500–2	500–2	500–2
				S-d-9	500–1	500–1	500–1
				S-n-9	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 107°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MOB-VOR, turn left, climb to 1800′ on R–059 within 20 miles.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class., BVORTAC; Ident., MOB; Procedure No. 1, Amdt. 11; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 10; Dated, 6 July 63

Ponca City RBn	PNC-VOR	Direct	2600	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 100°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing PNC-VOR, climb to 2600′ on R–100 of the PNC VOR, turn left, return to VOR.

City, Ponca City; State, Okla.; Airport Name, Ponca City Municipal; Elev., 1008′; Fac. Class., BVORTAC; Ident., PNC; Procedure No. 1, Amdt. 3; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 2; Dated, 31 Aug. 63

				T-dn#	300–1	300–1	*200–½
				C-dn	500–1	500–1	500–1½
				S-dn-23	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 5600′ within 10 miles.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 246°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BFF-VOR, make right turn climbing to 5600′. Return to BFF VOR.
CAUTION: 5144′ MSL tower 7.6 miles NW of airport.
Other changes: Deletes transition from BJ–LFR.
*AIR CARRIER NOTE: 300–1 required Runway 23.
#IFR flight planned to SW, WSW or NW. After takeoff, climb on heading 260° until 5000′ before departing on crs.

City, Scottsbluff; State, Nebr.; Airport Name, Scottsbluff Municipal; Elev., 3965′; Fac. Class., BVORTAC; Ident., BFF; Procedure No. 1, Amdt. 2; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 1; Dated, 17 Sept. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
FNT-LOM	FNT VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-5	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 222° Outbnd, 042° Inbnd, 2100′ within 10 miles.
Minimum altitude over FNT VOR on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 4, 049°—0.23 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, make left turn, climb to 3000′, proceed to Fosters Int via FNT VOR R-340 or, when directed by ATC, climb to 2400′ on R-042, then reverse course, proceed to FNT VOR.
CAUTION: Tower 21 miles NW 1599′, tower 4.3 miles SE 1220′.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781′; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR–5, Amdt. 1; Eff. Date, 21 Sept. 63; Sup. Amdt No. Orig; Dated, 30 Oct. 59

FNT-LOM	FNT VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-9	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				If aircraft equipped with VOR and ADF and Swartz Int* identified the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 2100′ within 10 miles of VOR or Swartz Int.*
Minimum altitude over FNT VOR on final approach crs, 1300′.
Crs and distance, Swartz Int* to airport, 103°—4.1 miles.
Crs and distance, breakoff point to Runway 9, 091°—0.50 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, make left climbing turn to 3000′ and proceed to Fosters Int via FNT VOR R-340 or, when directed by ATC, climb to 2400′ on FNT R-103 and return to FNT VOR.
CAUTION: Tower 21 miles NW 1599′, tower 4.3 miles SE 1220′.
*Swartz Int: Int FNT VOR R-258 and 360° bearing from FNT LOM.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781′; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR–9, Amdt. 1; Eff. Date, 21 Sept. 63; Sup. Amdt. No. Orig.; Dated, 30 Oct. 59

Flint LOM	Flint VOR	Direct	2300	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-18	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2300′ within 10 miles.
Minimum altitude over FNT VOR on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 18, 182°—0.32 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, climb to 2400′ on R-174, then reverse course proceed to FNT VOR.
CAUTION: Tower 21 miles NW 1599′, tower 4.3 miles SE 1220′.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781′; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR–18, Amdt. 1; Eff. Date, 21 Sept. 63; Sup. Amdt. No. Orig.; Dated, 30 Oct. 59

FNT-LOM	FNT VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-23	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 2200′ within 10 miles.
Minimum altitude over FNT VOR on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 22, 229°—0.39 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, make right climbing turn to 3000′ and proceed to Fosters Int via FNT R-340 or, when directed by ATC, climb to 3000′ on R-235 within 10 miles and return to FNT VOR.
CAUTION: Tower 21 miles NW 1599′, tower 4.3 miles SE 1220′.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781′; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR–23, Amdt. 1; Eff. Date, 21 Sept. 63; Sup. Amdt. No. Orig.; Dated, 30 Oct. 59

FNT-LOM	FNT VOR	Direct	2300	T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-27	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 2300′ within 10 miles.
Minimum altitude over FNT VOR on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 27, 271°—0.49 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing FNT VOR, make right climbing turn to 3000′ and proceed to Fosters Int via FNT VOR R-340 or, when directed by ATC, climb to 2400′ on FNT VOR R-258 within 10 miles and return to FNT VOR.
CAUTION: Tower 21 miles NW 1599′, tower 4.3 miles SE 1220′.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781′; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR–27, Amdt. 1; Eff. Date, 21 Sept. 63; Sup. Amdt. No. Orig.; Dated, 30 Oct. 59

PROCEDURE CANCELLED, EFFECTIVE 21 SEPT. 1963.

City, Marion; State, Ind.; Airport Name, Marion Municipal; Elev., 850′; Fac. Class., BVOR; Ident., M22; Procedure No. TVOR–15, Amdt. 2; Eff. Date, 13 July 63; Sup Amdt. No. 1; Dated, 29 June 63

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
IND VOR	LOM	Direct	2400	T-dn#	300–1	300–1	200–½
IND RBn	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Shelbyville VOR	LOM	Via SHB–VOR R-276.	2400	S-dn-4* **	200–½	200–½	200–½
Quincy Int	LOM (final)	Direct	2000	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude at glide slope Int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM 1900′—3.9 miles at MM 980′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ and proceed via the NE crs ILS to R-263 SHB–VOR, then via R-263 to SHB–VOR or, when directed by ATC, (1) climb to 3000′ on NE crs ILS and proceed to Castleton Int; (2) make left turn, climb to 3000′ and proceed direct to IND–VOR.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
*400–¾ required when glide slope inoperative.
**Runway visual range 2600′ also authorized for landing on Runway 4, provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 997′ m.s.l. shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600′ also authorized for takeoff on Runway 4 in lieu of 200–½ when 200–½ is authorized, provided high intensity runway lights are operational.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., ILS; Ident., I–IND; Procedure No. ILS–4, Amdt. 8; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 7; Dated, 11 May 63

LAN VOR	Grand Ledge Int #	Direct	2500	T-dn	300–1	300–1	200–½
Int W crs LAN ILS and LAN R–297	Eagle Int	Direct	2500	C-dn	400–1	500–1	500–1½
LAN LOM	Grand Ledge Int #	Direct	2500	S-dn-9	400–1	400–1	400–1
St. Johns Int	Grand Ledge Int #	LAN R–031 and W crs ILS.	2500	A-dn	800–2	800–2	800–2
Eagle Int	Grand Ledge Int # (final)	Direct	2100				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 2500′ within 10 miles.
No glide slope. Altitude over Grand Ledge Int#, 2100′.
No outer marker or middle marker. Crs and distance to approach end of runway, 093°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Grand Ledge Int#, climb to 2500′ on E crs ILS, proceed to LOM or, when directed by ATC, make left turn climbing to 2500′ and proceed to St. Johns Int via LAN VOR R–031.
NOTE: Procedure not authorized unless aircraft equipped to receive ILS and VOR simultaneously.
#Grand Ledge Int: Int W crs LAN ILS and R–360 LAN.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class., ILS; Ident., I–LAN; Procedure No. ILS–9, Amdt. 5; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 4; Dated, 22 June 63

OMA–VOR	LOM	Direct	2700	T-dn#	*300–1	*300–1	##200–½
Neola VOR	LOM	Direct	2600	C-d	600–1	700–1	700–1½
				C-n	600–1½	700–1½	700–1½
				S-dn-14L%	200–½	200–½	200–½
				A-dn	700–1½	700–1½	700–1½

Radar transitions authorized all sectors 2600′ except 2700′ within 3 miles of 1739′ tower 4 miles W and 2700′ within 3 miles of 1746′ tower 3 miles SW of airport.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2600′ within 10 miles of OM.
Minimum altitude at glide slope Int Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2060′—3.7 miles; at MM, 1180′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 2900′ on SE crs ILS, then proceed direct to OMA VOR or, when directed by ATC, climb to 2800′ on SE crs ILS, turn left and proceed direct to Neola VOR.
CAUTION: Bluff 1339′ MSL 1.8 miles E; TV towers 1739′ MSL 4 miles WNW and 1746′ MSL 3 miles SW of airport. Stack 1192′ MSL 0.8 mile SSE of LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Final approach from holding pattern at LOM not authorized. Procedure turn required.
AIR CARRIER NOTES: *No reduction in 2-engine or less aircraft takeoff minimums authorized except on Runways 14L, 32R, 17L and 35R. ##300–1 takeoff minimums required for more than 2-engine aircraft except Runways 14L, 32R, 17L and 35R. %500–¾ straight-in required when glide slope inoperative.
#Unless radar vectored after takeoff, climb to 2200′ prior to proceeding in a westerly direction.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I–OMA; Procedure No. ILS–14L, Amdt. 13; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 12; Dated, 23 Mar. 63

Neola VOR	Keg Int*	Direct	2500	T-dn#	300–1	300–1	%200–½
OMA LOM	Keg Int*	Direct	2700	C-d	600–1	700–1	700–1½
OMA VOR	Keg Int*	Direct	2500	C-n	600–1½	700–1½	700–1½
Keg Int*	Stack Int** (final)	Direct	1800	S-d-32R	500–1	500–1	500–1
				S-n-32R	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Radar transitions authorized all sectors 2600′ except 2700′ within 3 miles of 1739′ tower 4 miles W and 2700′ within 3 miles of 1746′ tower 3 miles SW of airport.
Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2500′ within 10 miles of Keg Int.*
No glide slope. Descend to 1800′ after passing Keg Int.* Descend to landing minimums after passing Stack Int.** Crs and distance, Stack Int** to airport, 315°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Stack Int,** climb to 2700′ on crs of 315° to LOM or, when directed by ATC, make right turn, climb to 2800′ and proceed to Neola VOR.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Radar fixes authorized at Keg* and Stack** intersections. ILS procedure not authorized when radar inoperative unless aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: Bluff 1339′ MSL 1.3 miles E; TV towers 1739′ MSL 4 miles WNW and 1746′ MSL 3 miles SW of airport. Stack 1192′ MSL 0.8 mile SSE of LOM.
*Keg Int: Int Neola VOR R–196 and SE localizer crs.
**Stack Int: Int Neola VOR R–204 and SE localizer crs.
#Unless radar vectored after takeoff, climb to 2200′ prior to proceeding in a westerly direction.
%AIR CARRIER NOTE: 300–1 required except on Runways 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I–OMA; Procedure No. ILS–32R, Amdt. 5; Eff. Date, 21 Sept. 63; Sup. Amdt. No. 4; Dated, 1 June 63

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition	Ceiling and visibility minimums			
	Condition	2-engine or less		More than 2-engine, more than 65 knots
		65 knots or less	More than 65 knots	
		Surveillance approach		
Within 10 miles:				
352°—114°, 6000'.	T-dn	300–1	300–1	200–½
114°—193°, 10,500'.	C-dn	400–1	700–1	700–1½
193°—241°, 9500'.	S-dn-20, 29°	500–1	500–1	500–1
241°—353°, 8000'.	A-dn	800–2	800–2	800–2
Within 20 miles:		Precision approach		
353°—030°, 600'.				
030°—073°, 7000'.	T-dn	300–1	300–1	200–½
073°—114°, 8500'.	C-dn	700–1	700–1	700–1½
114°—193°, 10,500'.	S-dn-29°	300–¾	300–¾	300–¾
193°—279°, 7500'.	A-dn	800–2	800–2	800–2
279°—353°, 9000'.				
Within 30 miles:				
046°—085°, 8000'.				
085°—143°, 9500'.				
143°—258°, 8500'.				
258°—284°, 11,000'.				
284°—046°, 9000'.				
Within 40 miles:				
337°—073, 8500'.				
073°—160°, 7000'.				
160°—258°, 9000'.				
258°—337°, 10,000'.				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
*Runway 20: Turn left, climb via 065° bearing from FHU RBn to 6500' within 20 miles.
*Runway 29: Turn right, climb via 065° bearing from FHU RBn to 6500' within 20 miles.
NOTES: (1) Authorized for military use only, except by prior arrangement. (2) Procedure lies within Restricted Area R–2303.
*CAUTION: Rapidly rising terrain begins 2.0 miles S of airfield to 9466'.

City, Fort Huachuca; State, Ariz.; Airport Name, Libby AAF; Elev., 4665'; Fac. Class., Fort Huachuca Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Sept. 63

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 19, 1963.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 63-9063; Filed, Sept. 10, 1963; 11:00 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

1. Section 1204.504 is reserved and a new § 1204.505 is added.

§ 1204.505 Delegation of authority to execute certificates of full faith and credit.

(a) *Scope.* This § 1204.505 designates NASA officials authorized to certify NASA documents to be submitted in evidence in Federal Courts.

(b) *Delegation of authority.* (1) The following NASA Headquarters officials are hereby authorized to execute certificates of full faith and credit (NASA Form 955), certifying the signatures and authority of employees of the National Aeronautics and Space Administration:

General Counsel.
Deputy General Counsel.
Assistant General Counsels.

(2) The delegation of authority covers all requests for "Properly authenticated" NASA documents arising under 28 U.S.C. 1733(b) which enables "Properly authenticated" copies of NASA records to be admitted in evidence in Federal Courts.

(42 U.S.C. 2473(b)(1))

Effective date. The delegation of authority set forth in this § 1204.505 is effective September 4, 1963.

(Issued under 42 U.S.C. 2473(b)(1).)

HUGH L. DRYDEN,
Deputy Administrator.

[F.R. Doc. 63-9693; Filed, Sept. 10, 1963; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–568]

PART 13—PROHIBITED TRADE PRACTICES

Max M. Barth and Charles Barth & Son

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition;* § 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation;* § 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin;* § 13.1900–40 Fur Products Labeling Act; § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Max M. Barth trading as Charles Barth & Son, Chicago, Ill., Docket C–568, Aug. 16, 1963]

In the Matter of Max M. Barth, an Individual Trading as Charles Barth & Son

Consent order requiring a Chicago manufacturing furrier to cease violating the Fur Products Labeling Act by labeling spotted cat fur as Leopard Cat and labeling and invoicing other fur products improperly as "Broadtail"; failing, on labels and invoices, to show the true animal name of furs, to disclose when fur was artificially colored, and to use the term "Dyed Broadtail-processed Lamb" as required; failing to use the word "natural" on labels where applicable and to show the country of origin of imported furs on invoices; substituting non-conforming labels for those originally affixed to fur products; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Max M. Barth, an individual trading as Charles Barth & Son, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped or received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered That respondent Max M. Barth, an individual trading as Charles Barth & Son, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 16, 1963.

By the Commission, Commissioner Elman not participating.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-9670; Filed, Sept. 10, 1963; 8:45 a.m.]

[Docket C–569]

PART 13—PROHIBITED TRADE PRACTICES

Stanley Newcomb and Stan Newcomb Fifth Avenue

Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation;* § 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin;* § 13.1900–40 Fur Products Labeling Act; § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Stanley Newcomb, trading as Stan Newcomb Fifth Avenue, San Diego, Calif., Docket C–569, Aug. 16, 1963]

In the Matter of Stanley Newcomb, an Individual Trading as Stan Newcomb Fifth Avenue

Consent order requiring a San Diego, Calif., retail furrier to cease violating the Fur Products Labeling Act by representing falsely, on labels and in newspaper advertising, that prices of fur products had been reduced from regular prices which were, in fact, fictitious; failing to use the term "natural" for furs which were not artificially colored and to show the true animal name of fur, on labels and invoices and in advertising; failing to keep adequate records disclosing the basis for pricing claims; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Stanley Newcomb, an individual trading as Stan Newcomb Fifth Avenue, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying such products by any representation that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise was in fact usually and customarily sold by respondent at such price in the recent past.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondent's products.

3. Falsely or deceptively representing in any manner, directly or by implication, on labels or other means of identification that prices of respondent's fur products are reduced.

4. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not

pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

7. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

8. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

4. Represents, directly or by implication, that any price when accompanied or unaccompained by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondent unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondent in the recent past.

5. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

6. Falsely or deceptively represents in any manner that prices of respondent's fur products are reduced to afford purchasers of respondent's fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 16, 1963.

By the Commission, Commissioner Elman not participating.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-9671; Filed, Sept. 10, 1963; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to paragraph (k) of § 6.302 as set out below.

§ 6.302 Department of State.

• • • • • •

(k) *Bureau of Far Eastern Affairs.* • • •

(8) One Staff Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-9696; Filed, Sept. 10, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 26]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.377 Orange Regulation 26.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 3, 1963; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

(2) Orange Regulation 25 (§ 905.374; 28 F.R. 4492) is hereby terminated at 12:01 a.m., e.s.t., September 12, 1963.

(3) During the period beginning at 12:01 a.m., e.s.t., September 12, 1963, and ending at 12:01 a.m., e.s.t., September 23, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}{}^{1}/_{16}$ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 10, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9784; Filed, Sept. 10, 1963; 11:20 a.m.]

[Grapefruit Reg. No. 6; Grapefruit Reg. No. 5 Terminated]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

§ 944.102 Grapefruit Regulation No. 6.

(a) On and after 12:01 a.m., e.s.t., September 15, 1963, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements: (1) Seeded grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644), or	1 day.
	Norman E. Taylor, Room 204 U.S. Courthouse, El Paso, Tex. (Phone: Keystone 3-9351, Ext. 340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Phone: Rector 2-8600, Ext. 807).	Do.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., Nogales, Ariz. (Phone: Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 NW. 21 Terrace, Room 5, Miami, Fla. (Phone: Newton 5-7967), or	Do.
	Hubert S. Flynt, 775 Warner St., Orlando, Fla. (Phone: Garden 2-2447).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-8756).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250 (Phone: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certifications shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this section, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida (Grapefruit Regulation 26; § 905.376).

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade, diameter, standard pack, and standard box shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.783; 26 F.R. 163). Importation means release from custody of the United States Bureau of Customs.

(k) Grapefruit Regulation No. 5 (27 F.R. 9771, 10091; 28 F.R. 24, 152, 1134) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section beyond that hereinafter specified (5 U.S.C. 1001–1011) in that

(a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those being made effective on domestic shipments of grapefruit under Grapefruit Regulation 26 (§ 905.376); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; and (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 5, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9683; Filed, Sept. 10, 1963; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3220; Idaho 011898]

IDAHO

Withdrawals for Forest Service Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites and recreation areas, as indicated:

BOISE MERIDIAN

CLEARWATER NATIONAL FOREST

Jerry Johnson Bar Campground

T. 36 N., R. 12 E.,

Unsurveyed but when surveyed will probably be:

Sec. 12, NW¼NW¼SE¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, and S½S½SE¼NW¼.

Colgate Warm Springs Recreation Area

T. 36 N., R. 12 E.,

Unsurveyed but when surveyed will probably be:

Sec. 15, SE¼NW¼NE¼, N½NE¼SW¼NE¼, W½SW¼NE¼NE¼, and NW¼NW¼SE¼NE¼.

Squaw Creek Campground

T. 36 N., R. 13 E.,

Unsurveyed but when surveyed will probably be:

Sec. 5, NW¼SW¼NE¼.

Jerry Johnson Hot Springs Public Service Site

T. 36 N., R. 13 E.,

Unsurveyed but when surveyed will probably be:

Sec. 7, E½NE¼SW¼, SW¼NE¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, and SW¼SW¼SE¼;
Sec. 17, SW¼SW¼NW¼;
Sec. 18, W½SW¼NE¼NE¼, W½NE¼NW¼NE¼, SE¼NE¼NW¼NE¼, E½NW¼NW¼NE¼, NW¼NW¼NW¼NE¼, N½SE¼NW¼NE¼, SE¼SE¼NW¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, and NE¼NE¼SE¼.

Wendover Bar Campground

T. 37 N., R. 13 E.,

Unsurveyed but when surveyed will probably be:

Sec. 35, S½NE¼NE¼, N½SE¼NE¼, and N½SE¼SE¼NE¼;
Sec. 36, SW¼NW¼NW¼, N½SW¼NW¼, and N½S½SW¼NW¼.

Cedar Grove Campground (DeVota Memorial Cedar Grove)

T. 37 N., R. 14 E.,
Sec. 22, S½NE¼NE¼NE¼, SE¼NE¼NE¼, and N½NE¼SE¼NE¼.

Powell Campground and Lochsa Public Service Site

T. 37 N., R. 14 E.,
Sec. 32, NE¼NE¼ and E½NW¼NE¼.

White Sands Campground

T. 37 N., R. 14 E.,
Sec. 34, SW¼NE¼NW¼, NE¼SE¼NW¼, N½NW¼SE¼NW¼, and N½SE¼SE¼NW¼.

Colt Creek Campground

T. 36 N., R. 15 E.,
Sec. 26, E½SW¼SE¼NE¼ and SE¼SE¼NE¼.

Old Colt Creek Campground

T. 36 N., R. 15 E.,
Sec. 32, S½NW¼NW¼NW¼ and N½SW¼NW¼NW¼.

The areas described aggregate approximately 445 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9675; Filed, Sept. 10, 1963; 8:46 a.m.]

[Public Land Order 3221]

[Riverside 0126]

CALIFORNIA

Withdrawing Public Lands for Use of the Forest Service for North Mountain Experimental Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under jurisdiction of the Department of the Interior for use of the Forest Service, Department of Agriculture, as a field testing area in connection with the Western Forest Fire Research Laboratory:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 1 E.,
Sec. 28, NW¼, E½, N½SW¼, and SW¼SW¼;
Sec. 32;
Sec. 36, SW¼ and W½SE¼.
T. 4 S., R. 1 E.,
Sec. 2, lots 2, 3, and 4, and E½SE¼;
Sec. 3, lots 1, 2, 3, 4, S½NW¼, SW¼, W½SE¼, SW¼, NE¼, and N½SE¼NE¼;
Secs. 4 and 5;
Sec. 6, lots 1, 2, 3, 6, 7, E½W½, S½NE¼, and SE¼;
Secs. 7, 8, and 9;
Sec. 10, lots 3, 4, 5, 6, and 8;
Sec. 16, NE¼ and S½S½;
Secs. 17 and 18;
Sec. 19, lots 1, 2, 3, E½NW¼, N½SW¼, NE¼, and N½SE¼;
Sec. 20, N½N½ and SE¼NE¼;
Sec. 21, NW¼ and NW¼SW¼;
Sec. 22, E½E½, W½SE¼, and E½SW¼;
Sec. 26, NW¼, NE¼, W½SW¼, N½NW¼SE¼, and N½N½NE¼SE¼;
Sec. 27, E½NE¼ and NE¼SE¼;
Sec. 35, NE¼NE¼.
T. 5 S., R. 1 E.,
Sec. 11, NW¼, NE¼, N½NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼, N½N½SE¼SW¼, N½SE¼, SE¼SE¼, NE¼SW¼SE¼, N½NW¼SW¼SE¼, SE¼NW¼SW¼SE¼, N½SE¼SW¼SE¼, and SE¼SE¼SW¼SE¼.
T. 4 S., R. 1 W.,
Sec. 12;
Sec. 24, lots 1, 2, 3, 4, 9, 10, 11, 12, and 13.

The areas described aggregate approximately 12,670 acres.

2. Rights of use granted pursuant to this order shall be limited to those activities which are related directly to research in problems concerning the control, prevention and suppression of forest and range fires.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9676; Filed, Sept. 10, 1963; 8:46 a.m.]

[Public Land Order 3164]

[Idaho 02556]

IDAHO

Withdrawal for Stock Driveways (Gooding, Jerome, Lincoln, and Minidoka Counties)

Correction

In F.R. Doc. 63-8304, appearing at page 7986 of the issue for Tuesday, August 6, 1963, the entry for section 3, under *Lake Star Unit*, T. 9 S., R. 20 E., should read as follows:

Sec. 3, lots 1, 2, 3, 4, S½N½, N½S½, SE¼SW¼ and S½SE¼;

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 45—OLEOMARGARINE, MARGARINE; DEFINITION AND STANDARD OF IDENTITY

Oleomargarine; Confirmation of Effective Date of Amendment Providing for Potassium Sorbate as Optional Ingredient

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of July 23, 1963 (28 F.R. 7473), amending the standard for oleomargarine to permit the use of potassium sorbate as an optional preservative ingredient. Accordingly, the amendment promulgated by that order will become effective September 6, 1963.

Dated: September 5, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9700; Filed, Sept. 10, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Shawinigan Resins Corporation, Post Office Box 2130, Springfield 1, Massachusetts, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of the monomer monomethyl maleate in the production of polymers used in food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the list "Components of Adhesives" in paragraph (c)(5) of § 121.2520 Adhesives is amended by inserting alphabetically in the list of monomers under the item "Polymers: Homopolymers and copolymers * * *", the new monomer: Monomethyl maleate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 30, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9701; Filed, Sept. 10, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,454 acres or 97 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Gray Squirrel, Fox Squirrels, and Rabbits.

(b) Open season: October 1 through October 5, and October 7 through October 12, 1963.

(c) Daily bag limits: Squirrels—5, rabbits—5.

(d) Methods of hunting:

(1) Shotguns capable of holding not more than three shells; rifles; and bow and arrow.

(2) No dogs allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to October 13, 1963.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 44,798 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sports Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wild Turkey Gobblers only.

(b) Open season: April 18, and April 20 through April 25, 1964.

(c) Total bag limits: One (1) Gobbler per season.

(d) Methods of hunting:

(1) Shotguns capable of holding not more than three shells; rifles; and bow and arrow.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to April 26, 1964.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,454 acres or 97 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer

(b) Open season: November 25 through November 30, 1963; December 26 through December 28; December 30, 1963 through January 1, 1964.

(c) Total bag limits: One (1) buck with antlers over 4 inches long per season except on November 25 and 26, when either sex may be taken.

(d) Methods of hunting:

(1) Any type gun may be used except 22 calibre rifles and shotguns less than 20 gauge. Shells with buckshot smaller than No. 1 prohibited. Bow and arrow permitted.

(2) No dogs allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All antlerless deer killed must be checked and tagged at one of the checking stations. The stations are located at the refuge headquarters, Keaton Tower Road, Lynn Creek and Singleton.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 2, 1964.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9672; Filed, Sept. 10, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1040]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Southern Michigan marketing area is being considered.

The provisions proposed to be suspended for the months of October 1963 through March 1964 are:

(1) Section 1040.16(a)(3)(i), and

(2) All of § 1040.16(a)(3)(ii) except "45 percent".

The proposed suspension is requested for the months of October 1963 through March 1964 because of changed seasonality of production and current production increases relative to Class I sales. These changed marketing conditions, it is stated, are making it increasingly difficult for some distributing pool plants to meet the pooling provisions provided in the order and such difficulty is likely to be aggravated during the forthcoming months of October 1963 through March 1964.

All persons who desire to submit written data, views or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on September 6, 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63-9695; Filed, Sept. 10, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Labor-Management and Welfare-Pension Reports Office

[29 CFR Part 1307]

BONDS PLACED WITH CERTAIN REINSURING COMPANIES

Proposed Exemption From Bonding Requirements

On June 19, 1963, an exemption from the bonding requirements of section 13(a) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39) was published in the FEDERAL REGISTER (28 F.R. 6267) as Subpart B of 29 CFR Part 1307. This exemption was granted with respect to the requirement of section 13(a) of the Act that all bonds required thereunder shall have as surety thereon, a corporate surety company, which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury, pursuant to the Act of July 30, 1947 (6 U.S.C. 6-13). The exemption permitted administrators of welfare and pension benefit plans covered by the Act to enter into or continue bonding arrangements (which otherwise satisfy the requirements of the Act) with four surety companies named in 29 CFR 1307.21 which had been issued Certificates of Authority from the Secretary of the Treasury as acceptable reinsuring companies.

Upon further consideration, I conclude that bonding arrangements with any of the surety companies which hold Certificates of Authority from the Secretary of the Treasury as acceptable reinsuring companies would provide adequate protection for the beneficiaries and participants of benefit plans covered by the Act. Notice is hereby given, therefore, that pursuant to the authority of section 13(e) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39), Secretary's Orders Nos. 24-63, 25-63 (28 F.R. 9172-9174), and 29 CFR 1307.1 to 1307.11, I propose to amend Subpart B of 29 CFR Part 1307 as follows:

1. Section 1307.21 is revised to read:

§ 1307.21 Exemption.

An exemption from the bonding requirements of the Welfare and Pension Plans Disclosure Act is granted by this section whereby bonding arrangements (which otherwise comply with the requirements of section 13 of the Act and the regulations issued thereunder) with companies which hold valid Certificates of Authority from the Secretary of the Treasury as acceptable reinsurers on Federal bonds will satisfy the bonding requirements of the Act.

2. Paragraph (b) of § 1307.22 is revised to read:

(b) The exemption is granted upon the condition that if for any reason the authority of any such company to act as an acceptable reinsuring surety terminated, the administrator of a plan insured with such company shall, upon knowledge of such fact, be responsible for securing a new bond with a surety acceptable under the Act and the regulations issued thereunder.

Pursuant to 29 CFR 1307.6, interested persons are invited within 15 days from the date of publication of the proposed amendment in the FEDERAL REGISTER to file with the Director, Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington 25, D.C., objections thereto. Such objections shall be in writing and shall show wherein the person will be adversely affected by the proposed amendment and specify with particularity the provisions of the amendment deemed objectionable and the grounds for the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in triplicate.

Signed at Washington, D.C., this 5th day of September 1963.

FRANK M. KLEILER,
Director, Office of Labor-Management and Welfare-Pension Reports.

[F.R. Doc. 63-9679; Filed, Sept. 10, 1963; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 157]

[Docket No. R-247]

NATURAL GAS COMPANIES; EMERGENCY PLANNING-INTERCONNECTIONS AND DEFENSE-RELATED EXPENDITURES

SEPTEMBER 5, 1963.

1. Notice is given that the Commission is proposing to amend its Regulations under the Natural Gas Act by adding a new paragraph with respect to accounting treatment of defense-related expenditures for facilities and activities during an emergency, and by amending existing provisions and adding a new paragraph with respect to exemption of temporary acts and operations.

2. On February 26, 1963, the President issued Executive Order 11095 (28 F.R. 1859, February 28, 1963) wherein he directed this Commission, among others, to prepare national emergency plans and develop preparedness programs covering the functions assigned to them by the order.

Section 5 of the order directs the Federal Power Commission to assist the Department of the Interior in connection with emergency preparedness functions with respect to electric power and natural gas as specified in an agreement between the Secretary of the Interior and the Chairman of the Federal Power Commission. That agreement, dated August 9, 1962, provides, in paragraph 3, that

> The Federal Power Commission will work out streamlined procedures for, and prepare to advise Interior of the need for, interconnections with respect to natural gas and electric power and, with Interior's concurrence from the over-all fuels and energy viewpoint, the Federal Power Commission will, within the limits of its authority, plan to order the interconnections.

3. Acting in furtherance of the purposes of Executive Order 11095 and pur-

suant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat 822, 823, 830; 56 Stat 72; 15 U.S.C. 717c, 717d, 717f, 717o), the Commission proposes the following amendments:

(A) Part 2, General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, be amended by adding a new section to read as follows:

§ 2.60 Facilities and activities during an emergency—accounting treatment of defense-related expenditures.

The Commission, cognizant of the need of the natural gas industry for advice with respect to the applicability of the Natural Gas Act and the Commission's regulations thereunder regarding activities and operations of natural gas companies taking security measures in preparation for a possible national emergency, sets forth the following interpretation and statement of policy:

(a) Facilities: The definition of "auxiliary installations" in § 2.55(a) for which no certificate authority is necessary includes such defense-related facilities as (1) fallout shelters at compressor stations and other operating and maintenance camps; (2) emergency company headquarters or other similar installations; and (3) emergency communication equipment.

(b) The Commission will consider reasonable investment in defense-related facilities, such as those described in paragraph (a), to be "prudent investment" for ratemaking purposes.

(c) When a person, not otherwise subject to the jurisdiction of the Commission, files an application for a certificate of public convenience and necessity authorizing the construction of facilities to be used solely for operation in a national emergency for the delivery of gas to, or receipt of gas from, a person subject to the Commission's jurisdiction, the Commission will consider a request by such applicant for waiver of the requirement to keep and maintain its accounts in accordance with the Uniform System of Accounts for Natural Gas Companies (Parts 201, 204 and 205 of this chapter) or to file the annual reports to the Commission required by § 260.1 and 260.2 of this chapter.

(B) Section 157.22 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I of title 18 of the Code of Federal Regulations be amended by amending paragraphs (a) and (d), to read as follows:

§ 157.22 Exemptions of temporary acts and operations.

(a) Public interest does not require the issuance of a certificate for the construction and operation of facilities necessary to assure maintenance of adequate natural gas service where interruption or serious curtailment of service exists or is threatened because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such acts and operations are limited to a single period of not more than sixty days or in the event a national emergency has been declared by the President, for six months or such further period as the Commission may, by order, allow.

* * * * *

(d) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the sixty-day period or in the national emergency, upon the expiration of the six months' period or any extension thereof ordered by the Commission, whichever is applicable, and all facilities installed for such temporary acts or operations shall be promptly removed and the Commission advised in writing and under oath within ten days following such discontinuance.

4. Although section 4 of the Administrative Procedure Act does not, in our opinion, contemplate that prior notice be given of a proposal of this nature, the Commission will welcome the comments and suggestions of interested parties thereon and is accordingly following the formal rulemaking procedure.

5. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before October 4, 1963, data, views, and comments in writing concerning the proposals set forth herein. The Commission will consider these written submittals before acting upon the proposals. An original and nine (9) copies of any such submittal should be filed.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9669; Filed, Sept. 10, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

GENERAL RULES AND REGULATIONS

Proposed Amendment of the Uniform System of Accounts for Railroad Companies

AUGUST 23, 1963.

Notice is hereby given pursuant to provisions of section 4 of the Administrative Procedure Act that the Commission has under consideration amendment of the uniform system of accounts for railroads with regard to classification in the primary accounts of organization expenditures and other expenditures of a general nature, attributable to original construction or important expansion of railroad, but which cannot be assigned directly as part of the cost of specific units or segments of property.

This proposed amendment set forth below is designed to clarify the rules with respect to such expenditures and simplify the accounting.

Railroad companies and other interested parties are invited to present written views or comments for our consideration on or before October 1, 1963. The Commission will consider all such responses and presentations before deciding the matter herein, after which such order as may be found appropriate will be entered. An original and three copies of any such responses should be submitted.

Notice shall be given to railroad companies hereby affected and to the general public by depositing a copy of this Notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

Proposed amendment. In 49 CFR Part 10, in the sections, paragraphs and accounts herein indicated, make the additions, cancellations and changes set forth below:

Item I: 1. In the system of accounts in the section covering the texts of the "Property accounts" under "General expenditures," cancel the numbers, texts, titles, and notes of the following accounts:

72 General Officers and Clerks.
73 Law.
74 Stationery and Printing.
75 Taxes.
(Retain unchanged accounts 71, Organization Expenses, and 76, Interest During Construction.)

2. In the same section covering the texts of accounts, cancel the text of account 77, "Other expenditures; General," (but retain the number and title), and substitute the following text and Note:

77 Other expenditures; general.

(a) This account shall include expenditures of a general nature which are attributable to original construction or important expansion of road but which cannot be assigned directly as part of the cost of specific units or segments of property, and are not provided for in other primary accounts of this classification, such as pay and expenses of executive and general officers and their assistants engaged exclusively in connection with such construction, law expenses (other than organization expenses), stationery and printing, and taxes before property is used in transportation operations.

(b) An equitable portion of the amounts in this account applicable to retired property shall be cleared concurrently with the retirement accounting in accordance with Instruction 2-7(c); or the entire amount in this account may be charged off immediately when authorized by the Commission.

NOTE: Expenditures of the character described in account 71, "Organization expenses," which were incurred directly in organizing the corporation and can be identified as such in the corporate records of the company, are includible in that account.

Item II: 1. Consistent with cancellation of the texts of the four accounts referred to under Item I above, in the first pages of the system of accounts under "List of Instructions and Accounts," in the section covering "Property accounts," under the center caption for "General expenditures," cancel the (four) account numbers and titles for accounts 72, 73, 74 and 75. Retain the numbers and titles for accounts 71, "Organization expenses," 76, "Interest during construction," 77, "Other expenditures; General," 80, "Other elements of investment," and (new) account 90, "Construction work in progress" (added by order dated April 17, 1963).

2. Also, consistent with cancellation of the four accounts referred to, in the text of the "Instructions for Property Accounts" in subsection 2-7(c), change this subsection to read as follows:

(c) An adequate proportion of a balance in primary accounts 1, "Engineering," 76, "Interest during construction," 77, "Other expenditures; General," and 80, "Other elements of investment," applicable to retired property, shall be cleared from those accounts concurrently with the retirement accounting.

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-9690; Filed, Sept. 10, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 072726]

ARKANSAS

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 5, 1963.

The Department of Agriculture, Washington, D.C., 20250, has filed application BLM 072726 for the withdrawal of the lands described below, within the Ozark National Forest, from location and entry under the United States Mining Laws, subject to valid existing rights.

The land is in a unique recreation area which requires withdrawal to prevent destruction of a natural cave rich in unusual formations including pedestals, drapes, columns, stalactites and stalagmites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Division of Field Services, Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN, STONE COUNTY, ARKANSAS

T. 15 N., R. 11 W.,
Sec. 5, Fr'l NW¼, W½SW¼;
Sec. 6, Fr'l E½, fr'l NW¼, fr'l NE¼SW¼.
T. 16 N., R. 11 W.,
Sec. 32, SE¼, SW¼.

containing an aggregate of 778.05 acres, more or less.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 63-9673; Filed, Sept. 10, 1963; 8:45 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 3, 1963.

The Department of Agriculture has filed an application, Serial Number Idaho 014480 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws. The applicant desires the land for campgrounds, picnic areas, and an archery range.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

CARIBOU NATIONAL FOREST

Trail Canyon Recreation Site

T. 8 S., R. 43 E.,
Sec. 29, NW¼NE¼NE¼, N½NW¼NE¼, NE¼NE¼NW¼, S½NE¼NW¼.

Totaling 60 acres.

CHALLIS NATIONAL FOREST

Joes Gulch—Four Aces Campground

T. 11 N., R. 13 E.,
Sec. 35: Lot 1 except north 30 acres, Lot 3 except north 10 acres, Lot 5 except south 20 acres.

Totaling 60.85 acres.

Salmon River Camping Area

T. 11 N., R. 14 E.,
Sec. 30: Lot 1 except west 15 acres, Lot 4 except west 10 acres, Lot 5, Lot 6 except south 20 acres, Lots 7, 8, Lot 9 except northwest 10 acres, Lot 11, Lot 13 except southeast 10 acres.

Totaling 195.67 acres.

Snowslide Campground

T. 11 N., R. 14 E.,
Sec. 20: Lots 3, 6.

Totaling 33.13 acres.

Cove Campground

T. 11 N., R. 14 E.,
Sec 22: Lot 3 except north 30 acres.

Totaling 18.69 acres.

Sunny Gulch Campground

T. 10 N., R. 13 E.,
Sec. 23: Lots 4, 5.
Sec. 26: Lot 3, Lot 4 except south 20 acres, Lot 5 except south 20 acres.

Totaling 123.59 acres.

The areas described aggregate 491.93 acres.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 63-9674; Filed, Sept. 10, 1963; 8:45 a.m.]

Office of the Secretary

HEADS OF BUREAUS AND OFFICES

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

Secretary's Order 2830 (23 F.R. 7127) is revoked.

PART 205—GENERAL DELEGATIONS

CHAPTER 10—REAL PROPERTY MANAGEMENT

SECTION 205.10.1 *Quarters.* The head of each bureau, with respect to quarters for employee housing under his jurisdiction, is authorized to:

A. Require employees to occupy Government Quarters, in accordance with 5 U.S.C. 75a–1 and 424 DM 3.2.

B. Fix rates for quarters, and for utilities, subsistence, furnishings, and services provided in connection with quarters, in accordance with 424 DM.

C. Make the determinations contemplated by paragraphs 2b and 2C of Bureau of the Budget Circular A–18, Revised, October 18, 1957, and by footnote number 4, page 6, of such circular. This authority must be exercised in accordance with 424 DM and current instructions on budget preparation. This authority may not be redelegated.

D. Make the determination as to when furnished rather than unfurnished quarters shall be provided in the United States, or when unfurnished rather than furnished quarters shall be provided outside the United States, in accordance with 424 DM. Such officials are also authorized to determine when furnishings may be provided in non-Government housekeeping quarters located in Alaska, Hawaii, and in specific areas outside of the United States, in accordance with Bureau of the Budget Circular A–15, Revised. This authority may be redelegated only to the head of a regional office.

SEC. 205.10.2 *Abandonment or destruction.* The head of each bureau is authorized to abandon, destroy, or donate to public bodies, real property with no commercial value, or real property the estimated cost of continued care and handling of which would exceed the estimated proceeds from its sale, as authorized by and in full compliance with Chapter VII, Title 2, Regulations of the General Services Administration.

SEC. 205.10.3 *Transfer and disposal of real property.* A. The head of each bureau or office may:

(1) Reassign real property and related personal property among activities within his bureau or office when such property is determined to be no longer required for the purpose of the appropriation from which it was purchased, in accordance with 40 U.S.C. 483(c).

(2) Obtain from and transfer to other bureaus or offices within this Department real property and related personal property which is determined to be no longer required by the holding bureau or office, in accordance with 40 U.S.C. 483(c).

(3) Obtain from other Federal agencies excess real property and related personal property, in accordance with 40 U.S.C. 483(c)(3), and appropriate regulations of the General Services Administration.

(4) With respect to real property and related personal property under his jurisdiction, report such property as is no longer needed within this Department as excess to the General Services Administration and transfer it as excess property to other Federal agencies, in accordance with 40 U.S.C. 483(b), and Chapter IV, Title 2, Regulations of the General Services Administration.

(5) Dispose of surplus real property and related personal property under his jurisdiction in accordance with 40 U.S.C. 484, and the authority granted to the Secretary in Chapter V, Title 2, Regulations of the General Services Administration.

(6) Exercise the authority granted to the Secretary by the Administrator of General Services in Delegation of Authority No. 287 (22 F.R. 2266), with regard to determinations and disposal of surplus real property and related personal property having a fair market value of less than $1,000.

(7) Transfer or dispose of specified real property and related personal property pursuant to authority which may be hereafter granted to the Secretary by the Administrator of General Services.

B. The authority delegated by 205 DM 10.3A does not extend to Indian tribal lands; the public domain; national park lands; and lands withdrawn or reserved from the public domain, except to the extent that such lands are provided for in the term "property" as defined in the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 471 et seq.).

C. The authority granted by 205 DM 10.3A shall include the right to make all determinations and findings contemplated by Chapters IV and V, Title 2, Regulations of the General Services Administration. This authority shall be exercised in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 471 et seq.), the regulations of the General Services Administration, and the regulations of this Department.

SEC. 205.10.4 *Easements.* The head of each bureau is authorized to grant easements in, over, or upon real property under his jurisdiction in accordance with Public Law 87–852, approved October 23, 1962, 76 Stat. 1129. This authority shall include the right and responsibility for:

A. Making the necessary determination in each instance that granting the easement will not be adverse to the interests of the United States,

B. Ensuring that the instrument granting an easement contains such reservations, exceptions, limitations, benefits, burdens, terms, considerations, or conditions as are deemed necessary to protect the interest of the United States,

C. Determining the extent to which, if at all, legislative jurisdiction should be relinquished to the State in which the land is located,

D. Ensuring that the granting of the easement is for a consideration not less than the amount by which the fair market value of the land is decreased and,

E. Determining, except in the case of easements of a temporary nature or of short duration, that there is a present or future need for the land.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9677; Filed, Sept. 10, 1963; 8:46 a.m.]

[Order 2875]

OFFICE OF MANAGEMENT OPERATIONS

Organization and Function

SECTION 1. *Purpose.* This order establishes the Office of Management Operations, defines its organization and functions, and prescribes related policies and organization relationships.

SEC. 2. *Organization.* (a) The Office of Management Operations is established as a constituent unit in the Office of the Secretary and shall be headed by a Director of Management Operations who shall report and be responsible to the Administrative Assistant Secretary. (b) Under the authority granted in section 6 of this Order, divisions shall be established within the Office of Management Operations to perform the property, records, and administrative management functions of the Office as described in section 3 of this Order.

SEC. 3. *Functions.* Functions of the Office of Management Operations are as follows: (a) To perform staff responsibilities for all functions of the Division of Property Management, exclusive of contract review, related policies and contract compliance under the nondiscrimination policy of the Federal Government; (b) to perform all staff responsibilities and operations of the Division of Administrative Services and the Chief Clerk; (c) and to perform administrative staff functions pertaining to the emergency preparedness for defense responsibilities delegated to the Department of the Interior.

SEC. 4. *Reassignment of staff, records and property.* Transferred to the Office of Management Operations are (a) the staff, records, and property assigned to the Division of Administrative Services; (b) the staff, records, and property assigned to the Division of Property Management, exclusive of the staff, records, and property utilized in the contract review, related policies and contract compliance under the nondiscrimination policy of the Federal Government; and (c) the staff, records, and property assigned to the Division of Security exclusive of the staff, records, and property utilized in the administration of the Department's personnel security program.

SEC. 5. *Abolishment of divisions.* The Division of Administrative Services and the Division of Property Management are hereby abolished.

SEC. 6. *Authority for implementation.* The Administrative Assistant Secretary is hereby authorized and directed to take such steps as may be necessary to implement the purposes of this Order, including preparation of appropriate revisions in existing Departmental Manual provisions.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9678; Filed, Sept. 10, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MARYLAND

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Maryland a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MARYLAND

Anne Arundel.	Prince Georges.
Caroline.	Saint Marys.
Calvert.	Talbot.
Charles.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9684; Filed, Sept. 10, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 85 [Rev.]; Amdt. 1]

BUREAU OF THE CENSUS

Organization and Function

The material appearing at 28 F.R. 6592–6594 of June 26, 1963 is amended as follows:

The Organization and Function Supplement to Department Order No. 85 (Revised) of June 7, 1963 is hereby amended as follows:

1. Section 2–6 is amended to read:

SEC. 2. *Organization.* • • •

• • • • • •

6. Assistant Director for Administration
Administrative Services Division
Budget and Finance Division
Field Division
Management and Organization Division
Personnel Division

2. Section 8.01–1 is amended to read:

SEC. 8. *Functions of the Office of Assistant Director for Administration.* • • •

• • • • • •

1. Plan and coordinate on a bureau-wide basis budget and fiscal programs, including the preparation of official budget estimates and justification, the allocation and control of all funds, and the administration of finance and accounting activities; management analysis and program reporting activities, including production standards, scheduling and control, organization and general management improvement activities; the personnel management program, including classification and pay administration, staffing, employee development, employee relations and services, records and reports; administrative services, including procurement and property management, printing, publications, library, communications and other administrative services.

Effective date. August 28, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 63-9691; Filed, Sept. 10, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14468]

DELTA AIR LINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Interchange Agreement; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence Tuesday, October 15, 1963, at 10:00 a.m. (local time) in Room 911 of the Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

A. Under section 408 of the Federal Aviation Act:

1. Does the agreement constitute a lease or contract to operate the properties, or any substantial part thereof, of an air carrier by another air carrier within the meaning of section 408(a)(2) of the Federal Aviation Act?

If the agreement requires Board approval pursuant to section 408(b) of the Federal Aviation Act, is it consistent with the public interest or will it create a monopoly and thereby restrain competition or jeopardize another air carrier not a party thereto?

(a) Public Interest:

The general test of the public interest applicable under section 408 is that set forth in section 102 of the Federal Aviation Act. Without being exclusive, it would appear that the following factors must primarily be weighed in considering whether the agreement is consistent with the public interest.

(1) To what extent, if any, will the agreement provide improved service in air transportation? This includes the effect, if any, on existing services of the air carrier parties.

(2) What adverse effect, if any, will the operation under the agreement have upon any other air carrier?

(3) Are the terms of the agreement just and reasonable with respect to each air carrier party and the public interest?

(4) If approved, should the Board impose any terms and conditions to protect the public interest?

B. Under section 412 of the Federal Aviation Act:

1. Is the agreement adverse to the public interest? (The test of the public interest is the same as set forth for section 408 above and raises the same factual considerations.)

2. Does the agreement violate the Federal Aviation Act?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., September 5, 1963.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 63-9697; Filed, Sept. 10, 1963; 8:47 a.m.]

[Docket No. 13463, etc.]

PACIFIC NORTHWEST-ALASKA AIR SERVICE

Notice of Further Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act, as amended, that further hearings will be held in the above-entitled proceeding beginning September 30, 1963, at 10:00 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C.

Particular attention at the further hearings will be directed to matters and questions which may now be appropriate and relevant in view of the action of the United States Court of Appeals for the District of Columbia on June 20, 1963, in Alaska Airlines, Inc., et al. v. Pan American World Airways, Inc., et al., C.A.D.C. Nos. 17,469 and 17,473.

For further details of issues involved in this reopened proceeding, interested persons are referred to the notice to all parties dated August 2, 1963, setting forth a report of a conference held on July 31, 1963, and to the applications, amendments thereto, etc., as referred to in the original notice of hearing dated March 12, 1963.

Dated at Washington, D.C., September 5, 1963.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 63-9698; Filed, Sept. 10, 1963; 8:47 a.m.]

[Docket No. 13429]

TRANS WORLD AIRLINES, INC.; SERVICE TO FRESNO, CALIFORNIA

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 1, 1963, at 10:00 a.m. (local time) in the Council Chamber of the City of Fresno, California, City Hall, 2326 Fresno Street, Fresno, California, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Orders E-19691, dated June 17, 1963, and E-19929, dated August 20, 1963, and the prehearing conference report served August 5, 1963, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 5, 1963.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 63-9699; Filed, Sept. 10, 1963; 8:47 a.m.]

DELAWARE RIVER BASIN COMMISSION

PROPOSED CURRENT EXPENSE BUDGET FOR 1964 FISCAL YEAR

Notice of Public Hearing

In accordance with section 14.4(b) of the Delaware River Basin Compact, notice is hereby given of a public hearing to be held by the Delaware River Basin Commission on September 25, 1963. The subject of the hearing will be the Commission's proposed current expense budget for the fiscal year beginning July 1, 1964. Copies of the proposed current expense budget, in summary form, may be examined at the Commission's offices in Trenton, and a limited number are available for distribution.

The public hearing will be held in the top floor conference room of the Pennsylvania State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania, commencing at 10:30 a.m.

All persons or organizations desiring to be heard at the public hearing are requested to register in advance with the Secretary of the Commission.

Immediately following the public hearing, the Commission will hold a meeting in the same place for the transaction of regular business.

W. BRINTON WHITALL,
Secretary.

SEPTEMBER 9, 1963.

[F.R. Doc. 63-9694; Filed, Sept. 10, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15094; FCC 63R-412]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Amending Issues

In the matter of American Telephone and Telegraph Company and the Western Union Telegraph Company, charges and classifications for private line telegraph and private line telephotograph services furnished to the press.

1. United Press International, Inc. (UPI), a party intervenor in this proceeding, requests that the hearing issues in this proceeding be clarified or enlarged. Other press services have filed pleadings in support of UPI's petition; and Western Union Telegraph Company, Bell System Companies, and the Common Carrier Bureau have filed oppositions to UPI's petition.[1]

2. On July 14, 1961, the Commission released its Initial Decision (FCC 61D-103) in the "private line" rates case (Docket Nos. 11645 and 11646), and on January 30, 1963, a Final Decision (FCC 63-66) was released.[2] In its Initial Decision the Commission rejected the press's claim that separate rates should be applied to it, stating "• • • it is concluded that the record herein does not support special press rates, either for private line telegraph or telephotograph services." (p. 135) The Commission's Final Decision did not alter this conclusion. The press filed petitions for reconsideration emphasizing the alleged financial impact the new rates would have on the press. On May 29, 1963, the Commission released a Memorandum Opinion and Order wherein it reaffirmed its finding that "the record shows that there is no substantial difference between the costs of furnishing private line service to the press and to other customers." However, the Commission held that it was unable, on the basis of the record in the proceeding, to evaluate the extent to which the changed rates, if applied to the press, would impair the widespread dissemination of news information. Therefore, the Commission excepted the press from the new rates established for private line telegraph and telephotograph services, and ordered that an investigation be instituted of the charges to the press for private line telegraph and telephotograph services. On May 31, 1963, the Commission released an Order (FCC 63-492) designating this matter for hearing, limiting the investigation to the following issues:

1. The extent to which the rates for private line telegraph and private line telephotograph services prescribed in our decision in Docket Nos. 11645 and 11646 for users other than press users would, if applied to press users, impair the widespread dissemination of news;

2. Whether, in the light of the evidence adduced on the foregoing issue, the rates presently applicable to press users of the above-mentioned services are just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended, or whether they are unjustly discriminatory or unduly preferential or advantageous within the meaning of section 202(a) of such Act;

3. Whether in the light of our determination on issues 1 and 2 the Commission should prescribe minimum or maximum or minimum and maximum rates to be applied to press users of the above-mentioned services and, if so, what rates should be prescribed;

3. With regard to the first issue, petitioner claims that the words "and authorized" should be added after the word "prescribed." The Commission's decision in Docket Nos. 11645 and 11646 did not, petitioner contends, "prescribe" rates for private line telephotograph services, but merely "authorized" the carriers to increase rates therefor. There is no objection to the request to consider authorized as well as prescribed rates. The language requested by petitioner will be added.

4. With respect to the second issue, petitioner requests that the question of reasonableness of rates be expanded to include the classifications, regulations and practices in connection therewith; any changes or revisions thereto; and any additional evidence as may be presented. In support of this request, petitioner asserts that if the word "rates" is intended to refer only to charges, the issue is unduly limited because no proper evaluation of the rates applicable to the press could be made without also considering the classifications, regulations, and practices of the carriers. The Commission must, petitioner contends, consider these matters, as well as such additional evidence as may be presented, in order to decide what rates shall be applicable to the press. Petitioner concedes that the reasonableness of the classifications, regulations, and practices of the carriers were determined in the Private Line case, but contends that the fact that the press's petitions for reconsideration were granted means that the determination did not apply to the press.

5. We cannot agree with petitioner's contention that the Commission used the term "rates" to mean the same thing as the statutory language "charges, practices, classifications, and regulations." The reasonableness of the practices, regulations, and classifications of the carriers with regard to the press was determined on the basis of cost data in the Private Line Rate Case Initial Decision (p. 134). In their petitions for reconsideration, the press enumerated the practices, regulations, and classifications to which they objected. However, in its Memorandum Opinion and Order (FCC 63-491) in response to the petitions for reconsideration, the Commission stated that "• • • the record shows that there is no substantial difference between the costs of furnishing private line service to the press and to other customers. The cost data in this record also shows that the carriers' revenues from • • • services furnished to all users, including the press, are inadequate under the currently effective schedules." The Commission made it abundantly clear that its concern was with " • • • the impact which changed private line telegraph and telephotograph rates • • • would have upon the dissemination of news information." Petitioner has presented no facts which were not before the Commission when this case was designated for hearing. Moreover, the Order (FCC 63-492) designating this case for hearing contains the statement that "• • • the investigation shall be limited to the following issues • • •" Thus, it appears that the Commission clearly defined and limited the issues in this proceeding in order to avoid a retrial of issues which were fully litigated, considered, and decided by the Commission in the Private Line Case.

6. Petitioner also requests that the language of the second issue be enlarged to include a determination of whether the rates to press users are "unduly prejudicial or disadvantageous" as well as whether they are unjustly discriminatory or unduly preferential or advantageous. There is no specific objection to this request. The requested language will be added.

7. Finally, petitioner requests that issue 3 be revised to include language encompassing classifications, regulations and practices, in addition to rates or charges. This request will be denied for the same reasons that the suggested changes to issue 2 were denied.

Accordingly, it is ordered, This 5th day of September 1963, that the motion to clarify or enlarge issues, filed June 19, 1963, by United Press International, Inc. is granted to the extent indicated below and denied in all other respects; and that issues 1 and 2 in this proceeding are amended to read as follows:

1. The extent to which the rates for private line telegraph and private line telephotograph services prescribed and authorized in our decision in Docket Nos. 11645 and 11646 for users other than press users would, if applied to press users, impair the widespread dissemination of news;

2. Whether, in light of the evidence adduced on the foregoing issue, the rates presently applicable to press users of the above-mentioned services are just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended, or whether they are unjustly discriminatory or unduly preferential or advantageous, or unduly prejudicial or disadvantageous, within the meaning of section 202(a) of such Act;

Released: September 6, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9703; Filed, Sept. 10, 1963; 8:47 a.m.]

[1] The Review Board has under consideration: Motion to clarify or enlarge the issues, filed June 19, 1963, by United Press International, Inc. (UPI); Responses in support of the motion, properly and timely filed; Oppositions to the motion, properly and timely filed; and a reply to the oppositions, filed July 9, 1963, by United Press International, Inc. (UPI).

[2] We do not construe the Order (No. 14269) entered by the U.S. Court of Appeals, Seventh Circuit, of July 31, 1963, staying orders of the Commission in Docket Nos. 11645 and 11646, as precluding the action herein.

[Docket No. 14261; FCC 63M-966]

CLAY SERVICE CORP.

Order Continuing Hearing

In re application of Clay Service Corporation, Ashland, Alabama, Docket No. 14261, File No. BP-15449; for construction permit.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date, *It is ordered*, This 5th day of September 1963, that the hearing presently scheduled to commence on September 26, 1963, is continued to October 30, 1963, at 10 a.m., in Washington, D.C.

Released: September 6, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9704; Filed, Sept. 10, 1963; 8:47 a.m.]

[Docket No. 15079; FCC 63M-962]

O.K. BROADCASTING CORP. (WEEL)

Order Continuing Hearing

In re application of O.K. Broadcasting Corporation (WEEL), Fairfax, Virginia, Docket No. 15079, File No. BP-15343; for construction permit.

On the Hearing Examiner's own motion, *It is ordered*, This 4th day of September 1963, that the hearing heretofore scheduled to commence on September 24, 1963, is postponed to October 1, 1963, at 10:00 a.m., in the offices of the Commission, Washington, D.C. Other procedural dates are not affected by this order.

Released: September 5, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9705; Filed, Sept. 10, 1963; 8:47 a.m.]

[Docket Nos. 15139-15141; FCC 63M-965]

QUALITY BROADCASTING CORP. ET AL.

Order Continuing Prehearing Conference and Hearing

In the matter of revocation of license of Quality Broadcasting Corporation, for standard broadcast station WKYN, San Juan, Puerto Rico, Docket No. 15139; revocation of license of Supreme Broadcasting Company, Inc. of Puerto Rico, for FM broadcasting station WFQM, San Juan, Puerto Rico, Docket No. 15140; revocation of license of Radio Americas Corporation, for FM broadcast station WORA-FM, Mayaguez, Puerto Rico, docket No. 15141.

The Hearing Examiner having under consideration the Commission's order herein, released August 30, 1963, extending the time for filing a responsive pleading to the Show Cause Order to September 30, 1963;

It is ordered, This 5th day of September 1963, on the Hearing Examiner's own motion, that the prehearing conference herein presently scheduled for September 16, 1963, and the hearing presently scheduled to commence on November 4, 1963, are continued to a date to be specified subsequent to the filing of said responsive pleading and Commission consideration thereof.

Released: September 6, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9707; Filed, Sept. 10, 1963; 8:47 a.m.]

[Docket No. 15113; FCC 63M-972]

ARTHUR D. SMITH, JR. (WMTS)

Order Regarding Procedural Dates

In re application of Arthur D. Smith, Jr. (WMTS), Murfreesboro, Tennessee, Docket No. 15113, File No. BP-15447; for a construction permit.

The Chief Hearing Examiner having under consideration a request by the applicant, filed September 4, 1963, for changes in procedural dates heretofore prescribed in this proceeding;

It appearing, that the changes sought by the requesting party are minor; all other parties to the proceeding consent to the immediate consideration of the request; and there are no oppositions thereto;

It is ordered, This 5th day of September 1963, that the request is granted, and that the following changes in procedural dates are authorized:

Exchange of direct case—from September 4 to September 11, 1963;

Exchange of rebuttal case—from September 13 to September 20, 1963;

Notification of witnesses for cross-examination—from September 18 to September 24, 1963;

Commencement of hearing—from September 20 to September 26, 1963.

Released: September 6, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9706; Filed, Sept. 10, 1963; 8:47 a.m.]

[Docket No. 15116; FCC 63M-979]

WGUN, INC. (WGUN)

Order Continuing Hearing

In re application of WGUN, Incorporated (WGUN), Decatur, Georgia, Docket No. 15116, File No. BML-1924; for modification of license.

On the Hearing Examiner's own motion and with the consent of all the parties, *It is ordered*, This 5th day of September 1963, that the hearing herein, now scheduled to begin on September 24, 1963, is postponed to September 26, 1963, at 10:00 a.m.

Released: September 6, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9708; Filed, Sept. 10, 1963; 8:47 a.m.]

[Docket No. 15134; FCC 63M-973]

WENDELL-ZEBULON RADIO CO. (WETC)

Order Continuing Prehearing Conference

In re application of Wendell-Zebulon Radio Company (WETC), Wendell-Zebulon, North Carolina, Docket No. 15134, File No. BP-15344; for contruction permit.

The Examiner having under consideration a communication from the applicant herein indicating that it plans to amend its application and ask for a return thereof to the processing line;

It is ordered, This 5th day of September 1963, that the prehearing conference presently scheduled for September 12, 1963, is postponed to October 1, 1963, and the hearing presently scheduled for October 1, is indefinitely postponed.

Released: September 6, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9709; Filed, Sept. 10, 1963; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 422]

SECRETARY OF DEFENSE

Authority To Represent Interests of Executive Agencies of Federal Government Before Kansas State Corporation Commission

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Kansas Power and Light Company, Increased Gas Rates, before the Kansas State Corporation Commission, Docket No. 71, 865-U, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective August 30, 1963.

Dated: September 5, 1963.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 63-9692; Filed, Sept. 10, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7090]

ARKANSAS POWER & LIGHT CO.

Notice of Postponement of Hearing

SEPTEMBER 5, 1963.

Upon consideration of the request filed August 26, 1963, by Counsel for Arkansas Power & Light Company, for a postponement of the hearing in the above-designated matter;

Take notice that the hearing in the above-designated matter heretofore scheduled to commence on September 23, 1963, by notice issued June 14, 1963, and published in the FEDERAL REGISTER on June 21, 1963, 28 F.R. 6417, is hereby postponed to February 20, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9663; Filed, Sept. 10, 1963; 8:45 a.m.]

[Docket No. E-7125]

CINCINNATI GAS AND ELECTRIC CO.

Order To Show Cause, Instituting Investigation and Providing for Hearing

SEPTEMBER 4, 1963.

The Cincinnati Gas and Electric Company, Cincinnati, Ohio (Cincinnati Company), a corporation organized under the laws of the State of Ohio and operating within the States of Ohio, Indiana and Kentucky, has been determined to be a public utility within the meaning of the Federal Power Act, order issued June 21, 1961, The Cincinnati Gas and Electric Company, Docket No. E-6997 (25 F.P.C. 1195).

Cincinnati Company reports that it serves five municipalities, one cooperatively-owned electric utility and one investor-owned electric utility for which it has not submitted rate schedules for filing with the Commission. Those purchasers are: City of Hamilton, Ohio; Village of Blanchester, Ohio; Village of Georgetown, Ohio; Village of Hamersville, Ohio; Village of Ripley, Ohio; Inter-County Rural Electric Cooperative, Inc., and The Dayton Power and Light Company.

By letter dated May 23, 1963, the staff requested that Cincinnati Company file rate schedules for service to these customers, pursuant to the requirements of section 205 of the Federal Power Act and Part 35 of the Commission's regulations thereunder. Cincinnati Company, by letter dated July 25, 1963, replied that it would not file these rate schedules, on the ground that this Commission has no jurisdiction over these sales.

Cincinnati Company currently has on file with this Commission the following rate schedules:

Customer:	FPC rate schedule No.
Louisville Gas and Electric Co.	1
The Union Light, Heat and Power Co.	2
Public Service Co. of Indiana, Inc.	10
Louisville Gas and Electric Co.; Tennessee Valley Authority	12
Indiana and Michigan Electric Co.; The Ohio Power Co.	13
West Harrison Gas and Electric Co.	15
Ohio Valley Electric Corp.	16
Tennessee Valley Authority	17
Butler Rural Electric Cooperatives, Inc.	(1)

[1] Filing incomplete.

Review and analysis of data currently available to this Commission indicate that some or all of these rates may result in excessive rates or charges or may be unduly discriminatory, unduly preferential, or otherwise unjust, unreasonable and unlawful within the meaning of the Federal Power Act. Additional factual data necessary for a resolution of those questions must be obtained.

The Commission finds:

(1) In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 308 and 309 thereof, that Cincinnati Company be directed to show cause in writing and at a formal hearing why the Commission should not find and determine that the sales at wholesale for resale to the seven purchasers referred to in the recital above for which there are no rate schedules on file with this Commission are sales at wholesale in interstate commerce subject to the jurisdiction of this Commission under the provisions of the Federal Power Act for which Cincinnati Company must file appropriate rate schedules in the manner provided in Part 35 of the Commission's regulations under that Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 304, 307, 308 and 309 thereof, that the Commission enter upon a hearing and investigation concerning the lawfulness of Cincinnati Company's rate schedules filed and required to be on file with this Commission; and that Cincinnati Company be directed to submit cost and revenue data all in the manner as hereinafter provided.

The Commission orders:

(A) A public hearing shall be held at a time and place to be specified by further order of this Commission concncerning the lawfulness of all of Cincinnati Company's rate schedules for service to the customers referred to in the recital above; and at which Cincinnati Company shall also show cause why the Commission should not:

(1) Find and determine that in each instance Cincinnati Company's sales at wholesale for resale to the seven purchasers referred to in the recital above for which there are no rate schedules on file with this Commission are sales at wholesale in interstate commerce, subject to the provisions of sections 205 and 206 of the Federal Power Act and Part 35 of the Commission's regulations thereunder;

(2) Find and determine that Cincinnati Company has been violating and threatens to continue violating the provisions of section 205 of the Act and Part 35 of the Commission's regulations thereunder;

(3) Order Cincinnati Company to file rate schedules for service to the seven purchasers referred to in subparagraph (1) above in accordance with the provisions and requirements of section 205 of the Act and Part 35 of the Commission's regulations thereunder; and

(4) Issue such other orders and take such other actions as may be necessary or appropriate to bring about compliance with the Federal Power Act and the Commission's regulations thereunder.

(B) On or before December 9, 1963, Cincinnati Company shall respond to this order to show cause through Answer as provided in § 1.9(c) of the Commission's rules of practice and procedure, 18 CFR 1.9(c).

(C) Cincinnati Company shall file, on or before December 9, 1963, cost and revenue data showing Cincinnati Company's costs of rendering service to each wholesale for resale customer referred to in paragraph (A) above, calculated in accordance with applicable Commission rulings and utilizing, among other things, as the test period the period beginning July 1, 1962 and ending June 30, 1963, showing both historical revenues and pro forma adjustments thereto, a prudent net investment rate base, and a fair rate of return thereon.

(D) The showing referred to in paragraph (C) above shall be submitted in writing with sufficient copies to provide this Commission with six copies to provide each State Commission affected with a like number of copies and to provide one copy each to all other parties as may be granted intervention in this proceeding.

(E) The showing referred to in paragraph (C) above shall not preclude or limit any additional showing by Cincinnati Company or others and shall be without prejudice to any future action taken by the Commission or its staff, or to any future position Cincinnati Company or others may wish to take as to the significance of, or conclusions to be drawn from, the above factual showing.

(F) Notices of intervention or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C., on or before October 18, 1963, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37).

By the Commission.

GORDAN M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9664; Filed, Sept. 10, 1963; 8:45 a.m.]

[Docket No. G–1895 etc.]

EL PASO NATURAL GAS CO.

Notice of Application To Amend

SEPTEMBER 4, 1963.

Take notice that on July 12, 1963, El Paso Natural Gas Company (Applicant) P.O. Box 1492, El Paso 99, Texas, filed in Docket Nos. G–1895, G–18337 and G–18538 an application to amend the Commission's order issued April 4, 1952, as amended on January 14, 1963, in Docket No. G–1895 and the Commission's order issued June 12, 1963, in Docket Nos. G–18337 and G–18538, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

Applicant requests in Docket No. G–1895 that the subject order, as amended, be further amended by deleting the volumetric limitations on annual and daily deliveries of natural gas to Arizona Public Service Company (Public Service) for resale to Salt River Project Agricultural Improvement and Power District (Salt River) for use as fuel in the latter's Kyrene electric generating plant. In Docket Nos. G–18337 and G–18538 Applicant requests that the subject order be amended by clarifying the volumetric limitations on deliveries of natural gas to Public Service and El Paso Electric Company (El Paso Electric) and by authorizing in Docket No. G–18538 an increase in delivery limitations on El Paso Electric.

The order of April 4, 1952, as amended, in Docket No. G–1895 authorized Applicant to construct and operate certain facilities necessary to sell and deliver gas to Public Service for resale to Salt River for use as fuel in the latter's Kyrene plant. Said order, as amended, limited daily and annual deliveries of natural gas to 25,000 Mcf and 3,502,000 Mcf, respectively.

The order of June 12, 1963, issued in Docket Nos. G–18337 and G–18538 authorized Applicant to construct and operate certain facilities necessary for the direct sale and delivery of natural gas to Public Service for use as fuel in the latter's Ocotillo Power Plant located near Phoenix, Arizona, and the direct sale and delivery of natural gas to El Paso Electric for use as fuel in the latter's Newman Power Plant located near El Paso, Texas. Ordering paragraph (C) of said order imposed the following condition:

(C) The facilities authorized in Docket No. G–18337 shall not be used to transport in excess of an annual net increase of 12,300,000 Mcf of natural gas over the 1959 annual volumes transported and delivered by Applicant to Arizona Public Service Company. Likewise, the facilities authorized in Docket No. G–18538 shall not be used to transport in excess of an annual net increase of 2,500,000 Mcf of natural gas over the 1959 annual volumes transported and delivered by Applicant to El Paso Electric Company.

The application shows that electric energy requirements of the Phoenix, Arizona, area are supplied by an interconnected system of power plants owned by Public Service and Salt River. Applicant sells gas to Public Service for: (1) use as fuel in Public Service's Ocotillo, Phoenix and Saguaro plants, and (2) resale to Salt River for use as fuel in Salt River's Aqua Fria, Cross Cut and Kyrene plants. The above-quoted condition provides for an annual net increase in deliveries of 12,300,000 Mcf over deliveries to Public Service during the year 1959. Applicant states that such 1959 deliveries totaled 34,948,879 Mcf and that it, therefore, construes the volumetric limitation on deliveries to Public Service to be 47,248,879 Mcf per year. Applicant states that it is in doubt whether this limitation relates only to the deliveries of natural gas to Public Service for use by the latter in its own plants, or whether said limitation is to include, as Applicant has done in its determination, the resale volumes to Salt River for use in the latter's plants, including the Kyrene plant. Applicant requests, therefore, that the subject order be clarified to specify 47,248,879 Mcf as the annual volumetric limitation.

Further, Applicant states that the above limitation of 47,248,879 Mcf includes deliveries to Public Service for resale to Salt River for use at the Kyrene plant and, in order to allow freedom in load-shifting among Salt River's plants, Applicant requests that the daily and annual volumetric limitation imposed in Docket No. G–1895 be deleted.

The application further shows that electric energy requirements of the El Paso, Texas, area are supplied by El Paso Electric. The foregoing condition quoted from the order of June 12, 1963, provides, in Docket No. G–18538, for an annual net increase in deliveries of 2,500,000 Mcf over deliveries to El Paso Electric during the year 1959. Applicant states that such 1959 deliveries totaled 11,881,939 Mcf and that it, therefore, construes the volumetric limitation on deliveries to El Paso Electric to be 14,381,939 Mcf per year. The application indicates that deliveries to El Paso Electric during 1962 aggregated 14,379,930 Mcf and that the projected requirements for 1963 and 1967 are estimated at 15,608,457 Mcf and 21,363,892 Mcf, respectively. The existing contract between Applicant and El Paso Electric provides for a maximum annual volume of 25,793,250 Mcf by the year 1966, and Applicant states that annual deliveries to El Paso Electric will approach these contract levels.

Therefore, Applicant requests herein that the order of June 12, 1963, be amended to state specifically the annual delivery limitation to El Paso Electric and requests that such limitation be increased to the contract maximum of 25,793,250 Mcf.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–9665; Filed, Sept. 10, 1963; 8:45 a.m.]

[Docket No. G–18338]

FLORIDA GAS TRANSMISSION CO.

Order Permitting Intervention, Fixing Date of Hearing and Granting Motion for Extension of Time

SEPTEMBER 5, 1963.

On June 20, 1963, notice was issued of Florida Gas Transmission Company's application to amend the Commission's certificating orders in these proceedings, issued on August 9 and November 2, 1961.[1] These orders were issued under section 7(c) of the Natural Gas Act and authorized, among other things, the construction and operation of facilities in a multimillion dollar main transmission pipeline and lateral pipeline expansion program. One of the sales laterals authorized was to be used for the delivery of natural gas to the Brevard County Gas District (District). However, Florida Gas now proposes to substitute the City Gas Company of Florida (City Gas) for the District as the local distributor authorized to receive the natural gas.

Also, Florida Gas now seeks authorization to construct different sales laterals to the Brevard County area and seeks an extension of time to construct and place such facilities in operation.[2]

On July 11, 1963, Southeastern Propane Gas Company (Southeastern) filed a timely petition to intervene. It claims, as a distributor of liquified petroleum gas, that it has a substantial economic interest which would be affected by the grant of the proposals outlined in the application to amend and asserts its right to challenge "all estimates of cost, sales, revenues, expenses, gas reserves, and all other evidence to be submitted by Applicant • • •." (Petition For Leave To Intervene, p. 8.)

The facilities authorized by the certificating orders have already been installed in almost every instance. Installation proceeded upon the authority of the certificating orders which made detailed findings pertaining to the Florida Gas' rates, the engineering and economic feasibility of the project, and the natural gas reserves supporting it. Therefore, it would not be appropriate in this amendatory proceeding to permit any evidence to be adduced on any matters other than those bearing directly upon the Brevard County laterals now proposed and the feasibility of the distribution systems City Gas proposes to install. Evidence touching upon matters unrelated to the facilities proposed in the application to amend should be excluded by the presiding examiner as not being material.

The Commission orders:

(A) The Southeastern Propane Company is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission:

[1] Florida Gas Transmission Company, sub nom. Coastal Transmission Corp., et al., 26 FPC 318 and 26 FPC 677

[2] On March 13, 1963, we issued an order in these proceedings, "Order Granting Motion For Extension Of Time," allowing Florida Gas until Sept. 17, 1963 to construct all the facilities authorized in the certificating orders.

Provided, however, That the participation of Southeastern shall be limited to matters affecting its asserted rights and interests as specifically set forth in its petition for leave to intervene, but only if such rights and interests are within the permissible evidentiary framework detailed above: *And, provided, further,* That the admission of this intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) Florida Gas Transmission Company is permitted an extension of time to construct and place in operation facilities to serve natural gas to the Brevard County, Florida region. The time shall be fixed by order of the Commission at such time as the Commission disposes of the application to amend.

(C) A hearing upon the application to amend will be held on September 30, 1963, commencing at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters in and the issues presented by the application.

By the Commission. Commissioner Black not participating.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–9666; Filed, Sept. 10, 1963; 8:45 a.m.]

[Docket No. CP63–110]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application and Date of Hearing

SEPTEMBER 4, 1963.

Take notice that on October 30, 1962, as supplemented on December 3, 1962, and June 13 and July 2, 1963, Montana-Dakota Utilities Company (Montana-Dakota), 831 Second Avenue South, Minneapolis 2, Minnesota, filed in Docket No. CP63–110 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities as hereinafter set forth, all as more fully described in the application and supplements which are on file with the Commission and open to public inspection.

Montana-Dakota proposes to construct and operate the following facilities:

1. Construct approximately 98.5 miles of 12¾" O.D. gas transmission main from the Riverton Dome area in Fremont County, Wyoming, to Applicant's Worland compressor plant in Washakie County, Wyoming.

2. Construct a gas measurement station at Riverton Dome area in Fremont County, Wyoming, for the purchase of gas from The Atlantic Refining Company.

3. Construct a gas measurement check station at Applicant's Worland compressor plant in Washakie County, Wyoming, at the terminus of the proposed 12¾" O.D. transmission main from Riverton Dome area.

4. Construct additional piping, valves and modifications at Applicant's Worland, Wyoming, compressor plant to connect the terminus of the proposed 98.5 miles of 12¾" transmission main from Riverton Dome area with existing facilities.

5. Construct approximately 1.93 miles of 12¾" O.D. gas transmission main near Rairden in Big Horn County, Wyoming, for completing a loop on about a 4.8-mile section of Applicant's existing 12¾" O.D. transmission main extending north from the Worland compressor plant discharge.

6. Construct a new compressor plant at Lovell, Wyoming consisting of three 880 horsepower compressor units and related facilities for service on Applicant's Worland, Wyoming, to Cabin Creek, Montana, 12¾" O.D. transmission main.

7. Construct approximately 5.4 miles of 6⅝" O.D. lateral transmission main in Washakie County, Wyoming, to continue service to the city of Worland, Wyoming, by a connection to the proposed Riverton Dome area to Worland compressor plant 12¾" O.D. transmission main.

8. Construct a gas pressure reducing and regulating station on the proposed 6⅝" O.D. transmission lateral to the city of Worland, Wyoming.

The application states that the proposed facilities are for the purpose of transporting gas to be purchased from The Atlantic Refining Company in the Riverton Dome area, Fremont County, Wyoming, to increase system gas reserves and deliverability for service to Applicant's existing customers and to provide capacity for the future growth of system market requirements.

The Atlantic Refining Company has filed applications for authority to make the subject sales to Montana-Dakota in Docket Nos. G–3894 and CI63–576, which applications were included in the Notice of Applications, etc. in Docket No. G–3894, et al., issued on June 26, 1963.

The estimated cost of the facilities is $4,347,600 which will be financed through internally generated funds and short term bank loans.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–9667; Filed, Sept. 10, 1963; 8:45 a.m.]

[Docket No. CP64–18]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 4, 1963.

Take notice that on July 23, 1963, Panhandle Eastern Pipe Line Company (Applicant), One Chase Manhattan Plaza, New York 5, New York, and 3444 Broadway, Kansas City 11, Missouri, filed in Docket No. CP64–18 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities to increase Applicant's maximum system capacity by approximately 130,000 Mcf per day and authorizing Applicant to increase its sales to existing resale customers by that volume, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed under this application consist generally of the following additions to Applicant's transmission system:

(1) Approximately 92 miles of 30-inch main line loop, representing a continuation of Applicant's fourth main pipeline;

(2) 24,500 additional compressor horsepower to be installed at various locations on Applicant's system;

(3) Necessary lateral line facilities at various points on said system;

(4) Additional storage facilities, including production and gathering facilities and 2,000 horsepower of compression, at Applicant's Waverly Storage Field; and

(5) Other appurtenances necessary to the increase in capacity of Applicant's main line system.

The foregoing construction will be located at various points in the States of Kansas, Missouri, Illinois and Indiana, and the estimated total cost thereof is approximately $23,133,000, to be financed through the issuance of debentures.

The additional service proposed by this application will be rendered under Applicant's existing rate schedules.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 3, 1963, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9668; Filed, Sept. 10, 1963; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

PHILADELPHIA REGIONAL OFFICE

Description of Agency and Programs

Section I, Description of Agency and Programs, is amended as follows:

1. Paragraph F is amended as follows:

By deleting Washington Regional Office and substituting in lieu thereof "Philadelphia Regional Office," and by changing the list of officials authorized to serve as Acting Regional Director in the Philadelphia Regional Office to read as follows:

1. Archie P. Burgess, Assistant Director for Development
2. Donovan W. McDonald, Assistant Director for Management
3. Alexander Shaw, Regional Attorney.

2. Paragraph G is amended to read as follows:

7. Philadelphia Regional Office: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Public Housing Administration, Room 1102, Widener Building, Chestnut and Juniper Streets, Philadelphia, Pennsylvania, 19107.

Approved: September 4, 1963.

[SEAL] MARIE C. McGUIRE,
Commissioner.

[F.R. Doc. 63-9680; Filed, Sept. 10, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 270]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 6, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and prctests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2245 (Deviation No. 2), THE O.K. TRUCKING COMPANY, 1810 South Street, Cincinnati 4, Ohio, filed August 30, 1963. Attorney Jack R. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 74 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 50 to Versailles, Ind., thence over U.S. Highway 421 to Indianapolis, and return over the same route.

No. MC 11220 (Deviation No. 7), GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis 2, Tenn., filed August 29, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Batesville, Miss., over Mississippi Highway 6 to interchange with Interstate Highway 55, thence over Interstate Highway 55 to junction Mississippi Highway 32, thence over Mississippi Highway 32 to Oakland, Miss.; (B) from Canton, Miss., over Mississippi Highway 22 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Mississippi Highway 27, thence over Mississippi Highway 27 to Crystal Springs, Miss.; and (C) from Summit, Miss. over U.S. Highway 98 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Mississippi Highway 568, thence over Mississippi Highway 568 to junction U.S. Highway 51, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: Between Batesville, and Oakland, over U.S. Highway 51; between Canton and Crystal Springs over U.S. Highway 51; and between Summit and the junction of U.S. Highway 51 and Mississippi Highway 568 near Magnolia, over U.S. Highway 51.

No. MC 13692 (Deviation No. 1), E. J. SCANNELL, INC., 151 Linwood Street, Somerville 43, Mass., filed August 18, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Boston, Mass., over the Massachusetts Turnpike, Interstate Highway 90, to junction of Interstate Highway 91, thence over Interstate Highway 91 to Hartford, Conn.; (B) from New Haven, Conn., over Interstate Highway 95, Connecticut Turnpike, and New York Thruway to New York, N.Y.; (C) from junction U.S. Highways 1 and 46 in New Jersey over U.S. Highway 46 to junction of New Jersey Turnpike, thence over New Jersey Turnpike to Delaware Memorial Bridge, thence over Delaware Memorial Bridge to junction U.S. Highway 40 in Delaware; and (D) from Baltimore, Md., over the Baltimore-Washington Expressway (sometimes called Baltimore-Washington Parkway) to Washington, D.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston over Massachusetts Highway 9 to junction U.S. Highway 20, thence over 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn.; from New Haven over U.S. Highway 1 to Baltimore; from New Haven over U.S. Highway 1 to Baltimore, from junction U.S. Highway 1 and 130 in New Jersey to Pennsville, N.J., thence across the Delaware River and over U.S. Highway 40 to Baltimore; from Baltimore over U.S. Highway 1 to Washington, and return over the same routes.

No. MC 19778 (Deviation No. 2), THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, Union Station, Room 888, 516 West Jackson Boulevard, Chicago 6, Ill., filed June 26, 1963. Attorney: Robert F. Munsell, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over a pertinent service route as follows: From Milwaukee over U.S. Highway 41 to junction Illinois Highway 42A, thence over Illinois Highway 42A to junction Illinois Highway 64, thence over Illinois Highway 64 to Chicago, and return over the same route.

No. MC 59894 (Deviation No. 12), TEXAS-ARIZONA MOTOR FREIGHT, INC., Post Office Box 1034, El Paso, Tex., filed August 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indio, Calif., over U.S. Highway 99 to junction California Highway 111, thence over California Highway 111 to junction U.S. Highway 80 near El Centro, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles Harbor over city streets to Los Angeles, Calif., thence over U.S. Highway 99 to Colton, Calif. (also from Los Angeles over U.S. Highway 101 to Anaheim, Calif., and thence over California Highway 18 to Colton) (also from Los Angeles over Anaheim Street and California Highway 22 to Santa Ana, Calif., thence over U.S. Highway 101 to Anaheim and thence to Colton as specified above), thence over U.S. Highway 99 to El Centro, Calif., thence over U.S. Highway 80 to Gila Bend, Ariz., thence over Arizona Highway 84 to Picacho, Ariz. (also from Gila Bend over U.S. Highway 80 to Mesa, Ariz., thence over Arizona Highway 87 to Picacho), thence over Arizona Highway 84 to Tucson, Ariz., and thence over U.S. Highway 89 to Nogales, Ariz. and return over the same route.

No. MC 71743 (Deviation No. 2), BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis 6, Mo., filed August 30, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) between East St. Louis, Ill., and junction U. S. Highways 66 and 40, over Interstate Highway 70; (B) between Altamont, Ill., and Montrose, Ill., over Interstate Highway 70; (C) between Champaign, Ill., and Danville, Ill., over Interstate Highway 74; (D) between Collinsville, Ill., and Highland, Ill., over U.S. Highway 40; (E) between junction Illinois Highway 4 and U.S. Highway 66 and junction U.S. Highway 66 and unnumbered highway near Mt. Olive, Ill., over U.S. Highway 66; (F) between junction U.S. Highway 50 and Alternate U.S. Highway 50 and Lawrenceville, Ill., over U.S. Highway 50; and (G) between Greenville, Ill., and Mulberry Grove, Ill., over U.S. Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: Between East St. Louis and junction U.S. Highways 66 and 40 over U.S. Highway 66; between Altamont and Montrose over U.S. Highway 40; between Champaign and Danville over U.S. Highway 150; between Collinsville and Highland over unnumbered highway; between junction U.S. Highway 66 and Illinois Highway 4 and junction U.S. Highway 66 and unnumbered highway near Mt. Olive, over Illinois Highway 4 and unnumbered highway via Staunton, Ill.; between junction Alternate U.S. Highway 50 and U.S. Highway 50 and Lawrenceville over Alternate U.S. Highway 50; and between Greenville and Mulberry Grove over Alternate U.S. Highway 40.

No. MC 75320 (Deviation No. 18), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo., filed August 26, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over city streets to junction Interstate Highway 35 in Kansas City, Kans., thence over Interstate Highway 35 to junction U.S. Highway 59, thence over U.S. Highway 59 to Parsons, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Joplin over Missouri Highway 43 to junction Missouri Highway 57 (now 171), thence over Missouri Highway 57 to the Missouri-Kansas State line, thence over Kansas Highway 57 to junction U.S. Highway 69, thence over U.S. Highway 69 via Pittsburg, Kans., to junction U.S. Highway 50, and thence over U.S. Highway 50 to Kansas City; and from Joplin over U.S. Highway 66 to junction Kansas Highway 96 (now 26), thence over Kansas Highway 96 to junction U.S. Highway 69, thence over U.S. Highway 69 to Pittsburg, and thence to Kansas City, as specified above, and return over the same routes.

No. MC 78632 (Deviation No. 20), HOOVER MOTOR EXPRESS COMPANY, INC., Post Office Box 450, Polk Avenue, Nashville, Tenn., filed August 22, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 59 to Chattanooga, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over pertinent service routes as follows: From Chattanooga over U.S. Highway 27 to Rome, Ga., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 to Atlanta; from Birmingham over U.S. Highway 78 to Atlanta; from Nashville over U.S. Highway 31 to Birmingham; from Nashville over U.S. Highway 41 to Atlanta, and return over the same route.

No. MC 78632 (Deviation No. 21), HOOVER MOTOR EXPRESS COMPANY, INC., Post Office Box 450, Polk Avenue, Nashville, Tenn., filed August 22, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ky., and return over the same route for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over pertinent service routes as follows: From Cincinnati over U.S. Highway 42 to Louisville, thence over U.S. Highway 31W to Nashville, Tenn.; from Cincinnati over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville (also over U.S. Highway 31W from Sellersburg to Louisville), and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63-9686; Filed, Sept. 10, 1963; 8:46 a.m.]

[Notice No. 559]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 6, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 o'clock a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 256), filed July 25, 1963. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron 9, Ohio. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Osceola, Ark., from Memphis, over U.S. Highway 61 to Osceola, and return over the same route serving no intermediate points.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 229.

No. MC 2359 (Sub-No. 13), filed August 13, 1963. Applicant: ROCCO D. DAMEO, 362 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, insulating, asbestos, cement and asphalt products and mate-*

rials, between the site of the Johns Manville plant at Manville, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.

NOTE: Applicant states the proposed service will be performed under contract with Johns Manville Corporation, New York, N.Y.

HEARING: October 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 10761 (Sub-No. 141) (AMENDMENT), filed June 28, 1963, published FEDERAL REGISTER issues July 24, 1963, and September 5, 1963, amended August 26, 1963, and August 30, 1963 and republished as amended this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen prepared foods*, and (b) *frozen fruits and frozen vegetables*, from Seabrook, N.J., and points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J., to Philadelphia, Pa., and *refused and rejected shipments*, on return.

NOTE: The proposed operation will be for the purpose of joinder with existing authority of applicant in its Certificate MC 10761 and sub numbers thereunder so as to provide a direct single line service from Seabrook, N.J., to all points and places which applicant is presently authorized to serve under its existing authority in Certificate MC 10761 and sub numbers thereunder. The purpose of this republication is to add the commodities specified in (b) above to the commodity description.

HEARING: Remains as assigned September 27, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 11220 (Sub-No. 81), filed August 19, 1963. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: J. W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and the junction of U.S. Highway 79 and Alternate U.S. Highway 41, at or near Clarksville, Tenn., as follows: from Memphis, thence over U.S. Highway 79 to junction Alternate U.S. Highway 41, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Memphis, Tenn., and Chicago, Ill.

NOTE: Applicant states no service will be rendered at the junction of U.S. Highway 79 and Alternate U.S. Highway 41 and the proposed operations to this point will be restricted to the purpose of joinder only with applicant's authorized alternate route authority between Chicago, Ill., and Pulaski, Tenn. It is further noted common control may be involved.

HEARING: October 24, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 229.

No. MC 29643 (Sub-No. 3), filed August 22, 1963. Applicant: WALSH TRUCKING SERVICE, INC., 2 Talcott Street, Massena, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Massena, N.Y., on the one hand, and, on the other, the Port of Entry on the International Boundary line between the United States and Canada at or near Rooseveltown, N.Y.

HEARING: October 4, 1963, at the Federal Building, Albany, N.Y., before Examiner Walter R. Lee.

No. MC 30059 (Sub-No. 2), filed June 17, 1963. Applicant: BURL PRENTICE, 120 South Broadway, Stigler, Okla. Applicant's attorney: John F. Hudson, First National Bank Building, Stigler, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Short Mountain Damsite located on the Arkansas River, as an off-route point, in connection with applicant's regular-route operations between Stigler, Okla., and Fort Smith, Ark.

HEARING: November 4, 1963, at the Fereral Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 35628 (Sub-No. 253), filed August 22, 1963. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville S.W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, except scrap metal), serving Odenton, Md., as an off-route point, in connection with applicant's authorized regular-route operations between Washington, D.C., and New York, N.Y.

HEARING: September 26, 1963, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 41951 (Sub-No. 3), filed August 8, 1963. Applicant: WHEATLEY TRUCKING INC., Cambridge, Md. Applicant's attorney: M. Bruce Morgan, 804 Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared or processed foods and foodstuffs, prepared food mixes, edible starch* and *such commodities used by or useful in canning factories or food processing plants*, between Cambridge, Md., on the one hand, and, on the other, points in Ohio and Michigan.

HEARING: October 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 59117 (Sub-No. 20), filed July 8, 1963. Applicant: ELLIOTT TRUCK LINES, INC., Box One, Vinita, Okla. Applicant's attorney: James F. Miller, Suite N–13, Medical and Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry, fertilizer compounds, dry, fertilizer ingredients, dry, and urea, dry*, in bulk, in bags and containers, from points in Oklahoma, to points in Kansas and Nebraska, and *used and new fertilizer containers*, on return.

HEARING: November 5, 1963, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 307.

No. MC 59583 (Sub-No. 96), filed August 13, 1963. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), serving Rocky Fork, Tenn., including the plant and warehouse site of Morrill Electric, Incorporated, as an off-route or intermediate point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: October 24, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 59583 (Sub-No. 97), filed August 13, 1963. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Boone, and Greensboro, N.C., from Boone over U.S. Highway 421 to Greensboro, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, but serving Boone and Greensboro for purpose of joinder only.

HEARING: October 25, 1963, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 61403 (Sub-No. 92), filed August 8, 1963. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 47, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, including dry litharges, oxides and commodities derived from lead*, in bulk, in tank and hopper vehicles, from points in Kanawha County, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

NOTE: Applicant states that it is controlled by the controlling stockholders of The Mason & Dixon Lines, Incorporated.

HEARING: October 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 63562 (Sub-No. 43) (CORRECTION), filed August 12, 1963, published FEDERAL REGISTER issue August 21, 1963, and republished as corrected this issue. Applicant: NORTHERN PACIFIC TRANSPORT CO., a corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's attorney: Reginald Ames (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* in bulk and bags, having a prior rail haul, or moving out of any storage facility into which the cement moved by rail, and (2) *rejected shipments*, between points on the rail lines of Northern Pacific Railway Company in the States of Wisconsin, Minnesota, North Dakota, Montana, and Idaho, and points in Wisconsin, Minnesota, North Dakota, Montana, Wyoming, and Idaho within a radius of 25 miles of the rail lines of Northern Pacific Railway Company.

NOTE: Applicant does not propose to tack this authority to any of its authority presently held. Common control may be involved. The purpose of this republication is to indicate that the authority sought will be over irregular routes in lieu of "regular" as previously published.

HEARING: Remains as assigned September 30, 1963, in Room 393, Federal Building and U.S. Court House, 110 South Fourth St., Minneapolis, Minn., before Examiner Wm. N. Culbertson.

No. MC 78632 (Sub-No. 119), filed August 15, 1963. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), between Nashville, Tenn., and points in its commercial zone as defined in Ex Parte No. MC–37, and Franklin, Tenn., (1) from Nashville over U.S. Highway 431 to Franklin, and (2) from Nashville over U.S. Highway 31 to Franklin, and return over the same routes, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: October 25, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 92633 (Sub-No. 7), filed April 15, 1963. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building, 500 Washington Street, Post Office Box 964, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forest products, wood products, logs, posts, poles, pilings, lumber, lumber products, shingles, lock deck, beams, paper, paper products, pulp, building materials, pre-fabricated houses*, (2) *machinery, equipment and supplies used in road construction, logging, for the installation and operation of sawmills and pulp mills, the manufacturing of wood and lumber products, including such articles which, because of size or weight require the utilization of special equipment*, (3) *chemicals*, dry and liquid, in bulk, in tank vehicles and in containers, *glue, mastics and adhesives used in the manufacture of wood, lumber and paper products*, liquid and dry, in bulk, in tank vehicles, and in containers, and (4) *binder twine*, between points in Idaho, within 100 miles of Lewiston, Idaho, including Lewiston, and points in Washington, within 40 miles of Lewiston, on the one hand, and, on the other, points in Oregon and Washington.

NOTE: Common control may be involved.

HEARING: October 25, 1963, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 92983 (Sub-No. 423), filed July 22, 1963. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk, in tank vehicles, from points in Louisiana and Texas, to points in Iowa, Kansas, Missouri, and Nebraska.

HEARING: October 11, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 93505 (Sub-No. 5), filed July 15, 1963. Applicant: JOHN DAY VALLEY FREIGHT LINES, INC., John Day, Oreg. Applicant's attorney: Roy Kilpatrick, Canyon City, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, uncrated household goods, commodities in bulk, and those requiring special equipment), between Arlington, and Baker, Oreg.; from Arlington over U.S. Highway 30 to Baker, and return over the same route, serving all intermediate points, and off-route points on Oregon Highways 203, 237, and 86 between Baker and LaGrande, Oreg.

NOTE: Applicant states there will be no local service west of Pendleton.

HEARING: November 4, 1963, in Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 95540 (Sub-No. 534) (AMENDMENT), filed June 7, 1963, published issue of September 5, 1963, amended August 27, 1963, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, Inc., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, from points in Nebraska, and Mitchell, S. Dak., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: Common control may be involved. The purpose of this republication is to include Mitchell, S. Dak., as an origin point.

HEARING: Remains as assigned October 28, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 96855 (Sub-No. 1), filed August 12, 1963. Applicant: FRANK CONNER, 114 North Lansing, Post Office Box 6095, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meat and meat products, glass and glassware including tops and caps, salt in bulk or in packages, beer in barrels or cases*, and *return of empty containers, contents of carload shipments, including distribution to one or more consignees, commodities which such Class "B" carrier may have in storage in a warehouse owned or controlled by such carrier for at least 5 days prior to the beginning of such transporation*, and *such commodities as may require special equipment, or which may require extraordinarily expeditious and rapid transportation, not supplied by the Class "A" carrier*, between points in Oklahoma.

HEARING: November 4, 1963, at the Federal Building, 200 Northwest Fourth Oklahoma City, Okla., before Joint Board No. 88.

No. MC 102906 (Sub-No. 9), filed June 21, 1963. Applicant: McCONNELL HEAVY HAULING, INC., U.S. Highway 65, South, Post Office Box 463, Little Rock, Ark. Applicant's attorney: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in hopper type trailers, between points in Arkansas.

NOTE: Applicant states that the proposed operation will be restricted to shipments having a prior movement by rail or water.

HEARING: October 29, 1963, at the Arkansas Commerce Commission, Justice

Building, State Capitol, Little Rock, Ark., before Joint Board No. 215.

No. MC 103654 (Sub-No. 74), filed September 3, 1963. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Dakota, Ramsey, and Hennepin Counties, Minn., to points in the Upper Peninsula of Michigan, Wisconsin, Iowa, South Dakota, and North Dakota.

HEARING: September 20, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 105813 (Sub-No. 91) (AMENDMENT), filed May 17, 1963, published in FEDERAL REGISTER issue of September 5, 1963, amended and republished in this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23rd Street, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products* and *articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from points in Nebraska and Mitchell, S. Dak., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to add Mitchell, S. Dak. as an origin point.

HEARING: Remains as assigned October 28, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 105813 (Sub-No. 97), filed July 19, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23rd Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, to points in Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Kentucky.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner John B. Mealy.

No. MC 105813 (Sub-No. 98), filed July 19, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23rd Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs*, from Lawton, Mich., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner John B. Mealy.

No. MC 107107 (Sub-No. 280), filed July 26, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Kentucky, North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis).

HEARING: October 16, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 107818 (Sub-No. 30), filed August 22, 1963. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 (except in bulk, in tank vehicles), from points in Minnesota, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states "no duplicating authority is sought."

HEARING: September 26, 1963, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Lyle C. Farmer.

No. MC 108207 (Sub-No. 115), filed July 2, 1963. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confections*, from Dallas, Tex., to points in Oklahoma.

HEARING: November 7, 1963, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 16.

No. MC 109834 (Sub-No. 19), filed August 22, 1963. Applicant: NOVICK TRANSFER CO., INC., 700 North Cameron Street, Winchester, Va. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 26, 1963, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 110698 (Sub-No. 253), filed August 12, 1963. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from Savannah, Ga., to points in Illinois, Minnesota, Ohio, Texas, and Wisconsin.

HEARING: October 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 111545 (Sub-No. 58), filed August 20, 1963. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fork lift trucks and equipment and parts for fork lift trucks*, from Peoria, Danville and Kewanee, Ill., to points in Florida.

HEARING: September 30, 1963, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Lyle C. Farmer.

No. MC 112446 (Sub-No. 39), filed August 23, 1963. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products*, in bulk, from Nashville, Tenn., to points in North Carolina, and *rejected shipments*, on return.

HEARING: September 24, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 8.

No. MC 112801 (Sub-No. 4) (AMENDMENT), filed February 10, 1963, published in FEDERAL REGISTER issue of August 21, 1963, amended September 3, 1963 and republished as amended this issue. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago 50, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients and chemicals*, in bulk, in tank and hopper type vehicles, from Cordova, Ill., and points within ten miles thereof, to points in Iowa, Nebraska, Missouri, Kentucky, Minnesota, Indiana, Michigan, Wisconsin, Kansas, Illinois, North Dakota, South Dakota, Arkansas, and Ohio.

HEARING: Remains as assigned October 15, 1963, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 113678 (Sub-No. 56), filed August 26, 1963. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and chewing gum) from New York City, N.Y., and the Commercial Zone thereof, to points in Arizona, California, Colorado, Kansas, Montana, Idaho, Oklahoma, Nebraska, Nevada, Utah, Oregon, New Mexico, North Dakota, South Dakota, Washington, Wyoming, and Texas.

NOTE: Common control may be involved.

HEARING: October 17, 1963, at 346 Broadway, New York, N.Y., before Examiner Samuel C. Shoup.

No. MC 113678 (Sub-No. 57), filed August 29, 1963. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products* and *meat byproducts* and *articles distributed by meat packinghouses*, from points in California, to points in Arizona and New Mexico.

NOTE: Common control may be involved.

HEARING: September 23, 1963, at the New Customs House, Denver, Colo., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 114045 (Sub-No. 103) (REPUBLICATION), filed February 17, 1963, published FEDERAL REGISTER, issue of March 13, 1963, and republished this issue.

Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. By application filed February 17, 1963, applicant sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Massachusetts, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, Ohio, and Pennsylvania. Hearing was held on April 25, 1963, at Washington, D.C. At the hearing the application was amended. A report and order, recommended by Lawrence A. Van Dyke, Jr., hearing examiner, was served on July 25, 1963, and found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *canned cat food*, from Woburn and Boston, Mass., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, and New Mexico; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to the conditions (1) that notice of the authority granted will be republished in the FEDERAL REGISTER, and (2) that issuance of a certificate shall be withheld for a period of 30 days from the date of republication during which any interested party may file an appropriate protest or other pleading.

No. MC 114045 (Sub-No. 116), filed August 5, 1963. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Boston and Watertown, Mass., to Birmingham and Mobile, Ala., Phoenix and Tucson, Ariz., Denver, Colo., Kansas City, Kans., Louisville, Ky., Kansas City and Saint Louis, Mo., New Orleans, La., Albuquerque, N. Mex., Cincinnati and Columbus, Ohio, and Knoxville, Memphis, and Nashville, Tenn.

HEARING: October 24, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 114301 (Sub-No. 21), filed August 21, 1963. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 141, Elkton, Md. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers and trailer chassis, semitrailer chassis and containers* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, from Quarryville, Pa., to points in the United States, excluding Alaska and Hawaii.

HEARING: October 7, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114533 (Sub-No. 71), filed July 16, 1963. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers used in the processing of data by computing machine, punch cards, business papers and records used or useful in the preparation of such punch cards, magnetic and encoded documents, magnetic tape, punch paper tape, printed reports and documents and office records* (1) from Pittsburg, Coffeyville, Parsons, Arkansas City, Chanute, Independence, Winfield, Newton, El Dorado, and Fort Scott, Kans., to St. Louis, Mo., and (2) between Wichita, Kans., and St. Louis, Mo.

HEARING: October 10, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 115491 (Sub-No. 41), filed September 4, 1963. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Post Office Box 586, Lakeland, Fla., 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except in bulk, in tank vehicles), from points in Minnesota to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: September 26, 1963, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Lyle C. Farmer.

No. MC 116710 (Sub-No. 10) (CORRECTION), filed June 19, 1963, published FEDERAL REGISTER issue July 3, 1963, republished as corrected this issue. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., Box 1634, Hattiesburg, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur dioxide*, in bulk, in tank vehicles, from plantsite of Stauffer Chemical Company, Consolidated Chemical Industries Division, located at Baton Rouge, La., to points in New Mexico.

NOTE: The purpose of this republication is to delete states of Louisiana and Texas which were erroneously shown in previous publication.

HEARING: Remains as assigned October 11, 1963, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 171, or if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 119426 (Sub-No. 4), filed May 25, 1963. Applicant: ARCHIE GOOKSTETTER, doing business as GOOKSTETTER HORSE VAN SERVICE, Box 241 Coeur d'Alene, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary), and *in the same vehicle with such horses, stable supplies* and *equipment used in their care, mascots*, and *personal effects of attendants*, between points in Washington, Oregon, and Idaho.

HEARING: October 24, 1963, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 119778 (Sub-No. 44), filed August 15, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: Edward G. Villalon, Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen solutions, fertilizer solutions, caustic soda* and *molten sulphur*, in bulk, in tank vehicles, from Wilmington, N.C., and points within twenty-five (25) miles thereof, to points in Virginia, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: October 22, 1963, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 119778 (Sub-No. 45), filed August 15, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–14 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from points in Washington County, Ala., to points in Louisiana.

NOTE: Common control may be involved.

HEARING: October 17, 1963, at the U.S. Courtrooms, Montgomery, Ala., before Joint Board No. 165.

No. MC 123846 (Sub-No. 2), filed July 15, 1963. Applicant: MYRON H. CURTIS AND BETTY L. CURTIS, a partner-

ship, doing business as CURTIS TRAILERS, 10177 Southeast Powell Street, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and pickup coaches*, from points in Washington County, Oreg., to points in Washington.

HEARING: November 5, 1963, in the Interstate Commerce Commission hearing room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 124078 (Sub-No. 70), filed August 5, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except bulk dry cement, having a prior movement by rail and/or water), between points in Alabama.

NOTE: Applicant presently holds contract carrier authority under MC 113832 and subs thereto, and common carrier authority under MC 124078 and subs thereto. An application is pending before the Commission in MC 124078 (Sub-No. 38) to convert its present permits to a common carrier certificate, thus, dual operations may be involved. It is also noted that common control may be involved.

HEARING: October 17, 1963, at the U.S. Courtrooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 124186 (Sub-No. 3), filed August 2, 1963. Applicant: J-WAYS TRUCKING CO., INC., 533 McClaine Street, P.O. Box 237, Silverton, Oreg. Applicant's attorney: Earle V. White, Attorney at Law, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, from the plant site of The Best Fertilizers Co., located at or near Lathrop, Calif., to points in Oregon.

HEARING: November 6, 1963, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 124988 (Sub-No. 1), filed July 25, 1963. Applicant: H. H. HOCKER, doing business as TRUCK SERVICE COMPANY, 2111 Southwest Boulevard, Tulsa, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, hickory chips, charcoal fire base and lighter fluid*, in truckload lots, from the plant site of the Kingsford Company located near Belle, Mo., to Oklahoma City and Tulsa, Okla.

HEARING: November 6, 1963, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 254.

No. MC 125138 (Sub-No. 1), filed August 12, 1963. Applicant: R. T. SHAW, doing business as SHAW TRUCKING CO., Route No. 1, Ninnekah, Okla. Applicant's attorney: Walt Allen, 116 North Fourth Street, Chickasha, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, wire, twine, fertilizer, oyster shells, cottonseed products* and *seeds*, in sacks, blocks, cartons, rolls, packages, or bundles (not in bulk), from Houston, Grand Saline, Galveston, and Texas City, Tex., to points in Grady, Canadian, Kingfisher, Garfield, Grant, Alfalfa, Woods, Woodward, Major, Ellis, Dewey, Blaine, Roger Mills, Custer, Caddo, Washita, Beckham, and Harper Counties, Okla., and *exempt commodities*, on return.

HEARING: November 8, 1963, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 16.

No. MC 125164 (Sub-No. 1), filed July 22, 1963. Applicant: P. M. P. EXPRESS LINES, LTD., 232 38th Avenue Northeast, Calgary, Alberta, Canada. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to ports of entry on the United States-Canada international boundary line at Sumas and Blaine, Wash., and at Kingsgate, Idaho, on traffic destined to specified points in British Columbia and Alberta, Canada.

HEARING: October 23, 1963, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 125234 (AMENDMENT), filed April 1, 1963, published FEDERAL REGISTER issue August 21, 1963, amended August 26, 1963, republished as amended this issue. Applicant: GERALD ADRIAN, doing business as G. ADRIAN, 1417 Warren Street, Davenport, Iowa. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Davenport, Iowa, to points within five (5) miles thereof, to points in North Dakota, South Dakota, Illinois, Indiana, Iowa, Missouri, Minnesota, Wisconsin, Nebraska, and Detroit, Mich.

NOTE: Applicant states the proposed service will be performed "under contract with Linwood Stone Products, Co., Inc., of Davenport, Iowa." The purpose of this republication is to correctly set forth the service proposed.

HEARING: Remains as assigned October 22, 1963, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 125307, filed June 20, 1963. Applicant: D. M. LAYMAN, INC., 100 East Court Street, Goldendale, Wash. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Oregon City, West Linn, and Portland, Oreg., to Goldendale, Wash.

NOTE: Applicant holds common carrier authority in MC 72227; therefore dual operations may be involved.

HEARING: November 5, 1963, in the Interstate Commerce Commission hearing room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 125379, filed May 20, 1963. Applicant: A. C. BENNETT, doing business as BENNETT TRUCK LINE, 500 North Third Street, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission and Classes A and B explosives), between Fort Smith, Ark., and Marble City, Okla.; from Fort Smith over U.S. Highway 64 to junction Oklahoma Highway 141, thence over Oklahoma Highway 141 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction unnumbered county road (known as Old 17), thence over unnumbered county road to Marble City, serving the intermediate and off-route points of Rolland, Gan, Short Mountain Dam site, and Sadie, Okla., and return over unnumbered county road to junction U.S. Highway 64, thence over U.S. Highway 64 to Fort Smith.

HEARING: October 28, 1963, at the Arkansas Commerce Commission Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 217.

No. MC 125419, filed June 3, 1963. Applicant: KELLEY DAVIS, doing business as DAVIS TRUCK LINE, 452 South State Street, Tahlequah, Okla. Applicant's attorney: R. M. Mountcastle, Suite 605–606, Barnes Building, Muskogee, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Fort Smith, Ark., and Hulbert, Okla.; from Fort Smith over U.S. Highway 64 to Sallisaw, Okla., thence north on U.S. Highway 59 to junction Oklahoma Highway 51 at Stilwell, Okla. (also from Stilwell, Okla., over Oklahoma Highway 51 to Eldon, Okla.), thence over U.S. Highway 59 to Westville, Okla.; thence over U.S. Highway 62 to Tahlequah, Okla., thence over Oklahoma Highway 51 to Hulbert, and return over the same route, serving Westville, Stilwell and all intermediate points located on U.S. Highway 59 and the old town of Titanic located on Oklahoma Highway 51, and Sequoyah Indian School, located 3 miles south of Tahlequah as off-route points.

NOTE: Applicant states that he does not propose to serve Sallisaw, Okla., in either direction, either goods shipped to Sallisaw or goods originating at Sallisaw.

HEARING: November 1, 1963, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 217.

No. MC 125445, filed June 12, 1963. Applicant: NEWBY BROS., INC., Plattsburg, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (excluding liquids), in bags and in bulk, from St. Joseph, Mo., to points in Kansas, Nebraska, and points in Iowa west of U.S. Highway 65, and *damaged and rejected shipments and commodities exempt* under section 203 (b) (6), on return.

HEARING: October 10, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 125447, filed June 17, 1963. Applicant: B-LINE FAST FREIGHT LIMITED, 202 42d Avenue SE., Calgary, Alberta, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to ports of entry on the International Boundary Line between the United States and Canada located in Washington, Idaho, and Montana.

HEARING: October 30, 1963, at the Federal Office Building, Seattle, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate before Examiner C. Evans Brooks.

No. MC 125507, filed July 5, 1963. Applicant: ZEB JOHNSON, 1114 East Bismark, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, from points in Montana to points in Washington.

HEARING: October 21, 1963, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate before Examiner C. Evans Brooks.

No. MC 125597, filed August 12, 1963. Applicant: EUGENE ANDERSON, 303 North Main Street, Jonesboro, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Fertilizer, soybean meal, cottonseed meal, cotton poison* and *bagging and ties*, between Memphis, Tenn., and points in Arkansas.

NOTE: Applicant states most trips from points in Arkansas to Memphis, Tenn., will be exempt agricultural commodities.

HEARING: October 23, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 229.

MOTOR CARRIERS OF PASSENGERS

No. MC 119262 (Sub-No. 1), filed August 8, 1963. Applicant: ERNEST KELLER, JR., Waldorf, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter service, beginning and ending at points in Charles County, Md., on and east of U.S. Highway 301, and in Prince Georges County, Md., on and east of that portion of U.S. Highway 301 extending from the Charles County-Prince Georges County line to its junction with Maryland Highway 382, and from points on and south of Maryland Highway 382 to its junction with an unnumbered county road southeast of Croom Station, Md., and from points on and south of said unnumbered county road to the Patuxent River and extending to points in the District of Columbia, Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, and the New York, N.Y., commercial zone.

HEARING: October 28, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 2470 (Sub-No. 3), filed August 27, 1963. Applicant: THOMAS C. DONAHUE, doing business as DONAHUE'S SERVICE, 312 East Weber Avenue, DuBois, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between DuBois, Pa., on the one hand, and, on the other, points in Pennsylvania within 30 miles of DuBois, Pa.

No. MC 55236 (Sub-No. 74), filed August 22, 1963. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Chicago, Ill., to Beaver Dam, Wis.

No. MC 110686 (Sub-No. 19), filed August 22, 1963. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's attorney: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Jersey Shore, Pa., and points within ten (10) miles thereof, to points in Massachusetts.

No. MC 112307 (Sub-No. 3), filed August 7, 1963. Applicant: R. F. MORRIS, doing business as BOB'S SERVICE, 601 Brooks Street, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled, wrecked, stolen, or repossessed vehicles and motor vehicles* (except trailers designed to be drawn by means of passenger automobiles), such transportation to be performed by means of wrecker equipment), between points in West Virginia, on the one hand, and, on the other, points in Pennsylvania, Ohio, Virginia, Kentucky, and North Carolina.

No. MC 115946 (Sub-No. 29), filed August 22, 1963. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Albany, Ga., and points within 15 miles thereof, to points in Alabama and Florida.

No. MC 116077 (Sub-No. 150), filed August 23, 1963. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste Caprolactum*, in bulk, in specially designed tank vehicles, from ports of entry located in Texas on the international boundary line between the United States and Mexico, to Dowling, Jefferson County, Tex.

No. MC 116777 (Sub-No. 4), filed August 21, 1963. Applicant: J & L LINES, INC., Post Office Box 677, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizer, fertilizer material, and insecticides* from Ranson, W. Va. to points in Augusta and Nelson Counties, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

No. MC 120419 (Sub-No. 1), filed August 19, 1963. Applicant: WILLIAM H. HENNEBERGER, doing business as SERVICE TRANSFER, 1003 East McLaughlin (Box 476), Henryetta, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Window glass*, and empty *glass bottles* and *jars*, between Henryetta, Okla., and points within fifty (50) miles thereof, and points in Oklahoma.

No. MC 123190 (Sub-No. 55), filed August 21, 1963. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Applicant's representative: E. F. Streib, Neave Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and blends thereof*, from St. Bernard (Cincinnati), Ohio, to points in West Virginia.

No. MC 125322 (Sub-No. 2), filed July 29, 1963. Applicant: IRV. GULLICKSON, INC., Deerfield, Wis. Applicant's attorney: Jack Aulik, Professional Building, Sun Prairie, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Experimental paste*, in bulk, in tank vehicles, from North Chicago, Ill., to Mason City, Iowa.

NOTE: Applicant states the proposed operation will be for the account of Archer-Daniels Midland Co.

MOTOR CARRIERS OF PASSENGERS

No. MC 2698 (Sub-No. 3), filed August 26, 1963. Applicant: VANDALIA BUS LINE, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, news-*

papers, mail, and express, in the same vehicle with passengers, between Greenville and Effingham, Ill., from Greenville over Alternate U.S. Highway 40 to junction Smithboro Road, thence over Smithboro Road in a southerly direction to junction U.S. Highway 40, thence over U.S. Highway 40 in an easterly direction to junction Mulberry Grove Road, thence over Mulberry Grove Road to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 in an easterly direction to junction U.S. Highway 40, at or near Bluff City, thence over U.S. Highway 40 to Effingham, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved. Applicant states it proposes to tack the authority sought with authority presently held which will extend its present authority between St. Louis, Mo., and Vandalia, Ill., to include service between St. Louis and Effingham.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2770 (Sub-No. 7), filed August 26, 1963. Applicant: SANBORN'S MOTOR EXPRESS, INC., Box 312, Norway, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). *Regular routes:* (1) Between Boston, Mass., and Westfield, Mass.; from Boston over U.S. Highway 20 to Westfield and return over the same route serving all intermediate points and the off-route points of Agawam, Chicopee Falls, Longmeadow, and Ludlow, Mass. (2) Between Boston, Mass., and Westfield, Mass.; from Boston over Massachusetts Highway 9 to junction Massaschusetts Highway 128, thence over Massachusetts Highway 128 to junction Interstate Highway 90 thence over Interstate Highway 90 to junction U.S. Highway 5 thence over U.S. Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20, as an alternate route for operating convenience only, and return over the same route serving no intermediate points. (3) Between Boston, Mass., and Northampton, Mass.; from Boston over Massachusetts Highway 9 to Northampton, and return over the same route, serving all intermediate points, and the off-route points of Belchertown, Gilbertville, North Brookfield, Shrewsbury, Warren, and West Warren, Mass. (4) Between Springfield, Mass., and Northampton, Mass.; from Springfield, over U.S. Highway 5, to Northampton and return over the same routes, serving all intermediate points, and the off-route points of Easthampton, Granby, and South Hadley, Mass. *Irregular routes:* Between points in Massachusetts.

NOTE: Applicant states duplications with existing authority will be eliminated. This application is directly related to MC-F 8521, published in FEDERAL REGISTER issue of August 14, 1963.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notices of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

No. MC-F-8521 (CORRECTION) (SANBORN'S MOTOR EXPRESS, INC.—PURCHASE—CLARK'S EXPRESS CO.), published in the August 14, 1963 issue of the FEDERAL REGISTER on page 8352. Vendor's name should have been shown as CLARK'S EXPRESS COMPANY, in lieu of EDWARD P. CLARK, doing business as CLARK'S EXPRESS COMPANY.

No. MC-F-8541. Authority sought for control by JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Box 3347, Knoxville, Tenn., of BURKS MOTOR FREIGHT LINE, INCORPORATED, Post Office Box 1028, Little Rock, Ark. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between Memphis, Tenn., and Little Rock, Ark., serving all intermediate points except that traffic moving between West Memphis, Ark., and Memphis, Tenn., shall not be originated at, delivered to, nor interchanged at either of those points. JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, claims "grandfather" rights, in Tennessee, under section 206(a)(7) of the act, pursuant to BOR-99, in No. MC-110144 (Sub-6). Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-110144 Sub-7 is a matter directly related.

No. MC-F-8542. Authority sought for purchase by PLYMOUTH ROCK TRANSPORTATION CORPORATION, 10 Binney Street, Cambridge, Mass., of a portion of the operating rights of McDEVITT TRANSPORTATION CO. (BERNARD R. POLLOCK and JAMES E. MURPHY, CO-RECEIVERS), 131 Farmington Avenue, Cranston, R.I., and for acquisition by EDWARD RICHMOND, also of Cambridge, Mass., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett and Francis P. Barrett, 25 Bryant Avenue, East Milton 86, Mass. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between Providence, R.I., on the one hand, and, on the other, Cranston, East Greenwich, Warwick, and West Warwick, Rhode Island. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8543. Authority sought for purchase by ROZAY'S TRANSFER, 2167 East 25th Street, Los Angeles 58, Calif., of the operating rights and property of KLING CARTAGE CO., 10197 Cherry Avenue, Fontana, Calif., and for acquisition by WILLIAM S. ROZAY, also of Los Angeles 58, Calif., of control of such rights and property through the purchase. Applicants' attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Operating rights sought to be transferred: Operations under the second proviso of sections 206(a)(1) and 206(a)(7) of the act, pursuant to BOR-99, in No. MC-120617 (Sub-1), covering the transportation of *general commodities,* with some exceptions, as a *common carrier,* between all points in portions of Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., commonly known as the Los Angeles Basin Territory. Vendee claims "grandfather" rights, in California, under section 206(a)(7) of the act, pursuant to BOR-99, in No. MC-120709 (Sub-1). Application has been filed for temporary authority under section 210a(b).

No. MC-F-8544. Authority sought for purchase by MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Avenue, Cincinnati 14, Ohio, of the operating rights of RICHARD STROTHMAN, an individual, doing business as STROTHMAN EXPRESS, Second and Smith Streets, Cincinnati 2, Ohio, and for acquisition by CLEM H. SCOVANNER and LIVEO C. SCOVANNER, JR., both of 1220 Harrison Avenue, Cincinnati 14, Ohio, of control of such rights through the purchase. Applicants' attorneys: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio and those in Kentucky, within 25 miles of Cincinnati; *general commodities,* excepting, among others, commodities in bulk, but not excepting household goods, between Feesburg, Ohio, and points within 5 miles thereof, on the one hand, and, on the other, Covington and Newport, Ky., and points in Ohio; *tobacco,* between Feesburg, Ohio, and points within 5 miles thereof, on the one hand, and, on the other, Maysville, Ky. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio, Indiana, West Virginia, Pennsylvania, Virginia, North Carolina, New York, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8545. Authority sought for merger into HALL'S MOTOR TRANSIT COMPANY, Fifth and Vine Streets, Sunbury, Pa., of the operating rights and property of BINGAMAN MOTOR EXPRESS CO., INC., Fifth and Vine Streets, Sunbury, Pa., and for acquisition by JOHN N. HALL, SONDELL COLEMAN, RAYMOND BUCH, all of 1151 South 21st Street, Harrisburg, Pa., W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., and J. DUFF GEORGE, 1039 Northwest Street, Carlisle, Pa., of control of such rights and property through the transaction. Applicants' attorney and representative respectively: John E. Fullerton, 1151 South 21st Street, Harrisburg, Pa., and T. E. Petty, 2440 16th Street NW., Washington 9, D.C. Operating rights sought to be merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Reading, Pa., and Philadelphia, Pa., serving no intermediate points, but serving the off-route points of Camden, N.J., and points within 2 miles of Camden; between Reading, Pa., and New York, N.Y., serving all intermediate points, and off-route points within 8 miles of Reading, Pa., and those within 10 miles of the city limits of New York, N.Y. RESTRICTION: the operating rights granted above are restricted against movements of traffic between Reading, Pa., and points within 5 miles thereof, on the one hand, and, on the other, points in the Philadelphia, Pa., commercial zone, as defined by the Commission, those in New York within the New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey within 10 miles of the city limits of New York, N.Y., except traffic moving in foreign commerce destined to, or originating at, points in Canada; between Reading, Pa., and the boundary of the United States and Canada near Niagara Falls, N.Y.; between Reading, Pa., and the boundary of the United States and Canada near Rouses Point, N.Y., serving all intermediate and off-route points within 5 miles of Reading, Pa. RESTRICTION: the authority granted herein is restricted to traffic destined to or originating at points in Canada; over one alternate route for operating convenience only; *frozen vegetables,* from Seabrook, N.J., to the port of entry on the United States-Canada boundary line at or near Niagara Falls, N.Y., serving no intermediate points, and from Seabrook, N.J., to the port of entry on the United States-Canada boundary line at or near Rouses Point, N.Y., serving no intermediate points. HALL'S MOTOR TRANSIT COMPANY, is authorized to operate as a common carrier in Pennsylvania, Maryland, New York, New Jersey, Ohio, Connecticut, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: HALL'S MOTOR TRANSIT COMPANY, controls BINGAMAN MOTOR EXPRESS CO., INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-7593, which became the order of the Commission on May 1, 1961.

No. MC-F-8546. Authority sought for purchase by TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich., of the operating rights of FREEMAN TRANSPORTATION CO., 19486 Allen Road, Trenton, Mich., and for acquisition by V. W. McLAUGHLIN, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorneys: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Rock salt,* as a *common carrier* over irregular routes, from the international boundary line between the United States and Canada at or near Detroit, Mich., to points in Michigan, except points north of the Detroit, Mich., commercial zone as defined by the Commisison, which are located on U.S. Highway 25 and Michigan Highway 29 extending to and including Port Huron, Mich. RESTRICTION: the authority granted herein is restricted to traffic moving in foreign commerce. Vendee is authorized to operate as a *contract carrier* in Michigan, Indiana, Illinois, Ohio, Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9687; Filed, Sept. 10, 1963; 8:46 a.m.]

[Notice No. 560]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 6, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Special rules. The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendixes thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 151 (Sub-No. 18), filed August 22, 1963. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals, fertilizer, and fertilizer ingredients* (liquid and dry), *including, but not limited to, anhydrous ammonia and nitrogen fertilizer solution,* from Terre Haute, Ind., and points within ten (10) miles thereof, to points in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, Wisconsin, and Michigan, and *damaged and rejected shipments* of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: September 26, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 117344 (Sub-No. 108) (AMENDMENT), filed August 7, 1963, published FEDERAL REGISTER issue August 21, 1963, amended and republished as amended this issue. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals, "fertilizer and fertilizer ingredients,"* (liquid and dry), in bulk, in tank vehicles, from the plant site of the Central Nitrogen, Inc., located at or near Terre Haute, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: The purpose of this amendment is to include the quoted commodities as shown above.

HEARING: Remains as assigned, September 26, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Lacy W. Hinely.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9688, Filed, Sept. 10, 1963; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 6, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 44653, filed January 30. 1963. Applicant: THEODORE T. VIOLETTE, doing business as TRANS HARBOR TRUCKING CO., 1149 Canal Avenue, Long Beach, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks and buses: namely, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, namely bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or combination of such highway vehicles; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof; (8) commodities likely to contaminate or damage other freight; (9) explosives as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10), between points as set forth below. Proposed operations will be between (1) all points and places located within the Los Angeles Basin Territory, as more particularly described in Item No. 270–B of Minimum Rate Tariff No. 2; (2) all points and places located in the said Los Angeles Basin Territory, as hereinabove described on the one hand, and the San Diego Territory as described in Item No. 271–3 of Minimum Rate Tariff No. 2, on the other hand, via U.S. Highway 101; (3) serving all intermediate points and places on the above described route, and all off-route points within a radius of five (5) miles from said route, and between said termini, off-route and intermediate points and operating over the above described route; and (4) with reference to (2) above, applicant intends to use U.S. Highway 395, as an alternate route for traversing purposes only, and without service to any points located on, and along said highway; (5) to, from and between the Los Angeles area, including the cities of Los Angeles, Vernon and Alhambra on the one hand, and Marysville, Calif., on the other hand, over and along U.S. Highway 99, serving all intermediate points along said route, and all points within fifty (50) miles on either side of said route, and all points within a radius of fifty (50) miles of Los Angeles, and within a radius of five (5) miles of Marysville, traversing any and all public highways, as necessary and convenient in serving such off-route points.

HEARING: December 10, 1963, at 10:00 a.m., in Los Angeles.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, California State Building, San Francisco 2, Calif., and should *not* be addressed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-9689; Filed, Sept. 10, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 6, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38519: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 335), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, from, to and between points in middlewest, central states and southwestern territories.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 34 to Middlewest Motor Freight Bureau, agent, tariff MF–I.C.C. 388.

FSA No. 38521: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 336), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, also Kansas and Tennessee, on the one hand, and points in central states and middlewest territories, on the other, via interchange points named in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 34 to Middlewest Motor Freight Bureau, agent, tariff MF–I.C.C. 388.

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FSA No. 38520: *Dressed poultry to Chicago, Ill.* Filed by Great Northern Railway Company (No. 1085), Northern Pacific Railway Company (No. 132), and Soo Line Railroad Company (No. 93), jointly for themselves and interested rail carriers. Rates on dressed poultry, in carloads, from Pelican Rapids and Detroit Lakes, Minn., to Chicago, Ill.

Grounds for relief: Maintenance of depressed rates published to meet exempt motor-truck competition without use of such rates as factors in constructing combination rates.

Tariffs: Supplement 15 to Great Northern Railway Company tariff I.C.C. A–8916, supplement 2 to Northern Pacific Railway Company tariff I.C.C. 10012, and supplement 9 to Soo Line Railroad Company tariff I.C.C. 7562.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-9685; Filed, Sept. 10, 1963; 8:46 a.m.]

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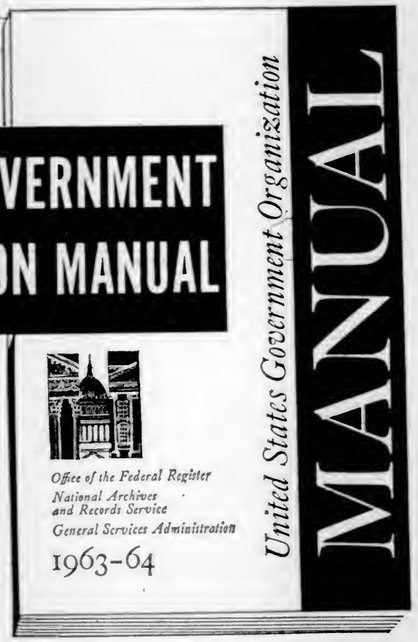
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Washington, Thursday, September 12, 1963

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1924; Amdt. 339]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 28 SEPT. 1963, OR UPON DECOMMISSIONING OF CYS LFR.

City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev., 6156'; Fac. Class., SBRAZ; Ident., CS; Procedure No., Amdt. 12; Eff. Date, 16 Sept. 61; Sup. Amdt. No. 11; Dated, 26 Aug. 61

PROCEDURE CANCELLED, EFFECTIVE 28 SEPT. 1963, OR UPON CONVERSION OF LFR TO SABH.

City, Key West; State, Fla.; Airport Name, International; Elev., 4'; Fac. Class., SBRAZ; Ident., EW; Procedure No. 1, Amdt. 10; Eff. Date, 3 June 61; Sup. Amdt. No. 9; Dated, 26 Sept. 59

PROCEDURE CANCELLED, EFFECTIVE 28 SEPT. 1963, OR UPON CONVERSION OF LFR TO SABH.

City, Morgantown; State, W. Va.; Airport Name, Morgantown; Elev., 1256'; Fac. Class., SBMRLZ; Ident., MG; Procedure No. 1, Amdt. 3; Eff. Date, 3 Feb. 62; Sup. Amdt. No. 2; Dated, 27 May 61

PROCEDURE CANCELLED, EFFECTIVE 28 SEPT. 1963, OR UPON CONVERSION OF LFR TO SABH.

City, Rock Springs; State, Wyo.; Airport Name, Municipal; Elev., 6752'; Fac. Class., SBRAZ; Ident., RKS; Procedure No. 1, Amdt. 6; Eff. Date, 2 Jan. 60; Sup. Amdt. No. 5, Dated, 22 Dec. 56

				T-dn	300–1	300–1	200–1½
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	NA	NA	NA

Procedure turn E side N crs, 354° Outbnd, 174° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 174°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing SGT-LFR, turn left, climb to 1700' on N crs within 20 miles.
NOTE: Procedure not approved for ADF approach. No communications or weather service available.

City, Stuttgart; State, Ark.; Airport Name, Municipal; Elev., 224'; Fac. Class., MRLWZ; Ident., SGT; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Sept. 63

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ABI VOR	LOM	Direct	3800	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 170° Outbnd, 350° Inbnd, 3800′ within 10 miles.
Minimum altitude over facility on final approach crs, 3400′.
Crs and distance, facility to airport, 350°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, climb to 3300′ on crs 350° within 20 miles or, when directed by ATC, turn right, climb to 3300′ on R–086 of ABI–VOR.
CAUTION: Towers 2032′ MSL 2.6 miles WNW, 2115′ MSL 5.2 miles NW, 2067′ MSL 6.8 miles NW, 2685′ MSL 8.7 miles SSE, 2778′ MSL 7.9 miles SSW.
Major change: Add radar vectoring authorized, site located at Dyess AFB.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., LOM; Ident., AB; Procedure No. 1, Amdt. 3; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 2; Dated, 16 Mar. 63

Hartford VOR	HFD/RBn (final)	Direct	1300	T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring utilizing Bradley radar is authorized in accordance with approved patterns.
Procedure turn E side of crs, 204° Outbnd, 024° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′*.
Crs and distance, facility to airport, 009°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing HFD RBn, make right climbing turn to 2400′ on the 143° bearing from HFD RBn within 10 miles. Return to HFD RBn and hold SE at 2400′, 323° Inbnd, right turns, 1-minute.
CAUTION: 580′ building 2.0 miles NW of airport.
*Descent to 700′ after passing R–309 HFD VOR is authorized. If procedure turn not utilized, ceiling minimums become 700′.

City, East Hartford; State, Conn.; Airport Name, Rentschler Field; Elev., 45′; Fac. Class., MHW; Ident., HFD; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Sept. 63

Key West VOR	EYW RBn	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Course and distance, facility to airport, 065°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing EYW RBn, climb to 1500′ on crs of 074° from RBn within 20 miles.
NOTE: FAA control tower not operating on 24 hour basis.

City, ~~Key~~ West; State, Fla.; Airport Name, International; Elev., 4′; Fac. Class., SABH; Ident., EYW; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Sept. 63, or upon conversion to LFR to SABH

MIA-VOR	MIA RBn	Direct	1500	T-dn	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	500–2	500–2	500–2
				S-d-9L	500–1	500–1	500–1½
				S-n-9L	500–2	500–2	500–2
				A-dn*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 097°—7.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing MIA RBn, climb to 1500′ on 097° crs from MIA RBn within 20 miles.
NOTE: This approach authorized during Opa Locka tower hours of operation.
*No weather information available.

City, Miami; State, Fla.; Airport Name, Opa Locka; Elev., 9′; Fac. Class., SABH; Ident., MIA; Procedure No. 1, Amdt. 4; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 3; Dated, 29 June 63

MGW VOR	MG RBn	Direct	3500	T-dn	300–1	300–1	NA
				C-d	600–1	600–1	NA
				C-n	600–2	600–2	NA
				S-17-d	500–1	600–1	NA
				S-17-n	600–2	600–2	NA
				A-dn	800–2	800–2	NA

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 173°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MG RBn, climb to 4000′ on 216° crs within 10 miles. Reverse crs, proceed to MG RBn.
Hold NW, 1-minute right turns, 173° Inbnd.
CAUTION: 2295′ terrain 4 miles SE of airport.

City, Morgantown; State, W. Va.; Airport Name, Morgantown Municipal; Elev., 1250′; Fac. Class., SABH; Ident., MGW; Procedure No. 1, Amdt. 3; Eff. Date, 28 Sept. 63, or upon conversion of LFR to SABH; Sup. Amdt. No. 2; Dated, 3 Feb. 62

PROCEDURE CANCELLED, EFFECTIVE 28 SEPT. 1963.

City, New Bedford; State, Mass.; Airport Name, Municipal; Elev., 79′; Fac. Class., LMM; Ident., WB; Procedure No. 1, Amdt. 8; Eff. Date, 22 Sept. 63; Sup. Amdt. No. 7; Dated, 22 Apr. 58 (ADF portion combining ILS-AD)

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Providence VOR	Westport Int	Direct	2000	T-dn	300–1	300–1	200–½
Westport Int	LOM (final)	Direct	1400	C-dn	500–1	600–1	600–1½
Coastal Int	LOM	Direct	1500	S–5-dn	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns utilizing Quonset Point Radar.
Procedure turn S side of crs, 233° Outbnd, 053° Inbnd, 1500′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 053°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing EW LOM, make left climbing turn to 1500′. Return to the EW LOM. Hold SW, 053° Inbnd, 1-minute, right turns.

City, New Bedford; State, Mass.; Airport Name, Municipal; Elev., 79′; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Sept. 63

PROCEDURE CANCELLED, EFFECTIVE 28 SEPT. 1963.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class., MHW, MH; Ident., CEU, PIT; Procedure No. 2, Amdt. 3; Eff. Date, 6 July 63; Sup. Amdt. No. 2; Dated, 14 Dec. 61

Quincy, Illinois VOR	LOM	Direct	1900	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 035°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2300′ on crs (035°) within 10 miles, make right turn and return to LOM.
CAUTION: 1560′ MSL tower 6.0 miles WNW of airport.
NOTE: No approach lights.

City, Quincy; State, Ill.; Airport Name, Quincy-Baldwin Municipal Field; Elev., 769′; Fac. Class., LOM; Ident., UI; Procedure No. 1, Amdt. 5; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 4; Dated, 29 Sept. 62

GEG VOR	GE LOM	Direct	4500	T-dn	300–1	300–1	200–½
GG LFR	GE LOM	Direct	4500	C-dn	500–1	500–1	500–1½
Rockford VHF Int	GE LOM	Direct	5500	S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.
Procedure turn N side of crs, 025° Outbnd, 205° Inbnd, 4500′ within 10 miles. Not authorized beyond 10 miles.
Shuttle descent to 4500′ in a 170–175 KT 1-minute right turn holding pattern NE of GE LOM.
Minimum altitude over facility on final approach crs, 3600′.
Crs and distance, facility to airport, 205°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GE LOM, climb to 4000′ direct GEG VOR, continue climb on R–207 within 10 miles of GEG VOR or, when directed by ATC, turn right, climb to 4000′, direct GE LOM, thence continue climb in a 170–175 KT 1-minute right turn holding pattern NE of GE LOM.
CAUTION: High terrain N and E of airport. 3188′ tower 4.8 miles SE of GE LOM. Terrain and tower 6031′ 16 miles NE of LOM; 4549′ TV tower 9.2 miles E of airport.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., LOM; Ident., GE; Procedure No. 1, Amdt. 3; Eff. Date, 28 Sept 63; Sup. Amdt. No. 2; Dated, 1 Dec. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-d	800–1	800–1	800–1½
				C-n	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 102°—9.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 miles after passing ABI–VOR, climb to 3500′ on R–101 within 20 miles.
CAUTION: Towers—2032′ MSL 2.6 miles WNW; 2115′ MSL 5.2 miles NW; 2007′ MSL 6.8 miles NW; 2685′ MSL 8.2 miles SSE; 2778′ MSL 7.9 miles SSW; 2264′ MSL 6.8 miles SE.
Major change: Add radar vectoring authorized, site located at Dyess AFB.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., BVOR; Ident., ABI; Procedure No. 1, Amdt. 2; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 1; Dated, 22 Dec. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
THS VOR	HGR VOR	Direct	3600′	T–dn	300–1	300–1	200–½
MRB VOR	HGR VOR	Direct	3600′	C–dn*	400–1	500–1	500–1½
				S–dn–9	400–1	400–1	400–1
				A–dn	NA	NA	NA

Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′ until crossing MRB VOR R–359, then maintain 2000′ to HGR VOR.
Crs and distance, facility to airport, 091°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing HGR VOR, make immediate left climbing turn to 3600′ direct to HGR VOR, hold SW on R–246, 1-minute right turns.
*Circling approaches to Runway 2/20 authorized during daylight hours only.

City, Hagerstown; State, Md.; Airport Name, Hagerstown Municipal; Elev., 704′; Fac. Class., BVOR; Ident., HGR; Procedure No. 1, Amdt. 2; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 1; Dated, 7 Sept. 63

Quincy RBn	UIN–VOR	Direct	2300	T–dn	300–1	300–1	200–½
				C–d	500–1	500–1	500–1½
				C–n	500–2	500–2	500–2
				S–d–3	500–1	500–1	500–1
				S–n–3	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 208° Outbnd, 028° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 028°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing VOR, climb to 2300′ on R–028 from Quincy VOR within 10 miles, make right turn and return to VOR.
CAUTION: 1560′ tower located 6.0 miles WNW of airport.
NOTE: No approach lights.

City, Quincy; State, Ill.; Airport Name, Quincy-Baldwin Municipal Field; Elev., 769′; Fac. Class., BVORTAC; Ident., UIN; Procedure No. 1, Amdt 3; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 2; Dated, 11 Aug. 62

				T–d	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–d–33	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn left side of crs, 155° Outbnd, 335° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 1200′.
Crs and distance, facility to airport 335°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing HCM VOR, make right climbing turn to 2000′. Hold SE R–155 HCM VOR, 1-minute right turns.
NOTE: Lights on E–W runway only.
CAUTION NOTE: 169′ tower 1.7 miles W of airport.

City, West Point; State, Va.; Airport Name, West Point Municipal; Elev., 24′; Fac. Class., BVOR; Ident., HCM; Procedure No. 1, Amdt. 1; Eff. Date, 28 Sept. 63; Sup. Amdt. No. Orig.; Dated, 29 June 63

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bowie Int	BAL VOR	Direct	2000	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–10*	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 600′. Maintain 1100′ until passing BAL LOM.
Crs and distance, breakoff point to approach end of runway, 102°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BAL VOR, climb to 2000′ on R–104 BAL VOR, return to VOR, hold E on R–104, 1-minute right turns.
*If BAL LOM not received, minimums of 800–1 will apply.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR–10, Amdt. 3; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 2; Dated, 16 Sept. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bridgeport VOR	HVN VOR	Direct	1500	T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–1	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach, 500′.
Crs and distance, breakoff point to approach end of runway, 016°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make a climbing right turn and climb to 1300′ on R–205 within 10 miles of TVOR.
NOTES: Weather reporting by U.S. Weather Bureau 0700 to 1700 local time. Airport communication available on 122.8 from sunrise to sunset. No tower communication at airport. Contact Westchester appoach control for ATC clearance. Medium intensity runway lights on all runways available upon prior request to Airport manager.

City, New Haven; State, Conn.; Airport Name, Tweed-New Haven; Elev., 15′; Fac. Class., VORW; Ident., HVN; Procedure No. TerVOR–1, Amdt. 3; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 2; Dated, 15 June 63

SHV VOR	DTN VOR	Direct	3000	T–dn	300–1	300–1	300–1
BAD VOR	DTN VOR	Direct	3000	C–dn#	600–1½	600–1½	600–1½
Cotton Int	DTN VOR	Direct	3000	S–dn–14#	500–1	500–1	500–1
Tee Vee Int**	Lee Int* (final)	Direct	1900	A–dn	800–2	800–2	800–2
Lee Int*	DTN VOR (final)	Direct	700				

Radar vectoring authorized in accordance with approved patterns and may be used to determine TEE VEE and LEE Ints.
Procedure turn N side of crs, 310° Outbnd, 130° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 700′; over Lee Int, 1900′.
Facility on airport.
Crs and distance, Lee Int to Airport, 130°—6.0 miles; breakoff point to end of Runway 14, 132°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing DTN VOR, climb on the DTN R–130 to 1700′ within 20 miles.
CAUTION: 2049′ MSL towers 12 miles NW; 375′ MSL tower 1.5 miles NW of airport on approach path. Numerous other towers and smoke stacks in area surrounding field.
NOTE: Air carrier use not authorized.
*Lee Int: Int ASL R–057 and DTN R–310.
**Tee Vee Int: Int SHV R–213 and DTN R–310.
#Operating dual VOR receivers or radar service required for execution of this procedure, or minimum altitude over DTN VOR is 2500′.

City, Shreveport; State, La.; Airport Name, Shreveport-Downtown; Elev., 179′; Fac. Class., VOR; Ident., DTN; Procedure No. TerVOR–14, Amdt. 3; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 2; Dated, 29 June 63

5. The very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 609.300 are amended to read in part:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
38-mile fix R–105	10-mile fix R–105	Direct	1900	T–dn	300–1	300–1	200–½
10-mile fix R–096	6-mile fix R–096 (final)	Direct	1900	C–dn	500–1	500–1	500–1½
6-mile fix R–096	1-mile fix R–096 (final)	Direct	600	S–dn–28	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 066° Outbnd, 276° Inbnd, 1900′ to be accomplished between 6-mile DME fix and 15-mile DME fix. Descend to landing minimums after passing 6-mile DME fix. DME may be used within 10 miles from 270° clockwise to 030° at 2000′; 030° clockwise to 140° at 1900′ to position aircraft for a straight-in approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BAL VOR, climb to 2000′ on R–276 BAL VOR within 10 miles. Return to BAL VOR, hold W on R–276, 1-minute right turns.
CAUTION: Procedure turn not authorized when restricted area R–4001 in use.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 28 Sept. 63; Sup. Amdt. No. Orig.; Dated, 13 Jan. 62

MIA RBn	MIA–VOR	Direct	1500	T–dn	300–1	300–1	200–½
MIA–VOR	5-mile DME fix R–107 (final)	Direct	1000	C–d	1000–1	1000–1	1000–1½
				C–n	1000–2	1000–2	1000–2
				A–dn*	NA	NA	NA
				If 5-mile DME fix R–107 received, the following minimums are authorized:			
				C–dn	500–1	500–1	500–1½
				S–dn–9L	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 315° Outbnd, 135° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; at 5-mile DME fix R–107, 1000′.
Crs and distance, facility to airport, 107°—9.8 miles; 5-mile DME fix R–107 to airport, 107°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 4.8 miles after passing 5-mile DME fix R–107 or 9.8 miles after passing MIA–VOR, climb to 1500′ on R–107 within 20 miles.
NOTE: This approach authorized during Opa Locka tower hours of operation.
*No weather information available.

City, Miami; State Fla.; Airport Name, Opa Locka; Elev., 0′; Fac. Class., H–BVORTAC; Ident., MIA; Procedure No. 1, Amdt. 2; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 1; Dated, 13 Apr. 63

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ABI VOR	University VHF Int	Direct	3100	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 350° Outbnd, 170° Inbnd, 3100′ within 10 miles. Nonstandard due ATC requirements.
Minimum altitude over University Int on final approach crs, 3100′.
Crs and distance, University Int to airport, 170°—4.8 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 4.8 miles after passing University Int, climb to 3800′ on S crs ILS or, when directed by ATC, turn left and climb to 3300′ on R–110 ABI–VOR within 20 miles.
CAUTION—Towers: 2032′ MSL 2.6 miles WNW; 2115′ MSL 5.2 miles NW; 2067′ MSL 6.8 miles NW; 2685′ MSL 8.2 miles SSE; 2778′ MSL 7.9 miles SSW.
Other change: Add radar vectoring authorized, site located at Dyess AFB.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., ILS; Ident., I–ABI; Procedure No. ILS–17, Amdt. 2; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 1; Dated, 16 Mar. 63

ABI–VOR	LOM	Direct	3800	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–35*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 170° Outbnd, 350° Inbnd, 3800′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 3800′.
Altitude of glide slope and distance to approach end of runway at OM, 3753′—6.0 miles; at MM, 2007′—0.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3300′ on N crs of ILS within 20 miles or, when directed by ATC, turn right, climb to 3300′ on R–086 of ABI–VOR.
CAUTION: Towers 2685′ MSL 8.7 miles SSE, 2778′ MSL 7.9 miles SSW, 2032′ MSL 2.6 miles WNW, 2115′ MSL 5.2 miles NW, 2067′ MSL 6.8 miles NW.
Other change: Add radar vectoring authorized, site located at Dyess AFB.
* 400–1 required when glide slope not utilized. 3° glide slope.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., ILS; Ident., I–ABI; Procedure No. ILS–35, Amdt. 3; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 2; Dated, 16 Mar. 63

Bodkin Int	Orchard Beach Int (final)*	Direct	1900	T-dn	300–1	300–1	200–½
Baltimore VOR	Orchard Beach Int*	Direct	1900	C-dn	400–1	500–1	500–1½
				S-dn–28	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn N side E crs, 102° Outbnd, 282° Inbnd, 1900′ within 10 miles of Orchard Beach Int.
No glide slope or markers. Descend to authorized minimums after passing Orchard Beach Int. Distance to approach end of Runway 28, 5.2 miles. Minimum altitude over Orchard Beach Int, 1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Orchard Beach Int, climb to 1900′ on W crs BAL ILS within 10 miles of BAL LOM. Return to BAL LOM, hold W 102° Inbnd, 1-minute right turns.
NOTE: ADF approach not authorized.
CAUTION: Procedure turn not authorized when R–4001 in use.
*Orchard Beach Int: Int E crs BAL ILS and S crs Baltimore LFR.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., ILS; Ident., I–BAL; Procedure No. ILS–28, Amdt. 5; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 4; Dated, 1 Apr. 61

Providence VOR	Westport Int	Direct	2000	T-dn	300–1	300–1	200–½
Westport Int	LOM (final)	Direct	1400	C-dn	500–1	600–1	600–1½
Coastal Int	LOM	Direct	1500	S-dn–5#	200–½	200–½	200–½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns, utilizing Quonset Point Radar.
Procedure turn S side SW crs, 233° Outbnd, 053° Inbnd, 1500′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 1400′.
Altitude of glide slope and distance to approach end of runway at OM, 1333′—3.9 miles; at MM, 284′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left climbing turn to 1500′. Return to the LOM. Hold SW, 053° Inbnd, 1-minute, right turns.
#If glide slope not utilized, 500–1 authorized.

City, New Bedford; State, Mass.; Airport Name, New Bedford Municipal; Elev., 79′; Fac. Class., ILS; Ident., I–EWB; Procedure No. ILS–5, Amdt. 9; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 8; Dated, 22 Sept. 62

Quincy VOR	LOM	Direct	1900	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn 3	300–¾	300–¾	300–¾
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope Int Inbnd 1900′.
Altitude of glide slope and distance to approach end of runway at OM—1830′—3.8 miles; at MM—952′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2300′ on NE crs ILS (035°) within 10 miles make right turn and return to LOM.
NOTE: No approach lights.
CAUTION: 1560′ MSL tower 6.0 miles WNW of airport.

City, Quincy; State, Ill.; Airport Name, Quincy-Baldwin Municipal Field; Elev., 769′; Fac. Class., ILS; Ident., I–UIN; Procedure No. ILS–3, Amdt. 5; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 4; Dated, 29 Sept. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GEG–VOR	GE LOM	Direct	4500	T–dn*	300–1	300–1	200–½
GG–LFR	GE LOM	Direct	4500	C–dn	500–1	500–1	500–1½
Rockford VHF Int	GE LOM	Direct	5500	S–dn–21**	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.
Procedure turn N side of NE crs, 025° Outbnd, 205° Inbnd, 4500′ within 10 miles. Beyond 10 miles not authorized.
Shuttle descent to 4500′ in a 170–175 KT 1-minute right turn holding pattern NE of GE LOM on NE crs of ILS localizer.
Minimum altitude at glide slope Int Inbnd, 3600′.
Altitude of glide slope and distance to approach end of runway at LOM, 3527′—3.9 miles; at LMM, 2560′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to the GEG–VOR and climb to 4000′ on R–207 within 10 miles of GEG–VOR or, when directed by ATC, turn right climb to 4000′, direct GE LOM, thence continue climb in a 170–175 KT 1-minute right turn holding pattern NE of GE LOM on the localizer crs.
CAUTION: Terrain and tower 6031′ 16 miles NE of LOM; high terrain N through E of airport; 3188′ tower 4.8 miles SE of GE LOM; 4540′ TV tower 9.2 miles E of airport.
*Runway visual range 2600′ also authorized for takeoff on Runway 21 in lieu of 200–½ when 200–½ is authorized provided high intensity runway lights are operational.
**Runway visual range 2600′ also authorized for landing on Runway 21, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 2572′ MSL shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., ILS; Ident., I–GEG; Procedure No. ILS–21, Amdt. 6; Eff. Date, 28 Sept. 63; Supp. Amdt. No. 5; Dated, 22 Dec. 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
050°	030°	Within: 20 miles	1500	Surveillance approach			
All sectors		10 miles	1500	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
				Precision approach			
				S–dn–13	200–½	200–½	200–½
				S–dn–4, 31	300–¾	300–¾	300–¾
				A–dn–13, 4, 31	600–2	600–2	600–2

Radar terminal area transition altitudes—all bearings from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 4, 8, 13, and 17: Make a left climbing turn to 1500′ on CYN VOR R–213 to Nesco Int, hold E, 1-minute left turns, Inbnd, crs 284°. Runways 31, 26, 35, and 22: Make right climbing turn to 1500′ on CYN VOR R–213 to Nesco Int, hold E, 1-minute left turns, Inbnd crs 284°.
CAUTION: Radar tower 226′ MSL 0.7 mile SW Runway 4.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., Atlantic City Radar; Procedure No. 1, Amdt. 3, Eff. Date, 28 Sept. 63; Sup. Amdt. No. 2; Dated, 25 Aug. 62.

058°	090°	Within: 20 miles	2500	Precision approach			
All other sectors	Radar site	20 miles	2000	S–dn–4*	200–½	200–½	200–½
South quandrant EWR–LFR	Radar site	15 miles	1800	A–dn–4	600–2	600–2	600–2
				Surveillance approach			
				T–dn#	300–1	300–1	200–½
				C–dn%	600–1	600–1	600–1½
				C–dn–22	900–1	900–1	900–1½
				S–dn%	600–1	600–1	600–1
				S–dn–22	900–1	900–1	900–1
				A–dn%	800–2	800–2	800–2
				A–dn–22	900–2	900–2	900–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on 037° crs from LOM to interception of LGA–VOR R–292, make left turn, proceed to Morristown VHF Int at 2000′, hold SW, 1-minute left turns, 061° Inbnd.
%Runways 4–11–29.
*Runway 4 only—200–½ or runway visual range of 2000′; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 218′ MSL shall not be made unless: (a) visual contact with the approach lights has been established, or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2000′.
#Runway 4 only—runway visual range of 2000′ may be utilized in lieu of 200–½ when 200–½ is authorized.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., Newark Radar; Procedure No. 1, Amdt. 12; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 11; Dated, 11 Jan. 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
000	360	25	1500	----	----	----	----	----	----	----	----	----	----	Surveillance approach			
														T-dn	300–1	300–1	200–½
														C-dn-9L, R, 12, 30, 27L, 27R.	500–1	500–1	500–1½
														S-dn-9L, 9R, 12, 30°.	400–1	400–1	400–1
														S-dn-27L*, 27R*.	500–1	500–1	500–1
														A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—Radar control will provide 1000′ vertical clearance within 3 nautical miles radius or 500′ vertical clearance within 3–5 nautical miles (inclusive) radius of antenna towers 1049′, 997′ and 734′ 11 nautical miles NNE and 643′ 20 nautical miles SW. All bearings are from the Radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 1500′, then proceed direct to the MIA–VOR or MIA–"H".

*1400′ required until within 4.5 miles from end of runway and on runway extended centerline.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., Miami Radar; Procedure No. 1, Amdt. 4; Eff. Date, 28 Sept. 63; Sup. Amdt. No. 3; Dated, 10 Nov. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 23, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63–9271; Filed, Sept. 11, 1963; 12:02 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

Federal Home Loan Bank Board

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) is added to § 6.357 as set out below.

§ 6.357 Federal Home Loan Bank Board.

• • • • • •

(1) One Director of Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–9743; Filed, Sept. 11, 1963; 8:47 a.m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (32) is added to paragraph (b) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

• • • • • •

(b) *Federal Housing Administration.*

• • •

(32) One Assistant Commissioner for Home Mortgages.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–9744; Filed, Sept. 11, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Budget of Expenses of Control Board and Rate of Assessment for 1963–64 Crop Year

Notice was published in the FEDERAL REGISTER on August 23, 1963 (28 F.R. 9320), that there was under consideration a proposal regarding expenses of the Control Board and rate of assessment for the 1963–64 crop year which began July 1, 1963. The proposal was based on the recommendation of the Control Board and other available information, pursuant to the provisions of amended Marketing Agreement No. 115 and Order No. 981 (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to approval of a budget of expenses and the establishment of an assessment rate for the 1963–64 crop year. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Control Board in the amount of $55,000 are reasonable and likely to be incurred by the Board during the 1963–64 crop year and a rate of assessment of 0.10 cent per pound of almonds, kernel weight basis, is necessary to provide funds to meet authorized Board expenses.

Therefore, the expenses of the Control Board and rate of assessment for the crop year beginning July 1, 1963, are established as follows:

§ 981.313 Budget of expenses of the Control Board and rate of assessment for the 1963–64 crop year.

(a) *Budget of expenses.* The budget of expenses of the Control Board for the crop year beginning July 1, 1963, shall be in the total amount of $55,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 981.81 of this part is established for said crop year at the rate of 0.10 cent per pound of almonds (kernel weight basis).

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that a rate of assessment fixed for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such crop year; and (2) the current crop year began on July 1, 1963, and the rate of assessment herein fixed will automatically apply to all such assessable almonds beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63–9747; Filed, Sept. 11, 1963; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

On March 7, 1962, and March 21, 1963, there were published in the FEDERAL REGISTER (27 F.R. 2179; 28 F.R. 2822) notices with respect to a proposed amendment of Subchapter B, Chapter I, Title 9, Code of Federal Regulations, by adding a new Part 56 relating to the payment of indemnity for swine destroyed because of hog cholera. After consideration of all relevant material submitted in connection with such notices and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of September 6, 1961 (21 U.S.C. 111–113, 114, 114a, 115, 117, 120, 121, 123–126; 75 Stat. 481), said Subchapter B is hereby amended by adding a new Part 56 to read:

Sec.
56.1 Definitions.
56.2 Cooperation with States.
56.3 Appraisal of swine.
56.4 Care and feeding of swine under quarantine.
56.5 Mortgages and other liens against swine.
56.6 Destruction of swine.
56.7 Payments to owners for swine destroyed.
56.8 Claims not allowed.

AUTHORITY: §§ 56.1 to 56.8 issued under sec. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125.

§ 56.1 Definitions.

For the purpose of this part, the following words, names, and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Disease Eradication Division of the Agricultural Research Service, United States Department of Agriculture.

(c) "Destroyed" means condemned under State or Federal authority and destroyed by slaughter or by death otherwise.

(d) "Hog Cholera" means the contagious, infectious, and communicable disease of swine commonly known as hog cholera.

(e) "Mortgage" means any mortgage, lien, or other security or beneficial interest held by any person other than the one claiming indemnity.

(f) "State" means any State, Territory, the District of Columbia, or Puerto Rico.

§ 56.2 Cooperation with States.

Upon determination by the Director of the Division of the existence of hog cholera, and upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of hog cholera, he is authorized to cooperate with the proper State authorities in the eradication of such disease.

§ 56.3 Appraisal of swine.

Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be appraised at their actual value for meat, feeding or breeding purposes at the place and time of appraisal, except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animals' meat or feeding value. Appraisal shall be made by a representative of the Division and a representative of the State jointly, or, if the State authorities approve, by a Division employee alone. The record of appraisal shall be signed by the appraiser, or appraisers, and by the owner certifying his acceptance of the appraisal. Swine may be appraised in groups providing they are the same type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound. Swine presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades: *Provided, however,* That in the absence of such proof of purebreeding the Director of Division may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

§ 56.4 Care and feeding of swine under quarantine; disposal after slaughter.

Expenses for the care and feeding of swine held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Director of Division.

§ 56.5 Mortgages against swine.

Any indemnity claim for swine destroyed pursuant to the requirements contained in this part shall be presented on forms furnished by the Division on which the owner of the swine shall certify that the swine covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by the Division shall be signed by the owner and by each person holding a mortgage on the swine, consenting to the payment of any indemnity allowed to the person specified thereon.

§ 56.6 Destruction of swine.

(a) Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be destroyed promptly after appraisal and disposed of through a method of salvage approved by Director of Division or by burial or burning.

(b) The destruction of swine and the burial, burning, or other disposal of carcasses of swine pursuant to the regulations in this part shall be supervised by a Department or State employee who shall prepare and transmit to the Director of Division a report identifying the swine and showing the disposition thereof.

§ 56.7 Payments to owners for swine destroyed.

(a) Owners of swine destroyed in accordance with this part may be paid an indemnity by the United States not to exceed 50 percent of the difference between the appraised value of each swine so destroyed and the net salvage received by the owner thereof.

(b) Federal indemnity shall not exceed $40 per head for grade swine or $50 per head for purebred swine.

§ 56.8 Claims not allowed.

(a) The Department will not allow claims arising out of the destruction of swine unless they have been previously appraised in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations or quarantine regulations of the cooperating State pertaining to hog cholera, and the cleaning and disinfection of his premises or conveyances as deemed necessary by Director of Division to destroy hog cholera virus.

(c) The Department will not allow claims if there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such swine.

The new Part 56 will provide for indemnities to be paid for swine destroyed under cooperative State-Federal programs for the eradication of hog cholera. It is considered necessary as existing regulations do not provide for such indemnity payments.

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of September 1963.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 63–9748; Filed, Sept. 11, 1963; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

This amendment issued under the general authority of the national banking laws (R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.) and under specific authority contained in paragraph Seventh of R.S. 5136, as amended, 12 U.S.C. 24 revises Part 1 and relates to the purchase, sale, dealing in, underwriting, and holding of investment securities by national banks. Notice of the proposed revision of Part 1 was published in the FEDERAL REGISTER on June 21, 1963 (28 F.R. 6402). This amendment differs from the published proposed revision principally in an expanded explanation of the authority for and the scope and application of the part and in refinements of language. These changes were made partly in response to comments received following publication. Since the amendment represents principally a codification of interpretations and rulings already in effect and does not impose substantial new requirements for which further notice would be necessary or desirable, delayed effectiveness is unnecessary and contrary to the public interest. This amendment, accordingly, will become effective upon publication.

Part 1, Chapter 1, Title 12 of the Code of Federal Regulations of the United States of America is amended by revising §§ 1.1–1.12 to read as follows:

Sec.

1.1 Authority.
1.2 Scope and application.
1.3 Definitions.
1.4 Limitations and restrictions on purchase and sale of a public security.
1.5 Limitations and restrictions on purchase of an investment security.
1.6 Limitations and restrictions on holding investment securities.
1.7 Limitations and restrictions on purchase, sale and holding of specified obligations.
1.8 Prudent banking judgment; credit information required.
1.9 Requests for rulings.
1.10 Convertible securities.
1.11 Amortization of premiums.
1.12 Exceptions.

AUTHORITY: §§ 1.1 to 1.12 issued under R.S. 324 et seq., as amended, paragraph Seventh of R.S. 5136 as amended; 12 U.S.C. 1 et seq., 12 U.S.C. 24.

§ 1.1 Authority.

This part is issued by the Comptroller of the Currency under the general authority of the national banking laws, 12 U.S.C. 1 et seq., and under specific authority contained in paragraph Seventh of 12 U.S.C. 24. The Comptroller of the Currency is charged by the national banking laws with the execution of all laws of the United States relating to the organization, operation, regulation and supervision of national banks and in particular with the execution of 12 U.S.C. 24 which sets forth the corporate powers of national banks. This part interprets and applies paragraph Seventh of 12 U.S.C. 24 to provide for its due execution and for the proper regulation and supervision of the operations of national banks. Paragraph Seventh of 12 U.S.C. 24 also specifically provides for the Comptroller of the Currency to prescribe by regulation (a) limitations and restrictions on the purchase of investment securities by a national bank for its own account and (b) further definition of the term "investment securities."

§ 1.2 Scope and application.

This part applies to the purchase, sale, dealing in, underwriting, and holding of investment securities by national banks, banks located in the District of Columbia, and by state banks which are members of the Federal Reserve System. It may also apply to a limited extent to others engaged in the banking business. The Comptroller of the Currency is charged by various provisions contained in Chapter 1 of Title 26 of the District of Columbia Code with the supervision of banks located in the District of Columbia. State banks which are members of the Federal Reserve System are, under 12 U.S.C. 335, subject to the same limitations and conditions with respect to the purchasing, selling, underwriting, and holding of investment securities and stock as are applicable in the case of national banks under paragraph Seventh of 12 U.S.C. 24. Dealers in securities are prohibited by 12 U.S.C. 378 from engaging in banking business. Section 378 specifically provides, however, that it does not prohibit national banks or state banks or trust companies (whether or not members of the Federal Reserve System) or other financial institutions or private bankers from dealing in, underwriting, purchasing and selling investment securities to the extent permitted to national banking associations by the provisions of 12 U.S.C. 24.

§ 1.3 Definitions.

(a) The term "bank" includes national banks, banks located in the District of Columbia, and state banks which are members of the Federal Reserve System.

(b) The term "investment security" means a marketable obligation in the form of a bond, note or debenture which is commonly regarded as an investment security. It does not include investments which are predominantly speculative in nature.

(c) The term "public security" means an obligation described in 12 U.S.C. 24 as not subject to the limitations and restrictions contained therein "as to dealing in, underwriting and purchasing for its own account, investment securities". Public securities include:

(1) Obligations of the United States;

(2) General obligations of any State of the United States or of any political subdivision thereof;

(3) Other obligations listed in paragraph Seventh of 12 U.S.C. 24.

(d) The term "political subdivision of any State" includes a county, city, town or other municipal corporation, a public authority, and generally any publicly owned entity which is an instrumentality of the State or of a municipal corporation.

(e) The phrase "general obligation of any State or of any political subdivision thereof" means an obligation supported by the full faith and credit of the obligor. It includes an obligation payable from a special fund when the full faith and credit of a State or any political subdivision thereof is obligated for payments into the fund of amounts which will be sufficient to provide for all required payments in connection with the obligation. It implies an obligor possessing resources sufficient to justify faith and credit.

§ 1.4 Limitations and restrictions on purchase and sale of a public security.

A bank may deal in, underwrite, purchase and sell for its own account a public security subject only to the exercise of prudent banking judgment. Prudence will require such determinations as are appropriate for the type of transaction involved. For the purpose of underwriting or investment, prudence will also require a consideration of the resources and obligations of the obligor and a determination that the obligor possesses resources sufficient to provide for all required payments in connection with the obligation.

§ 1.5 Limitations and restrictions on purchase of an investment security.

(a) *Evidence of obligor's ability to perform.* A bank may purchase an investment security for its own account when in its prudent banking judgment (which may be based in part upon estimates which it believes to be reliable), it determines that there is adequate evidence that the obligor will be able to perform all that it undertakes to perform in connection with the security, including all debt service requirements, and that the security may be sold with reasonable promptness at a price which corresponds reasonably to its fair value.

(b) *Judgment based predominantly upon reliable estimates.* A bank may, subject to limitations set forth in § 1.6 (b), purchase an investment security for its own account although its judgment with respect to the obligor's ability to perform is based predominantly upon estimates which it believes to be reliable. Although the appraisal of the prospects of any obligor will usually be based in part upon estimates, it is the purpose of this paragraph to permit a bank to exercise a somewhat broader range of judgment with respect to a more restricted portion of its investment portfolio. It is expected that this authority may be exercised not only in the absence of a record of performance but also when there are prospects for improved performance. It is also expected that an investment security purchased pursuant to this paragraph may by the establishment of a satisfactory financial record become eligible for purchase under paragraph (a) of this section.

(c) *Securities ruled eligible by the Comptroller of the Currency.* A bank may consider as a factor in reaching its prudent banking judgment with respect to an investment security a ruling published by the Comptroller of the Currency on the eligibility of such security for purchase. Consideration must also be given, however, to the possibility that circumstances on which the ruling was based may have changed since the time of the ruling.

§ 1.6 Limitations and restrictions on holding investment securities.

(a) *Obligations of any one obligor.* A bank may not hold at any time investment securities of any one obligor in a total amount in excess of 10 percent of the bank's capital and surplus. For this purpose the amount of an investment security is to be determined on the basis of the par or face value of the security.

(b) *Obligations purchased predominantly on the basis of reliable estimates.* A bank may not hold at any time investment securities which would not be eligible for purchase pursuant to paragraph (a) of § 1.5 in a total amount in excess of 5 percent of the bank's capital and surplus.

(c) *Limitations prescribed in eligibility rulings.* When a ruling published by the Comptroller of the Currency provides that an investment security is eligible for purchase subject to a specified limitation, a bank may not at any time thereafter purchase such security, if, after such purchase, the bank's holdings of such security would be in excess of the specified limitation.

(d) *Public securities.* Public securities are not subject to the limitations contained in this section.

§ 1.7 Limitations and restrictions on purchase, sale and holding of specified obligations.

A bank may deal in and underwrite the obligations of the International Bank for Reconstruction and Development and the Inter-American Development Bank and all bonds, notes and other obligations of the Tennessee Valley Authority, but it may not hold at any one time the obligations of any one of such obligors in a total amount in excess of 10 percent of the bank's capital and surplus.

§ 1.8 Prudent banking judgment; credit information required.

Every bank shall maintain in its files credit information adequate to demonstrate that it has exercised prudence in making the determinations and carrying out the transactions described in §§ 1.4 and 1.5.

§ 1.9 Requests for rulings.

Any bank may request the Comptroller of the Currency to rule on the application of this part, or paragraph Seventh of 12 U.S.C. 24, to any security which it holds, or desires to purchase for its own account as an investment security; or which it holds, or desires to deal in, underwrite, purchase, hold or sell as a public security. Such a request for a ruling should be supported by (a) information sufficient to enable the Comptroller to make the necessary determination and (b) the bank's appraisal of the information furnished.

§ 1.10 Convertible securities.

When a bank purchases an investment security convertible into stock or with stock purchase warrants attached, entries must be made by the bank at the time of purchase to write down the cost of such security to an amount which represents the investment value of the security considered independently of the conversion feature or attached stock purchase warrants. Purchase of securities convertible into stock at the option of the issuer is prohibited.

§ 1.11 Amortization of premiums.

When an investment security is purchased at a price exceeding par or face value, the bank shall:

(a) Charge off the entire premium at the time of purchase; or

(b) Provide for a program to amortize the premium paid or that portion of premium remaining after the write-down required by § 1.10 so that such premium or portion thereof shall be entirely extinguished at or before the maturity of the security.

§ 1.12 Exceptions.

The restrictions and limitations of this part do not apply to securities acquired through foreclosure on collateral, or acquired in good faith by way of compromise of a doubtful claim or to avoid a loss in connection with a debt previously contracted.

Dated: September 10, 1963.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 63-9800; Filed, Sept. 11, 1963; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-570]

PART 13—PROHIBITED TRADE PRACTICES

Troy Yarn & Textile Co. et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Troy Yarn & Textile Co., et al., Pawtucket, R.I., Docket C-570, Aug. 23, 1963]

In the Matter of Troy Yarn & Textile Co., a Corporation, and Jacob Percelay, Morris Percelay, and Merrill Percelay, Individually and as Officers of Said Corporation

Consent order requiring manufacturers of textile fiber products in Pawtucket, R.I., to cease their practice of failing to maintain proper records of the fiber content of the textile fiber products they sell and distribute in commerce.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Troy Yarn & Textile Co., a corporation and its officers and Jacob Percelay, Morris Percelay, and Merrill Percelay, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; or in the connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 23, 1963.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 63-9717; Filed, Sept. 11, 1963; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 146—SPECIAL HANDLING

PART 147—RECALL AND CHANGE OF ADDRESS

INTERNATIONAL MAIL AMDTS.

The regulations of the Post Office Department are amended as follows:

I. Section 146.1 is amended to show that special handling is available only for surface parcels. As so amended, § 146.1 reads as follows:

§ 146.1 Availability.

The special handling service for domestic parcel post is available also for surface parcel post addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special handling service does not apply to postal union articles or to air parcels.

NOTE: The corresponding Postal Manual section is 246.1.

II. Section 146.4 is amended to indicate that preferential treatment is accorded special handling parcels only within the United States. As so amended, § 146.4 reads as follows:

§ 146.4 Treatment.

Special handling parcels are given priority in distribution and disposal over other parcel post packages from the office of mailing to the point of dispatch from the United States. They do not receive any special treatment in the country of destination.

NOTE: The corresponding Postal Manual section is 246.4.

III. Section 147.2 is amended to include a new Form 2926, Sender's Request for Recall or Change of Address of International Mail. As so amended, § 147.2 reads as follows:

§ 147.2 How to apply.

If the article was mailed in a post office, station, or branch, make application there. If it was mailed in a street letterbox, apply at the main post office. The mailer must identify himself and submit a written request giving a complete description of the article and the date of mailing. Form 2926, Sender's Request for Recall or Change of Address of International Mail, may be used at first- and second-class post offices. A single request may be used for two or more articles which have been mailed together by the same sender to the same addressee, in which case only one fee is charged.

NOTE: The corresponding Postal Manual section is 247.2.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-9740; Filed, Sept. 11, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Charles Sheldon Antelope Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

Public hunting of Upland Game on the Charles Sheldon Antelope Range, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Sage grouse (in Washoe County only), chukar partridge, Hungarian partridge, quail (all species), and cottontail rabbits.

(b) Open season: Sage grouse—September 7 and 8, 1963; quail, chukar, and Hungarian partridge—September 28 through December 31, 1963; cottontail rabbits—September 7, 1963 through January 31, 1964. Shooting hours—sunrise to sunset.

(c) Bag limits: As prescribed by State Regulations.

(d) Methods of hunting:

(1) Weapons—Shotguns only, not to exceed 10 gauge may be used for taking upland game birds. Rabbits may be taken with shotguns or .22 cal. rifles.

(2) Dogs—Dogs, not to exceed two in number, may be used for hunting upland game.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping: Camping will be permitted at designated areas.

(3) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established, when entering or leaving the area.

(4) The provisions of this special regulation are effective to February 1, 1964.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 5, 1963.

[F.R. Doc. 63-9712; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Fallon National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

Public hunting of Upland Game on the Fallon National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, chukar, and Hungarian partridge, quail, sage grouse, mourning dove, and cottontail rabbit.

(b) Open season: Ring-necked pheasant—November 3 through 11, 1963; chukar and Hungarian partridge—September 28 through December 31, 1963; quail—November 3 through 11, 1963; sage grouse—September 7–8, 1963; mourning dove—September 7 through October 20, 1963, cottontail rabbit—September 7, 1963, through January 31, 1964.

(c) Bag limits: As prescribed by State Regulation.

(d) Methods of hunting:

(1) Weapons: Shotguns not larger than 10 gauge. Limited to 3 shell capacity when hunting mourning dove.

(2) Dogs: Dogs may be used for hunting upland game.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to February 1, 1964.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 5, 1963.

[F.R. Doc. 63-9712; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Stillwater Wildlife Management Area, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

STILLWATER WILDLIFE MANAGEMENT AREA

Public hunting of Upland Game on the Stillwater Wildlife Management Area, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 180,430 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, Chukar, and Hungarian Partridge, quail, sage grouse, mourning dove, and cottontail rabbit.

(b) Open season: Ring-necked pheasant—November 3 through 11, 1963; Chukar and Hungarian Partridge—September 28 through December 31, 1963; Quail—November 3 through 11, 1963; Sage Grouse—September 7–8, 1963; Mourning dove—September 7 through October 20, 1963; Cottontail Rabbit—September 7, 1963 through January 31, 1964.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting:

(1) Weapons—Shotguns not larger than 10 gauge. Limited to 3 shell capacity when hunting mourning dove.

(2) Dogs—Dogs may be used for hunting upland game.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to February 1, 1964.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 5, 1963.

[F.R. Doc. 63-9713; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Yazoo National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Yazoo National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,210 acres or 50 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrels.

(b) Open season: October 1 through 5 inclusive, 1963. Hours from dawn to dark.

(c) Daily bag limits: 5.

(d) Methods of hunting:

(1) Shotgun only, no larger than 10 gauge and incapable of holding more than three shells in chamber and magazine combined.

(2) Dogs not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) No hunting will be permitted within 250 yards of any building or pastured cattle.

(3) A Federal permit will be required to enter the public hunting area. The permit may be obtained in advance of the hunt by mail request or in person at Refuge Headquarters, Route 1, Box 286, Hollandale, Mississippi.

(4) The provisions of this special regulation are effective to October 6, 1963.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9714; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

List of Open Areas; Upland and Big Game

On page 7850 of the FEDERAL REGISTER of August 1, 1963, there was published a notice of proposed amendments to §§ 32.21 and 32.31, of Title 50, Code of Federal Regulations. The purpose of these amendments is to provide for public hunting on the below listed wildlife refuge areas of the National Wildlife Refuge System as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received. The proposed amendments are hereby adopted without change.

Since these amendments benefit the public by relieving existing restrictions on hunting, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.21 is amended by the addition of the following area to provide for the hunting of upland game:

§ 32.21 List of open areas; upland game.

* * * * *

CALIFORNIA

SACRAMENTO NATIONAL WILDLIFE REFUGE

2. Section 32.31 is amended by the addition of the following area as one where the hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

MARYLAND

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i)

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

SEPTEMBER 6, 1963.

[F.R. Doc. 63-9718; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Camas National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Camas National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,300 acres or 22 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: October 26, Noon, to November 24, 1963, inclusive.

(c) Daily bag limits: 4 cocks, except November 4 to November 24 when the bag limit shall be four (4) pheasants, one of which may be a hen.

(d) Methods of hunting:

Weapons: Shotguns only may be used.

Dogs: Dogs, not to exceed two per hunter may be used to hunt pheasants.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to November 25, 1963.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 4, 1963.

[FR. Doc. 63-9719; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Cape Romain National Wildlife Refuge, South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bulls Island unit of the Cape Romain National Wildlife Refuge, South Carolina, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,495 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer of either sex.

(b) Open season: December 1, 1963, through December 7, 1963. Daylight hours only.

(c) Daily bag limits: White-tailed deer—5 of either sex for daily and season bag limits.

(d) Methods of hunting:

(1) Weapons: Bows with minimum recognized pull of 45 pounds and arrows with minimum blade width of seven-eighths (⅞) inch.

(2) Prohibited methods: Firearms, crossbows, or any type of mechanical bow. Baiting is also prohibited.

(3) Stand hunting: Stand hunting only is permitted on the area north of the beach road from daylight to 8:30 a.m. and from 3:30 p.m. until dark. Stalk hunting is permitted from 8:30 a.m. to 3:30 p.m. on the area north of the beach road and all day on the area south of the beach road.

(4) Dogs: One dog per hunting party may be used to track wounded game only. Dogs must be on leash at all times.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping is permitted at the designated camping area only, and all fires must be confined to this area.

(3) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(4) All deer must be tagged before they are removed from the Bulls Island headquarters area.

(5) Individuals under 18 years of age attending this hunt must be accompanied by a responsible adult.

(6) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Cape Romain National Wildlife Refuge, McClellanville, South Carolina until 4:00 p.m., November 26, 1963.

(7) The provisions of this special regulation are effective to December 8, 1963.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Bulls Island unit of the Cape Romain National Wildlife Refuge, South Carolina is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,495 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Turkey gobblers with visible beards; squirrels and raccoons.

(b) Open season: December 1, 1963, through December 7, 1963. Daylight hours only.

(c) Daily bag limits: Turkey gobblers—2; Squirrels—no limit; Raccoons—no limit. Season bag limit on turkey gobblers—2.

(d) Methods of hunting:

(1) Weapons: Bows with minimum recognized pull of 45 pounds and arrows with minimum blade widths of seven-eighths (⅞) inch on turkey gobblers, and any width blade or blunts on squirrels and raccoons.

(2) Prohibited methods: Firearms, crossbows, or any other type of mechanical bow. Broadhead arrows shall not be released at game perched on limbs above the ground level.

(3) Baiting is also prohibited.

(4) Stand hunting: Stand hunting only is permitted on the area north of the beach road from daylight to 8:30 a.m. and from 3:30 p.m. until dark. Stalk hunting is permitted from 8:30 a.m. to 3:30 p.m. on the area north of the beach road and all day on the area south of the beach road.

(5) Dogs: One dog per hunting party may be used to track wounded game only. Dogs must be on a leash at all times.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping is permitted at the designated camping area only, and all fires must be confined to this area.

(3) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(4) Individuals under 18 years of age attending this hunt must be accompanied by a responsible adult.

(5) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Cape Romain National Wildlife Refuge, McClellanville, South Carolina, until 4:00 p.m., November 26, 1963. A maximum of 100 hunters will be accommodated each day.

(6) The provisions of this special regulation are effective to December 8, 1963.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9720; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Deer Flat National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, and partridges on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,740 acres or 10 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: ring-necked pheasants, Hungarian and chukar partridge, and quail.

(b) Open season: ring-necked pheasant—October 26 Noon to December 8, 1963, inclusive.

Chukar, Hungarian partridge, and quail—September 14 through December 31, 1963, inclusive.

(c) Daily bag limits: Pheasants—4 cocks, except November 4 to December 8 when the bag limit shall be 4 pheasants, one of which may be a hen; Hungarian partridge 7; chukar partridge 7; quail 10, in the aggregate of quail.

(d) Methods of hunting:

(1) Weapons—Shotguns only may be used.

(2) Dogs—Dogs, not to exceed two (2) per hunter, may be used for the hunting of upland game birds.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 1, 1964.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9721; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Moosehorn National Wildlife Refuge, Maine, is permitted only on the area designated by signs as open to hunting. This open area, comprising 21,000 acres or 93 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: From one-half hour before sunrise to one-half hour after sunset November 1 to December 5, 1963, except Sundays.

(c) Daily bag limits: One deer only of either sex.

(d) Methods of hunting: Rifles firing center fire cartridges and shotguns with loads of either rifled slugs, single ball, or buckshot not smaller than single 0 may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All deer taken on the refuge must be presented at a refuge checking station for examination.

(3) A Federal permit is required to enter the public hunting area. Such permits may be obtained at the refuge headquarters Monday through Friday from 7:30 a.m. to 4:00 p.m. during the fifteen days prior to the hunt and thereafter on the days and during the hours when hunting is permitted.

(4) The provisions of this special regulation are effective to December 6, 1963.

JOHN S. GOTTSCHALK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 30, 1963.

[F.R. Doc. 63-9722; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Necedah National Wildlife Refuge, Wisconsin, is permissible only on the areas designated by signs as open to hunting. These open areas, comprising approximately 39,500 acres and 98 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only, during the season specified below. The hunting of big game species as may be otherwise authorized by Wisconsin State regulations is prohibited.

(b) Open season: Early bow season, September 21 through November 19, 1963; gun season, November 23 through December 1, 1963; late bow season, December 7 through December 31, 1963. Hunting hours: from one-half hour before sunrise to sunset each day.

(c) Bag limit is one deer per person: Bow seasons, one deer of any age or sex; gun season, one deer, buck only, with antlers not less than three inches in length.

(d) Methods of hunting:

(1) Weapons—It is unlawful to hunt deer with any .22 rim-fire rifle or any .410 bore shotgun or any shotgun or musket charge other than single ball or slug. Bows used must have a pull of not less than 30 pounds. Arrows used must have well-sharpened metal broad head blades not less than seven-eighths of an inch long and not more than one and one-half inches in width.

(2) Blinds—may be constructed of dead materials only, no live trees or shrubs may be cut.

(3) The carrying of firearms by bow hunters is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 21 through December 31, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9723; Filed, Sept. 11, 1963; 8:45 a.m.]

PART 33—SPORT FISHING

Tennessee; Reelfoot National Wildlife Refuge

In FEDERAL REGISTER, Doc. 63-1619, appearing at page 1424 of the issue for February 14, 1963, § 33.5 (b) and (e)(3) are corrected as follows:

(b) Open season: January 30, 1963 through October 23, 1963, except the lower refuge located south of Upper Blue Basin remains open through November 24, 1963.

(e) * * *

(3) The provisions of this special regulation are effective to November 25, 1963.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 5, 1963.

[F.R. Doc. 63-9724; Filed, Sept. 11, 1963; 8:46 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter I—Presidential Documents

SUBCHAPTER B—PROCLAMATIONS

PROCLAMATION OF PROTOCOL FOR THE ACCESSION OF SPAIN TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

CROSS REFERENCE: *See* Proclamation 3533, Proclamation of Protocol for the Accession of Spain to the General Agreement on Tariffs and Trade, published in the FEDERAL REGISTER of Wednesday, September 11, 1963, 28 F.R. 9859.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 63]

GRAZING; ALASKA

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 15 of the Act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. 471, 471a–471o), it is proposed to amend and revise the regulations issued under said act as set forth below. The purpose of these changes is to clarify the previous regulations, and to provide additional necessary provisions and instructions.

The primary additions or modifications are included in §§ 63.13, 63.20, 63.23, and 63.24. Section 63.13 has been modified to limit the issuance of free use permits for use of the range by only domestic livestock in the case of both natives and nonnatives. A modification of § 63.20 is made to allow the harvesting of hay or ensilage from reseeded areas for use by the lessee's livestock; this section also authorizes the assignment of range improvements. Control of grazing trespass is provided by the addition of § 63.23. Section 63.24 provides for hearings on appeals from adverse actions.

It is the policy of the Department, whenever practicable, to afford the public the opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (d) is revised and a new paragraph (i) is added to § 63.3 as follows:

§ 63.3 Definitions.

* * * * *

(d) "Authorized Officer" or "Manager" means the designated official of the Bureau of Land Management, in whose district the lands involved are situated, who has been delegated the authority to issue grazing leases;

* * * * *

(i) "Animal unit month" means the forage consumed or grazing privileges represented by the grazing of one cow or its equivalent for one month. For the purpose of this definition, one cow shall be considered the equivalent of one horse, or five sheep or five goats.

2. The caption of § 63.11 is amended, paragraph (a) is revised, and a new paragraph (c) is added as set forth below.

§ 63.11 Annual rental; amount; adjustment; waiver; effect of failure to pay.

(a) Unless otherwise provided, each lessee shall pay to the Bureau of Land Management such rental per acre, per head, or per animal unit month, as may be determined to be a fair charge for grazing of livestock on the leased land. The rental under any grazing lease may be adjusted every 3 years. The date for making the annual payment will be specified in the lease. If the rental is to be paid according to the number of animals grazed, no charge will be made for the natural increase of grazing animals until the beginning of the following lease year.

* * * * *

(c) The first rental payment required and the return of the proposed lease duly executed by the prospective lessee shall be made within 30 days of receipt of the lease form by the prospective lessee; if the rental is not paid and the lease is not returned within the prescribed time, the offer shall be null and void and of no effect, and all rights of the prospective lessee thereunder or under the application upon which it is based shall be considered as terminated. Subsequent rental payments for succeeding lease periods are payable in advance. In the event such payment is not received in the proper office by the last day of the current lease period or within the time prescribed in the billing notice, whichever is the later, the lease shall be considered canceled and all rights terminated thereunder as of the end of such current lease period.

3. Section 63.13 is revised to read as follows:

§ 63.13 Free grazing permits.

Any person may file application in duplicate on Form 4–469 for a permit to graze, free of charge, not to exceed the number of livestock whose products are consumed or whose work is directly and exclusively used by the applicant or his family, for a term of not more than one year. The permit for such use will be issued on Form 4–1309.

4. Paragraphs (b) and (c) of § 63.16 are revised as follows:

§ 63.16 Report of grazing operations; assignments; renewals.

* * * * *

(b) No part of the leased land may be subleased. Any proposed assignment of a lease, in whole or in part, must be filed in duplicate with the authorized officer within 90 days of its execution. Assignments will be executed on Form 4–1574 and must be accompanied by the application Form 4–469, executed in duplicate, together with the same showing by the assignee as to qualifications and stock development schedule as would be required of applicants for a new lease, including financial responsibility when specifically requested by the manager. The assignee's acceptance of the lease offered pursuant to the grazing lease assignment shall constitute his acceptance of the lease terms. No assignment will be recognized nor will it confer on the assignee any rights to the leased area until a lease therefor is issued to him.

(c) An application for renewal of a grazing lease should be executed and filed in duplicate on Form 4–469 not less than 4 months nor more than 8 months before the expiration date of the lease term. The renewal lease, if issued, will contain such terms and conditions as the authorized officer may determine.

5. Paragraph (b) of § 63.17 is modified as follows:

§ 63.17 Stock driveways; crossing permits; quarantine regulations.

* * * * *

(b) A permit for the crossing of livestock on a stock driveway or other public lands, including lands under grazing lease, may be issued free of charge, upon the filing of an application on Form 4–1367, in duplicate, with the authorized officer at least 30 days prior to the date the crossing is to begin.

6. Section 63.20 is revised to read as follows:

§ 63.20 Permits for construction and maintenance of improvements; fences; assignment of improvements.

Application for a permit to construct and maintain range improvements should be filed with the authorized officer in duplicate on Form 4–1115. The lessee, upon obtaining an executed permit from the authorized officer, may construct, maintain, and utilize authorized fences, buildings, corrals, reservoirs, wells, or other improvements needed for the exercise of the grazing privileges under the lease. The lessee will be required to comply with the laws of the State of Alaska with respect to the construction and maintenance of fences, but any such fence shall be constructed to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes. The lessee, upon written approval by the authorized officer, may improve by seeding or reseeding within the lease area and may harvest hay or ensilage from such seeded or reseeded areas provided that the forage so produced is used primarily as feed for the lessee's livestock. The authorized officer may approve the assignment of range improvements upon

receipt of an application for such assignment on Form 4–1286.

7. Section 63.23 is renumbered as § 63.24 and a new § 63.23 is added as set forth below.

§ 63.23 Grazing trespass.

(a) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of this part or within a stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for the forage consumed and for injury to Federal property, and may be subject to civil and criminal prosecution for such unlawful acts. A lessee who grazes livestock in violation of the terms and conditions of his lease by exceeding numbers specified, or by allowing the livestock to be on Federal land in an area or at a time different from that designated in his lease shall be in default and shall be subject to the provisions of § 63.19. Under section 2 of the act, any person who wilfully grazes livestock on public lands without authority, shall, upon conviction, be punished by a fine of not more than $500.

(b) Whenever it appears that a violation exists the authorized officer shall serve written notice upon the alleged violator. The notice shall set forth the act or omission constituting such violation and will allow the party involved a reasonable specified time from receipt of notice to demonstrate that there has been no violation or that he has since achieved compliance. If the showing is satisfactory to the authorized officer he will close the case; if satisfactory showing is not made within the time allowed, the violation alleged in the notice will be deemed to have been wilful.

(c) Where the owner of the trespassing livestock, or his representative, is known, the authorized officer shall determine the amount of the damage to the public land and other property of the United States and shall make a demand for payment upon the alleged violator setting forth the foregoing values including the value of the forage consumed. Such forage value shall be computed at the commercial rates, if susceptible to proof by reasonably available and reliable data; otherwise, a minimum charge of $2 per animal unit month for trespass not clearly wilful will be made. Where the trespasses are repeated and/or wilful, a minimum charge of $4 per animal unit month for forage consumed will be charged. All offers for settlement for value of forage consumed and for damage to the public land or to other property of the United States resulting from an alleged violation of any provision of the act or regulations found within 43 CFR 63.1 et seq. in the amount of $2,000 or less may be accepted by the authorized officer. Offers for settlement in excess of $2,000 will be transmitted to the State Director for appropriate action. An offer of settlement will not constitute satisfaction of civil liability for consumed forage and damage involved until finally accepted by the authorized officer or the State Director, and in no event will it relieve the violator of criminal liability. No lease or permit will be issued or renewed until payment of any amount found to be due the United States under this section has been offered.

8. Section 63.24 is revised to read as follows:

§ 63.24 Hearings; appeals.

(a) Any lessee of or applicant for grazing privileges may procure a review of any action or decision of the authorized officer by filing with such officer an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. The filing of any such application and the conduct of the proceedings before an examiner shall be governed by the rules of practice pertaining to contests (Part 221 of this chapter).

(b) An appeal may be taken from any decision of the authorized officer to the Director of the Bureau of Land Management, and from any decision of the Director to the Secretary of the Interior, pursuant to the rules of practice (Part 221 of this chapter).

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1963.

[F.R. Doc. 63–9736; Filed, Sept. 11, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations; Reporting Requirements

Notice is hereby given of a proposal unanimously recommended by the Raisin Administrative Committee (hereinafter referred to as the "Committee") to amend the administrative rules and regulations by revising paragraph (c)(1) of § 989.173 to require handlers to report in their monthly reports of free tonnage shipments, the aggregate quantity of each varietal type shipped into export outlets, by countries of destination. The Committee needs this data in formulating its marketing policy determinations. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposal follows: Revise paragraph (c)(1) of § 989.173 by deleting the "and" appearing at the end of (iii) thereof, redesignating (iv) as (v), and inserting a new (iv) to read as follows:

(iv) Export outlets, by countries of destination; and

Dated: September 6, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–9731; Filed, Sept. 11, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55991]

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

Restriction on Entry

SEPTEMBER 5, 1963.

There is published below a letter of August 30, 1963, from the Chairman, President's Cabinet Textile Advisory Committee, directing me to prohibit, effective as soon as possible and for the period extending through January 2, 1964, the entry for consumption or withdrawal from warehouse for consumption in the United States (including the Commonwealth of Puerto Rico) of cotton textile products in Category 9, produced or manufactured in Yugoslavia, which were exported from Yugoslavia on or after January 3, 1963. This prohibition became effective at the opening of business on September 3, 1963.

Collectors of customs and appraisers of merchandise have been directed accordingly and have been instructed to bring the information to the attention of all brokers, importers, and others concerned.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
August 30, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on January 3, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Yugoslavia to restrain the export of cotton textiles and cotton textile products in Category 9 to the United States. A level of restraint has been set for the twelve-month period beginning January 3, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective as soon as possible, and for the period extending through January 2, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 9 produced or manufactured in Yugoslavia and shipped from Yugoslavia on or after January 3, 1963, in excess of the level of restraint provided:

Category:	*Level of restraint*
9	0

The level of restraint of 4,057,000 established for the twelve-month period January 3, 1963, through January 2, 1964, has been exhausted by entries made during the period January 3, 1963, to date.

A detailed description of the listed category in terms of Schedule A numbers and U.S.I.D.A. numbers is enclosed.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

Enclosure.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Description	Schedule A number	U.S.I.D.A. number
9	Sheeting, carded	3048 212	[1] 0904–0905 156
		216	[1] 158
		222	[1] 162
		228	[1] 166
		3058 226	[1] 266
		3068 200	[1] 366

[1] The last digit represents average yarn number groups (e.g., 0 represents average yarn numbers 10 or lower; 3 represents average yarn numbers 21 through 25; 9 represents average yarn numbers over 60, etc.).

[F.R. Doc. 63-9745; Filed, Sept. 11, 1963; 8:47 a.m.]

[T.D. 55993]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM REPUBLIC OF CHINA

Restrictions on Entry

SEPTEMBER 6, 1963.

There is published below a letter of August 23, 1963, from the Acting Chairman, President's Cabinet Textile Advisory Committee, which supplements and amends that Committee's previous directives to the Commissioner of Customs concerning the entry or withdrawal for consumption in the United States (including the Commonwealth of Puerto Rico) of various categories of cotton textiles and cotton textile products produced or manufactured in the Republic of China.

The letter of August 23, 1963, directs that the restrictions outlined therein be imposed as soon as possible on the designated categories of cotton textiles and cotton textile products produced or manufactured in the Republic of China. This directive was made effective August 26, 1963.

Collectors of customs and appraisers of merchandise have been notified of the procedures to be followed in carrying out this directive and have been instructed to bring such procedures to the attention of all brokers, importers, and others concerned.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C.
August 23, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive supplements and amends my previous directives to you concerning entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in the Republic of China as follows:

Date of directive (by letter)	Categories affected	Date of publication in FEDERAL REGISTER
(a) Oct. 22, 1962	1, 9, 22, 26, 28, 31, 46, 50, 51, 52, 58.	Nov. 1, 1962 (27 F.R. 10659)
(b) Nov. 2, 1962	62	Nov. 14, 1962 (27 F.R. 11242)
(c) Nov. 9, 1962	1, 9, 22, 26, 28, 31, 46, 50, 51, 52, 58.	Nov. 27, 1962 (27 F.R. 11677)
(d) Dec. 12, 1962	62	Dec. 29, 1962 (27 F.R. 12978)
(e) Dec. 20, 1962	1, 9, 22, 26, 28, 31, 46, 50, 51, 52, 58.	Jan. 11, 1963 (28 F.R. 324)
(f) Dec. 20, 1962	5, 19, 41, 42, 43, 45, 55, 60, 64.	Jan. 11, 1963 (28 F.R. 324)
(g) Jan. 17, 1963	5, 19, 41, 42, 43, 45, 55, 60, 64.	Jan. 29, 1963 (28 F.R. 832)
(h) Jan. 17, 1963	1, 28	Feb. 8, 1963 (28 F.R. 1267)
(i) Jan. 25, 1963	5, 19, 41, 42, 43, 45, 55, 60, 64.	Feb. 21, 1963 (28 F.R. 1684)
(j) Feb. 27, 1963	1, 5, 9, 19, 22, 26, 28, 41, 42, 43, 45, 46, 50, 51, 52, 55, 58, 60, 62, 64.	Mar. 23, 1963 (28 F.R. 2926)
(k) Mar. 15, 1963	51	Apr. 4, 1963 (28 F.R. 3285)
(l) June 7, 1963	9, 31, 50	June 20, 1963 (28 F.R. 6361)

These directives were issued under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962.

On August 14, 1963, the United States Government and the Government of the Republic of China agreed to the modification of existing arrangements on exports to the United States of cotton textiles and cotton textile products produced or manufactured in the Republic of China for the purpose of preventing hardship resulting from import restraints on certain goods from the Republic of China.

Accordingly, you are directed, even though the applicable levels of restraint have been exhausted, to authorize, effective as soon as possible, withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 5, 19, 41, 42, 43, 45, 46, 50, 51, 55, 60, 62, and 64, produced or manufactured in the Republic of China, and entered in warehouse on or before August 16, 1963. Withdrawals from warehouse for consumption pursuant to the terms of this directive shall not exceed the amounts specified below:

Category:	*Amount*
5	803,575 square yards.
19	329,105 square yards.
41	4,536 dozen.
42	27,000 dozen.
43	15,830 dozen.
45	3,756 dozen.
46	11,495 dozen.
50	11,954 dozen.
51	1,831 dozen.
55	18 dozen.
60	25,050 dozen.
62	99,681 pounds.
64	224,482 pounds.

You are further directed, regardless of any unfilled balances in the applicable levels of restraint, to prohibit, effective as soon as possible and for the period extending through September 30, 1963, any further entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 26, 28, 52, and 58, produced or manufactured in the Republic of China.

Finally, you are directed, regardless of any unfilled balances in the applicable levels of restraint, to prohibit, effective as soon as possible and for the period extending through September 30, 1963, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 22, and 31, produced or manufactured in the Republic of China, in excess of the amounts provided:

Category:	*Amount*
9	370,832 square yards.
22	50,556 square yards.
31	39,600 pieces.

The detailed descriptions of the above listed categories in terms of Schedule A numbers and U.S.I.D.A. numbers were previously furnished you.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Republic of China and with respect to imports of Chinese cotton textiles and cotton textile products have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D. ROOSEVELT, JR.,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-9746; Filed, Sept. 11, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

REGIONAL DIRECTOR, REGION 1, BUREAU OF RECLAMATION

Revocation of Interim Delegation of Authority Regarding Disposition of Power in Snake River Basin and Related Matters

The Interim Delegation of Authority published in the FEDERAL REGISTER May 29, 1963, 28 F.R. 5312, from the Administrator, Bonneville Power Administration, to the Regional Director, Region 1, Bureau of Reclamation, and such members of his staff as he may designate, in implementation of Amendment No. 1 of the Secretary's Order 2860, May 21, 1963, is revoked, effective September 1, 1963.

Dated: September 3, 1963.

CHARLES F. LUCE,
Administrator.

[F.R. Doc. 63-9710; Filed Sept. 11, 1963; 8:45 a.m.]

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Indian Affairs has filed an application, Serial Number A-059791 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947, as amended. The applicant desires the land for use in connection with the operation of the Mt. Edgecumbe Boarding School.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: located on Harbor Island in Sitka Bay, and more appropriately described as:

Lot 97, unapproved U.S. Survey 3927 Containing 2.72 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-9715; Filed, Sept. 11, 1963; 8:45 a.m.]

[Classification 619]

CALIFORNIA

Small Tract Classification: Partial Revocation

SEPTEMBER 3, 1963.

1. Effective immediately, Federal Register Document 59-9950, appearing in the issue of November 25, 1959, is hereby revoked as to the following lands:

SAN BERNARDINO MERIDIAN

T. 6 N., R. 3 W., SBM.,
Sec. 7: S½SE¼.

Containing 80 acres.

2. The public lands affected by this order are hereby restored as of 10:00 a.m. on October 9, 1963, to the operation of the public land laws, subject to any valid and existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

JENS C. JENSEN,
Acting District Manager.

[F.R. Doc. 63-9725; Filed, Sept. 11, 1963; 8:46 a.m.]

[Classifications 11, 34]

COLORADO

Small Tract Opening

1. Effective immediately, Classification Order No. 11, F.R. Doc. 51-5958, appearing on page 4897 of the issue for May 24, 1951; Classification Order No. 34, F.R. Doc. 59-6380, appearing on page 6246 of the issue for August 4, 1959, and classification under Serial Number Colorado 013962 on July 9, 1957, are amended to provide for sale of the following described lands, which will be integrated into the auction program being conducted by the Colorado Land Office. Unsold tracts at the close of the auction will be available to the first qualified purchaser at not less than the appraised valuation:

SIXTH PRINCIPAL MERIDIAN

T. 3 N., R. 76 W.,
Sec. 27, Lot 27, 1.25 acres, appraised value $775.00.

2. The subject lot is located 10 miles northeast of Granby, Colorado, or 5 miles southwest of Grand Lake, Colorado. It is 100 miles northwest of Denver via Berthoud Pass, on U.S. Highways 40 and 34.

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 73 W.,
Sec. 19, Tract 37, 0.42 acre, appraised value $1,300.00.

3. This tract is located approximately 0.9 mile northwest of Dumont, Colorado. Dumont is 40 miles west of Denver on U.S. Highways 6 and 40.

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 71 W.,
Sec. 18, Lot 42, 0.37 acre, appraised value $396.00.

4. This lot is located immediately south of Fourmile Creek, approximately seven miles northwest of Boulder, Colorado.

5. The sale of these parcels will be by lot or tract number, and the minimum appraisal of each parcel is shown above. The lands will be subject to all existing rights-of-way of record, and all minerals will be reserved to the United States.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract opened under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. All inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, Room 700, Gas and Electric Building, 910 15th Street, Denver, Colorado.

W. F. MEEK,
Land Office Manager.

[F.R. Doc. 63-9742; Filed, Sept. 11, 1963; 8:47 a.m.]

Office of the Secretary

AMERICAN FISHERIES ADVISORY COMMITTEE

Policies and Procedures

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 630—AMERICAN FISHERIES ADVISORY COMMITTEE

CHAPTER 2—POLICIES AND PROCEDURES

630.2.1 *Composition of Committee.* The American Fisheries Advisory Committee shall consist of not more than 20 members and not less than 12 members, of which 50 percent shall constitute a quorum at any meeting for the conduct of Committee business.

630.2.2 *Qualifications for membership.* Persons appointed to the American Fisheries Advisory Committee shall be individuals actively engaged in the commercial fishing industry of the United States of America and, to the extent that it is possible, should represent the following industry segments:

A. Commercial fishery producers, processors, and distributors;

B. Representatives of fishermen's cooperatives, including fishermen actively engaged in a commercial fishery;

C. Officials or executives of trade associations and labor unions provided they spend a principal portion of their working time in the operation of a business which is a constituent unit of the commercial fishing industry and if his position as a trade association official or executive is incidental to that activity. No person appointed to membership on the American Fisheries Advisory Committee shall be considered as representing a trade association or labor union.

630.2.3 *Terms of appointment for industry representatives—A. Appointment period.* The term of office for Committee members is one year and no appointment shall extend beyond the end of the current fiscal year designated by the Secretary of the Interior in his letter of appointment.

B. *Reappointment to Committee.* For the purpose of maintaining a continuity of membership, a Committee member shall be eligible for reappointment for additional one-year terms at the discretion of the Secretary of the Interior.

C. *Vacancies on the Committee.* Vacancies shall be filled for the unexpired terms of Committee members in accordance with 630 DM 2.2.

(1) A replacement appointee shall be eligible, at the discretion of the Secretary of the Interior, for appointment for one additional one-year term.

630.2.4 *Alternates.* No Committee member may be represented by an alternate.

630.2.5 *Allowances for Committee members.* Members shall receive no compensation unless authorized by the Secretary of the Interior, subject to the provisions of section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a). Committee members shall be reimbursed for travel expenses to and from Committee meetings at standard government rates.

630.2.6 *Committee meetings—A. Number of meetings.* The American Fisheries Advisory Committee shall meet at least once each year.

B. *Place of meetings.* The time and place of all meetings of the Committee shall be determined by the Chairman of the Committee.

C. *Agenda.* The agenda of meetings held by the Committee shall be initiated within the Department of the Interior by the Bureau of Commercial Fisheries, and shall be approved by the Chairman of the Committee. Upon approval of the Chairman, the agenda shall become available to the members of the Committee prior to the meeting.

D. *Minutes of meetings.* The Executive Secretary shall be responsible for preparation of summary minutes of all meetings held by the Committee.

630.2.7 *Information.* Requests for information concerning the activities and functions of the American Fisheries Advisory Committee should be addressed to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D.C.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9726; Filed, Sept. 11, 1963; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

AREA MANAGER, LOS ALAMOS AREA OFFICE, NEW MEXICO

Delegation of Authority With Respect to Sale of Additional Undeveloped Land in White Rock Area

I hereby delegate to the Area Manager, Los Alamos Area Office, the following authority with respect to the establishment and development of a community at White Rock, County of Los Alamos, State of New Mexico, and to the sale of land within said area for housing development:

a. To sell, from time to time, any part or parts not to exceed an additional 1,250 acres of land in the White Rock area.

b. To contract for the further development of the White Rock area and to do other things necessary and incidental to the program, including authority to execute Certificates of Eligibility, or other documents, as required to implement Public Law 86-774 as extended by Public Law 87-623, and any other Law extending the authorities therein granted.

c. The authority delegated herein shall not be used to sell land for less than $25.00 per acre.

Action heretofore taken consistent with the authorities granted by this delegation are hereby ratified and confirmed.

The authorities granted by this delegation may also be exercised by any person acting in the stead of the above-mentioned official and by the Assistant Area Manager for Community Affairs, Los Alamos Area Office.

Witness my hand this 16th day of August 1963.

A. R. LUEDECKE,
General Manager, United States Atomic Energy Commission.

[F.R. Doc. 63-9741; Filed, Sept. 11, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route 1]

U.S. ATLANTIC/EAST COAST SOUTH AMERICA

Notice of Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on September 5, 1963, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 1 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER.

1. Trade Route No. 1 as described below is reaffirmed as an essential foreign trade route of the United States:

Trade Route No. 1—U.S. Atlantic/East Coast South America. Between United States Atlantic ports (Maine–Atlantic Coast Florida to but not including Key West) and ports on East Coast South America (Argentina, Brazil, Paraguay and Uruguay).

2. Requirements for United States flag operations on Trade Route No. 1 are approximately eight freighter sailings per month and approximately one sailing a month with combination ships.

3. Existing Victory, C-2 and C-3 type freighters are suitable for operation on Trade Route No. 1, on an interim basis, pending replacement.

4. The combination ships SSs "Argentina" and "Brasil" and replacement freight ships of the C-3 and C-4 types are suitable for long range operation on Trade Route No. 1.

Dated: September 9, 1963.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-9734; Filed, Sept. 11, 1963; 8:47 a.m.]

Office of the Secretary

RICHARD P. STEINER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER, during the past six months:

A. Deletions: No change.
B. Additions: Resisto-flex Corp., common stock; self.

This statement is made as of August 21, 1963.

Dated: August 21, 1963.

RICHARD P. STEINER.

[F.R. Doc. 63-9735; Filed, Sept. 11, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition Regarding Pesticide and Food Additive Phorate

Pursuant to the provisions of the Federad Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)), notice is given as provided in § 120.8 Withdrawal of petitions without prejudice of the pesticide regulations and § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations, that American Cyanamid Company, Agricultural Division, Post Office Box 400, Princeton, New Jersey, has withdrawn its petition published in the FEDERAL REGISTER of March 14, 1963 (28 F.R. 2509), proposing the establishment of tolerances for residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthiomethyl) phosphorodithioate) in or on sugarbeet tops and sugarbeet roots and a tolerance for residues in dehydrated sugarbeet pulp resulting from carryover and concentration of residues in this feed processed from such treated sugarbeet roots.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 6, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-9739; Filed, Sept. 11, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 5700-5-B between the member lines of the New York Freight Bureau (Hong Kong) (Agreement No. 5700) further modifies temporary pooling and ceiling Agreement 5700-5, covering the trade from Hong Kong to U.S. Atlantic and Gulf ports, by increasing the ceiling of 1,225 revenue tons to 1,500 revenue tons for sailings occurring on and after August 8, 1963 and by excluding all sailings from Hong Kong to Atlantic and/or Gulf ports via the Suez Canal.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: September 9, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9737; Filed, Sept. 11, 1963; 8:47 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 14-19, between the member lines of the Trans-Pacific Freight Conference (Hong Kong) amplifies the restriction on representation of nonconference vessels by member lines or their agents, as contained in the basic agreement of this conference (No. 14-1, as amended) by including in said restriction subsidiary, associated and affiliated companies (which terms are defined therein) of the member lines or their agents.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: September 9, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9738; Filed, Sept. 11, 1963; 8:47 a.m.]

BOOTH STEAMSHIP CO., LTD., AND LAMPORT & HOLT LINE, LTD.

Notice of Filing of Modification to Joint Service Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8215-1, between Booth Steamship Company, Ltd., and Lamport & Holt Line, Ltd., modifies the approved joint service agreement of these carriers (No. 8215) in the trades between U.S. Atlantic and Gulf ports and the Virgin Islands, Leeward and Windward Islands, Trinidad, Barbados, and the British, French and Netherlands Guineas to include the island of Jamaica.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 10, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9798; Filed, Sept. 11, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

W. T. Grant Co., No. 165, 544 Federal Street, Camden, N.J.; effective 8–22–63 to 3–31–64 (variety store; 58 employees).

REGION V

Bischoff's Food Center, 2940 Sylvania Avenue, Toledo, Ohio; effective 8–13–63 to 3–31–64 (food store; 35 employees).

McCrory-McLellan-Green Stores, No. 692, 333 West Main Street, Ionia, Mich.; effective 8–5–63 to 3–31–64 (variety store; 15 employees).

REGION VI

Newberry Wabash, Inc., 1–15 North Jefferson Street, Martinsville, Ind.; effective 8–15–63 to 3–31–64 (variety store; 28 employees).

REGION VII

Cram's Markets, Inc., d/b/a Jack & Jill, 304 Liev Elrikkson Drive, Decorah, Iowa; effective 8–13–63 to 3–31–64 (food store; 21 employees).

Gilbert Pharmacy, Inc., 2505 11th Avenue, Greeley, Colo.; effective 8–1–63 to 3–31–64 (drug store; 14 employees).

S. S. Kresge Co., No. 89, 101–105 North Main Street, Hannibal, Mo.; effective 6–10–63 to 3–31–64 (variety store; 41 employees).

S. S. Kresge Co., No. 344C, 6108 Easton Avenue, St. Louis Mo.; effective 6–10–63 to 3–31–64 (variety store; 47 employees).

S. S. Kresge Co., No. 601C, 24 Hampton Village Plaza, St. Louis, Mo.; effective 6–10–63 to 3–31–64 (variety store; 55 employees).

S. S. Kresge Co., No. 451, 1514 South Glenstone Avenue, Springfield, Mo.; effective 6–10–63 to 3–31–64 (variety store; 19 employees).

S. S. Kresge Co., No. 11, Yorkshire Village Shopping Center, 8039 Watson Road, Webster Groves, Mo.; effective 6–10–63 to 3–31–64 (variety store; 23 employees).

S. S. Kresge Co., No. 671, 707 Mountain View Road, Baken Park Shopping Center, Rapid City, S. Dak.; effective 6–10–63 to 3–31–64 (variety store; 57 employees).

McCrory-McLellan Stores, No. 193, 421 North Sixth Street, St. Louis, Mo.; effective 6–12–63 to 3–31–64 (variety store; 114 employees).

Mulberry Variety, Inc., d/b/a T.G. & Y. Stores Co., No. 149, 7211 West 80th, Overland Park, Kans.; effective 6–10–63 to 3–31–64 (variety store; 12 employees).

F. W. Woolworth Co., No. 2155, 1500 West Littleton Boulevard, Littleton, Colo.; effective 9–13–63 to 3–31–64 (variety store; 27 employees).

REGION VIII

Harry's Food Store, Inc., 135 West Twohig, San Angelo, Tex.; effective 9–7–63 to 3–31–64 (food store; 31 employees).

Tamarack Variety, Inc., d/b/a T.G. & Y. Stores Co., No. 44, 6749 Northwest 39 Expressway, Oklahoma City, Okla.; effective 8–29–63 to 3–31–64 (variety store; 12 employees).

T.G. & Y. Stores Co., Inc. of New Mexico, d/b/a T.G. & Y. Stores, 511 West Cordova Road, Santa Fe, N. Mex.; effective 8–12–63 to 3–31–64 (variety store; 13 employees).

REGION X

Cat & Fiddle Super Markets, Inc., 714 South Main Street, Danville, Va.; effective 8–23–63 to 3–31–64 (food store; 23 employees).

Danville Foods, Inc., T/A Cat & Fiddle Super Market, Riverside Drive, Danville, Va.; effective 8–23–63 to 3–31–64 (food store; 17 employees).

Kuhn's 5–10–25¢ Store, 4816 Charlotte Avenue, Nashville, Tenn.; effective 9–28–63 to 3–31–64 (variety store; 26 employees).

NORTH CAROLINA

Big Apple Supermarket, No. 2, 806 South Scales Street, Reidsville, N.C.; effective 8–13–63 to 3–31–64 (food store; 39 employees).

Big Apple Supermarket, No. 3, 507 North Scales Street, Reidsville, N.C.; effective 8–13–63 to 3–31–64 (food store, 17 employees).

White's Stores, Inc., Post Office Box 859, Greenville, N.C.; effective 8–12–63 to 3–31–64 (variety store; 48 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Ann-Hope Factory Outlet of Warwick, 1689 Post Road, Warwick, R.I.; effective 8–19–63 to 3–31–64; baggers, messengers, stock clerks; between 1.5 percent and 3.4 percent (department store; 302 employees).

Cram's Iowa Markets, Inc., d/b/a Cram's Jack & Jill, 400 Fifth Avenue NE., Independence, Iowa; effective 8–21–63 to 3–31–64; stock clerk, carry-out boy, janitor; between 9.9 percent and 10 percent (food store; 18 employees).

The J. S. Dillon & Sons Stores Co., Inc., No. 46, 2900 Anderson, Highway 24, Manhattan, Kans.; effective 8–29–63 to 3–31–64; cashiers, clerks, carry-out, wrappers, maintenance; 10 percent for each month (food store; 25 employees).

Eagle Stores Co., Inc., Collinsville Shopping Center, Collinsville, Va.; effective 8–19–63 to 3–31–64; sales clerks, stock boys; 10 percent for each month (variety store; 16 employees).

Kohl's Food Stores-Cleveland, Inc., 10707 West Cleveland Avenue, Box 4196 Station K, Milwaukee, Wis.; effective 8–21–63 to 3–31–64; bag boys; between 8.3 percent and 10 percent (variety store; 65 employees).

Kohl's Food Stores-Cudahy, Inc., 4630 South Kinnickinnic Avenue, Box 4196, Station K, Milwaukee, Wis.; effective 8–21–63 to 3–31–64; bag boys; between 9.4 percent and 10 percent (food store; 57 employees).

Kohl's Food Stores-Howell, Inc., 3333 South Howell Avenue, Box 4196 Station K, Milwaukee, Wis.; effective 8–21–63 to 3–31–64 bag boys; between 9.3 percent and 10 percent (variety store; 55 employees).

Kohl's Food Stores-Silver Spring, Inc., 6350 West Silver Spring Drive, Box 4196 Station K, Milwaukee, Wis.; effective 8–21–63 to 3–31–64; bag boys; between 9.7 percent and 10 percent (variety store; 63 employees).

S. S. Kresge Co., No. 745, Carol City Center, 2820 Northwest 183rd Street, Carol City, Fla.; effective 8–21–63 to 3–31–64; sales clerk; between 7.2 percent and 10 percent (variety store; 22 employees).

S. S. Kresge Co., No. 773, 1405 East Elizabeth Street, Brownsville, Tex.; effective 8–22–63 to 3–31–64; sales clerk; between 2.4 percent and 6.9 percent (variety store; 31 employees).

S. S. Kresge Co., No. 743, 1606 Pasadena Plaza, 2004 Spencer Highway, Pasadena, Tex.; effective 8–22–63 to 3–31–64; sales clerk; between 5.8 percent and 10 percent (variety store; 22 employees).

G. C. Murphy Co., No. 278, Pittman Plaza Shopping Center, 801 Lakeside Drive, Lynchburg, Va.; effective 8–22–63 to 3–31–64; stock clerk, sales clerk, clerk, janitor; between 9.2 percent and 10 percent (variety store; 71 employees).

Neisner Brothers, Inc., No. 180, 650 South Main Street, Del Rio, Tex.; effective 8–13–63 to 3–31–64; sales clerk, stock clerk, clerical; between 5.9 percent and 10 percent (variety store; 20 employees).

Sterling's Park, Inc., University Avenue and Markham Street, Little Rock, Ark.; effective 8–23–63 to 3–31–64; sales, stock clerks, janitorial; 10 percent for each month (variety store; 22 employees).

F. W. Woolworth Co., No. 2474, 206 Main Street, Pontiac, Ill.; effective 8–19–63 to 3–31–64; sales clerk; between 2.2 percent and 10 percent (variety store; 29 employees).

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR, Part 519. These certificates supplement certificates issued pursuant to other paragraphs of that section, but do not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificates contain limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

Rose's Stores, Inc., No. 145, Westgate Shopping Center, Asheville, N.C.; effective 12–1–63 to 12–31–63; 14.9 percent for the month of December (variety store; 36 employees).

Rose's Stores, Inc., No. 45, North Elm Street, Lumbertown, N.C.; effective 12–1–63 to 12–31–63; 3.7 percent for the month of December (variety store; 23 employees).

Rose's Stores, Inc., No. 22, Market Street, Smithfield, N.C.; effective 12–1–63 to 12–31–63; 8.7 percent for the month of December (variety store; 29 employees).

Rose's Stores, Inc., No. 143, East Nash Street, Wilson, N.C.; effective 12–1–63 to 12–31–63; 1.0 percent for the month of December (variety store; 34 employees).

Rose's Stores, Inc., No. 148, Midland Shopping Center, Columbia S.C.; effective 12–1–63 to 12–31–63; 1.0 percent for the month of December (variety store; 28 employees).

Rose's 5–10–25¢ Store, No. 150, 4840 Forest Drive, Trenholm Plaza, Columbia, S.C.; effective 12–1–63 to 12–31–63; 1.0 percent for the month of December (variety store; 23 employees).

Rose's Stores, Inc., No. 7, Main Street, Franklin, Va.; effective 11–26–63 to 12–31–63; 5.3 percent for the month of December (variety store; 17 employees).

Rose's Stores, Inc., No. 17, 133–139 Washington Street, Suffolk, Va.; effective 8–15–63 to 12–31–63; between 1.0 percent and 17.0 percent for the months of August and December (variety store; 24 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 30th day of August 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–9727; Filed Sept. 11, 1963; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Detroit Slacks, Inc., Detroit, Ala.; effective 9–1–63 to 8–31–64 (men's and boys' dress and play slacks).

Delmeade Slacks, Inc., Okolona, Miss., effective 8–23–63 to 8–22–64 (ladies' slacks).

Elberton Manufacturing Co., Post Office Box 390, Elberton, Ga.; effective 8–26–63 to 8–25–64 (women's and misses' blouses).

Elder Manufacturing Co., Dexter, Mo.; effective 8–21–63 to 8–20–64 (men's and boys' shirts and boys' slacks).

M. Fine & Sons Manufacturing Co., Inc., 12th and K Streets, Bedford, Ind.; effective 8–20–63 to 8–19–64 (men's cotton work pants).

Kent Fabrics Corp., 120 Ionia Avenue SW., Grand Rapids, Mich.; effective 8–22–63 to 8–21–64 (infants' wear).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 8–21–63 to 8–20–64 (leisure and work pants).

McCoy Manufacuring Co., Inc., Sulligent, Ala.; effective 9–1–63 to 8–31–64 (men's and boys' dress and play slacks).

Monroe Manufacuring Co., Gamaliel, Ky.; effective 8–29–63 to 8–28–64 (men's cotton pants).

Salem Garment Co., Salem, S.C.; effective 8–22–63 to 8–21–64 (women's dresses).

Somerset Shirt & Pajama Co., Rural Delivery No. 1, Somerset, Pa.; effective 8–23–63 to 8–22–64 (men's and boys' nightwear).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9–1–63 to 8–31–64 (men's dress pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Elaine Frocks, 721 Main Street, Avoca, Pa.; effective 8–22–63 to 8–21–64; 5 learners (women's dresses).

Fairchild Tailored Slacks, Inc., Main Alley, Tifton, Ga.; effective 8–21–63 to 8–20–64; 10 learners (men's and boys' trousers).

Falls City Manufacturing Co., 27th and North Chase, Falls City, Nebr.; effective 8–26–63 to 8–25–64; 10 learners (infants', toddlers', boys', and girls' coats).

Jean's Sportswear, Inc., Leonardtown, Md.; effective 8–20–63 to 8–19–64; 10 learners (infants' wear).

Lincoln Apparel, Inc., Elm and Peachtree Streets, Lincolnton, Ga.; effective 8–26–63 to 8–25–64; 10 learners (children's and ladies' dresses).

M & H Manufacturing, Inc., R.F.D. No. 1, Syracuse, Nebr.; effective 8–24–63 to 8–23–64; 10 learners (infants', toddlers', and boys' shirts).

Moreland Sportswear, Inc., 309 North Fourth Street, Youngwood, Pa.; effective 9–1–63 to 8–31–64; 10 learners (ladies' blouses).

Relda Apparel Manufacturing Co., Inc., Rear 47 North Main Street, Hughesville, Pa.; effective 8–22–63 to 8–21–64; 10 learners (ladies' street dresses).

Whitakers Garment Co., Inc., Post Office Box 137, Whitakers, N.C.; effective 8–27–63 to 8–26–64; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Garan Inc., Philadelphia Division, Philadelphia, Miss.; effective 8–23–63 to 2–22–64; 125 learners (boys' sport and dress pants).

Laurel Hill Sportswear Manufacturing Co., Inc., Rockwood, Pa.; effective 8–23–63 to 2–22–64; 15 learners (girls' snow-suits).

R & L Mills, Inc., 1406 Park Lane, West Point, Ga.; effective 8–16–63 to 2–15–64; 25 learners (ladies' blouses and shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

A. C. Little and Percy Little, d/b/a Banner Elk Glove Co., Banner Elk, N.C.; effective 8–20–63 to 2–19–64; 40 learners for plant expansion purposes (leather palm work gloves).

Monte Glove Co., Inc., Shelbyville, Ind.; effective 8–28–63 to 8–27–64; 10 learners for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Diamond Mills Corp., West Point Avenue, High Point, N.C.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellis Hosiery Mills, Inc., P.O. Drawer 1088 (Old Lenior Highway), Hickory, N.C.; effective 8–9–63 to 8–18–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Duke Division, 70 Eighth Street Place SE., Hickory, N.C.; effective 8–23–63 to 2–22–64; 10 learners for plant expansion purposes (seamless).

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N.C.; effective 8–28–63 to 8–27–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' seamless hosiery).

Town House Hosiery Co., Chilhowie, Va.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Fitzgerald Underwear Corp., Tifton, Ga.; effective 8–26–63 to 2–25–64; 25 learners for plant expansion purposes (ladies' and girls' rayon, nylon, and cotton underwear).

Fitzgerald Underwear Corp., Tifton, Ga.; effective 8–26–63 to 8–25–64; 5 learners for normal labor turnover purposes (ladies' and girls' rayon, nylon, and cotton underwear).

Louisburg Sportswear Co., Louisburg, N.C.; effective 8–16–63 to 2–15–64; 30 learners for plant expansion purposes (men's and boys' knitted sport and T-shirts and underwear).

Sherman Underwear Mills, Inc., Hawley, Pa.; effective 8–23–63 to 8–22–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

Warner-Slimwear Lingerie, Post Office Box 457, Hemingway, S.C.; effective 8–15–63 to 2–14–64; 45 learners for plant expansion purposes (ladies' lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Barry Corp., Barrio Obrero Station, Santurce, P.R.; effective 8-3-63 to 8-2-64; 12 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (fabric and leather gloves).

Bayuk International, Inc., Ciales, P.R.; effective 8-10-63 to 11-4-63; 13 learners for normal labor turnover purposes, in the occupation of sorter; sizer and tyer; grader, each for a learning period of 240 hours at the rate of 72 cents an hour (wrapper type tobacco) (replacement certificate).

Caguas Tobacco and Processing Corp., Caguas, P.R.; effective 8-10-63 to 10-22-63; 23 learners for normal labor turnover purposes, in the occupations of: (1) machine stripper for a learning period of 160 hours at the rate of 81 cents an hour; and (2) sorter (selecting half leaves) for a learning period of 160 hours at the rate of 72 cents an hour (machine stripping process and selection of half leaves of wrappers) (replacement certificate).

Consolidated Caguas Corp., Bo. Turabo Km. 37.8, Caguas, P.R.; effective 8-10-63 to 7-28-64; 25 learners for normal labor turnover purposes, in the occupation of cigar maker; packer, each for a learning period of 320 hours at the rates of 81 cents an hour for the first 160 hours and 91 cents an hour for the remaining 160 hours (cigars) (replacement certificate).

Consolidated Cigar Corporation of Cayey, Plants Nos. 22 and 24—Barrio Montellano, Cayey, P.R.; effective 8-10-63 to 8-26-63; 156 learners for normal labor turnover purposes, in the occupations of: (1) sorter; selector; sizer and tyer, each for a learning period of 240 hours at the rate of 72 cents an hour; and (2) machine stripper; inspector, each for a learning period of 160 hours at the rate of 81 cents an hour (processing of wrapper type tobacco) (replacement certificate).

Consolidated Cigar Corporation of Cayey, Plant No. 21, Bo. Montellano, Cayey, P.R.; effective 8-10-63 to 8-26-63; 62 learners for normal labor turnover purposes, in the occupation of cigar maker; packer, each for a learning period of 320 hours at the rates of 81 cents an hour for the first 160 hours and 91 cents an hour for the remaining 160 hours (cigars) (replacement certificate).

Consolidated Cigar Corporation of Puerto Rico, Caguas, P.R.; effective 8-10-63 to 7-28-64; 83 learners for normal labor turnover purposes, in the occupation of cigar maker; packer, each for a learning period of 320 hours at the rates of 81 cents an hour for the first 160 hours and 91 cents an hour for the remaining 160 hours (cigars) (replacement certificate).

D. W. G. International, Inc., Plant No. 2, Road No. 30, Km. 1.8, Caguas, P.R.; effective 8-10-63 to 8-9-64; 10 learners for normal labor turnover purposes, in the occupation sorter and sizer for a learning period of 240 hours at the rate of 72 cents an hour (processing of wrapper type tobacco).

D. W. G. International, Inc., Plant No. 2, Road No. 30, Km. 1.8, Caguas, P.R.; effective 8-10-63 to 8-9-64; 10 learners for normal labor turnover purposes, in the occupation of sorter and sizer for a learning period of 240 hours at the rate of 72 cents an hour (processing of wrapper type tobacco).

D. W. G. International, Inc., Plant No. 1, Gurabo Industrial Area, Gurabo, P.R.; effective 8-15-63 to 8-14-64; 15 learners for normal labor turnover purposes, in the occupations of: (1) machine stripper for a learning period of 160 hours at the rate of 81 cents an hour; and (2) sorter, sizer and selector, each for a learning period of 240 hours at the rate of 72 cents an hour (processing of wrapper type tobacco).

El Finale, Inc., Caguas, P.R.; effective 8-12-63 to 8-11-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) machine stitcher for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (ladies' gloves).

El Finale, Inc., Caguas, P.R.; effective 8-12-63 to 2-11-64; 15 learners for plant expansion purposes, in the occupations of: (1) machine stitcher for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (ladies' gloves).

Guantes de Ponce, 88 Hostos Avenue, Ponce, P.R.; effective 8-3-63 to 2-2-64; 20 learners for plant expansion purposes, in the occupations of: (1) machine stitcher; layer off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (fabric and leather gloves).

Guantes de Ponce, 88 Hostos Avenue, Ponce, P.R.; effective 8-3-63 to 8-2-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) machine stitcher; layer off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (fabric and leather gloves).

Ibec Packing Co., Inc., Marina Station, Mayaguez, P.R.; effective 7-29-63 to 1-28-64; 85 learners for plant expansion purposes, in the occupation of tuna fish cleaner and packer for a learning period of 160 hours at the rates of 87 cents an hour for the first 80 hours and $1.01 an hour for the remaining 80 hours (processing of tuna fish).

Ibec Packing Co., Inc., Marina Station, Mayaguez, P.R.; effective 7-29-63 to 7-28-64; 15 learners for normal labor turnover purposes, in the occupation of tuna fish cleaner and packer for a learning period of 160 hours at the rates of 87 cents an hour for the first 80 hours and $1.01 an hour for the remaining 80 hours (processing of tuna fish).

Marlena Marie Shoe Corp., Humacao, P.R.; effective 8-5-63 to 8-4-64; 10 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (shoes).

Marlena Marie Shoe Corp., Humacao, P.R.; effective 8-5-63 to 2-4-64; 40 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (shoes).

Milton Company, Inc., Aibonito, P.R.; effective 8-3-63 to 11-15-63; 12 learners for normal labor turnover purposes, in the occupation of machine stitcher; layer off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' gloves) (replacement certificate).

Plata Gloves, Inc., Cayey, P.R.; effective 8-3-63 to 9-9-63; 20 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a total learning period of 480 hours with learner rates for the first and second 240 hours of this period as follows: fabric gloves, 73 cents and 84 cents; leather gloves, 71 cents and 82 cents; and (2) die and clicker machine operator for a total learning period of 160 hours, with learner rates for this period as follows: fabric gloves, 73 cents; leather gloves, 71 cents (ladies' fabric and leather dress gloves) (replacement certificate).

Ricardo Corp., Hormigueros, P.R.; effective 8-3-63 to 12-9-63; 5 learners for normal labor turnover purposes, in the occupations of: (1) machine stitcher; layer off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (fabric and leather gloves) (replacement certificate).

Ricardo Corp., Hormigueros, P.R.; effective 8-3-63 to 12-9-63; 30 learners for plant expansion purposes, in the occupations of: (1) machine stitcher; layer off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (fabric and leather gloves) (replacement certificate).

Rico Glove Corp., Cayey, P.R.; effective 8-3-63 to 8-2-64; 12 learners for normal labor turnover purposes, in the occupation of machine stitcher for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (fabric gloves).

Sagner International, Inc., Malgor Building, Fourth Floor, San Juan, P.R.; effective 8-12-63 to 12-18-63; 50 learners for plant expansion purposes, in the occupation of sewing machine operator; final presser, each for a learning period of 480 hours at the of 73 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours (men's dress pants) (replacement certificate).

Sagner International, Inc., Malgor Building, Fourth Floor, San Juan, P.R.; effective 6-19-63 to 12-18-63; 50 learners for plant expansion purposes, in the occupation of sewnig machine operator; final presser, each for a learning period of 480 hours at the rates of 69 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (men's dress pants).

Surtex Glove Corp., Coamo, P.R.; effective 8-3-63 to 5-5-64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' dress gloves) (replacement certificate).

Tempo Glove Corp., Salinas, P.R.; effective 8-3-63 to 10-8-63; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (leather gloves) (replacement certificate).

Tobacco Products Manufacturing Corporation of Puerto Rico, Caguas, P.R.; effective 8-10-63 to 10-22-63; 20 learners for normal labor turnover purposes, in the occupation of sorter for a learning period of 240 hours at the rate of 72 cents an hour (processing of shade wrapper tobacco) (replacement certificate).

United Corp., Cabo Rojo, P.R.; effective 8-3-63 to 4-30-64; 10 learners for normal labor turnover purposes, in the occupation of machine stitcher; layer-off, each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (leather gloves) (replacement certificate).

Willida, Inc., Ponce, P.R.; effective 8-15-63 to 2-14-64; 5 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Willida, Inc., Ponce, P.R.; effective 8-15-63 to 8-14-64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 30th day of August 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-9728; Filed, Sept. 11, 1963; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5411]

HOWE PLASTICS AND CHEMICAL COS., INC.

Order Vacating Temporary Suspension Order

SEPTEMBER 5, 1963.

Howe Plastics and Chemical Companies, Inc. (issuer) filed a notification on Form 1-A and an offering circular on March 29, 1961 relating to a proposed public offering of an undetermined number of shares of its common stock, $.01 par value, for the purpose of obtaining an exemption from registration pursuant to section 3(b) of the Securities Act of 1933, as amended, and to Regulation A promulgated thereunder. The stock was to be offered at the market subject to an overall limitation of $200,000 as the aggregate offering price. The Commission issued an order temporarily suspending the exemption of the issuer on August 14, 1961.

The issuer filed a petition on July 23, 1963 in which it requested that it be permitted to withdraw its shares from the notification filed on March 29, 1961 and that the temporary suspension order be vacated. The issuer states, in substance, that an amendment to its notification, filed on August 3, 1961 substantially corrected or eliminated the matters stated in the temporary suspension order and that no shares have been sold.

The Division of Corporation Finance, based on the information contained in the petition of the issuer and in the record herein, joins in the request of the issuer.

Wherefore, the Commission having considered the petition and the record in these proceedings:

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the temporary order of suspension, entered in these proceedings on August 14, 1961, be, and it hereby is, vacated: *And, it is further ordered,* Pursuant to Rule 255(e) of the general rules and regulations under the Securities Act of 1933, as amended, that the notification of Howe Plastics and Chemical Companies, Inc., be, and it hereby is, deemed withdrawn.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 63-9729; Filed, Sept. 11, 1963; 8:46 a.m.]

[File No. 70-4161]

MILWAUKEE GAS LIGHT CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Increase in Authorized Capital Stock, Proposed Issuance and Sale of Common Stock by Subsidiary Company and Acquisition Thereof by Holding Company, and Proposed Issuance of Notes to Banks

SEPTEMBER 6, 1963.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its gas utility subsidiary company, Milwaukee Gas Light Company ("Milwaukee"), Suite 4950, 30 Rockefeller Plaza, New York 20, New York, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Milwaukee proposes to issue and sell to American Natural, its sole common stockholder, 333,334 shares of Milwaukee's common stock, par value $12 per share, and American Natural proposes to acquire said shares for a cash consideration of $4,000,008 which is equal to the aggregate par value thereof. Prior to the sale by Milwaukee of its common stock to American Natural, Milwaukee, in order to provide the required number of authorized shares, proposes to increase its authorized capital stock from 4,113,500 shares to 4,446,744 shares by amendment of its Articles of Incorporation, pursuant to Chapter 180 of the Statutes of the State of Wisconsin.

In addition to the sale of the common stock, Milwaukee proposes to borrow from banks from time to time during the twelve months ending October 30, 1964, up to $16,000,000 on its promissory notes maturing October 30, 1964. Milwaukee has obtained a line of credit from banks providing for this borrowing. The banks and their respective commitments are as follows:

Name of bank:	*Amount of commitment*
First National City Bank, New York, N.Y.	$5,500,000
Manufacturers Hanover Trust Co., New York, N.Y.	3,750,000
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.	3,750,000
Marine National Exchange Bank, Milwaukee, Wis.	1,500,000
Marshall and Ilsley Bank, Milwaukee, Wis.	1,500,000
Total	16,000,000

The notes will be unsecured, will be issued in varying amounts and at various dates as funds are required by Milwaukee, and will be dated as of the date of issuance. Borrowings will be approximately pro rata with the amount of the line of credit set up by each bank. Each note will bear interest at the prime rate of First National City Bank, New York, on the date of each borrowing, and the interest rate will be adjusted to the prime rate in effect at First National City Bank, New York, at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty.

In connection with its 1962 construction program, Milwaukee issued, under a $12,500,000 line of credit with five banks, $9,400,000 of notes maturing October 31, 1963. The proceeds from the proposed issuance and sale of the common stock and notes will be used to pay off these notes and such additional notes as may be issued under the line of credit prior to October 31, 1963. The balance of the proceeds will be used by Milwaukee to finance in part its 1963 construction program, estimated at $15,639,000. It is contemplated that the notes now proposed to be issued will be paid from the proceeds of permanent financing in 1964.

The joint application-declaration states that Milwaukee is filing an application with the Public Service Commission of Wisconsin requesting authority to issue and sell the common stock. A copy of the order of said State commission is to be filed as an amendment to the joint application-declaration.

Fees and expenses to be incurred in connection with the proposed transactions are estimated by the company as follows:

	Common stock	*Notes*
Federal original issue tax	$4,000	
Public Service Commission of Wisconsin fee	4,000	
Secretary of State of Wisconsin	4,010	
Counsel fees:		
Sidley, Austin, Burgess & Smith	500	$250
Foley, Sammond and Lardner	500	300
Miscellaneous	500	500
	13,510	1,050

Notice is further given that any interested person may, not later than September 26, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-9730; Filed, Sept. 11, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 863]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 9, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66060. By order of September 3, 1963, the Transfer Board approved the transfer to Matthews Charter Service, Inc., Cambridge, Md., of certificate in No. MC 100628 (Sub-No. 2), issued June 20, 1955, to Harry L. Messick, Tyaskin, Md., authorizing the transportation of: Passengers and their baggage in the same vehicle, between Salisbury and Waterview, Md., serving all intermediate points on the highways specified; and between Salisbury, Md., and junction Maryland Highways 347 and 349, serving all intermediate points on the highways specified. S. Harrison Kahn, Suite 733 Investment Building, Washington 5, D.C., attorney for applicants.

No. MC-FC 66072. By order of September 4, 1963, the Transfer Board approved the transfer to Willard L. Stannard, doing business as Binghamton-Windsor Freight Service, Windsor, N.Y., of certificate in No. MC 29722, issued May 19, 1949, to Robert Thomson, doing business as Binghamton Windsor Freight Service, Windsor, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Binghamton, N.Y., and Windsor, N.Y., serving all intermediate points and the off-route points of East Windsor, Center Village, Ouaquaga, Doraville, and Damascus, N.Y. John Harbachuck, 90 Chenango Street, Binghamton, N.Y., attorney for applicants.

No. MC-FC 66075. By order of September 4, 1963, the Transfer Board approved the transfer to Joseph Amato, Medford Lakes, N.J., of certificate in No. MC 118213, issued October 13, 1960, to Ann Elizabeth Neely, doing business as William K. Neely, Philadelphia, Pa., authorizing the transportation of: Bananas, from Baltimore, Md., to Easton, Bethlehem, Philadelphia, Trooper, and Tamaqua, Pa., and Camden, Trenton, Bridgeton, and Hamilton Square, N.J., from New York, N.Y., to Baltimore, Md., and Philadelphia, Pa., from Weehawken, N.J. to Easton, Trooper, Norristown, and Philadelphia, Pa., and Camden, Bridgeton, Trenton, and Hamilton Square, N.J., from Philadelphia, Pa., to Baltimore, Md., and New York, N.Y., and from Charleston, S.C., to Philadelphia, Pa. John P. Hauch, Jr., 518 Market Street, Camden, N.J., attorney for applicants.

No. MC-FC 66129. By order of September 3, 1963, the Transfer Board approved the transfer to Popelka Trucking Co., a corporation, Billings, Mont., of certificates in Nos. MC 26396, MC 26396 (Sub-No. 21), MC 26396 (Sub-No. 24), MC 26396 (Sub-No. 32), and MC 26396 (Sub-No. 37), issued January 24, 1962, March 28, 1962, March 28, 1962, April 13, 1962, and January 11, 1963, respectively, to Richard Popelka, doing business as Popelka Trucking Co., Billings, Mont., authorizing the transportation, over irregular routes, of: Various commodities, of a general commodity nature, between specified points and territories in Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. J. F. Meglen, 2822 Third Avenue, North, Billings, Mont., attorney for applicants.

No. MC-FC 66147. By order of September 4, 1963, the Transfer Board approved the transfer to John L. Kerr and G. O. Kerr, Jr., a partnership, doing business as Shippers Express, Jackson, Miss., of certificate in No. MC 66746, issued July 6, 1943, to L. B. McGhee, doing business as L. B. McGhee Motor Freight Lines, Jackson, Miss., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Jackson, Miss., to points in Mississippi within 100 miles of Jackson, and for subtitution of said John L. Kerr and G. O. Kerr, Jr., a partnerhip, doing business as Shippers Express, in lieu of said L. B. McGhee, doing business as L. B. McGhee Motor Freight Lines, Jackson, Miss., as applicant in No. MC 66746 (Sub-No. 4) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Mississippi Certificate No. 191, authorizing the transportation of meat and packing house products, explosives, produce and manufactured road-building materials over all routes and highways and between all cities bounded by certain specified highways from McComb to Hattiesburg, thence to Meridian, thence to DeKalb, thence to Louisville, thence to Ackerman, thence to Europa, thence to Indianola, thence to Yazoo City, thence to Redwood, thence to Natchez, thence to Meadville, thence to Summit, and thence to McComb. Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss., attorney for applicants.

No. MC-FC 66173. By order of September 3, 1963, the Transfer Board approved the transfer to Redway Truck and Warehouse Company, Los Angeles, Calif., applicant in No. MC 121213 (Sub-No. 1) BOR-99, filed in the name of Clyde R. Hoagland, doing business as Redway Transfer Co., Los Angeles, Calif., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by California certificate No. 61816, authorizing transportation of: General commodities, not including used household goods and personal effects, automobiles, trucks and buses as outlined, livestock, as designated, commodities requiring special refrigeration, liquids, in bulk, in tank trucks, etc., commodities when transported in bulk in dump trucks or hopper-type trucks, commodities when transported in motor vehicles equipped for mechanical mixing in transit, and logs, between all points and places in the Los Angeles Basin Area as described. Wayne Cardon, c/o Dalton and Cardon, 12340 East Firestone Boulevard, Suit 6, Norwalk, Calif., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary,*

[F.R. Doc. 63-9733; Filed, Sept. 11, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38522: *Brick from and to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2323), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, between points in western trunkline territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 43 to Western Trunk Line Committee, agent, tariff I.C.C. A-4449.

FSA No. 38523: *Brick from and to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2322), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, from specified points in western trunkline territory, to points in Mississippi; also from points in Mississippi to points in western trunkline territory.

Grounds for relief: Market competition.

Tariff: Supplement 43 to Western Trunk Line Committee, agent, tariff I.C.C. A-4449.

FSA No. 38524: *Fresh meats from Lexington, Nebr.* Filed by Western Trunk Line Committee, agent (No. A-2320), for interested rail carriers. Rates on fresh meats and packinghouse products, as described in the application, in carloads, from Lexington, Nebr., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 38 to Western Trunk Line Committee, agent, tariff I.C.C. A-4344.

FSA No. 38525: *Wheat to points in Illinois, Kansas, and Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2321), for interested rail carriers. Rates on wheat and direct products thereof, in carloads, from Council Bluffs and Sioux City, Iowa, Omaha, South Omaha, and South Sioux City, Nebr., to points in Illinois, Kansas, and Missouri.

Grounds for relief: Motor-carrier and cross-country competition.

Tariff: Supplement 49 to Western Trunk Line Committee, agent, tariff I.C.C. A-4423.

FSA No. 38526: *Sulphuric acid from LeMoyne, Ala.* Filed by O. W. South, Jr., agent (No. A4372), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from LeMoyne, Ala., to Kingsport and Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 61 to Southern Freight Association, agent, tariff I.C.C. S-162.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9732; Filed, Sept. 11, 1963; 8:46 a.m.]

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Washington, Friday, September 13, 1963

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UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (z) is added to § 6.368 as set out below.

§ 6.368 Peace Corps.

* * * * *

(z) The Director and the Deputy Director, Africa Regional Office.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-9885; Filed, Sept. 12, 1963; 10:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 442.1, 442.2, 442.4, 443.1, 444.4, 444.5, 471.1]

PART 310—INTEREST, ANNUAL CHARGE, AND REPURCHASE AGREEMENT FOR INSURED LOANS

Subchapter A, Chapter III, Title 6, Code of Federal Regulations, is amended by adding Part 310 to read as follows:

Sec.
310.1 General.
310.2 Definitions.
310.3 Farm Ownership, Labor Housing, and Soil and Water loans to individuals by lenders other that the United States.
310.4 Labor Housing and Soil and Water loans to organizations by lenders other than the United States.
310.5 Senior Citizens Rental Housing loans to individuals and organizations.
310.6 Loans sold out of the insurance fund.

AUTHORITY: §§ 310.1 to 310.6 issued under sec. 510, 63 Stat. 437, sec. 339, 75 Stat. 318; 42 U.S.C. 1480, 7 U.S.C. 1989; Orders of Sec. of Agr., 19 F.R. 74, 26 F.R. 8403, 27 F.R. 5005, 9957. Additional provisions are cited in parentheses following the sections affected.

§ 310.1 General.

Interest rates, annual charges, and lengths of the fixed periods for nonredemption of loans insured by the Farmers Home Administration shall be as prescribed in this Part 310. However, the Administrator of the Farmers Home Administration may, in his discretion, by reason of the condition of the money market generally or in specific instances, or the needs of the program, authorize the insurance of any loan or class of loans with a different rate of interest or annual charge, or a different fixed period, or any combination thereof.

§ 310.2 Definitions.

As used in this part, the term:

(a) "Fixed period" means the period during which the holder of an insured loan is not entitled to have the loan purchased by the Government.

(b) "Repurchase agreement" means the provision in the insurance endorsement or other agreement by which the Government agrees to purchase the loan from the holder after the expiration of a specified fixed period.

(c) "Annual charge" means the percentage per annum of the unpaid principal balance of the loan which is retained by the Government out of payments made by borrowers on loans evidenced by promissory notes on forms bearing a form date (or revision date) of January 8, 1959 or later.

(d) "Insurance endorsement" means Form FHA 440-5, "Insurance Endorsement," or other form of insurance endorsement approved by the Farmers Home Administration, which the Government executes at the time it insures the loan.

(e) "Insurance fund" or "the fund" means the Agricultural Credit Insurance Fund made available under section 309 of the Consolidated Farmers Home Administration Act of 1961 for the discharge of obligations of the Farmers Home Administration under its insurance endorsements.

(f) "Individual" means a natural person.

(g) "Organization" means an eligible loan applicant or a borrower other than a natural person.

(h) "Farm Ownership loan" means a Farm Ownership loan insured under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921 et seq.).

(i) "Soil and Water loan" means a Soil and Water loan insured under the Consolidated Farmers Home Administration Act of 1961.

(j) "Labor Housing loan" means a domestic Farm Labor Housing loan insured under section 514 of the Housing Act of 1949 (42 U.S.C. 1484).

(k) "Senior Citizens Rental Housing loan" means a Senior Citizens Rental Housing loan insured under section 515 (b) of the Housing Act of 1949 (42 U.S.C. 1485(b)).

§ 310.3 Farm ownership, labor housing, and soil and water loans to individuals by lenders other than the United States.

Farm Ownership, Labor Housing, and Soil and Water loans to individuals made with funds advanced by lenders other than the United States will be insured at the time of loan closing. The interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan. The interest rate to the lender will be 4¼ percent with a 6-year repurchase agreement or, at the lender's option, 4 percent with a 3-year repurchase agreement. The annual charge will be three-fourths of one percent if the insurance endorsement contains a 6-year repurchase agreement, or one percent if the insurance endorsement contains a 3-year repurchase agreement.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308; 42 U.S.C. 1484, 7 U.S.C. 1927, 1928)

§ 310.4 Labor housing and soil and water loans to organizations by lenders other than the United States.

Labor Housing and Soil and Water loans to organizations made with funds advanced by lenders other than the United States will be insured at the time of loan closing. The interest rate to the organization will not exceed 5 percent.

(a) When the lender agrees to make a loan at an interest rate of 4¼ percent to the lender, the annual charge will be three-fourths of one percent, the fixed period 6 years, and the interest rate to the borrower 5 percent.

(b) When the lender agrees to make a loan at a rate between 4 percent and 4¼ percent, the annual charge will be the difference between the rate to the lender and 5 percent and the fixed period will be 3 years. The interest rate to the borrower will be 5 percent.

(c) When the lender agrees to make a loan at 4 percent or less, the annual charge will be one percent and the fixed period will be 3 years. The interest rate to the borrower will be the rate to the lender plus the one percent annual charge.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308; 42 U.S.C. 1484, 7 U.S.C. 1927, 1928)

§ 310.5 Senior citizens rental housing loans to individuals and organizations.

Senior Citizens Rental Housing loans will be made out of the insurance fund and insured at the time the loan is sold to the lender. The interest rate to the borrower will be 5¾ percent, unless a lower rate is fixed pursuant to § 310.1 of this Part 310. The annual charge and length of fixed period, if any, will be determined by negotiation as provided in § 310.6 of this Part 310.

(Sec. 515(b), 76 Stat. 671; 42 U.S.C. 1485(b))

§ 310.6 Loans sold out of the insurance fund.

Loans to individuals and organizations made out of the insurance fund and loans previously insured and purchased by the fund, may be sold to lenders singly or in blocks and will be insured or reinsured at the time of sale. When loans made out of the fund, other than

Senior Citizens Rental Housing loans, are initially sold, the annual charge and the length of the fixed period will ordinarily be the same as prescribed in this Part 310 for the particular kind of loan, but different annual charges and different fixed periods for any such loan or loans may be determined by negotiation between the Farmers Home Administration and the buyer. For Senior Citizens Rental Housing loans, the annual charge and length of fixed period, if any, will be determined by negotiation with the buyer at the time of sale. Annual charges and lengths of fixed periods for all loans purchased and resold by the fund will likewise be determined by negotiation. In no case will the annual charge be less than one-half of one percent nor the initial fixed period less than 3 years. The initial fixed period will begin on the date of execution of the insurance endorsement.

(Sec. 308, 75 Stat. 308, sec. 515(b), 76 Stat. 671; 7 U.S.C. 1928, 42 U.S.C. 1485(b))

Dated: September 6, 1963.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 63-9788; Filed, Sept. 12, 1963; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Federal Fund Transactions

§ 208.105 Federal funds transactions.

(a) It is the position of the Board of Governors of the Federal Reserve System that, for purposes of provisions of law administered by the Board, a transaction in Federal funds involves a loan on the part of the "selling" bank and a borrowing on the part of the "purchasing" bank.

(b) For example, for purposes of section 23A of the Federal Reserve Act (12 U.S.C. 371c), a "sale" of Federal funds by a member bank, whether State or national, to an affiliate of the member bank is subject to the limitations prescribed in that section. Similarly, as the Board has heretofore held in § 222.110 (published January 13, 1959 (24 F.R. 279)), a "sale" of Federal funds by a banking subsidiary of a bank holding company, whether a State or national bank, to another subsidiary bank in the same holding company system would result in a criminal violation of the provisions of section 6 of the Bank Holding Company Act of 1956 (12 U.S.C. 1845).

(12 U.S.C. 248(i). Interprets 12 U.S.C. 371c and 1845)

Dated at Washington, D.C., this 9th day of September 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-9779; Filed, Sept. 12, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SO-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the description of the Greenwood, Miss., control zone and control area extension.

The Greenwood control zone and control area extension are designated, in part, with reference to the Greenwood radio range. The FAA has scheduled the decommissioning of this facility on or about September 15, 1963, as it is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the portions of the Greenwood control zone and control area extension based on this navigational aid. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since the changes effected by these amendments are less restrictive in nature than the present requirements, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Greenwood, Miss., control zone is amended to read:

Greenwood, Miss.

Within a 5-mile radius of Greenwood Municipal Airport (latitude 33°29'50'' N., longitude 90°11'50'' W.), and within 2 miles each side of the Greenwood VOR 066° and 246° radials, extending from the 5-mile radius zone to 10 miles SW of the VOR.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962), the Greenwood, Miss., control area extension is amended to read:

Greenwood, Miss.

That airspace within 6 miles either side of the Greenwood VOR 066° and 246° radials, extending from 20 miles SW to 20 miles NE of the VOR.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001, e.s.t., September 15, 1963.

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9769; Filed, Sept. 12, 1963; 8:47 a.m.]

[Airspace Docket No. 63-WA-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On June 14, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6093) stating that the Federal Aviation Agency (FAA) proposed to realign intermediate altitude Federal airway V-1730 between Prescott, Ariz., and Russell, Kansas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments but no comments were received.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following action is taken:

In § 71.143 (27 F.R. 220-38, November 10, 1962) V-1730 is amended to read:

V-1730 Prescott, Ariz.; Winslow, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Lamar, Colo.; Russell, Kans.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001, e.s.t, November 14, 1963.

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9770; Filed, Sept. 12, 1963; 8:47 a.m.]

[Airspace Docket No. 63-WA-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

The name of the Fort Worth (Carter), Tex., VORTAC has been changed to Greater Southwest Tex., VORTAC. This change is reflected on aeronautical charts. The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the description of VOR Federal airway No. 161 to reflect this change.

Since this alteration is editorial in nature and will impose no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon publication.

In consideration of the foregoing, effective upon publication, the following change is made:

Section 71.123 (27 F.R. 220-6, November 10, 1962) is amended as follows: In V-161 "From Fort Worth, Tex., via INT of Fort Worth 318°" is deleted and "From Greater Southwest, Tex., via INT of Greater Southwest 318°" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9771; Filed, Sept. 12, 1963; 8:47 a.m.]

[Airspace Docket No. 63-WA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Positive Control Area

On March 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 2824) stating that the Federal Aviation Agency (FAA) proposed to include portions of the airspace from flight level 240 to and including flight level 600 which are under the jurisdiction of the Los Angeles, Oakland, Phoenix and Salt Lake City air route traffic control centers in the positive control area. Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

On July 13, 1963, a rule was published in the FEDERAL REGISTER (28 F.R. 7218) designating the major portion of the proposed area as the Los Angeles positive control area effective August 22, 1963. Due to inadequate radar coverage, the designation of a relatively small portion of the proposed area in the vicinity of Yuma, Ariz. was temporarily withheld. This area comprised the airspace within boundaries described as follows: From latitude 32°15'00'' N., longitude 114°-00'00'' W.; to latitude 33°18'00'' N., longitude 114°00'00'' W.; to latitude 33°22'00'' N., longitude 115°00'00'' W.; to latitude 33°23'00'' N., longitude 116°-00'00'' W.; to latitude 32°37'40'' N., longitude 116°00'00'' W.; thence along the U.S./Mexican Border to the point of beginning.

Since adequate radar coverage in the above-described area is now available, the FAA is designating the airspace from flight level 240 to and including flight level 600 in the above area as a part of the Los Angeles positive control area.

In consideration of the foregoing, the following action is taken:

In § 71.193 (27 F.R. 220-157, November 10, 1962; 28 F.R. 7218) the description of the Los Angeles, Calif., positive control area is amended by deleting "thence to latitude 33°18'00'' N., longitude 114°-00'00'' W.; thence to latitude 33°22'00'' N., longitude 115°00'00'' W.; thence to latitude 33°23'00'' N., longitude 116°-00'00'' W.; thence to latitude 32°37'40'' N., longitude 116°00'00'' W.;" and substituting therefor "thence to latitude 32°15'00'' N., longitude 114°00'00'' W.;".

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0301, e.s.t., October 17, 1963.

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9772; Filed, Sept. 12, 1963; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1946; Amdt. 616]

PART 507—AIRWORTHINESS DIRECTIVES

Bendix Type 9054 Fuel Flow Transmitters

Amendment 560, 28 F.R. 4164 (AD 63-9-1), requires replacement of the Bendix 9054 vane type, fuel flow transmitters. Because of the great demand for replacement parts, it has not been possible for the manufacturer to provide these parts in sufficient quantity for all to comply within 150 hours' time in service after the effective date of the AD. A reasonable extension of the compliance time to allow for procurement and installation of parts will not adversely affect safety. Accordingly, Amendment 560 is being amended to extend the compliance time from 150 to 400 hours' time in service.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 560, 28 F.R. 4164 (AD 63-9-1), Bendix Type 9054 fuel flow transmitters, is amended by changing the compliance statement to read:

Compliance required within the next 400 hours' time in service after the effective date of this AD, unless already accomplished.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective September 13, 1963.

Issued in Washington, D.C., on September 6, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9767; Filed, Sept. 12, 1963; 8:47 a.m.]

[Reg. Docket No. 1945; Amdt. 615]

PART 507—AIRWORTHINESS DIRECTIVES

Sud Aviation SE 3130 Alouette II Aircraft

As the result of investigation of fatigue failures, it has been determined that the main rotor shaft P/N 68.00.001 on Sud Aviation SE 3130 Alouette II aircraft must be replaced or reworked. Therefore, to correct this unsafe condition, an airworthiness directive is being issued.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SUD AVIATION. Applies to SE 3130 Alouette II aircraft.

Compliance required as indicated.

To prevent fatigue failure in the top fillet radius area of the rotor shaft, P/N 68.00.001, the following shall be accomplished within 10 hours time in service after the effective date of this AD:

(a) Rotor shafts Serial Numbers 307 and 309 shall be replaced with new shafts and the replaced shafts damaged or marked in such a way as to preclude their further use in any helicopter.

(b) Rotor shafts other than those covered in paragraph (a) shall be inspected and reworked or replaced in accordance with Sud Technical Instruction for SE 3130 Alouette II helicopters (Appendix to Service Bulletin 68.11.210A) by Sud or Republic Aviation, unless already accomplished. There is no life limit for shafts that incorporate this modification and are marked on the bottom with D12.13.394 or D12.13.424. Reworked or new rotor shafts may replace unreworked shafts when replacement is required.

(Sud Service Bulletin AL II No. 68.11.210/A, including Appendix entitled "Technical Instruction", covers this subject.)

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective September 13, 1963.

Issued in Washington, D.C., on September 6, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9768; Filed, Sept. 12, 1963; 8:47 a.m.]

[Reg. Docket No. 1428; Amdt. 69]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS AND APPLIANCES

Airborne ILS Localizer Receiving Equipment Operating Within the Radio-Frequency Range of 108-112 Megacycles (For Air Carrier Aircraft)—TSO-C36b

A proposed revision of § 514.61 establishing the minimum performance standards for airborne ILS localizer receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations was published in 27 F.R. 10169 and circulated as regulations of the Administrator Draft Release No. 62-43 dated October 10, 1962. The revision incorporates new environmental test procedures which were developed to be more compatible with existing and

anticipated aircraft environmental conditions. The spurious emission requirements were revised to provide more protection to other electronic equipment in the aircraft. A new FAA Standard replacing RTCA Paper 89–50/DO–59 also was issued.

Interested persons have participated in the making of the amendment by submitting comments in response to the draft release. A complete record of the disposition of comments is available in the docket of this TSO on file with the Federal Aviation Agency, Washington, D.C.

One comment recommended that the vibration requirements be made more severe than those specified in the proposed TSO. This was not adopted since the vibration requirements in the proposed TSO are considered satisfactory and will provide an adequate level of safety for airborne electronic equipment. The TSO specifies only minimum required levels for safety and optimum requirements are not imposed.

A comment was made that TSO's for both localizer and glide slope receiving equipment should place greater emphasis on the type of warning devices used and should cover the method of display to obtain improvement over presently provided but inadequate warning devices. The Agency has this matter under study and should the findings confirm the need for a change, will separately modify the TSO's.

A comment was made that normally the localizer and VOR receiving equipment are included in the same equipment case. It would be logical then to test both the localizer and VOR receiving equipment to the same environmental test procedures. Since this TSO amends the environmental test procedures for the localizer equipment, TSO–C40a covering the VOR receiving equipment should also be amended at an early date to incorporate the same environmental test procedures. The revision to TSO–C40a is underway by the Agency at this time and publication as a notice of proposed rulemaking will occur in the near future.

It was recommended that the title of the TSO be changed to incorporate the frequency range over which the equipment is intended to operate. The Agency concurs with this and the title has been so revised.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended by revising § 514.61 as follows:

§ 514.61 Airborne ILS localizer receiving equipment operating within the radio-frequency range of 108–112 megacycles—TSO–C36b.

(a) *Applicability.* (1) Minimum performance standards are hereby established for airborne ILS localizer receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS localizer receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne ILS Localizer Receiving Equipment",[1] dated June 15, 1962, and Radio Technical Commission for Aeronautics Paper 120–61/DO–108 entitled "Enviromental Test Procedures Airborne Electronic Equipment",[2] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D;

(ii) Humidity Test—Categories A or B;

(iii) Vibration Test—Categories A, B, C, D, E, or F;

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(v) Radio-Frequency Susceptibility Test—Category A; and

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category; and

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env Cat. $\frac{A}{D}$ABAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 514.2 the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

Effective date. January 1, 1964.

(Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on September 5, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–9773; Filed, Sept. 12, 1963; 8:47 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS–158, Federal Aviation Agency, Washington 25, D.C.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., at a cost of 75 cents per copy.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 42—EGGS AND EGG PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Dried Eggs, Dried Whole Eggs; Confirmation of Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of July 31, 1963 (28 F.R. 7776), amending the standard for dried eggs and dried whole eggs to provide for the optional use of less than 2 percent of sodium silicoaluminate as an anticaking ingredient. Accordingly, the amendment to the definition and standard of identity promulgated by that order will become effective September 29, 1963.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: September 9, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–9794; Filed, Sept. 12, 1963; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Dextromethorphan Hydrobromide Preparations; Change in Dosage Limitations

There was published in the FEDERAL REGISTER of May 25, 1962 (27 F.R. 4938), notice of a proposal to amend § 130.102 (a)(14)(iv) for the purpose of relaxing the dosage limitations of certain dextromethorphan hydrobromide preparations exempted from the prescription-dispensing requirements of section 503(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act. The only comment filed within the 30-day period stipulated in the above-identified notice suggested a change that would materially alter the original proposal but raised no question regarding safety of the drug when used as directed in over-the-counter labeling. Therefore, the amendment set forth below is ordered, effective 30 days from the date of publication in the FEDERAL REGISTER, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701, 65 Stat. 649, 52 Stat. 1052, 1055, as amended 72 Stat. 948; 21 U.S.C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

Section 130.102(a)(14)(iv) is amended to read as follows:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) • • •

(14) • • •

(iv) The preparation contains not more than 30 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 6 milligrams of dextromethorphan hydrobromide per milliliter.

(Secs. 503, 505, 701, 65 Stat. 649, 52 Stat. 1052, 1055, as amended, 72 Stat. 948; 21 U.S.C. 353, 355, 371)

Dated: September 9, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–9795; Filed, Sept. 12, 1963; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 25—RULES FOR THE NOMINATION OF ARBITRATORS UNDER SECTION 11 OF EXECUTIVE ORDER 10988

Pursuant to the above order, I hereby establish the regulations set forth below. The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve matters which relate only to agency management and personnel. I do not believe such procedures will serve a useful purpose here. Accordingly, these regulations shall become effective immediately.

A new 29 CFR Part 25 is established to read as follows:

Sec.
25.1 Purpose and scope.
25.2 Definitions.
25.3 Requests for nomination of arbitrators: filing, disputes, parties, time.
25.4 Contents of requests; service on other parties; answer; intervention.
25.5 Action to be taken by the Secretary; nomination and selection.
25.6 Time; additional time after service by mail.
25.7 Fees; cost; expenses; decisions.
25.8 Construction of rules.

AUTHORITY: §§ 25.1 to 25.8 issued under sec. 11, E.O. 10988, 27 F.R. 555.

§ 25.1 Purpose and scope.

These procedures govern the nomination of arbitrators by the Secretary to perform the advisory functions specified under section 11 of Executive Order 10988. Any arbitrators so nominated will be available for either or both of the following purposes: (a) To investigate the facts and issue an advisory decision with respect to the appropriateness of a unit of Federal employees for the purpose of exclusive recognition and as to related issues submitted for consideration; or (b) to determine and advise whether an employee organization represents a majority of employees in an appropriate unit by conducting or supervising an election (wherein a majority of those voting, provided there is a representative vote, cast their ballots for or against representation), or by other appropriate means. A request for a nomination will be considered as contemplating the performance of functions within the above categories if it specifies as a purpose obtaining an advisory decision on one or more questions involved in a unit determination or determination of majority status, such as an advisory decision on the eligibility of voters or the right to appear on the ballot, arising in connection with an election to be held, or on a question relating to matters affecting the results of an election which took place afer the agreement to conduct the election had been entered into, provided such conduct materially affected the results of the election. Subject to compliance with these procedures, the Secretary will nominate an arbitrator whenever he is so requested by an agency or by an employee organization which is seeking recognition as the exclusive representative of Federal employees in a prima facie appropriate unit and which meets all the prerequisites for seeking such recognition.

§ 25.2 Definitions.

When used in these procedures,

(a) "Order" means Executive Order No. 10988;

(b) "Agency", "employee organization", and "employee" have the same meaning as in the Order;

(c) "Recognition" means recognition which is or may be accorded to an employee organization pursuant to the provisions of the Order;

(d) "Secretary" means the Secretary of Labor.

§ 25.3 Requests for nomination of arbitrators: filing, disputes, parties, time.

(a) Requests for nominations should be filed only where there exists a dispute or problem which cannot more appropriately be resolved through regular agency procedures. Parties, therefore, are expected to eliminate from their requests matters not necessary to the resolution of such dispute or problem and to use their best efforts to secure agreement on as many issues as possible before making the request.

(b) Requests for nominations may be filed either by an agency, or by an employee organization as described in § 25.1, or jointly by an agency and one or more employee organizations. Joint requests are encouraged.

(c) Subject to the provisions of paragraph (a) of this section, the Secretary will entertain on its merits a request by an employee organization for nomination of an arbitrator on a question of unit determination which is made within 30 days after receipt of an agency's final unit determination or 75 days after an appropriate request for exclusive recognition and no final unit determination has been received from the agency, provided the organization has observed any reasonable time limits established by the agency for the processing of such requests within the agency. The Secretary will entertain on its merits a request by an employee organization for nomination of an arbitrator on a question of majority representation which is made within 15 days after an agency's decision with respect to a determination of majority representation. Any request by an employee organization for the nomination of an arbitrator will be considered untimely if:

(1) A written request for exclusive recognition was not made prior to the grant of such recognition to another organization provided such grant was preceded by posted notice to all employees in the unit and written notice to all organizations known to represent such employees that a request for ex-

clusive recognition was under consideration.

(2) A written request for exclusive recognition was not made within 5 days after the agency posted appropriate notice of its intention to conduct an election to determine majority status, or more than 10 days before the date of the election.

(3) It was made less than 12 months after an agency's final unit determination with respect to such unit or subdivision thereof in a proceeding in which the organization sought exclusive recognition but failed to file a timely request for arbitration under these rules.

(4) It was made less than 12 months after a unit determination following a section 11 proceeding covering such unit or any subdivision thereof.

(5) The time limits set forth in this paragraph will be applied to all requests filed on or after October 15, 1963.

(d) No request contemplating an advisory determination as to whether an employee organization should become or continue to be recognized as the exclusive representative of employees in any unit will be entertained if the request is filed within 12 months after a prior determination of exclusive status has been made pursuant to the Order with respect to such unit unless the agency has withdrawn exclusive recognition from an employee organization by reason of its failure to maintain its compliance with sections 2 and 3(a) of the Order or with the Standards of Conduct for Employee Organizations and Code of Fair Labor Practices and the agency advises the Secretary that it has no objection to a new determination of exclusive representation being made within the 12-month period.

§ 25.4 Contents of requests; service on other parties; answer; intervention.

(a) Requests for nominations [1] shall be in triplicate and contain the following information:

(1) The name of the agency and the name and address of any office or branch of the agency below the national level that may be involved;

(2) A description of the unit appropriate for exclusive representation or claimed to be appropriate for such representation;

(3) The number of employees in the appropriate unit or any alleged appropriate unit;

(4) If the request is by an employee organization, the name, affiliation, if any, and address of the organization and the names, if known, of all other employee organizations claiming exclusive recognition, or having requested or attained formal or informal recognition with respect to any of the employees in the unit involved;

(5) If the request is by an agency, the names, affiliation, if any, and addresses of the employee organization or organizations claiming exclusive recognition and of any employee organization which has requested or attained formal or informal recognition with respect to any of the employees in the unit involved;

(6) A brief statement indicating specifically the matter or matters with respect to which an advisory decision or determination is sought;

(7) A brief statement of procedures followed by and before the agency prior to the request, two copies of any appropriate agency determination and two copies of all correspondence relating to the dispute or problem;

(8) If the request is made by an employee organization, an indication of the interest of such organization, including information or data such as membership lists, employee petitions or dues records showing prima facie that the organization has sufficient membership to qualify for formal recognition, and that it represents no less than 30 percent of the employees, in the appropriate unit or alleged appropriate unit; and

(9) Any other relevant facts.

(b) A party making a request shall furnish copies to all other parties or organizations listed in the request in compliance with paragraph (a) of this section; except that membership lists, employee petitions or dues records need not be furnished by the requesting employee organization to the other parties or organizations.

(c) Any employee organization claiming to have an interest in the matter or matters to be considered by an arbitrator as to the appropriateness of a unit or majority representation must have advised the agency of its position, in the manner prescribed by the agency's rules, and must have satisfied all of the requirements of section 5 of the Order and paragraph (a)(8) of this section; except that, any employee organization which has satisfied all of the requirements of section 5 of the Order except for the 10 percent membership requirement shall be entitled to receive notice of the proceeding and to participate therein if it represents at least two members and/or is designated by at least two employees as their representative in the unit alleged to be appropriate by the employee organization seeking exclusive recognition or the unit alleged to be appropriate by the agency, provided, however, that such intervening employee organization may not request a unit different than that sought by the employee organization seeking exclusive recognition or the unit claimed to be appropriate by the agency.

(d) Within fifteen (15) days following the receipt of a copy of any request for a nomination filed with the Secretary, the agency or any employee organization may file a response thereto with the Secretary, raising any matter which is relevant to the request including the adequacy of the showing of interest and the appropriateness of the unit under terms of the Order or these procedures. A copy of any response shall be furnished to other parties and organizations listed in the request, in the manner provided in paragraph (b) of this section.

§ 25.5 Action to be taken by the Secretary; nomination and selection.

(a) Upon receipt of a request and the responses, if any, the Secretary shall make such further inquiries as may be necessary to determine his authority under the Order and these procedures; whether a timely request for nomination has been made; whether a valid question concerning representation exists in a prima facie appropriate unit; or for the purpose of obtaining a further specification of the issues or matters to be submitted for an advisory decision or determination, or assisting or advising the persons nominated or considered for nomination or otherwise facilitating submission of the matter to such person or persons in a manner that will permit an expeditious decision or determination.

(b) The Secretary will determine the adequacy of the showing of interest administratively, and such determination shall not be subject to collateral attack at a hearing before an arbitrator.

(c) The Secretary shall nominate not less than three arbitrators. Within 5 days the parties may indicate their order of preference from among those nominated. The Secretary will thereafter make a selection from among the nominees listed.

§ 25.6 Time; additional time after service by mail.

(a) In computing any period of time prescribed or allowed by the rules of this part, the date of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a Federal legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a Federal legal holiday. When the period of time prescribed, or allowed, is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded from the computations. Whenever a party has the right or is required to do some act or take some other proceedings within a prescribed period after service of a notice or other paper upon the Secretary or a party and the notice is served upon him by mail, 3 days shall be added to the prescribed period: *Provided, however,* That 3 days shall not be added if any extension of such time may have been granted.

(b) When these rules require the filing of any paper, such document must be received by the Secretary or a party before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 25.7 Fees; cost; expenses; decisions.

(a) Arbitrator's fees, per diem and travel expenses, and election expenses for notices, ballots, postage, rentals, assistance, etc., shall be borne entirely by the agency.

(b) The standard fee for the services of an arbitrator should be $100 per day. Travel and per diem should be paid at the maximum rate payable to Government employees under the Standardized Government Travel Regulations.

(c) The agency should provide the arbitrator with a copy of the transcript of testimony taken at the hearing, such transcript to be returned to the agency upon the issuance of the arbitrator's advisory decision.

(d) Costs involving assistance rendered by the Secretary's Office in connection with advisory decisions or determinations under section 11 of the order shall be limited to per diem, travel expenses and services on a time-worked basis.

(e) Upon request, the Secretary will make available copies of advisory decisions of arbitrators.

§ 25.8 Construction of rules.

The rules shall be liberally construed to effectuate the purposes and provisions of the order.

Signed at Washington, D.C., this 7th day of September 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-9780; Filed, Sept. 12, 1963; 8:47 a.m.]

[1] Requests should be on forms which will be supplied by the Secretary upon request.

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

[CGFR 63-50]

PART 136—MARINE INVESTIGATION REGULATIONS

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Payment of Witness Fees, Subsistence and Mileage

The purpose for the amendments to 46 CFR 136.11-10(b) and 137.17-1(b) is to revise the procedures followed in the payment of the witness fees, subsistence and mileage to agree with current practices. Because the amendments in this document describe procedures and practices, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedure thereon and effective date requirements) is exempted by specific provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-9 dated August 3, 1954 (19 F.R. 5195), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-17 dated June 29, 1955 (20 F.R. 4976), and 167-20 dated June 18, 1956 (21 F.R. 4894), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication in the FEDERAL REGISTER.

In Part 136—Marine Investigation Regulations, subpart 136.11—Witnesses and Witness Fees, the introductory sentence only of § 136.11-10(b) is amended to read as follows:

§ 136.11-10 Witness fees, subsistence and mileage.

* * * * *

(b) Upon receipt of such claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the following scale and submit it to the appropriate disbursing officer for payment:

(R.S. 4405, as amended, 4462, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 375, 416, 14 U.S.C. 2, 633. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 93 (e), (f), 63 Stat. 504, secs. 10-13, 18 Stat. 128, as amended, sec. 15, 38 Stat. 1184, as amended, sec. 4, 67 Stat. 462, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 526p, 1333, 390b, 14 U.S.C. 93 (e), (f), 33 U.S.C. 361-364, 365, 43 U.S.C. 1333, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976; 167-20, June 18, 1956, 21 F.R. 4894)

In Part 137—Suspension and Revocation Proceedings, Subpart 137.17—Witness Fees, § 137.17-1(b) is amended to read as follows:

§ 137.17-1 Witness's request for payment of fees.

* * * * *

(b) Upon receipt of the witness's claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the scale of fees, subsistence, and mileage in § 137.17-5, and submit it to the appropriate disbursing officer for payment.

(R.S. 4405, as amended, 4462, as amended, and sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 633. Interpret or apply R.S. 4426, as amended, 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 54 Stat. 165, as amended, secs. 1 to 12, 60 Stat. 237-244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 239a, 239b, 367, 390b, 404, 526f, 5 U.S.C. 1001-1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-9, August 3, 1954, 19 F.R. 5195; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976; 167-20, June 18, 1956, 21 F.R. 4894)

Dated: August 29, 1963.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63-9799; Filed, Sept. 12, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 33]

EXPORTATION OF APPLES AND PEARS

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering the proposed amendment of the Regulations (7 CFR, Part 33), as hereinafter set forth, pursuant to the provisions of the Export Apple and Pear Act, as amended (48 Stat. 123; 7 U.S.C. 581–589), and the authority set forth in § 7.48 Stat. 124; 7 U.S.C. 587.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments to the regulations should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington, D.C., 20250, not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments would (1) raise the minimum grade requirement prescribed in § 33.10 for apples from U.S. No. 1 Cooker to U.S. No. 1, and (2) require that the inspection and certification set forth in § 33.11 be performed within 20 days prior to date of export for transcontinental shipments and within 10 days prior to date of export for all other shipments, (3) add a definition of "date of export," and (4) delete Cuba as a destination to which the 400 box exemption for pears applies.

The proposed definition and the text of §§ 33.9, 33.10, 33.11 and 33.12 as proposed to be amended are as follows:

§ 33.9 Date of export.

"Date of export" means the date of loading on board the exporting carrier on which movement of the apples or pears from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the apples or pears were loaded on board, unless an "on board" date is shown.

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

(a) Apples grade at least U.S. No. 1 grade or U.S. No. 1 Early grade, as specified in the United States Standards for Apples (§§ 51.300–51.323 of this chapter; 28 F.R. 9685), do not contain apple maggot and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance;

(b) Pears grade at least U.S. No. 2 grade, as specified in the United States Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties (§§ 51.1260–51.1280 of this chapter), or in the United States Standards for Winter Pears, such as Anjou, Bosc, Comice, and other similar varieties (§§ 51.1300–51.1323 of this chapter), do not contain apple maggot, and do not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

(c) Each package of apples or pears is packed so that the apples or pears in the top layer shall be reasonably representative in size, color, and quality of the contents of the package; and

(d) Each package of apples or pears is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the name of the U.S. grade or the name of a state grade if the fruit meets each minimum requirement of a U.S. grade specified in this section or in § 33.12; and (4) the numerical count or the minimum size.

§ 33.11 Inspection and certification.

(a) Each person shipping or offering for shipment, apples or pears to any foreign destination shall cause them to be inspected and certified as meeting the requirements of the act and this part by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables and other products (Part 51 of this Chapter). Such inspection and certification shall be performed within 20 days prior to date of export for transcontinental shipments and within 10 days of such date for all other shipments. Such certification shall be in the form of an "Export Form Certificate" or "Memorandum of Inspection" bearing the statement: "Meets Export Apple and Pear Act."

(b) No carrier shall transport, or receive for transportation, apples or pears to any foreign destination unless such apples or pears are accompanied by a copy of the "Export Form Certificate" or "Memorandum of Inspection" issued within the applicable time limit prescribed in paragraph (a) of this section.

(c) The shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the export carrier. Whenever apples or pears are inspected and certified at any point other than the port of exportation, the shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the agent of the first carrier that thereafter transports such apples or pears and such agent shall deliver such copy to the proper official of the carrier on which the apples or pears, covered by such certificate or memorandum, are to be exported.

(d) A copy of the Export Form Certificate or Memorandum of Inspection shall be filed by the export carrier for a period of not less than three (3) years after date of export.

(e) If the inspector has reason to believe that samples of a lot of apples or pears have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

§ 33.12 Apples and pears not subject to regulations and for processing.

Except as otherwise provided in this section, any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A shipment of a quantity of apples or pears not exceeding a total of 1,250 pounds gross weight, or 25 boxes of apples packed in a standard Northwestern apple box, standard Eastern apple box or container equivalent thereto, or 25 boxes of pears packed in a standard pear box or container equivalent thereto; and shipments of pears to Venezuela, not exceeding 20,000 pounds gross weight or 400 standard pear boxes or containers equivalent thereto.

(b) Apples or pears to Pacific ports west of the International Date Line which do not meet maturity standards of the grade specified in § 33.10, if the packages are conspicuously marked or printed with the words "Immature Fruit;" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(c) Apples for processing which do not meet the grade standards specified in § 33.10, if such apples grade at least U.S. No. 1 as specified in U.S. Standards for Apples for Processing (§§ 51.340 to 51.344 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(d) Pears for processing which do not meet the grade standards specified in § 33.10, if such pears grade at least U.S. No. 1 as specified in U.S. Standards for Pears for Canning (§§ 51.1345 to 51.1358 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting other requirements of §§ 33.10 and 33.11.

Dated: September 9, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9804; Filed, Sept. 12, 1963; 8:47 a.m.]

[7 CFR Part 929]

CRANBERRIES

Handling; Notice of Proposed Rule Making

Notice is hereby given that the Department is considering the following Rules and Regulations submitted by the Cranberry Marketing Committee established under the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), as the agency to administer the terms and provisions thereof:

§ 929.101 Minimum exemption.

Any handler who handles not more than 25 barrels of cranberries during the fiscal year shall be relieved from the requirements of §§ 929.41 *Assessment* and 929.54 *Withholding and Inspection*. The requirements of § 929.60 *Reporting* are applicable to such a handler.

§ 929.102 Unscreened lots—Sampling procedure to determine percentage of screened cranberries.

To determine the percentage of screened cranberries contained in unscreened lots withheld pursuant to § 929.54:

(a) Select representative boxes from the lot to be sampled. The sample must be no less than 2 percent of the berries in the lot.

(b) After cleaning the sample to remove chaff, weigh the cleaned berries. Deduct the weight of the boxes in the sample to determine the net weight of the cleaned berries. Divide that weight by the number of boxes in the sample, which gives the net weight per box. Multiply the net weight per box by the number of boxes in the lot. The product represents the net weight of the berries in the unscreened lot.

(c) Run the cleaned berries through a separator with a $\frac{9}{32}$ inch screen and the bounce boards in the lowest position.

(d) Rerun the berries collected from the lower three bounce boards through the separator.

(e) Thoroughly mix the berries collected from the upper four bounce boards. Determine the percentage of sound berries in the lot by counting the sound and unsound berries in a selected cup (1 pint) of the berries collected from the upper four bounce boards.

(f) Add 5 percent to the percentage of sound berries. (This makes it comparable to lots of screened cranberries which contain an average of 5 percent unsound berries); however, the final percentage of sound berries may not exceed 100 percent.

(g) Multiply the net weight of the berries in the unscreened lot by the final percentage. The product is the quantity of screened cranberries in the unscreened lot.

§ 929.103 Inspection procedure.

(a) Inspection shall be limited to any plant, storage facility, or other location within the production area, where facilities suitable to the inspection agency are available for sampling, weighing and inspection of cranberries.

(b) The handler offering cranberries for inspection, shall furnish the necessary labor and pay the costs of moving, weighing, and otherwise making available to the inspector the sample he chooses for inspection. The size of the sample shall be determined by the inspector and, in the case of inspection of a lot of unscreened cranberries, shall be screened by the handler under the supervision of the inspector.

(c) The inspection certificate shall show the quantity of cranberries in such lot which meets the requirements established for withheld cranberries pursuant to § 929.54(c).

§ 929.104 Outlets for restricted cranberries.

(a) After inspection pursuant to § 929.54(c), cranberries withheld from handling may be disposed of in the following noncompetitive outlets:

(1) Export to foreign countries, except Canada.

(2) For consumption by charitable institutions.

(3) Nonhuman food use.

(4) Research and development projects, approved by the United States Department of Agriculture, for the development of foreign markets. Such disposition is limited, however, to research projects dealing with dehydration, radiation, or freeze drying of cranberries.

(b) To receive withholding credit for cranberries disposed of in these noncompetitive outlets, the handler shall also meet the following requirements:

(1) In disposition in exports, submit to the Committee a copy of the on-board bill of lading showing the amount of cranberries loaded for export.

(2) In disposition to charitable institutions, submit to the Committee a statement from the charitable institution showing the quantity of cranberries received and certifying that the cranberries will be consumed by the institution.

(3) In disposition in nonhuman food uses, notify the Committee 48 hours prior to the disposition to enable an inspector to observe the disposition. If cranberries are disposed of in nonhuman food use immediately following inspection in the presence of the inspector, no advance notice is necessary.

(4) In disposition for use in research and development projects, report to the Committee the quantity and date of such disposition.

§ 929.105 Reporting.

Any report requested by the Committee pursuant to § 929.60 shall be mailed to the Committee office at Wareham, Massachusetts, or delivered to that office. If the report is mailed, it is deemed filed when postmarked.

Interested persons may submit written data, views or arguments in connection with these proposals to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, within 10 days after publication of this notice in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9787; Filed, Sept. 12, 1963; 8:47 a.m.]

[7 CFR Part 929]

CRANBERRIES

Proposed Rule Making Regarding Expenses and Fixing of Rate of Assessment for 1963–64 Fiscal Year

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment, recommended by the Cranberry Marketing Committee, established pursuant to the Marketing Agreement and Order No. 929 (7 CFR Part 929).

This marketing order regulates the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Interested persons may submit written data, views or arguments in connection with this proposal to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, within 10 days after publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

§ 929.203 Expenses and rate of assessment for the 1963–64 fiscal period.

(a) The reasonable expenses to be incurred by the Cranberry Marketing Committee for its maintenance and functioning during the fiscal period ending July 31, 1964 will amount to $45,000.

(b) The rate of assessment to be paid by each handler who first handles cranberries shall be 4 cents ($0.04) per barrel of cranberries, or an equivalent quantity of cranberries, during the 1963–64 fiscal period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9785; Filed, Sept. 12, 1963; 8:47 a.m.]

[7 CFR Part 929]

CRANBERRIES

Handling; Notice of Proposed Free and Restricted Percentages and Standards for Withheld Cranberries for 1963–64 Fiscal Period

Consideration is being given to a proposal to establish, for the 1963–64 fiscal year beginning August 1, 1963, free and restricted percentages which percentages shall be applied to all cranberries acquired during such fiscal period and to the establishment of standards withheld cranberries shall meet.

The proposed percentages and standards, which were recommended by the Cranberry Marketing Committee at its meeting August 26, 1963, would be established in accordance with the provisions of the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is as follows:

§ 929.301 Free and restricted percentages and standards for withheld cranberries.

The free percentage, restricted percentage, and standards for withheld cranberries applicable to all cranberries acquired during the fiscal period beginning August 1, 1963, and ending July 31, 1964, shall be (a) free percentage, 95 percent; (b) restricted percentage, 5 percent; and (c) each lot of cranberries withheld shall grade at least U.S. No. 1 grade, as set forth in the United States Standards for Fresh Cranberries for Processing (§§ 51.3030–51.3037 of this title), except that, for the purposes of this section, cranberries infested with worms shall be scored against the grade under the 5 percent tolerance provided for cranberries which have worm holes, or which are soft or affected by decay (see 51.3031(b)(3) of this title).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 9, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9786; Filed, Sept. 12, 1963, 8:47 a.m.]

[7 CFR Part 1044]

[Docket No. AO-299-A6]

MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Escanaba, Michigan, on August 8, 1963, pursuant to notice thereof which was issued July 26, 1963 (28 F.R. 7846).

The material issue on the record of the hearing relates to providing handler status, on election, for a cooperative association on the bulk tank milk of its members.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order should provide that a cooperative association may elect to be a handler on farm tank milk which it causes to be picked up at the farm and delivered to the fluid milk plant of another handler in tank trucks owned and operated by or under contract to such association.

Prior to the advent of farm bulk tanks each handler's regular milk supply was necessarily received at his fluid milk plant and any balancing of supplies as between handlers or disposition to nonfluid milk plants was accomplished by transfer. With the advent of farm bulk tanks, cooling and assembling is no longer necessarily a plant operation. Milk may be moved directly from the farm to a fluid milk plant other than the plant of normal receipt, or to nonpool plants if not needed locally. However, under the individual-handler pooling arrangement effective under the order, such movements cannot now be readily accomplished since the operator of the fluid milk plant where the milk is physically received is held the responsible handler.

The principal cooperative association has assumed responsibility for hauling its member milk in many instances and it is likely that its activities in this regard will be expanded. Under the terms of the order, the person receiving milk from producers is held responsible for accounting for such milk and for payments to producers. Once milk from one producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. The operator of a fluid milk plant to which the load is delivered has an opportunity to determine only the weights and butterfat test of the total load, or partial load if other stops are involved. Where a tank truck picking up milk at the farm is operated under the supervision of a cooperative association it is the association that determines the weight and butterfat content of the deliveries of individual producers.

Milk delivered to a fluid milk plant by a cooperative association would be treated as a receipt of producer milk by such association at a fluid milk plant at the location of the plant to which it was delivered. Except for the extension of the handler definition to the cooperative association as indicated above, the definition would have application to the identical persons provided in the present order.

The milk delivered by the cooperative as a handler would continue to be classified and allocated at each plant of receipt and the operator of the plant would be obligated to pay the cooperative the uniform price applicable for the plant.

Because the cooperative may be the responsible handler on milk which it picks up at the farm and delivers to the fluid milk plant of another handler, it is desirable that provision be made for division of the maximum two percent shrinkage allowance between transferor and transferee. Under usual circumstances, shrinkage in the processing operation exceeds that of the receiving operation. At the hearing a cooperative association proposed a division of shrinkage of one and one-half percent to the transferee handler and one-half percent to the transferor handler. This division is commonly employed in Federal order markets and is concluded to be appropriate for this market.

When the difference between weights and tests of producer milk as determined at the farm and the tank weights and tests recorded on delivery at the plant falls within the generally accepted shrinkage tolerances, it is not unusual for handlers to purchase milk from a cooperative on the basis of farm weights and tests. Under such circumstances the cooperative experiences no shrinkage losses and the entire two percent shrinkage allowance should then accrue to the transferee handler.

When a handler uses both producer milk and other source milk in his plant, provision must be made for a division of plant shrinkage among the various sources of receipts. The existing order provides that other source milk shall be assigned a pro rata share of the total plant shrinkage and no substantial change other than that cited previously is proposed in this regard.

Rulings on proposed findings and conclusions. A brief containing proposed findings and conclusions was filed on behalf of certain interested parties. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Michigan Upper Peninsula marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1044.10 is revised to read as follows:

§ 1044.10 Handler.

* * * * * *

(d) Any cooperative association, at its election, with respect to member milk delivered from the farm to the fluid milk plant of another handler in a tank truck operated by or under contract to the cooperative association. To elect this handler status, the market administrator must be notified prior to the first day of the month during which these deliveries will take place. Milk delivered pursuant to this paragraph is deemed to have been received at the location of the milk plant to which it is delivered.

2. In § 1044.14 the introductory text is revised to read as follows:

§ 1044.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a fluid milk plant directly from a dairy farmer or a handler pursuant to § 1044.10(d): *Provided,* That:

3. Section 1044.34 is revised to read as follows:

§ 1044.34 Other reports.

(a) Each handler pursuant to § 1044.10(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 5th day of each month the quantities of skim milk and butterfat in producer milk delivered to each fluid milk plant in the preceding month.

(b) Each handler exempt pursuant to §§ 1044.81 and 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

4. Section 1044.41(b) is revised to read as follows:

§ 1044.41 Classes of utilization.

* * * * * *

(b) * * *

(5) Skim milk and butterfat, respectively, (except in milk diverted to a nonfluid milk plant pursuant to § 1044.14) in shrinkage allocated pursuant to § 1044.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1044.10(d);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1044.10(d): *Provided,* That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from fluid milk plants of other handlers; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage assigned pursuant to § 1044.42(b)(2).

5. Section 1044.42 is revised to read as follows:

§ 1044.42 Shrinkage.

The market administrator shall determine shrinkage for each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to nonfluid milk plants pursuant to § 1044.14), plus fluid milk products in bulk from fluid milk plants of other handlers and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

6. Section 1044.46 is revised to read as follows:

§ 1044.46 Allocation of butterfat classified.

The market administrator shall determine the classification of butterfat in producer milk each month as follows:

* * * * * *

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of butterfat in each class in series beginning with Class II utilization.

7. Section 1044.47 is revised to read as follows:

§ 1044.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to producer milk in the same manner as that prescribed for butterfat in § 1044.46.

8. Section 1044.71(a) is revised to read as follows:

§ 1044.71 Expense of administration.

* * * * * *

(a) Producer milk (including a handler's own farm production); and

Signed at Washington, D.C., on September 10, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-9805; Filed, Sept. 12, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 545, 681]

PUERTO RICO

Proposed Minimum Piece Rates

Pursuant to authority in paragraph 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(2)), Reor-

ganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby propose to amend Schedule C of 29 CFR 545.13 and 29 CFR 681.9 (b) and (c) by increasing the piece rates appearing there commensurate with increases in the minimum hourly wage rates now applicable under wage orders issued for the button, jewelry, and lapidary work industry (27 F.R. 9450), the leather, leather goods, and related products industry (28 F.R. 6013), and the fabric and leather glove industry (82 F.R. 7345) in Puerto Rico.

Any person interested in these proposals may file a written statement of data, views, and arguments regarding them with the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

1. As amended 29 CFR 545.13, Schedule C would read as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

• • • • • •

SCHEDULE C—PIECE RATE SCHDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves (1)	Leather gloves [2] Ladies' (2)	Leather gloves [2] Men's (3)	Unit of payment
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			69.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove.			92.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.365			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.631		Do.
192	Feather stitch, 5 to 6 stitches per inch	.437	.793		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.567	Do.
194	Regular stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.185	.407	.407	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.407	.407	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.
198	Whip stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing", see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

2. As amended 29 CFR 681.9 (c) and (d) shall read as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator.

• • • • • •

(b) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 42 cents a gross shall be paid to homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather, all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

(c) *Piece rates for the hand-lacing of leather wallets, leather wallet covers, and plastic wallets.* A minimum piece rate of 0.90 cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 2.22 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 2.77 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(52 Stat. 1062, as amended; 29 U.S.C. 206)

Signed at Washington, D.C., this 6th day of September 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-9781; Filed, Sept. 12, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–81]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREAS

Proposed Alteration, Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Green Bay, Wis., terminal area:

1. The Green Bay control zone is designated within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis.; within 2 miles either side of the Green Bay VORTAC 146° True radial extending from the 5-mile radius zone to the VORTAC and within 2 miles either side of the 059° True bearing from the Green Bay RBN, extending from the 5-mile radius zone to the RBN.

2. The Green Bay control area extension is designated within a 15-mile radius of the Austin-Straubel Airport, Green Bay, Wis., including the airspace southeast of Green Bay, bounded on the north by latitude 44°36'00'' N., on the east by longitude 87°26'00'' W., on the south and southwest by latitude 44°06'00'' N., and Victor 217, and on the west by the Green Bay 15-mile radius area; within 5 miles either side of the 239° True bearing from the Green Bay RBN extending from the RBN to 15 miles southwest, and within 5 miles either side of the Green Bay VORTAC 326° True radial extending from the VORTAC to 15 miles northwest.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Green Bay area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions.

1. Redesignate the Green Bay control zone as that airspace within a 4-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15'' N., longitude 88°07'45'' W.); within 2 miles each side of the Green Bay VORTAC 146° True radial, extending from the 4-mile radius zone to the VORTAC; within 2 miles each side of the Green Bay ILS localizer southwest course, extending from the 4-mile radius zone to the OM, and within 2 miles each side of the ILS localizer northeast course, extending from the 4-mile radius zone to 11 miles northeast of the airport.

2. Designate the Manitowoc, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Manitowoc Airport (latitude 44°07'30'' N., longitude 87°40'45'' W.), and within 5 miles east and 8 miles west of the 351° True bearing from the airport, extending from the airport to 12 miles north of the airport.

3. Designate the Clintonville, Wis., transition area as that airspace extending upward from 700 feet above the surface within 8 miles southwest and 5 miles northeast of the 128° and 308° True bearings from the Clintonville Airport (latitude 44°36'50'' N., longitude 88°43'50'' W.), extending from 2 miles southeast to 12 miles northwest of the airport, and within 8 miles northeast and 5 miles southwest of the 146° True bearing from the airport, extending from the airport to 12 miles southeast of the airport.

4. Designate the Appleton, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Outagamie County Airport, Appleton, Wis. (latitude 44°17'05'' N., longitude 88°21'55'' W.), and within 2 miles each side of the 089° True bearing from the Outagamie Airport, extending from the 4-mile radius area to 8 miles east of the airport.

5. Revoke the Green Bay control area extension and designate the Green Bay transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15'' N., longitude 88°07'45'' W.); within 2 miles each side of the Green Bay VORTAC 326° True radial, extending from the 6-mile radius area to 8 miles northwest of the VORTAC, and within 2 miles each side of the Green Bay ILS localizer southwest course, extending from the 6-mile radius area to 8 miles southwest of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°32'00'' N., longitude 87°46'20'' W., thence east to latitude 44°32'00'' N., longitude 87°27'00'' W., thence south along longitude 87°-27'00'' W. to latitude 44°08'00'' N., thence southwest to latitude 44°02'00'' N., longitude 87°40'00'' W., thence west along latitude 44°02'00'' N. to the west boundary of Victor 217, thence northwest along the west boundary of V–217 to latitude 44°12'00'' N., thence west along latitude 44°12'00'' N. to longitude 88°25'30'' W., thence counterclockwise along the arc of a 16-mile radius circle centered on the Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20'' N., longitude 88°33'15'' W.) to longitude 88°37'00'' W., thence north along longitude 88°37'00'' N. to latitude 44°27'30'' N., thence northeast to latitude 44°-31'20'' N., longitude 88°29'55'' W., thence clockwise via the arc of an 18-mile radius circle centered on the Austin-Straubel Airport to the point of beginning. The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The actions proposed herein would, in part, reduce the basic radius size of the Green Bay control zone from 5 to 4 miles, and designate a control zone extension based on the ILS localizer northeast course. The portion released would no longer be required for air traffic control purposes. The proposed control zone extenison based on the ILS northeast course would be required to provide protection for aircraft executing prescribed ILS instrument approach procedures. The portion of the Green Bay, Clintonville, Manitowoc and Appleton transition areas proposed with floors of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Austin-Straubel, Manitowoc, Appleton and Clintonville Airports. The floors of controlled airspace beyond the limits of the proposed 700-foot floor areas would be raised from 700 to 1,200 feet above the surface. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach, missed approach, radar and departure procedures within the Green Bay terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9753; Filed, Sept. 12, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–55]

CONTROL ZONES, TRANSITION AREA AND CONTROL AREA EXTENSIONS

Proposed Alteration, Designation and Revocation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Buffalo, N.Y., terminal area:

1. The Buffalo control zone is designated within a 5-mile radius of Greater Buffalo International Airport; within 2 miles either side of the 043° True bearing from the Buffalo RBN, extending from the 5-mile radius zone to 11.6 miles northeast of the RBN; within 2 miles either side of the 223° True bearing from the Buffalo RBN extending from the 5-mile radius zone to 24.4 miles southwest of the RBN, and within 2 miles either side of the Buffalo VORTAC 099° and 279° True radials, extending from the 5-mile radius zone to 10 miles east of the VORTAC.

2. The Niagara Falls, N.Y., control zone is designated within a 5-mile radius of Niagara Falls Municipal Airport and within 2 miles either side of the Niagara Falls ILS localizer east course, extending from the 5-mile radius zone to 10 miles east of the OM.

3. The Buffalo control area extension is designated within a 50-mile radius of the Greater Buffalo International Airport, and within 12 miles northeast and 8 miles southwest of the Buffalo VORTAC 124° True radial extending from the 50-mile radius area to 73 miles southeast of the VORTAC, excluding the portion outside the United States. The portion of this control area extension which coincides with R–5203 is excluded.

4. The Niagara Falls control area extension is designated within 5 miles either side of a direct line extending from the Niagara Falls ILS OM to the Dunkirk, N.Y., RBN, excluding the portion outside the United States.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Buffalo area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Niagara Falls control zone by redesignating it as that airspace within a 5-mile radius of Niagara Falls Municipal Airport (latitude 43°06'20'' N., longitude 78°56'55'' W.), and within 2 miles each side of the Niagara Falls ILS localizer E course, excluding the portion outside the United States.

2. Alter the Buffalo control zone by redesignating it as that airspace within a 5-mile radius of Greater Buffalo International Airport (latitude 42°56'25'' N., longitude 78°43'50'' W.); within 2 miles each side of the Buffalo VORTAC 099° True radial, extending from the 5-mile radius zone to 7 miles east of the VORTAC; within 2 miles each side of the Buffalo ILS localizer northeast course, extending from the 5-mile radius zone to 8 miles northeast of the OM, and within 2 miles each side of the Buffalo ILS localizer southwest course, extending from the 5-mile radius zone to 7 miles southwest of the Cheektowaga, N.Y., fan marker, excluding the portion within a 1-mile radius of Buffalo Airpark (latitude 42°51'40'' N., longitude 78°43'00'' W.).

3. Revoke the Buffalo and Niagara Falls control area extensions and designate the Buffalo transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Niagara Falls Municipal Airport (latitude 43°06'20'' N., longitude 78°-56'55'' W.); within a 7-mile radius of the Greater Buffalo International Airport (latitude 42°56'25'' N., longitude 78°43'50'' W.); within a 4-mile radius

of Buffalo Airpark (latitude 42°51'40" N., longitude 78°43'00" W.); within 5 miles south and 8 miles north of the Niagara Falls ILS localizer east course, extending from the OM to 14 miles east of the OM; within 8 miles northwest and 7 miles southeast of the Buffalo ILS localizer northeast course, extending from the OM to 12 miles northeast of the OM; within 8 miles north and 5 miles south of the Buffalo VORTAC 099° True radial, extending from the VORTAC to 12 miles east of the VORTAC, and within 2 miles each side of the Buffalo ILS localizer southwest course, extending from the Buffalo 7-mile radius area to 8 miles southwest of the Cheektowaga, N.Y., fan marker; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°38'00" N., longitude 78°-41'00" W., to latitude 43°21'00" N., longitude 78°00'00" W., to latitude 43°-06'00" W., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°-21'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°-37'00" N., longitude 79°15'00" W., to latitude 42°41'00" N., longitude 79°-19'30" W., thence via the United States/Canadian border to the point of beginning. The portion of this transition area within Canada is excluded. The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The proposed alteration of the Buffalo and Niagara Falls control zones would reduce the length of the existing east extension at Niagara Falls and the east and southwest extensions at Buffalo. These portions are no longer required for air traffic control purposes. The portion of the proposed Buffalo transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar procedures while operating below the proposed 1,200-foot floor transition area. The portion of the transition area with a floor of 1,200 feet above the surface would raise the floor of controlled airspace beyond the proposed 700-foot area from 700 to 1,200 feet above the surface and, as a result, would make such airspace available for other uses, yet sufficient controlled airspace would be retained to provide adequate protection to aircraft executing prescribed holding, arrival, departure, radar vectoring and jet penetration procedures within the Greater Buffalo terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 4, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9754; Filed, Sept. 12, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-PC-16]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the Midway Island terminal area:

1. The Midway Island control zone is designated within a 5-nautical mile radius of NAS Midway.

2. The Midway Island control area extension is designated as that airspace extending upward from 700 feet above the surface within a 100-nautical mile radius of NAS Midway.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Midway area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the NAS Midway control zone by redesignating it to comprise that airspace within a 5-mile radius of NAS Midway (latitude 28°12'00" N., longitude 177°22'00" W.); within 2 miles each side of the 244° True bearing from the Midway radio beacon, extending from the 5-mile radius zone to 11 miles southwest of the radio beacon; within 2 miles each side of the Midway TACAN 232° True radial, extending from the 5-mile radius zone to 8 miles southwest of the TACAN, and within 2 miles each side of the Midway TACAN 168° True radial, extending from the 5-mile radius zone to 8 miles south of the TACAN.

2. Revoke the Midway control area extension and designate the Midway transition area as that airspace extending upward from 700 feet above the surface within a 10-nautical mile radius of NAS Midway (latitude 28°12'00" N., longitude 177°22'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nautical mile radius of NAS Midway.

The actions proposed herein would increase the size of the presently designated control zone at NAS Midway by the addition of control zone extensions south and southwest to provide protection for aircraft executing prescribed instrument approach and departure procedures at NAS Midway. The portion of the Midway transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar procedures conducted beyond the limits of the control zone and below the floor of the proposed 1,200-foot area. The floor of controlled airspace beyond the 10-nautical mile radius area would be raised from 700 to 1,200 feet. The controlled airspace released would become available for other aeronautical purposes. The portion of controlled airspace retained would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures within the NAS Midway terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Pacific Region, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9755; Filed, Sept. 12, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-31]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Rock Springs, Wyo., terminal area:

1. The Rock Springs control zone is designated within a 5-mile radius of Rock Springs Municipal Airport; within 2 miles each side of the 082° True bearing from the Rock Springs RBN, extending from the 5-mile radius zone to the Point of Rocks fan marker and within 2 miles either side of the Rock Springs ILS localizer west course extending from the 5-mile radius zone to the Point of Rocks fan marker.

2. The Rock Springs control area extension is designated within 5 miles each side of the 172° and 352° True bearings from the Rock Springs radio beacon, extending from 25 miles south to 25 miles north of the radio beacon, and that airspace within 12 miles south and 7 miles north of the Rock Springs VORTAC 079° and 259° True radials extending from 9 miles east to 20 miles west of the VORTAC.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Rock Springs area as a result of the studies associated with the implementation of CAR Amendment 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Rock Springs control zone by redesignating it as that airspace within a 5-mile radius of Rock Springs Municipal Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 2 miles each side of the Rock Springs ILS localizer east course, extending from the 5-mile radius zone to 6 miles east of the outer marker, and within 2 miles each side of the Rock Springs VORTAC 097° True radial, extending from the 5-mile radius zone to 4 miles east of the VORTAC.

2. Revoke the Rock Springs control area extension and designate the Rock Springs transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Rock Springs ILS localizer east course, extending from 6 miles to 12 miles east of the outer marker; within 1 mile north and 5 miles south of the Rock Springs VORTAC 097° True radial, extending from the arc of a 5-mile radius circle centered on the Rock Springs Municipal Airport (latitude 41°35'45" N., longitude 109°04'00" W.), to 14 miles east of the VORTAC, and within 2 miles each side of the Rock Springs VORTAC 259° True radial, extending from the arc of a 5-mile radius circle centered on the Rock Springs Municipal Airport to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7 miles north and 11 miles south of the Rock Springs VORTAC 079° and 259° True radials, extending from 20 miles east to 20 miles west of the VORTAC, and that airspace within a 23-mile radius of the Rock Springs VORTAC extending clockwise from a line 5 miles northwest of and parallel to the Rock Springs VORTAC 026° True radial to a line 5 miles south of and parallel to the VORTAC 097° True radial. The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, realign the Rock Springs control zone east extension to coincide with the final approach courses specified by the VOR, ADF and ILS instrument approach procedures. The portion of controlled airspace beyond the limits of the extensions proposed herein would no longer be required for air traffic control purposes. The portion of the proposed Rock Springs transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures while operating beyond the limits of the control zone and below the proposed 1,200-foot floor area. The floor of controlled airspace beyond the 700-foot floor area would be raised from 700 to 1,200 feet above the surface. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach, missed approach and departure procedures within the Rock Springs terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles,

Calif., 90009. All communications re-

Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9757; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–44]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Douglas, Ariz., terminal area:

1. The Douglas control zone is designated within a 5-mile radius of Bisbee-Douglas International Airport, and within 2 miles either side of the Douglas VOR 311° True radial, extending from the 5-mile radius zone to 10 miles northwest of the VOR.

2. The Douglas control area extension is designated within 5 miles either side of the Douglas VOR 131° True radial extending from the VOR to the United States/Mexican border and within 10 miles southwest and 7 miles northeast of the Douglas VOR 302° and 122° True radials extending from 9 miles southeast to 20 miles northwest of the VOR, excluding the portion within R–2303, and the portion outside the United States.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Douglas area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Douglas control zone by redesignating it to comprise that airspace within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36'10" W.), and within 2 miles each side of the Douglas VOR 122° True radial, extending from the 5-mile radius zone to the VOR.

2. Revoke the Douglas control area extension and designate the Douglas transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Douglas VOR 302° True radial, extending from the VOR to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles southwest and 8 miles northeast of the Douglas VOR 302° and 122° True radials, extending from 20 miles northwest to 10 miles southeast of the VOR, excluding the portion within R–2303 and the portion outside the United States. The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The actions taken herein would, in part, revoke the control zone extension northwest of Douglas. This extension would no longer be required for air traffic control purposes. The portion of the proposed Douglas transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at Bisbee-Douglas Airport. The portion of the proposed transition area with a floor of 1,200 feet above the surface would provide protection for aircraft while holding at the Douglas VOR and for the portions of the instrument approach and departure procedures conducted beyond the limits of the 700-foot floor area. In addition, the actions proposed herein would raise the floor of controlled airspace beyond the 700-foot area northwest of Douglas from 700 to 1,200 feet and, as a result, would make such airspace available for other uses, yet sufficient controlled airspace would be retained to provide adequate protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Douglas terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9758; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 62–WE–149]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration; Modification

In a notice of proposed rule making published in the FEDERAL REGISTER June 15, 1963 (28 F.R. 6191), it was stated that the Federal Aviation Agency proposed to alter the control zone and transition area at Twin Falls, Idaho.

Subsequent to the publication of the notice, it was determined by the FAA that the lateral configuration proposed for the portions of the Twin Falls transition area with a floor of 700 feet above the surface would require expansion if existing Twin Falls instrument approach landing minimums were to be retained. The boundaries recommended for the 700-foot portion proposed in the notice were predicated on raising the procedure turn altitude of prescribed Twin Falls VOR instrument approach procedure, based on the 086° True radial, to more than 1,500 feet above the surface. However, it was later determined that in raising this procedure turn altitude the established straight-in landing minimums from the east would no longer be applicable. In addition, it was proposed in the notice to alter the Twin Falls control zone, in part, by reducing the control zone east extension from 8 to 7 miles east of the VOR. Because of the requirement to retain the lower procedure turn altitude for straight-in approach capability, less than sufficient protection would be afforded by the shortened control zone extension.

Accordingly, the notice is hereby amended to propose that the portion of the Twin Falls transition area extending upward from 700 feet above the surface would be designated as that airspace within a 7-mile radius of the Twin Falls VOR; within 8 miles north and 5 miles south of the Twin Falls VOR 086° True radial, extending from the VOR to 12 miles east of the VOR, and within 2 miles each side of the Twin Falls VOR 195° True radial, extending from the 7-mile radius area to 10 miles south of the VOR; and the portion of the proposal pertaining to altering the length of the control zone extension based on the Twin Falls VOR 086° True radial is hereby withdrawn.

The description of the 1,200-foot portion of the transition area would remain as originally proposed in the notice.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is hereby extended to September 30, 1963. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif, 90009.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9756; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–65]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Notice is herby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

A west alternate of VOR Federal airway No. 9 and its associated control areas extend from New Orleans, La., via the intersection of the New Orleans 326° and the McComb, Miss., 199° True radials to McComb. Another west alternate of Victor 9 and its associated control areas extend from McComb via the intersection of McComb 348° and Jackson, Miss., 224° True radials.

The FAA's latest IFR peak-day airway traffic survey shows no aircraft movements on Victor 9 West between New Orleans and McComb. Therefore, it appears that the retention of this alternate airway is unjustified as an assignment of airspace, and the FAA proposes its revocation.

Also, the FAA proposes the realignment of Victor 9 West from McComb via the intersection of McComb 348° and Jackson 199° True radials. This realignment would reduce the mileage along this alternate airway from 79 to 74 nautical miles.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9760; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–AL–19]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS, AND REPORTING POINT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA is installing a VOR in the vicinity of Big Lake, Alaska (latitude 61°34'13" N., longitude 149°57'56" W.), on or about December 15, 1963. The FAA has under consideration the designation of a VOR airway and its associated control areas from the intersection of the McGrath, Alaska, 122° and the Big Lake 292° True radials via the new Big Lake facility to the intersection of the Big Lake 073° True radial and the Sheep Mountain, Alaska, radio beacon 343° True bearing. The segment of the proposed airway from the intersection of the McGrath 122° and the Big Lake 292° True radials to Big Lake would be expanded, beginning 45 nautical miles from Big Lake, in graduated steps of one mile for every 5 nautical miles in length to 60 nautical miles from Big Lake, thence 14 miles wide to the intersection. The segment of the proposed airway from Big Lake to the intersection of the Big Lake 073° True radial and the Sheep Mountain radio beacon 343° True bearing would be expanded, beginning at 45 nautical miles from Big Lake, in graduated steps of one mile for every 5 nautical miles in length to 55 nautical miles from Big Lake, thence 13 miles wide to the intersection.

The segment of the proposed airway from Big Lake to the intersection of the McGrath 122° and the Big Lake 292° True radials would provide an alternate airway for aircraft operations between Anchorage, Alaska, and McGrath. The eastern segment of the proposed airway would provide a route for VOR-equipped aircraft operating between Big Lake and Sheep Mountain. The expanded width of the airway would provide adequate controlled airspace for aircraft operating along the proposed airway while at a distance greater than 45 nautical miles from Big Lake.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9759; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-PC-13]

TRANSITION AREA

Proposed Alteration

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to the designation of navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Kailua, Kona, Hawaii transition area is presently designated as that airspace extending upward from 700 feet above the surface beginning at latitude 19°54'00" N., longitude 156°07'50" W., to latitude 19°41'50" N., longitude 155°57'30" W., thence clockwise along the arc of a 5-mile radius circle centered on the Kona Airport (latitude 19°39'00" N., longitude 156°01'00" W.) to latitude 19°34'50" N., longitude 155°59'50" W., to latitude 19°31'50" N., longitude 156°-12'30" W., thence clockwise along the arc of a 5-mile radius circle centered on the intersection of the Upolu Point, Hawaii VOR 211° and the Lanai, Hawaii VOR 149° True radials to latitude 19°38'15" N., longitude 156°17'40" W., thence to point of beginning.

The FAA having completed a comprehensive review of the terminal airspace structure in the Kona area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace action:

Alter the Kailua, Kona transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Kona Airport (latitude 19°39'00" N., longitude 156°01'00" W.) and within 2 miles each side of the 327° True bearing from the Kona Airport, extending from the 5-mile radius area to 14 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 19°34'45" N., longitude 156°-01'00" W., to latitude 19°31'45" N., longitude 156°15'00" W., to latitude 19°48'-30" N., longitude 156°23'00" W., thence clockwise along the arc of a 26-mile radius circle centered on the Kona Airport to latitude 20°01'30" N., longitude 156°00'-05" W., to latitude 19°39'50" N., longitude 155°56'30" W., thence clockwise along a 5-mile radius circle centered on the Kona Airport to the point of beginning. The floors of the airways which traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The proposed alteration of the Kailua, Kona transition area would increase the overall extent of the existing controlled airspace in the Kona terminal area. The floor of the transition area in the immediate vicinity of the Kona Airport would remain at 700 feet above the surface to provide protection for aircraft executing prescribed instrument approach and departure procedures at the Kona Airport. The floor of the remainder of the transition area would be set at 1,200 feet. The portion of controlled airspace extending upward from 1,200 feet above the surface would provide protection for aircraft while holding at the Kona Intersection and for portions of the instrument approach and departure procedures conducted above 1,500 feet above the surface in the Kona terminal area.

No revisions to prescribed instrument approach procedures would be required by the action proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9765; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-60]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Stillwater, Okla., area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the designation of a transition area at Stillwater. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Searcy Field, Stillwater, Okla. (latitude 36°09'30" N., longitude 97°05'05" W.) and within 5 miles east and 8 miles west of the 359° True bearing from the airport, extending from the airport to 12 miles north. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at Searcy Field. Communications service within the proposed transition area would be provided by the Oklahoma City FAA RAPCON and control tower.

The floors of the airways which traverse the transition area proposed herein and the floor of the portion of the Oklahoma City, Okla., control area extension, which coincides with the proposed transition area, would automatically assume a floor coincident with the floor of the transition area. Revocation of this control area extension will be processed at a later date as a part of the CAR Amendments 60-21/60-29 implementation program proposed for terminal areas which adjoin the Stillwater terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9766; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-CE-84]

RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 71.165, 71.171 and 73.54 of the Federal Aviation Regulations, the substance of which is stated below.

The Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor R-5402 is presently described as follows:

Boundaries. The area centered on the 001° radial of the Grand Forks AFB TACAN extending from 5 miles N of the airbase (latitude 47°57'40" N., longitude 97°24'05" W.) to 32 miles N of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes. 2,900 feet MSL to 15,900 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase. 2,900 feet MSL to flight level 249 from 6 to 7 miles N of the airbase. 2,900 feet MSL to flight level 270 from 7 to 10 miles N of the airbase. 6,900 feet MSL to flight level 270 from 10 to 15 miles N of the airbase. 10,900 feet MSL to flight level 270 from 15 to 20 miles N of the airbase. 15,900 feet MSL to flight level 270 from 20 to 25 miles N of the airbase. 19,900 feet MSL to flight level 270 from 25 to 32 miles N of the airbase.

Time of designation. Continuous.

Using agency. Grand Forks AFB Approach Control.

The Federal Aviation Agency is considering the redesignation of R-5402 as follows:

R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 001° radial of the Grand Forks AFB TACAN beginning at a point 2 nautical miles N of the N end of Runway 35 and extending to a point 32 nautical miles N of the end of the runway, having a width of 1 nautical mile at the beginning and expanding uniformly to a width of 6 nautical miles at the outer extremity.

Designated altitudes. Surface to flight level 270 from 2 nmi to 5 nmi from end of runway. 2,000 feet MSL to flight level 270 from 5 nmi to 6 nmi from end of runway. 3,000 feet MSL to flight level 270 from 6 nmi to 8 nmi from end of runway. 5,000 feet MSL to flight level 270 from 8 nmi to 13 nmi from end of runway. 10,000 feet MSL to flight level 270 from 13 nmi to 17 nmi from end of runway. 14,000 feet MSL to flight level 270 from 17 nmi to 21 nmi from end of runway. 17,000 feet MSL to flight level 270 from 21 nmi to 27 nmi from end of runway. 20,000 feet MSL to flight level 270 from 27 nmi to 32 nmi from end of runway.

Time of designation. Continuous.

Using agency. Grand Forks AFB Approach Control.

Due to the capability of the latest fighter/interceptor aircraft to reach high speeds and high rates of climb in a short time after take-off, the Federal Aviation Agency has revised the criteria for establishing restricted area/military climb corridors used by these aircraft. The proposal contained herein is consistent with the new criteria. Altered as proposed, R-5402 would provide protection for air defense aircraft and other air traffic operating in the vicinity of Grand Forks Air Force Base during the initial climb phase of air defense missions. The using agency would authorize aircraft to operate within R-5402 when not in use by active air defense aircraft.

A portion of the reconfigured corridor would coincide with the Grand Forks, N. Dak. (Grand Forks AFB) control zone and the Grand Forks, N. Dak., control area extension. Accordingly, it is proposed to amend the description of the control zone and the control area extension to refer to the requirement for pilots to obtain prior approval from appropriate authority before using the portions of the control zone and control area extension within R-5402.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 6, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9762; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-CE-85]

RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 71.107, 71.143, 71.171 and 73.54 of the Federal Aviation Regulations, the substance of which is stated below.

The Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor R-5403 is presently described as follows:

Boundaries. The area centered on the 308° radial of the Minot AFB TACAN extending from 5 miles NW of the airbase (latitude 48°25'18" N., longitude 101°22'08" W.) to 32 miles NW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes. 3,650 feet MSL to 16,650 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase. 3,650 feet MSL to flight level 257 from 6 to 7 miles NW of the airbase. 3,650 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.

7,650 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase. 11,650 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase. 16,650 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase. 20,650 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.

Time of designation. Continuous.

Using agency. Minot AFB Approach Control.

The Federal Aviation Agency is considering the redesignation of R–5403 as follows:

R–5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 308° radial of the Minot AFB TACAN beginning at a point 2 nautical miles NW and extending to a point 32 nautical miles NW from the NW end of runway 29, having a width of 1 nautical mile at the beginning and expanding uniformly to a width of 6 nautical miles at the outer extremity.

Designated altitudes. Surface to flight level 270 from 2 nmi to 5 nmi from end of runway. 3,000 feet MSL to flight level 270 from 5 nmi to 6 nmi from end of runway. 4,000 feet MSL to flight level 270 from 6 nmi to 8 nmi from end of runway. 6,000 feet MSL to flight level 270 from 8 nmi to 16 nmi from end of runway. 14,000 feet MSL to flight level 270 from 16 nmi to 24 nmi from end of runway. 19,000 feet MSL to flight level 270 from 24 nmi to 32 nmi from end of runway.

Time of designation. Continuous.

Using agency. Minot AFB approach control.

Due to the capability of the latest fighter/interceptor aircraft to reach high speed and high rates of climb in a short time after take-off, the Federal Aviation Agency has revised the criteria for establishing restricted area/military climb corridors for use by these aircraft. The proposal contained herein is consistent with the new criteria. Altered as proposed, R–5403 will provide protection for air defense aircraft and other air traffic operating in the vicinity of Minot Air Force Base during the initial climb phase of air defense missions. The using agency would authorize aircraft to operate within R–5403 when not in use by active air defense aircraft.

Further, if R–5403 is altered as proposed herein, action would be taken to alter the descriptions of the Minot, N. Dak. (Minot AFB) control zone and red Federal airway No. 46 to refer to the requirement for pilots to obtain prior approval from appropriate authority before using the portions of the airway and control zone within R–5403.

In addition, to eliminate any need for coordination between Minneapolis, Minnesota, ARTC Center and Minot AFB Approach Control, it is proposed to exclude the airspace within R–5403 from the description of intermediate altitude VOR Federal airway No. 1541.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 9, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9763; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–CE–92]

RESTRICTED AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.46 of the Federal Aviation Regulations, the substance of which is stated below.

The Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor, R–4601 is described as follows:

R–4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 299° radial of the Glasgow AFB TACAN, extending from 5 miles NW of the airbase (latitude 48°25'10" N. longitude 106°31'30" W.) to 30 miles NW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes. 4,800 feet MSL to 17,800 feet MSL from 5 miles NW of the airbase to 8 miles NW of the airbase. 4,800 feet MSL to flight level 268 from 6 to 7 miles NW of the airbase. 4,800 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase. 8,800 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase. 12,800 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase. 17,800 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase. 21,800 feet MSL to flight level 270 from 25 to 30 miles NW of the airbase.

Time of designation. Continuous.

Using agency. Glasgow AFB Approach Control.

The Federal Aviation Agency is considering the redesignation of R–4601 as follows:

R–4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 299° radial of Glasgow AFB TACAN beginning at a point 2 nautical miles NW and extending to a point 32 nautical miles NW of the NW end of runway 28, having a width of 1 nautical mile at the beginning and expanding uniformly to a width of 6 nautical miles at the outer extremity.

Designated altitudes. Surface to flight level 270 from 2 nmi to 5 nmi from end of runway. 4,000 feet MSL to flight level 270 from 5 nmi to 6 nmi from end of runway. 5,000 feet MSL to flight level 270 from 6 nmi to 8 nmi from end of runway. 7,000 feet MSL to flight level 270 from 8 nmi to 13 nmi from end of runway. 12,000 feet MSL to flight level 270 from 13 nmi to 17 nmi from end of runway. 15,000 feet MSL to flight level 270 from 17 nmi to 22 nmi from end of runway. 18,000 feet MSL to flight level 270 from 22 nmi to 27 nmi from end of runway. 21,000 feet MSL to flight level 270 from 27 nmi to 32 nmi from end of runway.

Time of designation. Continuous.

Using agency. Glasgow AFB Approach Control.

Due to the capability of the latest fighter/interceptor aircraft to reach high speed and high rates of climb in a short time after takeoff, the Federal Aviation Agency has revised the criteria for establishing restricted area/military climb corridors for use by these aircraft. The proposal contained herein is consistent with the new criteria. Altered as proposed, R–4601 will provide protection for air defense aircraft and other air traffic operating in the vicinity of Glasgow Air Force Base during the initial climb phase of air defense missions. The using agency would authorize aircraft to operate within R–4601 when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9764; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63–WE–52]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 15 presently extends in part from the Albuquerque, N. Mex., VORTAC to the Grand Junction, Colo., VORTAC. Continuous navigation signal coverage does not exist over this entire route segment of J–15 below flight level 300. The FAA is proposing to alter this segment of J–15 from the Albuquerque VORTAC via the Farmington, N. Mex., VORTAC to the Grand Junction VORTAC. Such action would permit the use of those flight levels between flight level 240 and flight level 300 which are not now available due to lack of signal coverage.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 5, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9761; Filed, Sept. 12, 1963; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1944]

AIRWORTHINESS DIRECTIVES

Hamilton Standard Propellers

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive superseding Amendment 37, 24 F.R. 7254 (AD 59–17–3), which requires inspection of all Hamilton Standard surface-treated aluminum-alloy blades when subjected to known or suspected impact with solid objects. Since the issuance of AD 59–17–3, further investigation indicates that an additional classification of surface-treated blades should be covered under the AD. It is proposed, therefore, to supersede AD 59–17–3 with a new directive which would cover such additional blades and also reference service bulletins which were not included in the original directive.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before October 15, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

HAMILTON STANDARD. Applies to all Hamilton Standard aluminum-alloy propeller blades. (Aircraft on which these propeller blades are installed include but are not necessarily confined to the Boeing 377; Convair 240, 340, 440; Douglas DC–3 Series, DC–6, DC–6A, DC–6B, DC–7, DC–7A, DC–7B, DC–7C; Lockheed 049, 749A, 1049/C/D/G/H, 1649A; and Martin 202A, 404.)

Compliance required as indicated.

For all aluminum-alloy propeller blades exposed to known or suspected impact with solid objects (blades static or rotating), the following shall be accomplished:

(a) Non-surface-treated blades shall be inspected in accordance with the applicable Hamilton Standard Bulletins and Service Manuals. If repair of damage requires procedures that include bending or twisting, the blade shall be removed and repaired prior to further flight. Other damage may be repaired without blade removed in accordance with the applicable Hamilton Standard instructions.

(b) Surface-treated blades as classified in Hamilton Standard Bulletin No. 596B shall be inspected in accordance with the applicable Hamilton Standard Bulletins and service manuals.

(1) Blades with visual evidence of bending, twisting, gouging, and/or marring shall be removed prior to further flight and submitted to Hamilton Standard for repair. A complete description of the circumstances surrounding the incident plus all available alinement records shall accompany the blade, since such details will determine the extent of the repair required.

(2) Blades with no visual evidence of bending, twisting, gouging, and/or marring shall be treated as follows:

(i) If the applicable alinement gage is available, measure alinement and disposition blades in accordance with Hamilton Standard Service Bulletin No. 602A.

(ii) If an alinement gage is not available, measure propeller track. If track is beyond the tolerance specified in Table II of Hamilton Standard Service Bulletin No. 596A, the propeller shall be removed from service immediately. If track is within limits, the propeller may be continued in service for a period not to exceed 50 hours' time in service before the face alinement check prescribed in (1) is conducted.

(Hamilton Standard Service Bulletins Nos. 596, 596A, 596B, and 602A cover this same subject.)

This supersedes Amendment 37, 24 F.R. 7254 (AD 59–17–3).

Issued in Washington, D.C., on September 6, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–9752; Filed, Sept. 12, 1963; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1943; Notice No. 63–36]

AIRBORNE VOR RECEIVING EQUIPMENT (FOR AIR CARRIER AIRCRAFT)—TSO–C40b

Proposed Technical Standard Order

The Federal Aviation Agency has under consideration a proposal to revise § 514.38 of Part 514 of the regulations of the Administrator by amending the technical standard order. This technical standard order contains minimum performance standards for airborne VOR receiving equipment operating within the radio-frequency range of 108–118 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations.

The amendment is proposed to incorporate new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions. The spurious emission requirements were revised to provide more protection to other electronic equipment in the aircraft.

In addition, the increasing number of ground VOR facilities installed in the last few years imposes more severe requirements on the airborne equipment from an interference standpoint. This necessitates more stringent requirements in certain areas for the airborne equipment to assure that it will operate satisfactorily under the present ground environment encountered in the air traffic control system. Minimum performance standards have been established for VOR antennas which are a part of the airborne VOR system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before December 30, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.38 to read as follows:

§ 514.38 Airborne VOR receiving equipment operating within the radio-frequency range of 108–118 megacycles (for air carrier aircraft)—TSO–C40b.

(a) *Applicability.* (1) Minimum performance standards are hereby established for airborne VOR receiving equipment operating within the radio-frequency range of 108–118 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VOR receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards specified in Federal Aviation Agency document entitled "Minimum Performance Standards For Airborne VOR Receiving Equipment Operating Within the Radio-Frequency Range of 108–118 Megacycles",[1] dated December 6, 1962, and Federal Aviation Agency Document "Environmental Test Procedures For Airborne Electronic Equipment",[1] dated August 31, 1962, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) Federal Aviation Agency Paper "Environmental Test Procedures For Airborne Electronic Equipment", outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in the FAA paper, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D;,

(ii) Vibration Test—Categories A, B, C, D, E, or F;

(iii) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(iv) Radio-Frequency Susceptibility Test—Category A; and

(v) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental test procedures outlined in FAA Paper "Environmental Test Procedures for Airborne Electronic Equipment", which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by six letters which identify the categories designated in the FAA paper. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Vibration Test Category;

(iii) Audio-Frequency Magnetic Field Susceptibility Test Category;

(iv) Radio-Frequency Susceptibility Test Category;

(v) Emission of Spurious Radio-Frequency Energy Test Category; and

(vi) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DBAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$BAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specification; indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

(4) The manufacturer shall specify in the data furnished the FAA and in his maintenance instructions the maximum allowable error spread of the equipment, as measured under paragraph 2.1(a), Bearing Accuracy, which will provide the required bearing accuracy under all combinations of variables as outlined in paragraph 2.1(b), with a statistical probability of 95 percent.

(d) *Previously approved equipment.* Airborne VOR receiving equipment approved before the effective date of this section may continue to be manufactured under the provisions of its original approval, except that the requirements of § 514.3 through § 514.10 shall be met as required by § 514.2.

Issued in Washington, D.C., on September 5, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9751; Filed, Sept. 12, 1963; 8:45 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15083]

ADVERTISING ON STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. On May 17, 1963, the Commission issued a notice of proposed rule making in the instant proceeding inviting comments to be filed not later than July 1, 1963, and reply comments not later than July 15, 1963.

2. Subsequently, at the request of the National Association of Broadcasters the time for filing comments was extended to September 16, 1963, and reply comments to September 30, 1963.

3. The Commission has before it for consideration a request filed by the Colorado Broadcasters Association that the time for filing comments be extended to October 16, 1963. In support thereof, it is stated that summer vacations prevented earlier acquisition of information and facts which the Association wishes to file in this proceeding.

4. The Commission recognizes the value of the information which the Association intends to present. Nevertheless, it must also be recognized that the notice of proposed rule making was released in this docket on May 17, 1963, and that the time for filing comments and reply comments has already been extended. Therefore, we are of the view that the further extension of time requested is not warranted or appropriate.

5. However, so that the Colorado Broadcasters Association may have some further time to develop their position and views, we will extend the time for filing comments to September 30, 1963, and the time for filing reply comments to October 14, 1963.

6. In view of the foregoing: *It is ordered,* That the time for filing comments in response to the notice of proposed rule making in this proceeding is extended to and including September 30, 1963, and the time for filing reply comments herein is extended to and including October 14, 1963; and

7. *It is further ordered,* That the request for further extension filed by the Colorado Broadcasters Association is granted insofar as it is consistent with the action taken herein; and in other respects is denied.

Adopted: September 9, 1963.

Released: September 10, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9813; Filed, Sept. 12, 1963; 8:48 a.m.]

Notices

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco), are hereby designated to serve as Acting Regional Director of Community Facilities, Region VI, during the absence of the Regional Director of Community Facilities with all the powers, functions, and duties redelegated or assigned to the Regional Director of Community Facilities, Region VI, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Community Facilities.

2. Assistant to the Regional Director of Community Facilities.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 13th day of September 1963.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 63-9803; Filed, Sept. 12, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

September Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

These prices at which Commodity Credit Corporation commodity holdings are available for sale during September 1963 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, soybeans, and dry edible beans.

Gum turpentine is being withdrawn for September.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for September 1963 are 4 percent for periods up to 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks are available for export sale under the CCC Export Sales Program.

The following CCC-owned commodities are available for programing under Title IV, Public Law 480, private trade agreements: Wheat, corn, barley, rye, rice, grain sorghums, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, nonfat dry milk, and dry beans. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, rye, barley, and grain sorghum. This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD-35: Any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced by press release in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 as amended. (Sale of Upland Cotton for Unrestricted Use.) Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-18 Cotton Export Program, Sales (1963-64 Marketing Year), as amended, and NO-C-22 Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year), as amended. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-21 (Acquisition of Upland Cotton for Export under Barter and Credit Sales Programs) and NO-C-22, as amended (Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year)).
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton).
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Barley, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificate: [1] Such CCC dispositions of barley, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market prices at point of delivery, as determined by CCC, except for redemptions of 1963 certificates. Redemptions of 1963 certificates during the month will be made at market price, as determined by CCC, but not less than the formula minimum price for such redemptions which is the applicable 1963 price support loan rate (i.e., the price support rate minus the amount of the price support payment-in-kind which is 14 cents per bushel) for the class, grade, and quality of the barley, plus the amount shown in C below applicable to the type of carrier involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable barley, as CCC may designate as general sales, will be made during the month at market price but not less than the formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] for the class, grade and quality of the barley, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable barley as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula price examples (per bushel).

Markup in cents received by		Example of in-store [3] formula minimum prices for No. 2 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
7	2	Minneapolis, Minn	$1.23
		Kansas City, Mo	1.25

See footnotes at end of table.

Commodity	Sales price or method of sale
Barley, bulk (continued)	**Domestic and export, unrestricted use—Continued** D. Availability information: For information on CCC dispositions of barley from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS Grain Office listed at end of table. Export announcement sales: (1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter, credit and other designated sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston and Kansas City ASCS Offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS Offices, respectively.
Grain sorghums, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of grain sorghums, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market prices at point of delivery, as determined by CCC, except for redemptions of 1963 certificates. Redemptions of 1963 certificates during the month will be made at market price, as determined by CCC, but not less than the formula minimum price for such redemptions which is the applicable 1963 price support loan rate (i.e., the price support rate, minus the amount of the price support payment-in-kind which is 29 cents per hundredweight) for the class, grade, and quality of the grain sorghums, plus the amount shown in C below applicable to the type o carrier involved. B. General sales: [1] 1. Storable: Such CCC disposition of storable grain sorghums, as CCC may designate as general sales, will be made during the month at market price, but not less than the formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] for the class, grade and quality of the grain sorghums, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghums when dispositions of such grain sorghums are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghums as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula price examples (per hundredweight).

Markup in cents received by		Example of in-store [3] formula minimum prices for No. 2 or better grain sorghums (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
15	4	Kansas City, Mo	$2.51

Commodity	Sales price or method of sale
	D. Availability information: For information on CCC dispositions of grain sorghums from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghums from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS Grain Office listed at end of table.
Grain sorghums, bulk (con.)	Export announcement sales: (1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghums held in California export terminals are the only grain stored in California available for sale under these export announcements, except that such sorghums shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS Offices.
Corn, bulk	Domestic and export, unrestricted use: A. Redemption of Domestic Payment-in-Kind Certificates: [1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market prices at point of delivery, as determined by CCC, except for redemptions of 1963 certificates. Redemptions of 1963 certificates during the month will be made at market price, as determined by CCC, but not less than the formula minimum price for such redemptions which is the applicable 1962 price support rate for the class, grade, and quality of the corn. B. General sales: [1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the formula minimum price for such sales which is 105 percent of the applicable 1962 price support rate [3] for the class, grade and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula price examples (per bushel).

Markup in cents in-store at		Example of in-store [3] formula minimum prices for No. 2 yellow corn (14 percent Mt. and 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
9	12	Chicago, Ill.[4]	$1.58¾
		Minneapolis, Minn.[4]	1.41¼

Commodity	Sales price or method of sale
	D. Availability information: For information on CCC disposition of corn from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS Grain Office listed at end of table. Export announcement sales: (1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Rye, bulk	Domestic and export, [1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the formula price which is 105 percent of the applicable 1963 price support rate [2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 8	*Cents* 2	Minneapolis, Minn	No. 2 or better (or No. 3 on TW only).	$1.38

Commodity	Sales price or method of sale
	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS Offices. Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table. Export: (1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter, credit and emergency sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, and Portland ASCS Offices; also Minneapolis ASCS Office for rye stored in terminals in Minneapolis.
Flaxseed, bulk	Domestic, unrestricted use: Storable: Market price basis in store, [3] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Flaxseed: Bushel	*Cents* 10	*Cents* 2	Minneapolis	No. 1	$3.29½

Commodity	Sales price or method of sale
	Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis (Grain Merchandising) ASCS Office. Available: Through the Minneapolis and Portland (Grain Merchandising) ASCS Offices. Export, restricted use: Competitive bid basis under Announcement Nos. EV-20 and GR-KC-4, issued by the Evanston and Kansas City ASCS Offices under which flaxseed equal in grade and quantity to the flaxseed sold, or linseed oil equivalent computed on the basis of 19 pounds per bushel of flaxseed sold must be exported within 120 days after the date of sale.
Soybeans, bulk (as available)	Domestic or export: Market price, but not less than the 1962 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City and Minneapolis ASCS Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Dry edible beans (bagged)	Domestic: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1963 price support differentials.

Class	Prices per hundredweight	Area of production
Red kidney	$9.08	New York and Michigan.
Pea	7.39	Michigan.
Small red	7.64	Washington.
Pinto	6.70	Denver rate area.

Export: Under Announcement GR-409 for dollar sales only at the following price per hundredweight on the basis of U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1963 price support differential.

Class	Price per hundredweight	Area of production
Red kidney	$8.64	New York and Michigan.
Pea	7.25	Michigan.
Small red	7.27	Washington.
Pinto	6.37	Denver rate area.

Commodity	Sales price or method of sale
Oats, bulk	As available from the Evanston, Kansas City, and Portland ASCS Offices. Domestic and export: [1] Storable: Market price, as determined by CCC, but not less than the formula price which is 105 percent of the applicable 1963 price support rate [2] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store		
Production point	Other points	Terminal	Grade and class	Price
Cents 2	*Cents* 3½	Chicago, [3] Ill	No. 2 (or better) XHWO	$0.85
		Minneapolis, [4] Minn		.75¾

Commodity	Sales price or method of sale
	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS Office. Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table. Export announcement sales: (1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and emergency sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices. Available: Evanston, Kansas City, Minneapolis and Portland ASCS Offices.

Commodity	Sales price or method of sale
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than 1963 loan rate plus 5 percent, plus 16 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-Kind, and under GR-379, Revision I, for approved credit sales. Price, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.
Peanuts, shelled or unshelled (Farmers Stock) as available.	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended.
Wheat, bulk	Domestic and export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the formula price which is 105 percent of the applicable 1963 price support loan rate[3] for the class, grade, and quality [4] of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added.

Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store [2] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 8	*Cents* 2	Chicago	No. 1 RW	$2.23
		Minneapolis	No. 1 DNS	2.29
		Kansas City	No. 1 HW	2.20
		Portland	No. 1 SW	2.12

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Office.
Nonstorable (as available): At no less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-345 (Revised July 13, 1962) as amended, for export under the wheat export payment-in-kind program, except that Durum Wheat will not be eligible for P.L. 480, Title I sales, (2) under Announcement GR-212 (Rev. 2, Jan. 9, 1961), for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961), for export as wheat, under Announcement GR-262 (Rev. 2, Jan. 9, 1961), for export as flour, for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS Offices. (At Portland ASCS Office hard red winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b. buyer's conveyance at the bin site.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[4] Woodford County, Ill., origin.
[4] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.)
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0860.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Portland ASCS Branch Office, 218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6–3361.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington, and Arizona and California (Export sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121.
Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: Walnut 7–7311.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529–2411.
Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2–8000.
Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2–8000.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 4, Calif. Telephone: Sutter 1–3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 308, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on September 6, 1963.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63–9749; Filed, Sept. 12, 1963; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[TUS Order No. 20; Rev. No. 4]

TREASURER OF THE UNITED STATES

Order of Succession

To the Treasurer's Staff, Division Chiefs, Office Heads, and Others Concerned:

1. Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955; it is hereby ordered that the following officers in the Office of the Treasurer of the United States, in the order of succession listed, shall act as Treasurer during the absence or disability of that officer:

Deputy Treasurer.
Assistant Deputy Treasurer,
Assistant to the Deputy Treasurer (2106),
Assistant to the Deputy Treasurer (2107),
Chief, Check Claims Division,
Chief, General Accounts Division,
Chief, Securities Division.

2. In the event of an enemy attack on the continental United States and in the absence of the Treasurer of the United States, the senior officer present at the site at which the Treasurer's operations are performed, in descending order in the following line of succession, shall act as Treasurer:

Deputy Treasurer,
Assistant Deputy Treasurer,
Assistant to the Deputy Treasurer (2106),
Assistant to the Deputy Treasurer (2107),
Chief, Check Claims Division,
Chief, General Accounts Division,
Chief, Securities Division,
Director, Parkersburg Office, Bureau of the Public Debt.

3. In the event of an enemy attack on the continental United States and in the occurrence of a vacancy in the office of Treasurer of the United States, the Treasurer's functions shall be deemed to have been transferred, pursuant to the above-mentioned Treasury Department Order, to the senior officer present at the site at which the Treasurer's operations are performed, in descending order in the line of succession listed in paragraph 2 above.

4. This order supersedes the order of succession dated January 18, 1960.

Dated: September 10, 1963.

[SEAL] KATHRYN O'HAY GRANAHAN,
Treasurer of the United States.

[F.R. Doc. 63–9802; Filed, Sept. 12, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 16]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. Pursuant to the National Security Action Memorandum No. 220, dated February 5, 1963, addressed to The Secretary of State; The Secretary of Defense; The Secretary of Agriculture; The Secretary of Commerce; The Administrator, Agency for International Development; and The Administrator, General Services Administration, concerning United States Government shipments by foreign-flag vessels in the Cuban trade, the Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 6, 1963, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2:

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—All flags (175 ships)	1,391,301
British (53 ships)	490,273
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Arlington Court	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cedar Hill	7,156
Chipbee	7,271
*Dairen	4,939
East Breeze	8,706
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Ho Fung	7,121
Inchstaffa	5,255
Ivy Fair (now Cosmo Trader)	7,201
Kirriemoor	5,023
Linkmoor	8,236
London Confidence (Tanker)	21,699
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Independence (Tanker)	22,643
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
*London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
*London Valour (Tanker)	16,268
London Victory (Tanker)	12,132
Lord Gladstone	11,299
Maratha Enterprise	7,166
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Shienfoon	7,127
Silverforce	8,058
Silverlake	8,058
*Stanwear	8,108
Suva Breeze	4,970
Thames Breeze	7,878
Tulse Hill	7,120
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (52 ships)	403,577
Aegalon	7,239
Aeglos Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
Americana	7,104
Anacreon	7,359
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
Despoina	5,006
Efcharis	7,249
Eftychia	7,223
Embassy	8,418
Everest	7,031
*Flora M	7,244
Galini	7,266
Gloria	7,128
Hydraios III	5,239
Istros II	7,275
Katingo	7,349
*Kostis	7,264
Kyra Hariklia	6,888
Maria de Lourdes	7,219
Maria Santa	7,217
Maria Theresa	7,245
Maroudio	7,369
Mastro-Stelios II	7,282
Nicolaos Frangistas	7,199
North Empress	10,904
North Queen	9,341
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
Polaris	9,603
Pollux	9,956
Polyxeni	7,143
Propontis	7,128
Redestos	5,911
Seirios	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos	7,244
Timios Stavros	5,269
Tina	7,362
*Vassiliki (Tanker)	10,507
Western Trader	9,268
Lebanese (31 ships)	209,222
Aiolos II	7,256
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
*Areti	7,176
Aristefs	6,995
Astir	5,324
Carnation	4,884
Dimos	7,187
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Malou	7,145
Mantric	7,355
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani	7,253
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Tertric	7,045
Vassiliki	7,192
Italian (10 ships)	76,816
Achille	6,950
Alrone	6,969
Annalisa	2,479
Arenella	7,183
*Aspromonte	7,154
Cannaregio	7,184
Linda Giovanna (Tanker)	9,985
Nazareno	7,173
San Nicola (Tanker)	12,461
*Santa Lucia	9,278
Polish (8 ships)	51,899
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Plast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica	7,145
Norwegian (5 ships)	54,502
Kongsgaard (Tanker)	19,999
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
Tine (now Jezrell)	4,750
Spanish (3 ships)	5,564
Castillo Ampudia	3,566
Sierra Madre	999
Sierra Maria	999
Moroccan (2 ships)	19,140
Atlas	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
Dagmar	6,490
Atlantic Friend	7,805
Finnish (1 ship):	
Valny (Tanker)	11,691
French (1 ship):	
*Circe	2,874
Japanese (1 ship):	
Meishun Maru	8,647

*Added to Report No. 15 appearing in the FEDERAL REGISTER issue of August 30, 1963.

SEC. 2. In accordance with the provisions of National Security Action Memorandum No. 220 of February 5, 1963, the following vessels which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance that no ships under their control will, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade:

a. Since last report: None.
b. Previous reports:

Flag of registry:	Number of ships
British	2
Danish	1
German (West)	1
Greek	1
Norwegian	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba in 1963, based on information received through September 6, 1963:

Flag of registry	Number of trips									
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
British	5	8	8	17	13	15	14	11	1	92
Greek	4	6	8	8	17	12	17	6		78
Lebanese	1		2	8	8	9	8	3	1	40
Norwegian		2	4		1	2	1	2		12
Italian	1	1	1	2	3	2	2	1		13
Yugoslav		2	2	1	1		1	1		8
Spanish			2				1	1		4
Danish			1							1
Finnish						1				1
French									1	1
German (West)					1					1
Japanese	1									1
Moroccan			1			1	1	1		4
Swedish				1		1		1		3
Subtotal	12	19	29	37	44	43	45	27	3	259
Polish	2	1	1	2	2	2	1	1		12
Grand total	14	20	30	39	46	45	46	28	3	271

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: September 10, 1963.

GEORGE R. GRIFFITHS,
Acting Deputy
Maritime Administrator.

[F.R. Doc. 63-9801; Filed, Sept. 12, 1963; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-SW-79 Rev.]

CITY OF SAN ANTONIO, TEXAS

Determination of No Hazard to Air Navigation; Amendment

The Federal Aviation Agency issued a Determination of No Hazard to Air Navigation on October 24, 1961, with regard to the proposed construction of a 200-foot above ground water storage tank by the City Water Board of San Antonio, Texas. In March 1963, the effective period of the determination was extended for an additional eighteen months. By letter dated July 19, 1963, the city requested a revised determination be issued to allow for a 1,600-foot lateral movement of the proposed construction site. The new site of the proposed structure would be latitude 29°32'37'' N., longitude 98°31'40'' W. The overall height of the structure would be 1,120 feet above mean sea level, the same as before; however, the height above ground would be reduced from 200 to 170 feet.

The Agency has reviewed the effects the new site would have upon the safe and efficient utilization of navigable airspace. The review has disclosed that the amended proposal would have no different effect upon aeronautical operations, procedures or minimum flight altitudes than the original proposal.

Therefore, pursuant to the authority delegated to me by the Administrator, FAA OE Docket No. 61-SW-79 is hereby revised to amend the coordinates from latitude 29°32'38'' N., longitude 98°31'57'' W., to latitude 29°32'37'' N., longitude 98°31'40'' W., and amend the height above ground level from 200 feet to 170 feet.

This revised determination is effective as of the date of issuance.

Issued in Washington, D.C., on September 5, 1963.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-9750; Filed, Sept. 12, 1963; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

REPUBLIC OF THE CONGO (LEOPOLDVILLE)

Notice of Finding Regarding Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of the Republic of the Congo (Leopoldville), from which evidence it appears that beginning with July 1, 1961, the Republic of the Congo (Leopoldville), has a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of the Republic of the Congo (Leopoldville), who leave the Republic of the Congo (Leopoldville), are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that the Republic of the Congo (Leopoldville) has in effect, beginning with July 1, 1961, a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

AUGUST 29, 1963.

Approved: September 6, 1963.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 63-9783; Filed, Sept. 12, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10917]

REOPENED PASSENGER CREDIT PLANS INVESTIGATION

Notice of Postponement of Prehearing Conference

Pursuant to the request of counsel for American Airlines, Inc., to which no objection has been entered, the procedural dates established in the Notice of Prehearing Conference are hereby indefinitely postponed in order to afford counsel for the parties opportunity to continue efforts looking toward settlement of the case in accordance with the Board's order.

The parties shall submit a report of their progress toward settlement each 30 days after the date of this notice and, in the event settlement cannot be reached in the near future, shall be prepared to go forward promptly with procedures looking to hearing.

Dated at Washington, D.C., September 9, 1963.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 63-9796; Filed, Sept. 12, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15158]

ARNE B. KONGELBAK

Order To Show Cause

In the matter of Arne B. Kongelbak, San Francisco, California, order to show cause why there should not be revoked the License for Radio Station WB-8830 aboard the vessel "Apache."

The Commisison, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated June 11, 1963, alleging violation of §§ 8.364(a)(1) and 8.366(a)(2) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated June 26, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 30th day of August 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 700 Laguna Street, San Francisco, California.

Released: September 3, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9811; Filed, Sept. 12, 1963; 8:48 a.m.]

[Docket No. 14873 etc.; FCC 63M-980]

COASTAL BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Coastal Broadcasters, Inc., Herndon, Virginia, Docket No. 14873, File No. BP-14363; Prince William Broadcasting Corporation (WPRW), Manassas, Virginia, Docket No. 14874, File No. BP-14780; Colchester Broadcasting Corporation, Herndon, Virginia, Docket No. 14876, File No. BP-15158; Richard S. Cobb & Mary Cobb, d/b as Easton Broadcasting Co. (WEMD), Easton, Maryland, Docket No. 14877, File No. BP-15159; for construction permits.

On the oral request of counsel for Coastal Broadcasters, Inc., and without objection by counsel for the other parties: *It is ordered,* This 6th day of September 1963, that the further hearing is rescheduled from September 9 to Monday, September 23, 1963, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 6, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9806; Filed, Sept. 12, 1963; 8:47 a.m.]

[Docket Nos. 15106, 15107; FCC 63M-956]

COMMUNITY BROADCASTING CO., INC. (WHPB) AND CLEVELAND COUNTY BROADCASTING CO., INC. (WADA)

Order Continuing Hearing

In re applications of Community Broadcasting Company, Inc. (WHPB), Belton, South Carolina, Docket No. 15106, File No. BP-14476; Cleveland County Broadcasting Co., Inc. (WADA), Shelby, North Carolina, Docket No. 15107, File No. BP-15269; for construction permits.

Due to other commitments of the Hearing Examiner: It is ordered, This 3d day of September 1963, that the hearing herein, presently scheduled to commence on September 25, 1963, is continued to 10:00 a.m., September 30, 1963.

Released: September 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9807; Filed, Sept. 12, 1963; 8:47 a.m.]

[Docket No. 14730; FCC 63M-981]

W. A. HENLEY AND KIMBLE COMMUNICATIONS

Order Continuing Prehearing Conference

In re applications of W. A. Henley, d/b as Kimble Comunications, Docket No. 14730, File Nos. 2397/2398-C1-P-62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

The Hearing Examiner has for consideration the informal request of the Common Carrier Bureau for continuance of the hearing conference now scheduled to convene on September 10, 1963;

It appearing, that there is pending before the Commission a pleading, the disposition of which will materially affect the subject matter of the said conference;

It is ordered, this 6th day of September 1963, that the hearing conference now scheduled to be convened on September 10, 1963, is continued sine die.

Released: September 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9809; Filed, Sept. 12, 1963; 8:47 a.m.]

[Docket Nos. 15108-15110; FCC 63M-982]

PIEDMONT BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of William H. Kirby and John B. Burns d/b as Piedmont Broadcasting Co., Travelers Rest, South Carolina, Docket No. 15108, File No. BP-14527; James C. Liles tr/as Hentron Broadcasting Company, Hendersonville, North Carolina, Docket No. 15109, File No. BP-15026; The Mountainaire Corporation, Hendersonville, North Carolina, Docket No. 15110, File No. BP-15274; for construction permits.

The Hearing Examiner having under consideration a motion filed jointly on September 5, 1963, by the three above-named applicants, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on September 11, 1963, be continued for a period of 30 days; and

It appearing, that pursuant to an agreement between Hentron Broadcasting Company and The Mountainaire Corporation, it is expected that a joint motion will shortly be filed by these two applicants, requesting the dismissal of the Hentron application; and

It further appearing, that all of the issues upon which the applications in the above-entitled proceeding were designated for hearing may become moot upon the dismissal of the Hentron application and a hearing may, therefore, not be necessary to determine whether the applications of Piedmont Broadcasting Co. and The Mountainaire Corporation can be granted; and

It further appearing, that counsel for the Broadcast Bureau and counsel for James B. Childress, respondent herein, support the joint motion and have no objection to the immediate consideration of the motion;

It is, therefore, ordered, This 6th day of September 1963, that the joint motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to October 11, 1963.

It is further ordered, That the exchange of engineering exhibits presently scheduled for September 4, 1963, and the notification of witnesses desired for cross-examination presently scheduled on or before September 6, 1963, be and

the same are, accordingly, deferred until further order.

Released: September 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9810; Filed, Sept. 12, 1963; 8:48 a.m.]

[Docket No. 15081; FCC 63M-952]

O. L. WITHERS

Order Continuing Hearing

In re application of O. L. Withers, Woodburn, Oregon, Docket No. 15081, File No. BP-15411; for construction permit.

Because of a conflict of official duties on September 23, 1963, the Examiner, on his own motion, hereby orders, this 3d day of September 1963, that the hearing herein presently scheduled to commence on September 23, 1963, is postponed to September 26, 1963, at the time and place heretofore specified.

Released: September 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9812; Filed, Sept. 12, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2174]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Land Withdrawal; California

SEPTEMBER 9, 1963.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2174 for which applications for license, describing the definite project boundaries, were filed March 25, 1957 and February 23, 1960. Under said section 24 these lands are from the respective dates of filing of applications reserved from entry, location or other disposal under the public land laws until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following described lands lying within the project Transmission and Control power line rights-of-way as delimited on maps, Exhibits "K" sheets No. 3-1, filed with the Commission March 25, 1957, Nos. 2-3 and 4 filed with the Commission February 23, 1960 (FPC Nos, 2174-15, 16 and 17 respectively).

T. 8 S., R. 25 E.,
Sec. 11: NE¼SE¼, S½SE¼;
Sec. 12: S½NE¼, N½SW¼, NW¼SE¼;
Sec. 14: NW¼NE¼, NE¼NW¼, W½NW¼;
Sec. 15: SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼, S½NW¼, W½NE¼NW¼SW¼, W½NW¼SW¼, SW¼SW¼;
Sec. 16: SE¼SE¼SE¼SE¼;
Sec. 21: E½E½;
Sec. 22: W½NW¼, NW¼SW¼;
Sec. 28: N½NE¼, SW¼NE¼, N½SE¼.
T. 7 S., R. 26 E.,
Sec. 13: N½SE¼, SW¼SE¼;
Sec. 23: SE¼SE¼;
Sec. 24: NW¼NE¼, NE¼NW¼, S½NW¼, W½SW¼;
Sec. 26: NE¼NE¼.
T. 8 S., R. 26 E.,
Sec. 5: S½SW¼;
Sec. 7: Lots 1, 2, N½NE¼, NE¼NW¼;
Sec. 8: NW¼NW¼.
T. 7 S., R. 27 E., Unsurveyed,
Sec. 18: SW¼NW¼, NW¼SW¼.

All portions of the following described lands lying within the Portal Powerhouse area, Forebay area and Camp 61 Creek Natural Spillway as delimited on amended maps, Exhibits, "K" sheets No. 2-3 and sheet No. 4 (FPC Nos. 2174-17 and 18 respectively), filed with the Commission February 23, 1960.

T. 8 S., R. 26 E.,
Sec. 5: E½SW¼, W½SE¼.
T. 7 S., R. 27 E.,
Sec. 6: SE¼SE¼;
Sec. 7: NE¼, SE¼NW¼, E½SW¼;
Sec. 18: SW¼NE¼, NE¼NW¼, S½NW¼, NE¼SW¼.

The area of United States land reserved by this notice is approximately 173.09 acres, all within the Sierra National Forest. All of the project lands, with the exception of approximately 21.82 acres in the Camp 61 Creek Spillway right-of-way, have been previously withdrawn for power under Project Nos. 67, 105, 110, 2175 or Power Site Classification No. 138.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) with respect to lands reserved for power transmission line purposes is applicable to those portions of the above-described lands occupied for that purpose only.

Copies of project maps Exhibits "K" sheets No. 3-1, 2-3, and 4, (FPC Nos. 2174-15, 16, 17 and 18, respectively), are being transmitted to Bureau of Land Management, Forest Service and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9778; Filed, Sept. 12, 1963; 8:47 a.m.]

[Docket No. G-2712 etc.]

CITIES SERVICE CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 9, 1963.

Cities Service Company, Docket No. G-2712; Continental Gas Producing Company (formerly Cities Service Gas Producing Company), Docket No. G-2737; Pan American Petroleum Corporation (formerly K-B Compression Company, Inc.), Docket No. G-3914; Bowser Gas & Oil Company (formerly T. E. Bickel Estate), Docket No. G-8411; Mrs. Hellena Fox Wright Rogers and John K. Wright, III (formerly Estate of J. K. Wright, Jr.), Docket No. G-8727; Davon Drilling Company, Operator (formerly Davon Oil and Gas Company, et al.), Docket No. G-9128; Alco Oil and Gas Corporation (formerly Vickers Petroleum Co., Inc.), Docket No. G-9239; Socony Mobil Oil Company, Inc., Docket No. G-11861; Socony Mobil Oil Company, Inc., Docket No. G-13746; J. C. Cunningham Gas Company, Docket No. G-15497; Socony Mobil Oil Company, Inc., Docket No. G-16393; The Superior Oil Company, Docket No. G-16878; Valley Gas Production, Inc. (formerly H. B. Zachry Company (Operator), et al.), Docket Nos. G-19546, CI61-212, CI62-1023; [2] Natural Gasoline Corporation (formerly Amtexas Oil Corporation), Docket No. CI60-448; Continental Oil Company, Docket No. CI61-1811; Francis E. Cain, et al., d/b/a Rice-Rogers Oil and Gas Company, Docket No. CI62-17; Dominion Oil & Gas Company (formerly Robert B. Stallworth, Jr.), Docket No. CI62-292; Sinclair Oil & Gas Company (Operator), et al., Docket No. CI62-1184; R. J. Caraway (Operator), et al., Docket No. CI63-1040; J. C. Trahan, Drilling Contractor, Inc., Docket No. CI63-1288; Homer Noble, Docket No. CI63-1418; Texas Pacific Coal and Oil Company, Docket No. CI63-1573; Frank A. Morrison (Operator), et al., Docket No. CI64-274; Skinner Corporation (Operator), et al., Docket No. CI64-275; J. C. Trahan, Drilling Contractor, Inc., et al., Docket No. CI64-276; Kerr-McGee Oil Industries, Inc., Docket No. CI64-277; Max Pray, Docket No. CI64-278; Gulf Oil Corporation, Docket No. CI64-279; May Oil Company (Operator), et al., Docket No. CI64-280; Allerton Miller, Docket No. CI64-281; Southern Union Production Company, Docket No. CI64-282; Lyle Cashion Company, Docket No. CI64-283; The Pure Oil Company, Docket No. CI64-284; Alan Drilling Company, Docket No. CI64-285; Socony Mobil Oil Company, Inc., Docket No. CI64-286; Socony Mobil Oil Company, Inc., Docket No. CI64-287; J. C. Williamson, Docket No. CI64-288; Hicks Gas Company, Docket No. CI64-289; Tidewater Oil Company, Docket No. CI64-290; Jake L. Hamon, Docket No. CI64-291; Bel Oil Corporation (Operator), et al., Docket No. CI64-292; Apache Corporation, Docket No. CI64-293; United States Smelting Refining and Mining Company, Docket No. CI64-294; Tenneco Corporation, Docket No. CI64-295.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[2] Application filed to amend certificates heretofore issued in Docket Nos. G-19546 and CI61-212 and to amend pending certificate application in Docket No. CI62-1023.1023.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
CI64-282 ..... A 6-10-63	El Paso Natural Gas Co.....	Dakota Formation, San Juan and Rio Arriba Counties, N. Mex.	12.0	15.025
CI64-283 ..... B 8-30-63	United Gas Pipe Line Co.....	Bartervillo Field, Lamar County, Miss.	Depleted	-----
CI64-284 ..... A 9-3-63	Arkansas Louisiana Gas Co.....	Canute Area, Washita County, Okla.	15.0	14.65
CI64-285 ..... A 9-3-63	Natural Gas Pipeline Co. of America.	Bonnesville Bend Conglomerate Field, Wise County, Tex.	15.0	14.65
CI64-286 ..... A 9-3-63	Kansas-Nebraska Natural Gas Co., Inc.	Symsonia Field, Hamilton County, Kans.	12.5	14.65
CI64-287 ..... A 9-3-63	Colorado Interstate Gas Co.....	Patriek Draw Area, Sweetwater County, Wyo.	16.0	14.65
CI64-288 ..... B 9-19-63	Pioneer Gathering System, Inc. (Operator, Northern Natural Gas Co.)	Addie (Ellenburger) Field, Crockett County, Tex.	Depleted	-----
CI64-289 ..... A 9-3-63	United Fuel Gas Co.....	Geary District, Roane County, W. Va.	23.0	15.325
CI64-290 ..... B 9-3-63	Florida Gas Transmission Co.....	Pheasant Field, Matagorda County, Tex.	(3)	-----
CI64-291 ..... A 9-3-63	Northern Natural Gas Co.....	Baggerly Gas Unit, Beaver County, Okla.	17.0	14.65
CI64-292 ..... D 9-3-63	United Gas Pipe Line Co.....	Foley Field, Allen Parish, La.....	Depleted	-----
CI64-293 ..... A 9-3-63	Northern Natural Gas Co.....	Northwest Dover Field, Beaver County, Oklahoma and Acreage in Ochiltree County, Tex.	17.0	14.65
CI64-294 ..... A 9-3-63	El Paso Natural Gas Co.....	Chinle Wash Field, San Juan County, N. Mex.	17.7	15.025
CI64-295 ..... B 9-4-63	Arkansas Louisiana Gas Co.....	Southwest Braman Field, Kay County, Okla.	Assigned	-----

[1] Amendment to delete acreage by release agreements between parties dated Apr. 18, 1963 and July 18, 1963.
[2] Amendment to delete acreage by letter agreement between parties dated May 16, 1963.
[3] Production no longer economically feasible.
[4] By letter agreement between parties dated Aug. 15, 1963.
[5] Declined in pressure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9776; Filed, Sept. 12, 1963; 8:47 a.m.]

[Docket No. RI64-128]

KIRBY PRODUCTION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

SEPTEMBER 6, 1963.

On August 9, 1963, Kirby Production Company, et al. (Kirby)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 14.65 psia. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-2712 ..... D 7-29-63	Arkansas Louisiana Gas Co.....	Haynesville Field, Claiborne Parish, La.	(1)	
G-2737 ..... E 8-26-63	Cities Service Gas Co. and Northern Natural Gas Co.	Guymon-Hugoton Field, Texas County, Okla. and Panhandle Field, Carson and Gray Counties, Tex.	10.148 8.8129	14.65 14.65
G-3914 ..... E 9-4-63	Lone Star Gas Co.....	Acreage in Stephens County, Okla.	16.8	14.65
G-8411 ..... E 8-26-63	South Penn Oil Co.....	Acreage in Calhoun and Ritchie Counties, W. Va.	12.0	15.325
G-8727 ..... E 8-23-63	United Gas Pipe Line Co.....	Maxie-Pistol Ridge Area, Forrest, Lamar and Pearl River Counties, Miss.	20.0	15.025
G-9128 ..... E 8-26-63	Cities Service Gas Co.....	Acreage in Logan County, Okla.....	12.0	14.65
G-9239 ..... E 8-26-63	Colorado Interstate Gas Co.....	Greenwood Field, Morton County, Kans.	16.0	14.65
G-11861 ..... D 9-3-63	Cities Service Gas Co.....	Acreage in Barber County, Kans.....	(2)	
G-13746 ..... D 9-26-63	Transcontinental Gas Pipe Line Corp.	West Cameron Block 110 et al. Field Cameron, St. Mary and Terrebonne Parishes, La.	Assigned	
G-15497 ..... D 8-29-63	Hope Natural Gas Co.....	Murphy District, Ritchie County, W. Va.	(2)	
G-16393 ..... D 9-3-63	Natural Gas Pipeline Co. of America.	Alvord Field, Wise County, Tex.....	(2)	
G-16878 ..... E 8-27-63	Michigan Wisconsin Pipe Line Co.	Acreage in Harper County, Okla.....	17.0	14.65
G-19546, et al. ..... K 9-4-63	Texas Eastern Transmission Corp. and Transcontinental Gas Pipe Line Corp.	Acreage in Bee County, Tex.....	8.890583 14.3733 11.12320 10.92660 12.25	14.65 14.65 14.65 14.65 14.65
CI61-212	Valley Gas Transmission, Inc.....	Terrell Point Area, Goliad County, Tex.	18.0	14.65
CI62-1023	Lone Star Gathering Co.....	Southeast Yorktown Field, Dewitt County, Tex.	17.0	14.65
CI60-448 ..... C 5-27-63	Transwestern Pipeline Co.....	Lipscomb-Cleveland Field, Lipscomb County Tex.	11.210376	15.025
E 5-27-63				
CI61-1811 ..... C 5-29-63	El Paso Natural Gas Co.....	N.E. Haynes Area, Rio Arriba County, N. Mex.	25.0	15.325
CI62-17 ..... C 8-29-63	Hope Natural Gas Co.....	Sheridan District, Calhoun County, W. Va.	16.0	15.325
CI62-292 ..... E 8-30-63	do.....	Union and Pleasants Districts, Clay County, W. Va.	15.0	14.65
CI62-1184 ..... C 8-21-63	Arkansas Louisiana Gas Co.....	Wilburton Field, Latimer County, Okla.	12.5400	14.65
CI63-1040 ..... C 8-30-63	do.....	Manziel Field, Wood County, Tex.....	13.5	15.025
CI63-1288 ..... C 9-3-63	do.....	Lick Creek Field, Claiborne Parish, La.	27.0	15.025
CI63-1418 ..... A 8-17-63	Medina Gathering Corp.....	Erle and Crawford Counties, Pa.....	12.0	14.65
CI63-1573 ..... C 9-3-63	Phillips Petroleum Co.....	South King Mountain Field, Upton County, Tex.	12.0	14.65
CI64-274 ..... A 8-29-63	United Gas Pipe Line Co.....	Cabera Creek Area, Goliad County, Tex.	Depleted	-----
CI64-275 ..... B 8-29-63	Transcontinental Gas Pipe Line Corp.	Craig Area, McMullen County, Tex..	13.25	14.65
CI64-276 ..... A 8-29-63	Trunkline Gas Co.....	Cage Ranch Field, Brooks County, Tex.	17.5	14.65
CI64-277 ..... A 8-29-63	Colorado Interstate Gas Co.....	Beaver Creek Field, Fremont County, Wyo.	15.0	14.65
CI64-278 ..... A 8-29-63	Lone Star Gas Co.....	Acreage in Stephens County, Okla....	Depleted	-----
CI64-279 ..... B 8-28-63	Cities Service Gas Co.....	Coffee Creek Field, Oklahoma County, Okla.	(2)	-----
CI64-280 ..... 13 8-29-63	Coastal States Gas Producing Co..	Acreage in Bee County, Tex.....	23.0	15.325
CI64-281 ..... A 8-30-63	Cumberland and Allegheny Gas Co.	Buckhannon District, Upshur County, W. Va.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

[1] Amendment to delete acreage by release agreements between parties dated Apr. 18, 1963 and July 18, 1963.
[2] Amendment to delete acreage by letter agreement between parties dated May 16, 1963.
[3] Production no longer economically feasible.
[4] By letter agreement between parties dated Aug. 15, 1963.
[5] Declined in pressure.

Description: Notice of change, dated August 6, 1963.
Purchaser and producing area: Colorado Interstate Gas Company (Greenwood Field, Morton County, Kansas).
Rate schedule designation: Supplement No. 2 to Kirby's FPC Gas Rate Schedule No. 19.[3]
Effective date: September 15, 1963.[3]
Amount of annual increase: $5,121.
Effective rate: 12.0 cents per Mcf.[4][5]
Proposed rate: 16.0 cents per Mcf.[6]

The proposed increased rate exceeds the applicable 11.0 cents per Mcf area ceiling for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Kirby's FPC Gas Rate Schedule No. 19 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Kirby's FPC Gas Rate Schedule No. 19.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Kirby's FPC Gas Rate Schedule No. 19 is hereby suspended and the use thereof deferred until February 15, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 24, 1963.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–9777; Filed, Sept. 12, 1963; 8:47 a.m.]

[1] Address is: P.O. Box 1745, Houston 1, Texas.
[2] Supersedes Cities Service Oil Company (Operator), et al. FPC Gas Rate Schedule No. 87 insofar as Kirby's interests are concerned in the Posey A–1 Unit.
[3] The stated effective date is the effective date requested by Respondent.
[4] Rate under Cities Service Oil Company (Operator), et al. FPC Gas Rate Schedule No. 87.
[5] Subject to a downward Btu adjustment from 950 Btu's per cu. ft.
[6] Subject to an upward and downward Btu adjustment from 1,000 Btu's per cu. ft.

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD. AND JAVA PACIFIC & HOEGH LINES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9247, between American Mail Line, Ltd. and Java Pacific & Hoegh Lines, a joint service operating under approved Agreement 7838, establishes an arrangement for the parties to discuss and agree upon rates, charges, practices, classifications and related tariff matters for dry cargo services in the trade from India, Pakistan, Burma and Ceylon to the West Coast ports of the United States and Canada. Each party will retain a right of independent action and each shall file its individual tariff.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: September 9, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 63–9797; Filed, Sept. 12, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 10, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38527: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 50), for itself and interested carriers. Rates on chemicals, batteries and battery boxes, also printing paper, in trailer-loads, moving in part over the highways and in part via water in containerships in intercoastal service, from Buffalo, N.Y., and Williamsport, Pa., to Los Angeles and San Francisco, Calif.

Grounds for relief: Rail box-car competition.

Tariff: Supplement 31 to Sea-Land Service, Inc., tariff I.C.C. 14.

FSA No. 38528: *Petroleum distillate fuel oil between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 481), for interested rail carriers. Rates on petroleum distillate fuel oil, in tank-car loads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 26 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

FSA No. 38529: *Cement and related articles from and to points in Southwestern and WTL Territories.* Filed by Southwestern Freight Bureau, agent (No. B–8440), for interested rail carriers. Rates on cement, cement clinkers and pulverized blast furnace slag, in carloads, between points on the D&RGW and IC railroads, on the one hand, and points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming, on the other.

Grounds for relief: Carrier competition.

Tariffs: Supplements 133 and 5 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4325 and 4531, respectively.

FSA No. 38530: *Roofing and building material from Dumont, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8442), for interested rail carriers. Rates on roofing and building materials and slate, as described in the application, in carloads, from Dumont, Tex., to Alton, Chicago, Wilmington, East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 167 to Southwestern Freight Bureau, agent, tariff I.C.C. 4370.

FSA No. 38531: *T.O.F.C. service—from and to WTL and IFA Territories.* Filed by Southwestern Freight Bureau, agent (No. B–8443), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars, between Blytheville and Jonesboro, Ark., on the one hand, and points in western trunk-line and Illinois Freight Association territories on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 67 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA No. 38532: *Salt between points in Southwestern and WTL Territories.* Filed by Southwestern Freight Bureau, agent (No. B–8438), for interested rail carriers. Rates on salt, as described in the application, in carloads, from specified points in Louisiana, New Mexico, Oklahoma and Texas, to points in southwestern Illinois Freight Association and western trunk-line territories.

Grounds for relief: Market competition.

Tariffs: Supplements 31 and 45 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4504 and 4506, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–9790; Filed, Sept. 12, 1963; 8:47 a.m.]

[Notice No. 864]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 10, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65919. By order of September 3, 1963, the Transfer Board approved the transfer to Marlin W. Jurgensen, Alcester, S. Dak. of Certificate in No. MC 509, issued June 12, 1937, to Rolland W. Larson, Alcester, S. Dak., authorizing the transportation of: Livestock, feed and farm machinery, and grain, from and to specified points in Iowa and South Dakota.

No. MC–FC 65936. By order of September 3, 1963, the Transfer Board approved the transfer to Joe Kempe, Le Roy, Minn., of Certificate in No. MC 117146, issued December 1, 1958, to Roy Sawdey, Le Roy, Minn.; authorizing the transportation of: animal and poultry feeds, from New Richmond, Wis., to Le Roy, Minn. Fred R. Kraft, 115A, First Avenue, NW., Austin, Minn., attorney for applicants.

No. MC–FC 66199. By order of September 4, 1963, the Transfer Board approved the transfer to Henderson Bonded Lines, Inc., 1504 Raleigh Road, Henderson, N.C., of Certificate in No. MC 107680, issued June 29, 1951 to W. H. T. Squires, Jr., doing business as Henderson Bonded Lines, Henderson, N.C., authorizing the transportation of: Tungsten concentrates, over irregular routes, from points in Vance Co., N.C., to Glen Cove, and Long Island, N.Y., and Euclid, Ohio; empty containers, from Euclid, Ohio, to points in Vance Co., N.C.; agricultural commodities, from points in Vance and Warren Cos., N.C., to Washington, D.C., Philadelphia, Pa., and New York, N.Y.; tobacco, from points in North Carolina and Virginia within 100 miles of Henderson, N.C., to Henderson, N.C.; from Henderson, N.C., to points in North Carolina and Virginia within 100 miles of Henderson, N.C., to Rocky Mount, Wilson, Goldsboro, Greenville, Farmville, and Kinston, N.C., and Danville, Va.; from Rocky Mount, Wilson, Goldsboro, Greenville, Farmville, and Kinston, N.C., to Danville, Richmond, and Norfolk, Va., Durham, Winston-Salem, and Reidsville, N.C., with restriction; carbide, from Ivanhoe, Va., to Greensboro, Henderson, Rocky Mount, and Smithfield, N.C.; bagging and cotton ties, from Henderson, N.C., to points in South Carolina and those in that part of Georgia on and east of U.S. Highway 1; seed and seed plants, from Richmond, Va., and Baltimore, Md., and points in that part of South Carolina and Georgia on and east of U.S. Highway 1, to Henderson, N.C., and points in North Carolina and Virginia within 100 miles of Henderson, N.C.; with restriction; glass, from Laurens, S.C., to Henderson, N.C.; phosphate, from Charleston, S.C., to Richmond, Va.; burlap bags, from Richmond, Va., to Greenville and New Bern, N.C.; groceries, feed and glassware, from Petersburg, Jarrett, and Alberta, Va., to Henderson, N.C.; potatoes from Robertsonville, N.C., and points within 25 miles of Robersonville to Richmond and Norfolk, Va., Baltimore, Md., Philadelphia and Pittsburgh, Pa., New York, N.Y., Newark, N.J., and Washington, D.C., and return; cotton, between points in North Carolina and South Carolina; new, used and reconditioned furniture, store fixtures, and store display equipment, between Henderson and Statesville, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, and Virginia; with restriction.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–9791; Filed, Sept. 12, 1963; 8:47 a.m.]

[Notice No. 865]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 10, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66029. By order of September 6, 1963, the Commission, Division 3, acting as an Appellate Division, approved the transfer to Arnold Gothard, doing business as Best Way Transportation Company, La Fayette, Ala., of Certificate in No. MC 106560, issued January 13, 1955, to Woodson Vinson McClendon, Jr., and Wade Gaines McClendon, a partnership, doing business Fayette, Ala., authorizing the transportation, over irregular routes, of: Textile products, and empty yarn cones, cores, and tubes, between La Fayette, Ala., and points in Tennessee, Georgia, and Alabama. J. Douglas Harris, 413 Bell Building, Montgomery, Ala., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–9792; Filed, Sept. 12, 1963; 8:47 a.m.]

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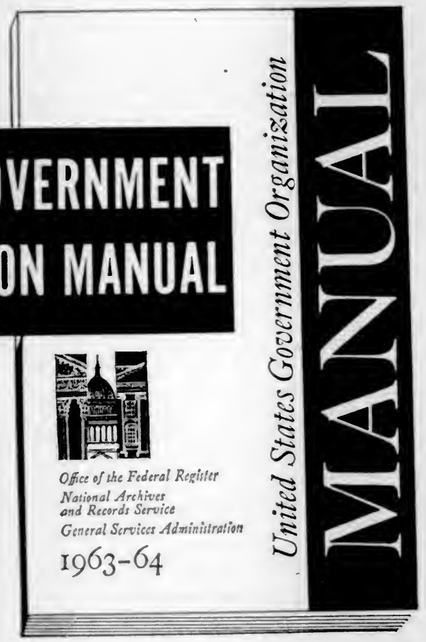
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DEPOSITED IN THE UNITED STATES OF AMERICA

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 7]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1963 Crop of Upland Cotton

TRANSFER OF FARM ALLOTMENTS IN DESIGNATED COUNTIES WHICH HAVE FLOODS OR EXCESSIVE RAINFALL

The purpose of this amendment is to provide that the State committee, under certain circumstances, may extend the closing date for county committee approval of transfers of farm allotments in designated counties which have flood or excessive rainfall preventing the timely planting or replanting of a substantial portion of the 1963 farm allotments. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the county committees may perform their assigned functions in connection with the transfer of allotments, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.617, paragraph (j) of the regulations pertaining to acreage allotments for the 1963 crop of upland cotton as amended (27 F.R. 10524, 11215, 12045, 12428; 28 F.R. 3573, 5609, 7888), is amended by adding a new subparagraph (7) to read as follows:

(7) The State committee may extend the closing date set forth in subparagraph (4) of this paragraph for individual cases where it is conclusively shown through information furnished by the person concerned and the county committee that failure to complete the required application forms was due to inadvertence and the conditions set forth in subparagraph (3) (i) and (ii) of this paragraph are found by the county committee to have been met on or before June 10, 1963. Each individual case must be considered on its own merits before an extension of the closing date may be approved.

(Secs. 344(n), 375; 72 Stat. 186, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 10, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9838; Filed, Sept. 13, 1963; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.15]

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices for 1963 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87–535 and Public Law 87–539 (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii on January 11, 1963, the following determination is hereby issued:

§ 876.15 **Fair and reasonable prices for the 1963 crop of Hawaiian sugarcane.**

A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1963 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing	Delivery point
	(*Percent*)	
Puna Sugar Co., Ltd.	36	Mill.
Kohala Sugar Co.	33	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Hilo Sugar Co., Ltd.	45	Do.[1]
Onomea Sugar Co.	45	Do.[1]
Pepeekeo Sugar Co.	45	Do.[1]
Paauhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

[1] Where flumes are used to transport sugarcane from the field to the mill, the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing association herein referred to as C & H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing established in this subparagraph for sugarcane of the producer shall cover (*a*) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (*c*) the costs of weighing, sampling, and taring such sugarcane; (*d*) the cost of general weed and rodent control other than in the sugarcane fields of producers and alongside the roads adjacent thereto; (*e*) the cost of all research and experimental work applicable to the production and processing of such sugarcane; and (*f*) in the case of Hilo Sugar Company, Ltd., if sugarcane of the producer is cut by hand because equipment was not available to mechanically harvest his sugarcane, and the Supplement to the Processing and Agency Contract between the processor and such producer is applicable to such sugarcane, the rate for processing shall also cover the additional costs of handling and transporting the sugarcane as provided by such supplement.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C & H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

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E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9838; Filed, Sept. 13, 1963; 8:47 a.m.]

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SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.15]

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§ 876.15 Fair and reasonable prices for the 1963 crop of Hawaiian sugarcane.

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(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing	Delivery point
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Hutchinson Sugar Co., Ltd.	45	Do.

[1] Where flumes are used to transport sugarcane from the field to the mill, the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing association hereinafter referred to as C & H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

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(b) *Purchase agreements.* (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(2) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Company shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(3) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided,* That the items of expense which may be deducted in computing net returns for the 1963 crop shall be limited to the same items as for the 1962 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e. the person employed to be responsible for the day-to-day operations of the Hawaii Agricultural Stabilization and Conservation Service State Office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) *Sugarcane weight and quality determination.* The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished to producers.* If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. Charges for such overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the "State Executive Director".

(e) *Reporting requirements.* The processor shall submit to the "State Executive Director", a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1963 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing—Kohala Sugar Company.* The representative of this company recommended that the rate for processing of at least 33 percent be continued for the 1963 crop. The witness stated that drought conditions had continued for the fourth consecutive year at this plantation, and that sugar production from the 1962 crop was the lowest since 1949, except for the 1958 crop which was affected by a labor strike. He estimated that the 1963 crop would produce less sugar than the 1962 crop and that because of poor production conditions independent growers had discontinued the cultivation of 46 acres of sugarcane during 1962. The witness stated that the costs of transporting raw sugar had declined $2.24 per ton of sugar as a result of the operation of the new bulk sugar facility at Kawaihae, which reduced the costs borne by growers, but that the company had processed growers cane on a break-even basis over the past few years.

Puna Sugar Company, Limited. The representative of Puna recommended a processing rate of 38 percent, a 10 percent profit margin on charges for services furnished to producers, and continued approval of the core sampling method of determining sugar and molasses credits for growers of sugarcane. The witness stated that estimated cost data for the 1962 crop indicated a processing rate of 36.49 percent but that the results of any one year are not indicative of the long range relationship between the growers and the company. He said that a cost ratio based on average costs for the 7-year period 1956–1962 supported the recommended processing rate of 38 percent for 1963, and that such rate should be continued until substantial changes occur in either growers' costs or company costs. In a supplemental statement it was stated that probably a 7-year average cost ratio was too long a period for the determination of a current trend in the cost relationship and the company proposed instead the use of a 5-year moving average cost ratio. Such a period, it was stated, is adequate to insure some stabilization in the cost relationship and to disclose any current trend in changes in the cost relationship. The company presented average production and processing costs for the 5-year periods, 1956–1960, 1957–61, and 1958–62, which indicated processing rates of 38.29 percent, 38.83 percent, and 38.47 percent, respectively.

The representative of producers at Puna recommended a processing rate of 31 percent for the 1963 crop, the disallowance of the 5 percent profit charge on services furnished to growers by the plantation, and a change in the mill delivery point to "loaded in trucks". The witness stated that because the hauling of sugarcane is a service purchased by growers from the company the delivery point should be "in trucks" so that the company would bear the costs of hauling and road maintenance. He said that producers do not have full confidence in the core sampler, and that since it is still in the experimental stage, the industry as a whole should bear the cost of developing this method of cane analysis.

Brewer and Company. (Representing Hilo, Onemea, Pepeekeo, Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Companies.) The representative of these companies recommended a processing rate of 47 percent for the 1963 crop; that the provision for a profit charge on services provided to growers be continued; and that the price factor provided in Independent Grower Cane Purchase Agreements at Hawaiian Agricultural Company be approved for 1963. The witness stated that Hakalau Sugar Company was merged into Pepeekeo Sugar Company on December 31, 1962, and that the latter company will administer the essentially unchanged producing and processing facilities of the two former companies. He furnished data on actual 1962 crop processing and producing costs for company sugarcane which indicated a processing rate of 46.19 percent. He also testified that based on actual company costs the indicated processing rates were 45.49 percent in 1957, 48.74 in 1958, 48.53 in 1959, 48.07 in 1960, and 47.28 in 1961. The witness said the indicated processing rate for the favorable 1962 crop is lower than for previous crops, but assuming normal production and cost conditions for 1963 the processing rate would be 47 percent or higher.

A representative of producers at the Hawaiian Agricultural Company recommended that the sugarcane pricing arrangements as provided in the present Independent Grower Cane Purchase Agreement be continued for 1963.

The representative of producers at Hilo, Onemea and Pepeekeo Sugar Companies recommended a processing rate of 43 percent, and the disallowance of the 5 percent profit charge on services furnished to producers by the companies. Returns and costs data for producers were presented which showed a profit for 1962 of $2.20 per ton of sugar. The witness stated that the profit was due to favorable weather and increases in the price of sugar and not to a favorable processing rate.

Laupahoehoe Sugar Company. The representative of this company recommended that the tolling and other agreements presently in effect at Laupahoehoe be continued for 1963, except that the processing rate be increased to 49 percent instead of 45 percent. He stated that cost data for recent years continued to reflect a processing rate higher than 45 percent, and that there was no reason to believe that 1963 results would be different. He submitted computations of the processing rate based on actual 1961 and 1962 crop results which indicated processing rates of 51.3 percent for 1961, and 49.5 percent for 1962.

The representative of producers at Laupahoehoe recommended a processing rate of 43 percent. The witness presented cost data representing the operations of 3 independent growers on 43 acres of sugarcane and stated that on the basis of the costs of processing grower cane as submitted by the company, the processor was making a favorable profit with a processing rate of 45 percent.

(d) *1963 price determination.* This determination continues the provisions of the 1962 determination.

Consideration has been given to the recommendations and information submitted in connection with the hearing; in terms of prospective price and producing and processing sugarcane obtained by a recent field study and recast in terms of prosepective price and production conditions for the 1963 crop; and to other pertinent factors.

The recommendations of producers and processors for changes in the processing rates applicable to several of the companies have not been adopted. Estimates of the returns, costs, and profits for the 1963 crop have been based upon prospective production and yield conditions as well as on average production and yield estimates to reflect long range conditions. On the basis of these estimates for the 1963 crop, and considering other pertinent factors, the processing rates for the 1962 crop are considered equitable for the 1963 crop.

Recommendations for changes in the rate of profit charge on services furnished to producers and for changes in the delivery point for sugarcane have again been considered. It is believed that the rate of profit allowed on services furnished to producers and the delivery points specified in the prior determination, continue to be equitable under the circumstances.

In recent years several processors have developed the practice of grinding the cane of independent growers separately from company cane and determining separately the sugar and molasses recoveries. In some instances each grower's cane is ground separately, while in other instances all grower's cane is ground separately as a group and total sugar and molasses recoveries are allocated to such growers on the basis of the quantity of cane delivered by each. The practice of grinding each grower's cane separately is considered a more equitable and accurate method of determining the quantity of sugar and molasses attributable to grower and company cane than conventional methods heretofore followed. Where the cane delivered by a number of growers is ground together, adequate facilities should be available to insure that such cane is transported to the mill and processed in a manner no less favorable than the sugarcane of the processor.

After consideration of all factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Public Law 87–535 and Public Law 87–539)

Signed at Washington, D.C., on September 10, 1963.

CHARLES S. MURPHY,
Acting Secretary

[F.R. Doc. 63–9853; Filed, Sept. 13, 1963; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 64]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.364 Valencia Orange Regulation 64.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 12, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 15, 1963, and ending at 12:01 a.m., P.s.t., September 22, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 13, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–9940; Filed, Sept. 13, 1963; 11:17 a.m.]

[Lemon Reg. 80]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.380 Lemon Regulation 80.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–

674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 10, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 15, 1963, and ending at 12:01 a.m., P.s.t., September 22, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: 11,515 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 11, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9886; Filed, Sept. 13, 1963; 8:49 a.m.]

[948.343]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 2

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1963 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments, (3) producers and handlers have operated under the said marketing order program since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 948.343 **Limitation of shipments.**

During the period from September 16, 1963, through June 30, 1964, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1963, at 11:59 p.m., MST.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned."

(2) *All other varieties.* No more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 2 inches minimum diameter and if they are U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special uses.* (i) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to the handling of potatoes for livestock feed, relief, or charity.

(ii) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6, but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall:

(i) Prior to handling, apply for and obtain a Certificate of Privilege from the Committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes handled for livestock feed pursuant to paragraph (c) of this section shall be mutilated so as to render them unfit for commercial tablestock market.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(f) *Inspection.* No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(1) of this section shall be exempt from this 5 day requirement.

(g) *Reports.* Pursuant to § 948.80, no handler may ship size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 11, 1963, to become effective September 16, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-9837; Filed, Sept. 13, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regulations, 1963-Crop Wheat Supplement, Amdt. 1]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Wheat Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 6959 and containing the specific requirements of the 1963-crop wheat loan and purchase agreement program are hereby amended as follows:

1. Section 1421.2105(b)(1) is amended to also make wheat grading "Sample" because of test weight only, but not less than 40 pounds per bushel, eligible for loans or purchase agreements if it otherwise meets certain requirements so that the amended subparagraph reads as follows:

§ 1421.2105 **Eligible wheat.**

* * * * *

(b) *Grade requirements.* (1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or No. 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4 or No. 5 or "Sample" on the factor of test weight only but otherwise meeting the requirements of subdivision (i) or (ii) of this subparagraph and having a test weight of not less than 40 pounds per bushel; or (iv) wheat of the class Mixed wheat consisting of mixtures of grades of eligible wheat as specified in subdivision (i), (ii), or (iii) of this subparagraph provided such mixtures are the natural products of the field. In addition, wheat may have the special grade designations "Garlicky" and/or "Smutty."

2. Section 1421.2108(c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 1421.2108 **Determination of quantity.**

* * * * *

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined for wheat of a different test weight shall be adjusted by the applicable percentage in the following table:

Test weight (pounds per bushel):	*Percent*
65 or over	108
64.0 to 64.9	107
63.0 to 63.9	105
62.0 to 62.9	103
61.0 to 61.9	102
60.0 to 60.9	100
59.0 to 59.9	98
58.0 to 58.9	97
57.0 to 57.9	95
56.0 to 56.9	93
55.0 to 55.9	92
54.0 to 54.9	90
53.0 to 53.9	88
52.0 to 52.9	87
51.0 to 51.9	85
50.0 to 50.9	83
49.0 to 49.9	82
48.0 to 48.9	80
47.0 to 47.9	78
46.0 to 46.9	77
45.0 to 45.9	75
44.0 to 44.9	73
43.0 to 43.9	72
42.0 to 42.9	70
41.0 to 41.9	68
40.0 to 40.9	67

3. Section 1421.2113(e) is amended to correct basic county support rates as follows:

§ 1421.2113 **Support rates.**

* * * * *

(e) *Basic support rates (counties).*

ILLINOIS

County	Rate per bushel	
	From	To
Calhoun	$1.92	$1.93
Pike	1.87	1.89

MONTANA

Big Horn	1.56	1.57

4. Section 1421.2113(f)(2) is amended to provide discounts for "Sample" grade wheat so that the amended subparagraph reads as follows:

§ 1421.2113 **Support rates.**

* * * * *

(f) *Discounts and premiums.* * * *

(2) Grade premium and discounts:

	Cents per bushel
(i) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(ii) Discounts:	
No. 2	−1
No. 3	−3

(2) Grade premium and discounts—Con.

(ii) Discounts—Continued

No. 4, No. 5, or "Sample on account of test weight":

Hard Red Spring		All other classes	
Test weight	Cents per bushel	Test weight	Cents per bushel
53.0–54.9	−6	54.0–55.9	−6
50.0–52.9	−9	51.0–53.9	−9
49	−13	50	−13
48	−17	49	−17
47	−21	48	−21
46	−25	47	−25
45	−29	46	−29
44	−35	45	−33
43	−41	44	−39
42	−47	43	−45
41	−53	42	−51
40	−59	41	−57
		40	−63

	Cents per bushel
No. 4 or 5 because of containing Durum and/or Red Durum [2 3]	−6
Smut—degree basis:	
Light smutty	−2
Smutty	−6
Smut—percentage basis:	
One-half of 1 percent	−1
1 percent or over	−3
Garlic—degree basis:	
Light garlicky	−6
Garlicky	−15

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

[2] This discount is in addition to any other applicable numerical grade discount, and any other discounts which may be applicable.

[3] Not applicable to any of the Mixed wheats or Red Durum. For discounts applicable to Mixed wheat containing Durum and/or Red Durum, see (1)(ii) of this paragraph.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 306, 76 Stat. 614; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 10, 1963.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-9839; Filed, Sept. 13, 1963; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

REORGANIZATION AND REVISION OF CHAPTER

CROSS REFERENCE: For reorganization and revision of chapter, see Part II of this issue.

Chapter II—Employment and Compensation in the Canal Zone

REDESIGNATION OF PARTS

EDITORIAL NOTE: Parts 201–210 of this chapter are hereby redesignated Parts 1201–1210, respectively.

Chapter III—Foreign and Territorial Compensation

SUPERSEDURE OF CHAPTER

EDITORIAL NOTE: Regulations comprising Part 350, the only remaining part in this chapter are superseded by the reorganization and revision of Chapter I. See Part II of this issue.

Chapter IV—The President's Committee on Equal Employment Opportunity

REDESIGNATION OF PART

EDITORIAL NOTE: Part 401, the only part in this chapter, is hereby redesignated Part 1401.

Chapter V—The International Organizations Employees Loyalty Board

REDESIGNATION OF PART

EDITORIAL NOTE: Part 501, the only part in this chapter, is hereby redesignated Part 1501.

Chapter VI—Department of Defense

REDESIGNATION OF PART

EDITORIAL NOTE: Part 601, the only part in this chapter, is hereby redesignated Part 1601.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SW-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On June 14, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6092) stating that the Federal Aviation Agency proposed to alter the Truth or Consequences, N. Mex., control zone, revoke the Truth or Consequences control area extension and designate the Truth or Consequences transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Truth or Consequences, N. Mex., control zone is amended to read:

Truth or Consequences, N. Mex.

Within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.).

2. Section 71.165 (27 F.R. 220–59, November 10, 1962, 28 F.R. 6495), is amended by revoking the following control area extension:

Truth or Consequences, N. Mex.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Truth or Consequences, N. Mex.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Truth or Consequences VOR 013° and 193° radials, extending from 20 miles N to 9 miles S of the VOR, and within 5 miles each side of the Truth or Consequences VOR 143° radial, extending from the 8-mile radius area to 23 miles SE of the VOR. The portion of this transition area within R–5111 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 9, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9823; Filed, Sept. 13, 1963; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1681; Amdt. 617]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–6 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the spar caps and wing skin on Douglas DC–6 Series aircraft, replacement of any spar caps found cracked, and rework or replacement of cracked wing skin was published in 28 F.R. 3357.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment recommended that the inspection requirements of the lower center spar cap at the inboard side of engine nacelles Nos. 2 and 3 be considered separately from the outboard side of engine nacelles Nos. 2 and 3 and that the initial inspection be extended to 500 hours' time in service. The structural integrity of the aircraft is believed to be maintained only when both sides of the nacelles are inspected at the same time interval. Therefore this recommendation was not accepted. The initial inspection time is predicated upon recommendations of the manufacturer with which the Agency concurs.

It was also suggested that provision be included for repairs made in accordance with the manufacturer's instructions and that the special inspections be no longer required in areas where the preventive rework is accomplished. The directive now includes these provisions.

It is further recommended that the special inspections be discontinued after a new splice is installed. The new splice is considered a temporary repair and therefore the repetitive inspections must be resumed within 4,000 hours unless the rework is accomplished.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–6, DC–6A, and DC–6B aircraft, except Serial Number 44430 (fuselage No. 500) and subsequent. Compliance required as indicated.

There have been several instances of cracks causing failure of the lower center spar caps at Station 121, as well as cracking of the wing skin in the same area. Accordingly, the following shall be accomplished:

(a) Within 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 400 hours' time in service, visually or X-ray inspect for cracks in the lower center spar cap and the surrounding wing skin area from the inboard side of Numbers 2 and 3 engine nacelles inboard to Station 114.500 and from the outboard side of Numbers 2 and 3 engine nacelles outboard to Station 184.000. (For X-ray inspection see X-ray procedures and information as described in Figure 2 in Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962.) Pay particular attention to the area around the end attachments through the splice fittings. Reinspect at intervals not to exceed 500 hours' time in service from the last inspection.

(b) If cracks are found in the lower spar cap, replace the part before further flight, except for a ferry flight in accordance with CAR 1.76. When the new spar cap is installed, the original splice may be reworked or replaced with a redesigned splice. The rework instructions and redesign data are described in Accomplishment Instructions, Parts II and III, respectively, of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962. Also, the splice may be reworked or replaced with a new splice in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region. If cracks are found in the surrounding skin area as set forth in (a), the skins shall be replaced or reworked in accordance with the manufacturer's instructions as authorized in Part I, paragraph (2), of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962, or a method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(c) The repetitive inspections specified in (a) may be temporarily discontinued for a period not to exceed 4,000 hours' time in service on those aircraft on which the temporary rework described in Accomplishment Instructions, Part II of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962, is accomplished. The 4,000 hour temporary discontinuance period will be computed as starting at the time of the temporary rework accomplishment. If the preventive rework as described in (d) is not accomplished prior to the end of the 4,000 hours' time in service period, the repetitive inspection of (a) must be reinstituted and the first reinspection accomplished prior to the expiration of the 4,000 hour period.

(d) The special inspections described in (a), (b), and (c) may be discontinued when a specific area as described in (a) has been reworked with the preventive rework as outlined in Accomplishment Instructions, Part III of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962, covers the same subject.)

This amendment shall become effective October 15, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 9, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9821; Filed, Sept. 13, 1963; 8:46 a.m.]

[Reg. Docket No. 1851; Amdt. 618]

PART 507—AIRWORTHINESS DIRECTIVES

Sensenich Controllable and Constant Speed Propellers

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring shorter inspection intervals and including all models affected of Sensenich controllable and constant speed propellers was published in 28 F.R. 7400.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SENSENICH. Applies to all controllable and constant speed propeller Models C–2FM, CS–2FM, C–3FR4, CS–3FR5, and CS–3FM4.

(Aircraft on which these propeller models are installed include but are not necessarily confined to the Piper PA–12, –14, –16, –20, –22, Monocoupe 90AL–115, Stinson 108–2 and –3, Bellanca 14–13, and Goodyear GA–2B.)

Compliance required as indicated:

(a) On aircraft with Lycoming 0–235C or O–290–D Series engines or Franklin 6A4–165–B3 engines, inspect propellers with 90 hours or more propeller time in service on the effective date of this AD in accordance with (e) within 10 hours propeller time in service after the effective date of this AD, and thereafter each 100 hours propeller time in service from the last inspection.

(b) On aircraft with Lycoming 0–235C or 2–290–D Series engines or Franklin 6A4–165–B3 engines, inspect propellers with less than 90 hours propeller time in service on the effective date of this AD in accordance with (e) prior to the accumulation of 100 hours propeller time in service, and thereafter within each 100 hours propeller time in service from the last inspection.

(c) On aircraft with engines not listed in (a) and (b), inspect propellers with 290 hours or more propeller time in service on the effective date of this AD in accordance with (e) within 10 hours propeller time in service after the effective date of this AD, and thereafter within each 300 hours propeller time in service from the last inspection.

(d) On aircraft with engines not listed in (a) and (b), inspect propellers with less than 290 hours propeller time in service on the effective date of this AD in accordance with (e) prior to the accumulation of 300 hours within each 300 hours propeller time in propeller time in service, and thereafter service from the last inspection.

(e) Remove the propeller blades from the hub and carefully inspect the wood blade shank and split retaining groove in the blade ferrule for cracks. Check and tighten the lag screws to 160 inch pounds of torque. Magnetically inspect the ferrule and all ferrous metallic parts of the hub. Special care should be given to the inspection for cracks originating in the hub lock ring groove. Replace blades with broken lag screws, cracked wood shanks or ferrule before further flight.

(Sensenich Service Bulletins Nos. 133, Revision 1, dated January 29, 1960, and No. R–9 dated December 7, 1962, cover this same subject.)

This supersdes AD 50–47–1, 21 F.R. 9502.

This amendment shall become effective October 15, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 9, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9822; Filed, Sept. 13, 1963; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8411]

PART 13—PROHIBITED TRADE PRACTICES

Delaware Watch Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.170 *Qualities or properties of product or service;* § 13.170–96 *Waterproof, waterproofing, water-repellent.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Pretreketing merchandise misleadingly.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1900 *Source or origin;* § 13.1900–30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Delaware Watch Company, Inc., et. al., New York, N.Y., Docket 8411, Aug. 15, 1963]

In the Matter of Delaware Watch Company, Inc., a Corporation, and A. Schwarcz & Sons, Inc., a Corporation, and Steven Vogel and Leslie Shaw, Individually and as Officers of Said Corporation

Order requiring New York City distributors of watches to wholesalers, retailers and premium users, to cease attaching price tickets to their products and disseminating price lists, catalogs, newspaper and magazine advertisements, etc., which showed excessive amounts as usual retail prices; falsely representing their watches as "fully guaranteed" and "water resistant"; failing to disclose that watch bezels furnished in a color simulating silver, gold or stainless steel were actually composed of base metal; and failing to disclose that watches having the word "Swiss" on the dial were imported from Hong Kong.

The order to cease and desist is as follows:

It is ordered, That respondents Delaware Watch Company, Inc., a corporation, A. Schwarcz & Sons, Inc., a corporation, and their officers, Steven Vogel and Leslie Shaw, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of watches or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their products are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(b) That their watches are "water resistant," it being understood that respondents may successfully defend the use of such representation with respect to any watch, the case of which respondents can show will provide protection against water or moisture to the extent of meeting the test designated test No. 2 of the Trade Practice Conference Rules for the Watch Industry, as set forth in the Code of Federal Regulations, Title 16, Chapter 1, § 170.2(c) (16 CFR 170.2(c)).

2. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal which has been treated to simulate precious metal or stainless steel, without clearly and conspicuously disclosing on such cases the true metal composition of such treated cases or parts.

3. Offering for sale or selling watches, the cases of which are in whole or in part of foreign origin, without affirmatively disclosing the country or place of foreign origin thereof on the exterior of the cases of such watches on an exposed surface or on a label or tag affixed thereto of such degree of permanency as to remain thereon until consummation of consumer sale of the watches and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers.

4. Supplying to, or placing in the hands of, any dealer or other purchaser, means or instrumentalities by and through which they may deceive and mislead the purchasing public as to the national origin of their watch cases, the metal composition of their watch cases and the moisture resistant capacity of their watches.

Further order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in

which they have complied with the order to cease and desist set forth herein.

Issued: August 15, 1963.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 63-9830; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. 8080]

PART 13—PROHIBITED TRADE PRACTICES

Savoy Watch Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–5 *Advertising and promotional services;* § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service;* §13.170–96 *Waterproof, waterproofing, water-repellent.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Savoy Watch Co., Inc., et al., New York, N.Y., Docket 8080, Aug. 14, 1963]

In the Matter of Savoy Watch Co., Incorporated, a Corporation, and Arthur Miller and Isadore S. Miller, Individually and as Officers of Said Corporation

The order to cease and desist is as follows:

It is ordered, That respondent Savoy Watch Co., Incorporated, a corporation, and its agents, representatives and employees, and respondents Arthur Miller and Isadore S. Miller, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of watches or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their products are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(b) That their watches or other products are advertised in "Life," "Reader's Digest," "Saturday Evening Post," or in any other national publication, when they are not in fact so advertised.

(c) That their watches are "water resistant," it being understood that respondents may successfully defend the use of such representation with respect to any watch, the case of which respondents can show will provide protection against water or moisture to the extent of meeting the test designated test No. 2 of the Trade Practice Conference Rules for the Watch Industry, as set forth in the Code of Federal Regulations, Title 16, Chapter 1, § 170.2(c) (16 CFR 170.2(c)).

2. Offering for sale or selling watches, the cases of which are in whole or in part of foreign origin, without affirmatively disclosing the country or place of foreign origin thereof on the exterior of the cases of such watches on an exposed surface or on a label or tag affixed thereto of such degree of permanency as to remain thereon until consummation of consumer sale of the watches and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers.

By "Final Order", order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order set forth herein.

Issued: August 14, 1963.

By the Commission, Commissioner Higginbotham not participating by reason of the fact that this matter was argued before the Commission prior to the time he was sworn into office.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 63-9821; Filed, Sept. 13, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Nonalcoholic Carbonated Beverages; Extension of Effective Date

There is currently being published in the FEDERAL REGISTER, a notice of filing of a proposal to establish standards of identity for nonalcoholic carbonated beverages. Pending the effective date of a final order resulting from the publication of this proposal, the previous exemption of the label declaration of ingredients requirements of section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act is continued. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 3.1 *Termination of exemption for designated foods for which label declaration of ingredients has not been required pending standardization* is amended by changing paragraph (b) to read:

(b) The exemption from label declaration of ingredients requirements of section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act as applied to nonalcoholic carbonated beverages is continued until the effective date of a final order issued as a result of the proceedings started by the publication in the FEDERAL REGISTER of September 14, 1963, of a notice proposing to establish a definition and standard of identity for this class of food.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: September 11, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9845; Filed, Sept. 13, 1963; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 22—FOOD FLAVORINGS

Vanilla Extract and Related Products; Order Correcting Wording of Definitions and Standards of Identity and Ending Stay of Effective Date

In the matter of establishing definitions and standards of identity for vanilla extract and related products:

An order ruling on proposed definitions and standards of identity for vanilla extract and related products was published in the FEDERAL REGISTER of September 1, 1962 (27 F.R. 8757). The order provided that the standards should become effective after 60 days, except as to any provision stayed by objections meeting fully the requirements of section 701(e) of the Federal Food, Drug, and Cosmetic Act. To meet these requirements, the order pointed out that persons filing objections should show wherein they would be adversely affected by the order, should set out the issues for the hearing, and should support the objections by grounds legally sufficient to justify the relief sought. Comments and statements protesting certain provisions in the order were received from twenty persons. To afford time for evaluating these submittals, an order staying the effective date of the standards was published in the FEDERAL REGISTER of November 1, 1962 (27 F.R. 10651).

Letters from a number of firms and from the Flavoring Extract Manufacturers Association suggested that the wording of certain provisions of the order should be rephrased if this could be achieved without the necessity for hearings. The letters characterized the recommended modifications as noncontroversial. These provisions of the order and the recommended modifications are:

1. In the definition of the term "unit of vanilla constituent" in § 22.1(c), the proportion of alcohol in the aqueous alcohol solvent is prescribed as "not less than 35 percent and not more than 45 percent." It is common practice to add to the extractors a solvent containing, as added, more than 45 percent of alcohol. It is concluded that the protection of consumer's interests does not require that this definition prescribe an upper limit on the proportion of alcohol in the solvent. The recommended modification would change § 22.1(c) by adding a period after the words "not less than 35 percent" and deleting the words "and not more than 45 percent."

2. Paragraph (a) of § 22.3 *Concentrated vanilla extract* * * * provides that each gallon of concentrated vanilla extract contains two or more units of vanilla constituent. However, it does not require that the article be made by concentrating a weaker extract to remove part of the solvent. The procedure involving concentrating to remove the solvent is not the only method used to produce a vanilla extract containing two or more units of vanilla constituent per gallon. Such an article is often made by properly percolating a sufficiently greater weight of vanilla beans per gallon of solvent used. The extract so produced complies with the requirements for vanilla extract as set out in § 22.2. To make it clear that such an extract, made without concentration, is not required to be labeled "concentrated," it was proposed that the exception in the first sentence of § 22.3(a) should be modified to read "except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c)."

3. As set out in the order the standard for concentrated vanilla flavoring, § 22.5, is analogous to the standard for concentrated vanilla extract in § 22.3, in that it fails to include a specific requirement for concentrating to remove a portion of the solvent. The reasons recited for including this requirement in the standard for concentrated vanilla extract apply equally to including the same requirement in the standard for concentrated vanilla flavoring. This would be achieved by changing the exception in the first sentence of § 22.5(a) to read "except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c)."

4. The first sentence in paragraph (a) of § 22.8 *Vanilla powder* * * * states: "(a) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin with one or more of the following optional blending ingredients:". The recommended modification was that the words "or both" be inserted in this sentence to make it read: "(a) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin or both with one or more of the following optional blending ingredients: * * *"

In addition to the foregoing modifications, some letters suggested that certain more substantial changes be made, provided these changes would not require hearings. One letter proposed that the standard for vanilla extract should be changed by deleting the label declaration requirement to show when the extract is made from vanilla oleoresin in lieu of vanilla beans. Another suggested deleting the label requirement to show when the extract is made by dilution of concentrated vanilla extract. Other letters proposed that the standards wherein the names specified call for including a fold number in the name should be changed to provide for declaring the fold strength by fractions or mixed numbers as well as by whole numbers. It is concluded that to make these suggested changes without a hearing would not be proper and that the letters proposing them do not warrant hearings because they do not meet the requirements for objections as set out in section 701(e) of the act.

Attorneys representing the Vanilla Bean Association of America and two clients in the Republic of Malagasy have filed letters withdrawing the objections of their clients to the order establishing standards for vanilla extract and related products.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (25 F.R. 8625); *It is ordered:*

1. That § 22.1(c) be changed to read:

§ 22.1 **Definitions.**

* * * * * *

(c) The term "unit of vanilla constituent" means the total sapid and odorous principles extractable from one unit weight of vanilla beans, as defined in paragraph (b) of this section, by an aqueous alcohol solution in which the content of ethyl alcohol by volume amounts to not less than 35 percent.

2. That § 22.2(b)(2) be amended by adding at the end thereof a new sentence reading as set forth below. As amended, this subparagraph reads as follows:

§ 22.2 **Vanilla extract; identity; label statement of optional ingredients.**

* * * * * *

(b) * * *

(2) When the vanilla extract is made in whole or in part by dilution of vanilla oleoresin, concentrated vanilla extract, or concentrated vanilla flavoring, the label shall bear the statement "made from _____" or "made in part from _____," the blank being filled in with the name or names "vanilla oleoresin," "concentrated vanilla extract," or "concentrated vanilla flavoring," as appropriate. If the article contains two or more units of vanilla constituent, the name of the food shall include the designation "_____ fold," the blank being filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per gallon of the article.

3. That § 22.3(a) be changed to read:

§ 22.3 **Concentrated vanilla extract; identity; label statement of optional ingredients.**

(a) Concentrated vanilla extract conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by § 22.2, except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c). The content of ethyl alcohol is not less than 35 percent by volume.

4. That § 22.5(a) be changed to read:

§ 22.5 **Concentrated vanilla flavoring; identity; label statement of optional ingredients.**

(a) Concentrated vanilla flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla flavoring by § 22.4, except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c).

5. That the introduction to § 22.8(a) be changed to read:

§ 22.8 **Vanilla powder; identity; label statement of optional ingredients.**

(a) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin or both, with one or more of the following optional blending ingredients:

6. That the stay on Part 22 imposed by the order published November 1, 1962, be, and hereby is, rescinded.

As revised by the changes effected by this order, the definitions and standards of identity for vanilla extract and related products published in the FEDERAL REGISTER of September 1, 1962 (27 F.R. 8757), shall become effective 90 days from the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: September 9, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9782; Filed, Sept. 13, 1963; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Miscellaneous Amendments

Part 200 is amended as follows:

Section 200.41 is amended to read as follows:

Subpart C—Organization and Management

§ 200.41 **Administrative staff.**

The principal administrative staff of the FHA includes the Deputy Commissioner, two Associate Deputy Commissioners, the General Counsel, and Assistant Commissioners, whose respective duties and areas of authority are indicated by their titles.

Section 200.43 is amended to read as follows:

§ 200.43 **Zone Operations Commissioners.**

The territory served by the Federal Housing Administration is divided into

geographical zones or regions comprised of a group of field insuring officers. Each zone is headed by a Zone Operations Commissioner who is responsible to an Associate Deputy Commissioner for the supervision, direction and coordination of all functions and responsibilities of the several officers within the regional jurisdiction established for the particular zone.

Subpart D—Delegations of Basic Authority and Functions

In Part 200, Subpart D, the Table of Contents is revised to read as follows:

DELEGATIONS TO PARTICULAR POSITIONS

Sec.
200.50 Statutory authority for delegation.
200.51 Acting Commissioner.
200.52 Deputy Commissioner.
200.52a Associate Deputy Commissioner for Operations and Deputy.
200.52b Associate Deputy Commissioner for Management.
200.53 General Counsel and Associate General Counsel.
200.54 [Revoked]
200.55 Zone Operations Commissioners and Deputies.
200.55a Assistant Commissioner for Home Mortgages.
200.57 Assistant Commissioner for Multifamily Housing.
200.58 Director of the Rental Housing Division and Deputy.
200.59 Director of the Urban Renewal Division and Deputy.
200.60 Director of the Cooperative Housing Division and Deputy.
200.62 Assistant Commissioner for Technical Standards and Deputy.
200.63 Director of the Architectural Standards Division and Deputy.
200.64 Director of the Appraisal and Mortgage Risk Division and Deputy.
200.65 Assistant Commissioner for Progress and Deputy.
200.66 Director of the Research and Statistics Division and Deputy.
200.67 Director of the Program Division and Deputy.
200.68 Assistant Commissioner for Administration and Deputy.
200.69 Director of Personnel and Deputy.
200.70 Director of the Budget Division and Deputy.
200.71 Director of the General Services Division and Deputy.
200.72 Director of the Management Division.
200.73 Director, Audit and Examination.
200.74 Auditor and Deputy.
200.75 Director of the Examination Division and Deputy.
200.77 Assistant Commissioner-Comptroller and Deputy.
200.78 Accounts Officer and Deputy.
200.79 Insurance Officer and Deputy.
200.80 Fiscal Officer and Deputy.
200.81 Home Property and Mortgage Officer and Deputy.
200.82 Reports Officer and Deputy.
200.83 Assistant Commissioner for Property Disposition and Deputy.
200.84 Assistant Commissioner for Congressional Liaison and Public Information.
200.84a Assistant to the Commissioner, Intergroup Relations.
200.84b Field Office Directors, Deputies, and Assistants.
200.84c Director of the Zone Multifamily Housing Insuring Office.
200.84d Multifamily Housing Representatives.

DELEGATIONS TO COMMITTEES

Sec.
200.85 Executive Board.
200.86 Security Committee.
200.87 Management Improvement Committee.
200.88 Property Disposition Committee.
200.89 Substantial Compliance Committee.
200.90 Finance Committee.

MISCELLANEOUS DELEGATIONS

200.95 Field Office Chiefs of Operations.
200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Director, Zone Multifamily Housing Insuring Office.
200.97 Associate Deputy Commissioner for Operations and Deputy; Zone Operations Commissioners and Deputies; Assistant Commissioner for Home Mortgages; and Assistant Commissioner for Multifamily Housing and Division Directors under his supervision.
200.98 Chief Mortgage Credit Examiner and Deputy.
200.99 Real Property Officer.
200.100 [Revoked].
200.101 Assistant Commissioner for Property Disposition.
200.102 Associate Deputy Commissioners; General Counsel; Assistant Commissioners; and Director, Audit and Examination.
200.103 Division Directors and their superiors; the General Counsel; Field Office Directors, Deputies, and Assistants, and others.
200.104 Classified Information Control Officer.
200.105 Personnel Security Officer and Deputy.
200.106 Associate Deputy Commissioner for Operations and Deputy; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel and Deputy.
200.107 National Emergency.

AUTHORITY: §§ 200.50 to 200.107 issued under sec. 2, 48 Stat. 1246, as amended, sec. 211, 52 Stat. 23, as amended, sec. 607, 55 Stat. 61, as amended, sec. 712, 62 Stat. 1281, as amended, sec. 907, 65 Stat. 301, as amended, sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f.

Section 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Commissioner, the Assistant Commissioner (Executive Officer), the Associate Deputy Commissioner for Operations, the Associate Deputy Commissioner for Management, the General Counsel, the Assistant Commissioner for Home Mortgages, the Assistant Commissioner for Multifamily Housing, the Assistant Commissioner-Comptroller, and the Assistant Commissioner for Administration, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order.

Part 200 is amended by adding a new § 200.52a as follows:

§ 200.52a Associate Deputy Commissioner for Operations and Deputy.

To the position of Associate Deputy Commissioner for Operations and under his general supervision to the position of Deputy to the Associate Deputy Commissioner for Operations there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To be responsible for the direction of the insurance of mortgages and property improvement loans, for the servicing of insured mortgages, and for the management and disposition of properties acquired in connection with the settlement of insurance claims.

(c) To develop and recommend policies and establish operating plans, technical standards, and procedures for all program operations.

(d) To be responsible to the Commissioner for coordination and general supervision of the Offices of Assistant Commissioner for Property Disposition, Assistant Commissioner for Home Mortgages, Assistant Commissioner for Technical Standards, Assistant Commissioner for Multifamily Housing, and the Zone Operations Commissioners and to direct all field operations.

(e) To approve or disapprove the erroneous or inadvertent noncollection or refund of fees.

(f) To take any action authorized to be taken by any office or division within his jurisdiction.

Part 200 is amended by adding a new § 200.52b as follows:

§ 200.52b Associate Deputy Commissioner for Management.

To the position of Associate Deputy Commissioner for Management there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To be responsible to the Commissioner for a comprehensive program of financial and administrative management and for the audit, examination, and compliance activities of the Federal Housing Administration.

(c) To be responsible to the Commissioner for coordination and general supervision of the Offices of Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; and Director, Audit and Examination.

(d) To take any action authorized to be taken by any office or division within his jurisdiction.

Section 200.54 is revoked as follows:

§ 200.54 Assistant Commissioner for Field Operations and Deputy.

[Revoked]

In § 200.55 paragraph (a) is amended to read as follows:

§ 200.55 Zone Operations Commissioners and Deputies.

• • • • •

(a) To direct the execution, under the policies and standards of the Federal Housing Administration, of all program activities delegated to the insuring offices under his jurisdiction.

Part 200 is amended by adding a new § 200.55a as follows:

§ 200.55a Assistant Commissioner for Home Mortgages.

To the position of Assistant Commissioner for Home Mortgages there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of home mortgages and property improvement loans.

(c) To approve or cancel the approval of financial institutions as approved mortgagees.

(d) To issue or cancel contracts of insurance under Title I of the National Housing Act and transfer such contracts and the rights and benefits accruing thereunder between lending institutions, and to supervise activities in connection with the Certified Agency Program and to designate, qualify and certify approved mortgagees as agents of the Federal Housing Administration to process mortgage insurance applications and issue commitments for insurance.

(e) To exercise the authority of the Commissioner under the regulations governing the insurance of loans under section 2 of Title I of the National Housing Act in any instance which is subject to the approval of the Commissioner.

(f) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act that require the prior approval of the Federal Housing Commissioner.

(g) To institute precautionary measures with respect to any dealer or contractor operating under the provisions of section 2 of Title I of the National Housing Act.

(h) To direct and supervise surveys of Title I lending institutions to assure compliance with established policies and terms of insurance contracts.

Section 200.56 is redesignated as § 200.84b and reads as follows:

§ 200.84b Field Office Directors, Deputies, and Assistants.

To the position of Field Office Director, and to each of them; and to the position of Deputy Field Office Director, and to each of them under the general supervision of the Field Office Director having jurisdiction; and to the position of Assistant Field Office Director, and to each of them under the general supervision of the Field Office Director having jurisdiction there is delegated the basic authority and function to direct and supervise all activities of the Federal Housing Administration in the geographical area under his jurisdiction.

Section 200.57 is amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing.

To the position of Assistant Commissioner for Multifamily Housing there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of multifamily housing mortgages, multifamily housing rehabilitation loans and equity investments in multifamily housing.

(c) To be responsible for coordination and general supervision of the Rental Housing Division, the Urban Renewal Division, the Cooperative Housing Division, the Special Assistants for elderly housing, nursing homes, and armed services housing, the Multifamily Housing Representatives, and the Zone I Multifamily Housing Insuring Office.

(d) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner and to approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

(e) To exercise the authority of the Commissioner as holder of the preferred stock in any corporation or under any regulatory agreement or other agreement made for the purpose of controlling or regulating a housing project on which there is a mortgage held or insured by the Commissioner.

(f) To take any action authorized to be taken by any office or division within his jurisdiction.

Section 200.61 is redesignated as § 200.84c and reads as follows:

§ 200.84c Director of the Zone Multifamily Housing Insuring Office.

To the position of Director of the Zone Multifamily Housing Insuring Office there is delegated the following duties and functions:

(a) To direct multifamily housing mortgage insurance operations and project mortgage servicing operations in the State of New York and to provide advice, guidance, and assistance on multifamily housing to other insuring offices in Zone I.

In § 200.62 paragraph (b) is amended to read as follows:

§ 200.62 Assistant Commissioner for Technical Standards and Deputy.

• • • • •

(b) To be responsible for coordination and general supervision of the Architectural Standards Division and the Appraisal and Mortgage Risk Division comprising the functions of establishing and maintaining standards, methods, procedures and techniques in the areas of architecture and engineering, construction cost, land planning, mortgage credit, valuation, the selection and rating of mortgage risk and the provision of technical advice and guidance in these fields to all organizational elements of the Administration.

In § 200.67 the introductory paragraph is amended to read as follows:

§ 200.67 Director of the Program Division and Deputy.

To the position of Director of the Program Division and under his general supervision to the position of Deputy Director of the Program Division there is delegated the following basic authority and functions:

In § 200.68 paragraph (h) is amended to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

• • • • •

(h) To develop, review, evaluate, and recommend organizational structure, delegations of authority, and distribution of functions.

In § 200.73 paragraphs (a) and (b) are amended and a new paragraph (c) is added as follows:

§ 200.73 Director, Audit and Examination.

• • • • •

(a) To be responsible for the coordination and general supervision of the Audit Division and Examination Division comprising the following functions:

• • • • •

(b) To determine noncompliance with statutes, including the criminal statutes, rules, regulations, policies, procedures and instructions governing FHA operations and participants in FHA programs; to direct remedial action; and to clear, expedite, coordinate and provide liaison with respect to investigation requests to, and investigative reports from, the Office of the Administrator, Housing and Home Finance Agency.

(c) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

In § 200.77 paragraphs (a), (c), (d), and (o) are amended to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

• • • • •

(a) To be responsible for coordination and general supervision of the Procedures Branch, Financial Reports Branch, the Accounting Branch, the Home Property and Mortgage Branch, the Insurance Branch, and the Fiscal Branch.

• • • • •

(c) To devise and establish insurance fiscal servicing, accounting and fiscal procedures and to administer the fiscal policies and activities of FHA; and to provide or cause to be provided under his direction technical advice and guidance to all organizational elements of the FHA in the fields of accounting, elec-

tronic data processing, insurance fiscal servicing and fiscal matters.

(d) To be responsible for the establishment and maintenance of appropriate accounting, fiscal and mortgage insurance controls and for the safeguarding of cash, notes, mortgages, negotiable instruments, checks, securities, debentures, contracts and properties.

• • • • •

(o) To recommend (1) the terms and conditions under which FHA offers to sell purchase money mortgages and assigned mortgage notes to approved mortgagees, (2) upon approval of the recommendation makes offers for the sale of such mortgages and assigned notes, and (3) executes in the name of the Commissioner acceptance of such offers.

In Part 200 a new § 200.84a is added to read as follows:

§ 200.84a Assistant to the Commissioner, Intergroup Relations.

To the position of Assistant to the Commissioner, Intergroup Relations, there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Commissioner for advice and assistance with respect to matters affecting minority group housing and recommendation to the Commissioner of policies and procedures with respect to minority group housing.

In Part 200 a new § 200.84d is added to read as follows:

§ 200.84d Multifamily Housing Representatives.

To the position of Multifamily Housing Representative, and to each of them, there is delegated the basic authority and functions to provide advice, guidance, and assistance on multifamily housing to the insuring offices within his geographical jurisdiction.

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; Assistant Commissioner (Executive Officer); Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; General Counsel; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; Assistant Commissioner for Property Disposition; Assistant Commissioner for Congressional Liaison and Public Information; Assistant to the Commissioner, Intergroup Relations; and Director, Audit and Examination.

In § 200.86 paragraph (a) is amended to read as follows:

§ 200.86 Security Committee.

(a) *Members.* The Security Committee is comprised of the following members: Personnel Security Officer, Chairman; Assistant Commissioner for Administration, Vice Chairman; and Deputy to the Associate Deputy Commissioner for Operations.

In § 200.87 paragraph (a) is amended to read as follows:

§ 200.87 Management Improvement Committee.

(a) *Members.* The Management Improvement Committee is comprised of the following members: Director of Management Division, Chairman; Director of Personnel, Vice Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Home Mortgages; and Director of Budget Division.

In § 200.88 paragraph (a) is amended to read as follows:

§ 200.88 Property Disposition Committee.

(a) *Members.* The Property Disposition Committee is comprised of the following members: Deputy Commissioner, Chairman; Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; General Counsel; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Property Disposition; and such other members as the Commissioner shall designate.

In § 200.89 paragraph (a)(1) is amended to read as follows:

§ 200.89 Substantial Compliance Committee.

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner-Comptroller, Chairman; Assistant Commissioner for Administration; Assistant Commissioner for Programs; the General Counsel; and the Assistant Commissioner for Home Mortgages, or their designees.

Section 200.96 is amended to read as follows:

§ 200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Director, Zone Multifamily Housing Insuring Office.

To the position of Field Office Director, and to each of them; and to the position of Deputy Field Office Director, and to each of them; and to the position of Assistant Field Office Director, and to each of them; and with respect to insurance and servicing of multifamily housing project mortgages to the position of Director, Zone Multifamily Housing Insuring Office, there is delegated the duties and functions as set forth in § 200.95.

In § 200.97 the introductory text and paragraph (b)(2) are amended to read as follows:

§ 200.97 Associate Deputy Commissioner for Operations and Deputy; Assistant Commissioner for Home Mortgages; Zone Operations Commissioners and Deputies; and the Assistant Commissioner for Multifamily Housing and Division Directors under his supervision.

To the positions of Associate Deputy Commissioner for Operations and his Deputy; and as they apply to home mortgage insurance operations to the positions of Assistant Commissioner for Home Mortgages; Zone Operations Commissioner, and to each of them; and Deputy Zone Operations Commissioner, and to each of them; and as they apply to multifamily housing mortgages to the position of Assistant Commissioner for Multifamily Housing, and to the position of Division Director, and to each of them under his supervision, there is delegated the following duties and functions:

• • • • •

(b) • • •

(2) To the positions in this section there are delegated the duties and functions as set forth in § 200.95.

Section 200.100 is revoked as follows:

§ 200.100 Assistant Commissioner for Multifamily Housing Operations and Directors under his supervision.

[Revoked]

In § 200.102 the introductory text is amended to read as follows:

§ 200.102 Associate Deputy Commissioners; General Counsel; Assistant Commissioners; and Director, Audit and Examination.

To the position of Associate Deputy Commissioner, and to each of them; to the position of General Counsel; to the position of Assistant Commissioner; and to each of them; and to the position of Director, Audit and Examination, in addition to the authority granted under the provisions of Section 204(g) of the National Housing Act, there is delegated the following duties and functions:

Section 200.103 is amended to read as follows:

§ 200.103 Division Directors and their superiors; the General Counsel; Field Office Directors, Deputies, and Assistants, and others.

To the position of Associate Deputy Commissioner for Operations and his Deputy, Associate Deputy Commissioner for Management, Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinator, General Counsel and Associate General Counsel, Division Director and Deputy Division Director, Zone Operations Commissioner and Deputy Zone Operations Commissioner, Field Office Director, Deputy Field Office Director, Assistant Field Office Director, Director of the Zone Multifamily Housing Insuring Office, and Zone Multifamily Housing Representative and to each of them, there is

delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (Section 4 of the Act approved May 10, 1939, 53 Stat. 738).

In § 200.106 paragraph (a) is amended to read as follows:

§ 200.106 Associate Deputy Commissioner for Operations and Deputy; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.

(a) To the Associate Deputy Commissioner for Operations; Deputy to Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; the Assistant Commisisoner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal government, or any other oath, required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

Issued at Washington, D.C., and effective July 8, 1963.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 63-9846; Filed, Sept. 13, 1963; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 31]

NONALCOHOLIC CARBONATED BEVERAGES

Soda Water, Artificially Sweetened Carbonated Beverages; Proposed Definitions and Standards of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371(e)), notice is given that the American Bottlers of Carbonated Beverages, 1128 Sixteenth Street NW., Washington 6, D.C., representing over 58 percent of the bottlers of nonalcoholic carbonated beverages in the United States, has filed a petition proposing definitions and standards of identity for soda water and artificially sweetened carbonated beverages. The proposed standards read as follows:

PART 31—NONALCOHOLIC CARBONATED BEVERAGES

Sec.

31.1 Soda water; identity; label statement of optional ingredients.

31.10 Artificially sweetened soda water; identity; label statement of optional ingredients.

AUTHORITY: §§ 31.1 and 31.10 issued under sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371(e).

§ 31.1 Soda water; identity; label statement of optional ingredients.

(a) Soda water is the class of food which is characterized by its carbonation. It contains at least one atmosphere of carbonation (amount of carbon dioxide a beverage will absorb at atmospheric pressure and 60° F.). It is sweetened with one or more nutritive sweeteners and is flavored with natural flavoring ingredients or artificial flavoring ingredients or both and may be colored with natural or artificial coloring ingredients or both; *Provided, however:*

(1) That soda water, commonly known as club soda, or plain soda, or by similar designations, need not be sweetened, flavored, or colored.

(2) That soda water, designated by a name including any proprietary name provided for in paragraph (d) of this section that includes the word "cola" (spelled as such or by a variant spelling; e.g., "kola") or "pepper," or that bears the prominent label declaration "cola beverage" or "cola-type beverage" or "pepper beverage" or "pepper-type beverage" in immediate association with the name of the food, shall contain caffeine in a quantity not to exceed 0.02 percent by weight.

For the purpose of this paragraph, natural flavoring ingredients are derived from fruits, vegetables, berries, buds, roots, leaves, and similar plant materials.

(b) Soda water may contain optional ingredients as provided in paragraph (c) of this section but any such ingredient shall not be a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act unless it is one for which a food additive regulation has been established pursuant to section 409 of the act and it is used in conformity with the requirements of such regulation.

(c) Optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:

(1) One or more of the acidifying agents acetic, adipic, citric, fumaric, lactic, l-malic, phosphoric, or tartaric acid.

(2) One or more of the salts or buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, lactate, phosphate, or sulfate of calcium, magnesium, potassium, or sodium.

(3) One or more of the emulsifying, stabilizing, or viscosity-producing agents brominated edible vegetable oils, carob bean gum, glyceryl abietate (glycerol ester of wood rosin), guar gum, gum acacia, gum tragacanth, lecithin, methylcellulose, mono- and diglycerides of fat-forming fatty acids, pectin, sodium alginate, sodium carboxymethylcellulose, sodium hexametaphosphate, or sorbitol.

(4) One or more of the carriers ethyl alcohol (not in excess of 0.5 percent by volume), glycerin, or propylene glycol.

(5) One or more of the foaming or antifoaming agents ammoniated glycyrrhizin, dimethylpolysiloxane, gum ghatti, licorice or glycyrrhiza, or quillaia extract (soap bark extract, china bark extract).

(6) One or more of the nutrients ascorbic acid or thiamine hydrochloride.

(7) Caffeine, other than as provided for in paragraph (a) of this section, in an amount not to exceed 0.02 percent by weight.

(8) One or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate), erythorbic acid, methyl or propyl paraben, nordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide, stannous chloride, or tocopherols.

(d) The name of each food for which a definition and standard of identity is established by this sections is "_____ soda" or "_____ soda water" or "_____ beverage," the blank being filled in with the word or words that designate the characterizing flavor of the soda water; e.g., "grape soda." However, if the soda water is one that is generally designated by a particular common name; e.g., ginger ale or root beer, that name may be used in lieu of the name prescribed in the first sentence of this paragraph. For the purposes of this section, a proprietary name used as the designation of a particular kind of soda water may likewise be used in lieu of the name prescribed in the first sentence of this paragraph.

(e) Soda water that contains artificial flavoring, artificial coloring, or the optional ingredient authorized by paragraph (c)(7) of this section shall be labeled to show that fact by one of the following statements or a combination of these statements, as appropriate:

"With artificial flavoring" or "artificial flavoring added" or "artificially flavored."

"With artificial color" or "artificial color added" or "artificially colored;" or "(name of color) colored" or "colored with (name of color)."

"With caffeine" or "caffeine added" or "caffeine."

If the soda water, subject to any limitations prescribed in the food additive regulations in Part 121 of this chapter, contains one or more of the optional ingredients authorized by paragraph (c)(8) of this section, which has or is intended to have a preservative effect in the finished beverage, it shall be labeled to show that fact by one of the following statements: "_____ added as a preservative" or "preserved with _____" or "_____ (preservative)," the blank being filled in with the common name of the preservative ingredient.

(f) The statements specified in this paragraph pertaining to artificial flavoring, added coloring or artificial coloring, preservatives, or the optional ingredient authorized by paragraph (c)(7) of this section shall appear on a labeling surface of the product in such manner as to render the statements likely to be read by the ordinary individual under customary conditions of purchase or use of such foods. Where these statements appear, they shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter, *Provided*, That this restriction does not exclude trademark notices if used. Further, if the soda water contains optional ingredients authorized by paragraph (c)(6) of this section, for which special dietary claims are made, it must be labeled to conform to the labeling requirements prescribed for foods which purport to be or are represented for special dietary usage by the regulations in Part 125 of this chapter.

§ 31.10 Artificially sweetened soda water; identity; label statement of optional ingredients.

(a) Artificially sweetened soda water conforms to the definition and standard of identity prescribed for soda water by § 31.1, except that it is sweetened with one or more of the nonnutritive artificial sweeteners calcium cyclamate, magnesium cyclamate, potassium cyclamate, sodium cyclamate, saccharin or the calcium, sodium, or ammonium salts of saccharin, and does not contain nutritive sweeteners other than those normally present in flavoring and coloring as provided for by § 31.1(a). Artificially sweetened soda water is labeled to conform to the labeling requirements prescribed for soda water by § 31.1 and to the labeling requirements for foods which purport to be or are represented for special dietary use by the regulations in Part 125 of this chapter.

(b) The name of each artificially sweetened soda water for which a definition and standard of identity is prescribed by this section consists of the words "artificially sweetened," preceded or followed by the name prescribed by § 31.1 for the corresponding kind of soda water sweetened with a nutritive sweetener. The words "artificially sweetened" shall be prominently and conspicuously displayed.

All interested persons are invited to present views and comments, in writing, regarding this proposal. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 11, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 63-9844; Filed, Sept. 13, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR 1963–64 MARKETING YEAR

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1963–64 marketing year which began August 1, 1963. The proposal, which is based on the recommendation of the Walnut Control Board and other available information, would be established pursuant to amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to written data, views, or arguments pertaining to the proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than ten days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 984.315 Expenses of the Walnut Control Board and rates of assessment for the 1963–64 marketing year.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1963, in accordance with § 984.68, will amount to $104,200, and the Board is authorized to incur such expenses.

(b) *Rates of assessment.* The rates of assessment fixed for said marketing year, payable by each handler in accordance with § 984.69, shall be 0.10 cent per pound for merchantable in-shell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

Dated: September 11, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-9886; Filed, Sept. 13, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Docket No. 14749]

EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND STATEMENTS OF GENERAL POLICY

Notice of Proposed Rulemaking

SEPTEMBER 11, 1963.

Notice is hereby given that the Civil Aeronautics Board is proposing various amendments to Part 288 which exempts air carriers, subject to certain conditions, limitations, and requirements, from sections 401 and 403 of the Federal Aviation Act to enable such carriers to perform services for the military establishment called for on short notice. The principal features of the proposed amendments are explained in the Explanatory Statement below and the text of the proposed rules is attached as well. The rules are proposed under the authority of sections 204(a), 407 and 416 of the Federal Aviation Act, as amended (72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386).

Interested persons may participate in the proposed rulemaking through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before October 14, 1963, will be considered by the Board before taking action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

EXPLANATORY STATEMENT

Part 288 provides the exemption authority for air carriers to perform short notice MATS charters in foreign and overseas air transportation and between the 48 contiguous states, on the one hand, and the state of Alaska or Hawaii, on the other. Such authority is conditioned upon the observance of the minimum rates specified in § 288.7 which are also made applicable to all MATS charters to points outside of the 48 contiguous states by § 399.36 of the Board's Policy Statements, governing the grant of individual exemptions for overseas and foreign MATS charters, and § 208.30, which conditions the military certificate authority of supplemental carriers.

In February of this year the Defense Department announced that its international and overseas civil augmentation procurement for fiscal 1964 would be confined entirely to turbine-powered aircraft except in areas where that would not be operationally or economically feasible. Since turbine-powered aircraft are generally more efficient than piston aircraft, the Department requested the Board to re-examine the minimum rates and make any adjustment that might be appropriate as a result of the more expanded use of its newer type aircraft.

In accordance with the Defense Department's request, data were informally solicited from the 1963 contractors with respect to their costs of performing MATS charters with turbine aircraft. In addition, those carriers receiving contracts for fiscal 1964 responded to a request for up-to-date data based on the operations they could expect under their 1964 contracts.

The fiscal 1964 contracts, under which the great bulk of the international and overseas MATS charters will be performed, are now in effect and the carriers are operating the services called for pursuant to the exemptions specified in Order E–19742. The contract rates are the same as those now specified in Part 288, but all contracts call for an automatic rate adjustment if the Part 288 minimums are revised.

On the basis of a review of the data submitted by the carriers, the financial reports on file with the Board, the terms of the 1964 contracts and its over-all experience in the regulation of military charters, the Board has tentatively determined that Part 288 should be amended as follows: (1) reduce the level of the minimum rates except with respect to areas where services will continue to be performed exclusively with piston aircraft; (2) revise the minimum utilization of aircraft requirements; (3) provide for minimum charges for mixed passenger-cargo services; (4) authorize the carriers to accommodate extra traffic in any excess capacity on particular flights without applying the unit minimum rate to such extra traffic; (5) provide an exception to the minimum load requirement in certain cases; and (6) add a new exemption to authorize an air carrier to perform another carrier's MATS charter contract.

MINIMUM RATES

The proposed new minimum rates compare with those presently specified in Part 288 as follows:

	Present	Proposed	Unit
Round-trip passenger	2.75	2.5	Per passenger-mile.
One-way passenger	4.2	4.2	Do.
Round-trip cargo	12.5	11.5	Per ton-mile.
One-way cargo	21.5	21.0	Do.
Convertible cargo	15.0	12.5	Do.

Attached hereto as Appendix A [1] are tables showing the cost estimates informally submitted by the carriers together with the adjustments made for purposes of constructing the proposed new minimum rates. There were two adjustments of general significance. Primarily in view of the risks related to the attainment of economical daily aircraft utilization under the contracts, the return element for all carriers has been adjusted upward from 8 to 9 percent, and the utilization factor for most of the route carriers has been adjusted upward so as to equal their 1962 system experience. In addition, Riddle's costs have been adjusted to reflect ownership of its aircraft rather than its actual lease arrangement, in accordance with established policies. Most of the other adjustments were made merely to lower certain costs which appeared to be unreasonably high and to reflect the latest actually experienced cost data.

The investment base recognizes operating property at the depreciated cost as of July 1, 1963, and reflects the adjustment for utilization noted above in the case of the route carriers. Working capital is recognized in an amount equal to one month's cash operating expenses.

Round-trip passenger rate. The following table shows the estimated average unit cost per passenger-mile for the eight reporting passenger carriers, and the breakdown for the five route passenger carriers and three supplementals. Appropriate weight is given to each carrier's costs in relation to the value of its contract. The costs for the supplemental carriers are set forth on three bases, i.e., on the basis of their forecast utilization predicated upon the operation of aircraft solely to perform "fixed buy" and guaranteed expansion services under their MATS contracts and on alternative utilizations of 7 and 8 hours, respectively.

UNIT COST PER PASSENGER-MILE IN TURBINE AIRCRAFT

	Operating expenses				Operating expense	Return	Total	Operating expense	Return	Total
	Forecast	Adjusted	Return	Total						
Pan American	2.17	2.07	0.32	2.39						
Seaboard	2.52	2.34	.48	2.83						
Trans Caribbean	2.08	1.61	.34	1.95						
Northwest	2.33	2.20	.42	2.62						
Riddle	3.26	2.02	.56	2.58						
Weighted average	2.31	2.07	.38	2.45	7 hours			8 hours		
World	2.78	2.61	.63	3.26	2.40	0.47	2.87	2.32	0.42	2.74
Trans. Int	2.21	2.21	.59	2.80	2.12	.51	2.63	2.04	.45	2.50
Capital	2.22	2.20	.82	3.02	1.88	.52	2.40	1.81	.46	2.27
Weighted average	2.55	2.45	.63	3.08	2.27	.49	2.76	2.19	.43	2.63
Overall weighted average	2.38	2.17	.45	2.63	[1] 2.13	1.41	[1] 2.54	[1] 2.10	1.40	[1] 2.50

[1] Weighted average of route carriers as adjusted and supplemental carriers at 7 or 8 hours utilization, as appropriate.

Testing the proposed new round-trip passenger rate of 2.5¢ per passenger mile against the costs shown above, it is clear that the proposed rate will not provide a return of 9 percent to each carrier. The diversity within the group is such that a 9 percent return to all carriers is impossible. The proposed rate is, however, closely in line with the weighted average cost of the route carriers and would more than cover the operating expenses of each individual route carrier. While it is significantly below the weighted average cost of the supplemental carriers, it would more than cover the operating expenses of two of the three contracting supplemental carriers on the basis of the minimum utilization generated solely by the fixed-buy and guaranteed-expansion operations. It must be assumed, however, that the supplemental carriers will obtain some additional business either through the expansion provisions of their MATS contracts, or civil contracts. Improved utilization factors thus obtained would have a marked effect on their unit costs, and, as shown in the foregoing table, should they obtain a utilization of 8 hours per day, their costs would be in line with those of the route carriers. On an over-all basis, it appears to the Board that the 2.5¢ rate will be reasonable and fair to all carriers.

One-way passenger rate. The one-way passenger rate of 4.2¢ per passenger-mile has not been changed. That rate was never based upon the costs of one-way passenger charters as such. Rather, it was established at that level to be competitive with the category A rates applicable in scheduled service. Such category A rates were established on the basis of jet operations and therefore the principal factor supporting a reduction in the round-trip charter minimum does not apply to the one-way rate. The 4.2¢ one-way rate will yield approximately 16 percent less than the reduced round-trip rate. This spread is somewhat greater than would be justified by the costs savings and the availability of backhaul charters.

Round-trip cargo rate. The following table shows the estimated unit costs per ton-mile for the three cargo carriers and their weighted average cost:

UNIT COST PER TON-MILE IN TURBINE AIRCRAFT

	Operating expenses		Return	Total
	Forecast	Adjusted		
Flying Tiger	11.09	9.40	2.38	11.78
Slick	8.32	8.32	2.41	10.74
Seaboard	10.52	9.53	2.31	11.84
Weighted average	10.26	9.09	2.39	11.48

The new round-trip rate of 11.5 cents per ton-mile proposed herein will be in line with the estimated weighted average cost including return and taxes, as well as with the costs of each individual carrier.

One-way cargo rate. The new one-way cargo rate of 21 cents per ton-mile will provide a yield equal to 91 percent of the yield of a round-trip flight at the 11.5 cents minimum rate. This may be compared to an 86 percent relationship at the present minimum rates. It appears that most carriers have continued to be generally unsuccessful in obtaining backhaul cargo charters. The 9 percent differential between the round-trip and one-way rate is, therefore, intended to almost approximate the cost savings in flying empty on the backhaul.

Reference to Appendix A and the above table shows that the cargo rates have been constructed with reference only to the costs of operating with CL–44 aircraft. There appears to be some basis for believing that the cost of cargo operations on some B–707 or DC–8 aircraft are somewhat lower. However, since the great bulk of the MATS cargo charters are presently being performed with CL–44's, the costs of operating that aircraft type are the appropriate measure for rate purposes. Of course, our determination herein will not preclude a subsequent adjustment of the cargo rates in the event that jet aircraft should become the predominant aircraft types for the performance of MATS cargo charters.

Convertible cargo rates. The proposed new convertible cargo rate of 12.5 cents contains a smaller differential over the round-trip cargo rate than is the case with the present 15 cent rate. The purpose of this differential is to take account of the fact that the need to carry seats or other passenger equipment on the cargo segment of a cargo/passenger round-trip represents a significant loss of cargo capacity. In the case of piston aircraft, the loss is usually around 16–17 percent and approximately the same result would obtain in the CL–44's. However, on B–707 and DC–8 aircraft the capacity loss is less than 5 percent. The 12.5 cents per ton-mile convertible rate reflects a balancing of the capacity loss adjustment factor of both CL–44 and jet aircraft.

[1] Filed as part of the original document.

Mixed rates. The proposed amendments would for the first time establish minimum rates for MATS charters carrying a mixture of both passengers and cargo. The proposed minimums for such mixed service are the same as the rates for one-way and round-trip all-passenger service except that we will specify a slightly lower minimum passenger utilization requirement than that applicable to all-passenger charters. This approach is consistent with the approach adopted in Order E–19742 granting exemptions for fiscal 1964 operations. The yield of such rates will be moderately less than the passenger minimum and somewhat higher than the all-cargo minimum. This is consistent with normal cost patterns. Since the spread between yield of the all-passenger minimum and that of the all-cargo minimum is fairly narrow, there appears to be no need for a sliding scale of rates for mixed services as was employed in the exemption order.

Application of the minimums. The old minimum rates have not been retained for general application to such piston services as MATS chooses to buy. It does not appear to be feasible or desirable to establish a higher minimum rate for the inferior piston service where it competes with jet service. Moreover, it would not seem desirable to preclude piston operators from meeting the turbine rate if they elect to do so. However, there are some areas, i.e., services within Alaska, service between Pacific Islands, and service to or from the Canal Zone, where piston engine aircraft are usually employed and the normal use of jet aircraft would not be operationally or economically feasible. The proposed rules retain the present rates limited in their application to operations in the few areas just mentioned.

MINIMUM UTILIZATION OF AIRCRAFT

The schedule of minimum utilization of aircraft specified in § 288.7(b) has been amended to cover mixed services, certain new types of equipment, and to revise certain existing specifications in order to produce better plane-mile rate relationships between cargo and passenger services and between aircraft types. All utilization factors specified are within the physical capacity of the aircraft.

DEFICIT TRAFFIC

In the past MATS has always required contractors to transport any load tendered equal to the contract guaranteed available cabin load except when prevented by adverse weather, MATS off-loading, or a cargo flight bulking out before the minimum weight was reached. In such cases the contractor was usually required to bear the expense of providing equivalent alternative transportation for that part of the load that could not be accommodated and was paid the contract price as if the entire guaranteed available cabin load has been transported on the contract flight. The fiscal 1964 contracts relieve the carriers of this burden but provide that MATS will pay only for the load actually accommodated. Such a proviso appears to be reasonable. Since it appears that because of the unusual circumstances carriers may at times be unable to accommodate a load equal to the minimum utilization specified in § 288.7(b), the Board proposes to amend that paragraph to authorize this practice for handling the deficit traffic problem. However, in order to prevent the operation of unduly uneconomic flights, a floor of 10 percent below the § 288.7(b) minimum utilizations has been established for deficit traffic flights.

FREE EXCESS CAPACITY

The fiscal 1964 contracts provide that any part of the guaranteed available cabin load not used by MATS and any usable capacity over the guaranteed available cabin load may be used by the contractor for route support. On the other hand, when usable capacity over the guaranteed available cabin load is not used by the contractor for route support, the contract calls for such capacity to be made available to MATS without charge. Since this would result in less than the minimum unit rates specified in § 288.7(a) being applied to the traffic carried in such excess capacity, the Board proposes to amend that paragraph so as to permit this new practice. To do so is in accord with the usual concept of a charter that the charterer hires the entire plane and is entitled to use the entire payload available. Moreover, the route support concession to the carrier would appear to make this new practice beneficial from the point of view of the carrier as well as MATS.

SUBSTITUTE SERVICE

The Board originally promulgated the blanket exemption authority for short notice MATS charters in Part 288 largely in recognition of the difficulty involved in processing an individual exemption application in so short a period of time. The same difficulty is presented in cases where an air carrier seeks authority to perform a MATS charter for another air carrier unable to meet its MATS contract because of emergency circumstances. The number of eleventh-hour requests for exemption authority to perform such substitute service filed with the Board suggests the need to promulgate an additional blanket exemption. Accordingly, the Board proposes to add a new definition of "substitute service" to § 288.1 and to amend §§ 288.2 and 288.6 so as to extend the § 288.5 exemptions to substitute service.[2] In addition, the reporting requirements of § 288.8 have been amended to cover substitute service as well as short notice MATS charters.

The exemption for substitute service has been limited to instances where such service is not to be performed for a longer period than three weeks. This is to prevent the exemptions from being used as an authorization for long-term subcontract services. Of course, if a carrier needs a substitute on an emergency basis for a period longer than three weeks, this exemption may be used for the immediate authority and an application for an individual exemption may be filed for authority to perform beyond the three week limitation.

The minimum rates established for substitute service are those that the prime contractor would have received had it performed in accordance with its contract. In other words, a carrier performing substitute service in an aircraft larger than that called for in the contract may be compensated at the lesser compensation applicable to the contract aircraft. Also, substitute service performed on only one leg of a round-trip flight may be compensated at the round-trip rather than the one-way rate.

CRAF requirements and effective date. Finally, minor clarifying changes in the references to the CRAF program in §§ 288.2 and 288.5, as well as § 399.36(a) of the Board's policy statements, are proposed.

In addition the Board wishes to place interested persons on notice that it contemplates making any revised minimums ultimately decided upon effective October 1, 1963. While it is doubtful that the issues involved in this proceeding will be finally resolved by that date, there would seem to be no reason why any revisions ultimately decided upon should not be made effective on October 1, so long as the industry has sufficient notice to guide its operations accordingly. It appears to be in the public interest for the benefits of any revisions to be made available to the Government and the carriers as early as possible, and the Board is tentatively of the opinion that the October 1 date would be reasonable to all.

It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288), and Part 399, Statements of General Policy (14 CFR Part 399) as follows:

1. Amend the title of the part to read: Part 288—Exemption of Air Carriers for Short Notice Military Contracts and Substitute Service.

2. Amend § 288.1 by adding immediately after the definition of "Short notice MATS charter service" and immediately before the definition of "Supplemental air carrier" a new definition of "Substitute service" to read as follows:

"Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for MATS and when the performance of such air transportation is not to take place during a period longer than three weeks.

3. Amend § 288.2 to read as follows:

§ 288.2 Applicability.

This part applies to substitute service and short notice MATS charter service by air carriers holding economic authority from the Board to provide air trans-

[2] The Board intends to amend the interim certificates of the supplemental carriers to provide similar authority.

portation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense: *Provided*, That, in the case of short notice MATS charter service, the award contains or is accompanied by a written statement of the military establishment that such award is for transportation necessary to fulfill unforeseen military requirements as to which time is of the essence.

4. Amend § 288.5 to read as follows:

§ 288.5 Exemption.

(a) Subject to the provisions of this part and the conditions imposed, air carriers holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 403 of the Act; Part 221 of the Regulations.

(b) Subject to the provisions of this part and the conditions imposed, air carriers, other than supplemental air carriers, holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 401(a) of the Act; Part 202 of the Regulations; Part 207 of the Regulations.

5. Amend § 288.6 to read as follows:

§ 288.6 Scope of exemption.

The exemptions granted in § 288.5 of this part extend only to transportation of persons and/or property under agreements for short notice MATS charter service as defined herein, where the award contains, or is accompanied by, the written statement set forth in the proviso to § 288.2, and to substitute service as defined herein. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

6. Amend paragraphs (a), (b) and (c) of § 288.7 to read as follows:

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short notice MATS charter service and substitute service shall not be uneconomically low.

(a) *Minimum charges.* (1) In the absence of specific Board approval and except as provided in subparagraphs (2) and (3) of this paragraph, the compensation for such services shall not be less than the following: (i) For round-trip passenger and mixed passenger-cargo services—2.5 cents per passenger-mile. (ii) For round-trip cargo service—11.5 cents per cargo ton-mile. (iii) For one-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile. (IV) For one-way cargo services—21.0 cents per cargo ton-mile: *Provided*, That a minimum of 12.5 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried in cases where passengers are carried on one or more other segments of the round trip: *Provided further*, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(2) In the case of services being performed within the State of Alaska, between islands in the Pacific, or to or from the Canal Zone, the compensation shall not, in the absence of specific Board approval, be less than the following: (i) For round-trip and mixed passenger-cargo services—2.75 cents per passenger-mile. (ii) For round-trip cargo services—12.5 cents per cargo ton-mile. (iii) For one-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile. (iv) For one-way cargo services—21.5 cents per cargo ton-mile: *Provided*, That a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round trip: *Provided further*, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(3) The compensation for substitute service shall not be less than that which the prime contractor would have received under his contract with MATS.

(b) *Minimum utilization of aircraft.* The minimum charges established by paragraph (a) (1) and (2) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers		Tons of cargo	
	All-passenger flights	Mixed flights	All-cargo flights	Convertible flights
B-707-320C	165	163	32.50	30.00
DC-8F	165	163	32.50	30.00
B-707 (other)	159			
DC-8 (other)	149			
CL-44	148	144	29.35	27.00
L-1649A	95	91	18.00	15.00
L-1049-C/E/G/H	95	91	18.00	15.00
DC-7-B/C/CF/F	95	91	18.00	15.00
L-1049A	88	81	15.00	12.00
DC-7	88	81	15.00	12.00
DC-6-A/B/C	83	73	13.00	12.00
DC-4	60	50	6.00	8.00

Provided, That compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is unable to accommodate a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by MATS, or the bulk of the cargo supplied by MATS, but in no event less than 90 percent of the above minimum loads.

(c) *Round-trip services defined.* For purposes of this section, round-trip services means short notice MATS charter service where (1) passengers and/or cargo are transported on two or more successive revenue flights and the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight, (2) the scheduling permits departures within 4 hours after arrival at each point to be served except at one point where the aircraft may be scheduled for departure within 72 hours after arrival, and (3) the air carrier operates en route not more than one ferry flight not exceeding 50 statute miles without compensation and not more than one ferry flight not exceeding 1,500 statute miles for compensation equal to not less than 75 percent of the round-trip cargo rate specified in paragraphs (a) and (b) of this section where only cargo is carried on the other portions of the whole trip and for compensation equal to not less than 75 percent of the round-trip all-passenger rate specified in paragraphs (a) and (b) of this section in all cases where passengers are carried on any other part of the whole trip.

7. Amend § 288.8 to read as follows:

§ 288.8 Filing of reports.

(a) *Contents of reports.* Within 10 days of the last flight under each award of a short notice MATS contract or agreement for substituted service performed pursuant to authorization granted by this part, air carriers performing short notice MATS charter service or substitute service shall file with the Board reports covering such operations and containing the following information:

(1) A true copy of the award in the case of short notice MATS charters and, in the case of substitute service, a statement indicating the carrier on behalf of which the service was performed, the type of aircraft called for by the MATS contract, and the date on which it agreed to perform the substitute service;

(2) Number of trips, and date each trip originated;

(3) Origin point, intermediate points (operational and traffic), and destination point of each trip;

(4) Type of aircraft used for each trip;

(5) Aircraft miles (statute) flown on each trip;

(6) Number of passengers and/or tons of cargo carried on each segment of each trip; and

(7) Contract price per pasesnger and/or ton of cargo.

(b) *Filing.* Three copies of the reports shall be filed with the Office of Carrier Accounts and Statistics of the Board.

8. Amend § 399.36(a) to read as follows:

§ 399.36 Military Air Transport Service charter exemptions.

* * * * *

(a) Whether the carrier has contractually committed its CRAF aircraft to the Department of Defense.

[F.R. Doc. 63-9854; Filed, Sept. 13, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1948]

AIRWORTHINESS DIRECTIVES

Douglas DC3 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Douglas DC3 Series aircraft. In complying with AD 63-4-1, which pertains to the wing lower attach angles and doublers on DC3 Series aircraft, cracks were found in the upper attach angles and doublers. In order to correct this unsafe condition, this AD requires inspection and replacement of the upper attach angles and doublers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue N.W., Washington 25, D.C. All communications received on or before October 15, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 501 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all DC3 Series including military type C-47, C-47A, C-47B, C-48, C-48A, C-49, C-49A, C-49B, C-49C, C-49D, C-49J, C-49K, C-50, C-50A, C-50B, C-50C, C-50D, C-51, C-52, C-52A, C-52B, C-52C, C-53, C-53B, C-53C, C-53D, C-68, C-117A, and R4D Series, except R4D-8 aircraft.

Compliance required as indicated.

(a) Unless already accomplished within the last 400 hours' time in service, within the next 50 hours' time in service after the effective date of this AD, inspect the wing upper attach angles on both the outer wing and center section between the front and rear spars for cracks. Use at least a 4-power magnifying glass. Reinspect at periods not to exceed 450 hours' time in service from the last inspection. Replace cracked attach angles before further flight.

(b) At the next wing removal, inspect all wings in the manner specified in (c), and reinspect at intervals not to exceed 8,000 hours thereafter.

(c) At the times specified in (b), the removed wings shall be thoroughly cleaned and inspected as follows:

(1) Inspect the center and outer wing upper attach angle doubler for cracks along the radius of the bent-up flange at the wing attachment point. Conduct the inspection with a 6-power magnifying glass or by dye penetrant.

(2) Inspect the center and outer wing upper attach angles including the areas between the attaching bolt holes for evidence of cracks. Remove all paint to permit inspection with a 6-power magnifying glass or by dye penetrant.

(d) Replace, before further flight, any cracked parts found during the inspection set forth in paragraph (c) with new parts per Douglas Service Bulletin DC-3 No. 262, Reissue No. 1, June 14, 1963.

(e) The proper installation alinement of the attach angles and doublers described in (d) shall be maintained. This shall be accomplished by the use of satisfactory jigs or by FAA approved equivalent means. Douglas jig fixtures P/N's A652-5110506-1-1F2 and A652-5110506-1F2 or P/N's C652-5110500-101-1-1F1 and C652-5110500-101-1F1 or those that meet the criteria of Advisory Circular AC 39-1, are considered to be satisfactory for alinement purposes.

(f) The parts replaced in accordance with paragraph (d) shall be inspected in accordance with the requirements of paragraphs (b) and (c). All uncracked parts which are not replaced shall continue to be inspected per the inspection procedure of (c) with adherence to the previously established inspection schedules for these parts.

(g) Whenever wings are being replaced after modification per (d); whenever spar butt plates on the center and outer wing, the compression angles on the center wing or the waffle plates on the outer wing are being reworked or replaced; or whenever one outer wing is substituted for another, the following tolerances shall be maintained:

(1) Compression angles attached to the corrugations and stringers and the spar cap butt plates of the center wing must be held in place with the wrap around doublers on the attach angle to within plus 0.004 inch/minus 0.000 inch.

(2) Waffle plates attached to the stringers and the spar cap butt plates of the outer wing must be held in place with the wrap around doublers on the attach angle to within plus 0.006 inch/minus 0.000 inch.

NOTE: The tolerances ranges set forth in (g)(1) and (g)(2) will allow a flush to 0.010 interference between the compression angles and plates when the wing is installed. This interference fit assures the most effective distribution of loads across the joint and the maximum service life.

(Douglas Service Bulletin No. 262, Reissue No. 1, June 14, 1963, covers this same subject).

Issued in Washington, D.C., on September 9, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9817; Filed, Sept. 13, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-45]

CONTROL AREA AND REPORTING POINTS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices. The substance of these proposals is stated below.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Control 1447 is presently designated as that airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29°22'30" N., longitude 91°05'00" W., to latitude 29°15'00" N., longitude 91°05'00" W., to latitude 29°15'00" N., longitude 90°36'15" W., to latitude 28°15'00" N., longitude 91°17'45" W., to latitude 28°15'00" N., longitude 92°21'45" W., to point of beginning, excluding the portion below 2,500 feet MSL.

The Federal Aviation Agency has under consideration alteration of Control

1447 to include the airspace south of New Orleans between Control 1447 and Control 1216. This would provide controlled airspace for the proposed relocation of Bravo and Charlie routes between New Orleans and Tampico and Tuxpan, Mexico, based on the Grand Isle, La., radio beacon in lieu of the New Orleans radio beacon. Recent flight checks indicate that the New Orleans radio beacon, from a safety of flight standpoint, is inadequate for operations along these routes except under ideal meteorological conditions and that the Grand Isle radio beacon would provide more reliable navigational guidance. This would also provide more direct routing for international flights operating between New York and Mexico.

These routes would extend through the northwest portion of W–92 and would be used only when W–92 is not in use. When W–92 is in use, a bypass route would be designated from latitude 25°19′ N., longitude 93°39′ W. (intersection of Charlie route) through latitude 27°34′ N., longitude 92°02′ W. (intersection of Bravo route) to the New Orleans radio beacon based on the 214° True bearing from this beacon.

The bearings for the revised route Bravo would be 227° True from Grand Isle radio beacon and 044° True from Tampico. Route Charlie would be 220° True from Grand Isle radio beacon and 038° True from the Tuxpan radio beacon. The Brim intersection would be redesignated at latitude 28°15′ N., longitude 91°13′ W., Catfish Intersection at latitude 28°15′ N., longitude 90°58′ W. Also a new intersection for the bypass route would be designated at latitude 28°15′ N., longitude 91°35′ W. Alpha route would be realigned on the 188° True bearing from the Galveston, Tex., radio beacon, a change of 3°, to provide a more direct route.

Control 1447 would be redesignated as that airspace southwest of New Orleans bounded by a line beginning at latitude 29°22′30″ N., longitude 91°05′00″ W., to latitude 29°15′00″ N., longitude 91°05′00″ W., to latitude 29°15′00″ N., longitude 90°15′00″ W., to latitude 28°15′00″ N., longitude 90°15′00″ W., to latitude 28°15′00″ N., longitude 92°21′45″ W., to point of beginning, excluding the portion below 2,500 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on September 9, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9818; Filed, Sept. 13, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–2]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Lemoore, Calif., terminal area:

1. The Lemoore control zone is designated within a 5-mile radius of NAS Lemoore; within 2 miles either side of the NAS Lemoore TACAN 356° and 156° True radials extending from the 5-mile radius zone to 8 miles north and 9 miles southeast of the TACAN, and within 2 miles either side of the extended centerline of runway 32R extending from the 5-mile radius zone to 7 miles northwest of runway 32R.

2. The Lemoore transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the north by V–230, on the east by V–23, on the south by latitude 36°00′00″ N., and on the west by V–107; that airspace south of latitude 36°00′00″ N. within 5 miles either side of the NAS Lemoore TACAN 191° and 132° True radials, extending to V–107 and V–23, respectively. That airspace south of latitude 36°00′00″ N. extending upward from 6,000 feet MSL bounded on the east by V–23, on the south by V–248, and on the west by V–107, excluding the airspace 5 miles either side of the NAS Lemoore TACAN 191° and 132° True radials.

3. That portion of the Priest, Calif., transition area bounded on the east by Victor 107, and on the south by latitude 35°55′00″ N.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Lemoore Calif., area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Lemoore control zone by redesignating it to comprise that airspace within a 6-mile radius of NAS Lemoore (latitude 36°20′00″ N., longitude 119°57′04″ W.); within 2 miles each side of the Lemoore TACAN 336° and 356° True radials, extending from the 6-mile radius zone to 8 miles northwest and north of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° True radial, extending from the 6-mile radius zone to 8 miles southeast of the TACAN.

2. Alter the Lemoore transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN; and that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 36°46′00″ N., longitude 120°03′50″ W., to latitude 36°37′00″ N., longitude 119°56′-00″ W., to latitude 36°37′00″ N., longitude 119°44′10″ W., thence south along the west boundary of Victor 23 to longitude 119°30′00″ W., thence to latitude 35°43′50″ N., longitude 119°30′00″ W., on the south by latitude 35°43′50″ N., on the west by Victor 485 south of the Priest, Calif., VOR and Victor 113 north of the Priest VOR, and on the north by Victor 230.

3. Alter the Priest, Calif., transition area to exclude the portion which would coincide with the Lemoore transition area as proposed for alteration herein.

The floors of the airways that would traverse the proposed transition area for NAS Lemoore would automatically coincide with the floor of the transition area.

The actions proposed herein, would, in part, increase the over-all size of the NAS Lemoore control zone by enlarging the radius area from 5 to 6 miles. This expansion of the NAS Lemoore control zone would eliminate the requirement for designating numerous short control zone extensions to provide protection for aircraft executing prescribed instrument approach and departure procedures at NAS Lemoore. The length of the existing control zone extension based on the Lemoore TACAN 156° True radial would be reduced from 9 to 8 miles. The portion of the Lemoore transition area proposed with a floor of 700 feet above the surface would provide the additional controlled airspace required for the protection of aircraft executing prescribed NAS Lemoore instrument approach, departure and radar vectoring procedures.

The portion of the proposed Lemoore transition area southwest of Fresno, Calif., would provide protection for aircraft executing the higher altitude portions of prescribed Fresno Airport instrument approach and departure procedures. The portion of the Lemoore transition area which is presently designated with a floor of 6,000 feet MSL does not provide adequate protection for aircraft executing prescribed instrument holding, approach, departure and radar vectoring procedures within the Lemoore terminal area. Therefore, the floor of the southern portion of the Lemoore transition area would be lowered to 1,200 feet above the surface.

Portions of the presently designated Lemoore transition area near Fresno and Bakersfield, Calif., which are not included in the proposed transition area will be considered for inclusion in adjoining transition areas which are the subject of other airspace dockets.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 10, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9819; Filed, Sept. 13, 1963; 8:45 a.m.]

[14 CFR Parts 71, 73 [New]]

[Airspace Docket No. 63–CE–68]

RESTRICTED AREA, CONTROLLED AIRSPACE, AND FEDERAL AIRWAY

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 71.123, 71.165, 71.171 and 73.42 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested the designation of a restricted area/military climb corridor (RA/MCC) at K. I. Sawyer Air Force Base, Marquette, Mich. This climb corridor would be used by Air Defense Command aircraft engaged in air defense missions, and would provide protection for these and other aircraft operating in the vicinity of K. I. Sawyer Air Force Base during the initial climb phase of air defense missions.

The proposed RA/MCC is consistent with criteria developed by the FAA in consultation with the Air Force.

Should this RA/MCC be designated, it would coincide with a portion of the Marquette, Mich. (K. I. Sawyer AFB) and the Marquette (Marquette County Airport) control zones, the Marquette control area extension and VOR Federal airway No. 470. Accordingly, the descriptions of these designated areas would be altered to refer to the requirement for pilots to obtain prior approval for use of the portions of these areas which would be within the RA/MCC. The using agency would authorize other air traffic to transit the RA/MCC when not in use for air defense purposes.

If these actions are taken, the Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor R–4208 would be designated as follows:

R–4208 Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 009° bearing from the N end of Runway 1 at K. I. Sawyer AFB, beginning at a point 2 nautical miles N and extending to a point 32 nautical miles N of the end of the runway, having a width of 1 nautical mile at the beginning and expanding uniformly to a width of 6 nautical miles at the outer extremity.

Designated altitudes. Surface to FL 270 from 2 nmi to 5 nmi from end of runway. 3,000 feet MSL to FL 270 from 5 nmi to 6 nmi from end of runway. 4,000 feet MSL to FL 270 from 6 nmi to 8 nmi from end of runway. 6,000 feet MSL to FL 270 from 8 nmi to 11 nmi from end of runway. 9,000 feet MSL to FL 270 from 11 nmi to 17 nmi from end of runway. 14,000 feet MSL to FL 270 from 17 nmi to 26 nmi from end of runway. 20,000 feet MSL to FL 270 from 26 nmi to 32 nmi from end of runway.

Time of designation. Continuous.

Using agency. K. I. Sawyer AFB Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 9, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9820; Filed, Sept. 13, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[483.21]

STANDARD NEWSPRINT PAPER

Tariff Classification

SEPTEMBER 10, 1963.

The purpose of this notice is to advise interested persons of the standards of specifications descriptive of most standard newsprint papers provided for in Item 252.65, Schedule 2, Subpart B, of the Tariff Schedules of the United States, which are effective as to articles entered, or withdrawn from warehouse, for consumption on or after August 31, 1963.

The test for determining whether a paper is classifiable as standard newsprint paper under Item 252.65 is whether as of the time of its importation the paper is of a class or kind chiefly used in the printing of newspapers.

Chief use is determinable by the use in the United States at, or immediately prior to, the date of importation, in accordance with General Interpretative Rule 10(e)(1) of the General Headnotes and Rules of Interpretation of the Tariff Schedules of the United States, which provides:

10(e) In the absence of special language or context which otherwise requires—(1) A tariff classification controlled by use (other than actual use) is to be determined in accordance with the use of articles of the kind imported into the United States at, or immediately prior to, the date of importation.

The Bureau is presently of the opinion that most papers which conform substantially to the following descriptive specifications:

Weight: 500 Sheets each 24 by 36 inches not less than 30 pounds nor more than 35 pounds.

Size: Rolls not less than 13 inches wide and 28 inches in diameter. Sheets not less than 20 by 30 inches.

Thickness: Not over .0042 inch.

Sizing: Time of transudation of water shall be not more than 10 seconds by the ground glass method.

Ash content: Not more than 6.5 percent.

Color and finish: White; or tinted shades of pink, peach or green in rolls; not more than 50 percent gloss when tested with the Ingersoll glarimeter.

are papers chiefly used in the printing of newspapers in the United States and are, accordingly, classifiable as standard newsprint under Item 252.67 of the Tariff Schedules of the United States so long as the existing conditions of chief use prevail.

As other classes or kinds of standard newsprint paper are imported, additional descriptive specifications will be announced, of which due notice will be given in the FEDERAL REGISTER and in the weekly Treasury Decisions.

Formal adoption of these specifications set out herein will be postponed for a period of 30 days after the publication of this announcement in order to afford interested parties to submit such comments as they consider pertinent.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 63-9808; Filed, Sept. 13, 1963; 8:45 a.m.]

[AA 643.3-p]

WHITE PORTLAND CEMENT FROM JAPAN

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

SEPTEMBER 12, 1963.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of white portland cement imported from Japan is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of white portland cement from Japan pursuant to section 14.9 of the Customs Regulations (CFR 14.9).

The complaint in this case was received on February 5, 1963, and was made by O'Melveny & Myers, Los Angeles, California, on behalf of the Riverside Cement Company.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 63-9935; Filed, Sept. 13, 1963; 10:29 a.m.]

Office of the Secretary

[Dept. Circular, Public Debt Series No. 14-63]

3⅞ PERCENT TREASURY BONDS OF 1968

Offering of Bonds

SEPTEMBER 5, 1963.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1968:

(1) At 99.35 percent of their face value in exchange for 3¼ percent Treasury Certificates of Indebtedness of Series B-1964, dated May 15, 1963, due May 15, 1964;

(2) At 98.40 percent of their face value in exchange for 4¾ percent Treasury Notes of Series A-1964, dated July 20, 1959, due May 15, 1964; or

(3) At 99.05 percent of their face value in exchange for 3¾ percent Treasury Notes of Series D-1964, dated June 23, 1960, due May 15, 1964.

Interest adjustments as of September 15, 1963, and the cash payments due to the subscriber on account of the issue prices of the new bonds will be made as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. Delivery of the new bonds will be made on September 18, 1963. The books will be open only on September 9 through September 13, 1963, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Bonds of 1973, or 4⅛ percent Treasury Bonds of 1989-94 (additional issue), which offerings are set forth in Department Circulars, Public Debt Series—Nos. 15-63 and 16-63, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 3⅞ percent Treasury Bonds of 1968. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated September 15, 1963, and will bear interest from the date at the rate of 3⅞ percent per annum, payable on a semiannual basis on May 15 and November 15, 1964, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 18, 1963, or on later allotment, and may be made only in a like face amount of securities of the three issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Cash payments due to subscribers, as shown below, will be made in the case of bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¼ percent certificates of indebtedness of Series B-1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1963 ($10.86277 per $1,000) plus the payment ($6.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

3. 4¾ percent notes of Series A-1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($15.87636 per $1,000) plus the payment ($16.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

4. 3¾ percent notes of Series D-1964. Coupons dated November 16, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($9.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

V. *Assignment of registered notes.* 1. Treasury notes in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The notes must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 63-9847; Filed, Sept. 13, 1963; 8:48 a.m.]

[Dept. Circular, Public Debt Series No. 15-63]

4 PERCENT TREASURY BONDS OF 1973

Offering of Bonds

SEPTEMBER 5, 1963.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1973:

(1) At 98.85 percent of their face value in exchange for 3¼ percent Treasury Certificates of Indebtedness of Series B-1964, dated May 15, 1963, due May 15, 1964;

(2) At 97.90 percent of their face value in exchange for 4¾ percent Treasury Notes of Series A-1964, dated July 20, 1959, due May 15, 1964;

(3) At 98.55 percent of their face value in exchange for 3¾ percent Treasury Notes of Series D-1964, dated June 23, 1960, due May 15, 1964;

(4) At 98.85 percent of their face value in exchange for 3¾ percent Treasury Bonds of 1966, dated November 15, 1960, due May 15, 1966;

(5) At 98.20 percent of their face value in exchange for 4 percent Treasury Notes of Series A-1966, dated February 15, 1962, due August 15, 1966;

(6) At 99.60 percent of their face value in exchange for 3⅝ percent Treasury Notes of Series B-1967, dated March 15, 1963, due February 15, 1967; or

(7) At 99.30 percent of their face value in exchange for 3¾ percent Treasury Notes of Series A-1967, dated September 15, 1962, due August 15, 1967.

Interest adjustments as of September 15, 1963, and the cash payments due to the subscriber on account of the issue prices of the new bonds will be made as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. Delivery of the new bonds will be made on September 18, 1963. The books will be open only on September 9 through September 13, 1963, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of all of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4⅛ percent Treasury Bonds of 1989-94 (additional issue), and the holders of the certificates and notes maturing on May 15, 1964, are also offered the privilege of exchanging them for 3⅞ percent Treasury Bonds of 1968, which offerings are set forth in Department Circulars, Public Debt Series—Nos. 16-63 and 14-63, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved

September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 4 percent Treasury Bonds of 1973. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated September 15, 1963, and will bear interest from that date at the rate of 4 percent per annum, payable on a semiannual basis on February 15 and August 15, 1964, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1973, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 18, 1963, or on later allotment, and may be made only in a like face amount of securities of the seven issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Cash payments due to subscribers, as shown below, will be made in the case of bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¼ percent certificates of indebtedness of Series B–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1963 ($10.86277 per $1,000) plus the payment ($11.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

3. 4¾ percent notes of Series A–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($15.87636 per $1,000) plus the payment ($21.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

4. 3¾ percent notes of Series D–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($14.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

5. 3¾ percent bonds of 1966. Coupons dated November 15, 1963, and all subsequent coupons, must be attached to the bonds in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($11.50 per $1,000) due on account of the issue price of the new bonds will be paid to subscribers.

6. 4 percent notes of Series A–1966. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.36957 per $1,000) plus the payment ($18.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

7. 3⅝ percent notes of Series B–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.05367 per $1,000) plus the payment ($4.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

8. 3¾ percent notes of Series A–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.15897 per $1,000) plus the payment ($7.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

V. *Assignment of registered securities.* 1. Treasury notes and bonds in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1973"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1973 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1973 in coupon form to be delivered to _____"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 63-9848; Filed, Sept. 13, 1963; 8:48 a.m.]

[Dept. Circular, Public Debt Series No. 16–63]

4⅛ PERCENT TREASURY BONDS OF 1989–94

Offering of Bonds

SEPTEMBER 5, 1963.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4⅛ percent Treasury Bonds of 1989–94:

(1) At 98.65 percent of their face value in exchange for 3¼ percent Treasury Certificates of Indebtedness of Series B–1964, dated May 15, 1963, due May 15, 1964;

(2) At 97.70 percent of their face value in exchange for 4¾ percent Treasury Notes of Series A–1964, dated July 20, 1959, due May 15, 1964;

(3) At 98.35 percent of their face value in exchange for 3¾ percent Treasury Notes of Series D–1964, dated June 23, 1960, due May 15, 1964;

(4) At 98.65 percent of their face value in exchange for 3¾ percent Treasury Bonds of 1966, dated November 15, 1960, due May 15, 1966;

(5) At 98.00 percent of their face value in exchange for 4 percent Treasury Notes of Series A–1966, dated February 15, 1962, due August 15, 1966;

(6) At 99.40 percent of their face value in exchange for 3⅝ percent Treasury Notes of Series B–1967, dated March 15, 1963, due February 15, 1967; or

(7) At 99.10 percent of their face value in exchange for 3¾ percent Treasury Notes of Series A–1967, dated September 15, 1962, due August 15, 1967.

Interest adjustments as of September 15, 1963, and the cash payments due to the subscriber on account of the issue prices of the new bonds will be made as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. Delivery of the new bonds will be made on September 18, 1963. The books will be open only on September 9 through September 13, 1963, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of all of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Bonds of 1973, and the holders of the certificates and notes maturing on May 15, 1964, are also offered the privilege of exchanging them for 3⅞ percent Treasury Bonds of 1968, which offerings are set forth in Department Circulars, Public Debt Series—Nos. 15–63 and 14–63, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 4⅛ percent Treasury Bonds of 1989–94. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 4⅛ percent Treasury Bonds of 1989–94 which are described in Department Circular, Public Debt Series—No. 11–63, dated May 16, 1963, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from September 15, 1963. Subject to the provision for the accrual of interest from September 15, 1963, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 11–63:

1. The bonds, dated April 18, 1963, bear interest from that date at the rate of 4⅛ percent per annum, payable on a semiannual basis on November 15, 1963, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1994, but may be redeemed at the option of the United States on and after May 15, 1989, at par and accrued interest, on any interest day, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds are acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, are available in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision has been made for the interchange of bonds of different denominations and of bearer and registered bonds, and for the transfer of registered bonds.

5. If the bonds are owned by a decedent at the time of his death and thereupon constitute a part of his estate, they will be redeemed at par and accrued interest at the option of the representative of the estate: *Provided,* The Secretary of the Treasury is authorized by the decedent's estate to apply the entire proceeds of redemption to payment of the Federal estate taxes on such decedent's estate.

6. The bonds are subject to the general rules and regulations of the Treasury Department, now or hereafter prescribed, governing United States securities.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 18, 1963, or on later allotment, and may be made only in a like face amount of securities of the seven issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Cash payments due from subscribers (paragraphs 7 and 8 below) should accompany the subscription. Cash payments due to subscribers (paragraphs 2 through 6 below) will be made in the case of bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¼ percent certificates of indebtedness of Series B–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1963 ($10.86277 per $1,000) plus the payment ($13.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($7.49875 per $1,000) will be paid to subscribers.

3. 4¾ percent notes of Series A–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($15.87636 per $1,000) plus the payment ($23.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and

the difference ($22.01234 per $1,000) will be paid to subscribers.

4. 3¾ percent notes of Series D–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($16.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($12.16995 per $1,000) will be paid to subscribers.

5. 3¾ percent bonds of 1966. Coupons dated November 15, 1963, and all subsequent coupons, must be attached to the bonds in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($13.50 per $1,000) due to the subscriber on account of the issue price of the new bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($9.16995 per $1,000) will be paid to subscribers.

6. 4 percent notes of Series A–1966. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.36957 per $1,000) plus the payment ($20.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($6.50555 per $1,000) will be paid to subscribers.

7. 3⅝ percent notes of Series B–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.05367 per $1,000) plus the payment ($6.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($7.81035 per $1,000) must be paid by subscribers.

8. 3¾ percent notes of Series A–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.15897 per $1,000) plus the payment ($9.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($4.70505 per $1,000) must be paid by subscribers.

V. *Assignment of registered securities.* 1. Treasury notes and bonds in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4⅛ percent Treasury Bonds of 1989–94"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4⅛ percent Treasury Bonds of 1989–94 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4⅛ percent Treasury Bonds of 1989–94 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 63-9849; Filed, Sept. 13, 1963; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 305–63]

JOSEPH F. DOLAN

Authority To Designate Officers and Employees of the Department of Justice To Perform the Functions of Deputy Marshals in the Northern District of Alabama and To Administer Oaths of Office

SEPTEMBER 11, 1963.

By virtue of the authority vested in me by section 161 of the Revised Statutes, as amended (5 U.S.C. 22), section 360 of the Revised Statutes (5 U.S.C. 311), sections 1 and 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), section 542 of title 28 of the United States Code, section 206 of the Act of June 26, 1943, 57 Stat. 196 (5 U.S.C. 16a), and § 0.15 of title 28 of the Code of Federal Regulations (Departmental Order 271–62, of May 29, 1962, 27 F.R. 5162, 5164), I hereby authorize Joseph F. Dolan, Assistant Deputy Attorney General, to perform the function of authorizing and requiring any officer or employee of the Department of Justice to perform the functions of a United States Deputy Marshal for the Northern District of Alabama, to administer the oath of office required by section 1757 of the Revised Statutes, as amended (5 U.S.C. 16), and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government, in particular the oath required by section 543 of title 28 of the United States Code.

The functions assigned to Joseph F. Dolan and to those officers and employees of the Department of Justice designated by him shall be in addition to the functions presently vested in them.

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

[F.R. Doc. 63-9884; Filed, Sept. 12, 1963; 1:35 p.m.]

POST OFFICE DEPARTMENT

POSTMASTER GENERAL ET AL.

Delegation of Authority and Line of Succession

The following is the text of Headquarters Circular 63–25 dated September 10, 1963, signed by the Deputy Postmaster General (28 F.R. 7040):

"Pursuant to Postmaster General Order No. 55507, dated January 13, 1954 (19 F.R. 361) whenever the offices of Postmaster General and Deputy Postmaster General are vacant, or during the absences of the Postmaster General and Deputy Postmaster General, authority is hereby delegated to each of the following officers in the order listed, to execute and perform in his own name and title, all powers, functions and duties conferred by law and regulation, upon the Deputy Postmaster General, including authority to modify, suspend, or rescind orders, instructions and regulations which have heretofore or which may hereafter be issued in the name of the Postmaster General, or the Deputy Postmaster General, or the officer, who, pursuant to this delegation of authority, exercises the powers, functions and duties of the Deputy Postmaster General:

1. Assistant Postmaster General, Bureau of Operations.
2. Assistant Postmaster General, Bureau of Transportation.
3. Assistant Postmaster General, Bureau of Finance.
4. Assistant Postmaster General, Bureau of Facilities.
5. Assistant Postmaster General, Bureau of Personnel.
6. General Counsel.
7. Chief Postal Inspector.

The right is hereby exclusively reserved in the Postmaster General or the Deputy Postmaster General to modify, suspend or rescind all or any part of the authority delegated to the above listed officers by this order."

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-9850; Filed, Sept. 13, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Administrative Management Reg. 6]

DIRECTOR, OFFICE OF SURVEY AND REVIEW

Delegation of Authority

SEPTEMBER 4, 1963.

SECTION 1. *Authority.* The Director, Office of Survey and Review, Office of the Administrative Assistant Secretary, is hereby authorized, without power of redelegation, to make the determinations provided for in the Federal Procurement Regulations, Part 1–2.406–3 and Part 1–2.406–4, as follows:

A. In the event of mistake in a responsive bid alleged after opening and before award:

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake. However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the lowest received, a determination may be made to correct the bid and not permit its withdrawal.

(2) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more lower bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(3) If the evidence does not warrant a determination under subparagraph (1) or (2) of this paragraph, a determination may be made that a bidder may neither withdraw nor correct his bid.

B. In the event a mistake in a contractor's bid is not discovered until after the award:

(1) A determination may be made to rescind a contract where the original contract price does not exceed $1,000.

(2) A determination may be made to reform a contract, irrespective of amount, (i) to delete the item or items involved in the mistake where such deletion does not reduce the contract price by more than $1,000, or (ii) to increase the price where such increase does not exceed $1,000 and if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids.

(3) If the evidence does not warrant a determination under (1) or (2) of this subsection, a determination may be made that no change shall be made in the contract as awarded.

C. Each proposed determination made hereunder shall before becoming effective be approved by the Solicitor, an Assistant Solicitor, or comparable legal officer of the Department.

D. Records shall be maintained of all administrative determinations made in accordance with these provisions, and copies of all such administrative determinations, with the facts involved, shall be included in the case file. Where a contract is awarded under section 1 hereof, the General Accounting Office copy of the contract shall be accompanied by a signed copy of any related determination.

E. The said Director, Office of Survey and Review, may not redelegate the authority herein delegated to him.

SEC. 2. *Revocation.* This regulation revokes Administrative Management Regulation No. 4 published in the FEDERAL REGISTER June 30, 1962 (27 F.R. 6240).

SEC. 3. *Effective date.* This regulation is effective September 4, 1963 (Subpar. 210.1.4B, Delegations of Authority by Secretary of the Interior).

D. OTIS BEASLEY,
Administrative Assistant Secretary.

[F.R. Doc. 63-9832; Filed, Sept. 13, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

EXTRA LONG STAPLE COTTON

Notice of Determinations To Be Made With Respect to National Marketing Quota; National, State, and County Allotments; Fixing of a Date for Holding Referendum; and Formulation of Regulations Pertaining to Acreage Allotments for 1964 Crop

The Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1964 crop of extra long staple cotton (referred to as "ELS cotton") pursuant to the Agricultural Adjustment Act of 1938, as amended (referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). If such quota is required, the Secretary will also determine and proclaim the amount of the quota in bales and the amount of the national allotment in acres for the 1964 crop of ELS cotton.

Section 347(b) of the act requires the proclamation of the national quota to be made not later than October 15, 1963 for a 1964 quota. The Secretary is required to proclaim a 1964 national quota under section 347(b) of the act upon determination that the total supply of ELS cotton for the marketing year beginning August 1, 1963 will exceed the normal supply for such marketing year by more than 8 per centum.

Section 347(b) of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota which shall be an amount equal to (1) the estimated domestic consumption plus exports for the marketing year which begins in the next calendar year, less (2) the estimated imports, plus (3) such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

The national marketing quota for 1964 cannot be less than the larger of (1) 30,000 bales, or (2) a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347(b) of the act, "total supply" of ELS cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carryover" of ELS cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for ELS cotton is the period August 1–July 31. For purposes of the supply determinations required to be made under section 347(b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island, and Sealand cotton (United States and Puerto Rico), and to all similar types imported from Egypt, Sudan, and Peru.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for 1964 would be that acreage, based upon the national

average yield per planted acre of ELS cotton for the four calendar years 1959–1962, which would be required to make available from the 1964 crop of ELS cotton an amount of ELS cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1964 crop of ELS cotton, it will be apportioned among the States under section 344(b) of the act on the basis of the acreage planted to ELS cotton during the five calendar years 1958–1962, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (7 U.S.C. 1801 et seq.), the Great Plains and land use adjustment programs of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 690p (b) and (e)).

If a national allotment is proclaimed for the 1964 crop of ELS cotton, the State allotment will be apportioned among the counties in accordance with section 344(e) of the act. State and county reserves will be determined in accordance with section 344 (e) and (f) (3) of the act.

If a national allotment is proclaimed for the 1964 crop of ELS cotton, the Secretary will issue regulations governing the establishment of acreage allotments for the 1964 and succeeding crops of ELS cotton. Such regulations will be substantially the same as those issued for the 1963 crop except for changes required to convert from an annual to a continuous basis. Such regulations will provide for approval by the Secretary of allotments and reserves for States and counties which will be published in the FEDERAL REGISTER.

There is under consideration a continuing provision to the Secretary's regulations which would fix the Tuesday preceding December 15 of each year in which a national quota is proclaimed as the date for holding a referendum by secret ballot of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 11, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9851; Filed, Sept. 13, 1963; 8:48 a.m.]

UPLAND COTTON

Notice of Determinations To Be Made With Respect to National Marketing Quota; National, State and County Allotments; Fixing of a Date for Holding Referendum; and Formulation of Regulations Pertaining to Acreage Allotments for 1964 Crop

The Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1964 crop of upland cotton (referred to as "cotton") pursuant to the Agricultural Adjustment Act of 1938, as amended (referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). If such quota is required, the Secretary will also determine and proclaim the amount of the quota in bales and the amount of the national allotment in acres for the 1964 crop of cotton.

Section 342 of the act requires the proclamation of the national quota to be made not later than October 15, 1963 for a 1964 quota. The Secretary is required to proclaim a 1964 national quota under section 342 of the act upon determination that the total supply of cotton for the marketing year beginning August 1, 1963 will exceed the normal supply for such marketing year.

Section 342 of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton (standard bales of five hundred pounds gross weight) adequate, together with (a) the estimated carryover at the beginning of the marketing year which begins in the next calendar year and (b) the estimated imports during such marketing year, to make available a normal supply of cotton: *Provided*, That such national marketing quota shall be not less than a number of bales equal to the estimated domestic consumption and estimated exports (less estimated imports) for the marketing year for which the quota is proclaimed, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below (1) one million bales less than the estimated domestic consumption and estimated exports for the marketing year for which such quota is being proclaimed, or (2) ten million bales, whichever is larger. Notwithstanding the foregoing, the national marketing quota shall be not less than the number of bales required to provide a national acreage allotment of sixteen million acres.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carryover" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for cotton is the period August 1–July 31.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed under section 342 of the act, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for 1964 would be that acreage, based upon the national average yield per planted acre of cotton for the four calendar years 1959–1962, which would be required to make available from the 1964 crop of cotton an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1964 crop of cotton, it will be apportioned among the States under section 344(b) of the act on the basis of the acreage planted to cotton during the five calendar years 1958–1962, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (7 U.S.C. 1801 et seq.), as amended, the Great Plains and land use adjustment programs of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 690p (b) and (e)).

Section 344(b) of the act provides a supplemental allotment from the national reserve of up to 310,000 acres for apportionment among States on the basis of their needs for additional acreage for establishing minimum farm allotments. Such needs would be estimated for each State and county for 1964.

If a national allotment is proclaimed for the 1964 crop of cotton, the State allotment will be apportioned among the counties in accordance with section 344(e) of the act. State and county reserves will be determined in accordance with section 344 (e) and (f)(3) of the act.

If a national allotment is proclaimed for the 1964 crop of cotton, the Secretary will issue regulations governing the establishment of acreage allotments for the 1964 and succeeding crops of cotton. Such regulations will be substantially the same as those issued for the 1963 crop except for changes required to convert from an annual to a continuous basis. Such regulations will provide for approval by the Secretary of allotments and reserves for States and counties which will be published in the FEDERAL REGISTER.

There is under consideration a continuing provision to the regulations which will fix the Tuesday preceding December 15 of each year in which a national quota is proclaimed as the date for holding a referendum by secret ballot of farmers in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 11, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9852; Filed, Sept. 13, 1963; 8:48 a.m.]

Office of the Secretary

MICHIGAN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Allegan.	Leelanau.
Antrim.	Livingston.
Benzie.	Macomb.
Calhoun.	Manistee.
Cass.	Mason.
Charlevoix.	Muskegon.
Clinton.	Oakland.
Crawford.	Oceana.
Genesee.	Otsego.
Grand Traverse.	Ottawa.
Ingham.	Saginaw.
Ionia.	St. Clair.
Kalamazoo.	Shiawassee.
Kent.	Van Buren.
Lapeer.	Washtenaw.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9840; Filed, Sept. 13, 1963; 8:47 a.m.]

PENNSYLVANIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Pennsylvania natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Allegheny.	Lancaster.
Armstrong.	Lawrence.
Beaver.	Lebanon.
Bedford.	Lehigh.
Berks.	Lycoming.
Blair.	McKean.
Bradford.	Mercer.
Butler.	Monroe.
Carbon.	Northampton.
Centre.	Pike.
Clarion.	Potter.
Clinton.	Somerset.
Cumberland.	Sullivan.
Erie.	Susquehanna.
Fayette.	Tioga.
Forest.	Venango.
Franklin.	Warren.
Fulton.	Washington.
Greene.	Wayne.
Huntingdon.	Westmoreland.
Lackawanna.	Wyoming.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9841; Filed, Sept. 13, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-212]

GENERAL DYNAMICS CORP.

Notice of Application for Utilization Facility License

Please take notice that General Dynamics Corporation, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a Fast Critical Assembly type nuclear reactor for research on the Corporation's John Jay Hopkins Laboratory site at Torrey Pines Mesa, California. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 9th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-9814; Filed, Sept. 13, 1963; 8:45 a.m.]

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. R-57. The license authorizes The Veterans Administration Hospital to operate its TRIGA type nuclear reactor at power levels up to 10 kilowatts (thermal) on its site in Omaha, Nebraska. The amendment authorizes The Veterans Administration Hospital to operate the TRIGA reactor at power levels up to 18 kilowatts (thermal), as described in the licensee's application for license amendment dated June 28, 1963, and supplementary letter dated July 11, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated June 28, 1963, and supplementary letter dated July 11, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 9th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License R-57; Amdt. 2]

License No. R-57 is hereby amended to authorize the change described in the application amendment dated June 28, 1963 and supplementary letter dated July 11, 1963.

Paragraph 1. of License No. R-86, as amended, is hereby amended to read as follows:

"1. This license applies to the TRIGA type heterogeneous, light water cooled, zirconium hydride and water moderated, tank-type nuclear reactor (hereinafter referred to as 'the reactor') which is owned by the applicant and located at Omaha, Nebraska and described in the application dated March 24, 1959, and amendments thereto dated January 31, 1961, June 28, 1963, and supplementary letter dated July 11, 1963 (hereinafter referred to as 'the application')."

Paragraph 4.A. of License No. R-86, as amended, is hereby amended to read as follows:

"4.A. The Veterans Administration Hospital shall not operate the reactor at power levels in excess of 18 kilowatts (thermal) without prior written authorization from the Commission."

This amendment is effective as of the date of issuance.

Date of issuance: September 9, 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-9815; Filed, Sept. 13, 1963; 8:45 a.m.]

[Docket No. 50-57]

WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R-77. The license, as previously amended, authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor located on the campus of The University of Buffalo at Buffalo, New York. The amendment authorizes an increase in the presently authorized power level from 1 megawatt to 1.5 megawatts (thermal) maximum power and requires a control rod reversal setting of 110 percent of maximum power and a scram setting of 120 percent of maximum power. The amendment was requested by the licensee in an application for license amendment dated March 20, 1963 and supplement thereto dated July 1, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated March 20, 1963 and supplement thereto dated July 1, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 4th day of September 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License R-77; Amdt. 5]

License No. R-77, as amended, which authorizes Western New York Nuclear Research Center, Inc. to possess and operate the nuclear reactor located on the campus of The University of Buffalo at Buffalo, New York, is hereby further amended as follows:

1. Paragraph 4.A. of License No. R-77, as amended, is hereby amended to read as follows:

"4.A. The licensee shall not operate the facility at steady state power levels in excess of 1.5 megawatts thermal without prior written authorization from the Commission."

2. The control rod reversal setting shall be 110 percent maximum power.

3. The maximum high flux scram setting shall be 120 percent maximum power.

4. The minimum reactor flow rate at maximum power shall be 1200 gallons per minute.

This amendment is effective as of the date of issuance.

Date of issuance: September 4, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-9816; Filed, Sept. 13, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-28]

AMERICAN LOUISIANA PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 6, 1963.

Take notice that on July 26, 1963, American Louisiana Pipe Line Company (Applicant), 1 Woodward Avenue, Detroit 26, Michigan, filed in Docket No. CP64-28 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon a gas purchase measuring station constructed in the Creole Field, Cameron Parish, Louisiana, for the purchase of gas from Hope Natural Gas Company (Hope) and Mississippi River Fuel Corporation (MRF), all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that it no longer has any use for the subject facilities inasmuch as the single well of Hope and MRF in the Creole Field proved commercially unproductive in December 1962, and was shut-in, and the gas purchase contract between Applicant and Hope and MRF was cancelled by an agreement dated March 22, 1963.

The subject facilities were constructed pursuant to "budget-type" certificate authorization issued March 12, 1962, in Docket No. CP62-141 at a cost of $7,730.

Hope and MRF have applied for authorization to abandon the subject sale in Docket Nos. CP63-336 and CP63-298, respectively.[1]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1963, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 4, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9824; Filed, Sept. 13, 1963; 8:46 a.m.]

[1] Notice issued August 15, 1963, in Docket No. G-2668, et al., and published in the FEDERAL REGISTER on August 24, 1963 (28 F.R. 9363).

[Project No. 2391]

NORTHERN VIRGINIA POWER CO.

Notice of Application for License

SEPTEMBER 6, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern Virginia Power Company (correspondence to: Martin J. Urner, Vice President, 14 North Loudoun Street, Winchester, Virginia) for license for constructed Project No. 2391, known as the Warren Hydro Plant, located on the Shenandoah River, in County of Warren, near the Town of Front Royal, Virginia.

The project consists of a 13-foot high reinforced concrete dam about 420 feet in length, a 45-foot wide by 18 feet deep headrace about 350 feet long, a reinforced concrete powerhouse housing 3 generators having a capacity of 250 kilowatts each, and other appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 31, 1963. The application is on file with the Commission of public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9825; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. E-7126]

OTTER TAIL POWER CO.

Notice of Application

SEPTEMBER 6, 1963.

Take notice that on September 3, 1963, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Company (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $7,000,000 in principal amount of First Mortgage Bonds ____ percent Series due 1993. The First Mortgage Bonds are to be dated November 1, 1963 and will mature November 1, 1993, and will carry interest at such rate as may be determined by competitive bidding, payable semi-annually on May 1, and November 1 of each year. Said First Mortgage Bonds will be of a series created pursuant to the provisions of Applicant's Indenture of Mortgage as heretofore supplemented and as revised by a Twenty-first Supplemental Indenture thereto and as supplemented by a Twenty-sixth Supplemental Indenture. In connection with the issuance and sale of the First Mortgage Bonds there will be a cash sinking fund of one percent per annum with the first sinking fund payment being made on December 1, 1964. Applicant states that the First Mortgage Bonds will be issued and sold for the purpose of securing funds with which to repay short-term bank loans incurred in 1963 to pay the expenses of the Applicant's construction program and with which to defray a portion of the expense of such construction program during the balance of the year 1963 and subsequent years.

Applicant states that the actual construction expense for the first seven months of 1963 totaled $6,499,000 and that the estimated construction expense for the last five months of 1963 is $5,971,000 and for the year 1964 is expectant to total $7,397,000.

The major portion of the Production construction program consists of the installation of an additional 66,000 kw coal-fired steam turbine generating unit at the Company's Hoot Lake Plant near Fergus Falls, Minnesota, at a total estimated cost of $11,100,000, of which approximately $1,769,000 had been spent at December 31, 1962, and is not included in the Company's 1963-1965 construction program. Of the $9,331,000 balance of said estimated cost, approximately $3,468,000 was spent in the first seven months of 1963, and estimated expenditures of approximately $3,914,000 and $1,949,000 are scheduled for the last five months of 1963 and for the year 1964, respectively.

Other expenditures for Production construction consist of expenditures to increase efficiency of other steam plants, to replace or renovate steam plant equipment, to restore small hydro-electric dams and to move standby diesel electric generating equipment from one location to another. There are no plans for commencing the construction of other major production facilities before 1966.

Any person desiring to be heard or to make any protests with reference to said application should on or before September 25, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9826; Filed, Sept. 13, 1963; 8:46 a.m.]

[Project No. 2241]

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY

Notice of Amended Application for License

SEPTEMBER 6, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Public Utility District No. 1 of Klickitat County (correspondence to: Public Utility District No. 1 of Klickitat County, Goldendale, Washington) for license for proposed Project No. 2241, known as Nine Foot Creek Section of the White Salmon River Hydroelectric Project, to be located on White Salmon River, Green Canyon Creek and Trout Lake Creek, in Skamania and Klickitat Counties, Washington, in the vicinity of Trout Lake, Washington, and affecting lands of the United States within Gifford Pinchot National Forest.

As proposed, the project consists of: Nine Foot Creek Dam on White Salmon River at mile 34.7—a concrete gravity dam 100 feet high with free overflow spillway and gated diversion works to maintain minimum flows in the White Salmon River; a diversion conduit consisting of about 7,500 feet of open canals to the Green Canyon Reservoir; Green Canal Reservoir on Green Canyon Creek—an earth fill dam about 6,000 feet long with maximum height of about 96 feet; a small emergency saddle spillway at the upper end of the reservoir; a reservoir containing 6,400 acre-feet of storage and an area of 153 acres; a steel penstock 3,350 feet long varying in diameter from 90 to 84 inches to a powerhouse on Trout Creek Lake; and Trout Creek Powerhouse—an outdoor type structure containing two vertical Francis turbines of 27,000 horsepower each, connected to 20,000 kilowatt generators with appurtenant electrical and mechanical equipment; a tailrace leading to a reregulating reservoir having an earth and gravel fill dam 0.5 miles long and a maximum height of 40 feet with a 6 x 14 foot Bascule gate-controlled spillway; and a 115 kilovolt transmission line 28 miles long to the substation and a connection with the Bonneville Power Administration lines.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and regulations of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October

28, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9827; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. G-20464 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Notice of Postponement of Hearing

SEPTEMBER 6, 1963.

Motions for indefinite postponement of the hearing scheduled for September 9, 1963, in the above-designated proceeding were filed by Cities Service Gas Company on September 3, 1963, and by Transwestern Pipeline Company and Trans-Cities Pipeline Company, jointly, on September 5, 1963.

Upon consideration of the motions, the concurrences filed thereto and the responses to our inquiries: [1]

Notice is given that the hearing heretofore scheduled for September 9, 1963, is postponed until further notice.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9828; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. CP64-31]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 6, 1963.

Take notice that on July 29, 1963, United States Gas Pipe Line Company (Applicant) P.O. Box 1407, Shreveport, Louisiana, 71102, filed in Docket No. CP64-31 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of Applicant's existing transmission facilities, at a total cost not to exceed a maximum of $1,600,000, with no single project to exceed a cost of $400,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in producing areas generally coextensive with said system.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1963, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-9829; Filed, Sept. 13, 1963; 8:46 a.m.]

[1] The Secretary's office contacted the participants to the proceeding by telephone on Sept. 5 and 6, 1963, to obtain their views concerning the subject motions.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1609]

ELECTRIC BOND AND SHARE CO. AND ESCAMBIA CHEMICAL CORP.

Notice of Filing of Application for Order Exempting Transaction Between Affiliates

SEPTEMBER 9, 1963.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), 2 Rector Street, New York 6, New York, a New York corporation and a registered closed-end nondiversified management investment company, and Escambia Chemical Corporation ("Escambia"), 261 Madison Avenue, New York, New York, a Delaware corporation, have filed a joint application under section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed redemption and exchange of certain securities of Escambia held by Bond and Share. All interested persons are referred to the application filed with the Commission for a full statement of applicants' representations which are summarized below.

Escambia has the following securities outstanding: (a) $8,125,500 face amount of 4 percent Notes due October 1, 1966, (b) $10,000,000 face amount of 5½ percent Convertible Notes due December 31, 1967 and (c) 10,150 shares of Common Stock, $1 par value; all of which are owned by Bond and Share, except 150 shares of Common Stock which were issued in July 1963. Bond and Share acquired one-half of the outstanding securities of Escambia owned by it by purchase from United Gas Corporation, said transaction having been authorized by the Commission on April 1, 1963 (Investment Company Act Release No. 3650). The principal products of Escambia and its subsidiaries are anhydrous ammonia, nitric acid, ammonium nitrate, ammonium nitrate solutions, urea and urea solutions, polyvinyl chloride and specialty resins, methanol, and methylamines.

Escambia is expanding its product lines into new fields and is engaged in a construction program in connection therewith. The estimated cost of the present construction program is $7,400,000, of which $3,000,000 must be supplied by the raising of new capital. In order to raise new capital, and to permit Bond and Share to reduce substantially its present debt position in Escambia, Escambia proposes to refinance its existing debt securities, which mature in 1966 and 1967. Negotiations among The Prudential Insurance Company of America ("Prudential"), Escambia and Bond and Share have resulted in a commitment from Prudential to purchase from Escambia at face amount $15,000,000 of a new class of 5½ percent Notes due 1978 of Escambia.

Of the proceeds to be received by Escambia from the sale of the new 5½ percent Notes to Prudential, and as part of the refinancing plan, $12,000,000 will be used to redeem from Bond and Share, at par, all of its outstanding 4 percent Notes, amounting to $8,125,500, due October 1, 1966, and $3,874,500 of its 5½ percent Convertible Notes due December 31, 1967, in accordance with the terms of the Notes and the Mortgage securing such Notes, except that Bond and Share will waive a redemption premium equivalent to 3.5 percent of the face amount of the 5½ percent Convertible Notes to be redeemed. The remainder of the proceeds, $3,000,000, will be available to meet the new capital requirements of Escambia.

As part of the refinancing plan, Bond and Share will exchange $6,125,500 face amount of the 5½ percent Convertible Notes due December 31, 1967 for a like face amount of a new class of 5 percent Convertible Notes due 1979 and will deliver an instrument to Escambia in satisfaction of the outstanding Mortgage. The new class of 5 percent Convertible Notes to be held by Bond and Share will have the same conversion price as the present 5½ percent Convertible Notes. The payment of interest and principal on the new class of 5 percent Convertible Notes is subject to certain restrictions, and said notes also will be subordinated to the 5½ percent Notes to be held by Prudential. The application states that the terms of the new class of Notes to be held by Bond and Share were established as a result of the negotiations with Prudential and are essential conditions of Prudential's commitment to purchase the 5½ percent Notes.

Following the completion of the proposed transactions Escambia will have outstanding long-term debt in the aggregate amount of $21,125,500, $3,000,000 more than the present total of $18,125,500. The new debt will consist of $15,000,000 of 5½ percent Notes due 1978, all of which will be held by Prudential, and $6,125,500 of 5 percent Convertible Notes due 1979, all of which will be held by Bond and Share. None of the proposed debt securities will be secured by any mortgage or other lien on Escambia's properties, and the lien of the present Mortgage will have been satisfied.

Escambia operated at a loss during its initial operating years 1956 through 1958, and earned a small profit in 1959. For the three calendar years 1960 through 1962, it reported consolidated net income of approximately $866,000 (after reflecting a write-down in investments of approximately $457,000), $1,697,000, and $1,827,000 (likewise after reflecting a write-down in investments of $80,000 in the latter year). By virtue of operating tax loss carryovers, it paid no Federal income taxes in 1960; in 1961 it again paid no Federal income tax, but provided $58,500 for deferred Federal income taxes; and in 1962 it provided $315,300 for Federal income taxes and $930,250 for deferred Federal income taxes. For the calendar years 1963 through 1965, Escambia has projected consolidated net income of $1,601,000, $2,407,000, and $2,572,000, respectively. Each of these amounts reflects a provision of $500,000 for deferred Federal income taxes, and varying provisions for current Federal income taxes.

Escambia is an affiliate of Bond and Share as a result of Bond and Share's holdings of the common stock of Escambia. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to, or purchasing from, such registered company securities or property, unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 24, 1963 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-9835; Filed, Sept. 13, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

Neisner Brothers, Inc., No. 149, 1151 Highway No. 35, Middletown Shopping Center, Middletown, N.J.; effective 9-4-63 to 3-31-64 (variety store; 26 employees).

REGION III

Bright Stores, Inc., 28 West Ridge Street, Lansford, Pa.; effective 8-19-63 to 3-31-64 (department store; 111 employees).

Bright Stores, Inc., 109-113 South First Street, Lehighton, Pa.; effective 8-19-63 to 3-31-64 (department store; 59 employees).

REGION IV

Kuhn's 5-10-25¢ Store, 401 West Main Street, Tupelo, Miss.; effective 8-2-63 to 3-31-64 (variety store; 24 employees).

REGION V

Neisner Brothers, Inc., No. 3, 22651 Gratiot Avenue, East Detroit, Mich.; effective 9-18-63 to 3-31-64 (variety store; 9 employees).

REGION VII

S. H. Kress and Co., 540 Main Street, Grand Junction, Colo.; effective 6-10-63 to 3-31-64 (variety store; 30 employees).

S. H. Kress and Co., 15 South Main Street, Fort Scott, Kans.; effective 6-13-63 to 3-31-64 (variety store; 23 employees).

S. H. Kress and Co., 111 North Main Street, Hutchinson, Kans.; effective 6-10-63 to 3-31-64 (variety store; 22 employees).

S. H. Kress and Co., 617 North Broadway, Pittsburg, Kans.; effective 6-10-63 to 3-31-64 (variety store; 41 employees).

S. H. Kress and Co., 224 East Douglas Avenue, Wichita, Kans.; effective 6-10-63 to 3-31-64 (variety store; 63 employees).

S. H. Kress and Co., 215 East High Street, Jefferson City, Mo.; effective 6-10-63 to 3-31-64 (variety store; 16 employees).

S. H. Kress and Co., 103 North Main Street, Nevada, Mo.; effective 6-10-63 to 3-31-64 (variety store; 20 employees).

Neisner Brothers, Inc., No. 48, 1001 16th Street, Denver, Colo.; effective 6-10-63 to 3-31-64 (variety store; 26 employees).

Neisner Brothers, Inc., No. 87, 308 Jefferson Street, Burlington, Iowa; effective 6-10-63 to 3-31-64 (variety store; 13 employees).

Neisner Brothers, Inc., No. 81, 703 Main Street, Dubuque, Iowa; effective 6-10-63 to 3-31-64 (variety store; 27 employees).

Neisner Brothers, Inc., No. 83, 407 Fourth Street, Sioux City, Iowa; effective 6-10-63 to 3-31-64 (variety store; 21 employees).

Neisner Brothers, Inc., No. 59, 2700 Cherokee, St. Louis, Mo.; effective 6-11-63 to 3-31-64 (variety store; 19 employees).

Neisner Brothers, Inc., No. 139, 7450 Forsyth Boulevard, St. Louis, Mo.; effective 6-10-63 to 3-31-64 (variety store; 26 employees).

Neisner Brothers, Inc., No. 70, 308 South 16th Street, Omaha, Nebr.; effective 6-10-63 to 3-31-64 (variety store; 31 employees).

Olson Food Store, Main Street, Erie, Kans.; effective 8-10-63 to 3-31-64 (food store; nine employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

The J. S. Dillon & Sons Stores Co., Inc., No. 43, 1740 Massachusetts, Lawrence, Kans.; effective 8-28-63 to 3-31-64; cashiers, clerks, carry-out, wrappers, maintenance; 10 percent for each month (food store; 38 employees).

Kohl's Food Stores-Bradley, Inc., 7360 North 43d Street, Post Office Box 4196 Station K, Milwaukee, Wis.; effective 8-27-63 to 3-31-64; bag boys; between 9.7 percent and 10 percent (food store; 65 employees).

Kohl's Food Stores-Hampton, Inc., 2601 West Hampton Avenue, Post Office Box 4196 Station K, Milwaukee, Wis.; effective 8-27-63 to 3-31-64; bag boys; 10 percent for each month (food store; 67 employees).

Kwik Shop, Inc., No. 72, 2232 Amidon, Wichita, Kans.; effective 8-29-63 to 3-31-64;

clerks, cashiers, carry-out, wrappers, maintenance; 10 percent for each month (food store; six employees).

Rusty's North Side IGA, 620 North Second Street, Lawrence, Kans.; effective 8–19–63 to 3–31–64; sacker, carry-out; between 9.6 percent and 10 percent (food store; 25 employees).

Wrights Velda Rose, 5700 East Main, Mesa, Ariz.; effective 8–20–63 to 3–31–64; carry-out boys, bag boys, bottle boys; 10 percent for each month (food store; 22 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 5th day of September 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–9833; Filed, Sept. 13, 1963; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS OR STUDENT-WORKERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners or student-workers at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal products manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angler Garment Co., Angler, N.C.; effective 9–3–63 to 9–2–64 (men's dress and utility shirts).

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9–10–63 to 9–9–64 (men's dress trousers).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9–11–63 to 9–10–64 (men's dress and play slacks).

Carolina Underwear Co., Inc., Carole Division, Pajama Division, Thomasville, N.C.; effective 8–31–63 to 8–30–64 (men's and boys' pajamas and ladies' pajamas).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 8–30–63 to 8–29–64 (ladies' brassieres, girdles, and corselets).

Green Bay Clothing Manufacturing, Inc., 507 Cedar Street, Green Bay, Wis.; effective 9–3–63 to 9–2–64 (men's and boys' outerwear coats and jackets).

Honey Togs, Inc., 605 West Upshur, Gladewater, Tex.; effective 8–29–63 to 8–28–64 (girls' jamaicas, pants, and blouses).

Kenchester Manufacturing Co., Inc., Buchanan, Va.; effective 8–29–63 to 8–28–64 (women's dresses).

Lackawanna Pants Manufacturing Co., Corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9–8–63 to 9–7–64 (men's trousers).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa.; effective 9–4–63 to 9–3–64 (men's shirts).

Morehead City Garment Co., Inc., Morehead City, N.C.; effective 9–10–63 to 9–9–64 (men's sport shirts).

Scamper Sportswear, Inc., 315 West 20th Street, Hazleton, Pa.; effective 9–4–63 to 9–3–64 (ladies' and children's outerwear jackets).

Superior Surgical Manufacturing Co., Inc., 63 New York Avenue, Huntington, N.Y.; effective 9–5–63 to 9–4–64 (men's and women's washable service apparel).

Sussex Sportswear, Inc., 419 West Third Street, Lewes, Del.; effective 9–3–63 to 9–2–64 (ladies' blouses and dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Allied Manufacturing Co., 400 South Kansas Street, El Paso, Tex.; effective 9–3–63 to 9–2–64; 10 learners (children's cotton trousers).

Alma Dress Co., Inc., 207–211 South Main Street, Shenandoah, Pa.; effective 8–29–63 to 8–28–64; 10 learners (women's dresses).

Blue Ridge Manufacturers, Inc., Market Street, Laurel, Del.; effective 8–26–63 to 8–25–64; 10 learners (men's lined work and semi-dress jackets).

Covington Manufacturing Co., 1019 Washington Street, Covington, Ind.; effective 8–30–63 to 8–29–64; 10 learners (men's and boys' carcoats and outerwear jackets and girls' outerwear jackets).

Jacobs Bros., Inc., Hancock, Md.; effective 8–29–63 to 8–28–64; 10 learners (nurses', maids', waitresses', and beauticians' uniforms, aprons, and washable service garments).

Newport Dress Factory, 28 South Third Street, Newport, Pa.; effective 8–29–63 to 8–28–64; 10 learners (women's dresses).

Tabor Products Manufacturing Co., Inc., Wall Street, Tabor City, N.C.; effective 8–30–63 to 8–29–64; 10 learners (women's negligees).

Wendell Garment Co., Inc., 91 North Pine Street, Wendell, N.C.; effective 9–5–63 to 9–4–64; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fairchild Tailored Slacks, Inc., Main Alley, Tifton, Ga.; effective 9–3–63 to 3–2–64; 30 learners (men's and boys' trousers).

LGAM Manufacturing Co., Inc., Wooderfield, Ohio; effective 8–26–63 to 2–25–64; 50 learners (ladies' blouses).

Mary Konzman Dress Shop, 814 North Main Street, Forest City, Pa.; effective 9–4–63 to 3–3–64; 10 learners (women's dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Conover Glove Manufacturing Co., Inc., Conover, N.C.; effective 8–29–63 to 8–28–64; 10 learners for normal labor turnover purposes (work gloves).

Northern Glove & Mitten Co., 1514 Morrow Street, Green Bay, Wis.; effective 9–3–63 to 9–2–64; five learners for normal labor turnover purposes (leather gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Betterwear Hosiery Mill, Inc., Central Avenue and East Third Street, Catawba, N.C.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Grover Furr Hosiery Co., Marion, Va.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hosiery).

Portage Hosiery Co., Portage, Wis.; effective 9–5–63 to 9–4–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Forsyth Division, Rayon Division, Thomasville, N.C.; effective 8–31–63 to 8–30–64; 5 percent of the total number of factory production workers engaged in the production of ladies' and children's panties for normal labor turnover purposes (ladies' and children's panties).

Circle Manufacturing Co., Thomasville, N.C.; effective 8–28–63 to 8–27–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties and men's shorts).

Junior Form Lingerie Corp., Route 601, Jerome, Pa.; effective 8–29–63 to 8–28–64; five learners for normal labor turnover purposes (women's sleepwear).

Malone Knitting Co., Inc., River Street, Wolfeboro, N.H.; effective 9–4–63 to 9–3–64; five learners for normal labor turnover purposes (infants' and children's knitted underwear).

Merrimaid Manufacturing Co., Inc., Saranac Street, Littleton, N.H.; effective 8–23–63 to 8–22–64; five learners for normal labor turnover purposes (ladies' and men's nylon tricot knit pajamas and travel sets and ladies' panties).

Walter W. Moyer Co., Inc., 400 West Main Street, Ephrata, Pa.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', children's, misses', and men's knit underwear).

Penn-Morr Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', children's, misses', and men's knit underwear).

Snowdon, Inc., Osceola, Iowa; effective 8–26–63 to 8–25–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The Graham Co., 200 Industrial Drive, Waco, Tex.; effective 9–3–63 to 3–2–64; six learners for normal labor turnover purposes, in the occupation of embroidery machine operator for a learning period of 320 hours at the rate of not less than $1.10 an hour (embroidery of chenille sport letters and emblems and monograms, pennants, and banners).

L. C. Langston & Sons, Post Office Box 268, Arden, N.C.; effective 9–3–63 to 3–2–64; four learners for normal labor turnover purposes, in the occupation of machine operators, tenders, fixers and jobs immediately incidental thereto, each for a learning period of 240 hours at the rate of not less than $1.15 an hour (mop yarns).

Roundtree Ceramic Studio, 107 East Market Street, Highland, Tex.; effective 9–3–63 to 3–2–64; two learners for normal labor turnover purposes, in the occupation of caster for a learning period of 480 hours at the rates of at least $1.10 an hour for the first 320 hours and not less than $1.15 an hour for the remaining 160 hours (plaster molds for hobbiests).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Adelphian Academy, 820 Academy Road, Holly, Mich.; effective 9–1–63 to 8–31–64; authorizing the employment of 60 student-workers in the woodworking (manufacturing trellises, picnic tables, bird houses, etc.) industry in the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of $1.10 an hour for the first 120 hours and $1.15 an hour for the remaining 120 hours.

Andrews University, Berrien Springs, Mich.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 90 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 20 student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (3) 100 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (4) 10 student-workers in the clerical industry in the occupations of bookkeeper, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 35 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (3) 40 student-workers in the broom manufacturing industry in the occupations of broommaker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Auburn Academy, Auburn, Wash.; effective 9–1–63 to 8–31–64; authorizing the employment of 95 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 25 student-workers in the furniture and novelty manufacturing industry in the occupations of woodworking machine operator, veneer machine operator including glue reel worker, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 15 student-workers in the metal fabricating industry in the occupations of machine tools operator, lathe operator, milling machine operator, drill press operator and related skilled and semiskilled occupations, for a learning period of 850 hours at the rates of $1.10 an hour for the first 425 hours and $1.15 an hour for the remaining 425 hours.

Campion Academy, Southwest 42d and Academy Drive, Loveland, Colo.; effective 9–1–63 to 8–31–64; authorizing the employment of 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9–1–63 to 8–31–64; authorizing the employment of 25 student-workers in the furniture manufacturing (redwood-outdoor) industry in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Clear Creek Baptist School, Pineville, Ky.; effective 9–1–63 to 8–31–64; authorizing the employment of 30 student-workers in the church furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Enterprise Academy, Enterprise, Kans.; effective 9–1–63 to 8–31–64; authorizing the employment of eight student-workers in the printing industry for the occupations of compositor, pressman, linotype operator, bindery worker and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Forest Lake Academy, Post Office Box 157, Maitland, Fla.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 20 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, sewer, caser and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, Hawaii; effective 9–1–63 to 8–31–64; authorizing five student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) one student-worker in the clerical industry in the occupations of typist, bookkeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Laurelwood Academy, Route 2, Gaston, Oreg.; effective 9–1–63 to 8–31–64; authorizing the employment of 30 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Madison College, Madison, Tenn.; effective 9–1–63 to 8–31–64; authorizing the employment of three student-workers in the steam plant for school industries in the learner occupations of boilerman, fireman and related skilled and semiskilled occupations, for a learning period of 300 hours at the rates of $1.10 an hour for the first 150 hours and $1.15 an hour for the remaining 150 hours.

Newbury Park Academy, 180 Academy Drive, Newbury Park, Calif.; effective 9–1–63 to 8–31–64; authorizing the employment of 25 student-workers in the broom manufacturing industry in the occupations of broom maker, sorter, seeder, winder, stitcher dyer, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Oak Park Academy, Nevada, Iowa; effective 9–1–63 to 8–31–64; authorizing the em-

ployment of: (1) six student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Ozark Academy, Route 2, Gentry, Ark.; effective 9–1–63 to 8–31–64; authorizing the employment of 12 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, painter and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 and $1.15 an hour for the remaining 180 hours.

Sandia View Academy, Post Office Box 98 and 325 (Corrales Road), Sandoval, New Mexico; effective 9–1–63 to 8–31–64; authorizing the employment of 50 student-workers in the furniture manufacturing (wood) industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 25 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, sewer, trimmer, backer cutter, casemaker, letterer, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 20 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, stitcher, seeder, sorter, winder, dyer, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 70 student-workers in the bookbinding industry in the occupations of bookbinder, sewer, casemaker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 60 student-workers in the broom manufacturing industry in the occupations of winder, sorter, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours; (3) 12 student-workers in the clerical industry in the occupations of typist, filer, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; (4) 35 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Southwestern Union College, Keene, Tex.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) six student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) two student-workers in the clerical industry in the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; (3) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Thunderbird Academy, 13401 North Scottsdale Road, Scottsdale, Ariz.; effective 9–1–63 to 8–31–64; authorizing the employment of 90 student-workers in the woodworking (manufacturing furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Union College, 3800 South 48th Street, Lincoln, Nebr.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 15 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (3) 30 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (4) 8 student-workers in the clerical industry in the occupations of bookkeeper, business machine operator, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; (5) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Union Springs Academy, Union Springs, N.Y.; effective 9–1–63 to 8–31–64; authorizing the employment of 25 student-workers in the broom manufacturing industry in the occupations of sorter, winder, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 170 hours.

Upper Columbia Academy, Spangle, Wash.; effective 9–1–63 to 8–31–64; authorizing the employment of 54 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, springer, sewer, trimmer, cutter, assembler, upholsterer, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Walla Walla College, Drawer 1, College Place, Wash.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 30 student-workers in the bookbinding industry in the occupations of bookbinding, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 9th day of September 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–9834; Filed, Sept. 13, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 11, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38533: *Cement and related articles from Joppa, Ill.* Filed by O. W. South, Jr., agent (No. A4373), for interested rail carriers. Rates on cement and related articles, in carloads, from Joppa, Ill., to points in Kentucky and Tennessee.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Southern Freight Association, agent, tariff I.C.C. S–351.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–9842; Filed, Sept. 13, 1963; 8:47 a.m.]

[Application No. 23; Amdt. 5]

MIDDLE ATLANTIC CONFERENCE AGREEMENT

SEPTEMBER 11, 1963.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed August 30, 1963 by: T. B. Alfriend, Executive Vice President and John F. Rose, General Manager, 2111 E Street NW., P.O. Box 686, Washington 4, D.C.

Amendments involved; Change the agreement so as to (1) include provisions governing divisions of interline revenue and procedures with respect thereto, (2) define clearly the geographical scope of the rate making activities, including Canada, (3) provide clearly that representation on the board of directors and the general rate committee shall be of member carriers within their respective territories, and (4) clarify and correct certain other provisions, including editorial changes required by the above amendments.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–9843; Filed, Sept. 13, 1963; 8:47 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 28 NUMBER 180

Washington, Saturday, September 14, 1963

Civil Service Commission

Reorganization and Revision of Regulations

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

REORGANIZATION AND REVISION OF CHAPTER

The Civil Service Commission has reorganized and rewritten its Federal Personnel Manual. To conform with the format of the new manual, the regulations of the Commission which now appear in Chapters I and III of Title 5 have been reorganized, rewritten, and given new part numbers with three digits. The only change in the civil service rules, which also appear in Chapter I, has been to assign them part numbers 1 through 8.

During the rewrite process no substantive changes have been made in the regulations. However, Part 24, Formal Education Requirements for Appointment to Certain Scientific, Technical, and Professional Positions, has been eliminated as regulatory material. New formal education requirements, or changes in existing requirements, will be published as notices in the FEDERAL REGISTER.

The new regulations published below are effective November 17, 1963, superseding the corresponding old regulations. However, several parts of the new regulations will be published at a later date and will also be effective later.

Those to be published later are pay and leave regulations to replace current Parts 25, 27, and 30. Accordingly, until further notice, the following provisions of the current regulations remain in effect:

Part 25. Federal Employees' Pay Regulations except for the appeals provisions of § 25.416 which are included in new Part 772.

Part 27. Exclusion from provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, and establishment of maximum stipends for positions in government hospitals filled by student or resident trainees, except § 27.1 which is included in part in new Part 511.

Part 30. Annual and Sick Leave Regulations.

In addition, Part 12, Standby Regulations for use in a National Emergency Disaster, has not been rewritten or superseded and, therefore, remains in effect until further notice.

The new regulations do not reflect any changes in the current regulations that were published in the FEDERAL REGISTER after August 6, 1963. Those changes will be published in the near future as amendments of the new regulations. Any other changes in the regulations that are to be effective before November 17, 1963, will be published in the FEDERAL REGISTER in both the current and new form. Thus, the new regulations that are effective November 17, 1963 consist of:

1. The regulations as set out below.
2. Amendments of these regulations which reflect amendments of the current regulations between August 7, 1963, and September 14, 1963; and,
3. Any other amendments of these new regulations which are published in the FEDERAL REGISTER after September 14, and before November 17, 1963.

Subchapter A—Civil Service Rules

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2 Appointment through the competitive system (Rule II).
3 Noncompetitive acquisition of status (Rule III).
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SUBCHAPTER A—CIVIL SERVICE RULES

PART 1—COVERAGE AND DEFINITIONS (RULE I)

Sec.
1.1 Positions and employees affected by the rules in this subchapter.
1.2 Extent of the competitive service.
1.3 Definitions.
1.4 Extent of the excepted service.

AUTHORITY: §§ 1.1 to 1.4 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 1.1 Positions and employees affected by the rules in this subchapter.

The rules in this subchapter shall apply to all positions in the competitive service and to all incumbents of such positions. Except as expressly provided in the rule concerned, the rules in this subchapter shall not apply to positions and employees in the excepted service.

§ 1.2 Extent of the competitive service.

The competitive service shall include: (a) All civilian positions in the executive branch of the Government unless specifically excepted therefrom by or pursuant to statute or by the Civil Service Commission (hereafter referred to in this subchapter as the Commission) under § 6.1 of this subchapter; and (b) all positions in the legislative and judicial branches of the Federal Government and in the Government of the District of Columbia which are specifically made subject to the civil service laws by statute. The Commission is authorized and directed to determine finally whether a position is in the competitive service.

§ 1.3 Definitions.

As used in the rules in this subchapter:

(a) "Competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service", or "classified civil service" as defined in existing statutes and executive orders.

(b) "Competitive position" shall mean a position in the competitive service.

(c) "Competitive status" shall mean basic eligibility to be noncompetitively selected to fill a vacancy in a competitive position. A competitive status shall be acquired by career-conditional or career appointment through open competitive examination upon satisfactory completion of a probationary period, or may be granted by statute, executive order, or the Civil Service Rules without competitive examination. A person with competitive status may be promoted, transferred, reassigned, reinstated, or demoted without taking an open competitive examination, subject to the conditions prescribed by the Civil Service Rules and Regulations.

(d) An employee shall be considered as being in the competitive service when he has a competitive status and occupies a competitive position unless he is serving under a temporary appointment:

Provided, That an employee who is in the competitive service at the time his position is first listed under Schedule A, B, or C shall be considered as continuing in the competitive service as long as he continues to occupy such position.

(e) "Tenure" shall mean the period of time an employee may reasonably expect to serve under his current appointment. Tenure shall be granted and governed by the type of appointment under which an employee is currently serving without regard to whether he has a competitive status or whether his appointment is to a competitive position or an excepted position.

§ 1.4 Extent of the excepted service.

(a) The excepted service shall include all civilian positions in the executive branch of the Government which are specifically excepted from the requirements of the Civil Service Act or from the competitive service by or pursuant to statute or by the Commission under § 6.1 of this subchapter.

(b) "Excepted service" shall have the same meaning as the words "unclassified service", or "unclassified civil service", or "positions outside the competitive civil service" as used in existing statutes and executive orders.

(c) "Excepted position" shall have the same meaning as "unclassified position", or "position excepted by law", or "position excepted by executive order", or "position excepted by Civil Service Rule", or "position outside the competitive service" as used in existing statutes and Executive orders.

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM (RULE II)

Sec.
2.1 Competitive examinations and eligible registers.
2.2 Appointments.
2.3 Apportionment.
2.4 Probationary period.

AUTHORITY: §§ 2.1 to 2.4 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 2.1 Competitive examinations and eligible registers.

(a) The Commission shall be responsible for open competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. The Commission is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who have lost eligibility on a career or career-conditional register because of service in the armed forces, and the names of persons who lost opportunity for certification or who have served under career or career-conditional appointment when the Commission determines that they should be given certification, may also be entered at such places on appropriate registers and under such conditions as the Commission may prescribe.

(c) Whenever the Civil Service Commission (1) is unable to certify a sufficient number of names to permit the appointing officer to consider three eligibles for appointment to a fourth-class postmaster position in accordance with the regular procedure, or (2) finds that a particular rate of compensation for fourth-class postmaster positions is too low to warrant regular competitive examinations for such positions, it may authorize appointment to any such position or positions in accordance with such procedure as may be prescribed by the Commission. Persons appointed under this paragraph may acquire competitive status subject to satisfactory completion of a probationary period prescribed by the Commission.

§ 2.2 Appointments.

(a) The Commission shall establish and administer a career-conditional appointment system for positions subject to competitive examinations which will permit adjustment of the career service to necessary fluctuations in Federal employment, and provide an equitable and orderly system for stabilizing the Federal work force. A competitive status shall be acquired by a career-conditional appointee upon satisfactory completion of a probationary period, but the appointee shall have career-conditional tenure for a period of service to be prescribed by regulation of the Commission. When an employee has completed the required period of service his appointment shall be converted to a career appointment without time limitation: *Provided,* That his career-conditional appointment shall not be converted to a career appointment if the limitation on the number of permanent employees in the Federal civil service established under paragraph (b) of this section would be exceeded thereby. Persons selected from competitive civil service registers for other than temporary appointment shall be given career-conditional appointments: *Provided,* That career appointments shall be given to the following classes of eligibles: (1) Persons whose appointments are required by statute to be made on a permanent basis; (2) employees serving under career appointments at the time of selection from such registers; (3) former employees who have eligibility for career appointments upon reinstatement; and (4) to the extent permitted by law, persons appointed to positions in the field service of the Post Office Department for which salary rates are fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented.

(b) Under the career-conditional appointment system there shall be a limit on the number of permanent employees in the Federal civil service which shall be the ceiling established by section 1310 of the Supplemental Appropriation Act, 1952 (65 Stat. 757), as amended. In the event section 1310, supra, is repealed, the Commission is authorized to fix such limitation on the number of permanent employees in the Federal civil service as it finds necessary to meet the needs of the service.

(c) The Commission may determine the types, duration, and conditions of indefinite and temporary appointments, and may prescribe the method for replacing persons holding such appointments.

§ 2.3 Apportionment.

Subject to such modifications as the Commission finds to be necessary in the interest of good administration, appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D.C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

§ 2.4 Probationary period.

Persons selected from registers of eligibles for career or career-conditional appointment shall be required to serve a probationary period under such terms and conditions as the Commission may prescribe.

PART 3—NONCOMPETITIVE ACQUISITION OF STATUS (RULE III)

Sec.
3.1 Classes of persons who may noncompetitively acquire status.
3.2 Appointments without competitive examination in rare cases.
3.3 Conversion of appointments.

AUTHORITY: §§ 3.1 to 3.3 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 3.1 Classes of persons who may noncompetitively acquire status.

(a) Upon recommendation by the agency concerned, and subject to such noncompetitive examination, time limits, or other requirements as the Commission may prescribe the following classes of persons may acquire a competitive status without competitive examination:

(1) A person holding a permanent position when it is placed in the competitive service by statute or executive order or is otherwise made subject to competitive examination.

(2) A disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943 (57 Stat. 43).

(3) An employee who has served at least two years in the immediate office of the President or on the White House Staff and who is transferred to a competitive position at the request of an agency.

(4) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving: *Provided,* That the recommendation for competitive status is made prior to expiration of the register on which his name appears or is made during a period of continuous service since his name was reached: *Provided further,* That the register was being used for ap-

pointments conferring competitive status at the time his name was reached.

§ 3.2 Appointments without competitive examination in rare cases.

Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds that the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil-service administration, the position cannot be filled through open competitive examination. Any person heretofore or hereafter appointed under this section shall acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe. Detailed statements of the reasons for the noncompetitive appointments made under this section shall be published in the Commission's annual reports.

§ 3.3 Conversion of appointments.

Any person who acquires a competitive status under this part shall have his appointment converted to career-conditional appointment unless he meets the service requirement for career appointment prescribed under § 2.2(a) of this subchapter.

PART 4—PROHIBITED PRACTICES (RULE IV)

Sec.
4.1 Prohibition against political activity.
4.2 Prohibition against racial, political or religious discrimination.
4.3 Prohibition against securing withdrawal from competition.

AUTHORITY: §§ 4.1 to 4.3 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 4.1 Prohibition against political activity.

No person employed in the executive branch of the Federal Government, or any agency or department thereof, shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No person occupying a position in the competitive service shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

§ 4.2 Prohibition against racial, political or religious discrimination.

No person employed in the executive branch of the Federal Government who has authority to take or recommend any personnel action with respect to any person who is an employee in the competitive service or any eligible or applicant for a position in the competitive service shall make any inquiry concerning the race, political affiliation, or religious beliefs of any such employee, eligible, or applicant. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any employee in the competitive service, or any eligible or applicant for a position in the competitive service because of his race, political affiliation, or religious beliefs, except as may be authorized or required by law.

§ 4.3 Prohibition against securing withdrawal from competition.

No person shall influence another person to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment. The Commission is authorized to take such disciplinary action as it deems appropriate whenever it finds that any person has violated this section.

PART 5—REGULATIONS, INVESTIGATION, AND ENFORCEMENT (RULE V)

Sec.
5.1 Regulations.
5.2 Authority of the Commission to make investigations.
5.3 Officers and employees to furnish testimony.
5.4 Enforcement authority of the Commission.

AUTHORITY: §§ 5.1 to 5.4 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 5.1 Regulations.

(a) The Commission is authorized and directed to promulgate and enforce such regulations as may be necessary to carry out the provisions of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes or executive orders imposing responsibilities on the Commission.

(b) The Commission is authorized, whenever there shall be practical difficulties and unnecessary hardships in complying with the strict letter of its regulations, to grant a variation from the strict letter of the regulations if such variation is within the spirit of the regulations, and the efficiency of the Government and the integrity of the competitive service are protected and promoted: *Provided*, That whenever such a variation is granted the Commission shall record in the minutes of its proceedings (1) the particular practical difficulty or hardship involved, (2) what is permitted in lieu of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the continuation of the conditions which gave rise to the variation: *Provided further*, That similar variations shall be granted whenever similar conditions exist. All minutes approved under authority of this section shall be published in the Commission's annual reports.

§ 5.2 Authority of the Commission to make investigations.

The Commission may make appropriate investigations to secure enforcement of the Civil Service Act, Rules and Regulations, including investigation of the qualifications and suitability of applicants for positions in the competitive service. It may require appointments to be made subject to investigation to enable the Commission to determine, after appointment, that the requirements of law or the Civil Service Rules and Regulations have been met. Whenever the Commission finds that an employee serving under such an appointment is disqualified for Federal employment, it may instruct the agency to remove him, or to suspend him pending an appeal from the Commission's finding: *Provided*, That when an agency removes or suspends an employee pursuant to the Commission's instructions, and the Commission, on the basis of new evidence or on appeal, subsequently reverses the initial decision as to the employee's qualifications and suitability, the agency shall, upon request of the Commission, restore the employee to duty.

§ 5.3 Officers and employees to furnish testimony.

All officers and employees in the executive branch, and applicants or eligibles for positions therein, shall give to the Commission or its authorized representatives all information and testimony in regard to matters inquired of arising under the laws, rules, and regulations administered by the Commission. Whenever required by the Commission, such persons shall subscribe such testimony and make oath or affirmation thereto before an officer authorized by law to administer oaths.

§ 5.4 Enforcement authority of the Commission.

(a) Whenever the Commission finds that any person has been appointed to or is holding a position in violation of the Civil Service Act, Rules or Regulations, or that any officer or employee in the executive branch has violated this order or any of the laws, rules or regulations administered by the Commission, it is authorized, after given due notice and opportunity for explanation to the officer or employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal or other corrective actions.

(b) Whenever the Commission finds that any officer or employee in the executive branch has failed to adhere to established policies, regulations, and standards relating to personnel management subject to the jurisdiction of the Commission, it shall instruct the agency head to take corrective action.

(c) Whenever, on the basis of an appeal by an employee, the Commission finds that its regulations prescribing procedures to be followed by agencies in connection with adverse actions for disciplinary reasons have not been followed, or that adverse action has been taken for political reasons except as may be required by law, or resulted from discrimination because of marital status, it shall instruct the agency to restore the employee to duty.

(d) Whenever the Commission issues specific instructions as to discipline or dismissal of an officer or employee, or to restore an officer or employee to duty, the appointing officer concerned shall comply with the Commission's instructions.

(e) If the appointing officer fails to carry out the instructions of the Commission issued under paragraph (a) of this section, the Commission shall certify the facts to the head of the agency concerned. If the head of the agency fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the facts to the Comptroller General of the United States, and shall furnish a copy of such certification to the head of the agency concerned; and thereafter no payment shall be made of the salary or wages accruing to the employee concerned.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE (RULE VI)

Sec.
6.1 Authority to except positions from the competitive service.
6.2 Schedules of excepted positions.
6.3 Method of filling excepted positions and status of incumbents.
6.4 Removal of incumbents of excepted positions.
6.5 Assignment of excepted employees.
6.6 Revocation of exceptions.
6.7 Movement of persons between the civil-service system and other merit systems.

AUTHORITY: §§ 6.1 to 6.7 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 6.1 Authority to except positions from the competitive service.

(a) The Commission is authorized to except positions from the competitive service whenever it determines that appointments thereto through competitive examination are not practicable. Upon the recommendation of the agency concerned, it may also except positions which are of a confidential or policy-determining character. Such exceptions from the competitive service shall be effective upon publication thereof in the FEDERAL REGISTER. Positions excepted by the Commission shall be listed in Schedule A, B, or C as provided for in § 6.2, and shall also be listed in the Commission's annual report for the fiscal year in which the exceptions are made.

(b) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under the appropriate schedule.

§ 6.2 Schedules of excepted positions.

The Commission shall list positions that it excepts from the competitive service in Schedules A, B, and C, which schedules shall constitute parts of this rule, as follows:

Schedule A. Positions other than those of a confidential or policy-determining character for which it is not practicable to examine shall be listed in Schedule A.

Schedule B. Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination shall be listed in Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

Schedule C. Positions of a confidential or policy-determining character shall be listed in Schedule C.

§ 6.3 Method of filling excepted positions and status of incumbents.

(a) The head of an agency may fill excepted positions by the appointment of persons without civil service eligibility or competitive status and such persons shall not acquire competitive status by reason of such appointment: *Provided*, That the Commission, in its discretion, may by regulation prescribe conditions under which excepted positions may be filled in the same manner as competitive positions are filled and conditions under which persons so appointed may acquire a competitive status in accordance with the Civil Service Rules and Regulations.

(b) To the extent permitted by law and the provisions of this part, appointments and position changes in the excepted service shall be made in accordance with such regulations and practices as the head of the agency concerned finds necessary.

§ 6.4 Removal of incumbents of excepted positions.

Except as may be required by statute, the Civil Service Rules and Regulations shall not apply to removals from positions listed in Schedules A and C or from positions excepted from the competitive service by statute. The Civil Service Rules and Regulations shall apply to removals from positions listed in Schedule B of persons who have competitive status.

§ 6.5 Assignment of excepted employees.

No person who is serving under an excepted appointment shall be assigned to the work of a position in the competitive service without prior approval of the Commission.

§ 6.6 Revocation of exceptions.

The Commission may remove any position from or may revoke in whole or in part any provision of Schedule A or B, and, with the concurrence of the agency concerned, may remove any position from or may revoke in whole or in part any provision of Schedule C. Such changes shall become effective upon publication thereof in the FEDERAL REGISTER.

§ 6.7 Movement of persons between the civil service system and other merit systems.

Whenever the Commission and any Federal agency having an established merit system determine it to be in the interest of good administration and consistent with the intent of the civil service laws and any other applicable laws, they may enter into an agreement prescribing conditions under which persons may be moved from one system to the other and defining the status and tenure that the persons affected shall acquire upon such movement.

PART 7—GENERAL PROVISIONS (RULE VII)

Sec.
7.1 Discretion in filling vacancies.
7.2 Personnel reports.
7.3 Reemployment rights.

AUTHORITY: §§ 7.1 to 7.3 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 7.1 Discretion in filling vacancies.

In his discretion, an appointing officer may fill any position in the competitive service either by competitive appointment from a civil service register or by noncompetitive selection of a present or former Federal employee, in accordance with the Civil Service Regulations. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness and without regard to political or religious affiliations, marital status, or race.

§ 7.2 Personnel reports.

Each agency shall report to the Commission, in such manner and at such times as the Commission may prescribe, such personnel information as it may request relating to positions and officers and employees in the competitive service and in the excepted service, whether permanent or career, career-conditional, indefinite, temporary, emergency, or subject to contract.

§ 7.3 Reemployment rights.

The Commission, whenever it determines it to be necessary, shall prescribe regulations governing the release of employees (both within the competitive service and the excepted service) by any agency in the executive branch of the Government for employment in any other agency, and governing the establishment, granting, and exercise of rights to reemployment in the agencies from which employees are released.

PART 8—APPOINTMENTS TO OVERSEAS POSITIONS (RULE VIII)

Sec.
8.1 Additional authority of the Commission.
8.2 Appointment of United States citizens.
8.3 Appointment of persons not citizens of the United States.
8.4 Positions excepted from the application of this part.

AUTHORITY: §§ 8.1 to 8.4 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 8.1 Additional authority of the Commission.

In addition to authorizing the recruitment and appointment of persons to overseas positions under regulations issued under the preceding Rules, the Commission may, by the regulations prescribed by it, authorize the recruitment and appointment of persons to such positions as provided in § 8.2. As used in this part, "overseas positions" means positions in foreign countries and in other areas beyond the continental limits of the United States, except as provided in § 8.4.

§ 8.2 Appointment of United States citizens.

United States citizens may be recruited overseas for appointment to overseas positions in the competitive service without regard to the competitive requirements of the Civil Service Act. Persons so recruited who meet the qualification standards and other requirements of the Commission for overseas positions may be given appointments to be known as "overseas limited appointments." Such appointments shall be of temporary or indefinite duration, and shall not confer the right to acquire a competitive status. The Commission may authorize overseas limited appointments for United States citizens recruited within the continental limits of the United States whenever it determines that it is not feasible to appoint from a civil-service register. Persons serving under appointments made pursuant to this section are hereby excluded from the operation of the Civil Service Retirement Act of May 29, 1930, as amended, unless eligible for retirement benefits by continuity of service or otherwise.

§ 8.3 Appointment of persons not citizens of the United States.

Persons who are not citizens of the United States may be recruited overseas and appointed to overseas positions without regard to the Civil Service Act.

§ 8.4 Positions excepted from the application of this part.

This part shall not apply to positions in Hawaii, Puerto Rico, the Virgin Islands, and Alaska, and on the Isthmus of Panama.

SUBCHAPTER B—CIVIL SERVICE REGULATIONS

PART 151—POLITICAL ACTIVITY OF STATE EMPLOYEES: RULES OF PRACTICE

Sec.

151.101 Purpose.
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151.103 Executive officer.
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151.108 Answer.
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151.119 Hearing examiner's preliminary report.
151.120 Briefs.
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151.122 The decision.
151.123 Appeal.
151.124 Withholding orders.

AUTHORITY: §§ 151.101 to 151.124 issued under sec. 12(d), 54 Stat. 769, as amended; 5 U.S.C. 118k(d).

§ 151.101 Purpose.

The purpose of this part is to provide the procedures to be followed in making adjudications of whether an individual who is subject to section 12 of the Hatch Political Activities Act has engaged in political activities prohibited by that section.

§ 151.102 The Commission.

(a) *Offices.* The principal office of the Commission is at Washington, D.C. Communications to the Commission shall be addressed to United States Civil Service Commission, Washington 25, D.C., Attention, General Counsel, unless otherwise specifically directed.

(b) *Hours.* The office is open on each business day from 8:45 a.m. to 5:15 p.m.

(c) *Proceedings.* The Commission may conduct any inquiry or hearing necessary to its duties in any part of the United States by one or more of its members or by such hearing examiner as it may designate.

§ 151.103 Executive officer.

The Executive Director is the executive officer of the Commission and has legal custody of its papers, records, and property. The Executive Director, or other individual authorized by the Commission, shall sign the orders of the Commission.

§ 151.104 Service.

(a) An individual authorized by the Commission shall serve copies of letters of charges, orders, and other processes of the Commission by registered or certified mail, return receipt requested, addressed to the individual charged with the violation and to the State or local agency employing the individual.

(b) When service is not accomplished by registered or certified mail, an individual authorized by the Commission, may serve letters of charges, orders, or other processes of the Commission by:

(1) Delivering a copy of the document to the individual to be served or to an officer of the State or local agency or both; or

(2) Leaving a copy of the document at the principal office or place of business of the individual to be served or the State or local agency or both.

(c) The post office return receipt for a document mailed as provided in paragraph (a) of this section, or the verified return by the individual who served the document as provided in paragraph (b) of this section setting forth the manner of service, is proof of the service of the document.

§ 151.105 Appearance.

(a) An individual who is a party to a proceeding before the Commission may appear for himself or by an attorney. A State or local agency may appear or be represented by an attorney.

(b) An attorney who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State or territory of the United States, or of the District of Columbia, and who is not under an order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Commission.

(c) When an attorney appears in person or signs a paper in practice before the Commission, his personal appearance or signature constitutes a representation to the Commission that under this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts. The Commission may require further proof of an attorney's authority to act in a representative capacity.

(d) A former officer or employee of the Commission may not appear as an attorney for a party in any proceeding resulting from an investigation the files of which came to his personal attention during his service with the Commission.

§ 151.106 Documents.

(a) Each document required to be filed with the Commission in a proceeding shall be filed with the General Counsel of the Commission.

(b) Each document shall show clearly the docket number and title of the proceeding.

(c) Five copies of each document other than correspondence shall be filed, except as otherwise specifically required by this part.

(d) Each document not printed shall be typewritten on one side of the paper only, letter or legal size, double or triple spaced, with ample margin.

(e) The original of each document, whether printed or typewritten, shall be signed in ink by the party or his attorney.

§ 151.107 Letter of charges.

When the Commission has reason to believe that there is a violation of the law over which it has jurisdiction, it shall serve the individual charged with the violation and the State or local agency employing him with a notice summarizing the alleged violation. This notice, which is referred to as the letter of charges, shall be accompanied by a notification of the right of hearing on the letter of charges.

§ 151.108 Answer.

(a) A respondent may answer the letter of charges within:

(1) Fifteen calendar days from the day the letter of charges is served; or

(2) Thirty calendar days from that day if the respondent or the local agency is in a territory of the United States.

Failure of the respondent to answer within the time limit is deemed to authorize the Commission to proceed in regular course on the letter of charges without further notice to the respondent.

(b) In the answer, the respondent shall:

(1) State concisely the facts that constitute his defense; and

(2) Specifically admit, deny, or explain each of the facts alleged in the letter of charges unless he states he is without knowledge.

The respondent or his attorney shall sign and submit to the Commission the original and five copies of the answer.

The answer shall show the office and post office address of the signer.

(c) Instead of the statements required by paragraph (b) of this section, the respondent may state in his answer that he admits the truth of all material allegations of fact in the letter of charges and waives a hearing. By this answer respondent is deemed to authorize the Commission to proceed in regular course to adjudicate his case. The Commission shall notify the officer or employee and the appropriate State or local agency of its determination.

(d) On written application made at the time respondent files an answer in accordance with paragraph (c) of this section, the Commission, in its discretion, may hear him, on brief, in oral argument, or both, on the sole question as to whether the facts admitted constitute the violation alleged in the letter of charges.

§ 151.109 Notice of hearing.

After the respondent files his answer or other appropriate response, the Commission shall fix a time and place for a hearing and shall send, by registered or certified mail, a notice of the time and place of the hearing to the respondent and to the State or local agency employing him.

§ 151.110 Motions.

(a) The party making a motion before the Commission or a hearing examiner shall:

(1) Include in the motion a brief statement of its purpose; and

(2) File with and clearly refer to in the motion any supporting affidavit, record, or other paper, except one filed previously.

(b) In a proceeding before a hearing examiner, the party making a motion which relates to the introduction or striking of evidence shall make it to the hearing examiner. An exception to the ruling of the hearing examiner on the motion is not necessary to preserve an objection before the Commission or appellate courts.

§ 151.111 Continuances and extensions of time.

The Commission or the hearing examiner, for cause shown, may extend the prescribed time limit for filing any paper, except the time limit for filing an appeal which is fixed by statute, and may continue or adjourn any hearing. A hearing before a hearing examiner shall begin at the time and place fixed by the Commission, and thereafter the Commission or the hearing examiner may adjourn the hearing from time to time. The party seeking a continuance or an extension of time shall make application therefor before the end of the time prescribed by this part, and shall file with that application an affidavit showing exceptional circumstances.

§ 151.112 Hearings on complaints.

(a) The hearing before the Commission or the hearing examiner on the letter of charges is public unless the Commission orders otherwise.

(b) The official reporter of the Commission shall report the hearing stenographically and shall make a transcript which shall be a part of the record of the proceeding. The record made shall be the sole official record. The official reporter shall supply the respondent or the public with a transcript at a rate not in excess of the maximum rate fixed by the contract between the Commission and the reporter.

§ 151.113 Hearing examiners.

(a) The Commission may designate a hearing examiner to take evidence in any proceeding on a letter of charges.

(b) The hearing examiner shall:

(1) Complete the taking of evidence with all due dispatch;

(2) Conduct a fair and impartial hearing;

(3) Maintain order in a manner consistent with the dignity of the Commission; and

(4) Note on the record any disregard by counsel of his rulings on matters of order or procedure and make a special written report thereon to the Commission when he considers it necessary.

(c) If counsel is guilty of disrespectful, disorderly, or contumacious language or conduct in connection with a proceeding, the hearing examiner may suspend the proceeding and submit to the Commission a report and recommendation for appropriate action. The hearing examiner shall furnish a copy of his report to counsel on whose language or conduct the report is made.

§ 151.114 Subpenas.

(a) The Commission or a member of the Commission may issue subpenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing. The party seeking the subpena shall make application therefor in writing either to the General Counsel or the hearing examiner.

(b) The Commission or the hearing examiner may issue subpenas for the production of documentary evidence. The party seeking the subpena shall make application therefor in writing to the Commission or the hearing examiner. The application shall name as exactly as possible the documents desired, and show their relevancy and materiality. An application by a respondent shall be verified by oath or affirmation.

(c) In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or disobedience to a subpena issued to a person, any of the district courts of the United States within the jurisdiction of which the inquiry is carried on, may issue an order requiring the person to appear before the Commission, to produce documentary evidence if so ordered, or to give evidence touching the matter in question. The court may punish any failure to obey its order as a contempt thereof.

§ 151.115 Witnesses.

(a) Witnesses shall be examined orally, except that for good and exceptional cause the Commission may permit their testimony to be taken by a deposition.

(b) The party at whose instance a witness appears shall pay the witness the same fees and mileage as are paid witnesses in the courts of the United States. The party at whose instance a deposition is taken shall pay the witness, and the person who takes the deposition, the same fees as are paid for like service in the courts of the United States.

§ 151.116 Evidence.

(a) *Documentary.* When relevant and material matters offered in evidence are included in a document containing other matters not material or relevant and not intended to be put in evidence, the immaterial or irrelevant parts are excluded and segregated insofar as practicable.

(b) *Objections.* The party making an objection to evidence before the Commission or a hearing examiner shall make it in short form and shall state the ground of the objection relied on. The transcript shall include the ruling on any objection, but shall not include argument or debate on an objection unless the Commission or the hearing examiner so orders. An exception to a ruling is not necessary to preserve the right of the party before the Commission or appellate courts.

§ 151.117 Depositions.

(a) The Commission may order evidence to be taken by deposition at any stage of a proceeding or investigation pending before the Commission. A deposition may be taken before any person who has the power to administer oaths and is designated by the Commission. Unless notice is waived, a deposition shall not be taken except after reasonable notice to the parties.

(b) The party desiring to take the deposition of a witness shall make application therefor in writing to the Commission. The application shall state the reason why the deposition should be taken; the name and post office address of the witness; and the subject matter or matters concerning which the witness is expected to testify.

(c) When good cause is shown, the Commission shall make and have served on the parties or their attorneys an order in which the Commission names the witness whose deposition is to be taken. The order shall specify the time when, the place where, and the person before whom the witness is to testify, but that time, place, and person may or may not be the same as those stated in the application for the deposition.

(d) The person before whom the deposition is taken or a person under his direction shall reduce the testimony of the witness to writing. The deposition shall be typewritten on one side of the paper only, letter or legal size, left margin 1½ inches, right margin 1 inch. The person before whom the deposition is taken shall have the witness subscribe to the deposition; certify to the deposition in the usual form; and forward the certified deposition (together with four copies thereof) in an envelope under seal to the Commission at its principal office.

(e) The Commission, unless it orders otherwise for good cause shown, shall have the deposition filed in the record in the proceeding and shall have a copy thereof supplied to the party on whose application the deposition was taken or to his attorney.

§ 151.118 Admissions of fact and genuineness of documents.

(a) At any time after answer has been filed, the Commission may serve on a respondent, or a respondent may serve on the Commission, a written request for admission of:

(1) The genuineness of any relevant documents described therein; or

(2) The truth of any relevant matters of fact set forth in the documents.

The party making the request shall furnish with it a copy of each document described therein unless a copy has been furnished previously.

(b) The party served is deemed to make the admission requested unless he serves on the party making the request a sworn statement either denying specifically the matters of which the admission is requested, or setting forth in detail the reason why he can neither truthfully admit nor deny those matters, within:

(1) The period designated in the request which may not be less than 10 days after service of the request; or

(2) Such further period as the Commission or the hearing examiner allows on motion and notice.

(c) (1) The attorney for the Commission may make the service on a respondent required by this section by mailing, by registered or certified mail, or delivering the documents to be served to the respondent or his attorney or by leaving the documents at the office or place of business of either.

(2) The respondent or his attorney may make the service on the Commission required by this section by mailing, by registered or certified mail, or delivering the documents to be served to the attorney for the Commission.

§ 151.119 Hearing examiner's preliminary report.

(a) Except as provided in paragraph (b) of this section, the hearing examiner shall make a preliminary report on the evidence as promptly as practicable after his receipt of the stenographic transcript of the hearing. The hearing examiner shall send a copy of the preliminary report to each attorney who appeared in the hearing and to any respondent not represented by an attorney.

(b) For good cause stated at the conclusion of the hearing, the hearing examiner may eliminate the filing and service of a preliminary report. Any party may apply in writing to the Commission for modification of the hearing examiner's ruling concerning the preliminary report.

(c) The preliminary report of the hearing examiner is not a report of finding of the Commission, but is advisory only and is not binding on the Commission.

§ 151.120 Briefs.

When a party desires to submit a brief at the conclusion of a hearing, the hearing examiner shall prescribe the time and other directions for filing briefs. The hearing examiner shall calculate the time within which initial briefs may be filed from the date of service of the hearing examiner's preliminary report on the parties. A party may appiy in writing to the Commission for modification of the hearing examiner's ruling concerning the filing of briefs.

§ 151.121 Hearing examiner's final report.

(a) After expiration of the time for filing briefs, the hearing examiner shall reexamine the record, including any briefs filed, and shall make a final report to the Commission as promptly as practicable.

(b) The final report of the hearing examiner is not a report of finding of the Commission, but is advisory only and is not binding on the Commission.

(c) On receipt of the hearing examiner's final report, the Commission may:

(1) Refer the case back to the hearing examiner for the purpose of obtaining additional evidence if the circumstances warrant that action; or

(2) Order and provide for a further hearing if it considers that the recommendations in the final report vary from the tentative recommendations in the preliminary report to the extent that the parties should have further opportunity to be heard.

§ 151.122 The decision.

On receipt of the hearing examiner's final report, the Commission shall review that report and make its own findings and determination on whether or not a violation has occurred and whether the violation warrants the removal of the individual charged with the violation. The Commission shall notify the individual and the State or local agency employing him of its determination by registered or certified mail.

§ 151.123 Appeal.

Appeal procedure is prescribed in section 12(c) of the Act of August 2, 1939, as amended by the Act of July 19, 1940 (5 U.S.C. 118k(d)). This subsection is as follows:

(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within 30 days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit courts of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C. 1934 edition, Title 28, sections 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

§ 151.124 Withholding orders.

When it is necessary to issue an order requiring the withholding of funds from a State or local agency, the Commission shall make and serve a withholding order on the appropriate Federal agency in conformity with this part and the following specific provisions:

(a) On learning that circumstances exist requiring the issuance of a withholding order, the General Counsel shall file a petition for a withholding order with the hearing examiner. The petition shall recite the circumstances which require the issuance of a withholding order, and shall be accompanied by evidence of the circumstances.

(b) After consideration of the petition, the hearing examiner shall issue an interlocutory order and cause the same to be served on the State or local agency from which funds are to be withheld. This interlocutory order and any accompanying documents shall notify the State or local agency of the nature of the proceeding and shall afford a reasonable time of not less than 15 days for answer.

(c) If the State or local agency files a reply to the petition, the hearing examiner shall make appropriate provision for the presentation of evidence and argument by the agency and the General Counsel, orally or in writing.

(d) After consideration of the evidence and argument presented by the State or local agency and the General Counsel, the hearing examiner shall make a report to the Commission.

(e) If the Commission finds that a withholding order should issue, it shall make and certify to the appropriate Federal agency an order requiring the withholding of funds.

PART 210—BASIC CONCEPTS AND DEFINITIONS (GENERAL)

Subpart A—Applicability of Regulations; Definitions

Sec.
210.101 Applicability of various parts of regulations.
210.102 Definitions.

AUTHORITY: §§ 210.101 and 210.102 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218.

Subpart A—Applicability of Regulations; Definitions

§ 210.101 Applicability of various parts of regulations.

(a) *General.* In most parts, the applicability of the part is stated specifically in the part or is otherwise apparent from the substance of the part.

(b) *Parts 315 through 339.* Parts 315 through 339 of this chapter apply to all positions in the competitive service and to all incumbents of those positions; and, except as specified by or in an individual part, these parts do not apply to positions in the excepted service or to incumbents of those positions.

§ 210.102 Definitions.

(a) The definitions in paragraph (b) of this section apply throughout this chapter, except when a defined term is specifically modified in or specifically defined for the purpose of a particular part.

(b) In this chapter:

(1) "Appointing officer" means a person having power by law, or by lawfully delegated authority, to make appointments to positions in the service of the Federal Government or the government of the District of Columbia.

(2) "Commission" means the United States Civil Service Commission.

(3) "Demotion" means a change of an employee, while serving continously within the same agency:

(i) To a lower grade when both the old and the new positions are under the Classification Act of 1949, as amended, or under the same type graded wage schedule; or

(ii) To a position with a lower rate of compensation when both the old and the new positions are under the same type ungraded wage schedule, or are in different pay method categories.

(4) "Eligible" means an applicant who meets the minimum requirements for entrance to an examination and is rated 70 or more in the examination by the Commission.

(5) "Metropolitan area of Washington, D.C.," means the District of Columbia; Alexandria and Falls Church cities, Virginia; Arlington and Fairfax Counties, Virginia; and Montgomery and Prince Georges Counties, Maryland.

(6) "Noncompetitive action" means a promotion, demotion, reassignment, transfer, reinstatement, or an appointment based on prior service.

(7) "Overseas" means outside the continental United States, but does not include Alaska, Guam, Hawaii, the Isthmus of Panama, Puerto Rico, or the Virgin Islands.

(8) "Position change" means a promotion, demotion, or reassignment.

(9) "Promotion" means a change of an employee, while serving continuously within the same agency:

(i) To a higher grade when both the old and the new positions are under the Classification Act of 1949, as amended, or under the same type graded wage schedule; or

(ii) To a position with a higher rate of compensation when both the old and the new position are under the same type ungraded wage schedule, or are in different pay method categories.

(10) "Reassignment" means a change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.

(11) "Reemployed annuitant" means an employee whose annuity under the Civil Service Retirement Act, as amended, was continued on reemployment in an appointive position on or after October 1, 1956.

(12) "Register" means a list of qualified applicants compiled in order of relative standing for certification.

(13) "Reinstatement" means the noncompetitive reemployment for service as a career or career-conditional employee of a person formerly employed in the competitive service who had a competitive status or was serving probation when he was separated from the service.

(14) "Status quo employee" means an employee who failed to acquire a competitive status when the position in which he was serving was placed in the competitive service by a statute, Executive order, or Civil Service rule, which permitted his retention without the acquisition of status.

(15) "Tenure" means the period of time an employee may reasonably expect to serve under his current appointment. It is granted and governed by the type of appointment under which an employee is currently serving without regard to whether he has a competitive status or whether his appointment is in a competitive position or in an excepted position.

(16) "Transfer" means a change of an employee, without a break in service of 1 full workday, from a position in one agency to a position in another agency.

PART 211—VETERAN PREFERENCE

Subpart A—Definitions

§ 211.101 Definitions.

In this chapter, "preference eligible" means a person entitled to preference under section 2 of the Veterans' Preference Act of 1944, as amended.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

PART 212—COMPETITIVE SERVICE AND COMPETITIVE STATUS

Subpart A—Competitive Service

Sec.
212.101 Definitions.
212.102 Authority to make determinations.

Subpart B—[Reserved]

Subpart C—Competitive Status

212.301 Competitive status defined.

Subpart D—Effect of Competitive Status on Position

212.401 Effect of competitive status on position.

AUTHORITY: §§ 212.101 to 212.401 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958. Comp., p. 218.

Subpart A—Competitive Service

§ 212.101 Definitions.

In this chapter:

(a) "Competitive service" means "classified service," "classified (competitive) service," or "classified civil service," as defined in statutes and Executive orders, and includes:

(1) All civilian positions in the executive branch of the Federal Government not specifically excepted from the civil service laws by or pursuant to statute or by the Commission under Rule VI (Part 6 of this chapter), including postmaster positions whether or not filled by Presidential nomination and Senate confirmation; and

(2) All positions in the legislative and judicial branches of the Federal Government and in the government of the District of Columbia specifically made subject to the civil service laws by statute.

(b) Competitive position means a position in the competitive service.

§ 212.102 Authority to make determinations.

The Commission determines finally whether a position is in the competitive service.

Subpart B—[Reserved]

Subpart C—Competitive Status

§ 212.301 Competitive status defined.

In this chapter, "competitive status" means an individual's basic eligibility for noncompetitive assignment to a competitive position. Competitive status is acquired by completion of a probationary period under a career-conditional or career appointment following open competitive examination, or by statute, executive order, or the Civil Service rules, without open competitive examination. An individual with competitive status may be, without open competitive examination, reinstated, transferred, promoted, reassigned, or demoted, subject to conditions prescribed by the civil service rules and regulations.

Subpart D—Effect of Competitive Status on Position

§ 212.401 Effect of competitive status on position.

(a) An employee is in the competitive service when he has competitive status and is in a competitive position under a nontemporary appointment.

(b) An employee in the competitive service at the time his position is first listed under Schedule A, B, or C remains in the competitive service while he occupies that position.

PART 213—EXCEPTED SERVICE

Subpart A—General Provisions

Sec.
213.101 Definitions.
213.102 Identification of positions in Schedules A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
213.3102 Entire executive civil service.
213.3103 Executive Office of the President.
213.3104 Department of State.
213.3105 Treasury Department.
213.3106 Department of Defense.
213.3107 Department of the Army.
213.3108 Department of the Navy.
213.3109 Department of the Air Force.
213.3110 Department of Justice.
213.3111 Post Office Department.
213.3112 Department of the Interior.
213.3113 Department of Agriculture.
213.3114 Department of Commerce.
213.3115 Department of Labor.
213.3116 Department of Health, Education, and Welfare.
213.3121 National Security Council.
213.3122 Interstate Commerce Commission.
213.3124 Board of Governors, Federal Reserve System.
213.3127 Veterans Administration.
213.3128 United States Information Agency.
213.3129 Federal Power Commission.
213.3130 Securities and Exchange Commission.
213.3133 Federal Deposit Insurance Corporation.
213.3135 National Capital Housing Authority.
213.3136 United States Soldiers' Home.
213.3137 General Services Administration.
213.3138 Federal Communications Commission.
213.3139 United States Tariff Commission.
213.3141 National Labor Relations Board.
213.3142 Export-Import Bank of Washington.
213.3143 Farm Credit Administration.
213.3144 Housing and Home Finance Agency.
213.3146 Selective Service System.
213.3147 Federal Mediation and Conciliation Service.
213.3148 National Aeronautics and Space Administration.
213.3149 Panama Canal Company, New Orleans.
213.3154 Federal Home Loan Bank Board.
213.3156 Commission on Civil Rights.
213.3157 Federal Aviation Agency.
213.3158 Franklin Delano Roosevelt Memorial Commission.
213.3160 Peace Corps.
213.3161 James Madison Memorial Commission.
213.3162 National Aeronautics and Space Council.
213.3163 President's Committee on Youth Employment.
213.3164 U.S. Arms Control and Disarmament Agency.
213.3165 President's Advisory Committee on Labor-Management Policy.
213.3166 President's Committee on Juvenile Delinquency and Youth Crime.
213.3169 President's Committee on Equal Opportunity in Housing.

SCHEDULE B

213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
213.3204 Department of State.
213.3205 Treasury Department.
213.3206 Department of Defense.
213.3209 Department of the Air Force.
213.3210 Department of Justice.
213.3212 Department of the Interior.
213.3228 United States Information Agency.
213.3229 Federal Power Commission.
213.3244 Housing and Home Finance Agency.
213.3246 Selective Service System.
213.3253 District of Columbia Government.
213.3260 Peace Corps.
213.3268 Agency for International Development.

SCHEDULE C

213.3301 Positions of a confidential or policy-determining character.
213.3303 Executive Office of the President.
213.3304 Department of State.
213.3305 Treasury Department.
213.3306 Department of Defense.
213.3307 Department of the Army.
213.3308 Department of the Navy.
213.3309 Department of the Air Force.
213.3310 Department of Justice.
213.3311 Post Office Department.
213.3312 Department of the Interior.
213.3313 Department of Agriculture.
213.3314 Department of Commerce.
213.3315 Department of Labor.
213.3316 Department of Health, Education, and Welfare.
213.3322 Interstate Commerce Commission.
213.3323 General Accounting Office.
213.3325 The Tax Court of the United States.
213.3326 Office of Emergency Planning.
213.3327 Veterans Administration.
213.3328 United States Information Agency.
213.3329 Federal Power Commission.
213.3330 Securities and Exchange Commission.
213.3331 National Mediation Board.
213.3332 Small Business Administration.
213.3333 Federal Deposit Insurance Corporation.
213.3334 Federal Trade Commission.
213.3337 General Services Administration.
213.3338 Federal Communications Commission.
213.3339 United States Tariff Commission.
213.3340 Civil Aeronautics Board.
213.3341 National Labor Relations Board.
213.3342 Export-Import Bank of Washington.
213.3343 Farm Credit Administration.
213.3344 Housing and Home Finance Agency.
213.3345 Indian Claims Commission.
213.3347 Federal Mediation and Conciliation Service.
213.3348 National Aeronautics and Space Administration.
213.3350 Foreign Claims Settlement Commission of the United States.
213.3351 Subversive Activities Control Board.
213.3352 Saint Lawrence Seaway Development Corporation.
213.3354 Federal Home Loan Bank Board.
213.3355 The Renegotiation Board.
213.3356 Commission on Civil Rights.
213.3357 Federal Aviation Agency.
213.3359 National Capital Transportation Agency.
213.3360 Peace Corps.
213.3364 U.S. Arms Control and Disarmament Agency.
213.3367 Federal Maritime Commission.
213.3368 Agency for International Development.
213.3369 President's Committee on Equal Opportunity in Housing.

AUTHORITY: §§ 213.101 to 213.3369 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218.

Subpart A—General Provisions

§ 213.101 Definitions.

In this part and elsewhere in this chapter:

(a) "Excepted service" means "unclassified service," "unclassified civil service," and "positions outside the competitive civil service," as used in statutes and Executive orders, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1 of the civil service rules.

(b) "Excepted position" means a position in the excepted service.

§ 213.102 Identification of positions in Schedules A, B, or C.

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

§ 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk-trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 9 months pending admission to the bar. A person may have his appointment extended not to exceed an additional period of 3 months pending admission to the bar provided he has actually passed the bar examination by the end of the 9-month period. No person shall be given more than one appointment under this paragraph.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., positions excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) Any position directly concerned with the protection of the life and safety of the President and members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the Office of President, and the Vice President-elect.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (i) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Temporary or intermittent positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a compensation during a period of a year that aggregates for positions at GS–4 and below more than 40 percent of the annual salary for the first step of GS–3, and for positions at GS–5, 6, or 7 more than 33⅓ percent of the annual salary for the first step of the grade at which the position is classified. The grade level at which the person enters on duty determines the pay limitation applicable to him throughout his service year. These limitations on compensation include any premium pay such as for overtime, night, Sunday, or holiday work. They do not, however, include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority. The authority in this paragraph is not applicable from May through September of each year with respect to temporary positions in the Washington, D.C., metropolitan area unless the Commission has approved the employing agency's specific plan and procedures for receiving and considering applications and for making appointment selections.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87–658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

(s) Temporary positions in the Washington, D.C., metropolitan area, involving performance of laboring work that requires primarily physical effort and no specific knowledges or skills when filled by persons certified by the Juvenile Delinquency Planning Board under its pilot program for the Washington, D.C., metropolitan area. A person may not be employed under this authority (1) unless he has reached his 16th birthday; (2) for more than 700 hours; (3) except during the period from June 1 through September 30, 1963. This authority may not be used for filling custodial laborer positions.

§ 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

§ 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six Physical Science Administration Officers at GS–14 and above in the Office of International Scientific Affairs.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(7) Not to exceed January 1, 1964, not more than 15 protocol officers, grades GS–5 through GS–15, in the Office of the Chief of Protocol.

(b) *Bureau of Intelligence and Research.* (1) Not to exceed 50 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

(e) *Office of the Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Special Assistant to the Chief, News Division.

(5) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(f) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 213.3105 **Treasury Department.**

(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at the GS–9 grade level and below of customs enforcement officer, customs inspector, customs marine clerk/officer, customs sampler, customs warehouse officer, deputy collector, interpreter, janitor, and laborer that are of a continuing nature, and the duties of which are intermittent or part-time and require the services of an employee for not more than 700 hours of employment during his service year. A person appointed under this authority may not be employed in the Bureau of Customs under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(c) *Coast Guard.* (1) Lamplighters.

(2) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, and one Cadet hostess at the Coast Guard Academy, New London, Connecticut.

(d) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(e) *Internal Revenue Service.* (1) Fifty positions of investigator for special assignments.

§ 213.3106 **Department of Defense.**

(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Not to exceed January 1, 1964, 8 positions of Regional Director in the Office of the Assistant Secretary of Defense (Civil Defense).

(6) Director of Policy Review, Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

§ 213.3107 **Department of the Army.**

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriquez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Virginia.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Language instructor positions and professional positions at the West Coast Branch whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(2) Typists of foreign language material at the West Coast Branch whose duties require them to make corrections in grammar and spelling of the material typed.

(3) Professors, instructors, and teachers at the East Coast Branch.

(h) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(i) *Chemical Corps.* (1) Scientific and professional research associate positions at the Army Biological Warfare Laboratories, Fort Detrick, Maryland, when filled on a temporary or intermittent basis by persons having a doctoral degree in the biophysical or biological sciences or related fields of study, for research activities of mutual interest to the appointee and the Laboratories. Total employment under this provision may not exceed five positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 213.3108 **Department of the Navy.**

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities and positions assigned to Naval Security Group Activities/Functions.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) Two positions of teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(4) Not to exceed 50 positions of Resident-in-Training at U.S. Naval hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments to these positions shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 330 of the 80th Congress.

(b) *United States Naval Academy.* (1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the assistant to the superintendent for academic matters at the United States Naval Academy, and social counselors.

(c) *United States Naval Home.* (1) Positions of Orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, California; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Maryland; and U.S. Naval Weapons Laboratory, Dahlgren, Virginia.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 10 positions at the U.S. Naval Research Laboratory, 6 positions at the U.S. Navy Electronics Laboratory, 10 positions at the U.S. Naval Ordnance Laboratory, and 10 positions at the U.S. Naval Weapons Laboratory at any one time. Employment under this provision will not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, California.* (1) Scientific and professional research positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed six positions at any one time. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed 1 additional year.

(g) *U.S. Medical Research Institute, National Naval Medical Center, Bethesda, Maryland.* (1) Scientific and professional resident research associate positions when filled on a temporary basis by persons having a doctoral degree in an appropriate biological or biochemical science, or in medicine or related fields of study, for research activities of mutual interest to the appointee and the Institute. Total employment under this provision may not exceed five positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed an additional year.

§ 213.3109 **Department of the Air Force.**

(a) *Office of the Secretary.* (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *General.* (1) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(c) *Lookout Mountain Laboratory, Los Angeles, California.* (1) All positions.

(d) *United States Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *The Air Force Systems Command and the Office of Aerospace Research.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Command. Total employment under this provision may not exceed 20 positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 213.3110 **Department of Justice.**

(a) *General.* (1) Field deputy United States marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

§ 213.3111 **Post Office Department.**

(a) *General.* (1) Clerks in fourth-class post offices.

(2) Substitute Rural Carriers employed:

(i) During the incumbency of a Rural Carrier to serve the Carrier's route when he is absent on leave or for military duty, or

(ii) To serve pending the filling of a Rural Carrier vacancy, provided that the Post Office Department shall obtain prior approval of the Commission for employment of any substitute in a Rural Carrier vacancy in excess of 90 days.

(3) Special delivery messengers in second-, third-, and fourth-class post offices.

(4) One Administrative Assistant to each Regional Office Manager (15 positions).

(5) One Administrative Assistant to the Assistant to the Regional Operations Manager (Dallas Office).

(6) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(7) Clerks employed on a part-time basis in third-class post offices in Alaska.

(8) Fourth-class postmaster positions in Alaska.

(9) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(10) One Additional Assistant to the Boston Regional Director.

(11) Temporary employment of Christmas Assistants in the postal field service for a period of not to exceed 15 calendar days in the month of December.

§ 213.3112 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year, except that temporary and seasonal forest and range fire employees in the Bureau of Land Management in Alaska may be employed for fire prevention or suppression for not to exceed 180 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators; and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) One position of part-time Secretary, one position of Administrative Educational Aid, and one position of Instructional Aid to the U.S. Resident Administrator for Canton Island.

(3) The Government Comptroller for the Virgin Islands.

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to grade GS–4 or below, and not to exceed 200 such positions at salaries equivalent to grade GS–6 or GS–5 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment at salaries equivalent to GS–6 or GS–5 is restricted to persons who have had at least two seasons of experience in the National Park Service as a park ranger at a salary equivalent to GS–4. Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal; and no person shall be employed by the National Park Service under this subparagraph or under a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 days in any single year.

(h) *The Alaska Railroad.* (1) Until December 31, 1963, all positions in Alaska in The Alaska Railroad and four technical positions in The Alaska Railroad Office in Seattle, Washington.

(i) *Office of Geography.* (1) One position of Research Analyst (Native Arabic Language Expert), GS–7.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service, or positions in the Statistical Reporting Service, or poultry inspection and tobacco inspection positions in the Agricultural Marketing Service. This authority is not applicable after April 1, 1963, to agricultural commodity grader (meat) positions; nor after July 1, 1963, to agricultural commodity grader (grain) and agricultural commodity aid (grain) positions in the Agricultural Marketing Service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions, and for the positions under subdivision (viii) of this subparagraph it may be used for the levels therein indicated. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 213.3102(i) and (m) at places other than at central office and regional and branch office cities of the Commission when (*a*) there is no local Board of U.S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) State Performance Assistants of the Agricultural Stabilization and Conservation Service.

(vii) Collectors of the Farmers Home Administration.

(viii) Agricultural Research helpers, helper-leaders, and workers, paid at rates not in excess of WB–5 and Leader–5 in the Agricultural Research Service.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81–875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) Not to exceed six Program Assistants, at or above the GS–13 level, who have acquired specialized knowledge and experience in agricultural programs at the State level of the Department, which is needed by the Department for the more efficient administration of its program. This authority may not be used beyond May 5, 1964.

(8) Until December 31, 1964, not to exceed 100 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions: *Provided*, That employment under this authority in any individual case shall be on a temporary basis for periods not to exceed 1 year and shall not exceed 2 years without the prior approval of the Civil Service Commission.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six Area Directors above GS–14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87–128. Appointment under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods of not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(f) *Agricultural Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., metropolitan area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 160 working days a year in the case of cotton classers and laborers and 130 working days a year in the case of clerks; except that GS–5 cotton classers may be employed as trainees during their first appointment only for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) Positions of poultry inspector (veterinarian at GS–11 and below, and nonveterinarian at appropriate grades below GS–11) when the employment is on a temporary, intermittent, or seasonal basis, and does not exceed 160 working days a year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Not to exceed 25 professional research associate positions, at GS–11 and above, in laboratories doing basic research work in the Agricultural Research Service to be filled on a temporary basis by scientists with a doctoral degree who possess specialized knowledges or abilities applicable to the basic research programs involved. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(h) *Foreign Agricultural Service.* (1) Agricultural Attache positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(2) Positions of Technical Leader at grade GS–12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days in a year.

§ 213.3114 Department of Commerce.

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geo-

detic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided,* That such appointments may be extended for additional periods of not to exceed 1 year each; but that after December 31, 1960, this subparagraph shall not be authority for employment in full-time positions for longer than 1 year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 new appointments each fiscal year, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this provision shall not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. Such extensions shall not be included against the quota of 20 new appointments as stated above.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed 2 years, and may, with prior approval of the Commission, be extended for an additional period of 2 years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Program Planning Office.

(4) One Private Secretary to the Chief, Program Planning Office.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) Chief, Office of Ship Construction and Repair.

(8) One Special Assistant to the Administrator (Tanker Adviser).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including Heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; Academy Training Representatives; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; and the Special Assistant to the Superintendent.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(j) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

§ 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two Members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* (1) One Minority Groups Consultant.

(c) *President's Committee on Equal Employment Opportunity.* (1) All positions on the Staff of the President's Committee on Equal Employment Opportunity established by Executive Order 10925 of March 6, 1961.

(d) *Bureau of Labor Statistics.* (1) Not to exceed 40 positions of Statistical Investigators, GS–3 and GS–4, employed on a temporary or intermittent basis for field-survey work. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Labor Statistics for more than 180 working days in any single year under this authority or under a combination of this and any other authorities for excepted appointment that may be appropriate.

(e) *President's Commission on the Status of Women.* (1) All positions on the staff of the President's Commission on the Status of Women established by Executive Order 10980 of December 14, 1961.

§ 213.3116 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Until June 30, 1964, not to exceed a total of 15 positions including first-, second-, and third-year Psychodrama Interns and first- and second-year Psychodrama Residents who possess B.A., M.A., or Ph. D. degrees. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330. Appointments under this authority may not extend beyond June 30, 1964.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided,* That employment under this authority shall not exceed one year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Not to exceed 22 positions of Chaplain Residents: *Provided,* That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* That appropriate exclusions of the positions under the authority of Public Law 80–330 have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(2) Ten positions at grade GS–13 and above the incumbents of which will engage in research and consultative services in highly specialized areas within the field of education which present current educational problems of national concern, e.g., the relationship of ROTC training to higher education, the status of a particular area of cooperative educational research, the assessment of the educational system of a particular foreign country, and other equally vital and important problem areas. Appointments made under this authority shall be limited to persons having a particular competency in the area concerned, and shall be restricted to positions concerned with current problem areas that are not a part of the continuing broad educational programs administered by the United States Office of Education. Employment under this provision shall not exceed 2 years for any individual appointee.

(d) *Social Security Administration.* (1) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(e) *General.* (1) Until December 31, 1963, 50 positions in medical and related occupations for employment under the Cuban refugee program. Employment of any person under this authority shall not extend more than 1 year beyond the expiration date of the authority.

(f) *President's Council on Youth Fitness.* (1) Three Staff Assistants, President's Council on Youth Fitness.

(g) *Welfare Administration.* (1) Not to exceed 150 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided,* That employment under this authority shall be temporary and no employment shall be made under it after June 30, 1964.

§ 213.3121 National Security Council.

(a) All positions on the staff of the Council.

§ 213.3122 Interstate Commerce Commission.

(a) One Congressional Liaison Officer.

§ 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

§ 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 213.3128 United States Information Agency.

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

§ 213.3129 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 213.3130 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchange.

(b) Ten positions of Regional Administrator.

§ 213.3133 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, Puerto Rico, office.

§ 213.3135 National Capital Housing Authority.

(a) Executive Director.

§ 213.3136 United States Soliders' Home.

(a) All positions.

§ 213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

§ 213.3138 Federal Communications Commission.

(a) One Associate Chief Engineer.

(b) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 213.3139 United States Tariff Commission.

(a) The Secretary of the Commission.

§ 213.3141 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 213.3142 Export-Import Bank of Washington.

(a) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 213.3143 Farm Credit Administration.

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 213.3144 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) Until July 31, 1965, Executive Secretary and Deputy Executive Secretary of the

National Committee and the Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(2) Director, Compliance Division.

(3) Seven Regional Administrators.

(4) Director, Community Disposition Program.

(5) One Special Assistant to the Deputy Administrator.

(b) *Federal Housing Administration.* (1) Six Zone Operations Commissioners.

§ 213.3146 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1967, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 213.3147 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 213.3148 National Aeronautics and Space Administration.

(a) Fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) A research and development group consisting of not to exceed 35 aliens having special qualifications in fields closely related to manned space flight, where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

§ 213.3149 Panama Canal Company, New Orleans.

(a) All positions on vessels operated by the Panama Canal Company.

(b) Checkers employed on W.A.E. basis.

(c) One Receiving Clerk, one Delivery Clerk, and one Baggage Master-Storekeeper employed on dock (New Orleans).

(d) One General Agent, Panama Canal Line, at Port-au-Prince, Haiti.

§ 213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) One Director, Division of Examinations.

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 213.3156 Commission on Civil Rights.

(a) Ten positions at grade GS–11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 85–315. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond November 9, 1963.

§ 213.3157 Federal Aviation Agency.

(a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(b) Medical Officer positions on Canton and Wake Islands.

(c) Laborer positions on Swan Island.

§ 213.3158 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

§ 213.3160 Peace Corps.

(a) One Special Representative when employed on an intermittent basis.

(b) Thirty-five positions, filled by temporary appointment of 2 years or less, on the staff of the Peace Corps training camp in Puerto Rico.

§ 213.3161 James Madison Memorial Commission.

(a) One Executive Secretary.

§ 213.3162 National Aeronautics and Space Council.

(a) All positions.

§ 213.3163 President's Committee on Youth Employment.

(a) All positions on the staff of the President's Committee on Youth Employment, established by the President on November 16, 1961.

§ 213.3164 U.S. Arms Control and Disarmament Agency.

(a) Until April 30, 1965, 7 project officers at GS–14 and above in the Weapons Evaluation and Control Bureau and 10 Physical Science Administration Officers at GS–13 and above in the Science and Technology Bureau.

(b) Until April 30, 1965, the Chief and Assistant Chief, Political Affairs Division, International Relations Bureau; and one Special Assistant to the Chief and one Project Officer (GS–14 or above), Political Research and Analysis Division, International Relations Bureau.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

§ 213.3166 President's Committee on Juvenile Delinquency and Youth Crime.

(a) Until July 30, 1964, all positions on the staff.

§ 213.3169 President's Committee on Equal Opportunity in Housing.

(a) Positions, other than the Staff Director, on the Staff of the President's Committee on Equal Opportunity in Housing established by the President on November 20, 1962.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Positions assigned exclusively to Department of State Cryptographic Security Activities.

(c) Director and Deputy Director, Foreign Buildings Operations.

§ 213.3205 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts, and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, United States Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional Members of Policy Planning Staff in positions at grades GS–16 and above, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Positions at grades GS–16, 17, and 18, Office of the Deputy Assistant Secretary (Programming) in the Office of the Assistant Secretary of Defense (Comptroller).

(3) Professional positions at grades GS–16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

§ 213.3209 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 213.3210 Department of Justice.

(a) Deputy United States Marshals, Supervisory Deputy United States Marshals, and Chief Deputy United States Marshals.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 213.3228 United States Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 213.3229 Federal Power Commission.

(a) A Chief Engineer.

§ 213.3244 Housing and Home Finance Agency.

(a) *Federal Housing Administration.* (1) Ten Zone Intergroup Relations Advisors.

§ 213.3246 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 213.3253 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 213.3260 Peace Corps.

(a) Not to exceed 10 positions in grades GS–9 through GS–15 when filled by persons who have served overseas for at least 2 years in the foreign service of the Peace Corps or in the Foreign Service of the Department of State or of other constituent agencies of the Department.

§ 213.3268 Agency for International Development.

(a) Not to exceed 30 positions at GS–9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 213.3303 Executive Office of the President.

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

(2) Two Private Secretaries to the Director.

(3) One Private Secretary to the Deputy Director.

(4) One Private Secretary to each of the three Assistant Directors.

(b) *Council of Economic Advisers.* (1) Two Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.* (1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(3) One Special Assistant to the Director.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) One Special Assistant to the Secretary for Atomic Energy and Outer Space.

(3) One Deputy Special Assistant to the Secretary for Atomic Energy and Outer Space.

(4) Two Confidential Assistants and four Private Secretaries to the Secretary.

(5) Four Special Assistants to the Under Secretary.

(6) One Special Assistant (Fisheries) to the Under Secretary.

(7) Three Confidential Assistants and one Private Secretary to the Under Secretary.

(8) Two Staff Assistants.

(9) The Secretary of the International Joint Commission—United States and Canada.

(10) The Chief of Protocol, Office of the Under Secretary.

(11) One Special Assistant to the Secretary.

(12) One Private Secretary to the Special Assistant to the President.

(13) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

(14) One Personal Assistant, Office of the President's Representative.

(15) One Personal Assistant to the Director, Food for Peace, Office of the Under Secretary.

(16) One Personal Assistant and one Private Secretary to the Under Secretary for Political Affairs.

(17) Two Special Assistants and one Staff Assistant, Office of the President's Representative.

(18) Two Special Assistants to the Under Secretary for Political Affairs.

(19) One Assistant Director, Food for Peace, Office of the Under Secretary.

(b) *Bureau of Security and Consular Affairs.* (1) Deputy Administrator.

(2) Administrator.

(3) Deputy Administrator for Refugee Relief.

(4) One Private Secretary to the Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).

(2) Deputy Assistant Secretary.

(3) Congressional Liaison Officer (Senate).

(4) One Confidential Assistant to the Assistant Secretary.

(5) One Executive Assistant.

(6) Three Legislative Management Officers.

(7) One Legislative Officer.

(8) One Special Assistant to the Assistant Secretary.

(9) One Personal Assistant to the Assistant Secretary.

(d) *Office of the Assistant Secretary for Public Affairs.* (1) One Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) Director of the Office of News.

(5) One Review Officer.

(6) One Deputy Assistant Secretary (Public Services).

(7) One Deputy Assistant Secretary (Policy Plans and Guidance).

(e) *Bureau of Economic Affairs.* (1) One Deputy Assistant Secretary (International Finance and Development), one Deputy Assistant Secretary (International Trade), and one Deputy Assistant Secretary (International Resources).

(2) One Private Secretary to the Assistant Secretary.

(f) *Bureau of Intellience and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(3) Deputy Director of Intelligence and Research.

(4) Two Staff Assistants.

(g) *Bureau of Near Eastern and South Asian Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Deputy Assistant Secretary.

(h) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.

(2) One Private Secretary to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) One Special Assistant to the Assistant Secretary (Public Affairs).

(i) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) Deputy Assistant Secretary (German and NATO Affairs).
(4) One Deputy Assistant Secretary for Atlantic Affairs.
(j) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Deputy Assistant Secretary for Far Eastern Economic Affairs.
(4) One Regional Planning Adviser.
(5) One Special Assistant to the Assistant Secretary.
(k) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Special Assistant to the Assistant Secretary.
(4) One Special Assistant to the Assistant Secretary (Public Affairs).
(5) One Deputy Assistant Secretary for Inter-American Economic Affairs.
(6) One Deputy Assistant Secretary (Educational and Cultural Affairs).
(7) Two Secretary and Personal Assistants to the U.S. Representative to the Council of the Organization of American States.
(l) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.
(2) One Private Secretary to the Legal Adviser.
(3) One Special Assistant to the Legal Adviser.
(m) *Executive Secretariat.* (1) The Executive Secretary.
(2) Two Deputy Executive Secretaries.
(n) *Policy Planning Council.* (1) The Deputy Counselor and Vice Chairman.
(2) The Executive Secretary.
(3) Twelve Members.
(4) One Private Secretary to the Counselor and Chairman.
(5) One Alternate Department Representative on the National Security Council Planning Board.
(6) One Staff Assistant.
(o) *Office of the Assistant Secretary for Administration.* (1) Deputy Assistant Secretary for Personnel.
(2) One Confidential Assistant to the Assistant Secretary.
(3) One Private Secretary to the Assistant Secretary for Administration.
(p) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.
(2) Chief, Special Liaison Staff.
(3) One Assistant Chief, Special Liaison Staff.
(4) Three Special Liaison Assistants, Special Liaison Staff.
(5) The Deputy Assistant Secretary for Security.
(6) One Special Assistant to the Deputy Under Secretary.
(q) *Office of the Deputy Under Secretary for Political Affairs.* (1) One Special Assistant to the Deputy Under Secretary.
(2) One Confidential Assistant to the Deputy Under Secretary.
(3) One Deputy Assistant Secretary for Political-Military Affairs.
(4) One Special Assistant to the Secretary and Coordinator of International Labor Affairs.
(r) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.
(2) One Private Secretary to the Assistant Secretary.
(3) One Deputy Assistant Secretary for African Economic Affairs.
(4) One Special Assistant to the Assistant Secretary.
(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.
(2) One Special Assistant.
(3) One Deputy Assistant Secretary.
(4) One Deputy Assistant Secretary for Plans.
(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.
(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) Four Assistants to the Secretary.
(2) One Confidential Assistant to the Secretary.
(3) One Confidential Assistant to the Under Secretary.
(4) The Director, Office of Tax Legislative Counsel.
(5) The Director, Office of Law Enforcement Coordination.
(6) One Assistant to the Secretary for Congressional Relations.
(7) One Deputy Assistant to the Secretary for Congressional Relations.
(8) One Assistant to the Secretary (National Security Council).
(9) One Deputy Assistant Secretary for International Affairs.
(10) One Public Affairs Specialist.
(11) The Director, Office of Tax Analysis.
(12) One Assistant to the Secretary (Financial Analysis).
(13) One Deputy Under Secretary for Monetary Affairs.
(14) One Special Assistant to the Secretary.
(15) One Special Assistant to the Assistant to the Secretary (Public Relations).
(b) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant to the Treasurer of the United States.
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(2) One Deputy Commissioner of Customs.
(d) *United States Savings Bonds Division.* (1) National Director.
(e) *Bureau of the Mint.* (1) One Special Assistant to the Director of the Mint.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant and two Private Secretaries to the Secretary of Defense.
(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Senior Military Aide to the President; the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Medical and Health); the General Counsel; and the Assistant to the Secretary of Defense (Atomic Energy).
(3) Three Chauffeurs for the Secretary of Defense.
(4) One Deputy Assistant Secretary, Office of the Assistant Secretary of Defense for Public Affairs.
(5) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).
(6) The Defense Advisor to USRO in Paris, France.
(7) Two Private Secretaries to the Defense Advisor to USRO in Paris, France.
(8) One Deputy Assistant Secretary (Security Policy), Office of the Assistant Secretary of Defense (Manpower).
(9) One Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense for International Security Affairs.
(10) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(11) One Assistant to the Secretary of Defense (Legislative Affairs).
(12) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).
(13) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).
(14) One Personal Secretary to the Deputy Secretary of Defense.
(15) One Private Secretary to the Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(16) One Private Secretary to the Principal Special Assistant to the Secretary of Defense.
(17) One Deputy Assistant Secretary (Arms Control), Office of the Assistant Secretary of Defense for International Security Affairs.
(18) Director of Organizational and Management Planning, Immediate Office of the Secretary.
(19) One Deputy Assistant Secretary of Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).
(20) One Deputy Assistant Secretary (Regional Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(21) One Special Assistant (Economics Adjustment Advisor) to the Assistant Secretary of Defense (Installations and Logistics).
(22) One Confidential Assistant to the Special Assistant to the Secretary of Defense.
(23) One Private Secretary to the Assistant Secretary of Defense, Office of the Director of Defense Research and Engineering.
(24) One Private Secretary to the Assistant Secretary of Defense (Civil Defense).

(25) One Special and Confidential Assistant to the Assistant Secretary of Defense (Civil Defense).
(26) One Congressional Liaison Officer (Civil Defense), Office of the Assistant to the Secretary of Defense (Legislative Affairs).
(27) The Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(28) One Staff Assistant to the Special Assistant to the Secretary of Defense.
(29) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(30) Two Private Secretaries to the Chairman, Joint Chiefs of Staff.
(31) One Deputy Assistant Secretary (Civilian Personnel and Industrial Relations) and one Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).
(32) One Confidential Assistant to the Assistant Secretary of Defense (Installations and Logistics).
(b) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.
(c) *Interdepartmental Programs.* (1) Two Personal Secretaries and Confidential Assistants to the Military Representative of the President.
(d) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.
(e) *Office of the Assistant Secretary of Defense (Civil Defense).* (1) The Director for Public Information.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.
(2) One Deputy to the Assistant Secretary of the Army (Financial Management) and one Deputy to the Assistant Secretary of the Army (Installations and Logistics)—Installations.
(3) The General Counsel.
(4) One Special Assistant to the Assistant Secretary of the Army (Installations and Logistics).
(5) One Deputy for International Affairs to the Under Secretary of the Army.
(6) One Special Assistant for Reserve Forces and ROTC Matters to the Under Secretary of the Army.
(7) One Deputy for Manpower to the Under Secretary of the Army.
(8) One Confidential Assistant to the Deputy for International Affairs to the Under Secretary of the Army.
(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Army (Installations and Logistics).
(10) One Assistant to the Deputy for International Affairs to the Under Secretary of the Army.
(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.
(2) One Administrative Assistant and one Private Secretary to the Military Aide to the President.

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) Three Civilian Aides or Executive Assistants to the Secretary.
(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.
(3) One Chauffeur for the Secretary of the Navy.
(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.
(5) One Private Secretary to the Naval Aide to the President.
(6) Two Civilian Aides or Executive Assistants to the Under Secretary.
(7) Four Civilian Aides or Executive Assistants to the Assistant Secretary (Installations and Logistics).
(8) Two Civilian Aides or Executive Assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).
(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Navy (Installations and Logistics).

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three Special Assistants to the Secretary, and one Special Assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.
(2) Five Private Secretaries. (For employment of Private Secretaries to officials in the Office of the Secretary who are appointed by the President or are appointed under subparagraph (1) of this paragraph.)
(3) The General Counsel.
(4) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Air Force (Materiel).

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.
(2) The Pardon Attorney.
(3) Three Private Secretaries to the Attorney General.
(4) One Chauffeur for the Attorney General.
(5) Two Special Assistants for Public Relations.
(6) One Confidential Assistant to the Attorney General.
(7) Two Secretaries for the Attorney General.
(8) Two Receptionists for the Attorney General.
(9) Three Confidential Assistants to the Attorney General.
(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.
(2) Head of Executive Office for United States Attorneys.
(3) Assistant Deputy Attorney General for Legal Administration.
(4) Assistant Deputy Attorney General for Litigation.
(5) Head, Executive Office of U.S. Marshals.
(6) One Executive Assistant to the Deputy Attorney General.
(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.
(2) One position of Trial Attorney (General)—Second Assistant.
(3) One Confidential Assistant (Private Secretary) to the Solicitor General.
(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, General Litigation Section.
(3) Chief, Trial Section.
(4) Chief, Special Litigation Section.
(5) Chief, Judgments and Judgment Enforcement Section.
(6) Chief, Special Trial Section.
(7) Chief, Appellate Section.
(8) Chief, Field Office (six positions).
(9) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(10) Chief, Economic Section.
(11) Chief, Public Counsel Section.
(12) Chief, Section Operations.
(13) Chief, Field Operations.
(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) Chief, Admiralty and Shipping Section.
(4) Chief, Court of Claims Section.
(5) Chief, Fraud Section.
(6) Chief, General Litigation Section.
(7) Chief, Patent Section.
(8) Chief, Appellate Section.
(9) Chief, Torts Section.
(10) Chief, Admiralty and Shipping Section, New York.
(11) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(12) One Executive Assistant.
(13) Chief, General Claims Section.
(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) Chief, Administrative Regulations Section.
(4) Chief, General Crimes Section.
(5) Chief, Trial Section.
(6) Chief, Appeals and Research Section.
(7) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(8) Chief, Organized Crime and Racketeering Section.
(9) Chief, Fraud Section.
(10) One position of Trial Attorney (General)—Staff Assistant.
(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Appellate Section.
(3) Chief, Criminal Section.
(4) Chief, Review Section.
(5) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(6) Second Assistant to the Assistant Attorney General.
(7) Chief, General Litigation Section.
(8) One Assistant for Civil Trials.
(h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.

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(2) Chief, Lands Acquisition Section.
(3) Chief, Appellate Section.
(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(5) Chief, Indian Claims Section.
(6) One Executive Assistant.
(i) *Office of Alien Property.* (1) One Deputy Director.
(j) *Immigration and Naturalization Service.* (1) General Counsel.
(2) One Confidential Assistant (Private Secretary) to the Commissioner.
(3) Executive Assistant to the Commissioner.
(4) Two Associate Commissioners, one for Operations, and one for Management.
(5) Four Deputy Associate Commissioners, one for each of the following: Domestic Control; Travel Control; Security; and Administrative Services.
(k) *Board of Immigration Appeals.* (1) Executive Assistant.
(2) The Chairman.
(3) Four Members of the Board.
(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(2) The First Assistant to the Assistant Attorney General.
(3) The Second Assistant to the Assistant Attorney General.
(m) *Bureau of Prisons.* (1) The Director.
(2) The Deputy Director.
(3) Three Assistant Directors.
(4) Technical and Legislative Adviser.
(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.
(2) The Deputy Commissioner of Industries.
(3) The Associate Commissioner.
(o) *Office of United States Attorney.* (1) Secretary and Confidential Assistant to the United States Attorney (10 positions).
(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.
(2) One Executive Assistant to the Assistant Attorney General.
(3) One Confidential Assistant to the Assistant Attorney General.
(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(5) Chief, Appeals and Research Section.
(6) Chief, Civil Section.
(7) Chief, Foreign Agents Registration Section.
(8) Chief, Criminal Section.
(q) *Civil Rights Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* (1) One Executive Assistant to the Postmaster General.
(2) Six Special Assistants to the Postmaster General.
(3) One Receptionist.
(4) Three Assistants to the Executive Assistant to the Postmaster General.
(5) Two Confidential Assistants to the Postmaster General.
(6) Two Secretaries to the Executive Assistant to the Postmaster General.
(7) One Secretarial Assistant to the Postmaster General.
(8) One Confidential Administrative Assistant to the Postmaster General.
(9) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.
(10) One Administrative Assistant to the Executive Assistant to the Postmaster General.
(11) One Deputy Special Assistant to the Postmaster General (Information).
(12) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).
(13) One Private Secretary to the Special Assistant to the Postmaster General (Information).
(14) One Deputy Executive Assistant to the Postmaster General.
(b) *Bureau of Facilities.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Private Secretary to the Assistant Postmaster General.
(3) One Deputy Assistant Postmaster General.
(4) One Private Secretary to the Deputy Assistant Postmaster General.
(5) One Executive Assistant to the Assistant Postmaster General.
(6) One Director of Community Programs.
(7) One Private Secretary to the Executive Assistant to the Assistant Postmaster General.
(8) One Deputy Assistant Postmaster General.
(9) One Assistant for Congressional Relations to the Executive Assistant to the Assistant Postmaster General.
(c) *Bureau of Transportation.* (1) One Special and Confidential Assistant to the Assistant Postmaster General.
(2) One Information Specialist.
(3) One Private Secretary to the Assistant Postmaster General.
(4) One Deputy Assistant Postmaster General.
(5) One Executive Assistant to the Assistant Postmaster General.
(6) One Deputy Assistant Postmaster General.
(d) *Bureau of Personnel.* (1) One Private Secretary to the Assistant Postmaster General.
(e) *Office of the General Counsel.* (1) Two Private Secretaries to the General Counsel.
(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Executive Assistant and two Special Assistants to the Assistant Postmaster General.
(3) One Private Secretary to the Assistant Postmaster General.
(4) Two Deputy Assistant Postmasters General.
(5) One Private Secretary to each of two Deputy Assistant Postmasters General.
(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Special Representative to the Assistant Postmaster General.
(3) One Private Secretary to the Assistant Postmaster General.
(h) *Office of the Deputy Postmaster General.* (1) One Assistant to the Deputy Postmaster General.
(2) One Confidential Administrative Assistant to the Deputy Postmaster General.
(3) One Private Secretary to the Deputy Postmaster General.
(4) One Private Secretary to the Assistant to the Deputy Postmaster General.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Assistant to the Secretary.
(2) One Confidential Assistant and one Private Secretary to the Secretary.
(3) Four Special Assistants to the Secretary.
(4) Six Confidential Assistants (Field Representatives).
(5) Chauffeur for the Secretary.
(6) One Deputy Under Secretary.
(7) Confidential Assistant (Administrative Assistant) to the Under Secretary.
(8) Four Deputy Assistant Secretaries (one each for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife); and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.
(9) Director, Resources Program Staff.
(10) Assistant Director, Resources Program Staff.
(11) Planning Reports Review Coordinator, Resources Program Staff.
(12) One Confidential Assistant (Administrative Assistant) to the Director, Resources Program Staff.
(13) One Private Secretary to the Under Secretary.
(14) One Assistant to the Secretary (Public Relations).
(15) Director, Office of Oil and Gas.
(16) One Secretarial Attendant to the Secretary.
(17) Director, Office of Minerals Mobilization.
(18) Director, Office of Minerals Exploration.
(19) Director, Office of Saline Water.
(20) Administrator, Oil Import Administration.
(21) Assistant to the Secretary (Congressional Liaison).
(22) The Administrator, Defense Electric Power Administration, Office of the Assistant Secretary for Water and Power Development.
(23) One Staff Assistant to the Assistant Secretary for Public Land Management.
(24) One Assistant to the Secretary (International Affairs).
(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.
(2) Two Special Assistants to the Solicitor.
(3) One Deputy Solicitor.
(4) Five Associate Solicitors.
(5) One Assistant to the Secretary and Legislative Counsel.

(c) *United States Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.
(d) *Bureau of Mines.* (1) One Private Secretary to the Director.
(2) One Assistant Director (Programming).
(3) One Assistant Director (Health and Safety).
(4) One Deputy Director.
(5) One Assistant Director (Helium Activities).
(e) *Geological Survey.* (1) One Private Secretary to the Director.
(f) *Bureau of Reclamation.* (1) One Private Secretary to the Commissioner.
(2) Three Assistant Commissioners.
(g) *Southeastern Power Administration.* (1) Administrator.
(2) One Private Secretary to the Administrator.
(h) *National Park Service.* (1) Director.
(2) One Private Secretary to the Director.
(3) One Assistant Director.
(4) One Associate Director.
(i) *Bonneville Power Administration.* (1) Administrator.
(2) One Private Secretary to the Administrator.
(3) One Special Assistant to the Administrator.
(4) Two Assistants to the Administrator.
(j) *Bureau of Indian Affairs.* (1) Three Assistants to the Commissioner.
(2) One Private Secretary to the Commissioner.
(k) *Southwestern Power Administration.* (1) Administrator.
(2) Assistant Administrator.
(3) One Confidential Secretary, Office of the Administrator.
(l) *Office of Territories.* (1) One Director.
(2) One Confidential Assistant to the Director.
(3) Chief, Division of Insular Affairs.
(4) One Governor, American Samoa.
(5) One Secretary of American Samoa.
(6) One Chief Justice of American Samoa.
(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.
(8) One Private Secretary to the Governor of Virgin Islands.
(9) One Administrative Assistant to the Governor of Virgin Islands.
(10) One Assistant Director.
(11) One Confidential Assistant to the Governor of American Samoa.
(12) One Secretary to the Government Secretary of American Samoa.
(13) One Private Secretary to the Governor of Guam.
(14) One Secretary to the Government Secretary of Guam.
(15) Chief Justice of the Trust Territory.
(16) One Secretary to the High Commissioner of the Trust Territory.
(17) One Secretary to the Deputy High Commissioner of the Trust Territory.
(m) *Bureau of Outdoor Recreation.* (1) The Director.
(2) One Associate Director.
(3) One Confidential Assistant to the Director.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.
(2) One Assistant to the Secretary (States Relations).
(3) One Assistant to the Secretary (Agricultural Programs).
(4) One Executive Assistant to the Secretary.
(5) Five Confidential Assistants to the Secretary.
(6) One Private Secretary to the Secretary.
(7) Two Chauffeurs for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(11) One Staff Assistant—Program Appraisal.
(12) One Special Assistant to the Secretary.
(13) One Private Secretary and Administrative Assistant to the Assistant to the Secretary (Agricultural Programs).
(14) One Assistant to the Secretary (Administrative Officer).
(15) One Assistant to the Secretary (Counsel on Consumer Interests).
(16) One Assistant to the Secretary (Defense Mobilization Planning).
(17) One Assistant to the Secretary (Intergroup Relations).
(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.
(2) One Deputy Administrator.
(3) Two Assistant Administrators.
(4) Three Assistants to the Administrator.
(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.
(2) One Deputy Under Secretary.
(3) One Private Secretary to the Deputy Under Secretary.
(d) *Office of the General Counsel.* (1) One Deputy General Counsel.
(2) Three Assistant General Counsels.
(3) One Private Secretary to the General Counsel.
(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.
(2) The Administrator.
(3) General Sales Manager.
(4) Deputy General Sales Manager.
(5) The Associate Administrator.
(f) *Farmers Home Administration.* (1) One Deputy Administrator.
(2) One Assistant Administrator.
(3) One Assistant to the Administrator.
(4) Two Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) One Assistant Administrator (Insured Loan Funds).
(g) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) Members of the Board of Directors.
(3) One Private Secretary to the Manager.
(4) One Deputy Manager.
(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.
(2) One Associate Administrator.
(3) Two Deputy Administrators.
(4) Six Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) Director, Livestock and Dairy Policy Staff.
(7) Director, Grain Policy Staff.
(8) Director, Cotton Policy Staff.
(9) Director, Oils and Peanut Policy Staff.
(10) Director, Sugar Policy Staff.
(11) Director, Tobacco Policy Staff.
(12) Director, Policy and Program Appraisal.
(13) Director, Conservation and Land Use Policy Staff.
(i) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice-President.
(3) The Secretary.
(4) One Confidential Assistant to the President.
(j) *Federal Extension Service.* (1) The Administrator.
(2) One Deputy Administrator.
(3) One Private Secretary to the Administrator.
(k) *Soil Conservation Service.* (1) Administrator.
(2) One Associate Administrator.
(3) One Confidential Assistant to the Administrator.
(4) One Private Secretary to the Administrator.
(l) *Office of the Director, Agricultural Credit Services.* (1) The Director, Agricultural Credit Services.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.
(m) *Agricultural Marketing Service.* (1) The Administrator.
(2) One Private Secretary to the Administrator.
(3) One Confidential Assistant to the Administrator.
(n) *Agricultural Economics.* (1) The Director.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.
(4) Two Staff Assistants to the Director.
(o) *Office of Rural Areas Development.* (1) The Director.
(2) One Assistant Director.
(3) One Private Secretary to the Director.
(4) One Private Secretary to the Assistant Director.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Nine Confidential Assistants to the Secretary.
(2) Three Private Secretaries to the Secretary.

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(3) One Confidential Assistant and two Private Secretaries to the Under Secretary.
(4) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.
(5) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Economic Affairs.
(6) One Confidential Assistant and one Private Secretary to the General Counsel.
(7) One Private Secretary to the Deputy Under Secretary for Transportation (Operations).
(8) Deputy General Counsel.
(9) One Private Secretary to the Deputy General Counsel.
(10) One Special Assistant to the Secretary.
(11) One Chauffeur for the Secretary.
(12) One Deputy Assistant Secretary of Commerce for Economic Affairs.
(13) One Private Secretary to the Deputy Assistant Secretary for Economic Affairs.
(14) One Confidential Assistant to the Assistant Secretary for Administration.
(15) Two Congressional Liaison Officers.
(16) Director, Office of Field Services.
(17) One Deputy Under Secretary for Transportation (Operations).
(18) One Deputy Under Secretary for Transportation (Policy).
(19) One Special Assistant to the Director, Office of Field Services.
(20) One Private Secretary to the Director, Office of Field Services.
(21) Director, Office of Emergency Transportation.
(22) Deputy Director, Office of Emergency Transportation.
(23) One National Export Expansion Coordinator.
(24) One Special Assistant to the National Export Expansion Coordinator.
(25) One Private Secretary to the National Export Expansion Coordinator.
(26) One Special Assistant to the Secretary (Economic Affairs).
(27) One Deputy National Export Expansion Coordinator.
(28) One Confidential Assistant to the Deputy to the Secretary.
(29) One Confidential Assistant to the Under Secretary for Transportation.
(30) Deputy Assistant Secretary for Economic Policy Review, Office of the Assistant Secretary for Economic Affairs.
(31) Deputy Assistant Secretary for Statistics and Economic Research, Office of the Assistant Secretary for Economic Affairs.

(b) *Inland Waterways Corporation.* (1) Chairman of the Advisory Board.

(c) *Business and Defense Services Administration.* (1) Administrator.
(2) Three Confidential Assistants to the Administrator.
(3) Deputy Administrator.
(4) One Confidential Assistant to the Deputy Administrator.
(5) One Secretarial Assistant to the Administrator.
(6) The Assistant Administrator for International Commodity Activities.
(7) The Assistant Administrator for Business and Government Services.

(d) *Bureau of Census.* (1) One Private Secretary to the Director.
(2) One personal assistant to the Director.

(e) *Weather Bureau.* (1) One Private Secretary to the Chief.

(f) *National Bureau of Standards.* (1) One Private Secretary to the Director.

(g) *Bureau of Public Roads.* (1) Solicitor.
(2) Four Special Assistants to the Federal Highway Administrator.
(3) One Private Secretary to the Federal Highway Administrator.
(4) One Private Secretary to the Solicitor.
(5) The Deputy Federal Highway Administrator.

(h) *Patent Office.* (1) Private Secretary to the Commissioner, and to each of the Assistant Commissioners.
(2) Assistant to the Commissioner.

(i) *Coast and Geodetic Survey.* (1) One Private Secretary to the Director.

(j) *Maritime Administration.* (1) General Counsel.
(2) One Confidential Assistant to the Administrator.
(3) One Private Secretary to the General Counsel.

(k) *Area Redevelopment Administration.* (1) One Deputy Administrator.
(2) One Assistant Administrator (Area Operations).
(3) Five Special Assistants to the Administrator.
(4) One Private Secretary to the Administrator.
(5) One Private Secretary to the Deputy Administrator.
(6) One Private Secretary to the Assistant Administrator (Area Operations).
(7) Staff Director, Appalachian Project.

(l) *United States Travel Service.* (1) One Confidential Assistant to the Director.
(2) The Deputy Director.
(3) One Private Secretary to the Deputy Director.

(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and two Confidential Assistants to the Assistant Secretary for Domestic and International Business.
(2) One Deputy Assistant Secretary for Domestic and International Business.
(3) One Private Secretary to the Deputy Assistant Secretary for Domestic and International Business.
(4) One Deputy Assistant Secretary for Trade Policy.
(5) One Deputy Assistant Secretary for Financial Policy.
(6) One Private Secretary to the Deputy Assistant Secretary for Trade Policy.
(7) One Private Secretary to the Deputy Assistant Secretary for Financial Policy.
(8) The Director, Bureau of International Commerce.
(9) One Deputy Director, Bureau of International Commerce.
(10) One Private Secretary to the Director, Bureau of International Commerce.
(11) One Private Secretary to the Deputy Director, Bureau of International Commerce.
(12) The Director, Office of Trade Adjustment.
(13) One Private Secretary to the Director, Office of Trade Adjustment.

(n) *Office of the Assistant Secretary for Science and Technology.* (1) One Deputy Assistant Secretary for Science and Technology.
(2) Two Special Assistants to the Assistant Secretary for Science and Technology.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Four Special Assistants, three Confidential Assistants, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.
(2) One Chauffeur for the Secretary of Labor.
(3) One Special Assistant and one Private Secretary to the Under Secretary of Labor.
(4) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.
(5) One Private Secretary to the Secretary.
(6) Two Confidential Assistants to the Under Secretary of Labor.
(7) One Confidential Assistant to the Assistant Secretary.
(8) One Executive Assistant to the Secretary.
(9) One Special Assistant to the Secretary.
(10) One Assistant to each Assistant Secretary of Labor appointed by the President.
(11) One Special Assistant to the Assistant Secretary for Labor-Management Relations.
(12) One Private Secretary to the Executive Assistant to the Secretary.
(13) One Confidential Assistant to the Assistant Secretary for International Labor Affairs.
(14) One Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.
(15) One Economic Advisor to the Secretary.
(16) One Confidential Aide in the Office of the Assistant Secretary for Planning and Policy Development.

(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.

(c) *Bureau of Employment Security.* (1) The Administrator.
(2) One Secretary (Stenography) in the Office of the Administrator.

(d) *Bureau of Labor Statistics.* (1) One Private Secretary to the Commissioner.

(e) *Bureau of Apprenticeship and Training.* (1) Administrator.
(2) One Private Secretary to the Director.

(f) *Women's Bureau.* (1) One Private Secretary to the Director.
(2) Two Special Assistants to the Director.

(g) *Bureau of Labor Standards.* (1) Director.
(2) One Private Secretary to the Director.

(3) One Confidential Assistant to the Director.

(h) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.
(2) One Confidential Assistant to the Administrator.

(i) *Bureau of Veterans Reemployment Rights.* (1) Director.

(j) *Bureau of Employees' Compensation.* (1) Director.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) Director of Security.
(2) Two Confidential Assistants to the Secretary.
(3) Publications Writer.
(4) Two Assistants to the Secretary.
(5) One Executive Secretary.
(6) Two Confidential Secretaries to the Under Secretary.
(7) One Assistant to the Secretary.
(8) One Congressional Liaison Officer.
(9) One Assistant to the Congressional Liaison Officer.
(10) One Confidential Assistant to the Under Secretary.
(11) One Assistant to the Secretary (for Program Analysis).
(12) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (7) of this paragraph.
(13) One Staff Assistant to the Secretary.
(14) One Confidential Secretary to one of the Special Assistants to the Secretary authorized under subparagraph (4) of this paragraph.
(15) Director, Special Staff on Aging.
(16) One Assistant to the Under Secretary (Manpower Training).
(17) One Staff Assistant to the Under Secretary (Manpower Training).
(18) One Assistant to the Secretary (For Educational Television).
(19) One Deputy Assistant to the Secretary (For Educational Television).

(b) *Vocational Rehabilitation Administration.* (1) Commissioner of Vocational Rehabilitation.

(c) *Office of Education.* (1) One Special Assistant to the Commissioner of Education.
(2) One assistant to the Commissioner (Public Affairs).

(d) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.
(2) One Special Assistant on Federal-State Problems.
(3) One Special Assistant.
(4) One Deputy Assistant Secretary for Federal-State Relations.
(5) One Confidential Secretary to the Deputy Assistant Secretary for Federal-State Relations.

(e) *Office of the General Counsel.* (1) One Associate General Counsel.

(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.
(2) One Deputy Assistant Secretary for Legislation.
(3) One Program Coordination Officer.
(4) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

(g) *Welfare Administration.* (1) The Commissioner.
(2) One Deputy Commissioner.

§ 213.3322 Interstate Commerce Commission.

(a) One Private Secretary to each Commissioner.
(b) Managing Director.

§ 213.3323 General Accounting Office.

(a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.
(b) One Private Secretary to the Comptroller General.

§ 213.3325 The Tax Court of the United States.

(a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 213.3326 Office of Emergency Planning.

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.
(2) One Courier.
(3) Two Special Assistants to the Director.

(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.

(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.

(d) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(e) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(f) *Office of Liaison and Public Affairs.* (1) The Director.
(2) Director, Information and Press Relations Division.
(3) Director, Federal-State and International Relations Division.
(4) Director, National Organizations Division.

(g) *Economic Affairs Office.* (1) The Director.

(h) *Policy Development Office.* (1) The Director.

(i) *Civil Affairs Office.* (1) The Director.

(j) *Government Readiness Office.* (1) The Director.

(k) *Industry and Finance Office.* (1) The Director.

(l) *Manpower and Services Office.* (1) The Director.

(m) *Telecommunications Office.* (1) The Director.

(n) *Program Evaluation Office.* (1) The Director.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.
(2) Two Confidential Assistants to the Special Assistant to the Administrator.
(3) The Deputy Administrator.
(4) The General Counsel.
(5) The Associate Deputy Administrator.
(6) Chairman, Administrator's Advisory Council.
(7) One Assistant Deputy Administrator.
(8) One Confidential Assistant to the Associate Deputy Administrator.

(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

(c) *Department of Data Management.* (1) The Chief Data Management Director.

§ 213.3328 United States Information Agency.

(a) One Secretarial Assistant to the Deputy Director.
(b) One Executive Assistant to the Director.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e) One Special Assistant to the Deputy Director.
(f) One Special Assistant to the Director.

§ 213.3329 Federal Power Commission.

(a) Two Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary and one Confidential Assistant to each of the other Commissioners.
(b) One Assistant to the Chairman.
(c) General Counsel.
(d) Executive Director.
(e) Two Private Secretaries to the Executive Director.
(f) One Technical Assistant to each Commissioner.
(g) Chief, Bureau of Power.
(h) Chief, Bureau of Natural Gas.

§ 213.3330 Securities and Exchange Commission.

(a) One General Counsel.
(b) One Chief Accountant.
(c) One Associate General Counsel.
(d) One Confidential Assistant to each Member of the Commission (five positions).
(e) One Executive Assistant to the Chairman.

§ 213.3331 National Mediation Board.

(a) One Private Secretary to each Member of the National Railroad Adjustment Board.
(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).

§ 213.3332 Small Business Administration.

(a) Three Deputy Administrators.
(b) One Special Assistant to each Deputy Administrator.
(c) Two Special and Confidential Assistants to the Administrator.
(d) One General Counsel.
(e) Director, Office of Procurement and Technical Assistance.
(f) Director, Office of Economic Adviser.
(g) One Assistant Administrator (Information Services).
(h) One Special Assistant to the Administrator.

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(i) One Private Secretary to the Administrator.
(j) Deputy Director, Office of Economic Adviser.
(k) Deputy Director, Office of Procurement and Technical Assistance.
(l) One Program Coordinator (Department of Defense).
(m) The Deputy Administrator for the Small Business Investment Division.
(n) The Director of the Small Business Investment Division.
(o) Director and Deputy Director, Office of Management and Research Assistance.
(p) Director, Office of Loan Processing.
(q) Director, Office of Loan Administration.
(r) One Special Assistant to the Administrator (ARA).
(s) One Assistant to the Special Assistant to the Administrator.

§ 213.3333 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.
(b) One Confidential Assistant to the Board of Directors.

§ 213.3334 Federal Trade Commission.

(a) General Counsel.
(b) Director, Bureau of Economics.
(c) One Secretary of the Federal Trade Commission.
(d) Executive Director.
(e) One Confidential Assistant and Chief Legal Adviser to the Chairman.
(f) Director, Bureau of Restraint of Trade.
(g) Director, Bureau of Deceptive Practices.
(h) Director, Bureau of Field Operations.
(i) Director, Bureau of Textiles and Furs.
(j) Director, Bureau of Industry Guidance.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* (1) Six Members of the Board of Contract Appeals.
(2) The Deputy Administrator.
(3) One Special Assistant to the Administrator.
(4) Three Confidential Assistants to the Administrator.
(5) The Assistant Administrator.
(6) Two Confidential Assistants to the Assistant Administrator.
(7) Two Assistants to the Assistant Administrator.
(8) One Deputy Assistant Administrator for Congressional and Public Affairs.
(9) Two Confidential Assistants to the Deputy Administrator.
(10) One Assistant to the Assistant Administrator.
(b) *Public Buildings Service.* (1) The Commissioner.
(c) *Federal Supply Service.* (1) The Commissioner.
(d) *National Archives and Records Service.* (1) The Archivist of the United States.
(e) *Defense Materials Service.* (1) The Commissioner.
(f) *Transportation and Communications Service.* (1) The Commissioner.
(g) *Utilization and Disposal Service.* (1) The Commissioner.

§ 213.3338 Federal Communications Commission.

(a) One General Counsel.
(b) One Chief Engineer.

§ 213.3339 United States Tariff Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3340 Civil Aeronautics Board.

(a) One Special Assistant to the Chairman of the Board.
(b) General Counsel of the Board.
(c) Director, Bureau of Economic Regulation.
(d) One Special Assistant for Congressional Relations.
(e) One Secretary to the Special Assistant for Congressional Relations.
(f) Director, Bureau of Safety.
(g) One Administrative Assistant to each Member of the Board.
(h) One Secretary to each Member of the Board.
(i) The Executive Director of the Board.
(j) Chief, Public Information Section.

§ 213.3341 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.
(b) One Solicitor.
(c) One Chief Legal Assistant to each Board Member.
(d) One Confidential Assistant to each Board Member.
(e) One Associate General Counsel, Division of Operations.
(f) One Associate General Counsel, Division of Law.
(g) Two Special Assistants to the General Counsel.
(h) One Confidential Assistant to the General Counsel.
(i) One Special Assistant to the Associate General Counsel, Division of Operations.

§ 213.3342 Export-Import Bank of Washington.

(a) One Executive Vice-President.
(b) One Confidential Assistant to the President.
(c) One Private Secretary to the First Vice-President.
(d) The General Counsel.
(e) One Private Secretary to each of the three members of the Board of Directors.
(f) One Vice-President for Program Planning and Information.
(g) One Vice-President for Exporter Credits, Guarantees, and Insurance.
(h) One Vice-President for Project Financing.
(i) One Special Assistant to the President and Chairman.
(j) One Treasurer-Controller.

§ 213.3343 Farm Credit Administration.

(a) Three Directors of Credit Services.
(b) One General Counsel.
(c) One Deputy Governor.
(d) Four Deputy Directors of Credit Services.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) One Deputy Administrator.
(2) One Assistant Administrator (Program Policy).
(3) General Counsel.
(4) One Assistant Administrator (International Housing).
(5) Community Facilities Commissioner.
(6) Deputy Urban Renewal Commissioner.
(7) One Assistant Administrator for Public Affairs.
(8) One Special Assistant to the Administrator.
(9) One Special Assistant (Administrator's Office).
(10) One Assistant Commissioner for Program Planning and Development, Urban Renewal Administration.
(11) One Confidential Assistant to the Commissioner, Urban Renewal Administration.
(12) One Secretary to the Community Facilities Commissioner.
(13) One Secretary to the General Counsel.
(14) One Secretary to the Congressional Liaison Officer.
(15) Assistant Commissioner for Technical Standards, Urban Renewal Administration.
(16) One Secretary to the Assistant Administrator (Program Policy).
(17) Assistant Administrator (Housing for Senior Citizens).
(18) One Private Secretary to the Assistant Administrator (Program for Community Improvement).
(19) Deputy Assistant Administrator (Housing for Senior Citizens).
(20) Two Special Assistants to the Commissioner, Community Facilities Administration.
(21) Two Assistants to the Congressional Liaison Officer.
(22) One Assistant Administrator (Program for Community Improvement).
(23) One Executive Assistant to the Commissioner, Urban Renewal Administration.
(24) One Assistant Commissioner for Field Operations, Urban Renewal Administration.
(25) Assistant Administrator (Transportation).
(26) One Secretary to the Special Assistant to the Administrator.
(27) One Private Secretary to the Assistant Administrator (Transportation).
(28) One Deputy Assistant Administrator (Program Policy).
(29) One Deputy Assistant Administrator (Transportation).
(30) One Secretary and Confidential Assistant to the Assistant Administrator for Public Affairs.
(31) One Congressional Liaison Officer.
(32) One Assistant Commissioner for Urban Planning and Community Development, Urban Renewal Administration.
(33) One Assistant Administrator (Metropolitan Development).

(34) One Deputy Commissioner, Community Facilities Administration.
(b) *Federal Housing Administration.* (1) One Deputy Commissioner.
(2) One General Counsel.
(3) One Assistant Commissioner, Technical Standards.
(4) One Assistant to the Commissioner.
(5) One Assistant to the Commissioner (Intergroup Relations Service).
(6) One Assistant Commissioner for Programs.
(7) Director, Program Division.
(8) One Confidential Assistant to the Assistant Commissioner for Programs.
(9) One Congressional Liaison Officer.
(10) One Special Assistant for Elderly Housing.
(11) One Special Assistant for Nursing Homes.
(12) One Assistant Commissioner for Multifamily Housing.
(13) One Assistant Commissioner (Executive Officer).
(14) One Assistant Commissioner for Congressional Liaison and Public Information.
(15) One Special Assistant for Home Improvement Plans.
(16) One Assistant to the Commissioner—Special Projects.
(17) One Assistant Deputy Commissioner.
(18) One Associate Deputy Commissioner for Operations.
(19) One Associate Deputy Commissioner for Management.
(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).
(2) One Special Assistant to the Commissioner (Racial Relations).
(3) General Counsel.
(4) One Deputy Commissioner.
(5) One Confidential Assistant to the Commissioner.
(6) One Assistant Commissioner for Development.
(7) One Assistant Commissioner for Management.
(8) One Assistant Commissioner for Program Planning.
(d) *Federal National Mortgage Association.* (1) The President.

§ 213.3345 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3347 Federal Mediation and Conciliation Service.

(a) One General Counsel.

§ 213.3348 National Aeronautics and Space Administration.

(a) One Secretary to the Administrator.
(b) One Secretary to the Deputy Administrator.
(c) One Confidential Assistant to the Assistant Administrator for Management Development.
(d) One Secretary (Stenography) to the Director of Manned Space Flight.

§ 213.3350 Foreign Claims Settlement Commission of the United States.

(a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 213.3351 Subversive Activities Control Board.

(a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

§ 213.3352 Saint Lawrence Seaway Development Corporation.

(a) One Private Secretary to the Administrator.
(b) One Special Assistant to the Administrator.
(c) One Administrative Assistant to the Deputy Administrator.

§ 213.3354 Federal Home Loan Bank Board.

(a) One Assistant to the Board.
(b) One Director, Federal Home Loan Bank Operations.
(c) One General Counsel.
(d) One Director, Division of Supervision.
(e) Two Secretaries to the Chairman of the Board.
(f) Two Secretaries to Board Members.
(g) One General Manager, Federal Savings and Loan Insurance Corporation.
(h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.
(i) One Secretary to the Assistant to the Board.
(j) One Director, Office of Research and Home Finance.
(k) One Director, Office of Examinations and Supervision.

§ 213.3355 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
(b) One Secretary to the Chairman.
(c) One Secretary to each of the four Board Members.

§ 213.3356 Commission on Civil Rights.

(a) One Special Assistant to the Staff Director.
(b) One Assistant Staff Director for State Advisory Committees.
(c) One Confidential Secretary to the Staff Director.

§ 213.3357 Federal Aviation Agency.

(a) Two Assistants to the Chief, Congressional Relations Division.
(b) The Director of Information Services.
(c) One Executive Advisor to the Administrator.
(d) One Private Secretary to the Administrator.
(e) The Director, Office of Policy Development.
(f) The Assistant Administrator, Office of General Aviation Affairs.
(g) The Chief, Congressional Relations Division.
(h) One Administrative Secretary to the Director of Information Services.

§ 213.3359 National Capital Transportation Agency.

(a) One Confidential Assistant to the Administrator.
(b) One Confidential Assistant to the Deputy Administrator.
(c) Two Special Assistants to the Administrator.
(d) One Legislative Assistant.

§ 213.3360 Peace Corps.

(a) One Confidential Assistant (Secretary) to the Director.
(b) One Confidential Secretary (Stenography) to the Director.
(c) The General Counsel.
(d) The Associate Director, Office of Program Development and Operations.
(e) The Associate Director, Office of Peace Corps Volunteers.
(f) One Deputy Associate Director, Office of Peace Corps Volunteers.
(g) The Associate Director, Office of Public Affairs.
(h) One Deputy Associate Director, Office of Public Affairs.
(i) The Associate Director, Office of Planning and Evaluation.
(j) The Chief, Division of Public Information.
(k) One Deputy Associate Director, Office of Program Development and Operations.
(l) One Special Assistant for Congressional Relations, Office of Public Affairs.
(m) The Chief, Division of Training.
(n) One Special Assistant to the Director.
(o) The Chief, Division of Selection, Office of Peace Corps Volunteers.
(p) One Confidential Assistant (Secretary) to the Deputy Director.
(q) The Director, Division of Planning, Office of Planning and Evaluation.
(r) The Executive Secretary.
(s) The Director, Division of University, Private, and International Cooperation.
(t) The Deputy Director, Division of University, Private, and International Cooperation.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(a) One Private Secretary to the Director.
(b) One Private Secretary to the Deputy Director.
(c) One Private Secretary to each Assistant Director appointed by the President (four positions).
(d) One Public Affairs Adviser.
(e) One Special Assistant to the Deputy Director.
(f) Three Disarmament Advisers, Disarmament Advisory Staff.
(g) The General Counsel.
(h) One Private Secretary to the General Counsel.

MICHIGAN LIBRARIES

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each Commissioner.

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.

(2) One Confidential Assistant (Private Secretary) to the Administrator.

(3) One Chauffeur for the Administrator.

(4) One Private Secretary to each of the two Deputy Administrators.

(b) *Office of the Assistant Administrator for Congressional Liaison.* (1) One Staff Assistant to the Assistant Administrator.

(2) One Private Secretary to the Assistant Administrator.

(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

(d) *Office of the Assistant Administrator for Development Finance and Private Enterprise.* (1) One Special Assistant (Confidential) to the Assistant Administrator.

§ 213.3369 President's Committee on Equal Opportunity in Housing.

(a) The Staff Director.

PART 230—ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT

Subpart A—[Reserved]

Subpart B—Exercise of Agency Authority To Take Personnel Actions

Sec.
230.201 Standards and requirements for agency personnel actions.
230.202 Withdrawal of agency authority.

AUTHORITY: §§ 230.201 and 230.202 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218.

Subpart A—[Reserved]

Subpart B—Exercise of Agency Authority To Take Personnel Actions

§ 230.201 Standards and requirements for agency personnel actions.

In taking a personnel action authorized by this chapter, each agency shall comply with the qualification standards issued by the Commission, the instructions published by the Commission in the Federal Personnel Manual, and the regulations in this chapter.

§ 230.202 Withdrawal of agency authority.

The Commission may suspend or withdraw any authority granted by this chapter to an agency when it finds that the agency has not complied with the qualification standards issued by the Commission, the instructions published by the Commission in the Federal Personnel Manual, or the regulations in this chapter, or that the suspension or withdrawal is in the interest of the service for any other reason.

PART 293—PERSONNEL RECORDS AND FILES

Subpart A—[Reserved]

Subpart B—Official Personnel Folder

Sec.
293.201 Applicability of regulations.
293.202 Establishment of Official Personnel Folder.
293.203 Ownership of folder.
293.204 Maintenance and content of folder.
293.205 Type of folder to be used.
293.206 Use of existing folders upon transfer or reemployment.
293.207 Disposition of folders upon movement to another agency.
293.208 Disposition of folders of former employees.
293.209 Removal of temporary records from folder.

AUTHORITY: §§ 293.201 to 293.209 issued under sec. 4, E.O. 10561, 19 F.R. 5963, 3 CFR, 1954–1958 Comp., p. 205.

Subpart A—[Reserved]

Subpart B—Official Personnel Folder

§ 293.201 Applicability of regulations.

This part applies to, and within this part "agency" means, each executive department and independent establishment of the Federal Government, including (a) each corporation wholly owned or controlled by the United States, and (b) with respect to positions subject to the Civil Service rules and regulations, the legislative and judicial branches of the Federal Government and the Government of the District of Columbia.

§ 293.202 Establishment of Official Personnel Folder.

Each agency shall establish an Official Personnel Folder for each employee occupying a position subject to this part, except as provided in § 293.206. Only one Official Personnel Folder may be maintained for each employee.

§ 293.203 Ownership of folder.

The Official Personnel Folder of each employee in a position subject to the Civil Service Act, as amended, 22 Stat. 403, 5 U.S.C. 632, is under the jurisdiction and control of, and is part of the records of, the Commission.

§ 293.204 Maintenance and content of folder.

The head of each agency shall maintain in the Official Personnel Folder the reports of selection and other personnel actions named in section 2 of the Civil Service Act, as amended, 22 Stat. 403, 5 U.S.C. 633. The folder shall also contain permanent and temporary records affecting the employee's status and service as required by the Commission's instructions.

§ 293.205 Type of folder to be used.

Each agency shall use Official Personnel Folders procurable from Federal Supply Service contracts or stock for the folders required by this part.

§ 293.206 Use of existing folders upon transfer or reemployment.

When an agency hires a person who has served on or after April 1, 1947, in a position subject to this part, it shall request the transfer of the Official Personnel Folder pertaining to the person's employment. The folder so obtained shall be used in lieu of establishing a new Official Personnel Folder.

§ 293.207 Disposition of folders upon movement to another agency.

When a person for whom an Official Personnel Folder has been established transfers from one agency to another or is reappointed in an agency, the last employing agency or the General Services Administration, Federal Records Center, whichever has possession of the folder, shall, on request, transfer the folder to the new employing agency.

§ 293.208 Disposition of folders of former Federal employees.

When a person for whom an Official Personnel Folder has been established is separated from an agency, the agency shall retain the folder for 30 days after the separation and than transfer it to the General Services Administration, Federal Records Center, St. Louis, Mo.

§ 293.209 Removal of temporary records from folder.

The employing agency having possession of an Official Personnel Folder shall remove records of temporary value from the folder and dispose of them in accordance with General Schedule 1 promulgated by the General Services Administration before the folder is transferred to another agency or to the Federal Records Center.

PART 300—EMPLOYMENT (GENERAL)

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Commission Approval in Filling Positions in GS–16 and Above

Sec.
300.301 Commission approval in filling positions in GS–16 and above.

Subpart D—Ceiling on Permanent Employees

300.401 Limitations on career appointments and conversions.

Subpart E—Obligated Positions

300.501 Definitions.
300.502 Restriction on filling obligated position on permanent basis.

Subpart F—Time-in-Grade Restrictions

300.601 Applicability.
300.602 Restrictions.
300.603 Exceptions to restrictions.
300.604 Periods of creditable service.
300.605 Other time restrictions.

Subpart G—[Reserved]

Subpart H—[Reserved]

Subpart I—Employment of Substitutes in the Field Service of the Post Office Department

300.901 Temporary appointment of substitutes in the postal field service.
300.902 Change of substitutes to regulars in the postal field service.

AUTHORITY: §§ 300.301 to 300.902 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218. §§ 300.601 to 300.605 interpret and apply sec. 1310, 65 Stat. 757, as amended; 5 U.S.C. 43 note. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Commission Approval in Filling Positions in GS–16 and Above

§ 300.301 Commission approval in filling positions in GS–16 and above.

An agency, unless excepted from this requirement by law, may fill a competitive or excepted position classified in grade GS–16, GS–17, or GS–18 under the Classification Act of 1949, as amended, only by a person whose qualifications for the position have been approved by the Commission.

Subpart D—Ceiling on Permanent Employees

§ 300.401 Limitations on career appointments and conversions.

The Commission may not permit an agency to make an initial career appointment or a conversion to career employment which would increase the number of permanent personnel of the Federal Government above the total number of permanent employees permitted by the Whitten Amendment.

(65 Stat. 1310, 65 Stat. 757, as amended; 5 U.S.C. 43 note)

Subpart E—Obligated Positions

§ 300.501 Definitions.

In this subpart:

(a) "Active military duty" means active duty in full pay status in the Armed Forces of the United States, including an initial period of active duty for training in accordance with section 262 of the Armed Forces Reserve Act of 1952, as amended (69 Stat. 600; 50 U.S.C. 1013); and

(b) "Obligated position" means a position to which an employee has a statutory restoration right based on active military duty or a reemployment right based on Subpart B of Part 352 of this Chapter.

§ 300.502 Restriction on filling obligated position on permanent basis.

An agency may fill an obligated position on a permanent basis, only:

(a) By reassignment through reduction in force to or below a grade (or level) permanently held by the employee before September 1, 1950; or

(b) By demotion to or below a grade (or level) permanently held by the employee before September 1, 1950.

(Sec. 1310, 65 Stat. 757, as amended; 5 U.S.C. 43 note)

Subpart F—Time-in-Grade Restrictions

§ 300.601 Applicability.

(a) This subpart applies to any advancement from a competitive or excepted position that is subject to the Classification Act of 1949, as amended, to a competitive position that is subject to that Act, by:

(1) Promotion;

(2) Transfer to a higher grade; or

(3) Any type of appointment under this chapter (including reemployment and reinstatement) made within 1 year after separation from a nontemporary appointment.

(b) This subpart does not apply:

(1) When the position from which the advancement is made is outside the competitive service and in the legislative or judicial branch; or

(2) When the position from which the advancement is made is not subject to the Classification Act, unless the employee advanced held a position subject to that Act within the preceding year.

§ 300.602 Restrictions.

(a) *Advancement to positions at GS–12 or above.* An agency may advance an employee to a position at GS–12 or above only after he has served 1 year at the next lower grade.

(b) *Advancement to positions at GS–6 through GS–11.* An agency may advance an employee to a position at GS–6 through GS–11 only after he has served:

(1) One year in a position two grades lower, when the position to which he is advanced is in a line of work properly classified at two-grade intervals; or

(2) One year at the next lower grade, when the position to which he is advanced is in a line of work properly classified at one-grade intervals.

(c) *Advancement to positions at GS–5 or below.* An agency may advance an employee to a position at GS–5 or below which is not more than two grades above the lowest grade he held within the preceding year under a nontemporary appointment.

§ 300.603 Exceptions to restrictions.

(a) Section 300.602 does not prevent the advancement of an employee when:

(1) The advancement is in accordance with a training agreement which has been approved by the Commission; however, an agency may not make promotions of more than two grades in 1 year solely on the basis of a training agreement or series of training agreements;

(2) The advancement is to any grade or level up to that from which the employee has ever been demoted or separated by any agency because of a reduction in force;

(3) The employee is within reach on a register for competitive appointment to the position to be filled; or

(4) The Commission, on request of the head of the agency, authorizes the advancement to avoid undue hardship or inequity, in an individual case of meritorious nature.

(b) Section 300.602 (a) and (b) do not prevent the advancement of an employee who has 1 year of service in a position two grades lower than the position to be filled if there is no position in the normal line of promotion that is one grade lower than the position to be filled.

(c) Section 300.602(c) does not prevent the advancement of an employee to a position at grade GS–5 or below which he held previously or to which he could have been advanced previously under that paragraph.

§ 300.604 Periods of creditable service.

(a) The periods of service required by § 300.602 (a) and (b) and § 300.603(b) include all service at the appropriate or higher grade or level in positions in the Federal civilian service regardless of whether or not the positions were subject to the Classification Act.

(b) When two periods of service in positions subject to the Classification Act are interrupted for less than 1 year by service in a position not subject to the Classification Act, the latter service is counted as a continuation of the prior service in the position subject to the Classification Act.

(c) Except as provided in paragraph (b) of this section, service in a position not subject to the Classification Act is counted at the equivalent Classification Act grade in effect when the service was performed. The equivalent Classification Act grade is that grade the minimum rate of which was equivalent to or higher than the base salary rate of the service not subject to the Classification Act. However, when the base salary rate of the service not subject to the Classification Act was not more than one within-grade step below the minimum rate of a Classification Act grade, that Classification Act grade is the equivalent Classification Act grade.

§ 300.605 Other time restrictions.

The time-in-grade restrictions in this subpart are in addition to the time-after-competitive-appointment restriction contained in § 330.501 of this chapter.

Subpart G—[Reserved]

Subpart H—[Reserved]

Subpart I—Employment of Substitutes in the Field Service of the Post Office Department

§ 300.901 Temporary appointment of substitutes in the postal field service.

When a quota of substitutes in the postal field service is filled and the Post Office Department has authorized the appointment of additional substitutes for temporary work of indefinite duration, the appointing officer may fill those positions by either of the following methods:

(a) The appointment of former Federal employees with eligibility for reinstatement. A person so appointed does not gain career status from the appointment.

(b) The selection of eligibles from a certificate furnished by the Commission on request of the appointing officer. The appointing officer shall make selection from a certificate in accordance with §§ 332.404 through 332.407 of this chapter. A person so appointed does not obtain a competitive status from the appointment.

§ 300.902 Change of substitutes to regulars in the postal field service.

(a) *General.* When a vacant regular position in the postal field service is to be

filled, the appointing officer may fill it by:

(1) Changing a substitute to regular, if the substitute is eligible for and will accept the regular position; or

(2) Position change, reinstatement, or transfer of a person with competitive status in accordance with this chapter.

(b) *Order in which changes are made.* (1) An appointing officer shall change substitutes to regulars in the order of their original appointments. An appointing officer shall change substitutes who were appointed on the same day to regulars in the order in which their names appeared on the register from which they were appointed.

(2) When corrective action on an appointment is taken to comply with the requirements of Subpart D of Part 332 of this Chapter, "order of original appointment" means the order in which appointment would have been made had the correct action been taken originally.

(Sec. 8, 58 Stat. 389, as amended; 5 U.S.C. 857)

PART 301—OVERSEAS EMPLOYMENT

Subpart A—[Reserved]

Subpart B—Overseas Limited Appointment

Sec.
301.201 Authorizations of appointment.
301.202 Appointment of United States citizens recruited overseas.
301.203 Appointment of citizens recruited outside overseas areas.
301.204 Duration of appointment.
301.205 Status and trial period.
301.206 Requirements and restrictions.
301.207 Within-grade increases.

AUTHORITY: §§ 301.201 to 301.207 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, as amended by E.O. 10641, 20 F.R. 8137, 3 CFR, 1954–1958 Comp., p. 274.

Subpart A—[Reserved]

Subpart B—Overseas Limited Appointment

§ 301.201 Authorizations of appointment.

When the Commission finds that overseas limited appointments without competitive examination are in the public interest, it may authorize an agency to make these appointments to overseas positions.

§ 301.202 Appointment of United States citizens recruited overseas.

Subject to prior agreement between an agency and the Commission, the agency may give an overseas limited appointment to a United States citizen recruited overseas, unless there is an adequate and appropriate register resulting from an examination held in the locality where the vacancy exists.

§ 301.203 Appointment of citizens recruited outside overseas areas.

When the Commission determines that unusual or emergency conditions make it infeasible to appoint from register, it may authorize an agency to give an overseas limited appointment to a United States citizen recruited in an area where an overseas limited appointment is not authorized.

§ 301.204 Duration of appointment.

An appointment under this subpart is of indefinite duration except that under conditions published by the Commission in the Federal Personnel Manual, an agency may limit the appointment to a period of 1 year or less to meet administrative needs for temporary employment. An agency may extend an appointment made for a peroid of 1 year or less under this section, under conditions published by the Commission in the Federal Personnel Manual.

§ 301.205 Status and trial period.

(a) An overeas limited employee does not acquire a competitive status on the basis of his overseas limited appointment. He is required to serve a trial period of 1 year when given an overseas limited appointment of indefinite duration.

(b) The agency may terminate an overseas limited employee at any time during the trial period. The employee is entitled to the procedures set forth in § 315.804 or § 315.805 of this chapter as appropriate.

§ 301.206 Requirements and restrictions.

The requirements and restrictions in Subpart F of Part 300 and Part 333 of this chapter apply to appointments under this subpart.

§ 301.207 Within-grade increases.

An employee serving under an overseas limited appointment of indefinite duration in a position covered by the Classification Act of 1949, as amended, is eligible for within-grade increases in accordance with Subpart D of Part 531 of this chapter.

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

Subpart A—General Provisions

Sec.
302.101 Definitions; positions covered by regulations.
302.102 Method of filling positions and status of incumbent.
302.103 Applicability of regulations to applicants and employees.
302.104 Special agency plans.

Subpart B—Eligibility Standards

302.201 Persons entitled to military preference.
302.202 Qualification requirements.
302.203 Disqualifying factors.

Subpart C—Accepting, Rating, and Arranging Applications

302.301 Receipt of applications.
302.302 Examination of applicants.
302.303 Maintenance of employment lists.
302.304 Arrangement of ratings.

Subpart D—Selection and Appointment; Reappointment; and Qualifications for Promotion

302.401 Selection and appointment.
302.402 Reappointment.
302.403 Qualifications for promotion.

AUTHORITY: §§ 302.101 to 302.403 issued under sec. 11, 58 Stat. 390; 5 U.S.C. 860. Additional authority is cited in parentheses following the section affected.

Subpart A—General Provisions

§ 302.101 Definitions; positions covered by regulations.

(a) *Definitions.* In this part:

(1) "Act" or "Veterans' Preference Act" means the Veterans' Preference Act of 1944, as amended (58 Stat. 387; 5 U.S.C. 851).

(b) *Positions covered.* This part applies to each position in the executive branch of the Federal Government and in the government of the District of Columbia which is not in the competitive service as defined in § 212.101(a) of this chapter.

(c) *Positions not covered.* This part does not apply to a position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the Senate, or to a position of policeman or fireman in the government of the District of Columbia.

(d) *Positions exempt from appointment procedures.* In view of the circumstances and conditions surrounding employment in the following classes of positions, an agency is not required to apply the appointment procedures of this part to them, but each agency shall follow the principles of veteran preference as far as administratively feasible and, on request of a qualified and available preference eligible, shall furnish him with the reasons for his nonselection:

(1) Positions filled by persons appointed without compensation or at a compensation of $1.00 a year;

(2) Positions outside the continental United States and outside the State of Hawaii and the Commonwealth of Puerto Rico when filled by persons resident in the locality, and positions in the State of Hawaii and the Commonwealth of Puerto Rico when compensated in accordance with local prevailing wage rates;

(3) Positions which the exigencies of the national defense program demand be filled immediately before lists of qualified applicants can be established or used, but appointments to these positions shall be temporary appointments not to exceed 1 year which may be renewed for 1 additional year at the discretion of the agency;

(4) Positions filled by appointees serving on an irregular or occasional basis whose hours or days of work are not based on a prearranged schedule and who are compensated only for the time when actually employed or for services actually performed;

(5) Positions paid on a fee basis;

(6) Positions included in Schedule A (see Subpart C of Part 213 of this Chapter) and similar types of positions when the Commission agrees with the agency that the positions should be included hereunder; and

(7) Positions included in Schedule C (see Subpart C of Part 213 of this chapter).

§ 302.102 Method of filling positions and status of incumbent.

(a) To the extent permitted by statute and this chapter, each appointment, position change, and removal in the excepted service shall be made in accordance with any regulations or practices that the head of the agency concerned finds necessary.

(b) A person appointed to an excepted position does not acquire a competitive status by reason of the appointment.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

§ 302.103 Applicability of regulations to applicants and employees.

Each agency shall follow the provisions of this part relating to examination, rating, and selection for appointment of an applicant when a qualified preference eligible applies for appointment to a position covered by this part. Each agency, in its discretion, may follow these provisions in making an appointment when no preference eligible applies.

§ 302.104 Special agency plans.

An agency having a position subject to this part may submit to the Commission a system for making appointments which will result in granting to a person the preference provided by section 2 of the Veterans' Preference Act, but which does not conform to all the procedural requirements set forth in this part. However, an agency may not put such a system into effect until it has received the prior approval of the Commission.

Subpart B—Eligibility Standards

§ 302.201 Persons entitled to military preference.

In actions subject to this part, each agency shall grant 5-point preference or 10-point preference as provided by section 3 of the Veterans' Preference Act to each preference eligible.

§ 302.202 Qualification requirements.

Before making an appointment to a position covered by this part, each agency shall establish qualification standards such as those relating to experience and training, citizenship, age, physical condition, etc., which shall relate to the duties to be performed. An agency may delegate the establishment of standards relating to a group of positions or a specific position to the appropriate administrative level or subdivision of the agency and that level or subdivision may amend or modify the standards in accordance with the needs of the locality in which the position is located, but the agency shall determine that each standard established is in conformity with this part. Each agency shall make its standards a matter of record in the appropriate office of the agency, and shall furnish information concerning the standards for a position to an applicant on his request. Each agency shall apply the standards for a position uniformly to all applicants, except for such waivers as are provided in this part for a preference eligible. An agency shall not include a minimum educational requirement in qualification standards, except for a scientific, technical, or professional position the duties of which the agency decides cannot be performed by a person who does not have a prescribed minimum education. Each agency shall make a part of its records the reasons for its decision under this section, and shall furnish those reasons to an applicant on his request. The qualification standards shall include:

(a) A provision for waiver by the agency of requirements as to age, height, and weight for each preference eligible when the requirements are not essential to the performance of the duties of the position; and

(b) A provision for waiver by the agency of physical requirements for each preference eligible when the agency, after giving due consideration to the recommendation of an accredited physician, finds that the applicant is physically able to discharge the duties of the position.

§ 302.203 Disqualifying factors.

The qualification standards established by an agency or by an administrative level or subdivision of an agency may provide that certain reasons disqualify an applicant for appointment. The following, among others, may be included as disqualifying reasons:

(a) Dismissal from employment for delinquency or misconduct;

(b) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct;

(c) Intentional false statement or deception or fraud in examination or appointment;

(d) Habitual use of intoxicating beverages to excess;

(e) Reasonable doubt as to the loyalty of the person involved to the Government of the United States;

(f) Any legal or other disqualification which makes the individual unfit for the service; or

(g) Lack of United States citizenship. An agency may not disqualify an applicant solely because of his retired status.

Subpart C—Accepting, Rating, and Arranging Applications

§ 302.301 Receipt of applications.

(a) Each agency shall establish definite rules regarding the acceptance of applications for employment in positons covered by this part and shall make these rules a matter of record.

(b) Each agency shall apply its rules uniformly to all applicants who meet the conditions of the rules and shall furnish information concerning the rules to an applicant on his request.

§ 302.302 Examination of applicants.

(a) *Rating.* An agency may provide for an evaluation of the qualifications of applicants for a position who are available under §§ 302.202, 302.203, and 302.301 at any time before appointment is made to the position. Numerical ratings shall be assigned on a scale of 100 and each applicant rated 70 or more is eligible for appointment. Numerical ratings are not required when all qualified applicants will be offered immediate appointment. When there is an excessive number of applicants (1) numerical ratings are required only for a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable period of time, and (2) the agency shall adopt procedures to insure the consideration of all preference eligibles in the order in which they would have been considered if all applicants had been assigned numerical ratings. Each agency shall add to the earned numerical ratings of applicants who make a passing grade:

(i) Five points for an applicant entitled to five-point preference under section 3 of the Veterans' Preference Act; and

(ii) Ten points for an applicant entitled to 10-point preference under section 3 of the Act.

An agency shall furnish a notice of the rating assigned to an applicant on his request.

(b) *Nonpreference applicants for certain positions.* An agency may not consider or rate an application for the position of elevator operator, messenger, guard, or custodian submitted by a nonpreference eligible as long as at least three qualified preference eligibles are available for the position.

(c) *Evaluating experience.* When experience is a factor in determining eligibility, an agency shall credit a preference eligible (1) with time spent in the military service of the United States if the position for which he is applying is similar to the position he held immediately before his entrance into the military service; and (2) with all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether compensation was received therefor.

§ 302.303 Maintenance of employment lists.

(a) *Establishment.* An agency shall enter the names of applicants assigned an eligible numerical rating under section 302.302(a) on either (1) the appropriate reemployment list, or (2) the appropriate regular employment list in accordance with their numerical ratings, except that the names of:

(i) Preference eligibles shall be entered in accordance with their augmented ratings and ahead of others having the same rating; and

(ii) Preference eligibles who have a compensable service-connected disability of 10 percent or more shall be entered at the top of the register in the order of their ratings unless the register is for professional or scientific positions in grades GS–9 and above of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authorities.

(b) *Reemployment list.* The reemployment list shall consist of the names of former employees of the agency who are to be considered for future employment, and shall, in any case, include the following:

(1) The name of each former employee of the agency who (i) is a preference eligible, (ii) has been furloughed or separated without delinquency or misconduct, and (iii) applies for reemployment; and

(2) The name of each former employee of the agency who is a preference eligible and who, as the result of an appeal under part 752 of this chapter, is found by the

Commission to have been unjustifiably dismissed from the agency.

(c) *Regular employment list.* The regular employment list shall consist of the names of eligible applicants who have been assigned numerical ratings and whose names are not on the agency reemployment list.

§ 302.304 Arrangement of ratings.

(a) *Order of consideration.* Except as provided in paragraph (d) of this section, an agency shall consider the names of applicants who have been assigned eligible numerical ratings for a given position in either order A or order B set forth in paragraphs (b) and (c) of this section.

(b) *Order A.* (1) The name of each qualified preference eligible who has a compensable service-connected disability of 10 percent or more and is entitled to 10-point preference under section 3 of the Veterans' Preference Act and whose name appears on the agency reemployment list, in the order of his numerical rating.

(2) The name of each other qualified preference eligible who has a compensable service-connected disability of 10 percent or more and is entitled to 10-point preference under section 3 of the Act in the order of his numerical rating.

(3) The name of each other qualified applicant on the agency reemployment list in the order of his numerical rating.

(4) The name of each other qualified applicant in the order of his numerical rating.

(c) *Order B.* (1) The name of each qualified preference eligible who has a compensable service-connected disability of 10 percent or more and is entitled to 10-point preference under section 3 of the Act and whose name appears on the agency reemployment list, in the order of his numerical rating.

(2) The name of each other qualified applicant on the agency reemployment list, in the order of his numerical rating.

(3) The name of each other qualified preference eligible who has a compensable service-connected disability of 10 percent or more and is entitled to 10-point preference under section 3 of the Act in the order of his numerical rating.

(4) The name of each other qualified applicant, in the order of his numerical rating.

(d) *Professional order.* An agency shall consider the names of applicants who have been assigned eligible numerical ratings for professional and scientific positions at grades GS–9 and above in the following order:

(1) The name of each applicant on the agency reemployment list, in the order of his numerical rating.

(2) The name of each other applicant, in the order of his numerical rating.

Subpart D—Selection and Appointment; Reappointment; and Qualifications for Promotion

§ 302.401 Selection and appointment.

(a) *Selection.* When making an appointment from an employment list, an agency shall select for appointment to each vacancy from not more than the highest three names available for appointment in the order provided in § 302.304, except that an agency is not required to:

(1) Accord an applicant on the agency reemployment list the preference consideration required by § 302.304 if the reemployment list does not contain the names of at least three preference eligibles; or

(2) Consider an applicant who has previously been considered three times or a preference eligible if consideration of his name has been discontinued for the position as provided in paragraph (b) of this section.

(b) *Passing over a preference applicant.* When an agency, in making an appointment as provided in paragraph (a) of this section, passes over the name of a preference eligible who is entitled to prior consideration under § 302.304 and selects a nonpreference eligible, it shall record its reasons for so doing, and shall furnish a copy of those reasons to the preference eligible or his representative on request. An agency may discontinue consideration of the name of a preference eligible for a position if on three occasions the agency has considered him for the position and has passed over his name and recorded its reasons for so doing.

§ 302.402 Reappointment.

An agency may reappoint a former employee of the executive branch of the Federal Government or the government of the District of Columbia who is a preference eligible to a position covered by this part without regard to the names of qualified applicants on the agency reemployment list or regular employment list.

§ 302.403 Qualifications for promotion.

In determining qualifications for promotion with respect to an employee who is a preference eligible, an agency shall waive:

(a) Requirements as to age, height, and weight unless the requirement is essential to the performance of the duties of the position; and

(b) Physical requirements if, in the opinion of the agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position for which the promotion is proposed.

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

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AUTHORITY: §§ 315.201 to 315.807 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218. §§ 315.605 and 315.801(a)(6) also issued under E.O. 11103, 28 F.R. 3571, 3 CFR, 1963 Supp. §§ 315.201(c)(3), 315.601, and 315.801(a)(3) interpret and apply 76A Stat. 18; 2 C.Z.C. 149(c)(2); E.O. 9830, 12 F.R. 1259, 3 CFR, 1943–1948 Comp., p. 606.

Subpart A—[Reserved]

Subpart B—The Career-Conditional Employment System

§ 315.201 Service requirement for career tenure.

(a) *Service requirement.* Except as provided in paragraph (c) of this section, 3 years of creditable service are required for an employee to become a career employee.

(b) *Creditable service.* The Commission shall publish in the Federal Personnel Manual the conditions under which service may be credited in meeting the service requirement in paragraph (a) of this section.

(c) *Exceptions from service requirement.* The service requirement for career tenure does not apply to:

(1) An appointment to a position paid under Chapter 45, Title 39, United States Code or required by law to be filled on a permanent basis, or a conversion under this part while the employee is serving in either type of position;

(2) An appointment from a register of a person who once completed the service requirement for career tenure;

(3) An appointment under § 315.601 of a former Canal Zone Merit System employee who completed the service requirement for career tenure under that system;

(4) The reinstatement of a person who once completed the service requirement for career tenure.

§ 315.202 Conversion from career-conditional to career tenure.

A career-conditional employee becomes a career employee automatically on completion of the service requirement for career tenure.

Subpart C—Career or Career-Conditional Employment From Registers

§ 315.301 Tenure on appointment from register.

(a) Except as provided in paragraph (b) of this section, an eligible appointed from a register for other than temporary or term employment becomes a career-conditional employee.

(b) An eligible appointed from a register for other than temporary or term employment becomes a career employee when he is excepted from the service requirement for career tenure by § 315.201(c).

§ 315.302 Acquisition of competitive status.

An employee appointed as provided in § 315.301 acquires a competitive status automatically on completion of probation.

Subpart D—Career or Career-Conditional Employment by Reinstatement

§ 315.401 Reinstatement.

(a) *Agency authority.* An agency may reinstate a person who had a competitive status or was serving probation when he was separated.

(b) *Time limit.* There is no time limit on the reinstatement of a preference eligible or a person who completed the service requirement for career tenure. An agency may reinstate a nonpreference eligible who has not completed the service requirement for career tenure only within 3 years following the date of his separation.

§ 315.402 Tenure on reinstatement.

(a) Except as provided in paragraph (b) of this section, a person who is reinstated becomes a career-conditional employee.

(b) A person who is reinstated becomes a career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

§ 315.403 Acquisition of competitive status.

A person who was serving probation when he was separated and who is reinstated under § 315.401 acquires a competitive status automatically on completion of probation.

Subpart E—Career or Career-Conditional Employment by Transfer

§ 315.501 Agency authority.

An agency may appoint by transfer a career or career-conditional employee of another agency.

§ 315.502 Tenure on transfer.

(a) *General rule.* Except as provided in paragraph (b) of this section, a career employee who transfers remains a career employee and a career-conditional employee who transfers remains a career-conditional employee.

(b) *Exceptions.* (1) A career-conditional employee who transfers to a position paid under Chapter 45, Title 39, United States Code or required by law to be filled on a permanent basis becomes a career employee.

(2) A career employee who transfers from a position paid under Chapter 45, Title 39, United States Code or required by law to be filled on a permanent basis to a position under the career-conditional employment system becomes a career-conditional employee unless he has completed the service requirement for career tenure.

§ 315.503 Acquisition of competitive status.

An employee who was serving probation when he was appointed under § 315.501 acquires a competitive status automatically on completion of probation.

Subpart F—Career or Career-Conditional Appointment Under Special Authorities

§ 315.601 Appointment of former employees of Canal Zone Merit System.

(a) *Agency authority.* An agency may appoint noncompetitively, for other than temporary or term employment, a person separated from a career or career-conditional appointment under the Canal Zone Merit System.

(b) *Service requirement.* An agency may appoint a former employee under this section only when he served continuously under a nontemporary appointment in the Canal Zone Merit System for at least 1 year immediately before his separation.

(c) *Time limit.* There is no time limit on the appointment under this section of a preference eligible or a person who completed the service requirement for career tenure under the Canal Zone Merit System. An agency may appoint under this section a nonpreference eligible who did not complete the service requirement for career tenure under the Canal Zone Merit System only within 3 years following the date of his separation from that system.

(d) *Tenure on appointment.* (1) On appointment under paragraph (a) of this section, a former career employee of the Canal Zone Merit System becomes a career employee.

(2) On appointment under paragraph (a) of this section, a former career-conditional employee of the Canal Zone Merit System becomes a career-conditional employee, except that when he is excepted from the service requirement for career tenure by § 315.201(c) he becomes a career employee.

(e) *Acquisition of competitive status.* A person appointed under paragraph (a) of this section automatically acquires a competitive status:

(1) On appointment, when he satisfactorily completed a 1-year probationary period under the Canal Zone Merit System; or

(2) On satisfactory completion of probation in accordance with § 315.801(a)(3) when he did not complete a 1-year probationary period under the Canal Zone Merit System.

§ 315.602 Appointment based on service in the Office of the President or on the White House Staff.

(a) *Agency authority.* Subject to the prior approval of the Commission, an agency may appoint noncompetitively a person who has served at least 2 years in the immediate office of the President or on the White House Staff.

(b) *Tenure on appointment.* (1) Except as provided in subparagraph (2) of this paragraph, a person appointed under paragraph (a) of this section becomes a career-conditional employee.

(2) A person appointed under paragraph (a) of this section becomes a career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(c) *Acquisition of competitive status.* A person appointed under paragraph (a) of this section acquires a competitive status automatically on appointment.

§ 315.603 Appointment based on former incumbency of a position brought into the competitive service.

(a) *Agency authority—(1) Employee in military service.* Subject to the prior approval of the Commission, an agency may appoint a former incumbent of a permanent excepted position who was serving under an appointment not limited to 1 year or less, or of a position in public or private enterprise when the position was brought into the competitive service on a continuing basis, and who left his position after June 30, 1950, to perform active military service when:

(i) The position was brought into the competitive service before or during his military service or during the period in which he had restoration rights thereto, and he left the position to enter military service before the end of the time limits set forth in § 315.701(c);

(ii) He has been released from military service under honorable conditions;

(iii) The agency submits a recommendation for his appointment to the Commission within 6 months after release from military service under honorable conditions or after hospitalization continuing after release for not more than 1 year; and

(iv) He performed 6 months of satisfactory service immediately before the

date his position was brought into the competitive service, in a position or positions brought into the competitive service, or in the civilian executive branch of the Government, unless the Commission has excepted his particular type of case from this requirement by a provision of the Federal Personnel Manual.

(2) *Employee separated.* Subject to the prior approval of the Commission, an agency may appoint a former incumbent of a permanent excepted position under an appointment not limited to 1 year or less or of a position in public or private enterprise when the position was brought into the competitive service on a continuing basis, and who was separated thereafter, when:

(i) The agency submits a recommendation for his appointment to the Commission within the time limits set forth in § 315.701(c); and

(ii) He performed 6 months of satisfactory service immediately before the date his position was brought into the competitive service, in a position or positions brought into the competitive service or in the civilian executive branch of the Government, unless the Commission has excepted his particular type of case from this requirement by a provision of the Federal Personnel Manual.

(b) *Review of disapproved recommendations.* When the Commission disapproves a recommendation for appointment under this section, the agency or former incumbent concerned may request the Commission to review its action within 6 months after the date of the Commission's disapproval.

(c) *Tenure on appointment.* (1) Except as provided in subparagraph (2) of this paragraph, a person appointed under paragraph (a) of this section becomes a career-conditional employee.

(2) A person appointed under paragraph (a) of this section becomes a career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(d) *Acquisition of competitive status.* (1) A person appointed under paragraph (a)(1) of this section acquires a competitive status automatically on appointment.

(2) A person appointed under paragraph (a)(2) of this section acquires a competitive status automatically on completion of probation.

§ 315.604 Employment of disabled veterans who have completed a training course under Chapter 31, Title 38, U.S. Code.

(a) *Agency authority.* When a disabled veteran completes a course of training prescribed by the Administrator of Veterans' Affairs under Chapter 31, Title 38, United States Code, an agency may appoint him noncompetitively to the position for which he was trained when the Commission determines that the training is adequate for the performance of the duties of the position.

(b) *Recommendation for conversion.* An agency may recommend to the Commission that the employment of a person appointed under paragraph (a) of this section be converted to career or career-conditional employment.

(c) *Disqualifications.* Any law, Executive order, or civil service rule or regulation which would disqualify an applicant for appointment also disqualifies him for conversion of his employment to career or career-conditional employment under this section.

(d) *Tenure on approval of recommendation.* When the Commission approves the agency's recommendation submitted under paragraph (b) of this section, the employee becomes:

(1) A career-conditional employee, except as provided in subparagraph (2) of this paragraph;

(2) A career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(e) *Acquisition of competitive status.* A person whose employment is converted to career or career-conditional employment under this section acquires a competitive status automatically on conversion.

§ 315.605 Appointment of former Peace Corps volunteers.

(a) *Agency authority.* Subject to the prior approval of the Commission, an agency in the executive branch may appoint noncompetitively, for other than temporary employment, a person whom the Director of the Peace Corps certifies as having served satisfactorily as a volunteer or volunteer leader under the Peace Corps Act.

(b) *Time limit.* An agency in the executive branch may make an appointment under this section only within 1 year after the person completes service under the Peace Corps Act. However, an agency may extend the period for 2 more years to a total of 3 years if the person, after his Peace Corps service, is:

(1) In the military service;

(2) Studying at a recognized institution of higher learning; or

(3) In another activity which, in an agency's view, warrants extension.

(c) *Conditions.* Any law, Executive order, or regulation that disqualifies an applicant for appointment also disqualifies an applicant for appointment under this section.

(d) *Tenure on appointment.* Except as provided in subparagraph (2) of this paragraph, a person appointed under paragraph (a) of this section becomes a career-conditional employee.

(2) A person appointed under paragraph (a) of this section becomes a career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(e) *Acquisition of competitive status.* A person appointed under paragraph (a) of this section acquires a competitive status automatically on completion of probation.

Subpart G—Conversion to Career or Career-Conditional Employment From Other Types of Employment

§ 315.701 Incumbents of positions brought into the competitive service.

(a) *Employee coverage.* This section applies to an employee retained under §§ 316.701 and 316.702 of this chapter who:

(1) Was serving in a permanent excepted position under an appointment not limited to 1 year or less, or in a public or private enterprise in a position which the agency determines to be a continuing one, at the time his position was brought into the competitive service; and

(2) Performed 6 months of satisfactory service immediately before the date his position was brought into the competitive service, in a position or positions brought into the competitive service, or in the civilian executive branch of the Government, unless the Commission has excepted his particular type of case from this requirement by a provision in the Federal Personnel Manual.

(b) *Recommendation by agency.* An agency, within the time limits set forth in paragraph (c) of this section, may recommend that the employment of an employee covered by paragraph (a) of this section be converted to career or career-conditional employment.

(c) *Time limits on recommendation.* An agency may submit a recommendation for conversion under paragraph (b) of this section only within 6 months after the position is brought into the competitive service, except that:

(1) When it is necessary for the Commission to determine that § 316.701 or § 316.702 applies to a group of positions, the recommendation shall be submitted within 6 months after the Commission advises the agency of its determination; and

(2) In its discretion the Commission may extend the time limits prescribed in this paragraph on a showing by the agency that circumstances beyond its control prevented it from recommending the person within these time limits.

(d) *Tenure on approval of recommendation.* When the Commission approves the agency's recommendation submitted under paragraph (b) of this section, the employee becomes:

(1) A career-conditional employee, except as provided in subparagraph (2) of this paragraph;

(2) A career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(e) *Acquisition of competitive status.* A person whose employment is converted to career or career-conditional employment under this section acquires a competitive status automatically on completion of probation.

(f) *Review of disapproved recommendations.* When the Commission disapproves a recommendation for conversion under this section, the agency or the employee concerned may request the Commission to review its action within 6 months after the date of the Commission's disapproval.

§ 315.702 Employees serving without competitive examination in rare cases.

(a) *Recommendation by agency.* An agency may recommend to the Commission that the employment of an employee who has completed at least 1 year of satisfactory service under § 316.601 be converted to career or career-conditional employment.

(b) *Tenure on approval of recommendation.* When the Commission approves the agency's recommendation submitted under paragraph (a) of this section, the employee becomes:

(1) A career-conditional employee, except as provided in subparagraph (2) of this paragraph;

(2) A career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(c) *Acquisition of competitive status.* A person whose employment is converted to career or career-conditional employment under this section acquires a competitive status automically on conversion.

§ 315.703 Employees formerly reached on a register.

(a) *Recommendation by agency.* An agency may recommend to the Commission that the employment of an employee who was serving when his name was within reach for career or career-conditional appointment on a register appropriate for the position in which he was serving be converted to career or career-conditional employment when:

(1) The register was being used for career and career-conditional appointments when he was reached;

(2) He has been continuously employed since he was reached;

(3) The agency in which he was employed when he was reached recommends the conversion either before the expiration of the register or during a period of continuous service since he was reached; and

(4) The agency, when the employee is a nonpreference eligible who was first reached after February 1, 1955, furnishes reasons satisfactory to the Commission for passing over any preference eligible who preceded him on the register when he was reached and who is still within reach and available for appointment.

(b) *Tenure on approval of recommendation.* When the Commission approves the agency's recommendation submitted under paragraph (a) of this section, the employee becomes:

(1) A career-conditional employee, except as provided in subparagraph (2) of this paragraph;

(2) A career employee when he has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(c) *Acquisition of competitive status.* An employee whose employment is converted to career or career-conditional employment under this section acquires a competitive status automatically on completion of probation.

§ 315.704 Disqualifications.

Any law, Executive order, or civil service rule or regulation which would disqualify an applicant for appointment shall also disqualify an employee for conversion of his employment to career or career-conditional employment under this subpart.

Subpart H—Probation

§ 315.801 Probationary period; when required.

(a) The first year of service of an employee who is given a career or career-conditional appointment under this part is a probationary period when the employee:

(1) Was appointed from a register;

(2) Was reinstated under § 315.401, unless during any period of service which affords a current basis for reinstatement, the employee completed a probationary period or served with competitive status under an appointment which did not require him to serve a probationary period;

(3) Was appointed under § 315.601(a) as a former employee of the Canal Zone Merit System, unless he satisfacterily completed a 1-year probationary period under that system;

(4) Was appointed under § 315.603(a)(2) on the basis of his former incumbency of a position brought into the competitive service;

(5) Has had his employment converted under § 315.701 or § 315.703 from another type of employment; or

(6) Was appointed under § 315.605 as a former Peace Corps volunteer or volunteer leader.

(b) A person who is:

(1) Transferred under § 315.501; or

(2) Promoted, demoted, or reassigned, before he completed probation is required to complete the probationary period in the new position.

(c) A person who is reinstated from the Reemployment Priority List to a position in the same agency and the same commuting area does not have to serve a new probationary period, but, if separated during probation, is required to complete the probationary period in the new position.

§ 315.802 Length of probationary period.

(a) The probationary period required by § 315.801 is 1 year.

(b) The Commission shall publish in the Federal Personnel Manual a statement of the conditions under which prior service is counted toward completion of a probationary period.

§ 315.803 Agency action during probationary period (general).

The agency shall utilize the probationary period as fully as possible to determine the fitness of the employee and shall terminate his services during this period if he fails to demonstrate fully his qualifications for continued employment.

§ 315.804 Termination of probationers for unsatisfactory performance or conduct.

When an agency decides to terminate an employee serving a probationary or trial period because his work performance or conduct during this period fails to demonstrate his fitness or his qualifications for continued employment, it shall terminate his services by notifying him in writing as to why he is being separated and the effective date of the action. The information in the notice as to why the employee is being terminated shall, as a minimum, consist of the agency's conclusions as to the inadequacies of his performance or conduct.

§ 315.805 Termination of probationers for conditions arising before appointment.

When an agency proposes to terminate an employee serving a probationary or trial period for reasons based in whole or in part on conditions arising before his appointment, the employee is entitled to the following:

(a) *Notice of proposed adverse action.* The employee is entitled to an advance written notice stating the reasons, specifically and in detail, for the proposed action.

(b) *Employee's answer.* The employee is entitled to a reasonable time for filing a written answer to the notice of proposed adverse action and for furnishing affidavits in support of his answer. If the employee answers, the agency shall consider the answer in reaching its decision.

(c) *Notice of adverse decision.* The employee is entitled to be notified of the agency's decision at the earliest practicable date. The agency shall deliver the decision to the employee at or before the time the action will be made effective. The notice shall be in writing, inform the employee of the reasons for the action, inform the employee of his right of appeal to the appropriate office of the Commission, and inform him of the time limit within which the appeal must be submitted as provided in § 315.806(d).

§ 315.806 Appeal rights to the Commission.

(a) *Right of appeal.* An employee is entitled to appeal to the Commission in writing from the agency's decision to terminate him under § 315.804 or § 315.805 only as provided in this section. The Commission's review does not include any matter except as provided in paragraphs (b) and (c) of this section.

(b) *On discrimination.* An employee whose termination is subject to the provisions of § 315.804 or § 315.805 may appeal on the ground that the action taken was based on political reasons not required by statute, or resulted from discrimination because of marital status, or from improper discrimination because of physical handicap. When an appeal is based on any of these grounds, the appellant shall submit an affidavit setting forth the facts and circumstances on which the appeal is based.

(c) *On improper procedure.* A probationer whose termination is subject to § 315.805 may appeal on the ground that his termination was not effected in accordance with the procedural requirements of that section.

(d) *Time limits.* An employee may submit an appeal at any time after receipt of the notice of adverse decision, but not later than 10 days after the termination has been effected. The Commission may extend the time limit in this paragraph when the appellant

shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit.

§ 315.807 Agency action when Commission recommends restoration or other corrective action.

(a) It is mandatory that the agency take all corrective action recommended in the Commission's initial decision on an appeal unless it makes a timely appeal to the Board of Appeals and Review.

(b) The decision of the Board is final and compliance with its recommendation for corrective action is mandatory.

PART 316—TEMPORARY AND INDEFINITE EMPLOYMENT

Subpart A—[Reserved]

Subpart B—TAPER Employment

Sec.
316.201 Purpose and duration.
316.202 Eligibility of TAPER employees for within-grade increases.

Subpart C—Term Employment

316.301 Purpose and duration.
316.302 Selection of term employees.
316.303 Tenure of term employees.
316.304 Trial period.
316.305 Eligibility for within-grade increases.

Subpart D—Temporary Limited Employment

316.401 Purpose and duration.
316.402 Authorities for temporary appointments.

Subpart E—Indefinite Employment

316.501 Authorities for indefinite appointment; restrictions on.
316.502 Trial period.
316.503 Tenure of indefinite employees.
316.504 Eligibility of indefinite employees for within-grade increases.

Subpart F—Appointment Without Competitive Examination in Rare Cases

316.601 Appointment without competitive examination in rare cases.

Subpart G—Retention of Incumbents of Positions Brought Into the Competitive Service

316.701 Public or private enterprise taken over by Government.
316.702 Excepted positions brought into the competitive service.
316.703 Effect on tenure of position change of status quo employees.

Subpart H—Separation of Temporary and Indefinite Employees

316.801 Displacement of temporary and indefinite employees.

AUTHORITY: Secs. 316.201 to 316.801 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218. § 316.402(b)(5) also issued under E.O. 11103, 28 F.R. 3571, 3 CFR, 1963 Supp. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—[Reserved]

Subpart B—TAPER Employment

§ 316.201 Purpose and duration.

The Commission may authorize an agency to fill a vacancy by a temporary appointment pending establishment of a register ("TAPER" appointment) when there are insufficient eligibles on a register appropriate for filling the vacancy in a position that will last for a period of more than 1 year and the public interest requires that the vacancy be filled before eligibles can be certified. TAPER employment may continue only for the period necessary to make an appointment through certification.

§ 316.202 Eligibility of TAPER employees for within-grade increases.

A TAPER employee serving in a position covered by the Classification Act of 1949, as amended, is eligible for within-grade increases in accordance with Subpart D of Part 531 of this chapter.

Subpart C—Term Employment

§ 316.301 Purpose and duration.

The Commission may authorize an agency to make a term appointment for a period of more than 1 year on request of the agency and after determination by the Commission that the needs of the service so require and that the employment need is for a limited period of 4 years or less.

§ 316.302 Selection of term employees.

(a) Except as provided in paragraphs (b) and (c) of this section, when making a term appointment an agency shall select an eligible from a register.

(b) The Commission may authorize an agency to make term appointments outside a register when there are insufficient eligibles on the appropriate register.

(c) When the Commission has authorized an agency to make term appointments, the agency may give a term appointment to a person with eligibility for reinstatement, without regard to the existence of an appropriate register.

§ 316.303 Tenure of term employees.

(a) A term employee does not acquire a competitive status on the basis of his term appointment.

(b) The employment of a term employee ends automatically on the expiration of his term appointment unless he has been separated earlier in accordance with this Chapter.

§ 316.304 Trial period.

(a) The first year of service of a term employee is a trial period.

(b) The agency may terminate a term employee at any time during the trial period. The employee is entitled to the procedures set forth in § 315.804 or § 315.805 of this Chapter as appropriate.

§ 316.305 Eligibility for within-grade increases.

A term employee serving in a position covered by the Classification Act of 1949, as amended, is eligible for within-grade increases in accordance with Subpart D of Part 531 of this chapter.

Subpart D—Temporary Limited Employment

§ 316.401 Purpose and duration.

The Commission may authorize an agency to make a temporary limited appointment to meet an administrative need for temporary employment, such as to fill a temporary position or a continuing position for a temporary period. An agency may make a temporary limited appointment only for a definite period of 1 year or less.

§ 316.402 Authorities for temporary appointments.

(a) *General rule.* An agency may make and extend a temporary limited appointment only with specific authorization from the Commission, except under the conditions published by the Commission in the Federal Personnel Manual or as provided in paragraph (b) of this section.

(b) *Noncompetitive temporary limited appointments.* An agency may give a temporary limited appointment, without regard to the existence of an appropriate register, to:

(1) A person with eligibility for reinstatement;

(2) A person eligible for career or career-conditional appointment under § 315.601 of this chapter;

(3) A person who meets the requirements for indefinite appointment under § 316.501;

(4) A former temporary employee of the agency who was originally appointed from a register, subject to the conditions published by the Commission in the Federal Personnel Manual; and

(5) A person eligible for career or career-conditional appointment under § 315.605 of this chapter.

(76A Stat. 18; 2 C.Z.C. 149(c)(2); E.O. 9830, 12 F.R. 1259, 3 CFR 1943–1948 Comp., p. 606)

Subpart E—Indefinite Employment

§ 316.501 Authorities for indefinite appointment; restrictions on.

(a) An agency may give an indefinite appointment to a person without competitive status who last served as an indefinite employee in a competitive position when:

(1) He has received a notice of separation because of reduction in force and is selected not later than 90 days after his separation because of reduction in force;

(2) He is unable to move with his office to a different locality and is selected after receiving notification that his office is to move but not later than 90 days after his separation because of inability to move with his office; or

(3) He entered the military service while serving under an indefinite appointment and is selected not later than 90 days after his honorable separation from the military service.

(b) An agency may not make an indefinite appointment to a position for which an initial overseas limited appointment is authorized under Subpart B of Part 301 of this chapter.

§ 316.502 Trial period.

(a) Except as provided in paragraphs (b) and (c) of this section, the first year of service is a trial period in the case of a person:

(1) Who is given an indefinite appointment; or

(2) Who at the time of separation from indefinite appointment was serving a trial period and was appointed after a break in service of at least 1 workday.

(b) A person who at the time of separation from indefinite appointment was serving a trial period and was appointed without a break in service of 1 workday, is required to complete the trial period in the new position.

(c) A person who has satisfactorily completed a trial period of 1 year is not required to serve a trial period when he is given an indefinite appointment.

(d) The agency may terminate an indefinite employee at any time during the trial period. The employee is entitled to the procedures set forth in § 315.804 or § 315.805 of this chapter, as appropriate.

§ 316.503 Tenure of indefinite employees.

(a) An indefinite employee does not acquire a competitive status on the basis of his indefinite appointment.

(b) An agency may retain an indefinite employee on an indefinite basis, subject to his displacement under § 316.801.

§ 316.504 Eligibility of indefinite employees for within-grade increases.

An indefinite employee serving in a position covered by the Classification Act of 1949, as amended, is eligible for within-grade increases in accordance with Subpart D of Part 531 of this chapter.

Subpart F—Appointment Without Competitive Examination in Rare Cases

§ 316.601 Appointment without competitive examination in rare cases.

(a) The Commission may authorize an agency to make an appointment without competitive examination when the Commission:

(1) Finds that the duties and compensation of the position are such, or that qualified persons are so rare, that in the interest of good civil service administration the position cannot be filled through open competitive examination; and

(2) Receives satisfactory evidence of the qualifications of the person to be appointed.

(b) A person appointed under paragraph (a) of this section does not acquire a competitive status on the basis of that appointment.

(c) When a position filled under paragraph (a) of this section becomes vacant, the agency may fill the vacancy by another appointment under paragraph (a) of this section only with the express prior approval of the Commission in accordance with this section.

Subpart G—Retention of Incumbents of Positions Brought Into the Competitive Service

§ 316.701 Public or private enterprise taken over by Government.

(a) When the Commission finds that the Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and that a position has thereby been brought into the competitive service, the agency may retain the incumbent of the position.

(b)(1) When an agency retains an employee under paragraph (a) of this section in a position which it determines to be a continuing one, the agency shall decide on a timely basis whether it will recommend that his employment be converted to career or career-conditional under § 315.701 of this chapter.

(2) When an agency decides not to recommend conversion under § 315.701 of this chapter, or recommends the conversion but the conversion fails, the agency, in its discretion, may retain the employee as a status quo employee.

(c) When an agency retains an employee under paragraph (a) of this section in a position which it determines to be a noncontinuing one, the agency shall give the employee a temporary limited appointment under the conditions prescribed by the Commission in the Federal Personnel Manual.

§ 316.702 Excepted positions brought into the competitive service.

(a) When the Commission finds that an excepted position has been brought into the competitive service by statute, Executive order, or the revocation of an exception under Civil Service Rule VI (§ 6.6 of this chapter), or is otherwise made subject to competitive examination, the agency may retain the incumbent of the position.

(b)(1) When an agency retains an employee under paragraph (a) of this section who was serving in a permanent excepted position under an appointment not limited to 1 year or less, the agency shall decide on a timely basis whether it will recommend that his employment be converted to career or career-conditional under § 315.701 of this Chapter.

(2) When an agency decides not to recommend conversion under § 315.701 of this Chapter, or recommends the conversion but the conversion fails, the agency, in its discretion, may retain the employee as a status quo employee.

(c) An employee retained under paragraph (a) of this section who was serving in an excepted position under an appointment limited to 1 year or less is permitted to serve temporarily under the conditions prescribed by the Commission in the Federal Personnel Manual.

§ 316.703 Effect on tenure of position change of status quo employees.

(a) A status quo employee who is promoted, demoted, or reassigned becomes:

(1) An indefinite employee when the position change occurs while he is not serving overseas; or

(2) An overseas limited employee when the position change occurs while he is serving overseas.

(b) An employee referred to in paragraph (a) of this section who is changed back to his status quo position becomes a status quo employee.

Subpart H—Separation of Temporary and Indefinite Employees

§ 316.801 Displacement of temporary and indefinite employees.

(a) An agency shall separate employees serving under the following types of appointments in response to a specific displacement order by the Commission or to comply with the provisions of the Commission's program to place separated career employees:

(1) Temporary pending establishment of a register;

(2) Overseas limited of indefinite duration; and

(3) Indefinite.

(b) An agency may separate employees serving under the types of appointments named in paragraph (a) of this section in order to create vacancies for separated career or career-conditional employees who are listed on the agency reemployment priority list.

(c) When an agency separates employees under this section, it shall follow the order of displacement published by the Commission in the Federal Personnel Manual.

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

Subpart A—Discretion in Filling Vacancies

Sec.
330.101 Methods of filling vacancies.

Subpart B—Appointment From Reemployment Priority List

330.201 Priority in filling vacancies.
330.202 Reemployment priority list appeals.
330.203 Time limit on appeal.
330.204 Agency action when Commission recommends corrective action.

Subpart C—Separated Career Employee (SCE) Program

330.301 Acceptance of applications from separated career and career-conditional employees.
330.302 Order of separated career and career-conditional employees on registers.
330.303 Entry of names of separated career and career-conditional employees on special registers.

Subpart D—Positions Restricted to Preference Eligibles

330.401 Competitive examination.
330.402 Direct recruitment.
330.403 Noncompetitive actions.

Subpart E—Time-After-Competitive-Appointment Restriction

330.501 General restriction.
330.502 Persons within reach on registers.

Subpart F—Prohibited Practices

330.601 Withdrawal from competition.

AUTHORITY: §§ 330.101 to 330.601 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Discretion in Filling Vacancies

§ 330.101 Methods of filling vacancies.

An appointing officer may fill a position in the competitive service by any of

the methods authorized in this chapter. He shall exercise his discretion in each personnel action solely on the basis of merit and fitness and without the discrimination prohibited in Part 713 of this chapter.

Subpart B—Appointment From Reemployment Priority List

§ 330.201 Priority in filling vacancies.

(a) When a qualified person is available on the agency's reemployment priority list, the agency may not fill a competitive position by:

(1) A new appointment, unless the person appointed is a qualified 10-point preference eligible;

(2) Transfer; or,

(3) Reemployment of a person not on the reemployment priority list unless the person is a preference eligible or is restored under Part 353 of this chapter.

(b) Paragraph (a) of this section does not apply when all qualified persons on the reemployment priority list decline or fail to respond to offers of reemployment.

(c) In selection from a reemployment priority list, an agency shall give preference to tenure group I employees over tenure group II employees and to qualified preference eligibles over nonpreference eligibles within each tenure group.

(d) An agency may make an exception to this section and appoint a person not on the reemployment priority list or a person on the list with lower standing than others on the list only when it is necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency by a person on the list or a person on the list with higher standing than the person appointed. The agency shall notify each person adversely affected by an appointment under this paragraph of the reasons for the exception and of his right of appeal to the Commission.

§ 330.202 Reemployment priority list appeals.

An employee or former employee who thinks his reemployment priority rights under this subpart have been violated may appeal in writing to the Commission by presenting factual information that he was improperly denied reemployment because of the employment of another person.

§ 330.203 Time limit on appeal.

Although there is no specific time limit on the filing of a reemployment priority list appeal, an employee or former employee shall exercise due diligence in appealing under § 330.202.

§ 330.204 Agency action when Commission recommends corrective action.

(a) It is mandatory that the agency take all corrective action recommended in the Commission's initial decision on an appeal unless it makes a timely appeal to the Board of Appeals and Review.

(b) The decision of the Board is final and compliance with its recommendation for corrective action is mandatory.

Subpart C—Separated Career Employee (SCE) Program

§ 330.301 Acceptance of applications from separated career and career-conditional employees.

Subject to the time limits and other conditions published by the Commission in the Federal Personnel Manual, a career or career-conditional employee separated by reduction in force may apply for examination for any competitive position, except postmaster and rural carrier, whether the examination is open or there is an existing register or a register about to be established.

§ 330.302 Order of separated career and career-conditional employees on registers.

The Commission shall enter the names of career and career-conditional employees separated from competitive positions by reduction in force on the appropriate register at the top of the appropriate group in the order of their ratings. For professional and scientific positions in grades GS–9 and above of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authorities, all eligibles are in one group. For all other positions, preference eligibles with a compensable service-connected disability of 10 percent or more are in one group and all other eligibles in another.

§ 330.303 Entry of names of separated career and career-conditional employees on special registers.

When there is no appropriate existing register the Commission may establish special registers containing the names of career and career-conditional employees separated from competitive positions by reduction in force, together with the names of eligibles described in §§ 332.311 and 332.322 of this chapter, and use these registers for certification to fill appropriate vacancies.

Subpart D—Positions Restricted to Preference Eligibles

§ 330.401 Competitive examination.

In each entrance examination for the positions of custodian, elevator operator, guard, and messenger (referred to hereinafter in this subpart as restricted positions), the Commission shall restrict competition to preference eligibles as long as preference eligibles are available.

(Sec. 3, 58 Stat. 388, as amended; 5 U.S.C. 852)

§ 330.402 Direct recruitment.

In direct recruitment by an agency under delegated authority, the agency shall fill each restricted position by the appointment of a preference eligible as long as preference eligibles are available.

§ 330.403 Noncompetitive actions.

An agency may fill a restricted position by the appointment by noncompetitive action of a nonpreference eligible only in particular types of cases as determined by the Commission. The Commission shall publish in the Federal Personnel Manual a statement of the circumstances under which a restricted position may be filled by noncompetitive action.

Subpart E—Time-After-Competitive-Appointment Restriction

§ 330.501 General restriction.

An agency may promote, reassign to a different line of work, or reinstate or transfer to a higher grade or different line of work, a present or former employee only after he has served 3 months after his latest nontemporary competitive appointment.

§ 330.502 Persons within reach on registers.

The time-after-competitive-appointment restriction of § 330.501 does not apply to a person who is within reach on a register for competitive appointment to the position to be filled.

Subpart F—Prohibited Practices

§ 330.601 Withdrawal from competition.

An applicant for competitive examination, an eligible on a register, and an officer or employee in the executive branch of the Government shall not persuade, induce, or coerce, or attempt to persuade, induce, or coerce, directly or indirectly, a prospective applicant to withhold filing application, or an applicant or eligible to withdraw from competition or eligibility, for a position in the competitive service, for the purpose of improving or injuring the prospects of an applicant or eligible for appointment. The Commission shall cancel the application or eligibility of an applicant or eligible who violates this section, and shall impose such other penalty as it considers appropriate.

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Subpart A—General Provisions

Sec.
332.101 General policy of competition.
332.102 Definitions.
332.103 Filling certain postmaster positions.

Subpart B—[Reserved]

Subpart C—Period of Competition and Eligibility

GENERAL

332.301 Termination of eligibility.

ACCEPTANCE OF APPLICATIONS AFTER CLOSING DATE OF EXAMINATIONS

332.311 Quarterly examinations.
332.312 Applicants in military or overseas service.
332.313 Preference eligibles separated from competitive positions.

RESTORATION OF ELIGIBILITY

332.321 Preference eligibles who resigned from competitive positions.
332.322 Persons who lost eligibility because of military service.
332.323 Employees separated during probation.

Subpart D—Consideration for Appointment

332.401 Order on registers.
332.402 Regular order of certification for appointment.
332.403 Selective certification.
332.404 Order of selection from certificates.
332.405 Three considerations for appointment.
332.406 Objections to eligibles.
332.407 Passing over preference eligibles.

AUTHORITY: §§ 332.101 to 332.407 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—General Provisions

§ 332.101 General policy of competition.

(a) Examinations for entrance into the competitive service shall be open competitive, except that the Commission may authorize noncompetitive examinations when sufficient competent persons do not compete.

(b) An examination for promotion, demotion, reassignment, transfer, or reinstatement may be a noncompetitive examination.

§ 332.102 Definitions.

In this part: (a) "Certificate" means a list of eligibles from a register submitted to an appointing officer so that he may consider the eligibles for appointment.

(b) "Active military duty" means active duty in full pay status in the Armed Forces of the United States, including an initial period of active duty for training in accordance with section 262 of the Armed Forces Reserve Act of 1952, as amended (69 Stat. 600; 50 U.S.C. 1013).

§ 332.103 Filling certain postmaster positions.

(a) When a vacancy occurs or is about to occur in a postmaster position in a fourth-class post office for which the annual compensation is less than $2,000 a representative of the Post Office Department shall visit the locality and, after due public notice has been given, accept applications from interested persons. The representative shall establish a register based on the qualifications and suitability of each applicant and on his ability to provide proper facilities for transacting the business of the office. The Post Office Department shall submit to the Commission for post audit one copy of the representative's report showing the qualifications of all applicants, the basis for ranking the eligibles, and the selection of an eligible from the register. The report shall be accompanied by the applications of all applicants. A person selected for appointment from such a register may be appointed after the date the annual compensation of the office is advanced to $2,000 or more only with the prior approval of the Commission.

(b) When making an appointment from a register established under paragraph (a) of this section, the appointing officer shall select an eligible in accordance with §§ 332.404 through 332.407.

(c) When the Commission, after holding two examinations, is unable to secure a complete certificate of three eligibles for offices where the annual compensation is $2,000 or more, it may authorize the establishment of a register and selection therefrom in accordance with paragraphs (a) and (b) of this section.

Subpart B—[Reserved]

Subpart C—Period of Competition and Eligibility

GENERAL

§ 332.301 Termination of eligibility.

(a) Except as provided in paragraph (b) of this section, a person's eligibility on a register is terminated when:

(1) He accepts a career or career-conditional appointment from the register; or

(2) The Commission terminates the eligibility of all persons on the register.

(b) The Commission may determine that in particular types of cases eligibility may not be terminated in less than 1 year. The Commission shall publish in the Federal Personnel Manual the conditions under which eligibility may not be terminated in less than 1 year.

ACCEPTANCE OF APPLICATIONS AFTER CLOSING DATE OF EXAMINATIONS

§ 332.311 Quarterly examinations.

(a) A 10-point preference eligible is entitled to file an application at any time for an examination for any position he may name for which there is an existing register or a register about to be established. He is also entitled to file an application for any position to which a career or career-conditional appointment has been made from a register within 3 years preceding the date of his application. For the purpose of this paragraph the Commission shall hold an examination not later than the quarterly period succeeding that in which the application is filed.

(Sec. 10, 58 Stat. 390, as amended; 5 U.S.C. 859)

(b) When there is no appropriate existing register, the Commission may establish special registers containing the names of eligibles from the quarterly examinations authorized by paragraph (a) of this section, together with the names of eligibles described in §§ 332.322 and 330.303 of this chapter, and use these registers for certification to fill appropriate vacancies.

§ 332.312 Applicants in military or overseas service.

Subject to the time limits and other conditions published by the Commission in the Federal Personnel Manual, the following persons are entitled to file applications for open competitive examinations after the closing date for receipt of applications when there is an existing register or a register about to be established:

(a) A person who could not file an application during the filing period, or appear for an assembled examination, because of military service, or hospitalization continuing for 1 year or less following discharge from military service;

(b) An employee of the Federal Government who, as a member of a reserve unit of the military service, could not file an application during the filing period, or appear for an assembled examination, because of active duty beyond 15 days with the military service even though the duty is designated for training purposes; and

(c) A United States citizen who could not file an application during the filing period, or appear for an assembled examination, because of overseas service with a Federal agency or with an international organization in which the United States Government participates.

§ 332.313 Preference eligibles separated from competitive positions.

The following persons are entitled to have their names entered on an appropriate existing register in the order prescribed by § 332.401 if they were last employed under career or career-conditional appointments:

(a) A preference eligible who is declared eligible therefor after appeal from furlough or discharge; and

(b) A preference eligible who has been furloughed or separated without delinquency or misconduct and who applies within 90 days after furlough or separation.

(Secs. 14, 15, 58 Stat. 390, as amended, 391; 5 U.S.C. 863, 864)

RESTORATION OF ELIGIBILITY

§ 332.321 Preference eligibles who resigned from competitive positions.

A qualified preference eligible who resigned without delinquency or misconduct from career or career-conditional employment is entitled to have his name reentered on each register on which his name formerly appeared (or on a successor register) if he applies within 90 days after separation.

(Sec. 16, 58 Stat. 391; 5 U.S.C. 865)

§ 332.322 Persons who lost eligibility because of military service.

(a) A person who lost a period of eligibility on a register because he has served on active military duty since June 30, 1950, is entitled to have his name restored to that register or a successor register when he meets the following conditions:

(1) He has not served more than 4 years following the date of his entrance on active military duty, exclusive of any additional service imposed pursuant to law. The date of entrance on duty means the first date between June 30, 1950, and July 1, 1963, on which he began a new period of active military duty, whether it was by original entry, reentry or extension.

(2) He is honorably separated from active military duty.

(3) He applies for restoration of eligibility within 90 days after discharge from active military duty or from hospitalization continuing for 1 year or less following separation from active military duty.

(4) He is still qualified to perform the duties of the position for which the register is used.

(b) When a person is entitled to have his name restored to a register under paragraph (a) of this section, the Commission shall enter his name at the top of the appropriate group on the register

if another eligible standing lower on the register on which his name formerly appeared was given a career or career-conditional appointment from that register. For professional and scientific positions in grades GS–9 and above of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authorities, all eligibles are in one group. For all other positions, preference eligibles with a compensable service-connected disability of 10 percent or more are in one group and all other eligibles in another.

(c) When there is no appropriate existing register, the Commission may establish special registers containing the names of persons entitled to priority of certification under paragraph (b) of this section, together with the names of eligibles described in §§ 332.311 and 330.303 of this chapter; and use these registers for certification to fill appropriate vacancies.

(Sec. 1, 67 Stat. 173; 5 U.S.C. 645c)

§ 332.323 Employees separated during probation.

An employee who is separated (voluntarily or involuntarily) without delinquency or misconduct during his probationary period is entitled to have his name restored to the register of eligibles from which he was appointed, if he applies for restoration while the register is still in use.

Subpart D—Consideration for Appointment

§ 332.401 Order on registers.

Subject to apportionment, residence, and other requirements of law and this chapter, the Commission shall enter the names of eligibles on the appropriate register in accordance with their numerical ratings, except that the names of:

(a) Preference eligibles shall be entered in accordance with their augmented ratings and ahead of others having the same rating; and

(b) Preference eligibles who have a compensable service-connected disability of 10 percent or more shall be entered at the top of the register in the order of their ratings unless the register is for professional or scientific positions in grades GS–9 and above of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authorities.

(Sec. 7, 58 Stat. 389, as amended; 5 U.S.C. 856)

§ 332.402 Regular order of certification for appointment.

When the Commission receives a request for certification of eligibles, it shall prepare a certificate from the top of the appropriate register containing the names of a sufficient number of eligibles to permit the appointing officer to consider three eligibles in connection with each vacancy.

(Sec. 8, 58 Stat. 389, as amended; 5 U.S.C. 857)

§ 332.403 Selective certification.

When there is no register appropriate as a whole for the certification of eligibles for a particular position, the Commission may prepare a certificate from the most nearly appropriate existing register by the selective certification of eligibles qualified for the particular position in the order of their ranking on the register. Special overseas selection factors may also be used as a basis for selective certification from a register used for filling overseas positions. When appropriate, the Commission may rerate the eligibles on the register on the basis of the particular requirements of the position.

§ 332.404 Order of selection from certificates.

An appointing officer, with sole regard to merit and fitness, shall select an eligible for:

(a) The first vacancy from the highest three eligibles on the certificate who are available for appointment; and

(b) The second and each succeeding vacancy from the highest three eligibles on the certificate who are unselected and available for appointment.

§ 332.405 Three considerations for appointment.

An appointing officer is not required to consider an eligible who has been considered by him for three separate appointments from the same or different certificates for the same position.

§ 332.406 Objections to eligibles.

An appointing officer is not required to consider an eligible to whose certification for the particular position he makes an objection that is sustained by the Commission for any of the reasons stated in § 339.101 or § 731.201 of this Chapter or for other reasons considered by the Commission to be disqualifying for the particular position. The Commission may also sustain an objection to certification of an otherwise qualified eligible for an overseas position on the basis of special overseas selection factors.

§ 332.407 Passing over preference eligibles.

(a) When an appointing officer passes over a preference eligible and tentatively selects a nonpreference eligible, he shall submit his reasons for not selecting the preference eligible to the Commission for a finding as to their sufficiency. The appointing officer shall withhold further action on the appointment of the nonpreference eligible until he receives the Commission's finding. If the Commission finds that the reasons are sufficient, the appointing officer may then appoint the nonpreference eligible. If the Commission finds that the reasons are not sufficient, the appointing officer may not pass over the preference eligible and appoint the nonpreference eligible. The appointing officer shall follow the procedure for passing over a preference eligible published by the Commission in the Federal Personnel Manual.

(b) When the Commission has on three occasions found that appointing officers had sufficient reasons for passing over a preference eligible, it may discontinue certifying his name for appointment after notice of that action is sent to the preference eligible.

(Sec. 8, 58 Stat. 389, as amended; 5 U.S.C. 857)

PART 333—RECRUITMENT AND SELECTION FOR TEMPORARY AND TERM APPOINTMENTS OUTSIDE THE REGISTER

Subpart A—General Provisions

Sec.
333.101 Standards for temporary and term appointments outside the register.
333.102 Preference in temporary and term appointments outside the register.

AUTHORITY: §§ 333.101 and 333.102 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218.

Subpart A—General Provisions

§ 333.101 Standards for temporary and term appointments outside the register.

Except as the Commission may otherwise specify in the Federal Personnel Manual, an agency, in making a temporary or term appointment outside the register, shall determine that the applicant meets the qualification standards issued by the Commission and that he is not disqualified for any of the reasons listed in §§ 339.101 and 731.201 of this chapter.

§ 333.102 Preference in temporary and term appointments outside the register.

In making temporary and term appointments outside the register, an agency shall give preference to preference eligibles as follows:

(a) For professional and scientific positions in grades GS–9 and above of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authorities preference shall be given to preferences eligibles without regard to type of preference.

(b) For other positions, preference shall be given first to preference eligibles with compensable service-connected disability of 10 percent or more, and second to other preference eligibles.

PART 335—PROMOTION AND INTERNAL PLACEMENT

Subpart A—General Provisions

Sec.
335.101 Effect of position change on status and tenure.
335.102 Agency authority to promote, demote, or reassign.
335.103 Agency promotion programs.

AUTHORITY: §§ 335.101 to 335.103 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218.

Subpart A—General Provisions

§ 335.101 Effect of position change on status and tenure.

(a) *Status.* A position change authorized by § 335.102 does not change the competitive status of an employee.

(b) *Tenure.* Except as provided in paragraph (c) of this section and § 316.703 of this chapter, a position change authorized by § 335.102 does not change the tenure of an employee.

(c) *Exceptions.* (1) A career-conditional employee who is promoted, demoted, or reassigned to a position paid under Chapter 45, Title 39, United States Code or required by law to be filled on a permanent basis becomes a career employee.

(2) A career employee who is promoted, demoted, or reassigned from a position paid under Chapter 45, Title 39, United States Code or required by law to be filled on a permanent basis to a position under the career-conditional employment system becomes a career-conditional employee unless he has completed the service requirement for career tenure.

§ 335.102 Agency authority to promote, demote, or reassign.

Subject to § 335.103 an agency may:

(a) Promote, demote, or reassign a career or career-conditional employee;

(b) Reassign an employee serving under a temporary appointment pending establishment of a register to a position to which his original assignment could have been made by the same appointing officer from the same recruiting list under the same order of consideration;

(c) Promote, demote, or reassign an employee serving under an overseas limited appointment of indefinite duration to another position to which an initial appointment under § 301.201, 301.202 or 301.203 of this chapter is authorized.

(d) Promote, demote, or reassign (1) a status quo employee and (2) an employee serving under an indefinite appointment in a competitive position, except that this authority may not be used to move an employee:

(i) From a position in which an initial overseas limited appointment is authorized to another position; or

(ii) To a position in which an initial overseas limited appointment is authorized from another position; and

(e) Promote, demote, or reassign a term employee serving on a given project to another position within the project which the agency has been authorized to fill by term appointment.

§ 335.103 Agency promotion programs.

Except as otherwise specifically authorized by the Commission, an agency may make promotions under § 335.102 only to positions for which the agency has adopted and is administering a program designed to insure a systematic means of selection for promotion according to merit. The promotion program shall conform with the standards and instructions of the Commission and shall include:

(a) Guidelines stating how promotion plans are established and operated; and

(b) Plans for the selection of employees for promotion.

PART 337—EXAMINING SYSTEM

Subpart A—General Provisions

§ 337.101 Rating applicants.

(a) The Commission shall prescribe the relative weights to be given subjects in an examination, and shall assign numerical ratings on a scale of 100. Each applicant who meets the minimum requirements for entrance to an examination and is rated 70 or more in the examination is eligible for appointment.

(b) The Commission shall add to the earned numerical ratings of applicants who make a passing grade:

(1) Five points for an applicant entitled to 5-point preference under section 3 of the Veterans' Preference Act of 1944, as amended; and

(2) Ten points for an applicant entitled to 10-point perference under section 3 of that Act.

(c) When experience is a factor in determining eligibility, the Commission shall credit a preference eligible with:

(1) Time spent in the military service (i) as an extension of time spent in the position in which he was employed immediately before his entrance into the military service, or (ii) on the basis of actual duties performed in the military service, or (iii) as a combination of both methods. The Commission shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible.

(2) All valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether compensation was received therefor.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218. Applies sec. 3, 58 Stat. 338, as amended, sec. 4, 58 Stat. 338; 5 U.S.C. 852, 853)

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

Subpart A—Citizenship Requirements

Sec.
338.101 Citizenship.

Subpart B—Members-of-Family Requirement

338.201 Restriction as to members of family.

Subpart C—Apportionment and Residence Requirements

338.301 Apportionment.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Age Requirements

338.601 Prohibition of maximum-age requirements.

AUTHORITY: §§ 338.101 to 338.601 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7251, 3 CFR 1954–58 Comp., p. 218. Statutory provisions interpreted or applied are cited to the text in parentheses.

Subpart A—Citizenship Requirements

§ 338.101 Citizenship.

(a) A person may be admitted to competitive examination only if he is a citizen of or owes permanent allegiance to the United States.

(b) A person may be given appointment only if he is a citizen of or owes permanent allegiance to the United States. However, a noncitizen may be given (1) a temporary appointment in the absence of qualified citizens or (2) an appointment in rare cases under § 316.601 of this chapter, unless the appointment is prohibited by statute.

(c) Paragraph (b) of this section applies to reinstatement and transfer as well as to other noncompetitive appointments, and to conversion to career or career-conditional employment.

Subpart B—Members-of-Family Requirement

§ 338.201 Restriction as to members of family.

(a) When two or more members of a family are already serving under career or career-conditional appointments, another member of that family, except a preference eligible, is not eligible for:

(1) Career or career-conditional appointment;

(2) Reinstatement; or

(3) Conversion to career or career-conditional employment under Subpart G of Part 315 of this chapter.

(b) The members-of-family restriction does not apply to:

(1) A temporary, term, or indefinite appointment or an appointment in rare cases, under Part 316 of this chapter;

(2) An overseas limited appointment under Part 301 of this chapter; or

(3) A conversion from career-conditional to career employment under § 315.202 of this chapter.

(Sec. 9, 22 Stat. 406; 5 U.S.C. 641)

Subpart C—Apportionment and Residence Requirements

§ 338.301 Apportionment.

(a) Except as provided in paragraph (c) of this section, the Commission shall certify for career or career-conditional appointment in agency headquarters offices in the metropolitan area of Washington, D.C., so as to maintain the apportionment of appointments among the States, territories, and the District of Columbia on the basis of population.

(b) Except as provided in paragraph (c) of this section, apportionment applies to the career and career-conditional employment in agency headquarters offices, in the metropolitan area of Washington, D.C., by promotion, demotion, reassignment, transfer, reinstatement appointment under § 315.601 of this chapter or conversion under § 315.703 of this chapter.

(c) Apportionment does not apply to a:

(1) Preference eligible.

(2) Temporary, term, or indefinite appointment or an appointment in rare cases, under Part 316 of this chapter.

(3) A person, position, agency, or employment which the Commission excepts from the apportionment requirement in the interest of good administration. The Commission shall publish in the Federal

Personnel Manual (i) a list of the agencies and positions excepted from apportionment and (ii) the conditions under which persons or employments are excepted from apportionment.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Age Requirements

§ 338.601 Prohibition of maximum-age requirements.

A maximum-age requirement may not be applied in either competitive or noncompetitive examinations for positions in the competitive service.

PART 339—QUALIFICATION REQUIREMENTS (MEDICAL)

Subpart A—General Provisions

§ 339.101 Medical disqualifications.

Subject to Subpart C of Part 731 of this Chapter, the Commission may deny an applicant examination, deny an eligible appointment, and instruct an agency to remove an appointee by reason of physical or mental unfitness for the position for which he has applied or to which he has been appointed.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

PART 351—REDUCTION IN FORCE

Subpart A—[Reserved]

Subpart B—General Provisions

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351.201 Use of regulations.
351.202 Coverage.
351.203 Definitions.

Subpart C—Transfer of Function

351.301 Transfer of employees.

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351.901 Initial appeals.
351.902 Agency action when Commission recommends corrective action.
351.903 Correction by agency.

Subpart J—Establishment and Maintenance of Reemployment Priority List

351.1001 Establishment of list.

AUTHORITY: §§ 351.201 to 351.1001 issued under secs. 11, 12, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 861, 868.

Subpart A—[Reserved]

Subpart B—General Provisions

§ 351.201 Use of regulations.

(a) Each agency shall follow this part when it releases a competing employee from his competitive level by separation, demotion, furlough for more than 30 days, or reassignment requiring displacement, when the release is required because of lack of work, shortage of funds, reorganization, or the exercise of reemployment rights or restoration rights.

(b) This part does not require an agency to fill a vacant position. However, when an agency, in its discretion, chooses to fill a vacancy by an employee who has been reached for release from his competitive level for one of the reasons named in paragraph (a) of this section, this part shall be followed.

(c) This part does not apply to the change of an employee from regular to substitute in the same pay level in the Post Office Department field service.

(d) An agency authorized to administer alien employee programs under section 6 of the Foreign Service Act Amendments of 1960 (74 Stat. 831; 22 U.S.C. 889) may include special plans for reduction in force in its alien employee programs. In these special plans an agency may give effect to the labor laws and practices of the locality of employment by supplementing the selection factors in Subparts D and E of this part to the extent consistent with the public interest. Subpart I of this part does not apply to actions taken under the special plans authorized by this paragraph.

§ 351.202 Coverage.

(a) Except as provided in paragraph (b) of this section, this part applies to each civilian employee in:

(1) The executive branch of the Federal Government,

(2) Those parts of the Federal Government outside the executive branch which are subject by statute to the competitive civil service requirements,

(3) The civil service of the government of the District of Columbia.

(b) This part does not apply to an employee:

(1) In a position in or under the legislative or judicial branch of the Federal Government, except an employee in a position subject by statute to the competitive civil service requirements, or

(2) Whose appointment is required by Congress to be confirmed by, or made with, the advice and consent of the United States Senate, except a postmaster.

§ 351.203 Definitions.

In this part:

(a) "Competing employee" means an employee in tenure group I, II, or III.

(b) "Days" means calendar days.

(c) "Function" means all or a clearly identifiable segment of an agency's mission (including all integral parts of that mission), regardless of how it is performed.

(d) "Local commuting area" means the geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and reasonably can be expected to travel back and forth daily in their usual employment.

(e) "Obligated position" has the meaning given it in Part 300 of this chapter.

(f) "Performance rating" means the current official performance rating under a performance rating plan approved by the Commission.

(g) "Reorganization" means the planned elimination, addition, or redistribution of functions or duties in an organization.

(h) "Representative rate" means the fourth step of the grade for a position under the Classification Act of 1949, as amended, the prevailing rate for a position under a wage-board or similar wage-determining procedure and, for other positions, the rate designated by the agency as representative of the position.

(i) "Transfer of function" means the transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas, or the movement of the competitive area in which the function is performed to another commuting area.

Subpart C—Transfer of Function

§ 351.301 Transfer of employees.

Before a reduction in force is made in connection with the transfer of any or all of the functions of an agency to another continuing agency, each competing employee in a position identified with the function or functions shall be transferred to the continuing agency without change in the tenure of his employment. An employee whose position is transferred solely for liquidation, and who is not identified with an operating function specifically authorized at the time of transfer to continue in operation more than 60 days is not a competing employee for other positions in the receiving agency.

Subpart D—Scope of Competition

§ 351.401 Determining retention standing.

(a) Each agency shall determine the retention standing of each competing employee on the basis of the selection factors in this subpart and in Subpart E of this part.

§ 351.402 Competitive area.

(a) Each agency shall establish competitive areas in which employees compete for retention under this part.

(b) The standard for a competitive area is that it include all or that part of an agency in which employees are assigned under a single administrative authority. A competitive area in the departmental service meets this standard when it covers a primary subdivision of an agency in the local commuting area. A competitive area in the field service meets this standard when it covers a field installation in the local commuting area.

(c) An agency may establish a competitive area larger than one that meets the standard named in paragraph (b) of this section. In exceptional circumstances, and with the prior approval of the Commission, an agency may establish a competitive area smaller than one that meets the standard named in paragraph (b) of this section.

(d) An agency may combine two or more competitive areas for initial competition in an enlarged competitive level or levels without correspondingly combining the areas for assignments between competitive levels. When an agency combines areas for initial competition only, it may limit competition for assignments between competitive levels to (1) the enlarged area, (2) a single competitive area, or (3) an area larger than a single area but smaller than the enlarged area.

§ 351.403 Competitive level.

(a) Each agency shall establish competitive levels consisting of all positions in a competitive area and in the same grade or occupational level which are sufficiently alike in qualification requirements, duties, responsibilities, pay schedules, and working conditions, so that an agency readily may assign the incumbent of any one position to any of the other positions without changing the terms of his appointment or unduly interrupting the work program. Sex may not be a basis for assigning a position to a competitive level, except for a position for which restriction of certification of eligibles by sex is found justified by the Commission.

(b) Each agency shall establish separate competitive levels for competitive positions as distinguished from excepted positions. Among competitive positions and among excepted positions, each agency shall establish separate competitive levels for positions:

(1) Under different pay schedules;
(2) Filled on a seasonal basis;
(3) Filled on a part-time basis;
(4) Filled on an intermittent basis.

In addition, among excepted positions, each agency shall establish separate competitive levels for positions filled under different appointment authorities.

§ 351.404 Retention register.

(a) Each agency shall establish a separate retention register from the current retention records of employees in each competitive level affected when a competing employee is to be released from a competitive level under this part.

(b) The agency shall enter on the retention register in the order of his retention standing the name of each competing employee in a competitive level (whether in duty, leave, or furlough status), except an employee on military duty with a restoration right.

(c) The agency shall enter on a list apart from the retention register the name and expiration date of the appointment of each employee serving in a position in the competitive level under specifically limited temporary appointment followed by the name of each employee serving in a position in the competitive level with a performance rating of less than "Satisfactory."

Subpart E—Retention Standing

§ 351.501 Tenure groups and subgroups—competitive service.

(a) Each agency shall classify the competing employees on a retention register who occupy positions in the competitive service in the following groups and subgroups on the basis of tenure of employment and veteran preference. The descending order of retention standing:

(1) By groups is group I, group II, group III;

(2) Within each group is subgroup A, subgroup B; and

(3) Within each subgroup begins with the earliest service date.

(b) Group I includes each career employee who is not serving a probationary period. A career employee in an obligated position is in group I only when competing for positions at and below the grade in which he last served on a permanent basis.

(c) Group II includes each employee serving a probationary period, each career-conditional employee, and each career employee in an obligated position.

(d) Group III includes each indefinite employee, each employee serving under a temporary appointment pending establishment of register, each employee in status quo, and each employee serving under other nonstatus nontemporary appointment.

(e) Subgroup A includes each preference eligible employee.

(f) Subgroup B includes each nonpreference eligible employee.

§ 351.502 Tenure groups and subgroups—excepted service.

Each agency shall classify the competing employees on a retention register who occupy positions in the excepted service by groups and subgroups that correspond to those for employees who occupy positions in the competitive service having similar tenure of employment and veteran preference, except that an employee who completes 1 year of current continuous service under a temporary appointment is in tenure group III.

§ 351.503 Length of service.

(a) Each agency shall establish a service date for each competing employee.

(b) An employee's service date is whichever of the following dates reflects his total creditable service and the performance rating credit in § 351.504: (1) his date of entrance on duty, when he has no previous creditable service; (2) the date obtained by subtracting his total creditable previous service from the date he last entered on duty; or (3) the date obtained by subtracting from (1) or (2) the service equivalent allowed for a performance rating above "Satisfactory." Each agency shall adjust the service date for each employee to withhold credit for noncreditable time.

§ 351.504 Performance rating.

(a) Each agency shall credit each employee who has an "Outstanding" performance rating with 4 years of service added to his creditable service.

(b) Each agency shall credit each employee who has a performance rating between "Satisfactory" and "Outstanding," which has been authorized under a Performance Rating Plan approved by the Commission, with 2 years of service added to his creditable service.

§ 351.505 Records.

Each agency shall maintain the current, correct records needed to determine the retention standing of its competing employees. The agency shall allow the inspection of its retention registers and related records by:

(a) A representative of the Commission; and

(b) An employee of the agency to the extent that the registers and records have a bearing on his case.

The agency shall preserve intact all registers and records relating to an employee for at least 1 year from the date the employee is issued a specific notice.

Subpart F—Release From Competitive Level

§ 351.601 General.

An agency may not release a competing employee from a competitive level while retaining in that level an employee with a specifically limited temporary appointment or an "Unsatisfactory" performance rating. It may not release a competing employee from a competitive level while retaining in that level an employee with lower retention standing, except as required under § 351.606 or § 351.806 or as permitted under §§ 351.607 and 351.608.

§ 351.602 Order of release from competitive level.

Each agency shall select competing employees for release from a competitive level under this part in the inverse order of retention standing, beginning with the employee with the lowest retention standing on the retention register. When employees in the same retention subgroup have identical service dates and are tied for release from a competitive level, the agency may select any tied employee for release.

§ 351.603 Actions.

Subject to Subpart G of this part, when an agency selects an employee for release from his competitive level, it shall:

(a) Assign him with his consent to a position for which he is qualified which will last at least 3 months;
(b) Furlough him; or
(c) Separate him.

§ 351.604 Use of furlough.

(a) An agency may furlough a competing employee only when it intends to recall him within 1 year to duty in the position from which furloughed.

(b) An agency may not separate a competing employee under this part while an employee with lower retention standing in the same competitive level is on furlough.

(c) An agency may not furlough a competing employee for more than 1 year.

(d) When an agency recalls employees to duty in the competitive level from which furloughed, it shall recall them in the order of their retention standing, beginning with the highest-standing employee.

§ 351.605 Liquidation provisions.

When an agency will abolish all positions in a competitive area within 3 months it shall release employees in subgroup order but may release them regardless of retention standing within a subgroup, except as provided in § 351.606. When an agency releases an employee under this section, the notice to the employee shall so state and also shall give the date the liquidation will be completed. An agency may apply §§ 351.607 and 351.608 in liquidation.

§ 351.606 Mandatory exceptions.

(a) When an agency applies § 351.602 or § 351.605, it shall give the following special retention priorities:

(1) Each group I or II preference eligible employee entitled under section 9 of the Universal Military Training and Service Act, as amended, to retention for 1 year after restoration shall be retained over other employees in his subgroup for the retention period; and

(2) Each group I or II nonpreference eligible employee entitled under section 9 of the Universal Military Training and Service Act, as amended, to retention for either 6 months or 1 year after restoration shall be retained over other employees in his subgroup for the retention period.

(b) Each agency shall record on the retention register, for inspection by each employee, the reasons for any deviation from the regular order of selection required by paragraph (a) of this section.

§ 351.607 Permissive continuing exceptions.

An agency may make exception to the selection sequence in § 351.602 and to the action provisions of § 351.603 when needed to retain an employee on duties that cannot be taken over within 90 days and without undue interruption to the activity by an employee with higher retention standing. The agency shall notify in writing each higher-standing employee reached for release from the same competitive level of the reasons for the exception.

§ 351.608 Permissive temporary exceptions.

An agency may make exception for not more than 90 days to the selection sequence in § 351.602 and to the action provisions of § 351.603 when needed to retain an employee for 90 days or less after the effective date of release from the same competitive level of a higher-standing employee to continue an activity without undue interruption, or to satisfy a government obligation to the retained employee. When the agency retains an employee for more than 30 days after the effective date of release from the same competitive level of a higher-standing employee, it shall notify in writing each higher-standing employee of the reasons for the exception and the date the lower-standing employee's retention will end. When the agency retains a lower-standing employee for 30 days or less it shall list opposite his name on the retention register the reasons for the exception and the date his retention will end.

Subpart G—Assignment Rights

§ 351.701 Qualifications for assignment.

(a) Except as provided in § 351.702, an employee is qualified for assignment under § 351.603 if he:

(1) Meets the Commission's standards and requirements for the position, including any minimum educational requirement;

(2) Is physically qualified for the duties of the position;

(3) Meets any special qualifying condition which the Commission has approved for the position; and

(4) Has the capacity, adaptability, and any special skills needed to satisfactorily perform the duties and responsibilities of the position without undue interruption to the activity.

(b) An agency may not consider the sex of an employee as a factor in determining the employee's qualification for a position, except when the position is one for which restriction of certification of eligibles by sex is found justified by the Commission.

§ 351.702 Exception to qualifications.

An agency may assign an employee under § 351.201(b) or § 351.603 without regard to the Commission's standards and requirements for the position if:

(a) He meets any minimum education requirement for the position; and

(b) The agency determines that the employee has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position.

§ 351.703 Assignment involving displacement.

An agency shall assign under § 351.603 a group I or II employee in a position in the competitive service, rather than furlough or separate him, to a position in the competitive service in another competitive level in his competitive area which requires no reduction, or the least possible reduction, in representative rate when a position in the other competitive level is held by an employee:

(a) In a lower subgroup; or

(b) With lower retention standing in a position from which the group I or II employee was promoted or an essentially identical position.

§ 351.704 Rights and prohibitions.

(a) An agency may satisfy an employee's right to assignment under § 351.703 by assignment under § 351.201 (b) or § 351.705 to a position having a representative rate equal to that to which he would have been entitled under § 351.703.

(b) Section 351.703 does not:

(1) Require an agency to assign an employee to a position having a higher representative rate; or

(2) Authorize or permit an agency to displace a full-time employee by other than a full-time employee.

§ 351.705 Administrative assignment.

(a) An agency may, in its discretion, adopt provisions which:

(1) Provide for assignments across competitive areas;

(2) Permit a competing employee to displace an employee with lower retention standing in the same subgroup when it cannot make an equally reasonable assignment by displacing an employee in a lower subgroup;

(3) Permit an employee in subgroup III–A to displace an employee in subgroup III–B; or

(4) Provide competing employees in the excepted service with assignment rights similar to those in § 351.703 and in subparagraphs (1), (2), and (3) of this paragraph.

(b) Provisions adopted by an agency under paragraph (a) of this section:

(1) Shall be consistent with this part;

(2) Shall be uniformly and consistently applied in any one reduction in force;

(3) May not provide for the assignment of a less-than-full-time employee to a full-time position;

(4) May not provide for the assignment of an employee in a competitive position to a position in the excepted service; and

(5) May not provide for the assignment of an excepted employee to a position in the competitive service.

Subpart H—Notice to Employee

§ 351.801 Notice period.

(a) Each competing employee selected for release from his competitive level under this part is entitled to a written notice at least 30 full days, but not more than 90 full days, before the effective date of his release, except as required to comply with this part.

(b) (1) When an agency retains an employee under § 351.606 or § 351.608 it may give him more than the maximum notice period referred to in paragraph (a) of this section, but it may not continue the notice period beyond the employee's retention period. The notice to the employee shall cite the date on which the retention period ends as the effective date of the employee's release from his competitive level.

(2) An agency may extend the maximum notice period referred to in paragraph (a) of this section for not more than 90 additional days if it establishes that the extension will protect employee rights or avoid administrative hardship, and if the Commission grants prior approval to the request for the extension.

§ 351.802 Content of notice.

Except as provided in § 351.803, the notice required by § 351.801 shall state specifically the action to be taken and its effective date; the employee's competitive area, competitive level, subgroup, and service date; the place where the employee may inspect the regulations and records pertinent to his case; the reasons for retaining a lower-standing employee in the same competitive level under § 351.607; the reasons for retaining a lower-standing employee in the same competitive level for more than 30 days under § 351.608; and the employee's appeal rights, including the time limit for appeal and the location of the Commission office to which an appeal should be sent.

§ 351.803 General and specific notices.

When an agency cannot determine specifically all individual actions 30 days before the effective date on which employees are to be released from a competitive level, it may issue general notices which shall be supplemented by specific notices. The combined contents of the general and specific notices shall meet the requirements in § 351.802. When an agency issues a general notice, the notice period begins the day after the employee receives the general notice. An agency may cancel an unexpired general notice, or may renew it for additional periods within the maximum notice period referred to in § 351.801. A general notice expires 30 days after the employee receives it, unless, within that 30-day period, the employee receives a renewal of the general notice or a specific notice. When a general notice is supplemented by a specific notice, an agency may not release an employee from his competitive level until at least 5 days after the employee's receipt of the specific notice.

§ 351.804 Content of general notice.

A general notice shall inform the employee that action under this part may be necessary but that the agency has determined no specific action in his case. The notice shall state that as soon as the agency determines what action, if any, will be taken under this part the employee will receive specific notice of the action to be taken. The general notice shall state that it will expire unless, within 30 days, it is renewed or supplemented by a specific notice. A general notice shall inform the employee that he should not appeal to the Commission before he receives a specific notice, and it may include any other information specified in § 351.802.

§ 351.805 Expiration of notice.

A general notice expires as provided in § 351.803. Any notice expires except when followed by the action specified, or by action less severe than specified, in the notice or in an amendment made to the notice before the agency takes the action. The agency may not take the action before the effective date specified in the specific notice. An action taken after the specified date shall not be ruled invalid for that reason except when it is challenged by a higher-standing employee in the competitive level who is reached out of order for reduction in force as a result of the action or except when it results in a notice period longer than the maximum allowed.

§ 351.806 New notice required.

An employee is entitled to a new written notice of at least 30 full days if the agency decides to take an action more severe than first specified.

§ 351.807 Status during notice period.

When possible, the agency shall retain the employee on active duty during the notice period, but it may place him on annual leave with or without his consent, on leave without pay with his consent, or in a nonpay status without his consent when in an emergency the agency lacks work or funds for all or part of the notice period. The Commission, on request by an employee during an appeal, reviews the reasons for any time in a nonpay status during the notice period.

Subpart I—Appeals and Corrective Action

§ 351.901 Initial appeals.

(a) An employee who has received a notice of specific action and who believes this part has not been correctly applied may appeal to the Commission. He may appeal any time after he receives a notice of specific action, but not more than 10 days after the effective date of the action.

(b) The Commission may extend the time limit in paragraph (a) of this section when the appellant shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(c) An appeal shall (1) be in writing, (2) identify the appellant, the agency, and the nature and effective date of the action appealed, and (3) state why the appellant believes the action appealed is improper.

§ 351.902 Agency action when Commission recommends corrective action.

(a) It is mandatory that the agency take all corrective action recommended in the Commission's initial decision on an appeal, except when the agency makes a timely appeal to the Board of Appeals and Review.

(b) The decision of the Board of Appeals and Review is final and compliance with its recommendation for corrective action is mandatory.

§ 351.903 Correction by agency.

When an agency decides that an action under this part was unjustified or unwarranted and restores an individual to his former grade or rate of pay or to an intermediate grade or rate of pay, it shall make the restoration retroactively effective to the date of the improper action.

Subpart J—Establishment and Maintenance of Reemployment Priority List

§ 351.1001 Establishment of list.

(a) Each agency shall establish and maintain a reemployment priority list for each commuting area in which it separates group I or II employees from competitive positions under this part. The agency shall enter the name of each of these employees on the list for all competitive positions in the commuting area for which he qualifies and is available, except as provided in paragraph (b) of this section. A group I employee's name remains on the list for 2 years, and a group II employee's name for 1 year, from the date he was separated. The agency may delete an employee's name from the list on his written request; when he accepts a nontemporary, full-time, competitive position; or when he declines a nontemporary, full-time, competitive position with a representative rate the same as or higher than that of the position he was separated from under this part.

(b) When an agency separates a group I or II employee from a competitive position overseas or in Alaska, it shall enter his name on the reemployment priority list for the area in which the position is located, except when he leaves that area. On the request of an employee who leaves the area, the agency shall enter his name on its reemployment priority list for the commuting area from which he was employed for overseas or Alaskan service or for another area (except overseas or Alaska) mutually acceptable to him and the agency. An agency may delete an employee's name from the list for one of the reasons in paragraph (a) of this section, and shall delete it from an overseas or Alaskan list when he leaves the area covered by that list.

PART 352—REEMPLOYMENT RIGHTS

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Subpart A—[Reserved]

Subpart B—Reemployment Rights Based on Movement Between Executive Agencies During Emergencies

AUTHORITY: §§ 352.201 to 352.209 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended, sec. 1310, 65 Stat. 757, as amended; 5 U.S.C. 43, note, 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1958 Comp., p. 218.

§ 352.201 Letter of Authority.

(a) *Definition.* A Letter of Authority is an authorization from the Commission to an agency appointing officer to grant reemployment rights.

(b) *Scope of authority.* A Letter of authority shall specify the conditions under which it may be used, including the types of positions covered and the organizational and geographic areas to which it is restricted.

(c) *Time limit of authority.* A Letter of Authority shall remain in force for one year from date of issuance unless earlier revoked by the Commission. Renewals or extensions will not be issued unless justified by exceptional circumstances.

§ 352.202 Request for Letter of Authority.

When an agency believes that an emergency situation is so critical as to justify offers of reemployment rights, it may request the Commission to issue a Letter of Authority. In submitting the request the agency shall present its justification in terms of the standards provided in § 352.203.

§ 352.203 Standards for issuing Letters of Authority.

The Commission will determine the standards to be used in issuing Letters of Authority, which shall include the following:

(a) The positions to be filled must be related to emergency situations for which the usual recruiting methods are inadequate.

(b) The positions must be a part of a specific program immediately essential to the national interest.

(c) The positions must be essential to the functioning of the program.

(d) There must be substantial basis for the belief that reemployment rights will be a significant and reasonable aid in meeting the emergency situation.

§ 352.204 Basic eligibility for reemployment rights.

(a) *Employees eligible.* The following employees in the executive branch of the Government are eligible to be granted reemployment rights when they are hired by another executive agency without break in service of a full workday by transfer or reinstatement, or by excepted appointment, in a position which the agency is currently authorized to fill with reemployment rights:

(1) An employee serving in a competitive position under a career or career-conditional appointment;

(2) A nontemporary excepted employee.

(b) *Employees not eligible.* The following employees are not eligible to be granted reemployment rights:

(1) An employee serving a trial or probationary period;

(2) An employee serving in an obligated position;

(3) An employee serving with reemployment rights granted under this subpart;

(4) An employee who has received a notice of involuntary separation because of reduction in force or otherwise; or

(5) An employee who has already submitted a resignation.

§ 352.205 Appeal of losing agency.

An appointing officer who intends to employ with reemployment rights an employee of another executive agency shall give the losing agency written notice at least 10 workdays before the effective date of the proposed action. If the losing agency believes the grant of reemployment rights would be detrimental to the public interest, it may appeal the proposed grant to the Commission within 5 workdays after receipt of the notice. The losing agency, at the same time, shall furnish a copy of the appeal to the prospective appointing officer, who shall withhold the proposed grant pending decision on the appeal. The Commission shall determine whether the employee will be given reemployment rights and notify both agencies accordingly. If the losing agency does not appeal within 5 workdays, the employee shall be granted reemployment rights.

§ 352.206 Expiration of reemployment rights.

Reemployment rights granted under a Letter of Authority expire at the end of 2 years following the date of the personnel action, unless exercised or otherwise terminated before that time, except that the reemployment rights of an employee serving outside the continental United States extend for an additional period of 3 months.

§ 352.207 Exercise or termination of reemployment rights.

(a) *Exercise.* The time limits for application for reemployment under this subpart are:

(1) Within 30 calendar days before the expiration of the term of reemployment rights;

(2) Within 30 calendar days after receipt of notice of involuntary separation;

(3) At least 30 calendar days in advance of the person's scheduled entry into active military duty. In this case he shall be reemployed and separated, furloughed, or granted leave of absence for military service by the reemploying agency; or

(4) At any time before the expiration of the term of reemployment rights with the written consent of the current employing agency if application for reemployment is made within 30 days after date of separation, or after receipt of advance notice of proposed demotion by the current employing agency.

(b) *Termination.* An employee's reemployment rights terminate if:

(1) He fails to apply within the time limits stated in paragraph (a) of this section;

(2) He resigns without the written consent of the current employing agency; or

(3) Within 10 calendar days, he fails to accept an offer of reemployment made under § 352.208 which is determined to be a proper offer of reemployment by the reemploying agency or by the Commission on appeal.

§ 352.208 Agency's obligation to reemploy.

(a) *Employee's right to reemployment.* An employee is entitled to be reemployed by the reemploying agency as promptly as possible, but not more than 30 calendar days after receipt of his application. The employee is entitled to reemployment in the occupational field and at the same grade or level and in the same geographical area as the position which the employee last held in that agency. If the reemployment would cause the separation or demotion of another employee, the applicant shall then be considered an employee for the purpose of applying the reduction-in-force regulations to determine to what, if any, position he is entitled.

(b) *Reemployment in a higher grade.* The reemploying agency may reemploy the employee in a position of higher grade than that to which he is entitled, but not if this reemployment would cause the displacement of another employee.

(c) *Seniority in postal service.* On reemployment in the postal service, the employee is entitled to the seniority he would have attained had he remained in the postal service.

(d) *Basis for agency refusal to reemploy.* An agency may refuse to reemploy under this section only when the employee was last separated for serious cause evidencing his unsuitability for reemployment.

§ 352.209 Employee appeals to the Civil Service Commission.

When an agency denies reemployment to a person claiming reemployment rights under this subpart, the agency shall inform him of that denial by a written notice. In the same notice, the agency shall inform him of his right to appeal to the Commission within 10 calendar days after receipt of the notice. The Commission may extend this time limit on a showing by the person that circumstances beyond his control prevented him from filing his appeal within the time limit. The Commission shall make the final decision of his right to reemployment.

Subpart C—Detail and Transfer of Federal Employees to International Organizations

AUTHORITY: §§ 352.301 to 352.312 issued under sec. 5, 72 Stat. 961; 5 U.S.C. 2334; E.O. 10804, 24 F.R. 1147, 3 CFR, 1959 Supp.

§ 352.301 Purpose.

The purpose of this subpart is to carry into effect the objective of the Federal Employees Internationl Organization Service Act which is to encourage and authorize details and transfers of Federal employees for service with international organizations.

§ 352.302 Definitions.

In this suppart:

(a) "Act" means the Federal Employees International Organization Service Act;

(b) "Agency" means a "Federal Agency" as defined in section 2 of the act; and

(c) "Term of employment" means not more than (1) 3 consecutive years of employment, or (2) the period of less than 3 years specified at the time of consent to transfer, beginning with entrance on duty in the international organization.

§ 352.303 Effective date of regulations.

The regulations in this subpart are effective August 28, 1958, and as of that date revoke and supersede the regulations of Part 26 of this chapter in effect immediately prior thereto. However, such revocation shall not adversely affect any rights and benefits which were vested in an employee by the former regulations prior to their revocation.

§ 352.304 Organizations to which this subpart applies.

An agency, without the prior approval of the Commission, may detail or transfer an employee under this subpart to an organization which the Commission has designated in the Federal Personnel Manual as an international organization within the meaning of section 2 of the Act. An agency may detail or transfer an employee under this subpart to another public international organization or international organization preparatory commission only with the prior approval of the Commission.

§ 352.305 Eligibility for detail.

An employee, as defined in § 2 of the Act, is eligible to be detailed to an international organization with the rights provided for in, and in accordance with, the Act and this subpart.

§ 352.306 Length of details.

No single detail may exceed 3 years. Similarly, all time spent on any series of successive details shall be considered in the aggregate and not allowed to exceed a total of 3 years. As used in this section "successive details" are those details of a Federal employee to an international organization which follow one another within less than 30 calendar days.

§ 352.307 Eligibility for transfer.

An employee, as defined in section 2 of the Act, is eligible for transfer to an international organization with the rights provided for in, and in accordance with, the Act and this subpart, except the following:

(a) A Presidential appointee (other than a postmaster), regardless of whether his appointment was made by and with the advice and consent of the Senate.

(b) A person serving in the executive branch in a confidential or policy-determining position excepted from the competitive service under Schedule C of Part 213 of this chapter.

(c) A person serving under a temporary appointment pending establishment of a register.

(d) A person serving under an appointment specifically limited to one year or less.

(e) A person serving on a seasonal, intermittent, or part-time basis.

§ 352.308 Effecting employment by transfer.

(a) *Authority to approve transfers.* On written request by an international organization for the services of an employee, the agency may authorize the transfer of the employee to the organization for any period not to exceed 3 years. Refusal to authorize the transfer is not reviewable by or appealable to the Commission.

(b) *Letter of consent.* When the agency consents to the transfer of an employee with the benefits provided in this subpart, the agency shall give its consent to the international organization in writing and shall furnish the employee with a copy of the consent.

(c) *Effective date.* The agency and the international organization shall establish the effective date of transfer by mutual agreement.

(d) *Recording requirement.* The agency shall furnish the employee with a statement of his leave account when he is separated for transfer. In addition, the agency shall include on the personnel action form effecting the employee's separation for transfer, (1) identification of the international organization to which he transfers and (2) a clear statement of the period during which he has reemployment rights in the agency under the Act and this subpart and of the legal and regulatory conditions for his reemployment.

§ 352.309 Retirement, group health benefits, and insurance.

(a) *Group health benefits.* An employee who transfers or has transferred under the Act and this subpart is entitled to enroll or to continue his enrollment in a health benefits plan provided by the Federal Employees Health Benefits Act of 1959 and Part 890 of this chapter. This entitlement continues throughout the period provided by section 4(d) of the Act, including the reemployment period described in that section, and is subject to the provisions of Part 890 of this chapter. For purposes of exercising this entitlement, a transferring employee is considered an employee of the United States. Provisions of the Act that relate to retirement and insurance are also applied to group health benefits so as to assure a transferring employee of the benefits provided by the Federal Employees Health Benefits Act of 1959.

(b) *Agency and employee action.* At the time of consent to an employee's transfer, the agency shall notify the employee in writing that he will retain coverage with resulting rights and benefits under the retirement, group health benefits, and insurance systems only if (1) employee payments made by him, and (2) agency contributions made by him, by the agency, or by the international organization, are currently deposited in the respective funds. The written notice shall state whether the agency contributions will be paid by the agency. The employee shall acknowledge, in writing, his receipt of the notice and state whether or not he wishes to retain his Federal retirement, group health benefits, and life insurance by continuing all required payments.

(c) *Agency responsibility.* A transferred employee is deemed to remain an employee of the agency from which transferred for retirement, group health benefits, and insurance purposes, except that it is not mandatory for the agency to continue to use its appropriations to make agency retirement, group health benefits, and insurance contributions for the employee during his absence. Accordingly, the agency is responsible for determining the applicable rate of compensation in accordance with the provisions of section 4(c) of the Act, for acting as employing officer under Part 890 of this chapter, and for collecting, accounting for, and depositing in the respective funds all retirement, group health benefits, and insurance employee payments and agency contributions required to be made for the purpose of protecting the rights of the employee so transferred. This responsibility includes furnishing the employee, and the international organization when appropriate, with specific information as to how, when, and where the payments and contributions shall be submitted.

(d) *Coverage.* Employee payments and agency contributions are currently deposited if received by the agency before, during, or within one month after the end of the pay period covered thereby. Failure to deposit the payments and contributions currently terminates a transferred employee's retirement, group health benefits, and insurance coverage on the last day of the pay period for which payments and contributions were currently deposited, subject to a 31-day extension of life insurance and group health benefits coverage as provided in Parts 870 and 890 of this Chapter and to the conversion benefits provided in Parts 870 and 890 of this chapter. Coverage so terminated may not attach again before the employee actually enters on duty on his first day in a pay status in an agency. However, terminated Civil Service Retirement Act, Federal Employees Health Benefits Act of 1959, and

Life Insurance Act coverage shall be reinstated retroactively when, in the judgment of the Commission, the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments and contributions were deposited at the first opportunity; and coverage under any other retirement system shall be reinstated retroactively if the agency which administers the retirement system determines that the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments and contributions were deposited at the first opportunity.

§ 352.310 Reemployment.

A transferred employee (except a congressional employee) is entitled to be reemployed in his former position or one of like seniority, status, and pay within 30 days of his application for reemployment if he meets the following conditions:

(a) He is separated, either voluntarily or involuntarily, within his term of employment; and

(b) He applies for reemployment to his former agency or its successor not later than 90 days after his separation.

§ 352.311 When to apply.

An employee may apply for reemployment either before or after separation by the international organization. If he applies before separation, the 30-day period prescribed in § 352.310 begins either with the date of the application or 30 days before the employee's date of separation, whichever is later.

§ 352.312 Failure to reemploy and right of appeal.

(a) When an agency fails to reemploy an employee within 30 days of his application, it shall notify him in writing of the reasons and of his right to appeal within 10 days to the U.S. Civil Service Commission, Washington 25, D.C. The employee may file his appeal with the Commission not later than 10 days after receipt of notice denying reemployment. The Commission may extend this time limit on a showing by the employee that he was not notified of the applicable time limit, and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(b) If the agency fails to reach and issue a decision to the employee within 30 days from his application for reemployment, the employee is entitled to appeal the agency's failure to the Commission within a reasonable time thereafter.

(c) An appeal alleging that the agency has failed to comply with any of the other provisions of the Act or of this subpart may be submitted to the Commission only within a reasonable time after the alleged violation occurred.

(d) The Commission's decision on appeal is final and the agency shall effect the action finally ordered by the Commission. Decisions favorable to the appellant may be made retroactively effective to the expiration of the agency's 30-day time limit for effecting restoration.

(e) When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

Subpart D—Employment of Presidential Appointees and Elected Officers by the International Atomic Energy Agency

AUTHORITY: §§ 352.401 to 352.405 issued under sec. 5, 72 Stat. 961; 5 U.S.C. 2334; E.O. 10804, 24 F.R. 1147, 3 CFR, 1959 Supp.

§ 352.401 Purpose.

The purpose of this subpart is to implement section 6(b) of the International Atomic Energy Agency Participation Act of 1957 and Executive Order 10774 as amended by Executive Order 10804 to protect the civil service rights and privileges, wherever appropriate, of Presidential appointees and elected officers who leave their positions and within 90 days enter employment with the International Atomic Energy Agency.

§ 352.402 Coverage.

This subpart applies to all officers, as defined in § 352.403(d), of any branch of the Federal Government.

§ 352.403 Definitions.

In this subpart:

(a) "Act" means the International Atomic Energy Agency Participation Act of 1957, as amended;

(b) "Agency" means the International Atomic Energy Agency;

(c) "Life Insurance Act" means the Federal Employees' Group Life Insurance Act of 1954, as amended;

(d) "Officer" means any Presidential appointee or elected officer who leaves his position after August 27, 1957, and within 90 days enters employment with the agency.

(e) "Retirement Act" means the Civil Service Retirement Act, approved July 31, 1956, as amended; and

(f) "Term of employment" means not more than 3 consecutive years of employment beginning with entrance on duty in the agency.

§ 352.404 Retirement and insurance.

(a) *Coverage.* (1) To obtain retirement benefits for a term of employment with the agency, an officer covered by the Retirement Act, within 90 days after the date he is separated from the agency, shall pay to the Commission all necessary employee deductions and agency contributions for coverage under the Retirement Act for his term of employment with the agency. Interest shall not be charged an officer on any payment of necessary employee deductions and agency contributions. The amount of the employee deductions so paid shall be added to the officer's lump-sum credit in the Civil Service Retirement and Disability Fund.

(2) To retain coverage under the Life Insurance Act during his term of employment with the agency, an officer covered by the Life Insurance Act shall currently pay employee deductions and agency contributions necessary for coverage under the Life Insurance Act for his term of employment with the agency. Collections may be made under procedures which may be determined in accordance with written agreements reached between accounting representatives of the Commission and the agency.

(3) All retirement and insurance benefits and obligations shall be computed in the same manner as if the rate of basic compensation the officer was receiving on the last day he was in his Federal position before employment with the agency had continued without change.

(4) An officer not covered by either the Retirement Act or Life Insurance Act in the Federal position which he last held or from which he separates to enter employment with the agency does not acquire coverage or benefits under these statutes based on employment with the agency.

(b) *Death coverage.* An officer who dies during his term of employment or within 90 days of his separation therefrom is deemed to have died in the Federal service.

§ 352.405 Resumption of Federal service.

(a) *Pay increase.* An officer who is reemployed in the Federal position which he left or one of like seniority, status, and pay within 90 days of his separation from the agency following a term of employment is entitled to the rate of basic compensation to which he would have been entitled had he remained in the Federal service.

(b) *Sick leave account.* An officer shall have any sick leave account which he may have had in his last Federal position reestablished for credit or charge, if he returns to an appropriate leave system within 52 calendar weeks after the date he is separated from his term of employment with the agency.

(c) *Service credit for agency employment.* An officer who is reemployed in the Federal service within 90 days after completion of his term of employment with the agency is entitled to credit as Federal service for his term of employment with the agency. However, the Commission shall give service credit for Retirement Act purposes only if the officer complies with the requirements of § 352.404(a)(1).

Subpart E—Reinstatement Rights After Service Under Section 625(b) of the Foreign Assistance Act of 1961

AUTHORITY: §§ 352.501 to 352.508 issued under sec. 625(b), 75 Stat. 449, 22 U.S.C., Supp. III 2385(b); E.O. 10973, 26 F.R. 10469, 3 CFR, 1961 Supp.

§ 352.501 Purpose.

This subpart governs reinstatements authorized by section 625(b) of the Foreign Assistance Act of 1961, as amended.

§ 352.502 Coverage.

This subpart applies to any of the following serving in a position in the Federal Government:

(a) A person serving in the competitive service under a career or career-conditional appointment.

(b) A person serving in the excepted service under an appointment without a specific time limitation.

(c) A person appointed or assigned under authority of the Foreign Service Act of 1946, as amended.

§ 352.503 Definitions.

In this subpart:

(a) "Act" means the Foreign Assistance Act of 1961, as amended; and

(b) "Former position" means the position that an employee was occupying at the time of his appointment to a position under authority of section 625(b) of the Act.

§ 352.504 Basic entitlement.

Subject to the conditions specified in this subpart, an employee who is appointed to a position under authority of section 625(b) of the Act is entitled, on termination of that appointment for any reason other than his own misconduct or delinquency, to be reinstated in his former position or in one of like seniority, status, and pay in the same agency. If the functions with which the employee's former position was identified have been transferred to another agency, the employees right to reinstatement is in the gaining agency.

§ 352.505 Proposed termination.

At least 45 days before termination of the appointment of an employee entitled to reinstatement, the agency terminating the employee shall notify the employee and his former agency in writing of the proposed termination. However, notification under this section is not required when:

(a) The termination is at the employee's own request; or

(b) The employee is reinstated without a break in service under an arrangement made between the agencies concerned.

§ 352.506 Application for reinstatement.

An employee who desires reinstatement shall apply for reinstatement, in writing, no later than 30 days after his appointment under authority of section 625(b) of the Act is terminated, unless arrangement has been made for his reinstatement without a break in service under § 352.505(b).

§ 352.507 Reinstatement.

An employee eligible for reinstatement is entitled to be reinstated as soon as possible after his application for reinstatement, filed in accordance with § 352.506, is received. In any event, he is entitled to be reinstated (a) within 30 days after his application for reinstatement is received, or (b) on termination of the appointment made under authority of section 625(b) of the Act, whichever is later.

§ 352.508 Appeals to the Commission.

(a) *Right to appeal.* (1) If an agency determines that an employee who has applied for reinstatement is not eligible for reinstatement, it shall notify the employee as promptly as possible of its decision, of the basis therefor, and of the employee's appeal rights under this subpart. The employee is entitled to appeal the decision to the Commission within 10 days after he receives notice of the decision.

(2) If an agency fails to reinstate an employee within the time limits specified in § 352.507, the employee is entitled to appeal to the Commission within 10 days after the applicable time limit expires.

(3) If an employee considers that his reinstatement is not in accordance with the Act and this subpart, he is entitled to appeal to the Commission within 10 days after his reinstatement becomes effective.

(b) *Where initial appeals are filed.* Initial appeals under this subpart are to be filed with the Chief, Appeals Examining Office, U.S. Civil Service Commission, Washington 25, D.C.

(c) *Finality of initial appeal decisions.* Unless further appealed under paragraph (d) of this section, an appeal decision by the Chief, Appeals Examining Office, is final.

(d) *Right to further appeal.* An initial appeal decision by the Chief, Appeals Examining Office, may be further appealed to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C., within 7 days after receipt of the decision. The further appeal shall be in writing and contain the reasons for disagreement with the initial decision.

(e) *Finality of decisions by Board of Appeals and Review.* A decision by the Board of Appeals and Review is final. There is no further right of appeal.

(f) *General provisions governing appeals.* (1) *Delayed appeals.* The Commission may extend the time limits in paragraphs (a) and (d) of this section on a showing by the appellant that he was not notified of the applicable time limit, and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(2) *Appeal decisions.* The Commission shall submit its decisions on an appeal in writing to each appellant and to each agency concerned. An appeal decision may order that the reinstatement of an appellant be made retroactive to the date on which the applicable time limit specified in § 352.507 expired.

(3) *Cancellation of appeals.* The Commission shall cancel an appeal, and the appellant and his agency will be so notified, on receipt of the appellant's written request for cancellation or upon failure of the appellant to furnish information requested by the Commission.

(4) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

(g) *The Commissioners.* The Commissioners may, in their discretion, reopen and reconsider any appeal decision made under this subpart.

PART 353—RESTORATION AFTER MILITARY DUTY

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Subpart H—Military Duty Performed by Indefinite Employees

353.801 Rights of indefinite employees performing military duty.

AUTHORITY: §§ 353.101 to 353.707 issued under sec. 9, 62 Stat. 614, as amended; 50 U.S.C. App. 459. § 353.801 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218.

Subpart A—General Provisions

§ 353.101 Scope.

This part sets forth rights and obligations of employees and agencies in connection with military duty subject to the provisions of section 9 of the Universal Military Training and Service Act, as amended.

§ 353.102 Definitions.

In this part:

(a) "Act" means the Universal Military Training and Service Act, as amended.

(b) "Agency" means (1) any department, independent establishment, agency, or corporation in the executive branch of the Federal Government; and (2) the government of the District of Columbia.

(c) "Leave of absence" means military leave, annual leave, leave without pay, or any combination of these.

(d) "Military duty" means a period of (1) active duty for training or for service in the Armed Forces of the United States, (2) inactive duty training in the Armed Forces of the United States, and (3) active duty in the Public Health Service that is covered by section 9(g)(2) of the Act. For the purpose of this paragraph, full-time training or other full-time duty performed by a member of the National Guard under 32 U.S.C. 316, 503, 504, or 505 is considered active duty for training in the Armed Forces of the United States, and inactive duty training performed by a member of the National Guard under 32 U.S.C. 502 or 37 U.S.C. 206(a) or 1002(a) is considered inactive duty training in the Armed Forces of the United States.

§ 353.103 Employees covered.

(a) Subparts A through G of this part cover each employee of an agency who enters on military duty from:

(1) A career or career-conditional appointment in a position in the competitive service; or

(2) An appointment without time limitation in a position outside the competitive service.

(b) Subpart H of this part covers each employee who enters on military duty from an indefinite appointment in the competitive service that is not limited to 1 year or less.

§ 353.104 Agency action at time employee enters on military duty.

Each employee who enters on active duty with restoration rights under section 9(b) or section 9(g)(1), (2), or (3) of the Act shall be either separated or furloughed, at the option of his agency, when he enters on military duty, except that an agency may elect to place a member of a reserve component of the Armed Forces or a member of the National Guard on leave of absence, instead.

§ 353.105 Notification of rights and obligations.

When an employee is separated, furloughed, or given leave of absence for military duty in accordance with the Act and this part, his agency shall notify him of all rights and obligations relating to his Government employment that are affected by that military duty.

§ 353.106 Maintenance of records.

Each agency shall identify for the record the position that an employee leaves to enter on military duty. It shall also maintain such records as are necessary to assure that the benefits granted by the Act and this part are preserved to each employee who enters on military duty.

Subpart B—[Reserved]

Subpart C—Agency Action in Employee's Absence

§ 353.301 Consideration for promotion.

(a) Each agency shall consider every employee absent on military duty for all promotions for which he would be considered were he not absent. A promotion based on this consideration is effective on the date it would have been made if the employee were not absent.

(b) When the position of an employee absent on military duty is regraded upward during his absence, his agency shall place him in the regraded position.

§ 353.302 Prohibition against demotion.

An agency may not demote an employee absent on military duty during his absence.

§ 353.303 Abolishment of position.

If the position of an employee absent on military duty is abolished, the agency concerned shall reassign the employee to another position of like seniority, status, and pay.

§ 353.304 Transfer of function to another agency.

If the function with which an employee absent on military duty was associated at the time he left for military duty is transferred to another agency and if the employee would have been transferred with the function under Part 351 of this chapter if he were not absent, the gaining agency shall retain the employee in his position or assign him to a position of like seniority, status, and pay. It shall also assume the obligation to restore the employee in accordance with the Act and this part. If the employee would not have been transferred with the function, the losing agency shall assign the employee to another position of like seniority, status, and pay.

§ 353.305 Abolishment of agency.

If an agency is abolished and its functions are not transferred to another agency, it shall furnish the Commission a list of its employees absent on military duty. For each employee, the list shall state the employee's name, date of birth, position, grade, and salary, and the name of the organizational unit in which his position was located. The agency shall note in each employee's Official Personnel Folder that notification was made under this section.

Subpart D—Agency Obligation To Restore

§ 353.401 Extent of agency's obligation and how discharged.

When an employee is entitled to restoration under section 9(b) or section 9(g)(1), (2), or (3) of the Act, the agency shall restore him in accordance with this subpart.

§ 353.402 Time limit for restoration.

An employee is entitled to be restored as soon as possible after his application for restoration, filed in accordance with the Act, is received in the agency. In any event, he is entitled to be restored within 30 days after his application is received.

§ 353.403 Position to which restored.

An employee is entitled to be restored to employment in the following order, unless the position is occupied by an employee in a higher retention subgroup under Part 351 of this chapter:

(a) To the position to which promoted while he was on military duty, or, if that position is not available, to a position of like seniority, status, and pay.

(b) To the position he left to enter military duty, or, if that position is not available, to a position of like seniority, status, and pay.

(c) To the next best available position for which he is qualified. For purposes of this paragraph, the next best available position is one that most nearly approximates in seniority, status, and pay the position to which an employee is entitled under either paragraph (a) or (b) of this section.

§ 353.404 Physical disqualification.

A returning employee who becomes disqualified because of disability sustained during military duty for a position to which he has restoration rights, is entitled to be restored to another position in the agency for which he is qualified that will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

§ 353.405 Conflicting rights.

If two or more employees are entitled to be restored to the same position, the employee who left his position first is entitled to the prior right of restoration. Each other employee is entitled to be restored in accordance with the provisions of §§ 353.403 and 353.404.

§ 353.406 Notice of right of appeal.

When an agency refuses to restore, or determines that it is not feasible to restore, an employee under the provisions of the Act and this part, it shall notify him in writing of the reasons for its decision, of his right to appeal to the Commission, and of the time limit applicable to the filing of an appeal. The agency shall forward a copy of the notice to the Commission.

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Appeals to the Commission

§ 353.701 Initial appeals to the Commission.

(a) *Executive branch and District of Columbia employees.* (1) An employee who left an agency with right to restoration under section 9(b) or section 9(g)(1), (2), or (3) of the Act may appeal to the Commission in furtherance of this right, as follows:

(i) *Failure of restoration.* If the agency concerned fails to restore an employee within 30 days after receipt of his application for restoration, filed in accordance with the Act, he may appeal to the Commission not later than 10 days after the 30-day period has expired.

(ii) *Not feasible to restore.* If the agency concerned decides that it is not feasible to restore an employe, he may appeal this decision to the Commission not later than 10 days after receipt of notice from the agency.

(iii) *Refusal of restoration.* If the agency concerned refuses to restore an employee, he may appeal to the Commission not later than 10 days after receipt of notice from the agency.

(iv) *Improper restoration.* If an employee considers that he has been improperly restored, he may appeal to the Commission not later than 10 days after his restoration.

(v) *Former agency abolished.* If the agency in which an employee was employed when he left for military duty is abolished and its functions are not transferred to another agency, the employee may appeal to the Commission not later than 10 days after expiration of the period specified in the Act for applying for restoration.

(2) An employee who left a position in an agency with right to return to his position under section 9(g)(4) or section 9(g)(5) of the Act may appeal to the Commission in furtherance of his right to return to work in accordance with the provisions of section 9(g)(4) or section 9(g)(5) of the Act and this part.

(b) *Legislative employees.* An employee of the legislative branch who is entitled to appeal to the Commission under section 9(e)(2) of the Act may appeal not later than 10 days after expiration of the period specified in the Act for applying for restoration.

§ 353.702 Where initial appeals are filed.

Initial appeals under this subpart are to be filed with the Chief, Veterans Service Staff, or with the director of a regional office of the Commission, as prescribed by the Commission in the Federal Personnel Manual.

§ 353.703 Finality of initial appeal decision.

Unless further appeal is filed in accordance with this subpart, an appeal decision rendered by the Chief, Veterans Service Staff, or a regional director is final.

§ 353.704 Further appeals to the Commission.

An appeal decision rendered by the Chief, Veterans Service Staff, or a regional director, may be appealed to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C., within 7 calendar days after receipt of the decision on the initial appeal. The further appeal shall be in writing and shall contain the reasons for disagreeing with the initial decision.

§ 353.705 Finality of decision by Board of Appeals and Review.

A decision by the Board of Appeals and Review is final. There is no further right of appeal.

§ 353.706 General provisions governing appeals.

(a) *Delayed appeals.* The Commission may extend the time limits in §§ 353.701 and 353.704 when the appellant shows that he was not notified of these limits, and was not otherwise aware of them, or that circumstances beyond his control prevented him from filing an appeal within the prescribed limits.

(b) *Ascertainment of facts.* Each appellant shall submit in writing all facts that he considers pertinent to his appeal. The Commission may also conduct such appropriate investigations as it considers necessary.

(c) *Notification of appeal decisions.* The Commission shall submit its decision on an appeal in writing to each appellant and to each agency concerned.

(d) *Cancellation of appeals.* The Commission shall cancel an appeal, and the appellant and the agency concerned will be so notified, on receipt of the appellant's written request for cancellation, or on failure of the appellant to furnish information requested by the Commission.

(e) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

§ 353.707 The Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any appeal decision made under this subpart.

Subpart H—Military Duty Performed by Indefinite Employees

§ 353.801 Rights of indefinite employees performing military duty.

(a) *General.* Subject to the exceptions set forth in paragraph (b) of this section, an employee serving in a position in the competitive service under an indefinite appointment that is not limited to 1 year or less (referred to in this subpart as an indefinite employee) is entitled to rights equivalent to those provided for employees covered by section 9 (b) and (g) of the Act, and Subparts A through G of this part apply to an indefinite employee.

(b) *Exceptions.* (1) Sections 353.305 and 353.701(a)(1)(v) do not apply to an indefinite employee.

(2) The right of restoration of an indefinite employee is restricted to the geographical area in which the installation he left to enter military duty is located.

(3) The prohibitions in section 9(c)(1) and section 9(g)(3) of the Act against discharging employees without cause within 1 year or 6 months, respectively, after restoration do not apply to an indefinite employee; restoration of an indefinite employee may not cause his employment to extend beyond the date it would otherwise be terminated.

(4) An indefinite employee who cannot be restored in his former agency does not have the right to restoration in another agency that nontemporary employees have under section 9(e)(1) of the Act.

(5) An indefinite employee does not have the entitlement to compensation for loss of salary or wages that nontemporary employees have under section 9(e)(1) of the Act.

PART 410—EMPLOYEE DEVELOPMENT

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410.201 Review of training needs.

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410.302 Selection and assignment of trainees.
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410.701 Scope.
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Subpart H—[Reserved]

Subpart I—Reports and Interchange of Training Information

410.901 Reports.
410.902 Interchange of training information.

AUTHORITY: §§ 410.101 to 410.902 issued under sec. 6, 72 Stat. 329; 5 U.S.C. 2305; E.O. 10800, 24 F.R. 447, 3 CFR, 1959 Supp.

Subpart A—General Provisions

§ 410.101 Definitions.

In this part:

(a) "Act" means the Government Employees' Training Act, as amended, 72 Stat. 327, 5 U.S.C. 2301.

(b) "Government", "department", "employee", "Commission", "training", "Government facility", and "non-Government facility" have the meanings given to these terms by section 3 of the Act.

(c) *Training by, in, or through Government facilities* means training that is conducted (1) by civilian or military personnel of the Government acting in their official capacities, and (2) on property

owned or substantially controlled by the Government. All other training is "training by, in, or through non-Government facilities."

Subpart B—Determining Training Needs

§ 410.201 Review of training needs.

(a) In conducting the reviews of training needs required by section 5 of the Act and by Executive Order 10800, each department shall consider:

(1) Pertinent information available through existing management records such as inspection reports, management audits, and production and staffing studies; and

(2) The needs of all categories of employees.

(b) Reviews shall be conducted in such manner and with such frequency as the department finds best to meet the requirements of the Act, Executive Order 10800, and this part, and to provide sound bases for planning the training to be provided under the Act.

Subpart C—Establishing Training Programs

§ 410.301 Scope and general conduct of training programs.

(a) The head of each department shall determine, and shall make known in writing, the policies which are to govern the training of employees of the department. These policies shall include a statement of the broad purposes for which training will be given and of the assignment of responsibilities for seeing that these purposes are achieved.

(b) The head of each department also shall take such administrative action as is necessary to insure that:

(1) The department's organizational and administrative provisions for training are as adequate as needs justify and circumstances permit; and

(2) Information with respect to the general conduct of the department's training program is available to enable the Commission, the President, and Congress to discharge their respective responsibilities under the Act.

(c) Training programs established by the departments under authority of the Act shall, to the maximum extent feasible:

(1) Be based on actual needs, existing or reasonably foreseeable;

(2) Meet as many of these needs as possible, priority considered; and

(3) Be integrated with other personnel management and operating activities.

§ 410.302 Selection and assignment of trainees.

(a) The head of each department shall establish such procedures as are necessary to insure eligible employees reasonable opportunity for consideration in selection for training which is to result in promotion. Merit promotion programs established under § 335.103 of this chapter shall be followed in selecting career or career-conditional employees for training that is given primarily to prepare trainees for advancement and that is required for promotion.

(b) With respect to selection and assignment of employees to training by, in, and through non-Government facilities, the head of each department shall provide that:

(1) Authority to authorize this training of more than 40 hours' duration be held at a sufficiently high administrative level to insure that the policies and viewpoints of the department head are reflected in each decision; and

(2) Each assignment of an employee who is stationed within the continental limits of the United States to training outside these limits be approved by a specifically designated official at the headquarters level of the department.

(c) The head of each department shall prescribe such procedures as are necessary to assure that in the selection of employees for training there shall be no discrimination because of race, creed, color, national origin, or sex.

§ 410.303 Utilization of trainees.

Each department, in effecting position changes within the department, shall consider significant training and self-development activities undertaken by its employees.

§ 410.304 Evaluation of training.

Each department shall provide for evaluation of the results and effects of training provided under the Act. This evaluation shall be conducted in such manner and with such frequency as the department head considers most appropriate to the department.

Subpart D—Interagency Training

§ 410.401 Utilization of other Government facilities.

(a) Each department is responsible for determining whether its training programs and facilities are to be made available to employees of other departments and other agencies in any branch of the Government.

(b) A department is not required to make its training programs or facilities available to others if it needs the full capacity of its facilities for the training of its own employees or if, in its judgment, the participation of others would be incompatible with the effective conduct of its own training programs or other activities.

(c) Each department is responsible for determining whether training programs or facilities offered by other departments and other agencies in any branch of the Government are suitable, timely, reasonably available, and adequate to meet its training needs.

Subpart E—Training Through Non-Government Facilities

§ 410.501 Determination of need to utilize non-Government facilities.

Training of employees by, in, or through a non-Government facility may be authorized only after the head of the department concerned determines that adequate training for his employees by, in, or through a Government facility is not reasonably available and that appropriate consideration has been given to the then existing or reasonably foreseeable availability and utilization of fully trained employees.

§ 410.502 Selection of non-Government facilities for training.

(a) Each department shall use as the principal criterion for selection of non-Government training facilities the ability of the facilities to meet the department's training needs effectively, economically, and in timely fashion.

(b) A department shall not select for training any non-Government facility that discriminates because of race, creed, color, or national origin in the admission or in the subsequent treatment of students.

§ 410.503 General prohibitions, training through non-Government facilities.

Training of an employee by, in, or through a non-Government facility for the purpose of filling a position by promotion is prohibited if there is in the department concerned another employee of equal ability and suitability who is fully qualified to fill the position and is available at, or within a reasonable distance from, the place or places where the duties of the position are to be performed. The head of each department shall establish such policies or procedures relating to areas of consideration and to determinations concerning ability, suitability, availability, qualification, and geographic location as he considers reasonable and necessary to assure adherence to this prohibition.

§ 410.504 Prohibition of training through non-Government facilities advocating overthrow of the Government by force or violence.

(a) With respect to training by, in, or through an organization, the requirements of section 14 of the Act are met if it is ascertained that the organization is not included in the list of organizations designated by the Attorney General pursuant to section 12 of Executive Order 10450.

(b) With respect to training conducted by an individual with whom contractual or other arrangements are made directly, the requirements of section 14 of the Act are met if both of the following conditions are met:

(1) It is ascertained that the investigative files of the Commission contain no record that a determination has been made that a reasonable doubt exists concerning the individual's loyalty to the Government of the United States. Search of the investigative files of the Commission shall be made before contracting with or otherwise arranging for the services of individuals for training, except that in emergency situations, the search shall be made as soon as possible.

(2) Subject to the exceptions stated in this subparagraph, the individual executes an affidavit, certificate, or express contractual warranty that he does not teach or advocate the overthrow of the Government of the United States by force or violence. This condition does not apply (i) to an individual who performs training under oral or other informal arrangements for periods of 16 hours or less within a single program; or (ii) to an individual who performs

training without compensation by the Government (whether or not the Government provides payment or reimbursement for travel and subsistence incident to the training).

§ 410.505 Continuous civilian service.

For the purpose of applying section 12(a) (2) and (3) of the Act, continuous civilian service includes periods of service in a nonpay status.

§ 410.506 Waiver of limitations on training of employees through non-Government facilities.

(a) Subject to other provisions of the Act and this part, an employee having less than 1 year of current, continuous civilian service in the Government is eligible for training by, in, or through non-Government facilities on a finding by the head of his department that postponement of the training until the employee has completed 1 year of current, continuous civilian service in the Government would be contrary to the public interest.

(b) To the extent he considers justified, the head of each department may waive the limitations contained in section 12(a) (1) and (3) of the Act for:

(1) An employee assigned to training by, in, or through a non-Government facility that does not exceed 40 hours within a single program;

(2) An employee receiving training provided by a manufacturer as a part of the normal service incident to initial purchase or lease of its products under procurement contract; and

(3) An employee receiving training through a correspondence course.

(c) To the extent he considers justified, the head of each department may waive the limitation contained in section 12(a) (3) of the Act for each employee serving in a work-study program when all of the following conditions are met:

(1) The employee is serving under career or career-conditional appointment;

(2) The employee is working in the field of natural or mathematical science or engineering;

(3) The employee's expenses of college training are being paid in the programs concerned only because the department has found that the programs cannot operate successfully without that payment;

(4) The employee's expenses of college training are being paid only to the extent the department deems necessary to attract and retain the employee; and

(5) The employee's expenses of college training that are being paid are limited to the expenses covered by section 10(2) of the Act.

§ 410.507 Computing time in training through non-Government facilities.

For the purpose of the Act and this part:

(a) An employee assigned to full-time training by, in, or through a non-Government facility is counted as being in training the same number of hours he is in a pay status during the training assignment, up to a maximum of 8 hours a day or 40 hours a week. If the employee is not in pay status during the training, he is counted as being in training the same number of hours as are in the period of any leave granted for the purpose of the training.

(b) An employee assigned to training by, in, or through a non-Government facility on less than a full-time basis is counted as being in training the same number of hours he spends in class or with the instructor in the facility.

(c) The Commission may authorize such other procedures for the counting of time in training as it considers appropriate.

§ 410.508 Agreements to continue in service.

(a) For the purpose of administering section 11 of the Act:

(1) The period of time an employee is required to agree to continue in the service of the department begins on the first workday after the end of the training covered by the agreement; and

(2) "Additional expenses incurred by the Government in connection with his training" means expenses of training paid under section 10(2) of the Act, but not salary, pay, or compensation.

(b) An employee selected for training by, in, or through a non-Government facility that involves no expense to the Government other than his salary, pay, or compensation is excepted from the requirement in section 11(a) of the Act for entering into a written agreement.

(c) To the extent he considers justified the head of the department may except from the requirement in section 11(a) of the Act for entering into a written agreement:

(1) An employee selected for training provided by a manufacturer as a part of the normal service incident to initial purchase or lease of a product under a procurement contract;

(2) An employee selected for training by, in, or through a non-Government facility that does not exceed 80 hours within a single program; and

(3) An employee selected for training which is given through a correspondence course.

(d) When a department pays only the expenses of an employee's training that are authorized by section 10(2) of the Act, the head of the department may reduce to 1 month or to a period equal to the length of the training period covered by the payment, whichever is greater, the period of time the employee is required by section 11(a) of the Act to agree to continue in the service of his department.

§ 410.509 Failure to fulfill agreements to continue in service.

(a) (1) Each written agreement under section 11(a) of the Act shall provide that the employee covered thereby give his department at least 10 workdays' notice if he intends to enter the service of another department or other agency in any branch of the Government before the expiration of the period for which he agrees to continue in the service of his department. Each agreement shall also provide that if the employee fails to give this advance notice and enters the service of another department or agency in any branch of the Government, he must repay the Government the amount of the additional expenses incurred by the Government in connection with the training covered by the agreement. The head of the department which has authorized the training may waive in whole or in part the obligation under the agreement when he finds that repayment would be against equity, good conscience, or the public interest.

(2) The prior notice to be given by the head of a department under section 11 (b) of the Act shall be given as soon as practicable after the employee informs the department of his intention to enter the service of another department or agency in any branch of the Government.

(b) (1) The head of a department, or a representative especially designated by him for this purpose, may waive in whole or in part any right of recovery under section 11(c) of the Act when he finds that recovery would be against equity and good conscience or against the public interest.

(2) Delegation of authority to act for the head of a department under subparagraph (1) of this paragraph shall be held to as high an administrative level as practicable to insure that the policies of the head of the department are reflected in each decision.

Subpart F—Payment of Training Expenses

§ 410.601 Determination of necessary expenses of training.

The head of each department shall determine which expenses constitute necessary training expenses under section 10 of the Act.

§ 410.602 Exceptions from prohibition on payment of premium pay.

(a) The following are excepted from the provision of section 10 of the Act that prohibits payment of overtime, holiday, or night differential pay:

(1) An employee given training during a period of duty for which he is already receiving overtime, holiday, or night differential pay, except that this exception does not apply to an employee assigned to full-time training at institutions of higher learning;

(2) An employee given training at night because situations which he must learn to handle occur only at night;

(3) An employee given training on overtime because the costs of the training, overtime pay included, are less than the costs of the same training confined to regular work hours; and

(4) An employee given training during periods of temporary assignment covered by § 550.162(c) of this Chapter.

(b) An employee who is excepted under paragraph (a) of this section is eligible to receive overtime, holiday, and night differential pay in accordance with the pay authorities applicable to him.

§ 410.603 Protection of Government's interests, incomplete training.

The head of each department shall establish such procedures as he considers necessary to protect the Government's interests when employees fail to complete training for which the department pays the expenses.

§ 410.604 Records of training expenses.

Each department shall maintain records of payments made for travel, tuition and fees, and other necessary expenses of training by, in, or through non-Government facilities.

Subpart G—Acceptance of Contributions, Awards, and Payments From Non-Government Organizations

§ 410.701 Scope.

(a) This subpart relates to contributions, awards, and payments made to employees, or on their behalf, by non-Government organizations in connection with training that the employees receive in non-Government facilities, or meetings that they attend, either (1) partially or wholly within periods when they are on duty; or (2) at such other times as their departments pay the expenses of training or of attendance at meetings in whole or in part.

(b) This subpart does not limit the authority of a head of a department to establish such procedures as he considers appropriate concerning the acceptance of contributions, awards, and payments in connection with any training and meetings that are outside the scope of this subpart.

§ 410.702 Authority of departments to authorize acceptance.

The head of a department or a representative designated by him for this purpose under § 410.703, may authorize in writing an employee of his department to accept a contribution or award (in cash or in kind) incident to training in non-Government facilities or to accept payment (in cash or in kind) of travel, subsistence, and other expenses incident to attendance at meetings if the contribution, award, or payment is made by an organization determined by the Secretary of the Treasury to be an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of that code, and if, in the judgment of the head of the department or his designated representative, the following two conditions are met:

(a) The contribution, award, or payment is not a reward for services to the organization prior to the training or meeting; and

(b) Acceptance of the contribution, award, or payment:

(1) Would not reflect unfavorably on the ability of the employee to carry out his official duties in a fair and objective manner;

(2) Would not compromise the honesty and integrity of Government programs or of Government employees and their official actions or decisions;

(3) Would be compatible with the Code of Ethics for Government Service expressed in House Concurrent Resolution 175, 85th Congress, 2d Session; and

(4) Would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case.

§ 410.703 Delegation of authority to authorize acceptance.

The head of a department may designate a representative to act for him in authorizing the acceptance of contributions, awards, and payments under § 410.702. Delegation of authority to act in this mater shall be held to as high an administrative level as practicable to insure that the policies of the department head are reflected in each decision, and that there is full evaluation of the circumstances of each case in the light of the conditions set forth in § 410.702.

§ 410.704 Acceptance of contributions, awards, and payments.

An employee may accept a contribution, award, or payment (whether made in cash or in kind) that falls within the scope of this subpart only with specific written authorization granted under § 410.702.

§ 410.705 Identification of organization when more than one participates.

When more than one non-Government organization participates in making a single contribution, award, or payment, the "organization" referred to in this subpart is considered to be the one that selects the recipient and administers the funds from which the contribution, award, or payment is made.

§ 410.706 Records.

Each department shall maintain, in such form and manner as the head of the department considers appropriate, the following records in connection with each contribution, award, or payment made and accepted under authority of this subpart: the name of the recipient; the name of the organization; the amount and nature of the contribution, award, or payment and the purpose for which it is to be used; and a copy of the written authorization required by § 410.702.

Subpart H—[Reserved]

Subpart I—Reports and Interchange of Training Information

§ 410.901 Reports.

(a) The reports required by section 18(a) of the Act and by this section shall be prepared for each fiscal year. Each department shall submit a consolidated report to the Commission not later than September 1 of the succeeding fiscal year.

(b) The consolidated report shall include:

(1) A brief narrative statement:

(i) Outlining in the first report to the Commission under this section, the department's training policies and overall program and, in each subsequent report, any major changes in policy, shifts in program emphasis, or other significant developments;

(ii) Assessing generally the value of training to the department and the extent to which economies and improved operations have resulted; and

(iii) Summarizing the department's estimated expenditures for all training by, in or through non-Government facilities (including training incident to initial procurement of equipment when information on the costs of this training is available), presenting separate totals for (a) tuition and related fees, (b) travel, and (c) per diem;

(2) An attachment, Standard Form 10, containing special information required by section 18(a)(2) of the Act regarding employees (other than students participating in work-study programs) receiving training by, in, or through non-Government facilities for more than 120 days;

(3) An attachment, Standard Form 11, containing special information regarding employees who, under authority of section 19(a) of the Act, receive from non-Government sources contributions or awards incident to training in non-Government facilities; and

(4) An attachment, in triplicate, containing the names of employees failing to fulfill their obligations under section 11 of the Act, together with a brief account of the reason for the failure and of any action taken to recover additional expenses incurred by the Government in connection with their training.

(c) The Commission may grant exceptions to the requirements stated in paragraphs (a) and (b) of this section.

§ 410.902 Interchange of training information.

Each department, at such time and in such manner as it considers appropriate, shall inform the Commission, or such other departments as it believes may be especially concerned, of new, different, or particularly successful training practices or materials which it develops or acquires, which it considers of probable interest to others, and which it is able to share with others.

PART 430—PERFORMANCE EVALUATION

Subpart A—General Provisions

Sec.
430.101 Coverage.
430.102 Definitions.

Subpart B—[Reserved]

Subpart C—Boards of Review

430.301 Establishment and jurisdiction of boards.
430.302 Members of boards.

Subpart D—Appeals

430.401 Appeals.
430.402 Hearings.
430.403 Board decision.
430.404 Effect of decision.

AUTHORITY: §§ 430.101 to 430.404 issued under sec. 8, 64 Stat. 1099; 5 U.S.C. 2007.

Subpart A—General Provisions

§ 430.101 Coverage.

(a) *Agencies covered.* This part covers:

(1) Executive departments;

(2) Independent establishments and agencies in the executive branch, including corporations wholly owned by the United States;

(3) The Administrative Office of the United States Courts;

(4) The Library of Congress;

(5) The Botanic Garden;

(6) The Government Printing Office;

(7) The General Accounting Office;

(8) The municipal Government of the District of Columbia.

(b) *Agencies not covered.* This part does not cover:

(1) The Tennessee Valley Authority;

(2) The field service of the Post Office Department;

(3) Physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery in the Veterans' Administration paid under 38 USC 73;

(4) The Foreign Service of the United States under the Department of State;

(5) Production credit corporations;

(6) Federal intermediate credit banks;

(7) Federal land banks;

(8) Banks for cooperatives;

(9) Employees of the municipal government of the District of Columbia who are not paid under the Classification Act of 1949, as amended;

(10) The Atomic Energy Commission;

(11) Employees outside the continental limits of the United States paid in accordance with local native prevailing wage rates for the area in which employed;

(12) The Central Intelligence Agency;

(13) Employee members of crew vessels operated by the Departments of the Army and Navy.

§ 430.102 Definitions.

(a) In this Part:

(1) "Agency" means an agency covered in § 430.101(a).

(2) "Board" means Performance Rating Board of Review established under Subpart C of this Part.

Subpart B—[Reserved]

Subpart C—Boards of Review

§ 430.301 Establishment and jurisdiction of boards.

The head of each agency covered by this Part shall establish, with the approval of the Civil Service Commission, one or more boards to consider and pass on the merits of performance ratings under rating plans established under the Performance Rating Act of 1950. The jurisdiction of each board shall be specific and exclusive of that of any other board.

§ 430.302 Members of boards.

(a) *Designation.* Each board shall be composed of a chairman designated by the Commission, an employee member designated in a manner approved by the Commission, and an agency member designated by authority of the agency head. One or more alternate members shall be provided for each department member, each alternate being designated in the same manner as his principal.

(b) *Branch of Government.* Members and alternate members of boards serving agencies in the executive branch of the Government shall be officers or employees of that branch. Members and alternate members of boards (except chairmen and alternate chairmen) serving agencies outside the executive branch shall be designated from the branch to which those agencies respectively belong.

Subpart D—Appeals

§ 430.401 Appeals.

(a) *Unsatisfactory rating.* An employee with an unsatisfactory rating may obtain within his agency the one impartial review provided by law, or may appeal directly to the appropriate board, or may appeal to the board after obtaining the impartial review.

(b) *Satisfactory or better rating.* An employee with a satisfactory or better performance rating may obtain either within his agency the one impartial review provided by law, or he may appeal to the appropriate board, but not both.

(c) *Time limits on appeals.* An appeal to a board shall be made to the chairman of the board. The appeal shall be in writing and shall be submitted within:

(1) Thirty days after the employee receives notice of his rating; or

(2) Ten days after the employee withdraws his request for the impartial review within his agency, when more than thirty days have elapsed since he received notice of his rating; or

(3) Thirty days after the employee receives his agency's decision on the impartial review of an unsatisfactory rating.

(d) *Extension of time limit.* Boards may waive the time limits in paragraph (c) of this section for good and sufficient reasons.

§ 430.402 Hearings.

(a) *Oral hearing.* The chairman or alternate chairman of a board shall preside at an oral hearing held to obtain information needed to determine the merits of an appealed rating, and shall rule on questions arising at the hearing.

(b) *Conduct of hearing.* The appellant and his representative, and representatives designated under authority of the agency head, may attend the hearing. These parties may submit any information the board finds pertinent; and may hear, examine, and reply to information received by the board. The board shall find pertinent the record of any prior review of an appealed rating.

(c) *Stenographic report.* A stenographic report of an oral hearing shall be required only when the board unanimously votes it necessary to the best interests of the Government and the employee.

(d) *Hearing waived.* With the appellant's consent, the board may consider his appeal on the basis of written information submitted by both parties without oral hearing.

§ 430.403 Board decision.

(a) *The decision.* The board shall consider the pertinent facts in an appeal and by majority vote either (1) increase the appealed rating, or (2) sustain the appealed rating without change.

(b) *Notice of decision.* The board's decision shall be in writing and shall contain a summary statement of the facts on which it based its decision. The board shall send a copy of the decision to the appellant, to the head of the agency, and to the Commission.

§ 430.404 Effect of decision.

When an agency receives notice of a board's increase in an employee's rating, the agency shall correct all records of the original rating, shall reconsider any and all administrative actions based on the original rating, and insofar as possible under the law and regulations and in the public interest, redetermine and adjust those administrative actions to conform to the corrected rating.

PART 451—INCENTIVE AWARDS

Subpart A—General Provisions

Sec.
451.101 Purpose.
451.102 Policy.
451.103 Definitions.

Subpart B—Department Plans

451.201 Department plans.
451.202 Awards, promotions, and recognition.
541.203 Stimulating participation.
451.204 Prompt action on contributions.
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Subpart C—Awards

451.301 Basic requirements.
451.302 Cash award, tangible benefits.
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451.304 Effect of an award on pay.
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451.309 Interdepartmental referral.
451.310 Award by other benefiting department.

AUTHORITY: §§ 451.101 to 451.310 issued under sec. 302, 68 Stat. 1112; 5 U.S.C. 2121.

Subpart A—General Provisions

§ 451.101 Purpose.

The Government Employees' Incentive Awards Program is established to improve Government operations and to recognize civilian employees by incentive awards. Awards under this program are designed to:

(a) Encourage employees to participate in improving the efficiency and economy of Government operations;

(b) Recognize and reward employees, individually or in groups, for their suggestions, inventions, superior accomplishments, or other personal efforts that contribute to efficiency, economy, or other improvements in Government operations; and

(c) Recognize and reward employees, individually or in groups, who perform special acts or services in the public interest in connection with or related to their official employment.

§ 451.102 Policy.

The policy of the Civil Service Commission in administering the Government Employees' Incentive Awards Act is to:

(a) Establish broad principles and standards for the administration of the Incentive Awards Program;

(b) Delegate to heads of departments authority to establish and operate incentive awards plans consistent with these principles and standards;

(c) Help department officials develop effective programs;

(d) Encourage exchange of contributions among departments; and

(e) Review operation of agency plans to strengthen the Government Employees' Incentive Awards Program.

§ 451.103 Definitions.

In this part:

(a) "Act" means the Government Employees' Incentive Awards Act, as amended, 68 Stat. 1112; 5 U.S.C. 2121.

(b) "Department" means an executive department, an independent agency in the executive branch of the Government, a Government owned or controlled corporation (but not the Tennessee Valley Authority or the Central Bank for Cooperatives), the Administrative Office of the United States Courts, the Library of Congress, the Botanic Gardens, the Government Printing Office, the Office of the Architect of the Capitol, and the municipal government of the District of Columbia.

(c) "Government" means the Government of the United States and the government of the District of Columbia.

(d) "Employee" means a civilian officer of, and an individual employed by a department.

(e) "Plan" means a written statement giving effect to the Act, this Part, and the instructions of the Civil Service Commission concerning the incentive awards program, which has been approved by the head of a department issuing the plan.

(f) "Contribution" means:

(1) An employee's suggestion, invention, superior accomplishment, or other personal effort contributing to the efficiency, economy, or other improvement of Government operations; and,

(2) An employee's special act or service in the public interest, connected with or related to his official employment.

(g) "Incentive award or award" means either a cash award, an honorary award, or both.

(h) "Honorary award" means an incentive award granted by the head of a department in the form of a certificate, emblem, pin, or other item the employee can wear or display.

(i) "Departmental award" means an incentive award granted by the head of a department for an approved contribution from an employee of that department.

(j) "Interdepartmental award" means an incentive award granted by the head of a department for an approved contribution from an employee or employees of another department.

(k) "Presidential award" means an award granted by the President under section 304(b) of the Act.

Subpart B—Department Plans

§ 451.201 Department plans.

(a) *Establishment and change.* The head of each department shall establish and operate a plan to use incentive awards as an integral part of supervision and management, and shall submit any new plan or a change in a plan to the Commission within 30 days of the effective date of the plan or the change.

(b) *Authority for awards.* The head of a department may grant a departmental or interdepartmental award for a contribution, to an employee, a former employee, or the estate of a deceased employee.

(c) *Department administration.* Each plan must provide for:

(1) Central administrative direction and review;

(2) Delegation to bureaus, offices, and field units, of authority and responsibility adequate to insure maximum compliance with the purposes of the Act and with this Part;

(3) Consideration of the applicability of employee contributions throughout the department; and

(4) Referral to the appropriate department or to the Commission of contributions that may apply to other departments.

§ 451.202 Awards, promotions, and recognition.

The head of each department shall provide that:

(a) Due weight be given to incentive awards granted under the Incentive Awards Program when qualifying and selecting for promotion employees who meet the Commission's requirements for promotion; and

(b) Recognition be given to supervisors for the extent of their success in motivating their employees' interests and participation in the Incentive Awards Program.

§ 451.203 Stimulating participation.

To obtain maximum value from the Incentive Awards Program, the head of each department shall emphasize to supervisors and employees the need for their active participation in improving Government operations.

§ 451.204 Prompt action on contributions.

The head of each department shall provide for prompt action on contributions to encourage maximum employee participation, and to obtain all possible benefit to the Government.

§ 451.205 Documentation of action.

The head of each department shall provide that action on a contribution be adequately documented.

§ 451.206 Report.

The head of each department shall submit to the Commission by September first of each year a report on the operation of the department's Incentive Awards Program during the preceding fiscal year.

Subpart C—Awards

§ 451.301 Basic requirements.

A department may not grant an incentive award before the contribution has been approved by the benefiting department. The contribution must have been made while the contributor was a Government employee, and must be described in writing.

§ 451.302 Cash award, tangible benefit.

(a) *The award.* A department may grant an employee a cash award of $15 or more for a contribution that exceeds job requirements and that results in tangible benefits of $50 or more. The amount of the award is based usually on the estimated net money benefit for the first year the contribution is used and is determined by the table in paragraph (b) of this section, except that a department head for special reasons may decide a different amount is justified. He must document his reasons in support of the different amount.

(b) *Award scale.* The amount of a cash award must be based on the following table except when a different amount is justified for special reasons:

Tangible Benefits	*Amount of Award*
$50–$300	$15.
$301–$10,000	$15 for the first $300 in benefits, $5 for each additional $100 or fraction thereof.
$10,001–$20,000	$500 for the first $10,000 in benefits and $5 for each additional $200 or fraction thereof.
$20,001–$100,000	$750 for the first $20,000 in benefits and $5 for each additional $1,000 or fraction thereof.
$100,001 or more	$1,150 for the first $100,000 in benefits and $5 for each additional $5,000 or fraction thereof.

(c) *Award over $5,000.* A department head may not grant a cash award above $5,000 without prior approval of the Commission. The maximum cash award is $25,000.

§ 451.303 Cash award, intangible benefits.

(a) *The award.* A department may grant a cash award for a contribution that results in intangible benefits not susceptible to appraisal on the basis of measurable benefits, or for a contribution that involves a combination of tangible and intangible benefits.

(b) *Amount of award.* The amount of a cash award under this section shall be based on the benefit or value of the contribution to Government operations, considering the extent and scope of the contribution, its significance, and the importance of the programs it affects. A department may grant the minimum cash award of $15 when the contribution compares favorably with one that meets the minimum requirement in § 451.302.

(c) *Department guides on intangible benefits.* The head of each department shall provide as part of his plan, guidelines and criteria on which to base the amounts of awards for contributions under this section.

(d) *Award above $5,000.* A department head may not grant a cash award above $5,000 without prior approval of the Commission. The maximum cash award is $25,000.

§ 451.304 Effect of an award on pay.

(a) *Pay.* A cash award under this part is in addition to the regular pay of the recipient.

(b) *Further claim.* The acceptance of a cash award under this part constitutes an agreement that the use by the Government of a contribution, idea, method or device for which an incentive award is made does not form the basis of a further claim of any nature against the Government by the employee, his heirs, or his assigns.

§ 451.305 Honorary award.

A department may grant an honorary award for a contribution. An honorary award may be granted in addition to a cash award.

§ 451.306 Group awards.

(a) *The award.* When a contribution is made by more than one employee, each contributing employee, including a supervisor, may share in the award.

(b) *Cash award shares.* A department may grant the employees a cash award in equal shares, or in shares proportionate to each employee's participation in the contribution.

(c) *Amount of cash award.* The total amount of a cash award to a group may not exceed the amount that would be authorized if the contribution had been made by one individual, except that a department head for special reasons may decide a different amount is justified. He must document his reasons in support of the different amount.

§ 451.307 Presidential award.

Each department shall submit any recommendation for a Presidential award in accordance with instructions issued by the Distinguished Civilian Service Awards Board.

§ 451.308 Interdepartmental award.

The head of a department in which a contribution originates may grant an incentive award for a contribution that also may benefit another department. The initial award is based on the benefit to the originating department before consideration of additional benefits to another department.

§ 451.309 Interdepartmental referral.

(a) *Originating department.* The head of each department in which a contribution originates shall establish a procedure that requires that the contribution be referred to other departments which may benefit from it. The referral to other departments shall be made only after consideration of the applicability of the contribution in the originating department.

(b) *Referral to one department.* When the department in which a contribution originates determines that only one other department is responsible for acting on the contribution, it shall refer the contribution to that department. The department to which the contribution is referred shall notify the originating department of the action on the contribution and shall send a copy of the notification to the Commission.

(c) *Referral to Commission.* When the originating department determines that more than one other department is responsible for acting on the contribution, it shall refer the file to the Commission, with information on the activities in other departments that may benefit from the contribution.

§ 451.310 Award by other benefiting department.

(a) *Contribution approved.* When the head of a department approves a contribution which originated in another department, he shall report the approval to either the originating department or the Commission, whichever referred the contribution.

(b) *The report.* The approving department shall report its approval as soon as possible and not later than 6 months after receipt of the referral except that the report may be made at a later date with prior approval of the Civil Service Commission. The report shall state the estimated first year net tangible benefits, if any; the intangible benefits, if any; and the incentive award it will grant, under this part.

(c) *Funds for award.* (1) When the head of a department approves a contribution referred by another department, he shall arrange with the originating department for transfer of funds necessary to pay the incentive award.

(2) When more than one department benefits from a contribution, the Commission shall determine the total interdepartmental first year net measurable benefits, and the total intangible benefits, and recommend to the appropriate benefiting departments, their proportionate share of the award.

(3) Within thirty days after receipt of the recommendation referred to in subparagraph (2) of this paragraph, each benefiting department shall notify the Commission in writing of its action on the recommendation.

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

Subpart A—General Provisions

Sec.
511.101 Definitions.

Subpart B—Coverage of the Classification Act

511.201 Coverage of and exclusions from the Classification Act.
511.202 Authority of department.
511.203 Exercise of authority.

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Appeals

511.601 Applicability of regulations.
511.602 Notification of classification decision.
511.603 Right of appeal.
511.604 Filing appeal.
511.605 Time limits.
511.606 Form and contents of appeal.
511.607 Ascertainment of facts.
511.608 Notification of appeal decision.
511.609 Cancellation of employee appeal.
511.610 Finality of decision.
511.611 Bureau of Inspections.
511.612 The Commissioners.

Subpart G—Effective Dates of Position-Classification Actions or Decisions

511.701 Effective dates generally.
511.702 Department's or Commission's classification decision on appeal.
511.703 Retroactive effective date.

AUTHORITY: §§ 511.101 to 511.703 issued under sec. 2, 61 Stat. 727, and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072.

Subpart A—General Provisions

§ 511.101 Definitions.

In this part:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Class" means all positions which are sufficiently similar as to (1) kind or subject-matter of work, (2) level of difficulty and responsibility, and (3) the qualification requirements of the work, to warrant similar treatment in personnel and pay administration.

(c) "Classification" means the analysis and identification of a position and placing it in a class under the position-classification plan established by the Commission under the act.

(d) "Department" includes:

(1) The executive departments;

(2) The independent establishments and agencies in the executive branch, including corporations wholly owned by the United States;

(3) The Administrative Office of the United States Courts;

(4) The Library of Congress;

(5) The Botanic Garden;

(6) The Government Printing Office;

(7) The General Accounting Office;

(8) The Office of the Architect of the Capitol except as indicated in § 511.603; and

(9) The government of the District of Columbia.

(e) "Grade" means all classes of positions which (although different with respect to kind or subject-matter of work) are sufficiently equivalent as to (1) level of difficulty and responsibility, and (2) level of qualification requirements of the work, to warrant their inclusion within one range of rates of basic compensation.

(f) "Position" means the work, consisting of the duties and responsibilities, assigned by competent authority for performance by an officer or employee.

Subpart B—Coverage of the Classification Act

§ 511.201 Coverage of and exclusions from the Classification Act.

(a) *Coverage.* This part and the Classification Act apply to all positions in departments except those specifically excluded by the act, by section 2 of the Act of August 4, 1947 (61 Stat. 727; 5 U.S.C. 1052), and by paragraph (b) of this section.

(b) *Exclusions.* In addition to the positions specifically excluded by the Act and by section 2 of the Act of August 4, 1947, the following positions are excluded from this part and the Classification Act:

Auxiliary medical therapy student positions, Department of Health, Education, and Welfare, as follows: vocational guidance counselors (student); recreation leaders (student); occupational therapists (student); vocational rehabilitation advisers (student); teachers (student) (educational administration and supervision); teachers (student) (business training); teachers (student) (music); teachers (student) (art); and chaplains (student).

Chaplain interns, Department of Health, Education, and Welfare, first year approved clinical training following completion of three or more years approved postgraduate theological training.

Chaplain residents, Department of Health, Education, and Welfare, fifteen months' approved clinical training following completion of four or more years' approved postgraduate theological training.

Chaplain residents, Department of Health, Education, and Welfare, third year approved clinical training following completion of five or more years approved postgraduate theological training.

Chaplain student interns, Department of Health, Education, and Welfare and Government of the District of Columbia, approved clinical training during second year approved postgraduate theological training.

Clinical psychology interns, Department of Health, Education, and Welfare, second, third, and fourth years approved postgraduate training (predoctoral).

Clinical psychology interns, government of the District of Columbia, third and fourth years approved postgraduate training (predoctoral).

Clinical psychology interns, third year approved postgraduate training (predoctoral), Department of the Navy.

Clinical psychology residents, Department of Health, Education, and Welfare, first and second years approved postdoctoral training.

Clinical psychology residents, government of the District of Columbia, first year approved postdoctoral training.

Clinical psychology students, Department of Health, Education, and Welfare, first year approved postgraduate training.

Counseling psychology interns and speech therapy interns, Department of Health, Education, and Welfare, approved postgraduate training during programs for graduate degree.

Dental hygiene students, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Dietetic residents, second year approved postgraduate training.

Hospital administration interns, U.S. Public Health Service, first year approved postgraduate training.

Hospital administration residents, second year approved postgraduate training.

Hospital administration residents, Freedmen's Hospital, third year approved postgraduate training.

Medical record interns, U.S. Public Health Service, 1 year approved training after a minimum of 3 years college level training.

Medical record students, U.S. Public Health Service, 1 year approved training after 2 years college level training.

Medical student interns, approved training during third and fourth years of medical school.

Occupational therapy students, Department of the Army, approved training after a minimum of 1 year college level training.

Pharmaceutical interns, U.S. Public Health Service, 1 year approved postgraduate training.

Physical therapy students, Department of the Army, approved training after a minimum of 1 year college level training.

Practical nurse affiliates, St. Elizabeths Hospital, 3 months approved postgraduate training.

Psychiatric nurse interns (postgraduate student nurses), St. Elizabeths Hospital and U.S. Public Health Service, 1 year approved postgraduate training.

Psychiatric nurse students, St. Elizabeths Hospital, approved training, undergraduate level.

Psychodrama interns, Department of Health, Education, and Welfare, first and second years approved postgraduate training.

Psychodrama interns, Department of Health, Education, and Welfare, third year approved postgraduate training.

Psychodrama residents, Department of Health, Education, and Welfare, fourth year approved postgraduate training, and fifth year approved postgraduate training or first year approved postdoctoral training.

Psychology student trainee, Department of the Navy, approved postgraduate training in a summer practicum following attainment of bachelor's degree.

Recreation interns, Department of Health, Education, and Welfare, 1 year approved postgraduate training.

Social worker interns (student social workers), U.S. Public Health Service, approved postgraduate training during program for the Master of Science degree.

Sociology interns, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

Student dental assistants, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student dental technicians, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student dietitians, Department of the Army and Department of Health, Education, and Welfare, approved training after a minimum of 3 years college level training.

Student educational therapists and student manual arts therapists, Department of Health, Education, and Welfare, approved training after a minimum of 2 years college level training.

Student hospital administration interns, U.S. Public Health Service, approved training prior to first year postgraduate training in hospital administration.

Student laboratory technicians, Department of the Army and U.S. Public Health Service, 1 year approved training after a minimum of 2 years college level training.

Student medical librarians, first and second years approved postgraduate training during program for the Master of Science degree.

Student medical technologists (interns), Department of the Army and U.S. Public Health Service, 1 year approved training after a minimum of 3 years college level training.

Student medical typists, Department of Health, Education, and Welfare, approved training for a 90-day period.

Student nurse anesthetists, Department of Health, Education, and Welfare, eighteen months approved postgraduate training.

Student nursing assistants, Department of Health, Education, and Welfare, 18 weeks approved clinical training.

Student pharmacists, U.S. Public Health Service, approved training after a minimum of 3 years college level training.

Student practical nurses, U.S. Public Health Service, approved training during clinical affiliation.

Student practical nurses, Department of Health, Education, and Welfare, 1 year approved training.

Student practical nurses, D.C. General Hospital, approved training during clinical affiliation.

Student public health nutritionists, Department of Health, Education, and Welfare, approved training during a program for a graduate degree.

Student X-ray technicians, U.S. Public Health Service, 1 year to 18 months approved training.

Student X-ray technicians, Department of Health, Education, and Welfare, 24 months approved training.

§ 511.202 Authority of department.

Subject to the provisions of Subpart F of this part and § 511.203, a department may determine whether a position is subject to, or is excluded from, the Act under the provisions of sections 202(7) and 202(8) of the Act.

§ 511.203 Exercise of authority.

A department may exercise the authority under § 511.202 only in accordance with guidelines and standards issued by the Commission.

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Appeals

§ 511.601 Applicability of regulations.

This subpart applies to an appeal from an employee or a department for the Commission to review the classification of a position subject to the Act, or for the Commission to determine whether a position is subject to the Act.

§ 511.602 Notification of classification decision.

The incumbent of a position who suffers a loss of grade or compensation which is based in whole or in part on a classification decision is entitled to a prompt written notice of the decision from the department. This notice shall also inform him:

(a) Of his right to appeal the classification decision to the department or to the Commission as provided in this subpart; and

(b) Of the time limits within which he must appeal in order to preserve any retroactive benefits under § 511.703.

§ 511.603 Right of appeal.

(a) *Employee appeal.* An employee, or his representative designated in writing, may appeal and request a Commission decision as to:

(1) The appropriate class or grade of his position.

(2) The inclusion under or exclusion from the Act of his position by his department or the Commission, except in the case of the incumbent of a position in the Office of the Architect of the Capitol.

(b) *Department appeal.* The head of a department or his authorized representative may appeal any classification decision made by the Commission with respect to any position in the department.

§ 511.604 Filing appeal.

(a) *Employee.* An employee may file an appeal with the Commission directly or through his department.

(b) *Referral of employee appeal to the Commission.* A department shall forward, within 30 calendar days of its receipt in the department, an employee appeal filed through it to the Commission when:

(1) The department chooses to refer the appeal without action to the Commission;

(2) The employee has directed his appeal to the Commission and the department does not act favorably on it; or

(3) The department is not authorized to act on the employee appeal.

§ 511.605 Time limits.

An employee or a department may submit a classification appeal at any time. However, the time limits of § 511.703 must be met in order to receive the benefits of that section.

§ 511.606 Form and contents of appeal.

(a) *Employee appeal.* An employee's appeal shall be in writing and shall contain the reasons why he believes his position is erroneously classified, or should be brought under or excluded from the Act. The department, when forwarding the appeal of an employee or when requested by the Commission, shall furnish the Commission with all relevant facts concerning the position and the department's justification for its decision. The department shall also comment on the information submitted by the appellant.

(b) *Department appeal.* A department's appeal shall be in writing, and shall contain its reasons and justification for requesting a review of the Commission's decision.

(c) *Inspection of appeal file.* The employee and the department will be permitted to inspect the appeal file on request.

§ 511.607 Ascertainment of facts.

The employee and the department shall furnish such facts as may be requested by the Commission. These facts shall be in writing when so requested. The Commission, in its discretion, may investigate or audit the position.

§ 511.608 Notification of appeal decision.

The Commission shall notify the appellant and the department in writing of its decision.

§ 511.609 Cancellation of employee appeal.

An employee appeal shall be canceled and the employee so notified in the following circumstances:

(a) On receipt of the appellant's written request.

(b) On failure to prosecute, when the appellant does not furnish requested information and duly proceed with the advancement of his appeal. In lieu of cancellation for failure to prosecute, an appeal may be adjudicated if the information is sufficient for that purpose. The Commission may reopen a canceled appeal in its discretion on a showing that circumstances beyond the control of the appellant prevented him from prosecuting the appeal.

(c) On notice that the appellant has left the position, except where he would be entitled to the retroactive benefits of § 511.703, including an appeal pending at the death of an appellant.

§ 511.610 Finality of decision.

An appeal decision made by the Commission is final. There is no further right to appeal. The appeal decision shall constitute a certificate which is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officers of the Government.

§ 511.611 Bureau of Inspections.

The Commission's Bureau of Inspections may, in its discretion, reopen and reconsider any appeal decision made by a Commission regional office under this subpart.

§ 511.612 The Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision.

Subpart G—Effective Dates of Position-Classification Actions or Decisions

§ 511.701 Effective dates generally.

(a) *Department's classification action.* The effective date of a classification action taken by a department is the date the action is approved in the department or a subsequent date specifically stated.

(b) *Commission's classification decision.* The effective date of a classification decision made by means of a certificate issued by the Commission is not earlier than the date of receipt of the certificate in the department and not later than the beginning of the fourth pay period following the receipt of the certificate in the department, unless a subsequent date is specifically stated in the certificate. The filing of an appeal from such a decision does not delay its effective date.

§ 511.702 Department's or Commission's classification decision on appeal.

Subject to § 511.703, the effective date of a change in the classification of a position resulting from an appeal to either a department or the Commission is not earlier than the date of decision on the appeal and not later than the beginning of the fourth pay period following the date of decision, unless a subsequent date is specifically stated in the decision by the department or the Commission.

§ 511.703 Retroactive effective date.

(a) *Downgrading or loss of compensation.* The effective date of a classification action resulting from an appeal decision reversing in whole or in part either a downgrading or other classification action that resulted in a reduction of compensation shall be made retroactive to the date of adverse action when the initial appeal to either the department or the Commission was submitted within 30 calendar days after receipt of written notice of adverse action. However, when the appeal decision raises the grade of the position above its grade immediately preceding the downgrading, retroactivity will apply only to the extent of restoration to the grade immediately preceding the downgrading. The right to a retroactive effective date provided by this section is preserved on subsequent appeal from a department classification decision to the Commission when the appeal is filed not later than 30 calendar days following receipt of written notification of final administrative decision or 30 calendar days after the effective date of the classification action, whichever is later.

(b) *Grade change based on new duties and responsibilities.* Retroactivity may be based only on duties and responsibilities existing at the time of downgrading or loss of compensation and not on duties and responsibilities later assigned.

(c) *Retroactivity when time limits are extended.* The right to a retroactive effective date provided by this section may be preserved, in the discretion of the Commission, on a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

PART 591—ALLOWANCES AND DIFFERENTIALS PAYABLE IN NONFOREIGN AREAS

Subpart A—Definitions

Sec.
591.101 Definitions.

Subpart B—Establishment and Maintenance of Allowances and Differentials

591.201 Areas covered.
591.202 Places and rates at which allowances shall be paid.
591.203 Places and rates at which differentials shall be paid.
591.204 Establishment of rates for additional places.
591.205 Periodic review.
591.206 Deductions from allowances.

Subpart C—Agencies and Employees Affected

591.301 Agencies and employees covered.
591.302 Exclusion of certain employees.
591.303 Eligibility for differential.
591.304 Coordination of allowances and differentials.

Subpart D—Payment of Allowances and Differentials

591.401 Payment of allowances and differentials.

AUTHORITY: §§ 591.101 to 591.401 issued under sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10,000, 13 F.R. 5453, 3 CFR, 1943–48 Comp., p. 792; E.O. 10636, 20 F.R. 7025, 3 CFR, 1954–58 Comp., p. 268.

Subpart A—Definitions

§ 591.101 Definitions.

In this part:

(a) "Act" means section 207 of the Independent Offices Appropriation Act, 1949, as amended (62 Stat. 194; 5 U.S.C. 118h).

(b) "Date of arrival" means the beginning of business on the workday of the employee's arrival at the post, or other place designated. When the employee's arrival is on a nonworkday, "date of arrival" means the beginning of business on the first workday following arrival.

(c) "Date of departure" means the close of business on the workday of the employee's departure from the post or other place designated. When the employee's departure is on a nonworkday, "date of departure" means the close of business on the last workday preceding departure.

(d) "Day or calendar day" means any day of the year. Fractional days are considered whole days.

(e) "Detail" means the temporary assignment or temporary duty of an employee away from his post of regular assignment, including all periods of leave while serving at the post of detail.

(f) "Non-foreign allowance or allowance" means a cost-of-living allowance payable under the Act at a post in a nonforeign area where living costs are substantially higher than in the District of Columbia.

(g) "Non-foreign area" means the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, territories of the United States, and such additional areas located outside the continental United States as the Secretary of State designates as within the scope of Part II of Executive Order 10,000, as amended, and as listed in Part 1326 of this title.

(h) "Non-foreign differential or differential" means additional compensation payable under the Act as a post in a a non-foreign area when conditions of environment differ substantially from conditions of environment in the States and warrant additional compensation as a recruitment incentive.

(i) "On assignment or on transfer" at a post of duty means officially occupying a position located at the post, geographically and organizationally, and having official headquarters at the post for travel and other administrative purposes.

(j) "Rate of basic compensation" means the rate of compensation fixed by statute for the position held by an individual, before any deductions and exclusive of additional compensation of any kind, such as overtime pay, night differential, extra pay for work on holidays, or allowances and differentials.

Subpart B—Establishment and Maintenance of Allowances and Differentials

§ 591.201 Areas covered.

The following areas are subject to this part:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich).

American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoan group east of longitude 171 degrees west of Greenwich, together with Swains Island).

Canton and Enderbury Islands.

Commonwealth of Puerto Rico.

Guam.

Hawaii (including Ocean or Kure Island).

Howland, Baker, and Jarvis Islands.

Johnston or Cornwallis Island, and Sand Island.

Kingman Reef.

Midway Islands.

Navassa Island.

Palmyra Island.

Swan Islands.

Virgin Islands of the United States.

Wake Island.

Any small guano islands, rocks, or keys which, in pursuance of action taken under the Act of Congress, August 18, 1856, are considered as appertaining to the United States.

Any other islands to which the United States Government reserves claim, such as Christmas Island.

§ 591.202 Places and rates at which allowances shall be paid.

In accordance with the act and section 205 of Executive Order 10,000, as amended, and in consideration of relative consumer price levels in the area and in the District of Columbia, and differences in goods and services available and the manner of living of persons employed in the area concerned in positions comparable to those of United States employees in the area, allowances are established at the following places and rates:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic compensation.

Commonwealth of Puerto Rico: 12½ percent of rate of basic compensation.

Hawaii (excluding Ocean or Kure Island): 15 percent of rate of basic compensation.

Virgin Islands of the United States: 15 percent of rate of basic compensation.

§ 591.203 Places and rates at which differentials shall be paid.

In accordance with the act and section 202 of Executive Order 10,000, as amended, and based on (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions, differentials are established at the following places and rates:

American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoan group east of longitude 171 degrees west of Greenwich, together with Swains Island): 25 percent of rate of basic compensation.

Canton Island: 25 percent of rate of basic compensation.

Christmas Island: 25 percent of rate of basic compensation.

Guam: 25 percent of rate of basic compensation.

Johnston or Cornwallis Island, and Sand Island: 25 percent of rate of basic compensation.

Midway Islands: 25 percent of rate of basic compensation.

Swan Islands: 25 percent of rate of basic compensation.

Wake Island: 25 percent of rate of basic compensation.

§ 591.204 Establishment of rates for additional places.

The department or agency concerned shall submit to the Commission in writing requests for the establishment of rates of allowances or differentials for places for which they have not been established by this subpart.

§ 591.205 Periodic review.

The Commission shall review from time to time, but at least annually, the places designated, the rates fixed, and the regulations in this part, which are prescribed for payment of allowances and differentials, with a view to making those changes therein as will insure that payment of additional compensation shall continue only during the continuance of conditions justifying payment of allowances and differentials, and shall not in any instance exceed the amount justified.

§ 591.206 Deductions from allowances.

In accordance with the provisions of section 205(b)(2) of Executive Order 10,000, as amended, deductions from allowances of the following classes of employees shall be made at the following places and rates: None.

Subpart C—Agencies and Employees Affected

§ 591.301 Agencies and employees covered.

(a) In accordance with the Act, Part II of Executive Order 10,000, as amended, and this part, each executive department, independent establishment, and wholly owned Government corporation shall pay (1) an allowance to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which an allowance has been established, and who is otherwise eligible to receive allowance payments; and (2) a differential to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which a differential has been established, and who is otherwise eligible to receive differential payments.

(b) The Act, Part II of Executive Order 10,000, as amended, and this part apply to civilian employees of the United States whose rates of basic compensation are fixed by statute.

§ 591.302 Exclusion of certain employees.

(a) The Act, Part II of Executive Order 10,000, as amended, and this part do not apply to employees in the Panama Canal Zone whose rates of basic compensation are fixed by statute, or to any other groups of employees for whom additional compensation or salary differentials for service outside the continental United States or in Alaska are otherwise specifically authorized by statute.

(b) Governors of territories. A department or agency shall not pay an allowance or differential to a governor of a territory in a nonforeign area, except that on the specific request of the department or agency concerned, the Commission may authorize the payment of a differential to a governor whose compensation is fixed under the Classification Act of 1949, as amended, if he is otherwise eligible to receive a differential and the Commission determines that payment is warranted in the circumstances.

§ 591.303 Eligibility for differential.

(a) The department or agency concerned shall determine eligibility to receive a differential of any person not included in a class enumerated in paragraph (c) of this section in accordance with paragraph (b) of this section.

(b) In order for an employee to be eligible to receive a differential, (1) he shall be a citizen or national of the United States; (2) his residence in the area to which the differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States; and (3) his residence in the area over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests, or organizations.

(c) Subject to paragraph (b) of this section, the classes of persons eligible to receive differentials include but are not limited to:

(1) Persons recruited or transferred from outside the area to which the differential concerned is applicable, except that the department or agency concerned shall exclude from those eligible to receive a differential the spouse of an individual who is stationed, employed, or resident in the differential area when the department or agency determines that the spouse is there primarily to be near the individual.

(2) Persons employed in the area to which the differential concerned is applicable but (i) who were originally recruited from outside the area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the United States Government participates, and whose conditions of employment provide for their return transportation to places outside the differential area concerned; or (ii) who were at the time of employment temporarily present in the differential area concerned for purposes of travel or formal study and maintained residence outside the area during the period so present.

(3) Persons who are not normally residents of the area to which the differential concerned is applicable and who are discharged from the military service of the United States in the area to accept employment therein with an agency of the Federal Government.

§ 591.304 Coordination of allowances and differentials.

An employee eligible to receive an allowance at a post for which both an allowance and a differential have been established shall receive the full allowance otherwise payable to him under this part. When both an allowance and a differential are authorized at one post, the eligible employee shall be paid the full allowance first, and in addition, so much of the differential as will not cause the combined compensation for allowances and differentials to exceed a rate of 25 percent of his rate of basic compensation.

Subpart D—Payment of Allowances and Differentials

§ 591.401 Payment of allowances and differentials.

(a) Payment of an allowance or a differential shall not be made for any time for which an employee does not receive basic compensation.

(b) Additional compensation paid under authority of the Act and this part shall not exceed in any instance 25 percent of the rate of basic compensation.

(c) Payment of an allowance or a differential shall begin as of the date of arrival at the post of duty on regular assignment or transfer, or on the date of entrance on duty in the case of local recruitment. Payment of an allowance or a differential shall cease on separation, or as of the date of departure on transfer to a new post of regular assignment.

(d) An allowance or a differential shall not be included in the base used in computing overtime pay, night differential, holiday pay, retirement deductions, or any other additional compensation, allowance, or pay differential.

(e) Payment of an allowance or a differential is not an "equivalent increase" in compensation within the meaning of the Classification Act of 1949, as amended.

(f) When an employee who is en route to, or returning from, his post of regular assignment is required to perform work in an area where payment of allowances or differentials is authorized, he shall be paid the allowances or differentials for his post of regular assignment while he is performing this work.

(g) Payment of an allowance at the rate prescribed for the post of regular assignment shall continue for all periods of absence from the post on leave, including transit time. Payment of a differential at the rate prescribed for the post of regular assignment shall continue for the first 42 consecutive days of absence from the post on leave, including transit time. Payment of allowances and differentials under this subparagraph is authorized only if the employee returns to a post of regular assignment in a foreign or non-foreign area.

(h) Payment of an allowance at the rate prescribed for the post of regular assignment shall continue for all periods of detail from the post, including transit time. Payment of a differential at the rate prescribed for the post of regular assignment shall continue for the first 42 consecutive calendar days on detail from the post, including transit time. When an employee, during a period of detail, has aggregated 42 days in a pay status at a differential post, he shall thereafter be paid the differential prescribed for each post of detail in a nonforeign or in a foreign area while serving at each post of detail, but not for any time in transit. In any case, the total amount of additional compensation payable under this Part is restricted to 25 percent of the employee's rate of basic compensation as specified in the Act, section 591.304, and paragraph (b) of this section.

(i) When an employee is temporarily absent from his post of regular assignment on leave and detail, payment of the differential for his post of regular assignment is limited to the first 42 consecutive calendar days of the temporary absence, including transit time.

(j) Payment of an allowance or differential to an employee serving on a part-time basis shall be prorated to cover only those periods of time for which the employee receives basic compensation.

PART 713—NONDISCRIMINATION

Subpart A—Policy of Equal Employment Opportunity

Sec.
713.101 When making appointments and position changes.
713.102 Restriction of consideration to one sex.

AUTHORITY: §§ 713.101 and 713.102 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954—1958 Comp., p. 218.

Subpart A—Policy of Equal Employment Opportunity

§ 713.101 When making appointments and position changes.

In determining the merit and fitness of a person for competitive appointment or appointment by noncompetitive action to a position in the competitive service, an appointing officer shall not discriminate on the basis of the person's religious or political affiliations, marital status, race, color, national origin, or sex, nor shall he discriminate on the basis of a physical handicap with respect to any position the duties of which may be performed efficiently by a person with the physical handicap.

§ 713.102 Restriction of consideration to one sex.

An appointing officer may not restrict his consideration of eligibles or employees for competitive appointment or appointment by noncompetitive action to a position in the competitive service, or for training, to one sex, except in unusual circumstances when the Commission finds the action justified.

PART 731—SUITABILITY

Subpart A—[Reserved]

Subpart B—Suitability Disqualifications

Sec.
731.201 Reasons for disqualification.

Subpart C—Suitability Rating Actions

731.301 Jurisdiction.
731.302 Actions against employees.
731.303 Debarment.

Subpart D—Appeals and Reemployment Eligibility

731.401 Reemployment eligibility of certain former Federal employees.

AUTHORITY: §§ 731.201 to 731.401 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954—1958 Comp. p. 218. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—[Reserved]

Subpart B—Suitability Disqualifications

§ 731.201 Reasons for disqualification.

Subject to Subpart C of this Part, the Commission may deny an applicant examination, deny an eligible appointment, and instruct an agency to remove an appointee for any of the following reasons:

(a) Dismissal from employment for delinquency or misconduct;

(b) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct;

(c) Intentional false statement or deception or fraud in examination or appointment;

(d) Refusal to furnish testimony as required by § 5.3 of this chapter;

(e) Habitual use of intoxicating beverages to excess;

(f) Reasonable doubt as to the loyalty of the person involved to the Government of the United States; or

(g) Any legal or other disqualification which makes the individual unfit for the service.

(Sec. 8, 22 Stat. 406; 5 U.S.C. 640)

Subpart C—Suitability Rating Actions

§ 731.301 Jurisdiction.

(a) *Appointments subject to investigation.* (1) In order to establish the appointee's qualifications and suitability for employment in the competitive service, all types of appointments to positions in the competitive service are subject to investigation by the Commission, except promotions, demotions, reassignments, and conversions from career-conditional to career employment.

(2) Appointments are subject to investigation to continue the Commission's jurisdiction to investigate the qualifications and suitability of an applicant after appointment and to authorize the Commission to require removal when it finds the appointee is disqualified for Federal employment. The subject-to-investigation condition may not be construed as requiring an employee to serve a new probationary or trial period or as extending the probationary or trial period of an employee.

(b) *Duration of condition.* The subject-to-investigation condition expires automatically at the end of 1 year after the effective date of appointment, except in a case involving intentional false statement or deception or fraud in examination or appointment.

§ 731.302 Actions against employees.

(a) For a period of 1 year after the effective date of an appointment subject to investigation under § 731.301, the Commission may instruct the agency to remove an appointee when it finds he is not qualified or is unsuitable for any of the reasons cited in § 731.201. Thereafter, the Commission may require removal only on the basis of intentional false statement or deception or fraud in examination or appointment.

(b) An action to remove or otherwise discipline an appointee taken pursuant to an instruction by the Commission is not subject to Part 752 or 772 of this chapter. Parts 752 and 772 of this chapter are applicable when removal or other disciplinary action covered by those parts is initiated by an agency.

§ 731.303 Debarment.

When a person is disqualified for any reason named in § 731.201, the Commission, in its discretion, may deny that person examination for and appointment to a competitive position for a period of not more than 3 years from the date of determination of disqualification. On expiration of the period of debarment, the person who has been debarred may not be appointed to any position in the competitive service until his fitness for appointment has been redetermined by the Commission.

Subpart D—Appeals and Reemployment Eligibility

§ 731.401 Reemployment eligibility of certain former Federal employees.

(a) *Request for suitability determination.* When an employee has been removed by an agency on charges (other than security or loyalty) or has resigned on learning the agency planned to prefer charges, or while charges were pending, the former employee may request the Commission to determine his eligibility for further employment in the competitive service, insofar as his suitability and fitness are concerned. The Commission shall consider the request only if the former employee:

(1) Has completed any required probationary period;

(2) Has basic eligibility for reinstatement; and,

(3) Includes a sworn statement with the request which sets forth fully and in detail the facts surrounding his removal or resignation.

(b) *Action by Commission.* (1) After appropriate consideration, including such investigation as the Commission considers necessary, the Commission shall inform the former employee whether it has found him suitable for further employment in the competitive service.

(2) If the former employee is found unsuitable and has had an opportunity to comment on the reasons for this finding, or has furnished them to the Commission, it may cancel his reinstatement eligibility if that eligibility resulted from his last Federal employment and was obtained through fraud. In addition, the Commission may prescribe a period of debarment from the competitive service not to exceed 3 years.

(c) *Time limits for submitting requests.* The Commission may consider a case under this section only if it is submitted to the Commission within 6 months after the date of separation, or 60 days after the date of the last adverse decision as a result of an appeal, whichever is later. The Commission may extend this time limit on a showing by the former employee that circumstances beyond his control prevented him from filing his request within the prescribed period.

PART 732—PERSONNEL SECURITY PROGRAM

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—Security Determinations

§ 732.401 Reemployment eligibility of certain former Federal employees.

(a) *Request for determination.* A civilian officer or employee whose employment is terminated, or who resigns while suspended, in the interest of national security under the Act of August 26, 1950, as amended, or another statute granting the power of summary dismissal in the interest of national security, may request the Commission, in writing, to determine whether he is eligible for employment in another department or agency of the Government.

(b) *Action by the Commission.* (1) The Commission shall determine, and will notify the former employee, after appropriate consideration of his case, including such investigation as it considers necessary, whether he may be employed in another department or agency of the Government.

(2) If a former Federal employee found unsuitable under this section has had an opportunity to comment on the reasons for the action, or has furnished them to the Commission or to his former employing agency, the Commission may also cancel his reinstatement eligibility if the eligibility resulted from his last Federal employment and was obtained through fraud, or the Commission may prescribe a period of debarment from the competitive service, not to exceed 3 years, or both.

(R.S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218. Interprets or applies sec. 1, 64 Stat. 476, as amended; 5 U.S.C. 22–1; E.O. 10450, 18 F.R. 2489, 3 CFR, 1949–1953 Comp., p. 936)

PART 733—POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES

Subpart A—General Provisions

Sec.
733.101 Purpose.
733.102 Penalties.

Subpart B—[Reserved]

Subpart C—Privileged Localities

733.301 Grant of privilege to residents of certain localities.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Procedures for the Competitive Service

733.601 Applicability.
733.602 Investigation.
733.603 Notification of closing action or charges.
733.604 Employee's answer.
733.605 Initial decision.
733.606 Hearing; procedure.
733.607 Waiver of hearing.
733.608 Final decision.

Subpart G—Procedures for the Excepted Service

Sec.
733.701 Applicability.
733.702 Investigation.
733.703 Charge and answer.
733.704 Agency decision.
733.705 Appeal.
733.706 Retention of employee pending decision on appeal.
733.707 Hearing on appeal to the Commission.
733.708 Examiner's recommendation.
733.709 Waiver of hearing.
733.710 Final decision.

AUTHORITY: §§ 733.101 to 733.710 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218. Interpret or apply sec. 9, 53 Stat 1148, as amended, sec. 14, 58 Stat. 390, as amended; 5 U.S.C. 1181, 863.

Subpart A—General Provisions

§ 733.101 Purpose.

The purpose of this part is to provide the procedures to be followed in determining whether an officer or employee, referred to in this part as an employee, who is subject to:

(a) Section 9 of the Hatch Political Activities Act (53 Stat. 1148; 5 U.S.C. 118i), referred to in this part as the Act, has engaged in political activities prohibited by that section; or

(b) Civil service rule IV (Part 4 of this chapter), referred to in this part as the rule, has engaged in political activities prohibited by the rule.

§ 733.102 Penalties.

(a) The penalties for violation of section 9(a) of the Act are set forth in section 9(b) of the Act and shall be imposed. The penalties for violation of the rule are imposed in accordance with the Act.

(b) An agency may not employ a person removed for violation of the Act or rule in a position the salary or compensation of which is payable under the same appropriation as the position from which the person was removed. In addition, when it is found that an employee has engaged in prohibited political activity, the Commission may consider the matter from a suitability standpoint and establish a definite period during which the employee is debarred from employment in the competitive service.

(c) An employee suspended under this part for violation of the Act or rule is not eligible for employment in another position subject to section 9 of the Act during the period of his suspension.

Subpart B—[Reserved]

Subpart C—Privileged Localities

§ 733.301 Grant of privilege to residents of certain localities.

(a) Under section 16 of the Act the Commission has excepted employee residents of certain municipalities and political subdivisions from the prohibitions of section 9 of the Act, subject to the following conditions:

(1) An employee shall not neglect his official duties or engage in nonlocal partisan political activities.

(2) An employee shall not run for local office as a candidate representing a political party or become involved in political management in connection with the campaign of a party candidate for office.

(3) An employee who is a candidate for local elective office shall run as an independent candidate.

(4) An employee elected or appointed to an elective local office requiring full-time service shall resign his position that is subject to section 9 of the Act. If an employee is elected or appointed to an elective local office requiring only part-time service, he may accept and hold that office without relinquishing his position that is subject to section 9 of the Act if the holding of the part-time office does not conflict or interfere with his duties in the position that is subject to section 9 of the Act. The agency in which the employee is employed is the sole judge of whether or not the holding of the part-time office conflicts or interferes with his duties in the position that is subject to section 9 of the Act.

(5) The Commission may suspend or withdraw the exception granted employee residents of a particular municipality or political subdivision when the Commission considers that the activities resulting from the exception are or may become detrimental to the public interest or inimical to the proper enforcement of the Act and rule.

(b) The exceptions referred to in paragraph (a) of this section are effective for employee residents in each municipality and political subdivision named in this paragraph, from and after the date specified.

IN MARYLAND

Annapolis (May 16, 1941).
Berwyn Heights (June 15, 1944).
Bethesda (Feb. 17, 1943).
Bladensburg (Apr. 20, 1942).
Bowie (Apr. 11, 1952).
Brentwood (Sept. 26, 1940).
Capitol Heights (Nov. 12, 1940).
Cheverly (Dec. 18, 1940).
Chevy Chase, sections 1 and 2 (Mar. 4, 1941).
Chevy Chase, section 3 (Oct. 8, 1940).
Chevy Chase, section 4 (Oct. 2, 1940).
Martin's Additions 1, 2, 3, and 4 to Chevy Chase (Feb. 13, 1941).
Chevy Chase View (Feb. 26, 1941).
College Park (June 13, 1945).
Cottage City (Jan. 15, 1941).
District Heights (Nov. 2, 1940).
Edmonston (Oct. 24, 1940).
Fairmont Heights (Oct. 24, 1940).
Forest Heights (Apr. 22, 1949).
Garrett Park (Oct. 2, 1940).
Glenarden (May 21, 1941).
Glen Echo (Oct. 22, 1940).
Greenbelt (Oct. 4, 1940).
Hyattsville (Sept. 20, 1940).
Kensington (Nov. 8, 1940).
Landover Hills (May 5, 1945).
Morningside (May 19, 1949).
Mount Rainier (Nov. 22, 1940).
North Beach (Sept. 20, 1940).
North Brentwood (May 6, 1941).
North Chevy Chase (July 22, 1942).
Northwest Park (Feb. 17, 1943).
Prince Georges County (June 19, 1962).
Riverdale (Sept. 26, 1940).
Rockville (Apr. 15, 1948).
Seat Pleasant (Aug. 31, 1942).
Somerset (Nov. 22, 1940).
Takoma Park (Oct. 22, 1940).
University Park (Jan. 18, 1941).
Washington Grove (Apr. 5, 1941).

IN VIRGINIA

Alexandria (Apr. 15, 1941).
Arlington County (Sept. 9, 1940).
Clifton (July 14, 1941).
Fairfax County (Nov. 10, 1949).
Town of Fairfax (Feb. 9, 1954).
Falls Church (June 6, 1941).
Herndon (Apr. 7, 1945).
Vienna (Mar. 18, 1946).
Portsmouth (Feb. 27, 1958).

OTHER MUNICIPALITIES

Bremerton, Wash. (Feb. 27, 1946).
Port Orchard, Wash. (Feb. 27, 1946).
Elmer City, Wash. (Oct. 28, 1947).
Anchorage, Alaska (Dec. 29, 1947).
Benicia, Calif. (Feb. 20, 1948).
Warner Robins, Ga. (Mar. 19, 1948).
Norris, Tenn. (May 6, 1959).
Sierra Vista, Ariz. (Oct. 5, 1955).
New Johnsonville, Tenn. (Apr. 26, 1956).
Huachuca City, Ariz. (Apr. 9, 1959).

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Procedures for the Competitive Service

§ 733.601 Applicability.

This subpart is applicable to employees in the competitive service.

§ 733.602 Investigation.

(a) The Commission shall investigate allegations of prohibited political activity on the part of an empleyee without a pledge of confidence. The Commission shall notify the agency in which the employee is employed of the investigation, and shall afford the agency an opportunity to participate in the investigation.

(b) During the course of the investigation, the Commission shall afford the employee an opportunity to make a statement concerning the substance of any political activity disclosed by the investigation and to furnish the names of any witnesses he wishes to have interviewed.

§ 733.603 Notification of closing action or charges.

(a) The General Counsel of the Commission may close a case when he decides, after reviewing the report of investigation, that violation of the Act and rule has not been established. The General Counsel shall notify the employee and the employing agency of his decision to close the case.

(b) The General Counsel shall notify the employee in writing by registered or certified mail, return receipt requested, when he decides that the report of investigation indicates that the Act and rule have been violated. The notice shall set forth the charges of alleged prohibited political activity specifically and in detail, and shall inform the employee of the penalty under the Act. The employee is entitled to at least 30 full days' advance notice of the proposed action, and is entitled to be retained in an active-duty status during the notice period.

§ 733.604 Employee's answer.

The employee may answer the charges within 15 days from the date of receipt of the notice. He may answer personally or in writing, or both personally and in writing, and may furnish affidavits in support of his answer.

§ 733.605 Initial decision.

When the General Counsel decides, after reviewing the employee's answer and any affidavits submitted therewith, that a violation of the Act and rule has been established, he shall so notify the employee. The notification to the employee shall state the reasons for the decision and inform the employee of his right to a personal appearance, referred to in this subpart as a hearing.

§ 733.606 Hearing; procedure.

(a) The Commission shall determine the time and place for the hearing after giving due consideration to the request of the employee as to time and place. The employee is entitled to notice of the hearing at least 10 calendar days in advance of the date fixed for the hearing.

(b) The hearing shall be held before an examiner designated by the Commission. Testimony at the hearing shall be under oath or affirmation. The parties may introduce affidavits and other documentary evidence. The employee or his representative may review all statements, affidavits, and documents which are to be considered as evidence.

(c) The employee may be represented by counsel of his own choice. The employee and the counsel of the Commission may produce witnesses who are subject to cross examination. The employee and the counsel of the Commission are responsible for securing the attendance of their respective witnesses. There is no power of subpena in these cases.

(d) The Commission shall arrange for the hearing to be reported stenographically by a reporter on behalf of the Commission, unless the parties agree to a summary of the testimony. When the hearing is not reported stenographically, the examiner shall prepare or direct the preparation of a summary of the testimony. The Commission shall furnish, without cost, to each party a copy of the transcript or summary of the hearing. The parties may file written exceptions to the summary. The examiner shall certify the summary and any exceptions thereto which then become part of the record. The examiner may permit and fix the time for the filing of briefs.

(e) The examiner shall submit the record, including the report or summary of the hearing, to the Commissioners with his recommended decision as to the violation found by the General Counsel and any penalty to be imposed.

§ 733.607 Waiver of hearing.

If the employee waives a hearing and the General Counsel agrees to the waiver, the General Counsel shall refer the record to an examiner. The examiner shall submit the record to the Commissioners with his recommended decision as to the violation found by the General Counsel and any penalty to be imposed.

§ 733.608 Final decision.

The Commissioners shall make the final decision. The Commission shall notify the employee and the employing agency of the final decision. When the final decision is adverse to the employee, the Commission shall set forth in the notification to the employee the reasons on which the decision is based and the penalty to be imposed, and shall send the notification to the employee by registered or certified mail, return receipt requested. The employing agency shall take action in accordance with the final decision.

Subpart G—Procedures for the Excepted Service

§ 733.701 Applicability.

This subpart is applicable to employees in the excepted service.

§ 733.702 Investigation.

The employing agency shall investigate allegations of prohibited political activity on the part of an employee without a pledge of confidence.

§ 733.703 Charge and answer.

The employing agency shall issue to the employee a notice of proposed removal when the report of investigation indicates that the Act has been violated. The notice shall set forth the charges of alleged prohibited political activity specifically and in detail. The agency shall send the notice to the employee by registered or certified mail, return receipt requested. The employee may answer the notice within 15 calendar days from the date of receipt of the notice. He may answer personally, or in writing, or both personally and in writing, and may furnish affidavits in support of his answer. The employee is entitled to at least 30 full days' advance notice of the proposed action, and is entitled to be retained in an active-duty status during the notice period.

§ 733.704 Agency decision.

On receipt of the employee's answer, or if he fails to answer within the time set, the employing agency shall make the decision on the entire record and notify the employee thereof by registered or certified mail, return receipt requested. When the decision is adverse to the employee, the notice of decision shall:

(a) Set forth, specifically and in detail, the charges on which the decision is based;

(b) Set forth the effective date of the proposed removal; and

(c) Advise the employee of his right to appeal to the Commission, the time within which the appeal may be filed, and the place where the appeal may be filed.

§ 733.705 Appeal.

An employee may appeal to the Commission from a decision of the employing agency that his removal is warranted for violation of the Act. An appeal to the Commission shall be in writing; addressed to the U.S. Civil Service Commission, Washington 25, D.C.; and state whether the employee wishes a hearing. The appeal shall be filed within 15 calendar days after the employee's receipt of the agency's notice of decision. The Commission may extend the time limit when an employee shows that circumstances beyond his control prevented him from filing the appeal within the time limit.

§ 733.706 Retention of employee pending decision on appeal.

When an employee has filed a timely appeal with the Commission, the employing agency may not remove him, but shall retain him in an active duty status until a final decision is made by the Commissioners. When an employee does not file a timely appeal with the Commission, the decision made by the employing agency becomes final.

§ 733.707 Hearing on appeal to the Commission.

(a) Each employee who appeals under § 733.705 is entitled to a personal appearance, referred to in this subpart as a hearing. The Commission shall determine the time and place for the hearing after giving due consideration to the request of the employee as to time and place. The employee is entitled to notice of the hearing at least 10 calendar days in advance of the date fixed for the hearing.

(b) The hearing shall be held before an examiner designated by the Commission. Testimony at the hearing shall be under oath or affirmation. The parties may introduce affidavits and other documentary evidence. The employee or his representative may review all statements, affidavits, and documents which are to be considered as evidence.

(c) The employee may be represented by counsel of his own choice. The employee and the representative of the employing agency may produce witnesses who are subject to cross examination. The employee and the representative of the employing agency are responsible for securing the attendance of their respective witnesses. There is no power of subpena in these cases.

(d) The Commission shall arrange for the hearing to be reported stenographically by a reporter on behalf of the Commission, unless the Commission or the examiner directs otherwise. When the hearing is not reported stenographically, the examiner shall prepare or direct the preparation of a summary of the testimony. The Commission shall furnish, without cost, to each party a copy of the transcript or summary of the hearing. The parties are entitled to file written exceptions to the summary. The examiner shall certify the summary and any exceptions thereto which then become part of the record.

(e) The examiner may permit and fix the time for the filing of briefs.

§ 733.708 Examiner's recommendation.

The examiner shall submit the record, including the report or summary of the hearing, to the Commissioners with his recommended decision as to the violation found by the employing agency and any penalty to be imposed.

§ 733.709 Waiver of hearing.

If the employee waives a hearing, the examiner shall submit the record to the Commissioners with his recommended decision as to the violation found by the employing agency and any penalty to be imposed.

§ 733.710 Final decision.

The Commissioners shall make the final decision. The Commission shall notify the employee and the employing agency of the final decision. The Commission shall set forth in the notification of decision the reasons on which the decision is based and any penalty to be imposed, and shall send the notification to the employee by registered or certified mail, return receipt requested. The employing agency shall take action in accordance with the final decision.

PART 734—HOLDING STATE OR LOCAL OFFICE

Subpart A—General Prohibition

Sec.
734.101 Prohibition against holding State or local office.

Subpart B—Exceptions From the General Prohibition

734.201 Executive order exceptions.
734.202 Full-time employees.
734.203 Part-time employees.
734.204 Employees on leave without pay.
734.205 Conditions.

AUTHORITY: §§ 734.101 to 734.205 issued under R.S. 1753; 5 U.S.C. 631; E.O. 10530, 19 F.R. 2709, 3 CFR, 1954–1958 Comp., p. 189.

Subpart A—General Prohibition

§ 734.101 Prohibition against holding State or local office.

A person may not accept or hold an office under a State or local government, including a department, agency, or political subdivision of a State or local government, at the same time that he holds an office or employment in the executive branch of the Federal Government by appointment, except as provided by Subpart B of this part.

Subpart B—Exceptions From the General Prohibition

§ 734.201 Executive order exceptions.

Subject to § 734.205, a Federal employee may hold a State or local office as authorized by Executive order.

§ 734.202 Full-time employees.

Subject to § 734.205, a full-time Federal employee may hold a State or local office on other than a full-time basis.

§ 734.203 Part-time employees.

Subject to § 734.205, a Federal employee employed on other than a full-time basis may hold a State or local office, whether full-time or otherwise.

§ 734.204 Employees on leave without pay.

(a) Subject to § 734.205, a Federal employee who is on leave without pay may hold a State or local office on a full-time basis. The Federal employing agency is the sole judge of whether it is in its interest to grant leave without pay for the purpose of this paragraph.

(b) An employee of a State or local government who is on leave without pay may hold a Federal position on a full-time basis under a temporary appointment.

§ 734.205 Conditions.

A Federal employee may accept and hold a State or local office only if he obtains the prior approval of his Federal employing agency, and his service in the State or local office will not interfere with the regular and efficient performance of his Federal position. The Federal employing agency is the sole judge of whether or not the employee's service in the State or local office will interfere with the regular and efficient performance of his Federal position. Nothing in this part may be construed as permitting an employee to engage in partisan political activity prohibited by section 9 of the Hatch Political Activities Act (53 Stat. 1148; 5 U.S.C. 118i) and Civil Service Rule IV (Part 4 of this chapter).

PART 752—ADVERSE ACTIONS

Subpart A—General Provisions

Sec.
752.101 Applicability.
752.102 Definition.
752.103 General exclusions.
752.104 General standards.
752.105 Agency records.

Subpart B—Discharge, Suspension for More Than 30 Days, Furlough Without Pay, and Reduction in Rank or Compensation

752.201 Coverage.
752.202 Procedures.
752.203 Appeal rights to the Commission.

Subpart C—Suspensions of 30 Days or Less

752.301 Coverage.
752.302 Procedures.
752.303 Emergency procedures.
752.304 Appeal rights to the Commission.

Subpart D—Reversals of Adverse Actions

752.401 Agency action when Commission recommends restoration or other corrective action.
752.402 Agency reversal of certain adverse decisions.

AUTHORITY: §§ 752.101 to 752.402 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended, secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 631, 633, 860, 868; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, E.O. 10988, 27 F.R. 551.

Subpart A—General Provisions

§ 752.101 Applicability.

This part applies to discharges, suspensions, furloughs without pay, and reductions in rank or compensation of employees of the Government of the United States and the government of the District of Columbia.

§ 752.102 Definition.

In this part, "days" means calendar days, not workdays.

§ 752.103 General exclusions.

(a) *Employees.* The employees covered by this part are shown in Subparts B and C of this part. In no case, however, does any of this part apply to:

(1) A reemployed annuitant;

(2) An employee under the legislative or judicial branch of the Government unless he is occupying a position in the competitive service;

(3) An employee occupying a position in the competitive service under a temporary appointment;

(4) An employee whose appointment is required by Congress to be confirmed by, or made with, the advice and consent of the United States Senate, except a postmaster;

(5) An employee currently serving a probationary or trial period;

(6) An employee in the excepted service who is not a preference eligible employee, except an employee with competitive status occupying a position in Schedule B of Part 213 of this chapter; or

(7) An employee serving under a term appointment on expiration of his term appointment.

(b) *Adverse actions.* The adverse actions covered by this part are shown in Subparts B and C of this part. In no case, however, does any of this part apply to:

(1) A decision of the Commission;

(2) An action taken by an agency pursuant to instructions from the Commission;

(3) A reduction-in-force action taken under Part 351 of this chapter; or

(4) An action taken under the Act of August 26, 1950, as amended, or any other statute which authorizes an agency to take suspension or separation action without regard to section 6 of the Act of August 24, 1912, as amended, or any other statute.

§ 752.104 General standards.

(a) An agency may not take an adverse action against an employee covered by this part except for such cause as will promote the efficiency of the service.

(b) An agency may not take an adverse action against an employee covered by this part for political reasons, except when required by statute.

(c) An agency may not take an adverse action against an employee covered by this part that is based on discrimination because of sex, marital status, race, creed, color, national origin, or for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

§ 752.105 Agency records.

Each agency shall make a part of its records copies of the notice of proposed adverse action, any answer made by the employee, the notice of any agency hearing on the proposed adverse action and the report thereof, and the notice of decision.

Subpart B—Discharge, Suspension for More Than 30 Days, Furlough Without Pay, and Reduction in Rank or Compensation

§ 752.201 Coverage.

(a) *Employees covered.* This subpart applies to:

(1) Any career, career-conditional, overseas limited, indefinite, or term employee in a position in the competitive service who is not serving a probationary or trial period;

(2) Any employee having a competitive status who occupies a position in Schedule B of Part 213 of this chapter under a nontemporary appointment; and

(3) Any preference eligible employee who has completed 1 year of current continuous employment in a position outside the competitive service.

(b) *Adverse actions covered.* This subpart applies to:

(1) Discharge;

(2) Suspension for more than 30 days;

(3) Furlough without pay; and

(4) Reduction in rank or compensation, including that taken at the election of the agency after a position classification decision by the Commission.

(c) *Exclusions.* This subpart does not apply to an employee or adverse action excluded by § 752.103.

§ 752.202 Procedures.

(a) *Notice of proposed adverse action.* Except as provided in paragraph (c) of this section, an employee against whom adverse action is sought is entitled to at least 30 full days' advance written notice stating any and all reasons, specifically and in detail, for the proposed action.

(b) *Employee's answer.* Except as provided in paragraph (c) of this section, an employee is entitled to a reasonable time for answering charges and a notice of proposed adverse action and for furnishing affidavits in support of his answers. The reasonable time required depends on the facts and circumstances of the case, and shall be sufficient to afford the employee ample opportunity to prepare answers and secure affidavits. If the employee answers, the agency shall consider his answer in reaching its decision. The employee is entitled to answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision on his case, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the agency shall make a representative or representatives available to hear his answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed adverse action or to recommend what final decision should be made.

(c) *Exceptions to notice period and opportunity to prepare answer.* (1) Advance written notice and opportunity to answer are not necessary in cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring immediate curtailment of activities.

(2) When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed, the agency is not required to give the employee the full 30 days' advance written notice, but shall give him such less number of days advance notice and opportunity to answer as under the circumstances is reasonable and can be justified.

(d) *Duty status during notice period.* Except as provided in paragraph (e) of this section, an employee against whom adverse action is proposed is entitled to be retained in an active duty status during the notice period. When circumstances are such that the retention of the employee in an active duty status in his position may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general public, the agency may temporarily assign him to duties in which these conditions will not exist or place him on leave with his consent.

(e) *Suspensions during notice period.* In an emergency case when, because of the circumstances described in paragraph (d) of this section, an employee cannot be kept in an active duty status during the notice period, the agency may suspend him. This suspension is a separate adverse action. An employee whose suspension under this paragraph is proposed is entitled, in connection with the suspension, to the following:

(1) If the suspension is for more than 30 days, to the procedures required by this subpart;

(2) If the suspension is for 30 days or less and the employee is covered under § 752.301, to the procedures required by Subpart C of this Part; or

(3) If the suspension is for 30 days or less and the employee is in the excepted service and not covered by § 752.301, to a written notice at least 24 hours in advance of the effective date of the suspension. The agency shall include in the notice of suspension the reasons for not retaining the employee in an active duty status during the notice period. If the employee appeals from the final adverse decision, the Commission reviews the reasons for not retaining him in an active duty status to determine their consonance with the circumstances described in paragraph (d) of this section. The agency may place the employee in a nonduty status with pay for such time, not to exceed 5 days, as is necessary to effect the suspension.

(f) *Notice of adverse decision.* The employee is entitled to notice of the agency's decision at the earliest practicable date. The agency shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing, be dated, inform the employee of the reasons for the action, inform the employee of his right of appeal to the appropriate office of the Commission, and inform him of the time limit within which an appeal may be submitted as provided in § 752.203(b). The agency also shall inform the employee of any right of appeal to the agency under Part 771 of this chapter.

§ 752.203 Appeal rights to the Commission.

(a) *Right of appeal.* An employee is entitled to appeal to the Commission from an adverse action covered by this subpart. The appeal shall be in writing and shall set forth the employee's reasons for contesting the adverse action, with such offer of proof and pertinent documents as he is able to submit.

(b) *Time limit.* (1) Except as provided in subparagraphs (2), (3), and (4) of this paragraph, an employee may submit an appeal at any time after receipt of the notice of adverse decision but not later than 10 days after the adverse action has been effected.

(2) When a postmaster appointed by the President and confirmed by the United States Senate is notified of an adverse decision to discharge him and is continued in office until a successor can be installed, the time limit on an appeal is 10 days after his receipt of the notice of adverse decision, except when subparagraph (3) of this paragraph applies.

(3)(i) An appeal may not be processed concurrently by the Commission under this part and by an agency under the agency appeals system established under Part 771 of this chapter.

(ii) If an employee elects to appeal to the agency within the time limit prescribed by Part 771 of this Chapter, he is entitled to appeal to the Commission only after, but not more than 10 days later than, receipt of the first-level agency appeal decision when the agency has more than one level of appeal, or receipt of the final agency appeal decision when the agency has only one level of appeal. However, an employee who has appealed to his agency under Part 771 of this chapter may elect to terminate that appeal by appealing to the Commission if the first-level decision on his appeal, or the final decision when the agency has only one level of appeal, has not been made within 60 days after the employee filed it.

(iii) If an employee elects to appeal first to the Commission within the time limits specified in subparagraph (1) or (2) of this paragraph, he forfeits his right of appeal under the agency appeals system.

(4) The Commission may extend the time limits in this paragraph when the appellant shows that he was not notified of the applicable time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit.

Subpart C—Suspensions of 30 Days or Less

§ 752.301 Coverage.

(a) *Employees covered.* This subpart applies to:

(1) Any career, career-conditional, overseas limited, term, or idefinite employee in a position in the competitive service who is not serving a probationary or trial period; and

(2) Any employee having a competitive status who occupies a position in Schedule B of Part 213 of this chapter under a nontemporary appointment.

(b) *Adverse actions covered.* This subpart applies to suspensions of 30 days or less.

(c) *Exclusions.* This subpart does not apply to an employee or adverse action excluded by § 752.103.

§ 752.302 Procedures.

(a) *Notice of proposed suspension.* An employee whose suspension is sought is entitled to an advance written notice stating the reasons, specifically and in detail, for the proposed action.

(b) *Employee's answer.* An employee is entitled to a reasonable time for filing a written answer to the notice of proposed suspension and for furnishing affidavits in support of his answer. If the employee answers, the agency shall consider the answer in reaching its decision.

(c) *Notice of suspension.* The employee is entitled to notice of the agency's decision at the earliest practicable date. The agency shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing, inform the employee of the reasons for the suspension, inform the employee of his right of appeal to the appropriate office of the Commission, and inform him of the time limit within which an appeal may be submitted as provided in § 752.304(c).

§ 752.303 Emergency procedures.

In an emergency case, when circumstances are such that the retention of an employee in an active duty status in his position may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general public, the agency may require the employee to answer the charges and submit affidavits within such time as under the circumstances would be reasonable, but not less than 24 hours. When these circumstances require immediate action, the agency may place the employee in a nonduty status with pay for such time, not to exceed 5 days, as is necessary to effect the suspension.

§ 752.304 Appeal rights to the Commission.

(a) *Right of appeal.* An employee is entitled to appeal to the Commission from the agency's decision to suspend him. The appeal shall be in writing.

(b) *Scope of review.* (1) On appeal, the Commission reviews the procedures used in a suspension under this subpart. Its review does not include other matters except as provided in subparagraphs (2) and (3) of this paragraph.

(2) When an employee submits an affidavit to the Commission alleging that adverse action was taken against him for political reasons not required by statue, or resulted from discrimination because of sex or marital status, or from improper discrimination because of physical handicap, the Commission determines the validity of the allegation and takes appropriate action when indicated.

(3) When a suspension was imposed during the advance notice period of some adverse action covered by Subpart B, of this Part, the Commission reviews the reasons for not retaining the employee in an active duty status if the employee appeals from the final adverse action.

(c) *Time limit.* An employee may submit an appeal at any time after receipt of the notice of adverse decision but not later than 10 days after the suspension has been effected. The Commission may extend the time limit in this paragraph when the appellant shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit.

Subpart D—Reversals of Adverse Actions

§ 752.401 Agency action when Commission recommends restoration or other corrective action.

(a) It is mandatory that the agency take all corrective action recommended in the Commission's initial decision on an appeal unless it makes a timely appeal to the Board of Appeals and Review.

(b) The decision of the Board is final and compliance with its recommendation for corrective action is mandatory.

§ 752.402 Agency reversal of certain adverse decisions.

When an employee who has been reduced in grade or compensation is restored to his former grade or rate of pay or to an intermediate grade or rate of pay as the result of an agency decision that its action under Subpart B of this part was unjustified or unwarranted, the agency shall make the restoration retroactively effective to the date of the improper action.

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Subpart A—[Reserved]

Subpart B—Administrative Appeals

DEFINITIONS AND COVERAGE

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771.227 Employee requests for review.
771.228 Review of agency appeals system.

AUTHORITY: §§ 771.201 to 771.228 issued under R.S. 1753, sec. 2, 22 Stat. 403 as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, E.O. 10987, 27 F.R. 550.

Subpart A—[Reserved]

Subpart B—Administrative Appeals

DEFINITIONS AND COVERAGE

§ 771.201 Purpose.

The purpose of this subpart is to set forth the regulations under which each agency shall establish an agency appeals system, as required by Executive Order 10987, that will provide a simple, orderly method through which an employee may seek prompt administrative reconsideration of a decision to take adverse action against him.

§ 771.202 Definitions.

In this subpart:

(a) "Appeal" means a written request by an employee for reconsideration of an adverse decision under an agency appeals system.

(b) "Employee" includes a former employee of an agency.

(c) "Executive order" means Executive Order 10987, issued January 17, 1962.

§ 771.203 Agency coverage.

(a) *Agencies covered.* Except as provided by paragraph (b) of this section, this subpart applies to the executive departments, military departments, and independent establishments in the executive branch of the Federal Government including Government-owned or controlled corporations, and to those portions of the legislative or judicial branches and of the government of the District of Columbia having positions in the competitive service.

(b) *Agencies not covered.* This subpart does not apply to the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, and the Tennessee Valley Authority.

§ 771.204 Employee coverage.

(a) *Employees covered.* Except as provided by paragraph (c) of this section, an agency appeals system applies (1) to any career, career-conditional, overseas limited, indefinite, or term employee except as provided in paragraph (b) of this section, in a position in the competitive service who is not serving a probationary or trial period, and (2) to any employee having competitive status and occupying a position in Schedule B under a nontemporary appointment.

(b) *Employees not covered.* An agency appeals system does not apply to (1) a reemployed annuitant, (2) an employee occupying a position in the competitive service under a temporary appointment, (3) an employee (except a postmaster) whose appointment is required by the Congress to be confirmed by, or made with, the advice and consent of the United States Senate, (4) an employee currently serving a probationary or trial period, (5) an employee in a position outside the competitive service except as provided by § 771.204 (a) (2), or (6) an employee serving under a term appointment on expiration of his term appointment.

(c) *Special exclusion.* The agency appeals system does not apply to any

employee otherwise included under paragraph (a) of this section when he is a member of a class of employees excluded from coverage by the Commission on the recommendation of the head of the agency concerned because the nature of the employee's work is such that inclusion under the agency appeals system is inappropriate.

§ 771.205 Adverse actions covered.

(a) *Actions covered.* Except as provided by paragraph (b) of this section, an agency appeals system shall apply to (1) discharge, (2) suspension for more than 30 days, (3) furlough without pay, and (4) reductions in rank or compensation, including those which are taken at the election of the agency after a classification decision by the agency or the Commission.

(b) *Actions not covered.* An agency appeals system does not apply to (1) a decision of the Commission, (2) an action taken pursuant to specific instructions from the Commission, or (3) an action taken under the Act of August 26, 1950, as amended, or any other statute which authorizes an agency to take suspension or separation action without regard to section 6 of the Act of August 24, 1912, as amended, or any other law.

§ 771.206 Allegations of discrimination.

An agency appeals system shall provide that when an employee alleges that the adverse decision was based in whole or in part on discrimination because of race, creed, color, or national origin, the review of that allegation shall be made under the provisions of Executive Order 10925 and the regulations of the President's Committee on Equal Employment Opportunity contained in Chapter IV of this title. The system shall further provide that a decision shall not be made against the employee until a determination has been made on the issue of discrimination.

GENERAL REQUIREMENTS

§ 771.207 Establishment and publication.

(a) Each agency shall establish and administer an agency appeals system in accordance with the Executive order and this subpart. The system applies to appeals from the adverse actions covered which began by issuance of a notification of proposed action after June 30, 1962.

(b) Each agency shall afford its employees and representatives of recognized employee organizations an opportunity to express their views in the development of, operations under, or changes to, its appeals system.

(c) Each agency is authorized to include provision for advisory arbitration, when appropriate, in the agency appeals system.

(d) The provisions of the agency appeals system including its coverage shall be published, copies shall be available to employees and their representatives, and employees shall be notified where a copy is available for review.

§ 771.208 Right to appeal.

(a) *Entitlement.* The agency appeals system shall provide that (1) an employee is entitled to appeal under the agency appeals system from a decision by the agency to take adverse action against him, and (2) an employee's properly filed appeal will be accepted and processed in accordance with the agency appeals system.

(b) *Notice.* The agency appeals system shall require that the notice of decision to take adverse action shall inform the employee of:

(1) His right to appeal under the agency appeals system;

(2) The time limit within which the appeal must be filed under the agency appeals system;

(3) Any appeal rights which he may have to the Commission;

(4) The order of processing appeals as prescribed by § 771.221; and

(5) The person with whom, or the office with which, the appeal must be filed, and from which he may obtain information on how to pursue his appeal.

§ 771.209 Contents of appeal.

The agency appeals system shall require that an employee's appeal be in writing, that it set forth clearly the basis for the appeal, and that it include his request, if any, for a hearing when he is entitled to a hearing on his appeal.

§ 771.210 Time limits for filing appeal.

The agency appeals system shall provide that the employee may file his appeal at any time after the notice of adverse decision but not later than 10 calendar days after the effective date of the adverse action. The agency appeals system shall also provide that this time limit may be extended, in the discretion of the agency, (a) on a showing by the employee that he was not notified of the applicable time limit or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit, or (b) for other reasons deemed sufficient by the agency.

§ 771.211 Presentation of appeal.

(a) The agency appeals system shall insure that the employee, in presenting his appeal, shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal;

(2) Have the right to be accompanied, represented, and advised by a representative of his own choosing; and,

(3) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

(b) The agency appeals system shall also insure that when an employee of the agency is designated as a representative by an employee appealing under the agency appeals system, the representative, in presenting the appeal, shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal; and

(2) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

§ 771.212 Appeals levels.

The agency appeals system shall provide ordinarily for one level of review, except that it may, with the concurrence of the Commission, include further administrative review when the delegations of authority or organizational arrangements of the agency so require. When an agency requests the concurrence of the Commission to include a provision for further administrative review in its agency appeals system, the agency shall submit justification for this provision and a statement of the procedures that will be followed in putting this provision into effect.

§ 771.213 Appellate review.

(a) *Authorized official.* The agency appeals system shall require that the agency official authorized to decide the appeal be at a higher administrative level than the agency official who made the adverse decision which resulted in the appeal, except that when the head of the agency made the adverse decision, he shall decide the appeal.

(b) *Scope.* The agency appeals system shall provide that the review of the appeal shall include, but shall not be limited to, a review of the issues of fact and of compliance with the agency and Commission procedural requirements for effecting the adverse action.

HEARING

§ 771.214 Right to a hearing.

The agency appeals system shall provide the employee an opportunity for a full and fair hearing on the adverse action, personally or through or accompanied by his representative, before a hearing committee. The hearing may precede either the original decision or the appellate decision. An opportunity for a hearing or a request for a hearing may be denied only (a) when the agency finds a hearing impracticable by reason of unusual location or other extraordinary circumstance, or (b) in connection with the appeal, when it finds that the employee failed to request a hearing offered preceding the original decision. The agency appeals system shall provide that no more than one hearing shall be held unless the agency determines that unusual circumstances require a second hearing. The agency appeals system shall require that the employee be notified as to his rights respecting a hearing preceding the original decision or the appellate decision.

§ 771.215 Hearing committee.

(a) The agency appeals system shall provide that the hearing will be held by a hearing committee consisting of one or more members and shall provide for the selection of the members of the committee in such a manner as to insure that the members will be fair, impartial, and objective. The agency appeals system shall prohibit membership to anyone responsible for reviewing or acting on the proposal to take adverse action or on the adverse decision, or to anyone responsible for reviewing or acting on the report of the committee.

(b) The agency appeals system shall establish reasonable time standards for the selection of the committee, for the conduct of the hearing, for completion of the report of the committee, and for decision on the appeal.

§ 771.216 Conduct of hearing.

(a) The agency appeals system shall provide that the hearing shall be held whenever practicable near the employee's locality of work.

(b) The agency appeals system shall provide that:

(1) The hearing shall be conducted so as to bring out pertinent facts including the production of pertinent records;

(2) The rules of evidence need not be followed, but evidence should be pertinent to the issues;

(3) Testimony of witnesses shall be under oath; and

(4) The employee or his representative and the agency shall both have the right of cross-examination.

§ 771.217 Witnesses.

(a) The agency appeals system shall provide that (1) insofar as administratively practicable and when requested by the hearing committee after consideration of requests by the employee and the agency, employees of the agency will be made available to the committee as witnesses, and (2) when the agency determines that it is impracticable to comply with the request of the committee, the reasons for the declination shall be included in the employee's appeal file. The system shall also provide that employees of the agency made available as witnesses shall be considered to be in a duty status during this time.

(b) The agency appeals system shall provide that witnesses in presenting their testimony shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal.

§ 771.218 Record of the hearing.

The agency appeals system shall require the hearing committee to prepare a written summary or transcript of the hearing, including all pertinent documents submitted to the committee for its consideration. The summary shall be signed by the parties concerned with such exceptions as they submit in writing, and a copy of the summary shall be furnished the employee.

§ 771.219 Report of committee.

The agency appeals system shall require the committee to report in writing its findings of fact, or its findings and recommendations, to the agency official making the decision on the adverse action when the hearing is held before the original adverse decision, or to the agency official authorized to make the decision on the appeal when the hearing is held after the original adverse decision. A copy of the committee's report shall be furnished to the employee and his representative.

PROCESSING THE APPEAL

§ 771.220 Avoidance of delay.

The agency appeals system shall provide for full, impartial, and expeditious consideration of each appeal and shall include regulations designed to prevent unreasonable delay by the employee in pursuing his appeal, and directing the appropriate officials of the agency to process appeals with dispatch.

§ 771.221 Order of processing appeals.

(a) The agency appeals system shall provide that each employee entitled to appeal an adverse action that is also appealable to the Commission shall be informed that the appeals to the agency and to the Commission may not be processed concurrently. The system shall require that the employee be informed that:

(1) If he elects to appeal to the agency within the time limit prescribed by § 771.210, he will be entitled to appeal to the Commission under this chapter only after the notice of the final agency appeal decision when the agency appeals system has only one level of appeal, or after the notice of the first level agency appeal decision when the agency appeals system has more than one level of appeal; and,

(2) If he elects to appeal to the Commission within the same time limit as that prescribed by § 771.210, he forfeits his right of appeal under the agency appeals system.

(b) The agency appeals system shall provide that if the appeal of an employee is not completed within 60 days after filing, the employee may elect to terminate the agency appeal by appealing to the Commission.

§ 771.222 Termination of appeal.

(a) The agency appeals system shall provide for the termination of an employee's appeal at his request or for his failure to prosecute when he does not furnish required information and duly proceed with the advancement of his appeal. The agency appeals system may also provide (1) that, instead of terminating the appeal for failure to prosecute, the appeal will be adjudicated if the information is sufficient for that purpose, and (2) that a closed appeal will not be reopened except in the discretion of the agency on a showing by the employee that circumstances beyond his control prevented him from prosecuting the appeal.

(b) The agency appeals system shall also provide for terminating the employee's appeal if he files an appeal to the Commission from the same adverse decision and the Commission accepts the appeal for adjudication.

§ 771.223 Death of employee.

The agency appeals system shall require (a) a proper appeal filed prior to the death of the employee to be processed to completion and adjudicated, and (b) as necessary, a recommendation for corrective action on such an appeal may provide for cancellation of the adverse action and for amendment of the agency's records to show retroactive restoration and continuance on the rolls to the date of death.

§ 771.224 Agency appellate decision.

The agency appeals system shall require the authorized agency official to consider the entire appellate record and after such consideration, to make his decision in which he may sustain the previous decision to take adverse action, modify the previous decision by substituting a less severe action, or reverse the previous decision.

§ 771.225 Notice of appellate decision.

The agency appeals system shall require that the employee shall be notified promptly of the decision on his appeal or of the termination of his appeal and of any appeal rights the employee may have under this chapter, and that a copy of this notice shall be furnished to the employee's representative.

§ 771.226 Employee appeal file.

The agency appeals system shall require that when an employee files an appeal under that system, an employee appeal file shall be established and that this file shall contain all pertinent documents relating to the appeal, including copies of the notice of proposed adverse action the employee's reply, if any, the notice of adverse decision; the employee's appeal; the reasons for not granting a hearing when one was requested but not granted; the written summary or transcript of the hearing when a hearing was held; the report of the committee; and the notice of the final agency decision.

COMMISSION ACTION

§ 771.227 Employee requests for review.

The Commission shall not act on a request by an employee for a review of the agency action under the agency appeals system unless the employee otherwise has a right to appeal to the Commission from the same adverse action and the Commission has accepted the appeal for adjudication.

§ 771.228 Review of agency appeals system.

From time to time the Commission will review the agency appeals system. When it finds that the agency appeals system or its operations do not conform to the requirements of the Executive order or this subpart the Commission will require corrective action to bring the agency appeals system or operations into conformity.

PART 772—APPEALS TO THE COMMISSION

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Commission's Appellate Review of Agency Actions

Sec.
772.301 Coverage.
772.302 Failure to prosecute.
772.303 Death of appellant.
772.304 Evidence.
772.305 Hearings.
772.306 Decision on initial appeal.
772.307 Further appeal to the Board of Appeals and Review.
772.308 Appellate review by the Commissioners.

AUTHORITY: §§ 772.301 to 772.308 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended, secs. 11, 14, 19, 58 Stat. 390, 391, as amended, sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1108; 5 U.S.C. 631, 633, 860, 863, 868, 1072, 1072a; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, E.O. 10988, 27 F.R. 551.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Commission's Appellate Review of Agency Actions

§ 772.301 Coverage.

Except as otherwise provided, this subpart applies to appeals to the Commission under Subpart H of Part 315 of this chapter, Subpart B of Part 330 of this chapter, Subpart I of Part 351 of this chapter, Subpart E of Part 531 of this chapter, and Subparts B and C of Part 752 of this chapter.

§ 772.302 Failure to prosecute.

The Commission shall close an appeal for failure to prosecute if an appellant does not furnish required information and duly proceed with the advancement of his appeal. However, instead of closing for failure to prosecute, the Commission may adjudicate the appeal if sufficient information for that purpose is available. The Commission may reopen an appeal closed under this section only on a showing by the appellant that circumstances beyond his control prevented him from prosecuting his appeal.

§ 772.303 Death of appellant.

When an appeal under Subpart H of Part 315 of this chapter, Subpart I of Part 351 of this chapter, Subpart E of Part 531 of this chapter, or Subpart B or C of Part 752 of this chapter is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

§ 772.304 Evidence.

(a) *Coverage.* This section applies only to appeals under Subpart H of Part 315 of this chapter, and Subparts B and C of Part 752 of this chapter.

(b) *Evidence.* Statements of witnesses shall be by affidavit, when practicable, and relative to the adverse decision. It is the responsibility of both parties to the appeal to submit all evidence to the Chief, Appeals Examining Office, or to the regional director, as appropriate.

(c) *Availability of evidence and representations.* A representative of the Commission shall discuss all relevant representations and evidence with both parties and make the representations and evidence available to them for review. However, when adverse action has been taken on the basis of a reported mental condition of the appellant or another condition of such a nature that a prudent physician would hesitate to inform a person suffering from it as to its exact nature and probable outcome, the representative of the Commission shall make the medical evidence available only to a duly licensed physician designated in writing by the appellant or the appellant's representative.

§ 772.305 Hearings.

(a) *Coverage.* This section applies only to appeals under Subpart B of Part 752 of this chapter.

(b) *Right to a hearing.* An appellant is entitled to a hearing before the office of the Commission having initial jurisdiction of the appeal. That office shall inform the appellant of his right to a hearing. If the appellant does not desire a hearing, he shall so advise that office in writing.

(c) *Hearing procedures.* (1) An appellant is entitled to appear at the hearing on his appeal personally or through or accompanied by his representative. The agency is also entitled to participate in the hearing. Both parties are entitled to produce witnesses but as the Commission is not authorized to subpena witnesses the parties are required to make their own arrangements for the appearance of witnesses.

(2) Hearings are not open to the public or the press. Attendance at hearings is limited to persons determined by the Commission to have a direct connection with the appeal.

(3) A representative of the Commission shall conduct the hearing and shall afford the parties opportunity to introduce evidence (including testimony and statements by the appellant, his representative, representatives of the agency, and witnesses), and to cross-examine witnesses. Testimony is under oath or affirmation. Rules of evidence are not applied strictly, but the representative of the Commission shall exclude irrelevant or unduly repetitious testimony.

(4) The office of the Commission having initial jurisdiction of the appeal shall determine how the hearing will be reported. When the hearing is reported verbatim, that office shall make the transcript a part of the record of the proceedings and shall furnish a copy of the transcript to each party. When the hearing is not reported verbatim, the representative of the Commission who conducts the hearing shall make a suitable summary of pertinent portions of the testimony. When agreed to in writing by the parties, the summary constitutes the report of the hearing and is made a part of the record of the proceedings. Each party is entitled to be furnished a copy of the report of the hearing. If the representative of the Commission and the parties fail to agree on the summary, the parties are entitled to submit written exceptions to any part of the summary which are made a part of the record of the proceedings for consideration in deciding the appeal.

§ 772.306 Decision on initial appeal.

The office of the Commission having initial jurisdiction of the appeal, after making such investigation as it considers necessary, shall issue a written decision and send copies thereof to the appellant, his representative, and the agency. The decision on each appeal covered by this part shall contain findings, recommendations for any corrective action required, and notification of the right of either party to appeal to the Board of Appeals and Review. In addition, the decision on each appeal under Subpart H, Part 315 of this chapter, and Subparts B and C of Part 752 of this chapter, shall include an analysis of the findings and a statement of the reasons for the conclusions reached. The agency shall report, within 7 days after receipt of the decision, that it has carried the decision into effect or that it is appealing the decision to the Board.

§ 772.307 Further appeal to the Board of Appeals and Review.

(a) *Right of further appeal.* Both parties are entitled to appeal the decision on the initial appeal issued under § 772.306 to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C. An appeal to the Board of Appeals and Review shall be in writing, set forth the reasons for the appeal, and be filed with the Board within 7 days after receipt of the decision on the initial appeal. The Board may extend the time limit in this paragraph when a party shows that circumstances beyond the control of the party prevented the filing of the appeal within the time limit.

(b) *Board procedures.* The Board of Appeals and Review shall review the record of the proceedings and all relevant written representations. There is no right to a hearing before the Board. The Board may, in its discretion, afford the parties an opportunity to appear personally and present oral arguments and representations.

(c) *Decision of the Board.* The Board of Appeals and Review shall issue a written decision and shall send copies thereof to the parties and to the employee's representative. The decision of the Board is final and there is no further right of appeal. When corrective action is recommended, the agency shall report promptly to the Board that the corrective action has been taken.

§ 772.308 Appellate review by the Commissioners.

The Commissioners may, in their discretion, when in their judgment such action appears warranted by the circumstances, reopen and reconsider any previous decision.

PART 831—RETIREMENT

Subpart A—Administration and General Provisions

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831.101 Administration.
831.102 Basic records.
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Subpart H—Reemployment of Retired Employees

831.801 Reemployment of annuitants.

Subpart I—[Reserved]

Subpart J—Death Benefits

831.1001 Time for filing applications.
831.1002 Effective dates of survivor annuities.
831.1003 Designation of beneficiary.
831.1004 Designation of agent.

AUTHORITY: §§ 831.101 to 831.1004 issued under sec. 16, 70 Stat. 758; 5 U.S.C. 2266. Additional authority is cited in parentheses following the section affected.

Subpart A—Administration and General Provisions

§ 831.101 Administration.

(a) The Commission has charge of the adjudication of all claims arising under the Civil Service Retirement Act, and of all matters directly or indirectly concerned with these adjudications.

(b) In the adjudication of claims arising under the Civil Service Retirement Act, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the Civil Service Retirement and Disability Fund.

§ 831.102 Basic records.

Every Federal department, agency, corporation or branch, whether executive, legislative, or judicial, and the District of Columbia Government (included in this part collectively in the term department or agency) having employees or Members of Congress (hereinafter referred to in this part as Members) subject to the Civil Service Retirement Act, shall initiate and maintain retirement accounts for those employees and Members as prescribed in Federal Personnel Manual Supplement 831–1.

(Sec. 4, 70 Stat. 748; 5 U.S.C. 2254)

§ 831.103 Evidence.

(a) Standard Form 2806 (Individual Retirement Record) is the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees, deceased Members, or deceased annuitants.

(b) When the records of the department or agency concerned are lost, destroyed, or incomplete, the department or agency shall request the General Accounting Office, through the Commission, to furnish the data that it considers necessary for a proper determination of the rights of the claimant. When an official record cannot develop the required information, the department, agency, or the Commission should request inferior or secondary evidence which is then admissible.

§ 831.104 Applications.

Applications under the Civil Service Retirement Act shall be filed with the Commission and shall be on forms prescribed by the Commission.

§ 831.105 Computation of interest.

(a) The computation of interest is on the basis of 30 days to the month. Interest is computed for the actual calendar time involved in each case, but whenever applicable the rule of average applies.

(b) Interest is allowed on current deductions and deposits at the rate of 4 percent to December 31, 1947, and 3 percent thereafter, compounded annually, to December 31, 1956. However, if an employee or Member, before completing 5 years' civilian service, becomes separated from service or is transferred to a position in which he is not subject to the Civil Service Retirement Act, interest is allowed after December 31, 1956, at the rate of 3 percent, compounded annually, to date of final separation or transfer.

(c) Interest at the rate of 3 percent, compounded annually, is allowed on voluntary contributions during periods of employment and, after the employee or Member has completed at least 5 years' civilian service, during periods of separation until beginning date of annuity or death, whichever is earlier; for refund purposes, interest terminates with the date of separation or of transfer to a position in which he is not subject to the Civil Service Retirement Act.

(d) Interest at the rate of 4 percent to December 31, 1947, and at 3 percent thereafter, compounded annually, is charged on deposits from the midpoint of each service period for which deposit is involved, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier, except that interest is not charged for any period of separation from the service which began before October 1, 1956.

§ 831.106 Disclosure of information.

(a) (1) Except as provided in this section, the Commission shall not disclose information from the files, records, reports, and other papers and documents pertaining to a claim filed with the Commission, whether potential, pending, or adjudicated. This information is deemed privileged and confidential.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, the Commission will disclose information from the files, records, reports, and other papers and documents to an employee or Member or his authorized representative in matters concerning the employee or Member. The term "authorized representative" means a person who has satisfied the Commission of his authority to act.

(3) When an individual contests the Commission's approval of the application of a department or agency for his retirement on a disability that is:

(i) Physical in nature, as distinguished from mental; and

(ii) Of a type concerning which the individual could be fully informed without the probability that the knowledge may affect him adversely,

he is entitled, upon written request, to a summary of the medical evidence which has been submitted to the Commission in his case.

(4) When an individual's case involves a disability that is:

(i) A mental condition; or

(ii) Another condition of such a nature that a prudent physician would hesitate to inform an individual suffering from the condition of its exact nature and probable outcome,

the Commission will make available a complete summary of the medical evidence in the case, including a copy of the resume of the reported behavior irregularities or manifestations of unsatisfactory service which is ordinarily furnished as background factual evidence to Government mental facilities, psychiatrists, or other physicians who conduct the official retirement medical examination, for review only by a licensed physician designated in writing for that purpose by the individual.

(5) During the life of an employee, Member, or annuitant, the Commission will furnish the name or address of a beneficiary designated by the employee, Member, or annuitant to the designator only, at his signed, written request.

(6) When an individual dies, the Commission shall disclose the information which might properly be disclosed to the individual, on proper request, to the person appointed as representative of the estate, to the person designated by the representative, or to a designated beneficiary. When a representative of the estate has not been appointed, the Commission shall recognize the individual's next of kin as the representative of the estate.

(7) The Commission shall furnish, to the court only and on order of the court or subpoena duces tecum addressed to the Chairman of the Commission, copies of documents or other records which are desired by or in behalf of a party to a suit in a United States Court or in any other court.

(8) The Commission will produce documents or records in a retirement file in a United States Court or other court when a process issued by the court requires it. Original records produced shall remain at all times in the custody of a representative of the Commission, and if offered or received in evidence, the representative shall request permission to substitute a copy so that the original record may remain intact in the file.

(9) The Commission may furnish the address of an individual as shown by its records to a police or court official on proper request, or the submission of a certified copy of:

(i) An indictment returned against the individual; or

(ii) A warrant for his arrest.

(10) The Commission shall disclose the amount of an individual's annuity or refund to a National, State, county, municipal, or other publicly recognized charitable or social-security administrative agency.

(11) Subject to the limitation regarding name and address of a beneficiary, the Commission will furnish in response to a proper request, all records or docu-

ments officially required by any department or agency of the Government, and such records, documents, or other information as Members of Congress in their capacity as such may request for their official use.

(12) With the consent of an employee or Member, the Commission will disclose the amount of the annuity or refund paid to the employee or Member, and the factors used in determining the amount of the payment, to a person who makes proper inquiry. A "proper inquiry" is one that is in writing and includes the name of the employee or Member and sufficient information to make positive identification of his records. The Commission may waive the requirement that the inquiry be in writing. On receipt of a proper inquiry, the Commission will ask the employee or Member whether he consents to release of the information sought, and will then advise the inquirer of the decision of the employee or Member. The Commission will furnish to the employee or Member a copy of any information released.

(b) On written request the Commission shall return, to the person entitled to them, certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which have been filed in a claim when they are no longer needed in the settlement of the claim. When papers returned constitute part of the material and essential evidence in a claim, the Commission shall retain in the file, photo or other copies of them or of such parts thereof as appear to have evidential value.

§ 831.107 Appeals.

(a) A department, agency, or individual whose rights or interest under the Civil Service Retirement Act are adversely affected by a final action or order of the Bureau of Retirement and Insurance may appeal to the Commission's Board of Appeals and Review from the action or order, as provided in this section.

(b) The individual or his authorized representative may file the appeal with the Commission's Board of Appeals and Review. However, the Board shall not accept an appeal until the Bureau of Retirement and Insurance has completed action.

(c)(1) Except as provided in this paragraph, the time for filing an appeal is not later than 6 months from the date of mailing notice of the final action or order of which complaint is made.

(2) When the Bureau of Retirement and Insurance acts on an application for disability retirement made by a department or agency, the time for filing an appeal is not later than 30 days from the date of receipt of final notice of the action or order of which complaint is made.

(3) When the Bureau of Retirement and Insurance finds, on medical examination, that a disability annuitant has recovered, or determines that he has been restored to earning capacity, the time for filing an appeal is not later than 90 days from the date of receipt of final notice of the proposed discontinuance of annuity. When the Bureau of Retirement and Insurance denies reinstatement of the disability annuity of a former disability annuitant, the time for filing an appeal is not later than 90 days from the date of receipt of final notice of the denial.

(4) When the Bureau of Retirement and Insurance allows one of simultaneously-contested claims and disallows another, the time for filing an appeal is not later than 60 days from the date of receipt of notice of the adverse decision. When an appeal is filed, the Commission shall notify, by certified letter, each party whose interest may be adversely affected by the decision on appeal. This notice shall inform the party of the filing of the appeal and of the substance thereof. Each party may file a brief or argument in answer within 30 days after receipt of notice of the appeal. A certified letter of appeal which is addressed to the last known post office address of a party is deemed sufficient evidence of notice even though it is returned unclaimed.

(d) Each appeal shall show the name and post office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) When the Bureau of Retirement and Insurance decides that a party does not have a right to appeal or that this section does not authorize consideration of the appeal, the party may apply to the Commissioners for an order directing the Bureau to forward the record to the Board of Appeals and Review for adjudication as an appeal. The application shall be in writing and shall set forth fully and specifically the grounds on which it is based.

(f) Except as provided in this section, the Bureau of Retirement and Insurance shall execute the decision of the Board of Appeals and Review within 60 days from the date of receipt of notice of the decision, unless the Board sooner recalls the decision. The Board of Appeals and Review shall mail an explanation of its decision to the appellant or his authorized representative.

(g) In a simultaneously-contested claim referred to in paragraph (c)(4) of this section, the Bureau of Retirement and Insurance shall not execute the decision of the Board of Appeals and Review for 30 days. Within this period a party may file a motion for reconsideration.

(h) The Board of Appeals and Review will consider an appeal to review a decision of the Secretary of the Interior before July 21, 1930, or of the Administrator of Veterans' Affairs before September 1, 1934, on a civil service retirement case only when the Bureau of Retirement and Insurance has reconsidered the case on the basis of newly discovered material evidence. This section applies to the Bureau's decision on reconsideration.

Subpart B—Coverage

§ 831.201 Exclusions from retirement coverage.

(a) The following groups of employees in the executive branch of the Government are excluded from the Civil Service Retirement Act:

(1) Employees serving under appointments limited to 1 year or less.

(2) Part-time, when-actually-employed, or intermittent employees having no regular tour of duty.

(3) Employees whose salary, pay, or compensation on an annual basis is $12 a year or less.

(4) Member or patient employees in Government hospitals or homes.

(5) Employees paid on a contract or fee basis.

(6) Employees paid on a piecework basis, except those whose work schedule provides for regular or full-time service.

(7) Intermittent alien employees engaged on work outside the continental limits of the United States.

(8) Employees serving under temporary appointments pending establishment of registers, or pending final determination of eligibility for permanent appointment.

(9) Acting postmasters, clerks in fourth-class post offices, substitutes rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(10) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946 (Public Law 724, 79th Congress).

(11) Employees serving under emergency-indefinite appointments not exceeding 5 years.

(12) United States citizens given "overseas limited appointments."

(13) Employees serving under nonpermanent appointments made pursuant to section 1 of Executive Order 10180 of November 13, 1950.

(14) Employees serving under nonpermanent appointments, designated as indefinite, made after January 23, 1955, the effective date of the repeal of Executive Order 10180.

(15) Employees serving under term appointments.

(16) Temporary employees of the Census Bureau employed under temporary limited appointments exceeding 1 year.

(b) Paragraph (a) of this section does not deny retirement coverage when (1) employment in an excluded category follows employment subject to the Civil Service Retirement Act without a break in service or after a separation from service of 3 days or less, (2) the employee is granted competitive status under legislation, Executive order, or the civil service rules and regulations, while he is serving in a position in the competitive service, or (3) the employee is granted merit status under Chapter II of this title, "Employment and Compensation in the Canal Zone."

(c) Members of the following boards and commissions of the government of the District of Columbia appointed on or after August 13, 1960, are excluded from the Civil Service Retirement Act, except that this exclusion does not operate in the case of a member serving on August 13, 1960, who is reappointed on expiration of term without a break in service or after a separation from service of 3 days or less:

Board of Accountancy.
Board of Examiners and Registrars of Architects.
Board of Barber Examiners.
Boxing Commission.
Board of Cosmetology.
Board of Dental Examiners.
Electrical Board.
Commission on Licensure to Practice the Healing Arts.
Board of Examiners in the Basic Sciences.
Board of Examiners in Medicine and Osteopathy.
Motion Picture Operators' Board.
Nurses' Examining Board.
Board of Optometry.
Board of Pharmacy.
Plumbing Board.
Board of Podiatry Examiners.
Board of Registration for Professional Engineers.
Real Estate Commission.
Refrigeration and Air Conditioning Board.
Steam and Other Operating Engineers' Board.
Undertakers' Committee.
Board of Examiners of Veterinarian Medicine.

Subpart C—Credit for Service

§ 831.301 Military service.

(a) Periods of honorable active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service, or, after June 30, 1961, as a commissioned officer of the Coast and Geodetic Survey are credited under the Civil Service Retirement Act after the employee has completed 5 years' civilian service. Credit is not allowed for military service if the employee is receiving retired pay awarded for reasons other than (1) service-connected disability incurred in combat with an enemy of the United States, (2) service-connected disability caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in Chapter 11 of Title 38, U.S.C.), or (3) under Chapter 67, Title 10, U.S.C.

(b) An applicant for annuity who is in receipt of retired pay which bars credit for his military service may elect to surrender the retired pay and to have his military service added to his period of civilian service for the purpose of obtaining a greater benefit in the form of annuity. When it appears on the adjudication of a claim for annuity that the employee will benefit from relinquishment of retired pay and inclusion of his military service, the Bureau of Retirement and Insurance shall so advise him and permit him to exercise the right of election.

(c) Military service performed by an individual after December 31, 1956 (other than military service covered by military leave with pay from a civilian position), is excluded from credit from and after the first day of the month in which the individual or his widow or his child becomes entitled, or upon application would be entitled, to monthly old-age or survivors benefits under section 202 of the Social Security Act based on the individual's wages or self-employment income.

Subpart D—Voluntary Contributions

§ 831.401 Making of voluntary contributions.

(a) The option to make voluntary contributions to the Civil Service Retirement and Disability Fund for the purchase of additional annuity is limited to those employees or Members (1) serving within the purview of the Civil Service Retirement Act, or (2) whose applications for retirement are being adjudicated by the Commission. To exercise this option, the employee or Member shall apply on the form prescribed by the Commission.

(b) Voluntary contributions may not be accepted from an employee or Member who (1) has not deposited amounts covering all civilian service performed by him since August 1, 1920, or (2) has previously received a refund of voluntary contributions and is not again employed within the purview of the Civil Service Retirement Act after a separation of more than 3 calendar days.

(c) An employee or Member shall forward his voluntary contributions to the U.S. Civil Service Commission, Washington 25, D.C., in the amount of $25, or multiple thereof, by money order, draft, or check payable to the Commission. The total voluntary contributions may not exceed 10 percent of the aggregate annual basic salary received since August 1, 1920.

(d) An employee or Member may withdraw his voluntary contributions while he is still in the service, or after separation but before he receives any additional annuity based thereon. A person entitled to payment of lump-sum benefits under the Civil Service Retirement Act may withdraw the voluntary contributions on the death of an employee or Member or of a separated employee or Member not retired on annuity.

(e) The Commission shall maintain the record and account of voluntary contributions of each employee or Member exercising the option to make such contributions.

§ 831.402 Purchase of additional annuity.

(a) Voluntary contributions may be used to purchase only one of the following types of annuity:

(1) Annuity without survivor benefit; or

(2) Annuity payable during the life of the employee or Member with one-half of the annuity to be payable after his death to a person, named at time of retirement, during the life of the named person.

(b) Any natural person may be designated as survivor under paragraph (a)(2) of this section.

(c) If the employee or Member elects an annuity without survivor benefit, each $100 credited to his voluntary contribution account, including interest, purchases additional annuity at the rate of $7 per annum, plus 20 cents for each full year, if any, he is over age 55 at date of retirement.

(d) If the employee or Member elects an annuity with survivor benefit, each $100 credited to his voluntary contribution account, including interest, purchases additional annuity at the rate of $7 per annum, plus 20 cents for each full year, if any, he is over age 55 at date of retirement, multiplied by the following percentage: 90 percent of such amount if the named person is the same age or older than the annuitant, or is less than 5 years younger than the annuitant; 85 percent if the named person is 5 but less than 10 years younger; 80 percent if the named person is 10 but less than 15 years younger; 75 percent if the named person is 15 but less than 20 years younger; 70 percent if the named person is 20 but less than 25 years younger; 65 percent if the named person is 25 but less than 30 years younger; and 60 percent if the named person is 30 or more years younger.

Subpart E—Eligibility for Retirement

§ 831.501 Time for filing applications.

(a) An employee or Member who is retiring on account of age or optional retirement may file an application for annuity with the Commission within 30 days before, on, or at any time after he reaches the requisite retirement age. When the department or agency contemplates reemployment, the individual, the department, or agency shall submit it immediately to the Commission with a photo copy of Form 2806 or a complete resume of the applicant's service history, salary, and retirement deductions.

(b) An employee or Member who is retiring on account of voluntary or involuntary separation from the service may file an application for immediate or deferred annuity only after his separation from the service or not more than 30 days before the commencing date of his annuity.

(c) An employee or Member who is retiring on account of disability shall file an application for annuity with the Commission before his separation from the service or within 1 year thereafter. The Commission may waive this time limitation when the employee or Member was mentally incompetent on the date of separation or within 1 year thereafter; in such a case the individual or his representative may file the application with the Commission within 1 year after the date the individual is restored to competency, or a fiduciary is appointed, whichever is earlier. An application for annuity which is submitted on an inappropriate form, or on an appropriate form inadequately or incompletely executed, may be accepted as an informal claim.

(d) A department or agency shall file an application for retirement of an employee for disability before the employee's separation from the service.

§ 831.502 Disability retirement.

(a) When an applicant for retirement on account of disability establishes a

prima facie case and legal grounds for rejection do not exist, the Commission shall order the applicant to appear for a medical examination before a medical officer of the United States or a qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, or by other good and sufficient medical evidence, the Commission may not require another examination.

(b)(1) Each disability annuitant who is under 60 years of age shall be examined annually under direction of the Commission. When it appears in a particular case that the nature of the disability warrants the conclusion that it will continue for a certain period, the Commission may waive the requirement for regular annual examinations for that period. The Commission may order a medical or other examination in any case at any time to determine the facts relative to the nature and degree of disability of a disability annuitant. When the evidence shows that the disability is permanent in character, the Commission will order further examination only when warranted and will notify the annuitant accordingly.

(2) When a medical examination made in compliance with the direction of the Commission shows that a disability annuitant has recovered, the Commission shall discontinue the annuity at the expiration of 1 year from the date of the medical examination. When the disability annuitant is reemployed by a department or agency within the 1 year, the Commission shall discontinue the annuity from the date of the reemployment.

(3) When a recovered disability annuitant is not reemployed in a position in which he is subject to the Civil Service Retirement Act and, based on current medical examination, the Commission finds that he has again become disabled, before becoming 62 years of age, due to recurrence of the disability for which originally retired, the Commission shall reinstate his disability annuity, of the same type and at the rate last payable, from the date of the medical examination. A current medical examination means a medical examination which was made not more than 90 days before its receipt in the Commission and which is acceptable to the Commission.

(c)(1) Each disability annuitant who is under 60 years of age shall report annually, in such detail as may be required by the Commission, his income from wages or self-employment, or both, for any period after retirement. If an annuitant fails to submit the report, the Commission may suspend annuity payments until entitlement to continuance of annuity is satisfactorily established.

(2) When, in each of two succeeding calendar years, a disability annuitant has received income from wages or self-employment, or both, equaling at least 80 percent of the current rate of compensation of the position from which he retired, his earning capacity is deemed restored and the Commission shall discontinue the annuity at the expiration of 1 year from the end of the 2-year period. When the disability annuitant is reemployed by a department or agency within the 1 year, the Commission shall discontinue the annuity from the date of the reemployment. The Commission presumes receipt of income equaling at least 80 percent of the current rate of compensation of the position from which the disability annuitant retired, in respect to any calendar year for which the disability annuitant fails to report his income.

(3) When a disability annuitant whose earning capacity has been restored:

(i) Is not reemployed in a position in which he is subject to the Civil Service Retirement Act;

(ii) Has not medically recovered from the disability from which retired; and

(iii) The Commission finds that he has again lost his earning capacity, before becoming 62 years of age,

the Commission shall reinstate his disability annuity, of the same type and at the rate last payable, from the first of the year following the calendar year in which the earning capacity was lost. Earning capacity is deemed lost if during any complete calendar year the individual's income from wages or self-employment, or both, is less than 80 percent of the current rate of compensation of the position from which he retired.

(d) Reinstatement of a disability annuity terminates, from reinstatment date, the right to any nondisability annuity which the annuitant may be receiving or entitled to receive, based on the same service, unless the annuitant elects in writing to retain instead the nondisability annuity. When the annuitant is employed in a department or agency in a position not subject to the Civil Service Retirement Act on the date of reinstatement of his disability annuity, the Commission shall suspend payment of the annuity until he is separated from the service.

§ 831.503 Automatic separation; exemption.

(a) When an employee meets the requirements for age retirement on any day within a month, he is subject to automatic separation at the end of that month. The department or agency shall notify the employee of the automatic separation at least 60 days in advance of the separation. If the department or agency fails through error to give timely notice, the employee may not be separated without his consent until the end of the month in which the notice expires.

(b) When a department or agency wishes to secure an exemption from automatic separation for one of its employees, other than a Presidential appointee, the department or agency head shall submit recommedation to that effect to the Commission.

(1) The recommedation shall contain (i) a statement that the employee is willing to remain in service, (ii) a recital of facts tending to establish that his retention would be in the public interest, (iii) the period for which the exemption is desired, which period may not exceed 1 year, and (iv) the reasons why the simpler method of retiring the employee and immediately reemploying him is not being used.

(2) The recommendation shall be accompanied by a medical certificate showing the employee's physical fitness to perform his work.

(c) The Commission may approve an exemption only before the automatic separation date applicable to the employee. For this reason, the department or agency shall forward the recommendation to the Commission at least 30 days before this separation date.

Subpart F—Types of Annuities

§ 831.601 Survivor benefits.

(a) The right to receive annuity with survivor benefit to widow or widower attaches to a married employee or Member retiring under any provision of the Civil Service Retirement Act, unless he elects instead annuity without survivor benefit. An unmarried employee or Member in good health retiring under any provision (except section 7) of the Act may elect, instead of annuity without survivor benefit, an annuity with survivor benefit to a named person having an insurable interest in him.

(b) An employee or Member may name only one natural person as survivor under this option. The Commission will not accept the designation of a contingent survivor annuitant, and such a designation is a nullity.

(c) The employee or Member shall communicate his choice of option over his signature on Standard Form 2801 for use in filing claim for annuity. Receipt of the communication in the Commission constitutes prima facie evidence of the existence of all the elements of an election. The election is considered made when the prima facie evidence becomes conclusive by final adjudication of the claim by the Commission.

(d) An employee or Member may name a new survivor in a proper case or change his election if, before the Commission finally adjudicates his claim, he notifies the Commission or the named survivor dies.

(e) When an election has been conclusively made under this section, the employee or Member may not revoke or change the election or name another survivor.

(f) The death of a named survivor after the final adjudication of the claim does not change the type of annuity, and payments to the former employee or Member continue as though the death had not occurred.

(g) When an employee or Member accepts annuity with survivor benefit, the annuity to the survivor commences on the day after the death of the retired employee or Member.

(h) The right to survivor annuity as student-child shall attach, where all other requirements are met, if the educational or training institution certifies that the child is regularly pursuing a full-time day or evening course of resident study or training. For this purpose a full-time course of resident study or training means a day or evening noncorrespondence course which contemplates school attendance at the rate of at least 36 weeks per academic year with a subject load sufficient, if successfully completed, to attain the educational or training objective within the period generally accepted as minimum for completion, by a full-time day student, of the academic or training program concerned.

Subpart G—Computation of Annuities

§ 831.701 Effective dates of annuities.

(a) An annuity payable from the Civil Service Retirement and Disability Fund commences:

(1) The day after (i) separation, or (ii) salary ceases and the applicant meets the disability and service requirements, in case of disability retirement.

(2) The day after (i) separation, or (ii) salary ceases and the applicant meets the age and service requirements, in case of age retirement, optional retirement, or immediate retirement based on involuntary separation.

(3) The day after attainment of the specified age, in case of deferred retirement.

(b) Except as provided in § 831.502, annuity terminates on the day of death or from the date of any other terminating event in each case when, after September 5, 1960, the Commission (1) terminates the annuity, or (2) allows survivor annuity commencing the day after the annuitant's death.

(c) Annuity accrues on a daily basis, one-thirtieth of the monthly rate constituting the daily rate, with no accrual for the thirty-first day of any month, and with the last day of a 28-day month constituting 3 days (or the last day of a 29-day month 2 days) for accrual purposes.

Subpart H—Reemployment of Retired Employees

§ 831.801 Reemployment of annuitants.

(a) In this section, "annuitant" means a former employee who is receiving, or meets the legal requirements and is an applicant for, an annuity under the Civil Service Retirement Act based on his service.

(b) This section does not apply to an annuitant whose annuity was terminated before October 1, 1956, because of reemployment in a position wherein he acquired retirement coverage. Except as provided in paragraph (d) of this section, this section does not apply to an annuitant whose employment in an appointive or elective position began before October 1, 1956, unless he is again appointed or elected to such a position on or after that date.

(c)(1) When an annuitant who retired for disability and is found before becoming 60 years of age to be recovered or restored to earning capacity, or an annuitant whose annuity is based on involuntary separation for reasons other than age or misconduct or delinquency, becomes employed after September 30, 1956, in an appointive or elective position wherein he is not excluded from retirement coverage by statute or § 831.201:

(i) The department or agency shall take retirement deductions from his salary;

(ii) The Commission shall determine his future annuity rights under the law in effect at the date of his subsequent separation; and

(iii) The Commission shall terminate his annuity from the date of employment.

(2) When such an annuitant becomes employed after September 30, 1956, in an appointive or elective position wherein he is excluded from retirement coverage by statute or § 831.201:

(i) The department or agency shall not take retirement deductions from his salary; and

(ii) The Commission shall suspend his annuity from the date of employment to the date of his subsequent separation,

except that, when an annuitant whose annuity is based on involuntary separation for reasons other than age or misconduct or delinquency becomes employed after November 14, 1958, the Commission shall continue his annuity; the department or agency shall not take retirement deductions from his salary; and the department or agency shall deduct from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment.

(d) When an annuitant, other than an annuitant described in the first sentence of paragraph (c) of this section, becomes employed after September 30, 1956, in an appointive or elective position:

(1) The Commission shall continue his annuity;

(2) The department or agency shall not take retirement deductions from his salary; and

(3) The department or agency shall deduct from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment.

When such an annuitant, who was serving on July 31, 1956, or becomes employed after September 30, 1956, serves continuously for at least 1 year in full-time employment not excluded from coverage by section 2(b) of the Civil Service Retirement Act, he is entitled to a supplemental annuity on termination of the employment by separation for more than 3 calendar days or by conversion to other than full-time status. The supplemental annuity is (i) computed under the formula provided by the law in effect at the date of termination of employment, (ii) based on all periods of full-time employment performed after his retirement, with such periods considered as part of his total service, and (iii) based on the average basic salary (before annuity deduction) received during the periods of full-time employment. If the annuitant serves continuously for at least 5 years in full-time employment not excluded from coverage by section 2(b) of the Civil Service Retirement Act, and his separation therefrom occurs after July 11, 1960, he may make deposit in the retirement fund covering such employment and elect, instead of the supplemental annuity described herein, to have his retirement rights redetermined under the law in effect at separation date. The supplemental or redetermined annuity commences the day after (a) separation from such employment, or (b) salary ceases and the annuitant meets the service requirements. Employment is considered continuous unless interrupted by a separation from service exceeding 3 calendar days, but credit is not allowed for any period of separation or nonpay status which exceeds 3 calendar days.

Subpart I—[Reserved]

Subpart J—Death Benefits

§ 831.1001 Time for filing applications.

A survivor of a deceased employee, Member, or annuitant, or someone acting in his behalf, may file an application for annuity at any time after the death of the employee, Member, or annuitant.

§ 831.1002 Effective dates of survivor annuities.

(a) A survivor annuity payable from the Civil Service Retirement and Disability Fund commences the day after (1) death of the employee, Member, or annuitant, (2) attainment of age 50 where annuity is so deferred, or (3) claim is received in the Commission when annuity is authorized by section 2 of the act of June 25, 1958, 72 Stat. 218.

(b) A survivor's annuity terminates at the end of the month preceding death or any other terminating event.

(c) Survivor annuity accrues on a daily basis, one-thirtieth of the monthly rate constituting the daily rate, with no accrual for the 31st day of any month and with the last day of a 28-day month constituting 3 days (or the last day of a 29-day month 2 days) for accrual purposes.

§ 831.1003 Designation of beneficiary.

(a) The Designation of Beneficiary shall be in writing, signed and witnessed, and received in the Commission before the death of the designator.

(b) No change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by this section, has any force or effect.

(c) A witness to a Designation of Beneficiary is ineligible to receive payment as a beneficiary.

(d) Any person, firm, corporation, or legal entity may be named as beneficiary.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary, and this right cannot be waived or restricted.

§ 831.1004 Designation of agent.

When a deceased employee, Member, or annuitant has not named a beneficiary and one of the next of kin entitled makes a claim for lump-sum benefit, other next of kin entitled to share in the lump-sum benefit may designate the one who made the claim to act as their agent to receive their distributive shares.

PART 870—LIFE INSURANCE

Subpart A—Administration and General Provisions

Sec.
870.101 Actions on the policy.

Subpart B—Coverage

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870.202 Exclusions.
870.203 Effective dates of insurance coverage.
870.204 Cancellation of waiver of life insurance coverage.
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Subpart C—Amount of Insurance

870.301 Amount of employee's insurance.
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870.401 Withholdings and contributions.

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870.601 Eligibility for group life insurance.
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Subpart H—[Reserved]

Subpart I—Order of Precedence and Designation of Beneficiary

870.901 Designation of beneficiary.

AUTHORITY: §§ 870.101 to 870.901 issued under sec. 11, 68 Stat. 742; 5 U.S.C. 2100.

Subpart A—Administration and General Provisions

§ 870.101 Actions on the policy.

Group life and accidental death and dismemberment benefits shall be payable in accordance with a policy or policies purchased by the Commission pursuant to the Federal Employees' Group Life Insurance Act of 1954, as amended, from one or more life insurance companies. The Commission will furnish the name and address of the insuring company upon the written request of an employee or beneficiary. Actions at law or in equity to recover on an insurance policy, in which there is not alleged any breach of any obligation undertaken by the United States, should be brought against the insurance company.

Subpart B—Coverage

§ 870.201 Coverage.

Except as provided in § 870.202, each appointive or elective officer or employee (referred to in this part as employee) in or under the executive, judicial, or legislative branch of the United States Government, including a Government owned or controlled corporation, and of the municipal government of the District of Columbia shall, at the time and subject to the conditions prescribed in this part, be insured for an amount of group life and accidental death and dismemberment insurance as specified in §§ 870.301, 870.602, and 870.702.

§ 870.202 Exclusions.

(a) Employees in the following groups are excluded from the application of this part:

(1) An employee in any corporation under the supervision of the Farm Credit Administration of which corporation any member of the Board of Directors is elected or appointed by private interests.

(2) A noncitizen employee whose permanent duty station is located outside a State of the United States or the District of Columbia.

(3) A member of any of the uniformed services as defined in section 102 of the Servicemen's and Veterans' Survivor Benefits Act, approved August 1, 1956.

(4) An employee serving under appointment limited to 1 year or less, except an employee so appointed for full-time employment, without break in service or after a separation of 3 days or less, following service in which he was insured, and an acting postmaster.

(5) Seasonal or emergency employees whose employment is of uncertain or purely temporary duration or who are employed for brief periods at intervals, but this does not exclude employees having career-conditional or career appointments who are employed under a cooperative work-study program of at least 1 year's duration which requires the employee to be in pay status during not less than one-third of the total time required for the completion of the program.

(6) A part-time, when-actually-employed, or intermittent employee having no regular tour of duty.

(7) An empolyee whose salary, pay or compensation on an annual basis is $12 a year or less.

(8) A member or patient-employee in a Government hospital or home.

(9) An employee paid on a contract or fee basis.

(10) An employee paid on a piecework basis, except one whose work schedule provides for regular or full-time service.

(11) An employee whose duties involve the security of the United States and preclude his identification as an employee of the Federal Government.

(12) A retired employee reemployed under conditions not terminating his title to annuity, except such a reemployed retired employee serving from August 29, 1954, to January 31, 1959, without a break in service of more than 3 days.

(b) The Commission shall make final determination regarding applicability of the above classifications to a specific employee or group of employees.

§ 870.203 Effective dates of insurance coverage.

(a) (1) An employee appointed, or transferred from a position wherein he is not insured, is insured at the time he actually enters on duty on his first day in a pay status, unless on or before that day he files with his employing office a "Waiver of Life Insurance Coverage", or had previously filed such waiver which remains uncanceled.

(2) An employee transferring from a position wherein he is insured to another position wherein he is not excluded from coverage is insured at the beginning of the effective date of his transfer, unless on or before that day he files a "Waiver of Life Insurance Coverage" with his new employing office.

(b) An employee who returns to duty and is in a pay status after a period of more than 12 months of continuous nonpay status is insured at the time he actually enters on duty on his first day in a pay status, unless on or before that day he files with his employing office a "Waiver of Life Insurance Coverage", or had previously filed such waiver which remains uncanceled.

(c) An employee serving in cooperation with a non-Federal agency paid in whole or in part from non-Federal funds may not be insured prior to such date as the Commission may prescribe for the group of which he is a member following Commission approval of arrangements which are placed into effect and provide (1) that the required withholdings and contributions will be made from Federally controlled funds and timely deposited into the Employees' Life Insurance Fund, or (2) that the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and will transmit the total of such amounts to the Federal agency for timely deposit into the Employees' Life Insurance Fund.

§ 870.204 Cancellation of waiver of life insurance coverage.

(a) An insured employee may at any time cancel his insurance by filing with his employing office a "Waiver of Life Insurance Coverage". The waiver shall be effective and the employee's insurance ceases at the end of the pay period in which the waiver is received in the employing office.

(b) An employee who has filed "Waiver of Life Insurance Coverage" may cancel the waiver and become insured if (1) he is under age 50, (2) at least 1 year has elapsed since the effective date of such waiver, and (3) he furnishes satisfactory evidence of insurability.

(c) An employee who has complied with paragraph (b) of this section is insured at the time he actually enters on duty on his first day in a pay status in a position wherein he is not excluded from insurance by law or regulation, following the approval of his Request for Insurance by the Office of Federal Employees Group Life Insurance. The approval is revoked automatically and the employee is not insured unless he acquires such a duty and pay status effective within 31 days following the date of such approval.

§ 870.205 Appeals.

(a) An appeal may be taken to the Commission's Board of Appeals and Review from the final action or order of the Bureau of Retirement and Insurance denying insurance coverage, when the denial affects the rights or interest of any person or of the United States under the Federal Employees' Group Life Insurance Act.

(b) The time for filing an appeal is not later than 6 months from the date of mailing notice of the final action or order of which complaint is made.

Subpart C—Amount of Insurance

§ 870.301 Amount of employee's insurance.

(a) The amount of an employee's life insurance is equal to the current rate of his annual compensation if a multiple of $1,000, otherwise to the next higher $1,000, but not exceeding $20,000.

(b) The amount of accidental death and dismemberment insurance for an employee entitled thereto is equal to the amount of his life insurance.

§ 870.302 Annual rates of compensation.

(a) An insured employee's annual compensation is his annual basic salary, pay, or compensation rate as fixed by law or regulation.

(b) A salary rate of other than annual shall be converted to an annual rate by multiplying the prescribed rate by the number of pay units in a 52-week work year.

(c) The annual compensation for a part-time employee is his basic salary applicable to his tour of duty in a 52-week work year.

Subpart D—Withholdings and Contributions

§ 870.401 Withholdings and contributions.

(a) During any period in any part of which an insured employee is in a pay status there shall be withheld from each biweekly salary payment of such employee the sum of 25 cents for each $1,000 of his group life insurance. The amount withheld from the salary payment of an employee who is paid on other than a biweekly basis shall be determined at a proportionate rate, adjusted to the nearest cent.

(b) The amount withheld from the salary payment of an insured employee whose amount of insurance changes during a pay period shall be based on the last amount of insurance in force during the pay period.

(c) For each period in which an employee is insured there shall be contributed from the respective appropriation or fund which is used for the payment of his salary, wage, or other compensation (or, in the case of an elected official, from such appropriation or fund as may be available for payment of other salaries of the same office or establishment) an amount equal to one-half the amount withheld from the employee's salary, wage, or other compensation.

Subpart E—Termination and Conversion

§ 870.501 Cessation and conversion of insurance coverage.

(a) Except as provided in §§ 870.601 and 870.701, the insurance of an insured employee ceases on the date of his separation from the service, subject to a 31-day extension of life insurance coverage.

(b) The insurance of an insured employee who moves without a break in service to a position wherein he is excluded from insurance ceases on his last day on the roll in the former position, subject to a 31-day extension of life insurance coverage.

(c) Except as provided in paragraph (e) of this section and in §§ 870.601 and 870.701, the insurance of an insured employee in a nonpay status continues in force without cost to the employee, and ceases, subject to a 31-day extension of life insurance coverage, at the end of 12 months of continuous nonpay status.

(d) The insurance of an insured employee who enters on active duty or active duty for training as a member of a uniformed service ceases, subject to a 31-day extension of life insurance coverage, on the day preceding his entrance on such duty, unless the period of such duty is covered by military leave with pay from his civilian position. The terms "active duty", "active duty for training", and "member of a uniformed service", have the meanings assigned to them by section 102 of the Servicemen's and Veterans' Survivor Benefits Act, approved August 1, 1956. This cessation of insurance coverage does not operate with respect to insurance granted prior to January 1, 1957, to commissioned officers of the Coast and Geodetic Survey or of the Regular or Reserve Corps of the Public Health Service.

(e) During the 31-day extension of life insurance coverage under this section, an individual may, upon application and without medical examination, convert all or any part of his group life insurance to an individaul policy of life insurance at rates applicable to his attained age and class of risk unless, within 3 calendar days after the date his insurance ceased, he returns to a position wherein he is not excluded from coverage.

Subpart F—Retired Employees

§ 870.601 Eligibility for group life insurance.

(a) The life insurance of an insured employee who is separated from service shall be continued or reinstated without cost to him if he (1) is entitled to retirement on immediate annuity under a system legally established for the retirement of civilian employees of the Federal or District of Columbia Governments, (2) has had at least 12 years of creditable service or retires for disability, (3) has met all requirements for annuity (including filing of application where necessary), whether or not final administrative action has been taken, and (4) has not exercised his right of conversion to an individual policy of life insurance under section 870.501(e).

(b) An immediate annuity is one which begins to accrue not later than 1 month after the date the insurance would otherwise cease.

(c) Creditable service is (1) civilian service allowable under the provisions of section 3 of the Civil Service Retirement Act, as amended, and (2) honorable active service performed as a commissioned officer or enlisted man in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States if the individual at retirement has at least 5 years of such civilian service.

(d) If the annuity of an insured retired employee is terminated under any applicable law or regulation, his life insurance as a retired employee ceases on the date of such termination.

(e) If an insured retired employee is appointed to a position wherein he is not excluded from insurance by law or regulation, his life insurance as a retired employee ceases on the day preceding the first day in a pay status under the appointment.

§ 870.602 Amount of group life insurance.

The amount of a retired employee's life insurance is the amount based on his annual compensation at the date his insurance would otherwise have ceased because of his separation from the service or completion of 12 months of continuous nonpay status, reduced by 2 percent a month, effective at the beginning of the second calendar month after (1) such date, or (2) his 65th birthday, whichever is later, with a maximum reduction of 75 percent.

Subpart G—Employees' Compensation

§ 870.701 Eligibility for group life insurance.

The life insurance of an insured employee who is separated from the service or completes 12 months of continuous nonpay status, and who is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to himself and is held by the Department of Labor to be unable to return to duty, shall be continued or reinstated without cost to him provided he has not, on or after May 28, 1956, exercised his right of conversion under § 870.501(e). Such continued or reinstated insurance shall cease, with no 31-day extension of life insurance coverage and no right of conversion, upon termination of the employee's benefits under the Federal Employees' Compensation Act or upon a finding by the Department of Labor that he is able to return to duty.

§ 870.702 Amount of group life insurance.

The amount of life insurance of an employee whose insurance is continued while he is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to himself and is held by the Department of Labor to be unable to return to duty is the amount based on his annual compensation at the date his insurance would otherwise have ceased because of his separation from the service or completion of 12 months of continuous nonpay status.

Subpart H—[Reserved]

Subpart I—Order of Precedence and Designation of Beneficiary

§ 870.901 Designation of beneficiary.

(a) The designation of beneficiary shall be in writing, signed, and witnessed, and received in the employing office (or, in the case of (1) a retired employee and (2) an employee whose insurance is continued while he is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to himself and who is held by the Department of Labor to be unable to return to duty, in the Commission) prior to the death of the designator.

(b) No change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations in this part, shall have any force or effect.

(c) A witness to a designation of beneficiary is ineligible to receive payment as a beneficiary.

(d) Any person, firm, corporation, or legal entity (except an agency of the Federal or District of Columbia Governments) may be named as beneficiary.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary, and this right cannot be waived or restricted.

(f) A designation of beneficiary is automatically canceled (1) on the day the employee transfers (except by mass transfer) to another agency, or (2) 31 days after the employee ceases to be insured.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS

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AUTHORITY: §§ 890.101 to 890.503 issued under sec. 10, 73 Stat. 715; 6 U.S.C. 3009.

Subpart A—Administration and General Provisions

§ 890.101 Definitions; time computations.

(a) In this part:

(1) Terms defined by section 2 of the Federal Employees Health Benefits Act of 1959 have the meanings there set forth.

(2) "Cancellation" means the act of filing a Health Benefits Registration Form terminating enrollment in a health benefits plan and electing not to be enrolled for the future by an enrolled employee or annuitant who is eligible to continue enrollment.

(3) "Change of enrollment" means the registration of an enrolled employee or annuitant to be enrolled for another plan or option, or for a different type of coverage (self alone or self and family), from that for which then enrolled. It does not include changes in amount of Government contribution for female employees enrolled for self and family which are caused by the gain or loss of a nondependent husband.

(4) "Eligible" means eligible under the law and this part to be enrolled.

(5) "Employing office" means the office of an agency to which jurisdiction and responsibility for health benefits actions for the employee concerned have been delegated. For enrolled annuitants who are not also eligible employees, the office which has authority to approve payment of annuity or workmen's compensation for the annuitant concerned is the employing office.

(6) "Immediate annuity" means an annuity which begins to accrue not later than 1 month after the date enrollment under a health benefits plan would cease for an employee or member of family if he were not entitled to continue enrollment as an annuitant. Not withstanding the foregoing, an annuity which commences on the birth of the posthumous child of an employee or annuitant is an immediate annuity.

(7) "Option" means a level of benefits. It does not include distinctions as to the members of the family covered.

(8) "Pay period" means the biweekly pay period established pursuant to the Federal Employees Pay Act of 1945, as amended, for the employees to whom that Act applies; the regular pay period for employees not covered by that Act; and the period for which a single installment of annuity is customarily paid for annuitants.

(9) "Register" means to file with the employing office a properly completed Health Benefits Registration Form, either electing to be enrolled in a health benefits plan or electing not to be enrolled. "Register to be enrolled" means to register an election to be enrolled. "Enrolled" means to be enrolled in a health benefits plan approved by the Commission under this part.

(10) "Regular tour of duty" means a work schedule, prescribed in advance to continue indefinitely or for at least 6 months, of a certain number of hours or other time units in a day, week, biweekly pay period, month or year.

(b) Whenever, in this part, a period of time is stated as a number of days or a number of days from an event, the period is computed in calendar days, excluding the day of the event. Whenever, in this part, a period of time is defined by beginning and ending dates, the period includes the beginning and ending dates.

§ 890.102 Coverage.

(a) Each employee, other than those excluded by paragraph (c) of this section, is eligible to be enrolled in a health benefits plan at the time and under the conditions prescribed in this part.

(b) An employee who serves in cooperation with non-Federal agencies and is paid in whole or in part from non-Federal funds may register to be enrolled within the period prescribed by the Commission for the group of which the employee is a member following approval by the Commission of arrangements providing that (1) the required withholdings and contributions will be made from federally controlled funds and timely deposited into the Employees Health Benefits Fund, or (2) the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and transmit them for timely deposit into the Employees Health Benefits Fund.

(c) The following employees are not eligible:

(1) An employee serving under an appointment limited to 1 year or less, except an acting postmaster.

(2) An employee whose employment is of uncertain or purely temporary duration, or who is employed for brief periods at intervals, and an employee who is expected to work less than 6 months in each year, except an employee having a career-conditional or career appointment who is employed under a cooperative work-study program of at least 1 year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program.

(3) An employee in the postal field service serving in a post office under a temporary appointment pending establishment of a register.

(4) An employee having no regular tour of duty because appointed for irregular part-time, when-actually-employed, or other intermittent employment.

(5) An employee whose salary, pay, or compensation on an annual basis is $350 a year or less.

(6) A beneficiary or patient employee in a Government hospital or home.

(7) An employee paid on a contract or fee basis.

(8) An employee paid on a piecework basis, except one whose work schedule provides for full-time service or part-time service with a regular tour of duty.

(d) The Commission makes the final determination of the applicability of this section to a specific employee or group of employees.

§ 890.103 Employee appeals.

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 30 days of the refusal, to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement and Insurance to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 90 days of the refusal, to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D.C.

(c) The employing office may make, and the Commission may order, prospective correction of administrative errors as to enrollment at any time.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

§ 890.104 Legal actions.

An action to compel enrollment of an employee or annuitant not excluded by § 890.102(c) should be brought against the employing office. An action to recover on a claim for health benefits should be brought against the carrier of the health benefits plan. An action to review the legality of the Commission's regulations or a decision made by the Commission should be brought against the United States Civil Service Commissioners, Washington 25, D.C.

Subpart B—Health Benefits Plans

§ 890.201 Minimum standards for health benefits plans.

(a) To be qualified to be approved by the Commission, a health benefits plan shall:

(1) Comply with the Federal Employees Health Benefits Act of 1959 and this part, as amended from time to time.

(2) Accept the enrollment, in accordance with this part, and without regard to age, race, sex, health status, or hazardous nature of employment, of each eligible employee and annuitant except that a plan which is sponsored or underwritten by an employee organization may not accept the enrollment of a person who is not a member of the organization, but it may not limit membership in the organization on account of these prohibited factors. The carrier may terminate the enrollment of an employee or of an annuitant, other than a survivor annuitant, in a health benefits plan sponsored or underwritten by an employee organization on account of termination of membership in the organization. A comprehensive medical plan need not enroll an employee or annuitant residing outside geographic areas specified by the plan and may terminate the enrollment of an employee or annuitant who moves outside the geographic areas.

(3) Provide for coverage of each enrolled employee and annuitant and covered member of their families wherever they may be.

(4) Provide for conversion to a contract for health benefits regularly offered by the carrier, or an appropriate affiliate, for group conversion purposes, which at the option of the employee, annuitant, or member of the family, as the case may be, shall be guaranteed renewable, subject to such amendments as apply to all contracts of this class, except that it may be canceled for fraud, over-insurance, or nonpayment of periodic charges. A carrier shall permit conversion within the time allowed by the temporary extensions of coverage provided under § 890.401 for each employee, annuitant, and member of family entitled to convert. When an employing office gives an employee written notice of his privilege of conversion, the carrier shall permit conversion at any time before (i) 15 days after the date of notice or (ii) 75 days after his enrollment is terminated, whichever is earlier. When the Commission requests an extension of time for conversion because of delayed determination of ineligibility for immediate annuity, the carrier shall permit conversion until the date specified by the Commission in its request for extension. On conversion, the contract becomes effective as of the day following the last day of the temporary extension, and the employee, annuitant, or member of the family, as the case may be, shall pay the entire cost thereof directly to the carrier. The nongroup contract may not deny or delay an obstetrical or other benefit covered by the contract for a person converting from a plan approved under this part, except to the extent that benefits are continued under the health benefits plan from which he converts.

(5) Provide that each employee and annuitant who enrolls in the plan receive a brochure, in a form to be approved by the Commission, summarizing the conditions of the plan, including, but not limited to, those concerning benefits, claims, and payment of claims, and an identification card or cards as evidence of his enrollment.

(6) Provide a standard rate structure which contains, for each option, one standard individual rate, and one standard family rate, without geographical or other variations.

(7) Maintain statistical records regarding the plan, separately from those of any other activities or benefits conducted or offered by the carrier sponsoring or underwriting the plan.

(8) Provide for a special reserve for the plan. The carrier shall account for amounts retained by it as reserves for the plan separately from reserves maintained by it for other plans. The carrier shall invest the special reserve and income derived from the investment of the special reserve shall be credited to the special reserve. If the contract is terminated or approval of the plan is withdrawn, the carrier shall return the special reserve to the Employees Health Benefits Fund. However, in the case of a group-practice plan, the carrier, without regard to the foregoing provisions of this subparagraph, shall follow such financial procedures as are mutually agreed on by the carrier and the Commission.

(b) To be qualified to be approved by the Commission, a health benefits plan shall not:

(1) Deny a covered person a benefit provided by the plan for a service performed on or after the effective date of coverage solely because of a pre-existing physical or mental condition, except that a plan may provide benefits for dentistry or cosmetic surgery, or both, limited to conditions arising after the effective date of coverage; or require a waiting period for any covered person for benefits which it provides, except that a plan, with the approval of the Commission, may limit benefits for services performed for a person, other than a person changing from a health benefits plan discontinued in whole or part to another, who, on the effective date of enrollment, is confined in a hospital or other institution, so long as the person is continuously confined therein. In this subparagraph, "continuously confined" means one or more periods of confinement without a break of 31 consecutive days between actual confinements, except that a carrier by agreement with the Commission may provide that a shorter break terminates a continuous confinement.

(2) Have more than two options.

(3) Have an initiation, service, enrollment, or other fee or charge in addition to the rate charged for the plan, except that a comprehensive medical plan may impose an additional charge to be paid directly by the employee or annuitant for certain medical supplies and services, if the supplies and services on which additional charges are imposed are clearly set forth in advance and are applicable to all employees and annuitants. This subparagraph does not apply to charges for membership in employee organizations sponsoring or underwriting plans.

§ 890.202 Minimum standards for health benefits carriers.

The Commission shall approve a health benefits plan only when the carrier of the plan meets the requirements of the Federal Employees Health Benefits Act of 1959, as amended, and the following requirements:

(a) It must be lawfully engaged in the business of supplying health benefits.

(b) It must have, in the judgment of the Commission, the financial resources and experience in the field of health benefits to carry out its obligations under the plan.

(c) It must agree to keep such reasonable financial and statistical records and furnish such reasonable financial and statistical reports with respect to the plan as may be requested by the Commission.

(d) It must agree to permit representatives of the Commission and of the General Accounting Office to audit and examine its records and accounts which pertain, directly or indirectly, to the plan at such reasonable times and places as

may be designated by the Commission or the General Accounting Office.

(e) It must agree not to advertise a plan approved under the Federal Employees Health Benefits Program, or its participation in the Program, to employees, or solicit enrollment of employees, in a plan approved under the Program, other than in accordance with the instructions of the Commission.

(f) It must agree to accept, subject to adjustment for error or fraud, in payment of its charges for health benefits for all employees and annuitants enrolled in its plan, the enrollment charges received by the Employees Health Benefits Fund less the amounts set aside for the administrative and contingency reserves prescribed in § 890.503. The Commission will pay over the amounts due each carrier at such times as are agreed on by the carrier and the Commission.

(g) A carrier which is an employee organization must agree to continue coverage, without requirement of membership, of any eligible survivor annuitants of member employees and of annuitants.

§ 890.203 Application for approval of, and proposal of amendment to, health benefits plans.

(a) Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington 25, D.C. Approval of a plan will become effective on a date to be set by the Commission for the plan. An application received less than 6 months in advance of a contract period will not be approved for that contract period.

(b) Any proposal for change in a health benefits plan shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. The Commission will review a proposal for change and notify the carrier whether it accepts the change and may make a counterproposal or at any time propose changes on its own motion. The Commission will not consider until after the expiration of the then current contract period any proposal for change which is received less than 6 months before the expiration of the then current contract period.

§ 890.204 Withdrawal of approval of health benefits plans.

(a) The Commissioners, on application of a carrier or on their own motion, may withdraw their approval of a health benefits plan.

(b) Before withdrawing approval of a plan, the Commissioners shall cause to be sent, by certified mail, a notice to the carrier stating that they intend to withdraw their approval, and giving the reasons therefor. The carrier is entitled to reply in writing within 15 days of its receipt of the notice, stating the reasons why approval should not be withdrawn.

(c) On receipt of the reply, or in the absence of a timely reply, the Commissioners shall set a time and place for hearing. The Commissioners shall conduct the hearing or designate a representative to do so. The carrier shall be given notice thereof, by certified mail, at least 15 days in advance of the hearing. The carrier is entitled to appear by representative and present oral and written evidence and argument in opposition to the proposed action.

(d) The Commissioners shall make their decision on the record and communicate it to the carrier by certified mail. The Commissioners may set a future effective date for withdrawal of their approval.

(e) The Commissioners, in their discretion, may reinstate approval of a plan on a finding that the reasons for withdrawing approval no longer exist.

Subpart C—Registration and Enrollment

§ 890.301 Opportunities to register to enroll and change enrollment.

(a) *Initial registration.* Except as otherwise provided in this part, each employee who becomes eligible shall register within 31 days after becoming eligible, except that a substitute in the postal field service shall register within 31 days after completing 6 consecutive pay periods in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding of the amount necessary for his share of the cost of the health benefits plan he selects.

(b) *Belated registration.* When an employing office determines that an employee was unable, for cause beyond his control, to register to be enrolled or to change his enrollment within the time limits prescribed by this section, that office shall accept his registration within 31 days after it advises him of that determination.

(c) *Reregistration.* An employee whose enrollment was terminated because of his completion of 365 days in a nonpay status, because he had a break in service of more than 3 days, or because he was furloughed by reason of reduction in force, shall register within 31 days after his return to pay status.

(d) *Open season.* (1) Not less often than once every 3 years, the Commission by regulation shall provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(2) During the period October 1 to October 15, 1963, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

(e) *Change in family status.* An enrolled employee or annuitant may register to change his enrollment from self alone to self and family, and an employee, if registered not to be enrolled, may register to be enrolled, at any time during the period beginning 31 days before a change in marital status and ending 60 days after the change in marital status. An employee who registers to change his enrollment under the preceding sentence may at the same time, register to change his enrollment to another plan or option. An enrolled employee or annuitant may change his enrollment from self alone to self and family within 60 days after any other change in family status.

(f) *Change to self alone.* An employee or annuitant may register at any time to change his enrollment from self and family to self alone. An employee or annuitant who is covered by the enrollment of another under this part may register to be enrolled for self alone within 31 days after a registration to change the covering enrollment has been filed under authority of this paragraph.

(g) *Loss of coverage under Medicare, under this part, or under Part 891 of this Chapter.* An employee who is not enrolled, but is covered by Chapter 55 of Title 10, United States Code (referred to in this paragraph as Medicare) or by the enrollment under this part or Part 891 of this Chapter of another, may register to be enrolled within 31 days after termination of Medicare or the other's enrollment, other than by death or cancellation, and within 60 days after termination, by death, of Medicare or the other's enrollment. An employee-annuitant who was covered immediately before retirement by the enrollment of another under this part and had been covered (including enrollment in his own right) under this part since his first opportunity or for the 5 years immediately preceding his retirement, whichever is shorter, may enroll within 31 days after the termination of his coverage, other than by cancellation.

(h) *Termination by comprehensive medical plan.* If a comprehensive plan limits full service to a geographic area, an employee or annuitant enrolled in that plan who moves outside the full service area or, if already living outside the full service area, moves farther from the full service area may register to be enrolled in another health benefits plan within 31 days after the move. However, the employee or annuitant may not change his enrollment from self alone to self and family.

(i) *Termination by employee organization plan.* An employee or annuitant who is enrolled in a health benefits plan sponsored or underwritten by an employee organization and whose membership in the employee organization is terminated, may register if the plan terminates his enrollment, within 31 days after termination of his enrollment in the employee organization plan, to be enrolled in another health benefits plan. However, the employee or annuitant may not change his enrollment from self alone to self and family.

(j) *Transfer to or from overseas post of duty.* An employee who is transferred from a post of duty within the several States or the District of Columbia to a post of duty outside the several States and the District of Columbia, or the reverse, may register to be enrolled or to change his enrollment with respect to whether his family is covered, the health benefits plan in which he is enrolled, which of the options he selects, or any combination of these, within the period beginning 31 days before the date he leaves the old post of duty and ending 31 days after he arrives at the new post of duty. An annuitant who is eligible to continue health benefits may register to change enrollment with respect to the health benefits plan, or option, in which enrolled, within 60 days after retirement or the death of the employee on whose service title to annuity is based, if the employee is stationed at a post of duty outside the several States and the District of Columbia at the time of his retirement or death, as the case may be.

(k) *Termination of plan in which enrolled.* An employee or annuitant who is enrolled in a health benefits plan, and whose enrollment is terminated by the discontinuance of the plan in whole or in part, may register to be enrolled in another plan within the time set by the Commission. However, the employee or annuitant may not change his enrollment from self alone to self and family. This paragraph does not apply to termination of a contract at the end of a contract period immediately preceded by an open season.

(l) *On reaching 19.* An employee who is not registered to be enrolled may register to be enrolled within 31 days after he becomes 19 years of age.

(m) *On return from a uniformed service.* An employee who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to be enrolled or to change his enrollment within 31 days after he is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority; and an annuitant who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to change his enrollment within 31 days after he is separated from the uniformed service.

(n) *Change in employment status.* If an employee or annuitant is entitled to provide coverage for another by a self-and-family enrollment, but both are enrolled for self alone, he may change his enrollment to self and family within 31 days after the other enrollment is terminated by a change in employment status which results in loss of eligibility.

(o) *Sole survivor.* When an employee or annuitant enrolled for self and family dies, leaving a survivor annuitant who is entitled to continue the enrollment in a health benefits plan, and it is apparent from available records that the survivor annuitant is the sole survivor entitled to continue enrollment in the health benefits plan, the office of the retirement system which is acting as employing office shall change the enrollment from self and family to self alone, effective on the commencing date of annuity for the survivor annuitant. On request of the survivor annuitant made within 31 days after the first installment of annuity is paid, the office of the retirement system which is acting as employing office shall rescind the action retroactive to the effective date of the action, with corresponding adjustment in withholdings and contributions.

(p) *Annuity insufficient to pay withholdings.* If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, the employing office shall notify the annuitant of the plans available at a cost not in excess of the annuity. The annuitant may register to be enrolled in another plan whose cost is no greater than his annuity.

(q) *Registration by proxy.* In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

§ 890.302 Coverage of family members.

(a) *Family enrollment.* An employee or annuitant who enrolls for self and family includes in his enrollment all members of his family who are eligible to be covered by his enrollment, but no person may be covered by two enrollments.

(b) *Dependent husband.* When an employee or annuitant enrolls for a family which includes a dependent husband, the employing office shall require the employee or annuitant to submit a certificate of a physician that the husband is incapable of self-support because of a physical or mental disability that can be expected to continue for more than 1 year. The certificate shall include a statement of the name of the husband, the nature of his disability, the period of time it has existed, and its probable future course and duration. The certificate shall be signed by the physician and show his office address.

(c) *Child incapable of self-support.* When an employee or annuitant enrolls for a family which includes a child incapable of self-support who has become 19 years of age, the employing office shall require the employee or annuitant to submit a certificate of the physician that the child is incapable of self-support because of a physical or mental disability which existed before the child became 19 years of age, and can be expected to continue for more than 1 year. The certificate shall include a statement of the name of the child, the nature of his disability, the period of time it has existed, and its probable future course and duration. The certificate shall be signed by the physician and show his office address. When an employee or annuitant is enrolled for a family which includes a child under 19 years of age who is incapable of self-support because of a physical or mental disability, the employing office shall require the employee or annuitant to submit the certificate on or before the date the child becomes 19 years of age. However, the employing office may accept otherwise satisfactory evidence of incapacity not timely filed.

(d) *Renewal of certificates of incapacity.* The employing office shall require the employee or annuitant who has submitted a certificate of incapacity to renew that certificate on the expiration of the minimum period of disability certified.

(e) *Determinations of incapacity.* The employing office shall make determinations of incapacity.

§ 890.303 Continuation of enrollment.

(a) *On transfer.* Except as otherwise provided by this part, the registration of an employee or annuitant eligible to continue enrollment continues without change when he (1) moves from one employing office to another, without a break in service of more than 3 days, whether the personnel action is designated as a transfer or not, or (2) changes from one employing office to another by reason of reemployment, if he is an annuitant, or by reason of retirement under conditions making him eligible to continue enrollment. For the purpose of this part, an employee is considered to have enrolled at his first opportunity if he registered to be enrolled during the first of the periods set forth in § 890.301 in which he was eligible to register or was covered at that time by the enrollment of another employee.

(b) *Change of enrolled employees to certain excluded positions.* Employees and annuitants enrolled under this part who move, without a break in service or after a separation of 3 days or less, to an employment in which they are excluded by § 890.102(c), continue to be enrolled so long as they are employed full-time, or part-time with a regular tour of duty, unless excluded by subparagraph (4), (5), (6), (7), or (8) of § 890.102(c).

(c) *On death.* The enrollment of a deceased employee or annuitant who is enrolled for self and family is transferred automatically to his eligible survivor annuitants. The enrollment is considered to be that of the survivor annuitant from whose annuity all or the greatest portion of the withholding for health benefits is made. It covers members of the family of the deceased employee or annuitant. A remarried spouse is not a member of the family of the deceased employee or annuitant.

(d) *Survivor annuitants.* If an employee who is entitled to health benefits coverage as a survivor annuitant elects to enroll or to continue to be enrolled under his eligibility as an employee, and is thereafter separated without entitlement to immediate annuity based on his own service, he is entitled to reinstatement of his employee-acquired enrollment on application to his retirement office. Reinstatement is effective immediately after termination if the application is received by the retirement office within 60 days of separation; otherwise reinstatement is effective on the first day of the first pay period after receipt of the application. The retirement office shall withhold from the annuity that the former employee receives as a survivor annuitant, the amounts necessary to pay his share of the cost of the enrollment.

§ 890.304 Termination of enrollment.

(a) *Employees.* An employee's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separated from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(3) The last day of the pay period in which he dies, unless he leaves a mem-

ber of the family entitled to continue enrollment as a survivor annuitant.

(4) The 365th day of continuous nonpay status.

(5) For a substitute in the postal field service whose enrollment is not terminated as otherwise provided in this section, the last day of the 13th consecutive pay period, exclusive of periods of approved leave without pay of 6 months or more, during which his pay was not sufficient to permit withholding of the amount necessary for his share of the cost of the health benefits plan in which he is enrolled.

(6) The day he is separated, furloughed, or placed on leave of absence in accordance with the provisions of Part 353 of this chapter or other similar authority for the purpose of performing duty not limited to 30 days or less in a uniformed service.

(b) *Annuitants.* (1) If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, and the annuitant does not, or cannot, elect a plan under § 890.301(p) at a cost to him not in excess of the annuity, the employing office shall terminate the annuitant's enrollment effective as of the end of the last period for which withholding was made. Each annuitant whose enrollment is so terminated is entitled to a 31-day extension of coverage for conversion.

(2) An annuitant's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant, or, if his enrollment is not terminated by death, at midnight of the earliest of the following dates:

(i) The last day of the last pay period for which he is entitled to annuity, unless he is eligible for continued enrollment as an employee in which case his enrollment continues without change.

(ii) The last day of the pay period in which his title to compensation under the Federal Employees Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is eligible for continued enrollment as an employee or as an annuitant under a retirement system for civilian employees in which cases his enrollment continues without change.

(iii) The day he enters on active duty in a uniformed service for the purpose of performing duty not limited to 30 days or less.

(c) *Coverage of members of the family.* The coverage of a member of the family of an enrolled employee or annuitant terminates, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which he ceases to be a member of the family.

(2) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor annuitant, to continued enrollment, or is entitled to continued coverage under the enrollment of another.

(d) *Cancellation.* An enrolled employee or annuitant may register to cancel his enrollment at any time by filing with his employing office a properly completed health benefits registration form. The cancellation becomes effective on the last day of the pay period after the pay period in which the health benefits registration form cancelling his enrollment is received by his employing office, except that the cancellation of an employee or annuitant having a monthly or 4-weekly pay period becomes effective at the end of the pay period in which the health benefits registration form is received if the form is received not less than 15 days before the end of the pay period. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

§ 890.305 Reinstatement of enrollment after military service.

The enrollment of an employee or annuitant whose enrollment was terminated because he entered on duty in a uniformed service for a period of time not limited to 30 days or less is reinstated automatically on the day the employee is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority or on the day the annuitant is separated from the uniformed service, as the case may be.

§ 890.306 Effective dates.

(a) *Termination of plan.* The effective date of change of enrollment under § 890.301(k) is the first day of the first pay period after the health benefits registration form is received by the employing office.

(b) *Change to self alone.* The effective date of a change of enrollment under § 890.301(f) is the first day of the first pay period after the health benefits registration form is received by the employing office.

(c) *Open season.* (1) The effective date of a change of enrollment under § 890.301(d) is the first day of the first pay period beginning on or after November 1 of the year in which the health benefits registration form is received by the employing office.

(2) The effective date of a new enrollment under § 890.301(d) is the first day of the first pay period beginning on or after November 1 of the year in which the health benefits registration form is received by the employing office which follows a pay period in which the employee is in pay status, except that if the employee is a substitute in the postal field service the effective date of his new enrollment is the first day of the pay period beginning on or after November 1 of the year in which the health benefits registration form is received by the employing office which follows the sixth consecutive pay period in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects.

(d) *Generally.* The effective date of any other enrollment or change of enrollment is the first day of the first pay period which begins after the health benefits registration form is received by the employing office and which follows:

(1) A pay period during any part of which the employee, if not a substitute in the postal field service, or annuitant is in pay or annuity status; or

(2) If the employee is a substitute in the postal field service, the sixth consecutive pay period in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects.

§ 890.307 Waiver or suspension of annuity or compensation.

When annuity or compensation is entirely waived or suspended, the annuitant's enrollment continues for not more than 3 months (not more than 12 weeks for annuitants whose compensation under the Federal Employees' Compensation Act is paid each 4 weeks). When the waiver or suspension expires, the employing office shall make the withholding for the period of suspension or waiver during which enrollment was continued. If the waiver or suspension continues beyond the period during which enrollment is continued by this section, the annuitant's enrollment is suspended, subject to the temporary extension of coverage for conversion, effective at the end of the period of continuation of enrollment provided by this section. If suspension of annuity or compensation is because of employment, the employing office shall make the withholding currently and enrollment continues during employment. A suspended enrollment is reinstated automatically when payment of annuity or compensation is resumed.

Subpart D—Temporary Extension of Coverage and Conversion

§ 890.401 Temporary extension of coverage and conversion.

(a) *Thirty-one day extension and conversion.* An employee or annuitant whose enrollment is terminated other than by cancellation of the enrollment or discontinuance of his plan, in whole or part, and a member of the family whose coverage is terminated other than by cancellation of the enrollment or discontinuance of the plan under which he is covered, in whole or part, is entitled to a 31-day extension of coverage for self alone or self and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part. A change from self and family to self alone operates as a cancellation as to the members of the family. The 31-day extension of coverage and the right of conversion for any person ends on the effective date of a new enrollment under this part which covers the person.

(b) *Continuation of benefits.* (1) Any person who has been granted a 31-day extension of coverage in accordance with paragraph (a) of this section and who is confined in a hospital or other institution for care or treatment on the 31st day of the temporary extension is entitled to continuation of the benefits of the plan during the continuance of the confinement but not beyond the 60th day after the end of the temporary extension.

(2) Any person whose enrollment has been changed from one plan to another, or from one option of a plan to the other option of that plan, and who is confined in a hospital or other institution for care or treatment on the last day of enrollment under the prior plan or option, is entitled to a continuation of the benefits of the prior plan or option during the continuance of the confinement, but not beyond the 91st day after the last day of enrollment in the prior plan or option. The plan or option to which enrollment has been changed shall not pay benefits with respect to that person while that person is entitled to continuance of benefits under the prior plan or option.

Subpart E—Contributions and Withholdings

§ 890.501 Government contributions.

(a) The Government contribution for all plans, except those for which another contribution is set by paragraph (b) of this section for each enrolled employee who is paid biweekly is as follows:

For an employee enrolled for self alone	$1.30
For an employee enrolled for self and family	3.12
For a female employee enrolled for self and family which includes a nondependent husband	1.82

(b) The biweekly Government contribution for each employee or annuitant enrolled in a plan whose total enrollment charge is less than twice the appropriate contribution listed in paragraph (a) of this section is 50 percent of the enrollment charge, except that the Government contribution for a female employee who is enrolled for herself and a family including a nondependent husband is 30 percent of the enrollment charge.

(c) The Government contribution for annuitants and for employees who are not paid biweekly is a percentage of that fixed by paragraphs (a) and (b) of this section proportionate to the length of the pay period, rounding fractions of a cent to the nearest cent.

(d) The Government contribution for employees whose annual salary is paid during a period shorter than 52 work weeks is determined on an annual basis and prorated over the number of installments of pay regularly paid during the year.

(e) The employing office shall not make a contribution for an employee or annuitant for periods for which withholding is not made.

§ 890.502 Employee withholdings.

(a) The employing office shall make the withholding required from enrolled survivor annuitants from the annuity of any surviving spouse. If that annuity is less than the withholding required, the employing office shall make the withholding to the extent necessary from the annuity of the youngest child, and, if necessary, from the annuity of the next older child, in succession, until the withholding is satisfied.

(b) The employing office shall not withhold from an employee who is in nonpay status, or from an annuitant for periods for which he does not receive annuity.

§ 890.503 Reserves.

(a) The enrollment charge consists of the rate approved by the Commission for payment to the plan for each employee or annuitant enrolled, plus 4 percent, of which one part is for an administrative reserve and three parts are for a contingency reserve for the plan.

(b) The administrative reserve is credited with (1) the one one-hundred-and-fourth of the enrollment charge set aside for the administrative reserve, and (2) income from investment of the reserve. The administrative reserve is available for payment of administrative expenses of the Commission incurred under this part.

(c) (1) The contingency reserve for each plan is credited with (i) the three one-hundred-and-fourths of the enrollment charge set aside for the contingency reserve from the enrollment charges for employees and annuitants enrolled for that plan, (ii) income from investment of the reserve, and (iii) all dividends, rate adjustments, or other refunds made by the plan. The preferred minimum balance for the contingency reserve is 1 month's subscription charges at the average monthly rate paid from the Employees Health Benefits Fund for the plan during the most recent contract period.

(2) When, as of the end of a contract period, the total of all the reserves held by a carrier (other than a group-practice carrier) for the plan amounts to less than the total of the last 5 months' subscription charges paid from the Fund to the carrier for the plan, the carrier is entitled to payment from the contingency reserve of the lesser of: An amount equal to the difference between the total of the last 5 month's subscription charges paid from the fund to the carrier for the plan and the total of the reserves held by the carrier for the plan, or an amount equal to the excess, if any, of the contingency reserve over the preferred minimum balance. The Commission shall authorize this payment after receipt of the accounting report for the contract period. The carrier shall credit the amount so paid to the special reserve for the plan.

(3) If a group-practice carrier's contingency reserve exceeds the preferred minimum balance, the carrier may request the Commission to pay a portion of the reserve not greater than the excess of the contingency reserve over the preferred minimum balance. The carrier shall state the reason for the request. The Commission will decide whether to allow the request in whole or in part and will advise the plan of its decision.

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS

Subpart A—Administration and General Provisions

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891.502 Standards for carrier of uniform plan.

AUTHORITY: §§ 891.101 to 891.502 issued under sec. 9, 74 Stat. 851; 5 U.S.C. 3058.

Subpart A—Administration and General Provisions

§ 891.101 Relationship to Part 890 of this Chapter.

This part does not apply to the Federal Employees Health Benefits Program which is governed by Part 890 of this Chapter. Part 890 of this Chapter does not apply to the Retired Federal Employees Health Benefits Program which is governed by this part.

§ 891.102 Definitions.

In this part:

(a) "Annuity" means the periodic payment due a former employee or his survivors by reason of past service, but does not include compensation paid under the Federal Employees' Compensation Act.

(b) "Annuity period" means the period for which an installment of annuity is paid.

(c) "Bureau of Employees' Compensation" means the Bureau of Employees' Compensation, Department of Labor.

(d) "Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which lawfully offers a health benefits plan.

(e) "Compensation" means monthly compensation paid under the Federal Employees' Compensation Act, and includes compensation payable every 4 weeks.

(f) "Elect" means to file with the retirement office under which retired or with the Bureau of Employees' Compensation, as the case may be, a properly completed form, prescribed by the Commission for the purpose, giving notice of intention (1) to subscribe to the uniform plan, (2) to receive a Government contribution toward the cost of a private health benefits plan, or (3) not to participate in the program.

(g) "Employee" means an appointive or elective officer or employee in or under

the executive, judicial, or legislative branch of the United States Government, including a Government-owned or controlled corporation (but not including any corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors is elected or appointed by private interests), or of the government of the District of Columbia, and includes an Official Reporter of Debates of the Senate and a person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties, and an employee of Gallaudet College, but does not include (1) a member of a "uniformed service" as that term is defined in section 1072 of Title 10 of the United States Code, (2) a noncitizen employee whose permanent-duty station is located outside a State of the United States or the District of Columbia, or (3) an employee of the Tennessee Valley Authority.

(h) "Government" means the Government of the United States of America and the government of the District of Columbia.

(i) "Health benefits plan" means an individual or group insurance policy or contract, medical or hospital service arrangement, membership or subscription contract, or similar agreement provided by a carrier for a stated periodic premium or subscription charge for the purpose of providing, paying for, or reimbursing expenses for hospital care, surgical or medical diagnosis, care, and treatment, drugs and medicines, remedial care, or other medical supplies and services, or any combination of these.

(j) "Immediate annuity" means (1) as applied to a retired employee, an annuity which begins to accrue not later than 1 month after the date of the separation from the service on which title to the annuity is based; and (2) as applied to a survivor, an annuity which begins to accrue not later than 1 month (i) after the date of death of the employee or annuitant whose service forms the basis for the annuity, or (ii) after the birth of a posthumous child of such an employee or annuitant.

(k) "Member of family" means a former employee's spouse and any unmarried child (1) under 19 years of age (including (i) an adopted child, and (ii) a stepchild or recognized natural child who lives with the former employee in a regular parent-child relationship or did so at the time of the former employee's death); or (2) regardless of age who is incapable of self-support because of mental or physical disability that existed before the child became 19 years of age. As used in this paragraph, "former employee" means the former employee on whose service title to annuity is based.

(l) "Private health benefits plan" means a health benefits plan other than the uniform plan.

(m) "Retired employee" includes (1) a former employee retired under the Civil Service Retirement Act or other retirement system for civilian employees of the Government (not including the social security system), (2) an employee or former employee receiving compensation under the Federal Employees' Compensation Act, and (3) persons who are entitled to annuity or compensation as members of the family of a deceased employee or of a deceased retired employee qualifying under subparagraphs (1) and (2) of this paragraph.

(n) "Retirement office" means (1) any office responsible for the administration of a retirement system for civilian employees of the Government; and (2) the Bureau of Employees' Compensation.

(o) "Service" means service which is creditable for the purposes of the Civil Service Retirement Act.

(p) "Survivor" means a person who is entitled to annuity or compensation as a member of the family of a deceased employee or deceased retired employee.

(q) "Uniform plan" means the health benefits plan for which the Commission contracts pursuant to section 3, 74 Stat. 849.

§ 891.103 Eligibility.

(a) *General conditions of eligibility.* (1) A retired employee who is enrolled or covered by the enrollment of another under Part 890 of this chapter, or who is covered by the election of another retired employee under this part, is ineligible to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan.

(2) A retired employee is ineligible to subscribe to the uniform plan if his annuity or compensation is not sufficient to cover the necessary withholding.

(b) *Retired employees (other than survivors) entitled to annuity.* A retired employee (other than a survivor) who is entitled to an annuity is eligible for the benefits provided by this part if—

(1) He retired before his first pay period beginning after June 30, 1960;

(2) He retired on immediate annuity;

(3) He had at least 12 years of creditable service, or retired under a disability provision of his retirement system;

(4) He retired from employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(5) At the time of retirement, he was a citizen, or a noncitizen having a permanent-duty station within the several States or the District of Columbia on the day before retirement.

For the purpose of this paragraph, an employee is considered to have retired before his first pay period beginning after June 30, 1960, if his annuity began to accrue before his first pay period after June 30, 1960, or if he was eligible under paragraph (d) of this section until the date his annuity began to accrue.

(c) *Survivors entitled to annuity.* A survivor who is entitled to annuity is eligible for the benefits provided by this part if he is—

(1) In receipt of immediate annuity as the survivor of (i) an employee who died before his first pay period beginning after June 30, 1960; or (ii) a retired employee whose annuity began to accrue before his first pay period beginning after June 30, 1960;

(2) The survivor of (i) an employee who had at least 5 years' creditable service, (ii) a former employee who retired having at least 12 years' creditable service and received an immediate annuity, or (iii) a former employee who retired under a disability provision of his retirement system;

(3) Unmarried; and

(4) Not receiving annuity as the survivor of a person who at the time of the retirement or death, as the case may be, on which annuity is based, was an employee of the Tennessee Valley Authority or of any corporation under the jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(d) *Retired employees (other than survivors) entitled to compensation.* A retired employee (other than a survivor) who is entitled to compensation is eligible for the benefits provided by this part if—

(1) He is receiving monthly compensation for an injury sustained or illness contracted before his first pay period beginning after June 30, 1960;

(2) He is held by the Secretary of Labor to be unable to return to duty;

(3) He is receiving compensation based on employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(4) At the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, he was a citizen, or a noncitizen having a permanent-duty station within the several States or the District of Columbia at that time.

(e) *Family members entitled to compensation.* A member of a family who is receiving compensation is eligible for the benefits provided by this part if he is—

(1) A survivor beneficiary of (i) an employee who completed 5 years of service and died as a result of injury or illness which is compensable under the Federal Employees' Compensation Act and which was sustained or contracted before his first pay period beginning after June 30, 1960, or (ii) a former employee who was separated after having completed at least 5 years of service and who died while receiving monthly compensation under the Act on account of injury sustained or illness contracted before his first pay period beginning after June 30, 1960, and who has been held

by the Secretary of Labor to have been unable to return to duty;

(2) Unmarried; and

(3) Not receiving compensation as the survivor of a person who at the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, was an employee of the Tennessee Valley Authority or of any corporation under the jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(f) *Determinations of eligibility.* The Bureau of Retirement and Insurance of the Commission, on request, shall determine the eligibility of a retired employee, or class of retired employees, to make the elections and receive the Government contributions provided for by this part.

§ 891.104 Responsibilities of retirement offices.

(a) The Bureau of Employees' Compensation is responsible only for retired employees who are receiving compensation from the Bureau and is responsible even though the retired employee has retired under another retirement office from which he is not currently receiving annuity. If the retired employee is currently receiving annuity from another retirement office, that retirement office, rather than the Bureau of Employees' Compensation, will have the responsibilities imposed on retirement offices by this part for that retired employee.

(b) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for withholding from the annuity or compensation of each retired employee within the jurisdiction of the retirement office who elects to subscribe to the uniform plan his share of the cost, for forwarding the amount withheld to the Retired Federal Employees Health Benefits Fund, and for reporting to the Commission amounts required for Government contribution for these retired employees.

(c) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for reporting to the Commission amounts required for Government contributions to retired employees within the jurisdiction of the retirement office who have elected to receive a Government contribution toward the cost of a private health benefits plan, and for paying the Government contributions to these retired employees.

(d) Retirement offices are responsible for advising retired employees within the jurisdiction of the retirement office of the rights and obligations of retired employees under this part.

(e) When one or more of the family members is a child 19 years of age or older who is incapable of self-support because of mental or physical disability which existed before the child became 19 years of age, the appropriate retirement office shall obtain the necessary evidence and make a determination of incapacity.

(f) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for verifying continuing eligibility of retired employees to receive Government contributions.

§ 891.105 Appeals.

(a) A retired employee may appeal any determination by the Bureau of Retirement and Insurance that he is not eligible to make an election or to receive a Government contribution under this part. The appeal shall be made in writing, within 90 days of the determination, to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D.C.

(b) The Commission may order correction of administrative errors at any time.

(c) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between retired employees and carriers as to claims for payment or service.

Subpart B—Election and Change of Election

§ 891.201 Election.

(a) The original period for election by each eligible retired employee was during the months of March and April, 1961. Failure to elect when eligible to do so is deemed an election not to participate in the program unless the failure is determined by the retirement office to be for cause beyond the control of the retired employee. In any case in which annuity or compensation is being paid to a payee in behalf of a retired employee, the payee shall make the election for the retired employee.

(b)(1) A retired employee may elect to participate in the program for self alone or for self and family.

(2) Survivors, if actually or constructively living in the same household, have only one right of election among them. The election shall be made by the payee. The fact that one payee is receiving annuity or compensation for all members of the family is prima facie evidence that they are living in the same household. The existence of more than one payee is prima facie evidence that each payee and the survivors in whose behalf the payee is receiving annuity or compensation constitute a separate household, and each payee may elect for the survivors in whose behalf he is receiving annuity or compensation, but where a family is receiving annuity or compensation through more than one payee, one payee, with the consent of the other payees, may elect for the whole family.

(3) A retired employee may not be covered under more than one election.

(4) A retired employee who is entitled to more than one annuity or to compensation and annuity is entitled to only one election.

(c) Each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan shall file with his election a certificate of the carrier, on the form prescribed by the Commission for the purpose, that he is a subscriber to a health benefits plan. The Commission, or the appropriate retirement office, at any time may require that a retired employee renew the certificate, or may take such other action as it considers desirable to verify the continuing eligibility of the retired employee to receive a Government contribution. The appropriate retirement office may suspend the Government contribution when there is a reasonable doubt of the retired employee's continuing eligibility to receive the Government contribution.

(d) In the discretion of the retirement office, a representative of the retired employee having a written authorization to do so may elect for him.

(e) A person who was not eligible, during the months of March and April 1961, to elect to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan, may apply to the appropriate retirement office when he becomes eligible. If the retirement office determines that he is eligible, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. If the retirement office determines that a retired employee was unable, for cause beyond his control, to make an election within the time limits prescribed by this section, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. Elections made under this paragraph are effective, for a retired employee receiving annuity and a survivor receiving compensation, on the first day of the third month following the month in which the retirement office receives the election. Withholdings and contributions are effective for months beginning on and after the first day of the second month following the month in which the retirement office receives the election. For any other retired employee receiving compensation, changes of election made under this paragraph are effective on the first day of the third 4-week period following the 4-week period in which the Bureau of Employees' Compensation receives the election, and withholdings and contributions are effective beginning with the second 4-week period following receipt of the election. This paragraph does not apply to retired employees who have been, at any time, covered by the election of another under this part.

§ 891.202 Change of election.

(a) When used in this section, "month" includes the 4-week period for which a retired employee (other than a survivor) receives compensation.

(b) A retired employee shall change his election in accordance with the following table:

TABLE OF REQUIRED CHANGES

Event requiring change	Type of election to which requirement applies	Change required	Effective date of change
(1) Loss of member of family by death or otherwise, leaving only one person covered by the election.	Election for self and family for uniform or private health benefits plan.	Change to self alone	First day of month following the event requiring change. Changes in withholdings and contributions are effective for annuity or compensation accruing for the month in which the event requiring change occurs.
(2) Termination of subscription to a private health benefits plan for all persons covered by the election but the retired employee making the election.[1]	Election for self and family for private health benefits plan.	Do.	Do.
(3) Termination of subscription to a private health benefits plan for all persons covered by the election.[1]	Election for self alone or for self and family for private health benefits plan.	Change to not participating (optional change may be made in accordance with paragraph (c) of this section)	Do.

[1] If the termination is immediately succeeded by a similar subscription in another private health benefits plan a change of election is not required, but the retired employee shall file a certificate of the new carrier that he is a subscriber. A form for the certificate may be obtained from the retirement office.

(c) A retired employee may change his election in accordance with the following table by notifying the appropriate retirement office at any time:

TABLE OF OPTIONAL CHANGES

Change permitted	Type of election from which changing	Effective date of change
(1) Change to not participating	Election for self alone or self and family for uniform or private health benefits plan.	First day of month specified in notice to retirement office, or first day of month following receipt of notice by retirement office, whichever is later. Changes in withholdings and contributions are effective for annuity or compensation accruing for the month preceding the effective date of the change.
(2) Change rom basic and major medical to basic only or to major medical only.	Election for self alone or self and family for uniform plan (basic and major medical).	Do.
(3) Change to self alone in same plan.	Election for self and family for uniform or private health benefits plan.	Do.
(4) Change to private health benefits plan for self alone or self and family.	Election for self alone or self and family for uniform plan.	Do.
(5) Change to self and family in same plan.	Election for self alone for uniform or private health benefits plan.	First day of fourth month following month in which notice is received by retirement office. Changes in withholdings and contributions are effective for annuity or compensation accruing for the third month following month in which notice is received by the retirement office.
(6) Change from major medical only to basic or to basic and major medical.	Election for self alone or self and family for uniform plan (major medical only).	Do.
(7) Change to self alone or self and family for uniform (basic only) or private health benefits plan.	Election not to participate	Do.

(d) Two changes may be made by the same notice. Example: A retired employee originally elected to receive a Government contribution for self and family toward the cost of a private health benefits plan. The subscription to the private health benefits plan is terminated March 15, 1962. He notifies the retirement office of the termination and at the same time notifies the retirement office that he wishes to elect the uniform plan (basic only) for self and family. The retirement office receives the notice March 22, 1962. His election becomes an election not to participate on April 1, 1962, and the Government contribution is not added to the annuity or compensation accrued for March 1962. On July 1, 1962, the family is covered by the basic coverage of the uniform plan, and withholdings and contributions are made for the annuity or compensation accruing in June 1962.

Subpart C—Suspension and Termination

§ 891.301 Suspension and termination.

(a) When used in this section, "month" includes the 4-week period for which a retired employee (other than a survivor) receives compensation.

(b) When compensation is entirely suspended or annuity is entirely waived or suspended, Government contributions are suspended. If the election is to subscribe to the uniform plan, and the annuity or compensation is suspended, or the annuity is waived to the extent that the retired employee's share of the cost cannot be withheld, withholdings and Government contributions are suspended, but the subscription continues.

(c) If the waiver or suspension covers 3 months or less, Government contributions and withholdings for the period of waiver or suspension shall be made when annuity payment is resumed. If the waiver or suspension covers more than 3 months, the retired employee's election is terminated effective at the end of the third month of waiver or suspension. A terminated election is renewed when annuity or compensation payment is resumed. When a terminated election is renewed pursuant to this paragraph, withholdings and Government contributions shall be made for the first 3 months of the waiver or suspension. Withholdings and Government contributions shall be made for annuity or compensation accruing after the election is renewed.

(d) If title of a retired employee to annuity or compensation is terminated, his eligibility under this part is terminated.

(e) If the eligibility of a retired employee is terminated and other members of the same family continue to be eligible under this part, the election of the former retired employee continues for the remainder of the family unless and until changed in accordance with § 891.202.

Subpart D—Contributions and Withholdings

§ 891.401 Government contributions.

(a) The Commission shall pay, through the retirement office, $3.50 monthly to each retired employee receiving annuity and to each survivor receiving compensation who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self alone, and $7.00 monthly to each retired employee receiving annuity and to each survivor receiving compensation who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission shall pay, through the Bureau of Employees' Compensation $3.27 each 4-week period to each retired employee, other than a survivor, who is receiving compensation and who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self alone, and $6.53 each 4-week period to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission shall not pay, in any case, more than the cost of the private health benefits plan each month or 4-week period, as the case may be.

(b) The Commission shall contribute to the cost of the uniform plan $3.50 monthly for each retired employee receiving annuity and each survivor receiving compensation, and $3.27 each 4-week period for any other retired employee receiving compensation, for an election for self alone; and $7.00 monthly for each retired employee receiving annuity and each survivor receiving compensation, and $6.53 each 4-week period for any other retired employee receiving compensation, for an election for self and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the retirement office may withhold from his annuity or compensation his share of the cost of the plan, as provided by this part.

(c) The Government shall contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

§ 891.402 Withholdings.

The appropriate retirement office shall withhold from the annuity or compensation of each of its retired employees who has elected to subscribe to the uniform plan so much as is necessary to pay his share of the cost of his subscription. The withholdings shall be forwarded, in accordance with the Commission's instructions, to the Retired Employees Health Benefits Fund.

Subpart E—Standards for Uniform Plan and Carrier

§ 891.501 Standards for uniform plan.

The uniform plan shall be open to all eligible retired employees and members of their families, without regard to race, sex, health status, or age. It shall not deny or limit benefits because of any preexisting condition. It shall offer a choice among basic coverage only, major medical coverage only, and basic plus major medical coverage. It shall provide a 31-day extension of coverage on termination of subscription other than by change of election or termination of the contract. A person confined in hospital for care or treatment on the 31st day of the extension of coverage shall be entitled to continuation of the benefits of the contract during the continuance of the confinement, but not beyond the 60th day following the end of the extension of coverage. The uniform plan shall be experience-rated.

§ 891.502 Standards for carrier of uniform plan.

In the most recent year for which data are available, the carrier of the uniform plan shall have made at least 1 percent of all group health insurance benefit payments in the United States. If the carrier is an insurance company, it must be licensed to issue group health insurance in all the States of the United States and the District of Columbia.

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

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Subpart A—Motor Vehicle Operators

AUTHORITY: §§ 930.101 to 930.118 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended, sec. 2, 68 Stat. 1126, as amended; 5 U.S.C. 631, 633, 40 U.S.C. 491; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218.

§ 930.101 Purpose.

The purpose of this subpart is to govern agencies in authorizing employees to operate Government-owned motor vehicles for official purposes within the States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States.

§ 930.102 Definitions.

In this subpart:

(a) "Agency" means a department, independent establishment, or other unit of the executive branch of the Federal Government, including a wholly owned Government corporation, in the States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States.

(b) "Employee" means a civilian employee or civilian officer of an agency in either the competitive or excepted service.

(c) "Federal medical officer" means a physician who is a Government employee, civilian or military, paid on a salary basis.

(d) "Identification card" means the United States Government Motor Vehicle Operator's Identification Card, Standard Form 46, which names the types of Government-owned vehicles the holder is authorized to operate.

(e) "Incidental operator" means an employee in other than an operator position who is required to operate a Government-owned motor vehicle in order properly to carry out his assigned duties.

(f) "Motor vehicle" means a vehicle, self-propelled, or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, but does not include a vehicle (1) designed or used for military field training, combat, or tactical purposes; (2) used principally within the confines of a regularly established military post, camp, or depot; or (3) regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of the agency determines that exclusive control of the vehicle is essential to the effective performance of those duties.

(g) "Operator" means an employee who is regularly required to operate Government-owned motor vehicles. This includes a chauffeur, mounted messenger, truck driver, garageman-driver, and guard-driver.

(h) "Practical road test" means the Commission's Test No. 347.

(i) "State license" means a valid driver's license of the State, District of Columbia, Puerto Rico, or possession of the United States in which the employee is domiciled or principally employed.

§ 930.103 Coverage.

This subpart governs agencies in authorizing their employees to operate Government-owned motor vehicles for official purposes within the States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States.

§ 930.104 Reports required.

An agency shall submit to the Commission, on request, (a) a copy of agency orders and directives issued in compliance with this subpart, and (b) such other reports as the Commission may require for adequate administration and evaluation of the motor vehicle operator program.

§ 930.105 Commission standards and procedures required.

An agency shall adopt and use the Commission's minimum standards and testing procedures in filling competitive and excepted operator positions unless the Commission authorizes, on agency request, the use of alternate standards and procedures which meet the objectives of the motor vehicle operator program.

§ 930.106 Competitive operator position.

An agency may fill competitive operator positions by any of the methods normally authorized for filling competitive positions. The experience and training requirements for competitive operator positions shall include (a) an experience requirement, (b) a safe driving record, (c) the possession of a State license, and (d) except as provided in § 930.107, a practical road test.

§ 930.107 Waiver of practical road test.

The Commission, on agency request, may waive the practical road test requirement when qualified examiners or test facilities are not available in the area and the operator position is to be

filled by (a) temporary appointment pending establishment of a register, (b) temporary limited appointment, (c) noncompetitive temporary appointment, (d) reinstatement, (e) position change, or (f) transfer.

§ 930.108 Details.

An agency may detail an employee to a competitive operator position for 30 days or less when he possesses a State license. For details exceeding 30 days, the employee shall meet the Commission's requirement applicable to position change and transfer.

§ 930.109 Excepted operator position.

In filling an excepted operator position, an agency shall apply the provisions of §§ 930.106 and 930.107 which apply to the filling of a competitive operator position by appointment procedures of like nature.

§ 930.110 Incidental operator.

To qualify as an incidental operator in either the excepted or competitive service, an employee shall (a) meet the physical standards established by the Commission; (b) qualify on a road test determined by the agency to be appropriate; and (c) possess a State license. An agency head or his designated representative may waive the road test, but only when in his opinion it is impractical to apply it, and then only for an employee whose competence as a driver has been established by his past driving record.

§ 930.111 Identification card.

(a) An agency shall issue an identification card in accordance with this subpart to each employee who operates a Government-owned motor vehicle.

(b) The Commission may grant exceptions to the requirement in paragraph (a) of this section to certain employees who otherwise meet the requirements of this subpart when it finds these exceptions are in the interest of good administration.

§ 930.112 To whom issued.

(a) Each agency shall issue an identification card to:

(1) Each employee who qualifies for and is assigned to an operator position;

(2) Each employee who qualifies as an incidental operator; and

(3) Other employees who qualify in accordance with the requirements for incidental operator in § 930.110.

(b) An agency may issue an identification card without regard to the requirements in §§ 930.106 and 930.110:

(1) To an employee in an operator position under temporary appointment or detail not exceeding 1 month;

(2) For 1 month or less, to an employee in an operator position in order to permit completion of special testing approved by the Commission in a particular selection program; and

(3) For 1 month or less, to other employees who are taking training to satisfy requirements as operators or incidental operators or under such circumstances as in the judgment of the agency is necessary in the interests of the Government. An agency may issue an identification card under authority of this paragraph only to an employee who is in possession of a State license. An identification card issued under this paragraph shall include the time restriction imposed.

§ 930.113 Contents of identification card.

(a) An identification card shall show:

(1) Each type of motor vehicle authorized to be operated by the identification card holder;

(2) Any restriction imposed on the holder; and

(3) The date of expiration.

(b) An agency may use the "Other Record" space on the identification card for relevant data such as an award for safe driving or a record of arrest.

§ 930.114 Identification card in possession.

(a) An employee shall have an identification card in his possession at all times while driving a Government-owned motor vehicle.

(b) The Commission may grant exceptions to the requirement in paragraph (a) of this section.

(c) The holder of an identification card shall surrender the card when he leaves the issuing agency or moves to a position in which the driving of a Government-owned vehicle is not necessary.

§ 930.115 Renewal and reissuance of identification cards.

(a) An identification card is valid for not more than 3 years, and is renewable for additional periods of not more than 3 years each.

(b) An agency may renew or reissue an identification card only after the agency head or his designated representative has determined that the employee concerned continues to meet prescribed physical standards and continues to demonstrate competence in driving the motor vehicle to which assigned.

§ 930.116 State license in possession.

(a) An employee shall have a State license in his possession at all times while driving a Government-owned motor vehicle on a public highway.

(b) The Commission may grant exceptions to the requirement in paragraph (a) of this section.

§ 930.117 Periodic physical testing.

At least once every 3 years each agency, in accordance with standards and procedures established by the Commission, shall provide for testing the physical fitness of each employee who operates a Government-owned vehicle.

§ 930.118 Adverse actions.

An agency shall take any adverse action against an operator or an incidental operator in accordance with applicable laws and regulations. Agency orders and directives shall include the following reasons among those constituting sufficient cause for an adverse action against an operator or an incidental operator:

(a) The employee is convicted of operating under the influence of narcotics.

(b) The employee is convicted of leaving the scene of an accident without making himself known.

(c) A Federal medical officer finds the employee fails to meet the required physical standards.

(d) The employee's State license is revoked.

(e) The employee's State license is suspended. However, the agency may continue the employee in his position for operation of Government-owned motor vehicles on other than public highways for not to exceed 45 days from the date of suspension of the State license.

Subpart B—Appointment, Compensation, and Removal of Hearing Examiners

AUTHORITY: §§ 930.201 to 930.234 issued under sec. 11, 60 Stat. 244; 5 U.S.C. 1010.

GENERAL PROVISIONS

§ 930.201 Coverage.

(a) This subpart applies to persons appointed under section 11 of the Administrative Procedure Act for proceedings pursuant to sections 7 and 8 of the Act, and to hearing examiner positions.

(b) Except as otherwise provided in this subpart, the rules and regulations applicable to positions in the competitive service apply to hearing examiner positions.

§ 930.202 Definitions.

In this subpart:

(a) "Agency" means an agency subject to the Administrative Procedure Act as defined in that Act.

(b) "Detail" means the temporary assignment of an employee from one position to another position without change in his civil service or pay status. The assignment to a hearing examiner of a case of the level of difficulty that would ordinarily be assigned to a hearing examiner of a different grade does not of itself constitute a detail within the meaning of this subpart.

(c) "Hearing examiner position" means a position in which any portion of the duties includes those prescribed by the Administrative Procedure Act for a presiding officer appointed under section 11 thereof.

(d) "Promotion" means a change in grade from one position to a higher graded position, whether newly created, or left vacant because of promotion, demotion, transfer, reassignment, retirement, separation of the last incumbent, or a change resulting from the assignment of work of higher grade than the work of the position to which the examiner was absolutely appointed.

(e) "Reinstatement" means reemployment authorized on the basis of the appointee's absolute status as hearing examiner after separation from a hearing examiner position.

(f) "Removal" means an involuntary change in the status of a hearing examiner, including a discharge, demotion, reassignment, suspension, and promotion.

§ 930.203 Appointment.

(a) *Prior approval.* An agency may make an appointment to a hearing examiner position only with the prior approval of the Commission, except when it makes its selection from a certificate of eligibles furnished by the Commission. An appointment is subject to investigation in accordance with §§ 731.301 and 731.302 of this chapter and subject to security clearance by the agency.

(b) *Probationary and career-conditional periods.* The requirement of a probationary and career-conditional period before absolute appointment does not apply to an appointment to a hearing examiner position.

(c) *Appointment of incumbents of newly classified hearing examiner positions.* An agency may appoint as a hearing examiner an employee who is serving in a position which is classified as a hearing examiner position after June 11, 1947, on the basis of legislation, Executive order, or decision of a court if:

(1) He has a competitive status or was serving in an excepted position under a permanent appointment;

(2) He was serving in the position on the date of the legislation, Executive order, or decision of the court on which the classification of the position is based;

(3) The Commission received a recommendation for his appointment from the agency concerned not later than 6 months after classification of the position on the basis of the legislation, Executive order, or decision of the court; and

(4) The Commission approves his qualifications for the position. In an emergency situation, when the needs of the service require it, the Commission may authorize the conditional appointment of an employee to a hearing examiner position pending final decision on his eligibility for absolute appointment under this paragraph.

(d) *Appointment of legislative and judicial employees.* An agency may appoint a former employee of the legislative or judicial branch to a hearing examiner position if he passes such suitable noncompetitive examination as the Commission prescribes and is otherwise eligible under the provisions of section 2 (b) or (c) of the Ramspeck Act of November 26, 1940, as amended (54 Stat. 1212; 5 U.S.C. 631b).

(e) *Appointment of incumbents of nonhearing examiner positions.* Except as provided in paragraphs (c) and (d) of this section, an agency may not appoint an employee who is serving in a position other than a hearing examiner position to a hearing examiner position, except by selection from a certificate of eligibles furnished by the Commission from the open competitive register.

§ 930.204 Promotion.

(a) When the Commission classifies an occupied hearing examiner position at a higher grade, the Commission determines which hearing examiner shall be promoted to the higher grade.

(b) When a hearing examiner position becomes vacant, the agency may elect to fill the vacancy by the promotion of one of its hearing examiners. The Commission determines which hearing examiner shall be promoted. When an agency elects to have a vacant hearing examiner position filled by promotion, the agency shall promote the hearing examiner designated by the Commission.

(c) A promotion is effective on the date named by the Commission.

(d) The Commission, as necessary, shall establish and maintain registers (to be known as promotion registers) of hearing examiners who are eligible for promotion to higher grade hearing examiner positions in their agency. The Commission shall enter the name of each hearing examiner on the promotion register for his agency in accordance with his rating which is assigned on the basis of the experience and training requirements of the open competitive examination. The Commission shall direct the promotion of the examiner whose name is at the top of the appropriate promotion register.

(e) The Commission shall rerate each promotion register at least biennially.

§ 930.205 Reassignment.

An agency may reassign a hearing examiner who is serving under absolute appointment from one hearing examiner position to another hearing examiner position with the prior approval of the Commission on a noncompetitive basis in accordance with regular civil service procedures.

§ 930.206 Transfer.

(a) Section 930.204 (b) through (e) apply to the transfer of a hearing examiner that involves a promotion. The Commission shall rate the hearing examiner concerned as provided in § 930.204 and shall approve his transfer and promotion only if his rating is such that his name would be at the top of the appropriate promotion register.

(b) An agency may transfer a hearing examiner from one hearing examiner position to another hearing examiner position, when this does not involve a promotion, with the prior approval of the Commission on a noncompetitive basis in accordance with regular civil service procedures.

§ 930.207 Reinstatement.

(a) Section 930.204 (b) through (e) apply to the reinstatement of a former hearing examiner who acquired absolute status as a hearing examiner under the Administrative Procedure Act, if the position to be filled is at a higher grade than the former hearing examiner once occupied. The Commission shall rate the former hearing examiner as provided in § 930.204 and shall approve his reinstatement only if his rating is such that his name would be at the top of the appropriate promotion register.

(b) An agency may reinstate a person who has a reinstatement status and who last served with absolute status as a hearing examiner under the Administrative Procedure Act at the same grade or in a higher grade than the position to be filled, with the prior approval of the Commission, on a noncompetitive basis in accordance with regular civil service procedures.

§ 930.208 Restoration.

Parts 352 and 353 of this chapter governing reemployment rights and restoration after military service apply to reemployment and restoration to hearing examiner positions.

§ 930.209 Detail.

An agency may not detail an employee serving in a position other than a hearing examiner position to a hearing examiner position. An agency may detail a hearing examiner from one hearing examiner position to another hearing examiner position in a higher grade only after the prior written approval of the Commission.

§ 930.210 Compensation.

(a) The Commission shall classify hearing examiner positions in accordance with the regulations and procedures adopted by the Commission for classifications under the Classification Act of 1949, as amended. The Commission shall make these classifications independently of agency recommendations and ratings.

(b) A hearing examiner is entitled to within-grade increases in accordance with Part 531 of this chapter, except that the requirement that his work be of an acceptable level of competence as determined by the head of his agency does not apply.

§ 930.211 Performance rating.

An agency shall not rate the performance of a hearing examiner.

§ 930.212 Rotation of examiners.

Insofar as practicable, each agency shall assign its hearing examiners in rotation to cases of the level of difficulty and importance that are normally assigned to positions of the salary grade they hold.

§ 930.213 Use of examiners of other agencies.

At the request of an agency that is occasionally or temporarily insufficiently staffed, the Commission shall provide for the temporary use by the agency of the services of a hearing examiner of another agency. The Commission, with the consent of the agency in which a hearing examiner is employed, shall select the examiner to be used, and shall name the date on which the examiner is to be made available to the agency in need of his services.

§ 930.214 Separation.

(a) *Removal.* An agency may remove a hearing examiner only for good cause, established and determined by the Commission, after opportunity for a hearing and on the record thereof as provided in §§ 930.221 through 930.234.

(b) *Status during removal proceedings.* In exceptional cases when there are circumstances by reason of which the retention of a hearing examiner in his position, pending adjudication of the existence of good cause for his removal, would be detrimental to the interests of the Government, the agency shall either assign the hearing examiner to duties in which these conditions would not exist,

or place him on annual leave for the period that will be covered by the annual leave to his credit. An agency may take action under this paragraph only with the prior approval of the Commission.

(c) *Exceptions from procedures.* The procedures in this subpart governing the removal of hearing examiners do not apply in making dismissals requested by the Commission under §§ 5.2 and 5.4 of this chapter, nor to dismissals made by agencies in the interest of national security.

§ 930.215 Reduction in force.

(a) *Service date.* The service date for the purpose of reductions in force of hearing examiners reflects the length of Federal Government service.

(b) *Determination of tenure groups.* In determining retention standing in a reduction in force, each agency shall classify its hearing examiners in groups and subgroups according to tenure of employment and veteran preference in the manner prescribed in Part 351 of this chapter. However, as hearing examiners are not given performance ratings, the provisions in Part 351 referring to the effect of performance ratings on retention standing are not applicable to hearing examiners.

(c) *Status of hearing examiners who are reached in reduction in force.* (1) The Commission, on request of a hearing examiner who has been separated, furloughed, or demoted because of reduction in force, shall place his name on:

(i) The Commission's priority referral list for the grade in which he last served and for all lower grades; and

(ii) The open competitive hearing examiner register, ahead of all other eligibles, for the grade from which he was separated, furloughed, or demoted as a hearing examiner and for all lower grades. When more than one hearing examiner is affected, the Commission shall rate the qualifications of the several examiners and relative standing at the top of the register is based on these ratings.

(2) A hearing examiner may file a request under subparagraph (1) of this paragraph at any time after the receipt of the reduction-in-force notice but not later than 90 days after the date of separation, furlough, or demotion. He shall file with his request a Standard Form 57 and a copy of the reduction-in-force notice.

(3) When there is no hearing examiner on the agency's reemployment priority list, but there is a hearing examiner who has been placed on the priority referral list (subparagraph (1)(i) of this paragraph) or on the top of the open competitive register for priority certification (subparagraph (1)(ii) of this paragraph), the agency may fill a vacant hearing examiner position only by selection from the priority referral list or the register, unless it obtains the prior approval of the Commission under § 930.203(c), § 930.204, § 930.205, § 930.206, or § 930.207.

(4) Referral, certification, and selection of hearing examiners from the agency's reemployment priority list, the Commission's priority referral list, or the open competitive register are made without regard to selective certification procedures applied in original appointment.

(d) *Retention preference regulations.* The reduction in force regulations for use in reduction in force (Part 351 of this chapter), except as modified by this section, apply to reductions in force of hearing examiners.

HEARINGS IN REMOVAL CASES; RULES OF PRACTICE

§ 930.221 Letter of charges.

An agency shall initiate removal proceedings against a hearing examiner by filing with the General Counsel of the Commission a letter of charges (original and four copies) which shall set forth specifically and in detail the reasons that are alleged to constitute good cause for the hearing examiner's removal.

§ 930.222 Service.

The Commission, through its General Counsel, shall serve a copy of the letter of charges on the hearing examiner named therein. Service shall be by registered mail.

§ 930.223 Answer.

(a) When a respondent desires to contest the proceedings he shall file an answer (original and four copies) to the letter of charges with the Commission within 15 days of the service of the copy of the letter of charges. The respondent shall specifically admit, deny, or explain each of the reasons alleged in the letter of charges unless he is without knowledge, in which case he shall so state. The Commission shall serve a copy of the answer on the agency.

(b) Failure of respondent to file answer within the time limit is deemed to authorize the Commission, without further notice to the respondent, to proceed in regular course on the reasons set forth in the letter of charges.

§ 930.224 Appearance.

A respondent may appear for himself or by an attorney at law who is admitted to practice before the Federal courts, or before the courts of any State or territory of the United States. An attorney shall file a written notice of appearance. The notice of appearance shall state the court to which the attorney is admitted to practice and the date of that admission.

§ 930.225 Notice of hearing.

After the filing of answer or other appropriate response, the Commission shall fix a time and place for hearing and shall notify the parties.

§ 930.226 Hearing.

(a) The Commission, a member of the Commission, or one or more hearing examiners appointed under the Administrative Procedure Act shall preside at any hearing under this subpart.

(b) Hearings are open to the public unless otherwise ordered by the Commission.

(c) The Commission shall designate an official reporter who shall record the hearing under the supervision of the presiding officer. The official reporter's transcript of the hearing is the sole official transcript of the hearing. The Commission shall make the official transcript a part of the record. The official reporter shall supply each party with a transcript at a rate not in excess of the maximum rate fixed by the contract between the Commission and the reporter.

§ 930.227 Burden of proof.

(a) The agency initiating removal proceedings has the general burden of proof, and the proponent of any factual proposition is required to sustain the burden of proof with reference thereto.

(b) Objections to evidence shall be stated briefly and shall include the grounds relied on. The transcript shall not include argument on objections except as ordered by the presiding officer. Rulings on objections shall appear in the record.

§ 930.228 Motions.

The presiding officer shall act on motions, or he may refer them to the Commission for decision. Each ruling by the presiding officer is subject to review by the Commission on its adjudication of the case.

§ 930.229 Subpenas.

The presiding officer or a member of the Commission may issue subpenas requiring the attendance of witnesses or the production of documentary evidence from any place in the United States, at any designated place of hearing. Application for subpenas may be made either to the presiding officer or to the Commission.

§ 930.230 Witnesses and fees.

A party at whose instance a witness appears shall pay witness fees and mileage. A witness may appear voluntarily without subpena.

§ 930.231 Proposed findings and conclusions before presiding officer.

At the termination of a hearing, the presiding officer shall fix a time within which parties may submit to him proposed findings, conclusions, or reasons therefor (or briefs which may contain the same). Each party shall furnish copies of briefs or proposals to other parties to the proceeding (certifying to the Commission that this has been done) and shall deliver to the presiding officer an original and two copies.

§ 930.232 Recommended decision.

(a) The presiding officer, as soon as practicable after receipt of the transcript of the hearing and of proposed findings and conclusions, or briefs, shall make and file a recommended decision.

(b) The presiding officer shall send a copy of the recommended decision to each party to the proceeding. Any party, within 10 days after receipt of the copy of the recommended decision, may submit:

(1) Exceptions to it or to any omission from it; and

(2) Additional proposals for findings and conclusions with reasons therefor.

The party making the submission shall furnish copies to the other parties (certifying to the Commission that this has been done), and shall file the original and two copies with the presiding officer.

§ 930.233 Commission's adjudication.

On receipt of exceptions and additional proposals, or expiration of time therefor, the presiding officer shall prepare the files of the proceeding and shall transmit them to the Commission, certifying that the record submitted is complete. The Commission shall consider the entire record and decide the issues in accordance with what it considers to be the applicable law and the greater weight of the evidence.

§ 930.234 Report of action taken.

An agency shall take action in accordance with the Commission's decision, not later than 10 days after receipt thereof, and shall report to the Commission without delay, the action taken.

PART 990—GENERAL AND MISCELLANEOUS

Subpart A—Claims and Appeals of Veterans; Recognition of Representatives

Sec.
990.101 Appearance.
990.102 Agents.
990.103 Recognition of service organizations.
990.104 Accredited representatives of service organizations.
990.105 Designation of service organizations as representatives.
990.106 General provisions.

AUTHORITY: §§ 990.101 to 990.106 issued under secs. 11, 14, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 863, 868.

Subpart A—Claims and Appeals of Veterans; Recognition of Representatives

§ 990.101 Appearance.

A preference eligible who has filed with the Commission a claim or an appeal under section 12 or section 14 of the Veterans' Preference Act of 1944, as amended, may appear in a proceeding in connection therewith either personally or by a representative. The representative may be a person designated by the preference eligible, that person being referred to in this part as agent; or a service organization designated by the preference eligible and approved by the Commission.

§ 990.102 Agents.

A competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become a citizen of the United States, may be designated as an agent. A person (other than a Member of Congress) claiming to act as an agent shall submit a written statement from the preference eligible (CSC Form 307) authorizing him to represent the preference eligible in his claim or appeal. A written statement is not required of a Member of Congress claiming to act as an agent to represent a preference eligible in his claim or appeal.

§ 990.103 Recognition of service organizations.

A service organization approved by the Commission may be recognized in the presentation of claims or appeals under section 12 or section 14 of the Veterans' Preference Act of 1944, as amended, when the proper officers thereof make application for recognition, and as a part of the application agree and certify that neither the organization nor its representatives will charge claimants or appellants a fee or compensation for their services, except expenses actually incurred with the consent of the claimant. In requesting recognition, the following information shall be supplied:

(a) Statement outlining the purpose of the organization and need thereof, and manner in which the preference eligible will be benefited by the recognition.

(b) Names, titles, and addresses of officers.

(c) Number of posts or chapters, and States in which located.

(d) Names, titles, and addresses of full-time paid employees who are qualified to act as accredited representatives.

(e) Copy of constitution or charter and bylaws of the organization.

§ 990.104 Accredited representatives of service organizations.

(a) Each recognized service organization shall file with the Commission, on the prescribed form (CSC Form 306), the name of any officer whom it desires to be recognized as its accredited representative and the Commission office or offices to which recognition is to be extended in the presentation of claims or appeals. In proposing a candidate for recognition as a representative, the organization, through its appropriate officer, shall certify to the following:

(1) That the candidate is a citizen of the United States, of good character and reputation, is qualified by training or experience to assist in the presentation of claims, and is a member or employee of the organization.

(2) That he is not employed in any civil or military department or agency of the United States, and is not a retired member of the Regular Army, Navy, Marine Corps, Coast Guard, or Public Health Service.

(3) Whether the candidate is a preference eligible and, if so, that he was honorably discharged from active service.

(b) A single application (CSC Form 306) shall be filed with the central office of the Commission for recognition before (1) the central office only, (2) two or more regional offices, or (3) the central office and one or more regional offices. Application shall be filed with the regional office where the candidate is to serve when recognition before only one regional office is requested. Application Form 306 shall be retained by the approving office of the Commission.

(c) The central office (Veterans Service Staff) or regional director, as the case may be, is responsible for determining the qualifications of a candidate of a service organization for recognition. Normally, the candidate of a service organization will be approved. However, if there is doubt as to the qualifications or suitability of a candidate, appropriate investigation may be made to resolve the doubts. If it is determined that the candidate is qualified, duplicate copies of a letter of notice to that effect shall be issued to the veterans organization concerned, with an Identification Card (CSC Form 308) in the candidate's name signed by the Chief of the Veterans Service Staff or the regional director. One copy of the letter of approval shall be retained by the organization and the other forwarded to the candidate with the Identification Card 308 countersigned by the appropriate officer of the organization. When approval is made by the central office, a copy of the letter of approval shall be sent to each regional office before which recognition of the candidate is approved. When approval is made by a regional office, a copy of the letter of approval shall be sent to the central office of the Commission (Veterans Service Staff). Each regional office shall maintain a record of all accredited representatives approved for recognition before that regional office. The Veterans Service Staff of the central office shall maintain a record of all accredited representatives approved by all regional directors and the Chief of the Veterans Service Staff. If the regional director's determination is adverse, or the case is one of doubtful aspect, the entire matter may be referred to the Commission's central office, Veterans Service Staff, at the regional director's option, where it will be handled in the same manner as a request for recognition ordinarily handled by the Veterans Service Staff.

(d) Recognition may be canceled at the request of the organization. The central office or regional director may cancel or suspend a recognition for cause. When a regional director cancels or suspends a recognition, a report of the facts shall be made to the central office. Notice of cancellation or suspension shall be supplied in the same manner as a notice of recognition.

(e) Nominations for accredited representatives of national service organizations are acceptable only if approved by the certifying officer, national headquarters, of the organization.

(f) Letters of recognition issued by the central office to national and field officers of recognized organizations constitute authorization for their recognition in claims or appeals in any regional office within their respective assignments. Letters of recognition issued by a regional director constitute authorization for the accredited representatives to present claims or appeals in any regional office within their respective assignments.

(g) When a representative has been recognized, a card shall be prepared in the office which approves the recognition, showing his name, address, organization, and date of recognition. Copies of this card shall be filed in the central office (Veterans Service Staff) of the Commission, and in the regional office by which

he is recognized or in which he is authorized to act.

§ 990.105 Designation of service organizations as representatives.

(a) Before a service organization may be recognized in an individual claim or appeal, there shall be filed a designation duly executed by the claimant or appellant, specifically conferring on the organization the authority to represent him in the presentation of his claim or appeal, and to receive information in connection therewith. This designation shall be on the form prescribed by the Commission (CSC Form 307) and shall be presented to the office concerned, to be filed in connection with the claim or appeal. The designation shall be signed by the claimant or appellant.

(b) On receipt and approval of the designation, the service organization named therein shall be recognized as the sole agency for the presentation of the claim or appeal covered thereby, and no other organization shall be recognized in the presentation of that claim or appeal. The designation made by the claimant may be revoked by him at any time and a subsequent designation made, naming another organization. A subsequently executed designation constitutes a revocation of any existing designation. A designation may also be revoked by the organization named therein.

§ 990.106 General provisions.

(a) Nothing in this subpart permits the unauthorized practice of law in any place or the giving of any service except the authorized participation in agency proceedings by agents or accredited representatives who have been approved by the Commission.

(b) This subpart does not apply to adjudications of charges of political activity on the part of officers or employees in the competitive service, or of officers or employees of a State or local government, nor to adjudications of the existence of good cause for the removal of hearing examiners appointed under section 11 of the Administrative Procedure Act.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-9716; Filed, Sept. 13, 1963; 8:45 a.m.]

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Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T. D. 6675]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Qualified Pension, Profit-Sharing, and Stock Bonus and Bond Purchase Plans

On April 6, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 401 and 405 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans, and qualified bond purchase plans) to conform to sections 2 (in part) and 5 of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 809, 826) was published in the FEDERAL REGISTER (28 F.R. 3401). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (a)(3) of § 1.401–1, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is changed by revising subdivision (iii).

PAR. 2. Paragraph (c)(1), the portion of (2)(iii) which precedes subdivision (*a*) thereof, (4)(i), (5), and (6) of § 1.401–4, as set forth in paragraph 4 of the appendix to the notice of proposed rule making, is changed.

PAR. 3. Section 1.401–6, as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is changed by adding a new subdivision (iii) to paragraph (a)(2), by revising paragraph (b)(1) and (2), and by revising paragraph (e).

PAR. 4. Section 1.401–7, as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is changed by deleting example (1) of paragraph (b), by redesignating examples (2) and (3) of paragraph (b) as examples (1) and (2), respectively, and by revising paragraph (c).

PAR. 5. Section 1.401–8, as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is revised by changing paragraphs (b)(1)(iii) and (e)(2).

PAR. 6. Section 1.401–9, as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is changed by revising subparagraphs (1)(i) and (2) of paragraph (b) and by revising example (2) of paragraph (c).

PAR. 7. Section 1.401–10, as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is changed by revising subparagraph (3)(i) of paragraph (b).

PAR. 8. Section 1.401–11, as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is changed by deleting paragraph (b)(2) and redesignating paragraph (b)(3) and (4) as (b)(2) and (3), respectively, and by revising paragraph (e)(3), (4), (5), (6), and (7).

PAR. 9. Section 1.401–12, as set forth in paragraph 5 of the appendix to the notice of proposed rule making, is changed by revising so much of paragraph (c)(4)(ii) as follows subdivision (*b*) thereof, subparagraph (1) of paragraph (d), subparagraph (1)(ii) of paragraph (g), subparagraph (2)(i) of paragraph (i), subparagraphs (1) and (2) of paragraph (j), and subparagraph (1)(i) of paragraph (m).

PAR. 10. Section 1.405–3, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is revised by adding a sentence at the end of paragraph (a)(1) and by changing paragraph (b)(3), (4), and (5).

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: September 10, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to sections 2 (in part) and 5 of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 809, 826), such regulations are amended as follows:

PARAGRAPH 1. Section 1.401 is amended by revising paragraph (5) of section 401(a), by adding paragraphs (7), (8), (9), and (10) to section 401(a), by redesignating subsection (c) of section 401 as subsection (h), by inserting after subsection (b) of section 401 new subsections (c), (d), (e), (f), and (g), and by adding a historical note. These amended and added provisions read as follows:

§ 1.401 Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.

SEC. 401. *Qualified pension, profit-sharing, and stock bonus plans*—(a) *Requirements for qualification.* * * *

(5) A classification shall not be considered discriminatory within the meaning of paragraph (3)(B) or (4) merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 3121(a)(1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 3121(a)(1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law. For purposes of this paragraph and paragraph (10), the total compensation of an individual who is an employee within the meaning of subsection (c)(1) means such individual's earned income (as defined in subsection (c)(2)), and the basic or regular rate of compensation of such an individual shall be determined, under regulations prescribed by the Secretary or his delegate, with respect to that portion of his earned income which bears the same ratio to his earned income as the basic or regular compensation of the employees under the plan bears to the total compensation of such employees.

* * * * *

(7) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that, upon its termination or upon complete discontinuance of contributions under the plan, the rights of all employees to benefits accrued to the date of such termination or discontinuance, to the extent then funded, or the amounts credited to the employees' accounts are nonforfeitable. This paragraph shall not apply to benefits or contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by paragraph (4), may not be used for designated employees in the event of early termination of the plan.

(8) A trust forming part of a pension plan shall not constitute a qualified trust under this section unless the plan provides that forfeitures must not be applied to increase the benefits any employee would otherwise receive under the plan.

(9) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1), a trust forming part of such plan shall not constitute a qualified trust under this section unless, under the plan, the entire interest of each employee—

(A) Either will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or, in the case of an employee other than an owner-employee (as defined in subsection (c)(3)), in which he retires, whichever is the later, or

(B) Will be distributed, commencing not later than such taxable year, (*i*) in accordance with regulations prescribed by the Secretary or his delegate, over the life of such employee or over the lives of such employee and his spouse, or (*ii*) in accordance with such regulations, over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and his spouse.

A trust shall not be disqualified under this paragraph by reason of distributions under a designation, prior to the date of the enactment of this paragraph, by any employee under the plan of which such trust is a part, of a method of distribution which does not meet the terms of the preceding sentence.

(10) In the case of a plan which provides contributions or benefits for employees some or all of whom are owner-employees (as defined in subsection (c)(3))—

(A) Paragraph (3) and the first and second sentences of paragraph (5) shall not apply, but—

(i) Such plan shall not be considered discriminatory within the meaning of paragraph (4) merely because the contributions or benefits of or on behalf of employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, and

(ii) Such plan shall not be considered discriminatory within the meaning of paragraph (4) solely because under the plan contributions described in subsection (e)(3)(A) which are in excess of the amounts which may be deducted under section 404 (determined without regard to section 404(a)(10)) for the taxable year may be made on behalf of any owner-employee; and

(B) A trust forming a part of such plan shall constitute a qualified trust under this section only if the requirements in subsection (d) are also met.

* * * * *

(c) *Definitions and rules relating to self-employed individuals and owner-employees.* For purposes of this section—

(1) *Employee.* The term "employee" includes, for any taxable year, an individual who has earned income (as defined in paragraph (2)) for the taxable year. To the extent provided in regulations prescribed by the Secretary or his delegate, such term also includes, for any taxable year—

(A) An individual who would be an employee within the meaning of the preceding sentence but for the fact that the trade or business carried on by such individual did not have net profits for the taxable year, and

(B) An individual who has been an employee within the meaning of the preceding sentence for any prior taxable year.

(2) *Earned income.*—(A) *In general.* The term "earned income" means the net earnings from self-employment (as defined in sections 1402(a)) to the extent that such net earnings constitute earned income (as defined in section 911(b) but determined with the application of subparagraph (B)), but such net earnings shall be determined—

(i) Without regard to paragraphs (4) and (5) of section 1402(c),

(ii) In the case of any individual who is treated as an employee under sections 3121(d)(3)(A), (C), or (D), without regard to paragraph (2) of section 1402(c), and

(iii) Without regard to items which are not included in gross income for purposes of this chapter, and the deductions properly allocable to or chargeable against such items.

For purposes of this subparagraph, sections 911(b) and 1402, as in effect for a taxable year ending on December 31, 1962, and subparagraph (B), as in effect for a taxable year beginning on January 1, 1963, shall be treated as having been in effect for all taxable years ending before such date.

(B) *Earned income when both personal services and capital are material income-producing factors.* In applying section 911(b) for purposes of subparagraph (A), in the case of an individual who is an employee within the meaning of paragraph (1) and who is engaged in a trade or business in which both personal services and capital are material income-producing factors and with respect to which the individual actually renders personal services on a full-time, or substantially full-time, basis, so much of his share of the net profits of such trade or business as does not exceed $2,500 shall be considered as earned income. In the case of any such individual who is engaged in more than one trade or business with respect to which he actually renders substantial personal services, if with respect to all such trades or businesses he actually renders personal services on a full-time, or substantially full-time, basis, there shall be considered as earned income with respect to the trades or businesses in which both personal services and capital are material income-producing factors—

(i) So much of his share of the net profits of such trades or businesses as does not exceed $2,500, reduced by

(ii) His share of the net profits of any trade or business in which only personal services is a material income-producing factor.

The preceding sentences shall not be construed to reduce the share of net profits of any trade or business which under the second sentence of section 911(b) would be considered as earned income of any such individual.

(3) *Owner-employee.* The term "owner-employee" means an employee who—

(A) Owns the entire interest in an unincorporated trade or business, or

(B) In the case of a partnership, is a partner who owns more than 10 percent of either the capital interest or the profits interest in such partnership.

To the extent provided in regulations prescribed by the Secretary or his delegate, such term also means an individual who has been an owner-employee within the meaning of the preceding sentence.

(4) *Employer.* An individual who owns the entire interest in an unincorporated trade or business shall be treated as his own employer. A partnership shall be treated as the employer of each partner who is an employee within the meaning of paragraph (1).

(5) *Contributions on behalf of owner-employees.* The term "contribution on behalf of an owner-employee" includes, except as the context otherwise requires, a contribution under a plan—

(A) By the employer for an owner-employee, and

(B) By an owner-employee as an employee.

(d) *Additional requirements for qualification of trusts and plans benefiting owner-employeees.* A trust forming part of a pension or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this section only if, in addition to meeting the requirements of subsection (a), the following requirements of this subsection are met by the trust and by the plan of which such trust is a part:

(1) In the case of a trust which is created on or after the date of the enactment of this subsection, or which was created before such date but is not exempt from tax under section 501(a) as an organization described in subsection (a) on the day before such date, the trustee is a bank, but a person (including the employer) other than a bank may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). This paragraph shall not apply to a trust created or organized outside the United States before the date of the enactment of this subsection if, under section 402(c), it is treated as exempt from tax under section 501(a) on the day before such date; or, to the extent provided under regulations prescribed by the Secretary or his delegate, to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively to fund the benefits prescribed by the trust, if the life insurance company supplies annually such information about trust transactions affecting owner-employees as the Secretary or his delegate shall by forms or regulations prescribe. For purposes of this paragraph, the term "bank" means a bank as defined in section 581, a corporation which under the laws of the State of its incorporation is subject to supervision and examination by the comissioner of banking or other office of such State in charge of the administration of the banking laws of such State, and, in the case of a trust created or organized qutside the United States, a bank or trust company, wherever incorporated, exercising fiduciary powers and subject to supervision and examination by governmental authority.

(2) Under the plan—

(A) The employees' rights to or derived from the contributions under the plan are non-forfeitable at the time the contributions are paid to or under the plan; and

(B) In the case of a profit-sharing plan, there is a definite formula for determining the contributions to be made by the employer on behalf of employees (other than owner-employees).

Subparagraph (A) shall not apply to contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by subsection (a)(4), may not be used to provide benefits for designated employees in the event of early termination of the plan.

(3) The plan benefits each employee having a period of employment of 3 years or more. For purposes of the preceding sentence, the term "employee" does not include any employee whose customary employment is for not more than 20 hours in any one week or is for not more than 5 months in any calendar year.

(4) Under the plan—

(A) Contributions or benefits are not provided for any owner-employee unless such owner-employee has consented to being included under the plan; and

(B) No benefits may be paid to any owner-employee, except in the case of his becoming disabled (within the meaning of section 213(g)(3)), prior to his attaining the age of 59½ years.

(5) The plan does not permit—

(A) Contributions to be made by the employer on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 (determined without regard to section 404(a)(10)) for the taxable year;

(B) In the case of a plan which provides contributions or benefits only for owner-employees, contributions to be made on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 (determined without regard to section 404(a)(10)) for the taxable year; and

(C) If a distribution under the plan is made to any employee and if any portion of such distribution is an amount described in section 72(m)(5)(A)(i), contributions to be made on behalf of such employee for the 5 taxable years succeeding the taxable year in which such distribution is made.

Subparagraphs (A) and (B) shall not apply to any contribution which is not considered to be an excess contribution (as defined in subsection (e)(1)) by reason of the application of subsection (e)(3).

(6) Except as provided in this paragraph, the plan meets the requirements of subsection (a)(4) without taking into account for any purpose contributions or benefits under chapter 2 (relating to tax on self-employment income), chapter 21 (relating to Federal Insurance Contributions Act), title II of the Social Security Act, as amended, or any other Federal or State law. If—

(A) Of the contributions deductible under section 404 (determined without regard to section 404(a)(10)), not more than one-third is deductible by reason of contributions by the employer on behalf of owner-employees, and

(B) Taxes paid by the owner-employees under chapter 2 (relating to tax on self-employment income), and the taxes which would be payable under such chapter 2 by the owner-employees but for paragraphs (4) and (5) of section 1402(c), are taken into account as contributions by the employer on behalf of such owner-employees,

then taxes paid under section 3111 (relating to tax on employers) with respect to an employee may, for purposes of subsection (a)(4), be taken into account as contributions by the employer for such employee under the plan.

(7) Under the plan, if an owner-employee dies before his entire interest has been distributed to him, or if distribution has been commenced in accordance with subsection (a)(9)(B) to his surviving spouse and such surviving spouse dies before his entire interest has been distributed to such surviving spouse, his entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of his surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence shall not apply if distribution of the interest of an owner-employee has commenced and such distribution is for a term certain over a period permitted under subsection (a)(9)(B)(ii).

(8) Under the plan—

(A) Any contribution which is an excess contribution, together with the income attributable to such excess contribution, is (unless subsection (e)(2)(E) applies) to be repaid to the owner-employee on whose behalf such excess contribution is made;

(B) If for any taxable year the plan does not, by reason of subsection (e)(2)(A), meet (for purposes of section 404) the requirements of this subsection with respect to an owner-employee, the income for the taxable year attributable to the interest of such owner-employee under the plan is to be paid to such owner-employee; and

(C) The entire interest of an owner-employee is to be repaid to him when required by the provisions of subsection (e)(2)(E).

(9) (A) If the plan provides contributions or benefits for an owner-employee who controls, or for two or more owner-employees who together control, the trade or business with respect to which the plan is established, and who also control as an owner-employee or as owner-employees one or more other trades or businesses, such plan and the plans established with respect to such other trades or businesses, when coalesced, constitute a single plan which meets the requirements of subsection (a) (including paragraph (10) thereof) and of this subsection with respect to the employees of all such trades or businesses (including the trade or business with respect to which the plan intended to qualify under this section is established).

(B) For purposes of subparagraph (A), an owner-employee, or two or more owner-employees, shall be considered to control a trade or business if such owner-employee, or such two or more owner-employees together—

(i) Own the entire interest in an unincorporated trade or business, or

(ii) In the case of a partnership, own more than 50 percent of either the capital interest or the profits interest in such partnership.

For purposes of the preceding sentence, an owner-employee, or two or more owner-employees, shall be treated as owning any interest in a partnership which is owned, directly or indirectly, by a partnership which such owner-employee, or such two or more owner-employees, are considered to control within the meaning of the preceding sentence.

(10) The plan does not provide contributions or benefits for any owner-employee who controls (within the meaning of paragraph (9)(B)), or for two or more owner-employees who together control, as an owner-employee or as owner-employees, any other trade or business, unless the employees of each trade or business which such owner-employee or such owner-employees control are included under a plan which meets the requirements of subsection (a) (including paragraph (10) thereof) and of this subsection, and provides contributions and benefits for employees which are not less favorable than contributions and benefits provided for owner-employees under the plan.

(11) Under the plan, contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established.

(e) *Excess contributions on behalf of owner-employees.*—(1) *Excess contribution defined.* For purposes of this section, the term "excess contribution" means, except as provided in paragraph (3)—

(A) If, in the taxable year, contributions are made under the plan only on behalf of owner-employees, the amount of any contribution made on behalf of any owner-employee which (without regard to this subsection) is not deductible under section 404 (determined without regard to section 404(a)(10)) for the taxable year; or

(B) If, in the taxable year, contributions are made under the plan on behalf of employees other than owner-employees—

(i) The amount of any contribution made by the employer on behalf of any owner-employee which (without regard to this subsection) is not deductible under section 404 (determined without regard to section 404(a)(10)) for the taxable year;

(ii) The amount of any contribution made by any owner-employee (as an employee) at a rate which exceeds the rate of contributions permitted to be made by employees other than owner-employees;

(iii) The amount of any contribution made by any owner-employee (as an employee) which exceeds the lesser of $2,500 or 10 percent of the earned income for such taxable year derived by such owner-employee from the trade or business with respect to which the plan is established; and

(iv) In the case of any individual on whose behalf contributions are made under more than one plan as an owner-employee, the amount of any contribution made by such owner-employee (as an employee) under all such plans which exceeds $2,500; and

(C) The amount of any contribution made on behalf of an owner-employee in any taxable year for which, under paragraph (2)(A) or (E), the plan does not (for purposes of section 404) meet the requirements of subsection (d) with respect to such owner-employee.

For purposes of this subsection, the amount of any contribution which is allocable (determined in accordance with regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance shall not be taken into account.

(2) *Effect of excess contribution.*—(A) *In general.* If an excess contribution (other than an excess contribution to which subparagraph (E) applies) is made on behalf of an owner-employee in any taxable year, the plan with respect to which such excess contribution is made shall, except as provided in subparagraphs (C) and (D), be considered, for purposes of section 404, as not meeting the requirements of subsection (d) with respect to such owner-employee for the taxable year and for all succeeding taxable years.

(B) *Inclusion of amounts in gross income of owner-employees.* For any taxable year for which any plan does not meet the requirements of subsection (d) with respect to an owner-employee by reason of subparagraph (A), the gross income of such owner-employee shall, for purposes of this chapter, include the amount of net income for such taxable year attributable to the interest of such owner-employee under such plan.

(C) *Repayment within prescribed period.* Subparagraph (A) shall not apply to an excess contribution with respect to any taxable year, if, on or before the close of the 6-month period beginning on the day on which the Secretary or his delegate sends notice (by certified or registered mail) to the person to whom such excess contribution was paid of the amount of such excess contribution, the amount of such excess contribution, and the net income attributable thereto, is repaid to the owner-employee on whose behalf such excess contribution was made. If the excess contribution is an excess contribution as defined in paragraph (1)(A) or (B)(i), or is an excess contribution as defined in paragraph (1)(C) with respect to which a deduction has been claimed under section 404, the notice required by the preceding sentence shall not be mailed prior to the time that the amount of the tax under this chapter of such owner-employee for the taxable year in which such excess contribution was made has been finally determined.

(D) *Repayment after prescribed period.* If an excess contribution, together with the net income attributable thereto, is not repaid within the 6-month period referred to in subparagraph (C), subparagraph (A) shall not apply to an excess contribution with respect to any taxable year beginning with the taxable year in which the person to whom such excess contribution was paid repays the amount of such excess contribution to the owner-employee on whose behalf such excess contribution was made, and pays to such owner-employee the amount of net income attributable to the interest of such owner-employee which, under subparagraph (B), has been included in the gross income of such owner-employee for any prior taxable year.

(E) *Special rule if excess contribution was willfully made.* If an excess contribution made on behalf of an owner-employee is determined to have been willfully made, then—

(i) Subparagraphs (A), (B), (C), and (D) shall not apply with respect to such excess contribution;

(ii) There shall be distributed to the owner-employee on whose behalf such excess contribution was willfully made his entire interest in all plans with respect to which he is an owner-employee; and

(iii) No plan shall, for purposes of section 404, be considered as meeting the requirements of subsection (d) with respect to such owner-employee for the taxable year in which it is determined that such excess contribution was willfully made and for the 5 taxable years following such taxable year.

(F) *Statute of limitations.* In any case in which subparagraph (A) applies, the period for assessing any deficiency arising by reason of—

(i) The disallowance of any deduction under section 404 on account of a plan not meeting the requirements of subsection (d) with respect to the owner-employee on whose behalf an excess contribution was made, or

(ii) The inclusion, under subparagraph (B), in gross income of such owner-em-

ployee of income attributable to the interest of such owner-employee under a plan,

for the taxable year in which such excess contribution was made or for any succeeding taxable year shall not expire prior to one year after the close of the 6-month period referred to in subparagraph (C).

(3) *Contributions for premiums on annuity, etc., contracts.* A contribution by the employer on behalf of an owner-employee shall not be considered to be an excess contribution within the meaning of paragraph (1), if—

(A) Under the plan such contribution is required to be applied (directly or through a trustee) to pay premiums or other consideration for one or more annuity, endowment, or life insurance contracts on the life of such owner-employee issued under the plan,

(B) The amount of such contribution exceeds the amount deductible under section 404 (determined without regard to section 404(a)(10)) with respect to contributions made by the employer on behalf of such owner-employee under the plan, and

(C) The amount of such contribution does not exceed the average of the amounts which were deductible under section 404 (determined without regard to section 404 (a)(10)) with respect to contributions made by the employer on behalf of such owner-employee under the plan (or which would have been deductible under such section if such section had been in effect) for the first 3 taxable years (1) preceding the year in which the last such annuity, endowment, or life insurance contract was issued under the plan and (ii) in which such owner-employee derived earned income from the trade or business with respect to which the plan is established, or for so many of such taxable years as such owner-employee was engaged in such trade or business and derived earned income therefrom.

In the case of any individual on whose behalf contributions described in subparagraph (A) are made under more than one plan as an owner-employee during any taxable year, the preceding sentence shall not apply if the amount of such contributions under all such plans for such taxable year exceeds $2,500. Any contribution which is not considered to be an excess contribution by reason of the application of this paragraph shall, for purposes of subparagraphs (B) (ii), (iii), and (iv) of paragraph (1), be taken into account as a contribution made by such owner-employee as an employee to the extent that the amount of such contribution is not deductible under section 404 (determined without regard to section 404(a)(10)) for the taxable year, but only for the purpose of applying such subparagraphs to other contributions made by such owner-employee as an employee.

(f) *Certain custodial accounts*—(1) *Treatment as qualified trust.* For purposes of this title, a custodial account shall be treated as a qualified trust under this section, if—

(A) Such custodial account would, except for the fact that it is not a trust, constitute a qualified trust under this section;

(B) The custodian is a bank (as defined in subsection (d)(1));

(C) The investment of the funds in such account (including all earnings) is to be made—

(i) Solely in regulated investment company stock with respect to which an employee is the beneficial owner, or

(ii) Solely in annuity, endowment, or life insurance contracts issued by an insurance company;

(D) The shareholder of record of any such stock described in subparagraph (C)(i) is the custodian or its nominee; and

(E) The contracts described in subparagraph (C)(ii) are held by the custodian until distributed under the plan.

For purposes of this title, in the case of a custodial account treated as a qualified trust under this section by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

(2) *Definition.* For purposes of paragraph (1), the term "regulated investment company" means a domestic corporation which—

(A) Is a regulated investment company within the meaning of section 851(a), and

(B) Issues only redeemable stock.

(g) *Annuity defined.* For purposes of this section and sections 402, 403, and 404, the term "annuity" includes a face-amount certificate, as defined in section 2(a)(15) of the Investment Company Act of 1940 (15 U.S.C., sec. 80a-2); but does not include any contract or certificate issued after December 31, 1962, which is transferable, if any person other than the trustee of a trust described in section 401(a) which is exempt from tax under section 501(a) is the owner of such contract or certificate.

(h) *Cross reference.* For exemption from tax of a trust qualified under this section, see section 501(a).

[Sec. 401 as amended by sec. 2, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 809)]

PAR. 2. Section 1.401–1 is amended by revising paragraph (a)(1), by revising subdivisions (iii), (v), and (vi) of paragraph (a)(3), by adding new subdivisions (vii), (viii), and (ix) to paragraph (a)(3), by adding a new subparagraph (4) to paragraph (a), and by revising paragraph (b)(1) (i) and (2). These amended and added provisions read as follows:

§ 1.401–1 Qualified pension, profit-sharing, and stock bonus plans.

(a) *Introduction.* (1) Sections 401 through 405 relate to pension, profit-sharing, stock bonus, and annuity plans, compensation paid under a deferred-payment plan, and bond purchase plans. Section 401(a) prescribes the requirements which must be met for qualification of a trust forming part of a pension, profit-sharing, or stock bonus plan.

* * * * *

(3) * * *

(iii) It must be formed or availed of for the purpose of distributing to the employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with the plan, and, in the case of a plan which covers (as defined in paragraph (a)(2) of § 1.401–10) any self-employed individual, the time and method of such distribution must satisfy the requirements of section 401(a)(9) with respect to each employee covered by the plan (see paragraph (e) of § 1.401–11);

* * * * *

(v) It must be part of a plan which benefits prescribed percentages of the employees, or which benefits such employees as qualify under a classification set up by the employer and found by the Commissioner not to be discriminatory in favor of certain specified classes of employees (see § 1.401–3 and, in addition, see § 1.401–12 for special rules as to plans covering owner-employees);

(vi) It must be part of a plan under which contributions or benefits do not discriminate in favor of certain specified classes of employees (see § 1.401–4);

(vii) It must be part of a plan which provides the nonforfeitable rights described in section 401(a)(7) (see § 1.401–6);

(viii) If the trust forms part of a pension plan, the plan must provide that forfeitures must not be applied to increase the benefits any employee would receive under such plan (see § 1.401–7);

(ix) It must, if the plan benefits any self-employed individual who is an owner-employee, satisfy the additional requirements for qualification contained in section 401(a)(10) and (d).

(4) For taxable years beginning after December 31, 1962, self-employed individuals may be included in qualified plans. See §§ 1.401–10 through 1.401–13.

(b) *General rules.* (1) (i) A pension plan within the meaning of section 401(a) is a plan established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to his employees over a period of years, usually for life, after retirement. Retirement benefits generally are measured by, and based on, such factors as years of service and compensation received by the employees. The determination of the amount of retirement benefits and the contributions to provide such benefits are not dependent upon profits. Benefits are not definitely determinable if funds arising from forfeitures on termination of service, or other reason, may be used to provide increased benefits for the remaining participants (see § 1.401–7, relating to the treatment of forfeitures under a qualified pension plan). A plan designed to provide benefits for employees or their beneficiaries to be paid upon retirement or over a period of years after retirement will, for the purposes of section 401(a), be considered a pension plan if the employer contributions under the plan can be determined actuarially on the basis of definitely determinable benefits, or, as in the case of money purchase pension plans, such contributions are fixed without being geared to profits. A pension plan may provide for the payment of a pension due to disability and may also provide for the payment of incidental death benefits through insurance or otherwise. However, except as provided in section 401(h) and the regulations thereunder, a pension plan may not provide for the payment of benefits not customarily included in such a plan such as layoff benefits or benefits for sickness, accident, hospitalization, or medical expenses.

* * * * *

(z) The term "plan" implies a permanent as distinguished from a temporary program. Thus, although the employer may reserve the right to change or terminate the plan, and to discontinue contributions thereunder, the abandonment of the plan for any reason other than business necessity within a few years after it has taken effect will be evidence that the plan from its inception was not a bona fide program for the exclusive benefit of employees in general. Especially will this be true if, for example, a pension plan is abandoned soon after

pensions have been fully funded for persons in favor of whom discrimination is prohibited under section 401(a). The permanency of the plan will be indicated by all of the surrounding facts and circumstances, including the likelihood of the employer's ability to continue contributions as provided under the plan. In the case of a profit-sharing plan, other than a profit-sharing plan which covers employees and owner-employees (see section 401(d)(2)(B)), it is not necessary that the employer contribute every year or that he contribute the same amount or contribute in accordance with the same ratio every year. However, merely making a single or occasional contribution out of profits for employees does not establish a plan of profit-sharing. To be a profit-sharing plan, there must be recurring and substantial contributions out of profits for the employees. In the event a plan is abandoned, the employer should promptly notify the district director, stating the circumstances which led to the discontinuance of the plan.

PAR. 3. Section 1.401–3 is amended by revising paragraph (a) and by adding a new subparagraph (5) to paragraph (e). These amended and added provisions read as follows:

§ 1.401–3 Requirements as to coverage.

(a) (1) In order to insure that stock bonus, pension, and profit-sharing plans are utilized for the welfare of employees in general, and to prevent the trust device from being used for the principal benefit of shareholders, officers, persons whose principal duties consist in supervising the work of other employees, or highly paid employees, or as a means of tax avoidance, a trust will not be qualified unless it is part of a plan which satisfies the coverage requirements of section 401(a)(3). However, if the plan covers any individual who is an owner-employee, as defined in section 401(c)(3), the requirements of section 401(a)(3) and this section are not applicable to such plan, but the plan must satisfy the requirements of section 401(d) (see § 1.401–12).

(2) The percentage requirements in section 401(a)(3)(A) refer to a percentage of all the active employees, including employees temporarily on leave, such as those in the Armed Forces of the United States, if such employees are eligible under the plan.

(3) The application of section 401(a)(3)(A) may be illustrated by the following example:

Example. A corporation adopts a plan at a time when it has 1,000 employees. The plan provides that all full-time employees who have been employed for a period of two years and have reached the age of 30 shall be eligible to participate. The plan also requires participating employees to contribute 3 percent of their monthly pay. At the time the plan is made effective 100 of the 1,000 employees had not been employed for a period of two years. Fifty of the employees were seasonal employees whose customary employment did not exceed five months in any calendar year. Twenty-five of the employees were part-time employees whose customary employment did not exceed 20 hours in any one week. One hundred and fifty of the full-time employees who had been employed for two years or more had not yet reached age 30. The requirements of section 401(a)(8)(A) will be met if 540 employees are covered by the plan, as shown by the following computation:

(i) Total employees with respect to whom the percentage requirements are applicable (1,000 minus 175 (100 plus 50 plus 25))	825
(ii) Employees not eligible to participate because of age requirements	150
(iii) Total employees eligible to participate	675
(iv) Percentage of employees in item (i) eligible to participate	81+%
(v) Minimum number of participating employees to qualify the plan (80 percent of 675)	540

If only 70 percent, or 578, of the 825 employees satisfied the age and service requirements, then 462 (80 percent of 578) participating employees would satisfy the percentage requirements.

* * * * *

(e) * * *

(5) If a plan provides contributions or benefits for a self-employed individual, the rules relating to the integration of such a plan with the contributions or benefits under the Social Security Act are set forth in paragraph (c) of § 1.401–11 and paragraph (h) of § 1.401–12.

PAR. 4. Section 1.401–4 is amended by revising paragraph (a) (1)(iii) and (2)(i) and paragraph (c) thereof. These amended provisions read as follows:

§ 1.401–4 Discrimination as to contributions or benefits.

(a) (1) * * *

(iii) Funds in a stock bonus or profit-sharing plan arising from forfeitures on termination of service, or other reason, must not be allocated to the remaining participants in such a manner as will effect the prohibited discrimination. With respect to forfeitures in a pension plan, see § 1.401–7.

(2) (i) Section 401(a)(5) sets out certain provisions which will not in and of themselves be discriminatory within the meaning of section 401(a)(3) or (4). See § 1.401–3. Thus, a plan will not be considered discriminatory merely because the contributions or benefits bear a uniform relationship to total compensation or to the basic or regular rate of compensation, or merely because the contributions or benefits based on that part of the annual compensation of employees which is subject to the Federal Insurance Contributions Act (chapter 21 of the Code) differ from the contributions or benefits based on any excess of such annual compensation over such part. With regard to the application of the rules of section 401(a)(5) in the case of a plan which benefits a self-employed individual, see paragraph (c) of § 1.401–11.

* * * * *

(c) (1) Although a qualified plan may provide for termination at will by the employer or discontinuance of contributions thereunder, this will not of itself prevent a trust from being a qualified trust. However, a qualified pension plan must expressly incorporate provisions which comply with the restrictions contained in subparagraph (2) of this paragraph at the time the plan is established, unless (i) it is reasonably certain at the inception of the plan that such restrictions would not affect the amount of contributions which may be used for the benefit of any employee, or (ii) the Commissioner determines that such provisions are not necessary to prevent the prohibited discrimination that may occur in the event of any early termination of the plan. Although these provisions are the only provisions required to be incorporated in the plan to prevent the discrimination that may arise because of an early termination of the plan, the plan may in operation result in the discrimination prohibited by section 401(a)(4), unless other provisions are later incorporated in the plan.

(2) (i) If employer contributions under a qualified pension plan may be used for the benefit of an employee who is among the 25 highest paid employees of the employer at the time the plan is established and whose anticipated annual pension under the plan exceeds $1,500, such plan must provide that upon the occurrence of the conditions described in subdivision (ii) of this subparagraph, the employer contributions which are used for the benefit of any such employee are restricted in accordance with subdivision (iii) of this subparagraph.

(ii) The restrictions described in subdivision (iii) of this subparagraph become applicable if—

(*a*) The plan is terminated within 10 years after its establishment,

(*b*) The benefits of an employee described in subdivision (i) of this subparagraph become payable within 10 years after the establishment of the plan, or

(*c*) The benefits of an employee described in subdivision (i) of this subparagraph become payable after the plan has been in effect for 10 years, and the full current costs of the plan for the first 10 years have not been funded.

In the case of an employee described in (*b*) of this subdivision, the restrictions will remain applicable until the plan has been in effect for 10 years, but if at that time the full current costs have been funded the restrictions will no longer apply to the benefits payable to such an employee. In the case of an employee described in (*b*) or (*c*) of this subdivision, if at the end of the first 10 years the full current costs are not met, the restrictions will continue to apply until the full current costs are funded for the first time.

(iii) The restrictions required under subdivision (i) of this subparagraph must provide that the employer contributions which may be used for the benefit of an employee described in such subdivision shall not exceed the greater of $20,000, or 20 percent of the first $50,000 of the annual compensation of such employee multiplied by the number of years between the date of the establishment of the plan and—

(*a*) The date of the termination of the plan,

(b) In the case of an employee described in subdivision (ii)(*b*) of this subparagraph, the date the benefit of the employee becomes payable, if before the date of the termination of the plan, or

(c) In the case of an employee described in subdivision (ii)(*c*) of this subparagraph, the date of the failure to meet the full current costs of the plan.

However, if the full current costs of the plan have not been met on the date described in (*a*) or (*b*) of this subdivision, whichever is applicable, then the date of the failure to meet such full current costs shall be substituted for the date referred to in (*a*) or (*b*) of this subdivision. For purposes of determining the contributions which may be used for the benefit of an employee when (*b*) of this subdivision applies, the number of years taken into account may be recomputed for each year if the full current costs of the plan are met for such year.

(iv) For purposes of this subparagraph, the employer contributions which, at a given time, may be used for the benefits of an employee include any unallocated funds which would be used for his benefits if the plan were then terminated or the employee were then to withdraw from the plan, as well as all contributions allocated up to that time exclusively for his benefits.

(v) The provisions of this subparagraph apply to a former or retired employee of the employer, as well as to an employee still in the employer's service.

(vi) The following terms are defined for purposes of this subparagraph—

(*a*) The term "benefits" includes any periodic income, any withdrawal values payable to a living employee, and the cost of any death benefits which may be payable after retirement on behalf of an employee, but does not include the cost of any death benefits with respect to an employee before retirement nor the amount of any death benefits actually payable after the death of an employee whether such death occurs before or after retirement.

(*b*) The term "full current costs" means the normal cost, as defined in § 1.404(a)-6, for all years since the effective date of the plan, plus interest on any unfunded liability during such period.

(c) The term "annual compensation" of an employee means either such employee's average regular annual compensation, or such average compensation over the last five years, or such employee's last annual compensation if such compensation is reasonably similar to his average regular annual compensation for the five preceding years.

(3) The amount of the employer contributions which can be used for the benefit of a restricted employee may be limited either by limiting the annual amount of the employer contributions for the designated employee during the period affected by the limitation, or by limiting the amount of funds under the plan which can be used for the benefit of such employee, regardless of the amount of employer contributions.

(4) The restrictions contained in subparagraph (2) of this paragraph may be exceeded for the purpose of making current retirement income benefit payments to retired employees who would otherwise be subject to such restrictions, if—

(i) The employer contributions which may be used for any such employee in accordance with the restrictions contained in subparagraph (2) of this paragraph are applied either (*a*) to provide level amounts of annuity in the basic form of benefit provided for under the plan for such employee at retirement (or, if he has already retired, beginning immediately), or (*b*) to provide level amounts of annuity in an optional form of benefit provided under the plan if the level amount of annuity under such optional form of benefit is not greater than the level amount of annuity under the basic form of benefit provided under the plan;

(ii) The annuity thus provided is supplemented, to the extent necessary to provide the full retirement income benefits in the basic form called for under the plan, by current payments to such employee as such benefits come due; and

(iii) Such supplemental payments are made at any time only if the full current costs of the plan have then been met, or the aggregate of such supplemental payments for all such employees does not exceed the aggregate employer contributions already made under the plan in the year then current.

If disability income benefits are provided under the plan, the plan may contain like provisions with respect to the current payment of such benefits.

(5) If a plan has been changed so as to increase substantially the extent of possible discrimination as to contributions and as to benefits actually payable in event of the subsequent termination of the plan or the subsequent discontinuance of contributions thereunder, then the provisions of this paragraph shall be applied to the plan as so changed as if it were a new plan established on the date of such change. However, the provision in subparagraph (2)(iii) of this paragraph that the unrestricted amount of employer contributions on behalf of any employee is at least $20,000 is applicable to the aggregate amount contributed by the employer on behalf of such employee from the date of establishment of the original plan, and, for purposes of determining if the employee's anticipated annual pension exceeds $1,500, both the employer contributions on the employee's behalf prior to the date of the change in the plan and those expected to be made on his behalf subsequent to the date of the change (based on the employee's rate of compensation on the date of the change) are to be taken into account.

(6) This paragraph shall apply to taxable years of a qualified plan commencing after September 30, 1963. In the case of an early termination of a qualified pension plan during any such taxable year, the employer contributions which may be used for the benefit of any employee must conform to the requirements of this paragraph. However, any pension plan which is qualified on September 30, 1963, will not be disqualified merely because it does not expressly include the provisions prescribed in this paragraph.

PAR. 5. There are inserted immediately after § 1.401-5, the following new sections:

§ 1.401-6 Termination of a qualified plan.

(a) *General rules.* (1) In order for a pension, profit-sharing, or stock bonus trust to satisfy the requirements of section 401, the plan of which such trust forms a part must expressly provide that, upon the termination of the plan or upon the complete discontinuance of contributions under the plan, the rights of each employee to benefits accrued to the date of such termination or discontinuance, to the extent then funded, or the rights of each employee to the amounts credited to his account at such time, are nonforfeitable. As to what constitutes nonforfeitable rights of an employee, see paragraph (a)(2) of § 1.402(b)-1.

(2)(i) A qualified plan must also provide for the allocation of any previously unallocated funds to the employees covered by the plan upon the termination of the plan or the complete discontinuance of contributions under the plan. Such provision may be incorporated in the plan at its inception or by an amendment made prior to the termination of the plan or the discontinuance of contributions thereunder.

(ii) Any provision for the allocation of unallocated funds is acceptable if it specifies the method to be used and does not conflict with the provisions of section 401(a)(4) and the regulations thereunder. The allocation of unallocated funds may be in cash or in the form of other benefits provided under the plan. However, the allocation of the funds contributed by the employer among the employees need not necessarily benefit all the employees covered by the plan. For example, an allocation may be satisfactory if priority is given to benefits for employees over the age of 50 at the time of the termination of the plan, or those who then have at least 10 years of service, if there is no possibility of discrimination in favor of employees who are officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(iii) Subdivisions (i) and (ii) of this subparagraph do not require the allocation of amounts to the account of any employee if such amounts are not required to be used to satisfy the liabilities with respect to employees and their beneficiaries under the plan (see section 401(a)(2)).

(b) *Termination defined.* (1) Whether a plan is terminated is generally a question to be determined with regard to all the facts and circumstances in a particular case. For example, a plan is terminated when, in connection with the winding up of the employer's trade or business, the employer begins to discharge his employees. However, a plan is not terminated, for example, merely because an employer consolidates or replaces that plan with a comparable plan. Similarly, a plan is not terminated merely because the employer sells or otherwise disposes of his trade or business if the acquiring employer continues the plan as a separate and distinct plan of its own, or consolidates or replaces that plan with a comparable plan. See paragraph (d)(4) of § 1.381(c)(11)-1 for the definition of comparable plan. In addition, the Commissioner may determine that other plans are comparable for purposes of this section.

(2) For purposes of this section, the term "termination" includes both a partial termination and a complete termination of a plan. Whether or not a partial termination of a qualified plan occurs when a group of employees who have been covered by the plan are subsequently excluded from such coverage either by reason of an amendment to the plan, or by reason of being discharged by the employer, will be determined on the basis of all the facts and circumstances. Similarly, whether or not a partial termination occurs when benefits or employer contributions are reduced, or the eligibility or vesting requirements under the plan are made less liberal, will be determined on the basis of all the facts and circumstances. However, if a partial termination of a qualified plan occurs, the provisions of section 401(a)(7) and this section apply only to the part of the plan that is terminated.

(c) *Complete discontinuance defined.* (1) For purposes of this section, a complete discontinuance of contributions under the plan is contrasted with a suspension of contributions under the plan, which is merely a temporary cessation of contributions by the employer. A complete discontinuance of contributions may occur although some amounts are contributed by the employer under the plan if such amounts are not substantial enough to reflect the intent on the part of the employer to continue to maintain the plan. The determination of whether a complete discontinuance of contributions under the plan has occurred will be made with regard to all the facts and circumstances in the particular case, and without regard to the amount of any contributions made under the plan by employees.

(2) In the case of a pension plan, a suspension of contributions will not constitute a discontinuance if—

(i) The benefits to be paid or made available under the plan are not affected at any time by the suspension, and

(ii) The unfunded past service cost at any time (which includes the unfunded prior normal cost and unfunded interest on any unfunded cost) does not exceed the unfunded past service cost as of the date of establishment of the plan, plus any additional past service or supplemental costs added by amendment.

(3) In any case in which a suspension of a profit-sharing plan is considered a discontinuance, the discontinuance becomes effective not later than the last day of the taxable year of the employer following the last taxable year of such employer for which a substantial contribution was made under the profit-sharing plan.

(d) *Contributions or benefits which remain forfeitable.* The provisions of this section do not apply to amounts which are reallocated to prevent the discrimination prohibited by section 401(a)(4) (see paragraph (c) of § 1.401-4).

(e) *Effective date.* This section shall apply to taxable years of a qualified plan commencing after September 30, 1963. In the case of the termination or complete discontinuance (as defined in this section) of any qualified plan during any such taxable year, the rights accorded to each employee covered under the plan must conform to the requirements of this section. However, a plan which is qualified on September 30, 1963, will not be disqualified merely because it does not expressly include the provisions prescribed by this section.

§ 1.401-7 Forfeitures under a qualified pension plan.

(a) *General rules.* In the case of a trust forming a part of a qualified pension plan, the plan must expressly provide that forfeitures arising from severance of employment, death, or for any other reason, must not be applied to increase the benefits any employee would otherwise receive under the plan at any time prior to the termination of the plan or the complete discontinuance of employer contributions thereunder. The amounts so forfeited must be used as soon as possible to reduce the employer's contributions under the plan. However, a qualified pension plan may anticipate the effect of forfeitures in determining the costs under the plan. Furthermore, a qualified plan will not be disqualified merely because a determination of the amount of forfeitures under the plan is made only once during each taxable year of the employer.

(b) *Examples.* The rules of paragraph (a) of this section may be illustrated by the following examples:

Example (1). The B Company Pension Trust forms a part of a pension plan which is funded by individual level annual premium annuity contracts. The plan requires ten years of service prior to obtaining a vested right to benefits under the plan. One of the company's employees resigns his position after two years of service. The insurance company paid to the trustees the cash surrender value of the contract—$750. The B Company must reduce its next contribution to the pension trust by this amount.

Example (2). The C Corporation's trusteed pension plan has been in existence for 20 years. It is funded by individual contracts issued by an insurance company, and the premiums thereunder are paid annually. Under such plan, the annual premium accrued for the year 1966 is due and is paid on January 2, 1966, and on July 1 of the same year the plan is terminated due to the liquidation of the employer. Some forfeitures were incurred and collected by the trustee with respect to those participants whose employment terminated between January 2 and July 1. The plan provides that the amount of such forfeitures is to be applied to provide additional annuity benefits for the remaining employees covered by the plan. The pension plan of the C Corporation satisfies the provisions of section 401(a)(8). Although forfeitures are used to increase benefits in this case, this use of forfeitures is permissible since no further contributions will be made under the plan.

(c) *Effective date.* This section applies to taxable years of a qualified plan commencing after September 30, 1963. However, a plan which is qualified on September 30, 1963, will not be disqualified merely because it does not expressly include the provisions prescribed by this section.

§ 1.401-8 Custodial accounts.

(a) *Treatment of a custodial account as a qualified trust.* For taxable years of a plan beginning after December 31, 1962, a custodial account may be used, in lieu of a trust, under any pension, profit-sharing, or stock bonus plan, described in section 401 if the requirements of paragraph (b) of this section are met. A custodial account may be used under such a plan, whether the plan covers common-law employees, self-employed individuals who are treated as employees by reason of section 401(c), or both. The use of a custodial account as part of a plan does not preclude the use of a trust or another custodial account as part of the same plan. A plan under which a custodial account is used may be considered in connection with other plans of the employer in determining whether the requirements of section 401 are satisfied.

(b) *Rules applicable to custodial accounts.* (1) A custodial account shall be treated for taxable years beginning after December 31, 1962, as a qualified trust under section 401 if such account meets the following requirements described in subdivisions (i) through (iii) of this subparagraph:

(i) The custodial account must satisfy all the requirements of section 401 that are applicable to qualified trusts. See subparagraph (2) of this paragraph.

(ii) The custodian of the custodial account must be a bank.

(iii) The custodial agreement provides that the investment of the funds in the account is to be made—

(*a*) Solely in stock of one or more regulated investment companies which is registered in the name of the custodian or its nominee and with respect to which an employee who is covered by the plan is the beneficial owner, or

(*b*) Solely in annuity, endowment, or life insurance contracts, issued by an insurance company and held by the custodian until distributed pursuant to the terms of the plan. For purposes of the preceding sentence, a face-amount certificate described in section 401(g) and § 1.401-9 is treated as an annuity issued by an insurance company.

See subparagraphs (3) and (4) of this paragraph.

(2) As a result of the requirement described in subparagraph (1)(i) of this paragraph (relating to the requirements applicable to qualified trusts), the custodial account must, for example, be created pursuant to a written agreement which constitutes a valid contract under local law. In addition, the terms of the contract must make it impossible, prior to the satisfaction of all liabilities with respect to the employees and their beneficiaries covered by the plan, for any part of the funds of the custodial account to be used for, or diverted to, purposes other than for the exclusive benefit of the employees or their beneficiaries

as provided for in the plan (see paragraph (a) of § 1.401–2).

(3) The requirement described in subparagraph (1)(iii) of this paragraph, relating to the investment of the funds of the plan, applies, for example, to the employer contributions under the plan, any employee contributions under the plan, and any earnings on such contributions. Such requirement also applies to capital gains realized upon the sale of stock described in (*a*) of such subdivision, to any capital gain dividends received in connection with such stock, and to any refunds described in section 852(b)(3)(D)(ii) (relating to undistributed capital gains of a regulated investment company) which is received in connection with such stock. However, since such requirement relates only to the investment of the funds of the plan, the custodian may deposit funds with a bank, in either a checking or savings account, while accumulating sufficient funds to make additional investments or while awaiting an appropriate time to make additional investments.

(4) The requirement in subparagraph (1)(iii)(*a*) of this paragraph that an employee covered by the plan be the beneficial owner of the stock does not mean that the employee who is the beneficial owner must have a nonforfeitable interest in the stock. Thus, a plan may provide for forfeitures of an employee's interest in such stock in the same manner as plans which use a trust. In the event of a forfeiture of an employee's beneficial ownership in the stock of a regulated investment company, the beneficial ownership of such stock must pass to another employee covered by the plan.

(c) *Effects of qualification.* (1) Any custodial account which satisfies the requirements of section 401(f) shall be treated as a qualified trust for all purposes of the Internal Revenue Code of 1954. Accordingly, such a custodial account shall be treated as a separate legal person which is exempt from the income tax by section 501(a). On the other hand, such a custodial account is required to file the returns described in sections 6033 and 6047 and to supply any other information which a qualified trust is required to furnish.

(2) In determining whether the funds of a custodial account are distributed or made available to an employee or his beneficiary, the rules which under section 402(a) are applicable to trusts will also apply to the custodial account as though it were a separate legal person and not an agent of the employee.

(d) *Effect of loss of qualification.* If a custodial account which has qualified under section 401 fails to qualify under such section for any taxable year, such custodial account will not thereafter be treated as a separate legal person, and the funds in such account shall be treated as made available within the meaning of section 402(a)(1) to the employees for whom they are held.

(e) *Definitions.* For purposes of this section—

(1) The term "bank" means a bank as defined in section 401(d)(1).

(2) The term "regulated investment company" means any domestic corporation which issues only redeemable stock and is a regulated investment company within the meaning of section 851(a) (but without regard to whether such corporation meets the limitations of section 851(b)).

§ 1.401–9 Face-amount certificates—nontransferable annuity contracts.

(a) *Face-amount certificates treated as annuity contracts.* Section 401(g) provides that a face-amount certificate (as defined in section 2(a)(15) of the Investment Company Act of 1940 (15 U.S.C. sec. 80a–2)) which is not transferable within the meaning of paragraph (b)(3) of this section shall be treated as an annuity contract for purposes of sections 401 through 404 for any taxable year of a plan subject to such sections beginning after December 31, 1962. Accordingly, there may be established for any such taxable year a qualified plan under which such face-amount certificates are purchased for the participating employees without the creation of a trust or custodial account. However, for such a plan to qualify, the plan must satisfy all the requirements applicable to a qualified annuity plan (see section 403(a) and the regulations thereunder).

(b) *Nontransferability of face-amount certificates and annuity contracts.* (1)(i) Section 401(g) provides that, in order for any face-amount certificate, or any other contract issued after December 31, 1962, to be subject to any provision under sections 401 through 404 which is applicable to annuity contracts, as compared to other forms of investment, such certificate or contract must be nontransferable at any time when it is held by any person other than the trustee of a trust described in section 401(a) and exempt under section 501(a). Thus, for example, in order for a group or individual retirement income contract to be treated as an annuity contract, if such contract is not held by the trustee of an exempt employees' trust, it must satisfy the requirements of this section. Furthermore, a face-amount certificate or an annuity contract will be subject to the tax treatment under section 403(b) only if it satisfies the requirements of section 401(g) and this section. Any certificate or contract in order to satisfy the provisions of this section must expressly contain the provisions that are necessary to make such certificate or contract not transferable within the meaning of this paragraph.

(ii) In the case of any group contract purchased by an employer under a plan to which sections 401 through 404 apply, the restriction on transferability required by section 401(g) and this section applies to the interest of the employee participants under such group contract but not to the interest of the employer under such contract.

(2) If a trust described in section 401(a) which is exempt from tax under section 501(a) distributes any annuity, endowment, retirement income, or life insurance contract, then the rules relating to the taxability of the distributee of any such contract are set forth in paragraph (a)(2) of § 1.402(a)–1.

(3) A face-amount certificate or an annuity contract is transferable if the owner can transfer any portion of his interest in the certificate or contract to any person other than the issuer thereof. Accordingly, such a certificate or contract is transferable if the owner can sell, assign, discount, or pledge as collateral for a loan or as security for the performance of an obligation or for any other purpose his interest in the certificate or contract to any person other than the issuer thereof. On the other hand, for purposes of section 401(g), a face-amount certificate or annuity contract is not considered to be transferable merely because such certificate or contract, or the plan of which it is a part, contains a provision permitting the employee to designate a beneficiary to receive the proceeds of the certificate or contract in the event of his death, or contains a provision permitting the employee to elect to receive a joint and survivor annuity, or contains other similar provisions.

(4) A material modification in the terms of an annuity contract constitutes the issuance of a new contract regardless of the manner in which it is made.

(c) *Examples.* The rules of this section may be illustrated by the following examples:

Example (1). The P Employees' Annuity Plan is a nontrusteed plan which is funded by individual annuity contracts issued by the Y Insurance Company. Each annuity contract issued by such company after December 31, 1962, provides, on its face, that it is "NOT TRANSFERABLE". The terms of each such contract further provide that, "This contract may not be sold, assigned, discounted, or pledged as collateral for a loan or as security for the performance of an obligation or for any other purpose, to any person other than this company." The annuity contracts of the P Employees' Annuity Plan satisfy the requirements of section 401(g) and this section.

Example (2). The R Company Pension Trust forms a part of a pension plan which is funded by individual level premium annuity contracts. Such contracts are purchased by the trustee of the R Company Pension Trust from the Y Insurance Company. The trustee of the R Company Pension Trust is the legal owner of each such contract at all times prior to the distribution of such contract to a qualifying annuitant. The trustee purchases such a contract on January 3, 1963, in the name of an employee who qualifies on that date for coverage under the plan. At the time such contract is purchased, and while the contract is held by the trustee of the R Company Pension Trust, the contract does not contain any restrictions with respect to its transferability. The annuity contract purchased by the trustee of the R Company Pension Trust satisfies the requirements of section 401(g) and this section while it is held by the trustee.

Example (3). A is the trustee of the X Corporation's Employees' Pension Trust. The trust forms a part of a pension plan which is funded by individual level premium annuity contracts. The trustee is the legal owner of such contracts, but the employees covered under the plan obtain beneficial interests in such contracts after ten years of service with the X Corporation. On January 15, 1980, A distributes to D an annuity contract issued to A in D's name on June 25, 1959, and distributes to E an annuity contract issued to A in E's name on September 30, 1963. The contract issued to D need not be nontransferable, but the contract issued to E must be nontransferable in order to satisfy the requirements of section 401(g) and this section.

Example (4). The corpus of the Y Corporation's Employees' Pension Plan consists of individual insurance contracts in the names of the covered employees and an auxiliary fund which is used to convert such policies to annuity contracts at the time a beneficiary of such trust retires. F retires on June 15, 1963, and the trustee converts the individual insurance contract on F's life to a life annuity which is distributed to him. The life annuity issued on F's life must be nontransferable in order to satisfy the requirements of section 401(g) and this section.

§ 1.401–10 Definitions relating to plans covering self-employed individuals.

(a) *In general.* (1) Certain self-employed individuals may be covered by a qualified pension, annuity, or profit-sharing plan for taxable years beginning after December 31, 1962. This section contains definitions relating to plans covering self-employed individuals. The provisions of §§ 1.401–1 through 1.401–9, relating to requirements which are applicable to all qualified plans, are also generally applicable to any plan covering a self-employed individual. However, in addition to such requirements, any plan covering a self-employed individual is subject to the rules contained in §§ 1.401–11 through 1.401–13. Section 1.401–11 contains general rules which are applicable to any plan covering a self-employed individual who is an employee within the meaning of paragraph (b) of this section. Section 1.401–12 contains special rules which are applicable to plans covering self-employed individuals when one or more of such individuals is an owner-employee within the meaning of paragraph (d) of this section. Section 1.401–13 contains rules relating to excess contributions by, or for, an owner-employee. The provisions of this section and of §§ 1.401–11 through 1.401–13 are applicable to taxable years beginning after December 31, 1962.

(2) A self-employed individual is covered under a qualified plan during the period beginning with the date a contribution is first made by, or for, him under the qualified plan and ending when there are no longer funds under the plan which can be used to provide him or his beneficiaries with benefits.

(b) *Treatment of a self-employed individual as an employee.* (1) For purposes of section 401, a self-employed individual who receives earned income from an employer during a taxable year of such employer beginning after December 31, 1962, shall be considered an employee of such employer for such taxable year. Moreover, such an individual will be considered an employee for a taxable year if he would otherwise be treated as an employee but for the fact that the employer did not have net profits for that taxable year. Accordingly, the employer may cover such an individual under a qualified plan during years of the plan beginning with or within a taxable year of the employer beginning after December 31, 1962.

(2) If a self-employed individual is engaged in more than one trade or business, each such trade or business shall be considered a separate employer for purposes of applying the provisions of sections 401 through 404 to such individual. Thus, if a qualified plan is established for one trade or business but not the others, the individual will be considered an employee only if he received earned income with respect to such trade or business and only the amount of such earned income derived from that trade or business shall be taken into account for purposes of the qualified plan.

(3)(i) The term "employee", for purposes of section 401, does not include a self-employed individual when the term "common-law" employee is used or when the context otherwise requires that the term "employee" does not include a self-employed individual. The term "common-law" employee also includes an individual who is treated as an employee for purposes of section 401 by reason of the provisions of section 7701(a)(20), relating to the treatment of certain full-time life insurance salesmen as employees. Furthermore, an individual who is a common-law employee is not a self-employed individual with respect to income attributable to such employment, even though such income constitutes net earnings from self-employment as defined in section 1402(a). Thus, for example, a minister who is a common-law employee is not a self-employed individual with respect to income attributable to such employment, even though such income constitutes net earnings from self-employment as defined in section 1402(a).

(ii) An individual may be treated as an employee within the meaning of section 401(c)(1) of one employer even though such individual is also a common-law employee of another employer. For example, an attorney who is a common-law employee of a corporation and who, in the evenings maintains an office in which he practices law as a self-employed individual is an employee within the meaning of section 401(c)(1) with respect to the law practice. This example would not be altered by the fact that the corporation maintained a qualified plan under which the attorney is benefited as a common-law employee.

(4) For the purpose of determining whether an employee within the meaning of section 401(c)(1) satisfies the requirements for eligibility under a qualified plan established by an employer, such an employer may take into account past services rendered by such an employee both as a self-employed individual and as a common-law employee if past services rendered by other employees, including common-law employees, are similarly taken into account. However, an employer cannot take into account only past services rendered by employees within the meaning of section 401(c)(1) if past services rendered to such employer by individuals who are, or were, common-law employees are not taken into account. Past service as described in this subparagraph may be taken into account for the purpose of determining whether an individual who is, or was, an employee within the meaning of section 401(c)(1) satisfies the requirements for eligibility even if such service was rendered prior to January 1, 1963. On the other hand, past service cannot be taken into account for purposes of determining the contributions which may be made on such an individual's behalf under a qualified plan.

(c) *Definition of earned income.*—(1) *General rule.* For purposes of section 401 and the regulations thereunder, "earned income" means, in general, net earnings from self-employment (as defined in section 1402(a)) to the extent such net earnings constitute compensation for personal services actually rendered within the meaning of section 911(b).

(2) *Net earnings from self-employment.* (i) The computation of the net earnings from self-employment shall be made in accordance with the provisions of section 1402(a) and the regulations thereunder, with the modifications and exceptions described in subdivisions (ii) through (iv) of this subparagraph. Thus, an individual may have net earnings from self-employment, as defined in section 1402(a), even though such individual does not have self-employment income, as defined in section 1402(b), and, therefore, is not subject to the tax on self-employment income imposed by section 1401.

(ii) Items which are not included in gross income for purposes of chapter 1 of the Code and the deductions properly attributable to such items must be excluded from the computation of net earnings from self-employment even though the provisions of section 1402(a) specifically require the inclusion of such items. For example, if an individual is a resident of Puerto Rico, so much of his net earnings from self-employment as are excluded from gross income under section 933 must not be taken into account in computing his net earnings from self-employment which are earned income for purposes of section 401.

(iii) In computing net earnings from self-employment for the purpose of determining earned income, a self-employed individual may disregard only deductions for contributions made on his own behalf under a qualified plan. However, such computation must take into account the deduction allowed by section 404 or 405 for contributions under a qualified plan on behalf of the common-law employees of the trade or business.

(iv) For purposes of determining whether an individual has net earnings from self-employment and, thus, whether he is an employee within the meaning of section 401(c)(1), the exceptions in section 1402(c)(4) and (5) shall not apply. Thus, certain ministers, certain members of religious orders, doctors of medicine, and Christian Science practitioners are treated for purposes of section 401 as being engaged in a trade or business from which net earnings from self-employment are derived. In addition, the exceptions in section 1402(c)(2) shall not apply in the case of any individual who is treated as an employee under section 3121(d)(3)(A), (C), or (D). Therefore, such individuals are treated, for purposes of section 401, as being engaged in a trade or

business from which net earnings from self-employment may be derived.

(3) *Compensation for personal services actually rendered.* (i) For purposes of section 401, the term "earned income" includes only that portion of an individual's net earnings from self-employment which constitutes earned income as defined in section 911(b) and the regulations thereunder. Thus, such term includes only professional fees and other amounts received as compensation for personal services actually rendered by the individual. There is excluded from "earned income" the amount of any item of income, and any deduction properly attributable to such item, if such amount is not received as compensation for personal services actually rendered. Therefore, an individual who renders no personal services has no "earned income" even though such an individual may have net earnings from self-employment from a trade or business.

(ii) If a self-employed individual is engaged in a trade or business in which capital is a material income-producing factor, then, under section 911(b), his earned income is only that portion of the net profits from the trade or business which constitutes a reasonable allowance as compensation for personal services actually rendered. However, such individual's earned income cannot exceed 30 percent of the net profits of such trade or business. The net profits of the trade or business is not necessarily the same as the net earnings from self-employment derived from such trade or business.

(4) *Minimum earned income when both personal services and capital are material income-producing factors.* (i) If a self-employed individual renders personal services on a full-time, or substantially full-time, basis to only one trade or business, and if with respect to such trade or business capital is a material income-producing factor, then the amount of such individual's earned income from the trade or business is considered to be not less than so much of his share in the net profits of such trade or business as does not exceed $2,500.

(ii) If a self-employed individual renders substantial personal services to more than one trade or business, and if with respect to all such trades or businesses such self-employed individual actually renders personal services on a full-time, or substantially full-time, basis, then the earned income of the self-employed individual from trades or businesses for which he renders substantial personal services and in which both personal services and capital are material income-producing factors is considered to be not less than—

(*a*) So much of such individual's share of the net profits from all trades or businesses in which he renders substantial personal services as does not exceed $2,500, reduced by

(*b*) Such individual's share of the net profits of any trade or business in which only personal services is a material income-producing factor.

However, in no event shall the share of the net profits of any trade or business in which capital is a material income-producing factor be reduced below the amount which would, without regard to the provisions of this subdivision, be treated as the earned income derived from such trade or business under section 911(b). In making the computation required by this subdivision, any trade or business with respect to which the individual renders substantial personal services shall be taken into account irrespective of whether a qualified plan has been established by such trade or business.

(iii) If the provisions of subdivision (ii) of this subparagraph apply in determining the earned income of a self-employed individual, and such individual is engaged in two or more trades or businesses in which capital and personal services are material income-producing factors, then the total amount treated as the earned income shall be allocated to each such trade or business for which he performs substantial personal services in the same proportion as his share of net profits from each such trade or business bears to his share of the total net profits from all such trades or businesses. Thus, in such case, the amount of earned income attributable to any such trade or business is computed by multiplying the total earned income as determined under subdivision (ii) of this subparagraph by the individual's net profits from such trade or business and dividing that product by the individual's total net profits from all such trades or businesses.

(iv) For purposes of this subparagraph, the determination of whether an individual renders personal services on a full-time, or substantially full-time, basis is to be made with regard to the aggregate of the trades and businesses with respect to which the employee renders substantial personal services as a common-law employee or as a self-employed individual. However, for all other purposes in applying the rules of this subparagraph, a trade or business with respect to which an individual is a common-law employee shall be disregarded.

(d) *Definition of owner-employee.* For purposes of section 401 and the regulations thereunder, the term "owner-employee" means a proprietor of a proprietorship, or, in the case of a partnership, a partner who owns either more than 10 percent of the capital interest, or more than 10 percent of the profits interest, of the partnership. Thus, an individual who owns only 2 percent of the profits interest but 11 percent of the capital interest of a partnership is an owner-employee. A partner's interest in the profits and the capital of the partnership shall be determined by the partnership agreement. In the absence of any provision regarding the sharing of profits, the interest in profits of the partners will be determined in the same manner as their distributive shares of partnership taxable income. However, a guaranteed payment (as described in section 707(c)) is not considered a distributive share of partnership income for such purpose. See section 704(b), relating to the determination of the distributive share by the income or loss ratio, and the regulations thereunder. In the absence of a provision in the partnership agreement, a partner's capital interest in a partnership shall be determined on the basis of his interest in the assets of the partnership which would be distributable to such partner upon his withdrawal from the partnership, or upon liquidation of the partnership, whichever is the greater.

(e) *Definition of employer.* (1) For purposes of section 401, a sole proprietor is considered to be his own employer, and the partnership is considered to be the employer of each of the partners. Thus, an individual partner is not an employer who may establish a qualified plan with respect to his services to the partnership.

(2) Regardless of the provision of local law, a partnership is deemed, for purposes of section 401, to be continuing until such time as it is terminated within the meaning of section 708, relating to the continuation of a partnership.

§ 1.401–11 General rules relating to plans covering self-employed individuals.

(a) *Introduction.* This section provides certain rules which supplement, and modify, the rules of §§ 1.401–1 through 1.401–9 in the case of a qualified pension, annuity, or profit-sharing plan which covers a self-employed individual who is an employee within the meaning of section 401(c)(1). The provisions of this section apply to taxable years beginning after December 31, 1962.

(b) *General rules.* (1) If the amount of employer contributions for common-law employees covered under a qualified plan is related to the earned income (as defined in section 401(c)(2)) of a self-employed individual, or group of self-employed individuals, such a plan is a profit-sharing plan (as described in paragraph (b)(1)(ii) of § 1.401–1) since earned income is dependent upon the profits of the trade or business with respect to which the plan is established. Thus, for example, a plan, which provides that the employer will contribute 10 percent of the earned income of a self-employed individual but no more than $2,500, and that the employer contribution on behalf of common-law employees shall be the same percentage of their salaries as the contribution on behalf of the self-employed individual bears to his earned income, is a profit-sharing plan, since the amount of the employer's contribution for common-law employees covered under the plan is related to the earned income of a self-employed individual and thereby to the profits of the trade or business. On the other hand, for example, a plan which defines the compensation of any self-employed individual as his earned income and which provides that the employer will contribute 10 percent of the compensation of each employee covered under the plan is a pension plan since the contribution on behalf of common-law employees is fixed without regard to whether the self-employed individual has earned income or the amount thereof.

(2) The Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 809) permits self-employed individuals to be treated as employees and therefore

included in qualified plans, but it is clear that such law requires such self-employed individuals to provide benefits for their employees on a nondiscriminatory basis. Self-employed individuals will not be considered as providing contributions or benefits for an employee to the extent that the wages or salary of the employee covered under the plan are reduced at or about the time the plan is adopted.

(3) In addition to permitting self-employed individuals to participate in qualified plans, the Self-Employed Individuals Tax Retirement Act of 1962 extends to such individuals some of the tax benefits allowed common-law employee-participants in such plans. However, the tax benefits allowed a self-employed individual are restricted by the limits which are placed on the deductions allowed for contributions on such an individual's behalf. In view of these restrictions on the tax benefits extended to any self-employed individual, a self-employed individual participating in a qualified plan may not participate in any forfeitures. Therefore, in the case of a qualified plan which covers any self-employed individual, a separate account must be established for each self-employed individual to which no forfeitures can be allocated.

(c) *Requirements as to coverage.* (1) In general, section 401(a)(3) and the regulations thereunder prescribe the coverage requirements which a qualified plan must satisfy. However, if such a plan covers self-employed individuals who are not owner-employees, it must, in addition to satisfying such requirements, satisfy the requirements of this paragraph. If any owner-employee is covered under a qualified plan, the provisions of this paragraph do not apply, but the provisions of section 401(d), including section 401(d)(3), do apply (see § 1.401–12).

(2)(i) Section 401(a)(3)(B) provides that a plan may satisfy the coverage requirements for qualification if it covers such employees as qualify under a classification which is found not to discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees. Section 401(a)(5) sets forth certain classifications that will not in themselves be considered discriminatory. Under such section, a classification which excludes all employees whose entire remuneration constitutes "wages" under section 3121(a)(1), will not be considered discriminatory merely because of such exclusion. Similarly, a plan which includes all employees will not be considered discriminatory solely because the contributions or benefits based on that part of their remuneration which is excluded from "wages" under section 3121(a)(1) differ from the contributions or benefits based on that part of their remuneration which is not so excluded. However, in determining if a classification is discriminatory under section 401(a)(3)(B), consideration will be given to whether the total benefits resulting to each employee under the plan and under the Social Security Act, or under the Social Security Act only, establish an integrated and correlated retirement system satisfying the tests of section 401(a). A plan which covers self-employed individuals none of whom is an owner-employee may also be integrated with the contributions or benefits under the Social Security Act. In such a case, the portion of the earned income (as defined in section 401(c)(2)) of such an individual which does not exceed $4,800 and which is derived from the trade or business with respect to which the plan is established shall be treated as "wages" under section 3121(a)(1) subject to the tax imposed by section 3111 (relating to the tax on employers) for purposes of applying the rules of paragraph (e)(2) of § 1.401–3, relating to the determination of whether a plan is properly integrated. However, if the plan covers an owner-employee, the rules relating to the integration contained in paragraph (h) of § 1.401–12 apply.

(ii) Certain of the classifications enumerated in section 401(a)(5) do not apply to plans which provide contributions or benefits for any self-employed individual. Since self-employed individuals are not salaried or clerical employees, the provision in section 401(a)(5) permitting a plan, in certain cases, to cover only this type of employee is inapplicable to plans which cover any self-employed individual.

(iii) The classifications enumerated in section 401(a)(5) are not exclusive, and it is not necessary that a qualified plan cover all employees or all full-time employees. Plans may qualify even though coverage is limited in accordance with a particular classification incorporated in the plan, provided the effect of covering only such employees as satisfy such eligibility requirement does not result in the prohibited discrimination.

(d) *Discrimination as to contributions or benefits*—(1) *In general.* In order for a plan to be qualified, there must be no discrimination in contributions or benefits in favor of employees who are officers, shareholders, supervisors, or highly compensated, as against other employees whether within or without the plan. A self-employed individual, by reason of the contingent nature of his compensation, is considered to be a highly-compensated employee, and thus is a member of the group in whose favor discrimination is prohibited. In determining whether the prohibited discrimination exists, the total employer contribution on behalf of a self-employed individual shall be taken into account regardless of the fact that only a portion of such contribution is allowed as a deduction. For additional rules relating to discrimination as to contributions or benefits with regard to plans covering any owner-employee, see § 1.401–12.

(2) *Base for computing contributions or benefits.* (i) A plan which is otherwise qualified is not considered discriminatory merely because the contributions or benefits provided under the plan bear a uniform relationship to the total compensation, basic compensation, or regular rate of compensation of the employees, including self-employed individuals, covered under the plan.

(ii) In the case of a self-employed individual who is covered under a qualified plan, the total compensation of such individual is the earned income (as defined in section 401(c)(2)) which such individual derives from the employer's trade or business, or trades or businesses, with respect to which the qualified plan is established. Thus, for example, in the case of a partner, his total compensation includes both his distributive share of partnership income, whether or not distributed, and guaranteed payments described in section 707(c) made to him by the partnership establishing the plan, to the extent that such income constitutes earned income as defined in section 401(c)(2).

(iii)(*a*) The basic or regular rate of compensation of any self-employed individual is that portion of his earned income which bears the same ratio to his total earned income derived from the trade or business, or trades or businesses, with respect to which the qualified plan is established as the aggregate basic or regular compensation of all common-law employees covered under the plan bears to the aggregate total compensation of such employees derived from such trade or business, or trades or businesses.

(*b*) If an employer establishes two or more plans which satisfy the requirements of section 401(a) separately, and only one such plan covers a self-employed individual, the determination of the basic or regular rate of compensation of such self-employed individual is made with regard to the compensation of common-law employees covered under the plan which provides contributions or benefits for such self-employed individual. On the other hand, if two or more plans must be considered together in order to satisfy the requirements of section 401(a), the computation of the basic or regular rate of compensation of a self-employed individual must be made with regard to the compensation of the common-law employees covered by so many of such plans as are required to be taken together in order to satisfy the qualification requirements of section 401(a).

(3) *Discriminatory contributions.* If a discriminatory contribution is made by, or for, a self-employed individual who is an employee within the meaning of section 401(c)(1) because of an erroneous assumption as to the earned income of such individual, the plan will not be considered discriminatory if adequate adjustment is made to remove such discrimination. In the case of any self-employed individual who is an owner-employee, the amount of any excess contribution to be returned and the manner in which it is to be repaid are determined by the provisions of section 401(d)(8) and (e). However, if any self-employed individual, including any owner-employee, has not made the full contribution permitted to be made on his behalf as an employee, then, if the plan expressly provides, so much of any excess contribution by such self-employed individual's employer as may, under the provisions of the plan, be

treated as a contribution made by such individual as an employee can be so treated.

(e) *Distribution of entire interest.* (1) If a trust forms part of a plan which covers a self-employed individual, such trust shall constitute a qualified trust under section 401 only if the plan of which such trust is a part expressly provides that the entire interest of each employee, including any common-law employee, will be distributed in accordance with the provisions of subparagraph (2) or (3) of this paragraph.

(2) Unless the provisions of subparagraph (3) of this paragraph apply, the entire interest of each employee (including contributions he has made on his own behalf, contributions made on his behalf by his employer, and interest thereon) must be actually distributed to such employee—

(i) In the case of an employee, other than an individual who is, or has been, an owner-employee under the plan, not later than the last day of the taxable year of such employee in which he attains the age of 70½, or not later than the last day of the taxable year in which such employee retires, whichever is later, and

(ii) In the case of an employee who is, or has been, an owner-employee under the plan, not later than the last day of the taxable year in which he attains the age of 70½.

(3) In lieu of distributing an employee's entire interest in a qualified plan as provided in subparagraph (2) of this paragraph, such interest may be distributed commencing no later than the last taxable year described in such subparagraph (2). In such case, the plan must expressly provide that the entire interest of such an employee shall be distributed to him and his beneficiaries, in a manner which satisfies the requirements of subparagraph (5) of this paragraph, over any of the following periods (or any combination thereof)—

(i) The life of the employee, or

(ii) The lives of the employee and his spouse, or

(iii) A period certain not longer than the life expectancy of the employee, or

(iv) A period certain not longer than the joint life and last survivor expectancy of the employee and his spouse.

(4) For purposes of subparagraphs (3) and (5) of this paragraph, the determination of the life expectancy of the employee or the joint life and last survivor expectancy of the employee and his spouse is to be made either (i) only once, at the time the employee receives the first distribution of his entire interest under the plan, or (ii) periodically, in a consistent manner. Such life expectancy or joint life and last survivor expectancy cannot exceed the period computed by the use of the expected return multiples in § 1.72–9, or, in the case of payments under a contract issued by an insurance company, the period computed by use of the life expectancy tables of such company.

(5) If an employee's entire interest is to be distributed over a period described in subparagraph (3) of this paragraph, then the amount to be distributed each year must be at least an amount equal to the quotient obtained by dividing the entire interest of the employee under the plan at the time the distribution is made (expressed in either dollars or units) by the life expectancy of the employee, or joint life and last survivor expectancy of the employee and his spouse (whichever is applicable), determined in accordance with the provisions of subparagraph (4) of this paragraph. However, no distribution need be made in any year, or a lesser amount may be distributed, if the aggregate amounts distributed by the end of that year are at least equal to the aggregate of the minimum amounts required by this subparagraph to have been distributed by the end of such year.

(6) If an employee's entire interest is distributed in the form of an annuity contract, then the requirements of section 401(a)(9) are satisfied if the distribution of such contract takes place before the end of the latest taxable year described in subparagraph (2) of this paragraph, and if the employee's interest will be paid over a period described in subparagraph (3) of this paragraph and at a rate which satisfies the requirements of subparagraph (5) of this paragraph.

(7) The requirements of section 401(a)(9) do not preclude contributions from being made on behalf of an owner-employee under a qualified plan subsequent to the taxable year in which the distribution of his entire interest is required to commence. Thus, if all other requirements for qualification are satisfied, a qualified plan may provide contributions for an owner-employee who has already attained age 70½. However, a distribution of benefits attributable to contributions made on behalf of an owner-employee in a taxable year beginning after the taxable year in which he attains the age of 70½ must satisfy the requirements of subparagraph (3) of this paragraph. Thus, if an owner-employee has already attained the age of 70½ at the time the first contribution is made on his behalf, the distribution of his entire interest must commence in the year in which such contribution is first made on his behalf.

(8) This paragraph shall not apply and an otherwise qualified trust will not be disqualified if the method of distribution under the plan is one which was designated by a common-law employee prior to October 10, 1962, and such method of distribution is not in accordance with the provisions of section 401(a)(9). Such exception applies regardless of whether the actual distribution of the entire interest of an employee making such a designation, or any portion of such interest, has commenced prior to October 10, 1962.

§ 1.401–12 Requirements for qualification of trusts and plans benefiting owner-employees.

(a) *Introduction.* This section prescribes the additional requirements which must be met for qualification of a trust forming part of a pension or profit-sharing plan, or of an annuity plan, which covers any self-employed individual who is an owner-employee as defined in section 401(c)(3). However, to the extent that the provisions of § 1.401–11 are not modified by the provisions of this section, such provisions are also applicable to a plan which covers an owner-employee. The provisions of this section apply to taxable years beginning after December 31, 1962.

(b) *General rules.* (1) The qualified plan and trust of an unincorporated trade or business does not have to satisfy the additional requirements for qualification merely because an owner-employee derives earned income (as defined in section 401(c)(2)) from the trade or business with respect to which the plan is established. Such additional requirements need be satisfied only if an owner-employee is actually covered under the plan of the employer. An owner-employee may only be covered under a plan of an employer if such owner-employee has so consented. However, the consent of the owner-employee may be either expressed or implied. Thus, for example, if contributions are, in fact, made on behalf of an owner-employee, such owner-employee is considered to have impliedly consented to being covered under the plan.

(2) A qualified plan covering an owner-employee must be a definite written program and arrangement setting forth all provisions essential for qualification at the time such plan is established. Therefore, for example, even though the owner-employee is the only employee covered under the plan at the time the plan is established, the plan must incorporate all the provisions relating to the eligibility and benefits of future employees.

(c) *Bank trustee.* (1)(i) If a trust created after October 9, 1962, is to form a part of a qualified pension or profit-sharing plan covering an owner-employee, or if a trust created before October 10, 1962, but not exempt from tax on October 9, 1962, is to form part of such a plan, the trustee of such trust must be a bank as defined in subparagraph (2) of this paragraph, unless an exception contained in subparagraph (4) of this paragraph applies.

(ii) The provisions of this paragraph do not apply to an employees' trust created prior to October 10, 1962, if such trust was exempt from tax on October 9, 1962, even though the plan of which such trust forms a part is amended after December 31, 1962, to cover any owner-employee. Although the trustee of a trust described in the preceding sentence need not be a bank, all other requirements for the qualification of such a trust must be satisfied at the time an owner-employee is first covered under such plan.

(2) The term "bank" as used in this paragraph means—

(i) A bank as defined in section 581;

(ii) A corporation which, under the laws of the State of its incorporation or under the laws of the District of Columbia, is subject to both the supervision of, and examination by, the authority in such jurisdiction in charge of the administration of the banking laws;

(iii) In the case of a trust created or organized outside of the United States, that is, outside the States and the District of Columbia, a bank or trust company, wherever incorporated, exercising fiduciary powers and subject to both supervision and examination by governmental authority.

(3) Although a bank is required to be the trustee of a qualified trust, another person, including the employer, may be granted the power in the trust instrument to control the investment of the trust funds either by directing investments, including reinvestments, disposals, and exchanges, or by disapproving proposed investments, including reinvestments, disposals, or exchanges.

(4)(i) This paragraph does not apply to a trust created or organized outside the States and the District of Columbia before October 10, 1962, if, on October 9, 1962, such trust is described in section 402(c) as an organization treated as if it was a trust exempt from tax under section 501(a).

(ii) In addition, the requirement that the trustee must be a bank does not apply to a qualified trust forming a part of a pension or profit-sharing plan if—

(a) The investments of all the funds in such trust are in annuity, endowment, or life insurance contracts, issued by a company which is a life insurance company as defined in section 801(a) during the taxable year immediately preceding the year that such contracts are originally purchased;

(b) All the proceeds which are, or may become, payable under the contract are payable directly to the employee or his beneficiary;

(c) The plan contains a provision to the effect that the employer is to substitute a bank as a trustee or custodian of the contracts if the employer is notified by the district director that such substitution is required because the trustee is not keeping such records, or making such returns, or rendering such statements, as are required by forms or regulations.

However, a qualified trust may only purchase insurance protection to the extent permitted under a qualified plan (see paragraph (b)(1) (i) and (ii) of § 1.401–1).

(5) An employer may designate several trusts (or custodial accounts) or a trust or trusts and an annuity plan or plans as constituting parts of a single plan which is intended to satisfy the requirements for qualification. However, each trust (or custodial account) so designated which is part of a plan covering an owner-employee must satisfy the requirements of this paragraph. Thus, for example, if all other requirements for qualification are satisfied by the plan, a qualified profit-sharing plan may provide that a portion of the contributions under the plan will be paid to a custodial account, the custodian of which is a bank, for investment in stock of a regulated investment company, and the remainder of such contributions will be paid to a trust, the trustee of which is not a bank, for investment in annuity contracts.

(d) *Profit-sharing plan.* (1) A profit-sharing plan, as defined in paragraph (b)(1)(ii) of § 1.401–1, which covers any owner-employee must contain a definite formula for determining the contributions to be made by the employer on behalf of employees, other than owner-employees. A formula to be definite must specify the portion of profits to be contributed to the trust and must also define profits for plan purposes. A definite formula may contain a variable factor, if the value of such factor may not vary at the discretion of the employer. For example, the percentage of profits to be contributed each year may differ depending on the amount of profits. On the other hand, a formula which, for example, specifies that profits for plan purposes are not to exceed the cash on hand at the time the employer contribution is made is not a definite formula. The requirement that the plan formula be definite is satisfied if such formula limits the amount to be contributed on behalf of all employees covered under the plan to the amount which permits self-employed individuals to obtain the maximum deduction under section 404(a). However, even though the plan formula is definite, the plan must satisfy all the other requirements for qualification, including the requirement that the contributions under the plan not discriminate in favor of any self-employed individual, and the requirement that the plan be for the exclusive benefit of the employees in general.

(2) A definite contribution formula constitutes an integral part of a qualified profit-sharing plan and may not be amended except for a valid business reason.

(3) The requirement that a profit-sharing plan contain a definite formula for determining the amount of contributions to be made on behalf of employees does not apply to contributions which are made on behalf of owner-employees. However, such contributions are subject to the requirement that they be nondiscriminatory with respect to other employees and must not exceed the limitations on allowable and deductible contributions which may be made by owner-employees.

(e) *Requirements as to coverage*—(1) *Coverage of all employees.* The coverage requirements contained in section 401(a)(3) do not apply to a plan which covers any owner-employee. However, such a plan must satisfy the coverage requirements of section 401(d), including section 401(d)(3). Accordingly, a plan which covers an owner-employee must benefit each employee of the trade or business (other than any owner-employee who does not consent to be covered under the plan) whose customary period of employment has been for more than 20 hours a week for more than five months during each of three consecutive periods of twelve calendar months. Therefore, a plan may not provide, for example, that an employee, other than an owner-employee, is ineligible to participate because he does not consent to be a participant or because he does not consent to make reasonable contributions under the plan.

(2) *Period of service.* (i) In determining whether an employee renders service to the same employer, and, therefore, must be covered under the plan of such employer, a partnership is considered to be one employer during the entire period prior to the time it is terminated within the meaning of section 708 (see paragraph (e)(2) of § 1.401–10).

(ii) In the case of a common-law employee who becomes an employee within the meaning of section 401(c)(1) with respect to the same trade or business, his period of employment is the aggregate of his service as a common-law employee and an employee within the meaning of section 401(c)(1).

(iii) In determining whether any employee, including any owner-employee, has three years of service, past service of any such employee may be taken into account as provided in paragraph (b), of § 1.401–10. Thus, if an employer takes into account past service for any owner-employee, he must take into account the past service of all his other employees to the same extent. However, a plan may provide for coverage after a period of service which is shorter than three years, but in no case may the plan require a waiting period for employees which is longer than that required for the owner-employees.

(f) *Discrimination in contributions or benefits.* (1) Variations in contributions or benefits may be provided under the plan so long as the plan does not discriminate, either as to contributions or benefits, in favor of officers, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees, as against other employees (see § 1.401–4). For the purpose of determining whether the provisions of a plan which provide contributions or benefits for an owner-employee result in the prohibited discrimination, an owner-employee, like other self-employed individuals, is considered a highly compensated employee (see paragraph (d) of § 1.401–11). Whether or not a plan is discriminatory is determined by the actual operation of the plan as well as by its formal provisions.

(2) The provisions of section 401(a)(5), relating to certain plan provisions which will not in and of themselves be considered discriminatory, are not applicable to any plan which covers any owner-employee. Such a plan must, instead, satisfy the requirements of section 401(a)(10) and section 401(d)(6). Accordingly, a plan is not discriminatory within the meaning of section 401(a)(4) merely because the contributions or benefits provided for the employees covered under the plan bear a uniform relationship to the total compensation, or to the basic or regular rate of compensation, of such employees. The total compensation or the basic or regular rate of compensation of an owner-employee is computed in accordance with the provisions of paragraph (d)(2) of § 1.401–11.

(3) Even though the contributions under the plan do not bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered thereunder and the plan would otherwise be considered discriminatory within the

meaning of section 401(a)(4), the plan shall not be considered discriminatory if such variation is due to employer contributions on behalf of any owner-employee which are required, under the plan, to be applied to pay premiums or other consideration on one or more level premium contracts described in section 401(e)(3)(A). In a taxable year to which the foregoing exception applies and, therefore, one in which the contributions under the plan would otherwise be discriminatory, the employer contributions to pay such premiums or other consideration must be the only employer contributions made for the owner-employee, and the contributions for such taxable year under such plan must not be in excess of the amount permitted to be paid toward the purchase of such a contract under the provisions of section 401(e)(3). Furthermore, the exception described in this subparagraph only applies to contributions made under a plan which otherwise satisfies the requirements of section 401(a)(4) and the regulations thereunder. Thus, if a plan provides for the purchase, in accordance with section 401(e)(3), of a level premium contract for an owner-employee, then such plan must provide either that the benefits for all employees are nondiscriminatory or, in the case of a money-purchase type of plan, that the contributions for all employees are based on compensation determined in a nondiscriminatory manner. For example, since the contributions on behalf of the owner-employee are based on his earned income during the period preceding the purchase of the contract, the contributions for other employees must be based on their compensation during the same period if this will result in larger contributions on their behalf.

(4) In the case of a plan which covers any owner-employee, the contributions or benefits provided under the plan cannot vary with respect to years of service except as provided in subparagraph (5) of this paragraph.

(5) The provisions of section 401(d)(3) do not preclude the coverage of employees with less than three years of service if such coverage is provided on a nondiscriminatory basis. However, a plan will not be disqualified merely because the contributions or benefits for employees who have less than three years of service are not as favorable as the contributions or benefits for employees having more than three years of service.

(g) *Nonforfeitable rights.* (1)(i) Except as provided in subparagraph (2) of this paragraph, if an owner-employee is covered under the plan of his employer, each employee's rights to the contributions, or to the benefits derived from the contributions, of such employer must be nonforfeitable at the time such contributions are paid to, or under, the plan. The employees who must obtain such nonforfeitable rights include the self-employed individuals who are covered under the plan. As to what constitutes nonforfeitable rights of an employee, see paragraph (a)(2) of § 1.402(b)–1.

(ii) Under section 401(d)(2), it is necessary that each employee obtain nonforfeitable rights to the employer contributions under the plan on his behalf from the time such contributions are paid. Thus, each employee must have a nonforfeitable interest to the portion of the funds under the plan which is allocable to the employer contributions made under the plan on his behalf.

(2) The provisions of subparagraph (1) of this paragraph do not apply to the extent that employer contributions on behalf of any employee must remain forfeitable in order to satisfy the requirements of paragraph (c) of § 1.401–4. However, employer contributions on behalf of employees whose rights are required to remain forfeitable to satisfy such requirements must be nonforfeitable except for such contingency.

(h) *Integration with social security.* (1) If a qualified plan covers any owner-employee, then the rules relating to the integration of such plan with the contributions or benefits under the Social Security Act are provided in this paragraph. Accordingly, the provisions of paragraph (e) of § 1.401–3 and paragraph (c) of § 1.401–11 do not apply to such a plan. In the case of a plan which provides contributions or benefits for any owner-employee, integration of the plan with the Social Security Act for any taxable year of the employer can take place only if not more than one-third of the employer contributions under the plan which are deductible under section 404 for that year are made on behalf of the owner-employees. If such requirement is satisfied, then the plan may be integrated with the contributions or benefits under the Social Security Act in accordance with the rules of subparagraph (3) of this paragraph.

(2)(i) For purposes of subparagraph (1) of this paragraph, in determining the total amount of employer contributions which are deductible under section 404, the provisions of section 404(a), including the provisions of section 404(a)(9) (relating to plans benefiting self-employed individuals), and section 404(e) (relating to the special limitations for self-employed individuals) are taken into account, but the provisions of section 404(a)(10) (relating to the special limitation on the amount allowed as a deduction for self-employed individuals) are not taken into account.

(ii) The amount of deductible employer contributions which are made on behalf of all owner-employees for the year is compared with the amount of deductible employer contributions for the year made on behalf of all employees covered under the plan (including self-employed individuals who are not owner-employees and owner-employees) for the purpose of determining whether the deductible contributions by the employer on behalf of owner-employees are not more than one-third of the total deductible contributions.

(3) If a plan covering an owner-employee satisfies the requirement of subparagraph (1) of this paragraph, and if the employer wishes to integrate such plan with the contributions or benefits under the Social Security Act, then—

(i) The employer contributions under the plan on behalf of any owner-employee shall be reduced by an amount determined by multiplying the earned income of such owner-employee which is derived from the trade or business with respect to which the plan is established and which does not exceed $4,800 by the rate of tax imposed under section 1401; and

(ii) The employer contributions under the plan on behalf of any employee other than an owner-employee may be reduced by an amount not in excess of the amount determined by multiplying the employee's wages under section 3121(a)(1) by the rate of tax imposed under section 3111. For purposes of this subdivision, the earned income of a self-employed individual which is derived from the trade or business with respect to which the plan is established and which does not exceed $4,800 shall be treated as "wages" under section 3121(a)(1).

(4) A money purchase pension plan or a profit-sharing plan may provide that such plan will be integrated with the Social Security Act only for such taxable years of the employer in which the requirements for integration are satisfied. However, a qualified plan cannot provide that employer contributions are only to be made for taxable years in which the integration requirements are satisfied.

(i) *Limit on contributions on behalf of an owner-employee.* (1) Section 401(d)(5) requires that a plan which covers any owner-employee must contain provisions which restrict the employer contributions that may be made on behalf of any owner-employee for each taxable year to an amount no greater than that which is deductible under section 404. In computing the amount deductible under section 404 for purposes of section 401(d)(5) and this paragraph, the limitations contained in section 404 (a)(9) and (e), relating to special limitations for self-employed individuals, are taken into account, but such amount is determined without regard to section 404(a)(10), relating to the special limitation on the amount allowed as a deduction for self-employed individuals. Accordingly, a qualified plan which covers any owner-employee cannot permit employer contributions to be made on behalf of such owner-employee in excess of 10 percent of the earned income which is derived by such owner-employee from the trade or business with respect to which the plan is established, or permit the employer to contribute more than $2,500 on behalf of any such owner-employee for any taxable year.

(2)(i) In determining whether the plan permits contributions to be made in excess of the limitations of subparagraph (1) of this paragraph, employer contributions under the plan which are allocable to the purchase of life, accident, health, or other insurance are not to be taken into account. To determine the amount of employer contributions under the plan which are allocable to the purchase of life, accident, health, or other insurance, see paragraph (f) of § 1.404(e)–1 and paragraph (b) of § 1.72–16. However, contributions for such insurance can be made only to the

extent otherwise permitted under sections 401 through 404 and the regulations thereunder.

(ii) A further exception to the limit on the amount of contributions which an employer may make under the plan on behalf of an owner-employee is made in the case of contributions which are required, under the plan, to be applied to pay premiums or other consideration for one or more annuity, endowment, or life insurance contracts described in section 401(e)(3) (see section 401(e)(3) and the regulations thereunder).

(j) *Excess contributions.* The provisions of section 401(e) define the term "excess contribution" and indicate the consequences of making such a contribution (see § 1.401–13). However, section 401(d)(8) provides that a qualified plan which provides contributions or benefits for any owner-employee must contain certain provisions which complement the rules contained in section 401(e). Under section 401(d)(8), a qualified plan must provide that—

(1) The net amount of any excess contribution (determined in accordance with the provisions of § 1.401–13) must be returned to the owner-employee on whose behalf it is made, together with the net income earned on such excess contribution;

(2) For each taxable year for which the trust is considered to be a nonqualified trust with respect to an owner-employee under section 401(e)(2) because the net amount of an excess contribution and the earnings thereon have not been returned to such owner-employee, the income of the trust for that taxable year attributable to the interest of such owner-employee is to be paid to him.

(3) If an excess contribution is determined to be willfully made (within the meaning of section 401(e)(2)(E)), the entire interest of the owner-employee on whose behalf such contribution was made is required to be distributed to such owner-employee. Furthermore, the plan must require the distribution of an owner-employee's entire interest under the plan if a willful excess contribution is determined to have been made under any other plan in which the owner-employee is covered as an owner-employee.

(k) *Contributions of property under a qualified plan.* (1) The contribution of property, other than money, by the person who is the employer (within the meaning of section 401(c)(4)) to a qualified trust forming a part of a plan which covers employees some or all of whom are owner-employees who control (within the meaning of section 410(d)(9)(B) and the regulations thereunder) the trade or business with respect to which the plan is established is a prohibited transaction between such trust and the employer-grantor of such trust (see section 503(j)(1)(D) and the regulations thereunder).

(2) A contribution of property, other than money, to a qualified trust by an owner-employee who controls, or a member of a group of owner-employees who together control, the trade or business with respect to which the plan is established, or a contribution of property, other than money, to a qualified trust by a member of such an owner-employee's family (as defined in section 267(c)(4)), is a prohibited transaction. If the plan does not cover an owner-employee, or group of owner-employees, who control the trade or business, see the rules relating to prohibited transactions contained in section 503, other than the provisions of section 503(j).

(l) *Controlled trades or businesses—*(1) *Plans covering an owner-employee who controls another trade or business.* (i) A plan must not cover any owner-employee, or group of two or more owner-employees, if such owner-employee, or group of owner-employees, control (within the meaning of subparagraph (3) of this paragraph) any other trade or business, unless the employees of such other trade or business controlled by such owner-employee, or such group of owner-employees, are included in a plan which satisfies the requirements of section 401(a), including the qualification requirements of section 401(d). The employees who must be covered under the plan of the trade or business which is controlled include the self-employed individuals who are not owner-employees and the owner-employees who consent to be covered by such plan. Accordingly, the employer must determine whether any owner-employee, or group of owner-employees, who may participate in the plan which is established by such employer controls any other trade or business, and whether the requirements of this subparagraph are satisfied with respect to the plan established in such other trade or business. The plan of an employer may exclude an owner-employee who controls another trade or business from coverage under the plan even though such owner-employee consents to be covered, if a plan which satisfies the requirements of subdivision (ii) of this subparagraph has not been established in the trade or business which such owner-employee controls.

(ii) The qualified plan which the owner-employee, or owner-employees, are required to provide for the employees of the trade or business which they control must provide contributions and benefits which are not less favorable than the contributions and benefits provided for the owner-employee, or owner-employees, under the plan of any trade or business which they do not control. Thus, for example, if the contributions or benefits for the owner-employee under the plan of the trade or business which he does not control are computed on the basis of his total (as compared to basic or regular rate) of compensation, then the contributions or benefits for employees covered under the plan of the trade or business which the owner controls must be computed on the basis of their total compensation. However, the requirements of this subdivision cannot be satisfied if the benefits and contributions provided under the plan for the employees of the trade or business which is controlled are not comparable to those provided under the plan covering the owner-employee, or group of owner-employees, in the trade or business which they do not control. Thus, for example, if the owner-employee is covered by a pension plan in the trade or business which he does not control, he may not satisfy the requirements of this subdivision by establishing a profit-sharing plan in the trade or business which he does control.

(iii) If an individual is covered as an owner-employee under the plans of two or more trades or businesses which he does not control and such individual controls a trade or business, then the contributions or benefits of the employees under the plan of the trade or business which he does control must be as favorable as those provided for him under the most favorable plan of the trade or business which he does not control.

(2) *Owner-employees who control more than one trade or business.* If the plan provides contributions or benefits for an owner-employee who controls, or group of owner-employees who together control, the trade or business with respect to which the plan is established, and such owner-employee, or group of owner-employees, also control as owner-employees one or more other trades or businesses, plans must be established with respect to such controlled trades or businesses so that when taken together they form a single plan which satisfies the requirements of section 401 (a) and (d) with respect to the employees of all the controlled trades or businesses.

(3) *Control defined.* (i) For purposes of this paragraph, an owner-employee, or a group of two or more owner-employees, shall be considered to control a trade or business if such owner-employee, or such group of two or more owner-employees together—

(*a*) Own the entire interest in an unincorporated trade or business, or

(*b*) In the case of a partnership, own more than 50 percent of either the capital interest or the profits interest in such partnership.

In determining whether an owner-employee, or group of owner-employees, control a trade or business within the meaning of the preceding sentence, it is immaterial whether or not such individuals could be covered under a plan established with respect to the trade or business. For example, if an individual who is an owner-employee has a 60-percent capital interest in another trade or business, such individual controls such trade or business and the provisions of this paragraph apply even though the individual derives no earned income, as defined in section 401(c)(2), from the controlled trade or business. For purposes of determining the ownership interest of an owner-employee, or group of owner-employees, an owner-employee, or group of owner-employees, is treated as owning any interest in a partnership which is owned, directly or indirectly, by a partnership controlled by such owner-employee, or group of owner-employees.

(ii) The provisions of subparagraphs (1) and (2) of this paragraph apply only if the owner-employee who controls, or the group of owner-employees who control, a trade or business, or trades or businesses, within the meaning of sub-

division (i) of this subparagraph is the same owner-employee, or group of owner-employees, covered under the plan intended to satisfy the requirements for qualification. Thus, for example, if A is a 50-percent partner in both the AB and AC partnership, and if the AB partnership wishes to establish a plan covering A and B, the provisions of subparagraphs (1) and (2) of this paragraph do not apply, since A does not control either partnership, and since B has no interest in the AC partnership.

(m) *Distribution of benefits.* (1) (i) Section 401(d)(4)(B) requires that a qualified plan which provides contributions or benefits for any owner-employee must not provide for the payment of benefits to such owner-employee at any time before he has attained age 59½. An exception to the foregoing rule permits a qualified plan to provide for the distribution of benefits to an owner-employee prior to the time he attains age 59½ if he is disabled within the meaning of section 213(g)(3) and the regulations thereunder. In general, section 213(g)(3) provides that an individual is considered disabled if he is unable to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. In addition, section 401(d)(4)(B) does not preclude the distribution of benefits to the estate or other beneficiary of a deceased owner-employee prior to the time the owner-employee would have attained age 59½ if he had lived.

(ii) A qualified plan must provide that if, despite the restrictions in the plan to the contrary, an amount is prematurely distributed, or made available, to a participant in such plan who is, or has been, an owner-employee, then no contribution shall be made under the plan by, or for, such individual during any of the 5 taxable years of the plan beginning after the distribution is made.

(2) (i) The provisions of subparagraph (1) of this paragraph preclude an owner-employee who is a participant in a qualified pension or profit-sharing plan of his employer from withdrawing any part of the funds accumulated on his behalf except as provided in such subparagraph (1). However, the distribution of an owner-employee's interest, or any portion of such interest, after he attains age 59½ is determined by the provisions of the plan. Thus, for example, if a qualified pension plan provides that the normal retirement age under the plan is age 65, an owner-employee would not be entitled to a distribution of an amount under the plan merely because he attained age 59½.

(ii) The provisions of subparagraph (1) of this paragraph do not preclude the establishment of a profit-sharing plan which provides for the distribution of all, or part, of participants' accounts after a fixed number of years. However, such a plan must not permit a distribution of any amount to any owner-employee prior to the time the owner-employee has attained age 59½ or becomes disabled within the meaning of section 213(g)(3). On the other hand, if a distribution would have been made under the plan to an owner-employee but for the fact that he had not attained age 59½, then the amount of such distribution (including any increment earned on such amount) must be distributed to such owner-employee at such time as he attains age 59½.

(3) A qualified pension, annuity, or profit-sharing plan which covers an owner-employee must provide that the distribution of an owner-employee's entire interest under the plan must begin prior to the end of the taxable year in which he attains the age of 70½, and such distribution must satisfy the requirements of section 401(a)(9) and paragraph (e) of § 1.401–11. Furthermore, section 401(d)(7) provides that, if an owner-employee dies prior to the time his entire interest has been distributed to him, such owner-employee's entire remaining interest under the plan must, in general, either be distributed to his beneficiary, or beneficiaries, within 5 years, or be used within that period to purchase an immediate annuity for his beneficiary, or beneficiaries. However, a distribution within 5 years of the death of the owner-employee is not required if the distribution of his interest has commenced and such distribution is for a term certain over a period not extending beyond the joint life and survivor expectancy of the owner-employee and his spouse. Thus, for example, an annuity for the joint life and survivor expectancy of an owner-employee and his spouse which guarantees payments for 10 years is a distribution which is payable over a period which does not exceed the joint life and survivor expectancy of the owner-employee and his spouse if such expectancy is at least 10 years at the time the distribution first commences.

§ 1.401–13 Excess contributions on behalf of owner-employees. [Reserved]

PAR. 6. There are inserted immediately after § 1.404(d)–1, the following new sections:

§ 1.405 Statutory provisions; qualified bond purchase plans.

SEC. 405. *Qualified bond purchase plans*—(a) *Requirements for qualification.* A plan of an employer for the purchase for and distribution to his employees or their beneficiaries of United States bonds described in subsection (b) shall constitute a qualified bond purchase plan under this section if—

(1) The plan meets the requirements of section 401(a)(3), (4), (5), (6), (7), and (8) and, if applicable, the requirements of section 401(a)(9) and (10) and of section 401(d) (other than paragraphs (1), (5)(B), and (8)); and

(2) Contributions under the plan are used solely to purchase for employees or their beneficiaries United States bonds described in subsection (b).

(b) *Bonds to which applicable*—(1) *Characteristics of bonds.* This section shall apply only to a bond issued under the Second Liberty Bond Act, as amended, which by its terms, or by regulations prescribed by the Secretary under such Act—

(A) Provides for payment of interest, or investment yield, only upon redemption;

(B) May be purchased only in the name of an individual;

(C) Ceases to bear interest, or provide investment yield, not later than 5 years after the death of the individual in whose name it is purchased;

(D) May be redeemed before the death of the individual in whose name it is purchased only if such individual—

(i) Has attained the age of 59½ years, or

(ii) Has become disabled (within the meaning of section 213(g)(3)); and

(E) Is nontransferable.

(2) *Must be purchased in name of employee.* This section shall apply to a bond described in paragraph (1) only if it is purchased in the name of the employee.

(c) *Deduction for contributions to bond purchase plans.* Contributions paid by an employer to or under a qualified bond purchase plan shall be allowed as a deduction in an amount determined under section 404 in the same manner and to the same extent as if such contributions were made to a trust described in section 401(a) which is exempt from tax under section 501(a).

(d) *Taxability of beneficiary of qualified bond purchase plan*—(1) *Gross income not to include bonds at time of distribution.* For purposes of this chapter, in the case of a distributee of a bond described in subsection (b) under a qualified bond purchase plan, or from a trust described in section 401(a) which is exempt from tax under section 501(a), gross income does not include any amount attributable to the receipt of such bond. Upon redemption of such bond, the proceeds shall be subject to taxation under this chapter, but the provisions of section 72 (relating to annuities, etc.) and section 1232 (relating to bonds and other evidences of indebtedness) shall not apply.

(2) *Basis.* The basis of any bond received by a distributee under a qualified bond purchase plan—

(A) If such bond is distributed to an employee, or with respect to an employee, who at the time of purchase of the bond, was an employee other than an employee within the meaning of section 401(c)(1), shall be the amount of the contributions by the employee which were used to purchase the bond, and

(B) If such bond is distributed to an employee, or with respect to an employee, who, at the time of purchase of the bond, was an employee within the meaning of section 401(c)(1), shall be the amount of the contributions used to purchase the bond which were made on behalf of such employee and were not allowed as a deduction under subsection (c).

The basis of any bond described in subsection (b) received by a distributee from a trust described in section 401(a) which is exempt from tax under section 501(a) shall be determined under regulations prescribed by the Secretary or his delegate.

(e) *Capital gains treatment not to apply to bonds distributed by trusts.* Section 402(a)(2) shall not apply to any bond described in subsection (b) distributed to any distributee and, for purposes of applying such section, any such bond distributed to any distributee and any such bond to the credit of any employee shall not be taken into account.

(f) *Employee defined.* For purposes of this section, the term "employee" includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual shall be the person treated as his employer under section 401(c)(4).

(g) *Proof of purchase.* At the time of purchase of any bond to which this section applies, proof of such purchase shall be furnished in such form as will enable the purchaser, and the employee in whose name such bond is purchased, to comply with the provisions of this section.

(h) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section.

[Sec. 405 as added by sec. 5, Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 826)]

§ 1.405–1 Qualified bond purchase plans.

(a) *Introduction.* Section 405 relates to the requirements for qualification of, and the tax treatment of funds contributed to, retirement plans of an employer for the benefit of his employees which are funded through the purchase of United States retirement plan bonds. Such bonds may be purchased under a qualified bond purchase plan described in section 405(a) and paragraph (b) of this section. The qualified bond purchase plan is an alternative method of providing some of the deferred compensation benefits provided by plans described in section 401. In addition, retirement bonds may be purchased under a qualified pension or profit-sharing plan described in section 401. A qualified bond purchase plan or a qualified pension or profit-sharing plan under which retirement bonds are purchased may cover only common-law employees, self-employed individuals, or both. A qualified bond purchase plan may be established after December 31, 1962, and retirement bonds may be purchased by a qualified pension or profit-sharing plan after December 31, 1962. For the terms and conditions of the retirement bonds, see section 405(b) and Treasury Department Circular, Public Debt Series—No. 1–63.

(b) *Qualified bond purchase plans.* (1) A qualified bond purchase plan is a definite written program and arrangement which is communicated to the employees and established and maintained by an employer solely to purchase for and distribute to his employees or their beneficiaries retirement bonds. These bonds must be purchased in the name of the employee on whose behalf the contributions are made. The plan must be a permanent plan which meets the requirements of section 401(a)(3), (4), (5), (6), (7), and (8) and, if applicable, the requirements of section 401(a)(9) and (10) and of section 401(d) (other than paragraphs (1), (5)(B), and (8)). The rules set forth in the regulations relating to those provisions shall be applicable to qualified bond purchase plans.

(2) A qualified bond purchase plan must provide that an employee's right to the proceeds of a bond purchased in his name are nonforfeitable and will in no event inure to the benefit of the employer or be reallocated in any manner.

(c) *Benefits under a qualified bond purchase plan.* (1) Except as provided in subparagraph (2) of this paragraph, a qualified bond purchase plan must conform to the definition of a pension plan in paragraph (b)(1)(i) of § 1.401–1, or the definition of a profit-sharing plan in paragraph (b)(1)(ii) of § 1.401–1. For example, if the qualified bond purchase plan is a profit-sharing plan, the plan must include the definite allocation formula described in paragraph (b)(1)(ii) of § 1.401–1. In addition, if such a profit-sharing plan covers any owner-employee, the plan must also include the definite contribution formula described in section 401(d)(2)(B).

(2) (i) Under a qualified bond purchase plan, the bonds may be distributed to the employees at any time, and the plan need not prohibit the distribution or redemption of the bonds until the retirement of the employee. Accordingly, even though a qualified bond purchase plan is designed as a pension plan, it need not provide systematically for the payment of definitely determinable benefits. However, provisions for distribution must apply in a nondiscriminatory manner.

(ii) A qualified bond purchase plan which is designed as a pension plan may not contain a formula for contributions or benefits which might require the reallocation of amounts to an employee's credit or which might provide for the reversion of any amounts to the employer.

(d) *Contributions under a qualified bond purchase plan.* (1) The retirement bonds will be issued in the denominations of $50, $100, $500, and $1,000. Therefore, the contribution otherwise called for under the plan may not coincide with an amount that can be invested in retirement bonds. Accordingly, the plan must provide that the contributions on behalf of an individual employee for any year shall be rounded to the nearest multiple of $50.

(2) Since the employee's rights to any bonds purchased for him under a qualified bond purchase plan must be nonforfeitable, a qualified bond purchase plan must, in order to conform to the requirements of section 401(a)(4) with respect to the early termination of the plan, restrict the contributions on behalf of any employee to the amount which could be allocated to him under paragraph (c) of § 1.401–4.

(e) *Definitions.* For purposes of this section and §§ 1.405–2 and 1.405–3—

(1) The term "employee" includes an employee as defined in section 401(c)(1) and paragraph (b) of § 1.401–10, and the term "employer" means the person treated as the employer of such individual under section 401(c)(4);

(2) The term "owner-employee" means an owner-employee as defined in section 401(c)(3) and paragraph (d) of § 1.401–10;

(3) The term "earned income" means earned income as defined in section 401(c)(2) and paragraph (c) of § 1.401–10; and

(4) The term "retirement bond" means a United States Retirement Plan Bond, as described in section 405(b) and Treasury Department Circular, Public Debt Series—No. 1–63.

§ 1.405–2 Deduction of contributions to qualified bond purchase plans.

(a) *In general.* An employer shall be allowed a deduction for contributions paid to or under a qualified bond purchase plan in the same manner and to the same extent as if such contributions were made to a trust described in section 401(a) which is exempt from tax under section 501(a). A deduction will be allowed only for the taxable year in which the contributions are paid, or treated as paid, except as provided by section 404(a)(1), (3), and (7). For purposes of the deduction, a contribution is paid at the time the application for the bond is made and the full purchase price paid.

(b) *Rules for applying section 404.* If a qualified bond purchase plan is designed as a pension plan as defined in paragraph (b)(1)(i) of § 1.401–1, the limitations of section 404 applicable to qualified pension trusts shall apply. See §§ 1.404(a)–3 through 1.404(a)–7. Similarly, if a qualified bond purchase plan is designed as a profit-sharing plan as defined in paragraph (b)(1)(ii) of § 1.401–1, the limitations of section 404 applicable to qualified profit-sharing trusts shall apply. See §§ 1.404(a)–9 and 1.404(a)–10. In addition, if a qualified bond purchase plan designed as a pension plan covers some or all of the employees who are covered by a qualified profit-sharing plan established and maintained by the same employer, or if a qualified bond purchase plan which is designed as a profit-sharing plan covers some or all the employees who are also covered by a qualified pension or annuity plan established and maintained by the same employer, section 404(a)(7) is applicable. See § 1.404(a)–(13). Furthermore, if a qualified bond purchase plan covers employees some or all of whom are employees within the meaning of section 401(c)(1), the provisions of section 404(a)(8), (9), and (10) and 404(e) shall also apply.

(c) *Accrual method taxpayers.* In the case of a taxpayer using the accrual method of accounting, a contribution to a qualified bond purchase plan will be deemed paid on the last day of the year of accrual if—

(1) During the taxable year of accrual the taxpayer incurs a liability to make the contribution, the amount of which is accruable under section 461 for such taxable year, and

(2) Payment is in fact made no later than the time prescribed by the law for filing the return for the taxable year of accrual (including extensions thereof).

§ 1.405–3 Taxation of retirement bonds.

(a) *In general.* (1) As in the case of employer contributions under a qualified pension, annuity, profit-sharing, or stock bonus plan, employer contributions on behalf of his common-law employees under a qualified bond purchase plan are not includible in the gross income of the employees when made, and employer contributions on behalf of self-employed individuals are deductible as provided in section 405(c) and § 1.405–2. Further, an employee or his beneficiary does not realize gross income upon the receipt of a retirement bond pursuant to a qualified bond purchase plan or from a trust described in section 401(a) which is exempt from tax under section 501(a). Upon redemption of such a bond, ordinary income will be realized to the extent the proceeds thereof exceed the basis (determined in accordance with paragraph (b) of this section) of the bond. The proceeds of a retirement bond are

not entitled to the special tax treatment of section 72(n) and § 1.72–18.

(2) In the event a retirement bond is surrendered for partial redemption and reissuance of the remainder, the person surrendering the bond shall be taxable on the proceeds received to the extent such proceeds exceed the basis in the portion redeemed. In such case, the basis shall be determined (in accordance with paragraph (b) of this section) as if the portion redeemed and the portion reissued had been issued as separate bonds.

(3) In the event a retirement bond is redeemed after the death of the registered owner, the amount taxable (as determined in accordance with subparagraph (1) of this paragraph) is income in respect of a decedent under section 691.

(4) The provisions of section 402(a)(2) are not applicable to a retirement bond. In general, section 402(a)(2) provides for capital gains treatment of certain distributions from a qualified trust which constitute the total distributions payable with respect to any employee. The proceeds of a retirement bond received upon redemption will not be entitled to such capital gain treatment even though the bond is received as a part of, or as the whole of, such a total distribution. Nor will such a bond be taken into consideration in determining whether the distribution represents the total amount payable by the trust with respect to an employee. Thus, a distribution by a qualified trust may constitute a total distribution payable with respect to an employee for purposes of section 402(a)(2) even though the trust retains retirement bonds registered in the name of such employee.

(b) *Basis.* (1) This paragraph is applicable in determining the basis of any retirement bond distributed pursuant to a qualified bond purchase plan or distributed by a trust qualifying under section 401. In the case of such a bond purchased for an individual at the time he is a common-law employee, the basis is that portion of the purchase price attributable to employee contributions. In the case of such a bond purchased for an individual at the time he is a self-employed individual, the basis shall be determined under subparagraph (3) of this paragraph.

(2) At the time a retirement bond is purchased, there shall be indicated on the application for the retirement bond whether the individual for whom the retirement bond is purchased is a common-law employee or a self-employed individual, and in the case of common-law employees the amount of the purchase price, if any, attributable to the employee's contribution. The answers to these questions will appear on the retirement bond, and when the retirement bond is purchased for a common-law employee, the basis for the retirement bond is presumed to be the amount of the purchase price which the retirement bond indicates was contributed by the employee.

(3)(i) Except as provided in subdivision (ii) of this subparagraph, for purposes of determining the basis of retirement bonds purchased for an individual while he was a self-employed individual, all such bonds redeemed during a taxable year shall be considered in the aggregate as a single retirement bond. The basis of such retirement bonds shall be the difference between the aggregate of their face amounts and the lesser of:

(*a*) One-half the aggregate of their face amounts, or

(*b*) The aggregate of the unused amounts allowed as a deduction at the end of the taxable year (as determined in subparagraph (4) of this paragraph).

(ii) The basis of a retirement bond purchased for a self-employed individual which is redeemed after his death is the amount determined by multiplying the face amount of such retirement bond by a fraction—

(*a*) The numerator of which is the aggregate of the face amounts of all the bonds registered in the individual's name at his death which were purchased while he was a self-employed individual reduced by the aggregate of the unused amounts allowed as a deduction at his death (as determined in subparagraph (4) of this paragraph), and

(*b*) The denominator of which is the aggregate of the face amounts of all such bonds.

(4)(i) In the case of retirement bonds purchased under a qualified bond purchase plan, the aggregate of the unused amounts allowed as a deduction at the end of any taxable year shall be an amount equal to the total of the amounts allowable for such taxable year, and the amounts allowed in all prior taxable years, as a deduction under section 405(c) for contributions used to purchase retirement bonds for the registered owner while he was a self-employed individual, reduced by an amount equal to the portion of the face amounts of such retirement bonds redeemed in prior taxable years which were included in the registered owner's gross income.

(ii) In the case of retirement bonds purchased by a trust described in section 401(a) and exempt under section 501(a), there shall be allocated to the retirement bond the deduction under section 404 attributable to the contributions used to purchase the retirement bond. The amount so allocated shall be treated in the same manner as the deduction allowed under section 405(c) for purposes of computing the unused amounts allowed as a deduction under subdivision (i) of this subparagraph. Further, the amount so allocated shall not be included in the investment in the contract for purposes of section 72 in determining the portion of the other assets distributed by the trust included in gross income.

(5) The application of the rule of subparagraphs (3) and (4) of this paragraph may be illustrated by the following examples:

Example (1). B, a self-employed individual, adopts a qualified bond purchase plan in 1963. During 1963 the plan purchased $2,000 worth of retirement bonds in his name. As a result of overestimating his income for 1963, only $400 was allowed B as a deduction pursuant to section 405(c). In 1964, prior to B's retirement in June of that year, the plan purchased a $500 retirement bond in B's name for which a deduction was allowable pursuant to section 405(c) in the amount of $250. B redeemed a retirement bond with a face amount of $500 in September of 1964 and another with a face amount of $500 in October of 1964. Of the proceeds received in 1964 from the redemption of the bonds, $1,000 plus interest, B shall exclude from his gross income $500 (face amount of the retirement bonds, $1,000, less $500, one-half of the face amount, the latter being less than the aggregate of the unused amounts allowed as a deduction, $250 allowable for the taxable year in which the bonds were redeemed plus $400, the unused amounts allowed in prior taxable years, or $650). The aggregate of the unused amounts allowed as a deduction shall be reduced by the amount so excluded ($650−$500=$150). During the following year, B redeems another retirement bond with a face amount of $500. Of the proceeds received from the redemption of such retirement bond, $500 plus interest, B shall exclude from his gross income $350 (face amount of the retirement bonds, $500, less $150, the aggregate of the unused amounts allowed as a deduction, the latter being less than one-half of the face amount of the bond, $250). The aggregate of the unused amounts allowed as a deduction is reduced to zero ($150−$150=0). Upon redemption of the remaining retirement bonds registered in B's name, B shall exclude from his gross income with respect to such proceeds an amount equal to the face amounts of the bonds redeemed.

Example (2). C, a self-employed individual, participated in a qualified bond purchase plan during the years 1963 through 1966. The plan purchased in his name retirement bonds in the aggregate of $10,000. C deducted $4,000 from his gross income for the four years ($1,000 for each year) with respect to the purchase of such retirement bonds. C retired in December of 1966 and during the following year redeemed one retirement bond with a face amout of $1,000. C excluded from his gross income $500 of the proceeds of the bond. C died without redeeming any of the remaining retirement bonds registered in his name. The basis of each remaining retirement bond shall be determined by multiplying the face amount of each retirement bond by $\frac{\$5,500}{\$9,000}$. The numerator is the aggregate of the face amounts registered in C's name (as a self-employed individual) at his death, $9,000, reduced by the aggregate of the unused amounts allowed as a deduction at his death, $3,500 (amounts allowed as a deduction under section 405(c), $4,000, reduced by the portion of the face amount of the retirement bond redeemed by C which was included in C's gross income, $500), or $5,500. The denominator is the face amount of the retirement bonds registered in his name as a self-employed individual at his death, $9,000.

[F.R. Doc. 63–9921; Filed, Sept. 16, 1963; 8:48 a.m.]

[T.D. 6676]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Self-Employed Individuals

On June 18, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to reflect the changes made by sections 2 (in part), 3, and 4 of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 815, 819, 821) was published in the FEDERAL REGISTER (28 F.R. 6215). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (a)(2) of § 1.72–11, as set forth in paragraph 4 of the appendix to the notice of proposed rule making, is revised.

PAR. 2. Paragraph (g) of § 1.72–15, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is revised.

PAR. 3. Section 1.72–16, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is revised.

PAR. 4. Section 1.72–18, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is revised by changing paragraph (a).

PAR. 5. Section 1.401–13, as set forth in paragraph 7 of the appendix to the notice of proposed rule making, is changed by revising subparagraphs (2)(i), (3), and (4)(i) of paragraph (c), and subparagraph (2)(i) of paragraph (d).

PAR. 6. Section 1.402(a)–1, as set forth in paragraph 9 of the appendix to the notice of proposed rule making, is revised by changing paragraph (a)(2).

PAR. 7. Section 1.403(a)–1, as set forth in paragraph 11 of the appendix to the notice of proposed rule making, is revised by changing paragraph (d).

PAR. 8. Paragraph 12 of the appendix to the notice of proposed rule making is changed by eliminating the proposed amendment of that portion of paragraph (a) of § 1.403(a)–2 which precedes subparagraph (1).

PAR. 9. Section 1.404(a)–8, as set forth in paragraph 16 of the appendix to the notice of proposed rule making, is revised by changing paragraph (a)(2).

(Sec. 7805 of the Internal Revenue Code of 1954 (69A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: September 10, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to sections 2 (in part), 3, and 4 of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 815, 819, 821), such regulations are amended as follows:

PARAGRAPH 1. Section 1.72 is amended by revising section 72(d)(2), by redesignating subsection (m) of section 72 as subsection (o) and inserting after subsection (l) new subsections (m) and (n), and by adding a historical note. These amended and added provisions read as follows:

§ 1.72 Statutory provisions; annuities; certain proceeds of endowment and life insurance contracts.

SEC. 72. *Annuities; certain proceeds of endowment and life insurance contracts.* • • •

(d) *Employees' annuities.* • • •

(2) *Special rules for application of paragraph (1).* For purposes of paragraph (1)—

(A) If the employee died before any amount was received as an annuity under the contract, the words "receivable by the employee" shall be read as "receivable by a beneficiary of the employee"; and

(B) Any contribution made with respect to the contract while the employee is an employee within the meaning of section 401(c)(1) which is not allowed as a deduction under section 404 shall be treated as consideration for the contract contributed by the employee.

* * * * *

(m) *Special rules applicable to employee annuities and distributions under employee plans*—(1) *Certain amounts received before annuity starting date.* Any amounts received under an annuity, endowment, or life insurance contract before the annuity starting date which are not received as an annuity (within the meaning of subsection (e)(2)) shall be included in the recipient's gross income for the taxable year in which received to the extent that—

(A) Such amounts, plus all amounts theretofore received under the contract and includible in gross income under this paragraph, do not exceed

(B) The aggregate premiums or other consideration paid for the contract while the employee was an owner-employee which were allowed as deductions under section 404 for the taxable year and all prior taxable years.

Any such amounts so received which are not includible in gross income under this paragraph shall be subject to the provisions of subsection (e).

(2) *Computation of consideration paid by the employee.* In computing—

(A) The aggregate amount of premiums or other consideration paid for the contract for purposes of subsection (c)(1)(A) (relating to the investment in the contract),

(B) The consideration for the contract contributed by the employee for purposes of subsection (d)(1) (relating to employee's contributions recoverable in 3 years), and

(C) The aggregate premiums or other consideration paid for purposes of subsection (e)(1)(B) (relating to certain amounts not received as an annuity),

any amount allowed as a deduction with respect to the contract under section 404 which was paid while the employee was an employee within the meaning of section 401(c)(1) shall be treated as consideration contributed by the employer, and there shall not be taken into account any portion of the premiums or other consideration for the contract paid while the employee was an owner-employee which is properly allocable (as determined under regulations prescribed by the Secretary or his delegate) to the cost of life, accident, health, or other insurance.

(3) *Life insurance contracts.* (A) This paragraph shall apply to any life insurance contract—

(i) Purchased as a part of a plan described in section 403(a), or

(ii) Purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) if the proceeds of such contract are payable directly or indirectly to a participant in such trust or to a beneficiary of such participant.

(B) Any contribution to a plan described in subparagraph (A)(i) or a trust described in subparagraph (A)(ii) which is allowed as a deduction under section 404, and any income of a trust described in subparagraph (A)(ii), which is determined in accordance with regulations prescribed by the Secretary or his delegate to have been applied to purchase the life insurance protection under a contract described in subparagraph (A), is includible in the gross income of the participant for the taxable year when so applied.

(C) In the case of the death of an individual insured under a contract described in subparagraph (A), an amount equal to the cash surrender value of the contract immediately before the death of the insured shall be treated as a payment under such plan or a distribution by such trust, and the excess of the amount payable by reason of the death of the insured over such cash surrender value shall not be includible in gross income under this section and shall be treated as provided in section 101.

(4) *Amounts constructively received*—(A) *Assignments or pledges.* If during any taxable year an owner-employee assigns (or agrees to assign) or pledges (or agrees to pledge) any portion of his interest in a trust described in section 401(a) which is exempt from tax under section 501(a) or any portion of the value of a contract purchased as part of a plan described in section 403(a), such portion shall be treated as having been received by such owner-employee as a distribution from such trust or as an amount received under the contract.

(B) *Loans on contracts.* If during any taxable year, an owner-employee receives, directly or indirectly, any amount from any insurance company as a loan under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as part of a plan described in section 403(a), and issued by such insurance company, such amount shall be treated as an amount received under the contract.

(5) *Penalties applicable to certain amounts received by owner-employees.* (A) This paragraph shall apply—

(i) To amounts (other than any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution) which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) and which are received by an individual, who is, or has been, an owner-employee, before such individual attains the age of 59½ years, for any reason other than the individual's becoming disabled (within the meaning of section 213(g)(3)), but only to the extent that such amounts are attributable to contributions paid on behalf of such individual (whether or not paid by him) while he was an owner-employee,

(ii) To amounts which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) at any time by an individual who is, or has been, an owner-employee, or by the successor of such individual, but only to the extent that such amounts are determined, under regulations prescribed by the Secretary or his delegate, to exceed the benefits provided for such individual under the plan formula, and

(iii) To amounts which are received, by an individual who is, or has been, an owner-employee, by reason of the distribution under the provisions of section 401(e)(2)(E) of his entire interest in all qualified trusts described in section 401(a) and in all plans described in section 403(a).

(B)(i) If the aggregate of the amounts to which this paragraph applies received by any person in his taxable year equals or exceeds $2,500, the increase in his tax for the taxable year in which such amounts are received and attributable to such amounts shall not be less than 110 percent of the aggregate increase in taxes, for the taxable year and the 4 immediately preceding taxable years, which would have resulted if such amounts had been included in such person's gross income ratably over such taxable years.

(ii) If deductions have been allowed under section 404 for contributions paid on behalf of the individual while he is an owner-employee for a number of prior taxable years less than 4, clause (i) shall be applied by taking into account a number of taxable years immediately preceding the taxable year in which the amount was so received equal to such lesser number.

(C) If subparagraph (B) does not apply to a person for the taxable year, the increase in tax of such person for the taxable year attributable to the amounts to which this paragraph applies shall be 110 percent of such increase (computed without regard to this subparagraph).

(D) Subpargraph (A)(ii) of this paragraph shall not apply to any amount to which section 402(a)(2) or 403(a)(2) applies.

(E) For special rules for computation of taxable income for taxable years to which this paragraph applies, see subsection (n)(3).

(6) *Owner-employee defined.* For purposes of this subsection, the term "owner-employee" has the meaning assigned to it by section 401(c)(3).

(n) *Treatment of certain distributions with respect to contributions by self-employed individuals*—(1) *Application of subsection*—(A) *Distributions by employees' trust.* Subject to the provisions of subparagraph (C), this subsection shall apply to amounts distributed to a distributee, in the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), if the total distributions payable to the distributee with respect to an employee are paid to the distributee within one taxable year of the distributee—

(i) On account of the employee's death,

(ii) After the employee has attained the age of 59½ years, or

(iii) After the employee has become disabled (within the meaning of section 213(g)(3)).

(B) *Annuity plans.* Subject to the provisions of subparagraph (C), this subsection shall apply to amounts paid to a payee, in the case of an annuity plan described in section 403(a), if the total amounts payable to the payee with respect to an employee are paid to the payee within one taxable year of the payee—

(i) On account of the employee's death,

(ii) After the employee has attained the age of 59½ years, or

(iii) After the employee has become disabled (within the meaning of section 213(g)(3)).

(C) *Limitations and exceptions.* This subsection shall apply—

(i) Only with respect to so much of any distribution or payment to which (without regard to this subparagraph) subparagraph (A) or (B) applies as is attributable to contributions made on behalf of an employee while he was an employee within the meaning of section 401(c)(1), and

(ii) If the recipient is the employee on whose behalf such contributions were made, only if contributions which were allowed as a deduction under section 404 have been made on behalf of such employee while he was an employee within the meaning of section 401(c)(1) for 5 or more taxable years prior to the taxable year in which the total distributions payable or total amounts payable, as the case may be, are paid.

This subsection shall not apply to amounts described in clauses (ii) and (iii) of subparagraph (A) of subsection (m)(5) (but, in the case of amounts described in clause (ii) of such subparagraph, only to the extent that subsection (m)(5) applies to such amounts).

(2) *Limitation of tax.* In any case to which this subsection applies, the tax attributable to the amounts to which this subsection applies for the taxable year in which such amounts are received shall not exceed whichever of the following is the greater:

(A) 5 times the increase in tax which would result from the inclusion in gross income of the recipient of 20 percent of so much of the amount so received as is includible in gross income, or

(B) 5 times the increase in tax which would result if the taxable income of the recipient for such taxable year equaled 20 percent of the amount of the taxable income of the recipient for such taxable year determined under paragraph (3)(A).

(3) *Determination of taxable income.* Notwithstanding section 63 (relating to definition of taxable income), for purposes only of computing the tax under this chapter attributable to amounts to which this subsection or subsection (m)(5) applies and which are includible in gross income—

(A) The taxable income of the recipient for the taxable year of receipt shall be treated as being not less than the amount by which (i) the aggregate of such amounts so includible in gross income exceeds (ii) the amount of the deductions allowed for such taxable year under section 151 (relating to deductions for personal exemptions); and

(B) In making ratable inclusion computations under paragraph (5)(B) of subsection (m), the taxable income of the recipient for each taxable year involved in such ratable inclusion shall be treated as being not less than the amount required by such paragraph (5)(B) to be treated as includible in gross income for such taxable year.

In any case in which the preceding sentence results in an increase in taxable income for any taxable year, the resulting increase in the taxes imposed by section 1 or 3 for such taxable year shall not be reduced by any credit under part IV of subchapter A (other than section 31 thereof) which, but for this sentence, would be allowable.

(o) *Cross reference.* For limitation on adjustments to basis of annuity contracts sold, see section 1021.

[Sec. 72 as amended by sec. 4 (a), (b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 821)]

PAR. 2. Paragraph (d) of § 1.72–1 is amended to read as follows:

§ 1.72–1 Introduction.

* * * * *

(d) *"Amounts not received as an annuity".* In the case of "amounts not received as an annuity", if such amounts are received after an annuity has begun and during its continuance, amounts so received are generally includible in the gross income of the recipient. Amounts not received as an annuity which are received at any other time are generally includible in the gross income of the recipient only to the extent that such amounts, when added to all amounts previously received under the contract which were excludable from the gross income of the recipient under the income tax law applicable at the time of receipt, exceed the premiums or other consideration paid (see § 1.72–11). However, if the aggregate of premiums or other consideration paid for the contract includes amounts for which a deduction was allowed under section 404 as contributions on behalf of an owner-employee, the amounts received under the circumstances of the preceding sentence shall be includible in gross income until the amount so included equals the amount for which the deduction was so allowed. See paragraph (b) of § 1.72–17.

PAR. 3. Paragraphs (a)(1) and (c)(2) of § 1.72–6 are amended to read as follows:

§ 1.72–6 Investment in the contract.

(a) *General rule.* (1) For the purpose of computing the "investment in the contract", it is first necessary to determine the "aggregate amount of premiums or other consideration paid" for such contract. See section 72(c)(1). This determination is made as of the later of the annuity starting date of the contract or the date on which an amount is first received thereunder as an annuity. The amount so found is then reduced by the sum of the following amounts in order to find the investment in the contract:

(i) The total amount of any return of premiums or dividends received (including unrepaid loans or dividends applied against the principal or interest on such loans) on or before the date on which the foregoing determination is made, and

(ii) The total of any other amounts received with respect to the contract on or before such date which were excludable from the gross income of the recipient under the income tax law applicable at the time of receipt.

Amounts to which subdivision (ii) of this subparagraph applies shall include, for example, amounts considered to be return of premiums or other consideration paid under section 22(b)(2) of the Internal Revenue Code of 1939 and amounts considered to be an employer-provided death benefit under section 22(b)(1)(B) of such Code. For rules relating to the extent to which an employee or his beneficiary may include employer contributions in the aggregate amount of premiums or other consideration paid, see § 1.72–8. If the aggregate amount of premiums or other consideration paid for the contract includes amounts for which deductions were allowed under section 404 as contributions on behalf of a self-employed individual, such amounts shall not be included in the investment in the contract.

* * * * *

(c) *Special rules.* * * *

(2) For special rules relating to the determination of the investment in the contract where employer contributions are involved, see § 1.72–8. See also paragraph (b) of § 1.72–16 for a special rule relating to the determination of the premiums or other consideration paid for a contract where an employee is taxable on the premiums paid for life insurance protection that is purchased by and considered to be a distribution from an exempt employees' trust.

PAR. 4. Paragraph (a)(2) of § 1.72–11 is amended to read as follows:

§ 1.72–11 Amounts not received as annuity payments.

(a) *Introductory.* * * *

(2) The principles of this section apply, to the extent appropriate thereto, to amounts paid which are taxable under section 72 (except section 72(e)(3)) in accordance with sections 402 and 403 and the regulations thereunder. However, if contributions used to purchase the contract include amounts for which a deduction was allowed under section 404 as contributions on behalf of an owner-employee, the rules of this section are modified by the rules of paragraph (b) of § 1.72–17. Further, in applying the provisions of this section, the aggregate premiums or other consideration paid shall not include contributions on behalf of self-employed individuals to the extent that deductions were allowed under section 404 for such contributions. Nor, shall the aggregate of premiums or other consideration paid include amounts used to purchase life, accident, health, or other insurance protection for an owner-employee. See paragraph (b)(4) of § 1.72–16 and paragraph (c) of § 1.72–17. The principles of this section also apply to payments made in the manner described in paragraph (b)(3)(i) of § 1.72–2.

PAR. 5. Paragraph (a) of § 1.72–13 is amended by adding at the end thereof the following new subparagraph:

§ 1.72–13 Special rule for employee contributions recoverable in three years.

(a) *Amounts received as an annuity.*

* * *

(5) For purposes of section 72(d), contributions which are made with respect to a self-employed individual and which are allowed as a deduction under section 404(a) are not considered contributions by the employee, but such contributions are considered contributions by the employer. A contribution which is deemed paid in a prior taxable year under the provisions of section 404(a)(6) shall be considered made with respect to a self-employed individual if the individual on whose behalf the contribution is made was self-employed for the taxable year in which the contribution is deemed paid, whether or not such individual is self-employed at the time the contribution is actually paid. Contributions with respect to a self-employed individual who is an owner-employee used to purchase life, accident, health, or other insurance protection for such owner-employee shall not be treated as consideration for the contract contributed by the employee in computing the employee contributions for purposes of section 72(d).

PAR. 6. There are inserted immediately after paragraph (f) of § 1.72–15 a new paragraph (g) and new §§ 1.72–16 through 1.72–18. These added provisions read as follows:

§ 1.72–15 Applicability of section 72 to accident or health plans.

* * * * *

(g) *Payments to or on behalf of a self-employed individual.* A self-employed individual is not considered an employee for purposes of section 105, relating to amounts received by employees under accident and health plans, nor for purposes of excluding under section 104(a)(3) amounts received by him under an accident and health plan as referred to in section 105(e). See section 105(g) and paragraph (a) of § 1.105–1. Therefore, the other paragraphs of this section are not applicable to amounts received by or on behalf of a self-employed individual. Except where accident or health benefits are provided through an insurance contract or an arrangement having the effect of insurance, all amounts received by or on behalf of a self-employed individual from a plan described in section 401(a) and exempt under section 501(a) or a plan described in section 403(a) shall be taxed as otherwise provided in section 72, 402, or 403. If the accident or health benefits are paid under an insurance contract or under an arrangement having the effect of insurance, section 104(a)(3) shall apply. Section 72 shall not apply to any amounts received under such circumstances. For the treatment of the amounts paid for such accident or health benefits, see section 404(e)(3) and paragraph (f) of § 1.404(e)–1.

§ 1.72–16 Life insurance contracts purchased under qualified employee plans.

(a) *Applicability of section.* This section provides rules for the tax treatment of premiums paid under qualified pension, annuity, or profit-sharing plans for the purchase of life insurance contracts and rules for the tax treatment of the proceeds of such a life insurance contract and of annuity contracts purchased under such plans. For purposes of this section, the term "life insurance contract" means a retirement income, an endowment, or other contract providing life insurance protection. The rules of this section apply to plans covering only common-law employees as well as to plans covering self-employed individuals.

(b) *Treatment of cost of life insurance protection.* (1) The rules of this paragraph are applicable to any life insurance contract—

(i) Purchased as a part of a plan described in section 403(a), or

(ii) Purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) if the proceeds of such contract are payable directly or indirectly to a participant in such trust or to a beneficiary of such participant.

The proceeds of a contract described in subdivision (ii) of this subparagraph will be considered payable indirectly to a participant or beneficiary of such participant where they are payable to the trustee but under the terms of the plan the trustee is required to pay over all of such proceeds to the beneficiary.

(2) If under a plan or trust described in subparagraph (1) of this paragraph, amounts which were allowed as a deduction under section 404, or earnings of the trust, are applied toward the purchase of a life insurance contract described in subparagraph (1) of this paragraph, the cost of the life insurance protection under such contract shall be included in the gross income of the participant for the taxable year or years in which such contributions or earnings are so applied.

(3) If the amount payable upon death at any time during the year exceeds the cash value of the insurance policy at the end of the year, the entire amount of such excess is considered current life insurance protection. The cost of such insurance will be considered to be a reasonable net premium cost, as determined by the Commissioner, for such amount of insurance for the appropriate period.

(4) The amount includible in the gross income of the employee under this paragraph shall be considered as premiums or other consideration paid or contributed by the employee only with respect to any benefits attributable to the contract (within the meaning of paragraph (a)(3) of § 1.72–2) providing the life insurance protection. However, if under the rules of this paragraph an owner-employee is required to include any amounts in his gross income, such amounts shall not in any case be treated as part of his investment in the contract.

(5) The determination of the cost of life insurance protection may be illustrated by the following example:

Example. An annual premium policy purchased by a qualified trust for a common-law employee provides an annuity of $100 per month upon retirement at age 65, with a minimum death benefit of $10,000. The insurance payable if death occurred in the first year would be $10,000. The cash value at the end of the first year is 0. The net insurance is therefore $10,000 minus 0, or $10,000. Assuming that the Commissioner has determined that a reasonable net premium cost for the employee's age is $5.85 per $1,000, the premium for $10,000 of life insurance is therefore $58.50, and this is the amount to be reported as income by the employee for his taxable year in which the premium is paid. The balance of the premium is the amount contributed for the annuity, which is not taxable to the employee under a plan meeting the requirements of section 401(a), except as provided under section 402(a). Assuming that the cash value at the end of the second year is $500, the net insurance would then be $9,500 for the second year. With a net 1-year term rate of $6.30 for the employee's age in the second year, the amount to be reported as income to the employee would be $59.85.

(6) This paragraph shall not apply if the trust has a right under any circumstances to retain any part of the proceeds of the life insurance contract. But see paragraph (c)(4) of this section relating to the taxability of the distribution of such proceeds to a beneficiary.

(c) *Treatment of proceeds of life insurance and annuity contracts.* (1) If under a qualified pension, annuity, or profit-sharing plan, there is purchased either—

(i) A life insurance contract described in paragraph (b)(1) of this section, and the employee either paid the cost of the insurance or was taxable on the cost of the insurance under paragraph (b) of this section, or

(ii) An annuity contract,

the amounts payable under any such contract by reason of the death of the employee are taxable under the rules of subparagraph (2) of this paragraph, except in the case of a joint and survivor annuity.

(2)(i) In the case of an annuity contract, the death benefit is the accumulation of the premiums (plus earnings thereon) which is intended to fund pension or other deferred benefits under a pension, annuity, or profit-sharing plan. Such death benefits are not in the nature of life insurance and are not excludable from gross income under section 101(a).

(ii) In the case of a life insurance contract under which there is a reserve accumulation which is intended to fund pension or other deferred benefits under a pension, annuity, or profit-sharing

plan, such reserve accumulation constitutes the source of the cash value of the contract and approximates the amount of such cash value. The portion of the proceeds paid upon the death of the insured employee which is equal to the cash value immediately before death is not excludable from gross income under section 101(a). The remaining portion, if any, of the proceeds paid to the beneficiary by reason of the death of the insured employee—that is, the amount in excess of the cash value—constitutes current insurance protection and is excludable under section 101(a).

(iii) The death benefit under an annuity contract, or the portion of the death proceeds under a life insurance contract which is equal to the cash value of the contract immediately before death, constitutes a distribution under the plan consisting in whole or in part of deferred compensation and is taxable to the beneficiary in accordance with section 72(m)(3) and the provisions of this paragraph, except to the extent that the limited exclusion from income provided in section 101(b) is applicable.

(iv) In the case of a life insurance contract under which the benefits are paid at a date or dates later than the death of the employee, section 101(d) is applicable only to the portion of the benefits which is attributable to the amount excludable under section 101(a). The portion of such benefits which is attributable to the cash value of the contract immediately before death is taxable under section 72, and in such case, any amount excludable under section 101(b) is treated as additional consideration paid by the employee in accordance with section 101(b)(2)(D).

(3) The application of the rules under subparagraph (2) of this paragraph with respect to the taxability of proceeds of a life insurance contract paid by reason of the death of an insured common-law employee who has paid no contributions under the plan is illustrated by the following examples:

Example (1).

Total face amount of the contract payable in a lump sum at time of death	$25,000
Cash value of the contract immediately before death	11,000
Excess over cash value, excludable under section 101(a)	$14,000
Cash value subject to limited exclusion under section 101(b)	11,000
Excludable under section 101(b) (assuming that there is no other death benefit paid by or on behalf of any employer with respect to the employee)	5,000
Balance taxable in accordance with section 402(a)(2) or 403(a)(2) (assuming a total distribution in one taxable year of the distributee)	6,000
Portion of premiums taxed to employee under the provisions of paragraph (b) of this section and considered as contributions of the employee	940
Balance taxable as long-term capital gain	$5,060

Example (2). The facts are the same as in example (1), except that the contract provides that the beneficiary may elect within 60 days after the death of the employee either to take the $25,000 or to receive 10 annual installments of $3,000 each, and the beneficiary elects to receive the 10 installments. In addition, the employee's rights to the cash value immediately before his death were forfeitable at least to the extent of $5,000. Section 101(d) is applicable to the amount excludable under section 101(a), that is, $14,000. The portion of each annual installment of $3,000 which is attributable to this $14,000 is determined by allocating each installment in accordance with the ratio which this $14,000 bears to the total amount which was payable at death ($25,000). Accordingly, the portion of each annual installment which is subject to section 101(d) is $1,680 ($^{14}/_{25}$ of $3,000), of which $1,400 ($^{1}/_{10}$ of $14,000) is excludable under section 101(a), and the remaining $280 is includible in the gross income of the beneficiary. However, if the beneficiary is a surviving spouse as defined in section 101(d)(3), the exclusion provided by section 101(d)(1)(B) is applicable to such $280. The remaining portion of each annual $3,000 installment, $1,320, is attributable to the cash value of the contract and is treated under section 72, as follows:

Amount actually contributed by the employee	$0
Amount considered contributed by employee by reason of section 101(b)	$5,000
Portion of premiums taxed to employee under the provisions of paragraph (b) of this section and considered as contributions of the employee	$940
Investment in the contract	$5,940
Expected return, 10×$1,320	$13,200
Exclusion ratio, $5,940÷$13,200	0.45
Annual exclusion, 0.45×$1,320	$594

Accordingly, $594 of the $1,320 portion of each annual installment is excludable each year under section 72, and the remaining $726 is includible. Thus, if the beneficiary is not a surviving spouse, a total of $1,006 ($280 plus $726) of each annual $3,000 installment is includible in income each year. If the beneficiary is a surviving spouse, and can exclude all of the $280 under section 101(d)(1)(B), the amount includible in gross income each year is $726 of each annual $3,000 installment.

(4) If an employee neither paid the total cost of the life insurance protection provided under a life insurance contract, nor was taxable under paragraph (b) of this section with respect thereto, no part of the proceeds of such a contract which are paid to the beneficiaries of the employee as a death benefit is excludable under section 101(a). The entire distribution is taxable to the beneficiaries under section 402(a) or 403(a) except to the extent that a limited exclusion may be allowable under section 101(b).

§ 1.72–17 Special rules applicable to owner-employees.

(a) *In general.* Under section 401(c) and section 403(a), certain self-employed individuals may participate in qualified pension, annuity, and profit-sharing plans, and the amounts received by such individuals from such plans are taxable under section 72. Section 72(m) and this section contain special rules for the taxation of amounts received from qualified pension, profit-sharing, or annuity plans covering an owner-employee. For purposes of section 72 and the regulations thereunder, the term "employee" shall include the self-employed individual who is treated as an employee by section 401(c)(1) (see paragraph (b) of § 1.401–10), and the term "owner-employee" has the meaning assigned to it in section 401(c)(3) (see paragraph (d) of § 1.401–10). See also paragraph (a)(2) of § 1.401–10 for the rule for determining when a plan covers an owner-employee. For purposes of this section, a self-employed individual may not treat as consideration for the contract contributed by the employee any contributions under the plan for which deductions were allowed under section 404 and which, consequently, are considered employer contributions.

(b) *Certain amounts received before annuity starting date.* (1) The rules of this paragraph are applicable to amounts received from a qualified pension, profit-sharing, or annuity plan by an employee (or his beneficiary) who is or was an owner-employee with respect to such plan when such amounts—

(i) Are received before the annuity starting date; and

(ii) Are not received as an annuity.

For the definition of annuity starting date, see paragraph (b) of § 1.72–4 and subparagraph (4) of this paragraph. As to what constitutes amounts not received as an annuity, see paragraphs (c) and (d) of § 1.72.11.

(2) Amounts to which this paragraph applies shall be included in the recipient's gross income for the taxable year in which received. However, the sum of the amounts so included under this subparagraph in all taxable years shall not exceed the aggregate deductions allowed under section 404 for premiums or other consideration paid under the plan on behalf of the employee while he was an owner-employee, including any such deductions taken in the taxable year of receipt.

(3) Any amounts to which this paragraph applies and which are not included in gross income under the rules of subparagraph (2) of this paragraph shall be subject to the provisions of section 72(e) (except paragraph (3) thereof) and § 1.72–11.

(4) Under section 401(d)(4), a qualified pension, profit-sharing, or annuity plan may not provide for distributions to an owner-employee before he reaches age 59½ years, except in the case of his earlier disability (within the meaning of section 213(g)(3)). Therefore, in the case of a distribution from a qualified plan to an individual for whom contributions have been made to the plan as an owner-employee, the annuity starting date cannot be prior to the time such individual attains the age 59½ years unless he is entitled to benefits before reaching such age because of his disability (within the meaning of section 213(g)(3)).

(5) The rules of this paragraph are not applicable to amounts credited to an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which are in the nature of a dividend or refund of premium, and which are applied in accordance with paragraph (a)(4) of § 1.404(a)–8 towards the purchase of benefits under the policy.

(6) The rules of this paragraph may be illustrated by the following example:

Example. B, a self-employed individual, received $8,000 as a distribution under a qualified pension plan before the annuity starting date. At the time of such distribution, $10,000 had been contributed (the whole amount being allowed as a deduction) under the plan on behalf of such individual while he was a common-law employee and $5,000 had been contributed under the plan on his behalf while he was an owner-employee, of which $2,500 was allowed as a deduction. In addition, B had contributed $1,000 on his own behalf as an employee under the plan. Of the $8,000, $2,500 (the amount allowed as a deduction with respect to contributions on behalf of the individual while he was an owner-employee) is includible in gross income under subparagraph (2) of this paragraph. With respect to the remaining $5,500, B has a basis of $3,500, consisting of the $2,500 contributed on his behalf while he was an owner-employee which was not allowed as a deduction and the $1,000 which B contributed as an employee. The difference between the $5,500 and B's basis of $3,500, or $2,000, is includible in gross income under section 72(e).

(c) *Amounts paid for life, accident, health, or other insurance.* Amounts used to purchase life, accident, health, or other insurance protection for an owner-employee shall not be taken into account in computing the following:

(1) The aggregate amount of premiums or other consideration paid for the contract for purposes of determining the investment in the contract under section 72(c)(1)(A) and § 1.72–6;

(2) The consideration for the contract contributed by the employee for purposes of section 72(d)(1) and § 1.72–13, which provide the method of taxing employees' annuities where the employee's contributions will be recoverable within 3 years; and

(3) The aggregate premiums or other consideration paid for purposes of section 72(e)(1)(B) and § 1.72–11, which provide the rules for taxing amounts not received as annuities prior to the annuity starting date.

The cost of such insurance protection will be considered to be a reasonable net premium cost, as determined by the Commissioner, for the appropriate period.

(d) *Amounts constructively received.* (1) If during any taxable year an owner-employee assigns or pledges (or agrees to assign or pledge) any portion of his interest in a trust described in section 401(a) which is exempt from tax under section 501(a), or any portion of the value of a contract purchased as part of a plan described in section 403(a), such portion shall be treated as having been received by such owner-employee as a distribution from the trust or as an amount received under the contract during such taxable year.

(2) If during any taxable year an owner-employee receives, either directly or indirectly, any amount from any insurance company as a loan under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as part of a plan described in section 403(a), and issued by such insurance company, such amount shall be treated as an amount received under the contract during such taxable year. An owner-employee will be considered to have received an amount under a contract if a premium, which is otherwise in default, is paid by the insurance company in the form of a loan against the cash surrender value of the contract. Further, an owner-employee will be considered to have received an amount to which this subparagraph applies if an amount is received from the issuer of a face-amount certificate as a loan under such a certificate purchased as part of a qualified trust or plan.

(e) *Penalties applicable to certain amounts received by owner-employees.* (1)(i) The rules of this paragraph are applicable to amounts, to the extent includible in gross income, received from a trust described in section 401(a) or under a plan described in section 403(a) by or on behalf of an individual who is or has been an owner-employee with respect to such plan or trust—

(*a*) Which are received before the owner-employee reaches the age 59½ years and which are attributable to contributions paid on behalf of such owner-employee (whether or not paid by him) while he was an owner-employee (see subdivision (ii) of this subparagraph),

(*b*) Which are in excess of the benefits provided for such owner-employee under the plan formula (see subdivision (iii) of this subparagraph), or

(*c*) Which are received by reason of a distribution of the owner-employee's entire interest under the provisions of section 401(e)(2)(E), relating to excess contributions on behalf of an owner-employee which are willfully made.

(ii) The amounts referred to in subdivision (i)(*a*) of this subparagraph do not include—

(*a*) Amounts received by reason of the owner-employee becoming disabled within the meaning of section 213(g)(3), or

(*b*) Amounts received by the owner-employee in his capacity as a policyholder of an annuity, endowment, or life insurance contract which are in the nature of a dividend or similar distribution.

Amounts attributable to contributions paid on behalf of an owner-employee and which are paid to a person other than the owner-employee before the owner-employee dies or reaches the age 59½ shall be considered received by the owner-employee for purposes of this paragraph.

(iii) This paragraph applies to amounts described in subdivision (i)(*b*) of this subparagraph (relating to excess benefits) even though a portion of such amounts may be attributable to contributions made on behalf of an individual while he was not an owner-employee and even though the amounts are received by his successor. However, these amounts do not include the portion of a distribution to which section 402(a)(2) or 403(a)(2) (relating to certain total distributions in one taxable year) applies.

(iv) (*a*) For purposes of subdivision (i)(*a*) of this subparagraph, the portion of any distribution or payment attributable to contributions on behalf of an employee-participant while he was an owner-employee includes the contributions made on his behalf while he was an owner-employee and the increments in value attributable to such contributions.

(*b*) The increments in value of an individual's account may be allocated to contributions on his behalf while he was an owner-employee either by maintaining a separate account, or an accounting, which reflects the actual increment attributable to such contributions, or by the method described in (*c*) of this subdivision.

(*c*) Where an individual is covered under the same plan both as an owner-employee and as a nonowner-employee, the portion of the increment in value of his interest attributable to contributions made on his behalf while he was an owner-employee may be determined by multiplying the total increment in value in his account by a fraction. The numerator of the fraction is the total contributions made on behalf of the individual as an owner-employee, weighted for the number of years that each contribution was in the plan. The denominator is the total contributions made on behalf of the individual, whether or not an owner-employee, weighted for the number of years each contribution was in the plan. The contributions are weighted for the number of years in the plan by multiplying each contribution by the number of years it was in the plan. For purposes of this computation, any forfeiture allocated to the account of the individual is treated as a contribution to the account made at the time so allocated.

(*d*) The method described in (*c*) of this subdivision may be illustrated by the following example:

Example. B was a member of the XYZ Partnership and a participant in the partnership's profit-sharing plan which was created in 1963. Until the end of 1967, B's interest in the partnership was less than 10 percent. On January 1, 1968, B obtained an interest in excess of 10 percent in the partnership and continued to participate in the profit-sharing plan until 1972. During 1972, prior to the time he attained the age of 59½ years and during a time when he was not disabled, B withdrew his entire interest in the profit-sharing plan. At that time his interest was $15,000, $9,600 contributions and $5,400 increment attributable to the contributions. The portion of the increment attributable to contributions while B was an owner-employee is $667.80, determined as follows:

	A Contribution	B Number of years contribution was in trust—	C Contribution weighted for years in trust (A×B)
1972	$1,000	0	0
1971	800	1	800
1970	1,200	2	2,400
1969	600	3	1,800
1968	200	4	800
1967	400	5	2,000
1966	2,000	6	12,000
1965	1,000	7	7,000
1964	1,500	8	12,000
1963	900	9	8,100
	$9,600		46,900

Total weighted contributions as owner-employee (1968–1972)—5,800.
Total weighted contributions—46,900.

$$\$5,400 \times \frac{5,800}{46,900} = \$667.80$$

(2) (i) If the aggregate of the amounts to which this paragraph applies received by any person in his taxable year equals or exceeds $2,500, the tax with respect to such amount shall be the greater of—

(*a*) The increase in tax attributable to the inclusion of the amounts so received in his gross income for the taxable year in which received, or

(*b*) 110 percent of the aggregate increase in taxes, for such taxable year and the four immediately preceding taxable years, which would have resulted if such amounts had been included in such person's gross income ratably over such taxable years. However, if deductions were allowed under section 404 for contributions to the plan on behalf of the individual as an owner-employee for less than four prior taxable years (whether or not consecutive), the number of immediately preceding taxable years taken into account shall be the number of prior taxable years in which such deductions were allowed.

(ii) If the aggregate of the amounts to which this paragraph applies received by any person in his taxable year is less than $2,500, the tax with respect to such amounts shall be 110 percent of the increase in tax which results from including such amounts in the person's gross income for the taxable year in which received.

(3) (i) For purposes of making the ratable inclusion computations of subparagraph (2) (i) of this paragraph, the taxable income of the recipient for each taxable year involved (notwithstanding section 63, relating to definition of taxable income) shall be treated as being not less than the amount required to be treated as includible in the taxable year pursuant to the ratable inclusion.

(ii) For purposes of subparagraph (2) (i) (*a*) and (ii) of this paragraph, the recipient's taxable income (notwithstanding section 63, relating to definition of taxable income) shall be treated as being not less than the aggregate of the amounts to which this paragraph applies reduced by the deductions allowed the recipient for such taxable year under section 151 (relating to deductions for personal exemptions).

(iii) In any case in which the application of subdivision (i) or (ii) of this subparagraph results in an increase in taxable income for any taxable year, the resulting increase in taxes imposed by section 1 or 3 for such taxable year shall be reduced by the credit against tax provided by section 31 (tax withheld on wages), but shall not be reduced by any other credits against tax.

(4) The application of the rules of subparagraphs (2) (i) and (3) of this paragraph may be illustrated by the following example:

Example. B, a sole proprietor, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during a taxable year when he was 55 years old and not disabled and for which, without regard to the distribution, he had a net operating loss and for which he is allowed under section 151 a deduction for one personal exemption. The portion of the distribution includible in B's gross income is $25,600. In addition, B had a net operating loss for the taxable year immediately preceding the taxable year in which he received the distribution from the trust. The other three taxable years involved in the computation under subparagraph (2) (i) of this paragraph were years of substantial income. For purposes of determining B's increase in tax attributable to the receipt of the $25,600 (before the application of the provisions of subparagraph (2) (i) (*b*) of this paragraph), B's taxable income for the year he received the $25,600 is treated, under subparagraph (3) (ii) of this paragraph, as being $25,000 ($25,600 minus $600). For purposes of determining whether 110 percent of the aggregate increase in taxes which would have resulted if 20 percent of the amount of the withdrawal had been included in B's gross income for the year of receipt and for each of the four preceding taxable years is greater (and thus is the amount of his increase in tax attributable to the receipt of the $25,600), B's taxable income for the taxable year of receipt, and for the immediately preceding taxable year, is treated, under subparagraph (3) (i) of this paragraph, as being $5,120 ($25,600 divided by 5).

§ 1.72–18 Treatment of certain total distributions with respect to self-employed individuals.

(a) *In general.* The Self-Employed Individuals Tax Retirement Act of 1962 permits self-employed individuals to be treated as employees for purposes of participation in pension, profit-sharing, and annuity plans described in sections 401(a) and 403(a). In general, amounts received by a distributee or payee which are attributable to contributions made on behalf of a participant while he was self-employed are taxed in the same manner as amounts which are attributable to contributions made on behalf of a common-law employee. However, such amounts which are paid in one taxable year representing the total distributions payable to a distributee or payee with respect to an employee are not eligible for the capital gains treatment of section 402(a) (2) or 403(a) (2). This section sets forth the treatment of such distributions, except where such a distribution is subject to the penalties of section 72(m) (5) and paragraph (e) of § 1.72–17.

(b) *Distributions to which this section applies.* (1) (i) Except as provided in subparagraphs (2) and (3) of this paragraph, this section applies to amounts distributed to a distributee in one taxable year of the distributee in the case of an employees' trust described in section 401 (a) which is exempt under section 501(a), or to amounts paid to a payee in one taxable year of the payee in the case of an annuity plan described in section 403 (a), which constitute the total distributions payable, or the total amounts payable, to the distributee or payee with respect to an employee.

(ii) For the total distributions or amounts payable to a distributee or payee to be considered paid within one taxable year of the distributee or payee for purposes of this section, all amounts to the credit of the employee-participant through the end of such taxable year which are payable to the distributee or payee must be distributed or paid within such taxable year. Thus, the provisions of this section are not applicable to a distribution or payment to a distributee or payee if the trust or plan retains any amounts after the close of such taxable year which are payable to the same distributee or payee even though the amounts retained may be attributable to contributions on behalf of the employee-participant while he was a common-law employee in the business with respect to which the plan was established.

(iii) For purposes of this section, the total amounts payable to a distributee or the amounts to the credit of the employee do not include United States Retirement Plan Bonds held by a trust to the credit of the employee. Thus, a distribution to a distributee by a qualified trust may constitute a distribution to which this section applies even though the trust retains retirement plan bonds registered in the name of the employee on whose behalf the distribution is made which are to be distributed to the same distributee. Moreover, the proceeds of a retirement bond received as part of a distribution which constitutes the total distributions payable to the distributee are not entitled to the special tax treatment of this section. See section 405 (d) and paragraph (a) (1) of § 1.405–3.

(iv) If the amounts payable to a distributee from a qualified trust with respect to an employee-participant includes an annuity contract, such contract must be distributed along with all other amounts payable to the distributee in order to have a distribution to which this section applies. However, the proceeds of an annuity contract received in a total distribution will not be entitled to the tax treatment of this section unless the contract is surrendered in the taxable year of the distributee in which the total distribution was received.

(v) In the case of a qualified annuity plan, the term "total amounts" means all annuities payable to a payee. If more than one annuity contract is received under the plan by a distributee, this section shall not apply to an amount received on surrender of any such contracts unless all contracts under the plan payable to the payee are surrendered within one taxable year of the payee.

(vi) (*a*) The provisions of this section are applicable where the total amounts payable to a distributee or payee are paid within one taxable year of the distributee or payee whether or not a portion of the employee-participant's interest which is payable to another distributee or payee is paid within the same taxable year. However, a distributee or payee who, in prior taxable years received amounts (except amounts described in (*b*) of this subdivision) after the employee-participant ceases to be eligible for additional contributions to be made on his behalf, does not receive a distribution or payment to which this section applies, even though the total amount remaining to be paid to such distributee or payee with respect to such employee is paid within one taxable year. On the other hand, a distribution to a distributee or payee prior to the time that the employee-participant ceases to be eligible for additional contributions on his behalf does not preclude the application of this section to a later distribution to the same distributee or payee.

(*b*) The receipt of an amount which constitutes—

(*1*) A payment in the nature of a dividend or similar distribution to an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract, or

(*2*) A return of excess contributions which were not willfully made,

does not prevent the application of this section to a total distribution even though the amount is received after the employee-participant ceases to be eligible for additional contributions and in a taxable year other than the taxable year in which the total amount is received.

(2) This section shall apply—

(i) Only if the distribution or payment is made—

(*a*) On account of the employee's death at any time,

(*b*) After the employee has attained the age 59½ years, or

(*c*) After the employee has become disabled (within the meaning of section 213(g) (3)); and

(ii) Only to so much of the distribution or payment as is attributable to contributions made on behalf of an employee while he was a self-employed individual in the business with respect to which the plan was established. Any distribution or payment, or any portion thereof, which is not so attributable shall be subject to the rules of taxation which apply to any distribution or payment that is attributable to contributions on behalf of common-law employees.

(3) This section shall not apply to—

(i) Distributions or payments to which the penalty provisions of section 72(m) (5) and paragraph (e) of § 1.72–17 apply,

(ii) Distributions or payments from a trust or plan made to or on behalf of an individual prior to the time such individual ceases to be eligible for additional contributions (except the contribution attributable to the last year of service) to be made to the trust or plan on his behalf as a self-employed individual, and

(iii) Distributions or payments made to the employee from a plan or trust unless contributions which were allowed as a deduction under section 404 have been made on behalf of such employee as a self-employed individual under such trust or plan for 5 or more taxable years (whether or not consecutive) prior to the taxable year in which such distributions or payments are made. Distributions or payments to which this section does not apply by reason of this subdivision are taxed as otherwise provided in section 72 (except that section 72(e) (3) is not applicable).

(4) The portion of any distribution or payment attributable to contributions on behalf of an employee-participant while he was self-employed includes the contributions made on his behalf while he was self-employed and the increments in value attributable to such contributions. Where the amounts to the credit of an employee-participant include amounts attributable to contributions on his behalf while he was a self-employed individual and amounts attributable to contributions on his behalf while he was a common-law employee, the increment in value attributable to the employee-participant's interest shall be allocated to the contributions on his behalf while he was self-employed either by maintaining a separate account, or an accounting, which reflects the actual increment attributable to such contributions, or by the method described in paragraph (e) (1) (iv) (*c*) of § 1.72–17. However, if the latter method is used, the numerator of the fraction is the total contributions made on behalf of the individual as a self-employed individual, weighted for the number of years that each contribution was in the plan.

(c) *Amounts includible in gross income.* (1) Where a total distribution or payment to which this section applies is made to one distributee or payee and includes the total amount remaining to the credit of the employee-participant on whose behalf the distribution or payment was made, the distributee or payee shall include in gross income an amount equal to the portion of the distribution or payment which exceeds the employee-participant's investment in the contract. For purposes of this paragraph, the investment in the contract shall be reduced by any amounts previously received from the plan or trust by or on behalf of the employee-participant which were excludable from gross income as a return of the investment in the contract.

(2) In the case of a distribution to which this section applies and which is made to more than one distributee or payee, each element of the amounts to the credit of an employee-participant shall be allocated among the several distributees or payees on the basis of the ratio of the value of the distributee's or payee's distribution or payment to the total amount to the credit of the employee-participant. The elements to be so allocated include the investment in the contract, the increments in value, and the portion of the amounts to the credit of the employee-participant which is attributable to the contributions on behalf of the employee-participant while he was a self-employed individual.

(d) *Computation of tax.* (1) The tax attributable to the amounts to which this section applies for the taxable year in which such amounts are received is the greater of—

(i) 5 times the increase in tax which would result from the inclusion in gross income of the recipient of 20 percent of so much of the amount so received as is includible in gross income, or

(ii) 5 times the increase which would result if the taxable income of the recipient for such taxable year equaled 20 percent of the excess of the aggregate of the amounts so received and includible in gross income over the amount of the deductions allowed the recipient for such taxable year under section 151 (relating to deduction for personal exemptions).

In any case in which the application of subdivision (ii) of this subparagraph results in an increase in taxable income for any taxable year, the resulting increase in taxes imposed by section 1 or 3 for such taxable year shall be reduced by the credit against tax provided by section 31 (tax withheld on wages), but shall not be reduced by any other credits against tax.

(2) The application of the rules of this paragraph may be illustrated by the following example:

Example. B, a sole proprietor, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during a taxable year for which, without regard to the distribution, he had a net operating loss and for which he is allowed under section 151 a deduction for one personal exemption. At the time of the withdrawal, B was 64 years old. The amount of the distribution that is includible in his gross income is $25,600. Because of B's net operating loss, the tax attributable to the distribution is determined under the rule of subparagraph (1) (ii) of this paragraph. For purposes of determining the tax attributable to the $25,600, B's taxable income for the taxable year in which he received such amount is treated, under subparagraph (1) (ii) of this paragraph, as being 20 percent of $25,000 ($25,600 minus $600 (the deduction allowed for his personal exemptions)). Thus, under subparagraph (1) of this paragraph, the tax attributable to the $25,600 would be 5 times the increase which would result if the taxable income of B for the taxable year he received such amount equaled $5,000. B has had no amounts withheld from wages and thus is not entitled to reduce the increase in taxes by the credit against tax provided in section 31 and may not reduce the increase in taxes by any other credits against tax.

PAR. 7. There is inserted immediately before § 1.402(a) the following new section:

§ 1.401–13 Excess contributions on behalf of owner-employees.

(a) *Introduction.* (1) The provisions of this section prescribe the rules relating to the treatment of excess contributions made under a qualified pension, annuity, or profit-sharing plan on behalf of a self-employed individual who is an owner-employee (as defined in paragraph (d) of § 1.401–10). Paragraph (b) of this section defines the term "excess contribution". Paragraph (c) of this section describes an exception to the definition of an excess contribution in the case of contributions which are applied to pay premiums on certain annuity, endowment, or life insurance contracts. Paragraph (d) of this section describes the effect of making an excess contribution which is not determined to have been willfully made, and paragraph (e) of this section describes the effect of making an excess contribution which is determined to have been willfully made.

(2) Under section 401(c) (1), certain self-employed individuals are treated as employees for purposes of section 401. In addition, under section 401(c) (4), a proprietor is treated as his own employer, and the partnership is treated as the employer of the partners. Under section 404, certain contributions on behalf of a self-employed individual are treated as deductible and taken into consideration in determining the amount

allowed as a deduction under section 404 (a). Such contributions are treated under section 401 and the regulations thereunder as employer contributions on behalf of the self-employed individual. However, in some cases, additional contributions may be made on behalf of a self-employed individual. Such contributions are not taken into consideration in determining the amount deductible under section 404 and are not taken into consideration in computing the amount allowed as a deduction under section 404(a). For purposes of section 401 and the regulations thereunder, such contributions are treated as employee contributions by the self-employed individual. If a self-employed individual is an owner-employee within the meaning of section 401(c)(3) and paragraph (d) of § 1.401–10, then this section prescribes the rules applicable if contributions are made in excess of those permitted to be made under section 401.

(b) *Excess contributions defined.* (1) (i) Except as provided in paragraph (c) relating to contributions which are applied to pay premiums on certain annuity, endowment, or life insurance contracts, an excess contribution is any amount described in subparagraphs (2) through (4) of this paragraph.

(ii) For purposes of determining if the amount of any contribution made under the plan on behalf of an owner-employee is an excess contribution, the amount of any contribution made under the plan which is allocable to the purchase of life, accident, health, or other insurance is not taken into account. The amount of any contribution which is allocable to the cost of insurance protection is determined in accordance with the provisions of paragraph (f) of § 1.404 (e)–1 and paragraph (b) of § 1.72–16.

(2) (i) In the case of a taxable year of the plan for which employer contributions are made on behalf of only owner-employees, an excess contribution is the amount of any contribution for such taxable year on behalf of such owner-employee which is not deductible under section 404 (determined without regard to section 404(a)(10)). This rule applies irrespective of whether the plan provides for contributions on behalf of common-law employees, or self-employed individuals who are not owner-employees, when such employees or individuals become eligible for coverage under the plan, and irrespective of whether contributions are in fact made for such employees or such individuals for other taxable years of the plan.

(ii) In the case of a taxable year of the plan for which employer contributions are made on behalf of both owner-employees and either common-law employees or self-employed individuals who are not owner-employees, an excess contribution is the amount of any employer contribution on behalf of any owner-employee for such taxable year which exceeds the amount deductible under section 404 (determined without regard to section 404(a)(10)) unless such amount may be treated as an employee contribution under the plan in accordance with the rules of paragraph (d)(3) of § 1.401–11 and is a permissible employee contribution under subparagraph (3) of this paragraph.

(3) (i) In the case of a taxable year of the plan for which employer contributions are made on behalf of both an owner-employee and either common-law employees or self-employed individuals who are not owner-employees, employee contributions on behalf of an owner-employee may be made for such taxable year of the plan. However, the amount of such contributions, if any, which is described in subdivisions (ii), (iii), or (iv) of this subparagraph is an excess contribution.

(ii) An excess contribution is the amount of any employee contribution made on behalf of any owner-employee during a taxable year of the plan at a rate in excess of the rate of contributions which may be made as employee contributions by common-law employees, or by self-employed individuals who are not owner-employees, during such taxable year of the plan.

(iii) An excess contribution is the amount of any employee contribution made on behalf of an owner-employee which exceeds the lesser of $2,500 or 10 percent of the earned income (as defined in paragraph (c) of § 1.401–10) of such owner-employee for his taxable year in which such contributions are made.

(iv) In the case of a taxable year of an owner-employee in which contributions are made on behalf of such owner-employee under more than one plan, an excess contribution is the amount of any employee contribution made on behalf of such owner-employee under all such plans during such taxable year which exceeds $2,500. If such an excess contribution is made, the amount of the excess contribution made on behalf of the owner-employee with respect to any one of such plans is the amount by which the employee contribution on his behalf under such plan for the year exceeds an amount which bears the same ratio to $2,500 as the earned income of the owner-employee derived from the trade or business with respect to which the plan is established bears to his earned income derived from the trades or businesses with respect to which all such plans are established.

(4) An excess contribution is the amount of any contribution on behalf of an owner-employee for any taxable year of the plan with respect to which the plan is treated, under section 401(e)(2), as not meeting the requirements of section 401(d) with respect to such owner-employee.

(c) *Contributions for premiums on certain annuity, endowment, or life insurance contracts.* (1) The term "excess contribution" does not include the amount of any employer contributions on behalf of an owner-employee which, under the provisions of the plan, is expressly required to be applied (either directly or through a trustee) to pay the premiums or other consideration for one or more annuity, endowment, or life insurance contracts, if—

(i) The employer contributions so applied meet the requirements of subparagraphs (2) through (4) of this paragraph, and

(ii) The total employer contributions required to be applied annually to pay premiums on behalf of any owner-employee for contracts described in this paragraph do not exceed $2,500. For purposes of computing such $2,500 limit, the total employer contributions includes amounts which are allocable to the purchase of life, accident, health, or other insurance.

(2) (i) The employer contributions must be paid under a plan which satisfies all the requirements for qualification. Accordingly, for example, contributions can be paid under the plan for life insurance protection only to the extent otherwise permitted under sections 401 through 404 and the regulations thereunder. However, certain of the requirements for qualification are modified with respect to a plan described in this paragraph (see section 401(a)(10)(A)(ii) and (d)(5)).

(ii) A plan described in this paragraph is not disqualified merely because a contribution is made on behalf of an owner-employee by his employer during a taxable year of the employer for which the owner-employee has no earned income. On the other hand, a plan will fail to qualify if a contribution is made on behalf of an owner-employee which results in the discrimination prohibited by section 401(a)(4) as modified by section 401(a)(10)(A)(ii) (see paragraph (f)(3) of § 1.401–12).

(3) The employer contributions must be applied to pay premiums or other consideration for a contract issued on the life of the owner-employee. For purposes of this subparagraph, a contract is not issued on the life of an owner-employee unless all the proceeds which are, or may become, payable under the contract are payable directly, or through a trustee of a trust described in section 401(a) and exempt from tax under section 501(a), to the owner-employee or to the beneficiary named in the contract or under the plan. Accordingly, for example, a nontransferable face-amount certificate (as defined in section 401(g) and the regulations thereunder) is considered an annuity on the life of the owner-employee if the proceeds of such contract are payable only to the owner-employee or his beneficiary.

(4) (i) For any taxable year of the employer, the amount of contributions by the employer on behalf of the owner-employee which is applied to pay premiums under the contracts described in this paragraph must not exceed the average of the amounts deductible under section 404 (determined without regard to section 404(a)(10)) by such employer on behalf of such owner-employee for the most recent three taxable years of the employer (ending prior to the date the latest contract was entered into or modified to provide additional benefits), in which the owner-employee derived earned income from the trade or business with respect to which the plan is established. However, if such owner-employee has not derived earned income for at least three taxable years preceding such date, then, in determining the "average of the amounts deductible", only so many of such taxable years as

such owner-employee was engaged in such trade or business and derived earned income therefrom are taken into account.

(ii) For the purpose of making the computation described in subdivision (i) of this subparagraph, the taxable years taken into account include those years in which the individual derived earned income from the trade or business but was not an owner-employee with respect to such trade or business. Furthermore, taxable years of the employer preceding the taxable year in which a qualified plan is established are taken into account. If such taxable years began prior to January 1, 1963, the amount deductible is determined as if section 404 included section 404 (a) (8), (9), (10), and (e).

(5) The amount of any employer contribution which is not deductible but which is not treated as an excess contribution because of the provisions of this paragraph shall be taken into account as an employee contribution made on behalf of the owner-employee during the owner-employee's taxable year with, or within which, the taxable year of the person treated as his employer under section 401(c)(4) ends. However, such contribution is only treated as an employee contribution made on behalf of the owner-employee for the purpose of determining whether any other employee contribution made on behalf of the owner-employee during such period is an excess contribution described in paragraph (b)(3) of this section.

(d) *Effect of an excess contribution which is not willfully made.* (1) If an excess contribution (as defined in paragraph (b) of this section) is made on behalf of an owner-employee, and if such contribution is not willfully made, then the provisions of this paragraph describe the effect of such an excess contribution. However, if the excess contribution made on behalf of an owner-employee is determined to have been willfully made, then the provisions of paragraph (e) of this section are applicable to such contribution.

(2) (i) This paragraph does not apply to an excess contribution if the net amount of such excess contribution (as defined in subparagraph (4) of this paragraph) and the net income attributable to such amount are repaid to the owner-employee on whose behalf the excess contribution was made at any time before the end of six months beginning on the day on which the district director sends notice (by certified or registered mail) of the amount of the excess contribution to the trust, insurance company, or other person to whom such excess contribution was paid. The net income attributable to the net amount of the excess contribution is the aggregate of the amounts of net income attributable to the net amount of the excess contribution for each year of the plan beginning with the taxable year of the plan within which the excess contribution is made and ending with the close of the taxable year of the plan immediately preceding the taxable year of the plan in which the net amount of the excess contribution is repaid. The amount of net income attributable to the net amount of the excess contribution for each year is the amount of net income earned under the plan during the year which is allocated in a reasonable manner to the net amount of the excess contribution. For example, the amount of net income earned under the plan for the year which is attributable to the net amount of an excess contribution can be computed as the amount which bears the same ratio to the amount of the "net income attributable to the interest of the owner-employee under the plan" for such taxable year (determined in accordance with the provisions of subparagraph (5)(ii) of this paragraph) as the net amount of the excess contribution bears to the aggregate amount standing to the account of the owner-employee at the end of that year (including the net amount of any excess contribution).

(ii) The notice described in subdivision (i) of this subparagraph shall not be mailed prior to the time that the amount of the tax under chapter 1 of the Code of the owner-employee to whom the excess contribution is to be repaid has been finally determined for his taxable year in which such excess contribution was made. For purposes of this subdivision, a final determination of the amount of tax liability of the owner-employee includes—

(*a*) A decision by the Tax Court of the United States, or a judgment, decree, or other order by any court of competent jurisdiction, which has become final;

(*b*) A closing agreement authorized by section 7121; or

(*c*) The expiration of the period of limitation on suits by the taxpayer for refund, unless suit is instituted prior to the expiration of such period.

(iii) For purposes of this subparagraph, an amount is treated as repaid to an owner-employee if an adequate adjustment is made to the account of the owner-employee. An adequate adjustment is made to the account of an owner-employee, for example, if the amount of the excess contribution (without any reduction for any loading or other administrative charge) and the net income attributable to such amount is taken into account as a contribution under the plan for the current year. In such a case, the gross income of the owner-employee for his taxable year in which such adjustment is made includes the amount of the net income attributable to the excess contribution.

(iv) If the net amount of the excess contribution and the net income attributable thereto is repaid, within the period described in subdivision (i) of this subparagraph, to the owner-employee on whose behalf such contribution was made, then the net income attributable to the excess contribution is, pursuant to section 61(a), includible in the gross income of the owner-employee for his taxable year in which such amount is distributed, or made available, to him. However, such amount is not a distribution to which section 402 or 403 and section 72 apply (see subparagraph (6) of this paragraph).

(3) (i) If the net amount of any excess contribution (as defined in subparagraph (4) of this paragraph) and the net income attributable to that excess contribution are not repaid to the owner-employee on whose behalf the excess contribution was made before the end of the six-month period described in subparagraph (2)(i) of this paragraph, the plan under which the excess contribution has been made is considered, for purposes of section 404, as not satisfying the requirements for qualification with respect to such owner-employee for all taxable years of the plan described in subdivision (ii) of this subparagraph. However, such disqualification only applies to the interest of the owner-employee on whose behalf an excess contribution has been made and does not disqualify the plan with respect to the other participants thereunder.

(ii) The taxable years referred to in subdivision (i) of this subparagraph include the taxable year of the plan within which the excess contribution is made and each succeeding taxable year of the plan until the beginning of the taxable year of the plan in which the trust, insurance company, or other person to whom such excess contribution was paid repays to such owner-employee—

(*a*) The net amount of the excess contribution, and

(*b*) The amount of income attributable to his interest under the plan which is includible in his gross income for any taxable year by reason of the provisions of subparagraph (5) of this paragraph.

(4) For purposes of this paragraph, the net amount of an excess contribution is the amount of such excess contribution, as defined in paragraph (b) of this section, reduced by the amount of any loading charge or other administrative charge ratably allocable to such excess contribution.

(5) (i) If a plan is considered as not meeting the requirements for qualification with respect to an owner-employee by reason of the provisions of subparagraph (3) of this paragraph for any taxable year of the plan, such owner-employee's gross income for any of his taxable years with or within which such taxable year of the plan ends shall, for purposes of chapter 1 of the Code, include the portion of the net income earned under the plan for such taxable year of the plan which is attributable to the interest of the owner-employee under the plan.

(ii) For purposes of this subparagraph, the term "net income" means the net income earned under the plan determined in accordance with generally accepted accounting principles consistently applied, and the "net income attributable to the interest of the owner-employee under the plan" is the amount which bears the same ratio to the aggregate amount of net income earned under the plan for the taxable year of the plan as the amount standing to the account of the owner-employee at the end of that year (including the amount of any excess contribution which is credited to his account) bears to the aggregate amount of all funds under the plan for all employees at the end of that year (including the aggregate amount of excess contributions credited to the ac-

counts of all owner-employees for that year).

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. A is an owner-employee covered under the X Employees' Pension Trust who files his return on the basis of a calendar year. An excess contribution was made on behalf of A during the plan year beginning on January 1, 1966. The net amount of the excess contribution and the net income attributable thereto was not repaid to A before the end of the six-month period described in subparagraph (2)(i) of this paragraph. Accordingly, the net income earned under the plan during 1966 which is attributable to A's interest is to be included in his gross income for 1966. Assume that the trust which forms a part of the pension plan of the X Company also files its returns on a calendar year basis, and that during 1966 the trust had a gross income of $4,000 (including a long-term capital gain of $2,500) and expenses of $500. Assume, further, that the amount standing to A's account on December 31, 1966 (including the amount of the excess contribution), was $20,000, and that on that date the amount funded under the plan for all employees (including A) is $140,000. Then the net income of the trust for 1966 is $3,500 ($4,000−$500). The net income attributable to the interest of A under the plan is $500 (the amount which bears the same ratio to $3,500 as $20,000 bears to $140,000). Accordingly, $500 is included in A's gross income in accordance with the provisions of section 401(e)(2)(B) as the "net income attributable to the interest of the owner-employee under the plan".

(6) The provisions of section 402 or 403 and section 72 do not apply to any amount distributed, or made available, to an owner-employee which is described in this paragraph. Accordingly, for example, the provisions of section 72(m)(5)(A)(i), relating to amounts subject to the penalty tax imposed by section 72(m), do not apply to the amount of the net income attributable to the interest of an owner-employee (as defined in subparagraph (5)(ii) of this paragraph) which is includible in his gross income. Furthermore, in such a case, the provisions of section 401(d)(5)(C) do not apply to such amount.

(7) Certain adjustments will be required with respect to the interest of an owner-employee after any amount previously allocated to his account has been returned to him pursuant to the provisions of this paragraph. For example, if the determination of whether life insurance benefits provided under the plan are incidental is made, in part, with regard to the contributions allocated to the accounts of the participants covered under the plan, an adjustment may have to be made with respect to the life insurance purchased under the plan for any owner-employee after any amount previously allocated to his account has been repaid to him. Furthermore, if, for example, an owner-employee has received annuity payments which were taxable under the exclusion ratio rule of section 72, and if such exclusion ratio took into account any amount credited to the account of the owner-employee which is subsequently repaid to him, then such exclusion ratio must be recomputed after the adjustment in such owner-employee's account has taken place.

(8) Notwithstanding any other provision of law, in any case in which the plan is treated as not satisfying the requirements for qualification with respect to any owner-employee by reason of the provisions of section 401(e), the period for assessing, with respect to such owner-employee, any deficiency arising by reason of—

(i) The disallowance of any deduction under section 404 by reason of the provisions of subparagraph (3) of this paragraph, or

(ii) The inclusion of amounts in the gross income of the owner-employee by reason of the provisions of subparagraph (5) of this paragraph,

shall not expire prior to 18 months after the day the district director mails the notice with respect to the excess contribution (described in subparagraph (2)(i) of this paragraph) which gives rise to such disallowance or inclusion. Thus, for example, notwithstanding the provisions of section 6212(c) (relating to the restriction on the determination of additional deficiencies), if, after a final determination by the Tax Court of the income tax liability of an owner-employee for a taxable year in which an excess contribution was made, the amount of such excess contribution and the net income attributable thereto is not paid to the owner-employee before the end of the six-month period described in subparagraph (2)(i) of this paragraph, an additional deficiency assessment may be made for such taxable year with respect to such excess contribution.

(e) *Effect of an excess contribution which is determined to have been willfully made.* If an excess contribution (as defined in paragraph (b) of this section) on behalf of an owner-employee is determined to have been willfully made, then—

(1) Only the provisions of this paragraph apply to such contribution;

(2) There shall be distributed to the owner-employee on whose behalf such contribution was willfully made his entire interest in all plans in which he is a participant as an owner-employee;

(3) The amount distributed under each such plan is an amount to which section 72 does apply (see section 72(m)(5)(A)(iii)); and

(4) For purposes of section 404, no plan in which such individual is covered as an owner-employee shall be considered as meeting the requirements for qualification with respect to such owner-employee for any taxable year of the plan beginning with or within the calendar year in which it is determined that the excess contribution has been willfully made and with or within the five calendar years following such year.

PAR. 8. Section 1.402(a) is amended by revising section 402(a)(2) and by adding a historical note. These amended and added provisions read as follows:

§ 1.402(a) Statutory provisions; taxability of beneficiary of employees' trust; exempt trust.

SEC. 402. *Taxability of beneficiary of employees' trust*—(a) *Taxability of beneficiary of exempt trust.* • • •

(2) *Capital gains treatment for certain distributions.* In the case of an employees' trust described in section 401(a), which is exempt from tax under section 501(a), if the total distributions payable with respect to any employee are paid to the distributee within 1 taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee (determined by applying section 72(f)), which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includible in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than 6 months. Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the secretary or his delegate. This paragraph shall not apply to distributions paid to any distributee to the extent such distributions are attributable to contributions made on behalf of the employee while he was an employee within the meaning of section 401(c)(1).

• • • • • •

[Sec. 402(a) as amended by sec. 4(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825)]

PAR. 9. Section 1.402(a)-1 is amended by revising paragraph (a) (2), (3), (4), and (5), by adding new subdivisions (vi) and (vii) at the end of paragraph (a)(6), and by adding paragraph (a) (7) and (8). These amended and added provisions read as follows:

§ 1.402(a)-1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* • • •

(2) If a trust described in section 401(a) and exempt under section 501(a) purchases an annuity contract for an employee and distributes it to the employee in a year for which the trust is exempt, the contract containing a cash surrender value which may be available to an employee by surrendering the contract, such cash surrender value will not be considered income to the employee unless and until the contract is surrendered. For the rule as to nontransferability of annuity contracts issued after 1962, see paragraph (b)(2) of § 1.401-9. If, however, the contract distributed by such exempt trust is a retirement income, endowment, or other life insurance contract and is distributed after October 26, 1956, the entire cash value of such contract at the time of distribution must be included in the distributee's income in accordance with the provisions of section 402(a), except to the extent that,

within 60 days after the distribution of such contract, all or any portion of such value is irrevocably converted into a contract under which no part of any proceeds payable on death at any time would be excludable under section 101(a) (relating to life insurance proceeds). If the contract distributed by such trust is a transferable annuity contract issued after 1962, or a retirement income, endowment, or other life insurance contract which is distributed after 1962 (whether or not transferable), then notwithstanding the preceding sentence the entire cash value of the contract is includible in the distributee's gross income, unless within such 60 days such contract is also made nontransferable.

(3) For the rules applicable to premiums paid by a trust described in section 401(a) and exempt under section 501(a) for the purchase of retirement income, endowment, or other contracts providing life insurance protection payable upon the death of the employee-participant, see paragraph (b) of § 1.72-16.

(4) For the rules applicable to the amounts payable by reason of the death of an employee under a contract providing life insurance protection, or an annuity contract, purchased by a trust described in section 401(a) and exempt under section 501(a), see paragraph (c) of § 1.72-16.

(5) If pension or annuity payments or other benefits are paid or made available to the beneficiary of a deceased employee or a deceased retired employee by a trust described in section 401(a) which is exempt under section 501(a), such amounts are taxable in accordance with the rules of section 402(a) and this section. In case such amounts are taxable under section 72, the "investment in the contract" shall be determined by reference to the amount contributed by the employee and by applying the applicable rules of sections 72 and 101(b)(2)(D). In case the amounts paid to, or includible in the gross income of, the beneficiaries of the deceased employee or deceased retired employee constitute a distribution to which subparagraph (6) of this paragraph is applicable, the extent to which the distribution is taxable is determined by reference to the contributions of the employee, by reference to any prior distributions which were excludable from gross income as a return of employee contributions, and by applying the applicable rules of sections 72 and 101(b).

(6) • • •

(vi) The term "total distributions payable" does not include United States Retirement Plan Bonds held by a trust to the credit of an employee. Thus, a distribution by a qualified trust may constitute a total distributions payable with respect to an employee even though the trust retains retirement plan bonds registered in the name of such employee. Similarly, the proceeds of a retirement plan bond received as a part of the total amount to the credit of an employee will not be entitled to capital gains treatment. See section 405(e) and paragraph (a)(4) of § 1.405-3.

(vii) For purposes of determining whether the total distributions payable to an employee have been distributed within one taxable year, the term "total distributions payable" includes amounts held by a trust to the credit of an employee which are attributable to contributions on behalf of the employee while he was a self-employed individual in the business with respect to which the plan was established. Thus, a distribution by a qualified trust is not a total distributions payable with respect to an employee if the trust retains amounts which are so attributable.

(7) The capital gains treatment provided by section 402(a)(2) and subparagraph (6) of this paragraph is not applicable to distributions paid to a distributee to the extent such distributions are attributable to contributions made on behalf of an employee while he was a self-employed individual in the business with respect to which the plan was established. For the taxation of such amounts, see § 1.72-18. For the rules for determining the amount attributable to contributions on behalf of an employee while he was self-employed, see paragraphs (b)(4) and (c)(2) of such section.

(8) For purposes of this section, the term "employee" includes a self-employed individual who is treated as an employee under section 401(c)(1), and paragraph (b) of § 1.401-10, and the term "employer" means the person treated as the employer of such individual under section 401(c)(4).

PAR. 10. Section 1.403(a) is amended by revising paragraph (2)(A) of, and by adding a new paragraph (3) to, section 403(a) and by adding a historical note. These amended and added provisions read as follows:

§ 1.403(a) Statutory provisions; taxation of employee annuities; qualified annuity plan.

SEC. 403. *Taxation of employee annuities*—(a) *Taxability of beneficiary under a qualified annuity plan.* • • •

(2) *Capital gains treatment for certain distributions*—(A) *General rule.* If—

(i) An annuity contract is purchased by an employer for an employee under a plan described in paragraph (1);

(ii) Such plan requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan; and

(iii) The total amounts payable by reason of an employee's death or other separation from the service, or by reason of the death of an employee after the employee's separation from the service, are paid to the payee within one taxable year of the payee,

then the amount of such payments, to the extent exceeding the amount contributed by the employee (determined by applying section 72(f)), which employee contributions shall be reduced by any amounts theretofore paid to him which were not includible in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than 6 months. This subparagraph shall not apply to amounts paid to any payee to the extent such amounts are attributable to contributions made on behalf of the employee while he was an employee within the meaning of section 401(c)(1).

• • • • • •

(3) *Self-employed individuals.* For purposes of this subsection, the term "employee" includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual is the person treated as his employer under section 401(c)(4).

[Sec. 403(a) as amended by sec. 4(d), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825)]

PAR. 11. Section 1.403(a)-1 is amended by revising paragraph (d) and by adding a new paragraph at the end thereof. These amended and added provisions read as follows:

§ 1.403(a)-1 Taxability of beneficiary under a qualified annuity plan.

• • • • • •

(d) An individual contract issued after December 31, 1962, or a group contract, which provides incidental life insurance protection may be purchased under a qualified annuity plan. For the rules as to nontransferability of such contracts issued after December 31, 1962, see § 1.401-9. For the rules relating to the taxation of the cost of the life insurance protection and the proceeds thereunder, see § 1.72-16. Section 403(a) is not applicable to premiums paid after October 26, 1956, for individual contracts which were issued prior to January 1, 1963, and which provide life insurance protection.

• • • • • •

(f) For purposes of this section and § 1.403(a)-2, the term "employee" includes a self-employed individual who is treated as an employee under section 401(c)(1) and paragraph (b) of § 1.401-10, and the term "employer" means the person treated as the employer of such individual under section 401(c)(4). For the rules relating to annuity plans covering self-employed individuals, see section 404(a)(2) and §§ 1.404(a)-8 and 1.401-10 through 1.401-13.

PAR. 12. Section 1.403(a)-2 is amended by revising subparagraph (1) of paragraph (a), by adding a new subparagraph to paragraph (b), and by inserting immediately after paragraph (b) a new paragraph (c). These amended and added provisions read as follows:

§ 1.403(a)-2 Capital gains treatment for certain distributions.

(a) • • •

(1) Is a plan described in section 403(a)(1) and § 1.403(a)-1, and

• • • • • •

(b) • • •

(5) For purposes of determining whether the total amounts payable to an employee have been paid within one taxable year, the term "total amounts" includes amounts under a plan which are attributable to contributions on behalf of an individual while he was self-employed in the business with respect to which the plan was established. Thus, the "total amounts" payable are not paid within one taxable year if amounts remain payable which are so attributable.

(c) The provisions of this section are not applicable to any amounts paid to a payee to the extent such amounts are attributable to contributions made on behalf of an employee while he was a self-employed individual in the business

with respect to which the plan was established. For the taxation of such amounts, see § 1.72–18. For the rules for determining the amount attributable to contributions on behalf of an employee while he was self-employed, see paragraphs (b)(4) and (c)(2) of such section.

PAR. 13. Section 1.404(a) is amended by revising section 404(a)(2), by adding paragraphs (8), (9), and (10) to section 404(a), and by adding a historical note. These amended and added provisions read as follows:

§ 1.404(a) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan*—(a) *General rule.* * * *

(2) *Employees' annuities.* In the taxable year when paid, in an amount determined in accordance with paragraph (1), if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of section 401(a) (3), (4), (5), (6), (7), and (8), and, if applicable, the requirements of section 401(a) (9) and (10) and of section 401(d) (other than paragraph (1)), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

* * * * * *

(8) *Self-employed individuals.* In the case of a plan included in paragraph (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1), for purposes of this section—

(A) The term "employee" includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual is the person treated as his employer under section 401(c)(4);

(B) The term "earned income" has the meaning assigned to it by section 401(c)(2);

(C) The contributions to such plan on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall be considered to satisfy the conditions of section 162 or 212 to the extent that such contributions do not exceed the earned income of such individual derived from the trade or business with respect to which such plan is established, and to the extent that such contributions are not allocable (determined in accordance with regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance; and

(D) Any reference to compensation shall, in the case of an individual who is an employee within the meaning of section 401(c)(1), be considered to be a reference to the earned income of such individual derived from the trade or business with respect to which the plan is established.

(9) *Plans benefiting self-employed individuals.* In the case of a plan included in paragraph (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1)—

(A) The limitations provided by paragraphs (1), (2), (3), and (7) on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of employees (other than employees within the meaning of section 401(c)(1)), as if such employees were the only employees for whom contributions and benefits are provided under the plan;

(B) The limitations provided by paragraphs (1), (2), (3), and (7) on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of employees within the meaning of section 401(c)(1)—

(i) As if such employees were the only employees for whom contributions and benefits are provided under the plan, and

(ii) Without regard to paragraph (1)(D), the second and third sentences of paragraph (3), and the second sentence of paragraph (7); and

(C) The amounts deductible under paragraphs (1), (2), (3), and (7), with respect to contributions on behalf of any employee within the meaning of section 401(c)(1), shall not exceed the applicable limitation provided in subsection (e).

(10) *Special limitation on amount allowed as deduction for self-employed individuals.* Notwithstanding any other provision of this section, the amount allowable as a deduction under paragraphs (1), (2), (3), and (7) in any taxable year with respect to contributions made on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall be an amount equal to one-half of the contributions made on behalf of such individual in such taxable year which are deductible under such paragraphs (determined with the application of paragraph (9) and of subsection (e) but without regard to this paragraph). For purposes of section 401, the amount which may be deducted, or the amount deductible, under this section with respect to contributions made on behalf of such individual shall be determined without regard to the preceding sentence.

[Sec. 404(a) as amended by sec. 3(a), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 819)]

PAR. 14. Paragraph (a)(1) of § 1.404(a)–1 is amended by adding two sentences at the end thereof. This amended provision reads as follows:

§ 1.404(a)–1 Contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan; general rule.

(a)(1) Section 404(a) prescribes limitations upon deductions for amounts contributed by an employer under a pension, annuity, stock bonus, or profit-sharing plan, or under any plan of deferred compensation. It is immaterial whether the plan covers present employees only, or present and former employees, or only former employees. Section 404(a) also governs the deductibility of unfunded pensions and death benefits paid directly to former employees or their beneficiaries (see § 1.404(a)–12). For taxable years beginning after 1962, certain self-employed individuals may be covered by pension, annuity, or profit-sharing plans. For the rules relating to the deduction of contributions on behalf of such individuals, see paragraph (a)(2) of § 1.404(a)–8 and § 1.404(e)–1.

PAR. 15. Section 1.404(a)–2 is amended by adding new paragraphs (g) and (h) at the end thereof. These added provisions read as follows:

§ 1.404(a)–2 Information to be furnished by employer claiming deductions.

* * * * *

(g) In the case of a plan which covers employees, some or all of whom are self-employed individuals and with respect to which a deduction is claimed under section 404(a) (1), (2), (3), or (7), paragraphs (a) and (b) of this section, and the provision of paragraph (d) of this section relating to the time for filing the information required by this section, shall not apply, but in lieu of the information required to be submitted by paragraphs (a) and (b) of this section, the employer shall, with the return for the taxable year in which the deduction is claimed, submit the information required by the form provided by the Internal Revenue Service for such purpose.

(h) When a custodial account forms a part of a plan for which a deduction is claimed under section 404(a) (1), (2), (3), or (7), the information which under this section is to be submitted with respect to a qualified trust must be submitted with respect to such custodial account. Thus, for purposes of this section—

(1) The term "trust" includes custodial account,

(2) The term "trustee" includes custodian, and

(3) The term "trust indenture" includes custodial agreement.

PAR. 16. Paragraph (a) of § 1.404(a)–8 is amended by revising subparagraph (2) and by adding subparagraph (4). These amended and added provisions read as follows:

§ 1.404(a)–8 Contributions of an employer under an employees' annuity plan which meets the requirements of section 401(a); application of section 404(a)(2).

(a) * * *

(2) The contributions must be paid in a taxable year of the employer which ends with or within a year of the plan for which it meets the applicable requirements with respect to discrimination set out in section 401(a) (3), (4), (5), and (6), and in the case of a taxable year of a plan beginning after September 30, 1963, of section 401(a) (7) and (8). In the case of a plan that covers a self-employed individual, the contributions must be paid in a taxable year of the employer which begins after December 31, 1962, and which ends with or within a year of the plan for which it also meets the applicable requirements of section 401(a) (9) and (10) and of section 401(d) (other than paragraph (1)). See §§ 1.401–3, 1.401–4, 1.401–6, 1.401–7, 1.401–11, and 1.401–12. Any contributions of an employer which are paid in a taxable year of the employer ending with or within a year of the plan for which it meets the applicable requirements of section 401 may be carried over and deducted in a succeeding taxable year of the employer in accordance with section 404(a)(1)(D), whether or not such succeeding taxable year ends with or within a taxable year of the plan for which it meets the requirements set out in section 401 (a) and (d). However, the provisions of section 404(a)(1)(D) are not applicable to contributions on behalf of self-employed individuals. Such contributions are deductible only in the taxable year in which paid. See paragraph (b)(3)(ii) of § 1.404(c)–1. The requirements set out in section 401 (a) (3), (4), (5), and (6) are considered to be satisfied for the period beginning with the date on which an annuity plan was put into effect and ending with the fifteenth day of the third month following the close of the taxable year of the employer in which the plan was put into effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period. See section 401(b) and § 1.401–5. It should be noted that the period in which a plan may be amended to qualify under section 401(b) ends before the date taxpayers, other than corporations, are required to file income tax returns.

* * * * *

(4) Any amounts described in subparagraph (3) of this paragraph which are attributable to contributions on behalf of a self-employed individual must be applied toward the purchase of retirement benefits. Amounts which are so applied are not contributions and thus are not taken into consideration in determining—

(i) The amount deductible with respect to contributions on his behalf, nor

(ii) In the case of an owner-employee, the maximum amount of contributions that may be made on his behalf.

PAR. 17. There are inserted immediately after § 1.404(d)–1 the following new sections:

§ 1.404(e) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan; special limitations for self-employed individuals.

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.* * * *

(e) *Special limitations for self-employed individuals*—(1) *In general.* In the case of a plan included in subsection (a) (1), (2), or (3), which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1), the amounts deductible under subsection (a) (determined without regard to paragraph (10) thereof) in any taxable year with respect to contributions on behalf of any employee within the meaning of section 401(c)(1) shall, subject to the provisions of paragraph (2), not exceed $2,500, or 10 percent of the earned income derived by such employee from the trade or business with respect to which the plan is established, whichever is the lesser.

(2) *Contributions made under more than one plan*—(A) *Overall limitation.* In any taxable year in which amounts are deductible with respect to contributions under two or more plans on behalf of an individual who is an employee within the meaning of section 401(c)(1) with respect to such plans, the aggregate amount deductible for such taxable year under all such plans with respect to contributions on behalf of such employee (determined without regard to subsection (a)(10)) shall not exceed $2,500, or 10 percent of the earned income derived by such employee from the trades or businesses with respect to which the plans are established, whichever is the lesser.

(B) *Allocation of amounts deductible.* In any case in which the amounts deductible under subsection (a) (with the application of the limitations of this subsection) with respect to contributions made on behalf of an employee within the meaning of section 401(c)(1) under two or more plans are, by reason of subparagraph (A), less than the amounts deductible under such subsection determined without regard to such subparagraph, the amount deductible under subsection (a) (determined without regard to paragraph (10) thereof) with respect to such contributions under each such plan shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

(3) *Contributions allocable to insurance protection.* For purposes of this subsection, contributions which are allocable (determined under regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance shall not be taken into account.

[Sec. 404(e) as added by sec. 3(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 820)]

§ 1.404(e)–1 Contributions on behalf of a self-employed individual to or under a pension, annuity, or profit-sharing plan meeting the requirements of section 401; application of section 404(a) (8), (9), and (10) and section 404 (e) and (f).

(a) *In general.* (1) The Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 809) permits certain self-employed individuals to be treated as employees for purposes of pension, annuity, and profit-sharing plans included in paragraph (1), (2), or (3) of section 404(a). Therefore, for taxable years of an employer beginning after December 31, 1962, employer contributions to qualified plans on behalf of self-employed individuals are deductible under section 404 subject to the limitations of paragraphs (b) and (c) of this section.

(2) In the case of contributions to qualified plans on behalf of self-employed individuals, the amount deductible differs from the amount allowed as a deduction. In general, the amount deductible is 10 percent of the earned income derived by the self-employed individual from the trade or business with respect to which the plan is established, or $2,500, whichever is the lesser. This is the amount referred to in section 401 when reference is made to the amounts which may be deducted under section 404 or the amount of contributions deductible under section 404. Thus, this is the amount taken into consideration in determining whether contributions under the plan are discriminatory. The amount allowed as a deduction with respect to contributions on behalf of a self-employed individual is one-half of the amount deductible. The amount allowed as a deduction is relevant only for purposes of determining the amount an employer may deduct from gross income.

(b) *Determination of the amount deductible.* (1) If a plan covers employees, some of whom are self-employed individuals, the determination of the amount deductible is made on the basis of independent consideration of the common-law employees and of the self-employed individuals. See subparagraphs (2) and (3) of this paragraph. For purposes of determining the amount deductible with respect to contributions on behalf of a self-employed individual, such contributions shall be considered to satisfy the conditions of section 162 (relating to trade or business expenses) or 212 (relating to expenses for the production of income), but only to the extent that such contributions do not exceed the earned income of such individual derived from the trade or business with respect to which the plan is established. However, the portion of such contribution, if any, attributable to the purchase of life, accident, health, or other insurance protection shall be considered payment of a personal expense which does not satisfy the requirements of section 162 or 212. See paragraph (f) of this section. For the additional rules applicable where contributions are made by more than one employer on behalf of a self-employed individual, see paragraph (d) of this section.

(2) If contributions are made to a plan included in section 404(a) (1), (2), or (3) on behalf of employees, some of whom are self-employed individuals, the amount deductible with respect to contributions on behalf of the common-law employees covered under the plan shall be determined as if such employees were the only employees for whom contributions and benefits are provided under the plan. Accordingly, for purposes of such determination, the percentage of compensation limitations of section 404(a) (1), (3), and (7) are applicable only with respect to the compensation otherwise paid or accrued during the taxable year by the employer to the common-law employees. Similarly, the costs referred to in section 404(a)(1) (B) and (C) shall be the costs of funding the benefits of the common-law employees. Also, the provisions of section 404(a) (1)(D), (3), and (7), relating to certain carryover deductions, shall be applicable only to amounts contributed, or to the amounts deductible, on behalf of such employees.

(3) If contributions are made to a plan included in section 404(a) (1), (2), or (3) on behalf of individuals some or all of whom are self-employed individuals, the amount deductible in any taxable year with respect to contributions on behalf of such individuals shall be determined as follows:

(i) The provisions of section 404(a) (1), (2), (3), and (7) shall be applied as if such individuals were the only participants for whom contributions and benefits are provided under the plan. Thus, the costs referred to in such provisions shall be the costs of funding the benefits of the self-employed individuals. If such costs are less than an amount equal to the amount determined under subdivision (ii) of this subparagraph, the maximum amount deductible with respect to such individuals shall be the costs of their benefits.

(ii) The provisions of section 404(a) (1)(D), the second and third sentences of section 404(a)(3)(A), and the second sentence of section 404(a)(7), relat-

ing to certain carryover deductions, are not applicable to contributions on behalf of self-employed individuals. Contributions on behalf of self-employed individuals are deductible, if at all, only in the taxable year in which the contribution is paid or deemed paid under section 404(a)(6).

(iii) The amount deductible for the taxable year of the employer with respect to contributions on behalf of a self-employed individual shall not exceed the lesser of $2,500 or 10 percent of the earned income derived by such individual for such taxable year from the trade or business with respect to which the plan is established.

(iv) If a self-employed individual receives in any taxable year earned income with respect to which deductions are allowable to two or more employers, the aggregate amounts deductible shall not exceed the lesser of $2,500 or 10 percent of such earned income. See paragraph (d) of this section.

(c) *Special limitation on the amount allowed as a deduction for self-employed individuals.* The amount allowed as a deduction under sectio n404(a) (1), (2), (3), and (7) in any taxable year with respect to contributions made on behalf of a self-employed individual shall be an amount equal to one-half of the amount deductible with respect to such contributions under paragraph (b)(3) of this section. However, for purposes of section 401, the amount which may be deducted, or the amount deductible, under section 404 with respect to contributions made on behalf of self-employed individuals shall be determined without regard to the special limitation of this paragraph.

(d) *Rules applicable where contributions are made by more than one employer on behalf of a self-employed individual.* (1) Under paragraph (b)(3) (iv) of this section, if a self-employed individual receives in any taxable year earned income with respect to which deductions are allowable to two or more employers, the aggregate amounts deductible shall not exceed the lesser of $2,500 or 10 percent of such earned income. This limitation does not apply to contributions made under a plan on behalf of an employee who is not self-employed in the trade or business with respect to which the plan is established, even though such employee may be covered as a self-employed individual under a plan or plans established by other trades or businesses.

(2) In any case in which the application of subparagraph (1) of this paragraph reduces the amount otherwise deductible, the amount deductible by each employer shall be that amount which bears the same ratio to the aggregate amount deductible with respect to all trades or businesses (as determined in subparagraph (1) of this paragraph) as the earned income derived from that employer bears to the aggregate of the earned income derived from all of the trades or businesses with respect to which plans are established. The amount allowed as a deduction to each employer is one-half of the amount determined (in accordance with the preceding sentence) to be deductible by such employer.

(e) *Partner's distributive share of contributions and deductions.* For purposes of sections 702(a)(8) and 704, a partner's distributive share of contributions on behalf of self-employed individuals under a qualified pension, annuity, or profit-sharing plan is the contribution made on his behalf, and his distributive share of deductions allowed the partnership under section 404 for contributions on behalf of self-employed individuals is that portion of the deduction which is attributable to contributions made on his behalf under the plan. The contribution on behalf of a partner and the deduction with respect thereto must be accounted for separately by such partner, for his taxable year with or within which the partnership's taxable year ends, as an item described in section 702(a)(8).

(f) *Contributions allocable to insurance protection.* For purposes of determining the amount deductible with respect to contributions on behalf of a self-employed individual, amounts allocable to the purchase of life, accident, health, or other insurance protection shall not be taken into account. Such amounts are neither deductible nor considered as contributions for purposes of determining the maximum amount of contributions that may be made on behalf of an owner-employee. The amount of a contribution allocable to insurance shall be an amount equal to a reasonable net premium cost, as determined by the Commissioner, for such amount of insurance for the appropriate period. See paragraph (b)(5) of § 1.72-16.

(g) *Rules applicable to loans.* For purposes of section 404, any amount paid, directly or indirectly, by an owner-employee in repayment of any loan which under section 72(m)(4)(B) was treated as an amount received from a qualified trust or plan shall be treated as a contribution to such trust or under such plan on behalf of such owner-employee.

(h) *Definitions.* For purposes of section 404 and the regulations thereunder—

(1) The term "employee" includes an employee as defined in section 401(c)(1) and paragraph (b) of § 1.401-10, and the term "employer" means the person treated as the employer of such individual under section 401(c)(4);

(2) The term "owner-employee" means an owner-employee as defined in section 401(c)(3) and paragraph (d) of § 1.401-10;

(3) The term "earned income" means earned income as defined in section 401(c)(2) and paragraph (c) of § 1.401-10; and

(4) The term "compensation" when used with respect to an individual who is an employee described in subparagraph (1) of this paragraph shall be considered to be a reference to the earned income of such individual derived from the trade or business with respect to which the plan is established.

§ 1.404(f) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan; certain loan repayments considered as contributions.

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.* * * *

(f) *Certain loan repayments considered as contributions.* For purposes of this section, any amount paid, directly or indirectly, by an owner-employee (within the meaning of section 401(c)(3)) in repayment of any loan which under section 72(m)(4)(B) was treated as an amount received under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as a part of a plan described in section 403(a) shall be treated as a contribution to which this section applies on behalf of such owner-employee to such trust or to or under such plan.

[Sec. 404(f) as added by sec. 3(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 821)]

[F.R. Doc. 63-9922; Filed, Sept. 16, 1963; 8:48 a.m.]

[T. D. 6677]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Information To Be Furnished With Regard to Certain Employee Retirement Plans, Criminal Penalties for the Submission of Fraudulent Information, and Other Technical Changes

On April 23, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301), prescribing regulations under section 6047 of the Internal Revenue Code of 1954 and amending the regulations under sections 6041, 6042, 6044, 6049, and 7207, was published in the FEDERAL REGISTER (28 F.R. 3981). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations is hereby adopted as proposed.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: September 10, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) are hereby amended to conform to section 7(m) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 830), relating to information to be furnished with regard to certain employee retirement plans, by prescribing regulations under section 6047 of the Internal Revenue Code of 1954 and amending the regulations under sections 6041, 6042, 6044, 6049, and 7207:

In Part 1—Income Tax; Taxable Years Beginning After December 31, 1953:

PARAGRAPH 1. Paragraph (d)(1) of § 1.6041-1 is revised to read as follows:

§ 1.6041-1 Return of information as to payments of $600 or more.

* * * * *

(d) *Payments specifically included.* (1) Sums paid in respect of life insurance, endowment, or annuity contracts are required to be reported in returns of information under this section—

(i) Unless the payment is made in respect of a life insurance or endowment contract by reason of the death of the insured and is not required to be reported by paragraph (b) of § 1.6041-2,

(ii) Unless the payment is made by reason of the surrender prior to maturity or lapse of a policy, other than a policy which was purchased (*a*) by a trust described in section 401(a) which is exempt from tax under section 501(a), (*b*) as part of a plan described in section 403(a), or (c) by an employer described in section 403(b)(1)(A),

(iii) Unless the payment is interest as defined in § 1.6049-2 and is made after December 31, 1962, or

(iv) Unless the payment is a payment with respect to which a return is required by § 1.6047-1, relating to employee retirement plans covering owner-employees.

PAR. 2. Paragraph (b) of § 1.6041-2 is amended to read as follows:

§ 1.6041-2 Return of information as to payments to employees.

* * * * *

(b) *Distribution under employees' trust.* (1) Amounts which are distributed or made available to a beneficiary, and to which section 402 (relating to employees' trusts) or section 403 (relating to employee annuity plans) applies, shall be reported on Forms 1099 and 1096 to the extent such amounts are includible in the gross income of such beneficiary when the amounts so includible are $600 or more in any calendar year.

(2) Any amount with respect to which a statement is required by § 1.6047-1, relating to employee retirement plans covering owner-employees, shall not be included in amounts required to be reported under section 6041.

PAR. 3. Paragraph (a)(1)(ii) and (4) and paragraph (c) of § 1.6042-2 are amended to read as follows:

§ 1.6042-2 Returns of information as to dividends paid in calendar years after 1962.

(a) *Requirement of reporting*—(1) *In general.* * * *

(ii) Every person who during a calendar year after 1962 receives payments of dividends as a nominee on behalf of another person aggregating $10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such dividends, the name and address of the person on whose behalf received, the total of such dividends received on behalf of all persons, and such other information as is required by the forms.

* * * * *

(4) *Inclusion of other payments.* The Form 1099 filed by any person with respect to payments of dividends to another person during a calendar year may, at the election of the maker, include other payments made by him to such other person during such year which are required to be reported on Form 1099. Similarly, the Form 1087 filed by a nominee with respect to payments of dividends received by him on behalf of any other person during a calendar year may include payments of interest received by him on behalf of such person during such year which are required to be reported on Form 1087. In addition, any person required to report payments on both Forms 1087 and 1099 for any calendar year may use one Form 1096 to summarize and transmit such forms.

* * * * *

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after the close of that year and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions on Form 1096. For extensions of time for filing returns under this section, see § 1.6081-1.

PAR. 4. Paragraph (a)(4) of § 1.6044-2 is amended to read as follows:

§ 1.6044-2 Returns of information as to payments of patronage dividends with respect to patronage occurring in taxable years beginning after 1962.

(a) *Requirement of reporting.* * * *

(4) *Inclusion of other payments.* The Form 1099 filed by an organization with respect to payments of patronage dividends made to any person during a calendar year may, at the election of the organization, include other payments made by it to such person during such year which are required to be reported on Form 1099.

PAR. 5. There is inserted immediately after § 1.6046-3 the following new sections:

§ 1.6047 Statutory provisions; information relating to certain trusts and annuity and bond purchase plans.

SEC. 6047. *Information relating to certain trusts and annuity and bond purchase plans.*—(a) *Trustees and insurance companies.* The trustee of a trust described in section 401(a) which is exempt from tax under section 501(a) to which contributions have been paid under a plan on behalf of any owner-employee (as defined in section 401(c)(3)), and each insurance company or other person which is the issuer of a contract purchased by such a trust, or purchased under a plan described in section 403(a), contributions for which have been paid on behalf of any owner-employee, shall file such returns (in such form and at such times), keep such records, make such identification of contracts and funds (and accounts within such funds), and supply such information, as the Secretary or his delegate shall by forms or regulations prescribe.

(b) *Owner-Employees.* Every individual on whose behalf contributions have been paid as an owner-employee (as defined in section 401(c)(3))—

(1) To a trust described in section 401(a) which is exempt from tax under section 501(a), or

(2) To an insurance company or other person under a plan described in section 403(a),

shall furnish the trustee, insurance company, or other person, as the case may be, such information at such times and in such form and manner as the Secretary or his delegate shall prescribe by forms or regulations.

(c) *Employees under qualified bond purchase plans.* Every individual in whose name a bond described in section 405(b)(1) is purchased by his employer under a qualified bond purchase plan described in section 405(a), or by a trust described in section 401(a) which is exempt from tax under section 501(a), shall furnish—

(1) To his employer or to such trust, and

(2) To the Secretary (or to such person as the Secretary may by regulations prescribe),

such information as the Secretary or his delegate shall by forms or regulations prescribe.

(d) *Cross reference.* For criminal penalty for furnishing fraudulent information, see section 7207.

[Sec. 6047 as added by sec. 7(m)(1), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 830)]

§ 1.6047-1 Information to be furnished with regard to employee retirement plan covering an owner-employee.

(a) *Trustees and insurance companies*—(1) *Requirement of return.* (i) Every trustee of a trust described in section 401(a) and exempt from tax under section 501(a) which makes payments of amounts described in subparagraph (2) of this paragraph aggregating $10 or more during any calendar year to an individual (or his beneficiary) who was covered, within the meaning of paragraph (a)(2) of § 1.401-10, as an owner-employee under the plan of which such trust is a part shall make a return on Forms 1096 and 1099 for such year showing the name and address of the person to whom paid, the aggregate amount of such payments, specifically identified as an amount to which this paragraph applies, and such other information as is required by the forms. A separate Form 1099 shall be filed with respect to each payee. The term "owner-employee" means an owner-employee as defined in section 401(c)(3) and paragraph (d) of § 1.401-10. Any custodial account which satisfies the requirements of section 401(f) shall be treated as a qualified trust and the custodian of such a custodial account must comply with the requirements of this section as if he were the trustee.

(ii) Every issuer of a contract which is treated as an annuity contract under sections 401 through 404 purchased by a trust described in section 401(a) and exempt from tax under section 501(a) or under a plan described in section 403(a) which makes payments of amounts described in subparagraph (2) of this paragraph aggregating $10 or more during any calendar year to an individual (or his beneficiary) who was covered, within the meaning of para-

graph (a)(2) of § 1.401–10, as an owner-employee under the plan of which such trust is a part or under which such contract was purchased shall make a return on Forms 1096 and 1099 for such year showing the name and address of the person to whom paid, the aggregate amount of such payments, specifically identified as an amount to which this paragraph applies, and such other information as is required by the form. A separate Form 1099 shall be filed with respect to each payee.

(2) *Amounts subject to this section.* The amounts subject to reporting under subparagraph (1) of this paragraph include all amounts distributed or made available to which section 402(a) (relating to employees' trusts) or section 403(a) (relating to employee annuity plans) applies, whether or not such amounts are includible in gross income and whether or not attributable to contributions made while the individual to whom they relate was an owner-employee. However, amounts subject to reporting do not include any amounts distributed or made available by the trustee of any trust or the issuer of any contract under any plan with respect to which he has not received the notification provided in either subparagraph (3) of this paragraph or paragraph (b) of this section. Amounts distributed or made available under the plan include, for example, amounts received by the individual as loans on contracts purchased under the plan, and payments made to the individual by reason of the surrender of contracts purchased under the plan, whether or not prior to their maturity.

(3) *Notification by trustee.* The trustee of any trust described in section 401(a) and exempt from tax under section 501(a) who receives notification from any owner-employee that contributions have been made to the trust on behalf of that owner-employee as an owner-employee shall notify in writing the issuer of any contract which is treated as an annuity contract under sections 401 through 404 purchased by the trust for the benefit of that owner-employee that such contributions have been made to such trust. Such notification shall be delivered to such issuer at the time such contract is purchased or within 90 days after the notification required by paragraph (b) of this section is received by the trustee, whichever is later. Only one such notification must be made with respect to any contract.

(4) *Record keeping.* Any trustee, insurance company, or other person, which is referred to in subparagraph (1) of this paragraph and which is notified under section 6047(b) that contributions to the trust or under the plan have been made on behalf of an owner-employee shall maintain a record of such notification until all funds of the trust or under the plan on behalf of the owner-employee have been distributed.

(5) *Inclusion of other payments.* The Form 1099 filed under this section by any person with respect to payments to another person during a calendar year may, at the election of the maker, include other payments made by him to such other person during such year which are required to be reported on Form 1099.

(6) *Time and place for filing.* The return required under this section for any calendar year shall be filed after the close of that year and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

(b) *Notification by owner-employee.* Any owner-employee on behalf of whom contributions are made to a trust described in section 401(a) and exempt under section 501(a) or under a plan described in section 403(a) shall notify in writing—

(1) The trustee of such a trust, or

(2) The issuer of any contract which is treated as an annuity contract under sections 401 through 404 under such plan,

that such contributions have been made to such trust or plan. Such notification shall be delivered to such trustee or such issuer during the first calendar year in which such contributions are made or on or before February 28 of the year following such year. Only one such notification must be made with respect to any contract or any trust.

(c) *Penalty.* For criminal penalty for furnishing fraudulent information under this section, see § 301.7207–1 of this chapter (Regulations on Procedure and Administration).

PAR. 6. Paragraph (a)(1)(ii) and (4) and paragraph (c) of § 1.6049–1 are amended to read as follows:

§ 1.6049–1 Returns of information as to interest paid in calendar years after 1962.

(a) *Requirement of reporting—(1) In general.* * * *

(ii) Every person who during a calendar year after 1962 receives payments of interest as a nominee on behalf of another person aggregating $10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such interest, the name and address of the person on whose behalf received, the total of such interest received on behalf of all persons, and such other information as is required by the form.

* * * * *

(4) *Inclusion of other payments.* The Form 1099 filed by any person with respect to payments of interest to another person during a calendar year may, at the election of the maker, include other payments made by him to such other person during such year which are required to be reported on Form 1099. Similarly, the Form 1087 filed by a nominee with respect to payments of interest received by him on behalf of any other person during a calendar year may include payments of dividends received by him on behalf of such person during such year which are required to be reported on Form 1087. In addition, any person required to report payments on both Forms 1087 and 1099 for any calendar year may use one Form 1096 to summarize and transmit such forms.

* * * * *

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after the close of that year and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

In Part 301—Procedure and Administration:

PAR. 7. Section 301.7207 is amended and a historical note added at the end thereof to read as follows:

§ 301.7207 Statutory provisions; fraudulent returns, statements, or other documents.

SEC. 7207. *Fraudulent returns, statements, or other documents.* Any person who willfully delivers or discloses to the Secretary or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047(b) or (c) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

[Sec. 7207, as amended by sec. 7(m)(3), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 831)]

PAR. 8. Section 301.7207–1 is amended to read as follows:

§ 301.7207–1 Fraudulent returns, statement, or other documents.

Any person who willfully delivers or discloses to any officer or employee of the Internal Revenue Service any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047(b) or (c) to furnish information to any officer or employee of the Internal Revenue Service or any other person who willfully furnishes to such officer or employee of the Internal Revenue Service or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

[F.R. Doc. 63–9923; Filed, Sept. 16, 1963; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

REORGANIZATION AND REVISION OF CHAPTER; REPUBLICATION OF AMENDMENTS

In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published a group of new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. Complete background information appears in the explanatory statement published with those new regulations. Among other things, this explanatory statement indicated that the new regulations published on September 14, 1963, did not reflect any changes in the current regulations that were published in the FEDERAL REGISTER after August 6, 1963, but that these changes would be published in the near future as amendments of the new regulations. These amendments are set out below.

PART 213—EXCEPTED SERVICE

Subpart C—Excepted Schedules

SCHEDULE A

1. Subparagraph (5) is added to paragraph (a) of § 213.3108 as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* * * *

(5) One Staff Assistant to the Naval Aide to the President.

§ 213.3149 [Amendment]

2. Paragraphs (b), (c), and (d) of § 213.3149 are revoked.

SCHEDULE C

1. Subparagraph (6) is added to paragraph (j) of § 213.3304 and subparagraph (6) of paragraph (p) is amended as set out below.

§ 213.3304 Department of State.

* * * * *

(j) *Bureau of Far Eastern Affairs.* * * *

(6) One Staff Assistant.

(p) *Office of the Deputy Under Secretary for Administration.* * * *

(6) Two Special Assistants to the Deputy Under Secretary.

2. Subparagraph (16) is added to paragraph (a), and subparagraph (3) is added to paragraph (c) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(16) One Staff Assistant to the Assistant to the Secretary (National Security Affairs).

(c) *Bureau of Customs.* * * *

(3) One Confidential Assistant to the Commissioner of Customs.

3. Subparagraphs (33), (34), (35), (36), (37), and (38) are added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(33) One Deputy Assistant Secretary (Civil Rights), Office of the Assistant Secretary of Defense (Manpower).

(34) The Principal Assistant to the Deputy Assistant Secretary (Civil Rights).

(35) One Staff Assistant to the Deputy Assistant Secretary (Civil Rights).

(36) One Private Secretary to the Deputy Assistant Secretary (Civil Rights).

(37) The Director for Equal Employment Opportunity, Office of the Deputy Assistant Secretary (Civilian Personnel and Industrial Relations), Office of the Assistant Secretary of Defense (Manpower).

(38) One Private Secretary to the Director for Equal Employment Opportunity.

4. Subparagraphs (10), (18), and (22) of paragraph (a) of § 213.3344 are amended and subparagraph (20) is added to paragraph (b) as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(10) One Assistant Commissioner for Program Planning, Urban Renewal Administration.

* * * * *

(18) One Private Secretary to the Assistant Administrator (Community Programs).

* * * * *

(22) One Assistant Administrator (Community Programs).

(b) *Federal Housing Administration.* * * *

(20) One Assistant Commissioner for Home Mortgages.

5. Paragraph (c) of § 213.3352 is revoked and paragraph (d) is added as set out below.

§ 213.3352 Saint Lawrence Seaway Development Corporation.

* * * * *

(d) The Assistant Administrator.

5a. Paragraph (l) is added to § 213.3354 as set forth below:

§ 213.3354 Federal Home Loan Bank Board.

* * * * *

(l) One Director of Public Affairs.

§ 213.3357 [Amendment]

6. Paragraph (h) of § 213.3357 is revoked.

7. Paragraph (c) of § 213.3359 is amended and paragraph (e) is added as set out below.

§ 213.3359 National Capital Transportation Agency.

* * * * *

(c) One Special Assistant to the Administrator.

* * * * *

(e) One Special Assistant for Congressional Liaison.

8. Paragraph (u) is added to § 213.3360 as set out below.

§ 213.3360 Peace Corps.

* * * * *

(u) The Director and the Deputy Director, Africa Regional Office.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

PART 591—ALLOWANCES AND DIFFERENTIALS PAYABLE IN NON-FOREIGN AREAS

Paragraph (g) of § 591.101 and paragraph (g) of § 591.401 are amended as set out below.

§ 591.101 Definitions.

* * * * *

(g) "Non-foreign area" means the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, territories of the United States, and such additional areas located outside the continental United States as the Secretary of State shall designate as being within the scope of Part II of Executive Order 10000, as amended.

§ 591.401 Payment of allowances and differentials.

* * * * *

(g) Payment of an allowance at the rate prescribed for the post of regular assignment shall continue for all periods of temporary absence from the post on leave, including transit time. Payment of a differential at the rate prescribed for the post of regular assignment shall continue for the first 42 consecutive days of temporary absence from the post on leave, including transit time. Payment of allowances and differentials under this paragraph is authorized only if the employee returns to a post of regular assignment in a foreign or non-foreign area, unless

(1) The department or agency concerned determines that it is in the public interest not to return the employee to a post of regular assignment, or

(2) The department or agency concerned determines that the employee's failure to return to a post of regular assignment was due to compelling personal reasons, such as the health of the employee or his family, or to circumstances over which the employee has no control.

(Sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp.; E.O. 10636, 20 F.R. 7025, 3 CFR, 1955 Supp.)

PART 831—RETIREMENT

Subparagraph (2) of paragraph (a) of § 831.201 is amended as set out below.

§ 831.201 Exclusions from retirement coverage.

(a) The following groups of employees in the executive branch of the Government are excluded from the Civil Service Retirement Act:

* * * * *

(2) Intermittent employees — non-full-time employees without a prearranged regular tour of duty.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

PART 870—LIFE INSURANCE

Subparagraph (6) of paragraph (a) of § 870.202 is amended as set out below.

§ 870.202 Exclusions.

(a) Employees in the following groups are excluded from the application of this part:

• • • • • •

(6) An intermittent employee—a non-full-time employee without a prearranged regular tour of duty.

(Sec. 11, 68 Stat. 742; 5 U.S.C. 2100)

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS

Subparagraph (4) of paragraph (c) of § 890.102 is amended as set out below.

§ 890.102 Coverage.

• • • • • •

(c) The following employees are not eligible:

• • • • • •

(4) An intermittent employee—a non-full-time employee without a prearranged regular tour of duty.

(Sec. 10, 73 Stat. 715; 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-9901; Filed, Sept. 16, 1963; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

DIETHYLSTILBESTROL; OXYTETRACYCLINE

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York 17, New York, has concluded that § 121.241 should be amended to provide for the addition of oxytetracycline to beef cattle feed containing diethylstilbestrol. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended as set forth below:

§ 121.241 [Amendment]

1. Section 121.241 *Diethylstilbestrol* is amended by inserting in the table in paragraph (b) the following new item:

DIETHYLSTILBESTROL IN FEED

Principal ingredient	Mg. per head per day	Combined with—	Mg. per head per day	Limitations	Indications for use
1. • • •	• • •	• • •	• • •	• • •	• • •
b. Diethylstilbestrol	10	Oxytetracycline	75–80	For beef cattle weighing over 400 lb.; feed 75–80 mg. oxytetracycline and 10 mg. diethylstilbestrol per head per day from concentrates containing one o. the following levels and bearing directions as shown:	Reduction of the incidence and severity of liver abscesses.

Mg. of diethylstilbestrol per pound of concentrate	Mg. of oxytetracycline per pound of concentrate	Feeding rate: pounds of medicated ration per beef animal per day
0.5	3.75–4.0	20
0.8	6.0–6.4	12.5
1.0	7.5–8.0	10
1.5	11.2–12.0	6.7
2.0	15.0–16.0	5
5.0	37.5–40.0	2
6.7	50.0–53.4	1.5
10.0	75.0–80.0	1
The following concentrate requires directions for mixing with other nonmedicated feed on a 1:1 basis before offering to animal:		
20.0	150.0–160.0	0.5

Not to be fed to dairy or breeding cattle.
Withdraw 48 hours before slaughter.
As the mono-alkyl (C_8–C_{18}) trimethyl ammonium salt of oxytetracycline, equivalent to the specified amounts of the hydrochloride salt.

§ 121.251 [Amendment]

2. Section 121.251 *Oxytetracycline* is amended by adding to paragraph (d) the following new table:

TABLE 2—OXYTETRACYCLINE IN CATTLE FEED

Principal ingredient	Mg. per head per day	Combined with—	Mg. per head per day	Limitations	Indications for use
1. Oxytetracycline	75–80			For beef cattle weighing over 400 lb.; as the mono-alkyl (C_8–C_{18}) trimethyl ammonium salt of oxytetracycline.	Reduction of the incidence and severity of liver abscesses.
a. Oxytetracycline	75–80	Diethylstilbestrol	10	For beef cattle weighing over 400 lb.; feed 75–80 mg. oxytetracycline per head per day and 10 mg. diethylstilbestrol per head per day from concentrates containing one of the following levels and bearing directions as shown:	Fattening of beef cattle.

Mg. of diethylstilbestrol per pound of concentrate	Mg. of oxytetracycline per pound of concentrate	Feeding rate: Pounds of medicated ration per beef animal per day
0.5	3.75–4.0	20
0.8	6.0–6.4	12.5
1.0	7.5–8.0	10
1.5	11.2–12.0	6.7
2.0	15.0–16.0	5
5.0	37.5–40.0	2
6.7	50.0–53.4	1.5
10.0	75.0–80.0	1
The following concentrate requires directions for mixing with other nonmedicated feed on a 1:1 basis before offering to animal:		
20.0	150.0–160.0	0.5

Withdraw 48 hours before slaughter.
Not to be fed to dairy or breeding cattle.

(Sec. 409(c)(1), 72 Stat. 1786, as amended, 76 Stat. 785; 21 U.S.C. 348(c)(1))

B. The Commissioner of Food and Drugs has further concluded that § 121.1046 of the food additive regulations should be amended relative to residues of oxytetracycline in the edible portions of beef cattle after slaughter. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1046 is amended by adding thereto a new paragraph (c) reading as follows:

§ 121.1046 Oxytetracycline.

• • • • •

(c) Zero in uncooked edible tissues and byproducts of beef cattle.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), (4), 72 Stat. 1786, as amended, 76 Stat. 785; 21 U.S.C. 348(c) (1), (4))

Dated: September 11, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9855; Filed, Sept. 16, 1963; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin (or Zinc Bacitracin)-Polymyxin Ointment; Change of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of bacitracin and bacitracin-containing drugs (21 CFR 146e.409) are amended by changing the expiration date for bacitracin-polymyxin ointment or zinc bacitracin-polymyxin ointment from 36 months to 60 months. As amended, paragraph (a)(5) of § 146e.409 *Bacitracin-polymyxin ointment* • • • reads as follows:

(5) Its expiration date shall be the date that is 12 months after the month during which the batch was certified, except that the date that is 18 months, 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards of identity, strength, quality, and purity prescribed for the drug.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to specific products unless and until the manufacturer thereof has supplied adequate data regarding the articles involved.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 11, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9903; Filed, Sept. 16, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture,

[Milk Order No. 128]

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central West Texas marketing area (7 CFR Part 1128), it is hereby found and determined that:

(a) The following provisions of the base plan and all references thereto, including but not necessarily limited to those set forth below of the order no longer tend to effectuate the declared policy of the Act:

(1) Sections 1128.15, 1128.16, 1128.73, 1128.80, and 1128.81 in their entirety;

(2) In § 1128.30(a) the following: "and for the months of March through June the aggregate quantities of base milk and excess milk";

(3) In § 1128.31(a) the following: "and for the months of March through June, such producer's deliveries of base milk and excess milk";

(4) In § 1128.72 the phrase, "of July through February";

(5) In § 1128.90(a) the phrase, "or § 1128.73";

(6) In § 1128.91 the phrase, "or to the uniform price for base milk computed pursuant to § 1128.73(e)"; and

(7) Section 1128.91(b) in its entirety.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order will not affect the marketing of milk in the Central West Texas area since the provisions terminated herein have been suspended by action of the Assistant Secretary since March 1, 1959 (24 F.R. 1785). Since these provisions no longer serve any useful purpose it is appropriate that they be revoked at this time.

Therefore, good cause exists for making this order effective on publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 11, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-9893; Filed, Sept. 16, 1963; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Miscellaneous Amendments

On January 16, 1963 (28 F.R. 411) the Atomic Energy Commission published for public comment proposed corrective amendments of 10 CFR Part 2.

Comments received by the Commission from interested persons have been given careful consideration, and certain of the proposed amendments have been modified. The changes are:

1. Section 2.105, paragraph (a), subparagraph (4) has been added to clarify the types of licenses and amendments which may be the subjects of public notice prior to issuance.

2. Section 2.421 has been deleted pending further consideration by the Commission.

3. Section 2.714, paragraph (a), has been revised so as to exclude Saturdays, Sundays and Holidays in the computation of time periods for filing petitions to intervene. This revision will clarify the existing language of the regulation and will avoid hardship situations when time to file a timely petition to intervene may

be limited because of intervening weekends and holidays.

4. Section 2.743, paragraph (b), has been revised to clarify the language regarding the use of prepared written testimony in public proceedings.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of 10 CFR Part 2 are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

§ 2.3 [Amendment]

1. Section 2.3 *Resolution of conflict*, is amended by adding the words "or other part of this chapter" following the word "subpart".

2. Section 2.4 is amended by redesignating paragraphs (g), (h), (i), (j), (k), and (l), as (h), (i), (j), (k), (l), and (n) respectively, and adding paragraph (g) as follows:

§ 2.4 Definitions.

• • • • •

(g) "Facility" means a production facility or a utilization facility as defined in § 50.2 of this chapter.

3. Section 2.4 is amended by adding a new paragraph (m) as follows:

(m) "Respondent" means, in an appeal pursuant to Subpart D from a decision of a contracting officer determining a dispute under a subcontract, both the prime contractor and the contracting officer.

4. Paragraph (a) of § 2.101 is amended by adding the words "for a license for a facility, or to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal," after the word "application" in the last sentence.

As so amended, § 2.101(a) reads as follows:

§ 2.101 Filing of application.

(a) An application for a license or an amendment to a license shall be filed with the Director of Regulation as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the regulatory staff prior to the filing of an application. Each application for a license for a facility, or to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, will be assigned a docket number.

5. Paragraph (a) of § 2.103 is revised to read as follows:

§ 2.103 Actions on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Regulation finds that an application for a byproduct, source, special nuclear material or operator license complies with the requirements of the Act and this chapter, he will issue a license. If the license is for a facility or for the receipt of waste radioactive material for the purpose of packaging, storage or disposal, the Director of Regulation will inform the State and local officials specified in § 2.104(b) of the issuance of the license.

6. Paragraph (b) of § 2.103 is revised to read as follows:

(b) If the Director of Regulation finds that an application does not comply with the requirements of the Act and this chapter he may issue a notice of proposed denial or a notice of denial of the application and inform the applicant in writing of:

(1) The nature of any deficiencies or the reason for the proposed denial or the denial, and

(2) The right of the applicant to demand a hearing within twenty (20) days from the date of the notice or such longer period as may be specified in the notice.

7. Paragraph (a) of § 2.104 is revised to read as follows:

§ 2.104 Notice of hearing.

(a) In the case of an application on which a hearing is required by the Act or this Chapter, or in which the Commission finds that a hearing is required in the public interest, the Secretary will issue a notice of hearing to be published in the FEDERAL REGISTER as required by law at least fifteen (15) days, and in the case of an application concerning a facility, thirty (30) days, prior to the date set for hearing in the notice. The notice will state:

(1) The time, place, and nature of the hearing;

(2) The authority under which the hearing is to be held;

(3) The matters of fact and law to be considered; and

(4) The time within which answers to the notice shall be filed.

8. Subparagraph (3) of § 2.105(a) is revised to read as follows:

§ 2.105 Notice of proposed action.

• • • • •

(a) • • •

(3) An amendment of a license specified in subparagraph (1) or (2) of this paragraph and which involves significant hazard considerations different from those previously evaluated.

9. A new subparagraph (4) of § 2.105 (a) is added to read as follows:

(4) Any other license or amendment as to which the Commission or the Director of Regulation determines that an opportunity for a public hearing should be afforded.

10. Paragraph (b) of § 2.105 *Notice of proposed action*, is amended by changing "concisely state" to read "set forth".

11. Subparagraph (4) of § 2.105(b) is amended by adding the words "or amendment" after the word "license".

12. Paragraph (c) of § 2.105 *Notice of proposed action* is amended by changing "application for a construction permit" to read "application for a license".

13. Paragraph (d) of § 2.105 *Notice of proposed action*, is amended by deleting the words "not less than".

14. Section 2.106 is revised to read as follows:

§ 2.106 Notice of issuance.

(a) The Director of Regulation will cause to be published in the FEDERAL REGISTER notice of, and will inform the State and local officials specified in § 2.104(b) of, the issuance of:

(1) A license for which a notice of proposed action has been previously published;

(2) An amendment of a license for a facility or to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, whether or not a notice of proposed action has been previously published;

(3) Any other license or amendment as to which the Commission or the Director of Regulation determines that an opportunity for a public hearing should be afforded.

(b) The notice of issuance will set forth:

(1) The nature of the license or amendment;

(2) The manner in which copies of the safeguards analysis, if any, may be obtained and examined;

(3) A finding that the application for the license or amendment complies with the requirements of the Act and this chapter;

(4) The text of the license or amendment, if such text has not previously been published with a notice of proposed issuance.

(c) If a notice of proposed action has not been previously published, the notice of issuance will provide that, within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER:

(1) The applicant may file a request for a hearing;

(2) Any person whose interest may be affected by the proceeding may file a petition for leave to intervene.

(d) If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

15. Paragraph (a) of § 2.107 is revised to read as follows:

§ 2.107 Withdrawal of application.

(a) The Commission may permit an applicant to withdraw an application prior to the issuance of a notice of hearing on such terms and conditions as it may prescribe, or may, on receiving a request for withdrawal of an application, deny the application or dismiss it with prejudice. Withdrawal of an application after the issuance of a notice of hearing shall be on such terms as the presiding officer may prescribe.

16. Section 2.109 is revised to read as follows:

§ 2.109 Effect of timely renewal application.

If, at least thirty (30) days prior to the expiration of an existing license authorizing any activity of a continuing nature, a licensee files an application for a renewal or for a new license for the activity so authorized, the existing license will not be deemed to have expired until the application has been finally determined.

17. Subparagraph (1) of § 2.202(a) is revised to read as follows:

§ 2.202 Order to show cause.

(a) • • •

(1) Allege the violations with which the licensee is charged, or the potentially hazardous conditions or other facts deemed to be sufficient ground for the proposed action.

18. Paragraph (d) of § 2.202 *Order to show cause*, is amended by adding the words "or stipulation" following the word "answer".

§ 2.203 [Amendment]

19. Section 2.203 *Settlement*, is amended by changing in the last sentence "a decision and order" to read "a decision or order".

20. Subpart B is amended by adding a new § 2.204 to read as follows:

§ 2.204 Order for modification of license.

The Commission may modify a license by issuing an amendment on notice to the licensee that he may demand a hearing with respect to all or any part of the amendment within twenty (20) days from the date of the notice or such longer period as the notice may provide. The amendment will become effective on the expiration of the period during which the licensee may demand a hearing, or, in the event that he demands a hearing, on the date specified in an order made following the hearing. When the Commission finds that the public health, safety, or interest so requires, the order may be made effective immediately.

§ 2.412 [Amendment]

21. Subparagraph (4) of § 2.412(a) is amended by changing "request" to read "demand".

22. Appendix "B" to Subpart D is amended by adding at the beginning of paragraph (5) the words "The findings of fact and".

23. Subparagraph (5) of § 2.413(b) is amended by adding after the word "specify" the words "the findings of fact and".

24. Section 2.413 is amended by adding a new paragraph (d) as follows:

§ 2.413 Complaint.

• • • • •

(d) Each separate claim shall be separately stated and numbered.

§ 2.414 [Amendment]

25. Subparagraph (2) of § 2.414(a) is amended by adding after the word "contract" the words "and any pertinent plans, specifications, and change orders".

26. Paragraph (b) of § 2.414 is amended by deleting the words "In complying with the requirement of service prescribed by § 2.712".

§ 2.416 [Amendment]

27. Paragraph (a) of § 2.416 by changing "within twenty (20) days" to read "within thirty (30) days".

28. Subpart D is amended by adding a new § 2.420 as follows:

§ 2.420 Submission on agreed statement of facts.

A proceeding under this subpart may be submitted for determination without pleadings by the filing of a statement, signed and acknowledged by all the parties, specifying the matters in dispute and the relief requested, agreeing upon a statement of facts upon which the controversy depends, and submitting it for decision. The appeal may be decided on the agreed statement of facts pursuant to § 2.419.

29. Paragraph (b) of § 2.701 is revised to read as follows:

§ 2.701 Filing of documents.

• • • • •

(b) All documents offered for filing shall be accompanied by proof of service upon all parties to the proceeding or their attorneys of record as required by law or by rule or order of the Commission. The regulatory staff of the Commission, or in proceedings under Subpart D the contracting officer, shall be deemed to be a party.

§ 2.707 [Amendment]

30. Section 2.707 *Default*, is amended by changing "to appear" to read "or his failure to appear".

31. Paragraph (c) of § 2.708 is amended by deleting, in the first sentence "by an attorney of record for the party or, in the case of a party not represented by counsel," and adding at the end of that sentence ", or by an attorney having authority with respect to it."

As amended, § 2.708(c) reads as follows:

§ 2.708 Formal requirements for documents.

• • • • •

(c) The original of each document shall be signed in ink by the party or his authorized representative, or by an attorney having authority with respect to it. The capacity of the person signing, his address, and the date shall be stated. The signature of a person signing in a representative capacity is a representation that the document has been subscribed in the capacity specified with full authority, that he has read it and knows the contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. If a document is not signed, or is signed with intent to defeat the purpose of this section, it may be stricken.

32. Paragraph (d) of § 2.708 is amended by changing "fifteen" to read "twenty (20)".

As amended, § 2.708(d) reads as follows:

(d) Except as otherwise provided by this Part or by order, a pleading or other document other than correspondence shall be filed in an original and twenty (20) conformed copies.

33. Section 2.708 is amended by adding a new paragraph (f) as follows:

(f) A document filed by telegraph need not comply with the formal requirements of paragraphs (b), (c) and (d) of this section if an original and copies otherwise complying with all of the requirements of this section are mailed to the Secretary within two (2) days thereafter.

34. Section 2.710 is amended by adding in the second sentence after the words "legal holiday" the words "at the place where the action or event is to occur,".

As so amended, § 2.710 reads as follows:

§ 2.710 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. When the period of time is less than seven (7) days, intermediate Saturdays, Sundays, and holidays are excluded. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

§ 2.711 [Amendment]

35. Section 2.711 *Extension of time*, is amended by adding the words ", or by stipulation approved by the Commission or the presiding officer".

§ 2.712 [Amendment]

36. The title of § 2.712(a) is amended by changing "Who may make service" to read "Service of papers by the Commission", and by deleting "service of which is governed by § 2.720,".

§ 2.714 [Amendment]

37. Paragraph (a) of § 2.714 *Intervention* is amended by changing "five (5) days" to read "seven (7) days".

38. Paragraph (b) of § 2.715 is revised to read as follows:

§ 2.715 Participation by a person not a party.

• • • • •

(b) The Secretary will give notice of a hearing to any person who requests it prior to the issuance of the notice of hearing, and will furnish a copy of the notice of hearing to any person who requests it thereafter. When a communication bears more than one signature, the Commission will give the notice to the person first signing unless the communication clearly indicates otherwise.

39. Paragraph (b) of § 2.717 is revised to read as follows:

§ 2.717 Commencement and termination of jurisdiction of presiding officer.

• • • • •

(b) The Director of Regulation may issue an order and take any otherwise proper administrative action with respect to a licensee who is a party to a

pending proceeding. Any order related to the subject matter of the pending proceeding may be modified by the presiding officer as appropriate for the purpose of the proceeding.

40. Paragraph (a) of § 2.730 is amended by adding to the first sentence "or, when a proceeding is pending before a presiding officer, to the presiding officer".

As amended § 2.730(a) reads as follows:

§ 2.730 **Motions.**

(a) *Presentation and disposition.* All motions shall be addressed to the Commission or, when a proceeding is pending before a presiding officer, to the presiding officer. All written motions shall be filed with the Secretary, and served on all parties to the proceeding. During the time when a proceeding is before the Commission, a motion for an extension of time which would ordinarily be granted as of course, and to which all parties consent, may be acted upon by the Chief Hearing Examiner.

41. The title and text of paragraph (g) of § 2.730 are amended by changing *"allowance of an interlocutory appeal"* to read *"certification of question to the Commission"*, and by changing "allowance of an interlocutory appeal" to "certification of a question to the Commission", respectively.

As so amended, § 2.730(g) reads as follows:

(g) *Effect of filing a motion or certification of question to the Commission.* Unless otherwise ordered, neither the filing of a motion nor the certification of a question to the Commission shall stay the proceeding or extend the time for the performance of any act.

42. Paragraph (b) of § 2.743 is revised to read as follows:

§ 2.743 **Evidence.**

* * * * *

(b) *Written testimony.* Where the interest of any party will not be prejudiced, the parties are encouraged to submit all or part of the direct testimony of witnesses in written form, unless objections are presented and unless otherwise ordered by the presiding officer. Unless otherwise ordered by the presiding officer, a party may serve copies of proposed written testimony on all parties five days in advance of the session of the hearing at which such testimony is to be presented. The presiding officer may permit the introduction of written testimony not so served, either on the consent of all parties present or after having given them a reasonable opportunity to examine it. Whenever it is deemed necessary or desirable, the Commission or the presiding officer may direct that proposed testimony be reduced to written form and be served and offered in the manner described in this paragraph, allowing a reasonable time for the preparation of the written testimony. Written testimony may be incorporated in the transcript of the record as if read or, in the discretion of the presiding officer, may be offered and admitted in evidence as an exhibit. This paragraph does not apply to proceedings pursuant to Subpart B for modification, suspension or revocation of a license.

§ 2.754 [Amendment]

43. Paragraph (a) of § 2.754 *Proposed findings and conclusions*, is amended by adding the words "lesser or" after the word "reasonable".

§ 2.760 [Amendment]

44. Paragraph (a) of § 2.760 *Initial decision and its effect*, is amended by adding after the words "an initial decision which" the words ", except as otherwise provided in this chapter,".

§ 2.761 [Amendment]

45. Paragraph (c) of § 2.761 *Expedited decisional procedure*, is amended by adding after the words "within thirty (30) days after its date", the words "except as otherwise provided in this chapter".

§ 2.790 [Amendment]

46. Subparts G and H are amended by changing the number of § 2.810 *Public inspection, exceptions, requests for withholding*, to § 2.790, and by transferring that section and the preceding center heading "Availability of Official Records" to Subpart G—Rules of General Applicability, following § 2.780.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 4th day of September 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63-9858; Filed, Sept. 16, 1963; 8:45 a.m.]

PART 30—LICENSING OF BYPRODUCT MATERIAL

Exempt Concentrations

On January 9, 1963 the Commission published for public comment a proposed amendment of 10 CFR Part 30 which would clarify the Commission's licensing requirements for the transfer of byproduct material in exempt concentrations contained in products.

The amendment published below retains the substantive provisions set forth in the proposed rule although a number of minor revisions have been made in the text to reflect further Commission consideration, and comments and suggestions received in response to the notice of proposed rule making.

The Commission's regulations have not previously declared explicitly whether a company which engages another firm to perform radiotracer services for it involving the introduction of exempt concentrations of byproduct material into the company's products is required to have a license issued pursuant to § 30.24 (h) even though the radiotracer firm performing the service has a Commission license issued under § 30.24(h). The following amendment clarifies the Commission's regulations in this respect by providing that only the radiotracer firm, which introduces the byproduct material into the product, need be licensed. The Commission has determined that a specific license issued under § 30.24(h) is not required for the company for which the radiotracer services are rendered, and which has control and possession of the product.

The amendment of § 30.24(h) requires that a licensee who transfers byproduct material by introducing it into a product or material owned or possessed by another person file an annual report of activities under the license. The licensee must demonstrate reasonable assurance that the concentration of byproduct material at the time of transfer of the product or material as an exempt concentration will not exceed the concentrations in § 30.73.

This amendment is not intended to prevent the owner or possessor of the product or material from obtaining a license for this purpose under § 30.24(h), or to require him to utilize the services of another firm or person for the introduction of the byproduct material.

The Commission's regulation, 10 CFR Part 150—Exemptions and Continued Regulatory Authority in Agreement States Under Section 274, established certain exemptions for persons in states with which the Commission has entered into effective agreements under subsection 274(b) of the Atomic Energy Act of 1954. A license or exemption from licensing requirements, nevertheless, is required for the transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public (10 CFR 150.15(a)(6)).

A new paragraph (c) is added to § 30.9, exempting from licensing requirements a manufacturer, processor, or producer in an agreement State to the extent that he transfers any product or material which contains byproduct material in concentrations not in excess of those specified in § 30.73, added to it by a licensee holding a specific license issued by an agreement State or the Commission expressly authorizing its introduction into the product or material. The exemption does not authorize transfer of byproduct material contained in any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.

Section 30.24(h)(3) as published for comment required that, prior to introducing byproduct material into a product owned or possessed by another person, the Commission licensee obtain a written statement that the owner or person in possession is aware of and consents to introduction of radioactive material into his product. This proposed requirement has been deleted in the following rule. Where it appears desirable to impose such a requirement upon a Commission licensee, that result can be achieved by an appropriate condition of his license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of Title 10, Chapter I, Part 30—Licensing of Byproduct Material, is published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Paragraph (h) of § 30.24 is revised to read as follows:

(h) *Licensing the transfer of byproduct material contained in products in exempt concentrations.* (1) An application for a specific license authorizing the introduction of byproduct material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the byproduct material will be approved if the applicant:

(i) Satisfies the general requirements specified in § 30.23;

(ii) Provides a description of the product or material into which the byproduct material will be introduced, intended use of the byproduct material and the product or material into which it is introduced, method of introduction, initial concentration of the byproduct material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioisotopes in the product or material at the time of transfer; and

(iii) Provides reasonable assurance that the concentrations of byproduct material at the time of transfer will not exceed the concentrations in section 30.73, that reconcentration of the byproduct material in concentrations exceeding those in section 30.73 is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(2) Each person licensed under this paragraph shall file a report in duplicate with the Director, Division of Licensing and Regulation, describing the type and quantity of each product or material into which byproduct material has been introduced during the reporting period, name and address of the person who owns or possesses the product or material into which byproduct material has been introduced, the type and quantity of byproduct material introduced into each such product or material, and the initial concentrations of byproduct material in the product or material at time of transfer of the byproduct material by the licensee. The report shall be submitted within 30 days after the end of each calendar year in which the licensee introduces byproduct material into a product or material pursuant to a license granted under this paragraph.

2. A new paragraph (c) is added to § 30.9 *Exempt concentrations*, to read as follows:

(c) A manufacturer, processor, or producer of a product or material in an agreement State is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part, to the extent that he transfers byproduct material contained in a product or material in concentrations not in excess of those specified in § 30.73, and introduced into the product or material by a licensee holding a specific license issued by an agreement State or the Commission expressly authorizing such introduction. This exemption does not apply to the transfer of byproduct material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

3. Paragraph (f) of § 30.32 is amended to read as follows:

(f) Notwithstanding the provisions of §§ 30.9 and 30.32(c) of this part, no person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons not licensed by the Commission or by an agreement State, except in accordance with a license issued pursuant to § 30.24(h) of this part.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688, 42 U.S.C. 2021. Interpret or apply secs. 81, 183, 68 Stat. 935, 954; 42 U.S.C. 2111, 2232)

Dated at Washington, D.C., this 4th day of September 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63-9857; Filed, Sept. 16, 1963; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-AL-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to revoke the Middleton Island, Alaska, control zone.

Weather reporting service is no longer available at the Middleton Island Airport. Therefore, the Federal Aviation Agency has determined that the Middleton Island control zone is no longer justified as an assignment of controlled airspace and action is taken herein to revoke the Middleton Island control zone.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken: In § 71.171 (27 F.R. 220-91, November 10, 1962), the Middleton Island, Alaska, control zone is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9860; Filed, Sept. 16, 1963; 8:45 a.m.]

[Airspace Docket No. 63-PC-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway and Associated Control Areas

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke Hawaii VOR Federal airway No. 5.

Victor 5 and its associated control areas extend from Southgate, Hawaii, Intersection via Lanai, Hawaii, and the Mango, Hawaii, Intersection to Maui, Hawaii. In Airspace Docket No. 60-HO-15, published in the FEDERAL REGISTER on July 27, 1963 (28 F.R. 7670), VOR Federal airway No. 16 was designated to overlie Victor 5 from the Southgate Intersection to Lanai, Hawaii. From Lanai to Mango Intersection, Victor 5 coincides with Hawaii VOR Federal airway Nos. 1 and 2. VOR Federal airway No. 17 was designated to overlie the segment of Victor 5 from the Mango Intersection to Maui. Upon the effective date of Airspace Docket No. 60-HO-15, September 19, 1963, the dual designation of this airspace will be unnecessary and action is taken herein to revoke Victor 5.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, the following action is taken: In § 71.127 (27 F.R. 220-37, November 10, 1962) V-5 Hawaii is revoked.

This amendment shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 10, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9861; Filed, Sept. 16, 1963; 8:45 a.m.]

[Airspace Docket No. 62-CE-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Revocation, Alteration, and Designation of Control Zones, etc., Correction

On August 28, 1963, Federal Register Document 63-9213 was published in the FEDERAL REGISTER (28 F.R. 9426) which, in part, amended § 71.181 of the Federal Aviation Regulations. This document inadvertently omitted the designation of a transition area at Detroit City, Mich., as proposed in the notice of proposed rule making published in the FEDERAL REGISTER (28 F.R. 3874) dated April 19, 1963. Accordingly, action is taken herein to rectify this omission.

In consideration of the foregoing, effective immediately, Federal Register Document 63-9213 (28 F.R. 9426) is altered as follows:

Numbered paragraph 2, which amends § 71.181 (27 F.R. 220-139, November 10, 1962), is amended by adding the following:

Detroit City, Mich.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 143° and 323° bearings from the Detroit City RBN, extending from 6 miles NW of the approach end of the Detroit City Airport Runway 15 to 8 miles NW of the RBN, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 343° radial, extending from 4 miles north to 14 miles north of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), excluding the portion within the Detroit, Mich. (Detroit City Airport), control zone.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9862; Filed, Sept. 16, 1963; 8:45 a.m.]

[Airspace Docket No. 63-SW-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On July 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6918) stating that the Federal Aviation Agency proposed to designate a transition area in the vicinity of Zuni, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken:

In § 71.181 (27 F.R. 220-139, November 10, 1962) the following transition area is added:

Zuni, N. Mex.

That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC.

This amendment shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9863; Filed, Sept. 16, 1963; 8:45 a.m.]

[Airspace Docket No. 62-WA-123]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Miscellaneous Amendments

Correction

In F.R. Doc. 62-12243 appearing in the issue for Tuesday, December 11, 1962, at page 12211, the following change is made: In paragraph 6 which amends § 71.163, the reference to "140°10'00"" in the 3d line from the bottom of the description should read "149°10'00"".

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3222; Anchorage 052775]

ALASKA

Withdrawing Lands for Military Purposes; Revoking Certain Executive Orders, in Whole or in Part

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws, and reserved as hereafter indicated, for military purposes:

a. Under the jurisdiction of the Department of the Air Force for: *Alaska Communications System*

SEWARD MERIDIAN

PARCEL NO. 1

T. 13 N., R. 3 W.,
Sec. 7, lot 12, NE¼NE¼, E½SE¼NE¼, E½W½SE¼NE¼, E½W½W½SE¼NE¼, and W½SW¼SW¼SE¼NE¼.

PARCEL NO. 2

T. 13 N., R. 3 W.,

Commencing at the center quarter section corner of section 7, the true point of beginning of this description; thence:

N. 11° E., approximately 16 feet;
N. 38°45' E., approximately 147 feet;
N. 81°15' E., approximately 301 feet;
S. 1°30' E., approximately 175 feet;
W. approximately 398 feet, to the true point of beginning.

Aggregating 92.67 acres.

Elmendorf Air Force Base

T. 13 N., R. 3 W.,
Sec. 8, N½.

Containing 320 acres.

b. Under the jurisdiction of the Department of the Army as a petroleum, oil and lubricants tank farm:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 7, lot 15, W½W½NW¼SE¼NE¼, W½NW¼SW¼SE¼NE¼, E½SW¼NE¼, SW¼SW¼NE¼ except a parcel described as:

Commencing at the center quarter section corner of sec. 7, the true point of beginning of this description; thence:

N. 11° E., approximately 16 feet;
N. 38°45' E., approximately 147 feet;
N. 81°15' E., approximately 301 feet;
S. 1°30' E., approximately 175 feet;
W. approximately 398 feet to the true point of beginning.

Containing 38.19 acres.

2. Executive Order No. 5450 of September 25, 1930, which withdrew lands for the Washington-Alaska Military Cable and Telegraph System, and Executive Order No. 7448 of September 12, 1936, which withdrew lands for the use of the War Department for the Alaska Communication System, are hereby revoked. The lands are either withdrawn by paragraph 1 of this order, or are included in a withdrawal for other military purposes.

3. Executive Order No. 8102 of April 29, 1939, which withdrew lands for use of the War Department for military purposes, is hereby revoked so far as it affects the lands in section 8, described in paragraph 1a of this order.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9871; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3223; Sacramento 075749]

SACRAMENTO

Forest Service Recreation Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to existing valid rights, the following-described lands in the Sierra National Forest are hereby withdrawn from prospecting, location, entry and purchase under the United States mining laws in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a recreation area:

MOUNT DIABLO MERIDIAN

SODA SPRINGS RECREATION SITE

T. 6 S., R. 24 E.,
Sec. 30, lots 1, 2, E½NW¼, and W½NE¼.

Containing 243.47 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9872; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3224; Sacramento 050114]

CALIFORNIA

Withdrawal for Forest Service Natural Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Inyo and Modoc National Forests, as indicated, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as natural areas for purposes of scientific study, research, and education:

MOUNT DIABLO MERIDIAN

INYO NATIONAL FOREST

Harvey Monroe Hall Natural Area

T. 1. N., R. 24 E.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 2;
Sec. 3, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 10, E½NE¼, and E½NE¼SE¼;
Sec. 11, N½, N½S½, and S½SE¼;
Sec. 12, NW¼, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 13, N½, and SE¼;
Sec. 14, E½NE¼.
T. 2 N., R. 24 E.,
Sec. 34, E½, E½NE¼NW¼, S½SW¼SW¼, and E½SW¼;
Sec. 35, W½.

The areas described aggregate approximately 3,890 acres.

MOUNT DIABLO MERIDIAN

MODOC NATIONAL FOREST

Devils Garden Natural Area

T. 46 N., R. 12 E.,
Sec. 28, W½;
Sec. 29, E½;
Sec. 32, N½NE¼;
Sec. 33, N½NW¼.

The area described aggregate approximately 800 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9873; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3225; Idaho 014119]

IDAHO

Withdrawal for Forest Service Administrative and Recreation Sites

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following-described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as an administrative site and a recreation site as indicated:

BOISE MERIDIAN

Chinook Campground Recreation Site

T. 22 N., R. 5 E.,
Sec. 26, SE¼NE¼SE¼SW¼, E½SW¼NE¼SE¼SW¼, and N½NE¼SE¼SE¼SW¼.

Bemis Point Radio Remote Administrative Site

T. 23 N., R. 7 E., (unsurveyed),
Sec. 31 Beginning at a point on the south boundary of the withdrawal which bears N. 2°30' E. 18 chains from a reference point designated by large "X" painted red and chiseled into a rock at the base of a snag, which bears N. 26° W. 16 chains from the Bemis Lookout triangulation brass cap; thence west 4 chains to Corner No. 1; thence north 5 chains to Corner No. 2; thence east 10 chains to Corner No. 3; thence south 5 chains to Corner No. 4; thence N. 90° W. 10 chains to the point of beginning.

The areas described aggregate approximately 10 acres.

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9874; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3226; Anchorage 059157]

ALASKA

Withdrawal of Lands as a Source of Materials

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and reserved under jurisdiction of the Bureau of Land Management as a source of materials for use by Federal agencies and other qualified users for public projects as authorized by law and the regulations of the Department of the Interior:

(BROAD PASS AREA)

FAIRBANKS MERIDIAN

T. 20 S., Rs. 9 and 10 W. (unsurveyed),
All that land located between the east bank of the Middle Fork of the Chulitna River and the westerly right of way line of the Alaska Railroad, beginning at the south line of T. 19 S., R. 9 W., and extending southwesterly to the south line of section 12, T. 20 S., R. 10 W.

The area described contains approximately 440 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9875; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3227; Utah 087869]

UTAH

Withdrawing Lands for Reclamation Purposes; Joes Valley Dam and Reservoir, Emery County Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described lands in the Manti-LaSal National Forest, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Joes Valley Dam and Reservoir, Emery County Project:

SALT LAKE MERIDIAN

T. 17 S., R. 6 E.,
Sec. 30, S½N½NE¼.
T. 18 S., R. 6 E.,
Sec. 4, S½ of lots 5, 6, and 7, N½S½NW¼, and N½SW¼NE¼;
Sec. 8, N½SW¼SW¼.

The areas described aggregate approximately 180 acres.

The lands shall be administered by the Forest Service, Department of Agriculture, until such time as they or any portion thereof are needed for project purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9876; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3228; 88518]

OKLAHOMA

Restoring Lands to Tribal Ownership

Whereas, under an agreement of June 4, 1891, ratified by the Act of March 2, 1895 (25 Stat. 876, 894-898), the Wichita and Affiliated Bands of Indians ceded certain lands to the United States, and in return received allotments and other considerations, and;

Whereas, certain of the lands have been reserved and set aside for use of the Bureau of Indian Affairs for school, agency, cemetery and other administrative purposes, and;

Whereas, the Indians, through their tribal council, and the Commissioner of Indian Affairs, have recommended that certain lands in such reserves be restored to tribal ownership, and;

Whereas, such lands, hereinafter described, are surplus to the needs of the Bureau of Indian Affairs for administrative purposes:

Now, therefore, by virtue of the authority contained in Section 3 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), I hereby find that restoration to tribal ownership of the following-described ceded lands is in the public interest, and the said lands are hereby restored to tribal ownership for the use and benefit of the Wichita and Affiliated Bands of Indians (Caddo Tribe and the Absentee Band of Delaware Indians of Caddo County, Oklahoma), and are added to and made a part of the existing reservation, subject to any valid existing rights:

INDIAN MERIDIAN

Riverside Indian School Reserves

T. 7 N., R. 10 W.,
Sec. 4;
Sec. 5, E½;
Sec. 8, E½;
Sec. 9, lots 1 and 4, N½NE¼, NW¼, NE¼ SW¼, and W½SW¼;
Sec. 10, lot 3, NW¼NW¼, S½S½N½SW¼, S½SW¼, NW¼SE¼, and those portions of the S½NW¼, N½N½SW¼, and N½S½N½SW¼ lying east of west right-of-way line of U.S. Highway 281;
Sec. 15, lots 2 and 3.

Wichita-Caddo Cemeteries

T. 7 N., R. 10 W.,
Sec. 10, NE¼NW¼.
T. 9 N., R. 10 W.,
Sec. 3, SE¼SE¼.

Wichita Sub-Agency

T. 9 N., R. 11 W.,
Sec. 26, W½SE¼.

Caddo Sub-Agency

T. 7 N., R. 12 W.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼.

The areas described aggregate 2,306.08 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9877; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3229; Anchorage 057782; Wyoming 0244078]

ALASKA AND WYOMING

Correcting Public Land Orders No. 3101 and 3128

1. In Public Land Order No. 3128 (Anchorage 057782) of July 9, 1963, appearing as Federal Register Doc. 63-7372 in the issue of July 13, 1963, at page 7226, that portion of the land description in paragraph 1 which reads: "Beginning at a point which bears west 625.29 feet from C¼ Corner" is corrected to read: "Beginning at a point which bears west 665.29 feet from C¼ Corner"

2. In Public Land Order No. 3101 (Wyoming 0244078) of June 12, 1963, appearing as Federal Register Doc. 63-6417 in the issue of June 19, 1963, at page 6270, that part of the land description in sec. 6, T. 20 N., R. 91 W., appearing as "N½N½S½ of lot 5" is corrected to read "N½ and N½S½ of lot 5."

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9878; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3230; Oregon 013107]

OREGON

Withdrawal for Forest Service Roadside Zone and Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Whitman National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a roadside zone and recreation area:

WILLAMETTE MERIDIAN

T. 10 S., R. 38 E.,
Sec. 24, S½SE¼.
T. 10 S., R. 39 E.,
Sec. 19, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 29, NW¼, E½SW¼, and SE¼;
Sec. 30, N½NE¼.

The areas described aggregate approximately 681 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9879; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3232; Sacramento 075721]

CALIFORNIA

Order Opening Reclamation Withdrawn Lands to Mineral Location, Entry and Patent

By virtue of the authority contained in the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following-described lands shall, at 10:00 a.m. on October 17, 1963, be open to location, entry and patent under the United States mining laws:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 11 E.,
Sec. 33, SE¼SE¼.

Containing approximately 40 acres in the Tahoe National Forest.

2. The opening made by this order shall be subject to the stipulations quoted below and which are made a part of this order, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Sacramento, California before any rights attach by virtue of this order:

The Bureau of Reclamation retains the right to use the land for any project purposes at any time. The United States will not be held liable for damages nor will it pay the costs of improvements the locator or any subsequent mining operator may lose as a result of the land being used for project purposes. Such steps as may be necessary will be taken by the locator or any subsequent mining operator to prevent the pollution of downstream storage facilities including Folsom and Nimbus Reservoirs.

As the lands are included in the order creating Power Site Classification No. 168, the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621) likewise apply.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9880; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3233; Oregon 013664]

OREGON

Order Opening Public Lands

The Federal Power Commission has vacated the withdrawal created by the filing of an application for amendment of license for Project No. 57, so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 10 S., R. 13 E.,
Sec. 33, S½SE¼.

Containing 80 acres.

By virtue of the authority vested in the Secretary of the Interior by sec. 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) and otherwise, the lands are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on October 17, 1963. They have been open to applications and offers under the mineral-leasing laws and to location under the United States mining laws.

The State of Oregon has waived its preference rights of application under sec. 24 of the Federal Power Act, and under subsection (c) of sec. 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9881; Filed, Sept. 16, 1963; 8:46 a.m.]

[Public Land Order 3231; Utah 010062]

UTAH

Partly Revoking Public Land Order No. 2564 of December 15, 1961

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1962, it is ordered as follows:

1. Public Land Order No. 2564 of December 15, 1961, which withdrew national forest lands in Utah for use of the Forest Service, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

MANTI-LA SAL NATIONAL FOREST

Ollerton Administrative Site

T. 11 S., R. 5 E.,
Sec. 26, N½NW¼, and N½S½NW¼.

Containing approximately 120 acres.

2. At 10:00 a.m. on October 17, 1963, the lands released from withdrawal by this order shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-9897; Filed, Sept. 16, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

St. Marks National Wildlife Refuge, Florida

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

FLORIDA

ST. MARK'S NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres, or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Turkey, quail, squirrel, rabbit, raccoon, bobcat, fox.

(b) Open season: November 16, 1963, through January 5, 1964. Hunting every day. Special turkey gobbler season from March 28 through April 12, 1964, one-half hour before sunrise to 12:00 noon.

(c) Daily bag limits: Turkey—2; quail—10; gray squirrel—10; fox squirrel—2; rabbit—none; raccoon—none; bobcat—none; fox—none.

(d) Methods of hunting:

(1) Weapons: Shotgun not larger than 10 gauge limited to 3-shell capacity; bow and arrow capable of casting one (1) ounce hunting arrow 150 yards; rifle, including repeating rifle; falcon.

(2) Cross-bows and fully automatic weapons are prohibited.

(3) Dogs permitted for the hunting of squirrel, rabbit, quail, raccoon and bobcat. The hunting of turkey with dogs is prohibited.

(4) Baiting prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping and fires prohibited.

(3) The St. Marks hunting area is managed in conjunction with the State's Aucilla Game Management Area. Hunters will be charged a hunting fee for the season by the State for hunting on the State's management area and this will include the privilege of entering the refuge hunting area.

(4) A Federal permit is not required to enter the public hunting area; however, the State permit as sold to hunters by the Florida Game and Fresh Water Fish Commission will be required as a permit to enter the St. Marks Refuge hunting area.

(5) The provisions of this special regulation are effective to April 13, 1964.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres, or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer (bucks only), and bear (adults only).

(b) Open season: November 16, 1963, through January 5, 1964. One-half hour before sunrise to one-half hour after sunset.

(c) Daily bag limits: Deer—1; season's limit—2; bear—1; season's limit—1.

(d) Methods of hunting:

(1) Weapons: Shotgun not larger than 10 gauge limited to 3-shell capacity; bow and arrow capable of casting one (1) ounce hunting arrow 150 yards; rifle, including repeating rifle.

(2) Cross-bows, fully automatic weapons, 22 rimfire rifles and full jacketed bullets are prohibited.

(3) Baiting prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping and fires prohibited.

(3) The St. Marks area is managed in conjunction with the State's Aucilla Game Management Area. Hunters will be charged a hunting fee for the season by the State for hunting on the State's management area and this will include the privilege of entering the refuge hunting area.

(4) A Federal permit is not required to enter the public hunting area; however, the State permit as sold to hunters by the Florida Game and Fresh Water Fish Commission will be required as a permit to enter the St. Marks Refuge hunting area.

(5) The provisions of this special regulation are effective to January 6, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9920; Filed, Sept. 16, 1963; 8:48 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the White River National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 114,664 acres or 98 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrels, rabbits, bobcat.

(b) Open season: October 1, 1963, through October 12, 1963.

(c) Daily bag limits: Squirrels—8, rabbits—8, and bobcat—no limit. The hunting of upland game species as may be otherwise authorized by Arkansas State regulations is prohibited.

(d) Methods of hunting:

(1) Any type gun may be used.

(2) Dogs prohibited.

(3) Shooting from boats is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping is permitted in designated areas. Camps may be set up after 12:00 noon on September 30, 1963.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to October 13, 1963.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of big game on the White River National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 114,664 acres or 98 percent of the total refuge area for the bow hunt and 87,000 acres or 75 percent of the total refuge area for the gun hunt, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: October 17, 1963, through October 30, 1963 with bow and arrows. November 14, 1963, through November 16, 1963 with firearms.

(c) Total bag limits: One deer either sex.

(d) Methods of hunting:

(1) Weapons: Bows with pull of not less than 40 pounds and arrows with ⅞ inch minimum width blade. Guns—all rifles must be greater than .22 caliber and shotguns must be larger than 410 gauge. Shotguns must use buckshot larger than No. 4 or ball shot or rifles slugs.

(2) Cross bows or other mechanical bows and firearms are prohibited during the archery hunt. Bows and arrows are prohibited during the gun hunt.

(3) Rifles of .22 caliber and under including 218 Bee, 219 Zipper, 22 Hornet, 22 Savage, 220 Swift and 222 Remington and all rifles using rim fire cartridges are prohibited.

(4) Shooting from White River Levee, Jacks Bay road, and other improved roads is prohibited.

(5) Dogs are not allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping is permitted in designated campsites. No loaded firearms will be permitted in the camp area. Camps may be established after noon the day preceding the hunt.

(3) All deer killed during the gun hunt must be checked at one of the following check stations: Mellwood Road, Tichnor or Ethel. All deer must be tagged immediately with the State tag furnished with hunter license.

(4) Bobcats may be taken.

(5) A Federal permit is required to enter the public hunting area for the archery hunt. No permit required for the gun hunt. Archery permits may be obtained from the Refuge Manager, Box 7L, St. Charles, Arkansas.

(6) The provisions of this special regulation are effective to November 17, 1963.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-9919; Filed, Sept. 16, 1963; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Inclusion of Certain Medical Benefits in Pension or Annuity Plans, Prohibited Transactions of Trusts Under Certain Plans Covering Owner-Employees, and Other Miscellaneous Matters; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 37, 62, 72, 101, 104, 105, 401, 402, 403, 404, 503, and 1361 of the Internal Revenue Code of 1954 to section 2 (a) and (b) of the Act of October 23, 1962 (Public Law 87-863, 76 Stat. 1141) and sections 6 and 7 (a)-(e) and (h) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 828, 829), such regulations are amended as follows:

PARAGRAPH 1. Section 1.37 is amended by revising section 37(c)(1) and by changing the historical note. These amended provisions read as follows:

§ 1.37 Statutory provisions; retirement income.

SEC. 37. *Retirement income.* • • •

(c) *Retirement income.* • • •

(1) In the case of an individual who has attained the age of 65 before the close of the taxable year, income from—

(A) Pensions and annuities (including, in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1), distributions by a trust described in section 401(a) which is exempt from tax under section 501(a)),

(B) Interest,

(C) Rents,

(D) Dividends, and

(E) Bonds described in section 405(b)(1) which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a), or

• • • • • •

[Sec. 37 as amended by Act of Aug. 9, 1955 (Pub. Law 299, 84th Cong., 69 Stat. 591); Act of Jan. 28, 1956 (Pub. Law 398, 84th Cong., 70 Stat. 8); Act of Oct. 24, 1962 (Pub. Law 87-876, 76 Stat. 1199); sec. 7(a), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828)]

PAR. 2. Section 1.37-3 is amended by revising paragraph (a)(2) to read as follows:

§ 1.37-3 Retirement income.

(a) *Inclusions in retirement income.* • • •

(2) *Individuals 65 or over at the close of taxable year.* In the case of individuals who have attained the age of 65 before the close of the taxable year, retirement income consists of income from pensions and annuities, interest, rents, dividends, and bonds described in section 405(b)(1) which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a), to the extent that such income is includible in gross income. Pensions and annuities include (but are not limited to) amounts received as such under a public retirement system or under a retirement system established for members of the Armed Forces of the United States and distributions which are made by a trust described in section 401(a) and exempt from tax under section 501(a) and which are attributable to contributions on behalf of a self-employed individual. For the purpose of section 37(c)(1), income from rents shall be the gross amount received, not reduced by depreciation or other expenses. Retirement income does not include royalties as distinguished from rents.

PAR. 3. Section 1.62 is amended by adding a new paragraph (7) to section 62 and by adding a historical note. These added provisions read as follows:

§ 1.62 Statutory provisions; adjusted gross income defined.

SEC. 62. *Adjusted gross income defined.* • • •

(7) *Pension, profit-sharing, annuity, and bond purchase plans of self-employed individuals.* In the case of an individual who is an employee within the meaning of section 401(c)(1), the deductions allowed by section 404 and section 405(c) to the extent attributable to contributions made on behalf of such individual.

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828)]

PAR. 4. Section 1.62-1 is amended by revising paragraph (c) (8) and (9) and by adding a new subparagraph to paragraph (c). These amended and added provisions read as follows:

§ 1.62-1 Adjusted gross income.

• • • • • •

(c) • • •

(8) Deductions allowable under part VI, section 212, and section 611 which are attributable to property held for the production of rents or royalties;

(9) Deductions for depreciation and depletion allowable under sections 167 and 611 to a life tenant of property or to an income beneficiary of property held in trust or to an heir, legatee, or devisee of an estate;

(10) Deductions allowed by sections 404 and 405(c) for contributions on behalf of a self-employed individual.

PAR. 5. There is added immediately after paragraph (g) of § 1.72-15 the following new paragraph:

§ 1.72-15 Applicability of section 72 to accident or health plans.

• • • • • •

(h) *Medical benefits for retired employees, etc.* Employer contributions to provide medical benefits described in section 401(h) under a qualified pension or annuity plan are not includible in the gross income of the employee on whose behalf such contributions were made. The payment of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14 under a plan established by an employer shall be treated in the same manner as the payment of any other accident or health benefits under an employer-established plan. See paragraphs (b), (c), and (d) of this section.

PAR. 6. Paragraph (b)(1) of § 1.72-18 is amended by adding a new subdivision (vii) at the end thereof. The added provision reads as follows:

§ 1.72-18 Treatment of certain total distributions with respect to self-employed individuals.

• • • • • •

(b) *Distributions to which this section applies.* (1) • • •

(vii) For purposes of this section, the total amounts payable to a distributee or payee, or the amounts to the credit of the employee, do not include any amounts which have been placed in a separate account for the funding of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14. Thus, a distribution by a qualified trust or annuity plan may constitute a distribution to which this section applies even though amounts attributable to the funding of section 401(h) medical bene-

fits as defined in paragraph (a) of § 1.401–14 are not so distributed.

PAR. 7. Section 1.101 is amended by revising section 101(b)(2)(B), by adding a paragraph (3) to section 101(b), and by adding a historical note. These amended and added provisions read as follows:

§ 1.101 Statutory provisions; certain death benefits.

SEC. 101 *Certain death benefits.* • • •

(b) *Employees' death benefits.* • • •

(2) *Special rules for paragraph (1).* • • •

(B) *Nonforfeitable rights.* Paragraph (1) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. This subparagraph shall not apply to total distributions payable (as defined in section 402(a)(3)) which are paid to a distributee within one taxable year of the distributee by reason of the employee's death—

(i) By a stock bonus, pension, or profit-sharing trust described in section 401(a) which is exempt from tax under section 501(a),

(ii) Under an annuity contract under a plan described in section 403(a), or

(iii) Under an annuity contract purchased by an employer which is an organization referred to in section 503(b)(1), (2), or (3) and which is exempt from tax under section 501(a), but only with respect to that portion of such total distributions payable which bears the same ratio to the amount of such total distributions payable which is (without regard to this subsection) includible in gross income, as the amounts contributed by the employer for such annuity contract which are excludable from gross income under section 403(b) bear to the total amounts contributed by the employer for such annuity contract.

• • • • •

(3) *Self-employed individual not considered an employee.* For purposes of this subsection, the term "employee" does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

• • • • •

[Sec. 101 as amended by sec. 23(d), Technical Amendments Act 1958 (72 Stat. 1622); sec. 7(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 8. Section 1.101–2 is amended by adding the following new paragraph:

§ 1.101–2 Employees' death benefits.

• • • • •

(f) *Distributions on behalf of a self-employed individual.* (1) Under sections 401(c)(1) and 403(a)(3), certain self-employed individuals may be covered by a pension or profit-sharing plan described in section 401(a) and exempt under section 501(a) or under an annuity plan described in section 403(a). However, a payment pursuant to the provisions of any such plan by reason of the death of an individual who participated in such a plan as a self-employed individual immediately before his retirement or death to the beneficiary or estate of such individual does not qualify for the exclusion provided by section 101(b).

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). From 1950 to 1965, A was an employee of B, a sole proprietor. In 1963, B established a qualified pension plan covering A and all other persons who had been employed by B for more than 3 years. In 1965, A acquired from B a 40-percent interest in the capital and profits of the business. A continued to participate in the pension plan as a self-employed individual. In 1970, A died and his widow, in compliance with one of the provisions of the pension plan, elected to receive all of the benefits accrued to A prior to his death in a lump-sum distribution. As A participated in the plan as a self-employed individual immediately prior to his death, A's widow may not exclude any portion of such distribution from her gross income under section 101(b).

Example (2). A, an attorney, is employed by the X Company in their legal department. He is covered by the pension plan that X has established for its employees. Under the terms of A's contract of employment with X, A is permitted to carry on the private practice of law in his off-duty hours. A establishes his own pension plan with respect to his earnings from his private practice. On A's death, his widow elected to receive a lump-sum distribution with respect to any benefits accrued to A under both X's pension plan and A's own pension plan. To the extent that such payment otherwise complies with the requirements of section 101(b), up to $5,000 of the amount paid by X may be excluded from her gross income. No part of the distribution from A's own pension plan may be excluded from her gross income under section 101(b) because A participated in the plan as a self-employed individual immediately before his death.

PAR. 9. Section 1.104 is amended by revising section 104(a) to add a new sentence after paragraph (4) and by adding a historical note. These added provisions read as follows:

§ 1.104 Statutory provisions; compensation for injuries or sickness.

SEC. 104. *Compensation for injuries or sickness*—(a) *In general.* • • •

For purposes of paragraph (3), in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), contributions made on behalf of such individual while he was such an employee to a trust described in section 401(a) which is exempt from tax under section 501(a), or under a plan described in section 403(a), shall, to the extent allowed as deductions under section 404, be treated as contributions by the employer which were not includible in the gross income of the employee.

• • • • •

[Sec. 104 as amended by sec. 7(d), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 10. Section 1.104–1 is amended by revising paragraph (d) to read as follows:

§ 1.104–1 Compensation for injuries or sickness.

• • • • •

(d) *Accident or health insurance.* Section 104(a)(3) excludes from gross income amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer). Similar treatment is also accorded to amounts received under accident or health plans and amounts received from sickness or disability funds. See section 105(e) and § 1.105–5. If, therefore, an individual purchases a policy accident or health insurance out of his own funds, amounts received thereunder for personal injuries or sickness are excludable from his gross income under section 104(a)(3). See, however, section 213 and the regulations thereunder as to the inclusion in gross income of amounts attributable to deductions allowed under section 213 for any prior taxable year. Section 104(a)(3) also applies to amounts received by an employee for personal injuries or sickness from a fund which is maintained exclusively by employee contributions. Conversely, if an employer is either the sole contributor to such a fund, or is the sole purchaser of a policy of accident or health insurance for his employees (on either a group or individual basis), the exclusion provided under section 104(a)(3) does not apply to any amounts received by his employees through such fund or insurance. If the employer and his employees contribute to a fund or purchase insurance which pays accident or health benefits to employees, section 104(a)(3) does not apply to amounts received thereunder by employees to the extent that such amounts are attributable to the employer's contributions. See § 1.105–1 for rules relating to the determination of the amount attributable to employer contributions. Although amounts paid by or on behalf of an employer to an employee for personal injuries or sickness are not excludable from the employee's gross income under section 104(a)(3), they may be excludable therefrom under section 105. See §§ 1.105–1 through 1.105–5, inclusive. For treatment of accident or health benefits paid to or on behalf of a self-employed individual by a trust described in section 401(a) which is exempt under section 501(a) or under a plan described in section 403(a), see paragraph (g) of § 1.72–15.

PAR. 11. Section 1.105 is amended by adding a new subsection (g) to section 105 and by adding a historical note. These added provisions read as follows:

§ 1.105 Statutory provisions; amounts received under accident and health plans.

SEC. 105. *Amounts received under accident and health plans.* • • •

(g) *Self-employed individual not considered an employee.* For purposes of this section, the term "employee" does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

[Sec. 105 as amended by sec. 7(e), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 12. Section 1.105–1 is amended by revising paragraph (a) to read as follows:

§ 1.105–1 Amounts attributable to employer contributions.

(a) *In general.* Under section 105(a), amounts received by an employee through accident or health insurance for personal injuries or sickness must be included in his gross income to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer, unless such amounts are excluded therefrom under section 105 (b), (c), or (d). For purposes of this section, the term "amounts received by an employee through an accident or health plan" refers to any amounts received through accident or health insurance, and also to any amounts which, under section 105(e), are treated as being so received. See § 1.105–5. In determining the extent to which amounts received for personal injuries or sickness by an employee through an accident or health plan are subject to the provisions of section 105(a), rather than section 104(a)(3), the provisions of paragraphs (b), (c), (d), and (e) of this section shall apply. A self-employed individual is not an employee for purposes of section 105 and §§ 1.105–1 through 1.105–5. See paragraph (g) of § 1.72–15. Thus, such an individual will not be treated as an employee with respect to benefits described in section 105 received from a plan in which he participates as an employee within the meaning of section 401(c)(1) at the time he, his spouse, or any of his dependents becomes entitled to receive such benefits.

PAR. 13. Section 1.105–5 is amended to read as follows:

§ 1.105–5 Accident and health plans.

(a) *In general.* Sections 104(a)(3) and 105 (b), (c), and (d) exclude from gross income certain amounts received through accident or health insurance. Section 105(e) provides that for purposes of sections 104 and 105 amounts received through an accident or health plan for employees, and amounts received from a sickness and disability fund for employees maintained under the law of a State, a Territory, or the District of Columbia, shall be treated as amounts received through accident or health insurance. In general, an accident or health plan is an arrangement for the payment of amounts to employees in the event of personal injuries or sickness. A plan may cover one or more employees, and there may be different plans for different employees or classes of employees. An accident or health plan may be either insured or noninsured, and it is not necessary that the plan be in writing or that the employee's rights to benefits under the plan be enforceable. However, if the employee's rights are not enforceable, an amount will be deemed to be received under a plan only if, on the date the employee became sick or injured, the employee was covered by a plan (or a program, policy, or custom having the effect of a plan) providing for the payment of amounts to the employee in the event of personal injuries or sickness, and notice or knowledge of such plan was reasonably available to the employee. It is immaterial who makes payment of the benefits provided by the plan. For example, payment may be made by the employer, a welfare fund, a State sickness or disability benefits fund, an association of employers or employees, or by an insurance company.

(b) *Self-employed individuals.* Under section 105(g), a self-employed individual is not treated as an employee for purposes of section 105. Therefore, benefits paid under an accident or health plan to or on behalf of an individual who is self-employed in the business with respect to which the plan is established will not be treated as received through accident and health insurance for purposes of sections 104(a)(3) and 105.

PAR. 14. Section 1.401 is amended by redesignating subsection (h) of section 401 as subsection (i), by inserting after subsection (g) a new subsection (h), and by amending the historical note. These amended and added provisions read as follows:

§ 1.401 Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.

SEC. 401. *Qualified pension, profit-sharing, and stock bonus plans.* • • •

(h) *Medical, etc., benefits for retired employees and their spouses and dependents.* Under regulations prescribed by the Secretary or his delegate, a pension or annuity plan may provide for the payment of benefits for sickness, accident, hospitalization, and medical expenses of retired employees, their spouses and their dependents, but only if—

(1) Such benefits are subordinate to the retirement benefits provided by the plan,

(2) A separate account is established and maintained for such benefits,

(3) The employer's contributions to such separate account are reasonable and ascertainable,

(4) It is impossible, at any time prior to the satisfaction of all liabilities under the plan to provide such benefits, for any part of the corpus or income of such separate account to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of such benefits, and

(5) Notwithstanding the provisions of subsection (a)(2), upon the satisfaction of all liabilities under the plan to provide such benefits, any amount remaining in such separate account must, under the terms of the plan, be returned to the employer.

(i) *Cross reference.* For exemption from tax of a trust qualified under this section, see section 501(a).

[Sec. 401 as amended by sec. 2, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 809); sec. 2(a), Act of Oct. 23, 1962 (Pub. Law 87–863, 76 Stat. 1141)]

PAR. 15. Paragraph (b)(1)(i) of § 1.401–1 is amended to read as follows:

§ 1.401–1 Qualified pension, profit-sharing, and stock bonus plans.

• • • • •

(b) *General rules.* (1)(i) A pension plan within the meaning of section 401(a) is a plan established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to his employees over a period of years, usually for life, after retirement. Retirement benefits generally are measured by, and based on, such factors as years of service and compensation received by the employees. The determination of the amount of retirement benefits and the contributions to provide such benefits are not dependent upon profits. Benefits are not definitely determinable if funds arising from forfeitures on termination of service, or other reason, may be used to provide increased benefits for the remaining participants instead of being used to reduce the amount of contributions by the employer. A plan designed to provide benefits for employees or their beneficiaries to be paid upon retirement or over a period of years after retirement will, for the purposes of section 401(a), be considered a pension plan if the employer contributions under the plan can be determined actuarially on the basis of definitely determinable benefits, or, as in the case of money purchase pension plans, such contributions are fixed without being geared to profits. A pension plan may provide for the payment of a pension due to disability and may also provide for the payment of incidental death benefits through insurance or otherwise. However, a plan is not a pension plan if it provides for the payment of benefits not customarily included in a pension plan such as layoff benefits or benefits for sickness, accident, hospitalization, or medical expenses (except medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14).

PAR. 16. Paragraph (a)(1) of § 1.401–2 is amended to read as follows:

§ 1.401–2 Impossibility of diversion under the trust instrument.

(a) *In general.* (1) Under section 401(a)(2) a trust is not qualified unless under the trust instrument it is impossible (in the taxable year and at any time thereafter before the satisfaction of all liabilities to employees or their beneficiaries covered by the trust) for any part of the trust corpus or income to be used for, or diverted to, purposes other than for the exclusive benefit of such employees or their beneficiaries. This section does not apply to funds of the trust which are allocated to provide medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14. For the rules prohibiting diversion of such funds and the requirement of reversion to the employer after satisfaction of all liabilities under the medical benefits account, see paragraph (c)(4) and (5) of § 1.401–14.

PAR. 17. There is inserted immediately after § 1.401–13 the following new section:

§ 1.401–14 Inclusion of medical benefits for retired employees in qualified pension or annuity plans.

(a) *Introduction.* Under section 401(h) a qualified pension or annuity plan may make provision for the payment of sickness, accident, hospitalization, and medical expenses for retired employees, their spouses, and their dependents. The term "medical benefits described in section 401(h)" is used in this section to describe such payments.

(b) *In general*—(1) *Coverage.* Under section 401(h), a qualified pension or annuity plan may provide for the payment of medical benefits described in section 401(h) only for retired employees, their spouses, or their dependents. To be "retired" for purposes of eligibility to receive medical benefits described in section 401(h), an employee must be eligible to receive retirement benefits provided under the pension plan, or else be retired by an employer providing such medical benefits by reason of permanent disability.

(2) *Discrimination.* A plan which provides medical benefits described in section 401(h) must not discriminate in favor of officers, shareholders, supervisory employees, or highly compensated employees with respect to coverage and with respect to the contributions or benefits under the plan. The determination of whether such a plan so discriminates is made with reference to the retirement portion of the plan as well as the portion providing the medical benefits described in section 401(h). Thus, for example, a plan will not be qualified under section 401 if it discriminates in favor of employees who are officers or shareholders with respect to either portion of the plan.

(3) *Funding medical benefits.* Contributions to provide the medical benefits described in section 401(h) may be made either on a contributory or noncontributory basis, without regard to whether the contributions to fund the retirement benefits are made on a similar basis. Thus, for example, the contributions to fund the medical benefits described in section 401(h) may be provided for entirely out of employer contributions even though the retirement benefits under the plan are determined on the basis of both employer and employee contributions.

(4) *Definitions.* For purposes of section 401(h) and this section:

(i) The term "dependent" shall have the same meaning as that assigned to it by section 152, and

(ii) The term "medical expense" means expenses for medical care as defined in section 213(e)(1).

(c) *Requirements.* The requirements which must be met for a qualified pension or annuity plan to provide medical benefits described in section 401(h) are set forth in subparagraphs (1) through (5) of this paragraph.

(1) *Benefits.* (i) The plan must specify the medical benefits described in section 401(h) which will be available and must contain provisions for determining the amount which will be paid. Such benefits, when added to any life insurance protection provided for under the plan, must be subordinate to the retirement benefits provided by such plan. For purposes of this section, life insurance protection includes any benefit paid under the plan on behalf of an employee-participant as a result of the employee-participant's death to the extent such payment exceeds the amount of the reserve to provide the retirement benefits for the employee-participant existing at his death. The medical benefits described in section 401(h) are considered subordinate to the retirement benefits if at all times the aggregate of contributions (made after the date on which the plan first includes such medical benefits) to provide such medical benefits and any life insurance protection does not exceed 25 percent of the aggregate contributions (made after such date) other than contributions to fund past service credits.

(ii) The meaning of the term "subordinate" may be illustrated by the following example:

Example. The X Corporation amends its qualified pension plan to provide medical benefits described in section 401(h) effective for the taxable year 1964. The total contributions under the plan (excluding those for past service credits) for the taxable year 1964 are $125,000, allocated as follows: $100,000 for retirement benefits, $10,000 for life insurance protection, and $15,000 for medical benefits described in section 401(h). The medical benefits described in section 401(h) are considered subordinate to the retirement benefits since the portion of the contributions allocated to the medical benefits described in section 401(h) ($15,000) and to life insurance protection after such medical benefits were included in the plan ($10,000), or $25,000, does not exceed 25 percent of $125,000. For the taxable year 1965, the X Corporation contributes $140,000 (exclusive of contributions for past service credits) allocated as follows: $100,000 for retirement benefits, $10,000 for life insurance protection, and $30,000 for medical benefits described in section 401(h). The medical benefits described in section 401(h) are considered subordinate to the retirement benefits since the aggregate contributions allocated to the medical benefits described in section 401(h) ($45,000) and to life insurance protection after such medical benefits were included in the plan ($20,000) or $65,000 does not exceed 25 percent of $265,000, the aggregate of the contributions made in 1964 and 1965.

(2) *Separate accounts.* Where medical benefits described in section 401(h) are provided for under a qualified pension or annuity plan, a separate account must be maintained with respect to contributions to fund such benefits. The separation required by this section is for recordkeeping purposes only. Consequently, the funds in the medical benefits account need not be separately invested. They may be invested with funds set aside for retirement purposes without identification of which investment properties are allocable to each account. However, where the investment properties are not allocated to each account, the earnings on such properties must be allocated to each account in a reasonable manner.

(3) *Reasonable and ascertainable.* Section 401(h) further requires that amounts contributed to fund medical benefits therein described must be reasonable and ascertainable. For the rules relating to the deduction of such contributions, see paragraph (f) of § 1.404(a)-3. The employer must, at the time he makes a contribution, designate that portion of such contribution allocable to the funding of medical benefits.

(4) *Impossibility of diversion prior to satisfaction of all liabilities.* Section 401(h) further requires that it must be impossible, at any time prior to the satisfaction of all liabilities under the plan to provide for the payment of medical benefits described in section 401(h), for any part of the corpus or income of the medical benefits account to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of such benefits. Consequently, a plan which, for example, under its terms, permits funds in the medical benefits account to be used for any retirement benefit provided under the plan does not satisfy the requirements of section 401(h) and will not qualify under section 401(a). However, the payment of any necessary or appropriate expenses attributable to the administration of the medical benefits account does not affect the qualification of the plan.

(5) *Reversion upon satisfaction of all liabilities.* The plan must provide that any amounts which are contributed to fund medical benefits described in section 401(h) and which remain in the medical benefits account upon the satisfaction of all liabilities arising out of the operation of the medical benefits portion of the plan are to be returned to the employer.

(6) *Forfeitures.* The plan must expressly provide that in the event an individual's interest in the medical benefits account is forfeited prior to termination of the plan an amount equal to the amount of the forfeiture must be applied as soon as possible to reduce employer contributions to fund the medical benefits described in section 401(h).

(d) *Effective date.* This section applies to taxable years of a qualified pension or annuity plan beginning after October 23, 1962.

PAR. 18. Section 1.402(a)-1 is amended by adding a new subdivision (vi) at the end of paragraph (a)(1) and by adding a new subdivision (viii) at the end of paragraph (a)(6). These added provisions read as follows:

§ 1.402(a)-1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* (1) • • •

(vi) For the treatment of amounts paid to provide medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14, see paragraph (h) of § 1.72-15.

• • • • • •

(6) • • •

(viii) The term "total distributions payable" does not include any amount which has been placed in a separate account for the funding of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14. Thus, a distribution by a qualified trust may constitute a total distributions payable with respect to an employee even though the trust retains amounts attributable to the funding of medical benefits described in section 401(h).

PAR. 19. Section 1.403(a)-1 is amended by adding a new paragraph (g) at the end thereof. The added provision reads as follows:

§ 1.403(a)-1 Taxability of beneficiary under a qualified annuity plan.

• • • • • •

(g) For the treatment of amounts paid to provide medical benefits described in section 401(h) as defined in § 1.401-14, see paragraph (h) of § 1.72-15.

PAR. 20. Section 1.403(a)-2 is amended by adding the following new subparagraph (6) to paragraph (b):

§ 1.403(a)-2 Capital gains treatment for certain distributions.

• • • • • •

(b) • • •

(6) The term "total amounts" does not include any amount which has been

placed in a separate account for the funding of benefits described in section 401(h). Thus, a distribution under a qualified annuity plan may constitute a distribution of the total amounts payable with respect to an employee even though amounts attributable to the funding of section 401(h) medical benefits as defined in paragraph (a) of § 1.401-14 are not so distributed.

PAR. 21. Section 1.404(a) is amended by revising section 404(a)(2) and by amending the historical note. These amended provisions read as follows:

§ 1.404(a) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan*—(a) *General rule.* • • •

(2) *Employees' annuities.* In the taxable year when paid, in an amount determined in accordance with paragraph (1), if the contributions are paid toward the purchase of retirement annuities, or retirement annuities and medical benefits as described in section 401(h), and such purchase is a part of a plan which meets the requirements of section 401(a) (3), (4), (5), (6), (7), and (8), and, if applicable, the requirements of section 401(a) (9) and (10) and of section 401(d) (other than paragraph (1)), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities, or such retirement annuities and medical benefits.

• • • • • •

[Sec. 404(a) as amended by sec. 3, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 819; sec. 2(b), Act of Oct. 23, 1962 (Pub. Law 87-863, 76 Stat. 1141)]

PAR. 22. Section 1.404(a)-3 is amended by revising paragraph (a) and by inserting after paragraph (e) a new paragraph (f). These amended and added provisions read as follows:

§ 1.404(a)-3 Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 401(a); application of section 404(a)(1).

(a) If contributions are paid by an employer to or under a pension trust or annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404(a)-1), the contributions are deductible under section 404(a) (1) or (2) if the further conditions provided therein are also satisfied. As used in this section, a "pension trust" means a trust forming part of a pension plan and an "annuity plan" means a pension plan under which retirement benefits are provided under annuity or insurance contracts without a trust. This section is also applicable to contributions to a foreign situs pension trust which could qualify for exemption under section 501(a) except that it is not created or organized and maintained in the United States. For the meaning of "pension plan" as used in this section, see paragraph (b)(1)(i) of § 1.401-1. Where disability pensions, insurance, or survivorship benefits incidental and directly related to the retirement benefits under a pension or annuity plan are provided for the employees or their beneficiaries by contributions under the plan, deductions on account of such incidental benefits are also covered under section 404(a)(1) or (2). See paragraph (b)(2) of § 1.72-16 as to taxability to employees of cost of incidental life insurance protection. Similarly, where medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14 are provided for retired employees, their spouses, or their dependents under the plan, deductions on account of such subordinate benefits are also covered under section 404(a)(1) or (2). In order to be deductible under section 404(a)(1), contributions to a pension trust must be paid in a taxable year of the employer which ends with or within a year of the trust for which it is exempt under section 501(a). Contributions paid in such a taxable year of the employer may be carried over and deducted in a succeeding taxable year of the employer in accordance with section 404(a)(1)(D), whether or not such succeeding taxable year ends with or within a taxable year of the trust for which it is exempt under section 501(a). See § 1.404(a)-7 for rules relating to the limitation on the amount deductible in such a succeeding taxable year of the employer. See § 1.404(a)-8 as to conditions for deductions under section 404(a)(2) in the case of an annuity plan. In either case, the deductions are also subject to further limitations provided in section 404(a)(1). The limitations provided in section 404(a)(1) are, with an exception provided for certain years under subparagraph (A) thereof (see § 1.404(a)-4), based on the actuarial costs of the plan.

• • • • • •

(f)(1) Amounts contributed by an employer under the plan for the funding of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14 must satisfy the general requirements which are applicable to deductions allowable under section 404 and which are set forth in § 1.404(a)-1 including, for example, the requirements described in paragraph (b) of such section. Accordingly, such amounts must constitute an ordinary and necessary expense relating to either the trade or business or the production of income and must not, when added to all other compensation paid by the employer to the employee on whose behalf such a contribution is made, constitute more than reasonable compensation. However, in determining the amount which is deductible with respect to contributions to provide retirement benefits under the plan, amounts contributed for the funding of medical benefits described in section 401(h) shall not be taken into consideration.

(2) The amounts deductible with respect to employer contributions to fund medical benefits described in section 401(h) shall not exceed the total cost of providing such benefits. The total cost of providing such benefits shall be determined in accordance with any generally accepted actuarial method which is reasonable in view of the provisions and coverage of the plan, the funding medium, and other applicable considerations. The amount deductible for any taxable year with respect to such cost shall not exceed the greater of—

(i) An amount determined by distributing the remaining unfunded costs of past or future service credits as a level amount, or as a level percentage of compensation, over the remaining future service of each employee, or

(ii) 10 percent of the cost which would be required to completely fund or purchase such medical benefits.

In determining the amount deductible, an employer must apply either subdivision (i) of this subparagraph for all employees or subdivision (ii) of this subparagraph for all employees. If contributions paid by an employer in a taxable year to fund such medical benefits under a pension or annuity plan exceed the limitations of this subparagraph but otherwise satisfy the conditions for deduction under section 404, then the excess contributions are carried over and are deductible in succeeding taxable years of the employer which end with or within taxable years of the trust for which it is exempt under section 501(a) in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the limitation applicable to such year under this subparagraph. For purposes of subdivision (i) of this subparagraph, if the remaining future service of an employee is one year or less, it shall be treated as one year.

PAR. 23. Section 1.404(a)-8 is amended by revising paragraph (a)(1), by revising that portion of paragraph (a)(3) which precedes subdivision (i), and by adding a new sentence to paragraph (a)(3) after subdivision (ii)(*b*). These amended and added provisions read as follows:

§ 1.404(a)-8 Contributions of an employer under an employees' annuity plan which meets the requirements of section 401(a); application of section 404(a)(2).

(a) • • •

(1) The contributions must be paid toward the purchase of retirement annuities (or for disability, severance, insurance, survivorship benefits incidental and directly related to such annuities, or medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14) under an annuity plan for the exclusive benefit of the employer's employees or their beneficiaries. See paragraph (a) of § 1.401-1.

• • • • • •

(3) There must be a definite written arrangement between the employer and the insurer that refunds of premiums, if any, shall be applied within the taxable year of the employer in which received or within the next succeeding taxable year toward the purchase of retirement annuities (or for disability, severance, insurance, survivorship benefits incidental and directly related to such annuities, or medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14) under the plan. For the purpose of this condition, "refunds of premiums" means payments by the in-

surer on account of credits such as dividends, experience rating credits, or surrender or cancellation credits. The arrangement may be in the form of contract provisions or written directions of the employer or partly in one form and partly in another. This condition will be considered satisfied where—

* * * * *

If the plan also includes medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401–14, any refund of premium attributable to such benefits must, in accordance with these rules, be applied toward the purchase of medical benefits described in section 401 (h) as defined in paragraph (a) of § 1.401–14.

PAR. 24. Paragraphs (a) and (b) of § 1.503(a)–1 are amended to read as follows:

§ 1.503(a)–1 Denial of exemption to organizations engaged in prohibited transactions.

(a) The prohibited transactions enumerated in section 503 are in addition to and not in limitation of the restrictions contained in section 501(c)(3) and section 401(a). Even though an organization has not engaged in any of the prohibited transactions referred to in section 503, it still may not qualify for tax exemption in view of the general provisions of section 501(c)(3) and section 401(a). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) An organization described in section 501(c)(3) which after July 1, 1950, has engaged in any prohibited transaction as defined in section 503(c), unless it is excepted by the provisions of section 503(b), and an organization described in section 401(a) which after March 1, 1954, has engaged in any prohibited transaction defined in section 503 shall not be exempt from taxation under section 501(a) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered or certified mail to the last known address of the organization. However, notwithstanding the requirement of notification by the Commissioner, exemption shall be denied with respect to any taxable year if such organization during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting income or corpus from its exempt purposes and such transaction involved a substantial part of the income or corpus of such organization. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

PAR. 25. Paragraph (a) of § 1.503(c)–1 is amended to read as follows:

§ 1.503(c)–1 Prohibited transactions.

(a) *In general.* For purposes of this section, the term "prohibited transaction" includes any transaction described as such in section 503(c) engaged in by an organization described in section 501 (c)(3) or section 401(a), other than those organizations excepted by section 503(b). Whether a transaction is a prohibited transaction depends on the facts and circumstances of the particular case. This section denies tax-exempt status to those organizations described in sections 501(c)(3) and 401(a) which engage in certain transactions which inure to the private advantage of (1) the creator of such organization (if it is a trust); (2) any substantial contributor to the organization; (3) a member of the family (as defined in section 267(c)(4)) of an individual who is such creator of or such substantial contributor to such organization; or (4) a corporation controlled, as set forth in section 503(c), by such creator or substantial contributor.

PAR. 26. Section 1.503(g)–1 is amended to read as follows:

§ 1.503(g)–1 Cross references.

For provisions relating to loans described in section 503(c)(1) by a trust described in section 401(a), see § 1.503 (c)–1 and section 503 (h) and (i) and the regulations thereunder.

PAR. 27. The following new sections are added immediately after § 1.503(i)–1:

§ 1.503(j) Statutory provisions; requirements for exemption; trusts benefiting certain owner-employees.

SEC. 503. *Requirements for exemption.*

* * *

(j) *Trusts benefiting certain owner-employees*—(1) *Prohibited transactions.* In the case of a trust described in section 401(a) which is part of a plan providing contributions or benefits for employees some or all of whom are owner-employees (as defined in section 401(c)(3)) who control (within the meaning of section 401(d)(9)(B)) the trade or business with respect to which the plan is established, the term "prohibited transaction" also means any transaction in which such trust, directly or indirectly—

(A) Lends any part of the corpus or income of the trust to;

(B) Pays any compensation for personal services rendered to the trust to;

(C) Makes any part of its services available on a preferential basis to; or

(D) Acquires for the trust any property from, or sells any property to;

any person described in subsection (c) or to any such owner-employee, a member of the family (as defined in section 267(c)(4)) of any such owner-employee, or a corporation controlled by any such owner-employee through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

(2) *Special rule for loans.* For purposes of the application of paragraph (1)(A), the following rules shall apply with respect to a loan made before the date of the enactment of this subsection which would be a prohibited transaction if made in a taxable year beginning after December 31, 1962:

(A) If any part of the loan is repayable prior to December 31, 1965, the renewal of such part of the loan for a period not extending beyond December 31, 1965, on the same terms, shall not be considered a prohibited transaction.

(B) If the loan is repayable on demand, the continuation of the loan beyond December 31, 1965, shall be considered a prohibited transaction.

[Sec. 503(j) as added by sec. 6, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 827)]

§ 1.503(j)–1 Trusts benefiting certain owner-employees.

(a) *In general.* Section 503(j) defines the term "prohibited transaction" to include certain transactions in addition to the transactions enumerated in section 503(c) in the case of an employees' trust described in section 401(a) and exempt from tax under section 501 (a) forming part of a plan that covers (within the meaning of paragraph (a)(2) of § 1.401–10) one or more owner-employees who control the trade or business with respect to which the plan has been established. In the case of such a trust, the term "prohibited transaction" includes any transaction in which the trust, directly or indirectly—

(1) Lends any part of the corpus or income of the trust to;

(2) Pays any compensation for personal services rendered to the trust to;

(3) Makes any part of its services available on a preferential basis to;

(4) Acquires for the trust any property from, or sells any property to;

any person described in section 503(c) or to any such owner-employee, a member of the family (as defined in section 267 (c)(4)) of any such owner-employee, or a corporation controlled by such owner-employee through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation. Mere participation by such a trust in such a transaction constitutes a "prohibited transaction" without regard to the reasonableness of the rate of either interest or compensation (as the case may be), the adequacy of the security involved, or the accuracy of the values the parties may have placed upon property which has been transferred to or from the trust.

(b) *Transfer of property to trust.* The term "prohibited transaction" as defined in section 503(j)(1)(D) includes any transaction in which a trust to which this section applies acquires property from, or sells property to, a person described in section 503(j). These persons include an owner-employee covered under the plan, of which the trust forms a part, and the person treated as the employer of such an owner-employee. For purposes of this section, a trust is considered to have "acquired" property when it is included in a contribution to the trust. Thus, in the case of a trust to which section 503(j) applies, the employer may not make a contribution of property to provide benefits for any employee, irrespective of whether such employee is a person described in section 503(j). Similarly, the owner-employee himself shall not contribute property to such a trust as an employee contribution permitted under the plan. For purposes of this section the term "property" does not include money. See also section 503 (c) for transfers of property that constitute prohibited transactions.

(c) *Loans.* A loan made to a person described in section 503(j) by a trust after October 9, 1962, but prior to the date on which the plan, of which the trust forms a part, first covers an owner-employee who controls, or owner-employees who together control, the trade or business with respect to which the plan is established is a prohibited transaction within the meaning of section 503(j) unless the loan is repaid prior to such date. For loans made before October 10, 1962, see section 503(j)(2).

(d) *Definitions.* For purposes of section 503(j) and this section:

(1) The term "owner-employee" has the same meaning as that assigned to it by section 401(c)(3) and paragraph (d) of § 1.401–10;

(2) The term "control" has the same meaning as that assigned to it by section 401 (d)(9)(B) and paragraph (e)(3) of § 1.401–12.

(e) *Examples.* The following examples illustrate the application of section 503 (j)(1):

Example (1). A, B, C, and D each owns a 25-percent interest in both the capital and profits of the ABCD Partnership engaged in a business with respect to which capital is not a material income-producing factor. The partnership has three full-time employees, E, F, and G. In 1963, the partnership established a qualified pension plan which covered all partners and full-time employees. In 1970, the trust, which was part of such plan, loaned partner A $100,000 for which A gave his secured promissory note at the rate of 6 percent interest, the rate charged by financial institutions in the community where the transaction took place. The loan by the trust to A is a prohibited transaction since section 503(j)(1)(A) prohibits any loan to A, regardless of the rate of interest or the adequacy of the security.

Example (2). Assume the same facts as those given in example (1), with the exception of the loan to A. A's brother L, who is a specialist on the subject of employee benefit programs, was employed by the trust to render advice in connection with the administration of the trust. L was reasonably compensated by the trust for this work. However, since L is a member of A's family (as defined in section 267(c)(4)), the payment of this compensation to him for services rendered the pension trust constitutes a prohibited transaction within the meaning of section 503(j)(1)(B).

Example (3). Assume the same facts as those given in example (1), with the exception of the loan to A. The plan provided that each covered person could make voluntary employee contributions not to exceed five percent of his compensation. A contributed securities having a fair market value of $2,500. A's contribution of securities constitutes a transaction in which the trust acquired property from a person described in section 503(j) and, therefore, was a prohibited transaction within the meaning of section 503(j)(1)(D).

Example (4). The ABC Partnership is composed of 10 partners. A, B, and C each owns a 15-percent interest in the profits and capital of the partnership. The remaining 55 percent is divided equally among the other partners. The partnership established a qualified pension plan under which all partners participate. The trust which was part of such plan, loaned partner A $100,000 for which A gave his secured promissory note at the rate of 3 percent interest. Since there is no owner-employee, or combination of owner-employees, who control the business with respect to which the plan was established and who are covered under the plan, section 503(j) is not applicable to this situation. However, the loan may be a prohibited transaction within the meaning of section 503(c)(1).

PAR. 28. Section 1.1361 is amended by revising section 1361(d) and by adding a historical note. These amended and added provisions read as follows:

§ 1.1361 Statutory provisions; unincorporated business enterprises electing to be taxed as domestic corporations.

SEC. 1361. *Unincorporated business enterprises electing to be taxed as domestic corporations.* * * *

(d) *Limitation.* A partner or proprietor of an unincorporated business enterprise as to which an election has been made under subsection (a) shall not be considered an employee for purposes of section 401(a) (relating to employees' pension trust, etc.) other than an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), or for purposes of section 405 (relating to qualified bond purchase plans) other than an employee described in section 405(f).

* * * * *

[Sec. 1361 as amended by sec. 7(h), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829)]

PAR. 29. Section 1.1361–4 is amended to read as follows:

§ 1.1361–4 Pension or profit-sharing plan.

A proprietor or partner of a section 1361 corporation shall not be considered a common-law employee for purposes of section 401(a) (relating to employees' pension trusts, etc.), section 403(a) (relating to employees' annuity plans, etc.), or section 405 (relating to qualified bond purchase plans). Accordingly, such a proprietor or partner may not participate as a common-law employee in any pension or profit-sharing plan described in section 401(a), an annuity plan described in section 403(a), or a qualified bond purchase plan described in section 405 which the section 1361 corporation may have for its employees. However, such a proprietor or partner may participate in any such plan as a self-employed individual in accordance with those provisions of sections 401 through 405 which are applicable to self-employed individuals. A contribution to any such plan by a section 1361 corporation on behalf of a self-employed individual is deductible in computing the taxable income of such corporation. However, the amount of such deduction shall be determined in accordance with the provisions of section 404 (a)(8), (9), (10), and (e). No deduction with respect to such contribution is allowable to the self-employed individual on whose behalf such contribution is made. For purposes of applying the provisions of sections 401–405 which are applicable to self-employed individuals, the proprietor or partner of a section 1361 corporation shall not be treated as a shareholder of such corporation.

[F.R. Doc. 63–9924; Filed, Sept. 16, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR SWEET PEPPERS

Application of Tolerances; Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Sweet Peppers (7 CFR, §§ 51.3270 to 51.3286) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment of the standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington, D.C., 20250, not later than October 15, 1963.

NOTE: Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of considerations leading to the proposed amendment of the standards. With the advent of the use of small size consumer containers in packing sweet peppers, it is evident that the Application of Tolerances section in the U.S. Standards for Sweet Peppers is inadequate. Under the present requirement not more than one and one-half times a tolerance of 10 percent or double a tolerance of less than 10 percent may be allowed in an individual container. This requirement is practical when applied to large wholesale-size packages, but is not practical when peppers are packed in small containers, such as the film-wrapped tray containing three or four peppers now being packed. In this type of pack, one pepper would constitute either 33 percent or 25 percent of the contents and if either defective or offsize would exceed the present restriction of one and one-half times or double the tolerance, as applicable. This imposes a very difficult grading requirement on the packer. Therefore, members of the produce packaging industry who would like to use continuous inspection by the U.S. Department of Agriculture and designate the grade of the product, in conjunction with the official shield, on consumer size packages have been unable to do so because of the strict container tolerances in the existing standards.

The proposed amendment, which would affect only the Application of

Tolerances section of the U.S. Standards, would relieve this situation by permitting individual packages of twenty peppers or less to contain double any tolerance or allow at least one defective and one off-size pepper within the container, provided that the over-all tolerances for the lot were not exceeded. This change would make it possible for the same grade used by the shipper and wholesaler to carry through to the retail level and have significance to the consumer.

As proposed to be amended, § 51.3275 is set forth below:

§ 51.3275 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 20 peppers, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified.

(b) For packages which contain more than 20 peppers and a tolerance of less than 10 percent is provided, and for packages which contain 20 peppers or less, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size pepper may be permitted in any package.

AUTHORITY: § 51.3275 issued under Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

Dated: September 12, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-9890; Filed, Sept. 16, 1963; 8:47 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR RADISHES

Application of Tolerances; Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Radishes (7 CFR, §§ 51.2395 to 51.2412) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment of the standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington, D.C., 20250, not later than October 15, 1963.

Statement of considerations leading to the proposed amendment of the grade standards. With the increased use of small size consumer containers in packing radishes, it is evident that the Application of Tolerances section in the U.S. Standards for Radishes is inadequate. Under the present requirement, for a tolerance of ten percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains one pound or less, individual packages may contain not more than double the tolerance; and for a tolerance of less than ten percent, individual packages may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package. On the present basis, two decayed radishes in one consumer size container would exceed the package tolerance and cause the entire lot to fail to meet the grade. This imposes a very difficult grading requirement on the packers of small containers, especially when transferring from a large wholesale container to the small consumer package. Members of the produce packaging industry who would like to use continuous inspection by the U.S. Department of Agriculture and mark the grade, in conjunction with the official shield, on consumer size packages have been unable to do so because of the strict container tolerances in the existing standards.

The proposed amendment, which would affect only the Application of Tolerances section of the U.S. Standards, would relieve this situation by permitting containers of one pound or less to have four times any tolerance or allow at least two defective radishes within the container, provided that the over-all tolerances for the lot were not exceeded. This change would make it practical for the same grade used by the shipper and wholesaler to carry through to the retail level and have significance to the consumer.

As proposed to be amended, § 51.2400 is set forth below:

§ 51.2400 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains one pound or less, individual packages may contain not more than four times the tolerance specified; and

(b) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that when the package contains one pound or less, individual packages may contain not more than four times the tolerance specified, except that at least two defective specimens may be permitted in any package.

Dated: September 12, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-9892; Filed, Sept. 16, 1963; 8:47 a.m.]

[7 CFR Ch. IX]

[AO-342]

POTATOES

Decision With Respect to Proposed National Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; hereinafter the Act) and the rules of practice and procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders (7 CFR Part 900), this decision with respect to a proposed National Marketing Agreement and Order for Potatoes (hereinafter the National Marketing Order) is issued.

The notice for public hearing to consider a proposed National Marketing Order for potatoes was published in the FEDERAL REGISTERS of February 20, 1962, March 7, 1962, and October 12, 1962 (27 F.R. 1556; 2178; 10048). The notice set forth the proposed National Marketing Order as sponsored by the National Potato Advisory Committee appointed at the request of the National Potato Council. The hearing began in New York City March 12 and continued through March 17, 1962. It was continued at Toledo, Ohio, March 19-20; at Minneapolis, Minnesota, March 22-24; at Pocatello, Idaho, March 27-31; at Bakersfield, California, April 5-7; at Amarillo, Texas, April 12-14; at Atlanta, Georgia, April 17-21; and at Denver, Colorado, December 4-6, 1962. The record for the several sessions of the hearing consists of 6217 pages of testimony, 102 exhibits, and appended briefs of interested parties.

The recommended decision, based on hearing record evidence and after consideration of briefs, was filed July 15, 1963, with the Hearing Clerk, United States Department of Agriculture. Notice of the filing of the recommended decision, affording opportunity through August 15, 1963, to file written exceptions was published July 18, 1963, in the FEDERAL REGISTER (28 F.R. 7348).

Exceptions filed. Within the period provided, exceptions to the recommended decision were filed by Merle Anderson, Climax, Minnesota; Jack B. Bishop, Wayland, New York; E. Perrin Edmunds, Fort Fairfield, Maine; Harvey Tallackson, Grafton, Minnesota, and William A. Zeh, Calverton, Long Island, New York. The exceptions were similar in that they contended that the proponents had justified a national potato marketing order and referendum on a National Marketing Order should be held among potato producers.

Rulings. Extensive hearing record evidence both by proponents in justification of and by opponents in opposition to a National Marketing Order, as proposed in the hearing notice and later as modified during the hearing, was analyzed and considered. Considerations were carefully weighed in establishing the findings and conclusions published in the recommended decision.

Each exception to the recommended decision has been considered. The burden of each exception is that a national potato marketing order should be drafted on evidence presented by proponents, then submitted for producer approval in a referendum. Upon review and careful weighing of the evidence and the recommended decision, it is hereby decided that the findings and conclusions recommended by, and the rulings of, the Assistant Secretary, July 15, 1963 (28 F.R. 7348), shall be those of this final decision in this proceeding. Therefore, exceptions at variance with this decision are denied.

Material issues. Material issues presented on the record of hearing in this promulgation proceeding are:

(1) The need for a National Marketing Order as a means of effectuating the declared policy of the Act.

(2) Terms and provisions of the National Marketing Order published in the notice of hearing, or any appropriate modifications thereof, which are necessary and incidental to attain the declared objectives of the Act.

Findings and conclusions. On hearing record evidence, the following facts are found:

Hearing sessions were held throughout the United States beginning at New York City, Toledo, Ohio, Minneapolis, Minnesota, Pocatello, Idaho, Bakersfield, California, Amarillo, Texas, Atlanta, Georgia, and at Denver, Colorado, where the hearing adjourned. Numerous witnesses testified. The record shows a broad coverage of the proposals in the notice of hearing. However, there is substantial variation in the views of the witnesses. These views ranged from zealous support to ardent opposition with various modifications among the different witnesses. The evidence shows a wide and deep divergence of opinion among substantial numbers of leaders within the potato industry on the proposed program.

The record of the hearing does not disclose a sufficient balance of evidence such as to demonstrate a present necessity for a marketing order of the general nature proposed to effectuate the declared policy of the act. In addition, the record indicates a lack of such industry demand and support at this time for a National Marketing Order as will assure the support and cooperation required to make the operation of a program of this type and scope feasible and practical. It is concluded, therefore, that a National Marketing Order as presented in this proceeding should not be issued at this time. Hence, no need remains for findings or conclusions on issues which relate to particular terms or provisions of the proposed regulatory program.

Upon publication in the FEDERAL REGISTER promulgation procedures hereunder will terminate.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 12, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-9891; Filed, Sept. 16, 1963; 8:47 a.m.]

[7 CFR Part 1097]

[Docket No. AO-219-A13]

MILK IN MEMPHIS, TENN., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Memphis, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Memphis, Tennessee, on June 25, 1963, pursuant to notice thereof which was issued May 23, 1963 (28 F.R. 5270).

The material issue on the record of the hearing relates to marketing area.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

The marketing area should be expanded to include the Tennessee counties of Fayette, Hardeman (exclusive of Civil Districts 5 and 6), Haywood, Lauderdale, Tipton, plus the portions of the townships of Mississippi and Proctor in Crittenden County, Arkansas, which are not included in the city of West Memphis, Arkansas. That portion of the village of Crowder which is in Panola County, Mississippi, should be excluded from the marketing area.

The present Memphis marketing area includes the city of West Memphis, Arkansas; the Mississippi counties of De Soto, Tate, Panola, Tunica, Lafayette, and Marshall (exclusive of Beat 5); and the Tennessee counties of Shelby and Madison (except Civil Districts 4 and 9).

The proposed marketing area will encompass a contiguous geographical area in which Memphis order handlers are the principal distributors. The proposed counties are located near or between the counties of Shelby and Madison. Addition of the proposed area will result in a marketing area more closely conforming to the sales territory of Memphis order handlers. Handlers regulated under this order have route distribution throughout the territory recommended for addition to the marketing area. There are no fluid milk sales in the proposed area made by unregulated handlers. The health regulations applicable to milk sold for fluid consumption are identical throughout the proposed marketing area so that milk can and does move freely within the area.

Memphis order handlers have 100 percent of the fluid milk sales in Tipton County and 98 percent of the fluid sales in Lauderdale County. Two handlers regulated under the Paducah milk order have the remaining two percent of the fluid sales in Lauderdale County. In Haywood County, Memphis order handlers have approximately 90 percent of the fluid sales while a Paducah order handler has the remaining 10 percent. Four handlers under the Memphis order have sales in Fayette County and they have approximately 77 percent of the fluid sales in that county. Approximately 23 percent of the fluid sales in Fayette County are made by a handler regulated under the Paducah order.

Hardeman County is served by four Memphis order handlers, one Paducah order handler and an unregulated handler located in Tupelo, Mississippi. The unregulated handler's sales in Hardeman County are limited to Civil Districts 5 and 6. To prevent this handler from being regulated under the Memphis order, Memphis order handlers proposed and the principal cooperative in the market supported the exclusion of Civil Districts 5 and 6 from the proposed Memphis marketing area. This proposal should be adopted as regulation of this handler is not essential for effective regulation in the Memphis marketing area. The Tupelo handler is paying at least as much for his milk as he would be required to pay if regulated under the Memphis order and the majority of his fluid milk sales are not made in competition with handlers regulated under the Memphis order. Memphis order handlers have approximately 86 percent of the fluid sales in the other seven civil districts of the county, and these districts should be included in the marketing area.

The proposal to add McNairy County to the marketing area was abandoned and, therefore, is given no further consideration.

The Tennessee counties of Crockett, Dyer and Gibson should not be included in the marketing area. Although Memphis order handlers have extensive sales in these counties, the exclusion of these counties will prevent unnecessary problems which might result from regulating under the Memphis order handlers who are strongly associated with the Paducah market. All of the fluid milk sales in the three counties are made by Memphis or Paducah order handlers.

Two Paducah order handlers opposed expansion of the marketing area on the grounds that it could result in their becoming regulated under the Memphis order. One handler is located in Paducah and the other handler is located in Fulton, Kentucky. Fulton is 48 miles from Paducah and 127 miles from Memphis. These handlers and their producers have been historically associated

with the Paducah market which operates with a marketwide pool. Since the Memphis order provides an individual-handler pool, a shift to regulation under that order would deprive these producers of the pooling system under which they are now paid. Exclusion of Dyer, Gibson and Crockett Counties from the marketing area will permit producers supplying the two Paducah handlers to continue receiving the Paducah market blend price.

The handler located in Fulton, Kentucky, is regulated by the Paducah order by virtue of having 10–12 percent of his fluid milk sales in the Paducah marketing area. This handler has another 10–12 percent of his sales in the two counties of Dyer and Gibson. Thus, if these two counties were not excluded from the marketing area this handler could, with a slight shift in sales, become regulated under the Memphis order during certain months of a year.

The handler located in Paducah makes approximately 43 percent of the fluid milk sales in Crockett County, 13 percent of such sales in Dyer County and 9 percent of such sales in Gibson County. While this handler has some sales in four of the counties proposed to be added to the marketing area these counties have a small population, the largest having approximately 24,000 people. The sales in these counties represent a small percentage of this handler's total Class I sales. No evidence was presented to show that the expanded marketing area, as herein proposed, would bring this handler under regulation of the Memphis order.

The portions of Mississippi and Proctor Townships, in Crittenden County, Arkansas, which are not now included in the city of West Memphis, Arkansas, should be added to the marketing area. The city of West Memphis was added to the marketing area in June 1954. The city limits have been expanded six times since that time. Any change in boundary lines of any named city, town or village which is made subsequent to the issuance of an order does not modify the geographical boundary lines of a marketing area to conform to the changes resulting from such annexation or other modification of the boundary lines of such units. This presents the problem of determining the volume of milk disposed of in the marketing area when the boundary lines are no longer recognized by the political subdivision. Since the quantity sold by a handler determines whether such handler is regulated, it is important to have an area boundary which is clearly defined. The addition of Mississippi and Proctor Townships to the marketing area will add a small area around the city of West Memphis. All fluid milk sales in these townships are made by regulated handlers.

The portion of the village of Crowder in Panola County, Mississippi, should be excluded from the Memphis marketing area. This village lies partly in Quitman and Panola Counties, Mississippi. The population of Crowder as of 1960 was 476 and the preponderance of the population is located in Quitman County. Because the Mississippi Delta marketing area includes all of the village of Crowder that portion of the village of Crowder which is in Panola County should be excluded from the Memphis marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed, to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Memphis, Tennessee, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1097.6 is revised to read as follows:

§ 1097.6 Memphis, Tennessee, marketing area.

"Memphis, Tennessee, marketing area" means all the territory, including incorporated municipalities and military reservations, within the Tennessee counties of Fayette, Hardeman (except Civil Districts 5 and 6), Haywood, Lauderdale, Madison (except Civil Districts 4 and 9), Shelby and Tipton; the Mississippi counties of DeSoto, Tate, Panola (except the village of Crowder), Tunica, Lafayette and Marshall (exclusive of Beat 5); and the townships of Mississippi and Proctor in Crittenden County, Arkansas.

Signed at Washington, D.C., on September 11, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63–9889; Filed, Sept. 16, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Radioactivity in Effluents to Unrestricted Areas; Notice of Proposed Rule Making

Statement of considerations. On September 7, 1960, the Commission published in the FEDERAL REGISTER comprehensive amendments of 10 CFR Part 20 which became effective January 1, 1961. The amendments were designed to bring the Commission's radiation protection standards into accord with the recommendations of the Federal Radiation Council for normal peacetime operations as approved by the President on May 13, 1960, and the Recommendations of the National Committee on Radiation Protection as published in National Bureau of Standards Handbook 59 with addendum and Handbook 69, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure."

The amendments included a comprehensive revision of the limits specified in Part 20, Appendix B, Concentrations in Air and Water Above Natural Background. The limits specified in Table II, Columns 1 and 2 of the Appendix are concentrations of radioactive material in effluents which, pursuant to § 20.106(b), may be released by licensees into unrestricted areas without specific approval of the Commission.

For those activities where it is not practical to limit concentrations to Appendix B, Table II limits, averaged over a period of one year, § 20.106(a) presently provides that an applicant may propose concentration limits of radioactive materials in effluents to unrestricted areas higher than the Appendix B, Table II limits, averaged over a period of one year. The Commission will approve the proposed limits if the applicant demonstrates that, as a result of environmental dilution, dispersion and other factors, it is not likely that any individual will be exposed to concentrations in excess of the limits specified in Appendix B, Table II, averaged over a period of one year.

In the Memorandum for the President dated September 13, 1961, the Federal Radiation Council made further recommendations on Radiation Protection Guides for certain body organs in relation to exposure of population groups for normal peacetime operations, as indicated in Table I below:

TABLE I—RADIATION PROTECTION GUIDES FOR CERTAIN BODY ORGANS IN RELATION TO EXPOSURE OF POPULATION GROUPS

Organ	RPG for individuals	RPG for average of suitable sample of exposed population groups
Thyroid	1.5 rem per year	0.5 rem per year.
Bone marrow	0.5 rem per year	0.17 rem per year.
Bone	1.5 rem per year	0.5 rem per year.
Bone (alternate)	0.003 micrograms of Ra 226 in the adult skeleton or the biological equivalent of this amount of Ra 226.	0.001 micrograms of Ra 226 in the adult skeleton or the biological equivalent of this amount of Ra 226.

The Council also recommended graded scales of action (based on ranges of transient rates of daily intake) as shown in Table II below. The purpose of these actions is to provide reasonable assurance that average rates of intake by a suitable sample of an exposed population group averaged over the sample and averaged over periods of time of the order of one year do not exceed the upper value of Range II.

TABLE II—GRADED SCALE OF ACTION

Ranges of transient rates of daily intake	Graded scale of action
Range I	Periodic confirmatory surveillance as necessary.
Range II	Quantitative surveillance and routine control.
Range III	Evaluation and application of additional control measures as necessary.

Specific recommendations were made on ranges of transient rates of intake (micromicrocuries per day) for use in graded scale of actions summarized in Table II for the radionuclides radium 226, iodine 131, strontium 90 and strontium 89. These rates of intake are shown in Table III below, and are based on the guides in Table I for radium 226 and iodine 131, and on one-third the guide values for strontium 90 and strontium 89.

TABLE III—RANGES OF TRANSIENT RATES OF INTAKE (MICROMICROCURIES PER DAY) FOR USE IN GRADED SCALE OF ACTIONS SUMMARIZED IN TABLE II

Radionuclides	Range I	Range II	Range III
Radium 226	0–2	2–20	20–200
Iodine 131 [1]	0–10	10–100	100–1000
Strontium 90	0–20	20–200	200–2000
Strontium 89	0–200	200–2000	2000–20,000

[1] In the case of iodine 131, the suitable sample would include only small children. For adults, the radiation protection guides for the thyroid would not be exceeded by rates of intake higher by a factor of 10 than those applicable to small children.

The amendment of 10 CFR Part 20 proposed herein implements the recommendations of the September 13, 1961, Memorandum for the President as they pertain to release of effluent containing radioactive materials from AEC-licensed activities in the following ways:

(a) It would incorporate into Part 20 revised concentration limits (based on FRC recommendations) for radium 226, iodine 131, strontium 89 and strontium 90 in soluble form (denoted by "S") that would govern the release by licensees of these radionuclides into unrestricted areas;

(b) It would add to Part 20 a provision relating to limitations which may be imposed in certain circumstances on the gross quantity of radioactive material released from a licensed activity in specified intervals of time. Such quantity limitations will be in addition to and concurrent with limitations on concentrations.

The numerical guidance by the Federal Radiation Council on rates of intake, Table III, applies to the average intake of a "suitable sample" of an exposed population group at the point of intake. Practical considerations in the regulatory control of the release of radioactive materials to the environment by Commission licensees require that the numerical guidance be converted into regulatory limits specified as concentrations of isotopes in effluent streams, and in some cases, as quantity limits on the total cumulative quantity released in specified intervals of time applicable to the boundary of the restricted area.

The concentrations of radioactive materials in effluents, specified in 10 CFR Part 20, Appendix B, Table II, may be released by a licensee without specific approval by the AEC. With the exception of the proposed limits for iodine strontium 89, strontium 90, and radium 226, these values as now written are one-tenth of the limits for continuous occupational exposure, 168 hours per week, as recommended for individuals in the general population by the National Committee on Radiation Protection in NBS Handbook 69.

Application of Part 20 Appendix B limits including the proposed new values for iodine 131, strontium 89, strontium 90, and radium 226 would in most cases meet the recommended guides of the Federal Radiation Council. The concentration limits are derived to protect individuals in the general population from exposure to radiation as a result of intake of radioactivity through air and water. However, under certain circumstances, this intake may be augmented by concentration of radioactivity in the food chain. Therefore the amendment proposed herein provides that under certain circumstances the Commission may find it necessary to impose limits on the total quantity of radioactive material discharged over a given period of time, in addition to the concentration limits on radioactivity in effluents. For example, as may occur in the case of certain reactor fuel chemical reprocessing plants, such a quantity limit may be necessary if the average daily intake of iodine 131 from air, water, and food by a suitable sample of an exposed population group is likely to exceed that intake resulting from continuous exposure to air or water at one-third the proposed Appendix B, Table II limits. The criterion applied in limiting the gross quantity of radioactivity discharged in effluents in specific cases is designed to meet the FRC recommendation that the average intake by a suitable sample of the exposed population group is one-third the limit for individuals in the population.

Daily intakes recommended by the FRC (Table III, Range II upper limit) were used to derive a concentration limit for iodine 131, radium 226, strontium 89, and strontium 90, to be applied at the boundary of the restricted area. This procedure is consistent with the development of other values in Appendix B, Table II, which apply to individuals in the population. Daily intake volumes of 2×10^7 milliliters of air and 2.2×10^5 milliliters of water (fluid water plus water content of food) for a standard man were used to derive the limit for strontium 90, strontium 89, and radium 226. Daily intake volumes for young children of 3×10^6 milliliters of air and 1×10^5 milliliters of water were used to derive the concentration limits for iodine 131.

The procedure under § 20.106 for a licensee to propose limits on concentrations of radioactive material in effluents in excess of Appendix B limits would be amended to specify more explicitly the appropriate kinds of information that might be required in support of an application.

Criteria for approval of proposed limits higher than those of Appendix B have also been amended to require the applicant to demonstrate that he has taken reasonable steps to minimize the radioactivity discharged in the effluent streams.

The conditions specified in the proposed amendment are consistent with the recommendations of the Federal Radiation Council in the judgment of the Commission in that the exposure received by an individual from radioactive material discharged in effluents in accord with the limitations proposed herein is unlikely to exceed the FRC's radiation protection guides.

Based on present licensing and compliance information available to the Commission, it appears that all activities licensed by the Commission are presently operating and can continue to operate within the criteria proposed in this amendment.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment of 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendment should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 20.106 is amended to read as follows:

§ 20.106 Radioactivity in effluents to unrestricted areas.

(a) Except as authorized by the Commission pursuant to § 10.302, or paragraphs (b) and (c) of this section, a licensee shall not possess, use, or transfer licensed material in such a manner as to release into air or water in any unrestricted area any concentration of radioactive material in excess of any limit specified in Appendix B, Table II, of this part. For purposes of this section, concentrations may be averaged over a period not greater than one year.

(b) There may be included in any application for a license, or for amendment of a license, proposed limits (on concentrations of licensed and other radioactive material released into air or water in unrestricted areas as a result of the applicant's proposed activities) which are higher than the concentration limits specified in paragraph (a) of this section.

(c) The Commission will approve the limits proposed pursuant to paragraph (b) of this section if the applicant demonstrates:

(1) That the applicant has taken reasonable steps to minimize the radioactivity discharged in the effluent streams; and

(2) That it is not likely that radioactive material discharged in the effluent would result in the exposure of an individual to concentrations of radioactive material in air or water exceeding the limits specified in Appendix B, Table II of this part.

(d) An application for higher limits pursuant to paragraph (b) of this section should include, as appropriate, items such as:

(1) Information as to flow rates, total volumes of effluent, the peak concentration of each radionuclide in the effluent, and the concentration of each radionuclide in the effluent averaged over a period of one year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(2) A description of the properties of the effluents, including:

(i) Chemical composition;

(ii) Physical characteristics, including suspended solids content in liquid effluents, and nature of gas or aerosol for air effluents;

(iii) The hydrogen ion concentrations (pH) of liquid effluents; and

(iv) The size range of particulates in air effluents containing aerosols or particles.

(3) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material in the effluent is expected or, in the case of a river or other stream, a description of the first point of use of the water downstream from the point of release of the effluent.

(4) Information as to the highest concentration of each radionuclide in air at any point of human occupancy in an unrestricted area, or in water at the first point of use of water in the unrestricted area. Anticipated concentrations averaged over a period of one year should be included.

(5) The background concentration of radionuclides in the receiving river or other stream prior to the release of liquid effluent.

(6) A description of the environmental monitoring equipment, including sensitivity of the system, and procedures and calculations to determine concentrations of radionuclides in the unrestricted area and any possible reconcentration of radionuclides.

(7) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release.

(e) For purposes of this section, the limits specified shall apply at the boundary where the material leaves the restricted area. Where the radioactive material is discharged through a conduit such as a stack, tube, or pipe, the determinations may be made by measuring concentrations at the point where the material leaves the conduit. Where such conduit discharges within the restricted area, appropriate assumptions relative to environmental dilution and dispersion may be used to determine concentrations at the points where such material leaves the restricted area.

(f) In addition to limits on concentrations in effluent streams, the Commission may impose limits on the gross quantity of radioactive material released in air or water in a specified period of time as may be appropriate if it appears likely that the daily intake, averaged over a period not exceeding one year, of radioactive material from air, water, and food by a suitable sample of an exposed population group would otherwise exceed the daily intake resulting from continuous exposure to air or water containing one-third the concentration of radioactive materials specified in Appendix B, Table II of this part.

(g) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems which is governed by § 20.303.

2. Appendix B, "Concentrations in Air and Water Above Natural Background" Table II, Column I and Column II is amended by deleting the concentration limits appearing in Table II, Column I and Column II for iodine (53) $I^{131}S$; radium (88) $Ra^{226}S$; strontium (38) $Sr^{89}S$ and $Sr^{90}S$ and substituting therefor the following limits:

Element (atomic number)	Isotope [1]	Table II	
		Column I	Column II
		Air uc/ml	*Water uc/ml*
Iodine (53)	$I^{131}S$	1×10^{-10}	3×10^{-7}
Strontium (38)	$Sr^{89}S$	3×10^{-10}	3×10^{-6}
	$Sr^{90}S$	3×10^{-11}	3×10^{-7}
Radium (88)	$Ra^{226}S$	3×10^{-12}	3×10^{-4}

[1] Soluble(s).

(Sec. 161, 68 Stat. 948; 74 U.S.C. 2201)

Dated at Washington, D.C., the 4th day of September 1963.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 63-9856; Filed, Sept. 16, 1963; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-51]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation, and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated within the Sheridan, Wyo., terminal area:

1. The Sheridan control zone is designated within a 5-mile radius of Sheridan County Airport; within 2 miles either side of the 134° True bearing from the Sheridan RBN extending from the 5-mile radius zone to the Ucross, Wyo., fan marker.

2. The Sheridan control area extension is designated as that airspace northeast of a line 8 miles southwest of and parallel to the Sheridan VORTAC 316° and 136° True radials within a 27-mile radius of the Sheridan Municipal Airport.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Sheridan area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Sheridan control zone by redesignating it as that airspace within a 5-mile radius of Sheridan County Airport (latitude 44°46'25'' N., longitude 106°58'15'' W.), and within 2 miles each side of the Sheridan VORTAC 138° True radial, extending from the 5-mile radius zone to the VORTAC.

2. Revoke the Sheridan control area extension and designate the Sheridan transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Sheridan VORTAC 318° True radial, extending from the VORTAC to 3 miles northwest of the VORTAC, and within 2 miles northeast and 3 miles southwest of the 133° True bearing from the Sheridan RBN, extending from the arc of a 5-mile radius circle centered on the Sheridan County Airport (latitude 44°46'25'' N., longitude 106°58'15'' W.) to 14 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Sheridan VORTAC 137° and 317° True radials, extending from 25 miles southeast to 15 miles northwest of the VORTAC. The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions taken herein would, in part, revoke the control zone extension southeast of Sheridan and designate a control zone extension northwest of Sheridan to provide protection for aircraft executing the prescribed Sheridan

County Airport VOR instrument approach procedures. The portion of the Sheridan control zone proposed for revocation is no longer required for air traffic control purposes. The portion of the Sheridan transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures while operating beyond the limits of the Sheridan control zone as proposed for alteration herein and below the proposed 1,200-foot floor area. The floor of controlled airspace beyond the 700-foot floor area would be raised from 700 to 1,200 feet above the surface. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed holding, approach, missed approach, and departure procedures within the Sheridan terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 10, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9859; Filed, Sept. 16, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 6, 1963.

Notice of an application, Serial No. Nevada 035794, for withdrawal and reservation of lands was published as Federal Register Document Number 58-5246 on page 5262 of the issue for July 10, 1958. This application is canceled in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 295, the lands described below will be at 10:00 a.m. on September 16, 1963, relieved of the segregative effect of the above-mentioned application. Part of the lands are subject to other orders of withdrawal.

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 S., R. 62 E.,
Secs. 13–17, incl.;
Secs. 20–29, incl.;
Secs. 32–36, incl.
T. 19 S., R. 62 E.,
Secs. 1–5, incl.;
Secs. 8–11, incl.;
Sec. 12, W½;
Secs. 16 and 17.
T. 18 S., R. 63 E.,
Sec. 18, lots 1–4, incl., W½E½, E½W½;
Sec. 19, lots 1–4, incl., W½E½, E½W½;
Sec. 30, lots 1–4, incl., W½NE¼, NW¼SE¼, E½W½;
Sec. 31, lots 1–4, incl., E½NW¼, NE¼SW¼.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 63-9869; Filed, Sept. 16, 1963; 8:46 a.m.]

WASHINGTON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 9, 1963.

Notice of an application Serial No. Washington 0844, for withdrawal and reservation of lands was published as Federal Register Document No. 55-2634 on pages 2037, 2038 and 2039 of the issue for March 31, 1955. The applicant agency has cancelled its application insofar as it involved the lands in the sections and townships described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on September 30, 1963, relieved of the segregative effect of the above-mentioned application.

The lands affected by this notice of termination are:

WILLAMETTE MERIDIAN

GIFFORD PINCHOT NATIONAL FOREST

Silver Star Administrative Site and Recreation Area

T. 3 N., R. 5 E., Unsurveyed,
In Sec. 7.

Total—320 acres, approximately.

Government Mineral Springs Recreation Area

T. 4 N., R. 7 E., Unsurveyed,
In Sec. 5.
T. 5 N., R. 7 E., Unsurveyed,
In Sec. 31.

Total—810 acres, approximately.

Iron Creek Recreation Area

T. 11 N., R. 7 E.,
In Sec. 19.

Total—323.91 acres.

Tower Rock Administrative Site and Recreation Area

T. 11 N., R. 7 E.,
In Sec. 13.
T. 11 N., R. 8 E., Unsurveyed,
In Secs. 18 and 19.

Total—620 acres, approximately.

Mosquito Lakes Guard Station and Recreation Area

T. 7 N., R. 8 E., Unsurveyed,
In Secs. 2 and 3.

Total—800 acres, approximately.

North Fork Administrative Site and Recreation Area

T. 11 N., R. 8 E., Unsurveyed,
In Sec. 10.

Total—160 acres, approximately.

Chambers Lake Recreation Area

T. 11 N., R. 10 E., Unsurveyed,
In Sec. 3.

Total—400 acres, approximately.

MOUNT BAKER NATIONAL FOREST

Bridge Recreation Area

T. 39 N., R. 7 E.,
In Sec. 1.

Total—79.14 acres.

Verlot Recreational Area

T. 30 N., R. 8 E.,
In Sec. 16.

Total—80 acres.

Mount Pilchuk Recreation Area

T. 30 N., R. 8 E.,
In Secs. 21 and 28.

Total—611.42 acres.

Hemple Creek Recreation Area

T. 30 N., R. 8 E.,
In Sec. 23.

Total—40 acres.

South Fork Stillaguamish Highway Roadside Zone. A strip of land 660 feet on each side of the surveyed center line of SHRD of said highway through the following lands:

T. 30 N., R. 8 E.,
In Secs. 23 and 24.
T. 30 N., R. 9 E.,
In Secs. 19, 20, 22 and 23.
T. 30 N., R. 10 E.,
In Secs. 16, 26, 35 and 36.
T. 29 N., R. 11 E., Unsurveyed,
In Sec. 6.
T. 30 N., R. 11 E.,
In Sec. 31.

Total—1665 acres.

French Creek Recreation Area

T. 32 N., R. 8 E.,
In Sec. 15.

Total—70 acres.

Boulder Creek Recreation Area

T. 37 N., R. 8 E., Unsurveyed,
In Secs. 1 and 12.
T. 37 N., R. 9 E.,
In Sec. 6.

Total—60.49 acres, approximately.

Sandy Creek Recreation Area

T. 37 N., R. 8 E., Unsurveyed,
In Sec. 24.

Total—40 acres.

Komo Kulshan Administrative Site

T. 37 N., R 8 E., Unsurveyed,
In Sec. 26.

Total—40 acres.

Shuksan—Silver Fir Administrative Site and Recreation Area

T. 39 N., R. 8 E., Unsurveyed,
In Sec. 1.
T. 40 N., R. 8 E., Unsurveyed,
In Sec. 36.

Total—20 acres.

Lake Kelcema Organization Campsite

T. 30 N., R. 9 E.,
In Secs. 1 and 2.

Total—180 acres.

Sunnyside-Red Bridge Recreation Area

T. 30 N., R. 9 E.,
In Sec. 21.

Total—240 acres.

Little Park Creek Recreation Area

T. 37 N., R. 9 E.,
In Sec. 5.

Total—10 acres.

Baker Lake Recreation Area

T 37 N., R. 9 E.,
In Secs. 2, 3, and 4.
T. 38 N., R. 9 E.,
In Secs. 33, 34, and 35.

Total—993.72 acres.

Baker Hot Springs Recreation Area

T. 38 N., R. 9 E., Unsurveyed,
In Sec. 19.

Total—40 acres.

Twin Lakes Recreation Area

T. 40 N., R. 9 E., Unsurveyed,
In Secs. 15 and 21.

Total—70 acres, approximately.

Big Four Recreation Area

T. 30 N., R. 10 E.,
In Secs. 21, 22, and 28.

Total—435.60 acres.

Dans Creek Road No. 324 Roadside Zone

T. 32 N., R. 10 E.,
In Sec. 20.

Total—85.91 acres.

Clear Creek Recreation Area

T. 32 N., R. 10 E.,
In Sec. 31.

Total—44.95 acres.

Barlow Pass Administrative Site

T. 29 N., R. 11 E., Unsurveyed,
In Sec. 6.

Total—40 acres, approximately.

Dolly Varden Recreation Area

T. 29 N., R. 11 E., Unsurveyed,
In Secs. 7 and 18.

Total—120 acres.

Elliott Creek Recreation Area

T. 30 N., R. 11 E.,
In Sec. 29.

Total—40 acres.

Monte Cristo Lake Recreation Area

T. 30 N., R. 11 E.,
In Sec. 29.

Total—40 acres.

Mowich Recreation Area

T. 30 N., R. 11 E.,
In Sec. 31.

Total—40 acres.

Buck Creek Recreation Area

T. 32 N., R. 11 E.,
In Secs. 13 and 14.

Total—192.84 acres.

Kennedy Hot Springs Recreation Area

T. 30 N., R. 12 E.,
In Sec. 12.

Total—71.08 acres.

Sloan Creek Recreation Area

T. 30 N., R. 12 E.,
In Secs. 28 and 29.

Total—90 acres.

Downey Creek Recreation Area

T. 32 N., R. 12 E.,
In Sec. 14.

Total—20 acres.

Sulphur Creek Recreation Area

T. 32 N., R. 12 E.,
In Sec. 24.
T. 32 N., R. 13 E., Unsurveyed,
In Sec. 19.

Total—90 acres.

Goodell Creek Recreation Area

T. 37 N., R. 12 E.,
In Sec. 20.

Total—54.30 acres.

OLYMPIC NATIONAL FOREST

Bark Shanty Recreation Area

T. 27 N., R. 2 W., Unsurveyed,
In Sec. 19.

Total—40 acres, approximately.

Hamma Hamma Recreation Area

T. 24 N., R. 3 W.,
In secs. 6 and 7.
T. 24 N., R. 4 W., Unsurveyed,
In Sec. 1.

Total—131.22 acres, approximately.

Camp Harps Recreation Area

T. 23 N., R. 6 W., Unsurveyed,
In Sec. 16.

Total—10 acres, approximately.

Church Creek Camp (Shelter) Recreation Area

T. 23 N., R. 6 W., Unsurveyed,
In Sec. 21.

Total—10 acres, approximately.

Snider Recreation Area

T. 30 N., R. 11 W.,
In Sec. 28.

Total—29.30 acres.

South Sitkum Recreation Area

T. 28 N., R. 12 W.,
In Sec. 5.

Total—50 acres.

WENATCHEE NATIONAL FOREST

Fir Creek Administrative Site

T. 27 N., R. 15 E., Unsurveyed,
In Secs. 11 and 12.

Total—40 acres, approximately.

Aggregate area—9348.88 acres, approximately.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 63-9870; Filed, Sept. 16, 1963; 8:46 a.m.]

Bureau of Mines

ASSISTANT GENERAL MANAGER; HELIUM

Delegation of Authority

Pursuant to the authority delegated in subparagraph 205.2.4A, Bureau of Mines Manual, Helium Activity Instructions, the following redelegation is hereby made:

(1) The Assistant General Manager, Helium Operations, is authorized to execute contracts and purchase orders up to $100,000, subject to the special provisions and limitations in subparagraph 205.2.4A, Bureau of Mines Manual, Helium Activity Instructions, Release No. 34, dated February 4, 1963 (26 F.R. 3759).

(2) The authority contained in paragraph (1) above may not be redelegated without the approval of the Assistant Director—Helium.

Dated: August 27, 1963.

PAUL V. MULLINS,
General Manager, Helium Operations.

Approved: September 4, 1963.

HENRY P. WHEELER, Jr.,
Assistant Director—Helium.

[F.R. Doc. 63-9882; Filed, Sept. 16, 1963; 8:46 a.m.]

Office of the Secretary

JULIO A. NEGRONI

Report of Appointment and Statement of Financial Interests

SEPTEMBER 12, 12963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Julio A. Negroni.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.
The title of the appointee's position: Deputy Director, Defense Electric Power Area 19.
The name of the appointee's private employer or employers: Puerto Rico Water Resources Authority, P.O. Box 4267, San Juan, Puerto Rico.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Deputy Director, DEPA Area 19, Assistant Secretary for W&P, Defense Electric Power Administration, an officer or director:

Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico)—Acting Assistant Executive Director for Electrical Planning Construction and Research.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: August 29, 1963.

JULIO A. NEGRONI.

[F.R. Doc. 63-9899; Filed, Sept. 16, 1963; 8:47 a.m.]

RAFAEL R. RAMIREZ

Report of Appointment and Statement of Financial Interests

SEPTEMBER 12, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following informa-

tion on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Rafael R. Ramirez.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.
The title of the appointee's position: Area Director, Defense Electric Power Area 19.
The name of the appointee's private employer or employers: Puerto Rico Water Resources Authority, P.O. Box 4267, San Juan, Puerto Rico.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Director, DEPA Area 19, Assistant Secretary for W&P, Defense Electric Power Administration, an officer or director:

Assistant Executive Director for Power Operations, Puerto Rico Water Resources Authority, P.O. Box 4267, Santurce, Puerto Rico. (Government instrumentality.)

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: August 29, 1963.

RAFAEL R. RAMIREZ.

[F.R. Doc. 63-9900; Filed, Sept. 16, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

COCHISE LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Cochise Livestock Auction, Willcox, Ariz.
Yates Center Sale Co., Yates Center, Kans.
Panhandle Livestock Commission Co., Guymon, Okla.
Blairsville Auction, Blairsville, Pa.
Nolan Livestock Auction Market, Inc., Lomira, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of September 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-9887; Filed, Sept. 16, 1963; 8:46 a.m.]

DOMINIQUE'S LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
LOUISIANA	
Dominique's Livestock Auction, Alexandria, Apr. 30, 1958.	Dominique's Livestock Auction, Inc., Aug. 30, 1963.
Dominique's Cow Palace, Curtis, Jan. 20, 1959.	Dominique's Cow Palace, Inc., Aug. 30, 1963.
Dominique's Stockyard, Lafayette, June 13, 1957.	A. Dominique's Stockyard, Inc., Aug. 30, 1963.
Dominique's Livestock Commission, Lake Charles, Mar. 27, 1957.	Dominique's Livestock Commission, Inc., Aug. 30, 1963.
Dominique's Cow Palace, Marksville, June 28, 1962.	A. Dominique's Cow Palace, Inc., Aug. 30, 1963.
NORTH DAKOTA	
Harvey Livestock Sales, Harvey, May 18, 1959.	Harvey Livestock Auction, Oct. 1, 1962.
OKLAHOMA	
Selling Sales Association, Inc., Selling, Mar. 12, 1956.	Selling Sales Association, Aug. 12, 1963.
SOUTH DAKOTA	
Selby Livestock Sales Co., Selby, June 5, 1959.	Selby Livestock Sales Co., Inc., July 1, 1963.
TEXAS	
Abilene Livestock Auction Commission, Abilene, Mar. 17, 1941.	Abilene Livestock Auction Commission Co., July 15, 1963.
Carthage Auction Sale, Carthage, Jan. 10, 1957.	Panola County Livestock Commission Co., Inc., Dec. 26, 1962.

Done at Washington, D.C. this 11th day of September 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-9888; Filed, Sep. 16, 1963; 8:47 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Cleburne.	Fulton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9894; Filed, Sept. 16, 1963; 8:47 a.m.]

OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OKLAHOMA

Beckham.	Harmon.
Cimarron.	Jackson.
Greer.	Texas.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9895; Filed, Sept. 16, 1963; 8:47 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Atascosa.	Hill.
Dickens.	Victoria.
Foard.	Wharton.
Hardeman.	Wilbarger.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9896; Filed, Sept. 16, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route 26]

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Trade Route 26; Conclusions and Determinations

Notice is hereby given that on September 9, 1963, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 26 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER.

1. Trade Route No. 26 as redescribed below is affirmed as an essential foreign trade route of the United States:

Trade Route No. 26—U.S. Pacific Area/Western Europe: Between U.S. Pacific Area ports (Washington to Mexican border and Alaska and Hawaii) and ports in the United Kingdom, Republic of Ireland, Continental Europe (Germany to northern border of Portugal) and Baltic-Scandinavian ports.

2. United States flag sailing requirements for liner service on Trade Route No. 26 are approximately five sailings per month with freight ships serving the route predominantly, with some additional U.S. flag sailings serving the route in conjunction with other services.

3. Existing Victory, C-2 and C-3 type freighters are suitable for interim operation on Trade Route No. 26 pending the development of traffic and the subsequent construction of replacement ships.

Dated: September 9, 1963.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-9907; Filed, Sept. 16, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

STAUFFER CHEMICAL CO.

Notice of Withdrawal of Petition Regarding the Pesticide Chemical Carbophenothion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Stauffer Chemical Company, 380 Madison Avenue, New York 17, New York, has withdrawn its petition proposing the establishment of tolerances for residues of the insecticide carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *0,0*-diethyl phosphorodithioate) in the fat of meat from cattle, as published in the FEDERAL REGISTER of March 27, 1963 (28 F.R. 2994).

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 11, 1963.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 63-9902; Filed, Sept. 16, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15124; FCC 63M-991]

DUTCHESS COUNTY BROADCASTING CORP. (WKIP)

Order Continuing Prehearing Conference

In re application of Dutchess County Broadcasting Corporation (WKIP), Poughkeepsie, New York, Docket No. 15124, File No. BP-14824; for construction permit.

In view of the filing of a petition by the applicant for leave to amend its application, *It is ordered*, This 10th day of September 1963, that the prehearing conference scheduled for September 11, 1963, is postponed to September 20, 1963, at 9:00 a.m.

Released: September 10, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9915; Filed, Sept. 16, 1963; 8:48 a.m.]

[Docket No. 15125; FCC 63M-995]

RADIO STATION KAYE

Order Continuing Hearing

In re application of Henry Perozzo and Bethyl Perozzo (joint tenancy) d/b as Radio Station KAYE, Puyallop, Washington, Docket No. 15125, File No. BP-15739; for construction permit to change antenna system, including increase in antenna height.

A prehearing conference in the above-entitled proceeding having been held on September 10, 1963 and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order:

It is ordered, This 10th day of September 1963 that:

(1) The direct case of the applicant shall be in writing;

(2) Preliminary drafts of the applicant's technical engineering exhibits shall be supplied to the other parties on October 1, 1963;

(3) All exhibits to be offered in evidence in the presentation of applicant's affirmative case shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on October 21, 1963;

(4) Notification of witnesses to be called for cross-examination shall be given on or before October 28, 1963;

It is further ordered, That the hearing herein presently scheduled to commence on October 8, 1963, is continued to November 4, 1963, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 11, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9916; Filed, Sept. 16, 1963; 8:48 a.m.]

[Docket No. 15119; FCC 63M-993]

ALBERT JOHN WILLIAMS (KTYM)

Order Continuing Hearing

In re application of Albert John Williams (KTYM), Inglewood, California, Docket No. 15119, File No. BMP-10155; for construction permit.

As a result of agreements reached at a prehearing conference held this date in the above-entitled matter;

It is ordered, This 10th day of September 1963, that:

1. The hearing now scheduled for October 3, 1963, will instead be held commencing at 10:00 a.m., October 21, 1963, in the Commission's Offices in Washington, D.C.;

2. Exhibits will be exchanged on or before 5:00 p.m., October 7, 1963; and

3. Notification of witnesses will be made on or before 5:00 p.m., October 16, 1963.

Released: September 11, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9917; Filed, Sept. 16, 1963; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13939 etc.]

BUSINESS AND ECONOMY FARES

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 8, 1963, at 10:00 a.m., e.d.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For further information regarding the issues involved herein, interested persons may refer to the Board's order of investigation, the prehearing conference report, and other documents, which are on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 12, 1963.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 63-9914; Filed, Sept. 16, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 201.1; Amdt. 3]

DIRECTOR, BUREAU OF DOMESTIC REGULATION

Redelegation of Authorities by Managing Director

The purpose of this amendment is to redelegate to the Director, Bureau of Domestic Regulation, the (1) authority of the Managing Director, contained in Commission Order No. 1 (Amended), section 7.06, for the approval of unprotested cooperative working arrangements between independent ocean freight forwarders; and (2) authority of the Managing Director contained in section 7.04 of the Order to grant extensions of time to file the required security, incident to the issuance of freight forwarder licenses.

Accordingly, section 6 of the basic Order is amended by a restatement of section 6.03 and the addition of a new section 6.06.

SEC. 6. *Specific authorities redelegated to the Director, Bureau of Domestic Regulation.*

6.03 Authority to process, within the framework of prescribed Commission policy and criteria, applications for licenses, and issue licenses approved by the Managing Director or the Commission to persons, partnerships, corporations, or associations desiring to engage in ocean freight forwarding activities; to prepare recommendations to the Managing Director and the Commission for the denial of licenses; and to grant extensions of time to file the required security, incident to the issuance of freight forwarder licenses.

6.06 Authority to approve, pursuant to section 15, Shipping Act, 1916, as amended, unprotested, cooperative working arrangements between independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916, as amended.

JAMES L. PIMPER,
Acting Managing Director.

SEPTEMBER 9, 1963.

[F.R. Doc. 63-9904; Filed, Sept. 16, 1963; 8:47 a.m.]

INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

NAME AND ADDRESS

Moran Forwarding Company No. 604 (Francis J. Moran, dba), 406 South Main Street, Los Angeles 13, California. Withdrawn August 6, 1963.

Pafco Forwarders, Inc. No. 216 (Formerly Pan-American Forwarding Co., Inc.), 10 Northeast Third Avenue, Miami, Florida. Change of name.

Notice is hereby given that the following applications for independent ocean freight forwarder licenses have been denied to the following applicants, pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

NON-GRANDFATHER APPLICANTS

Joseph N. Hache, 366 Broadway, New York 13, New York. Denied August 27, 1963.

John Sterling Laurie, Jr., 415 Court Street, Port Allen, Louisiana. Denied August 22, 1963.

William A. O'Hara, 1 Wilson Avenue, Rutherford, New Jersey. Denied August 20, 1963.

Antonio Pose, 1450 Second Avenue, New York 21, New York. Denied August 20, 1963.

United Drayage Company (Paul S. Beidleman, dba), 2425 Porter Street, Los Angeles 21, California. Denied August 22, 1963.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANTS

NAME AND ADDRESS

Beacon Shipping Company, Inc., 50 Broad Street, New York 4, New York.

Dolphin Maritime Services, Inc., 15 William Street, New York 4, New York.

Intercon Forwarding, Inc., 82 Beaver Street, New York, New York.

Milstat Shipping (George A. Stattel, dba). Office to be open in lower Manhattan.

Eastern Cargo Forwarders, Inc., 149 Madison Avenue, New York, New York.

General Foreign Freight Forwarders, 304 East Plume Street, Norfolk, Virginia.

Jay A. See Freight Forwarders, Inc. (formerly Jerone Cohn), 6 State Street, New York 4, New York.

Trans Ocean Van Service, 1530 West 12th Street, Long Beach, California, 90813.

Union Steamship Co. of New Zealand, Ltd., 230 California Street, San Francisco 11, California.

Dated: September 10, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9905; Filed, Sept. 16, 1963; 8:47 a.m.]

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreements No. 8905-A, 8905-B and 8905-C, between the Port of Seattle (Port) and Alaska Steamship Company (Alaska Steam), are interim letter agreements providing for a month-to-month tenancy by Alaska Steam of certain pier and terminal property, designated Pier 42, Seattle, Washington, to be used in the conduct of a general steamship terminal stevedoring and related warehouse business and for the maintenance and repair of vessels of Alaska Steam. In consideration therefore, Alaska Steam agrees to pay $4,797.25 per month for certain non-operating area and $12,500 per month for the operating area with all revenues from dockage, wharfage and wharf demurage accruing to Alaska Steam. The agreements further provide that upon approval of Agreement No. 8905 (now the subject of Docket No. 1097) by the Federal Maritime Commission, the terms of Agreement No. 8905 will become operative and relate back to September 1, 1962.

Interested parties may inspect the agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

SEPTEMBER 12, 1963.

[F.R. Doc. 63-9906; Filed, Sept. 16, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 2269; 2271]

CALAVERAS COUNTY WATER DISTRICT AND TUOLUMNE COUNTY WATER DISTRICT NO. 2

Notice of Further Postponement of Hearing

SEPTEMBER 11, 1963.

On September 6, 1963, Special Counsel for Calaveras County Water District (Calaveras) filed a request to vacate the hearing scheduled for September 16, 1963, on applications for preliminary permits in the above designated matters on the ground that Calaveras would file an "Application for Power License Hydro-Electric Development on North Fork Stanislaus River." Calaveras stated that a copy of its request was sent to Tuolumne County Water District No. 2 (Tuolumne). On September 9, 1963, Calaveras filed its aforementioned application. No objections to the postponement of the hearing have been received from Tuolumne.

Upon consideration of the above, take notice that the hearing on applications in the above designated matters heretofore scheduled to commence on September 16, 1963, is postponed until further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9908; Filed, Sept. 16, 1963; 8:48 a.m.]

[Docket No. G-2668 etc.]

CITIES SERVICE CO. ET AL.

Notice of Severance

SEPTEMBER 11, 1963.

Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G-2668, et al.; Clark Fuel Producing Company (Operator), Docket No. CI63-1495; Shell Oil Company, Docket No. CI63-1509; Delhi-Taylor Oil Company, Docket No. CI63-1513.

Notice is hereby given that the matters of the applications in Docket Nos. CI63-1495, CI63-1509, and CI63-1513, heretofore scheduled for a hearing in Washington, D.C., on September 26, 1963, in the consolidated proceeding entitled Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G-2668, et al., are severed therefrom for such further disposition as may be appropriate in view of the petition to intervene filed by Philadelphia Gas Works Division of The United Gas Improvement Company on September 6, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9909; Filed, Sept. 16, 1963; 8:48 a.m.]

[Docket No. CP63-345]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 11, 1963.

Take notice that on June 14, 1963, as supplemented on June 20, 1963, Cities Service Gas Company (Applicant) with its principal place of business in Oklahoma City, Oklahoma, filed in Docket No. CP63-345 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 24.97 miles of pipeline loop and the construction and operation of metering and regulating facilities along with several transmission line taps for delivery of volumes of natural gas for resale to four communities in the State of Missouri, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application seeks authority specifically to (1) loop approximately 9.87 miles of its Welda-Ottawa 20-inch pipeline with 30-inch pipeline located in Franklin County, Kansas, (2) loop approximately 7.10 miles of its Ottawa-Sedalia 12-inch pipeline with 20-inch pipeline located in Cass County, Missouri, (3) loop approximately 8 miles of its Marshall 6-inch pipeline with 10-inch pipeline located in Lafayette and Saline Counties, Missouri, (4) tap its existing Marshall 6-inch pipeline and construct a meter setting with appurtenant regulator equipment and sell natural gas through such facilities to The Gas Service Company (Gas Service) for resale and distribution in and about the City of Slater, Missouri, (5) tap the above-mentioned Marshall 6-inch pipeline and install the necessary metering and regulating equipment for the sale of natural gas to Gas Service for resale in and around the City of Mt. Leonard, Missouri, (6) tap its existing East Kansas City 20-inch pipeline and construct the necessary metering and regulating equipment for the sale of natural gas to Gas Service for resale in and about the City of Lake Lotawana, Missouri, and (7) tap its existing Independence 12-inch pipeline and install metering and regulating equipment for the sale of gas to Gas Service for resale in and about the town of Raymore, Missouri.

Applicant states that the proposed construction on its Ottawa-Welda and Ottawa-Sedalia pipelines is required in order for it to deliver the 1963-1964 peak-day requirements served by its pipelines extending north and east of its Ottawa pipeline junction, which serves primarily customers residing in the greater Kansas City area. The looping of its 6-inch Marshall pipeline is required in order to serve the requirements of Slater, Missouri.

The application shows the following estimated peak-day and annual requirements for the communities proposed to be served by Applicant during the third year of service:

	Mcf at 14.73 psia	
	Peak-day	Annual
Slater	1,535	140,000
Mt. Leonard	80	5,400
Lake Lotawana	2,550	196,800
Raymore	200	12,805

The application states that Gas Service will construct and operate transmission and distribution facilities necessary to render service to the four communities. Furthermore, it shows that Gas Service has received appropriate authorization from the Missouri Public Service Commission and has obtained

franchises from the four communities involved.

Applicant estimates the total cost of the proposed facilities to be $1,544,141, which will be financed from treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 17, 1963, at 9:30 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9910; Filed, Sept. 16, 1963; 8:48 a.m.]

[Docket No. G-3244 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Severance

SEPTEMBER 4, 1963.

Phillips Petroleum Company (successor to Rycade Oil Corporation) et al., Docket Nos. G-3244 et al.; Amerada Petroleum Corporation, Docket No. G-17407.

Notice is hereby given that the matter of the application for amendment filed by Amerada Petroleum Corporation in Docket No. G-17407, heretofore scheduled for a hearing to be held in Washington, D.C. on September 24, 1963, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled Phillips Petroleum Company (successor to Rycade Oil Corporation), et al., Docket Nos. G-3244, et al., is severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9911; Filed, Sept. 16, 1963; 8:48 a.m.]

[Docket Nos. RI64-122—RI64-127]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 11, 1963.

Skelly Oil Company, Docket No. RI64-122; The British-American Oil Producing Company, Docket No. RI64-123; Home-Stake Production Company (Operator), et al., Docket No. RI64-124; Pan American Petroleum Corporation, Docket No. RI64-125; Texaco Inc., Docket No. RI64-126; Ashland Oil & Refining Company, Docket No. RI64-127.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-122	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	108	5	El Paso Natural Gas Co. (Texas Q Lease, University Lands, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$2,015	8-15-63	[1] 9-15-63	2-15-64	[2] 9.1215	[3] [4] 13.68225	----------
	Skelly Oil Co.	113	3	El Paso Natural Gas Co. and Hunt Oil Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	1,469	8-15-63	[1] 9-15-63	2-15-64	[2] 9.1215	[3] [4] 13.68225	----------
	---do---	132	1	El Paso Natural Gas Co. and Hunt Oil Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. District No. 7-c) (Permain Basin Area).	2,359	8-14-63	[1] 9-14-63	2-14-64	[5] 10.641	[5] 15.5	----------
RI64-123	The British-American Oil Producing Co.,[6] P.O. Box 749, Dallas 21, Tex.	35	2	Transwestern Pipeline Co. (Crawar Field, Crane and Ward Counties, Tex.) (R.R. District No. 8) (Permian Basin Area).	32,230	8-15-63	[1] 9-15-63	2-15-64	[5] 16.0	[7] [8] 17.0	----------
RI64-124	Home-Stake Production Co. (Operator), et al., Philtower Bldg., Tulsa 3, Okla.	5	1	Cities Service Gas Co. (Barnes Lease, Payne County, Okla.) (Oklahoma "Other" Area).	1,054	8-14-63	[1] 9-14-63	2-14-64	[9] 11.0	[7] [9] 12.0	----------
RI64-125	Pan American Petroleum Corp., Fort Worth 1, Tex., Attn: J. K. Smith, Division Attorney.	27	7	Mississippi River Fuel Corp. (Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	318	8-15-63	[10] 10-26-63	3-26-64	[11] 14.8892	[7] [11] 15.3940	RI61-152
RI64-126	Texaco, Inc., P.O. Box 2332, Houston 1, Tex.	184	3	Northern Natural Gas Co. (Horizon and Hansford Morrow Fields, Hansford County, Tex.) (R.R. District No. 10).	11,657	8-19-63	[10] 1-63	3-1-64	[5] 16.5	[7] [8] 17.5	----------
RI64-127	Ashland Oil & Refining Co., P.O. Box 1503, Houston 1, Tex.	132	3	Kansas-Nebraska Natural Gas Co., Inc. (Grand Valley (Camriek) Field, Texas County, Okla.) (Oklahoma-Panhandle Area).	70	8-22-63	[10] 1-63	3-1-64	[5] 17.2	[7] [8] 17.4	RI63-54

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Includes 0.1215 cent per Mcf tax reimbursement.
[3] Renegotiated rate increase.
[4] Includes 0.18225 cent per Mcf tax reimbursement.
[5] Includes 0.141 cent per Mcf tax reimbursement.
[6] The British-American Oil Producing Co. is affiliated with the buyer, Transwestern Pipeline Co.
[7] Periodic rate increase.
[8] Possible maximum deduction of 4.5 cents per Mcf as service charge by buyer for compression of associated gas.
[9] Subject to downward Btu adjustment.
[10] The stated effective date is the effective date requested by Respondent.
[11] Includes 0.25 cent per Mcf dehydration reimbursement.

The British-American Oil Producing Company and Home-Stake Production Company (Operator), et al., request that their proposed rate filings be allowed to become effective as of September 1, 1963; Skelly Oil Company (Skelly) requests that Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 132 be allowed to become effective as of August 14, 1963, and Supplements Nos. 5 and 3 to Skelly's FPC Gas Rate Schedules Nos. 108 and 113, respectively, be allowed to become effective as of August 15, 1963. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before November 1, 1963.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9912; Filed, Sept. 16, 1963; 8:48 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket Nos. G-8592, etc.]

SUN OIL CO. ET AL.

Notice of Postponement of Prehearing Conference

AUGUST 27, 1963.

Notice is hereby given that the prehearing conference concerning the above captioned matters heretofore scheduled to commence on September 17, 1963, is postponed until September 18, 1963, at 10:00 a.m., e.d.s.t.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9913; Filed, Sept. 16, 1963; 8:48 a.m.]

[Docket No. CP64-33]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 9, 1963.

Take notice that on July 31, 1963, Lone Star Gas Company (Applicant), a Texas corporation, with its principal place of business at 301 South Harwood Street, Dallas 1, Texas, filed an application in Docket No. CP64-33, pursuant to section 7(b) of the Natural Gas Act, as amended, for permission and approval to abandon a dehydration plant, located on 10-inch Line TB near its junction with Lines TB-B and GD-J in T-2-N, R-2-W in the Golden Trend Field, Garvin County, Oklahoma.

The dehydration plant was built in 1957 pursuant to authorization granted in Docket No. G-8763. The application states that due to a decline in reservoir pressure, gas formerly processed at said plant had to be diverted to Applicant's G System which operates at lower pressures. Under current operational procedures gas feeding into the TB System has already been processed and dehydrated at the Katie Gasoline Plant. Said hydration plant has not been utilized since November of 1961, and no further need therefor is anticipated. Inasmuch as said plant is no longer used or useful in its present location, Applicant proposes to remove and salvage it for use elsewhere on Applicant's system.

The application recites that the abandonment by removal and salvage of said plant will not result in the abandonment or diminution of natural gas service now being rendered to any city, town, or community or lessen the service presently being rendered by Applicant, and that the authorization requested is required by the public convenience and necessity.

The total cost of removing said dehydration plant and adjacent facilities is estimated to be $18,920 which will be paid from funds on hand, leaving a net salvage value of salvable material in the amount of $123,300.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 4, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9864; Filed, Sept. 16, 1963; 8:45 a.m.]

[Project No. 2368]

MAINE PUBLIC SERVICE CO.

Notice of Application for License

SEPTEMBER 9, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Maine Public Service Company (correspondence to: R. A. Brown, Treasurer, P.O. Box 208, Presque Isle, Maine) for license for constructed Project No. 2368, known as the Squa Pan Plant, located on the headwaters of Squa Pan Stream, in the Town of Marsardis, in Aroostook County, Maine.

The project consists of a reinforced concrete dam at the outlet of Squa Pan Lake, 35 feet high and 60 feet long, and a brick and concrete powerhouse housing a 2,000-horsepower waterwheel connected to a generator.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 31, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9865; Filed, Sept. 16, 1963; 8:45 a.m.]

[Docket Nos. G-20464 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Order Granting Severance, Denying Request for Shortened Procedure and Notice Fixing Date of Hearing

SEPTEMBER 9, 1963.

Transwestern Pipeline Company, et al., Docket No. G-20464, et al.; Western Transmission Corporation, Docket No. CP63-329; U.S. Natural Gas Corporation, Docket No. CI63-1460.

On August 2, 1963, Western Transmission Corporation (Western) and U.S. Natural Gas Corporation (U.S. Natural) (jointly referred to herein as "Movants") filed a motion in the above-entitled consolidated proceedings requesting the Commission to sever the applications in Docket Nos. CP63–329 and CI63–1460 from the above-named consolidated proceedings and requested an early hearing and decision thereon. On August 15, 1963, Movants filed a supplement to the joint motion requesting that their applications be processed under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure. On August 6, 1963, as supplemented on August 29, 1963, Colorado Interstate Gas Company (CIG) filed an answer in support of Movant's joint motion. By answer of August 26, 1963, staff opposed Movant's motion.

In view of the fact that any requirement of CIG for additional reserves can be determined in a separate formal hearing on the applications in Docket Nos. CP63–329 and CI63–1460, severance should be granted. Section 1.32(b) of our rules of practice and procedure permits the Commission, after a hearing during which no opposition or contest develops, to dispose of the proceedings upon consideration of the record. However, since staff has raised certain issues concerning the proposed project of Movants, without at this time deciding the merits of staff's contentions, it is obvious that the possibility of a noncontested hearing is precluded.

The Commission finds:

(1) Good cause has been shown to grant Movant's request for severance.

(2) Movant's request for shortened procedure should be denied.

The Commission orders:

(A) The request for severance for formal hearing is hereby granted.

(B) The request for shortened procedure is hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1963, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in the proceedings in Docket Nos. CP63–329 and CI63–1460.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–9866; Filed, Sept. 16, 1963; 8:45 a.m.]

[Docket No. CP64–40]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 10, 1963.

Take notice that on August 14, 1963, United Gas Pipe Line Company (Applicant) filed in Docket No. CP64–40 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 0.0076 mile of 2-inch pipeline, and a positive sales meter station and appurtenant facilities near Milepost 55.37 on Applicant's 4-inch Amite lateral in Section 23, Township 5 South, Range 7 East, Tangipahoa Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities will be used for the sale and delivery of natural gas to the Board of Commissioners of Gas Utility District No. 1 of Livingston Parish, Louisiana, for resale and distribution through the proposed distribution system of said Board located in Tangipahoa Parish, Louisiana.

Applicant states that the said facilities will cost $8,214.00 and that during the first three years of operation Applicant will deliver (at 14.9 psia) natural gas to the said Board in the following amounts.

Year:	*Annual*
1	16,648
2	18,182
3	20,340

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1963 at 9:30 a.m., e.d.s.t, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 5, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–9867; Filed, Sept. 16, 1963; 8:45 a.m.]

[Docket No. CP64–41]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 10, 1963.

Take notice that on August 14, 1963, United Gas Pipe Line Company (Applicant) filed an application in Docket No. CP64–41 pursuant to section 7 of the Natural Gas Act for a Certificate of Public Convenience and Necessity for authority to abandon and remove certain natural gas facilities now being used to deliver natural gas to Leggett Lumber Company, all as more fully set forth in the application on file with the Commission and open for public inspection.

The facilities proposed for abandonment and removal are as follows: Positive meter and regulating station, formerly serving Leggett Lumber Company, located at Milepost 224.7 on the Refugio-Sterlington 30'' main line in the Elisha Stephens Survey, Abstract 761, Polk County, Texas.

For some time Applicant has been selling gas to such customer for use in the operations of its dry kiln, Polk County, Texas. Applicant's contract for such service terminated August 1, 1963, and Applicant proposes to remove the facilities in order that they may be used at other locations when required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1963, at 9:30 a.m., e.d.s.t. in a hearing room of the Federal Power Commission 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 9, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–9868; Filed, Sept. 16, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4146]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Modification of Method of Allocating Consolidated Tax Liabilities, As Reduced by Investment Credit, Among System Companies

SEPTEMBER 10, 1963.

In the matter of The Columbia Gas System, Inc., 120 East 41st Street, New York 17, N.Y., Columbia Gas System Service Corporation, Columbia Hydrocarbon Corporation, United Fuel Gas Company, Amere Gas Utilities Company, Atlantic Seaboard Corporation, Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corporation, Kentucky Gas Transmission Corporation, The Ohio Fuel Gas Company, The Ohio Valley Gas Company, The Preston Oil Company, The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company, Home Gas Company, Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Maryland, Inc., Columbia Gulf Transmission Company; File No. 70–4146.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its subsidiary companies have filed a joint declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Declarants annually join as a group in filing a consolidated Federal income tax return. It is stated that certain inequities in the allocation of the group's consolidated income tax liabilities, after giving effect to the investment credit allowed on Federal income tax returns under the Revenue Act of 1962, would result if the allocation were effected pursuant to the exemptive provisions of Rule 45(b)(6) under the Act. Accordingly, declarants propose to utilize a method of allocation which will give to each of the companies included in consolidated tax returns of Columbia and its subsidiaries the full investment credit each company contributes to the total investment credit allowed on the consolidated returns. However, to the extent that the investment credit of any subsidiary company (other than Columbia Gas System Service Corporation ("Service Company")) included in a consolidated return exceeds the amount for which such subsidiary would qualify if it had filed an individual return, such excess shall be allocated among those other subsidiaries having investments which qualify for investment credit in proportion to their share of the total investment credit allowable on the consolidated return for the period in question; provided, however, that such allocation of investment credits shall not result in investment credits being allocated to any such subsidiary in excess of such subsidiary's proportion of the consolidated tax liability for such period, and also provided that Service Company shall receive no part of such allocation.

The filing further provides that any investment credit received by Service Company, which supplies services at cost to its affiliated companies in the Columbia system, will be accounted for on Service Company's books as a deferred credit to be amortized over the life of the related property, thereby resulting in reduced service charges to the affiliated companies served by Service Company.

The joint declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that no fees and expenses are to be incurred in connection with the proposed transaction.

Notice is further given that any interested person may, not later than September 30, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–9883; Filed, Sept. 16, 1963; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 1937; Amdt. 340]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dickinson VOR	DK-LFR	Direct	4300	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1¼
				C-n	500-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 348° Outbnd, 168° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3600′.
Crs and distance, facility to airport, 168°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing DK LFR, make left climbing turn to 4300′ and return to the LFR.
AIR CARRIER NOTE: Night takeoffs and landings authorized NW-SE runway only.
CAUTION: KDIX tower 2751′ MSL 3.9 miles N of DK-LFR. Tower 3062′ MSL 3.5 miles NE of VOR.
NOTE: Final approach from holding pattern at the LFR not authorized. Procedure turn required.

City, Dickinson; State, N. Dak.; Airport Name, Dickinson Municipal; Elev., 2589′; Fac. Class., SBMRAZ; Ident., DK; Procedure No. 1, Amdt. 9; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 8; Dated, 19 Aug. 61

PROCEDURE CANCELLED, EFFECTIVE 5 OCTOBER 1963, OR UPON DECOMMISSIONING OF LFR.

City, Westfield; State, Mass.; Airport Name, Barnes Municipal; Elev., 270′; Fac. Class., SBMRLZ; Ident., AF; Procedure No. 1, Amdt. 6; Eff. Date, 23 Mar. 63; Sup. Amdt. No. 5; Dated, 29 June 57

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Boston VOR	BE-LOM	Direct	2000	T-dn	300–1	300–1	200–½
Manchester VOR	BE-LOM	Direct	2000	C-dn	600–1	600–1	600–1½
Framingham Int	BE-LOM	Direct	2000	S-dn-11	500–1	500–1	500–1
Hollis Int	BE-LOM	Direct	2000	A-dn	800–2	800–2	800–2
Millbury Int	BE-LOM	Direct	2500				
Lawrence VOR	BE-LOM	Direct	2000				
Lawrence Rbn	BE-LOM	Direct	2000				

Radar vectoring is authorized in accordance with approved patterns by BOS APC.
Procedure turn S side of crs 292° Outbnd, 112° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 112°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing BE LOM, make left-climbing, turn to 1600′. Hold W of LOM 112° Inbnd, 1-minute right turns.
CAUTION: 570′ tower 3 miles NE of airport. 368′ stack SE side of airport.

City, Bedford; State, Mass.; Airport Name, Hanscomb Field; Elev., 133′; Fac. Class., HW (LOM); Ident., BE; Procedure No. 1, Amdt. 2; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 1: Dated, 22 Sept. 62

				T-dn-19	300–1	300–1	200–½
				T-dn-01	500–2	500–2	500–2
				C-dn	700–1½	700–1½	700–2
				S-dn-01	400–1	500–1	500–1
				A-dn	1000–3	1000–3	1000–3

Procedure turn E side of crs, 183° Outbnd, 003° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 003°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles, turn left, climb to 3000′ on crs of 183° within 15 miles.
CAUTION: High terrain E of airport, all maneuvering to be accomplished W of airport. 1000′ terrain 2 miles NNE, 2000′ hills 5 miles E, 3000′ hills 7 miles E.
AIR CARRIER NOTE: Sliding scale not authorized.
Other change: Deletes shuttle.

City, Bettles; State, Alaska; Airport Name, Bettles; Elev., 665′; Fac. Class., SBRAZ; Ident., BS; Procedure No. 1, Amdt. 1; Eff. Date, 5 Oct. 63; Sup. Amdt. No. Orig.; Dated 9 May 59

				T-dn	300–1	300–1	200–½
				C-dn	900–1	900–1	900–1½
				A-dn	900–2	900–2	900–2
				*If N fan marker received minimums are:			
				C-dn	500–1	500–1	500–1½
				S-dn-15	400–1	400–1	400–1

Procedure turn W side of crs 333° Outbnd, 153° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 1200′,* 700 after passing N fan marker.
Course and distance, facility to airport **333°—0.7 mile; from N fan marker to airport, 4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing N fan marker, or over the POE Rbn, climb to 2000′ on track 153°, turn right and return to the POE Rbn.
NOTES: *When N fan marker received descent to 700′ is authorized. Authorized for military use only except by prior arrangement. Procedure not entirely within controlled airspace. **POE Rbn is 0.7 mile SE of airport.
CAUTION: Pilots using this approach must acquaint themselves with any activity in R–3803 and R–3804.

City, Fort Polk; State, La.; Airport Name, Polk AAF; Elev., 330′; Fac. Class., MHW; Ident., POE; Procedure No. 2, Amdt. 1; Eff. Date, 5 Oct. 63; Sup. Amdt. No. Orig.; Dated, 2 Mar. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-13	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn due R–2103. Radar vectors to final approach required.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 134°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOR RBn, climb to 2000′ and proceed direct to DIIN VOR via R–264 DIIN VOR.
NOTES: (1) This procedure to be utilized only by aircraft having operating VOR and ADF receivers. (2) Procedure not authorized unless Cairns Radar in operation. (3) Authorized for military use only except by prior arrangement.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., MHW; Ident., LOR; Procedure No. 3, Amdt. Orig.; Eff. Date, 5 Oct. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MKC-VOR	LOM	Direct	2600	T-dn#	300–1	300–1	*300–1
BSP VOR	LOM	Direct	2600	C-dn%	700–1	700–1	700–1½
Farley RBn	LOM	Direct	2600	A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, LOM to Bluff FM 185°—3.8 miles; Bluff FM to airport, 223°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing MK LOM or at Bluff FM, make right turn climbing to 2700′, intercept the 310° bearing to Farley RBn. Proceed to Farley RBn or, when directed by ATC, make right turn climbing to 2700′, intercept R–283 BSP VOR, proceed to Lansing Int.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: Numerous obstructions 1100′ or below NE, SW, and NW quadrants within 1.7 miles of airport.
Other change: Deletes transition from Liberty RBn.
#Unless radar vectored and the weather is below 1000–3: Aircraft taking off SE, S, or SW and planned route is between 090° and 180°, intercept the RIS VOR R–200 or MKC R–180, climb to 2500′ before proceeding on crs.
Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
*No reduction takeoff minimums except Runway 31.
%Circling SE of airport from 090° clockwise to 180° not authorized, obstructions above 1000′ in this area, highest 2049′ 4.0 miles SSE of airport.

City, Kansas City; State, Kans.; Airport Name, Fairfax Municipal; Elev., 746′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 4; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 3; Dated, 29 June 63

MKC VOR	LOM	Direct	2600	T-dn #	**300–1	**300–1	@300–1
BSP VOR	LOM	Direct	2600	C-dn ##	*700–1	700–1	700–1½
Farley RBn	LOM	Direct	2600	S-dn-18	*700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600′ within 10 miles of MK LOM.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 185°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MK LOM or at KC LMM, make right turn climbing to 2700′ intercept the 310° bearing to Farley RBn. Proceed to Farley RBn or, when directed by ATC, make right turn as soon as practical climbing to 3000′ on MKC R–190 till intercepting BSP R–260, then proceed to BSP VOR.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Circling or straight-in approaches to Runways 03–35–36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
**AIR CARRIER NOTE: No reduction in takeoff minimums except on Runway 36.
%AIR CARRIER NOTE: 200–½ authorized Runway 36 only.
Other change: Deletes transition from Liberty RBn.
#Unless radar vectored when weather is below 1000–3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS–VOR R–210 or MKC–VOR R–190, climb to 2500′ before proceeding on crs; aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
*600–1 if Bluff FM received (cross FM not less than 1460′).
##Circling not authorized E of airport in sector from 090° through 180° due to numerous tall obstructions. Sliding scale not authorized for circling approaches.

City, Kansas City; State, Mo.; Airport Name, Municipal; Elev., 758′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 6; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 5, Dated, 29 June 63

Boston VOR	LWM Rbn	Direct	2000	T-dn	300–1	300–1	300–1
Manchester VOR	LWM Rbn	Direct	2000	C-dn	500–1	500–1	500–1½
Bedford Rbn	LWM Rbn	Direct	2000	A-dn*	NA	NA	NA
Hollis Int	LWM Rbn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns by BOS APC.
Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 051°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing LWM Rbn, make a right climbing turn to 1900′, return to LWM Rbn. Hold SW, 051° inbnd, 1-minute right turns.
NOTE: Facility operated by city.
*Alternate weather minimums of 800–2 authorized only for those who have an approved arrangement for weather service at the airport.

City, Lawrence; State, Mass.; Airport Name, Lawrence Municipal; Elev., 165′; Fac. Class., MHW; Ident., LWM; Procedure No. 1, Amdt. 5; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 4; Dated, 11 Nov. 61

RIC VOR	RIC RBn	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles.
Nonstandard due obstruction.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 018°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing RIC RBn, make immediate right climbing turn to 2000′ direct to RIC RBn, hold SW, 038° Inbnd, 1-minute right turns.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., SABH; Ident., RIC; Procedure No. 2, Amdt. Orig.; Eff. Date, 5 Oct. 63

Point of Rocks FM	LOM	Direct	9200	T-dn	300–1	300–1	200–½
RKS-VOR	LOM	Direct	9200	C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 9200′ within 10 miles.
Minimum altitude over facility on final approach crs, 8600′.
Crs and distance, facility to airport, 254°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 10,000′ on 254 crs from LOM within 10 miles.

City Rock Springs; State, Wyo.; Airport Name, Municipal; Elev., 6752′; Fac. Class., LOM; Ident., RK; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Oct. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CTK VOR	BAF RBn	Direct	3300	T-d*	700-1	700-1	700-1
BAF VOR	BAF RBn	Direct	3000	T-n*	700-2	700-2	700-2
				C-d	800-1	800-2	800-2
				C-n	800-2	800-2	800-2
				S-d-20	800-1	800-1½	800-1½
				S-n	800-2	800-2	800-2
				A-dn	1500-2	1500-2	1500-2

Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 263°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BAF RBn, climb to 2000′ on heading of 203° within 10 miles, make right-climbing turn to 3000′ direct to BAF RBn. Hold N, 203° Inbnd, 1-minute right turns.
*800-1 day, 800-2 night required for takeoff on Runways 9 and 15.

City, Westfield; State, Mass.; Airport Name, Barnes Municipal; Elev., 270′; Fac. Class., BMH; Ident., BAF; Procedure No 1, Amdt. Orig.; Eff. Date, 5 Oct. 63, or upon commissioning of facility

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dickinson LFR	DIK-VOR	Direct	4300	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 359° Outbnd, 179° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4100′.
Crs and distance, facility to airport, 179°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing no accomplished within 3.6 miles after passing DIK VOR make left-climbing turn to 4300′ and return to VOR.
AIR CARRIER NOTE: Night takeoffs and landings authorized NW-SE runway only.
CAUTION: KDIX tower 3.9 miles N DK-LFR 2751′ MSL. Tower 3062′ MSL 3.5 miles NE of VOR.

City, Dickinson; State, N. Dak.; Airport Name, Dickinson Municipal; Elev., 2589′; Fac. Class., BVORTAC; Ident., DIK; Procedure No. 1, Amdt. 6; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 5; Dated, 19 Aug. 61

				T-dn	500-2	500-2	NA
				C-dn	1000-3	1000-3	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 002° Outbnd, 182° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 182°—14.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FYV VOR, turn left and climb to 3000′ on R-002 within 20 miles.

City, Fayetteville; State, Ark.; Airport Name, Drake Field; Elev., 1251′; Fac. Class., BVOR-DME; Ident., FYV; Procedure No. 1, Amdt. 1; Eff. Date, 5 Oct. 63; Sup. Amdt. No. Orig.; Dated, 5 July 58

GL-LFR	GAL-VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 045° Outbnd, 225° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 248°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing GAL-VOR, turn left, climb to 2500′ on R-045 GAL-VOR.

City, Galena; State, Alaska; Airport Name, Galena; Elev., 128′; Fac. Class, H-VOR; Ident., GAL; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Oct. 63, or upon commissioning of facility

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*	#300-1	#300-1	##300-1
				C-dn%	1000-3	1000-3	1000-3
				S-dn-18	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

Radar vectoring authorized to final approach crs in accordance with approved patterns.
Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 171°—8.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.7 miles after passing MKC-VOR, make right turn, climbing to 2700′, intercept the 310° bearing to Farley RBn. Proceed to Farley RBn or, when directed by ATC, make right turn climbing to 2700′, intercept BSP-VOR R-283 and proceed to Lansing Int.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Circling or straight-in approaches to Runways 03-35-36 not authorized when MKC weather remarks indicate cloud height below authorized minimums.
*Unless radar vectored when weather is below 1000-3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS-VOR R-210 or MKC-VOR R-190, climb to 2500′ before proceeding on crs; aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
#AIR CARRIER NOTE: No reduction in takeoff minimums except on Runway 36.
##AIR CARRIER NOTE: 200-½ authorized Runway 36 only.
%Circling not authorized E of airport in sector 090° through 180° due to numerous tall obstructions. Sliding scale not authorized for circling approaches

City, Kansas City; State, Mo.; Airport Name, Kansas City; Elev., 758′; Fac. Class., BVORTAC; Ident., MKC; Procedure No. 1, Amdt. 7; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 6; Dated, 29 June 63

Findlay VOR	LIA VOR	Direct	2700	T-dn	300-1	300-1	NA
Peterson Int#	LIA VOR (final)	Direct##	1600	C-dn	400-1	500-1	NA
RSD VOR	LIA VOR	Direct	2800	S-dn-27	400-1	400-1	NA
Coldwater Int	LIA VOR	Via R-265	3000	A-dn*	NA	NA	NA

Procedure turn N side of crs, 091° Outbnd, 271° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 271°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing LIA VOR, make right-climbing turn, continue climb to 2600′ on R-091 within 10 miles, then reverse crs and proceed direct to LIA VOR, hold E 091° Outbnd, 271° Inbnd, 1-minute right turns.
CAUTION: 1280′ tower 5.5 miles NW of airport. 1160′ tower 4.0 miles W of airport.
*800-2 authorized for those air carriers having approved weather reporting service at the airport.
#Peterson Int: Int FDY VOR R-200 and LIA VOR R-091.
##This transition authorized southbound on V-47 only.
Other change: Deletes transition from Lima Rbn.

City, Lima; State, Ohio; Airport Name, Allen County; Elev., 976′; Fac. Class., BVOR; Ident., LIA; Procedure No. 1, Amdt. 1; Eff. Date, 5 Oct. 63; Sup. Amdt. No. Orig.; Dated, 16 Mar. 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BI LFR	BJU VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-18*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 010° Outbnd, 190′ Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′; over BI LFR, 1800′.
Crs and distance, breakoff point to approach end of Runway 18, 178°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn left, climb to 3000′ on R-010 of BJU VOR within 15 miles.
CAUTION: Restricted area R-2202, R-2208, and R-2209 W of airport.
*Maintain 1800′ until past BI LFR; if LFR not identified on final, circling minimum applies.

City, Big Delta; State, Alaska; Airport Name, Big Delta; Elev., 1266′; Fac. Class., H-VOR; Ident., BJU; Procedure No. TerVOR-18, Amdt. Orig.; Eff. Date, 5 Oct. 63, or upon commissioning of facility

Abbeville Int	OZR VOR	Direct	2000	T-dn	300-1	300-1	200-½
DHN VOR	OZR VOR	Direct	2000	C-dn	800-1	800-1	800-1½
Skipperville Int	OZR VOR	Direct	2000	S-dn-24	800-1	800-1	800-1
Hartford Int	OZR VOR	Direct	2000	A-dn	800-2	800-2	800-2
Enterprise RBn	OZR VOR	Direct	2000	If *Newton Int received, minimums become:			
Darlington Int	OZR VOR	Direct	2000	C-dn	500-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′ (700′ if Newton Int identified).
Crs and distance, breakoff point to end of Runway 24, 238°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right, climb to 2000′ on R-280 OZR VOR within 20 miles.
NOTE: Authorized for military use only except by prior arrangement.
*Newton Int: Int R-160 HEY VOR and R-060 OZR VOR.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., TerVOR; Ident., OZR; Procedure No. TerVOR-24, Amdt. 1; Eff. Date, 5 Oct. 63; Sup. Amdt. No. Orig.; Dated, 14 Sept. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn# C-dn% S-dn-3 A-dn	*300–1 900–1 900–1 900–2	*300–1 900–1 900–1 900–2	**300–1 $900–1½ 900–1 900–2

Procedure turn not authorized. Radar vectoring to final approach crs required in accordance with approved patterns.
If radar contact not established or radar inoperative, execution of this procedure not authorized.
Aircraft will be released for final approach over the 6-mile radar fix or Kaw Int@.
Minimum altitude over 6-mile radar fix or Kaw Int@ on final approach crs, 2600'.
Crs and distance, 6-mile radar fix or Kaw Int@ to airport, 026°—5.0 miles.
Crs and distance, breakoff point to approach end of runway 3, 031°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing the 6-mile radar fix or Kaw Int@, make left turn, climb to 2700', intercept the 310° bearing to Farley RBn, proceed to FRY RBn or, when directed by ATC, climb to 2600', proceed to MK LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Circling or straight-in approaches to Runways 03–35–36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
CAUTION: Numerous obstructions 1000' MSL or below, NW, NE, and SW quadrants within 1.7 miles of airport.
*No reductions in takeoff minimums except on Runway 36.
**AIR CARRIER NOTE: 200–½ authorized on Runway 36 only.
%Circling E to SE of airport from 090° clockwise to 180° not authorized. Obstructions above 1000' MSL in this area, highest 2049' MSL 2.7 miles SSE of airport. Sliding scale not authorized for circling approaches.
$900–3 required for turbojet aircraft when circling for Runway 36.
#Unless radar vectored and if the weather is below 1000–3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS–VOR R–210 or MKC–VOR R–190, climb to 2500' MSL before proceeding on crs. Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' MSL before proceeding S of the 090° ADF bearing of KC LMM.
@Kaw Int: Int BSP–VOR R–260 and RIS–VOR R–206.

City, Kansas City; State, Mo.: Airport Name, Municipal; Elev., 758'; Fac. Class., L–BVOR; Ident., RIS; Procedure No. TerVOR–3, Amdt. 3; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 2; Dated, 2 Feb. 63

Farley RBn BSP–VOR MKC VOR Kearney Int	Avondale Int Avondale Int Avondale Int Avondale Int	Direct Direct Direct Via MKC R–052 and RIS R–010.	2600 2600 2600 2600	T-dn# C-dn% S-dn–18 A-dn	*300–1 700–1 700–1 800–2	*300–1 700–1 700–1 800–2	**300–1 700–1½ 700–1 800–2

Radar vectoring to final approach authorized in accordance with approved patterns.
Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 2600' within 10 miles of Avondale Int.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, Avondale Int to airport, 190°—5.1 miles.
Crs and distance, breakoff point to approach end of Runway 18, 184°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Avondale Int, make right turn, climb to 2700' MSL, intercept the 310° bearing to Farley RBn and proceed to FRY RBn, or when directed by ATC, make right turn as soon as practical, climbing to 3000' on MKC R–190 till intercepting BSP R–260 then proceed to BSP VOR.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Circling or straight-in approaches to Runways 03–35–36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
CAUTION: Numerous obstructions 1000' MSL or below, NE, SW, and NW quadrants within 1.7 miles of airport.
*No reduction in takeoff minimums except on Runway 36.
**AIR CARRIER NOTE: 200–½ authorized on Runway 36 only.
%Circling SE of airport from 090° clockwise 180° not authorized, obstructions above 1000' MSL in this area, highest 2049' MSL 2.7 miles SSE of airport. Sliding scale not authorized for circling approaches.
#Unless radar vectored and if the weather is below 1000–3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR R–210 or MKC VOR R–190, climb to 2500' MSL before proceeding on crs. Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' MSL before proceeding S of the 090° ADF bearing of KC LMM.
Other change: Deletes transition from Liberty Rbn.

City, Kansas City; State, Mo.; Airport Name, Municipal; Elev., 758'; Fac. Class., BVOR; Ident., RIS; Procedure No. TerVOR–18, Amdt. 2; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 1; Dated, 29 June 63

				T-dn# C-dn% S-dn-21 A-dn	*300–1 600–1 600–1 800–2	*300–1 700–1 600–1 800–2	**300–1 700–1½ 600–1 800–2

Procedure turn not authorized. Radar vectoring to final approach crs required in accordance with approved patterns.
If radar contact not established or radar inoperative, execution of this procedure not authorized.
Aircraft will be released for final approach over the 5-mile radar fix or Maple Park Int.
Minimum altitude over 5-mile radar fix or Maple Park Int on final approach crs, 2400'.
Crs and distance, 5-mile radar fix or Maple Park Int to airport, 214°—5.0 miles.
Crs and distance, breakoff point to approach end of runway, 210°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Maple Park Int or 5-mile radar fix, make right turn, climb to 2700', intercept the 310° bearing to Farley RBn and proceed to FRY RBn, or when directed by ATC, make right turn climbing to 2700', intercept BSP VOR R–283 and proceed to Lansing Int.
CAUTION: Numerous obstructions 1000' MSL or below, NE, NW, and SW quadrants within 1.7 miles of airport.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Circling or straight-in approaches to Runways 03–35–36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
%Circling SE of airport from 090° clockwise to 180° not authorized, obstructions above 1000' MSL in this area, highest 2049' MSL 2.7 miles SSE of airport. Sliding scale not authorized for circling approaches.
*No reduction in takeoff minimums except on Runway 36.
**AIR CARRIER NOTE: 200–½ authorized on Runway 36 only.
#Unless radar vectored and if the weather is below 1000–3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS–VOR R–210 or MKC–VOR R–190, climb to 2500' before proceeding on crs. Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' MSL before proceeding S of the 090° ADF bearing of KC LMM.

City, Kansas City; State, Mo.; Airport Name, Municipal; Elev., 758'; Fac. Class., L–BVOR; Ident., RIS; Procedure No. TerVOR–21, Amdt. 2; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 1; Dated, 29 June 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn C-dn* C-n#* A-dn#*	300–1 600–1 600–2 1000–2	300–1 600–1 600–2 1000–2	NA NA NA NA

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 4500' within 10 miles.
Minimum altitude over MGW VOR on final approach crs, 2900'; over Deck Int%, 2400'.
Crs and distance, facility to airport, 337°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing MGW VOR, climb to 4500' on MGW R–337 within 10 miles. Reverse course, proceed to MGW VOR. Hold SE, 1-minute right turn, 337° Inbnd.
#Do not descend below 2400' until passing Deck Int.
*This approach authorized only for aircraft with installed operational VOR and DME equipment.
%Deck Int: 3.5-mile DME fix on MGW VOR R–337.

City, Morgantown; State, W. Va.; Airport Name, Morgantown Municipal; Elev., 1256'; Fac. Class., BVORTAC; Ident., MGW; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 5 Oct. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Boston VOR Manchester VOR Framingham Int Millbury Int Hollis Int Lawrence VOR Lawrence Rbn	BE–LOM BE–LOM BE–LOM BE–LOM BE–LOM (final)** BE–LOM BE–LOM	Direct Direct Direct Direct Direct Direct Direct	2000 2000 2000 2500 2500 2000 2000	T-dn C-dn S-dn–11* A-dn	300–1 600–1 300–¾ 600–2	300–1 600–1 300–¾ 600–2	200–½ 600–1½ 300–¾ 600–2

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope Int Inbnd: 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1455'—3.9° miles; at MM, 357'—0.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 1600', return to BE LOM, hold W, 112° Inbnd, 1-minute right turns.
CAUTION: 570' MSL tower 3 miles NE of airport. 368' MSL stack SE side of airport.
*500–1 required when glide slope not utilized.

City, Bedford; State, Mass.; Airport Name, Hanscomb Field; Elev., 133'; Fac. Class., ILS; Ident., I–BED; Procedure No. ILS–11, Amdt. 3; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 2; Dated 26 Jan. 63

MKC VOR BSP VOR Farley RBn	LOM LOM LOM	Direct Direct Direct	2600 2600 2600	T-dn# C-dn* S-dn–18@## A-dn When glide slope inoperative and Bluff FM received (cross FM not less than 1460'), the following minimums apply: C-dn* S-dn–18	**300–1 ##600–1 400–1 800–2 600–1 500–1	**300–1 700–1 400–1 800–2 700–1 500–1	%300–1 700–1½ 400–1 800–2 700–1½ 500–1

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles of MK LOM.
Minimum altitude at glide slope Int Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2555'—5.4 miles; at MM, 1030'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at KC LMM, make right turn, climbing to 2700', intercept the 310° bearing to Farley RBn, proceed to Farley RBn or, when directed by ATC, make right turn as soon as practical, climbing to 3000' on MKC R–190 till intercepting BSP R–260 then proceed to BSP VOR.
NOTES: (1) Aircraft executing missed approach may be radar vectored after being reidentified. (2) Circling or straight-in approaches to Runways 03–35–36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
Other change: Deletes transition from Liberty RBn.
#Unless radar vectored when weather is below 1000–3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS–VOR R–210 or MKC–VOR R–190, climb to 2500' before proceeding on crs. Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
**AIR CARRIER NOTE: No reduction in takeoff minimums except on Runway 36.
%AIR CARRIER NOTE: 200–½ authorized Runway 36 only.
*Circling not authorized E of airport in sector from 090° through 180° due to numerous tall obstructions. Sliding scale not authorized for circling approaches.
@Approach lights inoperative—500–1.
##Glide slope inoperative—700–1.

City, Kansas City; State, Mo.; Airport Name, Municipal; Elev., 758'; Fac. Class., ILS; Ident., I–MKC; Procedure No. ILS–18, Amdt. 6; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 5; Dated, 29 June 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Blue Springs VOR	LOM	Direct	2600	T-dn#	300–1	300–1	*300–1
Kansas City VOR	LOM	Direct	2600	C-dn%	700–1	700–1	700–1½
Farley RBn	LOM	Direct	2600	A-dn	800–2	800–2	800–2

Radar vectoring authorized to final approach crs in accordance with approved patterns.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at LOM, 2558'—4.5 miles; at Bluff FM, 1460'—0.7 mile.
Crs Bluff FM to airport, 223°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at Bluff FM, make right turn climbing to 2700', intercept the 310° bearing to Farley RBn. Proceed to Farley RBn or, when directed by ATC, make right turn climbing to 2700' via BSP-VOR R-283 to Lansing Int.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: Numerous obstructions 1100' or below NE, SW and NW quadrants within 1.7 miles of airport.
Other change: Deletes transitions from Liberty Rbn.
*No reduction takeoff minimums except Runway 31.
#Circling SE of airport from 090° clockwise to 180° not authorized, obstructions above 1000' in this area, highest 2049' 4.0 miles SSE of airport.
#Unless radar vectored and the weather is below 1000–3: Aircraft taking off SE, S or SW and planned route is between 090° and 180°, intercept the RIS-VOR R-200 or MKC R-180, climb to 2500' before proceeding on crs. Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.

City, Kansas City; State, Kans.; Airport Name, Fairfax Municipal; Elev., 746'; Fac. Class., ILS; Ident., I-MKC; Procedure No. ILS-22, Amdt. 5; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 4; Dated, 29 June 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
000°	360°	Within: 10 miles	2000	T-dn	300–1	300–1	200–½
000°	360°	20 miles	2100	C-dn-28	500–1	500–1	500–1½
000°	360°	30 miles	2500	S-dn-28	400–1	400–1	400–1
				C-dn-15	600–1	600–1	600–1½
				S-dn-10	600–1	600–1	600–1½
				C-dn-22	500–1	500–1	500–1½
				S-dn-22	500–1	500–1	500–1
				C-dn-33	500–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				C-dn-04	700–1	700–1	700–1½
				S-dn-04	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 28: Climb to 2000' direct to BAL LOM, hold W, 102° Inbnd, 1-minute, right turns. Runway 10 and 15: Make left-climbing turn to 2000' direct to BAL LFR, hold N, 195° Inbnd, 1-minute, right turns. Runway 22: Make right-climbing turn to 2000' direct to BAL LOM, hold W, 102° Inbnd, 1-minute, right turns. Runway 33: Make left-climbing turn to 2000' direct to BAL LOM, hold W, 102° Inbnd, 1-minute, right turns. Runway 04: Make right-climbing turn to 2000' direct to BAL LFR, hold N, 195° Inbnd, 1-minute, right turns.

City, Baltimore; State, Md.; Airport Name, Freindship International; Elev., 146'; Fac. Class. and Ident., Baltimore Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Oct. 63

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach			
000° ##	360°	0–25 miles	2600	T-dn***	*300–1	*300–1	**300–1
				C-dn%	600–1	700–1	700–1½
				S-dn-18#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition altitudes: All bearings and distances are from Kansas City Municipal Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn climbing to 2700', intercept the 310° bearing to Farley RBn. Proceed to Farley RBn or, when directed by ATC, make right turn as soon as practical climbing to 3000' on MKC R-190 till intercepting BSP R-260 then proceed to BSP VOR.
NOTES: (1) Aircraft executing missed approach may be radar controlled after being reidentified. (2) Circling or straight-in approaches to Runways 03–35–36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
CAUTION: Numerous obstructions 1100' or below NE, SW, and NW quadrants within 3.0 miles of airport.
##2700' within 0–3 miles of 1664' tower located 2.5 miles S of airport. 3000' within 0–3 miles of 2049' tower located 2.7 miles SSE of airport. 2900' within 0–3 miles of 1946' tower located 4.0 miles S of airport.
#500–1 required when approach lights inoperative.
*AIR CARRIER NOTE: No reduction in takeoff minimums except on Runway 36.
**AIR CARRIER NOTE: 300–½ authorized Runway 36 only.
%Circling not authorized E of airport in sector 090° through 180° due to numerous tall obstructions. Sliding scale not authorized for circling approaches.
***Unless radar vectored when weather is below 1000–3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS-VOR R-210 or MKC-VOR R-190, climb to 2500' before proceeding on crs. Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.

City, Kansas City; State, Mo.; Airport Name, Kansas City Municipal; Elev., 759'; Fac. Class. and Ident., Kansas City Radar; Procedure No. 1, Amdt. 5; Eff. Date, 5 Oct. 63; Sup. Amdt. No. 4; Dated, 3 Aug. 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–9571; Filed, Sept. 17, 1963; 11:21 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–394]

PART 205—INAUGURATION AND TEMPORARY SUSPENSION OF SCHEDULED ROUTE SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Submittal of Specific Economic Data in Applications for Temporary Suspension of Service on Economic Grounds

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September 1963.

On May 23, 1963, the Board issued a notice of proposed rulemaking, EDR–55, Docket 14516 (28 F.R. 5307), in which it proposed an amendment to Part 205 to require specific economic data in applications for temporary suspension of service on economic grounds. Comments were submitted by several certificated route air carriers, state aviation officials, airport commissions, cities, and economic consultants.

After careful consideration of the many detailed suggestions, the Board has concluded that the proposed amendment should be adopted with the following modifications: (1) The amendment will apply only to interstate and overseas air transportation, because the type of data called for would not generally be appropriate in determining international route issues; (2) "on-flight" origin and destination of passengers may be supplied if the applicant does not maintain "on-line" origin and destination records, but this provision is not to be construed as making the selection of an "on-line" or "on-flight" basis optional with the applicant; and (3) the statement of efforts to stimulate traffic at the point should cover the past two years, corresponding to the period for which the history of service is required.

The suggestion that the amendment should not apply to cases in which a carrier seeks to suspend service in favor of substitute service proposed by another carrier is not adopted. Much of the data called for is applicable to proposals for carrier substitutions, and the remaining information would be useful to the Board in reaching a determination as to whether any substitute service is required in the public interest.

The Board finds that the decision-making processes under Part 205 do not require the considerable expansion of data suggested by the civic bodies and the economic consultants. Such data as on-time performance or complaint history are not necessarily kept for every point served by an air carrier. Nor would traffic forecasts submitted by the carrier in certification proceedings be meaningful if considerable time had elapsed, or if the route or service pattern proposed was not identical to that authorized by the Board and presently operated by the carrier. Since cargo and mail enplanement data are available to the Board in Form 41 reports, such data will not be required in the application. It should be emphasized that the specified economic data are the minimum amount of information the Board requires to dispose of the application. If an interested community finds that the data required by this amendment are insufficient for preparation of an effective answer within 20 days, the community may request an extension of time.

In consideration of the foregoing, the Board hereby amends § 205.3 of Part 205 of the Economic Regulations (14 CFR 205.3), effective October 18, 1963, to read as follows:

§ 205.3 Applications pursuant to § 205.2.

(a) The application shall contain a specific statement of the relief requested and of the facts relied upon to establish that there is good cause for the postponement of inauguration of service or that the temporary suspension of service is in the public interest, with a statement of economic data or other matters which it is desired that the Board officially notice.

(b) When temporary suspension of service in interstate or overseas transportation is sought on economic grounds, the application shall contain at least the following specific economic data:

(1) History of service, particularly schedules and equipment offered by the applicant for the past two years to and from the point;

(2) Applicant's most recent yearly traffic data for the point: total number of passengers originating and deplaning; and on-line or, if the applicant does not compile on-line data, on-flight origin and destination of such passengers for four representative months;

(3) Anticipated financial benefit to the applicant, with an explanation of the factors considered in reaching such conclusion;

(4) Services offered by other scheduled carriers to the point:

(5) When the applicant is the only carrier regularly serving the point, the nearest alternative air service, and available surface transportation, schedules and fares to alternative airports;

(6) Surface transportation to major markets from the point; and

(7) A factual statement of applicant's efforts to stimulate traffic through schedule experimentation, promotion and advertising, new equipment, or other means during past two years.

(c) The application shall also contain a list of the persons upon whom copies were served in accordance with § 205.5, and a statement that any interested person may file an answer in opposition to or in support of the application within twenty (20) days after the filing of the application. An executed original and 19 copies of such application shall be filed with the Docket Section of the Civil Aeronautics Board, Washington, D.C., 20428. Applications which are incomplete or which fail to comply with the requirements of this part will be dismissed.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324 Interpret or apply sec. 401, 72 Stat. 754; 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63–9952; Filed, Sept. 17, 1963; 8:47 a.m.]

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER D—TRANSPORTATION

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Miscellaneous Amendments

1. Section 52.30, including the heading, is revised to read as follows.

§ 52.30 **Motor carrier or freight forwarder destination storage-in-transit of household goods or mobile dwellings (including house trailers)—payment of transportation and accessorial charges.**

(a) *Application.* These instructions relate only to shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on a Government bill of lading.

(b) *Carrier defined.* The term "carrier" as used herein means "motor carrier" or "freight forwarder" which has been duly authorized, under certificate or permit, to operate as such in intrastate or interstate commerce.

(c) *Required certifications.* The payment of transportation charges from the point of shipment to the destination storage point on shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on a Government bill of lading and stored in transit for account of the carrier and for ultimate delivery to the consignee or owner may be made upon completion of the transportation to the carrier's destination storage point and prior to ultimate delivery to the consignee, provided the carrier hauling the shipment to the destination storage point certifies on the covering Government bill of lading over the signature of its duly authorized representative:

(1) That the described household goods were placed in the carrier's storage warehouse at

---

(Destination warehouse)

on ---

(Date)

or

That the mobile dwellings (including house trailers) were placed in destination storage at

---

(Designated location)

on ---;

(Date)

(2) That such shipment will be permitted to remain there for a period of

---

(Number of days)

or such shorter period as may meet the consignee's or owner's demands; and

(3) (i) That the carrier(s) hauling the shipment to the destination storage point assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period.

(ii) If space on the Government bill of lading is not available, this certificate, with appropriate reference to the Government bill of lading number, may be made on plain paper and securely attached to the bill of lading.

(iii) The carrier may, at its option, include in this certificate a statement designating the warehouse the agent of the carrier to voucher and receive payment in the name of the line-haul carrier from the Government for all storage-in-transit and delivery-out charges (and other applicable related charges) authorized by the Government bill of lading to which the certificate pertains. In these situations, a signed duplicate copy of such certificate should be attached in support of the supplemental bill covering such charges. However, when the warehouse is authorized to bill these charges for the carrier, the requirement in paragraph (d) of this section that supplemental billing bear the same bill number (with a letter suffix) as the carrier's original bill for transportation charges need not be observed.

(d) *Supplemental billing for accessorial charges.* When transportation charges have been paid as authorized in the preceding paragraph, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the carrier of a claim therefor on SF 1113, which should bear the same bill number, except as provided in the last sentence in paragraph (c) of this section, as the carrier's original bill for transportation charges but should carry a letter suffix (example: No. 12345–A). The claims for accessorial charges must identify the bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by a statement of the following information signed and dated by the consignee, showing:

(1) accessorial services ordered and furnished;

(2) receipt of the shipment by the consignee or owner; and

(3) loss or damage to the shipment, if any.

2. A new § 52.30a is added as follows.

§ 52.30a Overseas transportation of household goods and/or personal effects of U.S. Government officers and employees traveling on official business.

(a) *Required documentation.* All bills submitted by freight forwarders or household goods transporters for the payment of transportation charges for the overseas movement of household goods and/or personal effects must be supported by a copy of the ocean freight bill in addition to the Government bill of lading. See paragraph (c) of this section.

(b) *Use of American flag vessels.* Attention is directed to the provisions of section 901(a) of the Merchant Marine Act of 1936, 49 Stat. 2015, 46 U.S.C. 1241, relative to the required use of American flag vessels by officers and employees of the United States for the transportation of household goods and/or personal effects.

(c) *Use of foreign flag vessels.* Foreign flag service may be used only when American flag service is unavailable or where the necessity of the traveler's mission requires its use. In any instance where foreign flag ocean service is involved in the movement, the ocean carrier, freight forwarder, or household goods transporter, must submit with the bill for charges a signed certification obtained from:

(1) Any person authorized by the Military Sea Transportation Service to sign such certification if the shipment is made by a military agency; or

(2) The agency official authorizing the use of the foreign flag vessel if the shipment is made by any other agency of the Government.

This certification should be as follows:

JUSTIFICATION CERTIFICATE FOR USE OF A FOREIGN FLAG VESSEL

(Date)

I certify that it (is) (was) necessary to transport the household goods and/or personal effects of --- between --- and --- en route from --- to --- via the ---, a foreign flag vessel, for the following reasons:

(A full explanation is required)

(Signature of Authorizing Officer)

(Title)

(Post, station, or installation)

(d) *Responsibility of certifying officers.* Certifying officers have the responsibility in the first instance of determining the acceptability of the foregoing certificate which must be attached to bills involving movements by foreign flag vessels prior to the certification of such bills.

[SEAL] JOSEPH CAMPBELL,
Comptroller General,
of the United States.

[F.R. Doc. 63–9939; Filed, Sept. 17, 1963; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Miscellaneous Amendments

SCHEDULE A

Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraph (1) of paragraph (b) of § 6.102 are amended as set out below.

§ 6.102 Department of State.

• • • • •

(b) *Bureau of Intelligence and Research.*

(1) Not to exceed 35 professional and technical positions.

SCHEDULE C

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (a) of § 6.302 is amended as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* • • •

(7) Five Special Assistants to the Under Secretary.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (d)(1) is added to § 6.315 as set out below.

§ 6.315 Executive Office of the President.

• • • • •

(d) *Office of the Special Representative for Trade Negotiations.*

(1) One Confidential Assistant to the Deputy Special Representative.

3. Effective upon publication in the FEDERAL REGISTER, paragraphs (b) and (c) are added to § 6.374 as set out below.

§ 6.374 Federal Maritime Commission.

• • • • •

(b) The Managing Director.

(c) The General Counsel.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

REORGANIZATION AND REVISION OF CHAPTER

In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A second amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

SCHEDULE A

Subparagraph (1) of paragraph (b) of § 213.3104 is amended as set out below.

§ 213.3104 Department of State.

• • • • •

(b) *Bureau of Intelligence and Research.*

(1) Not to exceed 35 professional and technical positions.

SCHEDULE C

1. Paragraph (d)(1) is added to § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

• • • • •

(d) *Office of the Special Representative for Trade Negotiations.*

(1) One Confidential Assistant to the Deputy Special Representative.

2. Subparagraph (5) of paragraph (a) of § 213.3304 is amended as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* • • •

(5) Five Special Assistants to the Under Secretary.

3. Paragraphs (b) and (c) are added to § 213.3367 as set out below.

§ 213.3367 Federal Maritime Commission.

• • • • •

(b) The Managing Director.

(c) The General Counsel.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–9972; Filed, Sept. 17, 1963; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963-Crop Soybean Supp.]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Soybean Loan and Purchase Agreement Program

The C.C.C. Grain Price Support Regulations Governing Price Support for the 1963 and Subsequent Crops (28 F.R. 2890) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support operations are supplemented for the 1963-crop of soybeans as follows:

Sec.
1421.2901 Purpose.
1421.2902 Availability of price support.
1421.2903 Cooperative marketing associations.
1421.2904 Eligible soybeans.
1421.2905 Determination of quality.
1421.2906 Determination of quantity.
1421.2907 Warehouse receipts.
1421.2908 Warehouse charges.
1421.2909 Maturity of loans.
1421.2910 Support rates.

AUTHORITY: §§ 1421.2901 to 1421.2910 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421.

§ 1421.2901 Purpose.

This supplement contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1963 and Subsequent Crops and any amendments thereto, apply to loans and purchase agreements for 1963-Crop Soybeans.

§ 1421.2902 Availability of price support.

Price support will be available from harvest through January 31, 1964.

§ 1421.2903 Cooperative marketing associations.

A cooperative marketing association which meets the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible soybeans through warehouse-storage loans and purchase agreements: *Provided,* That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own soybeans only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Applications for determination of eligibility shall be submitted to the State committee of the State where the association's principal office is located no later than December 1, 1963. An approved, cooperative marketing association applying for price support on soybeans produced in more than one State shall make separate applications for the soybeans produced in each State. In the case of soybeans produced in a State with different county support rates, separate applications shall be made for the soybeans produced in each county.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a detailed statement of its method of operation showing the manner in which producer-members have control of the association.

(b) *Articles or bylaw provisions.* The articles of incorporation or association, or by laws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meeting, (3) membership in the association to be open to all farmer producers of soybeans except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on his production of soybeans marketed by the association during the current year or a single preceding year, but whichever of the preceding bases of voting is used, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association. For purposes of subparagraph (6) of this paragraph, distribution of the summary financial statement may be provided for by resolution of the board of directors of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing to the satisfaction of the Executive Vice President, CCC, that its operation is on a financially sound basis.

(d) *Operations.* The association must have been in existence and conducting legitimate marketing operations for its producer-members for a period of not less than two years prior to the date of its application or submit evidence that it is so organized and staffed as to provide effective marketing operations for its producer-members.

(e) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions, except those which are no different than transactions entered into by the association with its general membership, for the year preceding the date of the application: (1) With any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person or any of his close relatives are entitled to receive a percentage of the gross profits, (3) with any corporation in which any such person or any of his close relatives own stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which any agent, director, officer or employee of the association was an agent, director, officer or employee of such business entity. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and September 30, 1964, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes to the satisfaction of the Executive Vice President,

CCC, that any such transactions in the year preceding the date of application or in the period beginning with the date of application and ending on September 30, 1964, have not and will not operate to the detriment of members of the association.

(f) *Uniform marketing agreement.* All eligible soybeans delivered to the association by producer-members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who deliver such eligible soybeans.

(g) *Member business.* Not less than 80 percent of the soybeans marketed by the association must be produced by the producer-members. Soybeans purchased by the association from CCC shall not be considered in determining the volume of soybeans marketed for members and non-members.

(h) *Vested authority.* The association must have authority to obtain a loan on the security of the soybeans and give a lien thereon as well as authority to sell such soybeans.

(i) *Records maintained.* The association must maintain a record of the quantity of soybeans eligible for price support acquired by or delivered to the association from each source, and such record must show the disposition of the soybeans from each source. Similar records must be maintained separately for soybeans not eligible for price support.

(j) *Physical inventory.* The association must keep in inventory at all times soybeans equivalent in quality and quantity to the quality and quantity of the soybeans shown on its outstanding warehouse receipts. Price support may be obtained by the association only on the quantity of eligible soybeans which remains undisposed of in its inventory at the time of application for price support.

(k) *Distribution of proceeds.* Proceeds from eligible soybeans disposed of by marketing or by delivery to CCC shall be distributed only to the eligible producer-members on a proportionate basis according to the quantity, quality and point of production of such eligible soybeans delivered by each eligible producer-member. This provision shall not be construed to prohibit the association from establishing separate pools and distributing the proceeds proportionately to the producer-members whose soybeans are included in each pool.

(l) *Inspection by CCC.* Soybeans held by the association must be available for inspection by CCC at all reasonable times as long as the association has soybeans under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through August 1, 1969.

(m) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, a cooperative marketing association which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support if its member associations meet the requirements for price support under this section. The requirements of paragraph (h) of this section shall be deemed to be satisfied if such member associations have the right to deliver soybeans of their producer-members to the association applying for price support and to authorize such association to sell the soybeans and to obtain a loan on the security of the soybeans and to give a lien thereon. The association applying for price support shall: (1) In its charter, bylaws, marketing contracts or by other legal means require that its member association meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c), (d) and (e) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(n) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans or purchase agreements or both, shall be made by the Executive Vice President, CCC.

(o) *Investigations.* The Commodity Credit Corporation shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, by laws, agreements with producers or member associations and with the representations made in its application.

§ 1421.2904 Eligible soybeans.

The soybeans must meet requirements of this section, in addition to other eligibility requirements of the program, in order to be eligible for price support.

(a) *Grade requirements.* (1) Soybeans when placed under loan and soybeans under purchase agreement which are in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. The soybeans must be soybeans of any class grading No. 4 or better. Soybeans grading "Garlicky" or "Weevily," or containing in excess of 14 percent moisture shall not be eligible, except as provided in subparagraph (2) of this paragraph.

(2) Soybeans in warehouse storage containing over 14 percent moisture or grading "Weevily," shall not be eligible for a warehouse-storage loan or delivery under a purchase agreement unless the warehouse receipt is accompanied by a supplemental certificate which indicates the warehouseman will deliver soybeans which do not contain such designation(s) and which are otherwise of an eligible grade and quality. The grade, grading factors, and the quantity shown on the supplemental certificate shall be as specified in § 1421.2907(c).

(b) *Poisonous substances.* The soybeans must not contain mercurial compounds or other substances poisonous to man or animals.

(c) *Purchase agreements—predelivery inspection.* Except as otherwise provided in § 1421.23(b)(3), soybeans under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraphs (a) and (b) of this section on the basis of a predelivery inspection.

§ 1421.2905 Determination of quality.

The class, grade, grading factors, percentage of foreign material and all other quality factors shall be based on the Official Grain Standards of the United States for soybeans, whether or not the determination is made on the basis of an official inspection.

§ 1421.2906 Determination of quantity.

(a) *In warehouse.* The quantity of soybeans in an approved warehouse shall be the gross weight specified on the warehouse receipt or on the supplemental certificate if applicable.

(b) *On farm.* The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity acquired under a farm-storage loan or a purchase agreement shall be determined by weight. When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans. In determining the quantity of sacked soybeans by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined for soybeans of a different test weight shall be adjusted by the applicable percentage in the following table:

Test weight (pounds per bushel):	Percent
60 or over	100
59 or 59.5	98
58 or 58.5	97
57 or 57.5	95
56 or 56.5	93
55 or 55.5	92
54 or 54.5	90
53 or 53.5	88
52 or 52.5	87
51 or 51.5	85
50 or 50.5	83
49 or 49.5	82

§ 1421.2907 Warehouse receipts.

Warehouse receipts representing soybeans in approved warehouse storage to be placed under a warehouse-storage loan, to be delivered in satisfaction of a farm-storage loan, or to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of soybeans. In the case of approved cooperative marketing associations, a separate warehouse receipt must be submitted for each county support rate.

(b) *Entries.* Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show all of the following: (1) Gross weight and bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) percentage of foreign material, and (7) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In addition, for soybeans grading No. 3 or No. 4, the percentage of splits, total damage and heat damage must also be shown.

(c) *High moisture or weevily soybeans.* When the warehouse receipt indicates the soybeans contain over 14 percent moisture or grade "Weevily," the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2904(a)(2). The grade, grading factors and the quantity of soybeans to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows a moisture content of over 14 percent and the soybeans have been or will be dried or processed, the grade, grading factors, and the quantity on the supplemental certificate shall represent the quality and quantity resulting from drying or processing the soybeans to not over 14 percent moisture and such grade, grading factors, and quantity shall supersede the grade, grading factors, and the quantity shown on the warehouse receipt.

(2) When the warehouse receipt shows "Weevily" and the soybeans have been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade, without the "Weevily" designation, and the same grading factors and quantity as shown on the warehouse receipt.

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2908.

§ 1421.2908 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage. Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—U.G.S.A. warehouses.* The table shown below provides the deductions for storage charges to be made from the amount of the loan or purchase price in the case of soybeans stored in approved warehouses operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on soybeans stored in warehouses operating under the Uniform Grain Storage Agreement, shall be the latest of the following: (1) The date of deposit, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid. If the foregoing dates are not shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JULY 31, 1964

Storage start date:[1]	Deduction (cents per bushel)
Prior to Aug. 30, 1963	13
Aug. 30–Sept. 25, 1963	12
Sept. 26–Oct. 22, 1963	11
Oct. 23–Nov. 18, 1963	10
Nov. 19–Dec. 15, 1963	9
Dec. 16, 1963–Jan. 11, 1964	8
Jan. 12–Feb. 7, 1964	7
Feb. 8–Mar. 5, 1964	6
Mar. 6–Apr. 1, 1964	5
Apr. 2–Apr. 28, 1964	4
Apr. 29–May 25, 1964	3
May 26–June 21, 1964	2
June 22–July 31, 1964	1

[1] All dates inclusive.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of soybeans stored in an approved warehouse operated by an Eastern common carrier there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 1421.2909 Maturity of loans.

Loans mature on demand but not later than July 31, 1964.

§ 1421.2910 Support rates.

The support rate for the quality of soybeans placed under a loan or acquired under a loan or purchase agreement shall be the applicable basic county support rate established for the county in which the soybeans were produced, adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 1421.25.

(a) *Basic county support rates.* Basic county support rates for the classes Green Soybeans and Yellow Soybeans grading No. 2 and containing from 13.8 to 14.0 percent moisture are as follows:

County	Rate per bushel
ALABAMA	
All counties	$2.23
ARIZONA	
All counties	$2.11
ARKANSAS	
Arkansas	$2.27
Ashley	2.25
Chicot	2.25
Clay	2.26
Craighead	2.27
Crittenden	2.27
Cross	2.27
Desha	2.26
Drew	2.25
Green	2.26
Independence	2.25
Jackson	2.26
Jefferson	2.26
Lawrence	2.25
Lee	2.27
Lincoln	2.26
Lonoke	2.25
Mississippi	2.27
Monroe	2.27
Phillips	2.27
Poinsett	2.27
Prairie	2.26
Randolph	2.25
Saint Francis	2.27
White	2.25
Woodruff	2.26
All other counties	2.24
CALIFORNIA	
All counties	$2.11
DELAWARE	
All counties	$2.23
FLORIDA	
All counties	$2.20
GEORGIA	
All counties	$2.22
ILLINOIS	
Adams	$2.28
Alexander	2.25
Bond	2.30
Boone	2.29
Brown	2.28
Bureau	2.28
Calhoun	2.28
Carroll	2.28
Cass	2.29
Champaign	2.31
Christian	2.31
Clark	2.30
Clay	2.29
Clinton	2.28
Coles	2.31
Cook	2.32
Crawford	2.29
Cumberland	2.31
De Kalb	2.31
De Witt	2.31
Douglas	2.31
Du Page	2.31
Edgar	2.31
Edwards	2.27
Effingham	2.31
Fayette	2.31
Ford	2.31
Franklin	2.26
Fulton	2.28
Gallatin	2.26
Greene	2.29
Grundy	2.31
Hamilton	2.27
Hancock	2.28
Hardin	2.26
Henderson	2.28
Henry	2.28
Iroquois	2.31
Jackson	2.26
Jasper	2.30
Jefferson	2.27
Jersey	2.28
Jo Daviess	2.28
Johnson	2.25
Kane	2.31
Kankakee	2.31
Kendall	2.31
Knox	2.29
Lake	2.31
La Salle	2.31
Lawrence	2.28
Lee	2.28
Livingston	2.31
Logan	2.31
McDonough	2.28
McHenry	2.30
McLean	2.31
Macon	2.31
Macoupin	2.30
Madison	2.29
Marion	2.29
Marshall	2.30
Mason	2.29
Massac	2.26
Menard	2.29
Mercer	2.28
Monroe	2.26
Montgomery	2.30
Morgan	2.30
Moultrie	2.31
Ogle	2.28
Peoria	2.29
Perry	2.26
Piatt	2.31
Pike	2.28
Pope	2.26
Pulaski	2.25
Putnam	2.28
Randolph	2.26
Richland	2.29
Rock Island	2.28
St. Clair	2.27
Saline	2.26
Sangamon	2.31
Schuyler	2.28
Scott	2.29
Shelby	2.31
Stark	2.29
Stephenson	2.28
Tazewell	2.30
Union	2.25
Vermilion	2.31
Wabash	2.27
Warren	2.28
Washington	2.27
Wayne	2.27
White	2.26
Whiteside	2.28
Will	2.31
Williamson	2.26
Winnebago	2.28
Woodford	2.30
INDIANA	
Adams	$2.25
Allen	2.26
Bartholomew	2.24
Benton	2.30
Blackford	2.24
Boone	2.26
Brown	2.24
Carroll	2.26
Cass	$2.25
Clark	2.23
Clay	2.26
Clinton	2.26
Crawford	2.23
Daviess	2.25
Dearborn	2.23
Decatur	2.24

County	Rate per bushel
INDIANA	
Delaware	$2.26
Dubois	2.24
Elkhart	2.26
Fayette	2.26
Floyd	2.23
Fountain	2.26
Franklin	2.23
Fulton	2.26
Gibson	2.24
Grant	2.26
Greene	2.24
Hamilton	2.26
Hancock	2.26
Harrison	2.23
Hendricks	2.26
Henry	2.26
Howard	2.26
Huntington	2.26
Jackson	2.24
Jasper	2.26
Jay	2.26
Jefferson	2.23
Jennings	2.23
Johnson	2.26
Knox	2.24
Kosciusko	2.26
La Porte	2.26
Lagrange	2.26
Lake	2.26
Lawrence	2.24
Madison	2.26
Marion	2.26
Marshall	2.26
Martin	2.24
Miami	2.26
Monroe	2.24
Montgomery	2.26
Morgan	2.26
Newton	2.26
Noble	2.26
Ohio	2.23
Orange	2.23
Owen	2.24
Parke	2.26
Perry	2.23
Pike	2.24
Porter	2.26
Posey	2.24
Pulaski	2.26
Putnam	2.26
Randolph	2.26
Ripley	2.23
Rush	2.26
Scott	2.23
Shelby	2.26
Spencer	2.24
Starke	2.26
Steuben	2.26
Sullivan	2.24
Switzerland	2.23
Tippecanoe	2.26
Tipton	2.26
Union	2.23
Vanderburgh	2.24
Vermillion	2.26
Vigo	2.26
Wabash	2.26
Warren	2.26
Warrick	2.24
Washington	2.23
Wayne	2.26
Wells	2.26
White	2.26
Whitley	2.26
IOWA	
Adair	$2.27
Adams	2.27
Allamakee	2.30
Appanoose	2.28
Audubon	2.27
Benton	2.30
Black Hawk	2.30
Boone	2.29
Bremer	2.30
Buchanan	2.30
Buena Vista	2.28
Butler	2.30
Calhoun	2.28
Carroll	2.28
Cass	2.27
Cedar	2.30
Cerro Gordo	2.30
Cherokee	2.28
Chickasaw	2.30
Clarke	2.28
Clay	2.28
Clayton	2.30
Clinton	2.30
Crawford	2.28
Dallas	2.29
Davis	2.28
Decatur	2.28
Delaware	2.30
Des Moines	2.30
Dickinson	2.28
Dubuque	2.30
Emmet	2.28
Fayette	2.30
Floyd	2.30
Franklin	2.29
Fremont	2.27
Greene	2.29
Grundy	2.30
Guthrie	2.28
Hamilton	2.29
Hancock	2.28
Hardin	2.29
Harrison	2.27
Henry	2.30
Howard	2.30
Humboldt	2.28
Ida	2.28
Iowa	2.30
Jackson	2.30
Jasper	2.29
Jefferson	2.28
Johnson	2.30
Jones	2.30
Keokuk	2.30
Kossuth	2.28
Lee	2.30
Linn	2.30
Louisa	2.30
Lucas	2.28
Lyon	2.28
Madison	2.28
Mahaska	2.30
Marion	2.30
Marshall	2.30
Mills	2.27
Mitchell	2.30
Monona	2.28
Monroe	2.28
Montgomery	2.27
Muscatine	2.30
O'Brien	2.28
Osceola	2.28
Page	2.27
Palo Alto	2.28
Plymouth	2.28
Pocahontas	2.28
Polk	2.29
Pottawattamie	2.27
Poweshiek	2.30
Ringgold	2.28
Sac	2.28
Scott	2.30
Shelby	2.28
Sioux	2.28
Story	2.29
Tama	2.30
Taylor	2.28
Union	2.28
Van Buren	2.28
Wapello	2.30
Warren	2.29
Washington	2.30
Wayne	2.28
Webster	2.29
Winnebago	2.28
Winneshiek	2.30
Woodbury	2.28
Worth	2.28
Wright	2.28
KANSAS	
Allen	$2.26
Anderson	2.26
Atchison	2.27
Barber	2.24
Barton	2.25
Bourbon	2.26
Brown	2.27
Butler	2.25
Chase	2.25
Chautauqua	2.25
Cherokee	2.26
Cheyenne	2.24
Clark	2.24
Clay	2.26
Cloud	2.26
Coffey	2.26
Comanche	2.24
Cowley	2.25
Crawford	2.26
Decatur	2.24
Dickinson	2.26
Doniphan	2.27
Douglas	2.26
Edwards	2.24
Elk	2.25
Ellis	2.24
Ellsworth	2.25
Finney	2.24
Ford	2.24
Franklin	2.26
Geary	2.26
Gove	2.24
Graham	2.24
Grant	2.24
Gray	2.24
Greeley	2.24
Greenwood	2.25
Hamilton	2.24
Harper	2.24
Harvey	2.25
Haskell	2.24
Hodgeman	2.24
Jackson	2.26
Jefferson	2.26
Jewell	2.26
Johnson	2.26
Kearny	2.24
Kingman	2.25
Kiowa	2.24
Labette	2.25
Lane	2.24
Leavenworth	2.26
Lincoln	2.26
Linn	2.26
Logan	2.24
Lyon	2.25
McPherson	2.25
Marion	2.25
Marshall	2.26
Meade	2.24
Miami	2.26
Mitchell	2.26
Montgomery	2.25
Morris	2.26
Morton	2.24
Nemaha	2.26
Neosho	2.25
Ness	2.24
Norton	2.24
Osage	2.26
Osborne	2.26
Ottawa	2.26
Pawnee	2.24
Phillips	2.26
Pottawatomie	2.26
Pratt	2.24
Rawlins	2.24
Reno	2.25
Republic	2.26
Rice	2.25
Riley	2.26
Rooks	2.26
Rush	2.24
Russell	2.24
Saline	2.25
Scott	2.24
Sedgwick	2.25
Seward	2.24
Shawnee	2.26
Sheridan	2.24
Sherman	2.24
Smith	2.26
Stafford	2.25
Stanton	2.24
Stevens	2.24
Sumner	2.25
Thomas	2.24
Trego	2.24
Wabaunsee	2.26
Wallace	2.24
Washington	2.26
Wichita	2.24
Wilson	2.25
Woodson	2.26
Wyandotte	2.26
KENTUCKY	
Adair	$2.24
Allen	2.24
Anderson	2.25
Ballard	2.26
Barren	2.24
Bath	2.25
Bell	2.24
Boone	2.25
Bourbon	2.25
Boyd	2.25
Boyle	2.25
Bracken	2.25
Breathitt	2.24
Breckinridge	2.25
Bullitt	2.25
Butler	2.24
Caldwell	2.25
Calloway	2.26
Campbell	2.25
Carlisle	2.26
Carroll	2.25
Carter	2.25
Casey	2.24
Christian	2.24
Clark	2.25
Clay	2.24
Clinton	2.24
Crittenden	2.25
Cumberland	2.24
Daviess	2.25
Edmonson	2.24
Elliott	2.25
Estill	2.24
Fayette	2.25
Fleming	2.25
Floyd	2.24
Franklin	2.25
Fulton	2.26
Gallatin	2.25
Garrard	2.25
Grant	2.25
Graves	2.26
Grayson	2.24
Green	2.24
Greenup	2.25
Hancock	2.25
Hardin	2.24
Harlan	2.24
Harrison	2.25
Hart	2.24
Henderson	2.25
Henry	2.25
Hickman	2.26
Hopkins	2.25
Jackson	2.24
Jefferson	2.25
Jessamine	2.25
Johnson	2.25
Kenton	2.25
Knott	2.24
Knox	2.24
Larue	2.24
Laurel	2.24
Lawrence	2.25
Lee	2.24
Leslie	2.24
Letcher	2.24
Lewis	2.25
Lincoln	2.24
Livingston	2.25
Logan	2.24
Lyon	2.25
McCracken	2.26
McCreary	2.24
McLean	2.25
Madison	2.25
Magoffin	2.24
Marion	2.24
Marshall	2.26
Martin	2.24
Mason	2.25
Meade	2.25
Menifee	2.25
Mercer	2.25
Metcalfe	2.24
Monroe	2.24
Montgomery	2.25
Morgan	2.25
Muhlenberg	2.25
Nelson	2.25
Nicholas	2.25
Ohio	2.25
Oldham	2.25
Owen	2.25
Owsley	2.24
Pendleton	2.25
Perry	2.24
Pike	2.24
Powell	2.25
Pulaski	2.24
Robertson	2.25
Rockcastle	2.24
Rowan	2.25
Russell	2.24
Scott	2.25
Shelby	2.25
Simpson	2.24
Spencer	2.25
Taylor	2.24
Todd	2.24
Trigg	2.24
Trimble	2.25
Union	2.26
Warren	2.24
Washington	2.25
Wayne	2.24
Webster	2.25
Whitley	2.24
Wolfe	2.24
Woodford	2.25
LOUISIANA	
Acadia	$2.23
Allen	2.23
Ascension	2.23
Assumption	2.23
Avoyelles	2.23
Beauregard	2.23
Bienville	2.23
Bossier	2.23
Caddo	2.23
Calcasieu	2.23
Caldwell	2.23
Cameron	2.23
Catahoula	2.23
Claiborne	2.23
Concordia	2.23
De Soto	2.23
East Baton Rouge	2.23
East Carroll	2.23
East Feliciana	2.23
Evangeline	2.23
Franklin	2.23
Grant	2.23
Iberia	2.23
Iberville	2.23
Jackson	2.23
Jefferson	2.23
Jefferson Davis	2.23
La Fayette	2.23
La Salle	2.23
Lincoln	2.23
Livingston	2.23
Madison	2.23
Morehouse	2.23
Natchitoches	2.23
Orleans	2.23
Ouachita	2.23
Plaquemines	2.23
Pointe Coupee	2.23
Rapides	2.23
Red River	2.23
Richland	2.23
Sabine	2.23
St. Bernard	2.23
St. Charles	2.23
St. Helena	2.23
St. James	2.23
St. John the Baptist	2.23
St. Landry	2.23
St. Martin	2.23
St. Mary	2.23
St. Tammany	2.23
Tangipahoa	2.23
Tensas	2.23
Terrebonne	2.23
Union	2.23
Vermilion	2.23
Vernon	2.23
Washington	2.23
Webster	2.23
West Baton Rouge	2.23
West Carroll	2.23
West Feliciana	2.23
Winn	2.23
MARYLAND	
All counties	$2.23
MICHIGAN	
Alcona	$2.27
Alger	2.27
Allegan	2.28
Alpena	2.27
Antrim	2.27
Arenac	2.27
Baraga	2.27
Barry	2.28
Bay	2.28
Benzie	2.27
Berrien	2.28
Branch	2.28
Calhoun	2.28
Cass	2.28
Charlevoix	2.27
Cheboygan	2.27
Chippewa	2.27
Clare	2.27
Clinton	2.28
Crawford	2.27
Delta	2.27
Dickinson	2.27
Eaton	2.28
Emmet	2.27
Genesee	2.28
Gladwin	2.27
Gogebic	2.27
Grand Traverse	2.27
Gratiot	2.28
Hillsdale	2.28
Houghton	2.27
Huron	2.28
Ingham	2.28
Ionia	2.28
Iosco	2.27
Iron	2.27
Isabella	2.27
Jackson	2.28
Kalamazoo	2.28
Kalkaska	2.27
Kent	2.28
Keweenaw	2.27
Lake	2.27
Lapeer	2.28
Leelanau	2.27
Lenawee	2.28
Livingston	2.28
Luce	2.27
Mackinac	2.27
Macomb	2.28
Manistee	2.27
Marquette	2.27
Mason	2.27
Mecosta	2.27
Menominee	2.27
Midland	2.27
Missaukee	2.27
Monroe	2.28
Montcalm	2.28
Montmorency	2.27
Muskegon	2.27
Newaygo	2.27
Oakland	2.28
Oceana	2.27
Ogemaw	2.27
Ontonagon	2.27
Osceola	2.27
Oscoda	2.27
Otsego	2.27
Ottawa	2.28
Presque Isle	2.27
Roscommon	2.27
Saginaw	2.28
St. Clair	2.28
St. Joseph	2.28
Sanilac	2.28
Schoolcraft	2.27
Shiawassee	2.28
Tuscola	2.28
Van Buren	2.28
Washtenaw	2.28
Wayne	2.28
Wexford	2.27
MINNESOTA	
Aitkin	$2.27
Anoka	2.28
Becker	2.27
Beltrami	2.27
Benton	2.28
Big Stone	2.28
Blue Earth	2.28
Brown	2.28
Carlton	2.27
Carver	2.28
Cass	2.27
Chippewa	2.28
Chisago	2.28
Clay	2.27
Clearwater	2.27
Cook	2.27
Cottonwood	2.28
Crow Wing	2.27
Dakota	2.28
Dodge	2.28
Douglas	2.27
Faribault	2.28
Fillmore	2.28
Freeborn	2.28
Goodhue	2.28
Grant	2.28
Hennepin	2.28
Houston	2.28
Hubbard	2.27
Isanti	2.28
Itasca	2.27
Jackson	2.28
Kanabec	2.28
Kandiyohi	2.28
Kittson	2.27
Koochiching	2.27
Lac Qui Parle	2.28
Lake	2.27
Lake of the Woods	2.27
Le Sueur	2.28
Lincoln	2.28
Lyon	2.28
McLeod	2.28
Mahnomen	2.27
Marshall	2.27
Martin	2.28
Meeker	2.28
Mille Lacs	2.28
Morrison	2.27
Mower	2.28
Murray	2.28
Nicollet	2.28
Nobles	2.28
Norman	2.27
Olmsted	2.28
Otter Tail	2.27
Pennington	2.27
Pine	2.27
Pipestone	2.28
Polk	2.27
Pope	2.28
Ramsey	2.28
Red Lake	2.27
Redwood	2.28
Renville	2.28
Rice	2.28
Rock	2.28
Roseau	2.27
St. Louis	2.27
Scott	2.28
Sherburne	2.28
Sibley	2.28
Stearns	2.28
Steele	2.28
Stevens	2.28
Swift	2.28
Todd	2.28
Traverse	2.28
Wabasha	2.28
Wadena	2.27
Waseca	2.28
Washington	2.28
Watonwan	2.28
Wilkin	2.28
Winona	2.28
Wright	2.28
Yellow Medicine	2.28
MISSISSIPPI	
Adams	$2.23
Alcorn	2.23
Amite	2.23
Attala	2.23
Benton	2.23
Bolivar	2.23
Calhoun	2.23
Carroll	2.23
Chickasaw	2.23
Choctaw	2.23
Claiborne	2.23
Clarke	2.23
Clay	2.23
Coahoma	2.23
Copiah	2.23
Covington	2.23
De Soto	2.23
Forrest	2.23
Franklin	2.23
George	2.23
Greene	2.23
Grenada	2.23
Hancock	2.23
Harrison	2.23
Hinds	2.23
Holmes	2.23
Humphreys	2.23
Issaquena	2.23
Itawamba	2.23
Jackson	2.23
Jasper	2.23
Jefferson	2.23
Jefferson Davis	2.23
Jones	2.23
Kemper	2.23
Lafayette	2.23
Lamar	2.23
Lauderdale	2.23

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
De Kalb	$2.26	Morgan	$2.25
Delaware	2.24	Newton	2.30
Dubois	2.24	Noble	2.26
Elkhart	2.25	Ohio	2.23
Fayette	2.24	Orange	2.24
Floyd	2.23	Owen	2.25
Fountain	2.29	Parke	2.27
Franklin	2.24	Perry	2.23
Fulton	2.25	Pike	2.25
Gibson	2.26	Porter	2.29
Grant	2.24	Posey	2.25
Greene	2.26	Pulaski	2.27
Hamilton	2.25	Putnam	2.26
Hancock	2.24	Randolph	2.24
Harrison	2.23	Ripley	2.23
Hendricks	2.25	Rush	2.24
Henry	2.24	St. Joseph	2.26
Howard	2.25	Scott	2.23
Huntington	2.25	Shelby	2.24
Jackson	2.24	Spencer	2.23
Jasper	2.28	Starke	2.27
Jay	2.24	Steuben	2.26
Jefferson	2.23	Sullivan	2.27
Jennings	2.23	Switzerland	2.23
Johnson	2.24	Tippecanoe	2.28
Knox	2.26	Tipton	2.25
Kosciusko	2.25	Union	2.24
Lagrange	2.26	Vanderburgh	2.25
Lake	2.30	Vermillion	2.29
La Porte	2.27	Vigo	2.28
Lawrence	2.25	Wabash	2.24
Madison	2.24	Warren	2.29
Marion	2.25	Warrick	2.24
Marshall	2.26	Washington	2.23
Martin	2.25	Wayne	2.24
Miami	2.24	Wells	2.25
Monroe	2.25	White	2.28
Montgomery	2.28	Whitley	2.26

IOWA

Adair	$2.21	Jackson	$2.26
Adams	2.20	Jasper	2.24
Allamakee	2.22	Jefferson	2.24
Appanoose	2.22	Johnson	2.25
Audubon	2.21	Jones	2.25
Benton	2.25	Keokuk	2.24
Black Hawk	2.23	Kossuth	2.20
Boone	2.22	Lee	2.25
Bremer	2.22	Linn	2.25
Buchanan	2.24	Louisa	2.25
Buena Vista	2.20	Lucas	2.22
Butler	2.22	Lyon	2.18
Calhoun	2.21	Madison	2.21
Carroll	2.21	Mahaska	2.23
Cass	2.20	Marion	2.23
Cedar	2.26	Marshall	2.24
Cerro Gordo	2.21	Mills	2.19
Cherokee	2.19	Mitchell	2.20
Chickasaw	2.21	Monona	2.19
Clarke	2.21	Monroe	2.22
Clay	2.20	Montgomery	2.19
Clayton	2.23	Muscatine	2.26
Clinton	2.26	O'Brien	2.19
Crawford	2.20	Osceola	2.19
Dallas	2.22	Page	2.19
Davis	2.23	Palo Alto	2.20
Decatur	2.21	Plymouth	2.18
Delaware	2.24	Pocahontas	2.20
Des Moines	2.25	Polk	2.23
Dickinson	2.19	Pottawattamie	2.19
Dubuque	2.24	Poweshiek	2.24
Emmet	2.19	Ringgold	2.20
Fayette	2.23	Sac	2.21
Floyd	2.21	Scott	2.26
Franklin	2.22	Shelby	2.20
Fremont	2.19	Sioux	2.18
Greene	2.21	Story	2.23
Grundy	2.23	Tama	2.24
Guthrie	2.21	Taylor	2.20
Hamilton	2.22	Union	2.20
Hancock	2.20	Van Buren	2.24
Hardin	2.23	Wapello	2.23
Harrison	2.19	Warren	2.22
Henry	2.24	Washington	2.24
Howard	2.20	Wayne	2.22
Humboldt	2.21	Webster	2.22
Ida	2.20	Winnebago	2.19
Iowa	2.25	Winneshiek	2.21

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Woodbury	$2.19	Wright	$2.22
Worth	2.20		

KANSAS

Allen	$2.18	Lyon	$2.17
Anderson	2.19	Marion	2.16
Atchison	2.19	Marshall	2.17
Bourbon	2.18	McPherson	2.15
Brown	2.18	Miami	2.19
Butler	2.16	Mitchell	2.15
Chase	2.16	Montgomery	2.15
Chautauqua	2.15	Morris	2.17
Cherokee	2.17	Nemaha	2.18
Clay	2.17	Neosho	2.17
Cloud	2.16	Osage	2.18
Coffey	2.18	Osborne	2.14
Cowley	2.15	Ottawa	2.16
Crawford	2.17	Pottawatomie	2.17
Dickenson	2.16	Reno	2.14
Doniphan	2.19	Republic	2.16
Douglas	2.19	Rice	2.14
Elk	2.16	Riley	2.17
Ellsworth	2.14	Russell	2.14
Franklin	2.19	Saline	2.15
Geary	2.17	Sedgwick	2.15
Greenwood	2.17	Shawnee	2.19
Harper	2.14	Smith	2.14
Harvey	2.15	Sumner	2.14
Jackson	2.18	Wabaunsee	2.18
Jefferson	2.19	Washington	2.17
Jewell	2.15	Wilson	2.16
Johnson	2.19	Woodson	2.17
Kingman	2.14	Wyandotte	2.19
Labette	2.16	All other counties	2.13
Leavenworth	2.19		
Lincoln	2.15		
Linn	2.19		

KENTUCKY

Ballard	$2.25	Hickman	$2.25
Carlisle	2.25	Livingston	2.25
Crittenden	2.25	McCracken	2.25
Daviess	2.25	Union	2.25
Fulton	2.25	All other counties	2.24
Henderson	2.25		

LOUISIANA

East Carroll	$2.25	All other counties	$2.24
Morehouse	2.25		
West Carroll	2.25		

MARYLAND

All counties	$2.23

MICHIGAN

Allegan	$2.20	Lapeer	$2.20
Arenac	2.18	Lenawee	2.24
Barry	2.20	Livingston	2.22
Bay	2.18	Macomb	2.22
Berrien	2.23	Mecosta	2.18
Branch	2.23	Midland	2.18
Calhoun	2.22	Monroe	2.24
Cass	2.22	Montcalm	2.19
Clare	2.18	Muskegon	2.18
Clinton	2.20	Newaygo	2.18
Eaton	2.21	Oakland	2.22
Genesee	2.20	Oceana	2.18
Gladwin	2.18	Ottawa	2.19
Gratiot	2.19	Saginaw	2.19
Hillsdale	2.24	St. Clair	2.21
Huron	2.18	St. Joseph	2.22
Ingham	2.22	Sanilac	2.19
Ionia	2.20	Shiawassee	2.20
Isabella	2.18	Tuscola	2.19
Jackson	2.23	Van Buren	2.21
Kalamazoo	2.21	Washtenaw	2.23
Kent	2.19	Wayne	2.23

MINNESOTA

Aitkin	$2.14	Chippewa	$2.16
Anoka	2.18	Chisago	2.18
Becker	2.12	Clay	2.12
Benton	2.16	Clearwater	2.12
Big Stone	2.15	Cottonwood	2.18
Blue Earth	2.19	Crow Wing	2.14
Brown	2.18	Dakota	2.19
Carver	2.18	Dodge	2.20
Cass	2.13	Douglas	2.14

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Faribault	$2.19	Pennington	$2.12
Fillmore	2.20	Pine	2.16
Freeborn	2.20	Pipestone	2.17
Goodhue	2.20	Polk	2.12
Grant	2.14	Pope	2.15
Hennepin	2.19	Ramsey	2.19
Houston	2.20	Red Lake	2.12
Hubbard	2.12	Redwood	2.17
Isanti	2.18	Renville	2.17
Jackson	2.18	Rice	2.20
Kanabec	2.17	Rock	2.17
Kandiyohi	2.16	Roseau	2.11
Kittson	2.11	Scott	2.19
Lac Qui Parle	2.16	Sherburne	2.18
Le Sueur	2.19	Sibley	2.18
Lincoln	2.17	Stearns	2.16
Lyon	2.17	Steele	2.20
McLeod	2.18	Stevens	2.15
Mahnomen	2.12	Swift	2.16
Marshall	2.11	Todd	2.14
Martin	2.19	Traverse	2.14
Meeker	2.17	Wabasha	2.20
Mille Lacs	2.18	Wadena	2.13
Morrison	2.15	Waseca	2.19
Mower	2.20	Washington	2.19
Murray	2.17	Watonwan	2.19
Nicollet	2.18	Wilkin	2.13
Nobles	2.18	Winona	2.20
Norman	2.12	Wright	2.18
Olmstead	2.20	Yellow Medicine	2.16
Otter Tail	2.13		

MISSISSIPPI

Benton	$2.25	Quitman	$2.27
Bolivar	2.27	Sharkey	2.26
Calhoun	2.25	Sunflower	2.27
Coahoma	2.27	Tallahatchie	2.26
De Soto	2.27	Tate	2.26
Grenada	2.25	Tunica	2.27
Humphreys	2.26	Washington	2.27
Issaquena	2.26	Yalobusha	2.25
Lafayette	2.25	Yazoo	2.25
Leflore	2.26	All other counties	2.24
Marshall	2.26		
Panola	2.26		

MISSOURI

Adair	$2.23	Harrison	$2.20
Andrew	2.20	Henry	2.20
Atchison	2.20	Hickory	2.20
Audrain	2.25	Holt	2.20
Barry	2.18	Howard	2.22
Barton	2.18	Howell	2.21
Bates	2.20	Iron	2.21
Benton	2.20	Jackson	2.20
Bollinger	2.24	Jasper	2.18
Boone	2.23	Jefferson	2.23
Buchanan	2.20	Johnson	2.20
Butler	2.25	Knox	2.25
Caldwell	2.20	Laclede	2.20
Callaway	2.23	Lafayette	2.20
Camden	2.21	Lawrence	2.18
Cape Girardeau	2.25	Lewis	2.26
Carroll	2.21	Lincoln	2.24
Carter	2.23	Linn	2.22
Cass	2.20	Livingston	2.21
Cedar	2.19	McDonald	2.18
Chariton	2.22	Macon	2.23
Christian	2.19	Madison	2.22
Clark	2.25	Maries	2.21
Clay	2.20	Marion	2.26
Clinton	2.20	Mercer	2.21
Cole	2.22	Miller	2.21
Cooper	2.22	Mississippi	2.27
Crawford	2.22	Moniteau	2.22
Dade	2.18	Monroe	2.25
Dallas	2.20	Montgomery	2.23
Daviess	2.20	Morgan	2.21
De Kalb	2.20	New Madrid	2.27
Dent	2.21	Newton	2.18
Douglas	2.20	Nodaway	2.20
Dunklin	2.27	Oregon	2.21
Franklin	2.23	Osage	2.22
Gasconade	2.22	Ozark	2.20
Gentry	2.20	Pemiscot	2.27
Greene	2.19	Perry	2.23
Grundy	2.21	Pettis	2.21
		Phelps	2.21

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Pike	$2.25	Schuyler	$2.23
Platte	2.20	Scotland	2.24
Polk	2.20	Scott	2.26
Pulaski	2.21	Shannon	2.21
Putnam	2.22	Shelby	2.25
Ralls	2.26	Stoddard	2.26
Randolph	2.23	Stone	2.19
Ray	2.20	Sullivan	2.22
Reynolds	2.21	Taney	2.20
Ripley	2.23	Texas	2.21
St. Charles	2.24	Vernon	2.19
St. Clair	2.20	Warren	2.23
St. Francois	2.23	Washington	2.22
St. Louis	2.24	Wayne	2.23
Ste. Genevieve	2.23	Webster	2.20
Saline	2.21	Worth	2.20
		Wright	2.20

NEBRASKA

Adams	$2.14	Merrick	$2.15
Antelope	2.15	Nance	2.15
Boone	2.15	Nemaha	2.18
Boyd	2.14	Nuckolls	2.15
Burt	2.18	Otoe	2.18
Butler	2.18	Pawnee	2.18
Cass	2.18	Pierce	2.15
Cedar	2.16	Platte	2.16
Clay	2.15	Polk	2.16
Colfax	2.17	Richardson	2.18
Cuming	2.17	Saline	2.17
Dakota	2.17	Sarpy	2.18
Dixon	2.17	Saunders	2.18
Dodge	2.18	Seward	2.17
Douglas	2.18	Stanton	2.16
Fillmore	2.16	Thayer	2.16
Gage	2.17	Thurston	2.17
Hall	2.14	Washington	2.18
Hamilton	2.15	Wayne	2.16
Jefferson	2.17	Webster	2.14
Johnson	2.18	York	2.16
Knox	2.15	All other counties	2.13
Lancaster	2.18		
Madison	2.15		

NEW JERSEY

All counties	$2.21

NEW MEXICO

All counties	$2.11

NEW YORK

All counties	$2.20

NORTH CAROLINA

All counties	$2.23

NORTH DAKOTA

Barnes	$2.11	Sargent	$2.11
Cass	2.12	Steele	2.11
Grand Forks	2.11	Traill	2.12
Ransom	2.11	All other counties	2.10
Richland	2.12		

OHIO

Adams	$2.23	Gallia	$2.23
Allen	2.26	Geauga	2.26
Ashland	2.25	Greene	2.23
Ashtabula	2.26	Guernsey	2.25
Athens	2.24	Hamilton	2.23
Auglaize	2.25	Hancock	2.26
Belmont	2.24	Hardin	2.25
Brown	2.23	Harrison	2.25
Butler	2.23	Henry	2.27
Carroll	2.25	Highland	2.23
Champaign	2.24	Hocking	2.24
Clark	2.23	Holmes	2.25
Clermont	2.23	Huron	2.26
Clinton	2.23	Jackson	2.23
Columbiana	2.25	Jefferson	2.25
Coshocton	2.25	Knox	2.25
Crawford	2.26	Lake	2.26
Cuyahoga	2.26	Lawrence	2.23
Darke	2.24	Licking	2.25
Defiance	2.27	Logan	2.25
Delaware	2.25	Lorain	2.26
Erie	2.27	Lucas	2.27
Fairfield	2.25	Madison	2.24
Fayette	2.23	Mahoning	2.25
Franklin	2.25	Marion	2.26
Fulton	2.27	Medina	2.26

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Meigs	$2.23	Ross	$2.23
Mercer	2.25	Sandusky	2.27
Miami	2.24	Scioto	2.23
Monroe	2.23	Seneca	2.27
Montgomery	2.23	Shelby	2.25
Morgan	2.24	Stark	2.25
Morrow	2.26	Summit	2.26
Muskingum	2.25	Trumbull	2.26
Noble	2.24	Tuscarawas	2.25
Ottawa	2.27	Union	2.25
Paulding	2.27	Van Wert	2.26
Perry	2.25	Vinton	2.24
Pickaway	2.24	Warren	2.23
Pike	2.23	Washington	2.23
Portage	2.26	Wayne	2.25
Preble	2.23	Williams	2.27
Putnam	2.27	Wood	2.27
Richland	2.26	Wyandot	2.26

OKLAHOMA

All counties	$2.16

PENNSYLVANIA

All counties	$2.20

SOUTH CAROLINA

All counties	$2.23

SOUTH DAKOTA

Aurora	$2.12	Jerauld	$2.12
Beadle	2.12	Kingsbury	2.13
Bon Homme	2.14	Lake	2.14
Brookings	2.14	Lincoln	2.16
Brule	2.12	McCook	2.14
Charles Mix	2.13	Miner	2.13
Clay	2.15	Minnehaha	2.15
Codington	2.12	Moody	2.14
Davison	2.13	Roberts	2.12
Deuel	2.13	Sanborn	2.12
Douglas	2.13	Turner	2.15
Grant	2.13	Union	2.16
Hamlin	2.12	Yankton	2.15
Hanson	2.13	All other counties	2.11
Hutchinson	2.14		

TENNESSEE

Crocket	$2.25	Obion	$2.25
Dyer	2.26	Shelby	2.26
Fayette	2.25	Tipton	2.26
Gibson	2.25	Weakley	2.25
Haywood	2.25	All other counties	2.24
Lake	2.26		
Lauderdale	2.26		

TEXAS

All counties	$2.16

VIRGINIA

All counties	$2.23

WEST VIRGINIA

All counties	$2.20

WISCONSIN

Adams	$2.22	La Crosse	$2.21
Barron	2.19	Lafayette	2.25
Brown	2.21	Langlade	2.19
Buffalo	2.20	Lincoln	2.18
Burnette	2.18	Manitowoc	2.22
Calumet	2.22	Marathon	2.19
Chippewa	2.19	Marinette	2.19
Clark	2.19	Marquette	2.23
Columbia	2.24	Milwaukee	2.26
Crawford	2.23	Monroe	2.21
Dane	2.25	Oconto	2.20
Dodge	2.25	Oneida	2.18
Door	2.20	Outagamie	2.21
Douglas	2.18	Ozaukee	2.25
Dunn	2.20	Pepin	2.20
Eau Claire	2.20	Pierce	2.20
Fond du Lac	2.24	Polk	2.19
Grant	2.24	Portage	2.21
Greene	2.26	Price	2.18
Green Lake	2.23	Racine	2.28
Iowa	2.24	Richland	2.23
Jackson	2.21	Rock	2.27
Jefferson	2.26	Rusk	2.18
Juneau	2.22	St. Croix	2.19
Kenosha	2.28	Sauk	2.23
Kewaunee	2.20	Sawyer	2.18

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Shawano	$2.20	Washington	$2.25
Sheboygan	2.24	Waukesha	2.26
Taylor	2.18	Waupaca	2.21
Trempealeau	2.20	Waushara	2.22
Vernon	2.22	Winnebago	2.22
Walworth	2.28	Wood	2.21
Washburn	2.18		

(b) *Discounts.* The following discounts shall, in the case of loans be applied to the basic rate at the time the loan is completed and at the time of settlement and, in the case of deliveries under purchase agreements shall be applied to the basic rate at the time of settlement. All discounts shall be cumulative.

(1) *Classification discount.*

Class:	Cents per bushel
Black	−25
Brown	−25
Mixed	−25

(2) *Test weight per bushel.*

Pounds:	Cents per bushel
53.0 through 53.9	−½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−1½

(3) *Splits.*

Percent:	Cents per bushel
20.1 through 25.0	−½
25.1 through 30.0	−1
30.1 through 35.0	−1½
35.1 through 40.0	−2

(4) *Damaged kernels.*[1]

Heat percent	Total percent	Cents per bushel
0.6 through 0.7	3.1 through 4.0	−½
0.8 through 1.0	4.1 through 5.0	−1
1.1 through 1.5	5.1 through 6.0	−1½
1.6 through 2.1	6.1 through 7.0	−2
2.2 through 3.0	7.1 through 8.0	−2½

[1] Use column which yields the higher applicable discount.

(5) *Foreign material.*

Percent:	Cents per bushel
2.1 through 2.5	−1
2.6 through 3.0	−2
3.1 through 3.5	−3
3.6 through 4.0	−4
4.1 through 4.5	−5
4.6 through 5.0	−6

(6) *Weed control laws.*

	Cents per bushel
See § 1421.27	−10

(c) *Premiums.* The following premiums are applicable to eligible soybeans. In the case of farm-storage loans and deliveries under purchase agreements, premiums shall be applied to the basic rates at the time of settlement. In the case of warehouse-storage loans, premiums shall be applied to the basic rates at the time the loans are completed. All premiums shall be cumulative.

(1) *Low moisture.*

Percent:	Cents per bushel
12.2 or less	+4
12.3 through 12.7	+3
12.8 through 13.2	+2
13.3 through 13.7	+1
13.8 through 14.0	0

(2) *Low foreign material.*

	Cents per bushel
1.0 percent or less	+2

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 12, 1963.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-9971; Filed, Sept. 17, 1963; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBPART A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

ANNATTO EXTRACT; LISTING FOR DRUG USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner of Food and Drugs, based on a petition filed by Annatto Color Testing Committee, 14 Proudfit Street, Madison, Wisconsin, and other relevant material, finds that annatto extract, when used in accordance with the conditions prescribed in this order, is safe for use in or on ingested drugs and that certification is not necessary for the protection of the public health. Therefore, *It is ordered,* That Part 8 be amended by adding to subpart F the following new section:

§ 8.6003 Annatto extract.

(a) *Identity.* (1) The color additive annatto extract shall conform in identity and specifications to the requirements of § 8.305(a)(1) and (b).

(2) The diluents in color additive mixtures for drug use containing annatto extract shall be limited to those listed in subpart F of this Part as safe and suitable in color additive mixtures for coloring ingested drugs.

(b) *Uses and restrictions.* Annatto extract may be used for coloring ingested drugs generally in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* In addition to all other information required by the act, labels of annatto extract and mixtures prepared therefrom shall bear information showing the color is derived from annatto seed and shall declare all ingredients by their specific names with the exception of residues of solvents listed in § 8.305(a)(1)(ii).

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed preferably in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2))

Dated: September 11, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9943; Filed, Sept. 17, 1963; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PLASTICIZERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Swift and Company, Packers and Exchange Avenues, Chicago 9, Illinois, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of epoxidized butyl esters of linseed oil fatty acids as a plasticizer in polymeric substances used in the manufacture of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2511 *Plasticizers* (21 CFR 121.2511; 28 F.R. 6679) is amended by inserting alphabetically in paragraph (b) a new item as follows:

(b) List of substances:

	Limitations
• • •	• • •
Epoxidized butyl esters of linseed oil fatty acids.	Iodine number, maximum 5; oxirane oxygen, minimum 7.8 percent.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 11, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9944; Filed, Sept. 17, 1963; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 74—GOVERNMENT OF INDIAN VILLAGES, OSAGE RESERVATION, OKLAHOMA

The regulations in this new Part 74, Government of Indian Villages, Osage Reservation, Oklahoma, replace uncodified regulations approved December 9, 1932, which were applicable to Osage Indian villages reserved from allotment in the Act of June 28, 1906 (34 Stat. 539). Absence of well defined regulations has periodically resulted in situations that have threatened the welfare of the members of the Osage Tribe. The content of the regulations in the new part to be added to Title 25, Code of Federal Regulations originated with, has been duly adopted by the popularly elected Osage Tribal Council, and will regularize the conduct of the tribal membership in conjunction with the villages. Under the above explained circumstances, notice and public procedure on the amendment to Title 25, Code of Federal Regulations have been deemed unnecessary and Part 74 is hereby adopted and shall read as set forth below. This amendment shall become effective as of the date of this publication in the FEDERAL REGISTER.

Sec.
74.1 Purpose.
74.2 Definitions.
74.3 Description of village reserves.
74.4 Plats of village reserves.
74.5 Tracts reserved from selection by individuals.
74.6 Custody of public buildings and tracts reserved from selection by individuals; village committees.
74.7 Permits to occupy land for dwelling purposes.
74.8 Sale or mortgage of improvements.
74.9 Inheritance of improvements.
74.10 Renting of improvements.
74.11 Domestic animals in village reserves.
74.12 Business enterprises and public buildings.
74.13 Health, sanitation and sewerage disposal.
74.14 Confirmation of permits issued under regulations approved December 9, 1932.
74.15 Suspension or amendment of regulations.

AUTHORITY: §§ 74.1 to 74.15 issued under subdivision 9 of sec. 2, sec. 12, Act of June 28, 1906 (34 Stat. 539), sec. 3, Act of June 24, 1938 (52 Stat. 1034). Interpret or apply Act of April 18, 1912 (37 Stat. 86).

§ 74.1 Purpose.

The purpose of the regulations in this part is to establish policies and procedures for the government of Indian villages, Osage Reservation, Oklahoma.

§ 74.2 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Superintendent" means the Superintendent or other officer in charge of Osage Agency.

(c) "Council" means the Osage Tribal Council, that elected governing body of the Osage Tribe of Indians.

(d) "Tribal Member" means any person of Osage Indian blood of whatever degree, allotted or unallotted, whose name appears on the official Census Roll of the Osage Tribe.

(e) "Minor" means any person under 21 years of age.

(f) "Resident" means an adult tribal member who has resided in the village for thirty (30) days, in the 12-month period preceding the election.

§ 74.3 Description of village reserves.

The act of June 28, 1906 (34 Stat. 539), as amended by the Act of June 24, 1938 (52 Stat. 1034), set aside certain tribal lands exclusively as dwelling sites for the use and benefit of the Osage Indians until January 1, 1984, unless otherwise provided by Act of Congress. These lands are described as follows:

(a) *Grayhorse Indian Village.* The Southeast Quarter (SE/4) of the Southeast Quarter (SE/4), and the West Half (W/2) of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4), and the South Half (S/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4), and the South Half (S/2) of the North Half (N/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4), and the Southeast Quarter (SE/4) of the Southwest Quarter (SE/4) of Section Fifteen (15); and the North Half (N/2) of the Northeast Quarter (NE/4), and the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-two (22), all in Township Twenty-four (24) North, Range Six (6) East of the Indian Meridian, and containing 197.5 acres, more or less.

(b) *Hominy Indian Village.* Lots Six (6) and Seven (7), and the East Half (E/2) of the Southwest Quarter (SW/4), of Section Six (6) in Township Twenty-two (22) North, Range Nine (9) East of the Indian Meridian, and containing 160 acres, more or less.

(c) *Pawhuska Indian Village.* Lots One (1) and Two (2), and the South Half (S/2) of the Northeast Quarter (NE/4) of Section Three (3) in Township Twenty-five (25) North, Range Nine (9) East of the Indian Meridian, and containing 160 acres, more or less.

§ 74.4 Plats of village reserves.

The plat of the Grayhorse Indian Village bearing the Superintendent's certificate dated June 11, 1932; the plat of the Hominy Indian Village bearing the Superintendent's certificate dated April 16, 1932; and the plat of the Pawhuska Indian Village bearing the Superintendent's certificate dated December 30, 1952, on file in the Osage Agency, are declared to be the official plats of said village reserves.

§ 74.5 Tracts reserved from selection by individuals.

The following described tracts within the villages mentioned are reserved from selection by individuals and are set aside for sepultural use or for public gatherings of tribal members:

(a) *Grayhorse Indian Village.* (1) the 10 acres bounded on the north by 0–10–nah Avenue, on the east by the county road, on the south by Ki-he-kah-st-eh Avenue, and on the west by Wah-she-wah-ti-an-kah Street, designated "Cemetery" on the official plat; (2) Block 52, designated "Public Square" on the official plat; (3) Blocks 53 and 54, each designated "Park" on the official plat; and (4) Lots 4 and 5, Block 59, approved as a "Church Reserve" on August 28, 1941.

(b) *Hominy Indian Village.* (1) The S/2 of Block 4, designated "Round House" on the official plat; (2) Block 15, designated "Wah-shah-she-Cemetery" on the official plat; and (3) Lots 1 and 2, Block 1, consisting of approximately 150 feet x 115 feet in dimensions, set aside for religious and educational purposes to the Society of Friends, its Associate Executive Committee of Friends on Indian Affairs and its or their representative at Hominy, Oklahoma, by Resolution of the Osage Tribal Council dated June 6, 1956, and approved by the Assistant Secretary of the Interior September 7, 1956, designated "Church" on the official plat.

(c) *Pawhuska Indian Village.* (1) The east 250 feet, Block 24, designated "Hlu-ah-ki-he-kah Public Square" on the official plat; (2) an area 230 feet x 140 feet located between Block 25 and Block 27, designated "Round House Public Square" on the official plat; and (3) the W/2 of Block 22, approved as a "Playground Reserve" on November 3, 1937.

§ 74.6 Custody of public buildings and tracts reserved from selection by individuals; village committees.

Each of the three (3) villages described herein shall organize a village committee to provide for the health, safety and welfare of its inhabitants, for the maintenance of tribal property, and to serve as custodian and manager of tribal property and improvements located within said village except that tract described in § 74.5(b)(3). Each village committee shall be composed of five (5) members, domiciled in the village, one of whom shall be designated by the committee as chairman. The committees shall be elected biennially by the residents of the villages, except in the Grayhorse Indian Village where the committee shall be appointed by the Council from among those tribal members residing in or historically associated with the village. The procedure for initial committee elections shall be established by the Council. Each village committee shall prepare a constitution and by-laws to be approved by the Council and the Superintendent before said committee will have any authority to govern, and any changes or amendments thereto must likewise be approved by the Council and the Superintendent. All actions of the committee are subject to appeal to the Council whose decision shall be final: *Provided,* That such committee shall have no control or authority to grant permission for the use of tribal property described in § 74.5 for the holding of dances. Such authority shall remain in the Council and any group or individual using the property for dance purposes without the written permission of the Council shall be in violation of these regulations: *Provided, further,* That the village committee shall not permit the use of any of the tracts described in § 74.5 in any manner that would conflict with Council authorization for dance purposes.

§ 74.7 Permits to occupy land for dwelling purposes.

The issuance of permits for the use of land for dwelling purposes within any village reserve described in § 74.3 except tracts reserved for specific purposes by § 74.5 will be under the jurisdiction of the Superintendent. Permits may be issued only to tribal members upon application to the Superintendent: *Provided,* That only one permit shall be issued to any one individual and that erection of a dwelling house shall be started on such land within six (6) months from date of approval of the permit or such permit shall be automatically terminated except that upon written application the Superintendent may extend such permit for an additional six (6) months: *Provided, further,* That only one dwelling shall be constructed under any one permit. Permits issued under this Section

shall be made in duplicate in a manner to be prescribed by the Superintendent. The original copy shall be filed in the Branch of Realty, Osage Agency, and the duplicate copy shall be mailed to the permittee.

§ 74.8 Sale or mortgage of improvements.

No improvements located within the village reserves described in § 74.3 shall be sold, mortgaged, transferred or assigned without the approval of the Superintendent.

(a) Improvements may be mortgaged for home improvements or the erection of new improvements. Such mortgages shall be made with acceptable lending agencies and shall be approved by the Superintendent. The lending agency shall have the right (1) to foreclose the mortgage and to sell the improvements within six (6) months of the date of foreclosure judgment to any eligible tribal member with the understanding that the use of the land on which the improvements are situated shall be transferable to the new owner; or (2) to foreclose the mortgage and to sell the improvements to a non-tribal member, who shall remove the improvements from the village reserve within six (6) months of the date of sale. In the event of removal of the mortgaged property, it shall be the responsibility of the lending agency to level the land on which such improvements were located and to remove all debris, sidewalks, etc., leaving the premises in an orderly condition. Failure to make such disposition within the time stated in this paragraph shall result in forfeiture of the improvements to the village committee.

(b) Improvements may be sold by the owner thereof with the approval of the Superintendent. Sale of such improvements shall be accomplished by bill of sale executed by the owner in triplicate who shall file all copies with the Superintendent. If the purchaser of such improvements is a member of the Osage Tribe, the bill of sale shall be accompanied by a relinquishment of the permit in favor of the vendee for the occupancy of the land on which such improvements are located. If the purchaser is not a member of the Osage Tribe, such purchaser shall be required to endorse an agreement on the reverse of all copies of the bill of sale that he will (1) remove the improvements from the village reserve within six (6) months of date of approval of the bill of sale; (2) transfer the title thereof as provided in this section to a tribal member who is eligible; or (3) failing to make such disposition within the time stated forfeit title to the village committee.

(c) Upon approval of the bill of sale by the Superintendent, the original or certified copy shall be filed in the Branch of Realty, Osage Agency, the duplicate copy mailed to the purchaser, and the triplicate copy mailed to the seller.

§ 74.9 Inheritance of improvements.

(a) Upon the death of the owner of improvements in a village reserve, such improvements shall, in probate matters, be subject to the jurisdiction of the county courts, State of Oklahoma, and shall be subject to inheritance or bequest in accordance with applicable State and Federal laws. The land within a village reserve is held in trust for the benefit of tribal members and is not subject to inheritance or purchase.

(b) When such improvements or interests therein are inherited by or bequeathed to a non-tribal member, he or she shall dispose of such improvements in the manner provided for disposition of improvements by purchaser under § 74.8: *Provided*, That when such non-tribal member is a legally adopted minor child such child may continue to occupy the land during its minority: *Provided, further*, That when such non-tribal member is the surviving spouse such individual, so long as he or she remains single, may continue to occupy the land during his or her lifetime or may sell the improvements as provided herein and may receive the proceeds therefrom. In the event such surviving spouse remarries, the right to continuous occupancy of the land pursuant to this § 74.9 shall terminate and such surviving spouse shall make disposition of such improvements as provided for purchasers in § 74.8. If upon the death of the surviving spouse title to the improvements vests in a non-tribal member, they shall be sold as provided in § 74.8 and the proceeds distributed to the persons entitled thereto.

(c) Improvements inherited by tribal members may be occupied or rented in accordance with § 74.10: *Provided*, No tribal member shall be issued more than two permits or own more than two sets of improvements, one of which must be inherited property and one occupied by the tribal member: *Provided, further*, No tribal member shall be permitted to retain more than one set of improvements for rental. If this provision is violated, the tribal member will have three years, from the date of written notice from the Superintendent that such provision has been violated, within which to dispose of the surplus property in accordance with § 74.8.

§ 74.10 Renting of improvements.

The Superintendent may issue a certificate of permission to rent for a period of one (1) year improvements located on land held under valid permit, subject to renewal in the discretion of the Superintendent, upon written application by the owner of such improvements and the prospective tenant: *Provided*, That such prospective tenant is a tribal member and the property to be rented is that heretofore occupied or inherited by the owner. Certificates of permission issued under this section may be withdrawn upon 30-day notice to the tenant by the Superintendent and such tenant expelled from the village reserve. The application and certificate of permission on a form to be prescribed by the Superintendent shall be made in triplicate and all copies forwarded to the Superintendent for action. Upon approval by the Superintendent, the original copy of the application and certificate shall be filed in the Branch of Realty, Osage Agency, the duplicate copy of each forwarded to the owner, and the triplicate copy of each forwarded to the tenant.

§ 74.11 Domestic animals in village reserves.

No domestic animal shall be permitted to roam, graze, or otherwise occupy any unassigned area of a village reserve except that unassigned land may be leased by the village committee with the approval of the Superintendent and the proceeds therefrom credited to the account of the village committee. Village residents may retain domestic animals in a fenced or enclosed area within the confines of their assigned lands subject to approval by the village committee. When animals are permitted to roam a village reserve or otherwise become a nuisance, the village committee will require the owner thereof to remove such animals from the premises.

§ 74.12 Business enterprises and public buildings.

No permanent business enterprises shall be carried on within the boundaries of a village reserve and no public buildings shall be erected on lands within the boundaries of a village reserve except on tracts described in § 74.5 maintained for the use and benefit of tribal members. The construction or acquisition of dwellings for rental purposes is prohibited. The village committee may grant permission and charge fees for temporary concessions within the village reserve during Indian celebrations, dances, community gatherings, etc., such temporary permits to last only for the term of activities for which granted.

§ 74.13 Health, sanitation, and sewerage disposal.

Health, sanitation, and sewerage disposal problems within the village reserves shall be subject to and controlled by applicable County and State laws.

§ 74.14 Confirmation of permits issued under regulations approved December 9, 1932.

The Superintendent shall have prepared a certified list of the names of all persons holding permits in force and effect as of the date of approval of the regulations in this part, and all such permits are hereby confirmed and recognized as being of equal validity with those issued hereafter: *Provided*, That no permits shall be confirmed which would constitute a violation of § 74.9(c).

§ 74.15 Suspension or amendment of regulations.

The regulations in this part may be suspended or amended at any time by the Secretary of the Interior: *Provided*, That such amendments or suspension shall not serve to change the terms or conditions of any mortgage approved in accordance with § 74.8(a).

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

SEPTEMBER 13, 1963.

[F.R. Doc. 63–10003; Filed, Sept. 17, 1963; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

Adequacy of Preparation and Packaging; Safety Matches

The regulations of the Post Office Department in § 15.2 are amended by revising paragraph (c)(2) to include the guidelines and requirements for the mailing of safety matches. As so amended, paragraph (c)(2) reads as follows:

§ 15.2 Adequacy of preparation and packaging.

* * * * *

(c) *Combustible and gaseous* * * *

(2)(i) Strike-anywhere matches may not be mailed.

(ii) Safety matches of a strike-only-on-box or box variety may be mailed under the following conditions:

(*a*) Their minimum ignition temperature must not be less than 338° Fahrenheit.

(*b*) They will not ignite when exposed to temperatures up to 194° Fahrenheit for a period of two hours.

(*c*) They will not ignite when the heads of any two matches are vigorously rubbed together at least 5 times.

(*d*) They must be packaged in containers adequately insulated with aluminum foil, asbestos, or other fire retardant material, or in securely closed cartons of bleached manila or kraft type board of not less than .022 inch thick, testing at least 100 points (Mullen test).

(*e*) Each package may not contain more than 1500 matches made up in not to exceed 50 books of not more than 30 match sticks in each book, or in small boxes of approximately 36 wooden sticks in each box.

(*f*) Book matches must be arranged symmetrically so as to completely fill the cartons and be so positioned that the heads of the matches cannot strike or rub against friction surfaces on the books.

NOTE: The corresponding Postal Manual section is 125.232.

(R.S. 161, as amended, sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 18 U.S.C. 1716, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–9996; Filed, Sept. 17, 1963; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3234; Fairbanks 012695]

ALASKA

Partly Revoking Public Land Order No. 1570 of December 24, 1957

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1570 of December 24, 1957, which withdrew lands for recreational purposes is hereby revoked so far as it affects the following-described lands:

MANLEY HOT SPRINGS

U.S. SURVEY NO. 3441

Tract A, lots 9 and 9A.

Containing 2.86 acres.

2. Until 10:00 a.m. on December 12, 1963, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on December 12, 1963. At that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State received prior to 10:00 a.m. on December 12, 1963, shall be considered as simultaneously filed at that time.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on December 12, 1963.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63–9931; Filed, Sept. 17, 1963; 8:45 a.m.]

[Public Land Order 3235; Utah 07771; 71776]

UTAH

Revoking Reclamation Withdrawal; Glen Canyon Unit, Material Site

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation dated April 25, 1956, concurred in by the Bureau of Land Management on May 18, 1956, which withdrew lands for use of the Bureau of Reclamation for a construction material reserve in connection with the Glen Canyon Unit, Colorado River Storage Project, and which was partly revoked on August 29, 1958, is hereby revoked so far as it affects the following-described lands which are still withdrawn by said order of withdrawal:

SALT LAKE BASE AND MERIDIAN

Tps. 40, 41 and 42 S., R. 1 E.
T. 43 S., R. 1 E.,
Secs. 1 to 8 incl., 17 to 20 incl., and 29 to 32 incl.
Tps. 41 and 42 S., R. 2 E.
T. 43 S., R. 2 E.,
Secs. 3 to 10 incl., 15 to 22 incl., and 27 to 34 incl.

The areas described, including the public and State lands, aggregate 141,852.1 acres.

2. The lands are located immediately west and north of Glen Canyon City, about 50 to 65 miles east of Kanab, Utah. The topography is a series of benches or mesas, level to rolling on each bench level. The elevation of the southern portion is around 4,000 feet, the bench across the central portion is 5,300 to 5,500 feet, and the northern part is approximately 6,500 feet. The soil on the benches is sandy with a black-brush-grass type vegetation. The creeck drainages and areas below the escarpments are badly eroded with large clay and gumbo patches supporting little vegetation.

3. Until 10:00 a.m. on March 12, 1964, the State of Utah shall have a preferred right of application to select the public lands released from withdrawal by this order as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852). On and after that date and hour the lands shall become subject to application and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State, received at or prior to 10:00 a.m. on March 12, 1964, shall be considered as simultaneously filed at that time.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on March 12, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1963.

[F.R. Doc. 63–9932; Filed, Sept. 17, 1963; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Stations in Maritime Radiolocation Service; Use of Form for Application for Renewal of Radio License

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 11th day of September, 1963;

The Commission having under consideration the above-captioned matter;

It appearing, that, in accordance with §§ 1.526(b)(4) and 8.36(b) of the Commission's rules an application for renewal of license of stations in the maritime radiolocation service is to be filed on FCC Form 401; and

It further appearing, that, the use of Form 401 for such renewal applications

is unnecessary since it duplicates information already filed with the Commission in connection with the initial licensing of the station; and

It further appearing, that, the public interest would be served by specifying the use of Form 405–A in lieu of Form 401 for such renewal applications; and

It further appearing, that, the amendments herein ordered are non-substantive in nature, and, therefore, the notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, That, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 1 and 8 of the Commission's rules are amended as set forth below, effective September 23, 1963.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 13, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 1 is amended as follows:

§ 1.526 [Amendment]

1. In § 1.526(b) the text of subparagraph (4) is deleted and the word [Reserved] is inserted in lieu thereof.

B. Part 8 is amended as follows:

1. Section 8.36 is amended by changing the text of paragraph (b) and by inserting a new paragraph (c) as follows:

§ 8.36 Application forms for station authorizations.

* * * * *

(b) FCC Form 401 shall be used for filing formal application for new or modified station license in the maritime radiolocation service.

(c) FCC Form 405–A shall be used for filing application for renewal of station license in the maritime radiolocation service.

[F.R. Doc. 63–9965; Filed, Sept. 17, 1963; 8:47 a.m.]

PART 12—AMATEUR RADIO SERVICE

Examination Procedures

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of September, 1963;

The Commission having under consideration the amendment of § 12.44(c) of its rules which sets forth procedures for the supervision of examinations for the Novice, Technician, and Conditional Class Amateur Radio operator licenses; and

It appearing, that it is desirable that the written portion of an examination be supervised by the same volunteer examiner who administers the code test portion of the examination; and

It further appearing, that a volunteer examiner should be at least twenty-one years of age; and

It further appearing, that a volunteer examiner should be the holder of an Extra, Advanced, or General Class Amateur radio operator license, or the holder of a Commercial radiotelegraph operator license issued by the Commission, or should be employed in the service of the United States as the operator of a manually operated radiotelegraph station; and

It further appearing, that it is necessary that the Rules set forth a procedure whereby a volunteer examiner can obtain, supervise, and submit the written portion of an examination; and

It further appearing, that the rules adopted herein are procedural in nature and hence are not subject to the prior notice provisions of section 4(a) of the Administrative Procedure Act; and

It further appearing, that authority for the issuance of the rules herein adopted is contained in section 4(i) and 303 of the Communications Act of 1934, as amended;

It is ordered, Effective November 1, 1963, that § 12.44(c) of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 13, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 12.44(c) is amended to read as follows:

§ 12.44 Manner of conducting examinations.

* * * * *

(c) Unless otherwise prescribed by the Commission, an examination for the Conditional, Technician, or Novice Class license will be conducted and supervised by a volunteer examiner selected by the applicant. A volunteer examiner shall be at least 21 years of age and shall be the holder of an Extra, Advanced, or General Class Amateur Radio operator license, or shall hold a Commercial radiotelegraph operator license issued by the Commission, or shall be employed in the service of the United States as the operator of a manually operated radiotelegraph station. The written portion of the examination shall be obtained, supervised, and submitted in accordance with the following procedure:

(1) Necessary examination papers shall be obtained from the Commission's office at Gettysburg, Pennsylvania at the written request of the applicant or the volunteer examiner. The request shall include the names and permanent addresses of the applicant and the examiner, a description of the examiner's qualifications to administer the examination, and, in the case of a request for the Conditional Class license examination, the basis of the applicant's eligibility for such license. Examination papers will be forwarded only to the volunteer examiner.

(2) The volunteer examiner shall be responsible for the proper conduct and necessary supervision of the examination. Administration of the examination shall be in accordance with the instructions included with the examination papers and as prescribed in §§ 12.47 through 12.50.

(3) The examination papers, either completed or unopened in the event the examination is not taken, shall be returned by the volunteer examiner to the Commission's office at Gettysburg, Pennsylvania within the time prescribed (normally not later than 20 days after the date when the papers are forwarded by the Commission).

[F.R. Doc. 63–9964; Filed, Sept. 17, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Montezuma National Wildlife Refuge, New York, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,700 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Seneca Falls, New York, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: Saturday, November 9, 1963, from 7:00 a.m. until 5:00 p.m.

(c) Daily bag limits: One deer of either sex.

(d) Methods of hunting: Bows and arrows only.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Such permits may be obtained by applying in person at the refuge headquarters on the day of the hunt.

(3) The provisions of this special regulation are effective to November 10, 1963.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 10, 1963.

[F.R. Doc. 63–9929; Filed, Sept. 17, 1963; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGFR 63–46]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.05—Professional Requirements for Deck Officer's Licenses (Inspected Vessels)

MAINE MARITIME ACADEMY, CASTINE, MAINE; COURSE AS "RADAR OBSERVER"; NOTICE OF APPROVAL

The course of instruction in the proper operation and utilization of marine radar equipment given by the Maine Maritime Academy, Castine, Maine, was reviewed after receipt of a letter dated June 19, 1963, from the Superintendent of the Maine Maritime Academy. It was also requested that the Coast Guard accept the certificates issued to those deck cadets who on or after July 2, 1963, successfully completed such a course of instruction.

The regulation designated 46 CFR 10.05–46(d)(5) is added by this document in order to inform all persons concerned that the course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the Maine Maritime Academy, Castine, Maine. The holders of Maine Maritime Academy's certificates, which attest to the successful completion on or after July 2, 1963, of the course of instruction in the proper operation and utilization of marine radar equipment, may present such certificates as evidence of qualifications as "radar observer" and be exempt from taking the examination specified in 46 CFR 10.05–46(b).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–20 dated June 18, 1956 (21 F.R. 4894), and CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment designated § 10.05–46(d)(5) is prescribed and shall become effective upon the date set forth therein:

§ 10.05–46 Radar observer.

* * * * *

(d) * * *

(5) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the Maine Maritime Academy, Castine, Maine. This approval shall be effective for all certificates issued to the deck cadets of the Maine Maritime Academy which attest to the successful completion of the course of instruction in the proper operation and utilization of marine radar equipment on or after July 2, 1963, and will continue in effect until this approval is suspended, canceled, or modified by the proper authority.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4438, as amended, 4439, as amended, 4442, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, Stat. 347, as amended, sec. 2, 68 Stat. 484, sec. 3, 70 Stat. 152; 46 U.S.C. 391a, 404, 224, 226, 214, 367, 1333, 239b, 390b, 50 U.S.C. 198)

Dated: September 3, 1963.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 63–9966; Filed, Sept. 17, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

CARCASS BEEF

Proposed United States Standards for Grades

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture is considering revising the official United States standards for grades of carcass beef under sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624).

Statement of considerations. For more than 10 years the Department of Agriculture has conducted extensive studies which have resulted in the accrual of detailed data regarding the measurement, evaluation, and cutting yields of beef carcasses. The results reveal wide variations in cutability among beef carcasses as measured by percent of carcass weight in boneless, closely trimmed retail cuts from the round, loin, rib, and chuck. The overall variation between carcasses in yields from these cuts amounted to more than 21 percent of carcass weight. Within the choice grade alone, such yields ranged from 40.6 to 55 percent of carcass weight. As a result of these differences in cutability, differences in retail sales value of $10 to $12 per hundredweight among carcasses with the same quality of lean are not unusual—differences of $5 per hundredweight are common.

The studies by the Department of Agriculture show conclusively that differences in fatness and muscling are the primary factors affecting the cutability of beef carcasses. Certain measures of these factors may be used to estimate accurately and practicably the yield of retail cuts. Carcass fatness is the most important factor affecting cutability and under the present standards it is not considered in determining grade.

Another finding of the studies of the Department of Agriculture has established that differences in cutability can be recognized satisfactorily in live cattle. Thus, value differences due to differences in cutability could be reflected in trading on carcasses and cattle.

A previous proposal, published in the FEDERAL REGISTER on April 13, 1962 (27 F.R. 3557) provided for separate grade identifications for differences in quality and in cutability of beef carcasses. That proposal is not being adopted and is no longer under consideration. However, experience gained during the 1-year trial period in connection with that proposal demonstrated that grading for differences in cutability or yield of salable meat could be performed accurately and efficiently by Federal meat graders. Furthermore, it was shown that identification of cutability could be used on a commercial basis to facilitate the appropriate reflection of retail value of beef carcasses back through the marketing channel to the producer. Comments received by the Department of Agriculture during the trial period on the proposal indicated strong support for the identification of beef carcasses in accordance with their yield of retail cuts but indicated considerable opposition to the omission of conformation in determining the quality grade.

The proposed revision of the standards outlined herein retains the present grading system, which is based on evaluation of differences in quality and conformation, and adds an identification of differences in yield of salable meat. This proposal would comply with the recommendations of most of those who objected to provisions of the April 1962 proposal and would strengthen the grade standards in those areas in which they are presently deficient. It is proposed to revise the official United States standards for grades of carcass beef appearing in 7 CFR Part 53 by making the following changes:

1. Section 53.102 would be revised to read as follows:

§ 53.102 Application of standards for grades of carcass beef.

(a) The grade of a beef carcass is based on separate evaluations of two general considerations: (1) Palatability-indicating characteristics of the lean and conformation, herein referred to as "quality" and (2) the percent of trimmed retail cuts to be derived from the carcass, herein referred to as "cutability." The grade of a carcass consists of an evaluation for both considerations. In previous grade standards for beef and in the standards for grades of other kinds of meat, the Department uses the term "quality" to refer only to the palatability-indicating characteristics of the lean without reference to conformation. Its use herein to include consideration of conformation is not intended to imply that variations in conformation are either directly or indirectly related to differences in palatability.

(b) The grade standards are written so that the quality and cutability standards are contained in separate sections. The quality section is divided further into three separate sections applicable to carcasses from (1) steers, heifers, and cows, (2) bulls, and (3) stags. There are five cutability groups applicable to all classes of beef denoted by numbers 1 through 5, with cutability group 1 representing the highest degree of cutability. Right quality designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steer, heifer, and cow carcasses except that cow carcasses are not eligible for Prime. The quality designations for bull and stag beef are Choice, Good, Commercial, Utility, Cutter, and Canner.

(c) The standards provide for the grading and stamping of beef from steers, heifers, and cows according to its characteristics as beef without sex identification. Such beef placed within each respective grade, therefore, shall possess the characteristics specified for that grade, irrespective of the sex of the animal from which it was derived. Beef produced from bulls and stags shall be graded according to its characteristics as bull beef and as stag beef in accordance with the standards. When graded and identified according to grade, such beef shall be identified also for class as "Bull" beef or "Stag" beef, as the case may be. The designated grades of bull beef or stag beef herein are not necessarily comparable in quality with a similarly designated grade of beef derived from steers, heifers, or cows. Neither is the quality in a designated grade of bull beef comparable with a similarly designated quality of stag beef.

(d) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(e) The cutability standards apply only to carcass beef. The standards for quality are defined primarily in terms of carcass beef but they are applicable also for determining the grade of the major wholesale cuts—forequarters, hindquarters, rounds, loins, ribs, and chucks. Until such time as cutability standards for these wholesale cuts are developed and adopted by the Department, their grade will consist of the quality designation only.

(f) To determine the grade of a carcass, it must be split down the back into two sides and one side must be partially separated into a hindquarter and forequarter by sawing and cutting it, insofar as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 12th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarter. The knife cut across the rib eye muscle starts—or terminates—opposite the above-described saw cut. From that point it extends across the rib eye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the posterior edge of the 12th rib with the vertebral column of the hindquarter. As a result of this cut, the outer end of the cut surface of the rib eye muscle is closer to the 12th rib than is the end next to the chine bone. Beyond the rib eye, the knife cut shall continue between the 12th and 13th ribs at least to the costal cartilage of the 13th rib. The knife cut may be made prior to or following the saw cut.

(g) Correct determination of cutability is dependent upon the above-described method of ribbing. Other methods of ribbing, beveling the fat over the rib eye, application of pressure, or other similar influences which alter the area of the rib eye or distort the thickness of fat over the rib eye prevent an accurate cutability determination. Therefore, carcasses subjected to such influences will not be eligible for grading. Also, carcasses with more than minor amounts of lean removed from the major sections of the round, loin, rib, or chuck will not be eligible for a grade determination.

(h) Carcasses qualifying for any particular grade may vary with respect to their relative development of the various grade factors, and there will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only beef which has a relatively similar degree of development of the various factors affecting its quality and cutability. The quality standards describe beef which is generally representative of the midpoint of each quality group; however, a few minimum requirements also are included in some of the specifications. Carcasses described in each of the cutability groups are representative of the lower limits of cutability in each group.

(i) Beef includes meat from animals that vary widely with respect to maturity. Some of the quality groups differ with respect to the maximum maturity permitted. For most quality groups two separate requirements for certain of the factors have been specified, depending upon evidences of the maturity attained by the animals from which the beef was produced. Advancing maturity is associated with a general decline in thickness of muscling, increased roughness and irregularity in conformation, and the gradual ossification of bones and cartilages most easily noted in the split chine bones. Within any specified quality group the degree of marbling required increases progressively with advancing maturity.

(j) The cutability group of a beef carcass is determined by considering four characteristics: (1) The amount of external fat, (2) the amount of kidney, pelvic, and heart fat, (3) the area of the rib eye muscle, and (4) the carcass weight.

(k) The amount of external fat on a carcass is evaluated in terms of the thickness of this fat over the rib eye muscle measured perpendicular to the outside surface at a point three-fourths of the length of the rib eye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank, cod, or udder, inside round, rump, and hips in relation to the actual thickness of fat over the rib eye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the rib eye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the rib eye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In some carcasses a greater adjustment may be necessary. As the amount of external fat increases, the percent of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the rib eye changes the cutability group by 25 percent of a cutability group.

(l) The amount of kidney, pelvic, and heart fat considered in determining the cutability group includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which are removed in making closely trimmed retail cuts. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. As the amount of kidney, pelvic, and heart fat increases, the percent of retail cuts decreases—a change of 1 percent of the carcass weight in these fats changes the cutability group by 20 percent of a cutability group.

(m) The area of the rib eye is determined where this muscle is exposed by ribbing. This area usually is estimated subjectively; however, it may be measured. Area of rib eye measurements may be made by means of a grid calibrated in tenths of a square inch or by other devices designated by the Department. An increase in the area of rib eye increases the percent of retail cuts—a change of one square inch in area of rib eye changes the cutability group by approximately 30 percent of a cutability group.

(n) Hot carcass weight (or chilled carcass weight x 102 percent) is used in determining the cutability group. As carcass weight increases, the percent of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the cutability group by approximately 40 percent of a cutability group.

(o) The standards include a mathematical equation for determining cutability group. This group is expressed as a whole number; any fractional part of a designation is always dropped. For example, if the computation results in a designation of 3.9, the final cutability group is 3—it is not rounded to 4.

(p) The cutability standards for each of the first four cutability groups list characteristics of two carcasses of two different weights together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the borderlines between groups. For example, the characteristics listed for cutability group 1 represent carcasses which are near the borderline of cutability groups 1 and 2. These descriptions facilitate the subjective determination of the cutability group without making detailed measurements and computations. The cutability group for most beef carcasses can be determined accurately on the basis of a visual appraisal.

2. Section 53.103 in the present standards would be deleted. The specifications contained in §§ 53.104, 53.105, and 53.106 in the present standards would be revised and combined in a new § 53.103 to read as follows:

§ 53.103 Specifications for official United States standards for grades of carcass beef.

(a) *Quality*—(1) *Steer, heifer, and cow carcasses*—(i) *Prime.* (*a*) Prime grade beef carcasses and wholesale cuts are blocky and compact and very thickly fleshed throughout. Loins and ribs are thick and full. The rounds are plump and the plumpness extends well down toward the hocks. The chucks are thick and the necks and shanks short. The cut surface of the rib eye muscle is firm and has a smooth, velvety appearance. It has abundant marbling and the marbling is extensive, especially in the heavier carcasses. The color may range from a pale red to a deep blood red but shall be uniform and bright. The chine bones are usually soft and red, terminating in soft, pearly white cartilages.

(*b*) Carcasses showing evidence of maximum maturity permitted in the Prime grade have chine bones tinged with white and cartilages on the end of the chine bones are slightly ossified. Carcasses must also be symmetrical and uniform in contour and the rib eye muscle must be fine in texture.

(*c*) Regardless of the extent to which other grade factors may exceed the minimum requirements for the grade, a carcass must have certain evidences of quality to be eligible for the Prime grade. The cut surface of the muscle must be firm, fine in texture, and bright in color. Slightly abundant marbling must be evident in the rib eye muscle of carcasses with soft, red chine bones terminating in soft pearly white cartilages. Progressively more marbling is required in carcasses with evidences of more advanced maturity. Carcasses which are only moderately compact and blocky with only moderately plump rounds and moderately thick fleshing may meet the minimum requirements for the Prime grade provided they have evidences of quality equivalent to the midpoint of the Prime grade.

(*d*) Only beef produced from steers and heifers will qualify for the Prime grade.

(ii) *Choice.* (*a*) Choice grade beef carcasses and wholesale cuts are moderately blocky and compact and moderately thick-fleshed throughout. Loins and ribs are moderately thick and full and the rounds are moderately plump. The chucks are moderately thick and the necks and shanks are moderately short. Characteristics of the cut surface of the rib eye muscle will vary, depending on evidences of the maturity attained by the animal from which it was produced. In carcasses whose chine bones are soft and red and which terminate in soft, pearly white cartilages, the rib eye has a moderate amount of marbling and is usually slightly soft but fine in texture. In carcasses whose chine bones are tinged with white and which terminate in carti-

the rib eye, the measurement is adjusted

lages in which some ossification is evident, the rib eye has moderately abundant marbling and is usually moderately firm and fine in texture. The color of the muscle usually ranges from a light red to slightly dark red. It is usually uniform and bright in color but may be slightly two-toned or slightly shady.

(*b*) Carcasses showing evidences of maximum maturity permitted in the Choice grade have chine bones which are tinged with white and cartilages on the end of the chine bones which are partially ossified. However, the carcasses must also be at least moderately symmetrical and uniform in contour and the rib eye muscle must be fine in texture.

(*c*) Regardless of the extent to which other grade factors may exceed the minimum requirements for the grade, carcasses whose flesh is moderately soft and slightly watery are not eligible for the Choice grade. The minimum marbling permitted will vary from a small amount in very red-boned, lightweight carcasses to a moderate amount in carcasses approaching the maximum maturity permitted. Carcasses which are slightly compact and blocky and with slightly plump rounds and slightly thick fleshing may meet the minimum requirements for the grade provided they have evidences of quality equivalent to the midpoint of the Choice grade.

(*d*) Beef produced from steers, heifers, and young cows may qualify for the Choice grade.

(iii) *Good.* (*a*) Good grade beef carcasses and wholesale cuts are slightly compact and blocky in conformation and the fleshing tends to be slightly thick throughout. Loins and ribs are slightly full and the rounds are only slightly plump. Chucks are slightly thick and full and the necks and shanks tend to be slightly long and thin. Characteristics of the cut surface of the rib eye muscle will vary depending on evidences of maturity attained by the animal from which it was produced. In carcasses whose chine bones are soft and red and terminate in soft, pearly white cartilages the rib eye has a slight amount of marbling and is usually moderately soft but fine in texture. Carcasses whose chine bones are tinged with white and terminate in cartilages in which some ossification is evident will have a modest amount of marbling and the muscle is usually slightly soft but moderately fine in texture. The muscle will usually vary from a light red to a slightly dark red in color but may be slightly two-toned or slightly shady.

(*b*) Carcasses showing evidence of maximum maturity permitted in the Good grade may have chine bones tinged with white and the cartilages on the end of the chine bones may be moderately ossified. Carcasses must also be at least moderately symmetrical and uniform in contour and the rib eye muscle must be at least moderately fine in texture.

(*c*) Red-boned, lightweight carcasses which have traces of marbling may meet the minimum requirements for Good provided they have conformation equivalent to at least the midpoint of the grade. However, carcasses which show similar evidences of maturity but which are slightly rangy and angular are required to show a slight amount of marbling. Carcasses near the maximum limit for maturity with conformation equivalent to at least the midpoint of this grade may qualify for Good with a small amount of marbling whereas carcasses which show similar evidences of maturity and which are slightly rangy and angular are required to have a modest amount of marbling.

(iv) *Standard.* (*a*) Standard grade beef carcasses and wholesale cuts are rangy, angular, and slightly thin fleshed throughout. Loins and ribs tend to be flat and are slightly thin fleshed. The rounds are moderately flat and tapering. Chucks are slightly flat and thinly fleshed. Characteristics of the cut surface of the rib eye muscle will vary depending on the evidences of maturity attained by the animal from which it was produced. In carcasses whose chine bones are soft and red and terminate in soft, pearly white cartilages, the rib eye muscle is somewhat soft and watery but fine in texture and will be practically devoid of marbling. In carcasses whose chine bones are tinged with white and terminate in cartilages in which some ossification is evident, the rib eye muscle is moderately soft and moderately fine in texture and has a slight amount of marbling. The lean usually will vary from light red to slightly dark red in color but may be slightly two-toned or shady.

(*b*) Carcasses showing evidence of maximum maturity permitted in the Standard grade may have chine bones tinged with white and the cartilages on the ends of the chine bones may be moderately ossified. Carcasses must also be at least moderately symmetrical and uniform in contour and the rib eye muscle must be at least moderately fine in texture.

(*c*) Young, red-boned, lightweight carcasses with conformation equivalent to at least the midpoint of the grade as defined above may be devoid of marbling and qualify for the Standard grade. However, carcasses which show similar evidences of maturity but which have conformation equivalent to the upper third of the Utility grade are practically devoid of marbling. Carcasses near the maximum limit for maturity with conformation equivalent to at least the midpoint of the grade as defined above may qualify for the Standard grade with traces of marbling; however, carcasses with similar evidences of maturity but having conformation equivalent to the upper third of the Utility grade are required to have a slight amount of marbling.

(v) *Commercial.* (*a*) Commercial grade beef carcasses and wholesale cuts are restricted to those with evidences of more advanced maturity than is permitted in the Good and Standard grades. Such carcasses are slightly thick fleshed but rather rough and irregular in contour. Rounds are slightly flat and tapering. Loins are moderately wide but slightly sunken and the hips are rather prominent. Ribs tend to be slightly thick and full. Chucks are slightly thin and plates and briskets are wide and "spready." The necks and shanks are slightly long and thin. In carcasses which only slightly exceed the minimum maturity permitted the cut surface of the rib eye muscle will be moderately firm and slightly coarse in texture and will have a moderate amount of marbling. In carcasses that have hard, white chine bones that terminate in nearly completely ossified cartilages the rib eye muscle will be firm but coarse in texture and the marbling will be moderately abundant but also rather coarse and prominent. The lean will usually vary from slightly dark red to dark red in color but may be two-toned or shady.

(*b*) Regardless of the extent to which other grade factors may exceed the minimum requirements for the grade, carcasses which only slightly exceed the minimum maturity permitted are required to have a small amount of marbling and carcasses whose chine bones are hard and white and terminate in nearly completely ossified cartilages are required to have at least a moderate amount of marbling. Carcasses which only slightly exceed the minimum maturity permitted and which are slightly thin fleshed and rather rangy and angular may meet the minimum requirements for the grade provided they have a modest amount of marbling and carcasses with similar conformation which have hard, white chine bones that terminate in nearly completely ossified cartilages may meet the minimum requirements for the grade provided they have slightly abundant marbling.

(vi) *Utility.* (*a*) Utility grade beef carcasses and wholesale cuts may be decidedly rangy, angular, and irregular in conformation. The fleshing is usually thin. The loins and ribs are flat and thinly fleshed. The rounds are long, flat, and tapering. The chucks are flat and thinly fleshed. The necks and shanks are long and tapering. The hip and shoulder joints are prominent. The cut surface of the lean muscle is usually soft and watery in the beef produced from younger cattle but in that produced from more mature cattle it is usually fairly firm but coarse. The beef in this grade will show practically no marbling except in that produced from aged cattle, which may show a little marbling in the thicker cuts. The color may be two-toned or shady and usually ranges from light red to very dark red. The bone is usually hard and white.

(*b*) The Utility grade of beef may be produced from steers, heifers, and cows.

(vii) *Cutter.* (*a*) Cutter grade beef carcasses and wholesale cuts may be very rangy, angular, and irregular in conformation and very thinly fleshed throughout. The loins and ribs are very flat, thin, and shallow. The rounds are very long, flat, and tapering. The chucks are very flat, thin, and shallow. The necks and shanks are very long and tapering. The hip and shoulder joints are very prominent. The cut surface of the lean muscle shows no marbling, is coarse, and is usually soft and watery. The color may be two-toned or shady and usually ranges from slightly dark red to very dark red. The bone is usually hard and white.

(*b*) The Cutter grade of beef may be produced from steers, heifers, and cows. That produced from cows constitutes a relatively large percentage of the beef eligible for this grade.

(viii) *Canner.* (*a*) Canner grade beef carcasses and wholesale cuts shall be extremely rangy, angular, and irregular in conformation and extremely thinly fleshed throughout. All cuts are extremely thinly fleshed. Loins and ribs are extremely thin, flat, and shallow. The rounds are very long, flat, and tapering, and the chucks are extremely thin, flat, and shallow. The necks and shanks are extremely long and the hips and shoulder joints are extremely tapering. The outside surface usually has a very dark appearance. The cut surface of the lean muscle is usually coarse and is soft and watery in appearance. It shows no marbling. The color may be two-toned or shady and usually ranges from moderately dark red to extremely dark red or brownish black. The bones are nearly always hard and white.

(*b*) A very large percentage of the beef of the Canner grade is produced from mature cows that are somewhat advanced in age.

(2) *Bull carcasses*—(i) *Choice.* Choice grade bull beef carcasses have excellent quality and conformation for the class. Rounds, chucks, and necks are thick and are very heavily muscled. Loins and ribs are broad but tend to shallowness and are relatively small in proporation to the rest of the carcass. The exterior and interior fats are somewhat lacking in firmness and brittleness. Usually such carcasses are derived from young, well-fed bulls, although sometimes carcasses of older bulls meet the requirements of this grade. The flesh generally is medium dark red in color, firm but comparatively dry.

(ii) *Good.* Good grade bull beef carcasses have good quality, finish, and conformation for the class. Rounds, chucks, and necks are thick and heavily muscled. Loins and ribs are relatively small in proportion to the rest of the carcass and are somewhat flat. The general outline is somewhat rough and irregular. All fats are somewhat soft and may be slightly oily. Flesh generally is medium dark red in color, moderately firm, and dry.

(iii) *Commercial.* Commercial grade bull beef carcasses possess average quality, finish, and conformation for the class. Rounds, chucks, and necks are thick and full. Loins are relatively thin and flat or sunken. Ribs are moderately thin. The flesh is moderately firm, but usually very dry. Its color varies from dark red to light brown.

(iv) *Utility.* Utility grade bull beef carcasses, although fairly well developed in the rounds and chucks, are deficient in these respects as compared with the higher grades. Such carcasses generally are rough in conformation. Loins are very thin or sunken and ribs are flat and thin. The flesh is dry and very dark.

(v) *Cutter.* Cutter grade bull beef carcasses have poor quality and conformation with practically no visible finish. The general outlines are very uneven. Loins and ribs are very flat and thin. Hip and shoulder bones and ribs are very prominent. Flesh, though relatively dry, is inclined to be soft. Its color is dark red to light brown.

(vi) *Canner.* Canner grade bull beef carcasses have extremely poor quality and conformation. Carcasses of this grade are extremely thin in all parts. Rounds and chucks are thin; loins and ribs are very thin and flat or sunken. There are no exterior or interior fats. Flesh is soft and dark.

(3) *Stag carcasses*—(i) *Choice.* Choice grade stag beef carcasses have excellent quality, finish, and conformation for the class. Rounds are thick, full, and bulging. Loins and ribs are moderately thick, and chucks are thick and heavily fleshed. Necks are moderately short and thick. Flesh is firm and fine grained for the class and shows some intermixture of fat along the muscle seams. Its color varies from medium to dark red.

(ii) *Good.* Good grade stag beef carcasses have good quality, finish, and conformation for the class. Rounds are moderately thick and full; loins and ribs are fairly well proportioned and have moderate depth of flesh. Chucks are thick and necks are moderately thick and short. The flesh is firm, moderately fine grained, and varies from medium to dark red in color.

(iii) *Commercial.* Commercial grade stag beef carcasses have fair quality, finish, and conformation. Rounds, although somewhat full and thick, are inclined to be tapering. Loins are flat and ribs are somewhat thin. Chucks are broad and relatively thin. The flesh is usually slightly soft and moist. Its color varies from medium to dark red.

(iv) *Utility.* Utility grade stag beef carcasses have poor quality, finish, and conformation. Rounds are thin and tapering. Loins are thin, flat, or slightly sunken. Ribs are thin and chucks are broad and thin. Flesh is soft, moist, and dark colored.

(v) *Cutter.* Cutter grade stag beef carcasses are decidedly deficient in quality, finish, and conformation. Rounds are thin, long, and tapering. Loins are very flat or sunken, and ribs are flat and very thin. Chucks and plates are broad and thin. All bones are prominent because of deficient flesh and fat covering. The flesh is soft, watery, and dark colored. This grade is seldom found on the market.

(vi) *Canner.* Canner grade stag beef carcasses are extremely deficient in quality, finish, and conformation. All bones are very prominent. Rounds are extremely thin and sharply tapering. Loins are also extremely thin and dished or sunken. Ribs, chucks, and plates are very thin. The flesh is dark, soft, and watery. This grade is rarely found on the market.

(vii) *Cutability.* (*a*) The cutability group of a beef carcass is determined on the basis of the following equation:

Cutability group = 2.80 + (2.50 × adjusted fat thickness, inches) + (0.20 × percent kidney, pelvic, and heart fat) + (0.0038 × hot carcass weight, pounds) − (0.32 × area of rib eye, square inches)

(*b*) The following descriptions provide a guide to the characteristics of carcasses in each cutability group to aid in determining cutability group subjectively.

(viii) *Cutability Group 1.* (*a*) A carcass in cutability group 1 usually has only a thin layer of external fat over the ribs, loins, rumps, and clods and slight deposits of fat in the flanks and cod or udder. There is usually a very thin layer of fat over the outside of the rounds and over the tops of the shoulders and necks. Muscles are usually visible through the fat in many areas of the carcass.

(*b*) A 500-pound carcass of this group which is near the borderline of cutability groups 1 and 2 might have two-tenths inch of fat over the rib eye, 11.5 square inches of rib eye, and 2 percent of its weight in kidney, pelvic, and heart fat.

(*c*) An 800-pound carcass of this group which is near the borderline of cutability groups 1 and 2 might have three-tenths inch of fat over the rib eye, 16.0 square inches of rib eye, and 2 percent of its weight in kidney, pelvic, and heart fat.

(ix) *Cutability Group 2.* (*a*) A carcass in cutability group 2 usually is nearly completely covered with fat but the lean is plainly visible through the fat over the outside of the rounds, the tops of the shoulders, and the necks. There usually is a slightly thin layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is slightly thick. There usually are small deposits of fat in the flanks and cod or udder.

(*b*) A 500-pound carcass of this group which is near the borderline of cutability groups 2 and 3 might have four-tenths inch of fat over the rib eye, 10.5 square inches of rib eye, and 3 percent of its weight in kidney, pelvic, and heart fat.

(*c*) An 800-pound carcass of this group which is near the borderline of cutability groups 2 and 3 might have one-half inch of fat over the rib eye, 15.0 square inches of rib eye, and 3 percent of its weight in kidney, pelvic, and heart fat.

(x) *Cutability Group 3.* (*a*) A carcass in cutability group 3 usually is completely covered with fat and the lean usually is visible through the fat only on the necks and the lower part of the outside of the rounds. There usually is a slightly thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is moderately thick. There usually are slightly large deposits of fat in the flanks and cod or udder.

(*b*) A 500-pound carcass of this group which is near the borderline of cutability groups 3 and 4 might have six-tenths inch of fat over the rib eye, 9.5 square inches of rib eye, and 4 percent of its weight in kidney, pelvic, and heart fat.

(*c*) An 800-pound carcass of this group which is near the borderline of cutability groups 3 and 4 might have seven-tenths inch of fat over the rib eye, 14.0 square inches of rib eye, and 4 percent of its weight in kidney, pelvic, and heart fat.

(xi) *Cutability Group 4.* (*a*) A carcass in cutability group 4 usually is completely covered with fat. The only muscles usually visible are those on the shanks and over the outside of the plates and flanks. There usually is a moderately thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is thick. There usually are large deposits of fat in the flanks and cod or udder.

(*b*) A 500-pound carcass of this group which is near the borderline of cutability groups 4 and 5 might have nine-tenths inch of fat over the rib eye, 9.0 square inches of rib eye, and 4½ percent of its carcass weight in kidney, pelvic, and heart fat.

(*c*) An 800-pound carcass of this group which is near the borderline of cutability groups 4 and 5 might have one inch of fat over the rib eye, 13.5 square inches of rib eye, and 4½ percent of its weight in kidney, pelvic, and heart fat.

(xii) *Cutability Group 5.* A carcass in cutability group 5 usually has more fat on all of the various parts, a smaller area of rib eye, and more kidney, pelvic, and heart fat than a carcass in cutability group 4.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of September 1963.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 63-9967; Filed, Sept. 17, 1963; 8:47 a.m.]

[7 CFR Part 1126]

[Docket No. AO-231-A22]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, was formulated, was conducted at Dallas, Texas, on August 14–15, 1963, pursuant to notice thereof which was issued July 30, 1963 (28 F.R. 7911).

The material issues on the record of the hearing relate to:

1. Revision in the level of Class I price; and

2. An increase in the Class II price at pool distributing plants located in Dallas and Tarrant Counties, Texas.

This decision pertains only to issue No. 1. Decision on issue No. 2 is reserved for later determination.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The Class I price under the North Texas order should be increased by 10 cents for each of the months of October 1963 through March 1964. Since the Class I price in Austin, Waco, Central West Texas, Corpus Christi, Lubbock-Plainview, and San Antonio orders are determined on the basis of the North Texas Class I price plus appropriate differentials to reflect transportation cost between markets, the increase in the North Texas price will also provide a 10-cent price increase in each of these markets.

The North Texas Class I price is determined by adding to the basic formula price (Minnesota-Wisconsin price series) for the preceding month a differential of $1.85 during the months of March through June and a differential of $2.25 for all other months, plus or minus a supply-demand adjustment factor not to exceed 50 cents. The present supply-demand adjustment mechanism is based on a standard utilization percentage of 118 percent and was incorporated in the order effective December 1, 1961. The amount of the adjustment is derived by comparison of the actual utilization percentage in specified periods with the standard utilization percentage (after adjustment by the seasonal ratio). The sum of the deviations for the current and preceding pricing months, with adjustments for deviations in the opposite direction, provide the basis for the price adjustment; i.e., each percentage deviation provides a one-cent price adjustment.

The North Texas Producers Association, with the support of the Central West Texas Producers Association, the Mid-Tex Milk Producers Association, The Producers Association of San Antonio, and The Coastal Bend Milk Producers Association proposed an increase in the standard utilization percentage of the supply-demand adjustment mechanism from 118 to 122 percent or in the alternative an emergency increase in the Class I price. It was proponents' position that a milk supply of 118 percent of Class I sales is insufficient to meet the demands of the Texas markets and accordingly the standard utilization percentage should be increased to 122 percent, the minimum level of supply needed to meet the demands of the several markets.

In support of their position proponents pointed to the market experience during the months of October 1962 through February 1963 when supplies averaged 117 percent of Class I sales and were as low as 114 percent (November 1962, January 1963). During this period substantial imports of milk were required from distant sources at a cost considerably above the order Class I prices. Because of the severe winter of 1962–63 and the general drought conditions which have persisted in the production areas during the spring and summer of 1963, proponents contend that supplies will be at a critical level throughout the present fall and winter months and request immediate price relief to encourage needed milk production.

The present supply-demand adjustment mechanism, made effective December 1961, provided a 32-cent downward price adjustment through April 1962. In subsequent months the amount of the adjustment has steadily decreased in response to decreasing production and increasing Class I sales and in September 1963 would have been only 4 cents.

Production of milk for the five Texas markets, compared to the same month of the previous year, began to decrease in September 1962. Although this decreased production averaged only 0.5 million pounds during the last four months of 1962, it advanced to a monthly average of about 3 million pounds during the first six months of 1963 and was about 6 million pounds in July 1963. Class I sales have continued to increase during this period of decreasing supplies. During the last four months of 1962, Class I sales increased an average of about 3 million pounds over the same months of the previous year. This trend has been maintained during the first six months of 1963. In July 1963 Class I sales were 7 million pounds over the previous July.

On two recent occasions the Secretary has suspended the action of the supply-demand adjustor in view of the effect of adverse weather conditions on production conditions in the production areas for the five Texas markets and the resulting decrease in available supplies of milk. First action was taken on January 30, 1963, when supply-demand adjustments which would have reduced the Class I price 16 cents in each month of February and March 1963, were suspended. Although supplies were adequate to meet Class I requirements in the normal flush production months, of May and June, production at levels of the immediate past years was not reached and a rapid rate of decrease began in July. The Secretary again suspended the supply-demand adjustor on August 28 eliminating an indicated 4-cent price adjustment for September.

It is recognized that the amount of the negative adjustment to the Class I price resulting from the action of the supply-demand adjustor has steadily decreased since April 1962. It is further recognized that a continuation of the present trend in supply-demand relationship will change the adjustment from a negative to a plus adjustment of the Class I price. Nevertheless, the Texas markets face such a critical short supply situation during the forthcoming fall and winter months that consumers cannot be assured of an adequate supply of milk at the existing minimum order prices.

The present supply situation undoubtedly reflects response to movements in the Class I price level as well as the effect of adverse weather conditions. It is not possible to isolate the effects of price adjustment from the effects of adverse weather. Hence, it is impossible to forecast the probable production response to the recent higher prices resulting from the supply-demand adjustments. Because of the critical feed situation and general pasture conditions, there is little expectation of improvement in supplies until the spring flush. It is apparent over the past year that supplies of milk in these markets have been barely adequate to assure consumers of a sufficient supply of milk. Moreover, it is clear that these markets recently have been getting shorter in supplies. It is concluded, therefore, that a temporary 10-cent Class I price increase should be provided through March 1964. This increase in conjunction with expected price movements through action of the supply-demand adjustment mechanism will tend to offset the mounting costs of purchased feeds and encourage continuing needed production during the winter months.

It cannot be concluded on the basis of this record that the present supply-demand adjustment mechanism does not under normal circumstances result in appropriate adjustments to the Class I price. Nevertheless, if producers desire that the standard utilization percentages be established at 122 rather than the present 118, there is no reason why this cannot be accomplished. However, such an adjustment may not appropriately be the means of permanently increasing the Class I price level. Such a change logically should be considered at some future date when appropriate adjustment may be made in the stated Class I price differentials to offset the effects of of such a revision.

Most handlers supported temporary action to increase the Class I price, in view of the abnormal weather conditions and their adverse effects on the production of milk, for either all or certain of the five markets. They recommended the increase in Class I prices be effective for a varying number of months up to March 1964. Handlers supported different methods for increasing Class I prices for the limited period of months which included the action herein recommended, suspending the supply-demand adjustment action for selected markets of the five Texas markets, and suspension of the supply-demand adjustment for the entire five markets.

Individual market price adjustments to reflect the local market supply situation would not accommodate the current situation. Historically, the major producer organization for the North Texas market has made available supplemental supplies of milk for the other Texas markets. Class I prices are presently aligned among the Texas markets on the basis of transportation costs. Adjustment of Class I prices on an individual market basis, as proposed by one handler, would disrupt this alignment of Class I prices to the detriment of the present and historical organization of supplies for these markets. The interrelationship of supplies and sales for the five Texas markets was established in the decision of the Secretary issued on April 29, 1957. It was this decision that instituted the use of the combined supplies and Class I sales for five Texas markets in the computation of the supply-demand adjustment effective as of May 1, 1957. At that time sales competition existed between Central West Texas and Austin-Waco, and North Texas handlers in the respective markets. Other Texas markets were depending on sources in the North Texas market for supplemental supplies. In conclusion it was found that the supply and demand picture in the North Texas market was affected, not only by the bottling requirements of the handlers regulated under the North Texas order, but also by the supply and demand pattern of other Texas markets. There is a continuing interrelationship of Class I sales among the several markets and the North Texas market carries the reserve supplies for these markets. Substantial supplies have continued to move from the North Texas markets to plants in the other markets.

As previously indicated it is expected that the supply-demand adjustment mechanism, in response to the current supply situation, will likely provide increases to the price in the forthcoming months. Suspension of the adjustor would therefore likely have a negative price effect and, hence, could not provide the appropriate incentive to hold production through the winter months.

A Plainview, Texas, handler regulated by the Lubbock-Plainview order opposed any revision of the North Texas Class I price which would result in an increase in the Class I price under such order. In support of his position this handler cited his interrelationship with the Texas Panhandle market in both sales and procurement. Essentially his testimony in this regard was similar to that which he gave at the Lubbock-Plainview promulgation having held in Lubbock on June 6–10, 1961. Official notice is taken of the Secretary's decision of May 3, 1962 on the matter of an order to regulate the handling of milk in the Lubbock-Plainview, Texas, marketing area. In fixing the Class I price 10 cents over the North Texas Class I price the Secretary concluded that for the years 1958, 1959, and 1960 such price "would have exceeded the Texas Panhandle price by an average of 15.9 cents, 8.6 cents, and 15.2 cents, respectively."

"Milk under the Texas Panhandle order is priced at Amarillo which lies 124 miles north of Lubbock, while milk under the Central West Texas order is priced at Abilene, 166 miles southeast of Lubbock. Hence, the proposed pricing at Lubbock appropriately reflects the difference in distance between Lubbock and those points."

Official notice is also taken of the Class I price announcement of the market administrator for the Texas Panhandle and Lubbock-Plainview orders, respectively, for the period July 1962 through August 1963. For this period the Lubbock-Plainview Class I price averaged $5.14 and the Texas Panhandle price averaged $5.13. Hence, a temporary Class I price increase of 10 cents in the Lubbock-Plainview market will provide a price well within the relationship which the Secretary concluded appropriate in his decision of May 3, 1962.

The Plainview handler also contended that weather conditions being experienced in the Lubbock-Plainview market were not similar to those of the other Texas markets here under consideration. He further contended that local handlers did not rely on the North Texas market for balancing supplies. Notwithstanding, it is desirable that interorder price relationships among the Texas markets be retained. Further, there has been little improvement in the Lubbock-Plainview supply situation since the order was made effective. The market does not carry a sufficient reserve to meet the day to day and month to month variation in receipts and sales but relies on adjacent Federal order markets for supplemental milk.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were field on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect

market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order, as amended, regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

In paragraph (a) of § 1126.51 the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(a) The Class I price shall be the basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months; plus 10 cents for the months of October 1963 through March 1964; and subject to a supply-demand adjustment of not more than 50 cents computed as follows:

Signed at Washington, D.C., on September 16, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-9991; Filed, Sept. 17, 1963; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

TOBACCO

Notice of Determinations To Be Made With Respect to Tobacco Marketing Quotas for 1964–65 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for each of the three marketing years beginning October 1, 1964 for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, and dark air-cured tobacco, (b) determine and announce the amount of the national marketing qouta for the 1964–65 marketing year for each of such above-named kinds of tobacco, and for burley, flue-cured, Virginia sun-cured, Maryland, cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, (c) apportion the national marketing quota for the 1964–65 marketing year for each of such kinds of tobacco among the several States; and (d) convert the State marketing quotas for the 1964–65 marketing year into State acreage allotments.

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall, not later than December 1 of any marketing year with respect to flue-cured tobacco and not later than February 1 of any marketing year with respect to other kinds of tobacco, proclaim 9 national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco:

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for three successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

Subsection 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)), defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54 and 55; and
Cigar-filler tobacco, comprising type 41.

Subsection 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketing thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1957 and subsequent crops of such tobacco.

The Act (7 U.S.C. 1313(i)) provides that notwithstanding any other provisions of the Act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 (7 U.S.C. 1312) of the Act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall also determine and announce, not later than the first day of December 1963 with respect to flue-cured tobacco and not later than the first day of February 1964 with respect to other kinds of tobacco, the amount of the national marketing quota which is in effect for the 1964–65 marketing year in terms of the total quantity of each kind of tobacco which may be marketed which

will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1964–65 national marketing quota may, not later than March 1, 1964, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed for the 1964–65, 1965–66 and 1966–67 marketing years for (1) fire-cured (type 21) tobacco, (2) fire-cured (types 22, 23 and 24) tobacco, and (3) dark air-cured tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1963 crop of fire-cured tobacco, and shall conduct a referendum of farmers who are engaged in the production of the 1963 crop of dark air-cured tobacco, to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in the referendum oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota. The 1963–64 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for fire-cured tobacco and dark air-cured tobacco (26 F.R. 2277). Growers of cigar-filler (type 41) tobacco disapproved quotas for the three marketing years beginning October 1, 1962 (27 F.R. 2679), and quotas will not be in effect during any of such three marketing years on such kind of tobacco unless proclaimed and approved pursuant to a petition by growers to the Secretary in accordance with regulations (27 F.R. 2679) pursuant to paragraph (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended. Quotas have never been in effect on cigar-filler (type 41) tobacco.

Growers of flue-cured tobacco favored marketing quotas being in effect for the 1964–65 marketing year in a referendum (27 F.R. 649). Growers of burley tobacco and Virginia sun-cured tobacco favored marketing quotas being in effect for the 1964–65 marketing year in referenda (27 F.R. 2679). Maryland tobacco growers favored marketing quotas being in effect for the 1964–65 marketing year in a referendum (28 F.R. 2526). Growers of cigar-binder (types 51 and 52) tobacco and growers of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco favored quotas being in effect for the 1964–65 marketing year in referenda (28 F.R. 2888).

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

> In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally-owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the soil bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case, within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted, during the time it is in the pool within the period of eligibility, for purposes of future State, county and farm allotments.

Section 316 of the Act, as amended (7 U.S.C. 1314(b)), provides that allotment acreage leased under the provisions of such section shall be considered planted on the farm from which leased.

The Soil Bank Act (7 U.S.C. 1801 et seq.) provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The Soil Bank Act also provides that insofar as the acreage of cropland on a farm covered by a Great Plains or conservation reserve contract enters into the determination of acreage allotments and marketing quotas, such cropland shall not be decreased during the period of the contract by reason of any action taken for the purpose of carrying out the contract. After expiration of such a contract, such law provides that the cropland shall not be decreased, for a period equal to the period of the contract, by reason of the maintenance of any change in land use from cropland to permanent vegetation carried out under the contract. Allotment history acreages are given similar protection for purposes of establishing future allotments.

Pursuant to section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, protection of allotment crop history and cropland status similar to that given under the Soil Bank Act is given to land covered by a cropland conversion agreement.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, the conversion of State marketing quotas into State acreage allotments, and of the date(s) of the referenda with respect to (1) fire-cured tobacco, and (2) dark air-cured tobacco, consideration will be given to any data, views, and recommendations pertaining thereto, which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of

Agriculture, Washington 25, D.C. All submissions must be postmarked, with respect to flue-cured tobacco not latter than 30 days from the date of publication of this notice in the FEDERAL REGISTER, and not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER for the other kinds of tobacco, in order to be considered.

Signed at Washington, D.C., on September 12, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9970; Filed, Sept. 17, 1963; 8:47 a.m.]

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamations With Respect to 1964 National Marketing Quota, National Acreage Allotment, and Apportionment of National Acreage Allotment to States

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year, less the acreage to be allotted to new farms under section 358(f) of the act (7 U.S.C. 1358(f)), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1964 crop of peanuts will be apportioned to States on the basis of their share of the 1963 national acreage allotment.

Before any action is taken with respect to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States, and determining the percentage of the national acreage allotment to be reserved for new farms, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 12, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9968; Filed, Sept. 17, 1963; 8:47 a.m.]

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and Proposed Date for Conducting a Referendum on Marketing Quotas for the 1964 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1964 crop of rice, to determine and proclaim the national acreage allotment for the 1964 crop of rice, to apportion among States and counties the national acreage allotment for the 1964 crop of rice, to establish county normal yields for the 1964 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1964 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1963 the Secretary determines that the total supply of rice for the 1963-64 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1963, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1964. Within thirty days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether such farmers are in favor of or opposed to such quotas. In the event that the Secretary proclaims quotas in effect for the 1964 crop of rice, the date for holding the referendum will be within 30 days of the date of such proclamation.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1964 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years 1959 through 1963 produce an amount of rice adequate, together with the estimated carry-over from the 1963-64 marketing year, to make available a supply for the 1964-65 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1963.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1964 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1964 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Section 353 (a) and (c)(6) of the act require that the national acreage allotment of rice for the 1964 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1964 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the five calendar years, 1959 through 1963, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area," respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1964 but who have not produced rice in the State in any one of the years, 1959 through 1963, on the basis of the applicable apportionment factors set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rich is to be planted during 1964 but on which rice was not planted during any of the years, 1959 through 1963, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act either is not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area," wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1964 for any county shall be the average yield per acre of rice for the county during the five calendar years 1959 through 1963 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1959 through 1963 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1959 through 1963 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that in any case in which the acreage planted to rice on any farm in 1964 is less than the 1964 rice acreage allotment for the farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in 1964, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for 1962, 1963, or 1964 was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended. Section 16(c)(6) of the Soil Conservation and Domestic Allotment Act, as amended, authorizes the Secretary, to the extent he deems it desirable to carry out the purposes of the cropland conversion program, to provide in any cropland conversion agreement for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage and allotment history applicable to the land covered by the agreement for the purposes of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1964 crop of rice, including national, State, and county reserves, and announcing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 12, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9969; Filed, Sept. 17, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15138, RM-262]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS, STAUNTON-WAYNESBORO, VIRGINIA

Order Extending Time for Filing Comments and Reply Comments

1. On July 29, 1963, the Commission issued a notice of proposed rule making in the above-captioned matter stating that interested parties may file com-

ments on or before September 16, 1963, and reply comments on or before October 1, 1963.

2. The Commission has before it for consideration a petition filed on September 10, 1963, by Staunton Video Corporation (a community antenna with subscribers in Staunton, Virginia) requesting that the time for filing comments in this proceeding be extended from September 16, 1963, to October 16, 1963, and that the time for filing reply comments be extended from October 1, 1963, to November 1, 1963. Petitioner states in support of its request that it desires to file comments but that the matters involved are complex and additional time is needed to deal with them. Petitioner does not show specifically that a 30-day extension of time is needed or warranted for this purpose. Since the notice was issued on July 29, 1963, and has been outstanding since that date, it appears that an extension of time for filing comments from September 16, 1963, to October 1, 1963, and for filing reply comments from October 1, 1963, to October 16, 1963, will provide a reasonable time for the preparation and submission of comments and reply comments.

3. In view of the foregoing: *It is ordered*, That the time for filing comments in response to the notice of proposed rule making in this proceeding is extended to and including October 1, 1963, and the time for filing reply comments herein is extended to and including October 16, 1963:

4. *And it is further ordered*, That the petition for extension of time to file comments filed by Staunton Video Corporation is granted insofar as it is consistent with the action taken herein; and in other respects is denied.

Adopted: September 11, 1963.

Released: September 12, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9918; Filed, Sept. 16, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte No. MC-30]

COMMERCIAL ZONES

Notice of Proposed Rule Making

SEPTEMBER 13, 1963.

Redefinition of the Cincinnati, Ohio, Commercial Zone. Petitioner: Cincinnati Chamber of Commerce. Petitioner's representative: R. A. Ellison, 1718 Union Central Building, Cincinnati, Ohio. Petitioners: Northern Kentucky Industrial Foundation, Inc., Covington-Kenton-Boone Chamber of Commerce, Kentucky Department of Commerce, and Kentucky State Chamber of Commerce. Petitioner's representative: J. G. Wilde, 1512 Russell St., Covington, Ky.

By petitions filed June 27, 1963, and July 8, 1963, respectively, the abovenamed petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the Cincinnati, Ohio, commercial zone, which were originally established in this proceeding September 10, 1940, reported at 26 M.C.C. 49, and were last modified by order of the Commission dated February 21, 1963, 28 F.R. 2236. The redefinition proposed by the Cincinnati Chamber of Commerce would include Amberly, Golf Manor, Madeira, Montgomery, and Silverton, Ohio, and that proposed by the Kentucky petitioners would include the following portion of Boone and Kenton Counties, Ky.: "Starting from the Kenton-Boone County line southeast of the point of interchange between Donaldson Road (Kentucky Highway 236) and Interstate Highway 75, and following said Interstate Highway 75 southeast and southward to a point directly west of Devon, Boone County, Ky., thence by a straight line eastward and northeastward to and over Richardson Road and Turkeyfoot Road (Kentucky Highway 1303) in Kenton County, Ky., to the southern boundary of Edgewood, Kenton County, Ky."

This proceeding is assigned for oral hearing on November 13, 1963, before Examiner Gerald F. Colfer, in Room 712, Federal Building, Cincinnati, Ohio.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-9950; Filed, Sept. 17, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 648.3-p]

CHROMIC ACID FROM AUSTRALIA

Notice That There is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

SEPTEMBER 12, 1963.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of chromic acid imported from Australia is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of chromic acid from Australia pursuant to § 14.9 of the Customs Regulations (CFR 14.9).

The complaint in this case was received on May 17, 1963.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 63-9934; Filed, Sept. 17, 1963; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 10, 1963.

The Forest Service, Department of Agriculture, has filed an application, Serial Number Montana 061026, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws except the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public recreation purposes in conjunction with development of the Quartz Flat Campground on lands of the Lolo National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 15 N., R. 25 W.,
Sec. 4, Lots 10, 11 and 12;
Sec. 9, Lots 2, 3 and 6.

Total area 168.16 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 63-9930; Filed, Sept. 17, 1963; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY AGRICULTURAL CHEMICALS, DIVISION OF GEIGY CHEMICAL CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl) Phosphorothioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, has withdrawn it petition proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on certain raw agricultural commodities as published in the FEDERAL REGISTER of March 29, 1963 (28 F.R. 3096).

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 10, 1963.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 63-9941; Filed, Sept. 17, 1963; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 63-824]

AM, FM, AND TV STATION LICENSES TERMINATING IN 1964

Composite Week for Program Log Analysis

SEPTEMBER 12, 1963.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM and TV station licenses which have termination dates in 1964:

Sunday, Apr. 28, 1963;
Monday, Mar. 25, 1963;
Tuesday, May 21, 1963;
Wednesday, Oct. 31, 1962;
Thursday, June 20, 1963;
Friday, Nov. 23, 1962;
Saturday, Jan. 26, 1963.

The attention of licensees is also directed to section IV, page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 11, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9961; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 15160; FCC 63-806]

ALL AMERICA CABLES AND RADIO, INC.

Order Assigning Matter for Public Hearing

In the matter of All America Cables and Radio, Inc. multiple leased teleprinter channel charges between Miami, Florida, and San Juan, Puerto Rico.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of September 1963:

The Commission, having before it (a) revisions contained in original page No.

10A filed by All America Cables and Radio, Inc. (All America) under Transmittal No. 530 on August 16, 1963, to its Tariff FCC No. 15 to establish, effective September 15, 1963, multiple channel rates for standard (66-word per minute speed) teleprinter leased channel service between Miami, Florida, and San Juan, Puerto Rico; (b) a letter dated August 20, 1963, to All America asking further justification for such revisions; (c) a letter from American Cable and Radio Corporation, the parent company of All America, dated August 27, 1963, in further support of said tariff revisions; (d) a petition for suspension of such tariff revision filed by RCA Communications, Inc. on September 4, 1963; and (e) AC&R reply to the RCA petition filed on September 9, 1963;

It appearing, that such tariff revisions provide for the following declining scale of per channel rates for Miami-San Juan standard teleprinter leased channel service for a customer desiring more than one channel:

2d channel	[1] $5,000
3d channel	4,700
4th channel	2,800
5th channel	2,100
Each additional channel	1,400

[1] All America's proposed revisions do not affect the present single channel rate of $5,000 per month.

It further appearing, that such revisions establish lower average per channel charges to larger volume users vis-a-vis smaller volume users;

It further appearing, that the Commission is unable at this time to determine that the charges, classifications, regulations and practices contained in the above-mentioned tariff revisions are or will be just and reasonable or otherwise lawful under the provisions of sections 201(b) or 202(a) of the Communications Act of 1934, as amended;

It further appearing, that the above-mentioned tariff revisions are permitted to become effective on the date specified thereon, substantial injury to the public may result;

It is ordered, That pursuant to the provisions of sections 4(i), 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned tariff revisions;

It is further ordered, That pursuant to the provisions of section 204 of the Act, such tariff revisions on original page No. 10A of All America Tariff FCC No. 15, are hereby suspended until December 15, 1963, and that during that period All America shall make no changes in said tariff revisions except as authorized or directed by the Commission.

It is further ordered, That, without in any way limiting the scope of the proceeding, it shall include inquiry into the following:

1. Whether any of the charges, classifications, regulations and practices contained in such tariff revisions are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether such tariff revisions will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of section 202 (a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable charges, classifications, regulations and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the service governed by the above-mentioned tariff revisions and, if so, what charges, classifications, regulations and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified in subsequent order and that the examiner designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an initial or a recommended decision;

It is further ordered, That All America Cables and Radio, Inc. and Mackay Radio and Telegraph Company, Inc., which has filed a concurrence to the All America tariff containing the revisions at issue herein and which will participate in providing such service, are hereby made parties respondent to this proceeding; that RCA Communications, Inc., is hereby granted leave to intervene herein provided that not less than twenty days from receipt of a copy of this order it shall file a notice of intention to intervene; and that copies of this order shall be served on All America, Mackay and RCA Communications, Inc. and filed in the offices of the Commission with the tariff revisions herein suspended.

Released: September 13, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9962; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 15120; FCC 63M-1000]

STANLEY HELFMAN

Order Following Prehearing Conference

In re application of Stanley Helfman, Fontana, California, Docket No. 15120, File No. BP-14972; for construction permit.

Pursuant to agreements reached at a prehearing conference held on September 11, 1963, *It is ordered*, This 11th day of September 1963, that the following calendar of future procedural steps shall be effected on the dates specified:

Oct. 21, 1963—Exchange date;
Nov. 1, 1963—Engineering Conference;
Nov. 6, 1963—Freeze date;
Nov. 14, 1963—Hearing date (continued from Oct. 3, 1963).

Released: September 12, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-9963; Filed, Sept. 17, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8283-2, between American Mail Line Ltd., and American President Lines, Ltd., amends Paragraphs 3 (a) and (b) of approved APL-AML Freight Agency Agreement—Southern California (Agreement No. 8283, as amended), between these same parties, by reducing the compensation to be paid by American Mail Line Ltd., to American President Lines, Ltd., for the performance of certain services rendered pursuant to the agreement, and cancels American President Lines, Ltd., responsibility to husband American Mail Line Ltd., vessels as provided in Paragraphs 2 (a), (b), (e), and 3(e) of Agreement No. 8283, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 12, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9953; Filed, Sept. 17, 1963; 8:47 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND AMERICAN MAIL LINE LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8033-3, between American President Lines, Ltd., and American Mail Line Ltd., amends paragraphs 3 (a), (b), and (c) of approved APL-AML Freight Agency Agreement-Pacific Northwest (Agreement No. 8033, as amended), between these same parties, by reducing the compensation to be paid by American President Lines, Ltd., to American Mail Line Ltd., for the performance of certain services rendered pursuant to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 12, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-9954; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 1118]

PACIFIC COAST EUROPEAN CONFERENCE; INCREASED HANDLING CHARGES

Amended Order of Investigation

The Pacific Coast European Conference, organized pursuant to Federal Maritime Commission Agreement No. 5200, is an association of common carriers by water which is authorized to set rates and charges for the transportation of cargo from ports on the Pacific Coast of the United States to ports in the United Kingdom and Continental Europe, among others.

On June 27, 1962, the conference, in Special Rate Circular No. 10, effective August 1, 1962, increased handling charges on commodities shipped under rates published in its Freight Tariff No. 13, as follows:

Commodity	Charges 9/1/62
Canned Foods, viz.,	
Fish (except salmon); fruits; vegetables; juice or juice powders; juices, fruit, concentrated; meats; NOS	2.90W
Copper, viz.,	
Anodes, bars, cathodes, coils, ingots, pigs, slabs, wire bars or rods	2.60W
Wire	2.60W
Cotton and Cotton Linters:	
Cotton Linters	4.00W
Fruit, viz.,	
Dates or figs, dried; dehydrated, NOS; dried or evaporated, NOS; NOS (including olives)	3.10W
Kernels, Apricot or Peach, shelled or unshelled	3.40W
Nuts, viz.,	
Almonds, filberts	3.50W
Oil, viz.,	
Lubricating, petroleum base	3.00W
Paper, viz.,	
Tissue, fruit wrapping	2.60W
Rags, clean, dry	5.10W
Rice, viz.,	
Brewers; bran; clean; hulls, ground; polish or screenings, in bags	2.40W
Rubber, viz.,	
Synthetic	4.10W
Salmon, viz.,	
Cooked, in cans, American pack, in fiberboard cases, 48/¼ #	.366 case
Scrap, viz.,	
Metal	4.20W
Slats, Pencil	3.45W
Veneer	4.05W
Veneer Panel, faced and backed with kraft paper	4.05W
Fish, frozen, including fish livers and shell fish	4.30W
Grapes, fresh	3.30W
Poultry and Parts, frozen	3.90W

In special Rate Circular No. 11 issued July 20, 1962, the conference postponed the effective date of the increases until September 1, 1962.

Section 15 of the Shipping Act, 1916 as amended by Public Law 87-346 (75 Stat. 762) provides that the Commission shall disapprove, cancel, or modify agreements found to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of the Act. Section 18(b)(5) which was added to the Shipping Act by Public Law 87-346, supra, provides that the Commission shall disapprove any rate or charge filed with it which it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States.

Upon consideration of the foregoing schedule and protests thereto, it appears that the said rate increases result in or involve rates, charges, or practices which may be violative of sections 15 and 18(b)(5) of the Act, as amended.

Therefore, pursuant to sections 15, 18(b)(5), and 22 of the Shipping Act, 1916, the Commission hereby institutes on its own motion an investigation to determine whether the Pacific Coast European Conference and its member lines have violated sections 15 and 18(b)(5) by adopting the increased handling charges and whether it should disapprove any of such charges, and/or whether the conference agreement (F.M.C. No. 5200) should be disapproved, cancelled or modified because of the adoption of such charges.

The Pacific Coast European Conference and its member lines named in Appendix A, attached, are hereby made respondents in this proceeding and the matter is assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner. A copy of this order shall be served upon all respondents and published in the FEDERAL REGISTER.

Any person, other than respondents, who desires to become a party to this proceeding and to participate herein, shall promptly notify the Secretary, Federal Maritime Commission, Washington 25, D.C., and shall file with the Secretary a petition for leave to intervene in accordance with rule 5(n) of the Commission's rules of practice and procedure on or before September 26, 1963.

All future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

SEPTEMBER 10, 1963.

APPENDIX A

PACIFIC COAST-EUROPEAN CONFERENCE

[Pacific Coast-European Conference Tariff No. 13]

Members effective 9/1/62

Anglo Canadian Shipping Co., Ltd., 837 West Hastings Street, Vancouver 1, British Columbia, Canada.
Canadian Occidental Shipping Co., Ltd., 837 West Hastings Street, Vancouver 1, British Columbia, Canada.
Blue Star Line, Ltd. (Blue Star Line), The Blue Star Line, Inc., General Agents, Northern Life Tower, Seattle 1, Wash.
Canadian Transport Co., Ltd., 1199 West Pender Street, Vancouver 1, British Columbia, Canada.
Compagnie Generale Transatlantique (French Line), General Steamship Corp., Ltd., General Agents, 17 State Street, New York 4, N.Y.
d'Amico Societa di Navigazione per Azioni (d'Amico Mediterranean Pacific Line), J. H. Winchester and Co., Inc., General Agents, 351 California Street, San Francisco 4, Calif.
East Asiatic Co., Ltd. (The) (A/S Det Østasiatiske Kompagni East Asiatic Line), East Asiatic Co., Inc., General Agents, 465 California Street, San Francisco 4, Calif.
Furness, Withy & Co., Ltd. (Furness Line), 310 Sansome Street, San Francisco 4, Calif.
Hamburg-Amerika Linie (Hamburg American Line), United States Navigation Co., Inc., General Agents, 17 Battery Place, New York 4, N.Y.
Hanseatic-Vassa Line, Williams Dimond & Co., General Agents, 215 Market Street, San Francisco 5, Calif.
"Italia" Societa Per Azioni di Navigazione (Italian Line), 24 State Street, New York 4, N.Y.
Italnavi Societa di Navigazione per Azioni (Italnavi Line), Transmarine Navigation Corp., 655 South Flower Street, Los Angeles 17, Calif.
Mitsui Steamship Co., Ltd. (Mitsui Line), Mitsui Line Agencies, Inc., General Agents, 17 Battery Place, New York 4, N.Y.
Norddeutscher Lloyd (North German Lloyd), United States Navigation Co., Inc., General Agents, 17 Battery Place, New York 4, N.Y.
N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-American Line), 32 Broadway, New York 6, N.Y.
Fred. Olsen & Co. (Fred. Olsen Line), Fred. Olsen Line Agency, Ltd., General Agents, 465 California Street, San Francisco 4, Calif.
Rederiaktiebolaget Nordstjernan (Johnson Line), Grace Line Inc., General Agents, 3 Hanover Square, New York, N.Y.
Royal Mail Lines Ltd., 324 Sansome Street, San Francisco 4, Calif.
Sploena Plovba, Monitor/Steamship Agency, Inc., General Agents, 2 Pine Street, San Francisco 4, Calif.
States Marine Lines, 90 Broad Street, New York 4, N.Y.
Westfal-Larsen & Co., A/S (Interocean Line), 310 Sansome Street, San Francisco 4, Calif.
Zim Israel Navigation Co., Ltd., Mediterranean Agencies, Inc., 42 Broadway, New York, N.Y.

Isbrandtsen Steamship Co., a division of American Export Lines, Inc., 26 Broadway, New York 5, N.Y.

[F.R. Doc. 63-9957; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 1117]

PACIFIC COAST EUROPEAN CONFERENCE

Procedures for Hearing and Considering Shippers' Requests and Complaints; Amended Order of Investigation

The Pacific Coast European Conference, organized pursuant to Federal Maritime Commission Agreement No. 5200, is an association of common carriers by water operating from ports on the Pacific Coast of the United States to ports in the United Kingdom and Continental Europe, among others.

By Public Law 87-346 (75 Stat. 762, 764), section 15 of the Shipping Act, 1916 was amended to provide that:

The Commission shall disapprove any such agreement, after notice and hearing, on a finding * * * of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

Upon consideration of the said agreement and protests from shippers complaining of failure of the conference to acknowledge, reply to, or consider complaints they have registered with the conference, it appears that the conference may have failed or refused to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints, in violation of section 15 of the Shipping Act, 1916.

Therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission hereby institutes on its own motion an investigation to determine whether the Pacific Coast European Conference and its member lines have violated section 15 by failing or refusing to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints, and/or whether the conference agreement (F.M.C. No. 5200) should be disapproved because of such failure or refusal.

The Pacific Coast European Conference and its member lines named in Appendix A, attached, are hereby made respondents in this proceeding and the matter is assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner. A copy of this order shall be served upon all respondents and published in the FEDERAL REGISTER.

Any person, other than respondents, who desires to become a party to this proceeding and to participate herein, shall promptly notify the Secretary, Federal Maritime Commission, Washington 25, D.C., and shall file with the Secretary a petition for leave to intervene in accordance with rule 5(n) of the Commission's rules of practice and procedure on or before September 26, 1963.

All future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By order of the Commission.

[SEAL] THOMAS LISI, *Secretary.*

SEPTEMBER 10, 1963.

APPENDIX A

PACIFIC COAST-EUROPEAN CONFERENCE

[Pacific Coast-European Conference Tariff No. 13]

Members effective 9/1/62

Anglo Canadian Shipping Co., Ltd., 837 West Hastings Street, Vancouver 1, British Columbia, Canada.
Canadian Occidental Shipping Co., Ltd., 837 West Hastings Street, Vancouver 1, British Columbia, Canada.
Blue Star Line, Ltd. (Blue Star Line), The Blue Star Line, Inc., General Agents, Northern Life Tower, Seattle 1, Wash.
Canadian Transport Co., Ltd., 1199 West Pender Street, Vancouver 1, British Columbia, Canada.
Compagnie Generale Transatlantique (French Line), General Steamship Corp., Ltd., General Agents, 17 State Street, New York 4, N.Y.
d'Amico Societa di Navigazione per Azioni (d'Amico Mediterranean Pacific Line), J. H. Winchester and Co., Inc., General Agents, 351 California Street, San Francisco 4, Calif.
East Asiatic Co. Ltd. (The) (A/S Det Østasiatiske Kompagni East Asiatic Line), East Asiatic Co., Inc., General Agents, 465 California Street, San Francisco 4, Calif.
Furness, Withy & Co., Ltd., (Furness Line), 310 Sansome Street, San Francisco 4, Calif.
Hamburg-Amerika Linie (Hamburg American Line), United States Navigation Co., Inc., General Agents, 17 Battery Place, New York 4, N.Y.
Hanseatic-Vassa Line, Williams Dimond & Co., General Agents, 215 Market Street, San Francisco 5, Calif.
"Italia" Societa Per Azioni di Navigazione (Italian Line), 24 State Street, New York 4, N.Y.
Italnavi Societa di Navigazione per Azioni (Italnavi Line), Transmarine Navigation Corp., 655 South Flower Street, Los Angeles 17, Calif.
Mitsui Steamship Co., Ltd. (Mitsui Line), Mitsui Line Agencies, Inc., General Agents, 17 Battery Place, New York 4, N.Y.
Norddeutscher Lloyd (North German Lloyd), United States Navigation Co., Inc., General Agents, 17 Battery Place, New York 4, N.Y.
N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line), 32 Broadway, New York 6, N.Y.
Fred. Olsen & Co. (Fred. Olsen Line), Fred. Olsen Line Agency, Ltd., General Agents, 465 California Street, San Francisco 4, Calif.
Rederiaktiebolaget Nordstjernan (Johnson Line), Grace Line Inc., General Agents, 3 Hanover Square, New York, N.Y.
Royal Mail Lines, Ltd., 324 Sansome Street, San Francisco 4, Calif.
Splosna Plovba, Monitor Steamship Agency, Inc., General Agents, 2 Pine Street, San Francisco 4, Calif.
States Marine Lines, 90 Broad Street, New York 4, N.Y.
Westfal-Larsen & Co. A/S (Interocean Line), 310 Sansome Street, San Francisco 4, Calif.
Zim Israel Navigation Co., Ltd., Mediterranean Agencies, Inc., 42 Broadway, New York, N.Y.

Isbrandtsen Steamship Co., a division of American Export Lines, Inc., 26 Broadway, New York 5, N.Y.

[F.R. Doc. 63-9958; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 1141]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Bleaching Powder; Atlantic Coast Ports to Puerto Rico

It appearing, that there has been filed with the Federal Maritime Commission a tariff schedule naming increased rates of 65 cents per cubic foot or $1.53 per hundred pounds, whichever produces the greater revenue to the carrier, on bleaching powder from United States Atlantic Coast ports to ports in Puerto Rico to become effective September 3, 1963, designated as follows:

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Outward Freight Tariff No. 2, FMC-F No. 3 (Pan-Atlantic Steamship Corporation FMC-F Series), 3d Revised Page 91

and

It further appearing, that upon consideration of the said schedule, there is reason to believe that the said increased rates, if permitted to become effective, would result in rates, charges, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the new rates should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said rates should be suspended pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the proposed "Bleaching Powder" rates contained in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That the aforementioned rates on bleaching powder be, and they are hereby suspended and that the use thereof be, and it is hereby deferred to and including January 2, 1964, unless otherwise authorized by the Commission, and that the rates fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., Puerto Rican Division a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 3d day of January 1964, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Sea-Land Service, Inc., Puerto Rican Division be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

AUGUST 29, 1963.

[F.R. Doc. 63-9959; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 1139]

SOUTH ATLANTIC AND CARIBBEAN LINE, INC.

Rate Changes in the Puerto Rico/South Atlantic Trade

It appearing, that there have been filed with the Federal Maritime Commission by South Atlantic & Caribbean Line, Inc. a new Tariff No. 6, FMC-F. No. 6 to become effective September 4, 1963 which tariff cancels FMC-F No. 1 in part and names rates from Puerto Rico to Florida; and

It further appearing, that, the new tariff contains provisions which result in rate changes on commodities as hereafter named on the following pages:

Original page 6—Agricultural implements, other than hand, N.O.S. and parts; beverages, N.O.S.;
Original page 7—Cargo, N.O.S., Hazardous; Coconuts in bags not exceeding 8 cubic feet, and in half bags not exceeding 4 cubic feet;
Original page 13—Personal effects, in cases or crates;
Original page 14—Tobacco, leaf, in barrels, cases or crates; and

It further appearing, that upon consideration of the said tariff, there is reason to believe that the said changes, if permitted to become effective, would result in rates, charges, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the changes should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said change should be suspended pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the proposed changes contained in the said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That the rates on the aforementioned commodities be, and they are hereby suspended and that the use thereof be, and it is hereby deferred to and including January 3, 1964, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by South Atlantic & Caribbean Line, Inc. a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 4th day of January, 1964, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) South Atlantic & Caribbean Line, Inc. be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

AUGUST 29, 1963.

[F.R. Doc: 63-9960; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 1132; Tariff No. 832; FMC-F No. 114]

ALASKA STEAMSHIP CO.

First Supplemental Order

It appearing, that by order dated August 1, 1963 the Commission instituted an investigation into and concerning the lawfulness of Alaska Steamship Company Tariff No. 832, FMC-F No. 114 and made Alaska Steamship Company respondent in this proceeding; and

It further appearing, that Alaska Steamship Company has filed with the Federal Maritime Commission 1st Revised Page No. 41 to the aforementioned tariff to become effective September 5, 1963, naming increased rates on "Cigars, Cigarettes, Tobacco and Snuff" between Seattle and Tacoma, Washington and ports in Southeastern Alaska; and

It further appearing, that upon consideration of the said schedule there is reason to believe that the said increased rates if permitted to become effective, would result in rates, and/or charges, which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the tariff revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said revisions should be suspended pending such investigation;

Now therefore it is ordered, That, this proceeding be, and it is hereby, expanded to include, in addition to matters generally now under investigation herein, a specific investigation into and a hearing concerning the proposed changes with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That Item No. 335, on 1st Revised Page 41 of the aforementioned tariff be, and it is hereby suspended, and that the use thereof be, and it is hereby deferred to and including January 4, 1964, unless otherwise authorized by the Commission, and that the rates, and/or charges, heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further order, That there shall be filed immediately with the Commission by Alaska Steamship Company a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 5th day of January 1964, unless otherwise authorized by the Commission; and that the rate heretofore in effect, and which was to be changed by the suspended rate shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) a copy of this order shall forthwith be served upon the respondent; (III) the said respondent be duly notified of the time and place of the hearing herein ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-9955; Filed, Sept. 17, 1963; 8:47 a.m.]

[Docket No. 1140]

MATSON NAVIGATION CO. ET AL.

Reduced Pineapple Rates; Hawaii/U.S. Atlantic and Gulf Trade

It appearing, that there has been filed with the Federal Maritime Commission a tariff schedule resulting in reduced rates on "Pineapple, fresh, refrigerated but not frozen" to become effective September 1, 1963, designated as follows: Matson Navigation Company, Freight Tariff No. 3-P, FMC-F No. 124, Fifth Revised Page 22; and

It further appearing, that Isthmian Lines, Inc. and United States Lines Company (American Pioneer Line) are named as participating carriers in the aforementioned tariff; and

It further appearing, that upon consideration of the said schedule, there is reason to believe that the said reduced rates, if permitted to become effective, would result in rates, charges, regulations and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the tariff revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said revisions should be suspended pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the proposed pineapple rates contained in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That the rates of $3.84 and $3.72 in Item No. 145 on Fifth Revised Page 22, be and they are hereby suspended and that the use thereof be, and it is hereby deferred to and including December 31, 1963, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Matson Navigation Company a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 1st day of January, 1964, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered is assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Matson Navigation Company, Isthmian Lines, Inc. and United States Lines Company (American Pioneer Lines) be and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon said respondents; (IV) the said respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

AUGUST 30, 1963.

[F.R. Doc. 63-9956; Filed, Sept. 17, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR61-2 etc.]

AREA RATE PROCEEDING ET AL.

Erratum Notice

SEPTEMBER 5, 1963.

Area Rate Proceeding, Docket No. AR61-2; Amerada Petroleum Company, et al., Docket Nos. RI62-505, et al.

In the order redesignating proceedings, severing certain rate suspension and certificate proceedings, adding and deleting respondents, and consolidating proceedings, issued August 30, 1963 and published in the FEDERAL REGISTER on September 6, 1963 (F.R. Doc. 63-9528; 28 F.R.-9796-9799) in revised Appendix C, page 9798, near bottom of page delete "Southeastern Public Service Company, RI63-361**".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9926; Filed, Sept. 17, 1963; 8:45 a.m.]

[Docket Nos. G-3000 etc.]

EDWIN G. BRADLEY

Erratum Notice

SEPTEMBER 6, 1963.

Edwin G. Bradley (formerly J. M. Huber Corporation), et al., Docket Nos. G-3000, et al.; Cenard Oil & Gas Co. (formerly Chicago Stock Research Company (Operator), et al.), Docket No. G-6256.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued August 12, 1963 and published in the FEDERAL REGISTER August 17, 1963 (F.R. Doc. 63-8759; 28 F.R. 8479-8480) in the Chart, line 11, Docket No. G-6526, change the price to read "23.25¢" in lieu of "25.25¢".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9927; Filed, Sept. 17, 1963; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DENVER U.S. BANCORPORATION, INC.

Order Granting Request for Oral Argument

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colorado, pursuant to section 3 of the Bank Holding Company Act of 1956 (BHC-68).

Protesting Banks in the above-entitled matter having requested that the same be set down for oral argument before the Board; the Board having considered fully Applicant's reply to the said request for oral argument, *It is ordered*, That Protesting Banks' request be, and it hereby is, granted.

It is further ordered, That said oral argument shall be public and shall be held commencing at 10 a.m. on September 20, 1963, in Room 1202 of the Federal Reserve Building, 20th and Constitution Avenue NW., Washington, D.C.; that participation in the oral argument shall be limited to counsel for Protesting Banks and Applicant, and to representatives of appropriate governmental authorities.

Dated at Washington, D.C., this 12th day of September 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-9936; Filed, Sept. 17, 1963; 8:45 a.m.]

FIRST COLORADO BANKSHARES, INC.

Order Granting Request for Oral Argument

In the matter of the application of First Colorado Bankshares, Inc., Englewood, Colorado, pursuant to section 3 of the Bank Holding Company Act of 1956 (BHC-69).

Protesting banks in the above-entitled matter having requested that the same be set down for oral argument before the Board; the Board having considered fully Applicant's reply to the said request for oral argument, *It is ordered*, That protesting Banks' request be, and it hereby is, granted.

It is further ordered, That said oral argument shall be public and shall be held commencing at 2 p.m. on September 20, 1963, in Room 1202 of the Federal Reserve Building, 20th and Constitution Avenue, NW., Washington, D.C.; that participation in the oral argument shall be limited to counsel for protesting banks and applicant, and to representatives of appropriate governmental authorities.

Dated at Washington, D.C., this 12th day of September 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-9937; Filed, Sept. 17, 1963; 8:45 a.m.]

OTTO BREMER CO.

Order Granting Determination Under Bank Holding Company Act

In the matter of the application of Otto Bremer Company for a determination pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (Docket No. BHC-70).

The Otto Bremer Company, St. Paul, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. sec. 1841(a)), has filed a request for a determination by the Board of Governors of the Federal Reserve System that six corporations proposed to be formed and their activities are of the kind described in section 4(c)(6) of the Act and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to acquisition and retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

The proposed corporations as to which a determination is requested are: Alex State Agency, Inc., Alexandria, Minnesota, Detroit State Agency, Inc., Detroit Lakes, Minesota, Farmers & Merchants Breckenridge Agency, Inc., Breckenridge, Minnesota, Lisbon Insurance Agency, Inc., Lisbon, North Dakota, Polk County State Agency, Inc., Crookston, Minnesota, and Walsh County Insurance Agency, Inc., Grafton, North Dakota.

A hearing was ordered pursuant to section 4(c)(6) of the Act and conducted in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y and with the provisions of the Board's rules of practice for formal hearings (12 CFR 263). On August 9, 1963, the Hearing Examiner filed his report and recommended decision[1] wherein he recommended that the request with respect to the said six corporations be approved, and the time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner has expired and no exceptions or brief have been filed. The Board, having given due consideration to all relevant aspects of the matter, hereby adopts the findings of fact, conclusions of law, and recommendations as set forth in the Hearing Examiner's report and recommended decision. Accordingly,

It is hereby ordered, On the basis of the findings of fact and conclusions of law hereinbefore adopted, that Alex State Agency, Inc., Detroit State Agency, Inc., Farmers & Merchants Breckenridge Agency, Inc., Lisbon Insurance Agency, Inc., Polk County State Agency, Inc., and Walsh County Insurance Agency, Inc., and their activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to the said six corporations shall be, and hereby is, granted: *Provided*, That this determination shall be subject to revocation by the Board if the facts upon which it is based should substantially change in such a manner as to make the reasons for such determination no longer applicable.

Dated at Washington, D.C., this 11th day of September 1963.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-9928; Filed, Sept. 17, 1963; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Robertson, Shepardson, and King. Absent and not voting: Governors Mills and Mitchell.

SMALL BUSINESS ADMINISTRATION

[Disaster Area 446]

PENNSYLVANIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Elk County in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended,

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about September 3, 1963.

OFFICES

Small Business Administration Regional Office, 1015 Chestnut Street, Philadelphia, Pa.

Small Business Administration Branch Office, 107 Sixth Street, Pittsburgh, Pa.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent March 31, 1964.

Dated: September 4, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63-9933; Filed, Sept. 17, 1963; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR ET AL., REGION V (FORT WORTH)

Designations

The officers appointed to the following listed positions in Region V (Fort Worth), are hereby designated to serve as Acting Regional Administrator, Region V, during the absence of the Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Regional Director of Urban Renewal.
4. Regional Director of Community Facilities.
5. Director, Community Requirements Branch.

The officers appointed to the positions in Region V (Fort Worth) listed under 1, 2, and 3 below are hereby designated to serve as the Acting Regional Director as specified below during the absence of the Regional Director of Community Facilities, the Regional Director of Urban Renewal, or the Regional Director of Administration, respectively, with all the powers, functions, and duties redelegated or assigned to the respective Regional Director, provided that no officer is authorized to serve as Acting Regional Director unless all other officers who titles precede his in the respective designations below are unable to act by reason of absence:

1. Acting Regional Director of Community Facilities:
   a. Deputy Regional Director of Community Facilities.
   b. Chief, Public Facilities Operations Staff.
2. Acting Regional Director of Urban Renewal:
   a. Deputy Regional Director of Urban Renewal.
   b. Assistant Regional Director for Special Programs, Urban Renewal Branch.
   c. Chief, Operations Staff, Urban Renewal Branch.
   d. Fiscal Management Officer, Urban Renewal Branch.
3. Acting Regional Director of Administration:
   a. Head, Budget and Management Section, Administrative Branch.

This designation supersedes the designation effective May 30, 1963 (Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319)) (28 F.R. 5399, May 30, 1963).

Effective as of the 1st day of August 1963.

[SEAL] W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 63-9951; Filed, Sept. 17, 1963; 8:46 a.m.]

TARIFF COMMISSION

CARPETS AND RUGS

Report to the President

SEPTEMBER 13, 1963.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d)(1) of the Trade Expansion Act of 1962, on developments in the trade in Wilton and velvet carpets and rugs. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamations dated March 19 and 27, 1962, increased the rate of duty on Wilton and velvet carpets and rugs, effective after the close of business on June 17, 1962. Section 351(d)(1) of the Trade Expansion Act of 1962 provides that—

So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report issued today presents statistical data and other information with respect to Wiltons and velvets, with emphasis on developments that have occurred since the Commission reported to the President in August and December 1961 on its escape-clause investigation of such carpets and rugs.

Copies of the Commission's report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW, Washington, D.C., 20436.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 63-9938; Filed, Sept. 17, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 13, 1963:

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 19952 (extension) filed August 2, 1963, published in FEDERAL REGISTER issue, August 14, 1963, extended September 4, 1963, and republished as extended this issue. Applicant: ELLIS B. WEBSTER, 400 East Fourth Street, Leadville, Colo. Applicant's attorney: John H. Lewis, 1650 Grant Street Building, Denver, Colo., 80203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (1) *timber, steel, steel sets, mine supplies and miscellaneous supplies,* from Red Cliff and Leadville, Colo., to the sites both east and west portals of the Homestake Tunnel project, one portal being in Lake County, Colo., and one portal being in Pitkin County, Colo., and (2) *household goods,* between points within a ten (10) mile radius of Leadville, Colo.

NOTE: Applicant states authority is sought in (1) above to transport the same commodities between the same points in interstate as well as intrastate commerce, however, in (2), only intrastate authority is sought. The purpose of this republication is to add (2), show territorial scope sought in (1) and (2), and indicate the ½ hour change in hearing time.

HEARING: September 19, 1963, at 10:30 a.m., in Room 532, State Services Building, 1525 Sherman Street, Denver, Colo.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Colorado Public Utilities Commission, State Services Building, 1525 Sherman Street, Denver 3, Colo., and should not be directed to the Interstate Commerce Commission.

State Docket No. 71-174-M, filed July 26, 1963. Applicant: J & H TRUCK LINES, INC., 1442 North Hillside, Wichita, Kans. Applicant's representative: Middlewest Motor Freight Bureau, Agent, Post Office Drawer 647, Kansas City 41, Mo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, Kans., and Coffeyville, Kans., serving to, from and between all intermediate points, from Wichita, Kans., thence southeasterly via Kansas Highway 15 to Udall, Kans., thence south via County Road No. 3, to its intersection with U.S. Highway 160, thence via U.S. Highway 160 to its intersection with U.S. Highway 169, approximately seven (7) miles east of Independence, Kans., thence south via U.S. Highway 169 to its intersection with U.S. Highway 166, at Coffeyville, Kans., thence west via U.S. Highway 166 to its intersection with U.S. Highway 77 at Arkansas City, Kans., thence north via U.S. Highway 77 to Winfield, Kans., and return over the same route; and (2) from Arkansas City, Kans., thence west via U.S. Highway 166 to its intersection with Interstate Highway 35, thence north via Interstate Highway 35 to Wichita, Kans., as an alternate route for operating convenience only. This applicant seeks concurrent motor carrier authorization in interstate or foreign commerce under section 206(a)(6) of the Interstate Commerce Act as amended October 15, 1963.

HEARING: October 30 and 31, 1963, at 10:00 a.m., in the Donahoe Hotel, 100 North Summit, Arkansas City, Kans.

Request for procedural information, including the time for filing protests, concerning this application should be addressed to the Kansas State Corporation Commission, State Office Building, Motor Carrier Division, Topeka, Kans., and should not be addressed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-9946; Filed, Sept. 17, 1963; 8:46 a.m.]

[Notice No. 271]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 13, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 11), HELM'S EXPRESS, INC., 1010 Lincoln Highway, West Irwin, Pa., filed September 5, 1963. Attorney: Richard J. Smith, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and unnumbered Pennsylvania four lane highway known as the Downingtown-Coatesville Bypass west of Coatesville, Pa. over said Downingtown-Coatesville Bypass to junction U.S. Highway 30 east of Downingtown, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between junction U.S. Highway 30 and said Dowingtown-Coatesville Bypass over U.S. Highway 30 through Coatesville, and Downingtown, to junction with Downingtown-Coatesville Bypass.

No. MC 21170 (Deviation No. 2), BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa, filed September 3, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 20 to Waterloo, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over pertinent service routes as follows: From Chicago over Illinois Highway 64 to St. Charles, Ill., thence over Illinois Highway 31 to Geneva, Ill., thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 30 to Kearney, Nebr.; from Waterloo over U.S. Highway 218 to Iowa City, Iowa, and return over the same routes.

No. MC 65580 (Deviation No. 1), MUSHROOM TRANSPORTATION COMPANY, INC., 6921 Castor Avenue, Philadelphia, Pa., filed September 6, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over the Pennsylvania Turnpike to junction the Pennsylvania Turnpike North East Extension, thence over the Pennsylvania Turnpike North East Extension to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 90 (New York Thruway), thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Philadelphia, thence over U.S. Highway 309 to Wilkes Barre, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 5 to Elbridge, N.Y., thence over New York Highway 31-C to Jordan, N.Y., thence over New York Highway 31 to Rochester, N.Y., thence over New York Highway 33 via Batavia, N.Y., to Buffalo (also from Syracuse, N.Y. over New York Highway 5 to Batavia, and thence to Buffalo, as specified above), and return over the same route.

No. MC 106943 (Deviation No. 5), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., filed September 1, 1963. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Davenport, Iowa, over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over pertinent service route as follows: From Peoria, Ill., over U.S. Highway 150 to Galesburg, Ill., from Galesburg over U.S. Highway 150 to Moline, Ill.; from Peoria over U.S. Highway 24 to Chenoa, Ill., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway south of Pontiac, Ill. (formerly U.S. Highway 66), thence over

unnumbered highway via Pontiac to junction U.S. Highway 66, thence over U.S. Highway 66 to Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill.; from Peoria over Illinois Highway 116 to Pontiac, thence to Chicago as specified immediately above; from Annawan, Ill., over U.S. Highway 6 to Sheffield, Ill.; from Sheffield over U.S. Highway 34 to Chicago; from Chicago over Illinois Highway 1A (formerly Illinois Highway 1) to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30N, east of Delphos, Ohio, thence over U.S. Highway 30N to Beaver Dam, Ohio; from Beaver Dam over U.S. Highway 30N to Mansfield, Ohio, thence over U.S. Highway 30 via Pittsburgh, Pa., to Irwin, Pa., thence over the Pennsylvania Turnpike to junction U.S. Highway 11 (Middlesex Toll Gate), thence over U.S. Highway 11 to Harrisburg, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Deviation No. 1), CONTINENTAL SOUTHERN LINES, INC., Box 4407, Alexandria, La., filed September 6, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highways 64 and 70, over U.S. Highway 70 to junction Interstate Highway 40 (approximately 2 miles east of Union, Tenn.), thence over Interstate Highway 40 to junction Tennessee Highway 20 (approximately 4 miles northwest of Jackson), thence over Tennessee Highway 20 to Jackson, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction U.S. Highways 64 and 70 over U.S. Highway 64 to Whiteville, Tenn., thence over Tennessee Highway 100 to junction Tennessee Highway 18, thence over Tennessee High way 18 to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-9947; Filed, Sept. 17, 1963; 8:46 a.m.]

[Notice No. 561]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 13, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 o'clock a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 137), filed August 15, 1963. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank truck vehicles, from Port Arthur, Tex., to points in Arkansas, Kentucky and Tennessee.

NOTE: Common control may be involved.

HEARING: October 18, 1963, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner William J. Cave.

No. MC 2202 (Sub-No. 252), filed May 27, 1963. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Applicant's representative: P. G. Whitmore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrisburg, Pa., and Baltimore, Md., from Harrisburg over U.S. Highway 111 to Baltimore, and return over the same route, serving York, Pa., as an intermediate point.

HEARING: October 25, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Gerald F. Colfer.

No. MC 25798 (Sub-No. 101), filed September 4, 1963. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

HEARING: October 16, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 25798 (Sub-No. 102), filed September 4, 1963. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Kentucky, North Carolina, South Carolina, Alabama, Florida, Tennessee (except Memphis Commercial Zone), Mississippi, Louisiana, and Georgia.

HEARING: October 16, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 11220 (Sub-No. 82), filed August 23, 1963. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore, Memphis, Tenn. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), between Savannah, Tenn., and Florence, Ala., from Savannah over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 to Florence, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations.

NOTE: Applicant states that no service will be rendered at Florence; service at such point is to be restricted to joinder only with applicant's presently authorized regular routes. Common control may be involved.

HEARING: October 24, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106.

No. MC 15735 (Sub-No. 20), filed August 7, 1963. Applicant: ALLIED VAN LINES, INC., 25th Avenue at Roosevelt Road, Broadview, Ill. Applicant's attorney: Gerald M. Robison, 1725 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Voting machines*, from points in New York to points in the United States.

NOTE: Applicant states voting machines to be serviced or repaired at their point of manufacture within the State of New York will be transported on return.

HEARING: October 25, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Garland E. Taylor.

No. MC 19201 (Sub-No. 120), filed July 24, 1963. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh 20, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building (Post Office Box 432), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Coal*, having an immediately prior movement by rail in rail car, from Retsof, N.Y., to Sonyea, N.Y., from the property of the Genesee & Wyoming Railroad at or near Retsof, N.Y., over unnumbered highway (Retsof Road) to junction New York Highway 63, thence over New York Highway 63 to junction New York Highway 36, thence over New York Highway 36 to the site of Craig Colony (New York State Hospital) at Sonyea, N.Y., and return over the same route, serving no intermediate points.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in MC 118779; therefore, dual operations may be involved.

HEARING: November 8, 1963, at the Federal Building, Albany, N.Y., before Examiner Garland E. Taylor.

No. MC 28573 (Sub-No. 23), filed August 23, 1963. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags and in bulk, from stations and cement storage facilities situated on applicant's lines of railroad at points in Wisconsin, Minnesota, North Dakota, Montana, and Idaho, to points within twenty-five (25) air miles of those lines, and *rejected shipments* or *returned shipments*, of cement on return.

NOTE: Applicant states the proposed service will be limited to service which is auxiliary to or supplemental of applicant's rail service. It is further noted that common control may be involved.

HEARING: September 30, 1963, in Room 393, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Wm. N. Culbertson.

No. MC 46280 (Sub-No. 51), filed May 17, 1963. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between the plant site of the DeVilbiss Company, located in Van Buren Township, Belleville, Wayne County, Mich., on the one hand, and, on the other, Omaha, Nebr., Louisville, Ky., St. Louis, Mo., Evansville and Vincennes, Ind., and points in Indiana on and north of U.S. Highway 40, those in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, and thence along U.S. Highway 24 to the Illinois-Missouri State line, those in Iowa on and east of U.S. Highway 65, those in Minnesota on, east, and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to Minneapolis, Minn. and from Minneapolis along U.S. Highway 12 to the Minnesota-Wisconsin State line, and those in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., and thence along U.S. Highway 141 to Lake Michigan at Manitowoc, Wis.

HEARING: October 29, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 50069 (Sub-No. 269), filed June 19, 1963. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana, Illinois, Wisconsin, Missouri, Iowa, and Michigan.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 52458 (Sub-No. 176), filed July 10, 1963. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana, Illinois, Wisconsin, Missouri, Iowa, and Michigan.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 61403 (Sub-No. 98), filed September 11, 1963. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn., Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and dry fertilizer materials and ingredients, and dry chemicals*, in bulk, and hopper vehicles, and *returned and rejected shipments*, between points in Chatham, Floyd, Fulton, and Polk Counties, Ga.; Brunswick, Durham, Forsyth, Guilford, Johnston, Lenoir, Martin, Mecklenburg, New Hanover, and Vance Counties, N.C.; Charleston, Chester, Darlington, Greenville, Richland, and Spartanburg, Counties, S.C.; Greene, Hamilton, Knox, and Washington Counties, Tenn.; Amherst, Campbell, Henrico, Nansemond, Norfolk, Pittsylvania, and Prince George Counties, Va.; and Chesapeake City, Va., on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *dry fertilizer*, in bulk, in tank and hopper vehicles, and *returned and rejected shipments*, between points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Common control may be involved.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 69116 (Sub-No. 76), filed September 8, 1963. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Household Goods*, 17 M.C.C. 476, commodities in bulk, commodities requiring special equipment or those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular-route operation.

HEARING: September 26, 1963, in Room 709, U.S. Appraiser's Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 72243 (Sub-No. 12), filed August 1, 1963. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., Warren, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in New York, Pennsylvania, West Virginia, Ohio, and Chicago, Ill., and points in the Chicago, Ill., Commercial Zone (as defined in 1 M.C.C. 673), and Portage, Ind., on the one hand, and, on the other, points in Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, South Carolina, North Carolina, Virginia, and that portion of Florida on and north of a line beginning at Melbourne, Fla., thence west on U.S. Highway 192 to its junction with U.S. Highways 17 and 92; thence west on U.S. Highway 92 to the West Coast of Florida ending at St. Petersburg, Fla.

HEARING: November 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 73165 (Sub-No. 175) (AMENDMENT), filed June 2, 1963, published in FEDERAL REGISTER August 28, 1963, amended September 5, 1963, and republished as amended this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 1001 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Board, building wall or insulating, including, but not limited to, fibreboard or pulpboard, made of vegetable wood or mineral fibres, mineral or mineral and wood fibres or vegetable fibres combined, ceiling or wall mouldings, panels or ornaments, boards or sheets, made from sugar cane bagasse with added resin binder*, and (2) *asbestos wall boards, asphalt siding, and asphalt expansion joints, either building, paving or roofing*, (a) from New Orleans, Armant, Marrero, La., and Johnsville, Miss., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Mississippi, Ohio, and Tennessee, and (b) from Largo and Wabash, Ind., and Waukegan, Ill., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee, and (3) *only empty container or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above, on return.

NOTE: The purpose of this republication is to include Johnsville, Miss., as an origin point.

HEARING: Remains as assigned October 14, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Samuel Horwich.

No. MC 73165 (Sub-No. 177), filed July 31, 1963. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 1001 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked-down, and in sections, *including all component parts, materials, supplies, and fixtures*, and (2) *materials and accessories* used in the erection, construction and completion of buildings, from Eufaula, Ala., to points in Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas.

HEARING: November 1, 1963, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Theodore M. Tahan.

No. MC 74857 (Sub-No. 9), filed May 9, 1963. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: David A. Caldwell, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump trucks, (1) from points in Hamilton County, Ohio, to points in Kentucky, points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Henry, Jackson, Jefferson, Jennings, Johnson, Lawrence, Marion, Monroe, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind., and points in Adams, Brown, Butler, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Pickaway, Pike, Ross, Scioto, and Warren Counties, Ohio, and (2) from points in Kentucky, points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Henry, Jackson, Jefferson, Jennings, Johnson, Lawrence, Marion, Monroe, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind., and points in Adams, Brown, Butler, Clark, Clermont, Clinton, Drake, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Pickaway, Pike, Ross, Scioto, and Warren Counties, Ohio, to points in Hamilton County, Ohio, and *refused and rejected shipments*, on return in (1) and (2) above.

NOTE: Applicant states that the proposed operation will be for the account of Cargill, Inc.

HEARING: October 31, 1963, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 74857 (Sub-No. 10), filed July 18, 1963. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump trucks, and *refused and rejected shipments*, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Henry, Jackson, Jefferson, Jennings, Johnson, Lawrence, Marion, Monroe, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind., points in Anderson, Bath, Boone, Bourbon, Bracken, Campbell, Carroll, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Kenton, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rockcastle, Rowan, Scott, Shelby, Trimble, and Woodford Counties, Ky., and points in Adams, Brown, Butler, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Pickaway, Pike, Ross, Scioto, and Warren Counties, Ohio.

NOTE: Applicant states it presently has authority to serve the requested areas for the accounts of Diamond Crystal Salt Co., International Salt Company, Incorporated and Morton Salt Company, under Docket No. MC 74857 Sub 4. The purpose of this application is to request authority to serve the same areas for the account of Hardy Salt Co., or in the alternative, to request authority to serve the described areas without restriction as to shippers.

HEARING: October 31, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Gerald F. Colfer.

No. MC 85231 (Sub-No. 7), filed May 3, 1963. Applicant: FRANK WILLIAMS TRANSFER & STORAGE CO., a corporation, 204 Franklin, Mansfield, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers' goods, kitchen machinery and appliances, refrigerators, freezers and combination refrigerator-freezers*, (a) between Mansfield, Ohio, on the one hand, and, on the other, points in Kentucky (except Louisville), Michigan (except Detroit), Missouri (except St. Louis), Tennessee and Wisconsin, and (b) between Murray, Ky., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, (2) *refrigerators, freezers and combination refrigerator-freezers*, from Galesburg, Ill., to Murray, Ky., and (3) *stove parts and dies used in the manufacture of stove parts*, between Murray, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE: Applicant states the transportation of the items named in (1) above will be limited to transportation with stoves and stove parts. Applicant also states that it presently holds authority to transport stoves and stove parts between the same points named in (1) above and that it is seeking no duplicate authority.

HEARING: October 29, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Gerald F. Colfer.

No. MC 94350 (Sub-No. 26), filed September 9, 1963. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, in truckaway service, from points in Pennsylvania, to points in the United States, including Alaska, but excluding Hawaii, and *damaged and rejected shipments*, on return.

HEARING: October 14, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 95540 (Sub-No. 546), filed August 5, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *essence of fruits and berries* from points in New York located on and west of New York Highway 26 to points in Colorado, Iowa, Kansas, Kentucky, Minnesota, Michigan, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Louis G. LaVecchia.

No. MC 96485 (Sub-No. 6), filed August 2, 1963. Applicant: MELVIN J. ROBINSON, Colden, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys*, from Niagara Falls, N.Y., to Hamburg, N.Y., (2) *alloys and refractories*, from points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Geauga, Guernsey, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Muskingum, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa., and those in the Lower Peninsula of Michigan, to points in Erie and Niagara Counties, N.Y., and (3) *alloys and refractories*, from Niagara Falls, N.Y., to points in the Lower Peninsula of Michigan.

NOTE: Applicant states it proposes to operate over routes wholly within the United States, and also over routes which will traverse Canada, where feasible. Duplicating authority is not requested.

HEARING: October 22, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Garland E. Taylor.

No. MC 102616 (Sub-No. 731), filed August 5, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and sea animal oils, castor oil* (not medicinal), *soybean oil, foots and sediment oils, foundry core oils* (other than petroleum), and *other animal and vegetable oils*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: October 31, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 103378 (Sub-No. 270), filed September 3, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from points in Twiggs, Wilkinson, and Washington Counties, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee.

HEARING: October 23, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Theodore M. Tahan.

No. MC 105187 (Sub-No. 10), filed June 19, 1963. Applicant: CHARLES FARKAS, 100 Parkway, McKeesport, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from Pittsburgh, Pa., to points in New York, New Jersey, and Maryland, and *empty containers or other such incidental facilities* (not specified), used in transporting fresh meats, on return.

HEARING: October 23, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Gerald F. Colfer.

No. MC 105813 (Sub-No. 103), filed September 9, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Kentucky, North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee (except Memphis Commercial Zone), Mississippi, and Louisiana.

NOTE: Common control may be involved.

HEARING: October 16, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 105886 (Sub-No. 10) (CLARIFICATION), filed July 31, 1963, published FEDERAL REGISTER issue of September 5, 1963, and republished, as clarified, this issue. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (limited to *high temperature bonding mortar, magnesite* and *dolomite*), *lime* and *lime products* and *limestone* and *limestone products*, from New Beaver Borough, Lawrence County, Pa., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and *empty containers* incidental to the outbound transportation described above, on return.

NOTE: The purpose of this republication is to clarify the commodity description.

HEARING: Remains as assigned October 18, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 107002 (Sub-No. 177), filed August 15, 1963. Applicant: W. M. CHAMBERS TRUCK LINE, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Georgia, Kentucky, and Tennessee.

HEARING: October 31, 1963, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Theodore M. Tahan.

No. MC 107107 (Sub-No. 283), filed September 9, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressings*, in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in Alabama (except Birmingham), Georgia, Florida, South Carolina, North Carolina, Tennessee (except Nashville and Memphis), Indiana, Ohio, Michigan, and Kentucky.

HEARING: October 14, 1963, at the Baker Hotel, Dallas, Tex., before Examiner William J. Cave.

No. MC 107403 (Sub-No. 468), filed May 7, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from Millersville, Ohio, to points in Indiana and Michigan.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 107403 (Sub-No. 469), filed May 7, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, lime products, limestone and limestone products*, from points in Ottawa and Sandusky Counties, Ohio, to points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania.

NOTE: Common control may be involved.

HEARING: October 30, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Gerald F. Colfer.

No. MC 107403 (Sub-No. 483), (AMENDMENT), filed July 30, 1963, published FEDERAL REGISTER issue September 5, 1963, and republished as amended this issue. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions* (not including phosphoric acid), in bulk, in tank vehicles, from the plant site of Monsanto Chemical Company in Trenton, Mich., to points in Illinois, Indiana, and Ohio.

NOTE: The purpose of this republication is to specify the origin point as "the plant site of Monsanto Chemical Company", in Trenton, Mich.

HEARING: Remains as assigned October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 107403 (Sub-No. 490), filed August 15, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Melamine*, in bulk, from Carteret, N.J., to points in Ohio.

HEARING: November 7, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 107403 (Sub-No. 492), filed August 12, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Tallow and animal fats* (stabilized), in bulk, in tank vehicles, from points in Harford County, Md., to points in Delaware.

HEARING: November 1, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 40.

No. MC 107403 (Sub-No. 495), filed August 20, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper vehicles, from Wallingford, Conn., to points in Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, South Caro-

lina, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: October 28, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 107515 (Sub-No. 450), filed August 1, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Peaches*, chilled in glass, and (b) *peaches*, not chilled and not frozen in metal cans, in vehicles equipped with mechanical refrigeration, from Concord, Ga., to points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Maryland, Missouri, New York, Ohio, New Jersey, Pennsylvania, Tennessee, Virginia, West Virginia, Texas, Oklahoma, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Michigan, South Dakota, and the District of Columbia.

HEARING: October 24, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Theodore M. Tahan.

No. MC 107515 (Sub-No. 454), filed August 20, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* from Atlanta, Ga., to points in Virginia.

NOTE: Common control may be involved.

HEARING: November 5, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 107515 (Sub-No. 456), filed August 27, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Atlanta, Ga., to points in New York, Pennsylvania, Maryland, New Jersey, Delaware, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: November 5, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 107541 (Sub-No. 12), filed August 22, 1963. Applicant: MAGEE TRUCK SERVICE, INC., Post Office Box 67, Klickitat, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and beams* (including boards or sheets, sawdust or ground wood, compressed with added resin), between Oakridge, Eugene, Springfield, Cottage Grove, Roseburg, Bend, Madras, Molalla, Portland, and Coos Bay, Oreg., on the one hand, and, on the other, Vancouver, Longview, Moses Lake, Spokane, Wenatchee, Tacoma, Kent, Renton, Seattle, and Everett, Wash.

HEARING: October 30, 1963, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 107541 (Sub-No. 13), filed August 22, 1963. Applicant: MAGEE TRUCK SERVICE, INC., Post Office Box 67, Klickitat, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Box shooks*, from Klickitat, Wash., to Salinas, Calif., and *rejected shipments*, on return.

HEARING: October 28, 1963, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 107818 (Sub-No. 29), filed June 10, 1963. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats, canned foods and dairy products, including poultry and margarine*, from St. Paul, Minn., Chicago, Ill., and points in Wisconsin, to points in Florida, Georgia, South Carolina, Alabama, and Tennessee. RESTRICTIONS: (1) Service from St. Paul, Minn., will be limited to the transportation of shipments which are to be stopped at one or more points in Wisconsin to complete loading. (2) Service from Chicago, Ill., will be limited to transportation of shipments which originate at one or more points in Wisconsin and will stop at Chicago to complete loading only. (3) Service to points in Alabama, Tennessee, and South Carolina will be limited to transportation of shipments to partially unload with final destinations in Florida and/or Georgia.

HEARING: November 6, 1963, at the Midland Hotel, Chicago, Ill. before Examiner James A. McKiel.

No. MC 108428 (Sub-No. 14), filed August 6, 1963. Applicant: DINO D'AGATA, Northeast corner 25th and Dickinson Streets, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Post Office Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from New York, N.Y., to Lancaster, Pa., and empty *containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: November 8, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 108449 (Sub-No. 167), filed August 29, 1963. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and chemicals*, from Cordova, Ill., and points within 10 miles thereof, to points in Iowa, Nebraska, Missouri, Kentucky, Minnesota, Indiana, Michigan, Kansas, Wisconsin, Illinois, North Dakota, and South Dakota.

NOTE: Applicant states that Moore Freight, Inc., MC 17481 is a wholly owned subsidiary.

HEARING: October 15, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 109154 (Sub-No. 5), filed June 12, 1963. Applicant: CHESTER BAYLOR, Route 1, Box 33, Milan, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture crated and uncrated*, from Milan, Ind., to points in Tennessee, Arkansas, Texas, Missouri, Kansas, Colorado, Iowa, Minnesota, Wisconsin, Pennsylvania, New York, New Jersey, Connecticut, Virginia, and Maryland, and *rejected shipments of new furniture and materials and supplies used in the manufacture, production, packing and crating of new furniture*, on return, and (2) *new furniture*, crated, from Milan, Ind., to points in Illinois, Michigan, Ohio, West Virginia, and Kentucky.

HEARING: October 29, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner W. Elliott Neffen.

No. MC 109478 (Sub-No. 64), filed April 25, 1963. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods), from Geneva, Ohio, to points in New York on and south of Lake Ontario to Pulaski, N.Y., and on and west of U.S. Highway 11 from Pulaski to the Pennsylvania-New York State line, and to points in Pennsylvania, on, north and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to Williamsport, Pa., and thence along U.S. Highway 220 to the Pennsylvania-Maryland State line.

HEARING: October 21, 1963, at the Cleveland Statler Hilton, Cleveland, Ohio, before Examiner James A. McKiel.

No. MC 109478 (Sub-No. 66), filed July 12, 1963. Applicant: WORSTED MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, (1) from North East, Pa., and points in that portion of Chautauqua County, N.Y., within 5 miles of the shore of Lake Erie, to points in Massachusetts,

Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia, (2) from North Girard, Pa., to points in Indiana, Illinois, and the Lower Peninsula of Michigan, (3) from Buffalo, N.Y., to Pittsburgh and Scranton, Pa., Cleveland, and Columbus, Ohio, Boston, Mass., and New Haven, Conn., (4) from Westfield, N.Y., to New York, N.Y., (5) from North Girard, Pa., to points in West Virginia, (6) from North East, Pa., and Westfield, Brocton, and Silver Creek, N.Y., to points in Indiana, and Illinois, (7) from points in Erie County, Pa., to points in New York, and Ohio, (8) from points in Chautauqua and Erie Counties, N.Y., to points in Pennsylvania, and Ohio, (9) between Erie and North East, Pa., and Brocton, Silver Creek, and Westfield, N.Y., on the one hand, and, on the other, points in the Lower Peninsula of Michigan, (10) between joints in Pennsylvania on and north of U.S. Highway 20, on the one hand, and, on the other, points in that part of New York north and west of a line beginning at the Pennsylvania-New York state line and extending along U.S. Highway 20 to Geneva, N.Y., thence along New York Highway 14 to Lake Ontario, including points on the indicated portions of the highways specified, (11) between points in the New York and Pennsylvania territories specified in (10) above, on the one hand, and, on the other, Hartford and New Haven, Conn., Boston, Mass., Baltimore, Md., Washington, D.C., points in Ohio, Pennsylvania and New York and those in New Jersey on and north of New Jersey Highway 33, (12) between Westfield and Silver Creek, N.Y., and North East and Erie, Pa., and (13) between points in Maine, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Ohio, and the Lower Peninsula of Michigan.

NOTE: Applicant states no duplicating authority is sought. Any repetition of authority shall be construed as conferring only one operating right. It is further noted that common control may be involved.

HEARING: October 21, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Garland E. Taylor.

No. MC 110525 (Sub-No. 586), filed June 21, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 110525 (Sub-No. 596), filed August 29, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petroleum chemicals as described in Appendix XV in *Descriptive Case*, 61 M.C.C. 209), in bulk, in tank vehicles, from Coraopolis, Pa., to points in Chautauqua, Erie, and Niagara Counties, N.Y.

HEARING: October 8, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Walter R. Lee.

No. MC 110698 (Sub-No. 255), filed September 4, 1963. Applicant: RYDER TANK LINE, INC., Winston-Salem Road (Post Office Box 457), Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials, liquid fertilizer solutions*, in bulk *anhydrous ammonia*, in bulk and *feed grade urea*, from Kerens, Tex., to points in Oklahoma, Kansas, Arkansas, Louisiana, and New Mexico, and (2) *fertilizer and fertilizer materials*, from Gainesville, Pittsburg and Vernon, Tex., to points in Oklahoma, Kansas, Arkansas, Louisiana, and New Mexico, and *rejected and damaged shipments*, on return.

NOTE: Common control may be involved.

HEARING: November 5, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Jerry F. Laughlin.

No. MC 110698 (Sub-No. 256), filed September 11, 1963. Applicant: RYDER TANK LINE, INC., Box 8418, Winston-Salem Road, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Kanawha County, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

NOTE: Common control may be involved.

HEARING: October 21, 1963, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 111079 (Sub-No. 1), filed July 19, 1963. Applicant: H. W. JONES AND SON, INC., Rural Route No. 2, Jonesville, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings and Loan Building, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, machinery, materials and supplies* used in the exploration, development, maintenance and production of oil and gas fields, between points in Michigan, on the one hand, and, on the other, points in Ohio, Indiana, and Illinois.

HEARING: October 31, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 111159 (Sub-No. 156), filed August 14, 1963. Applicant: MILLER TRANSPORTERS LTD., Post Office Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Post Office Box 1250, Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Birmingham and Birmingport, Ala., to points in Mississippi, Tennessee, North Carolina, South Carolina, Georgia, and Florida.

NOTE: Common control may be involved.

HEARING: October 31, 1963, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Theodore M. Tahan.

No. MC 111687 (Sub-No. 12), filed May 24, 1962. Applicant: BENJAMIN H. RUEGSEGGER, Route No. 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (1) from South Bend, Ind., and St. Louis, Mo., to Adrian, Ann Arbor, Bad Axe, Battle Creek, Cheboygan, Detroit, Engadine, Escanaba, Flint, Grand Rapids, Greenville, Hastings, Holland, Iron Mountain, Jackson, Kalamazoo, Lansing, Ludington, Manistee, Monroe, Mt. Clemens, Munising, Muskegon, Negaunee, Niles, Owosso, Port Huron, Ramsay, St. Joseph, Sault Ste. Marie, Sturgis, Traverse City, and Wyandotte, Mich., (2) from Milwaukee, Wis., to Owosso, Mich., (3) from Sheboygan, Wis., to Bay City, Mich., (4) from Toledo and Findlay, Ohio, to Bay City, Mich., (5) from St. Louis, Mo., to Flint, Oscoda, and Traverse City, Mich., (6) from Toledo and Findlay, Ohio, to Jackson, Mich., (7) from Milwaukee, Wis., to Greenville, Mich., and (8) from Toledo and Findlay, Ohio, to Greenville and West Branch, Mich., and *empty used malt beverage containers*, on return.

HEARING: October 28, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 111812 (Sub-No. 215), filed August 4, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mauston, Wis., to points in Minnesota, South Dakota, North Dakota, Illinois, Indiana, Wisconsin, Iowa, Missouri, Michigan, Massachusetts, New York, Ohio, Pennsylvania, Kentucky, Tennessee, West Virginia, Virginia, District of Columbia, Maryland, Delaware, Maine, New Hampshire, Rhode Island, Connecticut, and Vermont.

HEARING: October 30, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 112520 (Sub-No. 91) (CORRECTION), filed June 3, 1963, published in FEDERAL REGISTER September 5, 1963, and republished as corrected this issue. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clays, sand and fuller's earth*, in bulk, in tank or hopper-type vehicles, from points in Decatur County, Ga., and Gadsden County, Fla., to points in Alabama, Arkansas, Florida, Georgia, Louisiana,

Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: The purpose of this republication is to show the correct hearing information.

HEARING: Remains as assigned October 21, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner John B. Mealy.

No. MC 113005 (Sub-No. 4), filed March 29, 1963. Applicant: CAPITOL MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising material, and beer can and bottle openers* from Peoria, Ill., and Fort Wayne, Ind., to points in Ohio, and *empty malt beverage containers*, from points in Ohio to Peoria, Ill., and Fort Wayne, Ind.

NOTE: Common control may be involved.

HEARING: November 1, 1963, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 112520 (Sub-No. 81) (REPUBLICATION), filed October 24, 1962, published in FEDERAL REGISTER issue of November 7, 1962, and republished this issue. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. By application filed October 24, 1962, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Methanol (methyl alcohol), in bulk, in tank vehicles, from points in Escambia County, Fla., to points in Texas. Hearing was held on June 19, 1963, at Montgomery, Ala. At the hearing the application was amended in order to clarify the origin points that applicant seeks to serve. A Report and Order, served August 8, 1963, which became effective September 9, 1963, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of methanol (methyl alcohol), in bulk, in tank vehicles, from Pensacola, Fla., and from the plant site of the Escambia Chemical Company, at or near Pace, Fla., to points in Texas, and that prior to the issuance of an appropriate certificate authorizing the above-described operation, a proper notice of the complete scope of the authority to be granted herein should be republished in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, with respect to the notice of application as previously filed, may file an appropriate pleading.

No. MC 113212 (Sub-No. 6), filed August 23, 1963. Applicant: MID-COLUMBIA MOTOR FREIGHT, INC., 1225 Southeast Water Avenue, Portland 14, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those commodities requiring special equipment), between points in Hood River, Gilliam, Jefferson, Morrow, Sherman, Wasco, and Wheeler Counties, Oreg., on the one hand, and, on the other, points in Klickitat and Skamania Counties, Wash.

NOTE: Applicant states the authority sought herein to the extent it duplicates any authority heretofore granted shall be construed as conferring only one operating right. The service sought herein may be joined and combined with the service applicant is presently providing under MC 113212.

HEARING: October 28, 1963, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 113651 (Sub-No. 59), filed August 14, 1963. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packinghouses* (except commodities in bulk in tank vehicles), as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Cudahy, Wis., to points in West Virginia, Virginia, Maryland, Delaware, North Carolina, South Carolina, Georgia, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: November 7, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 113666 (Sub-No. 14), filed May 29, 1963. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Urea and ammonium nitrate* (other than liquid) in bulk and in bags, from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., and Detroit, Mich., to points in Nassau and Suffolk Counties, N.Y., Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota, (B) *urea and ammonium nitrate* (other than liquid) in bulk and in bags, from port of entry on the international boundary line between the United States and Canada located at Port Huron, Mich., to points in Michigan, Ohio, Kentucky, West Virginia, Wisconsin, Indiana, Illinois, Iowa, and Minnesota, and (C) *calcium carbide, calcium cyanamid, dicyandiamide* and *weed killing compounds* (other than liquid) in bulk and in containers, from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., Detroit and Port Huron, Mich., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota.

NOTE: Applicant states with reference to paragraph (B) above, it holds authority in Sub 12 to transport the commodities involved from Ports of Entry at Buffalo and Niagara Falls, N.Y., and Detroit, Mich., to points in Michigan, Ohio, Indiana, and Illinois and seeks herein only the additional Port of Entry, Port Huron, Mich., with reference to those States.

HEARING: October 24, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Gerald F. Colfer.

No. MC 113678 (Sub-No. 53), filed July 21, 1963. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring refrigeration, from Saugatuck, Mich., to points in Colorado, Illinois, Idaho, Kansas, Missouri, Minnesota, Oklahoma, Nebraska, South Dakota, and Wyoming.

HEARING: October 30, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 113861 (Sub-No. 26), filed September 2, 1963. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Arkansas Cement Corporation, located at Memphis, Tenn., to points in Arkansas, Alabama, Mississippi, Tennessee, Kentucky, Illinois, and Missouri.

HEARING: September 23, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner J. Thomas Schneider.

No. MC 114457 (Sub-No. 11), filed September 8, 1963. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: James C. Hardman, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh meat, cured meat, frozen foods and canned foods*, in mixed or straight shipments, from Chicago, Ill., Minneapolis and St. Paul, Minn., and points in Eau Claire, Barron, Green, Columbia, Wood, and Brown Counties, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; (2) *dairy products, frozen poultry and exempt commodities*, in mixed or straight shipments, from points in Minnesota, and points in Wood, Clark, Marathon, Manitowoc, Sheboygan, Green, Buffalo, Trempealeau, and Eau Claire Counties, Wis., and Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) and (2) above, on return. Restriction: The proposed operations in (1) above are to be restricted as follows: (a) Shipments from Chicago, Ill., are restricted to shipments requiring prior pickup at one or more of the named origin points. (b) Shipments from Minneapolis and St. Paul, Minn., are restricted to shipments requiring additional pickup at one or more points in the designated Wisconsin points. The proposed operations in (2) above are to be restricted as follows: (a) Shipments from Chicago, Ill., are restricted to shipments requiring prior pickup at one or more of the named origin points.

HEARING: October 31, 1963, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 114699 (Sub-No. 20), filed August 29, 1963. Applicant: TANK LINES, INCORPORATED, Post Office Box 6415, North Dabney Road, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and dry fertilizer materials and ingredients and dry chemicals*, in bulk, in tank and hopper vehicles, and *returned and rejected shipments*, between points in Chatham, Floyd, Fulton, and Polk Counties, Ga., Brunswick, Durham, Forsyth, Guilford, Iredell, Johnston, Lenoir, Martin, Mecklenburg, New Hanover, and Vance Counties, N.C., Charleston, Chester, Darlington, Greenville, Richland, and Spartanburg Counties, S.C., Greene, Hamilton, Knox and Washington Counties, Tenn.; and Amherst, Campbell, Henrico, Nansemond, Norfolk, Pittsylvania, and Prince George Counties, Va. and Chesapeake City, Va., on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *dry fertilizer*, in bulk, in tank and hopper vehicles, *and returned and rejected shipments*, between points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Common control may be involved.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 115331 (Sub-No. 48), filed May 17, 1963. Applicant: TRUCK TRANSPORT, INC., 719 Buder Building, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Pipeline Terminals of Northern Gas Products Company, at or near Des Moines and Iowa City, Iowa, and Rockford, Ill., to points in Iowa, Illinois, Indiana, Minnesota, Missouri, and Wisconsin.

HEARING: November 5, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James A. McKiel.

No. MC 115841 (Sub-No. 135), filed May 22, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foods, foodstuffs, and food preparations, raw or manufactured, for human or animal consumption*, in vehicles equipped with mechanical refrigeration, from points in Alabama, on and north of U.S. Highway 84, to points in North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts; Pennsylvania, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin.

HEARING: October 28, 1963, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Theodore M. Tahan.

No. MC 115841 (Sub-No. 146), filed August 12, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Chattanooga, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

HEARING: November 5, 1963, at the U.S. Post Office and Courthouse, Chattanooga, Tenn., before Examiner Theodore M. Tahan.

No. MC 115841 (Sub-No. 148), filed August 19, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard substitutes; shortenings, vegetable oil; shortenings, not otherwise identified by name; vegetable oils; and fatty acids;* from Memphis, Tenn., to points in Connecticut, Delaware, Iowa, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 115841 (Sub-No. 153), filed September 11, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, cocoanuts*, and *pineapples*, from Jacksonville, Fla., to Birmingham, Ala., and *exempt commodities*, on return.

HEARING: October 15, 1963, at the U.S. Courtrooms, Montgomery, Ala., before Joint Board No. 98.

No. MC 115946 (Sub-No. 26), filed August 5, 1963. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Post Office Box 7055, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbonitrate*, in bulk, or bags, in shipper-owned trailer equipment, from Port Wentworth, Ga., to points in Alabama, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Wood River, Ill.

HEARING: October 30, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 116273 (Sub-No. 16), filed September 2, 1963. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, fertilizer and fertilizer ingredients*, in bulk, from Cordova, Ill., and points within ten (10) miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Missouri.

HEARING: October 15, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 116702 (Sub-No. 23), filed July 17, 1963. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Suite 1700, One Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Urea*, in bags and bulk, from ports of entry on the international boundary line between the United States and Canada at Buffalo and Niagara Falls, N.Y., and Detroit and Port Huron, Mich., to points in Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota, and (B) *ammonium nitrate, calcium carbide, dicyandiamide and weed killing compounds*, in bulk and in containers, from ports of entry on the international boundary line between the United States and Canada at Buffalo and Niagara Falls, N.Y., and Detroit and Port Huron, Mich., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota.

NOTE: Applicant states the proposed operation will be limited to a transportation service to be performed under a continuing contract, or contracts with American Cyanamid Company.

HEARING: October 24, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Gerald F. Colfer.

No. MC 117119 (Sub-No. 84), filed March 24, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsyl-

vania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Breading base mix*, from Ponchatoula, La., to points in Oregon and Idaho.

HEARING: October 21, 1963, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner William E. Messer.

No. MC 117119 (Sub-No. 98), filed August 1, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mauston, Wis., and points within a five (5) mile radius, to points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 30, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 117119 (Sub-No. 103), filed September 5, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared vegetables*, with or without sauce, from Belvidere, Ill., to points in Kentucky, North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis).

HEARING: October 16, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 117344 (Sub-No. 102), filed April 22, 1963. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing and abrasive compounds*, in bulk, from Cincinnati, Ohio to points in Alabama, Georgia, and Mississippi, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 28, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Gerald F. Colfer.

No. MC 117416 (Sub-No. 11), filed May 1, 1963. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville 21, Tenn. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, and canned dog and cat food*, (1) from points in Cocke, Jefferson, Monroe, and Sevier Counties, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Missouri, Mississippi, North Carolina, South Carolina, and Virginia, and (2) from points in Cocke, Jefferson, Monroe, and Sevier Counties, Tenn., to points in Illinois, Indiana, Kentucky, Ohio, and West Virginia.

NOTE: Applicant states that all duplicating authority is to be eliminated.

HEARING: November 5, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 117574 (Sub-No. 82), filed August 9, 1963. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated and untreated logs, crossties, fence posts, piling, mine timber*, and (2) *equipment to be used in installation or erection of items in (1) above*, from points in Vermont, New Hampshire, and Pennsylvania, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Iowa, and Minnesota.

HEARING: November 6, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 117686 (Sub-No. 24) (AMENDMENT), filed April 22, 1963, published FEDERAL REGISTER issue of May 29, 1963, amended at hearing July 22, 1963, and republished as amended, this issue. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags or packages, (1) from Reserve, La., to points in Arkansas (except Little Rock), Kansas, and Missouri (except St. Louis), (2) from Supreme, La., to points in Arkansas (except Little Rock), Kansas, Missouri (except St. Louis), and Iowa, (3) from New Orleans, La., to points in Arkansas (except Little Rock), Iowa, Kansas, and Missouri (except St. Louis), (4) from Gramercy, La., to points in Iowa, Kansas, and Missouri (except St. Louis), and (5) from Houma and Matthews, La., to points in Arkansas (except Little Rock), Iowa, Kansas, and Missouri (except St. Louis).

NOTE: The purpose of this republication is to add (5) above, and to show that no service is proposed to Little Rock, Ark., and St. Louis, Mo.

HEARING: October 16, 1963, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Samuel Horwich.

No. MC 117686 (Sub-No. 30), filed June 23, 1963. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles* distributed by meat packinghouses as described in Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Nebraska to points in Alabama, Arkansas, Louisiana, Mississippi, Memphis, Tenn., and points in Texas on and east of U.S. Highway 83.

HEARING: October 28, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebraska, before Examiner John S. Messer.

No. MC 117883 (Sub-No. 27), filed September 5, 1963. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except commodities in bulk in tank vehicles), from Cudahy, Wis., to points in West Virginia, Virginia, Maryland, Delaware, District of Columbia, North Carolina, South Carolina, Georgia, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, and Maine.

HEARING: November 7, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 118282 (Sub-No. 3), filed August 19, 1963. Applicant: THEODORE V. FALL, doing business as TED FALL TRUCKING, 29 Rice Avenue, Lake City, Pa. Applicant's attorney: L. A. Myers, Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lake City, Pa., to points in Alabama, Arkansas, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: November 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 118831 (Sub-No. 28), filed August 29, 1963. Applicant: CENTRAL TRANSPORT, INCORPORATED, East College Drive, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Charleston, S.C., to points in North Carolina.

HEARING: October 22, 1963, at the U.S. Courtrooms, Columbia, S.C., before Joint Board No. 2.

No. MC 119772 (Sub-No. 7), filed July 15, 1963. Applicant: BEVERAGE TRANSPORTATION, INC., 2158 Hamilton Avenue, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 5275

Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ginger beer; near beer; malt beverages; nonalcoholic beverages and mixes thereof; vinous beverages; aromatic bitters (medicine N.O.I.); champagne; phosphated and plain cocktail mixes; ready mixed alcoholic and nonalcoholic cocktails; flavoring extract compounds; consumable alcohol; cordials; creme de cocoa; creme de coffee; creme de menthe; flavoring extracts; preserved fruits and vegetables (to be used in cocktails) (olives, oranges, cherries), gin; gin and tonic; gin and grape juice (Salty Dog); grenadine; lemon flavoring extract; liquers; liquors; olives in liquid; orange flavoring extract; orange tommy; rectified alcoholic beverages; syrup flavoring; vermouth; vinous beverages, including but not limited to wine; vodka; vodka and tomato juice (Bloody Mary); vodka and orange juice (Screw Driver); vodka and grape juice (Newport Quickie); and quinine water;* in containers, in glass, in barrels, and in casks, in straight or mixed shipments, and *empty containers or other such incidental facilities (not specified) used in transporting the above described commodities*, (1) between Cleveland, Ohio, and points in its Commercial Zone, on the one hand, and, on the other, points in Illinois, Indiana, New Jersey, New York, Pennsylvania, and Wisconsin, and St. Louis, Mo.; (2) between points in Ohio, on the one hand, and, on the other, points in Massachusetts; (3) between Milwaukee, Wis., on the one hand, and, on the other, Ashtabula, Niles, and Painesville, Ohio; (4) between Milwaukee, Wis., on the one hand, and, on the other, Youngstown, and Ravenna, Ohio; (5) between Chicago, Ill., on the one hand, and, on the other, Youngstown, Ohio; (6) between Hammondsport, N.Y., on the one hand, and, on the other, points in Ohio; (7) between Milwaukee, Wis., on the one hand, and, on the other, Lorain, Ohio; (8) between Chicago, Ill., and points in its Commercial Zone, on the one hand, and, on the other, Lorain, Ohio; (9) between Cleveland, Ohio, and points in its Commercial Zone, on the one hand, and, on the other, Kansas City, Kans., and points in Missouri (except St. Louis); (10) between Peoria, Ill., on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending eastward along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 through Massillon, Canton, and East Liverpool, Ohio, to the Ohio-West Virginia State line; and (11) between Milwaukee, Wis., on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line (except Cleveland, Lorain, Ashtabula, Niles, Painesville, Ravenna, and Youngstown, Ohio).

HEARING: October 22, 1963, at The Cleveland Statler Hilton, Cleveland, Ohio, before Examiner James A. McKiel.

No. MC 119805 (Sub-No. 2), filed June 28, 1963. Applicant: ROSCOE WAGNER, INC., Post Office Box 756, Twin Falls, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building, 500 Washington Street, Post Office Box 964, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, frozen, fresh and dehydrated*, from San Francisco, Calif., to Boise, Idaho Falls, Pocatello, and Twin Falls, Idaho, and *exempt commodities*, on return.

HEARING: October 21, 1963, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner William E. Messer.

No. MC 119917 (Sub-No. 11), filed July 18, 1963. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Damaged salvaged merchandise*, which has been damaged as a result of disasters or catastrophes, such as fires, tornadoes, hurricanes, floods, cyclones, windstorms, or abnormal rains, between points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia.

HEARING: October 21, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Theodore M. Tahan.

No. MC 119934 (Sub-No. 68), filed August 4, 1963. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 6, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, from Marseilles, Ill., to points in Indiana, Illinois, Michigan, Wisconsin, Minnesota, Ohio, Iowa, and Missouri, and *damaged and rejected shipments*, on return.

HEARING: November 8, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 119934 (Sub-No. 71), filed September 1, 1963. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry starch*, in pneumatic hopper-type vehicles, from Indianapolis, Ind., to points in Illinois, Michigan, and Ohio, and *damaged or rejected shipments*, on return.

HEARING: October 22, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 120117 (Sub-No. 1), filed August 9, 1963. Applicant: DETROIT TRANSFER COMPANY, a corporation, 1785 West Jefferson, Detroit, Mich. Applicant's attorney: Edward Sanders, 1657 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baggage, theatrical scenery and equipment*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between points in the Lower Peninsula of Michigan.

NOTE: Common control may be involved.

HEARING: November 1, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 120635 (Sub-No. 1), filed July 30, 1963. Applicant: E. B. SHEETS, doing business as MERCHANTS DELIVERY & TRANSFER, 419 South Ninth Street, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated household goods*, between points in Idaho.

HEARING: October 22, 1963, at the Public Utilities Commission, State House, Boise, Idaho before Joint Board No. 49, or, if the Joint Board waivers its right to participate, before Examiner William E. Messer.

No. MC 123165 (Sub-No. 2), filed July 24, 1963. Applicant: ROBERTS TRADING CORP., 116 Buffalo Street, Canandaigua, N.Y. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, from Canandaigua, N.Y., to points in Connecticut, Texas, California, Nebraska, Iowa Delaware, Colorado, Oklahoma, and Arizona, (2) *wine*, in bulk, in tank vehicles, from Canandaigua, N.Y., to Cleveland, Cincinnati, and Youngstown, Ohio, (3) *sugar, glass bottles, bottle caps, fruit juice and fruit concentrate*, (a) from points in Indiana, Massachusetts, Maryland, Illinois, Michigan, Delaware, Connecticut, and Virginia, to Canandaigua, N.Y., and (b) from Canandaigua, N.Y., to Petersburg, Va., (4) *fruit juice and fruit concentrate*, (a) from points in Connecticut, New Jersey, Pennsylvania, West Virginia and New York, N.Y., to Canandaigua, N.Y., and (b) from points in Michigan, to Canandaigua, N.Y., and Petersburg, Va., and (5) *wine*, in bulk, (a) from Petersburg, Va., to points in Florida, Alabama, Maryland, and New York, and (b) from points in Michigan, to Canandaigua, N.Y., and Petersburg, Va.

NOTE: Applicant states *rejected and returned shipments* of the above commodities will be transported from the aforementioned destinations to origin points.

HEARING: October 30, 1963, at the Manger Hotel, Rochester, N.Y., before Examiner Garland E. Taylor.

No. MC. 123343 (REPUBLICATION), filed December 30, 1960, published in FEDERAL REGISTER issue of March 8, 1961, and republished this issue. Applicant: EDWARD H. HANBY, doing business as WING'S & TRUCK'S TRANSPORTATION CO., 2601 Spenard Road, Spenard, Alaska. By application filed

December 30, 1960, applicant seeks authority to continue to operate as a common carrier, by motor vehicle, over irregular routes, under the applicable "grandfather" provisions of the Interstate Commerce Act, transporting: General Commodities, except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk, between points in Alaska within a 25 mile radius of Anchorage. The application was referred to Joint Board No. 412 for hearing to be held on March 18, 1963, at Anchorage, Alaska. At the hearing the application was amended to except commodities which because of unusual size, shape or weight require the use of special equipment and to delete the exception of household goods as defined by the Commission. A Report and Order, served July 18, 1963, which became effective August 19, 1963, finds that on and continuously since August 26, 1958, applicant has been engaged in operation of interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities*, except Classes A and B explosives, commodities requiring special equipment and commodities in bulk, between points in Alaska within a 25 mile radius of Anchorage, Alaska, including Anchorage, and that a certificate authorizing continuance of such operations should be granted, subject to republication in the FEDERAL REGISTER to show the deletion of the exception of household goods as defined by the Commission, in order to give any interested party adversely affected 30 days notice to file an appropriate pleading.

No. MC 123639 (Sub-No. 10), filed September 2, 1963. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined by the Interstate Commerce Commission, from Lincoln, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: September 30, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 123910 (Sub-No. 3) (AMENDMENT), filed March 1, 1963, published FEDERAL REGISTER issue of July 24, 1963, amended September 5, 1963, and republished, as amended, this issue. Applicant: PAUL GIBSON, doing business as PAUL GIBSON TRUCKING CO., 404 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, Suite N-13 Medical and Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, from Weeping Water, Nebr., and points within five (5) miles thereof, to Wichita and Lyons, Kans.

NOTE: Applicant states the proposed service will be rendered under one contract with Cudahy Packing Co. and a second contract with the American Salt Company. The purpose of this republication is to add Lyons, Kans. as a destination point and also to indicate that the proposed service will be rendered under a second contract with the American Salt Company.

HEARING: Remains as assigned October 9, 1963, at the Hotel Cornhusker, Lincoln, Nebr., before Joint Board No. 19.

No. MC 124078 (Sub-No. 78), filed August 19, 1963. Applicant: SCHWERMAN TRUCKING CO., a Wisconsin corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Fly ash*, from points in West Virginia, to points in Kentucky, Ohio, Pennsylvania, Maryland, Virginia, and West Virginia.

NOTE: Applicant states it presently holds contract carrier authority under Docket MC 113832 and Subs thereto and common carrier authority under Docket MC 124078 and Subs thereto. An application is pending before the Commission in Docket MC 124078 (Sub-No. 38) to convert all of its permits to a common carrier certificate. Common control may be involved.

HEARING: November 5, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 124241 (Sub-No. 1), filed July 12, 1963. Applicant: REX WELLS AND RAY WELLS, doing business as WELLS BROTHERS, 584 Sparks, Twin Falls, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building, 500 Washington Street, Post Office Box 965, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except commodities in bulk, in tank vehicles), (1) from Buhl, Idaho, to points in California, Oregon, and Wyoming, (2) from Buhl, Idaho, to Butte, Mont., and points within five (5) miles thereof, and (3) *exempt commodities*, from the destination points to the origin points as shown in Nos. (1) and (2) above.

HEARING: October 22, 1963, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner William E. Messer.

No. MC 124259 (Sub-No. 3), filed June 28, 1963. Applicant: CAIN BROS., INC., 3413 Crystle Road, Terre Haute, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from South Bend, Ind., to East St. Louis and Collinsville, Ill., and points in Georgia, Alabama, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the service proposed will be under a continuing contract with Drewry's Ltd., U.S.A. Inc., South Bend, Ind.

HEARING: October 30, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner W. Elliott Nefflen.

No. MC 124323 (Sub-No. 1), filed June 4, 1963. Applicant: HARRY BURTON, doing business as BURTON TRUCKING, INC., Malone, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, lumber and wood chips*, beginning and ending at ports of entry on the International boundary line between the United States and Canada in New York and extending to points in Clinton, Franklin, St. Lawrence, and Essex Counties, N.Y.

HEARING: November 6, 1963, at the Federal Building, Syracuse, N.Y., before Examiner Garland E. Taylor.

No. MC 124411 (Sub-No. 3), filed September 5, 1963. Applicant: SULLY TRANSPORT, INC., Sully, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients* and *chemicals*, in bulk, in tank vehicles, from Cordova, Ill., and points within ten (10) miles thereof, to points in Iowa.

HEARING: October 15, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 125313 (Sub-No. 1), filed June 3, 1963. Applicant: CLEVELAND SYRUP CORPORATION, 4999 Mead Avenue, Cleveland 27, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid sugar, liquid corn syrup and blends thereof, and liquid dextrose*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in New York on and west of a line beginning at Lake Ontario and extending south along New York Highway 19 to the New York-Pennsylvania State line, points in Pennsylvania on, west and south of a line beginning at the New York-Pennsylvania State line and extending south along U.S. Highway 219 to junction U.S. Highway 322, thence east along U.S. Highway 322 to junction U.S. Highway 220, thence south along U.S. Highway 220 to the Pennsylvania-Maryland State line, and points in West Virginia on, north and west of a line beginning at Huntington, W. Va. and extending east along U.S. Highway 60 to junction U.S. Highway 19, thence north along U.S. Highway 19 to the West Virginia-Pennsylvania State line.

HEARING: October 21, 1963, at The Cleveland Statler Hilton, Cleveland, Ohio, before Examiner James A. McKiel.

No. MC 125356, filed May 13, 1963. Applicant: GEORGE W. JONES, 2315 East 27th Street, Los Angeles 58, Calif. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix 18, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used farm and factory machinery, office machines and supplies, refrigeration units, printing presses, army jeeps, trucks, tanks and auto parts*, and *scrap metal*, between points in California, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Missouri, Maryland, Ohio, New York, Pennsylvania, Rhode Island, West Virginia, and Wisconsin.

HEARING: October 28, 1963, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 125362 (Sub-No. 1), filed May 24, 1963. Applicant: THOMAS P. SMITH, 1233 Greenwood Street, Jackson, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Milwaukee, Wis., to Jackson, Mich., and (2) from Fort Wayne, Ind., to Jackson, Mich., and *empty containers or other such incidental facilities* (not specified), used in transporting malt beverages, in connection with routes (1) and (2) above, on return.

HEARING: October 28, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 125375 (Sub-No. 1), filed July 11, 1963. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, 3461 Gilbert Road SE., Atlanta, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, in mechanically refrigerated vehicles, from Rock Island, Ill., to Greenville, S.C., Montgomery, Ala., Jacksonville, Miami, and Tampa, Fla., and *exempt commodities*, on return.

HEARING: October 23, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Theodore M. Tahan.

No. MC 125474 (AMENDMENT), filed June 21, 1963, published FEDERAL REGISTER issue August 21, 1963, amended September 6, 1963, and republished as amended this issue. Applicant: BULK HAULERS, INC., 420 West Shipyard Boulevard, Wilmington, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solution, caustic soda, molten sulphur, anhydrous ammonia, fertilizer solutions*, and *sulphuric acid*, in bulk, in tank vehicles, between Wilmington, N.C., and points within 25 miles thereof, on the one hand, and, on the other, points in Virginia, North Carolina, and South Carolina.

NOTE: Common control may be involved. The purpose of this republication is to include the additional commodities of "anhydrous ammonia, fertilizer solutions, and sulphuric acid" in the authority sought.

HEARING: Remains as assigned October 22, 1963, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 125519, filed July 10, 1963. Applicant: JOHN J. PRPICH, doing business as LAWTON VALLEY LINES, 604 Second Street, Lawton, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in cases, *fruit products* and *exempt commodities*, from Paw Paw, Mich., and points within five (5) miles thereof, to points in Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *exempt commodities*, on return, and (2) *wine*, in cases, *fruit products and exempt commodities*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Michigan and points in Wisconsin.

HEARING: October 29, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 125558 (CORRECTION), filed July 25, 1963, published in FEDERAL REGISTER issue, August 28, 1963, and republished as corrected this issue. Applicant: I. N. WALKER, 1915 Byron Street, Richmond 22, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bank, church, school and store furniture and fixtures and instruments and fixtures and instruments and tools necessary to the installation thereof*, from Richmond, Va., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, and *used commodities described above for repair and refinishing*, on return.

NOTE: Applicant states the proposed operation will be under continuing contracts with Acme Fixture Company, Inc., and Modern Woodwork, Inc., both of Richmond, Va. The purpose of this republication is to eliminate reference to a pending application for common carrier authority in MC 125174. This was dismissed by the Commission's order of July 31, 1963, at the request of applicant.

HEARING: Remains as assigned October 11, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 125562, filed July 29, 1963. Applicant: EDWIN S. LEHMAN AND DENNIS D. LEHMAN, doing business as LEHMAN TRUCKING CO., Box 103, Kidron, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum truck body van knock down kits, construction machinery cabs, and construction machinery fabricated parts*, on shipper owned trailers of special design, from Kidron, Ohio, to Batavia, N.Y., Galion, Ohio, Benton Harbor, Mich., Jersey City, N.J., Atlanta, Ga., Chicago, Ill., Pittsburgh, Pa., and Detroit, Mich., and *rejected and returned shipments and materials and supplies used in manufacturing of the above commodities*, on return.

HEARING: October 22, 1963, at the Cleveland Statler Hilton, Cleveland, Ohio, before Examiner James A. McKiel.

No. MC 125564, filed July 29, 1963. Applicant: HERBERT R. AND CARL RUDD, a partnership, doing business as RUDD'S 24 HOUR SERVICE, 1032 East Michigan Avenue, Jackson, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled or replacement motor vehicles*, between Jackson, Mich., and points within twenty-five (25) miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, and Illinois.

HEARING: November 1, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 125616, filed August 19, 1963. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, Md. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), between Dulles International Airport, Loudoun-Fairfax Counties, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, Hagerstown, Md., and Chambersburg and Greencastle, Pa., restricted to traffic having a prior or subsequent movement by air.

HEARING: November 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before William N. Culbertson.

MOTOR CARRIERS OF PASSENGERS

No. MC 29592 (Sub-No. 14), filed August 1, 1963. Applicant: ARROW STAGE LINES, INC., 1113 McDonald Street, Sioux City 3, Iowa. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, on individual tickets sold by the carrier, in special and charter service, between points in Woodbury County, Iowa, and points in Antelope, Brown, Burt, Cherry, Cuming, Dakota, Dawson, Dixon, Dodge, Holt, Lancaster, Madison, Pierce, Rock, Saunders, Sheridan, Stanton, Thurston, Washington, and Wayne Counties, Nebr., on the one hand, and, on the other, points in the United States and ports of entry on the international boundary line between the United States and Canada.

HEARING: November 6, 1963, at the U.S. Courtrooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 111037 (Sub-No. 3), filed August 1, 1963. Applicant: WARREN CITY LINES, INC., 34 Pennsylvania Avenue East, Warren, Pa. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip sightseeing and pleasure tours, from points in Warren County, Pa., Corry (Erie County), Pa., and points within fifteen (15) miles of Corry, to points in the United States (except Alaska and Hawaii) and to points on the international boundary lines between the United States and Canada and the United States and Mexico.

HEARING: October 23, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Garland E. Taylor.

No. MC 119860 (Sub-No. 1), filed July 22, 1963. Applicant: CAPITAL COACH LINES CO., LTD., 610 Wellington Street, Ottawa, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in the same vehicle with passengers, in round-trip charter operations, in foreign commerce, beginning and ending at ports of entry on the international boundary line between the United States and Canada along the boundaries of the Provinces of Ontario and Quebec and the States of Michigan, New York, and Vermont and extending to points in the United States, including Alaska, but excluding Hawaii.

HEARING: October 31, 1963, at the Federal Building, Syracuse, N.Y., before Examiner Garland E. Taylor.

No. MC 125538, filed July 19, 1963. Applicant: FRONTENAC COACH LINES, LIMITED, 424 Montreal Street, Kingston, Ontario, Canada. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, and extending to points in Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New York, Rhode Island, and Vermont.

HEARING: November 5, 1963, at the Federal Building, Syracuse, N.Y., before Examiner Garland E. Taylor.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 51), filed September 6, 1963. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Crystal Springs, Miss., and Tylertown, Miss.: from Crystal Springs, over Mississippi Highway 27 to Tylertown, and return over the same route, serving all intermediate points and serving Crystal Springs as a point of joinder only.

No. MC 61440 (Sub-No. 88), filed September 2, 1963. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Richard H. Champlin (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except light and bulky articles, gold bullion, paper money, silver, articles of virtu, commodities injurious or contaminating to other lading, commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and Classes A and B explosives), between Fort Worth, Tex., and the Texas-Oklahoma State line, approximately two miles south of Terral, Okla., from Fort Worth over U.S. Highway 81 to the Texas-Oklahoma State line, approximately two miles south of Terral, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Restriction: The proposed operations are to be restricted to preclude the transportation of any traffic moving between Wichita Falls, Tex., and points within 25 miles of Wichita, on the one hand, and, on the other, other points in Texas.

NOTE: Common control may be involved.

No. MC 103435 (Sub-No. 146), filed August 23, 1963. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: J. Maurice Andren, 1734 Tilford, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except liquid petroleum products, in bulk, in tank vehicles), between Havre, Mont., and port of entry on the international boundary between the United States and Canada near Wildhorse, Alberta, Canada: from Havre over Montana Highway 232 to port of entry on the international boundary line between the United States and Canada near Wildhorse, Alberta, and return over the same route, serving all intermediate points, and the off-route point of the U.S. Radar Site approximately nine (9) miles east of Montana Highway 232.

No. MC 108676 (Sub-No. 8), filed April 1, 1963. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville 17, Tenn., Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles, self-propelled, or not requiring special equipments, each weighing 15,000 pounds or more with or without incidental machinery, tools, parts or supplies moving in conjunction therewith*, in driveaway, haulaway, or towaway service, between Knoxville, Tenn., and points within 75 miles of Knoxville, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 114106 (Sub-No. 40), filed August 25, 1963. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from High Point, N.C., to points in North Carolina and to points in Virginia on and south of U.S. Highway 58 and on and west of U.S. Highway 301.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 115176; therefore, dual operations may be involved.

No. MC 114194 (Sub-No. 53), filed September 3, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends*, in bulk, from Granite City, Ill., to points in New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, North Dakota, and South Dakota, and *rejected shipments*, on return.

No. MC 115841 (Sub-No. 150), filed August 29, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartons and boxes, pasteboard, corrugated or wood, knocked down, twine and wire accessories, and foodstuffs*, in mixed or straight truckload shipments, between Martinsburg, W. Va., and Huntsville, Ala.

No. MC 118561 (Sub-No. 4), filed August 2, 1963. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, Post Office Box 422, Maryville, Tenn. Applicant's attorney: Fred G. Asquith, Bank of Knoxville Building, Knoxville 2, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Appendix to the *Report in Modifications in Permits—Packing House Products*, 48 M.C.C. 23, between Knoxville, Tenn., and Fontana Village, N.C.

NOTE: Applicant states transportation will be furnished for *empty containers or other such incidental facilities* (not specified) between points specified above.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 304), filed August 27, 1963. Applicant: THE GREYHOUND CORPORATION, Western Greyhound Lines, 371 Market Street, San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers. 1. *Revision of Route No. 70 on Certificate Sheet No. 17.* Establish a new regular route of operation over relocated segment of U.S. Highway 50 between West Placerville Junction and El Dorado Fairgrounds Overcrossing, to be included as a segment of regular Route No. 70. *70. Between the Nevada-California State line east of Lakeside, and Sacramento; from the point where U.S. Highway 50 intersects the Nevada-California State line, over U.S. Highway 50 to junction unnumbered highway southeast of Folsom (East Folsom Junction), thence over unnumbered highway via Folsom to junction U.S. Highway 50 (Alder Creek Junction), thence over U.S. Highway 50 to Sacramento. (Connects with Nevada route 4.)

2. *Revision of Route No. 116 and Establishment of New Routes Nos. 144 and 144–A on Certificate Sheets Nos. 25 and 30, Respectively.* (a) Establish a new regular route of operation over a relocated segment of U.S. Highway 99 between North Bakersfield Junction and South Bakersfield Junction, to be included as a segment of regular Route No. 116; (b) Establish a new regular route of operation between West Bakersfield Junction and Bakersfield; (c) Establish a new regular route of operation between Greenfield Corners Junction and South Bakersfield Junction over segment of present Route No. 116 and U.S. Highway 399; and (d) Revoke the segment of present regular Route No. 116 over former U.S. Highway 99 between North Bakersfield Junction and Greenfield Corners. 116. Between San Francisco and Los Angeles: from San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U.S. Highway 50 northeast of Hayward (Hayward Junction), thence over U.S. Highway 50 to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U.S. Highway 99 south of Manteca (South Manteca), thence over U.S. Highway 99 to junction Interstate Highway 5 (San Fernando Junction), thence over Interstate Highway 5 to Los Angeles. *144. Between West Bakersfield Junction and Bakersfield: from junction U.S. Highway 99 and California Highway 178 (West Bakersfield Junction), over California Highway 178 to Bakersfield. *144–A. Between Greenfield Corners Junction and South Bakersfield Junction: from junction U.S. Highway 99 and U.S. Highway 399 (Greenfield Corners Junction), over U.S. Highway 399 to Greenfield Corners, thence over Business Route U.S. Highway 99 to junction U.S. Highway 99 (South Bakersfield Junction).

3. *Revision of Routes Nos. 207 and 209 on Certificate Sheet No. 40.* (a) Establish a new regular route between Ventura and Saticoy Junction over relocated California Highway 126, to be included as a segment of regular Route No. 207, in lieu of the present segment of said route between these termini which is proposed to be revoked; and (b) revise and reauthorize alternate Route No. 209 to terminate at South Saticoy Junction instead of Saticoy Junction. *207. Between Ventura and Newhall Ranch: from Ventura over California Highway 126 to Newhall Ranch (junction U.S. Highway 99. *209. Between El Rio and South Saticoy Junction: from El Rio over unnumbered highway to junction California Highway 126 (South Saticoy Junction). Alternate route to be used for operating convenience only, with no service at intermediate points.

4. *Revision of Routes Nos. 215 and 257 on Certificate Sheets Nos. 41 and 47A, respectively.* (a) Revise and reauthorize regular Route No. 215 to terminate at Figueroa Street Junction; and (b) establish a new regular route of operation over Alternate U.S. Highway 66 between the junction of York Boulevard and Figueroa Street, and Pasadena, and pursuant thereto, reauthorize a segment of California Highway 134 (also designated as Alternate U.S. Highway 66) between Figueroa Street Junction and Pasadena, as segments of regular Route No. 257 in lieu of the segment of present Route No. 257 between junction of Alternate U.S. Highway 66 and York Boulevard, and Pasadena, which is proposed to be revoked. *215. Between Hollywood and Figueroa Street Junction: from junction DeLongpre Avenue and Vine Street, Hollywood, over Vine Street to Sunset Boulevard, thence over Sunset Boulevard to Western Avenue, thence over Western Avenue to Los Feliz Boulevard, thence over Los Feliz Boulevard to Brand Boulevard, Glendale, thence over Brand Boulevard to junction California Highway 134, thence over California Highway 134 to junction Alternate U.S. Highway 66 (Figueroa Street Junction). *257. Between Los Angeles and the California-Arizona State line east of needles: from Los Angeles over Alternate U.S. Highway 66 to Pasadena, thence over unnumbered highway via Monrovia to junction U.S. Highway 66 south of Monrovia (Monrovia Junction), thence over U.S. Highway 66 via San Bernardino to junction unnumbered highway (West Barstow Junction), thence over unnumbered highway via Barstow to junction U.S. Highway 66 (East Barstow Junction), thence over U.S. Highway 66 to the point where it intersects the California-Arizona State line (connects with Arizona route 1), and return over the same routes, serving all intermediate points.

NOTE: The proposed operating authority hereinabove shown and explained is proposed to be incorporated in the designated revised sheet to said Certificate No. MC 1501 (Sub-No. 138).

No. MC 3647 (Sub-No. 350), filed September 3, 1963. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within Moorestown Township, N.J.: from the junction of West Main Street and South Church Street over South Church Street to New Jersey Highway 38, and return over the same route, serving all intermediate points.

No. MC 84728 (Sub-No. 39), filed August 27, 1963. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 1012 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between the intersection of U.S. Highway 29 and Maryland Highway 196 at or near Stewart Lane, Montgomery County, Md. and the intersection of U.S. Highway 29 and Maryland Highway 198 at or near Burtonsville, Md.: from the intersection of U.S. Highway 29 and Maryland Highway 196 approximately one-third mile north of Whiteoak, Md., and at or near Stewart's Lane, over U.S. Highway 29 to its intersection with Maryland Highway 198 at or near Burtonsville, and return over the same route, serving all intermediate points.

No. MC 84728 (Sub-No. 40), filed September 5, 1963. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 1012 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between the intersection of Interstate Highway 295 and Black Horse Pike (New Jersey Highway 168) and the intersection of Interstate Highway 295 and New Jersey Highway 73; from the intersection of new Interstate Highway 295 and Black Horse Pike (New Jersey Highway 168) over Interstate Highway 295 to its intersection with New Jersey Highway 73, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

NOTICE OF FILING OF PETITIONS

No. MC 89697 (PETITION FOR MODIFICATION OF CERTIFICATE), filed September 4, 1963. Petitioner: KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. Petitioner's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. In MC 89697 petitioner is authorized to operate as a common carrier, by motor vehicle, transporting: Sheet 1: Commercial solvents, paint-, lacquer-, and cleaning solvents, ether, alcohol, and acetates, in bulk, in tank trucks, between Carteret and Bound Brook, N.J., and points in Bergen, Essex, Hudson and Union Counties, N.J., on the one hand, and, on the other, points

in Connecticut, Delaware, Massachusetts, New Jersey, New York, and Pennsylvania within 250 miles of Elizabeth, N.J. Sheet 2: Inflammable alcohols, acetates and solvents, in bulk, in tank vehicles, from Newark and Carlstadt, N.J., to points in Bristol and Providence Counties, R.I., and alcohol, denatured, and solvents, in bulk, in tank vehicles, between Newark, N.J., on the one hand, and, on the other, Baltimore, Md. By the instant petition, petitioner requests that its certificate in MC 89697 be modified to authorize the transportation of *liquid chemicals*, in bulk, in tank vehicles, within the above described territory, in place of the commodity descriptions referred to above. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 108065 (PETITION TO INCLUDE HORN LAKE, MISS., IN THE MEMPHIS, SHELBY COUNTY, TENNESSEE MUNICIPALITY), dated August 30, 1963. Petitioner: PATTERSON TRANSFER COMPANY, a corporation, 648 Riverside Drive, Memphis, Tenn. Petitioner's representative: John Denley Taylor, Sr., Post Office Box 10102 McKellar Station, Memphis, Tenn., 1831 South Lauderdale, Memphis, Tenn. Petitioner is authorized to transport general commodities, with no exceptions, between Memphis, Tenn., and West Memphis, Ark., but at present there is no carrier authorized to perform direct service between Horn Lake, Miss., and West Memphis, Ark., especially on unrestricted articles. Horn Lake is just across the State line from Memphis, Tenn., and there is now and prospect of Memphis business moving into an industrial site at Horn Lake. By the instant petition, petitioner requests that Horn Lake, Miss., located on Horn Lake Road, between Interstate Highway 55 and U.S. Highway 51 and U.S. Highway 61, be included in the Memphis, Shelby County, Tenn., municipality, taking same rates and privileges as other towns included in that municipal area. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 110144 (Sub-No. 7), filed August 30, 1963. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Post Office Box 3347, Knoxville, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Cleveland, Tenn., and Greenville, Tenn.; from Cleveland over Tennessee Highway 2 to junction Tennessee Highway 1, thence over Tennessee Highway 1 to junction Tennessee Highway 9, thence over Tennessee Highway 9 to junction Tennessee Highway 34, and thence over Tennessee Highway 34 to Greenville, and return over the same route, serving all intermediate points, except those between Cleveland and Loudon, Tenn., (2) (a) between Chattanooga, Tenn., and Knoxville, Tenn.; from Chattanooga over Tennessee Highway 2 to junction Tennessee Highway 74, thence over Tennessee Highway 74 to junction Tennessee Highway 33, thence over Tennessee Highway 33 to junction Tennessee Highway 73, and thence over Tennessee Highway 73 to Knoxville, and return over the same route, serving all intermediate points except those between Cleveland, Tenn., and Chattanooga, Tenn., and (b) between Knoxville and Copperhill, Tenn.; from Knoxville over Tennessee Highway 73 to junction Tennessee Highway 33, thence over Tennessee Highway 33 to junction Tennessee Highway 74, thence over Tennessee Highway 74 to junction Tennessee Highway 40, and thence over Tennessee Highway 40 to Copperhill, and return over the same route, serving all intermediate points,

(3) (a) between Etowah, Tenn., and Athens, Tenn.; from Etowah over Tennessee Highway 30 to Athens, and return over the same route, serving all intermediate points, and (b) between Madisonville, Tenn., and Tellico Plains, Tenn.; from Madisonville over Tennessee Highway 68 to Tellico Plains, and return over the same route, serving all intermediate points except that no commodities shall be transported over this route from Chattanooga, Tenn., destined to or from Athens, (4) between Cleveland, Tenn., and Greenville, Tenn.; from Cleveland over Tennessee Highway 2 to junction Tennessee Highway 1, thence over Tennessee Highway 1 to junction Tennessee Highway 9, thence over Tennessee Highway 9 to junction Tennessee Highway 34, and thence over Tennessee Highway 34 to Greenville, and return over the same route, serving all intermediate points, except those between Cleveland and Loudon, Tenn., (5) (a) between Chattanooga, Tenn., and Knoxville, Tenn.; from Chattanooga over Tennessee Highway 2 to junction Tennessee Highway 74, thence over Tennessee Highway 74 to junction Tennessee Highway 33, thence over Tennessee Highway 33 to junction Tennessee Highway 73, and thence over Tennessee Highway 73 to Knoxville, and return over the same route, serving all intermediate points except those between Cleveland, Tenn., and Chattanooga, Tenn., and (b) between Knoxville and Copperhill, Tenn.; from Knoxville over Tennessee Highway 73 to junction Tennessee Highway 33, thence over Tennessee Highway 33 to junction Tennessee Highway 74, thence over Tennessee Highway 74 to junction Tennessee Highway 40, and thence over Tennessee Highway 40 to Copperhill, and return over the same route, serving all intermediate points,

(3) (a) between Etowah, Tenn., and Athens, Tenn.; from Etowah over Tennessee Highway 30 to Athens, and return over the same route, serving all intermediate points, and (b) between Madisonville, Tenn., and Tellico Plains, Tenn.; from Madisonville over Tennessee Highway 68 to Tellico Plains, and return over the same route, serving all intermediate points except that no commodities shall be transported over this route from Chattanooga, Tenn., destined to or from Athens, (4) between Cleveland, Tenn., and Greenville, Tenn.; from Cleveland over Tennessee Highway 2 to junction Tennessee Highway 1, thence over Tennessee Highway 1 to junction Tennessee Highway 9, thence over Tennessee Highway 9 to junction Tennessee Highway 34, and thence over Tennessee Highway 34 to Greenville, and return over the same route, serving all intermediate points, except those between Cleveland and Loudon, Tenn., (5) (a) between Chattanooga, Tenn., and Knoxville, Tenn.; from Chattanooga over Tennessee Highway 2 to junction Tennessee Highway 74, thence over Tennessee Highway 74 to junction Tennessee Highway 33, thence over Tennessee Highway 33 to junction Tennessee Highway 73, and thence over Tennessee Highway 73 to Knoxville, and return over the same route, serving all intermediate points except those between Cleveland, Tenn., and Chattanooga, Tenn., and (b) between Knoxville and Copperhill, Tenn.; from Knoxville over Tennessee Highway 73 to junction Tennessee Highway 33, thence over Tennessee Highway 33 to junction Tennessee Highway 74, thence over Tennessee Highway 74 to junction Tennessee Highway 40, and thence over Tennessee Highway 40 to Copperhill, and return over the same route, serving all intermediate points,

(3) (a) between Etowah, Tenn., and Athens, Tenn.; from Etowah over Tennessee Highway 30 to Athens, and return over the same route, serving all intermediate points, and (b) between Madisonville, Tenn., and Tellico Plains, Tenn.; from Madisonville over Tennessee Highway 68 to Tellico Plains, and return over the same route, serving all intermediate points except that no commodities shall be transported over this route from Chattanooga, Tenn., destined to or from Athens, (4) between Cleveland, Tenn., and Greenville, Tenn.; from Cleveland over Tennessee Highway 2 to junction Tennessee Highway 1, thence over Tennessee Highway 1 to junction Tennessee Highway 9, thence over Tennessee Highway 9 to junction Tennessee Highway 34, and thence over Tennessee Highway 34 to Greenville, and return over the same route, serving all intermediate points, except those between Cleveland and Loudon, Tenn., (2

Mo., of the operating rights and property of ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, Mo., and for acquisition by LEROY L. WADE, HELEN GRACE WADE, both of 1615 Izard Street, Omaha, Nebr., ELZA M. EASTER, MERWIN E. EASTER, LYNN W. EASTER, L. DONALD EASTER, LOWELL B. EASTER, RICHARD L. EASTER, THOMAS C. MILLER, and JACK L. EASTER, all of 4143 East 43d Street, Des Moines, Iowa, of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be merged: *Automobiles, trucks, chassis,* and *automobile parts,* in truckaway and driveaway service, as a *common carrier,* over a regular route, between Quapaw, Okla., and the Kansas-Missouri State line, serving no intermediate points; *automobiles, trucks, cabs, automobile bodies, chassis,* and *unfinished automobiles,* restricted to initial movement, in driveaway or truckaway service, over irregular routes, from factory and assembly plants in St. Louis, Mo., to Memphis, Tenn., and points in Illinois, Missouri, Arkansas and Iowa, *the commodities specified above,* restricted to secondary movements, between St. Louis, Mo., on the one hand, and, on the other, Detroit, Mich., Memphis, Tenn., and points in Indiana, Illinois, Missouri, Arkansas, and those in Iowa east of a line beginning at the Minnesota-Iowa State lines, and extending along U.S. Highway 52 to Dubuque, Iowa, thence along U.S. Highway 67 to Davenport, Iowa, and thence along U.S. Highway 61 to the Iowa-Missouri State line, including points on the indicated portions of the highways specified, *automobiles, trucks, tractors, chassis, cabs,* and *automobile bodies,* restricted to initial movements, in truckaway and driveaway service, from St. Louis, Mo., to points in Indiana, the above-specified commodities, restricted to secondary movements, in truckaway and driveaway service, between points in Iowa, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, and Missouri, the operating rights granted above over irregular routes, shall be modified by insertion of the following:

RESTRICTION: Associated Transports, Inc., shall not interchange with Highway Transport Co., Inc., any traffic originating at Kenosha, Wis.; *farm tractors* and, when part of a shipment including tractors, *farm implements, equipment, tools, parts and attachments* therefor, from St. Louis, Mo., to points in that part of Illinois, south of the northern boundaries of Adams, Schuyler, Mason, Logan, DeWitt, Platt, Champaign, and Vermilion Counties, except points in Douglas, Edgar, Coles, Cumberland, Clark, Jasper, Crawford, and Lawrence Counties, and those in that part of Missouri east of the western boundaries of Putnam, Sullivan, Linn, Chariton, Howard, Cooper, Morgan, Camden, Laclede, Wright, Douglas, and Ozark Counties; *automobiles, trucks, cabs, bodies,* and *chassis,* finished or unfinished, and *automobile parts* when moving with these commodities, by the driveaway and truckaway methods, restricted to initial movements, from Hegewisch, Ill., to Memphis, Tenn., Quapaw, Okla., and points in Missouri and Arkansas; *new automobiles, trucks, chassis* and *cabs,* in initial movement, by truckaway and driveaway methods, from the site of Ford Motor Company plant located near the St. Louis Municipal Airport in St. Louis County, Mo., to points in Illinois, Missouri, Iowa, Kansas, Oklahoma, Arkansas, Tennessee, and Indiana; *new automobiles, trucks,* and *truck chassis, bodies,* and *cabs,* in initial movements, in truckaway and driveaway service, from Kansas City, Mo., to points in Illinois; *new automobiles, new trucks, new bodies, new cabs,* and *new chassis,* and *parts thereof,* by the truckaway and driveaway methods, in initial movements, from the site of the plant of the Lincoln-Mercury Division of the Ford Motor Company, situated at or near the St. Louis Municipal Airport, St. Louis County, Mo., to points in that part of Alabama, on, north, and west of U.S. Highway 11, Kentucky, that part of Mississippi, on and north of U.S. Highway 80, and Nebraska;

new automobiles, and *chassis,* in initial movement, in truckaway and driveaway service, and *automobile bodies,* from points in Madison County, Ala., to points in Mississippi, Tennessee, Arkansas, Oklahoma, Kansas, Missouri, Kentucky, Indiana, Illinois, Iowa, Nebraska, and Michigan; *new automobiles, new trucks,* and *new chassis,* in initial movements by truckaway and driveaway methods, and *new bodies,* and *new cabs,* from Robertson, Mo., including the site of the Ford Motor Company's plant near thereto, to points in Wisconsin; *new automobiles* and *new trucks,* in initial movements, in truckaway service, from Kansas City, Mo., to points in Kansas, Colorado, Utah, and Wyoming; *automobiles,* in initial movements, by the driveaway and truckaway methods, from the site of the Ford Motor Company's Lincoln-Mercury plant at or near Robertson, Mo., to points in Colorado, Wyoming, New Mexico, Louisiana, those in Mississippi south of U.S. Highway 80, and those in Alabama south and east of U.S. Highway 11; *new automobiles, new trucks, new bodies,* and *new chassis,* in initial movements, in truckaway and driveaway service, from the site of the Ford Motor Company plant in Clay County, Mo., to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nevada, North Dakota, Oregon, Tennessee, Utah, and Wyoming; *automobiles, trucks, cabs, automobile bodies, chassis,* and *unfinished automobiles,* restricted to initial movements, in driveaway and truckaway service, from factory and assembly plants in St. Louis, Mo., to Texarkana, Tex.; *the commodities specified immediately above,* restricted to secondary movements, from St. Louis, Mo., to Texarkana, Tex.; *automobile, trucks, tractors, chassis, cabs,* and *automobile bodies,* restricted to initial movements, in driveaway and truckaway service, from St. Louis, Mo., to Texarkana, Tex.; *the commodities specified immediately above,* from points in Iowa to Texarkana, Tex.; *automobiles, trucks, cabs, bodies,* and *chassis,* finished or unfinished, and *automobile parts* when moving with these commodities by the driveway and truckaway methods, restricted to initial movements, from Hegewisch, Ill., to Texarkana, Tex.;

new automobiles, trucks, chassis, and *cabs,* in initial movements, by driveaway and truckaway service, from the site of the Ford Motor Company plant located near the St. Louis Municipal Airport in St. Louis County, Mo., to Texarkana, Tex.; *new automobiles,* and *chassis,* in initial movements, in driveaway and truckaway service, and *automobile bodies,* from points in Madison County, Ala., to Texarkana, Tex.; *new automobiles, new trucks, new chassis,* in initial movements, in truckaway and driveaway service, and new bodies and new cabs, from the site of the Ford Motor Company's Lincoln-Mercury plant at Hazelwood, Mo. (near Robertson, Mo.), to points in Georgia, Florida, North Carolina and South Carolina; *new automobiles, new trucks,* and *new chassis,* in initial movements, in truckaway and driveaway service, and *new bodies,* and *new cabs,* from Hazelwood, Mo., to points in Minnesota, Montana, North Dakota, and South Dakota; *new automobiles, new trucks,* and *new chassis,* in initial movements, by truckaway or driveaway methods, and *automobile and truck bodies,* and *cabs,* from Kansas City, Mo., to points in Benton and Washington Counties, Ark.; *automobiles and trucks* in initial movements, in truckaway service, from the site of the Ford Motor Company plant in Kansas City, Mo., to points in New Mexico and Oklahoma, and from the site of the Ford Motor Company plant in Claycomo, Mo., to points in New Mexico, and Oklahoma; *new automobiles, new trucks,* and *new chassis,* in initial movements, in truckaway and driveaway service, from Kansas City, Mo., to points in Missouri.

RESTRICTION: Authority granted herein is restricted against the tacking thereof, directly or indirectly, with other authority held by carrier; *automobiles, trucks, automobile and truck chassis,* and *automobile and truck parts and accessories,* incidental to equipment of vehicles being transported, in initial movements, in driveaway and truckaway service, from the site of the Ford Motor Company's Lincoln-Mercury Division plant, in Hazelwood, Mo. (near Robertson, Mo.), to points in Michigan, Ohio, and Pennsylvania; *new automobiles, new trucks,* and *new chassis,* in initial movements, in truckaway and driveaway service, and *new automobile parts and accessories* incidental to the vehicles transported, from the site of the Ford Motor Company plant at Claycomo (Clay County), Mo., to points in Alabama and Wisconsin; *new automobiles, new trucks,* and *new chassis,* in secondary movements, in truckaway service, and *new automobile parts and accessories,* incidental to the vehicles transported when moving at the same time with the above-described vehicles being transported, from the site of the Ford Motor Company assembly plant in Claycomo, Mo., to points in Malheur County, Oreg., points in Lander, Elko, White Pine, Humboldt, and Eureka Counties, Nev., and points in Arkansas, Colorado, Idaho, Kansas, Missouri, Montana, New Mexico, Oklahoma, Utah, and Wyoming; and *new automobiles, new trucks,* and *new chassis,* in initial movements, in truckaway service, and *new automobile parts and accessories,* incidental to the vehicles transported when moving at the same time with the above-described vehicles, from the site of the plant of Ford Motor Company in Claycomo, Mo., to points in Michigan, Ohio, Pennsylvania, West Virginia, North Carolina, South Carolina, and Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE: ASSOCIATED CARRIERS, INC., controls ASSOCIATED TRANSPORTS, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-8303, which became the order of the Commission on June 18, 1963. No. MC-F-8303 was published in the December 19, 1962, issue of the FEDERAL REGISTER on page 12602.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9948; Filed, Sept. 17, 1963; 8:46 a.m.]

[Notice No. 866]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 13, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66177. By order of September 11, 1963, the Transfer Board approved the transfer to Leroy E. Berry and Lincoln A. Berry, a partnership, doing business as Berry's Charter Service, Huntingtown, Md., 20639, of Certificate No. MC 114675 issued December 15, 1954, to Zellers Berry, Prince Frederick, Md., authorizing the transportation of passengers and their baggage, in charter operations, over irregular routes, beginning and ending at points in Calvert County, Md., and extending to points in Virginia, Delaware, and the District of Columbia.

No. MC-FC 66192. By order of September 11, 1963, the Transfer Board approved the substitution of American Cartage Company, a corporation, Fresno, Calif., in lieu of Harold H. McBride, Violet McBride, administratrix, doing business as H. McBride Delivery Service, Dinuba, Calif., as applicant in No. MC 120642 (Sub-No. 1) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by California Certificate No. 62104, authorizing the transportation of general commodities, with specified exceptions, between all points on or within 25 miles laterally of U.S. Highway 99 between Fresno and Tulare, inclusive, and between all points within a 25-mile radius of Fresno, between all points within a 25-mile radius of Tulare; through routes and rates may be established between any and all points specified. William H. Kessler, 638 Divisadero Street, Fresno 21, Calif., attorney for applicants.

No. MC-FC 66204. By order of September 11, 1963, the Transfer Board approved the transfer of the "grandfather" operating rights claimed to have been performed by Bee Line Freight Service, Inc., doing business as Bee Line Fuel Co., P.O. Box 2280, Anchorage, Alaska, and the transfer and substitution of Donald R. Bailey, doing business as Bee Line Freight Service, Post Office Box 76, Soldatna, Alaska, in that proceeding seeking issuance of Certificate No. MC 118778 (Sub-No. 2) authorizing the transportation of: Automobiles, trucks and truck-tractors, in truckaway and driveaway service between Seward and Anchorage, Alaska, on the one hand, and on the other, Anchorage, Alaska, and Palmer, Alaska and points within 25-mile radius of Palmer, Alaska.

No. MC-FC 66233. By order of September 11, 1963, the Transfer Board approved the transfer to Ronald D. Gillespie, Lamoni, Iowa of Permit No. MC 123550 issued February 28, 1962, to Gerald E. Shippy, Lamoni, Iowa, authorizing the transportation of inedible packinghouse byproducts, in bulk, in dump vehicles, over irregular routes, from Lamoni, Iowa, to the plant site of the Terminal Warehouse of St. Joseph, Inc., South Saint Joseph, Mo., and from the plant site of the Terminal Warehouse of St. Joseph, Inc., South Saint Joseph, Mo., to Des Moines, Iowa. Stephen Robinson, 412 Equitable Building, Des Moines, Iowa, 50309, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9949; Filed, Sept. 17, 1963; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 13, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38536: T.O.F.C. service—class rates from and to southwestern territory. Filed by Southwestern Freight Bureau, agent (No. B-8444), for interested rail carriers. Rates on various commodities moving on class rates, loaded in or on trailers and transported on railroad flat cars, between Charleston and Huntington, W. Va., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 72 to Southwestern Freight Bureau, agent, tariff I.C.C. 4409.

By the Commission.

HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9945; Filed, Sept. 17, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38534: *Substituted service—SP for D. A. Beard Truck Line, et al.* Filed by J. D. Hughett, agent (No. 50), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between New Orleans, La., on the one hand, and Houston, Tex., and Lake Charles, La., on the other, also between Lake Charles, La., and Houston, Tex., on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief: Motortruck competition.

Tariff: Supplement 1 to J. D. Hughett, agent, tariff MF-I.C.C. 375.

FSA No. 38535: *Vermiculite from Kearney, S.C.* Filed by Southwestern Freight Bureau, agent (No. B-8439), for interested rail carriers. Rates on vermiculite, as described in the application, in carloads, from Kearney, S.C., to points in Arkansas, New Mexico, Oklahoma, and Texas.

Grounds for relief: Import and domestic market competition.

Tariffs: Supplements 181, 150, 142 and 94 to Southwestern Freight Bureau, agent, tariffs 4400, 4397, 4337, and 4406, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-9897; Filed, Sept. 16, 1963; 8:47 a.m.]

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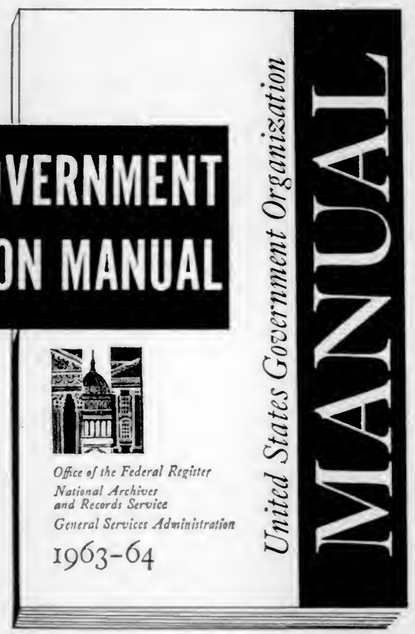
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VOLUME 28 NUMBER 183

Washington, Thursday, September 19, 1963

THE UNIVERSITY OF MICHIGAN
SEP 23 1963
MAIN READING ROOM

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Allotments and Assignments

Effective September 19, 1963, Subpart F is revised in order to permit employees to make allotments to pay State and District of Columbia income taxes when their taxes are not now withheld because of the place of employment. The regulations, as revised, are set out below.

§ 25.601 Definitions.

* * * * *

(d) "Allotment" is (1) either an allotment or assignment of a definite amount of the compensation of a civilian employee which is authorized to be paid to an allottee, or (2) an authorization by the allotter to deduct for the payment of income taxes as authorized by § 25.604 (a) (4).

§ 25.603 Authorized allotters.

(a) Except as provided by paragraph (b) of this section, only those employees who are serving under appointments not limited to six months or less may be permitted to make allotments.

(b) An employee regardless of tenure may be permitted to make an allotment for the payment of income taxes as authorized by § 25.604(a)(4).

§ 25.604 Circumstances under which allotments are permitted.

(a) Allotments may be authorized on a current basis under the following circumstances: * * *

(4) When an employee is employed outside of, but is a resident in, a State or the District of Columbia with which the Secretary of the Treasury has entered into an agreement to withhold income taxes from the salaries of employees under the Act of July 17, 1952, as amended (5 U.S.C. 84b–c), and the Act of March 31, 1956 (70 Stat. 77).

§ 25.605 Purposes for which allotments may be made.

(a) Allotments may be made for the following purposes: * * *

(5) For payment of State or District of Columbia income taxes as authorized by § 25.604(a)(4);

(6) For any other purpose, not otherwise prohibited, when approved by the head of the department or his authorized representative.

§ 25.606 Authorized allottees.

(a) An allotment may be made to an individual, a corporation, a financial institution, an agency, or a State or the District of Columbia when the allotment is for one of the purposes permitted by § 25.605(a).

§ 25.609 Procedures.

(a) Subject to the provisions of paragraph (b), of this section, each department shall prescribe and administer the necessary procedures to carry out the purposes of the Act and these regulations, and the procedures established shall be consistent with the provisions of the Act and the regulations of this part.

(b) A department's procedures under which employees may make allotments for the payment of income taxes as authorized by § 25.604(a)(4) shall conform to regulations issued by the Treasury Department and to the regulations of this part.

(Sec. 6, 75 Stat. 664; 5 U.S.C. 3076)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10020; Filed, Sept. 18, 1963; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Decision and Determination Concerning Special Inventory Dates for Year 1964

Pursuant to the provisions of § 131.79 of the order regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131) applications were filed prior to September 1, 1963, by The Blue Cross Serum Company and Philips Roxane, Inc., requesting a date other than April 1, for the year 1964, upon which each of such applicants shall have in inventory the reserve supply of completed anti-hog-cholera serum specified by § 131.79(a) of said order. The dates so requested by said applicants are as follows: The Blue Cross Serum Company, January 2, 1964, and Philips Roxane, Inc., April 30, 1964.

After consideration of all relevant and material matters submitted with said applications and all other available information and data relating to the applications, including data on file in the Department, and the factors set forth in § 131.80(d) of said order, it is hereby found that the granting of dates of January 2, 1964, and April 30, 1964, with respect to the aforesaid applications will tend to effectuate the purposes of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U.S.C. 851 et seq.).

It is, therefore, determined that the inventory date upon which each of the aforesaid applicants shall have the reserve supply of completed anti-hog-cholera serum required by § 131.79(a) of said order for the year 1964 shall be as follows:

The Blue Cross Serum Company, January 2, 1964.
Philips Roxane, Inc., April 30, 1964.

Each of such applicants shall file the report specified in § 131.48(c) of said order within 30 days after the inventory date herein set for such applicant, setting forth the cubic centimeter volume of completed serum such applicant had in inventory in his own possession on the date herein specified, identifying such serum in the manner and to the extent required by § 131.48(c) of said order.

Done at Washington, D.C., this 13th day of September 1963.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 63-9994; Filed, Sept. 18, 1963; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Interpretations; Correction

The interpretation published September 10, 1963 (28 F.R. 9840), as § 208.104, and the interpretation published September 13, 1963 (28 F.R. 9938), as § 208.105, are renumbered § 208.105 and § 208.106, respectively, as the interpretation published October 6, 1961 (26 F.R. 9408), as § 208.104, is still in effect. The section headings, as renumbered, read as follows:

§ 208.105 Underwriting bonds payable from proceeds of State sales taxes.

§ 208.106 Federal fund transactions.

Dated at Washington, D.C., this 13th day of September 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-9983; Filed, Sept. 18, 1963; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 1950; Amdt. 106]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR opera-

tions by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Pacific INT, Calif., to Long Beach, Calif., VOR; MEA 4,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From *Spokane, Wash., VOR via S alter.; to Tekoa INT, Wash., via S alter.; MEA **14,000. *12,000—MCA Spokane, VOR, southeastbound; **9,000—MOCA.
From Tekoa INT, Wash., via S alter.; to Mullan Pass, Idaho, VOR via S alter.; MEA 14,000.
From Billings, Mont., VOR via N alter.; to Miles City, Mont., VOR via N alter.; MEA *5,300. *5,000—MOCA.
From *Ada INT, Mich.; to Lansing, Mich., VOR; MEA **2,600. *4,000—MRA. **2,200—MOCA.
From Caledonia INT, Mich., via S alter.; to Lansing, Mich., VOR via S alter.; MEA *2,800. *2,000—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From Long Hill INT, Conn.; to Bethany INT, Conn., MEA 2,100.
From Bethany INT, Conn.; to Hartford, Conn., VOR; MEA *2,700. *2,100—MOCA.
From Hartford, Conn., VOR; to Woodstock INT, Conn.; MEA *2,700. *2,000—MOCA.
From Woodstock INT, Conn.; to Millbury INT, Mass.; MEA *3,000. *2,300—MOCA.
From Boston, Mass., VOR; to Ipswich INT, Mass.; MEA *2,000. *1,800—MOCA.
From Ipswich INT, Mass.; to Kennebunk, Maine, VOR; MEA 1,700.
From Brooke, Va., VOR; to Norbeck INT, Md.; MEA 2,000.
From Norbeck INT, Md.; to Westminster, Md., VOR; MEA 1,800.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Martinsburg, W. Va., VOR; to Lovettsville INT, Va.; MEA 3,200.
From Lovettsville INT, Va., VOR; to Boyds INT, Va.; MEA 3,000.
From Boyds INT, Va.; to Ashburn INT, Md.; MEA 2,800.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From Anderson INT, Tenn., via E alter.; to Humboldt INT, Tenn., via E alter.; MEA *4,000. *2,100—MOCA.

From Humboldt INT, Tenn., via E alter.; to *Bradford INT, Tenn., via E alter.; MEA **4,000. *4,000—MRA. **1,600—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From Wichita, Kans., VOR; to *Cassoday INT, Kans.; MEA 3,000. *4,500—MRA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From Fayetteville, Ark., VOR; to Neosho, Mo., VOR; MEA *3,100. *2,700—MOCA.
From Neosho, Mo., VOR; to Nashville INT, Mo.; MEA *2,900. *2,700—MOCA.
From Nashville INT, Mo.; to *Nevada INT, Mo.; MEA **2,700. *3,200—MRA. **2,000—MOCA
From Nevada INT, Mo.; to Bulter, Mo., VOR; MEA *2,600. *1,900—MOCA.
From Neosho, Mo., VOR via W alter.; to Waco INT, Mo., via W alter.; MEA *3,000. *2,700—MOCA.
From Waco INT, Mo., via W alter.; to Butler, Mo., VOR via W alter.; MEA *3,000. *2,500—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From Adair INT, Okla.; to Grand Lake INT, Mo., VOR; MEA *3,000. *2,700—MOCA.
From Grand Lake INT, Mo.; to Neosho, Mo., VOR; MEA *3,000. *2,700—MOCA.
From Vinita INT, Okla., via N alter.; to Wyandotte INT, Okla., via N alter.; MEA *2,800. *2,000—MOCA.
From Wyandotte INT, Okla., via N alter.; to Neosho, Mo., VOR via N alter.; MEA *2,900. *2,500—MOCA.
From Neosho, Mo., VOR; to Plano INT, Mo.; MEA *3,100. *2,500—MOCA.
From Vinita INT, Okla., via N alter.; to Wyandotte INT, Okla., via N alter.; MEA *2,800. *2,000—MOCA.
From Wyandotte INT, Okla., via N alter.; to Neosho, Mo., VOR via N alter.; MEA *2,900. *2,500—MOCA.
From Neosho, Mo., VOR via N alter.; to Miller INT, Mo., via N alter.; MEA *3,000. *2,500—MOCA.
From *Pryor INT, Okla., via S alter.; to Tiff City INT, Mo., via S alter.; MEA **2,800. *2,500—MRA. **2,100—MOCA.
From Tiff City INT, Mo., via S alter.; to Neosho, Mo., VOR via S alter.; MEA *3,000. *2,700—MOCA.
From Neosho, Mo., VOR via S alter.; to Billings INT, Mo., via S alter.; MEA *3,200. *2,600—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From *Pryor INT, Okla., to Tiff City INT, Mo.; MEA **2,800. *2,500—MRA. **2,100—MOCA.
From Tiff City INT, Mo.; to Neosho, Mo., VOR; MEA *3,000. *2,700—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to delete:

From Blythe, Calif., VOR via N alter.; to Buckeye, Ariz., VOR via N alter.; MEA *6,500. *5,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 2,000. *2,000—MRA.
From Ironsides INT, Md.; to Nottingham, Md., VOR; MEA 1,700.
From Nottingham, Md., VOR; to North Beach INT, Md.; MEA 1,700.
From North Beach INT, Md.; to Dominion INT, Md.; MEA 1,800.
From Dominion INT, Md.; to Kenton, Del., VOR; MEA 1,500.
From Knoxville, Tenn., VOR via N alter.; to *Tampico INT, Tenn., via N alter.; MEA 3,500. *5,500—MRA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Medford, Oreg., VOR via E alter.; to Eugene, Oreg., VOR via E alter.; MEA 11,500.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

From Klamath Falls, Oreg., VOR; to Sprague INT, Oreg., northbound; MEA 11,000; southbound; MEA 10,000.
From Sprague INT, Oreg.; to Redmond, Oreg., VOR; MEA 12,000.
From Redmond, Oreg., VOR; to *Gateway INT, Oreg.; MEA 7,000. *9,000—MRA.
From Gateway INT, Oreg.; to *The Dalles, Oreg., VOR; MEA 7,000. *4,800—MCA The Dalles VOR, northbound.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

From North Bend, Oreg., VOR; to Newport, Oreg., VOR; MEA 6,000.
From Newport, Oreg., VOR; to Astoria, Oreg., VOR; MEA 5,500.

Section 95.6031 *VOR Federal airway 31* is amended to read in part:

From Golden Hill INT, Md.; to Nottingham, Md., VOR; MEA *1,900. *1,200—MOCA.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

From Harcum, Va., VOR; to Coles Point INT, Va.; MEA 2,000.
From Coles Point INT, Va.; to Nottingham, Md., VOR; MEA 1,700.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

From Demotte INT, Ill.; to Monterey, Ind., VOR; MEA 2,200.
From Monterey, Ind., VOR; to Fort Wayne, Ind., VOR; MEA 2,200.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

From Brady INT, Va., via E alter.; to Herndon, Va., VOR via E alter.; MEA 2,000.

Section 95.6042 *VOR Federal airway 42* is amended to delete:

From U.S. Canadian border, via E alter.; to Cleveland, Ohio, VOR via E alter.; MEA *3,000. *2,000—MOCA.

Section 95.6042 *VOR Federal airway 42* is amended by adding:

From U.S. Canadian border, via E alter.; to Int. Windsor 134 M rad and Strongsville 346 M rad, via E alter.; MEA *3,500. *3,000—MOCA.
From Int. Windsor 134 M rad and Strongsville 346 M rad, via E alter.; to Strongsville, Ohio, VOR via E alter.; MEA *3,000. *2,500—MOCA.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

From Flint, Mich., VOR; to Plains INT, Mich.; MEA *3,000. *2,400—MOCA.
From Flint, Mich., VOR via E alter.; to Allen INT, Mich., via E alter.; MEA *3,000. *2,400—MOCA.
From Allen INT, Mich., via E alter.; to Windsor, Ont., Canada, VOR via E alter.; MEA *2,400. *For that airspace over U.S. territory.
From Strongville, Ohio, VOR via E alter.; to Int. Strongville 166 M rad and Akron 293 M rad, via E alter.; MEA *3,000. *2,200—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

From Lansing, Mich., VOR; to Saginaw, Mich., VOR; MEA *2,600. *2,300—MOCA.
From Liberty, N.C., VOR via W alter.; to Greensboro, N.C., VOR via W alter.; MEA 2,300.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

From Geneva, INT, Ga.; to *Junction City INT, Ga.; MEA **2,200. *3,000—MRA. **1,800—MOCA.

From Junction City INT, Ga.; to Butler INT, Ga.; MEA *2,200. *1,800—MOCA.

Section 95.6058 *VOR Federal airway 58* is amended to read in part:

From Poughkeepsie, N.Y., VOR; to Hartford, Conn., VOR; MEA 3,000.

Section 95.6060 *VOR Federal airway 60* is amended to delete:

From Texico, N. Mex., VOR; to *Hale INT, Tex.; MEA **7,000. *7,000—MRA. **5,000—MOCA.
From Hale INT, Tex.; to Lubbock, Tex., VOR; MEA 4,500.
From Texico, N. Mex., VOR via S alter.; to Lubbock, Tex., VOR via S alter.; MEA *5,500. *5,300—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

From Texico, N. Mex., VOR; to Plainview, Tex., VOR; MEA 5,100.
From Plainview, Tex., VOR; to Lubbock, Tex., VOR; MEA 4,500.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

From *Nevada INT, Mo., via W alter.; to Butler, Mo., VOR via W alter.; MEA **2,600. *3,200—MRA. **1,900—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to delete:

From Concord, N.H., VOR; to Int. 027 M rad Concord VOR and 299 M rad Kennebunk VOR; MEA *4,000. *3,800—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to delete:

From Lubbock, Tex., VOR via E alter.; to Amarillo, Tex., VOR via E alter.; MEA *5,500. *4,700—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

From Lubbock, Tex., VOR; to Plainview, Tex., VOR; MEA 4,500.
From Plainview, Tex., VOR; to Amarillo, Tex., VOR; MEA 4,700.
From Plainview, Tex., VOR via E alter.; to Amarillo, Tex., VOR via E alter.; MEA 4,700.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

From Orangeville INT, Mich.; to Lansing, Mich., VOR; MEA *2,900. *2,200—MOCA.
From Lansing, Mich., VOR; to Flint, Mich., VOR; MEA *2,700. *2,400—MOCA.
From Flint, Mich., VOR; to Peck, Mich., VOR; MEA *2,800. *2,200—MOCA.
From Bradford, Ill., VOR; to Malta INT, Ill.; MEA *3,500. *2,200—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

From Vinita INT, Okla., to *Waco INT, Mo.; MEA **6,500. *6,500—MCA Waco INT, southwestbound. **2,500—MOCA.
From Waco INT, Mo.; to Miller INT, Mo.; MEA *3,000. *2,300—MOCA.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

From Patuxent, Md., VOR; to Grasonville INT, Md.; MEA 1,800.
From Grasonville INT, Md.; to Baltimore, Md., VOR; MEA 1,900.
From Poughkeepsie, N.Y., VOR; to Chester, Mass., VOR; MEA 4,000.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

From *Winslow, Ariz., VOR; to **Castle INT, Ariz., northeastbound, MEA 11,000; southwestbound, MEA 8,000. *6,800—MCA Winslow VOR, southwestbound, **11,000—MRA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

From St. Petersburg, Fla., VOR; to *Retirement INT, Fla.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Retirement INT, Fla.; to Shrimp INT, Fla.; MEA *4,000. *1,000—MOCA.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

From U.S.-Canadian border; to Akron, Ohio, VOR; MEA *3,500. *3,000—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

From Knoxville, Tenn., VOR; to Rutledge INT, Tenn.; MEA 4,000.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

From Washington, D.C., VOR; to Andrews, Md., VOR; MEA 1,900.
From Andrews, Md., VOR; to Pasadena INT, Md.; MEA 2,000.
From Trinity, N.Y., VOR; to Westfield, Mass., VOR; MEA 3,000.

Section 95.6130 *VOR Federal airway 130* is amended to read in part:

From Brainard INT, N.Y.; to Monterey INT, Mass.; MEA 4,000.
From Monterey INT, Mass.; to Colebrook INT, Mass.; MEA *4,000. *3,800—MOCA.
From Colebrook INT, Mass.; to Bradley INT, Conn.; MEA 3,000.
From Bradley INT, Conn.; to Hartford, Conn., VOR; MEA *2,600. *2,500—MOCA.
From Hartford, Conn., VOR; to Norwich, Conn., VOR; MEA *2,600. *1,900—MOCA.

Section 95.6131 *VOR Federal airway 131* is amended to read in part:

From Tulsa, Okla., VOR; to Delaware INT, Okla.; MEA, 2,700.
From Delaware INT, Okla.; to Coffeyville INT, Kans.; MEA, *2,700. *2,000—MOCA.
From Coffeyville INT, Kans.; to Chanute, Kans., VOR; MEA, *2,800. *2,300—MOCA.
From Chanute, Kans., VOR; to Pomona INT, Kans.; MEA, *2,900. *2,500—MOCA.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

From *Florence INT, Kans.; to **Cassoday INT, Kans.; MEA ***5,000. *5,000—MRA. **4,500—MRA. ***2,700—MOCA.
From Cassoday INT, Kans.; to Chanute, Kans., VOR; MEA, *4,500. *2,800—MOCA.
From Chanute, Kans., VOR; to Walnut INT, Kans.; MEA *2,800. *2,200—MOCA.
From Walnut INT, Kans.; to Nashville INT, Mo.; MEA, *2,700. *2,200—MOCA.
From Chanute, Kans., VOR via S alter.; to McCune INT, Kans., via S alter.; MEA *2,800. *2,100—MOCA.
From Waco INT, Mo., via S alter.; to Miller INT, Mo., via S alter.; MEA *3,000. *2,300—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

From Russell INT, Mich.; to Flint, Mich., VOR; MEA *3,000. *2,200—MOCA.
From Flint, Mich., VOR; to *Fosters INT, Mich.; MEA **2,500. *3,000—MRA. **2,200—MOCA.
From Fosters INT, Mich.; to Saginaw, Mich., VOR; MEA *2,500. *2,200—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Dyersburg, Tenn., VOR via S alter.; to Braham, Tenn., VOR via S alter.; MEA 4,000.
From Washington, D.C., VOR; to Andrews, Md., VOR; MEA 1,900.
From Andrews, Md., VOR; to Pasadena INT, Md.; MEA 2,000.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

From Boston, Mass., VOR; to Ipswich INT, Mass.; MEA *2,000. *1,800—MOCA.

Section 95.6143 *VOR Federal airway 143* is amended to read in part:

From Manassas INT, Va.; to Nottingham, Md., VOR; MEA 1,900.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

From Linden, Va., VOR; to Huntly INT, Va.; MEA 5,000.
From Huntly INT, Va.; to Blue Ridge INT, Va.; MEA 4,000.
From Blue Ridge INT, Va.; to Manassas INT, Va.; MEA 2,800.
From Demotte INT, Ill., to Monterey, Ind., VOR; MEA 2,200.
From Monterey, Ind., VOR; to Fort Wayne, Ind., VOR; MEA 2,200.

Section 95.6146 *VOR Federal airway 146* is amended to read in part:

From Bradley INT, Conn.; to Skylark INT, Conn.; MEA 2,500.
From Skylark INT, Conn.; to Putnam, Conn., VOR; MEA *3,000. *2,500—MOCA.

Section 95.6155 *VOR Federal airway 155* is amended to read in part:

From Gordonsville, Va., VOR; to Sperryville INT, Va.; MEA 5,000.
From Sperryville INT, Va.; to *Linden, Va., VOR; MEA 5,200. *4,500—MCA Linden VOR, southbound.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

From Bagby INT, Va.; to Ironsides INT, Md.; MEA *2,000. *1,300—MOCA.
From Ironsides INT, Md.; to Doncaster INT, Md.; MEA *2,000. *1,400—MOCA.
From Doncaster INT, Md.; to Washington, D.C., VOR; MEA *1,800. *1,400—MOCA.
From Doncaster INT, Md., via W alter.; to Washington, D.C., VOR via W alter.; MEA *1,800. *1,400—MOCA.
From Brooke, Va., VOR via W alter.; to Ironsides INT, Md., via W alter.; MEA 2,000.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

From Nowata INT, Okla.; to Oswego, Kans., VOR; MEA *2,800. *2,100—MOCA.
From Oswego, Kans., VOR; to Walnut INT, Kans.; MEA *2,800. *2,100—MOCA.
From Walnut INT, Kans.; to Butler, Mo., VOR; MEA *2,800. *2,300—MOCA.
From Greater Southwest, Tex., VOR; to Justin INT, Tex.; MEA 2,200.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

From Northport INT, N.Y.; to Sound INT, N.Y.; MEA 2,000.
From Sound INT, N.Y.; to Wallingford INT, Conn.; MEA *2,500. *2,100—MOCA.
From Wallingford INT, Conn.; to Hartford, Conn., VOR; MEA *2,600. *2,000—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

From *Rockford, Ill., VOR; to Davis INT, Ill.; MEA 2,500. *2,500—MCA Rockford VOR, Northwestbound.
From Davis INT, Ill.; to New Glarus INT, Wis.; MEA *2,800. *2,500—MOCA.

Section 95.6174 *VOR Federal airway 174* is amended to read in part:

From Linden, Va., VOR.; to Huntly INT, Va.; MEA 5,000.
From Huntly INT, Va.; to Blue Ridge INT, Va.; MEA 4,000.
From Blue Ridge INT, Va.; to Manassas INT, Va.; MEA 2,600.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

From Fort Wayne, Ind., VOR; to Monterey, Ind., VOR; MEA 2,200.
From Monterey, Ind., VOR; to Demotte INT, Ill.; MEA 2,200.

Section 95.6182 *VOR Federal airway 182* is amended to read in part:

From Ukiah INT, Oreg.; to *Baker, Oreg., VOR; MEA 14,000. *10,200—MCA Baker VOR, westbound.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

From Cactus INT, N. Mex.; to Farmington, N. Mex., VOR; MEA 10,500.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

From St. Johns, Ariz., VOR; to Suwanee INT, N. Mex.; MEA 11,500.
From Delaware INT, Okla.; to Oswego, Kans., VOR; MEA *2,700. *1,900—MOCA.
From Waco INT, Mo.; to Miller INT, Mo.; MEA *3,000. *2,300—MOCA.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

From Norwich, Conn., VOR; to Skylark INT, Conn.; MEA *2,700. *2,000—MOCA.
From Skylark INT, Conn.; to *Russell INT, Mass.; MEA **2,700. *3,500—MCA Russell INT, northwestbound. **2,100—MOCA.
From Russell INT, Mass.; to Chester, Mass., VOR; MEA 3,700.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

From Tappahannock INT, Va.; to Patuxent, Md., VOR; MEA 2,000.
From Patuxent, Md., VOR; to Ridgely INT, Md.; MEA 2,000.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

From *Hickory INT, Mich.; to Lansing, Mich., VOR; MEA **2,700. *2,500—MCA Hickory INT, southwestbound. **2,300—MOCA.

Section 95.6223 *VOR Federal airway 223* is amended to read in part:

From Brady INT, Va.; to Herndon, Va., VOR; MEA 2,000.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

From Sandusky, Ohio, VOR; to Mentor INT, Ohio; MEA *3,000. *2,100—MOCA.
From Mentor INT, Ohio; to Chardon, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 95.6251 *VOR Federal airway 251* is amended to read in part:

From Sparta, N.J., VOR; to Danbury INT, Conn.; MEA 2,700.
From Danbury INT, Conn.; to Hartford, Conn., VOR; MEA *2,700. *2,000—MOCA.

Section 95.6255 *VOR Federal airway 255* is amended by adding:

From Morey INT, Wis.; to Dells, Wis., VOR; MEA 3,300.
From Dells, Wis., VOR; to Stevens Point, Wis., VOR; MEA *3,000. *2,300—MOCA.

Section 95.6265 *VOR Federal airway 265* is amended to read in part:

From Riverdale INT, Md.; to Beltsville INT, Md.; MEA 2,000.
From Beltsville INT, Md.; to Dayton INT, Md.; MEA 1,800.

Section 95.6267 *VOR Federal airway 267* is amended to delete:

From Roy INT, Fla., via E alter.; to Shand INT, Fla., via E alter.; MEA *2,500. *1,200—MOCA.
From Shand INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA 1,500.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

From Texico, N. Mex., VOR; to Plainview, Tex., VOR; MEA 5,100.
From Plainview, Tex., VOR; to Guthrie, Tex., VOR; MEA 4,500.

Section 95.6281 *VOR Federal airway 281* is amended to read in part:

From Redmond, Oreg., VOR; to *Heppner INT, Oreg.; MEA 10,500. *10,000—MRA.
From Walla Walla, Wash., VOR; to Spokane, Wash., VOR; MEA 8,000.

Section 95.6283 *VOR Federal airway 283* is amended to read in part:

From Lakeview, Oreg., VOR; to Redmond, Oreg., VOR; MEA 10,000.

Section 95.6286 *VOR Federal airway 286* is amended to read in part:

From Linden, Va., VOR; to Casanova, Va., VOR; MEA 5,100.
From Casanova, Va., VOR; to Brooke, Va., VOR; MEA 2,200.
From Brooke, Va., VOR; to Tappahannock INT, Va.; MEA 2,000.

Section 95.6292 *VOR Federal airway 292* is amended to read in part:

From Hartford, Conn., VOR; to Putnam, Conn., VOR; MEA *2,600. *2,000—MOCA.

Section 95.6308 *VOR Federal airway 308* is added to read:

From Border, INT, Maine; to Houlton, Maine, VOR; MEA *9,000. *3,800—MOCA.

Section 95.6410 *Hawaii VOR Federal airway 10* is added to read:

From Hilo, Hawaii, VOR; to *Whitecap INT, Hawaii; MEA **3,000. *7,000—MRA.
From Whitecap INT, Hawaii; to *Skipjack INT, Hawaii; MEA **3,000. *7,000—MRA. **2,000—MOCA.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

From Washington, D.C., VOR; to Andrews, Md., VOR; MEA 1,900.
From Andrews, Md., VOR; to Pasadena INT, Md.; MEA 2,000.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

From *Starfish INT, Ga.; to **Catherine INT, Ga.; MEA ***3,000. *3,000—MRA. **4,000—MRA. ***1,100—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended to delete:

From Middleton Island, Alaska, VOR; to *Anchorage, Alaska, VOR; MEA 9,000. *5,400—MCA Anchorage VOR, southeastbound.
From Anchorage, Alaska, VOR; to *Martha INT, Alaska; MEA 2,000. *5,000—MCA Martha INT, northwestbound.
From Martha INT, Alaska; to *Friday INT, Alaska; MEA 6,500. *7,000—MCA Friday INT, northwestbound.
From Friday INT, Alaska; to Puntilla Lake, Alaska, LF/RBN; MEA *11,500. *10,500—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended by adding:

From Middleton Island, Alaska, VOR; to *Anchorage, Alaska, VOR; MEA **9,000. *5,400—MCA Anchorage VOR, southeastbound. **8,300—MOCA.
From Anchorage, Alaska, VOR; to McGrath, Alaska, VOR; MEA *11,500. *8,500—MOCA.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

From Yakima, Wash., VOR.; to Beverly INT, Wash.; MEA 6,000.
From Beverly INT, Wash.; to Ephrata, Wash., VOR; northeastbound, MEA 4,000; southwestbound, MEA 6,000.
From *Rodna INT, Wash.; to Mullan Pass, Idaho, VOR; MEA 14,000. *13,000—MCA Rodna INT, eastbound.

Section 95.6451 *VOR Federal airway 451* is amended to read in part:

From Coastal INT, Mass.; to Whitman, Mass., VOR; MEA *2,000. *1,500—MOCA.
From Whitman, Mass., VOR; to Boston, Mass., VOR; MEA *2,000. *1,800—MOCA.

Section 95.6452 *VOR Federal airway 452* is added to read:

From Galena, Alaska, VOR; to Nenana, Alaska, VOR; MEA *7,000. *4,500—MOCA.

Section 95.6475 *VOR Federal airway 475* is amended to read in part:

From Madison, Conn., VOR via E alter.; to Norwich, Conn., VOR via E alter.; MEA *2,300. *1,700—MOCA.
From Madison, Conn., VOR; to Putnam, Conn., VOR; MEA *2,400. *2,000—MOCA.

Section 95.6480 *VOR Federal airway 480* is added to read:

From McGrath, Alaska, VOR; to Nenana, Alaska, VOR; MEA *8,000. *4,800—MOCA.

Section 95.6498 *VOR Federal airway 498* is added to read:

From McGrath, Alaska, VOR; to Galena, Alaska, VOR; MEA 6,200.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

From *Gateway INT, Oreg.; to John Day, Oreg., VOR; MEA 9,000. *9,000—MRA. *10,200—MCA Gateway INT, westbound.

Section 95.6504 *VOR Federal airway 504* is added to read:

From Nenana, Alaska, VOR; to Bettles, Alaska, VOR; MEA *7,000. *6,400—MOCA.

Section 95.6516 *VOR Federal airway 516* is amended to read in part:

From Coffeyville INT, Kans.; to Oswego, Kans., VOR; MEA *2,700. *2,200—MOCA.

Section 95.6518 *VOR Federal airway 518* is amended to read in part:

From *Twin Lakes INT, Calif.; to **Lang INT, Calif.; MEA 8,000. *7,000—MCA Twin Lakes INT, northeastbound. **7,000—MRA.
From Lang INT, Calif.; to Palmdale, Calif., VOR; MEA 8,000.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

From Orangeville INT, Mich.; to Lansing, Mich., VOR; MEA *2,900. *2,200—MOCA.

Section 95.6813 *VOR Federal airway 813* is amended to read in part:

From Crescent City, Calif., VOR; to *Rogue River INT, Oreg.; MEA 9,000. *11,000—MRA.

From Rogue River INT, Oreg.; to North Bend, Oreg., VOR; MEA 9,000.

Section 95.6830 *VOR Federal airway 830* is amended to read in part:

From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 2,000. *2,000—MRA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 2,000. *2,000—MRA.
From Ironsides INT, Md.; to Nottingham, Md., VOR; MEA 1,700.
From Nottingham, Md., VOR; to North Beach INT, Md.; MEA 1,700.
From North Beach INT, Md.; to Dominion INT, Md.; MEA 1,800.
From Dominion INT, Md.; to Kenton, Del., VOR; MEA 1,500.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

From Springfield, Mo., VOR; to Plano INT, Mo.; MEA *3,200. *2,500—MOCA.
From Plano INT, Mo.; to Neosho, Mo., VOR; MEA *3,100. *2,500—MOCA.
From Neosho, Mo., VOR; to Tiff City INT, Mo.; MEA *3,000. *2,700—MOCA.
From Tiff City INT, Mo.; to *Pryor INT, Okla.; MEA **2,800. *2,500—MRA. **2,100—MOCA.

Section 95.6853 *VOR Federal airway 853* is amended to read in part:

From Demotte INT, Ill.; to Monterey, Ind., VOR; MEA 2,200.
From Monterey, Ind., VOR; to Fort Wayne, Ind., VOR; MEA 2,200.

Section 95.6855 *VOR Federal airway 855* is amended to read in part:

From Ashburn INT, Va.; to Boyds INT, Md.; MEA 2,800.
From Boyds INT, Md.; to Lovettsville INT, Va.; MEA 3,000.
From Lovettsville INT, Va.; to Martinsburg, W. Va., VOR; MEA 3,200.

Section 95.6856 *VOR Federal airway 856* is amended to read in part:

From Orangeville INT, Mich.; to Lansing, Mich., VOR; MEA *2,900. *2,200—MOCA.

Section 95.6859 *VOR Federal airway 859* is amended to read in part:

From Springfield, Mo., VOR; to Plano INT, Mo.; MEA *3,200. *2,500—MOCA.
From Plano INT, Mo.; to Neosho, Mo., VOR; MEA *3,100. *2,500—MOCA.
From Neosho, Mo., VOR; to Tiff City INT, Mo.; MEA *3,000. *2,700—MOCA.
From Tiff City INT; to *Pryor INT, Okla.; MEA **2,800. *2,500—MRA. **2,100—MOCA.

Section 95.6861 *VOR Federal airway 861* is amended to read in part:

From Poughkeepsie, N.Y., VOR; to Hartford, Conn., VOR; MEA 3,000.

Section 95.6863 *VOR Federal airway 863* is amended to read in part:

From Sound INT, N.Y.; to Int. 105 M rad Trinity VOR and 236 M rad Hartford VOR; MEA *2,500. *2,100—MOCA.
From Int. 105 M rad Trinity VOR and 236 M rad Hartford VOR; to Norwich, Conn., VOR; MEA 2,000.

Section 95.6875 *VOR Federal airway 875* is amended to read in part:

From Millbury INT, Mass.; to Woodstock INT, Conn.; MEA *3,000. *2,300—MOCA.
From Woodstock INT, Conn.; to Hartford, Conn., VOR; MEA *2,700. *2,000—MOCA.
From Hartford, Conn., VOR; to Bethany INT, Conn.; MEA *2,700. *2,100—MOCA.
From Bethany INT, Conn.; to Long Hill INT, Conn.; MEA 2,100.

Section 95.6885 *VOR Federal airway 885* is amended to read in part:

From Washington, D.C., VOR; to Andrews, Md., VOR; MEA 1,900.
From Andrews, Md., VOR; to Pasadena INT, Md.; MEA 2,000.

Section 95.1528 *VOR Federal airway 1528* is added to read:

From U.S.-Canadian border; to Houlton, Maine, VOR; MEA 14,500; MAA 24,000.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

These rules shall become effective October 17, 1963.

Issued in Washington, D.C., on September 12, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9925; Filed, Sept. 18, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1854; Amdt. 620]

PART 507—AIRWORTHINESS DIRECTIVES

Bellanca Model 14–13 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the welds for cracks and repair or replacement of any parts found cracked on Bellanca Model 14–13 Series aircraft was published in 28 F.R. 7399.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive.

BELLANCA. Applies to all Model 14–13 Series aircraft.

Compliance required as indicated.

Within 50 hours' time in service after the effective date of this AD, and at intervals thereafter not to exceed 50 hours' time in service from the last inspection, accomplish the following:

(a) Inspect for cracks in the welds and the structure immediately adjacent to the area where the left and right brake-cylinder support brackets, P/N's 9811–17 and –21, are attached to the fuselage cross tube P/N 9802–47 (located directly aft of the firewall, below the cabin floor), using a dye penetrant and a 10-power glass or an FAA approved equivalent. Prior to inspection, all grease and dirt shall be removed from the surfaces involved.

(b) If cracks are found, that part must be repaired in accordance with an FAA approved repair, or replaced by a part of the same part number, or an FAA approved equivalent part before further flight.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective October 21, 1963.

Issued in Washington, D.C., on September 13, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9974; Filed, Sept. 18, 1963; 8:45 a.m.]

[Reg. Docket No. 1953; Amdt. 619]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics Models 30 and 30A Aircraft

There have been failures of the horizontal stabilizer trim control cables on General Dynamics Models 30 and 30A aircraft. One case resulted in a "runaway" stabilizer. To correct this unsafe condition, an airworthiness directive is being issued to require inspection of the cables and replacement of any that are frayed or damaged.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to all Models 30 and 30A aircraft.

Compliance required as indicated.

(a) Within the next 50 hours' time in service after the effective date of this AD unless already accomplished within the last 950 hours' time in service, conduct a close visual inspection of the horizontal stabilizer trim control cables in order to detect frayed trim control cables. Pay particular attention to the section of the cable in the vicinity of the aft pressure bulkhead. Replace all frayed or otherwise damaged horizontal stabilizer trim control cables with new cables before further flight.

(b) At periods not to exceed 1,000 hours' time in service after the inspection in (a), inspect the horizontal stabilizer nose down trim control cable on the aft side of the pressure bulkhead. This inspection shall include pulling the left-hand cable aft and flexing it several times in the area that normally contacts the pulley guiding the nose down cable. Replace cables having broken or damaged wires before further flight.

(c) The repetitive inspection in (b) may be discontinued when the horizontal stabilizer trim cable system has been reworked in accordance with an FAA Western Region approved modification.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective September 19, 1963.

Issued in Washington, D.C., on September 13, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9975; Filed, Sept. 18, 1963; 8:45 a.m.]

[Reg. Docket No. 775; Amdt. 70]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS AND APPLIANCES

Static Electrical Power Inverter—TSO-C73

This rule establishes the minimum performance standards for airborne static electrical power inverter equipment which is to be used on air carrier aircraft. The substance of this amendment was set forth in a notice of proposed rule making published in 27 F.R. 8678, and circulated as Regulations of the Administrator Draft Release 62-40 dated August 23, 1962. These standards are necessary to provide a basis for the approval of such equipment under the technical standard order system.

Interested persons have participated in the making of the amendment by submitting comments in response to the draft release. A complete record of the disposition of comments is available in the docket of this TSO on file with the Federal Aviation Agency, Washington, D.C. In this connection the marking requirements now enumerate the specific ratings which were referred to in the notice and required in the performance standards. Pertinent recommendations, none of which substantially increased the severity of the tests or procedures set forth in the draft release, have been incorporated into the performance standards. Among the most significant were: paragraphs 2.1 Power Output, revised to clarify the performance required by this standard; 2.2 Voltage Input, revised to include a note advising manufacturers to give attention to a possibility of higher voltage transients for more complex electrical systems; 2.3 Frequency, modified by changing the frequency tolerance to ±1 percent since some aircraft electrical appliances require frequency control to this degree for satisfactory operation; 2.4 Voltage Output, average phase output voltage changed from 115 volts a.c. —10 to 115 volts a.c. —7 percent for the safety protection of electronic apparatus which require closely controlled input voltages; 2.11 Altitude, relaxed to permit selection of minimum acceptable altitude for equipment located either in pressurized cabin areas or in nonpressurized areas; and Appendix A, paragraph B.5, revised to agree with changes made to paragraph 2.11. Other minor changes were made for clarity and consistency. The recommended revisions which were not incorporated are discussed herein.

One comment stated that the standards were set too low to take advantage of the possibilities of the state-of-the-art development. Since these standards are established as the minimum required for safety, to go beyond this could not be justified at this time.

The upper limit of 30 volts in paragraph 2.2(a) Voltage Input, was questioned. The Agency considers the 30 volts necessary with normal aircraft operations and the failure of regulators.

It was also suggested that in paragraph 2.2(a) the input voltage be set at 20 to 32 volts d.c. Such a requirement would be unnecessarily stringent as the nominal aircraft d.c. electrical source is 28 volts.

The recommendation that in 2.4 Voltage Output, the voltage tolerance be set at ±2.5 percent was not supported by any justification. The Agency believes tolerance values of ±2.5 percent would be unnecessarily restrictive.

It was stated that in paragraph 2.8 Input Overvoltage, the specified 130 percent 5-minute overvoltage condition is unrealistic and would not exist in service. This was not accepted because with the failure of voltage regulators on aircraft with d.c. generating systems and with newer types of batteries, input voltages can approach a limiting value of 36.4 volts. It is considered that the standard provides a measure of protection against very short time input voltage transients in excess of the value prescribed in paragraph 2.2 Voltage Input.

It was suggested that a time delay deenergizing provision be provided in paragraph 2.9 Short Circuit Condition, to protect the inverter against power overload in the event of failure of output circuit protectors to blow. Normal installation practice provides for circuit protection for the input side of the inverters to preclude damage due to output overloading. Such protectors furnished by the airframe designer could be of the time delay type. The Agency disagrees that the standard should be changed to require the inverter designer to provide this feature.

It was recommended to increase the 40,000 feet time period in paragraph 2.11 Altitude, from 2 minutes to 5 minutes. This was not adopted because it was considered to be excessive in view of the operational need to descend to lower altitudes promptly upon depressurization.

It was stated that the 160° F. high temperature requirement, in paragraph B.1 of Appendix A, might limit the inverter semiconductors to the silicon type, and in applications where cooling air is provided, a 120° F. maximum operating ambient temperature is more realistic, and allows the use of germanium semiconductors. The requirement of 160° F. is considered necessary as a minimum performance characteristic. This value of temperature is consistent with that currently set forth in Part 4b (Appendix I to Civil Aeronautics Manual 4b) as applicable to electrical equipment.

It was suggested that the temperature shock test extremes, Methods I and II, in paragraph B.3 of Appendix A, be changed to agree with values specified in the high and low temperature test sections (paragraphs B.1 and B.2). The purpose of this test is to simulate possible environmental extreme conditions which might occur when this equipment temperature in its static environment may reach higher values than those temperature extremes prescribed to simulate operational situations. The specified temperature values are considered to realistically provide a necessary safety margin for the conditions described and any reductions as proposed are considered unwarranted.

It was suggested that the high and low temperature values prescribed for vibration testing in paragraph B.6 of Appendix A, be deleted and room temperatures be prescribed. The complexity of test equipment and questionable value of the high temperature tests were given as reasons for the change. The temperature range specified is intended to simulate actual operating conditions. To establish room temperature only for such tests is unrealistic.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended by adding § 514.79 as follows:

§ 514.79 Static electrical power inverter—TSO-C73.

(a) *Applicability.* Minimum performance standards are hereby established for airborne static electrical power inverter equipment which is to be used on United States civil aircraft engaged in air carrier operations. New models of airborne static electrical power inverter equipment manufactured on or after the effective date of this section shall meet the standards specified in Federal Aviation Agency Standard, "Airborne Static Electrical Power Inverter", dated July 25, 1963.[1]

(b) *Marking.* In addition to the marking requirements of § 514.3(d), each static inverter shall be marked with the following:

(1) Rated terminal voltage, frequency, and the number of phases;

(2) Rated power in volt amperes;

(3) Output load power factor; and

(4) Maximum operating altitude.

(c) *Data requirements.* In addition to the data required by § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instruction and the equipment limitations. Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any restrictions or conditions pertinent to installation, and

(2) One copy of the manufacturer's test report.

(Secs. 313(a), 601, 72 Stat. 752, 775, 49 U.S.C. 1354(a), 1421)

[1] Copies may be obtained upon request addressed to Publishing and Graphics Division, Inquiry Section, HQ-440, Federal Aviation Agency, Washington, D.C., 20553.

Effective date. December 18, 1963.

Issued in Washington, D.C., on September 13, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-9977; Filed, Sept. 18, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Modification of Safety Tests for Certain Penicillin Preparations

No comments were received on the notice published in the FEDERAL REGISTER of July 23, 1963 (28 F.R. 7480), proposing to revise the toxicity test requirements for hydrabamine penicillin G, hydrabamine penicillin V, and buffered methicillin sodium (21 CFR 141a.75, 141a.91, 141a.107, 146a.72, 146a.97). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That the amendments proposed be adopted without change, effective on the date of publication of this order.

The regulations are amended as follows:

1. By changing § 141a.75(b) to read:

§ 141a.75 Hydrabamine penicillin G.

* * * * * *

(b) *Toxicity.* Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and, while grinding with a pestle, slowly add sterile distilled water sufficient to make a 10 percent suspension (100 milligrams per milliliter) of smooth consistency. To each of 5 mice weighing 18 grams to 25 grams each, administer orally, by means of a cannula or other suitable device, 0.5 milliliter of the 10 percent suspension. Observe the test animals for a period of 5 days for any deaths. If no animal dies within 5 days, the sample is considered nontoxic. If one or more animals die within 5 days, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 gram) each; if the total deaths within 5 days is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

2. By changing § 141a.91(b) to read:

§ 141a.91 Hydrabamine penicillin V (penicillin V hydrabamine salt).

* * * * * *

(b) *Toxicity.* Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and, while grinding with a pestle, slowly add sterile distilled water sufficient to make a 10 percent suspension (100 milligrams per milliliter) of smooth consistency. To each of 5 mice weighing 18 grams to 25 grams each, administer orally, by means of a cannula or other suitable device, 0.5 milliliter of the 10 percent suspension. Observe the test animals for a period of 5 days for any deaths. If no animal dies within 5 days, the sample is considered nontoxic. If one or more animals die within 5 days, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 gram) each; if the total deaths within 5 days is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

3. By amending § 141a.107(b) to read as set forth below and by adding to the section a new paragraph (c), as follows:

§ 141a.107 Buffered methicillin sodium (buffered sodium-2,6-dimethoxyphenyl penicillin).

* * * * * *

(b) *Sterility, pyrogens, moisture, pH, crystallinity, methicillin content,* and *identity.* Proceed as directed in § 141a.103 (b), (c), (e), (f), (g), (h), and (i).

(c) *Toxicity.* Proceed as directed in § 141a.4, except use sodium chloride solution as the diluent and inject 0.5 milliliter of a solution containing 40 milligrams per milliliter.

4. By amending § 146a.72(d)(2) to read as follows:

§ 146a.72 Hydrabamine penicillin V (penicillin V hydrabamine salt).

* * * * * *

(d) * * *

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams. Each sample shall be taken from a different part of such batch and packaged in accordance with the requirements of paragraph (b) of this section.

5. By amending § 146a.97(d)(2) to read:

§ 146a.97 Hydrabamine penicillin G (hydrabamine penicillin G salt).

* * * * * *

(d) * * *

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams. Each sample shall be taken from a different part of such batch and packaged in accordance with the requirements of paragraph (b) of this section.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: September 13, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10001; Filed, Sept. 18, 1963; 8:47 a.m.]

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Chloramphenicol Sodium Succinate

No comments were received on the notice published in the FEDERAL REGISTER of July 23, 1963 (28 F.R. 7481), proposing to amend the regulations for tests and methods of assay and certification of chloramphenicol and chloramphenicol-containing drugs (21 CFR 141d.314, 146d.314, 146d.315) to provide for a single-dose container for pediatric use, and to refine the specifications and procedure for determining pH. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That the amendments proposed be adopted without change, effective on the date of publication of this order.

The regulations are amended as follows:

1. By changing § 141d.314(g) to read:

§ 141d.314 Chloramphenicol sodium succinate.

* * * * * *

(g) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using an aqueous solution containing 250 milligrams of chloramphenicol per milliliter.

2. By amending § 146d.314(a)(7) to read:

§ 146d.314 Chloramphenicol sodium succinate.

(a) * * *

(7) The pH of an aqueous solution containing 250 milligrams of chloramphenicol per milliliter is not less than 6.4 and not more than 7.0.

3. By amending § 146d.315 in the following respects:

a. By changing paragraph (a)(6) to read:

§ 146d.315 Chloramphenicol sodium succinate for aqueous injection.

(a) * * *

(6) The pH of an aqueous solution containing 250 milligrams of chloramphenicol per milliliter is not less than 6.4 and not more than 7.0.

b. By adding to paragraph (b) two new subparagraphs. As amended, the text following the introduction to the paragraph reads:

(b) • • •

(1) In addition to the sizes of the containers permitted by § 146d.307(b), it may also be packaged so that each immediate container contains the equivalent of 0.250 gram of chloramphenicol.

(2) The expiration date of the drug shall be 36 months.

(3) In lieu of the requirements specified by § 146d.307(d)(2), a person who requests certification of a batch shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, toxicity, pyrogens, histamine content, moisture, and pH.

(ii) The chloramphenicol sodium succinate used in making the batch: Potency and specific rotation.

(4) When it is packaged to contain the equivalent of 0.250 gram of chloramphenicol per vial:

(i) In lieu of the requirements specified by § 146d.307(d)(3)(i)(a), a person who requests certification of a batch shall submit for all tests except sterility one immediate container for each 5,000 in the batch, but in no case less than 18 containers.

(ii) The fees for the services rendered with respect to the sample submitted in accordance with subdivision (i) of this subparagraph shall be $4.50 for each immediate container in the sample.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: September 13, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10000; Filed, Sept. 18, 1963; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter.

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203 in the Table of Contents the pertinent sections headings are amended to read as follows:

Sec.
203.257 Contract created by Mortgage Insurance Certificate or by endorsement.
203.442 Contract created by Insurance Certificate or by endorsement.

Subpart A—Eligibility Requirements

Section 203.35 is revoked as follows:

§ 203.35 Racial restrictions certificate. [Revoked]

If § 203.41 paragraph (a), the date "February 15, 1960" is corrected to read "February 15, 1950".

Subpart B—Contract Rights and Obligations

In § 203.251 paragraphs (i) and (j) are amended to read as follows:

§ 203.251 Definitions.

• • • • •

(i) "Insured mortgage" means a mortgage which has been insured as evidenced by the issuance of a Mortgage Insurance Certificate or by the endorsement of the credit instrument for insurance by the Commissioner.

(j) "Contract of Insurance" means the agreement evidenced by the issuance of a Mortgage Insurance Certificate or by the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part and the applicable provisions of the Act.

Section 203.255 is amended to read as follows:

§ 203.255 Insurance of mortgage.

Upon compliance with a commitment the Commissioner will insure the loan evidencing the insurance by the issuance of a Mortgage Insurance Certificate or by an appropriate panel or endorsement placed on the original credit instrument, which will identify the regulations under which the loan is insured and the date of insurance.

Section 203.257 is amended to read as follows:

§ 203.257 Contract created by Mortgage Insurance Certificate or by endorsement.

The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of the issuance of a Mortgage Insurance Certificate or from the date of the endorsement of the credit instrument. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this subpart and of the Act.

Section 203.266 is amended to read as follows:

§ 203.266 Due date of initial MIP.

The initial MIP shall be paid on the first anniversary date of the beginning of amortization following the date on which the insurance becomes effective by the issuance of a Mortgage Insurance Certificate or by the endorsement of the credit instrument.

Section 203.267 is amended to read as follows:

§ 203.267 Period covered by initial MIP.

The initial MIP shall cover the period beginning with the date of the issuance of a Mortgage Insurance Certificate or the date of the endorsement of the credit instrument and ending on the next anniversary of the beginning of amortization. Subsequent premium payments shall cover the twelve-month period following each anniversary date.

In § 203.269 paragraphs (a) and (b) are amended to read as follows:

§ 203.269 Pro rata payment of initial MIP.

• • • • •

(a) The beginning of amortization, if the issuance of a Mortgage Insurance Certificate or the endorsement of the credit instrument occurred within six months after the beginning of amortization; or

(b) The date of the issuance of a Mortgage Insurance Certificate or the endorsement of the credit instrument, if either occurred any time prior to the beginning of amortization, or during the second half of any amortization year.

Section 203.295 is amended to read as follows:

§ 203.295 Voluntary termination of insurance.

Upon request by the mortgagor and mortgagee and submission of the Mortgage Insurance Certificate for cancellation or the mortgage note for cancellation or the endorsement, the Commissioner may terminate the insurance contract on any mortgage under this part covering a one- to four-family residence.

In § 203.440 paragraph (a) and (b) are amended to read as follows:

§ 203.440 Definitions.

• • • • •

(a) "Insured loan" means a loan which has been insured as evidenced by the issuance of an Insurance Certificate or by the endorsement of the note for insurance by the Commissioner.

(b) "Contract of insurance" means the agreement evidenced by the issuance of an Insurance Certificate or by the endorsement of the Commissioner upon the note given in connection with an insured loan, incorporating by reference the regulations in §§ 203.440 et seq. and the applicable provisions of the Act.

Section 203.441 is amended to read as follows:

§ 203.441 Insurance of loan.

Upon compliance with a commitment, the Commissioner shall insure the loan evidencing the insurance by the issuance of an Insurance Certificate or by an appropriate panel or endorsement placed on the original note, which will identify the regulations under which the loan is insured and the date of insurance.

Section 203.442 is amended to read as follows:

§ 203.442 Contract created by Insurance Certificate or by endorsement.

The loan is insured from the date of the issuance of an Insurance Certificate

or from the date of the endorsement of the note. The Commissioner and the lender shall thereafter be bound by the Act and the regulations in §§ 203.440 et seq. with the same force and to the same extent as if a separate contract had been executed relating to the insured loan.

Section 203.447 is amended to read as follows:

§ 203.447 Due date of initial insurance premium.

The initial insurance premium shall be paid on the first anniversary date of the beginning of amortization following the date on which the insurance becomes effective by the issuance of an Insurance Certificate or by the endorsement of the note.

Section 203.448 is amended to read as follows:

§ 203.448 Period covered by initial insurance premium.

The initial insurance premium shall cover the period beginning with the date of the issuance of an Insurance Certificate or the date of the insurance endorsement and ending on the next anniversary of the beginning of amortization. Subsequent premium payments shall cover the twelve month period following each anniversary date.

In § 203.451 paragraphs (a) and (b) are amended to read as follows:

§ 203.451 Pro rata payment of initial insurance premium.

• • • • •

(a) The beginning of amortization, if the issuance of an Insurance Certificate or the endorsement of the note occurred within six months after the beginning of amortization; or

(b) The date of the issuance of an Insurance Certificate or the endorsement of the credit instrument, if either occurred any time prior to the beginning of amortization, or during the second half of any amortization year.

Section 203.457 is amended to read as follows:

§ 203.457 Voluntary termination of contract.

Upon request by the borrower and lender and submission of the Insurance Certificate for cancellation or the note for cancellation of the insurance endorsement, the Commissioner may terminate the insurance contract on the loan.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMEN

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In §222.252 paragraph (a) is amended to read as follows:

§ 222.252 Definition of terms.

• • • • •

(a) "Service branch" means the military service of which a mortgagor is a member at the time of the issuance of a Mortgage Insurance Certificate or the endorsement of the credit instrument by the Commissioner pursuant to section 222 of the National Housing Act.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

SUBCHAPTER I—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

In § 234.1 paragraph (g) is amended to read as follows:

§ 234.1 Definitions used in this subpart.

• • • • •

(g) "Insured mortgage" means a mortgage which has been insured as evidenced by the issuance of a Mortgage Insurance Certificate or by the endorsement of the credit instrument by the Commissioner.

Section 234.58 is revoked as follows:

§ 234.58 Racial restrictions certificate. [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart C—Eligibility Requirements—Individual Mortgages

In § 810.505 paragraph (e) is amended to read as follows:

§ 810.505 Definitions of terms as used in this subpart.

• • • • •

(e) "Insured mortgage" means a mortgage which has been insured by the issuance of a Mortgage Insurance Certificate or by the endorsement of the credit instrument by the Commissioner.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 810, 73 Stat. 683; 12 U.S.C. 1748h–2)

Issued at Washington, D.C., September 13, 1963.

PHILIP J. MALONEY,
Acting Federal Housing Commissioner.

[F.R. Doc. 63–10006; Filed, Sept. 18, 1963; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Conference and Practice Requirements

This part as filed with the FEDERAL REGISTER on June 29, 1955, and last amended on March 26, 1963, is further amended as follows:

Paragraph 1. Section 601.502 is amended by revising subparagraph (1) of paragraph (b), and by revising subparagraph (1) of paragraph (c). These amended provisions read as follows:

§ 601.502 Qualifications for conference.

• • • • •

(b) *Requirement of enrollment.* (1) Except as provided in this paragraph, or as authorized by Treasury Department Circular No. 230 as amended (31 CFR Part 10), which circular contains rules governing the recognition of attorneys and agents representing clients before the Internal Revenue Service, no person appearing as an attorney or agent on behalf of any taxpayer or of a transferee or fiduciary will be recognized by representatives of the Service unless such attorney or agent is duly enrolled and in good standing to practice before the Internal Revenue Service in accordance with Department Circular No. 230. The appearance of such attorney or agent, and his representation of taxpayers in every respect, must be in strict compliance with the requirements of Department Circular No. 230 and all pertinent statutes, and also with the requirements of this subpart. Evidence of enrollment must be submitted upon request when the attorney or agent presents himself for conference.

• • • • •

(c) *Requirement of power of attorney.* (1) Except as otherwise provided in this section, no attorney or agent shall appear on behalf of any person before any office of the Internal Revenue Service nor shall the attorney or agent be recognized in any matter connected with the presentation of another person's interests, including the preparation and filing of necessary written documents and correspondence with the Service relating to such interests, unless the attorney or agent presents and files a power of attorney in proper form, or a true copy thereof, from the person authorizing the attorney or agent to represent him in the matter in question. Except as provided in paragraph (c)(2) of § 601.504, relating to a separate power, only one power of attorney to represent the taxpayer shall be in effect in an office of the Internal Revenue Service in any one matter, and there shall be included in such power of attorney the names and addresses of all attorneys or agents to whom the taxpayer has delegated authority to represent him in the matter. For this purpose, the application of each tax imposed by the Internal Revenue Code for each taxable period shall constitute a separate matter. A power of attorney may, however, relate to several matters, as for example, a power which relates to several or all of the excise taxes imposed by subtitle D of the Code. A power of attorney is not required of an attorney or agent at a conference which is also attended by the person in whose behalf he appears. Such person, however, must advise the Service's representatives of any limitations upon the authority of the attorney or agent to receive confidential information. A power of attorney is not required in the case of an attorney appointed by a court having jurisdiction over a debtor to rep-

resent a trustee in bankruptcy, debtor in possession, or receiver. For evidence of authority to be submitted in such cases, see paragraph (c) of § 601.505.

PAR. 2. Section 601.503 is amended to read as follows:

§ 601.503 Filing power of attorney.

One copy of a power of attorney shall be filed in each office of the Internal Revenue Service in which the attorney or agent, in connection with the matter under consideration, represents the person granting the power, with one additional copy for each taxable period in excess of one. For this purpose the office of each district director of internal revenue, the office of each regional commissioner, and the office of each regional counsel shall constitute a separate office. In the case of a request for a ruling or other matter to be considered in the National Office, a copy of the power of attorney shall be submitted with each such request.

PAR. 3. Paragraphs (a) and (c) of § 601.504 are amended to read as follows:

§ 601.504 Provisions respecting powers of attorney.

(a) *Formal requirements*—(1) *In general.* The use of technical language in the preparation of a power of attorney is not necessary, but the instrument should clearly express the taxpayer's intention as to the scope of the authority granted to the attorney or agent, and the tax matters and the taxable years or periods to which the power relates. If it is desired that a copy of any correspondence addressed to the taxpayer should be sent to the attorney or agent in connection with any matter in respect of which he is authorized to act under the terms of the power of attorney, the power of attorney should contain a request to that effect and designate the mailing address of such attorney or agent. In the case of a power of attorney pertaining to an alcohol or tobacco tax matter, the power may be executed on Form 1534, Power of Attorney, copies of which may be obtained from the assistant regional commissioner (alcohol and tobacco tax).

(2) *Extent of authority delegated.* The authority delegated to an attorney or agent in a power of attorney enumerating specific acts which the attorney or agent is authorized to perform will be considered to be limited to those acts. Express authority to perform the following acts must be granted in the power of attorney or such acts will be considered to be beyond the scope of the authority of the attorney or agent:

(i) *Receipt of checks in payment.* To receive (but not to endorse and collect) checks in payment of any refund of internal revenue taxes, penalties, or interest. The endorsement and payment of checks drawn on the Treasurer of the United States after delivery to the taxpayer or to his attorney or agent are governed by Treasury Department Circular No. 21, Revised September 1946, as amended (31 CFR Part 360). If the refund check is not to be endorsed by the payee personally, it should be endorsed under authority evidenced by one of the special types of powers of attorney prescribed by that circular. (See section 3477 of the Revised Statutes (31 U.S.C. 203) for restrictions on the assignment of claims, and § 601.510.)

(ii) *Substitution.* To delegate authority or to substitute another attorney or agent.

(iii) *Agreements to assessment and collection of taxes.* To execute waivers or consents agreeing to a later assessment and collection of taxes than is provided by applicable statutes of limitation.

(iv) *Closing agreements.* To execute a closing agreement in respect of a tax liability or a specific matter.

(3) *Signature of principal.* A power of attorney shall be signed as follows:

(i) *Individual.* In the case of an individual taxpayer, by such individual.

(ii) *Husband and wife.* In the case of any taxable year for which a joint return was made by husband and wife, by both husband and wife except that either spouse may sign for the other if such signature is duly authorized in writing.

(iii) *Partnership.* In the case of a partnership, either by all members or in the name of the partnership by one of the partners duly authorized to act.

(iv) *Corporation.* In the case of a corporation, by an officer of the corporation having authority to bind the corporation, who shall certify that he has such authority.

(v) *Association.* In the case of an association, the same requirements shall be applied as in the case of a corporation.

(vi) *Special cases.* In case the taxpayer is dissolved, insolvent, or deceased, and in the case of a trustee, guardian, or other fiduciary, see § 601.505 for instructions for execution of powers of attorney in special cases.

(4) *Attestation and corporate seal*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, it is not necessary that a power of attorney granted by a corporation be attested or that the corporate seal be affixed. However, the corporate seal shall be affixed to the power of attorney if required by the law of the jurisdiction in which the corporation is incorporated.

(ii) *Alcohol and tobacco tax matters.* The provisions of this subdivision shall apply only to alcohol and tobacco tax matters. A power of attorney pertaining to such a matter shall be attested by the secretary of the corporation and the corporate seal affixed. If the officer who signs the power of attorney is also secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the authorization so that two different individuals' signatures will appear thereon. If the corporation has no seal, a certified copy of a resolution duly passed by the board of directors of the corporation authorizing the execution of the power of attorney should be attached.

(5) *Acknowledgment*—(i) *General rule.* Except as provided in subdivision (ii) of this subparagraph, a power of attorney must be acknowledged before a notary public, or in lieu thereof, witnessed by two disinterested individuals. The notarial seal must be affixed unless such seal is not required under the laws of the State wherein the power of attorney is executed.

(ii) *Exception.* If the power of attorney is granted to an attorney or agent enrolled to practice before the Service and the attorney or agent certifies on the power of attorney that he is so enrolled, the acknowledgement under subdivision (i) of this subparagraph shall not be required.

(6) *Certification of copies.* Copies of powers of attorney or papers or documents filed therewith which are reproduced by photographic processes need not be certified as true and correct copies of the original. When such copies are reproduced by other methods, they will be acceptable if their authenticity is certified (i) by an attorney or agent who is enrolled to practice before the Internal Revenue Service, or (ii) by a notary public or other proper official, who shall state that he has personally compared the copy with the original and finds it to be a true and correct copy.

* * * * *

(c) *Designation of new attorneys or agents*—(1) *New power of attorney required.* In any case in which a power of attorney has been filed and thereafter the taxpayer desires:

(i) To authorize an additional attorney or agent to represent him before the same office of the Service with respect to the same matter,

(ii) To reduce the number of attorneys or agents authorized to represent him before the same office of the Service with respect to the same matter, or

(iii) To revoke the authority granted to an attorney or agent and to authorize a new attorney or agent to act before the same office of the Service with respect to the same matter,

a new power of attorney shall be filed, listing the names of all attorneys or agents authorized to act for the taxpayer. If the new power of attorney is not a general power of attorney, it should state whether or not a prior power of attorney is in effect in the same office of the Service with respect to the same matter. Where such a prior power of attorney is in effect, the new power, if a general power or a nongeneral power (other than a power specified in subparagraph (2) of this paragraph), should contain a clause specifically revoking all such prior powers. If the new power of attorney does not contain the revocation clause, it will nevertheless be deemed as revoking all such prior powers in cases where the new power is a general power and in cases where both the new power and the prior powers are not general powers. However, if the prior power is a general power and the new power is not a general power, the new power will not, unless it specifically sets forth the revocation clause, be treated by the Service as revoking the prior general power. In alcohol and tobacco tax matters, the automatic revocation rule prescribed in this subparagraph shall not apply. In alcohol and tobacco tax matters, the revocation of the authority of a former attorney or agent shall in no case be effective prior to the giving of written notice to the proper official in the Alcohol and Tobacco Tax Division that the authority of such attorney or agent has been revoked.

(2) *Separate powers of attorney.* In any case in which a general power of attorney has been filed with an office of the Service and the taxpayer merely desires to authorize an additional attorney or agent to represent him before the same office of the Service with respect to a specific act (but wishes the power of attorney previously filed to remain in effect with respect to all other matters referred to in the general power), a separate power of attorney may be filed with the same office which shall include the name of the attorney or agent (or the names of the attorneys or agents) authorized to act for the taxpayer with respect to the performance of the specific act. The separate power of attorney shall in no case be effective so far as the Service is concerned unless a certificate signed by the taxpayer is attached to and filed with the separate power stating that additional attorneys or agents in fact have been employed.

(3) *General power of attorney.* A general power of attorney, for purposes of this subpart, is an appointment of an attorney or agent to represent another person before the Internal Revenue Service in connection with any matter involving internal revenue taxes of such person for a specified period or periods. Such power must authorize the appointee to do everything required to be done in regard to matters involving internal revenue taxes as fully as such other person might do if such other person were acting in his own behalf, and must specifically authorize the appointee to receive checks in payment of any refund of internal revenue taxes, penalties, or interest; delegate authority or to substitute another agent or attorney; execute waivers or consents agreeing to a later assessment and collection of taxes than is provided by applicable statutes of limitations; and execute a closing agreement in respect of a tax liability or a specific matter.

PAR. 4. Section 601.505 is amended by revising paragraphs (b) and (d), and by deleting paragraph (g). As amended these provisions read as follows:

§ 601.505 Instructions for execution of power of attorney in special cases.

* * * * *

(b) *Dissolved corporation.* If a liquidating trustee or trustee under dissolution has been appointed, or if a trustee derives authority under a statute of the State in which the corporation was organized, the power of attorney should be executed by such trustee. If there is more than one trustee, all must join unless it is established that less than all have authority to act in the premises. The power of attorney must be accompanied by a copy of the instrument under which the trustee derives his authority, properly authenticated, or if the authority is derived under a State statute, the statute should be cited and quoted, and a statement made under the penalties of perjury by a third party, setting forth the facts required by the statute as a condition precedent to the vesting of the authority in said trustee, must be furnished. It must also appear in the case of any trustee that his authority has not been terminated. If there is no trustee, then a power of attorney signed by a sufficient number of individuals to make up a representation of a majority of the voting stock of the corporation at the date of dissolution will be accepted for purposes of conference and correspondence relating to the tax liability in the particular case. Such instrument must show the total number of outstanding shares of voting stock at the date of dissolution and the number held by each signatory to the power of attorney. The instrument must also contain positive averments as to the nonexistence of any trustee, and the date of dissolution must appear.

* * * * *

(d) *Deceased taxpayers.* The executor or administrator should execute the power of attorney, which must be accompanied by a short-form certificate (or authenticated copies of letters testamentary or letters of administration) showing that his authority is in full force and effect at the time such power of attorney is submitted. In the event that the executor has been discharged and a trustee under the will is acting, the power of attorney must come from the trustee, and evidence of the discharge of the executor and of the appointment of the trustee must be submitted with the power of attorney. Where the executor is discharged and the estate is distributed to the residuary legatees, the power of attorney must come from the residuary legatee or legatees, and be accompanied by a statement from the court certifying to the discharge of the executor and naming the residuary legatees and indicating the proper share to which each is entitled. In the event that the decedent died intestate and the administrator has been discharged or none was ever appointed, the power of attorney must be executed by the distributees and accompanied by evidence of the discharge of the administrator if one had been appointed, and statements made under the penalties of perjury and such other evidence as can be adduced tending to show the relationship to the deceased of the signatories to the power of attorney and the right of each of them to the respective shares claimed under the law of the domicile of the deceased.

* * * * *

(g) [Deleted]

PAR. 5. Section 601.509 is amended to read as follows:

§ 601.509 Evidence required to substantiate facts alleged in conferences.

All evidence except that of a supplementary or incidental character may be required to be submitted over the signed declaration of the taxpayer made under the penalties of perjury that such evidence is true. In the case of any matter pending before the Service in respect of which the taxpayer submits a protest or other similar statement, such protest or statement should contain a statement of facts on which the taxpayer relies, made under the penalties of perjury, and should meet all the issues raised by the Service which the taxpayer desires to contest. Every claim, written argument, brief, or statement of fact prepared or filed by an attorney or agent in any matter pending before the Service shall have endorsed thereon a statement signed by such attorney or agent stating whether or not he prepared such document and whether or not he knows of his own knowledge that the statements of fact contained therein are true and correct.

(R.S. 161; 5 U.S.C. 22)

[SEAL] D. W. BACON,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 63-10009; Filed, Sept. 18, 1963; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14475; FCC 63-807]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Modification of Existing Frequency Allocation Provisions for the Radio Astronomy Service

1. The Commission issued a notice of proposed rule making in the above-entitled matter on January 3, 1962, which was duly published in the FEDERAL REGISTER on January 11, 1962 (27 F.R. 318), looking toward the amendment of Part 2, to provide access by the radio astronomy service to a number of bands through allocation status or by virtue of appropriate footnotes. Interested parties were invited to file comments on or before February 16, 1962, and reply comments on or before February 26, 1962. This time was subsequently extended to March 13, 1962 for comments concerning use of the frequency 40.68 Mc/s, and the time for filing comments in reply was extended to March 23, 1962. This extension was published in the FEDERAL REGISTER on February 27, 1962 (27 F.R. 1847).

2. Comments received included those of the National Academy of Sciences; University of Illinois; Yale University; Associated Universities, Incorporated (AUI); Aeronautical Radio, Incorporated (ARINC); Air Transport Association of America (ATA); Mann-Russell Electronics, Incorporated; Forest Industries Radio Communications (FIRC) and a number of other users of industrial, scientific and medical (ISM) devices.

3. Responses from the radio astronomy interests were generally in agreement and favored the proposals except with regard to those relating to the bands 40.66–40.70 Mc/s, 328.6–335.4 Mc/s and 404–406 Mc/s. The National Academy of Sciences questioned whether there was sufficient evidence available to permit a choice between the 328 Mc/s and the 404 Mc/s bands. Yale University commented that it would be regrettable to delete availability of the 404 Mc/s band which now has secondary status. Yale further commented that the 40.66–40.70 Mc/s band was too narrow a band for many of the problems which could be studied at this order of frequency. ARINC and ATA recommended that air-

craft receiving equipment which forms a part of the Instrument Landing System (ILS) glide path be accorded the same priority status in the use of the band 328.6–335.4 Mc/s as the ground transmitter since both are parts of an integrated system and that the radio astronomy service recognize the problem created by aircraft as a passive reflector of the glide path signal.

4. Mann-Russell and the ISM users expressed strong opposition to the deletion of the provisions for ISM devices on 40.68 Mc/s and stated that the proposed reallocation could make useless the existing substantial investment in equipment employing the ISM frequencies in harmonic relationship to this frequency, certain equipment still in use employing 40.68 Mc/s as a center frequency, and the extensive research and development which has gone into new concepts for other equipments to employ the 40.66–40.70 Mc/s band for industrial heating purposes.

5. Mann-Russell and the ISM users made the point that the harmonic relationship between the ISM frequencies 13.56, 27.12 and 40.68 Mc/s coupled with the deliberate absence of radiation limits applicable to ISM devices on those frequencies, had created a situation that prevented consideration of 40.68 Mc/s alone. For example, although reasonable efforts are made to suppress harmonic radiation from devices designed to operate on 13.56 Mc/s, there has been no need for concerted effort in this regard since the second harmonic would occur at 27.17 Mc/s and the third harmonic at 40.68 Mc/s. On frequencies not designated for ISM, the limitations are such that the radiated field strength may not exceed 10 microvolts per meter at a distance of one mile or more from the ISM device. Additionally, even when observing the 10 microvolt/meter limitation, if harmful interference is caused to regular authorized services, it is the responsibility of the ISM operator to take corrective action. Because of the extremely sensitive receivers employed by radio astronomers, it is probable that many cases of interference would occur and the only effective cure would be cessation of operation of the ISM device. The Commission is persuaded, therefore, to withdraw its earlier proposal to allocate 40.66–40.70 Mc/s exclusively to radio astronomy and to delete the existing provision for radio astronomy in the table in that band.

6. As an alternative to the proposed use of 40.66–40.70 Mc/s, arrangements have been concluded with the Office of Emergency Planning whereby the band 38.00–38.16 Mc/s is being made available for the radio astronomy service on a national basis in accordance with the terms set forth in a new footnote to the Table, US81.

7. The comments filed in this proceeding relative to the Commission's proposal to substitute the band 328.6–335.4 Mc/s for the band 404–406 Mc/s were moderately favorable or to the effect that insufficient evidence was available on which to base an intelligent choice. Subsequent to the expiration of the time for filing comments, the Commission received a copy of a statement of position sent by the National Academy of Sciences to the Office of Emergency Planning (OEP). This included the conclusion that the Commission's proposal for 328.6–335.4 Mc/s, if adopted, would be a mistake, since it would remove a band of proven value and substitute one of questionable usefulness. This conclusion was based on the thought that, although the glide path ground transmitter has a predictable interference range, one must expect aircraft to act as passive reflectors of the ground transmitters and thus may cause interference with radio astronomy over extended distances. The same problem could occur at 404–406 Mc/s, but available frequency usage information for that band indicates a probability of lesser incidence. The Commission now believes that its 328.6–335.4 Mc/s proposal has no substantial advantages over 404–406 Mc/s for the radio astronomy service, and may be less desirable than the existing allocation. Accordingly, this portion of the proposal is withdrawn. The OEP has reached a similar conclusion, as has the Department of State for international allocations.

8. This report and order completes rule making with regard to the Commission's proposal in Docket No. 14475 to amend Part 2 of the rules to provide frequency bands for radio astronomy on a national basis.

9. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective November 1, 1963, Part 2 of the Commission's rules is amended as set forth below.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: September 11, 1963.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

§ 2.106 [Amendment]

Section 2.106 *Table of frequency allocations*, of the Commission's rules and regulations is amended in respect to the bands 9995–10003, 10003–10005, and 19990–20010 kc/s, and 38–39, 40–40.66, 40.66–40.7, 40.7–42, 1660–1670, and above 40000 Mc/s, to read, in part, as follows; and footnote US81 is added, as follows:

United States		Federal Communications Commission				
Band (kc/s)	Allocation	Band (kc/s)	Service	Class of Station	Frequency (kc/s)	Nature [OF SERVICES of stations]
5	6	7	8	9	10	11
		9995–10005	STANDARD FREQUENCY. Radio Astronomy (US74)	Radio astronomy. Standard frequency.	10000	Standard frequency.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
		19990–20000	STANDARD FREQUENCY. Radio Astronomy. (US74)	Radio astronomy. Standard frequency.	20000	Standard frequency.
		20000–20010	STANDARD FREQUENCY. Earth-Space (US76) Space. (US76)	Earth. Space. Standard frequency.		
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of Station	Frequency (Mc/s)	Nature [OF SERVICES of stations]
5	6	7	8	9	10	11
38–39	G. (US81)					
• • •	• • •	• • •	• • •	• • •	• • •	• • •
40–42 (236)	G.				40.68	Industrial, scientific, and medical equipment.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
1660–1664.4	G.					
1664.4–1668.4	G, NG.	1664.4–1668.4	Radio astronomy. (US74)	Radio astronomy.		
1668.4–1670	G.					
• • •	• • •	• • •	• • •	• • •	• • •	• • •
40000–88000	G, NG.	40000–88000		Amateur. Experimental.		
88000–90000	G, NG.	88000–90000	RADIO ASTRONOMY. (US74)	Radio astronomy.		
Above 90000	G, NG.	Above 90000		Amateur. Experimental.		
• • •	• • •	• • •	• • •	• • •	• • •	• • •

U.S. FOOTNOTES

• • • • • •

US81 The band 38–38.16 Mc/s may be used by both Government and non-Government radio astronomy observatories. Government fixed and mobile stations in the band 38–38.16 Mc/s will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low-powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of Chief Engineer, Federal Communications Commission, Washington, D.C., 20554.

[F.R. Doc. 63–10015; Filed, Sept. 18, 1963; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40 (Sub No. 1)]

PART 195—HOURS OF SERVICE OF DRIVERS

Driver Salesman; Maximum Driving and On-Duty Time

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 8th day of August A.D. 1963.

The matter of hours of service of drivers under the motor carrier safety regulations as discussed and prescribed by Commission report and order of March 29, 1962, being under consideration, and

It appearing, that amendment of § 195.2 of the Code of Federal Regulations (49 CFR 195.2) relating to definitions by adding paragraph (h) and that amendment of paragraph (b) of § 195.3 of the Code of Federal Regulations (49 CFR 195.3(b)) relating to maximum on duty time are warranted and good cause appearing therefor;

It further appearing, that such amendments are for the purpose of defining the term "driver-salesman" as used in these regulations, and to provide an exception for such "driver-salesmen" and, therefore, constitute a relaxation of the presently prescribed requirements, and pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

Upon consideration of the record and good cause appearing therefor:

It is ordered, That paragraph (h) of § 195.2 of the Code of Federal Regulations (49 CFR 195.2(h)) be, and it is hereby, added in this part and paragraph (b) of § 195.3 of the Code of Federal Regulations [1] (49 CFR 195.3(b)) be, and it is hereby, amended and such paragraphs are to read as follows:

§ 195.2 Definitions.

• • • • • •

(h) *Driver-salesman.* The term "driver-salesman" means any employee who is employed solely as such by a private carrier of property by motor vehicle, who is engaged both in selling goods, services, or the use of goods, and in delivering by motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which he reports for duty, who devotes not more than 50 percent of his hours on duty to driving time. The term "selling goods" for purposes of this subsection shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

§ 195.3 Maximum driving and on-duty time.

• • • • • •

(b) Except as provided in paragraph (e) of this section, no motor carrier shall permit or require any driver used by it to be on duty, nor shall any such driver be on duty, more than 60 hours in any 7 consecutive days as defined in § 195.2(c) regardless of the number of motor carriers using the driver's services. *Provided, however*, That carriers operating vehicles every day in the week may permit drivers to remain on duty for a total of not more than 70 hours in any period of 8 consecutive days. *Provided further, however*, That the limitations of this paragraph shall not apply with respect to any driver-salesman whose total driving time does not exceed 40 hours in any 7 consecutive days.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall be effective September 15, 1963, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63–9998; Filed, Sept. 18, 1963; 8:47 a.m.]

[1] In § 195.3(b) the words "Except as provided in paragraph (e) of this section" were inadvertently omitted in the copies of the order served on August 15.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,266 acres or 56 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting is subject to the following conditions:

(a) Species permitted to be taken: Quail, cottontail and jackrabbits.

(b) Open season:

California. Quail—from one-half hour before sunrise to sunset November 2 through November 22, 1963, inclusive; and from 8 a.m. (standard time) to 4:30 p.m. November 23 through December 8, 1963, inclusive; and from one-half hour before sunrise to sunset December 9, 1963 through January 1, 1964, inclusive. Cottontail—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9 through November 22, 1963, inclusive; and from 8 a.m. (standard time) to 4:30 p.m. November 23 through December 8, 1963, inclusive; and from one-half hour before sunrise to sunset December 9, 1963 through January 1, 1964, inclusive. Jackrabbits—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9 through November 22, 1963, inclusive; and from 8 a.m. (standard time) to 4:30 p.m. November 23 through December 8, 1963, inclusive; and from one-half hour before sunrise to sunset December 9, 1963 through January 5, 1964, inclusive.

Arizona. Quail—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9 through October 20, 1963, inclusive; and from one-half hour before sunrise to sunset December 7, 1963 through January 5, 1964, inclusive. Cottontail and jackrabbits—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9, 1963 through January 5, 1964, inclusive.

(c) Daily bag limits:

California. Quail 10, cottontail 5, jackrabbits no limit.

Arizona. Quail 15, cottontail 10, jackrabbits no limit.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to hunt and retrieve quail and rabbits.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1963.

[F.R. Doc. 63-9984; Filed, Sept. 18, 1963; 8:46 a.m.]

PART 32—HUNTING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 33,000 acres or 75 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Yuma, Arizona, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting is subject to the following conditions:

(a) Species permitted to be taken: Quail, cottontail and jackrabbits.

(b) Open season:

California. Quail—from one-half hour before sunrise to sunset November 2 through November 22, 1963, inclusive; and from 8 a.m. (standard time) to 4:30 p.m. November 23 through December 8, 1963, inclusive; and from one-half hour before sunrise to sunset December 9, 1963 through January 1, 1964, inclusive. Cottontail—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9 through November 22, 1963, inclusive; and from 8 a.m. (standard time) to 4:30 p.m. November 23 through December 8, 1963, inclusive; and from one-half hour before sunrise to sunset December 9, 1963 through January 1, 1964, inclusive. Jackrabbits—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9 through November 22, 1963, inclusive; and from 8 a.m. (standard time) to 4:30 p.m. November 23 through December 8, 1963, inclusive; and from one-half hour before sunrise to sunset December 9, 1963 through January 5, 1964, inclusive.

Arizona. Quail—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9 through October 20, 1963, inclusive; and from one-half hour before sunrise to sunset December 7, 1963 through January 5, 1964, inclusive. Cottontail and jackrabbits—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9, 1963 through January 5, 1964, inclusive.

(c) Daily bag limits:

California. Quail 10, cottontail 5, jackrabbits no limit.

Arizona. Quail 15, cottontail 10, jackrabbits no limit.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to hunt and retrieve quail and rabbits.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1963.

[F.R. Doc. 63-9985; Filed, Sept. 18, 1963; 8:46 a.m.]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wisconsin; Correction

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH WILDLIFE REFUGE

Correction

In special regulations submitted September 4, 1963, for publication in the FEDERAL REGISTER, paragraph (c) under hunting conditions should be corrected to read:

(c) Bag limit is one deer per person: Bow seasons, one deer of any age or sex; gun season, one deer, buck only, with antlers not less than three inches in length. Parties of four hunters qualifying under State regulations may kill one deer of either sex during gun season.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1963.

[F.R. Doc. 63-9986; Filed, Sept. 18, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Standards; Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the promulgation, as hereinafter proposed, of Official Standard Grades for Ohio Cigar-leaf Tobacco, U.S. Types 42, 43, and 44, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of considerations leading to the proposed promulgation. The Tentative Standard Grades for Ohio Cigar-leaf Tobacco consist of grades for both sorted and unsorted tobacco. These standards have been in effect since 1951. At that time a number of the producers of the tobacco sorted their crops for market while only a few sold their harvests unsorted or "straight stripped."

In recent years the tobacco industry has adopted new processing and manufacturing methods which no longer require the use of sorted tobacco. As a result, most growers of Ohio cigar-leaf have departed from sorting their crops, which eliminates the need for the Stripper (C) and Farm Filler (Y) groups.

On July 17 and 18 Department representatives met with the Board of Directors of the Ohio Cigar-leaf Tobacco Cooperative to discuss a working draft of a proposed modification of the Ohio standards, and on July 18 they met with interested members of the trade. Comments and criticisms were solicited during these discussions, but no objections were offered. Both groups recommended acceptance of this modification as the official standards for these tobacco types.

This working draft of the modification constitutes the proposed Official Standard Grades for Ohio Cigar-leaf Tobacco. The proposal would: (1) Delete the four Stripper grades and the three Farm Filler grades; (2) add, delete, and revise definitions and rules to adapt them to present-day marketing, processing, and manufacturing trends; (3) delete burn testing and scoring procedures which were applicable to the Stripper group only; (4) incorporate an elements of quality chart, a summary of standard grades, and a key to standard grademarks; and (5) include grademark "No-G" to designate substandard tobacco.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed official standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Insert in Subpart C of Part 29 immediately after § 29.3407 the following:

OFFICIAL STANDARD GRADES FOR OHIO CIGAR-LEAF TOBACCO (U.S. TYPES 42, 43, AND 44)

DEFINITIONS

Sec.
29.4501 Definitions.
29.4502 Air-cured.
29.4503 Body.
29.4504 Case (order).
29.4505 Class.
29.4506 Clean.
29.4507 Condition.
29.4508 Crude.
29.4509 Cured.
29.4510 Damage.
29.4511 Dirty.
29.4512 Elements of Quality.
29.4513 Foreign matter.
29.4514 Form.
29.4515 General quality.
29.4516 Grade.
29.4517 Grademark.
29.4518 Group.
29.4519 Injury.
29.4520 Leaf scrap.
29.4521 Leaf structure.
29.4522 Length.
29.4523 Lot.
29.4524 Maturity.
29.4525 Nested.
29.4526 No-G.
29.4527 Oil (life).
29.4528 Offtype.
29.4529 Package.
29.4530 Packing.
29.4531 Quality.
29.4532 Raw.
29.4533 Semicured.
29.4534 Side.
29.4535 Sound.
29.4536 Stem.
29.4537 Stemmed.
29.4538 Stem rot.
29.4539 Strength (tensile).
29.4540 Strips.
29.4541 Sweated.
29.4542 Tobacco.
29.4543 Tobacco products.
29.4544 Type.
29.4545 Type 42.
29.4546 Type 43.
29.4547 Type 44.
29.4548 Undried.
29.4549 Uniformity.
29.4550 Unstemmed.
29.4551 Unsweated.
29.4552 Waste.
29.4553 Wet (high-case).
29.4554 Width.

ELEMENTS OF QUALITY

29.4581 Elements of quality and degrees of each element.

RULES

29.4586 Rules.
29.4587 Rule 1.
29.4588 Rule 2.
29.4589 Rule 3.
29.4590 Rule 4.
29.4591 Rule 5.
29.4592 Rule 6.
29.4593 Rule 7.
29.4594 Rule 8.
29.4595 Rule 9.
29.4596 Rule 10.
29.4597 Rule 11.
29.4598 Rule 12.
29.4599 Rule 13.
29.4600 Rule 14.
29.4601 Rule 15.
29.4602 Rule 16.

GRADES

29.4626 Straight Stripped (X Group).
29.4627 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.4651 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.4656 Key to standard grademarks.

DEFINITIONS

§ 29.4501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.4502 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.4503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

§ 29.4504 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.4505 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.4506 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

§ 29.4507 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.4508 Crude.

A subdegree of maturity. (See rule 15.)

§ 29.4509 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.4510 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 16.)

§ 29.4511 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 16.)

§ 29.4512 Elements of Quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.4581.

§ 29.4513 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See rule 16.)

§ 29.4514 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.4515 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.4516 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.4517 Grademark.

In these types a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, X2 means Straight Stripped, good quality.

§ 29.4518 Group.

A type division consisting of one or more grades which are based on the general quality of tobacco. Groups in these types are: Straight Stripped (X) and Nondescript (N).

§ 29.4519 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state, but which is not serious enough to be classified as waste. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen, sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, polesweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 13.)

§ 29.4520 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.4521 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart.)

§ 29.4522 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.4523 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.4524 Maturity.

The degree of ripeness. (See chart.)

§ 29.4525 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 16.)

§ 29.4526 No-G.

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type; or tobacco containing over 20 percent crude or over 60 percent waste. (See rule 16.)

§ 29.4527 Oil (life).

A soft, semifluid constituent of tobacco. (See chart.)

§ 29.4528 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 42, 43, or 44. (See rule 16.)

§ 29.4529 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.4530 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.4531 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.4532 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.4533 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See rule 16.)

§ 29.4534 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.4535 Sound.

Free of damage. (See rule 4.)

§ 29.4536 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.4537 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.4538 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Stem rot is inactive in cured tobacco and is treated as a kind of injury in these types. (See rule 14.)

§ 29.4539 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.4540 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.4541 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.4542 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.4543 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.4544 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.4545 Type 42.

That type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana.

§ 29.4546 Type 43.

That type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana.

§ 29.4547 Type 44.

That type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio.

§ 29.4548 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.4549 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See rule 12.)

§ 29.4550 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.4551 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.4552 Waste.

The portion or portions of the web of tobacco leaves which have been lost or rendered unserviceable for use in tobacco products. Waste includes: (a) Portions which have decomposed or largely decomposed by field diseases, field-firing, pole-burning, or bulk-burning; (b) portions which have been frozen or sunburned; and (c) portions which are dead, trashy, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind. (See rule 13.)

§ 29.4553 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 16.)

§ 29.4554 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

§ 29.4581 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their actual value may vary with type.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Oil (life)	Lean	Oily	Rich.
Strength (tensile)	Weak	Normal	Strong.
Width	Narrow		Normal.
Length			(1).

[1] Expressed in inches.

RULES

§ 29.4586 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.4587 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.4588 Rule 2.

The determination of grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.4589 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the general quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.4590 Rule 4.

Standard grades shall be assigned to clean and sound tobacco only.

§ 29.4591 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Both paper and twine shall be clean and free from any foreign odor which could be injurious to the tobacco. Improperly packed tobacco shall be designated "No-G."

§ 29.4592 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.4593 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.4594 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated and does not exceed the tolerance(s) of such grade. However, width specifications shall be waived in Type 44.

§ 29.4595 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.4596 Rule 10.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.4597 Rule 11.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.4598 Rule 12.

The uniformity requirement shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.4599 Rule 13.

Injury tolorances and waste tolerances shall be expressed in percentages. The appraisal of injury and of waste shall be based upon the percentage of affected leaf surface and the degree of injury.

§ 29.4600 Rule 14.

Stem rot shall not exceed 40 percent of the specified injury tolerance for any grade.

§ 29.4601 Rule 15.

Crude tobacco shall not be included in X1 or X2.

§ 29.4602 Rule 16.

Tobacco shall be designated by the grademark "No-G" when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, has an odor foreign to the type, or does not meet the minimum specifications or exceeds the tolerance of the lowest grade of any group.

GRADES

§ 29.4626 Straight Stripped (X Group).

This group consists of tobacco from which the trash and dirty fillers have been removed. This tobacco is locally known as "Wrappers and Fillers Stripped Together."

GRADE NAMES, MINIMUM SPECIFICATIONS, AND TOLERANCES

U.S. grade

X1 Fine Quality Straight Stripped. Heavy, ripe, open, rich in oil, strong, normal width, 18 inches or over in length. Uniformity, 80 percent. Tolerance: 10 percent injury.

X2 Good Quality Straight Stripped. Medium body, mature, firm, oily, normal strength and width. Uniformity, 80 percent. Tolerance: 20 percent total injury of which not over 5 percent may be waste.

X3 Low Quality Straight Stripped. Thin, immature, close, lean in oil, normal strength, narrow. Uniformity, 80 percent. Tolerances: 10 percent crude and 30 percent total injury of which not over 10 percent may be waste.

U.S. grade

X4 Poor Quality Straight Stripped. Thin, immature, close, lean in oil, weak, narrow. Tolerances: 10 percent crude and 40 percent waste.

§ 29.4627 Nondescript (N Group).

Tobacco which does not meet the minimum specifications or exceeds the tolerances of the lowest grade of the X group.

GRADE NAME AND TOLERANCES

U.S. grade

N Nondescript. Tolerances: 20 percent crude and 60 percent waste.

SUMMARY OF STANDARD GRADES

§ 29.4631 Summary of standard grades.

FOUR GRADES OF STRAIGHT STRIPPED

X1 X2 X3 X4

ONE GRADE OF NONDESCRIPT

N

Tobacco not covered by standard grades is designated "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.4656 Key to standard grademarks.

GROUPS

X—Straight Stripped.
N—Nondescript.

QUALITIES

1—Fine. 3—Low.
2—Good. 4—Poor.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 14th day of September 1963.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 63-10012; Filed, Sept. 18, 1963; 8:48 a.m.]

[7 CFR Part 912]

[Docket No. AO-333-A2]

HANDLING OF GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Vero Beach, Florida, June 19, 1963, after notice thereof published in the FEDERAL REGISTER (28 F.R. 5390), on proposals to amend the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912; 28 F.R. 23), hereinafter referred to collectively as the "order," regulating the handling of grapefruit grown in the Indian River District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on August 20, 1963, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 63-9134; 28 F.R. 9355). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 63-9134; 28 F.R. 9355) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" and "Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1962, through July 31, 1963 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Indian River District in Florida, in the production of grapefruit for market to ascertain whether such producers favor the issuance of the said annexed order amending the order regulating the handling of such grapefruit. Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said amended marketing agreement are identical with those contained in the said order, as amended by the annexed order which will be published with this decision.

Dated: September 16, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Indian River District in Florida

§ 912.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Florida, June 19, 1963, upon proposed amendments to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912; 28 F.R. 23), regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement upon which hearings have been held;

(3) The order, as amended, and as hereby proposed to be amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of the production area;

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 912.42 *Handler's accounts* is amended to read as follows:

§ 912.42 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

2. Section 912.47 *Issuance of volume regulation* is amended by inserting after the first sentence thereof the following: "Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act."

[F.R. Doc. 63-9992; Filed, Sept. 18, 1963; 8:47 a.m.]

[7 CFR Part 929]

CRANBERRIES

Notice of Proposed Rule Making With Respect to Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Cranberry Marketing Committee, established under the Marketing Agreement and Order No. 929 (7 CFR Part 929), regulating the handling of cranberries, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of a reserve, which reserve shall not exceed approximately one fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1963, be placed in said reserve, and may be used, in accordance with the provisions of § 929.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington, D.C., 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10013; Filed, Sept. 18, 1963; 8:48 a.m.]

[7 CFR Part 980]

[Amdt. 1]

POTATOES

Proposed Import Restriction

Consideration is being given to the approval of Amendment No. 1 of § 980.1, Import regulations; Irish potatoes, applicable to the importation of potatoes into the United States. This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Under section 8e of the act, whenever two or more marketing orders for a commodity are in effect, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

It is hereby determined that imports of red skinned round type potatoes during the months of October through the following June are now in most direct competition with Federally regulated marketings of the same type potatoes grown in Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended, since the grade, size and maturity regulations under Marketing Order No. 949, Red River Valley, have been terminated. Therefore import regulations for red skinned round type potatoes during such period shall be based on regulations effective under said Marketing Order No. 948, as amended.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposed amendment is as follows:

In § 980.1 Import regulations; Irish potatoes (formerly § 1066.1, 26 F.R. 12280), delete subparagraph (2) (i) of paragraph (a) and delete subparagraph (2) of paragraph (b) and substitute in lieu thereof new subparagraph (2) (i) of paragraph (a) and a new subparagraph (2) of paragraph (b) as set forth below.

§ 980.1 Import regulations; Irish potatoes.

(a) • • •

(2) (i) Imports of red skinned round type potatoes during the months of October through the following June are in most direct competition with the marketing of the same type potatoes produced in Area No. 2 Colorado (San Luis Valley) covered by Order No. 948, as amended (Part 948 of this chapter);

• • • • • •

(b) • • •

(2) For the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 945, as amended (Part 945 of this chapter), applicable to long type potatoes and the grade, size, quality and maturity requirements of potatoes grown in Area No. 2, Colorado covered by Marketing Order No. 948, as amended (Part 948 of this chapter), applicable to red skinned round type potatoes, and the grade, size, quality, and maturity requirements of Marketing Order No. 950, as amended 950 of this chapter), for all other round varieties shall be the respective grade, size, quality and maturity requirements for potatoes imported.

• • • • • •

Dated: September 12, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 63-9993; Filed, Sept. 18, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

RAW FUR RECEIVING INDUSTRY

Proposed Revocation of Determination as Industry of Seasonal Nature

As a result of an economic study by members of my staff, I have made a preliminary determination that a prima facie case exists for revocation of the determination that the raw fur receiving industry is an industry of a seasonal nature.

Therefore, pursuant to Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), and in accordance with the procedure prescribed in 29 CFR 526.6, I hereby propose to revoke the finding that the aforementioned industry is of a seasonal nature within the meaning of paragraph

7(b) (3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207).

Any person interested in this proposal may file a written statement of data, views, or arguments, or a request for a hearing with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 12th day of September 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-9988; Filed, Sept. 18, 1963; 8:46 a.m.]

[29 CFR Parts 608, 609, 611]

[Administrative Order No. 578]

REVIEW COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and paragraph (C) of Proviso (1) of subsection 6(c) of the aforementioned Act, I hereby appoint Review Committee 6–A for the sweater and knit swimwear industry in Puerto Rico (as defined in 29 CFR 611.1), Review Committee 6–B for the women's and children's underwear and women's blouse industry in Puerto Rico (as defined in 29 CFR 609.1), and Review Committee 6–C for the handkerchief, scarf, and art linen industry in Puerto Rico (as defined in 29 CFR 608.1) to recommend the minimum wage rate or rates to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the aforementioned Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the designated industries.

Pursuant to sections 6 and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206, 208), and Reorganization Plan No. 6 of 1950, I hereby:

(1) Convene each of the review committees appointed above;

(2) Refer to each of these review committees the question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned;

(3) Give notice of the hearing to be held by each of them at the times and places indicated below. Each review committee shall investigate conditions in its industry, and each review committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act. Each review committee shall recommend to the Administrator the highest minimum wage rates which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in its industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Review Committee 6–A shall meet in executive session to commence its investigation at 10:00 a.m. on October 14, 1963, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Review Committees 6–B and 6–C shall meet in seriatim at the same place at hours designated by the committee chairman to conduct their investigations and hold their hearings.

Whenever any review committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each review committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of the reports may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic reports to the extent they are not refuted by evidence received at the hearings.

The procedure for each review committee shall be governed by Parts 511 and 512 of Title 29, Code of Federal Regulations (28 F.R. 5644, June 8, 1963).

As a prerequisite to participation in the hearings of Review Committees 6–A, 6–B, and 6–C, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than October 7, 1963.

Signed at Washington, D.C., this 17th day of September 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-10069; Filed, Sept. 18, 1963; 8:48 a.m.]

[29 CFR Parts 687, 689, 720]

[Administrative Order No. 577]

REVIEW COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205) Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and paragraph (C) of Proviso (1) of subsection 6(c) of the aforementioned Act, I hereby appoint Review Committee 5–A for the sugar manufacturing industry in Puerto Rico (as defined in 29 CFR 689.1), Review Committee 5–B for the hosiery industry in Puerto Rico (as defined in 29 CFR 687.1), and Review Committee 5–C for the rubber products industry in Puerto Rico (as defined in 29 CFR 720.1; 28 F.R. 2032) to recommend the minimum wage rate or rates to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the aforementioned Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the designated industries.

Pursuant to sections 6 and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206, 208), and Reorganization Plan No. 6 of 1950, I hereby:

(1) Convene each of the review committees appointed above;

(2) Refer to each of these review committees the question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned:

(3) Give notice of the hearing to be held by each of them at the times and places indicated below. Each review committee shall investigate conditions in its industry, and each review committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act. Each review committee shall recommend to the Administrator the highest minimum wage rates which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in its industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Review Committee 5–A shall meet in executive session to commence its investigation at 10:00 a.m. on September 30, 1963, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Review Committees 5–B and 5–C shall meet in seriatim at the same place at hours designated by the committee chairman to conduct their investigations and hold their hearings.

Whenever any review committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each review committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of the reports may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic reports to the extent they are not refuted by evidence received at the hearings.

The procedure for each review committee shall be governed by Parts 511 and 512 of Title 29, Code of Federal Regulations (28 F.R. 5644, June 8, 1963).

As a prerequisite to participation in the hearing of Review Committee 5–A, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than September 27, 1963, and as a prerequisite to participation in the hearings of Review Committees 5–B and 5–C interested persons shall file such statements not later than October 1, 1963.

Signed at Washington, D.C., this 17th day of September 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-10068; Filed, Sept. 18, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

Glyceryl Abietate; Proposal To Clarify Identity

Subsequent to publication in the FEDERAL REGISTER of May 4, 1963 (28 F.R. 4509), of § 121.1084, comments were received which indicated an advantage in further defining the term "glyceryl abietate" as used in that section. Having evaluated these comments and other relevant information, the Commissioner of Food and Drugs has concluded that specifications should be included in the section to further identify the additive and that the additive should be defined as the glycerol ester of wood rosin. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 52 Stat. 1055, 72 Stat. 1787; 21 U.S.C. 348, 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), it is proposed to amend § 121.1084 to read as follows:

§ 121.1084 Glycerol ester of wood rosin.

Glycerol ester of wood rosin may be safely used in food in accordance with the following prescribed conditions:

(a) It has an acid number of 5 to 9, a drop-softening point of 88° C. to 96° C.; a color of N or paler as determined in accordance with Official Naval Stores Standards of the United States; and is purified by countercurrent steam distillation.

(b) It is used to adjust the density of citrus oils used in the preparation of beverages.

All interested persons are invited to present views and comments, in writing, regarding this proposal. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 13, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9999; Filed, Sept. 18, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[FCC 63-832]

CONELRAD ATTENTION SIGNAL

Order Relating to Provision for Transmission Standards

In the matter of Amendment of CONELRAD Manual BC-3 to provide for transmission Standards for the CONELRAD Attention Signal; Docket No. 13335.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of September 1963;

The Commission having under consideration the above-captioned matter;

It appearing, that Executive Order 10312, promulgated in 1951, made the Commission responsible for the development of plans and regulations to minimize the use of the electromagnetic radiations of stations licensed by this Commission as an aid to the navigation of hostile aircraft, guided missiles and other devices capable of direct attack upon the United States; and

It further appearing, that the Commission released a notice of proposed rule making in the above-entitled matter, on which final action has not been taken; and

It further appearing, that on February 13, 1961, the Commission on the recommendation of the National Industry Advisory Committee (NIAC) requested the Department of Defense (DOD) for a re-evaluation and restatement of the requirements for control of electromagnetic radiation; and

It further appearing, that the Department of Defense, by letter dated April 23, 1962, informed the Commission that, with certain exceptions not pertinent here, it is no longer essential to minimize the radiation of non-Government radio transmitters so as to prevent their use as navigational aids to an enemy; and

It further appearing, that the Commission, by Order released May 24, 1963, abolished Project CONELRAD, effective June 30, 1963, and established simultaneously an Office of Emergency Communications to carry out, inter alia, the emergency preparedness functions which were placed upon the Commission by Executive Order 11092; and

It further appearing, that on July 3, 1963, the Commission approved an Interim Emergency Broadcast System Plan recommended by the National Industry Advisory Committee (NIAC) and concurred in by the Department of Defense and the Office of Emergency Planning; and

It further appearing, that the Commission by Order released July 9, 1963, abolished Subpart G of Part 3 of the rules (CONELRAD) and adopted a revised Subpart G of Part 3 of the rules (Emergency Broadcast System) and abolished §§ 4.51 through 4.57 of Part 4 of the rules (CONELRAD); and

It further appearing, that the Commission, by Order released July 17, 1963, deleted certain CONELRAD Plans and Manuals, including the "Approved Plan for the Control of Electromagnetic Radiation (CONELRAD) pursuant to Executive Order 10312" (FCC 52-1508) approved by the Federal Communications Commission on November 19, 1952; the "CONELRAD Plan for the Experimental and Auxiliary Broadcast Services" (FCC 56-431) approved by the Commission on May 9, 1956; and the "CONELRAD Manual for Broadcast Stations Licensed by the Federal Communications Commission" (FCC 61-502) ap-

proved by the Commission on April 12, 1961; and

It further appearing, that with the abolishment of Project CONELRAD and with the deletion of the CONELRAD Plans, Manuals and rules, the reason for adopting the proposed rules no longer exists

And it is ordered, That the notice of proposed rule making adopted December 22, 1959, is hereby withdrawn and the Docket is closed.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10016; Filed, Sept. 18, 1963; 8:48 a.m.]

[47 CFR Part 10]

[Docket No. 15161; FCC 63-812]

PUBLIC SAFETY RADIO SERVICE

Applicants Requesting Certain Modifications of Existing Radio Systems; Notice of Proposed Rule Making

1. Part 10 of the Commission's rules now requires applicants for new frequencies, except those specifically exempted in § 10.8(a), in the police, fire, highway maintenance, forestry-conservation and local government services to choose between two frequency coordination procedures. The applicant may elect to (1) conduct an engineering survey and submit a report as to probable interference, pursuant to § 10.8(b), or (2) follow the frequency advisory committee procedure outline in § 10.8(c).

2. Section 10.8(c) now contains a request that these committee comments include data as to potential interference based on power, antenna height and other pertinent technical factors. Similarly, the Commission has normally required that applicants utilizing the § 10.8(b) procedure indicate the power and antenna height employed in arriving at their conclusions as to potential interference.

3. It should be noted, however, that the present provisions of § 10.8(a) do not apply to requests for modification to increase power, antenna height, or to move to a new station location. Thus, in many instances the endeavors of the Commission, aided by the Frequency Advisory Committees, to assign frequencies in an orderly and efficient manner are thwarted. An applicant who initially requested a frequency utilizing certain power with an antenna of a specific height and from a station at a specified location may well have satisfied the required frequency coordination based on an assessment of this information and hence obtained an authorization. Implicit in the issuance of such a grant is that this licensee's operation, as proposed, will not only result in a minimum of harmful interference to other existing systems, but that subsequent applicants can engineer their proposed systems confident that they will receive a minimum of harmful interference from the transmissions of this licensee. However, all too frequently, the latter then submits an application to modify its system usually to raise its antenna height or to move its station location or both. The new vantage point is generally on the crest of a hill or mountain. The net result is that this licensee obtains increased coverage at the expense of other users in the area who suddenly experience considerable interference. Since the rules do not presently require this licensee to demonstrate anew that there has been compliance with § 10.8, these modification requests have been routinely granted to the ultimate detriment of these other users and of the frequency advisory committees who are unable to make accurate, orderly frequency recommendations.

4. The same situation results when a licensee increases its operating power although in this case the provisions of § 10.106 are also applicable. In essence, this rule states that power in excess of that needed for the licensee to serve its area should not be used; however, the authorization itself shows a maximum permissible power figure, which is usually far in excess of that needed. The reason for this is to obviate the necessity for filing modification applications for every insignificant power increase. In practice, however, some licensees have substantially increased their transmitting power, but since they stay within the maximum permitted no application is filed nor is there any need to comply with § 10.8.

5. A requirement that those seeking to increase their operating power must file an application for modification would, of course, correct this situation. However, it is recognized that there may be instances in which a licensee wishes to make only a minimal increase in its operating power and to require the filing of a new application would result in unnecessary inconvenience to the licensee as well as an increase in the Commission's workload. Hence, it appears appropriate to permit licensees to increase their operating power to some extent without the necessity of filing a new Form 400 for modification. The Commission has suggested in paragraph 6, infra, that increases in power not in excess of 100 percent should not necessitate the filing of an application for modification; however, comments are specifically invited as to the appropriateness of this proposal.

6. By applying more stringent control over increases in transmitting power and antenna height as well as over changes in the station location, it is anticipated that licensees in the various public safety radio services enumerated above will be able to utilize available frequencies more efficiently. In order to accomplish this, the Commission is proposing the following:

(a) Amendment of § 10.8 to require that in addition to applicants seeking new frequencies, all applicants requesting changes to increase power input in excess of 100 percent and/or antenna height, or who wish to change their station location must again comply with § 10.8(b) or (c). This means that all applicants, as part of the showing required under this section, must submit information concerning the amount of power and antenna height needed. In this latter regard, it should also be noted that a change in the height of the antenna with respect to mean sea level is a key consideration. A move to a higher location may present the same interference problem as raising the height of the antenna itself. Therefore, requests for change in location or an increase in antenna height will both be examined in light of the ultimate increase in height above mean sea level which would result.

(b) Specify on the authorization the actual input power permitted (Item 1(d), FCC Form 400) within a tolerance of 100 percent rather than the maximum permissible power for that particular frequency. Thus, for example, an applicant whose proposed operation will utilize 60 watts power would be authorized to operate up to a maximum input power of 120 watts. Any input power in excess of the maximum figure would require the submission of a new FCC Form 400 for modification and a new showing under § 10.8. Since the authorization already lists the base station location and the antenna height, no change need be made in this regard.

7. Authority for the proposed amendments are contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before November 15, 1963, and reply comments on or before November 25, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: September 11, 1963.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10017; Filed, Sept. 18, 1963; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. FSLIC-1,649]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; OPERATIONS

Proposed Required Amounts and Maintenance of Federal Insurance Reserve After Expiration of Twenty Years From Date of Insurance

SEPTEMBER 12, 1963.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.13 of the rules and regulations for Insurance of Accounts (12 CFR 563.13) be amended by an amendment the substance of which is as follows:

Amend paragraph (c) of § 563.13 of the rules and regulations for Insurance of Accounts to read as follows:

(c) *After expiration of twenty years from date of insurance.* (1) After the fiscal year in which occurs the twentieth anniversary of the date of insurance of its accounts, each insured institution that has a Federal insurance reserve account which, together with any undivided profits earmarked as provided in paragraph (b) of this section, is, at the closing of any fiscal year, equal to at least 5 percent of all insured accounts at the beginning of such fiscal year shall, during such fiscal year, credit from net income, or from surplus or undivided profits not so earmarked, to its Federal insurance reserve account or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, an amount equal to at least 10 percent of its net income or the amount by which the total of such reserve accounts and of nonwithdrawable accounts (as defined in § 561.4 of this subchapter), undivided profits, surplus, and reserve for bad debts is, at the close of such fiscal year, less than 12 percent of all insured accounts at the close of such fiscal year.

(2) If for any reason the Federal insurance reserve account, together with any undivided profits earmarked pursuant to paragraph (b) of this section, of any insured institution which has passed the twentieth anniversary of the date of insurance of its accounts and which has built up its Federal insurance reserve account (including undivided profits, if any, so earmarked) to an amount equal to at least 5 percent of all insured accounts is, at the closing of any fiscal year, less than an amount equal to 5 percent of all insured accounts at the beginning of such fiscal year, such institution shall either (1) credit to its Federal insurance reserve account, during such fiscal year, an amount equal to at least 25 percent of its net income, or (2) credit to its Federal insurance reserve account, during such fiscal year, an amount at least equal to such part of such 25 percent as may be sufficient to cause the amount of such reserve account (including undivided profits, if any, so earmarked) at the close of such fiscal year to equal at least 5 percent of all insured accounts at the beginning of such fiscal year and (if such fiscal year is after that in which occurs the twentieth anniversary of the date of insurance of its accounts) credit, during such fiscal year, from net income, or from surplus or undivided profits not so earmarked, to the Federal insurance reserve account or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, an amount equal to at least (i) the remainder of such 25 percent, (ii) 10 percent of its net income, or (iii) the amount by which the total of such reserve accounts and of nonwithdrawable accounts (as defined in § 561.4 of this subchapter), undivided profits, surplus, and reserve for bad debts is, at the close of such fiscal year, less than 12 percent of all insured accounts at the close of such fiscal year.

(3) Any insured institution to which subparagraphs (1) and (2) of this paragraph are applicable may, in any year, credit amounts in excess of the minimum therein required. The amount of reserve credit required by subparagraph (1) of this paragraph for any year may be satisfied in whole or in part by the application of any such excess credit made in a prior year, not previously applied toward the satisfaction of a required credit and not previously used to permit the release of an equivalent amount of undivided profits from earmarking as provided in paragraph (b) of this section.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than October 18, 1963, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 63-10019; Filed, Sept. 18, 1963; 8:48 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

[Claim No. 63971]

KURT AND ERNST BERNSTEIN

Notice of Intention To Return Vested Property; Amendment

The Notice of Intention To Return Vested Property to Mrs. Klara Kaatz, which was published in the FEDERAL REGISTER on October 13, 1961 (26 F.R. 9696), is hereby amended to read as follows:

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses.

Claimants, Claim No., and Property and Location

Kurt Bernstein, 62 Desenisstrasse, Hamburg 22, Germany; Ernst Bernstein, 748 Garcia Aviles, Casilla 398, Guayaquil, Ecuador; Claim No. 63971, Vesting Order No. 4608; $27.08 in the Treasury of the United States.

Executed at Washington, D.C., on September 11, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10021; Filed, Sept. 18, 1963; 8:48 a.m.]

RUDOLF AND JERRY HASEK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., and Property and Location

Rudolf Hasek, Toronto, Ontario, Canada; Jerry Hasek, Pickering, Ontario, Canada; Claim No. 63851, Vesting Order Nos. 14236 and 17485; $164.25 in the Treasury of the United States.

Executed at Washington, D.C., on September 13, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10022; Filed, Sept. 18, 1963; 8:48 a.m.]

JOSEF JIRANEK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimant, Claim No., and Property and Location

Josef Jiranek, Jindricha Plachty 25, Prague 5—Smichov, Czechoslovakia; Claim No. 37436, Vesting Order No. 4738; $906.67 in the Treasury of the United States.

Executed at Washington, D.C., on August 30, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10023; Filed, Sept. 18, 1963; 8:48 a.m.]

KORNEL AND KRISTINA KAISER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses, and also subject to the provisions of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimants, Claim No., and Property

Kornel Kaiser, Nova Ulica c. 767, Dobsina, Czechoslovakia; Kristina Kaiser, Nova Ulica c. 767, Dobsina, Czechoslovakia; Claim No. 37429; an undivided one-half part of the whole right, title and interest in property described in Vesting Order No. 676 (8 F.R. 5039, April 17, 1943) relating to United States Letters Patent Nos. 1,750,318 and 1,899,199.

Executed at Washington, D.C., on September 4, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10024; Filed, Sept. 18, 1963; 8:48 a.m.]

OLGA SCHEINPFLUGOVA-CAPKOVA ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimants, Property and Location, and Claim No.

Olga Scheinpflugova-Capkova, Uzka 28, Prague XII, Czechoslovakia; $119.75 in the Treasury of the United States; Alena Dostalova, ulice Bratri Capku No. 30, Prague XII, Czechoslovakia; $59.87 in the Treasury of the United States; Josef Palivec, Sobeslavska No. 2042/4, Prague 3, Czechoslovakia; $19.96 in the Treasury of the United States; Helena Prochazkova, Roztoky No. 7, Prague, Czechoslovakia; $19.96 in the Treasury of the United States; Pavel Brazda, Sobeslavska No. 4, Prague 3—Vinohrady, Czechoslovakia; $9.98 in the Treasury of the United States; Helena Bajakova, Smejkalova No. 46a, Brno 16, Czechoslovakia; $9.98 in the Treasury of the United States; Claim No. 36964; Vesting Order No. 4034.

Executed at Washington, D.C., on September 12, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10025; Filed, Sept. 18, 1963; 8:48 a.m.]

HORST VON ROEBEL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Horst von Roebel, Musikverlag Rob. Forberg, Mirbachstrasse 7, Bad Godesberg, Germany; Vesting Order No. 2096, Vesting Order No. 18593, Claim No. 42111; $5,761.97 in the Treasury of the United States.

Executed at Washington, D.C., on September 3, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10026; Filed, Sept. 18, 1963; 8:48 a.m.]

HELENE WEISS

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Helene Weiss, 19 Morlah Avenue, Har Hacarmel, Haifa, Israel; Claim No. 64083, Vesting Order No. 17904; $215.12 in the Treasury of the United States.

Executed at Washington, D.C., on September 9, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10027; Filed, Sept. 18, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 013790]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number 013790, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection and development of campgrounds and recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, 12, Oregon. If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

Store Gulch Campground and Guard Station

T. 38 S., R. 9 W.,
Sec. 3, SW¼ Lot 3, W½SE¼NW¼, NE¼SE¼NW¼.

Total—41.08 acres.

Upper Indigo Campground

T. 34 S., R. 10 W.,
Sec. 12, NE¼SE¼SW¼, W½SW¼SE¼.

Total—30 acres.

Sourdough Campground

T. 41 S., R. 11 W.,
Sec. 11, NE¼NW¼, NE¼SE¼NW¼.

Total—50 acres.

Elk Creek Falls Picnic and Recreation Area

T. 32 S., R. 11 W.,
Sec. 5, S½ Lot 15, NW¼SE¼.

Total—60 acres.

Myrtle Grove Campground

T. 32 S., R. 11 W.,
Sec. 18, S½NE¼SE¼.

Total—20 acres.

Daphne Grove Campground

T. 33 S., R. 11 W.,
Sec. 7, E½ Lot 10, Lot 23.

Total—25 acres.

Squaw Lake Campground and Recreation Area

T. 33 S., R. 11 W.,
Sec. 9, E½SE¼SW¼, SW¼SE¼.

Total—60 acres.

Maple Campground

T. 33 S., R. 11 W.,
Sec. 18, SE¼SW¼NE¼, SW¼SE¼NE¼.

Total—20 acres.

Rock Creek Campground

T. 33 S., R. 11 W.,
Sec. 19, E½ Lot 7, W½ Lot 8, NW¼ Lot 13, NE¼ Lot 14.

Total—60 acres.

Fairview Campground

T. 37 S., R. 12 W., Unsurveyed,
Sec. 19, NE¼SW¼NW¼.

Total—10 acres.

Long Ridge Campground

T. 38 S., R. 12 W.,
Sec. 23, E½NE¼SW¼.

Total—20 acres.

Upper Chetco Campground

T. 38 S., R. 12 W.,
Sec. 28, SW¼SE¼.

Total—40 acres.

Little Redwood Campground

T. 39 S., R. 12 W.,
Sec. 20, Lot 6;
Sec. 29, N½ Lot 3.

Total—58 acres.

Winchuck Campground

T. 41 S., R. 12 W.,
Sec. 10, N½SE¼NW¼, S½S½NE¼NW¼, NE¼SW¼NW¼.

Total—40 acres.

The total combined area is 534.08 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-10002; Filed, Sept. 18, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 2980]

MARKET AGENCIES AT ST. PAUL UNION STOCKYARDS, SOUTH ST. PAUL, MINN.

Notice of Complaint, Order of Suspension, and Hearing Regarding Modifications of Schedules of Rates and Charges

Notice is hereby given that on July 29, 1963, the following market agencies at the St. Paul Union Stockyards, South St. Paul, Minnesota, filed amendments to their current schedules of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.): American Commission Co., a corporation; Barton Livestock Commission Co., a corporation; Bennett Commission Co., Inc.; W. M. Campbell Commission Co., a corporation; James T. Crosby & Sons, Inc.; Sig Ellingson & Co., a corporation; Farmers Union Marketing Association; Fitch Commission Co., Inc.; The Haas Livestock Commission Co., a corporation; Interstate Live Stock Commission Co., Inc.; R. J. Kost, J. V. Gallahue, and Carl Diedrich, partners, d/b/a Kost, Gallahue & Diedrich; E. C. Humphrey and W. E. Brown, partners, d/b/a Lee Livestock Commission Co.; Midwest Farmers, Inc.; Minnesota Livestock Commission Co., a corporation; National Farmers Livestock Selling Agency, Inc.; Northwestern Commission Co., Inc.; Peterson Commission Co., Inc.; Producers Commission Co., Inc.; Rogers & Rogers, a corporation; Security Livestock Commission Co., Inc.; South St. Paul Commission Co., a corporation; James H. Dolan and James N. Dolan, partners, d/b/a United Commission Company; Percy Vittum & Co., a corporation; Weiller & Weiller Co., a corporation; and John E. Timbers, Harry A. Holmgren, Howard W. Bartz, and Eugene Knoch, partners, d/b/a Wood Brothers. On July 30 and August 2, 1963, documents were filed by such market agencies providing that the amendments would become effective on August 12, 1963.

The proposed amended tariffs read as follows:

DEFINITIONS

1. A consignment, for the purpose of assessing selling charges is all the livestock of one species (cattle, calves, bulls, milkers and springers, T.B. and Bangs reactors, suspects, condemned and subject cattle and calves to be considered as different species) belonging to one person and delivered to one market agency to be offered for sale during the trading hours of one day.

2. A purchase order for the purpose of assessing buying charges is all the livestock of one species (cattle, calves, bulls, milkers and springers, T.B. and Bangs reactors, sus-

pects, condemned and subject cattle and calves to be considered as different species) bought at any time, but shipped to or delivered to one person on one market day.

3. A person is an individual, a partnership, a corporation, and/or an association of any such acting as a unit.

4. Cattle are animals of the bovine species, the average weight of which is more than 400 pounds.

5. Bulls are uncastrated male animals of the bovine species weighing 700 pounds and over.

6. Calves are animals of the bovine species the average weight of which is 400 pounds or under.

7. Hogs are all swine irrespective of weight (except boars).

8. Boars are uncastrated male animals of the swine species weighing over 200 pounds.

9. Sheep are all animals of the ovine species irrespective of weight. For the purpose of this tariff goats are considered as sheep.

SECTION A

SELLING COMMISSIONS

	Per head
Cattle:	
First head in each consignment	$1.65
Next 2 head in each consignment	1.45
Next 4 head in each consignment	1.35
Next 6 head in each consignment	1.25
All over 13 head in each consignment	1.20
Bulls, milkers and springers, T.B. and Bangs reactors, suspects, and subjects	2.25

When the average weight of cattle in a consignment is 500 pounds or less, the maximum selling commission for 50 head or less shall not exceed $50.00. When over 50 head of such cattle in a consignment, repeat rates and maximum.

	Per head
Calves:	
First head in each consignment	$0.95
All over first head in each consignment	.80
Subjects	1.10
Hogs:	
First head in each consignment	.75
Second head in each consignment	.55
Third head in each consignment	.50
Next 7 head in each consignment	.45
Next 5 head in each consignment	.43
Next 20 head in each consignment	.38
All over 35 head in each consignment	.35
Boars and subjects	1.10
Sheep:	
First head in each consignment	.65
Next 10 head in each consignment	.45
Next 20 head in each consignment	.38
Next 30 head in each consignment	.33
Next 164 head in each consignment	.14
All over 225 head in each consignment	.19
Subjects	1.10

When five or more hogs or sheep in any one consignment are sold subject, the first five shall be charged at the subject rates, and all over the first five head shall be charged at the regular commission rates.

The commission on dead animals shall be charged at the lowest applicable per head rate of sound animals of that species in the consignment.

When purchaser of livestock pays a buying commission and any part of that purchase is resold by the same firm before leaving the stockyards, no selling commission shall be charged.

A charge of 25 cents per owner shall be made for prorating for bona fide shipping associations.

SECTION B

BUYING COMMISSIONS

	Per head
Cattle and calves:	
Stocker, feeder and breeding: 25 cents per hundred weight with a minimum of $1.00 per head, and a maximum of $2.00 per head.	
Bulls, milkers and springers, and club calves	$2.25
Slaughter:	
Steers and heifers:	
First 10 head in each purchase order	1.20
All over 10 head in each purchase order	1.10
Cows	1.20
Calves:	
First 50 head in each purchase order	.55
All over 50 head in each purchase order	.40

	Per cwt or fraction thereof
Hogs:	
Slaughter:	
Butchers and sows	$0.10
Stags and boars	.20
Feeder pigs and serum hogs	.15

A driving charge of $1.00 shall be made for each 16,000 pounds, or fraction thereof, when the hogs are driven to the outbound truck chutes.

The maximum charge on any purchase order of slaughter hogs, other than stags and boars, shipped by rail, shall be $21.00 for each single deck car of 40 feet or less in length, and $30.00 for each double deck car of 40 feet or less in length. On cars over 40 feet in length there shall be no maximum. On shipments made other than rail there shall be no maximum.

	Per head
Sheep:	
First head in each consignment of up to 225 head	$0.50
Next 10 head	.40
Next 20 head	.35
Next 30 head	.22
Next 164 head	.14
All over 225 in each consignment	.18
Minimum charge for any purchase order of any specie shall be	2.50

When livestock consigned to a commission firm is used to fill orders, one-half of the regular buying commission charge shall be assessed as a service fee.

In applying buying rates for livestock when it is weighed from consignments in filling a portion of an order and the balance of the order is filled through purchases from others, and where a sliding per-head rate schedule is used the charges applicable to the livestock bought from others are computed first and then one-half of the lowest applicable rates are applied to the livestock from consignments.

When an off-market feeder buyer buys livestock himself and it is paid for by a commission firm or an order buyer without any other service provided except driving it to the out-bound chutes one-half the regular buying commission shall be charged; however if the livestock is taken to the test-barn for testing, dehorning, or any other service, the full buying commission shall be charged.

When an off-market packer or slaughterer buys the livestock himself and pays for it through a commission firm or order buyer, one-half the regular buying commission shall be charged.

When it becomes necessary for the buying agency to pick up the purchase order of slaughter cattle from more than two agencies and/or dealers, a charge of 50 cents shall be made for each market agency and/or dealer over two from whom the purchase order is picked up, with a maximum of $2.00 for each purchase order.

When the average weight of the cattle in a purchase order is 500 pounds or less, the maximum charge for up to and including 50 head shall be $50.00. When over 50 head of these cattle are included in a purchase order, repeat the foregoing rates and maximum.

When livestock is purchased by a buyer at South St. Paul and through transit rail rates are used by him a charge of $2.50 per carload shall be assessed against the buyer for services performed in computing the rate and arranging for the billing.

SECTION C

FIRE INSURANCE

To cover the premium on a policy of insurance (against loss by fire, lightning, cyclone, tornado, or windstorm) protecting the owners of livestock consigned to the South St. Paul market during the time when the animals are within the confines of the St. Paul Union Stockyards and also to cover costs of administration of the policy, the following deductions shall be made from the proceeds of sale:

Other than rail:	
Cattle ½ cent per head, minimum 1 cent each; 30 head maximum	$0.10
Calves ⅛ cent per head, minimum 1 cent each; 75 head maximum	.10
Hogs ⅛ cent per head, minimum 1 cent each; 75 head maximum	.10
Sheep ¼ cent per head, minimum 1 cent each; 300 head maximum	.10
On each rail carload of livestock	.10

Notice is given hereby also that on August 9, 1963, the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the amendments of the current schedules of rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondents are now, and at all times mentioned herein were, registered with the Secretary of Agriculture as market agencies buying and selling livestock on a commission basis at the St. Paul Union Stockyards, South St. Paul, Minnesota, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondents have heretofore filed and presently have in effect schedules of rates and charges for the stockyard services furnished by them at the St. Paul Union Stockyards.

III. On July 29, 1963, the respondents filed amendments to their current schedules containing certain changes in the current rates and charges. On July 30 and August 2, 1963, documents were filed by the respondents providing that such amendments would become effective on August 12, 1963.

IV. Question has been raised as to whether the changes in the current rates and charges are warranted. The Packers and Stockyards Division, Agricultural Marketing Service, does not presently have available information upon which a determination may be made as to whether the modifications in the rates and charges are just, reasonable, and nondiscriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the modifications of respondents' schedules of rates and charges filed on July 29, 1963, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedules of rates and charges should be suspended and the use of such modified rates and charges deferred.

It is therefore ordered, That the operation and use by the respondents of the modifications of the current schedules of rates and charges filed on July 29, 1963, to become effective on August 12, 1963, are hereby suspended and deferred until the expiration of 30 days beyond the time when such modifications would otherwise go into effect.

It is further ordered, That notice to the respondents shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date, of which the respondents will receive adequate notice. At such hearing the respondents and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relevant to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., within 20 days from the date of the publication hereof in the FEDERAL REGISTER.

It is further ordered, That a copy hereof be served upon the respondents.

It is further ordered, That this document be published in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of September 1963.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-9990; Filed, Sept. 18, 1963; 8:47 a.m.]

Office of the Secretary

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Carolina a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Iredell.	Warren.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9995; Filed, Sept. 18, 1963; 8:47 a.m.]

MISSOURI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Missouri a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Audrain.	Jasper.
Barry.	Maries.
Barton.	McDonald.
Bates.	Montgomery.
Boone.	Newton.
Callaway.	Pike.
Cedar.	Ralls.
Franklin.	Vernon.
Howard.	Warren.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10014; Filed, Sept. 18, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW-DRUG APPLICATIONS

Notice of Approvals

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of July 1963:

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
Isoproterenol sulfate		Sympathomimetic	Merck, Sharp, and Dohme Research Laboratories, Division of Merck and Co., West Point, Pa.	July 1, 1963	Rx
Meprobamate		Tranquilizer	Halsey Drug Co., Inc., Brooklyn, N.Y.	July 3, 1963	Rx
Meprobamate		do	Towne, Paulsen and Co., Inc., 140 East Duarte Road, Monrovia, Calif.	do	Rx
Meprobamate		do	Stanley Drug Products, Inc., 934 NE 25th Ave., Portland, Oreg.	July 8, 1963	Rx
Meprobamate		do	Davis-Edwards Pharmaceal Corp., Bronx, N.Y.	July 10, 1963	Rx
Vincristine sulfate	Oncovin Ampoules	Antileukemia agent.	Eli Lilly and Co., Box 618, Indianapolis, Ind.	do	Rx
Meprobamate		Tranquilizer	Richlyn Laboratories, Inc., 3725 Castor Ave., Philadelphia 24, Pa.	July 15, 1963	Rx
Meprobamate		do	Bates Laboratories, Inc., Chicago 26, Ill.	July 17, 1963	Rx
Meprobamate		do	Philadelphia Laboratories, Inc., Philadelphia 15, Pa.	do	Rx
Metronidazole	Flagyl Oral Tablets, Flagyl Vaginal Tablets.	Trichomonacidal agent.	G. D. Searle and Co., P.O. Box 5110, Chicago 80, Ill.	July 18, 1963	Rx
Meprobamate		Tranquilizer	Vitamix Pharmaceuticals, Inc., 5051 Lancaster Ave., Philadelphia 31, Pa.	do	Rx
Meprobamate		do	Chase Chemical Co., Newark 5, N.J.	July 19, 1963	Rx
Meprobamate		do	Rabin-Winters Corp., El Segundo, Calif.	do	Rx
Meprobamate		do	Leo Linden Laboratories, Inc., Culver City, Calif.	July 22, 1963	Rx
Meprobamate		do	Nysco Laboratories, Inc., Long Island City, N.Y.	July 23, 1963	Rx
Meprobamate		do	Premo Pharmaceutical Laboratories, Inc., South Hackensack, N.J.	July 26, 1963	Rx

See footnotes at end of table.

DRUGS FOR VETERINARY USE

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
Griseofulvin	Grysio Capsule "ProVet" "Micro Sized".	Antifungal	Ayerst Laboratories, 685 3d Ave., New York 17, N.Y.	July 10, 1963	R_x
Tylosin	Tylocine TM Boluses.	Antibacterial	Corn States Laboratories, Inc., Omaha 2, Nebr.	do	OTC
Medroxyprogesterone acetate, neomycin sulfate.	Promone	Hormone, female; antibacterial	The Upjohn Co., 301 Henrietta St., Kalamazoo 99, Mich.	July 18, 1963	R_x
Hydrochlorothiazide.	Hydrozide Injection.	Diuretic	Merck and Co., Inc., Rahway, N.J.	July 22, 1963	R_x
Sulfadimethoxine	Symbio Liquid	Antibacterial	The Warren-Teed Prods. Co., 582 West Goodale St., Columbus 15, Ohio.	July 26, 1963	R_x

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Dated: September 11, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-9942; Filed, Sept. 18, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. R-84. The license authorizes Armed Forces Radiobiology Research Institute to operate its DASA-TRIGA Mark F nuclear reactor located on the National Naval Medical Center site in Bethesda, Maryland. The amendment authorizes Armed Forces Radiobiology Research Institute to possess and use a five curie Antimony-Beryllium neutron source as a startup source for the reactor.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, and (2) the licensee's application for license amendment dated June 17, 1963, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request, addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 11th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-84; Amdt. 2]

License No. R-84, as amended, issued to Armed Forces Radiobiology Research Institute is hereby amended in accordance with the application amendment dated June 17, 1963, in the following respects:

Paragraph 3.C. of License No. R-84 is revised in its entirety to read as follows:

"3.C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, 'Licensing of Byproduct Material,' to receive, possess, and use a 5 curie Antimony-Beryllium neutron source (ORNL-Model No. Sb-Be-NS-1) for reactor startup use only; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor."

This amendment is effective as of the date of issuance.

Date of issuance: September 11, 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10006; Filed, Sept. 18, 1963; 8:47 a.m.]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Issuance of Amendment to Provisional Operating License

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Provisional Operating License No. DPR-9. The amendment authorizes the Power Reactor Development Company to receive, possess, and use additional small quantities of special nuclear material and source material in fission counters and assorted shapes for flux measuring purposes.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since no significant hazards consideration is presented by the application for the amendment.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for amendment dated August 19, 1963, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 10th day of September 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[License No. DPR-9; Amdt. 1]

1. Provisional Operating License No. DPR-9, issued to the Power Reactor Development Company, is hereby amended as follows:

(a) Section 2.c., page 2, lines 6-9, is amended to read as follows:

"To receive, possess, and use a maximum of 25 grams of uranium 235, 0.1 gram of plutonium 239 and 0.1 gram of plutonium 240 in fission counters pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, 'Special Nuclear Material'."

(b) Section 2.d., page 2, lines 10-17, is amended to read as follows:

"To receive, possess, and use (a) 41,900 kilograms of depleted uranium 238 contained in radial blanket subassemblies and the axial blanket sections of core subassemblies, (b) 17,500 pounds of depleted uranium 238 constituting shielding for the cask car, (c) 14,245 pounds of depleted uranium 238 contained in derbies, blanket rods, simulated fuel pins and solid specimens, (d) 250 grams of thorium 232 as foils or other shapes suitable for neutron spectrum measurements, and (e) 0.1 gram of uranium 234 and 0.1 gram of uranium 236 in fission counters, pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, 'Licensing of Source Material'."

2. This amendment is effective as of the date of issuance.

Date of issuance: September 10, 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 63-10007; Filed, Sept. 18, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14754; Order E-20006]

TRANS WORLD AIRLINES, INC., ET AL.

Order Relating to Agreements for Reduced Rates for Transportation of Property

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September 1963.

Agreements for interchange of reduced rates for transportation of property of airlines, between Trans World Airlines, Inc., and Seaboard World Airlines, Inc., and other air carriers, and foreign air carriers; Docket No. 14754; Agreement C.A.B. 14449, et al.

By agreements filed with the Board, pursuant to section 412 of the Federal Aviation Act of 1958, certain air carriers and foreign air carriers [1] have contracted to provide reduced-rate transportation of company property.[2] A stated reason for these agreements is the need for rapid transportation of spare engines and other parts on immediately available flights at a rate which encourages use of available space. Certain agreements, for example, provide that: (1) Aircraft engines and other property owned by either company [3] will be carried and each shipment will exceed a specified minimum weight; (2) no commissions will be paid on the shipments; and (3) each shipment will be covered by an air waybill stamped with a notation that it is used as a trip pass for reduced-rate transportation. One carrier, Trans World Airlines, Inc., suggests that when the need for an aircraft engine arises it is of the utmost urgency, and unless the subject agreements are in effect, the carrier must either keep a supply of spare engines throughout the world, or depend upon swift carriage of an engine at normal common carrier rates in the absence of flights of their own. In either situation, it is stated that the expense to the carrier is often substantial and the agreements make it feasible and economical to use the first flight on which space is available.

Section 403(b) of the Act provides, inter alia, that nothing in the Act shall prohibit air carriers or foreign air carriers from issuing or interchanging passes for free or reduced-rate transportation in overseas or foreign air transportation to such other persons and under such other circumstances as the Board may by regulations prescribe. Thus, the Board may issue regulations authorizing the granting, by interchange of passes, of free or reduced-rate overseas or foreign air transportation in circumstances other than those specifically set out in section 403(b) of the Act. Pursuant to this authority, the Board has promulgated Part 223 of the Economic regulations.[4] Although § 223.2 [5] of that part sets forth various groups of persons to whom free and reduced-rate transportation may be furnished, specific provision is not included for the type of transportation embraced by the subject agreements.[6] Neither does § 223.2 list air carriers as one of the "persons" to whom free and reduced-rate transportation may be furnished. However, this omission is not fatal in that free and reduced-rate overseas and foreign air transportation may be authorized by specific orders of the Board or, as recognized in § 223.3(c), such transportation may also be authorized by other provisions of the regulations.

The agreements under which reduced-rate transportation of the property of other carriers would be provided in interstate air transportation raise a different problem. Section 403(b) of the Act provides neither a specific exemption for these services nor a general authorization to permit such reduced-rate services in interstate air transportation such as the Board has been granted with respect to overseas and foreign air transportation. However, in every material respect the nature of these agreements, their advantages, and the reasons therefor, appear to be the same as those providing for reduced-rate services in overseas and foreign air transportation. Under these circumstances, if the Board should find that the enforcement of the provisions of sections 403 and 404 of the Act would not be in the public interest and would be an undue burden on the air carrier parties to these agreements to provide such reduced-rate interstate air transportation, an exemption from these provisions could be granted pursuant to authority provided in section 416 of the Act.

However, in addition to the problem of discrimination inherent in these agreements to provide interstate, overseas, and foreign air transportation to other carriers at reduced rates not available to all shippers, the Board is also concerned with the question of whether these agreements restrict competition and/or dilute air carrier revenues to the extent that they are adverse to the public interest. In this respect we note that in many agreements the route structures of the contracting carriers are such that a serious imbalance in reduced rate shipments of company materials may result. We also note that the carrier parties to many of these agreements operate in dissimilar geographic areas and, pursuant to these agreements, shipments of company materials which heretofore were or could have been carried at tariff rates by any carrier competing for traffic in these areas are now transported at reduced rates only by the carrier parties. We note further, with respect to company materials required on an emergency basis, that transportation at reduced rates would not be more expeditious than at tariff rates; that restricting such transportation to one particular carrier in a competitive market would appear conducive only to delay, and that the level of the rates charged for the transportation of company property is immaterial if, in fact, there is no imbalance between carriers in the amounts of such transportation furnished.

In consideration of these factors and the potential loss of revenues by some carriers which are parties to these agreements and by other carriers which are not, the Board has concluded that further action in this matter should be deferred in order to afford all interested persons an opportunity to submit comments, views, arguments and data upon the agreements discussed herein.

In addition to the matters discussed above, interested persons are invited particularly to submit data for a representative period showing the nature, weight, transportation charge, points of origin and destination, and name of transporting carrier for each shipment of company property shipped via other air carriers. To the extent that any such shipment has been made pursuant to any agreement here involved, this fact should be noted. Comments, views, and supporting data are also invited with respect to any conditions or limitations which the Board should apply in the event these agreements ultimately are approved. For example: Should the Board limit the subject transportation of

[1] For list of agreements and carrier parties thereto, see Appendix filed as part of original document.

[2] In some instances it is contemplated that there also will be carriage of persons.

[3] Some agreements also provide for reduced-rate transportation not merely of carrier property but of property consigned to the carrier.

[4] 14 CFR, Part 223.

[5] 14 CFR 223.2.

[6] Section 223.1(e) defines free and reduced-rate transportation, respectively, as the carriage of any person or property without compensation or for compensation less than that otherwise applicable under currently effective tariffs.

carrier property to the carriage of engines and parts required on an emergency basis and/or limit the subject transportation to service on routes which parallel the routes of the carrier buying the service?

Accordingly, pursuant to sections 102, 204(a), 403(b), 404(b), 412(b) and 416(b) of the Federal Aviation Act of 1958:

It is ordered:

1. That further action be deferred upon the agreements listed in the Appendix to this order in order to afford interested persons an opportunity to participate in this matter;

2. That within 30 days after service of this order all interested persons shall file their comments, views, data and arguments in this matter with the Docket Section of the Board;

3. That copies of this order shall be served upon each air carrier and foreign air carrier named in the Appendix.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10010; Filed, Sept. 18, 1963; 8:48 a.m.]

[Docket No. 14526]

FRONTIER TEACHERS TARIFF

Notice of Postponement of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, now assigned to be held September 19, 1963, is postponed until September 24, 1963, at 10:00 a.m., m.d.t., in Conference Room 37, New Custom House, Nineteenth and Stout Streets, Denver, Colorado, before the undersigned Examiner.

Dated at Washington, D.C., September 13, 1963.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 63-10011; Filed, Sept. 18, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63-SO-14]

NED R. STEELE & CO., INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-2359) to determine its effect upon the safe and efficient utilization of navigable airspace.

Ned R. Steele and Company, Inc., proposes to construct a space needle tower near Cocoa, Florida, at latitude 28°25'-31" N., longitude 80°45'34" W. The overall height of the structure would be 507 feet 5 inches above mean sea level (500 feet above ground).

The proposed structure would be located approximately 6.5 miles southeast of the Titusville-Cocoa Airport and eight miles north/northwest of the Central Brevard Airport. At the proposed location and height the structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations by 300 feet since it would be more than 200 feet above ground within the boundaries of an airway.

The aeronautical study disclosed that the structure would require an increase from 1,400 feet to 1,500 feet in the minimum obstruction clearance altitude between the Hopkins Intersection and the Indian River Intersection on VOR Federal airways Nos. 3/51. The minimum en route altitude for this segment of airway is 2,000 feet and would not be affected.

The study further disclosed that the structure would be located on the coastline and would have an adverse effect upon visual flight rule operations. The Agency's publication Air Traffic Patterns for VFR General Aviation fiscal year 1962, indicates that approximately 5,360 general aviation VFR flight plans were filed for routes that passed within five miles of the proposed structure. Of this number, approximately 1,540 were filed for an altitude of 2,000 feet or below.

The coastline of Florida provides a natural VFR route and its terrain and weather conditions are conducive to low altitude VFR operations. Low stratus cloud conditions prevail frequently during all seasons. During the non-winter months the cooler air from the ocean pushes inland, causing cumulus buildups just inland from the shoreline. In afternoon hours this condition is very pronounced and tends to funnel VFR aircraft very close to the shoreline.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would create an unsafe obstruction to low flying aircraft along the east coast of Florida.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on September 12, 1963.

GEORGE R. BORSARI,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 63-9973; Filed, Sept. 18, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15162-15164; FCC 63-831]

STATION VIEW REALTY CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: The Station View Realty Company, Cleveland, Ohio, Docket No. 15162, File No. BPCT-2870; Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT-3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT-3176; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of September 1963;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 19, Cleveland, Ohio, and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) Based on information contained in The Station View Realty Company's application, it appears that cash in the amount of at least $179,952 will be required for the construction and initial operation of the proposed station. The applicant has failed to make the financial showing required since it does not appear that the balance sheet contained in the application correctly or accurately reflects the applicant's current financial situation nor does it appear that the stockholders have demonstrated their financial ability to meet their commitments to the applicant. Accordingly, it cannot be determined that The Station View Realty Company is financially qualified.

(b) The application of The Station View Realty Company sets forth its intention to staff the proposed new station with substantially the same staff as that employed by Radio Broadcast Stations WDOK (AM) and WDOK-FM. The applicant, however, subsequent to the filing of its application, disposed of these stations and there has been no showing that the proposed staff is available. Accordingly, a question exists as to the applicant's plans for staffing its station and whether such plans are adequate for the operation of the proposed station.

(c) The Station View Realty Company, not having received a clearance from the Federal Aviation Agency with respect to the proposed antenna system and site, it cannot be determined that said antenna system and site would not constitute a menace to air navigation.

(d) Based on information contained in the application of Community Telecasters of Cleveland, Inc., it appears that cash in an amount in excess of $534,835 will be needed for the construction and initial operation of the proposed station, whereas the applicant has shown a maximum loan potential of only $500,000. Additionally, the applicant has failed to make the requisite financial showing in that of the seven stockholders who have agreed to furnish funds, only H. C. Hauser, Charles W. Steadman and Homer H. Marshman have disclosed sufficient current and liquid assets to fulfill their commitments. Accordingly, it cannot be determined that Community Telecasters of Cleveland, Inc. is financially qualified.

(e) The application of Community Telecasters of Cleveland, Inc. states that the main studio for the proposed station will be located within the principal city, but exhibits filed therewith indicate otherwise. Accordingly, it must be determined whether the main studio is within the corporate limits of the City of Cleveland and, if not, whether a waiver of § 3.613(a) of the Commission's rules is warranted.

It further appearing, that the Commission is of the view that the above question raised with respect to the proposed operation by The Station View Realty Company should be explored within the framework of comparative issue "5(b)" as specified herein, rather than as a separate issue; and

It further appearing, that Cleveland Broadcasting, Inc. proposes to mount its television antenna on the existing WERE (AM) and WERE-FM antenna system; and that in the event of a grant of Cleveland Broadcasting's application such grant should be subject to the condition that no construction is to be commenced until applications are filed and granted to modify the WERE (AM) and WERE-FM antenna systems; and

It further appearing, that the proposed site of the transmitter of Community Telecasters of Cleveland, Inc. is approximately 1 mile from the site of the transmitter of Radio Station WERE; and that in the event of a grant of Community Telecaster's application such grant should contain the condition that a skeleton proof (consisting of at least five field intensity measurements made on each of the eight equally spaced radials of Radio Station WERE) shall be made before and after said construction to establish that the TV tower has been detuned; and

It further appearing, that the proposed site of the transmitter of The Station View Realty Company is approximately 1.7 miles from the site of the transmitter of Radio Station WDOK; and that in the event of a grant of The Station View Realty Company's application such grant should contain the condition that a skeleton proof shall be submitted for both daytime and nighttime patterns, consisting of at least five field intensity measurements on each radial measured in connection with the original proof of performance, to prove that the directional pattern has not been changed. Data shall include a tabulation of all pertinent meter indications and the measured fields at the monitor locations; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Cleveland Broadcasting, Inc. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Community Telecasters of Cleveland, Inc. is legally and technically qualified, except as indicated above, to construct, own and operate the proposed television broadcast station; and that The Station View Realty Company is legally and technically qualified, except as indicated above, to construct, own and operate the proposed television broadcast station;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of The Station View Realty Company; Cleveland Broadcasting, Inc.; and Community Telecasters of Cleveland, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, on the following issues:

1. To determine whether The Station View Realty Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Community Telecasters of Cleveland, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine whether the proposed location of the main studio of Community Telecasters of Cleveland, Inc, is within the corporate limits of the City of Cleveland and, if not, whether a waiver of § 3.613(a) of the Commission's rules is warranted.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by The Station View Realty Company would constitute a menace to air navigation.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-captioned applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, The Station View Realty Company; Cleveland Broadcasting, Inc.; and Community Telecasters of Cleveland, Inc., pursuant to § 1.140(c) of the rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10018; Filed, Sept. 18, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-1]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

SEPTEMBER 12, 1963.

Take notice that on July 1, 1963, as supplemented on July 12, 1963, Columbia Gulf Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing applicant to construct in the year 1964, and operate, certain facilities all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct the proposed facilities in 1964 in order to transport substantial volumes of gas to meet estimated increased requirements of the United Fuel Gas Company (United Fuel) for the 12 month period beginning November 1, 1964. The Applicant alleges that, commencing in November 1964, the present facilities of Applicant will be inadequate to transport the increased volumes requested by United Fuel. Applicant states that in January, February, and March of 1965 United Fuel must receive approximately 972,500 Mcf per day from Applicant's system, which is considerably in excess of Applicant's presently authorized daily design capacity of 858,500 Mcf.

The gas to be transported by Applicant will be obtained under long term purchase agreements entered into by United Fuel on January 28, 1963, with Humble Oil and Refining Company and Isaac Arnold, et al., which provide for delivery into Applicant's system in Southern Louisiana of approximately 6.2 trillion cubic feet of gas. The daily contract quantity available to United Fuel under the Humble and Isaac Arnold, et

al. contracts will be 240,000 Mcf per day beginning November 1, 1964, 326,000 Mcf beginning November 1, 1965; 398,000 Mcf beginning November 1, 1966; 510,000 Mcf beginning November 1, 1967; 612,000 Mcf beginning November 1, 1968; and 780,000 Mcf after November 1, 1969.

The facilities for which a certificate is sought consist, in general of the following:

Main line facilities. Seven main line loops consisting of 69.2 miles of 30-inch O.D. pipe and engine-compressor additions totaling 91,500 horsepower at 9 main line compressor stations.

Lateral facilities. (1) A loop segment of Applicant's East Lateral consisting of 24.0 miles of 30-inch O.D. pipe, commencing at the Erath Junction in Vermilion Parish, Louisiana, and extending in a southeasterly direction along the East Lateral to a point in St. Mary Parish, Louisiana.

(2) An extension from the East Lateral into the Lirette-West Delta Area, consisting of 134.4 miles of 24 and 30-inch O.D. pipe, commencing at or near the outlet of Humble's Garden City Gas Plant in St. Mary Parish, Louisiana, and extending in a southeasterly direction to a point at or near the outlet of the Venice Dome Processing Plant in Plaquemines Parish, Louisiana, together with measuring facilities.

The above-described facilities are estimated to cost in the aggregate approximately $49,046,500.

The Columbia Gas System (Columbia) proposes to provide Applicant with the funds required for construction purposes over and above funds generated by Applicant's operations and available for construction purposes. Columbia proposes to purchase applicant's notes and common stock as funds are required by Applicant to meet such construction costs. The balance of the funds necessary for these facilities will be supplied from current funds available to Applicant.

In order to meet the requirements of United Fuel for increased deliveries commencing November 1, 1964, Applicant proposes to commence construction of these facilities by May 1, 1964.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 4, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9978; Filed, Sept. 18, 1963; 8:45 a.m.]

[Docket No. CP63-325]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Application; Correction

AUGUST 28, 1963.

In the Notice of Application issued August 22, 1963 and published in the FEDERAL REGISTER August 29, 1963 (F.R. Doc. 63-9304; 28 F.R. 9489), delete the word "March", in the first line, and in lieu thereof insert the word "May".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9979; Filed, Sept. 18, 1963; 8:45 a.m.]

[Docket No. CP64-17]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 12, 1963.

Take notice that on July 19, 1963, Northern Natural Gas Company (Applicant) filed in Docket No. CP64-17 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery through its Peoples Gas Division of 300 Mcf of natural gas per day on a firm basis to Lehigh Sewer Pipe and Tile Company (Lehigh) beginning on October 27, 1963. Estimated annual sales will approximate 93,800 Mcf, of which 87,300 Mcf will be firm. No additional facilities are required to render the proposed service.

Peoples Gas presently serves all of Lehigh's requirements with interruptible gas. Applicant states that Lehigh desires firm gas due to the high cost of maintaining and operating stand-by facilities. Furthermore the alternative fuels cause defects in coloration of the products.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on October 16, 1963 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 6, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9980; Filed, Sept. 18, 1963; 8:45 a.m.]

[Docket No. G-3244 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications; Correction

AUGUST 30, 1963.

Phillips Petroleum Company (Successor to Rycade Oil Corporation), et al. Docket No. G-3244 etc.; The California Company, Docket No. G-17339.

In the notice of applications for certificate authorization and for permission and approval to abandon service, and of applications and petitions to amend certificates and applications, and date of hearing, issued August 22, 1963 and published in the FEDERAL REGISTER August 31, 1963 (F.R. Doc. 63-9305; 28 F.R. 9650-9653), in the second column, near bottom of page 9650 and next to the last item in the chart on page 9652, delete all reference pertaining to "The California Company, Docket No. G-17339".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9981; Filed, Sept. 18, 1963; 8:45 a.m.]

[Docket No. CP64-12]

UNITED GAS PIPE LINE CO.

Notice of Postponement of Hearing

SEPTEMBER 12, 1963.

Take notice that the hearing in the above-entitled matter now scheduled to be held in Washington, D.C., on September 26, 1963, by notice of application and date of hearing issued on August 22, 1963, and published in the FEDERAL REGISTER on August 29, 1963 (28 F.R. 9493), is hereby postponed until further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-9982; Filed, Sept. 18, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

SEPTEMBER 13, 1963.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange in the Common Stock, 10 cents par value and trading on the American Stock Exchange in the 6 percent Convertible Subordinated Debentures due September 1, 1976 of Continental Vending Machine Corporation, File No. 1-3421.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period September 14, 1963, through September 23, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-9989; Filed, Sept. 18, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Shirt Corp., 2212 Centre Street, Ashland, Pa.; effective 9-6-63 to 9-5-64 (men's dress and sport shirts).

Blue Bell, Inc., Ada, Okla.; effective 9-17-63 to 9-16-64 (men's, boys', ladies', and girls' dungarees).

Continental Manufacturing Co., Knoxville, Iowa; effective 9-20-63 to 9-19-64 (men's single pants).

Continental Manufacturing Co., Oskaloosa, Iowa; effective 9-20-63 to 9-19-64 (men's single pants).

Ely & Walker, Kennett, Mo.; effective 9-5-63 to 9-4-64 (men's and boys' western and dress shirts).

The Enro Shirt Co., Inc., 1008 West Sample Street, South Bend, Ind.; effective 9-12-63 to 9-11-64 (men's pajamas).

Gopher Manufacturing Co., Buffalo, Minn.; effective 9-6-63 to 9-5-64 (children's outerwear).

Granby Manufacturing Co., Inc., Granby, Mo.; effective 9-5-63 to 9-4-64 (men's and boys' work trousers).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga.; effective 9-12-63 to 9-11-64 (men's and boys' cotton work trousers).

Kenrose Manufacturing Co., Inc., 1714 Ninth Street SE., Roanoke, Va.; effective 9-5-63 to 9-4-64. Learners may not be employed at special minimum wage rates in the production of skirts (women's blouses and dresses).

Kent Fabrics Corp., Gill Manufacturing Co., 120 Ionia Avenue SW., Grand Rapids, Mich. (infants' wear).

Lee County Mills, Inc., Leesburg, Ga., effective 9-6-63 to 9-5-64 (ladies' and children's underwear).

Logan Manufacturing Co., North Main Street, Russellville, Ky.; effective 9-17-63 to 9-16-64 (men's work pants).

Pennsylvania Brassiere Corp., 406 Thomas Street, Meyersdale, Pa.; effective 9-12-63 to 9-11-64 (women's brassieres).

Shawmut Manufacturing Corp., 1 Riverside Avenue, New Bedford, Mass.; effective 9-9-63 to 9-8-64 (women's dresses).

Henry I. Siegel Co., Inc., Fulton, Ky.; effective 9-14-63 to 9-13-64 (men's and boys' single pants).

Southern Foundations, a division of Kellwood Co., Alamo, Tenn.; effective 9-4-63 to 9-3-64 (women's foundation garments).

Levi Strauss & Co., Blackstone, Va.; effective 9-5-63 to 9-4-64 (men's and boys' cotton work pants).

The Woods Co., 550 Ninth Street, Douglas, Ariz.; effective 9-10-63 to 9-9-64 (boys' sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

H. Alter & Co., 19 East Union Street, Wilkes-Barre, Pa.; effective 9-6-63 to 9-5-64; 10 learners (men's cotton and corduroy work jackets).

Calico Lane Dress Co., Inc., 9 School Street, Jermyn, Pa.; effective 9-5-63 to 9-4-64; 10 learners (women's dresses).

Green Bay Outerwear Co., 129 South Washington Street, Green Bay, Wis.; effective 9-6-63 to 9-5-64; 10 learners (men's, boys', women's, misses', and children's outerwear jackets).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 9-5-63 to 9-4-64; 10 learners (infants' and children's shirts, underwear, and nightwear).

Par-Ex Shirts, Inc., 50 Greene Street, New Haven, Conn.; effective 9-10-63 to 9-9-64; 10 learners (men's shirts).

Sanford Manufacturers, Inc., 918 West First Street, Sanford, Fla.; effective 9-3-63 to 9-2-64; 10 learners (men's and boys' cotton pajamas).

Sun Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; effective 9-18-63 to 9-17-64; 10 learners (ladies' sportswear—blouses).

Sweet-Orr and Co., Inc., Fifth Street NW., Bushong Building, Pulaski, Va.; effective 9-4-63 to 9-3-64; 10 learners (men's work pants).

Wonderalls of Willmar, City Auditorium, Willmar, Minn.; effective 9-9-63 to 9-8-64; 10 learners (children's outer garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Appalachian Garment Co., Route No. 3, Erwin, Tenn.; effective 9-5-63 to 3-4-64; 10 learners (ladies' blouses).

Flint Rock Shirt Co., Inc., Marshall, Ark.; effective 9-9-63 to 3-8-64; 50 learners (men's sport shirts).

Lee County Mills, Inc., Leesburg, Ga.; effective 9-15-63 to 3-14-64; 35 learners (ladies' and children's underwear).

Allan Merrill Manufacturing Co., 316 West Lake Street, Chisholm, Minn.; effective 9-9-63 to 3-8-64; 15 learners (men's and boys' jackets and carcoats).

Petersburg Manufacturing Co., Petersburg, Tenn.; effective 9-9-63 to 3-8-64; 105 learners (men's and boys' unlined jackets).

Standard Romper Co., Inc., 321 Canco Road, Portland, Maine; effective 9-3-63 to 3-2-64; 35 learners (children's outer garments—shirts).

The Woods Co., 550 Ninth Street, Douglas, Ariz.; effective 9-10-63 to 3-9-64; 25 learners (boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 9-16-63 to 9-15-64; 10 learners for normal labor turnover purposes (leather palm work gloves).

Hanover Glove Co., Inc., 2-6 Exchange Place, Hanover, Pa.; effective 9-9-63 to 9-8-64; 5 learners for normal labor turnover purposes (men's, women's, and children's leather work gloves and mittens).

D. N. Pariso Industrial Glove Manufacturing Co., 101 South Cleveland Street, Knox, Ind.; effective 9-9-63 to 9-8-64; 10 learners for normal labor turnover purposes (work gloves).

Joseph Perrella, Inc., 39 Union Street, Gloversville, N.Y.; effective 9-5-63 to 9-4-64; 10 learners for normal labor turnover purposes (ladies' dress and golf gloves).

Ross Glove Co., 1032 Alabama Avenue, Sheboygan, Wis.; effective 9-5-63 to 9-4-64; 10 percent of the total number of machine stitchers for normal labor turnover purposes (men's, boys', and women's leather dress gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 9-5-63 to 3-4-64; 15 learners for plant expansion purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Cameo Hosiery Co., 1421 South Elm Street, Greensboro, N.C.; effective 9-17-63 to 9-16-64; 5 percent of the total number of factory production workers for normal labor turn-

over purposes (ladies' seamless and full-fashioned hose).

Merrill Hosiery Co., Bank Street, Hornell, N.Y.; effective 9-3-63 to 9-2-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Albert of Arizona, Inc., a division of Kellwood Co., 234 South Extension Road, Mesa, Ariz.; effective 9-9-63 to 3-8-64; 50 learners for plant expansion purposes (ladies' lingerie).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-6-63 to 9-5-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie, slips, petticoats, and gowns).

Merrimaid Manufacturing Co., Inc., Saranac Street, Littleton, N.H.; effective 9-6-63 to 3-5-64; 20 learners for plant expansion purposes (ladies' and men's nylon tricot knit pajamas and travel sets and ladies' panties).

Mount Manufacturing Co., Inc., 601 Orange Street, Mt. Carmel, Pa.; effective 9-9-63 to 9-8-64; 5 learners for normal labor turnover purposes (women's sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Heritage Quilts, Inc., Peerless Building, Rossville, Ga.; effective 9-9-63 to 3-8-64; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of not less than $1.15 an hour (quilted bedspreads, pillow shams, curtains, and draperies).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 12th day of September 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-9987; Filed, Sept. 18, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 63; Amdt. No. 5]

MARYLAND AND NORTH CAROLINA

Drouth Order; Transportation of Hay and Livestock Feed to Disaster Area at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that due to the drouth conditions existing in the State of Mississippi the Commission issued its Drouth Order No. 63 under section 22 of the Interstate Commerce Act, authorizing the railroads subject to the Commission's jurisdiction to transport hay and livestock feed to the disaster area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order extending such authority to include 37 counties in the States of Maryland and North Carolina.

It is ordered, That Drouth Order No. 63, as amended, be, and it is hereby, further amended to provide that the authority therein granted to establish reduced rates on hay and livestock feed shall also apply, subject to the same terms and conditions, to establish and maintain reduced rates on such commodities to destinations in the counties named below, viz.:

Maryland, 20 counties, viz.:

Anne Arundel.	Howard.
Baltimore.	Montgomery.
Calvert.	Prince Georges.
Caroline.	Queen Annes.
Carroll.	St. Marys.
Cecil.	Somerset.
Charles.	Talbot.
Dorchester.	Washington.
Frederick.	Worcester.
Harford.	

North Carolina, 17 counties, viz.:

Alamance.	Northampton.
Alleghany.	Orange.
Caswell.	Person.
Edgecombe.	Rockingham.
Franklin.	Stokes.
Granville.	Surry.
Guilford.	Vance.
Halifax.	Warren.
Nash.	

It is further ordered, That in all other respects Drouth Order No. 63, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 12th day of September A.D. 1963.

By the Commission, Vice Chairman Goff.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-9997; Filed, Sept. 18, 1963; 8:47 a.m.]

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VOLUME 28 NUMBER 184

Washington, Friday, September 20, 1963

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UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Determination Relative to Expenses and Fixing Rate of Assessment for 1963–64 Season

Pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 926.203 Expenses and rate of assessment for the 1963–64 season.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1963, and ending on March 31, 1964, both dates inclusive, will amount to $43,136.50.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at fourteen mills ($0.014) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of Tokay grapes grown in San Joaquin County, California, are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of such season; and (3) the current season began April 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable Tokay grapes beginning with such date.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order and Industry Committee rules and regulations (7 CFR 926.103).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10051; Filed, Sept. 19, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 3]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

WAIVER OF FINAL FILING DATE AND MAINTENANCE OF RECORDS

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Mohair, as amended (27 F.R. 7417; 28 F.R. 579, 1033, 6532), are further amended as follows:

1. Section 1468.211(b) is amended to read as follows:

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of mohair for the specified marketing year as defined in § 1468.233(k) have been completed, and all applications must be filed within one month after the end of that marketing year. If an application is filed later than one month after the end of the specified marketing year, the applicant may request the ASC state committee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver. The ASC state committee may waive the delay on such applications, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC state committee shall notify the applicant in writing of its action on his request for a waiver.

2. In § 1468.227, the letter "(a)" is inserted after the heading and immediately before the beginning of the present text of that section, and the following new paragraph (b) is added at the end of that section:

(b) With respect to any application for payment for which the one-month filing limitation is waived pursuant to § 1468.211(b), the applicant is required to maintain the books, records, and accounts specified in paragraph (a) of this section for three years following notification of the waiver instead of for the time specified in that paragraph.

3. In § 1468.231, the last sentence is deleted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Effective date. Date of publication.

Signed at Washington, D.C., on September 16, 1963.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-10075; Filed, Sept. 19, 1963; 8:48 a.m.]

[Amdt. 9]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

WAIVER OF APRIL 30 FILING DATE AND MAINTENANCE OF RECORDS

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (24 F.R. 649, 10191; 25 F.R. 1725, 2705, 5872, 13830; 26 F.R. 5705, 9121; 27 F.R. 6078; 28 F.R. 579), are further amended as follows:

1. Section 1472.1042(b) is amended to read as follows:

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of shorn wool or unshorn lambs for the specified marketing year as defined in § 1472.1063 (l) have been completed or, if the applicant is a slaughterer, as soon as possible after the last of his lambs moved in the specified marketing year to slaughter, and all applications must be filed within 30 days after the end of that marketing year. If an application is filed later than 30 days after the end of the specified marketing year, the applicant may request the ASC state committee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver. The ASC state committee may waive the delay on such applications, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC state committee shall notify the applicant in writing of its action on his request for a waiver.

2. In § 1472.1058, the letter "(a)" is inserted after the heading and immediately before the beginning of the present text of that section, and the following

new paragraph (b) is added at the end of that section:

(b) With respect to any application for payment for which the 30-day filing limitation is waived pursuant to § 1472.1042(b) or § 1472.1062, the applicant is required to maintain the books, records, and accounts specified in paragraph (a) of this section for three years following notification of the waiver instead of for the time specified in that paragraph.

3. The last sentence of § 1472.1062 is amended to read as follows: "Each of these officials may also waive the 30-day filing limitation on applications for the 1956, 1957 and 1958 marketing years filed after March 31, 1962, § 1472.1042(c) if in his judgment the delay in filing was due to a good cause or the waiver is necessary to avoid undue hardship."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Effective date. Date of publication.

Signed at Washington, D.C., on September 16, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63–10076; Filed, Sept. 19, 1963; 8:48 a.m.]

[Amdt. 4]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

WAIVER OF FINAL FILING DATE AND MAINTENANCE OF RECORDS

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (27 F.R. 933, 9714; 28 F.R. 579, 1034, 6532), are further amended as follows:

1. Section 1472.1142(b) is amended to read as follows:

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of shorn wool or unshorn lambs for the specified marketing year as defined in § 1472.1171(l) have been completed or, if the applicant is a slaughterer, as soon as possible after the last of his lambs moved in the specified marketing year to slaughter, and all applications must be filed within one month after the end of that marketing year. If an application is filed later than one month after the end of the specified marketing year, the applicant may request the ASC state committee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver. The ASC state committee may waive the delay on such applications, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC state committee shall notify the applicant in writing of its action on his request for a waiver.

2. In § 1472.1158, paragraph (c) is deleted and at the end of the section the following new paragraphs (c) and (d) are added:

(c) With respect to any application for payment for which the one-month filing limitation is waived pursuant to § 1472.1142(b), the applicant is required to maintain the books, records, and accounts specified in paragraphs (a) and (b) of this section for three years following notification of the waiver instead of for the time specified in those paragraphs.

(d) CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnished evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified under paragraphs (a), (b), and (c) of this section.

3. In § 1472.1163, the last sentence is deleted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1448)

Effective date. Date of publication.

Signed at Washington, D.C., on September 16, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63–10077; Filed, Sept. 19, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SO–64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Revocation of Control Area Extension

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the Florence, S.C., control zone and revoke the Florence control area extension.

The Florence control zone is designated, in part, and the Florence control area extension is designated in its entirety, with reference to the Florence radio range. Controlled airspace based on this facility is no longer required and the FAA will decommission this navigation aid on or about January 2, 1964. Therefore, action is taken herein to revoke the Florence control area extension and the control zone extension based on the southeast course of the Florence radio range.

Since these actions are less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary and they may be made effective January 2, 1964.

In consideration of the foregoing, the following actions are taken:

1. Section 71.171 (27 F.R. 220–91, November 10, 1962) is amended as follows: In the Florence, S.C., control zone "; within 2 miles either side of the Florence RR SE course extending from the 5-mile radius zone to 10 miles SE of the RR," is deleted.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the Florence, S.C., control area extension.

These amendments shall become effective 0001 e.s.t., January 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10033; Filed, Sept. 19, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SW–23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On June 26, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6566) stating that the Federal Aviation Agency proposed to alter the College Station control zone and designate the College Station transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the Notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the College Station, Tex., control zone is amended to read:

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22'00" W.) and within 2 miles each side of the College Station VOR 287° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

2. § 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

College Station, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles S and 5 miles N of the College Station VOR 287° radial, extending from the VOR to 13 miles W; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 5 miles N of the College Station VOR 107° radial, extending from the VOR to 7 miles E; and within 5 miles each side of the College Station VOR 124° radial, extending from the VOR to 23 miles SE.

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10034; Filed, Sept. 19, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SW–47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Transition Area

On July 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6790) stating that the Federal Aviation Agency proposed to alter the Gallup, N. Mex., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken:

In § 71.181 (27 F.R. 220–139, November 10, 1962), the Gallup, N. Mex., transition area is amended to read:

Gallup, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of McKinley County Airport, Gallup, N. Mex. (latitude 35°30'35" N., longitude 108°47'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°20'30" N., longitude 108°58'30" W., to latitude 35°31'30" N., longitude 109°02'30" W., to latitude 35°50'30" N., longitude 108°44'30" W., to latitude 35°47'30" N., longitude 108°34'00" W., to latitude 35°25'00" N., longitude 108°38'30" W., thence to the point of beginning.

This amendment shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10035; Filed, Sept. 19, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Chlortetracycline and Diethylstilbestrol Used in Treatment of Animals

No comments were received on the notice published in the FEDERAL REGISTER of August 17, 1963 (28 F.R. 8471), proposing the amendment of §§ 121.208, 121.241, 121.1014, 146.26 to prescribe conditions of use for chlortetracycline and diethylstilbestrol used in the treatment of animals intended for human consumption. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act) secs. 409, 507, 59 Stat. 463 as amended; 72 Stat. 1787; 21 U.S.C. 348, 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625); *It is ordered,* That the amendments be adopted as proposed, effective September 17, 1963.

(Secs. 409, 507, 59 Stat. 463 as amended; 72 Stat. 1787; 21 U.S.C. 348, 357)

Dated: September 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

The food additive and antibiotic regulations are amended as follows:

§ 121.208 [Amendment]

1. By adding to paragraph (d) of § 121.208 *Chlortetracycline* the following new table 6:

TABLE 6—CHLORTETRACYCLINE IN CATTLE FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. Chlortetracycline	70			For feed-lot beef cattle	Aid in prevention of liver abscesses.
a. Chlortetracycline	70	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.
2. Chlortetracycline	70			For beef cattle up to 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	70	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.
3. Chlortetracycline	100			For beef cattle over 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	100	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.
4. Chlortetracycline	350			For beef cattle	Aid in prevention of bacterial pneumonia and shipping fever (hemorrhagic septicemia); aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex).
a. Chlortetracycline	350	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.
5. Chlortetracycline	350			For beef cattle up to 700 pounds in weight.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	350	Diethylstilbestrol	10	Not to be administered within 48 hours of slaughter.	Fattening of beef cattle.

2. By adding to the table in § 121.241(b) the following new item:

§ 121.241 Diethylstilbestrol.

* * * * * * * * *

(b) * * *

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. * * *					
a. Diethylstilbestrol	10	Chlortetracycline	70–350	§ 121.208, table 6, items 1, 2, 3, 4, 5.	§ 121.208, table 6, items 1, 2, 3, 4, 5.

3. By adding to § 121.1014 the following new paragraph:

§ 121.1014 Chlortetracycline residues.

* * * * *

(d) In edible tissues from beef cattle treated in accordance with § 121.208(d), table 6, and § 121.241(b), table 1.

(1) 0.1 part per million (0.0001 percent) in uncooked kidney, liver, and muscle.

(2) Zero in uncooked fat.

§ 146.26 [Amendment]

4. By changing § 146.26(b)(25) to read as follows:

(b) * * *

(25) It is a medicated cattle feed containing chlortetracycline in the amounts and for the purposes indicated in § 121.208 of this chapter, and its labeling bears adequate directions and warnings for such use.

[F.R. Doc. 63–10050; Filed, Sept. 19, 1963; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart J—Equal Employment Opportunity

In Part 200 a new Subpart J is added to read as follows:

Sec.
200.400 Purpose.
200.405 Notice to public.
200.410 Definition of term "applicant".
200.415 Agreement of applicant.
200.420 Equal Opportunity Clause to be included in contracts and subcontracts.
200.425 Modifications in and exemptions from the regulations in this subpart.
200.430 Complaints and hearings.
200.435 Sanctions.
200.440 Appeals from findings of Field Office Directors.
200.445 Reinstatement.

AUTHORITY: §§ 200.400 to 200.445 issued under sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f.

§ 200.400 Purpose.

The purpose of the regulations in this subpart is to assist in achieving the aims of Part III of Executive Order 10925, Executive Order 11114, and the Regulations of the President's Committee on Equal Employment Opportunity.

§ 200.405 Notice to public.

Participants in insured programs of the Federal Housing Administration shall be informed of the established policy on nondiscrimination in employment on work involving the construction, repair or rehabilitation of housing through all appropriate means and as early as possible in their negotiations or upon indicating interest in the sponsorship or financing of housing and related facilities.

§ 200.410 Definition of term "applicant".

(a) In multifamily housing transactions where controls over the mortgagor are exercised by the Commissioner either through the ownership of corporate stock or under the provisions of a regulatory agreement, the term "applicant" as used in this subpart shall mean the mortgagor.

(b) In transactions other than those specified in paragraph (a) of this section, the term "applicant" as used in this subpart shall mean the builder, dealer or contractor performing the construction, repair or rehabilitation work for the mortgagor or other borrower.

§ 200.415 Agreement of applicant.

Commitments and other loan approvals issued on or after July 22, 1963, covering properties approved for mortgage insurance prior to the beginning of construction or for repair, improvement, alteration or rehabilitation of existing properties shall be supported by the applicant's agreement as follows:

The undersigned understands and agrees that it is the "applicant" within the meaning of § 200.410 of the FHA regulations and agrees that there shall be no discrimination against any employee who is employed in carrying out work receiving FHA assistance, or against any applicant for such employment, because of race, creed, color or national origin, including but not limited to employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The applicant further agrees to the following: (1) it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the Rules and Regulations of the President's Committee on Equal Employment Opportunity, which is paid for in whole or in part with funds obtained pursuant to an FHA program, the equal opportunity clause set forth in § 200.420; (2) it will be bound by said equal opportunity clause in any FHA assisted construction work which it performs itself other than through the permanent work force directly employed by an agency of government; (3) it will cooperate actively with the FHA and the President's Committee on Equal Employment Opportunity in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Committee; (4) it will furnish the FHA and the Committee such information as they may require for the supervision of such compliance and will otherwise assist the FHA in the discharge of its primary responsibility for securing compliance; (5) it will refrain from entering into any contract or contract modification subject to Executive Order 11114 with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to Part III, Subpart D of Executive Order 10925; (6) it will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the FHA or the Committee pursuant to Part III, Subpart D of Executive Order 10925; and (7) in the event that it fails and refuses to comply with its undertakings, the applicant agrees that the FHA may cancel, terminate or suspend in whole or in part any contractual arrangements it may have with the applicant, may refrain from extending any further assistance under any of its programs subject to Executive Order 11114 until satisfactory assurance of future compliance has been received from such applicant, or may refer the case to the Department of Justice for appropriate legal proceedings.

§ 200.420 Equal Opportunity Clause to be included in contracts and subcontracts.

(a) The following equal opportunity clause shall be included in each contract and subcontract which is not exempt:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 10925 of March 6, 1961, as amended, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(5) The contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the FHA and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally assisted construction contracts in accordance with procedures authorized in Executive Order 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order 10925 of March 6, 1961, as amended, so that such provisions will be binding upon such subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the FHA may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the FHA, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) Except in special cases and in subcontracts for the performance of construction work at the site of construction, the clause is not required to be inserted in subcontracts below the second tier. Subcontracts may incorporate by reference the equal opportunity clause.

§ 200.425 Modifications in and exemptions from the regulations in this subpart.

(a) The following transactions and contracts are exempt from the regulations in this subpart:

(1) Loans, mortgages, contracts and subcontracts not exceeding $10,000;

(2) Contracts and subcontracts not exceeding $100,000 for standard commercial supplies or raw materials;

(3) Contracts and subcontracts under which work is to be or has been performed outside the United States and where no recruitment of workers within the United States is involved. To the extent that work pursuant to such contracts is done within the United States, the equal opportunity clause shall be applicable;

(4) Contracts for the sale of Government property where no appreciable amount of work is involved;

(5) Contracts and subcontracts for an indefinite quantity which are not to extend for more than one year if the purchaser determines that the amounts to be ordered under any such contract or subcontract are not reasonably expected to exceed $100,000 in the case of contracts or subcontracts for standard commercial supplies and raw materials, or $10,000 in the case of all other contracts and subcontracts.

(b) Other exemptions set forth in the provisions of the regulations of the President's Committee on Equal Employment Opportunity shall apply to transactions and contracts referred to in this subpart. The definitions and other provisions of the regulations of the President's Committee on Equal Employment Opportunity shall be controlling in determining the applicability of the provisions of this subpart.

§ 200.430 Complaints and hearings.

(a) Upon receipt of a written complaint signed by the complainant to the effect that any person, firm or other entity has violated the regulations in this subpart, such person, firm or other entity shall be invited to discuss the matter in an informal hearing with the Field Office Director or his designee having jurisdiction.

(b) If the existence of a violation is denied by the person, firm or other entity against which a complaint has been made, the Field Office Director or his designee shall conduct such inquiries and hearings as may be deemed appropriate for the purpose of ascertaining the facts.

(c) If it is found that the person, firm or other entity against which a complaint has been made has not violated the regulations, the parties concerned shall be so notified.

(d) If it is found that there has been a violation of the regulations, the person, firm or other entity in violation shall be requested to attend a conference for the purpose of discussing the matter. Failure or refusal to attend such a conference shall be proper basis for the application of sanctions.

(e) The conference arranged for discussing a violation shall be conducted in an informal manner and shall have as its primary objective the elimination of the violation. If the violation is eliminated and satisfactory assurances are received that the person, firm or other entity in violation will comply with the regulations in the future, the parties concerned shall be so notified.

§ 200.435 Sanctions.

Failure or refusal to comply and give satisfactory assurances of future compliance with the requirements of this subpart shall be proper basis for applying sanctions. The sanctions shall be applied in accordance with the provisions of Executive Orders 10925 and 11114, and the regulations of the President's Committee on Equal Employment Opportunity.

§ 200.440 Appeals from findings of Field Office Directors.

Upon written application, a complainant or a person, firm or other entity against which a complaint has been filed under the regulations may apply to the Commissioner for a rehearing or a readjudication of the action taken by the Field Office Director. Upon receiving such application, the Commissioner may designate a representative to conduct a hearing and to make a report of findings. The Commissioner may, after a review of the record on appeal, reverse an action taken by the Field Office Director.

§ 200.445 Reinstatement.

Reinstatement of restricted persons, firms or other entities shall be within the discretion of the Commissioner and under such conditions as he may prescribe.

Issued at Washington, D.C., September 13, 1963.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

[F.R. Doc. 63-10052; Filed, Sept. 19, 1963; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—GENERAL CREDIT TO INDIANS

PART 93—KLAMATH TRIBAL LOAN FUND

Deletion of § 91.20 and Part 93

Termination of Federal supervision over the Klamath Tribe of Indians as authorized by the Act of August 13, 1954 (68 Stat. 718; 25 U.S.C. 564) has been completed and regulations in 25 CFR pertaining to that tribe are no longer in force and effect. Therefore, the following are deleted from Chapter I of Title 25, Code of Federal Regulations:

1. Section 91.20, Loans to Klamath Indians.
2. Part 93, Klamath Tribal Loan Fund.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

SEPTEMBER 13, 1963.

[F.R. Doc. 63-10044; Filed, Sept. 19, 1963; 8:46 a.m.]

Title 29—LABOR

Chapter XI—Office of Labor-Management and Welfare-Pension Reports (Welfare-Pension Reports), Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 1340—GENERAL STATEMENT CONCERNING THE RETENTION OF RECORDS PROVISIONS OF THE WELFARE AND PENSION PLANS DISCLOSURE ACT

Section 16 of the Welfare and Pension Plans Disclosure Act amendments of 1962 (76 Stat. 38), added a new section 11 to the Welfare and Pension Plans Disclosure Act (72 Stat. 997; 29 U.S.C. 301 et seq.), to provide that every person required to file a plan description or an annual financial report, or to certify any information therefor under that Act, shall maintain certain records concerning the matters on which disclosure is required. It is deemed appropriate to issue an interpretive statement enunciating the Labor Department's position concerning application of the provision. Accordingly, pursuant to section 11 of the Welfare and Pension Plans Disclosure Act (76 Stat. 38, 29 U.S.C. 308(b)), Secretary's Order 24–63 (28 F.R. 9172), and Secretary's Order 25–63 (28 F.R. 9173), 29 CFR Chapter XI is amended by adding a new part 1340 to read as follows:

Sec.
1340.1 Introductory statement.
1340.2 Persons who must retain records.
1340.3 Records to be retained.
1340.4 Manner of keeping records.
1340.5 Period records must be maintained.

AUTHORITY: §§ 1340.1 through 1340.5 issued pursuant to section 5, 72 Stat. 999, 76 Stat. 36, 29 U.S.C. 304; section 11, 76 Stat. 38, 29 U.S.C. 308(b); Secretary's Order 24–63 (28 F.R. 9172), and Secretary's Order 25–63 (28 F.R. 9173).

§ 1340.1 Introductory statement.

(a) This part reflects interpretive positions of the Department of Labor with respect to several aspects of the record retention requirements of section 11 of the Welfare and Pension Plans Disclosure Act (72 Stat. 997, 76 Stat. 35; 29 U.S.C. 301, et seq.). This section provides that: "Every person required to file any description or report or to certify any information therefor under this Act shall maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain."

(b) The provisions of section 11 of the Act are subject to the investigatory authority of the Secretary of Labor embodied in section 9 of the Act. The correctness of an interpretation of these

provisions can be determined finally and authoritatively only by the courts. It is necessary, however, for the Labor-Management Services Administrator (hereafter referred to as "the Administrator") to reach informed conclusions as to the meaning of the law to enable him to carry out his duties of administration and enforcement. The interpretations of the Administrator contained in this part, which are issued upon the advice of the Solicitor of Labor, indicate the construction of the law which will guide the Administrator in performing his duties unless and until he is directed otherwise by authoritative rulings of the courts or unless and until he subsequently decides that his prior interpretation is incorrect. Under section 12 of the Act, the interpretations contained in this part, if relied upon in good faith, will constitute a defense in any action or proceeding based on any act or omission in alleged violation of section 11 of the Act. The omission, however, to discuss a particular problem in this part, or in interpretations supplementing it, should not be taken to indicate the adoption of any position by the Administrator with respect to such problem or to constitute an administrative interpretation or practice. Interpretations of the Administrator with respect to section 11 are set forth in this part to provide those affected by the provisions of the Act with a "practical guide—as to how the office representing the public interest in its enforcement will seek to apply it" (Skidmore v. Swift & Co., 323 U.S. 134, 138).

(c) To the extent that prior opinions and interpretations relating to section 11 are inconsistent with the principles stated in this part, they are hereby rescinded and withdrawn.

§ 1340.2 Persons who must retain records.

(a) Section 11 of the Welfare and Pension Plans Disclosure Act applies to—

(1) Any person or persons required to file any plan description or annual report under section 6 or section 7 of the Act;

(2) Any person or persons who may be required to publish a report upon request pursuant to section 7(a) of the Act; and

(3) Any insurance carrier or service or other organization required under section 7(g) of the Act to certify any information necessary for the preparation or filing of any such description or report.

(b) The statutory duty on such persons to maintain records cannot be avoided by contract, delegation or otherwise. Thus, if the administrator of a plan arranges with an independent contractor (such as a corporate trustee or benefit plan consultant) to perform functions with respect to the plan and, pursuant to the arrangement, such independent contractor prepares or receives the type of records contemplated by § 1340.3 and keeps physical custody of such records, the statutory requirement to see that such records are retained for the required period remains with the administrator and he must make such agreements and arrangements with the independent contractor as are necessary to insure that they are so retained.

§ 1340.3 Records to be retained.

(a) The records required to be retained are all documents which will provide in sufficient detail the necessary basic information and data from which the description and reports which are required or may be required under the Act may be verified, explained or clarified, and checked for accuracy and completeness.

(b) Such records include (but are not limited to) resolutions and matters relating to the plan for which a description or annual report is or may be required to be filed, journals, ledgers, checks, invoices, bank statements, contracts, agreements, vouchers, worksheets, receipts, claim records and payrolls of any party described in § 1340.2 which would tend to support information required in any report under the Act.

(c) Records maintained shall also include, where appropriate, information certified to the Administrator by an insurance carrier or service or other organization. Other records such as payrolls from contributing employers, which the reporting person, trustee, or organization, as described in § 1340.2 obtains in the regular course of its operations, to the extent such records may be used for said verifying or checking shall also be retained.

§ 1340.4 Manner of keeping records.

(a) Records must be kept in reasonable order, in a safe and accessible place and in such a manner that they may be readily inspected and examined by the Director, Office of Labor-Management and Welfare-Pension Reports or his duly authorized representative.

(b) The preservation of records on microfilm for the periods required by the Act will satisfy the requirements relating to the retention of records, provided that adequate projection or other viewing equipment is available for inspecting the microfilm and provided further that the microfilmed records are clear reproductions of the original records, and identifiable as to dates.

(c) Nothing herein precludes the use of punch cards or magnetic tape for processing records; provided, however, that where records of original entry or worksheets are converted to punch cards or tape, the original records and worksheets must be retained for the required period.

§ 1340.5 Period records must be maintained.

Persons described in § 1340.2 are required to maintain the described records for a period of not less than five years after the filing of the documents based on the information which they contain. It should be noted that even though a plan administrator need not publish an annual report pursuant to section 7(a) of the Act (unless specifically required to do so), because such plan covers more than 25, but fewer than 100 participants, every person or organization described in § 1340.2 must retain for a period of not less than five years after the date that an annual report would have been due (but for the exemption) the records described in § 1340.3 which relate to information which would have been required in such report.

Signed at Washington D.C., this 13th day of September 1963.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 63-10079; Filed, Sept. 19, 1963; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2-1—GENERAL

Subpart 2-1.0—Agency Procurement Regulations System

Subpart 2-1.0 is revised as follows:

§ 2-1.003 Authority.

* * * * *

(b) Chapter 2 of the Federal Procurement Regulations System will contain procurement policies and procedures prescribed by the Chief, Procurement Division (1M-200), Installation and Materiel Service, for uniform application throughout the Federal Aviation Agency.

(Secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

Effective date: These regulations are effective September 17, 1963.

Dated: September 9, 1963.

RICHARD B. LENG,
Director,
Installation and Materiel Service.

[F.R. Doc. 63-10032; Filed, Sept. 19, 1963; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

Miscellaneous Amendments

Department Circular No. 230 (Revised), 31 CFR Part 10, is being amended to reflect the organizational transfer, within the Department, of the Director of Practice. The amendments reflect the transfer from the Internal Revenue Service to the Office of the Secretary.

Circular 230 (Part 10 of Title 31 of the Code of Federal Regulations) is hereby amended as follows:

§ 10.1 Director of Practice.

1. Section 10.1(a) is amended to read:

(a) *Establishment of office.* There is established in the Office of the Secretary of the Treasury the office of Director of Practice. The Director of Practice shall be appointed by the Secretary of the Treasury.

2. Section 10.5(a) is amended by deleting "Director of Practice" and substituting "District Director." As amended § 10.5(a) reads as follows:

§ 10.5 Application for enrollment.

(a) *Form; fee.* An applicant for enrollment shall file with the District Director an application on Form 23, properly executed under oath or affirmation. Such application shall be accompanied by a check or money order in the amount of $25.00, payable to the Treasurer of the United States, which amount shall constitute a fee which shall be charged to each applicant for enrollment. The fee shall be retained by the United States whether or not the applicant is granted enrollment. Attorneys at law shall apply for enrollment at attorneys, and all other applicants shall apply for enrollment as agents, except that an applicant who is qualified to enroll either as an attorney at law or as an agent may elect whether to apply as attorney or agent.

3. Section 10.5(b) is amended by deleting "Internal Revenue Service" and substituting "Department of the Treasury." As amended § 10.5(b) reads as follows:

(b) *Additional information; examination.* The Director of Practice, as a condition to consideration of an application for enrollment, may require the applicant to file additional information and to submit to any written or oral examination under oath or otherwise. Upon request of the Director of Practice an applicant shall endeavor to stipulate with an officer or employee of the Department of the Treasury facts pertaining to the application to the fullest extent to which either complete or qualified agreement can be reached. The Director shall grant a hearing on an application at the applicant's written request.

4. Sections 10.58(c) and 10.91 are amended by deleting "Internal Revenue Building."

As amended §§ 10.58(c) and 10.91 read as follows:

§ 10.58 Service of complaint and other papers.

* * * * *

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a disbarment or suspension proceeding, and the place of filing is not specified by this subpart or by rule or order of the Examiner, the paper shall be filed with the Director of Practice, Treasury Department, Washington, D.C. All papers shall be filed in duplicate.

§ 10.91 Information, requests, and submittals.

The public may secure information from, or make submittals or requests to, the Director of Practice, Treasury Department, Washington, D.C. Requests for information contained in official records of the office of the Director of Practice should be addressed to the Director in writing, should clearly state the information desired, and should set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an attorney or agent acting for another, he should attach to the application evidence of his authority to act for his principal.

Because these amendments relate solely to rules of Department organization they shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3, Act of July 7, 1884, 23 Stat. 258, 5 U.S.C. 261; R.S. 161, 5 U.S.C. 22; secs 2 to 12, 60 Stat. 237 et seq., 5 U.S.C. 1001 to 1011; Reorg. Plan No. 26 of 1950, 64 Stat. 1280, 5 U.S.C. 133z)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 63-10114; Filed, Sept. 19, 1963; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

California and Oregon

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

TULE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tule Lake National Wildlife Refuge, California, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 9,568 acres or twenty-seven percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except canvasback and redhead), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 8 and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons — Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

3. Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging of and/or hunting from pits are prohibited. Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is permitted only at staked blind sites.

4. Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left one hour after close of shooting time will be subject to impoundment.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to January 6, 1964.

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Clear Lake National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,600 acres or thirty-two percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except canvasback and redhead), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 8 and from one-half before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than three of the dark species. Only one

Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

3. Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging of and/or hunting from pits are prohibited. Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is prohibited except at staked blind sites.

4. Retrieving—Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

5. Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and air-thrust boats are prohibited.

6. Access to the hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the areas one hour after close of shooting time.

7. Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to January 6, 1964.

MODOC NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Modoc National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,440 acres or twenty-three percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 8 and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead birds.

3. Blinds—Temporary blinds made of vegetative material may be used. The digging of and/or hunting from pits are prohibited.

4. Access to the hunting area—Hunters may not enter the public hunting area earlier than one and one-half hours before start of shooting time and must be off the area one hour after close of shooting time.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to January 6, 1964.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lower Klamath National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,526 acres or twenty-two percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except canvasback and redhead), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 8 and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

3. Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging of and/or hunting from pits are prohibited. Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is prohibited except at staked blind sites.

4. Retrieving—Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

5. Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and air-thrust boats are prohibited.

6. Access to the hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the areas one hour after close of shooting time.

7. Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to January 6, 1964.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Cold Springs National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,120 acres or thirty-seven percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Washington, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redheads and canvasbacks), geese, coots, and gallinules.

(b) Open season: One-half hour before sunrise to sunset on Saturdays, Sundays, and Wednesdays only, during the period October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limit: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to other bag limits, two additional mallard ducks are allowed in the daily bag. Also, in addition to the limits on other ducks, the daily limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more than three of the dark species. Only one Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

2. Boats: Boats without motors may be used for hunting.

3. Dogs: Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

4. Blinds: Temporary blinds constructed of vegetative material may be used. Digging of pits is prohibited.

5. Motor vehicles: No motor vehicles shall be permitted in the refuge hunting area except at the designated parking locations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. Checking stations: Hunters upon entering or leaving the hunting area shall report at such checking stations as may be established.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to January 6, 1964.

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Klamath Forest National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,675 acres or twenty-four percent of the total area of the refuge, is delineated on the map available at the refuge headquarters, Tule Lake National Wildlife Refuge, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting will be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except canvasback and redhead), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 8 and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons — Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

3. Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging of and/or hunting from pits are prohibited. Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is permitted only at staked blind sites.

4. Retrieving—Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

5. Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and air-thrust boats are prohibited.

6. Access to the hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the areas one hour after close of shooting time.

7. Persons may employ guides while hunting on the area subject to State law and regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats; decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to January 6, 1964.

M'KAY CREEK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the McKay Creek National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 660 acres or thirty-six percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Washington, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except canvasback and redhead), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to other bag limits, two additional mallard ducks are allowed in the daily bag. Also, in addition to the limits on other ducks, the daily limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more than three of the dark species. Only one Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

3. Blinds—Temporary blinds of vegetative material may be constructed.

4. Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

5. Boats—The use of boats is permitted. Motors may be used only for access to the hunting area.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32,

and in the current Federal Migratory Bird Regulations.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective to January 6, 1964.

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Upper Klamath National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,364 acres or twenty-seven percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except canvasback and redhead), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 8 and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules (singly or aggregate) 25. The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and redbreasted mergansers is five, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is allowed in the daily bag limit.

(d) Methods of hunting:

1. Weapons — Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

3. Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging of and/or hunting from pits are prohibited. Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is prohibited except at staked blind sites.

4. Retrieving—Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

5. Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and air-thrust boats are prohibited.

6. Access to hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the area one hour after close of shooting time.

7. Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to January 6, 1964.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1963.

[F.R. Doc. 63-10047; Filed, Sept. 19, 1963; 8:45 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Monte Vista National Wildlife Refuge, Colorado, by a special experimental early season, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,682 acres or 39 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except canvasback and redhead).

(b) Open season: From sunrise to sunset October 1, 1963, through October 18, 1963.

(c) Daily bag limit: Ducks 5.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead ducks.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to October 19, 1963.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 4, 1963.

[F.R. Doc. 63-10048; Filed, Sept. 19, 1963; 8:46 a.m.]

PART 32—HUNTING

New Jersey and Vermont

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Brigantine National Wildlife Refuge, New Jersey, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,480 acres or thirty-four percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Oceanville, New Jersey, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), geese (except snow geese), and brant.

(b) Open season: Ducks and coots—From 12:00 noon (standard time) to sunset October 26, 1963, and from sunrise to sunset October 27, 1963, through November 16, 1963, inclusive. From 12:00 noon (standard time) to sunset, December 13, 1963, and from sunrise to sunset December 14, 1963, through January 4, 1964, inclusive. Geese and brant —From 12:00 noon (standard time) to sunset October 26, 1963, and from sunrise to sunset October 27, 1963, through January 3, 1964, inclusive.

(c) Daily bag limits: Ducks 3, coots 8, geese 2, brant 6. The daily bag limit of three ducks may not include more than (a) 1 hooded merganser, (b) 2 wood ducks, (c) 2 mallard or black ducks singly or in the aggregate of both kinds. In addition to other bag limits, two additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit may include five American and redbreasted mergansers, singly or in the aggregate of both kinds.

(d) Methods of hunting:

1. Weapons — Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

3. Blinds—Temporary blinds of approved material may be constructed.

4. Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

5. Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective to January 5, 1964.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vermont, is permitted only on the area designated by signs as open to hunting. This open area, comprising 419 acres or nine percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Swanton, Vermont, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese (except snow geese).

(b) Open season: Ducks and coots—From 12:00 noon (standard time) to sunset October 11, 1963, and from sunrise to sunset October 12, 1963, through October 27, 1963, inclusive. From 12:00 noon (standard time) to sunset November 11, 1963, and from sunrise to sunset November 12, 1963, through December 8, 1963, inclusive. Geese: From 12:00 noon (standard time) to sunset October 11, 1963, and from sunrise to sunset October 12, 1963, through October 27, 1963, inclusive. From 12:00 noon (standard time) to sunset November 11, 1963, and from sunrise to sunset November 12, 1963, through January 2, 1964, inclusive.

(c) Daily bag limits: Ducks 3, coots 8, geese 2. The daily bag limit of three ducks may not include more than (a) 1 hooded merganser, (b) 2 wood ducks, (c) 2 mallard or black ducks, singly or in the aggregate of both kinds. In addition to other bag limits, two additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit may include five American and red-breasted mergansers, singly or in the aggregate of both kinds.

(d) Methods of hunting:

1. Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

2. Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

3. Blinds—Temporary blinds of approved material may be constructed.

4. Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

5. Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective to January 3, 1964.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1963.

[F.R. Doc. 63-10049; Filed, Sept. 19, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

[Docket No. FDC-72]

COLOR ADDITIVES

β-Apo-8'-Carotenal; Notice of Hearing

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706(b)(1), (c)(2), and (d); 52 Stat. 1055 as amended; 74 Stat. 399, 402, 403; 21 U.S.C. 371(e), 376(b)(1), (c)(2), and (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner of Food and Drugs on April 6, 1963, promulgated an order (28 F.R. 3382) amending Part 8 of the color additive regulations by adding new § 8.302 to subpart D relative to β-Apo-8'-carotenal. Section 8.302(e) (21 CFR 8.302(e)) exempted this color from the certification requirements of section 706 (c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(c)).

Within the statutory period, objections were filed by the Certified Color Industry Committee and a public hearing on the objections was requested.

On July 31, 1963, the Commissioner published an order staying the effective date of paragraph (e) of § 8.302, and stating that the date and place of a public hearing would be announced (28 F.R. 7775).

Now, therefore, under the authority provided in sections 701(e) and 706(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e), 376(d)) notice is hereby given that a public hearing will be held beginning at 10 a.m. on October 28, 1963, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., for the purpose of receiving relevant and material evidence on the following issue:

Whether the Secretary should find, under the standards provided in 21 CFR 8.6(b), that certification of batches of β-Apo-8'-carotenal is not necessary in the interest of the protection of the public health.

Notice is further given that a prehearing conference will be held at 10 a.m. in Room 5131 on October 22, 1963, for the purpose of considering the simplification of issues, obtaining stipulations, admissions of facts and/or documents, scheduling of witnesses, and such other matters as may aid in the disposition of this proceeding. Appearances shall be filed on or before October 14, 1963.

William E. Brennan, a duly qualified Hearing Examiner, is hereby designated to conduct the hearing with full authority to administer oaths and affirmations, and do all other things appropriate to the conduct of the hearing as set forth in 21 CFR 8.21 and 120.15–120.28.

Dated: September 16, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10059; Filed, Sept. 19, 1963; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LICENSING OF BYPRODUCT MATERIAL

Proposed General Licenses for Americium 241

The Commission considers it desirable, consistent with radiation safety, to simplify the licensing procedures for persons using alpha-emitting calibration or reference sources containing small quantities of americium 241. Persons who have a need for such sources usually hold a specific license for possession and use of byproduct, source, or special nuclear material, but the specific license may not authorize possession and use of calibration or reference sources containing americium 241. The Commission has determined that a general license, subject to certain restrictions, would appear to be the most reasonable means of simplifying the licensing procedures for persons needing these sources, and at the same time maintaining adequate radiation safeguards.

In the proposed § 30.21(e) set forth below, the Commission would issue a general license which would authorize the ownership, receipt, acquisition, possession, use, and transfer of americium 241 in calibration and reference sources, subject to the following conditions:

a. The general license would be issued only to the following persons:

(1) Any person in a nonagreement State (any State with which the Commission has not entered into an effective agreement under subsection 274(b) of the Act) who holds a specific license issued by the Commission which authorizes him to receive, possess, use, and transfer byproduct material, source material, or special nuclear material; and

(2) Any Government agency, as defined in the proposed § 30.4(v), which holds a specific license issued by the Commission which authorizes it to receive, possess, use, and transfer byproduct material, source material, or special nuclear material.

b. The source shall have been manufactured in accordance with a specific license issued by the Commission pursuant to the proposed § 30.24(n), or a specific license issued by an agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the agreement State.

c. Each source shall contain not more than 5 microcuries of americium 241.

d. The general license would authorize possession and use at any one time, at any one location of storage or use, of not more than 5 microcuries of americium 241 contained in sources.

e. The general license would be subject to Part 20, "Standards for Protection Against Radiation"; and to certain provisions in Part 30. The general license would include certain restrictions on the transfer and disposal of sources, and would require the maintenance of records showing the receipt, inventory, and transfer of sources.

The proposed § 30.24(n) would establish the requirements for a specific license for persons who manufacture or import sources for distribution to persons generally licensed under the proposed § 30.21(e). The manufacturer or importer of the sources would be required to furnish sufficient information in his application regarding the design, manufacture, labeling and testing of such sources to provide reasonable assurance that the americium 241 will not be likely to be released or removed from the source under normal conditions of use. He would be required to provide results of tests to demonstrate that not more than 0.005 microcurie of activity was removed by any one of the prototype tests specified in § 30.24(n). Prototype testing would not be required, however, if the source contains 0.005 microcurie or less of activity.

The manufacturer or importer of the source would be required under § 30.24(n) to place a label on the source, or storage container, which would identify the source as containing americium 241 and would include appropriate handling instructions. The manufacturer or importer would be required also, prior to transfer of each source in excess of 0.1 microcurie of radioactivity, to perform a dry wipe test upon the source.

Americium 241 does not present an external hazard in the quantities proposed for general licensing. In view of the small quantities of americium 241 involved and the requirements which would be placed upon the manufacturer or importer to test and label such sources, it is extremely unlikely that any individual would take into his body a significant amount of americium 241 under normal conditions of use of such sources under the proposed general license.

In the proposed amendment to § 30.33 set forth below, the Commission would issue a general license authorizing the export of americium 241 to countries or destinations other than the areas listed in § 30.75, Schedule E. The Commission has found that exports of americium 241 under general license pursuant to this amendment of § 30.33 will not be inimical to the common defense and security.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new paragraph (v) is added to § 30.4 to read as follows:

(v) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

2. A new paragraph (e) is added to § 30.21 to read as follows:

(e)(1) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of subparagraphs (2) and (3) of this paragraph (e), americium 241 in the form of calibration or reference sources:

(i) Any person in a nonagreement State who holds a specific license issued by the Commission which authorizes him to receive, possess, use, and transfer byproduct material, source material, or special nuclear material; and

(ii) Any Government agency, as defined in § 30.4(v), which holds a specific license issued by the Commission which authorizes it to receive, possess, use, and transfer byproduct material, source material, or special nuclear material.

(2) The general license in subparagraph (1) of this paragraph applies only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer or importer of the source pursuant to § 30.24(n), or, in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the agreement State.

(3) The general license in subparagraph (1) of this paragraph is subject to the provisions of §§ 30.32, 30.41, 30.43, 30.44, 30.51, 30.52 and 30.61, and to the provisions of Part 20 of this chapter. In addition, persons who own, receive, acquire, possess, use, and transfer calibration or reference sources pursuant to this general license:

(i) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of americium 241 in such sources;

(ii) Shall not receive, possess, use, or transfer a source unless the source, or the storage container, bears a label which includes the following statement or a substantially similar statement which contains the information called for in the following statement:

This source, model ------, serial No. ------, generally licensed pursuant to § 30.21(e) of 10 CFR, Part 30, has been manufactured and distributed pursuant to license No. ----- issued by ------ (insert either "Atomic Energy Commission" or name of agreement State, whichever is applicable).

CAUTION—RADIOACTIVE MATERIAL—THIS SOURCE CONTAINS AMERICIUM 241. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of supplier)

(iii) Shall not transfer, abandon, or dispose of the source except by transfer to a person authorized by a license from the Commission or an agreement State to receive the source.

(iv) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium 241 which might otherwise escape during storage.

(v) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(4) This general license does not authorize the manufacturer or import of calibration or reference sources containing americium 241.

(5) This general license does not authorize the export of calibration or reference sources containing americium 241.

3. A new paragraph (n) is added to § 30.24 to read as follows:

(n) *Calibration or reference sources.* (1) An application for a specific license to manufacture or import calibration or reference sources containing americium 241, for distribution to persons generally licensed under § 30.21(e), will be approved if:

(i) The applicant satisfies the general requirements of §30.23;

(ii) The applicant submits sufficient information regarding each calibration or reference source pertinent to evaluation of the potential radiation exposure, including:

(*a*) Chemical and physical form and maximum quantity of americium 241 in each source;

(*b*) Details of construction and design;

(*c*) Details of the method of incorporation and binding of the americium 241 in the source;

(*d*) Procedures for and results of prototype testing of sources, which are designed to contain more than 0.005 microcurie of americium 241, to demonstrate that the americium 241 contained in each source will not be released or be removed from the source under normal conditions of use;

(*e*) Details of quality control procedures to be followed in manufacture of the source;

(*f*) Description of labeling to be affixed to the source or the storage container for the source;

(*g*) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the source.

(iii) Each source will contain no more than 5 microcuries of americium 241.

(iv) The Commission determines, with respect to any source containing more than 0.005 microcurie of americium 241, that:

(*a*) The method of incorporation and binding of the americium 241 in the source is such that the americium 241 will not be released or be removed from the source under normal conditions of use and handling of the source; and

(*b*) The source has been subjected to and has satisfactorily passed the prototype tests prescribed by subdivision (v) of this subparagraph.

(v) For any source which is designed to contain more than 0.005 microcurie of americium 241, the applicant has conducted prototype tests, in the order listed, on each of five prototypes of such source, which contains more than 0.005 microcurie of americium 241, as follows:

(*a*) *Initial measurement.* The quantity of radioactive material deposited on the source shall be measured by direct counting of the source.

(*b*) *Dry wipe test.* The entire radioactive surface of the source shall be wiped with filter paper with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper or by direct measurement of the radioactivity on the source following the dry wipe.

(*c*) *Wet wipe test.* The entire radioactive surface of the source shall be wiped with filter paper, moistened with water, with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper after it has dried or by direct measurement of the radioactivity on the source following the wet wipe.

(*d*) *Water soak test.* The source shall be immersed in water at room temperature for a period of 24 consecutive hours. The source shall then be removed from the water. Removal of radioactive material from the source shall be determined by direct measurement of the radioactivity on the source after it has dried or by measuring the radioactivity in the residue obtained by evaporation of the water in which the source was immersed.

(*e*) *Dry wipe test.* On completion of the preceding tests in this subdivision (v), the dry wipe test described in subdivision (v)(*b*) shall be repeated.

(*f*) *Observations.* Removal of more than 0.005 microcurie of radioactivity in any test prescribed by this subdivision (v) shall be cause for rejection of the source design. Results of prototype tests submitted to the Commission shall be given in terms of radioactivity in microcuries and percent of removal from the total amount of radioactive material deposited on the source.

(2) Each person licensed under this paragraph shall affix to each source, or storage container for the source, a label which shall contain sufficient information relative to safe use and storage of

the source and shall include the following statement or a substantially similar statement which contains the information called for in the following statement:

This source, model ------, serial No. ------, generally licensed pursuant to § 30.21(e) of 10 CFR, Part 30, has been manufactured and distributed pursuant to license No. ------ issued by the Atomic Energy Commission.

CAUTION—RADIOACTIVE MATERIAL—THIS SOURCE CONTAINS AMERICIUM 241. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of Supplier)

(3) Each person licensed under this paragraph shall perform a dry wipe test upon each source containing more than 0.1 microcurie of americium 241 prior to transferring the source to a general licensee under § 30.21(e). This test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the paper shall be measured by using radiation detection instrumentation capable of detecting 0.005 microcurie americium 241. If any such test discloses more than 0.005 microcurie of radioactive material, the source shall be deemed to be leaking or losing americium 241 and shall not be transferred to a general licensee under § 30.21(e).

(4) Each person licensed under this paragraph shall file an annual report with the Director, Division of Licensing and Regulation which shall state the total quantity of americium 241 transferred to persons generally licensed under § 30.21(e). The report shall identify each general licensee by name and address, state the kinds and numbers of sources transferred, and specify the quantity (in microcuries) of americium 241 in each kind of source. Each report shall cover the calendar year and shall be filed within thirty (30) days after the end of each calendar year.

4. A new paragraph (g) is added to § 30.33 to read as follows:

(g) A general license designated AEC–GRO–BMG is hereby issued authorizing any person to export americium 241 from the United States to any countries or destinations not listed in § 30.75, Schedule E.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 82, 68 Stat. 935; 42 U.S.C. 2112; sec 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 4th day of September 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63–10028; Filed, Sept. 19, 1963; 8:45 a.m.]

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Proposed General License for Plutonium in Calibration or Reference Sources

The Commission has received a petition for rule making (PRM 70–1) filed by the Eberline Instrument Corporation, Santa Fe, New Mexico, requesting that the Commission's regulations "Special Nuclear Material," 10 CFR 70, be amended to establish an exemption from licensing requirements for persons receiving, possessing, using or transferring specified small quantities of plutonium in alpha-emitting calibration or reference sources. A copy of this petition is on file for public inspection at the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

The Commission has given careful consideration to this petition and considers it desirable, consistent with radiation safety, to simplify the licensing procedures for persons using calibration or reference sources containing small quantities of plutonium. Persons who have a need for such sources usually hold a specific license for possession and use of byproduct, source or special nuclear material, but the specific license may not authorize possession and use of calibration or reference sources containing plutonium. The Commission has determined that a general license, subject to certain restrictions, would appear to be the most reasonable means of simplifying the licensing procedures for persons needing these sources, and at the same time maintaining adequate radiation safeguards.

In the proposed § 70.19 set forth below, the Commission would issue a general license which would authorize the receipt, possession, use, and transfer of plutonium in calibration or reference sources, subject to the following conditions:

a. The general license would be issued only to the following persons:

(1) Any person in a Non-agreement State (any state with which the Commission has not entered into an effective agreement under subsection 274(b) of the Act) who holds a specific license issued by the Commission which authorizes him to receive, possess, use and transfer byproduct material, source material, or special nuclear material;

(2) Any Government agency, as defined in § 70.4(f), which holds a specific license issued by the Commission which authorizes it to receive, possess, use, and transfer byproduct material, source material, or special nuclear material; and

(3) Any person in an agreement State (any state with which the Commission has entered into an effective agreement under subsection 274(b) of the Act) who holds a specific license issued by the Commission which authorizes him to receive, possess, use, and transfer special nuclear material.

b. The source shall have been manufactured in accordance with a specific license issued by the Commission pursuant to the proposed § 70.39, or a specific license issued by an agreement State which authorizes manufacture of the source for distribution to persons generally licensed by the agreement State.

c. The source shall contain not more than 5 microcuries of plutonium.

d. The general license would authorize possession and use at any one time, at any one location of storage or use, of not more than 5 microcuries of plutonium contained in sources.

e. The general license would be subject to Part 20, "Standards for Protection Against Radiation," and to certain provisions in Part 70. The general license would include certain restrictions on the transfer and disposal of sources, and would require the maintenance of records showing the receipt, inventory, and transfer of sources.

The proposed § 70.39 would establish the requirements for a specific license for persons who manufacture sources for distribution to persons generally licensed under § 70.19. The manufacturer would be required to furnish sufficient information in his application regarding the design, manufacture, labeling, and testing of such sources to provide reasonable assurance that the plutonium will not be likely to be released or removed from the source under normal conditions of use. He would be required to provide results of tests to demonstrate that not more than 0.005 microcurie of activity was removed by any one of the prototype tests specified in § 70.39. Prototype testing would not be required, however, if the source contains 0.005 microcurie or less of activity. The manufacturer of the source would be required under § 70.39 to place a label on the source, or storage container, which would identify the source as containing plutonium and would include appropriate handling instructions. The manufacturer would be required also, prior to transfer of each source in excess of 0.1 microcurie of radioactivity to perform a dry wipe test upon the source.

The specific licensee under proposed § 70.39 would account to the Commission for the plutonium incorporated into the calibration or reference sources. The general licensee would not be required to enter into a special nuclear lease agreement with the Commission. The general licensee, however, would be required to maintain records showing the receipt, inventory, and transfer of the plutonium sources. The proposed general license for the small quantities of plutonium does not represent a departure from the Commission's policies on accountability and safeguards for special nuclear material.

Plutonium alpha sources are electrolytically or electrochemically deposited on metal plates. A smooth hard surface metal such as stainless steel is normally used. A very thin film is deposited which minimizes self-absorption of the emitted alpha particles, and, as a rule, the film is not covered with a protective coating. With appropriate disposition techniques, however, the plutonium film adheres firmly to the metal surface. Plutonium sources prepared by the electrodeposition technique show a high degree of adherence of the plutonium film.

Plutonium does not present an external hazard in the quantities proposed for general licensing. In view of the small quantities of plutonium involved and the requirements which would be imposed upon the manufacturer to test and label such sources, it is extremely unlikely that any individual would take into his body a significant amount of plutonium under normal conditions of use of such sources under the proposed general license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR 70 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new paragraph (o) is added to § 70.4 to read as follows:

(o) "Agreement State" as designated in Part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274(b) of the Atomic Energy Act of 1954, as amended. "Non-Agreement State" means any other State.

2. A new undesignated center head "General Licenses" and a new § 70.18 are added to read as follows:

GENERAL LICENSES

§ 70.18 Types of licenses.

Licenses for special nuclear material are of two types: general and specific. Any general license provided in this part is effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part.

3. A new § 70.19 is added to read as follows:

§ 70.19 General license for calibration or reference sources.

(a) A general license is hereby issued to those persons listed below to receive, possess, use, and transfer, in accordance with the provisions of paragraphs (b) and (c) of this section, plutonium in the form of calibration or reference sources:

(1) Any person in a nonagreement State who holds a specific license issued by the Commission which authorizes him to receive, possess, use, and transfer byproduct material, source material, or special nuclear material;

(2) Any Government agency, as defined in § 70.4(f), which holds a specific license issued by the Commission which authorizes it to receive, possess, use and transfer byproduct material, source material, or special nuclear material; and

(3) Any person in an agreement State who holds a specific license issued by the Commission which authorizes him to receive, possess, use, and transfer special nuclear material.

(b) The general license in paragraph (a) of this section applies only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer of the source pursuant to § 70.39, or, in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the agreement State.

(c) The general license in paragraph (a) of this section is subject to the provisions of §§ 70.32, 70.51, 70.52, 70.55, 70.56, 70.61, 70.62 and 70.71 of this part, and to the provisions of Part 20 of this chapter. In addition, persons who receive, possess, use, or transfer calibration or reference sources pursuant to this general license:

(1) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of plutonium in such sources;

(2) Shall not receive, possess, use, or transfer a source unless the source, or the storage container, bears a label which includes the following statement or a substantially similar statement which contains the information called for in the following statement:

This source, model ------, serial No. ------, generally licensed pursuant to § 70.19 of 10 CFR, Part 70, has been manufactured and distributed pursuant to license No. ------ issued by ------ (insert either "Atomic Energy Commission" or name of agreement State, whichever is applicable).

CAUTION—RADIOACTIVE MATERIAL—THIS SOURCE CONTAINS PLUTONIUM. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of supplier)

(3) Shall not transfer, abandon, or dispose of the source except by transfer to a person authorized by a license from the Commission or an agreement State to receive the source.

(4) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain plutonium which might otherwise escape during storage.

(5) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(d) The general license in paragraph (a) of this section does not authorize the manufacture, import, or export of calibration or reference sources containing plutonium.

4. A new § 70.39 is added to read as follows:

§ 70.39 Specific licenses for the manufacture of calibration or reference sources.

(a) An application for a specific license to manufacture calibration or reference sources containing plutonium, for distribution to persons generally licensed under § 70.19, will be approved if:

(1) The applicant satisfies the general requirements of § 70.23.

(2) The applicant submits sufficient information regarding each calibration or reference source pertinent to evaluation of the potential radiation exposure, including:

(i) Chemical and physical form and maximum quantity of plutonium in each source;

(ii) Details of construction and design;

(iii) Details of the method of incorporation and binding of the plutonium in the source;

(iv) Procedures for and results of prototype testing of sources, which are designed to contain more than 0.005 microcurie of plutonium, to demonstrate that the plutonium contained in each source will not be released or be removed from the source under normal conditions of use;

(v) Details of quality control procedures to be followed in manufacture of the source;

(vi) Description of labeling to be affixed to the source or the storage container for the source;

(vii) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the source.

(3) Each source will contain no more than 5 microcuries of plutonium.

(4) The Commission determines, with respect to any source containing more than 0.005 microcurie of plutonium, that:

(i) The method of incorporation and binding of the plutonium in the source is such that the plutonium will not be released or be removed from the source under normal conditions of use and handling of the source; and

(ii) The source has been subjected to and has satisfactorily passed the prototype tests prescribed by subparagraph (5) of this paragraph.

(5) For any source which is designed to contain more than 0.005 microcurie of plutonium, the applicant has conducted prototype tests, in the order listed, on each of five prototypes of such source, which contains more than 0.005 microcurie of plutonium, as follows:

(i) *Initial measurement.* The quantity of radioactive material deposited on the source shall be measured by direct counting of the source.

(ii) *Dry wipe test.* The entire radioactive surface of the source shall be wiped with filter paper with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper or by direct measurement of the radioactivity on the source following the dry wipe.

(iii) *Wet wipe test.* The entire radioactive surface of the source shall be wiped with filter paper, moistened with water, with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper after it has dried or by direct measurement of the radioactivity on the source following the wet wipe.

(iv) *Water soak test.* The source shall be immersed in water at room temperature for a period of 24 consecutive hours. The source shall then be removed from the water. Removal of radioactive material from the source shall be determined by direct measurement of the radioactivity on the source after it has

dried or by measuring the radioactivity in the residue obtained by evaporation of the water in which the source was immersed.

(v) *Dry wipe test.* On completion of the preceding tests in subdivisions (i) through (iv) of this subparagraph, the dry wipe test described in subdivision (i) shall be repeated.

(vi) *Observations.* Removal of more than 0.005 microcurie of radioactivity in any test prescribed by this subparagraph shall be cause for rejection of the source design. Results of prototype tests submitted to the Commission shall be given in terms of radioactivity in microcuries and percent of removal from the total amount of radioactive material deposited on the source.

(b) Each person licensed under this section shall affix to each source, or storage container for the source, a label which shall contain sufficient information relative to safe use and storage of the source and shall include the following statement or a substantially similar statement which contains the information called for in the following statement:

This source, model ------, serial No. ------, generally licensed pursuant to § 70.19 of 10 CFR, Part 70, has been manufactured and distributed pursuant to license No. ------, issued by the Atomic Energy Commission.

CAUTION—RADIOACTIVE MATERIAL—THIS SOUACE CONTAINS PLUTONIUM. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of supplier)

(c) Each person licensed under this section shall perform a dry wipe test upon each source containing more than 0.1 microcurie of plutonium prior to transferring the source to a general licensee under § 70.19. This test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the paper shall be measured by using radiation detection instrumentation capable of detecting 0.005 microcurie of plutonium. If any such test discloses more than 0.005 microcurie of radioactive material, the source shall be deemed to be leaking or losing plutonium and shall not be transferred to a general licensee under § 70.19.

(d) Each person licensed under this section shall file an annual report with the Director, Division of Licensing and Regulation which shall state the total quantity of plutonium transferred to persons generally licensed under § 70.19. The report shall identify each general licensee by name and address, state the kinds and numbers of sources transferred, and specify the quantity (in microcuries) of plutonium in each kind of source. Each report shall cover the calendar year and shall be filed within thirty (30) days after the end of each calendar year.

(Sec. 53 68 Stat. 930; 42 U.S.C. 2073; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 5th day of September 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63-10029; Filed, Sept. 19, 1963; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-72]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 71.123 of the Federal Aviation Regulations, the substance of which is stated below.

Low altitude airway V-496 is designated from Utica, N.Y., via the intersection of the Utica VOR 091° and the Glens Falls, N.Y., VOR 234° True radials to Glens Falls.

The FAA has under consideration a proposal submitted by the Air Transport Association of America to redesignate V-496 airway from Utica via the intersection of the Utica VOR 091° and the Glens Falls VOR 246° True radials to Glens Falls. This redesignation would provide a shorter route for VOR equipped aircraft operating between Utica and Glens Falls.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 13, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10030; Filed, Sept. 19, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-79]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 71.123 of the Federal Aviation Regulations, the substance of which is stated below.

Low altitude airway V-423 is designated in part from Binghamton, N.Y., to Ithaca, N.Y. The Federal Aviation Agency is considering extending this airway from Binghamton direct to Williamsport, Pa. This proposed airway segment would serve en route traffic between Williamsport and the Binghamton, Syracuse and Rome, N.Y., terminal areas. In addition, it would provide a shorter route between these cities which are permanent air carrier stops.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on September 13, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10031; Filed, Sept. 19, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15138; RM-262]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Staunton-Waynesboro, Virginia; Order Extending Time for Filing Comments and Reply Comments

1. On July 29, 1963, the Commission issued a notice of proposed rule making in the above-captioned matter stating that interested parties may file comments on or before September 16, 1963, and reply comments on or before October 1, 1963.

2. The Commission has before it for consideration a petition filed on September 10, 1963, by Staunton Video Corporation (a community antenna with subscribers in Staunton, Virginia) requesting that the time for filing comments in this proceeding be extended from September 16, 1963, to October 16, 1963, and that the time for filing reply comments be extended from October 1, 1963, to November 1, 1963. Petitioner states in support of its request that it desires to file comments but that the matters involved are complex and additional time is needed to deal with them. Petitioner does not show specifically that a 30-day extension of time is needed or warranted for this purpose. Since the Notice was issued on July 29, 1963, and has been outstanding since that date, it appears that an extension of time for filing comments from September 16, 1963, to October 1, 1963, and for filing reply comments from October 1, 1963, to October 16, 1963, will provide a reasonable time for the preparation and submission of comments and reply comments.

3. In view of the foregoing, *It is ordered,* That the time for filing comments in response to the Notice of Proposed Rule Making in this proceeding is extended to and including October 1, 1963, and the time for filing reply comments herein is extended to and including October 16, 1963; and

4. *It is further ordered,* That the petition for extension of time to file comments filed by Staunton Video Corporation is granted insofar as it is consistent with the action taken herein; and in other respects is denied.

Adopted: September 11, 1963.

Released: September 12, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10067; Filed, Sept. 19, 1963; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Order No. 175–1]

OFFICE OF DIRECTOR OF PRACTICE

Transfer

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, it is hereby ordered that the Office of the Director of Practice is transferred from the Internal Revenue Service to the Office of the Secretary of the Treasury to be under the immediate supervision of the General Counsel.

Such personnel, funds, records, and equipment as are determined by the Commissioner of Internal Revenue and the General Counsel to be necessary to perform the functions of the Director of Practice shall be transferred to the Office of the Secretary as of July 1, 1963.

Dated: September 13, 1963.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 63–10004; Filed, Sept. 19, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 29]

CHIEF, DIVISION OF LANDS

Delegation of Authority

Delegation of authority to accept options, deeds and bills of sale involving land or personalty being conveyed to the United States within areas under the control of the National Park Service.

Delegation: The Chief of the Division of Lands is authorized to exercise authority with respect to the following:

1. Approval and acceptance of options and offers to sell to or exchange with the United States lands, or interests in lands, within areas under the jurisdiction and control of the National Park Service, and execution of all necessary agreements and conveyances incident thereto.

2. Acceptance of deeds conveying to the United States land, or interests in lands, within areas under the jurisdiction or control of the National Park Service.

3. Contracting for and acceptance of bills of sale or other evidence of title to personal property which is authorized to be acquired for the purposes of the areas under the jurisdiction or control of the National Park Service.

(245 DM 1, 27 F.R. 6395; 5 U.S.C., sec. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Date: September 13, 1963.

CONRAD L. WIRTH,
Director.

[F.R. Doc. 63–10045; Filed, Sept. 19, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 22–53]

G & E FAERBER, LTD., ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of G & E Faerber, Ltd. and Gunther Faerber and Elli Faerber, 143 Gillott Road, Birmingham 16, England.

The Acting Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). In accordance with the usual practice, the application was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows, and I find, that G & E Faerber, Ltd. is a corporation with a place of business in Birmingham, England; that Gunther Faerber and his wife, Elli Faerber, are the individuals responsible for the operations of said firm; that the aforesaid Investigations Division is conducting an investigation (1) as to the disposition by said respondents of certain electronic tubes consigned by U.S. suppliers to said firm and (2) as to the business relationship and connection of said respondents with Electrical Agencies (London) Ltd., London, England, and Walter J. Berger, Kenton, Middlesex, England, both of whom have been denied U.S. export privileges.

It is impracticable to issue subpoenas to the respondents, and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to said interrogatories as required by said section and good cause for such failure has not been shown. I further find that an order denying export privileges to the respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit their participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation of filing of any export license application or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent, related party, or other person or firm included within the terms of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent, related party, or such other person or firm included within the terms of this order, or whereby any such respondent, related party, or such other person or firm may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: September 17, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63–10056; Filed, Sept. 19, 1963; 8:47 a.m.]

[Case 314]

RALPH MALACH INDUSTRIES

Order Denying Export Privileges

In the matter of Ralph Malach d/b/a Ralph Malach Industries, 132 St. Helens Avenue, Toronto 4, Canada, Case No. 314; Respondent.

By letter dated August 7, 1961, the Director, Investigations Staff, Bureau of Foreign Commerce, now Director, Export Control Investigations Division, Bureau of International Commerce,[1] charged the above named respondent (hereinafter referred to as Malach) with violations of the U.S. Export Control Act of 1949, as amended, and regulations thereunder. The respondent by an attorney filed an answer and requested an oral hearing. Hearing in the case was deferred because proceedings, which arose out of the transactions in question, were pending against respondent in Canada. Hearing was held on June 18, 1963 before the Compliance Commissioner, Bureau of International Commerce. The Compliance Commissioner has considered the pleadings and evidence, and he has submitted his written report including findings of fact and findings that violations have occurred, and he has made recommendations as to the remedial action that should be taken. He has also submitted the record in the case including the pleadings, exhibits, and transcript of the hearing. After considering the entire record in the case, I hereby make the following:

Findings of fact. 1. Saxony Manufacturing Co., Ltd. is a Canadian corporation with a place of business in Toronto. Ralph Malach of Toronto is the principal shareholder in Saxony and he controls its operations. Saxony carries on business under the trade name of Ralph Malach Industries, and the transactions in question were carried on under said trade name and were handled by Malach. Reference herein to respondent refers to Malach acting for Saxony. Saxony is in the business of buying and selling automotive parts, its sales being predominantly for export. The respondent for a number of years had experience in the export business, including dealing in U.S. commodities, and he was aware of the requirements of the U.S. Export Regulations.

2. In January 1961, the respondent received an order from a purchaser in Cuba for a substantial quantity of automotive parts. Under this order, the respondent undertook to obtain, prepare for shipment, and ship to Cuba a large number of bearings of various types. He had on hand a stock of bearings, which he had purchased from a dealer in October 1960, which he proposed to ship to Cuba. To obtain additional bearings, he entered into negotiations with a supplier of automotive parts in Toronto to purchase a quantity of bearings it had on hand.

3. The supplier furnished respondent with a list of six pages showing over 900 different bearing numbers and quantity of each it had for sale. The respondent knew that some of the bearings on the list were of U.S. origin.

4. The respondent knew that under the policy established by the Canadian government he would be unable to obtain an export permit to ship bearings of U.S. origin to Cuba.

5. On January 27, 1961, the respondent applied to the Canadian authorities for an export permit and submitted the list furnished by the supplier and falsely represented that all the bearings on the list were of United Kingdom origin. He concealed the information that some of these bearings were of U.S. origin. He further represented that none of the goods he proposed to ship to Cuba were of U.S. origin. He knew this to be false.

6. In reliance on the information submitted by respondent, the Canadian authorities issued an export permit to respondent, Form B–13, Canadian Customs Entry, dated February 3, 1961 authorizing the exportation by air from Canada to Cuba via New York of 485 packages containing 64,857 bearings having a value of $84,741, and showing the country of origin of the goods as United Kingdom. On February 4, 1961, the Canadian Customs officials by stamp validated the permit.

7. The respondent knew or should have known that a copy of the above mentioned Form B–13 had to be furnished to U.S. Customs at New York before the Collector there would approve an in-transit shipper's export declaration authorizing the shipment to move in-transit from New York to Cuba under General License GIT.

8. Exportation of the entire lot of bearings was made from Toronto on February 6, 1961, via Trans-Canada Air Lines to New York with ultimate destination Havana, Cuba. On arrival of the 485 packages in New York, Trans-Canada Air Lines on February 10, 1961, as agent for respondent, acting under the provision of § 371.9(b) of the Export Regulations, filed with Customs at New York an Immediate Exportation Entry on Form 7512 covering the entire shipment of 485 packages, and a copy of the Form B–13 bearing the stamp of Canadian Customs. The respondent through his said agent filed a Shipper's Export Declaration for In-Transit Goods (Form 7513) requesting authorization for in-transit shipment to Cuba of 35 of the 485 packages. Customs in New York in reliance on the representations on the Form B–13, including the representation that all the goods were of United Kingdom origin, authorized the in-transit shipment of said 35 packages to Cuba and said shipment was made.

9. While at the airport in New York, several of the remaining packages broke open and it was disclosed that some of the bearings in them were of U.S. origin. The bearings in 444 packages remaining were examined. Of the 444 packages 351 had been packed by Malach and 93 had been packed by the supplier. In the packages packed by Malach 4.6 percent of the bearings were of U.S. origin and in the packages packed by the supplier 31.3 percent were of U.S. origin.

10. At the time the shipment was made from Toronto, the respondent had knowledge that U.S. bearings were included in packages to be shipped to Cuba.

On the foregoing findings of fact, I have concluded that the respondent: (a) Made false statements and representations to, and concealed material from BIC, indirectly through a foreign government agency, in connection with the issuance of a U.S. export control document; and (b) attempted to export commodities from the U.S. without a validated license having been issued or a General License established by BIC authorizing said exportation; all in contravention of §§ 370.2(a), 381.3 and 381.5, of the Export Regulations.

In considering the respondent's duty to see to it that bearings of U.S. origin were not packed for shipment, the Compliance Commissioner said:

> On at least one occasion, the respondent was on the supplier's premises when the bearings were being packed. It was called to his attention that the U.S. bearings were included in some of the cartons * * * The respondent made no effort to ascertain if U.S. bearings had been packed in any of the other cartons. He said that it was not his responsibility to check the cartons. The respondent misconceives his responsibility.

[1] The functions formerly performed by the Export Control Investigations Staff, Bureau of Foreign Commerce, are now performed by the Export Control Investigations Division, Bureau of International Commerce. All forms of administrative action by the predecessors of the present Bureau and Division remain in full force and effect until amended or revoked. See Department Orders Nos. 173 (Aug. 8, 1961) and 182 (Feb. 1, 1963). Reference herein to any branch of the Department of Commerce under its present designation shall, where appropriate, apply to and include its predecessors.

He had given assurances to the Canadian authorities and indirectly to the U.S. authorities that U.S. bearings were not to be exported to Cuba. It was his responsibility to see to it that these assurances were carried out.

In discussing the respondent's attempt to export U.S. origin commodities without a license, the Compliance Commissioner said:

If the requirements under which a shipment may be made under General License GIT (§ 371.9) have not been complied with and this is known to the Collector, the shipment may not be cleared for exportation. If it is not known to the Collector that the requirements have not been complied with and the shipment is cleared for exportation, the fact still remains that the exportation did not meet the requirements of such General License and such an exportation must be treated as an unlicensed shipment. Under § 371.9(b)(2) one of the requirements of General License GIT is "the fact that the destination of the shipment is properly authorized by the Canadian authorities." Where this requirement has not been met, a shipment ostensibly under such license is, in fact, an unlicensed shipment. The shipment in question was authorized by Canadian authorities on the basis of false representations and concealment of facts by respondent and therefore was not properly authorized. Any shipment of these commodities of U.S. origin from the U.S. in-transit would have been without either a validated license or General License having been established.

As to the sanction that should be imposed, the Compliance Commissioner said:

When the respondent represented to the Canadian authorities that the goods which he proposed to export to Cuba via the U.S., as shown on the list which he presented, were of United Kingdom origin he knew that the representations were false. He knew that a substantial portion of the gooda listed was of U.S. origin. He also knew that another lot of goods which he had on his own premises and which he intended to export to Cuba contained U.S. origin commodities. When it was called to his attention that U.S. goods were being packed for shipment to Cuba, he took no steps to prevent the shipment of such goods. Had it not been for the fortuitous occurrence of some of the cartons breaking open at the airport in New York, a substantial quantity of U.S. bearings, of importance to the economic potential of Cuba, would have reached its destination.

The purpose of sanctions in cases of this type is to bring about adherence to the law and deter future violations. I believe that effective denial of the respondent's export privileges for two years with probation for an additional three years will have the necessary salutary effect to accomplish the purposes of sanctions, and I recommend that an order to this effect be entered.

The entire record has been considered and also the recommendations of the Compliance Commissioner. I have concluded that the recommendations are fair and just, and designed to achieve effective enforcement of the law. Accordingly: *It is hereby ordered,*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation. The term "respondent" refers to Ralph Malach, Ralph Malach Industries, and Saxony Manufacturing Co., Ltd.

II. Except as qualified in Part IV hereof, the respondent for a period of five years is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in any exportation is deemed to include and prohibit participation by respondent, directly or indirectly, in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. The privileges denied under Part II hereof shall be restored conditionally two years after the date hereof and thereafter said respondent shall be on probation for the remainder of the denial period. The conditions for restoration of privileges are that the respondent shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny all export privileges for the three year period which has been held in abeyance. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. Any person affected by a supplemental order revoking without notice his probation, may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Control Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time the respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: September 16, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-10057; Filed, Sept. 19, 1963; 8:47 a.m.]

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Domestic U.S.-Flag Operations Between California and Hawaii; Extension of Time To Submit Views and Comments

The notice of the above captioned matter which appeared in the FEDERAL REGISTER, issue of August 17, 1963 (28 F.R. 8475), is hereby modified to extend the date by which any person, firm or corporation, having an interest in this matter may submit views and comments thereon in writing in triplicate to the Secretary, Maritime Subsidy Board, from September 10, 1963 to the close of business on November 12, 1963.

Dated: September 17, 1963.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-10060; Filed, Sept. 19, 1963; 8:48 a.m.]

Office of the Secretary

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of September 5, 1963.

Dated: September 5, 1963.

LOUIS F. FRAZZA.

[F.R. Doc. 63-10058; Filed, Sept. 19, 1963; 8:47 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series Code and Grade, Position, Location and Effective Date

GS-400-12 and above, Postdoctoral Research Associates in the Biological Sciences appointed under Schedule A authorities, Nationwide, September 12, 1963

This authorization applies to appointments under Schedule A—§ 6.111(1)(3), § 6.105(k)(1), § 6.106(g)(1) and similar authorities.

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10078; Filed, Sept. 19, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15160; FCC 63M-1005]

ALL AMERICA CABLES AND RADIO, INC.

Order Scheduling Hearing

In the matter of All America Cables and Radio, Inc., multiple leased teleprinter channel charges between Miami, Florida, and San Juan, Puerto Rico.

It is ordered, This 13th day of September 1963, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 28, 1963, in Washington, D.C.; and, *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., October 11, 1963.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10061; Filed, Sept. 19, 1963; 8:48 a.m.]

[Docket Nos. 14748-14749; FCC 63-821]

CHARLES COUNTY BROADCASTING CO., INC., AND DORLEN BROADCASTERS, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permits.

1. The Commission has before it for consideration an Application for Review of Interlocutory Ruling of Review Board filed by Dorlen Broadcasters, Inc. (hereinafter Dorlen) on February 19, 1963, in which the Commission is requested to review and reverse the Review Board Memorandum Opinion and Order (FCC 63R-76, released February 12, 1963) denying Dorlen's petition to enlarge issues. Charles County Broadcasting Co., Inc. (hereinafter Charles County) filed an opposition to Dorlen's application for review on March 8, 1963,[1] to which Dorlen replied on March 20, 1963.[2]

2. It will be helpful to set forth the circumstances under which this application for review arises. This proceeding involves the mutually exclusive applications of Charles County and Dorlen for construction permits for new standard broadcast stations on 1560 kc, daytime only, with 250 watts in La Plata, Maryland, and 1 kilowatt in Waldorf, Maryland, respectively. Dorlen is additionally the licensee of an FM broadcast station in Waldorf, Maryland, and has requested the Commission's Review Board to add a Carroll issue[3] in this proceeding to determine the economic impact of a new AM broadcast service upon the existing FM service in Waldorf, which is the only full-time broadcast service located in Charles County, Maryland. Charles County opposed the request for a Carroll issue, but argued that Dorlen should be required to file an early application for renewal of its FM license in accordance with the procedure of Herbert P. Michels (WAUB), 17 RR 557 (1958), if the Review Board determined that a Carroll issue should be added in this proceeding. Charles County also proposed that a strike issue be added to determine whether Dorlen's AM application had been filed in good faith or merely to impede, obstruct, or delay a determination on Charles County's application.

3. The Review Board, with Board Member Pincock absent and Board Member Nelson dissenting, concluded that a Carroll issue involving AM and FM broadcast services could cause delays in the Commission's licensing process and could also permit the three systems of broadcasting to become intertwined and enmeshed in frustration of the policy to develop the systems separately, and therefore that the requested Carroll issue should be denied as being inconsistent with Commission policy. The Review Board also held on its own motion,[4] that in the circumstances of this proceeding a strike issue should be added against Dorlen since the Dorlen AM application was filed after that of Charles County and Dorlen's FM station would derive economic benefit from a delay or defeat of Charles County's application.

4. Dorlen first argues that the Review Board does not have authority to add issues upon its own motion because the Commission's rules contain no specific provision giving that power to the Review Board. Dorlen then urges that the facts of this proceeding are not sufficient to raise a question as to the motives and character of an applicant who has sworn that its application was not filed for the purpose of impeding, obstructing, or delaying Commission consideration of any other application. It also points out that this proceeding involved a third applicant who was subsequently dis-

[1] On March 4, 1963, Charles County filed a Petition for Extension of Time until March 8, 1963, in which to file an opposition to Dorlen's application for review. It appears that the Petition for Extension of Time was itself filed late under § 1.85(e)(1) of the Commission's rules, which requires oppositions to be filed within five days after an application for review. However, there has been no opposition to the Petition for Extension of Time and this proceeding has not been delayed in any manner. Good cause has therefore been shown and Charles County's Petition for Extension of Time until March 8, 1963, to file opposition will be granted.

[2] The Commission's Broadcast Bureau filed a statement in support of Dorlen's application for review and suggested that the Commission might request further briefs and/or oral argument upon the questions raised by Dorlen. It appears, however, that the positions of the parties have been adequately developed in the pleadings already filed and that no useful purpose would be served by further delay in the disposition of Dorlen's application for review.

[3] Dorlen's request is based upon the Court of Appeals decision in Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066 (1958). Although Dorlen originally requested an issue framed to determine the impact upon its FM station, it subsequently agreed to the following language proposed by the Broadcast Bureau which is framed in terms of injury to the public interest:

To determine whether there are adequate revenues to support a standard broadcast station in Charles County, Maryland, without loss or degradation of FM or standard broadcast service to Charles County, Maryland, and surrounding areas.

[4] The Review Board held that Charles County's request for a strike issue was procedurally defective and should be stricken from the record in a ruling which is not questioned in the pleadings presently before the Commission.

missed and that time and money were expended proposing a directional antenna, while Charles County proposes a non-directional operation. Charles County responds that it is contrary to the policy for which the Review Board was established to permit appeals upon interlocutory matters since it will burden the Commission with routine matters and delay the disposition of adjudicatory proceedings.

5. While it appears that the Commission's rules contain no express delegation of authority to the Review Board to add issues on its own motion, it is clear that the power has been implicitly delegated in §§ 0.206 and 0.207 of our rules. Prior to the creation of the Review Board the Commission itself had primary jurisdiction to amend, modify, enlarge, or delete issues and we consistently exercised the power to act on our own motion with respect to those issues. As the jurisdiction to amend, modify, enlarge, or delete issues has been delegated to the Review Board, the power to add issues on its own motion accompanies that delegation as a necessary concommitant of the Board's jurisdiction over these matters. In light of the facts that Dorlen's AM application was filed after that of Charles County and Dorlen's FM station would derive economic benefit from a delay or defeat of Charles County's application, it is clear that the addition of a strike issue in this proceeding is justified, since the applicant's intention to construct and operate a station is not necessarily determinative of the issue. See A. S. Riviere, 21 RR 144 (1961) and Capitol Broadcasting Company, 20 RR 979 (1960), and 20 RR 1011 (1961).

6. Turning to the requested Carroll issue, Dorlen notes that the Review Board relied upon its analysis of existing Commission policy as a basis for denial of the request. Dorlen argues that the addition of the Carroll issue is governed by law and not policy relying upon Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940), Democrat Printing Co. v. Federal Communications Commission, 202 F. 2d 298, 7 RR 2138 (1952), and Carroll Broadcasting Co. v. Federal Communications Commission, 258 F. 2d 440, 17 RR 2066 (1958). Again, Charles County urges that Dorlen should not be permitted to delay the proceeding by rearguing questions which the Review Board has already cogently resolved.

7. Before considering Dorlen's request for a Carroll issue in this proceeding, it is appropriate to note that the Review Board, in considering this same question, stated: "Thus, the Board cannot make new policy or change old policy; these functions are reserved unto the Commission, and properly so." This is not to say, however, that the Review Board is precluded from consideration or interpretation of existing Commission policy. It is clear that the Review Board may consider the extension of present policies to include new factual situations without making new, or changing old, policy.

8. The primary question presented is whether or not a Carroll issue should be added to determine whether there are adequate revenues to support an AM station in Charles County, Maryland, without loss or degradation of the existing FM service in that area. Frontier Broadcasting, 265 F. 2d 353, 18 RR 2077 (1959), holds that a party to a proceeding may have standing both as an applicant and as an existing licensee claiming economic injury, and therefore Dorlen has standing in this proceeding to raise questions concerning the economic effects of a new station. In Sanders Brothers, supra, the Supreme Court held that Congress intended to permit competition among broadcasters with survival depending upon the individual broadcaster's ability to please the public. But the Supreme Court added that a question of competition between an existing and a proposed station may be considered by the Commission to the extent that the public interest will be adversely affected. Mere economic injury to an existing station need not be taken into consideration, but when that injury would deprive the public of adequate service, the public interest requires that it be given consideration by the Commission. In Democrat Printing Co., supra, footnote 14, the D.C. Court of Appeals stated that loss of profits to an existing station would not be an adequate basis for denying a license for a proposed station, but if the loss of profits made it financially impossible for the existing station to continue its previous level of service, the resultant loss of service might be adverse to the public interest and therefore warrant denial of the new application.

9. In Carroll, supra, the Court of Appeals noted that the public has no interest in the amount of profits made by an existing station, so long as its service is not adversely affected. Competition may well improve service to the public, but if a given area has revenue available to support good service from only one station, grant of one rather than two stations may be in the public interest, since licensing of two stations may deprive the public of any good service. Thus economic injury to an existing station becomes significant to the public and this Commission when it causes diminution or destruction of existing service to the detriment of the public interest, as the injury ceases to be merely a matter of private concern at that point. As the Court pointed out, the Commission grants or denies licenses as the public interest, convenience, and necessity dictate and whatever factual elements bear on that criteria must be considered in each case. We need not determine the economic effects of each new grant, but where an existing licensee raises a substantial and material question of fact as to whether the economic effect of a proposed station would be detrimental to the public interest, Carroll compels us to give the licensee an opportunity to present proof and we must make findings to the extent required by the evidence. The fact that the existing licensee is an FM station and that AM service is proposed is not sufficient reason to preclude our consideration of all factors affecting the public interest in this proceeding. See Carter Mountain Transmission Corp., 22 RR 193 (1962), and 22 RR 194(h) (1962).[5]

10. As the Review Board noted, Dorlen alleges that its Station WSMD (FM) is the only full-time broadcast service located in Charles County, Maryland, and that from the time it commenced operation in June, 1961, its economic success has been moderate, with only small profits. Dorlen states that WSMD depends on revenues from Charles County, Maryland, and surrounding areas for its continued operation, and that the AM station proposed by Charles County would serve substantially the same area as that served by WSMD. Because of greater advertiser acceptance of AM, an FM station cannot compete with an AM station on equal terms, according to Dorlen, and were Charles County's daytime only, AM station to be granted, Dorlen states that it is likely WSMD would be forced off the air, and the public in its service area would lose the service of its only local nighttime station. Dorlen contends that this would not occur if its own AM application were to be granted because of the economies inherent in a joint AM–FM operation. Dorlen states that Charles County's proposed station would divert revenues from WSMD, and that a diversion of as little as 25 percent of its present revenues would adversely affect WSMD's marginal financial position to such an extent that it would be forced to cease operations.

11. The Broadcast Bureau supports Dorlen's request for a Carroll issue insofar as it requests inquiry into the economic effects of another broadcast service in Charles County, Maryland. The petition to enlarge issues now before us must, under § 1.141(c) of the rules, "contain specific allegations of fact sufficient to support the action requested." But the showing required under § 1.141 is not as strict as that required for a petition to deny under section 309(d) of the Act and § 1.359(i) of the rules, or for a petition for reconsideration filed pursuant to section 405 of the Act. The showing necessary under section 405 has been equated with that required under section 309(d). Missouri-Illinois Broadcasting Company (KZIM), FCC 63–650 released July 29, 1963. A petition to deny under section 309(d) must contain specific allegations of fact "sufficient to show * * * that a grant of the application would be prima facie inconsistent" with the public interest, convenience, and necessity. Understandably a strict standard of pleading is required in this context. With a petition to enlarge the issues, however, the application is already under scrutiny regarding public interest considerations, and grant of a petition to enlarge would add only an additional inquiry having a bearing on the question whether grant of the application would serve the public interest. Against this background, we believe that the requirements of § 1.141(c) of our rules have been satisfied and that Dorlen has made specific allegations of fact sufficient to support the addition of a Carroll issue. The enlargement of the issues in this proceeding is particularly appropriate in view of Dorlen's claims that it is the only full-time broadcast service located in the area and that, as appears from its supporting statements of profit and loss, its economic success has been moderate, with only small profits. Therefore, Dorlen's request for the addition of a Carroll issue will be granted.

12. Since the Carroll issue will be added, we will consider Charles County's request for the Michels' procedure based upon Herbert P. Michels (WAUB), 17 RR 557 (1958), which would require that Dorlen file an early application for renewal of its FM license. In Michels we held that the protestant was entitled to a hearing to determine whether the economic effect of the proposed station would be detrimental to the public interest. We also held that, if it were determined that operation of the proposed station would damage or destroy existing service to an extent which is inconsistent with the public interest, there should be a comparative proceeding in order to consider all public interest factors. Thus the protestant was ordered to submit early applications for renewal of its AM and FM licenses so that they might be consolidated for hearing with the proposed station's application, permitting a determination to be made as to whether the protestant or the applicant was the best qualified party to serve the public interest.

13. It appears from § 3.218(2) of our rules that the present license of Dorlen's WSMD–FM is due to expire on October 1, 1963, and by the provisions of § 1.328(a) of our rules that Dorlen is required to file its application for renewal of the FM license at least 90 days prior to that expiration date. Although the FM renewal application is not now on file, it soon will be. There is, therefore, no necessity to consider whether it would have been appropriate to follow the Michels' procedure in this proceeding. However, we are convinced that the public interest would be better served by consolidation of the renewal application for WSMD–FM with this proceeding to permit a determination of whether the existing or proposed service would better serve the public interest, if it is found, that the Charles County area will not support one of the proposed stations without loss or degradation of the existing service to the detriment of the public interest. Since Dorlen is required by our rules to file its renewal application for WSMD–FM or cease operation of that station, we are now designating it for hearing as of the date that the renewal application is, in fact, filed with the Commission.

Accordingly, it is ordered, This 11th day of September 1963, that the Petition for Extension of Time filed March 4, 1963, by Charles County Broadcasting Co., Inc., is granted;

It is further ordered, That the Application for Review of Interlocutory Ruling of Review Board filed February 19, 1963, by Dorlen Broadcasters, Inc., is granted to the extent reflected herein and is denied in all other respects;

It is further ordered, That the application of Dorlen Broadcasters, Inc., for renewal of its license for Station WSMD–FM in Waldorf, Maryland, as of the date that it is filed with the Commission is automatically designated for hearing, and as of that date it is automatically consolidated for hearing with the above-captioned applications;

It is further ordered, That the issues in this proceeding are enlarged and the designation order (FCC 62–890), as amended and modified, is further amended so that the issues will read as follows:

1. To determine whether there are adequate revenues to support a standard broadcast station in Charles County, Maryland, as proposed by Charles County Broadcasting Co. and Dorlen Broadcasters, Inc., without loss or degradation of FM service to the detriment of the public interest in Charles County, Maryland, and surrounding areas.

2. To determine, if Issue No. 1 is answered in the negative, the areas and populations which would receive primary service from the respective proposals of Charles County Broadcasting Co., Inc., and Dorlen Broadcasters, Inc., and Station WSMD–FM, and the availability of other primary service to those areas and populations.

3. To determine, if Issue 1 is answered in the negative, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the three proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, if Issue 1 is answered in the negative, and in the event it is concluded that a choice among the three applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

5. To determine, if Issue 1 is answered in the negative, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

6. To determine the areas and populations which would receive primary service from the respective proposals of Charles County Broadcasting Co., Inc., and Dorlen Broadcasters, Inc., and the availability of other primary service to such areas and populations.

7. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

8. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to existing standard broadcast stations, including Station WPGC, Morningside, Maryland, and Station WQXR, New York, New York, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

9. To determine whether Dorlen Broadcasters, Inc.,[6] is financially qualified to construct and operate its proposed station.

10. To determine whether the application of Dorlen Broadcasters, Inc., was filed for the principal or incidental purpose of obstructing or delaying the establishment of a standard broadcast facility at La Plata, Maryland, and whether in the light of the facts adduced, a grant of the application of Dorlen Broadcasters, Inc. would serve the public interest, convenience and necessity.

11. To determine whether there is a reasonable possibility that the tower height and location proposed by Charles County Broadcasting Co., Inc. would constitute a menace to air navigation.

12. To determine if the proposal of Charles County Broadcasting Co., Inc., complies with § 3.187 of the Commission rules.

13. To determine whether the transmitter site proposed by Charles County Broadcasting Co., Inc., is satisfactory with particular reference to the terrain and presence of any obstruction in the immediate vicinity.

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

15. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to the above-added Issue No. 1 are hereby placed upon Dorlen Broadcasters, Inc.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10062; Filed, Sept. 19, 1963; 8:48 a.m.]

COLUMBIA BASIN MICROWAVE CO.

Order Scheduling Prehearing Conference

In re applications of Columbia Basin Microwave Company for renewal of the

[5] Affirmed May 23, 1963, by the United States Court of Appeals for the District of Columbia Circuit—Case No. 17,089, slip opinion, 25 RR 2055 (1963).

[6] See attached dissenting statement of Commissioner Bartley.

license for station KOY40, a facility in the domestic public point-to-point microwave radio service at Ephrata, Washington, Docket No. 14318, File No. 1464–C1–R–61; for consent to assignment of the license for station KOY40, a facility in the domestic public point-to-point microwave radio service at Ephrata, Washington, from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082–C1–AL–61.

With the consent of all parties, a further prehearing conference in the above-entitled proceeding will be held on Thursday, September 19, 1963, beginning at 9:00 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 13th day of September 1963.

Released: Septembr 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10063; Filed, Sept. 19, 1963; 8:48 a.m.]

[Docket No. 15135; FCC 63M–1011]

RAUL SANTIAGO ROMAN

Order After Prehearing Conference

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP–15145; for construction permit.

The Hearing Examiner having under consideration the proceedings during the prehearing conference held in the above case on September 13, 1963;

It is ordered, This 13th day of September 1963, that the understandings and agreements of the parties during the prehearing conference and the rulings of the Hearing Examiner are hereby formally adopted and may be utilized as guides and ground rules for the future conduct of this proceeding; and that the transcript of the prehearing conference is hereby incorporated by reference herein with the same force and effect as if set forth verbatim herein;

It is ordered further, That, on request of counsel for the applicant and agreement of the other parties, the hearing herein which is presently scheduled to commence October 3 is hereby continued and shall commence at 10 a.m., Monday, October 28, 1963, at the Commission's offices, Washington, D.C.;

It is ordered further, That applicant's counsel will provide copies of the exhibits he proposes to proffer in evidence to his adversary counsel (one copy of each such exhibit to be provided the Examiner) by October 14 and that other counsel similarly will exchange rebuttal exhibits they propose to offer among each other and applicant's counsel by October 23; and that counsel will informally notify one another no later than October 23 of the names of witnesses they desire to be made available for cross-examination.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10064; Filed, Sept. 19, 1963; 8:48 a.m.]

[Docket No. 15132; FCC 63M–1013]

S & S BROADCASTING CO. (WTAQ)

Order Continuing Hearing

In re application of S & S Broadcasting Co. (WTAQ), La Grange, Illinois, Docket No. 15132, File No. BMP–10158; for construction permit.

Pursuant to agreements reached at a prehearing conference held on September 13, 1963, *It is ordered,* This 13th day of September, 1963, that the following calendar of future procedural steps shall be effected on the dates specified:

Notification of engineering deficiencies—October 3, 1963.
Final exchange on behalf of applicant—October 10, 1963.[1]
Final exchange of engineering rebuttal—October 22, 1963.
Notification of witnesses—October 25, 1963.
Hearing date (continued from October 8, 1963)—October 29, 1963.

Released: September 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10065; Filed, Sept. 19, 1963; 8:48 a.m.]

[Docket Nos. 15162–15164; FCC 63M–1019]

STATION VIEW REALTY CO. ET AL.

Order Scheduling Hearing

In re applications of The Station View Realty Company, Cleveland, Ohio, Docket No. 15162, File No. BPCT–2870; Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT–3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT–3176; for construction permits for new television broadcast stations.

It is ordered, This 16th day of September 1963, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 12, 1963, in Washington, D.C.; and, *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., October 18, 1963.

Released: September 17, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10066; Filed, Sept. 19, 1963; 8:48 a.m.]

[1] In this case applicant voluntarily exchanged its engineering presentation at the prehearing conference.

FEDERAL MARITIME COMMISSION

MANZ LINE JOINT SERVICE, A/B ATLANTTRAFIK AND U.S. ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 6200–B, between MANZ Line Joint Service (formerly the Montreal Australia New Zealand Line, Ltd.), A/B Atlanttrafik (the Canadian Lines) and the member lines of the U.S. Atlantic and Gulf/Australia-New Zealand Conference (the Conference Lines) provides that (1) the Canadian Lines and any Conference Line which may operate from Canadian ports shall adhere to such rates and conditions for the carriage of cargo from Canadian ports (excluding West Coast ports) as may be agreed upon with the Conference Lines and (2) all freight contracts of the U.S. Atlantic and Gulf/Australia-New Zealand Conference covering cargo that might move either from Canadian ports (excluding Pacific Coast ports) or U.S. ports within the jurisdiction of the Conference, shall include both the Conference Lines and Canadian Lines and shall cover said Canadian ports as well as U.S. ports within the Conference's jurisdiction.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–10070; Filed, Sept. 19, 1963; 8:48 a.m.]

DARRELL J. SEKIN & CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements.

Darrell J. Sekin & Company, Dallas, Texas, is party to the following agreements. They are arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed. Ocean freight compensation will be divided equally (50 percent/50 percent) between the parties. The other parties are:

Baxter Co. Customhouse Brokers, Inc., New Orleans, La.---------- FF–960
G. E. Posey Corp., Houston, Texas-- FF–971

Agreement No. FF–965 between Bernardine Shipping Co., Inc., New York, New York, and Southern Traffic Association, Mobile, Alabama, is an arrangement under which forwarding and service fees will be $5.00 per shipment and special services to be agreed upon. Ocean freight compensation is to be divided equally (50 percent/50 percent).

Agreement No. FF–966 between Chary Company, Inc., New York, New York, and Southern Traffic Association, Mobile, Alabama, is an arrangement under which forwarding and service fees will be $3.50 per shipment and special services remain subject to agreement. Ocean freight compensation will be 40 percent to Southern Traffic Association.

Agreement No. FF–967 between C. S. Greene & Co., Chicago, Illinois, and Southern Traffic Association, Mobile, Alabama, is an arrangement under which forwarding and service fees will be $6.50 per shipment and special services remain subject to agreement. Ocean freight compensation will be 40 percent to Southern Traffic Association.

Agreement No. FF–993 between San Diego Traffic Services, San Diego, California, party (a), and Judson Sheldon International, New York, New York, party (b), is an arrangement under which forwarding and service fees for shipments of raw cotton and cotton linters will be as follows: Party (b) will pay party (a) $0.04 per bale plus $40.00 per month; Party (a) will pay party (b) $0.05 per bale. Other shipments will be subject to agreement. Ocean freight compensation is to be retained by the originating party.

Agreement No. FF–994 between R. N. Forwarding Co., Inc., and/or Laufer Shipping Co., Inc., New York, New York, and Hugo Zanelli & Co., Houston, Texas, is an arrangement under which forwarding and service fees are $7.50 per Bill of Lading plus $3.50 Consular Documentation. Ocean freight brokerage is to be divided equally (50 percent/50 percent).

Agreement No. FF–995 between Bennett Forwarding Company, Houston, Texas, party (a) and W. L. Richeson & Sons, Inc., New Orleans, Louisiana, party (b), is an arrangement under which forwarding fees in the amount of $0.005 per pocket of rice will be paid by party (a) to party (b). Party (a) will retain 60 percent of the Ocean Freight Compensation and remit 40 percent to party (b).

Agreement No. FF–997 between Oceanic Forwarding Company, San Francisco, California, party (a) and Major Forwarding Company, Inc., New York, New York, party (b), is an arrangement under which shipments of paper, paper products or woodpulp, party (b) agrees to share ocean freight compensation on the basis of one-third for party (a) and two-thirds for party (b), with not less than $5.00 going to party (a). Other shipments, party (b) pays party (a) a minimum of $7.50 plus $0.50 for export declaration. Ocean freight compensation is divided one-third for party (a) and two-thirds for party (b).

Agreement No. FF–998 between Alonso Shipping Co., New Orleans, La. and Southern Traffic Association, Mobile, Alabama, is an arrangement under which forwarding fees and services and ocean freight compensation will be 60 percent to Southern Traffic Association and 40 percent to Alonso Shipping Co.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulations, Federal Maritime Commission, Washington, D. C. or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Bldg., South, 600 South Street, New Orleans 12, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 17, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–10071; Filed, Sept. 19, 1963; 8:48 a.m.]

J. S. STASS CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

J. S. Stass Co., New York, New York and/or New Orleans, Louisiana, is party to the following agreements, the terms of which are identical.

The other parties are:

Southern Traffic Assn., Mobile, Ala. FF–1010
Florida International Forwarders, Miami, Fla.---------- FF–1011

The following agreements have similar terms:

Fillette, Green & Co. of Tampa, Tampa, Fla., and Maron Shipping Agency, Inc., New York, N.Y.----- FF–1005
H. E. Schurig & Co., Inc., Houston, Tex., and Seaport Shipping Co. (Portland), Portland, Oreg------ FF–1006
Trade-Lanes Shipping Corp., New York, N.Y., and J. G. R. Williams, Inc., New Orleans, La---------- FF–1008
Paul A. Boulo, Mobile, Ala., and Barr Shipping Co., Inc., New York, N.Y ---------- FF–1008
H. S. Thielen, Inc., Lake Charles, La., and Karr, Ellis & Co., Inc., New York, N.Y---------- FF–1009
H. S. Thielen, Inc., Lake Charles, La., and George M. Leininger Co., Inc., New Orleans, La---------- FF–1012

Agreement No. FF–1000 between C. S. Greene & Co., Inc., Chicago, Ill., and Seaway Fordwarding Company, Cleveland, Ohio, is an arrangement under which forwarding and service fees are $5.00 per shipment. Ocean freight compensation is to be divided equally between the parties.

Agreement No. FF–1001 between C. S. Greene & Co., Inc., Chicago, Ill., and Allen Forwarding Company, Philadelphia, Pa., is an arrangement under which forwarding and service fees are $7.50 per shipment. Consular fees will be $2.50 to $5.00. Ocean freight compensation will be divided between the parties equally.

Agreement No. FF–1002 between C. S. Greene & Co., Inc., Chicago, Ill., and W. R. Filbin & Co., Inc., Detroit, Mich., is an arrangement under which forwarding and service fees are $7.50 per shipment. Ocean freight compensation is to be divided equally between the parties.

Agreement No. FF–1003 between C. S. Greene & Co., Inc., Chicago, Ill., and Seaboard Forwarding Co., New York, New York, is an arrangement under which forwarding and service fees are $7.50, $10.00, or $12.00 depending on work done. There is no division of ocean freight compensation.

Agreement No. FF–1004 between C. S. Greene & Co., Inc., Chicago, Ill., and Admiral Shipping Corporation, Houston, Texas, is an arrangement under which forwarding services and fees are $5.50 per shipment to nonconsular countries and $8.00 per shipment when Consular invoices are required. Ocean freight compensation is to be divided forty (40) percent to Admiral Shipping Corporation and sixty (60) percent to C. S. Greene & Co., Inc.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building, South, 600 South Street, New Orleans 12, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 17, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10072; Filed, Sept. 19, 1963; 8:48 a.m.]

J. S. STASS CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

J. S. Stass Co., New York, New York and/or New Orleans, Louisiana, is party to the following agreements, the terms of which are identical. The other parties are:

H. S. Thielen, Inc., Lake Charles, La.	FF-961
W. R. Zanes and Company, Houston, Tex	FF-962
United Shipping Corp., New York, N.Y.	FF-963
Chas. Kurz Co., Philadelphia, Pa.	FF-964

Fillette, Green & Co. of Tampa, Tampa, Florida, is party to the following agreements, the terms of which are identical. The other parties are:

Universal Transport Corp., New York, N.Y.	FF-968
Penson & Co., New York, N.Y. (and branches)	FF-969
Intra-Mar Shipping Corp., New York, N.Y.	FF-970
R. G. Hobelmann & Co., Inc., Baltimore, Md.	FF-989
Dyson Shipping Company, Inc., New York, N.Y.	FF-992

Paul A. Boulo, Mobile, Alabama, is party to the following agreements, the terms of which are identical. The other parties are:

Uno Shipping Co., Inc., New York, N.Y.	FF-972
Fillette, Green & Co., Inc., Pensacola, Fla.	FF-973
John A. Merritt & Co., Pensacola, Fla	FF-974
Jahrett Shipping, Inc., New York, N.Y.	FF-975
J. G. R. Williams, Inc., New Orleans, La.	FF-976
Hasman & Baxt of La., Inc., New Orleans, La.	FF-977
A. B. Barone Forwarding, New Orleans, La.	FF-978
Fillette, Green & Co. of Tampa, Tampa, Fla.	FF-979
Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex.	FF-980
John S. Connor, Inc., Baltimore, Md	FF-981
Meisner Shipping Service, New York, N.Y.	FF-982
Seaway Forwarding Co., Cleveland, Ohio	FF-983
Skyline Shipping Corp., New York, N.Y.	FF-984
Schenkers International Forwarders, Inc., New York, N.Y.	FF-985
H. L. Ziegler, Inc., Houston, Tex.	FF-986

Berry & McCarthy Shipping Co., Inc., San Francisco, California, is party to the following agreements, the terms of which are identical. The other parties are:

Lunham & Reeve, Inc., New York, N.Y.	FF-953
Kersten Shipping Agency, Inc., New York, N.Y.	FF-988

Hasman & Baxt of La., Inc., New Orleans, Louisiana, is party to the following agreements, the terms of which are identical. The other parties are:

Florida International Forwarders, Miami, Fla.	FF-990
Almac Shipping Co., Inc., New York, N.Y.	FF-991
L. E. Coppersmith, Inc., Los Angeles, Calif. and Alba Forwarding Co., Inc., New York, N.Y.	FF-948

The following agreements have similar terms:

J. R. Michels, Inc., Houston, Tex. and Brito Forwarding Co., Brownsville, Tex	FF-949
W. M. Cook & Co., Inc., New York, N.Y. and J. G. R. Williams, Inc., New Orleans, La.	FF-950
Pitt & Scott Corp., New York, N.Y. and Joseph A. Paredes & Co., San Francisco, Calif.	FF-951
Franoren Shipping Corp., New York, N.Y. and Loretz & Co., Los Angeles, Calif	FF-952
Lunham & Reeve, New York, N.Y. and W. R. Zanes & Co., Houston, Tex.	FF-954
Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex. and Spartan Overseas Shipping Corp., New York, N.Y.	FF-955
United Forwarders Service, Miami, Fla. and Hasman & Baxt of Louisiana, Inc., New Orleans, La.	FF-956
Adolf Blum & Popper, Inc., New York, N.Y. and The J. D. Richardson Co., Detroit, Mich.	FF-957
American Union Transport, Inc., New York, N.Y. and The J. D. Richardson Co., Detroit, Mich.	FF-958
W. R. Alger Co., New Orleans, La. and Atlas Forwarding Co., Inc., New York, N.Y.	FF-959
Freedman & Slater, Inc., New York, N.Y. and C. J. Tower & Sons of Buffalo, Inc., Buffalo, N.Y.	FF-987
John V. Carr & Son, Inc., Detroit, Mich. and W. R. Zanes & Co., Houston, Tex.	FF-996
Daniel H. Burdett, Inc., New York, N.Y. and C. S. Greens & Co., Inc., Chicago, Ill.	FF-999

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building South, 600 South Street, New Orleans 12, La. Mail address: Post Office Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 17, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10073; Filed, Sept. 19, 1963; 8:48 a.m.]

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 6200-8, between the member lines of the U.S. Atlantic & Gulf/Australia-New Zealand Conference, modifies the basic agreement of that conference (No. 6200, as amended) for the purpose of (1) expanding the geographic scope of the conference to include U.S. Great Lakes and St. Lawrence River ports and (2) establishing a Lakes section within the conference upon the following conditions: (a) Provided three or more member lines offer regular service from one or more U.S. Great Lakes ports and provided a majority of said lines require it, a separate Lakes section of the conference will be formed. A member line must perform a minimum of three sailings per season to qualify for participation in this section. (b) If a Lakes section is formed, rates and conditions from U.S. Great Lakes ports shall be as agreed by the full conference membership except that if a conference decision is unacceptable to one or more Lakes section members, rates and conditions from Lakes ports shall be determined by the unanimous vote of the Lakes section members, subject to 24 hours notice of such action to the conference office. (c) If at the end of any season there are no longer three lines regularly operating from the U.S. Great Lakes, the Lakes section will be disbanded and all matters will be subject to the normal voting procedures of the full conference.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 17, 1963.

By order of the Federal Maritime Commisison.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10074; Filed, Sept. 19, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-8003 etc.]

AMERICAN PETROFINA, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

SEPTEMBER 9, 1963.

American Petrofina, Incorporated (formerly Cosden Petroleum Corporation), et al., Docket Nos. G-8003, et al.; Helmerich & Payne, Inc. (formerly Powel Briscoe, Operator), et al., Docket No. CI61-365; Jas. F. Smith, Docket No. CI64-202.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates, issued August 20, 1963 and published in the FEDERAL REGISTER August 24, 1963 (F.R. Doc. 63-9116; 28 F.R. 9369-9370) make the following corrections in the chart:

Page 9370, near the top, after "Docket No. CI61-365", change price to read "17.0 cents" in lieu of "11.0 cents".

Page 9370, near bottom, after "Docket No. CI64-202", change price to read "15.0 cents" in lieu of "11.0 cents".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10036; Filed, Sept. 19, 1963; 8:45 a.m.]

[Docket No. G-3894 etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

SEPTEMBER 9, 1963.

The Atlantic Refining Company, et al., Docket No. G-3894, et al.; Socony Mobil Oil Company, Inc., Docket No. CI61-254; John W. Stone, Docket No. CI64-210; Henry Knight Well #2, Docket No. CI64-218.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, issued August 27, 1963 and published in the FEDERAL REGISTER August 31, 1963 (F.R. Doc. 63-9389; 28 F.R. 9653-9654) make the following corrections in the chart:

Near top of page, after "Docket No. CI61-254", change price to read "18.5 cents" in lieu of ".1975 cent".

Near center of page, after "Docket No. CI64-210", change price to read "25.0 cents" in lieu of ".25 cent".

Near center of page, after "Docket No. CI64-218", change price to read "25.0 cents" in lieu of "0.25 cent".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10037; Filed, Sept. 19, 1963; 8:45 a.m.]

[Docket No. RI64-134 etc.]

MARVIN J. COLES ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 13, 1963.

Marvin J. Coles, et al., Docket No. RI64-134; Edwin L. Cox (Operator), et al., Docket No. RI64-135; Rock Castle Gas Company, Docket No. RI64-136; Carolina Hunt Sands, et al., Docket No. RI64-137; H. L. Hunt (Operator), et al., Docket No. RI64-138.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of nautral gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-134	Marvin J. Coles, et al., c/o Perkins Production Co., Post Office Box 1232, Duncan, Okla.	1	1	Lone Star Gas Co. (Sho-Vel-Tum Field, Stephens County, Okla.) (Oklahoma "Other" Area).	$27,300	8-23-63	[1] 9-23-63	2-23-64	14.0	[2] [3] 17.9	
RI64-135	Edwin L. Cox (Operator), et al., 2100 Adolphus Tower, Dallas 2, Tex.	18	6	Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle Area).	281	8-29-63	[4] 10-17-63	3-17-64	[5] 17.0	[2] [6] 17.2	RI63-75
RI64-136	Rock Castle Gas Co., c/o Diederich & Hermansdorfer, Post Office Box 489, Ashland, Ky.	1	1	United Fuel Gas Co. (Appalachian Field, Martin County, Ky.).	6,544	8-15-63	[1] 9-15-63	2-15-64	[5] 16.0	[5] [10] 23.0	
RI64-137	Caroline Hunt Sands, et al., 700 Mercantile Bank Bldg., Dallas, Tex.	3	4	United Gas Pipe Line Co. (Pilgrim Church Field, Allen Parish, La.).	7,300	8-28-63	[4] 10-2-63	3-2-64	[11] 20.375	[5] [11] 22.375	
RI64-138	H. L. Hunt (Operator), et al., 700 Mercantile Bank Bldg., Dallas, Tex.	19	4	do	7,300	8-28-63	[4] 10-2-63	3-2-64	20.375	[5] [11] 22.375	

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] Favored-nation rate increase.
[3] Pressure base is 14.65 psia.
[4] The stated effective date is the effective date proposed by respondent.
[5] Periodic rate increase.
[6] Subject to a downward Btu adjustment.
[7] Includes 1.0 cent per Mcf transportation charge.
[8] Renegotiated rate increase.
[9] Pressure base is 15.325 psia.
[10] Includes 3.0 cents per Mcf compression and transportation.
[11] Pressure base is 15.025 psia.
[12] Includes 1.875 cents per Mcf tax reimbursement.

Marvin J. Coles, et al. (Coles) request that their proposed rate filing be allowed to become effective as of September 1, 1963, and Rock Castle Gas Company (Rock Castle) requests that its proposed rate increase be made effective as of June 1, 1963. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Coles and Rock Castle's proposed rate increases and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 1, 1963.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-10039; Filed, Sept. 19, 1963; 8:46 a.m.]

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-130	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	30	7	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	$1,344	8-16-63	[1] 9-16-63	[2] 9-17-63	[3] 15.5599	[4] [5] 15.8563	RI61-447
	Texaco Inc.	31	5	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	270	8-16-63	[1] 9-16-63	[2] 9-17-63	[3] 15.5599	[4] [5] 15.8563	RI61-447
	do	246	1	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	39	8-16-63	[1] 9-16-63	[2] 9-17-63	15.11144	[4] 15.3993	
	do	254	1	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	466	8-16-63	[1] 9-16-63	[2] 9-17-63	15.11144	[4] 15.3993	
	do	210	1	El Paso Natural Gas Co. (Bisti-Lower Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	383	8-19-63	[1] 9-19-63	[2] 9-20-63	13.0	[4] 13.2486	
	do	27	5	El Paso Natural Gas Co. (Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	304	8-19-63	[1] 9-19-63	[2] 9-20-63	11.00124	[4] 11.2116	
	do	22	4	do	526	8-19-63	[1] 9-19-63	[2] 9-20-63	11.00124	[4] 11.2116	
	do	28	5	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	702	8-16-63	[1] 9-16-63	[2] 9-17-63	[3] 15.5599	[4] [5] 15.8563	RI61-447
	do	29	5	do	56	8-16-63	[1] 9-16-63	[2] 9-17-63	[3] 15.5599	[4] [5] 15.8563	RI61-447
RI64-131	Texaco Inc. (Operator), et al., Post Office Box 3109, Midland, Tex.	26	12	El Paso Natural Gas Co. (Blanco (Mesa Verde) Field, San Juan County, N. Mex.) (San Juan Basin Area).	61	8-19-63	[1] 9-19-63	[2] 9-20-63	[7] 12.00135	[4] [5] 13.2309	
RI64-132	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	33	11	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.) (Permian Basin Area).	35	8-20-63	[1] 9-20-63	[2] 9-21-63	[3] 15.62381	[4] [5] 15.8563	RI63-479
	Shell Oil Co.	34	12	do	542	8-20-63	[1] 9-20-63	[2] 9-21-63	[3] 15.62381	[4] [5] 15.8563	RI63-479
	do	40	7	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.)	219	8-20-63	[1] 9-20-63	[2] 9-21-63	[3] 15.62381	[4] [5] 15.8563	RI63-479
	do	95	7	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	10	8-20-63	[1] 9-20-63	[2] 9-21-63	15.62381	[4] 15.8563	RI63-479
	do	108	6	El Paso Natural Gas Co. (Denton Gasoline Plant, Lea County, N. Mex.) (Permian Basin Area).	521	8-20-63	[1] 9-20-63	[2] 9-21-63	17.08826	[4] 17.2540	RI63-479
RI64-133	Shell Oil Co. (Operator), et al.	41	18	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	7,454	8-20-63	[1] 9-20-63	[2] 9-21-63	[3] 15.62381	[4] [5] 15.8563	RI63-480

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 psia.
[5] Subject to deduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 psig).
[6] Pressure base is 15.025 psia.
[7] Exclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[8] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[9] Subject to reduction of 0.4467 cent per Mcf for low pressure gas (below 600 psig).

Texaco Inc. and Texaco Inc. (Operator) et al. (both referred to herein as Texaco), request an effective date of April 1, 1963, the effective date of the increase in the New Mexico Oil and Gas Emergency School Tax, for their proposed rate increases contained in Supplements Nos. 1, 12, 5 and 4 to Texaco's FPC Gas Rate Schedules Nos. 210, 26, 27 and 22, respectively, and an effective date of July 1, 1963, for their other rate increases listed in the foregoing tabulation. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filings and such requests are denied.

Texaco Inc. (Operator), et al., under Supplement No. 12 to its FPC Gas Rate Schedule No. 26, filed for tax reimbursement computed on the contract rate of 12.0 cents per Mcf exclusive of the 1.0 cent per Mcf minimum guarantee for liquid products. The addition of this minimum guarantee of 1.0 cent to the base rate of 12.0 cents plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area as set forth in the Commission's Statement of General Policy No. 61-1, as amended.

El Paso Natural Gas Company (El Paso) has protested the rate increases filed by Respondents. El Paso questions the right of the producers under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in

[Docket No. RI64-130 etc.]

TEXACO, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates,[1] and Allowing Rate Changes To Become Effective Subject to Refund

SEPTEMBER 13, 1963.

Texaco Inc., Docket No. RI64-130; Texaco Inc. (Operator), et al., Docket No. RI64-131; Shell Oil Company, Docket No. RI64-132; Shell Oil Company (Operator), et al., Docket No. RI64-133.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, they claim that there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis as well as the statutory lawfulness of the producers' rate filings. In addition, to the extent that the proposed rates are in excess of the applicable area ceiling, as herein indicated, the hearings shall also concern themselves with the statutory lawfulness of such rates. Since the proposed rate increases reflect only tax reimbursement, the suspension period for each may be shortened to one day from the date of expiration of the 30 days' statutory notice.

The proposed increased rates contained in Supplements Nos. 5 and 4 to Texaco's FPC Gas Rate Schedules Nos. 27 and 22, respectively, are below the applicable area price level for increased rates, but are suspended because of El Paso's protest mentioned above.

All of the proposed increased rates and charges (with the exceptions of Supplements Nos. 5 and 4 to Texaco's FPC Gas Rate Schedules Nos. 27 and 22, respectively, mentioned in the preceding paragraph, exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of the proposed filings which El Paso has protested, and the statutory lawfulness of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which El Paso has protested, and the statutory lawfulness of the producers' proposed increased rates and charges contained in the above-designated supplements, with the exception of the hearings with respect to the proposed rates contained in Supplements Nos. 5 and 4 to Texaco's FPC Gas Rate Schedules Nos. 27 and 22, respectively, which shall involve only the contractual basis for the filings.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 1, 1963.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-10042; Filed, Sept. 19, 1963; 8:46 a.m.]

[Docket No. G-19013, etc.]

E. E. FOGELSON ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 13, 1963.

E. E. Fogelson, Docket No. G-19013; James G. Brown & Assoc., Oper., et al., Docket No. CI60-750; Yucca Petroleum Corporation, Docket No. CI60-768; James G. Brown & Assoc., Oper., et al., Docket No. CI60-770; Monsanto Chemical Company, Docket No. CI61-94; Armour Properties, Docket No. CI61-102; Marathon Oil Company (Plymouth), Docket No. CI61-169; Cree Drilling Co., Docket No. CI61-193; Western Oil Fields Inc., Oper., et al., Docket No. CI61-273; Anchor Oil Company, Docket No. CI61-292; Continental Oil Company, Docket No. CI61-375; Pan American Petroleum Corp., Docket No. CI61-438; Irvin Producing Co., Docket No. CI61-579; Stubblefield Brothers, Docket No. CI61-605; Caroline Hunt Sands & Lloyd B. Sands, Docket No. CI61-643; Cricket Oil Co., et al., Docket No. CI61-650; Union Oil Company of California, Docket No. CI61-715; Hamilton Brothers Ltd., Docket No. CI61-849; Champlin Oil & Refining, Docket No. CI61-888; Petroleum Associates Inc., et al., Docket No. CI61-936; D. D. Feldman, Docket No. CI61-1452; Foree Drilling Co., Oper., et al., Docket No. CI61-1726; Schafer Oil Corp., Docket No. CI61-1774; Carl M. Archer, Docket No. CI61-1782; Dan E. Archer, Docket No. CI61-1783.

Take notice that each of the above applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a Certificate of Public Convenience and Necessity authorizing the sale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company all as more fully set forth in their respective applications on file with the Commission and open to public inspection.

The above applications were filed subsequent to August 10, 1959, the date of the Commission's decision in Opinion No. 328 (22 FPC 391), but prior to July 11, 1962, the date of the Commission's final decision in the reopened proceedings, Docket No. G-14871, et al. (28 FPC 109). By order issued August 10, 1959, in Transwestern Pipeline Company, Docket No. G-14871, et al. (the original proceedings) the Commission certificated sales by the producers therein to Transwestern but conditioned certain of the proposed initial rates.[1] Inter alia, the producer sales proposed to be made to Transwestern in the Panhandle-Hugoton area of Texas and Oklahoma at 23 cents per Mcf were conditioned to provide for a lower initial rate of 17 cents per Mcf at 14.65 psia. Thereafter, the proceedings in the aforementioned Docket Nos. G-14871, et al., were reopened in order to afford certain producer applicants therein an opportunity to justify higher proposed initial prices. On July 11, 1962, the Commission reaffirmed the conditioned price levels found to be necessary and required by the public convenience and necessity in its original order of August 10, 1959 (22 FPC 391, 404, paragraphs (d) and (E) thereof).

As indicated above, the applicants herein applied for permanent certificates prior to the date of the Commission's final decision in the reopened proceedings and at the same time requested temporary authorization to make sales to Transwestern at the conditioned initial price of 17 cents per Mcf until such time as the Commission concluded the reopened proceedings. Temporary certificates were issued to the above applicants subject to the aforementioned initial price of 17 cents per Mcf effective until a higher price is approved by the Commission under the specific rate schedule.

The contracts of the producers herein with Transwestern are of two general types. They all provide for an initial price of 17 cents per Mcf for the period ending September 1, 1965. However, in some cases the contracts provide for 17 cents per Mcf or such higher initial price "as may be approved by the Commission in the supplemental proceedings", and in other cases the contracts provide for 17 cents per Mcf or such higher price as may be approved by the Commission in

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[1] The conditioned initial rates are specifically set forth in a schedule to be found in 22 FPC at page 404.

"a certificate proceeding of the Commission covering seller's application to sell gas to buyer (Transwestern) as provided for herein." [2]

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1963, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 4, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10040; Filed, Sept. 19, 1963; 8:46 a.m.]

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceedings, Conditionally Approving Settlement Proposals and Conditionally Issuing Certificates of Public Convenience and Necessity

SEPTEMBER 13, 1963.

Union Texas Petroleum, et al., Docket No. G-13221, et al.; Crown Central Petroleum Corporation, Docket No. G-16907; Austral Oil Company, Incorporated, Docket No. G-17563 and CI62-395; R. E. Kellerman, Docket No. G-18136; Texas Crude Oil Company (Operator), et al., Docket No. G-20124; Ted Weiner (Operator), et al., Docket No. G-20126; Robert W. O'Meara (Operator), et al., Docket No. CI62-479; J. M. Flaitz, et al., Docket No. CI63-225.

Motions for severance, for approval of settlement proposals and issuance of certificates of public convenience and necessity in their respective dockets were filed in the above-captioned proceedings on August 1, 1963, by Austral Oil Company, Incorporated (Austral); August 5, 1953, by R. E. Kellerman (Kellerman), Texas Crude Oil Company (Operator), et al. (Texas Crude), and Ted Weiner (Operator), et al. (Weiner); August 8, 1963, by J. M. Flaitz, et al. (Flaitz); August 9, 1963, by Crown Central Petroleum Corporation (Crown) and August 12, 1963 by Robert W. O'Meara (Operator), et al. (O'Meara).

The settlement proposals are similar to those previously approved by the Commission [1] and provide for the following:

(1) Effective April 1, 1963, the rates for gas delivered (or paid for but not taken) [2] under Crown's Rate Schedule No 7, Austral's Rate Schedules Nos. 3 and 15, Texas Crude's Rate Schedule No. 3, Weiner's Rate Schedule No. 5, O'Meara's Rate Schedule No. 2 and Flaitz' Rate Schedule No. 3 will be 20.625 cents per Mcf.[3] The presently effective rate under Kellerman's Rate Schedule No. 1 will remain at 20.25 cents per Mcf.[4]

(2) A moratorium on rate increase filings from April 1, 1963, through March 31, 1968, inclusive, in all dockets.

(3) Extension of make-up periods for gas paid for but not taken to 4 years in all cases except Docket No. G-18136 in which case there is no take or-pay-for provision.

The settlement rates are subject to prospective changes during the moratorium periods according to any applicable area rate determined in the South Louisiana Area Rate Proceeding, AR61-2.

Rate increase filings may be made (1) prior to the end of moratorium periods to the extent that the maximum suspension period under section 4(e) of the Natural Gas Act may be extended beyond 5 months or the Commission may hereafter be authorized to lengthen such suspension period, and (2) at any time for reimbursement of one-half the amount of increased State and Federal taxes or payments in lieu of taxes, provided that such increase does not exceed the reimbursement to which the applicant is entitled by contract.

Each of these applicants is presently selling under a temporary authorization without refund condition and none of these applicants proposes to make refunds for amounts above the settlement rates collected for deliveries made prior to April 1, 1963.

Since payments for gas delivered by each of the applicants except Kellerman subsequent to March 31, 1963, have been made at rates above the settlement rates the differences will be refunded by each of said applicants to the various pipeline purchasers within 30 days from the date of this order.

No party has filed an answer to any of these motions and we find these settlement proposals, as herein modified, in the public interest.

In keeping with our present policy we shall require that the applicants pay interest on the amounts to be refunded at 7 percent per annum, such interest to accrue through the last day of the month in which the settlement proposals were filed, August 31, 1963.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61-2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61-2. The settlement proposal also provides that adjustments in price growing out of the Area Rate Proceedings, Docket No. AR61-2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61-2. These matters should be decided at the conclusion of that proceeding and our approval of the settlement will be so conditioned.

In accordance with the above we shall sever these individual dockets from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al., omit the intermediate decision in regard to these dockets [5] and issue certificates of public convenience and necessity in accordance with the applications, settlement proposals and conditions of this order.

The Commission finds:

(1) Each of the applicants herein is a natural-gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Each of the applicants herein is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(6) No party has opposed the waiver of the intermediate decisions in these proceedings.

The Commission orders:

(A) The motions for waiver of the intermediate decisions are granted.

(B) The matters in the Docket Nos. G-16907, G-17563, G-18136, G-20124, G-20126, CI62-395, CI62-479 and CI63-225 are hereby severed from the consolidated proceeding, Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

(C) Certificates of public convenience and necessity are hereby issued upon the conditions set forth herein to the applicants for the sales of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposals and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the applications and settlement proposals herein.

(D) The certificates issued by paragraph (C) above, are granted upon the express condition that the applicants comply fully with the terms of the settlement proposals which settlements are expressly approved, as modified by this order.

(E) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposals the applicants shall report to the Commission, in triplicate, the amount of the refunds made to each pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with releases from the purchasers showing receipt of the refunds in conformity to the settlements and the conditions of this order.

(F) Upon full compliance of the applicants with all the terms of this order and of the settlement proposals as modified, the applicants shall be relieved of any further refund obligations in these certificate proceedings and the proceedings in Docket Nos. G-16907, G-17563, G-18136, G-20124, G-20126, CI62-395, CI62-479, and CI63-225 shall terminate.

(G) The certificates herein issued are not transferable and shall be effective only so long as the applicants continued the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(H) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder. *Provided, however,* That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rates as required by this order and the settlement proposals.

(I) The grant of certificates herein and approval of the settlement proposals is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the applicants, particularly any proceeding under section 5 of the Natural Gas Act and is without prejudice to claims or contentions which may be made by the Commission, applicants, the Commission staff, or any affected party herein in any other proceeding.

(J) Interest on amounts to be refunded to the pipeline purchasers shall accrue through the last day of the month in which the settlement proposals were filed, August 31, 1963.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Seller	Rate schedule No.	Docket No.	Purchaser	Current rate (cents/Mcf)	Proposed settlement rate (cents/Mcf)
Crown Central Petroleum Corp.	7	G-16907	United Gas Pipe Line Co.	21.25	20.625
Austral Oil Co.	3	G-17563	Transcontinental Gas Pipe Line Corp.	23.55	20.625
R. E. Kellerman	1	G-18136	United Gas Pipe Line Co.	20.25	20.25
Texas Crude Oil Co. (Operator), et al.	3	G-20124	Trunkline Gas Co.	21.8	20.625
Ted Weiner (Operator), et al.	5	G-20126	do	21.8	20.625
Austral Oil Co. (Operator), et al.	15	CI62-395	Southern Natural Gas Co.	21.25	20.625
Robert W. O'Meara (Operator), et al.	2	CI62-479	Texas Gas Transmission Corp.	21.25	20.625
J. M. Flaitz, et al.	3	CI63-225	Florida Gas Transmission Co.	21.25	20.625

[F.R. Doc. 63-10043; Filed, Sept. 19, 1963; 8:46 a.m.]

[Docket No. RP64-5]

CHICAGO DISTRICT PIPELINE CO.

Notice of Proposed Change in Rates

SEPTEMBER 16, 1963.

Pursuant to § 2.59(a) of the Commission's rules (18 CFR 2.59(a)), notice is given that Chicago District Pipeline Company on September 9, 1963, filed proposed changes in its FPC Gas Tariff to become effective on November 1, 1963. The newly proposed tariff reflects primarily a change from a cost-of-service form of rate to a demand-commodity form of rate. In addition the proposed tariff reflects changes of certain items in the Company's cost-of-service and changes of certain terms in the tariff.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washing 25, D.C., pursuant to the Commissions rules of practice and procedure on or before October 7, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10038; Filed, Sept. 19, 1963; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York), are hereby designated to serve as Acting Regional Director of Community Facilities, Region I, during the absence of the Regional Director of Community Facilities, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Community Facilities, Region I, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Community Facilities.
2. Public Facilities Operations Officer.
3. College Housing Operations Officer.

This designation supersedes the designation effective October 13, 1962 (27 F.R. 10109).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 21st day of July 1963.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 63-10055; Filed, Sept. 19, 1963; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

SEPTEMBER 16, 1963.

In the matter of trading on the American Stock Exchange in the common stock, 67-cent par value, of Tastee Freez Industries, Inc., File No. 1-4722.

The common stock, 67-cent par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

[1] See orders in Union Texas Petroleum et al., Docket Nos. G-13221, et al., issued June 24, 1963, concerning Union Oil Company of California and Tenneco Corporation and order issued August 7, 1963 concerning Humble Oil and Refining Company.

[2] The term "delivered" is used in the proposals as in other proposals approved by us. In the context of the proposals we interpreted the term to include gas required to be taken during the moratorium periods but paid for and not taken. Our approval of these settlements is also conditioned upon such interpretation.

[3] All prices expressed inclusive of tax reimbursement and all volumes expressed at 15.025 psia.

[4] See Appendix for further details.

[5] The hearings in the Union Texas Petroleum, et al. consolidated proceeding concluded July 25, 1963.

[2] All contracts with Transwestern by the producers herein state that in no event will the initial price exceed 23 cents per Mcf.

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period September 16, 1963 to September 25, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10046; Filed, Sept. 19, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 17, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38537: *Joint motor-rail rates—Central and Southern.* Filed by The Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 80), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 34 to The Central and Southern Motor Freight Tariff Association, Incorporated, Agent, tariff MF-I.C.C. 274.

FSA No. 38538: *Substituted service—N&W for motor carriers.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 226), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in central, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I.C.C. A-221.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10053; Filed, Sept. 19, 1963; 8:47 a.m.]

[Notice 867]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 17, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66178. By order of September 13, 1963, the Transfer Board approved the transfer to F. T. Trucking Co., Inc., 410 O'Farrell Street, Collinsville, Ill., of Certificate in No. MC 60879, issued July 30, 1956, to Eldon Loehring and Elbert Loehring, a partnership, doing business as Loehring Truck Service, Summerfield, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Marine, Ill., and St. Louis, Mo., serving the intermediate and off-route points of Troy, and Saint Jacob, Ill., and those within one mile of Troy; those within one mile of Saint Jacob; and those within five miles of Marine.

No. MC-FC 66195. By order of September 12, 1963, the Transfer Board approved the transfer to Eugene Lavelle and Eugene Lavelle, Jr., doing business as Lavelle's Express, 138 South Sherman Street, Wilkes-Barre, Pa., of Certificate in No. MC 44366, issued June 25, 1941, to Eugene Lavelle, doing business as Lavelle's Trucking Express, 138 South Sherman Street, Wilkes-Barre, Pa., authorizing the transportation of: Household goods, over irregular routes, between Wilkes-Barre, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in New York and New Jersey. John J. Dempsey, Jr., Suite 1200, Miners National Bank Building, Wilkes-Barre, Pa., attorney for applicants.

No. MC-FC 66207. By order of September 12, 1963, the Transfer Board approved the transfer to Edward S. Wernicki, Bayonne, N.J., of Certificate in No. MC 52448, issued June 18, 1954, to John L. Wernicki and Edward Wernicki, a partnership, Bayonne, N.J., authorizing the transportation, over irregular routes, of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in Hudson County, N.J., to New York, N.Y., and points in Westchester County, N.Y., and return. Irwin P. Goldstein, 852 Broadway, Bayonne, N.J., attorney for applicants.

No. MC-FC 66215. By order of September 12, 1963, the Transfer Board approved the transfer to Theodore Rossi Trucking, Inc., Barre, Vt., of Certificate in No. MC 107228, issued June 5, 1959, to Granite City Transport, Inc., Barre, Vt., authorizing the transportation, over irregular routes, of: Granite, from and to specified portions of Connecticut, Massachusetts, New Jersey, New York, and Vermont. Andre J. Barbeau, 795 Elm Street, Manchester, N.H., attorney for applicants.

No. MC-FC 66217. By order of September 12, 1963, the Transfer Board approved the transfer to Frank J. Kubly Transfer, Inc., Monroe, Wis., of Certificates in Nos. MC 27754, MC 27754 (Sub-No. 9), and MC 27754 (Sub-No. 10), issued January 19, 1950, August 18, 1955, and August 18, 1955, respectively, to Frank Kubly, Monroe, Wis., authorizing the transportation, over regular routes, of oils and greases, in containers, from Lawrenceville, Ill., to Argyle, Wis., and, over irregular routes, of logs, livestock feed and poultry feed, fresh fruit and vegetables, cheese, empty skids, livestock, agricultural commodities, household goods, flour, grain, feed, hay, straw, emigrant movables, barn cleaners and conveyors, cheese factory equipment, malt beverages, and empty malt beverage containers, from, to, and between specified points in Wisconsin, Illinois, Iowa, and Minnesota, varying with the commodities specified. Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703, attorney for applicants.

No. MC-FC 66222. By order of September 13, 1963, the Transfer Board approved the substitution of David Mongillo & Son, Inc., Southington, Conn., as applicant in lieu of David Mongillo, Milton J. Mongillo, and Edward H. Mongillo, a partnership, doing business as David Mongillo & Sons, Southington, Conn., in No. MC 121515 for a Certificate of Registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Connecticut Certificate No. C-802, authorizing the transportation over irregular routes, of steel tanks, steel boilers, steel stacks, structural steel, namely, steel beams, steel girders, steel trusses, steel plates, steel angles, and bridge steel, and in connection with the foregoing the necessary accessorial equipment, and industrial machinery and parts thereof, by flat-bed or platform type vehicles, between all points within Connecticut. Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn., attorney for applicants.

No. MC-FC 66224. By order of September 13, 1963, the Transfer Board approved the transfer and substitution of Robert L. Breveglieri, doing business as Solar Trucking Co., Springfield, Mass., as applicant in the "claimed grandfather rights" proceeding seeking the issuance of a Certificate of Registration, filed January 18, 1963, on Form BOR99, assigned Docket No. MC 97836 (Sub No. 2), covering operations in interstate or foreign commerce under the former second proviso of section 206(a)(1) of the Act, supported by Massachusetts Certificate in No. MC 7052, pursuant to a Form BMC 75 statement accepted January 29, 1953, in the name of Peterson Trucking, Inc., Westford, Mass., assigned Docket No. MC 97836 (Sub-No. 1), covering the transportation of: Building materials, furniture, property in bundles and containers, and manufactured products within a radius of 100 miles of City Hall, Lowell, Mass. William L. Mobley, 1694 Main Street, Springfield 3, Mass., representative for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10054; Filed, Sept. 19, 1963; 8:47 a.m.]

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UNITED STATES STATUTES AT LARGE

Containing

THE CANAL ZONE CODE

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DEPOSITED BY THE UNITED STATES OF AMERICA

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3555

COLUMBUS DAY, 1963

By the President of the United States of America

A Proclamation

WHEREAS the vision, courage, and dedication of Christopher Columbus destined him to be the discoverer of the New World; and

WHEREAS his voyage, under the Spanish flag, across uncharted seas to an unknown land, will forever stand for us as a symbol of the zeal for new ventures which has characterized our Nation; and

WHEREAS we continue to honor Columbus' daring as we search out the far reaches of space and of human possibility; and

WHEREAS the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President of the United States to proclaim October 12 of each year as Columbus Day for the observance of the anniversary of the discovery of America:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Saturday, October 12, 1963, as Columbus Day, commemorating the four hundred and seventy-first anniversary of the sighting of land in the New World by Columbus and his crew.

I invite the people of the United States to observe the day with appropriate ceremonies in their churches, schools, and other suitable places.

I also direct the appropriate officers of the Federal Government to display the flag of the United States on all Government buildings on that day, and I request the appropriate officers of the State and local governments likewise to display the flag to mark the anniversary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of September in the year of our Lord nineteen hundred and sixty-three, and
[SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-10148; Filed, Sept. 19, 1963; 1:32 p.m.]

Rules and Regulations

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 81, Amdt. 2]

PART 350—SEAMEN'S SERVICE AWARDS

Certified Distributor and Cost of Merchant Marine Ribbons

Effective as of June 1, 1963, §§ 350.4 and 350.5(a) are amended as follows:

1. Section 350.4 *Procedure for purchase* is amended by deleting the name and address of the certified distributor "Harry Sadow, 75 Church Street, New York 7, New York" and substituting therefor "Gemsco, Inc., 461 Eighth Avenue, New York 1, New York," and by deleting the words "thirty cents" as the cost for the purchase of each bar and substituting therefor the words "seventeen cents" as the new cost.

2. Section 350.5(a) *Replacement* is amended by deleting the name "Harry Sadow" and substituting therefor the name "Gemsco, Inc.," and by deleting the words "thirty cents" and substituting therefor the words "seventeen cents."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: September 18, 1963.

J. W. GULICK,
Acting Maritime Administrator.

[F.R. Doc. 63-10149; Filed, Sept. 20, 1963; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, paragraph (n)(1) is added to § 6.313 as set out below.

§ 6.313 **Department of Labor.**

* * * * *

(n) *President's Committee on Migratory Labor.*

(1) The Executive Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A fourth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Paragraph (k)(1) is added to § 213.3315 as set out below.

§ 213.3315 **Department of Labor.**

* * * * *

(k) *President's Committee on Migratory Labor.*

(1) The Executive Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10112; Filed, Sept. 20, 1963; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Effective upon publication in the FEDERAL REGISTER, paragraph (v) is added to § 6.101 as set out below.

§ 6.101 **Entire executive civil service.**

* * * * *

(v) Not to exceed September 30, 1965, and subject to prior approval of the Civil Service Commission, positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Civil Service Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A third amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Paragraph (t) is added to § 213.3102 as set out below.

§ 213.3102 **Entire executive civil service.**

* * * * *

(t) Not to exceed September 30, 1965 and subject to prior approval of the Civil Service Commission, positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Civil Service Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10113; Filed, Sept. 20, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 27]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.379 **Grapefruit Regulation 27.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening

between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 17, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., September 23, 1963, and ending at 12:01 a.m., e.s.t., October 7, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 19, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10138; Filed, Sept. 20, 1963; 8:48 a.m.]

[Export Reg. 8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

§ 905.380 Export Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of grapefruit, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports for grapefruit, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 17, 1963; such meeting was held to consider recommendations for regulations on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title, 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., September 23, 1963, and ending at 12:01 a.m., e.s.t., July 31, 1964, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any grapefruit, grown in the production area, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said revised United States Standards for Florida Grapefruit.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 19, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10140; Filed, Sept. 20, 1963; 8:48 a.m.]

[Orange Reg. 27]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.381 Orange Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grade and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 17, 1963; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., September 23, 1963, and ending at 12:01 a.m., e.s.t., October 7, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 19, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10141; Filed, Sept. 20, 1963; 8:48 a.m.]

[Valencia Orange Reg. 65]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.365 Valencia Orange Regulation 65.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 19, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 22, 1963, and ending at 12:01 a.m., P.s.t., September 29, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 20, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10188; Filed, Sept. 20, 1963; 11:30 a.m.]

[Lemon Reg. 81]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.381 Lemon Regulation 81.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–

674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 17, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 22, 1963, and ending at 12:01 a.m., P.s.t., September 29, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 172,050 cartons;

(iii) District 3: 23,370 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 19, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10139; Filed, Sept. 20, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On May 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5023) stating that the Federal Aviation Agency proposed to alter the Scottsbluff, Nebr., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the prescribed VOR instrument approach procedure at Scottsbluff was altered to specify a final approach course based on the Scottsbluff VORTAC 259° instead of 260° True radial. This action requires a one degree change in the alignment of the control zone extension and the 700-foot floor portion of the transition area from that proposed. Such action is taken herein.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the Scottsbluff, Nebr., control zone is amended to read:

Scottsbluff, Nebr.

Within a 5-mile radius of the Scottsbluff Municipal Airport (latitude 41°52'30" N., longitude 103°35'40" W.), and within 2 miles each side of the Scottsbluff VORTAC 259° radial, extending from the 5-mile radius zone to the VORTAC.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962) the Scottsbluff, Nebr., transition area is amended to read:

Scottsbluff, Nebr.

That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Scottsbluff VORTAC 211° and 031° radials, extending from 7 miles NE to 13 miles SW of the VORTAC; within 5 miles S and 8 miles N of the Scottsbluff VORTAC 259° and 080° radials, extending from 4 miles W to 13 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Scottsbluff VORTAC.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10085; Filed, Sept. 20, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SO–11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area; Revocation of Control Area Extension

On June 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6231) stating that the Federal Aviation Agency proposed to alter the Daytona Beach, Fla., control zone, revoke the Daytona Beach control area extension, and designate the Daytona Beach transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the Daytona Beach, Fla., control zone is amended to read:

Daytona Beach, Fla.

Within a 5-mile radius of the Daytona Beach Airport (latitude 29°11'05" N., longitude 81°03'20" W.); within 2 miles each side of the Daytona Beach VOR 156° and 336° radials, extending from the 5-mile radius zone to 1 mile N of the VOR; and within 2 miles each side of the 065° bearing from the Daytona Beach OM, extending from the 5-mile radius zone to the OM.

2. Section 71.181 (27 F.R. 220–139, November 10, 1963) is amended by adding the following:

Daytona Beach, Fla.

That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Daytona Beach ILS localizer SW course, extending from the OM to 12 miles SW; within 2 miles each side of the 236° bearing from the Daytona Beach OM, extending from the OM to the INT of the Daytona Beach VOR 219° radial and the Orlando, Fla., VOR 353° radials; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 29°33'00" N., on the W by the W edge of V–267, on the S by latitude 28°58'00" N., on the E by the limits of the territorial waters of the United States, and that airspace N of Daytona Beach bounded on the E by V–3, on the S by latitude 29°33'00" N., on the W by V–267.

3. Section 71.165 (27 F.R. 220–59) is amended by revoking the Daytona Beach, Fla., control area extension.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10086; Filed, Sept. 20, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SW–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On June 22, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6462) stating that the Federal Aviation Agency proposed to alter the Junction, Tex., control zone and designate the Junction transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Junction, Tex., control zone is amended to read:

Junction, Tex.

Within a 3-mile radius of the Kimble County Airport, Junction, Tex. (latitude 30°-30'35" N., longitude, 99°45'45" W.); within 2 miles each side of the junction VOR 150° radial, extending from 4 miles SE of the airport to the VOR; and within 2 miles each side of the extended centerline of the Kimble County Airport Runway 17, extending from the 3-mile radius zone to 4 miles S of the S end of Runway 17.

2. Section 71.181 (27 F.R. 220–139, November 19, 1962) is amended by adding the following:

Junction, Tex.

That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the Junction VOR 330° radial, extending from the VOR to 13 miles NW; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Junction VOR 150° radial, extending from the VOR to 7 miles SE; and within 5 miles each side of the Junction VOR 150° radial, extending from 7 miles SE to 23 miles SE of the VOR.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10087; Filed, Sept. 20, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On June 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6232) stating that the Federal Aviation Agency proposed to alter the Yakima, Wash., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962, 28 F.R. 581), the Yakima, Wash., control zone is amended to read:

Yakima, Wash.

Within a 5-mile radius of Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), and within 2 miles each side of the Yakima ILS localizer E course, extending from the 5-mile radius zone to 1 mile W of the LOM.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962), the Yakima, Wash., transition area is amended to read:

Yakima, Wash.

That airspace extending upward from 700 feet above the surface within 2 miles NE and 3 miles SW of the Yakima VOR 129° and 309° radials, extending from 2 miles NW to 7 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Ellensburg, Wash., VORTAC 191° radial, extending from 8 miles S to 13 miles N of the INT of the Ellensburg VORTAC 191° and the Yakima VOR 304° radials; within 5 miles E and 8 miles W of the Yakima VOR 198° radial, extending from the VOR to 29 miles S of the VOR; within 5 miles NE and 8 miles SW of the Yakima VOR 309° and 129° radials, extending from 5 miles NW to 12 miles SE of the VOR; and within 5 miles N and 8 miles S of the Yakima ILS localizer E course, extending from the LOM to 12 miles E of the LOM, excluding the portion within R–6714.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10088; Filed, Sept. 20, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the Denver, Colo., control zone.

The Denver control zone is designated, in part, with reference to the Denver radio range north course. The Federal Aviation Agency has scheduled the conversion of this facility to a combined transcribed weather broadcast station and nondirectional radio beacon on or about December 12, 1963. Action taken herein reflects this change. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60–21/60–29 implementation program.

Since the change effected by this amendment is editorial in nature and imposes no added burden upon the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 71.171 (27 F.R. 220–91, November 10, 1962) is amended as follows: In the Denver, Colo., control zone, "and within 2 miles either side of the Denver radio range north course extending from the 10-mile radius zone to 13 miles north of the radio range." is deleted and "and within 2 miles each side of the 002° bearing from the Denver RBN, extending from the 10-mile radius zone to 13 miles N of the RBN." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10089; Filed, Sept. 20, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WA–65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Designation and Revocation of Reporting Points

The purpose of these amendments to §§ 71.211, 71.213 and 71.215 of the Federal Aviation Regulations is to revoke the Whittier, Alaska, VHF and L/MF intersections and designate the Palmtree, Hawaii, VHF intersection as reporting points. Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alterations to airway configurations. Recent changes of this nature obviate the requirement for the Whittier VHF and L/MF intersections as reporting points and require that the Palmtree VHF intersection be designated as a reporting point.

Since these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical

charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. In the text of § 71.211 (27 F.R. 220–174, November 10, 1962) "Whittier INT: INT Anchorage, Alaska, 118° radial, NW course Hinchinbrook, Alaska, RR." and "Whittier INT: INT NW course Hinchinbrook, Alaska, RR, SE course Anchorage, Alaska, RR." are deleted.

2. In the text of § 71.213 (27 F.R. 220–175, November 10, 1962) "Whittier INT: INT Anchorage, Alaska, 118° radial, NW course Hinchinbrook, Alaska, RR." and "Whittier INT: INT NW course Hinchinbrook, Alaska, RR, SE course Anchorage, Alaska, RR." are deleted.

3. In the text of § 71.215 (27 F.R. 220–176, November 10, 1962) "Palmtree INT: INT Molokai, Hawaii, 268°, Lanai, Hawaii, 304° radials; V–2 NW bound." is added.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10090; Filed, Sept. 20, 1963; 8:45 a.m.]

[Airspace Docket No. 63–CE–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Designation of Transition Area; Modification

On August 28, 1963, there was published in the FEDERAL REGISTER (28 F.R. 9425) an amendment to § 71.181 of the Federal Aviation Regulations. This amendment, in part, designated a transition area at Bloomington, Ind.

Subsequent to the publication of this amendment, it was noted that the controlled airspace floor was omitted in the description of the Bloomington transition area. Therefore, action is taken herein to designate the Bloomington transition area as extending upward from 700 feet above the surface.

Since the change effected by this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63–CE–20 (28 F.R. 9425) is hereby modified as follows: In the description of the Bloomington, Ind., transition area "Within a 5-mile radius" is deleted and "That airspace extending upward from 700 feet above the surface within a 5-mile radius" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10091; Filed, Sept. 20, 1963; 8:45 a.m.]

[Airspace Docket No. 63–PC–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On June 8, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5651) stating that the Federal Aviation Agency proposed to designate a transition area at Lanai, Hawaii.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken:

Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Lanai, Hawaii.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10092; Filed, Sept. 20, 1963; 8:46 a.m.]

[Airspace Docket No. 63–WA–15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Areas and Alteration of Federal Airways and Control Area Extension

On June 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6232) stating that the Federal Aviation Agency proposed to designate the Point Reyes, Calif., and the Big Sur, Calif., transition areas, alter the Monterey, Calif., control area extension and delete certain exclusions in the descriptions of low altitude Federal airways V–27 and V–230.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding:

Point Reyes, Calif.

That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V–27, on the SW by V–137, and on the W by V–199; and W of Point Reyes bounded on the E by V–199, on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'-30" N., longitude 123°23'00" W., to 38°43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

Big Sur, Calif.

That airspace extending upward from 18,000 feet MSL to FL 240 W of Big Sur bounded on the E by a line overlying the W edge of V–27 and the Monterey, Calif., control area extension, on the SW, W and NW by a line extending from the Monterey Calif., control area extension through latitude 35°-58'45" N., longitude 121°56'45" W., to latitude 35°53'00" N., longitude 122°09'30" W., to latitude 35°53'00" N., longitude 122°19'-00" W., to latitude 36°08'00" N., longitude 122°25'30" W., thence through latitude 36°-23'10" N., longitude 122°13'35" W. to the Monterey, Calif., control area extension, excluding the airspace within the Continental Control Area.

2. In § 71.165 (27 F.R. 220–59, November 10, 1962) the text of Monterey, Calif., is amended to read:

That airspace E and SE of Monterey bounded on the N by V–230, on the E by a line extending from the INT of the S edge of V–230 and the W edge of V–111 to latitude 36°11'00" N., longitude 121°26'00" W., to latitude 35°50'30" N., longitude 121°15'15" W., thence through latitude 35°40'00" N., longitude 121°11'30" W. to V–27, and on the SW and W by V–27, excluding the portions within R–2511 and R–2513; and W of Monterey bounded on the E by V–27, on the north by Control 1173, and on the W and S by a line extending from Control 1173 through latitude 37°00'00" N., longitude 122°36'30" W., to latitude 36°33'00" N., longitude 122°-17'00" W., thence through latitude 36°30'-00" N., longitude 122°04'00" W. to V–27; and S of Monterey bounded on the E by V–27, and on the NW, W and S by a line extending from V–27 along longitude 121°57'30" W., to latitude 36°18'00" N., thence to latitude 35°58'00" N., longitude 121°50'15" W., to latitude 35°45'00" N., longitude 121°-40'15" W., to latitude 35°29'00" N., longitude 121°21'00" W., thence along latitude 35°29'00" N., to V–27.

3. In § 71.123 (27 F.R. 220–6, November 10, 1962) the following are amended:

a. In V–27 (27 F.R. 12438; 28 F.R. 722, 6969) "the airspace below 5,000 feet MSL within W–283," is deleted.

b. In V–230 (28 F.R. 4552, 5187, 8282) "and below 5,000 feet MSL within W–238" is deleted.

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Secs 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10093; Filed, Sept. 20, 1963; 8:46 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports (Labor-Management Reports), Department of Labor

SUBCHAPTER A—REGULATIONS

PART 404—LABOR ORGANIZATION OFFICERS AND EMPLOYEES REPORT

On October 26, 1962, notice was published in the FEDERAL REGISTER (27 F.R. 10459) that the Secretary of Labor proposed to amend Subchapter A, Chapter IV, Title 29, Code of Federal Regulations, by adding thereto a new Part 404 in order to provide forms and regulations governing reporting under section 202 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 525, 29 U.S.C. 432).

The notice provided a period of fifteen days within which interested persons might submit data, views or arguments pertaining to the proposed regulations. The period having expired, and after consideration of all relevant matter received in response to said notice, it is concluded that the regulation should be adopted as proposed with the following amendments: (1) The proposed § 404.5 setting out exceptions from the requirements for reporting is deleted because it is largely duplicative of instruction concerning exceptions from reporting contained in the Form LM–30. Those sections following § 404.5 in the proposed regulation are re-numbered accordingly; (2) language has been added to § 404.2 to require reports from a labor organization officer or employee who holds or has held an interest in or derived income or economic benefit from a business any part of which consists of dealing with a trust in which his labor organization is interested; (3) certain minor editorial changes are also effected in § 404.2.

Therefore, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of sections 202 and 208 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 525, 529; 29 U.S.C. 432, 438), Secretary's Order No. 24–63 (28 F.R. 9172), and Secretary's Order No. 25–63 (28 F.R. 9173), Subchapter A, Chapter IV, Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new Part 404. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Part 404 shall read as follows:

Sec.
404.1 Definitions.
404.2 Annual report.
404.3 Form of annual report.
404.4 Special report.
404.5 Attorney-client communications exempted.
404.6 Personal responsibility of signatories of reports.
404.7 Maintenance and retention of records.
404.8 Publication of reports required by this part.

AUTHORITY: §§ 404.1 through 404.8 issued under secs. 202, 208, 73 Stat. 525, 529; 29 U.S.C. 432, 438, Secretary's Order No. 24–63 (28 F.R. 9172), and Secretary's Order No. 25–63 (28 F.R. 9173).

§ 404.1 Definitions.

As used in this part the term:

(a) (1) "Fiscal year" means the calendar year or other period of 12 consecutive calendar months, on the basis of which financial accounts of the labor organization officer or employee are kept. Where a labor organization officer or employee designates a new fiscal year period prior to the expiration of a previously established fiscal year period, the resultant period of less than 12 consecutive calendar months, and thereafter the newly established fiscal year, shall in that order constitute the fiscal year for purposes of the reports required to be filed by section 202(a) of the Act and the regulation in this part.

(2) A labor organization officer or employee who is subject to section 202(a) of the Act for only a portion of his fiscal year because the labor organization officer or employee first becomes subject to the Act during such fiscal year, may consider such portion as the entire fiscal year in making this report under this part.

(b) "Labor organization officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary-treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.

(c) "Labor organization employee" means any individual (other than an individual performing exclusively custodial or clerical services) employed by a labor organization.

(d) "Employer" means any employer or any group or association of employers engaged in an industry affecting commerce (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any state or political subdivision thereof.

§ 404.2 Annual report.

Every labor organization officer and employee who in any fiscal year has been involved in transactions of the type described in section 202(a) of the Act, or who holds or has held any interest in an employer or a business of the type referred to therein, or who has received any payments of the type referred to in that section, or who holds or has held an interest in or derived income or economic benefit with monetary value from a business any part of which consists of dealing with a trust in which his labor organization is interested, or whose spouse or minor child has been involved in such transactions, holds or has held any such interests, or has received such payments, is required to file with the Director, Office of Labor-Management and Welfare-Pension Reports, United States Department of Labor, Washington 25, D.C., within 90 days after the end of his fiscal year, a signed report containing the detailed information required therein by section 202(a) of the Act.

§ 404.3 Form of annual report.

On and after the effective date of this section, every labor organization officer and employee required to file an annual report under § 404.2 shall file such report on United States Department of Labor Form LM–30 entitled "Labor Organization Officer and Employee Report," together with a true copy thereof, in the detail required by the instructions accompanying such form and constituting a part thereof.

§ 404.4 Special report.

In addition to the report on Form LM–30, the Director, Office of Labor-Management and Welfare-Pension Reports may require from union officers and employees subject to the Act the submission of special reports of pertinent information including, but not necessarily confined to, reports with respect to matters referred to in items (ii) and (iv) of the Instructions relating to Part A of the form and items (ii) and (iii) of the Instructions relating to Part C of the form.

§ 404.5 Attorney-client communications exempted.

Nothing contained in this part shall be construed to require an attorney who is a member in good standing of the bar of any state, to include in any report required to be filed pursuant to the provisions of section 202(a) of the Act and of this part any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 404.6 Personal responsibility of signatories of reports.

Every labor organization officer or employee required to file a report under section 202(a) of the Act and under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 404.7 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Director, Office of Labor-Management and Welfare-Pension Reports may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 404.8 Publication of reports required by this part.

For provisions related to this subject, see § 2.4 of this title.

Signed at Washington, D.C., this 13th day of September 1963.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc 63-10094; Filed, Sept. 20, 1963; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3236]

[88580, 52526]

CALIFORNIA

Power Site Cancellation No. 195 Partly Cancelling Power Site Classification No. 425

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), it is ordered as follows:

1. The order of the Geological Survey dated June 24, 1952, creating Power Site Classification No. 425, is hereby cancelled so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 24 N., R. 10 E.,
Sec. 18, lot 4.

The tract described contains 36.52 acres. The land is in the Plumas National Forest.

2. Until 10:00 a.m. on December 18, 1963, the State of California shall have a preferred right to apply for the reservation to the State or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended.

Thereafter the lands shall be open to such forms of disposition as may by law be made of national forest lands, provided, that in the event the authorized officer of the State of California shall file with the Manager of the Land Office at Sacramento a waiver in writing of the State's preference-right of application under this paragraph, the lands shall at 10:00 a.m. on the next working day subsequent to the filing of such notice of waiver, be open to such forms of disposition as may by law be made of national forest lands.

KENNETH HOLUM,
Assistant Secretary of the Interior.

SEPTEMBER 17, 1963.

[F.R. Doc. 63-10104; Filed, Sept. 20, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Amendment to Allotment and Marketing Quotas, 1963 and Subsequent Crops

Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), an amendment is being prepared to amend the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920).

As presently contemplated the amendment would:

1. Change paragraphs (d), (e), (r), (s), and (v) of § 729.1412 to read as follows:

(d) *Current year.* The calendar year for which acreage allotments are being established, or peanut history acreage and normal yields are being determined, or the farm is being considered under the provisions of the marketing quota program.

(e) *Director.* The Director or Acting Director of the Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(r) *New farm.* A farm for which a peanut allotment is established in the current year and for which there is no peanut history acreage under the provisions of § 729.1424 in the base period.

(s) *Old farm.* A farm for which there is peanut history acreage under the provisions of § 729.1424 in one or more years of the base period.

(v) *Quota peanuts.* The actual production of peanuts on the effective farm allotment.

2. Delete § 729.1423 and amend §§ 729.1425 (c) and (d) and 729.1429 to remove the provisions for a tillable acreage factor and its use in making upward and downward adjustments in allotments for old farms and when allotments for new farms are established.

3. Amend § 729.1424(c)(2) to provide peanut history acreage credit for acreage diverted from the production of peanuts under the provisions of a Cropland Conversion Program Agreement. (16 U.S.C. 590p(e); 28 F.R. 1206)

4. Amend § 729.1430 to provide that history will be canceled for a new farm if the allotment established for the farm is canceled.

5. Change the letter "(a)" where it appears in § 729.1433(b) to "(b)".

6. Revise § 729.1434(c) to change the date of the beginning of the normal planting season for peanuts in Florida from February 15 to March 15.

7. Add to § 729.1435(a) relating to the release of acreage allotments to provide:

(1) Acreage allotments may not be released (i) from new farms, (ii) from farms owned by the Federal Government or any agency thereof if there is in effect a lease or operating agreement prohibiting the production of peanuts, (iii) for the current year, if the owner of the farm notifies the county committee in writing, before acreage is released by the operator, that he objects to such a release, and (iv) from the allotment pool if an application for transfer from the pool has been filed.

(2) If the entire acreage allotment for a farm is permanently released, the farm shall not be eligible for a new farm peanut allotment if the farm was credited with peanut history acreage in the base period used in the determination of the current year acreage allotment.

8. Amend § 729.1435(b) to provide that any allotment acreage released from a farm for which a Cropland Conversion Program Agreement is in effect, or has been applied for, shall not be reapportioned to any other farm.

9. Delete references in §§ 729.1450, 729.1466 and 729.1471(b)2 to seed shelling card, revise §§ 729.1454(a) and 729.1475, and delete §§ 729.1445(c), 729.1446(e) and 729.1476 to eliminate the requirement that seed shellers identify peanuts shelled for producers for seed.

10. Amend the second sentence of § 729.1455(b) to add to the factors which may be taken into consideration the normal yield for other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts.

11. Amend § 729.1457 to include the basic penalty rate for the 1963 crop of peanuts.

12. Revise § 729.1458(d) to provide that credit shall be allowed for penalties paid on marketings when penalties for failure to account or false identification are computed.

13. Amend the first sentence of § 729.1479 to read: "The Deputy Administrator, the Director, the State executive director or any person authorized by any one of such persons, and any auditor or agent of the Office of the Inspector General is authorized to examine any records pertinent to the peanut allotment and marketing quota program."

Prior to an amendment being issued, consideration will be given to any data, views and recommendations which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. To be considered, any such submission must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 18, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-10120; Filed, Sept. 20, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-39]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Designations and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Roswell, N. Mex., terminal area:

1. The Roswell control zone is designated as that airspace within a 15-mile radius of Roswell radio range and within 2 miles either side of the Roswell VOR 220° and 297° True radials extending from the 15-mile radius zone to 10 miles southwest and northwest of the VOR.

2. The Roswell control area extension is designated as that airspace within a 45-mile radius of Walker AFB, Roswell, N. Mex., including the airspace within 5 miles either side of the Carlsbad, N. Mex., VOR 330° True radial extending from the Carlsbad VOR to its INT with the Roswell 45-mile radius area.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Roswell area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Roswell control zone by redesignating it as that airspace within a 5-mile radius of Roswell Municipal Airport (latitude 33°24'20" N., longitude 104°32'55" W.); within 2 miles each side of the Roswell VOR 039° True radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Walker AFB, Roswell, N. Mex., VOR 262° True radial, extending from the 5-mile radius zone to the VOR, excluding the portion south of a direct line extending from the Walker VOR to the Roswell VOR.

2. Designate the Roswell (Walker AFB) control zone as that airspace within a 5-mile radius of Walker AFB (latitude 33°18'05" N., longitude 104°31'20" W.); within 2 miles SE and 3 miles NW of the Walker VOR 225° True radial, extending from the 5-mile radius

zone to the VOR; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles south of the lift-off end of Runway 17; within 2 miles each side of the Walker TACAN 228° True radial, extending from the 5-mile radius zone to 7.5 miles southwest of the TACAN, and within 2 miles each side of the Roswell VOR 117° True radial, extending from the 5-mile radius zone to the VOR, excluding the portions north of a direct line extending from the Roswell VOR to the Walker VOR.

3. Revoke the Roswell control area extension and designate the Roswell transition area as that airspace extending upward from the 700 feet above the surface bounded by a line beginning at:

latitude 33°06'00" N., longitude 104°50'00" W. to latitude 33°23'00" N., longitude 104°-50'00" W., to latitude 33°34'00" N., longitude 104°40'00" W., to latitude 33°34'00" N., longitude 104°25'00" W., to latitude 33°37'-00" N., longitude 104°20'00" W., to latitude 33°26'00" N., longitude 104°07'00" W., to latitude 33°09'00" N., longitude 104°12'00" W., to latitude 33°02'00" N., longitude 104°-30'00" W.,

to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at

latitude 32°40'38" N., longitude 104°58'25" W., to latitude 32°50'40" N., longitude 105°-15'00" W., to latitude 32°58'00" N., longitude 105°09'00" W., to latitude 33°41'30" N., longitude 105°09'00" W.

thence clockwise via the arc of a 45-mile radius circle centered on Walker AFB, Roswell, New Mexico (latitude 33°18'05" N., longitude 104°31'20" W.) to latitude 33°32'00" N., longitude 103°47'35" W., to latitude 33°04'00" N., longitude 103°-48'00" W.; thence clockwise via the arc of a 45-mile radius circle centered on Walker AFB to latitude 32°44'00" N., longitude 104°54'20" W., thence to point of beginning; and that airspace extending upward from 8,500 feet MSL within 5 miles each side of the Roswell VOR 350° True radial, extending from the 45-mile radius area to 63 miles north of the Roswell VOR; within 5 miles each side of the Walker AFB TACAN 348° True radial, extending from the 45-mile radius area to 67 miles north of the Walker TACAN; within 5 miles each side of the Roswell VOR 007° True radial, extending from the 45-mile radius area to 69 miles north of the Roswell VOR; within 5 miles each side of the Roswell VOR 060° True radial, extending from the 45-mile radius area to 64 miles northeast of the Roswell VOR; within 5 miles each side of the Walker TACAN 192° True radial, extending from the 45-mile radius area to 63 miles south of the Walker TACAN, and within 5 miles each side of the Roswell VOR 186° True radial, extending from the 45-mile radius area to 65 miles south of the Roswell VOR. The portion of this transition area within 5 miles each side of the Roswell VOR 060° True radial, extending from the 45-mile radius area to 64 miles northeast would be excluded from Federal airways.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

As presently designated, the operations for the Roswell Municipal Airport and Walker AFB are governed by weather observations reported by Walker AFB. Since weather, communications and control tower services are available at both airports, it is deemed advisable to propose the designation of separate control zones to obtain maximum operational capabilities at Walker AFB and Roswell Municipal Airports. The portions of the presently designated control zone and control zone extensions beyond the limits of those proposed for designation herein would no longer be required for air traffic control purposes. The control zone extensions proposed for designation herein would provide protection for aircraft executing prescribed instrument approach and departure procedures at Walker AFB and Roswell Municipal Airports. The portion of the Roswell transition area proposed with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures at the Walker AFB and Roswell Municipal Airports. The floors of controlled airspace beyond the limits of the proposed 700-foot floor area would be raised from 700 to 1,200 feet above the surface and the controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions provided for designation herein, would provide protection for aircraft executing prescribed holding, approach, departure, missed approach and radar vectoring procedures within the Roswell terminal area. Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10082; Filed, Sept. 20, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-48]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Designation and Revocation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Victoria, Tex., terminal area:

1. The Alice, Tex., control area extension is designated as that airspace within 5 miles each side of a direct line extending from the Alice VOR to the Cotulla, Tex., VOR and within a 35-mile radius of the Alice VOR, excluding the portion which coincides with Restricted Area R-6301.

2. The Corpus Christi, Tex., control area extension is designated, in part, as that airspace north of Corpus Christi bounded on the southeast by V-20, on the southwest by V-68, on the northwest by the arc of a 60-mile circle centered on the San Antonio, Tex., radio beacon, on the north by latitude 29°-00'00" N., and on the northeast by the arc of a 25-mile circle centered at latitude 28°51'00" N., longitude 96°55'00" W.

3. The Houston, Tex., control area extension is designated, in part, as that airspace within the arc of a 25-mile radius circle centered at latitude 28°-44'45" N., longitude 96°17'00" W., to latitude 28°55'00" N., longitude 96°-38'45" W.; thence northeast to latitude 29°58'30" N., longitude 95°58'30" W.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Victoria area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Designate the Victoria control zone as that airspace within a 5-mile radius of the Victoria County-Foster Airport (latitude 28°51'10" N., longitude 96°-55'20" W.) and within 2 miles each side of the 320° True bearing from latitude 28°51'30" N., longitude 96°55'00" W., extending from the 5-mile radius zone to 8 miles northwest of latitude 28°-51'30" N., longitude 96°55'00" W., effective from 0600 to 0000 hours, local time, daily. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Victoria County-Foster Airport.

Communications within the proposed control zone would be provided by the Palacios, Tex., FAA Flight Service Station; daily weather service would be provided by the U.S. Weather Bureau from 0600 to 2200 hours local time and by personnel of Trans Texas Airways from 2200 to 0000 hours local time.

2. Revoke the Victoria control area extension and designate the Victoria transition area. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within 8 miles southwest and 5 miles northeast of the Victoria VOR 313° True radial, extending from the VOR to 12 miles northwest; within 8 miles southwest and 5 miles northeast of the 324° True bearing from latitude 28°51'30" N., longitude 96°55'00" W., extending from latitude 28°51'30" N., longitude 96°55'00" W. to 12 miles northwest; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 29°00'00" N., longitude 97°17'00" W.; to latitude 29°08'00" N., longitude 97°00'00" W.; to latitude 28°52'50" N., longitude 96°28'30" W.; to latitude 28°47'25" N., longitude 96°35'20" W.; to latitude 28°43'40" N., longitude 96°28'00" W.; thence southwest via the north boundary of V-20 to longitude 97°05'00" W.; to point of beginning. This would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures at the Victoria County-Foster Airport. Communications service within the proposed transition area would be provided by the Palacios FAA Flight Service Station and through remote communications facilities controlled by the San Antonio, Tex., ARTC Center.

The floors of the airways which traverse the transition area proposed herein and the floor of the portions of the Alice, Corpus Christi and Houston control area extensions which coincide with the proposed transition area would automatically assume a floor coincident with the floors of the transition area. Revocation of the aforementioned control area extensions will be processed at a later date as a part of the CAR Amendments 60-21/60-29 implementation programs proposed for the respective areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may by examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10083; Filed, Sept. 20, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-74]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

To implement the provisions of CAR Amendments 60-21/60-29 in the Pratt, Kans., terminal area, the FAA has under consideration the designation of a transition area at Pratt. The proposed transition area will be designated to comprise that airspace extending upward from 700 feet above the surface within a 6-mile radius of Pratt Municipal Airport (latitude 37°42'10" N., longitude 98°44'55" W.), within 2 miles each side of the 352° True bearing from the Pratt Municipal Airport, extending from the 6-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 352° True bearing from the Pratt Municipal Airport, extending from the airport to 12 miles north of the airport, within 5 miles each side of the 352° True bearing from Pratt Municipal Airport, extending from the airport to 17 miles north of the airport, and within 5 miles each side of the 272° True bearing from Pratt Municipal Airport, extending from the airport to 8 miles west of the airport.

The floors of the airways that traverse the transition area proposed herein would automatically assume floors coincident with the floors to be established for the transition area.

The establishment of a transition area at Pratt would raise the floor of controlled airspace beyond the immediate vicinity of the Pratt Municipal Airport from 700 to 1,200 feet above the surface. The controlled airspace released would become available for other aeronautical purposes. The portions retained would provide protection for aircraft executing prescribed instrument holding, transition, arrival, approach, missed approach and radar vectoring procedures prescribed within the Pratt terminal area.

Communications within the proposed transition area is currently available through the facilities of the FAA's Hutchinson, Kans., Flight Service Station and the remote air/ground communication facilities of the Kansas City Air Route Traffic Control Center which are located at Hutchinson. The radar vectoring of en route aircraft in the Pratt terminal area is conducted from the Kansas City Air Route Traffic Control Center's long-range radar outlet located near Hutchinson.

The existing Pratt Municipal Airport ADF instrument approach procedure would not require revision as a result of the action proposed. Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the

record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10084; Filed, Sept. 20, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 139]

[No. 10122]

STANDARD TIME ZONE BOUNDARIES

Investigation and Order

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22d day of August A.D. 1963.

It appearing, that by order issued with the original report in this proceeding dated October 24, 1918 (51 I.C.C. 273; 49 CFR Part 139), the Commission defined the limits of the United States standard time zones as authorized by the act of Congress entitled "An Act to save daylight and to provide standard time for the United States" (the Standard Time Act), as amended, 15 U.S.C. 261-265; and has modified or redefined said limits by subsequent orders issued from time to time in this proceeding;

It further appearing, that on petition of the Chamber of Commerce of the City of Lemmon, S. Dak., and petition in support thereof filed by the County Commissioners of Dewey County, S. Dak., the Commission reopened this proceeding by order of April 25, 1963, for consideration of the possible necessity in certain respects for modification of the outstanding order of October 24, 1918;

And it further appearing, that a full investigation of the matters and things involved has been made, and that said Division, on the date hereof has made and filed a supplemental report[1] containing its findings of fact and conclusions thereon, which supplemental report is hereby referred to and made a part hereof:

It is ordered, That the petition of the Chamber of Commerce of Lemmon, S. Dak., and all other petitions in this proceeding, be, and they are hereby, denied.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10096; Filed, Sept. 20, 1963; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141a-141e, 146, 146a-146e]

ANTIBIOTICS IN COMBINATION WITH ANALGESIC SUBSTANCES, ANTIHISTAMINICS, AND CAFFEINE

Proposal To Delete From List of Oral Drugs Acceptable for Certification

On August 17, 1963, there was published in the FEDERAL REGISTER (28 F.R. 8471), notice of a proposal by the Commissioner of Food and Drugs in the above-referenced matter inviting views and comments during the 30-day period thereafter. The Commissioner is in receipt of requests from the Pharmaceutical Manufacturers Association and others for additional time to file views and comments. The Commissioner agrees that the reasons given warrant the granting of additional time; accordingly, the time for filing views and comments on the above-referenced proposal is extended to November 15, 1963.

Dated: September 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10106; Filed, Sept. 20, 1963; 8:46 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55999]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota for Quota Year Beginning September 15, 1963

SEPTEMBER 18, 1963.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1963, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1963, made by the United States Department of Agriculture as of September 1, 1963, was 26,809,700,000 pounds.

In accordance with headnote 2, part 8A of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 63-10110; Filed, Sept. 20, 1963; 8:46 a.m.]

[T.D. 56000]

COTTON TEXTILES PRODUCED OR MANUFACTURED IN POLAND

Restrictions on Entry

SEPTEMBER 18, 1963.

There is published below a letter of September 12, 1963, from the Acting Chairman, President's Cabinet Textile Advisory Committee, which supplements that Committee's directive of July 17, 1963, regarding restraints on imports of Polish cotton textiles in Categories 5 and 6.

The letter of September 12, 1963, directs that immediately upon the expiration date of the earlier directive on September 13, 1963, and during the period extending through July 14, 1964, not more than 100,000 square yards each of cotton textiles in Categories 5 and 6, produced or manufactured in Poland, shall be allowed entry or withdrawal for consumption in the United States (including the Commonwealth of Puerto Rico). Such textiles exported to the United States from Poland before July 15, 1963, are not subject to these limitations.

Collectors of customs and appraisers of merchandise have been directed accordingly and have been advised to give the information public notice.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.
September 12, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements my letter to you of July 17, 1963, appearing in the FEDERAL REGISTER on August 1, 1963 (28 F.R. 7862), regarding restraints on imports of cotton textiles and cotton textile products in Categories 5 and 6, produced or manufactured in Poland. As you were advised in that letter, the United States Government on July 15, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Poland to restrain the export of cotton textiles and cotton textile products in Categories 5 and 6 to the United States during the twelve-month period beginning July 15, 1963. The period of discusion with the Government of Poland on the restraint request made by the United States, carried out under the terms of Article 3(3) of the Long Term Arrangement, will expire on September 13, 1963.

Accordingly, under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective immediately upon the expiration of the directive contained in my letter to you of July 17, 1963, referred to above, and for the period extending through July 14, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 5 and 6, produced or manufactured in Poland, in excess of the corrected levels of restraint provided:

Category	12-month level of restraint	Corrected level of restraint
	Square yards	*Square yards*
5	100,000	100,000
6	100,000	100,000

There have been no entries during the period July 15, 1963, to date.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 5 and 6, produced or manufactured in Poland, when such goods have been exported to the United States from Poland prior to July 15, 1963, regardless of whether the restraint levels have been filled, and such goods, exported to the United States from Poland prior to July 15, 1963, are not to be counted against the restraint level even if not filled at the time of entry.

A detailed description of the listed categories in terms of Schedule A numbers and U.S.I.D.A. numbers was attached to my letter of July 17, 1963, referred to above. (See revised category list of Sept. 1, 1963.)

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D. ROOSEVELT, Jr.,
Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-10111; Filed, Sept. 20, 1963; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

RUSSELL V. KNAPP

Appointment and Statement of Financial Interests

SEPTEMBER 18, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Russell V. Knapp.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 19.

The name of the appointee's private employer or employers: Virgin Islands Corporation, Estate Golden Grove, Christiansted-St. Croix, Virgin Islands.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Alt. Deputy Director, DEPA Area 19, Asst. Secy. for W&P Defense Electric Power Admin., an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Stauffer Chemical Corp.
Commonwealth Edison Co.
Northern Illinois Gas Co.
Virginia Mining Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: September 3, 1963.

RUSSELL V. KNAPP.

[F.R. Doc. 63-10098; Filed, Sept. 20, 1963; 8:46 a.m.]

CHARLES S. McNEER

Appointment and Statement of Financial Interests

SEPTEMBER 18, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles S. McNeer.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Area Director, Defense Electric Power Area 9.

The name of the appointee's private employer or employers: Wisconsin Electric Power Company, 231 West Michigan Street, Milwaukee, Wisconsin.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Director, DEPA Area 9, Asst. Secy. for W & P Defense Electric Power Admin., an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Wisconsin Electric Power Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own; or owned within 60 days preceding my appointment:

None.

Dated: September 11, 1963.

CHARLES S. MCNEER.

[F.R. Doc. 63-10099; Filed, Sept. 20, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH CRANBERRIES

Notice of Purchase Program EMP 96a

In order to encourage the domestic consumption of cranberries by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture offers to purchase fresh cranberries of the 1963 crop, grown in the United States, for subsequent use in nonprofit school lunch programs and eligible institutions. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer fresh cranberries are contained in Announcement FV-342 issued by the Department on September 17, 1963. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the cranberries without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: September 18, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10117; Filed, Sept. 20, 1963; 8:47 a.m.]

[P. & S. Docket No. 457]

MARKET AGENCIES OPERATING AT SALT LAKE UNION STOCK YARDS, NORTH SALT LAKE, UTAH

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on August 26, 1963, continuing in effect to and including October 31, 1963, an order issued on June 6, 1961 (20 A.D. 572), authorizing the respondents, Market Agencies operating at the Salt Lake Union Stock Yards, North Salt Lake, Utah, to assess the current temporary schedule of rates and charges.

By a petition filed on September 4, 1963, certain of the respondents requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including August 31, 1965.

	Per head rate	
	Present	*Proposed*
Dairy type cows and springers for dairy production purposes when sold by the head	$1.50	$5.00

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of September 1963.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-10118; Filed, Sept. 20, 1963; 8:47 a.m.]

[P. & S. Docket No. 2980]

MARKET AGENCIES AT ST. PAUL UNION STOCKYARDS, SOUTH ST. PAUL, MINN.

Notice of Order Extending Period of Suspension of Modifications of Schedules of Rates and Charges

On August 9, 1963, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.): In re American Commission Co., a corporation; Barton Livestock Commission Co., a corporation; Bennett Commission Co., Inc.; W. M. Campbell Commission Co., a corporation; James T. Crosby & Sons, Inc.; Sig Ellingson & Co., a corporation; Farmers Union Marketing Association; Fitch Commission Co., Inc.; The Haas Livestock Commission Co., a corporation; Interstate Live Stock Commission Co., Inc.; R. J. Kost, J. V. Gallahue, and Carl Diedrich, partners, d/b/a Kost, Gallahue & Diedrich; E. C. Humphrey and W. E. Brown, partners, d/b/a Lee Livestock Commission Co.; Midwest Farmers, Inc.; Minnesota Livestock Commission Co., a corporation; National Farmers Livestock Selling Agency, Inc.; Northwestern Commission Co., Inc.; Peterson Commission Co., Inc.; Producers Commission Co., Inc.; Rogers & Rogers, a corporation; Security Livestock Commission Co., Inc.; South St. Paul Commission Co., a corporation; James H. Dolan and James N. Dolan, partners, d/b/a United Commission Company; Percy Vittum & Co., a corporation; Weiller & Weiller Co., a corporation; John E. Timbers, Harry A. Holmgren, Howard W. Bartz, and Eugene Knoch, partners, d/b/a Wood Brothers, respondents.

Such order, among other things, suspended and deferred the operation and use by the respondents of modifications of their current schedules of rates and charges filed on July 29, 1963, to become effective on August 12, 1963, for a period of 30 days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued suspending and deferring the operation and use of such modifications of the respondents' current schedules of rates and charges for a further period of 30 days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., this 18th day of September 1963.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-10119; Filed, Sept. 20, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12445]

PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Prehearing Conference

Application of Pan American World Airways, Inc., for a determination that its proposed acquisition of an interest in Aia-Austral, S.A. de Transporte Aereo will not constitute acquisition of control within the meaning of section 408 of the Federal Aviation Act of 1958, as amended, or, if the Board should determine otherwise, for approval of such acquisition.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference on the above-entitled application is assigned to be held on October 7, 1963, at 10:00 a.m. (e.d.s.t.) in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., September 18, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10115; Filed, Sept. 20, 1963; 8:47 a.m.]

[Docket 14751]

THUNDER BAY FLYING CLUB

Notice of Hearing

Application of Thunder Bay Flying Club for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on October 3, 1963, at 10:00 a.m. (e.d.s.t.) in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 18, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10116; Filed, Sept. 20, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC & GULF-INDONESIA CONFERENCE

Notice of Filing of Application for Permission To Increase Scope of Exclusive Patronage System

Notice is hereby given that the Atlantic and Gulf-Indonesia Conference (Agreement No. 8080) has filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, an application for permission to increase the scope of its exclusive patronage (dual rate) system to include West Irian and Portuguese Timor so that the trading area encompassed thereby will coincide with that specified in its basic conference agreement.

Interested parties may inspect a copy of the contract and the application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such application and their position as to approval or disapproval thereof, together with a request for a hearing, should such hearing be desired.

Dated: September 18, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10107; Filed, Sept. 20, 1963; 8:46 a.m.]

AUSTRALIA, NEW ZEALAND AND SOUTH SEA ISLANDS PACIFIC COAST CONFERENCE AND COLUMBUS LINE (PACIFIC DIVISION)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7580-A (Revised), between the member lines of the Australia, New Zealand and South Sea Islands Pacific Coast Conference and Columbus Line (Pacific Division), provides for associate membership of Columbus Line in the conference, pursuant to the provisions setting forth therein the rights, privileges and conditions of membership accorded Columbus Line under the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10108; Filed, Sept. 20, 1963; 8:46 a.m.]

[Docket No. 1143]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Minimum Rates and Charges Between Jacksonville and Puerto Rico

It appearing, that there have been filed with the Federal Maritime Commission tariff schedules naming new minimum rates and charges applying between Jacksonville, Florida and Puerto Rico to become effective September 7, 1963, designated as follows:

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Outward Freight Tariff No. 2, FMC-F No. 3 (Pan-Atlantic Steamship Corporation FMC-F Series).

13th Revised Page 30-F (Item No. 37).

and

Homeward Freight Tariff No. 4, FMC-F No. 2 (Pan-Atlantic Steamship Corporation FMC-F Series).

11th Revised Page 12 (Item 3-A).

and

It further appearing, that upon consideration of the said schedules, there is reason to believe that the said rates and charges, if permitted to become effective, would result in rates, charges, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the new tariff provisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said provisions should be suspended pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the proposed new minimum rates and charges contained in the said schedules,

with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That Item No. 37 on 13th Revised Page 30–F, Tariff FMC–F No. 3 (Pan-Atlantic Steamship Corporation FMC–F Series) and Item 3–A on 11th Revised Page 12, FMC–F No. 2 (Pan-Atlantic Steamship Corporation FMC–F Series) be and they are hereby suspended and that the use thereof be deferred to and including January 6, 1964, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., Puerto Rican Division a consecutively numbered supplement to each of the aforesaid tariffs, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 7th day of January 1964, unless otherwise authorized by the Commission; and that the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Sea-Land Service, Inc., Puerto Rican Division be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondents; (IV) the said respondent be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74).

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

SEPTEMBER 5, 1963.

[F.R. Doc. 63–10109; Filed, Sept. 20, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NBS RADIO STATION WWVH, MAUI, HAWAII

Notice of Change in Schedule

Notice is hereby given of the change in schedule of the standard frequency and time broadcasts from WWVH, Maui, Hawaii, at 5, 10 and 15 megacycles per second to be effective October 1, 1963.

PRESENT SCHEDULE

Continuous, except for:
(a) One hourly silent period from 15 minutes to 19 minutes past each hour; and
(b) A 34 minute silent period at 1900 UT daily.

NEW SCHEDULE

Continuous, except for:
One hourly silent period from 15 minutes to 19 minutes past each hour.

R. D. HUNTOON, *Deputy Director.*

[F.R. Doc. 63–10080; Filed, Sept. 20, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–4616 etc.]

TEXACO, INC., ET AL.

Findings and Order Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Accepting Related Rate Schedules for Filing and Severing Application

SEPTEMBER 13, 1963.

Texaco, Inc., Docket No. G–4616; Murphy Corporation, et al., Docket No. G–4707; Richardson Oils, Inc. (formerly S. W. Richardson), Docket No. G–6252; Union Texas Petroleum, a division of Allied Chemical Corporation, et al., Docket No. G–6686; Pan American Petroleum Corporation (formerly L. M. Johnson), Docket No. G–8376; James Hrs Gas Company, Docket No. G–8731; The Atlantic Refining Company, Docket No. G–10354; Newmont Oil Company, Docket No. G–13948; Forest Oil Corporation, et al., Docket No. G–15425; Banquete Gas Company, a division of Crestmont Consolidated Corporation, Docket No. G–16199; Gulf Oil Corporation, Operator, Docket No. G–16218; William G. Webb, Docket No. G–19109; J. Glenn Turner, Docket No. G–19145; Allegheny Land & Mineral Company, Docket No. G–20173; W. P. Carr, Docket No. G–20229; Pubco Petroleum Corporation (Operator), et al., Docket No. CI60–175; Southwest Production Company, Docket No. CI60–686; Compass Exploration, Inc. (Operator), et al., Docket No. CI61–299; Fitzpatrick Drilling Company (Operator), et al., Docket No. CI61–475; Pan American Petroleum Corporation, Docket No. CI61–516; Compass Exploration, Inc. (Operator), et al., Docket No. CI61–564; Sinclair Oil & Gas Company (Operator), et al., Docket No. CI61–691; J. M. Huber Corporation, Docket No. CI61–1146; Francis E. Cain, et al. d/b/a Jane Blosser Oil and Gas Company, Docket No. CI62–740; Barron Kidd, Docket No. CI62–952; Carl E. Gungoll, et al., Docket No. CI62–1221; Mid-America Minerals, Inc., Docket No. CI62–1377; Pan American Petroleum Corporation, Docket No. CI62–1522; Tex-Star Oil & Gas Corp., Docket No. CI62–1553; W. Leslie Rogers, Docket No. CI63–331; First Transportation Gas Corporation, Inc., Docket No. CI63–346; Glenn, Inc., Docket No. CI63–386; Schermerhorn Oil Corporation (Operator), et al., Docket No. CI63–485; Biogco, Inc., Docket No. CI63–553.

John Franks (Operator), et al., Docket No. CI63–569; Socony Mobile Oil Company, Inc., Docket No. CI63–670; Graham Michaelis Drilling Company (Operator), et al., Docket No. CI63–711; H & H Oil & Gas Company, Docket No. CI63–795; Lloyd G. Jackson, et al. d/b/a Orbit Producing Company (formerly P & J Development Co., Inc.), Docket No. CI63–894 (CI62–167); Oklahoma Natural Gas Company, Docket No. CI63–956 (CI61–524) (CI61–752); Texoma Production Company, Docket No. CI63–1042; J. M. Huber Corporation, Docket No. CI63–1043 (CI61–691); Publishers Petroleum, a division of the Oklahoma Publishing Company, Docket No. CI63–1052; Hadson Oil & Gas Co. (Operator), et al., Docket No. CI63–1054; Marathon Oil Company, Docket No. CI63–1086; Pioneer Production Corporation (Operator), et al., Docket No. CI63–1127; Sam D. Ares, Docket No. CI63–1194 (G–11637); Thomas K. Hendrick (Operator), et al., Docket No. CI63–1199; Carl E. Gungoll, et al., Docket No. CI63–1228; Union Drilling, Inc., Docket No. CI63–1233; Petroleum Consultants, Inc., Docket No. CI63–1240; Kerr-McGee Oil Industries, Inc., et al., Docket No. CI63–1251; Mountain States Natural Gas Corporation, Docket No. CI63–1271; (G–14892); Yingling Oil, Inc., Docket No. CI63–1275 (CI63–697) (G–17113); Socony Mobil Oil Company, Inc., Docket No. CI63–1300; Phillips Petroleum Company, Docket No. CI63–1304; Kaas-Brewer Drillers and Producers, Inc., et al., Docket No. CI63–1311; Eason Oil Company, et al., Docket No. CI63–1314; Robbins Petroleum Corporation (Operator), et al., Docket No. CI63–1316; Columbian Fuel Corporation, Docket No. CI63–1317; Bogle Farms, Inc., Docket No. CI63–1318; J. R. Orbison Company, Docket No. CI63–1320; Woods Petroleum Corporation (Operator), et al., Docket No. CI63–1321; George L. Yaste d/b/a Oil States Sales Co., Docket No. CI63–1323; Tommy Ward Drilling Company (Operator), et al., Docket No. CI63–1324; George W. Graham, Inc., Docket No. CI63–1326 (G–10112); Sun Oil Company, Docket No. CI63–1335; Bill Ferguson d/b/a Ferguson Oil Company, Docket No. CI63–1336; Amax Petroleum Corporation, Docket No. CI63–1338; Lavaca Production Company, Docket No. CI63–1341; Lavaca Production Company, Docket No. CI63–1342; Irving Pasternak, Docket No. CI63–1343; M. E. Brister, et al., Docket No. CI63–1345 (G–16294).

R. W. Lange (Operator), et al., Docket No. CI63–1348; Douglas Whitaker (Operator), et al., Docket No. CI63–1350; Texas Pacific Coal and Oil Company, Docket No. CI63–1351; William Gruenerwald (Operator), et al., Docket No. CI63–1352; Brennie Lynch d/b/a Lynch and Pugh Oil and Gas Development Company, Docket No. CI63–1354; Kirkwood & Morgan, Inc. (Operator), et al., Docket No. CI63–1357; Jake L. Hamon (Operator), et al., Docket No. CI63–1362; Texaco, Inc., Docket No. CI63–1364; Mountain States Natural Gas Corporation, Docket No. CI63–1367; Anadarko Production Company (Operator and Agent), et al., Docket No. CI63–1368; Amerada Petroleum Corporation, Docket No. CI63–1369; Colorado Oil and Gas Corporation, Docket No. CI63–1372; Monsanto Chemical Company, Docket No. CI63–1373; Prado Oil and Gas Company, Docket No. CI63–1376; B. M. Hester, Docket No. CI63–1377; Logue and Patterson (Operator), et al., Docket No. CI63–1379; George L. Yaste d/b/a Oil States Sales Co., et al., Docket No. CI63–1380; Service Drilling Co. (Operator), et al., Docket No. CI63–1381; Crescent Oil & Gas Corporation (Operator), et al., Docket No. CI63–1383; R. N. Usher and Polly Usher, Docket No. CI63–1384; Joe Blalack, et al., Docket No. CI63–1385; Wacker Oil Company, Inc., Docket No. CI63–1389; Crest Exploration Company, Docket No. CI63–1390; The Atlantic Refining Company, Docket No. CI63–1400; Amerada Petroleum Corporation, Docket No. CI63–1401; W. C. Hurtt, Docket No. CI63–1406; Sunray DX Oil Company, Docket No. CI63–1407; The Bradley Producing Corporation, Docket No. CI63–1411; Hays and Company Agent for Delmer E. Hicks, et al., d/b/a Aggie Oil and Gas Company, Docket No. CI63–1413; Kay Kimbell, Docket No. CI63–1416; Rhodes & Hicks Drilling Corporation, et al., Docket No. CI63–1420; Socony Mobil Oil Company, Inc., Docket No. CI63–1423; MPS Production Co. (Operator), et al., Docket No. CI63–1425; Gulf Oil Corporation, Docket No. CI63–1431; M. F. Powers Estate, Docket No. CI63–1441.

Each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity or a petition to amend an outstanding certificate, all involving the sale and delivery of natural gas in interstate commerce for resale all as more fully described in the respective applications including amendments thereto and petitions to amend which are on file with the Commission and open to public inspection.

The Applicants herein produced and propose to initiate, add or delete the sale of natural gas and otherwise amend certificates as indicated below:

Docket No, and date filed	Purchaser	Field and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–4616 B 5–14–63	El Paso Natural Gas Co.	North Justis Field, Lea County, N. Mex.	Supplemental agreement 4–23–63.	36	11
G–4707 C 4–16–63	Arkansas Louisiana Gas Co.	Bear Creek Field, Bienville Parish, La.	Assignment 11–21–60	11	10
G–6252 [1] E 5–10–62	Southern Natural Gas Co.	Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	S. W. Richardson, FPC GRS No. 4.	1	
			Notice of succession 5–10–62.		
			Letter agreement 1–15–62.	1	2
G–6686 B 5–14–63	El Paso Natural Gas Co.	Acreage in Lea County, N. Mex.	Supplemental agreement 4–30–63.	28	12
G–8376 E 5–13–63	do	West Kutz Field, San Juan County, San Juan Basin, N. Mex.	L. M. Johnson, FPC GRS No. 1.	377	
			Notice of succession, 9–16–58.	[4]	
			Contract 5–27–53	377	1
			Supplemental agreement, 10–17–53.	377	2
			Letter 12–19–55	377	3
			Letter 4–14–58	377	4
			Letter 7–17–59	377	5
			Letter 5–29–60	377	6
			Letter 3–1–61	377	7
			Letter 3–9–62	377	8
			Assignment 9–16–58	377	9
G–8731 C 4–4–63	Equitable Gas Co.	Glenville District, Gilmer County, W. Va.	Supplemental agreement, 12–14–62.	28	2
G–10354 B 4–22–63	Texas Eastern Transmission Corp.	Castillo (West) Field, Jasper County, Tex.	Letter agreement, 1–25–63.	142	25
G–13948 B 4–4–63	Tennessee Gas Transmission Co.	East Cameron Block, 64 and Vermilion Block, 46 Fields, Cameron, and Vermilion Parishes, La.	Supplemental agreement, 7–18–62.	5	2
G–15425 [3] 5–9–63	West Lake Natural Gasoline Co.	North Nena Lucia Unit, Nolan County, Tex.		20	
G–16199 [3] B 4–15–63	United Gas Pipe Line Co.	Plymouth and East Taft Fields, San Patricio County, Tex.	Related RS, already on file.	1	
B 5–7–63	do	do	do	1	
G–16218 [4] C 5–13–63	Transwestern Pipeline Co.	Harper and Beaver Counties, Okla.	Letter 3–11–63	196	21
			Letter 4–1–63	196	22
G–19109 B 5–17–63	El Paso Natural Gas Co.	Basin Dakota Field, Rio Arriba County, N. Mex.	Supplemental agreement, 5–6–63.	3	13
G–19145 B 5–17–63	do	do	do	7	13
G–20173 B 4–16–63	Equitable Gas Co.	Court House District, Lewis County, W. Va.	Letter agreement, 2–21–63.	6	5
G–20229 B 5–17–63	El Paso Natural Gas Co.	Bondad Mesa Verde Field, La Plata County, Colo.	Supplemental agreement, 3–27–63.	3	9
CI60–175 B 5–6–63	do	Basin Dakota Field, Rio Arriba County, N. Mex.	Supplemental agreement, 4–9–63.	3	10
CI60–686 B 5–2–63	do	Acreage in San Juan County, N. Mex.	Supplemental agreement 3–18–63.	2	6
CI61–299 B 5–17–63	do	do	Supplemental agreement 5–5–63.	3	8
CI61–475 B 4–4–63	United Gas Pipe Line Co.	Lucille Meyer No. 1, Goliad County, Tex.	Amendatory agreement 11–28–62.	2	3
			Recording supplement 11–12–62.	2	4
			Amendatory agreement 4–29–63.	2	5
CI61–516 B 2–7–63	Michigan-Wisconsin Pipe Line Co.	Woodward Area, Major and Woodward Counties, Okla.	Amendatory agreement 10–30–62.	330	6
CI61–564 B 5–6–63	El Paso Natural Gas Co.	Mesa Verde Field, La Plata County, Colo.	Supplemental agreement 4–2–63.	4	4
CI61–691 B 2–1–63	Michigan-Wisconsin Pipe Line Co.	Woodward Area, Dewey and Major Counties, Okla.	Amendatory agreement 10–23–62.	204	11
CI61–1146 B 2–21–63	do	Woodward Area, Dewey County, Okla.	Amendatory agreement 8–1–62.	44	6
CI62–740 B 4–25–63	Hope Natural Gas Co.	Spencer District, Roane County, W. Va.	Letter agreement 7–26–62	10	1
			Letter agreement 10–24–62	10	2
			Letter agreement 12–28–62	10	3
CI62–952 B 4–17–63	do	Elk District, Barbour County, W. Va.	Supplemental agreement 12–3–62.	7	2
CI62–1221 B 4–1–63	Cities Service Gas Co.	NE. Waynoka Field, Woods County, Okla.	Supplemental agreement 11–29–62.	1	1
CI62–1377 B 5–3–63	Northern Natural Gas Co.	Six Mile Field, Beaver County, Okla.	Supplemental agreement 3–22–63.	3	2
CI62–1522 B 4–19–63	do	Mocane Field, Beaver County, Okla.	Supplemental agreement 2–28–63.	336	2
CI62–1553 [4] B 5–7–63	El Paso Natural Gas Co.	Ignacio Field, La Plata County, Colo.	Supplemental agreement 3–25–63.	29	6
CI63–331 B 3–28–63	Hope Natural Gas Co.	Clay District, Ritchie County, W. Va.	Letter agreement 10–18–62	4	2
CI63–346 A 9–11–62 10–31–62	Michigan-Wisconsin Pipe Line Co. (resubmission of application).	Laverne Field, Harper and Beaver Counties, Okla.	Contract 8–22–62	3	
CI63–386 B 4–1–63	Equitable Gas Co.	Central District, Doddridge County, W. Va.	Letter agreement 3–21–63	1	2
CI63–485 B 5–3–63	Cities Service Gas Co.	North Gerke Field, Pratt County, Kans.	Supplemental agreement 4–16–63.	18	1
CI63–553 B 4–4–63	Hope Natural Gas Co.	Glenville District, Gilmer County, W. Va.	Letter agreement 12–14–62	2	1
CI63–569 B 4–12–63	Texas Gas Transmission Corp.	Terryville Field, Lincoln Parish, La.	Letter agreement 1–4–63	10	2

Filing code: A—Initial service.
B—Amendment to add acreage.
C—Amendment to delete acreage.
D—Abandonment.
E—Change in name.

See footnotes at end of table.

Docket No. and date filed	Purchaser	Field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI63-1316 A 4-10-63	Lone Star Gas Co.	Henderson (Pettit) Field, Rusk County, Tex.	Contract 3-7-63	6	
CI63-1317 A 4-10-63	Texas Gas Transmission Corp.	Midland Field, Acadia Parish, South La.	Contract 4-3-63	74	
CI63-1318 A 4-22-63	El Paso Natural Gas Co.	Jalmat Field, Lea County, N. Mex.	Contract 4-3-63	1	
CI63-1320 A 4-22-63	Valley Gas Transmission, Inc.	Old Refugio Field, Refugio County, Tex	Contract 3-20-63	1	
CI63-1321 A 4-22-63	Cities Service Gas Co.	Gulfy Lease, Alfalfa County, Okla.	Contract 4-2-63	7	
CI63-1323 A 4-23-63	Equitable Gas Co.	Clayton District, Ritchie County, W. Va.	Contract 12-14-63	9	
CI63-1324 A 4-24-63	Arkansas Louisiana Gas Co.	Lacy Area, Kingfisher County, Okla.	Contract 4-1-63	2	
CI63-1326 A 4-24-63 [14]	Texas Eastern Transmission Corp.	West Rockport Field, Aransas County, Tex.	Contract 12-9-55	5	1
			Letter agreement 12-9-55.	5	2
			Letter agreement 6-17-57.	5	3
			Letter agreement 9-10-57.	5	4
CI63-1335 A 4-26-63	Cities Service Gas Co.	NW. Lovedale Field, Harper County, Okla.	Contract 4-8-63	156	
CI63-1336 A 4-26-63	Northern Natural Gas Co.	McMinimy Unit 1-A, Clark County, Kans.	Contract 3-15-63	4	
			Contract 6-14-61	5	
			Assignment 11-20-62	5	1
CI63-1338 A 4-26-63	do	Thomas Wilson Unit, Beaver County, Okla.	Contract 3-1-63	11	
CI63-1341 A 4-29-63	Valley Gas Transmission, Inc.	Alta Mesa Field, Brooks County, Tex.	Contract 1-31-63	11	1
	do	Tree Enclnos Field, Brooks County, Tex.	Contract 2-20-63	1	
CI63-1342 A 4-29-63	El Paso Natural Gas Co.	Rhodes Ext. Medoval Counties, N. Mex.	Contract 1-30-63	2	
CI63-1344 A 4-29-63	Northern Natural Gas Co.	Gate Lake Field, Harper County, Okla.	Contract 1-30-63	5	
CI63-1345 A 4-26-63 [16]			Contract 4-1-58	1	
			Assignment 3-6-61	1	1
			Assignment 5-18-61	1	2
CI63-1349 A 4-29-63	Panhandle Eastern Pipe Line Co.	Collingwood No. 1 Well, Chambers County, Ark.	Contract 3-21-63	1	
CI63-1350 A 4-29-63	Arkansas Louisiana Gas Co.	Chambers Field, Ouachita Parish, South La.	Contract 3-14-63	2	
CI63-1351 A 4-29-63	El Paso Natural Gas Co.	Jalmat Field, Lea County, N. Mex.	Contract 4-11-63	67	
CI63-1352 A 4-30-63	Panhandle Eastern Pipe Line Co.	Kismet Field, Seward and Meade Counties, Kans.	Contract 3-28-63	6	
CI63-1354 A 5-2-63	Equitable Gas Co.	Union District, Ritchie County, W. Va.	Contract 4-10-63	1	
CI63-1357 A 5-2-63	South Texas Natural Gas Gathering Co.	West Mirando City Field, Webb County, Tex.	Contract 12-28-62	7	
CI63-1362 A 5-3-63	do	Santo Nino Field, Duval County, Tex.	Contract 3-8-63	35	
CI63-1364 A 5-6-3	Natural Gas Pipeline Co. of America.	Lundell Field, Duval County, Tex.	Contract 3-1-63	311	
CI63-1367 A 5-6-63	El Paso Natural Gas Co.	Gavilan Field, Rio Arriba County, N. Mex.	Contract 4-11-63	3	
CI63-1368 A 5-6-63	Colorado Interstate Gas Co.	Greenwood Field, Morton County, Kans.	Contract 2-25-63	71	
CI63-1369 A 5-6-63	Cities Service Gas Co.	SE. Woods Ext. (Hardtner Field, Woods County, Okla. (other)	Contract 3-27-63	71	1
			Contract 4-29-63	102	
CI63-1372 A 5-7-63	do	Palmer-Mississippian Pool, Barber County, Kans.		53	
CI63-1373 A 5-7-63	Texas Eastern Transmission Corp.	North Brandt Field, Goliad County, Tex.	Contract 4-1-63	69	
CI63-1376 A 5-9-63	Natural Gas Pipeline Co. of America.	Camrick Field, Beaver County, Okla.	Contract 5-1-62	5	
CI63-1377 A 5-9-63	Texas Gas Transmission Corp.	South Bayou Mallet Field, Acadia Parish, South La.	Contract 2-25-63	1	
			Letter agreement 2-12-63.	1	1
CI63-1379 A 5-9-63	Banquete Gas Co., a division of Crestmont Consolidated Corp.	Plymouth and East Taft Field Area, San Patricio County, Tex.	Contract 3-20-63	7	
CI63-1380 A 5-9-63	Hope Natural Gas Co.	Grant District, Ritchie County, W. Va.	Contract 1-15-63	10	
CI63-670 [1] A 11-20-62	Northern Natural Gas Co.	Hugoton Field, Haskell County, Kans.	Contract 10-1-60	326	1
			Amendatory 3-30-61	326	2
			Letter 6-7-57	326	3
			Letter final award 11-29-61	326	
I63-711 A 12-3-62	Colorado Interstate Gas Co.	Greenwood Field, Morton County, Kans.	Amendatory 2-21-63	54	2
CI63-795 A 12-27-62	Cabot Corp.	Washington District, Calhoun County, W. Va.	Amendatory 5-14-63	54	3
CI63-864 A 1-25-63 [3]	Hope Natural Gas Co.	Clark and Union Districts, Lewis, Harrison County, W. Va.	Contract 7-7-62	1	
			P & J Development Co., Inc., FPC G113 No. 8.	7	
			Notice of succession 1-8-63.		
			Assignment 6-1-62	7	1
			Assignment 6-13-62	7	2
			Interim Agreement 10-26-62.	25	
CI63-995 A 2-4-63 [4]	Michigan-Wisconsin Pipe Line Co.	Cedarlslo Field, Major County, Okla.	Contract 10-14-60	25	1
			Assignment 6-17-61	25	2
			Assignment 8-24-60	25	3
			Assignment 7-3-61	25	
CI63-1042 A 2-20-63	do	Woodward Area, Dewey County, Okla.	Assignment 7-3-61	26	1
CI63-1043 A 2-19-63	do	do	Contract 12-28-62	12	
			Contract 10-17-60	55	
			Amendatory agreement 2-5-63.	55	1
			Supplemental agreement 2-6-61.	55	2
			Ratification agreement 9-28-62.	55	3
			Assignment 4-11-62 [10]	55	4
CI63-1052 A 2-21-63	Kansas-Nebraska Natural Gas Co., Inc.	Bradshaw Wedel Field, Hamilton County, Kans.	Contract 1-16-63	1	
CI63-1054 A 2-21-63	do		Contract 1-16-63	1	
CI63-1127 A 2-7-63	Northern Natural Gas Co.	North Mammoth Creek Field, Lipscomb County, Tex.	Contract 12-18-62	17	
CI63-1194 A 3-22-63 [11]	El Paso Natural Gas Co.	Jalmat Field, Lea County, N. Mex.	Contract 3-1-51	1	
			Letter Agreement 6-28-62	1	1
			Letter Agreement 4-6-54	1	2
			Supplemental Agreement 3-27-61	1	3
			Assignment 5-23-62	1	4
CI63-1199 A 3-25-63	Arkansas Louisiana Gas Co.	Erick Field, Beckham County, Okla.	Contract 8-9-61	7	
CI63-1228 A 4-1-63	Oklahoma Natural Gas Gathering Corp.	Ringwood Field, Major County, Okla.	Contract 2-15-63	2	
CI63-1233 A 4-1-63	Equitable Gas Co.	Skin Creek District, Lewis County, W. Va.	Contract 6-20-62	25	
CI63-1240 A 4-3-63	Oklahoma Natural Gas Gathering Corp.	Ringwood Field, Major County, Okla.	Contract 3-4-63	1	
CI63-1261 A 4-1-63	Southern Natural Gas Co.	La Rosa Area, St. Martin Parish, La.	Contract 2-28-63	78	
CI63-1270 A 4-4-63	El Paso Natural Gas Co.	Bondad Field, La Plata County, Colo.	Contract 1-18-56	2	
			Supplemental agreement 10-1-56.	2	1
			Assignment 10-9-62 [12]	2	2
CI63-1273 A 4-5-63 [13]	Cities Service Gas Co.	Southeast Guymon Pool, Texas County, Okla.	Assignment 4-6-63	3	2
CI63-1306 A 4-15-63	Natural Gas Pipeline Co. of America.	West Panhandle Gas Fields, Dewey and Custer Counties, Okla.		3	
CI63-1304 A 4-10-63	Hope Natural Gas Co.	Valley District, Preston County, W. Va.	Contract 1-30-63	395	
CI63-1311 A 4-11-63	Equitable Gas Co.	Union District, Ritchie County, W. Va.	Contract 3-26-63	1	
CI63-1314 A 4-19-63	United Fuel Gas Co.	Bonnie Field, LaFourche and Terrebonne Parishes, South La.	Contract 3-20-63	14	

See footnotes at end of table.

Docket No. and date filed	Purchaser	Field and location	FPO rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI63-1381 A 5-9-63	Northern Natural Gas Co.	Acreage in Beaver County, Okla.	Contract 3-28-63	3	
CI63-1383 A 5-10-63	Texas Eastern Transmission Corp.	Garwood Field, Colorado County, Tex.	Contract 3-5-63	8	
CI63-1384 A 5-10-63	El Paso Natural Gas Co.	Basin Dakota Field, San Juan County, N. Mex.	Contract 4-8-63	1	
CI63-1385 A 5-10-63	Arkansas Louisiana Gas Co.	Bellevue Field, Bossier Parish, North La.	Contract 1-8-63	3	
CI63-1389 A 5-13-63	United Gas Pipe Line Co.	Donner Field, Terrebonne Parish, La.	Contract 3-25-63	2	
CI63-1390 A 5-13-63	Natural Gas Pipeline Co. of America.	NW. Dower Field, Beaver County, Okla.	Contract 4-1-63	2	
CI63-1400 A 5-15-63	Banquete Gas Co., a division of Crestmont Consolidated Corp.	East Plymouth Field, San Patricio County, Tex,	Contract 2-7-63	271	
CI63-1401 A 5-15-63	Arkansas Louisiana Gas Co.	East Kremlin Field, Garfield County, Okla.	Contract 3-28-63	102	
CI63-1406 A 5-16-63	Equitable Gas Co	Glenville District, Gilmer County, W. Va.	Contract 5-14-63	4	
CI63-1407 A 5-16-63	Kansas-Nebraska Natural Gas Co., Inc.	Various Fields, Syracuse Area, Hamilton County, Kans.			
CI63-1411 A 5-16-63	Oklahoma Natural Gas Gathering Corp.	Ringwood Field, Major County, Okla.	Contract 4-18-63	10	
CI63-1413 A 5-16-63	Equitable Gas Co	Southwest District, Doddridge County, W. Va.	Contract 4-24-63	17	
CI63-1416 A 5-17-63	Northern Natural Gas Co.	Hansford Upper Morrow Field, Hansford County, Tex.	Contract 4-16-63	5	
CI63-1420 A 5-20-63	Valley Gas Transmission, Inc.	Maetz Field, Goliad County, Tex.	Contract 9-28-62	4	
CI63-1423 A 5-20-63	do	Southwest Pheasant Field, Matagorda County, Tex.	Contract 3-26-63	334	
CI63-1425 A 5-20-63	Texas Gas Transmission Corp.	South Bell City Field, Calcasieu Parish, South La.	Contract 5-14-63	6	
CI63-1431 A 5-23-63	Northern Natural Gas Co.	Hansford Upper Morrow Field, Hansford County, Tex.	Contract 4-11-63	250	
CI63-1441 A 5-27-63	Cities Service Gas Co	Hugoton Field, Kearny County, Kearny County, Kans.	Contract 2-8-63	7	

[1] Rate in effect subject to refund in Docket No. RI61-280.
[2] Applicant filed amendment to cover the interest of six nonsignatory co-owners and to include the term "et al." Rate in effect subject to refund in Docket No. RI60-400.
[3] Rate in effect subject to refund in Docket No. RI62-388.
[4] Amendment to delete acreage by agreement of the parties.
[5] Omitted.
[6] The amendment to the pending certificate application filed in Docket No. CI62-1553 will be treated as an amendment to said certificate to add acreage.
[7] Rate in effect subject to refund in Docket No. RI60-198.
[8] Applicant proposes to continue service heretofore authorized in Docket No. CI62-167.
[9] Applicant acquired a portion of the acreage covered by this application from Pan American Petroleum Corp. The Atlantic Refining Co. and Shell Oil Oil Co. were authorized to sell gas from this acreage in Docket Nos. CI61-752 and CI61-524, respectively.
[10] Acquired acreage from Sinclair Oil & Gas Co.—represents a portion of acreage certificated in CI61-691.
[11] Acquired acreage from Gulf Oil Corp. (operator), et al.—represents a portion of acreage certificated in G-11637.
[12] Acquired acreage from United States Smelting Refining and Mining Co.—represents a portion of the acreage certificated in G-14892.
[13] Docket No. CI63-1275 was cancelled by letter of June 7, 1963. To be processed as a petition to amend the certificate in Docket No. CI63-697, which deletes acreage acquired from Skelly Oil Co. in G-17113.
[14] Applicant proposes to continue a portion of the service heretofore authorized in Docket No. G-10112.
[15] Acquired acreage from Pan American Petroleum Corp.—represents a portion of the acreage certificated in Docket No. G-16294.

Each Applicant in these consolidated proceedings has filed a rate schedule for the related proposed service. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61–1, as amended, or involve sales for which permanent certificates have been previously issued. The related rate filings have been heretofore accepted, except those indicated herein, which will be accepted by this order.

Pursuant to due notice, a public hearing was held in Washington, D.C., on September 6, 1963, respecting the matters involved in and the issues presented by the respective applications herein. No petitions to intervene or protests to the granting of the respective applications have been received. Staff counsel moved orally at the hearing that the intermediate decision be omitted and that the Commission render a decision herein pursuant to § 1.30(c)(1) of its rules of practice and procedure.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission, or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and supplements, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) In view of the record in this consolidated proceeding it is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission take such other action as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets be amended as hereinafter ordered:

G–4616, G–4707, G–6252, G–6686, G–8376, G–8731, G–10112, G–10354, G–11637, G–13948, G–14892, G–15425, G–16199, G–16218, G–16294, G–17113, G–19109, G–19145, G–20173, G–20229, CI60–175, CI60–686, CI61–299, CI61–475, CI61–516, CI61–524, CI61–564, CI61–691, CI61–752, CI61–1146, CI62–740, CI62–952, CI62–1221, CI62–1377, CI62–1522, CI62–1553, CI63–331, CI63–386, CI63–485, CI63–553, CI63–569, CI63–697.

(7) The certificate heretofore issued in Docket No. G–15425 should be amended by covering the interest of the subject co-owners and the designation of said certificate be amended to include the term "et al."

(8) The certificate heretofore issued in Docket No. CI62–167 should be terminated.

(9) The application in CI63–1086 should be severed from this consolidated proceeding for such further disposition as may be appropriate.

(10) A request during the public hearing by staff counsel for omission of the intermediate decision procedure herein was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein, of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in Paragraph (A) above are not transferable and shall be effective only so long as Ap-

plicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in the dockets listed below are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule amendments as indicated in the tabulation hereinbefore set forth:

G–4616, G–4707, G–6686, G–8731, G–10354, G–13948, G–16199, G–16218, G–19109, G–19145, G–20173, G–20229, CI60–175, CI60–686, CI61–299, CI61–475, CI61–516, CI61–564, CI61–691, CI61–1146, CI62–740, CI62–952, CI62–1221, CI62–1377, CI62–1522, CI62–1553, CI63–331, CI63–386, CI63–485, CI63–553, CI63–569, CI63–697.

(E) The certificates heretofore issued in Docket Nos. G–10112, G–11637, G–14892, G–16294, G–17113 and CI61–691 are hereby amended by deleting authorization granted herein, in Docket Nos. CI63–1326, CI63–1194, CI63–1271, CI63–1345, CI63–697 and CI63–1043.

(F) The certificates heretofore issued in Docket Nos. CI61–524 and CI61–752 are hereby amended by deleting authorization granted herein, in Docket No. CI63–956.

(G) The certificate heretofore issued in Docket No. G–15425 is hereby amended to cover the interest of the subject coowners. The designation of said certificate is amended to include the term "et al."

(H) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–6252 and G–8376 are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(I) The certificate heretofore issued in Docket No. CI62–167 is hereby terminated.

(J) The application in CI63–1086 is hereby severed from this consolidated proceeding for such further disposition as may be appropriate.

(K) The related rate filings as indicated herein are accepted, subject to the applicable Commission regulations under the Natural Gas Act, to be effective on the date of initial delivery or transfer, whichever is appropriate.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10041; Filed, Sept. 20, 1963; 8:45 a.m.]

[Docket No. G–2668 etc.]

CITIES SERVICE CO. ET AL.

Notice of Severance

SEPTEMBER 16, 1963.

Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G–2668, etc.; Union Producing Company, Docket No. G–13788.

Notice is hereby given that the matter of the application in Docket No. G–13788 heretofore scheduled for a hearing in Washington, D.C., on September 26, 1963, in the consolidated proceeding entitled Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G–2668, et al., is severed therefrom for such further disposition as may be appropriate in view of the Notice of Intervention filed by the Public Service Commission of the State of New York on September 9, 1963.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10100; Filed, Sept. 20, 1963; 8:46 a.m.]

[Docket No. E–7047]

CITY OF LIBERTY, TEXAS, AND GULF STATES UTILITIES CO.

Notice of Further Postponement of Hearing

SEPTEMBER 16, 1963.

Upon consideration of the joint motion filed September 10, 1963, by City of Liberty, Texas, and Gulf States Utilities Company, for a further continuance of the hearing now scheduled to commence on October 1, 1963, in the above-designated matter;

Take notice that said hearing is postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10101; Filed, Sept. 20, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63–WE–4]

MICHAEL H. RADER

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (4–OE–2570) to determine its effect upon the safe and efficient utilization of navigable airspace.

Michael H. Rader, Inglewood, California, proposes to construct a 22-unit, two-story, multiple dwelling structure on the south side of Thunderbird Road near the intersection of Thunderbird and Wichita Roads in Apple Valley, California. The overall height of the structure would be 2938 feet above mean sea level (19 feet above ground).

The proposed structure would be located near the midpoint and 185 feet north of the centerline of the east/west runway, Runway 7/25, of the Apple Valley Airport, 132 feet from the nearest edge of the runway. At this location it would exceed the standards for determining hazards to air navigation as defined in § 77.27(c)(3)(ii) by 17 feet.

The aeronautical study disclosed that strong thermal winds of a type common to desert areas, frequently occur at the Apple Valley Airport. The relatively high velocity, gusty character and variable direction of this type of wind has resulted in several aircraft accidents.

Aircraft encountering this condition while landing or taking off on Runway 7 or 25 and losing directional control of their aircraft would be unable to maneuver to avoid colliding with the proposed structure. The study further disclosed that aircraft accidents caused by thermal winds which resulted in the loss of directional control have occurred in close proximity to the proposed structure.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would create an unsafe obstruction which would derogate the safety of aircraft landing on Runway 7 or 25 at the Apple Valley Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later.

Issued in Washington, D.C., on September 16, 1963.

JOSEPH VIVARI, *Acting Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 63–10081; Filed, Sept. 20, 1963; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR § 60.7:

The Office of Education; A Department of the County of Santa Clara, California, c/o County Office of Education, 70 West Hedding Street, San Jose, California, File No. 28, for the establishment of a new noncommercial educational television broadcasting station operating on channel 54, San Jose, California.

University of Maine, Orono, Maine, File No. 29, for the establishment of a new noncommercial education television broadcasting station operating on channel 13, Calais, Maine.

Greater New Orleans Television Foundation, 916 Navarre Avenue, New Orleans 24, Louisiana, File No. 30, to improve the operation of the noncommercial educational television broadcasting station WYES–TV operating on channel 8, New Orleans, Louisiana.

The Regents of the University of Idaho, Moscow, Idaho, File No. 31, for the establishment of a new noncommercial educational broadcasting station operating on channel 12, Moscow, Idaho.

Regents of New Mexico State University, University Park, New Mexico, File No. 32, for the establishment of a new noncommercial educational broadcasting station operating on channel 12, Hatch, New Mexico.

University of Illinois Board of Trustees, Urbana, Illinois, File No. 33, to improve the operation of the noncommercial educational television broadcasting station WILL–TV operating on channel 12, Urbana, Illinois.

Any interested person may, pursuant to 45 CFR § 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington 25, D.C.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY, *Director, Educational Television Facilities Program, U.S. Office of Education.*

[F.R. Doc. 63–10105; Filed, Sept. 20, 1963; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

KENNETH G. FLORY

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

None.

No change since last statement published January 18, 1963 (28 F.R. 506).

Dated: September 6, 1963.

KENNETH G. FLORY.

[F.R. Doc. 63–10005; Filed, Sept. 20, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 18, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38539: *Petroleum products to Viola, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8445), for interested rail carriers. Rates on petroleum and petroleum products, as described in the application, in carloads, from points in southwestern and midcontinent territories, to Viola, Tex. (for export or coastwise movement).

Grounds for relief: Port relationship.

Tariffs: Supplement 107 to Southwestern Freight Bureau, agent, tariff I.C.C. 4101 and supplement 26 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

FSA No. 38540: *Asphalt from Chaison, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8446), for interested rail carriers. Rates on asphalt (asphaltum), natural byproduct of petroleum (other than paint, stain or varnish), also petroleum road oil and wax tailings, in tank-car loads, from Chaison, Tex., to points in southwestern territory, also Colorado, Kansas, and Wyoming.

Grounds for relief: Market competition.

Tariffs: Supplements 94 and 201 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4410 and 4066, respectively.

FSA No. 38541: *Liquefied petroleum gas from Curtis, Okla.* Filed by Southwestern Freight Bureau, agent (No. B–8447), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Curtis, Okla., to points in Illinois Freight Association, southern, southwestern, and western trunkline territories.

Grounds for relief: Market competition.

Tariffs: Supplement 94 to Southwestern Freight Bureau, agent, tariff I.C.C. 4410 and 6 other schedules.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–10095; Filed, Sept. 20, 1963; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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[Updated to January 1, 1963]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

Compensation

Paragraph (c) is added to § 34.10 as set out below.

§ 34.10 Compensation.

* * * * *

(c) Agencies shall not grant quality increases under section 702 of the Classification Act of 1949, as amended, to hearing examiners.

(Sec. 11, 60 Stat. 244, as amended; 5 U.S.C. 1010)

REORGANIZATION AND REVISION OF CHAPTER

In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A fourth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Subpart B—Appointment, Compensation, and Removal of Hearing Examiners

Paragraph (c) is added to § 930.210 as set out below.

§ 930.210 Compensation.

* * * * *

(c) An agency shall not grant a quality increase under section 702 of the Classification Act of 1949, as amended, to a hearing examiner.

(Sec. 11, 60 Stat. 244; 5 U.S.C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–10155; Filed, Sept. 23, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1963 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1963 Feed Grain Program, 28 F.R. 4282, as amended, are hereby further amended as follows:

1. Section 775.207(f) is amended by adding at the end thereof the following new sentence: "The diverted acreage may also be devoted to a non-agricultural use in the fall of 1963 provided such land is devoted to an approved conservation use through September 30."

2. Section 775.220(b) is amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That the county committee, with the approval of a representative of the State committee, may make payment to the extent of the acreage eligible for payment under paragraph (c) of this section with respect to a farm not meeting the requirements of subparagraph (1) of this paragraph if the farm operator establishes that, because of the small size of the deficiency and the unavailability of recent measurements of field acreages on the farm, he had no reason to believe that the designated acreage was less than the acreage intended to be diverted, and all additional acreage on the farm (including any feed grain and other unharvested crops) eligible for designation at the time the operator receives a Form ASCS–590 (Notice of Acreage) is designated as diverted acreage or is counted toward meeting the conserving base requirement, and there is still insufficient acreage to comply with the requirements of subparagraph (1) of this paragraph."

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 19, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63–10154; Filed, Sept. 23, 1963; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Determination Relative to Expenses and Fixing of Rate of Assessment for 1963–64 Fiscal Year

Notice was published in the September 5, 1963, issue of the FEDERAL REGISTER (28 F.R. 9696) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal year (August 1, 1963 through July 31, 1964) under the marketing agreement, and Order No. 906 (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in lower Rio Grande Valley of Texas, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Texas Valley Citrus Committee (established pursuant to the said marketing agreement and order), it is hereby found and determined that:

§ 906.202 Expenses and rate of assessment for the 1963–64 fiscal year.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the said fiscal year beginning August 1, 1963, and ending July 31, 1964, will amount to $3,500.

(b) *Rate of Assessment.* The rate of assessment which each handler who first handles oranges and grapefruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at two cents ($0.02) per one and two-fifths bushel box, or equivalent quantity of oranges and grapefruit handled by such handler during the 1963–64 fiscal year.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable oranges and grapefruit from the begin-

ning of such year; and (2) the current fiscal year began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

Terms used in said marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–et seq.)

Dated: September 18, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10142; Filed, Sept. 23, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–AL–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Revocation of Control Area Extension, and Designation of Transition Areas

On May 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4854) stating that the Federal Aviation Agency proposed to alter the Fairbanks (Fairbanks International-Wainwright AAF) and Fairbanks (Eielson AFB) control zones, revoke the Fairbanks control area extension, and designate transition areas at Fairbanks and Big Delta, Alaska.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

The Alaska Air Command, while not objecting to the actions proposed in the notice, recommended that the control zone extensions at Eielson AFB be lengthened based on engine-out performance of the KC–135.

While it is recognized that a reduced rate of climb exists during engine-out conditions, it is the opinion of the FAA that the infrequency of engine failure encountered on take-off does not warrant the designation of additional controlled airspace. Therefore, action is taken herein to alter the Eielson AFB control zone as proposed in the notice.

The substance of the proposed amendments having been published and for the reasons stated herein and in the Notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Fairbanks, Alaska (Fairbanks International-Wainwright AAF) control zone is amended to read:

Fairbanks, Alaska (Fairbanks International-Wainwright AAF).

Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09'' N., longitude 147°51'14'' W.); within a 5-mile radius of Wainwright AAF (latitude 64°50'-15'' N., longitude 147°38'05'' W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 8 miles SW of the airport; and within 2 miles each side of the Fairbanks RR E course, extending from the Wainwright 5-mile radius zone to 7 miles E of the RR.

2. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Fairbanks, Alaska (Eielson AFB) control zone is amended to read:

Fairbanks, Alaska (Eielson AFB).

Within a 5-mile radius of Eielson AFB (latitude 64°39'55'' N., longitude 147°05'55'' W.); within 2 miles each side of the Eielson VOR 159° and 339° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the Runway 31 extended centerline, extending from the 5-mile radius zone to 5 miles NW of the NW end of Runway 31.

3. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the following control area extension: Fairbanks, Alaska.

4. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Fairbanks, Alaska.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49'40'' N., longitude 147°34'00'' W.; within a 7-mile radius of Eielson AFB (latitude 64°39'55'' N., longitude 147°05'55'' W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles SE of the VOR; that airspace extending upward from 1,200 feet above the surface within a 55-mile radius of Wainwright AAF (latitude 64°50'15'' N., longitude 147°38'05'' W.) extending clockwise from the S boundary of G–7, W of Fairbanks, to the 155° bearing from Wainwright AAF, within a 70-mile radius of Wainwright AAF, extending clockwise from the 155° bearing from Wainwright AAF to the S boundary of G–7, W of Fairbanks, and within 20 miles N and 26 miles S of the Nenana, Alaska, VORTAC 285° radial, extending from the VORTAC to 46 miles NW of the VORTAC, excluding the portion within R–2206. The portions within R–2202, R–2205, R–2207 and R–2209 shall be used only after obtaining prior approval from appropriate authority.

5. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Big Delta, Alaska.

That airspace extending upward from 1,200 feet above the surface within 20 miles SW and 35 miles NE of the 299° and 119° bearings from the Big Delta RR, extending from the arc of a 55-mile radius circle centered on Wainwright AAF (latitude 64°50'15'' N., longitude 147°38'05'' W.) to 55 miles SE of the RR, excluding the portion within the Fairbanks, Alaska, transition area. The portion within R–2202, R–2208 and R–2209 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 17, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10127; Filed, Sept. 23, 1963; 8:45 a.m.]

[Airspace Docket No. 62–PC–11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On July 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6880) stating that the Federal Aviation Agency proposed to alter the Honolulu, Hawaii, control zone, revoke the Oahu, Hawaii, control area extension and designate the Honolulu transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Honolulu, Hawaii, control zone is amended to read:

Honolulu, Hawaii.

Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35'' N., longitude 157°55'40'' W.); within a 5-mile radius of NAS Barber's Point (latitude 21°18'35'' N., longitude 158°04'30'' W.); within a 3-mile radius of ALF Ford Island (latitude 21°21'55'' N., longitude 157°57'55'' W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu International Airport, and within 2 miles NW and 4 miles SE of the Honolulu VORTAC 242° radial, extending from NAS Barber's Point 5-mile radius zone to 13 miles SW of the Honolulu VORTAC.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the following control area extension: Oahu, Hawaii.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Honolulu, Hawaii.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Barber's Point (latitude 21°18'35'' N., longitude 158°04'30'' W.) and the airspace S and SW of Honolulu begining at latitude 21°20'35'' N., longitude 157°51'05'' W., thence S to latitude 21°15'30'' N., longitude 157°-49'15'' W., thence SW to latitude 21°09'50'' N., longitude 158°09'50'' W., thence NW to latitude 21°11'25'' N., longitude 158°10'50'' W., thence NE via a line 4 miles SE of and parallel to the Honolulu VORTAC 242° radial to its INT with a 7-mile radius circle centered on NAS Barber's Point, thence counterclockwise via the arc of this 7-mile radius circle to and counterclockwise via the arc of a 5-mile radius circle centered on Honolulu International Airport to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of latitude 21°19'33'' N., longitude 157°59'15'' W., extending clockwise from latitude 21°09'00'' N., longitude 158°24'45'' W. to latitude 21°15'00'' N., longitude 157°-31'45'' W., thence W to latitude 21°15'00'' N., longitude 157°36'30'' W., thence within a 25-mile radius of latitude 21°19'33'' N., longitude 157°59'15'' W., extending clockwise from latitude 21°15'00'' N., longitude 157°36'30'' W. to latitude 21°10'10'' N., longitude 158°-20'30'' W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15'' N., longitude 158°-26'45'' W., thence to latitude 21°42'05'' N., longitude 158°54'00'' W., thence to latitude 21°13'30'' N., longitude 159°04'50'' W., thence to latitude 21°07'30'' N., longitude 158°31'00'' W., thence to latitude 21°09'00'' N., longitude 158°24'45'' W., excluding the portion within W–318, the portion below 4,000 feet MSL within W–322D and the portion within Kaneohe control zone and Kaneohe, Hawaii, transition area. The portions within R–3102, R–3106 and R–3109 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 17, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10128; Filed, Sept. 23, 1963; 8:46 a.m.]

[Airspace Docket No. 62–PC–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On July 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6882) stating that the Federal Aviation Agency proposed to alter the Kaneohe, Hawaii, control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

Subsequent to the publication of the notice, the FAA has determined that the transition area extension based on the Kaneohe TACAN 351° radial is required only to a distance of 12 miles from the TACAN and not to 20 miles as proposed. This change is reflected in the action taken herein. In addition, in altering the Kaneohe transition area, the requirement of obtaining prior approval from the appropriate authority before entering that portion within R–3106 was omitted from the description of the Kaneohe transition area. Action is taken herein to correct this omission.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Kaneohe, Hawaii, control zone is amended to read:

Kaneohe, Hawaii.

That airspace extending upward to 5,000 feet within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30'' N., longitude 157°46'30'' W.).

2. In § 71.181 (27 F.R. 220–139; November 10, 1962), the Kaneohe, Hawaii, transition area is amended to read:

Kaneohe, Hawaii.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15'' N., longitude 157°46'30'' W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30'' N., longitude 157°46'30'' W.) to latitude 21°29'25'' N., longitude 157°50'45'' W., thence to latitude 21°31'45'' N., longitude 157°51'20'' W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00'' N., longitude 157°41'00'' W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°31'45'' N., longitude 157°51'20'' W., thence to latitude 22°00'45'' N., longitude 157°56'00'' W., thence clockwise via the arc of a 40-mile radius circle centered on MCAS Kaneohe TACAN to latitude 21°44'30'' N., longitude 157°13'20'' W., thence to latitude 21°23'00'' N., longitude 157°41'00'' W., thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning. The portion within R–3106 will be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Secs. 307(a), 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 17, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10129; Filed, Sept. 23, 1963; 8:46 a.m.]

[Airspace Docket No. 63–SW–78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Area Extension

The purpose of this amendment to § 71.165 of the Federal Aviation Regulations is to alter the description of the Little Rock, Ark., control area extension.

The Little Rock control area extension is designated, in part, with reference to the Little Rock radio range. The Federal Aviation Agency has converted this facility to a radio beacon. The action taken herein reflects the conversion of this facility. Controlled airspace requirements for the Little Rock terminal area will be reviewed at a later date under the CAR Amendments 60–21/60–29 implementation program.

Since the change effected by this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following action is taken:

Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended as follows: In the Little Rock, Ark., control area extension "Within a 50-mile radius of Little Rock RR" is deleted and "Within a 50-mile radius of the Little Rock RBN" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 17, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–10130; Filed, Sept. 23, 1963; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATERIAL MAILABLE UNDER SPECIAL RULES

Adequacy of Preparation and Packaging, Safety Matches; Correction

In F.R. Document 63–9996, appearing at page 10205 in the FEDERAL REGISTER dated September 18, 1963, the introductory sentence of subdivision (ii) which precedes clause (*a*) of § 15.2(c)(2) is corrected by changing the second usage of the word "box" to read "book". As so corrected, the sentence reads: "(ii) Safety matches of strike-only-on-box or book variety may be mailed under the following conditions:".

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10150; Filed, Sept. 23, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2–1—GENERAL

Subpart 2–1.2—Definition of Terms

HEAD OF THE PROCURING ACTIVITY

Section 2–1.206 shall read as follows:

§ 2–1.206 **Head of the procuring activity.**

"Head of the procuring activity" means, for (a) Headquarters Washington, the Chief, Procurement Division, Installation and Materiel Service; (b) for each region, the Director of the respective region; and (c) for the Installation and Materiel Depot, the Manager of the Depot.

(Secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

Effective date: These regulations are effective September 20, 1963.

Dated: September 17, 1963.

JOHN E. PERNICE,
Chief, Procurement Division, Installation and Materiel Service.

[F.R. Doc. 63–10126; Filed, Sept. 23, 1963; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Montana, Idaho, and Washington

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Bowdoin National Wildlife Refuge, Montana, is permitted only on the area designed by signs as open to hunting. This open area, comprising 4,040 acres or 27 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Malta, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, and coots.

(b) Open season:

Ducks and coots: From 12 o'clock noon (Standard Time) to sunset October 13 and from sunrise to sunset October 14 through November 16, 1963, inclusive.

Geese: From sunrise to sunset October 6 through December 19, 1963, inclusive.

(c) Daily bag limits:

Ducks 4, geese 5, coots 8. The daily bag limit on ducks may not include more of the following species than: (1) One hooded merganser; (2) two wood ducks; (3) two mallards. In addition to the bag limit on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

The daily bag limit on geese may not include more of the following species than: (1) One Ross goose; (2) in the alternative: two Canada geese or subspecies; one Canada goose or subspecies and one white-fronted goose; or one white-fronted goose.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Hunting dogs—not to exceed two dogs per hunter may be used only for retrieving of wounded or dead waterfowl and coots.

(3) Boats—use of boats is permitted. Motors may be used for access to the hunting area. Use of airthrust boats is prohibited.

(4) Blinds—blinds and pits may be constructed of natural materials.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 20, 1963.

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 500 acres or 1 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Lewistown, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, and coots.

(b) Open season:

Ducks and coots: From 12 o'clock noon (standard time) to sunset October 13 and from sunrise to sunset October 14 through November 16, 1963, inclusive.

Geese: From sunrise to sunset October 6 through December 19, 1963, inclusive.

(c) Bag limits:

Ducks 4, geese 5, coots 8. The daily bag limit on ducks may not include more of the following species than: (1) One hooded merganser; (2) two wood ducks; (3) two mallards. In addition to the bag limit on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

The daily bag limit on geese may not include more of the following species than: (1) One Ross' goose; (2) in the alternative: two Canada geese or subspecies; one Canada goose or subspecies and one white-fronted goose; or one white-fronted goose.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Hunting dogs—not to exceed two dogs per hunter may be used only for retrieving of wounded or dead waterfowl and coots.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Boats—boats are permitted. Use of airthrust or scull boats is prohibited. Motors not larger than 10 h.p. may be used only for access to hunting area.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to December 20, 1963.

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Medicine Lake National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,735 acres or 9 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Medicine Lake, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvassback), geese, and coots.

(b) Open season:

Ducks and coots: From 12 o'clock noon (Standard Time) to sunset October 13 and from sunrise to sunset October 14 through November 16, 1963, inclusive.

Geese: From sunrise to sunset October 6 through December 19, 1963, inclusive.

(c) Daily bag limits:

Ducks 4, geese 5, coots 8. The daily bag limit on ducks may not include more of the following species than: (1) One hooded merganser; (2) two wood ducks; (3) two mallards. In addition to the bag limit on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

The daily bag limit on geese may not include more of the following species than: (1) One Ross' goose; (2) in the alternative: two Canada geese or subspecies; one Canada goose or subspecies and one white-fronted goose; or one white-fronted goose.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Hunting dogs—not to exceed two dogs per hunter may be used only for retrieving of wounded or dead waterfowl and coots.

(3) Boats—only boats without motors are permitted.

(4) Blinds—temporary blinds of approved material may be constructed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) Hunters shall report at designated checking stations as may be established when entering or leaving the area.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to December 20, 1963.

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,060 acres or 17 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Monida, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese (except Ross', snow, or blue geese), and coots.

(b) Open season:

Ducks and coots: From 12 o'clock noon (Standard Time) to sunset October 13 and from sunrise to sunset October 14 through November 16, 1963, inclusive.

Geese: From sunrise to sunset October 6 through December 19, 1963, inclusive.

(c) Daily bag limits: Ducks 4, geese 2, coots 8. The daily bag limit on ducks may not include more of the following species than: (1) one hooded merganser; (2) two wood ducks; (3) two mallards. In addition to the bag limit on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

The daily bag limit on geese may not include more than the following: In the alternative: two Canada geese or subspecies; one Canada goose or subspecies and one white-fronted goose; or one white-fronted goose.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Hunting dogs—not to exceed two dogs per hunter may be used only for retrieving of wounded or dead waterfowl and coots.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Boats—use of boats is permitted. Motors may be used for access to the hunting area. Airthrust motors are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) Camping—camping is permitted in designated areas only.

(3) Mooring and parking—boats and trailers may be moored or parked in areas designated during the waterfowl hunting season.

(4) Checking stations—Hunters will report at such checking stations as may be established when entering or leaving the area.

(5) A Federal permit is not required to enter the public hunting area.

(6) The provisions of this special regulation are effective to December 20, 1963.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Camas National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,260 acres or 12 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Hamer, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redheads and canvasback), geese, coots, and gallinules.

(b) Open season:

All species from 12 o'clock noon (standard time) to sunset October 8 and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits:

Ducks 5, geese 3, coots and gallinules 25, singly or in the aggregate of both kinds. The daily bag limit on ducks may not include more than one hooded merganser and two wood ducks. In addition to the bag limit on other ducks, the daily bag may include two additional mallard ducks. Also in addition to the other bag limits, the daily bag limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds.

The daily bag limit on geese may include only one Ross' goose. Goose hunting on Lake Lowell and adjacent area is prohibited.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Boats—boats without motors are permitted in the waterfowl hunting area designated as Lake Lowell Unit 1. No boats are allowed in waterfowl hunting area designated as Lake Lowell Unit 2. Boats with motors permitted on Snake River Islands.

(5) Guides—persons while hunting on the area may employ guides subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Nampa, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redheads and canvasback), geese, coots, and gallinules.

(b) Open season:

All species—12 o'clock noon (standard time) to sunset October 12, 1963. Ducks, coots, and gallinules from one-half hour before sunrise to sunset October 13, 1963, through January 5, 1964. Geese from

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Columbia National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redheads and canvasback), geese, coots, and gallinules.

(b) Open season:

All species—12 o'clock noon (standard time) to sunset October 12, 1963. Ducks, coots, and gallinules from one-half hour before sunrise to sunset October 13, 1963, through January 5, 1964. Geese from

one-half hour before sunrise to sunset, only on Saturdays, Sundays, Wednesdays, November 11 and 28 during the period—October 14, 1963, through January 5, 1964.

(c) Daily bag limits: Ducks 4, geese 3, coots and gallinules 25, singly or in the aggregate of both kinds.

In addition to other bag limits on ducks, the daily bag limit may contain two additional mallard ducks. Also, in addition to other bag limits, the daily bag limit may contain five American and red-breasted mergansers, singly or in the aggregate of both kinds. The daily bag limit on ducks may not contain more than two wood ducks and one hooded merganser. The daily bag limit on geese may include only one Ross' goose.

(d) Methods of hunting:

(1) Weapons—only shotguns (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

(3) Blinds—temporary blinds or approved material may be constructed.

(4) Boats—boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and air-thrust boats are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) Camping—camping will be permitted only in designated areas.

(4) Abandonment of property—leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

(5) The provisions of this special regulation are effective to January 6, 1964.

WILLAPA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Willapa National Wildlife Refuge, Washington, is permitted only on the area designated as open to hunting by signs. This open area, comprising 1,070 acres or 15 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Ilwaco, Washington, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, brants, coots, and gallinules.

(b) Open season:

Ducks, geese, coots, and gallinules: From 12 o'clock noon (standard time) to sunset October 12 and from one-half hour before sunrise to sunset October 13, 1963, through January 5, 1964, inclusive.

Brants: From one-half hour before sunrise to sunset November 17, 1963, through January 30, 1964, inclusive.

(c) Daily bag limits:

Ducks 4, geese 3, brant 3, coots and gallinules 25, singly or in the aggregate of both kinds.

The daily bag limit on ducks may not include more than one hooded merganser and two wood ducks. In addition to other bag limits, the daily bag limit on American and red-breasted mergansers is five, singly or in the aggregate of both kinds.

The daily bag limit on geese may include only one Ross' goose.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Boats—the use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 31, 1964.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 18, 1963.

[F.R. Doc. 63-10144; Filed, Sept. 23, 1963; 8:47 a.m.]

PART 32—HUNTING

Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of migratory game birds on the Bear River Migratory Bird Refuge, Utah, is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres or 20 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P. O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, gallinules, ducks (except canvasback and redhead), geese, and whistling swans.

(b) Open season: Ducks, coots, gallinules, geese, and whistling swans (only to holders of special permits)—from 12 o'clock noon (standard time) to sunset October 5, and from one-half hour before sunrise to sunset October 6, 1963, through January 2, 1964, inclusive.

(c) Daily bag limits: Ducks 5, coots and gallinules (singly or aggregate) 25, geese 6, whistling swans 1. The daily bag limit of 5 ducks may not include more than 2 wood ducks and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include (a) in the alternative, more than 3 geese of the dark species, of which not more than 2 can be Canada geese or subspecies (b) more than Ross' goose.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Guides—persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(5) Boats—the use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) There shall be no hunting permitted from the dikes or within 100 yards of any dike.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested. A special permit, issued by the Utah Department of Fish and Game, is required for taking one whistling swan.

(4) The provisions of this special regulation are effective to January 3, 1964.

FISH SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Fish Springs National Wildlife Refuge, Utah, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,152 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Dugway, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, gallinules, and ducks (except canvasback and redhead).

(b) Open season: Ducks, coots, and gallinules—from 12 o'clock noon (standard time) to sunset October 5, and from one-half hour before sunrise to sunset October 6, 1963 through January 2, 1964, inclusive.

(c) Daily bag limits: Ducks 5, coots and gallinules (singly or aggregate) 25. The daily bag limit of 5 ducks may not include more than 2 wood ducks and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Guides—persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 3, 1964.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,520 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) to sunset October 26, and from sunrise to sunset October 27 through November 29, 1963, inclusive. Geese—from sunrise to sunset October 5 through December 18, 1963, inclusive.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than (a) 1 hooded merganser; (b) 2 wood ducks; (c) 2 mallards. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more of the following species than (a) 1 Ross' goose; (b) in the alternative, 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or (c) 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons — Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Guides—persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 19, 1963.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,682 acres or 35 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. 1306, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead).

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) to sunset November 15, and from sunrise to sunset November 16 through December 19, 1963, inclusive.

(c) Daily bag limits: Ducks 4, coots 8. The daily bag limit of 4 ducks may not include more than (a) 1 hooded merganser; (b) 2 wood ducks; (c) 2 mallards. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Guides—persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 20, 1963.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,321 acres or 10 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback, redhead and wood duck), and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) to sunset November 29, and from sunrise to sunset November 30, 1963, through January 2, 1964, inclusive. Geese—from 12 o'clock noon (standard time) to sunset November 29, and from sunrise to sunset November 30, 1963 through January 15, 1964, inclusive.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 1 hooded merganser and 2 mallards. In addition to the limits on other ducks, the daily bag limit on American and red-breasted

mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more of the following species than (a) 1 Ross' goose; (b) in the alternative, 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or (c) 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—temporary blinds of approved material may be constructed.

(4) Guides—persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 16, 1964.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 18, 1963.

[F.R. Doc. 63-10145; Filed, Sept. 23, 1963; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1964]

AIRWORTHINESS DIRECTIVES

Lycoming Model VO-540 Series Engines

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lycoming Model VO-540 Series engines. There have been several instances of connecting rod bolt failures. This type of failure can cause severe engine damage. To correct this unsafe condition, this AD requires replacement of the connecting rod bolts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20533. All communications received on or before October 24, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LYCOMING. Applies to VO-540 Series engines with Serial Numbers 101-43 through 723-43, 727-43 through 743-43, 747-43, and 753-43 except remanufactured engines shipped from Lycoming after October 29, 1962.

Compliance required as indicated.

To preclude the possibility of connecting rod bolt failure, the replacement and modification set forth in paragraph (c) shall be accomplished at the times specified in paragraphs (a) and (b).

(a) On engines which, as of the effective date of this AD, have less than 550 hours' time in service since new or since replacement of connecting rod bolt, compliance with paragraph (c) is required at 600 hours' time in service.

(b) On engines which, as of the effective date of this AD, have 550 or more hours' time in service since new or since replacement of connecting rod bolt, compliance with paragraph (c) is required within the next 50 hours' time in service after the effective date of this AD.

(c) Replace connecting rod bolt P/N 71087 with new stretch bolt P/N 74033 and nut P/N 72796. Modify and assemble connecting rod P/N 71947 in accordance with the modification and assembly instructions contained in Lycoming Service Bulletin No. 296.

Issued in Washington, D.C., on September 18, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63-10125; Filed, Sept. 23, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56001]

STANDARD NEWSPRINT PAPER

Tariff Classification

SEPTEMBER 18, 1963.

There is published below an announcement with respect to classification of standard newsprint paper under Item 252.65, Tariff Schedules of the United States, which appeared in the FEDERAL REGISTER of September 14, 1963.

The purpose of this notice is to advise interested persons of the standards of specifications descriptive of most standard newsprint papers provided for in Item 252.65, Schedule 2, Subpart B, of the Tariff Schedules of the United States, which are effective as to articles entered, or withdrawn from warehouse, for consumption on or after August 31, 1963.

The test for determining whether a paper is classifiable as standard newsprint paper under Item 252.65 is whether as of the time of its importation the paper is of a class or kind chiefly used in the printing of newspapers.

Chief use is determinable by the use in the United States at, or immediately prior to, the date of importation, in accordance with General Interpretative Rule 10(e) (i) of the General Headnotes and Rules of Interpretation of the Tariff Schedules of the United States, which provides:

10(e) In the absence of special language or context which otherwise requires—

(i) a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use of articles of the kind imported into the United States at, or immediately prior to, the date of importation.

The Bureau is presently of the opinion that most papers which conform substantially to the following descriptive specifications:

Weight. 500 sheets each 24 by 36 inches not less than 30 pounds nor more than 35 pounds.

Size. Rolls not less than 13 inches wide and 28 inches in diameter. Sheets not less than 20 by 30 inches.

Thickness. Not over .0042 inch.

Sizing. Time of transudation of water shall be not more than 10 seconds by the ground glass method.

Ash content. Not more than 6.5 percent.

Color and finish. White; or tinted shades of pink, peach or green in rolls; not more than 50 percent gloss when tested with the Ingersoll glarimeter.

are papers chiefly used in the printing of newspapers in the United States and are, accordingly, classifiable as standard newsprint under Item 252.67 of the Tariff Schedules of the United States so long as the existing conditions of chief use prevail.

As other classes or kinds of standard newsprint paper are imported, additional descriptive specifications will be announced, of which due notice will be given in the FEDERAL REGISTER and in the weekly Treasury Decisions.

Formal adoption of these specifications set out herein will be postponed for a period of 30 days after the publication of this announcement in order to afford interested parties to submit such comments as they consider pertinent.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 63-10156; Filed, Sept. 23, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Zoalene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1055) has been filed by The Dow Chemical Company, Abbott Road Building, Midland, Michigan, proposing the amendment of § 121.1013 *Zoalene* to establish a tolerance of 4 parts per million (0.0004 percent) in eggs, and the amendment of § 121.207 *Zoalene* to permit zoalene medicated feed to be fed to laying hens.

Dated: September 17, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10151; Filed, Sept. 23, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-43]

U.S. NAVAL POSTGRADUATE SCHOOL

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R-11. License No. R-11 authorizes the U.S. Naval Postgraduate School ("the licensee") to operate nuclear reactor Model AGN-201, Serial No. 100 ("the reactor") on the licensee's campus at Monterey, California.

The amendment authorizes the licensee to disassemble and reassemble the core of the reactor for the purpose of core inspection, as described in the application for license amendment dated February 12, 1963, and supplement thereto dated June 10, 1963 ("the application"). The activities authorized by Amendment No. 4 shall be performed only when necessary in the interest of efficient operation of the reactor.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since this amendment does not involve consideration of safety factors significantly different from those previously evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for license amendment and a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 17th day of September 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-11; Amdt. 4]

1. In addition to the activities previously authorized by the Commission in Facility License No. R-11, as amended, the U.S. Naval Postgraduate School is authorized to disassemble and reassemble, for the purpose of core inspection, the core of its Model AGN-201 nuclear reactor located on its campus at Monterey, California.

2. The activities authorized in this amendment shall be performed only when deemed necessary in the interest of efficient operation of the reactor, and shall be conducted in accordance with the procedures and subject to the limitations in License No. R-11, as amended, and in the U.S. Naval Postgraduate School's application dated February 12, 1963, and supplement dated June 10, 1963, and subject to the following conditions:

a. The licensee shall perform wipe tests on each fuel disc to determine if surface contamination exists.

3. In the event measurement of the position of core components is required, the licensee shall comply with the following additional conditions:

a. Air flow shall be maintained downward through the thermal column cavity.

b. A high volume air sampler shall be inserted in the thermal column cavity immediately after the core tank is opened, and shall be operated for a sufficient period of time to determine the concentrations of airborne radioactive particulate matter in the cavity.

4. This amendment is effective as of the date of issuance.

Date of issuance: September 17, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10121; Filed, Sept. 23, 1963; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Fort Bend County, Texas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of September 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-10143; Filed, Sept. 23, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14751]

THUNDER BAY FLYING CLUB

Notice of Change of Hearing Room

Application of Thunder Bay Flying Club for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that the hearing on the above-entitled application now assigned for October 3, 1963, in Room 1029 is changed to Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice. The date and time of the hearing remain unchanged.

Dated at Washington, D.C., September 19, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10152; Filed, Sept. 23, 1963; 8:47 a.m.]

[Docket Nos. 8493, etc.]

SERVICE TO MILLINOCKET, MAINE; NEW ENGLAND REGIONAL AIRPORT INVESTIGATION

Notice of Oral Argument

Service to Millinocket, Maine, Docket 8493; New England Regional Airport Investigation, Docket 13494 et al.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceedings is assigned to be heard on October 15, 1963, at 10:00 a.m. (e.d.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW, Washington, D.C., before the Board.

The argument in the New England Regional Airport Investigation shall be limited to the issues in the proceeding on review as set forth in Order E-19880.

Dated at Washington, D.C., September 20, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10153; Filed, Sept. 23, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1144]

SEA-LAND SERVICE, INC.

Discontinuance of Jacksonville/Puerto Rico Service; Notice of Hearing

On September 5, 1963, the Commission suspended certain minimum charges applicable to Sea-Land's Jacksonville/Puerto Rico trade (Docket No. 1143). By its "Embargo Notice" of September 10, 1963, Sea-Land notified shippers that, effective September 18, 1963, it would "embargo" Puerto Rican/Jacksonville cargo.

While Sea-Land apparently bases its discontinuance of service on the fact that increased costs make the service impossible to maintain, there is no evidence that an emergency exists which necessitates the imposition of an embargo.

Section 2 of the Intercoastal Shipping Act of 1933 requires that carriers in the off-shore domestic trades file and post schedules showing all of their rates and charges for or in connection with their service. The section further provides that no change in rates filed and published shall be made except by the publication, filing and posting of new schedules which shall not become effective earlier than 30 days after the date of posting and filing. Sea-Land has filed no new schedule to its filed tariff which reflects the discontinuance of its Jacksonville/Puerto Rico service.

The question is therefore raised as to whether or not the action of Sea-Land under its notice of September 10, 1963, constitutes a true embargo which relieves Sea-Land of the necessity of complying with the requirements of section 2 of the Intercoastal Act.

Several shippers have notified the Commission that the discontinuance of Sea-Land's Jacksonville/Puerto Rico service would seriously affect the shippers' business in Puerto Rico. In this connection, Sea-Land has advised the Commission that the "embargo" will be temporarily suspended if an opportunity is granted for Sea-Land to present its position to the Commission.

In view of the above, the Commission is considering what action it should take with respect to Sea-Land's Jacksonville/Puerto Rican trade, with particular reference to Sea-Land's "embargo" of such trade and the Commission's suspension order of September 5, 1963. In order better to inform itself in the premises, the Commission has determined to allow Sea-Land and all interested parties to present their positions to the Commission.

Accordingly, it is ordered, That oral argument in the above-entitled matter will be heard by the Commission commencing at 9:30 o'clock on October 1, 1963, in Room 114, 1321 H Street NW., Washington, D.C. All interested persons desiring to participate therein are directed to notify the Secretary, Federal Maritime Commission, not later than September 27, 1963, of their intention to participate. Affidavits of fact and memoranda of law may be submitted to the Commission on or before the close of business on September 27, 1963.

By the Commission, September 19, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10201; Filed, Sept. 23, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3895 etc.]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

SEPTEMBER 16, 1963.

General American Oil Company of Texas, Docket No. G-3895; Carter-Jones Drilling Company (Operator), et al., Docket No. G-4812; Gulf Oil Corporation (Operator), et al., Docket No. G-7177; E. V. Whitwell, Docket No. G-7471; Gulf Oil Corporation, Docket No. G-11174; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-11957; Pan American Petroleum Corporation (Operator), et al., Docket No. G-13233; Gulf Oil Corporation, Docket No. G-14741; American Petrofina Company of Texas, Docket No. G-16990; Texaco, Inc., Docket G-19127; A. T. Carr (Operator), et al., d.b.a. A. T. Carr Drilling Company, Docket No. CI61-304; K. T. Wiedemann Estate, Docket No. CI61-952; Dorothea Webber, et al., Docket No. CI62-900; George L. Buckles, et al., Docket No. CI63-678; W. C. Pickens, Docket No. CI63-683; Hunt Oil Company (Operator), et al., Docket No. CI63-1045; Gulf Oil Corporation (Operator and Agent), et al., Docket No. CI63-1149; Placid Oil Company, Docket No. CI63-1150; Commonwealth Gas Corporation, Docket No. CI63-1243; Pan American Petroleum Corporation (Operator), et al., Docket No. CI63-1261; Pan American Petroleum Corporation, Docket No. CI63-1262; Pan American Petroleum Corporation, Docket No. CI63-1263; J. Newton Rayzor, et al., Docket No. CI63-1278; Thomason-Brooks Drilling Company, Inc., Docket No. CI63-1328; Herbert L. Dillon, Jr. (Operator), et al., Docket No. CI63-1365; Keener Oil Company, Docket No. CI63-1391; Wilcox Oil Company, Docket No. CI63-1415; Skelly Oil Company, Docket No. CI63-1432; Wardie Barnett, Docket No. CI63-1442; W. H. Mossor, Agent for Martin-Seese Oil & Gas Company, et al., Docket No. CI63-1452; Glenn F. Thomas, et al., d.b.a. Thomas and Brewer, Docket No. CI63-1459; The British-American Oil Producing Company, Docket No. CI63-1470; J. W. Frame (Operator), et al., Docket No. CI63-1471; N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Company, Docket No. CI63-1474; Falcon Seaboard Drilling Company (Operator), et al., Docket No. CI63-1484; Wilcox Oil Company, Docket No. CI63-1504; Harper Oil & Gas Company, Docket No. CI63-1522.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-3895 C 5-28-63	Panhandle Eastern Pipeline Co.	Light Field, Beaver County, Okla.	[2] 13.1761	14.65
G-4812 D 6-13-63	Lone Star Gas Co.	Burnett Lease, Carthage Field, Panola County, Tex. (R.R. District No. 6).	(3)	
G-7177 C 5-31-63	United Gas Pipe Line Co.	Gwinville, et al., Fields, Lamar, et al., Counties, Miss.	17.0	15.025
G-7471 A 12-1-54	United Gas Pipe Line Co. and Louisiana Nevada Transit Co.	Cotton Valley Field, Webster Parish, La.	13.06076	15.025
G-11174 B 9-8-61	Colorado Interstate Gas Co.	Laverne Field, Harper County, Okla.	15.0	14.65
G-11957 B 6-30-61	El Paso Natural Gas Co.	Spraberry Field, Midland County, Tex. (R.R. District No. 8).	[2] 17.2295	14.65
G-13233 B 6-10-63	Transcontinental Gas Pipe Line Corp.	Thibodaux Field, Lafourche Parish, La.	20.625	15.025
G-14741 B 4-9-63	United Gas Pipe Line Co.	Pistol Ridge Field, Forest County, et al., Miss.	20.0	15.025
G-16990 D 6-10-63	Tennessee Gas Transmission Co.	2000-foot gas sand, under the W. C. Rivers, et al. Lease, Agua Dulce Field, Nueces County, Tex. (R.R. District No. 4).	(4)	
G-19127 B 6-11-63	Phillips Petroleum Co.	Texas Hugoton Field, Moore County, Tex. (R.R. District No. 10).	13.0	14.65
CI61-304 B 6-3-63	Hope Natural Gas Co.	Freemans Creek District, Lewis County, W. Va.	25.0	15.325
CI61-952 D 5-16-63	Gas Transmissions, Inc.	Cowley County, Kans.	(5)	
CI62-900 B 6-10-63	Hope Natural Gas Co.	Greenbrier District, Doddridge County, W. Va.	25.0	15.325
CI63-678 C 5-27-63	Northern Natural Gas Co.	Jalmat Gas Pool, Lea County, N. Mex.	10.7688	15.025
CI63-683 11-23-62 and A 6-21-63	Michigan Wisconsin Pipe Line Co.	Woodward Area, Woods County, Okla.	19.5	14.65
CI63-1045 A 2-21-63	Arkansas Louisiana Gas Co.	Anthon Area, Custer County, Okla.	15.0	14.65
CI63-1149 A 3-11-63 5-23-63 and B 5-31-63	do	S.E. Custer City Area, Custer County, Okla.	15.0	14.65
CI63-1150 A 3-11-63	do	Anthon Area, Custer County, Okla.	15.0	14.65
CI63-1243 A 4-3-63	Pampas Petroleum Co.	Butler District, Wayne County, W. Va.	17.0	15.32
CI63-1261 A 4-5-63	Valley Gas Transmission, Inc.	Big Lake, East and West Hackberry Fields, Cameron Parish, La.	17.0	15.02
CI63-1262 A 4-5-63	do	Yeary Field, Kleberg County, Tex. (R.R. District No. 4).	15.0	14.65
CI63-1263 A 4-5-63	do	Luby and Petrorilla Fields, Nueces County, Tex. (R.R. District No. 4).	[6] 15.5	14.65
CI63-1278 A 4-10-63	do	South Spanish Camp Field, Wharton County, Tex. (R. R. District No. 3).	14.0	14.65
CI63-1328 A 5-24-63	United Gas Pipe Line Co.	Sibley Field, Webster Parish, La.	12.5262	15.025
CI63-1365 A 5-6-63	Valley Gas Transmission, Inc.	Lissie Field, Wharton County, Tex. (R. R. District No. 3).	14.0	14.65
CI63-1391 A 5-13-63	Northern Natural Gas Co.	SW. Como Field, Beaver County, Okla.	17.0	14.65
CI63-1415 A 5-17-63	do	Booker East Field, Lipscomb County, Tex. (R. R. District No. 10)	17.0	14.65
CI63-1432 A 5-24-63	Arkansas Louisiana Gas Co.	North Carter Field, Beckham County, Okla.	15.0	14.65
CI63-1442 A 5-27-63	Kentucky West Virginia Gas Co.	Martin County, Ky.	18.12	15.325
CI63-1452 A 5-27-63	Manufacturers Light & Heat Co.	McElroy District, Tyler County, W. Va.	25.0	15.325
CI63-1459 A 5-31-63	Panhandle Eastern Pipe Line Co.	Meade County, Kans.	15.0	14.65
CI63-1470 A 6-3-63	Michigan Wisconsin Pipe Line Co.	NE. Cederdale Field, Major County, Okla.	15.0	14.65
CI63-1471 A 6-3-63	United Fuel Gas Co.	Elk District, Kanawha County, W. Va.	25.0	15.325
CI63-1474 A 6-3-63	Transwestern Pipeline Co.	Dude Wilson Field, Ochiltree County, Tex. (R. R. District No. 10).	17.0	14.65
CI63-1484 A 6-4-63	Northern Natural Gas Co.	Kiowa Creek Field, Lipscomb County, Tex. (R. R. District No. 10).	17.0	14.65
CI63-1504 A 6-6-63	Arkansas Louisiana Gas Co.	SE. Custer City Field, Custer County, Okla.	15.0	14.65
CI63-1522 A 6-10-63	Godfrey L. Cabot, Inc.	Washington District, Calhoun County, W. Va.	12.0	15.325

Filing code: A—Initial service.
B—Amendment to add acreage.
C—Amendment to delete acreage.
D—Abandonment.

[1] Suspended and subject to refund in Docket No. RI62-213.
[2] Suspended and subject to refund in Docket No. G-20406.
[3] Low pressure.
[4] Excess impurities.
[5] Depletion.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[F.R. Doc. 63-10102; Filed, Sept. 23, 1963; 8:45 a.m.]

[Docket No. G-4054 etc.]

MIDLAND NATIONAL BANK ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 17, 1963.

The Midland National Bank, Trustee (formerly W. L. (Pete) Lomax and J. P. Lomax), Docket No. G-4054; Hurley Petroleum Corporation (formerly Alton Coats d/b/a Coats Drilling Company and Humble Gas Transmission Company), Docket No. G-4728; Fred Finch (formerly Finch & Snider Oil and Gas Company), Docket No. G-11571; El Tres Petroleum Corporation (formerly Southwest Resources, Inc.), Docket No. G-12393; El Tres Petroleum Corporation (formerly Southwest Resources, Inc.), Docket No. G-12394; Penrose Production Company (formerly Gunsite Oil and Gas Corporation), Docket No. G-14924; Socony Mobil Oil Company, Inc., Docket No. G-16220; Pan American Petroleum Corporation, Docket No. G-16465; Huffines Oil Company, Inc. (formerly Great Expectations Oil Corporation), Docket No. G-18396; Sinclair Oil & Gas Company, W. H. Mossor, et al. d/b/a Wellings Oil & Gas Co., Docket No. G-19105; Houston Natural Gas Production Company (formerly Valley Gas Production, Inc.), Docket No. G-19546; Gulf Oil Corporation, Docket No. CI60-412; R. W. Dirks (formerly Mokeen Oil Company (Operator), et al.), Docket No. CI60-804; Houston Natural Gas Production Company (formerly Valley Gas Production, Inc.), Docket No. CI61-212; Compass Exploration, Inc. (Operator), et al., Docket No. CI61-299; Hurley Petroleum Corporation (formerly Alton Coats d/b/a Coats Drilling Company and Humble Gas Transmission Company), Docket No. CI61-1381 and CP61-255; Houston Natural Gas Production Company (formerly Valley Gas Production, Inc.), Docket No. CI62-1023; Houston Natural Gas Production Company (formerly Valley Gas Production, Inc.), Docket No. CI62-1053; Colorado Oil and Gas Corporation, Docket No. CI63-1372; Skelly Oil Company, Docket No. CI63-1489; Houston Natural Gas Production Company (formerly Valley Gas Production, Inc.), Docket No. CI63-1561; Tenneco Corporation, Docket No. CI64-296; Humble Oil & Refining Company, Docket No. CI64-297; Humble Oil & Refining Company, Docket No. CI64-298; Humble Oil & Refining Company, Docket No. CI64-299; Lawrence Oil, Inc. (Operator), et al., Docket No. CI64-300; Texaco, Inc., Docket No. CI64-301; Texas Pacific Coal and Oil Company (Operator), et al., Docket No. CI64-302; Champlin Oil & Refining Co. (Operator), et al., Docket No. CI64-303; Pan American Petroleum Corporation, Docket No. CI64-304; Bert Young, Docket No. CI64-305; Crest Exploration Company, Docket No. CI64-306; Huffines Oil Company, Inc., Docket No. CI64-307; Felmont Oil Corporation, Docket No. CI64-308; Cleary Petroleum, Inc., et al., Docket No. CI64-309; Shell Oil Company, Docket No. CI64-310; Mercury Drilling Company, Docket No. CI64-311; Trans-Appalachian Oil & Gas Company, Docket No. CI64-312; O. D. Board, et al., Docket No. CI64-313; Hardman Drilling Company, Docket No. CI64-314; Sun Oil Company (Gulf Coast Division), Docket No. CI64-315; Harry C. Boggs, et al., Docket No. CI64-316; B & M Drilling Company, et al., Docket No. CI64-317; Talkington & Brady, Docket No. CI64-318; Knotts & Miller, Docket No. CI64-319; Golda Kelley No. 1, Docket No. CI64-320; C. E. Braden, et al., Docket No. CI64-321; MacDonald Oil Corporation et al., Docket No. CI64-322; Beta Development Co., Docket No. CI64-324; C. C. Dodd, et al., Docket No. CI64-325.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-4054 E 9-3-63	El Paso Natural Gas Co.	Spraberry Driver Unit, Reagan County, Tex.	10.0	14.65
G-4728 E 9-3-63	Tenneco Corp.	Acreage in Pannola and Harrison Counties, Tex.	14.4248	14.65
G-11571 E 9-9-63	South Penn Oil Co.	Greenbrier District, Doddridge County, W. Va.	15.0	15.325
G-12393 E 9-5-63	Texas Gas Transmission Corp.	Iota Field, Acadia Parish, La.	18.75	15.025
G-12394 E 9-5-63	Transcontinental Gas Pipe Line Corp.	do	13.5	15.025
G-14924 E 9-9-63	El Paso Natural Gas Co.	Tapacito Pool, Rio Arriba County, N. Mex.	11.0	15.025
G-16220 C 9-9-63	do	Brown-Bassett Field, Terrell County, Tex.	17.0	14.65
G-16465 D 9-6-63	Texas Gas Transmission Corp.	Acreage in Ouachita and Lincoln Parishes, La.	Uneconomical	
G-18396 E 9-9-63	Florida Gas Transmission Co.	Appling Field, Calhoun County, Tex.	17.0	14.65
G-18748 D 7-25-63	El Paso Natural Gas Co.	Acreage in Ellis County, Okla.	(1)	
G-19105 C 9-11-63	Hope Natural Gas Co.	Union District, Ritchie County, W. Va.	25.0	15.325
G-19546 E 9-5-63	Texas Eastern Transmission Corp. and Transcontinental Gas Pipe Line Corp.	Acreage in Bee County, Tex.	8.890833 14.3733 11.12320 10.92060	14.65 14.65 14.65 14.65
CI60-412 C 9-11-63	Florida Gas Transmission Co.	Blue Lake Field, Brazoria County, Tex.	18.5	14.65
CI60-804 E 9-9-63	Trunkline Gas Co.	Fox Field Area, Bee County, Tex.	12.25	14.65
CI 61-212 E 9-5-63	Valley Gas Transmission, Inc.	Terrell Point Area, Goliad County, Tex.	12.25	14.65
CI61-299 C 9-6-63	El Paso Natural Gas Co.	Acreage in San Juan County, N. Mex.	12.0	15.025
CI61-1381, et al. E 9-3-63	Rio Sabine, Inc.	Acreage in Panola and Harrison Counties, Tex.	25.0	15.325
CP61-255	do	do	16.0	14.65
CI62-1023 E 9-5-63	Lone Star Gathering Co.	Southeast Yorktown Field, Dewitt County, Tex.	18.0	14.65
CI62-1053 E 9-5-63	Valley Gas Transmission, Inc.	Whitted Field, Hidalgo County, Tex.	14.0	14.65
CI63-1372 C 9-6-63	Cities Service Gas Co.	Palmer-Mississipplan Pool, Barber County, Kans.	13.0	14.65
CI63-1489 [2] A 6-5-63	do	Hugoton Field, Texas County, Okla.	5.0	14.65
CI63-1561 E 9-5-63	Valley Gas Transmission, Inc.	South Coleto Creek Field, Victoria County, Tex.	14.0	14.65
CI64-296 B 9-4-63	Arkansas Louisiana Gas Co.	East Haynesville Field, Claiborne Parish, La.	(3)	
CI64-297 A 9-5-63	Natural Gas Pipeline Co. of America.	Willamar and Willamar Southeast Fields, Willacy County, Tex.	16.0	14.65
CI64-298 A 9-5-63	Tennessee Gas Transmission Co.	N. E. Kohler, Viggo-East, Lahbe, Viggo Yegua and Government Wells Fields, Duval County, Tex.	17.24347	14.65
CI64-299 A 9-5-63	Natural Gas Pipeline Co. of America.	Sal Del Rey, Sal Del Rey West, La Coma and Cerda Fields, Hidalgo County, Tex.	16.0	14.65
CI64-300 A 9-6-63	Texas Eastern Transmission Corp.	Point Barre-Naka Fields, Leonville Area, St. Landry Parish, La.	14.3	15.025
CI64-301 B 9-6-63	Olin Gas Transmission Corp.	Holly Ridge Field, Tensas Parish, La.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
CI64-302 A 9-6-63	Phillips Petroleum Co.	South King Mountain Field, Upton County, Tex.	12.0	14.65
CI64-303 A 9-6-63	Colorado Interstate Gas Co.	Mocane Field, Beaver County, Okla.	16.0	14.65
CI64-304 A 9-9-63	Tennessee Gas Transmission Co.	Patterson Field, St. Mary Parish, La.	23.675	15.025
CI64-305 A 9-9-63	Cities Service Gas Co.	East Antelope Mississippi Gas Pool, Marion County, Kans.	15.0	14.65
CI64-306 A 9-9-63	Northern Natural Gas Co.	Ellis Ranch Field, Ochiltree County, Tex.	17.0	14.65
CI64-307 B 9-9-63	Florida Gas Transmission Co.	Appling Field, Calhoun County, Tex.	(4)	
CI64-308 A 9-9-63	The Manufacturers Light and Heat Co. and New York State Natural Gas Corp.	Five Forks Field, Monroe, Mann, and Southampton Townships, Bedford County, Pa.	27.5	15.325
CI64-309 A 9-10-63	Cities Service Gas Co.	Knowles Gas Area, Beaver County, Okla.	13.0	14.65
CI64-310 A 9-10-63	South Texas Natural Gas Gathering Co.	Monte Christo Field, Hidalgo County, Tex.	16.0	14.65
CI64-311 A 4-1-63 9-11-63[3]	Cities Service Gas Co.	Eureka Area, Grant County, Okla.	12.0	14.65
CI64-312 A 9-10-63	Hope Natural Gas Co.	Clay District, Harrison County, W. Va.	25.0	15.325
CI64-313 A 9-10-63	do	Washington District, Calhoun County, W. Va.	25.0	15.325
CI64-314 A 9-10-63	do	Union District, Ritchie County, W. Va.	25.0	15.325
CI64-315 A 9-10-63	Tennessee Gas Transmission Co.	Patterson Field, St. Mary Parish, La.	23.675	15.025
CI64-316 A 9-11-63	Hope Natural Gas Co.	Washington District, Calhoun County, W. Va.	25.0	15.325
CI64-317 A 9-11-63	do	Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64-318 A 9-11-63	do	Meade District, Upshur County, W. Va.	25.0	15.325
CI64-319 A 9-11-3	do	Washington District, Calhoun County, W. Va.	25.0	15.325
CI64-320 A 9-11-63	do	New Milton District, Doddridge County, W. Va.	25.0	15.325
CI64-321 B 9-11-63	Hope Natural Gas Co.	Murphy District, Ritchie County, W. Va.	Uneconomical	
CI64-322 A 9-11-63	United Gas Pipe Line Co.	Agua Dulce Field, Nueces County, Tex.	13.82	14.65
CI64-324 A 9-11-63	El Paso Natural Gas Co.	San Juan Field, San Juan County, N. Mex.	12.0	15.025
CI64-325 B 9-11-63	Hope Natural Gas Co.	Acreage in Braxton County, W. Va.	Uneconomical	

[1] Amendment to delete acreage by Agreement between parties dated June 17, 1963.
[2] Applicant request authority to transport gas for the account of Cities Service Gas Company through existing field facilities.
[3] All leases covered under present contract have expired.
[4] Wells have ceased to produce and leases have reverted to landowners.
[5] Date docket number assigned.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10103; Filed, Sept. 23, 1963; 8:45 a.m.]

[Docket Nos. G-19024, G-19926]

BRITISH AMERICAN OIL PRODUCING CO. ET AL.

Order Making Successor in Interest Co-Respondent, Redesignating Proceedings, and Requiring Filing of Successor's Bond

SEPTEMBER 17, 1963.

The British American Oil Producing Company and Rex Monahan, Docket No. G-19024; J. Ray McDermott & Co., Inc., et al. and Rex Monahan, Docket No. G-19926.

On October 22, 1962, Rex Monahan (Monahan) filed an application under section 7 of the Natural Gas Act to continue jurisdictional sales of natural gas to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) from certain acreage in Logan County, Colorado, acquired on September 1, 1962, from the British-American Oil Producing Company (British-American) and J. Ray McDermott & Co., Inc. (McDermott). The sales were formerly made under British-American's FPC Gas Rate Schedule No. 9 and McDermott's FPC Gas Rate Schedule No. 1.

The presently effective rate is 15.0 cents per Mcf at 16.4 psia, for the sales by British-American and McDermott, subject to refund in Docket Nos. G-19024 and G-19926, respectively. The predecessors' last rate in effect without obligation to refund for sales from the subject acreage was 14.0 cents per Mcf.

By letter order issued May 23, 1963, in Docket No. CI63-545, Monahan was granted temporary authorization to continue the sales under its FPC Gas Rate Schedule No. 1. The order granting Monahan temporary authorization provided that the initial price shall be 15 cents per Mcf, at 16.4 psia, subject to Monahan refunding to Kansas-Nebraska from September 1, 1962, any amounts collected, plus interest at 7 percent per annum in excess of the rate found to be just and reasonable in the proceedings in Docket Nos. G-19024 and G-19926. It was also indicated there that by separate order Monahan would be made a co-respondent in the proceedings in Docket Nos. G-19024 and G-19926. By this order we will require that Monahan file its corporate surety bond to assure refund of any excess charges which the Commission may require in accordance with the provisions of the temporary authorization granted in Docket No. CI63-545, as set forth above.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder, that Monahan be joined as co-respondent with British-American and McDermott in the rate suspension proceedings in Docket Nos. G-19024 and G-19926, respectively, that such proceedings be redesignated accordingly, and that Monahan be required to file a corporate surety bond to assure refund of any excess charges in these proceedings.

The Commission orders:

(A) Monahan is hereby joined as co-respondent with British-American in the proceedings in Docket No. G-19024, and such proceeding is hereby redesignated as "The British-American Oil Producing Company and Rex Monahan."

(B) Monahan is hereby joined as co-respondent with McDermott in the proceeding in Docket No. G-19926, and such proceeding is hereby redesignated as "J. Ray McDermott & Co., Inc., et al. and Rex Monahan."

(C) Within 30 days of the issuance of this order, Rex Monahan shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable surety bond, in Docket Nos. G-19024 and G-19926 to assure refund of any excess charges which the Commission may require in accordance with the provisions of the temporary authorization granted in Docket No. CI63-545 by letter order issued May 23, 1963, as set forth above. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such bond shall be deemed to be satisfactory and to have been accepted for filing.

(D) Rex Monahan shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and its corporate surety bond to be filed in Docket Nos. G-19024 and G-19926 shall remain in full force and effect until discharged by the Commission.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10131; Filed, Sept. 23, 1963; 8:46 a.m.]

[Docket No. E-7113]

DAIRYLAND POWER COOPERATIVE ET AL.

Notice of Postponement of Hearing and Extension of Time

SEPTEMBER 16, 1963.

Dairyland Power Cooperative, Minnkota Power Cooperative, Inc., South Central Rural Electric Cooperative, Inc., Docket No. E-7113.

Upon consideration of the requests contained in the petitions for leave to intervene filed by Secretary of Agriculture; the Committee of Rural Electric Cooperatives, various Statewide Associations of Electric Cooperatives and Intervening Cooperatives, jointly; and 27 member Cooperatives of Dairyland Power Cooperative, filed August 30, 1963, August 30, 1963, and September 4, 1963, respectively;

Take notice that the hearing in the above-designated matter heretofore scheduled to commence on October 22, 1963 is postponed to December 10, 1963, and the schedule prescribed by the Commission's order issued July 22, 1963 is modified as follows:

November 4, 1963—Service of direct testimony by all parties, including the Commission staff.

November 25, 1963—Service of rebuttal testimony by all parties, including the Commission staff.

December 2, 1963—Service of motions to strike testimony by all parties, including the Commission staff.

December 9, 1963—Service of answers to motions to strike by all parties, including the Commission staff.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10132; Filed, Sept. 23, 1963; 8:46 a.m.]

[Docket Nos. RI64-139—RI64-142]

FRONTIER REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

SEPTEMBER 17, 1963.

The Frontier Refining Company, Docket No. RI64-139; The Frontier Refining Company (Operator), et al., Docket No. RI64-140; Shell Oil Company, Docket No. RI64-141; El Paso Natural Gas Products Company, Docket No. RI64-142.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia with the exception of the sale made by Shell Oil Company under Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 253 which is made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-139	The Frontier Refining Co., 4040 East Louisiana Ave., Denver 22, Colo.	5	1	El Paso Natural Gas Co. (Gallegos Gallup Pool, San Juan County, N. Mex.) (San Juan Basin Area).	$21	8-26-63	[1] 9-26-63	[2] 9-27-63	13.0	[3] 13.0536	
	do	4	2	do	10	8-26-63	[1] 9-26-63	[2] 9-27-63	[4] 12.0	[2] [3] 13.0495	
RI64-140	The Frontier Refining Co. (Operator), et al.	7	1	El Paso Natural Gas Co. (Basin Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	467	8-26-63	[1] 9-26-63	[2] 9-27-73	[4] 13.0	[2] [3] 13.0495	
RI64-141	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	184	7	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	639	8-20-63	[1] 9-20-63	[2] 9-21-63	13.0	[2] 13.0536	
	do	253	2	El Paso Natural Gas Co. (James Ranch (Los Mednaos) Field, Eddy County, N. Mex.) (Permian Basin Area).	153	8-20-63	[1] 9-20-63	[2] 9-21-63	15.55967	[2] 15.6238	
RI64-142	El Paso Natural Gas Products Co.,[5] P.O. Box 1161, El Paso 99, Tex. Attn: Mr. John A. Woodward, Vice President and General Counsel.	1	3	El Paso Natural Gas Co. (Acreage in San Juan County, N. Mex.) (San Juan Basin Area).	33	8-26-63	[1] 9-26-63	[2] 9-27-63	[4] 12.0	[2] [6] 13.0495	
	do	4	2	do	81	8-26-63	[1] 9-26-63	[2] 9-27-63	[4] 12.0	[2] [3] 13.0495	
	do	8	6	El Paso Natural Gas Co. (Acreage in San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	1,497	8-26-63	[1] 9-26-63	[2] 9-27-63	[4] 13.0	[2] [3] 13.0495	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Exclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[5] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[6] A wholly owned subsidiary of El Paso Natural Gas Co.

The Frontier Refining Company and The Frontier Refining Company (Operator), et al. (both refered to herein as Frontier), request waiver of notice to make their proposed rate increases effective as of April 1, 1963, the effective date of the increase in the New Mexico Oil and Gas Emergency School Tax, and El Paso Natural Gas Products Company (El Paso) requests an effective date of August 26, 1963, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Frontier and El Paso's rate filings and such requests are denied. Since the proposed rate increases reflect only tax reimbursement, the suspension period for each may be shortened to one day from the date of expiration of the 30-days' statutory notice.

Supplement No. 2 to The Frontier Refining Company's FPC Gas Rate Schedule No. 4; Supplement No. 1 to The Frontier Refining Company (Operator), et al., FPC Gas Rate Schedule No. 7, and Supplements Nos. 3, 2 and 6 to El Paso Natural Gas Products Company's FPC Gas Rate Schedules Nos. 1, 4 and 8, respectively, provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in total proposed rates in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed increased rates reflect partial reimbursement for the 0.55 percent increase from 2.0 to 2.55 percent in the New Mexico Oil and Gas Emergency School Tax and exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and §154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 1, 1963.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-10133; Filed, Sept. 23, 1963; 8:46 a.m.]

[Docket No. CP61-96 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Further Postponement of Hearing

SEPTEMBER 16, 1963.

Natural Gas Pipeline Company of America, Docket No. CP61-96; Austral Oil Company Incorporated, Docket No. CI61-427; The Atlantic Refining Company, Docket No. CI61-482; Blanco Oil Co. (Operator), et al., Docket No. CI61-618; Killam & Hurd, Docket No. CI61-626; Katz Oil Company, Docket No. CI61-631; Texaco Inc., Docket No. CI61-677.

Upon consideration of the request filed September 5, 1963, by Counsel for The Atlantic Refining Company, for a further postponement of the hearing now scheduled to commence on October 1, 1963, in the above-designated matter;

Take notice that said hearing is hereby postponed to October 29, 1963.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-10135; Filed, Sept. 23, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63-SO-10]

B & H LEASING CORP.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-1598) to determine its effect upon the safe and efficient utilization of navigable airspace.

B & H Leasing Corporation, Hattiesburg, Mississippi, proposes to construct a guyed radio antenna structure at latitude 31°16'51" N., longitude 89°17'22" W. The overall height of the proposed structure would be 451 feet above mean sea level (300 feet above ground).

The proposed structure would be located approximately one mile south of Hattiesburg, 12,030 feet northwest of the Hattiesburg Municipal Airport reference point. At this location it would exceed the conical surface as defined in the Standards for Determining Hazards to Air Navigation, Subpart C, § 77.25(b)(2) of Part 77 of the Federal Aviation regulations by 13 feet, as applied to this airport.

The aeronautical study disclosed that the structure would be approximately 10,030 feet northwest of the northwest end of the northwest/southeast runway and would be located in the final approach area. At this location it would require: An increase from 400 feet to 600 feet in the straight-in landing minimums to Runway 13 and from 500 feet to 600 feet in the landing minimums for circling approach using special VOR approach procedure No. 1, with the Palmer Intersection being received; an increase from 400 feet to 600 feet in straight-in landing minimums to Runway 13 and an increase from 500 feet to 600 feet in the landing minimums for circling approach using special automatic direction finding approach No. 1.

The aeronautical study disclosed that there are two scheduled air carrier flights per day serving this airport. In calendar year 1962, there were a total of 18 instrument approaches conducted. Although this is a very nominal figure, an increase in the existing landing minimums would have an adverse effect upon future air traffic gains and further development of this airport.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would require an increase in the instrument landing minimums which would derogate instrument approach and landing capability at the Hattiesburg Municipal Airport and result in a substantial adverse effect to instrument operations.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on September 17, 1963.

JOSEPH VIVARI, *Acting Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 63-10123; Filed, Sept. 23, 1963; 8:45 a.m.]

[OE Docket No. 63-SO-12]

CONDOMINIO HOGARES DE EMPLEADOS DE FOMENTO, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-66 amended) to determine its effect upon the safe and efficient utilization of navigable airspace.

Condominio Hogares de Empleados de Fomento, Inc., San Juan, Puerto Rico, proposes to construct two apartment buildings in San Juan, Puerto Rico, at latitude 18°25'00" N., longitude 66°04'15" W. The overall height of the structures would be 270 feet above mean sea level (262 feet above ground).

The proposed structures would be located approximately 18,050 feet southeast of the Isla Grande Airport reference point and 21,000 feet southwest of the approach end of Runway 7 of the Puerto Rico International Airport. At the proposed location and height, the proposed structures would exceed the standards for determining hazards to air navigation in § 77.23(a)(2) of the Federal Aviation regulations, in that it would extend more than 200 feet above ground in the San Juan control zone. Also, the structures would be within the final approach area for standard instrument approach procedures AL-784-ADF and AL-784-VOR to the Puerto Rico International Airport.

The study disclosed that the proposed structures would have no substantial adverse effect upon aeronautical operations at the Isla Grande Airport. This airport is a visual flight rule airport only and its traffic patterns are to the north away from the proposed structures.

The aeronautical study further disclosed that the proposed structures would have a substantial adverse effect upon instrument flight rule operations at the Puerto Rico International Airport. An increase in instrument landing minimums from 500 feet to 600 feet would be required to provide obstruction clearance. The prevailing winds in this area are from the east making it necessary for approaching aircraft to conduct instrument approaches to the airport from the west utilizing the San Pat Nondirectional Radio Beacon or the San Juan VOR facility. According to Agency records, there were 1097 instrument approaches to the airport in 1962. Approximately 95 per cent of these approaches were made on the San Pat Radio Beacon, using SIAP AL-784-ADF.

In the course of the study it was noted that the VOR approach could be modified to establish a DME fix between the airport and proposed structures to obviate the increased landing minimums for SIAP AL-784-VOR. This would not, however, provide sufficient relief at this time since the vast majority of instrument approaches being conducted are on the San Pat Radio Beacon.

Therefore, pursuant to the authority delegated to me by the Administrator (§77.37 [New]), it is found that the proposed structures would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structures would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on September 17, 1963.

JOSEPH VIVARI, *Acting Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 63-10124; Filed, Sept. 23, 1963; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

WILLIAM F. SCHNITZLER

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No additions or deletions since last statement published December 4, 1962 (27 F.R. 11977).

Dated: September 13, 1963.

WILLIAM F. SCHNITZLER.

[F.R. Doc. 63-10122; Filed, Sept. 23, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2981]

BLUE HAVEN POOLS

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 18, 1963.

In the matter of Blue Haven Pools, 11933 Vose Street, North Hollywood, California (Jack A. Berg, Norman Udkoff, Harold Udkoff and Leon Zisfain, Selling Stockholders); File No. 24SF-2981.

I. Blue Haven Pools (issuer) was incorporated in California in 1955 to engage in the general business of constructing, equipping and maintaining swimming pools, present address 11933 Vose Street, North Hollywood, California.

On November 1, 1961, issuer and Norman Udkoff, Harold Udkoff, Leon Zisfain and Jack A. Berg, as selling stockholders, filed with the San Francisco Regional Office a notification on Form 1-A, form of underwriting agreement, and proposed form of offering circular relating to an offering of 35,000 shares, on behalf of issuer, and 20,000 shares, on behalf of the selling stockholders, of issuer's $1.00 par value common capital stock at $4.00 per share, for an aggregate offering price of $220,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Pacific Coast Securities Company, a corporation of San Francisco, California, was the underwriter.

II. The Commission has reason to believe that:

A. A report of sales dated April 30, 1962 was filed by the issuer and the selling stockholders on May 22, 1962, pursuant to the provisions of Rule 260 of the general rules and regulations of the Securities Act of 1933, as amended. Such report was false in that it was represented therein that the offering of the securities had been completed on March 30, 1962, whereas more than 20,000 shares were unsold at that date and the public offering by the underwriter of said securities continued for many months thereafter.

B. Issuer failed to file and provide a revised offering circular due December 26, 1962 under Rule 256(e) although the underwriter continued the offering long beyond that date.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a)(1) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10137; Filed, Sept. 23, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 19, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38542: *T.O.F.C. service—From and to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2324), for interested rail carriers. Rates on empty trailers, as described in the application, also fresh meats and packing house products, loaded in or on trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 48 to Western Trunk Line Committee, agent, tariff I.C.C. A-4379.

FSA No. 38543: *Barytes to Opal, Wyo.* Filed by Southwestern Freight Bureau, agent (No. B-8448), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from Butterfield, Dierks, Malvern, and National, Ark., also Fountain Farm, Lumtie, Mineral Point, and St. Clair, Mo., to Opal, Wyo.

Grounds for relief: Carrier competition.

Tariff: Supplement 9 to Southwestern Freight Bureau, agent, tariff I.C.C. 4509.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10146; Filed, Sept. 23, 1963; 8:47 a.m.]

[Notice 868]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 19, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66078. By order of September 17, 1963, the Transfer Board approved the transfer to Jennie Belle Schuler and Robert F. Schuler, doing business as Telluride Transfer, Telluride, Colo., of certificate in No. MC 79148, issued April 24, 1953, to C. J. Schuler, doing business as Telluride Transfer, Telluride, Colo., authorizing the transportation of general commodities, excluding household goods, commodities in bulk and other specified commodities, between Grand Junction and Telluride, Colo., serving intermediate points; and the operating rights claimed by the latter under the "grandfather clause" of section 206(a)(7)(B), Interstate Commerce Act, set forth in No. MC 79148 (Sub-No. 2) for which a certificate of registration is sought corresponding to the grant of intrastate authority to transferor issued by the Colorado Public Utilities Commission in certificate No. 60. C. N. Fairlamb, Box 289, Delta, Colo., attorney for applicants.

No. MC-FC 66160. By order of September 17, 1963, the Transfer Board approved the transfer to Dale D. Miller, Milford, Nebr., of the operating rights claimed by Lorence Burkey, doing business as Milford Transfer, Milford, Nebr., under the "grandfather clause" of section 206(a)(7)(B) in pending application No. MC 120829 (Sub-No. 1), covering the movement of freight in the State of Nebraska. Richard A. Peterson, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC-FC 66227. By order of Sept. 17, 1963, the Transfer Board approved the transfer to H. E. Spann and Company, Inc., Mt. Pleasant, Texas, of Certificate in No. MC 119160, issued July 28, 1960, to Spann Bros. Company, Incorporated, Mt. Pleasant, Texas, authorizing the transportation, over irregular routes, of gravel, sand, rock, caliche, shell, iron ore, readymix asphalt, rip rap, aggregate, dirt, bulk cement mixed with sand, crushed limestone, flexible base, and sand mixed with stone, gravel and crushed stone or rock, in bulk, in dump trucks or trailers with dump bodies, between points in fifteen specified counties in Texas, four specified parishes in Louisiana, eight specified counties in Arkansas, and five specified counties in Oklahoma. Joe T. Lanham, 1009 Perry-Brooks Bldg., Austin 1, Texas, Attorney for applicants.

No. MC-FC 66230. By order of Sept. 17, 1963 the Transfer Board approved the transfer and substitution of Hurschel Mericle, doing business as H-M Riggers Co., Dayton, Texas, as applicant in the claimed grandfather rights proceeding seeking the issuance of a Certificate of Registration, filed January 14, 1963 on Form BOR 99, assigned No. MC 121511, covering operations in interstate or foreign commerce, supported by Texas Certificate No. 7961, pursuant to a Form BMC 75 filing received October 10, 1962, in the name of Bertram Drilling Company—Construction and Lease Service Division, a Corporation, Liberty, Texas, filed in the proceeding in No. MC 121511, covering the transportation of various specified commodities, between points in Texas. Joe G. Fender, 2033 Norfolk Street, Houston, Texas, Attorney for applicants.

No. MC-FC 66239. By order of Sept. 17, 1963, the Transfer Board approved the transfer to Campbell Truck, Inc., 2270 Vineyard Avenue, Oxnard, Calif., applicant in No. MC 120498 (Sub-No. 1), BOR-99 filed in the name of Danny M. Campbell doing business as Campbell Truck Co., 2270 Vineyard Avenue, Oxnard, Calif., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by California certificate No. 44453, authorizing transportation of petroleum and petroleum products, in tank trucks and tank trailers, between all points in the State of California.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10147; Filed, Sept. 23, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION III

F. W. Woolworth Co., 5628 The Alameda, Baltimore, Md.; effective 8-27-63 to 3-31-64 (variety store; 32 employees).

REGION IV

Autry Greer & Sons, Inc., Post Office Drawer 349, Mobile, Ala.; effective 8-15-63 to 3-31-64 (food store; 308 employees).

REGION VII

McCrory-McLellan Stores Co., No. 705, 815 Main, Winfield, Kans.; effective 6-10-63 to 3-31-64 (variety store; 23 employees).

J. J. Newberry Co., 131-135 South Phillips Avenue, Sioux Falls, S. Dak.; effective 6-10-63 to 3-31-64 (variety store; 33 employees).

REGION X

Byck Bros. & Co., 532 South Fourth Street, Louisville, Ky.; effective 9-25-63 to 3-31-64 (apparel store; 186 employees).

S. H. Heironimus Co., Inc., 405 South Jefferson Street, Roanoke, Va.; effective 9-17-63 to 3-31-64 (department store; 341 employees).

J. Fred Johnson Co., Broad Street, Kingsport, Tenn.; effective 9-14-63 to 3-31-64 (department store; 135 employees).

J. J. Newberry Co., 121 Main Street, Glasgow, Ky.; effective 8-30-63 to 3-31-64 (variety store; 39 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Consumers Warehouse Market, Inc., 2900 East Sunshine Street, Springfield, Mo.; effective 9-3-63 to 3-31-64; carry-out boy; 10 percent for each month (food store; 36 employees).

S. S. Kresge Co., 34 Crossroads Center, 1600 28th Street, Boulder, Colo., effective 8-28-63 to 3-31-64; sales clerk; between 4.9 percent and 10 percent (variety store; 26 employees).

S. S. Kresge Co., Northfield Square Shopping Center, Unit No. 110, Northfield Road, Northfield, Ohio; effective 9-5-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 28 employees).

Kwik Shop, Inc., No. 70, 507 East 30th, Hutchinson, Kans.; effective 8-30-63 to 3-31-64; clerks, cashiers, carry-out, wrappers, maintenance; 10 percent for each month (food store; 10 employees).

Kwik Shop, Inc., No. 71, 13th and Oliver, Wichita, Kans.; effective 8-30-63 to 3-31-64; cashiers, carry-out, clerks, wrappers, maintenance; 10 percent for each month (food store; 5 employees).

Kwik Shop, Inc., No. 73, 1714 West 23d St., Lawrence, Kans.; effective 8-30-63 to 3-31-64; cashiers, clerks, carry-out, wrappers, maintenance; 10 percent for each month (food store; 5 employees).

Neisner Brothers, Inc., No. 61, McCreless Shopping City, Dauchy Road and South New Braunfels, San Antonio, Tex.; effective 9-11-63 to 3-31-64; selling, clerical, stocking; 10 percent for each month (variety store; 33 employees).

The following certificate was issued to an establishment under paragraph (k) of § 519.6 of 29 CFR, Part 519. This certificate supplements certificate issued pursuant to other paragraphs of that section, but does not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificate contains limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

E & F Corp., d/b/a Ramey Super Market, No. 1, 1812 South Glenstone, Springfield, Mo.; effective 8-26-63 to 2-29-64; between 1.0 percent and 1.8 percent for the months of August and October through February (food store; 44 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 13th day of September 1963.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 63-10136; Filed, Sept. 23, 1963; 8:46 a.m.]

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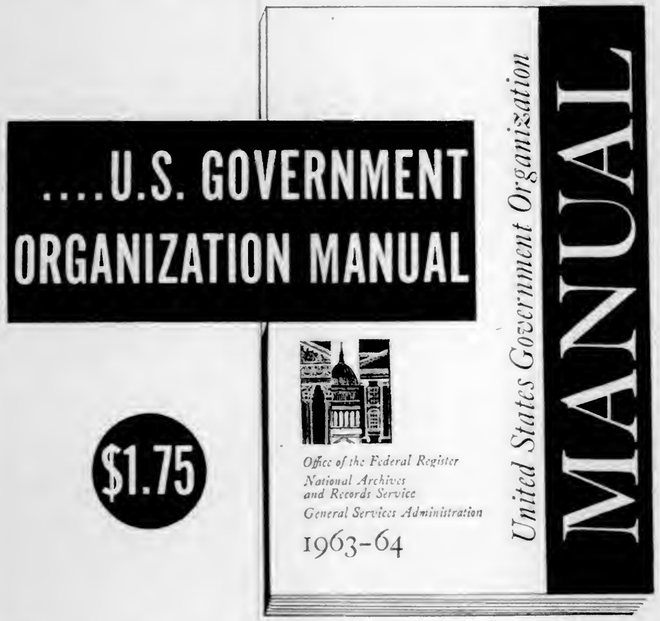
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VOLUME 28 NUMBER 187

Washington, Wednesday, September 25, 1963

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SEP 30 1963
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Civil Service Commission

Paragraph (a) is added to § 6.145 as set out below.

§ 6.145 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 14, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A sixth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

A new § 213.3170, paragraph (a) is added as set out below.

§ 213.3170 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10205; Filed, Sept. 24, 1963; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (51) is added to paragraph (a) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* • • •

(51) Director, Transportation Research Staff, Office of the Deputy Under Secretary for Transportation (Policy).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A fifth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (32) is added to paragraph (a) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(32) Director, Transportation Research Staff, Office of the Deputy Under Secretary for Transportation (Policy).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10206; Filed, Sept. 24, 1963; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Small Business Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (x) of § 6.328 is revoked.

(R.S. 1753, sec 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A seventh amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Paragraph (s) of § 213.3332 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10207; Filed, Sept. 24, 1963; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

[Marketing Quotas for Upland Cotton (Bulletin 1); Amdt. 12]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of 1961 and Succeeding Crops

1963 COUNTY NORMAL YIELDS

The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops (26 F.R. 3672, as amended), is to correct the 1963 county normal yields for those counties which were published in Amendment 11 to the regulations (28 F.R. 9381). Since this amendment is a correction of inadvertent error, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.50(c) of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops is hereby amended to correct the 1963 county normal yields in pounds per acre for Shelby County, Tennessee to 492 pounds per acre, for Lampasas County, Texas to 165 pounds per acre and for Midland County, Texas to 395 pounds per acre.

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C. on September 20, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-10203; Filed, Sept. 24, 1963; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[Ninth Gen. Rev. of Export Regs., Amdt. 67]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Miscellaneous Amendments

1. Section 372.5 *How to file an application for a validated license* is amended in the following particulars:

a. Notes 1, 2, and 3 following paragraph (a) are designated respectively subparagraphs (3), (4), and (5) of paragraph (a) *Form and manner of filing.*

b. Item 11(d) of subparagraph (4) of paragraph (a) is revised to read as follows:

Item 11(d). Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f.o.b. (factory), f.a.s. (named port), c.i.f., or other form. The particular form of price quotation must be specified. The amounts entered in the total price column on the application shall be rounded to the nearest whole dollar, except where the actual total value is less than $0.50. For example: If the total price for a commodity listed on the application is $2,375.49, it should be listed as $2,375; $2,375.50 should be listed as $2,376; $0.78 should be listed as $1; and $0.38 should be listed, unchanged, as $0.38. Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price at the time of delivery of shipment", or other such general statement of price, will not be acceptable.

c. Paragraph (c) *Time of submission of license applications* is deleted and paragraph (e) *Commodities exported for relief or charity* is redesignated as (c).

d. Paragraphs (f), (g), (h), (i), (j), and (k) are respectively redesignated paragraphs (e), (f), (g), (h), (i), and (j).

e. Paragraph (e) *Inclusion of related commodities on a single application* is revised to read as follows:

(e) *Inclusion of related commodities on a single application*—(1) *Description of related commodities.* (i) For each entry on the Positive List of Commodities (§ 399.1 of this chapter) there appears in the column headed "Processing Code and Related Commodity Group" a four-letter symbol (ELME, GIEQ, etc.), which is the processing code for that entry. In many instances this code is followed by a number, which is the related commodity group number for that entry. All entries on the Positive List which have both the same processing code and the same related commodity group number are designated related commodities and may be included on a single license application. (See § 373.51 of this chapter for exception.) Entries on the Positive List which have processing codes not followed by a number are not included in any related commodity group, and a separate application must, therefore, be filed for each such entry.

NOTE: The following examples illustrate proper use of a single application for related commodities on the Positive List:

Example 1. All entries on the Positive List having the processing code ELME followed by the related commodity group number 1 (ELME 1) may be entered on a single application.

Example 2. All entries on the Positive List having the processing code ELME followed by the related commodity group number 2 (ELME 2) may be entered on a single application.

Example 3. An entry on the Positive List having the processing code and related commodity group number ELME 1 may not be entered on the same application with an entry having the processing code and related commodity group number ELME 2.

Example 4. An entry on the Positive List having the processing code ELME not followed by a related commodity group number may not be combined on an application with any other entry; not even an entry having the same processing code.

Example 5. Entries on the Positive List having different processing codes (e.g., ELME, GEIQ, RUBR), regardless of whether followed by a related commodity group number, may not be included on the same application.

(ii) All non-Positive List commodities which have the same processing code are designated related commodities and may be included on a single application. (See § 399.3 of this chapter for processing codes of non-Positive List commodities.)

(2) *Partial approval.* An application may be approved in whole or in part. Upon specific request, stated on the application form, the application will be considered as a whole and either approved or rejected in its entirety.

(3) *Attachments.* Additional sheets listing related commodities must be attached securely to the application form.

2. Section 379.2 *Presentation and use of validated license*, paragraph (h) *Shipping tolerance* is amended to read as follows:

(h) *Shipping tolerance*—(1) *10 percent tolerance.* A 10 percent shipping tolerance is allowed over the amount specified on a validated license, or on a Collector's release against the license approved in accordance with paragraph (e) of this section, unless such tolerance is not permitted by the terms of the license or is limited or prohibited by any of the provisions set forth in subparagraphs (2), (3), or (4) of this paragraph.

(2) *Types of licenses covered.* (i) This tolerance is allowed when the quantity called for on the license is in the terms set forth below; or, if no quantity is specified on the license, the tolerance will be allowed on the total price shown for each entry on the license.

Avoirdupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U.S.P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(ii) The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Set.
Pair.	Square.

(3) *Maximum tolerance allowed.*[1] In all cases, the tolerance shall be allowed on the basis of the actual quantity (or total price if applicable) stated on the license, or on a Collector's release against the license, approved in accordance with paragraph (e) of this section. In no case shall the tolerance exceed 10 percent of the stated quantity (or total price if applicable). For example, if the quantity shown on the license or the release as applicable, is 100,000 pounds, not more than 110,000 pounds may be exported. Similarly, if no quantity is shown on the license or on the release, as applicable, and the total price for an entry shown thereon is $50,000, not more than $55,000 may be exported.

(4) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity has been made, the 10 percent tolerance is allowed on only the unshipped balance, except that in the case of shipments of iron and steel products (Processing Code STEE), and tinplate (Processing Code TNPL), the tolerance of 10 percent is allowed on the basis of the actual quantity stated on the license or the Collector's release. Where the quantity (or total price if applicable) stated on the license or the Collector's release has been shipped, no further shipment may be made under the license or the Collector's release.

3. Section 379.3(c) *Number of copies to be presented*, (3)(iii) is amended to read as follows:

(iii) Exportations from the United States to foreign countries made via Canada.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

[1] See § 375.4(d) of this chapter for tolerance provisions relating to shipments under Blanket (BLT) License.

This amendment shall become effective September 19, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-10202; Filed, Sept. 24, 1963; 3:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart C—Specific Tolerances

FURTHER EXTENSIONS OF EFFECTIVE DATE OF PUBLIC LAW 86-139 AS IT AFFECTS SECTION 408 OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

Under the provisions of Public Law 86-139 (73 Stat. 388, as amended 75 Stat. 42; 7 U.S.C. 135 et seq.), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner has further extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list previously published in § 120.37 (21 CFR 120.37) is amended by changing the item listed, as follows:

§ 120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

Product	Specified uses or restrictions	Effective date of statute extended to—
• • •	• • •	• • •
Sodium salt of β-naphthoxyacetic acid.	On pineapples to delay maturation.	June 30, 1964

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as amended, as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Public Law 86-139 (73 Stat. 388 as amended 75 Stat. 42; 7 U.S.C. 135 et seq.))

Dated: September 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10185; Filed, Sept. 24, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIOCTYL SODIUM SULFOSUCCINATE

The Commissioner of Food and Drugs, having evaluated the data in a petition filed by Monsanto Chemical Company, 800 North Lindberg Boulevard, St. Louis 66, Missouri, and other relevant material, has concluded that the following regulation should issue to prescribe the safe use of dioctyl sodium sulfosuccinate as a wetting agent in fumaric acid-acidulated dry beverage base. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart D the following new section:

§ 121.1137 Dioctyl sodium sulfosuccinate.

Dioctyl sodium sulfosuccinate may be safely used as a wetting agent in fumaric acid-acidulated dry beverage base, in accordance with the following prescribed conditions:

(a) It meets the specifications of the National Formulary, Eleventh Edition, 1960.

(b) It is used in such an amount and the labeling of the dry beverage base bears such adequate directions that the finished beverage will contain not in excess of 10 parts per million of the additive.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10197; Filed, Sept. 24, 1963; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA (CALCIUM DISODIUM ETHYLENEDIAMINETETRAACETATE; CALCIUM DISODIUM (ETHYLENEDINITRILO) TETRAACETATE)

The Commissioner of Food and Drugs, having evaluated data in a petition filed by Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, and other relevant material, has concluded that an amendment to § 121.1017 should issue to prescribe the conditions of use of the additive as a stabilizer of the color of canned clams. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1017 *Calcium disodium EDTA* • • • is amended by inserting in paragraph (b)(1), immediately preceding "Crabmeat (cooked canned)," a new item reading as follows:

Food	Limitations (parts per million)	Use
Clams (cooked-canned).	340	Promote color retention.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: September 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10186; Filed, Sept. 24, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PLASTICIZERS

Subsequent to the publication of § 121.2511 *Plasticizers* in the FEDERAL REGISTER of June 28, 1963 (28 F.R. 6679), comments were received from Continental Can Company, 7622 South Racine Avenue, Chicago 20, Illinois; Monsanto Chemical Company, Springfield 2, Massachusetts; and Union Carbide Corporation, Post Office Box 65, Tarrytown, New York, objecting to the provision limiting the plasticizer triethylene glycol to use only in cellulosic foodpacking materials. The Commissioner of Food and Drugs, having evaluated the comments received, and other relevant material, has concluded that this provision is unduly restrictive and should be deleted. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 52 Stat. 1055 as amended, 72 Stat. 1785; 21 U.S.C. 348, 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2511 *Plasticizers* is amended in paragraph (b) by changing the item "triethylene glycol" to read as follows:

(b) List of substances:

	Limitations
. . .	. . .
Triethylene glycol.....	Diethylene glycol content not to exceed 0.1 percent.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the amendment merely relaxes existing requirements.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 701, 52 Stat. 1055, as amended, 72 Stat. 1785; 21 U.S.C. 348, 371)

Dated: September 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10187; Filed, Sept. 24, 1963; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho

On August 8, 1963, there was published in the daily issue of the FEDERAL REGISTER, Volume 28, Number 154, Page 8157, Notice of Intention to amend § 221.32, Subchapter T, Chapter I of the Code of Federal Regulations Title 25. This section deals with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to R. D. Holtz, Area Director, within thirty days from the date of publication of the notice. No comments, suggestions or objections have been received and, accordingly § 221.32 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter T, is amended as follows:

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions of the acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribe of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1964 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Project:	
Basic rate	$4.25
(2) Michaud Division, Fort Hall Reservation:	
Basic rate	6.00
Additional rate for sprinkler irrigation when pressure is supplied by the project	3.00
(3) Minor Units, Fort Hall Reservation:	
Basic rate	1.50

(b) In addition to the foregoing charges, there shall be collected a minimum charge of $5.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.00.

R. D. HOLTZ,
Area Director.

[F.R. Doc. 63-10172; Filed, Sept. 24, 1963; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 63-48]

SUBCHAPTER C—AIDS TO NAVIGATION

PART 72—MARINE INFORMATION

Subpart 72.05—Light Lists

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Lights for Ferryboats and Barges

Pursuant to the notices of proposed rulemaking published in the FEDERAL REGISTER on February 2, 1963 (28 F.R. 1052-1058), and February 16, 1963 (28 F.R. 1510, 1511), and the Merchant Marine Council Public Hearing Agenda dated March 25, 1963 (CG-249), the Merchant Marine Council held a public hearing on March 25, 1963 for the purpose of receiving comments, views and data.

The proposals considered were identified as Items I through XI in the Public Hearing Agenda and Item X contained proposals regarding Rules of the Road. This item included proposals regarding "lights for moored barges," which are adopted in part. At the public hearing objections were made to the relaxation of the requirements governing lights on moored barges on waters navigated by seagoing vessels. Therefore, the adoption of this proposal is limited to barges operating on the Mississippi River and its tributaries north of Cairo, Illinois. The use of this revised barge lighting requirement in other areas will be studied to determine feasibility before further action is taken. This is the 10th document of a series containing regulations and actions based on this public hearing.

In this document the amendment to 33 CFR 95.35 describes the lights required for barges on the Western Rivers other than the waters of the Mississippi and its tributaries above Cairo Point, Illinois, while 33 CFR 95.36 will govern the lights for barges in the Mississippi River and its tributaries above Cairo Point, Illinois. No further action will be taken on the proposal designated 33 CFR 80.16a regarding lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intercoastal Water Way until after a determination is made based on the aforementioned feasibility study.

The amendments to 33 CFR Subpart 72.05 are editorial and change the title of information pamphlets from "Lists of Lights and Other Marine Aids" to their new title "Light Lists."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, July 31, 1950 (15 F.R. 6521), 167-17 dated June 29, 1955 (20 F.R. 4976), and 167-33 dated September 23, 1958 (23 F.R. 5692), and the statutes cited with regulations below the following amendments are prescribed and shall become effective 30 days after the date of publication of this document in the FEDERAL REGISTER.

In Subchapter C—Aids to Navigation, Part 72—Marine Information, Subpart 72.05—Light Lists:

1. The heading for Subpart 72.05 is amended to read as set forth above.

§ 72.05-1 [Amendment]

2. Section 72.05-1 *Purpose* is amended by changing in the first sentence of paragraph (a) the pamphlet title from "List of Lights and Other Marine Aids" to "Light Lists"; and by changing in the first sentence of paragraph (b) the pamphlet title from "Lists of Lights and Other Marine Aids" to "Light Lists."

(Sec. 92, 63 Stat. 503, 14 U.S.C. 92)

In Subchapter F—Navigation Requirements for Western Rivers, Part 95—Pilot Rules for Western Rivers:

1. Section 95.35 is amended to read as follows:

§ 95.35 Lights for barges at bank or dock in the Mississippi River and its tributaries below Cairo Point, Illinois; the Ohio River and its tributaries; that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway; and the Red River of the North.

(a) Barges moored to the bank or dock in or near a fairway shall carry two white lights not less than 4 feet above the surface of the water, as follows:

(1) On a single moored barge, a light at each outboard or channelward corner.

(2) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge, and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel from such group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(R.S. 4233A, as amended; 33 U.S.C. 353. Interpret or apply R.S. 4233 as amended; 33 U.S.C 316)

2. Part 95 is amended by inserting after § 95.35 a new section reading as follows:

§ 95.36 Lights for barges in the Mississippi River and its tributaries above Cairo Point, Illinois.

(a) The following barges, when moored in or near a fairway, shall display between the hours of sunset and sunrise the barge lights described in paragraph (b) of this section:

(1) Every barge projecting into a buoyed or restricted channel.

(2) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(3) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(4) Every barge moored to the bank in any manner other than parallel thereto.

(b) Barges required to be lighted under paragraph (a) of this section shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least one mile, so located as to give unobstructed view and arranged as follows:

(1) On a single moored barge, a light on each outboard or channelward corner.

(2) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(c) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(R.S. 4233A, as amended; 33 U.S.C. 353. Interpret or apply R.S. 4233 as amended; 33 U.S.C. 316)

Dated: September 9, 1963.

[SEAL] E. J. ROLAND,
Admiral, U. S. Coast Guard, Commandant.

[F.R. Doc. 63-10198; Filed, Sept. 24, 1963; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Colusa National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,180 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant.

(b) Open season: November 23, 24, 27, 28, 30, and December 1, 4, 7, and 8, 1963. Shooting hours to conform with State regulations.

(c) Daily bag limits: Two cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

2. Dogs: Not to exceed two dogs per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking stations and obtain State hunting permit.

3. The provisions of this special regulation are effective to December 9, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-10165; Filed, Sept. 24, 1963; 8:45 a.m.]

PART 32—HUNTING

Delevan National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

DELEVAN NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Delevan National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,200 acres or 39 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: November 23, 24, 27, 28, 30, and December 1, 4, 7, and 8, 1963. Shooting hours to conform with State regulations.

(c) Daily bag limits: Two cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

2. Dogs: Not to exceed two dogs per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking stations and obtain State hunting permit.

3. The provisions of this special regulation are effective to December 9, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-10166; Filed, Sept. 24, 1963; 8:45 a.m.]

PART 32—HUNTING

Merced National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

MERCED NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Merced National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area comprising 1,160 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: November 23, 24, 27, 28, 30, and December 1, 4, 7, and 8, 1963. Shooting hours to conform with State regulations.

(c) Daily bag limit: Two cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

2. Dogs: Not to exceed two dogs per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking stations and obtain State hunting permit.

3. The provisions of this special regulation are effective to December 9, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-10167; Filed, Sept. 24, 1963; 8:45 a.m.]

PART 32—HUNTING

Sutter National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

SUTTER NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Sutter National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 1,100 acres, as delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant.

(b) Open season: November 23, 24, 27, 28, 30, and December 1, 4, 7, and 8, 1963. Shooting hours to conform with State regulations.

(c) Bag limits: Two cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

2. Dogs: Not to exceed two dogs per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking stations and obtain State hunting permit.

3. The provisions of this special regulation are effective to December 9, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 11, 1963.

[F.R. Doc. 63-10168; Filed, Sept. 24, 1963; 8:45 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge; Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of upland game on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres or 80 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, bobwhite quail; Hungarian (gray) partridge; ruffed grouse; black, gray and fox squirrels; cottontail, snowshoe and jack rabbits; raccoons; opossums; skunks; weasels; red and gray foxes; woodchucks, and crows during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois, Iowa, Minnesota or Wisconsin State regulations, is prohibited.

(b) Open season: Upland game may be hunted in accordance with State seasons and regulations, commencing on the first day of the migratory waterfowl season in the designated open areas of each State, and in the posted closed areas from the first day after the close of last hunting season for the calendar year for ducks and coots applicable to the geographic area, until the last day of the respective State open season or until March 1, 1964, whichever date occurs first, and as follows:

ILLINOIS

Pheasants—from 12:00 noon to sunset (c.s.t.) on November 16, 1963, and from sunrise to sunset each day from November 17 through December 19, 1963. Bobwhite quail—from 12:00 noon to sunset (c.s.t.) on November 16, 1963, and from sunrise to sunset each day from November 17 through December 31, 1963. Hungarian (gray) partridge—from 12:00 noon to sunset (c.s.t.) November 16, 1963, and from sunrise to sunset November 17 through December 19, 1963. Ruffed grouse, wild turkey, prairie chicken, chukar partridge, and groundhog may not be taken. Black, gray, and fox squirrels—from 12:00 noon to sunset (c.s.t.) on October 20, 1963, and from sunrise to sunset October 21 through October 31, 1963. Rabbits—from 12:00 noon to sunset (c.s.t.) November 23, 1963, and from sunrise to sunset each day from November 24, 1963 through January 31, 1964. Raccoons, opossums, skunks and weasels (hunting only)—from 12:00 noon (c.s.t.) November 15, 1963 to 12:00 noon (c.s.t.) on January 31, 1964. Red and gray foxes, and crows—from 12:00 noon to sunset (c.s.t.) October 20, 1963, and from sunrise to sunset October 21, 1963, through March 1, 1964. It is unlawful in those counties open for the taking of deer, to carry a gun in the field for any purpose during the shotgun deer season (November 29 through December 1, 1963) except when attempting to take deer.

IOWA

Pheasants—from 8:30 a.m. to 5:00 p.m. (c.s.t.) each day from November 9, 1963, through January 1, 1964. Bobwhite quail—from 8:30 a.m. to 5:00 p.m. (c.s.t.) each day from November 2, 1963, through January 1, 1964. Ruffed grouse, wild turkey, prairie chicken, and chukar and Hungarian (gray) partridge may not be taken. Gray and fox squirrels—from sunrise to sunset (c.s.t.) each day from October 5, 1963, through December 13, 1963. Cottontail and jack rabbits—from 6:00 a.m. to 6:00 p.m. (c.s.t.) from October 5, 1963, through February 23, 1964. Raccoons—from 12:00 noon (c.s.t.) on October 12, 1963, to midnight February 28, 1964. Red and gray foxes, woodchuck, weasel, wolf-coyote, and crows—from sunrise to sunset (c.s.t.) from October 5, 1963, through March 1, 1964.

MINNESOTA

Pheasants and Hungarian (gray) partridge—from 12:00 noon to sunset (c.s.t.) on October 26, 1963, and from 10:00 a.m. to sunset (c.s.t.) each day during the period October 27, 1963, through November 30, 1963. Ruffed grouse—from 12:00 noon to sunset (c.s.t.) on October 5, 1963, and from sunrise to sunset (c.s.t.) each day during the period October 6, 1963, through November 3, 1963. Bobwhite quail, chukar partridge, prairie chicken, sharp-tailed grouse, spruce grouse, and wild turkey may not be taken. Gray and fox squirrels—from 12:00 noon to sunset (c.s.t.) on October 5, 1963, and from sunrise to sunset (c.s.t.) each day from October 6, 1963, through December 31, 1963. Cottontail, snowshoe and jack rabbits—from 12:00 noon to sunset (c.s.t.) on October 5, 1963, and from sunrise to sunset each day from October 6, 1963, through March 1, 1964. Raccoon (hunting)—from 12:00 noon October 5, 1963 (c.s.t.) through December 31, 1963—24 hours per day. Red and gray foxes, and crows—from 12:00 noon to sunset (c.s.t.) October 5, 1963, and from sunrise to sunset (c.s.t.) October 6, 1963, through March 1, 1964.

WISCONSIN

Shooting hours shall be as prescribed in State regulations and as follows: Pheasants—from 12:00 noon (c.s.t.) on October 19, 1963, through November 24, 1963. Ruffed grouse—from 12:00 noon (c.s.t.) on October 5, 1963, through December 15, 1963. Chukar and Hungarian (gray) partridge, prairie chicken, wild turkey, bobwhite quail, woodchuck, badger, and sharp-tailed grouse may not be taken. Gray and fox squirrels—from 12:00 noon (c.s.t.) on October 5, 1963, through January 31, 1964. Cottontail, snowshoe, and jack rabbits—on October 19, 1963, through January 31, 1964. Raccoons (hunting)—from 12:00 noon (c.s.t.) October 5, 1963, through December 31, 1963, in Buffalo and Trempealeau Counties and that portion of LaCrosse County north of U.S. Highway No. 16; and on October 19, 1963, through December 31, 1963 in that portion of LaCrosse County south of U.S. Highway No. 16, and in Vernon, Crawford, and Grant Counties. Red and gray foxes, skunk, opossums, and crows—from 12:00 noon (c.s.t.) on October 5, 1963, through March 1, 1964.

(c) Daily bag limits:

ILLINOIS

Pheasants (cocks only)—3; Hungarian (gray) partridge—2; bobwhite quail—8; black, gray and fox squirrels—5 combined; rabbits—5 combined, racoons, opossums, skunks and weasels—no limit.

IOWA

Pheasants (cocks only)—3; bobwhite quail—6; gray and fox squirrels—6 combined; rabbits—10 per day combined; racoons—no limit.

MINNESOTA

Pheasants (cocks only)—3; Hungarian (gray) partridge—3; ruffed grouse—3; gray and fox squirrels—10 combined; cottontail rabbits—10; jack rabbits—10; snowshoe rabbits—10; racoon (hunting)—no limit.

WISCONSIN

Pheasants (cocks only)—1 from October 19 through October 20, 1963, and 2 from October 21, 1963, through November 24, 1963; ruffed grouse—3; gray and fox squirrels—5 combined; cottontail rabbits—3; snowshoe hare—3; jack rabbit—3; raccoons (hunting)—no limit.

(d) Methods of hunting:

(1) Weapons—as prescribed by State regulations.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) All State laws and regulations must be complied with.

(f) The provisions of this special regulation are effective to March 2, 1964.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 17, 1963.

[F.R. Doc. 63-10169; Filed, Sept. 24, 1963; 8:45 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres or 19 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Quail.

(b) Open season: Sunrise to sunset November 21, 1963, through January 1, 1964, on Tuesdays, Thursdays, Saturdays, and national holidays.

(c) Daily bag limit: Quail 10.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge) fired from the shoulder.

(2) Dogs—Dogs may be used for the purpose of hunting and retrieving.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to January 2, 1964.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 17, 1963.

[F.R. Doc. 63-10171; Filed, Sept. 24, 1963; 8:46 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge; Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of big game on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres or 80 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below. The hunting of big game species, as may be otherwise authorized by Illinois, Iowa, Minnesota or Wisconsin State regulations, is prohibited.

(b) Open season: As specified below for individual States. Hunting on designated closed areas concurrent with applicable State seasons is permitted from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable

State seasons, or until March 1, whichever occurs first, and as follows:

ILLINOIS

Bow and arrow seasons—from one-half hour before sunrise to one-half hour before sunset (c.s.t.) October 1, 1963, through November 2, 1963; and from one-half hour before sunrise to one-half hour before sunset (c.s.t.) November 11, 1963, through November 23, 1963, and December 2, 1963, through December 31, 1963. Shotgun season—from 6:30 a.m. to 4:00 p.m. (c.s.t.) November 8, through November 10, 1963, and November 29 through December 1, 1963.

IOWA

Bow and arrow season—from one-half hour before sunrise to one-half hour after sunset (c.s.t.) October 12, 1963, through December 1, 1963. Shotgun season—from 8:00 a.m. to 4:00 p.m. (c.s.t.) December 14, 15, and 16, 1963.

MINNESOTA

Early bow and arrow season—from sunrise to sunset (c.s.t.) September 28, 1963, through October 31, 1963. Shotgun and bow and arrow season—from sunrise to sunset (c.s.t.) November 9, 10 and 11, 1963. Late bow and arrow season—from sunrise to sunet (c.s.t.) November 30, 1963, through December 22, 1963.

WISCONSIN

Hunting hours each day shall be as prescribed in State regulation tables.

Bow and arrow season—from one-half hour before sunrise to sunset (c.s.t.) September 21, 1963, through November 19, 1963; and from December 7, 1963, through December 31, 1963. Shotgun only and bow and arrow season—one-half hour before sunrise to sunset (c.s.t.) November 23, 1963, through November 24, 1963, in Buffalo, Trempealeau and La Crosse Counties; shotgun, rifle, and bow and arrow season one-half hour before sunrise to sunset (c.s.t.) November 23, 1963, through November 24, 1963, in Vernon, Crawford and Grant Counties. Rifle, shotgun and bow and arrow season—one-half hour before sunrise to sunset (c.s.t.) November 25, 1963, through December 1, 1963, in Buffalo, Trempealeau, La Crosse and Vernon Counties.

(c) Bag limit:

ILLINOIS, IOWA AND MINNESOTA

One deer of any age or sex, per person per year.

WISCONSIN

Bow and arrow only seasons—one deer of either sex. Gun season with bows permitted November 23, 1963, through November 24, 1963—one deer of either sex. Gun season with bows permitted November 25, 1963, through December 1, 1963—one buck deer with antlers not less than three inches long. Only one deer may be taken, whether by gun or by bow and arrow, per person per year.

(d) Method of hunting:

(1) Weapons:

ILLINOIS

For bow and arrow hunting only a long bow, providing such bow has a minimum pull of forty pounds or more, may be used. Crossbows or any mechanically operated bows are illegal. Only standard broadhead arrows may be used. For gun hunting, shotguns only with rifled slugs may be used.

IOWA

For bow and arrow hunting only a long bow, providing such bow has a minimum pull of forty pounds or more, may be used. Crossbows or any mechanically operated bows are illegal. Only standard broadhead arrows may be used. For gun hunting, 10, 12, 16, or 20 gauge shotguns only, with rifled slugs, may be used. Rifles, air guns or other weapons are illegal.

MINNESOTA

For bow and arrow hunting only a long bow, providing such bow has a minimum pull of forty pounds or more, may be used. Broadhead arrows must have a minimum weight of 110 grains, be of hi-carbon steel, the blade or blades must not be less than one inch wide for single two-edge blade or not less than three inch circumference for three or more blades. For shotgun hunting, only rifled slugs may be used.

WISCONSIN

For bow and arrow hunting, only a long bow may be used, providing such bow has a minimum pull of thirty pounds or more. Arrows must have well-sharpened metal broadhead blades not less than seven-eighths of an inch long and not more than one and one-half inches in width. It is illegal to hunt deer with any .22 rim-fire rifle or any .410 shotgun, or any shotgun or musket charge other than a single ball or slug. Smooth bore muskets of 45 caliber or larger and rifled muskets of 40 caliber or larger may be used for hunting deer in counties in which a shotgun only season is in effect.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) All State laws and regulations must be complied with.

(4) The provisions of this special regulation are effective from the date of this publication to January 1, 1964.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 17, 1963.

[F.R. Doc. 63-10170; Filed, Sept. 24, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1071]

[Docket No. AO-227-A14]

MILK IN NEOSHO VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Town Room, Hotel Besse, Pittsburg, Kansas, beginning at 10:00 a.m. local time, on October 1, 1963, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Neosho Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Neosho Valley Cooperative Creamery Association, of Erie, Kansas; Producers Creamery Company of Springfield, Missouri; and The Southwest Milk Producers Association of Wichita, Kansas:

Proposal No. 1. Terminate §§ 1071.72, 1071.80, 1071.81, 1071.82 and 1071.83 and modify § 1071.71 so as to discontinue the base and excess method of payment to producers.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Kenneth M. Fell, Post Office Box 601, Pittsburg, Kans., 66762, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on September 19, 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63-10189; Filed, Sept. 24, 1963; 8:47 a.m.]

[9 CFR Part 201]

PACKERS AND STOCKYARDS

Prompt Payment; Notice of Proposed Rule Making

In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that, pursuant to the authority contained in section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Agricultural Marketing Service proposes to amend § 201.43 (9 CFR 201.43) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), as follows:

1. Add a descriptive heading to present § 201.43 to read: "Payment and accounting for livestock and live poultry";

2. Designate the descriptive heading and text of present § 201.43 as paragraph (a); and

3. Add a new paragraph (b) reading as follows:

(b) *Purchasers to pay promptly for livestock.* Each packer, market agency, or dealer purchasing livestock shall, before the close of the next business day following the purchase of livestock and the determination of the amount of the purchase price, transmit or deliver to the seller or his duly authorized agent the full amount of the purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. Any such agreement shall be disclosed in the purchaser's records and on the accountings or other documents issued by the purchaser relating to the transaction.

The purpose of the proposed regulation is to establish a uniform rule regarding payment for livestock purchased by packers, market agencies, and dealers consistent with (1) the established custom that sales of livestock are on a cash basis, and (2) the provisions of present § 201.43 of the regulations under which market agencies selling livestock on a commission basis transmit or deliver net proceeds to shippers before the close of the next business day following the sale of the shippers' livestock. The proposed regulation requires that if the parties to a livestock sales transaction enter into an agreement referred to in the regulation, the substance of such agreement must be disclosed by the packer, market agency, or dealer in his records and on the accountings or other documents issued by him relating to such transaction.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., on or before November 1, 1963.

Done at Washington, D.C., this 19th day of September 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63-10190; Filed, Sept. 24, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Radioactivity in Effluents to Unrestricted Areas; Notice of Proposed Rule Making

Correction

In F.R. Doc. 63-9856, appearing at page 10170 of the issue for Tuesday, September 17, 1963, in § 20.106(a), the reference to "§ 10.302" should read "§ 20.302".

FEDERAL AVIATION AGENCY

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-WE-75]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 30 presently extends in part from the Denver, Colo., VORTAC to the O'Neill, Nebr., VORTAC. Continuous navigation signal coverage does not exist over this entire route segment of J-30 below flight level 270. The FAA is proposing to alter this segment of J-30 from the Denver VORTAC via the Sidney, Nebr., VOR to the O'Neill VORTAC. Such action would permit the use of those flight levels between flight level 240 and flight level 270 which are not now available due to lack of signal coverage. There would be no requirement for the designation of the Sidney VOR as a compulsory reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by con-

tacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 18, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10157; Filed, Sept. 24, 1963; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-WE-76]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 32 presently extends in part from the Malad City, Idaho, VORTAC to the Crazy Woman, Wyo., VOR. Continuous navigation signal coverage does not exist over this entire route segment of J-32 below flight level 270. The FAA is proposing to alter this segment of J-32 from the Malad City VORTAC via the Boysen Reservoir, Wyo., VORTAC to the Crazy Woman VOR. Such action would permit the use of those flight levels between flight level 240 and flight level 270 which are not now available due to lack of signal coverage. There would be no requirement for the designation of the Boysen Reservoir VORTAC as a compulsory reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 18, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10158; Filed, Sept. 24, 1963; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 222]

[Docket No. 876]

FILING OF AGREEMENTS UNDER SECTION 15, SHIPPING ACT, 1916, AS AMENDED

Discontinuance of Proposed Rule Making Proceeding

The Commission has determined that the proposed rules governing the filing of agreements under section 15 (25 F.R. 359) which have been superseded in part by provisions of Public Law 87-346 and rule making proceedings implementing that statute, should be reviewed in light of present circumstances.

Therefore, it is ordered, That the preceeding in Docket No. 876 is hereby discontinued.

By the Commission, September 16, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10199; Filed, Sept. 24, 1963; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI AND NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Mississippi and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Kemper.

NORTH CAROLINA

Orange.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10204; Filed, Sept. 24, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1142]

SEATTLE/ALASKA RAIL BELT; POTATO CHIPS AND RELATED SNACK PRODUCTS

Increase in Freight Rates

It appearing, that there have been filed by Alaska Freight Lines, Inc., tariff schedules resulting in increased rates on "Potato chips; Popped corn; Bacon bits; Corn curls; and Snacks, dried" to become effective September 14, 1963, designated as follows:

ALASKA FREIGHT LINES, INC.

Local Freight Tariff No. 10, FMC-F No. 1 (Alaska Northern Express, Inc. Series), Second Revised Page No. 31, and Fourth Revised Page No. 51;

and it further appearing, that upon consideration of the said schedules, there is reason to believe that the said increased rates, if permitted to become effective, would result in rates, and/or charges, which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the Alaska Freight Lines, Inc. tariff revisions as well as the tariffs of Garrison Fast Freight, Inc.; Weaver Bros., Inc.; Alaska Steamship Company; and Puget Sound-Alaska Van Lines, division of Puget Sound Tug & Barge Company, insofar as said tariffs name rates on "Potato Chips and related Snack Products," should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said revisions should be suspended pending such investigation:

Now therefore, it is ordered, That, an investigation be, and it is hereby instituted into and concerning the aforementioned Alaska Freight Lines, Inc. tariff revisions with a view to making such findings and orders in the premises as the facts and circumstances shall warrant:

And it is further ordered, That Second Revised Page No. 31 and Item No. 675 on Fourth Revised Page 51 of the aforementioned Alaska Freight Lines, Inc. tariff be, and they are hereby suspended and that the use thereof be deferred to and including January 13, 1964, unless otherwise authorized by the Commission, and that the rates, and/or charges, heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension:

And it is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission:

And it is further ordered, That there shall be filed immediately with the Commission by Alaska Freight Lines, Inc., a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 14th day of January 1964, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission:

And it is further ordered, That the investigation in this proceeding shall not be confined to the matter hereby placed under suspension, but shall include all matters with respect to the lawfulness of rates on similar commodities between like ports of other carriers hereinafter made respondents in this proceeding:

And it is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission:

And it is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Alaska Freight Lines, Inc.; Weaver Bros., Inc.; Alaska Steamship Company; and Puget Sound-Alaska Van Lines, division of Puget Sound Tug & Barge Company, be, and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon all respondents; (IV) the said respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission, September 6, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10200; Filed, Sept. 24, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2668 etc.]

CITIES SERVICE CO. ET AL.

Notice of Severance

SEPTEMBER 19, 1963.

Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G-2668, etc.; Southeastern Public Service Company (successor to Acco Oil and Gas Company (Operator), et al., Docket No. CI61-1183.

Notice is hereby given that the matter of the application in Docket No. CI61-1183, heretofore scheduled for a hearing in Washington, D.C., on September 26, 1963, in the consolidated proceeding entitled Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G-2668, et al., is severed

therefrom for such further disposition as may be appropriate in view of the Notice of Intervention filed by the Public Service Commission of the State of New York on September 16, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10159; Filed, Sept. 24, 1963; 8:45 a.m.]

[Docket No. G-2668 etc.]

CITIES SERVICE CO. ET AL.

Notice of Severance

SEPTEMBER 18, 1963.

Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G-2668, etc.; Southeastern Public Service Company (Operator), et al. (successor to Anderson & Cooke, et al.), Docket No. G-2684; Southeastern Public Service Company (Operator), et al. (successor to Acco Oil and Gas Company (Operator), et al.), Docket No. G-9313.

Notice is hereby given that the matters of the applications in Docket Nos. G-2684 and G-9313, heretofore scheduled for a hearing in Washington, D.C., on September 26, 1963, in the consolidated proceeding entitled Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G-2668, et al., are served therefrom for such further disposition as may be appropriate in view of the Notice of Intervention filed by the Public Service Commission of the State of New York on September 13, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10160; Filed, Sept. 24, 1963; 8:45 a.m.]

[Docket No. RI64-129]

CONTINENTAL OIL CO. ET AL.

Order To Show Cause Why Respondents Should Not Be Required To Comply With Requirements of the Natural Gas Act

SEPTEMBER 19, 1963.

Continental Oil Company, The Atlantic Refining Company, Tidewater Oil Company, and Cities Service Production Company, Docket No. RI64-129.

This is an order directing Continental Oil Company, The Atlantic Refining Company, Tidewater Oil Company, and Cities Service Production Company to show cause why they should not be required to comply with sections 7 and 4 of the Natural Gas Act, and Commission regulations thereunder. Each of the above-named producers has executed an agreement, dated May 10, 1961, with Tennessee Gas Transmission Company for the sale of natural gas from Blocks 198 and 199, offshore Louisiana, referred to as the Ship Shoal Field. In our opinion and order issued concurrently herewith in Docket Nos. G-16842, et al., we concluded that the arrangement between these producers and Tennessee constitutes a sale of natural gas for resale and therefore subject to the applicable provisions of the Natural Gas Act.

The Commission orders:

(A) At the hearing provided for in paragraph (B) hereof, Continental Oil Company, The Atlantic Refining Company, Tidewater Oil Company and Cities Service Production Company shall show cause, if any there be, why they should not be found to be or to have been engaged in the sale of natural gas for resale to Tennessee from the Ship Shoal Field subject to the jurisdiction of this Commission without having secured requisite authorization therefor pursuant to sections 7 and 4 of the Natural Gas Act and the Commission's regulations thereunder.

(B) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 14, 15 and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held concerning the issue presented by paragraph (A) hereof, at a date to be fixed by the Presiding Examiner following a prehearing conference to be held on or commencing October 18, 1963, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C.

(C) Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1963.

By the Commission, Commissioner Black not participating.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10161; Filed, Sept. 24, 1963; 8:45 a.m.]

[Docket No. CP64-53]

FLORIDA GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

SEPTEMBER 18, 1963.

Take notice that on September 3, 1963, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida, filed in Docket No. CP64-53 an application pursuant to section 7(b) of the Natural Gas Act for an order authorizing and approving the abandonment of approximately 1.25 miles of 3½ inch lateral pipeline and appurtenant facilities heretofore authorized to Applicant in Docket Nos. G-9262 and G-9960, which presently are being utilized to render natural gas direct sale service to the municipal electric generating plant of the City of Blountstown, Florida. Abandonment is proposed because the City proposes to discontinue the operation of its electric generating plant and the parties have agreed to the cancellation of their contracts for the sale and delivery of natural gas to the plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total installed cost of the facilities proposed to be abandoned was $25,375.61. Applicant proposes to abandon the 1.25 miles of 3½ inch pipe in place, and to remove and salvage the appurtenant metering, instrumentation and related facilities required for service to the electric plant, the salvage value of which is estimated to be $2,166.07.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on October 22, 1963 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10162; Filed, Sept. 24, 1963; 8:45 a.m.]

[Docket No. CP62-180]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 18, 1963.

Take notice that on February 6, 1962, as supplemented on April 4, 1962, Northern Natural Gas Company (Applicant) filed in Docket No. CP62-180 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate certain pipeline tap facilities on the "West Leg" of its Permian Basin area transmission facilities and to sell natural gas in interstate commerce to Pioneer Natural Gas Company (Pioneer) for resale, all as more fully described in the application which is on file with the Commission and open to public inspection.

Pursuant to a contract between Applicant and Pioneer, Pioneer will take over Applicant's servicing of Applicant's present and future right-of-way grantors on the Texas portion of the "West Leg". Pioneer additionally intends to make irrigation sales to other consumers adjacent to the "West Leg".

Under the terms of the contract, Pioneer will purchase Applicant's existing metering facilities now used for sales to right-of-way grantors. In regard to future delivery points, when requested by Pioneer, Applicant will tap its line for measuring and regulating facilities to be installed by Pioneer. Applicant is requesting "blanket authority" to construct and operate such pipeline taps as Pioneer may request for the period ending October 1, 1971, at which time the primary term of the aforementioned contract expires.

The contract provides for the sale to Pioneer by Applicant of a maximum of 1,000 Mcf per day of firm gas between April 1 and October 1 of each year, and the same amount on an interruptible basis from October 1 to April 1 of each year. The initial price is 23 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1963 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (CFR 1.8 or 1.10) on or before October 18, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10163; Filed, Sept. 24, 1963; 8:45 a.m.]

[Docket Nos. RI64-143, RI64-144]

TEXACO, INC., AND SHELL OIL COMPANY

Order Permitting Rate Filings, Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 18, 1963.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sale made by Texaco Inc. (Texaco) is made at a pressure base of 15.025 psia, and the sale made by Shell Oil Company (Shell) is made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-143	Texaco, Inc., P.O. Box 52332, Houston, Tex., 77052, Attn: Mr. W. V. Vietti.	290	5	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	$248	8-19-63	[1] 9-19-63	[2] 9-20-63	[3] 13.0	[4] 13.2486	----------
RI64-144	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	251	2	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	40	8-20-63	[1] 9-20-63	[2] 9-21-63	[5] 16.0	[4] 16.0770	----------

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Conditioned rate in temporary certificates issued May 25, 1962, and Nov. 16, 1962, in Docket No. CI62-1181.
[4] Tax reimbursement increase.
[5] Conditioned rate subject to refund (gas not of pipeline quality because of H_2S content) in temporary certificate issued Jan. 4, 1962, in Docket No. CI61-1491.

Texaco requests waiver of notice to make its proposed rate increase effective as of April 1, 1963, the effective date of the increase in the New Mexico Oil and Gas Emergency School Tax. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's proposed rate filing and such request is denied.

Texaco proposes partial reimbursement of the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 to 2.55 percent on April 1, 1963. Shell proposes partial reimbursement of the .55 percent increase. El Paso Natural Gas Company (El Paso) has protested the rate increase filed by Texaco. El Paso questions the right of Texaco under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, El Paso claims that there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearing provided for herein for Texaco shall concern itself with the contractual basis as well as the statutory lawfulness of Texaco's rate filing. The hearing with respect to Shell's proposed rate increase shall concern itself only with the lawfulness of such increased rate. Since the proposed rate increases of Texaco and Shell reflect only tax reimbursement, the suspension period for each may be shortened to one day from the date of expiration of the 30-days' statutory notice.

Texaco is currently selling gas under a temporary certificate in Docket No. CI62-1181 conditioned to a total initial rate of 13.0 cents per Mcf. Shell is selling gas under a temporary certificate in Docket No. CI61-1491 conditioned to a total initial rate of 16.0 cents per Mcf, subject to refund down to 14.5 cents per Mcf of any amounts collected in excess of the rate ultimately found to be required.

Both Texaco and Shell's temporary certificates contain Condition (2) which provides that the conditioned rates shall remain in effect until changed by Commission order. Inasmuch as increased tax reimbursement constitutes a known increased cost to the producers involved, we believe that Condition (2) contained in the temporary certificates should be waived with respect to the subject notices of change and that such notices be permitted to be filed: *Provided, however,* That should there be a tax reduction or should this tax be held invalid for any reason, the producers shall file for a rate reduction commensurate with the reduction in taxes.

Texaco and Shell's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificates issued in Docket Nos. CI62–1181 and CI61–1491 with respect to Texaco and Shell's notices of change in rate and for permitting such notices to be filed.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of Texaco's proposed rate filing, and the statutory lawfulness of Texaco and Shell's proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Condition (2) in the temporary certificates issued in Docket Nos. RI62–1181 and CI61–1491 is hereby waived with respect to Texaco and Shell's notices of change and such rate changes are hereby permitted to be filed.

(B) Should there be a tax reduction or should the subject tax be held invalid for any reason, Texaco and Shell shall file for a rate reduction commensurate with the reduction in taxes.

(C) The refunding provision contained in Condition (1) in the temporary certificate issued to Shell in Docket No. CI61–1491 shall remain in full force and effect and shall also be effective as to the rate filing herein.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of Texaco's proposed rate filing which El Paso has protested, and the statutory lawfulness of Texaco and Shell's proposed increased rates and charges contained in the above-designated rate supplements.

(E) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(F) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(G) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 6, 1963.

By the Commission, Commissioner Black not participating.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–10164; Filed, Sept. 24, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–5941]

COMMODITY INVESTMENT PLAN OF AMERICA

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 19, 1963.

In the matter of Commodity Investment Plan of America, 628 West 227th Street, Riverdale 63, New York, File No. 24NY–5941.

I. Commodity Investment Plan of America (issuer), a New York limited partnership, filed with the Commission on July 26, 1963, a notification and offering circular relating to an offering of 1200 limited partnership interests at $250 per unit for an aggregrate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The proposed offering is for the purpose of capitalizing at $100,000 each three separate limited partnerships to be known as CIPA Series 1, 2 and 3, which are to be created by the issuer. The offering is to be made through Commodity Group Sales Corporation, an affiliate of the issuer, on a best-efforts basis.

II. The Commisison has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose accurately and adequately in a prominent position in the forepart of the offering circular:

(a) The powers vested in Mr. Leo Fassler, the general partner, in the three limited partnerships whose securities are proposed to be offered to the public;

(b) The experience of Mr. Fassler, including his limited experience in trading in commodity futures;

(c) The intention of Mr. Fassler to continue his full time occupation as a salesman and to devote only such off-duty hours as he may deem necessary to the conduct of the affairs of the partnerships;

(d) The intention of Mr. Fassler to conduct the affairs of the partnerships from his home;

(e) That because of his limited experience in trading commodity futures, Mr. Fassler intends to rely on advice from customers men in the commodity departments of brokerage firms in determining time and type of commodity contracts to purchase and sell for the account of the partnerships;

(f) That highly volatile movements in commodities and commodity contracts may occur over relatively short periods and that an investor in the limited partnership interests, regardless of the time it may appear prudent to withdraw from the commodity market, will continue to have his pro rata interest at risk until December 31 of the year in which he complies with the requirements for withdrawing from the limited partnership.

2. The issuer fails to disclose accurately and adequately in the offering circular:

(a) The policy of the general partner with respect to matching positions in long and short commodity contracts;

(b) The conflict of interest involved in matching positions in the same or similar contracts;

(c) That the general partner has the power, to a substantial degree, to control the amount of net realized profits in which he has a twenty percent interest by closing contracts which are profitable and not realizing the losses on contracts which are unprofitable. No disclosure is made concerning the policy the general partner intends to follow with respect to this matter.

(d) The policy of the general partner with respect to continuous investment of the funds of the limited partnerships as well as the percentage of funds that may be so invested at any time;

(e) That a reserve of ten percent of the amount invested in commodity futures contracts would be inadequate to meet margin calls should they be made;

(f) That since the general partner receives twenty percent of the net realized profits as of June 30 and December 31, he may receive more than twenty percent of the net realized profits on an annual basis;

(g) The basis for calculation of the net realized trading profits and, in addition, the factors which affect the determination of the net profit or loss applicable to limited partners;

(h) Whether realized losses in prior periods are to be taken into consideration in determining the general partner's share in the net realized profits for any particular calendar year;

(i) Any investment policy with respect to the partnerships, in particular:

(1) Whether there are to be any transactions between the partnerships, and,

(2) Whether any hedging transactions or transactions which have the effect of hedging are to be transacted for the accounts of the partnerships.

(j) Any policy regarding distribution of net realized profits to the limited partners;

(k) That the limited partners are subject to income tax on their pro rata portions of net realized profits whether or not their portion of such profits are distributed to them.

B. The offering would be in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion, may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10178; Filed, Sept. 24, 1963; 8:46 a.m.]

[File 7–2323—7–2331]

AMERICAN PHOTOCOPY EQUIPMENT CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 19, 1963.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

American Photocopy Equipment Co	File 7–2323
Bell & Howell Co	File 7–2324
Colgate-Palmolive Co	File 7–2325
Eastern Air Lines, Inc	File 7–2326
Firestone Tire & Rubber Co	File 7–2327
B. F. Goodrich Co	File 7–2328
KVP Sutherland Paper Co	File 7–2329
E. J. Korvette, Inc	File 7–2330
Liggett & Myers Tobacco Co	File 7–2331

Upon receipt of a request, on or before October 4, 1963 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10179; Filed, Sept. 24, 1963; 8:46 a.m.]

[File 7–2332—7–2340]

LITTON INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 19, 1963.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Litton Industries, Inc	File 7–2332
Outboard Marine Corp	File 7–2333
Proctor & Gamble Co	File 7–2334
Pure Oil Co	File 7–2335
R. J. Reynolds Tobbaco Co	File 7–2336
San Diego Imperial Corp	File 7–2337
Stouffer Foods Corp	File 7–2338
Texas Eastern Transmission Corp	File 7–2339
Twentieth Century-Fox Film Corp	File 7–2340

Upon receipt of a request, on or before October 4, 1963, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10180; Filed, Sept. 24, 1963; 8:46 a.m.]

[File No. 812–1613]

DEVELOPERS SMALL BUSINESS INVESTMENT CO. ET AL.

Notice of Filing of Application for Order Exempting Proposed Transactions and Granting Application With Respect to Proposed Transactions

SEPTEMBER 19, 1963.

In the matter of Developers Small Business Investment Company, Newark, New Jersey; Leo Goodman, 151 North Dean Street, Englewood, New Jersey; Airport Boulevard Hotel Corporation, 151 North Dean Street, Englewood, New Jersey; John Guidera, 151 North Dean Street, Englewood, New Jersey; File No. 812–1613.

Notice is hereby given that Developers Small Business Investment Company ("Developers"), a closed-end investment company registered under the Investment Company Act of 1940 ("Act"), Leo Goodman ("Goodman"), John Guidera ("Guidera") and Airport Boulevard Hotel Corporation ("Airport Hotel") have filed a joint application pursuant to section 17(b) of the Act and Rule 17d–1 promulgated under section 17(d) of the Act, to permit the proposed sale of certain securities to Developers by Airport Hotel and the participation by Goodman and Guidera in a joint enterprise with Developers in connection with such sale of securities. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations which are summarized below.

Developers is a small business investment company the principal activity of which is to make loans and investments in small business concerns engaged in the real estate business. Goodman, who is a director of Developers, is one of three promoters of Airport Hotel and is also president and a director of the latter. It is proposed that Developers make a loan of $420,000 to Airport Hotel.

In August 1962 a wholly-owned corporation of Goodman and his partner Guidera contracted to purchase 2.8 acres of land located one-half mile from the Los Angeles International Airport for the purpose of constructing a motor hotel. The contract provides for a total payment of $555,000 for the land which will be assigned to Airport Hotel at cost. Messrs. Goodman, Guidera and Ralph Solow ("Solow"), the third promoter of Airport Hotel, have advanced $300,000 plus interest under the contract pending the closing date. Plans and specifications for the building have been prepared by an architect and a construction contract providing for construction of the motor hotel for $2,725,000 has been executed. The motor hotel will be operated by Airport Hotel and be franchised by Holiday Inns of America.

According to the application the aggregate cost of the land, construction and furnishing of the motor hotel and other pre-opening expenses are estimated at $4,200,000. The application states that a commitment has already been received by Airport Hotel from a bank for a $2,000,000 first mortgage, and $1,300,000 will be raised by the sale of Airport Hotel's stock. In addition to the $420,000 loan from Developers, the remaining $480,000 is proposed to be borrowed from Florida Capital Corporation ("Florida"), a small business investment company registered under the Act. The application states that there is no affiliation between Airport Hotel and Florida. The loans by Developers and Florida will be on the same terms and will be evidenced by mortgage notes which will be secured by second mortgages on Airport Hotel's property. The loan will provide for 50 percent of the principal to be amortized in equal installments beginning with the second through the ninth year with the balance payable on the tenth anniversary of the note. Interest at the rate of 10 percent per annum will be paid on the unpaid balance of the principal. In addition, Developers and Florida will each have a ten-year option to purchase in the aggregate a total of 3,186 shares of Airport Hotel's Class A at $100 a share and 1,062 shares of its Class B at $5.88 a share. Prepayment of the loans by Airport Hotel will not affect such options, which may be separately and independently exercised by Developers and Florida. The options must be exercised in whole and not in part by Developers and Florida. Airport Hotel will have the right to cancel the options upon payment of a total of $100,000 to Developers and Florida during the first five years of the loan. During this period a sixty-day notice must be given to Airport Hotel by Developers and Florida of their intention to exercise the options and during this period Airport Hotel can exercise its right to cancel the options upon payment of the $100,000. During the second five years of the notes, Developers and Florida may compel cancellation of their options and payment to them of an aggregate of $100,000 upon such cancellation. Developers and Florida will each have a right to put a nominee on Airport Hotel's board of directors.

Airport Hotel has two classes of stock, Class A and Class B, which vote equally as a single class and are equal in all other respects except for preferential rights of the Class A stock to payments of cash distributions and on liquidation. The Class A stock will be entitled on a non-cumulative basis to cash distributions of $10 per share each year before any distribution to the Class B stock; the Class B stock will then receive 60 cents a share; any further distributions will be on a share-for-share basis. On liquidation, the first distribution will be to the holders of Class A stock up to $100 per share. Thereafter, holders of Class B stock will receive $17 per share, and any further distribution will be made on a share-for-share basis. It is anticipated that Goodman will own approximately 1,000 shares of Class A stock for which he will have paid $100 a share and 1,262 shares of Class B stock for which he will have paid $5.88 per share. It is further anticipated that Guidera and Solow will each own approximately 1,000 shares of Class A stock for which they will pay $100 per share, and that Guidera will own 1,262 shares of Class B stock and Solow will own 1,011 shares of Class B stock for which they will each have paid $5.88 per share. In connection with its public offering of stock, Airport Hotel intends to offer 10,750 shares of Class A stock at $100 per share to a relatively small group of investors. There will be no underwriting commissions or other selling compensation in connection with such sale.

In support of the requested order of exemption, the applicants point out that Florida, having no affiliation whatever with Airport Hotel, has decided to make a loan on identical terms as Developers. The application states that Goodman owns less than 1 percent of the stock of Developers.

Applicants have requested alternative relief in their application. They have initially requested that an order of exemption be granted on the basis of Goodman remaining as a director of Developers but undertaking not to participate in any respect in any discussion or decision by the board of directors of Developers relating to Airport Hotel. Alternatively, the application states that Goodman will resign if the Commission is unable to make the required findings in connection with the requested order of exemption if Goodman remains a director of Developers. Applicants have indicated that they waive any procedural rights they may have with respect to a hearing in the event that the Commission denies only their initial request that relief be granted with Goodman remaining as a director of Developers.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such registered company securities or property or to borrow money or other property from a registered investment company or from any company controlled by such registered company except where the borrower is controlled by the lender, unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in Rule 17d–1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Notice is further given that any interested person may, not later than September 30, 1963, at 12:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for

hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall give notice of the filing of this application by mailing a copy of this notice by registered mail to the applicants and to the Director, Office of Investment, Small Business Administration, Washington, D.C., 20416; that notice to all other persons shall also be given by publication of this notice in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10181; Filed, Sept. 24, 1963; 8:47 a.m.]

[File No. 812–1616]

ELECTRONICS INTERNATIONAL CAPITAL LTD.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

SEPTEMBER 19, 1963.

Notice is hereby given that Electronics International Capital Limited ("EICL"), The Bank of Bermuda Building, Hamilton, Bermuda, a Bermuda corporation and a registered closed-end, non-diversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act transactions between affiliated persons involving an exchange of securities and other property between Novak Electronics ("Novak"), a Belgian corporation controlled by EICL, and Electronic Continental Anstalt of Vaduz ("Vaduz") a Liechtenstein corporation and an affiliated company of Novak. All interested persons are referred to the application, which is on file with the Commission, for a full statement of applicant's representations, which are summarized below.

Novak is engaged in Belgium and other western European countries in the manufacture and sale of consumer electronics products, principally radio and television receivers. EICL owns 62 percent and Vaduz owns 10 percent of the outstanding capital stock of Novak, giving effect to a commitment of Vaduz to convert its holdings of $100,000 of convertible debentures of Novak into 2 percent of the capital stock of Novak. By reason of these respective share holdings, Novak is a controlled and an affiliated company of EICL, and Vaduz is an affiliated person of Novak within the meaning of the Act. Vaduz is a holding company whose outstanding shares are owned by a total of thirteen stockholders of which the principal holder is M. A. Huygen who owns approximately 55 percent of the outstanding shares. Huygen is also the president and a director of Vaduz.

Huygen was the founder and chief executive officer of S. A. Arel ("Arel"), a Belgian corporation which merged with S. A. Novak ("Old Novak"), another Belgian corporation, in December 1962, with Arel continuing as the surviving corporation under the name of the present Novak (Investment Company Act Release No. 3590, December 12, 1962). Huygen and Arel, prior to the merger with Old Novak, had entered into a contract dated August 15, 1961, providing for the employment of Huygen for total compensation of approximately $20,000 annually until December 31, 1971. There was no affiliation or other relationship between Arel and Old Novak or their managements prior to the plan of merger of the two companies.

The application states that in the operation of Novak following the merger, serious problems arose because it became evident that the former management of Old Novak ("the Novak Group") and Huygen took entirely different approaches to important management decisions, and that the Novak Group was a sound and experienced group of proven ability, with methods and objectives fully in accord with those of EICL, while Huygen was either unwilling or unable to function as part of a management team in a large enterprise such as Novak. Discussions attempting to resolve these problems produced no results, and EICL, Huygen and the Novak Group all agreed that a separation of Huygen from Novak was the only alternative.

Huygen in the course of negotiations with respect to a settlement insisted that any termination of his employment contract with Novak involve an exchange of securities as well as a severance payment in cancellation of the contract. Novak was advised by its counsel that Huygen could not be dismissed under Belgian Law, and that a breach of his employment contract by Novak would result in extensive liability. EICL, as well as the other parties, also believed that there should be a complete severance of the Huygen-Vaduz interests in Novak through an exchange of securities as a part of any settlement.

The proposal for an exchange of securities involved primarily the consideration of an exchange of Vaduz' holdings in Novak for Novak's holdings in a subsidiary, S. A. Didak ("Didak"), a Belgian corporation engaged in the manufacture and sale of plastic products. Didak had been a subsidiary of Arel prior to the merger and, except for producing certain plastic parts for radio and television receivers, its business has no relation to Novak's principal business. Novak owns approximately 57 percent of the capital stock of Didak and a note of Didak in the amount of $91,440.

After extensive negotiations among EICL, Novak and Huygen, involving a number of proposals and counter proposals, agreements ("settlement agreement") were entered into among EICL, Novak, and Huygen on his own behalf and as the authorized agent for all the Vaduz shareholders, providing for the separation of Huygen and Vaduz from Novak. Under the terms of the settlement agreement, Huygen's employment contract was terminated on July 1, 1963, and the beneficial interest in the securities of Novak owned by Vaduz will, upon the granting of the application herein, be transferred to Novak with actual delivery to Novak to be made on or about February 1, 1965 upon release from an escrow arrangement. In the opinion of EICL, termination of Huygen's employment agreement could result on arbitration in an award to him of $100,000 or more before expenses. On the basis of a valuation study made by its auditors of the stocks of Novak and Didak, which considered such relevant factors as past and future earning power, book values, capital structure, size of the companies, and their competitive positions, EICL considers for purposes of the exchange that the 10 percent interest in the stock of Novak to be transferred to Novak by Vaduz has a value of $260,000. As consideration for the termination of the employment contract and the agreement by Vaduz to surrender its interest in the stock of Novak, (1) Novak on July 1, 1963 paid $42,000 in cash, of which $36,000 was received by Huygen and $6,000 by Vaduz, (2) Novak delivered to Vaduz its drafts in the amount of $108,000, bearing 4 percent interest and payable monthly, over a 30-month period beginning January 1, 1964, and (3) Novak will, upon the granting of the application, transfer to Vaduz the securities of Didak and an automobile owned by Novak, considered for purposes of the exchange to have a value of $196,000.

Under the terms of the settlement agreement, Huygen also agreed (1) on July 1, 1963, to resign from the board of directors and relinquish his position as an officer of Novak, (2) in no way to interfere with the operations of Novak or its subsidiaries during the next three years, although he may engage in legitimate competition, (3) to ensure that Didak will continue to supply necessary plastic parts to Novak for at least the next two years at reasonable prices, and (4) to obtain substitute guarantees to SNCI (a Belgian governmental lending agency which has extended credit to Didak and Novak) and the Bank of Brussels for a total of $170,000 of Didak credits now guaranteed by Novak; in return, Huygen would be released by EICL from his agreement to contribute up to $140,000 of any losses sustained by EICL in its guarantee of a note of Novak and would also be relased by Novak from his personal participation of up to $140,000 in a guarantee to SNCI of credits advanced to Novak.

The application states that the exchange of securities and other consideration represents a settlement, the principal objective of which is to terminate an untenable relationship, and inevitably the investor relationship, without the burden of costly and harmful litigation. It is stated that there is no affiliation or other relationship between Huygen or Vaduz on the one hand and the other Novak stockholders, consisting of EICL and the Novak Group, on the other hand, except by reason of their respective holdings of securities of Novak and Huygen's employment contract with Novak. It is

stated that the settlement was reached as a result of arm's-length negotiations between the parties, who were fully knowledgeable with respect to the financial position of the companies and the other factors involved in the settlement.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company or any company controlled by such registered company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 7, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10182; Filed, Sept. 24, 1963; 8:47 a.m.]

[File No. 811–259]

FIXED TRUST OIL SHARES

Notice of Proposal for Order Declaring Subject Company Not To Be an Investment Company

SEPTEMBER 19, 1963.

Notice is hereby given that the Securities and Exchange Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") to issue an order finding and declaring that Fixed Trust Oil Shares ("Trust"), % The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York 15, New York, a unit investment trust registered under the Act, the Successor Trustee of which is The Chase Manhattan Bank, has ceased to be an investment company. Evidence of ownership in Trust are represented by certificates of beneficial interest ("Trust Shares") issued under a Trust Agreement executed on April 28, 1930 and dated as of January 1, 1930.

In support of said order, the Commission proposes, on the basis of information in its files, to find as follows:

Trust registered under section 8(a) of the Act by notification of registration filed November 1, 1940. No Trust Shares have been offered for sale since the date of registration under the Act.

On December 31, 1954 the Trust Agreement dated January 1, 1930 was terminated pursuant to its own terms. The right of holders of the outstanding certificates to receive in kind that portion of the underlying Stock Units and any cash or other property allocable to the outstanding Trust Shares was terminated on March 31, 1955 after which date the remaining underlying stock was required to be sold within 30 days.

The remaining shares of stock were sold within the prescribed 30 day period and the total amount of funds then available for distribution to the 2,000 Trust Shares then outstanding amounted to $19,162.41 or $9.581205 per Trust Share.

The last Distribution Coupon appertaining to the Trust Shares became due on December 31, 1954. A notice regarding the termination of the Trust Agreement and the pro rata distribution of all cash held under said Agreement was mailed to each person whose name appeared on the Ownership Certificate which was required to be filled out at the time such coupon matured and was presented for payment. No other action with respect to further notification that the Trust has terminated has been taken.

As of June 28, 1963, there remained 125 Trust Shares outstanding. Because the certificates representing the Trust Shares are in bearer form, the number of holders thereof who have not as yet surrendered such certificates for payment is unknown. The remaining funds applicable to the outstanding Trust Shares are being held in trust for payment to the holders of the outstanding Trust Share certificates upon the surrender of those certificates to the Trustee. As of June 28, 1963, the balance of such funds amounted to $1,197.66.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 2, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon The Chase Manhattan Bank at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the showing contained in this notice, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10183; Filed, Sept. 24, 1963; 8:47 a.m.]

[File No. 811–1178]

ISRAFUND-ISRAEL FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 19, 1963.

Notice is hereby given that Israfund—The Israel Fund, Inc. ("applicant"), 17 East 71st Street, New York 21, New York, a corporation organized under the laws of the State of New York and a management, closed-end, diversified, investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

No shares of the applicant have been offered or sold to the public, no subscriptions for shares have been solicited or received, applicant has no assets of any kind and has not transacted any business or entered into any agreements of any kind.

Applicant further represents that it has no outstanding securities and is not making and does not presently propose to make a public offering of its securities. A Delaware corporation with the same name as that of applicant and which was organized by the promoters of applicant registered under the Act as a management, open-end, non-diversified investment company on August 29, 1963.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 2, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10184; Filed, Sept. 24, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 272]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 20, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIER OF PROPERTY

No. MC 69116 (Deviation No. 18), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed September 9, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Somerset, Pa. (Interchange 10 of the Pennsylvania Turnpike), over Pennsylvania Highway 53 to Stoyestown, Pa., thence over U.S. Highways 30 and 220 to Bedford, Pa. (Interchange 11 of the Pennsylvania Turnpike), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Somerset (Interchange 10 of the Pennsylvania Turnpike) over the Pennsylvania Turnpike to Bedford (Interchange 11 of the Pennsylvania Turnpike), and return over the same route.

No. MC 105881 (Deviation No. 1), M.R. & R. TRUCKING COMPANY, Post Office Box 727, Crestview, Fla., filed September 12, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Tallahassee, Fla., over U.S. Highway 319 to junction Georgia Highway 93, thence over Georgia Highway 93 to Pelham, Ga., thence over U.S. Highway 19 to Atlanta, Ga.; (B) from Cottondale, Fla. over U.S. Highway 231 to Dothan, Ala., thence over U.S. Highway 431 to Phenix City, Ala.-Columbus, Ga., thence over Georgia Highway 85 to Atlanta; (C) from Crestview, Fla., over Florida Highway 85 to Florala, Ala., near the Florida-Alabama State line, thence over U.S. Highway 331 to Montgomery, Ala., thence over Interstate Highway 85 to Atlanta; (D) from Montgomery over U.S. Highway 29 to Atlanta (to the extent that Interstate Highway 85 is not open to vehicular traffic); (E) from Pensacola, Fla., over U.S. Highway 29 to junction Florida Highway 97, thence over Florida Highway 97 to the Florida-Alabama State line, thence over Alabama Highway 21 to junction Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, Ala., thence over Interstate Highway 85 to Atlanta; and (F) from Georgiana, Ala., over U.S. Highway 31 to Montgomery (to the extent Interstate Highway 65 is not open to vehicular traffic), and return over the same routes, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over pertinent service routes as follows: From Atlanta over U.S. Highway 19 to Albany, Ga., thence over Georgia Highway 91 to the Georgia-Florida State line, thence over Florida Highway 2 to Malone, Fla.; from Atlanta over U.S. Highway 19 to Albany, thence over Georgia Highway 91 to junction Georgia Highway 253, thence over Georgia Highway 253 to Bainbridge, Ga.; from Bainbridge over U.S. Highway 27 to Amsterdam, Ga.; from Amsterdam over U.S. Highway 27 to Tallahassee; from Panama City, Fla., over Florida Highway 22 to Wewahitchka, Fla., thence over Florida Highway 71 to the Florida-Alabama State line near Malone; from Jacksonville, Fla., over U.S. Highway 90 to Cottondale, Fla.; and from Jacksonville over U.S. Highway 90 to Pensacola, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–10193; Filed, Sept. 24, 1963; 8:47 a.m.]

[Notice 563]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 20, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 55236 (Sub-No. 72) (AMENDMENT), filed August 1, 1963, published FEDERAL REGISTER issue of August 28, 1963, amended September 3, 1963, and republished, as amended, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's attorney: Robert Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients*, and *chemicals*, in bulk, in tank and/or hopper type vehicles, from Cordova, Ill., and points within ten (10) miles thereof, to points in Iowa, Nebraska, Missouri, Kentucky, Minnesota, Indiana, Michigan, Wisconsin, Kansas, Illinois, North Dakota, South Dakota, Arkansas, and Ohio.

NOTE: The purpose of this republication is to add the destination States of Arkansas and Ohio.

HEARING: Remains as assigned October 15, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 61396 (Sub-No. 97), filed September 12, 1963. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients and chemicals*, from Cordova, Ill., and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, Arkansas, Kentucky, Ohio, Tennessee, North Dakota, and Indiana, and *returned and rejected shipments*, of the commodities specified above, on return.

HEARING: October 15, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10195; Filed, Sept. 24, 1963; 8:48 a.m.]

[Notice 869]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 20, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66245. By order of September 17, 1963, the Transfer Board approved the transfer to Robert Wenzl, doing business as Wenzel Truck Line, Plainville, Kans., of Certificate in No. MC 2896 issued February 4, 1952, to E. L. Murray, LaCrosse, Kans., authorizing the transportation over irregular routes of hay, grain, and feed, from North Platte, McCook, and Wauneta, Nebr., and points within 25 miles of each, to Orion, Kans., and points within 35 miles of Orion; agricultural implements and agricultural implement parts, from Kansas City, Mo., to Hoxie, Scott City, Dighton, and Grinnell, Kans.; livestock, between Kansas City, Mo., and Kansas City, Kans., on the one hand, and on the other, Orion, Kans., and points within 75 miles of Orion; between Orion, Kans., and points within 75 miles of Orion, on the one hand, and, on the other, Grand Island, Hayes Center, Wauneta, Culbertson, Benkelman, and McCook, Nebr., and Burling, Kit Carson, Holly, Lamar, La Junta, Las Animas, and Pueblo, Colo., and points within 25 miles of each; between Ness City and points in Lane County, Kans., on the one hand, and Kansas City, Mo., McCook, Nebr., and Burlington and Pueblo, Colo., on the other; household goods, between Orion, Kans., and points within 35 miles of Orion, on the one hand, and, on the other, points in Nebraska; from points in Lane County, Kans., to points in Colorado and Nebraska; mill feeds, from Kansas City, Mo., to points in Lane County, Kans.; farm machinery, hardware and lumber, from Kansas City, Mo., to points in Lane County, Kans., except Healy, Pendennis, and Shields; corn and feeds, from McCook, Nebr., and points in Nebraska within 50 miles of McCook, to points in Lane County; and coal, from the vicinity of Canon City and Florence, Colo., to points in Lane County, Kans., except Healy, Pendennis, and Shields, Kans. John E. Jandera, 641 Harrison, Topeka, Kans., attorney for applicants.

No. MC-FC 66253. By order of September 17, 1963, the Transfer Board approved the transfer to Marvin Lawrence, Shields, Kans., of Certificate in No. MC 30503, issued June 11, 1941, to Stewart Honstead, Dighton, Kans., authorizing the transportation of: Coal, from Florence, Colo., and points within 35 miles of Florence, to Dighton, Kans., and points within 50 miles of Dighton; lumber and posts, from Pueblo, Colo., and points within 50 miles thereof, to Dighton, Kans., and points within 50 miles of Dighton; livestock, between Dighton, Kans., and points within 50 miles of Dighton, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; between points in Colorado on the one hand, and, on the other, Dighton, Kans., and points within 50 miles thereof; farm machinery and parts, between Dighton, Kans., on the one hand, and, on the other, points in Colorado; from Kansas City, Kans., and Kansas City, Mo., to Dighton, Kans., and points within 50 miles of Dighton; and feed, between Lamar, Colo., and points within 50 miles of Lamar, on the one hand, and, on the other, Dighton, Kans., and points within 50 miles of Dighton; from Kansas City, Mo., and Kansas City, Kans., to Dighton, Kans., and points within 50 miles of Dighton.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10196; Filed, Sept. 24, 1963; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 20, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3433, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 16756, filed September 12, 1963. Applicant: NATIONAL CARTAGE COMPANY, 321 Heavy Traffic Way, Tulsa, Okla. Applicant's attorney: Charles D. Dudley, 419 NW. Sixth Street, Oklahoma City, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight*, as a Class "A" Motor Carrier, in intrastate commerce, between Oklahoma City, Okla., and Okmulgee, Okla., via U.S. Highway 62.

NOTE: Applicant states he seeks authority in connection with the proposed intrastate operations to engage in transportation in interstate or foreign commerce over the entire route.

HEARING: Date, time and place assigned for hearing application, not known at this time.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Oklahoma Corporation Commission, 300 Capitol Office Building, Oklahoma City 5, Okla., and should not be addressed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10192; Filed, Sept. 24, 1963; 8:47 a.m.]

[Notice No. 562]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 20, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 8582 (Sub-No. 8), filed August 2, 1963. Applicant: JACKSON TRUCK LINE, INC., U.S. Highway 24, Post Office Box 496, Topeka, Kans. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Maryville, Mo., and Salina, Kans., serving the intermediate points of Wamego, Manhattan, Fort Riley, Junction City, and Abilene, Kans., and the off-route point of Enterprise, Kans.: From Maryville over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to its junction with Kansas Highway 116, thence over Kansas Highway 116 to its junction with Kansas Highway 16, thence over Kansas Highway 16 to its junction with Kansas Highway 63, thence over Kansas Highway 63 to St. Marys, Kans., thence over U.S. Highway 24 to Manhattan, thence over Kansas Highway 18 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Salina, and return over the same route. Between Maryville, Mo., and Wichita, Kans., serving the intermediate point of Topeka, Kans., and the off-route point of Emporia, Kans.: From Maryville over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to its junction with Kansas Highway 4, thence over Kansas Highway 4 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Topeka, thence over Interstate Highway 35 to its junction with U.S. Highway 50, thence over U.S. Highway 50 to Newton, Kans., and thence over U.S. Highway 81 to Wichita, and return over the same route. Between Topeka, Kans., and Junction City, Kans., as an alternate route for operating convenience only, serving no intermediate points and serving Topeka for the purpose of joinder only: From Topeka over U.S. Highway 40 to Junction City and return over the same route. Between Topeka, Kans., and St. Marys, Kans., as an alternate for operating convenience only, serving no intermediate points and serving Topeka for the purpose of joinder only: From Topeka over U.S. Highway 24 to St. Marys and return over the same route. Restriction: Service at the intermediate and off-route points on the above described regular routes shall be restricted to shipments moving to or from Maryville, Mo.

HEARING: November 20, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 15473 (Sub-No. 14), filed August 14, 1963. Applicant: BEST TRUCK LINES, INC., 321 North Main, Ottawa, Kans. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), serving Quenemo, Kans., as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: November 19, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 19778 (Sub-No. 57), filed September 5, 1963. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses* and *portable buildings* and *parts or pieces thereof*, from Rapid City, S. Dak., to points in Arthur, Banner, Box Butte, Cherry, Cheyenne, Dawes, Deuel, Garden, Grant, Hooker, Keith, Kimball, Lincoln, Logan, McPherson, Morrill, Scotts Bluff, Sheridan, Sioux, and Thomas Counties, Nebr., and points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties, N. Dak., and *rejected or refused shipments*, on return.

NOTE: Common control may be involved.

HEARING: November 13, 1963, at the Sheraton Johnson Hotel, Rapid City, S. Dak., before Joint Board No. 309.

No. MC 19945 (Sub-No. 11), filed May 28, 1963. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks II, 1311-12 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities* (except cement), from points in Illinois, onand south of U.S. Highway 36, to points in that part of Missouri located on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60.

NOTE: Applicant states it "seeks no duplication of operating authority."

HEARING: November 4, 1963, at the New Federal Building, Room 1620, 1520 Market Street, St. Louis, Mo., before Joint Board No. 135.

No. MC 29537 (Sub-No. 3), filed August 30, 1963. Applicant: RUSSELL H. CRAWFORD, doing business as R. H. CRAWFORD, Witmer Avenue, Hanover, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, chain groceries and food business houses*, from points in the Borough of Hanover, York County, Pa., and points in Penn Township, York County, Pa., to points in Virginia, Maryland, Delaware, Ohio, Connecticut, Rhode Island, Massachusetts, the District of Columbia, those in New York (except New York City, N.Y.) and those in New Jersey south of New Jersey Highway 33, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected and damaged commodities*, on return.

HEARING: November 4, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Leo A. Riegel.

No. MC 30980 (Sub-No. 8), filed August 5, 1963. Applicant: SOUTHAMPTON HAULING CO., a corporation, 1709 Sublette Avenue, St. Louis 10, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading), between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission.

HEARING: November 14, 1963, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 135.

No. MC 41522 (Sub-No. 7), filed July 22, 1963. Applicant: RENTON-ISSAQUAH AUTO FREIGHT, INC., 423 Seventh Avenue, Renton, Wash. Applicant's attorney: Carl A. Jonson, 400 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment (other than heavy machinery, construction materials and such other commodities as require specialized handling or rigging because of weight or bulk), articles of unusual value, Classes A and B explosives and household goods as defined by the Commission), serving Redmond, Wash., as an off-route point in connection with applicant's regular route operations.

NOTE: Applicant states that in MC 41522 (Sub-No. 6) it is excluded from serving the portion of the municipality of Redmond, Wash., lying within the area therein described. Since the issuance of its certificate in MC 41522 Sub 6 on April 20, 1960, and since the filing of the application on May 26, 1959, which resulted in the issuance of the aforesaid certificate, the municipality of Redmond has been extended by annexation, particularly to the south, and it is clear that Redmond is now within the commercial zone of Seattle, Wash., and can be served under the exemption in section 202(c)(2). This application is filed and dismissal requested in order to raise the issue of the right of applicant to serve all of Redmond under section 202(c)(2) of the Interstate Commerce Act.

HEARING: October 28, 1963, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80 or, if the Joint

Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 41849 (Sub-No. 16), filed May 28, 1963. Applicant: KEIGHTLEY BROS., INC., 1616 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities* (except cement), from points in Illinois on and south of U.S. Highway 36 to points in Missouri located on and south of U.S. Highway 36, points on and east of U.S. Highway 63 and points on and north of U.S. Highway 60.

NOTES: Applicant states no duplication of authority is sought.

HEARING: November 4, 1963, at the New Federal Building, Room 1620, 1520 Market Street, St. Louis Mo., before Joint Board No. 135.

No. MC 42614, (Sub-No. 36), filed August 13, 1963. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: Eugene D. Anderson, Jr., 400 West Madison Street, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Rapid City, S. Dak. and Box Elder, S. Dak., including Ellsworth Air Force Base, S. Dak., from Rapid City, over U.S. Highway 14 to Box Elder, and return over the same route, serving no intermediate points.

NOTE: Applicant states the proposed service will be restricted to prior or subsequent handling by Chicago and North Western Rail lines. It is further noted that common control may be involved.

HEARING: November 7, 1963, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

No. MC 73165 (Sub-No. 176) (AMENDMENT), filed June 23, 1963, published in FEDERAL REGISTER issue of August 21, 1963, and republished this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and marble and products thereof, including rough, finished, semi-finished, crushed or ground*, from Sylacauga, Ala., and points within a radius of 25 miles thereof, to points in Alabama, Arkansas, Florida, points in Georgia on and south of U.S. Highway 80, points in Iowa, Kansas, Louisiana (except New Orleans, La., and points in its commercial zone), Michigan, Mississippi, Missouri, Texas, Oklahoma, Kentucky, and Ohio.

NOTE: The purpose of this republication is to make more definite and specific the commodities involved, to modify the territorial description to read as shown above, and to show that the hearing is now before Examiner Edward E. Kobernusz.

HEARING: October 3, 1963, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Edward E. Kobernusz.

No. MC 77874 (Sub-No. 6), filed August 30, 1963. Applicant: ALVIN D. FREY, NORMAN T. PETOW, ACTING EXECUTOR, 966 York Street, Hanover, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, chain, groceries, and food business houses*, from points in the Borough of Hanover, York County, Pa., and points in Penn Township, York County, Pa., to points in Virginia, Maryland, Delaware, Ohio, Connecticut, Rhode Island, Massachusetts, the District of Columbia, those in New York (except New York City, N.Y.) and those in New Jersey south of New Jersey Highway 33, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected and damaged commodities*, on return.

HEARING: November 4, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Leo A. Riegel.

No. MC 84064 (Sub-No. 3), filed May 28, 1963. Applicant: J–B TRUCKING, INC., 706 Chestnut Street, St. Louis 1, Mo. Applicant's attorney: Ernest A. Brooks II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities* (except cement), from points in Illinois, on and south of U.S. Highway 36, to points in that part of Missouri located on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60.

NOTE: Applicant states it "seeks no duplication of operating authority."

HEARING: November 4, 1963, at the New Federal Building, Room 1620, 1520 Market Street, St. Louis, Mo., before Joint Board No. 135.

No. MC 85465 (Sub-No. 8), filed September 10, 1963. Applicant: WEST NEBRASKA EXPRESS, INC., 709 Mill Drive, Scottsbluff, Nebr. Applicant's attorney: Russell E. Lovell, 2112 Broadway, Post Office Box 419, Scottsbluff, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meatpacking houses*, as described in sections A, B and C of Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Scottsbluff, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

NOTE: Common control may be involved.

HEARING: October 21, 1963, in Room 393, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Lawton.

No. MC 89723 (Sub-No. 33) (REPUBLICATION), filed April 1, 1963, published in FEDERAL REGISTER issue of June 5, 1963, and republished this issue. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, Room 1151, St. Louis 3, Mo. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. By application filed April 1, 1963, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities including express, mail and newspapers in auxiliary and supplemental service of the Missouri Pacific Railroad, between Eldorado, Kans., and junction U.S. Highway 81 and Kansas Highway 196, approximately seven (7) miles south of Newton, Kans., from Eldorado over Kansas Highway 196 to junction U.S. Highway 81, a distance of approximately 32 miles, and return over the same route, serving the intermediate and off-route points of Potwin, Hopkins, Brainerd, and Annelly, Kans. (all being stations on the Missouri Pacific Railroad). Hearing was held July 29, 1963, at Topeka, Kans. At the hearing the application was amended to include the intermediate point of Whitewater, Kans. A report and order, served August 14, 1963, which became effective September 3, 1963, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, of *general commodities*, between Eldorado, Kans., and the intersection of U.S. Highway 81 and Kansas Highway 196, approximately seven miles south of Newton, Kans., over Kansas Highway 196, serving the intermediate and off-route points of Potwin, Whitewater, Hopkins, Brainerd and Annelly, Kans., subject to the following conditions: (1) The motor carrier service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, rail service of the Missouri Pacific Railroad Company; (2) applicant shall not serve any point not a station on the lines of said railroad; (3) the authority granted herein to the extent it authorizes the transportation of dangerous explosives shall be limited to point of time to a period expiring five years from the date of the certificate; (4) all contractual arrangements between said carrier and the said railroad shall be reported to the Commission and shall be subject to revision if, and as, the Commission may find it necessary, in order that such arrangements shall be fair and equitable to the parties; (5) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to a service which is auxiliary to, or supplemental of, the rail service of the said railroad; and that prior to the issuance of an appropriate certificate, a proper notice of the complete scope of the authority granted herein should be published in the FEDERAL REGISTER in order to allow a thirty-day period during which any interested party affected by the broadened scope of such grant, with respect to the notice of the application as previously filed, may file an appropriate pleading.

No. MC 94265 (Sub-No. 115), filed June 19, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va.

Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *frozen foods*, from Pueblo, Colo., and Lincoln, Nebr., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

HEARING: October 31, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebraska, before Examiner John S. Messer.

No. MC 97664 (Sub-No. 7), filed September 11, 1963. Applicant: FLORIDA TANK LINES, INC., 2400 West Collins Road, Fort Lauderdale, Fla. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags, from (1) points in Georgia to points in Georgia, (2) points in Florida to points in Florida, (3) points in South Carolina to points in South Carolina, (4) points in North Carolina to points in North Carolina. Restriction: Applicant states authority will be limited to the transportation of shipments having a prior movement by rail and/or water.

NOTE: Common control may be involved.

HEARING: October 25, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner John B. Mealy.

No. MC 102616 (Sub-No. 731) (AMENDMENT), filed August 5, 1963, published in FEDERAL REGISTER issue September 18, 1963, and republished as amended this issue. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and sea animal oils, castor oil* (not medicinal), *soybean oil, foots and sediment oils, foundry core oils* (other than petroleum), and *other animal and vegetable oils*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: The purpose of this republication is to add the states of Missouri and Wisconsin to the destination description.

HEARING: Remains as assigned October 31, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 103378 (Sub-No. 272), filed September 12, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, from points in Twiggs, Wilkinson, and Washington Counties, Ga., to points in Alabama, Georgia, South Carolina, North Carolina, and Tennessee.

HEARING: October 24, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner John B. Mealy.

No. MC 107107 (Sub-No. 253) (CLARIFICATION), filed January 25, 1963, published FEDERAL REGISTER issue March 27, 1963, and republished as clarified this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food materials, food supplements and advertising and promotional materials when related to and moving with shipments of foods, food ingredients, food materials and food supplements*, from New York, N.Y. and points within 15 miles thereof, to points in Florida.

NOTE: Applicant states duplicating authority is not sought, the above authority is sought in full except to the extent that it duplicates authority that is presently held by applicant, which is as follows: (1) Jams, jellies, pie fillers, cocoa, rice, flour, beans, mincemeat, macaroni, noodles and spaghetti, from New York, N.Y., to Miami, Fla. (2) Meats, meat products and meat byproducts, and dairy products, as described in sections A and B of Appendix 1 to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766, and frozen foods, processed fruits and vegetables, fish, seafood, nuts, condiments, spices, bakery supplies, bakery materials, bakery products, candy, confectionery, salad dressings, cocoa, coffee, pie filler, mincemeat, cereals, olives, flavoring compounds, syrups, extracts, edible and cooking oils, macaroni, spaghetti, and rice, from New York, N.Y., and points in New Jersey within 15 miles thereof (except those in Monmouth County, N.J.), to points in Florida. The purpose of this republication is to clearly set forth the issues involved.

HEARING: November 4, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 107107 (Sub-No. 271) (CLARIFICATION), filed May 31, 1963, published in FEDERAL REGISTER, issue September 5, 1963, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except in bulk in tank vehicles) and *dairy products*, from points in Nebraska, and Mitchell, S. Dak., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: Applicant states that no duplicating authority is sought. The purpose of this republication is to clarify the commodity description.

HEARING: Remains as assigned October 28, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 107403 (Sub-no. 496), filed September 3, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, Michigan, Missouri, and Wisconsin.

NOTE: Common control may be involved.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 110157 (Sub-No. 20), filed July 11, 1963. Applicant: LANG TRANSIT COMPANY, a corporation, 38th Street and Quirt Avenue, Lubbock, Tex. Applicant's attorney: Phillip Robinson, 721 Brown Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Hobbs, N. Mex., and Odessa, Tex., as follows: (1) From Hobbs, N. Mex., over New Mexico Highway 18 to junction with New Mexico Highway 176, thence over New Mexico Highway 176 to New Mexico-Texas State line, thence over Texas Highway 176 to Andrews, Tex., thence over U.S. Highway 385 to Odessa, Tex., and return over the same route, serving all intermediate points in New Mexico and serving no intermediate points in Texas, and (2) from Hobbs, N. Mex., over U.S. Highway 62 to junction with New Mexico Highway 8, thence over New Mexico Highway 8 to junction New Mexico Highway 176, thence over New Mexico Highway 176 to junction with New Mexico Highway 18, thence over New Mexico Highway 18 to the New Mexico-Texas State line, thence over Texas Highway 18 to junction with Texas Highway 302, thence over Texas Highway 302 to Odessa, Tex., and return over the same route, serving all intermediate points in New Mexico and serving no intermediate points in Texas.

HEARING: November 6, 1963, in the Little Theater Room, Hobbs Senior High School, 1300 East Scarbauer, Hobbs, N. Mex., before Joint Board No. 33.

No. MC 110393 (Sub-No. 13), filed August 18, 1963. Applicant: FRIGID FOOD EXPRESS, INC., 4205 Camp Ground Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cured meats, fresh meats, canned foods, dairy products, frozen foods and poultry*, between St. Paul, Minn., points in Wisconsin, and Chicago, Ill., on the one hand, and on the other, points in Pennsylvania, New York, Maryland, New Jersey, Rhode Island, Ohio, Connecticut, Massachusetts and Washington, D.C., (2) *dairy*

products, frozen foods, oleomargarine, poultry, canned foods and *fresh meats in containers not canned*, between points in Wisconsin, and Chicago, Ill., on the one hand, and, on the other, points in Pennsylvania, New York, Maryland, New Jersey, Rhode Island, Ohio, Connecticut, Massachusetts, and Washington, D.C., (3) *dairy products, fresh and frozen meat and poultry*, between points in Wisconsin, on the one hand, and on the other, points in Pennsylvania, New York, Maryland, New Jersey, Rhode Island, Ohio, Connecticut, Massachusetts, and Washington, D.C., and (4) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1), (2), and (3) above, on return.

NOTE: In (1) above the transportation of the commodities specified therein is restricted to service from points in Wisconsin and Chicago on vehicles originating at St. Paul, Minn., to complete shipments at points in Wisconsin and/or Chicago, Ill., to the destination points named therein, and in (2) above, the transportation of commodities specified will be restricted to service from Chicago, Ill., on vehicles originating shipments at any point in Wisconsin to complete shipments at Chicago, Ill., to the destination points named.

HEARING: October 31, 1963 at the Conrad Hilton Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 112582 (Sub-No. 19) (AMENDMENT), filed July 19, 1963, published in FEDERAL REGISTER issue of August 28, 1963, amended September 17, 1963, and republished as amended, this issue. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, 227 West Commerce St., Chambersburg, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street (Post Office Box 46), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen meats*, and *meat products*, from Boston, Mass. to points in Pennsylvania on, north and west of U.S. Highway 202, and (2) *fish (including shellfish)*, when transported in the same vehicle with non-exempt commodities, from points in Maine, Massachusetts, New Hampshire, and Rhode Island, to points in Maryland, New Jersey, New York and Pennsylvania.

NOTE: The purpose of this republication is to add points in Pennsylvania north of U.S. Highway 202 in (1) above and also to add (2) above.

HEARING: Remains as assigned October 30, 1963, at the Hotel Essex, Boston, Mass., before Examiner Francis A. Welch.

No. MC 112617 (Sub-No. 159), filed September 17, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, including dry litharges, oxides and commodities derived from lead*, in bulk, in tank and hopper vehicles, from points in Kanawha County, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

HEARING: October 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 112801 (Sub-No. 7), filed August 30, 1963. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Chicago, Ill. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions* and *anhydrous ammonia*, from Marseilles, Ill., to points in Indiana, Illinois, Michigan, Wisconsin, Minnesota, Ohio, Iowa, and Missouri.

HEARING: November 8, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 113336 (Sub-No. 60), filed September 6, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions, caustic soda and molten sulphur*, in bulk, in tank vehicles, between Wilmington, N.C., and points within twenty-five (25) miles thereof, on the one hand, and, on the other, points in Virginia, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: October 22, 1963, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 113336 (Sub-No. 61), filed September 6, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer, dry fertilizer materials and ingredients, and dry chemicals*, in bulk, in tank, dump and hopper vehicles and *returned and rejected shipments*, between points in Chatham, Floyd, Fulton, and Polk Counties, Ga.; Brunswick, Durham, Forsyth, Guilford, Johnston, Lenoir, Martin, Mecklenburg, New Hanover, and Vance Counties, N.C.; Charleston, Chester, Darlington, Greenville, Richland, and Spartanburg Counties, S.C.; Greene, Hamilton, Knox, and Washington Counties, Tenn., and Amherst, Campbell, Henrico, Nansemond, Norfolk, Pittsylvania, and Prince George Counties, Va., and Chesapeake City, Va., on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (2) *dry fertilizer*, in bulk, in tank, dump and hopper vehicles, and *returned and rejected shipments*, between points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Common control may be involved.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 113336 (Sub-No. 62), filed September 11, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *including compounded oils and greases*, in packages and containers, from St. Marys, W. Va., to Guntersville, Ala.

NOTE: Common control may be involved.

HEARING: October 17, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 114457 (Sub-No. 12), filed September 18, 1963. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *dairy products*, as described in Paragraphs A and B of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *frozen foods*, from points in Minnesota and Wisconsin, to points in California, Oregon, and Washington, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: October 9, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Henry C. Lawton.

No. MC 115212 (Sub-No. 9), filed March 20, 1963. Applicant: H.M.H. MOTOR SERVICE, a corporation, Post Office Box 472, Jamesburg, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail chain stores, loose, in open containers and in packages, in mixed lots with wearing apparel on hangers, and in connection therewith, supplies and equipment used in the conduct of such business*, between New York, N.Y., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Ohio, Indiana, Illinois, Michigan, and Wisconsin.

NOTE: Applicant states the proposed operations are to be under contract with Diana Stores Corporation, New York, N.Y. Applicant further states it presently holds Permits in MC 115212 and MC 115212 Sub 1 (and has pending in MC 115212 Sub 4—Mississippi) authorizing the territory sought herein for such commodities as are dealt in by retail women's and children's ready-to-wear apparel stores, and, in connection therewith, supplies and equipment used in the conduct of such business, and seeks the above authority only if its present authority is construed not to cover all of the commodities dealt in by the retail chain stores of the named shipper.

HEARING: November 7, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 115331 (Sub-No. 55), filed July 18, 1963. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from La Grange, Mo., to points in Illinois and Iowa.

HEARING: November 14, 1963, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 46.

No. MC 115331 (Sub-No. 58), filed August 22, 1963. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, from Marseilles, Ill., and points within five (5) miles thereof, to points in Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: November 8, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 116119 (Sub-No. 11), filed May 6, 1963. Applicant: JOHN F. HARRIS, doing business as HOGANS TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, W. Va. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured milk and dairy products, honeys, syrups, dips, spreads, margarines and oleomargarines*, in containers, from Youngstown, Ohio, to points in West Virginia.

NOTE: Applicant states the proposed operations will be performed for the account of Sealtest Foods Division of National Dairy Products Corp. It is further noted applicant is also authorized to conduct operations as a common carrier in MC 106002 and subs thereto; therefore dual operations may be involved.

HEARING: October 31, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 116317 (Sub-No. 25), filed August 19, 1963. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin Kans. Applicant's representative: H. V. Eskelin, Post Office Box 2028, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, (1) from the plant site of Cloud Ceramics, located approximately seven (7) miles southeast of Concordia, Kans., to points in Monona, Crawford, Harrison, Shelby, Pottawattamie, Cass, Mills, Montgomery, Fremont, and Page Counties, Iowa, and (2) from Fredonia, Kans., to points in Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: November 19, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 139.

No. MC 117119 (Sub-No. 107), filed September 16, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meatpacking houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin and Minnesota, to points in Kansas, Missouri, Iowa, Nebraska, Oklahoma, and Arkansas.

HEARING: October 10, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 117119 (Sub-No. 108), filed September 11, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *dairy products*, as described in paragraphs A and B of Appendix I, in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209, 766, and *frozen foods*, from points in Minnesota and Wisconsin, to points in California, Oregon, and Washington.

HEARING: October 9, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Henry E. Lawton.

No. MC 117165 (Sub-No. 13), filed May 15, 1963. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mo. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard or building board, built up or combined wood, or plywood, or wood particle board, combined or not combined with fiberboard or fiberboard wallboard, with backing or facing of other materials*, on flatbed equipment, (1) from the sites of plants and warehouses of Pluswood Industries located at or near Oshkosh, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, the Upper Peninsula of Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, and (2) from the plant site of Abitibi Corporation, Mirafiber Panel Products Division, located at or near Chicago, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, the Upper Peninsula of Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, the District of Columbia, and Cincinnati, Ohio, and (3) *damaged and rejected shipments* of the commodities specified above, on return.

HEARING: November 4, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James A. McKiel.

No. MC 119110 (Sub-No. 2) (AMENDMENT), filed May 10, 1963, published in FEDERAL REGISTER August 28, 1963, amended September 11, 1963, and republished as amended this issue. Applicant: COSCO TRUCK LINES, INC., Post Office Box 53, Columbus, Ind. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coil steel and other steel mill products*, between Weirton, W. Va., and Columbus, Ind.

NOTE: Applicant states the purpose of this application is to add the above commodities. Applicant presently holds authority to transport steel sheets, steel blanks and steel tubing from Weirton, W. Va., to Columbus, Ind., under Docket MC 119110. The purpose of this republication is to indicate a between movement, rather than a from and to movement, as shown in previous publication.

HEARING: Remains as assigned, October 8, 1963, Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Armin G. Clement.

No. MC 119220 (Sub-No. 3), filed July 22, 1963. Applicant: SKELTON BROS., INC., Highway 71 South, Springdale, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and animal oil products, vegetable oils and vegetable oil products, and blends of animal oils and vegetable oils and products thereof*, in bulk, in tank vehicles, (1) between points in Shelby County, Tenn., on the one hand, and, on the other, points in Mississippi, Alabama, and Louisiana, (2) between points in Mississippi, Alabama, and Louisiana, and (3) from points in Shelby County, Tenn., to points in North Carolina, South Carolina, Georgia, Florida, and Tennessee.

HEARING: October 3, 1963, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner J. Thomas Schneider.

No. MC 119399 (Sub-No. 14), filed June 21, 1963. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Manufactured fertilizer*, from Atlas, Mo., to points in Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *returned or damaged shipments of manufactured fertilizer*, on return.

HEARING: November 12, 1963, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 91.

No. MC 119493 (Sub-No. 14), filed June 9, 1963. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, including but not restricted to *ammonium nitrate fertilizer* and *urea fertilizer*, in bulk, in bags, or in packages (but not in liquid), and *urea*, in bulk, in bags, or in packages (but not in liquid), and *nitro-carbo-nitrate*, in bulk, in bags, or in packages (but not in liquid), from Military, Kans., and from Pittsburg Midway Coal Company, Mine Number 19, approximately 2½ miles north and 2 miles west of Hallowell, Kans., to points in Texas.

HEARING: November 18, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 119498 (Sub-No. 2), (CLARIFICATION), filed May 29, 1963, published in the FEDERAL REGISTER issue August 21, 1963, republished as clarified this issue. Applicant: WILMER RISTOW, doing business as RISTOW TRUCKING, Post Office Box 28, Wales, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vermiculite, other than crude*, in mixed loads with compost manure and (2) *compost manure*, otherwise exempt under section 203(b)(6) of Interstate Commerce Act, when moving in mixed loads with vermiculite other than crude, from Germantown, Wis., and points within five miles thereof, to points in Illinois, Indiana, Michigan, and Ohio.

NOTE: The purpose of this republication is to clarify the commodity descriptions.

HEARING: Remains as assigned October 14, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Gordon M. Callow.

No. MC 124078 (Sub-No. 78) (AMENDMENT), filed August 19, 1963, published FEDERAL REGISTER issue of September 18, 1963, and republished as amended, this issue. Applicant: SCHWERMAN TRUCKING CO., a Wisconsin corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in West Virginia and Maryland, to points in Kentucky, Ohio, Pennsylvania, Maryland, Virginia, and West Virginia.

NOTE: The purpose of this republication is to add the State of Maryland as an origin point.

HEARING: Remains as assigned November 5, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 124328 (Sub-No. 13), filed May 19, 1963. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency and securities*, (1) between St. Louis, Mo., and Loogootee and Crane, Ind., and (2) between St. Louis, Mo., National Stockyards, Ill., and Hannibal, Bowling Green, New London, Perryville, Jackson, Cape Girardeau, Sikeston, and Charleston, Mo.

HEARING: November 7, 1963, at the New Federal Building, Room 1620, 1520 Market Street, St. Louis, Mo., before Joint Board No. 160.

No. MC 124567 (Sub-No. 2), filed August 9, 1963. Applicant: ANTHONY S. PETRUZZELLO, doing business as PETRUZZELLO TRANSPORT, 150 Howe Avenue, Shelton, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, knocked down (not exceeding one (1) gallon liquid capacity), from Chambersburg, Pa., to Bridgeport, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

HEARING: November 12, 1963, at the Bond Hotel, Hartford, Conn., before Examiner Edith H. Cockrill.

No. MC 124926 (Sub-No. 2), filed May 16, 1963. Applicant: DIXON BROTHERS, a corporation, Post Office Box 408, Newcastle, Wyo. Applicant's attorney: Ward A. White, Post Office Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, in bulk, in tank vehicles, from Tioga and Williston, N. Dak., to Lemmon, Bison, Faith, Belle Fourche, Newell, Sturgis, Rapid City, and Wasta, S. Dak., and *rejected shipments* of above described commodity, on return.

HEARING: November 14, 1963, at the Sheraton Johnson Hotel, Rapid City, S. Dak., before Joint Board No. 158.

No. MC 125107, filed February 18, 1963. Applicant: JOHN BERGER, Box 402, Sidney, Mont. Applicant's attorney: Gerald G. Glaser, Woolworth Building, Post Office Box 1, Bismarck, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery*, set up and knocked down, from Bismarck, N. Dak., to points in Minnesota, South Dakota, Kansas, Nebraska, Oklahoma, Texas, Colorado, Montana, Wyoming, Washington, Oregon, and ports of entry on the international boundary line between the United States and Canada in North Dakota and Montana, and (2) *bar and sheet steel*, from Chicago, Ill., and Minneapolis and St. Paul, Minn., to Bismarck, N. Dak.

NOTE: Applicant states that it proposes to transport grains as exempt agricultural commodities, on return.

HEARING: October 29, 1963, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Henry C. Lawton.

No. MC 125117 (Sub-No. 1), filed August 1, 1963. Applicant: CLAUDE HAYES, doing business as BROWNING TRUCK LINE, Ohio and Washington Streets, Clinton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other ladings), from Clinton, Mo., to Kansas City, Kans.: From Clinton over Missouri Highway 35 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Bypass U.S. Highway 71, thence over Bypass U.S. Highway 71 to Lees Summit, Mo., thence over U.S. Highway 50 to Kansas City, Mo., thence over city streets to Kansas City, Kans., serving the intermediate point of Kansas City, Mo., and off-route points within 20 miles of Clinton.

HEARING: November 13, 1963, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 36.

No. MC 125299 (Sub-No. 2), filed May 27, 1963. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 East Cherry Street, Troy, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds* (excluding liquids), in bags and in bulk, and *fertilizer* (excluding liquids), in bags and in bulk, from East St. Louis, Ill., to points in St. Charles, Warren, Lincoln, Pike, and Montgomery Counties, Mo., and *exempt commodities* under section 203(b)(6) of Part II of the Interstate Commerce Act, on return.

HEARING: November 8, 1963, at the New Federal Building, Room 1620, 1520 Market Street, St. Louis, Mo., before Joint Board No. 135.

No. MC 125315 (Sub-No. 1), filed June 25, 1963. Applicant: RAYMOND DENTON AND CLARENCE CANTRELL, a partnership, doing business as DENTON & CANTRELL LIVESTOCK CO., Bloomfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, fertilizer and farm grains*, from East St. Louis, Ill., Cairo, Ill., and St. Louis, Mo., to Bloomfield, Mo., and points in Scott, Mississippi, New Madrid, and Stoddard Counties, Mo.

NOTE: Applicant states it will transport livestock (hogs and cattle), on return.

HEARING: November 8, 1963, at the New Federal Building, Room 1620, 1520 Market Street, St. Louis, Mo., before Joint Board No. 298.

No. MC 125395 (Sub-No. 2), filed August 12, 1963. Applicant: HARVIE WILKENING, doing business as HARV WILKENING TRANSPORT, 1236 Aberdeen Street, Regina, Saskatchewan, Canada. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing, fabricated, unfabricated and structural steel, and accessories, materials and supplies*, used in the assembly of the above commodities, including but not limited to *trusses, purlins, girts, columns, bins, chutes, hoppers and tanks*, from ports of entry on the international boundary between the United States and Canada at points in North Dakota and Montana, to points in North Dakota, Montana, Wyoming, and Idaho, and *exempt commodities*, on return.

HEARING: October 28, 1963, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Henry C. Lawton.

No. MC 125414 (CLARIFICATION), filed May 29, 1963, published in the FEDERAL REGISTER issue of August 21, 1963, and republished as clarified this issue. Applicant: STOKLE, INC., 6854 North Elmtree, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite other than crude*, in mixed loads with *compost manure*, and (2) *compost manure*, otherwise exempt under section 203(b) of the Interstate Commerce Act, when moving in mixed loads with vermiculite other than crude, from Germantown, Wis., and points within 5 miles thereof, to points in Illinois, Indiana, Michigan, and Ohio.

NOTE: The purpose of this republication is to clarify the commodity description.

HEARING: Remains as assigned October 14, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Gordon M. Callow.

No. MC 125529, filed July 15, 1963. Applicant: BERT JONES, Bergman, Ark. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, from Springfield, Mo., to points in Boone, Searcy, Marion, and Newton Counties, Ark., and (2) *lumber*, from points in Boone County, Ark., to Springfield, Mo.

HEARING: November 12, 1963, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 91.

No. MC 125537, filed July 16, 1963. Applicant: MILDA K. STOCKDALE, doing business as NATIONAL DRIVE-AWAY, 2411 Western Avenue, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles i.e. automobiles and trucks, and personal possessions of the owners of such vehicles transported in said vehicles*, between points in the United States.

HEARING: October 28, 1963, at the Federal Office Building, Seattle, Wash., before Examiner C. Evans Brooks.

No. MC 125560, filed July 29, 1963. Applicant: RALPH M. BAYLIS, INC., 19 Daisy Avenue, Floral Park, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 10, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, animal feeds and materials used in the manufacture, sale and distribution of such commodities* (except commodities in bulk, in tank vehicles), between Jersey City and Hillside, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed service will be under continuing contract or contracts with Kraft Foods Division of National Dairy Products. It is further noted that in the event the contract-carrier authority sought is granted by the Commission, applicant will simultaneously request the Commission to revoke the common-carrier rights now held by him under Certificates MC 78058 and all subs thereunder.

HEARING: November 8, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 125583, filed August 5, 1963. Applicant: BILL'S SERVICE, INC., 160 Windsor Avenue, Wilson (Windsor), Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and repossessed motor vehicles, including trailers*, between points in Connecticut, on the one hand, and, on the other, points in Maine, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, and Vermont.

HEARING: November 13, 1963, at the Bond Hotel, Hartford, Conn., before Examiner Edith H. Cockrill.

No. MC 125603, filed August 12, 1963. Applicant: ROCO, INC., 408 Cornell, Liberal, Kans. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drip gasoline, casinghead gasoline, natural gasoline, residual water and sediment*, serving drip stations on natural gas transmission lines, storage tanks, pipe line outlets and disposal points, from, to, and between points in the following area: That part of Kansas on and west of Kansas Highway 14, and U.S. Highway 281 at Kansas-Oklahoma State line, that part of Oklahoma on and west of U.S. Highway 281 and on and north of U.S. Highway 66, and that part of Texas on and north of U.S. Highway 66.

HEARING: November 18, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 125648, filed August 30, 1963. Applicant: C. WHITE & SON, INC., 785 Wolcott Hill Road, Wethersfield, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers and in bulk, in tank trucks, and *automobile accessories*, from Rocky Hill, Conn., to points in Massachusetts on and west of Massachusetts Highway 12.

NOTE: Applicant states the proposed operation will be performed under a continuing contract or contracts with Tenneco Oil Company. It is further noted common control may be involved.

HEARING: November 15, 1963, at the Bond Hotel, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 347), filed June 26, 1963. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, during the racing season, between Allentown, Bethlehem, and Easton, Pa., on the one hand, and, on the other, (1) Brandywine Raceway, Brandywine, Del., (2) Delaware Park Race Track, Stanton, Del., (3) Bowie Race Course, Bowie, Md., (4) Laurel Race Course, Laurel, Md., (5) Pimlico Race Course, Baltimore, Md., and (6) Charles Town Race Tracks, Charles Town, W. Va.

HEARING: November 18, 1963, at the Federal Building, Allentown, Pa., before Examiner Leo A. Riegel.

No. MC 125569 (Sub-No. 2), filed August 27, 1963. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations during the racing season of each year, transporting: *Passengers and their baggage*, in special operations, between Harrisburg, Camp Hill, Lemoyne, and York, Pa., on the one hand, and, on the other, Timonium Race Course, Timonium, Md.

HEARING: November 6, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 74, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12845 (Sub-No. 1), filed August 27, 1963. Applicant: SAMUEL EDWARD FRAIM, 1101 Farmingdale Road, Lancaster, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Lancaster, Pa., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in round-trip charter and special operations, as individuals and in groups, in all-expense tours, beginning and ending at points in Lancaster County, Pa., including the city of Lancaster, Pa., and extending to points in the United States, including Alaska.

HEARING: November 5, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right

to participate, before Examiner Leo A. Riegel.

No. MC. 12875, filed July 24, 1963. Applicant: HOLIDAY TRAVEL SERVICE, INC., 112 North Phillips Avenue, Sioux Falls, S. Dak. Applicant's attorney: R. G. May, Northwestern Bank Building, Sioux Falls, S. Dak. For a license (BMC 5) to engage in operations as a *broker* at Sioux Falls, S. Dak., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, between points in the United States.

HEARING: November 7, 1963, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 3261 (Sub-No. 31), filed September 9, 1963. Applicant: KRAMER-CONSOLIDATED FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment), (1) between the junction of U.S. Highway 131 and Michigan Highway 57 near Rockford, Mich., and junction with Michigan Highway 91 at Greenville, Mich.: From the junction of U.S. Highway 131 and Michigan Highway 57 near Rockford over Michigan Highway 57 to junction with Michigan Highway 91 at Greenville, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with applicant's regular-route operations, (2) between the junction of Michigan Highway 91 and Michigan Highway 44 at Belding, Mich., and junction with Michigan Highway 21 at Ionia, Mich.: From junction of Michigan Highway 91 and Michigan Highway 44 at Belding over Michigan Highway 44 to junction with Michigan Highway 66, and thence over Michigan Highway 66 to junction with Michigan Highway 21 at Ionia, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with applicant's regular-route operations, and (3) between the junction of Michigan Highway 21 and Michigan Highway 66 at Ionia, Mich., and junction with Interstate Highway 96 (formerly U.S. Highway 16): From junction of Michigan Highway 21 and Michigan Highway 66 at Ionia, over Michigan Highway 66 to junction with Interstate Highway 96 (formerly U.S. Highway 16), and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with applicant's regular-route operations.

No. MC 59098 (Sub-No. 2), filed September 6, 1963. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. Applicant's attorney: Bernard F. Flynn, Jr., York-Flynn Building, Dover, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Ridgefield Park, N.J., and points in New Jersey.

NOTE: Applicant states the proposed service will be restricted solely to traffic having a prior or subsequent movement between Ridgefield Park, N.J., and points in other States, by common carriers or private motor carriers by truck. The purpose of the application is to enable applicant to utilize its facilities at Ridgefield Park, N.J., in the picking up and distributing of traffic within New Jersey, as a pickup and distribution agent for other motor carriers engaged in interstate commerce. No authority is requested that would permit service between any point in New Jersey and any interstate point served by applicant. In other words, no tacking whatsoever is involved.

No. MC 96841 (Sub-No. 1), filed August 29, 1963. Applicant: DONALD A. POSKIN AND GRAVES BIRNIE, a partnership, doing business as McDONALD EXPRESS AND TRANSFER, 150 North McDonald Street, McDonald, Pa. Applicant's attorney: Frank C. Roney, Washington Trust Building, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (A) *General commodities*, over regular routes, (1) between McDonald and Pittsburgh, Pa., from McDonald over unnumbered highways to Pittsburgh, and return over the same route, serving all intermediate points, (2) between Walkers Mill and Midway, Pa., from Walkers Mill over unnumbered highways via Rennerdale, Greggs, Oakdale, Noblestown, Sturgeon, McDonald, and Primrose, Pa., to Midway, and return over the same route, serving all intermediate points, (3) between Midway and Pittsburgh, Pa., from Midway over unnumbered highways to Pittsburgh, and return over the same route, serving no intermediate points, and (4) between McDonald and Hickory, Pa., from McDonald over unnumbered highways via Midway, Joffre and Burgettstown, Pa., to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to junction Pennsylvania Highway 50, thence over Pennsylvania Highway 50 to Hickory (also from Burgettstown over unnumbered highways via Langeloth, Eldersville, Studa, Cross Creek and Atlasburg, Pa., to Slovan, Pa.), and return over the same routes, serving all intermediate points. (B) *General commodities*, over irregular routes, between Burgettstown, Pa., and points within 15 miles thereof. (C) *Coal for domestic use only*, over irregular routes, (1) from McDonald, Pa., to points within 10 miles thereof, (2) from Cecil, Pa., to points within 10 miles thereof, (3) from Robinson, Pa., to points within 10 miles thereof, (4) from Oakdale, Pa., to points within 10 miles thereof, (5) from Noblestown, Pa., to points within 10 miles thereof, and (6) from Sturgeon, Pa., to points within 10 miles thereof. (D) *Oil well machinery and supplies*, over irregular routes, from McDonald, Pa., to points within 20 miles thereof. (E) *Household goods and office furniture, in use*, over irregular routes, (1) between McDonald, Cecil, Robinson, Oakdale, Noblestown, and Sturgeon, Pa., on the one hand, and, on the other, points in Pennsylvania.

No. MC 107544 (Sub-No. 63), filed September 9, 1963. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, between Hopewell, Va., on the one hand, and, on the other, the Lewis Research Centers, located at or near Cleveland, Ohio.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 113959 and subs thereto; therefore dual operations may be involved.

No. MC 108676 (Sub-No. 8) (CORRECTION), filed April 1, 1963, published in FEDERAL REGISTER issue of September 18, 1963, in error, republished this issue. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville 17, Tenn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. This republication is merely to notify interested parties that notice regarding MC 108676 (Sub-No. 8) was published in the previous issue through error. It will be republished in a later issue with hearing information when date has been set.

No. MC 108676 (Sub-No. 10), filed August 14, 1963. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville 17, Tenn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, parts and accessories* therefor, from Knoxville, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 113828 (Sub-No. 47), filed September 6, 1963. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Inwood, W. Va., to Norfolk, Va.

No. MC 115841 (Sub-No. 154), filed September 9, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Frankfort, Benton Harbor, and Bear Lake, Mich., to Chambersburg, Pa.

No. MC 119777 (Sub-No. 17), filed September 6, 1963. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails and cardboard cartons*, between points in Kentucky on and west of U.S. Highway 31E.

No. MC 124251 (Sub-No. 3), filed September 8, 1963. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's attorney: Ariel V. Conlin, 240 Peachtree Street NW., Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex compounds*, in bulk, in tank vehicles, from Louisville, Ky., to points in Whitfield County, Ga.

No. MC 124555 (Sub-No. 1), filed September 5, 1963. Applicant: FRANCIS ELWOOD REAVER, CARRIE VIRGINIA REAVER, MABLE ELIZABETH REAVER, GEORGE WASHINGTON REAVER, AND FRANKLIN ROOSEVELT REAVER, a partnership, doing business as CHARLES B. REAVER & SONS, R.F.D. No. 1, Taneytown (Carroll County), Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Flintstone, Md., to Moorefield, W. Va., (2) from Flintstone, Md., and Moorefield, W. Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and to Winchester, Va., (3) from Winchester, Va., to Baltimore, Md., and (4) *exempt saw logs*, from points in Pensylvania, Maryland, New York and New Jersey to Flintstone, Md., and Moorefield, W. Va. Restriction: Under a continuing contract or contracts with Van Nessen & Company, a partnership, Baltimore, Md.

NOTE: Applicant presently serves shipper under Permit No. 124555 which is wholly duplicated by this application and will seek revocation of same upon approval of the instant application.

MOTOR CARRIERS OF PASSENGERS

No. MC 745 (Sub-No. 5), filed September 6, 1963. Applicant: GERALD S. HAGEY, Franconia (Montgomery County), Pa. Applicant's representative: John W. Frame, 2207 Old Gettysburg Rd. (Box 626), Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip special operations, beginning and ending in that part of Pennsylvania from Souderton, Pa., in a northeasterly direction along Pennsylvania Highway 113 to its junction with Pennsylvania Highway 313, thence along Pennsylvania Highway 313 in a northwesterly direction to its junction with Pennsylvania Highway 663, thence along Pennsylvania Highway 663 in a westerly direction to its junction with Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to its junction with Pennsylvania Highway 63, thence along Pennsylvania Highway 63 in a southerly direction to its junction with Pennsylvania Highway 113, thence along Pennsylvania Highway 113 in an easterly direction to the point of beginning (including points on the highways specified), and extending to points in the District of Columbia, Maryland, New Jersey, New York, Delaware, Virginia, and West Virginia.

No. MC 58692 (Sub-No. 9), filed April 26, 1963. Applicant: AUSTIN F. ROBBINS, doing business as CHENANGO VALLEY TRANSIT, 123 Eldredge Street, Binghamton, N.Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between Binghamton, N.Y., and Oneonta, N.Y.; from Binghamton over New York Highway 7 to junction with New York Highway 79, thence over New York Highway 79 to Harpursville, N.Y., thence from Harpursville over New York Highway 235 to junction New York Highway 7, thence over New York Highway 7 to Oneonta, and return over the same route, serving all intermediate points, and (2) between the Village of Sidney, N.Y., and junction New York Highway 7 and New York Highway 8, in the Town of Sidney, N.Y.; from the Village of Sidney, over New York Highway 8 to junction New York Highway 7, in the town of Sidney, and return over the same route, serving all intermediate points.

NOTICE OF FILING OF PETITIONS

No. MC 114239 (Sub-No. 4) (PETITION TO MODIFY PERMIT), filed July 17, 1963. Petitioner: GENNIE FARRIS, doing business as FARRIS TRUCK LINE, Faucett, Mo. Petitioner's attorney: Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo. In MC 114239 (Sub-No. 4) petitioner is authorized to operate as a contract carrier, by motor vehicle, transporting: Feed, in bulk and in bags, and flour, in bags, when moving in mixed loads with shipments of feed, from Kansas City, Mo., to points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, and damaged shipments, on return, restricted to a transportation service to be performed under a continuing contract, or contracts, with General Mills, Inc., of Minneapolis, Minn. In April 1962, General Mills, Inc., closed its feed manufacturing plant in Kansas City, whereupon its employees became employees of Albers Milling Company, a Division of Carnation Milk Co. Albers has not yet built up a sales territory in Arkansas or Iowa; therefore, petitioner's service is not needed in those States. By the instant petition, petitioner requests the order of the Interstate Commerce Commission modifying its permit in MC 114239 (Sub-No. 4) to the extent that the name of the contracting shipper therein designated as General Mills, Inc., be deleted and that in lieu thereof the name of Albers Milling Company, Kansas City, Mo., be substituted; and that Arkansas and Iowa be deleted from said permit. Any person or persons desiring to participate in this proceeidng, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 117848 (PETITION FOR RECONSIDERATION OF APPLICATION FOR GRANDFATHER RIGHTS UNDER THE TRANSPORTATION ACT OF 1958), filed August 29, 1963. Petitioner: FRED CARPENTIER, 1415 Luzerne Street, Scranton, Pa. Petitioner's attorney: James K. Peck, 912 Northeastern National Bank Building, Scranton 3, Pa. In MC 117848 petitioner is authorized to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Weehawken, N.J., and New York, N.Y., to Scranton, Pa., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests relief be granted by reconsideration and reopening of petitioner's application, and that petitioner's application be changed and amended to read as follows: *Bananas*, over irregular routes, from port facilities in New York and New Jersey within the New York Harbor Area as defined by the Commission in Ex Parte No. 140, *Determination of the Bounds of New York Harbor and Harbors Contiguous Thereto*, with no transportation for compensation on return except as otherwise authorized. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8551. Authority sought for merger into LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla., 73108, of the operating rights and property of LEE WAY MOTOR FREIGHT OF INDIANA, INC., 1220 South West Street, Indianapolis, Ind., and for acquisition by R. W. LEE and RWL INVESTMENTS, INC., 3000 West Reno, Oklahoma City, Okla., of control of such rights and property through the transaction. Applicants' attorneys: Sidney P. Upsher, Post Office Box 82488, Oklahoma City, Okla., 73108, and Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Fort Wayne, Ind., and Chicago, Ill., between Cleveland, Ohio, and Mansfield,

Ohio, between Lima, Ohio, and St. Louis, Mo., between Youngstown, Ohio, and Lodi, Ohio, between Warren, Ohio, and junction Ohio Highway 45 and Ohio Highway 18, between Akron, Ohio, and Massillon, Ohio, between Beaverdam, Ohio, and Lima, Ohio, serving all intermediate points, between junction Indiana Highway 152 and U.S. Highway 6, and Cleveland, Ohio, between junction Indiana Highway 152 and U.S. Highway 6, and Akron, Ohio, serving no intermediate points, between Chicago, Ill., and Pittsburgh, Pa., between Cleveland, Ohio, and Canton, Ohio, serving all intermediate and certain off-route points, and between Wooster, Ohio, and Warren, Ohio, serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, to points in Ohio, and certain points in West Virginia, Pennsylvania, and New York, from North Canton, Massillon, and Youngstown, Ohio, to certain points in West Virginia and Pennsylvania, from Canton, Ohio, to certain points in West Virginia and Pennsylvania, from points in Allegheny County, Pa., those on the above-specified regular routes east of Fort Wayne, Ind., and all of the above off-route points, to points in Lake County, Ind., and Cook, De Page, Kane, and Will Counties, Ill., between Plymouth, Newark, Shelby, Fostoria, and Elyria, Ohio, on the one hand, and, on the other, points in Ohio located on U.S. Highway 30–N, between certain points in Ohio on the one hand, and, on the other, certain points in Ohio, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, between points in the St. Louis, Mo., Commercial Zone, as defined by the Commission in 1 M.C.C. 656, from certain points in Illinois to points in Allegheny County, Pa., between St. Louis, Mo., on the one hand, and, on the other, certain points in Illinois, between points in St. Louis County, Mo. (other than Valley Park, Mo.), on the one hand, and, on the other, St. Louis, Mo., and certain points in Illinois, and between junction U.S. Highway 40 and Illinois Highway 111 (Fairmont City, Ill.), on the one hand, and, on the other, certain points in Illinois; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Canton, Ohio, on the one hand, and, on the other, certain points in Ohio, Pennsylvania, and West Virginia. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Texas, Kansas, Oklahoma, Illinois, and Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE: LEE WAY MOTOR FREIGHT, INC., controls SUMMIT FAST FREIGHT, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC–F–7409, decided August 4, 1960. In application No. MC–FC 63839, the operating rights and property of SUMMIT FAST FREIGHT, INC., were transferred to LEE WAY MOTOR FREIGHT OF INDIANA, INC., approved December 22, 1960, and consummated on January 19, 1961. LEE WAY MOTOR FREIGHT, INC., is the sole and only stockholder of its subsidiary, LEE WAY MOTOR FREIGHT OF INDIANA, INC.

No. MC–F–8552. Authority sought for purchase by DEALERS TRANSIT, INC., 7701 South Lawndale, Chicago, Ill., of the operating rights of McNAMEE J. BUSCHER and JOSEPH F. BUSCHER, a partnership, doing business as INTERSTATE EXPRESS & TRANSFER COMPANY, St. Louis, Mo., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, 3401 North Dort, Flint, Mich., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *General commodities*, except livestock, as a *common carrier* over irregular routes, between points in St. Louis, Mo., and East St. Louis, Ill., in collection and delivery service, between St. Louis, Mo., on the one hand, and, on the other, East St. Louis, Ill., and points in St. Louis County, Mo., and between East St. Louis, Ill., on the one hand, and, on the other, points in St. Louis County, Mo. Vendee is authorized to operate as a *common carrier* in all States except Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8553. Authority sought for purchase by McCUE TRANSFER, INC., 3524 East Fourth Street, Hutchinson, Kans., of the operating rights and property of A. B. MACOY, doing business as MACOY TRUCK LINES, Post Office Box 494, Hutchinson, Kans., and for acquisition by B. L. McCUE, 2804 North Jefferson, Hutchinson, Kans., of control of such rights and property through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Operating rights sought to be transferred: *Malt beverages* and *advertising matter* for the sale of such beverages, as a *common carrier* over irregular routes, from Milwaukee, Wis., Chicago and Belleville, Ill., South Bend, Ind., and points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to points in Kansas (except from Belleville and Chicago, Ill., to Hutchinson, Great Bend, and Wichita, Kans., and from Chicago, Ill., to Liberal, Kans.). *RESTRICTION:* The service authorized herein is subject to the following conditions: Carrier shall conduct his for-hire transportation operations separate from his other business activities, carrier shall maintain separate accounts and records pertaining to his for-hire and private carrier operations, carrier shall not at the same time and in the same vehicle transport property both as a for-hire and a private carrier. Vendee is authorized to operate as a *common carrier* in Nebraska, Kansas, Minnesota, North Dakota, South Dakota, Wyoming, Arkansas, New Mexico, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8554. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road "C", St. Paul 13, Minn., of the operating rights and property of ROSS TIMM and ROBERT TIMM, a partnership, doing business as TIMM TRANSIT, 1036 South Jackson Street, Janesville, Wis., and for acquisition by GEORGE BRIGGS, 910 Broadway, Eau Claire, Wis., of control of such rights and property through the purchase. Applicants' attorneys: Winston W. Hurd, 2360 West County Road "C", St. Paul 13, Minn., and George K. Steil, 1 East Milwaukee, Suite 305, Janesville, Wis. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk but not excepting household goods, as a *common carrier* over regular routes, between Madison, Wis., and Rockford, Ill., serving certain intermediate points, and the off-route point of Brooklyn, Wis., between Beloit, Wis., and Rockford, Ill., serving the intermediate point of Rockton, Ill., between Madison, Wis., and Janesville, Wis., serving certain intermediate points, and the off-route point of McFarland, Wis., and between Madison, Wis., and Stoughton, Wis., serving certain intermediate points, and the off-route points of Deerfield, and Fort Atkinson, Wis. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Nebraska, Wisconsin, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8555. Authority sought for purchase by W. M. TYNAN AND COMPANY, INC., 76 Ninth Avenue, New York 11, N.Y., of the operating rights of KIM FREIGHT LINES, INC., 4234 South Emerald, Chicago, Ill., and for acquisition by WILLIAM M. TYNAN and MARJORIE B. TYNAN, 76 Ninth Avenue, New York, N.Y., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Packinghouse products, canned foods*, and *supplies and materials* used by packinghouses, as a *common carrier*, over irregular routes from Chicago, Ill., to Kansas City, Wichita, Topeka, Hutchinson, Salina, Kanopolis, Parsons, and Sabetha, Kans., and St. Joseph, South St. Joseph, Trenton, Chillicothe, Columbia, and Kansas City, Mo., from Kansas City, Kans., to Chicago, Decatur, and East St. Louis, Ill., and St. Louis and Kansas City, Mo., and from South Omaha, Nebr., Creston, Iowa, and South St. Joseph and St. Louis, Mo., to Chicago, Ill.; *packinghouse products, canned foods*, and *materials, equipment*, and *supplies*, used in the packinghouse business when moving to or from the warehouses, plants, or other facilities of packinghouses, between Chicago, and Blue Island, Ill., on the one hand, and, on the other, Omaha, Nebr., and Sioux City, Iowa; *canned food*, from Eureka, Morrison, Morton, and Washington, Ill., to Sioux City, Iowa, and Omaha, Nebr.; *cheese*, from Dixon, Ill., to Sioux City, Iowa and Omaha, Nebr., *RESTRICTION:* the separately stated authorities herein shall not be tacked or joined one to another for the purpose of performing any through transportation; *edible animal fats, animal oils*, and *vegetable oils*, including *products and blends thereof*, with or without emulsifiers, preservatives, coloring or additives, in packages, and *oleomargarine*, in packages, from the site of the refinery plant of the Shortening and Edible Oil Division of Armour & Company, at or near Bradley, Ill., to Sioux City, Iowa, and Omaha and South Omaha, Nebr.; in addition to the above, a certificate has been authorized in No. MC–119741 Sub-2, covering the transportation of *meats, meat products*, and *meat byproducts*, except commodities in bulk, and *articles distributed by meat-packinghouses*, except commodities in bulk, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, over irregular routes, from West Point, Nebr., to Chicago and Decatur, Ill., and St. Louis and Kansas City, Mo., *RESTRICTION:* the authority granted above is subject to the following conditions: The service authorized above is restricted to traffic originating at the plant of Armour & Company situated at or near West Point, Nebr., the service authorized above is restricted against the joinder or tacking of such authority with other authority held by carrier for the purpose of performing through service from or to points other than those specified herein above; *such commodities* as are used by meat packers in the conduct of their business when destined to, designated by, and for use of meat packers, except commodities in bulk, from Chicago and Decatur, Ill., and St. Louis and Kansas City, Mo., to the plant of Armour & Company, situated at or near West Point, Nebr. Vendee is authorized to operate as a *common carrier* in New York, Illinois, Wisconsin, Missouri, Ohio, Tennessee, Pennsylvania, Michigan, Texas, Maine, Massachusetts, and Maryland. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8556. Authority sought for merger into HARMS HOLDINGS, INC., 1430 130th Avenue NE., Bellevue, Wash., of the operating rights and property of HARMS PACIFIC TRANSPORT, INC., and HAMILTON TRUCKING SERVICE, INC., 1430 130th Avenue NE., Bellevue, Wash., and for acquisition by J. D. HARMS, 4241 Sunnybrae Drive, Bellevue, Wash., of control of such rights and property through the transaction. Applicants' attorney: Richard K. Bush, 545 Henry Building, Seattle 1, Wash. Operating rights sought to be merged: (HARMS PACIFIC TRANSPORT, INC.) *Lignin liquor*, in tank vehicles, as a *common carrier* over irregular routes, from Shelton, Tacoma, Seattle, Everett, Bellingham, and Gray's Harbor, Wash., to points in Washington, Oregon, and Idaho, and points in Montana on and west of U.S. Highway 91; *liquid petroleum products*, in tank vehicles, from The Dalles, and Umatilla, Oreg., to points in Washington east of the Cascade Mountains; *petroleum* and *petroleum products*, in bulk, in tank vehicles, from Pasco, Wash., to points in Washington east of the Cascade Mountains, from Boise, Burley, and Twin Falls, Idaho, and points within 10 miles of each, to points in Yakima, Kittitas, Chelan, Skamania, and Okanogan Counties, Wash., and points in Washington east of said counties; *petroleum products*, in bulk, in tank vehicles, from Baker, and Blakely, Oreg., and points within 10 miles of each, and points within 5 miles of Pasco, Wash., to points in Washington, in and east of Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash.; *liquid fertilizers*, in bulk, in tank vehicles, from Walla Walla, Wash., to points in Oregon in and east of Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., from Walla Walla, Rockford, and Dayton, Wash., to points in Idaho, in and north of Idaho County, Idaho; *liquid fertilizers* (except anhydrous ammonia), in bulk, in tank vehicles, from Finley and Pasco, Wash., and points within 5 miles of each, to points in Oregon in and east of Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and to points in Idaho in and north of Idaho County, Idaho; (HAMILTON TRUCKING SERVICE, INC.) *Machinery, contractors' equipment*, and *structural steel*, as a *common carrier* over irregular routes between points in King County, Wash., on the one hand, and, on the other, points in Washington and points in King County, Wash., on the one hand, and, on the other, points in Oregon and Idaho, and certain points in California and Montana; *prefabricated buildings*, from Richmond, Calif., to points in King County, Wash.; heavy machinery which because of size or weight requires the use of special equipment, from points in Snohomish, Skagit, and Whatcom Counties, Wash., to ports of entry on the United States-Canada international boundary at or near Blaine and Sumas, Wash.; restricted against combination with any other authority held by carrier, to operate in the United States in interstate or foreign commerce, in order to render a service between points other than as authorized herein. HARMS HOLDINGS, INC., holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

NOTE: HARMS HOLDINGS, INC., controls HAMILTON TRUCKING SERVICE, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC–F–7727, decided July 28, 1961.

No. MC–F–8557. Authority sought for purchase by ANDREWS & PIERCE, INC., 1431 Bedford Street, North Abington, Mass., of the operating rights and property of ERNEST E. TRIPP, 66 Pleasant Street, Nantucket, Mass., and for acquisition by ERNEST W. PIERCE, and ALAN PIERCE, both of North Abington, Mass., of control of such rights and property through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Operating rights sought to be transferred: Under the "grandfather" provisions of section 206(a)(7) of the act, pursuant to BOR-99, in No. MC–96746 (Sub-1), covering the transportation of property between points on the Island of Nantucket, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE: An application will be published at a later date as a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10194; Filed, Sept. 24, 1963; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 20, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38544: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 7), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central and Middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff Supplement 17 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF–I.C.C. 53.

FSA No. 38545: *Plaster and related articles from Cody, Wyo.* Filed by Western Trunk Line Committee, agent (No. A–2325), for interested rail carriers. Rates on plaster and/or gypsum wallboard and related articles, in carloads, from Cody, Wyo., to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Market competition.

Tariff: Supplement 28 to Western Trunk Line Committee, agent, tariff I.C.C. A–4421.

FSA No. 38546: *Soybeans from CRI&P Stations in Arkansas.* Filed by Chicago, Rock Island and Pacific Railroad Company (No. 893), for itself and on behalf of The Texas and Pacific Railway Company. Rates on soybeans, in carloads, from CRI&P RR stations in Arkansas, to Baton Rouge, New Orleans, and Port Allen, La. (for export).

Grounds for relief: Carrier competition.

Tariff: Supplement 4 to Chicago, Rock Island and Pacific Railroad Company tariff I.C.C. C–13660.

FSA No. 38547: *Soda ash to Warners, N.J.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2683), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Painesville, Perry, Fairport Harbor, and Barberton, Ohio, also Detroit and Wyandotte, Mich., to Warners, N.J.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C–383.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10191; Filed, Sept. 24, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 072674]

LOUISIANA

Notice of Filing of Plat of Survey and Order Providing for Opening of Land

SEPTEMBER 19, 1963.

The plat of survey of islands, described below, accepted July 17, 1963, under Group Survey No. 46, will be officially filed in this office effective 10 a.m., on October 31, 1963.

LOUISIANA MERIDIAN

	Acres
T. 12 S., R. 12 E.	
Sec. 14, lot 7	4.63
lot 8	0.57
lot 9	1.06
lot 10	0.02
Total	6.28
Sec. 15, lot 1	37.51
lot 2	0.09
Total	37.60
Sec. 22, lot 1	80.25
lot 2	3.48
lot 3	0.78
lot 4	2.19
lot 5	10.45
Total	97.15
Sec. 23, lot 8	0.35
lot 9	1.73
Total	2.08

The area described aggregates 143.11 acres.

The survey of these islands was undertaken pursuant to the application BLM 044805, filed by the State of Louisiana through its Register of State Lands, for an unsurveyed island in the Bay Natchez, secs. 14, 15, 22 and 23, above township, under the Swamp Land Grant. The plat represents the survey of islands in Grand River that were in existence in 1831, and 1834 the dates of the original surveys of the lands lying east and west of the river, respectively, in 1812 when the State was admitted to the Union, and at all subsequent dates and have the status of public domain lands.

The islands are also included in a pending oil and gas lease application BLM 045301, described by metes and bounds, filed September 30, 1957, by Charles J. Babington, 409 Maritime Building, New Orleans, Louisiana.

The formation of the islands is similar to that of the bottom land included in the original surveyed areas; the species and size of the timber ranging from 4 to 36 inches in diameter are also similar. The islands are of a loamy gumbo formation; are all nearly level and reach from one to two feet above the water level of Grand River. There are no improvements on the islands. There have been logging operations in the past, and a loading dock remains on the west side of the large island in sec. 22. A channel has been dredged from the hyacinth choked back channel to the main channel of the Grand River in sec. 15, cutting the large island in two.

All of the islands are subject to overflow; some are definitely over 50 percent swamp land in character; others are solid land, but so low and subject to frequent overflow that they are usually damp and are considered swamp and overflow in character.

The lands above described are open to application, location, selection and petition under the public land laws; subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable laws, rules and regulations. The lands will not be subject to occupancy or disposition until a final determination has been made on the State's pending swamp-land application.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA, *Manager, Land Office.*

[F.R. Doc. 63–10173; Filed, Sept. 24, 1963; 8:46 a.m.]

[Oregon 013683]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 16, 1963.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial No. Oregon 013683, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including location and entry under the mining laws, subject to valid existing rights.

The applicant desires the land for development, operation and maintenance of the proposed Olalla Reservoir. The reservoir will be used for irrigation, flood control, recreation, fish and wildlife, municipal and industrial needs, and other multipurpose uses.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

PUBLIC DOMAIN LAND

T. 29 S., R. 7 W.,
Sec. 17, SW¼NW¼;
Sec. 20, NW¼NE¼;
Sec. 21, lot 1.
T. 29½ S., R. 7 W.,
Sec. 32, lots 6, 10.
T. 30 S., R. 7 W.,
Sec. 5, NW¼NE¼SW¼, NE¼NW¼SW¼.
T. 29 S., R. 8 W.,
Sec. 13, lot 7.
Total—219.34 acres.

OREGON-CALIFORNIA REVESTED LAND

T. 29 S., R. 7 W.,
Sec. 17, NW¼SW¼, SW¼SE¼;
Sec. 19, lots 1, 8, 9, 10, 15, 16;
Sec. 21, SE¼NW¼;
Sec. 27, W½NW¼.
T. 29½ S., R. 7 W.,
Sec. 31, lot 8.
T. 30 S., R. 7 W.,
Sec. 5, lot 4, SW¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼;
Sec. 6, lot 1.
T. 29 S., R. 8 W.,
Sec. 13, lots 1, 4, 5, 6.
Total—820.10 acres.

The total combined area is 1,039.44 acres.

STANLEY D. LESTER, *Land Office Manager.*

[F.R. Doc. 63–10174; Filed, Sept. 24, 1963; 8:46 a.m.]

Office of the Secretary

HUBBELL CARPENTER

Appointment and Statement of Financial Interests

SEPTEMBER 19, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Hubbell Carpenter.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.
The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 11.
The name of the appointee's private employer or employers: Minnesota Power & Light Company, 30 West Superior Street, Duluth, Minnesota.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL, *Secretary of the Interior.*

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Alt. Deputy Director, DEPA Area 11, Assistant Secretary for W&P Defense Electric Power Administration, an officer or director:

Minnesota Power & Light Company, Duluth, Minnesota.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Minnesota Power & Light Company, Duluth, Minnesota.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Date: September 16, 1963.

HUBBELL CARPENTER.

[F.R. Doc. 63–10175; Filed, Sept. 24, 1963; 8:46 a.m.]

LEROY J. SCHULTZ

Appointment and Statement of Financial Interests

SEPTEMBER 19, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: LeRoy J. Schultz.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.
The title of the appointee's position: Director, Defense Electric Power Area 17.
The name of the appointee's private employer or employers: Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL, *Secretary of the Interior.*

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 23, 1963 as Director, DEPA Area 17, Assistant Secretary for W & P Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: September 16, 1963.

LEROY J. SCHULTZ.

[F.R. Doc. 63–10176; Filed, Sept. 24, 1963; 8:46 a.m.]

CARL H. WILLIAMS

Appointment of Statement of Financial Interests

SEPTEMBER 19, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Carl H. Williams.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.
The title of the appointee's position: Deputy Director, Defense Electric Power Area 18.
The name of the appointee's private employer or employers: The Hawaiian Electric Company, Limited, P.O. Box 2750, Honolulu 3, Hawaii.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL, *Secretary of the Interior.*

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Deputy Director, DEPA Area 18, Assistant Secretary for W&P, Defense Electric Power Administration, an officer or director:

The Hawaiian Electric Co., Ltd.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Machine & Foundry.
Atlas Corporation.
Dubois Chemical Co.
Freepor Sulphur Co.
Sheraton Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: September 10, 1963.

CARL H. WILLIAMS.

[F.R. Doc. 63–10177; Filed, Sept. 24, 1963; 8:46 a.m.]

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VOLUME 28 NUMBER 188

Washington, Thursday, September 26, 1963

THE UNIVERSITY OF MICHIGAN
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[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

[Bulletin NSCP 2801]

PART 706—NAVAL STORES CONSERVATION

Subpart G—1964

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1964 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1960 season, except as provided under § 706.218.

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GENERAL PROVISIONS

§ 706.201 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.215, 706.216, and 706.218. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.202 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1964 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1964 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches d.b.h. in any tract or drift cupped under the provisions of §§ 706.209, 706.210, 706.211, 706.212 or 706.214 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1964 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1964 program to faces which were installed and met the eligible face requirements during the 1960, 1961, 1962, or 1963 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1964 and those installed in 1964 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(f) *Practices under §§ 706.209, 706.210, 706.211, 706.212, 706.213, 706.214, 706.215, or 706.217 which require more than one year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented

from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 706.203 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 706.204 Fire protection.

Each producer shall during the 1964 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.205 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1964 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1964. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 706.206 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP–3200–1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 706.209 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h. except as provided in § 706.202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.215 is used.

§ 706.210 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h. except as provided in § 706.202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.215 is used.

§ 706.211 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.215 is used.

§ 706.212 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.215 is used.

§ 706.213 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.215 is used.

§ 706.214 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 706.209, 706.210, 706.211, or 706.212.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.215 is used.

§ 706.215 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.209, 706.210, 706.211, 706.212, 706.213, 706.214, and 706.217 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Component of practice and rate of cost-sharing.* (1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.

(i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1964 season or faces upon which the cups and tins are elevated for the first time during the 1964 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.216 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1962 or 1963 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1964 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the Forest Service to meet the eligible face requirements of § 706.209. Only producers who did not participate in the 1962 or 1963 programs are eligible for cost-sharing under this practice.

(d) *Component of practice and rate of cost-sharing.* (1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face. The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.209.

§ 706.217 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 706.209.

(2) Eleven cents per face for faces meeting the requirements of §§ 706.210, 706.211, 706.212, 706.213, and 706.214.

§ 706.218 Practice 10: Hardware removal.

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1963 or 1964 on which no subsequent work will be done and from which all hardware is removed by December 31, 1964.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.219 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

(1) Increase to $200.
(2) No increase.

§ 706.220 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accord-

ance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.202(e). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to, the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this or the 1960, 1961, 1962, or 1963 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1960, 1961, 1962, 1963, or 1964 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1967.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1959 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1959 in the tracts or drifts in which such installation occurs.

§ 706.221 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.202(e) or § 706.220.

§ 706.222 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.223 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13 of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 706.223 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1964 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1964, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter), witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 706.224 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122 as amended (Part 707 of this chapter).

§ 706.225 Maximum Federal cost-shares limitation.

The total of all cost-shares under the 1964 Naval Stores Conservation and the 1964 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 706.226 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 706.225.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 706.227 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gun naval stores, during the 1964 turpentine season, which were installed during or after the 1960 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 706.228 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 2, 1965, on the prescribed form (NSCP–3200–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.229 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.230 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The over-all length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 706.231 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

§ 706.232 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1965.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 706.233 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes.

Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 706.234 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta, Georgia, 30323. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washintgon, D.C. this 20th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63–10265; Filed, Sept. 25, 1963; 8:48 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Michigan marketing area (7 CFR Part 1040), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effective the declared policy of the Act for the period of October 1963 through March 1964:

(1) Section 1040.16(a)(3)(i), and

(2) All of § 1040.16(a)(3)(ii) except "45 percent".

Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. Changed seasonality of production and current production increases relative to Class I sales are making it increasingly difficult for some distributing plants regularly associated with the market to meet the pooling provisions of the order and such difficulty is likely to be aggravated during the forthcoming months of October 1963 through March 1964.

(3) This suspension is based on a request by a producer association. Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (28 F.R. 9881). None were filed in opposition to the proposed suspension. The suspension is favored by producer associations representing approximately 80 percent of the producers supplying the market.

Therefore, good cause exists for making this order effective October 1, 1963.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period October 1963 through March 1964.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1963.

Signed at Washington, D.C., on September 20, 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63–10251; Filed, Sept. 25, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–WA–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On June 26, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6567) stating that the Federal Aviation Agency proposed to designate the San Luis Obispo, Calif., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following action is taken:

1. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding:

San Luis Obispo, Calif.

That airspace extending upward from 1,200 feet above the surface N of San Luis Obispo bounded on the SW by V–27, on the E by V–25 W, and on the N by a line extending from V–27 through latitude 35°30'00" N., longitude 120°56'00" W., and latitude 35°-32'00" N., longitude 120°48'00" W., to V–25 W; and W of San Luis Obispo bounded on the NE by V–27 and the Lompoc, Calif., control area extension, and on the W and SW by a line extending from V–27 through latitude 35°17'00" N., longitude 121°00'00" W., to latitude 35°10'00" N., longitude 120°-55'00" W., thence through latitude 35°04'00" N., longitude 120°44'30" W. to the Lompoc, Calif., control area extension.

This amendment shall become effective 0001 e.s.t., November 14, 1963.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 20, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10222; Filed, Sept. 25, 1963; 8:45 a.m.]

[Airspace Docket No. 63–CE–57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Federal Airways and Jet Routes

On August 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7914) stating that the Federal Aviation Agency (FAA) was considering amendments to §§ 71.-109, 71.123, 71.143, 71.203, 71.205, 71.207, 75.100 and 75.200 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the FAA determined that radar coverage was insufficient to provide radar advisory service along Jet Route J–107 north of latitude 49°00'00" N. Therefore, action is being taken herein to redesignate this portion of J–107 as a Non-Radar Advisory Area.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.109 (27 F.R. 220–5, November 10, 1962) "B–8 From the Grand Forks, N. Dak., RR via the Pembina, N. Dak., RR to the Winnipeg, Ont., Canada, excluding the portion within Canada." is deleted.

2. In § 71.123 (27 F.R. 220–6, November 10, 1962) in the text of V–181 "INT of Grand Forks 353° and Winnipeg, Canada, 180° radials; to United States-Canadian Border via Winnipeg 180° radial." is deleted and "Pembina, N. Dak.; to United States-Canadian Border via Pembina 356° radial." is substituted therefor.

3. In § 71.143 (27 F.R. 220–38, November 10, 1962, 28 F.R. 178) in the text of V–1547 "Pembina, N. Dak., RR." is deleted and "Pembina, N. Dak." is substituted therefor.

4. In § 71.203 (27 F.R. 220–157, November 10, 1962) "Pembina, N. Dak., RR" is deleted and "Pembina, N. Dak." is substituted therefor.

5. In § 71.205 (27 F.R. 220–165, November 10, 1962) "Pembina, N. Dak., RR" is deleted and "Pembina, N. Dak." is substituted therefor.

6. In § 71.207 (27 F.R. 220–170, November 10, 1962) "Pembina, N. Dak., RR" is deleted and "Pembina, N. Dak." is substituted therefor.

7. In § 75.100 (28 F.R. 19–50, January 26, 1963, 28 F.R. 178) in the text of Jet Route No. 107 "Pembina, N. Dak., RR" is deleted and "Pembina, N. Dak." is substituted therefor.

8. In § 75.100 (28 F.R. 19–50, January 26, 1963) the text of Jet Route No. 515 is amended to read:

"From Pembina, N. Dak., to the INT of the Pembina 356° radial and the United States-Canadian Border."

9. In § 75.200 (27 F.R. 11638) the text of Jet Route No. 107 jet advisory area is amended to read:

Radar—From 16 nmi SW of Crazy Woman, Wyo., to 26 nmi NE of Pembina, N. Dak.
Non-Radar—From 81 nmi NE of Pembina, N. Dak., to 93 nmi NE of Pembina, N. Dak.

10. In § 75.200 (28 F.R. 19–60, January 26, 1963) in the text of Jet Route No. 515 jet advisory area "Pembina, N. Dak., RR" is deleted and "Pembina, N. Dak." is substituted therefor.

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 20, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10221; Filed, Sept. 25, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1816; Amdt. 622]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics Models 22 and 22M Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and modification of the flap actuator screwjacks on General Dynamics Models 22 and 22M aircraft was published in 28 F.R. 6883.

Interested persons have been afforded an opportunity to participate in the making of this amendment. A comment was received which recommended that the 2,500 hours in paragraph (b) be extended to 3,500 hours' time in service to be compatible with airline inspection periods. Since the increased inspection time would be compatible with airline inspection periods and the Agency believes that the requested increase in inspection time will not lower the level of safety, paragraph (b) of the AD has been revised to incorporate this increase.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to all Models 22 and 22M aircraft. Compliance required as indicated.

Due to failures of flap actuator screwjacks, accomplish the following:

(a) Within 1,500 hours' time in service after the effective date of this AD unless already accomplished, replace all flap actuator screwjack end cap assemblies P/N 1162D53 and P/N 1162D54, with end cap assemblies reworked to provide additional lateral movement in accordance with General Dynamics/Convair 880 Alert Service Bulletin No. A27–68 dated March 22, 1963, or 880M Alert Service Bulletin No. A27–36 dated March 22, 1963, as applicable, or an FAA, Western Region, Engineering and Manufacturing Branch approved equivalent modification.

(b) Within 3,500 hours' time in service after the effective date of this AD unless already accomplished, conduct a magnetic particle inspection or an FAA approved equivalent inspection of all flap actuator screwjack shafts paying particular attention to the section of the screwjack shaft that is above the main thread. Replace a cracked flap actuator screwjack shaft with an uncracked screwjack shaft before further flight.

(General Dynamics/Convair 880 Alert Service Bulletin No. A27–68 dated March 22, 1963, and 880M Alert Service Bulletin No. A27–36 dated March 22, 1963, pertain to this same subject.)

This amendment shall become effective October 28, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 20, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10218; Filed, Sept. 25, 1963; 8:45 a.m.]

[Reg. Docket No. 1885; Amdt. 623]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics Model 30 Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive providing a means of checking the landing gear ground safety switch to ascertain that it is not grounded prior to landing on General Dynamics Model 30 aircraft was published in 28 F.R. 7957.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to all Model 30 aircraft.

Compliance required within 500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent a ground fault in the landing gear ground safety switch circuit which causes the loss of braking without a warning indication, modify the aircraft landing gear antiskid wiring system as follows in accordance with Convair Service Bulletin No. 32–37A revised February 26, 1963, or an FAA Western Region Engineering approved equivalent:

(a) Add a test switch, relay socket, relay and harnesses;

(b) replace the antiskid and light plastic panel, circuit board and plate; and

(c) reroute the wiring.

(Convair Service Bulletin No. 32–37A pertains to this same modification.)

This amendment becomes effective October 28, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 20, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10219; Filed, Sept. 25, 1963; 8:45 a.m.]

[Reg. Docket No. 1971; Amdt. 621]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 49 Series and 1049–54 Aircraft

Amendment 4, 23 F.R. 1101, AD 58–1–5, requires repetitive inspection of the wing skin and stringers on Lockheed 49 Series and 1049–54 aircraft. An operator recently proposed an alternative inspection program which is acceptable to the Agency. Accordingly, AD 58–1–5 is being amended to provide for this alternative inspection.

Since this amendment merely provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows: Amendment 4, 23 F.R. 1101, AD 58–1–5, Lockheed 49–46, 149, 649, 649A, 749, 749A Series and 1049–54 aircraft, is amended by:

1. Deleting references "B1, B2, or B3" and "B1, B2 and B3" from the AD wherever they appear and inserting in lieu thereof references "B1, B2, B3, or B4" and "B1, B2, B3, and B4", respectively.

2. Revising the last sentence of paragraph I.B.(3) to read "(It should be noted that cracks under stringers cannot be detected by the visual inspection method); or".

3. Adding new paragraph I.B.(4) to read:

(4) X-ray at 2,800 hours (maximum) intervals by opening the fuel tanks and following the technique outlined on Lockheed Sketches No. 101057 and No. 101058, or FAA approved equivalent. In addition to the X-ray inspections at 2,800 hours, visually inspect at 350-hour (maximum) intervals as follows:

Inspect the bottom side of lower wing skin, for leaks resulting from cracks, from front beam to rear beam between W.S. 125 and W.S. 145 and between W.S. 191 and W.S. 215. This necessitates opening the kidney plate inspection holes in the nacelle to wing fillets on the inboard and outboard sides and/or removal of the tail cone assembly of nacelles No. 2 and No. 3. This area should be given special attention. If leaks are discovered and cracks suspected, tanks must be opened and stripped of sealant to visually inspect upper side of skin. Inspect the upper side of lower wing skin for cracks in the dry area from front beam to rear beam between W.S. 145 and W.S. 191. See Lockheed Sketches No. 101057 and No. 101058 for location of cracks which have been discovered previously.

4. Adding new paragraph I.E. to read:

E. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

5. Adding a new paragraph II.B.(4) to read:

(4) Same as paragraph I.B.(4).

6. Adding new paragraph II.E. to read:

E. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective September 26, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 19, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10220; Filed, Sept. 25, 1963; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

Miscellaneous Amendments

Correction

In F.R. Doc. 63–10114, appearing in the issue for Friday, September 20, 1963, the word "at" in the fourteenth line of § 10.5 should read "as".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 63-61]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Subpart 3.55—Eleventh Coast Guard District

LOS ANGELES—LONG BEACH MARINE INSPECTION OFFICE RELOCATED

The Marine Inspection Offices formerly located in the Post Office Building, San Pedro, and the Times Building, Long Beach, California, have been consolidated and relocated, effective August 1, 1963. The Los Angeles-Long Beach Marine Inspection Office is now located in the Centre Building, 750 Broad (at the corner of Anaheim and Broad) in Wilmington, which is in the City of Los Angeles, California. The new mailing address is Officer in Charge, United States Coast Guard, Marine Inspection (Los Angeles-Long Beach), P.O. Box 217, Wilmington, California, 90746.

The purpose of this document is to amend 33 CFR 3.55-10 to show the new name given to the former Long Beach Marine Inspection Zone and the consolidation of former Marine Inspection Offices in San Pedro and Long Beach, which have been relocated in Wilmington, California. Because this rule describes Coast Guard organization, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521) and 167-17 dated June 29, 1955 (29 F.R. 4976) and the statutes cited with the regulations cited below, the following amendment to § 3.55-10 is prescribed and shall be in effect on and after August 1, 1963:

§ 3.55-10 Los Angeles-Long Beach marine inspection zone.

(a) The Los Angeles-Long Beach Marine Inspection Office is in Wilmington, California.

(b) The Los Angeles-Long Beach marine inspection zone comprises the land masses and waters of the State of Arizona and Clark County in Nevada and also the land masses, inland and territorial waters of that part of California which includes the counties of Santa Barbara, Kern, San Bernardino, and all counties south thereof with the exception of San Diego County, as well as all artificial islands subject to inspection on the Pacific Ocean due west thereof.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-17, June 29, 1955, 20 F.R. 4976)

Dated: September 19, 1963.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 63-10257; Filed, Sept. 25, 1963; 8:48 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Bogue Sound, N.C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499) § 203.355 is hereby prescribed to govern the operation of the North Carolina State Highway Commission bridge across Bogue Sound, Atlantic Beach, North Carolina, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.355 Bogue Sound (Atlantic Intracoastal Waterway), N.C.; North Carolina State Highway Commission bridge at Atlantic Beach.

(a) During the period from June 15 to Labor Day, inclusive, on Saturdays and Sundays, and on Independence Day, the owner of or agency controlling this bridge will not be required to open the drawspan for the passage of vessels between the hours of 12 noon and 6:00 p.m., e.s.t., except at 2:00 p.m. and 4:00 p.m. when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraphs (b) and (c) of this section.

(b) The drawspan shall be opened promptly upon the prescribed signal being given for the passage of towboats with tows, freight boats, and vessels owned or operated by the United States.

(c) The draw shall be opened promptly for the passage of any vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn or similar device.

(d) The owner of or agency controlling the bridge shall erect and maintain on both sides thereof, signs acceptable to the District Engineer setting forth the salient features of the special regulations of this section.

[Regs., September 11, 1963, 1507-32 (Atlantic Intracoastal Waterway, N.C.) ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 63-10215; Filed, Sept. 25, 1963; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 52—GRANTS FOR RESEARCH PROJECTS

On June 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5432) proposing the adoption of new regulations relating to Public Health Service grants in support of research projects. Such notice provided a period of 60 days from publication for the receipt of comments, views or arguments by members of the public on the proposed regulations.

In response to this invitation, many comments and suggestions have been received and all have been carefully considered. A number of these suggestions have been adopted in the final regulations, set forth below, in the interest of clarifying the purpose of the regulations. This purpose in general is to establish the basic principles that will govern the administration of the research project grant programs, on the one hand preserving the role vested by Congress in the Public Health Service to determine what projects should be supported in the public interest with Federal funds and on the other hand preserving the scientific or professional freedom of research personnel to pursue effectively the projects they have presented for Federal support.

Therefore, effective with respect to all grant awards made on and after October 1, 1963, Title 42, Chapter 1, Subpart D, is hereby amended to add the following new part:

Subpart A—Applicability and Definitions

Sec.
52.1 Applicability.
52.2 Definitions.

Subpart B—Eligibility, Award and Termination

52.10 Nature and purpose of research project grant.
52.11 Eligibility for grant.
52.12 Application for grant.
52.13 Evaluation and disposition of applications.
52.14 Grant awards.
52.15 Termination.

Subpart C—Grant Conditions—Obligations of Grantee

52.20 Use of funds; changes.
52.21 Principal investigators.
52.22 Inventions or discoveries.
52.23 Records, reports, inspections.
52.24 Other conditions.

Subpart D—Expenditures by Grantee

52.30 Allocation of costs.
52.31 Direct costs in general.
52.32 Indirect costs.
52.33 Particular direct costs.

Subpart E—Grantee Accountability

52.40 Date of final accounting.
52.41 Accounting for grant award payments.
52.42 Accounting for equipment, materials or supplies.
52.43 Interest.
52.44 Project net income.
52.45 Final settlement.

AUTHORITY: §§ 52.1 to 52.45 issued under secs. 215, 58 Stat. 690; 633(a), 60 Stat. 1041; 5, 69 Stat. 322; and 10(a), 70 Stat. 506; 42 U.S.C. 216, 291k, 1857d; 33 U.S.C. 466i. Interpret or apply secs. 301, 58 Stat. 691; 636, 63 Stat. 900; 5, 69 Stat. 322; 4(a), 70 Stat. 499; and sec. 303, 70 Stat. 929; 42 U.S.C. 241, 291n, 1857d; 33 U.S.C. 466c; 42 U.S.C. 242a.

Subpart A—Applicability and Definitions

§ 52.1 Applicability.

The regulations of this part apply to Public Health Service grants for the support of health related research projects as set forth in § 52.10. They do not apply to general research support grants, demonstration grants, grants for studies in providing services outside hospitals, or other grants as may be authorized by law, such as grants for the construction of research facilities (see Part 57 of this chapter), for the construction of hospital or other medical facilities (see Part 53 of this chapter), or the award of fellowships (see Part 61 of this chapter), traineeships (see Part 63 of this chapter), or training grants (see Part 64 of this chapter).

§ 52.2 Definitions.

As used in this part:

(a) "Surgeon General" means the Surgeon General of the Public Health Service and any other officer or employee of the Service to whom he delegates the authority involved, except that as used in §§ 52.11(a)(3) and 52.15(b), the term shall mean only the Surgeon General, the Deputy Surgeon General, or an acting Surgeon General, as provided in section 205 of the Public Health Service Act, as amended (42 U.S.C. 206).

(b) "Project period" means the period of time, not exceeding 7 years, which the Surgeon General finds is reasonably required to initiate and conduct a research project meriting support by means of one or more research project grants within the scope of § 52.10. The period may include the time required for initial staffing and acquisition of facilities and for the preparation and publication of the results of the project. The approval and support of a research project for the maximum period of 7 years shall not preclude support of such a project beyond such period if such support of the continued project is requested, evaluated and approved on the same basis as a new or initial application in accordance with §§ 52.12 and 52.13.

(c) The development, utilization and coordination of services, facilities and resources of hospitals or other medical facilities, agencies or institutions as authorized by section 636 of the Public Health Service Act, as amended (42 U.S.C. 291n); or

(d) Improved methods of operation and administration of State institutions for the mentally ill as authorized by section 303 of the Public Health Service Act, as amended (42 U.S.C. 242a).

§ 52.11 Eligibility for grant.

(a) *Persons eligible.* Except where otherwise prohibited by law, any individual, corporation, public or private institution or agency, or other legally accountable person found by the Surgeon General to be authorized and qualified by scientific or other relevant competence to carry out a proposed research project in accordance with the regulations of this part shall be eligible for a grant award except:

(1) Federal agencies or institutions not specifically authorized by law to receive such a grant;

(2) Any corporation, institution, agency or other such person, other than an individual, that is organized or operated for profit; and

(3) Any individual, corporation, institution, agency or other such person who, having previously received a grant award from the Public Health Service, has failed wilfully and materially in the judgment of the Surgeon General to comply with accounting or other requirements applicable to such prior award, such disqualification to continue until terminated in the public interest by the Surgeon General.

(b) *Projects eligible.* Any project found by the Surgeon General to be a research project within the meaning of § 52.10 shall be eligible for a grant award. Eligible projects may consist of laboratory, clinical, population, field, statistical, basic, applied or other types of investigations, studies or experiments, or combinations thereof, and may either be limited to one, or a particular aspect of a, problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities and resources.

§ 52.12 Application for grant.

Any person eligible for a grant award under § 52.11 may file application therefor with the Surgeon General on such forms as he may prescribe. Such application shall set forth adequately the nature, duration, purpose and plan of the research project, the qualifications of the principal staff members to be responsible for the project, the total facilities and resources that will be available, a justification of the amount of grant funds requested, and such other pertinent information as the Surgeon General may require. The application shall be executed by an individual authorized to act for the institution or other applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

Subpart B—Eligibility, Award and Termination

§ 52.10 Nature and purpose of research project grant.

A research project grant is the award by the Surgeon General of funds to an institution, organization or other person, hereinafter called the "grantee", to meet in whole or in part the costs of conducting for the benefit of the public health an identified activity or program, hereinafter termed the "project", that is intended and designed to establish, discover, develop, elucidate or confirm information or the underlying mechanisms relating to:

(a) The cause, diagnosis, treatment, control or prevention of the physical or mental diseases, injuries, or impairments of man as authorized by sections 301, 303 and related provisions of the Public Health Service Act, as amended (42 U.S.C. 241, 242(a));

(b) The causes, effects, control or prevention of water pollution or air pollution, as authorized by section 301 of the Public Health Service Act, as amended (42 U.S.C. 241), section 4 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c), and section 5 of Public Law 159, 84th Congress, as amended (42 U.S.C. 1857d);

§ 52.13 Evaluation and disposition of applications.

(a) *Evaluation.* All applications filed in accordance with § 52.12 shall be evaluated by the Surgeon General through such officers and employees of the Service and such experts or consultants engaged for this purpose as he determines are specially qualified in the areas of research involved in the project, including review by an appropriate National Advisory Council or other body as may be required by law. The Surgeon General's evaluation shall take into account among other pertinent factors the scientific merit and significance of the project, the compentency of the proposed staff in relation to the type of research involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, and the adequacy of the applicant's resources available for the project and the amount of grant funds necessary for completion.

(b) *Disposition.* On the basis of his evaluation of an application pursuant to paragraph (a) of this section and subject to such approvals, recommendations or consultations by the appropriate National Advisory Council or other body as may be required by law, the Surgeon General shall (1) approve, (2) defer because of either lack of funds or a need for further evaluation, or (3) disapprove, support of the proposed project in whole or in part. With respect to approved projects, the Surgeon General shall determine the project period during which the project may be supported. Any deferral or disapproval of an application shall not preclude its reconsideration or a reapplication.

§ 52.14 Grant awards.

(a) *General.* Within the limits of funds available for such purpose, the Surgeon General shall award a grant to those applicants whose approved projects will in his judgment best promote the purposes of § 52.10. The date specified by the Surgeon General as the beginning of the project period shall be no later than 9 months following the date of any initial or new award statement unless the Surgeon General finds that because of the nature of a project or the grantee's particular circumstances, earlier assurance of grant support is required to initiate the project. All grant awards shall be in writing, shall set forth the amount of funds granted and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award.

(b) *Determination of award amount.* The amount of any award shall be determined by the Surgeon General on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs (as set forth in §§ 52.31 and 52.33) for either the project period or for such lesser period as he may designate in making the award, plus an additional amount, if any, for overhead or indirect costs (as set forth in § 52.32). Neither the approval of any project nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or

other award with respect to any approved project or portion thereof.

(c) *Multiple, concurrent, initial awards.* Whenever a research project involves a number of different but related problems, activities or disciplines so as to require evaluation by different groups within the Public Health Service, or whenever support for a project could be more effectively administered by separate handling of separate aspects of the project, the Surgeon General may evaluate and approve two or more concurrent applications each dealing with one or more specified aspects of the project, and he may make two or more concurrent grant awards with respect to such a project.

(d) *Supplemental and continuation awards.* The Surgeon General may from time to time within the project period make additional grant awards with respect to any approved project continued without change except as provided in § 52.20 (b) and (c) where he finds, on the basis of such progress and accounting reports as he may require, either that (1) the amount of any prior award was less than the amount necessary to carry out the approved project within the period used for estimating the amount of such prior award (a supplemental grant), or (2) the progress made within the period with respect to which any prior awards were made justifies support for an additional, specified portion, or the remainder, of the project period (a continuation grant). The amount of any supplemental or continuation grant shall be determined as provided in paragraph (b) of this section.

(e) *Payments.* The Surgeon General shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this part throughout the project period subject to such limitations as the Surgeon General may prescribe.

§ 52.15 Termination.

(a) *Discontinuance by agreement.* Whenever in the judgment of the Surgeon General and the grantee continuation of an approved project would produce results of no value in furthering the purposes of § 52.10, grant support shall be terminated.

(b) *Termination by Surgeon General.* Any grant award may be revoked or terminated by the Surgeon General in whole or in part at any time within the project period whenever he finds that in his judgment the grantee has failed in a material respect to comply with the regulations of this part. The grantee shall be promptly notified of such finding in writing and given the reasons therefor.

(c) *Termination by the grantee.* A grantee may at any time terminate or cancel its conduct of an approved project by notifying the Surgeon General in writing setting forth the reasons for such termination.

(d) *Accounting.* Upon any termination, the grantee shall render an accounting pursuant to Subpart E of this part: *Provided, however,* That to the extent the termination is due in the judgment of the Surgeon General to no fault of the grantee, credit shall be allowed for the amount required to settle at minimum costs any noncancellable obligations properly incurred by the grantee prior to receipt of notice of termination.

Subpart C—Grant Conditions—Obligations of Grantee

§ 52.20 Use of funds; changes.

(a) *Use of funds.* Any funds granted pursuant to § 52.14 shall be expended by the grantee solely for carrying out the approved project in accordance with the regulations of this part. The grantee may not in whole or in part delegate or transfer this responsibility for the use of such funds to any other person.

(b) *Changes in project.* The permissible change by the principal investigator in the approved project shall be limited to changes in methodology, approach or other aspects of the project that would expedite achievement of the project's research objectives, including changes that grow out of the approved project and serve the best scientific strategy. Whenever the grantee and the principal investigator are uncertain as to whether a change complies with these provisions, the question shall be referred to the Surgeon General for a final determination.

(c) *Changes in project period.* The project period determined pursuant to § 52.13(b) may be extended by the Surgeon General, with or without additional grant support, for an additional period not exceeding one year where he determines that such extension is required to assure adequate completion of the approved project and the total period as extended does not exceed 7 years.

§ 52.21 Principal investigators.

All grant awards shall be subject to the condition that the principal investigator designated in the application as responsible for the conduct of the approved project shall continue responsible for the duration of the project period. Whenever any such investigator shall become unavailable for any reason to discharge this responsibility, the grant shall be terminated and an accounting rendered as provided in § 52.15 unless the grantee replaces such investigator with another person found by the Surgeon General to be qualified to direct and conduct the approved project.

§ 52.22 Inventions or discoveries.

Any grant award pursuant to § 52.14 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in Title 45, CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Surgeon General to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Surgeon General or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 52.23 Records, reports, inspections.

(a) *Records and reports.* Each grant award pursuant to § 52.14 shall be subject to the condition that the grantee shall maintain such progress and fiscal records, and file with the Surgeon General such progress and fiscal reports relating to the conduct and results of the approved project and the use of grant funds as the Surgeon General may prescribe. No such records shall be destroyed or otherwise disposed of within 3 years after termination of the project period unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General as to all, or particular types of, records.

(b) *Inspection and audit.* Any application for a grant award filed pursuant to § 52.12 shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Surgeon General of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent such resources and personnel will be, or are, involved in the project. In addition, the acceptance of any grant award under § 52.14 shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the approved project.

§ 52.24 Other conditions.

The Surgeon General may with respect to any grant award or class of awards impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

Subpart D—Expenditures by Grantee

§ 52.30 Allocation of costs.

Except as may otherwise be provided by or pursuant to the regulations of this part, the allocation of expenditures by a grantee as between direct and indirect costs shall be in accordance with generally accepted and established accounting practices and in accordance with the same policies and methods that the grantee applies to all its research and related activities whether self-sponsored or supported by contracts or grants.

§ 52.31 Direct costs in general.

Funds granted for the direct costs of an approved project may be expended by the grantee for personal services, rental of space, materials and supplies, and other cost items as provided in the regulations of this part only to the extent such services, materials, supplies or other items are required to carry out the approved project. The Surgeon General may issue rules, instructions, interpretations or limitations supplementing the regulations of this part and prescribing the extent to which particular types of expenditures, including those set forth in § 52.33, may be charged as direct costs to granted funds.

§ 52.32 Indirect costs.

(a) *Purpose and nature.* The amount awarded for indirect costs is provided for the purpose of meeting the approved project's share of the general administrative and other overhead expenses of the grantee. Indirect costs are those which, because of their incurrence for common or joint objectives, are not readily identified with individual research projects. Expenditures representing an institution's auxiliary services or supportive activities to research, such as personnel management, accounting or purchasing, and the cost of the usual utilities or the normal maintenance and protection of the grantee's facilities, shall not be charged as direct costs, unless because of special circumstances such a charge is specifically approved by the Surgeon General in advance of expenditure.

(b) *Determination of amount of award for indirect costs.* Subject to such maximum amounts or percentages as may be prescribed by law and to accountability as provided in § 52.41, the amount of any award for the indirect costs of any project shall be calculated by the Surgeon General either (1) on the basis of his estimate of the actual indirect costs reasonably related to the approved project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the approved project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs.

§ 52.33 Particular direct costs.

(a) *Personal services.* The costs of personal services are payable from grant funds substantially in proportion to the time or effort the individual devotes to carrying out the approved project. In such proportion, such costs may include all direct costs incident to such services, such as salary during vacations and retirement and workmen's compensation charges, in accordance with the requirements applicable by law to the grantee and where in accordance with the policies and accounting practices consistently applied by the grantee to all its activities.

(b) *Equipment and materials.* The cost of acquiring materials or fixed or movable equipment not available to the grantee for the approved project but required for its execution may be charged to grant funds as a direct cost. Such acquisition may be by lease or other arrangement for use during the project period or by outright purchase subject to accounting as provided in § 52.42. Such costs may include those incurred for delivery, installation and maintenance services.

(c) *Travel costs.* Costs of travel of individuals engaged in carrying out the approved project may be payable as direct costs where such travel is required by the nature of the project, such as field surveys or studies or transportation of patients participating in a project conducted at a central clinic or other place. Not chargeable as direct costs are expenses for staff attendance at scientific meetings or conferences not related in the judgment of the Surgeon General to advancing the approved project. To the extent the grantee has not established rules or policies which it uniformly applies regardless of source of funds in determining the amounts and types of reimbursable travel expenses, the Standardized Government Travel Regulations shall be applied in determining the amount of grant funds chargeable for travel expenses.

(d) *Alterations and renovations.* The costs of altering or renovating buildings or other structures in which the approved project is to be, or is being, conducted may be charged as direct costs to the extent such alteration or renovation is essential to the accomplishment of the specific objective of such project. Such costs may not include enlarging or adding to such structures or the erection of new structures. Whenever grant funds are used in whole or in part to defray the costs of any contract for alterations or renovation and the contract amount is in excess of $10,000, the grantee and such contract shall be subject to and comply with all the requirements of Executive Order 11114 of June 22, 1963 (28 F.R. 6485), relating to nondiscrimination in employment by the contractor, unless such contract is otherwise exempt pursuant to the provisions of such order.

(e) *Publication costs.* Costs required to assure effective publication or other distribution of the research results of any approved project may be charged as direct costs. Where such costs relate to charges imposed by scientific journals, they may be payable from grant funds only where they are imposed without discrimination relating to the source of support and, if assessed to secure early or accelerated publication date, only where the Surgeon General determines in advance that such acceleration is of significant value to the public health.

Subpart E—Grantee Accountability

§ 52.40 Date of final accounting.

In addition to such other accounting as the Surgeon General may require, a grantee shall render, with respect to each approved project, a full account, as provided herein, as of a termination date which shall be either (a) the end of the project period as determined pursuant to § 52.13(b) or its extension as provided in § 52.20(c), or (b) the date of any termination of grant support as provided in § 52.15, whichever first occurs.

§ 52.41 Accounting for grant award payments.

With respect to each approved project, the grantee shall account for the sum total of all amounts paid under § 52.14(e) by presenting or otherwise making available vouchers or any other evidence satisfactory to the Surgeon General of expenditures for direct and indirect costs meeting the requirements of Subpart D of this part: *Provided, however,* That where in accordance with § 52.32(b) the amount awarded for indirect costs was based on a percentage of estimated direct costs, the amount allowed for indirect costs shall be that percentage of actual direct costs, or approved portion thereof, unless the Surgeon General has reason to believe that such application of the percentage would result in an allowance in excess of actual indirect costs.

§ 52.42 Accounting for equipment, materials or supplies.

Expenditures of grant funds for movable or fixed equipment, materials or supplies, termed in this subpart "materials", may be charged to grant funds as direct costs only to the extent such materials are required for the conduct of the approved project during the project period. Any materials on hand on the date of termination (excluding expendable supplies within such limitations as the Surgeon General may prescribe) shall be accounted for, or accountability waived, by one or a combination of the following methods:

(a) *Waiver of equipment accountability.* Where the grantee is an organization within the terms of the Act of September 6, 1958 (72 Stat. 1793; Public Law 85-934), the obligation to account for the value of any fixed or movable equipment may be waived by the Surgeon General as provided by such Act.

(b) *Retention for other health research projects.* If the grantee is other than an individual, the materials may be used, without adjustment of accounts, in other research projects within the scope of § 52.10, and no other accounting for such materials shall be required: *Provided, however,* (1) That during such period of use no charge for depreciation, amortization or for other use of the materials shall be made against any existing or future Federal grant or contract, and (2) if within the period of their useful life the materials are transferred by sale or otherwise for use outside the scope of § 52.10, the fair market value at the time of transfer shall be payable to the United States.

(c) *Sale or other disposition; crediting of proceeds or value.* The materials may be sold by the grantee and the net proceeds of sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account their fair market value on the termination date. To the extent materials purchased from grant funds have been used for credit or "trade-in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

(d) *Transfer to the United States.* To the extent the Surgeon General so requires or approves, title to such materials will be transferred to the United States for such authorized use or disposition as he may direct.

§ 52.43 Interest.

Any interest earned through any deposit or investment by the grantee of the funds paid pursuant to § 52.14(e) shall be paid to the United States as such interest is received by the grantee.

§ 52.44 Project net income.

Except as may otherwise be provided pursuant to regulations of the Department of Health, Education, and Welfare with respect to income from patentable inventions or discoveries, the Surgeon General may impose on any grant award or class of grant awards conditions that will assure return to the United States of its equitable share of any net income derived by the grantee from the activity supported by grant.

§ 52.45 Final settlement.

There shall be payable to the United States as final settlement with respect to each approved project the total sum of (a) any amount not accounted for pursuant to §52.41, (b) any credits for materials on hand as provided in § 52.42, and (c) any credits for earned interest and for net income of the project pursuant to §§ 52.43 and 52.44. Such total sum shall constitute a debt owed by the grantee to the United States and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

Dated: August 30, 1963.

DAVID E. PRICE,
Acting Surgeon General.

Approved: September 20, 1963.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 63-10260; Filed, Sept. 25, 1963; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Public hunting of upland game birds on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 400,000 acres is delineated on a map available at the refuge headquarters, Lewistown, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Merriam's wild turkey.

(b) Open season: September 28 through October 12, 1963, inclusive.

(c) Bag limits: One bird per special license holder per year.

(d) Methods of hunting:

(1) Weapons: Must be in accordance with State regulations.

2. Dogs: Not to exceed two dogs per hunter may be used to retrieve dead or wounded birds.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to October 13, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 16, 1963.

[F.R. Doc. 63-10226; Filed, Sept. 25, 1963; 8:45 a.m.]

PART 32—HUNTING

Kofa Game Range, Arizona

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Public hunting of big game on the Kofa Game Range, Arizona, is permitted only on the area designated by signs as open to hunting. The open bighorn sheep hunting area, comprising 184,320 acres or 28 percent of the total area of the game range, and the open area for deer hunting, comprising 660,041 acres or 100 percent of the total area of the game range, are delineated on a map available at the refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Bighorn sheep and deer.

(b) Open season: Bighorn sheep—from December 6 through December 22, 1963, inclusive. Deer—from October 25 through November 11, 1963, inclusive.

(c) Bag limits: Bighorn sheep limited to 5 permits issued by the Arizona Game and Fish Department. Each permit will be limited to 1 ram with a minimum of ¾ curl horn. Deer limited to 1 buck per hunter.

(d) Methods of hunting:

(1) Weapons—Rifles only of .23 calibre or larger or the .357 magnum and .44 magnum pistols may be used. Automatic firearms and tracer, full metal jacketed or altered metal jacketed bullets are prohibited. Semiautomatic firearms of .23 calibre or larger with a magazine capacity of more than 5 shells are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 23, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1963.

[F.R. Doc. 63-10225; Filed, Sept. 25, 1963; 8:45 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of big game on the San Andres National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Las Cruces, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer (either sex).

(b) Open season: December 7 and 8, 1963.

(c) Bag limit: Deer 1.

(d) Methods of hunting:

(1) Weapons—Rifles or shotguns are permitted but no semiautomatic loading rifle capable of holding more than six rounds in magazine and chamber combined; no gun or rifle capable of discharging more than once with a single pull or function of its trigger; no M-1 carbine; and no shotgun smaller than 20 gauge or larger than 10 gauge or capable of holding more than three shells in magazine and chamber combined and using other than slugs may be used.

(2) No hard-pointed or full metal case bullets are permitted.

(3) No cartridge with bullets less than 70 grains in weight or with rated impact energy at muzzle of less than 1,000 foot-pounds is permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada Road. The check station will be open to allow hunters to start checking in during the later afternoon of December 6, 1963. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Camping will be permitted only at those places designated by the officers in charge of the hunt. Entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. December 8, 1963.

(3) No entry into the hunting area from the west will be permitted north of the Rope Springs Road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(4) The conservation officer in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

(5) A Federal permit is not required to enter the public hunting area, but special season deer tags are required of all hunters.

(6) The provisions of this special regulation are effective to December 9, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1963.

[F.R. Doc. 63-10227; Filed, Sept. 25, 1963; 8:45 a.m.]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, known locally as Greene, Grano, St. Mary's Bridge, and Baker's Bridge road crossings, comprising 190 acres or 6 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations during the season specified below.

(b) Open season: From September 15, 1963, through December 14, 1963, daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats is not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to December 15, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 19, 1963.

[F.R. Doc. 63-10228; Filed, Sept. 25, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1130]

[Docket No. AO 259–A10]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Corpus Christi, Texas, on August 12, 1963, pursuant to notice thereof which was issued July 26, 1963 (28 F.R. 7847).

The material issues on the record of the hearing relate to the revision of the definitions for a supply plant, fluid milk plant and market equalization plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The supply plant, fluid milk plant and market equalization plant definitions should be revised to permit a market equalization plant to receive other source milk during the months of August through January to the same extent that fully regulated plants are permitted such receipts; i.e., from any plant in an amount not in excess of a daily average of 5,000 pounds per month. In addition, shipments to a market equalization plant should be included as qualifying shipments for purposes of determining a plant's status as a fluid milk plant.

Effective March 1, 1963, the order was amended to recognize a balancing plant operated by a cooperative association as a market equalization plant. Such a market equalization plant is presently defined as "a plant, other than a fluid milk plant, operated by a cooperative association, performing marketing services pursuant to § 1130.84(b), which plant is approved by a duly constituted health authority for the receipt and disposition of Grade A milk and at which all fluid milk products received are as diversions pursuant to § 1130.16 or as transfers from fluid milk plants."

Receipts at a market equalization plant are limited to diverted producer milk and transfers from fluid milk plants. This was recognized as a restriction on the full role of such a plant in balancing supplies when the decision was issued on February 15, 1963. However, it was expected that the recognition of the cooperative as a handler on farm bulk tank milk, in conjunction with recognition of its market equalization plant, would permit sufficient flexibility to assure free movement of milk between handlers as needed. The limitation on receipts at the market equalization plant was intended to provide assurance to other handlers and nonmember producers that the cooperative association could not use the market equalization plant except as a market balancing plant for milk associated with the market through previous delivery to fluid milk plants. It was not anticipated that the cooperative would move milk through its plant to other handlers except in limited quantities during the short season when limited imports of other source milk are permitted.

Producer milk supplies, as compared to Class I sales, for the Corpus Christi market began to shorten in September 1962. Because of the need for additional milk, two unregulated supply plants became associated with the market and regulated under the order. Although one plant remained on the market only for October 1962, the second plant was on the market for the nine-month period of September 1962–May 1963. This milk was arranged for by the cooperative association to fulfill the needs of proprietary handlers. For most efficient handling it would have been desirable that the milk move through the market equalization plant but this was deterred by the present terms of the order, since receipts of only diverted milk and transfers from fluid milk plants are permitted at the market equalization plant if such plant is to maintain its unregulated status. In addition, any shipment from such plant to a fluid milk plant in any of the months of February through July would also result in full regulation.

Under individual-handler pooling these movements of milk would work to the detriment of the cooperative since the bulk of the milk received at the plant would undoubtedly be disposed of for Class II use. With regulated status, producers whose milk moved by diversion to the market equalization plant would receive a price for such milk reflecting only the utilization value of milk at the balancing plant rather than the blend price paid at the plant from which the milk was diverted. Hence, the burden of carrying the market's reserve supplies would fall almost entirely on such producers.

Amendments to the order definitions are needed to provide additional flexibility in a manner which would permit the market equalization plant to function effectively as a balancing plant. The revisions herein recommended will accommodate free movement of milk between fluid milk plants and the market equalization plant. In addition, they will accommodate the importation of supplemental milk supplies from outside the market through a market equalization plant and provide regulation of the source plant in exactly the same manner as though the importation were made directly to fluid milk plants.

The movements of milk in the market since the amendment of March 1, 1963, have been directed in a manner to avoid regulation of the market equalization plant, and consequently the amendment herein recommended will not affect the volume of milk priced under the order. The revisions will, however, permit greater efficiency in the movement of milk between fluid milk plants and should result in substantial savings both to the cooperative association and to regulated handlers.

No opposition to the proposed revisions was raised at the hearing.

A supply plant's qualifying shipments under the present order are based on the milk equivalent of 4.0 percent butterfat content milk. Proponents of these amendments also proposed that such shipment be based on the milk equivalent of 3.5 percent butterfat content milk since all other provisions are based on 3.5 percent milk. This change would make accounting for milk more convenient and would have little effect on the volume of milk permitted to enter the market without the plant being regulated. Therefore, this recommendation is herein adopted.

Rulings on proposed findings and conclusions. No briefs were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order, as amended, regulating the handling of milk in the Corpus Christi, Texas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1130.12 is revised to read as follows:

§ 1130.12 Supply plant.

"Supply plant" means a plant, other than a distributing plant or a market equalization plant, from which fluid milk products meeting the Grade A inspection requirement of a duly constituted health authority are moved to and received at a distributing plant or a market equalization plant during the month.

2. In § 1130.13, paragraph (b) is revised to read as follows:

§ 1130.13 Fluid milk plant.

* * * * *

(b) A supply plant from which milk, skim milk or cream approved by a duly constituted health authority for disposition under a Grade A label, is transferred to and received at a plant(s) qualified pursuant to paragraph (a) of this section or a market equalization plant, in any amount during any month of February through July, or in an amount in excess of an average of 5,000 pounds per day, computed on a milk equivalent basis of 3.5 percent butterfat content, during any month of August through January.

3. Section 1130.14 is revised to read as follows:

§ 1130.14 Market equalization plant.

"Market equalization plant" means a plant, other than a distributing plant, operated by a cooperative association performing marketing services pursuant to § 1130.84(b) which plant is approved by a duly constituted health authority for the receipt and disposition of Grade A milk and at which all fluid milk products received are as diversions pursuant to § 1130.16 or as transfers from fluid milk plants except that during any month of August through January such plant may also receive other source fluid milk products from nonfluid milk plants in an amount not in excess of an average of 5,000 pounds per day, computed on a milk equivalent basis of 3.5 percent butterfat content.

Signed at Washington, D.C., on September 20, 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63–10250; Filed, Sept. 25, 1963; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Radioactivity in Effluents to Unrestricted Areas; Notice of Proposed Rule Making

Correction

In F.R. Doc. 63–9856, appearing at page 10170 of the issue for Tuesday, September 17, 1963, the following correction is made in the eleventh paragraph of the text: In the second sentence, "iodine strontium 89," should read "iodine 131, strontium 89,".

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1970]

LOCKHEED

Proposed Airworthiness Directives

Amendment 523, 27 F.R. 12828 (AD 63–1–2) requires replacement of the nose landing gear actuating cylinder attach bolts on Lockheed Models 49, 149, 649, 649A, 749, 749A, 1049–54, 1049C; 1049D, 1049E, 1049G, and 1049H Series aircraft. Since the issuance of Amendment 523 it has been disclosed that a number of nose landing gear actuating cylinder attach bolts with part numbers not covered in the amendment are in use. These bolts are as critical as those covered in Amendment 523. It is proposed, therefore, to supersede Amendment 523 with a new directive to provide for the replacement of these additional bolts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before October 28, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 649A, 749, 749A, 1049–54, 1049C, 1049D, 1049E, 1049G and 1049H Series aircraft.

Compliance required as indicated.

As a result of several fatigue failures of the nose landing gear actuating cylinder attach bolts, accomplish the following:

(a) For operators maintaining records of landings, within the next 1,000 landings after the effective date of this AD, unless already accomplished within the last 5,000 landings, and thereafter within each 6,000 landings from the last replacement, comply with (c). Where past records of landings are unavailable the number of landings prior to the effective date of this AD may be obtained by substituting one landing for each hour of time in service prior to the effective date of this AD.

(b) For operators not maintaining records of landings, within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished within the last 5,000 hours' time in service, and thereafter within each 6,000 hours' time in service from the last replacement, comply with (c).

(c) Replace the nose landing gear actuating cylinder bolts as follows:

(1) Replace the two forward bolts, P/N 307403 and P/N 307404, which attach the forward end of the actuating cylinder to the fuselage structure via a universal joint, with new bolts of the same part numbers.

(2) Replace the aft bolt, P/N 307402, which attaches the actuating cylinder rod to the drag strut pivot, with a new bolt of the same part number.

(3) For those aircraft which use P/N 272216–3 and P/N 272238 in lieu of P/N 307402 and P/N 307403, replace these bolts with new bolts of the same part numbers or replace P/N 282216–3 with P/N 307402 and replace P/N 272238 with P/N 307403 in accordance with items 1, 2, 3, 5, 6, and 7 of the section entitled "Description of Change B" of Lockheed Service Bulletin 49/SB–616.

(4) For those aircraft which use P/N 272216–2 in lieu of P/N 307404 replace this bolt with P/N 307404 and accomplish the rework of the section entitled "Description of Change A", Lockheed Service Bulletin 49/SB–616.

This supersedes Amendment 523, 27 F.R. 12828, AD 63–1–2.

Issued in Washington, D.C., on September 19, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10216; Filed, Sept. 25, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1972]

BOEING MODELS 707 AND 720 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. There have been several instances in which flames have penetrated the engine outer casing without detection until the nacelle and lower strut had been damaged. It has been determined that detection of the fire was delayed because of a lack of detector elements in the area on top of the engine. To correct this unsafe condition, this AD is being proposed to require the installation of additional fire detector elements in the upper area of the engine nacelle.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before October 28, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series airplanes listed in Boeing Service Bulletin No. 1788.

Compliance required within 4,000 hours' time in service after the effective date of this AD unless already accomplished.

Instances of engine burner case burn through have occurred in service resulting in damage to the nacelle and lower strut in which detection of the fire was delayed because there are no fire detector elements in the area on top of the engine. To correct this unsafe condition, the following must be accomplished:

Install additional fire detector elements (continuous or unit type) between the horizontal firewall and the top of the engine in the area between nacelle Stations 160 and 180. This additional detector installation shall be made in accordance with Boeing Service Bulletin No. 1788 dated July 11, 1963, or in accordance with an installation approved by Chief, Engineering and Manufacturing Branch, FAA Western Region.

(Boeing Service Bulletin No. 1788 covers the installation applicable to the various fire detector systems as installed on different groups of airplanes.)

Issued in Washington, D.C., on September 20, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10217; Filed, Sept. 25, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

JAN NEUMANN AND FRANTISEK HEJDUK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses, and also subject to the provisions of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimants, Claim No., and Property

Jan Neumann, Presslova 5, Prague 5, Czechoslovakia; Frantisek Hejduk, Pomezni 1365, Prague 9, Czechoslovakia; Claim No. 36485, Vesting Order No. 676; an undivided one-half part of the whole, right, title and interest in property described in Vesting Order No. 676 (8 F.R. 5039, April 17, 1943) relating to United States Letters Patent Nos. 2,095,522, 2,100,052, 2,116,265, and 2,128,413.

Executed at Washington, D.C., on September 23, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63–10278; Filed Sept. 25, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 16, 1963.

The Bureau of Indian Affairs has filed three applications, Serial numbers Anchorage 059873, 059874 and 059878, for the withdrawal of the lands described below, from all forms of appropriation. The applicant desires the lands for use as school reserves.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawals may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99051.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicants needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for the consideration of the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the three applications are:

(Anchorage 059873)

NICKOLSKI, ALASKA

U.S. Survey No. 3890
Containing 3.10 acres.

(Anchorage 059874)

PORT GRAHAM, ALASKA

U.S. Survey No. 3889, Lot 1
Containing 1.55 acres.

(Anchorage 059878)

CHIGNIK LAKE, ALASKA

U.S. Survey 3888, Lot 1
Containing 2.94 acres.

Aggregating 7.59 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63–10229; Filed, Sept. 25, 1963; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 20, 1963.

The Bureau of Indian Affairs has filed an application, serial number Anchorage 059887, for the withdrawal of the lands described below from all forms of appropriation. The applicant desires the land for use as a native school reserve.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objection in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for the consideration of the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

ENGLISH BAY, ALASKA

U.S. Survey 3883
Containing 3.54 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63–10230; Filed, Sept. 25, 1963; 8:46 a.m.]

[Arizona 032826]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of Interior, has filed an application, Serial Number Arizona 032826 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the lands for the purpose of enlarging the present townsite of San Luis, Arizona. Applicant proposes to sell lots sometime in 1964 for business and residential sites. The point of entry has become increasingly important as a tourist crossing, as well as a port for movement of merchandise and farm products from the Republic of Mexico.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona, 85025.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 11 S., R. 25 W.,
Sec. 12, NE¼NW¼, E½NW¼NW¼, and that portion of W½E½SW¼NW¼ lying east of the East Main Canal right-of-way.

The area described above aggregates approximately 65 acres.

The above lands are situated in the United States along the boundary of the Republic of Mexico, approximately 15 miles southwest of Yuma, Arizona.

FRED J. WEILER,
State Director.

SEPTEMBER 19, 1963.

[F.R. Doc. 63-10231; Filed, Sept. 25, 1963; 8:46 a.m.]

[Group No. 459]

CALIFORNIA

Notice of Filing of Plat of Survey

SEPTEMBER 18, 1963.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective 10:00 a.m. on October 28, 1963.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 10 S., R. 22 E.,
Sec. 30, Lot 7.

A survey of accreted lands. The area described above aggregates 20.64 acres. Plat of survey accepted July 31, 1963.

2. All of the lands have been withdrawn by Departmental Order of February 19, 1929, and included in First Form Reclamation Withdrawal, Colorado River Storage Project, under provisions of section 3, of the Act of June 17, 1902 (32 Stat. 388).

3. All of the lands have been included in proposed withdrawal, LA 0170932, filed September 11, 1961, by the Bureau of Sport Fisheries and Wildlife as the Cibola National Wildlife Refuge.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of the applicable laws, rules, and regulations.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 8th Street, Riverside, California, 92502.

KEITH H. CORRIGALL,
Acting Land Office Manager.

[F.R. Doc. 63-10232; Filed, Sept. 25, 1963; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 18, 1963.

The Bureau of Reclamation, United States Department of the Interior has filed an application, Serial Number Sacramento 076606 for the withdrawal of the following described lands, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, subject to existing valid claims. The applicant desires the land for construction, operation, and maintenance of the Sly Park Unit, American River Division of the Central Valley Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 13 E.,
Sec. 8, NE¼SE¼;
Sec. 9, SE¼SE¼, S½NE¼SE¼.

The afore-described area aggregates 100 acres.

WALTER E. BECK,
Manager, Land Office.

[F.R. Doc. 63-10233; Filed, Sept. 25, 1963; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 19, 1963.

The United States Department of Agriculture has filed an application, Serial Number 076612 for the withdrawal of the following described lands from prospecting, location, entry, and purchase under the general mining laws, subject to existing valid claims. The applicant desires the withdrawal of the lands for public campgrounds and picnic areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TOIYABE NATIONAL FOREST

Mono County

Green Creek Recreation Area Extension

T. 3 N., R. 24 E.,
Sec. 12, S½SE¼SE¼.

Buckeye Campground

T. 4 N., R. 24 E.,
Sec. 4, S½ Lot 2, SW¼NE¼;
Sec. 5, S½ Lot 1, S½ Lot 2, SE¼NE¼.

Robinson Creek—Twin Lakes Recreation Area Expansion

T. 4 N., R. 24 E.,
Sec. 15, S½NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, NW¼SE¼NW¼, W½NW¼SW¼;
Sec. 21, E½E½E½;
Sec. 22, NW¼NW¼, W½SW¼NW¼, W½NW¼SW¼.
Sec. 28, E½E½NE¼, NE¼SE¼.

Virginia Creek Recreation Area Expansion

T. 2 N., R. 25 E.,
Sec. 4, Lot 2, Lot 3, SW¼NW¼, N½SE¼NW¼, N½NW¼SW¼, SW¼NW¼SW¼;
Sec. 5, NE¼NE¼SW¼, S½NE¼SW¼, SE¼SW¼, N½SE¼, N½S½SE¼;
Sec. 7, NE¼SE¼NW¼.
T. 3 N., R. 25 E.,
Sec. 33, S½SW¼SE¼, SE¼SE¼.

The afore-described areas aggregate approximately 948.98 acres of public land.

WALTER E. BECK,
Manager, Land Office.

[F.R. Doc. 63-10234; Filed, Sept. 25, 1963; 8:46 a.m.]

COLORADO

Opening Unclassified Lands to Application

1. Pursuant to authority delegated to me by the State Director, Colorado, Bureau of Land Management, effective Feb. 19, 1958 (23 F.R. 1098). I hereby open the following described lands to the filing of applications on Form 4-776 in accordance with the provisions of the Act of June 1, 1938 (43 U.S.C. 682 a-e), as amended, and the regulations in 43 CFR Part 257:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 49 N., R. 1 W., Section 35,
E½E½NE¼NW¼;
SE¼SW¼NE¼NE¼NW¼;
E½NW¼SE¼NE¼NW¼;
SW¼SE¼NE¼NW¼;
SW¼NE¼SE¼NW¼;
E½SE¼NW¼SE¼NW¼.

The area described contains 21.8 acres.

2. The lands have not been classified for disposition as small tracts. Application for the land will be considered on their merits in accordance with the criteria set forth in 43 CFR 257.2.

3. Copies of the small tract regulations and application forms may be obtained from the land Office Manager, Bureau of Land Management, 910 15th Street, Denver, Colorado, 80202.

Dated: September 19, 1963.

J. ELLIOTT HALL.

[F.R. Doc. 63-10235; Filed, Sept. 25, 1963; 8:46 a.m.]

CERTAIN DESIGNATED LANDS

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

SEPTEMBER 20, 1963.

The plat of Dependent Resurvey and Survey of Hiatus of lands situated between T. 15 S., R. 13 E., and T. 15 S., R. 14 E., described below, accepted July 13, 1963, under survey group No. 136, will be officially filed in this office effective 10 a.m. on October 31, 1963.

TALLAHASSEE MERIDIAN

T. 15 S., R. 13½ E.,
Sec. 6, lot 1, 39.84 acres;
Sec. 6, lot 2, 39.59 acres;
Sec. 6, lot 3, 39.32 acres;
Sec. 6, lot 4, 38.93 acres;
Sec. 6, lot 5, 39.52 acres;
Sec. 6, lot 6, 39.24 acres;
Sec. 6, lot 7, 38.95 acres;
Sec. 6, S½NE¼, 79.77 acres;
Sec. 6, SE¼NW¼, 40.00 acres;
Sec. 6, E½SW¼, 80.00 acres;
Sec. 6, SE¼, 159.64 acres.

The area described contains 634.80 acres.

Sec. 7, lot 1, 39.68 acres;
Sec. 7, lot 2, 41.48 acres;
Sec. 7, lot 3, 42.84 acres;
Sec. 7, lot 4, 43.64 acres;
Sec. 7, E½W½, 160.00 acres;
Sec. 7, E½, 320.00 acres.

The area described contains 647.64 acres.

Sec. 18, lot 1, 43.85 acres;
Sec. 18, lot 2, 43.47 acres;
Sec. 18, lot 3, 43.09 acres;
Sec. 18, lot 4, 25.20 acres;
Sec. 18, lot 5, 36.72 acres;
Sec. 18, lot 6, 32.90 acres;
Sec. 18, lot 7, 39.65 acres;
Sec. 18, E½NW¼, 80.00 acres;
Sec. 18, NE¼SW¼, 40.00 acres;
Sec. 18, N½SE¼, 80.00 acres;
Sec. 18, NE¼, 160.00 acres.

The area described contains 624.88 acres.

Sec. 19, lot 1, 3.42 acres;
Sec. 19, lot 2, 1.76 acres;
Sec. 19, lot 3, 0.79 acres.

The area described contains 5.97 acres.

The area described aggregates 1913.29 acres of public domain land.

The survey of these lands was undertaken as an administrative measure to complete the survey of the area of land not included in any previous survey. The records of the surveys of T. 15 S., running as far east as R. 19 E., reflect a mile or more offset in an east direction from complementary corners in T. 14 S. Surveys in this vicinity were extended basically from east to west. This offset is never apparently recovered. The effect of this was to leave a hiatus approximately one mile wide, between the original surveys made in 1843, completed in 1851, of the east boundary of T. 15 S., R. 13 E., and the original survey made in 1847, of the west boundary of T. 15 S., R. 14 E., extending southward from the south boundary of T. 14 S., R. 14 E., to the Gulf of Mexico.

Section 6 is predominately upland with a mixed timber forest including a few grapefruit and orange trees. There is a cabin in the SW¼SE¼ sec. 6, and an unimproved road traversing through the SE¼, with forks leading into sec. 7. A State Game Reservation fence crosses sec. 6, from 39 to 68 links south of its north boundary. The southern portion of sec. 6 and the northern portion of sec. 7 is a very good stock grazing area. During a normal year all of the lots and subdivisions in sec. 6, are over 50 percent upland in character within the meaning of the swamp-land grant.

The southern portion of sec. 7, and all of sec. 18 are open coastal swamp grass land invaded with tidal channels. Except for several upland islands and an area in the southwest portion of sec. 7, most of sec. 18 and all of sec. 19, are in the savannah area. The several peninsulas and islands in sec. 7, and the islands in sec. 18, are covered with cedar and cabbage palm and are upland in character; however, the several lots and subdivisions of these sections are invaded by creeks and tidal sloughs, with bordering marsh areas, which overbalance the upland areas making all of these separate areas over 50 percent swamp and overflow in character.

The whole area has a rich black loam soil and is underlaid with porous limestone. The elevation ranges from sea level to 5 feet above sea level. The area produces cedar, known locally as pencil cedar.

The lands above described are open to application, location, selection, and petition under the public land laws; subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable laws, rules and regulations. The lands will not be subject to occupancy or disposition until they have been classified.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Washington, D.C., 20242.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 63-10236; Filed, Sept. 25, 1963; 8:47 a.m.]

[Montana 059472; Group 513]

MONTANA

Notice of Filing of Plat of Survey

SEPTEMBER 19, 1963.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Billings, Montana, effective at 10:00 a.m., October 25, 1963.

PRINCIPAL MERIDIAN, MONTANA

T. 6 S., R. 3 E.,
Sec. 15, Lots 1, 2, 3, 4, N½N½.

The area described contains 314.36 acres of public land.

2. All of the above described lands are embraced in the Gallatin National Forest by Executive Order No. 5760 of December 16, 1931. They are also within a Determination Area under Public Law 167 (Act of Congress July 23, 1955).

3. In view of the above, the lands described will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

4. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 63-10237; Filed, Sept. 25, 1963; 8:47 a.m.]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 20, 1963.

Notice of an application Serial Number MONTANA 056118, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 63-8478 on pages 8166 and 8167 of the issue for August 9, 1963. The Bureau of Reclamation, Boise, Idaho, has amended its application to exclude the public lands in Sections 16, 21, 23 and 27 of T. 25 N., R. 18 W., currently being utilized by the Forest Service, and all the privately owned land within the National Forest and all areas described within the Flathead Indian Reservation. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on October 4, 1963, relieved of the segregative effect of the above-mentioned application.

The lands remaining in the application and not affected by this termination are:

PRINCIPAL MERIDIAN, MONTANA

T. 18 N., R. 24 W.,
Sec. 6, Lots 2 and 10;
Sec. 7, Lots 2, 5, SE¼NW¼.
T. 18 N., R. 25 W.,
Sec. 2, Lots 5, 6, 7, and 8;
Sec. 11, Lots 1 and 2;
Sec. 12, Lots 3 and 4.

The areas described aggregate 477.12 acres.

These lands are now under National Forest Withdrawal and will remain under Forest Service management until actually required by an authorized Knowles Dam Project.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 63-10238; Filed, Sept. 25, 1963; 8:47 a.m.]

WYOMING

Redelegation of Authority by State Director

SEPTEMBER 4, 1963.

Pursuant to authority contained in sec. 1.1(a) of Bureau Order No. 684 of August 28, 1961 (26 F.R. 8216) as amended, I hereby authorize Land Law Examiners L. Robert Dockstader and Glenna M. Schalnus of the Mineral Leasing Section to take action for the Land Office Manager on the following

specific matters coming under sec. 2.6(a) of said Order:

1. Authority to issue noncompetitive public domain oil and gas leases where all the land applied for is authorized for lease.

2. Authority to approve record title assignments of nonproducing oil and gas leases.

3. Authority to authorize the regular 2- or 5-year extensions of nonproducing oil and gas leases.

This redelegation will become effective upon publication in the FEDERAL REGISTER.

ED PIERSON,
State Director.

Approved: September 20, 1963.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 63-10239; Filed, Sept. 25, 1963; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The National Park Service, Department of the Interior, has filed an application, Serial No. Riverside 03549, for the withdrawal of lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for the purpose of protecting the scenic wilderness and archeological value of the land.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California, 92502.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 32 E.,
Sec. 27, S½;
Sec. 34, N½.
T. 4 S., R 32 E.,
Secs. 24 and 26.

The areas described aggregate 1,920 acres.

JENS C. JENSEN,
Land Office Manager.

[F.R. Doc. 63-10254; Filed, Sept. 25, 1963; 8:48 a.m.]

[Classification Order No. N2-STA-63-4]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684 dated August 28, 1961 (26 F.R. 8216) and the State Director June 29, 1962 (F.R. Doc. 62-6376), I hereby classify the following described public lands in Humboldt County, Nevada, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended.

MOUNT DIABLO MERIDIAN

T. 43 N., R. 37 E.,
Sec. 35, SW¼SW¼.

Containing 40 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not be subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a-e), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to sale.

4. All valid applications filed prior to February 24, 1963, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

Dated: September 6, 1963.

JOHN N. RUSSIFF,
District Manager.

[F.R. Doc. 63-10255; Filed, Sept. 25, 1963; 8:48 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services; Petrified Forest National Park, Holbrook, Arizona

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2, Southwest Region Order No. 3 (21 F.R. 1494))

CHARLES E. HUMBERGER,
Superintendent,
Petrified Forest National Park.

AUGUST 21, 1963.

[F.R. Doc. 63-10256; Filed, Sept. 25, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-918]

AMERICAN BRITISH AND CANADIAN SPARE PARTS CO. ET AL.

Order Extending Temporary Denial of Export Privileges

In the matter of American British and Canadian Spare Parts Co., also known as ABC Spare Parts Company, 408 Strand, London, W.C. 2, England and Joseph W. Kent, 408 Strand, London, W.C. 2, England, File 23-918; Respondents.

An order temporarily denying export privileges for a period of ninety days was issued in the above matter on June 18, 1963 (28 F.R. 6515). Said order was issued in connection with an investigation instituted by the Export Control Investigations Division, Bureau of International Commerce, into activities of respondents in obtaining commodities of U.S. origin, including spare parts for diesel engines for locomotives, and diverting and transshipping, and participating in the diversion and transshipment, of such commodities to Cuba in contravention of the United States Export Control Act and regulations thereunder. The investigation is continuing. Written interrogatories have been served on respondents and they have requested an extension of time in which to answer the same.

The Acting Director of said Investigations Division has applied under § 382.11 of the Export Regulations for an extension of the temporary order for a period of sixty days.

The matter has been considered by the Compliance Commissioner, and he has reported his recommendation to me that the temporary order be extended for a period of sixty days and that such extension will be in the public interest and is necessary for the effective enforcement of the law. I do so find.

Accordingly, it is hereby ordered:

1. The respondents, their successors, agents, and employees are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party, directly or indirectly, in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

2. Such denial of export privileges shall extend not only to the respondents, but also to any successors and to any person, firm, corporation or business organization with which they now or hereafter may be related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

3. This order extends the temporary denial order entered on June 18, 1963 and shall remain in effect for a period of sixty days following the expiration of said temporary denial order unless it is hereafter extended, amended, modified or vacated in accordance with the provisions of the United States Export Control Regulations.

4. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

5. A copy of this order shall be served upon the respondents.

The respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: September 16, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-10259; Filed, Sept. 25, 1963; 8:48 a.m.]

Maritime Administration

PRUDENTIAL LINES, INC.

Notice of Application for Increase in Sailing on Subsidized Freight Service

Notice is hereby given that Prudential Lines, Inc. has applied for an increase in sailings on its subsidized freight service on Trade Route No. 10, between U.S. North Atlantic ports and ports in the Mediterranean and Black Sea areas, from a maximum of thirty-two sailings to a maximum of thirty-five sailings per annum effective for calendar year 1963 and thereafter.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on October 10, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: September 20, 1963.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-10262; Filed, Sept. 25, 1963; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-p]

STEEL REINFORCING BARS FROM CANADA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

SEPTEMBER 20, 1963.

FEDERAL REGISTER notice dated July 11, 1963, is hereby corrected by limiting the instructions to withhold appraisement to steel reinforcing bars manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada.

[SEAL] PHILIP NICHOLS, Jr.
Commissioner of Customs.

[F.R. Doc. 63-10258; Filed, Sept. 25, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045), as amended, is hereby amended as follows:

Part 4, entitled "Public Health Service," is revised to read as follows:

PART 4—PUBLIC HEALTH SERVICE

SEC. 4.00 *Mission.* The Public Health Service is responsible for protecting and improving the health of the people of the United States in accordance with Federal laws and regulations.

SEC. 4.10 *Organization.*

(a) The Public Health Service, which is administered by the Surgeon General under the supervision and direction of the Secretary, shall consist of:

Office of the Surgeon General:
- Immediate Office.
- Office of Information and Publications.
- Office of International Health.
  - International Relations Division.
  - Operations Division.
  - Program Services Division.
- Office of Personnel.
  - Career Development Division.
  - Operations and Services Division.
  - Program Planning and Evaluation Division.
  - Research and Standards Division.
- Division of Administrative Services.
- Division of Finance.
- Division of Internal Audit.
- Division of Health Mobilization.
- Division of Public Health Methods.
- National Center for Health Statistics.
  - Office of the Director.
  - Office of Health Statistics Analysis.
  - Division of Data Processing.
  - Division of Health Examination Statistics.
  - Division of Health Interview Statistics.
  - Division of Health Records Statistics.
  - Division of Vital Statistics.

Bureau of Medical Services:
- Office of the Chief.
- Division of Foreign Quarantine.
- Division of Hospitals.
- Division of Indian Health.
- Medical Program—Bureau of Employees' Compensation, Department of Labor.
- Medical Program—Bureau of Prisons, Department of Justice.
- Medical Program—U.S. Coast Guard, Treasury Department.

Bureau of State Services:
- Office of the Chief.
- Community Health Divisions:
  - Communicable Disease Center.
  - Division of Accident Prevention.
  - Division of Chronic Diseases.
  - Division of Community Health Services.
  - Division of Dental Public Health and Resources.
  - Division of Hospital and Medical Facilities.
  - Division of Nursing.
- Environmental Health Divisions:
  - Division of Air Pollution.
  - Division of Environmental Engineering and Food Protection.
  - Division of Occupational Health.
  - Division of Radiological Health.
  - Division of Water Supply and Pollution Control.

National Institutes of Health:
- Office of the Director.
- National Institute of Allergy and Infectious Diseases.
- National Institute of Arthritis and Metabolic Diseases.
- National Cancer Institute.
- National Institute of Child Health and Human Development.
- National Institute of Dental Research.
- National Institute of General Medical Sciences.
- National Heart Institute.
- National Institute of Mental Health.
- National Institute of Neurological Diseases and Blindness.

Clinical Center.
Division of Biologics Standards.
Division of Research Facilities and Resources.
Division of Research Grants.
Division of Research Services.
National Library of Medicine:
Office of the Director.
Extramural Program Staff.
Bibliographic Services Division.
History of Medicine Division.
Reference Services Division.
Technical Services Division.

(b) During the absence or disability of the Surgeon General or in the event of a vacancy in that office the first officer listed under (1) below who is available shall act as Surgeon General, except during a planned period of absence for which a different order has been designated under (2).

(1) (i) Deputy Surgeon General.

(ii) Assistant Surgeons General as follows:

(*a*) Assistant Surgeon General for Operations.

(*b*) Assistant Surgeon General for Plans.

(*c*) Chief, Bureau of State Services (EH).

(*d*) Deputy Chief, Bureau of State Services (CH).

(*e*) Chief, Bureau of Medical Services.

(*f*) Director, National Institutes of Health.

(*g*) The other Assistant Surgeons General in order of grade and seniority, excluding officers detailed to other agencies.

(2) For a planned period of absence, the Surgeon General may specify a different order among the Assistant Surgeons General.

SEC. 4.20 Statement of Functions. Except as provided in part 2 and section 4.30 of this statement:

(a) The Surgeon General exercises the functions vested in him by:

(1) The Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

(2) The Act of June 8, 1960 (74 Stat. 162). (Automobile Exhaust Research Program.)

(3) The Act of July 14, 1955 (79 Stat. 322, as amended by PL 86–365, 42 U.S.C. 1857). (Air Pollution Program.)

(4) The Act of August 5, 1954 (68 Stat. 674, as amended, 42 U.S.C. 2001 et seq.). (Indian Health Program.)

(5) Law not expressly referred to by this statement.

(b) The Surgeon General shall also exercise:

(1) The functions relating to vital statistics which were transferred to the Federal Security Administrator by section 2 of Reorganization Plan No. 2 of 1946 and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953 (5 U.S.C. 623).

(2) The functions relating to Freedmen's Hospital which were transferred to the Federal Security Administrator by section 11(b) of Reorganization Plan No. IV (1940) and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953 (5 U.S.C. 623).

(3) The functions under the Act of June 21, 1950 (PL 81–569), as amended by the Act of August 7, 1959 (PL 86–145, 37 U.S.C. 352 et seq.), relating to the appointment of boards from available medical officers or physicians under the Surgeon General's jurisdiction, to determine the mental competency of (1) members of the uniformed services who are under medical care or treatment at PHS facilities; and (2) members of the PHS Commissioned Corps for whom the hospitalization or medical care is not provided by the United States.

(4) The functions under the Dependents' Medical Care Act (70 Stat. 250, 10 U.S.C. 1071 et seq.) and the regulations issued pursuant to this Act, except where consultation by the Secretary of Health, Education, and Welfare with the Secretary of Defense is required by the Act.

(5) Subject to general policy guidance from the Office of the Secretary, all program operating functions vested in the Secretary by the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), except the making of regulations authorized by section 10 (a); the making of annual reports on the establishment and maintenance of research fellowships required by section 4(a)(4); all enforcement proceedings set out in section 8 (c), (d), (e), and (f); and the designation of the Chairman of the Water Pollution Control Advisory Board under section 7.

(6) The functions under Executive Order 11001, sections 3(a) through 3(e) and 3(h), and those portions of sections 6, 7, 9, 10, 11, and 12 pertaining to emergency health and water.

(7) The functions under Executive Order 10958, section 1101, pertaining to stockpiles of medical supplies and equipment.

(8) Delegations from the Office of Emergency Planning under the Major Disaster Act of 1950 (PL 81–875, 42 U.S.C. 1855 to 1855g), relating to disaster functions.

(9) The functions under section 104 (k) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704), as amended, and Executive Order 10560, as amended, relating to the use of foreign currencies to promote and support health activities, as delegated by the Secretary to the Surgeon General, April 5, 1961.

(10) Authority to make grants-in-aid and expend funds under the Public Works Acceleration Act (PL 87–658) as shown in section 1–955.10 of this statement.

(11) The functions involved in providing assistance in staffing and administering the health and medical services of the Peace Corps in accordance with the Memorandum of Understanding between the Public Health Service and Peace Corps, and any amendments thereto, as authorized by the Peace Corps Act (PL 87–293, 22 U.S.C. 2501 et seq.) and Executive Order 11041.

(12) Such authority under the Public Health Service Act and other legislation as may be delegated by the Secretary.

(c) The Surgeon General is authorized to:

(1) Exercise within the numerical requirements prescribed by the Secretary under section 210(1) of the Public Health Service Act (42 U.S.C. 211(1)) for each of the several grades, the further authority vested in the Secretary by said section to determine the numerical requirements for commissioned officers for each grade of each category.

(2) Approve amendments to the Joint Travel Regulations recommended by the Advisory Panel of the Per Diem Travel and Transportation Allowance Committee of the Uniformed Services.

SEC. 4.30 *Limitations on Authority.*

(a) Appointment of officers and employees shall be made by the Secretary in all cases in which authority to appoint has not been specifically delegated, with the exception of commissioned officers and fellows designated as provided in section 207(f) of the Public Health Service Act, as amended.

(b) State plans submitted pursuant to any of the following provisions of law shall not be finally disapproved without prior consultation and discussion with the Secretary: Public Health Service Act, as amended, sections 314 and 623; Federal Water Pollution Control Act, as amended, section 5(f).

(c) Hearings shall not be held pursuant to any of the following provisions of law without prior consultation and discussion with the Secretary: Public Health Service Act, as amended, sections 314(i), 623(b), 625(a), and 632(a); Federal Water Pollution Control Act, as amended, scetion 5(f).

(d) Agreements with Howard University affecting the operation and staffing of Freedmen's Hospital shall be signed by the Surgeon General and the President of Howard University and transmitted to the Secretary for approval. Any matters pertaining to such agreements which require the attention of the Secretary shall be presented to the Secretary through the Surgeon General of the Public Health Service or the President of Howard University.

SEC. 4.40 *Delegations of Authority.* Authority set forth in section 4.20 may be delegated or redelegated by the Surgeon General to such officials of the Public Health Service as he may deem appropriate.

Dated: September 20, 1963.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary, Department of Health, Education, and Welfare.

[F.R. Doc. 63–10261; Filed, Sept. 25, 1963; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9977]

MUTUAL AID PACT INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 23, 1963, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 23, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63–10263; Filed, Sept. 25, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14321–14328; FCC 63M–1036]

BLACK HILLS VIDEO CORP. ET AL.

Order Continuing Hearing

In re applications of Black Hills Video Corporation, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, et al., Docket and File Nos. 14321, 223–C1–R–61; 14322, 361–C1–ML–61; 14323, 338–C1–R–61; 14324, 752–C1–R–61; 14325, 753–C1–R–61; 14326, 754–C1–R–61; 14327, 755–C1–R–61; 14328, 756–C1–R–61.

The Hearing Examiner having under consideration the hearing in the above-styled proceeding, now scheduled to begin on September 25, 1963;

It appearing, that official commitments require a postponement of the hearing;

It is ordered, On the Examiner's own motion, this 18th day of September 1963, that the hearing scheduled in this proceeding to commence on September 25, 1963, is postponed until further order of the Examiner.

Released: September 19, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10208; Filed, Sept. 25, 1963; 8:45 a.m.]

[Docket Nos. 14748, 14749; FCC 63M–1024]

CHARLES COUNTY BROADCASTING CO., INC., AND DORLEN BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP–14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP–15287; for construction permits.

The Hearing Examiner having for consideration a Memorandum Opinion and Order of the Commission released herein on September 16, 1963;

It appearing, that the said Memorandum Opinion and Order has added certain issues to those heretofore designated, and that it is appropriate to convene a prehearing conference for determining the technique and timing for the adduction of evidence pursuant to the added issues;

It is ordered, This 17th day of September 1963, that a prehearing conference herein shall be convened on September 27, 1963, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10209; Filed, Sept. 25, 1963; 8:45 a.m.]

[Docket No. 15124; FCC 63M–1035]

DUTCHESS COUNTY BROADCASTING CORP. (WKIP)

Order Continuing Prehearing Conference

In re application of Dutchess County Broadcasting Corporation (WKIP), Poughkeepsie, New York, Docket No. 15124, File No. BP–14824; for construction permit.

On the Hearing Examiner's own motion and with agreement of all parties:

It is ordered, This 17th day of September 1963, that the prehearing conference now scheduled for September 20, is continued to a date to be specified by subsequent order.

Released: September 19, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10210; Filed, Sept. 25, 1963; 8:45 a.m.]

[Docket No. 14691; FCC 63M–1037]

GEOFFREY A. LAPPING

Memorandum Opinion and Order Scheduling Hearing

In re application of Geoffrey A. Lapping, Blythe, California; Docket No. 14691, File No. BP–13609; for construction permit.

1. The record in this proceeding was closed on May 31, 1963.

2. The Review Board on July 22, 1963, by Memorandum Opinion and Order (FCC 63R–348), added two issues to this proceeding, which are as follows:

To determine the efforts made by Geoffrey A. Lapping to ascertain the programming needs and interests of the area to be served, and the manner in which he proposes to meet such needs and interests.

To determine, in the light of the evidence adduced in connection with the "Suburban" issue, whether Geoffrey A. Lapping can be relied upon to carry out his program proposal.

3. In light of the action of the Review Board, it is deemed appropriate that the record should be reopened and further hearing should be held respecting the two added issues.

Accordingly, it is ordered, This 19th day of September 1963, that the record is reopened and that further hearing in this proceeding will be held on October 21, 1963, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 20, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10211; Filed, Sept. 25, 1963; 8:45 a.m.]

[Docket No. 15145; FCC 63M–1026]

MIAMI BROADCASTING CO. AND MIAMI NEWSPAPERS, INC.

Order Scheduling Prehearing Conference

In re application of Miami Broadcasting Company (Assignor) and Miami Newspapers, Inc. (Assignee), Docket No. 15145, File No. BAL–4720, BALRE–847; for consent to the voluntary assignment of license of station KGLC, Miami, Oklahoma, including remote pickups KD–6761, KKU–860, KD–7549.

The Hearing Examiner having under consideration the necessity for changing the date for commencement of hearing;

It appearing, that a prehearing conference was held on September 17, 1963, at which time developments were discussed which may result in cancelling the hearing; and

It further appearing, That the hearing is now scheduled to commence on October 14, 1963;

It is ordered, This 17th day of September 1963 that there will be a further prehearing conference on October 18, and that the hearing date of October 14 is cancelled.

Released: September 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10212; Filed, Sept. 25, 1963; 8:45 a.m.]

[Docket No. 14952; FCC 63M–1030]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order Continuing Hearing

In re application of Norristown Broadcasting Company, Inc. (WNAR), Norristown, Pennsylvania, Docket No. 14952, File No. BP–12902, for construction permit.

As a result of agreements reached during Oral Argument on the "Motion for Continuance of Hearing" filed by the above-named applicant on August 27, 1963, and the "Broadcast Bureau's Opposition to Motion for Continuance of Hearing" filed August 29, 1963: *It is ordered,* This 17th day of September, 1963, that the following dates shall govern the future proceedings in this matter:

Exchange of exhibits is scheduled for November 12, 1963;

Notification of witnesses is scheduled for November 22, 1963; and

Hearing presently scheduled for September 23, 1963, is continued to December 3, 1963.

Released: September 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10213; Filed, Sept. 25, 1963; 8:45 a.m.]

[Docket Nos. 15136, 15137; FCC 63M-1029]

WEAT-TV, INC. (WEAT-TV) AND SCRIPPS-HOWARD BROADCASTING CO. (WPTV)

Order Scheduling Prehearing Conference

In re applications of WEAT-TV, INC. (WEAT-TV), West Palm Beach, Florida, Docket No. 15136, File No. BPCT-2916; and Scripps-Howard Broadcasting Company (WPTV), West Palm Beach, Florida, Docket No. 15137, File No. BPCT-2921; for construction permits to change transmitter location, to increase antenna height, and to make other changes.

Reflecting agreement reached on the record at a prehearing conference held in this proceeding on September 17, 1963: *It is hereby ordered*, This 17th day of September 1963, that a further prehearing conference will be held herein on October 14, 1963, at 9:00 a.m. in the Commission's offices in Washington, D.C.

Released: September 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10214; Filed, Sept. 25, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-6067]

SUPERIOR OIL CO.

Order Fixing Date of Hearing

SEPTEMBER 18, 1963.

On May 6, 1963, The Superior Oil Company (Superior) filed in Docket No. G-6067 a motion for modification of the certificate of public convenience and necessity heretofore issued in said docket to substitute heretofore undedicated acreage in the offshore Block 14 Field, Vermilion area, Louisiana, for presently dedicated acreage in Block 71 and 149 Fields, West Cameron area, Louisiana,[1] all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

On June 18, 1963, a notice of the aforesaid motion to amend was issued by the Secretary of the Commission as a motion to amend the order issuing the permanent certificate to Superior in order to authorize the deletion and addition of acreage.

A notice of intervention dated July 11, 1963, was filed by the Public Service Commission of New York and a petition for leave to intervene dated July 12, 1963, was filed by Long Island Lighting Company. These interventions were subsequently withdrawn by the respective interveners.

It appears that if the presently dedicated leases were producing at this time, Superior would be contractually entitled to 20 cents per Mcf (plus reimbursement for royalty to the U.S. Government under section 6(a)(9) of the Outer Continental Shelf Act).[2] It further appears that pursuant to Amendment No. 4 to Statement of General Policy No. 61-1, the present area ceiling for initial offshore sales within the Federal domain is 19.5 cents per Mcf. Superior's proposal for substitution of the new leases for the old at a rate higher than Amendment No. 4 prescribes, conflicts with the Statement of General Policy No. 61-1. Accordingly, since the proposed rate for sales from the new offshore acreage does not appear to be "in line" with other properly certificated rates in the area, the Commission is constrained to determine whether the proposed amendment authorizing sales from the new acreage should be granted at a rate higher than the existing ceiling price of 19.5 cents per Mcf.

The Commission finds: It is in the public interest that a formal hearing be held to determine the appropriate price level at which Superior may be authorized to make sales from the substituted offshore properties as proposed in the amendment to its permanent certificate.

The Commission orders: That pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 16, 1963, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10224; Filed, Sept. 25, 1963; 8:45 a.m.]

[1] The Block 71 field is located in Zone 2 (offshore La.); the Block 149 field is located in Zone 3 (offshore La.); and Block 14 field is located in Zone 2 (offshore La.). Superior has not commenced the sales of natural gas from its leases covering Offshore Blocks 71 and 149, West Cameron Area, La., nor from its leases covering Offshore Block 14 Field, Vermilion Area, La. The last mentioned leases have never been committed to a prior gas sale by Superior.

[2] Assuming that Zones 2 and 3 were finally adjudicated as being within the Federal domain.

[Docket Nos. G-4707 etc.]

MURPHY CORP. ET AL.

Findings and Order Issuing Certificates of Public Convenience and Necessity, Amending Certificate Authorizations Cancelling Docket Numbers, Accepting Related FPC Gas Rate Filings and Severing Application

SEPTEMBER 17, 1963.

Murphy Corporation (Operator), et al., Docket No. G-4707; Barron Kidd, Docket No. G-4938; Dessie P. Roberts (formerly Ira J. Roberts), Docket No. G-5407; Helen Johnson (formerly Hale Johnson), Docket No. G-5455; Estate of O. C. Thomas (formerly O. C. Thomas), Docket No. G-5565; Stalnaker Gas Company, Docket No. G-5570; Pemco Gas, Inc., Docket No. G-5945; Pemco Gas, Inc., Docket No. G-5948; Sunray DX Oil Company, Docket No. G-6050; Pubco Petroleum Corporation, Docket No. G-6083; Mule Creek Oil Company, Inc. (formerly Mule Creek Oil Company), Docket No. G-6102; Mule Creek Oil Company, Inc. (formerly Mule Creek Oil Company), Docket No. G-6104; McCulloch Oil Company of California (formerly Cuban American Oil Company), Docket No. G-6528; Caulkins Oil Company (Operator), Agent for R. J. Byrnes, et al. (successor to Tim G. Lowry (Operator), Agent, et al.), Docket No. G-6934; Texaco, Inc. (Successor to Texaco Seaboard Inc.), Docket No. G-7053; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7054; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7056; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7057; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7060; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7061; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7062; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7063; Texaco, Inc. (successory to Texaco Seaboard Inc.), Docket No. G-7064; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7065; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7066; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7067; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7069; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7070; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-7071; James E. Kemp (Operator), et al. (successor to Ralph R. Gilster, et al.), Docket No. G-7099; Texaco Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-7392; Pan American Petroleum Corporation, Docket No. G-7535.

Hondo Oil & Gas Company (formerly Malco Refineries, Inc.), Docket No. G-7823; Mull Drilling Company, Inc. (Operator), et al. (formerly Purcell-Mull Drilling Company, Inc. (Operator), et al.), Docket No. G-8338; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-8438; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-8570; Oreta M. Shaw (formerly Allen R. Shaw), Docket No. G-8847; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-9482; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-9487; Pubco Petroleum Corporation, Docket No. G-10289; Socony Mobil Oil Company, Inc., Docket No. G-10495; Cabot Corporation (SW), Docket No. G-10673; James E. Kemp (Operator), et al. (successor to Ralph R. Gilster, et al.), Docket No. G-10890; McCulloch Oil Company of California (formerly Cuban American Oil Company), Docket No. G-11161; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-11213; Pan American Petroleum Corporation (Operator), et al., Docket No. G-11479; Continental Oil Company (Operator), et al. (successor to An-Son Petroleum Corporation (Operator), et al.), Docket No. G-11669; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-11970; Pan American Petroleum Corporation (Operator), et al., Docket No. G-12273; Pan American Petroleum Corporation (Operator), et al., Docket No. G-12363; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-12425; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. G-12717; James E. Kemp, Agent, et al. (successor to James E. Kemp and Ralph R. Gilster), Docket No. G-13808; James E. Kemp (Operator), et al. (successor to Ralph R. Gilster (Operator), et al.), Docket No. G-15205; Texaco Inc. (successor to Texaco Seaboard Inc.), Docket No. G-15530; Hanley Company (Operator), et al., Docket No. G-15694; Belco Petroleum Corporation (successor to Belfer Natural Gas Company), Docket No. G-16503; W. C. Feazel, et al., Docket No. G-16922; Humble Oil & Refining Company, Docket No. G-17391; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-17779; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. G-18887; Belco Petroleum Corporation (successor to Belfer Natural Gas Company), Docket No. G-19590; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. CI61-118; Texaco, Inc. (successor to Texaco Seaboard Inc.), Docket No. CI61-895; Pubco Petroleum Corporation, Docket No. CI61-987; Texas Pacific Coal and Oil Company (Operator), et al., Docket No. CI61-1429.

U.S. Natural Gas Corporation (formerly Bolsa Chica Oil Corporation), Docket No. CI61-1569; Husky Oil Company (Operator), et al., Docket No. CI61-1574; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. CI61-1589; Zora A. Häfer, Docket No. CI61-1714; Texaco, Inc. (successor to Texaco Seaboard, Inc.), Docket No. CI61-1760; Paul H. Ash, et al. d.b.a. A & C Oil and Gas Company, Docket No. CI62-655; Pemco Gas, Inc., Docket No. CI62-779; Paul H. Ash, et al. d.b.a. A & C Oil and Gas Company, Docket No. CI62-922; John Franks (Operator), et al., Docket No. CI62-1091; John Franks (Operator), et al., Docket No. CI62-1099; Texaco, Inc., Docket No. CI62-1181; Pan American Petroleum Corporation, Docket No. CI62-1300; C. E. Beardmore, Docket No. CI62-1339; Jas. F. Smith (Operator), et al., Docket No. CI62-1384; Champlin Oil & Refining Company, Docket No. CI62-1389; Sunray DX Oil Company, Docket No. CI62-1412; Big Chief Drilling Company, Docket No. CI62-1449; Cleary Petroleum, Inc. (Operator), et al., Docket No. CI62-1555; Continental Oil Company, Docket No. CI63-70; Tenneco Corporation, Docket No. CI63-312; James W. Hershberger, Docket No. CI63-1421; Apache Corporation, Docket No. CI63-1457; The Redco Corporation, Docket No. CI63-1515.

Each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce for resale, or for the amendment of an outstanding certificate authorization, or for the amendment of a pending application for certificate authorization, all as more fully described in the respective applications (and any supplements or amendments thereto, as indicated) in this consolidated proceeding.

The Applicants herein produce and propose to initiate, add or delete the sale of natural gas, or otherwise amend, as indicated below:

Docket No. and filing date	Field and location	Purchaser	Related rate schedule	
			Number	Supplement
G-4707 (D-3/19/62)	Murphy Corporation (Operator), et al., M. D. Bain Unit, Bear Creek Field, Bienville Parish, La. (Application in Docket No. CI62-1091 deletes acreage from authorization in Docket No. G-4707)	Arkansas Louisiana Gas Co.	11	-------
G-4938 (D-5/14/62)	Barron Kidd, Grant District, Ritchie County, W. Va. (Application in Docket No. CI62-1339 deletes acreage from authorization in Docket No. G-4938)	Hope Natural Gas Co.	3	12
G-5407 (4/28/61)	Dessie P. Roberts (formerly Ira J. Roberts), (change of name).	-------	1	1-4
G-5455 (1/31/62)	Helen Johnson (formerly Hale Johnson), (change of name).	-------	1	1-7
G-5565 (5/4/61)	Estate of O. C. Thomas (formerly O. C. Thomas), (change of name.)	-------	1	1-2
G-5570 (D-1/31/62)	Stalnaker Gas Co., Washington District, Calhoun County, W. Va.	Hope Natural Gas Co.	1	3
G-5945 (1/15/62)	Pemco Gas, Inc. (change of purchaser) (Application in Docket No. CI62-779 reflecting change in purchaser is construed as application to amend authorization in Docket No. G-5945; Docket No. CI62-779 designation will be cancelled)	Equitable Gas Co. (in lieu of Hope Natural Gas Co.)	2	4
G-5948 (C-2/14/62)	Pemco Gas, Inc., R. B. Linger Lease, Upshur County, W. Va.	Equitable Gas Co.	8	1-2
G-6050 (D-3/19/62)	Sunray DX Oil Co., M.D. Bain Unit, Bear Creek Field, Bienville Parish, La. (Application in Docket No. CI62-1099 deletes acreage from authorization in Docket No. G-6050)	Arkansas Louisiana Gas Co.	47	-------
G-6083 (C-4/20/56)	Pubco Petroleum Corp., Blanco Field, San Juan County, N. Mex.	El Paso Natural Gas Co.	1	16
Do	do	do	4	10-11
(C-1/3/61)	(Part of application in Docket No. G-10289 is construed as application to amend by adding acreage to authorization in Docket No. G-6083) Blanco Field, San Juan County, N. Mex.	El Paso Natural Gas Co.	4	24
(C-4/7/61)	do	do	4	25
(C-5/11/61)	(Application and amendment thereto in Docket No. CI61-987 are construed as applications to amend by adding acreage to authorization in Docket No. G-6083; Docket No. CI61-987 designation will be cancelled) Blanco Mesaverde Field, San Juan, County, N. Mex.	El Paso Natural Gas Co.	1	24
G-6102 (4/19/62)	Mule Creek Oil Co., Inc. (formerly Mule Creek Oil Co.) (change of name).	-------	2	1-5
G-6104 (4/19/62)	do	-------	3	1-7
G-6528 (5/15/61)	McCulloch Oil Corp. of California (formerly Cuban American Oil Co.) (change of name).	-------	1	1-9
G-6934 (2/17/59)	Caulkins Oil Co. (Operator), Agent for R. J. Byrnes, et al. (successor to Tim G. Lowry (Operator), Agent, et al.) (succession).	-------	2	1
G-7053 (1/10/62)	Texaco, Inc. (successor to Texaco Seaboard, Inc.) (succession).	United Gas Pipe Line Co.	284	1-2
G-7054 (1/10/62)	do	do	283	1-2
G-7056 (1/10/62)	do	Tennessee Gas Transmission Co.	257	1-11
G-7057 (1/10/62)	do	Texas Eastern Transmission Corp.	265	1-14
G-7060 (1/10/62)	do	Olin Gas Transmission Corp.	267	1-6
G-7061 (1/10/62)	do	Texas Eastern Transmission Corp.	266	1-14
G-7062 (1/10/62)	do	Arkansas Louisiana Gas Co.	264	1-14
G-7063 (1/10/62)	do	Transcontinental Gas Pipe Line Corp.	259	1-10
G-7064 (1/10/62)	do	do	258	1-18
G-7065 (1/10/62)	do	Tennessee Gas Transmission Co.	260	1-6
G-7066 (1/10/62)	do	do	262	1-7
G-7067 (1/10/62)	do	do	263	1-6
G-7069 (1/10/62)	do	do	261	1-6
G-7070 (1/10/62)	do	Lone Star Gas Co.	268	1

Filing code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

Docket No. and filing date	Field and location	Purchaser	Related rate schedule	
			Number	Supplement
G–15530 (1/10/62)	Texaco, Inc. (successor to Texaco Seaboard, Inc.) (succession).	West Lake Natural Gasoline Co.	227	1–3
G–15694 (A–7/25/58)	Hanley Co. (Operator), et al., Spraberry Trend Field, Midland and Upton Counties, Tex.	El Paso Natural Gas Co.	21	1–9
G–16503 (9/30/59)	Belco Petroleum Corp. (successor to Belco Natural Gas Co.) (succession). (Application in Docket No. G–16590 is construed as application to amend authorization in Docket No. G–16503, Docket No. G–16590 designation will be rescinded.)	Mountain Fuel Supply Co.	4	
G–16922 (D–5/7/62)	W. C. Kautz, et al., Blackburn Field, Claiborne Parish, La. Application in Docket No. CI62–1390 deletes acreage from authorization in Docket No. G–16922).	Texas Gas Transmission Corp.	5	2
G–17391 (1/10/62)	Humble Oil & Refining Co., Bayou Pigeon Field, Iberia Parish, La.	Hope Natural Gas Co.	167	1
G–17729 (1/10/62)	Texaco, Inc. (successor to Texaco Seaboard, Inc.) (succession).	Transcontinental Gas Pipe Line Corp.	278	
G–18887 (1/10/62)	do [1]	Florida Gas Transmission Co. (formerly Coastal Transmission Corp.)	279	1–2
G–19590 (A–9/30/59)	Belco Petroleum Corp. (successor to Belco Natural Gas Co.) (see G–15503).			
C161–115 (1/10/62)	Texaco Inc. (successor to Texaco Seaboard Inc.) (this succession disposed of in order accompanying Opinion No. 383, issued Mar. 27, 1963).			
C161–895 (1/10/62)	Texaco, Inc. (successor to Texaco Seaboard, Inc.) (succession).	Transwestern Gas Pipe Line Co.	296	1–2
C161–967 (A–1/3/61)	Pubco Petroleum Corp. (see G–6083).	El Paso Natural Gas Co.		
(B–4/7/61)				
C161–1429 (12/18/61)	Texas Pacific Coal and Oil Co. (Operator), et al., Mc. No. 3 Wimberly Well, Lea County, N. Mex. (Amendment to include interests of nonoperators who have become signatory parties).	do	83	4
C161–1560 (9/5/62)	U.S. Natural Gas Corp. (formerly Holsa Chitea Oil Corp.) (change of name).	Montana-Dakota Utilities Co.	1	1–2
C161–1574 (A–4/27/61)	Husky Oil Co. (Operator), et al., Manderson-Shek Creek Area, Big Horn County, Wyo.		11	
C161–1589 (1/10/62)	Texaco, Inc. (successor to Texaco Seaboard, Inc.) (succession).	Arkansas Louisiana Gas Co.	287	1–4
C161–1714 (A–6/1/61)	Zora A. Hafer, John A. Boggs et ux, Lease, Elk District, Kanawha County, W. Va.	South Penn Natural Gas Co.	1	1
C161–1790 (1/10/62)	Texaco, Inc. (successor to Texaco Seaboard, Inc.) (succession).	Colorado Interstate Gas Co.	288	1–2
C162–655 (C–2/9/62)	Paul H. Ash, et al. d.b.a. A&C Oil and Gas Co., Skin Creek District, Lewis County, W. Va. (Application in Docket No. CI62–922 is construed as application to amend existing certificate in Docket No. CI62–655, Docket No. CI62–922 will be rescinded.)	Equitable Gas Co.	8	1
C162–779 (1/15/62)	Pennco Gas, Inc. (see G–5945).			
C162–922 (A–2/9/62)	Paul H. Ash, et al. d.b.a. A&C Oil and Gas Co. (see CI62–655).	Arkansas Louisiana Gas Co.	5	1–5
C162–1081 (A–3/19/62)	John Franks (Operator), et al., M. D. Bain Unit, Bear Creek Field, Bienville Parish, La. (see G–4707).			
C162–1099 (A–3/19/62)	John Franks (Operator), et al., M. D. Bain Unit, Bear Creek Field, Bienville Parish, La. (see G–6050).	do	6	1–4
C162–1181 (A–1/2/62)	Texaco Inc. (Application being severed from this consolidated proceeding for further consideration).			
C162–1389 (A–5/24/62)	Champlin Oil & Refining Co., Ringwood Field, Major County, Okla.	Oklahoma Natural Gas Gathering Corporation and Warren Petroleum Corporation.[2]	92	1–2
C162–1412 (A–5/28/62)	Sunray DX Oil Co., Ringwood Field, Major County, Okla.	do	222	1
C162–1449 (A–6/4/62)	Big Chief Drilling Co., Ringwood Field Major County, Okla.	do	12	1
C162–1555 (C–12/26/62)	Cleary Petroleum, Inc. (Operator), et al., Como Area and unnamed Beaver County Field, Beaver County, Okla.	Northern Natural Gas Co.	3	1–2
C163–70 (A–7/16/62)	Continental Oil Company (see G–11669).			
C163–312 (A–9/6/62)	Tenneco Corp., N. W. Avard Field, Woods County, Okla.	Panhandle Eastern Pipe Line Co.	140	1–2
C163–1421 (A–5/20/63, as supplemented on 6/24/63).	James W. Hershberger, Antelope East Mississippi Field, Marion County, Kans.	Cities Service Gas Co.	1	
C163–1457 (A–5/24/63)	Apache Corp., Lipscomb County, Tex., and Beaver County, Okla.	Northern Natural Gas Co.	29	1
C163–1515 (A–6/10/63, as supplemented on 6/27/63).	The Redco Corp., Northwest Hokit Wolfcamp Field, Pecos County, Tex.	do	1	

[1] Application pending; temporary authorization in force.

[2] Warren Petroleum Corp. takes liquid products only.

Each of the Applicants in this consolidated proceeding has filed a rate schedule for the related proposed service as indicated in the preceding tabulation. Applicants have been advised of the acceptance and designation of the related rate filings except in those dockets in which the related rate filings are designated and accepted hereinafter. None of the proposed rates exceed the announced ceiling rates for the respective areas involved with the exception of Docket No. CI62–1181 which docket will be severed for further disposition.

Pursuant to due notice, a public hearing was held in Washington, D.C., on August 27, 1963, recessed to and concluded on September 3, 1963, respecting the matters involved in and the issues presented by the respective applications herein. No petition to intervene or protest to the granting of any of said applications has been received. Staff counsel moved orally at the hearing that the intermediate decision procedure be omitted and that the Commission render a decision herein pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission, or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and supplements, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in certain of the subject dockets be amended as hereinafter ordered.

(6) The related rate schedule filings not heretofore accepted by the Commission should be accepted as hereinafter ordered.

(7) The following docket designations should be cancelled: G–19590, CI61–987, CI62–779, CI62–922 and CI63–70.

(8) The application in Docket No. CI62–1181 should be severed from this consolidated proceeding for such further disposition as may be appropriate.

(9) A request during the public hearing by staff counsel for omission of the intermediate decision procedure herein was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein, of natural gas in interstate commerce for resale, together with the continued operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Parts 154 or 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in the dockets listed below are hereby amended by adding thereto authorization to sell natural gas from additional acreage to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation hereinbefore set forth:

G–5948 (order issued February 7, 1956, Docket No. G–4124, et al.);
G–6083 (order issued December 6, 1956, Docket No. G–4994, et al.);
G–7535 (order issued September 27, 1957, Docket No. G–3128, et al.);
G–11479 (order issued June 19, 1959, Docket No. G–4063, et al.);
G–11669 (order issued June 24, 1957, Docket No. G–11428, et al.);
G–12273 (order issued October 2, 1957, Docket No. G–11608, et al.);
G–12363 (order issued January 31, 1958, Docket No. G–12916, et al.);
G–16503 (order issued February 9, 1959, Docket No. G–15458, et al.);
CI62–655 (order issued May 29, 1962, Docket No. G–14288, et al.);
CI62–1555 (order issued December 26, 1962, Docket No. G–17771, et al.).

(E) The certificate authorizations heretofore granted to the respective Applicants in the dockets listed below are hereby amended by deleting therefrom authorization to sell natural gas from acreage covered by the original authorizations, pursuant to the rate schedule

supplements as indicated in the tabulation hereinbefore set forth:

G–4707 (order issued April 6, 1956, Docket No. G–4695, et al.);
G–4938 (order issued September 21, 1956, Docket No. G–2864, et al.);
G–5570 (order issued July 13, 1955, Docket No. G–4091, et al.);
G–6050 (order issued December 7, 1960, Docket No. G–6044, et al.);
G–12273 (order issued October 2, 1957, Docket No. G–11608, et al.);
G–16922 (order issued May 5, 1960, Docket No. G–16922);
G–17391 (order accompanying Opinion No. 327 issued August 10, 1959, Docket No. G–17335, et al.).

(F) The certificate authorizations heretofore granted to the respective Applicants in the dockets listed below are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation hereinbefore set forth:

G–5407 (order issued April 11, 1955, Docket No. G–5387, et al.)
G–5455 and G–5565 (order issued July 13, 1955, Docket No. G–4091, et al.)
G–6102 and G–6104 (order issued January 31, 1956, Docket No. G–6101, et al.)
G–6528 (order issued October 18, 1956, Docket No. G–4438, et al.)
G–6934 (order issued September 2, 1955)
G–7053, G–7054, G–7056, G–7057, G–7060–7067 incl., G–7069–71 incl. (order issued May 18, 1956, Docket No. G–7053, et al.)
G–7099 (order issued September 24, 1956, Docket No. G–2657, et al.)
G–7392 (order issued June 27, 1955, Docket No. G–2668, et al.)
G–7823 (order issued May 28, 1956, Docket No. G–3275, et al.)
G–8338 (order issued July 5, 1955, Docket No. G–8338)
G–8438 (order issued March 4, 1957, Docket No. G–8443, et al.)
G–8570 (order issued June 13, 1955, Docket No. G–8570)
G–8847 (order issued August 16, 1956, Docket No. G–8250, et al.)
G–9482 (order issued August 9, 1957, Docket No. G–9482)
G–9487 (order issued February 7, 1956, Docket No. G–8459, et al.)
G–10495 (order issued March 13, 1957, Docket No. G–10330, et al.)
G–10890 (order issued April 22, 1957, Docket No. G–10551, et al.)
G–11161 (order issued May 9, 1957, Docket No. G–1161, et al.)
G–11213 (order issued December 28, 1956, Docket No. G–10078, et al.)
G–11970 (order issued March 31, 1958, Docket No. G–11970)
G–12425 (order issued February 10, 1958, Docket No. G–12425)
G–12717 (order issued November 4, 1957, Docket No. G–10533, et al.)
G–13808 (order issued March 25, 1958, Docket No. G–13543, et al.)
G–15205 (order issued October 10, 1958, Docket No. G–15205)
G–15530 (order issued June 8, 1960, Docket No. G–3143, et al.)
G–17779 (order issued May 17, 1961, Docket No. G–20107, et al.)
CI61–1429 (order issued September 20, 1961, Docket No. G–14986, et al.)
CI61–1569 (order issued March 30, 1962, Docket No. CP61–263, et al.)
CI61–1589 and CI61–1760 (order issued January 29, 1962, Docket No. G–14407, et al.)

(G) In all other respects the orders amended by paragraphs (D), (E) and (F) above shall remain in full force and effect.

(H) The related rate filings listed below are hereby accepted, subject to all applicable Commission Regulations under the Natural Gas Act, to be effective as indicated:

Docket No.	Rate schedule designation	Description and date of document		Effective date
G–7535	Pan American Petroleum Corp. FPC Gas Rate Schedule No. 115, Supplement No. 13.	Agreement	3–20–63	Date of initial delivery.
G–10673	Cabot Corporation (SW) FPC Gas Rate Schedule No. 32:			
	Supplement No. 10	Assignment	9–19–61	Sept. 8, 1962.
	Supplement No. 11	Supplemental Agreement.	6–15–62	Sept. 8, 1962.
G–12273	Pan American Petroleum Corp. (Operator), et al. FPC Gas Rate Schedule No. 195, Supplement No. 15.	Agreement	4– 5–63	Date of initial delivery.
G–12363	Pan American Petroleum Corp. (Operator), et al. FPC Gas Rate Schedule No. 199, Supplement No. 11.	do	4–12–63	Do.
G–17391	Humble Oil & Refining Co. FPC Gas Rate Schedule No. 167, Supplement No. 1.	do	11– 7–61	Mar. 15, 1962.
CI62–1091	John Franks (Operator), et al. FPC Gas Rate:			
	Schedule No. 5	Contract	8– 8–50	
	Supplement No. 1	Letter	3–12–51	
	Supplement No. 2	Agreement	12–20–56	
	Supplement No. 3	do	1– 8–60	
	Supplement No. 4	do	11–21–60	
	Supplement No. 5	Letter	6– 1–61	
CI62–1099	John Franks (Operator), et al. FPC Gas Rate:			
	Schedule No. 6	Contract	2–22–52	
	Supplement No. 1	Letter	6–17–52	
	Supplement No. 2	Agreement	11– 6–52	
	Supplement No. 3	Letter	6–28–55	
	Supplement No. 4	Agreement	11–21–60	
CI62–1300	Pan American Petroleum Corp. FPC Gas Rate:			
	Schedule No. 332	Contract	5–22–58	
	Supplement No. 1	Assignment	9–19–61	
CI62–1339	C. E. Beardmore FPC Gas Rate:			
	Schedule No. 2	Contract	5– 7–30	
	Supplement No. 1	Agreement	4–30–35	
	Supplement No. 2	do	12–29–42	
	Supplement No. 3	Letter	8–22–50	
	Supplement No. 4	do	4– 9–53	
	Supplement No. 5	do	8–17–53	
	Supplement No. 6	Assignment	12–31–61	
CI63–312	Tenneco Corp. FPC Gas Rate:			
	Schedule No. 140	Ratification	7–31–62	Date of initial delivery.
	Supplement No. 1	Contract	5– 5–60	
	Supplement No. 2	Agreement	5– 1–63	
CI63–1421	James W. Hershberger FPC Gas Rate Schedule No. 1.	Contract	5– 7–63	Do.
CI63–1457	Apache Corp. FPC Gas Rate:			
	Schedule No. 29	do	7– 3–62	Do.
	Supplement No. 1	Supplemental Agreement.	5–14–63	Do.
CI63–1515	The Redco Corp. FPC Gas Rate Schedule No. 1.	Contract	4– 7–63	Do.

(I) The following docket designations are hereby cancelled: G–19590, CI61–987, CI62–779, CI62–922 and CI63–70.

(J) The application in Docket No. CI62–1181 is hereby severed from this consolidated proceeding for such further disposition as may be appropriate.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–10134; Filed, Sept. 25, 1963; 8:45 a.m.]

[Docket No. RI64–77 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing, etc.; Correction

SEPTEMBER 18, 1963.

Gulf Oil Corporation, et al., Docket Nos. RI64–77, et al.; Gulf Oil Corporation (Operator), et al., Docket No. RI64–78.

In the order providing for hearing on and suspension of proposed changes in rates and allowing increased rates to become effective, issued August 15, 1963 and published in the FEDERAL REGISTER August 23, 1963 (F.R. Doc. 63–9068; 28 F.R. 9335): In the chart; under Docket No. RI64–78, Gulf Oil Corporation (Operator), et al., in the first paragraph of the Findings; and also in Ordering paragraph (B) change Supplement No. "26" to read Supplement No. "27".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–10223; Filed, Sept. 25, 1963; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	541– 583
$100	1,957–2,228
$500	621– 691
$1,000	1,393–1,609
$5,000	396

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63–10242; Filed, Sept. 25, 1963; 8:47 a.m.]

4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Mutual Mortgage Insurance Fund Debentures, Series AA, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	13,925–16,855
$100	63,556–63,849
	63,854–64,043
	64,158–84,266
$500	16,890
	16,892–22,412
$1,000	52,260–53,324
	53,326–72,087
$5,000	15,045–15,285
	15,290–18,978
$10,000	9,971–12,063

Important: Although the above inclusive serial numbers include Series AA debentures with other than 4⅛ percent interest, only those Series AA debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63–10243; Filed, Sept. 25, 1963; 8:47 a.m.]

SECTION 203 HOME IMPROVEMENT ACCOUNT DEBENTURES, SERIES HH

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3¾ percent Section 203 Home Improvement Account Debentures, Series HH, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

3¾ PERCENT SECTION 203 HOME IMPROVEMENT ACCOUNT DEBENTURES, SERIES HH

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$100	1–5
$1,000	1–2

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63–10244; Filed, Sept. 25, 1963; 8:47 a.m.]

HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Housing Insurance Fund Debentures, Series BB, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

4⅛ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	229– 887
$100	1,929–6,733
$500	659–1,798
$1,000	1,604–6,781
$5,000	573– 631
$10,000	4,393–9,588

Important: Although the above inclusive serial numbers include Series BB debentures with other than 4⅛ percent interest, only those Series BB debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to

December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63-10245; Filed, Sept. 25, 1963; 8:47 a.m.]

SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that section 220 Housing Insurance Fund Debentures, Series CC, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

4⅛ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	15– 26
$100	92– 130
$500	28– 38
$1,000	86– 113
$5,000	28– 35
$10,000	3,007–3,310

Important: Although the above inclusive serial numbers include Series CC debentures with other than 4⅛ percent interest, only those Series CC debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63-10246; Filed, Sept. 25, 1963; 8:47 a.m.]

SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Servicemen's Mortgage Insurance Fund Debentures, Series EE, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	590–1,071
$100	4,103–7,721
$500	1,071–1,998
$1,000	3,862–3,870
	3,890–7,275
$5,000	867–1,341
$10,000	693–1,114

Important: Although the above inclusive serial numbers include Series EE debentures with other than 4⅛ percent interest, only those Series EE debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63-10247; Filed, Sept. 25, 1963; 8:48 a.m.]

WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	4,859– 4,978
$100	18,497–19,022
$500	5,364– 5,488
$1,000	22,298–22,675
$5,000	5,159– 5,203
$10,000	50,989–50,999
	51,001–52,089

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63-10248; Filed, Sept. 25, 1963; 8:48 a.m.]

ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 19, 1963.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, bearing interest at 4⅛ percent included in the denominations and serial numbers designated below are hereby called for redemption, at par and accrued interest, on January 1, 1964, on which date interest on such debentures shall cease:

4⅛ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	62– 114
$100	794–1,440
$500	220– 301
$1,000	1,042–1,786
$5,000	256– 330
$10,000	7,851–9,175

Important: Although the above inclusive serial numbers include Series FF debentures with other than 4⅛ percent interest, only those Series FF debentures bearing interest at the rate of 4⅛ percent are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1963. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1963, and provision will be made for the payment of final interest due on January 1, 1964, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1963, to December 31, 1963, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1964, or for purchase prior to that date will be given by the Secretary of the Treasury.

EDWIN G. CALLAHAN,
Acting Federal Housing Commissioner.

Approved: September 20, 1963.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 63-10249; Filed, Sept. 25, 1963; 8:48 a.m.]

TARIFF COMMISSION

COTTON TYPEWRITER-RIBBON CLOTH

Tariff Commission Reports to the President

SEPTEMBER 23, 1963.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d)(1) of the Trade Expansion Act of 1962, on developments in the trade in cotton typewriter-ribbon cloth. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Commission Extension Act of 1951, the President, by proclamation dated August 23, 1960, increased the rates of duty applicable to broadwoven cotton typewriter-ribbon cloth, effective after the close of business on September 22, 1960. Section 351(d)(1) of the Trade Expansion Act of 1962 provides that—

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report to the President presents statistical data and other information with respect to typewriter-ribbon cloth, with emphasis on developments that have occurred since the Commission's report in September 1962 under Executive Order 10401. The whole of the report to the President cannot be made public since it contains certain information that would reveal the operations of individual firms. The Commission, therefore, is releasing the report with certain portions omitted.

Copies of the Commission's public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 63-10253; Filed, Sept. 25, 1963; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Limitation on the Entry or Withdrawal From Warehouse

SEPTEMBER 23, 1963.

There is published below a letter of September 23, 1963, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of Category 35 cotton textile products produced or manufactured in Poland which may be entered, or withdrawn from warehouse, for consumption in the United States from September 30, 1963, through October 29, 1963, be limited to 72,000 units.

Further directives concerning the entry for consumption and withdrawal from warehouse for consumption of goods in Category 35, produced or manufactured in Poland, for the period October 30, 1963, through August 29, 1964, will be issued prior to October 29, 1963.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington, 25, D.C., September 23, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on August 30, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Poland to restrain the export of cotton textiles and cotton textile products in Category 35 to the United States during the twelve-month period beginning August 30, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Because of critical circumstances where an undue concentration of cotton textiles and cotton textile products, which are the subject matter of the request to the Government of Poland, are threatening to cause disruption of the domestic markets of the United States and damage difficult to repair, you are directed, under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, to prohibit, effective September 30, 1963, and for the period extending through October 29, 1963, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile and cotton textile products in Category 35 produced or manufactured in Poland, in excess of the level of restraint provided:

Category:	*Level of restraint*
35	72,000 units

This level has not been corrected to reflect entries, if any, made from August 30, 1963, to date.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 35, produced or manufactured in Poland, when the cotton textiles and cotton textile products sought to be entered have been exported to the United States from Poland prior to August 30, 1963, regardless of whether the restraint level has been filled, and such goods from Poland, shipped prior to August 30, 1963, are

not to be counted against the restraint level even if not filled at the time of entry.

A detailed description of the listed category in terms of T.S.U.S.A. numbers is attached.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter is being published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

T.S.U.S.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Description	Item	Statistical suffix
35	Sheets, combed, not ornamented	363.30	30

NOTE: For purposes of this publication, the term "not ornamented" means "not of lace or net, and not ornamented".

[F.R. Doc. 63-10264; Filed, Sept. 25, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 870]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 23, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66257. By order of September 20, 1963, the Transfer Board approved the transfer to Best Moving & Storage Co., a corporation, Portland, Oregon, of a portion of Certificate in No. MC 78277 issued June 28, 1941, to Richard F. McCabe, doing business as McCabe Moving & Storage Co., Portland, Oregon, authorizing the transportation of household goods, over irregular routes, between Portland, Oreg., on the one hand, and, on the other, points in Oregon and Washington. William B. Adams, Pacific Building, Portland, Oregon, attorney for applicants.

No. MC-FC 66262. By order of September 20, 1963, the Transfer Board approved the transfer to John M. Kline & Sons, Inc., doing business as Marlboro Transportation, 475 Elm Street, Marlboro, Mass., applicant in No. MC 99572 (Sub-No. 1), BOR-99 filed in the name of John M. Kline, doing business as Marlboro Transportation, 475 Elm Street, Marlboro, Mass., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of Section 206(a)(1) of the Act, supported by Massachusetts certificate No. 665, authorizing transportation of property between a point in Hudson and a point in Everett passing through Marlboro, Framingham, Sudbury, Wayland, Weston, Waltham, Watertown, Cambridge, Boston and Somerville, restricted against pick-up in Boston, Cambridge, Somerville and Everett for delivery in Framingham, or pick-up in Framingham for delivery in Boston, Cambridge, Somerville, and Everett.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10252; Filed, Sept. 25, 1963; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION VIII

Teakwood Variety, Inc., d.b.a. T. G. & Y. Stores Co., No. 45, 4315 Southeast 15th, Del City, Okla.; effective 9-17-63 to 3-31-64 (variety store; 19 employess).

Walnut Variety, Inc., d.b.a. T. G. & Y. Stores Co., No. 11, 220 West Commerce, Oklahoma City, Okla.; effective 9-3-63 to 3-31-64 (variety store; 17 employees).

REGION XI

Belk-Gallant Co., 125 Main Street, La Grange, Ga.; effective 9-20-63 to 3-31-64 (department store; 41 employees).

Ivey's of Greenville, 200 North Main Street, Greenville, S.C.; effective 9-3-63 to 3-31-64 (department store; 186 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Hested Ames Plaza Corp., No. 802, Ames Plaza, Omaha, Nebr.; effective 9-10-63 to 3-31-64; sales clerk, stock clerk; 10 percent for each month (variety store; 98 employees).

Pruett's Food Town, No. 4, 131 West Main Street, Dayton, Tenn.; effective 9-10-63 to 3-31-64; sack boys; 10 percent for each month (food store; 19 employees).

F. W. Woolworth Co., No. 2475, 101-103 East Main Street, Streator, Ill.; effective 9-11-63 to 3-31-64; saleslades; between 2.2 percent and 10 percent (variety store; 21 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 18th day of September 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-10240; Filed, Sept. 25, 1963; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-63 to 9-17-64 (men's and boys' work pants and slacks).

Connellsville Sportswear, South First Street, Connellsville, Pa.; effective 9-10-63 to 9-9-64 (men's and boys' trousers).

Dover Mills, Inc., Pisgah, Ala.; effective 9-12-63 to 9-11-64 (children's knit pants and shirts).

Elder Manufacturing Co., St. Genevieve, Mo.; effective 9-19-63 to 9-18-64 (boys' shirts).

Holston-Harwood Manufacturing Corp., Marion, Va.; effective 9-16-63 to 9-15-64 (men's and boys' woven pajamas).

Joyner-Fields, Inc., Sherman, Miss.; effective 9-21-63 to 9-20-64 (men's and boys' sport shirts).

Kent Uniforms, Inc., Burkesville, Ky.; effective 9-9-63 to 9-8-64 (nurses' and waitress' uniforms).

Marion-Harwood Manufacturing Corp., Marion, Va.; effective 9-13-63 to 9-12-64 (men's and boys' woven pajamas).

Pottsville Shirt and Pajama Corp., 12th and Laurel Streets, Pottsville, Pa.; effective 9-13-63 to 9-12-64 (men's and boys' pajamas and women's blouses).

Sagamore Manufacturing Co., Shirt Division, Fall River, Mass.; effective 9-20-63 to 9-19-64 (men's dress shirts).

Sportcaster Co., Occidental at Jackson, Seattle 4, Wash.; effective 9-17-63 to 9-16-64 (men's, women's and children's outerwear jackets).

Springfield Garment Manufacturing Co., 627-35 North Campbell Avenue, Springfield, Mo.; effective 9-16-63 to 9-15-64 (men's outerwear jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Berkron Manufacturing Co., Inc., 960 Seneca Street, Bethlehem, Pa.; effective 9-21-63 to 9-20-64; 10 learners (brassieres).

Henson, Inc., Lawrenceville, Ga.; effective 9-16-63 to 9-15-64; 10 learners (men's and boys' casual trousers and shorts).

Leading Lady Foundations, Inc., 3748 East 91st Street, Cleveland, Ohio; effective 9-12-63 to 9-11-64; 5 learners (maternity and nursing brassieres).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 9-20-63 to 3-19-64; 150 learners (boys' shirts).

The Arrow Co., Jasper, Ala.; effective 9-10-63 to 3-9-64; 100 learners (men's shirts).

Berkron Manufacturing Co., Inc., 960 Seneca Street, Bethlehem, Pa.; effective 9-16-63 to 3-15-64; 20 learners (brassieres).

Berrien Manufacturing Co., Inc., Nashville, Ga.; effective 9-10-63 to 3-9-64; 40 learners (children's pants and shirts).

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 9-16-63 to 3-15-64; 30 learners (children's wear—pants).

Flint Rock Shirt Co., Inc., Marshall, Ark.; effective 9-16-63 to 3-8-64; 150 learners (men's sport shirts) (supplemental certificate).

Gip's Manufacturing Co., Randall Street, Hartwell, Ga.; effective 9-10-63 to 3-9-64; 60 learners (men's, boys' and ladies' slacks).

The H. D. Lee Co., Inc., Lebanon, Mo.; effective 9-11-63 to 3-10-64; 85 learners (men's and boys' pants).

Spring City Manufacturing Co., Spring City, Tenn.; effective 9-12-63 to 3-11-64; 75 learners (men's and boys' pajamas).

Whiteville Garment Manufacturing Co., Plant #2, Wilmington Road, Whiteville, N.C.; effective 9-11-63 to 3-10-64; 75 learners (men's and boys' dungarees).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 9-21-63 to 9-20-64; 10 percent of the total number of machine stitchers for normal labor turnover purposes (women's knit gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Carol May Finishing Co., Inc., 180 West Depot Street, Concord, N.C.; effective 9-16-63 to 9-15-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Diamond Mills Co., Hanover Division, 3402 Carolina Beach Road, Wilmington, N.C.; effective 9-24-63 to 9-23-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; effective 9-10-63 to 9-9-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Harriman Hosiery Co., Harriman, Tenn.; effective 9-13-63 to 3-12-64; 80 learners for plant expansion purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Duke Division, 70 Eighth Street Place SE., Hickory, N.C.; effective 9-20-63 to 9-19-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Nelson Knitting Co., 909 South Main Street, Rockford, Ill.; effective 9-10-63 to 9-9-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton athletic socks, cotton bundle hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Casa Grande Mills, Division of Parsons & Baker Co., Phoenix Highway, Casa Grande, Ariz.; effective 9-14-63 to 9-13-64; 5 learners for normal labor turnover purposes (infants' cotton knit underwear).

Casa Grande Mills, Division of Parsons & Baker Co., Phoenix Highway, Casa Grande, Ariz.; effective 9-7-63 to 3-6-64; 5 learners for plant expansion purposes (infants' cotton knit underwear).

Hazlehurst Manufacturing Co., Vidalia, Ga.; effective 9-16-63 to 3-15-64; 15 learners for plant expansion purposes (ladies' woven and knit underwear).

Mullins Textile Mills, Inc., Sutherland Avenue, Monroe, N.C.; effective 9-11-63 to 9-10-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear and sport shirts).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9-10-63 to 3-9-64; 60 learners for plant expansion purposes (infants', misses', children's, and men's knit underwear).

Terre Hill Manufacturing Co., Inc., 693 East Main Street, Ephrata, Pa.; effective 9-13-63 to 9-12-64; 5 learners for normal labor turnover purposes (women's knit sleepwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 20th day of September 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-10241; Filed, Sept. 25, 1963; 8:47 a.m.]

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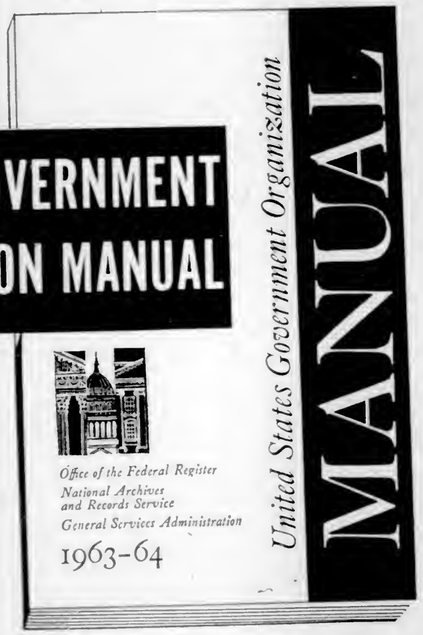
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Announcing: Volume 76A

UNITED STATES STATUTES AT LARGE

Containing

THE CANAL ZONE CODE

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DEPOSITED BY THE
UNITED STATES OF AMERICA

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

Subpart B—Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States

REVISION OF STANDARDS

On August 31, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9645) regarding the proposed amendment of § 61.102 of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR Part 61, Subpart B).

Statement of consideration leading to the amendment. The amendment will change the linters basing point from 11.5 percent to 10.5 percent linters content of cottonseed. The linters basing point is used to establish premiums and discounts based upon the quantity of linters on cottonseed. Revision of the linters basing point has become necessary because the amount of linters on cottonseed has decreased in the past few years.

After consideration of all relevant matters presented pursuant to the notice, § 61.102 is hereby amended as follows, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, 7 U.S.C. 1621–1627); to be effective October 1, 1963:

§ 61.102 Determination of quantity index.

The quantity index of cottonseed shall be determined as follows:

(a) The quantity index for cottonseed shall equal the result of 4 times (percentage of oil) plus 6 times (percentage of ammonia) plus the applicable linters premium or discount shown in paragraph (b) of this section, plus 5.

(b) The premium or discount for total linters content of cottonseed to be used in paragraph (a) of this section will be according to the following table:

Total linters content of cottonseed (percent):[1]	*Premium or discount (quantity index units)*:[2]
20.0	+9.5
19.0	+8.5
18.0	+7.5
17.0	+6.5
16.0	+5.5
15.0	+4.5
14.0	+3.5
13.0	+2.5
12.0	+1.5
11.0	+0.5
10.5	0
10.0	−0.5
9.0	−1.5
8.0	−3.5
7.0	−5.5
6.0	−7.5
5.0	−9.5
4.0	−11.5
3.0	−14.0
2.0	−16.5
1.0	−19.0

[1] Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

[2] Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed:	*Premium or discount factor*
10.6 and over	Premium = (percent linters minus 10.5) × 1.0.
10.5	None.
10.4–9.0	Discount = (10.5 minus percent linters) × 1.0.
8.9–4.0	Discount = (9.0 minus percent linters) × 2.0 + 1.5.
3.9–0	Discount = (4.0 minus percent linters) × 2.5 + 11.5.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

This amendment becomes effective October 1, 1963. The Department finds that it is impracticable, unnecessary and contrary to the public interest to postpone the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER as the marketing season for cottonseed has already started and it is imperative that the revision be effective for grading purposes as soon as possible.

Dated: September 23, 1963.

ROY W. LENNARTSON,
Associate Administrator, Agricultural Marketing Service.

[F.R. Doc. 63–10280; Filed, Sept. 26, 1963; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

PART 299—IMMIGRATION FORMS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The last item in the list of fees in paragraph (c) of § 103.7 is amended so that when taken with the introductory material it will read as follows:

§ 103.7 Records and fees.

* * * * * * *

(c) *Additional fees.* In addition to the fees enumerated in sections 281 and 344 of the Act, the following fees and charges are prescribed:

* * * * * *

For filing application for waiver of grounds of excludability under section 212 (g) or (h) of the Act (only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both these sections) $25.00

2. The list of forms in § 299.1 *Prescribed forms* is amended by adding in numerical sequence the following form:

I–143 Application for Extension of Permit to Reenter the United States.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby and relate to agency procedure.

Dated: September 24, 1963.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 63–10294; Filed, Sept. 26, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SO–65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the Albany, Ga., control zone and control area extension.

The Doles, Ga., radio beacon has been decommissioned and the Federal Aviation Agency (FAA) will decommission the Albany radio range on or about November 12, 1963. Therefore, action is taken herein to revoke the control zone extensions based on the Albany radio range, delete reference to the radio range in the description of the Albany control area extension, and alter the control zone extension presently based on the Doles radio beacon by basing it on the Turner AFB VOR 223° True radial. Re-

designation of the extension based on the Turner AFB VOR will reduce the extent of controlled airspace in both width and length with little or no change in alignment. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60–21/60–29 implementation program.

Since the changes effected by these amendments are less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. Section 71.171 (27 F.R. 220–91, November 10, 1962) is amended as follows: In the Albany, Ga., control zone, "within 2.5 miles either side of a line extending from Turner AFB to the Doles RBN, and within 2 miles either side of the Albany RR E and S courses extending from the 5-mile radius zone to 10 miles E and S of the RR" is deleted and "and within 2 miles each side of the Turner AFB VOR 223° radial, extending from the 5-mile radius zone to the VOR." is substituted therefor.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended as follows: In the Albany, Ga., control area extension "within 5 miles either side of the Albany RR W course extending from the RR to 25 miles W" is deleted and "within 5 miles each side of the 272° bearing from latitude 31°32'00" N., longitude 84°06'43" W., extending from latitude 31°32'00" N., longitude 84°-06'43" W., to 25 miles W." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., November 12, 1963.

Issued in Washington, D.C., on September 20, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10266; Filed, Sept. 26, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SO–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the time of designation of the Dyersburg, Tenn., control zone.

The Dyersburg control zone is presently designated as a full-time control zone. However, beginning October 17, 1963, the Dyersburg FAA Flight Service Station, which provides the weather reporting and communications services within the control zone, will operate only during the hours from 0600 to 2200 hours, local time, daily. Therefore, action is taken herein to reduce the time of designation of the control zone to coincide with the hours of operations of the Dyersburg Flight Service Station.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective October 17, 1963.

In consideration of the foregoing, the following action is taken:

In § 71.171 (27 F.R. 220–91, November 10, 1962) the Dyersburg, Tenn., control zone is amended to read:

Dyersburg, Tenn.

Within a 5-mile radius of Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.), effective from 0600 to 2200 hours, local time, daily.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001 e.s.t., October 17, 1963.

Issued in Washington, D.C., on September 20, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10267; Filed, Sept. 26, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WA–64]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Designation and Alteration of Jet Routes and Jet Advisory Area

The purpose of these amendments to § 75.100 and § 75.200 is to designate a Jet Route segment and jet advisory area, of approximately 14 nautical miles, northeast from the Plattsburgh, N.Y., VOR and to change jet route numbers.

Jet Route No. 560 is presently designated, within the United States, from the Plattsburgh, N.Y., VOR to the United States/Canadian Border toward the Sherbrooke, P.Q., VOR.

The Canadian Department of Transport advises that many more flights utilize the route from Plattsburgh to the Montmorency, P.Q., Radio Beacon than use the route Plattsburgh via Sherbrooke to Montmorency. Accordingly, the Canadian Department of Transport has suggested that the route from Plattsburgh to Goose Bay, Labrador (via Granby Intersection, Montmorency etc.) be a single numbered route (J–560, H.L.–560) and that the Plattsburgh via Sherbrooke to Montmorency route be changed from J–560, H.L.–560 to J–563, H.L.–563. The Federal Aviation Agency concurs in this suggestion and action pertaining to United States territory is taken herein.

Since the small segment to be designated Jet Route No. 560 is within already designated radar advisory area and since the entire amendment is minor in nature, compliance with the notice, and public procedure requirements of section 4 of the Administrative Procedure Act is unnecessary.

However since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

The jet advisory area associated with J–560 is so designated that it will automatically conform with the altered jet route. Accordingly, no amendment relating to such jet advisory area is necessary.

In consideration of the foregoing, the following actions are taken:

1. In § 75.100 (28 F.R. 19–50, January 26, 1963):

a. The text of Jet Route No. 560 is changed to read:

From Plattsburgh, N.Y., to the United States/Canadian Border via the Plattsburgh 037° radial.

b. The following is added:

Jet Route No. 563 (Plattsburgh, N.Y., to the United States/Canadian Border). (Joins Canadian high level airway No. 563.)

From Plattsburgh, N.Y., to the United States/Canadian Border via the Plattsburgh to Sherbrooke, Quebec, Canada, direct radial.

2. In § 75.200 (28 F.R. 19–60, January 26, 1963), the following is added:

Jet Route No. 563 jet advisory area.

Radar—Plattsburgh, N.Y., to the United States/Canadian Border.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on September 20, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10268; Filed, Sept. 26, 1963; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3221]

[Riverside 0126]

CALIFORNIA

Withdrawing Public Lands for Use of Forest Service for North Mountain Experimental Area

Correction

In F.R. Doc. 63–9676, appearing at page 9878 of the issue for Wednesday, September 11, 1963, the entry for section 3, under T. 4 S., R. 1 E. should read as follows:

Sec. 3, lots 1, 2, 3, 4, S½NW¼, SW¼, W½SE¼, SW¼NE¼, and N½SE¼ NE¼;

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 7; Amdt. 1]

PART 528—SELF-POLICING SYSTEMS

Miscellaneous Amendments

Take notice that the Federal Maritime Commission has amended its Part 528 of Title 46, CFR, Self-Policing Systems, to provide that amendments to conference agreements made to comply with Part 528 shall be filed with the Commission by January 15, 1964, instead of the 60 days after date of publication originally specified. Part 528 has also been amended to provide that the first semi-annual report required by the rules shall be due in July of 1964. The purpose of these amendments is to allow the conferences additional time to comply with the rules, and the Commission is of the opinion that these extensions will provide all the time which is reasonably necessary to comply. All interested persons are hereby put on notice that no further extensions of time are contemplated. Since the amendments relieve restrictions they are within the exception of section 4(c) of the Administrative Procedure Act and will therefore be effective upon date of publication in the FEDERAL REGISTER.

Therefore, pursuant to sections 15, 21, and 43 of the Shipping Act, 1916 (75 Stat. 763–4; 39 Stat. 736; and 75 Stat. 766), Part 528 of Title 46, CFR is hereby amended as follows:

In § 528.2, strike the phrase "within sixty (60) days from the date of publication of these rules in the FEDERAL REGISTER" and substitute therefor "by January 15, 1964."

In § 528.3, add the following sentence to the section: "The first report due under this section shall be filed during the month of July, 1964."

By the Commission, September 16, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–10296; Filed, Sept. 26, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Killcohook National Wildlife Refuge, New Jersey and Delaware

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW JERSEY AND DELAWARE

KILLCOHOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Killcohook National Wildlife Refuge, New Jersey and Delaware, is permitted only on the area designated by signs as open to hunting. This open area, comprising 594 acres or 40 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Salem, New Jersey, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Bobwhite quail, ring-necked pheasant, cottontail rabbit.

(b) Open season: From 9:00 a.m. to ½ hour after sunset November 9, 1963, and from sunrise to ½ hour after sunset November 10, 1963, through December 7, 1963, inclusive except Sundays.

(c) Daily bag limits: Quail—7, pheasant—2 males, cottontail rabbits—4.

(d) Methods of hunting:

(1) Shotgun only.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 8, 1963.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1963.

[F.R. Doc. 63–10297; Filed, Sept. 26, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[9 CFR Part 201]

PACKERS AND STOCKYARDS

Proscription of Guaranties on Consignments; Notice of Proposed Rule Making

In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that, pursuant to the authority contained in section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Agricultural Marketing Service proposes to amend § 201.64 (9 CFR 201.64) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to read as follows:

§ 201.64 Consignments; guaranties not to be given.

No market agency or licensee engaged in the business of selling livestock or live poultry on a commission basis shall guaranty the price at which consigned livestock or live poultry will be sold.

Present § 201.64 proscribes the practice of guarantying specific prices. The regulation, however, refers to price guaranties made or given "in soliciting consignments of livestock or live poultry." The purpose of the proposed amendment is to make clear that the regulation proscribes such practice under all circumstances.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, on or before October 23, 1963.

Done at Washington, D.C., this 23d day of September 1963.

CLARENCE H. GIRARD,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 63-10279; Filed, Sept. 26, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST NATIONAL BANK OF BALTIMORE AND PLEASANTVILLE BANK

Notice of Decision Granting Application To Purchase Assets

On April 19, 1963, the First National Bank of Baltimore, Baltimore, Ohio, applied to the Comptroller of the Currency for permission to purchase the assets and assume the liabilities of the Pleasantville Bank, Pleasantville, Ohio.

On September 6, 1963, the Comptroller of the Currency granted this application, effective on or after September 13, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 23, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10284; Filed, Sept. 26, 1963; 8:47 a.m.]

LIBERTY NATIONAL BANK AND TRUST CO. AND STATE BANK OF NEWFANE

Notice of Decision Granting Application To Merge

On July 16, 1963, the Liberty National Bank and Trust Company, Buffalo, New York, and the State Bank of Newfane, Newfane, New York, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On September 6, 1963, the Comptroller of the Currency granted this application, effective on or after September 13, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 23, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant of the Comptroller of the Currency.

[F.R. Doc. 63-10285; Filed, Sept. 26, 1963; 8:47 a.m.]

WESTERN PENNSYLVANIA NATIONAL BANK AND HAZELWOOD BANK

Notice of Decision Granting Application To Consolidate

On August 8, 1963, Western Pennsylvania National Bank, McKeesport, Pennsylvania, and the Hazelwood Bank, Pittsburgh, Pennsylvania, applied to the Comptroller of the Currency for permission to consolidate under the charter and title of the former.

On September 6, 1963, the Comptroller of the Currency granted this application, effective on or after September 13, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 23, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10286; Filed, Sept. 26, 1963; 8:47 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1963 Rev., Supp. No. 6]

OREGON AUTOMOBILE INSURANCE CO.

Surety Company Acceptable on Federal Bonds

SEPTEMBER 23, 1963.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $232,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

OREGON

OREGON AUTOMOBILE INSURANCE COMPANY

Portland, Oregon

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 63-10287; Filed, Sept. 26, 1963; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Rochester, New York

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed: Rochester, N.Y., Rochester Municipal Airport in District No. 7—Buffalo, N.Y., of subparagraph (3) Ports of entry for aliens arriving by aircraft of paragraph (c) Suboffices of § 1.51 Field Service is amended to read as follows: "Rochester, N.Y., Rochester-Monroe County Airport."

Dated: September 24, 1963.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 63-10293; Filed, Sept. 26, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification C3-6]

CALIFORNIA

Small Tract Classification

SEPTEMBER 20, 1963.

1. Pursuant to the authority delegated to me by the California State Director, Bureau of Land Management, under Part 1, Redelegation of Authority, dated March 27, 1962 (27 F.R. 3297), I hereby classify the following described public land, totaling 6¼ acres in Butte County, California, as suitable for lease for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 2 E.,
Sec. 36, SW¼SW¼NW¼NW¼, W½NE¼SW¼NW¼NW¼, NW¼NE¼NW¼NW¼.

2. The following described public land, totaling 12½ acres in Butte County, California, is hereby classified as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 2 E.,
Sec. 36, NW¼NW¼NW¼, NW¼SW¼NW¼NW¼.

3. Classification of the lands described in Paragraphs 1 and 2 of this order segregates them from all appropriations, including locations under the mining laws, except as to application under the mineral leasing laws and the Act of October 23, 1962 (76 Stat. 1127), and USC 2, 1201, 1371.

4. The lands are located about 5 miles east of Chico, Butte County, California, at an elevation of about 350 feet. They lie on the west side of Butte Creek and are accessible via U.S. 99E from Chico to the Chico-Paradise Skyway Road, to the Humbug-Centerville Road which crosses through the tracts. Vegetation consists of oak trees, manzanita brush, and annual grasses. The tracts lie on the bottom and sides of Butte Canyon in an area of attractive rural-residences scattered along the creek. Power and telephone service are available in the

area. Schools, stores, and other public facilities are available in the city of Chico.

5. Lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid. All of the lands listed in Paragraph 1 are covered by applications from persons entitled to preference under 43 CFR 257.5.

6. Leases will be issued for a term of one year subject to such terms and conditions specified by the classification officer. Leases will be renewable at the discretion of the Bureau of Land Management and the renewal leases will be subject to such terms and conditions as deemed necessary in the light of the circumstances existing at the time of renewal.

7. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, 650 Capitol Avenue, Room 4201, Sacramento, California, 95814.

VIRGIL L. BOTTINI,
District Manager, Redding
District Office, Redding, California.

[F.R. Doc. 63-10271; Filed, Sept. 26, 1963; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 17]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. Pursuant to the National Security Action Memorandum No. 220, dated February 5, 1963, addressed to The Secretary of State; The Secretary of Defense; The Secretary of Agriculture; The Secretary of Commerce; The Administrator, Agency for International Development; and The Administrator, General Services Administration, concerning United States Government shipments by foreign-flag vessels in the Cuban trade, the Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 20, 1963, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2:

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total—All flags (181 ships)	1,435,861
British (54 ships)	506,467
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Arlington Court	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cedar Hill	7,156
Chipbee	7,271
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Ho Fung	7,121
Inchstaffa	5,255
Ivy Fair (now Cosmo Trader)	7,201
Kirriemoor	5,923
Linkmoor	8,236
London Confidence (Tanker)	21,699
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Independence (Tanker)	22,643
London Majesty (Tanker)	12,132
*London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
London Victory (Tanker)	12,132
Lord Gladstone	11,299
Maratha Enterprise	7,166
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Shienfoon	7,127
Silverforce	8,058
Silverlake	8,058
Stanwear	8,108
Suva Breeze	4,970
Thames Breeze	7,878
Tulse Hill	7,120
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (53 ships)	414,397
Aegalon	7,239
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
Americana	7,104
Anacreon	7,359
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
Despoina	5,006
Efcharis	7,249
Eftychia	7,223
Embassy	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Hydraios III	5,239
Istros II	7,275
Katingo	7,349
Kostis	7,264
Kyra Hariklia	6,888
Maria de Lourdes	7,219
Maria Santa	7,217
Maria Theresa	7,245
Maroudio	7,369
Mastro-Stellos II	7,282
Nicolaos Frangistas	7,199
Greek (53 ships)	414,397
North Empress	10,904
North Queen	9,341
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
Polaris	9,603
Pollux	9,956
Polyxeni	7,143
*Presvia	10,820
Propontis	7,128
Redestos	5,911
Seirios	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos	7,244
Timios Stavros	5,269
Tina	7,362
Vassiliki (Tanker)	10,507
Western Trader	9,268
Lebanese (31 ships)	209,222
Aiolos II	7,256
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Areti	7,176
Aristefs	6,995
Astir	5,324
Carnation	4,884
Dimos	7,187
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani	7,253
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Tertric	7,045
Vassiliki	7,192
Italian (10 ships)	76,816
Achille	6,950
Airone	6,969
Annalisa	2,479
Arenella	7,183
Aspromonte	7,154
Cannaregio	7,184
Linda Giovanna (Tanker)	9,985
Nazareno	7,173
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Polish (8 ships)	51,899
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Yugoslav (6 ships)—Continued	
Promina	6,960
Trebisnjica	7,145
Norwegian (5 ships)	54,502
Kongsgaard (Tanker)	19,999
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
Tine (now Jezrell)	4,750
French (4 ships)	10,028
Circe	2,874
*Enee	1,232
*Guinee	3,048
*Nelee	2,874
Spanish (3 ships)	5,564
Castillo Ampudia	3,566
Sierra Madre	999
Sierra Maria	999
Moroccan (3 ships)	29,532
Atlas	10,392
*Mauritanie	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
Dagmar	6,490
Atlantic Friend	7,805
Finnish (1 ship):	
Valny (Tanker)	11,691
Japanese (1 ship):	
Meishun Maru	8,647

*Added to report No. 16 appearing in the FEDERAL REGISTER issue of September 13, 1963.

SEC. 2. In accordance with the provisions of National Security Action Memorandum No. 220 of February 5, 1963, the following vessels which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance that no ships under their control will, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade:

a. Since last report: None.
b. Previous reports:

Flag of registry:	Number of ships
British	2
Danish	1
German (West)	1
Greek	1
Norwegian	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba in 1963, based on information received through September 20, 1963:

Flag of registry	Number of trips									
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
British	5	8	8	17	13	15	14	11	2	93
Greek	4	6	8	8	17	12	17	7	2	81
Lebanese	1		2	8	8	9	8	3	1	40
Norwegian		2	4		1	2	1	2	1	13
Italian	1	1	2	2	3	2	2	2		14
Yugoslav		2	2	1	1		1	1		8
Spanish			2				1	1		4
Danish			1							1
Finnish						1				1
French									4	4
German (West)					1					1
Japanese	1									1
Moroccan			1			1	1	1	1	5
Swedish				1		1		1		3
Subtotal	12	19	29	37	44	43	45	29	11	269
Polish	2	1	1	2	2	2	1	1		12
Grand total	14	20	30	39	46	45	46	30	11	281

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: September 24, 1963.

DONALD W. ALEXANDER,
Maritime Administrator.

[F.R. Doc. 63-10367; Filed, Sept. 26, 1963; 10:43 a.m.]

Office of the Secretary

GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1963.

Dated: September 19, 1963.

GEORGE E. HARDING.

[F.R.-Doc. 63-10290; Filed, Sept. 26, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13292]

SERVICE TO HOT SPRINGS, VA.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 30, 1963, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 24, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10288; Filed, Sept. 26, 1963; 8:47 a.m.]

[Docket 14717; Order No. E-20033]

AIR FREIGHT FORWARDERS ASSOCIATION

Order Granting Petition To Modify Model Assembly and Distribution Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of September 1963.

The Air Freight Forwarders Association (Association) filed a petition on September 11, 1963, requesting that the time for filing written notice of support or objection to the "Order to Show Cause"[1] issued in the subject Docket be extended to and including October 10, 1963.

In the petition it is stated that: (1) In the time currently permitted it will not be possible for the Association to prepare adequate comments following discussion of the subject on September 24, 1963 during the first meeting of the members after the summer recess; (2) the date for the meeting was fixed prior to the issuance of Order E-19953; and (3) in view of prior commitments of the Association's members, it would not be possible to advance the scheduled meeting date.

In view of the imminence of the date for filing comments pursuant to Order E-19953, and the fact that the extension of time requested would not appear to have any significant adverse effect upon any interested person, the Board has concluded that it should act upon the petition without awaiting the customary period for the filing of objections.

Upon consideration of the statements in the petition and other inherent factors involved in this proceeding, the Board finds that the extension of time requested in the petition should be granted.

Accordingly it is ordered, That

1. The petition filed by the Air Freight Forwarders Association on September 11, 1963, requesting that the time for filing written notice of objection or support to the "Order to Show Cause," which was issued on August 26, 1963, in the above entitled docket, is hereby granted;

2. The period for all interested persons to file written notice of objection or support with the Board, in accordance with the principles set forth in Order

[1] By Order E-19953, dated Aug. 26, 1963, the Board proposes to modify the existing "model rules" for assembly and distribution services and, inter alia, required written notice of objection or support thereto be filed within 30 days from the date of the said Order.

E–19953, is hereby extended to and including October 10, 1963; and

3. All domestic trunkline, local service, supplemental and scheduled all-cargo air carriers, and all domestic air freight forwarders shall be served with a copy of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63–10289; Filed, Sept. 26, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 63–844]

POLICE AND FIRE RADIO TRANSMISSIONS

Monitoring by Broadcast Stations

SEPTEMBER 19, 1963.

The Commission is disturbed by the receipt of complaints, fortunately not numerous, that the activity of some few broadcast stations in monitoring and divulging to the general public the content of police and fire radio transmissions has resulted in interference with the work of police and fire departments contrary to the requirements of public safety. The complaints have included assertions that news bulletins based on intercepted radio messages have served to attract the general public to the scene in such numbers as to interfere with the work of the police or firemen, to impede the movement of emergency vehicles, and to increase the possibility of bodily injury and property damage. There have also been allegations that the disclosure of police procedures in effect has contributed to the escape of fugitives.

The Commission recognizes that there is a strong public interest in the free gathering and dissemination of news and does not wish to discourage broadcast stations or other news media in their proper efforts to serve such public interest. However, it must also be recognized that there is a strong public interest in public safety, and that the divulgence of public safety communications in news bulletins or other use of such intercepted communications may sometimes be contrary to law.

Section 605 of the Communications Act, with limited and specified exceptions, prohibits any person, not authorized by the sender, from intercepting and divulging or using any radio communications. The prohibition is applicable to the practice of monitoring police and fire radio transmissions for the purpose of obtaining information as to events worthy of on-the-spot news coverage, to making other beneficial use of such interceptions, and to the divulgence of the content of such transmissions in news bulletins.

Generally, officials responsible for the public safety desire to cooperate with news media, will authorize the monitoring of public safety radio transmissions for the more efficient gathering of news, and will indicate the conditions under which such transmissions may be appropriately divulged to the general public. Therefore, licensees should contact officials of the public safety agencies whose radio transmissions are desired to be monitored in order to obtain the necessary authorization and to ascertain the conditions under which use and divulgence are appropriate. Licensees must give all due consideration to the conditions imposed.

Because of their ability to report news instantaneously, broadcast stations, even apart from the prohibitions of Section 605, have a responsibility beyond that of other news media to make sure that their news bulletins do not compromise the public safety.

Broadcasters are informed that unauthorized use of divulgence of public safety messages is a violation of Section 605 of the Communications Act and may subject the licensees and others involved to criminal prosecution.

Adopted: September 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10299; Filed, Sept. 26, 1963; 8:47 a.m.]

[Docket Nos. 14318, 14319; FCC 63M–1039]

COLUMBIA BASIN MICROWAVE CO.

Order Continuing Hearing

In re application of Columbia Basin Microwave Company, for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464–C1–R–61; for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082–C1–AL–61.

Pursuant to the agreements reached at the hearing conference held on September 19, 1963, the evidentiary hearing in the above-entitled proceeding now scheduled to be held on September 30, 1963, is continued to October 14, 1963, beginning at 10:00 a.m. in the offices of the Commission, Washington.

It is so ordered, This the 19th day of September 1963.

Released: September 20, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10298; Filed, Sept. 26, 1963; 8:47 a.m.]

[Docket No. 15050; FCC 63M–1042]

MUNCIE BROADCASTING CORP.

Order Continuing Hearing

In re application of Muncie Broadcasting Corporation, Muncie, Indiana, Docket No. 15050, File No. BP–15125; for construction permit.

The Chief Hearing Examiner having under consideration a petition in behalf of the applicant, filed September 19, 1963, for extensions of the procedural dates heretofore prescribed in the above-entitled proceeding;

It appearing, that none of the parties in the proceeding oppose the instant pleading and all of them consent to the immediate consideration thereof;

It appearing further, that petitioner's consulting radio engineer requires the additional time herein sought to complete his studies of the engineering phases of petitioner's case; and that a grant of such additional time will not delay the progress of the proceeding in any appreciable degree;

It is ordered, This 20th day of September 1963, that the petition is granted; that the date on which the parties shall exchange rebuttal exhibits in the above-entitled proceeding is extended from September 20 to September 30, 1963; and that the date for commencement of hearing is extended from September 30 to October 11, 1963.

Released: September 20, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10300; Filed, Sept. 26, 1963; 8:47 a.m.]

[Docket Nos. 15165, 15166; FCC 63–843]

SALEM TELEVISION CO. AND SALEM CHANNEL 3 TELECASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Salem Television Co., Salem, Oregon, Docket No. 15165, File No. BPCT–3080; Salem Channel 3 Telecasters, Inc., Salem, Oregon, Docket No. 15166, File No. BPCT–3097; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of September 1963;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3, Salem, Oregon, and

It appearing, that the above-captioned applications are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. Based on the information contained in the application of Salem Television Company, it appears that cash in the amount of at least $113,500 will be required for the construction and initial operation of the proposed station. Said application contains a letter from C. H. Fisher purporting to be a commitment to furnish funds as needed up to $100,000, but there is no evidence of the ability of said C. H. Fisher to fulfil such commitment. The said application does not contain lease agreements for land or buildings nor are there subscription agreements on file to support the financing proposals. The stockholders have not shown sufficient current and liquid assets in excess of liabilities to enable them to fulfil their commitments to applicant. Accordingly, it cannot be determined that Salem Television Company is financially qualified.

2. Based on the information contained in the application of Salem Channel 3 Telecasters, Inc., it appears that cash in the amount of at least $88,651 will be required for the construction and initial operation of the proposed station. Stockholder Donald A. Wellman has undertaken to furnish $15,000 based on a bank loan of $10,000 to be secured by money to be received from the sale of Radio Station KGAL, but KGAL has operated at a substantial loss, raising question as to the amount of proceeds which could be realized through the sale of such an operation and the availability of a loan to be secured thereby. Additionally, the said application contains a letter from S. F. Wellman offering to furnish funds in an amount up to $5,000, but there is no evidence of the ability of the said S. F. Wellman to fulfill such commitment. An offer by Mrs. Madeline Allen to lend $20,000 as evidenced by a certified deposit of $30,000 is unsupported by any evidence as to the extent of any liabilities which the said Madeline Allen may have. A building loan offer of $20,000 by First National Bank of Oregon is conditioned upon a satisfactory real estate appraisal. There appears to be available to applicant total funds aggregating $74,500 with which to defray initial expenses of at least $88,651. Accordingly, it cannot be determined that Salem Channel 3 Telecasters, Inc., is financially qualified.

It further appearing, that Salem Channel 3 Telecasters, Inc., requests a waiver of § 3.613(a) of the Commission's rules in order to permit it to locate its main studio outside the corporate limits of the City of Salem, assigning as reasons therefor: (1) that the proposed site is sufficiently close to the city limits as to be as available to the public as would be a downtown studio and (2) that the proposed operation is in a secondary TV market and the need for a "low budget" operation precludes a downtown location; and that an adequate showing has been made within the intent and meaning of § 3.613(b) of the rules that good cause exists for locating the main studio outside the city limits of the principal community to be served, a waiver of § 3.613(a) is warranted; and

It further appearing, that on June 26, 1963, the Commission, in a Memorandum Opinion and Order, waived the provisions of § 3.610(c)(1) of the rules and granted the application (BPCT–3063) of Station KATU–TV, Portland, Oregon, to change the site of its transmitter; that the Commission conditioned the grant upon KATU–TV's accepting any interference caused it by the subsequent establishment of a television broadcast station operating on Channel 3 in Salem, with a transmitter and antenna located less than 60 miles from the KATU–TV antenna; that, therefore, the Commission will, in the event of a grant of either application, waive the provisions of § 3.610(c)(1) in the instant matter[1] consistent with its action in BPCT–3063; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant without hearing of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Salem Television Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Salem Channel 3 Telecasters, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the instant applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, Salem Television Company and Salem Channel 3 Telecasters, Inc., pursuant to § 1.140(c) of the rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Released: September 23, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–10301; Filed, Sept. 26, 1963; 8:47 a.m.]

[1] If the Commission reconsiders its decision and sets aside its grant of June 26, 1963, as requested in three pending petitions for reconsideration, the KATU–TV transmitter will operate from its original location, the requisite adjacent channel separation will be achieved, and this question will become moot.

[2] Dissenting statement of Commissioner Lee filed as part of original document.

FEDERAL MARITIME COMMISSION

[Docket No. 881]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

Fourteenth Supplemental Order

It appearing, that by original order dated January 7, 1960, as supplemented by additional orders in this proceeding, the Federal Maritime Board, predecessor to the Federal Maritime Commission, instituted an investigation into the reasonableness and lawfulness of certain tariff schedules of respondent carriers; and

It further appearing, that Alaska Freight Lines, Inc., previously named in this proceeding, is under common ownership and control with Alaska Container Marine Service, Inc.; and

It further appearing, that there have been filed with the Federal Maritime Commission by Alaska Container Marine Service, Inc., tariff schedules resulting in increased rates to become effective September 4, 1963, designated:

ALASKA CONTAINER MARINE SERVICE, INC.

Proportional Freight Tariff No. 1, FMC–F No. 1. Second Revised Page No. 34; Second Revised Page No. 43; Second Revised Page No. 44; Second Revised Page No. 46;

and

It further appearing, that upon consideration of the said schedules, there is reason to believe that the said increased rates, if permitted to become effective, would result in rates, charges, rules, regulations and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933 as amended; and

It further appearing, that, the Commission is of the opinion that the tariff

revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said revisions should be suspended pending such investigation;

Now therefore it is ordered, That, this proceeding be, and it is hereby, expanded to include, in addition to matters now under investigation herein, an investigation into and a hearing concerning the aforementioned Alaska Container Marine Service, Inc. tariff amendments with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That all rates prefixed with a "diamond" symbol and/or "pound" symbol in Item Nos. 515, 690, 785 and 790 as well as the entire Washington/Alaska application of Item No. 735 be, and they are hereby suspended and that the use thereof be deferred to and including January 3, 1964, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Alaska Container Marine Service, Inc., a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 4th day of January 1964, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules, and of all other freight schedules of Alaska Container Marine Service, Inc., in effect between Pacific Coast ports on the one hand and ports and points in Alaska on the other, also between ports within Alaska, under the Shipping Act, 1916, as amended and the Intercoastal Shipping Act, 1933, as amended; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Alaska Container Marine Service, Inc. be, and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rule.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

SEPTEMBER 3, 1963.

[F.R. Doc. 63-10295; Filed, Sept. 26, 1963; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Limitation on Entry or Withdrawal From Warehouse

SEPTEMBER 24, 1963.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, has informed Portugal that it intends, pending the conclusion of discussions with Portugal on the subject of the exports of cotton textiles and cotton textile products from Portugal to the United States, to renew the arrangement in effect between the two governments on the exports of such goods to the United States in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, during the twelve-month period beginning October 1, 1962.

There is published below a letter of September 24, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of certain categories of cotton textiles and cotton textile products produced or manufactured in Portugal which may be entered, or withdrawn from warehouse, for consumption in the United States from October 1, 1963, through December 31, 1963, be limited to certain designated levels.

Further directives concerning the entry for consumption and withdrawal from warehouse for consumption of goods in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, will be issued as soon as possible. In the meantime, interested parties are advised that the discussions between the United States and Portugal referred to above may result in revisions to the rate of imports permitted entry into the United States in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, for periods following the conclusion of such discussions.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.
September 24, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 1, 1963, and for the period extending through December 31, 1963, entry into the United States for consumption of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, in excess of the following levels of restraint:

Category:	Level of restraint
1	2,343,500 pounds
2	339,500 pounds
3	513,750 pounds
4	63,500 pounds
5	1,036,000 square yards
6	1,470,000 square yards
9	3,081,000 square yards
19	191,500 square yards
24	628,000 square yards
25	393,000 square yards
26	491,000 square yards
27	81,000 square yards

A detailed description of the categories in terms of T.S.U.S.A. numbers will be published in the FEDERAL REGISTER prior to October 1, 1963.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to October 1, 1963, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1962, through September 30, 1963. In the event that the levels of restraint established for the period October 1, 1962, through September 30, 1963, have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The foregoing restraints are not applicable to samples of categories 5, 6, 24, and 25 transported to this country directly from Portugal via air mail parcel post. This allowance of entry is in addition to, and not in lieu of, the presently allowed duty free importation of samples pursuant to item 860.30 of the Tariff Schedules of the United States.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of Portuguese cotton textiles and cotton textile products have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter is being published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-10291; Filed, Sept. 26, 1963; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF CHINA

Limitation on Entry or Withdrawal From Warehouse

SEPTEMBER 24, 1963.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, has informed the Republic of China that it intends, pending the conclusion of discussions with the Republic of China on the subject of the exports of cotton textiles and cotton textile products from the Republic of China to the United States, to renew the arrangements in effect between the two governments on the exports of such goods to the United States in Categories 1, 9, 22, 26, 28, 31, 46, 50, 51, 52 and 58, produced or manufactured in the Republic of China, during the twelve-month period beginning October 1, 1962.

There is published below a letter of September 24, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of certain categories of cotton textiles and cotton textile products produced or manufactured in the Republic of China which may be entered, or withdrawn from warehouse, for consumption in the United States from October 1, 1963, through December 31, 1963, be limited to certain designated levels.

Further directives concerning the entry for consumption and withdrawal from warehouse for consumption of goods in Categories 1, 9, 22, 26, 28, 31, 46, 50, 51, 52 and 58, produced or manufactured in the Republic of China, will be issued as soon as possible. In the meantime, interested parties are advised that the discussions between the United States and the Republic of China, referred to above, may result in revisions to the rate of imports permitted entry into the United States in Categories 1, 9, 22, 26, 28, 31, 46, 50, 51, 52 and 58, produced or manufactured in the Republic of China, for periods following the conclusion of such discussions.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.
September 24, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 1, 1963, and for the period extending through December 31, 1963, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 9, 22, 26, 28, 31, 46, 50, 51, 52 and 58, produced or manufactured in the Republic of China, in excess of the following levels of restraint:

Category:	Level of restraint
1	250,000 pounds
9	5,100,000 square yards
22	198,000 square yards
26	795,000 square yards
28	225,000 units
31	216,000 units
46	112,500 dozen
50	61,000 dozen
51	98,000 dozen
52	62,500 dozen
58	9,500 dozen

A detailed description of the categories in terms of T.S.U.S.A. numbers will be published in the FEDERAL REGISTER prior to October 1, 1963.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 9, 22, 26, 28, 31, 46, 50, 51, 52 and 58, produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to October 1, 1963, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1962, through September 30, 1963. In the event that the levels of restraint established for the period October 1, 1962, through September 30, 1963, have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-10292; Filed, Sept. 26, 1963; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

SEPTEMBER 23, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period September 24, 1963, through October 3, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10272; Filed, Sept. 26, 1963; 8:45 a.m.]

[File No. 812-1612]

DIVIDEND SHARES, INC.

Notice of Filing of Application for Order Exempting From Sale by Open-End Company of Its Shares at Other Than the Public Offering Price in Exchange for Assets of Private Investment Company

SEPTEMBER 23, 1963.

Notice is hereby given that Dividend Shares, Inc., One Wall Street, New York, New York ("Dividend Shares"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Greensburg-Connellsville Coal & Coke Co. ("Greensburg"). All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein which are summarized below.

Shares of Dividend Shares, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of July 20, 1963, the net assets of Dividend Shares amounted to $321,762,888.

Greensburg, a Pennsylvania corporation, is an investment company with twenty-six stockholders which engages in the business of investing and reinvesting its funds. Greensburg is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Dividend Shares and Greensburg, substantially all of the cash and securities of Greensburg with a value of approximately $2,480,000 as of July 20, 1963, will be transferred to Dividend Shares in exchange for shares of stock of Dividend Shares. The shares acquired by Greensburg are to be distributed to its shareholders on the liquidation of Greensburg. None of the stockholders have any present intention of redeeming or otherwise transferring the shares of Dividend Shares which they acquire. The number of shares of Dividend Shares to be delivered to Greensburg will be determined by dividing the net asset value per share of Dividend Shares in effect at the closing time into the value of the Greensburg assets to be exchanged (with certain adjustments as set forth below).

Since the exchange will be tax free for Greensburg and its shareholders, Dividend Shares' cost basis for tax purposes on the assets acquired from Greensburg will be the same as for Greensburg, rather than the price actually paid by Dividend Shares for the assets. Of the assets to be acquired from Greensburg, Dividend Shares intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of July 20, 1963 of $734,791, including unrealized appreciation of $185,255. Dividend Shares will also acquire from Greensburg for retention cash in the amount of $64,978. Other securities to be acquired from Greensburg will be sold by Dividend Shares after acquisition. As of July 20, 1963, the market value of these securities was $1,680,135 and the unrealized capital gain thereon was $366,801. As of July 20, 1963, Dividend Shares had unrealized appreciation of $138,400,169 and undistributed realized gains of $9,213,539.

Because Dividend Shares will acquire securities from Greensburg at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of Dividend Shares. As an offset to this unfavorable tax consequence, the acquisition of the Greensburg assets will result in a potential tax benefit to the present shareholders of Dividend Shares by reason of a reduction in the net unrealized appreciation applicable to their shares. An adjustment, which takes into account the tax consequences of the exchange, is to be made in the value of the Greensburg assets in accordance with the following formula:

(1) In respect of the securities of Greensburg that Dividend Shares presently intends to sell and the resulting artificial capital gain thereon, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of the realized but undistributed taxable long-term capital-gain of Dividend Shares allocable to the aggregate shares of Dividend Shares to be issued to Greensburg. (Such difference, as of July 20, 1963, amounted to $297,382.)

(2) In respect of the securities of Greensburg that Dividend Shares presently intends to hold following acquisition, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of Dividend Shares' unrealized appreciation applicable to the aggregate shares of Dividend Shares to be issued to Greensburg determined on a pro forma basis giving effect to the acquisition of the assets of Greensburg. (Such difference, as of July 20, 1963, amounted to a negative amount of $858,918.)

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2), and 12½ percent of the resulting amount (zero as of July 20, 1963), which is the adjustment for excess unrealized appreciation of Greensburg, shall be applied to reduce the value of the assets of Greensburg to be acquired. If the valuation under the agreement had taken place on July 20, 1963, no adjustment to the market value of the assets of Greensburg to be acquired would have been required.

The application, in the foregoing formula, of a 50 percent factor to the reduction in unrealized appreciation resulting from the acquisition of the Greensburg assets is intended to recognize that this will be of full benefit to the present shareholders of Dividend Shares only in the indefinite future at such time, if any, as all the present unrealized appreciation in Dividend Shares' portfolio is realized, whereas an immediate tax liability will result from the realization of artificial capital gains upon the sale after acquisition of certain securities acquired from Greensburg.

The application states that the Board of Directors of Dividend Shares, Inc. approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Dividend Shares and Greensburg.

The application further states that there is no affiliation between the officers and directors of Dividend Shares and the officers, directors, and stockholders of Greensburg.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Dividend Shares are to be issued to Greensburg at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1 percent for sales of $1,000,000 or more.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 9, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10273; Filed, Sept. 26, 1963; 8:46 a.m.]

[File No. 812-1594]

JAY LENNON CO.

Notice of Application for Exemption Reduced Public Offering Price on Group Accounts

SEPTEMBER 23, 1963.

Notice is hereby given that The Jay Lennon Company ("Lennon"), 750 Main Street, Hartford, Connecticut of Hartford, Connecticut, the principal underwriter for, and sponsor of the Aetna Life Stock Investment Programs, Connecticut General Stock Investment Programs, and Travelers Stock Investment Programs, each of which is a unit investment trust registered as such under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting each of such programs from the provisions of section 22(d) of the Act and Rule 22d-1 adopted thereunder, to the extent necessary to permit Lennon to offer such plans at reduced public offering prices as described below. All interested persons are referred to the application on file with the Commission and summarized below for a complete statement thereof.

Each of the aforementioned programs is organized under an agreement between Lennon and a Custodian, the Connecticut Bank & Trust Company ("Custodian") of Hartford, Connecticut, and is designed to provide for investment and dividend reinvestment over a period of years in the common stock of the companies enumerated above. An investor may open a single account or multiple accounts by indicating the amount he intends to invest under any one or more of the separate plans. Programs are offered in amounts from $1,650 to $9,900, and provide for monthly payments from $25 to $150. Shares of stock acquired are held by the Custodian until termination of the investor's account. Each investor may withdraw the stock credited to his account or terminate his account at any time.

The public offering price on each of the programs presently includes a sales load of 8.73 percent of the amount of the planned investment. On such plans the first payment is in an amount equivalent to seven monthly payments thereafter to be made. From each of the first six payments (equivalent to twelve normal monthly payments), 30 percent is deducted as sales load and the balance of the sales load is deducted in equal amounts at the rate of 4 percent from each of the subsequent payments. If the requested exemption is granted, applicant proposes to offer ten-year programs with a reduced sales load of 5.6 percent to programs opened simultaneously by five or more employees of a common employer. In all such programs the multiple initial payment is not required and the sales load will be deducted at the rate of 20 percent from each of the first twelve payments and the balance at the rate of 4 percent in equal amounts from each of the subsequent payments. The reduced sales load will be applicable regardless of the combination of programs. Lennon will also accept additional programs from the same or other employees of the employer at the reduced sales load, but reserves the right to discontinue acceptances of additions to group plans.

Section 22(d) of the Act, with certain exceptions not pertinent here, prohibits a registered investment company and its principal underwriter from selling redeemable securities of such company to any person except at a current public offering price described in the prospectus. Rule 22d-1, relating to permissible variations in sales loads of redeemable securities, specifies, among other things, that investment companies and their underwriters may not treat as one person "a group of individuals whose funds are combined, directly or indirectly, for the purchase of redeemable securities of a registered investment company jointly or through a trustee, agent, custodian, or other representative * * * of such a group of individuals."

In support of the application, Lennon states that each of the Lennon Programs is not the usual type of investment company since each is a plan for the purchase of a specific insurance stock traded in the over-the-counter market rather than a company with a diversified portfolio or plan for the purchase of redeemable shares of such a company. Because of the special nature of the Lennon Programs, it is represented that the requested exemption will have no bearing upon the orderly distribution of redeemable shares of registered investment companies, which section 22(d) of the Act is designed to protect. Except for the method of payments of charges and the contractual obligations flowing therefrom, the Lennon Programs are similar to other types of plans which involve the purchase of a specific stock through simple brokerage arrangements and which do not prohibit grouping of purchases to determine the applicable charges.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 7, 1963 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Lennon. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10274; Filed, Sept. 26, 1963; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

SEPTEMBER 23, 1963.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period September 24, 1963, through October 3, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10275; Filed, Sept. 26, 1963; 8:45 a.m.]

[File Nos. 59-109, 54-235]

WEST PENN POWER CO. AND ALLEGHENY POWER SYSTEM, INC.

Notice of Filing and Order for Hearing on Plan et al.

SEPTEMBER 20, 1963.

I. Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), a registered holding company, has submitted a plan pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") providing for the issuance by Allegheny of shares of its common stock in exchange for the publicly-held shares of common stock of one of its public-utility subsidiary companies, West Penn Power Company ("West Penn").

All interested persons are referred to the plan which is on file at the office of the Commission for a full statement of the transactions and terms proposed therein, the salient features of which may be summarized as follows:

Allegheny owns 3,593,160 (95.21 percent) of West Penn's oustanding shares of no par value common stock, the remaining 180,926 shares (4.79 percent) being held by approximately 3,000 public stockholders.

Allegheny proposes to issue 1.7 shares of its $5 par value common stock in exchange for each of the publicly-held shares of the no par value common stock of West Penn. No fractional shares of Allegheny common will be issued. However, Allegheny will appoint an exchange agent to effectuate the provisions of the plan including the sale and purchase of fractional interests in Allegheny's common stock. Upon the order of any stockholder of West Penn entitled to a fractional share of Allegheny common stock, the exchange agent will sell such fractional interest, or buy a fractional interest sufficient to entitle the holder to an additional full share. No charge will be made for this service.

The plan will become effective on a date ("Consummation Date") which will be the earliest practicable date after the entry of an order by a District Court of the United States approving and enforcing the plan. On and after the Consummation Date the public holders of shares of common stock of West Penn will cease to have any rights as shareholders of West Penn and such holders will be entitled to receive only shares of the common stock of Allegheny, any dividend payments thereon (less taxes imposed or paid in respect thereof) and any cash from the sale of fractional interests in shares of Allegheny, upon the surrender of their certificates for shares of West Penn common stock.

At the end of five years from the Consummation Date of the plan all certificates for shares of West Penn common stock will be null and void and any shares of common stock of Allegheny and cash or other property then held by the exchange agent will be delivered by the exchange agent to Allegheny free from any claim of the persons for whose accounts the same were held.

The carrying out of the plan is subject to all necessary approvals by the Commission under the Act, and to its approval and enforcement by a District Court of the United States having jurisdiction, as fair and equitable and as necessary and appropriate to effectuate the provisions of section 11 of the Act.

II. The Commission having been advised by its Division of Corporate Regulation ("Division"), that the Division, pursuant to sections 11(a), 18(a), and 18(b) of the Act, has made a preliminary examination of the corporate structure of West Penn and the relationship between West Penn and the other companies in the Allegheny holding-company system; and it appearing to the Division from such examination that:

1. Allegheny, organized under the laws of Maryland, is solely a holding company and is registered as such under section 5 of the Act.

2. As of June 30, 1963, the outstanding securities of Allegheny, all of which are held by the public, consisted of $17,380,000 principal amount of 3½ percent Sinking Fund Collateral Trust Bonds due 1974, and 9,338,589 shares of common stock, par value $5 per share. The common stock has sole voting rights.

3. As of December 31, 1962, Allegheny had six direct subsidiaries and 15 indirect subsidiaries. The names of the subsidiary companies included in the holding-company system of Allegheny, as of December 31, 1962, their relationship as indicated by indentation, the nature of their business and the percentage of voting securities owned by system companies are shown in the following table:

Name	Business	Percent of voting securities held by System Cos.	Percent of voting securities held by Public
Allegheny Power System, Inc.	Registered holding company		100
Cumberland Valley Electric Co.	Electric utility	100	
Monongahela Power Co.	Electric utility, holding company [a]	100	
The Marietta Electric Co.	Electric utility	100	
Monterey Utilities Corp.	do	100	
The West Maryland Power Co.	do	100	
Ohio Valley Electric Corp.	Electric utility, holding company [b]	[c] 12.50	
Indiana-Kentucky Electric Corp.	Electric utility	100	
The Potomac Edison Co.	Electric utility, holding company	100	
Massanuttan Water Corp.	Inactive	100	
Northern Virginia Power Co.	Electric utility	100	
Potomac Light & Power Co.	do	100	
South Penn Power Co.	do	100	
West Penn Power Co.	Electric utility, holding company [d]	[e] 86.14	[e] 13.86
Allegheny Pittsburg Coal Co.	Coal mining	100	
Ohio County Fuel Co.	Owns unmined coal lands	100	
The Potomac Transmission Co.	Electric utility	100	
West Virginia Power & Transmission Co.	Owns lands	100	
West Penn West Virginia Water Power Co.	do	100	
Beech Bottom Power Co., Inc.	Electric utility	[f] 50	
Windsor Power House Coal Co.	Coal mining	[f] 50	
West Penn Railways Co.	Inactive	100	

[a] Monongahela Power Co. is an exempt holding company pursuant to order of the Commission (5 S.E.C. 784 (1939)).

[b] Ohio Valley Electric Corp. ("Ohio") claims an exemption as a holding company pursuant to rule 2 promulgated under the act. Ohio and its subsidiary generate and supply power to the Atomic Energy Commission's project at Portsmouth, Ohio, and to certain electric utility companies.

[c] The remaining 87½ percent of Ohio's outstanding voting securities are owned by 9 nonsystem electric utility and 4 holding companies.

[d] West Penn claims an exemption as a holding company pursuant to rule 2 promulgated under the act.

[e] These percentages are based upon West Penn's total outstanding shares of common and preferred stocks both of which have voting rights as indicated below.

[f] The remaining 50 percent of such voting securities of these two companies are owned by Ohio Power Co. which as subsidiary of American Electric Power Co., Inc., a registered holding company.

4. As of June 30, 1963, West Penn's outstanding securities consisted of $170,000,000 principal amount of First Mortgage Bonds; 397,077 shares of preferred stock, par value $100 per share, having an aggregate par value of $39,707,700; and 3,774,086 shares of common stock, no par value, having an aggregate stated value of $54,244,104. All of West Penn's First Mortgage Bonds, shares of preferred stock, and 180,926 shares of its common stock (4.79 percent) are held by the public.

5. Every holder of preferred stock and common stock of West Penn has one vote per share on all matters, including the election of directors. In addition, the holders of preferred stock have certain class voting rights on specified matters and also have the right, upon default in an amount equal to four quarterly dividends, to elect two directors and the right upon default in an amount equal to twelve quarterly dividends to elect a majority of directors.

6. West Penn is incorporated under the laws of the Commonwealth of Pennsylvania and, as a public-utility company, generates, purchases, transmits and sells electric energy at wholesale and retail in eighteen counties in the western and north central portions of Pennsylvania. In addition West Penn, through three of its subsidiary companies, is engaged in electric utility operations in the adjoining states of Maryland, Ohio, and West Virginia. West Penn and two of its subsidiaries also own coal lands and conduct coal mining operations in Pennsylvania and West Virginia. The output of coal from these properties over and above the requirements of West Penn is sold to system companies for use in the generation of electric energy.

7. As of December 31, 1962, the consolidated electric plant and equipment of West Penn and its subsidiary companies, stated at original cost on the books, aggregated $413,895,000, and the net amount thereof, after deducting related valuation reserves of $100,778,000, was $313,117,000. The 50-percent owned subsidiaries, Beech Bottom Power Company ("Beech Bottom") and Windsor Power House Coal Company ("Windsor"), are not included in the consolidated financial statements of West Penn and its subsidiaries.

8. For the year ended December 31, 1962, the consolidated gross operating revenues of West Penn and its subsidiaries (exclusive of Beech Bottom and Windsor) amounted to $91,520,040.

9. During the calendar year 1962, West Penn generated 5,958,935,000 Kwh of electric energy, and purchased 157,794,240 Kwh of electric energy from Monongahela Power Company ("Monongahela"), an associate company.

In addition West Penn, during the same period, received 1,268,630,000 Kwh and delivered 1,036,514,000 Kwh under power interchange agreements with two of its associate companies, Monongahela and The Potomac Edison Company.

III. The Division states that the foregoing allegations establish or tend to establish that voting power is unfairly and inequitably distributed among the holders of the common stock of West Penn.

IV. It being the duty of the Commission, pursuant to section 11(b)(2) of the Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding-company system does not, among other things, unfairly or inequitably distribute voting power among security holders of such holding-company system; and

The Commission being required by the provisions of section 11(e) of the Act, before approving any plan filed thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11(b) and is fair and equitable to the persons affected thereby; and

The Commission deeming it appropriate that notice be given and a hearing held for the purpose of determining what action should be ordered under section 11(b)(2) and for the purpose of ascertaining whether the plan should be approved; and

It appearing that common issues of fact and law arise in connection with the section 11(e) plan and in connection with the issues involved under section 11(b)(2), making it appropriate that the two proceedings be consolidated and that Allegheny and West Penn should be made parties to the consolidated proceeding:

It is hereby ordered:

(a) That a proceeding be, and the same hereby is, instituted in respect of Allegheny and West Penn pursuant to section 11(b)(2) of the Act.

(b) That said proceeding be, and the same hereby is, consolidated with the proceeding in connection with the section 11(e) plan of Allegheny.

(c) That Allegheny and West Penn be, and they hereby are, made parties to said consolidated proceeding.

(d) That Allegheny and West Penn file an answer or answers with the Secretary of the Commission on or before October 15, 1963, to the allegations contained in Parts II and III hereof, in the form prescribed by Rule 25 of the general rules and regulations under the Act. Any of such allegations which are not denied or otherwise controverted shall be deemed to be admitted for the purpose of this proceeding.

It is further ordered, That the hearing in the consolidated proceeding be held on November 7, 1963, at 10:00 a.m., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, in such room as may be designated on such date by the hearing room clerk. Any person desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before October 31, 1963, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

The Division having advised the Commission that, upon the basis of its preliminary examination of the affairs and of the corporate structures of Allegheny and West Penn and of a preliminary study of said plan of West Penn, the following matters and questions are presented for consideration at such hearing, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Parts II and III hereof are true and correct;

2. Whether the corporate structure of West Penn unfairly and inequitably distributes voting power among the holders of the common stock of West Penn, and, if so, what steps, if any, are necessary and should be required to be taken by Allegheny and West Penn to distribute fairly and equitably the voting power among the holders of the common stock of West Penn;

3. Whether the plan of Allegheny, as submitted or as it may be modified or amended, is necessary to affectuate the provisions of section 11(b) of the Act;

4. Whether the plan is fair and equitable to the persons affected thereby;

5. Whether, in general, the transactions proposed in the plan satisfy the applicable provisions of the Act; and

6. Whether the accounting entries proposed to be made in connection with the plan are proper and in accord with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to Allegheny and West Penn, to the Federal Power Commission, and to the Pennsylvania Public Utility Commission, and that said notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Allegheny mail a copy of this notice and order to all holders of record of the common stock of West Penn at least thirty days prior to the date herein fixed as the date for hearing.

By the Commission, entered on the date first noted above.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10276; Filed, Sept. 26, 1963; 8:46 a.m.]

No. 189——3

FEDERAL POWER COMMISSION

[Docket Nos. RI64-145—RI64-149]

PUBCO PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

SEPTEMBER 20, 1963.

Pubco Petroleum Corporation, Docket No. RI64-145; Pubco Petroleum Corporation (Operator), et al., Docket No. RI64-146; Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al., Docket No. RI64-147; Pan American Petroleum Corporation (Operator), et al., Docket No. RI64-148; Union Texas Petroleum, a division of Allied Chemical Corporation, et al. Docket No. RI64-149.

The above named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per M c.f.		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-145	Pubco Petroleum Corp., Post Office Box 1419, Albuquerque, N. Mex., Attn: Mr. Frank D. Gorham, Jr.	5	3	Southern Union Gathering Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	$458	8-23-63	[3] 9-23-63	[3] 9-24-63	13.0	[4] [5] 13.2501	
	Pubco Petroleum Corp.	9	4	do	58	8-23-63	[2] 9-23-63	[3] 9-24-63	13.0	[4] [5] 13.2501	
	do	10	6	do	59	8-23-63	[3] 9-23-63	[3] 9-24-63	13.0	[4] [5] 13.2501	
	do	11	6	do	83	8-23-63	[3] 9-23-63	[3] 9-24-63	13.0	[4] [5] 13.2501	
RI64-146	Pubco Petroleum Corp. (operator), et al.	8	9	do	246	8-23-63	[3] 9-23-63	[3] 9-24-63	13.0	[4] [5] 13.2501	
RI64-147	Union Texas Petroleum, a division of Allied Chemical Corp. (operator), et al., Post Office Box 2120, Houston 1, Tex.	45	3	do	72	8-29-63	[3] 9-29-63	[3] 9-30-63	13.0014625	[4] [5] 13.2501	
	Union Texas Petroleum, a division of Allied Chemical Corp. (operator), et al.	47	7	do	315	8-29-63	[3] 9-29-63	[3] 9-30-63	13.0014625	[4] [5] 13.2501	
	do	65	1	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	227	8-29-63	[3] 9-29-63	[3] 9-30-63	[6] 13.0	[6] [8] 13.2486	
	do	49	10	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	972	8-29-63	[3] 9-29-63	[3] 9-30-63	[9] 15.559869	[7] [8] [10] 15.8574	G-19638
	do	52	7	El Paso Natural Gas Co. (Blinebry Gas Field, Lea County, N. Mex.) (Permian Basin Area).	55	8-29-63	[3] 9-29-63	[3] 9-30-63	[9] 15.559869	[7] [8] [12] 15.8574	RI60-150
	do	26	4	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	7,217	8-29-63	[3] 9-29-63	[3] 9-30-63	[10] 12.001350	[4] [8] 13.2308	
RI64-148	Pan American Petroleum Corp. (operator), et al., P.O. Box 591, Tulsa 2, Okla., Attn: Mr. J. P. Hammond.	199	13	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	682	8-29-63	[3] 9-29-63	[3] 9-30-63	[6] [12] 13.0	[4] [8] [11] 13.2295	RI63-483
RI64-149	Union Texas Petroleum, a divison of Allied Chemical Corp., et al.	22	7	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	7	8-29-63	[3] 9-29-63	[3] 9-30-63	[9] 15.559869	[7] [8] [12] 15.8574	RI60-149
	do	38	4	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	1,951	8-29-63	[3] 9-29-63	[3] 9-30-63	[9] 15.559869	[7] [8] [12] 15.8574	G-19644
	do	39	6	El Paso Natural Gas Co. (Eumont Field Area, Lea County, N. Mex.) (Permian Basin Area).	602	8-29-63	[3] 9-29-63	[3] 9-30-63	[9] 15.559869	[7] [8] [13] 15.8574	G-19644
	do	53	1	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	149	8-29-63	[3] 9-29-63	[3] 9-30-63	13.0	[4] [5] 13.2486	

NOTE—Footnote 1 not used in table.

[2] The stated effective date is the 1st day after expiration of the required statutory notice.
[3] The suspension period is limited to 1 day.
[4] Tax reimbursement increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes 1.0 cent per M c.f. minimum guarantee for liquids.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to deduction of 0.4467 cent per M c.f. for compression of low pressure gas (below 600 p.s.i.g.).
[9] Includes 1.0 cent per M c.f. added to reflect minimum guarantee for liquids.
[10] Exclusive of 1.0 cent per M c.f. minimum guarantee for liquids.
[11] Tax reimbursement computed on basis of 12.0 cents per M c.f.
[12] Applicable only to acreage added in supplement No. 11.
[13] Tax increase computed on basis of 15.559869 cents per M c.f. including 0.059869 cent per M c.f. tax reimbursement.

Pubco Petroleum Corporation (Pubco) requests an effective date of April 1, 1963, the effective date of the increase in the New Mexico Oil and Gas Emergency School Tax, for that portion (0.2486 cent per Mcf) of its increased rate which is due to the aforementioned New Mexico School Tax, and an effective date of 30 days from date of filing for that portion (0.015 percent) of its increased rate which is due to the increase in Conservation Tax. Pan American Petroleum Corporation (Operator), et al., (Pan American) requests that its proposed rate increase be made effective as of September 1, 1963. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Pubco and Pan American's rate filings and such requests are denied. Since the proposed rate increases reflect only tax reimbursement, the suspension period for each may be shortened to one day from the date of expiration of the 30-days' statutory notice.

Supplement No. 13 to Pan American's FPC Gas Rate Schedule No. 199, and Supplement No. 4 to Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et al. (Union Texas) FPC Gas Rate Schedule No. 26, provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in total proposed rates in excess of the 13.0 cents area ceiling for increased rates in the San Juan Basin Area.

All of the producers' proposed tax increases reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 to 2.55 percent on April 1, 1963.

El Paso Natural Gas Company (El Paso) has protested the rate increases filed by the producers listed herein where El Paso is shown to be the buyer under the rate schedule involved. Southern Union Gathering Company (Southern Union) is protesting those rate increases filed by the producers listed herein where Southern Union is shown to be the buyer. El Paso questions the right of the producers under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim that there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. It is the position of Southern Union that Pubco and Union Texas are contractually entitled only to partial reimbursement of the 0.55 percent increase, rather than partial reimbursement of the full 2.55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis as well as the statutory lawfulness of the producers' rate filings.

All of the proposed increased rates and charges exceed the applicable price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of the proposed filings, and the statutory lawfulness of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which El Paso and Southern Union have protested, and the statutory lawfulness of the producers' proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 6, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63-10270; Filed, Sept. 26, 1963; 8:45 a.m.]

TARIFF COMMISSION

[TC Publication 109; AA1921-31]

TITANIUM DIOXIDE FROM FRANCE

Determination of No Injury or Likelihood Thereof

SEPTEMBER 24, 1963.

On June 24, 1963, the Tariff Commission was advised by the Assistant Secretary of the Treasury that titanium dioxide from France is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act. Accordingly, the Commission on June 25, 1963, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public notices of the institution of the investigation and of a public hearing to be held in connection therewith were published in the FEDERAL REGISTER (28 F.R. 6845 and 7047). The hearing was held on July 31, 1963.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of titanium dioxide from France, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. The Treasury Department's advice to the Tariff Commission that an import is being sold in the United States at "less than fair value" (LTFV) is the occasion for the Tariff Commission to initiate an investigation to determine whether an industry in the United States is being, or is likely to be, injured by reason of the sale of such import. Treasury's finding of sales below fair value does not establish even a presumption that any domestic industry is being, or is likely to be, injured. Only after an affirmative finding of injury by the Commission, following Treasury's determination of sales below fair value, may any special dumping duties be levied.[1]

Prior to October 1, 1954, the Treasury Department was responsible for determining not only whether sales below fair value were being made but also whether such sales were causing or were likely to cause injury to an industry in the United States. On that date, Congress transferred the injury-determination function from the Treasury Department to the Tariff Commission. In the congressional hearings that took place before the transfer was made, representatives of Treasury reported that the term "injury," as employed in the act, had been interpreted to mean "material injury"; and the Tariff Commission indicated that it would continue to follow that interpretation unless Congress directed otherwise, which it has not done. Thus, an affirmative finding by the Commission under the Antidumping Act must be based upon material injury to a domestic industry resulting from sales at less than fair value.[2]

The term "less than fair value," must be construed in the sense in which it is employed in antidumping procedures. Treasury makes its determination by comparing the purchase price (in general, the price received abroad by the foreign producer of the article to be exported to the United States) with the foreign market value (in general, the price received by the foreign producer for the article sold for use in the home market or, alternatively, the price for the article for sale in third market countries). If the "purchase price" is less than the "foreign market value," Treasury makes a determination of sales below fair value and so notifies the Tariff Commission. Such a determination carries no implication of "unfairness" in the sense of being illegal, let alone being presumptuous of causing injury.[3] Otherwise, the injury-determination function of the Tariff Commission would be meaningless.

It is evident that Congress did not consider sales "at less than fair value" as being malum per se; such sales are condemned in the act only when they have an anticompetitive effect; and it is only then that such sales may be equated with the concept of "unfair competition." As the Supreme Court states in Federal Trade Commission v. Gratz (253 U.S. 421) with reference to section 5 of the Federal Trade Commission Act, "The act was certainly not intended to fetter free and fair competition as com-

[1] If upon investigation of "suspicion of selling below fair value" Treasury does not find such selling to be actual or likely, the case does not even come before the Commission.

[2] The antidumping provision in the General Agreement on Tariffs and Trade, art. VI, par. 1—which was designed to be in accord with U.S. practice under the Antidumping Act of 1921, as amended—uses the term "material injury."

[3] Sales at less than fair value are never "illegal" under the Antidumping Act; they merely expose the importer to payment of special dumping duties if the sales cause material injury.

monly understood and practiced by honorable opponents in trade."

Titanium dioxide (TiO_2) is the major white pigment in use today in the manufacture of a variety of products, principally paper and paint. It is produced in two basic types, anatase (used mainly in paper) and rutile (used mainly in paint); and each type is manufactured in a variety of grades. The grades differ with respect to their content of TiO_2 and of additives introduced to modify specific physical properties. The type and grade employed in manufacturing a given end product depends primarily upon the specifications that must be met.

The imports covered by this investigation consist of both anatase and rutile types from France; but most of such imports (90 to 95 percent) have been of the rutile type, preponderantly in a single grade used primarily in making "second line" paints and certain specification paints. Competition in these paints is essentially on the basis of price. Little if any TiO_2 from France, or from any other foreign country, is used in the domestic production of firstline paints or industrial coatings.

The domestic industry markets a wide range of grades of both anatase and rutile TiO_2; and all domestic producers quote identical delivered prices, depending upon quantity, for each type, irrespective of grade, to all points in the United States (except those west of the Rocky Mountains where prices are uniformly higher).[1] Domestic producers of TiO_2, unlike the importers, provide a wide range of services and benefits that are of great value to manufacturers of paints generally, but less so in their production of "second line" paints.

Typically, the United States user of French TiO_2 concentrates on a single grade of TiO_2, necessarily places orders well in advance of need, risks uncertain and late deliveries, and obtains less generous credit terms than are offered by domestic suppliers. In the absence of a price inducement, he would not generally purchase the imported article at all.

In carload lots of 30 tons or more (for delivery east of the Rockies) domestic anatase type sells for 25 cents per pound and the rutile for 27 cents per pound. The corresponding price for French TiO_2, ex-dock, is approximately 2 cents per pound lower. The actual delivered cost of French TiO_2 to the domestic purchaser, however, depends on transportation charges from the port of entry to the geographic area in which the purchaser's plant is located. The price spread between the LTFV imports from France and domestic TiO_2 is not governed by the "margin of difference" determined by the Treasury for French TiO_2.

[1] For sales made f.o.b. plant (usually to nearby consumers) allowance is made for minimum transportation costs.

In the Commission's view, the marketing practices (product development, sales engineering, pricing, et cetera) of the domestic industry, far more than the margin of difference involved in sales to the United States of foreign TiO_2 at less than fair value (LTFV), account for the increasing competition of imports. This competition, however, is neither anticompetitive in nature nor has it attained a level of significance that connotes material injury for the domestic industry. The ratio of annual imports of French TiO_2 has been less than 1 percent of the U.S. annual consumption of TiO_2. During the past 3 years, the domestic industry has increased both its output and productive capacity, has not reduced prices, and has experienced a rising trend in the volume of sales.

The Commission's determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 63-10277; Filed, Sept. 26, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 24, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38548: *Liquid caustic soda to Etowah, Tenn.* Filed by O. W. South, Jr., agent (No. A4374), for and on behalf of Louisville and Nashville Railroad Company. Rates on liquid caustic soda, in tank-car loads, from Redstone Arsenal, Ala., to Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 98 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 38549: *Substituted service—D&RGW for Ashworth Transfer, Inc., et al.* Filed by Ashworth Transfer, Inc. (No. 3), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Grand Junction, Colo., on the one hand, and Denver (North Yard), Colo., and Salt Lake City, Utah, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 38550: *Substituted service—SP for Converse Trucking Service, et al.* Filed by William M. Larimore, agent (No. 5), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Los Angeles and Oakland, Calif., and Portland, Oreg., on the one hand, and points in Arizona, California, Nevada, Oregon and Utah, on the other.

Grounds for relief: Motor-truck competition.

Tariff: William M. Larimore, agent, tariff MF-I.C.C. 6.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10281; Filed, Sept. 26, 1963; 8:46 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, and 28 F.R. 4117) during the six months' period ended September 14, 1963.

No change.

Dated: September 14, 1963.

JOHN V. LAWRENCE.

[F.R. Doc. 63-10282; Filed, Sept. 26, 1963; 8:46 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469 and 28 F.R. 4269) during the six months' period ended September 14, 1963.

No change.

Dated: September 14, 1963.

ALEXANDER W. WUERKER.

[F.R. Doc. 63-10283; Filed, Sept. 26, 1963; 8:47 a.m.]

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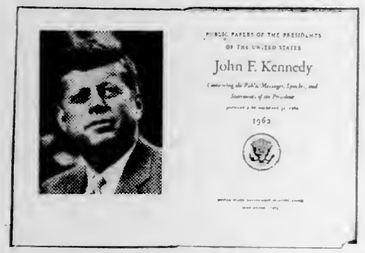
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (b) of § 6.103 as set out below.

§ 6.103 Treasury Department.

* * * * * * *

(b) *Bureau of Customs.* * * *

(6) Twenty-five positions of Criminal Investigator for special assignments.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A ninth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (6) is added to paragraph (b) of § 213.3105 as set out below.

§ 213.3105 Treasury Department.

* * * * * * *

(b) *Bureau of Customs.* * * *

(6) Twenty-five positions of Criminal Investigator for special assignments.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10338; Filed, Sept. 27, 1963; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Departments of Defense, Army, Navy and Air Force

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 6.105, subparagraph (2) of paragraph (a) of § 6.106, and subparagraph (2) of paragraph (b) of § 6.107 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (b) of § 6.104 as set out below.

§ 6.104 Department of Defense.

* * * * * * *

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* * * *

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A tenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

1. Subparagraph (4) of paragraph (a) of § 213.3107, subparagraph (2) of paragraph (a) of § 213.3108, and subparagraph (1) of paragraph (b) of § 213.3109 are revoked.

2. Subparagraph (5) is added to paragraph (b) of § 213.3106 as set out below.

§ 213.3106 Department of Defense.

* * * * * * *

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* * * *

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10337; Filed, Sept. 27, 1963; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (h) of § 6.308 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631,633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment, respectively.

An eighth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (6) of paragraph (h) of § 213.3310 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10322; Filed, Sept. 27, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-EA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Revocation of Control Area Extension and Designation of Transition Areas

On July 18, 1963, a notice of proposed rule making was published in the FED-

ERAL REGISTER (28 F.R. 7349) stating that the Federal Aviation Agency proposed to revoke the Akron, Ohio, control area extension and designate the Akron and New Philadelphia, Ohio, transition areas.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.165 (27 F.R. 220–59, November 10, 1962) the Akron, Ohio, control area extension is revoked.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962) the following transition areas are added:

Akron, Ohio.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Akron Municipal Airport (latitude 41°02'15'' N., longitude 81°28'05'' W.); within 2 miles each side of the Akron RBN 062° bearing, extending from the Akron Municipal Airport 7-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the Akron VORTAC 255° radial, extending from the Akron Municipal Airport 7-mile radius area to the VORTAC; within a 7-mile radius of the Akron-Canton Airport (latitude 40°-55'05'' N., longitude 81°26'30'' W.), and within 5 miles W and 8 miles E of the Akron-Canton ILS localizer S course, extending from the Akron-Canton OM to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°53'00'' N., longitude 81°43'00'' W.; to latitude 41°08'00'' N., longitude 81°-36'00'' W.; to latitude 41°11'30'' N., longitude 81°39'20'' W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41°24'30'' N., longitude 81°-51'00'' W.) to latitude 41°21'00'' N., longitude 81°31'00'' W.; to latitude 41°24'20'' N., longitude 81°23'00'' W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41°41'00'' N., longitude 81°23'25'' W.), to latitude 41°28'00'' N., longitude 81°10'00'' W.; to latitude 41°05'00'' N., longitude 80°56'40'' W.; to latitude 40°-56'00'' N., longitude 80°52'00'' W.; to latitude 40°56'40'' N., longitude 80°36'00'' W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio, VOR; direct to the Tiverton, Ohio, VOR; to latitude 40°54'-00'' N., longitude 82°04'00'' W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

New Philadelphia, Ohio.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the New Philadelphia Airport (latitude 40°28'15'' N., longitude 81°25'10'' W.).

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 23, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10308; Filed, Sept. 27, 1963; 8:45 a.m.]

[Airspace Docket No. 63–EA–41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Areas

On July 24, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7514) stating that the Federal Aviation Agency proposed to alter the Youngstown, Ohio, control zone and designate the Youngstown, Jefferson, Ohio, and Franklin, Pa., transition areas.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the Youngstown, Ohio, control zone is amended to read:

Youngstown, Ohio.

Within a 5-mile radius of the Youngstown Municipal Airport (latitude 41°15'35'' N., longitude 80°40'40'' W.), within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 5-mile radius zone to 5 miles NW of the localizer; and within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 5-mile radius zone to the OM.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Youngstown, Ohio.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Youngstown Municipal Airport (latitude 41°15'35'' N., longitude 80°40'40'' W.); within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 7-mile radius area to 13 miles NW of the localizer; within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 7-mile radius area to the Hubbard RBN; and within 2 miles each side of the Youngstown VOR 358° radial, extending from the 7-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: latitude 41°50'55'' N., longitude 81°05'30'' W.; to latitude 41°55'00 N., longitude 80°-35'00'' W.; to latitude 41°48'00'' N., longitude 80°25'00'' W.; to latitude 41°35'00'' N., longitude 79°36'00'' W.; to the Fitzgerald, Pa., VOR; to the Clarion, Pa., VOR; to latitude 41°01'15'' N., longitude 80°08'00'' W.; to latitude 40°57'00'' N., longitude 80°30'00'' W.; to latitude 40°56'40'' N., longitude 80°-36'00'' W.; to latitude 40°56'00'' N., longitude 80°52'00'' W.; to latitude 41°05'00'' N., longitude 80°50'00'' W.; to latitude 41°28'20'' N., longitude 81°09'10'' W.; thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41°41'00'' N., longitude 81°23'25'' W.), to the point of beginning.

Jefferson, Ohio.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ashtabula-Jefferson Airport (latitude 41°45'00'' N., longitude 80°46'00'' W.), and within 5 miles NW and 8 miles SE of the Jefferson VORTAC 061° radial, extending from the VORTAC to 12 miles NE of the VORTAC.

Franklin, Pa.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Chess-Lamberton Airport, Franklin, Pa. (latitude 41°22'44'' N., longitude 79°51'-39'' W.); within 2 miles each side of the Franklin VOR 001° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and within 2 miles each side of the 099° bearing from the Franklin RBN, extending from the 6-mile radius area to 8 miles E of the RBN.

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on September 23, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10309; Filed, Sept. 27, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WA–67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Reporting Points

The purpose of these amendments to §§ 71.203 and 71.205 of the Federal Aviation Regulations is to alter the Sterling Intersection and revoke the Crown Point, N. Mex., reporting points. Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alterations to airway configurations. Recent changes of this nature require that the Sterling Intersection reporting requirements be altered to include low altitude Federal airway V–863 and the Crown Point, N. Mex., reporting point be revoked. Therefore, action is being taken herein to effect these changes.

Since these amendments are procedural in nature and do not involve the designations of airspace, notice and public procedure is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. In § 71.203 (27 F.R. 220–157, November 10, 1962) "Sterling INT: INT Providence, R.I., 270°, Norwich, Conn., 043° radials; V–16." is deleted and "Sterling INT: INT Providence, R.I., 270°, Norwich, Conn., 043° radials; V–16, V–863," is substituted therefor.

2. In § 71.205 (27 F.R. 220–165, November 10, 1962) "Crown Point, N. Mex." is deleted.

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 23, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10311; Filed, Sept. 27, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WA–47]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Route and Jet Advisory Area

On July 26, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7608) stating that the Federal Aviation Agency (FAA) proposed extension of Jet Route No. 101 from Northbrook, Ill., to Sault Ste. Marie, Mich., and designation of an en route radar jet advisory area from Green Bay, Wis., to Sault Ste. Marie.

Additionally, as jet advisory areas do not include the airspace within positive control areas, action is taken herein to revoke the jet advisory area associated with the portion of J–101 which lies within positive control area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments but no comments were received.

The substance of the proposed amendments having been published, therefore, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 75.100 (28 F.R. 19–50, January 26, 1963) Jet Route No. 101 is amended as follows:

(a) In the caption "Northbrook, Ill." is deleted and "Sault Ste. Marie, Mich." is substituted therefor.

(b) In the text "Joliet, to Northbrook, Ill." is deleted and "Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich." is substituted therefor.

2. In §75.200 (28 F.R. 19–60, January 26, 1963) Jet Route No. 101 jet advisory area is amended to read:

Jet Route No. 101 jet advisory area. Radar—Green Bay, Wis., to Sault Ste. Marie, Mich.

These amendments shall become effective 0001 e.s.t., November 14, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 23, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10310; Filed, Sept. 27, 1963; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 1963; Amdt. 341]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DLS VOR	DL LFR (final)	Direct	2300	T–dn	1000–1	1000–1	1000–1
				C–dn	1500–1	1500–1	1500–1¼
				A–dn	1500–2	1500–2	1500–2

Procedure turn S side of crs, 075° Outbnd, 255° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 251°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing DL LFR turn left, return to DL LFR climb to 3500′ on E crs DL LFR within 10 miles. All maneuvering S of crs.
CAUTION: High terrain W through NE of airport.

City, The Dalles; State, Oreg.; Airport Name, The Dalles Municipal; Elev., 243′; Fac. Class., SBRAZ; Ident., DL; Procedure No. 1, Amdt. 10; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 9; Dated, 23 July 55

PROCEDURE CANCELLED, EFFECTIVE 12 OCT. 1963.

City, Goshen; State, Ind.; Airport Name, Goshen Municipal; Elev., 823′; Fac. Class., SBRAZ; Ident., GII; Procedure No. 1, Amdt. 7; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 6; Dated, 2 Sept. 61

PROCEDURE CANCELLED, EFFECTIVE 12 OCT. 1963, OR UPON DECOMMISSIONING OF FACILITY.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., SBRAZ; Ident., LT; Procedure No. 1, Amdt. 16; Eff. Date, 25 Mar. 61; Sup. Amdt. No. 15; Dated, 2 Apr. 60

				T–dn	300–1	300–1	300–1
				C–dn	500–1	500–1	500–1¼
				A–dn	800–2	800–2	800–2

Procedure turn E side S crs, 198° Outbnd, 018° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 063°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing TAL–LFR, turn right, climb to 4000′ on E course (108°) TAL LFR within 25 miles.
CAUTION: All maneuvering to be conducted S and W of airport, terrain to 750′ within 2.5 miles NE of airport.

City, Tanana; State, Alaska; Airport Name, Tanana; Elev., 225′; Fac. Class., BMRLZ; Ident., TAL; Procedure No. 1, Amdt. 4; Eff. Date, 12 Oct. 63; Sup. Amdt. No 3; Dated, 14 Apr. 56

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CPR VOR	CPR RBn	Direct	7400	T–dn	300–1	300–1	200–½
Alcova Int	CPR RBn	Direct	8000	C–d	500–1	500–1	500–1½
CPR ILS/LOM	CPR RBn	Direct	7400	C–n	500–2	500–2	500–2
Cole Creek Int%	CPR RBn (final)	Direct	7400	S–dn*	400–1	400–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 7400′ within 10 miles.
Minimum altitude over facility on final approach crs, 7400′.
Crs and distance facility to airport, 255°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing RBn, climb to 8000′ on 255° Outbnd, within 20 miles of RBn, or when directed by ATC, turn right, proceed direct to CPR VOR at 7500′.
NOTE: 5900′ terrain 5 miles S, SE and W of airport.
*Straight-in minimums less than circling minimums authorized only when Sullivan Int# received.
%Cole Creek Int: Int CPR-VOR R–120 and 075° bearing from CPR RBn.
#Sullivan Int: Int CPR VOR R–185 and 255 bearing from CPR RBn.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., SABH; Ident., CPR; Procedure No. 2, Amdt. 2; Eff. Date, 17 Oct. 63; Sup. Amdt. No. 1; Dated, 15 Dec. 62

Erie VOR	ERI RBn	061°–10.8 miles	2800	T–dn	300–1	300–1	200–½
Harborcreek Int	ERI RBn	Direct	2800	C–dn	500–1	500–1	500–1½
Hammett Int	ERI RBn	Direct	2800	S–dn–24	500–1	500–1	500–1
Wattsburg Int	ERI RBn	Direct	3100	A–dn	800–2	800–2	800–2
Lawrence Int	ERI RBn	Direct	3300				

Procedure turn N side of crs, 059° Outbnd, 239° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 239°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing ERI RBn, make a right climbing turn to 3000′ and return to ERI RBn. Hold NE on 059° bearing of Erie RBn, 1-minute right turns, 239° Inbnd.
AIR CARRIER NOTE: Sliding scale for takeoff and reduction in takeoff minimums authorized only on Runway 6–24.
Other change: Deletes transition from Corry Int.

City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732′; Fac. Class., MHW; Ident., ERI; Procedure No. 1, Amdt. 4; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 3; Dated, 5 Aug. 61

AZO–VOR	AZ LOM	Direct	2500	T–dn	300–1	300–1	200–½
BTL–VOR	AZ LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Centerville Int	Barton Int*	Via AZO R–192 and BTL R–218.	2500	S–dn–35	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
Barton Int*	AZ LOM (final)	Direct	2400				
ELX–VOR	AZ LOM	Direct	2600				
Cooper Int	AZ LOM	Direct	2500				
Hickory Int	AZO–VOR	Direct	2500				
Grand Rapids LOM	AZO–VOR	Direct	2900				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 352°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing AZ LOM, climb to 2500′, turn left and return to AZ LOM or, when directed by ATC, climb to 3000′, turn left and proceed to Cooper Int via AZO–VOR R–321.
CAUTION: This procedure authorized only when tower operates. Hours are 0700–2300 local time.
*Barton Int: Int bearing 172° from AZ LOM and BTL R–218.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., LOM; Ident., AZ; Procedure No. 1, Amdt. 3; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 2; Dated, 13 Apr. 63

Mobile VOR	LOM	Direct	1800	T–dn	300–1	300–1	200–½
Brookley VOR	LOM	Direct	1800	C–dn	400–1	500–1	500–1½
				S–dn–14	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 139°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800′ and enter VOR holding pattern.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class., LOM; Ident., MO; Procedure No. 1, Amdt. 13; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 12; Dated, 7 Sept. 63

Imperial VOR	McKeesport RBn	IRL R–116	3000	T–dn	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C–dn	500–1	500–1	500–1½
Pittsburgh VOR	McKeesport RBn	Direct	3000	S–dn–27	400–1	500–1	500–1
GP LOM	McKeesport RBn	Direct	3000	A–dn	800–2	800–2	800–2
Greensburg Int	McKeesport RBn (final)	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000′ within 10 miles. Nonstandard due to traffic.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 275°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing McKeesport RBn, climb to 3000′ proceeding to PIT RBn. Hold W, right turns 1-minute pattern, 082° Inbnd.
Other change: Deletes transitions from Butler RBn.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class., MHW; Ident., MKP; Procedure No. 1, Amdt. 10; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 9; Dated, 14 Dec. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Coweta Int	TU LOM	Direct	2500	T–dn	300–1	300–1	#200–1½
TUL VOR	TU LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Haskell Int	TU LOM	Direct	2500	S–dn–35R	400–1	400–1	400–1
Glenpool Int	TU LOM	Direct	2500	A–dn	800–2	800–2	800–2
Stebbins Int	TU LOM	Direct	2500				
OKM VOR	TU LOM (final)	OKM R–345 and 354 bearing to TU LOM.	2500				

Radar vectoring authorized in accordance with approved procedures.
Radar may be used to position aircraft for a final approach within 5 miles S of TU LOM with elimination of procedure turn.
Procedure turn E side crs, 174° Outbnd, 354° Inbnd, 2500′ within 10 miles.
Minimum altitude over TU LOM Inbnd final, 1900′.
Crs and distance, facility to airport 354°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing TU LOM, climb to 2200′ on crs 354° within 15 miles, or when directed by ATC, climb to 2000′ on R–035 TUL VOR within 20 miles.
#300–1 required on Runways 3L, 21R, 17R, 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., LOM; Ident., TU; Procedure No. 1, Amdt. 10; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 9; Dated, 18 Aug. 62

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–d	300–1	NA	NA
				C–d	500–1	NA	NA
				A	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 178°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing VWV–VOR, climb straight ahead on R–178 of the Waterville VOR to 1500′, then make a left climbing turn to 2200′ and return to the Waterville VOR. Hold SE on Waterville VOR R–140, right turns, 1-minute, 320° Inbnd.
CAUTION: Stacks 850′ 1 mile SW of airport and tower 947′ 2 miles SE of airport.
NOTES: Airport communications available on 122.8, sunrise to sunset. Contact Toledo approach control for ATC clearance.

City, Bowling Green; State, Ohio; Airport Name, University; Elev., 675′; Fac. Class., BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 2; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 1; Dated, 16 June 62

FYV VOR	DAK VOR	Direct	3500	T–dn	500–2	500–2	NA
				C–dn	800–2	800–2	NA
				A–dn	1000–2	1000–2	NA

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 140°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing DAK VOR, climb to 3500′ on R–178 of the DAK VOR within 15 miles.
NOTE: Sliding scale not authorized.

City, Fayetteville; State, Ark.; Airport Name, Municipal; Elev., 1250′; Fac. Class., BVOR; Ident., DAK; Procedure No. 2, Amdt. 1; Eff. Date, 12 Oct. 63; Sup. Amdt. No. Orig.; Dated, 8 June 63

				T–dn	400–1	NA	NA
				C–d	700–1	NA	NA
				C–n	700–2	NA	NA
				S–d–22	700–1	NA	NA
				S–n–22	700–2	NA	NA
				A–dn	NA	NA	NA

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 224°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing MFD–VOR, reverse course, right turn climb to 2800′ on crs of 044° and return to Mansfield VOR. Hold NE Mansfield VOR on R–044 right turns, 1-minute, 224° Inbnd.

City, Galion; State, Ohio; Airport Name, Galion-Crestline; Elev., 1220′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. 1, Amdt. 3; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 2; Dated, 15 Apr. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Steamboat Int	CGT VOR	Direct	2100	T–dn	300–1	300–1	200–½
Peotone VOR	Monee Int#	Direct	2100	C–d	900–1	900–1	900–1½
Monee Int#	CGT VOR (final)	Direct	1600	C–n	900–2	900–2	900–2
				S–d–2	900–1	900–1	900–1
				S–n–2	900–2	900–2	900–2
				A–dn	NA	NA	NA
				Following minimum applies when aircraft equipped with VOR and ADF receivers and Hammond Int* received:			
				C–dn	700–1	700–1	700–1½

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; over Hammond Int* 1500′.
Crs and distance facility to airport, 046°—9.2 miles.
Crs and distance Hammond Int* to airport, 046°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing CGT VOR, or 2.0 miles after passing Hammond Int, make right turn climb to 2100′ and proceed direct to CGT VOR, contact Midway Approach Control.
NOTE: Close flight plan with Chicago Center or Joliet Radio when landing assured.
*Hammond Int: Int CGT R–046 and 128° bearing from MX RBn or DME fix 7.2 miles from CGT VOR on R–046.
#Monee Int: Int CGT R–226 and EON R–015.
Other change: Deletes straight-in minimums.

City, Gary; State, Ind.: Airport Name, Gary Municipal; Elev., 591′; Fac. Class., M–BVORTAC; Ident., CGT; Procedure No. 1, Amdt. 2; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 1; Dated, 23 Mar. 63

				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–4	400–1	400–1	400–1
				A–dn*	800–2	800–2	800–2

Procedure turn N side of crs, 236° Outbnd, 056° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 034°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing JVL VOR, climb to 2500′ on R–034 within 20 miles.
CAUTION: Radio tower 1100 MSL 2.7 miles N of airport.
NOTES: Approach control available through Rockford, Ill., control tower.
*Alternate minimums not authorized 2300 to 0600 local time. Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.

City, Janesville; State, Wis.; Airport Name, Rock County; Elev., 808′; Fac. Class., MBVOR; Ident., JVL; Procedure No. 1, Amdt. 6; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 5; Dated, 6 Oct. 62

Int LIT R–134 and PBF R–359	LIT–VOR (final)	Direct	1400	T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				S–dn–32	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 134° Outbnd, 314° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 314°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing VOR, turn left, climb to 3200′ on R–301 within 20 miles, or when directed by ATC, turn right to 100°, intercept and climb to 2000′ on R–055 within 20 miles.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., BVORTAC; Ident., LIT; Procedure No. 1, Amdt. 8; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 7; Dated, 25 Mar. 61

Volta Int	MER VOR	Direct	2500	T–dn	300–1	300–1	200–½
Turlock Int	MER VOR	Direct	2500	C–dn	500–1	500–1	500–1½
				S–dn–30	500–1	500–1	500–1
				A–dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 110° Outbnd, 290° Inbnd, 1800′ within 10 miles.
Procedure turn S of crs to provide separation from Castle AFB.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 290°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 6.3 miles after passing MER VOR, turn left and climb to 2000′ on MER VOR R–110 within 20 miles.

City, Merced; State, Calif.; Airport Name, Municipal; Elev., 155′; Fac. Class., MVOR; Ident., MER; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Oct. 63

SVM–VOR	PTK–VOR	Direct	2800	T–dn	300–1	300–1	200–½
FNT–VOR	PTK–VOR	Direct	2800	C–dn	500–1	500–1	500–1½
Russell Int	PTK–VOR (final)	Direct	2800	A–dn*	NA	NA	NA

Procedure turn S side final approach crs, 274° Outbnd, 094° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 119°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing PTK–VOR, make climbing left turn to 3000′ on heading 030° to intercept PTK R–084 then proceed to Allens Int or when directed by ATC make left turn to 2800′ and return to PTK VOR.
NOTE: All aircraft except scheduled air carriers obtain Detroit area current weather prior to IFR approach.
*800–2 alternate minimums authorized for air carriers with approved weather service at this airport.

City, Pontiac; State, Mich.; Airport Name, Pontiac Municipal; Elev., 974′; Fac. Class., BVOR; Ident., PTK; Procedure No. 1, Amdt. 4; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 3; Dated, 1 Dec. 62

PROCEDURE CANCELLED, EFFECTIVE 12 OCT. 1963.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23′; Fac. Class., BVORTAC; Ident., PDX; Procedure No. 1, Amdt. 4; Eff. Date, 6 Apr. 63; Sup. Amdt. No. 3; Dated, 21 Jan. 61

PROCEDURE CANCELLED, EFFECTIVE 12 OCT. 1963.

City, The Dalles; State, Oreg.; Airport Name, The Dalles; Elev., 243′; Fac. Class., BVOR; Ident., DLS; Procedure No. 1, Amdt. 1; Eff. Date, 23 Jul. 55; Sup. Amdt. No. Orig.; Dated, 27 June 52

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MYS VOR	FTK VOR	Direct	2500	T–dn	300–1	300–1	200–½
Elizabeth Int	FTK VOR	Direct	2500	C–dn	500–1	500–1	500–1½
				S–dn–15	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2500′, crs 266°, to MYS VOR. Hold NE 1-minute right turns, 212° Inbnd.
CAUTION: Concrete plant 854′ 3.4 miles N approach end of runway.
AUTHORIZED FOR MILITARY USE ONLY EXCEPT BY PRIOR ARRANGEMENT.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class., VOR; Ident., FTK; Procedure No. TerVOR–15, Amdt. Orig.; Eff. Date, 12 Oct. 63

MYS VOR	FTK VOR	Direct	2500	T–dn	300–1	300–1	200–½
Elizabeth Int	FTK VOR	Direct	2500	C–dn*	500–1	500–1	500–1½
				S–dn–17*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 003° Outbnd, 183° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2500′, crs 266° to MYS VOR. Hold NE 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Concrete plant 854′ ¾ mile N approach end of Runway 15.
*Descent to 1200′ authorized after passing FTK RBn.
AUTHORIZED FOR MILITARY USE ONLY EXCEPT BY PRIOR ARRANGMENT.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class., VOR; Ident., FTK; Procedure No. Ter VOR–17, Amdt. Orig.; Eff. Date, 12 Oct. 63

MYS VOR	FTK VOR	Direct	2500	T–dn	300–1	300–1	200–½
Elizabeth Int	FTK VOR	Direct	2500	C–dn	500–1	500–1	500–1½
				S–dn–35	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with authorized patterns.
Procedure turn W side of crs, 165° Outbnd, 345° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing left turn to 2500′ crs 266°, to MYS VOR. Hold NE 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Tower 904′ 3 miles SSE airport and concrete plant 854′ ¾ mile approach end of Runway 15.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class., VOR; Ident., FTK; Procedure No. TerVOR–35, Amdt. Orig.; Eff. Date, 12 Oct. 63

Schoolcraft Int**	Sugar Int* (final)	Direct	1600	T–dn	300–1	300–1	200–½
BTL–VOR	AZO–VOR	Direct	2200	C–dn	400–1	500–1	500–1½
GRR LOM	AZO–VOR	Direct	2900	S–dn–5	400–1	400–1	400–1
PMM–VOR	AZO–VOR	Direct	2500	A–dn#	800–2	800–2	800–2
ELX–VOR	AZO–VOR	Direct	2600				
Cooper Int	AZO–VOR	Direct	2200				
Leroy Int	AZO–VOR	Direct	2200				
Lawton Int	AZO–VOR	Direct	2900				
Centerville Int	AZO–VOR	Direct	2500				

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2100′ within 10 miles.
Minimum altitude over Sugar Int* on final approach crs 1600′, over facility, 1300′ VOR on airport.
Crs and distance, Sugar Int* to airport, 050°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AZO–VOR, make climbing left turn to 3000′ and proceed to Cooper Int via AZO R–321 or, when directed by ATC, climb to 2400′ on AZO–VOR R–050, then reverse course and proceed direct to the AZO VOR
NOTE: Dual VOR receivers required.
#Alternate minimums authorized when AZO Tower operational or for air carrier with weather reporting service. Tower operates 0700–2300 local time.
*Sugar Int: Int AZO R–230 and PMM R–126.
**Schoolcraft Int: INT PMM R–134 and AZO R–230.
**Marcellus Int: Int AZO R–230 and PMM R–148.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR–5, Amdt. 4; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 3; Dated, 15 Sept. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
LeRoy Int	AZO-VOR	Direct	2400	T-dn	300-1	300-1	200-½
Lawton Int	AZO-VOR	Direct	2600	C-dn	700-1	700-1	700-1½
Centerville Int	AZO-VOR	Direct	2500	S-dn-17	700-1	700-1	700-1
Plainwell Int*	Tower Int (final)**	Direct	1900	A-dn##	800-2	800-2	800-2
BTL-VOR	AZO-VOR	Direct	2400	The following minimums apply for aircraft equipped with dual VORs and Tower Int identified:			
GRR LOM	AZO-VOR	Direct	2900				
PMM-VOR	AZO-VOR	Direct	2500	C-dn	400-1	500-1	500-1½
ELX-VOR	AZO-VOR	Direct	2600	S-dn-17	400-1	400-1	400-1
Cooper Int	AZO-VOR	Direct	2400				

Procedure turn W side of crs, 002° Outbnd, 182° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Facility on airport.
Crs and distance, Tower Int** to airport, 182°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AZO-VOR, make climbing right turn to 3000′ and proceed to Cooper Int via AZO#R-321 or, when directed by ATC, climb to 2400′ on AZO R-182, turn right and return to AZO-VOR.
*Plainwell Int: Int AZO R-002 and BTL R-295.
**Tower Int: Int AZO R-002 and BTL R-269.
##Alternate minimums authorized when AZO tower operational or for air carrier with weather reporting service. Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. Ter VOR-17, Amdt. 3; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 2; Dated, 5 Jan. 63

Cooper Int	AZO-VOR	Direct	2400	T-dn	300-1	300-1	200-½
BTL-VOR	AZO-VOR	Direct	2400	C-dn	400-1	500-1	500-1½
GRR LOM	AZO-VOR	Direct	2900	S-dn-23	400-1	400-1	400-1
PMM-VOR	AZO-VOR	Direct	2500	A-dn#	800-2	800-2	800-2
ELX-VOR	AZO-VOR	Direct	2600				
Leroy Int	AZO-VOR	Direct	2400				
BTL-VOR	Gull Int*	Direct	2400				
Gull Int*	Campbell Int** (final)	Direct	1900				
Lawton Int	AZO-VOR	Direct	2600				
Centerville Int	AZO-VOR	Direct	2500				

Procedure turn W side of crs, 040° Outbnd, 220° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′; over Campbell Int**, 1900′.
Facility on airport. Crs and distance, Campbell Int** to airport, 220°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AZO-VOR, make climbing right turn to 3000′ and proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2400′ on R-220, reverse crs and proceed direct to AZO-VOR.
*Gull Int: Int AZO-VOR R-040 and BTL-VOR R-286.
**Campbell Int: Int AZO-VOR R-040 and BTL-VOR R-265.
#Alternate minimums authorized when AZO tower operational or for air carrier with weather reporting service.
Dual VOR receiver required. Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac Class., BVOR; Ident., AZO; Procedure No. Ter VOR-23, Amdt. 4; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 3; Dated, 19 May 62

Centerville Int	AZO-VOR	Direct	2500	T-dn	300-1	300-1	200-½
BTL-VOR	AZO-VOR	Direct	2200	C-dn	400-1	500-1	500-1½
Lawton Int	AZO-VOR	Direct	2600	S-dn-27	400-1	400-1	400-1
GRR LOM	AZO-VOR	Direct	2900	A-dn##	800-2	800-2	800-2
PMM-VOR	AZO-VOR	Direct	2500				
ELX-VOR	AZO-VOR	Direct	2600				
Cooper Int	AZO-VOR	Direct	2200				
Leroy Int	AZO-VOR	Direct	2200				
BTL-VOR	Climax Int*	Direct	2000				
Climax Int*	Scotts Int** (final)	Direct	2000				

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2200′ within 10 miles.
Minimum altitude over Scott Int** on final approach 2000′; over facility 1300′.
VOR on airport. Crs and distance, Scott Int** to airport, 281°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AZO-VOR, make climbing right turn to 3000′ and proceed to Cooper Int via AZO-VOR R-221 or, when directed by ATC, climb to 2200′ on AZO-VOR R-281, then turn left and return to AZO-VOR.
*Climax Int: Int BTL-VOR R-210 and AZO-VOR R-101.
**Scotts Int: Int BTL-VOR R-238 and AZO-VOR R-101.
##Alternate minimums authorized when AZO Tower operational or for air carrier with weather reporting service. Dual VOR receivers required. Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. Ter VOR-27, Amdt. 3; Eff. Date, 12 Oct. 63; Sup Amdt. No. 2; Dated, 19 May 62

Cooper Int	AZO-VOR	Direct	2200	T-dn	300-1	300-1	200-½
Lawton Int	AZO-VOR	Direct	2600	C-dn	500-1	500-1	500-1½
GRR LOM	AZO-VOR	Direct	2900	S-dn-35	500-1	500-1	500-1
PMM-VOR	AZO-VOR	Direct	2500	A-dn##	800-2	800-2	800-2
ELX-VOR	AZO-VOR	Direct	2600	The following minimums apply for dual VOR equipped aircraft and Austin Int identified.			
BTL-VOR	AZO-VOR	Direct	2200				
Centerville Int	Kimble Int*	Direct	2500	C-dn	400-1	500-1	500-1½
Kimble Int*	Austin Int** (final)	Direct	1900	S-dn-35	400-1	400-1	400-1
Leroy Int	AZO-VOR	Direct	2200				

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
VOR on airport. Crs and distance, Austin Int** to airport, 348°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AZO-VOR, make climbing left turn to 3000′ and proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2400′ on AZO-VOR R-348, turn left and return to AZO-VOR.
*Kimble Int: Int AZO-VOR R-168 and BTL-VOR R-218.
**Austin Int: Int AZO-VOR R-168 and BTL-VOR R-236.
##Alternate minimums authorized when AZO Tower operational or for air carrier with weather reporting service. Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. Ter VOR-35, Amdt. 3; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 2; Dated, 5 Jan. 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums-			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
DL LFR	DLS VOR	Direct	3500	T-dn	1000-1	1000-1	1000-1
10-mile DME fix R-075	DLS VOR (final)	Direct	2300	C-dn	1500-1	1500-1	1500-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn S side of crs, 075° Outbnd, 255° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 249°—11.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing DLS VOR, or at 6-mile DME fix R-249, turn left, return to DLS VOR, climb to 3500′ on R-075 of the DLS VOR within 10 miles. All maneuvering S of R-075.
CAUTION: High terrain W through NE of airport.
NOTES: Operations from 6.0 miles to airport must be conducted in accordance with visual flight rules. When authorized by ATC, DME may be used between R-075 clockwise to R-172 within 10 miles at 3500′ to position aircraft for straight-in approach with elimination of the procedure turn.

City, The Dalles; State, Oreg.; Airport Name, The Dalles Municipal; Elev., 243′; Fac. Class., H-BVORTAC; Ident., DLS; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 12 Oct. 63

Woodland FM	PDX VOR	Direct	4000	T-dn*	300-1	300-1	200-½
10-mile DME fix R-332	PDX VOR (final)	Direct	2500	C-dn	900-1	900-1	900-1½
La Center FM	PDX VOR (final)	Direct	2500	A-dn	1000-2	1000-2	1000-2
Groves Int	PDX VOR	Direct	5400				
10-mile DME fix R-059	PDX VOR	Direct	4000				
10-mile DME fix R-074	PDX VOR	Direct	4000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 159°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing PDX VOR, turn left and return direct to PDX VOR climbing to 4000′.
CAUTION: 600′ terrain 18 miles SE of airport.
NOTE: When authorized by ATC, DME may be used between R-160 clockwise to R-332 within 15 miles at 4000′ to position aircraft for straight-in approach with elimination of the procedure turn.
*200-½ authorized on 10 R and L/28 R and L. 700-2 required on Runways 2 and 20.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23′; Fac. Class., M-BVORTAC; Ident., PDX; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 12 Oct. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CPR-VOR	Henning Int*	Direct	7400	T-dn	300-1	300-1	200-½
Parkerton Int/FM**	Henning Int* (final)	Direct	7400	C-dn	400-1	500-1	800-1½
Int R-201 CPR-VOR and ILS W crs	Henning Int*	Direct	7400	S-dn-25	400-1	400-1	400-1½
Glenrock Int	Henning Int*	Direct	7400	A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 074° Outbnd, 254° Inbnd, 7400′ within 10 miles of Henning Int.
No glide slope. Minimum altitude over Henning Int on final approach crs, 7400′.
Crs and distance, Henning Int to airport, 254°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 8000′ on W crs of ILS within 10 miles of LMM or, when directed by ATC, turn right, proceed direct to CPR-VOR, climbing to 7500′.
NOTE: Approach lights not available.
*Henning Int: Int CPR-VOR R-170 and E crs ILS.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., ILS; Ident., I-CPR; Procedure No. ILS-25, Amdt. 5; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 4; Dated, 29 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
AZO-VOR	Upjohn Int*	Direct	2500	T-dn	300-1	300-1	200-½
Cooper Int	Upjohn Int*	Via PMM R-112	2500	C-dn	400-1	500-1	500-1½
Prince Int##	Upjohn Int* (final)	Direct	2000	S-dn-17	400-1	400-1	400-1
BTL-VOR	Upjohn Int*	Via BTL R-270	2500	A-dn#	800-2	800-2	800-2
AZ LOM	Upjohn Int*	Direct	2500				
Centerville Int	AZO-VOR	Direct	2500				

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 2500′ within 10 miles of Upjohn Int.*
Minimum altitude over Upjohn Int* on final approach crs, 2000′.
Crs and distance, Upjohn Int* to airport, 172°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Upjohn Int,* climb to 2500′ and proceed to AZ LOM via S crs AZO ILS or, when directed by ATC, make right turn, climb to 3000′ and proceed to Cooper Int via AZO R-321.
NOTES: Back crs approach. No glide slope. No approach lights. Final approach from holding pattern at Upjohn Int not authorized. Procedure turn required.
*Upjohn Int: Int N crs AZO ILS and BTL R-270.
##Prince Int: Int N crs AZO ILS and BTL R-280.
#Alternate minimums authorized when AZO tower operational or for air carrier with weather reporting service. Tower operates 0700-2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo, Municipal; Elev., 874′; Fac. Class., ILS; Ident., I-AZO; Procedure No. ILS-17, Amdt. 2; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 1; Dated, 16 Mar. 63

AZO-VOR	AZ LOM	Direct	2500	T-dn	300-1	300-1	200-½
BTL-VOR	AZ LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Centerville Int	Barton Int*	Via BTL R-218 and AZO R-192.	2500 2400 2600	S-dn-35** A-dn#	200-½ 600-2	200-½ 600-2	200-½ 600-2
Barton Int*	AZ LOM (final)	Direct	2500				
ELX VOR	AZ LOM	Direct	2500				
Cooper Int	AZ LOM	Direct	2900				
Hickory Int	AZO VOR	Direct					
Grand Rapids LOM	AZO VOR	Direct					

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2500′ within 10 miles.
Minimum altitude of glide slope Int Inbnd, 2400′. Altitude of glide slope and distance to approach end of runway at outer marker 2404′, 5.8 miles; at middle marker 1007′, 0.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′, proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2500′, turn left and return to AZ LOM.
*Barton Int: Int AZO ILS S crs and BTL R-218.
**400-¾ required with glide slope inoperative. 400-1 required with tower not operating.
#Alternate minimums authorized when AZO tower operational or for air carrier with weather reporting service. Tower operates 0700-2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., ILS; Ident., I-A20; Procedure No. ILS-35, Amdt. 3; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 2; Dated, 6 Apr. 63

Little Rock VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Bauxite Int	SW crs ILS	010°-2.3 miles	1800	C-dn	500-1	600-1	600-1½
Mabelvale Int	LOM (final)	Direct	1800	S-dn-4**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 220° Outbnd, 040° Inbnd 2000′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at LOM, 1800′—4.6 miles, at LMM 500′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on NE crs ILS (040°) within 20 miles or, when directed by ATC, (1) turn right, climb to 2000′ and proceed to VOR, or (2) turn right, climb to 2000′ on R-055 within 20 miles.
*300-1 required for takeoff Runways 17, 35, 32.
**500-1 required when glide slope not utilized.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., ILS; Ident., I-LIT; Procedure No. ILS-4, Amdt. 7; Eff. Date, 12 Oct. 63; Sup. Amdt. No. 6; Dated, 25 Mar. 61

HUF RBn	LOM	Direct	2100	T-dn	300-1	300-1	200-½
HUF VOR	LOM	Direct	2100	C-dn	400-1	500-1	500-1½
LEU VOR	LOM	Direct	2200	S-dn-5#	300-¾	300-¾	300-¾
Fairbanks Int	LOM	Direct	2100	A-dn	600-2	600-2	600-2
Sanford Int	LOM	Direct	2200				
Int R-248 LEU-VOR and HUF ILS SW crs.	Prairie Creek Int*	Direct	2400				
Prairie Creek Int*	LOM (final)	Direct	1900				
Spencer Int	LOM	Direct	2200				
Clinton Int	LOM	Direct	2200				

Procedure turn S side crs, 225° Outbnd, 045° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at LOM 1842′—4.7 miles, at LMM 757′—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on NE crs HUF ILS and proceed direct to Carbon Int or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU-VOR.
NOTE: No approach lights.
*Prairie Creek Int: Int HUF ILS SW crs and LEU R-280.
#400-1 required when glide slope not utilized.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I-HUF; Procedure No. ILS-5, Amdt. 1; Eff. Date, 12 Oct. 63; Sup. Amdt. No. Orig.; Dated, 16 Dec. 61

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering altitudes by sectors and limiting distance				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
000°	360°	20 miles	2200	Precision approach			
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-11	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make an immediate left turn to 320°, climb to 2000′, then proceed direct to Bedford LOM, hold W of Bedford LOM, 1-minute right turns, 112° Inbnd.
CAUTION: 570′ tower, 3 miles NE of airport. 1349′ antenna 10 miles SE of airport. Radar control will provide 1000′ vertical clearance within a 3 mile radius or 500′ vertical clearance within a 3 mile to 5 mile (inclusive) radius of 570′ antenna 3 miles NE, and 1349′ antenna 10 miles SE of airport.

City, Bedford; State, Mass; Airport Name, Hanscom; Elev., 133′; Fac. Class. and Ident., Hanscom Radar; Procedure No. 1, Amdt. Orig; Eff. Date, 12 Oct. 63

340°	160°	10 miles	1500	Surveillance approach			
161°	339°	10 miles	1900				
0°	360°	15 miles	*2000	T-dn	300-1	300-1	200-½
0°	360°	30 miles	*2300	C-dn	500-1	600-1	600-1½
				S-dn-4, 22, 32, 35.	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 2215′ MSL 14 miles WNW of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed direct to LIT-VOR, climbing to 2000′, or when directed by ATC, proceed direct to the LI LOM climbing to 2000′.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class. and Ident., Little Rock Radar: Procedure No. 1, Amdt. 1; Eff. Date, 12 Oct. 63; Sup. Amdt. No. Orig.; Dated, 25 Feb. 61

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on September 6, 1963.

WILLARD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63-10097; Filed, Sept. 27, 1963; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 66]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.366 Valencia Orange Regulation 66.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 26, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period

beginning at 12:01 a.m., P.s.t., September 29, 1963, and ending at 12:01 a.m., P.s.t., October 6, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10409; Filed, Sept. 27, 1963; 11:24 a.m.]

[Lemon Reg. 82]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.382 Lemon Regulation 82.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 24, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 29, 1963, and ending at 12:01 a.m., P.s.t., October 6, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 139,500 cartons;

(iii) District 3: 69,750 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10368; Filed, Sept. 27, 1963; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1959 C.C.C. Grain Price Support Reseal Loan Regulations]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1959 Crop Reseal Loan Program for Wheat, Extension 3

DELETION OF SUBPARAGRAPH

In 28 F.R. 6736 published June 29, 1963, the following correction is made in § 1421.3267. Subparagraph (b)(5) is deleted completely.

Signed at Washington, D.C., on September 24, 1963.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-10328; Filed, Sept. 27, 1963; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Franklin, Geneva, Henry, Houston, Jackson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar; Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Gallia, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Lamb, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Niobrara, Park, Platte, Sweetwater, Teton, Uinta, Washakie, and Weston Counties; and all of Lincoln County except that portion lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence running easterly along U.S. Highway 30 to its intersection with U.S. Highway 189; thence running in a southerly direction along U.S. Highway 189 to the Uinta County line;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Chilton, Franklin, and Shelby Counties in Alabama; Henderson County in Illinois; Guthrie County in Iowa; Fayette, Garrard, Jessamine, Madison, Montgomery, and Woodford Counties in Kentucky; St. Tammany Parish in Louisiana; Chickasaw County in Mississippi; Logan County in North Dakota; Gallia and Hamilton Counties in Ohio; and Dickens, Donley, Hockley, Kent, Lamb, and Pecos Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of September 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63-10340; Filed, Sept. 27, 1963; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4640, 31-7144, etc.]

PART 201—RULES OF PRACTICE

Issuance and Service of Subpoenas

The Securities and Exchange Commission has amended § 201.14(b) (Rule 14(b) of its Rules of Practice), dealing with the issuance and service of subpoenas.

The amendment provides that both subpoenas ad testificandum and subpoenas duces tecum will normally be issued upon the request of any party to an adjudicatory proceeding. Previously, subpoenas duces tecum were issued only upon a written application, which included a showing of the general relevance, materiality and reasonable particularity of the documentary evidence desired and the facts to be proved by them. In removing the additional requirements for a subpoena duces tecum, the amendment is in accord with a recommendation of the Administrative Conference of the United States. The rule as amended, however, reserves to the official requested to issue a subpoena the discretion to require the person seeking the subpoena to advise him of the general relevance and reasonable scope of the evidence sought, where it appears to him that the subpoena might be unreasonable, oppressive, excessive in scope, or unduly burdensome.

The amendment also incorporates a requirement similar to that of the Fed-

eral Rules of Civil Procedure that the fees for one day's attendance and the specified mileage must be tendered to the witness in order to effect valid service of the subpoena. As in the case of the Federal Rules, this requirement does not apply when a subpoena is issued at the instance of any officer or agency of the United States.

In addition, the amended section spells out that on a motion to quash the subpoena the appropriate official may condition denial of the motion or modify the subpoena upon just and reasonable conditions, including, in the case of a subpoena duces tecum, a requirement that the person on whose behalf the subpoena is issued shall advance the reasonable cost of transporting the documentary or other tangible evidence to the place of hearing. This provision is also patterned after the Federal Rules.

The amendment to § 201.14(b) has been adopted pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19(a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20(a) of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38(a) of the Investment Company Act of 1940, and section 211(a) of the Investment Advisers Act of 1940.

The action of the Commission follows:

Section 201.14(b) (Rule 14(b) of the Commission's Rules of Practice) is amended to read as follows:

§ 201.14 Evidence.

* * * * *

(b) *Subpoenas; motions to quash or modify; service.* (1) *Issuance of subpoenas ad testificandum and subpoenas duces tecum.* The hearing officer, or in the event he is unavailable, any member of the Commission, or any other officer designated by the Commission for the purpose, in connection with any hearing ordered by the Commission, shall issue subpoenas requiring the attendance and testimony of witnesses and subpoenas requiring the production of documentary or other tangible evidence at any designated place of hearing upon request therefor by any party: *Provided, however,* That, where it appears to the person requested to issue the subpoena that the subpoena sought may be unreasonable, oppressive, excessive in scope, or unduly burdensome, he may in his discretion, as a condition precedent to the issuance of the subpoena, require the person seeking the subpoena to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the person requested to issue the subpoena shall after consideration of all the circumstances determine that the subpoena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he may refuse to issue the subpoena, or issue it only upon such conditions as fairness requires. In making the foregoing determination, where he can do so without undue inconvenience to the participants in the proceeding, the person requested to issue the subpoena may inquire of the other participants whether they will concede the facts sought to be proved; but in this connection, except with permission of the person seeking the subpoena, he shall not disclose the identity of the person sought to be subpoenaed. A person whose request for a subpoena has been denied or modified may not request any other Commission official to issue the subpoena; but he may appeal to the Commission from the denial or modification.

(2) *Motions to quash.* Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of service of such subpoena, apply to the hearing officer, or if he is unavailable, to the Commission, to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor. Upon notice to the person upon whose request the subpoena was issued, and opportunity for reply, the hearing officer or the Commission, as the case may be, may (i) quash or modify the subpoena or (ii) condition denial of the application to quash or modify the subpoena upon just and reasonable conditions, including, in the case of a subpoena duces tecum, a requirement that the person in whose behalf the subpoena was issued shall advance the reasonable cost of transporting the documentary or other tangible evidence to the designated place of hearing.

(3) *Service of subpoenas.* Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and the mileage as specified by paragraph (c) of this section (Rule 14(c)). When the subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Whenever service is to be made upon a person who is represented in the pending proceeding by an attorney, the service may be made upon the attorney. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person; or leaving them at his office with the person in charge thereof; or, if there is no one in charge, leaving them in a conspicuous place therein; or leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; or mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address; or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date. The provisions of this subparagraph (Rule 14(b)(3)) shall apply to investigations as well as hearings.

(Secs. 19(a), 23(a), 48 Stat. 85, 901 as amended, 15 U.S.C. 77s, 78w; sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37; sec. 211(a), 54 Stat. 855, as amended, 15 U.S.C. 80b–11)

The Commission finds that the foregoing action relates to agency organization, procedure or practice and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary. To give persons affected thereby full opportunity to become acquainted with the changes, however, the revision shall not become effective until November 15, 1963.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 20, 1963.

[F.R. Doc. 63–10321; Filed, Sept. 27, 1963; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 56005]

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED OR SHORT-SHIPPED

Allowance for Excessive Moisture and Impurities in or Upon Imported Merchandise

The Customs Regulations in § 15.7, dealing with claims of excessive moisture in or upon imported merchandise and other allowances under section 507, Tariff Act of 1930, are mandatory as to the requirement that the application for an allowance be filed within 10 days after the report of weight is received by the collector of customs. In some cases the customs entry officer approves the invoice weight without requiring an actual weighing. A notation to the effect "invoice weight accepted" is endorsed by the customs entry officer on the entry or related document in lieu of a customs weight report, dock record, certified public weigher's weight report, or other evidence of dutiable weight. In order to make clear that in such cases the 10-day period for applications for allowance is calculated from the date of endorsement of the entry, § 15.7(a) is amended to read as follows:

(a) An application for an allowance for excessive moisture or other impurities under section 507, Tariff Act of 1930, shall be made on customs Form 4317 and filed with the collector of customs. The application shall be filed within 10 days after the report of weight has been received by the collector or within 10 days after the date upon which the entry officer endorses the entry documents to show that invoice weight has been accepted.

(Secs. 507, 624, 46 Stat. 732, 759; 19 U.S.C. 1507, 1624)

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: September 23, 1963.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 63–10335; Filed, Sept. 27, 1963; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Appeals From Decisions of Contracting Officers Under Construction and Related Contracts

Immediately following § 1.663, the centerhead "Appeals from decisions of contracting officers under construction and related contracts" and §§ 1.750 through 1.756 are revoked:

§ 1.750 Appeals.

[Revoked]

§ 1.751 Appeals organization.

[Revoked]

§ 1.752 Method of appeals.

[Revoked]

§ 1.753 Procedure of appeals board.

[Revoked]

§ 1.754 Failure to notify board of election as to procedure.

[Revoked]

§ 1.755 Report by appeals board.

[Revoked]

§ 1.756 Notification of decision.

[Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These revocations are effective the date of approval.

Approved: September 25, 1963.

By direction of the Administrator.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc 63–10333; Filed, Sept. 27, 1963; 8:48 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

PERSONAL FUNDS OF PATIENTS

In § 3.1009, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 3.1009 Personal funds of patients.

The provisions of this section are applicable to gratuitous benefits deposited by the Veterans Administration either before, on, or after December 1, 1959, in a personal funds of patients account for an incompetent veteran who was incompetent at the date of his death. Where the veteran died after November 30, 1959:

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This Veterans Administration Regulation is effective the date of approval.

Approved: September 24, 1963.

By direction of the Administrator.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc. 63–10334; Filed, Sept. 27, 1963; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

List of Open Areas; Migratory Game Birds

On page 9211 of the FEDERAL REGISTER of August 21, 1963, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of migratory game birds on the Bombay Hook National Wildlife Refuge, Delaware, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i.)

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized.

§ 32.11 List of open areas; migratory game birds.

* * * * *

DELAWARE

Bombay Hook National Wildlife Refuge.

STEWART L. UDALL, *Secretary of the Interior.*

SEPTEMBER 23, 1963.

[F.R. Doc. 63–10316; Filed, Sept. 27, 1963; 8:46 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin; Correction

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

In special regulations submitted September 17, 1963, for publication in the FEDERAL REGISTER, the paragraph on Illinois under open season (b) should be corrected to read:

Ruffed grouse, wild turkey, prairie chicken, and chukar partridge may not be taken. Black, gray, and fox squirrels—from sunrise to sunset, c.s.t., on October 20, 1963, through October 31, 1963. Rabbits—from sunrise to sunset, c.s.t., November 23, 1963, through January 31, 1964. Raccoon, oppossums, skunks and weasels (hunting only)—from 12:00 noon, c.s.t., November 15, 1963, to 12:00 noon, c.s.t., on January 31, 1964. Red and gray foxes, and crows—from sunrise to sunset October 21, 1963, through March 1, 1964. It is unlawful in those counties open for the taking of deer, to take any species except deer during the shotgun deer season (November 8, 9, and 10 and from November 29 through December 1, 1963).

W. A. ELKINS, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 23, 1963.

[F.R. Doc. 63–10317; Filed, Sept. 27, 1963; 8:46 a.m.]

PART 33—SPORT FISHING

List of Open Areas; California

On page 9263 of the FEDERAL REGISTER of August 22, 1963, there was published a notice of a proposed amendment to § 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public sport fishing on the below listed wildlife refuge area of the National Wildlife Refuge System as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on fishing it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224; 16 U.S.C. 7151).

1. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

CALIFORNIA

Sacramento National Wildlife Refuge.

STEWART L. UDALL, *Secretary of the Interior.*

SEPTEMBER 23, 1963.

[F.R. Doc. 63–10315; Filed, Sept. 27, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

RESERPINE, BACITRACIN, ZINC BACITRACIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Ciba Pharmaceutical Company, Summit, New Jersey, and other relevant material, has concluded that the following amendments should issue to provide for addition of bacitracin or zinc bacitracin to reserpine-medicated chicken feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additives regulations are amended as set forth below.

1. Section 121.205 *Reserpine* is amended by adding to table 1 of paragraph (c) the following:

TABLE 1—RESERPINE WITH OR WITHOUT ANTIBIOTICS IN FINISHED CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. • • •	• • •	• • •	• • •	• • •	• • •
(d) Reserpine	0.908	Bacitracin	50–200	As prescribed in §121.232 (d), items 2.1, 5.1, and 6.1; or in §121.233(d), items 2.1, 5.1, and 6.1; as bacitracin or zinc bacitracin.	§121.232(d), items 2.1, 5.1, and 6.1; §121.233(d), items 2.1, 5.1, and 6.1.
2. • • •	• • •	• • •	• • •	• • •	• • •
(a) Reserpine	1.82	Bacitracin	10–200	As prescribed in §121.232 (d), items 1.1, 2.1, 4.1, 5.1, and 6.1; or in §121.233(d), items 1.1, 2.1, 4.1, 5.1, and 6.1; as bacitracin or zinc bacitracin.	§121.232(d), items 1.1, 2.1, 4.1, 5.1, and 6.1; §121.233(d), items 1.1, 2.1, 4.1, 5.1, and 6.1.

2. Section 121.232 *Bacitracin* is amended by adding the following new items to the table in paragraph (d):

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 • • •	• • •	• • •	• • •	• • •	• • •
b. 1.1	10–50	Reserpine	1.82	For laying chickens; as prescribed in §121.205 (c), table 1, item 2.	§121.205(c), table 1, item 2.
2.1 • • •	• • •	• • •	• • •	• • •	• • •
e. 2.1	50–100	Reserpine	0.908 or 1.82	For chickens; as prescribed in §121.205(c), table 1, item 1 or 2.	§121.205(c), table 1, item 1 or 2.
4.1 • • •	• • •	• • •	• • •	• • •	• • •
b. 4.1	100	Reserpine	1.82	For laying chickens; as prescribed in §121.205 (c), table 1, item 2.	§121.205(c), table 1, item 2.
5.1 • • •	• • •	• • •	• • •	• • •	• • •
a. 5.1	100	Reserpine	0.908 or 1.82	For chickens; as prescribed in §121.205(c), table 1, item 1 or 2.	§121.205(c), table 1, item 1 or 2.
6.1 • • •	• • •	• • •	• • •	• • •	• • •
f. 6.1	100–200	Reserpine	0.908 or 1.82	For chickens; as prescribed in §121.205(c), table 1, item 1 or 2.	§121.205(c), table 1, item 1 or 2.

3. Section 121.233 *Zinc bacitracin* is amended by adding the following new items to the table listed in paragraph (d):

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 • • •	• • •	• • •	• • •	• • •	• • •
b. 1.1	10–50	Reserpine	1.82	For laying chickens; as prescribed in § 121.205 (c), table 1, item 2.	§ 121.205(c), table 1, item 2.
2.1 • • •	• • •	• • •	• • •	• • •	• • •
e. 2.1	50–100	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.
4.1 • • •	• • •	• • •	• • •	• • •	• • •
b. 4.1	100	Reserpine	1.82	For laying chickens; as prescribed in § 121.205 (c), table 1, item 2.	§ 121.205(c), table 1, item 2.
5.1 • • •	• • •	• • •	• • •	• • •	• • •
a. 5.1	100	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.
6.1 • • •	• • •	• • •	• • •	• • •	• • •
f. 6.1	100–200	Reserpine	0.908 or 1.82	For chickens; as prescribed in § 121.205(c), table 1, item 1 or 2.	§ 121.205(c), table 1, item 1 or 2.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 24, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–10326; Filed, Sept. 27, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYVINYLPYRROLIDONE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Antara Chemicals, Division of General Aniline and Film Corporation, 435 Hudson Street, New York 14, New York, has concluded that the following regulation should issue with respect to polyvinylpyrrolidone in vinegar. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart D the following new section.

§ 121.1139 Polyvinylpyrrolidone.

The food additive polyvinylpyrrolidone may be safely used in accordance with the following prescribed conditions:

(a) The additive is a polymer of purified vinylpyrrolidone catalytically produced, having an average molecular weight of 40,000 and a maximum unsaturation of 1.0 percent, calculated as the monomer.

(b) It is used or intended for use as a clarifying agent in vinegar.

(c) A tolerance of 40 parts per million is established for polyvinylpyrrolidone in vinegar.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 24, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–10325; Filed, Sept. 27, 1963; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Cigarette Lighters Containing a Petroleum Distillate; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt from the labeling requirements of section 2(p)(1) of the act certain cigarette lighters that contain a flammable petroleum distillate at the time of sale.

Because of common knowledge of their intended use to produce flame, and because the construction of the cigarette lighters is such that they present no aspiration hazard under reasonably foreseeable conditions of use, the Commissioner concludes that full compliance with the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(3) of the regulations is not necessary for the adequate protection of the public health and safety. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (t), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

• • • • • •

(t) Cigarette lighters containing petroleum distillate fuel are exempt from the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(3), insofar as such requirements would be necessary because the petroleum distillate contained therein is "flammable" and because the substance is named in § 191.7(a)(4) of the regulations as requiring special labeling: *Provided:*

(1) That such lighters contain not more than 10 cubic centimeters of fuel at the time of sale; and

(2) That such fuel is contained in a sealed compartment that cannot be opened without the deliberate removal of the flush-set, screw-type refill plug of the lighter.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: September 24, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–10324; Filed, Sept. 27, 1963; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 33—METERED STAMPS

Miscellaneous Amendments

The regulations of the Post Office Department in Part 33 are amended as follows to include, among other things, additional requirements for the use of postage meters. Because of the nature of these amendments the Department has found that good cause exists why these regulations should be made effective without a general notice of proposed rule making and public procedure.

I. In § 33.1 *Postage meters,* as amended by 28 F.R. 1999, amend paragraph (d) by revising the list of authorized manufacturers to read as follows:

(d) *Meter manufacturers.* • • •

(1) Commercial Controls Corp., Division of Friden, Inc., 31 Prince Street, Rochester, N.Y., 14607.

(2) Friden, Inc., 2350 Washington Avenue, San Leandro, Calif., 94577.

(3) International Postal Supply Company, Division of Friden, Inc., Lewistown, Pa., 17044.

(4) National Cash Register Company, Dayton, Ohio, 45409.

(5) Pitney-Bowes, Inc., Pacific and Walnut Streets, Stamford, Conn., 06902.

(6) Tele-Norm Corp., Postalia Division, 32–31 57th Street, Woodside, Flushing, N.Y., 11377.

NOTE: The corresponding Postal Manual section is 143.14.

II. In §33.8 *Manufacture and distribution of postage meters* make the following changes:

A. In paragraph (d), subparagraph (4) is amended to require the daily destruction of meter tapes printed in the process of testing meters. As so amended, subparagraph (4) reads as follows:

(d) *Safeguards.* • • •

(4) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed daily.

NOTE: The corresponding Postal Manual section is 143.844.

B. In paragraph (e)(2) subdivisions (vi) and (x) are respectively amended to require meter manufacturers to report the loss and theft of meters to the Regional Director in lieu of the Bureau of Operations; and to add a requirement for the reporting of the loss or theft of meter setting keys. As so amended, subdivisions (vi) and (x) read as follows:

(e) *Distribution* • • •

(2) *Controls.* Each authorized manufacturer is required to: • • •

(vi) Report the loss or theft of any of his meters, or the recovery of any lost or stolen meters, immediately to the local postmaster, the local police, and the Regional Director for the region in which the meter is licensed for use.

• • • • • •

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards. Report the loss or theft of any of his meter setting keys, or the recovery of lost or stolen keys, to the Regional Director.

NOTE: The corresponding Postal Manual sections are 143.852 f and j.

C. In paragraph (f), subparagraph (2) is amended to require manufacturers to inspect meters twice annually at approximate six-month intervals. As so amended, subparagraph (2) reads as follows:

(f) *Maintenance.* • • •

(2) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least twice annually at approximate six-month intervals. Inspections must be sufficiently thorough to determine that each meter is clean and in proper operating condition, is recording its operations correctly and accurately, and that neither the post office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

NOTE: The corresponding Postal Manual section is 143.862.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4052, 4053)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10332; Filed, Sept. 27, 1963; 8:48 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Amendments

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Argentina", as amended by 28 F.R. 2108, and 28 F.R. 8404, the item "Observations" under Postal Union Mail and Parcel Post is further amended to include revised invoice requirements. As so amended, the item reads as follows:

POSTAL UNION MAIL

* * * * *

Observations. Any dutiable article must bear the green label, Form 2976, and have enclosed two copies of the paper form of customs declaration, Form 2976–A. Also the wrapper must be plainly marked Green Label attached.

See Observations under Parcel Post for the Argentine regulations for gift parcels, which apply also to gifts sent in the postal union mails.

PARCEL POST

* * * * *

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 137 of this chapter.

Group shipment of parcels is permitted, but limited to three ordinary parcels a group. See § 121.7 of this chapter.

Commercial invoices are required to accompany all packages except those of the following categories:

1. New or used articles of a noncommercial nature for personal use and not for sale, valued up to $10.00. Gift packages are limited to one per year for one addressee.
2. Books, newspapers, and periodicals.
3. Unaccompanied baggage of persons traveling to Argentina. Articles belonging to diplomats or Argentine officials.
4. Samples of no commercial value.
5. Advertising matter (prints, motion pictures, etc.) if marked or stamped so as to prevent their being sold.

The invoices when required must be prepared in quadruplicate in prescribed form and legalized by an Argentine consulate, where mailers may be referred if they are not familar with the required procedure. The Argentine Consulate General is located at 12 West 56th Street, New York, N.Y., 10019, and there are consulates in the following cities:

Baltimore, Md.	Los Angeles, Calif.
Boston, Mass.	Miami, Fla.
Chicago, Ill.	New Orleans, La.
Houston, Tex.	San Francisco, Calif.

II. In country "Bulgaria", as amended by 28 F.R. 4093, 28 F.R. 6507, and 28 F.R. 8404, under Parcel Post, the last paragraph of the item "Prohibitions and import restrictions" is amended to include more stringent regulations governing the importation of used clothing. As so amended, the last paragraph reads as follows:

Prohibitions and import restriction. * * *

Used clothing must be disinfected and accompanied by a certificate to that effect issued by a medical institution. Lacking such certificate, the clothing will be disinfected in Bulgaria at the addressee's expense.

III. In country "Cambodia", as amended by 28 F.R. 6507, under Parcel Post, amend the last paragraph of the item "Prohibitions" to read as follows:

Prohibitions. * * *

For other reasons: Weights and measures not of the metric system. Canned fish, vegetables and plums not marked indelibly to show their origin. Boxes of fish weighing more than one kilogram. Playing cards. Cigarettes.

Also, articles prohibited to France are generally prohibited to Cambodia.

IV. In country "Canada", as amended by 28 F.R. 2278, 28 F.R. 4093, 28 F.R. 6507, and 28 F.R. 8404, under Parcel Post, make the following changes:

A. The fifth and seventh paragraphs of the item "Observations" are respectively amended to show that commercial invoices are required on parcels valued at $50 or over and for the purpose of clarification. As so amended, the fifth and seventh paragraphs read as follows:

Observations. * * *

The Canadian customs authorities require commercial invoices for all parcel post or postal union mail packages, regardless of value, except casual noncommercial shipments. For shipments valued at less than $50, the sender's regular business invoice may be used; if the value is $50 or over, the commercial invoice must be prepared on Canadian forms M–A or N–A. Four copies of the invoice, one of them signed by the sender in ink, must be sent by letter mail to the addressee.

* * * * *

Interested mailers can secure information as to obtaining and preparing forms M–A and N–A, as well as other information concerning the Canadian customs regulations, from the European Division (Canadian Section), Bureau of International Commerce, Department of Commerce, Washington, D.C., 20230, or any field office of that Department.

B. Amend the next to last paragraph of the item "Prohibitions" to read as follows:

Prohibitions. * * *

Coins and banknotes, except as stated below; bullion and gold dust. Coins mailed by or addressed to collectors or dealers are admitted in uninsured parcels only. (Coins and banknotes are accepted in registered letters.)

V. In country "Cyprus", as amended by 28 F.R. 6507, make the following changes:

A. Under Postal Union Mail, strike out the item "Import restrictions" and insert in lieu thereof the following:

Prohibitions. Coins exceeding £5 ($14.00) in value.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, amend the "Import restrictions" and add a new item "Prohibitions" to read as follows:

Prohibitions. Daggers; automatic or repeating rifles; airguns; guns for discharging harmful liquid or gas; imitation or toy pistols or revolvers. See "Import restrictions".

Coins. Postcards of private manufacture having illustrated designs not previously approved by the Cyprus Post Office.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees.

Import licenses must be obtained in Cyprus except for merchandise not exceeding £5 ($14.00) in value for the addressee's personal use.

Used clothing and saccharine require permission of the Ministry of Agriculture.

Firearms which are not prohibited require a permit from the Prefect of Police.

Articles for the manufacture of cigarettes require permission of the Cyprus customs authorities.

VI. In country "Germany (Including Saar)", make the following changes:

A. Under Postal Union Mail, amend the item "Prohibitions" by adding the following to the last paragraph therein:

Prohibitions. * * *

Eastern Germany only. * * *

Literature which in the opinion of the East German Custom authorities is inflammatory, sordid or anti-democratic is prohibited.

B. Under Parcel Post, amend the seventh paragraph of "Observations" by deleting "phonograph records" from the items prohibited in gift parcels.

VII. In country "Israel, State of", as amended by 28 F.R. 2108, under Parcel Post, amend the items "Observations", "Prohibitions" and "Import restrictions" to read as follows:

Observations. Addressees in Israel are required to obtain import licenses in order to take delivery of all parcels except the following categories:

(a) Personal effects of persons immigrating to Israel.

(b) Gift packages containing food for personal use of the addressee.

(c) Gift packages containing articles other than food, limited to 300 Israeli pounds ($100) in value, for the addressee's personal use. One family residing together may not receive more than one such parcel within three months. Such parcels may not contain radios other than portables, television sets, or new playing cards other than one complete set of two decks.

Parcels contravening the above requirements may be confiscated or subjected to fines by the Israeli authorities if the addressees do not have import licenses.

To facilitate clearance of commercial parcels, it is recommended that senders attach the invoice, or a copy thereof, to the dispatch note, or place it in a separate envelope pasted to the wrapper of the parcel. To avoid delay in case the invoice becomes detached, it is recommended that a copy, or the original invoice, be enclosed in the parcel.

Prohibitions. Arms, etc.: Daggers and switchblades, unless imported as antiques.

For other reasons: Pharmaceutical preparations unless properly labeled. Commercial shipments must be labeled in accordance with the Israeli pharmaceutical regulations, and gift shipments must be labeled so as to permit verification of the contents. Customs declarations must show the name of the medicine and the exact quantity. Prescription medicines should be accompanied by a copy of the prescription, in which case the customs declaration may be marked "Medicine—Prescription enclosed".

Israeli banknotes. Blank invoices with headings.

Textiles exceeding 50 Israeli pounds ($16.67) in value.

Cigarettes in excess of 600. Tobacco in excess of 600 grams (21 ounces).

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Observations" for information as to import licenses which must be obtained for certain shipments.

Addressees must obtain special permission to import postage stamps exceeding 20 Israeli pounds ($6.67) per month; firearms; preserved meat for commercial use; and veterinary serums or vaccines.

VIII. In country "Japan", as amended by 28 F.R. 2278, under Parcel Post, amend the item "Prohibitions" to read as follows:

Prohibitions. For the protection of animals and plants: Walnuts in the shell. The following must be accompanied by official inspection certificates showing that they are free from domestic animals' infectious disease: Meat, bones, skin, hair, feathers, horns or hoofs of hoofed animals, rabbits or poultry; wool samples, poultry eggs for hatching; honey bees.

Arms, etc.: Firearms unless addressed to persons authorized to receive them. Toy firearms which can be easily converted into deadly weapons.

Lighters and refills containing butane gas.

State monopolies: Salt, tobacco leaves and seeds, and apparatus and papers for tobacco manufacture, unless addressed to the Japanese monopoly authorities or agents thereof. The same applies to manufactured tobacco, except that individuals may be authorized by the monopoly authorities to receive for their personal use up to 200 cigarettes, 50 cigars, and 120 grams (4¼ ounces) of smoking or chewing tobacco or snuff.

IX. In country "Lebanon" (Republic of) under Parcel Post, amend the items "Prohibitions" and "Import restrictions" to read as follows:

Prohibitions. For reasons of public safety—Lighters using butane gas.

For sanitary reasons: Artificial butters and adulterated or harmful products.

State monopolies, etc.: Cigarette papers and machines for the manufacture or packing of cigarettes.

Salt.

Automatic and electrical gambling devices.

For other reasons: Radio-sending equipment.

Essences, essential oils, and products derived therefrom for use in the manufacture of imitated beverages, ices, and pastries.

False trade-marks, tradenames, or indications of origin.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Import permits are required for many kinds of merchandise if the value exceeds 100 Lebanese pounds ($45.60).

Special permission is required for the importation of the following:

Certain vegetable and fish oils, unless denatured for soapmaking.

Cigarettes, cigars, leaf tobacco, and tumbeki.

Radio apparatus.

Medicines, surgical and dental instruments.

Nursing bottles. Condensed milk for infants.

X. In country "Malta", as amended by 28 F.R. 2278 and 28 F.R. 6507, under Parcel Post, add the following new item:

Prohibitions. Switchblade knives.

XI. In country "New Caledonia and Dependencies", make the following changes:

A. Under Postal Union Mail, amend the item "Special delivery" by striking out "no service;" and inserting in lieu thereof "Yes. See § 168.3 for fees and other conditions."

B. Under Postal Union Mail, the item "Prohibitions" is amended to delete the restrictions against coins. As so amended, the item reads as follows:

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

Articles prohibited as parcel post are prohibited in the postal union mail.

C. Under Parcel Post, amend the item "Prohibitions" for the purpose of clarification to read as follows:

Prohibitions. Saccharine and similar substances unless addressed to pharmacists. Firearms not intended for Government use. Airguns, other than toys. Tobacco leaves or manufactured tobacco. Weights and measures not of the decimal system.

XII. Amend the country heading of "Salvador (El)" to read "El Salvador (Republic of)" and make the following changes therein:

A. Under Postal Union Mail, amend the item "Prohibitions" to read as follows:

Prohibitions. Banknotes, coins of gold or silver, including those made into jewelry.

Articles prohibited as parcel post are prohibited in the postal union mail.

B. Under Parcel Post, delete the item "Import restrictions" and amend the item "Prohibitions" to read as follows:

Prohibitions. Pistols and revolvers of caliber .41 or larger; regulation pistols of the Army of El Salvador; silencers for firearms of any kind. Gambling equipment. Unstamped cigarette paper. Cigarettes, unless the words "importacion a El Salvador" are printed or stamped on each package.

XIII. In country "Tunisia (Tunis)," under Parcel Post, delete the item "Import restrictions" and amend the item "Prohibitions" to read as follows:

Prohibitions. For reasons of public safety: Saccharine and similar products, except in very small amounts imported as remedies by pharmacists or physicians.

For sanitary reasons: Nursing bottles, nipples, and pacifiers which are not made of pure rubber and marked accordingly, and vulcanized by heat.

Arms, etc.: Arms of all kinds, except that hunting and commercial arms may be imported with authorization of the Director of Public Safety.

State monopolies, etc.: Playing cards.

The following are among the articles prohibited for the protection of Tunisian industry:

Aspirin, sulfa drugs and vitamin compounds; chalk; pencils; soap and detergents containing it; leather and articles of artificial leather; carpets, tapestries and bed coverings; footwear of rubber or plastic; hosiery of cotton or synthetic fibers, except women's stockings; jewelry made of precious metal or plated with it; household articles of galvanized iron, galvanized steel or aluminum, nonelectric cooking and heating appliances for household use.

For other reasons: Salt for private use. Copper coins and obsolete silver coins.

Tobacco, except that manufactured tobaccos, cigars and cigarettes for personal use of the importer may be admitted up to 10 kilograms per year, subject to authorization of the Tunisian revenue authorities.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501,505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10331; Filed, Sept. 27, 1963; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1044]

[Docket No. AO–299–A6]

MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Escanaba, Michigan, on August 8, 1963, pursuant to notice thereof issued on July 26, 1963 (28 F.R. 7846).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on September 10, 1963 (28 F.R. 9946; F.R. Doc. 63–9805) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The material issue, findings and conclusions, rulings and general findings of the recommended decision (28 F.R. 9946; F.R. Doc. 63–9805) are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to providing handler status, on election, for a cooperative association on the bulk tank milk of its members.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order should provide that a cooperative association may elect to be a handler on farm tank milk which it causes to be picked up at the farm and delivered to the fluid milk plant of another handler in tank trucks owned and operated by or under contract to such association.

Prior to the advent of farm bulk tanks each handler's regular milk supply was necessarily received at his fluid milk plant and any balancing of supplies as between handlers or disposition to nonfluid milk plants was accomplished by transfer. With the advent of farm bulk tanks, cooling and assembling is no longer necessarily a plant operation. Milk may be moved directly from the farm to a fluid milk plant other than the plant of normal receipt, or to nonpool plants if not needed locally. However, under the individual-handler pooling arrangement effective under the order, such movements cannot now be readily accomplished since the operator of the fluid milk plant where the milk is physically received is held the responsible handler.

The principal cooperative association has assumed responsibility for hauling its member milk in many instances and it is likely that its activities in this regard will be expanded. Under the terms of the order, the person receiving milk from producers is held responsible for accounting for such milk and for payments to producers. Once milk from one producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. The operator of a fluid milk plant to which the load is delivered has an opportunity to determine only the weights and butterfat test of the total load, or partial load if other stops are involved. Where a tank truck picking up milk at the farm is operated under the supervision of a cooperative association it is the association that determines the weight and butterfat content of the deliveries of individual producers.

Milk delivered to a fluid milk plant by a cooperative association would be treated as a receipt of producer milk by such association at a fluid milk plant at the location of the plant to which it was delivered. Except for the extension of the handler definition to the cooperative association as indicated above, the definition would have application to the identical persons provided in the present order.

The milk delivered by the cooperative as a handler would continue to be classified and allocated at each plant of receipt and the operator of the plant would be obligated to pay the cooperative the uniform price applicable for the plant.

Because the cooperative may be the responsible handler on milk which it picks up at the farm and delivers to the fluid milk plant of another handler, it is desirable that provision be made for division of the maximum two percent shrinkage allowance between transferor and transferee. Under usual circumstances, shrinkage in the processing operation exceeds that of the receiving operation. At the hearing a cooperative association proposed a division of shrinkage of one and one-half percent to the transferee handler and one-half percent to the transferor handler. This division is commonly employed in Federal order markets and is concluded to be appropriate for this market.

When the difference between weights and tests of producer milk as determined at the farm and the tank weights and tests recorded on delivery at the plant falls within the generally accepted shrinkage tolerances, it is not unusual for handlers to purchase milk from a cooperative on the basis of farm weights and tests. Under such circumstances the cooperative experiences no shrinkage losses and the entire two percent shrinkage allowance should then accrue to the transferee handler.

When a handler uses both producer milk and other source milk in his plant, provision must be made for a division of plant shrinkage among the various sources of receipts. The existing order provides that other source milk shall be assigned a pro rata share of the total plant shrinkage and no substantial change other than that cited previously is proposed in this regard.

Rulings on proposed findings and conclusions. A brief containing proposed findings and conclusions was filed on behalf of certain interested parties. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 25, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, on September 10, 1963, and published in the FEDERAL REGISTER on September 13, 1963 (28 F.R. 9946; F.R. Doc. 63–9805), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. Section 1044.10 is revised to read as follows:

§ 1044.10 Handler.

* * * * * *

(d) Any cooperative association, at its election, with respect to member milk delivered from the farm to the fluid milk plant of another handler in a tank truck operated by or under contract to the cooperative association. To elect this handler status, the market administrator must be notified prior to the first day of the month during which these deliveries will take place. Milk delivered pursuant to this paragraph is deemed to have been received at the location of the milk plant to which it is delivered.

2. In § 1044.14 the introductory text is revised to read as follows:

§ 1044.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a fluid milk plant directly from a dairy farmer or a handler pursuant to § 1044.10(d): *Provided,* That:

3. Section 1044.34 is revised to read as follows:

§ 1044.34 Other reports.

(a) Each handler pursuant to § 1044.10(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 5th day of each month the quantities of skim milk and butterfat in producer milk delivered to each fluid milk plant in the preceding month.

(b) Each handler exempt pursuant to §§ 1044.81 and 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

4. Section 1044.41(b) is revised to read as follows:

§ 1044.41 Classes of utilization.

* * * * * *

(b) * * *

(5) Skim milk and butterfat, respectively, (except in milk diverted to a nonfluid milk plant pursuant to § 1044.14) in shrinkage allocated pursuant to § 1044.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1044.10(d);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1044.10(d): *Provided,* That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from fluid milk plants of other handlers; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage assigned pursuant to § 1044.42(b)(2).

5. Section 1044.42 is revised to read as follows:

§ 1044.42 Shrinkage.

The market administrator shall determine shrinkage for each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to nonfluid milk plants pursuant to § 1044.14), plus fluid milk products in bulk from fluid milk plants of other handlers and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

6. Section 1044.46 is revised to read as follows:

§ 1044.46 Allocation of butterfat classified.

The market administrator shall determine the classification of butterfat in producer milk each month as follows:

* * * * * *

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of butterfat in each class in series beginning with Class II utilization.

7. Section 1044.47 is revised to read as follows:

§ 1044.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to producer milk in the same manner as that prescribed for butterfat in § 1044.46.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

8. Section 1044.71(a) is revised to read as follows:

§ 1044.71 Expense of administration.

* * * * *

(a) Producer milk (including a handler's own farm production); and

[F.R. Doc. 63-10339; Filed, Sept. 27, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 1962]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Models C634S–C400 Through –C500 Series Propellers

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Curtiss-Wright Models C634S–C400 through –C500 Series propellers. There have been recent incidents of failure of the brake assemblies resulting in malfunctioning of the propellers. Investigation revealed that the discrepant brake assemblies were of an early type having cage units utilizing threaded retention and that the cage units had backed-off of the mating housing assembly. To correct this unsafe condition, this AD requires replacement of the threaded-type brake assemblies with brake assemblies having bolted retention.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 29, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

CURTISS-WRIGHT. Applies to all Models C634S–C400 through –C499 and C634S–C500 through –C599 Series propellers equipped with P/N 142080–1 brake assemblies. (These propellers may be found installed on such aircraft as Lockheed Models 749 and 1049.)

Compliance required within 100 hours' time in service after the effective date of this AD.

There have been failures of P/N 142080–1, threaded type brake assemblies, causing the propellers to malfunction. To correct this unsafe condition, the following shall be accomplished:

Replace P/N 142080–1 brake assemblies with P/N's 149252–1, 152908–2, or 161462–2 brake assemblies.

(Curtiss Service Bulletins No. C–14 and C–32 and Parts Bulletins C–52, C–67, C–80 and C–90 cover this same subject.)

Issued in Washington, D.C., on September 24, 1963.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 63-10306; Filed, Sept. 27, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 1985]

AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft. There have been several instances of cracks occurring in the upper wing planks. In order to correct this unsafe condition, this AD requires inspection of the upper wing planks where the inboard nacelle inboard and outboard skate angles attach to the wings and repair of any found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 29, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 188A and 188C Series aircraft.

Compliance required as indicated:

As a result of cracking of the upper wing planks, accomplish the following:

(a) For aircraft that have accumulated 5,000 hours' time in service as of the effective date of this AD:

(1) Within the next 225 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 225 hours' time in service, externally inspect the wing planks in accordance with Section 2.A. of Lockheed Service Bulletin 88/SB–600 or FAA approved equivalent. The external inspections may be discontinued when the internal inspection program prescribed by (a)(2) is initiated.

(2) Within the next 900 hours' time in service after the effective date of this AD, unless accomplished within 2,100 hours' time in service prior to the effective date of this AD, and thereafter at intervals not to exceed 3,000 hours' time in service from the last inspection, internally inspect the wing planks by X-ray or visual means in accordance with Section 2.B. of Lockheed Service Bulletin 88/SB–600 or FAA approved equivalent.

(b) For aircraft that have not accumulated 5,000 hours' time in service as of the effective date of this AD:

(1) Prior to the accumulation of 5,225 hours' time in service, and thereafter at intervals not to exceed 225 hours' time in service, externally inspect the wing planks in accordance with Section 2.A. of Lockheed Service Bulletin 88/SB–600 or FAA approved equivalent. The external inspections may be discontinued when the internal inspection program prescribed by (b)(2) is initiated.

(2) Prior to the accumulation of 5,900 hours' time in service and thereafter at intervals not to exceed 3,000 hours' time in service, internally inspect the wing planks by X-ray or visual means in accordance with Section 2.B. of Lockheed Service Bulletin 88/SB–600 or FAA approved equivalent.

(c) Any cracks found during the accomplishment of (a) or (b) shall be repaired before further flight in accordance with the Lockheed Electra Structural Repair Manual, Section 57–2–1, or an equivalent approved by the Chief, Engineering & Manufacturing Branch, FAA Western Region.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering & Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Alert Bulletin 88/SB–600 dated June 24, 1963, covers this same subject.)

Issued in Washington, D.C., on September 23, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63-10307; Filed, Sept. 27, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

OLA COMMUNITY AUCTION SALE ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
ARKANSAS	
Ola Community Auction Sale, Ola, Dec. 15, 1958	Ola Livestock Auction, July 1, 1963.
MINNESOTA	
D & D Sales Pavilion, Alexandria, March 2, 1960	Alexandria Auction Co., Aug. 19, 1963.
MISSISSIPPI	
Lum Bros. Stockyards, Natchez, Aug. 3, 1962	Natchez Stockyards, Aug. 22, 1963.
NEBRASKA	
Creighton Livestock Market, Creighton, Jan. 18, 1956.	Creighton Livestock Market, Inc., July 1, 1963.
Dobler & Smith Livestock Auction Co., Ellendale, June 8, 1959.	Dobler Livestock Sales Co., Feb. 1, 1963.
Gordon Sales Co., Gordon, Nov. 7, 1940	Gordon Livestock Auction Co., Inc., Aug. 8, 1963.
NEBRASKA	
North Bend Auction Co., North Bend, Apr. 11, 1960	North Bend Livestock Sales Co., Aug. 30, 1963.
Plattsmouth Sale Barn, Plattsmouth, Apr. 25, 1959	National Co-operative Association, May 1, 1963.
OREGON	
LaGrande Livestock Auction Co., LaGrande, Oct. 26, 1959.	LaGrande Livestock Commission Co., June 27, 1963.
TEXAS	
Huntsville Livestock Commission Co., Huntsville, May 12, 1959.	Huntsville Auction Co., Apr. 30, 1963.
Terrell Livestock Commission Co., Terrell, Apr. 24, 1961.	Terrell Livestock Commission, Aug. 9, 1963.
VIRGINIA	
Highland County Livestock Market, Inc., Monterey, Mar. 12, 1959.	Monterey Livestock, June 27, 1963.

Done at Washington, D.C., this 24th day of September 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-10327; Filed, Sept. 27, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FERGUSON FUMIGANTS, INC.

Notice of Filing of Petition Regarding Food Additive Methyl Bromide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1223) has been filed by Ferguson Fumigants, Inc., P.O. Box 5868, Ferguson 35, Missouri, proposing an amendment of § 121.1133(a) to provide for the safe use of methyl bromide as a fumigant for grain mill machinery.

Dated: September 23, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10323; Filed, Sept. 27, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an Order extending to September 26, 1964, the expiration date specified in Provisional Operating License No. DPR–5 issued to Consolidated Edison Company of New York, Inc., authorizing operation of the Indian Point nuclear reactor located in Westchester County, New York, at thermal power levels up to 585 megawatts.

Copies of the Commission's Order and the application dated June 28, 1963, filed by Consolidated Edison Company of New York, Inc., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 18th day of September 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 63-10303; Filed, Sept. 27, 1963; 8:45 a.m.]

[Docket No. 50–202]

UNIVERSITY OF NEVADA

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R–91 to the University of Nevada, authorizing operation of the Atomics International Model L–77 solution-type nuclear reactor located on the campus of the University at Reno, Nevada.

The license, as issued, is substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER on April 5, 1963, 28 F.R. 3365, except that it has been changed pursuant to amendments dated May 14, 1963 and August 16, 1963, filed by the University as part of its application. The amendments provided new information concerning (1) additions and corrections made to the application, and (2) changes in the radiation alarm warning system originally planned.

The Commission has found that:

(1) Operation of the reactor in accordance with the application, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of issuance of this license is not required since the changes in the license do not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice," 10 CFR Part 2. If a request for hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to the new information see (1) the application amendments dated May 14, 1963, and August 16, 1963, and (2) a supplemental hazards analysis by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 20th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10304; Filed, Sept. 27, 1963; 8:45 a.m.]

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R-73, as amended. The amendment authorizes The University of Washington to use rotating sample holders in irradiation cavities in the University's Argonaut-type nuclear reactor located on the campus in Seattle, Washington, and operate the facility as described in the application amendment dated July 3, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, does not involve safety factors significantly different from those considered and evaluated in connection with previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 3, 1963, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 18th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and regulation.

[License No. R-73, Amdt. No. 4]

License No. R-73, as amended, issued to University of Washington, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-73, as amended, University of Washington is authorized to use rotating sample holders in irradiation cavities in the University's Argonaut-type nuclear reactor located on the University's campus in Seattle, Washington, and operate the facility as described in its application amendment dated July 3, 1963.

This amendment is effective as of the date of issuance.

Date of issuance: September 18, 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10305; Filed, Sept. 27, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14779; Order No. E-20039]

AMERICAN AIRLINES, INC.

Group Travel Jet Coach Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1963.

American Airlines, Inc., (American) has filed tariff revisions,[1] bearing a posting date or August 22, 1963, marked to become effective October 6, 1963, which would add to its group travel jet coach tariff, fares between Albany, Buffalo, and Rochester, New York, on the one hand, and points in western United States, on the other hand. The proposed rule of applicability of these new fares provides that between these New York points and Chicago, members of the group in excess of 17 will be accommodated in the first-class compartment of Electra aircraft.

No complaints have been received.

In support of its proposed tariff rule, American states that the airports serving Albany, Buffalo, and Rochester are not suitable for operations with jet aircraft, and that American provides the bulk of its service to these points with turbo-prop Electras. The coach capacity of the Electra (17 seats) will not accommodate the minimum number of passengers (25) required to qualify a group for the reduced coach fares offered beyond Chicago. American also alleges that if it splits a group rather than accommodating all passengers on one flight, it would force some passengers to wait a considerable time in Chicago for the connecting flight on which all must travel beyond Chicago.

The Board, upon consideration of all relevant matters, finds that the proposed fares, insofar as they are applicable in the first-class compartment on flights between Albany, Buffalo, and Rochester, New York, on the one hand, and Chicago, on the other hand, may be unjust and unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful, and should be investigated.

The proposed fares do not appear unreasonable and are at levels of fares of this type already in effect. However, with respect to the applicability of the fare to the first-class compartment of Electra aircraft when insufficient seating capacity is offered in the coach compartment to accommodate a group for which the fare is designed, the proposal may be unjustly discriminatory and requires suspension. Since the type of aircraft used by American for the major portion of its flights operated under the proposed fare revision cannot, in the present configuration, accommodate all of a group, as defined by the tariff, one-third or more of these passengers would be assured first-class reservations, 21 days in advance of the flight, at reduced fares. These passengers would be provided the same service as a regular first-class passenger at a considerable difference in ticket cost. At the same time these passengers, at the same fare, would receive more deluxe accommodations than members of the same group riding in the coach compartment.

Because of the prior reservation requirement for group travel, this situation differs from that of a military stand-by passenger who is permitted to travel on a space-available basis and who may sit in the first-class compartment if no coach seats are available. Under these circumstances, and in view of the fact that group travel conditions in these markets appear to be within management's control, we have decided to permit the proposed fare revision to become effective with the exception of the applicability of the provision that would allow travel under the fare in the first-class compartment of Electra aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the portion of Exception 2. on 6th Revised Page 8 of American Airlines, Inc., C.A.B. No. 154 reading "provided that when seventeen members of any one group are accommodated in the coach compartment of a flight operated with Electra aircraft, members of such group in excess of seventeen passengers will be accommodated in the first-class compartment of the same flight." is or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful provisions;

2. Pending hearing and decision by the Board, the portion of Exception 2. on 6th Revised Page 8 of American Airlines, Inc., C.A.B. No. 154 reading "provided that when seventeen members of any one group are accommodated in the coach compartment of a flight operated with Electra aircraft, members of such group in excess of seventeen passengers will be accommodated in the first-class compartment of the same flight." be suspended and its use deferred to and including January 3, 1964, unless ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order will be filed with the aforesaid tariff and be served upon American Airlines, Inc., which is made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10314; Filed, Sept. 27, 1963; 8:46 a.m.]

[1] American Airlines, Inc., C.A.B. No. 154.

[2] Murphy, Vice Chairman, and Minetti, member, dissenting.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15167-15168; FCC 63-848]

MINNESOTA MICROWAVE, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Minnesota Microwave, Inc., Willmar, Minnesota, Docket No. 15167, File No. 2868-C1-R-63; for renewal of the license for station KAY61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Willmar, Minnesota, Docket No. 15168, File Nos. 1845/1846/1847/1848/1849/1850/1851-C1-P-63; for construction permits to establish stations in the Point-to-Point Microwave Radio Service in or near Roseville, Rockford, Cold Springs, Little Falls, Willmar, Benson, and Montevideo, Minnesota.

1. The Commission has before it (a) the applications of Minnesota Microwave, Inc. (Minnesota), filed on October 19, 1962 for construction permits to establish point-to-point microwave radio facilities in order to serve the communities of Marshall, Willmar, Benson, Morris, Montevideo and Brainerd, all in Minnesota; (b) Minnesota's application for renewal of the license for station KAY61, Willmar, Minnesota, also filed on October 19, 1962; (c) the petition to deny said applications, filed on January 2, 1963 by Central Minnesota Television Co. (KCMT), the licensee of television KCMT, Channel 7, Alexandria, Minnesota; (d) the opposition thereto filed by Minnesota Microwave, Inc. on January 18, 1963; and (e) the reply to said opposition filed by KCMT on January 25, 1963.

2. Minnesota, an existing licensee of point-to-point common carrier microwave radio facilities, received its initial authorization to operate station KAY61, Willmar, Minnesota on July 9, 1960. Said authorization expired on February 1, 1961 and a short term renewal was granted on October 30, 1960, effective February 1, 1961 for a two-year period expiring on February 1, 1963. Although the renewal application clearly indicated that during the preceding license period Minnesota had not rendered a public communication service, the renewal application was granted without a hearing. (See 47 CFR 21.709.)[1] In granting a renewal for a two, instead of the usual five-year period, the Commission noted that the original license term was for only about seven (7) months, and that a statement had been submitted with the renewal application to the effect that Minnesota was actively seeking to implement its common carrier service offering by securing non-affiliated customers.

3. Minnesota has timely filed an application for renewal of the license for station KAY61, Willmar, to enable it to continue serving its affiliated subscriber in Benson. Minnesota has also filed applications to establish additional facilities in the State of Minnesota which will permit the carrier to furnish microwave transmission service via a seven station microwave system to additional CATV systems operating in the communities of Morris, Montevideo, Marshall, Willmar and Brainerd, all in Minnesota and to provide additional services to its affiliated subscriber in Benson. It appears that all of the new CATV's proposed to be served are also affiliated with Minnesota. The only independent and unaffiliated customer which Minnesota has any hope of securing is the University of Minnesota at Morris which has expressed interest in obtaining a single channel closed circuit communications system operating between its campuses at Morris, and Minneapolis, Minnesota. However, it does not appear that the necessary University funds can be appropriated without first opening the project to public bids. Thus, the prospect of serving the University is merely tentative at this time.[2]

4. In the instant case, even assuming that the University of Minnesota does become a customer, the extent of public usage of the proposed facilities would appear to be minimal in relation to usage by customers affiliated with or related to Minnesota. In its Memorandum Opinion and Order (FCC 63-367) in Columbia Basin Microwave Company, released April 23, 1963, the Commission stated its views regarding the usage of common carrier frequencies. It said:

> • • • However, where there is no public need for a common carrier facility, it cannot be disputed that the Commission has the authority—in fact, the duty—to deny the utilization of a frequency, reserved for service to the public, solely for the operation of a private business—particularly since other frequencies are allocated and available for the purpose of providing private non-common carrier microwave service. Evidence of public need may be found in the existence of subscribers unconnected with the applicant, or in facts which will indicate a reasonable likelihood that the facilities

[1] Section 21.709 provides that licensees in the Commission's Domestic Public Point-to-Point Microwave Radio service must show, at the time application for renewal is filed, that 50 percent of the total hours of service rendered over the radio system and not less than 50 percent of the radio channels therein have been used by subscribers not directly or indirectly under common control with itself. An identity of interest was admitted to exist between Minnesota's stockholders and the stockholders of its sole customer, Benson Video, Inc., a community antenna television system (CATV) in Benson, Minnesota, and at the time of renewal in 1960, as at the time of the original grant, Minnesota was providing and proposed to continue to provide service to its sole affiliated subscriber in Benson.

[2] In the event of a grant herein, and pending the negotiation of rebroadcast agreements, the applicant also proposes to use the instant facilities to provide audio subchannel service to certain subscribers who have expressed interest in the projected service.

will in the future be used by non-related subscribers. On the other hand, a lack of public subscribers and a failure to show a reasonable likelihood of future use by the public, strongly indicates an absence of public need. (Pages 2 and 3, Par. 5.)

Accordingly, a substantial question exists as to whether the public interest will be served by a renewal of the license for station KAY61 and by a grant of new common carrier frequencies to Minnesota which ostensibly are to be used to serve primarily its own private needs.

5. An issue concerning the financial ability of the applicant to undertake the proposed construction of new facilities also appears to be in order. The application filed for the extension of the existing service recites that the cost of construction thereof would be approximately $273,000, based upon estimates by Motorola, Inc., the supplier. Applicant's exhibits show that the First National Bank of Willmar, Minnesota, has expressed its willingness to extend credit to the operation "in excess of $300,000." Further, said bank has also indicated that it has no interest in the Management of Minnesota Microwave Corporation, nor will it in any way exercise control over the use of the facility. Minnesota states that it proposes to pay down 20 percent of the total cost, and that four of its principal stockholders will personally guarantee thirty of the first sixty payments. Bank financing, if required, will be accomplished through stockholder guarantees. We find, however, that certain financial data is still lacking. For example, the Balance Sheet of Minnesota Microwave, as of July 31, 1962, showed Cash on Hand and In Bank to be $4,199.91. The Corporation's initial down payment to Motorola will approach $60,000. No indication has been made as to the proposed source of these funds. Further, no information is given regarding the terms of the guarantees. Nor is there an indication of the source of cash which will be needed for initial operating costs of the new facilities. The personal financial statements of the four Minnesota stockholder-guarantors reveal substantial equities in terms of fixed assets, but a proportionately small figure with respect to ready cash. The nature of any liens and encumbrances in favor of potential lenders are not set forth, though again, such information is vitally necessary to achieve a total financial picture of the operation. An issue respecting the applicant's ability to carry out the proposed undertaking is appropriate and will be included in the hearing order.

6. The petition to deny filed by television station KCMT is directed mainly to the detrimental effect that the extension of CATV services will have on the public because of the economic impact on said station and the possible curtailment of local television service. KCMT alleges that of the five largest communities in its Grade-A service contour, three are currently served by CATV systems which will subscribe to the service provided by Minnesota. These three are: Willmar, Morris and Benson.[3] In addition, the proposed microwave system would also serve Brainerd and Montevideo, Minnesota. Montevideo is located within the Grade-B service contour of KCMT. Brainerd which lies beyond KCMT's Grade-B service contour, is within the Grade-B contour of KNMT, Walker, Minnesota, a semi-satellite of KCMT.[4] It is alleged that substantial revenue is presently received from Montevideo, and that Brainerd is considered to be a source of revenue of station KNMT. KCMT further alleges, that funds for its construction were raised from the sale of stock to approximately 2,900 persons in the Central Minnesota area; that the organizers of KCMT contemplated that although no single community in the area was capable of supporting a television station, sufficient local advertising revenues could be derived from a number of small area towns and that such revenues would support a television broadcast station; that the Commission recognized that KCMT would bring a first Grade-B service to a "white" area of about 7,500 square miles containing over 235,000 persons; that since its inception four years ago, KCMT has encouraged local advertisers to use its facilities through the quotation of low advertising rates; that its emphasis has been to build and serve the communities in its area, despite the heavy competition from metropolitan Minneapolis-St. Paul stations;[5] that the station's primary problem over the years has been the maintenance of sufficient revenue to sustain a local programming service comparable to and competitive with the television stations in the large metropolitan areas; that large metropolitan retailers using heavy television budgets in Minneapolis-St. Paul drain business from the rural areas toward the metropolitan centers; that KCMT derives substantial revenues from local communities, and that of the station's total revenue pattern, approximately 55 percent is provided by local advertisers, and approximately 20 percent is provided by regional advertisers;[6] that microwave service to four out of the five largest communities in its Grade-A service contour would discourage local advertisers and divert national and regional advertisers to the Minneapolis-St. Paul stations whose signals—by virtue of the proposed microwave service—will penetrate deep into this KCMT service area; that the economic survival of KCMT is therefore placed in jeopardy; that even if the grant does not cause the "demise" of the station, the loss of revenue contemplated, would result in a degradation of the quality of local programming; that 200,000 of KCMT's total viewing audience is made up of rural viewers; that because the economics of CATV operations preclude service to rural homes, grants herein would cause a curtailment or deprivation of these viewers' only local program service; that such consequences indicate that the granting of the above-captioned applications would not serve the public interest, convenience and necessity.

7. In its opposition to KCMT's petition to deny, Minnesota does not controvert the facts alleged by petitioner. It urges, however, that these facts do not have decisional significance, in that they fail to meet the specificity requirements of 47 U.S.C. section 309(d) and 47 CFR 21.27. Said sections deal with the processing of applications and lay down the requirement that when there are "substantial and material" questions of fact, applications should be designated for hearing. In reasoning that no hearing is warranted, Minnesota avers that the questions of fact raised by KCMT are neither substantial nor material, and further, that even if proven, such facts would be no bar to a grant of the reference applications. Minnesota concludes that KCMT is a proper party in interest within the procedural compass of Carter Mountain Transmission Corporation, 22 RR 193, February 16, 1962. However, Minnesota takes the position that the holding in Carter Mountain should be limited to those specific situations wherein the broadcaster alleges that the introduction of microwave radio service would cause the demise of the affected station.

8. We find, on the basis of the allegations herein, that KCMT has established its standing as a party in interest with respect to Minnesota's applications for the renewal of its license for station KAY61, Willmar, Minnesota, used to serve Benson, Minnesota and its applications for grants of construction permits for microwave service to CATVs operating in the communities of Montevideo, Willmar, Morris and Brainerd, all in Minnesota. We further find, in accordance with U.S.C. section 309(e) that the allegations herein raise a substantial question of fact as to whether a grant of microwave facilities to serve CATV systems in the aforesaid enumerated communities may result in injury to the public. Contrary to the position taken by Minnesota, it is clear that public injury measured in terms of the loss or degradation of service is a pertinent public interest factor. Carroll v. FCC, 17 RR 2066; Carter Mountain Transmission Corporation, 22 RR 193, aff'd sub nom Carter Mountain Transmission Corp. v. FCC F 2d. (D.C. Cir.) Case No. 17089, decided May 23, 1963, 25 RR 2055. Accordingly, an issue pertaining to "economic impact" will be included herein.

[3] A fourth community, Little Falls, Minnesota, is the site of a proposed repeater. It has an existing CATV system, and is therefore alleged by KCMT to be an ultimate potential customer of Minnesota Microwave Service.

[4] Station KNMT is a permittee only and has not as yet received a license to operate.

[5] Minneapolis-St. Paul is located a little over 100 miles to the east and south of Alexandria, Minnesota.

[6] In support of this, KCMT alleges that during the first nine months of 1962, Willmar, Minnesota (1960 Pop. 10,417) accounted for 4.8 percent of the station's local revenue. Willmar is located at the southern end of the KCMT service area and presently has an operating CATV system. In contrast, during the same period, Wadena, Minnesota (1960 Pop. 4,381), a non-CATV community more distant from the KCMT transmitter than is Willmar, provided 5.4 percent of the station's total revenue. KCMT then concluded that the only explanation it can advance for the difference in revenues is the absence of CATV in Wadena.

9. Unless affirmative findings and conclusions in favor of the applicant are made that the present and proposed usage of the frequencies and facilities requested herein establishes a public need for common carrier facilities, the Commission need not consider the other issues raised concerning applicant's financial ability, and "economic impact". In the circumstances of this case and in order to permit possible expedition of this proceeding, the Commission is ordering that the issue of "public need" be resolved before consideration is given to the other issues included in the hearing order.

10. In view of the foregoing, and pursuant to section 309(e) of the Communications Act of 1934, as amended, *It is ordered*, This 18th day of September 1963, that the above-captioned application for renewal, and the above-captioned applications for construction permits, are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine in view of the present as well as the proposed usage of the existing and proposed facilities involved herein, whether a grant of the renewal of the existing license and a grant of additional common carrier frequencies is warranted, and would serve the public interest, convenience or necessity.

(b) To determine whether applicant is financially able to construct and operate microwave facilities.

(c) To determine what impact a grant of the applications which propose service to CATVs located in the cities of Willmar, Morris, Montevideo and Brainerd, all in Minnesota, and renewal of the license for radio station KAY61, which is used to serve a CATV system at Benson, Minnesota, will have upon the operation of station KCMT, Alexandria, Minnesota, and the resulting injury, if any, to the public now served thereby.

(d) To determine, in the light of evidence adduced in Issue (c), whether the aforesaid applications should be granted on condition that the CATV customers at Montevideo, Willmar, Benson, Morris and Brainerd, all in Minnesota, provide for protection against duplication of station KCMT's programming and the carrying of KCMT's signal, and if so, the nature and terms of such conditions.

(e) To determine in light of the evidence adduced on the foregoing issues whether a grant of the aforesaid applications with or without conditions, would serve the public interest, convenience or necessity.

11. *It is further ordered*, That the Hearing Examiner who shall be designated to conduct the hearing on the aforementioned issues shall first take evidence and render an Initial Decision on Issue (a), above, and shall then proceed to take evidence and render an Initial Decision on Issues (b), (c), (d) and (e) only if he has made affirmative findings and conclusions in favor of the applicant under Issue (a). In the event of such affirmative findings and conclusions by the Examiner with respect to Issue (a), the parties desiring to take exceptions thereto shall preserve such exceptions until the issuance of an Initial Decision on the remaining Issues;

12. *It is further ordered*, That Central Minnesota Television Company is made a party to the proceeding herein;

13. *It is further ordered*, That the burden of proceeding with the introduction of evidence with respect to Issue (c) herein is placed with Central Minnesota Television Company; and the burden of proceeding with the introduction of evidence with respect to Issues (a), (b) and (d) is placed on the applicant;

14. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with 47 CFR 1.140.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10336; Filed, Sept. 27, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-35]

NEW YORK STATE NATURAL GAS CORP.

Notice of Application and Date of Hearing

SEPTEMBER 23, 1963.

Take notice that on August 5, 1963, New York State Natural Gas Corporation (Applicant) with its principal place of business in Pittsburgh, Pennsylvania, filed in Docket No. CP64-35 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a line tap and certain metering and regulating facilities, and the delivery of natural gas to New York State Electric and Gas Corporation (New York Electric) for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its 20-inch transmission pipeline in the Town of Marshall, Oneida County, New York, and to construct and operate a measuring and regulating station for the sale and delivery of natural gas to New York Electric for resale to the Village of Waterville and the Towns of Marshall and Sangerfield and environs, all in Oneida County. The estimated third year annual and peak-day requirements for the proposed market area are 80,400 Mcf and 679 Mcf of natural gas respectively. The proposed service will not effect Applicant's gas supply or capacity.

The application states that New York Electric has received the necessary authorization from the New York Public Service Commission to construction the necessary gas plant and has the necessary franchises to distribute the gas in the respective communities. The application further estimates that the cost of the proposed facilities to be constructed by Applicant is $14,436 to be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10312; Filed, Sept. 27, 1963; 8:46 a.m.]

[Docket No. G-2861 etc.]

H. F. SEARS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 24, 1963.

H. F. Sears, Docket No. G-2861; Ashland Oil & Refining Company, Docket No. G-3912; Socony Mobil Oil Company, Inc., Docket No. G-7649; Socony Mobil Oil Company, Inc., Docket No. G-12861; C. B. Webster (Operator), et al., Docket

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

No. G–13548; Allegheny Land and Mineral Company, Docket No. G–17106; Willie Collins, et al., Docket No. G–19106; Socony Mobil Oil Company, Inc., Docket No. CI60–243; The Superior Oil Company, Docket No. CI60–328; Francis E. Cain, et al., Docket No. CI60–803; Shell Oil Company, Docket No. CI61–104; T. L. Mullen Company, Docket No. CI62–911; Commercial Minerals, Inc., Docket No. CI63–189; Bee Gas Company, Docket No. CI63–307; L. S. Youngblood (Operator), et al., Docket No. CI63–986; H. M. Gillespie, Docket No. CI63–1422; Tenneco Corporation, Docket No. CI63–1424; Graham-Michaelis Drilling Company, Docket No. CI63–1516; Carter-Jones Drilling Company (Operator), et al., Docket No. CI63–1535; Pan American Petroleum Corporation, Docket No. CI63–1539; George Mitchell & Associates, Inc., et al., Docket No. CI64–323; Phillips Petroleum Company, Docket No. CI64–326; Ellyson Oil & Gas Company, Docket No. CI64–327; Hanlon Oil Company, Docket No. CI64–328; C. E. Beardmore, Docket No. CI64–329; Reed-Hildreth, et al., Docket No. CI64–330; D. A. Dorward, et al., Docket No. CI64–331 Sunland Refining Corporation, Docket No. CI64–332; Theodore R. Johnson, Docket No. CI64–333; Lawrence G. Shelly (Operator), et al., Docket No. CI64–334, Tenneco Corporation, Docket No. CI64–335; Tenneco Corporation, Docket No. CI64–336; M. J. Moran, et al., Docket No. CI64–337; Clara W. Ray, et al., Docket No. CI64–338; L. L. Shinn, Docket No. CI64–339; Humble Oil & Refining Company, Docket No. CI64–340; Cities Service Company (Operator), et al., Docket No. CI64–341; Sohio Petroleum Company, Docket No. CI64–342; Creek Oil Company, Inc., Docket No. CI64–343; W. J. Goldston, et al., Docket No. CI64–344; The Howard Corporation, et al., Docket No. CI64–345; Highland Oil Company, Docket No. CI64–346; John M. Hamilton, et al., Docket No. CI64–347; Harkins & Company (Operator), et al., Docket No. CI64–348; Humble Oil & Refining Company, Docket No. CI64–349; Perkins Brothers and Graham, Docket No. CI64–350; Bowers Drilling Company, Inc., Docket No. CI64–351; Sun Oil Company (Southwest Division), Docket No. CI64–352; Sun Oil Company (Southwest Division), Docket No. CI64–353; Shell Oil Company, Docket No. CI64–355; William K. Davis (Operator), et al., Docket No. CI64–356; American Metal Climax, Inc., Docket No. CI64–357; Tidewater Oil Company, Docket No. CI64–358; H. F. Sears, Docket No. CI64–359; Southwest Gas Producing Company, Inc., et al., Docket No. CI64–360; Petroleum, Inc., Docket No. CI64–361.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G–2861 D 9–18–63	Phillips Petroleum Co	Acreage in Hutchinson and Moore Counties, Tex.	(1)	
G–3912 C 9–12–63	Hope Natural Gas Co	Acreage in Buchanan, Russell and Tazewell Counties, Va.	25.0	15.325
G–7649 D 9–9–63	Lone Star Gas Co	Katie Field, Garvin County, Okla.	Decrease in pressure.	
G–12861 D 9–9–63	do	Katie and Northwest Hoover Fields, Garvin County, Okla.	Decrease in pressure.	
G–13548 C 6–10–63	Texas Eastern Transmission Corp.	Tidehaven Field, Matagorda County, Tex.	14.6	14.65
G–17106 C 9–18–63	Hope Natural Gas Co	Acreage in Doddridge, Gilmer, Lewis, and Wetzel Counties, W. Va.	28.0	15.325
D 9–18–63	do	do	(2)	
G–19106 C 9–13–63	do	Sheridan District, Calhoun County, W. Va.	25.0	15.325
CI60–243 D 9–9–63	Lone Star Gas Co	Katie Field, Garvin County, Okla.	Decrease in pressure. Assigned	
CI60–328 D 8–18–63	El Paso Natural Gas Co	Acreage in Beaver County, Okla.		
CI60–803 C 9–18–63	Hope Natural Gas Co	Lee District, Calhoun County, W. Va.	25.0	15.325
CI61–104 C 9–16–63	Tennessee Gas Transmission Co.	West Delta Block 30 Field, Plaquemines Parish, La.	20.0	15.025
CI62–911 C 9–18–63	Hope Natural Gas Co	Meade District, Upshur County, W. Va.	25.0	15.325
CI63–189 C 5–15–63	Michigan-Wisconsin Pipe Line Co.	Acreage in Harper County, Okla.	17.0	14.65
CI63–307 C 9–18–63	Hope Natural Gas Co	Union District, Ritchie County, W. Va.	25.0	15.325
CI63–986 C 8–5–63	Cities Service Gas Co	Acreage in Woods County, Okla.	13.0	14.65
CI63–1422 A 5–20–63 9–12–63	do	Hugoton Gas Field, Kearny County, Kans.	8.4	16.4
CI63–1424 A 5–20–63	Panhandle Eastern Pipe Line Co.	NE. Trail Field, Dewey County, Okla.	17.0	14.65
CI63–1516 A 6–10–63	Natural Gas Pipeline Co. of America.	SW. Hooker Field, Texas County, Okla.	17.0	14.65
CI63–1535 A 6–13–63	Rio Sabine, Inc	North Carthage Field, Panola, and Harrison Counties, Tex.	4.28	14.65
CI63–1539 A 6–13–63	El Paso Natural Gas Co	Bisti Lower Gallup Field, San Juan County, N. Mex.	13.0	15.025
CI64–323 A 9–12–63	Texas Eastern Transmission Corp.	Garwood Field, Colorado County, Tex.	13.0	14.65
CI64–326 B 9–11–63	Coastal States Gas Producing Co.	Poesta Creek Field, Bee County, Tex.	(3)	
CI64–327 A 9–12–63	Hope Natural Gas Co	DeKalb District, Gilmer County, W. Va.	25.0	15.325
CI64–328 A 9–12–63	do	Clay District, Ritchie County, W. Va.	25.0	15.325
CI64–329 A 9–12–63	do	Grant District, Ritchie County, W. Va.	25.0	15.325
CI64–330 A 9–12–63	do	Spencer District, Roane County, W. Va.	25.0	15.325
CI64–331 A 9–12–63	do	Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64–332 A 6–18–63	El Paso Natural Gas Co	Huerfano Dakota Unit, San Juan County, N. Mex.	12.0	15.025
CI64–333 A 9–12–63	Northern Natural Gas Co	Acreage in Hansford County, Tex.	17.0	14.65
CI64–334 B 9–12–63	Coastal States Gas Producing Co.	Acreage in Bee County, Tex.	Declined in pressure. (4)	
CI64–335 B 9–13–63	Arkansas Louisiana Gas Co	Bistineau Field, Webster, and Bienville Parishes, La.	(3)	
CI64–336 B 9–13–63	do	Wallace Johnson Field, Marion County, Tex.		
CI64–337 A 9–13–63	Hope Natural Gas Co	Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64–338 B 9–12–63	Coastal States Gas Producing Co.	Acreage in Bee County, Tex.	Declined in pressure. Uneconomical	
CI64–339 B 9–16–63	Hope Natural Gas Co	West Union District, Doddridge County, W. Va.		
CI64–340 A 9–16–63	El Paso Natural Gas Co	Blanco Field, La Plata County, Colo.	12.0	15.025
CI64–341 A 9–16–63	Texas Eastern Transmission Corp.	London Field, Nueces County, Tex.	12.0	14.65
CI64–342 A 9–16–63	Mountain Fuel Supply Co	Nitchie Gulch Area, Sweetwater County, Wyo.	15.0	15.025
CI64–343 B 9–16–63	Texas Gas Transmission Corp.	Graham Lake Field, Muhlenberg County, Ky.	Assigned.	
CI64–344 B 9–16–63	Coastal States Gas Producing Co.	Acreage in San Patricio County, Tex.	Declined in pressure.	
CI64–345 A 9–16–63	Hope Natural Gas Co	Bayou Pigeon Field, Ibreia Parish, La.	23.55	15.025
CI64–346 A 9–17–63	Lone Star Gathering Co	North Koenig Field, DeWitt County, Tex.	18.0	14.65
CI64–347 A 9–16–63	Trunkline Gas Co	Almond and Alfred Fields, Jim Wells County, Tex.	13.25	14.65
CI64–348 A 9–16–63	Texas Eastern Transmission Corp.	Acreage in San Patricio County, Tex.	12.0	14.65
CI64–349 A 9–16–63	Colorado Interstate Gas Co	Wamsutter Field, Sweetwater County, Wyo.	15.0	14.65
CI64–350 A 9–16–63	Equitable Gas Co	Central District, Doddridge County, W. Va.	25.0	15.325
CI64–351 A 9–16–63	Cities Service Gas Co	Boggs Gas Field, Barber County, Kans.	13.0	14.65
CI64–352 A 9–17–63	Texas Eastern Transmission Corp.	Shepherd Field, Hidalgo County, Tex.	14.6	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
CI64–353 A 9–17–63	Texas Eastern Transmission Corp.	Hidalgo Field, Hidalgo County, Tex.	14.6	14.65
CI64–355 B 9–18–63	Tennessee Gas Transmission Co.	East Cameron Field, Starr County, Tex.	Depleted	
CI64–356 A 9–19–63	Texas Eastern Transmission Corp.	Coseden, West (7800 Wilcox) Field, Bee County, Tex.	12.0	14.65
CI64–357 A 9–19–63	Mountain Fuel Supply Co	Nitchie Gulch Unit Area, Sweetwater County, Wyo.	15.0	15.025
CI64–358 A 9–19–63	Tennessee Gas Transmission Co.	West Delta Block 70 Area, Offshore Jefferson and Plaquemines Parishes, La.	19.0	15.025
CI64–359 B 9–18–63	Phillips Petroleum Co	Acreage in Hutchinson County, Tex.	(4)	
CI64–360 B 9–18–63	Southern Natural Gas Co	Clay Field, Lincoln and Jackson Parishes, La.	Depleted	
CI64–361 A 9–18–63	Panhandle Eastern Pipe Line Co.	West Valley Center Field, Dewey County, Okla.	17.0	14.65

[1] Subject gas is no longer interstate.
[2] Deletion of acreage by agreements dated Nov. 21, 1962 and June 10, 1963.
[3] All leases covered under present contract have expired.
[4] Supra.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 14, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–10313; Filed, Sept. 27, 1963; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

Miscellaneous Amendments

In section I, Description of Agency and Programs, paragraph F is hereby amended as follows:

By changing the list of officials authorized to serve as Acting Regional Director in the Philadelphia Regional Office to read as follows:

1. Archie P. Burgess, Assistant Director for Development;
2. Alexander Shaw, Regional Attorney;
3. Harry Glanz, Assistant Director for Management.

Approved: September 20, 1963.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 63–10318; Filed, Sept. 27, 1963; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1607]

NAMOCO AGENCY, INC., ET AL.

Notice of Filing of Application for an Order

SEPTEMBER 23, 1963.

In the matter of Namoco Agency, Inc., O. K. Bush, Dave Bush, Sam Namee, Wichita, Kansas; File No. 812–1607.

Notice is hereby given that Namoco Agency, Inc. ("Agency"), O. K. Bush, Dave Bush, and Sam Namee ("Applicants") have filed an application for an order, pursuant to section 9(b) of the Investment Company Act of 1940 (the "Act"), exempting Agency, O. K. Bush, Dave Bush, and Sam Namee and their agents, employees, representatives and assigns and any company of which any of them is now or may become an affiliated person from the provisions of section 9(a) of the Act to the extent that the same may be applicable by reason of an injunction referred to below.

Agency has its principal office in Wichita, Kansas. It is and has been the principal underwriter and investment manager for Namoco Mortgage Company, Inc. ("Namoco," formerly known as National Mortgage Corporation, Inc., a registered face-amount certificate company).

On March 7, 1963 in an action entitled Securities and Exchange Commission v. National Mortgage Corporation, Inc., National Mortgage Agency, Inc., O. K. Bush, Dave Bush, Sam Namee (United States District Court for the District of Kansas, Civil Action No. W–2819) a final judgment was entered upon consent against the Applicants herein which permanently enjoined said Applicants from offering, selling or delivering securities in violation of section 5 (a) and (c) of the Securities Act of 1933 ("1933 Act").

Section 9(a) of the Act, in pertinent part, provides that it shall be unlawful for any person to serve or act in the capacity of an investment adviser of, or principal underwriter for, any registered face amount certificate company if such person is, by reason of any misconduct, permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction, from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(b) of the Act makes provision for any person who is ineligible, by reason of subsection (a), to serve or act in the capacities therein enumerated, to file with the Commission an application for an exemption from its provisions and further provides that this Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants state that Namoco was incorporated on September 16, 1961 and engaged in the mortgage banking business in Kansas; that it proposed to offer face amount certificates and, on November 8, 1962, filed a notification of registration and registration statement under the Act; that before Namoco registered as an investment company it offered and sold 260,376 shares of common stock to residents of Kansas for a total consideration of $275,082.00; that relying upon the exemption from registration provided by section 3(a)(11) of the 1933 Act for intrastate offerings, no registration statement under the 1933 Act was filed with the Commission by Namoco; that after registering as a face-amount certificate company and until January 8, 1963, Namoco sold or issued to Kansas residents 49,341.7 shares of common stock for a total consideration of $56,383.00; that Namoco had been informed, by a letter from the Fort Worth Regional Office of the Commission dated December 21, 1961, that the aforementioned intrastate exemption is not available to a registered investment company; and that on March 7, 1963 the injunctive action referred to above was commenced.

In support of their application Applicants assert that they inadvertently overlooked the information as to the unavailability of the intrastate exemption contained in the aforementioned letter from the Fort Worth Regional Office, and only learned definitely that the intrastate exemption was not in fact available to Namoco as a registered investment company on or about January 17, 1963; that they consented to the entry of the injunction believing that this would facilitate the processing of Namoco's registration statement then pending with the Commission; that Applicants were un-

aware of, and were not advised as to the provisions of, section 9(a) of the Act and its consequences; that Applicants and Namoco are willing and able to tender back the consideration received, or to make an offer of recision; and that none of the Applicants have ever before been enjoined, convicted, or the subject of any disciplinary proceedings.

Applicants also assert that they provide Namoco with all its management services pursuant to a contract entered into between Namoco and Agency; that they are indispensable to its operation; that the prohibitions of section 9(a) of the Act as applied to Applicants are unduly and disproportionately severe; and that the conduct of Applicants has been such as not to make it against the public interest or protection of investors to grant the instant application.

Notice is further given that any interested person may, not later than October 8, 1963, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10319; Filed, Sept. 27, 1963; 8:46 a.m.]

[File No. 820-1]

UNITED FUNDS, INC.

Notice of Filing of Application for Order for Exemption To Permit Purchase of Securities During an Underwriting

SEPTEMBER 24, 1963.

Notice is hereby given that United Funds, Inc. ("Applicant"), Kansas City, Missouri, an open-end, diversified management investment company which is currently offering its shares to the public and which is registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) and Rule 10f–3 thereunder the proposed purchase by the Applicant of an amount in excess of 3,600 shares and up to 20,000 shares of common stock, $1 par value, of Nevada Power Company ("Power") for the portfolio of United Science Fund, one of four classes of capital shares for which Applicant is the issuer. The proposed purchase is of a portion of a 120,000 share offering of common stock expected to be offered to the public as soon as the registration statement Form S–1 of Power filed September 6, 1963 shall be made effective pursuant to section 8(a) of the Securities Act of 1933.

Applicant expects that one of the principal underwriters of the shares will be G. H. Walker & Co. Incorporated with which Mr. Paulen E. Burke, one of United's sixteen directors, is affiliated and Applicant represents that it will make no purchases from G. H. Walker & Co., directly or indirectly. To the extent that the purchase exceeds 3,600 shares (3 percent of the proposed offering) Applicant would not be exempt under Rule 10f–3 of the general rules and regulations under the Act and the transaction would be prohibited by section 10(f) of the Act.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person, other than a company of a certain character not pertinent here, of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person, unless in acquiring such security such registered company is itself acting as a principal underwriter for the issuer. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

Rule 10f–3 of the general rules and regulations promulgated under the Act provides, among other things that any purchase of securities by a registered company prohibited by section 10(f) of the Act shall be exempt from the provisions of section 10(f) if certain conditions are met. Among them is the condition that the amount of securities of any class of such registered issue to be purchased by the registered investment company shall not exceed 3 percent of the amount of the offering of such class.

The Applicant in support of its application asserts that the proposed investment in Power is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in Power's securities or for the purpose of relieving the underwriters of securities otherwise unmarketable, that the terms of the purchase, if consumated, are fair and reasonable, that the amount paid will not exceed 1 percent of United Science Fund's assets, and that, except for the 3 percent limitation of Rule 10f–3(d), the purchase will meet all requirements of said rule. The size of the gross commissions to the principal underwriters was not known to the Applicant at the time of filing the application. The Applicant submits that the granting of the exemption is consistent with the protection of investors and the general purposes of the Act.

Notice is further given that any interested person may, not later than October 4, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10320; Filed, Sept. 27, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38551: *Common salt from and to official territory points.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2681), for interested rail carriers. Rates on common salt (sodium chloride), as described in the application, from points in official territory, also Ojibway and Sarnia, Ont., Canada, to points in Illinois Freight Association territory, also northern Illinois, southern Wisconsin and extended zone "C".

Grounds for relief: Carrier competition.

Tariffs: Supplements 5 and 49 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C–390 and C–301, respectively.

FSA No. 38552: *Iron or steel pipe to Geismar and Burnside, La.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2682), for interested rail carriers. Rates on sheet iron or steel pipe, in carloads, from Middletown and Youngstown, Ohio, to Geismar and Burnside, La.

Grounds for relief: Market competition.

Tariff: Supplement 25 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C–282.

FSA No. 38553: *Potash from Brendel and Potash, Utah.* Filed by Western Trunk Line Committee, agent (No. A–2326), for interested rail carriers. Rates on potassium (potash), as described in the application, in carloads, from Brendel and Potash, Utah, to points in Illinois, Iowa, Kansas, Missouri, Nebraska and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 31 to Western Trunk Line Committee, agent, tariff I.C.C. A–4317.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10329; Filed, Sept. 27, 1963; 8:47 a.m.]

[Notice 871]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66092. By order of September 23, 1963, the Transfer Board approved the transfer to Horn Trucking Co., a corporation, Marine, Ill., of Certificate in No. MC 4024, issued June 14, 1949, to Edward G. Horn, Marine, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, over regular routes, between Marine, Ill., and St. Louis, Mo., serving intermediate points and specified off-route points. Gordon Burroughs, 103 Purcell Street, Edwardsville, Ill., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10330; Filed, Sept. 27, 1963; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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VOLUME 28 NUMBER 191

Washington, Tuesday, October 1, 1963

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3556

NATIONAL FOREST PRODUCTS WEEK, 1963

By the President of the United States of America

A Proclamation

WHEREAS the broad and varied forests of our Nation constitute one of its most important resources—renewable, versatile, and available; and

WHERAS this forest resource, under both public and private ownership, provides basic raw materials for tremendous quantities of essential industrial and consumer products such as lumber, paper, building materials, chemicals, furniture and cloth; offers a productive outlet for a large segment of our Nation's labor force and industrial capability; and, with a broader application of scientific knowledge, affords an outstanding opportunity for the improvement of economic and social conditions in our forested rural areas; and

WHEREAS the Congress, wishing to re-emphasize the importance and the possibilities of our forest heritage, has by joint resolution approved September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 20, 1963, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the significance of our our forests in the overall economy of our Nation, and especially as a foundation for improving the rural economy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of September in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 63-10412; Filed, Sept. 27, 1963; 2:24 p.m.]

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This checklist, arranged in order of titles, shows the issuance date and price of current volumes and pocket supplements of the Code of Federal Regulations. (The rate for subscription service to all revised volumes and pocket supplements to be issued as of January 1, 1963, is $100 domestic, $30 additional for foreign mailing.) Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

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Supp. (Jan. 1, 1963)	.60
24 (Rev. Jan. 1, 1962)	3.00
Supp. (Jan. 1, 1963)	.40
25 (Rev. Jan. 1, 1958)	4.50
Supp. (Jan. 1, 1963)	.60
26 Parts:	
1 (§§ 1.0–1—1.400; Rev. Jan. 1, 1961)	$5.50
Supp. (Jan. 1, 1963)	.50
1 (§§ 1.401—1.860; Rev. Jan. 1, 1961)	5.50
Supp. (Jan. 1, 1963)	.70
1 (§§ 1.861—end) to 19 (Rev. Jan. 1, 1961)	5.00
Supp. (Jan. 1, 1963)	.50
20–29 (Rev. Jan. 1, 1961)	4.25
Supp. (Jan. 1, 1963)	.35
30–39 (Rev. Jan. 1, 1961)	3.50
Supp. (Jan. 1, 1963)	.30
40–169 (Rev. Jan. 1, 1961)	4.50
Supp. (Jan. 1, 1963)	.65
170–299 (Rev. Jan. 1, 1961)	6.25
Supp. (Jan. 1, 1963)	.55
300–499 (Rev. Jan. 1, 1961)	4.00
Supp. (Jan. 1, 1963)	.35
500–599 (Rev. Jan. 1, 1961)	4.25
Supp. (Jan. 1, 1963)	.30
600–end (Rev. Jan. 1, 1961)	3.00
Supp. (Jan. 1, 1963)	.30
27 (Rev. Jan. 1, 1961)	3.00
Supp. (Jan. 1, 1963)	.30
28 (Rev. Jan. 1, 1963)	.35
29 (Rev. Jan. 1, 1963)	2.50
30–31 (Rev. Jan. 1, 1959)	3.50
Supp. (Jan. 1, 1963)	1.00
32 Parts:	
1–39 (Rev. Jan. 1, 1961)	5.50
Supp. (Jan. 1, 1963)	1.00
40–399 (Rev. Jan. 1, 1961)	4.00
Supp. (Jan. 1, 1963)	.55
400–589 (Rev. Jan. 1, 1962)	3.50
Supp. (Jan. 1, 1963)	.35
590–699 (Rev. Jan. 1, 1962)	4.25
Supp. (Jan. 1, 1963)	.40
700–799 (Rev. Jan. 1, 1962)	5.00
Supp. (Jan. 1, 1963)	.35
800–999 (Rev. Jan. 1, 1960)	3.75
Supp. (Jan. 1, 1963)	.60
1000–1099 (Rev. Jan. 1, 1963)	1.75
1100–end (Rev. Jan. 1, 1962)	4.50
Supp. (Jan. 1, 1963)	.35
32A (Rev. Jan. 1, 1958)	5.00
Supp. (Jan. 1, 1963)	.65
33–34 (Rev. Jan. 1, 1962)	8.25
Supp. (Jan. 1, 1963)	.50
35 (Rev. Jan. 1, 1960)	3.50
Supp. (Jan. 1, 1963)	.35
36 (Rev. Jan. 1, 1960)	3.00
Supp. (Jan. 1, 1963)	.40
37 (Rev. Jan. 1, 1960)	3.50
Supp. (Jan. 1, 1963)	.30
38 (Rev. 1956)	8.00
Supp. (Jan. 1, 1963)	1.50
39 (Rev. Jan. 1, 1962)	5.25
Supp. (Jan. 1, 1963)	1.00
40–41 (Rev. Jan. 1, 1963)	2.50
42 (Rev. Jan. 1, 1960)	4.00
Supp. (Jan. 1, 1963)	.50
43 (Rev. Jan. 1, 1963)	2.50
44 (Rev. Jan. 1, 1960)	3.25
Supp. (Jan. 1, 1963)	.40
45 (Rev. Jan. 1, 1960)	3.75
Supp. (Jan. 1, 1963)	.50
46 Parts:	
1–145 (Rev. Jan. 1, 1963)	8.00
146–149 (Rev. Jan. 1, 1963)	2.25
Supp. (July 1, 1963)	.65
150–end (Rev. Jan. 1, 1958)	6.25
Supp. (Jan. 1, 1963)	1.25
47 Parts:	
1–29 (Rev. Jan. 1, 1958)	7.50
Supp. (Jan. 1, 1963)	2.00
30–end (Rev. Jan. 1, 1958)	4.75
Supp. (Jan. 1, 1963)	.45
48 Reserved	
49 Parts:	
0–70 (Rev. Jan. 1, 1963)	$5.25
71–90 (Rev. Jan. 1, 1963)	2.75
91–164 (Rev. Jan. 1, 1958)	5.00
Supp. (Jan. 1, 1963)	.55
165–end (Rev. Jan. 1, 1961)	5.00
Supp. (Jan. 1, 1963)	.35
50 (Rev. Jan. 1, 1961)	3.75
Supp. (Jan. 1, 1963)	.45
General Index (Rev. Jan. 1, 1963)	.45

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (a) of § 6.305 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information apears in the explanatory statements published with the new regulations and the first amendment respectively.

An eleventh amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (6) of paragraph (a) of § 213.3307 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403 as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10386; Filed, Sept. 30, 1963; 8:48 a.m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (29) of paragraph (b) of § 6.342 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A twelfth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (17) of paragraph (b) of § 213.3344 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–10387; Filed, Sept. 30, 1963; 8:48 a.m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (q) (1) is added to § 6.311 as set out below.

§ 6.311 **Department of agriculture.**

* * * * *

(q) *Science and education.* (1) The Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A thirteenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

* *

Paragraph (p) (1) is added to § 213.3313 as set out below.

§ 213.3313 **Department of Agriculture.**

* * * * *

(p) *Science and education.* (1) The Director.

(R.S. 1753, Sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–10385; Filed, Sept. 30, 1963; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 81, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.381 (Lemon Regulation 81, 28 F.R. 10329) are hereby amended to read as follows:

(ii) District 2: 195,300 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10369; Filed, Sept. 30, 1963; 8:47 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Order Suspending Certain Provisions

Correction

In F.R. Doc. 63–10251, appearing at page 10417 of the issue for Thursday, September 26, 1963, the word "effective" in paragraph (a) should read "effectuate".

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs. 1963-Crop Soybean Supp.]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Soybean Loan and Purchase Agreement Program

Correction

In F.R. Doc. 63–9971, appearing at page 10197 of the issue for Wednesday, September 18, 1963, the following correction is made in the tabular matter of § 1421.2910(b) (2): The "cents per bushel" entry for 49.0 through 49.9 pounds should read "2½" instead of "1½".

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 17,422]

PART 545—OPERATIONS

Drive-in Facilities

SEPTEMBER 25, 1963.

Resolved that, notice and public procedure having been duly afforded (28 F.R. 6095) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of

the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to set forth the conditions under which Federal savings and loan associations may establish drive-in or pedestrian facilities without the prior approval of the Board, and for the purpose of effecting such amendment, hereby amends said Part 545 by the addition of a new section as hereinafter set forth, effective October 31, 1963:

Amend Part 545 by adding after § 545.14 a new section as follows:

§ 545.14–1 **Drive-in facility.**

(a) A Federal association may, without prior approval of the Board, establish a single drive-in or pedestrian facility, in conjunction with the home office and each branch office of such association, which is not more than 500 feet from a public entrance of such office and closer to such entrance than to a public entrance of another institution insured by the Federal Savings and Loan Insurance Corporation. The functions which may be performed at any such facility shall be limited to the ordinary functions performed at a teller-window of the association.

(b) A drive-in or pedestrian facility that does not qualify under the preceding paragraph may only be established with the specific approval of the Board. Any application for such approval must contain a statement of the need for and a design of such facility and a map showing the location of the facility in relation to the office which it supplements and of all offices, located in the same vicinity, of any other institution or institutions insured by the Federal Savings and Loan Insurance Corporation.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 63–10384; Filed, Sept. 30, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–EA–29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways and Control Area Extension

On July 17, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7307) stating that the Federal Aviation Agency proposed to redesignate VOR Federal airway No. 431 from Cambridge, N.Y., via Glens Falls, N.Y., to the intersection of Glens Falls 286° and Albany, N.Y., 343° True radials, extend VOR Federal airway No. 489 from Albany via Glens Falls to Plattsburgh, N.Y., and to alter the Plattsburgh control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (27 F.R. 220–6, November 10, 1962) is amended as follows:

a. V–431 is amended to read:

V–431 From Cambridge, N.Y., via Glens Falls, N.Y.; to the INT of Glens Falls 286° and Albany, N.Y., 343° radials.

b. In V–489 "to Albany, N.Y." is deleted and "Albany, N.Y.; Glens Falls, N.Y.; to Plattsburgh, N.Y." is substituted therefor.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended as follows: In Plattsburgh, N.Y. "and on the W by V–431, and the airspace W and SW of Plattsburgh bounded on the E and NE by V–91 and V–431," is deleted and "and on the W by V–489, and the airspace W and SW of Plattsburgh bounded on the E and NE by V–91 and V–489," is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 25, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10355; Filed, Sept. 30, 1963; 8:46 a.m.]

[Airspace Docket No. 63–SW–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Segments of Federal Airways and Alteration of Control Area Extension

On July 17, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7308) stating that the Federal Aviation Agency proposed to alter Part 71 of the Federal Aviation Regulations by taking the following actions:

1. Revoke VOR Federal airway No. 211 from Cotulla, Tex., to Fort Stockton, Tex.

2. Revoke the segment of VOR Federal airway No. 77 from Cotulla to San Angelo, Tex.

3. Revoke the segment of VOR Federal airway 68 north alternate from Junction, Tex., to San Angelo.

4. Alter the Cotulla control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (27 F.R. 220–6, November 10, 1962, 28 F.R. 2671) is amended as follows:

a. V–211 is revoked.

b. In V–77 "From Cotulla, Tex., via Junction, Tex.; San Angelo, Tex.;" is deleted and "From San Angelo, Tex., via" is substituted therefor.

c. In V–68 "and also an N alternate via INT of San Angelo 112° and Junction 342° radials" is deleted.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended as follows: In Cotulla, Tex., "bounded on the W by V–77" is deleted and "bounded on the W by a line 5 miles E of and parallel to the Cotulla VOR 344° radial" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 25, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10356; Filed, Sept. 30, 1963; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 809—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES

Subpart A—Eligibility Requirements

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart A—Eligibility Requirements—Projects

Subpart C—Eligibility Requirements—Individual Mortgages

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments have been made to this chapter:

Section 809.2 is amended to read as follows:

§ 809.2 **Certificate of need.**

(a) *Issuance by Secretary of Defense.* No mortgage covering property located at or near a military installation shall be insured unless the Secretary of Defense, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilians employed in connection with a research or development installation of one of the military departments of the United States or a contractor thereof, and that there is no present intention to substantially curtail the number of the civilian personnel assigned or to be assigned to such installation. The certification shall be conclusive evidence to the Commissioner of the need for such housing.

(b) *Issuance by Administrator of the National Aeronautics and Space Administration.* A mortgage may be insured under this subpart secured by property which is intended to provide housing for a person employed or assigned to duty at or in connection with a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation. The mortgage shall not be insured, however, unless the Administrator of the National Aeronautics and Space Administration or his designee shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilian or military personnel employed or assigned to duty at or in connection with a research or development installation of the National Aeronautics and Space Administration and that there is no present intention to substantially curtail the number of the personnel assigned or to be assigned to such installation. This certification shall be conclusive evidence to the Commissioner of the need for such housing.

(c) *Issuance by Atomic Energy Commission.* A mortgage may be insured under this subpart secured by property which is intended to provide housing for a person employed at a research or development installation of the Atomic Energy Commission and which is located at or near such installation. The mortgage shall not be insured, however, unless the Atomic Energy Commission shall have certified to the Commissioner that the housing is necessary to provide adequate housing for persons employed at or in connection with a research or development installation of the Atomic Energy Commission and that there is no present intention to substantially curtail the number of the personnel assigned or to be assigned to such installation. This certification shall be conclusive evidence to the Commissioner of the need for such housing.

In § 809.3 paragraph (b) is amended and a new paragraph (c) is added to read as follows:

§ 809.3 Employment status certificate.

* * * * *

(b) *Certificate by Administrator of National Aeronautics and Space Administration.* (1) An employment status certificate shall be required in connection with a mortgage secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation. No mortgage shall be insured unless the Administrator of the National Aeronautics and Space Administration, or his designee, has issued a certificate indicating that the mortgagor on the date of the certificate:

(i) Requires housing;

(ii) Is a civilian employee or one of the military personnel employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration, or is an employee of a contractor of such Administration who is employed at a research or development installation; and

(iii) Is considered by the National Aeronautics and Space Administration to be an essential, nontemporary employee of such Administration or of a contractor thereof.

(2) The certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and the mortgagor's need for housing.

(c) *Certificate by Atomic Energy Commission.* (1) An employment status certificate shall be required in connection with a mortgage secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the Atomic Energy Commission and which is located at or near such installation. No mortgage shall be insured unless the Atomic Energy Commission has issued a certificate indicating that the mortgagor on the date of the certificate:

(i) Requires housing;

(ii) Is a civilian employee or one of the military personnel employed or assigned to duty at a research or development installation of the Atomic Energy Commission, or is an employee of a contractor of such Commission who is employed at a research or development installation; and

(iii) Is considered by the Atomic Energy Commission to be an essential, nontemporary employee of such Commission or of a contractor thereof.

(2) The certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and the mortgagor's need for housing.

Section 809.10 is amended to read as follows:

§ 809.10 Guarantee of Fund from loss.

If the Commissioner determines that the insurance of mortgages on housing as certified by the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration or the Atomic Energy Commission is not an acceptable risk, he may require the Secretary, the Administrator or the Commission, as the case may be, to guarantee the Armed Services Housing Mortgage Insurance Fund against loss with respect to mortgages insured under this subpart.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–1)

In Part 810 the Table of Contents is amended by adding a new heading as follows:

Sec.
810.55 Cost certification.

In § 810.1 paragraph (b)(1) is amended by adding to the listed provisions the following:

§ 810.1 Incorporation by reference.

* * * * *

(b) (1) * * *

Sec.
207.25 Certificate of cost requirements.
207.26 Form of contract.
207.27 Certificates of actual cost.
207.28 Adjustment resulting from cost certification.
207.29 Rehabilitation projects.
207.30 Requisites of agreement and certification.

In § 810.10 a new paragraph (d) is added to read as follows:

§ 810.10 Preference in sale or rental.

* * * * *

(d) Essential personnel employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration or the Atomic Energy Commission or employees of a contractor of such Administration or Commission who are employed at a research or development installation.

In Part 810 a new § 810.55 is added as follows:

§ 810.55 Cost certification.

All of the provisions of §§ 207.25 through 207.30 of this chapter shall be applicable to a Multifamily Rental Project, but such provisions shall not be applicable to a Multifamily Sales Project.

In § 810.510 a new paragraph (d) is added to read as follows:

§ 810.510 Preference in sale or rental.

* * * * *

(d) Essential personnel employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration or the Atomic Energy Commission or employees of a contractor of such Administration or Commission who are employed at a research or development installation.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 810, 73 Stat. 683; 12 U.S.C. 1748h–2)

Issued at Washington, D.C., September 25, 1963.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 63–10375; Filed, Sept. 30, 1963; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6679]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Nonrecognition of Gain From Involuntary Conversions

In order to eliminate unnecessary processing of delinquent requests for extensions of time to replace converted property under section 1033 of the Internal Revenue Code of 1954, paragraph (c)(3) of § 1.1033(a)–2 of the Income Tax Regulations is amended to read as follows:

§ 1.1033(a)–2 Involuntary conversion where disposition of the converted property occurred after December 31, 1950.

* * * * *

(c) *Conversion into money or into dissimiliar property.* * * *

(3) The period referred to in subparagraphs (1) and (2) of this paragraph is the period of time commencing with the date of the disposition of the converted property, or the date of the beginning of the threat or imminence of requisition or condemnation of the converted property, whichever is earlier, and ending one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. Such application shall be made prior to the expiration of one year after the close of the first taxable year in which any part of the gain from the conversion is realized, unless the taxpayer can show to the satisfaction of the district director—

(i) Reasonable cause for not having filed the application within the required period of time, and

(ii) The filing of such application was made within a reasonable time after the expiration of the required period of time.

The application shall contain all of the details in connection with the involuntary conversion. Such application shall be made to the district director for the internal revenue district in which the return is filed for the first taxable year in which any of the gain from the involuntary conversion is realized. No extension of time shall be granted pursuant to such application unless the taxpayer can show reasonable cause for not being able to replace the converted property within the required period of time.

Because this Treasury decision effects only a procedural change in the existing regulations which will not affect the substantive or procedural rights of the taxpayer it is hereby found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: September 25, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 63–10380; Filed, Sept. 30, 1963; 8:48 a.m.]

[T.D. 6678]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension to Fishermen of Same Treatment Accorded Farmers in Relation to Estimated Tax

On July 2, 1963, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 6015(f), 6073, 6153, and 6654 of the Internal Revenue Code of 1954 to conform the regulations to changes made by the Act of September 25, 1962 (Pub. Law 87–682, 76 Stat. 575), was published in the FEDERAL REGISTER (28 F.R. 6787). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as proposed are hereby adopted.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: September 25, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 6015(f), 6073, 6153, and 6654 of the Internal Revenue Code of 1954 to the Act of September 25, 1962 (Public Law 87–682, 76 Stat. 575), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6015(f) is amended by revising subsection (f) of section 6015 and the historical note to read as follows:

§ 1.6015(f) Statutory provisions; declaration of estimated income tax by individuals; return as declaration or amendment.

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(f) *Return as declaration or amendment.* If on or before January 31 (or February 15, in the case of an individual referred to in section 6073(b), relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by part IV of subchapter A of chapter 1) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subsection (e) to be filed on or before January 15.

In the application of this subsection in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subsection, the 15th or last day of the months which correspond thereto.

[Sec. 6015(f) as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 1(a)(1), Act of Sept. 25, 1962 (Pub. Law 87–682, 76 Stat. 575)]

PAR. 2. Section 1.6015(f)–1 is amended by revising subparagraph (1) of paragraph (a) to read as follows:

§ 1.6015(f)–1 Return as declaration or amendment.

(a) *Time for filing return.* (1) If the taxpayer files his return for the calendar year on or before January 31 (or February 15, in the case of an individual referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the succeeding calendar year (or if the taxpayer is on a fiscal year basis, on or before the last day of the first month (in the case of a farmer or, with respect to taxable years beginning after December 31, 1962, a fisherman, the 15th day of the second month) immediately succeeding the close of such fiscal year), and pays in full the amount computed on the return as payable, then—

(i) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year), such return shall be considered as such declaration; or

(ii) If a declaration was filed during the taxable year, such return shall be considered as the amendment of the declaration permitted by section 6015(e) to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year). Hence, for example, an individual taxpayer on the calendar year basis who, subsequent to September 1, 1963, first meets the requirements of section 6015(a) which necessitate the filing of a declaration for 1963, may satisfy the requirements as to the filing of such declaration by filing his return for 1963 on or before January 31, 1964 (February 15, 1964, in the case of a farmer or fisherman), and paying in full at the time of such filing the tax shown thereon to be payable. Likewise, if a taxpayer files on or before September 15, 1963, a timely declaration for such year and subsequent thereto and on or before January 31, 1964, files his return for 1963, and pays at the time of such filing the tax shown by the return to be payable, such return shall be treated as an amended declaration timely filed.

PAR. 3. Section 1.6073 is amended by revising subsections (a) and (b) of section 6073 and by adding a historical note. The amended provisions read as follows:

§ 1.6073 Statutory provisions; time for filing declarations of estimated income tax by individuals.

SEC. 6073. *Time for filing declarations of estimated income tax by individuals—(a) Individuals other than farmers or fishermen.* Declarations of estimated tax required by

section 6015 from individuals regarded as neither farmers nor fishermen for the purpose of that section shall be filed on or before April 15 of the taxable year, except that if the requirements of section 6015 are first met—

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year, or

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year, or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(b) *Farmers or fishermen.* Declarations of estimated tax required by section 6015 from individuals whose estimated gross income from farming or fishing (including oyster farming) for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may, in lieu of the time prescribed in subsection (a), be filed at any time on or before January 15 of the succeeding taxable year.

* * * * *

[Sec. 6073 as amended by secs. 1 (a)(2), (b), (c), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 4. Section 1.6073-1 is amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.6073-1 Time and place for filing declarations of estimated income tax by individuals.

(a) *Individuals other than farmers or fishermen.* Declarations of estimated tax for the calendar year shall be made on or before April 15th of such calendar year by every individual whose anticipated income for the year meets the requirements of section 6015(a). If, however, the requirements necessitating the filing of the declaration are first met, in the case of an individual on the calendar year basis, after April 1st, but before June 2d of the calendar year, the declaration must be filed on or before June 15th; if such requirements are first met after June 1st and before September 2d, the declaration must be filed on or before September 15th; and if such requirements are first met after September 1st, the declaration must be filed on or before January 15th of the succeeding calendar year. In the case of an individual on the fiscal year basis, see § 1.6073-2.

(b) *Farmers or fishermen*—(1) *In general.* In the case of an individual on a calendar year basis, whose estimated gross income from farming (including oyster farming) or, with respect to taxable years beginning after December 31, 1962, from fishing for the calendar year is at least two-thirds of his total estimated gross income from all sources for such year, his declaration may be filed on or before the 15th day of January of the succeeding calendar year in lieu of the time prescribed in paragraph (a) of this section. For the filing of a return in lieu of a declaration, see paragraph (a) of § 1.6015(f)-1.

(2) *Farmers.* The estimated gross income from farming is the estimated income resulting from oyster farming, the cultivation of the soil, the raising or harvesting of any agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. In other words, the requisite gross income must be derived from the operations of a stock, dairy, poultry, fruit, or truck farm, or plantation, ranch, nursery, range, orchard, or oyster bed. If an individual receives for the use of his land income in the form of a share of the crops produced thereon such income is from farming. As to determination of income of farmers, see sections 61 and 162 and the regulations thereunder.

(3) *Fishermen.* The estimated gross income from fishing is the estimated income resulting from the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish (for example, clams and mussels), crustacea (for example, lobsters, crabs, and shrimps), sponges, seaweeds, or other acquatic forms of animal and vegetable life. The estimated gross income from fishing includes the income expected to be received by an officer or member of the crew of a vessel while the vessel is engaged in any such activity, whether or not the officer or member of the crew is himself so engaged, and, in the case of an individual who is engaged in any such activity in the employ of any person, the income expected to be received by such individual from such employment. In addition, income expected to be received for services performed as an ordinary incident to any such activity is estimated gross income from fishing. Similarly, for example, the estimated gross income from fishing includes income expected to be received from the shore services of an officer or member of the crew of a vessel engaged in any such activity, if such services are an ordinary incident to any such activity. Services performed as an ordinary incident to such activities include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

* * * * *

(d) *Amendment of declaration.* An amended declaration of estimated tax may be filed during any interval between installment dates prescribed for the taxable year. However, no amended declaration may be filed until after the installment date on or before which the original declaration was filed and only one amended declaration may be filed during each interval between installment dates. An amended declaration shall be filed with the district director with whom the original declaration was filed.

PAR. 5. Section 1.6073-2 is amended to read as follows:

§ 1.6073-2 Fiscal years.

(a) *Individuals other than farmers or fishermen.* In the case of an individual on the fiscal year basis, the declaration must be filed on or before the 15th day of the 4th month of the taxable year. If, however, the requirements of section 6015(a) are first met after the 1st day of the 4th month and before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month of the taxable year. If such requirements are first met after the 1st day of the 6th month, and before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month of the taxable year. If such requirements are first met after the 1st day of the 9th month, the declaration must be filed on or before the 15th day of the 1st month of the succeeding fiscal year. Thus, if an individual taxpayer has a fiscal year ending on June 30, 1956, his declaration must be filed on or before October 15, 1955, if the requirements of section 6015 (a) are met on or before October 1, 1955. If, however, such requirements are not met until after October 1, 1955, and before December 2, 1955, the declaration need not be filed until December 15, 1955.

(b) *Farmers or fisherman.* An individual on the fiscal year basis whose estimated gross income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing (as defined in paragraph (b) of § 1.6073-1) is at least two-thirds of his total estimated gross income from all sources for such taxable year may file his declaration on or before the 15th day of the month immediately following the close of his taxable year.

PAR. 6. Section 1.6073-3 is amended to read as follows:

§ 1.6073-3 Short taxable years.

(a) *Individuals other than farmers or fishermen.* In the case of short taxable years the declaration shall be filed on or before the 15th day of the 4th month of such taxable year if the requirements of section 6015(a) are met on or before the 1st day of the 4th month of such year. If such requirements are first met after the 1st day of the 4th month but before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month. If such requirements are first met after the 1st day of the 6th month but before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month. If, however, the period for which the declaration is filed is one of 4 months, or one of 6 months and the requirements of section 6015(a) are not met until after the 1st day of the 4th month, or one of 9 months and such requirements are not met until after the 1st day of the 6th month, the declaration may be filed on or before the 15th day of the succeeding taxable year.

(b) *Farmers or fishermen.* In the case of an individual whose estimated gross income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing (as defined in paragraph (b) of § 1.6073-1) for a short taxable year is at least two-thirds of his total estimated gross income from all sources for such taxable year, his declaration may be filed on or before the 15th day of the month immediately following the close of such taxable year.

PAR. 7. Section 1.6153 is amended by revising subsection (b) of section 6153 and by adding a historical note. The amended provision reads as follows:

§ 1.6153 Statutory provisions; installment payments of estimated income tax by individuals.

SEC. 6153. *Installment payments of estimated income tax by individuals.* * * *

(b) *Farmers or fishermen.* If an individual referred to in section 6073(b) (relating to income from farming or fishing) makes a declaration of estimated tax after September 15 of the taxable year and on or before January 15 of the succeeding taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

* * * * *

[Sec. 6153 as amended by sec. 1 (a)(3), (c), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 8. Section 1.6153-1 is amended by revising paragraph (b) to read as follows:

§ 1.6153-1 Payment of estimated tax by individuals.

* * * * *

(b) *Farmers or fishermen.* Special provisions are made with respect to the filing of the declaration and the payment of the tax by an individual whose estimated gross income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing is at least two-thirds of his total gross income from all sources for the taxable year. As to what constitutes income from farming or fishing within the meaning of this paragraph, see paragraph (b) of § 1.6073-1. The declaration of such an individual may be filed on or before January 15 of the succeeding taxable year in lieu of the time prescribed for individuals generally. Where such an individual makes a declaration of estimated tax after September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

PAR. 9. Section 1.6654 is amended by revising subsection (b)(1) of section 6654 and so much of subparagraph (C) of subsection (d)(1) of section 6654 as precedes clause (i), and by adding a historical note. The amended provisions read as follows:

§ 1.6654 Statutory provisions; failure by individual to pay estimated income tax.

SEC. 6654. *Failure by individual to pay estimated income tax.* * * *

(b) *Amount of underpayment.* * * *

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b) relating to income from farming or fishing) of the tax for such year, over

* * * * *

(d) *Exception.* * * *

(1) * * *

(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

* * * * *

[Sec. 6654 as amended by sec. 1(a)(4), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 10. Section 1.6654-1 is amended by revising subparagraph (1)(i) of paragraph (a) and Example (1) in paragraph (c) to read as follows:

§ 1.6654-1 Addition to the tax in the case of an individual.

(a) *In general.* (1) * * *

(i) 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the tax for such year, divided by the number of installment dates prescribed for such taxable year, over

* * * * *

(c) *Examples.* * * *

Example (1). An individual taxpayer files his return for the calendar year 1955 on April 15, 1956, showing a tax of $40,000. He has paid a total of $20,000 of estimated tax in four equal installments of $5,000 on each of the four installment dates prescribed for such year. No other payments were made prior to the date the return was filed. Since the amount of each installment paid by the last date prescribed for payment thereof is less than one-quarter of 70 percent of the tax shown on the return, the addition to the tax is applicable in respect of the underpayment existing as of each installment date and is computed as follows:

(1) Amount of tax shown on return	$40,000
(2) 70 percent of item (1)	28,000
(3) One-fourth of item (2)	7,000
(4) Deduct amount paid on each installment date	5,000
(5) Amount of underpayment for each installment date (item (3) minus item (4))	2,000
(6) Addition to the tax:	
1st installment—period 4-15-55 to 4-15-56	$120
2d installment—period 6-15-55 to 4-15-56	100
3d installment—period 9-15-55 to 4-15-56	70
4th installment—period 1-15-56 to 4-15-56	30
Total	320

PAR. 11. Section 1.6654-2 is amended by revising so much of subparagraph (3) of paragraph (a) as precedes subdivision (i). This amended provision reads as follows:

§ 1.6654-2 Exceptions to imposition of the addition to the tax in the case of individuals.

(a) *In general.* * * *

(3) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or, with respect to taxable years beginning after December 31, 1962, from fishing) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the calendar months in the taxable year preceding such date. The taxable income shall be placed on an annual basis by—

[F.R. Doc. 63-10379; Filed, Sept. 30, 1963; 8:48 a.m.]

Title 29—LABOR

Chapter XI—Office of Labor-Management and Welfare-Pension Reports (Welfare-Pension Reports), Department of Labor

SUBCHAPTER A—REGULATIONS

PART 1307—EXEMPTION FROM BONDING REQUIREMENTS

Subpart D—Banking Institutions Subject to Federal Regulation

Pursuant to section 13(e) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39, 29 U.S.C. 308(d)) the American Bankers Association and the National Association of Mutual Savings Banks submitted petitions requesting that members of the American Bankers Association and the National Association of Mutual Savings Banks be exempted from the bonding requirements of section 13 of the Welfare and Pension Plans Disclosure Act (hereinafter referred to as the "Act") with regard to plans administered by such institutions for the benefit of their own employees. The petitions were submitted and considered in accordance with 29 CFR Part 1307 and section 13(e) of the Act which permits the Secretary to grant an exemption from the bonding requirements of section 13 for covered plans when adequate evidence is offered of financial responsibility of such plans or that other bonding arrangements provide adequate protection of beneficiaries and participants of a plan.

In support of the petitions, the petitioners assert that rigorous standards of financial responsibility are required of banking institutions subject to applicable Federal and State law, and that the continual maintenance of these standards is assured by the nature of the supervision undertaken by Federal and State agencies, such as the Board of Governors of the Federal Reserve System, the Comptroller of Currency, the Federal Deposit Insurance Corporation and State Banking departments. The petitions also assert that such banking institutions already maintain adequate fidelity bonding coverage subject to examination and review by Federal and State supervisory authorities. In addition, it is stated that the factors which formed the basis for the Department of Labor's determination excluding banking institutions from the scope of the bonding regulations, except with respect to covered plans for the benefit of their own employees (29 CFR 1306.4(e)(1)), form an equally sound basis for granting the requested exemption.

On August 20, 1963 notice was published in the FEDERAL REGISTER (28 F.R. 9154) inviting interested parties to submit objections with respect to said petitions within 15 days from the date of publication of the proposed exemption in the FEDERAL REGISTER. The period for filing objections having elapsed and upon consideration of the petitions filed and the comments received from interested parties, I find that adequate evidence has been presented as to the financial responsibility of plans administered by banking institutions subject to Federal law and supervision of Federal agencies which would afford protection to plans established for the benefit of such institutions' own employees. I also find that adequate evidence has not been presented as to the financial responsibility of plans administered by banking institutions subject only to State law and supervision by State agencies.

Therefore, pursuant to section 13(e) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39, U.S.C. 308(d)), Secretary's Order No. 24–63 (28 F.R. 9172), and Secretary's Order No. 25–63 (28 F.R. 9173) Title 29 CFR, Chapter XI, Part 1307 is hereby amended by adding a new subpart D to read as follows. The amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Subpart D—Banking Institutions Subject to Federal Regulation

Sec.
1307.41 Exemption.
1307.42 Conditions of exemption.

AUTHORITY: §§ 1307.41 and 1307.42 issued under section 13(e), 76 Stat. 39; 29 U.S.C. 308(d), Secretary's Order No. 24–63 (28 F.R. 9172) and Secretary's Order No. 25–63 (28 F.R. 9173), 29 CFR 1307.1–1307.11.

SUBPART D—BANKING INSTITUTIONS SUBJECT TO FEDERAL REGULATION

§ 1307.41 Exemption.

An exemption from the bonding requirements of subsections 13 (a) and (b) of the Welfare and Pension Plans Disclosure Act is granted whereby banking institutions and trust companies specified in § 1307.42 in this Subpart D are not required to comply with subsections 13 (a) and (b) of the Act, with respect to welfare and pension benefit plans covered by the Act for the benefit of their own employees, where such a banking institution or trust company is the administrator of such plans.

§ 1307.42 Conditions of exemption.

This exemption applies only to those banking institutions and trust companies subject to regulation and examination by the Comptroller of the Currency or the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

Signed at Washington, D.C., this 25th day of September 1963.

FRANK M. KLEILER,
Director, Office of Labor-Management and Welfare-Pension Reports.

[F.R. Doc. 63–10365; Filed, Sept. 30, 1963; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

Petitions Not Otherwise Covered

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of September A.D. 1963.

There being under consideration the Commission's General Rules of Practice, and good cause appearing therefor:

It is ordered, That § 1.102 *Petitions not otherwise covered*, be revised to read as follows:

§ 1.102 Petitions not otherwise covered.

When the subject matter of any desired relief is not specifically covered by the rules in this part, a petition seeking such relief, which relief shall be construed as including appropriate discovery procedures, and stating the reasons therefor may be served and filed.

It is further ordered, That this order shall become effective November 1, 1963.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; secs. 304, 316, 54 Stat. 933, 946; secs. 403, 417, 56 Stat. 285, 297, as amended; 49 U.S.C. 12, 17, 304, 305, 904, 916, 1003, 1017)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10372; Filed, Sept. 30, 1963; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 5—COMPLAINTS

PART 61—MONEY ORDERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. Section 5.2 is amended to show the proper addresses of the various postal inspectors in charge and for the purpose of clarification. As so amended, § 5.2 reads as follows:

§ 5.2 Postal law violations.

Send information and complaints concerning postal law violations, such as use of mail for lotteries and schemes to defraud, mailing of obscene and scurrilous matters, extortion, and theft of mail to:

Postal inspector in charge at	*If mailer lives in the State of*
Atlanta, Ga., 30302	Florida, Georgia, North Carolina, South Carolina.
Boston, Mass., 02107	Connecticut, Maine, Massachusetts, New Hampshire, city of Fishers Island, New York, Rhode Island, Vermont.
Chattanooga, Tenn., 37401.	Alabama, Mississippi, Tennessee.
Chicago, Ill., 60607	Illinois, Michigan, Wisconsin.
Cincinnati, Ohio, 45201	Indiana, Kentucky, Ohio.
Denver, Colo., 80201	Arizona, Colorado, New Mexico, Utah, Wyoming.
Fort Worth, Tex., 76101	Louisiana, Texas (except city of Texarkana).
Kansas City, Mo., 64142	Kansas, County of Jackson, Missouri, Nebraska, Oklahoma.
New York, N.Y., 10001	New York (except city of Fishers Island), Puerto Rico, Virgin Islands.
Philadelphia, Pa., 19101	Delaware, New Jersey, Pennsylvania.
Saint Louis, Mo., 63199	Arkansas, Iowa, Missouri (except Jackson County), city of Texarkana, Texas.
Saint Paul, Minn., 55101	Minnesota, North Dakota, South Dakota.
San Francisco, Calif., 94101.	California, Canton Island, Guam, Hawaii, Nevada, American Samoa, and Trust Territory, Pacific Islands.
Seattle, Wash., 98111	Alaska, Idaho, Montana, Oregon, Washington.
Washington, D.C., 20013	District of Columbia, Maryland, Virginia, West Virginia.

NOTE: The corresponding Postal Manual section is 115.2.

§ 61.1 [Amendment]

II. In § 61.1 *Issuance of international money orders*, subdivision (i)(*a*) of paragraph (f)(2) is amended to clarify the instructions regarding money orders lost before completion. As so amended, subdivision (i)(*a*) reads as follows:

(f) *Spoiled or lost money orders.* • • •

(2) *Orders lost, mutilated, or void by endorsements.* • • •

(i) *Application for duplicate order.* (*a*) The Post Office Department will replace without charge a money order (*1*) that is lost provided it was completed by the purchaser to show his name and address and the name of the intended payee, (2) a mutilated order, or (3) one void by too many endorsements. The owner—purchaser, payee, or endorsee—should make application for a duplicate, using Form 6401, Inquiry as to Payment of a Money Order. If a money order lost before completion by purchaser is cashed the circumstances should be reported to the postal inspector in charge.

NOTE: The corresponding Postal Manual section is 171.162a(1).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10374; Filed, Sept. 30, 1963; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3237]

[Oregon 05286]

OREGON

Withdrawing Public Lands for Use of Department of the Army in Connection With John Day Lock and Dam Project

By virtue of the authority vested in the President, and pursuant to E.O. No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Department of the Army in connection with the John Day Lock and Dam Project, as authorized by the River and Harbor Act of May 17, 1950 (64 Stat. 163):

WILLAMETTE MERIDIAN

Township 4 North, Range 23 East, Section 14, Lots 1, 2, 3 and 4, excepting and reserving a strip of land 200 feet in width lying over and across the Southeast quarter of said Lot 1 for railroad relocation purposes; Section 20, all that portion of the South half of said Section 20 lying southerly of a line, lying southerly a distance of 100 feet from a surveyed center line described as follows:

Commencing at a point lying north 86 degrees 33 minutes 19 seconds west a distance of 3250.76 feet from the West quarter corner of Section 30; thence north 72 degrees 57 minutes 47 seconds east a distance of 1011.38 feet to equation station 5790 plus 38.88 P.T. back which equals station 5790 plus 16.91 P.T. ahead and the true point of beginning;

Thence north 72 degrees 57 minutes 47 seconds east a distance of 7391.96 feet to station 5864 plus 8.87 P.C.;

Thence easterly along an increasing spiral curve to the right through a delta angle of 0 degrees 6 minutes 18 seconds a distance of 70 feet to station 5864 plus 78.87 P.C.C.;

Thence easterly along a 0 degree 18 minutes curve to the right a distance of 843.87 feet to station 5773 plus 22.74 P.C.C.;

Thence easterly along a decreasing spiral curve to the right through a delta angle of 0 degrees 6 minutes 18 seconds a distance of 70 feet to station 5773 plus 92.74 P.T., which point lies north 87 degrees 32 minutes 41 seconds west a distance of 4909.17 feet from the southeast corner of said Section 20;

Thence north 75 degrees 42 minutes 17 seconds east a distance of 6000 feet to the point of terminus of the above described surveyed center line.

Section 22, Lots 1, 2, 3 and 4, the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter, excepting and reserving a strip of land 200 feet in width lying over and across said Lot 1 and the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter for railroad relocation purposes.

Section 30, all that portion of Lot 1 of the northeast quarter of the northwest quarter lying southerly of a line lying southerly a distance of 100 feet from a surveyed center line described as follows:

Beginning at a point lying north 86 degrees 33 minutes 19 seconds west a distance of 3250.76 feet from the west quarter corner of said Section 30;

Thence north 72 degrees 57 minutes 47 seconds east a distance of 1011.38 feet to equation station 5790 plus 38.88 P.T. back which equals 5790 plus 16.91 P.T. ahead;

Thence north 72 degrees 57 minutes 47 seconds east a distance of 7391.96 feet to station 5864 plus 8.87 P.C., and the point of terminus of the above described surveyed center line.

Township 4 north, Range 24 East, Section 7, Lot 1.

Section 8, Lots 3 and 4 except that portion lying southerly and westerly of the following described line:

Beginning at a point on the south line of said Section 8, said point lying 3757.28 feet westerly from the southeast corner thereof;

Thence north 16 degrees 20 minutes west a distance of 308.45 feet;

Thence south 73 degrees 40 minutes west to a point on the south line of said Section 8 and the point of terminus of the above described line.

Section 18, Lots 1, 2, 3, 4, and 5 and the South half of the northeast quarter excepting and reserving a strip of land 200 feet in width lying over and across said Lot 5 for railroad relocation purposes.

The areas described aggregate approximately 689 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 24, 1963.

[F.R. Doc. 63–10364; Filed, Sept. 30, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Deductions for Charitable Contributions; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 170 of the Internal Revenue Code of 1954, relating to deductions for charitable contributions, to section 2 of the Act of October 23, 1962 (Public Law 87–858, 76 Stat. 1134), such regulations are amended as follows:

PARAGRAPH 1. Section 1.170 is amended by revising subparagraphs (A) and (B) of paragraph (1) of section 170(b) and by revising the historical note. These amended provisions and the historical note read as follows:

§ 1.170 Statutory provisions; charitable, etc., contributions and gifts.

Sec. 170. *Charitable, etc., contributions and gifts.*

* * * * *

(b) *Limitations*—(1) *Individuals.* In the case of an individual the deduction provided in subsection (a) shall be limited as provided in subparagraphs (A), (B), (C), and (D).

(A) *Special rule.* Any charitable contribution to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2),

(iii) A hospital referred to in section 503(b)(5), or to a medical research organization (referred to in section 503(b)(5)) directly engaged in the continuous active conduct of medical research in conjunction with a hospital, if during the calendar year in which the contribution is made such organization is committed to spend such contributions for such research before January 1 of the fifth calendar year which begins after the date such contribution is made, or

(iv) An organization referred to in section 503(b)(3) organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization referred to in clause (ii) of this subparagraph and which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions,

shall be allowed to the extent that the aggregate of such contributions does not exceed 10 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172.

(B) *General limitation.* The total deductions under subsection (a) for any taxable year shall not exceed 20 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172. For purposes of this subparagraph, the deduction under subsection (a) shall be computed without regard to any deduction allowed under subparagraph (A) but shall take into account any charitable contributions described in subparagraph (A) which are in excess of the amount allowable as a deduction under subparagraph (A).

* * * * *

[Sec. 170 as amended by sec. 1, Act of Aug. 7, 1956 (Pub. Law 1022, 84th Cong., 70 Stat. 1117); secs. 10, 11, and 12, Technical Amendments Act 1958 (72 Stat. 1609–1610); sec. 7 (a), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1002); sec. 2, Act of Oct. 23, 1962 (Pub. Law 87–858, 76 Stat. 1134)]

PAR. 2. Paragraph (b) of § 1.170–2 is amended by revising subparagraph (1) and subparagraph (3), including the heading thereof. These amended provisions read as follows:

§ 1.170–2 Charitable deductions by individuals; limitations.

* * * * *

(b) *Additional 10-percent deduction*—(1) *In general.* In addition to the deduction which may be allowed for contributions subject to the general 20-percent limitation, an individual may deduct charitable contributions made during the taxable year to the organizations specified in section 170(b)(1)(A) to the extent that such contributions in the aggregate do not exceed 10 percent of his adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). The additional 10-percent deduction may be allowed with respect to contributions to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2) and defined in subparagraph (3)(i) of this paragraph,

(iii) A hospital referred to in section 503(b)(5) and defined in subparagraph (4)(i) of this paragraph,

(iv) Subject to certain conditions and limitations set forth in subparagraph (4)(ii) of this paragraph, and for taxable years beginning after December 31, 1955, a medical research organization referred to in section 503(b)(5), and

(v) Subject to certain limitations and conditions set forth in subparagraph (3)(ii) of this paragraph, and for taxable years beginning after December 31, 1960, an organization referred to in section 503(b)(3) which is organized and operated for the benefit of certain State and municipal colleges and universities.

To qualify for the additional 10-percent deduction the contribution must be made "to", and not merely "for the use of", one of the specified organizations. A contribution made to a trust, community chest, or other organization referred to in section 170(c), which in turn makes the contribution available to a church, school, hospital, medical research organization, or organization for the benefit of certain State or municipal colleges or universities, will not qualify under the 10-percent limitation unless such trust, community chest, or other organization acts merely as an agent of the taxpayer in delivering the contribution. The computation of this additional deduction is not necessary unless the total contributions paid during the taxable year are in excess of the general 20-percent limitation. Where the total contributions exceed the 20-percent limitation, the taxpayer should first ascertain the amount of charitable contributions subject to the 10-percent limitation, and any excess over the 10-percent limitation should then be added to all other contributions and limited by the 20-percent limitation.

* * * * *

(3) *Educational organization and organizations for the benefit of certain State and municipal colleges and universities*—(i) *Educational organization.* An "educational organization" within the meaning of section 170(b)(1)(A) is one whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term, therefore, includes institutions such as primary, secondary, preparatory, or high schools, and colleges and universities. It includes Federal, State, and other public-supported schools which otherwise come within the definition. It does not include organizations engaged in both educational and noneducational activities unless the

latter are merely incidental to and growing out of the educational activities. A recognized university which incidentally operates a museum or sponsors concerts is an educational organization. However, the operation of a school by a museum does not necessarily qualify the museum as an educational organization. A gift to an educational institution through an alumni association or a class organization, which acts simply as a fund-raising or collection agency through which gifts may be made currently to the institution, is a gift to the educational organization if the entire gift inures to its benefit, but not if any part of it inures to the general or operating fund of the agency. Similarly, a gift to one or more educational institutions through an association of educational institutions will be considered a gift to the institutions if it inures entirely to their benefit.

(ii) *Organizations for the benefit of certain State and municipal colleges and universities.* (*a*) For taxable years beginning after December 31, 1960, gifts made to an organization referred to in section 503(b)(3) organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of certain colleges and universities, may be taken into account in computing the additional 10-percent limitation.

(*b*) The recipient organization must be one which normally receives a substantial portion of its support from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public, or from a combination of two or more of such sources. An example of an indirect contribution from the public would be the receipt by the organization of its share of the proceeds of an annual collection campaign of a community chest, community fund, or united fund.

(*c*) The college or university (including land grant colleges and universities) to be benefited must be an educational organization referred to in section 170(b)(1)(A)(ii) and subdivision (i) of this subparagraph; and must be an agency or instrumentality of a State or political subdivision thereof, or must be owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions.

[F.R. Doc. 63–10378; Filed, Sept. 30, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1126]

[Docket No. AO–231–A22]

MILK IN NORTH TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas, on August 14–15, 1963, pursuant to notice thereof issued on July 30, 1963 (28 F.R. 7911).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on September 16, 1963 (28 F.R. 10212; F.R. Doc. 63–9991) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (28 F.R. 10212; F.R. Doc. 63–9991) are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. At the end of the "Findings and Conclusions" three new paragraphs are added.

The material issues on the record of the hearing relate to:

1. Revision in the level of Class I price; and

2. An increase in the Class II price at pool distributing plants located in Dallas and Tarrant Counties, Texas.

This decision pertains only to issue No. 1. Decision on issue No. 2 is reserved for later determination.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The Class I price under the North Texas order should be increased by 10 cents for each of the months of October 1963 through March 1964. Since the Class I price in Austin-Waco, Central West Texas, Corpus Christi, Lubbock-Plainview, and San Antonio orders are determined on the basis of the North Texas Class I price plus appropriate differentials to reflect transportation cost between markets, the increase in the North Texas price will also provide a 10-cent price increase in each of these markets.

The North Texas Class I price is determined by adding to the basic formula price (Minnesota-Wisconsin price series) for the preceding month a differential of $1.85 during the months of March through June and a differential of $2.25 for all other months, plus or minus a supply-demand adjustment factor not to exceed 50 cents. The present supply-demand adjustment mechanism is based on a standard utilization percentage of 118 percent and was incorporated in the order effective December 1, 1961. The amount of the adjustment is derived by comparison of the actual utilization percentage in specified periods with the standard utilization percentage (after adjustment by the seasonal ratio). The sum of the deviations for the current and preceding pricing months, with adjustments for deviations in the opposite direction, provide the basis for the price adjustment; i.e., each percentage deviation provides a one-cent price adjustment.

The North Texas Producers Association, with the support of the Central West Texas Producers Association, the Mid-Tex Milk Producers Association, The Producers Association of San Antonio, and The Coastal Bend Milk Producers Association proposed an increase in the standard utilization percentage of the supply-demand adjustment mechanism from 118 to 122 percent or in the alternative an emergency increase in the Class I price. It was proponents' position that a milk supply of 118 percent of Class I sales is insufficient to meet the demands of the Texas markets and accordingly the standard utilization percentage should be increased to 122 percent, the minimum level of supply needed to meet the demands of the several markets.

In support of their position proponents pointed to the market experience during the months of October 1962 through February 1963 when supplies averaged 117 percent of Class I sales and were as low as 114 percent (November 1962, January 1963). During this period substantial imports of milk were required from distant sources at a cost considerably above the order Class I prices. Because of the severe winter of 1962–63 and the general drought conditions which have persisted in the production areas during the spring and summer of 1963, proponents contend that supplies will be at a critical level throughout the present fall and winter months and request immediate price relief to encourage needed milk production.

The present supply-demand adjustment mechanism, made effective December 1961, provided a 32-cent downward price adjustment through April 1962. In subsequent months the amount of the adjustment has steadily decreased in response to decreasing production and increasing Class I sales and in September 1963 would have been only 4 cents.

Production of milk for the five Texas markets, compared to the same month of the previous year, began to decrease in September 1962. Although this decreased production averaged only 0.5 million pounds during the last four months of 1962, it advanced to a monthly average of about 3 million pounds during the first six months of 1963 and was about 6 million pounds in July 1963. Class I sales have continued to increase during this period of decreasing supplies. During the last four months of 1962, Class I sales increased an average of about 3 million pounds over the same months of the previous year. This trend has been maintained during the first six months of 1963. In July 1963 Class I sales were 7 million pounds over the previous July.

On two recent occasions the Secretary has suspended the action of the supply-demand adjustor in view of the effect of adverse weather conditions on production conditions in the production areas for the five Texas markets and the resulting decrease in available supplies of milk. First action was taken on January 30, 1963, when supply-demand adjustments which would have reduced the

Class I price 16 cents in each month of February and March 1963, were suspended. Although supplies were adequate to meet Class I requirements in the normal flush production months, of May and June, production at levels of the immediate past years was not reached and a rapid rate of decrease began in July. The Secretary again suspended the supply-demand adjustor on August 28 eliminating an indicated 4-cent price adjustment for September.

It is recognized that the amount of the negative adjustment to the Class I price resulting from the action of the supply-demand adjustor has steadily decreased since April 1962. It is further recognized that a continuation of the present trend in supply-demand relationship will change the adjustment from a negative to a plus adjustment of the Class I price. Nevertheless, the Texas markets face such a critical short supply situation during the forthcoming fall and winter months that consumers cannot be assured of an adequate supply of milk at the existing minimum order prices.

The present supply situation undoubtedly reflects response to movements in the Class I price level as well as the effect of adverse weather conditions. It is not possible to isolate the effects of price adjustment from the effects of adverse weather. Hence, it is impossible to forecast the probable production response to the recent higher prices resulting from the supply-demand adjustments. Because of the critical feed situation and general pasture conditions, there is little expectation of improvement in supplies until the spring flush. It is apparent over the past year that supplies of milk in these markets have been barely adequate to assure consumers of a sufficient supply of milk. Moreover, it is clear that these markets recently have been getting shorter in supplies. It is concluded, therefore, that a temporary 10-cent Class I price increase should be provided through March 1964. This increase in conjunction with expected price movements through action of the supply-demand adjustment mechanism will tend to offset the mounting costs of purchased feeds and encourage continuing needed production during the winter months.

It cannot be concluded on the basis of this record that the present supply-demand adjustment mechanism does not under normal circumstances result in appropriate adjustments to the Class I price. Nevertheless, if producers desire that the standard utilization percentages be established at 122 rather than the present 118, there is no reason why this cannot be accomplished. However, such an adjustment may not appropriately be the means of permanently increasing the Class I price level. Such a change logically should be considered at some future date when appropriate adjustment may be made in the stated Class I price differentials to offset the effects of such a revision.

Most handlers supported temporary action to increase the Class I price, in view of the abnormal weather conditions and their adverse effects on the production of milk, for either all or certain of the five markets. They recommended the increase in Class I prices be effective for a varying number of months up to March 1964. Handlers supported different methods for increasing Class I prices for the limited period of months which included the action herein recommended, suspending the supply-demand adjustment action for selected markets of the five Texas markets, and suspension of the supply-demand adjustment for the entire five markets.

Individual market price adjustments to reflect the local market supply situation would not accommodate the current situation. Historically, the major producer organization for the North Texas market has made available supplemental supplies of milk for the other Texas markets. Class I prices are presently aligned among the Texas markets on the basis of transportation costs. Adjustment of Class I prices on an individual market basis, as proposed by one handler, would disrupt this alignment of Class I prices to the detriment of the present and historical organization of supplies for these markets. The interrelationship of supplies and sales for the five Texas markets was established in the decision of the Secretary issued on April 29, 1957. It was this decision that instituted the use of the combined supplies and Class I sales for five Texas markets in the computation of the supply-demand adjustment effective as of May 1, 1957. At that time sales competition existed between Central West Texas and Austin-Waco, and North Texas handlers in the respective markets. Other Texas markets were depending on sources in the North Texas market for supplemental supplies. In conclusion it was found that the supply and demand picture in the North Texas market was affected; not only by the bottling requirements of the handlers regulated under the North Texas order, but also by the supply and demand pattern of other Texas markets. There is a continuing interrelationship of Class I sales among the several markets and the North Texas market carries the reserve supplies for these markets. Substantial supplies have continued to move from the North Texas market to plants in the other markets.

As previously indicated it is expected that the supply-demand adjustment mechanism, in response to the current supply situation, will likely provide increases to the price in the forthcoming months. Suspension of the adjustor would therefore likely have a negative price effect and, hence, could not provide the appropriate incentive to hold production through the winter months.

A Plainview, Texas, handler regulated by the Lubbock-Plainview order opposed any revision of the North Texas Class I price which would result in an increase in the Class I price under such order. In support of his position this handler cited his interrelationship with the Texas Panhandle market in both sales and procurement. Essentially his testimony in this regard was similar to that which he gave at the Lubbock-Plainview promulgation-hearing held in Lubbock on June 6–10, 1961. Official notice is taken of the Secretary's decision of May 3, 1962 on the matter of an order to regulate the handling of milk in the Lubbock-Plainview, Texas, marketing area. In fixing the Class I price 10 cents over the North Texas Class I price the Secretary concluded that for the years 1958, 1959, and 1960 such price "would have exceeded the Texas Panhandle price by an average of 15.9 cents, 8.6 cents, and 15.2 cents, respectively."

"Milk under the Texas Panhandle order is priced at Amarillo which lies 124 miles north of Lubbock, while milk under the Central West Texas order is priced at Abilene, 166 miles southeast of Lubbock. Hence, the proposed pricing at Lubbock appropriately reflects the difference in distance between Lubbock and those points."

Official notice is also taken of the Class I price announcement of the market administrator for the Texas Panhandle and Lubbock-Plainview orders, respectively, for the period July 1962 through August 1963. For this period the Lubbock-Plainview Class I price averaged $5.14 and the Texas Panhandle price averaged $5.13. Hence, a temporary Class I price increase of 10 cents in the Lubbock-Plainview market will provide a price well within the relationship which the Secretary concluded appropriate in his decision of May 3, 1962.

The Plainview handler also contended that weather conditions being experienced in the Lubbock-Plainview market were not similar to those of the other Texas markets here under consideration. He further contended that local handlers did not rely on the North Texas market for balancing supplies. Notwithstanding, it is desirable that interorder price relationships among the Texas markets be retained. Further, there has been little improvement in the Lubbock-Plainview supply situation since the order was made effective. The market does not carry a sufficient reserve to meet the day to day and month to month variation in receipts and sales but relies on adjacent Federal order markets for supplemental milk.

One handler excepted to the proposed temporary increase in the Class I price, on the basis that the notice of hearing pursuant to which this matter was discussed proposed a revision of the supply-demand adjustor mechanism contained in the pricing provisions for Class I milk and did not deal with a direct price increase. The record is replete with testimony demonstrating that the obvious objective of the proposal was to consider the necessity for increasing the Class I price. The specific ten-cent increase adopted herein was proposed and discussed at the hearing as an alternative method to effect a solution to the Class I price problem. When the matter of a direct Class I price increase was discussed at the hearing, no exception was taken by the handler to consideration of alternative methods to accomplish the stated objective. Because the proposal as outlined in the notice of hearing clearly demonstrates the purpose and objective sought to be accomplished thereby, and since full discussion with respect to the problem and method of accomplishment was held, the solution adopted is clearly covered in the notice and the exception taken thereto is denied.

Another exceptor reiterated his position taken at the hearing that the increase in price requested by proponents was insufficient to have a material effect on production and that if the supply situation locally justified a price adjustment it was likely that a similar situation existed in all Federal order markets in Southwestern United States. He therefore argued that consideration should be given to the calling of a regional hearing to consider a Class I price adjustment in the Texas markets and in the other Federal order markets throughout the region.

The matter considered at the hearing was concerned only with amendment of the North Texas order to provide a Class I price adjustment in the Texas Federal order markets using the North Texas Class I price as the basis of pricing Class I milk and the action herein recommended is fully justified on the hearing record for reasons previously stated.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were field on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the North Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 26, 1963.

CHARLES S. MURPHY,
Under Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

§ 1126.0 Findings and determination.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesale milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1126.51(a) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(a) The Class I price shall be the basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months; plus 10 cents for the months of October 1963 through March 1964; and subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this Part and Parts 1127, 1128, 1129, and 1130 of this Chapter regulating the handling of milk in the North Texas, San Antonio, Central West Texas, Austin-Waco, and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) Divide the utilization percentage computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1) (ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided*, That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

[F.R. Doc. 63-10401; Filed, Sept. 30, 1963; 8:48 a.m.]

Agricultural Research Service

[9 CFR Part 78]

INTERSTATE MOVEMENT OF CATTLE BECAUSE OF BRUCELLOSIS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that the Agricultural Research Service, under the provisions of the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 122, 125), is proposing to amend the regulations in Subpart C, Part 78, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of brucellosis, in the following respects:

1. Paragraph (b) of § 78.12 would be amended to read:

(b) *Movement of cattle for immediate slaughter.* Cattle, not known to be affected with brucellosis, may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U.S.C. 71 et seq.), or a slaughtering establishment specifically approved for the purpose in accordance with § 78.16(b) of this chapter or to a public stockyard or specifically approved stockyard for sale to such a slaughtering establishment, if accompanied by a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; (5) the name and address of the owner or shipper; and (6) the number of the identification tag on each animal required to be tagged under paragraph (g), of this section, except that tag numbers need not be recorded on certificates issued by inspectors at public stockyards, with respect to cattle to be moved interstate for immediate slaughter.

2. Paragraph (c) of § 78.12 would be amended to read:

(c) *Movement of cattle to public stockyards or specifically approved stockyards.* Cattle, not known to be affected with brucellosis, may be moved interstate direct to a public stockyard or specifically approved stockyard without compliance with the other provisions of this section except the provisions of paragraphs (f) and (g) of this section, if accompanied by a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; (5) the name and address of the owner or shipper; and (6) the number of the identification tag on each animal required to be tagged under Paragraph (g) of this section: *Provided, however,* That the movement of said cattle from such stockyard to another destination must comply with the provisions of this part the same as if the cattle had been originally consigned direct from the point of origin to such destination.

3. Paragraph (g) of § 78.12 would be redesignated as paragraph (h) and a new paragraph (g) reading as follows would be added:

(g) *Individual identification of female cattle three years of age and over.* Female cattle three years of age and over, not known to be affected with brucellosis, when being moved interstate under this subpart, are required to be identified as follows:

(1) Female cattle of the dairy breeds must each bear an eartag numbered in accordance with the national eartag numbering system approved by the Department, except purebred female cattle of the dairy breeds being moved interstate for any purpose and female cattle of the dairy breeds being moved interstate for immediate slaughter, which may bear a Department approved backtag applied to the back of the animal a few inches from the midline and just behind the shoulder in lieu of, or in addition to, the eartag.

(2) Female cattle of the beef breeds must each bear a Department approved backtag applied to the back of the animal a few inches from the midline and just behind the shoulder, except that where such cattle are being moved interstate for purposes other than immediate slaughter, each animal may bear an eartag numbered in accordance with the national eartag numbering system approved by the Department in lieu of, or in addition to, the backtag.

(3) Purebred female cattle of dairy or beef breeds being moved interstate for purposes other than immediate slaughter need not be tagged in accordance with subparagraph (1) or (2) of this paragraph if accompanied by corresponding certificates of registration. The registration certificates must be transferred to the custody of the consignee or his representative at the time the corresponding animals are delivered at destination, and be made available for inspection on request of a State or a Federal inspector or an accredited veterinarian.

(4) No person shall remove or tamper with any identification tag required in this paragraph, with respect to animals being moved interstate.

It is believed that the proposed tagging requirements would benefit the livestock industry by facilitating the tracing of animals found to be diseased to the herds of origin. The removal of or tampering with any identification tag required under the proposal, with respect to female cattle being moved interstate, would be prohibited.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director of the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of September 1963.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 63-10383; Filed, Sept. 30, 1963; 8:48 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-204]

SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Proposed Revision

Based upon experience of the Department in administering the safety and health standards for federal supply contracts established pursuant to the Walsh-Healey Public Contracts Act (41 CFR Part 50-204) and upon recommendations regarding them which have been received from the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), Electronic Industries Association, American Industrial Hygiene Association, Manufacturing Chemists Association, The National Safety Council, and other organizations, I hereby propose to revise 41 CFR 50-204.1 through 50-204.300 as set forth below in accordance with authority contained in sections 1 and 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 38), and Subsection 7(d) of the Administrative Procedure Act (5 U.S.C. 1006).

Interested persons may submit written statements of data, views or arguments regarding the proposal. They should be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 60 days after this document is published in the FEDERAL REGISTER.

As revised 41 CFR 50-204.1 through 50-204.300 would read as follows:

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AUTHORITY: §§ 50–204.1 to 50–204.300 issued under secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 36, 38; sec. 7, 60 Stat. 241; 5 U.S.C. 1006.

§ 50–204.1 Scope and application.

(a) The Walsh-Healey Public Contracts Act (40 Stat. 2036, 41 U.S.C. 35 et seq.) requires that contracts entered into by any agency of the United States for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000 must contain, among other provisions, a stipulation that "No part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract." This Part 50–204 of this chapter expresses certain minimum safety and health standards which will be applied in the administration and enforcement of the Act, including proceedings under its section 5 and 41 CFR Part 50–203, Subpart A, to determine whether particular contracts subject to the Act are being, or have been, performed in compliance with its safety and health requirements.

(b) In all administrative, enforcement, and investigative proceedings conducted by the United States Department of Labor under the Act, official notice will be taken of the fact that failure to comply with the requirements expressed in this Part 50–204 of this chapter results in working conditions which are "unsanitary or hazardous to employees" within the meaning of section 1(e) of the Act, and contracts incorporating the stipulation it requires.

(c) In formal enforcement proceedings under section 5 of the Act, respondents will be permitted to demonstrate, by reliable, substantial, and probative evidence, that their failure to comply with the requirements expressed in Part 50–204 of this chapter did not result in working conditions which were "unsanitary or hazardous or dangerous to employees," but only if the answer to the complaint, filed under § 50–203.3 of this chapter, makes express allegation to that effect, identifying the particular code unit challenged and setting out the factual basis for the challenge. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof was performed may be shown in support of such a contention, but such facts alone shall not be deemed sufficient to rebut the official notice required by § 50–204.1(b). In the event such issue is drawn, and reliable, substantial, and probative evidence is introduced in support of the challenge, the pertinent portions of the publications of the American Standards Association, Inc., American Society of Mechanical Engineers, National Fire Protection Association, National Board of Fire Underwriters, the Public Health Service of the United States Department of Health, Education, and Welfare, the Bureau of Mines of the United States Department of the Interior, and the Atomic Energy Commission will be considered, together with any other evidence that may be adduced in support of the regulation, on the issue whether the preponderance of the reliable, substantial, and probative evidence supports a finding that the working conditions prohibited in the regulation are unsanitary or hazardous or dangerous to the health and safety of employees.

(d) The standards expressed in Part 50–204 of this chapter are for application to ordinary employment situations, and do not preclude proof or recognition of the necessity of higher standards for employment situations of extraordinary hazard. Neither do the standards expressed in this Part 50–204 of this chapter purport to describe all of the working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees. Other working conditions may be found to be unsanitary or hazardous or dangerous to the health and safety of employees on evidence to that effect, or without such evidence, where such unsanitary or hazardous or dangerous characteristic should be apparent to a rational and prudent person of common experience.

(e) While the Department of Labor will not enforce safety and health obligations stemming from sources other than the statutes it administers, compliance with the standards expressed in Part 50–204 of this chapter will not relieve anyone from any obligation to comply with any more strict standard stemming from any other source whatsoever.

(f)(1) Regional Directors of the Wage and Hour and Public Contracts Division may from time to time grant written permission to employers to vary from provisions contained in §§ 50–204.2 through 50–204.300 when the extent of variation is clearly specified and it is demonstrated to his satisfaction that (i) such variation is necessary to obtain a beneficial use of an existing production facility, (ii) such benefit is of sufficient value to warrant the variation, (iii) employees will not be exposed to a greater hazard, and (iv) appropriate action will be taken to protect the health and safety of such employees.

(2) Application for such variations should be filed with the Regional Office having jurisdiction over the area in which the establishment is located.

(3) During the course of inspections for compliance with the standards contained in these regulations, the Safety Engineer of the Wage and Hour and Public Contracts Divisions may on behalf of the Regional Director grant written permission to vary from the provisions contained in §§ 50–204.2 through 50–204.300 subject to the criteria set forth in § 50–204.1(f)(1).

(4) A file of approved variances will be maintained in the Regional Office.

BUILDINGS AND APPURTENANCES

§ 50–204.2 Buildings.

Buildings and all appurtenances thereto, including bridges, towers, balconies, runways, and platforms, shall be structurally safe to prevent collapse.

§ 50–204.3 Floors.

(a) No floor or platform shall be loaded so as to have a factor of safety of less than four. That is the weight placed upon a floor or platform shall not exceed one-fourth of the breaking strength of the platform or floor.

(b) Floors, other than those resting directly on solid ground, when used for heavy storage shall be clearly posted to show maximum safe floor loads.

(c) All floor surfaces shall be kept clean and dry and maintained in a smooth (free from holes or projections that might cause tripping) and reasonably nonslippery condition.

(d) Where the type of operation necessitates working on floor areas which would be otherwise wet or slippery, such areas shall be covered with mats, grates, cleats, or other high friction floor coverings.

§ 50–204.4 Building egress.

(a) *Exits.* Not less than two means of egress (other than ladders or elevators) as remote from each other as possible, shall be provided for each floor or section, including basements used for industrial operations, except that a single exit shall be permitted from work rooms having an occupancy of less than 25 people in which the maximum travel distance to the exit does not exceed 50 feet. Areas containing considerable fire or explosion hazards may require two exits even though occupied by less than 25 people. On the street floor at least one exit shall lead directly outside the building, or a horizontal exit. On upper floors and basements, one exit shall be an enclosed stairway, smokeproof tower or enclosed ramp, and the other or others may be inside stairways, ramps, or horizontal exits, or fire escape stairs.

Ramps, used as exit ways, shall have a slope not to exceed 1 foot in 10 feet and shall be provided with non-slip surfaces.

(b) *Exit doors.* Doors closing the required exits shall swing in the direction of exit and open in such a manner as not to obstruct passageways or corridors used as ways of egress. No chairs or seats, fixtures, chutes, materials, or equipment shall block or in any way jeopardize the use of ways and means provided for egress. All exit doors and windows used as means of egress in case of fire or panic shall be arranged in such way that they can always be opened readily from the inside. Locks on doors or windows, if provided, shall not require the use of a key to open them from the inside.

(c) *Exit signs.* All exits or means of egress shall be provided with a sign having on it the word "EXIT" which shall be in letters at least five inches in height and plainly indicate to persons within the building the location of such egress. When the exit doorway signs are not visible from all locations in corridors and passageways, directional signs shall be placed on walls or otherwise displayed so as to be visible from all such locations to direct occupants to exit doorways.

(d) *Occupancy prohibited.* No part of a stairway, whether interior or exterior, nor a hallway, corridor, vestibule, balcony, or bridge serving as an exit way, shall be used for any purpose which shall in any way interfere with its use as an exit way.

§ 50–204.5 Warning signs.

(a) Where vertical or horizontal clearances present a hazard associated with materials handling equipment, railroad operations, or any other operation or process, appropriate clearance signs shall be displayed.

(b) Danger signs shall be used when an imminent hazard exists and when special precautions are necessary.

(c) Caution signs shall be used to warn against potential hazards, or to caution against unsafe practices and to indicate a possible hazard against which proper precaution should be taken.

(d) Safety instruction signs shall be used where there is a need for general instructions and suggestions relative to safety measures.

(e) Directional signs in sufficient numbers shall be used to indicate the way to locations such as exits, fire escapes, stairways, and first aid rooms.

§ 50–204.6 Traffic control.

Traffic control signs or other devices to warn pedestrian, vehicular and railroad traffic shall be provided in all instances where a traffic hazard exists.

STAIRWAYS, STEPS AND RAMPS

§ 50–204.7 Access.

Safe means of access, suited to conditions, shall be provided to every point to which employees are called upon to go in connection with their work, including those above and below the floor or working surface level. Such means of access shall be designed for maximal live load consideration.

§ 50–204.9 Stair width of treads and height of risers.

There shall be no variation in the width of treads and height of risers in any flight exceeding 3/16 inch. Where variation in heights of risers in different flights is necessary on account of varying story heights, such variations shall not exceed 3/16 inch. All treads shall be at least 9 inches wide exclusive of nosing.

§ 50–204.10 Stairway maintenance.

Every stairway, step or inclined ramp shall be maintained in good repair, free from debris, protrudances or slippery conditions and no storage shall be permitted on stairways, ramps or steps.

§ 50–204.11 Treads.

Treads shall be renewed when the surface shows wear to the extent that there is a vertical difference of 1/4 inch or more between the highest and lowest portion of the tread, or when the worn condition may likely contribute to insecure footing. All treads shall have a surface which will retard slipping.

§ 50–204.12 Stairway railings and handrails.

Every flight of stairs having four or more risers shall be equipped with a stair railing or handrails constructed to conform to the requirements of §§ 50–204.28 and 50–204.29 under the following conditions:

(a) On stairways of width less than 44 inches and having both sides enclosed—at least one handrail on the right side descending.

(b) On stairways of width less than 44 inches and having one side open—at least one stair railing that shall be on the open side.

(c) On stairways of width less than 44 inches and having both sides open—one stair railing on each side.

(d) On stairways of width 44 inches or more but less than 88 inches—one handrail on each enclosed side and one stair railing on each open side.

(e) On stairways 88 inches or more in width—one handrail on each enclosed side, one stair railing on each open side and one intermediate stair railing located approximately midway of the width.

(f) Winding stairs shall be equipped with a handrail so offset as to prevent walking on any portions of the treads having width less than 6 inches.

GUARDING OF FLOOR OPENINGS AND FLOOR HOLES

§ 50–204.17 Stairway floor openings.

A railing constructed to conform to the requirements of §§ 50–204.28 and 50–240.29 shall be provided on all exposed sides of stairway floor openings (except at entrance to stairway). Standard toe boards shall be provided also, except in stair towers.

§ 50–204.18 Ladderway floor openings.

Every ladderway floor opening shall be guarded by a standard railing with standard toe board on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate, chain guard, or so offset that a person cannot walk directly into the opening.

§ 50–204.19 Hatchway and floor openings.

(a) Every hatchway and chute floor opening shall be guarded either by: (1) Hinged floor opening cover, of strength comparable to the surrounding floor area, in conjunction with standard railing and toe board construction so as to leave no exposed side; or

(2) A removable railing with toe boards on not more than two sides of opening and permanent railings with toe boards on all other exposed sides constructed in accordance with the requirements of §§ 50–204.27 and 50–204.30 The removable railings shall be kept in place when the opening is not in use.

(b) Where operating conditions necessitate the placing of materials into any hatchway or chute opening from all sides, the guarding requirements will be satisfied if bars, chains, or other adequate protection is provided to prevent a person from falling through the opening. Toe boards are not required in this application.

§ 50–204.20 Other floor openings and floor holes.

Every floor hole or floor opening except those described in §§ 50–204.17, 50–204.18 and 50–204.19 shall be guarded as appropriate either by a standard railing and toe board construction (see § 50–204.30) on all exposed sides or a floor opening cover of strength comparable to the surrounding floor area, or chains, cables, or other means capable of preventing a human body from falling through such openings.

GUARDING OF OPEN-SIDED FLOORS, PLATFORMS AND RUNWAYS

§ 50–204.25 Open-sided floor and platform.

(a) Every open-sided floor shall be guarded by a railing constructed in accordance with §§ 50–204.27 and 50–204.29 on all open sides 5 feet or more above the adjacent floor or ground level, except where there is entrance to a ramp, stairway or fixed ladder. The railing shall be provided with a toe board wherever, beneath the open sides,

(1) Persons can pass,

(2) There is moving machinery, or

(3) There is equipment with which falling materials could create a hazard.

(b) The intermediate railing and toe board required by §§ 50–204.27 and 50–204.29 may be omitted where materials have to be regularly passed over the edge of the floor (as in lumber storage), or where the railing is set back 12 inches or more from the edge.

(c) The entire railing may be temporarily removed from particular sections of open-sided floors where regular operating conditions make a permanent railing wholly impracticable.

§ 50–204.26 Runway guarding.

Every runway or platform, 5 feet or more above floor or ground level, shall be guarded by a railing constructed in accordance with §§ 50–204.27 and 50–

204.29 on all open sides. Wherever tools, machine parts or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

RAILINGS AND GUARDS

§ 50–204.27 Standard railing.

(a) A standard railing shall consist of top rail, intermediate rail and posts, having a vertical height of not less than 40 nor more than 44 inches from upper surface of top rail to floor, platform, runway or ramp level. The top rail shall be smooth surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and floor, platform, runway or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(b) Other types of railings shall be acceptable in lieu of the preceding standard railing providing they meet the height requirements of § 50–204.27(a), the strength requirements of § 50–204.29, and are provided with intermediate railings, enclosures, or barriers, the vertical opening of which does not exceed 21 inches.

§ 50–204.28 Stair railing and hand railing.

(a) A stair railing shall be of construction similar to a standard railing except that an intermediate rail shall not be required where the stairways are 22 inches or less in width. The vertical height shall not be less than 30 inches nor more than 42 inches measured from the upper surface of the top rail to the surface of tread and in line with the face of the riser at the forward edge of the tread.

(b) Hand rails shall provide a clearance of at least 1½ inches between the hand rail and wall or other members to which fastened. Hand rails shall not be more than 35 inches nor less than 29 inches measured from the upper surface of the top rail to the surface of the tread in line with the face of the riser at the forward edge of the tread.

§ 50–204.29 Strength of standard railing and stair railing.

All railings, hand rails and stair rails, both interior and exterior, shall be capable of resisting a thrust of 200 pounds applied in any direction to the top of the railing. Railings properly constructed in accordance with the following specifications will be assumed to meet this standard.

(a) *Wood railing.* Posts of at least 2 inch by 4 inch stock, spaced not to exceed 8 feet. Top rails of at least 2 inch by 4 inch stock or of two right angle pieces of at least 1 inch by 4 inch stock and the intermediate rails of at least 2 inch by 2 inch stock or of at least one inch by four inch stock. Stock is interpreted to mean commercially dressed sizes from the above dimensions.

(b) *Pipe railing.* Posts and top rails of metal pipe, at least 1¼ inches inside diameter and intermediate rails of metal pipe, at least 1 inch inside diameter. Posts spaced not to exceed 8 feet.

(c) *Structural metal railings.* Posts and top rails of angle iron at least 1½ inches by 1½ inches by 3/16 inch or other structural shapes of equivalent bending strength. Intermediate rails of angle iron of at least 1¼ inches by 1¼ inches by ⅛ inch or other structural shapes of equivalent bending strength. Posts spaced not to exceed 8 feet.

§ 50–204.30 Toe boards.

A toe board shall be at least 3 inches in vertical height from top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than ¼ inch clearance above floor level. It may be made of any substantial material either solid or with openings not over 1 inch in length.

ELEVATORS

§ 50–204.35 Hoistway openings.

Hoistway openings at the floor level to the elevator shall be protected by doors or gates either manually, electrically or mechanically operated and interlocked with the elevator control so that it is impossible to start the elevator until the door or gate is locked in the closed position and also so that it is impossible to open the door or gate when the car is not at the landing.

§ 50–204.36 Under car safety device.

All elevators other than hydraulic elevators shall be equipped with an under car safety device operated by speed governor control that will hold the elevator in case of cable failure or over speeding.

§ 50–204.37 Limit devices.

All types of power elevators shall be equipped with upper and lower travel-limit devices that will bring the car to rest at either terminal. They shall also be equipped with a final-limit switch, that if opened by the car as a result of excessive over-travel in either direction, will prevent further movement. In addition, positive stops shall be provided at the upper and lower end of the hoistway which will stop the elevator car at least 18 inches from the ceiling or floor of the hoistway.

§ 50–204.38 Elevator inspection.

Elevator inspection and certification that the elevator is in safe operating condition, by a competent elevator inspection service or maintenance contractor, in accordance with the American Standard Practices for the Inspection of Elevators, Inspectors Manual (ASA A17.2–1960), on an annual basis, is acceptable as evidence that the elevator is in safe operating condition, provided that there is compliance with §§ 50–204.35, 50–204.36 and 50–204.37.

ILLUMINATION

§ 50–204.42 Minimum standards.

Illumination shall be provided and distributed to all working surfaces by means of general illumination or a combination of general illumination and supplemental lighting as required below:

(a) For finest precision work—200 to 1000 foot-candles.

(b) Precision work—100 foot-candles.

(c) Ordinary bench work, machine shop work, office work and similar tasks—50 foot-candles.

(d) Most simple seeing tasks involving intermittent discrimination of moderate detail, such as operating automatic machines, rough grinding, garage work—30 foot-candles.

(e) Stairs, washrooms, reception rooms, etc.—10 foot-candles.

(f) Halls, corridors, loading docks, etc.—5 foot-candles.

(g) Outdoor areas, yards, boundaries, obstructions, etc., when occupied—2 foot-candles.

(h) Floors of exit ways, exit doorways, exist stairways, etc., when occupied—1 foot-candle.

LADDERS

§ 50–204.47 Construction, maintenance and safety equipment.

Ladders shall be substantially built, maintained free of defects and provided with appropriate safety equipment to protect the user from injury. Appropriate safety devices may include antislip shoes, securing hooks, ropes, etc.

§ 50–204.48 Stepladders.

All stepladders shall be provided with a spreader and an automatic locking device.

§ 50–204.49 Fixed ladders.

(a) *Ladder safety devices.* If fixed ladders are used to ascend to heights exceeding 20 feet, a landing or rest platform shall be provided for each 30 feet or fraction thereof unless the ladder is provided with safety cages, or other ladder safety device is installed.

(b) *Rails and grab bars.* Rails or grab bars of fixed ladders shall extend at least 3 feet above landings or terminal platforms. The rungs may be omitted from side rails above landings or terminal platforms.

(c) *Landings.* A landing shall be provided where a person must step a distance greater than 12 inches from the ladder to a terminal position such as a roof, tank, or crane.

(d) *Guard rails.* Fixed ladder landings shall be equipped with standard guard rails and toe boards (§§ 50–204.27 and 50–204.30) so arranged to provide safe access to the ladder. Such platforms shall be at least 24 inches in width.

AISLES AND PASSAGEWAYS

§ 50–204.56 Maintenance.

Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that might cause tripping. Permanent aisles and passageways shall be identified appropriately by painted lines, marking strips or buttons, curbs, ropes, barricades or other means to reduce the potential of obstruction and hazards to persons or equipment using these as a means of access or egress.

§ 50–204.57 Aisles clearances.

Where power-driven industrial trucks are in customary use, one-way traffic aisles shall be at least 2 feet wider than the widest vehicle. Two-way aisles shall be at least 3 feet wider than twice the width of the widest vehicle, unless suitable and adequate turnouts adjacent to one-way traffic aisles for two-way traffic are provided.

§ 50–204.58 Aisle width.

Each passageway, aisle, and corridor, used as an emergency exitway shall be adequately marked, lead directly to an exit, and have a width of not less than 30 inches. See § 50–204.4.

MATERIAL STORAGE

§ 50–204.62 Clearance.

(a) All material in bags, containers, bundles, or on pallets stored in tiers, shall be stacked, blocked, interlocked, or limited in height so that it is secure against sliding or collapse.

(b) Where automatic sprinkler protection is provided, clearance of at least 18 inches shall be maintained under sprinkler heads. In order to provide suitable saturation and sprinkler coverage where cases, bales or other materials are stored in large tightly-packed piles, a minimum clearance of 36 inches shall be provided for increased fire protection.

(c) In nonsprinklered areas at least 36 inches shall be maintained between the tops of piles and under side of the lowest beam, girder, or other obstructions which may restrict the play of fire hose streams over the material.

(d) Between stacks and walls, the horizontal clearance shall be at least 24 inches except no clearance is required for a standard fire wall of at least 4-hour rating.

(e) Fire fighting devices, including water valves and hose outlets, shall be placed adjacent to operating aisles for easy accessability. When this is not practical, a fire aisle at least 36 inches wide shall give access to these fire fighting devices. Such aisles and equipment shall not be obstructed.

§ 50–204.63 Small articles.

Small articles shall be stored in a manner which will minimize hazardous handling and stacking.

§ 50–204.64 Pipe and other long stock.

Pipe and other long stock shall be stored in suitable racks or bloeked to prevent spreading or rolling. Projecting ends shall be protected by location, railings, or barriers.

§ 50–204.65 Hazardous materials.

Hazardous or corrosive materials including flammable, toxic and oxidizing liquids or solids in storage or use shall be distinctly marked to indicate the nature of hazard. Storage of hazardous materials shall be in locations suitable to the condition of the container, compatible with other occupancy and compatible with products stored in their proximity.

§ 50–204.66 Gases in portable cylinders.

(a) Cylinders shall be secured by chain, rack, or other means so as to prevent their falling or rolling.

(b) Cylinders shall be isolated or otherwise protected from excessive sources of heat, including the direct rays of the sun.

(c) Cylinders containing gases or liquids that are combustible, or will support combustion, shall be isolated from movable combustible materials.

(d) Empty cylinders shall be plainly marked "EMPTY" or "MT". Valves shall be closed and empty cylinders shall be segregated from full cylinders.

(e) Valve covers shall be kept in place at all times when the cylinder is not in use.

(f) Cylinders shall be transported in such a manner as to preclude damage to the cylinder or valve.

(g) Cylinders containing the same gas shall be stored in segregated groupings. Cylinders containing fuel gases or oxidizing gases shall be separated from flammable or combustible material and other fuel gases by at least 40 feet or by a fire resistant partition. Areas containing toxic gases in storage shall be appropriately placarded and precautions shall be posted.

§ 50–204.67 Access.

Aisles and passageways shall be maintained between storage piles and between piles and the boundary of the storage site or other physical boundary to provide ready access and clearance to place and remove material safely. In areas of combustible storage or structures, aisles (firelanes) shall be sufficiently wide to reduce the spread of fire and to permit ready access for fire fighting or emergency removal of materials.

§ 50–204.68 Housekeeping.

Storage areas where people are regularly employed shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or animal bites. Vegetation control will be exercised when necessary to accomplish the above.

§ 50–204.69 Drainage.

Proper drainage will be provided to preclude a hazard to the safety and health of employees, and to assure the safe operation of material handling and vehicular equipment, regardless of whether the accumulation of liquids is related to the production process or forces of nature. Refer to § 50–204.3 for interior drainage.

§ 50–204.70 Railroad securing devices.

Bumper blocks or holding blocks shall be utilized for the purpose of maintaining a rail car in a stationary position and to preclude the inadvertent rolling or moving of such cars. Derail devices shall also be provided where appropriate to prevent hazardous movement of rail cars in loading and traffic areas.

§ 50–204.71 Open pits, tanks, ditches, etc.

Covers, guard rails, or other physical means of protection shall be provided for all hazardous open pits, tanks, vats, ditches, etc. near which people are regularly employed.

FLAMMABLE LIQUIDS

§ 50–204.81 Classification of flammables.

For the purpose of this Part 50–204—

(a) Flammable liquid shall mean any liquid having a flash point below 200° F., and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F.

(b) Flammable liquids are divided into three classes, as follows:

(1) Class I shall include those having flash points at or below 20° F.

(2) Class II shall include those having flash points above 20° F. but at or below 70° F.

(3) Class III shall include those having flash points above 70° F.

(c) Flash point shall mean the minimum temperature in degrees Fahrenheit at which a flammable liquid will give off flammable vapors as determined by appropriate test procedure and apparatus.

§ 50–204.82 Sources of ignition.

All sources of ignition shall be prohibited in areas where flammable liquids are stored, handled, or processed. Open flames, heating devices, and processes employing temperatures capable of igniting the vapor of flammable liquids used, shall be prohibited in buildings, rooms, and other confined spaces in which Class I or Class II flammable liquids are used in the open or in which Class III flammable liquids are used for the purpose of saturating, coating, or otherwise processing goods or materials. Smoking and open flames shall be prohibited and suitable signs to that effect shall be displayed in the areas for storage or use of flammable liquids.

§ 50–204.83 Vegetation removal.

The areas where flammable liquids are stored, handled, or processed shall be kept clear of rubbish, brush, long grass, or other combustible material at all times.

§ 50–204.84 Housekeeping, handling and disposal.

(a) Whenever flammable liquids are stored in containers, provisions shall be made for the detection of leakages. Leaking containers shall be immediately removed or made tight and accumulations or spills shall be cleaned up immediately. See § 50–204.90.

(b) Access shall be provided by unobstructed aisles whereby emergency fire control apparatus may be brought to bear on every part of flammable liquid storage areas.

(c) In buildings, rooms, or other confined spaces in which flammable liquids are stored, combustible waste material shall not be allowed to accumulate except in closed metal containers. Drainings or refuse flammable liquids shall not be dumped into sewers unless the sewers are designed for this purpose, but shall be stored in tanks or tight drums, outside of buildings, until removed from the premises. When it is necessary to dispose of small amounts of flammable liquids in buildings, shops, or rooms, a self-closing safety container shall be provided and used. See § 50–204.90.

§ 50–204.85 Electrical lighting.

Electrical lighting shall be the only means used for artificial illumination in areas where flammable liquids, vapors, fumes, dusts, or gases are present. All electrical equipment and installations shall be of the explosion-proof type (Class I, Group A, B, C, or D) where Class I and Class II flammable liquids are or may be present in the air in

quantities sufficient to produce explosive or flammable vapors. See § 50–204.148.

§ 50–204.86 Accumulation of flammable vapors.

Buildings or rooms or other enclosures, in which Class I or Class II flammable liquids are used or stored, shall be provided with ventilation sufficient at all times to prevent accumulation of flammable vapors. Where natural ventilation is insufficient to prevent accumulation of flammable vapors, mechanical ventilation shall be provided and used. Where a natural ventilation process is utilized, vent outlets shall be established at the floor level and at the ceiling level. The accumulation of flammable vapors within the explosive or combustible range under normal operating conditions, as determined by flammable vapor indicators, shall be considered an accumulation of flammable vapors.

§ 50–204.87 Bonding and grounding.

(a) Storage tanks and systems shall be electrically bonded and grounded.

(b) Dispensing of Class I and Class II flammable liquids shall be accomplished under conditions of effective bonding. Drums and containers in excess of ten gallons shall be electrically grounded, and the receiving container shall be bonded to the dispensing unit.

§ 50–204.88 Relief vents.

Storage tanks shall have normal venting capacity sufficient to permit the filling and emptying of such tanks plus their "breathing" due to temperature changes without distortion of the tank shell or roof. Tanks storing Class I and Class II flammable liquid shall be equipped with either an inerting system, approved flame arresters or with venting devices which shall normally be closed when not under pressure or vacuum. Tanks under 2,500 gallons capacity used for Class III flammables may have open vents. Vent pipe outlets shall be so located that flammable vapor will not enter buildings, openings or be trapped under eaves or other obstructions. Tank vents shall not be located close to open flames, stacks, heating appliances and apparatus, or other sources of ignition. Vent screens shall not be painted. Storage tanks shall be provided with appropriate emergency relief devices.

§ 50–204.89 Storage in other than flammable storage buildings.

A ventilated steel cabinet or cabinet lined with non-combustible material shall be provided for the storage of more than a total of ten gallons of Class I or Class II flammable liquid in any single work area used for purposes other than storage. Not more than a total of fifty gallons shall be stored in any one cabinet nor shall any individual container in such a cabinet exceed five gallons capacity. Containers must be kept tightly closed. Storage drums of over fifty gallons of flammable liquids shall be kept outside work rooms unless the work rooms are specifically designed for contents in excess of 50 gallons.

§ 50–204.90 Approved safety containers.

Class I and II flammable liquids shall be handled in safety containers, approved by the Underwriter's Laboratory or the Factory Mutual Laboratories, when removed from the area restricted for flammable liquid dispensing and processing. Laboratory samples or laboratory grades of flammable liquids are exempt from this requirement when equal protective measures and precautions are exercised.

PAINTS AND PAINTING

§ 50–204.97 Flammable paint containers.

When removed from original container and when not in use, Class I and Class II flammable paints and thinners shall be stored in accordance with § 50–204.90.

§ 50–204.98 Storage locations.

Bulk storage of flammable paints exceeding 50 gallons shall be in detached non-combustible buildings or in a sprinklered room devoted exclusively to this purpose with a fire resistance rating of three hours or more if storage exceeds 275 gallons; one hour if less.

§ 50–204.99 Storage in operational areas.

Flammable paints used or stored in operating areas shall not exceed 50 gallons in any single work area and shall be located, when in excess of ten gallons, in ventilated metal cabinets or in a cabinet lined with non-combustible material. Containers shall be tightly closed when not in use.

§ 50–204.100 Paint soiled clothing, rags, and drop cloths.

Paint soiled clothing, rags, and drop cloths when not in use shall be stored in a detached non-combustible building or in a closed metal container or in a cabinet as prescribed in § 50–204.99.

§ 50–204.101 Housekeeping.

(a) All flammable paint storage areas shall be kept free of other types of combustible materials.

(b) Flammable paint scrapings and paint saturated debris shall be removed from the premises not later than the end of the shift in which accumulated.

§ 50–204.102 Ventilation of coating processes in operational areas.

Where spray painting, dipping, or similar processes are performed, ventilation shall be provided, adequate to prevent accumulation of flammable vapors and the maximum allowable concentration of toxic substances as prescribed by §§ 50–204.86 and 50–204.275.

§ 50–204.103 Ventilation in storage areas.

In all flammable paint storage areas, ventilation shall be provided in accordance with § 50–204.86, where mixing or dispensing processes are performed in conjunction with storage. When a natural ventilation process is utilized, vent outlets shall be established at the floor level and at the ceiling level.

§ 50–204.104 Smoking or open flames.

No smoking, open flames or other sources of ignition shall be permitted in flammable paint storage areas, spray paint rooms, and flammable aerosol producing areas, or within 20 feet of spray paint booths, dip tanks, or similar operations.

§ 50–204.105 Electrical equipment.

All electrical equipment and fixtures within flammable paint storage rooms, spray paint rooms, and confined areas in which flammable aerosol coating processes are accomplished, shall conform to Article 500 of the National Electrical Code. §§ 50–204.85 and 50–204.148.

§ 50–204.106 Electric motors, booths and ducts.

Electric motors driving exhaust fans shall not be placed inside booths or ducts exhausting flammable materials unless approved for Class I, Division I, locations in accordance with the National Electrical Code. See § 50–204.148.

§ 50–204.107 Belt enclosures.

Power driven belts or belts driving exhaust equipment shall not enter ducts or booths for the purpose of operating equipment to exhaust flammable materials unless belt and pulley within the duct or booth are properly grounded to prevent the accumulation of static electricity, and enclosed thoroughly to prevent the accumulation of combustible residue.

§ 50–204.108 Flammable solvents and cleaning materials.

Flammable solvents and cleaning materials shall be handled and stored in accordance with §§ 50–204.82 through 50–204.107 and § 50–204.275 when applicable.

FIRE PREVENTION

§ 50–204.110 Scope of fire prevention.

Fire prevention activities contained in §§ 50–204.111 through 50–204.118 are not intended to absolve compliance with specific requirements for fire prevention contained elsewhere in this part 50–204.

§ 50–204.111 Fire prevention surveys.

A survey of the suitability and effectiveness of fire prevention, fire control and fire protection methods and facilities will be accomplished at least annually, by competent employees or fire prevention bureaus. Records of the survey findings and recommendations shall be retained on file in the plant or location where accomplished.

§ 50–204.112 Fire prevention controls.

(a) Fires and open flame devices shall not be started or introduced until the appropriate fire protection devices and fire control devices are immediately available. Fires and open flame devices shall not be left unattended.

(b) Smoking and open flames shall not occur in any area where flammable, combustible, or explosive materials are stored, processed, or exposed.

(c) All rubbish shall be removed from buildings at least daily and work areas shall be maintained free from accumulations of combustible debris. Suitable disposal areas, incinerators, or trash burners shall be provided for the disposal of combustible waste materials or a refuse removal service shall be used.

(d) Areas beneath and within 10 feet of buildings shall not be used for storage of combustible materials and shall be regularly policed to keep them free of accumulations of debris and combustible vegetation. See §§ 50–204.72 and 50–204.83.

§ 50–204.113 Heating devices and systems.

(a) All boilers, stoves, and other heating apparatus, including portions of the smoke pipes and chimneys, shall be installed in such a manner that the temperature of any adjacent combustible surface will not exceed 90° Fahrenheit above the ambient temperature.

(b) All joints of smoke pipes and heat flues shall be riveted, welded, or otherwise securely fastened together and supported to prevent accidental disbursement of sparks.

(c) Spark arresters shall be provided on all smoke stacks or burning devices having forced drafts or short stacks, to prevent the escape of hot materials or live sparks.

(d) All employees shall be made aware of potential hazards of fire in the process and area of their employment.

FIRE PROTECTION

§ 50–204.114 Fire protection systems.

All indoor places of employment of 10 or more people shall be protected from the spread of fire by a fixed, automatic fire extinguishing system unless the building, room, connecting passageways, or cut-off portion of the building (one-hour fire resistant walls) is capable of being evacuated safely within one minute of the inception of a noticeable fire; except in cases where manually operated fire extinguishing equipment of sufficient capability can be brought to bear on the source of the fire, by a trained fire brigade or group, to control the blaze until an organized fire department can occupy the premises or until all other persons may be evacuated from the area adjacent to the fire and from all floors above.

§ 50–204.115 Emergency fire fighting equipment.

(a) All places of employment shall be provided with emergency extinguishing and fire control equipment suitable to the conditions and hazards involved. This equipment shall be mintained in an effective operating condition and determined to be so by a systematic inspection no less often than once a year. A record of inspections shall be kept and affixed to each such device.

(b) Workplaces in which the materials for each of the following classes of fires are found must have readily available one of the types of fire fighting equipment identified for each class.

(1) *Class "A" Fires.* Fires in ordinary combustible materials such as wood, coal, paper, or fabrics where wetting and cooling is the method of extinguishment

used. Here water, or solutions containing a large percentage of water, are of primary importance. These fires are most effectively extinguished by pressurized water, such as hose steam, soda acid extinguisher, pump tank extinguisher and stored pressure extinguisher.

(2) *Class "B" Fires.* Fires in flammable liquids, flammable paints and greases, petroleum products, etc., where a blanketing effect and exclusion of oxygen is essential. This class of fire is most effectively controlled by dry chemical, carbon dioxide and foam.

(3) *Class "C" Fires.* Fires in live electrical equipment, where the use of an electrically nonconductive extinguishing agent is of primary importance. These fires are effectively controlled by carbon dioxide and dry chemical.

(4) *Class "D" Fires.* Fires in combustible metals such as sodium, titanium, zirconium, and potassium. These fires are most effectively controlled by special dry powder extinguishing agents capable of smothering fire in the listed metals.

(5) *Other Fires.* Other fires involving certain combustible metals or reactive chemicals require, in some cases, special extinguishing agents or techniques. Appropriate National Fire Protection Association Standards should be consulted for appropriate guidance.

(c) Carbon tetrachloride extinguishers shall not be used.

§ 50–204.116 Placement and marking of fire fighting equipment.

(a) Appropriate fire extinguishing equipment must be located close to the potential hazard but not so close that it would be damaged or cut off from use by fire.

(b) Fire extinguishing equipment that is manually operated or actuated shall be located in a conspicuous place, kept free of obstructions, readily accessible and its location marked effectively by painting, symbol, or sign. Directional signs may be used to denote the location if a conspicuous location is not practical.

§ 50–204.117 Knowledge of use.

All persons who may have occasion to use any fire extinguishing device shall have knowledge of the proper way to use each device effectively.

§ 50–204.118 Fire alarm and awareness.

(a) An effective system of notification of all persons occupying spaces that may be imperiled by fire shall be established and exercised in "fire drills" conducted at least annually.

(b) Where it is necessary to notify fire brigades, fire companies or other fire control assistance not immediately available at the scene of potential fires, a system or procedure shall be established to assure such notification or awareness.

PRESSURE VESSELS

§ 50–204.120 Boilers.

(a) All steam boilers and steam generators, including pressurized hot water boilers, shall conform to the pertinent sections of the A.S.M.E. Boiler and Pressure Vessel Code (available from the American Society of Mechanical Engineers, United Engineering Center, 345 West 47th Street, New York 17, N.Y.), valid at the time of boiler construction or alteration.

(b) Boilers must be inspected and certified to be in safe operating condition on an annual basis by a National Board of Boiler and Pressure Vessel Inspectors authorized boiler inspection service.

(c) The manufacturer's rules for routine and emergency boiler operation applicable to the particular installation shall be posted in the boiler room. Lacking the manufacturer's recommended procedure, the installing contractor or the employer shall post operating procedure and safety precautions appropriately excerpted from the A.S.M.E. Boiler and Pressure Vessel Code.

§ 50–204.121 Steam cookers, digesters, glue pots, etc.

All unfired steam pressure vessels shall be designed to have a safe working pressure at least equal to one and one-half times the regulated inlet pressure. A safety valve, set to relieve at the maximum allowable working pressure for which the vessel is designed, shall be installed on the vessel itself or on the intake line between the vessel and any pressure-reducing device that may be installed. There shall be no means of cutting off or by-passing this safety valve. Appropriate regular inspection and maintenance of the vessel, including testing the safety valve is required.

§ 50–204.122 Unfired pressure vessels.

Unfired pressure vessels must be inspected and certified to be in safe operating condition, on an annual basis, by a National Board of Boiler and Pressure Vessel Inspectors certified pressure vessel inspection service.

§ 50–204.123 Air receivers.

(a) Air receivers shall be so installed that all drains, handholes, and manholes therein are easily accessible.

(b) Air receivers shall be supported with sufficient clearance to permit a complete external inspection and to avoid corrosion of external surfaces.

(c) Under no circumstances shall air receivers be buried underground or located in an inaccessible place.

(d) The receiver shall be located as close to the compressor or after cooler as is possible to keep the discharge short.

(e) The receiver shall be located in a cool place to facilitate the condensation of moisture and oil vapors.

§ 50–204.124 Compressed gas cylinders.

(a) Compressed gas cylinders shall bear evidence of current inspection or testing in accordance with Interstate Commerce Commission regulations. Compressed gas cylinders not showing a current (within five years) stamp as evidence of hydrostatic test shall not be placed in use. Cylinders shall be protected from temperature extremes, exposure damage and sources of electrical current. Cylinder valves shall be closed when cylinders are in storage or not in actual use. Cylinder valve covers shall be in place whenever a regulator or connection is not in place. Cylinders shall be adequately secured against displacement. Cylinders shall be secured when in use. Valve wrench or hand wheel

shall be in operating position when the cylinder is in use.

(b) Leaking cylinders shall be moved to an isolated location out of doors. The valves shall be cracked and the gas shall be allowed to escape slowly. Appropriate fire protection (see § 50–204.115) and protection against toxic conditions will be available for such an emergency. The cylinders shall be marked defective.

(c) Refer to § 50–204.66 for gases in cylinders when in storage.

TOOLS AND EQUIPMENT

§ 50–204.127 Maintenance.

Each employer shall be responsible for the safe condition of the tools and equipment used by his employees, whether furnished by him or by them, and be sure that such tools are suited by safe design and construction for the work to be done. See § 50–204.298.

CRANES, DERRICKS AND HOISTS

§ 50–204.128 Cranes, derricks and hoists.

All hoisting and lifting apparatus and the associated accessories shall be maintained in a safe operating condition in accordance with the provisions of ASA Code B–30.2, Safety Code for Cranes, Derricks and Hoists, available from the American Standards Association, 10 E. 40th Street, New York 16, New York.

WELDING AND CUTTING

§ 50–204.135 Location.

All cutting and welding shall be conducted in locations that have been specifically prepared and designated for this purpose giving appropriate consideration to fire prevention, fire protection, noxious vapor control, eye injury control, and electrical shock hazards (when electrical processes are utilized).

§ 50–204.136 Welding and cutting equipment.

(a) Welding and cutting equipment and apparatus shall be of the type and design tested and listed by the Underwriters' Laboratories, Inc. or Factory Mutual Laboratories. This equipment includes but is not limited to torches, electrode holders, pressure-reducing valves, acetylene generators, manifolds, hoses, piping, cables, etc.

(b) Portable compressed gas cylinders shall be constructed and maintained in accordance with the regulations of the Interstate Commerce Commission. See §§ 50–204.66 and 50–204.124.

(c) In accordance with § 50–204.298, welders and others associated with the process shall be provided with and use personal protective equipment to prevent injury and health hazards related to noxious vapors (respiratory), eye injury (burn and foreign body), electric shock, burns (contact and radiation), and falling or flying objects.

§ 50–204.137 Welding and cutting procedures.

(a) Acetylene generators and calcium carbide storage shall be isolated or housed as required by the American Standard Safety Code Z49.1–1958 (Safety in Welding and Cutting), available from the American Standards Association, 10 East 40th Street, New York 16, N.Y.

(b) Compressed gas cylinders shall be stored and used in accordance with the provisions of §§ 50–204.66 and 50–204.124. Acetylene and liquefied fuel-gas cylinders shall be secured with the valve end up when in use. When found to be on its side, an acetylene cylinder shall be removed from service to allow the acetone solvent to drain away from the cylinder valve.

(c) Oxygen and fuel gas cylinders, when in use, shall be secured to a wheeled truck of substantial construction, or otherwise firmly secured from falling or rolling.

(d) Wrenches shall be readily available, preferably in position on the valve stem, when cylinders are in use so that fuel gas can be quickly turned off in event of an emergency. On manifolded cylinders, at least one wrench shall be available for immediate use.

(e) Cylinders containing compressed gases shall not be used for welding without a pressure-reducing regulator attached to the cylinder or manifold.

(f) Regulators, gages, hoses and torches shall be inspected daily and faulty parts shall be repaired or replaced before commencing work.

§ 50–204.138 Arc-welding equipment.

(a) Arc-welding equipment shall conform to the National Electrical Manufacturers Association Electric Arc-Welding Machine Standards (available from N.E.M.A., 155 East 44th Street, New York 17, N.Y.), or bear Underwriters' Laboratories, Inc. approval. Transformer type arc-welding machines shall conform to ASA Safety Standard C33.2–1956.

(b) Input power terminals, tap change devices and live metal parts connected to input circuits shall be completely enclosed and accessible only by means of tools. Terminals, connectors and couplings for welding leads shall be protected from accidental electrical contact by personnel or by conductive objects.

(c) Cables of the flexible, insulated type of a size appropriate to the welding current shall be used. Cables shall be kept dry and free of oil to prevent breakdown of insulation resulting in electrical shock hazards.

§ 50–204.139 Miscellaneous welding equipment.

(a) "Stored energy" or "condenser discharge" type of resistance welding equipment shall have high voltage (over 550 V) control panels suitably insulated and protected by complete enclosures, any door of which shall be provided with suitable interlocks and contacts wired to the control circuit so as to effectively short circuit all condensers when any door panel is opened. A manual operated switch shall be installed in addition to the mechanical interlocks as an additional safety device to assure absolute discharge of all condensers.

(b) Any press welding machine operation opening in excess of ⅜" shall be guarded effectively in accordance with §§ 50–204.185 and 50–204.186.

(c) The hazard of flying sparks shall be effectively controlled by the installation of a shield guard at the point of operation on spot and seam welding machines. Additional shield and curtains shall be installed as necessary to protect passing persons from flying sparks.

(d) Flash-welding machines over 50 KVA shall be equipped with a hood to control the hazards of flash. Continuous production operations shall be adequately ventilated or exhausted to carry away metallic dust and oil fumes. Controls of all automatic air and hydraulic clamps shall be so arranged as to prevent the operator from closing the clamps with his hands on the work or on the clamps during the closing operation. See § 50–204.185(b), Two Hand Tripping Devices.

§ 50–204.140 Welding and cutting health protection.

(a) All welding and cutting operations conducted indoors shall be adequately mechanically ventilated to prevent the accumulation of vapors, gases, or dusts in excess of the concentrations allowable in § 50–204.275 unless all persons exposed are provided with respiratory protective equipment, approved for the specific hazard by U.S. Bureau of Mines.

(b) Ventilation and exhaust or other controls in the vicinity of welding processes shall be adequate to safeguard against hazardous oxygen deficiency or enrichment and the hazard of vapors of chlorinated solvents reaching or being drawn into the atmosphere surrounding any welding operation.

(c) For welding operations on uncoated ferrous metal conducted in the open air without obstruction, positive ventilation devices or respiratory protective devices are not required. However, when an operator is engaged in welding or cutting the following list of materials (including their compounds) or fluxes and coating containing the listed materials, local exhaust or blowers shall be utilized whether indoors or outdoors: Lead, zinc, cadmium, mercury, copper, chrominum selenium, beryllium, fluorides, chlorinated solvents.

(d) Airline respirators and local exhaust shall be used when welding or cutting metals of, or coated with, compounds of lead, beryllium, cadmium, mercury or radioactive metal or products.

(e) In lieu of the requirements in this § 50–204.140, other protective installations such as individual welding booths, which will maintain concentrations below the limits prescribed in § 50–204.275, may be installed and used.

ELECTRICAL INSTALLATION AND EQUIPMENT

§ 50–204.148 National Electrical Code.

Electrical conductors and equipment installed within or on buildings and other premises and the conductors that connect the installation to a supply of electricity and other outside conductors adjacent to the premises shall conform to the minimum requirements of the National Electrical Code, National Fire Protection Association.

MECHANICAL POWER TRANSMISSION APPARATUS

§ 50–104.153 Installation.

All moving parts of machinery shall be permanently guarded whenever such motion constitutes a hazard to personnel. All belts, pulleys, gears, shafts, clutches, drums, fly wheels, chains, sprockets, spindles, and any other rotating or reciprocating part within seven feet of the floor or operating platform constitutes a hazard to personnel. Metal will be used for guard construction except that wood or other substitute material may be used when the application of a metal guard is not practical or safe. See § 50–204.182.

§ 50–204.154 Gears.

Gears, accessible to personnel, driven by a power source of more than 1/16 horsepower shall be guarded by a complete enclosure. See § 50–204.182.

§ 50–204.155 Projections.

Screws, keys and other projections located on rotating, reciprocating or transversing power transmission devices, shall be removed, made flush, or guarded. See § 50–204.182.

§ 50–204.156 Belts.

All belts located less than seven feet above any floor, platform, or similar working surface shall be enclosed by a protective guard unless isolated from contact by personnel. Single strand Vee belts less than 5/16 inch wide and round belts less than ⅜ inch diameter operating at less than 1/16 horsepower and belts at speeds less than 250 feet per minute are exempt from this regulation unless an unusual hazard exists. See § 50–204.182.

§ 50–204.157 Mechanical power transmission apparatus located in limited access spaces.

The requirements contained in §§ 50–204.153—50–204.162 for guarding belts, pulleys, and shafting may be omitted from basements, towers, and rooms used exclusively for power transmission equipment if all the following conditions are met:

(a) The basement, tower, or room occupied by mechanical power transmission equipment is locked against unauthorized entrance.

(b) The vertical clearance in passageways between the floor and power transmission apparatus, beams, ceilings, or other objects is not less than five feet-six inches.

(c) The footing is dry, firm, and level.

(d) The level of illumination is in excess of five foot candles.

(e) No one is allowed to enter the restricted area unless accompanied by another person or another person is stationed outside who is able to observe and maintain visual contact with the person in the restricted area at all times or the route followed by the authorized person is protected. See § 50–204.182.

§ 50–204.158 Flywheels and pulleys.

All flywheels and pulleys shall be protected by guards or other devices having sufficient strength to restrain the flywheel or pulley and their parts in the event of a shaft, wheel mounting, wheel or pulley break. See § 50–204.182.

§ 50–204.159 Protection against breaking and falling.

Belts, chains, and cables or other power transmission devices, located in such positions that they would be a hazard to personnel in the event of breaking or other failure, shall be equipped with devices adequate to restrain them. See § 50–204.182.

§ 50–204.160 Sprocket and chain drives.

All power-driven sprocket wheels and chains located less than seven feet above any floor, platform, or similar working surface shall be enclosed unless isolated from contact by personnel under the standard provided in § 50–204.185(m). See § 50–204.182

§ 50–204.161 Secure mounting.

All pulleys, shafts, driving machinery, driven machinery, and machinery containing both the driving and driven portion of the power transmisson, shall be securely mounted and attached. Power transmission apparatus shall be adequately secured against falling, upset, or other hazardous movement. See § 50–204.182.

§ 50–204.162 Static electricity, journal and bearing boxes.

The hazard of static electricity, from belts and shafting, shall be eliminated by grounding in locations where explosive dust, flammable vapors, or flammable liquids (Class I or Class II as defined in § 50–204.81) exist. Journal and bearing boxes shall be properly aligned and lubricated or otherwise monitored to assure the temperature does not increase above the ignition point of any substance which may be exposed to this potential source of ignition.

CONVEYORS

§ 50–204.165 Guarding.

(a) Conveyors of every type or form shall be provided with safety guards, at driving mechinisms, terminals, take-ups, and where it would otherwise constitute a hazard to personnel.

(b) Conveyors installed at personnel working level shall be guarded to eliminate hazards from contact with their moving parts and from the possibility that material being handled may jam or run away. See § 50–204.182

§ 50–204.166 Overhead conveyors.

Where a conveyor passes over or near a working area, aisle, or thoroughfare used by personnel, adequate guards shall be provided to protect persons from the hazards of dislodged material. Where conveyors are installed overhead and dip down at work stations, adequate guards or barrier rails shall be provided to prevent accidental injury to personnel. See § 50–204.182.

§ 50–204.167 Conveyor stopping and control devices.

(a) All conveyor systems shall be provided with electrical or mechanical devices to automatically stop the conveyor or its load when the conveyor, bin, hopper, chute, or other things to which it feeds, has been blocked with loads so that additional loads or material cannot be received. If not practical to install such automatic protective devices, alarms shall be installed to indicate these hazardous conditions.

(b) All starting and stopping devices shall be clearly marked. The area around these devices shall be kept free from obstructions to permit ready access and a clear view at all times. All personnel working on or near a conveyor shall know the location and operation of all stopping devices.

§ 50–204.168 Portable conveyors.

Portable conveyors shall be subject to the safe design and guard features applied to other conveyors. See § 50–204.182. In addition:

(a) The conveyor shall be stable, within operating ranges and loads, and shall be fitted with an adequate locking device to maintain the security of the conveying unit at variable fixed elevations.

(b) All portable conveyors powered with electric motors shall be grounded in accordance with § 50–204.148.

§ 50–204.169 Conveyor tunnels and pits.

Conveyor tunnels and pits shall be designed for proper drainage and, if needed, provided with drains or sumps and pumps. Conveyor pits and tunnels shall also provide ample space for the accumulation of spilled materials and a means for readily removing such accumulation. Adequate permanent lighting shall be installed in conveyor tunnels and pits to which personnel have access with a light control switch located outside of, and convenient to, the entrance.

§ 50–204.170 Chain or cable conveyors.

Chain or cable conveyors take many forms but they all carry, pull, push, haul, or tow the load either directly by chain or cable or with attachments, pushers, cars, etc. These conveyors shall be guarded by hand rails, guard plates, or other suitable installations to minimize the possibility that a person's limb or clothing might be caught on, or between, its moving and stationary parts.

§ 50–204.171 Screw conveyors.

Troughs or boxes associated with screw conveyors shall be equipped with a covering, hinged in place, unless it is not practical to provide such a cover and other equally safe means of protection are provided such as isolation of the type provided in § 50–204.20.

§ 50–204.172 Conveyor crossover or passage.

Conveyors installed within seven feet above the floor or walkway surface shall be provided with crossovers or passages wherever appropriate to assure safe and expeditious personnel passage. It will be permissible to allow passage under conveyors that are installed below the minimum seven feet headroom, provided

such passages are equipped with "telltales" or other effective means of indicating low headroom. See §§ 50–204.4 and 50–204.5.

GUARD STANDARDS FOR PROTECTION OF PERSONNEL

§ 50–204.180 General guard requirements.

Guards and safe-guards shall be constructed or attached to machines and mechanical power transmission apparatus for the purpose of protecting against and preventing injuries from the following sources:

(a) Direct contact with the moving parts of a machine or mechanical device.

(b) Work in process (kick-backs on a circular rip saw, metal chips from a machine tool, splashing of a hot metal or chemical).

(c) Mechanical failure.

(d) Electrical failure.

(e) Human failure, resulting from curiosity, zeal, distraction, fatigue, indulgence, worry, anger, illness, deliberate chance taking, or horseplay.

§ 50–204.181 Protective guards.

(a) Protective guards shall:

(1) Conform to the Standards of materials and dimensions contained in § 50–204.182, or if "substitute" material is used the substitute must be equivalent in strength and rigidity.

(2) Be considered a permanent part or firmly attached to the machine or equipment.

(3) Afford maximum protection.

(4) Prevent access to the danger zone during operation.

(5) Not weaken the structure of the machine.

(6) Not interfere with the efficient operation of the machine nor cause discomfort to the operator.

(7) Be suitable by design and construction for the specific job or machine and for safe overhaul inspection, adjustment, and repair of machine parts when necessary.

(8) Be durable, resistant to fire and corrosion and easily repaired, or replaced.

(9) Be designed and constructed strongly enough to resist the wear and shock normal to its environment.

(b) Guards themselves shall neither present hazards such as splinters, pinch points, shear points, sharp corners, electrical shock, rough edges, or other sources of injury, nor shall they be placed in such position as to present a hazard from tripping, falling, bumping, etc.

(c) All guard covers or enclosures shall be sufficiently strong to prevent the possibility of their giving away and permitting an injury in case the operator should fall or be thrown against them.

§ 50–204.182 Protective guard details.

(a) All guards required by this part 50–204 shall be constructed in accordance with the standards provided in this § 50–204.182.

(b) Table of standard materials and dimensions for guard construction.

TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. standard) or thickness	Minimum height of guard from floor or platform level
Woven wire	Under 2"	⅜"	No. 16	7'0".
	2"–4"	½"	No. 16	7'0".
	Under 4"	½"	No. 16	7'0".
	4"–15"	2"	No. 12	7'0".
Expanded metal	Under 4"	½"	No. 18	7'0".
	4"–15"	2"	No. 13	7'0".
Perforated metal	Under 4"	½"	No. 20	7'0".
	4"–15"	2"	No. 14	7'0".
Sheet metal	Under 4"	-	No. 22	7'0".
	4"–15"	-	No. 22	7'0".
Wood or metal strip crossed	Under 4"	⅜"	Wood ¾" / Metal No. 16	7'0".
	4"–15"	2"	Wood ¾" / Metal No. 16	7'0".
Wood or metal strip not crossed	Under 4"	½" width	Wood ¾" / Metal No. 16	7'0".
	4"–15"	1" width	Wood ¾" / Metal No. 16	7'0".
Std. rail	Min. 15" / Max. 20"	See Section 204.29		

(c) Table of guard standards for horizontal or vertical belts, overhead belts, ropes and chains, between floor or working level and 7 feet above floor or working level.

Members	Width: Over 10" to 14" incl.	Width: Over 14" to 24" incl.	Width: Over 24"	Material
Framework	1½" x 1½" x ¼"	2" x 2" x 5/16"	3" x 3" x ⅜"	Angle iron.
Filler (belt guards)	1½" x ¾6"	2" x ¾6"	2" x ¾6"	Flat iron.
Filler and vertical side member	No. 20 A.W.G.	No. 18 A.W.G.	No. 18 A.W.G.	Solid sheet metal.
Filler supports	2" x 5/16" flat iron.	2" x ⅜" flat iron.	2½" x 2½" x ¼" angle.	Flat & Angle.
Guard supports	2" x 5/16"	2" x ⅜"	2½" x ⅜"	Flat iron.
FASTENINGS				
Filler supports to framework	(2) 5/16"	(2) ⅜"	(3) ½"	Rivets.
Filler flats to support (belt guards).	(1) 5/16"	(1) 5/16"	(2) ⅜"	Flush rivets.
Filler to frame and supports (rope and chain guards).	⅜" rivets spaced	8" centers on sides and 4" centers on bottom.		
Guard supports to framework	(2) ⅜"	(2) 7/16"	(2) ⅜"	Rivets or bolts.
Guard and supports to overhead ceiling.	¼" x 3½" lag screws or ½" bolts.	⅜" x 4" lag screws or ⅝" bolts.	¾" x 6" lag screws or ¾" bolts.	Lag screws or bolts.
DETAILS—SPACING, ETC.				
Width of guards	one-quarter wider than belt, rope, or chain drive.			
Spacing between filler supports	20" C. to C.	16" C. to C.	16" C. to C.	
Spacing between filler flat (belt guards)	2" apart	2½" apart	3" apart	
Spacing between guard supports	36" C. to C.	36" C. to C.	36" C. to C.	
OTHER BELT GUARD FILLING PERMITTED				
Sheet metal fastened as in rope and chain guards.	No. 20 A.W.G.	No. 18 A.W.G.	No. 18 A.W.G.	Solid or perforated.
Woven wire, 2" mesh	No. 12 A.W.G.	No. 10 A.W.G.	No. 8 A.W.G.	

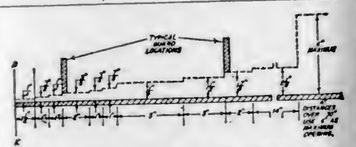
CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD

Distance center to center of shafts.	Up to 15' incl.	Over 15' to 25' incl.	Over 25' to 40' incl.	Over 40'.
Clearance from belt, rope, or chain to guard.	6"	10"	15"	20".

(d) Openings in the guard or between the guard and hazardous part shall not be greater than those shown in the table and chart below:

PERMISSIBLE OPENINGS (INCHES)

Distance of opening from nip point:	Maximum width of opening
0½ to 1½	¼
1½ to 2½	3/8
2½ to 3½	½
3½ to 5½	5/8
5½ to 6½	¾
6½ to 7½	⅞
7½ to 8½	1¼



GENERAL PRODUCTION MACHINE SAFEGUARDING

§ 50–204.185 Point of operation.

Point of operation guards or protective devices shall be applied to all power presses, machine tools and woodworking machinery capable of inflicting injury at the point of operation. One or more of the following devices shall be used. Those used will be acceptable only when the control of the hazard is accomplished:

(a) Automatic or semi-automatic feed with enclosure of danger points where production stock is fed by chutes, hoppers, conveyors, movable dies, tools, etc., and the enclosure will not admit any part of the body.

(b) Two-hand tripping devices are acceptable only when the initiation of the process is possible upon simultaneous use of both hands outside the danger zone. The mechanism must stop hazardous motion or be completed upon removal of either hand from its respective control.

(c) Multiple-operator operation with multiple controls are acceptable provided that separate two-hand controls are provided for each person within reach of any nip point. Auxiliary control, out of range of the hazard, may be utilized in conjunction with multiple controls.

(d) Enclosures or barriers which admit the stock but which will not admit hands or other parts of the body into the danger zone because of feed opening size, remote location or unusual shapes.

(e) Barrier with electrical or mechanical stop-activating device which quickly stops machine or prevents application of injurious pressure when any part of the body contacts or approaches the danger zone.

(f) Enclosure or barrier with electrical or mechanical interlock which shuts off or disengages power, prevents starting of machine when guard is open, and prevents opening of the guard while the machine is under power or coasting. "Gate guards" are an adaptation of this principle. They constitute a movable barrier arranged so that the enclosure of the point of operation is completed before the hazardous mechanism can become engaged. The completing of the enclosure can initiate the mechanism.

(g) Hand removal guards (sweep guards) present a movable device, attached to pressure parts, which push or lift hands out of the danger area. Partial enclosures or barriers usually are in conjunction with this system to assure complete protection.

(h) Hand pull away device pulls the operator's hands free of the danger zone by the attaching of cables to the hands and then to an operating portion of the machine in such a manner that the operation of the hazardous portion removes the hands from the danger zone.

(i) Limited plunger travel so that the plunger travels ⅜ inch or less and that fingers cannot enter between pressure points.

(j) Electric eye beam and brake that quickly stops machine or prevents its starting if any part of the body is in the danger area.

(k) Special jigs or feeding devices which keep the operator's hands at a safe distance from the danger point. The "special devices" usually only complement other means of safeguarding.

(l) Special tools or handles on dies or production are acceptable only when used in conjunction with other safeguarding methods or when the operation does not allow any part of the body closer than that provided in paragraph (m) of this section.

(m) "Area rule". Other means of safeguarding may not be necessary, when the size and nature of production stock or barriers imposed are such that no part of any person's body, under any conceivable, nondeliberate circumstance, can enter the danger zone.

§ 50–204.186 Protection against materials emitted from a process.

(a) All processes and operations shall be shielded or contained to prevent any emitted hazardous particle, chip, dust, mist, vapor or radiation from exposing any person to danger or injury.

(b) Shields shall stop or deflect hazardous material or radiations.

(c) Exhaust hoods, ducts and related systems shall remove flammable, irritating and toxic products from the area of generation to a safe area or container for disposition in accordance with the requirements of § 50–204.76.

(d) Barrier or isolation of persons from processes shall be accomplished when necessary to prevent contamination of the workplace or personnel when engaged in processing radioactive, toxic, or explosive materials. "Closed system" production may make such barrier or isolation unnecessary.

METAL CUTTING MACHINERY

§ 50–204.190 Lathes and turning machines.

(a) Rotating chucks and face plates shall be free from projections beyond the periphery of the chuck, unless a rotating collar or guard is in place.

(b) Lathe dogs shall be of the "safety type"—the portion retaining the stock shall have no protrusions or sharp edges and the set screw shall be of the recessed type.

(c) Guards, shields or deflectors are required to protect the operator against the hazards of flying chips, spiral turnings, cutting fluids and projections on stock. (Hooked rods or chip breakers are usually used to break or remove spiral turnings.)

(d) Mechanical means shall be provided to lift and position heavy (75 pounds plus) face plates, chucks, stock, etc.

§ 50–204.191 Boring machines.

(a) Drill spindle and rotating boring tools shall have a sleeve guard or barrier to protect personnel if a protrusion is present.

(b) Clamps, vises or retaining chucks for stock being drilled or bored shall be provided on all boring machines.

(c) Rotating tables of vertical boring machines shall be guarded by suitable metal band guards, standard railings, or fences, to protect persons from being struck by the rotating table or stock attached to the rotating part.

§ 50–204.192 Milling machines.

(a) Milling machines and adaptations thereof shall be equipped with a means of removing swarf and chips without exposure of the operator to the hazard of the metal chips or the moving parts of the machine.

(b) Cutter guards and chip deflectors may be adjustable and made of transparent material.

§ 50–204.193 Planing and shaping machines.

(a) The hazardous nature of planer tables and the shaper carriages requires that a guard rail or similar barrier close off any space of 18 inches or less between a fixed object and the carriage or table or any work attached to them.

(b) The openings in planer or shaper beds shall be filled solidly or completely covered.

(c) Chip guards, shields or deflectors shall be attached to the work machine or installed in a position to protect against the hazard of flying chips or broken tools.

(d) Chip removal means shall be provided for the removal of swarf and chips without exposing operators to the chips or moving parts of the machine.

POWER PRESSES

§ 50–204.195 Power presses.

The terms "power presses", and "punch presses", as used in this part shall mean those mechanical and hydraulic powered machines which punch, shear, form or assemble metal or any other material by means of tools and dies attached to plungers or slides, but shall not include bulldozers, hot metal presses, forging hammers or hot bending presses.

(a) *Power press failure protection.* Power presses equipped with flywheels, shafts, clutches and gears not confined within the press frame shall be arranged with guards or brackets of such a design, construction and strength as to retain twice the weight of any broken gear shafts, clutch parts, or flywheel.

(b) *Safeguarding classification.* One or more means of safe-guarding each operator of power presses at the point of operation, shall be provided and used on every power press, depending upon the method of feeding, in accordance with § 50–204.185, except when the opening at the point of operation is limited to ⅜" or less. They shall comply with § 50–204.182(d) as to the openings in guards or between guards and hazardous parts.

(c) *Gate or movable barrier devices.* When the gate or movable barrier device is used on a power press, the point of operation shall be enclosed before the power is transmitted to the slide. These devices shall be interlocked with the clutch-control mechanism so that the downward motion of the slide cannot begin until the device encloses the point of operation. These devices shall be equipped and operated with single-stoke mechanisms or equipped with non-repeat devices.

§ 50–204.196 Power press actuating devices.

(a) *Pedal cover guard.* Each pedal or foot switch on foot-controlled power presses shall be provided with a cover or guard to prevent the operation of the press except by a downward pressure of the operator's foot. The cover or guard shall be capable of withstanding a statio

load of 200 pounds without permanent deformation.

(b) *Pedal pressure pad.* The pedal shall be provided with a firmly attached pad to distribute the pressure of the operator's foot.

(c) *Single-stroke mechanism.* For positive-type cluch presses, a single-stroke attachment shall be provided by which the treadle or operating lever is disconnected after each stroke. A single-stroke attachment may be so arranged that it can be set for continuous operation when necessary.

(d) *Return springs.* Single-stroke attachment and pedal return springs, when the safe operation of the attachment is dependent upon spring action, shall be of the compression spring type, operating on a rod or guide within a hole or tube. The inside diameter of the spring shall be no greater than the guide rod plus ⅛ inch or the inside diameter of the hole or tube be no greater than the outside diameter of the spring coil plus ⅛ inch. Each spring in its initial position of installation shall be so wound that the space between the coils is less than the diameter of the wire.

§ 50–204.197 Power press die setting.

(a) *Die-setting procedure.* A die-setting procedure shall be used by a qualified person, acting for the employer, that will ensure the effectiveness of all safety devices and mechanical safeguards, prior to authorizing the press for operation.

(b) *Safety blocks.* Safety blocks of adequate design and strength shall be used whenever dies are being set, repaired or cleaned without removal from the press, or whenever the press is being repaired.

§ 50–204.198 Inspection.

Regularly scheduled inspection of presses and auxiliary equipment shall be made to ensure that all parts of the machine are in safe operating condition. All safeguards and safety devices shall be inspected, at least weekly or upon a die change, to ensure that operators are not exposed to the hazards of unguarded machinery during the production operations.

FORGING AND HOT METAL STAMPING

§ 50–204.199 Forging and hot metal stamping.

(a) *Machines and processes.* Forging and hot metal stamping may be accomplished by a variety of machine and methods. This section applies to all forging and hot metal stamping.

(b) *Tools.* Swabs, scale blowing pipes, and tongs shall be sufficiently long to preclude the necessity of the operator placing his hands under the hammer at any time.

(c) *Die keys.* Die keys of proper design and construction, shall be used to prevent cracking, splintering and mushrooming on insertion and withdrawal.

(d) *Blocking hammer.* Safety props shall be provided and their use required when repairs and adjustments are made on the dies and when dies are being changed. At each appropriate steam or air valve, on steam or pneumatic drop hammers, a warning sign shall be posted stating "Lower or block ram—when this valve is turned off, the ram will fall".

(e) *Scale guard.* A scale guard of substantial construction, shall be provided at the back of every hammer, so arranged as to stop all flying objects.

(f) *Working space.* Machines shall be so located to give adequate clearance between machines so that the movement of one operator will not interfere with another and provide ample room for cleaning machines and handling the work, including material and scrap. The arrangement of machines shall be such that operators will not stand in aisles. Aisles in the vicinity of forging and hot metal stamping machines shall not be less than 54 inches wide and wider if necessary to facilitate free movement of persons bringing and removing material.

(g) *Falling parts.* Cables, chains or other devices shall be used to secure springs, bolts, other fasteners, and machine parts to prevent falling or flying in such a manner to endanger any operator or other person.

§ 50–204.200 Upsetters.

(a) Upsetters or similar hot forging machines which forge hot bar stock shall be completely enclosed, except for the feeding area, with heavy wire mesh, expanded metal or sheet metal reinforced with structural steel.

(b) Each upsetter shall be provided with a master power switch, which may be locked out by the die setter.

POWER SHEARS

§ 50–204.201 Squaring shears.

The knife head, on both foot and power operated shears, shall be equipped with a guard or barrier which will keep the operator's fingers away from the cutting edge. The guard or combination guard and barrier shall extend across the full width of the table unless multiple or remote controls are utilized.

§ 50–204.202 Alligator shears.

The point of operation shall be guarded as appropriate, in accordance with § 50–204.180. In addition, when stock size is such that the end held by the operator may fly up, thus creating a hazard, hold-down devices shall be used.

§ 50–204.203 Guillotine cutters, power-driven.

(a) Power-driven guillotine cutters shall be equipped with a guard or device which will prevent the hands of the workers from entering the zone traveled by the knife while the knife is in motion. This may be a fixed barrier or it may consist of a two-handed device requiring the simultaneous use of the worker's two hands at points outside the danger zone.

(b) In addition to the point of operation guard or device described in § 50–204.180, a power-driven guillotine cutter shall be provided with an arrangement which will prevent the cutter from making a second stroke until the lever or two-handed device is again used.

GRINDING MACHINES

§ 50–204.205 General machine requirements.

(a) *Rigidity, supports.* Grinding machines shall be sufficiently heavy and rigid to minimize vibration. They shall be securely mounted on substantial floors, benches, foundations or other adequate structures. Rigid vibration mounts are permissible.

(b) *Safety guards.* All stationary grinding machines shall be equipped with protective hoods, protective or safety flanges, or band guards strong enough to withstand the shock of a bursting wheel. Devices of this type shall be used on every portable grinding machine where the nature of the work will permit. Flanges shall be installed in accordance with American Standards Association Safety Code B7.1—1956 (available from A.S.A. 10 East 40th Street, N.Y. 16, N.Y.).

(c) *Work rests.* Work rests or plain tables used on floor stands, bench grinders or disc grinders either to support the work or to guide the dresser, shall be of rigid construction and rigidly supported. Work rests shall be readily adjustable to compensate for wheel wear and shall be kept adjusted close to the wheel with a maximum distance of one-eight inch from the wheel to prevent the work from being caught between the wheel and the rest.

(d) *Mountings and fastenings.* Safety guards shall be so mounted as to maintain proper alignment with the wheels and the strength of the fastenings shall exceed the strength of the hood. Safety guards or machines used for dry grinding and other operations where hazardous dusts are produced shall be connected to an exhaust system or a dust collection system.

(e) *Abrasive wheels.* Grinding wheels shall be protected by suitable racks, bins or drawers when in storage or while awaiting use. Wheel storage rooms shall not be subject to extreme temperature and shall always be kept dry. The maximum operating speed of each wheel is established at the time of manufacture. The manufacturer's established maximum operating speed shall not be exceeded.

WOODWORKING MACHINERY

§ 50–204.210 Machines and equipment.

(a) A mechanical or power control shall be provided on each woodworking machine to make it possible for the operator to cut off the power of the machine without leaving his normal work position.

(b) Each woodworking machine shall be so constructed as to be free from excessive vibration when the largest size tool is mounted and operated at full speed, without load.

§ 50–204.211 Circular, rip, cross-cut, re-saw, radial and swing cut-off saws.

(a) All saws or cut-off devices utilizing a circular saw blade shall be provided with a hood or other protective device that effectively eliminates exposure to hazardous portions of the saw blade. The hood or enclosure shall be constructed in such a manner and of such material that it will protect the operator from flying splinters and broken saw teeth and will deflect saw dust away from the operator as well as prevent the hands or other parts of the body of the operator from coming in contact with the saw blade.

(b) All circular table saws utilized for cutting wooden stock with the grain shall be equipped with spreaders. The spreaders shall be made of hard, tempered steel, or its equivalent, and shall be thinner than the saw kerf. The spreaders shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw the spreader out of position. The spreader shall be attached so that it will remain in true alignment with the saw blade even when either the saw or the table is tilted, and shall be placed so that there is not more than one-half inch space between the spreader and the back of the saw blade.

(c) Each hand-fed circular saw used for ripping lumber shall be provided with sectional non-kick-back fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. The fingers shall be designed to provide adequate holding power for all the thickness of materials being cut.

(d) Circular saws designed to saw through stock held stationary on a table shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel.

(e) Limit chains or other equally effective devices shall be provided to prevent circular saws from swinging beyond the front or back edges of the table or along a radial arm in such manner as to create a hazard to the operator.

§ 50–204.212 Band saws and band re-saws.

(a) *Enclosing band saw blades.* All portions of the saw blade of a band saw or band re-saw shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Band saw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall not be less than 0.037 inch (U.S. Gage No. 20), and the openings shall be not greater than ⅜ inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper-saw-wheel shall protect the operator from the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the guide. The upper-wheel guard shall be made to conform to the travel of the saw on the wheel, and the top member of the guard should have at least a 2-inch clearance outside the saw and be lined with smooth material, preferably metal. Effective brakes shall be provided to stop the wheel in case of blade breakage.

(b) *Tension.* Each band saw machine shall be provided with a tension control device to indicate a proper tension for the standard saws used on the machine in order to assist in the elimination of saw breakage due to improper tension.

(c) *Feed rolls.* Feed rolls of band re-saws shall be protected with a guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the edge of the guard shall come to within ⅜ inch of the plane formed by the inside face of the feed roll in contact with the stock being cut.

§ 50–204.213 Jointers.

(a) *Point of operation.* (1) Each hand-fed planer and jointer with horizontal head shall be equipped with a cylindrical cutting head, the knife projection of which shall not exceed ⅛ inch beyond the cylindrical body of the head.

(2) The opening in the table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than ⅛ inch. The table throat opening shall be not more than 2½ inches when the tables are set or aligned with each other for zero cut.

(b) *Automatic guards.* (1) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which will cover all the section of the head on the working side of the fence or gage. The guard shall keep the operator's hand from coming in contact with the revolving knives. The guard shall automatically adjust itself to cover the unused portion of the head and remain in contact with the material at all times.

(2) Each hand-fed jointer with horizontal cutting head shall have a guard which will cover the section of the head back of the gage or fence.

(c) *Vertical-head jointers.* Each wood jointer with vertical head shall have either an exhaust hood or other guard so arranged as to enclose completely the revolving head, except for a slot of such width as may be necessary and convenient for the application of the material to be jointed.

§ 50–204.214 Wood shapers, hand-fed panel raisers and similar machines.

(a) The cutting heads of each wood shaper, hand-fed panel raiser, or other similar machine not automatically fed, shall be enclosed with a cage or guard designed to keep the operator's hands away from the cutting edge. The diameter of circular shaper guards shall be not less than the greatest diameter of the cutter. In no case is a warning device of leather or other material attached to the spindle sufficient.

(b) Cylindrical heads shall be used whenever the nature of the work will permit. Single cutter knives in shaper heads shall not be used unless properly balanced and used in conjunction with a guard described in paragraph (a) of this section.

(c) Templates, jigs, and fixtures shall be used whenever the nature of the work permits.

§ 50–204.215 Sanding machines.

(a) *Feed rolls.* Feed rolls of hand-feed sanding machines shall be protected with a semi-cylindrical guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and firmly secured to the frame carrying the rolls so as to remain in adjustment for any thickness of stock. The bottom of the guard should come within ⅜ inch of a plane formed by the bottom, or contact, face of the feed roll where it touches the stock.

(b) *Drum sanding machines.* Each drum sanding machine shall have an exhaust hood (see § 50–204.276), or other guard, if no exhaust system is needed, so arranged as to enclose the revolving drum, except for that portion of the drum above the table, if a table is used, which may be necessary and convenient for the application of the material to be finished.

(c) *Disk sanding machines.* Each disk sanding machine shall have the exhaust hood (see § 50–204.276) or other guard if no exhaust system is required, arranged to enclose the revolving disk, except for that portion of the disk above the table, if a table is used, which may be necessary for the application of the material to be finished. The distance between the disk and the table edge adjacent to the disk shall be kept at a minimum.

(d) *Belt sanding machines.* Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs on to a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

PORTABLE POWER TOOLS

§ 50–204.221 Portable electric power tools.

(a) Electric power tools showing worn, deteriorated, or inadequate insulation, split or chipped plugs, worn or bent plugs, terminals, or defective switches shall be repaired or replaced.

(b) Portable electric power tools shall be effectively grounded to maintain at all times an effective ground on the exposed non-current carrying conductive parts of the tools.

(c) Portable circular saws shall be equipped with guards that automatically and completely enclose the cutting edge when not actually sawing.

§ 50–204.222 Portable pneumatic tools.

(a) The operating trigger on portable hand-operated pneumatic equipment shall be so located as to minimize the possibility of accidental operation and shall be arranged to close the air inlet valve automatically when the pressure of the operator's hand is removed.

(b) A tool retainer shall be installed on each piece of pneumatic equipment which, without such a retainer, may eject the tool.

(c) Hose and hose connections used for conducting compressed air to utilization equipment shall be designed for the pressure and service to which they are subjected. There shall be no temporary expedients or repairs of hose clamps or connections. Regular inspections of hoses shall be made to assure their safe operating condition.

(d) Air guns, or hoses used for cleaning shall be limited in air pressure to 30 pounds per square inch gravity (PSIG).

§ 50–204.223 Powder actuated tools.

(a) Powder actuated tools shall be operated, repaired, serviced, and handled only by personnel appropriately certified in the manner recommended by the manufacturer of the particular tool.

(b) There shall be no use of powder actuated tools in explosive or flammable atmospheres. The operator of powder actuated tools shall wear safety goggles or other face and eye protective devices authorized by § 50–204.298. Only powder actuated charges, studs, pins, or fasteners designed and recommended for use in a specific tool by the tool manufacturer shall be used. Upon detection of any defect or malfunction in operation of a powder actuated tool, the tool will be removed from service until the deficiency is corrected. Each tool used in a production process that is powder or explosive actuated shall bear the approval of the Underwriters' Laboratories, Inc.

§ 50–204.224 Portable power tools.

(a) Portable power tools shall be equipped with "dead man" type switches which require continuous pressure by the operator to operate and when the pressure is released from the switch, the source of power is cut off.

(b) Portable circular saws shall be equipped with permanent self-adjusting guards that will adjust themselves to the stock being cut, so that none of the teeth remain exposed when cutting or when not cutting.

(c) Portable grinding wheels, buffers and scratch brushes shall be guarded as completely as possible with a maximum exposure on the periphery of the wheel of 180°. A revolving cup guard is suitable for cup-type wheels and brushes.

(d) Portable power tools used in continuous production operations, shall be equipped with counter-balance devices or supporting aids to lessen operator fatigue and prevent the hazards of dropped tools.

MISCELLANEOUS MACHINES AND DEVICES

§ 50–204.227 Revolving drums, cylinders, etc.

Power-driven revolving drums, barrels and other containers used for "tumbling", grinding, polishing and related operations shall be guarded by an interlocked enclosure, a barrier with a remote operating control, or other means appropriate to the conditions, so that the machine may not be operated while any person is exposed to its hazards.

§ 50–204.228 Fans.

When the periphery of the blades of a fan is less than seven feet above the floor or working level, the blades shall be guarded in accordance with § 50–204.180.

§ 50–204.229 Forming rolls and calendars.

In-running nip-points between forming rolls and calendars shall be suitably guarded by either barrier enclosure affixed to a sturdy feed table or the machine itself. Alternate protection may consist of emergency stop or reverse power switching devices installed at knee level, in front of the operator's position, or directly in front of the feed rolls.

HOUSEKEEPING

§ 50–204.230 General.

All places of employment, passageways, routes of egress, storerooms, service rooms and exterior grounds shall be kept clean, orderly, in a sanitary condition. Areas prone to the accumulation of dust, chips, scrap material, unsanitary matter or the disorderly accumulation of product, by-product or raw material shall be cleaned, and made orderly and sanitary at least once daily, and more often if necessary. Material and accumulations, which create a hazard of fire, shall be removed, the area cleaned, and made orderly at every shift change.

§ 50–204.231 Floors.

(a) All floors, work platforms, passageways, walks and decks shall be maintained in a clean, non-slippery and, so far as possible, dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats or other means shall be provided to assure a safe operating location. (See § 50–204.3.)

(b) Cleaning and sweeping shall be done in such a manner as to minimize the contamination of the air with dust and, so far as is practicable, should be done when production employees are not at work.

(c) Every floor, working place, and passageway shall be kept free from protrusions, holes, loose portions or coverings, and foreign material.

§ 50–204.232 Receptacles for waste disposal.

(a) Any receptacle used for decaying solid or liquid waste or refuse shall be constructed so that it does not leak and may be conveniently and thoroughly cleaned, and it shall be maintained in a sanitary condition. Such receptacles shall be equipped with tight-fitting covers.

(b) Oily rags, oily waste, waste paper and other flammable and combustible material shall be stored in tightly closed metal containers, or in containers that are equipped with fusible links on the cover that in the event of fire will automatically close the container. Magnesium and other flammable metal scraps shall not be mixed with other scrap. All flammable scrap material of any kind shall be removed from the work areas daily or as often as is necessary.

§ 50–204.233 Sweeping and refuse removal.

All sweepings, solid or liquid waste, refuse, and garbage shall be removed in such a manner as to avoid creating a nuisance or menace to health and as often as necessary to maintain the place of employment in a sanitary condition.

TOILET FACILITIES AND WASH ROOMS

§ 50–204.240 Toilet facilities.

(a) Toilet facilities, separate for each sex, consisting of at least a water closet and a hand-washing lavatory, shall be provided in such locations that they are readily accessible to all employees and in such number as is required by the table in § 50–204.240(b).

(b)

Number of persons of each sex	*Minimum number of water closets*
1–10	1
11–24	2
25–49	3
50–74	4
75–100	5
Over 100	(1)

[1] 5 plus 1 additional for each 30 persons.

Urinals may be provided in lieu of water closets, provided that the number of water closets is at least ⅔ of the minimums appearing above. For men employees, two feet of trough urinal is considered equivalent to one individual urinal.

(c) Chemical closets of a type approved by local health authorities may be used as a temporary measure to fulfill the requirements for water closets provided that sanitary conditions are maintained equivalent to those of a well-maintained water closet.

(d) An adequate supply of toilet paper in a holder shall be provided for each water closet or chemical closets.

(e) Covered receptacles shall be maintained in accordance with § 50–204.232, in toilet rooms used by women.

(f) Adequate hand-washing facilities shall be provided in every toilet room or be adjacent thereto (see § 50–204.242).

§ 50–204.241 Construction of toilet rooms.

(a) The floors, walls, ceilings, partitions and doors of toilet rooms shall be of a finish that can be easily cleaned and disinfected.

(b) Toilet rooms shall be constructed and equipped in such way as to assure the privacy of users.

§ 50–204.242 Washing facilities.

Adequate facilities for maintaining cleanliness by persons who are exposed to unsanitary conditions while at work, shall be provided. The type of facility shall be commensurate with the degree of exposure, i.e., showers, lavatories, etc.

(a) At least one lavatory (wash basin) with adequate hot and cold water, shall be provided for every 20 employees (men or women) or portion thereof, up to 100 persons, and one lavatory (wash basin) for each additional 25 persons or portion thereof. Twenty-four inches of sink with individual faucet shall be considered as equal to one lavatory (circular wash fountains meet this requirement). In all instances, a suitable cleansing agent shall be provided at each wash place.

(b) Where employees are exposed to skin contamination by toxic, poisonous, infectious or irritating materials on either the face, neck, hands, or arms, lavatories or other equivalent equipment with an adequate supply of hot and cold running water shall be provided in such numbers and locations that exposed persons may readily and frequently remove any contamination. One lavatory or its equivalent shall be provided for each five employees so exposed in a common area.

(c) Where employees are exposed to conditions involving contamination by or exposure to toxic, poisonous, infectious, or irritating materials or unhealthful accumulations, on a substantial portion of the body, showers with an adequate supply of hot and cold running water shall be provided. One shower shall be provided for every 15 persons so exposed.

(d) Cleaning agents, in sanitary dispensers, suitable to remove the potential contaminant without irritation to the person, shall be provided at each washing facility.

(e) Individual hand towels, or sections thereof, of cloth or paper, or mechanical apparatus for drying the hands, shall be provided. Proper receptacles or other sanitary means shall be maintained for the disposal of used towels. Towels for common use shall not be provided.

(f) Persons exposed to the hazards of corrosive products or materials or poisonous materials shall be protected by the provision of emergency deluge showers and eye-wash equipment located in the immediate vicinity of the potential exposure. See §§ 50–204.265 and 50–204.298.

§ 50–204.243 Change rooms.

(a) Separate change and dressing rooms shall be provided for each sex whenever it is necessary to change clothes because the work performed involves a regular exposure to excessive heat or harmful skin contamination. Where change rooms are not required, facilities shall be furnished for hanging outer garments.

(b) Were employees' work clothes are exposed to contamination by poisonous, toxic, injurious or irritating material, facilities shall be provided in change rooms so that street and work clothes will not be stored in contact with each other.

(c) Where the process in which the worker is engaged is such that his work clothes become wet or have to be washed between shifts, provisions shall be made to insure that such clothing is dry before it is needed for use again.

§ 50–204.244 Retiring rooms for women.

Where 10 or more women are employed at any one time, at least one retiring room (medical facilities may be suitable for this purpose) shall be provided:

(a) At least one couch or bed shall be provided in every place where women are employed. The number of such beds or couches required shall be as follows:

	Beds
1–100	1
100–250	2

1 additional bed for each additional 250 women employees. A minimum of 60 square feet per bed shall be provided.

(b) Where less than 10 women are employed and a retiring room is not furnished, some equivalent space shall be provided which can be properly screened for privacy and made suitable for the use of women employees.

LUNCH ROOMS AND FOOD HANDLING

§ 50–204.251 Eating facilities.

(a) *Location of lunch rooms.* In all places of employment where employees lunch on the premises, an adequate space suitable for that purpose shall be provided. Such space shall be separate from any location where there is exposure to toxic or radioactive materials.

(b) *Food preparation facilities.* Cafeterias, restaurants, and related establishments when located within the installation shall be operated and maintained in compliance with local and state regulations.

§ 50–204.252 Waste food disposal.

A covered receptacle shall be provided and shall be used by employees for the disposal of all waste food (See § 50–204.232(a)).

§ 50–204.253 Presence of toxic materials.

No employee shall be permitted to store or eat any part of his lunch or other food at any time where there are present any toxic materials or other substance that may be injurious to health. See § 50–204.251.

WATER SUPPLY

§ 50–204.258 Potable water.

(a) An adequate supply of potable water, approved as to source and distribution by appropriate authority, shall be provided for drinking, washing and cooking purposes in all places of employment.

(b) In all instances where water is cooled by ice made from non-potable water the construction of the container shall be such that the ice does not come in direct contact with the water.

(c) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, shall not be allowed.

(d) The common drinking cup is prohibited.

(e) Where single service cups are supplied, a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

§ 50–204.259 Outlets for non-potable water.

Outlets for non-potable water, such as water for industrial or fire-fighting purposes, shall be marked accordingly. "Non-potable water—Unsafe for drinking or cooking purposes." Water that is contaminated or polluted and may be injurious to the health of an individual upon skin contact shall be marked as such and appropriate precautions posted.

MEDICAL SERVICES

§ 50–204.264 Medical services.

(a) The employer shall assure the ready availability of medical personnel for advice and consultation on matters of plant health.

(b) In the absence of an infirmary, clinic or hospital in near proximity to the work place which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. First aid supplies approved by the consulting physician, shall be readily available.

§ 50–204.265 Corrosive materials.

Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the workroom for immediate emergency use (see § 50–204.242(f)).

ENVIRONMENTAL CONDITIONS

§ 50–204.275 Toxic gases, vapors, fumes, dusts and mists.

(a) No employee shall be exposed to concentrations of gases, vapors, fumes, dusts or mists to an extent that might be harmful to health.

(b) No employee shall be exposed to gases, vapors, mists, dusts or fumes in such concentrations and for such duration as to constitute a health hazard. The Threshold Limit Values adopted annually by the American Conference of Governmental Industrial Hygienists (available from the Secretary-Treasurer of that organization at 1014 Broadway, Cincinnati 2, Ohio), shall be used as the definition of hazards concentrations. Such concentrations in workplaces shall be avoided whenever that is possible by good manufacturing practice. When such concentrations cannot be avoided, exposure shall be avoided by providing respiratory protection approved for the purpose by the Federal Bureau of Mines of the United States Department of the Interior. Such respiratory equipment shall be operated in accordance with the directions of its manufacturers.

§ 50–204.276 Local exhaust ventilation.

(a) Every local exhaust ventilation system shall produce and maintain a movement of air toward the opening, sufficient to prevent escape of contaminant to the workroom during working hours, beyond the limits prohibited by § 50–204.275.

(b) Air flow through branch and main ducts shall be sufficient to transport the contaminant through the system without settling.

(c) Piping shall be located so as to be accessible for inspection and maintenance.

(d) Air flow equipment including hoods, ducts, fans, motors, and collectors shall be effectively grounded.

(e) Two or more operations involving more than one substance shall not be permitted to be connected to the same exhaust system when a combination of the substances removed may constitute

a fire hazard, an explosion hazard, or otherwise dangerous mixture.

(f) Those processes or operations using or generating flammable dusts, gases, fumes, vapors, mists, fibers or other impurities shall be completely protected from all sources of ignition.

(g) The capacity of an exhaust system shall be calculated on the basis of all hoods, booths, and enclosures connected to the system being open, except where the system is so interlocked that only a portion of it can be operated at a given time, in which case the capacity should be calculated on the basis that all the hoods in the group requiring the greatest volume rate of exhaust are open.

(h) Suitable air inlets shall be provided for replacement of exhausted air.

(i) Exhaust systems discharging to the outer air shall be provided with air-cleaning devices to remove air contaminants prior to the discharge to the outer air, where needed.

(j) The discharge from any exhaust system shall be such that no air contamination therefrom will enter any window, door or other opening of any work space in quantities sufficient to create a health hazard to such space or create a nuisance to surrounding areas.

§ 50–204.277 Noise.

Noise exposures likely to create permanent hearing impairment shall be controlled by noise-reduction methods, or by use of effective personal protective devices.

PERSONAL PROTECTIVE EQUIPMENT

§ 50–204.298 Protective equipment.

Equipment, including personal protection for eyes, face, head, and extremities, clothing, respiratory devices, and protective shields and barriers shall be provided and maintained in a sanitary and reliable condition, whenever they are necessary by reason of hazards of the processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in function of any part of the body through absorption, inhalation, or physical contact. Where employees provide their own protective equipment, the employer shall be responsible to assure the adequacy of such equipment. See §§ 50–204.242(f), 50–204.265 and 50–204.275.

COAL AND LIGNITE MINES

§ 50–204.300 Federal Mine Safety Codes.

The Federal Mine Safety Code for Bituminous Coal and Lignite Mines of the United States, Part I—Underground Mines, and Part II—Strip Mines; the Federal Mines Safety Code for Anthracite Mines of the United States, Part I—Underground Mines, and Part II—Strip Mines; and the Safety Standards for Surface Auger Mining, as published by the Bureau of Mines, United States Department of Interior are hereby adopted by reference as additional safety and health standards required for observance in coal and lignite mining to which section 1(e) of the Walsh-Healey Public Contracts Act has application.

Signed at Washington, D.C., this 26th day of September, 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63–10373; Filed, Sept. 30, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–76]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Ponca City, Okla., terminal area:

1. The Ponca City control zone is designated as that airspace within a 10-mile radius of the Ponca City Municipal Airport.

2. The Ponca City control area extension is designated as that airspace within a 15-mile radius of the Ponca City Municipal Airport and within 5 miles each side of the Ponca City VORTAC 284° True radial, extending from the VORTAC to 25 miles west.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Ponca City area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Redesignate the Ponca City control zone as that airspace within a 5-mile radius of the Ponca City Municipal Airport (latitude 36°43'40'' N., longitude 97°05'50'' W.); within 2 miles each side of the 225° True bearing from the Ponca City radio beacon, extending from the 5-mile radius zone to 8 miles southwest of the radio beacon; and within 2 miles each side of the 359° True bearing from the Ponca City radio beacon, extending from the 5-mile radius zone to 12 miles north of the radio beacon. This action would reduce the radius area of the Ponca City control zone from 10 miles to a basic 5-mile radius zone with appropriate extensions, yet sufficient controlled airspace would be retained for the protection of aircraft executing prescribed instrument approach and departure procedures at the Ponca City Municipal Airport.

2. Revoke the Ponca City control area extension and designate the Ponca City transition area. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport; within 2 miles each side of the Ponca City VORTAC 289° True radial, extending from the 6-mile radius area to 8 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an 8-mile radius of the Ponca City Municipal Airport; within 8 miles southeast and 5 miles northwest of the 225° True bearing from the Ponca City radio beacon, extending from the 8-mile radius area to 13 miles southwest of the radio beacon; within 8 miles southwest and 5 miles northeast of the Ponca City VORTAC 289° True radial, extending from the 8-mile radius area to 13 miles northwest of the VORTAC, and within 8 miles west and 5 miles east of the 359° True bearing from the Ponca City radio beacon, extending from the 8-mile radius area to 16 miles north of the radio beacon. This would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures at the Ponca City Municipal Airport. The floors of the airways that would traverse the proposed transition area would automatically coincide with the floors of the transition area.

The actions proposed herein would raise the floor of controlled airspace, beyond the proposed 700-foot area, from 700 to 1,200 feet and, as a result, would make such airspace available for other uses, yet sufficient controlled airspace would be retained to provide adequate protection to aircraft executing prescribed instrument holding, arrival and departure procedures within the Ponca City terminal area. Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10342; Filed, Sept. 30, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–47]

CONTROL AREA EXTENSION AND TRANSITION AREAS

Proposed Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Erie, Pa./Jamestown, N.Y., area.

1. The Erie control zone is presently designated within a 5-mile radius of Port Erie Airport, and within 2 miles either side of the Erie VORTAC 054° radial, extending from the 5-mile radius zone to the VORTAC.

2. The Erie control area extension is presently designated within a 15-mile radius of the Erie VORTAC; including the airspace extending from the 15-mile radius area bounded on the west by V–37, on the north by the United States/Canadian border, on the northeast by the arc of a 50-mile radius circle centered on the Greater Buffalo International Airport, on the east by longitude 78°57'00'' W., and on the south by V–72 and V–184.

3. A portion of Buffalo, N.Y., control area extension within a 50-mile radius of the Greater Buffalo International Airport.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Erie/Jamestown area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Revoke the Erie control area extension and designate the Erie transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Erie Airport (latitude 42°04'56'' N., longitude 80°10'44'' W.); within 5 miles northwest and 8 miles southeast of the Erie ILS localizer southwest course, extending from the ILS outer marker to 12 miles southwest of the Erie VORTAC; and within 2 miles each side of the 054° True bearing from the Erie radio beacon extending from the 7-mile radius area to 8 miles northeast of the radio beacon; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 41°55'00'' N., longitude 80°35'00'' W.; to latitude 42°14'00'' N., longitude 80°41'00'' W.; to latitude 42°37'00'' N., longitude 79°15'00'' W., to latitude 42°32'00'' N., longitude 78°52'00'' W.; to latitude 42°11'30'' N., longitude 78°52'00'' W.; to latitude 42°10'00'' N., longitude 78°57'00'' W.; to latitude 41°49'40'' N., longitude 78°57'00'' W.; thence via the north boundary of V–72 and V–188, and the southwest boundary of V–184 to the arc of a 15-mile radius circle centered on the Erie VORTAC; thence clockwise along this arc to latitude 41°48'10'' N., longitude 80°17'35'' W.; to latitude 41°48'00'' N., longitude 80°25'00'' W.; to the point of beginning.

2. Designate the Jamestown transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Jamestown Municipal Airport (latitude 42°09'10'' N., longitude 79°15'30'' W.); within 2 miles each side of the Jamestown VOR 071° and 251° True radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the 060° True bearing from the Jamestown Municipal Airport extending from the 7-mile radius area to 12 miles northeast of the airport.

The proposed revocation of the Erie control area extension and the designation of the Erie and Jamestown transition areas would raise the floor of controlled airspace beyond the immediate vicinity of the Port Erie and Jamestown Municipal Airports from 700 to 1,200 feet above the surface. The portions of controlled airspace released by these actions would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed instrument holding, arrival, departure and radar vectoring procedures within these areas.

The floors of the airways which traverse the transition areas proposed herein and the floor of the portion of the Buffalo, N.Y., control area extension which overlaps the proposed transition areas would automatically coincide with the floors of the transition areas. The revocation of the Buffalo control area extension will be processed at a later date as a part of the CAR Amendments 60–21/60–29 implementation program proposed for the Buffalo terminal area. No change in the designation of the Erie control zone would be required.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of any changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, New York International Airport, Federal Building, Jamaica, N.Y., 11430.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10343; Filed, Sept. 30, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–PC–10]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply

in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. Agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the Lihue, Hawaii, terminal area:

1. The Lihue control zone is designated within a 5-mile radius of Lihue Airport, and within 2 miles either side of the Lihue VOR 041° True radial, extending from the 5-mile radius zone to 12 miles northeast of the VOR.

2. The Port Allen, Hawaii, control area extension is designated as that airspace northeast of Port Allen bounded on the south by V–15, on the west by longitude 159°30'00'' W., and on the northeast by the arc of a 25-mile radius circle centered at latitude 21°58'07'' N., longitude 159°20'27'' W.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Lihue area, including studies attendant to the implementation of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Lihue control zone by redesignating it to comprise that airspace within a 5-mile radius of Lihue Airport (latitude 21°59'00'' N., longitude 159°-21'00'' W.); within 2 miles each side of the Lihue VOR 041° True radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, and within 2 miles each side of the Lihue VOR 130° True radial, extending from the 5-mile radius zone to 9 miles southeast of the VOR.

2. Designate the Lihue transition area as that airspace extending upward from 700 feet above the surface within the area bounded on the northwest by a line 5 miles northwest of and parallel to the Lihue VOR 041° True radial, on the northeast by the arc of a 7-mile radius circle centered on the Lihue Airport (latitude 21°59'00'' N., longitude 159°-21'00'' W.), on the southeast by a line 2 miles northeast of and parallel to the Lihue VOR 130° True radial, and on the southwest by the arc of a 5-mile radius circle centered on the Lihue Airport; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Lihue VOR, extending from the 7-mile radius area clockwise from a line 5 miles northwest of and parallel to the Lihue VOR 041° True radial to Victor 2.

The floors of the airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The Port Allen control area extension which coincides, in part, with the proposed Lihue transition area, would be revoked concurrently with the actions proposed herein.

The actions taken herein would, in part, reduce the control zone extension northeast of Lihue from 12 miles to 8 miles northeast of the VOR. The portion released would no longer be required for air traffic control purposes. The control zone extension southeast of Lihue based on the Lihue VOR 130° True radial would be required to provide protection for aircraft executing prescribed VOR instrument approach and departure procedures. The portion of the proposed Lihue transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures conducted beyond the limits of the control zone and below the floor of the proposed 1,200-foot area. The floor of controlled airspace beyond the 700-foot area would be raised from 700 to 1,200 feet. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed instrument approach and departure procedures in the Lihue terminal area.

No revisions to prescribed instrument approach procedures would be required by the actions proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10344; Filed, Sept. 30, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–PC–14]

CONTROL ZONE, CONTROL AREA EXTENSION, AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in

accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the Kahului, Hawaii, terminal area:

1. The Kahului control zone is designated within a 5-mile radius of Kahului Airport; within 2 miles either side of the Maui, Hawaii, radio range north course extending from the 5-mile radius zone to the radio range, and within 2 miles either side of the Maui VOR 038° and 204° True radials extending from the 5-mile radius zone to 12 miles northeast and southwest of the VOR.

2. The Kahului control area extension is designated as that airspace north of Kahului within a 25-mile radius of the Kahului, Maui, VOR bounded on the south by V–6.

The FAA having completed a comprehensive review of the terminal airspace structure requirements in the Kahului area, including studies attendant to the implementation of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Kahului control zone by redesignating it to comprise that airspace within a 5-mile radius of Kahului Airport (latitude 20°54'00'' N., longitude 156°26'00'' W.); within 2 miles each side of the Maui, Hawaii, radio range north course, extending from the 5-mile radius zone to the radio range; within 2 miles each side of the Maui VOR 038° True radial, extending from the 5-mile radius zone to 12 miles northeast of the VOR, and within 2 miles each side of the extended centerline of runway 2, extending from the 5-mile radius zone to 10 miles southwest of the southwest end of the runway.

2. Revoke the Kahului control area extension and designate the Kahului transition area as that airspace extending upward from 700 feet above the surface bounded on the southwest by a line 2 miles southwest of and parallel to the Maui VOR 331° True radial, on the north by a 7-mile radius circle centered on the Kahului Airport (latitude 20°54'00'' N., longitude 156°26'00'' W.), on the southeast by a line 2 miles southeast of and parallel to the Maui VOR 061° True radial, and on the south by the arc of a 5-mile radius circle centered on the Kahului Airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Kahului Airport, extending clockwise from V–6 northwest of Kahului to V–6 northeast of Kahului, and that airspace east of Kahului bounded on the north by a line 8 miles north of and parallel to the Maui VOR 080° True radial, on the south by a line 5 miles north of and parallel to the Maui VOR 080° True radial, extending from the 30-mile radius area to 45 miles east of the VOR. The floors of the airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, realign the Kahului control zone southwest extension to coincide with the final approach course specified by the proposed ILS instrument approach procedures. The portion of controlled airspace beyond the limits of the extension proposed herein would no longer be required for air traffic control purposes. The portion of the proposed Kahului transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures while operating beyond the limits of the control zone and below 1,500 feet above the surface. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the higher portions of the prescribed instrument approach, departure and holding pattern procedures within the Kahului terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Pacific Region, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 24, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10345; Filed, Sept. 30, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 62–PC–18]

CONTROL ZONE, CONTROL AREA EXTENSION, AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the Wake Island terminal area:

1. The Wake Island control zone is designated within a 5-mile radius of Wake Island; within 2 miles either side of the Wake VORTAC 306° True radial extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles either side of the 101° True bearing from the Wake radio beacon extending from the 5-mile radius zone to 12 miles east of the radio beacon, and within 2 miles either side of the 281° True bearing from the Wake Island radio

beacon, extending from the 5-mile radius zone to 12 miles west of the VORTAC.

2. The Wake Island control area extension is designated as that airspace extending upward from 700 feet above the surface within a 100-nmi radius of Wake Island radio beacon.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Wake Island area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Wake Island control zone by redesignating it to comprise that airspace within a 5-mile radius of Wake Island Airport (latitude 19°18'00" N., longitude 166°38'00" E); within 2 miles each side of the Wake Island VORTAC 306° True radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 4.5 miles north and 2 miles south of the Wake Island VORTAC 111° True radial, extending from the 5-mile radius zone to 12 miles east of the VORTAC and within 2 miles each side of the 281° True bearing from the Wake Island radio beacon (AXX), extending from the 5-mile radius zone to 12 miles west of the radio beacon.

2. Revoke the Wake Island control area extension and designate the Wake Island transition area to comprise that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

The actions proposed herein would increase the size of the presently designated Wake Island control zone by enlarging the lateral limits of the control zone extension east of Wake Airport. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Wake Airport. Additionally, the floor of controlled airspace beyond the Wake Island control zone would be raised from 700 to 1,200 feet. The portions of airspace released by this action would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed holding, arrival, departure and radar vectoring procedures within the Wake Island terminal area.

No revisions to prescribed instrument approach procedures would be required by the actions proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 24, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10346; Filed, Sept. 30, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SO–14]

CONTROL ZONES, CONTROL AREA EXTENSION, AND TRANSITION AREAS

Proposed Alteration, Designation and Revocation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is designated in the Savannah, Ga., terminal area:

1. The Savannah control zone is designated as that airspace within a 5-mile radius of Travis Field; within a 5-mile radius of Hunter AFB; within 2 miles each side of the extended centerline of the Hunter AFB E–W runway, extending from the Hunter AFB 5-mile radius zone to 10 miles east of the runway; within 2 miles each side of the extended centerline of the Travis Field E–W runway, extending from the Travis Field 5-mile radius zone to 10 miles west of the runway; and within 2 miles each side of the Savannah VORTAC 245° and 065° True radials, extending from the Travis Field 5-mile radius zone to 10 miles northeast of the VORTAC.

2. The Beaufort, S.C., control zone is designated as that airspace within a 5-mile radius of MCAS Beaufort; within 2 miles each side of the 043° True bearing from the MCAS, extending from the 5-mile radius zone to 16 miles northeast of the MCAS; and within 2 miles each side of the 137° True bearing from MCAS, extending from the 5-mile radius zone to Warning Area W–132.

3. The Savannah control area extension is designated as that airspace north of latitude 31°35'00" N., within a 40-mile radius of Hunter AFB. The portions of this control area extension within Restricted Areas R–3005A, R–3005B and R–3006 shall be used only after obtaining prior approval from appropriate authority. The portions of this control area extension within Warning Areas W–132, W–157 and W–160 are excluded.

4. The Savannah transition area is designated as that airspace extending upward from 1,200 feet above the surface within the airspace west and southwest of Savannah bounded on the north by the south boundary of V–154, on the east by the arc of a 40-mile radius circle centered at the Hunter AFB, on the south by a line extending through latitude 32°03'40" N., longitude 81°50'10" W., and latitude 32°03'20" N., longitude 81°54'40" W., and on the west by the east boundary of V–157; that airspace bounded on the north by a line extending through latitude 31°35'45" N., longitude 82°07'10" W., and latitude 31°35'00" N., longitude 81°36'30" W., and east along latitude 31°35'00" N. to the west boundary of V–3, on the east by V–3, on the south by latitude 31°30'00" N., and on the west by V–267; and the airspace extending upward from 4,000 feet above the surface bounded on the north by a line extending through latitude 32°03'20" N., longitude 81°54'40" W. and latitude 32°03'40" N., longitude 81°50'10" W., on the east by the arc of a 40-mile radius circle centered at the Hunter AFB, on the south by a line extending through latitude 31°35'45" N., longitude 82°07'10" W., and latitude 31°35'00" N., longitude 81°36'30" W., and on the west by the east boundaries of V–267 and V–157. The portion of this transition area within Restricted Areas R–3005A, R–3005B and R–3006 shall be used only after obtaining prior approval from appropriate authority.

5. The Charleston, S.C., control area extension is designated, in part, as that airspace south of Charleston bounded on the north by V–53 and Control area 1152, on the southeast by a line 3-nautical miles southeast of and parallel to the shoreline, on the south by the Savannah control area extension, and on the west by V–3.

6. The Hampton, S.C., transition area is designated as that airspace south of Hampton extending upward from 1,200 feet above the surface bounded on the north by V–18 south alternate, on the east by V–3, on the south by the Savannah control area extension, and on the west by V–37.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Savannah area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Redesignate the Savannah control zone as that airspace within a 5-mile radius of Travis Field (latitude 32°-07'35" N., longitude 81°12'05" W.); within a 5-mile radius of Hunter AFB (latitude 32°00'35" N., longitude 81°-08'45" W.); within 2 miles each side of the extended centerline of the Hunter AFB east/west runway, extending from the Hunter AFB 5-mile radius zone to 8 miles west of the airport; within 2 miles each side of the Hunter AFB ILS localizer east course, extending from the Hunter AFB 5-mile radius zone to 1 mile west of the Hunter AFB outer marker; within a 1-mile radius of Saffold Field, Savannah, Ga. (latitude 32°02'20" N., longitude 81°00'30" W.); within 2 miles each side of the Travis Field ILS localizer west course, extending from the Travis Field 5-mile radius zone to 1 mile east of the outer marker; and within 2 miles each side of the Savannah VORTAC 245° True radial, extending from the Travis Field 5-mile radius zone to the VORTAC.

2. Redesignate the Beaufort control zone as that airspace within a 5-mile radius of MCAS Beaufort, Beaufort, S.C. (latitude 32°28'40" N., longitude 80°43'20" W.); and within 2 miles each side of the 042° True bearing from the MCAS Beaufort radio beacon, extending from the 5-mile radius zone to 8 miles northeast of the radio beacon.

3. Revoke the Savannah control area extension and alter the Savannah transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Travis Field; within a 12-mile radius of Hunter AFB; within 2 miles each side of the Savannah VORTAC 065° True radial, extending from the Travis Field 7-mile radius area to 8 miles northeast of the VORTAC; within 2 miles each side of Travis Field ILS localizer east course, extending from the Travis Field 7-mile radius area to 8 miles east of the intersection of the east course of the localizer and the Savannah VORTAC 179° True radial; within 2 miles each side of the Travis Field ILS localizer west course, extending from the Travis Field 7-mile radius area to the outer marker; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°45'50" N., longitude 80°30'30" W.; to latitude 32°29'30" N., longitude 80°12'00" W.; thence southwest via a line 3-nautical miles from the coastline; to latitude 32°-13'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°-33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; to latitude 31°-30'00" N., longitude 82°04'15" W.; to latitude 31°35'45" N., longitude 82°-07'10" W.; to latitude 31°35'00" N., longitude 81°46'35" W.; to latitude 31°-38'10" N., longitude 81°43'35" W.; thence clockwise along the arc of a 20-mile radius circle centered at the Liberty AAF, Fort Stewart, Ga. (latitude 31°-53'20" N., longitude 81°33'45" W.); to latitude 32°04'10" N., longitude 81°-50'00" W.; to latitude 32°04'10" N., longitude 81°58'15" W.; thence northeast and east via the east boundary of V–157 and the south boundary of V–154 to and clockwise along the arc of a 40-mile radius circle centered at Hunter AFB to the east boundary of V–37; thence north along the east boundary of V–37 to the south boundary of V–18 south alternate; thence via the south boundary of V–18 south alternate to point of beginning; and that airspace extending upward from 2,700 feet MSL bounded on the north by latitude 32°04'10" N., on the east by the arc of a 20-mile radius circle centered at the Liberty AAF, on the southeast by a line extending from latitude 31°38'10" N., longitude 81°-43'35" W., through latitude 31°35'00" N., longitude 81°46'35" W., on the south by a line extending from latitude 31°-35'00" N., longitude 81°46'35" W., through latitude 31°35'45" N., longitude 82°07'10" W., on the southwest by V–267, and on the northwest by V–157. The portions of this transition area within Restricted Areas R–3005A, R–3005B and R–3006 would be used only after obtaining prior approval from appropriate authority.

4. Designate the Beaufort, S.C., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of MCAS Beaufort and within a 1.5-mile radius of the Beaufort County Airport (latitude 32°-24'40" N., longitude 80°38'05" W.).

5. Designate the Camp Stewart, Ga., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Liberty AAF (latitude 31°53'20" N., longitude 81°33'45" W.) and within 2 miles each side of the 229° True bearing from the Liberty radio beacon, extending from the 6-mile radius area to 8 miles southwest of the radio beacon. The portions of this transition area within Restricted Areas R–3005A and R–3005B would be used only after obtaining prior approval from appropriate authority.

6. Revoke the Hampton transition area.

The proposed alteration of the Savannah control zone would reduce the length of the northeast and west extensions of the portion of the control zone serving Travis Field and the east extension of the portion serving the Hunter AFB. The additional extension west of Hunter AFB would provide protection for heavily laden KC–97 type aircraft executing prescribed instrument approach and departure procedures at Hunter AFB. Inclusion of the area within a one-mile radius of Saffold Field would provide for uniform rules of flight within the traffic pattern at Saffold Field, since the pattern would otherwise lie partially inside and partially outside of the control zone. In addition, this action would ensure continued operations at Saffold Field during IFR or marginal weather conditions through the air control services provided within the control zone by the Hunter AFB RAPCON. The proposed alteration of the Beaufort control zone would reduce the length of the northeast extension, yet sufficient airspace would be retained for the protection of aircraft executing prescribed instrument approach procedures at MACA Beaufort.

The proposed transition areas with floors of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach procedures at Travis Field, Hunter AFB, MCAS Beaufort and Liberty AAF. The portion within a 1.5-mile radius of Beaufort County Airport would provide protection for aircraft arriving and departing this airport. The portion of the transition area with a floor of 1,200 feet above the surface would raise the floor of controlled airspace from 700 feet to 1,200 feet over a large area, yet sufficient controlled airspace would be retained to provide adequate protection for aircraft executing prescribed instrument holding, arrival, departure and radar procedures within the Savannah terminal area. In addition, this proposed area would consolidate several existing separate transition areas into one transition area. The area proposed with a floor of 2,700 feet MSL would provide protection southwest of Savannah for aircraft executing the high altitude portion of prescribed IFR arrival and departure procedures at Travis Field, Hunter AFB, NAS Glynco and McKinnon Airport, Brunswick, Ga.

The portion of the Charleston control area extension and the floors of the airways that would traverse the proposed transition areas would automatically coincide with the floor of the transition areas. The Charleston control area extension would be retained pending implementation of CAR Amendments 60–21/60–29 in the entire Charleston terminal area. Upon completion of the area review of the airspace requirements attendant to full implementation of these amendments, separate airspace action will be initiated proposing the conversion of the control area extension in this area to transition areas with appropriate floor

assignments, and the designation of appropriate airway floors consistent with en route requirements.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10347; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-41]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is designated within the Cotulla, Tex., terminal area:

1. The Cotulla control zone is designated as that airspace within a 3-mile radius of the Cotulla Airport; within 2 miles each side of the 320° True bearing from the Cotulla radio beacon; extending from the 3-mile radius zone to 10 miles northwest of the radio beacon, and within 2 miles each side of the Cotulla VOR 265° and 085° True radials, extending from the 3-mile radius zone to 10 miles east of the VOR.

2. The Cotulla control area extension is designated as that airspace within 13 miles southwest and 8 miles northeast of the 140° and 320° True bearings from the Cotulla radio beacon, extending from V-17 to 20 miles northwest of the radio beacon; including the airspace north of Cotulla bounded on the west by V-77, on the north by the arc of a 60-mile circle centered on the San Antonio, Tex., radio beacon, and on the east by V-17.

3. The Alice, Tex., control area extension is designated, in part, as that airspace within 5 miles either side of a direct line extending from the Alice VOR to the Cotulla VOR.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Cotulla area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Redesignate the Cotulla control zone as that airspace within a 3-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.); within 2 miles each side of the Cotulla VOR 265° True radial, extending from the 3-mile radius zone to the VOR; and within 2 miles each side of the 320° True bearing from the Cotulla radio beacon, extending from the 3-mile radius zone to 8 miles northwest of the radio beacon. This action would reduce the length of the existing east and northwest control zone extensions, yet sufficient controlled airspace would be retained for the protection of aircraft executing prescribed instrument approach and departure procedures at the Cotulla Municipal Airport.

2. Revoke the Cotulla control area extension and designate the Cotulla transition area. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within 8 miles north and 5 miles south of the Cotulla VOR 085° True radial, extending from the VOR to 12 miles east; within 8 miles north and 5 miles south of the Cotulla VOR 265° True radial, extending from the VOR to 13 miles west; within 8 miles southwest and 5 miles northeast of the 320° True bearing from the Cotulla radio beacon, extending from the radio beacon to 12 miles northwest; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 28°52'00" N., longitude 99°25'00" W.; to latitude 28°54'00" N., longitude 99°05'00" W.; to latitude 28°19'00" N., longitude 98°37'00" W.; to latitude 28°05'00" N., longitude 98°48'00" W.; to latitude 28°06'00" N., longitude 99°08'00" W.; to latitude 28°08'20" N., longitude 99°18'20" W.; to latitude 28°32'00" N., longitude 99°28'00" W.; to point of beginning. This transition area would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures at the Cotulla Municipal Airport.

The floors of the airways that traverse the proposed transition area and the floor of the portion of the Alice control area extension which coincides with the transition area would automatically have floors coincident with the floors of the transition area. Revocation of the Alice control area extension will be processed at a later date under the CAR Amendments 60-21/60-29 implementation program for the Alice terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10348; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is designated within the Akron, Colo., terminal area:

1. The Akron control zone is designated within a 5-mile radius of Washington County Airport, and within 2 miles either side of the Akron VOR 123° True radial extending from the 5-mile radius zone to 12 miles southeast of the VOR.

2. The Akron transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Akron VOR 064° and 244° True radials, extending from 20 miles northeast to 9 miles southwest of the VOR, excluding the airspace within Federal airways.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Akron area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Akron control zone by redesignating it to comprise that airspace within a 4-mile radius of Akron-Washington County Airport (latitude 40°10'-30" N., longitude 103°12'45" W.).

2. Alter the Akron transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°-12'45" W.), and within 4 miles northeast and 2 miles southwest of the Akron VOR 123° True radial, extending from the 5-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Akron VOR 123° and 303° True radials, extending from 20 miles southeast to 10 miles northwest of the VOR. The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The actions proposed herein would, in part, reduce the present radius of the control zone from 5 to 4 miles and revoke the control zone southeast extension. Those portions released would no longer be required for air traffic control purposes. The proposed alteration of the Akron transition area would, in part, retain the floor of controlled airspace within a 5-mile radius of the Akron Airport and within the 8-mile extension based on the Akron VOR 123° True radial at 700 feet above the surface to provide protection for aircraft executing the portions of prescribed instrument approach and departure procedures beyond the limits of the control zone and below the floor of the proposed 1,200-foot floor transition area. The portion of the proposed transition area with a floor of 1,200 feet above the surface would provide protection for aircraft while holding in the relocated holding pattern at the Akron VOR and for portions of the instrument approach and departure procedures conducted above 1,500 feet above the surface.

The exclusion of Federal airways contained in the present description of the Akron transition area would no longer be required with the action proposed herein and would be deleted.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10349; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-54]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Fresno, Calif., terminal area:

1. The Fresno (Fresno Air Terminal) control zone designated within a 5-mile radius of Fresno Air Terminal, and within 2 miles either side of the Fresno VORTAC 149° True radial, extending from the 5-mile radius zone to the VORTAC.

2. The Fresno (Chandler Municipal Airport) control zone is designated from 0700—2300 hours local time, daily, within a 5-mile radius of Chandler Municipal Airport, and within 2 miles either side of the 152° True bearing from latitude 36°43'25" N., longitude 119°50'02" W., extending from the 5-mile radius zone to 8 miles southeast of latitude 36°43'25" N., longitude 119°50'02" W., excluding the portion within the Fresno (Fresno Air Terminal) control zone.

3. The Fresno control area extension is designated as that airspace between Bakersfield-Fresno-Linden, Calif., bounded on the southwest by Victor 23, on the north by Victor 108, on the east, northeast and southeast by a line extending from the intersection of the south edge of Victor 108 and longitude 120°00'00" W., to latitude 37°50'00" N., longitude 120°00'00" W., to latitude 36°00'00" N., longitude 118°48'00" W., to the Bakersfield, Calif., VORTAC.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Fresno area as a result of the studies associated with the implementation of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Redesignate the Fresno (Fresno Air Terminal) control zone to comprise that airspace within a 5-mile radius of Fresno Air Terminal (latitude 36°46'25" N., longitude 119°42'35" W.), within 2 miles each side of the Fresno VORTAC 143° True radial, extending from the 5-mile radius zone to 15 miles southeast of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° True radial, extending from the 5-mile radius zone to the VORTAC.

2. Redesignate the Fresno (Chandler Municipal Airport) control zone to comprise that airspace within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.), and within 2 miles each side of the 232° True bearing from the Fresno RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone would be effective from 0700 to 2300 hours, local time, daily.

3. Designate the Fresno transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.), (excluding the portion within the arc of a 5-mile radius circle centered on Fresno Air Terminal) within 2 miles each side of the 232° True bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles southwest of the RBN, within 2 miles

west and 4 miles east of the Fresno VORTAC 158° True radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles southeast of the VORTAC, and within 2 miles each side of the Fresno ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to 13 miles southeast of the outer marker; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 119°30'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., to latitude 36°56'00" N., longitude 119°20'00" W., to latitude 37°04'30" N., longitude 118°59'00" W., to latitude 37°29'00" N., longitude 119°15'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to latitude 36°37'00" N., longitude 119°56'00" W., thence east along latitude 36°37'00" N., to the western boundary of Victor 23, thence along the western boundary of Victor 23 to longitude 119°30'00" W., thence south along longitude 119°30'00" W. to the point of beginning.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, realign the Fresno (Fresno Air Terminal) control zone northwest extension on the Fresno VORTAC 143° True radial to coincide with the final approach course specified by the prescribed instrument approach procedures at Fresno Air Terminal and designate an extension southeast of Fresno Air Terminal to provide protection for aircraft executing the prescribed instrument approach procedures. The existing Fresno (Chandler Municipal Airport) control zone southeast extension would be revoked and an extension designated southwest of Chandler Airport based on the 232° True bearing from the Fresno RBN (radio range to be converted to RBN on or about October 17, 1963) to provide protection for aircraft executing a proposed ADF instrument approach procedure at Chandler Airport.

A portion of the proposed Fresno transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Chandler Municipal Airport during the time the Chandler control zone is not effective. The remaining portion of the proposed transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure, holding and radar vectoring procedures at the Fresno Air Terminal.

The floors of controlled airspace beyond the limits of the proposed 700-foot floor area would be raised from 700 to 1,200 feet above the surface and the controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach, departure, missed approach and radar vectoring procedures within the Fresno terminal area.

The portion of the Fresno control area extension within the lateral limits of the proposed transition area would automatically assume floors coincident with that of the transition area. Revocation of the Fresno control area extension will be processed at a later date as a part of the terminal area CAR Amendments 60–21/60–29 implementation studies in adjacent terminal areas.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10350; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–AL–17]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND REPORTING POINT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA is installing a VOR at Dillingham, Alaska (latitude 58°59'40" N., longitude 158°32'58" W.), and plans to commission it on or about April 14, 1964. The Agency is proposing the designation of a VOR Federal airway and its associated control areas from Bethel, Alaska, via the intersection of the Bethel 143° and the Dillingham 313° True radials and the new Dillingham facility to King Salmon, Alaska, including a south alternate from Dillingham to King Salmon. The segment of the proposed airway from Bethel to Dillingham would be expanded, beginning at 45 nautical miles from Bethel, in graduated steps of one mile for every 5 nautical miles to 60 nautical miles from Bethel, thence 16 miles wide via the intersection of the Bethel 143° and the Dillingham 313° True radials to 70 nautical miles from Dillingham, thence decreasing in graduated steps of one mile for every 5 nautical miles to 45 nautical miles from Dillingham. Dillingham would be designated as a reporting point.

This proposed airway would provide a route for VOR-equipped aircraft operating between these terminals. The alignment of the proposed airway segment from Bethel via the intersection of the Bethel 143° and the Dillingham 313° True radials to Dillingham would provide a lower MEA. The south alternate between Dillingham and King Salmon would provide an alternate route between these points during periods of increased traffic. The expanded width of the segment of the airway between Bethel and Dillingham would provide adequate controlled airspace for aircraft operating along the airway while at a distance greater than 45 nautical miles from either facility. The designation of Dillingham as a reporting point would be for air traffic control purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10351; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–73]

FEDERAL AIRWAY AND ASSOCIATED CONTROLLED AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations the substance of which is stated below.

VOR Federal airway No. 251 is designated in part from Sparta, N.J., direct to Hartford, Conn. The Federal Aviation Agency is considering the realignment of Victor 251 and its control areas from Sparta via the intersection of Sparta 081° and Trinity, N.Y., 232° True radials; Trinity; to Hartford. This realigned segment of Victor 251 would be used as part of a preferential route between Boston, Mass., and Newark, N.J. The portion of the altered airway predicated on the Sparta 081° True radial would be used as part of a proposed IFR departure procedure from Westchester County Airport, N.Y.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10352; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–PC–9]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations. As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices. The substance of these proposals is stated below.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations. The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of the contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the alteration of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consonance with the policy of the Federal Aviation Agency to designate only that controlled airspace required by IFR operations and in accordance with the provisions of Amendment 60–21 to Part 60 of the Civil Air Regulations, the Agency is considering the alteration of the Hawaiian Federal VOR airways by raising the floors of the airways and their associated control areas.

The floors of the Hawaiian Victor airways and their associated control areas would be altered as follows:

1. Hawaii Federal VOR airway Nos. 1, 2, 3, 6, 7, 9, 11, 13, 16 and 17 would be raised to 1200 feet above the surface.

2. Hawaii VOR Federal airway No. 4 from South Port Allen Intersection to Hula Girl Intersection would be raised to 3500 feet above the surface, from Hula Girl Intersection to Papaya Intersection to 1200 feet above the surface and from Papaya Intersection to Sunrise Intersection to 2500 feet above the surface.

3. Hawaii VOR Federal airway No. 8 from Southgate Intersection to Bluefin Intersection would be raised to 1200 feet above the surface, and from Bluefin Intersection to Tuna Intersection to 2500 feet above the surface.

4. Hawaii VOR Federal airway No. 12 from Swordfish Intersection to Orchid Intersection would be raised to 3500 feet above the surface, from Orchid Intersection to Bamboo Intersection to 1200 feet above the surface, and from Bamboo Intersection to Shark Intersection to 2500 feet above the surface.

5. Hawaii VOR Federal airway No. 14 from Dogwood Intersection to longitude 159°43'00" W. would be raised to 5,000 feet above the surface and from longitude 159°43'00" W. to Koko Head to 1,200 feet above the surface.

6. Hawaii VOR Federal airway No. 15 from Vanda Intersection to longitude 159°43'00" W. would be raised to 5,000 feet above the surface and from longitude 159°43'00" W. to Hilo, Hawaii, to 1,200 feet above the surface.

In addition, it is proposed to raise the upper limit of Victor 9, which has a presently designated ceiling of 21,000 feet MSL, to Flight Level 300. The present ceiling of 21,000 feet MSL was established to coincide with the floor of Warning Area W–321, Area C. The floor of this warning area has been raised to Flight Level 300. The increase to the upper limit of Victor 9 will provide additional flight levels for turbojet operations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu, Hawaii, 96812. All communications received within forty-five days after pub-

lication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on September 24, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10353; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-69]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 71.123 of the Federal Aviation Regulations, the substance of which is stated below.

Low altitude airway V-18 south alternate is designated from Monroe, La., via the intersection of the Monroe VOR 110° and the Jackson, Miss., VOR 248° True radials to Jackson. The Federal Aviation Agency is considering redesignating this airway segment as a standard south alternate. This redesignation would facilitate aircraft arriving and departing the Jackson terminal area and would shorten the route mileage for this airway segment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10354; Filed, Sept. 30, 1963; 8:46 a.m.]

[14 CFR Part 627]

[Reg. Docket No. 1345]

STANDARDS FOR AERONAUTICAL CHARTS

Withdrawal of Notice of Proposed Rule Making

By Draft Release No. 62-38, published in the FEDERAL REGISTER (27 F.R. 8389), as a notice of proposed rule making on August 22, 1962, the Federal Aviation Agency proposed to establish standards for aeronautical charts to insure the availability of current and accurate aeronautical information in the form of aeronautical charts.

Among the comments submitted, doubt was expressed concerning the actual requirement for regulatory matter establishing standards for aeronautical charts at this time. Consequently, it has been decided to defer further action on this proposed regulation. In lieu thereof, standards for aeronautical charts will be published in the form of an advisory circular of the Federal Aviation Agency for the guidance and information of interested parties. If, at some future date, circumstances indicate the necessity for a regulation, action will be taken to this effect.

Accordingly, Draft Release No. 62-38, published in the FEDERAL REGISTER (27 F.R. 8389) as a notice of proposed rule making on August 22, 1962, is hereby withdrawn.

(Secs. 313(a) and 601, 72 Stat. 752 and 775; 49 U.S.C. 1354(a) and 1421)

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on September 20, 1963.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 63-10341; Filed, Sept. 30, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 201, 204]

[Docket No. R-246]

UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND NATURAL GAS COMPANIES

Disposition of Balance in Accumulated Deferred Tax Accounts Attributable to Property Retired Prior to the Expiration of Its Estimated Useful Life; Notice of Extension of Time in Proposed Rule Making Proceedings

SEPTEMBER 25, 1963.

Upon consideration of the requests filed by Edison Electric Institute, Philadelphia Electric Company, Union Electric Company, and American Gas Association on September 12, 1963, September 19, 1963, September 19, 1963 and September 20, 1963, respectively, for an extension of time within which to submit written data, views, comments and suggestions concerning the proposed amendments to the Uniform System of Accounts prescribed for Public Utilities and Licensees and for Natural Gas Companies as set forth in the Notice of Proposed Rulemaking issued August 27, 1963, in the above-designated matter;

Notice is hereby given that the time is extended to and including October 30, 1963, for filing comments concerning the proposed amendments.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10360; Filed, Sept. 30, 1963; 8:47 a.m.]

Notices

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER LONG TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Long Term International Cotton Textile Arrangement Categories by Tariff Schedules of United States Annotated Numbers

SEPTEMBER 21, 1963.

There is published below a list of the Tariff Schedules of the United States Annotated numbers arranged by the 64 categories of cotton textiles and cotton textile products used by the United States in administering the Long Term Arrangement Regarding International Trade in Cotton Textiles. Actions by the United States under the Long Term Arrangement are based on the classification of cotton textiles and cotton textile products into 64 categories.

A full description of the items falling within each of the 64 categories may be obtained by using the Tariff Schedules of the United States Annotated item number in the list published below to locate the item in the Tariff Schedules of the United States Annotated, where descriptive material is provided.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER

Category	Description	Item	Statistical suffix
1	Cotton yarn, carded, singles	[1] 301	00
		302	20
2	Cotton yarn, carded, plied	[1] 302	22
3	Cotton yarn, combed, singles	[1] 302	24
4	Cotton yarn, combed, plied	[1] 302	26
5	Gingham, carded	[1] 322	28
		325	18
		[1] 328	18
		331	18
6	Gingham, combed	[1] 322	20
		325	20
		[1] 328	20
7	Velveteen	331	20
		346.15	00
		346.20	00
		346.22	00
		346.24	00
8	Corduroy	346.05	00
9	Sheeting, carded	346.10	00
		[1] 320	36
		320	38
		320	40
		320	44
		321	44
		322	44
		326	36
		[2] 326	38
		326	40
		326	44
		327	44
		328	44
10	Sheeting, combed	[1] 320	42
		320	46
		321	46
		322	46
		[1] 326	42
		326	46
		327	46
		328	46
11	Lawn, carded [4]	[1] 320	22
		321	22
		322	22
		323	22
		324	22
		325	22
		[2] 326	22
		327	22
		328	22
		329	22
		330	22
		331	22
12	Lawn, combed [4]	320	24
		321	24
		322	24
		323	24
		324	24
		325	24
		[2] 326	24
		327	24
		328	24
		329	24
		330	24
		331	24
13	Voile, carded [4]	320	68
		321	68
		322	68
		323	68
		324	68
		325	68
		[2] 326	68
		327	68
		328	68
		329	68
		330	68
		331	68
14	Voile, combed [4]	320	70
		321	70
		322	70
		323	70
		324	70
		325	70
		[2] 326	70
		327	70
		328	70
		329	70
		330	70
		331	70
15	Poplin and Broadcloth, carded	320	26
		321	26
		322	26
		[2] 326	26
		327	26
		328	26
16	Poplin and Broadcloth, combed	320	28
		321	28
		322	28
		[2] 326	28
		327	28
		328	28
17	Typewriter ribbon cloth	922.01	00
		922.02	00
		922.03	00
		922.04	00
		922.05	00
18	Print cloth, shirting type, 80 x 80 type, carded	320	30
		321	30
		[2] 322	30
		326	30
		327	30
		328	30
19	Print cloth, shirting type, other than 80 x 80 type, carded	320	32
		321	32
		322	32
		[2] 326	32
		327	32
		328	32
20	Shirting, Jacquard or dobby, carded	323	48
		324	48
		325	48
		[2] 329	48
		330	48
		331	48
21	Shirting, Jacquard or dobby, combed	323	50
		324	50
		325	50
		[2] 329	50
		330	50
		331	50
22	Twill and Sateen, carded	320	54
		320	58
		321	54
		321	58
		322	54
		322	56
		322	58
		323	54
		323	58
		324	54
		324	58
		325	54
		325	56
		325	58
		[2] 326	54
		326	58
		327	54
		328	54
		328	56
		328	58
		329	54
		329	58
		330	54
		330	58
		[3] 331	54
		331	56
23	Twill and Sateen, combed	331	58
		320	60
		320	64
		321	60
		321	64
		322	60
		322	62
		322	64
		323	60
		323	64
		324	60
		324	64
		325	60
		325	62
		325	64
		[2] 326	60
		326	64
		327	60
		327	64
		328	60
		328	62
		328	64
		329	60
		329	64
		330	60
		330	64
		331	60
		331	62
		331	64
24	Woven fabric, not elsewhere specified, yarn dyed, carded	322	72
		322	80
		322	84
		325	72
		325	80
		325	84
		[2] 328	72
		328	80
		328	84
		331	72
		331	80
		331	84
25	Woven fabric, not elsewhere specified, yarn dyed, combed	322	74
		322	82
		322	86
		325	74
		325	82
		325	86
		[2] 328	74
		328	82
		328	86
		331	74
		331	82
		331	86
26	Woven fabric, not elsewhere specified, other, carded [5]	320	02
		320	04
		320	06
		320	08

See footnotes at end of table.

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
26	Woven fabric, not elsewhere specified, other carded[1]	320.--	[1] 22
		321.--	34
		321.--	[1] 68
		321.--	76
		321.--	88
		321.--	92
		322.--	02
		322.--	04
		322.--	06
		322.--	08
		322.--	[1] 22
		322.--	34
		320.--	[1] 34
		320.--	68
		320.--	76
		320.--	88
		320.--	92
		321.--	02
		321.--	04
		321.--	06
		321.--	08
		321.--	[1] 22
		321.--	[1] 68
		322.--	76
		322.--	88
		322.--	92
		323.--	02
		323.--	04
		323.--	06
		323.--	08
		323.--	[1] 22
		323.--	[1] 68
		323.--	76
		323.--	88
		323.--	92
		324.--	02
		324.--	04
		324.--	06
		324.--	08
		324.--	[1] 22
		324.--	[1] 68
		324.--	76
		324.--	88
		324.--	92
		325.--	02
		325.--	04
		325.--	06
		325.--	08
		325.--	[1] 22
		325.--	[1] 68
		325.--	76
		325.--	88
		325.--	92
		[1] 326.--	02
		326.--	04
		326.--	06
		326.--	08
		326.--	[1] 22
		326.--	34
		[1] 326.--	[1] 68
		326.--	76
		326.--	88
		326.--	92
		327.--	02
		327.--	04
		327.--	06
		327.--	08
		327.--	[1] 22
		327.--	34
		327.--	[1] 68
		327.--	76
		327.--	88
		327.--	92
		328.--	02
		328.--	04
		328.--	06
		328.--	08
		328.--	[1] 22
		328.--	34
		328.--	[1] 68
		328.--	76
		328.--	88
		328.--	92
		329.--	02
		329.--	04
		329.--	06
		329.--	08
		329.--	[1] 22
		329.--	[1] 68
		329.--	76
		329.--	88
		329.--	92
		330.--	02
		330.--	04
		330.--	06
		330.--	08
		330.--	[1] 22
		330.--	[1] 68
		330.--	76
		330.--	88
		330.--	92
		331.--	02

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
26	Woven fabric, not elsewhere specified, other carded[1]	331.--	04
		331.--	06
		331.--	08
		331.--	[1] 22
		331.--	[1] 68
		331.--	76
		331.--	88
		331.--	92
		332.10	20
		346.30	20
		346.32	20
		346.35	20
		346.40	20
		346.45	20
		346.70	00
		357.05	12
		357.05	16
27	Woven fabric, not elsewhere specified, other combed	320.--	10
		320.--	12
		320.--	14
		320.--	16
		320.--	[1] 24
		320.--	[1] 70
		320.--	78
		320.--	90
		320.--	94
		321.--	10
		321.--	12
		321.--	14
		321.--	16
		321.--	[1] 24
		321.--	[1] 70
		321.--	78
		321.--	90
		321.--	94
		322.--	10
		322.--	12
		322.--	14
		322.--	16
		322.--	[1] 24
		322.--	[1] 70
		322.--	78
		322.--	90
		322.--	94
		323.--	10
		323.--	12
		323.--	14
		323.--	16
		323.--	[1] 24
		323.--	[1] 70
		323.--	78
		323.--	90
		323.--	94
		324.--	10
		324.--	12
		324.--	14
		324.--	16
		324.--	[1] 24
		324.--	[1] 70
		324.--	78
		324.--	90
		324.--	94
		325.--	10
		325.--	12
		325.--	14
		325.--	16
		325.--	[1] 24
		325.--	[1] 70
		325.--	78
		325.--	90
		325.--	94
		[1] 326.--	10
		326.--	12
		326.--	14
		326.--	16
		326.--	[1] 24
		326.--	[1] 70
		326.--	78
		326.--	90
		326.--	94
		327.--	10
		327.--	12
		327.--	14
		327.--	16
		327.--	[1] 24
		327.--	[1] 70
		327.--	78
		327.--	90
		327.--	94
		328.--	10
		328.--	12
		328.--	14
		328.--	16
		328.--	[1] 24
		328.--	[1] 70
		328.--	78
		328.--	90
		328.--	94
		329.--	10
		329.--	12
		329.--	14

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
27	Woven fabric, not elsewhere specified, other combed	329.--	16
		329.--	[1] 24
		329.--	[1] 70
		329.--	78
		329.--	90
		329.--	94
		330.--	10
		330.--	12
		330.--	14
		330.--	16
		330.--	[1] 24
		330.--	[1] 70
		330.--	78
		330.--	90
		330.--	94
		331.--	10
		331.--	12
		331.--	14
		331.--	16
		331.--	[1] 24
		331.--	[1] 70
		331.--	78
		331.--	90
		331.--	94
		332.10	40
		346.30	40
		346.32	40
		346.35	40
		346.40	40
		346.45	40
		357.05	14
		357.05	18
28	Pillowcases, carded	363.30	20
29	Pillowcases, combed	363.30	40
30	Towels, dish	365.78	20
		366.27	60
31	Towels, other	366.18	20
		366.18	40
		366.18	60
		366.18	80
		366.21	20
		366.21	40
		366.21	60
		366.21	80
		366.24	20
		366.24	40
		366.24	60
		366.24	80
		366.27	20
		366.27	40
		366.27	60
32	Handkerchiefs, whether or not in the piece	370.04	20
		370.04	40
		370.04	60
		370.08	00
		370.16	20
		370.16	40
		370.24	00
		370.28	00
		370.32	00
		370.36	00
		370.40	00
		370.44	00
		370.48	00
		370.52	00
		370.56	00
		370.60	20
		370.60	40
		370.64	20
		370.64	40
		370.68	20
		370.68	40
33	Table damask and manufactures	323.--	52
		324.--	52
		325.--	52
		329.--	52
		330.--	52
		331.--	52
		360.42	00
		366.75	00
34	Sheets, carded	363.30	10
35	Sheets, combed	363.30	30
36	Bedspreads and quilts	363.05	15
		363.05	20
		363.50	20
		363.50	40
		363.50	60
		363.51	20
		363.51	40
		363.51	60
		363.55	20
		363.55	40
		363.55	60
37	Braided and woven elastic	349.20	10
38	Fishing nets and fish netting	355.35	00
39	Gloves and mittens	704.05	20
		704.10	30
		704.15	35
		704.40	20
		704.45	30
		704.50	35

See footnotes at end of table.

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
40	Hose and half hose	374.05	20
		374.10	20
		374.15	20
		374.40	20
		374.45	20
41	T-shirts, all white, knit, men's and boys'	380.06	35
42	T-shirts, other knit	380.03	07
		380.03	08
		380.06	40
		382.03	11
		382.06	60
43	Shirts, knit, other than T-shirts and sweatshirts	380.06	50
		382.06	70
44	Sweaters and cardigans	380.06	55
		382.06	80
45	Shirts, dress, not knit, men's and boys'	380.03	57
		380.03	58
		380.27	52
		380.27	55
		380.27	59
		380.27	62
		380.27	65
46	Shirts, sport, not knit, men's and boys'	380.27	59
		380.03	59
		380.27	82
		380.27	85
		380.27	87
		380.27	89
		380.27	92
		380.27	95
		380.27	97
47	Shirts, work, not knit, men's and boys'	380.27	99
		380.27	72
		380.27	75
		380.27	77
		380.27	78
		380.27	79
48	Raincoats, ¾ length or longer, not knit	380.09	10
		380.09	20
		380.12	10
		380.12	20
		382.09	02
		382.09	04
		382.09	06
		382.09	08
		382.09	10
		382.09	12
		382.12	02
		382.12	04
		382.12	06
		382.12	08
		382.12	10
		382.12	12
49	Coats, other, not knit	380.09	40
		380.09	60
		380.09	80
		380.09	90
		380.12	40
		380.12	60
		380.12	80
		380.12	90
		382.09	14
		382.09	16
		382.09	18
		382.09	20
		382.09	22
		382.09	24
		382.12	14
		382.12	16
		382.12	18
		382.12	20
		382.12	22
		382.12	24
50	Trousers, slacks and shorts (outer), not knit, men's and boys'	380.39	22
		380.39	25
		380.39	27
		380.39	29
		380.39	32
		380.39	35
		380.39	37
		380.39	39
51	Trousers, slacks and shorts (outer), not knit, women's, girls' and infants'	382.03	74
		382.03	75
		382.33	46
		382.33	48
		382.33	50
		382.33	52
		382.33	54
		382.33	56
		382.33	58
		382.33	60
		382.33	62
		382.33	64

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
52	Blouses, not knit	382.03	54
		382.03	55
		382.03	56
		382.03	57
		382.03	58
		382.03	59
		382.33	02
		382.33	04
		382.33	06
		382.33	08
		382.33	10
		382.33	12
53	Dresses (including uniforms) not knit	382.03	63
		382.03	64
		382.03	65
		382.03	66
		382.03	67
		382.03	68
		382.33	14
		382.33	16
		382.33	18
		382.33	20
		382.33	22
		382.33	24
54	Playsuits, sunsuits, washsuits, creepers, rompers, etc., not knit, not elsewhere specified	380.03	56
		380.39	12
		382.03	71
		382.33	28
		382.33	30
		382.33	32
55	Dressing gowns, including bathrobes and beachrobes, lounging gowns, housecoats and dusters, not knit	380.03	53
		380.15	20
		380.15	40
		380.18	20
		380.18	40
		382.03	60
		382.15	20
		382.15	40
		382.15	60
		382.18	20
		382.18	40
56	Undershirts, knit, men's and boys'	382.18	60
		378.10	14
57	Briefs and undershorts, men's and boys'	378.15	14
		378.10	16
		378.10	29
		378.10	34
		378.15	16
		378.15	29
		378.15	34
		378.20	12
		378.25	12
58	Drawers, shorts, and briefs, knit, not elsewhere specified	378.05	21
		378.05	31
		378.05	32
		378.05	33
		378.05	42
		378.05	41
		378.05	44
		378.05	46
		378.05	51
		378.05	52
		378.05	54
		378.10	32
		378.10	39
		378.15	32
		378.15	39
59	All other underwear, not knit	378.05	62
		378.05	64
		378.05	71
		378.20	18
		378.20	30
		378.25	18
		378.25	30
60	Pajamas and other nightwear	380.03	05
		380.06	25
		380.21	00
		380.24	00
		380.30	09
		382.03	09
		382.06	50
		382.21	00
		382.24	00
		382.33	26
61	Brassieres and other body-supporting garments	376.24	20
		376.24	60
		376.28	20
		376.28	60

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
62	Wearing apparel, knit, not elsewhere specified	373.05	10
		373.10	10
		378.10	12
		378.15	12
		380.03	01
		380.03	02
		380.03	03
		380.03	06
		380.03	09
		380.03	11
		380.03	12
		380.03	13
		380.03	16
		380.06	10
		380.06	15
		380.06	20
		380.06	45
		380.06	30
		380.06	60
		380.06	90
		382.03	01
		382.03	02
		382.03	03
		382.03	04
		382.03	05
		382.03	06
		382.03	07
		382.03	08
		382.03	10
		382.03	12
		382.03	13
		382.03	14
		382.03	15
		382.03	17
		382.03	18
		382.06	05
		382.06	10
		382.06	15
		382.06	20
		382.06	25
		382.06	30
		382.06	35
		382.06	40
		382.06	45
		382.06	55
		382.06	65
		382.06	75
		382.06	85
		382.06	90
		382.06	95
		702.05	12
		702.05	16
		702.05	22
		702.06	26
		704.45	62
		704.50	62
63	Wearing apparel, not knit, not elsewhere specified	373.05	40
		373.10	45
		380.03	50
		380.03	51
		380.03	52
		380.03	54
		380.03	55
		380.03	60
		380.03	61
		380.03	63
		380.30	00
		380.33	00
		380.36	00
		380.39	00
		382.03	60
		382.03	61
		382.03	62
		382.03	70
		382.03	72
		382.03	73
		382.03	76
		382.03	77
		382.27	00
		382.30	00
		382.33	34
		382.33	36
		382.33	38
		382.33	40
		382.33	42
		382.33	44
		382.33	66
		702.10	12
		702.10	16
		702.10	22
		702.10	26
64	All other cotton textiles	704.40	62
		300.60	20
		300.60	22
		300.60	24
		300.60	26
		300.60	28
		303.10	00
		303.20	40
		303.20	42
		332.40	20

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
64	All other cotton textiles	332.40	40
		345.10	20
		345.10	40
		346.45	60
		347.10	00
		347.15	00
		347.25	20
		347.33	20
		347.33	40
		347.33	80
		348.00	10
		348.05	10
		349.10	10
		349.10	12
		349.30	10
		350.00	10
		351.05	00
		351.25	10
		351.40	10
		351.46	10
		351.50	10
		351.60	10
		351.80	10
		351.90	10
		352.10	10
		352.30	10
		352.40	10
		352.50	00
		352.80	10
		353.10	10
		353.50	12
		353.50	14
		353.50	16
		355.05	10
		355.50	00
		355.65	10
		356.10	10
		356.15	10
		356.20	00
		356.25	10
		357.60	10
		357.70	10
		357.80	10
		358.05	10
		358.10	10
		358.24	10
		358.26	10
		359.10	20
		359.10	40
		359.10	60
		360.20	00
		360.25	00
		360.30	00
		360.75	22
		360.80	22
		361.05	22
		361.05	42
		361.15	10
		361.50	00
		361.54	22
		361.56	22
		363.01	00
		363.05	10
		363.05	25
		363.40	20
		363.40	40
		363.45	20
		363.45	40
		363.60	25
		363.60	40
		364.11	20
		364.12	20
		364.15	20
		365.00	00
		365.15	10
		365.25	10
		365.31	10
		365.35	10
		365.40	10
		365.50	10
		365.55	00
		365.60	10
		365.70	10
		365.75	10
		365.78	40
		366.03	00
		366.06	00
		366.09	00
		366.15	20
		366.45	00
		366.46	00
		366.47	00
		366.57	00
		366.60	00
		366.63	00
		366.65	00
		366.69	00
		366.77	00
		366.79	00
		372.05	10
		372.10	10
		372.10	40
		372.15	20
		372.15	40

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBER—Continued

Category	Description	Item	Statistical suffix
64	All other cotton textiles	372.15	60
		376.04	20
		376.54	00
		385.25	00
		385.30	00
		385.40	00
		385.55	20
		385.60	20
		385.70	20
		385.75	20
		385.80	20
		386.05	10
		386.10	10
		386.20	00
		386.25	00
		386.30	00
		386.40	00
		706.20	10
		706.20	20
		706.20	30
		706.22	20
		706.22	40
		706.22	60
		706.24	10
		706.24	20
		706.24	30
		727.80	10
		727.80	12
		734.50	40

[1] The fourth and fifth digits represent yarn number or yarn number groups (e.g., 01 through 59 represent yarn numbers 1 through 59; 60 represents yarn numbers 60 through 69; 86 represents yarn numbers 110 through 119; etc.).

[2] The fourth and fifth digits represent average yarn number or average yarn number groups (e.g., 01 through 79 represent average yarn numbers 1 through 79; 80 represents average yarn numbers 80 through 89; 92 represents average yarn numbers 140 through 159, etc.).

[3] The phrase "chief value, but not wholly of cotton" as it appears in the description of items 326 through 331 means "containing (in addition to cotton) silk or man-made fibers, or both, but not containing other fibers."

[4] The item numbers for lawn and voile are enumerated in categories 11, 12, 13 and 14. Until historical data for these commodities have been established, however, imports will be reported in category 26 if carded and 27 if combed.

[5] Includes lawn and voile. The item numbers for lawn and voile are enumerated in categories 11, 12, 13 and 14. Until historical data for these commodities have been established, however, imports will be reported in category 26 if carded and 27 if combed.

NOTES

1. The term "fancy or figured" as used in categories 5 and 6 and 9 through 27 means fabrics which have been woven with two or more colors or kinds of filling; with eight or more harnesses; or with jacquard, lappet, or swivel attachments; or by any combination of these weaving methods.

2. For purposes of this publication, the term "not ornamented" means "not of lace or net, and not ornamented".

3. For purposes of statistical reporting, apparel imported in sets, suits, or other combinations is generally reported in the statistical position providing for the components of the set, suit or combination. For example, the components of men's and boys' two piece cotton suits are reported under "coats" and "trousers". An exception to this general rule, is apparel determined to be "entireties". An article is considered to be an entirety when it is so manufactured that the use of one part without the other is not practicable.

4. The commodities enumerated in some categories are not in harmony with the category descriptions. For example, item number 380.03 58 (work shirts, ornamented) appears in category 45 entitled "shirts, dress, not knit, men's and boys' "; and item number 366.18 40 (dish towels of pile or tufted construction) appears in category 31 entitled "towels, other" instead of category 30 entitled "towels, dish". These and other apparent anomalies in category composition have resulted from recent detailed statistical breakouts of commodities heretofore reported in more general groupings. For example, prior to October 1, 1962, terry-woven dish towels and other terry-woven towels were reported in a single statistical position in category 31. Because of the desirability of maintaining historical statistical data by category, commodities broken out of "basket" or general groupings have been left in the categories into which they were formerly classified.

[F.R. Doc. 63-10302; Filed, Sept. 30, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14758]

BALAIR AG

Notice of Prehearing Conference

Application of Balair AG for the renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 9, 1963, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., September 25, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10381; Filed, Sept. 30, 1963; 8:48 a.m.]

[Docket No. 13777; Order No. E-20045]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of September 1963.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17280, R-1.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and assigned the above designated C.A.B. Agreement number.

The agreement, adopted at the 15th meeting of the Traffic Conference 1 Specific Commodity Rates Board held in New York City, July 17-19, 1963, relates to specific commodity rates. In general the agreement names rates under existing descriptions to additional points and revalidates for a further period of effectiveness rates under existing descriptions. In addition, the agreement cancels a number of existing rates either because they have proved uneconomic

or in light of the low northbound general commodity rates that are to become effective October 1, 1963.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R-1, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10382; Filed, Sept. 30, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1145]

NORTH ATLANTIC COAST PORTS TO PUERTO RICO

Reduction in Freight Rates on Automobiles

It appearing, that, there have been filed with the Federal Maritime Commission tariff schedules setting forth a reduced rate of 35 cents per cubic foot on certain types of "Vehicles, Self-Propelled" from North Atlantic Coast ports to ports in the Commonwealth of Puerto Rico to become effective September 15, 1963, and later, designated as follows:

ALCOA STEAMSHIP COMPANY, INC.

Outward Freight Tariff No. 3, FMC-F No. 4.
Third Revised Page No. 90.

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Outward Freight Tariff No. 2, FMC-F No. 3 (Pan-Atlantic Steamship Corporation Series).
Fifth Revised Page 113.

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Freight Tariff No. 6, FMC-F No. 2.
Sixth Revised Page 23.

MOTORSHIPS OF PUERTO RICO, INC.

Freight Tariff No. 1, FMC-F No. 1.
Sixth Revised Page No. 13.

SEATRAIN LINES, INC.

Outward Freight Tariff No. 1, FMC-F No. 1.
First Revised Page 105.

And it further appearing, that upon consideration of the said schedules and protests thereto, there is reason to believe that the said reduced rate, if permitted to become effective, would result in rates, charges, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended:

And it further appearing, that, the Commission is of the opinion that the tariff revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended;

And it further appearing, that the effective date of the said revisions should be suspended pending such investigation:

Now therefore it is ordered, That, an investigation be, and it is hereby, instituted into and concerning the aforementioned reduced rates on "Vehicles" with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

And it is further ordered, That each 35 cent per cubic foot vehicle rate published on the aforementioned revised pages be, and it is hereby suspended and that the use thereof be deferred to and including January 14, 1964, unless otherwise authorized by the Commission, and that the rates, charges, and/or practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension:

And it is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission:

And it is further ordered, That any carrier hereinafter made respondent in this proceeding, a consecutively numbered supplement to its aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 15th day of January, 1964, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission:

And it is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission:

And it is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Sea-Land Service, Inc., Puerto Rican Division, Seatrain Lines, Inc., Alcoa Steamship Company, Inc. and Motorships of Puerto Rico, Inc., be and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon all respondents and protestants herein; (IV) the said respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74).

By the Commission, September 12, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10377; Filed, Sept. 30, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-16520, G-16521]

APCO OIL CORP. ET AL.

Order Substituting Respondent, Redesignating Proceedings, and Requiring Filing of Undertaking To Assure Refund of Excess Charges

SEPTEMBER 24, 1963.

Apco Oil Corporation (successor to George S. Hammonds), Docket No. G-16520; [1] Apco Oil Corporation, et al. (successor to Scott Hammonds, et al.), Docket No. G-16521.[1]

On July 1, 1963, Apco Oil Corporation (Apco) filed a motion requesting that Apco be substituted as Respondent in lieu of George S. Hammonds and Scott Hammonds, et al. in Docket Nos. G-16520 and G-16521, respectively.

In support of its motion, Apco states that effective as of June 7, 1963, Apco acquired all the assets, properties, and rights covered by George S. Hammonds FPC Gas Rate Schedule No. 1 and Scott Hammonds, et al. FPC Gas Rate Schedule No. 1, to which the above-captioned proceedings relate.

By order of August 13, 1963, in Docket Nos. G-10647 and G-14919, the Commis-

[1] The proceeding in said docket has been consolidated with the area rate proceedings in Docket No. AR61-1, et al.

sion amended the certificate authorizations heretofore granted to George S. Hammonds and Scott Hammonds, et al. and substituted Apco as certificate holder.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Apco be substituted for George S. Hammonds in Docket No. G–16520 and for Scott Hammonds, et al. in Docket No. G–16521, that the proceedings be redesignated accordingly, and that agreements and undertakings be filed by Apco in each of the proceedings assuming the obligations heretofore undertaken by Apco's predecessor in each proceeding.

The Commission orders:

(A) Apco Oil Corporation is hereby substituted as Respondent in lieu of George S. Hammonds in Docket No. G–16520, and said proceeding is redesignated accordingly.

(B) Apco Oil Corporation, et al. is hereby substituted as Respondent in lieu of Scott Hammonds, et al. in Docket No. G–16521, and said proceeding is redesignated accordingly.

(C) Within 30 days of the issuance of this order, Apco shall file its agreement and undertaking to make refunds of any excess charges ordered by the Commission in Docket Nos. G–16520 and G–16521.

(D) Apco shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Apco's agreements and undertakings in the above-captioned dockets shall remain in full force and effect until discharged by the Commission.

(E) George S. Hammonds and Scott Hammonds, et al., are hereby released from any refund obligations in Docket Nos. G–16520 and G–16521, respectively.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10357; Filed, Sept. 30, 1963; 8:46 a.m.]

[Project No. 2393]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Notice of Application for Preliminary Permit

SEPTEMBER 24, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Columbus and Southern Ohio Electric Company (correspondence to: Mr. J. L. McNealey, Vice President, Columbus and Southern Ohio Electric Company, 215 North Front Street, Columbus 15, Ohio) for preliminary permit for proposed water-power Project No. 2393, to be known as the Gallipolis Dam Project, to be located on the Ohio River at the Gallipolis Locks and Dam, in Gallia County, Ohio.

The proposed project would consist of a powerhouse containing hydroelectric units totalling about 40,000 kilowatts located next to Gate Pier No. 9 on the Ohio side of the existing Gallipolis Locks and Dam.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 7, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10358; Filed, Sept. 30, 1963; 8:47 a.m.]

[Docket No. RI60–43]

S. T. CONSTANTINE ET AL.

Order Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Successor To File Surety Bond

SEPTEMBER 24, 1963.

S. T. Constantine (Operator), et al. and Roy E. Kimsey, Jr. (Operator), et al., Docket No. RI60–43.

On November 1, 1962, Roy E. Kimsey, Jr. (Operator), et al. (Kimsey) acquired by assignment the interest of S. T. Constantine (Operator), et al. (Constantine) in certain acreage dedicated under Constantine's contract with El Paso Natural Gas Company (El Paso), for the jurisdictional sale of natural gas in Crockett County, Texas (Railroad District No. 7–C). The contract between Constantine and El Paso is designated as Constantine's FPC Gas Rate Schedule No. 1 as supplemented. The presently effective rate under Constantine's FPC Gas Rate Schedule No. 1 is 14.69578 cents per Mcf, subject to refund in the proceeding in Docket No. RI60–43. On April 8, 1963, Kimsey filed a motion to be substituted as successor in interest in the above-entitled proceeding.

By letter order issued June 7, 1963 Kimsey was granted temporary authorization to sell gas to El Paso under its FPC Gas Rate Schedule No. 1.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder, that Kimsey be joined as co-respondent with Constantine in the rate proceeding in Docket No. 60–43, that such proceeding be redesignated accordingly, that Kimsey be responsible for refunding any excess charges which might be determined by the Commission from the date Kimsey acquired its interest, November 1, 1962, that Constantine continue to be responsible under its surety bond for the refund of any excess charges which might be determined by the Commission prior to November 1, 1962, and that Kimsey be required to file a surety bond in Docket No. RI60–43.

The Commission orders:

(A) Roy E. Kimsey, Jr. (Operator), et al. is hereby joined as co-respondent with S. T. Constantine (Operator), et al. in the proceeding in Docket No. RI60–43, and the proceeding is hereby redesignated as "S. T. Constantine (Operator), et al. and Roy E. Kimsey, Jr. (Operator), et al."

(B) Within 30 days from the issuance of this order Kimsey shall execute in the form set out below and shall file with the Secretary of the Commission a surety bond in the amount of $9,100 to assure refund of any excess charges which the Commission may require in Docket No. RI60–43. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such bond shall be deemed to be satisfactory and to have been accepted for filing.

(C) The corporate surety bond heretofore filed by Constantine in the proceeding in Docket No. RI60–43 shall remain in full force and effect until discharged by the Commission, and shall assure refund of any excess charges which might be determined in this proceeding to be applicable to sales prior to the acquisition by Kimsey.

(D) Kimsey shall comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder. The corporate surety bond filed by Kimsey shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10359; Filed, Sept. 30, 1963; 8:47 a.m.]

[Docket No. G–4054 etc.]

MIDLAND NATIONAL BANK ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

SEPTEMBER 24, 1963.

The Midland National Bank, Trustee (formerly (Pete) Lomax and J. P. Lomax), et al., Docket No. G–4054, et al.; Hurley Petroleum Corporation (formerly Alton Coats d/b/a Coats Drilling Company and Humble Gas Transmission Company), Docket No. G–4728; Hurley Petroleum Corporation (formerly Alton Coats d/b/a Coats Drilling Company and Humble Gas Transmission Company), Docket No. CI61–1381 and CP61–255.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, issued September 17, 1963, and published in the FEDERAL REGISTER September 24, 1963 (F.R. Doc. 63–10102; 28 F.R.–10365); make the following changes in the chart, on page 10365, after:

Docket No. G–4728, change "Tenneco Corporation" to read "Tennessee Gas Transmission Company".

Docket No. CI61–1381, change price to read "4.2193 cents" in lieu of "25.0 cents" and pressure base to read "14.65" in lieu of "15.325".

Docket No. CP61–255, change price to read "4.2193 cents" in lieu of "16.0 cents".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10361; Filed, Sept. 30, 1963; 8:47 a.m.]

[Docket No. CP64–49]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

SEPTEMBER 24, 1963.

Take notice that August 26, 1963, Transcontinental Gas Pipe Line Corporation (Applicant) with its principal place of business in Houston, Texas, filed in Docket No. CP64–49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the rendition of service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The application seeks authority to construct and operate a sales meter station and appurtenant equipment to be located in Pittsylvania County, Virginia, at milepost 1425.69 on Applicant's main 36-inch transmission line. The application states that said meter station will be utilized as an additional point of delivery for natural gas service to Lynchburg Gas Company (Lynchburg Gas), an existing customer for resale.

Applicant states that Lynchburg Gas has requested the proposed new delivery point in order that natural gas service can be provided to the Virginia towns of Altavista and Hurt and to two industrial plants in the area, Burlington Industries at Altavista and Klopman Mills, Inc. at Hurt. Physical deliveries of the volumes purchased by Lynchburg Gas at the proposed point of delivery will be made into facilities of Lynchburg Pipe Line Company (Lynchburg Pipe), its wholly owned subsidiary, which will purchase such volumes from Lynchburg Gas for resale to the two towns and the two industrial customers. These volumes are estimated at a maximum of 1,575 Mcf per day, of which 240 Mcf will be on a firm basis, out of allocations previously authorized by the Commission.

The application contends that Lynchburg Pipe itself or through its parent Lynchburg Gas, will construct and operate all facilities between the proposed sales meter station and the Altavista-Hurt area consumers.

The application estimates that the proposed facilities will cost approximately $17,000 and will be initially financed by Applicant from its general funds. Lynchburg Gas has agreed to reimburse Applicant in full for the entire cost of the meter station.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10362; Filed, Sept. 30, 1963; 8:47 a.m.]

[Docket No. CP62–290]

TRANSWESTERN PIPELINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 24, 1963.

Take notice that on June 6, 1962, as supplemented on July 9 and October 29, 1962, Transwestern Pipeline Company (Applicant) filed in Docket No. CP62–290 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing;

1. the construction and operation of a metering station at a point on its existing 10-inch McLean lateral in Gray County, Texas, at a cost of $7,064;

2. the sale of natural gas by Applicant to Gray County Gas Company for resale in the City of LeFors, Texas, pursuant to an agreement between the parties dated September 15, 1961;

all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

The contract provides for sale at a maximum of 1000 Mcf per day, at a rate of 35 cents per Mcf (at 14.73 psia).

Applicant states that Gray County Gas Company's estimates of peak day and annual requirements for each of the first 3 years are:

Peak day	500 Mcf
Annual	50,000 Mcf

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10363; Filed, Sept. 30, 1963; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4164]

BROCKTON EDISON CO.

Notice of Filing of Application-Declaration Regarding Proposals To Issue and Sell First Mortgage Bonds and Preferred Stock at Competitive Bidding and Related Increase in Authorized Shares of Preferred Stock

SEPTEMBER 25, 1963.

Notice is hereby given that Brockton Edison Company ("Brockton"), 36 Main Street, Brockton 67, Massachusetts, an electric utility subsidiary company of Eastern Utilities Associates, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 6(b), 7, and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Brockton proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $5,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, -- Percent Series, due 1993. The interest rate of these new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest from October 1, 1963, to be paid to Brockton (which will be not less than the principal amount nor more than 102¾ percent thereof) will be determined by competitive bidding.

The new bonds will be issued under the Indenture of First Mortgage and Deed of Trust, dated as of September 1, 1948, between Brockton and State Street Bank

and Trust Company, as Trustee, as heretofore amended and supplemented and as to be further supplemented by a Sixth Supplemental Indenture to be dated as of October 1, 1963.

The net proceeds (estimated at $4,969,000) from the sale of the new bonds, together with treasury funds and/or funds supplied from short-term bank loans, will be used to redeem Brockton's outstanding $5,000,000 principal amount of Bonds, 5¼ Percent Series due 1989, at the redemption price of 105⅞ percent of the principal amount of such bonds plus accrued interest to the date fixed for redemption.

Brockton further proposes (1) to increase its capital stock in the amount of $6,000,000 which will consist of 60,000 shares of Preferred Stock with a par value of $100 per share ("new preferred stock") and (2) to reduce its capital stock in the same amount by redemption of its presently outstanding 40,000 shares of 5.60 percent Preferred Stock, par value $50 per share, and 40,000 shares of 5.48 percent Preferred Stock, par value $100 per share. The new preferred stock will be issued and sold pursuant to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the new preferred stock (which will be a multiple of .04 percent of the par value thereof) and the price, exclusive of accrued dividends from September 1, 1963, to be paid to Brockton (which will not be less than $100 nor more than $102.75 per share) will be determined by competitive bidding. Brockton will use the net proceeds from the proposed sale of the new preferred stock, together with treasury funds and/or funds supplied from short-term bank loans, to redeem its presently outstanding 5.60 percent and 5.48 percent Preferred Stocks, at their current redemption prices of $54.18 and $107.91, respectively.

The fees and expenses to be incurred by Brockton in connection with the bond transactions are estimated to aggregate $31,000, including printing expenses of $10,000, legal fees and expenses of $5,875, and accounting fees of $1,000; and the fees and expenses to be incurred in connection with the preferred stock transactions are estimated to aggregate $27,000, including printing expenses of $8,500, legal fees and expenses of $6,875, and accounting fees of $1,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, are estimated at $4,800 in the case of the bonds and $5,800 in the case of the preferred stock.

The application-declaration further states that the proposed transactions are subject to the jurisdiction and approval of the Department of Public Utilities of the Commonwealth of Massachusetts, the State commission of the State in which Brockton is organized and doing business; and that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 17, 1963, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10366; Filed, Sept. 30, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 26, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38554: *Agricultural implements—official territory to Colorado points.* Filed by Western Trunk Line Committee, agent (No. A-2328), for interested rail carriers. Rates on agricultural implements and related articles, as described in the application, in carloads, from points in official (not including Illinois) territory, to specified points in Colorado.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 89 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1578.

FSA No. 38555: *Newsprint paper to southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8449), for interested rail carriers. Rates on newsprint paper, in carloads, from Fort William, Kenora, Port Arthur, and West Fort William, Ontario, Canada, and Pine Falls, Manitoba, Canada, to points in southwestern territory.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 74 to Southwestern Freight Bureau, agent, tariff I.C.C. 4340.

FSA No. 38556: *Bituminous coal from Alabama Mines.* Filed by O. W. South, Jr., agent (No. A-4375), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mines in Alabama, to South Chattanooga, Tenn., and Rossville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 81 to Southern Freight Association, agent, tariff I.C.C. S-39.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10370; Filed, Sept. 30, 1963; 8:47 a.m.]

[Notice 872-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 26, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66053. By order of Sept. 26, 1963, the Transfer Board approved the transfer to James L. Wile, Ipswich, Mass., of the operating rights issued by the Commission December 15, 1960, under Certificate No. MC 63971, to Brown & Sawyer, Inc., Ipswich, Mass., authorizing the transportation, over irregular routes of: Household goods, between Haverhill, Mass., and points in Massachusetts, within 20 miles of Haverhill, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Jeanne M. Hession, 64 Harvest Street, Dorchester 25, Mass., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10376; Filed, Sept. 30, 1963; 8:47 a.m.]

[Notice No. 872]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 26, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65975. By order of September 24, 1963, the Transfer Board approved the transfer to Todd Freight Lines, Inc., P.O. Box 1114, Modesto, Calif., of the operating rights claimed in No. MC 120505 (Sub-No. 1) under the "grandfather clause" of section 206(a)(7)(b), Interstate Commerce Act by Milo R. Brown and Maurice C. Brown, a partnership, doing business as Todd Freight Lines, 721 El Terino Street, Modesto, Calif., and the substitution of transferee as applicant for a certificate of registration from this Commission corresponding to the grant of intrastate authority to transferor issued by the California Public Utilities Commission in decisions Nos. 59702, 60029, 63220 and 63576.

No. MC-FC 66088. By order of September 25, 1963, the Transfer Board approved the transfer to Agnes H. Rude, Arlen W. Rude, and Freeman B. Rude, Jr., Agnes H. Rude, guardian, a partnership, doing business as Rude Transportation Company, 416 East Second Street, Redfield, S. Dak., of the operating rights claimed in No. MC 97738 (Sub-No. 3) under the "Grandfather clause" of section 206(a)(7)(b), Interstate Commerce Act by Charles J. Cowan, doing business as Pierre Truck Line, 1300 North Euclid, Pierre, S. Dak., and the substitution of transferee as applicant for a Certificate of Registration from this Commission corresponding to the grant of intrastate authority to transferor issued by the South Dakota Public Utilities Commission in Certificate No. 814.

No. MC-FC 66131. By order of September 25, 1963, the Transfer Board approved the transfer to Elaine W. Blakeley, doing business as Elaine's Wide World Travel Service, Salt Lake City, Utah, of the operating rights in License in No. MC 12685, issued April 3, 1961, to John F. Leach, doing business as Amalgamated Charter Service, Salt Lake City, Utah, authorizing service in connection with transportation by motor vehicle, of passengers and their baggage, in charter operations, from points in Arizona, Nevada, Idaho, and Wyoming to points in Salt Lake County, Utah, and return, and from points in Salt Lake County, Utah, to points in the United States (except Alaska and Hawaii) and return. R. Wm. Bradford, Jr., 900 Walker Bank Building, Salt Lake City, Utah, attorney for applicants.

No. MC-FC 66138. By order of September 25, 1963, the Transfer Board approved the transfer to Edward W. Eyring, doing business as Edward W. Eyring & Sons, Cleveland, Ohio; of certificate in No. MC 19009, issued September 3, 1940, to Arthur Harvey and Anna Harvey, a partnership, doing business as Art Harvey Moving and Trucking Co., Cleveland, Ohio; authorizing the transportation of: Household goods, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, traversing Indiana, Connecticut and Rhode Island for operating convenience only. Earl N. Merwin, 85 East Gay Street, Columbus, Ohio, 43215, attorney for applicants.

No. MC-FC 66197. By order of September 25, 1963, the Transfer Board approved the transfer to Samuel Fortunato, Inc., New York, N.Y., of Permit in No. MC 123518, issued October 25, 1961, to Samuel Fortunato, New York, N.Y., authorizing the transportation, over irregular routes, of imported cosmetics, toilet preparations, and ingredients thereof, including containers, packages, and advertising matter therefor, restricted to commodities having a prior movement by water, from import piers located in the New York, N.Y., Commercial Zone, as defined, to Totowa, N.J., with no transportation for compensation on return except as otherwise authorized. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 66261. By order of September 25, 1963, the Transfer Board approved the transfer to Owl Truck Company, a corporation, Compton, Calif., of Certificate in No. MC 66194, issued March 9, 1943, to Owl Truck & Construction Co. a corporation, Compton, Calif., authorizing the transportation, over irregular routes, of preserved foodstuffs, from Compton and Los Angeles, Calif., to Los Angeles, Harbor and Long Beach, Calif., coke, from Los Angeles and Long Beach, Calif., to Oxnard, Calif., machinery, materials, equipment, and supplies, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Los Angeles, Ventura, Kern, Orange, Kings, and Fresno Counties, Calif., and iron and steel articles, cotton and burlap bagging, chemicals, lubricating oils and greases, engines, motors, machinery, machinery parts, stone, building materials, other than lumber, coke, tar, pitch, and paints, between points in Los Angeles Harbor Commercial Zone and points in the Los Angeles Commercial Zone as defined by the Commission. James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles 13, Calif., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10371; Filed, Sept. 30, 1963; 8:47 a.m.]

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FEDERAL REGISTER

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Washington, Wednesday, October 2, 1963

THE UNIVERSITY OF MICHIGAN
OCT 7 1963
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UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

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PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On July 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6883) stating that the Federal Aviation Agency proposed to alter the Hilo, Hawaii, control zone, revoke the Hilo control area extension and designate the Hilo transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

Subsequent to the publication of the Notice, the FAA has determined that the transition area extension based on the Hilo VOR 091° True radial extending from 12 miles east to 20 miles east of the VOR is not required for air traffic control purposes. This change is reflected in the action taken herein.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Hilo, Hawaii, control zone is amended to read:

Hilo, Hawaii.

Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19°43'20" N., longitude 155°03'20" W.) and within 3 miles N and 2 miles S of the Hilo VOR 091° radial, extending from the 5-mile radius zone to 12 miles E of the VOR.

2. In § 71.165 (27 F.R. 220–59, November 10, 1962), the following control area extension is revoked:

Hilo, Hawaii.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Hilo, Hawaii.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19°43'20" N., longitude 155°03'20" W.), extending from a line 3 miles SW of and parallel to the Hilo VOR 334° radial clockwise to a line 3 miles SW of and parallel to the Hilo VOR 154° radial; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Hilo VOR, extending from the arc of a 7-mile radius circle centered on General Lyman Airport clockwise from a line 3 miles SW of and parallel to the Hilo VOR 334° radial to a line 5 miles S of and parallel to the Hilo VOR 121° radial, and within 10 miles NW and 7 miles SE of the Hilo VOR 034° radial, extending from the 30-mile radius area to 53 miles NE of the VOR.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 25, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10393; Filed, Oct. 1, 1963; 8:45 a.m.]

[Airspace Docket No. 63-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7357) stating that the Federal Aviation Agency (FAA) proposed to alter the Laramie, Wyo., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Laramie, Wyo., control zone is amended to read:

Laramie, Wyo.

Within a 5-mile radius of General Brees Field, Laramie, Wyo., (latitude 41°18'50" N., longitude 105°40'25" W.); within 2 miles each side of the Laramie VOR 332° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the 332° bearing from the Laramie RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962), the Laramie, Wyo., transition area is amended to read: That airspace extending upward from 1,200 feet above the surface within 6 miles W and 10 miles E of the Laramie VOR 332° and 152° radials, extending from 12 miles NW to 8 miles SE of the VOR.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10394; Filed, Oct. 1, 1963; 8:45 a.m.]

[Airspace Docket No. 63-WA-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Positive Control Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7359) stating that the Federal Aviation Agency (FAA) proposed to include portions of the airspace from flight level 240 to and including flight level 600 which are under the jurisdiction of the Miami air route traffic control center in positive control area. In addition to the area to be designated it was planned to depict on aeronautical charts a small area outside the Continental Control Area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Comment submitted by the Department of Defense stated that designation of area positive control in the Key West area would seriously hamper high performance aircraft training by imposing additional coordination for military aircraft movement along and across the narrow area positive control corridor oriented to the Florida Keys. The Federal Aviation Agency agrees that such a narrow corridor would provide few advantages to users and would create complications in control application. Action is therefore taken herein to eliminate the portion south of latitude 25°04'-00" N. from the designated positive control area. In addition, the Department of Defense objected to the depiction of the area outside the Continental Control Area. This area will therefore not be depicted and positive control service will not be provided outside of designated positive control areas.

Also included in this action is a slight change in the northern boundary in order that the boundary of the Miami positive control area will coincide with the southern boundary of the already designated positive control area to the north.

The substance of the proposed amendment having been published, therefore, and for the reasons stated herein and in the Notice, the following action is taken:

In § 71.193 (27 F.R. 220–157, November 10, 1962) the following is added:

Miami, Fla.

That airspace within the Continental Control Area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 29°00'00" N., longitude 80°48'00" W.; thence via a line which would delineate United States territorial waters around the Florida peninsula to latitude 29°14'30" N., longitude 83°07'30" W.; thence to latitude 29°29'00" N., longitude 82°39'00" W.; thence to latitude 29°22'00" N., longitude 82°25'30" W.; thence to latitude 29°22'00" N., longitude 82°02'20" W.; thence to latitude 29°08'25" N., longitude 81°48'20" W.; thence counterclockwise along

a five nautical mile radius arc centered at latitude 29°06'52" N., longitude 81°42'55" W.; to latitude 29°02'20" N., longitude 81°-41'30" W.; thence to latitude 28°57'45" N., longitude 81°37'15" W.; thence to latitude 29°00'00" N., longitude 81°34'20" W.; thence to the point of beginning, excluding that portion of the area south of latitude 25°04'00" N.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10395; Filed Oct. 1, 1963; 8:45 a.m.]

[Airspace Docket No. 63-SW-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to revoke the Tobe, Colo., transition area.

The Federal Aviation Agency has determined that the Tobe transition area is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Tobe transition area.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, § 71.181 (27 F.R. 220-139, November 10, 1962) is amended by revoking the following transition area: Tobe, Colo.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10396; Filed, Oct. 1, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1886; Amdt. 625]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models L-18 and PV-1 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring deactivation of the electric elevator trim tab actuators and providing a modification which when installed allows for reactivation on Lockheed Models L-18 and PV-1 Aircraft was published in 28 F.R. 7957.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models L-18 and PV-1 airplanes equipped with Spartan electrically actuated elevator trim tabs. Compliance required as indicated.

To prevent runaway operation of the electrically operated trim tab actuators, accomplish the following:

(a) Within 30 hours' time in service after the effective date of this AD unless already accomplished, electrically deactivate the elevator trim tab.

(b) Any tab deactivated may be reactivated when one of the following has been accomplished:

(1) On any Lockheed Model 18 or PV-1 airplane with Spartan electrically actuated elevator trim tab, the trim tab installation is made in accordance with STC SA2-183.

(2) An FAA approved modification to the speed and limits of actuation is accomplished. Modifications must be approved by the Chief of an FAA Engineering and Manufacturing Branch.

This amendment shall become effective November 1, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10391; Filed, Oct. 1, 1963; 8:45 a.m.]

[Reg. Docket No. 1845; Amdt. 624]

PART 507—AIRWORTHINESS DIRECTIVES

Navion and Twin Navion Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the main and nose gear retraction links with new redesigned parts on Navion and Twin Navion aircraft was published in 28 F.R. 7360.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One operator objected to the AD as being unnecessary and a burden because in his opinion the failures were the result of very hard landings or alleged poor quality control during manufacture. However, this comment does not cite any cases in support of either contention. On the other hand, in the majority of the 45 cases of retract link failure reported to the FAA in the past four years, the pilots reported that the airplane was not subjected to hard landings. Furthermore, there is no evidence to substantiate poor quality control. Because of the service history of the retract links, the Agency considers replacement with improved parts to be necessary in the interest of safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

NAVION. Applies to all Navion Serial Numbers NAV-4-2 and up, and all Twin Navion aircraft, Temco D16, Temco D16A, Dauby, Riley, and Camair 480.

Compliance required within the next 50 hours' time in service after the effective date of this directive.

Service experience indicates that the unsafe condition in the main and nose gear retraction links which prompted the issuance of ADs 61-12-4 and 62-14-4 cannot in all cases be detected by the inspection as required in those ADs. Therefore, the following must be accomplished:

(a) Replace the main gear retraction links with revised assembly Navion P/N 143-33165-20, Temco P/N 57001-9 or FAA approved equivalent having the longer lap welded center section that completely covers the turned down part of the end fitting.

(b) Replace the nose gear retraction link with revised assembly Navion P/N 145-34106-20, Camair P/N 1-6031 or FAA approved equivalent having the longer lap welded center section that completely covers the turned down part of the end fitting.

This supersedes Amendment 296, 26 F.R. 5121, AD 61-12-4, as amended by Amendment 381, 26 F.R. 12560, and Amendment 450, 27 F.R. 5654, AD 62-14-4.

This amendment shall become effective November 1, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10392; Filed, Oct. 1, 1963; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 30, 1963 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective July 30, 1963 (28 F.R. 7718), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding "Travis AFB, Calif." and "Tecate, Calif." to the "One-Hour, Within Metropolitan Area" list therein and by changing "Arlington, Va." from the "One-Hour, Within Metropolitan Area" list therein to the "Two-Hour, Within Metropolitan Area" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective October 2, 1963.

Done at Washington, D.C., this 27th day of September 1963.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 63-10451; Filed, Oct. 1, 1963; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases, and Normal Yields for 1964 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and are issued to amend the procedure for determining farm acreage allotments and small farm bases by (1) including the definition of wheat acreage, (2) making certain minor changes determined to be necessary or appropriate as a result of the preceding change, and (3) making certain corrections in spelling and in a reference to a section number. On page 6681 of the FEDERAL REGISTER of June 28, 1963 (28 F.R. 6681), there was published a notice of proposed rule-making covering definition of the term "wheat acreage" and the addition of a definition of the term "wheat cover crop". The text of the proposed amendments was included in the notice. After consideration of the views and recommendations received pursuant to such notice, the amendments outlined in the notice are adopted without change, with the following additions: A citation of authorities, basis and purpose paragraph, a provision to exclude from wheat acreage any acreage of wheat and crops other than grain listed under the Official Grain Standards of the United States if the average harvested yield of wheat in the mixture is three bushels or less per acre, a provision to exclude from wheat acreage any acreage of wheat mixture in wheat mixture counties, correction of the reference to "§ 728.17" in § 728.20(a) to read "§ 728.16," correction in spelling of the word "spinkorn" in § 728.10(m)(8) to "einkorn", addition of a new paragraph (o) to § 728.10 to define wheat mixture, addition of a new paragraph (p) to § 728.10 to name the wheat mixture counties, addition of a new paragraph (q) to § 728.10 to set out the final dates by States, counties, and areas in counties for the disposal of excess wheat acreage as wheat cover crop, which dates are considered to be not later than 30 days prior to the date wheat harvest normally begins in the county or area within the county, addition in the second sentence of § 728.10 the word "cropland" between the words "community committeemen" and "current year" to which the definitions in Part 718 or Part 719 of Chapter VII will apply, and by adding an effective date provision. With respect to the amendments included herein the texts of which were not included in the notice in 28 F.R. 6681, it is hereby determined that notice and public procedure thereon as provided for in section 4 of the Administrative Procedure Act are unnecessary and contrary to the public interest.

In order that the regulations herein may be applicable to producers making plans for seeding their 1964 crop of wheat, it is necessary that these amendments be made effective at once, and accordingly these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 728.10 is amended by adding paragraphs (m), (n), (o), (p), and (q) to read as follows:

(m) "Wheat acreage" means any acreage planted to wheat, and any acreage of volunteer wheat which reaches maturity, excluding:

(1) Any acreage of a mixture of other grains and wheat which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (Part 26 of this title).

(2) Any acreage of wheat cover crop.

(3) Any acreage of wheat grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station.

(4) Any acreage of wheat in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land provided such acreage is not harvested, but is left on the land for wildlife feed.

(5) Any acreage of unharvested wheat which is disposed of by mechanical means to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (ii) within an extended period of time as authorized by the State or county committee.

(6) Any acreage of unharvested wheat in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the State or county committee.

(7) Any acreage of unharvested wheat not in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the State or county committee; *Provided*, That this subparagraph (7) shall be applicable only if the producer requests the county committee to exempt such acreage not in excess of the allotment from the classification of wheat acreage (i) not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the State or county committee.

(8) Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat, and poulard wheat except that any acreage of such grains containing more than 10 percent wheat shall be considered wheat acreage.

(9) Any acreage of wheat and crops other than grains listed under the Official Grain Standards of the United States if the average harvested yield of wheat in the mixture is three bushels or less per acre.

(10) Any acreage of a wheat mixture in wheat mixture counties.

(n) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is, while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county.

(o) "Wheat mixture" means a mixture of wheat and other small grains which (1) when seeded, contained less than 50 percent of wheat by weight, and (2) when harvested, produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity. The seeding of any acreage of flax, Austrian winter peas, rough peas, and vetch with wheat or a mixture of wheat and other small grains will disqualify this acreage from the classification of wheat mixture. Volunteer infestations of flax, Austrian winter peas, rough peas or vetch will not change the classification of a crop otherwise qualifying as a wheat mixture. Such volunteer flax, vetch and peas shall be

excluded in determining the percentage of wheat and other small grains in a mixture.

(p) "Wheat mixture counties" means counties in the commercial wheat-producing area in which the seeding of wheat mixtures is a normal farming practice determined to be as follows: All counties in the States of Alabama, Arkansas, Georgia, Kentucky, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and Wisconsin; in the State of Idaho the counties of Ada, Bannock, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls and Washington; in the State of Oregon the counties of Benton, Clackamas, Douglas, Lane, Linn, Malheur, Marion, Polk, Washington and Yamhill; and in the State of West Virginia, Monroe County.

(q) Disposal dates. The final dates determined by the Administrator for the disposal of excess wheat acreage as wheat cover crop are considered to be not later than 30 days prior to the date wheat harvest normally begins in the county or area within the county. The dates for each crop year in each county or area within a county by which the excess acreage of wheat on the farm must be utilized in the prescribed manner as wheat cover crop, as defined in (n) of this section, unless extended as provided in Part 718 of this chapter, Determination of Acreage and Performance (24 F.R. 4223), and any amendments thereto, are as follows:

ALABAMA

April 25: Baldwin, Barbour, Butler, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, Pike, Washington.

May 1: Autauga, Bibb, Bullock, Chambers, Chilton, Choctaw, Clay, Coosa, Dallas, Elmore, Greene, Hale, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pickens, Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Wilcox.

May 15: All other counties.

ARIZONA

(Winter Wheat)

April 25: Maricopa, Pima, Pinal, Santa Cruz, Yuma.

May 15: Cochise, Gila, Graham, Greenlee.

June 1: Mohave (south of Colorado River), Yavapai.

June 10: Apache, Coconino, Mohave (north of Colorado River), Navajo.

(Spring Wheat)

August 1: Coconino, Navajo, Yavapo.

ARKANSAS

May 20: All counties.

CALIFORNIA

April 1: Imperial.

May 1: Butte, Colusa, Glenn, Kings, Madera, Mariposa, Nevada, Sacramento, San Joaquin, Stanislaus, Sutter, Tehama, Yolo, Yuba.

May 15: Alameda, Amador, Calaveras, Contra Costa (For Brentwood and Byron), El Dorado, Fresno, Lake, Los Angeles, Marin, Merced, Monterey, Orange, Placer, Riverside (For Palo Verde), San Benito (For Panoche), San Bernardino, San Diego, Santa Clara, Santa Cruz, Solano, Sonoma, Tulare, Tuolumne.

June 1: Alpine, Contra Costa (Except Brentwood and Byron), Inyo, Kern (Except Tehachapi and Temblor), Mono, Napa, Riverside (Except Palo Verde), San Mateo, Ventura.

June 5. Santa Barbara.

June 15: Kern (For Tehachapi and Temblor), Mendocino, San Benito (Except Panoche), San Luis Obispo.

June 20: Humboldt.

July 1: Shasta (For Anderson and Cottonwood), Siskiyou (For Shasta Valley), Trinity.

July 15: Lassen, Modoc (Except Durum), Plumas.

July 20: Sierra.

August 1: Modoc (For Durum), Shasta (Except Anderson and Cottonwood).

August 15: Siskiyou (Except Shasta Valley).

COLORADO

June 1: Baca, Bent, Cheyenne, Crowley, Kiowa, Las Animas, Otero, Prowers.

June 5: Kit Carson, Yuma.

June 10: Adams, Arapahoe, Elbert, El Paso, Huerfano, Lincoln, Logan, Morgan, Phillips, Pueblo, Sedgwick, Washington, Weld.

June 15: Boulder, Douglas, Jefferson, Larimer.

June 25: Archuleta, Custer, Delta, Dolores, Fremont, Gunnison, La Plata, Mesa, Montezuma, Montrose, Ouray, San Miguel.

July 20: Chaffee, Eagle, Garfield, Grande, Jackson, Moffat, Park, Pitkin, Rio Blanco, Routt, Teller.

August 1: Alamosa, Conejos, Costilla, Rio Grande, Saguache.

CONNECTICUT

June 1: All counties.

DELAWARE

May 31: All counties.

GEORGIA

April 25: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bullock, Screven, and all counties south thereof.

May 10: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

May 24: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

IDAHO

(Nonirrigated)

July 1: Ada, Canyon, Gem, Owyhee, Payette, Cassia, Lincoln, Minidoka, Washington.

July 15: Gooding, Jerome, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Jefferson, Blaine, Twin Falls.

August 1: Adams, Boise, Elmore, Camas, Bear Lake, Butte, Custer, Clark, Fremont, Lemhi, Madison, Teton.

August 15: Valley.

(Irrigated)

July 1: Ada, Canyon, Elmore, Gem, Owyhee, Payette, Washington.

July 15: Cassia, Gooding, Jerome, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power, Twin Falls.

August 1: Adams, Boise, Blaine, Camas, Bingham, Caribou, Bonneville, Clark, Jefferson.

August 15: Valley, Bear Lake, Butte, Custer, Fremont, Lemhi, Madison, Teton.

(Elevation under 2,600 feet)

July 15: Nez Perce.

August 1: Clearwater.

(Elevation over 2,500 feet)

August 1: Nez Perce.

August 15: Clearwater.

(Elevation under 3,500 feet)

July 15: Boundary, Kootenai.

August 1: Benewah, Bonner, Idaho, Latah, Lewis.

(Elevation over 3,500 feet)

August 1: Boundary.

August 15: Benewah, Bonner, Idaho, Kootenai, Latah, Lewis.

ILLINOIS

May 25: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

June 10: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, Woodford.

INDIANA

May 20: Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Knox, Lawrence, Martin, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Vanderburgh, Washington, Warrick.

June 1: Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Jefferson, Jennings, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Ohio, Owen, Parke, Putnam, Randolph, Ripley, Rush, Shelby, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Vigo, Warren, Wayne.

June 10: All other counties.

IOWA

(Winter Wheat)

June 1: All counties.

(Spring Wheat)

June 10: All counties.

KANSAS

May 15: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Kingman, Labette, Montgomery, Neosho, Sedgwick, Sumner, Wilson, Woodson.

May 22: All other counties except those listed below.

June 1: Cheyenne, Decatur, Gove, Greeley, Hamilton, Kearny, Logan, Norton, Rawlins, Scott, Sheridan, Sherman, Thomas, Wallace, Wichita.

KENTUCKY

May 30: All counties.

LOUISIANA

April 15: All counties.

MAINE

August 1: All counties.

MARYLAND

May 31: Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Prince Georges, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, Worcester.

June 10: Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Washington.

June 20: Allegany and Garrett.

MASSACHUSETTS

June 1: All counties.

MICHIGAN

June 10: All counties south of and including: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron.

June 15: All other counties in the lower Peninsula.

June 25: Upper Peninsula counties.

MINNESOTA

June 30: All counties.

MISSISSIPPI

May 10: All counties.

MISSOURI

May 15: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Scott, St. Francois, Ste. Genevieve, Stoddard, Wayne.

May 25: Barry, Barton, Bates, Benton, Boone, Callaway, Camden, Carter, Cass, Cedar, Christian, Cole, Cooper, Crawford, Dade, Dallas, Dent, Douglas, Franklin, Gasconade, Greene, Henry, Hickory, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Laclede, Lafayette, Lawrence, Lincoln, Maries, McDonald, Miller, Moniteau, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Pettis, Phelps, Polk, Pulaski, Reynolds, Ripley, Saline, St. Charles, St. Clair, St. Louis, Shannon, Stone, Taney, Texas, Vernon, Warren, Washington, Webster, Wright.

June 1: All other counties.

MONTANA

(Winter Wheat)

July 11: All counties.

(Spring Wheat)

July 21: All counties.

NEBRASKA

May 15: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 1: Antelope, Boone, Boyd, Brown, Buffalo, Cedar, Custer, Dakota, Dawson, Dixon, Frontier, Garfield, Greeley, Hayes, Hitchcock, Holt, Howard, Keya Paha, Knox, Lincoln, Loup, Madison, Merrick, Nance, Pierce, Platte, Polk, Red Willow, Rock, Sherman, Stanton, Valley, Wayne, Wheeler.

June 10: Chase, Dundy.

June 15: Arthur, Blaine, Cherry, Grant, Hooker, Keith, Logan, McPherson, Perkins, Thomas.

June 20: Banner, Cheyenne, Deuel, Garden, Kimball, Morrill, Scotts Bluff.

July 1: Box Butte, Dawes, Sheridan, Sioux.

NEVADA

June 20: All counties.

NEW HAMPSHIRE

July 10: All counties.

NEW JERSEY

June 10: All counties.

NEW MEXICO

(Winter Wheat)

May 10: Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otera, Sierra.

May 20: Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Socorro.

June 5: Bernalillo, Catron, Harding, McKinley, Sandoval, San Juan, Santa Fe, Torrance, Union, Valencia.

June 15: Colfax, Mora, Rio Arriba, San Miguel, Taos.

(Spring Wheat)

June 20: Bernalillo, Catron, McKinley, Sandoval, San Juan, Santa Fe, Torrance, Valencia.

July 1: Colfax, Mora, Rio Arriba, San Miguel, Taos.

NEW YORK

June 5: Nassau, Suffolk.

June 15: All other counties.

NORTH CAROLINA

May 31: All counties.

NORTH DAKOTA

July 8: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 15: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Ward, Wells, Williams.

OHIO

June 11: All counties.

OKLAHOMA

April 15: Comanche, Cotton, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman.

May 1: All other counties except those listed below.

May 15: Beaver, Cimarron, Texas.

OREGON

County	Area or type of wheat	Dates
Baker	Winter wheat	July 15
	Spring wheat	Aug. 1
Benton	Winter wheat	June 15
	Spring wheat	July 1
Clackamas	Winter wheat	June 15
	Spring wheat	July 1
Clatsop	Winter wheat	June 15
	Spring wheat	July 1
Columbia	Winter wheat	June 15
	Spring wheat	July 1
Coos	Winter wheat	June 15
	Spring wheat	July 1
Crook	All wheat	Aug. 1
Curry	Winter wheat	June 15
	Spring wheat	July 1
Deschutes	Winter wheat	July 15
	Spring wheat	Aug. 1
Douglas	Winter wheat	June 15
	Spring wheat	July 1
Gilliam	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Grant	Under 2,000 feet	Do.
	Over 2,000 feet	Aug. 15
Harney	All wheat	Aug. 1
Hood River	Winter wheat	June 15
	Spring wheat	July 1
Jackson	Winter wheat	June 15
	Spring wheat	July 1
Jefferson	Nonirrigated	July 20
	Irrigated	Aug. 1
	Warm Springs area	Do.
Josephine	Winter wheat	June 15
	Spring wheat	July 1
Klamath	Nonirrigated	Aug. 1
	Irrigated	Aug. 15
Lake	Nonirrigated	July 20
	Irrigated	Aug. 5
Lane	Winter wheat	June 15
	Spring wheat	July 1
Lincoln	Winter wheat	June 15
	Spring wheat	July 1
Linn	Winter wheat	June 15
	Spring wheat	July 1
Malheur	Under 3,000 feet	Do.
	Over 3,000 feet	July 15
Marion	Winter wheat	June 15
	Spring wheat	July 1
Morrow	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Multonomah	Winter wheat	June 15
	Spring wheat	July 1

OREGON—continued

County	Area or type of wheat	Dates
Polk	Winter wheat	June 15
	Spring wheat	July 1
Sherman	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Tillamook	Winter wheat	June 15
	Spring wheat	July 1
Umatilla	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Union	Winter wheat	July 1
	Spring wheat	July 15
Wallowa	Winter wheat	July 20
	Spring wheat	Aug. 20
Wasco	Winter wheat	June 15
	Spring wheat	July 15
	Warm Springs area	Aug. 1
Washington	Winter wheat	June 15
	Spring wheat	July 1
Wheeler	All wheat	Aug. 1
Yamhill	Winter wheat	June 15
	Spring wheat	July 1

PENNSYLVANIA

June 7: Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, York.

June 21: All other counties.

RHODE ISLAND

July 1: All counties.

SOUTH CAROLINA

May 5: Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, Williamsburg.

May 15: All other counties.

SOUTH DAKOTA

June 20: Pennington, Custer, Fall River, Shannon, Jackson, Washabaugh, Bennett, Jones, Lyman, Mellette, Todd, Tripp, Gregory, Charles Mix, Bon Homme, Yankton, Clay, Union.

July 1: All other counties.

TENNESSEE

May 20: All counties.

TEXAS

May 1: All counties.

UTAH

June 20: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington, Weber.

July 1: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, Uintah.

July 10: Daggett, Garfield, Morgan, Rich, Summit, Wasatch, Wayne.

VERMONT

July 10: All counties.

VIRGINIA

June 1: Accomack, Albemarle, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, York.

June 15: All other counties.

WASHINGTON

County	Area or type of wheat	Dates
Adams	Winter wheat	June 30
	Spring wheat	July 20
Asotin	All wheat:	
	Areas 1 and 4	July 30
	Area 2	July 1
	Area 3	July 20
	Area 5	Aug. 15
Benton	Winter wheat	June 30
	Spring dryland	Do.
	Spring irrigated	July 15
Chelan	Area A:	
	Winter wheat	Aug. 25
	Spring wheat	Sept. 1
	Area B:	
	Winter wheat	July 20
	Spring wheat	Aug. 5
Clallam	All wheat	July 15
Clark	do	Do.
Columbia	Area 1:	
	Winter wheat	June 20
	Spring wheat	June 30
	Area 2:	
	Winter wheat	July 5
	Spring wheat	July 15
	Area 3:	
	Winter wheat	July 20
	Spring wheat	July 30
Cowlitz	All wheat	July 15
Douglas	Winter wheat	July 10
	Spring wheat	Aug. 1
Ferry	Winter wheat	Do.
	Spring wheat	Aug. 20
Franklin	Winter wheat	June 30
	Spring wheat	July 10
Garfield	Area 1:	
	Winter wheat	June 20
	Spring wheat	July 1
	Area 2:	
	Winter wheat	July 15
	Spring wheat	July 25
	Area 3:	
	Winter wheat	July 30
	Spring wheat	Aug. 10
Grant	Area 1: all wheat	July 15
	Area 2: all wheat	June 30
	Area 3: all wheat	Aug. 10
Grays Harbor	All wheat	July 15
Island	do	Do.
Jefferson	do	Do.
King	do	Do.
Kitsap	do	Do.
Kittitas	do	Aug. 10
Klickitat	Area 1:	
	Spring wheat, west of Rock Creek and west of Goodnoe Hills area.	July 30
	Winter wheat	July 10
	Area 2: Goodnoe Hills area and east of Rock Creek except north of area 2 miles south of the dividing line between townships 4 and 5 in ranges 19, 20, and 21:	
	Winter wheat	June 30
	Spring wheat	July 10
	Area 3: area north of line 2 miles south of dividing line between townships 4 and 5 in ranges 19, 20, and 21:	
	Winter wheat	Do.
	Spring wheat	July 25
Lewis	All wheat	July 20
Lincoln	North Lincoln:	
	Winter wheat	July 10
	Spring wheat	Aug. 1
	South Lincoln:	
	Winter wheat	June 30
	Spring wheat	Aug. 1
Mason	All wheat	July 15
Okanogan	Area 1:	
	Winter wheat	Aug. 1
	Spring wheat	Aug. 20
	Area 2:	
	Winter wheat	July 10
	Spring wheat	Aug. 1
Pacific	All wheat	July 15
Pend Oreille	do	Aug. 20
Pierce	do	July 15
San Juan	do	Do.
Skagit	do	Do.
Skamania	do	Do.
Snohomish	do	Do.
Spokane	Winter wheat	July 10
	Spring wheat	Aug. 1
Stevens	Winter wheat	Do.
	Spring wheat	Aug. 20
Thurston	All wheat	July 15
Wahkiakum	do	Do.
Walla Walla	All wheat:	
	Above 1205 feet	Aug. 1
	Below 1205 feet	July 1
Whatcom	All wheat	July 15
Whitman	Winter:	
	Western	July 10
	Eastern	July 25
	Spring:	
	Western	July 20
	Eastern	Aug. 15
Yakima	All wheat	July 15

WEST VIRGINIA

June 15: All counties.

WISCONSIN

June 20: All counties except those listed below.

July 5: Barron, Brown, Burnett, Calumet, Chippewa, Clark, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Polk, Price, Rusk, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Wood.

July 15: Ashland, Bayfield, Douglas, Iron.

WYOMING

(Winter Wheat)

June 30: Goshen, Laramie, Platte.

July 5: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston (South of Highway 16).

July 20: Big Horn, Fremont, Hot Springs, Park, Washakie, Weston (North of Highway 16).

August 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

(Spring Wheat)

June 30: Goshen, Laramie, Platte.

July 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston (South of Highway 16).

August 1: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta, Weston (North of Highway 16).

2. Section 728.10 is further amended by inserting in the second sentence the word "cropland" between the words "community committeemen" and "current year".

3. Section 728.20(a) is amended by striking out "§ 728.17" and inserting in lieu thereof "§ 728.16".

(Secs. 301, 334, 335, 52 Stat. 38, as amended, 53, as amended, 54, as amended by 76 Stat. 621; 7 U.S.C. 1301, 1334, 1335 note)

Effective date: Upon publication in the FEDERAL REGISTER.

E. A. JAENKE,
Associate Administrator, Agricultural Stabilization and Conservation Service.

SEPTEMBER 26, 1963.

[F.R. Doc. 63-10452; Filed, Oct. 1, 1963; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

SURPLUS DATES AND EXEMPTION

Notice was published in the September 10, 1963, issue of the FEDERAL REGISTER (28 F.R. 9843) regarding a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) by adding a new section, § 987.147, to prescribe procedures applicable to surplus dates and by revising § 987.152(a) to add certain conditions in regard to producers' obtaining exemptions on direct sales to consumers. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is concluded that the proposed amendment, as hereinafter set forth, of the administrative rules and regulations will facilitate disposition of surplus dates thereby tending to increase overall returns to growers, provide additional guides and safeguards for use in the administration of certain exemptions authorized in this part, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174) is hereby amended as follows:

1. Section 987.147, reading as follows, is added thereto:

§ 987.147 **Surplus.**

(a) *Pooling, and payment of equity holders.* All surplus dates delivered to the Committee pursuant to § 987.47 in any crop year shall be disposed of as a pool: *Provided,* That if any such surplus dates contain a large portion of dates of a quality not less than that of marketable dates, as determined by the Committee, and some or all of such surplus dates are disposed of by the Committee at premium prices, a separate pool shall be established for all such dates. Equity holders or their assignees shall be paid, in accordance with § 987.47, the net proceeds from each pool in proportion to the weight of the surplus dates contributed to the particular pool.

(b) *Certain deliveries of surplus dates to the Committee.* Any holder of surplus dates may have them removed from his premises and delivered to the Committee by another person if such holder first notifies the Committee in writing of the removal and delivery. Such notification shall be on a release form provided by the Committee. The executed form shall include the name of the person authorized to remove the surplus dates, the date of the authorization, the approximate quantity to be removed, and a certification by the holder and the authorized person that the dates so removed will be delivered to the Committee or its designee(s) in accordance with § 987.47. The holder of the dates may assign his interest in such surplus dates in any pool to the authorized remover; and such assignment may be included in the executed form.

(c) *Condition.* As a condition to the Committee accepting surplus dates, the dates shall, as determined by the Committee, not be excessively soured or fermented and shall be free from tree rubble, thorns, rocks, paper, wood, glass, and other foreign matter. However, surplus dates may be delivered to the Committee for conditioning or cleaning and acceptance of the sound date material. The cost of the conditioning or cleaning shall be deducted from the equity holder's share of the net proceeds of the applicable pool. For the purpose of determining such share, the weight of surplus dates delivered shall be the conditioned or cleaned weight.

(d) *Delivery of small lots to the Committee.* As a condition for acceptance, the Committee may require the delivery of any lot of surplus dates weighing less than 5,000 pounds to a central point designated by the Committee.

(e) *Estimating weights.* With the consent of the person delivering the surplus dates, the Committee, or its representative for that purpose, may estimate at the time of loading, on the basis of the number of containers, the weight of any lot of dates of less than one truck load. Any person delivering surplus dates and desiring a certified scale weight for less than a truck load shall pay the transportation and other costs incurred in hauling such load to a scale. Upon obtaining a certified scale weight of an entire truck load comprised of containers of surplus dates of different persons, the Committee shall make appropriate adjustments in the applicable estimates.

(f) *Delivery manifest.* Upon delivery of surplus dates to the Committee each such deliverer shall execute that part of the Committee's form DAC SP–1, Delivery Manifest, captioned "Growers and Handlers" showing (1) the person to receive payment for the dates as provided in § 987.147(a), (2) the location of loading, (3) if field surplus, the location of the garden where grown, (4) the name of the owner of the garden, (5) the type and number of containers of the dates dumped, and (6) the estimated net weight of each load. The delivery manifest shall be signed by the person delivering the dates or his representative in charge of the loading, and the pink and yellow copies of the Delivery Manifest shall be retained by the deliverer.

(g) *Exemption.* A handler may feed surplus dates of his own production within his own livestock feeding operations after first giving the Committee notice of such intention and in such manner as the Committee may require.

§ 987.152 [Amendment]

2. Paragraph (a) of § 987.152 is revised to read as follows:

(a) *Producer exemptions.* (1) *Authorization.* Subject to the limitations in subparagraph (2) of this paragraph, any producer may, after obtaining written approval of the Committee, sell particular varieties of dates of his own production free of the requirements of §§ 987.45, 987.48 and 987.72 in the outlets and to the extent specified as follows:

(i) *Roadside stands or date shops.* Any quantity if sold directly to consumers at roadside stands or date shops at such locations within 25 miles of the city limits of Indio, California, as are specifically approved by the Committee; and

(ii) *Parcel post or express shipments.* Shipments by parcel post or express directly to consumers.

(2) *Limitations.* Each such approval by the Committee shall continue only so long as the producer does not purchase or acquire, except as an approved manufacturer or feeder, from any other producers or handlers any uncertified dates (i.e., not certified pursuant to § 987.41) of the variety or varieties for which exemptions have been approved for him pursuant to this paragraph.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This amendment is designed to facilitate the disposition of surplus dates, thereby tending to enhance overall returns to growers, and to provide safeguards now deemed necessary in the administration of certain exemptions from regulations; (2) the amendment should become effective as soon as practicable so as to be applicable to as much of the current crop year (which began August 1, 1963) as possible, thereby minimizing to the extent practicable any inequity among producers and handlers due to different requirements for different parts of the same crop year; (3) handlers have been aware of the proposed changes and have had ample time to prepare for operations thereunder; and (4) no useful purpose would be served by delaying the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 27, 1963, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-10449; Filed, Oct. 1, 1963; 8:48 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

REPORTING REQUIREMENTS

Notice was published in the September 12, 1963, issue of the FEDERAL REGISTER (28 F.R. 9923) regarding a proposal to amend subparagraph (1) in § 989.173(c) of Subpart—Administrative Rules and Regulations (7 CFR 989.101 to 989.176) to require handlers to report in their monthly reports of free tonnage shipments, the aggregate quantity of each varietal type of raisins shipped into export outlets, by countries of destination. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is concluded that the proposed amendment, as hereinafter set forth, of the administrative rules and regulations will provide data needed by the Committee in marketing policy determinations, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That subparagraph (1) in § 989.173(c) of Subpart—Administrative Rules and Regulations (7 CFR 989.101 to 989.176) is hereby amended as follows:

1. The word "and" appearing at the end of subdivision (iii) in subparagraph (1) of § 989.173(c) is deleted, subdivision (iv) thereof is redesignated as (v), and a new subdivision (iv) reading as follows is inserted:

(iv) Export outlets, by countries of destination; and

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The Committee will shortly be formulating its marketing policy for the current crop year which began September 1, 1963, and the information to be obtained is needed to provide a basis for estimating trade demand; (2) also, the amendment should become effective as early as practicable in the crop year so the data for this crop year will be as complete as possible and most useful in marketing policy determinations for future seasons; (3) handlers have been aware of the proposal to require the information and need no additional time for action; and (4) no useful purpose would be served by delaying the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 27, 1963, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-10450; Filed, Oct. 1, 1963; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs.; Amdt. No. 68]

PART 375—BLANKET (BLT) LICENSE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Miscellaneous Amendments

1. Part 375 is revised to read as follows:

PART 375—BLANKET (BLT) LICENSE

Sec.
375.1 Blanket (BLT) License.
375.2 Application requirements.
375.3 Issuance of license.
375.4 Export clearance.
375.5 Effect of other provisions.

AUTHORITY: Issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

§ 375.1 Blanket (BLT) License.

This part establishes a procedure for obtaining a Blanket (BLT) License, which if issued, authorizes the exportation of the same commodities requiring a validated license to two or more consignees in the same country of destination.

§ 375.2 Application requirements.

(a) *Application form and consignee list.* An Application for a Blanket (BLT) License shall be submitted on Form FC–419, Application for Export License (Revised Jan. 1956),[1] with Form FC–420, Application Processing Card,[1] attached, and shall be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each consignee. In preparing such a list, the applicant shall leave ample space between listings in order to enable Collectors of Customs to enter quantities shipped to each named consignee.

(b) *Preparation of application.* In preparing a license application, the applicant shall write the words "BLT License" in the commodity description space, and enter:

(1) In the ultimate consignee space, the statement "See attached list of consignees";

(2) In the quantity space, the total quantity of material to be exported; and

(3) In the value space, the unit price and the aggregate value of the material to be exported.

(c) *Processing of applications.* (1) If the Office of Export Control finds that it will require an extended period of time to process a BLT License application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a BLT License will be issued excluding such consignees. By this method, undue delay will be avoided in processing the application. The Office of Export Control in such instances will notify the applicant that an individual license application may be submitted to cover each excluded consignee.

(2) In the event the entire quantity approved is less than that for which the applicant applied, he may select any approved consignees to whom he prefers to ship. However, no one consignee may receive more out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

[1] Forms FC–419 and FC–420 may be obtained at all United States Department of Commerce Field Offices and from the Office of Export Control, United States Department of Commerce, Washington 25, D.C.

§ 375.3 Issuance of license.

(a) *Form of issuance.* A BLT License will be issued on Form FC–628, Export License, and will bear the identifying words "Blanket License" below the validation stamp. The list of approved ultimate consignees submitted in accordance with § 375.2(a) will be attached to and will become a part of the license.

(b) *Validity period.* Unless otherwise stated on the face of the license, a BLT License will be issued for a period ending on the last day of the sixth month following the month during which the license is validated.

§ 375.4 Export clearance.

(a) *Presentation of license to customs.* The BLT License shall be deposited with the Collector of Customs at the port of exit through which the largest number of shipments thereunder will move. The total amount shipped against such license shall not exceed the quantity approved for export, and the total quantity shipped to a single consignee shall not exceed the quantity specified for the respective consignee.

(b) *Shipment through another port.* Under the provisions of § 379.2(e) of this chapter, a Collector holding an export license may, at the request of the licensee, authorize the exportation from a different port of commodities covered by the license.

(c) *Shipment by mail.* Shipments may be made by mail without the necessity of obtaining additional licenses to effect such shipments, in accordance with the procedure described in § 379.1(b) of this chapter.

(d) *Tolerance.* When shipments are cleared against a BLT License, the tolerance provisions specified in § 379.2(h) of this chapter may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

(e) *Shipper's export declaration.* A person exporting any commodity pursuant to a BLT License shall enter the symbol "BLT" and the validated license number on each Shipper's Export Declaration filed with the Collector at the port of exit at the time of each exportation under each license.

§ 375.5 Effect of other provisions.

Insofar as consistent with the provisions of this Part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

2. Section 380.2 *Amendments or alterations of licenses*, paragraph (d) *Changes by amendment* is amended by deleting subparagraph (9).

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63–10388; Filed, Oct. 1, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–572]

PART 13—PROHIBITED TRADE PRACTICES

Cove Vitamin and Pharmaceutical, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.170–64 *Nutritive;* § 13.170–74 *Reducing, non-fattening, low-calorie, etc.;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cove Vitamin and Pharmaceutical, Inc., et al., Glen Cove, N.Y., Docket C–572, Sept. 6, 1963]

In the Matter of Cove Vitamin and Pharmaceutical, Inc., a Corporation, and Harry Bobley, Edward Bobley and Peter M. Bobley, Individually and as Officers of Said Corporation, and CDC Pharmaceutical Corporation, a Corporation, and Kenneth Beirn, individually.

Consent order requiring two associated corporate distributors of safflower oil capsules in Glen Cove, N.Y., to cease making a variety of false representations in a book, "Calories Don't Count", which they promoted jointly with the publishers, and in newspaper and magazine advertising with regard to the importance of polyunsaturated fats in the diet and their effectiveness in reducing, etc., as in the order below in detail set forth.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Cove Vitamin and Pharmaceutical, Inc., a corporation, and its officers, and Harry Bobley, Edward Bobley, and Peter M. Bobley, individually and as officers of said corporation, and CDC Pharmaceutical Corporation, a corporation, and its officers, and Kenneth Beirn, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a book entitled "Calories Don't Count", or any other book or books of the same or approximately the same content, material or principles, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

a. That the dietary principles expounded in this book are new, are based on a new discovery, are based on new knowledge or understanding, or constitute a medical breakthrough.

b. That a person will be able to loosen long-stored fat by the inclusion of polyunsaturated fatty acids in his diet.

c. That the book reflects an established scientific fact that polyunsaturated fatty acids are essential to an effective reducing diet, or that polyunsaturated fatty acids are more effective in a reducing diet than are other fats.

d. That said book enables a person to improve the condition of his skin or his resistance to colds or sinus trouble.

e. That other reducing principles and programs will cause loss of vital body tissue or are less safe than those set forth in said book.

f. That the book reflects an established scientific fact that it is necessary for a person to eat fat in order to lose weight.

g. That safflower oil in capsules or in any other form, or any other preparation of substantially the same ingredients is of substantial value as a part of a diet for the reduction of body weight.

2. The use in advertising of the title "Calories Don't Count", or representing in any other manner in advertising or promotional material, directly or by implication, that a person can reduce body weight regardless of the number of calories consumed by following the principles set forth in said book; provided, however, that any advertising or listing of the book which contains only the title and names of the author and publisher without any reference to the qualifications of the author, and which makes no claims concerning the efficacy of the dietary principles of the book shall not be prohibited hereby.

It is further ordered, That Cove Vitamin and Pharmaceutical, Inc., a corporation, and its officers, and Harry Bobley, Edward Bobley, and Peter M. Bobley, individually and as officers of said corporation, and CDC Pharmaceutical Corporation, a corporation, and its officers, and Kenneth Beirn, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a book entitled "Calories Don't Count", or any other book or books or in connection with the offering for sale, sale and distribution of safflower oil capsules or any other product or products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do cease and desist from:

1. Entering into, continuing, cooperating in or carrying out any planned course of action, understanding, agreement or combination between any of said respondents and any other respondent or respondents in the instant case or between said respondents, or any of them, and any others not parties hereto, to engage in:

a. Misrepresenting by any means or in any manner in connection with the advertising, offering for sale, sale or distribution of safflower oil capsules or any other product offered as a source of polyunsaturated fatty acids, the quality or merits of said products, or advertising, offering for sale, selling or distributing said products with the effect, purpose or intent to deceive, to mislead, or to make any false claims concerning the quality or merits of said product or products.

b. Publishing, participating in, or causing the publication of a book without clearly and conspicuously labeling same as an advertisement or otherwise clearly and conspicuously disclosing in the book and on its dust jacket, or on its cover if there be no dust jacket, or by its title that it is published in cooperation or in association with or by a supplier or associated group of suppliers of a service or commercial product mentioned or referred to in the book, the identity of such supplier or group and the identity of such service or product, when an objective of such publisher is the substantial use of the book as a merchandising tool for such service or commercial product, or an accord is present between the publisher and the supplier or associated group of suppliers which contemplates substantial use of the book as such merchandising tool.

c. Advertising any book which the respondent knows or reasonably should know is required by the preceding subparagraph (b) to contain a disclosure, without making substantially the same disclosure, in such advertising for said book as is required by the said preceding subparagraph (b).

2. Individually engaging in, doing, or performing any act, practice, or thing prohibited in the immediately foregoing provisions 1.(a), (b) or (c) of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 6, 1963.

By the Commission, Commissioner Elman not participating.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63–10407; Filed, Oct. 1, 1963; 8:45 a.m.]

[Docket No. C–571]

PART 13—PROHIBITED TRADE PRACTICES

Qualitone Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.235 *Source or origin;* § 13.235–60 *Place;* § 13.235–60(e) *Imported products or parts as domestic.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.12200 *Guarantees.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Qualitone Industries, Inc., et al., Tuckahoe, N.Y., Docket C–571, Sept. 4, 1963]

In the Matter of Qualitone Industries, Inc., a Corporation, and Saul J. Karns, Samuel Karns, and Dorothy Karns, Individually and as officers of Said Corporation

Consent order requiring New York City distributors of phonograph needles, record brushes and phonograph accessories to wholesalers and jobbers, to cease selling phonograph needles with Japanese and Swiss components with no disclosure of such foreign origin and with the words "Printed in U.S.A.", etc., on the individual packages and on counter display cards; packaging imported clip-on record brushes in such manner that the word "Japan" stamped into the metal was hidden until the brush was removed and attaching them for sale to counter display cards bearing the words "Printed and Made in U.S.A."; and using such false statements as "Karns 'Eternal' Diamond Stylus", "guaranteed forever", etc., on containers of stylie and in advertising, and the words "sapphire" or "jewel" to describe synthetic tips of phonograph needles on containers and on counter display cards.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents Qualitone Industries, Inc., a corporation, and its officers, and Saul J. Karns, Samuel Karns and Dorothy Karns, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of phonograph needles, record brushes, phonograph accessories or other related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, in advertising, or in labeling or by any other means that products manufactured in Japan, Switzerland or any other foreign country are manufactured in the United States.

2. Offering for sale or selling the aforesaid products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country of origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such degree of permanency as to remain thereon until consummation of consumer sales of the products, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the products.

3. Offering for sale, selling or distributing any such product packaged, or

mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

4. Using the words "Eternal" or "guaranteed forever" or "guaranteed forever even against wear", or any other word or words of similar import, alone or in conjunction with any other word or words to designate, describe or refer to respondents' diamond stylus; or misrepresenting in any manner the useful life of said product.

5. Placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out in section I herein.

II. *It is further ordered*, That respondents Qualitone Industries, Inc., a corporation, and its officers, and Samuel Karns and Dorothy Karns, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of phonograph needles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "sapphire" or "jewel" or any other word or words denoting precious stones, in designating or describing the points or tips of phonograph needles made of synthetic material of the kind so designated, without clearly stating in immediate connection with such word or words, that such points or tips are synthetic.

2. Placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out in section II herein.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 4, 1963.

By the Commission, Commissioner Elman not participating.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10400; Filed, Oct. 1, 1963; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-227; Order No. 271]

PART 35—FILING OF RATE SCHEDULES

Miscellaneous Amendments

SEPTEMBER 26, 1963.

The Commission has under consideration in this proceeding the amendment of Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations, to prescribe revised regulations governing the filing of rate schedules by public utilities and licensees.

Part 35 corresponds to and appears at pages 60–67 of the Commission's pamphlet publication of its regulations under the Federal Power Act. It was included as part of the regulations under the Federal Power Act by Order No. 141, effective January 1, 1948 (12 F.R. 8498), as amended by Order No. 158, effective May 1, 1951 (16 F.R. 2388).

This amendment completely revises the present regulations. More detailed cost and other data will be required hereafter in support of rate schedule submittals, which will enable the Commission to process rate schedule filings more expeditiously.

This proceeding was commenced by notice of proposed rulemaking served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on January 4, 1963 (28 F.R. 128). Copies of the proposed regulations were served and published as a part of that general notice. Subsequent to the general public notice of rulemaking in this proceeding, comments and suggestions were filed by the following classes of respondents: [1]

Public Utilities	47
State Commissions	8
Accounting Firms	1
Law Firms	1
Total	57

The majority of the comments were directed to the cost of service data required to be filed in support of rate schedule filings, and particularly to the data required to be submitted under § 35.13 in support of rate increases. Most of the parties filing comments stated that they considered this data to be burdensome and costly to compile. Many parties stated that the required cost of service data is not appropriate for power pooling and interchange agreements, and several objected to the required submission of over-all cost of service data. Objection was also made to the requirement of an opinion of an independent public accountant.

Accordingly, several changes have been made in § 35.13. The cutoff figure for rate increases which will require a full cost of service showing has been increased from $5,000 to $50,000; the rate of return information required has been reduced substantially; and the requirement of an opinion of an independent public accountant has been eliminated. In addition, for rate increases comprising an integral part of coordination and and interchange arrangements in the nature of power pooling transactions, only a summary statement of cost computations is required, rather than the detailed cost data required to be filed in support of other rate increases.

The requirement of over-all cost of service data, where applicable, has been retained because it is necessary to assess cost components recoverable through rates which are not subject to this Commission's jurisdiction in order to make the essential allocations between jurisdictional and nonjurisdictional factors. The remaining detailed cost data, which has been retained, is necessary for expeditious processing of rate schedule filings by the Commission.

There was also a substantial number of comments directed to the basic principles for design of fuel clauses. These principles have been simplified and numerous clarifying editorial changes have been made. It is anticipated that this simplification and clarification will satisfy many of the objections which were made to the fuel clause principles.

Clarifying editorial changes have also been made in several other sections of the Regulations, in response to suggestions made in the written comments.

Other comments not incorporated in the revision of the regulations were rejected because they were considered to be unnecessary or impractical. Several requests were made for a hearing. Since the parties have set forth their positions fully and completely in their written presentations, further amplification of these views in a hearing would serve no constructive purpose.

The Commission finds:

(1) The notice and opportunity to comment in this rulemaking proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003).

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations be amended in its entirety as hereinafter provided.

(3) Good cause exists for the amendment of the Regulations to Govern the Filing of Rate Schedules by Public Utilities and Licensees, effective November 1, 1963; all as hereinafter provided.

The Commision acting pursuant to its authority under the Federal Power Act, as amended, particularly sections 19, 20, 205, 206(a), 208, 209, 301 and 309 thereof (41 Stat. 1073, 49 Stat. 851, 852, 853, 854, 858; 16 U.S.C. 812, 813, 824d, 824e(b), 824g, 824h, 825, and 825h), orders:

(A) Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations is amended in its entirety to read as follows:

(B) This order shall become effective on November 1, 1963.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

Commissioner Ross dissenting to that part of § 35.14(a)(1), prescribed by this order, which requires a public utility "at least every five years" to make appropriate amendments in fuel clauses of its filed rate schedules.

Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

PART 35—FILING OF RATE SCHEDULES

Sec.
35.1 Application; obligation to file rate schedules.
35.2 Definitions.
35.3 Notice requirements.
35.4 Permission to become effective is not approval.
35.5 Rejection of material submitted for filing.
35.6 Submission for staff suggestions.
35.7 Number of copies to be supplied.
35.8 Comments by interested parties.
35.9 Identification and numbering of rate schedules.
35.10 Form and style of rate schedules.
35.11 Waiver of notice requirement.
35.12 Filing of initial rate schedules.
35.13 Filing of changes in rate schedules.
35.14 Fuel cost adjustment clauses.
35.15 Notices of cancellation or termination.
35.16 Notice of succession.
35.17 Changes relating to suspended rate schedules or parts thereof.
35.18 Rates established by order of the Commission.
35.19 Submission of information by reference.
35.20 Filing of rate schedules, notices, etc., by persons authorized to transmit electric energy from the United States to a foreign country.
35.21 Applicability to licensees and others subject to sections 19 or 20 of the Federal Power Act.

AUTHORITY: §§ 35.1 to 35.21, inclusive issued under secs. 19, 20, 41 Stat. 1073; secs. 205, 206(a), 208, 209, 301, 309, 49 Stat. 851, 852, 853, 854, 858; 16 U.S.C., 812, 813, 824d, 824e(b), 824g, 825h.

APPLICATION

§ 35.1 Application; obligation to file rate schedules.

(a) Every public utility shall file with the Commission and post, in conformity with the requirements of this part, full and complete rate schedules, as defined in § 35.2(b), clearly and specifically setting forth all rates and charges for any transmission or sale of electric energy subject to the jurisdiction of this Commission, the classifications, practices, rules and regulations affecting such rates and charges and all contracts which in any manner affect or relate to such rates, charges, classifications, services, rules, regulations or practices, as required by section 205(c) of the Federal Power Act (49 Stat. 851; 16 U.S.C. 824d(c)). Where two or more public utilities are parties to the same rate schedule, each public utility transmitting or selling electric energy subject to the jurisdiction of this Commission shall post and file such rate schedule, or the rate schedule may be filed by one such public utility and all other parties having an obligation to file may post and file a certificate of concurrence on the form indicated in § 131.52 of this chapter: *Provided, however*, In cases where two or more public utilities are required to file rate schedules or certificates of concurrence such public utilities may authorize a designated representative to file upon behalf of all parties if upon written request such parties have been granted Commission authorization therefor.

(b) A rate schedule applicable to a transmission or sale of electric energy, other than that which proposes to supersede, supplement, cancel or otherwise change the provisions of a rate schedule required to be on file with this Commission, shall be filed as an initial rate in accordance with § 35.12.

(c) A rate schedule applicable to a transmission or sale of electric energy which proposes to supersede, supplement, cancel or otherwise change any of the provisions of a rate schedule required to be on file with this Commission (such as providing for other or additional rates, charges, classifications or services, or rules, regulations, practices or contracts for a particular customer or customers) shall be filed as a change in rate in accordance with § 35.13, except Notices of Cancellation or Termination which shall be filed as a change in accordance with § 35.15.

(d) No public utility shall, directly or indirectly, demand, charge, collect or receive any rate, charge or compensation for or in connection with electric service subject to the jurisdiction of the Commission, or impose any classification, practice, rule, regulation or contract with respect thereto, which is different from that provided in a rate schedule required to be on file with this Commission unless otherwise specifically provided by order of the Commission for good cause shown.

§ 35.2 Definitions.

(a) *Electric service.* The term "electric service" as used herein shall mean the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale for resale in interstate commerce, and may be comprised of various classes of capacity and energy sales and/or transmission services. "Electric service" shall include the utilization of facilities owned or operated by any public utility to effect any of the foregoing sales or services whether by leasing or other arrangements. As defined herein, "electric service" is without regard to the form of payment or compensation for the sales or services rendered whether by purchase and sale, interchange, exchange, wheeling charge, facilities charge, rental or otherwise.

(b) *Rate schedule.* The term "rate schedule" as used herein shall mean a statement of (1) electric service as defined in paragraph (a) of this section, (2) rates and charges for or in connection with that service, and (3) all classifications, practices, rules, regulations or contracts which in any manner affect or relate to the aforementioned service, rates, and charges. This statement shall be in writing and may take the physical form of a contractual document, purchase or sale agreement, lease of facilities, tariff [2] or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part thereof.

(c) *Filing date.* The term "filing date" as used herein shall mean the date on which a rate schedule filing is completed by the receipt in the office of the Secretary of all supporting cost and other data required to be filed in compliance with the requirements of this part, unless such rate schedule is rejected as provided in § 35.5. If the material submitted is found to be incomplete, the Secretary will so notify the filing utility within 30 days of the receipt of the submittal.

(d) *Posting.* The term "posting" as used herein shall mean, (1) keeping a copy of every rate schedule of a public utility as currently on file, or as tendered for filing, with the Commission open and available during regular business hours for public inspection in a convenient form and place at the public utility's principal and district or division offices in the territory served, and (2) mailing to each purchaser under a rate schedule a copy of such rate schedule on the date it is sent to this Commission for filing. Posting shall include, in the event of the filing of increased rates or charges, the mailing to each purchaser under a rate schedule or schedules proposed to be changed and to each State Commission within whose jurisdiction such purchaser or purchasers distribute and sell electric energy at retail, a copy of the rate schedule showing such increased rates or charges, comparative billing data as required under this part, and, if requested by a purchaser or State Commission, a copy of the supporting data required to be submitted to this Commission under this part. Upon direction of the Secretary, the public utility shall serve copies of rate schedules and supplementary data

[1] All parties were given to and including Feb. 5, 1963, which date was later extended to March 1, 1963, to submit views and comments in writing concerning the aforesaid proposed revisions in the Commission's regulations to govern the filing of rate schedules by public utilities and licensees.

[2] The term "tariff" means a compilation, in book form, of rate schedules of a particular public utility, effective under the Federal Power Act, and a copy of each form of service agreement. In connection herewith, attention is invited to Part 154 of the Commission's regulations under the Natural Gas Act as a guide to the form and composition of a tariff.

upon designated parties other than those specified herein.

(e) *Effective date.* As used herein the "effective date" of a rate schedule shall mean the date on which a rate schedule filed and posted pursuant to the requirements of this part is permitted by the Commission to become effective as a filed rate schedule. The effective date shall be 30 days after the filing date, or such other date as may be specified by the Commission.

§ 35.3 Notice requirements.

(a) All rate schedules or any part thereof shall be tendered for filing with the Commission and posted not less than thirty days nor more than ninety days prior to the date on which the electric service is to commence and become effective under an initial rate schedule or the date on which the filing party proposes to make any change in electric service and/or rate, charge, classification, practice, rule, regulation or contract effective as a change in rate schedule, except as provided in paragraph (b) of this section, or unless a different period of time is permitted by the Commission. Nothing herein shall be construed as in any way precluding a public utility from entering into agreements which, under this section, may not be filed at the time of execution thereof by reason of the aforementioned 30 to 90 day prior filing requirements. The proposed effective date of any rate schedule filing having a "filing date" in accordance with § 35.2(c) may be deferred at the written request of the filing public utility submitted to the Secretary prior to its acceptance by the Commission.

(b) Rate schedules predicated on the construction of facilities may be tendered for filing and posted no more than 90 days prior to the date set by the parties for the contract to go into effect.

The Commission, upon request and for good cause shown, may permit a rate schedule or part thereof to be tendered for filing and posted more than 90 days before it is to become effective.

§ 35.4 Permission to become effective is not approval.

The fact that the Commission permits a rate schedule or any part thereof or any notice of cancellation to become effective shall not constitute approval by the Commission of such rate schedule or part thereof or notice of cancellation.

§ 35.5 Rejection of material submitted for filing.

The Secretary, pursuant to the Commission's rules of practice and procedure and delegation of Commission authority, shall reject any material submitted for filing with the Commission which patently fails to substantially comply with the applicable requirements set forth in this part, or the Commission's rules of practice and procedure.

§ 35.6 Submission for staff suggestions.

Any public utility may submit a rate schedule or any part thereof or any material relating thereto for the purpose of receiving staff suggestions and comments thereon prior to filing with the Commission.

§ 35.7 Number of copies to be supplied.

(a) Rate schedules or parts thereof and material relating thereto, certificates of concurrence, notices of cancellation or termination, and notices of succession submitted for filing shall be supplied to the Commission in duplicate: *Provided, however,* That a rate schedule filing which proposes increased rates or charges, together with the required data therefor, shall be furnished in quintuplicate.

(b) All documents submitted for filing, including the letter of transmittal, shall be included in one package, and addressed to the Federal Power Commission, Washington, D.C., 20426. The Secretary is authorized to request additional copies of such documents.

§ 35.8 Comments by interested parties.

Comments of any purchaser or other interested party concerning any rate schedule filing made pursuant to this part shall be submitted to the Commission within 20 days after the date of such rate schedule filing. This section shall not limit any opportunity to submit protests, complaints, notices of intervention, and petitions to intervene in accordance with the Commission's rules of practice and procedure.

§ 35.9 Identification and numbering of rate schedules.

Every rate schedule filed will be numbered by the Commission and the filing public utility advised of the Rate Schedule FPC number. Whenever a rate schedule offered for filing changes, alters or modifies any rate, charge, classification, or service, or any rule, regulation, practice or contract relating thereto, or provides additionally for a rate, charge, classification or service, or any rule, regulation or practice or contract relating thereto, but is dependent upon and amendatory of an existing rate schedule on file with the Commission, it will be designated as a supplement or an exhibit to the existing rate schedule and will be so numbered.

§ 35.10 Form and style of rate schedules.

(a) Every rate schedule offered for filing with the Commission under this part, shall show on a title page, which shall be otherwise blank, (1) the name of the filing public utility, (2) the names of other utilities rendering or receiving service under the rate schedule; and (3) a brief description of the service to be provided under the rate schedule.

(b) All rate schedules tendered for filing under this part must be printed or otherwise reproduced on 8½ inches wide by 11 inches long white, durable paper so as to result in a clear and permanent record. All copies must be clear, legible, complete, and must shown the name(s) of all signatories to executed documents.

§ 35.11 Waiver of notice requirement.

Upon application and for good cause shown, the Commission may, by order, provide that a rate schedule, or part thereof, shall be effective as of a date prior to the date of filing or prior to the date the rate schedule would become effective in accordance with these rules. Application for waiver of the prior notice requirement shall show (a) how and the extent to which the filing public utility and purchaser(s) under such rate schedule, or part thereof, would be affected if the notice requirement is not waived, and (b) the effects of the waiver, if granted, upon purchasers under other rate schedules. The filing public utility requesting such waiver of notice shall serve copies of its request therefor upon all purchasers.

DOCUMENTS TO BE SUBMITTED WITH A FILING

§ 35.12 Filing of initial rate schedules.

(a) The letter of a public utility transmitting to the Commission for filing an initial rate schedule shall list the documents submitted with the filing; give the date on which the service under that schedule is expected to commence; state the names and addresses of those to whom the rate schedule has been mailed; contain a brief description of the kinds of services to be furnished at the rates specified therein; and summarize the circumstances which show that all requisite agreement to the rate schedule or the filing thereof, including any contract embodied therein, has in fact been obtained. In the case of coordination and interchange arrangements in the nature of power pooling transactions, all supporting data required to be submitted in support of a rate schedule filing shall also be submitted by parties filing certificates of concurrence, or a representative to file supporting data on behalf of all parties may be designated as provided in § 35.1

(b) In addition, the following material shall be submitted:

(1) Estimates of the transactions and revenues under an initial rate schedule. This shall include estimates, by months and for the year, of the quantities of services to be rendered and of the revenues to be derived therefrom during the 12 months immediately following the month in which those services will commence. Such estimates should be subdivided by classes of service, customers, and delivery points and shall show all billing determinants, e.g., kw, kwh, fuel adjustment, power factor adjustment. These estimates will not be required where they cannot be made with relative accuracy as, for example, in cases of interconnection arrangements containing schedules of rates for emergency energy, spinning reserve or economy energy or in cases of coordination and integration of hydroelectric generating resources whose output cannot be predicted quantitatively due to water conditions.

(2) (i) Basis of the rate or charge proposed in an initial rate schedule and an explanation of how the proposed rate or charge was derived. For example, is it a standard rate of the filing public utility; is it a special rate arrived at through negotiations and, if so, were unusual customer requirements or competitive factors involved; and is it designed to produce a return substantially equal to the filing public utility's overall rate of return or is it essentially an increment cost plus a share of the savings rate? Were special cost of service studies prepared in connection with the derivation of the rate?

(ii) A summary statement of all cost (whether fully distributed, incremental or other) computations involved in arriving at the derivation of the level of the rate, in sufficient detail to justify the rate, shall be submitted with the filing, except that if the filing includes nothing more than service to one or more added customers under an established rate of the utility for a particular class of service, such summary statement of cost computations is not required. In all cases, the Secretary is authorized to require the submission of the complete cost studies as part of the filing, public utility shall submit the same upon request by the Secretary in such form as he shall direct.

(3) A comparison of the proposed initial rate with other rates of the filing public utility for similar wholesale for resale and transmission services.

(4) If any facilities are installed or modified in order to supply the service to be furnished under the proposed rate schedule, the filing public utility shall show on an appropriate available map (or sketch) and single line diagram the additions or changes to be made.

§ 35.13 Filing of changes in rate schedules.

(a) The letter of a public utility transmitting to the Commission for filing a rate schedule, or part thereof, to supersede, supplement or otherwise change the provisions of a rate schedule required to be on file with the Commission, shall list the documents submitted with the filing; give the date on which the filing public utility proposes to make the changes in service and/or rate, charge, classification, rule, regulation, practice or contract effective; state the names and addresses of those to whom copies of the rate schedule has been mailed; include a brief description of the proposed changes in service and/or rate, charges, etc.; state the reasons for the proposed changes; and summarize the circumstances which show that all requisite agreement to the rate schedule or the filing thereof, including any contract embodied therein, has in fact been obtained. In the case of coordination and interchange arrangements in the nature of power pooling transactions, all supporting data required to be submitted in support of a rate schedule filing shall also be submitted by parties filing certificates of concurrence, or a representative to file supporting data on behalf of all parties may be designated as provided in § 35.1.

(b) In addition the following material shall be submitted:

(1) A statement comparing sales and services and revenues therefrom, by months and for the year, under both the rate schedule proposed to be superseded or supplemented and the proposed changed rate schedule, each applied to the transactions for the 12 months immediately preceding and to the 12 months immediately succeeding the date on which the new rate schedule is to become effective. Such comparisons should be made for each class of service, for each customer, and for each delivery point. The billing quantities involved in the computation of the charges should also be shown.

(2) A comparison of the proposed rate with other rates of the filing public utility for similar wholesale for resale and transmission services.

(3) If any facilities are installed or modified in order to supply the service to be furnished under the proposed rate schedule, the filing public utility shall show on an appropriate available map (or sketch) and single line diagram the additions or changes to be made.

(4) (i) Except as provided in subdivision (ii) of this subparagraph, if the rate schedule provides for an increased rate, then 60 days prior to the date that such changed rate is proposed to become effective the filing public utility shall submit a statement showing its cost of the service to be supplied under the new rate schedule according to supporting statements A through N as described below. Simultaneously, the public utility shall submit the material on sales and revenues described in paragraph (a) of this section and, unless the rate schedule containing the proposed increased rate is likewise simultaneously filed, a summary statement of such proposed increased rate: *Provided, however,* That the submittal of such summary statement of the rate schedule shall not be in lieu of the rate schedule as required to be filed with the Commission pursuant to the regulations in this part.

(ii) No cost of service data shall be required in cases where the application of the proposed change in rate schedule effects rate increase of less than $50,000 annually resulting from, but incidental to changes such as a rate design, delivery points and delivery voltage. Specifically designed rate increases of less than $50,000 annually (as opposed to incidental increases), increases resulting from changes made in fuel clauses, and increases of rates comprising an integral part of coordination and interchange arrangements in the nature of power pooling transactions, shall be supported by cost data as identified in § 35.12(b)(2).

(iii) The statement of the cost of service should contain an analysis of system costs for a test period of twelve consecutive months including return, taxes, depreciation, and operating expenses, and an allocation of such costs to the services rendered. The information submitted with the statement shall show the data itemized below for the test period, together with any significant changes in facilities, operations, or costs experience during that period, or which are known and are measurable with reasonable accuracy at the time of the filing, and which will become effective within eight months of the last month of available actual experience. Pursuant to application of the filing public utility made at the time of filing of a rate schedule, the Secretary may allow deviations from the data herein required.

(iv) The statement of cost of service shall include an attestation by the chief accounting officer or other authorized accounting representative of the filing public utility that the cost statements and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact, set forth the results shown by such books. Following is a description of statements A through N required to be filed pursuant to this subparagraph:

Statement A—Balance sheet. Balance sheets in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees as of the beginning and the end of the test period, and the most recently available balance sheet, including therein the footnotes, if any, applicable thereto.

Statement B—Income statements. Income statements in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees for the test period, and the most recently available income statement, including therein footnotes, if any, applicable thereto.

Statement C—Earned surplus statement. Earned surplus statements for the test period, showing debits and credits according to descriptive captions, the balance as of the beginning and the end of the test period, and the most recently available earned surplus statement, including therein the footnotes, if any, applicable thereto.

Statement D—Cost of plant. A statement of the cost of plant by functional classification[2] as of the beginning and the end of the test period.

Statement E—Accumulated depreciation. A statement of the accumulated provision for depreciation by functional classification as of the beginning and the end of the test period.

Statement F—Average working capital. A statement, by components, of the claimed working capital using averages of the amounts as of the beginning and the end of each month of the test period.

Statement G—Rate of return. Show the percentage rate of return claimed, with a brief statement of the basis therefor. Additionally, the following data should be furnished:[4]

(a) *Debt capital.* Show for each class and series of long-term debt outstanding as of the date of the most recently available balance sheet:

(1) Net proceeds.

(2) Net proceeds per unit.

(3) Cost of money and yield to maturity based on the interest rate and net proceeds per unit outstanding determined by reference to any generally accepted table of bond yields.

(4) Show weighted average cost of debt capital as determined from the foregoing detail.

(b) *Preferred stock capital.* Show for each class and series of preferred stock outstanding as of the date of the most recently available balance sheet:

(1) Net proceeds.

(2) Net proceeds per unit or share.

(3) Cost of money. Dividend rate divided by net proceeds per unit or share.

(4) Show weighted average cost of preferred stock capital as determined from the foregoing detail.

(c) *Common stock capital.* Show for each sale of common stock during the five-year period preceding the date of the most recently available balance sheet:

(1) Net proceeds.

[2] Functional classification refers to the classification as among production, transmission, distribution, and general functions.

[4] Where fifty percent or more of the common stock of the public utility is not held by the public but is owned by another corporation, the information required by this section in respect of debt capital and preferred stock capital shall be submitted to the extent applicable, and in addition the data described shall be submitted with respect to the debt, preferred stock and common stock of the parent company.

(2) Net proceeds per share.
(3) Book value per share at date immediately prior to date of issuance.
(4) Latest published earnings per share at date of issuance.
(5) Dividend rate at date of issuance.
(6) The following information on outstanding common stock for each of the five calendar years preceding the date of the most recently available balance sheet:

Years	Average number of shares outstanding	Book value (per share)	Annual earnings (per share)	Annual dividend (rate per share)	Dividends (percent earnings)	Average market price, basis monthly, high-low	Earnings price ratio[1]	Dividend price ratio[2]
1								
2								
3								
4								
5								

[1] Relationship of annual earnings per share to average of the 12 monthly high-low market values of stock. In the case of monthly data, use latest reported earnings in computing ration of earnings to average high-low market value for month.
[2] Relationship of dividend per share to average high-low market value of stock.

Statement H—Operating expenses. For the test period show operating expenses by functional classification.

Statement I—Depreciation expense. For the test period show depreciation expense by functional classification. The annual rates used in computing such expense and the method of determining such depreciation rates should also be shown.

Statement J—Income taxes. For the test period show income taxes computed on the basis of the rate of return claimed and separated as between Federal and State taxes; the principal components of the tax adjustments shall be described and the amounts thereof shown separately. Amounts for deferred taxes debit and credit should be shown. There also should be shown the amounts and basis of assignment of income taxes attributed to other utility departments and nonutility operations together with any tax savings affecting the total tax liability. If the filing public utility joins in a consolidated tax return, there shall be given the total estimated tax savings, expressed as a percentage, resulting from the filing of a consolidated return, as well as a full explanation of the method of computing the tax savings. Any abnormalities (such as nonrecurring income, gains, losses, deductions, etc.) affecting the income tax for the test period shall be explained and the tax effect thereon set forth.

Statement K—Other taxes. For the test period other taxes shall be classified under appropriate headings of Federal, State and local with appropriate subclassifications.

Statement L—Over-all cost of service. For the test period show the over-all cost of service for the filing public utility's electric utility operations during the test period, including allowances for return and income taxes based upon the rate of return claimed, together with the total electric utility operating revenues of the filing public utility for the test period. If the amount of the filing public utility's total electric utility operating revenue differs significantly from its overall cost of service including allowances for claimed return and income taxes, the filing public utility shall show the amounts available for return and taxes on income and return expressed as a percentage of rate base.

Statement M—Allocated cost of service. For the test period show the cost of service allocated to the sales or services for which the increased rate or charge is proposed, including the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(1) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show, in addition to the over-all cost of service, the cost of service related to such special facilities.

(2) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the proposed rate schedules and the kwh delivered from the filing public utility's supply system.

(3) Computations showing the demand responsibility of the service, based upon considerations of the monthly maximum demands supplied from the seller's system, the maximum demands of the service under the proposed rate schedules, and the demands of the service at the time of the maximum system demand. Such non-coincident and coincident demand data, including date and hour for the system and for the service, should be shown for each month of the test period together with a statement explaining how the demand ratio used in the filing party's cost study was derived.

(4) Estimated peak hour and annual energy losses applicable to sales under the proposed rate schedule expressed as a percentage of system output.

Statement N—Comparison of cost of service. For the test period compare the allocated cost of service shown in Statement L above with revenues under the proposed rates. If the amount of revenue under the proposed new rates differs significantly from allocated cost of service including allowances for claimed return and income taxes, the filing public utility shall show the amounts available for return and taxes on income, and shall show return expressed as a percentage of rate base allocated to the service concerned.

(1) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show, in addition to the over-all cost of service, the cost of service related to such special facilities.

Statement O—Fuel cost adjustment factor. If the rate schedule embodies a fuel clause, show the derivation of the fuel cost adjustment factor as stated therein.

(c) If a rate schedule required to be on file with this Commission is not required to be supported by cost of service data as set forth in this section but such data may be needed for Commission analysis, these regulations contemplate that each filing public utility may be required, by letter of the Secretary, to submit specified cost data.

(d) Filing public utilities in completing the supporting cost of service data herein required should be guided by applicable Commission precedents and policy statements considered in the light of their respective operating conditions and sales and services subject to this Commission's regulatory jurisdiction.

OTHER FILING REQUIREMENTS

§ 35.14 Fuel cost adjustment clauses.

(a) Fuel adjustment clauses which are not in conformity with the principles set out below are not in the public interest. These regulations contemplate that the filing of proposed rate schedules which embody fuel clauses failing to conform to the following principles may result in suspension of those parts of such rate schedules:

(1) It shall be the intent of the fuel clause to reflect changes in the fuel component (and fuel only) per kilowatt hour of delivered energy cost. Where the adjustment does not automatically reflect changes in the system heat rate, the public utility shall make appropriate amendments as significant changes occur in system operations, and at least every five years, and such amendments shall be filed with the Commission in accordance with § 35.13.

(2) The base cost of fuel, which cost shall include no items other than those in Account 151, of the Commission's Uniform System of Accounts for Public Utilities and Licensees, shall be stated in cents per million B.t.u.

(3) The fuel adjustment shall not apply to any part of that energy generated by hydro-electric generating stations.

(b) Any change in the fuel adjustment factor or in the base cost of fuel shall be submitted with supporting data as a filed rate change.

§ 35.15 Notices of cancellation or termination.

When a rate schedule or part thereof required to be on file with the Commission is proposed to be cancelled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, each party required to file the schedule shall notify the Commission of the proposed cancellation or termination on the form indicated in § 131.53 of this chapter at least thirty days but not more than ninety days prior to the date such cancellation or termination is proposed to take effect. A copy of such notice to the Commission shall be duly posted. With such notice each filing party shall submit a statement giving the reasons for the proposed cancellation or termination, and a list of the affected purchasers to whom the notice has been mailed. For good cause shown, the Commission may by order provide that the notice of cancellation or termination shall be effective as of a date prior to the date of filing or prior to the date the filing would become effective in accordance with these rules.

§ 35.16 Notice of succession.

Whenever the name of a public utility is changed, or its operating control is transferred to another public utility in whole or in part, or a receiver or trustee is appointed to operate any public utility, the exact name of the public utility, receiver, or trustee which will operate the property thereafter shall be filed within 30 days thereafter with the Commission on the form indicated in § 131.51 of this chapter.

§ 35.17 Changes relating to suspended rate schedules or parts thereof.[5]

(a) *Withdrawal of suspended rate schedules or parts thereof.* Where a rate schedule or part thereof has been

[5] See General Policy and Interpretations, § 2.4, Part 2, Subchapter A, Chapter I, Title 18, Code of Federal Regulations (18 CFR 2.4).

suspended by the Commission, it may be withdrawn during the period of suspension only by special permission of the Commission granted upon application therefor and for good cause shown. If permitted to be withdrawn, any such rate schedule may be refiled with the Commission within a one-year period thereafter only with special permission of the Commission for good cause shown.

(b) *Changes in suspended rate schedules or parts thereof.* A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown.

(c) *Changes in rate schedules or parts thereof continued in effect and which were proposed to be changed by the suspended filing.* A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof continued in effect by operation of an order of suspension and which was proposed to be changed by the suspended filing, except by special permission of the Commission granted upon application therefor and for good cause shown.

§ 35.18 Rates established by order of the Commission.

Every rate schedule filed to make effective the rates, charges, classifications or services, or any rule, regulation, practice or contract relating thereto, established in conformity with an order of the Commission shall bear the following additional notation on the title page:

Filed in Compliance with an Order of the Federal Power Commission Docket No. ------ Entered ------ Day of -------.

§ 35.19 Submission of information by reference.

If all or any portion of the information called for in this part has already been submitted to the Commission, substantially in the form prescribed above, specific reference thereto may be made in lieu of re-submission in response to the requirements of this part.

§ 35.20 Filing of rate schedules, notices, etc., by persons authorized to transmit electric energy from the United States to a foreign country.

Persons authorized to transmit electric energy from the United States to a foreign country and required by the provisions of § 32.38 of this chapter, to file all rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such energy shall do so in the form and manner specified in § 35.1 through 35.16 as applicable to public utilities.

§ 35.21 Applicability to licensees and others subject to section 19 or 20 of the Federal Power Act.

Upon further order of this Commission issued upon its own motion or upon complaint or request by any person or State within the meaning of sections 19 or 20 of the Federal Power Act, the provisions of §§ 35.1–35.19 shall be operative as to any licensee or others who are subject to this Commission's jurisdiction in respect to services and the rates and charges of payment therefor by reason of the requirements of sections 19 or 20 of the Federal Power Act. The requirement of this section for compliance with the provisions of §§ 35.1 through 35.19 shall be in addition to and independent of any obligation for compliance with those regulations by reason of the provisions of sections 205 and 206 of the Federal Power Act. For purposes of applying this section "Electric Service" as otherwise defined in § 35.2(a) shall mean: Services to customers or consumers of power within the meaning of sections 19 or 20 of the Federal Power Act which may be comprised of various classes of capacity and energy and/or transmission services subject to the jurisdiction of this Commission. "Electric Service" shall include the utilization of facilities owned or operated by any licensee or others to effect any of the foregoing sales or services whether by leasing or other arrangements. As defined herein "Electric Service" is without regard to the form of payment or compensation for the sales or services rendered, whether by purchase and sale, interchange, exchange, wheeling charge, facilities charge, rental or otherwise. For purposes of applying this section, "Rate Schedule" as otherwise defined in § 35.2 (b) shall mean: A statement of (1) electric service as defined in this § 35.21 (2) rates and charges for or in connection with that service, and (3) all classifications, practices, rules, regulations, or contracts which in any manner affect or relate to the aforementioned service, rates and charges. This statement shall be in writing and may take the physical form of a contractual document, purchase or sale agreement, lease of facilities, tariff[6] or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part thereof.

[F.R. Doc. 63-10397; Filed, Oct. 1, 1963; 8:45 a.m.]

[6] See footnote 2.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHEMICALS USED IN WASHING FRUITS AND VEGETABLES

The Commissioner of Food and Drugs, having evaluated data in a petition filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, and other relevant material, has concluded that an amendment to § 121.1091 should issue to prescribe the use of sodium dodecylbenzenesulfonate in the washing or lye peeling of fruits and vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1091(a)(2) is amended to read as follows:

§ 121.1091 Chemicals used in washing fruits and vegetables.

* * * * * *

(a) * * *

(2) Substances identified in this subparagraph and subject to such limitations as are provided:

Substances	Limitations
Potassium bromide	
Sodium dodecylbenzenesulfonate (alkyl) group not less than 65% C_{12} and not less than 90% C_{11} to C_{13}).	Not to exceed 0.2% in wash water. May be used in the washing or to assist in the lye peeling of fruits and vegetables.
Sodium hypochlorite	

Any person who will be adversely effected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 26, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10427; Filed, Oct. 1, 1963; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER M—COAST GUARD VESSELS

[CGFR 63-56]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

Exemption of Statutory Requirements for U.S.C.G.C. Bramble

The "U.S.C.G.C. Bramble" was transferred from Miami, Florida, to Detroit,

considerations of energy sales under the pro-

terest. These regulations contemplate

2.4).

[18, Code of Federal Regulations (18 CFR

of the Federal Power Act, the provisions

[3] See footnote 2.

The "U.S.C.G.C. Bramble" was transferred from Miami, Florida, to Detroit,

Michigan, for service on the Great Lakes. Because of its special construction, this Buoy Tender carries the forward masthead light and after range light with a horizontal separation of 16 feet.

The provisions of section 2 and Rule 13(b) in section 6 of the Act of October 11, 1951 (65 Stat. 407, 415; 33 U.S.C. 143a, 145k), and section 1 of the Act of December 3, 1945, as amended (59 Stat. 590; 33 U.S.C. 360), provide in essence that Coast Guard vessels of special construction may be exempted from certain requirements of the various applicable laws on rules of the road with respect to the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels when navigating on the high seas or on navigable waters of the United States, its territories or possessions. Section 2 of the Act of October 11, 1951, and section 1 of the Act of December 3, 1945, also provide that if any exempted vessel or class of vessels, by reason of special construction, cannot comply with the applicable requirements, the lights prescribed shall conform as closely to the requirements of the applicable laws as it is found and certified to be feasible. These laws also require that notices of such findings or certifications and the requirements describing the character and position of the lights to be displayed on such exempted vessels shall be published in the FEDERAL REGISTER and in the Notice to Mariners.

It is hereby found the "U.S.C.G.C. Bramble," Buoy Tender, Class 180–C, is of special construction and cannot comply with the minimum requirement for horizontal separation of range lights in Rule 3(e), Great Lakes Rules (33 U.S.C. 252(e)), and is therefore exempted from this requirement. This law requires in part that for a vessel over 100 feet register length the horizontal separation between the forward masthead light and the after range light shall be more than 50 feet. In lieu thereof, this vessel shall carry the forward masthead light and after range light with a horizontal separation of 16 feet. Except as otherwise provided herein, the "U.S.C.G.C. Bramble" is in full compliance with the other applicable provisions of the Great Lakes Rules (33 U.S.C. 241–295). The amendments to 33 CFR 135.25(g) and 135.50(d) in this document continue this exemption in effect and reflect the change in area of operation for the "U.S.C.G.C. Bramble."

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Order 167–6 dated November 17, 1953 (18 F.R. 7571), to promulgate regulations in accordance with the statutes cited with the regulations below the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

§ 135.25 International Rules; horizontal separation of range lights.

1. Section 135.25(g) is amended by deleting from the list of Buoy Tenders the vessel "U.S.C.G.C. Bramble (WAGL–392)."

(Sec. 2, 65 Stat. 407; 33 U.S.C. 143a. Interpret or apply sec. 6, Rule 13(b), 65 Stat. 415; 33 U.S.C. 145k. Treasury Department Order 167–6, November 17, 1953, 18 F.R. 7571)

§ 135.50 Great Lakes Rules; horizontal separation or range lights.

2. Section 135.50(d) is amended by inserting in the list of Buoy Tenders after "U.S.C.G.C. Acacia (WAGL–406)" the vessel "U.S.C.G.C. Bramble (WAGL–392)."

(Sec. 1, 59 Stat. 590; U.S.C. 360. Treasury Department Order 167–6, November 17, 1953, 18 F.R. 7571)

Dated: September 24, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63–10414; Filed, Oct. 1, 1963; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

[CGFR 63–59]

PART 94—LIFESAVING EQUIPMENT

Subpart 94.43—Ring Life Buoys and Water Lights

INSPECTED BARGES; RING LIFE BUOY REQUIREMENTS

Pursuant to the notices of proposed rulemaking published in the FEDERAL REGISTER on February 2, 1963 (28 F.R. 1052–1058) and February 16, 1963 (28 F.R. 1510, 1511) and the Merchant Marine Council Public Hearing Agenda dated March 25, 1963 (CG–249), the Merchant Marine Council held a public hearing on March 25, 1963 for the purpose of receiving comments, views and data.

The proposals considered were identified as Items I to XI, inclusive. Item V regarding "vessel operations and inspection" contained a proposal entitled "unmanned barges; ring life buoy requirements." This proposal was to require 2 ring life buoys on all inspected barges, whether manned or unmanned, regardless of the route or waters navigated. This proposal was intended to clarify the application of existing requirements to inspected barges. Oral objections were made at the public hearing and 18 written objections were received, and the Council deferred action until after objections could be resolved. A further study was made concerning the proposal and it was found that the vast majority of the inspected, unmanned barges were not required to carry ring life buoys. Therefore, the proposal is adopted in part to require all manned inspected barges to carry 2 ring life buoys, and a specific exception added to 46 CFR 94.43–10(a) stating that unmanned barges are exempt from carrying ring life buoys. This proposal, as revised, is approved and set forth in this document, which is the 11th of a series regarding the regulations considered at the March 25, 1963 Public Hearing and Annual Session of the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), and 167–38 dated October 26, 1959 (24 F.R. 8857), the following amendment to 46 CFR 94.43–10(a) (including Table 94.43–10(a)) is prescribed and shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date:

§ 94.43–10 Number required.

(a) The minimum number of approved 30-inch ring life buoys and the minimum number of which shall have water lights attached, shall be in accordance with Table 94.43–10(a): *Provided,* That unmanned barges are exempt from this section.

TABLE 94.43-10(a)

Length of vessel in feet	Ocean[1]		All services other than ocean	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Under 100	8	6	2	0
100 and under 200	8	6	4	2
200 and under 300	8	6	6	2
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

[1] Manned barges shall be equipped with 1 ring life buoy at each end of the vessel.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857)

Dated: September 24, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63–10413; Filed, Oct. 1, 1963; 8:46 a.m.]

SUBCHAPTER R—NAUTICAL SCHOOLS

[CGFR 63–57]

PART 166—DESIGNATION AND APPROVAL OF NAUTICAL SCHOOLSHIPS

Texas Maritime Academy; Approval of Schoolship

The Maritime Academy Act of 1958 (46 U.S.C. 1381–1388) sets forth the Federal policy regarding assistance and cooperation with the States and territories in the operation and maintenance of maritime academies. The Maritime Administration, Department of Commerce, notified the United States Coast Guard the Texas Maritime Academy is a Department of the Agricultural and Mechanical College of Texas and that a schoolship is in the process of being made available to this Academy. Pending the actual placement of a schoolship under the jurisdiction of the Texas Maritime Academy, the students of this Academy are to receive required sea training on a schoolship of the New York Maritime Academy or on schoolships of other State maritime training academies.

The provisions of section 672(a) in Title 46, U.S. Code provide that graduates of schoolships approved by and conducted under rules prescribed by the Commandant, United States Coast Guard, may be rated able seamen or qualified members of the engine department.

It has been made to appear that the schoolship operated by the State of Texas, namely, by the Texas Maritime Academy, a Department of the Agricultural and Mechanical College of Texas, has adopted a course of study for its students which complies with the rules prescribed by the Commandant, United States Coast Guard, and its system of instruction is adequate to equip the graduates of its Marine Transportation course for the rating of "able seaman" and the graduates of its Engineering course for the rating of "qualified member of the engine department," respectively.

The arrangement for required sea training on schoolships and the schoolships to be operated by the Texas Maritime Academy are hereby approved and its graduates, if meeting the other qualifications required by law and regulations promulgated thereunder, are entitled to the rating of "able seaman" or "qualified member of the engine department" and to be certified as such by the United States Coast Guard.

A graduate of the Texas Maritime Academy, if meeting the other qualifications of law and regulations promulgated thereunder, is also entitled to the rating of lifeboatman and to be certified as such by the United States Coast Guard.

This approval shall be in effect on and after August 28, 1963, and will continue in effect until it is modified, suspended, canceled or revoked by proper authority. The amendment to 46 CFR 166.01(b) adds the Texas Maritime Academy to the list of approved nautical schoolships. Because this amendment to 46 CFR 166.01(b) is an informative rule about official acts performed by the Commandant, United States Coast Guard, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and sections 672 and 689 in Title 46, U.S. Code, the following amendment to § 166.01(b) is prescribed:

§ 166.01 Approval of nautical schoolships.

* * * * *

(b) It has been made to appear to the satisfaction of the Commandant that the schoolships operated by the States in which they are located, namely, by the California Maritime Academy, Maine Maritime Academy, Massachusetts Maritime Academy, New York State Maritime College, and Texas Maritime Academy, and by the United States Merchant Marine Academy, the United States Naval Academy, and the United States Coast Guard Academy, have adopted a course of study for their students complying with the rules prescribed by the Commandant, and a system of instruction adequate to equip the deck and engineering students theoretically and physically in the rudiments of seamanship and navigation necessary to qualify the graduates for the rating of "able seaman" and in all the branches of marine engineering necessary to qualify the graduates for the rating of "qualified member of the engine department," respectively.

(Sec. 13, 38 Stat. 1169, as amended, sec. 7, 49 Stat. 1936, as amended; 46 U.S.C. 672, 689. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Dated: September 24, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63–10415; Filed, Oct. 1, 1963; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 63–858]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1963;

The Commission having under consideration Parts 0 and 1 of its rules and regulations; and

It appearing, that § 0.241 should clearly reflect the authority of the Chief of the Broadcast Bureau to dismiss applications at the request of the applicant, and his authority to act, with the concurrence of the General Counsel, upon matters arising under section 315 of the Communications Act; and

It further appearing, that § 0.284(b) should be amended to authorize Marine Supervisors at the Commission's marine offices to act on informal applications for temporary waiver of annual inspection of vessels, and that section 0.284 should be amended to reflect the recent change in the name of the Commission's field bureau; and

It further appearing, that § 1.13 governs the filing of pleadings in rule making proceedings and in the early stages of adjudicative proceedings (before the parties have been identified), and hence that the term "person" rather than the term "party" should be used in that section; and

It further appearing, that the date by which timely action on certain pleadings must be taken frequently passes before the time allowed for filing oppositions and replies has expired; that this situation should be corrected by authorizing ex parte action on such pleadings; and that §§ 1.13 and 1.46 should be amended in this respect; and

It further appearing, that service of motions opposing the taking of depositions upon the persons to be examined serves no important purpose, that such service can be burdensome when depositions are to be taken from large numbers of persons, and that this requirement should be deleted from § 1.123(b); and

It further appearing, in the case of an application for change in station location, that local notice of filing and of hearing should be published both in the community in which the station is located and in the community to which the station desires to move, and that §§ 1.359 and 1.362 should be clarified in this respect; and

It further appearing, that the above-described rule amendments require editorial amendment of § 1.19; and

It further appearing, that authority for adoption of the amendments herein is set forth in sections 4(i), 5(d), 303(r), 311, 315, and 362(b) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments adopted herein pertain to Commission organization and procedure, and hence that the notice and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective October 2, 1963, That Parts 0 and 1 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 26, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. That portion of § 0.241(d) preceding subparagraph (1) is amended; § 0.241(i) is amended; and § 0.241(w) is added, to read as follows:

§ 0.241 Matters delegated.

• • • • •

(d) Miscellaneous applications and requests:

• • • • •

(i) To dismiss applications without prejudice (1) as provided in § 1.312(a) and (b) of this chapter, or (2) where an application is not timely filed under the Commission's rules in order to receive comparative consideration with an application or applications with which it is mutually exclusive.

• • • • •

(w) With the concurrence of the General Counsel, to issue rulings and interpretations with respect to, and to act upon complaints arising under, section 315 of the Communications Act and §§ 3.120, 3.290, 3.590, or 3.657 of this chapter.

2. Section 0.284 is amended to read as follows:

§ 0.284 Authority delegated to Radio Engineers at suboffices, Marine Supervisors at marine offices, and to engineers engaged in ship inspection duties at radio district offices.

(a) The Radio Engineer at each suboffice of a district headquarters office of the Field Engineering Bureau is delegated authority to act upon all matters contained in § 0.281, except paragraph (b).

(b) The Marine Supervisor at each marine office of the Field Engineering Bureau is delegated authority to act upon matters set forth in § 0.281 (a), (d), (e), (g), (j), (k), and (o).

(c) Engineers engaged in ship inspection duties at radio district offices of the Field Engineering Bureau are delegated authority to act upon matters set forth in § 0.281 (e), (j), and (l).

3. Section 1.13 (a) and (b) is amended, and § 1.13(e) is added, preceding the note, to read as follows:

§ 1.13 Pleadings; filing periods.

• • • • •

(a) *Oppositions.* Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.

(b) *Replies.* The person who filed the original pleading may reply to oppositions within 5 days after the time for filing oppositions has expired. The reply shall be limited to matters raised in the oppositions, and the response to all such matters shall be set forth in a single pleading; separate replies to individual oppositions shall not be filed.

• • • • •

(e) *Ex parte disposition of certain pleadings.* As a matter of discretion, the Commission may rule ex parte upon requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporay relief, without waiting for the filing of oppositions or replies.

4. Sections 1.19, 1.46(a) and 1.123(b) are amended to read as follows:

§ 1.19 Requests for stay.

General rules relating to requests for stay of any order or decision are set forth in §§ 1.11, 1.12(e), 1.13 (d) and (e), and 1.46(a). See also §§ 1.82, 1.84(n), and 1.85(h).

§ 1.46 Rulings; time for action.

(a) Unless it is found that irreparable injury would thereby be caused one of the parties, or that the public interest requires otherwise, or unless all parties have consented to the contrary, the Review Board, Chief Hearing Examiner, or presiding officer shall withhold consideration of any motion, petition, or other pleading until the time for filing oppositions (and replies, if replies are allowed) has expired. As a matter of discretion, however, the Review Board, Chief Hearing Examiner, or presiding officer may rule ex parte upon requests for continuances and extension of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief, without waiting for the filing of oppositions or replies.

§ 1.123 Deposition orders.

• • • • •

(b) Motions opposing the taking of depositions shall be served on all parties to the proceeding. No further pleadings may be filed unless specifically requested or authorized by the presiding officer. The presiding officer may in his discretion direct the parties or their attorneys to appear at a specified time and place for a conference to consider matters raised by the notice or the opposition.

5. The period at the end of § 1.359(c) is changed to a colon, and a new proviso is added to read as follows:

§ 1.359 Pre-grant procedures.

• • • • •

(c) • • •

And provided further, That in the case of an application for change in the location of a station, the notice shall be published both in the community in which the station is located and in the community in which the station is proposed to be located.

6. The period at the end of § 1.362(b) is changed to a colon, and a new proviso is added to read as follows:

§ 1.362 Designation for hearing; local notice; conditional grant.

• • • • •

(b) • • • *And provided further,* That in the case of an application for change in the location of a station, the notice shall be published both in the community in which the station is located and in the community in which the station is proposed to be located.

[F.R. Doc. 63-10447; Filed, Oct. 1, 1963; 8:48 a.m.]

[FCC 63-853]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Domestic Telegraph Speed of Service Studies

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1963;

The Commission having under consideration letters dated May 20 and June 5, 1963, from The Western Union Telegraph Company, submitting the biennial traffic load study required by § 64.221(c) of the Commission's rules and regulations, which was adopted for the purpose of determining such revision by the Commission, as may be warranted, in the list of 75 cities at which speed of telegraph service studies are required to be made by Part 64 of the Commission's rules;

It appearing, that the cities presently specified in § 64.221(a) of the Commission's rules and regulations were last revised, effective September 1, 1961, and were selected on the basis of the 75 cities in the Western Union system handling the largest volume of terminating messages;

It further appearing, that according to traffic data submitted by Western Union, on the basis of the average weekly received trunk load for the year ending April 27, 1963, Columbia, South Carolina, Jackson, Mississippi, Las Vegas, Nevada, Palo Alto, California, and Passaic, New Jersey, non-F.C.C. reporting cities, currently handle a larger volume of terminating messages than Austin, Texas, Bridgeport, Connecticut, Ft. Wayne, Indiana, Little Rock, Arkansas, and Spokane, Washington, F.C.C. reporting cities;

It further appearing, that revision of the list of cities on the basis of the traffic data submitted by the telegraph company would reflect the 75 cities handling the largest volume of terminating traffic;

It further appearing, that Western Union is the only person subject to the amended rule adopted herein; that Western Union has agreed to such amended rule and the effective date thereof; and hence, that compliance with the public notice, procedural and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary:

It is ordered, That pursuant to sections 4(i), 201(b) and 218 of the Communications Act of 1934, as amended; § 64.221 (a) of Subpart B of Part 64 is amended, effective January 1, 1964, in the following respects:

§ 64.221 [Amendment]

Section 64.221(a) is amended by deleting Austin, Tex.; Bridgeport, Conn.; Fort Wayne, Ind.; Little Rock, Ark.; and Spokane, Wash.; from the list of cities specified therein and inserting in said list in alphabetical order Columbia, S.C.; Jackson, Miss.; Las Vegas, Nev.; Palo Alto, Calif.; and Passaic, N.J.

(Secs. 4, 201, 218, 48 Stat. 1066, 1070, 1077; 47 U.S.C. 154, 201, 218)

Released: September 26, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10448; Filed, Oct. 1, 1963; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-52]

CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Findlay, Ohio, terminal area:

1. The Findlay control zone is presently designated within a 5-mile radius of Findlay Airport; within 2 miles either side of the 178° bearing from the Findlay RBN extending from the 5-mile radius zone to 10 miles south of the RBN; and within 2 miles either side of the 229° bearing from the Findlay RBN extending from the 5-mile radius zone to 12 miles southwest of the Findlay VOR.

2. The Findlay control area extension is presently designated within a 15-mile radius of the Findlay VOR.

3. A portion of the Mansfield, Ohio, control area extension southeast of Findlay, bounded on the west by Victor 47 and on the north by Victor 8.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Findlay area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Findlay control zone by redesignating it as that airspace within a 5-mile radius of the Findlay Airport (latitude 41°00'55'' N., longitude 83°40'-15'' W.); within 2 miles each side of the Findlay VOR 046° True radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 178° True bearing from the Findlay RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; excluding the portion within a one-mile radius of the Lutz Airport (latitude 40°57'40'' N., longitude 83°35'45'' W.).

2. Revoke the Findlay control area extension and designate the Findlay transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Findlay Airport; within 5 miles west and 8 miles east of the 178° True bearing from the Findlay RBN, extending from the RBN to 12 miles south of the RBN; and within 2 miles each side of the Findlay VOR 226° True radial extending from the 6-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°51'00'' N., longitude 84°00'00'' W.; to latitude 41°18'00'' N., longitude 84°07'00'' W.; to latitude 41°11'00'' N., longitude 83°19'00'' W.; to latitude 40°-50'00'' N., longitude 83°30'00'' W.; to the point of beginning.

The actions proposed herein would, in part, reduce the over-all size of the presently designated control zone at Findlay by abbreviating the extent of the control zone extensions located south and southwest of the Findlay Airport. The remaining portion of the control zone would provide protection for aircraft excuting prescribed instrument approach and departure procedures. Exclusion of the airspace within a one-mile radius of the Lutz Airport, located approximately 5 miles southeast of the Findlay Airport, would permit flight to be conducted in the Lutz Airport traffic pattern outside of the control zone since this activity does not adversely effect instrument flight operations within the control zone.

The proposed designation of the Findlay transition area would raise the floor of controlled airspace beyond a 6-mile radius area, with extensions, around the Findlay Airport, from 700 to 1,200 feet above the surface. The portions of controlled airspace released by this action would become available for other aeronautical purposes. The portion retained woud provide protection for aircraft executing prescribed holding, arrival and departure procedures within the Findlay area.

No revisions to the prescribed instrument approach procedures are anticipated as a result of the actions proposed herein. Slight adjustment of minimum en route altitude on several short airway segments is expected. The revocation of the Mansfield control area extension, which coincides, in part, with the transition area proposed herein, will be processed at a later date as a part of the CAR Amendment 60-21/60-29 implementation program proposed for the Mansfield area.

The floors of the airways which traverse the transition area proposed herein and the floor of the portion of the Mansfield control area extension which coincides with the proposed transition area would automatically assume floors coincident with the floors of the transition area.

Specific details of any changes to procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, New York International Airport, Federal Building, Jamaica, N.Y., 11430.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 25, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10389; Filed, Oct. 1, 1963; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-CE-97]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 26 presently extends in part from the Joliet, Ill., VORTAC to the Appleton, Ohio, VORTAC. The FAA proposes to revoke this segment of J-26 as the route between Joliet and Appleton is serviced by Jet Route No. 30 and dual designation is not required.

Jet Route No. 30 presently extends in part from the Joliet VORTAC to the Appleton VORTAC. The FAA proposes to realign this segment of J-30 from the Joliet VORTAC via the intersection of the Joliet VORTAC 108° and the Fort Wayne, Ind., VORTAC 279° True radials; the Fort Wayne VORTAC; to the Appleton VORTAC; and extend J-30 from the Appleton VORTAC to the Front Royal, Va., VOR, replacing Jet Route No. 71 between those points. Such action would result in single route capability between Joliet and Front Royal.

Jet Route No. 64 presently extends in part from the Bradford, Ill., VOR via the Joliet VORTAC; the Cleveland, Ohio, VORTAC; the Pittsburgh, Pa., VORTAC; the Yardley, Pa., VOR; to the Idlewild, N.Y., VORTAC. The FAA proposes to realign this segment of J–64 from the Bradford VOR via the intersection of the Bradford VOR 089° and the Fort Wayne VORTAC 279° True radials; the Fort Wayne VORTAC; the Ellwood City, Pa., VORTAC; the Yardley VOR; to the Idlewild VORTAC. Such action would provide an additional route south of and parallel to Jet Route No. 60 between Chicago, Ill., and New York, N.Y.

Jet Route No. 80 presently extends in part from the Pittsburgh VORTAC via the Philipsburg, Pa., VORTAC; the Allentown, Pa., VORTAC; to the Idlewild VORTAC. The FAA proposes to realign this segment of J–80 from the Pittsburgh VORTAC via the Coyle, N.J., VORTAC to the Idlewild VORTAC. Such action would result in increased traffic handling capability between Pittsburgh and New York.

Additionally, as jet advisory areas do not include the airspace within positive control areas the FAA proposes to revoke the jet advisory areas associated with any segment of Jet Routes Nos. 26, 30, 64 and 80 which lies within positive control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10390; Filed, Oct. 1, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[FCC 63–863; Docket No. 15175 (RM–431)]

MOTOR CARRIER RADIO SERVICE

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter. This proceeding is being instituted in response to a "Petition for Amendment of Rules," filed by the American Trucking Associations, Inc. (sometimes hereinafter refered to as the ATA) on March 29, 1963 (RM–431).

2. Several years ago, the ATA petitioned for an amendment of our rules governing the Motor Carrier Radio Service whereby the two-frequency (sometimes erroneously referred to as the "duplex") method of radio operation might be allowed in that Service on a regular basis on certain frequencies. Following a rule making proceeding conducted in 1959 and 1960, in Docket No. 12738, the two-frequency method of operation was recognized, and five pairs of frequencies were set aside for such operation by the truckers. Half of these frequencies became available for assignment to Base and Mobile stations, while the other five channels were designated for "Mobile only" operations in conjunction with a companion or parallel Base Station frequency.

3. Since 1960, when our frequency pairing scheme became effective, at § 16.252(d) of the Motor Carrier Radio Service rules, the ATA, in its role as the frequency coordinating functionary for the trucking industry, has noted little acceptance on the part of the industry for the two-frequency method of operation. By reason of this lack of acceptance, five very valuable frequencies, specifically 43.86, 43.88, 43.90, 43.92, and 43.94, all megacycles, are, and will be, little used, in the Motor Carrier Radio Service. These five frequencies are the frequencies that were designated for "Mobile only" operations. The ATA, recognizing a lack of efficient frequency utilization, has petitioned us to amend our rules whereby the above noted five frequencies may be put to better use. Better use consists essentially of making the subject frequencies available for both Base and Mobile stations assignments. This, we are proposing.

4. The frequency pairing plan incorporated into our Rules in February 1960, as an outcome of the Rule Making proceeding in Docket No. 12738, specified that any licensee who had been authorized prior to February 1, 1960, to operate on any of the frequencies involved in the pairing plan, would be allowed to continue to operate until November 1st, 1963. Subsequent to that date, (1) all dual frequency systems would be required to conform to the pairing scheme in § 16.252 (d), and (2) all single frequency systems operating on any of the five "mobile only" frequencies contained in the pairing scheme, would be required to vacate their frequency assignments and seek suitable frequency assignments elsewhere. Thus, three categories of licensees evolve as a result of our November 1st "cut off" date; they are as follows:

(a) Licensees who operate single frequency systems on any of the five "mobile only" frequencies noted above in paragraph 4.

(b) Licensees who operate two-frequency systems on frequency pairs not in accordance with the pairing plan noted in § 16.252(d).

(c) Licensees who operate two-frequency systems in accordance with the pairing plan noted in § 16.252(d).

5. Under the terms of our proposal herein, those licensees in category (a) above, could continue to operate their single frequency systems on any of the five frequencies enumerated above in paragraph 3; and new assignments could also be made on these frequencies. Licensees in category (b) above, would not be allowed to continue to operate in derogation of our pairing plan in § 16.252(d). These licensees would have the option of converting to a single frequency system, or, if they prefer to continue their dual frequency operations, they would have to convert to a frequency pair enumerated in § 16.252(d). Those licensees in category (c), that is, those who operate dual frequency systems in accordance with the pairing noted in our rules, could continue to so operate.

6. The time element involved in this proceeding, particularly the imminence of the November 1st, 1963, "cut-off" or conversion date, poses some problem to an adequate and timely consideration of our proposals herein. In view of this, compliance with the November 1st date specified in our rules will be waived until such time as this proceeding has been concluded. We would note, however, that with reference to those licensees who are presently operating on frequency pairs not in accordance with § 16.252(d) of our rules, that their eventual compliance with the frequency pairing noted in that section is still required. This assumes, of course, that these licensees prefer to continue to operate on a dual, rather than a single frequency basis. Hence, insofar as these nonconforming licensees are concerned, the effect of our waiver is simply to afford them additional time within which to convert to a frequency pair specified in § 16.252(d).

7. There remains to be considered so much of the ATA's Petition as requests that those dual frequency licensees who are presently operating on frequencies that conform to our pairing scheme, or will be so operating by November 1st, or the date upon which this proceeding concludes, be "grandfathered" for an indefinite period of time. In substance, this request means that in any area where a conforming dual frequency licensee is operating, the mobile frequency of this licensee's frequency pair would not be available for assignment to any single frequency system. To allow this privilege, and incorporate it into our rules, would virtually perpetuate the present frequency assignments of conforming dual frequency licensees on practically interference-free channels.

We find no sufficient justification for the allowance of any "grandfather" rights, and consequently none are proposed. At the same time, however, we would point out that a certain measure of protection may be afforded conforming dual frequency systems by the trucking industry's own coordinating committees, through the simple expedient of not recommending the mobile frequency of a two frequency system for assignment to some other licensee in a given area until such time as it becomes absolutely necessary to do so. And in this context, we are affording a greater degree of frequency recommendation flexibility and certainty to the coordinating committees by proposing that the five subject frequencies be made available, and, in terms of certainty, that all persons who desire to operate on a two frequency basis do so on the frequency pairs designated in the rules. Thus, the industry's coordinating committees will be armed with the knowledge that all two frequency systems, regardless of their locations, are operating on a pair of frequencies that are specified in the rules, and new single frequency system recommendations can therefore be made with certainty and efficiency.

8. The proposed amendment is set forth below, and is issued under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to the applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before November 4, 1963, and reply comments on or before November 22, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions set forth in § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 25, 1963.

Released: September 26, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In Part 16, Land Transportation Radio Services, § 16.252 of the Motor Carrier Radio Service rules is revised by amending paragraph (d) to read as follows; and by deleting paragraph (h):

§ 16.252 Frequencies available for base and mobile stations.

* * * * * *

(d) The frequencies and frequency pairs set forth in the tables contained in this paragraph are available to the Motor Carrier Radio Service for assignment to Base and Mobile stations of common or contract carriers of property operating between urban areas: *Provided,* That each application for assignment of any of these frequencies shall be accompanied by a statement signed by the applicant in which it is agreed (1) that any authorization for the use of such frequencies will be accepted with the express understanding of the applicant that such frequencies are shared with other licensees and may be subject to interference, both local and long range, and (2) that no more than the minimum power or antenna height required for the satisfactory technical operation of the system will be employed, commensurate with the area to be served and the local conditions affecting radio transmission and reception. However, only one of these frequencies or frequency pairs may be assigned to the stations of a licensee operated in a given area except upon a showing satisfactory to the Commission that the assignment of an additional frequency or frequency pair is essential to the operation of the transportation system involved.

SINGLE FREQUENCIES

BASE AND MOBILE

Mc	Mc	Mc	
43.86	44.02	44.18	44.34
43.88 [1]	44.04 [1]	44.20 [1]	44.36 [1]
43.90	44.06	44.22	44.38
43.92 [1]	44.08 [2]	44.24 [1]	44.40 [1]
43.94	44.10	44.26	44.42
43.96 [1]	44.12 [2]	44.28 [1]	44.44 [1]
43.98	44.14	44.30	
44.00 [1]	44.16 [1]	44.32 [1]	

FREQUENCY PAIRS [2]

Base only Mc	*Mobile only* Mc
44.36 [1]	43.86
44.38	43.88 [1]
44.40 [1]	43.92
44.42	43.90 [1]
44.44 [1]	43.94

[1] Secondary frequency, see § 16.8.

[2] These frequency pairs are available to base and mobile stations for the two frequency method of operation.

[F.R. Doc. 63–10446; Filed, Oct. 1, 1963; 8:48 a.m.]

8:45 a.m.]

their frequency assignments and seek practically interference-free channels.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 076627]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1963.

The United States Department of Agriculture has filed an application Serial Number Sacramento 076627 for the withdrawal of the following described lands hereinafter, from prospecting, location, entry, and purchase under the mining laws, subject to valid claims. The applicant desires the land for use by the Forest Service to reserve the Whites Bar Picnic Area as a picnic site, the Elk Creek Administrative Site, and the Gottville Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

HUMBOLDT MERIDIAN

SHASTA-TRINITY NATIONAL FOREST

Trinity County

Whites Bar Picnic Area

T. 4 N., R. 8 E.,
Sec. 4, E½, Lot 2.

HUMBOLDT MERIDIAN

KLAMATH NATIONAL FOREST

Siskiyou County

Elk Creek Administrative Site

T. 15 N., R. 8 E.,
Sec. 32, H.E.S. No. 293;
Sec. 33, H.E.S. No. 293.

MOUNT DIABLO MERIDIAN

KLAMATH NATIONAL FOREST

Siskiyou County

Gottville Administrative Site

T. 46 N., R. 7 W.,
Sec. 8, S½SE¼SW¼NW¼, E½NW¼SW¼.

The afore-described areas aggregate approximately 72.42 acres of Federal land.

WALTER E. BECK,
Manager, Land Office.

[F.R. Doc. 63-10402; Filed, Oct. 1, 1963; 8:45 a.m.]

[NM 0450823]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 24, 1963.

The Forest Service, U.S. Dept. of Agriculture has filed an application, Serial Number NM 0450823 for the withdrawal of the lands described below, subject to valid existing rights, from prospecting, location, entry and purchase under the United States mining laws. The applicant desires the land for picnic grounds, observation and ski sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

CIBOLA NATIONAL FOREST

Dry Camp Picnic Ground

T. 11 N., R. 5 E. (unsurveyed),
Sec. 3, S½SW¼SW¼;
Sec. 4, S½SE¼SE¼;
Sec. 9, N½NE¼NE¼;
Sec. 10, N½NW¼NW¼.

Balsam Glade Picnic Ground

T. 11 N., R. 5 E. (unsurveyed),
Sec. 4, SE¼NW¼NE¼, S½NE¼NE¼.

Sandia Crest Observation Recreation Site

T. 11 N., R. 5 E. (unsurveyed),
Sec. 6, NW¼SW¼NE¼, S½SW¼NE¼, E½NE¼NW¼, E½NW¼NE¼NW¼, NE¼SE¼NW¼, N½SE¼SE¼NW¼.

Kiwanis Point Picnic Ground

T. 11 N., R. 5 E. (unsurveyed),
Sec. 6, W½NE¼SE¼, E½NW¼SE¼, NW¼SE¼SE¼, N½NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, N½SW¼SE¼SE¼.

Tree Spring Picnic Ground

T. 11 N., R. 5 E. (unsurveyed),
Sec. 9, SE¼NE¼.

Capulin Spring Picnic Ground

T. 11 N., R. 5 E. (unsurveyed),
Sec. 4, NE¼NW¼NW¼, NW¼NE¼NW¼.
T. 12 N., R. 5 E.,
Sec. 33, SE¼SE¼SW¼, S½SW¼SE¼.

Sandia Man Cave Recreation Site

T. 12 N., R. 5 E.,
Sec. 22, E½SW¼NW¼, W½NW¼SW¼, E½E½NW¼SW¼.

La Madera Winter Sports Area

T. 11 N., R. 5 E. (unsurveyed),
Sec. 4, SW¼SW¼NE¼, S½SW¼NW¼, S½SE¼NW¼, N½SW¼, N½SW¼SW¼, SW¼SW¼SW¼, W½NW¼SE¼;
Sec. 5, S½SW¼SW¼, E½SE¼SW¼, SW¼SE¼SW¼, NE¼SE¼, SE¼NW¼SE¼, S½SE¼;
Sec. 6, SE¼SE¼SE¼;
Sec. 8, NW¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, NE¼NW¼, N½NW¼NW¼, N½SW¼NW¼NW¼, SE¼NW¼NW¼, E½NE¼SW¼NW¼, NW¼SE¼NW¼.

The areas described aggregate 882.5 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 63-10416; Filed, Oct. 1, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BAR "S" RANCH AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Bar "S" Ranch Auction, Fillmore, Calif., Apr. 29, 1960.
Pocatello Livestock Exchange, Pocatello, Idaho, Nov. 16, 1955.
St. Ansgar Sales Pavilion, St. Ansgar, Iowa, June 1, 1959.
Fremont Livestock Sales, Fremont, Mich., May 4, 1959.
Marshfield Sales Barn, Marshfield, Mo., May 11, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq)

Done at Washington, D.C., this 23d day of September 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-10410; Filed, Oct. 1, 1963; 8:46 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Independence. Sharp.
Lawrence.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10411; Filed, Oct. 1, 1963; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

STERWIN CHEMICALS INC., SUBSIDIARY OF STERLING DRUG INC.

Notice of Filing of Petition Regarding Food Additive Raceophenidol (dl-Threo-2-Dichloroacetimido-1-(Methylsulfonylphenyl)-1,3-Propanediol)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1201) has been filed by Sterwin Chemicals Inc., Subsidiary of Sterling Drug Inc., 1450 Broadway, New York 18, New York, proposing the issuance of a regulation to provide for the safe use of raceophenidol (dl-threo-2-dichloroacetimido-1-(methylsulfonylphenyl)-1,3-propanediol) as follows:

No. 192——4

Quantity	Limitations	Indications for use—
Grams per ton		
a. In feed:		
1. 6.25	For growing chickens and turkeys; not for laying birds; withdraw 48 hours prior to slaughter.	Growth promotion and feed efficiency.
2. 50	do	During periods of stress, growth promotion and feed efficiency. Control of fowl cholera.
3. 100	For chickens and turkeys; administer for 10 days; not for laying birds where eggs are used for food; withdraw 48 hours prior to slaughter.	
4. 100–200	For chickens and turkeys; administer 200 grams per ton for 5 days followed by 100 grams per ton for 5 days; not for laying birds where eggs are used for food; withdraw 48 hours prior to slaughter.	Treatment of fowl cholera.
Milligrams per cubic centimeter		
b. For injection:		
200	For chickens and turkeys; inject ½–1.0 cc. per bird subcutaneously at the base of the neck according to the severity of infection; not for laying birds where eggs are used for food; do not slaughter within 72 hours of last treatment.	Do.

Dated: September 25, 1963.

J. K. KIRK,
Assistant Commissioner, of Food and Drugs.

[F.R. Doc. 63-10408; Filed, Oct. 1, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-17]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE; NATIONAL INSTITUTES OF HEALTH

Notice of Issuance of an Amendment to Byproduct Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to License No. 19-296-11 held by the Department of Health, Education and Welfare, National Institutes of Health, Bethesda, Maryland, which provides for renewal of the license for a period of two years.

The license provides for the receipt, possession and packaging for sea disposal of 50 curies of byproduct material at the licensee's facility in Bethesda, Maryland. The license further provides that the waste byproduct material shall be disposed of by burial at sea in the Atlantic Ocean within a 5-mile radius of a point designated as latitude 36°56' N. and longitude 74°23' W. at a minimum depth of 1,000 fathoms.

The license amendment provides only for the continuation of activities previously authorized and does not involve consideration of safety factors different from those previously evaluated. The Commission has determined pursuant to the provisions of 10 CFR Parts 2 and 30 that the issuance of the amendment is consistent with applicable provisions of law, regulations and orders issued by the Commission.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the license is attached to this notice, except for "Appendix A" which is available for public inspection in the Commission's Public Document Room.

Dated at Bethesda, Md., September 24, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[License No. 19-296-11; Amdt. No. 2]

In accordance with application dated April 30, 1963, and amendment thereto dated June 24, 1963, License No. 19-296-11 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR 30, "Licensing of Byproduct Material", and in reliance upon the statements and representations contained in the application, The Department of Health, Education, and Welfare, National Institutes of Health, Bethesda, Maryland, is hereby authorized to receive, possess, package and dispose of byproduct material.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 50 curies of byproduct material at any one time.

2. Byproduct material shall be received, packaged, and disposed of by, or under the direct supervision of, individuals designated by the licensee's Radiation Committee pursuant to the terms and conditions governing the composition and functions of the Radiation Committee as described in the application.

3. The licensee shall receive, possess, package, and dispose of byproduct material in accordance with application dated February 12, 1959, including documents incorporated by reference, and amendment thereto dated March 10, 1959; application dated March 7, 1961; and application dated April 30, 1963 and amendment thereto dated June 24, 1963.

4. A copy of "Policies and Procedures for Radioisotope Areas" as described in the licensee's application shall be supplied to each employee of the licensee involved in the receipt, packaging and disposal of byproduct material.

5. The transportation of AEC-licensed material to and from the location designated in Condition 6 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside Shipping Containers.*

(1) The containers shall meet the specifications for sea disposal containers as approved herein or any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level of any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface of the container and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside containers.*

(1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

(4) Inside containers are not required for sea disposal containers as approved herein except where specified in the application.

C. *Shielding.*

Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5) and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.*

Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with the lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

F. *Accidents.*

In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.*

Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

6. The licensee shall store and package byproduct material for sea disposal only at the National Institutes of Health, Building 21, Bethesda 14, Maryland, as described in the licensee's application.

7. The licensee shall dispose of byproduct material in the Atlantic Ocean within a 5 mile radius circle the center of which is a point designated as parallel of latitude 36°56' N. and meridian of longitude 74°23' W. at a minimum depth of 1,000 fathoms.

8. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D.C., and the Director, Region II, Division of Compliance, Atomic Energy Commission, 50 Seventh Street NE., Atlanta 23, Georgia, at least ten (10) days prior to each disposal at sea, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries. Information regarding the actual date of disposal and the disposal location in latitude and longitude shall be supplied to the persons indicated above thirty (30) days after the date of disposal.

9. In addition to the record keeping requirements of 10 CFR Parts 20 and 30 the licensee shall maintain records of the following items of information regarding each container of waste packaged for sea disposal:

(1) Total amount of byproduct material in millicuries.

(2) Radiation level at the surface of the container and at 1 meter.

(3) Level of removable radioactive contamination on the container surface.

(4) Most hazardous radioisotope.

(5) Date of packaging.

(6) Weight and volume of final container.

(7) Disposal location and date of disposal.

This amendment is effective as of the date of issuance and shall expire two (2) years from the last day of the month in which this amendment is issued.

Date of issuance: September 24, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director,
Division of Licensing and Regulation.

[F.R. Doc. 63-10428; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an Order extending to December 31, 1963, the expiration date specified in Provisional Operating License No. DPR-4 issued to Saxton Nuclear Experimental Corporation, authorizing operation at thermal power levels up to 23.5 megawatts of the Saxton nuclear reactor located north of the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania.

Copies of the Commission's Order and the application dated August 26, 1963, filed by Saxton Nuclear Experimental Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of September 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 63-10429; Filed, Oct. 1, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E-20048; Docket 13777]

TRAFFIC CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of September 1963.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Agreement C.A.B. 17280, R-3 through R-15.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional specific commodity rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

[1] Filed as part of original document.

Accordingly, it is ordered: That Agreement C.A.B. 17280, R-3 through R-15, is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[SEAL]

[F.R. Doc. 63-10426; Filed, Oct. 1, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 49; FCC 63-879]

STANDARD BROADCAST APPLICATIONS

Processing

SEPTEMBER 27, 1963.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on October 29, 1963, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 28, 1963, which involves a conflict necessitating a hearing with an application on this list, must comply with the interim criteria governing acceptance of standard broadcast applications set forth in the note to § 1.354 of the Commission rules and be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on October 28, 1963, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attached list contains less than the usual number of 50 applications in order that action can be taken on all applications presently in the "Processing Line—Awaiting Action" category without any unnecessary delay which might otherwise occur.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(1) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

Applications from the top of the processing line:

BP-14666 WCEN, Mount Pleasant, Mich.
Paul A. Brandt.
Has: 1150 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 1150 kc, 500 w, 5 kw-LS, DA-2, U.

BP-15900 New, Immolakee, Fla.
Carl Richard Buckner.
Req: 1490 kc, 250 w, U.

BP-16954 WROL, Knoxville, Tenn.
WROL, Inc.
Has: 1490 kc, 250 w, U (Fountain City, Tenn.).
Req: 1490 kc, 250 w, 1 kw-LS, U (Knoxville, Tenn.).

BP-15963 KDAY, Santa Monica, Calif.
Continental Broadcasting of California, Inc.
Has: 1580 kc, 50 kw, DA, Day.
Req: 1580 kc, 10 kw, 50 kw-LS, DA-2, U.

BP-15964 KEYY, Provo, Utah.
Mid-Utah Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BMP-10967 WHSL, Wilmington, N.C.
The Progressive Broadcasting Corp.
Has CP: 1490 kc, 250 w, U.
Req MP: 1490 kc, 250 w, 1 kw-LS, U.

BP-15966 KSST, Sulphur Springs, Tex.
Hopkins County Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-15969 WLSB, Copperhill, Tenn.
Copper Basin Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-15971 WMOG, Brunswick, Ga.
Radio Brunswick, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-15977 KVOP, Plainview, Tex.
KVOP, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

[F.R. Doc. 63-10430; Filed, Oct. 1, 1963; 8:47 a.m.]

[FCC 63-855]

BOARD OF COMMISSIONERS

Delegation of Authority Relating to Investigations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1963;

The Commission having under consideration its announcement of September 25, 1963, regarding the plans for necessary absences of several of its members during the period of September 25, 1963, to October 1, 1963; and the limitation on the delegation of authority to a board of Commissioners, contained in § 0.213 of the Commission's statement of organization, delegations of authority and other information, whereby such Board cannot institute investigations:

It appearing, that a quorum of the Commission may not be present at times during the period from September 25, 1963, to October 1, 1963;

It further appearing, that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-specified period;

It is ordered, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, during the period from September 25, 1963, to October 1, 1963, there is delegated to a Board of Commissioners, to be composed of all Commissioners present and able to act during said period, authority to institute investigations and to suspend tariff filings pending investigations whenever a quorum of the Commission is not present.

Released: September 26, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 63-10431; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 15170]

R. W. CRAWFORD, JR.

Order To Show Cause

In the matter of R. W. Crawford, Jr., Hayward, California, Docket No. 15170; order to show cause why there should not be revoked the license for Radio Station 12W3522 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated June 19, 1963, alleging violation of § 19.61(a) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 18, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 24th day of September, 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last

known address of 22828 First Street, Hayward, California.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10432; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 15172]

RAYMOND D. HILL

Order To Show Cause

In the matter of Raymond D. Hill, San Francisco, California, Docket No. 15172; order to show cause why there should not be revoked the license for Radio Station 12W4784 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated June 18, 1963, alleging violation of § 19.61(a) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 18, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 24 day of September 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 800 Memorial Drive, South San Francisco, California.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10433; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket Nos. 15111, 15112; FCC 63M-1063]

HOLSTON BROADCASTING CORP. AND C. M. TAYLOR

Order Continuing Hearing

In re applications of Holston Broadcasting Corporation, Elizabethton, Tennessee, Docket No. 15111, File No. BP-15012; C. M. Taylor, Blountville, Tennessee, Docket No. 15112, File No. BP-15115; for construction permits.

The Hearing Examiner having under consideration a letter from counsel for C. M. Taylor, dated September 20, 1963, requesting the hearing date stayed;

It appearing, that on September 16, 1963, the parties filed a joint petition seeking approval of an agreement pursuant to which Holston Broadcasting Corporation would dismiss its application for Elizabethton, Tennessee and the application of C. M. Taylor for Blountville, Tennessee would be granted and such petition is pending before the Review Board; and

It further appearing, that it would serve no useful purpose to proceed with a hearing on the scheduled date:

It is ordered, This 25th day of September 1963, that the request is granted, and that the hearing is continued from October 2 to October 31, 1963.

Released: September 26, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10434; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket Nos. 15178, 15179; FCC 63-873]

HUNDRED LAKES BROADCASTING CORP. (WSIR) AND WJBS, INC. (WJBS)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Hundred Lakes Broadcasting Corporation (WSIR), Winter Haven, Florida, Docket No. 15178, File No. BP-13015, has: 1490 kc, 250 w, U, Class IV, requests: 1490 kc, 250 w, 1 kw-LS, U, Class IV; WJBS, Inc. (WJBS), DeLand, Florida, Docket No. 15179, File No. BP-13075, has: 1490 kc, 250 w, U, Class IV, requests: 1490 kc, 250 w, 1 kw-LS, U, Class IV; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1963;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate the stations as proposed but that each of the proposed operations would cause interference to the existing and proposed operation of the other; that the proposed operation of WSIR would cause serious interference to the existing operation of Class IV Station WTRL, Bradenton, Florida; and

It further appearing, that the Fletcher-Mitchell Corporation, licensee of Station WTRL, has on file an application, File No. BP-12698, for authority to increase daytime power to one kilowatt but that the proposed operation of WTRL would cause interference to Station CMOX, Havana, Cuba, in contravention of the North American Regional Broadcasting Agreement and therefore the WTRL proposal will not be given consideration at this time; and

It further appearing, that, in view of the foregoing, the Commission is of the opinion that the WSIR and WJBS proposals must be designated for hearing with the licensee of WTRL named a party to the proceeding in order that it may be determined whether the proposed operations of WSIR and WJBS would serve the public interest, convenience and necessity.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WSIR and WJBS and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the proposals.

3. To determine whether the proposed operation of WSIR would cause objectionable interference to the existing operations of Stations WTRL, Bradenton, Florida, and WJBS, DeLand, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of WJBS would cause objectionable interference to the existing operation of Station WSIR, Winter Haven, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the Fletcher-Mitchell Corporation, licensee of Station WTRL, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other existing 250-watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to, Section 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

Released: September 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10435; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 15169]

ROBERT LOUIS LENZ

Order To Show Cause

In the matter of Robert Louis Lenz, Oakland, California, Docket No. 15169; order to show cause why there should not be revoked the license for Radio Station 12WO716 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notices of Violation dated June 20, 1963, alleging violation of § 19.61 (a) and (f) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 18, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules.

It is ordered, This 24th day of September 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 2671 75th Avenue, Oakland 5, California.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10436; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket Nos. 14425, 14440; FCC 63M-1058]

SAUL M. MILLER ET AL.

Order Continuing Hearing

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; Chandler W. Drummond and E. Theodore Mallyck, d/b as Bi-States Broadcasters, Annville-Cleona, Pennsylvania, Docket No. 14440, File No. BP-14890; for construction permit.

Upon oral request of counsel for Saul M. Miller, and with the consent of the other parties: *It is ordered,* This 24th day of September 1963, that the hearing presently scheduled in the above-entitled matter for September 25, 1963 at 10:00 a.m., be, and the same is, hereby rescheduled for October 7, 1963 at 9:00 a.m.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10437; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket Nos. 15167, 15168; FCC 63M-1056]

MINNESOTA MICROWAVE, INC.

Order Scheduling Hearing

In re applications of Minnesota Microwave, Inc., Willmar, Minnesota, Docket No. 11567, File No. 2886-C1-R-63; for renewal of the license for station KAY61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Willmar, Minnesota; Docket No. 15168, File Nos. 1845/1846/1847/1848/1849/1850/1851-C1-P-63, for construction permits to establish stations in the Point-to-Point Microwave Radio Service in or near Roseville, Rockford, Cold Springs, Little Falls, Willmar, Benson, and Montevideo, Minnesota.

It is ordered, This 23d day of September 1963, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 12, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., October 21, 1963.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10438; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 15174]

DAVID J. OHLERT

Order To Show Cause

In the matter of David J. Ohlert Grosse Pointe City, Michigan, Docket No. 15174; order to show cause why there should not be revoked the license for Radio Station KHH-3074 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Letter dated February 21, 1963, alleging violation of § 19.61(a) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated August 19, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 26th day of September 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 791 University Place, Grosse Pointe City, Michigan.

Released: September 26, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10439; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 15180; FCC 63-880]

OTTAWA BROADCASTING CORP. (WJBL)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Ottawa Broadcasting Corporation (WJBL), Holland, Michigan, Docket No. 15180, File No. BP-15189, has: 1260 kc, 5 kw, DA-day, requests: 1260 kc, 1 kw, 5 kw-LS, DA-2, U, Class III-B; for construction permit.

1. The Commission has before it for consideration a petition to deny the above-captioned application filed July 13, 1962 by Crookston Broadcasting Company, licensee of Station KROX, Crookston, Minnesota and a reply thereto filed May 3, 1963,[1] by Ottawa Broadcasting Corporation.

2. Petitioner, in requesting that the application be designated for hearing, noted that the engineering exhibit in the application conceded that the proposal would cause objectionable interference within the interference-free nighttime service area of Station KROX.

3. In opposition, the applicant points out that subsequent to the petition to deny an amendment was submitted to reflect a substantial change in the orientation of its nighttime radiation pattern thereby eliminating the objectionable interference to KROX.

4. We find that the aforementioned amendment does, in fact, remove any substantial question of objectionable interference to petitioner's station. Thus, the petition to deny will be dismissed as moot.

5. However, we find that a substantial question obtains regarding the degree of protection the proposal will afford the existing nighttime operation of Station WFBM, Indianapolis, Indiana, and, on our own motion, we will designate the application for hearing and make the licensee of the latter station a party to the proceeding.

6. The application of Ottawa Broadcasting Corporation is for operation as a Class III-B station, the normally protected nighttime contour of which is 4.0 mv/m. According to the applicant's data, based on a nighttime limitation of 26.38 mv/m, 23,575 persons or 43.5 percent of the population within the normally protected nighttime contour will not receive nighttime service from the proposal. Since no exception to the rule is claimed, a substantial question exists regarding the applicant's compliance with § 3.28(d)(3) of the Commission's rules.

In view of the foregoing, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

[1] Counsel for petitioner consented to late filing.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WJBL and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WJBL would cause objectionable nighttime interference to Station WFBM, Indianapolis, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from all sources would affect more than ten percent of the population within the normally protected nighttime service area of the proposed operation of Station WJBL, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the petition to deny, filed July 13, 1962, by Crookston Broadcasting Corporation is hereby dismissed.

It is further ordered, That Time-Life Broadcast, Inc., licensee of Station WFBM, Indianapolis, Indiana, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of Ottawa Broadcasting Corporation, the construction permit shall contain the following condition:

Subsequent to the adjustment of the nighttime array, permittee shall submit field intensity measurements to prove that the daytime radiation pattern remains adjusted assentially as authorized; remeasure the common-point impedance of the daytime array and, if it is found to be different from the value specified in the license, file with the Commission an application for modification of license.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Adopted: September 25, 1963.

Released: September 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10440; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket Nos. 14557, 14558; FCC 63M-1051]

PAGE BOY RADIO CORP. AND NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

Order Scheduling Hearing

In re applications of Page Boy Radio Corporation, Detroit, Michigan, Docket No. 14557, File No. 2133-C2-P-61, for construction permit to establish a one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Detroit, Michigan; and New York Technical Institute of Cincinnati, Inc., Detroit, Michigan, Docket No. 14558, File No. 138-C2-ML-62, 1149-C2-ML-62; for modification of license of Station KQC884 to add type 3A2 emission to the presently authorized 6A3 emission.

Pursuant to the Review Board's Memorandum Opinion and Order of July 8, 1963, remanding the case for further proceedings: *It is ordered*, This 20th day of September 1963, that hearing on the issues designated in the Memorandum Opinion and Order referred to above will be held on October 7, 1963, at 10:00 a.m.

Released: September 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10441; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 15171]

FRANK J. PASKET

Order To Show Cause

In the matter of Frank J. Pasket, South Houston, Texas, Docket No. 15171; order to show cause why there should not be revoked the license for Radio Station KEE-0583 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated July 12, 1963, alleging violation of § 19.-61(a) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 16, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 24th day of September 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of Post Office Box 675, South Houston, Texas.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10442; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket No. 15173]

QUALITY PLUMBING CO., INC.

Order To Show Cause

In the matter of Quality Plumbing Co., Inc., Dallas, Texas, Docket No. 15173; order to show cause why there should not be revoked the license for Radio Station KBZ-616 in the Business Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at its address of record as follows: "Official Notice of Violation dated July 18, 1963, alleging violation of § 11.152(a) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 23, 1963, also mailed to the licensee at its address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 25th day of September 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at its last known address of 4216 Bryan Street, Dallas, Texas.

Released: September 26, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10443; Filed, Oct. 1, 1963; 8:47 a.m.]

[Docket Nos. 15165, 15166; FCC 63M-1057]

SALEM TELEVISION CO. AND SALEM CHANNEL 3 TELECASTERS, INC.

Order Scheduling Hearing

In re applications of Salem Television Co., Salem, Oregon, Docket No. 15165, File No. BPCT-3080; Salem Channel 3 Telecasters, Inc., Salem, Oregon, Docket No. 15166, File No. BPCT-3097; for construction permits for new television broadcast stations.

It is ordered, This 23d day of September 1963, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 25, 1963, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., October 21, 1963.

Released: September 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10444; Filed, Oct. 1, 1963; 8:48 a.m.]

[Docket Nos. 15006—15008; FCC 63M-1050]

TELEVISION COMPANY OF AMERICA, INC., ET AL.

Order Continuing Hearing

In re applications of Harry Wallerstein, Receiver, Television Company of America, Inc., Docket No. 15006, File No. BRCT-397; for renewal of license of Station KSHO-TV, Las Vegas, Nevada; Harry Wallerstein, Receiver, Television Company of America, Inc. (ASSIGNOR) and Television Company of America, Inc. (ASSIGNEE), Docket No. 15007, File No. BALCT-181; for assignment of license of Station KSHO-TV, Las Vegas, Nevada; Reed R. Maxfield, Robert W. Hughes, Carl A. Hulbert and Alex Gold (Transferors) and Arthur Powell Williams (Transferee), Docket No. 15008, File No. BTC-3965; for transfer of control of Nevada Broadcasters' Fund, Inc., Holding Company of Television Company of America, Inc., Licensee of Station KSHO-TV, Las Vegas, Nevada.

Upon oral request of the parties and their agreement; *It is ordered*, This 20th day of September 1963, that the following dates shall govern the future proceedings in this matter:

Stipulation agreements shall be submitted on October 8, 1963;

Further prehearing conference presently scheduled for September 30, 1963, is continued to October 15, 1963; and

Hearing presently scheduled for October 15, 1963, is continued to October 29, 1963, at 10:00 a.m. in Las Vegas, Nevada.

Released: September 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10445; Filed, Oct. 1, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

NEDLLOYD LINE JOINT SERVICE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7661-5, between carriers comprising the Nedlloyd Line joint service, modifies the basic agreement of that joint service (7661 as modified), covering the trades between various world wide ports and United States and Canadian ports, (1) to change the name of the Colony of Singapore to the State of Singapore where included in the basic agreement; and, (2) to specifically name the State of Singapore and the Federation of Malaya in respect to the trade between ports of the United States and Canada Great Lakes area and various other foreign ports.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York; N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: September 26, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10425; Filed, Oct. 1, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2668 etc.]

CITIES SERVICE CO. ET AL.

Notice of Severance

SEPTEMBER 25, 1963.

Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G-2668, et al.; Landmark Oil, Inc., Docket No. CI63-1426.

Notice is hereby given that the matter of the application in Docket No. CI63-

1426, heretofore scheduled for a hearing in Washington, D.C., on September 26, 1963, in the consolidated proceeding entitled Cities Service Company (successor to Arkansas Fuel Oil Corporation), et al., Docket No. G–2668, et al., is severed therefrom for such further disposition as may be appropriate in view of the Notice of Intervention filed by the California Public Utilities Commission on September 24, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–10398; Filed, Oct. 1, 1963; 8:45 a.m.]

[Docket No. CP63–300]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

SEPTEMBER 25, 1963.

Take notice that on May 9, as supplemented on August 27, 1963, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application in Docket No. CP63–300, pursuant to section 7(b) of the Natural Gas Act, as amended, for permission and approval to abandon 4.68 miles of 16-inch transmission pipeline in Tyler and Wetzel Counties, West Virginia, all as more fully set forth in an application on file with the Commission and open to public inspection.

Applicant states that the pipeline to be abandoned is no longer useful in Applicant's business and that its abandonment will not result in the abandonment of any service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1963, at 9:30 a.m. (e.s.t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–10399; Filed, Oct. 1, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31–666]

CONSUMERS' GAS CO.

Notice of Filing of Application for Exemption

SEPTEMBER 26, 1963.

Notice is hereby given that The Consumers' Gas Company ("Consumers"), 19 Toronto Street, Toronto, Canada, has filed an application and amendments thereto, pursuant to section 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act"), for exemption of itself, as a holding company, and of each of its subsidiary companies as such, on the ground that it is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public-utility company.

All interested persons are referred to the application and the amendments thereto, on file at the office of the Commission, for a statement of the facts in support thereof, which are summarized as follows:

Consumers is a corporation organized under the laws of the Province of Ontario, Canada, owning and operating facilities for the transmission and distribution of natural gas in the Province of Ontario, Canada. It also has several subsidiary companies organized under the laws of Canada and of the Provinces of Ontario and Quebec which own and operate facilities for the transmission and/or distribution of natural gas, all in Canada.

In addition, Consumers owns all of the capital stock of St. Lawrence Gas Company, Inc. ("St. Lawrence"), a New York corporation, which owns and operates facilities for the transmission and distribution of natural gas in northern New York State, having commenced such operations in the latter part of 1962. The communities served or to be served by St. Lawrence include Ogdensburg, Massena, Potsdam, and Canton, in New York State. Consumers and its Canadian subsidiary companies obtain their natural gas supply from Trans-Canada Pipe Lines Limited, a Canadian natural gas pipeline company. St. Lawrence obtains its gas supply from a subsidiary company of Consumers by means of a pipeline which crosses the St. Lawrence River (the international boundary) near Massena, New York.

At March 31, 1963, the consolidated financial statements of Consumers and its subsidiary companies (stated in Canadian dollars) showed assets of $246,759,338 and, for the twelve months then ended, revenues and net income of $65,269,624 and $8,962,319, respectively.

At the same date, the financial statements of St. Lawrence (stated in U.S. dollars) showed total assets of $7,092,819 and, for the period from November 1, 1962, to March 31, 1963, revenues of $393,070. It is estimated that total revenues for the year 1963 will amount to $1,196,000 and will increase gradually, through 1967, to $3,731,000. Net income deficits are estimated for the years 1963 and 1964; for the years 1965, 1966, and 1967 net income is estimated at $102,000, $271,000, and $414,000, respectively. In July 1963, St. Lawrence had outstanding 100 shares of $50 par value common stock (all owned by Consumers), temporary notes payable to the Bankers Trust Company of New York in the aggregate principal amount of $2,823,000, and was indebted to Consumers for $4,000,000 of advances. During 1963, St. Lawrence expects to issue and sell $3,000,000 principal amount of first mortgage bonds to retire its outstanding notes and, upon obtaining the requisite authorization from the Public Service Commission of the State of New York, to issue additional common stock to Consumers in satisfaction of the $4,000,000 of advances. The filing indicates that upon completion of the contemplated financing, St. Lawrence will have a capital structure consisting of $3,000,000 principal amount of long-term debt and $4,000,000 par value of common stock.

The requisite authority for the exportation of natural gas from Canada and the importation thereof into New York State to satisfy the requirements of St. Lawrence has been obtained from the Canadian agencies having jurisdiction, and from the Federal Power Commission; and St. Lawrence has obtained from the Public Service Commission of the State of New York the requisite certificate of public convenience and necessity and other authorizations to enable it to construct the necessary facilities and to commence natural gas service in northern New York State in the areas indicated.

Consumers has agreed to file annually with the Commission, as soon as practicable after the end of each fiscal year, copies of its annual report to stockholders, together with financial statements of St. Lawrence (consisting of balance sheets and statements of income and surplus) for the same dates and periods.

Notice is further given that any interested person may, not later than October 15, 1963, request in writing that a hearing be held in respect of such matter, stating the reasons for such request and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application as amended, or as it may be further amended, may be granted; or the Commission may take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–10403; Filed, Oct. 1, 1963; 8:45 a.m.]

[File No. 24NY–5930]

SAVANT INSTRUMENTS, INC.

Notice and Order for Hearing

SEPTEMBER 26, 1963.

I. Savant Instruments, Inc. (formerly Servonuclear Corp.), a New York corporation located at 221 Park Avenue, Hicksville, Long Island, New York, filed with the Commission on July 5, 1963, a notification on Form 1–A and a statement in lieu of an offering circular (pursuant to Rule 257 of Regulation A) relating to an offering by selling stockholders of 15,000 shares of its 10¢ par value common stock at prevailing market prices not to exceed an aggregate offering price of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on September 4, 1963, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on November 12, 1963, at the New York Regional Office, 23rd Floor, 225 Broadway, New York 7, New York, with respect to the matters set forth in section II of the Commission's order dated September 4, 1963, which temporarily suspended the Regulation A exemption of Savant Instruments, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

It is further ordered, That Frederick Zazove, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Savant Instruments, Inc.; that notice of the entry of the order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before November 8, 1963, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Savant Instruments, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated September 4, 1963. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Savant Instruments, Inc. does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated September 4, 1963.

Notice is hereby given that if Savant Instruments, Inc. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceeding may be determined against Savant Instruments, Inc. by the Commission upon consideration of this notice and order for hearing and Commission's order of September 4, 1963, and said allegations in section II of the Commission's order of September 4, 1963, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–10404; Filed, Oct. 1, 1963; 8:45 a.m.]

[File No. 811–904]

SELECTED PLANS

Notice on Motion To Terminate Registration

SEPTEMBER 26, 1963.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") that Selected Plans, 20 Exchange Place, New York 5, New York, has ceased to be an investment company.

Selected Plans was a Unit Investment Trust organized by a custodian agreement on September 9, 1959 between Planholders Institute, Inc., acting as sponsor, and Chemical Bank New York Trust Company, acting as custodian. Planholders Institute was a New York corporation created for the purpose of organizing Selected Plans for the accumulation of shares of Selected American Shares, a Mutual Fund, and to act as underwriter in offering certificates of Selected Plans to the public. In October 1960 Planholders Institute abandoned its proposal to offer Selected Plans to the public and Planholders Institute was dissolved and liquidated and no securities of Selected Plans were ever issued or sold.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on its motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 14, 1963 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order may be issued by the Commission, unless an order for hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–10405; Filed, Oct. 1, 1963; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–XIII (Amdt. 2)]

SEATTLE REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, and 8179, Delegation of Authority No. 30–XIII, as amended, 28 F.R. 4938 and 8231, is hereby amended by revising Subitems I.K.3. and I.K.5. thereof. As revised, Subitems I.K.3 and I.K.5 read as follows:

I. • • •

K. The following authority is hereby redelegated to the Branch Managers at Portland, Oregon; Anchorage, Alaska; Boise, Idaho; and Helena, Montana:

• • • • • •

3. To disburse approved loans. Exception—Boise Branch may disburse only unsecured disaster loans.

• • • • • •

5. Item I.C.12—Only the authority for servicing, administration, and collection, including subitems a, b, and c. Exception—Boise Branch cannot exercise the authority contained in subitem c.

Effective date: September 16, 1963.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle.

[F.R. Doc. 63-10406; Filed, Oct. 1, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 27, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38557: *Newsprint paper to points in southern territory.* Filed by O. W. South, Jr., agent (No. A4376), for interested rail carriers. Rates on newsprint paper, in carloads, from Childersburg, Coosa Pines and Mobile, Ala., also Calhoun, Tenn., to points in southern territory, also Ohio and Mississippi River crossings, Virginia cities gateway points and Washington, D.C.

Grounds for relief: Motortruck competition.

Tariff: Supplement 67 to Southern Freight Association, agent, tariff I.C.C. S-230.

FSA No. 38558: *Liquid caustic soda from Louisiana points.* Filed by O. W. South, Jr., agent (No. A4377), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Baton Rouge and North Baton Rouge, La., to Phelps, Ga., and Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 112 to Southern Freight Association, agent, tariff I.C.C. S-89.

FSA No. 38559: *Sulphuric acid from LeMoyne, Ala., to Charleston, Tenn.* Filed by O. W. South, Jr., agent (No. A4378), for and on behalf of Southern Railway Company. Rates on sulphuric acid, in tank-car loads, from LeMoyne, Ala., to Charleston, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 63 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 38560: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 337), for interested carriers. Rates on iron and steel articles, loaded in highway trailers, and moving over joint route of applicant rail and motor carrier, between points in Illinois, Indiana, Kansas and Missouri, on the one hand, and points in southwestern and middlewest territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 22 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 393.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10417; Filed, Oct. 1, 1963; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 27, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. CPC A-856 (Sub-No. 1), filed June 11, 1962. Applicant: LOCAL DELIVERIES, LTD., Post Office Box 2138, Las Vegas, Nev. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Air freight shipments and baggage,* by truck, as follows: (1) between McCarran Field (Clark County), Nev., on the one hand, and, on the other, Nye County, Nev., and those portions of Esmeralda County, Nev., lying on U.S. Highway 95 and one (1) mile on either side thereof, (2) those portions of Clark County, Nev., lying on U.S. Highways 91 and 93, and one (1) mile on either side thereof, between Apex, Nev., and McCarran Field, and (3) service shall be provided to all intermediate points, namely: Indian Springs and Cactus Springs (Clark County), Mercury (Zone 1), Camp Desert Rock (Zone 2), Lathrop Wells, Beatty, Tonopah, and Tonopah Ballistic Range (Nye County) and Goldfield (Esmeralda County), Nev.

HEARING: Date, time and place assigned for hearing application, not known at this time.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nevada Public Service Commission, Carson City, Nev., 89701, and should not be addressed to the Interstate Commerce Commission.

State Docket No. 2173 (Sub-No. 1), filed May 6, 1963. Applicant: JOE C. HUNT, doing business as HUNT TRUCK LINES, 339 Whitney Avenue, Salt Lake City, Utah. Applicant's attorney: Lorin N. Pace, 19 West South Temple, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* over regular routes from Salt Lake City, Utah, providing regular service to all points located on U.S. Highway 160 and Utah Highway 47 within a ten (10) mile radius thereof, within Grand and San Juan Counties and all other points in Grand and San Juan Counties on call.

NOTE: Applicant states he proposes to engage in the same operation on return and to service no intermediate or off-route points other than the above mentioned.

HEARING: October 17, 1963, at 2:00 p.m., in the Grand County Courthouse, Moab, Utah.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Utah Public Service Commission, 310 State Capitol, Salt Lake City 14, Utah, and should not be directed to the Interstate Commerce Commission.

State Docket No. 7039-CCT, filed August 21, 1963. Applicant: GEORGE E. PARIS AND LYLLIAN L. PARIS, doing business as BEACH TRUCKING COMPANY, Neptune Beach, Fla., mailing address: Post Office Box 418, Atlantic Beach, Fla. Applicant's attorney: Clifford T. Inglis, 1503 Barnett National Bank Building, Jacksonville 2, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except Classes A and B explosives, articles of unusual value, bulk or liquid tank truck compounds, perishable foodstuffs, commodities requiring protective service against heat or cold, uncrated furniture and appliances, including musical instruments, organs and pianos, household goods and personal effects except on government bill of lading, commodities requiring special equipment, and those injurious or contaminating to other lading), to, from and between Jacksonville, East Mayport, Mayport, Mayport Naval Base, Atlantic Beach, Neptune Beach, Jacksonville Beach, and Ponte Vedra Beach, utilizing as irregular or alternate routes State Road 10A, State Road 10 (Atlantic Boulevard), State Road 115, Alternate U.S. Highway 90, State Road A1A (Mayport Road), and U.S. Highway 90 (State Road 212, Beach Boulevard), serving all intermediate points and the off-route points and communities of Arlington, Gilmore, Ft. Caroline National Memorial, Jacksonville University, Ponte Vedra, South Ponte Vedra Beach, Palm Valley, Palm Valley Landing, Palm Valley Road Bridge, San Pablo, Isle of Palms, South Isle of Palms, and Pablo Keys, utilizing also as irregular or alternate routes University Boulevard, Fort Caroline Road, St. Johns Bluff Road, Merrill Road, Rogero Road, Arlington Road, Mount Pleasant Road, Girvin Road, State Road 101A (San Pablo Road), State Road A1A (Ponte Vedra Beach Boulevard), State Road 210 (Palm Valley Road), State Road 210A (Solano Road and Roscoe Boulevard), and other streets, public highways and county roads in the vicinity.

HEARING: October 10, 1963, at 9:00 a.m., at 2255 Oak Street, Jacksonville, Fla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Railroad and Public Utilities Commission, Lock Drawer 810, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 16715, filed September 4, 1963. Applicant: SERVICE CARTAGE COMPANY, INC., 539 South Trenton, Tulsa, Okla. Applicant's attorney: Rufus H. Lawson, 2953 Northwest 22d Street (Post Office Box 5114), Oklahoma City, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of meats, fresh or salted, frozen or unfrozen, between all points in Oklahoma.

HEARING: October 18, 1963, at 10:00 a.m., in the Corporation Commission's Courtroom, Capitol Office Building, Oklahoma City, Okla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Oklahoma Corporation Commission, 300 Capitol Office Building, Oklahoma City 5, Okla., and should not be addressed to the Interstate Commerce Commission.

State Docket No. 72-356-M (REPUBLICATION), filed July 26, 1963, published FEDERAL REGISTER issue of September 18, 1963. Applicant: J & H TRUCK LINES, INC., 1442 North Hillside, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, Kans., and Coffeyville, Kans., serving to, from and between all intermediate points, from Wichita, Kans., thence southeasterly via Kansas Highway 15 to Udall, Kans., thence south via County Road No. 3, to its intersection with U.S. Highway 160, thence via U.S. Highway 160 to its intersection with U.S. Highway 169, approximately seven (7) miles east of Independence, Kans., thence south via U.S. Highway 169 to its intersection with U.S. Highway 166, at Coffeyville, Kans., thence west via U.S. Highway 166 to its intersection with U.S. Highway 77 at Arkansas City, Kans., thence north via U.S. Highway 77 to Winfield, Kans., and return over the same route; and (2) from Arkansas City, Kans., thence west via U.S. Highway 166 to its intersection with Interstate Highway 35, thence north via Interstate Highway 35 to Wichita, Kans., as an alternate route for operating convenience only. This applicant seeks concurrent motor carrier authorization in interstate or foreign commerce under section 206(a)(6) of the Interstate Commerce Act as amended October 15, 1963.

NOTE: The purpose of this republication is to show the correct State Docket No., and designate Mr. John E. Jandera, attorney for applicant, as requested by the Director, Motor Carrier Division, Kansas Corporation Commission.

HEARING: October 30 and 31, 1963, at 10:00 a.m., in the Donahoe Hotel, 100 North Summit, Arkansas City, Kans.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Kansas State Corporation Commission, State Office Bldg., Motor Carrier Division, Topeka, Kans., and should not be addressed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10418; Filed, Oct. 1, 1963; 8:46 a.m.]

[Notice No. 2]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

SEPTEMBER 27, 1963.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The special rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

ALABAMA

No. MC 121189 (Sub-No. 1), filed February 4, 1963. Applicant: DUNAGAN TRANSPORTATION COMPANY INC., Post Office Box 32, Satsuma, Ala. Applicant's attorney: Hugh R. Williams, Post Office Box 6202 (Carolyn Station), Montgomery, Ala. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 468, dated September 26, 1961; 1856, dated September 26, 1961, issued by the Alabama Public Service Commission.

No. MC 121447 (Sub-No. 1), filed January 14, 1963. Applicant: ANNISTON MOTOR EXPRESS, INC., 920 West Ninth Street, Anniston, Ala. Applicant's attorney: Donald L. Morris, 1001 Bank for Savings Building, Birmingham 3, Ala. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 684, dated January 11, 1963, issued by the Alabama Public Service Commission.

No. MC 121541, filed February 12, 1963. Applicant: DOUGLAS KALLAM, Demopolis, Ala. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 611, by order dated September 29, 1947, incorporated in order dated April 8, 1948 issued by the Alabama Public Service Commission. Applicant states that the State certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

No. MC 121546, filed February 3, 1963. Applicant: G. A. HORNADAY, CECIL M. HORNADAY AND B. C. HORNADAY, doing business as HORNADAY BROTHERS, Post Office Box 522, Monroeville, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery, Ala. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 647, dated January 5, 1951, issued by the Alabama Public Service Commission. Applicant states that the certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

ARIZONA

No. MC 98694 (Sub-No. 1), filed January 30, 1963. Applicant: B-Z-BEE TRANSPORTATION & WAREHOUSE CO., 1146 North 19th Avenue, Phoenix, Ariz. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3819, dated October 20, 1959, issued by Arizona Corporation Commission.

No. MC 99570 (Sub-No. 2), filed February 10, 1963. Applicant: BRUCE CLUFF, VEDA CLUFF, ADMINISTRATRIX, Box 71, Fredonia, Ariz. Authority sought to continue to operate as a common carrier under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 6957, dated March 15, 1957, issued by the Arizona Corporation Commission.

No. MC 120285 (Sub-No. 1), filed February 11, 1963. Applicant: CECIL STEWART, doing business as ARIZONA TRUCKING COMPANY, 1818 18th Street, Yuma, Ariz. Authority sought to continue to operate as a common car-

rier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 4081, dated April 10, 1959, issued by Arizona Corporation Commission.

No. MC 120308 (Sub-No. 1), filed February 12, 1963. Applicant: HENRY A. DALTON, 42 East Second Street, Tucson, Ariz. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act pursuant to Certificate No. 7356, dated June 4, 1959, issued by the Arizona Corporation Commission. Applicant states that the certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

No. MC 120860 (Sub-No. 1), filed February 12, 1963. Applicant: HOLDBROOK TRANSFER & STORAGE, INC., 4637 West Fairmont, Phoenix, Ariz. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificates Nos. 5136, and 3068, dated July 6, 1960, issued by the Arizona Corporation Commission.

No. MC 121384 (Sub-No. 1) (CORRECTION), filed February 9, 1963, published in FEDERAL REGISTER issue of June 12, 1963, corrected June 19, 1963, and republished as corrected this issue. Applicant: ARIZONA TRAILER CONVOY, INC., doing business as, ARIZONA TRAILER CONVOY, 1825 East Washington, Street, Phoenix 12, Ariz. The purpose of this republication is to show that A. Michael Bernstein does not represent applicant in this matter as shown in the previous publication.

ARKANSAS

No. MC 2207 (Sub-No. 1), filed February 11, 1963. Applicant: R. C. GILLESPIE, doing business as CROSS TRANSFER COMPANY, Post Office Box 435 (Cull Station), Camden, Ark. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. B-162 dated August 29, 1957, issued by the Arkansas Commerce Commission. Applicant states that the certificate was not on file with the Interstate Commerce Commission on October 15, 1962, by reason of failure to receive notice of such requirement.

CALIFORNIA

No. MC 868 (Sub-No. 5) (CORRECTION), filed February 12, 1963 published FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif. Applicant's attorney: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif.

NOTE: The purpose of this republication is to correctly show the applicant's address as shown above, in lieu of that in previous publication.

No. MC 13154 (Sub-No. 2), filed February 11, 1963. Applicant: RUSSELL TRUCK COMPANY, 3421 South Malt Avenue, Los Angeles 22, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Decision No. 32530 dated November 8, 1939, issued by the California Public Utilities Commission.

No. MC 49862 (Sub-No. 2), filed January 21, 1963. Applicant: BAY FREIGHT LINES, 2200 Wood Street, Oakland, Calif. Applicant's representative: E. H. Griffiths, 451 Turk Street, Room 23, San Francisco 2, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Decision No. 60970, dated October 25, 1960, issued by the California Public Utilities Commission.

No. MC 73826 (Sub-No. 3), filed February 5, 1963. Applicant: HASLETT WAREHOUSE COMPANY, 680 Beach Street, San Francisco 19, Calif., and HASLETT WAREHOUSE COMPANY, 680 Beach Street, San Francisco 19, Calif., and HOWARD TERMINAL, 75 Market Street, Oakland 4, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to certificates granted by Decisions No. 47146 dated May 13, 1952, and 62834 dated November 21, 1961, issued by the California Public Utilities Commission. As joint applicant with Howard Terminal, it also seeks a "grandfather" Certificate of Registration covering certificates granted by Decisions Nos. 59794 and 62711 acquired from Howard Terminal pursuant to approval of the Interstate Commerce Commission in No. MC-F-8221.

No. MC 96621 (Sub-No. 3), filed January 23, 1963. Applicant: G & H TRANSPORTATION, INC., 1501 Chapin Road, Montebello, Calif. Applicant's attorney: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles 17, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate granted by Decision No. 54906, dated April 22, 1957, issued by the California Public Utilities Commission.

No. MC 99646 (Sub-No. 1), filed February 1, 1963. Applicant: GEORGE S. BUTLER, INC., 3530 Broadway, Post Office Box 34, Eureka, Calif., and BAY FREIGHT LINES, 2200 Wood St., Oakland, Calif., joint applicants. Applicant's representative: E. H. Griffiths, 451 Turk Street, Room 23, San Francisco 2, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate granted by Decision No. 43424 dated October 18, 1949 and No. 50629 dated October 13, 1954, issued by the Public Utilities Commission of California.

No. MC 99905 (Sub-No. 1) (CORRECTION), filed February 12, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: ARTHUR MOSQUIERA, SR., A. B. MOSQUIERA AND MAXINE THOMAS, doing business as LOS ANGELES-SANTA BARBARA VAN LINES, 3623 Cahuenga Boulevard, Hollywood 28, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate granted by Decisions No. 48899 and 61030 dated July 28, 1953 and November 7, 1960, respectively issued by the California Public Utilities Commission. Pursuant to the Interstate Commerce Commission's approval October 26, 1962, in No. MC-F 8259, applicant's operations are presently conducted by T.I.M.E. Freight, Inc., under temporary authority pending disposition of application to purchase.

No. MC 120418 (Sub-No. 1), filed February 11, 1963. Applicant: SOUTHERN TANK LINES, 16613 Minnesota Street, Paramount, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Application filed to protect carrier's right, if any, to Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to certificate granted by Decision No. 44729 dated August 29, 1950, issued by the California Public Utilities Commission. The application is accompanied by a petition seeking reinstatement of applicant's Form BMC-75 statement in No. MC-120418.

No. MC 120498 (Sub-No. 1), filed February 12, 1963. Applicant: DANNY M. CAMPBELL, doing business as CAMPBELL TRUCK CO. AND CAMPBELL TRUCK, INC., joint applicants, 2270 Vineyard Avenue, Oxnard, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate granted by Decision No. 59596, dated February 1, 1960, issued by the California Public Utilities Commission.

NOTE: The purpose of this republication is to show omitted permits.

No. MC 99952 (Sub-No. 1) (REPUBLICATION), filed January 28, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: THEODORE F. ROCKE, doing business as EAGLE TRUCK LINE, 1819 South Soto Street, Los Angeles 23, Calif., and EAGLE TRUCK LINES, INC., joint applicants. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif.

NOTE: The purpose of this republication is to show Eagle Truck Lines, Inc., as joint applicants.

No. MC 113759 (Sub-No. 5) (CORRECTION), filed January 9, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: CONSTRUCTORS TRANSPORT CO., 1205 Date Street, Montebello, Calif. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Application filed to protect carrier's right, if any, to a certificate under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to certificates granted by Decisions No. 48899 and 61030 dated July 28, 1953 and November 7, 1960, respectively issued by the California Public Utilities Commission. Pursuant to the Interstate Commerce Commission's approval October 26, 1962, in No. MC-F 8259, applicant's operations are presently conducted by T.I.M.E. Freight, Inc., under temporary authority pending disposition of application to purchase.

No. MC 120418 (Sub-No. 1), filed February 11, 1963. Applicant: SOUTHERN TANK LINES, 16613 Minnesota Street, Paramount, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Application filed to protect carrier's right, if any, to Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to certificate granted by Decision No. 44729 dated August 29, 1950, issued by the California Public Utilities Commission. The application is accompanied by a petition seeking reinstatement of applicant's Form BMC-75 statement in No. MC-120418.

No. MC 120498 (Sub-No. 1), filed February 12, 1963. Applicant: DANNY M. CAMPBELL, doing business as CAMPBELL TRUCK CO. AND CAMPBELL TRUCK, INC., joint applicants, 2270 Vineyard Avenue, Oxnard, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate granted by Decision No. 59596, dated February 1, 1960, issued by the California Public Utilities Commission.

No. MC 120505 (Sub-No. 1) (CORRECTION), filed February 11, 1963, published FEDERAL REGISTER issue of June 12, 1963, and corrected this issue. Applicant: MILO R. BROWN AND MAURICE C. BROWN, doing business as TODD FREIGHT LINES, Box 3716, Modesto, Calif., joint applicants with TODD FREIGHT LINES, INC. (same address as above). Applicant's representative: Charles D. Gilbert, Post Office Box 824, 702 North Wilson Way, Stockton, Calif. The purpose of this republication is to show applicants correct docket number, No. MC 120505 (Sub-No. 1), in lieu of No. MC 120506 (Sub-No. 1), as shown in previous publication, in error.

No. MC 120555 (Sub-No. 1), filed January 28, 1963. Applicant: B. C. LAWSON DRAYAGE, INC., 1311 22d Street, San Francisco, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate granted by Decision No. 62596, dated September 25, 1961, issued by the California Public Utilities Commission.

No. MC 120607 (Sub-No. 1), filed February 7, 1963. Applicant: LAWSON-TAYLOR LINES, INC. (M. W. Engleman, assignee), 2501 South Alameda Street, Los Angeles 58, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to certificate granted by Decision No. 53876, dated October 9, 1956, issued by the California Public Utilities Commission. Petition has been filed requesting reinstatement of the Form BMC 75 statement in No. MC-120607 on which the BOR-99 application is predicated.

No. MC 120898 (Sub-No. 1), filed February 3, 1963. Applicant: JAMES P. MAUGH, doing business as STUCKI AND JIM'S TRUCK REPAIR SERVICE, 6634 East Florence, Bell Gardens, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate granted by Decision No. 61593, dated February 28, 1961, issued by the California Public Utilities Commission.

No. MC 121319 (Sub-No. 1), filed January 28, 1963. Applicant: MILLAGE TRUCKING, INC., 2620 Durahart Street, Riverside, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificates granted by Decisions No. 44229, 47804, 48105, and 47947, dated May 23, 1950, October 7, 1952, December 22, 1952 and November 25, 1952 respectively, and No. 59804 dated March 22, 1960, as amended by No. 63073 dated January 9, 1962; No. 61352; No. 62204 dated June 27, 1961; and No. 63074 dated January 9, 1962, issued by the California Public Utilities Commission. Applicant also seeks "grandfather" rights covering Decision No. 64503, involved in litigation on October 15, 1962.

No. MC 121338 (Sub-No. 1) (CORRECTION), filed February 6, 1963, published FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: TORREY TRUCKING, INC., Post Office Box 284, 900 West 17th Street, National City, Calif., and PADRE FREIGHT LINES, Sacramento, Calif., joint applicant. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif.

NOTE: The purpose of this republication is to show PADRE FREIGHT LINES, as joint applicant.

No. MC 121549, filed February 11, 1963. Applicant: MANUEL S. MANCEBO, MANUEL MANCEBO, JR., JOHN E. MANCEBO, AND JOE COELHO, JR., a partnership doing business as, C & M TRUCK LINES, L and Alpine Streets, Tulare, Calif. Applicant's representative: E. H. Griffiths, 451 Turk Street, Room 23, San Francisco 2, Calif. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act pursuant to certificate granted by Decision No. 47469, dated July 31, 1962, issued by the California Public Utilities Commission. Applicant states certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

No. MC 125604 (Sub-No. 1), filed February 8, 1963. Applicant: McCLOUD RIVER TRUCKING COMPANY, a corporation, McCloud, Calif. Applicant's attorney: Frederick O. Koenig, 601 California Street, San Francisco 8, Calif. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to certificate granted by Decision No. 64539, dated November 9, 1962, issued by the California Public Utilities Commission. Applicant states that the certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

COLORADO

No. MC 39963 (Sub-No. 2), filed December 10, 1962. Applicant: ORVILLE JENKINS, doing business as ARVADA TRANSFER, 7701 North Raleigh Street, Westminster, Colo. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 247, dated July 25, 1940, issued by the Colorado Public Utilities Commission.

No. MC 79148 (Sub-No. 2) (REPUBLICATION), filed February 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: C. J. SCHULER (JENNIE BELLE SCHULER, ADMINISTRATRIX), doing business as TELLURIDE TRANSFER, Pacific Avenue, Telluride, Colo. and JENNIE BELLE SCHULER AND ROBERT F. SCHULER, doing business as TELLURIDE TRANSFER, joint applicants. Applicant's attorney: Sam L. Fairlamb, 305 Main Street, Post Office Box 289, Delta, Colo.

NOTE: The purpose of this republication is to show Jennie Belle Schuler and Robert F. Schuler, doing business as Telluride Transfer, joint applicants.

No. MC 98979 (Sub-No. 1), filed December 23, 1962. Applicant: IVAN MILLER AND DWIGHT MILLER, a partnership, doing business as MILLER BROS. TRUCK LINES (jointly with Miller Bros., Inc.), 6419 Sixth Avenue, Greeley, Colo. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 1321 and 12251, dated February 9, 1954. (Decision No. 42037 dated February 9, 1954 and Decision No. 59657 dated November 21, 1962), issued by the Colorado Public Utilities Commission.

No. MC 114040 (Sub-No. 2), filed February 4, 1963. Applicant: W. O. COLEMAN AND JACK K. COLEMAN, a partnership, doing business as GUNNISON TRUCK LINE, 512 West Virginia Street, Gunnison, Colo. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 797 dated May 9, 1950, issued by the Colorado Public Utilities Commission.

No. MC 116999 (Sub-No. 2), filed February 11, 1963. Applicant: EPHRAIM FREIGHTWAYS, INC., 1385 Umatilla Street, Denver, Colo. Applicant's attorney: Gilbert M. Westa, 931 14th Street, Suite 1300, Denver 2, Colo. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act. Applicant states the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

No. MC 121542, filed February 11, 1963. Applicant: KELLER H. LIGHT, doing business as KIOWA VALLEY TRUCK LINE, 5600 Brighton Boulevard, Denver, Colo. Applicant's attorney: Robert D. Means, Majestic Building, Denver 2, Colo. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3741, as extended by order dated December 31, 1962, issued by the Public Utilities Commission of Colorado.

Applicant states that the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of pendency of litigation.

CONNECTICUT

No. MC 10501 (Sub-No. 2) (REPUBLICATION), filed December 28, 1962, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: FRANK H. KRANTZ, doing business as KRANTZ EXPRESS AND WAREHOUSE AND KRANTZ EXPRESS & WAREHOUSE, INC., joint applicants, 31 Franklin Street, East Hartford, Conn.

NOTE: The purpose of this republication is to show Krantz Express & Warehouse, Inc., as joint applicants.

No. MC 99415 (Sub-No. 1), filed February 12, 1963. Applicant: COADY TRANSPORTATION COMPANY, INC., Box 25, Mansfield Depot, Conn. Applicant's representative: Carmine Garofalo, 3814 Alton Place NW., Washington 16, D.C. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. C-1137, issued by the Connecticut Public Utilities Commission. The application is accompanied by a petition seeking reinstatement of the BMC-75 statement in No. MC-99415.

GEORGIA

No. MC 99805 (Sub-No. 1), filed February 11, 1963. Applicant: SHIPPERS EXPRESS, INC., 1000 Watkins Street NW., Atlanta 18, Ga. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1060, issued October 18, 1961 by the Georgia Public Service Commission. The application is accompanied by a letter petitioning reinstatement of applicant's Form BMC-75 statement in No. MC-99805.

IDAHO

No. MC 121044 (Sub-No. 1), filed February 12, 1963. Applicant: ROY WILLIAMS, doing business as BOISE VALLEY PARCEL SERVICE, AND CITY DELIVERY SERVICE, INCORPORATED, joint applicants, 119 South 13th, Boise, Idaho. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Permit No. 213, last amended November 1, 1962, issued by the Idaho Public Utilities Commission.

ILLINOIS

No. MC 30350 (Sub-No. 2), filed February 7, 1963. Applicant: L. J. WELLENHOFER TRANSFER CO., a corporation, 141 East 16th Street, Chicago Heights, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 10157-MC-CP, dated October 3, 1956, issued by the Illinois Commerce Commission.

No. MC 97736 (Sub-No. 2), filed January 10, 1963. Applicant: PICK UP & DELIVER, INC., 308 North Taylor Street, Chicago 7, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 6179-MC dated August 12, 1954, issued by the Illinois Commerce Commission.

No. MC 97838 (Sub-No. 1), filed February 11, 1963. Applicant: MILTON DAKOFF, doing business as LIGHTNING CARTAGE DELIVERY SERVICE, 4538 West Fillmore Street, Chicago, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 10974-MC dated January 13, 1955, issued by the Illinois Commerce Commission.

No. MC 97868 (Sub-No. 1) (REPUBLICATION), filed February 7, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: THEODORE A. WIEST (JOSEPH L. SHERMAN, EXECUTOR), AND HAROLD B. FROHLING, doing business as A. C. TRANSPORT SERVICE, and HAROLD B. FROHLING, doing business as A. C. TRANSPORT SERVICE, and FROHLING'S A. C. TRANSPORT SERVICE, INC., joint applicants, 919 Jericho Road, Aurora, Ill. Applicant's attorney: Calvin B. Thelin, Merchants National Bank Building, Aurora, Ill.

NOTE: The purpose of this republication is to show Frohling's A.C. Transport Service, Inc., as joint applicant.

No. MC 98917 (Sub-No. 1), filed February 12, 1963. Applicant: JEROME T. BERENS, doing business as BERENS EXPRESS, 620 North Greenbay Road, Waukegan, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2721-MC-CP, dated October 5, 1954, issued by the Illinois Commerce Commission.

No. MC 120202 (Sub-No. 1), filed January 10, 1963. Applicant: HARVEY E. HENRY, doing business as HENRY TRUCKING COMPANY, 953 East Rodney Drive, Cape Girardeau, Mo. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 18966-MC, dated January 13, 1960, issued by the Illinois Commerce Commission.

No. MC 120300 (Sub-No. 1), filed February 12, 1963. Applicant: ACTION MOTOR FREIGHT, INC., 5501 West 131st Street, Crestwood, Ill. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 18573-MC, dated October 8, 1958, issued by the Illinois Commerce Commission. Applicant states that the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of pendency of litigation.

No. MC 120802 (Sub-No. 1), filed December 13, 1962. Applicant: KENNETH C. KOCH AND ELMYRA M. KOCH, doing business as CHILLICOTHE CARTAGE, Chillicothe, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5897-MC-CP, dated August 19, 1954, issued by the Illinois Commerce Commission.

No. MC 120885 (Sub-No. 1), filed February 12, 1963. Applicant: HEIMBERG CARTAGE CO., INC., 3420 West 60th Street, Chicago 29, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 9115-MC, dated February 20, 1961, issued by the Illinois Commerce Commission.

No. MC 120925 (Sub-No. 1), filed February 11, 1963. Applicant: EARL J. BISHOP, doing business as EARL J. BISHOP & CO., 3108 South Emerald Street, Chicago, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 12332-MC, dated December 20, 1960, issued by the Illinois Commerce Commission.

No. MC 120982 (Sub-No. 1), filed January 25, 1963. Applicant: LOUIS BRESLER, doing business as ENGELS MOTOR SERVICE, 234 South Forest Avenue, Palatine, Ill. Applicant's attorney: Paul J. Maguire, 111 West Washington Street, Chicago 2, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 16466 MC, dated November 21, 1962, issued by the Illinois Commerce Commission. Applicant has on file under the former second proviso of section 206(a)(1) of the Act, a certificate of that number dated July 31, 1958. The application is accompanied by a statement that application for amended certificate was filed with the Illinois Commerce Commission on or about December 18, 1961, and that the certificate was issued November 21, 1962.

No. MC 121115 (Sub-No. 1) (CORRECTION), filed February 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: R. SCHIERHORN CARTAGE COMPANY, a corporation, 3300 North River Road, Franklin Park, Ill.

NOTE: The purpose of this republication is to show the proper spelling of the Schierhorn Cartage Company. Schierborn was printed in previous publication, in error.

No. MC 121151 (Sub-No. 1), filed February 11, 1963. Applicant: MARIE DEWALL, doing business as DEWALL TRANSFER SERVICE, 315 South State Street, Freeport, Ill. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. Ill. C.C. 10529-MC-C, dated May 25, 1960, issued by the Illinois Commerce Commission.

No. MC 121399 (Sub-No. 1), filed February 11, 1963. Applicant: WELLER TRUCK SERVICE, INC., 820-822 West Cormak Road, Chicago, Ill. Applicant's representative: Anthony T. Thomas, 3554 South Archer Avenue, Chicago 9, Ill. Application filed to protect carrier's right if any to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 12664-MC, dated March 23, 1960, issued by the Illinois Commerce Commission. Applicant states that the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act, prior to October 15, 1962, because of pendency of litigation.

No. MC 121404 (Sub-No. 1) (REPUBLICATION), filed February 7, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: FRANK L. ROSSI, doing business as LEADER CARTAGE CO. AND LEADER CARTAGE, INC., joint applicants, 4909 West Roosevelt Road, Cicero 50, Ill.

NOTE: The purpose of this republication is to show LEADER CARTAGE, INC., as joint applicant.

No. MC 121481 (Sub-No. 1), filed February 12, 1963. Applicant: LARSEN TRUCKING INCORPORATED, 3850 North 25th Street, Schiller Park, Ill. Applicant's representative: John W. Wurster, 2426 West Greenleaf Avenue, Chicago 45, Ill. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act pursuant to Certificate No. 11538-MC dated November 8, 1961, issued by the Illinois Commerce Commission. The application is accompanied by a letter petitioning reconsideration of order of the Commission, Operating Rights Board No. 2, refusing to accept the carrier's BMC-75 Statement in No. MC-121481.

No. MC 121488, filed February 6, 1963. Applicant: TESSIE LANCE, 4550 South McDowell Street, Chicago, Ill., and CARTA-BACK, INC., 601 West 51st Street, Chicago, Ill., joint applicants. Applicant's attorney: Harold E. Marks, 208 South LaSalle Street, Chicago 4, Ill. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 11672-MC, dated September 28, 1962, issued by the Illinois Commerce Commission. A BMC-75 statement covering this certificate was submitted to the Interstate Commerce Commission October 5, 1962, and was pending October 15, 1962.

No. MC 121514, filed January 16, 1963. Applicant: NOVAK MOTOR SERVICE, INC., 8207 Joliet Road, McCook, Ill. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 7593-MC dated June 30, 1960, issued by the Illinois Commerce Commission. A BMC-75 statement covering this certificate was submitted to the Interstate Commerce Commission on June 4, 1962, and was pending October 15, 1962.

No. MC 121544, filed February 12, 1963. Applicant: EDWARD DEVITT, doing business as FRANK'S FORWARDING CO., 400 South Catharine Avenue, LaGrange, Ill. Applicant's attorney: Paul J. Maguire, 111 West Washington Street, Chicago 2, Ill. Application filed to protect carrier's right, if any, to Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to the Certificate No. 8118-MC, dated December 17, 1962, issued by the Illinois Commerce Commission. Applicant states that the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act, prior to October 15, 1962, because of pendency of litigation.

INDIANA

No. MC 58214 (Sub-No. 3), filed February 8, 1963. Applicant: ROOT TRANSIT, INC., Hodell and Prospect Street, Shelbyville, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 1-A, 1, August 21, 1935; and 1-A, 2 (Corrected), November 1, 1935, issued by the Indiana Public Service Commission.

No. MC 58637 (Sub-No. 5), filed January 28, 1963. Applicant: TEEPLE TRUCK LINES, INC., 122 East Oak Street, Decatur, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to eCrtificate No. 5790-A, 1, dated May 18, 1956, issued by the Indiana Public Service Commission.

No. MC 56931 (Sub-No. 2), filed February 12, 1963. Applicant: GEORGE A. KING, doing business as KING TRANSFER, Onawa, Iowa. Applicant's attorney: E. A. Hutchison, 420 Security Bank Building, Sioux City 1, Iowa. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 355 as extended September 5, 1957, issued by the Iowa State Commerce Commission. Applicant also claims "grandfather" rights covering Iowa Certificate No. 237 leased from Holdcroft Transportation Company for an indefinite period of time commencing January 14, 1952.

No. MC 120277 (Sub-No. 1) (CORRECTION), filed December 21, 1962, published FEDERAL REGISTER issue June 12, 1963 and republished as corrected this issue. Applicant: CONRAD FREIGHT LINES, INC. AND JAMES W. CONARD, doing business as CONARD FREIGHT LINE, joint applicants, 7014 Del Matro, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa.

NOTE: The purpose of this republication is to correct the spelling of CONARD and to show JAMES W. CONARD as joint applicant.

No. MC 120603 (Sub-No. 1), filed December 12, 1962. Applicant: JAMES M. ATWOOD, doing business as ATWOOD MOTOR FREIGHT, 1437 Boyd Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 58, dated June 13, 1960, issued by the Iowa State Commerce Commission.

KANSAS

No. MC 54540 (Sub-No. 2), filed February 12, 1963. Applicant: C. C. McNELLY, doing business as MACK'S TRUCK SERVICE, Box 634, Great Bend, Kans. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Route No. 862, dated January 15, 1940, issued by the Kansas Corporation Commission.

No. MC 120781 (Sub-No. 1) (CORRECTION), filed December 31, 1962, published in FEDERAL REGISTER issue of June 12, 1963, corrected June 24, 1963, and republished as corrected this issue. Applicant: L. V. HANNA, doing business as SUNFLOWER STAGES, 1109 Commercial Street, Emporia, Kans. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. The purpose of this republication is to show C. Zimmerman as applicant's attorney and to show authority is sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Route No. 5674 in addition to Certificate Route No. 5624.

LOUISIANA

No. MC 87511 (Sub-No. 10), filed January 30, 1963. Applicant: SAIA MOTOR FREIGHT LINE, INC., Houma Air Station, Post Office Box 10157, Houma, La. and SAIA RENTAL COMPANY, lessor, and MRS. AMAZE V. BARRAS, doing business as BARRAS TRANSFER LINE, lessor, joint applicants. Applicant's attorney: Joseph L. Waitz, Houma, La. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 504 dated December 18, 1959, as amended by No. 504-A dated August 9, 1960, issued by the Louisiana Public Service Commission. Applicant also claims "grandfather" rights covering Louisiana Certificates No. 505 dated November 10, 1959, as amended by No. 505-A dated July 26, 1950, and No. 5185-E leased for a period ending January 30, 1968; and Nos. 511 (reassigned No. 512) dated November 10, 1959, leased

for a period ending November 9, 1961, but automatically renewable from year to year. Certificates Nos. 5059 and 5185–E are leased by Saias, Inc. from Mrs. Amaze V. Barras, doing business as Barras Transfer Lines, acquired by Louis Saia, doing business as Saia Motor Freight Line, through sublease and assigned by him to Saia Motor Freight Line, Inc., and Certificate No. 512 from Saia Rental Company, pursuant to approval of the Louisiana Public Service Commission. Applicant is joined by Saia Rental Company in this application so far as the latter certificate is involved.

MAINE

No. MC 28806 (Sub-No. 3) (REPUBLICATION), filed January 24, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: HAROLD A. MOORE, doing business as MOORE'S EXPRESS, Box 16, Ellsworth Falls, Maine, and MAYNARD BLANCHARD AND THOMAS NEWMAN, a partnership, doing business as ACADIA EXPRESS COMPANY, Manset Post Office, Southwest Harbor, Maine, joint applicants. Applicant's attorney: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass.

NOTE: The purpose of this republication is to show Maynard Blanchard and Thomas Newman, a partnership, doing business as ACADIA EXPRESS COMPANY, joint applicants.

No. MC 58368 (Sub-No. 1), filed February 12, 1963. Applicant: RALPH O. LEACH, Islesboro, Maine. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 157, dated April 6, 1944, issued by the Maine Public Utilities Commission.

No. MC 120809 (Sub-No. 1) (CORRECTION), filed January 9, 1963, published in FEDERAL REGISTER issue June 12, 1963 and republished as corrected this issue. Applicant: WALTER C. GARLAND, Woodside Road, Brunswick, Maine, and THIBEAULT EXPRESS, INC., Paul Street, Brunswick, Maine, joint applicants. Applicant's attorney: Frederick T. McGonagle, 443 Congress Street, Room 414, Portland, Maine. By order entered October 25, 1962, the Maine Public Utilities Commission approved transfer of the certificate to Thibeault Express, Inc. and has reissued to the latter carrier a consolidated certificate incorporating applicant's rights.

No. MC 120878 (Sub-No. 1) (CORRECTION), filed January 9, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: THIBEAULT EXPRESS, INC., Paul Street, Brunswick, Maine. Applicant's attorney: Frederick T. McGonagle, 443 Congress Street, Room 414, Portland, Maine. Applicant has registered with the Interstate Commerce Commission Maine Certificate No. 78 dated February 23, 1961. It acquired Certificate No. 178, as amended and reissued October 25, 1962, from Walter C. Garland, pursuant to transfer, and is joint applicant in the BOR–99 application of Walter G. Garland, No. MC–120809, covering that certificate.

MASSACHUSETTS

No. MC 10367 (Sub-No. 4) (CORRECTION), filed January 23, 1963, published in FEDERAL REGISTER issue June 12, 1963, corrected June 17, 1963 and republished as corrected this issue. Applicant: CHELSEA CONTRACTING & TRUCKING CO., a corporation, 140 Third Street, Chelsea 50, Mass. Applicant's representative: Frank J. Weiner, 182 Forbes Building, Forbes Road, Braintree 84, Mass. The purpose of this republication is to show Frank J. Weiner as the applicant's representative, in lieu of attorney, as shown in previous publication, in error.

No. MC 27889 (Sub-No. 2), filed February 8, 1963. Applicant: SALVATORE CIANCIULLI, doing business as TOODY'S EXPRESS, 15 Keayne Street, Revere, Mass. Applicant's attorney: George C. O'Brien, Eighth Floor, 33 Broad Street, Boston 9, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3197, dated February 10, 1950, issued by the Massachusetts Department of Public Utilities.

No. MC 54657 (Sub-No. 2), filed February 11, 1963. Applicant: JOSEPH MARFONGELLI, doing business as SALEM SERVICE EXPRESS, 42 Jefferson Avenue, Salem, Mass., and CARLO MARFONGELLI and JOSEPH MARFONGELLI, a partnership, doing business as SALEM SERVICE EXPRESS, joint applicants. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 199, issued by the Massachusetts Department of Public Utilities.

No. MC 54779 (Sub-No. 1) (CORRECTION), filed January 24, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: CHANDLER'S EXPRESS INC., 23 Beacon Boulevard, Peabody, Mass.

NOTE: The purpose of this republication is to show applicant's correct docket number, No. MC 54779 (Sub-No. 1), in lieu of No. MC 54799 (Sub-No. 1), as shown in previous publication, in error.

No. MC 56803 (Sub-No. 1), filed February 7, 1963. Applicant: SAMUEL TAPLIN, 92 Davis Avenue, Brookline, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1117, June 5, 1946, issued by the Massachusetts Department of Public Utilities.

No. MC 57947 (Sub-No. 1), filed February 8, 1963. Applicant: JOSEPH F. O'BRIEN, doing business as O'BRIEN BROS. EXPRESS CO., Malden, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 387, dated January 2, 1942 and 4482, dated January 8, 1942, issued by the Massachusetts Department of Public Utilities.

No. MC 58468 (Sub-No. 1), filed February 10, 1963. Applicant: EVERETT A. HOPWOOD (FRED D. HENDRICK, ADMINISTRATOR), doing business as HOPPY'S ICE & OIL SERVICE, 1200 Montello Street, Brockton, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5268, dated November 3, 1962, issued by the Massachusetts Department of Public Utilities.

No. MC 58591 (Sub-No. 1), filed February 11, 1963. Applicant: MT. VERNON MOTOR TRANSPORTATION CO., INC., 14 Marathon Street, Arlington, Mass. Applicant's attorney: Anthony S. Fiore, 180 Walnut Street, Somerville 45, Mass. Authority sought to continue to operate as a common carrier under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3434, dated January 26, 1945, issued by the Massachusetts Department of Public Utilities.

No. MC 58639 (Sub-No. 3) (CORRECTION), filed December 28, 1962, published in the FEDERAL REGISTER of June 12, 1963, and republished as corrected this issue. Applicant: COLONIAL WAREHOUSE & DISTRIBUTING CO., INC., 122–124 Central Street, Worcester 8, Mass.

NOTE: The purpose of this republication is to show applicant's correct Sub-No. MC 58639 (Sub-No. 3), in lieu of MC 58639 (Sub-No. 1), as shown in previous publication, in error.

No. MC 58712 (Sub-No. 1), filed February 6, 1963. Applicant: HERBERT G. GIROUX, JR., doing business as GIROUX'S EXPRESS, 28 Bradner Way, North Weymouth, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 205, dated October 29, 1934, and 4940, dated May 16, 1945, issued by the Massachusetts Department of Public Utilities.

No. MC 58759 (Sub-No. 1), filed February 6, 1963. Applicant: WARDELL'S MOTOR TRANSPORTATION, INC., 116 Carol Drive, Dedham, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1739, dated November 30, 1944, issued by the Massachusetts Department of Public Utilities.

No. MC 73834 (Sub-No. 2), filed February 12, 1963. Applicant: INDUSTRIAL TRUCKING CO., INC., 92 Foster Street, Peabody, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 605 and 3493, dated February 12, 1954, issued by the Massachusetts Department of Public Utilities.

No. MC 85648 (Sub-No. 1), filed February 11, 1963. Applicant: EDWARD F. KENDER, doing business as ECHO TRANSPORTATION CO. and DONALD E. EITTLEMAN, doing business as ECHO TRANSPORTATION CO., joint applicants, Green's Trailer Park, Southwest Cutoff, Worcester, Mass. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester 1, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1411, October 9, 1962, issued by the Massachusetts Department of Public Utilities.

No. MC 96691 (Sub-No. 1), filed February 11, 1963. Applicant: E. B. TRANS CO., INC., 34 Webcowet Road, Arlington, Mass. Applicant's attorney: Anthony S. Fiore, 180 Walnut Street, Somerville 45, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1180, dated on or about April 15, 1957, issued by the Massachusetts Department of Public Utilities.

No. MC 96911 (Sub-No. 1) (REPUBLICATION), filed February 7, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: CHARLES HURVITZ, doing business as SPRUCE TRANS, 255 Spruce Street, Chelsea, Mass., and SPRUCE TRANS. CO., INC., Chelsea, Mass., joint applicants. Applicant's representative: Arthur A. Wentzell (mailing address: 539 Hartford Turnpike, Post Office Box 720, Shrewsbury, Mass.), Worcester 1, Mass.

NOTE: The purpose of this republication is to show SPRUCE TRANS. CO., INC., Chelsea, Mass., as joint applicant.

No. MC 97101 (Sub-No. 1) (CORRECTION), filed December 19, 1962, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: CURRAN-MORTON OF LOWELL, INC., 93 Bridge Street, Lowell, Mass.

NOTE: The purpose of this republication is to show the correct docket No. MC 97101 (Sub-No. 1), rather than MC 97109 (Sub-No. 1), as previously published, in error.

No. MC 97216 (Sub-No. 1), filed February 6, 1963. Applicant: FREDERICK H. ROCHE, doing business as ROCHE TRANSPORTATION CO., 59 Bailey Road, Somerville, Mass. Applicant's attorney: George C. O'Brien, Eighth Floor, 33 Broad Street, Boston 9, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1250, dated September 13, 1948, issued by the Massachusetts Department of Public Utilities.

No. MC 97421 (Sub-No. 1), filed February 12, 1963. Applicant: GEORGE H. MORGAN, doing business as WAKEFIELD EXPRESS, Post Office Box 243, Wakefield, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 947, July 15, 1949; 2331, July 15, 1949, issued by the Massachusetts Department of Public Utilities.

No. MC 97745 (Sub-No. 1), filed February 6, 1963. Applicant: CHARLES N. SIMOURIAN, doing business as STATE EXPRESS, 49 Elm Street, Watertown, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3001, dated June 20, 1950, issued by the Massachusetts Department of Public Utilities.

No. MC 98075 (Sub-No. 1), filed February 12, 1963. Applicant: HENRY J. JANSON, doing business as H & P TRUCKING COMPANY, 108 High Street, Danvers, Mass., and H & P TRUCKING COMPANY, INC., joint applicants. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3192, dated June 26, 1962, issued by the Massachusetts Department of Public Utilities.

No. MC 98247 (Sub-No. 1), filed February 12, 1963. Applicant: ALFRED M. CARROLL, doing business as CARROLL'S EXPRESS, 24 Spring Hill Road, Hyde Park, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 173, and 1807 dated May 11, and May 10, 1944 respectively, issued by the Massachusetts Department of Public Utilities.

No. MC 98330 (Sub-No. 1), filed February 8, 1963. Applicant: CITY TRANSFER OF LOWELL, INC., Post Office Box 32, Lowell, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 6076, dated March 19, 1952, issued by the Massachusetts Department of Public Utilities.

No. MC 98697 (Sub-No. 1) (REPUBLICATION), filed February 5, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: REGAL TRUCK LINES, INC., 103 Fulkerson Street, Cambridge, Mass., and NASON'S EXPRESS, INC., Mattapan, Mass., joint applicant.

NOTE: The purpose of this republication is to show Nason's Express, Inc. as joint applicant.

No. MC 98772 (Sub-No. 1), filed February 11, 1963. Applicant: ATHOL MOTOR TRANSPORTATION, INC., 37 North Street, Erving, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 1074 and 796B, dated May 4, 1953, issued by the Massachusetts Department of Public Utilities.

No. MC 98797 (Sub-No. 1), filed February 11, 1963. Applicant: JOSEPH PICARIELLO, INC., Boston Street, Middleton, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3519, dated November 9, 1954, issued by the Massachusetts Department of Public Utilities.

No. MC 98803 (Sub-No. 1), filed January 23, 1963. Applicant: FREDERICK A. REED, JR., doing business as SPEEDWAY EXPRESS, 280 Russell Road, Westfield, Mass. Applicant's attorney: Henry Scharoff, Westfield Savings Bank Building, Westfield, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 801, dated October 11, 1960, and 5415, dated October 25, 1960, issued by the Massachusetts Department of Public Utilities.

No. MC 98991 (Sub-No. 1), filed February 11, 1963. Applicant: JOHN E. TRAINOR, doing business as J. E. TRAINOR TRANSPORTATION, 64 Faxon Road, North Quincy 71, Mass. Authority sought to continue to operate as a common carrier under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5694, dated November 13, 1953, issued by the Massachusetts Department of Public Utilities.

No. MC 99305 (Sub-No. 1), filed January 25, 1963. Applicant: WOLFF'S EXPRESS COMPANY, INC., 29 Concord Street, Lowell, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 5253 and 197, dated January 1, 1955, issued by the Massachusetts Department of Public Utilities.

No. MC 99350 (Sub-No. 1), filed February 12, 1963. Applicant: VINCENT JAMES SARDO, doing business as CHARLES SARDO TRUCKING, 485 Washington Avenue, Revere, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 4932, dated April 19, 1954, issued by the Massachusetts Department of Public Utilities.

No. MC 99373 (Sub-No. 2), filed February 5, 1963. Applicant: SIGFRIED V. JOHANSSON, doing business as CITY DELIVERY SERVICE, 172 Elm Street, Leominster, Mass., and CITY DELIVERY SERVICE, INC., joint applicants. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2628, dated April 8, 1955, issued by the Massachusetts Department of Public Utilities.

No. MC 99572 (Sub-No. 1) (REPUBLICATION), filed February 4, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: JOHN M. KLINE, doing business as MARLBORO TRANSPORTATION, 475 Elm Street, Marlboro, Mass., and JOHN M. KLINE & SONS, INC., doing business as MARLBORO TRANSPORTATION, Marlboro, Mass., joint applicants.

NOTE: The purpose of this republication is to show John M. Kline & Sons, Inc., doing business as Marlboro Transportation, as joint applicants.

No. MC 99733 (Sub-No. 1), filed February 11, 1963. Applicant: EUGENE SPEAR, doing business as E. SPEAR & CO., 7 Cox Court, Beverly, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3374, dated January 29, 1957, issued by the Massachusetts Department of Public Utilities.

No. MC 99738 (Sub-No. 2), filed February 11, 1963. Applicant: FRANK DIMODANA, JR., doing business as DIMODANA TRANS, 78 Middlesex Street, Lowell, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1518, dated June 13, 1960, issued by the Massachusetts Department of Public Utilities.

No. MC 99754 (Sub-No. 1), filed February 4, 1963. Applicant: JET TRANSPORTATION INC., 8 French Terrace, Watertown, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2317, dated January 1, 1956, issued by the Massachusetts Department of Public Utilities.

No. MC 99839 (Sub-No. 1), filed December 26, 1962. Applicant: REX MOTOR TRANS. INC., 41 Mangles Street, Medford, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 5969, dated March 8, 1956; 5969 (correction), dated March 20, 1956, issued by the Massachusetts Department of Public Utilities.

No. MC 99848 (Sub-No. 1), filed February 6, 1963. Applicant: J. F. LUX TRANS. CO., INC., 206 Washington Street, Woburn, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 6650, dated August 24, 1956, issued by the Massachusetts Department of Public Utilities.

No. MC 99912 (Sub-No. 1), filed February 6, 1963. Applicant: BARRY & FOLEY MOTOR TRANSPORTATION, INC., 2 Keese Street, Worcester, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 300 dated January 8, 1957, and 1598, dated January 8, 1957, issued by the Massachusetts Department of Public Utilities.

No. MC 99927 (Sub-No. 1), filed February 11, 1963. Applicant: QUIK DELIVERIES, INC., 15 Putnam Lane (Rear), Worcester, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5494, dated September 28, 1960, issued by the Massachusetts Department of Public Utilities.

No. MC 99940 (Sub-No. 1), (CORRECTION), filed February 4, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: PURITAN EXPRESS CO. OF SPRINGFIELD, INC., 842 Alden Street, Springfield, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 104 dated January 1, 1957, and 5685, dated June 9, 1960, issued by the Massachusetts Department of Public Utilities.

NOTE: The purpose of this republication is to show Certificate No. 104, omitted in previous publication.

No. MC 99959 (Sub-No. 1), filed February 6, 1963. Applicant: MORLEY'S SERVICE INC., 357 Binney Street, Cambridge, Mass. Authority sought to continue to operate as a common carrier under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 6106, dated January 2, 1957, issued by the Massachusetts Department of Public Utilities.

No. MC 108817 (Sub-No. 2), filed February 6, 1963. Applicant: HENRY J. WILLIAMS, doing business as WILLIAMS EXPRESS, 26 Boston Street, Salem, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1979, dated February 28, 1948, issued by the Massachusetts Department of Public Utilities.

No. MC 120341 (Sub-No. 2), filed February 11, 1963. Applicant: SUBURBAN TRANS CO., INC., B & A Railroad Station, Central Street, Post Office Box 249, Milford, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1622, April 27, 1959, issued by the Massachusetts Department of Public Utilities.

No. MC 120451 (Sub-No. 1), filed February 11, 1963. Applicant: HUBBARD MOVERS, INC., Corner of Main and Chestnut Streets, Gardner, Mass. Applicant's attorney: John F. Bohman, Bohman Building, 335 East Broadway, Gardner, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 4321, dated August 19, 1959, issued by the Massachusetts Department of Public Utilities.

No. MC 120497 (Sub-No. 1) (REPUBLICATION), filed January 29, 1963, published FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: JOHN BRENNAN, doing business as MORRIS EXPRESS CO., 319 Chelsea Street, East Boston, Mass., and PARSONS TRANS, INC., joint applicants. Applicants' representative: Arthur A. Wentzell, Post Office Box 720, Worcester 1, Mass.

NOTE: The purpose of this republication is to show Parsons Trans. Inc., as joint applicant.

No. MC 120502 (Sub-No. 1), filed February 6, 1963. Applicant: BAY STATE EXPRESS CO., INC., 13 Blanchard Street, Lynn, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 4731, dated December 21, 1959, issued by the Massachusetts Department of Public Utilities.

No. MC 120748 (Sub-No. 1), filed February 6, 1963. Applicant: SANTUCCI TRUCKING CO., INC., 118 Main Street, Milford, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 4691, dated May 27, 1960, issued by the Massachusetts Department of Public Utilities.

No. MC 120818 (Sub-No. 1), filed February 12, 1963. Applicant: RHUE'S EXPRESS OF BROCKTON, INC., 960 Temple Street, Whitman, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3283, dated December 16, 1960, issued by the Massachusetts Department of Public Utilities.

No. MC 121033 (Sub-No. 1), filed January 23, 1963. Applicant: E. M. LYNCH, INC., doing business as WAYSIDE TRANSPORTATION CO., 530 Somerville Avenue, Somerville, Mass. Applicant's attorney: George C. O'Brien, Eighth Floor, 33 Broad Street, Boston 9, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2307, dated July 28, 1961, issued by the Massachusetts Department of Public Utilities.

No. MC 121101 (Sub-No. 1), filed February 4, 1963. Applicant: FORGE VILLAGE TRANSPORTATION CO., INC., Pleasant Street, Forge Village, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1768, dated March 5, 1958, issued by the Massachusetts Department of Public Utilities.

No. MC 121187 (Sub-No. 1), filed February 6, 1963. Applicant: DEL GRECO TRANS., INC., 53 Keayne Street, Revere, Mass. Applicant's attorney: George C. O'Brien, Eighth Floor, 33 Broad Street, Boston 9, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5633, dated March 28, 1958, issued by the Massachusetts Department of Public Utilities.

No. MC 121224 (Sub-No. 1), filed January 21, 1963. Applicant: PHILIP J. BARONI, doing business as PHILIP J. BARONI ENTERPRISES AND BARONI MOTOR TRANS, INC., 63 Central Square, Bridgewater, Mass. Applicant's attorney: Newman A. Flanagan, 104 Barristers Hall, Pemberton Square, Boston 8, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5681, November 6, 1962, issued by the Massachusetts Department of Public Utilities.

No. MC 121316 (Sub-No. 1), filed February 12, 1963. Applicant: M K & SONS EXPRESS, INC., 69 Lynn Street, Peabody, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3642, dated January 1, 1962, issued by the Massachusetts Department of Public Utilities.

No. MC 121370 (Sub-No. 1), filed February 6, 1963. Applicant: WALLACE D. POLLARD, doing business as POLLARD TRANSPORTATION CO., 35 Davis Street, Marlboro, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2301, dated December 15, 1950, issued by the Massachusetts Department of Public Utilities.

No. MC 121474 (Sub-No. 1), filed February 4, 1963. Applicant: ALFRED CATALON, doing business as LISCHNER EXPRESS, 277 Fourth Street, Fall River, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 5398, dated August 29, 1962, issued by the Massachusetts Department of Public Utilities.

No. MC 121548, filed January 18, 1963. Applicant: JOSEPH R. SPINA, doing business as BATCHELDER'S EXPRESS, 12 Ware Street, Lynn, Mass. Applicant's attorney: George C. O'Brien, 33 Broad Street, Boston, Mass. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 211, dated April 3, 1962, issued by the Massachusetts Department of Public Utilities, and acquired by transfer March 2, 1962. Applicant states that the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of pendency of litigation.

MINNESOTA

No. MC 97696 (Sub-No. 1) (REPUBLICATION), filed February 8, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: LEE VERNE PETERSON, doing business as PETERSON TRANSFER, Center City, Minn., and MALCOLM M. MORLEY AND JOHN M. MORLEY, doing business as, MORLEY TRANSFER, Forest Lake, Minn., joint applicants. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn.

NOTE: The purpose of this republication is to show Malcolm M. Morley and John M. Morley, doing business as Morley Transfer, Forest Lake, Minn., as joint applicants.

No. MC 120469 (Sub-No. 1), filed January 30, 1963. Applicant: GERALD H. STRATING, doing business as ST. CLOUD-DULUTH TRUCK LINES, 318 Northwest Railroad Avenue, Mora, Minn. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1564, dated September 21, 1959, issued by the Minnesota Railroad and Warehouse Commission.

MISSOURI

No. MC 1615 (Sub-No. 4) (CORRECTION), filed February 8, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: LLOYD BRANSON, Higginsville, Mo.

NOTE: The purpose of this republication is to show Lloyd Branson, name of carrier, rather than Floyd Branson, as previously published.

No. MC 121269 (Sub-No. 1) (REPUBLICATION), filed February 1, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: D. M. DAVIS, Box 434, Route 6, Parkville, Mo. The purpose of this republication is to show that Donald J. Quinn will no longer represent applicant in this matter as shown in the previous publication.

MONTANA

No. MC 63642 (Sub-No. 6), filed February 11, 1963. Applicant: CLIFTON A. LUND, doing business as STENDAL TRANSPORTATION COMPANY, 727 W. Janeaux, Lewistown, Mont. Applicant's attorney: Raymond E. Dockery, Jr., 609 Montana Building, Lewistown, Mont. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 134, dated March 29, 1960, July 19, 1956, June 22, 1955, June 22, 1955, June 22, 1955, and June 22, 1955, issued by the Montana Board of Railroad Commissioners.

NEBRASKA

No. MC 99394 (Sub-No. 1), filed February 11, 1963. Applicant: STANLEY K. VERLEY, doing business as VERLEY TRANSFER, St. Paul, Nebr. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 10490, dated April 6, 1960, issued by the Nebraska State Railway Commission.

No. MC 121489 (Sub-No. 1), filed January 14, 1963. Applicant: HARRY A. COTTON, Ralston, Nebr., and COTTON TRANSFER, INC., Ralston, Nebr. (joint applicants). Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. M-6254, dated February 19, 1940, issued by the Nebraska State Railway Commission.

NEVADA

No. MC 120625 (Sub-No. 1) (CORRECTION), filed February 8, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: ALFRED D. HESKO AND LYN E. HESKO, doing business as, PIONEER TRAILER COMPANY, 1630 Las Vegas Boulevard, North Las Vegas, Nev.

NOTE: The purpose of this republication is to show the correct docket No. MC 120625 (Sub-No. 1), in lieu of MC 12065 (Sub-No. 1) as previously shown in error.

No. MC 121240 (Sub-No. 1), filed February 11, 1963. Applicant: HENRY WEGMANN, doing business as WEGMANN TRUCK LINE, 815 Odirkirk Street, Elko, Nev. Applicant's attorney: Jack E. Hull, 518 Idaho Street, Elko, Nev. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. CPC A-757, issued by the Public Service Commission of Nevada. Form BMC 75 statement was on file with the Interstate Commerce Commission October 15, 1962, in the name of Henry Wegmann and Jane M. Wegmann, doing business as Wegmann Truck Line. Henry Wegmann is sole beneficiary of assets of the estate of Jane M. Wegmann, deceased, October 21, 1962.

NEW YORK

No. MC 35451 (Sub-No. 1), filed January 28, 1963. Applicant: STARR MOTOR EXPRESS, INC., Conklin Avenue, Wolcott, N.Y. Applicant's attorney: Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N.Y. Application filed to protect carrier's right, if any, to a Certificate of Registration under the Interstate Commerce Act, pursuant to Certificate No. 723 dated December 27, 1962, issued by the New York Public Service Commission. Applicant states that the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of pendency of litigation.

No. MC 56691 (Sub-No. 1), filed February 8, 1963. Applicant: HERMAN ADOLPH BURMEISTER AND HERMAN O. BURMEISTER (MILDRED H. BURMEISTER, administratrix), a partnership, doing business as LIMA HONEOYE FALLS EXPRESS, and HERMAN A. BURMEISTER, joint applicants, Box 346, Honeoye Falls, N.Y. Applicant's attorney: Robert V. Glanniny, 900 Midtown Tower, Rochester 4, N.Y. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2454, dated June 26, 1940, issued by the New York Public Service Commission.

No. MC 57262 (Sub-No. 1) (CORRECTION), filed February 1, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: FRONTIER DISPATCH, INC., 70 Pacific Street, Buffalo, N.Y. Applicant's attor-

ney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2903, dated November 29, 1949, issued by the New York Public Service Commission. Applicant's operations are presently being conducted by Inland Express, Inc., Marlboro, Mass., under temporary authority granted by the Interstate Commerce Commission in No. MC-F 8238.

NOTE: The purpose of this republication is to advise of the proceeding in No. MC-F 8238.

No. MC 85581 (Sub-No. 1), filed February 11, 1963. Applicant: HAROLD'S EXPRESS INC., Cortland Street, Lisle, N.Y. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1153, September 3, 1947, issued by the New York Public Service Commission.

No. MC 92371 (Sub-No. 4), filed February 12, 1963. Applicant: DAVID C. SHEARER, doing business as SHEARER'S EXPRESS, 6 Hickory Street, Oneonta, N.Y., and SHEARERS EXPRESS, INC., joint applicants. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2699, dated February 27, 1951, issued by the New York Public Service Commission.

No. MC 120028 (Sub-No. 1), filed February 11, 1963. Applicant: CRAW CARTING INC., 14 Mart Place, Rochester, N.Y. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 3099, issued July 21, 1960, issued by the New York Public Service Commission.

No. MC 120867 (Sub-No. 1) (CORRECTION), filed January 21, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: SHERIDAN'S MOTOR EXPRESS, INC., 4 North Main Street, Post Office Box 65, Homer, N.Y. Applicant's attorney: Herbert M. Canter, Fifth Floor, Weiler Building, 407 South Warren Street, Syracuse, N.Y.

NOTE: The purpose of this republication is to show applicant's correct Docket No. 120867 (Sub-No. 1), in lieu of MC 120876 (Sub-No. 1), as shown in previous publication, in error.

No. MC 121216 (Sub-No. 1), filed January 25, 1963. Applicant: ARTHUR H. DEXTER AND DEXTER'S DELIVERY, INC., joint applicants, 60 Arnold Avenue, Amsterdam, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2325, dated June 12, 1940, issued by the New York Public Service Commission.

No. MC 121543, filed January 31, 1963. Applicant: JOEL TRUCKING, INC., 311 North Brookside Avenue, Freeport, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1266, dated June 29, 1961, issued by the New York Public Service Commission. Applicant states the State Certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of pendency of litigation.

NORTH DAKOTA

No. MC 54948 (Sub-No. 1), filed February 8, 1963. Applicant: BERT B. HEDSTROM, Wilton, N. Dak. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 205(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 360, dated October 6, 1948, issued by the North Dakota Public Service Commission.

OHIO

No. MC 496 (Sub-No. 3) (CORRECTION), filed February 8, 1963, published in FEDERAL REGISTER issue of June 12, 1963, corrected June 19, 1963, and republished as corrected this issue. Applicant: THE BEITER LINE, INC., 270 Abbe Road, Elyria, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. The purpose of this republication is to show applicant's correct name, The Beiter Line, Inc., in lieu of The Better Line, Inc., as shown in previous publication, in error.

No. MC 10908 (Sub-No. 4) (CORRECTION), filed February 4, 1963, published FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: MOSHOLDER MOTOR FREIGHT, INC., 504 West High Street, Mount Vernon, Ohio. Applicant's attorney: William Mosholder, 118 East Gambier Street, Mount Vernon, Ohio.

NOTE: The purpose of this republication is to show Mr. William Mosholder, attorney for the applicant, rather than Mr. Homer S. Carpenter, previously listed.

No. MC 15394 (Sub-No. 4), filed January 14, 1963. Applicant: KUHLMAN TRUCK LINE, INC., 117 Clinton, Elmore, Ohio. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 730-1, dated December 6, 1961; 731-R, dated December 6, 1961, issued by the Ohio Public Utilities Commission.

No. MC 57992 (Sub-No. 2) (REPUBLICATION), filed February 7, 1963, published in FEDERAL REGISTER issue June 12, 1963 and republished this issue. Applicant: H. J. SEWELL (HELEN L. SEWELL, EXECUTRIX) doing business as, SEWELL MOTOR EXPRESS, 164 South Mulberry Street, Wilmington, Ohio, and HOWARD SEWELL, JR., doing business as SEWELL MOTOR EXPRESS (formerly SEWELL TRANSPORTATION CO.) (same address as above). Applicant's attorney: Joe F. Asher, 50 West Broad Street, Wilmington, Ohio.

NOTE: The purpose of this republication is to show that Howard Sewell, Jr. doing business as SEWELL MOTOR EXPRESS (formerly Sewell Transportation Co.) is joined as applicant in the matter of the BOR-99 application of H. J. SEWELL (HELEN L. SEWELL, EXECUTRIX).

No. MC 85927 (Sub-No. 1), filed February 12, 1963. Applicant: JAMES B. HARSHA, doing business as HARSHA TRANSFER, 111 Panhandle Road, West Union, Ohio. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 1970, dated June 11, 1948, issued by the Public Utilities Commission of Ohio.

No. MC 97911 (Sub-No. 1) (CORRECTION), filed February 7, 1963, published in FEDERAL REGISTER issue of June 12, 1963, corrected June 17, 1963, and republished as corrected this issue. Applicant: DEARMAN TRANSPORTATION CO., INC., 906 Fifth Avenue (Post Office Box 203), Mansfield, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. The purpose of this republication is to show that Certificate 5659-I was issued to applicant by the Public Utilities Commission of Ohio on November 14, 1958 instead of November 17, 1952. Also, in connection with Certificate 1942, the date should have been shown as February 3, 1955 instead of February 28, 1946, as previously published.

No. MC 120659 (Sub-No. 1) (REPUBLICATION), filed February 10, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: J. WILLIAM BUSH, doing business as BUSH VAN LINES, AND BUSH VAN LINES, INC., joint applicants, 1888 Brown, Akron, Ohio.

NOTE: The purpose of this republication is to show Buch Van Lines, Inc., as joint applicant.

No. MC 121388 (Sub-No. 1) (REPUBLICATION), filed February 12, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: HOWARD SEWELL, JR., doing business as SEWELL MOTOR EXPRESS, 164 South Mulberry Street, Wilmington, Ohio. Applicant's attorney: Joe F. Asher, 50 West Broad Street, Columbus 15, Ohio.

NOTE: The purpose of this republication is to show the change of trade name of subject carrier from Sewell Transportation Co., to Sewell Motor Express.

OKLAHOMA

No. MC 121087 (Sub-No. 1), filed February 12, 1963. Applicant: EXPLOSIVES CARRIER, INC., 817 North Gary Street, Tulsa, Okla. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Permit No. 14270, dated October 3, 1961, issued by the Corporation Comission of Oklahoma.

No. MC 121537, filed February 9, 1963. Applicant: YOUNG ENTERPRISES, INC., Post Office Box 7704, 2821 Elmhurst, Oklahoma City, Okla. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Permit No. 15062 dated October 26, 1962, issued by the Oklahoma Corporation Commission. Applicant claims that it would have been in operation in interstate commerce under the former second proviso of section 206(a)(1) of the act except for the fact that issuance of the permit was in litigation.

No. MC 121545, filed January 29, 1963. Applicant: THE CIRCLE J FREIGHT LINES, INC., 1002 North Owasso Avenue, Tulsa, Okla. Applicant's attorney: Martin E. Wyatt, 3108 East 15th Street, Tulsa, Okla. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act pursuant to Permit No. 14670, and Certificates No. A-1023 and A-1024, dated April 27, 1962 and November 14, 1963 respectively, issued by the Oklahoma Corporation Commission. Applicant states that the permit and certificates were not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

PENNSYLVANIA

No. MC 54698 (Sub-No. 2) (REPUBLICATION), filed January 28, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: WALTER P. SHAVER (RUTH H. SHAVER, Administratrix), 116 North, (formerly No. 83) Pioneer Avenue, Shavertown (Luzerne County), Pa., and HARRY L. ROTHSTEIN, joint applicant.

NOTE: The purpose of this republication is to show Harry L. Rothstein, as joint applicant.

No. MC 97108 (Sub-No. 1), filed February 11, 1963. Applicant: ARCHIE CRANAGE, 114 South Hickory Street, Mount Carmel, Pa. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 62980, dated August 4, 1944, issued by the Pennsylvania Public Utility Commission.

No. MC 98950 (Sub-No. 2) (REPUBLICATION), filed February 4, 1963, published FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant S. S. BERTZ & SONS, INC., 226 West Lemon Street, Lancaster, Pa. Applicant's attorney: Ernest S. Burch, Post Office Box 361, Bergner Building, 6 North Third Street, Harrisburg, Pa.

NOTE: The purpose of this republication is to show a change in attorneys since previous publication.

No. MC 111659 (Sub-No. 2), filed January 30, 1963. Applicant: SAMUEL C. KNEE, doing business as KNEE TRUCKING CO., 3919 Burgoon Road, Altoona, Pa. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. A68732, dated April 8, 1960, issued by the State of Pennsylvania Public Utility Commission.

No. MC 120717 (Sub-No. 1), (CORRECTION), filed December 31, 1962, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: CHARLES L. HAMMEL, JR., doing business as HAMMEL'S EXPRESS, 29th Street and A.V.R.R., Pittsburgh 1, Pa., and HAMMEL'S EXPRESS, INC., joint applicants. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa.

NOTE: The purpose of this republication is to show HAMMEL'S EXPRESS, INC., as joint applicant.

No. MC 121272 (Sub-No. 1) (REPUBLICATION), filed December 13, 1962, published FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: JOHN L. WENRICH AND CLAUDE LEHMAN, JR., doing business as HESS TRUCKING AND HESS TRUCKING CO. (a corporation), joint applicants, Post Office Box 42, Hershey, Pa.

NOTE: The purpose of this republication is to show Hess Trucking Co. (a corporation), as joint applicant.

No. MC 121550, filed February 11, 1963. Applicant: JAMES C. WETHERILL, doing business as HATBORO DELIVERY SERVICE, 709 Henry Avenue, Warminster, Pa. Applicant's attorney: S. H. Copelin, Post Office Box 376, Bala-Cynwyd, Pa. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act pursuant to Certificate No. A78703 dated August 19, 1952, as modified by supplemental reports and orders dated February 8, 1960, and September 10, 1962, in No. 78703, Folder 1 Am-A and Am-B. Applicant states that the certificate was not registered under the former second proviso of section 206(a)(1) of the Interstate Commerce Act prior to October 15, 1962, because of the pendency of litigation.

RHODE ISLAND

No. MC 14529 (Sub-No. 3), filed February 1, 1963. Applicant: MOORE'S MOTOR EXPRESS, INC., 26 Park Place, Pascoag, R.I. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. MC 216, dated October 15, 1947, issued by the Rhode Island Department of Business Regulation.

No. MC 96744 (Sub-No. 1), filed February 6, 1963. Applicant: HENRY CARRIER, doing business as CARRIER SOUTH COUNTY EXPRESS, Comstock Road, Slatersville, R.I. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 202, September 22, 1958 issued by the Rhode Island Department of Business Regulation.

No. MC 97078 (Sub-No. 1) (CORRECTION), filed January 31, 1963, published in FEDERAL REGISTER issue June 12, 1963 and republished as corrected this issue. Applicant: THOMAS COOK, doing business as TOMMY'S EXPRESS, 2033 West Shore Road, Warwick, R.I.

NOTE: The purpose of this republication is to show the correct docket No. MC 97078 (Sub-No. 1), in lieu of No. MC 97894 (Sub-No. 1), as shown in previous publication in error.

SOUTH DAKOTA

No. MC 64732 (Sub-No. 4), filed January 28, 1963. Applicant: AGNES H. RUDE, ARLEN W. RUDE, AND FREEMAN B. RUDE, JR., a minor, AGNES H. RUDE, guardian, doing business as RUDE TRANSPORTATION COMPANY, 416 East Second Street, Redfield, S. Dak. Authority sought to continue to operate as a common carrier under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 159 dated Jan. 1, 1953, issued by the South Dakota Public Utilities Commission. Applicant also claims "grandfather" rights covering South Dakota Certificates No. 209 dated Dec. 7, 1961, leased from Wilson Storage and Transfer Company for a period of five years ending Nov. 13, 1966; and No. 266 dated April 3, 1961, leased from Hyman Transportation Company for a period of 1 year from April 1, 1961, and automatically extendable from year to year thereafter.

No. MC 96732 (Sub-No. 1), filed December 21, 1962. Applicant: THE SEXAUER COMPANY, a corporation, Brookings, S. Dak. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 8086, filed May 27, 1957, issued by the Public Utilities Commission of South Dakota.

TENNESSEE

No. MC 98562 (Sub-No. 2) (REPUBLICATION), filed January 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: CLIEA ROBINSON, doing business as SMITHVILLE FREIGHT LINES, Smithville, Tenn., and CLIEA ROBINSON, doing business as SMITHVILLE FREIGHT LINES, and W. C. KEYT and Charles A. Hershiser, a partnership, doing business as COOKEVILLE MOTOR LINE, Nashville, Tenn., joint applicants. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn.

NOTE: The purpose of this republication is to show Cliea Robinson, doing business as Smithville Freight Lines and W. C. Keyt and Charles A. Hershiser,. a partnership, doing business as Cookeville Motor Line, Nashville, joint applicants.

No. MC 121179 (Sub-No. 1) (CORRECTION), filed January 18, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this

issue. Applicant: CHARLES G. MOODY, doing business as CHATTANOOGA-CROSSVILLE BUS LINES, 3125 Eastern Avenue, Chattanooga 5, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 929 and 929–A dated July 2, 1958, and April 13, 1960 respectively, and transferred by order of June 8, 1961, issued by the Tennessee Public Service Commission.

NOTE: The purpose of this republication is to show that the certificates named above were transferred on date given, which was inadvertently omitted from previous publication.

TEXAS

No. MC 2228 (Sub-No. 40) (CORRECTION), filed February 1, 1963, published in FEDERAL REGISTER issue June 12, 1953, and republished as corrected this issue. Applicant: MERCHANTS FAST MOTOR LINES, INC., West U.S. Highway 80 (Post Office Drawer 270), Abilene, Tex., and MERCHANTS FAST MOTOR LINES, INC., and R. A. WRIGHT, doing business as WRIGHT MOTOR FREIGHT LINES and UNION TRUCK LINES, INC., joint applicants. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 2024, dated February 6, 1962, 3385, dated May 3, 1962, 2466, dated May 3, 1962 and 3585–A dated September 27, 1962, issued by the Railroad Commission of Texas. As joint applicant with R. A. WRIGHT, doing business as WRIGHT MOTOR FREIGHT LINES, MERCHANTS FAST MOTOR LINES, INC., also claims "grandfather" rights covering Texas Certificate Nos. 2483, 3165, 3407, 2984, 3710 and 3756; and as joint applicant with UNION TRUCK LINES, INC., applicant also claims "grandfather" rights covering Texas Certificate Nos. 3541, 3580, 2055, 2515, 2519, 2735, 3799, 2069, 2952, 4037, and 4147.

NOTE: The purpose of this republication is to correct lease information and to show joint applicants.

No. MC 57969 (Sub-No. 1) (REPUBLICATION), filed February 6, 1963, published in FEDERAL REGISTER issue June 12, 1963 and republished this issue. Applicant: L. E. HENSLEY (Aimee Hensley, independent executrix), doing business as HENSLEY FREIGHT LINES, Post Office Box 87, Marion, Tex., and AIMEE HENSLEY, doing business as HENSLEY FREIGHT LINE, joint applicants. Applicants' attorney: Mert Starnes, 721 Brown Building, Austin 1, Tex.

NOTE: The purpose of this republication is to show AIMEE HENSLEY, doing business as HENSLEY FREIGHT LINE, as joint applicant.

No. MC 99850 (Sub-No. 2), filed January 18, 1963. Applicant: DALLAS THOMPSON, 2020 Division Street, Arlington, Tex. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 7094, dated September 11, 1959 issued by the Railroad Commission of Texas.

No. MC 115938 (Sub-No. 3), (CORRECTION), filed January 10, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: HERDER TRUCK LINES, INC., lessee, and CHARLES HERDER, JR., lessor, Weimar, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 4008, dated September 26, 1957, 2184, dated May 1, 1946, 3233, dated May 11, 1962, and 2162, dated May 16, 1958, 2694, dated November 30, 1948, and 3513, dated August 11, 1953, issued by the Railroad Commission of Texas.

NOTE: The purpose of this republication is to include additional Certificate Nos. and dates which were inadvertently omitted from previous publication.

UTAH

No. MC 121020 (Sub-No. 1), filed February 6, 1963. Applicant: PARK CITY TRUCK LINES, Snow Summit Ranch, Park City, Utah. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate Nos. 1357, March 8, 1961; 1357 Sub-1, June 23, 1961; 1357 Sub-2, June 4, 1962, issued by the Utah Public Service Commission.

VERMONT

No. MC 121547, filed February 11, 1963. Applicant: EASTERN VERMONT TRUCKING CORPORATION, 178 Main Street, Burlington, Vt. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to Certificate No. 2999, dated June 1, 1962, issued by the Vermont Public Service Board. Applicant states that the State Certificate was not registered under the second proviso of section 206(a)(1) of the Interstate Commerce Act, prior to October 15, 1962, because of pendency of litigation.

VIRGINIA

No. MC 57568 (Sub-No. 1) (CORRECTION), filed February 6, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished as corrected this issue. Applicant: CHARLES W. STEVENS, doing business as DANVILLE-MARTINSVILLE BUS LINES, 629 Jefferson Street, Danville, Va.

NOTE: The purpose of this republication is to show the applicant's correct docket number, No. MC 57568 (Sub-No. 1), in lieu of No. MC 57563 (Sub-No. 1), as shown in previous publication, in error.

No. MC 120653 (Sub-No. 2) (REPUBLICATION), filed January 11, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: JENKINS TRANSFER, INC., 4210 Petersburg Pike, Richmond, Va., and R. G. MAHER, Norfolk, Va., joint applicants. Applicant's attorney: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va.

NOTE: The purpose of this republication is to show R. G. Maher, Norfolk, Va., as joint applicant.

WASHINGTON

No. MC 13921 (Sub-No. 3), filed February 11, 1963. Applicant: E. S. LUFBIN, doing business as SAFEWAY MOTOR COACH LINES, Post Office Box 3063, Seattle, Wash. Application filed to protect carrier's right, if any, to a Certificate of Registration under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act. The application is accompanied by interstate permit and compliance order issued by the regulatory Commissions of the States of Oregon and Washington, respectively, prior to enactment of the Motor Carrier Act, 1935 (now Part II, Interstate Commerce Act).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10419; Filed, Oct. 1, 1963; 8:45 a.m.]

[Notice 273]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 27, 1963.

The following letter-notice of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests, if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Deviation No. 2), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind., filed September 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between St. Louis, Mo., and Indianapolis, Ind., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between St. Louis and Indianapolis over U.S. Highway 40.

No. MC 263 (Deviation No. 4), GARRETT FREIGHTLINES, INC., Post Office Box 1649, Pocatello, Idaho, filed September 13, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From the terminal location of Garrett on Redwood Road (Utah Highway 68) in Salt Lake City, Utah, over Utah Highway 68 to junction U.S. Highway 6 at Elberta, Utah, thence over U.S. Highway 6 to junction U.S. Highway 91 at Santaquin, Utah; (B) from the terminal location of Garrett on Redwood Road in Salt Lake City over Utah Highway 68 to junction U.S. Highway 6 at Elberta, thence over U.S. Highway 6 to junction unnumbered highway at Goshen, Utah, thence over unnumbered highway to Mona, Utah, and return over the same routes, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over a pertinent service route as follows: From Butte, Mont., over U.S. Highway 91 to junction Idaho Highway 35 (formerly unnumbered highway), thence over Idaho Highway 35 via Oxford and Clifton, Idaho, to Dayton, Idaho, thence over Idaho Highway 86 (formerly unnumbered highway) to Preston, Idaho, thence over U.S. Highway 91 to Logan, Utah, thence over Utah Highway 69 (formerly U.S. Highway 89) to Brigham City, Utah (also from Logan over U.S. Highway 91 to Brigham City), thence over U.S. Highway 91 to Barstow, Calif., thence over U.S. Highway 66 to San Bernardino, Calif., and return over the same route.

No. MC 11220 (Deviation No. 8), GORDON'S TRANSPORTS, INC., 185 West McLemore Avenue, Memphis 2, Tenn., filed September 18, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to junction Alternate U.S. Highway 41 at Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to junction U.S. Highway 79 near Clarksville, Tenn., thence over U.S. Highway 79 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over Illinois Highway 50 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kankakee, Ill., thence over U.S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to Salem, Ill., thence over U.S. Highway 50 to Sandoval, Ill., thence over U.S. Highway 51 to Memphis and return over the same routes.

No. MC 30073 (Deviation No. 6), JOHNSON FREIGHT LINES COMPANY, INC., 248 Chester Avenue SE., Post Office Box 1918, Atlanta 1, Ga., filed September 13, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cincinnati, Ohio and Louisville, Ky. over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn. over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky., thence over U.S. Highway 31W to Louisville, thence over U.S. Highway 42 to Cincinnati, and return over the same route.

No. MC 75628 (Deviation No. 7), STASI MOTOR FREIGHT, INC., 1005 St. Louis Avenue, Kansas City, Mo., filed September 18, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo.-Kans., over U.S. Highway 69 to Miami, Okla., thence over U.S. Highway 59 to Sallisaw, Okla., and thence over U.S. Highway 64 to Fort Smith, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City over U.S. Highway 71 to Carthage, Mo., thence over Alternate U.S. Highway 71 to junction U.S. Highway 71 thence over U.S. Highway 71 to Alma, Ark., and thence over U.S. Highway 64 to Fort Smith, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 34), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed September 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction Illinois Highway 128 and Interstate Highway 70 (1 mile south of Altamont) thence over Interstate Highway 70 to junction U.S. Highway 40 (2 miles east of Bluff City, Ill.), and return over the some route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Columbus, Ohio over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 2890 (Deviation No. 35), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed September 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) From junction U.S. Highways 34 and 281, south of Grand Island, Nebr., over U.S. Highway 281 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 283, thence over U.S. Highway 283 to Lexington, Nebr.; (B) from junction Interstate Highway 80 and Nebraska Highway 44 over Nebraska Highway 44 to Kearney, Nebr.; (C) from junction Interstate Highway 80 and U.S. Highway 183 over U.S. Highway 183 to Elm Creek, Nebr., and return over the same routes, for operating convenience only. The notice indicates that the carrier presently is authorized to transport passengers over pertinent service routes as follows: From Valley, Nebr., over U.S. Highway 275 to junction U.S. Highway 30, thence over U.S. Highway 30 via Grand Island to junction U.S. Highway 30–S, near Little America, Wyo.; from Seward, Nebr., over U.S. Highway 34 via Utica, Waco, Hampton, and Murphy, Nebr., to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10420; Filed, Oct. 1, 1963; 8:46 a.m.]

[Notice 564]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 27, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2359 (Sub-No. 13) (AMENDMENT), filed August 13, 1963, published FEDERAL REGISTER issue September 11, 1963, amended September 19, 1963, and republished as amended this issue. Applicant: ROCCO D. DAMEO, 362 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials, roofing materials, insulating products and materials, asbestos products and materials, cement products and materials, asphalt products and materials, asbestos and cement products and materials*, between the plant site of Johns-Manville Corporation located at Manville, N.J., on the one hand, and, on the other points in Maine, New Hampshire and Vermont, and (2) *fibrous glass products and materials, insulating products and materials, building wall and insulating board, asphalt and asbestos, asphalt and asbestos products and materials*, between the plant site of Johns-Manville Corporation, located at Penbryn, Winslow Township, Camden County, N.J., on the one hand, and on the other, points in Maine, New Hampshire and Vermont.

NOTE: Applicant states the authority sought is to be restricted to transportation

service to be performed with Johns-Manville Corporation, New York, N.Y., under contract or continuing contract. The purpose of this republication is to broaden the scope of the authority previously sought.

HEARING: Remains as assigned October 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 2416 (Sub-No. 9), filed May 20, 1963. Applicant: HULME TRANSPORTATION CO., a corporation, 16 Navaho Street, Cranston, R.I. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated nonferrous architectural products*, used in the construction of structures and renovation of structures, from Pawtucket, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed operation will be "under continuing contract with Continental Bronze Co., Inc., of Pawtucket, R.I."

HEARING: November 4, 1963, at the Federal Building, Providence, R.I., before Examiner Alton R. Smith.

No. MC 6261 (Sub-No. 3), filed August 13, 1963. Applicant: R. E. THARP, INC., Post Office Box 515, Chowchilla, Calif. Applicant's attorney: Marshall G. Berol, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton bale ties and cotton bagging*, between points in Kings, Tulare, Fresno, Madera, Merced, and Kern Counties, Calif., restricted to shipments having a prior movement by rail.

HEARING: November 18, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 8148 (Sub-No. 2), filed July 31, 1963. Applicant: SANTA CRUZ MOTOR EXPRESS, INC., 210 Encinal Street, Santa Cruz, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between San Francisco, Calif., and East Bay points from San Pablo on the north to Hayward on the south including San Pablo and Hayward, on the one hand, and, on the other, Santa Cruz, Calif., and points within a ten (10) mile radius of Santa Cruz.

NOTE: Applicant will not transport any shipments of: (1) Used household goods and personal effects, (2) automobiles, trucks and buses, namely: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailer combined, buses, bus chassis, (3) livestock namely: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfit, sows, steers, stags or swine, (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment, (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, (6) commodities when transported in bulk and in dump trucks or in hopper-type trucks, and (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit.

HEARING: November 14, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 8968 (Sub-No. 4), filed July 5, 1963. Applicant: HARRY B. WILSON, doing business at WILSON'S MOTOR TRANSIT, 2500 South Main Street, Middletown, Ohio. Applicant's attorneys: James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete farm silos and industrial storage bins, not assembled, including concrete staves, doors and door frames, and metal parts and accessories used in connection therewith*, from Camden, Ohio, to points in New York, Pennsylvania, Virginia, West Virginia, Illinois, Indiana, Kentucky, Michigan, Missouri, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 15, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Richard A. White.

No. MC 30837 (Sub-No. 295), filed August 19, 1963. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1903 N Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks and chassis, parts and equipments therefor*, in initial movements, in driveaway service, from Kansas City, Mo., to points in Alabama, Illinois, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin.

HEARING: November 13, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 30844 (Sub-No. 123), filed August 22, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates, Packinghouse Products*, 61 M.C.C. 209 and 766, from Sidney, Nebr., to Waterloo, Iowa, and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: November 15, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 39443 (Sub-No. 17), filed August 8, 1963. Applicant: RAY E. THOMPSON & SONS, INC., 4800 Broadway, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed* (except in bulk), *insecticides, animal and poultry tonics* and *medicines, dry earth paint, advertising matter*, and *premium merchandise*, between Quincy, Ill., on the one hand, and, on the other, points in Iowa (except points in Monona, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties, Iowa), (2) *fertilizer* (except in bulk), from East St. Louis, Ill., to points in Missouri, and (3) *fertilizer*, (a) from East St. Louis, Ill., to points in Wisconsin and Iowa, (b) from Humboldt, Iowa, to points in Illinois, (c) from Danville, Ill., to points in Missouri, Wisconsin, and Olathe, Kans., (d) between Detroit, Mich., Cleveland and Cincinnati, Ohio, on the one hand, and, on the other, points in Wisconsin, Missouri, and Iowa, and (e) between Fulton, Ill., on the one hand, and, on the other, points in Indiana.

NOTE: Applicant states it presently holds some authority that will duplicate the above. Should application be granted, it is willing that the commodity and territorial description be altered so as to eliminate any duplication.

HEARING: November 7, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner William J. O'Brien, Jr.

No. MC 45057 (Sub-No. 14), filed August 30, 1963. Applicant: McLEOD TRUCKING, INC., 1285 East Fifth Street, Reno, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats*, serving Meyers, Calif., and points on U.S. Highway 50 between Meyers and the California-Nevada State line as intermediate points in connection with carrier's authorized regular-route operation in MC 45057 (Sub-No. 12).

NOTE: Applicant states it proposes to transport spoiled meats or refused shipments of meat returned to shipper at Yerington, Nev.

HEARING: November 20, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 45338 (Sub-No. 6), filed June 3, 1963. Applicant: CHESTER SAYRE, 4901 McAnulty Road, Pittsburgh 36, Pa. Applicant's attorney: Jerome Solomon, 1325 27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock (other than ordinary)*, and in the same vehicle with such livestock, *stable supplies and equipment used in the care and exhibition of such livestock, mascots and personal effects of their trainers, attendants and exhibitors*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Arizona, California, New Mexico, Oklahoma, and Texas.

HEARING: November 4, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Richard A. White.

No. MC 47732 (Sub-No. 2), filed September 1, 1963. Applicant: JOHN E. GILL, doing business as OLD COLONY FILM TRANSFER COMPANY, 48 Whipple Street, Weymouth, Mass. Applicant's representative: Frank J. Weiner, 182 Forbes Building, Forbes Road, (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Films and articles associated with the exhibition of motion pictures*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766, between Boston, Mass., on the one hand, and, on the other, points in Rhode Island.

HEARING: November 14, 1963, at the Hotel Essex, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 51006 (Sub-No. 4), filed April 12, 1963. Applicant: SHAWMUT TRANSPORTATION CO., INC., 275 Meserole Avenue, Brooklyn 22, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, articles, of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving Lawrence, Mass., as an off-route point in connection with applicant's presently authorized regular route operations between Boston, Mass., and New York, N.Y.

NOTE: Applicant has filed, concurrently herewith, Petition for Reopening, Reconsideration and/or Modification of its grandfather certificate with respect to Lawrence, Mass.

HEARING: November 5, 1963, at the Hotel Essex, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 52709 (Sub-No. 221), filed June 28, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil and petrolatum, refined*, in bulk, in tank vehicles, from points in Butler County, Pa., to points in California.

NOTE: Common control may be involved.

HEARING: November 7, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Richard A. White.

No. MC 52751 (Sub-No. 34), filed July 22, 1963. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Fort Dodge, Iowa, to points in Nebraska and South Dakota.

NOTE: Applicant states that it is presently authorized to perform the proposed service from Fort Dodge, Iowa, to points in South Dakota by traversal of Minnesota gateways within 30 miles of Nassau, Minn. Also, direct service is authorized from the plant site of National Gypsum Company, at Fort Dodge, Iowa. Common control may be involved.

HEARING: November 13, 1963, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Dallas B. Russell.

No. MC 52917 (Sub-No. 49), filed September 20, 1963. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Doylestown and Philadelphia, Pa., and Braddock, N.J., to points in West Virginia, Virginia, the District of Columbia, New York, Pennsylvania, and New Jersey.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. 52917 (Sub-No. 50), filed September 20, 1963. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Camden, Salem, Atlantic, Gloucester, and Cumberland Counties, N.J., and Jersey City, N.J., Baltimore, Md., and Wilmington, Del., to points in Maryland, New York, Pennsylvania, Virginia, and West Virginia.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 58486 (Sub-No. 4), filed August 2, 1963. Applicant: PENINSULA DELIVERY SERVICE, doing business as PENINSULA DELIVERY & DRAYAGE SERVICE, 1000 25th Street, San Francisco 7, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except fresh fruits and vegetables, petroleum products in bulk in tank vehicles, explosives, commodities in bulk, uncrated used household goods, personal effects, office, store and institution furniture, fixtures and equipment, livestock, commodities under refrigeration and articles of extraordinary value), (1) between points within the San Francisco-East Bay Cartage Zone: beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean, thence easterly along said boundary line to Lake Merced Boulevard, thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue, thence westerly along said South Mayfair Avenue to Crestwood Drive, thence southerly along Crestwood Drive to Southgate Avenue, thence westerly along Southgate Avenue to Maddux Drive, thence southerly and easterly along Maddux Drive to a point one mile west of U.S. Highway 101, thence southeasterly along an imaginary line one mile west of and paralleling U.S. Highway 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo, thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. Highway 101 Bypass), thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek, thence northeasterly along Belmont (or Angelo) Creek to Seal Creek, thence westerly and northerly to a point 1 mile south of Toll Bridge Road, thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17, thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9, thence northerly along said imaginary line 1 mile easterly of an paralleling State Sign Route 9 to its intersection with "B" Street, Hayward, thence easterly and northerly along "B" Street to Center Street, thence northerly along Center Street to Castro Valley Boulevard, thence westerly along Castro Valley Boulevard to Redwood Road, thence northerly along Redwood Road to William Street, thence westerly along William Street and 168th Avenue to Foothill Boulevard, northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland, thence easterly and northerly along the Oakland Boundary line to its intersection with the Alameda-Contra Costa County boundary line, thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley), thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (U.S. Highway 40), thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (U.S. Highway 40) to its intersection with County Road No. 20 (Contra Costa County), thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road), thence northerly along Broadway Avenue (also known as Balboa Road) to U.S. Highway 40, thence northerly along U.S. Highway 40 to Rivers Street, thence westerly along Rivers Street to 11th Street, thence northerly along 11th Street to Johns Avenue, thence westerly

along Johns Avenue to Collins Avenue, thence northerly along Collins Avenue to Morton Avenue, thence westerly along Morton Avenue to the Southern Pacific Company right to way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay, thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo, thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street, thence westerly along said waterfront and shore line to the Pacific Ocean, thence southerly along the shore line of the Pacific Ocean to the point of beginning, (2) between San Mateo and San Jose, Calif., and all intermediate points over U.S. Highways 101 and 101 Bypass, and (3) between Oakland, Calif., on the one hand, and, on the other Belmont, San Carlos, Redwood City, Atherton, Menlo Park, Palo Alto, Sunnyvale, Santa Clara, San Jose, and all intermediate points over any and all streets, roads, highways, and bridges.

HEARING: November 13, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 58813 (Sub-No. 48), filed August 23, 1963. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, on hangers only, between Woodbury, Tenn., and Athens, Ga., and (2) *wearing apparel*, on hangers only, from Dalton, Ga., to New York, N.Y.

HEARING: November 15, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 64932 (Sub-No. 328), filed August 21, 1963. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, and *syrups*, in bulk, in tank vehicles, from Mapleton, Ill., and points within ten (10) miles thereof, to Washington, D.C., and points in California, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, Kentucky, Texas, and Wisconsin.

HEARING: November 15, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 70151 (Sub-No. 34), filed July 3, 1963. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk (not including salt in bulk), commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Adrian and Petersburg, Mich., from Adrian over Lenawee County and Monroe County Road 320, commonly known as Deerfield Road, to Petersburg, and return over the same route, serving Petersburg, (2) between Blissfield and Petersburg, Mich., from junction unnumbered Lenawee County Road and U.S. Highway 223 at Blissfield over unnumbered Lenawee County Road to junction Lenawee County and Monroe County Road 320, commonly known as Deerfield Road, thence over Lenawee County and Monroe County Road 320 via Deerfield, Mich., to Petersburg, and return over the same route, serving Petersburg and the intermediate point of Deerfield, and (3) between Blissfield and Adrian, Mich., from junction unnumbered Lenawee County Road and U.S. Highway 223 at Blissfield over unnumbered Lenawee County Road to junction Lenawee County and Monroe County Road 320, commonly known as Deerfield Road, thence over Lenawee County and Monroe County Road 320 to Adrian, and return over the same route, serving the intermediate point of Lenawee Junction, Mich.

HEARING: November 20, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or if the Joint Board waives its right to participate before Examiner William J. O'Brien, Jr.

No. MC 81419 (Sub-No. 1), filed September 17, 1963. Applicant: FUCILLO, INC., 4 Lathrop Place, Boston 13, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film and theatre supplies*, between Boston, Mass., and Woonsocket, Manville, Pawtucket, East Providence, Providence, Riverpoint, East Greenwich, Wickford, Wakefield, Riverside, Warwick, and Bistol, R.I.

HEARING: November 8, 1963, at the Hotel Essex, Boston, Mass., before Examiner Alton R. Smith.

No. MC 83539 (Sub-No. 104), filed August 23, 1963. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressors, engines, motors, machinery, generators, and turbines, and* (2) *parts, attachments and accessories of the items named in (1) above*, loose or in packages, from the plant sites of Worthington Corporation at Buffalo and Wellsville, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois (except Chicago and points in the Chicago Commercial Zone), Iowa, Kansas, Louisiana, Minnesota, Missouri (except St. Louis and points in the St. Louis Commercial Zone), Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Scuth Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states it proposes to engage in the same operation on return trips.

HEARING: November 14, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Barnard J. Hasson, Jr.

No. MC 86931 (Sub-No. 14), filed May 15, 1963. Applicant: WARD E. LANNING, INC., R.F.D. 5, Coshocton, Ohio. Applicant's attorney: JOHN A CHILDERS, University Club Building, 40 South Third Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe, cast iron pipe fittings, iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts and plastic or rubber gaskets;* and *materials, parts, supplies and accessories used in the production and installation thereof*, from Coshocton, Ohio to points in Kentucky and Tennessee, (2) *returned shipments of the commodities specified in (1)*, from points in Kentucky and Tennessee, to Coshocton, Ohio, (3) *iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts and plastic or rubber gaskets; and materials, parts, supplies and accessories used in the production and installation thereof and in the production and installation of cast iron pipe and cast iron pipe fittings*, from Coshocton, Ohio, to points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois and New York, (4) *returned shipments of the commodities specified in* (3), from points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois and New York, to Coshocton, Ohio, and (5) *returned shipments of cast iron pipe and cast iron pipe fittings*, from points in Ohio, Michigan, Indiana, and Pennsylvania, to Coshocton, Ohio.

NOTE: Applicant states the proposed operations are to be limited to a transportation service to be performed under a continuing contract, or contracts, with James B. Clow & Sons, Inc. of Chicago, Ill., and wholly owned subsidiaries Eddy Valve Co., Waterford, N.Y., and Iowa Valve Co., Oskaloosa, Iowa.

HEARING: November 14, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Richard A. White.

No. MC 87207 (Sub-No. 9), filed June 21, 1963. Applicant: HARRY McKENZIE TRUCKING CO., a corporation, 6446 East Saginaw, Selma, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton bale ties*, between points in Merced, Madera, Fresno, Kings, Tulare, and Kern Counties, Calif., restricted to shipments having a prior movement by rail.

HEARING: November 18, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 88203 (Sub-No. 2) (AMENDMENT), filed November 23, 1962, published FEDERAL REGISTER issue of February 20, 1963, amended April 2, 1963, and republished, as amended, this issue. Applicant: OTIS WRIGHT & SONS, INC., 632 South Union Street, Lima, Ohio.

Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Sugarcreek, Ohio, to points in that part of Indiana on and north of U.S. Highway 40 (except Fort Wayne, and except points within fifty (50) miles of Fort Wayne).

NOTE: The purpose of this republication is to show the proposed transportation of brick under a continuing contract with The Belden Brick Company will be a year-round operation in lieu of the seasonal operations as previously published.

HEARING: November 12, 1963, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 92983 (Sub-No. 425), filed August 7, 1963. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Des Moines, Iowa, to points in Michigan, North Dakota, and Ohio.

HEARING: November 14, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Dallas B. Russell.

No. MC 94704 (Sub-No. 5), filed June 20, 1963. Applicant: WALTER NEUROTH, doing business as NEUROTH TRUCK LINE, Conrad, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry waterers, yard hydrants and pig warmers*, from Conrad, Iowa, to points in Colorado, Oklahoma, and Texas.

HEARING: October 23, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner John S. Messer.

No. MC 95876 (Sub-No. 24), filed July 8, 1963. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, marble, slate and stone*, from points in Oklahoma to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

HEARING: November 5, 1963, at Room 393, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Gordon M. Callow.

No. MC 99623 (Sub-No. 1), filed September 13, 1963. Applicant: JAMES E. GRIFFIN & SONS, INC., Circuit Street, West Hanover, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Furniture, pianos* and *baggage*, between points in Massachusetts, (b) *building materials, contractors equipment, coal, coke*, and *other fuel*, between points within fifteen (15) miles of City Hall, Boston, Mass., and (c) *household goods*, between points within fifteen (15) miles of Town Hall, Hanover, Mass.

HEARING: November 13, 1963, at the Hotel Essex, Boston, Mass., before Joint Board No. 231, or if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 102616 (Sub-No. 734), filed September 20, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street, NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, including dry litharges, oxides and commodities derived from lead*, in bulk, in tank and hopper type vehicles, from points in Kanawha County, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

HEARING: October 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 102817 (Sub-No. 7), filed August 14, 1963. Applicant: PERKINS FURNITURE TRANSPORT, INC., 419 West Merrill Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated, and new furniture in containers*, when moving with the uncrated shipments of the same commodities, from Lexington, Ramseur, Thomasville, and Welcome, N.C., and points within ten (10) miles of each, to points in Arkansas, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., and *only empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: November 12, 1963, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 106997 (Sub-No. 9), filed August 18, 1963. Applicant: ARTHUR PIERSON, 119 Water Street, Newton, N.J. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sensitized photographic paper, reproduction machines, and supplies* from Newton, N.J., to Cleveland, Ohio, Detroit, Mich., Washington, D.C., and Atlanta, Ga.

NOTE: Applicant states proposed "service to be rendered under a continuing contract with Anken Chemical & Film Corp., Newton, N.J."

HEARING: November 13, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 107107 (Sub-No. 285), filed September 18, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (not canned and not frozen), in vehicles equipped with mechanical refrigeration, from Dallas and San Antonio, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: November 8, 1963, at the Baker Hotel, Dallas, Tex. before Examiner Jerry F. Laughlin.

No. MC 107403 (Sub-No. 493), filed August 16, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Coraopolis, Pa., to points in Chautauqua, Erie and Niagara Counties, N.Y.

HEARING: October 8, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Walter R. Lee.

No. MC 107403 (Sub-No. 499), filed September 19, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds and urea*, (1) from points in Nebraska (except Omaha) to points in Iowa, Minnesota, and South Dakota; (2) from points in Nebraska to points in North Dakota, Montana, Wyoming, Colorado, Kansas, Missouri, Illinois, and Nebraska; (3) from points in Iowa to points in Nebraska; and (4) from Yankton, S. Dak., to points in Nebraska.

HEARING: October 16, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Harry M. Shooman.

No. MC 107515 (Sub-No. 440), filed May 6, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: November 7, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Dallas B. Russell.

No. MC 107515 (Sub-No. 441), filed May 22, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, 766 (except in bulk, in tank vehicles), from points in Nebraska, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Dallas B. Russell.

No. MC 107541 (Sub-No. 12) (AMENDMENT), filed August 22, 1963, published FEDERAL REGISTER issue September 18, 1963, amended September 22, 1963, and republished as amended this issue. Applicant: MAGEE TRUCK SERVICE, INC., Post Office Box 67, Klickitat, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and beams*, including *boards or sheets, sawdust or ground wood, compressed with added resin binder*, between Oakridge, Eugene, Springfield, Cottage Grove, Roseburg, Bend, Madras, Molalla, Portland, and Coos Bay, Oreg., and Vancouver, Longview, Moses Lake, Spokane, Wenatchee, Tacoma, Kent, Renton, Seattle, and Everett, Wash.

NOTE: The purpose of this republication is to show that the territorial description will be "nonradial" in lieu of "radial" as previously published.

HEARING: Remains as assigned October 30, 1963, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 109478 (Sub-No. 67), filed July 15, 1963. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice* in bulk, in tank vehicles, from Spartanburg, S.C., to North East, Pa.

NOTE: Common control may be involved.

HEARING: November 8, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Richard A. White.

No. MC 110525 (Sub-No. 602), filed September 19, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewcz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, including dry litharges, oxides and commodities derived from lead*, in bulk, in tank or hopper vehicles, from points in Kanawha County, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

HEARING: October 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 110698 (Sub-No. 246), filed May 2, 1963. Applicant: RYDER TANK LINE, INC., Winston-Salem Road (Post Office Box 457), Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid insecticides, emulsifiers, adhesives, spreaders and stickers*, in bulk, in tank vehicles, from Chicago, Ill., to Jacksonville, Ark.

NOTE: Common control may be involved.

HEARING: November 6, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Dallas B. Russell.

No. MC 110698 (Sub-No. 256) (CORRECTION), filed September 11, 1963, published FEDERAL REGISTER issue of September 18, 1963, corrected and republished, this issue. Applicant: RYDER TANK LINE, INC., Box 8418; Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Kanawha County, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

NOTE: The purpose of this republication is to show applicant's attorney.

HEARING: Remains as assigned October 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 112617 (Sub-No. 155), filed August 19, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles from Sheffield, Ala., and points within 15 miles thereof, to points in the United States excluding Alaska and Hawaii.

HEARING: November 13, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 113678 (Sub-No. 54) (REPUBLICATION), filed August 8, 1963, published FEDERAL REGISTER issue of September 5, 1963, and republished this issue to show the advanced hearing date. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and exempt commodities*, when moving in the same vehicle with regulated commodities, from Philadelphia, Pa., and points in Bucks County, Pa., to points in Colorado, Minnesota, Missouri, Illinois, Utah, Arizona, California, Oregon, Washington, and Wyoming, and to Omaha and Gering, Nebr.

NOTE: Common control may be involved.

HEARING: Advanced to October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 113908 (Sub-No. 127), filed July 15, 1963. Applicant: ERICKSON TRANSPORT CORPORATION, Main Post Office Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 809 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Washington and points in Arkansas, Michigan, Pennsylvania, and New York.

HEARING: November 19, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 114067 (Sub-No. 23), filed August 28, 1963. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. C. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, including safflower oil*, from points in Kern, Kings, Tulare, Fresno, Madera, Stanislaus, San cated within the San Francisco, Calif., to docks, piers and dockside storage located within the San Francisco, Calif., Commercial Zone, including Encinal Terminals, Alameda, Calif.

HEARING: November 19, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 114211 (Sub-No. 38), filed September 18, 1963. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm feed mills, and farm feed mill parts and attachments*, when moving with farm feed mills, from Crown Point, Ind., to points in Arkansas, Colorada, Illinois, Iowa; Kansas, Louisiana, New Mexico, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

HEARING: November 4, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Dallas B. Russell.

No. MC 114533 (Sub-No. 69), filed May 10, 1963. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: *Accounting media, business reports* and *records*, between points in Schaumburg Township, Ill., on the one hand, and, on the other, Milwaukee and Madison, Wis., and Detroit, Mich.

HEARING: November 5, 1963, at Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Dallas B. Russell.

No. MC 115841 (Sub-No. 136) (AMENDMENT), field June 19, 1963, published FEDERAL REGISTER issued July 17, 1963, and republished as amended this issue.

Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Baltimore, Md., Jersey City, N.J., Wilmington, Del., Philadelphia, and Doylestown, Pa., Braddock, N.J., and points in Atlantic, Camden, Cumberland, Gloucester, Salem, and Monmouth Counties, N.J., to points in Connecticut, Florida, Georgia, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, Alabama, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Oklahoma, Oregon, Ohio, Tennessee, Texas, Washington, Wisconsin, and West Virginia, and (2) from Montezuma, Ga., to points in New Jersey, Maryland, Ohio, Kansas, and Texas.

NOTE: Applicant seeks no duplicate authority. The purpose of this republication is to broaden the scope of the authority previously sought.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 115887 (Sub-No. 4), filed August 20, 1963. Applicant: J. M. INGE TRUCKING COMPANY, INC., 5255 Hull Street Road, Richmond, Va. Applicant's attorney: Jno. C. Goddin, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Richmond, Va., to Beckley, Charleston, and Huntington, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged*, and *refused* or *rejected shipments*, on return.

HEARING: November 14, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 115946 (Sub-No. 28), filed August 19, 1963. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Post Office Box 7055, Savannah, Ga. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof deck materials* (except in bulk, in tank vehicles), from Brunswick, Ga., to points in Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Mississippi, Pennsylvania, West Virginia, New Jersey, Maryland, Virginia, and Delaware.

HEARING: November 14, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 116205 (Sub-No. 12), filed June 6, 1963. Applicant: K & A TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Keith S. Noah, 200 North Johnson Street, Charles City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), and *attachments and parts thereof*, when moving in truckload lots or when moving incidental to and in the same vehicle with said tractors, from Charles City, Iowa, to points in Arkansas, Mississippi and Oklahoma, and to points in Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, Saint Francois, Sainte Genevieve, Scott, Shannon, Stoddard, Washington, and Wayne Counties, Mo., and (2) *damaged, defective and returned tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), and *attachments and parts thereof*, when moving in truckload lots or when moving incidental to and in the same vehicle with said tractors, from points in Arkansas, Mississippi and Oklahoma, and from points in Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, Sainte Francois, Sainte Genevieve, Scott, Shannon, Stoddard, Washington, and Wayne Counties, Mo., to Charles City, Iowa. RESTRICTION: The proposed operations in (1) above will be restricted to traffic originating at Charles City, Iowa, and the proposed operations in (2) above will be restricted to traffic destined to Charles City, Iowa.

NOTE: Any authority hereinafter granted will be issued in the appropriate sub number of K & A Truck Lines, Inc.

HEARING: November 15, 1963, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Dallas B. Russell.

No. MC 116254 (Sub-No. 31), filed August 19, 1963. Applicant: CHEM HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Sheffield, Ala., and points within 15 miles thereof, to points in the United States, except Hawaii and Alaska.

NOTE: Applicant states no duplicating authority is sought.

HEARING: November 13, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 116434 (Sub-No. 31), filed May 29, 1963. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water well casing, pipe, tubing, pipe fittings and protectors and steel*, between Louisiana, Mo., and points in Illinois, on the one hand, and, on the other, points in Wisconsin, Illinois, Minnesota, Ohio, Iowa, Indiana, Kentucky, Tennessee, Arkansas, Nebraska, Kansas, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Dakota, South Dakota, North Carolina, South Carolina, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, Alabama, and Missouri.

NOTE: Applicant states, "Service for which authority is sought will be performed under a continuing contract with Valley Steel Products Company of St. Louis, Mo., with whom applicant presently has a contract and for whom he presently performs interstate transportation.

HEARING: November 12, 1963, at the Midland Hotel, Chicago, Ill., before Examiner William J. O'Brien, Jr.

No. MC 116434 (Sub-No. 32), filed June 17, 1963. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Building, paving and roofing materials and insulation*, from Rockdale, Ill., to points in Arkansas, Missouri, Kentucky, and Tennessee.

HEARING: November 21, 1963, in Room 852, U.S. Customs House, 610 Canal Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 116632 (Sub-No. 8), filed July 1, 1963. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, Maine. Applicant's attorney: Frederick T. McGonagle, 443 Congress Street, Room 414, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden fencing, wooden panels, wooden posts*, and *wooden rails*, from points in Aroostook, Penobscot, Piscataquis, and Somerset Counties, Maine, to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Washington, D.C., and (2) *lumber and disassembled wooden picnic tables and wooden cabin siding*, from Lee, Maine, to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, and Washington, D.C.

HEARING: November 22, 1963, at The State House, Augusta, Maine, before Examiner Alton R. Smith.

No. MC 116880 (Sub-No. 3), filed August 29, 1963. Applicant: WALTER D. DAVIS, Bangor Street, Houlton, Maine. Applicant's attorney: Clarence I. Peterson, 10 Post Office Square, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* from Woburn,

Mass., to points in Aroostook County, Maine, and *exempt commodities*, on return.

HEARING: October 7, 1963, at the Hotel Essex, Boston, Mass. before Joint Board No. 69.

No. MC 117200 (Sub-No. 6), filed July 11, 1963. Applicant: ALLEN TISCH AND MERDON DREWS, a partnership, doing business as TISCH AND DREWS, 212 Green Bay Avenue, Oconto Falls, Wis. Applicant's attorney: Eugene E. Behling, Oconto Falls, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Marinette, Wis., to points in Menominee, Dickinson, Iron, Marquette, Delta, Schoolcraft, and Alger Counties in the Upper Peninsula of Michigan.

NOTE: Applicant states the proposed operation will be for and directed by Michela Coal and Dock Company, a subsidiary of Peabody Coal Company, Marinette, Wis.

HEARING: November 15, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 117344 (Sub-No. 103), filed May 27, 1963. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds* and *washing compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, West Virginia, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return.

HEARING: October 28, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Gerald F. Colfer.

No. MC 117344 (Sub-No. 111), filed September 20, 1963. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions* (not including phosphoric acid), in bulk, in tank vehicles, from the plant site of Monsanto Chemical Company, located at or near Trenton, Mich., to points in Illinois, Indiana, and Ohio, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodity, on return.

HEARING: October 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 117815 (Sub-No. 11), filed June 10, 1963. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines 17, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Lawrence, Kans., to Omaha, Nebr., and points in Iowa (except Des Moines).

HEARING: November 12, 1963, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Dallas B. Russell.

No. MC 117355 (Sub-No. 6), filed August 16, 1963. Applicant: JESSE A. KRONINGER, INC., Rural Delivery 1, Mertztown, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in that part of Gloucester County, N.J., northwest of the New Jersey Turnpike, to points in Montgomery County, Pa.

HEARING: November 12, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 118851 (Sub-No. 2), filed July 14, 1963. Applicant: JOSEPH CHOMKO AND MARGARET CHOMKO, a partnership, doing business as CHOMKO BANANA TRANSFER, 1007 Baker Street, Taylor, Pa. Applicant's attorney: Harvey Gelb, Scranton Life Building, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Port Newark, N.J., to Scranton, Pa.

HEARING: November 21, 1963, at the Federal Building, Scranton, Pa., before Examiner Leo A. Riegel.

No. MC 118921 (Sub-No. 2), filed July 1, 1963. Applicant: FLOYD DAHLE, doing business as DAHLE COAL & SUPPLY, 104 South Drake Street, Titusville, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, in dump vehicles, from Conneaut, Ohio, to points in that part of Pennsylvania bounded by a line beginning at Franklin, Pa., and extending north along the Allegheny River to Tidioute, Pa., thence along Pennsylvania Highway 127 through Hemlock, Pa., to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 through Garland, Pa., to junction Pennsylvania Highway 77, thence along Pennsylvania Highway 77 through Spring Creek and Little Cooley, Pa., to junction Pennsylvania Highway 408 near New Richmond, Pa., thence south along Pennsylvania Highway 408 to junction Pennsylvania Highway 78 and thence along Pennsylvania Highway 78 to Cochranton, Pa., and thence along U.S. Highway 322 to point of beginning, including points on the indicated portions of the highways specified. RESTRICTION: The service proposed herein will be subject to the following conditions: Carrier's operations shall be conducted separately from his other business activities. Carrier shall maintain separate accounting systems for his private and for-hire carrier operations. Carrier shall not at the same time and in the same vehicle transport property both as a private carrier and as a carrier for-hire. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Titusville Cooperative G.L.F. Service, of Titusville, Pa.

NOTE: Applicant states it proposes to render service on a year-round basis. Its present permit provides that service may be rendered "during the season extending from May 1 to December 1 of each year". This application requests the removal of the seasonal restriction.

HEARING: November 6, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Richard A. White.

No. MC 119005 (Sub-No. 1), filed September 8, 1963. Applicant: GLENN R. OHLER, doing business as OHLER'S TOWING SERVICE, 1610 Elson, Adelphi, Md. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles* (except trailers designed to be drawn by passenger automobiles), and *replacement tractors, trailers* and *trucks*, between points in North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

HEARING: November 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 119641 (Sub-No. 41), filed May 14, 1963. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm feed mills, and farm feed mill parts and attachments*, when moving with farm feed mills, from Crown Point, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and *damaged and rejected shipments* on return.

HEARING: November 4, 1963, at Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Dallas B. Russell.

No. MC 119767 (Sub-No. 5), filed July 2, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, with or without tops, (1) one gallon capacity and less, from Rockdale, Ill., to Milwaukee, Wis., and Minneapolis, Minn.

NOTE: Applicant proposes to perform the transportation in vehicles especially designed for the movement of plastic containers. Common control may be involved.

HEARING: November 18, 1963, in Room 852, U.S. Customs House, Joint Board No. 141, or if the Joint Board

waives its right to participate before Examiner Richard A. White.

No. MC 119767 (Sub-No. 6), filed July 2, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, one gallon capacity or less, with or without caps, closures or rubber rings, from Mundelein, Ill., to Canton, Cape Girardeau, Desloge, Dexter, Esther, Hannibal, Kennett, Malden, Mexico, New Haven, Poplar Bluff, St. Louis, Sikeston, Washington, and West Alton, Mo., and Devils Lake, Bismarck, Jamestown, Minot, Williston, Grand Forks, Fargo, Kenmare, Valley City, and Wahpeton, N. Dak.

NOTE: Common control may be involved.

HEARING: November 18, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 123048 (Sub-No. 27), filed August 28, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, tractors, and tractor attachments* (except commodities requiring the use of special equipment and handling), (1) from Racine, Wis., Burlington, and Bettendorf, Iowa, and Rockford, Ill., to points in Florida, North Carolina, and South Carolina, (2) from Racine, Wis., Burlington, and Bettendorf, Iowa, to points in Alabama, and Georgia, (3) from Racine, Wis., and Bettendorf, Iowa, to points in Kentucky, and Mississippi, and (4) from Bettendorf, Iowa, to points in Tennessee.

HEARING: November 12, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Gordon M. Callow.

No. MC 123294 (Sub-No. 8), filed June 6, 1963. Applicant: WARSAW TRUCKING CO., INC., Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings and stampings*, from the plant site of Huffer Foundries located at Warsaw, Ind., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa (except Burlington), Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 20, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 123407 (Sub-No. 9), filed July 17, 1963. Applicant: SEURING TRANSIT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material*, from L'Anse, Mich., to points in Wisconsin, Illinois, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Missouri, Indiana, Ohio, and Pennsylvania, and *machinery, equipment, materials and supplies used in the manufacture, processing and transmission of building materials*, on return.

NOTE: Common control may be involved.

HEARING: November 6, 1963, at Room 393 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Gordon M. Callow.

No. MC 123922 (Sub-No. 6), filed September 18, 1963. Applicant: CHARTER BULK SERVICE, INC., 72 St. Charles Street, Newark, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper vehicles, from Wallingford, Conn., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin, and *rejected shipments*, on return.

HEARING: October 28, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 124070 (Sub-No. 5), filed May 3, 1963. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, in bulk, in tank vehicles, from Chicago, Ill., to Murfreesboro, Tenn.

HEARING: November 6, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Dallas B. Russell.

No. MC 124123 (Sub-No. 13), filed June 9, 1963. Applicant: SCHWERMAN TRUCKING CO., OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, from Cave in Rock and Rosiclare, Ill., and points within ten miles of each origin, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: November 19, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 124278 (Sub-No. 2), filed May 31, 1963. Applicant: HARRY M. WIGGINS AND LIONEL F. WIGGINS, doing business as, WIGGINS & SON, Prairie City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm truck hoists and wagon hoists, plow mulcher attachments, wagon gears, wagon chassis parts, wheel rims and knocked-down wagon connections*, from Prairie City, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: Applicant states the "proposed operation would be limited to a transportation service to be performed, under a continuing contract, or contracts, with Dowden, Inc., of Prairie City, Iowa. No duplicating authority is sought."

HEARING: November 14, 1963, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Dallas B. Russell.

No. MC 124802 (Sub-No. 2), filed July 8, 1963. Applicant: CURTIS WOMELDORF, doing business as ACE MOTOR FREIGHT, Summerville, Pa. Applicant's attorney: H. Ray Pope, Clarion, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper* and *paper cartons*, from Canton, Ohio, to Summerville, Pa.

HEARING: November 8, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Richard A. White.

No. MC 124807 (Sub-No. 1), filed July 11, 1963. Applicant: JACK LINK, doing business as JACK LINK TRUCK LINE, Dyersville, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chip dip, and dairy products* as described in Section B of Appendix I to *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209, 273, from Chippewa Falls, Richland Center, and Westby, Wis., and Dubuque, Iowa, to points in Iowa, Missouri, Nebraska, and South Dakota.

HEARING: November 13, 1963, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Dallas B. Russell.

No. MC 124960 (Sub-No. 1), filed May 13, 1963. Applicant: STATEWIDE FREIGHT SERVICE, INC., 4 Woonasquatucket Avenue, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, loose, in bulk, in dump truck equipment, from Providence and Cranston, R.I., to gray iron foundries located in Ansonia, Bridgeport, Naugatuck, New Britain, Norwalk, Plainville, Southington, Stamford, Stratford, Terryville, Torrington, Waterbury, and Windsor, Conn., Auburn, Dexter, Kittery, Lewiston, Livermore Falls, Millinocket, and Portland, Maine, Amesbury, Athol, Barre, Beverly, Chicopee, Concord, Fitchburg, Gilbertville, Granitville, Greenfield, Indian Orchard, Lawrence, Lowell, North Andover,

Orange, Southbridge, Springfield, Turner's Falls, Ware, Westfield, and Winchendon, Mass., Claremont, Concord, Dover, Laconia, Nashua and Portsmouth, N.H., and Barre, Hardwick, Morrisville, Poultney, Rutland, St. Johnsbury, and Springfield, Vt.

HEARING: November 4, 1963, at the Federal Building, Providence, R.I., before Examiner Alton R. Smith.

No. MC 125123 (Sub-No. 1), filed May 23, 1963. Applicant: MARY DICK AND HOLLIS A. DICK, a partnership, doing business as H. O. TRANSFER CO., Bethany, Ill. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry and liquid fertilizer handling and applicating equipment, including storage tanks, nurse tanks, applicating tanks, applicator tanks, trailers and chassis, and parts and components for said handling and applicating equipment*, from Decatur and St. Charles, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities, on return.

NOTE: Applicant states the proposed service will be performed for the account for Tryco Manufacturing Company, Inc.

HEARING: November 8, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner William J. O'Brien, Jr.

No. MC 125219, filed March 27, 1963. Applicant: LEONARD J. TURCOTTE, doing business as TURCOTTE'S GARAGE, 865 Sabattus Street, Lewiston, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed wrecked and otherwise disabled motor vehicles and vehicular equipment*, by use of wrecker equipment, between points in Maine, on the one hand, and, on the other, points in New Hampshire and Massachusetts.

HEARING: November 21, 1963, at The State House, Augusta, Maine, before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 125234 (CORRECTION), filed April 1, 1963, published FEDERAL REGISTER issue September 11, 1963, corrected September 19, 1963, and republished as corrected this issue. Applicant: GERALD ADRIAN, doing business as G. ADRIAN, 1417 Warren Street, Davenport, Iowa. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Davenport, Iowa, and points within five (5) miles thereof, to points in North Dakota, South Dakota, Illinois, Indiana, Iowa, Missouri, Minnesota, Wisconsin, Nebraska, and Detroit, Mich.

NOTE: Applicant states the proposed service will be performed "under contract with Linwood Stone Products Co., Inc., of Davenport, Iowa." The purpose of this republication is to indicate the origin and destination territories as above in lieu of those shown in the previous publication.

HEARING: Remains as assigned October 22, 1963, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffien.

No. MC 125344, filed May 8, 1963. Applicant: V.C.P. CARTAGE CO., INC., 1143 Crain Street, Park Ridge, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses*, in bags and cartons, *box springs*, in bags, *mattresses and box springs combined*, in bags, from the plant site of the Lifetime Foam Products Inc., located at 2301 Davis Street, North Chicago, Ill., to Chicago, Ill., and points in Iowa, Indiana, Michigan, Missouri, Ohio, and Wisconsin, and *returned and rejected shipments*, on return.

HEARING: November 4, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Dallas B. Russell.

No. MC 125346 (Sub-No. 1), filed May 14, 1963. Applicant: GALENA TRANSPORT, INC., Holmes Street, Galena, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from Galena, Ohio, to points in New York, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Michigan, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *materials used in the manufacture of building brick*, on return.

NOTE: Applicant states that the proposed operation will be under contract with The Galena Shale Tile & Brick Company, located at Galena, Ohio.

HEARING: November 13, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Richard A. White.

No. MC 125355, filed May 13, 1963. Applicant: MARY WERNER, doing business as A & W TOWING SERVICE, 2147 Hatmaker Street, Cincinnati 4, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles, and parts and equipment for disabled and wrecked vehicles and replacement vehicles*, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Michigan, Pennsylvania, Tennessee, and West Virginia.

HEARING: November 13, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Richard A. White.

No. MC 125373 (Sub-No. 2), filed July 19, 1963. Applicant: RICHARD G. BAER, doing business as UNITED DELIVERY SERVICE, Letendre Avenue, Port Edwards, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen human blood*, from St. Joseph's Hospital, Marshfield, Wis., Memorial and St. Mary's Hospitals, Wausau, Wis., St. Michael's Hospital, Stevens Point, Wis., and Riverview Hospital, Wisconsin Rapids, Wis., to Wisconsin Rapids, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: Applicant states that pickups of the above commodity will be made at the above points and consolidated at Wisconsin Rapids for subsequent delivery by other carriers to Lederle Laboratories, Pearl River, N.Y.

HEARING: November 15, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 125382 (Sub-No. 1), filed August 29, 1963. Applicant: CARTER BROS., Box 28, Monticello, Maine. Applicant's attorney: Clarence I. Peterson, 10 Post Office Square, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Woburn, Mass., to points in Aroostook County, Maine, and *exempt commodities*, on return.

HEARING: October 7, 1963, at the Hotel Essex, Boston, Mass., before Joint Board No. 69.

No. MC 125409, filed May 27, 1963. Applicant: R. & R. TRUCKING CO., INC., Blue Anchor, N.J., Rural Free Delivery No. 5, Hammonton, N.J. Applicant's attorney: Louis G. Feldmann, Northeastern National Bank Building, Hazelton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal products*, from the Lewis Steel Products Corp., Valmont Industrial Park, West Hazelton, Luzerne County, Pa., and (2) *breakfast room and kitchen sets*, from Spartan Chrome Furniture Manufacturing Co., located at Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, Kentucky, Ohio, Illinois, Michigan, Indiana, and Wisconsin, and *rejected, damaged and refused merchandise*, on return.

HEARING: November 22, 1963, at the Federal Building, Scranton, Pa., before Examiner Leo A. Riegel.

No. MC 125446 (Sub-No. 1), filed August 21, 1963. Applicant: COAL BROOK SALES CO., INC., Rear Peck Avenue, Carbondale, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap iron and scrap metals*, loose and in bales, from points in Lackawanna and Luzerne Counties, Pa., to points in Essex and Hudson Counties, N.J., and to New York, N.Y., and Morrisville, Pa., and *rejected and damaged shipments*, on return, restricted to a transportation service to be performed under contract with Coal Brook Iron & Metal Co., Inc., and John C. Baumann; and (2) *cinders and aggregates*, in dump vehicles, from points in Lackawanna, Luzerne, Wayne, Pike and Schuylkill Counties, Pa., to points in New Jersey and New York, and *rejected and damaged shipments*, on return, restricted to a transportation service to be performed under contract with Coal Brook Iron & Metal Co. Inc., John C. Baumann and De Angelis Supreme Anthracite, Inc.

HEARING: November 6, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 125454, filed May 27, 1963. Applicant: RAYMOND D. McNAUGHTON AND TWILA S. McNAUGHTON, a partnership, doing business as McNAUGHTON TRANSFER CO., East Indiana Avenue, Blairsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, soaps and cosmetics, and related advertising material*, from Blairsville, Pa., to points in Armstrong, Blair, Cambria, Clarion, Clearfield, Fayette, Huntingdon, Indiana, Jefferson, Somerset, and Westmoreland Counties, Pa., and *damaged and rejected merchandise*, on return.

NOTE: Common control may be involved.

HEARING: November 6, 1963, at the New Federal Building, Pittsburgh, Pa., before Examiner Richard A. White.

No. MC 125512 (Sub-No. 2), filed July 29, 1963. Applicant: RONALD DETJENS, 1315 Sherman Avenue, Wausau, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Trout Creek, Mich., to points in Wisconsin.

NOTE: Applicant states the proposed operaton will be under a continuing contract with the Abbott Fox Lumber Co. of Trout Creek, Mich.

HEARING: November 15, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95, or if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 125578, filed August 5, 1963. Applicant: DAVID L. NEWMAN AND EARL J. NEWMAN, doing business as PARKVIEW TRAILER TOWING, Arcola, Ill. Applicant's attorney: Charles R. Young, Suite 500 McMullen Building, Danville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used house trailers and the necessary equipment and accessories, to set up said used house trailers on temporary foundations and the necessary equipment and accessories to remove said used house trailers from temporary foundations*, and *empty container or other such incidental facilities* used in transporting the commodities specified, between points in Illinois on the one hand, and on the other, points in Indiana, Kentucky, Missouri, Iowa, and Wisconsin.

HEARING: November 6, 1963, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner William J. O'Brien, Jr.

No. MC 125599, filed August 12, 1963. Applicant ALEXANDER L. HACKETT, JR., 1846 Preston Road, Willow Grove, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Race horses*, during the season from February 1st to November 30th, inclusive, of each year, between Cherry Hill, Mays Landing, and Oceanport, N.J., Laurel, Md., and Stanton, Del.

HEARING: November 13, 1963, in Room 709, U.S. Appraisers' Stores Building, Bay and Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 125608, filed August 16, 1963. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix, Melvindale, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from St. Louis, Mo., to Detroit, Mich., and (2) *empty beer bottles, cases and barrels*, from Detroit, Mich., to St. Louis, Mo.

NOTE: Applicant states the proposed service will be performed under a continuing contract with United Beverage Wholesalers, Inc., Detroit, Michigan.

HEARING: November 18, 1963, at the Federal Building, Lansing, Mich., before Examiner William J. O'Brien, Jr.

No. MC 125660, filed September 6, 1963. Applicant: ROBERT J. KOSLOSKE, doing business as KOSLOSKE MOTOR CO., 200 North Broadway, Sauk Rapids, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and tractors* for replacement of wrecked and disabled tractors in truckaway service, between St. Cloud and Sauk Rapids, Minn., on the one hand, and on the other, points in Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New Jersey, Connecticut, Massachusetts, New York, Kentucky, Tennessee, North Carolina, Iowa, Missouri, Oklahoma, and Texas.

HEARING: November 4, 1963, at Room 393 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Gordon M. Callow.

MOTOR CARRIERS OF PASSENGERS

No. MC 68647 (Sub-No. 2), filed August 27, 1963. Applicant: W. H. LUDDY & SON, INC., 71 North Central Street, East Bridgewater, Mass. Applicant's attorney: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at East Bridgewater, Mass., or points within fifteen (15) miles thereof, and extending to points in New York, Pennsylvania, Virginia, Maryland, Delaware, and the District of Columbia.

HEARING: November 15, 1963, at the Hotel Essex, Boston, Mass., before Examiner Alton R. Smith.

No. MC 99118 (Sub-No. 2), filed August 12, 1963. Applicant: DILLARD A. TOLIVER AND W. W. FARMER, a partnership, doing business as FARMER BUS LINE, 1100 Denver (Post Office Box 903), Wichita Falls, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers*, in the same vehicle, between Wichita Falls and San Antonio, Tex., from Wichita Falls over Texas Highway 79 to Olney, Tex., thence over Texas Highway 251 to New Castle, Tex., thence over Texas Highway 24 to Graham, Tex., thence over Texas Highway 67 to Breckenridge, Tex., thence over Texas Highway 6 to DeLeon, Tex., thence over Texas Highway 16 to Fredericksburg, Tex., thence over U.S. Highway 87 to San Antonio, and return over the same route, serving all intermediate points.

HEARING: November 7, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Jerry F. Laughlin.

No. MC 99581 (Sub-No. 1), filed June 13, 1963. Applicant: HORACE SIMMONS, doing business as VACA VALLEY BUS LINES, 1411 West Texas Street, Fairfield, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passenger, (1) between Fairfield, Calif., and Travis Air Force Base, Calif.: from Fairfield over North Texas Road and Travis Access Road to Travis Air Force Base, and return over the same route, serving all intermediate points, (2) between Fairfield, Calif., and Suisun, Calif.: from Fairfield over Union Avenue to Suisun, and return over the same route, serving all intermediate points, and (3) between Vacaville, Calif., and Travis Air Force Base, Calif.: from Vacaville over Davis Road, Peabody Road, and Travis Access Road to Travis Air Force Base, and return over the same route, serving all intermediate points.

HEARING: November 12, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 125645, filed August 29, 1963. Applicant: L. E. WILSON, doing business as SHELTON STAGES, 1403 Railroad Avenue, Shelton, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle, (1) between Shelton and Olympia, Wash., from Shelton over U.S. Highway 101 to Olympia, and return over the same route, serving all intermediate points, and (2) between Olympia and Bremerton, Wash., (a) from Olympia

over U.S. Highway 101 via Shelton to junction Washington Highway 21, thence over Washington Highway 21 to Union, thence over Washington Highway 21 to Bremerton, and (b) from Olympia over U.S. Highway 101 to junction Washington Highway 14A at Shelton, thence over Washington Highway 14A to junction Washington Highway 21, thence over Washington Highway 21 to Bremerton, and return over the same routes, serving all intermediate points.

HEARING: October 31, 1963, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12827 (Sub-No. 1), filed September 3, 1963. Applicant: CALIFORNIA EDUCATIONAL TOURS, a corporation, 1521 West Highland Avenue, Redlands, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. For a license (BMC 5) to engage in operations as a *broker* at Redlands, Calif., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in round-trip tours, beginning and ending at points in San Bernardino, Kern, Fresno, Contra Costa, San Mateo, Santa Clara, and San Diego Counties, Calif., and extending to points in the United States (except Alaska and Hawaii), including the Ports of Entry on the International Boundary lines between the United States and Canada and between the United States and Mexico.

HEARING: November 21, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 67), filed September 11, 1963. Applicant: WILSON STORAGE AND TRANSFER CO., a corporation, 1500 "I" Avenue, Post Office Box 756, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Aberdeen, S. Dak. and Fargo N. Dak.: from Aberdeen over U.S. Highway 281 to junction with Interstate Highway 94 at Jamestown, N. Dak., thence over Interstate Highway 94 to Fargo, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

No. MC 61505 (Sub-No. 25), filed September 15, 1963. Applicant: G. R. MYERS MOTOR TRANSPORTATION, INC., 3950 Eastern Road, Barberton, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron copper and brass pipe*, insulated or not insulated, jacketed, and the following *materials, parts and supplies*, when used or useful in the installation of steel boilers: *asphalt* (except in bulk, in tank vehicles), *caulking compounds, roofing paper* including *felt paper*, saturated or not saturated, *iron pipe fittings, sheets or wire iron, asbestos fibres and copper sheeting*, between Barberton, Ohio, on the one hand, and, on the other points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Maine, Michigan, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that no duplication of authority is sought and no change in existing authority is sought as to territory. The purpose of the instant application is to change the wording of the present commodity descriptions and to remove therefrom the word "metal" describing the jacket in MC 61505, 61505 Sub 22, and MC 61505 Sub 23. The effect will be to enable applicant to transport pipe regardless of the material composing the jacket. If, as, and when the authority herein sought is granted, applicant will surrender that portion of its present authority herein referred to.

No. MC 107403 (Sub-No. 498), filed September 16, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Azelzic acid*, dry, in bulk, from Cincinnati, Ohio, to Charleston, W. Va.

No. MC 119012 (Sub-No. 2), filed September 16, 1963. Applicant: RIVER TERMINALS TRANSPORT, INC., Box 445, Madison, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron and ferro alloys*, in bulk, in dump trucks, or other similar type self-unloading equipment, from river terminals located at Madison and Aurora, Ind., to points in that part of Indiana on and south of U.S. Highway 30, that part of Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, and thence along U.S. Highway 30N to junction U.S. Highway 23, and on and west of U.S. Highway 23 from junction U.S. Highways 30N and 23 to the Ohio-Kentucky State line, and that part of Kentucky on and north of a line beginning at the Ohio River, near Ashland, Ky. and extending along U.S. Highway 60 to junction U.S. Highway 62, near Versailles, Ky., and thence along U.S. Highway 62 to the Ohio River, at Paducah, Ky. RESTRICTION: The authority proposed herein will be limited to commodities having had prior movement by water carrier.

No. MC 119778 (Sub-No. 47), filed September 16, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Rome, Ga., to Birmingham, Ala.

NOTE: Common control may be involved.

No. MC 120289 (Sub-No. 1), filed May 28, 1963. Applicant: PERKINS TRANSFER, INC., 926 West Locust Street, Belvidere, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General freight, household goods and merchandise* (except commodities of unusual value, Classes A and B explosives, commodities in bulk and commodities requiring special equipment), between Chicago, Ill., on the one hand, and, on the other, Belvidere, Freeport, and Rockford, Ill.

No. MC 124047 (Sub-No. 20), filed September 5, 1963. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide, solid and liquid*, in shipper and carrier provided trailers, from the plant site of the Pure Carbonic Company at Lima, Ohio, to points in Pennsylvania.

NOTE: Common control may be involved. Applicant presently holds contract carrier authority in MC 111623 and subs thereto, and common carrier authority in MC 124047 and subs thereto. An application is pending before the Commission in MC 124047 (Sub-No. 8) to convert all permits to a common carrier certificate. Therefore, dual operations may be involved.

No. MC 125310 (Sub-No. 1) (AMENDMENT) filed July 5, 1963 published FEDERAL REGISTER issue of July 17, 1963, amended September 23, 1963, and republished, as amended, this issue. Applicant: FOSS LAUNCH & TUG CO., a corporation, 660 West Ewing, Seattle, Wash. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including vehicles and petroleum products*, seasonal between May 1 and November 1 for the account of the Department of Defense and the United States Coast Guard, in connection with the Arctic Resupply of Dew Line and/or Mona Lisa sites in Alaska, to, from and between tidewater beach landing or dockside at Shemya, Tin City (Wales), Lisburne, Point Barrow, Barter Island, Newenham, Romanzof, Unalakleet, North East Cape, Liz A (Cape Beauford), Liz 2 (Point Lay), Liz B (Icy Cape), Liz 3 (Wainwright), Liz C (Peard Bay), POW Main (Pt. Barrow), POW A (Simpson Lagoon), POW 1 (Lonely Lagoon), POW B (Kogru River), POW 2 (Oliktok Point), POW C (Point McIntyre), POW 3 (Bullen Point), POW D (Brownlow Point), Bar A (Demarcation Point), Saint Paul Island, Hoonah, Yakutat, Yakataga, Duncan Canal, Boswell Bay, Middleton Island, Cold Bay, Driftwood Bay, Nikolski, Cape Simson, Pitt Point, North River, Cape Sarichef, Port Moller, Port Heiden, Nome, Aniak, King Salmon, Metlakatla, McGrath, Kotzebue, Fire Island, Sitkinak, Scotch Cap, Dillingham, Platinum, St. George Island, Attu, Gamble, Savoonga, Port Clarence, St. Michael, Nash Harbor, Smuggler's Cove, Ocean Cape, and Point McKenzie.

NOTE: The purpose of this amendment is to include the United States Coast Guard and to eliminate the restriction to movement on government bills of lading.

No. MC 125381 (Sub-No. 2), filed September 16, 1963. Applicant: ARTHUR W. SALISBURY, doing business as WINONA DELIVERY AND TRANSFER CO., 404 West Fourth Street, Winona, Minn. Applicant's attorney: Robert G. Hull, 70 West Third Street, Winona, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, and meat by-products*, between Winona, Minn., and Alma, Fountain City, Onalaska, and La Crosse, Wis., from Winona over Interstate Bridge to Wisconsin Highway 35, thence over Wisconsin Highway 35 to Alma, Fountain City, Onalaska, and La Crosse, and return over the same route, serving no intermediate points.

No. MC 125563, filed July 29, 1963. Applicant: DELBERT D. MOORE, Fairview, Mont. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and other objects of a bulky nature defined as objects needing jacking, blocking and winching to be loaded and moved from one permanent location to another*, and *empty containers or other such incidental facilities* (not specified) used in transporting the described commodities, between points in North Dakota on and west of U.S. Highway 281 and points in Montana on and east of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 87 to Grassrange, Mont., and thence extending due north along an imaginary line to the United States-Canada International Boundary line.

No. MC 125680, filed September 15, 1963. Applicant: CHESTER L. BALES AND R. D. RYSER, a partnership, doing business as LAUREL TRUCKING COMPANY, Box 320, Route 6, London, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Louisville, Ky., to East Bernstadt, Ky., restricted to shipments having a prior movement by rail in interstate commerce.

MOTOR CARRIERS OF PASSENGERS

No. MC 72349 (Sub-No. 17), filed September 4, 1963. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, a corporation, 1442 Main Street, Brockton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, between Lawrence, Mass. and Salem, N.H.: from Lawrence over unnumbered highway (Essex Street) to Massachusetts Highway 28, thence over Massachusetts Highway 28 and unnumbered highways (Tremont Street, Hampshire Street and Centre Street) to Methuen, Mass., thence over unnumbered highway (Centre Street) to Massachusetts Highway 28, thence over Massachusetts Highway 28 and unnumbered highways (Oakland Avenue, Railroad Street, Pelham Street and Cross Street) to Massachusetts-New Hampshire State line to Salem, N.H., thence over unnumbered highways (Cross Street and Salem Street) to New Hampshire-Massachusetts State line at Methuen, Mass., thence over unnumbered highways (Salem Street, Hampshire Road, Pelham Street, Railroad Street, Oakland Avenue) to Massachusetts Highway 28, thence over Massachusetts Highway 28 and unnumbered highways (Annis Street and Center Street) to Lawrence, thence over unnumbered highways (Centre Street, Hampshire Street and Temont Street) to Massachusetts Highway 28, thence over Massachusetts Highway 28 and unnumbered highway (Essex Street) in either direction, serving all intermediate points.

NOTICE OF FILING OF PETITIONS

No. MC 118434 (PETITION TO MODIFY PERMIT), filed September 11, 1963. Petitioner: BALLENTINE PRODUCE, INC., Post Office Box 312, New Highway 64–71, Alma, Ark. Petitioner's attorney: Lester M. Bridgeman, 1030 Woodward Building, Washington 5, D.C. Petitioner is authorized in MC 118434 to operate as a contract carrier, by motor vehicle, transporting: (1) Canned goods and preserves, from Alma and Van Buren, Ark., to points in Alabama, California, Colorado, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin, and (2) canned goods and supplies and materials used in the manufacture of canned goods and preserves, from San Jose and Thornton, Calif., Denver, Colo., Atlanta, Ga., Hoopeston, Maywood, Belleville, Kansas and Peoria, Ill., Elgin, Iowa, New Orleans, La., Howell, Mich., St. Louis, Mo., Athens, Dallas, Fort Worth, Houston, Pasadena, Freeport, Mineola, Grand Saline, McAllen, and San Antonio, Tex., to Alma and Van Buren, Ark., restricted to a transportation service to be performed under a continuing contract, or contracts, with H.L.H. Products Company (a division of Hunt Oil Company), of Dallas, Tex. By the instant petition, petitioner requests the addition of Bryant Preserving Co., Inc., of Alma, Ark., as a shipper with which petitioner may enter into a continuing contract, or contracts, for performance of the transportation service now authorized by said permit. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 63871 (Sub-No. 2), filed September 19, 1963. Applicant: ANDREWS & PIERCE, INC., 1431 Bedford Street, North Abington, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving points in Nantucket County, Mass., as off-route points in connection with applicant's regular routes as described in MC 63871.

NOTE: This application is directly related to MC–F 8557, published in FEDERAL REGISTER issue of September 25, 1963.

No. MC 102597 (Sub-No. 12), filed August 23, 1963. Applicant: C. A. MUCK, doing business as MUCK TRANSFER, Hettinger, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except petroleum products, in bulk, in tank vehicles), between points in Adams County, N. Dak., on the one hand, and, on the other, points in North Dakota.

NOTE: This application is directly related to MC–F–8562.

MOTOR CARRIERS OF PASSENGERS

No. MC 125221 (Sub- No. 2), filed September 23, 1963. Applicant: BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT, 818 Olive Street, St. Louis 1, Mo. Applicant's attorney: Edward K. Wheeler, Southern Building, 15th and H Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, in the same vehicle with passengers*. (A) Between points in St. Louis, St. Charles, and Jefferson Counties, Mo., and St. Louis, Mo., as follows: (1) from Fenton over Gravois Road to St. Louis; (2) from St. George over Reavis Road to Mackenzie Road, thence over Mackenzie Road to Gravois Road, thence over Gravois Road to St. Louis; (3) from Webster Groves over U.S. Highway 66 to Heege Road, thence over Heege Road to Gravois Road, thence over Gravois Road to St. Louis; (4) from Crestwood over U.S. Highway 66 to St. Louis; (5) from Webster Groves over city streets through Shrewsbury to St. Louis; (6) from Kirkwood over city streets through Glendale, Webster Groves and Maplewood to St. Louis; (7) from Maplewood over city streets through Richmond Heights to Clayton Road,

thence over Clayton Road to St. Louis; (8) from the Veterans Administration Hospital in St. Louis County over Koch Hospital Road to Robert Koch Road, thence over Robert Koch Road to Pottle Avenue, thence over Pottle Avenue to Telegraph Road, thence over Telegraph Road to Kingston Drive, thence over Kingston Drive to Broadway, thence over Broadway to St. Louis; (9) from junction Lindbergh and Union Roads in St. Louis County over Lindbergh Road to Lemay Ferry Road, thence over Lemay Ferry Road to Alabama Avenue, thence over Alabama Avenue to St. Louis; (10) from junction Bayless Road and Pardella Avenue in St. Louis County over Bayless Road to Morganford Road, thence over Morganford Road to St. Louis; (11) from junction Mackenzie and Gravois Roads in St. Louis County over Mackenzie Road to Weber Road, thence over Weber Road to Gravois Road, thence over Gravois Road to St. Louis; (12) from Kirkwood over city streets through Glendale, Webster Groves, Maplewood and Richmond Heights to St. Louis; (13) from Ladue over city streets through Brentwood and Richmond Heights to St. Louis; (14) from Brentwood over city streets through Richmond Heights to St. Louis;

(15) from Richmond Heights over Clayton Road to St. Louis; (16) from Clayton over city streets to St. Louis; (17) from Richmond Heights over city streets through Clayton and University City to St. Louis; (18) from Overland over Page Avenue to St. Louis; (19) from St. Ann over St. Charles Road to St. Louis; (20) from Maplewood over city streets through Richmond Heights, Clayton, University City and Wellston to St. Louis; (21) from St. Charles over St. Charles Road to St. Louis; (22) from St. Louis Municipal Airport over Natural Bridge Road to Kienlen Avenue, to Lotus Avenue, thence over Lotus Avenue to St. Louis; (23) from Berkeley over Middleway Avenue to Scudder Avenue, thence over Scudder Avenue to Carson Road, thence over Carson Road to Natural Bridge Road, thence over Natural Bridge Road to Kienlen Avenue, thence over Kienlen Avenue to Lotus Avenue, thence over Lotus Avenue to St. Louis; (24) from Ferguson over Florissant Road to Natural Bridge Road, thence over Natural Bridge Road to Lucas-Hunt Road, thence over Lucas-Hunt Road to St. Louis Avenue, thence over St. Louis Avenue to Kienlen Avenue, thence over Kienlen Avenue to Lotus Avenue, thence over Lotus Avenue to St. Louis; (25) from Ferguson over Florissant Road to Woodstock Avenue, thence over Woodstock Avenue to Bermuda Drive, thence over Bermuda Drive to Natural Bridge Road, thence over Natural Bridge Road to Lucas-Hunt Road, thence over Lucas-Hunt Road to St. Louis Avenue, thence over St. Louis Avenue to Kienlen Avenue, thence over Kienlen Avenue to Lotus Avenue, thence over Lotus Avenue to St. Louis; (26) from Jennings over Jennings Road to Natural Bridge Road, thence over Natural Bridge Road to St. Louis; (27) from Jennings over city streets to St. Louis; (28) from junction Lindbergh Road and Banshee Avenue in St. Louis County over Banshee Avenue to Brown Road, thence over Brown Road to Berkeley, thence over city streets through Berkeley, Ferguson and Dellwood to West Florissant Avenue, thence over West Florissant Avenue to St. Louis; (29) from Ferguson over city streets through Dellwood to Chambers Road, thence over Chambers Road to Halls Ferry Road, thence over Halls Ferry Road to St. Louis;

(30) from junction Old Halls Ferry Road and U.S. Highway 66 in St. Louis County over Old Halls Ferry Road to Redman Avenue, thence over Redman Avenue to Landseer Drive, thence over Landseer Drive to Dunn Road, thence over Dunn Road to Old Halls Ferry Road, thence over Old Halls Ferry Road to Vorhoff Drive, thence over Vorhoff Drive to Landseer Drive, thence over Landseer Drive to Linnell Drive, thence over Linnell Drive to Ainsworth Drive, thence over Ainsworth Drive to Vorhoff Drive, thence over Vorhoff Drive to Hudson Drive, thence over Hudson Drive to Monarch Drive, thence over Monarch Drive to Baroness Drive, thence over Baroness Drive to Lord Drive, thence over Lord Drive to Dutchess Drive, thence over Duchess Drive to Monarch Drive, thence over Monarch Drive to Chambers Road, thence over Chambers Road to Halls Ferry Road, thence over Halls Ferry Road to St. Louis; (31) from Bellefontaine Neighbors over Bellefontaine Road to St. Louis; (32) from junction Larimore Road and U.S. Highway 66 in St. Louis County over Larimore Road to Trampe Road, thence over Trampe Road to Bellefontaine Road, thence over Bellefontaine Road to Spanish Pond Road, thence over Spanish Pond Road to Bellefontaine Road, thence over Bellefontaine Road to St. Louis; (33) from junction Chambers Road and Diamond Drive in St. Louis County over Chambers Road to North Gate Drive, thence over North Gate Drive to Cameron Road, thence over Cameron Road to Spring Garden Drive, thence over Spring Garden Drive to Dundee Circle, thence over Glen Garry Road to Ben Nevis Road, thence over Ben Nevis Road to Spring Garden Drive, thence over Spring Garden Drive to Shepley Drive, thence over Shepley Drive to Hobkirk Drive, thence over Hobkirk Drive to Diamond Drive, thence over Diamond Drive to Riverview, thence over city streets to St. Louis; (34) from St. Ann over St. Charles Road to Brown Road, thence over Brown Road to Mark Twain Expressway, thence over Mark Twain Expressway to St. Louis; (35) from Berkeley over Carson Road to Mark Twain Expressway, thence over Mark Twain Expressway to Bermuda Drive, thence over Bermuda Drive to Florissant Road, thence over Florissant Road to Natural Bridge Road, thence over Natural Bridge Road to Lucas-Hunt Road, thence over Lucas-Hunt Road to Lillian Avenue, thence over Lillian Avenue to Jennings Road, thence over Jennings Road to Mark Twain Expressway, thence over Mark Twain Expressway to St. Louis;

(36) from Berkeley over city streets through Ferguson to Bermuda Drive, thence over Bermuda Drive to Mark Twain Expressway, thence over Mark Twain Expressway to St. Louis; (37) from Ferguson over city streets through Dellwood to West Florissant Avenue, thence over West Florissant Avenue to Jennings Road, thence over Jennings Road to Mark Twain Expressway, thence over Mark Twain Expressway to St. Louis; (38) from Florissant over Florissant Road to Mark Twain Expressway, thence over Mark Twain Expressway to St. Louis; (39) from Florissant over Dunn Road to West Florissant Avenue, thence over West Florissant Avenue to Lucas-Hunt Road, thence over Lucas-Hunt Road to Mark Twain Expressway, thence over Mark Twain Expressway to St. Louis; (40) from Ellisville over Missouri Highway 100 to Kirkwood, thence over city streets through Kirkwood to Big Bend Road, thence over Big Bend Road to Maplewood, thence over city streets to St. Louis; (41) from Valley Park over Missouri Highway 141 to Big Bend Road, thence over Big Bend Road to Kirkwood, thence over city streets through Kirkwood to Manchester Road, thence over Manchester Road to the city limits of St. Louis; (42) from Clayton over city streets through Richmond Heights, Brentwood, Webster Groves, Shrewsbury and Maplewood to St. Louis; (43) from Hazelwood over Lindbergh Boulevard to Bridgeton Road, thence over Bridgeton Road to Natural Bridge Road, thence over Natural Bridge Road to Cypress Avenue, thence over Cypress Avenue to Mark Twain Expressway, thence over Mark Twain Expressway to South Service Road, thence over South Service Road to Natural Bridge Road, thence over Natural Bridge Road to Brown Road, thence over Brown Road to Midland Avenue, thence over Midland Avenue to Woodson Road, thence over Woodson Road to Brown Road, thence over Brown Road to Lackland Road, thence over Lackland Road to Gilrose Avenue, thence over Gilrose Avenue to Midland Avenue, thence over Midland Avenue to North and South Road, thence over North and South Road to Clayton, thence over city streets through Clayton, Richmond Heights, Brentwood and Maplewood to St. Louis; and return over the same routes, serving all intermediate points;

(B) Between Overland, Mo., and junction Delmar and Kingsland Avenues in University City, Mo., from Overland over city streets through Sycamore Hills, Charlack, Vinita Park, Hanley Hills, Vinita Terrace and University City to junction Delmar and Kingsland Avenues, and return over the same routes, serving all intermediate points; (C) between junction Olive Street Road and Timber Run Drive in St. Louis County, Mo., and junction Delmar and Kingsland Avenues in University City, Mo., from junction Olive Street Road and Timber Run Drive over Olive Street Road to University City, thence over city streets to junction Delmar and Kingsland Avenues, and return over the same routes, serving all intermediate points; (D) between junction Elmwood and Chicago Avenues in St. Louis County, Mo., and junction Delmar and Kingsland Avenues in University City, Mo., from junction Elmwood and Chicago Avenues over Elmwood Avenue to Page Avenue, thence over Page Avenue to Woodson Road, thence over Woodson Road to University City, thence over city streets to junction Delmar and Kingsland Avenues, and return over the same route, serving all intermediate points; (E) between Alton, Ill., and St. Louis, Mo., (1) from Alton over city streets through East Alton, Wood River and Roxana, Ill., to Illinois Highway 111, thence over Illinois Highway 111 to junction U.S. Highways 40 and 66, thence over U.S. Highways 40 and 66 to East St. Louis, Ill., thence over city streets to St. Louis via a Mississippi River bridge; and (2) from Alton over U.S. Highway 67 (via the Clark Bridge) to St. Louis; and return over the same routes, serving all intermediate points; (F) between Mitchell, Ill., and St. Louis, Mo., from Mitchell over U.S. Highways By-Pass 40 and 66 to junction Illinois Highway 111, thence over Illinois Highway 111 to Pontoon Avenue, thence over Pontoon Avenue to Granite City, Ill. (also over Illinois Highway 3 to Granite City), thence over city streets to and through Madison, Venice and Brooklyn, Ill., to Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to East St. Louis, Ill., thence over city streets to St. Louis via a Mississippi River bridge (also over city streets to and through Madison and Venice, Ill., to McKinley Bridge, thence over McKinley Bridge to St. Louis), and return over the same route, serving all intermediate points;

(G) between Edwardsville, Ill., and St. Louis, Mo., from Edwardsville over Illinois Highway 159 to Collinsville, thence over city streets to U.S. Highway 40, thence over U.S. 40 to East St. Louis, Ill., thence over city streets to St. Louis via a Mississippi River bridge, and return over the same route serving all intermediate points; (H) between Collinsville, Ill., and St. Louis, Mo., from Collinsville over Illinois Highway 157 to East St. Louis, thence over city streets to St. Louis via a Mississippi River bridge, and return over the same route, serving all intermediate points; (I) between Belleville, Ill., and St. Louis, Mo., from Belleville over Illinois Highway 15 to East St. Louis, Ill., thence over city streets to St. Louis via a Mississippi River bridge, and return over the same route, serving all intermediate points; (J) between Scott Air Force Base-Mascoutah, Ill., and St. Louis, Mo., from Mascoutah over Illinois Highway 15 to junction Illinois Highway 158, thence over Illinois Highway 158 to Scott Air Force Base, thence return over Illinois Highway 158 to junction Illinois Highway 161, thence over Illinois Highway 161 to Belleville, Ill., thence over city streets to Illinois Highway 15, thence over Illinois Highway 15 to East St. Louis, thence over city streets to St. Louis via a Mississippi River bridge, and return over the same route, serving all intermediate points; (K) between O'Fallon, Ill. (adjacent to Scott Air Force Base), and St. Louis, Mo., from O'Fallon over U.S. Highway 50 to junction Lincoln Trail, thence over Lincoln Trail to East St. Louis, thence over city streets to St. Louis via a Mississippi River bridge, and return over the same route, serving all intermediate points; (L) between Centerville, Ill., and St. Louis, Mo., from Centerville over city streets through Alorton, Ill., to East St. Louis (also over Illinois Highway 157 to Cahokia, Ill., thence over city streets to Illinois Highway 3, thence over Illinois Highway 3 to East St. Louis), thence over city streets to St. Louis via a Mississippi River bridge, and return over the same route, serving all intermediate points; and (M) between East St. Louis, Ill., and St. Louis, Mo., from East St. Louis over Mississippi River bridges to St. Louis, and return over the same route, serving all intermediate points.

NOTE: Applicant requests concurrent handling with MC–F 8397, published in FEDERAL REGISTER issue of April 10, 1963.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8558. Authority sought for purchase by MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind., of the operating rights of ROBERT WILLIAM TOMLINSON and JAMES ROBERT TOMLINSON, doing business as R. W. TOMLINSON & SON, Sylacauga, Ala., and for acquisition by KENNETH BOWEN, also of Bloomington, Ind., of control of such rights through the purchase. Applicants' attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Cotton and cottonseed*, as a *common carrier* over irregular routes, from Lafayette, Ala., and points in Alabama within 15 miles of Lafayette, to Montgomery, Ala., and LaGrange and Columbus, Ga., *fertilizer*, from Montgomery, Ala., and LaGrange and Columbus, Ga., to Roanoke and Lafayette, Ala., *livestock*, from Lafayette, Ala., and points in Alabama, within 15 miles of Lafayette, to points in Georgia, *coal*, from points in Alabama to Lafayette, Ala., *feed*, from Montgomery and Opelika, Ala., to Lafayette, Ala., *farm machinery*, from points in Alabama to Lafayette, Ala., and points in Alabama within 25 miles of Lafayette, *household goods as defined in Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 487, between Lafayette, Ala., on the one hand, and, on the other, points in Georgia, *marble*, from Gantt's Quarry, Ala., and points within three miles thereof, to points in Georgia, Florida, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, and Arkansas, *marble*, rough, finished, and semifinished, from Gantt's Quarry, Ala., to all points in Texas, Oklahoma, Kansas, Missouri, Iowa, and Michigan. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Illinois, Ohio, Michigan, Kentucky, Delaware, Iowa, Kansas, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Massachusetts, Rhode Island, Connecticut, North Carolina, South Carolina, Georgia, Florida, Oklahoma, Alabama, Mississippi, Arkansas, Louisiana, Nebraska, North Dakota, South Dakota, Minnesota, Texas, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8559. Authority sought for control by GEORGE SMITH, JR., INC., Cortez, Colo., of C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo., through purchase of 50 percent of the capital common stock. Applicant's attorney: George E. Dilts, 200 West Main Street, Cortez, Colo. Operating rights sought to be controlled: *Lead and zinc ore* and *lead and zinc ore concentrates*, as a *common carrier* over irregular routes, from Rico, Colo., to Gallup, N. Mex. RESTRICTION: The authority granted herein is restricted to shipments having an immediately subsequent movement by rail. GEORGE SMITH, JR., INC., is authorized to operate as a *common carrier* in Utah, New Mexico and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8560. Authority sought for purchase by BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala., of the operating rights of JOHNSON BROS. TRUCKING CO., 700 Division Street, Elizabeth, N.J., and for acquisition by RALPH M. BOWMAN, also of East Gadsden, Ala., of control of such rights through the purchase. Applicants' attorneys: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C., and George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Connecticut, New Jersey, and New York within 35 miles of Columbus Circle, New York, N.Y. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, North Carolina, Mississippi, Arkansas, Tennessee, South Carolina, Virginia, Maryland, Georgia, Kentucky, Louisiana, Delaware, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8562. Authority sought for purchase by C. A. MUCK, doing business as MUCK TRANSFER, Hettinger, N. Dak., of the operating rights and certain property of JULIUS GOPLIN, doing business as GOPLIN TRUCKING SERVICE, Hettinger, N. Dak. Applicant's attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be transferred: Under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR–99, in No. MC–107038 (Sub-2), covering the transportation of *general commodities*, except petroleum products, in bulk, in tank vehicles, as a *common carrier* over irregular routes, between points in Adams County, North Dakota, on the one hand, and, on the other, points in North Dakota. Vendee is authorized to operate as a *common carrier* in North Dakota and South Dakota. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-102597 Sub-12 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10421; Filed, Oct. 1, 1963; 8:46 a.m.]

[Notice 565]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 27, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 10761 (Sub-No. 142), filed June 28, 1963. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company at or near Sterling (Whiteside County), Ill., to points in Michigan, Indiana, Ohio, New York, Pennsylvania, Maryland, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, and the District of Columbia, and *refused and rejected shipments*, on return.

NOTE: Applicant states the proposed operation will be restricted against tacking at origin and restriction against the transportation of commodities in bulk in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 25798 (Sub-No. 100), filed August 21, 1963. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Daniel B. Johnson, Suite 1250 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, from Sterling, Ill., to all points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 26739 (Sub-No. 35), filed June 27, 1963. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company, located at or near Sterling, Ill., to points in Iowa, Kansas, Nebraska, and Missouri, and *rejected and returned shipments*, on return. RESTRICTION: Applicant states that the proposed authority will be limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin. The proposed authority is also restricted against commodities in bulk in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 29566 (Sub-No. 77), filed July 1, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, and *rejected shipments thereof*, on return.

NOTE: Applicant states proposed authority would be restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 30844 (Sub-No. 115), filed June 26, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Sterling, Ill., to points in Michigan, Ohio, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia.

NOTE: Applicant states proposed operation will be restricted to (1) shipments originating at the plant site of Armour and Co., (2) against tacking at origin, and (3) against commodities in bulk in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 41404 (Sub-No. 38), filed June 26, 1963. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Company at or near Sterling, Ill., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee. RESTRICTION: The proposed operations will be limited to shipments originating at the plant site of Armour & Company and will be further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 46737 (Sub-No. 41), filed June 27, 1963. Applicant: GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk between points in Michigan, limited to the transportation of salt that has had a prior movement by rail and/or water.

HEARING: November 21, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 58152 (Sub-No. 10), filed June 27, 1963. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 3565 24th Street, Port Huron, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, between points in Michigan.

NOTE: Applicant states proposed operation is to be limited to the transportation of salt that has had a prior movement by rail and/or water.

HEARING: November 21, 1963, at the Federal Building, Lansing, Mich. before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 61401 (Sub-No. 6), filed July 1, 1963. Applicant: MARX TRUCK LINE, INC., Third and Plymouth Streets, Sioux City, Iowa. Applicant's attorney: Wallace W. Huff, 314 Security Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company at or near Sterling, Ill., to points in Iowa and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return. Restrictions: The proposed operations are to be restricted against commodities in bulk in tank vehicles and against tacking at point of origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 136, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 75185 (Sub-No. 240), filed July 29, 1963. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the site of the plant of Armour & Co., located at or near Sterling, Ill., to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and Maryland.

NOTE: Applicant states the proposed service will be restricted to the transportation of shipments originating at the Armour plant site and against the transportation of commodities in bulk.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Illinois, before Examiner Gordon M. Callow.

No. MC 82492 (Sub-No. 15), filed July 1, 1963. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 900 Monroe Avenue NW., Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company located at or near Sterling, Ill., to points in Indiana, Michigan and Ohio. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Company, against tacking at origin and against commodities in bulk in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 84511 (Sub-No. 14), filed August 5, 1963. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company at or near Sterling, Ill., to points in Iowa, Missouri and Kansas.

NOTE: Applicant states the authority requested above is restricted (a) to shipments originating at the plant site of Armour & Company and (b) against commodities in bulk, in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 85934 (Sub-No. 28), filed June 28, 1963. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, between points in Michigan, limited to the transportation of salt that has had a prior movement by rail and/or water.

NOTE: Common control may be involved.

HEARING: November 21, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 93393 (Sub-No. 4), filed July 8, 1963. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, a partnership, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the site of the plant of Armour and Company at or near Sterling, Ill., to points in Indiana.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 94265 (Sub-No. 118), filed June 27, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plant site of Armour and Company located at or near Sterling (Whiteside County), Ill., to points in Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, Pennsylvania, North Carolina, and the District of Columbia.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 95540 (Sub-No. 537), filed June 26, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from the plant site of Armour and Company located at or near Sterling, Ill., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Louisiana, Virginia, and Mississippi.

NOTE: Applicant states the proposed service is limited to shipments originating at the plant site of Armour and Company, and further restricted against tacking at origin, and against commodities in bulk and in tank vehicles.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 105813 (Sub-No. 100), filed July 22, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk in tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Florida, Alabama, Georgia, Mississippi, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 106603 (Sub-No. 68), filed June 28, 1963. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, between points in Michigan, limited to the transportation of salt that has had a prior movement by rail and/or water.

HEARING: November 21, 1963, at the Federal Building, Lansing, Mich. before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 107107 (Sub-No. 274), filed June 26, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plant site of Armour and Company, located at or near Sterling, Ill., to points in Florida, Georgia, Alabama, Mississippi, North Carolina, South Carolina, and Tennessee. RESTRICTION: Applicant states that the authority sought will be limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 107515 (Sub-No. 447), filed June 28, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SE., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company, located at or near Sterling, Ill., to points in Alabama, Georgia, Mississippi, Tennessee, Louisiana, North Carolina, South Carolina, and Florida. RESTRICTION: Applicant states that the proposed authority will be restricted against commodities in bulk, in tank vehicles. Also, the proposed authority will be restricted against tacking and interlining at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 110193 (Sub-No. 52), filed July 14, 1963. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 (restricted against commodities in bulk, in tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Maine, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, New Hampshire, Vermont, and the District of Columbia.

NOTE: Applicant states the proposed service will be restricted to shipments originating at the plant site of Armour and Company, and further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 111812 (Sub-No. 209), filed June 26, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's representative: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 from the plant site of Armour and Company located at or near Sterling, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, New Jersey, New York, Pennsylvania, Maryland, Michigan, Ohio, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states the proposed service will be restricted to (1) traffic originating at the plant of Armour and Company, (2) against the joinder or "tacking" of such authority at origin with other authority for the purpose of performing through service, and (3) against the transportation of such commodities in bulk, in tank vehicles. Common control may be involved.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 113267 (Sub-No. 103), filed July 2, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Co., at or near Sterling, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. RESTRICTION: The proposed operations are to be restricted to the transportation of shipments originating at the plant site of Armour & Co., at or near Sterling, Ill., and are further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 113362 (Sub-No. 25), filed July 3, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2. Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia.

NOTE: Applicant states proposed authority is to be limited to shipments originating at the said plant site and restricted against tacking with carrier's other authority at said origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 113651 (Sub-No. 58), filed July 21, 1963. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpacking houses*, as described in Sections A and C, Appendix I, in report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from the plant site of Armour and Company, located at or near Sterling, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Ohio, Indiana, Virginia, and West Virginia.

NOTE: Applicant states the proposed service will be restricted to (1) traffic originating at the plant site of Armour & Co., (2) against the joinder or tacking of such authority at origin with other authority for the purpose of performing through service, and (3) against the transportation of such commodities in bulk, in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 113843 (Sub-No. 71), filed June 28, 1963. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylania, Rhode Island, Vermont, and the District of Columbia. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 114457 (Sub-No. 9), filed July 19, 1963. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: James C. Hardman, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company at or near Sterling, Ill., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Tennessee, and the Upper Peninsula of Michigan. RESTRICTIONS: The authority requested above is restricted (a) to shipments originating at the plant site of Armour & Company at or near Sterling, and (b) against commodities in bulk, in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 115180 (Sub-No. 5), filed July 13, 1963. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York 14, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles) from the plant site of Armour and Company located at or near Sterling, Ill., to points in Pennsylvania, restricted against tacking at Sterling, Ill.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 115915 (Sub-No. 18), filed July 1, 1963. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Street, Sioux City, Iowa. Applicant's attorney: J. Max Harding, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour and Company at or near Sterling, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE: Applicant states all service is to be limited to a transportation service to be performed under continuing contract with Armour & Co., on traffic originating at the plant site of Armour and Company and restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117165 (Sub-No. 14), filed June 28, 1963. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, between points in Michigan, limited to the transportation of salt that has had a prior movement by rail and/or water.

HEARING: November 21, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 117686 (Sub-No. 31), filed July 1, 1963. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Arkansas, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states the authority sought is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117815 (Sub-No. 12), filed July 29, 1963. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines 17, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Lists A, B, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from the plant site of Armour & Co., located at Sterling, Ill., to points in that part of Iowa on and east of U.S. Highway 69.

NOTE: Applicant states the authority sought herein would be restricted against tacking and interlining at Sterling, Ill.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 54, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 117883 (Sub-No. 21), filed July 3, 1963. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Sterling, Ill., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states (1) that above is to be restricted to the transportation of shipments originating at the aforesaid plant-site, (2) against the transportation of commodities in bulk in tank vehicles, and (3) against tacking at the aforesaid plant-site of the applied-for authority with any other authority which applicant may possess.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 118272 (Sub-No. 10), filed July 25, 1963. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 709 and 766, from the plant site of Armour and Company located at or near Sterling, Ill., to points in Iowa, Missouri, Kansas, and Oklahoma. RESTRICTIONS: The authority requested above will be restricted to (a) shipments originating at the plant site of Armour and Company and (b) against commodities in bulk in tank vehicles.

NOTE: Applicant states that in Docket No. MC 69752 (Sub–16) its operations were found to be those of a common carrier and it was authorized to receive a certificate in lieu of its present permits. That proceeding has not yet become final, and hence dual operations may be involved.

HEARING: November 18, 1963, at Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119697 (Sub-No. 5), filed July 8, 1963. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (other than com-

modities in bulk), in tank vehicles, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company located at or near Sterling, Ill., to points in Indiana, and Ohio.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 48, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 119741 (Sub-No. 5), filed July 3, 1963. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago 9, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plant site of Armour & Co. at or near Sterling, Ill., on the one hand, and, on the other, points in Iowa, Nebraska, Kansas, and Missouri.

NOTE: Applicant states the proposed operation will be restricted (1) against tacking at origin with other authority held by applicant and (2) against commodities in bulk in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119792 (Sub-No. 7), filed July 11, 1963. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Sterling, Ill., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119810 (Sub-No. 7), filed August 25, 1963. Applicant: NEBRASKA-EASTERN EXPRESS, INC., Livestock Exchange Building, Omaha, Nebr. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company located at or near Sterling, Ill., to points in Pennsylvania, New York, New Jersey, Virginia, Maryland, Delaware, the District of Columbia, Connecticut, Rhode Island, and Massachusetts. RESTRICTION: Authority sought will be limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin and against commodities in bulk in tank vehicles.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119928 (Sub-No. 4), filed August 1, 1963. Applicant: C & E TRUCKING CORPORATION, 1311 South Olive Street, South Bend 19, Ind. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 and *materials, supplies* and *equipment* used in the conduct of such business (except commodities in bulk, in tank vehicles), between the plant site of Armour and Company at or near Sterling., Ill., on the one hand, and, on the other, points in Indiana and Michigan.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 123436 (Sub-No. 1), filed August 25, 1963. Applicant: ROSS TRUCK LINE, INC., 1901 South Illinois Street, Belleville, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company at or near Sterling, Ill., to points in Indiana. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 123639 (Sub-No. 11), filed September 8, 1963. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Interstate Commerce Commission, between Sterling, Ill., on the one hand, and, on the other, Detroit, Mich., and points in Iowa, Kansas, Nebraska, and Colorado.

NOTE: The proposed service is restricted to (a) shipments originating at the plant site of Armour & Company, located at or near Sterling, Ill., and (b) against commodities in bulk, in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 125492, filed June 28, 1963. Applicant: TRI-COUNTY ENTERPRISES, INC., 21262 Telegraph Road, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, between points in Michigan, limited to the transportation of salt that has had a prior movement by rail and/or water.

HEARING: November 21, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner J. O'Brien, Jr.

No. MC 125493, filed June 28, 1963. Applicant: KLEMMER TRUCKING CO., INC., 12731 Farmington Road, Livonia, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, between points in Michigan, limited to the transportation of salt that has had a prior movement by rail and/or water.

HEARING: November 21, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William J. O'Brien, Jr.

No. MC 125500, filed July 5, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., OF FLORIDA, 135 Wall Street, Orlando, Fla. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company at or near Sterling, Ill., to points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, and New York. RESTRICTION: The proposed operations are restricted against commodities in bulk, in tank vehicles, and against tacking and interlining at origin.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10422; Filed, Oct. 1, 1963; 8:47 a.m.]

[Notice 873]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 27, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65965. By order of September 24, 1963, the Transfer Board, on reconsideration approved the transfer to James Fleming, Inc., Suffield, Conn., of Permit in No. MC 48956, issued October 11, 1949, to Cronin Bros., Inc., Boston, Mass., authorizing the transportation of: Such Merchandise as is dealt in by grocery and food houses, and equipment, materials, and supplies used in connection therewith, between specified points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and Maine. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC–FC 66134. By order of September 25, 1963, the Transfer Board approved the transfer to Jackie Dautel, doing business as Dautel Truck Line, Abilene, Kans., of certificate in No. MC 757, issued August 30, 1957, to Jackie E. Dautel and Delmer L. Deutel, a partnership, doing business as Dautel Brothers, Abilene, Kans., authorizing the transportation of: livestock, feed, farm machinery and parts, agricultural implements and parts, building materials, fencing materials, paint, roofing materials, and sewer pipe, from, to, or between specified points in Kansas and Missouri. John E. Jandera, 641 Harrison, Topeka, Kans., attorney for applicants.

No. MC–FC 66266. By order of September 25, 1963, the Transfer Board approved the transfer to Bernard and Mildred D. Perham, a partnership, doing business as Duffy & Perham Bus Lines, Malone, N.Y., of certificates in Nos. MC 116851 and MC 116851 (Sub-No. 1), issued June 3, 1958, and April 18, 1963, respectively, to Bernard F. Duffy and Avery O. Perham, a partnership, doing business as Duffy & Perham Bus Lines, authorizing the transportation, over irregular routes, of passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Massena and Brasher Falls, N.Y., and extending to the port of entry on the United States-Canada Boundary line at Rooseveltown, N.Y.; beginning and ending at points in Franklin County, N.Y., and extending to the port of entry on the United States-Canada Boundary line at Fort Covington, N.Y., and beginning and ending at points in Franklin County, N.Y., and extending to ports of entry on the United States-Canada Boundary line at or near Rooseveltown and Chateaugay, N.Y. (insofar as operations in the United States are concerned). John J. Brady, Jr., 75 State Street, Albany 7, N.Y.

No. MC–FC 66267. By order of September 25, 1963, the Transfer Board approved the transfer to Fullerton Freight Lines, Inc., Fullerton, Nebr., of Certificate No. MC 24188, issued October 13, 1954, to E. D. Nickel, doing business as Fullerton Freight Line, Fullerton, Nebr., authorizing the transportation of general commodities, excluding commodities in bulk but including household goods, over regular routes, between Fullerton, Nebr., and Council Bluffs, Iowa, serving the intermediate points of Monroe, Columbus, Fremont, Omaha, and Central City, Nebr.; and between Fullerton, Nebr., and Grand Island, Nebr., serving no intermediate points. Donald E. Leonard, 605 South 14th Street, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC–FC 66272. By order of September 25, 1963, the Transfer Board approved the transfer to Leonard Trucking Corp., a corporation, Jersey City, N.J., of Permit in No. MC 117434, issued August 12, 1959 to Leonard Truck Renting Corp., Brooklyn, N.Y., authorizing the transportation over irregular routes of corrugated boxes, corrugated sheets, corrugated pads, corrugated display stands, corrugated partitions, corrugated die cut pads, and corrugated shipping cases, from Jersey City, N.J., to points in Westchester, Ulster, Rockland, Putnam, Sullivan, Dutchess, Nassau, Suffolk, Orange, Greene, Columbia, and Richmond Counties, N.Y., to New York, N.Y., points in Hartford, New Haven, Litchfield, Fairfield, and Middlesex Counties, Conn., and Montgomery, Northampton, Delaware, Berks, Carbon, Lehigh, Wayne, Pike, Chester, Bucks, Schuylkill, Monroe, and Philadelphia Counties, Pa., and empty containers or other articles used in transporting the above-specified commodities, on return. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10423; Filed, Oct. 1, 1963; 8:47 a.m.]

[No. 34254]

NEW YORK CENTRAL RAILROAD CO.

Application of Section 4 Requirements to Joint Motor-Rail Rates Established Under Section 216(c)

SEPTEMBER 16, 1963.

Notice is hereby given that the New York Central Railroad Company by its attorney, John A. Daily, 466 Lexington Avenue, New York 17, N.Y. has filed a petition with the Interstate Commerce Commission for a declaratory order under section 5(d) of the Administrative Procedure Act, 5 U.S.C. 1004(d), to determine whether certain Plan II and Plan V trailer-on-flatcar rates presently maintained by said railroad contravene the long-and-short haul provisions of section 4(1) of the Interstate Commerce Act. Copies of the petition may be obtained from said attorney.

The issues presented in said petition are (1) whether motor-rail or motor-rail-motor rates are subject to the provisions of section 4 of the Interstate Commerce Act, and (2) whether the services performed in connection with Plan II and Plan V trailer-on-flatcar rates differ to such an extent that no violation of the fourth section results.

This petition is to be set down for hearing at a time and place to be hereinafter fixed. The purpose of this proceeding is for the Commission to determine whether it will issue either an interpretative rule or a declaratory order. Any person desiring to intervene herein should file a petition to intervene within 30 days of the publication of this notice in the FEDERAL REGISTER.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10424; Filed, Oct. 1, 1963; 8:47 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11120

AMENDMENT OF EXECUTIVE ORDER NO. 10152, RELATING TO INCENTIVE PAY FOR HAZARDOUS DUTY, EXECUTIVE ORDER NO. 10168, RELATING TO PAY FOR SEA DUTY AND DUTY AT CERTAIN PLACES, AND EXECUTIVE ORDER NO. 10204, RELATING TO BASIC ALLOWANCES FOR QUARTERS

By virtue of the authority vested in me by sections 301 (a) and (f), 305, and 403 of title 37, United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. Executive Order No. 10152 of August 17, 1950, as amended, is further amended as follows:

(a) Section 6 is amended to read as follows:

"SEC. 6. As determined by the Secretary of the Navy, members who, pursuant to competent orders, are attached to a submarine which is in an active status and members qualified in submarines who, pursuant to competent orders, are assigned as prospective crew members of a submarine under construction or are receiving instruction to prepare for assignment to a submarine of advanced design or for a position of increased responsibility on a submarine shall be entitled to receive incentive pay for the performance of submarine duty. In the case of nuclear-powered submarines this entitlement shall include periods of training and rehabilitation after assignment thereto. A member who, pursuant to competent orders, performs duty as an operator or crew member of an operational, self-propelled submersible, including undersea exploration and research vehicles, shall likewise be entitled to receive incentive pay for the performance of submarine duty."

(b) Section 8(a) is amended to read as follows:

"(a) As used in section 301(a) of title 37 of the United States Code, the term 'duty involving parachute jumping as an essential part of military duty' shall be construed to mean duty performed by members who, under such regulations as the Secretary concerned may prescribe, have received a rating as a parachutist or parachute rigger, or are undergoing training for such a rating, and who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight."

(c) Section 9 is amended by striking out subsections (c), (d), and (g) and amending subsection (e) to read as follows:

"(e) The term 'duty inside a high- or low-pressure chamber' shall be construed to mean duty performed within presssure chambers at physiological facilities by members assigned to that duty."

(d) Section 10 is amended to read as follows:

"SEC. 10. Any member who is required by competent orders to perform hazardous duty, or multiple hazardous duties, and who becomes injured or otherwise incapacitated as a result of the performance of any such hazardous duty, by aviation accident or otherwise, shall be deemed to have fulfilled all of the requirements for the performance of all hazardous duties which he is required by competent orders to perform, for a period not to exceed three months following the date as of which such incapacity is determined by the appropriate medical authority."

(e) Sections 12 and 13 are redesignated as sections "13" and "14", respectively, and the following new section is added:

"SEC. 12. Under such regulations as the Secretary concerned may prescribe, a member who performs multiple hazardous duties under competent orders may be paid not more than two payments of incentive pay for a period of time during which he qualifies for more than one such payment. Dual payments of incentive pay shall be limited to

those members who are required by competent orders to perform specific multiple hazardous duties in order to carry out their assigned missions."

SEC. 2. Executive Order No. 10168 of October 11, 1950, as amended, is further amended as follows:

(a) The title is amended to read as follows:

"REGULATIONS RELATING TO SPECIAL PAY FOR SEA DUTY AND DUTY AT CERTAIN PLACES".

(b) Section 2(a)(2) is amended to read as follows:

"(2) While in a vessel pursuant to orders to temporary additional duty or temporary duty on that vessel issued by competent authority although based or stationed ashore, but only when such duty is eight days or more in duration in each case."

(c) Sections 4, 5, 6, and 7 are amended to read as follows:

"SEC. 4. Enlisted members entitled to receive basic pay shall be entitled to receive additionally, pay under the rates prescribed by section 305(a) of title 37 of the United States Code, while on duty at places that are outside the contiguous 48 States and the District of Columbia and that are designated for this purpose by the Secretary of Defense or, in the case of enlisted members of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of the Treasury. Subject to the provisions of section 305 of title 37 of the United States Code, an enlisted member who is permanently assigned to duty at a place so designated is entitled to receive that pay during a period of authorized leave, temporary additional duty, temporary duty, or hospitalization, or while on an operational aircraft flight, but not for more than thirty days while he is away from that place.

"SEC. 5. Unless otherwise entitled to special pay in accordance with the last sentence of section 4, during periods spent on temporary additional duty or temporary duty, or on operational aircraft flights, pay in accordance with section 4 shall accrue to enlisted members only for periods of eight continuous days or more in duration at places designated, including the dates of arrival at, and the dates of departure from, those places.

"SEC. 6. Enlisted members shall not be entitled to additional pay under this order for duty which, under the provisions of supplementary regulations prescribed hereunder, does not constitute either sea duty or duty described in sections 4 and 5 hereof.

"SEC. 7. No enlisted member shall be entitled under this order to receive both sea-duty pay and pay for duty described in sections 4 and 5 hereof for the same period of time; nor sea-duty pay and credit for basic allowance for subsistence for the same period of time except periods during which messing facilities are temporarily out of operation to permit alterations or repairs and periods during which the member is on leave beyond the contiguous 48 States and the District of Columbia."

SEC. 3. Executive Order No. 10204 of January 15, 1951, is amended by adding the following new section:

"8. Unless the Secretary concerned, or his designee, determines that military operational conditions require otherwise, a commissioned officer without dependents who is in a pay grade above pay grade O–3 and who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, appropriate to his grade or rank and adequate for himself, may elect not to occupy those quarters and instead to receive the basic allowance for quarters prescribed for his pay grade by section 403 of title 37 of the United States Code."

SEC. 4. The amendments made by this order shall be effective as of October 1, 1963.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 2, 1963.

[F.R. Doc. 63–10583; Filed, Oct. 2, 1963; 11:10 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 1202—FILLING POSITIONS

Methods of Filling Vacancies

Effective upon publication in the FEDERAL REGISTER, § 1202.1 is amended as follows:

§ 1202.1 Methods of filling vacancies.

In his discretion an appointing officer may fill any position either by competitive appointment from a Canal Zone Merit System register, by appointment or position change of a present or former Federal employee through noncompetitive action in accordance with the regulations in this part, or, when authorized under § 1202.13, by temporary appointment. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. In determining merit and fitness of any person, there shall be no discrimination on the basis of religious or political affiliations, marital status, physical handicap, race, color, sex, national origin, or of nationality as between citizens of the United States and citizens or residents of the Republic of Panama or of the Canal Zone, except as required by § 1202.2.

CYRUS R. VANCE,
Secretary of the Army.

[F.R. Doc. 63–10456; Filed, Oct. 2, 1963; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Subpart A—Regulations Under the United States Cotton Standards Act

Subpart D—Cotton Classification and Market News Services for Organized Groups of Producers

LICENSING OF WAREHOUSEMEN TO SAMPLE COTTON

On August 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7952) regarding proposed amendments of the Regulations Under the United States Cotton Standards Act (7 CFR Part 28, Subpart A) and the Regulations for Cotton Classification and Market News Services for Organized Groups of Producers (7 CFR Part 28, Subpart D).

Statement of considerations leading to amendment of regulations. The changes in the regulations are designed to protect the interests of the government and purchasers of cotton classed under the Form A service by providing (1) more effective supervision and control of sampling through the licensing of warehousemen to sample cotton, (2) detailed instructions on the drawing, handling, identification, and submission of samples for classification, and (3) procedures for withdrawal of licenses and the classing service from warehousemen and users of the service who violate, or attempt to violate, the regulations.

The only significant change from the published proposal was the deletion of paragraph (g) of § 28.25 of the proposed amendments. This paragraph would have required warehousemen to sign a certification for each lot of samples submitted for Form A determination. After careful evaluation of the comments received on the proposed requirement and further review of the need for the requirement, it was determined that it could be deleted without impairing the effectiveness of the amendments. A few minor changes in wording were made for clarification.

For administrative reasons the effective date of the amendments will be November 15 instead of October 15 as indicated in the published proposal.

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended, pursuant to authority contained in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61) and in section 3c of the Cotton Statistics and Estimates Act (50 Stat. 62; 7 U.S.C. 473c).

The Regulations under the United States Cotton Standards Act are amended as follows:

1. In § 28.2 the following new paragraphs (k) and (l) are added:

§ 28.2 Terms defined.

* * * * *

(k) *License.* A license issued under the Act by the Secretary to sample cotton.

(l) *Licensed warehouseman.* A cotton warehouseman licensed under the United States Cotton Standards Act to sample cotton.

* * * * *

§ 28.15 [Amendment]

2. In the first sentence of paragraph (a) of § 28.15, the words "public warehouse" are changed to "licensed warehouseman".

3. The following new center heading and sections are added immediately following § 28.19:

LICENSING OF WAREHOUSEMEN FOR SAMPLING

§ 28.20 When license is required.

Samples for Form A determination shall be accepted under this subpart from licensed warehousemen only. No license is required to sample cotton for Form C or Form D determination.

§ 28.21 Application.

Application for licenses to draw and submit samples for Form A determination shall be submitted by warehousemen on forms furnished by the Division.

§ 28.22 Authority granted by license.

Each license issued by the Division shall authorize the warehouseman to draw and submit samples for Form A determination from cotton stored in his warehouse.

§ 28.23 Suspension of license; revocation.

(a) After notice and opportunity for hearing has been afforded, the Deputy Administrator may suspend or revoke any such license whenever he is satisfied that such licensee has knowingly or carelessly sampled cotton improperly, or has submitted improper samples for classification, or has violated any provision of the Act or the regulations, or has used his license, or allowed it to be used for any improper purpose. Pending final action, the Deputy Administrator may temporarily suspend any license without hearing whenever he deems such action necessary.

(b) During any period when the license of the warehouseman is suspended or revoked, the Division will not accept any samples from the warehouseman for Form A determination, or for classification pursuant to §§ 28.901–28.917 of this Part 28.

§ 28.24 Surrender of license certificate.

The warehouseman, in the event his license is suspended or revoked, shall promptly surrender to the Division his certificate of license.

4. The center heading immediately preceding § 28.25 and §§ 28.25 through 28.30 are deleted and the following new center headings and sections substituted therefor:

DRAWING, SUBMISSION AND DISPOSITION OF SAMPLES

§ 28.25 Samples for Form A determination.

Samples for Form A determination shall be drawn, handled, identified, and shipped by a licensed warehouseman according to the methods and procedures specified in this section. Any samples or set of samples which does not meet these specified requirements may be rejected by the chairman of a board.

(a) Samples shall be freshly drawn.

(b) Each sample shall consist of two portions, one drawn from each side of

the bale. Each portion shall be at least six (6) inches wide and approximately twelve (12) inches long and shall weigh at least three (3) ounces.

(c) Where it is necessary to draw two sets of samples, separate cuts in the bale should be made for each set of samples. Split samples may be accepted, provided the split is made across the layers without separating the layers.

(d) Dressing, trimming, or discarding part of the sample is prohibited. No part of the cotton or pieces of bagging, leaf, grass, dirt, sand, or any other material shall be removed from either side of the sample.

(e) A coupon showing the correct warehouse bale number and name and address of warehouse shall be placed between the two portions of each sample.

(f) Samples shall be identified and sacked immediately after they are cut without further handling prior to shipment to the board.

(g) Samples shall be mailed, shipped, or delivered direct from the warehouse to the board serving the territory in which the warehouse is located. Samples mailed or shipped shall be prepaid.

(h) The chairman of the board may require that any licensed warehouseman shall provide the crop year, gin name and gin bale number for each sample submitted whenever he deems that such information is necessary in order to assure that each sample is properly identified with the correct bale of cotton.

(i) The licensed warehouseman shall cooperate with employees of the Division making inspections of sampling procedures, and shall draw or permit the drawing of such additional samples, without charge as may be deemed necessary to appraise sampling procedures.

§ 28.26 Samples for Form C determination.

Samples submitted for Form C determination shall be drawn under the supervision of a Division employee who shall retain custody or control of the samples until they are shipped prepaid or delivered at the applicant's expense to the board serving the territory in which the bales of cotton are located.

§ 28.27 Samples for Form D determination.

Samples for Form D determination shall be shipped or delivered at the owner's expense to the board serving the territory in which the samples are located. A tag or coupon showing the bale number of the bale from which the sample was drawn, or other identification, shall be placed between the two portions of each sample.

§ 28.28 Lost or damaged samples.

If any samples are lost, damaged, or mutilated, the secretary of the board shall inform the applicant.

§ 28.29 Return of samples.

When so stipulated in the classification request for Form A, C, or D determination, the samples submitted shall be returned to the applicant at his expense, at the time the memorandum is issued or when the request for classification is withdrawn or rejected.

§ 28.30 Samples not returned are property of Department.

Samples not returned in accordance with this subpart, and loose cotton separated from samples in the handling and classification thereof, shall become the property of the Department.

VIOLATIONS

§ 28.31 Denial of service.

The Deputy Administrator may for good cause, including the acts or practices set forth in § 28.32, debar any person, including the agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period, after notice and opportunity for hearing has been afforded. Pending final action, the Deputy Administrator may temporarily suspend services to such person without hearing if he determines that the continuation of services rendered under the Act would seriously jeopardize the integrity of such services.

§ 28.32 Misrepresentation; deceptive or fraudulent acts or practices; violations.

Any of the following acts or practices may result in debarment from any or all benefits of the Act:

(a) Any knowing misrepresentation or deceptive or fraudulent act or practice made or committed, or attempted to be committed, by any person in connection with (1) any request for classification, (2) the drawing, handling, identifying, or submitting of any samples for classification, (3) the making, issuing, or using of any memorandum or certificate of classification issued by a board or (4) the changing of any warehouse bale tags or numbers after the cotton has been sampled for classification.

(b) Any knowing violation of the regulations in this subpart or of the Act.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

5. Section 28.906 of the Regulations for Cotton Classification and Market News Services for Organized Groups of Producers is amended as follows:

§ 28.906 Approval and bonding of sampling agents.

The cotton of members of organized groups shall be sampled at cotton gins or cotton warehouses. All sampling agents at these sampling locations are subject to the approval of the Director or his authorized representatives.

(a) *Sampling at cotton gins.* At locations where sampling is done at cotton gins each sampling agent serving one or more cotton gins shall, as a condition for approval, execute and file with the Division a good and sufficient bond to the United States to secure the faithful performance of his duties as a sampler under the terms of the Act and this subpart. This bond shall be in such form and amount and shall have such surety or sureties as shall be approved by the Service: *Provided,* That said bond shall be in an amount not less than $1,000 for each gin serviced less than five, and not less than $5,000 for five or more gins serviced: *Provided further,* That such surety or sureties shall be subject to service of process in suits on the bond within the State, district, or territory in which such sampler shall perform services under the Act and this subpart.

(b) *Sampling at cotton warehouses.* At locations where the Director or his representatives authorize sampling to be done at cotton warehouses, it shall be a condition for approval of each warehouse sampling agent that the warehouseman hold a valid license to sample cotton issued pursuant to § 28.22.

(c) *Sampling by Department of Agriculture employees.* The Director, or his authorized representatives, may direct that sampling be performed by employees of the Department of Agriculture for the purpose of appraising the sampling procedures of sampling agents at cotton gins or warehouses, or for the purpose of providing service to organized groups in special cases where approved sampling agents are not available.

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

Effective date. These amendments shall become effective November 15, 1963.

Dated: September 30, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-10502; Filed, Oct. 2, 1963; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 929—CRANBERRIES

Findings and Determinations Relative to Expenses To Be Incurred and Fixing of Rate of Assessment for 1963–64 Fiscal Period

On September 13, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9945) regarding the expenses and the fixing of the rate of assessment for the 1963–64 fiscal period pursuant to the marketing agreement and Order No. 929 (7 CFR Part 929), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 929.203 Expenses and rate of assessment for the 1963–64 fiscal period.

(a) *Expenses.* The reasonable expenses to be incurred by the Cranberry Marketing Committee, established pursuant to the provisions of the marketing agreement and Order No. 929, for its maintenance and functioning during the fiscal period ending July 31, 1964, will amount to $45,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles cranberries shall be 4 cents ($0.04) per barrel of cranberries, or an equivalent quantity of cranberries, handled by him as the first handler thereof during the said fiscal period.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cranberries from the beginning of such year; and (2) the current fiscal period began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable cranberries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 30, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10503; Filed, Oct. 2, 1963; 8:47 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Findings and Determinations and Class Prices

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued September 16, 1963, and the decision of the Under Secretary containing all amendment provisions of this order was issued September 26, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1963, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1126.51(a) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(a) The Class I price shall be the basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months; plus 10 cents for the months of October 1963 through March 1964; and subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this Part and Parts 1127, 1128, 1129, and 1130 of this chapter regulating the handing of milk in the North Texas, San Antonio, Central West Texas, Austin-Waco, and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1) (ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided,* That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1963.

Signed at Washington, D.C., on September 30, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63–10504; Filed, Oct. 2, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., Amdt. 1]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1963 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 2890 containing the General Regulations Governing Price Support for the 1963 and Subsequent Crops of grains and related commodities are hereby amended as follows:

Section 1421.02(a) is amended by deleting the entire paragraph and substituting in place thereof the following:

§ 1421.02 Administration.

(a) *Responsibility.* The Farmer Programs Division will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field such provisions will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees), ASCS commodity offices and the ASCS Data Processing Center.

Section 1421.23(a)(2) is amended to change the word "support" to "subpart" so that the amended subparagraph reads as follows:

§ 1421.23 Inspection and delivery of commodities under purchase agreement.

(a) *General.* • • •

(2) If a producer who signs a purchase agreement wishes to sell the commodity to CCC, he shall have a 30-day period during which he must notify the county office in writing of his intention to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or on such other date as may be prescribed by the Executive Vice President, CCC.

Section 1421.25(c) is amended to provide that settlement for barley, flaxseed, grain sorghum, rye and wheat shall be based on the rate for the county in which the producer's customary shipping point is located, except that if the producer is directed to deliver the commodity to a terminal market for which a support rate is established, settlement will be based on the support rate for such terminal market.

§ 1421.25 Settlement of loans and purchase agreements.

• • • • •

(c) *Other than approved warehouse storage.* (1) Settlement for corn, oats and soybeans delivered from other than approved warehouse storage shall be based (i) on the basic county support rate for the county where the commodity was produced and (ii) on the quality and quantity as shown on warehouse receipts and accompanying documents issued by an approved warehouse where delivery is being made, or if applicable, the quality and quantity as shown on a form prescribed by CCC for this purpose.

(2) Settlement for barley, flaxseed, grain sorghum, rye and wheat delivered from other than approved warehouse storage shall be based on the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his commodity to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement shall be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on a form prescribed by CCC.

(Sec. 14 and 15, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; sec. 306, 76 Stat. 615, 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 30, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63–10508; Filed, Oct. 2, 1963; 8:48 a.m.]

[C.C.C. Grain Price Support Reg., 1963-Crop Wheat Supp., Amdt. 2]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Wheat Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 6959 and 9979, and containing specific requirements of the 1963-crop wheat loan and purchase agreement program are hereby amended as follows:

1. Section 1421.2105(b)(1) is amended to also make wheat grading No. 4, No. 5, or "Sample" because of damaged kernels eligible for loans or purchase agreements so that the amended subparagraph reads as follows:

§ 1421.2105 Eligible wheat.

• • • • •

(b) *Grade requirements.* • • •

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or No. 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4, No. 5, or "Sample" on the factor(s) of test weight and/or total damage (other than heat damage) provided the test weight is not less than 40 pounds per bushel and the wheat otherwise meets the requirements as stated in subdivisions (i) and (ii) of this subparagraph; or (iv) wheat of the class Mixed wheat, which consists of mixtures of grades of eligible wheat as specified in subdivisions (i), (ii), or (iii) of this subparagraph, provided such mixtures are the natural products of the field. In addition, wheat may have the special grade designations "Garlicky" and/or "Smutty."

2. Section 1421.2113(f)(2) is amended to provide discounts for wheat grading No. 4, No. 5, or "Sample" on account of total damaged kernels (other than heat damaged) so that the amended subparagraph reads as follows:

§ 1421.2113 Support rates.

• • • • •

(f) *Discounts and premiums.* • • •

	Cents per bushel
(2) Grade premium and discounts:	
(i) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(ii) Discounts:	
No. 2	−1
No. 3	−3

No. 4, No. 5 or "Sample" on account of test weight:

Hard Red Spring		All other classes	
Test weight	Cents per bushel	Test weight	Cents per bushel
53.0–54.9	−6	54.0–55.9	−6
50.0–52.9	−9	51.0–53.9	−9
49	−13	50	−13
48	−17	49	−17
47	−21	48	−21
46	−25	47	−25
45	−29	46	−29
44	−35	45	−33
43	−41	44	−39
42	−47	43	−45
41	−53	42	−51
40	−59	41	−57
		40	−63

No. 4, No. 5 or "Sample" on account of total damaged kernels (other than heat damaged)[4 5]

Percent—Total damaged kernels:	*Cents per bushel*
7.1–8	−1
8.1–9	−2
9.1–10	−3
10.1–11	−4
11.1–12	−5
12.1–13	−6
13.1–14	−7
14.1–15	−8
15.1–16	−10
16.1–17	−12
17.1–18	−14
18.1–19	−16
19.1–20	−18

(2) Grade premium and discounts.—Con.

(i) Premium.—Continued

No. 4, No. 5 or "Sample" on account of total damaged kernels (other than heat damaged).[4 5]—Continued

Percent—Total damaged kernels.—Con.	*Cents per bushel*
20.1–21	−20
21.1–22	−22
22.1–23	−24
23.1–24	−26
24.1–25	−28
25.1–26	−30
26.1–27	−32
27.1–28	−34
28.1–29	−36
29.1–30	−38
30.1 and over[6]	−60
No. 4 or 5 because of containing Durum and/or Red Durum[2 3]	−6
Smut—Degree basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage basis:	
One-half of 1 percent	−1
One percent or over	−3
Garlic—Degree basis:	
Light Garlicky	−6
Garlicky	−15

3. Section 1421.2113(f) is amended to add a new subparagraph (5) to read as follows:

	Cents per bushel
(5) Weed control discount (where required by section 1421.27)	−10c

4. The footnotes at the end of § 1421.2113(f)(2) are deleted and a new set of footnotes are added at the end of such subparagraph to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

[2] This discount is in addition to any other applicable numerical grade discount, and any other discounts which may be applicable.

[3] Not applicable to any of the Mixed Wheats or Red Durum. For discounts applicable to Mixed Wheat containing Durum and/or Red Durum, see subparagraph (1)(ii) of this paragraph.

[4] Where damage is no more than 30 percent, this discount shall be in addition to all other applicable discounts and wheat otherwise grading No. 1 Heavy, No. 1 or No. 2 shall be discounted 3 cents per bushel in lieu of the numerical grade premium or discount.

[5] Premiums in subparagraphs (1) and (4) of this paragraph are not applicable.

[6] No additional discounts shall be applied except the variety discount in subparagraph (3), the test weight discount when the wheat would grade "Sample" on account of test weight, and applicable discounts for protein and sedimentation.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 306, 76 Stat. 614; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 30, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63–10509; Filed, Oct. 2, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1989; Amdt. 628]

PART 507—AIRWORTHINESS DIRECTIVES

Cessna 190 and 195 Series Aircraft

Amendment 322, 26 F.R. 7695 (AD 61–17–1), which was issued following a fatal accident caused by fatigue failure of the front wing spar fuselage carry through lower cap, requires X-ray inspection of Cessna 190 and 195 Series aircraft with 4,500 or more hours' time in service. A recent fatal accident involving a similar fatigue failure of the same structure on an aircraft with relatively low service time makes it necessary to supersede Amendment 322 with a new directive requiring inspection and modification of all Cessna 190 and 195 Series aircraft within 10 hours' time in service after the effective date of the new directive.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CESSNA. Applies to all Model 190 and 195 Series aircraft.

Compliance required as indicated.

As a result of a fatal accident involving fatigue failure of the front wing spar fuselage carry through lower cap the following corrective action is required:

(a) Within 10 hours' time in service after the effective date of this AD, conduct the following visual and X-ray inspections in accordance with Cessna Service Letter 190/195–1 dated May 13, 1960, or FAA approved equivalent unless already accomplished within the last 100 hours' time in service:

(1) Inspect using X-ray method for cracks in the lower cap of the front spar carry through member at both left and right sides of the fuselage in the area of the two most inboard steel rivets;

(2) Remove rear spar to fuselage attachments bolts and visually inspect these bolts using at least a 4-power magnifying glass for evidence of wear or partial shear failures;

(3) Visually inspect the rear spar to fuselage fittings of both the wing structure and carry through structure including the bolt bushings for wear or hole elongation;

(4) Visually inspect the steel plates of the rear spar to fuselage attachment fittings on the wing for cracks using at least a 4-power magnifying glass; and

(5) If any of the defects specified are found replace the parts with new parts or make an FAA approved repair and accomplish the modification required by (b) before further flight.

(b) Within 10 hours' time in service after the effective date of this AD, accomplish the fuselage front spar modification as specified in Cessna Service Letter 63–40, dated September 27, 1963. This specifies replacement of the five existing inboard lower cap high shear steel pins with NAS 464P7–A64 bolts and attachment of two ½ x 1¾ 4130 steel reinforcement bars on each side of the lower spar cap in accordance with Cessna Service Kit No. SK–195–3 and SK–195–4, dated September 23, 1963.

(c) At each periodic inspection after the accomplishment of (b), visually inspect for cracks the visible portion of the lower spar cap and reinforcement bars at the inboard bolt location. If cracks are found, replace the cracked part with a new part or make an FAA approved repair before further flight.

This supersedes Amendment 322, 26 F.R. 7695 (AD 61–17–1).

This amendment shall become effective October 8, 1963.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 27, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63–10462; Filed, Oct. 2, 1963; 8:45 a.m.]

[Reg. Docket No. 1988; Amdt. 627]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC3 Series Aircraft

Amendment 536, 28 F.R. 1371 (AD 63–4–1), as amended by Amendment 569, 28 F.R. 5232, requires inspection and modification of the wing lower surface attach angles and doublers on Douglas Model DC3 Series aircraft. It has subsequently been determined that the modifications should be made in accordance with the provisions of a later Douglas Service Bulletin and that closer tolerances are necessary for maximum service life. In addition, in response to numerous inquiries, Amendment 536, as amended by Amendment 569, is further amended for purposes of clarification and to permit the use of a 6-power rather than a 10-power magnifying glass. This amendment also sets forth additional information concerning FAA approved equivalent jig fixtures.

While certain of the provisions of this amendment are minor rules which either clarify or relax the present requirements, the additional requirements concerning closer tolerances and compliance with the later Service Bulletin require immediate action in the interest of safety. Therefore, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 536, 28 F.R. 1371, as amended by Amendment 569, 28 F.R. 5232, Douglas Model DC3 Series aircraft, is further amended by:

1. Changing next to the last sentence in paragraph (a) to read: "Reinspection must be made at periods not to exceed 450 hours' time in service from the last inspection."

2. Changing paragraphs (b) (1), (2), and (3) to read:

(1) All outer wing lower surface doublers, P/N's 570602-206 and -207 or P/N's 5115200-206 and -207 shall be replaced with new doublers fabricated from 0.072 material in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963.

(2) All outer wing lower surface doublers P/N's 570602-208 and -209 or P/N 5115200-208 and -209 shall be replaced with new doublers fabricated from 0.064 material in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963.

(3) All outer wing lower surface attach angles shall be replaced with new angles fabricated for proper installation with the new heavier doublers in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963, except that aircraft modified prior to the effective date of this amendment to incorporate doublers and attach angles described in Douglas Service Bulletins No. 220 and No. 146, respectively, are satisfactory until parts must again be replaced.

3. Deleting paragraphs (b) (4) and (5) and adding the following paragraphs (b) (4) and (5) to read:

(4) The wing center section lower surface shall be modified by incorporating witness holes and installing new wrap around doublers attached to wing skin and new attach angles as described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963, except that modifications made prior to the effective date of this amendment in accordance with Douglas Drawing 5406787 "D", "E", or "F" are satisfactory until parts must again be replaced.

(5) The proper installation alinement of the attach angles and doublers described in (b) (1), (2), (3), and (4) shall be maintained. This shall be accomplished by the use of satisfactory jigs or by FAA approved equivalent means. Douglas jig fixtures P/N's A652-5110506-1-1F2 and A652-511-0506-1F2 or P/N's C652-5110500-101-1-1F1 and C652-5110500-101-1F1 or those that meet the criteria of Advisory Circular AC 39-1, are considered to be satisfactory for alinement purposes.

4. Changing paragraph (c) (1) to read:

(1) Prior to the issuance of an original airworthiness certificate except as covered by (d).

5. Changing paragraph (c) (2) (ii) to read:

(ii) Have been modified in the manner prescribed by (b) but from the maintenance record the time in service since such modification cannot be verified, unless an inspection per (f) (1), (2), and (3) reveals no cracks and reinspection is then made at intervals not to exceed 2,000 hours' time in service. If cracks are found the aircraft must then be modified per (b).

6. Changing paragraph (c) (3) to read:

(3) Every 16,000 hours' total time in service since last modified as specified in (b) unless an inspection per (f) reveals no cracks and reinspection is then made per (e) (2).

7. Changing in the last sentence of paragraphs (f) (1) and (2) the reference to a "10-power magnifying glass" to a "6-power magnifying glass."

8. Deleting in paragraph (h) the reference "or for inspection per (f)."

9. Revising paragraphs (h) (1) and (2) to read:

(1) Compression angles attached to corrugation and stringers and the spar cap butt plates of the center wing must be held in plane with the wrap around doubler on the attach angle to a plus 0.004 inch/minus 0.000 inch.

(2) The waffle plates attached to the stringers and the spar cap butt plates of the outer wing must be held in plane with the wrap around doubler on the attach angle to a plus 0.006 inch/minus 0.000 inch.

10. Deleting the Note immediately following (h) (2).

11. Adding the following paragraph (h) (3) to read:

(3) Tolerances of a maximum of 0.010-inch interference to a maximum of 0.010-inch clearance between the compression angles and waffle plates are acceptable if previously accomplished. The tolerances set forth in (h) (1) and (2) shall be used for all attach angle installations subsequent to the effective date of this AD.

12. Adding the following note immediately after (h) (3) to read:

NOTE: The tolerance ranges set forth in (h) (1) and (2) will allow flush to a 0.010-inch interference between the compression angles and plates when the wing is installed. This interference fit assures the most effective distribution of loads across the joint and the maximum service life.

This amendment shall become effective October 3, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 27, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10463; Filed, Oct. 2, 1963; 8:45 a.m.]

[Reg. Docket No. 1902; Amdt. 626]

PART 507—AIRWORTHINESS DIRECTIVES

North American Model NA-265 (T-39A) Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the external center wing fuselage intersection area for evidence of fuel leakage, and repair if fuel leakage is detected on North American Model NA-265 (T-39A) Series aircraft was published in 28 F.R. 8326.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

NORTH AMERICAN. Applies to Model NA-265 Serial Numbers 265-1 through 265-75, Model NA-265-20 Serial Numbers 270-1 through 270-6, and Model NA-265-40 Serial Number 282-1.

Compliance required as indicated.

Fuel leakage has occurred in the wing center section of NA-265 (T-39A) aircraft. Leakage was due to cracks in the flange radius of the front spar splice, and the front spar sealing pad. To stop the fuel leakage accomplish the following:

(a) Within the next 100 hours' time in service from the effective date of this AD, and thereafter at periods not to exceed 100 hours' time in service from the last inspection, visually inspect the external center wing fuselage intersection area for evidence of fuel leakage.

(b) If fuel leakage is detected, before further flight, attempt to stop the leak by retorquing the screws, or injecting sealant in the sealant grooves, per the Fuel System Section of the Maintenance Manual. If the leakage persists, inspection and necessary repair must be accomplished in accordance with the procedures called out in the North American Aviation Sabreliner Field Service Bulletin No. 63-1, or an equivalent method approved by the Chief, Engineering and Manfacturing Branch, FAA, Western Region. Repairs for locations not specifically covered by the Bulletin shall be made in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA, Western Region. The inspections in (a), however, must be continued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(North American Aviation Sabreliner Field Service Bulletin No. 63-1 pertains to this same subject.)

This amendment shall become effective November 4, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1963.

G. S. MOORE,
Director,
Flight Standards Serivce.

[F.R. Doc. 63-10464; Filed, Oct. 2, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Hair Dyes; Deletion of Superseded Material

Effective on the date of publication of this order in the FEDERAL REGISTER, § 1.200 is deleted, the material therein having been superseded by § 8.1(u).

(Secs. 701, 706, 52 Stat. 1055 as amended; 74 Stat. 399; 21 U.S.C. 371, 376)

Dated: September 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10484; Filed, Oct. 2, 1963; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3238]

[Arizona 032166]

ARIZONA

Withdrawal of Land for Use of Department of Justice for Border Patrol Sector Headquarters Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the General Services Administration for use by the Immigration and Naturalization Service as a Border Patrol Sector Headquarters Site:

GILA AND SALT RIVER BASE MERIDIAN

T. 14 S., R. 13 E.,
Sec. 27, SW¼SW¼SE¼SW¼, S½S½NW¼SW¼SE¼SW¼, E½E½SE½SE¼SW¼SW¼, and SE¼SE¼NE¼SE¼SW¼SW¼.

Containing approximately 4 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1963.

[F.R. Doc. 63-10476; Filed, Oct. 2, 1963; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,266 acres, is delineated on a map available at refuge headquarters, Parker, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, gallinules, ducks (except canvasback and redhead), and geese.

(b) Open season: All species—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 5, coots and gallinules 25, (singly or aggregate), geese 6. The daily bag limit of 5 ducks may not include more than 2 wood ducks and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more than 1 Ross' goose; and the daily bag limit may not include more than 3 geese of the dark species, which on the California side of the Colorado River may not include more than 1 Canada goose or subspecies and on the Arizona side of the Colorado River may not include more than 2 Canada geese or subspecies.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 33,000 acres, is delineated on a map available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, gallinules, ducks (except canvasback and redhead), and geese.

(b) Open season: All species—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 5, coots and gallinules 25 (singly or aggregate), geese 6. The daily bag limit of 5 ducks may not include more than 2 wood ducks and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more than 1 Ross' goose; and the daily bag limit may not include more than 3 geese of the dark species, which on the California side of the Colorado River may not include more than 1 Canada goose or subspecies and on the Arizona side of the Colorado River may not include more than 2 Canada geese or subspecies.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 24, 1963.

[F.R. Doc. 63-10469; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Chautauqua National Wildlife Refuge, Illinois, et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Chautauqua National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 555 acres or 13 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Havana, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to sunset October 20, 1963, through December 5, 1963.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—the use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 6, 1963.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,380 acres or 28 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Carterville, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to 3:00 p.m. November 4, 1963, through December 23, 1963, and from sunrise to 3:00 p.m. January 1, 1964, through January 5, 1964, unless the open season is further restricted by State or Federal regulation.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved and designated by the refuge manager. The following State regulations pertaining to the use of blinds are adopted as a part of this regulation:

(a) It is prohibited for any person to take wild geese except from a blind or pit;

(b) It is prohibited for any person to establish or use a blind or pit within 100 yards of the boundary of the property on which the blind or pit is located;

(c) It is prohibited for any person to establish or use a blind or pit for the taking of wild geese within 200 yards of the refuge closed area boundary or public road right-of-way adjacent to that boundary;

(d) It is prohibited for more than 3 persons at the same time to occupy, or attempt to take wild geese from, any blind or pit.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats for hunting on the water in the open area of the refuge is prescribed as follows:

(a) Crab Orchard Lake—boats with motors will be permitted.

(b) Little Grassy and Devils Kitchen Lakes—boats with motors up to 6 h.p. will be permitted.

(c) Shooting from motor boats is permitted only if they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

ILLINOIS AND IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Illinois and Iowa, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,400 acres or 32 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Quincy, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season:

Illinois—Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to sunset October 20, 1963, through December 5, 1963.

Iowa—Ducks and coots—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through October 13, 1963, and from 12 o'clock noon (standard time) to sunset October 26, and from sunrise to sunset October 27 through November 17, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

(c) Daily bag limits: *Illinois and Iowa*—Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 6, 1963.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres are delineated on maps available at refuge headquarters, Winona, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open seasons:

Illinois—Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to sunset October 20, 1963, through December 5, 1963.

Iowa—Ducks and coots—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through October 13, 1963, and from 12 o'clock noon (standard time) to sunset October 26 and from sunrise to sunset October 27, 1963, through November 17, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

Minnesota—Ducks and coots from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

Wisconsin—Ducks and coots from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5 and from sunrise to sunset October 6, 1963 through December 13, 1963.

(c) Daily bag limits:

Illinois and Iowa—Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

Minnesota—Ducks 3, coots 8, geese 5. The daily bag limit of 3 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese, or 1 Canada goose or subspecies and 1 white-fronted goose.

Wisconsin—Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 guage and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except that shooting is not permitted from motor boats, unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 14, 1963.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 26 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Rochert,, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

(c) Daily bag limits: Ducks 3, coots 8, Geese 5. The daily bag limit of 3 ducks may not include more than 2 mallards or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except that shooting is not permitted from motor boats, unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 14, 1963.

MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Missouri, is suspended during the 1963 season since no open area is prescribed. The provisions of this special regulation are effective to January 1, 1964.

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game bird on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres or 23 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Sumner, Missouri, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 25, 1963, and from sunrise to sunset October 26, 1963, through November 28, 1963. Geese—from sunrise to sunset October 14, 1963, through November 17, 1963; and from sunrise to sunset December 10, 1963, through January 13, 1964.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Missouri Conservation Commission. Applications for public hunting and the registration of hunters are handled by the Missouri Conservation Commission.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but a permit issued by the Missouri Conservation Commission is required. Hunters, upon entering or leaving the hunting areas, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information relative to their hunting as requested.

(3) The provisions of this special regulation are effective to January 14, 1964.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,850 acres or 5 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from sunrise to 12 o'clock noon (standard time) October 1, 1963, through November 30, 1963.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit may not include more of the following species than 2 mallards; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit may not include more than 1 Ross' goose and, in the alternative, more than 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons — Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(c) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides — Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Retrieving Zones — Retrieving zones may be established by the Officer in Charge not to exceed 100 yards in width. Possession of firearms in retrieving zone is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 1, 1963.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as opening to hunting. This open area, comprising 310 acres or 3 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Martin, South Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 12, 1963, and from sunrise to sunset October 13, 1963, through November 15, 1963. Geese—from sunrise to sunset October 1, 1963, through December 14, 1963.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit may not include more of the following species than 2 mallards; 2 wood ducks; and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit may not include more than 1 Ross' goose and, in the alternative, more than 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1963.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres or 8 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Mayville, Wisconsin, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Geese.

(b) Open season: Geese from 12 o'clock noon (standard time) until 2:00 p.m. October 5, 1963, and from 9:00 a.m. to 2:00 p.m. October 6, 1963, through December 13, 1963, unless the open season is further restricted by State or Federal regulations.

(c) Daily bag limits: Geese 1. The daily bag limit for geese may not include more than 1 goose of any species.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder. Only six shells may be possessed or fired in the managed hunting unit.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Wisconsin Conservation Department. Applicants for public hunting, and the registration of hunters, are handled by the Wisconsin Conservation Department.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but a permit issued by the Wisconsin Conservation Department is required. Hunters, upon entering or leaving the hunting area, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information regarding their hunting as requested.

(3) All geese killed in the managed hunting area must be registered at an authorized registration station.

(4) The provisions of this special regulation are effective to December 14, 1963.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10470; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Fallon National Wildlife Refuge, Nevada, et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Fallon National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at the refuge headquarters, Fallon, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: All species from 12 o'clock noon (standard time) to sunset October 11, and from one-half hour before sunrise to sunset October 12, 1963, through January 5, 1964.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules 25, singly or in the aggregate of both kinds.

The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the daily bag limit on other ducks, a daily bag limit of five American and red-breasted mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons while hunting on the area may employ guides subject to the restrictions of State law and regulations. Guides must be licensed by the State and must be in possession of a refuge guiding permit.

(5) Boats—Use of boats, including boats with motors is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

RUBY LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Ruby Lake National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,100 acres or 19 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Ruby Valley, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: All species from 12 o'clock noon (standard time) to sunset October 11, and from one-half hour before sunrise to sunset October 12, 1963, through January 5, 1964.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules 25, singly or in the aggregate of both kinds.

The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the daily bag limit on other ducks, a daily bag limit of five American and red-breasted mergansers, singly or in the aggregate of both kinds is permitted.

The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons while hunting on the area may employ guides subject to the restrictions of State law and regulations. Guides must be licensed by the State and must be in possession of a refuge guiding permit.

(5) Boats—Boats are permitted. Motors not larger than 10 h.p. may be used only for access to the hunting area. Use of airthrust boats or scull boats is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

STILLWATER WILDLIFE MANAGEMENT AREA

Public hunting of migratory game birds on the Stillwater Wildlife Management Area, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 180,430

acres, is delineated on a map available at the refuge headquarters, Fallon, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redheads and canvasback), geese, coots, and gallinules.

(b) Open season: All species from 12 o'clock noon (standard time) to sunset October 11, and from one-half hour before sunrise to sunset October 12, 1963, through January 5, 1964.

(c) Daily bag limits: Ducks 4; geese 6; coots and gallinules 25, singly or in the aggregate of both kinds.

The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the daily bag limit on other ducks, a daily bag limit of five American and red-breashed mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons while hunting on the area may employ guides subject to the restrictions of State law and regulations. Guides must be licensed by the State and must be in possession of a refuge guiding permit.

(5) Boats—Use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries & Wildlife.

SEPTEMBER 24, 1963.

[F.R. Doc. 63-10471; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total refuge area, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the season specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Pheasants—from noon to sunset (c.s.t.), daily, from October 19, 1963, through October 31, 1963; and from 9:00 a.m. until sunset (c.s.t.), daily, from November 1, 1963, through November 30, 1963. Grouse—from sunrise to sunset each day from the effective date of this publication through October 18, 1963; and from noon to sunset (c.s.t.), daily, October 19, 1963, through October 31, 1963.

(c) Daily bag limits: Pheasants—four male birds. Grouse—four birds.

(d) Methods of hunting.

(1) Game birds may be hunted with shotgun or with bow and arrow. Arrows used must be at least 24 inches long, have a broad head steel blade, and two untrimmed feathers.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 27, 1963.

[F.R. Doc. 63-10472; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.22 Special regulations; upland game for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Columbia National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area comprising 7,554 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, Hungarian and chukar partridge, scaled and valley quail, and cottontail rabbits.

(b) Open season: Pheasants—from 12 noon to sunset October 12 and from 7 a.m. to sunset October 13 through November 10; also from 7 a.m. to sunset November 23 through December 22, 1963. Chukars, Hungarian partridge and quail—from 12 noon to sunset October 12 and from 7 a.m. to sunset October 13, 1963, through January 12, 1964. Rabbits—from noon to sunset October 12, and from 7 a.m. to sunset October 13, 1963, through January 12, 1964.

(c) Daily bag limits: Pheasants—3 cocks; Chukars—8; Hungarian partridge—4; Quail—10; Rabbits—5.

(d) Methods of hunting:

1. Weapons—Shotguns only may be used for hunting upland game.

2. Dogs—Not to exceed two dogs per hunter may be used for hunting upland game.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping—Camping will be permitted only in designated areas.

3. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

4. The provisions of this special regulation are effective to January 13, 1964.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 23, 1963.

[F.R. Doc. 63-10473; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Sacramento National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

SACRAMENTO NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Sacramento National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,000 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: November 23, 24, 30, and December 1, 7, and 8, 1963—only. Shooting hours 8:00 a.m. to 4:30 p.m.

(c) Daily bag limits: 2 cocks.

(d) Methods of hunting:

1. Dogs: Not to exceed two dogs per hunter may be used.

2. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but a State permit available at the checking station at the entrance to the public hunting area is required to hunt on the area.

3. The provisions of this special regulation are effective to December 9, 1963.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 26, 1963.

[F.R. Doc. 63-10492; Filed, Oct. 2, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1004, 1010]

[Docket Nos. AO–160–A26, AO–276–A6]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas (to be newly designated as "Delaware Valley Marketing Area"):

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Philadelphia, Pennsylvania, March 5–April 2, 1963, pursuant to notices thereof which were issued November 20, 1962 (27 F.R. 11673), November 30, 1962 (27 F.R. 11999), and February 26, 1963 (28 F.R. 2009).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area and merger of Orders No. 4 and No. 10; and

2. Appropriate terms and provisions of the order with respect to:

(a) The distribution of returns to producers on a marketwide or individual-handler pool basis;

(b) Milk to be priced and pooled;

(c) Classification (including transfers) and allocation of milk;

(d) The method of determining the Class I price and the application of location differentials; and

(e) Administrative and miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of the marketing area and merger of Orders No. 4 and No. 10.* The marketing area of Order No. 4 should be extended to include all territory in the State of New Jersey not now included in the New York-New Jersey (Order No. 2) marketing area. (This area of proposed extension is hereinafter referred to as southern New Jersey.) In addition, the Wilmington (Order No. 10) and the Philadelphia (Order No. 4) marketing orders should be merged. This combined area of regulation as herein recommended should be designated the "Delaware Valley marketing area".

The southern New Jersey area here under consideration includes all territory in the State of New Jersey within the boundaries of the counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted) and Salem.

The existing marketing area of Order No. 4 includes Philadelphia and Delaware Counties together with portions of Montgomery and Bucks Counties, all in Pennsylvania. The Order No. 10 area includes that portion of New Castle County, Delaware, lying north of the Chesapeake and Delaware Canal.

Federal regulation of southern New Jersey was proposed by the three principal cooperative associations supplying milk for distribution in that area. The primary handlers in southern New Jersey joined the proponent cooperatives in supporting regulation of southern New Jersey.

State milk control has been in effect in the State of New Jersey since 1933. The New Jersey Office of Milk Industry, which administers the State regulation, has established both minimum producer and resale prices. However, because of the inability of the State to enforce minimum producer prices on milk received from out of State and because of the location of the State in relation to milk producing areas in Pennsylvania, Delaware, Maryland, and New York, many handlers secure all or a major part of their supplies outside the jurisdiction of the Office of Milk Industry at prices unrelated to and substantially below those established under the New Jersey regulation. In some cases the outside milk is priced under the Philadelphia, Wilmington, or New York-New Jersey Federal orders and in other cases the milk is not priced under any regulation.

In addition, the New Jersey regulation permits the purchase of milk from producers under a "norm and excess" plan. The delineation and modification of the "norms" are made by the purchasing handler with approval of producers. Excess milk is priced under the State regulation as surplus milk regardless of use. Hence, handlers have had the ability to secure some low priced milk for Class I use even from local New Jersey producers.

The permanent population of southern New Jersey is approximately 1.4 million people. Much of the area is highly urbanized and/or industrialized, and since population density is rapidly increasing milk sales in the area have also been increasing. However, a diminishing proportion of such milk sales are being supplied by New Jersey dairymen.

In 1942 dairy farmers in southern New Jersey produced 77 percent of the milk needed for Class I purposes. In 1961 such dairy farmers produced only 34 percent of the Class I requirements of the area. Currently, there are about 270 New Jersey producers shipping milk to 34 nonfederally regulated handlers in southern New Jersey. In addition, a substantial number of southern New Jersey dairy farmers deliver their milk to regulated plants under the Philadelphia, Wilmington, or New York-New Jersey Federal orders.

Class I sales of fluid milk products in southern New Jersey are approximately 35 million pounds per month with a seasonal peak in August. The seasonal increase in sales is due to the summer population increase at seashore resorts. It is estimated that 700,000 persons take up temporary residence at the resort area.

The Class I distribution within the area is made by 56 handlers. Ten of these handlers are regulated by Federal Order No. 2 (New York-New Jersey marketing area); 12 by Orders No. 4 (Philadelphia, Pennsylvania, marketing area) or Order No. 10 (Wilmington, Delaware, marketing area); and 34 are not regulated by any Federal order. The 10 Federal Order No. 2 handlers distribute approximately 7 percent of the total Class I sales in southern New Jersey. However, 85 percent of these southern New Jersey sales are in Mercer County, immediately adjacent to the present New York-New Jersey marketing area. The fluid milk sales of Order No. 2 handlers in Mercer County represent about 40 percent of the total sales in the county. The 12 handlers regulated by Order No. 4 or Order No. 10 distribute approximately 40 percent of the total Class I sales in southern New Jersey. Thirty of the 34 unregulated handlers average less than 10,000 quarts of Class I disposition per day. In addition, there are reported to be 19 producer-handlers selling milk in this southern New Jersey area.

Most of the 12 handlers regulated by Order No. 4 or Order No. 10 distributing in southern New Jersey have routes extending throughout the entire area.

The Order No. 4 and No. 10 regulated handlers operate plants located in Trenton, Camden and Philadelphia. These handlers have retail and wholesale routes extending throughout the South Jersey marketing area. Bottled milk from the plants mentioned above is delivered to depots in the Atlantic City, Trenton, Hammonton and Wildwood areas. Two of these handlers have route sales extending into the Order No. 2 marketing area. The Order No. 2 regulated handlers distribute milk on routes along the fringe areas of Order No. 2, mostly in Mercer County and to a limited extent in other areas.

Three of the handlers not regulated by Federal orders distribute in a substantial portion of the area.

An unregulated plant located in Atlantic City distributes milk on retail and wholesale routes in Vineland, Bridgeton and Cape May. A plant in Bridgeton has retail and wholesale routes extending from Bridgeton to Camden. A plant in Burlington County has retail and wholesale routes servicing Trenton, Camden, Long Beach Island and Bridgeton. The sales distribution of the remaining handlers is primarily local in character.

While an unstable marketing situation has existed in southern New Jersey for an extended period of time, the situation became acute in October of 1962 when, because of certain changes in the regulations of the Office of Milk Industry of the State of New Jersey, handlers in southern New Jersey notified their dairy farmers that after 60 days (such notice is required under the New Jersey regulation) they would discontinue the purchase of milk from such dairy farmers. The reason given by the dealers for this action was that milk could be purchased cheaper from out-of-State sources. During the early part of December 1962 the Office of Milk Industry cancelled for a period of 180 days the action taken in October. Official notice is taken of a subsequent announcement by the Office of Milk Industry extending such cancellation for an additional 180-day period. As a result of these actions by the Office of Milk Industry, handlers have not carried through their expressed intent of laying off local producers.

New Jersey producers delivering to local handlers do not have a secure market for their milk. The situation in southern New Jersey constitutes a continuing threat to a dependable supply of pure and wholesome milk in that area. Federal regulation is the only appropriate means by which orderly marketing may be assured and such regulation will tend to effectuate the declared policy of the Act. A classified pricing plan based on audited utilization of all handlers will provide a uniform pricing system for milk and assure a fair division of returns among all producers who sell in this market. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representatives of producers, handlers, and to the public to present information on marketing conditions and participate in the determination of prices for milk in the marketing area.

The extended marketing area should include also the area now under regulation by Order No. 10. Extension of the Philadelphia marketing area to include southern New Jersey will bring under regulation of that order the largest plant now regulated under the Wilmington order. The proximity of this area to and interrelationship with the Philadelphia market and the southern New Jersey area suggests a single regulation. This action was proposed and generally supported at the hearing by three principal cooperatives representing producers in the Philadelphia and Wilmington markets and in southern New Jersey, and by the Philadelphia Milk Dealer's Association. Handlers regulated under the Wilmington order opposed any change in the Class I price applicable to Wilmington plants if the orders were merged. The price issue is discussed later in this decision.

The several health regulations governing the production and sale of milk in the expanded marketing area as herein recommended are essentially similar. Several handlers now regulated by Order No. 4 distribute milk in the existing Order No. 10 marketing area and in southern New Jersey. Several Order No. 10 handlers distribute generally in southern New Jersey and in the Philadelphia marketing area. The processing and boting plants of several regulated handlers (both Order No. 4 and Order No. 10) are located in southern New Jersey and such handlers distribute generally in southern New Jersey as well as in the presently defined marketing areas.

It is concluded that a single order is needed to regulate the handling of milk in the present Philadelphia and Wilmington marketing areas and in southern New Jersey. It should be designated the "Delaware Valley marketing area" in recognition of the general geography and location of the area.

Order No. 4 handlers proposed further extension of the marketing area to include 64 additional townships and 7 boroughs in Bucks, Montgomery, and Chester Counties, Pennsylvania. In general, the proposed addition would encompass all territory outside the existing marketing area in which present Order No. 4 handlers with membership in the Philadelphia Milk Dealer's Association do business.

In support of their proposal proponents relied upon a previous decision of the Secretary which raised a question as to the appropriateness of the then existing marketing area.

Presently regulated Order No. 4 handlers do a substantial business in the area of requested extension, approaching 60 percent of the total as estimated from population and average consumption figures. Nevertheless, the proportion of the total business done by such handlers in the several townships and boroughs varies substantially by locality. The evidence submitted is insufficient to determine the patterns of distribution of the presently unregulated handlers in the area, or to establish with assurance which, and how many, new handlers would be brought under regulation if only segments of the proposed area were included.

The area in question is regulated under orders issued by the Pennsylvania State Milk Control Commission and the Class I price under such orders substantially exceeds the Class I milk price under the Federal order. While proponents allege that presently nonfederally regulated handlers have a pricing advantage, they offered no substantive evidence in support of their position. They base their position on the fact that some unregulated handlers carry a greater variety of products and sell at the Pennsylvania Milk Control Commission minimum resale prices rather than the higher price at which Order No. 4 handlers sell. The advantage they contend results from the unregulated handler's ability to secure milk unpriced by either Federal or State orders. In fact, however, proponents were unable to substantiate that any unregulated competitor in this area was buying any milk not fully priced under the State orders.

Producers did not support the proposed extension. One cooperative association (which operates a plant fully regulated under either the New York-New Jersey or Philadelphia orders depending upon the utilization and distribution of milk by such cooperative), with a large number of its membership located within the proposed area of extension and also with substantial Class I distribution in this area, opposed the extension. The spokesman for the cooperative association contended that there is no evidence of disorderly marketing and that Order No. 4 handlers are not disadvantaged in competing with local handlers.

A cooperative association representing the majority of producers under the existing Wilmington order proposed that the marketing area of the combined order be further extended to include the remainder of the territory in the State of Delaware. However, proponent did not support the proposal. The addition was supported by several regulated handlers, who contended that they do substantial business in this unregulated area and that extension of regulation would provide assurance that their competition has no procurement advantage. The handler spokesman could not say whether regulated handlers' sales in the proposed area of extension had increased or decreased since the promulgation of the Wilmington order nor could he substantiate that his unregulated competitors have any actual procurement advantage.

Under such circumstances there is no apparent need for the proposed extensions and the requests for inclusion of such additional areas are denied.

2. *Terms and provisions of the order.* The terms and provisions of the existing Philadelphia and Wilmington orders are essentially similar. Both producers and handlers proposed that the Philadelphia order, with specified exceptions, be adopted as the appropriate regulation covering the expanded (Delaware Valley) marketing area. This procedure is adopted herein and, except as specifically discussed in the decision, the provisions of the existing Philadelphia order are concluded from the record to be the appropriate terms and provisions of the merged and extended order.

The Assistant Secretary issued a rec-

which is to be priced. All producers in

While the data clearly indicate that

The Assistant Secretary issued a recommended decision on June 7, 1963 (28 F.R. 6171), based on a hearing conducted at Philadelphia, Pennsylvania, September 13 and 14, 1962, with respect to proposed amendments to the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas. These proposed amendments dealt with problems created by the invalidation of compensatory payments under the New York-New Jersey order (Part 1002) by the United States Supreme Court in its June 4, 1962, decision in the case of Lehigh Valley Cooperative Farmers, Inc., et al., Petitioners, v. United States et al.

The record of the hearing held September 13 and 14, 1962, was incorporated by reference as a part of this record. The proposed findings and conclusions and order provisions of the recommended decision issued June 7, 1963, except as modified by this decision, are officially noticed and made a part of this decision as if set forth in full herein. The modifications of such proposed amendments to Order No. 4 and Order No. 10 specifically reflect (a) the removal of the provision in the definition of "producer milk plant" which permits the receipts of other source milk by such a plant for Class I use during certain months on not more than 10 days without regulation of the plant from which the other source milk is received, (b) the classification of inventory as Class II milk, (c) the application of skim milk and butterfat accounting on an individual plant basis, and (d) changes in the diversion provisions. The reasons for these modifications are discussed elsewhere in this decision. It is expected that any further changes that may be made in the decision issued June 7, 1963, as a result of exceptions thereto, will be officially noticed and adopted as a part of any final decision issued on the basis of the present (March 5–April 2, 1963) hearing record.

(a) *Distribution of returns to producers.* The method of distributing returns to producers should not be changed at this time.

The Act provides a choice of two methods of pooling returns to producers. One is the marketwide pool, the other is the individual-handler pool. In an individual-handler pool, the total money value of all milk delivered by all producers to each individual handler (pounds of milk in each class, multiplied by the minimum class prices with adjustment for butterfat and location differentials) is divided by the total amount of milk which is delivered by producers to such handler. All producers supplying such handler are paid a "uniform", or "blend", price per hundredweight. The proportions of milk used in the respective classes vary among handlers and therefore while producers supplying each handler receive a single uniform price for milk of similar quality and butterfat content, the uniform prices as among handlers vary.

Under a marketwide pool the total money value of all milk received by all handlers is combined into one marketwide pool and the total value is divided by the total amount of producer milk which is to be priced. All producers in the market are paid the same "uniform", or "blend", price per hundredweight for their milk, except for specified adjustments provided by the statute.

Both the Philadelphia and Wilmington orders have, since their inception, provided for individual-handler pooling. Under the individual-handler pooling arrangements, certain handlers have historically maintained essentially only Class I use and hence a blend price closely approximating the Class I price. Other handlers, particularly those with manufacturing operations in conjunction with their fluid milk operations, have substantial Class II utilization and hence return to their producers a blend price significantly below that of handlers maintaining only Class I operations. As a consequence producers in these markets are accustomed to variations in blended prices as among handlers.

Both local cooperative spokesmen and handlers supported individual-handler pooling. It was their position that individual-handler pooling had accommodated the Philadelphia and Wilmington markets and was appropriate for the proposed regulation. They contended that competition among producers for outlets with high utilization handlers was a substantial incentive for continuing the production of quality milk and was in the general interest of both producers, handlers and the public.

Four proposals were made for a change to marketwide pooling. Three of these proposals were from interests in the adjacent New York–New Jersey market and the fourth was by a Philadelphia handler who, in addition to his fluid milk business, operates a separate plant manufacturing Italian-type cheese. The latter proponent offered no testimony but did bring in producer and dairy farmer witnesses who testified generally that they had had difficulty finding a market for their milk and believed that under the existing market situation they would have a more secure market under marketwide pooling.

The New York-New Jersey order proponents for marketwide pooling were inclined to blame the present Philadelphia individual-handler pool for part of the large reserve milk supply carried in the New York-New Jersey pool. They contended that because of individual-handler pooling the Philadelphia market does not carry its fair share of the regional reserve, and further, that Philadelphia handlers refuse milk which for lack of other outlets finds its way to the New York-New Jersey pool.

In support of their position proponents offered statistics on producer movements which purported to show that while there were shifts of producers in both directions (Philadelphia to New York-New Jersey and vice versa) the preponderance of such shifting was out of the Philadelphia market. In fact, however, the far greater number of producers added by Order 2 handlers from the overlapping Pennsylvania production area of the two markets were new producers or producers formerly associated with local plants not regulated under any Federal order.

While the data clearly indicate that producers have been added to Order 2 in significantly greater numbers than to Order 4 (and this could be argued as evidence that Philadelphia does not carry its proportionate share of the reserve supply), the reasons for this situation must be closely examined.

It is clear in certain cases brought out on the record that some Philadelphia handlers have laid off some producers. It is equally clear that producers without a market have difficulty in finding a ready outlet in the Philadelphia market. However, the individual-handler pooling system has functioned to maintain orderly marketing in the area.

The New York-New Jersey order is unique among the large number of Federal orders. Historically, plants have been able to associate their supply of milk with the "pool" through the "regular" pool plant provisions without shipment of any milk to the fluid market. In this manner plants have been added to the pool with permanent pooling status. As a consequence, for many years there have been strong incentives for actively encouraging dairy farmers to enter that market.

The New York-New Jersey market has been slow in comparison to the Philadelphia and Wilmington markets in shifting to farm bulk tanks. Can shippers generally have found a ready market, at New York-New Jersey plants, and hence, when confronted with the cost of a farm bulk tank as a condition of holding their present market producers frequently elect to shift markets. This obviously has been the predominate reason for the shifting of individual producers from Philadelphia and Wilmington markets to the New York-New Jersey market.

The individual-handler pooling arrangement has accommodated the Philadelphia market since the inception of the order and is supported by most producers and handlers. Pooling does not affect handlers' costs of milk but rather is a mechanism for distributing returns to producers. It is not apparent at this time that there are compelling problems resulting from individual-handler pooling which require a different pooling arrangement for the Delaware Valley market. Accordingly, it is concluded that the individual-handler pooling should be provided at the outset of the new regulation.

Notwithstanding this conclusion, there is some question whether the individual-handler pooling arrangement can be expected to accommodate the expanded market for an extended future period. In recent years several plants operated by cooperative associations and located beyond the normal boundaries of the milkshed have been brought under regulation of the Philadelphia order. The milk from these plants has essentially a Class I market, while regular Philadelphia producers, more favorably located, have either lost their market with Philadelphia handlers or have had their blend price materially reduced. Under the terms of the order, milk from these distant plants has not had a pricing advantage over local producer milk. Hence, it

is not clear why such distant source of supply have been sought by handlers in lieu of using available local supplies. However, had there been a marketwide pool, the prospects of a market blend price as compared to essentially a Class I price return, might well have resulted in a decision on the part of such cooperatives not to place their plants under the Philadelphia order.

The principal bargaining cooperative in the market has arrangements with several Philadelphia handlers whereby the cooperative is responsible for disposing of milk in excess of the handlers' fluid requirements. The cooperative collects payment from such handlers for milk physically delivered and these proceeds are reblended with the monies received from the disposition of the surplus milk. The cooperative then pays the individual producers. The milk marketed by the cooperative is not "producer milk" under the terms of the order and hence is not included in the blended prices computed by the market administrator for such handlers. The producers involved, in reality, received a return substantially different from the blended prices announced for such handlers. The volume of milk involved approaches a million pounds per month. While this arrangement presently involves only three handlers, there is a strong probability that the cooperative may find it necessary to extend this service to other handlers, particularly if the present general supply situation continues.

This same cooperative, with some New Jersey members shipping to an Order 4 plant and others to the same handler's unregulated plant in New Jersey, has found it desirable to collect the proceeds from the sale of such milk at the two plants and pay one uniform price to these New Jersey members. In addition, this cooperative has members, who are qualified or who could readily qualify to ship fluid milk, delivering their milk to a nonregulated manufacturing plant. While the financial arrangement for paying such members for their milk is not known, producers qualified to ship to a fluid market may not be expected to be satisfied over any extended period of time with a manufacturing milk price.

The Delaware Valley market is a far more complex market than the Philadelphia market was ten to fifteen years ago. Today ten cooperative associations represent about two-thirds of the producers, none of the cooperatives, however, represent a majority of the total number of producers. Milk is received from distant plants and delivered in packaged form over an extensive marketing area. In this complex market handlers still do not transfer milk from one to another as supply and demand for fluid milk products vary. A spokesman for one cooperative association did imply, however, that with the advent of bulk tank milk on farms milk may be shifted between plants as the need for fluid milk products demands. It seems probable that as the market structure becomes more complex there will be increasing need for marketwide pooling to maintain orderly marketing in the Delaware Valley marketing area.

(b) *Milk to be priced and pooled.* Merging of the two regulations into a single order for an enlarged marketing area requires more specific delineation of the milk to be priced and pooled. This may be accomplished by redefining "producer milk plant", "producer", "producer milk" and providing new definitions of a "plant", "fluid milk product" and "route disposition".

The "producer milk plant" definition should be modified to include during any month of the year a plant from which a fluid milk product is supplied to a pasteurizing or bottling plant described in § 1004.8(a) any part of which is allocated to Class I milk pursuant to § 1004.47. Presently both Orders No. 4 and 10 have provisions allowing plants to make shipments of milk for Class I usage for ten days during certain months without becoming subject to regulation. The market is now adequately supplied with milk during all months of the year. Therefore, the necessity of obtaining supplemental milk to supply the Class I needs of the market during the "short" season from plants not regularly associated with the market no longer exists. Accordingly, it is provided that any plant supplying milk to the marketing area in the form of fluid milk products, any part of which is allocated to Class I, should be subject to regulation by this order. This modifies the terms of the prior decision issued June 7, 1963.

The "producer" and "producer milk" definitions should be revised to allow unlimited diversion to another producer milk plant (except that of a producer-handler) or to nonproducer milk plants if the producer held producer status throughout the preceding month or the greater volume of his milk from the first day of delivery or diversion during the current month was physically received at a producer milk plant.

Under the existing supply situation it is desirable that individual handlers have full opportunity to move in the most economical manner milk not needed for fluid use. Since most of the milk is picked up at the farm in bulk tank trucks there is no longer any need to receive milk at a plant for cooling and assembly. Hence, diversion represents the most economical way of disposing of milk not needed at the plant of normal receipt. Some safeguards must be retained, however, to assure that diverted milk is a normal part of the handlers' supply for the fluid market. Diversions to unregulated plants should be limited to milk which has been associated with the market as producer milk during the entire preceding month or which is received at a producer milk plant during the current month in greater volume than is diverted. This limitation presently applies during the months of February through September under the provisions of Order No. 4.

It is also desirable that a handler be permitted to divert milk between two of his own producer milk plants. With the expansion of regulation several handlers will have additional bottling plants under the order. It is desirable that such handlers be permitted to move milk between their regulated plants with maximum efficiency. However, to preclude the possibility of associating milk with a plant having a location differential and subsequently regularly diverting such milk to another plant for the purpose of a pricing advantage, it is provided that milk diverted between plants of the same handler, for the purpose of computing location differential credits, shall be considered a receipt at the plant having the lesser differential.

The addition of definitions of a "fluid milk product", a "plant" and "route disposition" makes no substantive changes in the applicability of order provisions but will provide greater clarity and specificity to the order provisions generally.

It was proposed that the definition of a producer-handler be restated. Specifically, the proposal would limit a producer-handler to purchasing supplemental milk from producer milk plants and would fully regulate any such handler when he exceeds Class I disposition of 20,000 pounds per month.

The order language contained herein provides that when a producer milk plant receives milk in the form of a fluid milk product some of which is allocated to Class I, then the plant supplying such milk becomes a fully regulated plant. Therefore, no possibility exists for a producer-handler to obtain unpriced fluid milk other than his own production for Class I usage. Under such circumstances there is no reason in an individual-handler pool market for placing a volume limitation on a producer-handler operation.

(c) *Classification of milk.* The classified use plan under a Federal order is necessary to insure that all milk and milk products are fully accounted for by the handler who is responsible for accounting and reporting to the market administrator and for making payments to producers on receipts of producer milk. Accounting for milk and milk products on a skim milk and butterfat basis and pricing in accordance with the form in which or the purpose for which such skim milk and butterfat is used or disposed of as either Class I milk or Class II milk is the most appropriate means of securing complete accounting on all milk involved in market transactions.

Milk is disposed of in the market in a wide variety of forms, representing different proportions of skim milk and butterfat components of milk which may be greatly changed from the proportions of skim milk and butterfat as it is first received from producers. Uniformity in accounting between markets may best be accomplished by using the skim milk and butterfat method.

Essentially, market administrators use a skim milk and butterfat accounting approach in their verification procedure, regardless of whether or not such a system is spelled out in the order. The skim milk and butterfat accounting procedure herein provided adopts the procedure generally used in Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved. In accounting for the receipts and utilization of milk, the

existing Wilmington order provides for skim milk and butterfat accounting, while the Philadelphia order provides for product pounds and butterfat accounting which is a slightly modified form of skim milk and butterfat accounting. Since no substantial change in costs to handlers and in returns to producers will result, and most of the other Federal order markets use the skim milk and butterfat method of accounting, it is concluded that this method of accounting is more appropriate for the Delaware Valley marketing area.

The classification provisions of Orders No. 4 and No. 10 are essentially similar with the exception of the classification of milk shake mix and the classification of closing inventory. Since milk shake mix is generally similar to eggnog it is appropriate that it be classified as Class II milk (presently provided for in Order No. 4) in the same manner as eggnog.

Under the present Wilmington order ending inventory is classified as Class II milk while the Philadelphia order treats inventory variations as Class I milk. Handlers asked that ending inventory be treated as a Class II item while producer cooperatives favored the present Philadelphia provisions. As was pointed out by handlers, the quarterly pricing system used for pricing Class I milk results in considerable fluctuations in such prices as between quarters while the Class II milk price remains relatively constant. A handler may experience a pricing disadvantage when inventory variations are classified as Class I milk and the Class I price drops. Also, a handler may experience a pricing advantage on such inventory when the Class I price increases. To deter handlers from manipulating inventories for a pricing advantage and to insure that producers receive the appropriate Class I price for milk disposed of for Class I milk use it is desirable that ending inventories be classified as Class II milk and reclassified as Class I in the following month if allocated to Class I milk.

It was proposed by a cooperative association whose membership is primarily among New York-New Jersey producers that cream and cream products for fluid use be classified as Class II milk and that a new Class III milk be established to include other products and uses presently included as Class II milk. The purpose of the proposal was to provide higher pricing for cream products disposed of for fluid uses which would more closely approximate the pricing of such products in the New York-New Jersey market.

Proponent in making the proposal had not considered the structure of the philadelphia market or the fact that it is an open cream market. The existing Class II milk classification and pricing of cream in both Philadelphia and Wilmington appropriately reflects the competitive value of cream in the market and accordingly the proposal for a higher pricing on cream for fluid uses is denied.

(d) *Class I milk pricing factors.* The method of determining the Class I milk price, including the butterfat differential, and the application of location differentials to handlers and producers should be revised. The revised Class I milk pricing provisions should be effective only through June 30, 1965. The revision of these provisions are limited to (a) the substitution of the average price for milk for manufacturing purposes, f.o.b., plants, United States, as reported by the Department of Agriculture for the Midwestern condensery price series presently used in computing the basic level of the Class I milk price pursuant to § 1004.50 (a)(1)(iv) of the Philadelphia order, and (b) the computation of the index of average daily Class I milk disposition and the supply-demand adjustment to receipts and disposition of fluid milk products from plants fully regulated as a result of their sales in the presently constituted regulated marketing areas.

The level of the Class I milk price and the alignment of this price with other markets in the Northeast was the subject of a public hearing held in New York City May 6–23, 1963. Therefore, the proposals considered at this hearing to revise the existing seasonality of Class I milk pricing and the removal or revision of the provision limiting the level of the Class I price in relation to the Midwestern condensery milk price are deferred in respect of any decision resulting from the aforementioned hearing. Thus, no action on these matters is being taken on the basis of this record.

One of the factors presently used in determining the level of the Class I milk price is an index of prices paid dairy farmers delivering to a selected group of Midwestern condenseries. There are now only seven Midwestern condenseries reporting to the Department of Agriculture the prices paid their dairy farmers. At the present time the average price for milk for manufacturing purposes, f.o.b. plants United States is used as a basis of determining the Class II milk price under the Philadelphia and Wilmington orders. This manufacturing milk price has a broader base than the currently used condensery price and more accurately reflects the value of milk for other than Class I use. It is concluded that this price, now used in Order 4 to determine the Class II milk price (§ 1004.50(b)(1)), more appropriately represents the value of milk for this purpose and, therefore, should be substituted for the condensery price series as one of the indices of prices used in computing the basic level of the Class I milk price.

In adopting the price of manufacturing milk in lieu of the condensery price in § 1004.50(a)(1)(iv), it is appropriate to use a base period of 1961–62 for the purpose of computing an index of prices of milk used for manufacturing purposes. During the 1961–62 period these prices were almost identical whereas in 1957–58 they varied by more than 10 cents per hundredweight.

During the two-year period 1957–58 the condensery average price was $3.067. The average value of manufacturing milk, as presently determined pursuant to § 1004.50(b)(1) of the Philadelphia order, for this two-year period was $2.959. For the two-year period, January 1961–December 1962, the condensery price averaged $3.096 while the manufacturing price averaged $3.0707. Using a base period of 1961–62 for this index will result in no significant effect on the price through this change.

Further, a new seasonal index of prices for milk used for manufacturing should be computed based on the 1961–62 period. The substitution of these new factors, in the index of prices used to determine the basic level of the Class I milk price, would not have changed the level of the Class I milk price for the pricing quarters of April 1962 through July 1963. Thus, it is concluded that a factor of .030707, adjusted by the new seasonal adjustment factors, and applied to the monthly average price for milk used for manufacturing purposes (as determined pursuant to § 1004.50(b)(1)) will appropriately reflect, through the period June 30, 1965, the proper weight of value of such milk in the determination of the basic economic formula.

Since the numbers of producers, handlers, and volumes of milk that may be involved as a result of the expansion of the marketing area are not now known, the computation of an index as presently provided in § 1004.50(a)(1)(v) should be revised only to provide the same index that may have otherwise been computed had not the marketing area been expanded to include the southern portion of the State of New Jersey. This may be accomplished during the temporary pricing period through June 1965, by including in the computation of such index only the Class I milk disposition by those handlers whose route disposition in the marketing area exclusive of New Jersey makes them fully regulated handlers. Prior to the expiration of the Class I pricing provision in July 1965, it will be necessary that a further hearing be held to determine the appropriate mechanism necessary to compute a Class I price index with respect to Class I sales in the expanded marketing area.

Similarly, in the computation of the supply-demand adjustor (pursuant to § 1004.50(a)(4) and (5)) the receipts of milk from producers at producer milk plants should be limited to plants fully regulated as a result of sales therefrom in the marketing area other than in the State of New Jersey.

The issuing of a determination order by the Assistant Secretary, effective on issuance, on March 6, 1962, provided for the use of wholesale price index for all commodities on a 1957–59 base divided by 0.8420462. The Bureau of Labor Statistics, United States Department of Labor, is now publishing the weekly wholesale price index with the years 1957–59 as the base and has discontinued publication of such index on a 1947–49 base. Therefore, in § 1004.50(a)(1)(i) the index of wholesale commodity prices, using a 1957–1958 base period, may be maintained by substituting the number, 0.99614, for the divisor, 1.183, and substituting the weekly index figures of wholesale commodity prices as presently reported on a 1957–59 base by the Department of Labor for the discontinued 1947–49 base.

The recommended order as hereinafter set forth provides for the announcement

of prices on the basis of milk containing 3.5 percent butterfat content. Essentially all of the 83 Federal milk orders now in effect provide for the announcement of prices on a 3.5 percent butterfat basis. This use of a common basic butterfat test among all markets will assist in making regional and interregional price comparison and will thus tend to simplify business transactions among handlers, cooperative associations and other persons in the dairy industry. Producers located in common supply areas but who are associated with different markets will have a better understanding concerning the comparability of market prices. In addition, the preparation and analysis of statistical material concerning intermarket price relationships needed at public hearings and for other governmental and industry purposes will be facilitated. Comparable series of milk prices will be readily available for the Department's regular program for publishing dairy industry statistics. It is desirable therefore that price announcements under any order issued for the Delaware Valley marketing area conform with those of other regulated markets.

To implement the above conclusions the prices set forth in the Class I price schedule of § 1004.50(a)(2) are 14 cents below those contained in the similar provision of the present Philadelphia order, reflecting the value of two percentage points of butterfat (i.e., 3.5 vs. 3.7).

Several interested parties testified against any change from the announcement of prices on a 3.7 percent basis, contending that the average butterfat content of milk disposed of for Class I use was nearer 3.7 than 3.5 percent. A further concern expressed was that producers would be perplexed by a change to a 3.5 percent basis.

The announcement of prices on the basis of milk of 3.5 percent butterfat content will not change the level of class prices as currently provided in the existing Philadelphia order. The 3.5 percent prices, when adjusted by the appropriate butterfat differentials for milk of 3.7 percent butterfat content will result in the same price which the existing order provides.

Initially, the market administrator may also announce uniform prices for varying tests of milk. This practice is commonly followed by market administrators for the convenience of producers. Hence, there is no basis for concern that producers will be confused by a change from present basis of price announcements.

Handler Class I milk butterfat differential. The handler Class I milk butterfat differential should be revised to provide that such butterfat differential should not be less than the butterfat differential provided for Class II milk. Under the present order provisions the Class I milk butterfat differential can be, and for a period of time has been, less than the Class II milk differential for butterfat. Prior to an amendment to Order 4, effective July 1, 1962, the butterfat differentials for both Class I and Class II were the same. Because the fluid milk products used for Class I milk must meet higher health standards than milk for manufacturing purposes, the value of butterfat in Class I milk under milk orders usually is priced at a higher level than for Class II milk. The Class II butterfat differential reflects the value of butterfat disposed of for manufacturing uses and there is no evidence that butterfat disposed of for Class I use has a lesser value. This conclusion may be implemented by retaining the present method of determining the Class I differential price of butterfat to handlers but with a qualifying condition that such differential price for Class I milk shall not be less than the differential price of butterfat classified as Class II milk.

Handler location adjustments. No location adjustment should apply at plants located less than 45 miles from the nearest of the City Halls in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey. The area thus circumscribed constitutes a homogeneous sales area in which the competition in procurement of milk among handlers requires the same Class I milk price level.

This location adjustment provision would result in no change in the application of location adjustments at plants presently regulated under Order No. 4. The present pattern of location price adjustments appears to be appropriate for plants now regulated under that order.

The adoption of Trenton and Atlantic City, New Jersey, as location basing points with no location adjustment for plants within 45 miles of such points will bring all unregulated plants (which would become regulated under this proposed regulation) located in New Jersey within the no-adjustment zone. Producers delivering to such plants have been receiving prices at least as high as those paid producers delivering to Philadelphia plants. Furthermore, they are located so that they have the opportunity to deliver milk directly to Philadelphia plants. Hence, there is no economic justification for establishing a Class I price at these plants which is below the Philadelphia Class I price.

Under the existing Wilmington order the Class I milk price at Wilmington plants is 15 cents less than the price at Philadelphia plants under the Philadelphia order. This proposed regulation would eliminate this price difference.

Wilmington is only 28 miles from Philadelphia. Although the record shows that producers whose milk was previously delivered to a Wilmington plant incurred a 7-cent increase in farm-to-plant hauling cost when their milk was shifted to a Camden plant there is no indication that the hauling cost to the Philadelphia-Camden plants is generally greater than the cost of hauling milk to Wilmington plants by the 15 cents difference in the Class I prices now provided. Producers delivering to Camden and to Philadelphia plants from the same area pay about the same hauling rate.

Handlers regulated under Order No. 4 joined handlers regulated under Order No. 10 in asking that a 15 cents lower Class I price be established for milk sold in the Wilmington area. They asked that the proposed lower price be applicable to milk sold in the Wilmington area even though such milk was received at plants located in Philadelphia and Camden. This proposal is denied.

Price adjustments for the location at which milk is delivered by producers promote the orderly movement of milk from farms to plants serving a common fluid milk market. Milk plants located in areas of excess milk production give producers the opportunity to save on their hauling costs as compared to producers in the same area who deliver to more distant plants near the market centers of milk consumption. This saving to farmers should be reflected in relative prices paid at different locations. Once producers have paid the cost to have their milk delivered to a milk plant, however, the price paid for that milk should not be reduced because a handler moved the milk to another area.

The provisions of the Philadelphia order prescribing the procedure for applying location differentials are appropriate for the merged and extended order. It is desirable, as previously indicated, in the interest of efficient handling that a multiple plant handler be permitted to receive milk at a plant other than the plant of normal receipt by diverting the milk directly from the farm. To preclude any pricing advantage which might accrue through associating milk with a distant plant but diverting it regularly to a plant with a lesser or no location differential, it is provided, for purposes of computing location differential credits only, that milk diverted between producer milk plants of the same handler shall be priced as though received at the plant having the lesser location differential.

(e) *Administrative and miscellaneous changes.* The provision relating to the announcement of the names and locations of all nonproducer milk plants supplying to a producer milk plant skim milk and/or butterfat during the preceding month, any part of which is allocated to Class I milk, should be deleted. Since any plant supplying a fluid milk product to a producer milk plant any part of which is allocated to Class I milk becomes subject to full regulation, the provision could no longer serve a useful purpose.

A producer cooperative proposed that the names and locations of all milk plants subject to other Federal orders from which Class I milk is disposed of on wholesale and retail routes in the marketing area also be announced each month. The present provision of the order requiring the announcement of nonproducer milk plants supplying Class I milk to the market is primarily to enable cooperative associations to have knowledge of a handler's need for milk. The mere fact that the names and location of Federal order plants which are supplying Class I milk to this market are divulged gives no clue as to the amount of milk or to whom such milk is being supplied. Since the information requested has little if any value in the placement of producer milk, the proposal is hereby denied.

With respect to the verification of handler reports by the market administrator, a producer cooperative associa-

tion proposed using the terms of the existing Wilmington order. While the intent of this provision in the separate orders is the same, it is concluded that the records and facilities provision provided herein is more standard to other milk orders and more adequately describes a handler's responsibility in this regard.

To accomplish the merger of the Philadelphia and Wilmington orders effectively and equitably, administrative funds of the respective orders should also be merged and any debits or credits due from or to such funds under the individual orders should be paid from or to the fund so created.

Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than two cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe on all receipts of producer milk (including such handler's own production). The recommended assessment is the same as the rate in the current Philadelphia order while the Wilmington handlers are currently assessed a maximum of five cents per hundredweight on such milk. The difference in the administrative costs between the two orders is a reflection of the difference in size of the two markets. A maximum assessment of two cents per hundredweight at this time should provide adequate funds for administration of the Delaware Valley order.

A proposal to change the administrative assessment to a "cost" basis is denied. The present rate of assessments as provided in the orders is a maximum one and may at the Secretary's discretion be decreased if the funds so provided are in excess of amounts needed to properly administer the order. The present scheme of assessing each handler on the basis of volume of receipts is the most equitable means of distributing the cost of administration as among handlers.

Proponents proposed that handlers be required to pay premiums for milk received as "premium Grade A". The States of New Jersey, Pennsylvania, and Delaware health regulations require that such milk meet the same production standards as regular Grade A except with reference to maximum bacteria count, temperature, and butterfat requirements. The present Philadelphia order requires handlers to pay from 25 to 40 cents per hundredweight for this premium milk, while the Wilmington order makes no provision for like payments for this type of milk. These premium Grade A sales approximate three percent of total Class I sales of present Order 4. Handlers are not required to pay Grade A premiums on the total receipts of such milk, but only on the percentage of such Grade A receipts actually sold under a Grade A label. Only approximately 50 percent of the Grade A milk supplied by producers and eligible for a Grade A premium receives a premium price. Because of the small amount of milk involved and the fact that the order does not preclude premium payments by handlers, it is likely that a supply of premium Grade A which is adequate for the market's needs may more properly be obtained by negotiation between handlers and producers. Therefore, the special provision for "Grade A" milk now in Order 4 should not be included in the revised order.

It was proposed that the present definition of a cooperative association be revised to provide more definitive standards for qualification. The proposed revisions would require that such an association be one which is in good faith owned or controlled by the producers who are its members and further that such an association be precluded from selling milk of its patrons directly or indirectly at less than the order class prices or by granting anything of value to a handler or a customer of a handler.

The record does not disclose what existing problem proponents seek to relieve, or is it apparent that the proposed additional language would result in any change in procedure for the qualification of cooperative associations having member producers under the order. Under the definition as contained in the Philadelphia and Wilmington orders, which is essentially that contained in all Federal milk orders, a cooperative association must be a "Capper-Volstead" cooperative having full authority in the sale of its members' milk and engaged in making collective sales of or marketing milk or its products for the members thereof. The Act specifically provides (sec. 608c(5)(F)) that a cooperative association shall not sell milk or its products to any handler for use or consumption in any market at prices less than the price fixed under the order.

In addition, the payment provision of the present Philadelphia order, herein proposed to be adopted for the extended order, provides that handlers must pay to a cooperative association which is a handler with respect to milk received from a producer milk plant operated by such cooperative the minimum class prices applicable at the location of the buying handler. Under the circumstance, there is no apparent justification for the requested revision of the cooperative association definition and the request therefore is denied.

Other changes in order provisions not specifically discussed are merely conforming changes necessary to implement the conclusions previously set forth herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein,

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the orders. The following order amending and merging the orders as amended regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Order[1] Regulating the Handling of Milk in the Delaware Valley Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1004.0 to 1004.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1004.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1004.2 Secretary.

"Secretary" means the Secretary of Agriculture, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 1004.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1004.5 Delaware Valley marketing area.

"Delaware Valley marketing area", called the "marketing area" in this part means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cut-off of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the lower Merion township line; thence along the northern boundary of lower Marion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of that territory situated within and bounded on the north, east and west by the boundary line of the State of Delaware, and on the south by the Chesapeake and Delaware Canals, all of which area lies within New Castle County, Delaware and all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted).

§ 1004.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1004.7 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route distribution shall not be a plant under this definition.

§ 1004.8 Producer milk plant.

"Producer milk plant" means:

(a) A pasteurizing or bottling plant from which during the month route disposition is made in the marketing area; or

(b) Any plant from which, during the month, milk in the form of fluid milk products is moved to and received at a plant pursuant to paragraph (a) of this section unless Class II utilization is claimed for the fluid milk products so transferred by both the transferor and transferee handler in filing reports pursuant to § 1004.30 and a sufficient quantity of Class II utilization is available, after making assignments pursuant to § 1004.47(b) (1) through (5) and the corresponding steps of § 1004.47(c), in the transferee plant to cover such claimed classification: *Provided*, That in the case of a systemic operation in which the same handler operates both a pasteurizing or bottling plant(s) qualifying as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s), any such plant(s) as the handler may designate shall be included in the system or systems with producer milk plant status upon written notice to the market administrator setting forth the plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies.

§ 1004.9 Nonproducer milk plant.

"Nonproducer milk plant" means any milk receiving, manufacturing, processing, bottling or distributing plant other than a producer milk plant.

§ 1004.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a producer milk plant; or

(b) Any person in his capacity as the operator of a nonproducer milk plant which disposes of any fluid milk product to a producer milk plant.

§ 1004.11 Producer.

"Producer" means any person who produces milk which is received directly at a producer milk plant or is diverted pursuant to § 1004.13 (b) except:

(a) A producer-handler; or

(b) A dairy farmer whose milk is received as milk diverted from a nonproducer milk plant; or

(c) A dairy farmer whose farm is included in a pool bulk tank unit under the New York-New Jersey milk order.

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a producer milk plant from which route disposition is made in the marketing area during the month, but who receives no milk from other dairy farmers.

§ 1004.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk which is:

(a) Received at a producer milk plant directly from producers; or

(b) Diverted by the operator of a producer milk plant subject to the conditions of subparagraphs (1) and (2) of this paragraph: *Provided*, That milk so diverted shall be deemed to have been received at a producer milk plant at the location of the plant from which diverted except that, for the application of § 1004.52 only, milk diverted between producer milk plants of the same handler shall be priced as though received at the plant having the lesser location differential:

(1) To another producer milk plant, except that of a producer-handler; or

(2) To a nonproducer milk plant (except a plant at which the milk is subject to the classification and pricing provisions of another Federal order issued pursuant to the Act) if the producer:

(i) Held producer status throughout the entire preceding month; or

(ii) The greater volume of his milk from the first day of delivery or diversion during the current month was physically received at a producer milk plant.

§ 1004.14 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, butter milk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, milk shake mixes, ice milk mixes, eggnog, and sterilized products in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1004.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in receipts from any source in the form of products designated as Class II pursuant to § 1004.41(b) which are reprocessed or converted to another product during the month and all receipts in the form of fluid milk products from any source other than producers and producer milk plants other than those operated by producer-handlers.

§ 1004.16 Certified milk.

"Certified milk" is milk which is produced, packaged and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Commissions.

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to retail or wholesale outlets (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery of a fluid milk product to a plant.

MARKET ADMINISTRATOR

§ 1004.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1004.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1004.84, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation and (3) all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly disclose to the handlers and producers, at his discretion, the name of any person who within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1004.30 and 1004.31 or (2) payments pursuant to §§ 1004.80 through 1004.84;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handlers' records and the records of any other handler or person upon whose utilization the classification of milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following:

(1) The 5th day of each month, the Class II price and the handler butterfat differential, both for the preceding month;

(2) The 15th day of the month preceding the start of each calendar quarter, the Class I price for such calendar quarter;

(3) The 15th day of each month, the uniform price for each handler computed pursuant to § 1004.71, the utilization percentage for such handlers, and the differentials applicable pursuant to §§ 1004.81 and 1004.82 all for the preceding month;

(4) Promptly after receipt of notice from any handler of unit (system) designations, or of changes therein, pursuant to the proviso of § 1004.8(b) the names and locations of plants so designated; and

(5) The 15th day of each month, the indexes computed pursuant to § 1004.50 (a)(1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(b)(1) for the period ending with the preceding month and the 12-month percentage utilization factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a)(4) and (5).

REPORTS, RECORDS AND FACILITIES

§ 1004.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month each handler, except a producer-handler, shall report for each of his producer milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator the quantities of skim milk and butterfat contained in:

(a) Receipts of producer milk (including such handler's own production);

(b) Receipts from other producer milk plants in the form of fluid cream and fluid milk products;

(c) Receipts of other source milk;

(d) Inventories of fluid cream and fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) Milk diverted from a producer milk plant, from the farm on which such milk was produced to another plant(s);

(g) Milk received, directly from the farm on which such milk was produced, as milk diverted from a nonproducer milk plant(s); and

(h) Milk received from dairy farmers whose farms are included in a pool bulk tank unit(s) as defined under the New York-New Jersey order.

§ 1004.31 Other reports.

(a) Each producer-handler and each handler in his capacity as the operator of a nonproducer milk plant, shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler (except a producer-handler) in his capacity as the operator of a producer milk plant shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each of his producer milk plants his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The average butterfat content of such milk; and

(iv) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions;

(2) His purchases, if any, of sweet cream showing the quantity and source of each such purchase and the cost thereof at Philadelphia;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, or with respect to any dairy farmer whose farm is included in a pool bulk tank unit as defined under the New York-New Jersey milk order for whom such information is requested by the market administrator, and with respect to a period or periods of time designated by the market administrator;

(i) The name and address;

(ii) The total pounds of milk received;

(iii) The average butterfat test of milk received; and

(iv) The number of days upon which milk was received;

(4) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may prescribe; and

(5) Promptly after milk is first received from any producer or dairy farmer whose farm is included in a pool bulk tank unit as defined under the New York-New Jersey milk order:

(i) The name and address of such producer;

(ii) The date upon which such milk was first received; and

(iii) The plant at which such milk was received.

§ 1004.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required to be made pursuant to this part.

§ 1004.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1004.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month at each producer milk plant and which is required to be reported pursuant to § 1004.30 shall be classified by the market administrator pursuant to the provisions of §§ 1004.41 through 1004.47.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.43 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except as provided in paragraph (b)(2), (3) and (5) of this section; and

(2) Not accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in any fluid milk product which is dumped, provided that the handler shall give such advance notice as the market administrator may require;

(4) Contained in inventory of fluid cream and of fluid milk products on hand at the end of the month;

(5) Disposed of in the form of fluid milk products and used in soup, candy, bakery products or any other nondairy commercial food product, but not including such dispositions to retail establishments which dispose of milk both for fluid and other uses;

(6) In skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a)(1) of this section;

(7) In actual plant shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk; and

(8) In shrinkage of other source milk.

§ 1004.42 Shrinkage of other source milk.

The market administrator shall determine shrinkage of other source milk for each producer milk plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) Assign a pro rata share of the shrinkage computed pursuant to paragraph (a) of this section to skim milk and butterfat, respectively, to other source milk on the basis of the percentage that such skim milk and butterfat represents of total receipts of skim milk and butterfat, respectively, to which shrinkage may be assigned to Class II milk pursuant to § 1004.41(b)(7) and (8).

§ 1004.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if vertification by the market administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat disposed of each month in the form of a fluid milk product from a producer milk plant shall be classified:

(a) As Class I milk if transferred or diverted to another producer milk plant, except that of a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1004.30. The amount of skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after making the assignments pursuant to § 1004.47(b)(1) through (8) and the corresponding steps of § 1004.47(c), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk. If either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler;

(c) In the class or classes to which assigned under another Federal order if transferred to a nonproducer milk plant regulated by the other order: *Provided*, That (1) if any milk is disposed of in the New York-New Jersey marketing area, either on routes or to regulated

plants, which is subject to the classification and pricing provisions of Order No. 2 it shall be classified in accordance with its classification assignment under the New York-New Jersey order, or (2) if such milk is subject to "partial pooling" under another Federal order it shall be classified in accordance with the utilization reflected by the blend price computed under such order; and

(d) As Class I milk if transferred or diverted in bulk to a nonproducer milk plant which is not subject to another Federal order unless:

(1) The transferring handler claims Class II use in his report submitted pursuant to § 1004.30;

(2) The operator of the nonproducer milk plant or refrigerated holding facility maintains books and records which are made available for the examination upon request by the market administrator and which are adequate for verification for such Class II use; and

(3) If the conditions as set forth in subparagraphs (1) and (2) of this paragraph are met, the market administrator shall classify such transfers as follows:

(i) Determine the use of all skim milk and butterfat in such nonproducer milk plant or refrigerated holding facility;

(ii) Allocate receipts from dairy farmers determined to be the regular source of supply of the nonproducer milk plant to the highest use beginning with Class I milk. Allocate transferred milk to Class I milk to the extent remaining, except that if receipts from this and other orders issued pursuant to the Act exceed the amount remaining, the amount of such transferred milk allocated to Class I milk shall be not less than that obtained by prorating the remaining Class I utilization in accordance with the receipts from all such plants at the nonproducer milk plant; and

(iii) In the case of a refrigerated holding facility transferring a fluid milk product to a nonproducer milk plant such product shall be Class I milk unless the nonpool plant to which such product is transferred meets the conditions set forth in subparagraph (2) and (3)(ii) of this paragraph.

§ 1004.45 Transfers of cream.

Cream containing 18 percent or more butterfat disposed of each month from a producer milk plant shall be classified: (a) As Class II milk if transferred to a producer milk plant of another handler: *Provided*, That the cream so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after the allocation of receipts from plants subject to regulation under other Federal orders, pursuant to subparagraph (8) of § 1004.47 (b) and (c) and any additional amounts of cream shall be classified as Class I milk; (b) as Class II milk if transferred to a producer-handler; and (c) as Class II milk if transferred to a nonproducer milk plant.

§ 1004.46 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler for each producer milk plant submitted pursuant to § 1004.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in each producer milk plant of such handler: *Provided*, That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids.

§ 1004.47 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.46 the market administrator shall determine the classification of producer milk at each producer milk plant as follows:

(a) For each handler who either receives milk priced under a Federal order which provides for marketwide pooling to offset his disposition of Class I milk under a marketwide pool order, or receives milk from dairy farmers whose farms are included in a pool bulk tank unit under the New York-New Jersey order, subtract such receipts from the total pounds of skim milk and butterfat in each class in accordance with its classification assignment under the other order, except that if any such milk exceeds the quantity classified under such other order as Class I (Class I–A in the New York-New Jersey order), it shall not be subtracted pursuant to this paragraph.

(b) Skim milk remaining after the computation of paragraph (a) of this section shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk in producer milk classified pursuant to § 1004.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I milk, the pounds of skim milk in receipts of certified milk in packaged form;

(3) Subtract from the remaining pounds of skim milk in Class I milk, any remaining pounds of skim milk in other source milk in the form of fluid milk products received during the month in consumer-type packages from a fully regulated plant under another Federal order if classified and priced as Class I milk under such order, or subject to such classification and pricing if assigned to Class I milk under this order;

(4) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk the total pounds of skim milk received in the form of a fluid milk product in receipts from a producer-handler as defined in any Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk, the pounds of skim milk in receipts of other source milk;

(i) In the form of cream containing 18 percent or more butterfat;

(ii) In the form of condensed skim milk or nonfat dry milk utilized in a reconstituted or fortified product; and

(iii) In other Class II products which are reprocessed or converted to another product during the month;

(6) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products at:

(i) Any producer milk plant pursuant to § 1004.8(b) from a nonproducer milk plant not regulated under any Federal order;

(ii) Any producer milk plant pursuant to § 1004.8(a) from any nonproducer milk plant which is not regulated under any other Federal milk order if the operators of both plants have claimed in writing Class II utilization at or before the time handler reports are due pursuant to § 1004.30.

(7) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk in other source milk received in the form of a fluid milk product which is priced under another Federal order and not allocated pursuant to paragraph (a) of this section, as follows:

(i) In sequence, beginning with Class II milk, if received at a producer milk plant defined in § 1004.8(b) in bulk, or in consumer-type packages but not allocated to Class I milk in subparagraph (3) of this paragraph;

(ii) Pro rata from each class, if received at a producer milk plant defined in § 1004.8(a) in bulk: *Provided*, That the quantity assigned under this subdivision shall not exceed the quantity classified and priced as Class I milk under the other order or subject to such classification and pricing if assigned to Class I milk under this order; and

(iii) In sequence, beginning with Class II milk, if received at a producer milk plant defined in § 1004.8(a) in consumer-type packages or in bulk but not allocated to Class I milk in subparagraph (3) of this paragraph or subdivision (ii) of this subparagraph;

(8) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk, the pounds of skim milk contained in inventory of fluid cream and fluid milk products on hand at the beginning of the month;

(9) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts from other producer milk plants and assigned to such class pursuant to §§ 1004.44(a) and 1004.45(a): *Provided*, That if the pounds of skim milk of such receipts to be subtracted from Class II milk are greater than the remaining pounds of skim milk in such class, the balance shall be subtracted from the remaining pounds of skim milk in Class I milk;

(10) Add to the remaining pounds of skim milk in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(c) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraphs (a) and (b) of this section; and

(d) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (b) and (c) of this section, and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1004.50 Class prices.

Subject to the provisions of § 1004.51 and § 1004.52 each handler shall pay, at the time and in the manner set forth in § 1004.80 for each hundredweight of milk containing 3.5 percent of butterfat received at his producer milk plant(s) during the month from producers or a cooperative association, not less than the following prices:

(a) *Class I milk.* For each month in each calendar quarter through June 1965, the price per hundredweight of Class I milk shall be the price computed for such quarter pursuant to subparagraphs (1) through (5) of this paragraph:

(1) Compute the indexes set forth in subdivisions (i) through (v) of this subparagraph for the second, third and fourth months preceding the first month of the pricing quarter and divide the sum of these indexes by 15. The result shall be the formula index:

(i) Compute an index of wholesale commodity prices, using a 1957–1958 base period by dividing by 0.99614, the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1957–1959 base by the Bureau of Labor Statistics, United States Department of Labor;

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1957–58 base period, by dividing by 0.03896 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service;

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, using a 1957–58 base period, by dividing by 2.103 the monthly index published by the Pennsylvania Federal-State Crop Reporting Service;

(iv) Compute an index of prices for milk for manufacturing purposes, f.o.b. plant United States, as reported by the Department of Agriculture, using a 1961–62 base period, by dividing by .030707 the monthly average prices determined pursuant to paragraph (b)(1) of this section, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for such month:

Jan	1.023	July	.988
Feb	1.014	Aug	.997
Mar	1.006	Sept	1.000
Apr	.980	Oct	1.004
May	.976	Nov	1.014
June	.984	Dec	1.014

(v) Compute an index of average daily pounds of Class I milk disposition using a 1957–1958 base period, by dividing by 29,476 the daily average for the month of pounds of Class I milk disposition by producer milk plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey and excluding Class I milk disposition (on route or otherwise) outside the marketing area by any handler whose route disposition in the marketing area, exclusive of New Jersey, is less than 5.0 percent of his total route disposition, and excluding any duplication because of disposition between plants, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for the month:

Jan	1.009	July	0.946
Feb	1.023	Aug	.949
Mar	1.011	Sept	1.020
Apr	1.025	Oct	1.046
May	1.010	Nov	1.005
June	.966	Dec	.990

(2) Subject to the conditions set forth in subparagraphs (3), (4), and (5) of this paragraph the Class I price shall be that price indicated for the pricing quarter in the following Class I price schedule in the line corresponding to the bracket in which the formula index computed pursuant to subparagraph (1) falls, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter;

CLASS I PRICE SCHEDULE

[PRICE PER HUNDREDWEIGHT]

Formula index	1st quarter (Jan., Feb., Mar.)	2d quarter (Apr., May, June)	3d quarter (July, Aug., Sept.)	4th quarter (Oct., Nov., Dec.)
At least but less than—				
80.0 [1]–82.0	4.45	4.05	4.45	4.85
83.8–85.8	4.65	4.25	4.65	5.05
87.6–89.6	4.85	4.45	4.85	5.25
91.4–93.4	5.05	4.65	5.05	5.45
95.2–97.2	5.25	4.85	5.25	5.65
99.0–101.0	5.45	5.05	5.45	5.85
102.8–104.8	5.65	5.25	5.65	6.05
106.6–108.6	5.85	5.45	5.85	6.25
110.4–112.4	6.05	5.65	6.05	6.45
114.2–116.2	6.25	5.85	6.25	6.65
118.0–120.0	6.45	6.05	6.45	6.85

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price indicated for the first and third quarters for the bracket in which the formula index computed pursuant to subparagraph (1) falls) is greater than $2.60 over the simple average of prices of selected Midwestern condensaries as reported by the Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent butterfat, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such $2.60 variance;

(4) For each month of any calendar quarter the Class I price shall be 20 cents more per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at producer milk plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey during the 12-month period ending with the second preceding month are less than 129 percent of total Class I disposition by such plants in the same period (excluding any duplication because of disposition between plants), and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents; and

(5) For each month of any calendar quarter the Class I price shall be 20 cents less per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at producer milk plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey during the 12-month period ending with the second preceding month are more than 139 percent of total Class I disposition by such plants in the same period (excluding any duplication because of disposition between plants), and shall be an additional 20 cents less if the percentage of such receipts to such disposition is more than 142: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year less 80 cents.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
Jan	+16	July	+16
Feb	+15	Aug	+23
Mar	+08	Sept	+19
Apr	+04	Oct	+19
May	+01	Nov	+19
June	+02	Dec	+19

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for

the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of one percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 9.7143: *Provided,* That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section;

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) Subject to the conditions of paragraph (b) of this section and the proviso of § 1004.13(b), for that milk received from producers at a producer milk plant located 45 miles or more from the nearest of the City Halls in Philadelphia, Pennsylvania; Trenton or Atlantic City, New Jersey; by shortest highway distance as determined by the market administrator, and classified as Class I or Class II milk, respectively, Class I and Class II prices shall be reduced at the rate set forth in the following schedule according to the location of the producer milk plant where such milk was received from producers;

(1) Class I milk.

Distance of plant from nearest City Hall:	*Rate per hundredweight (cents)*
45 miles	23.0
Each additional 10 miles or fraction thereof an additional	1.5

(2) Class II milk.

Distance of plant from nearest City Hall:	*Rate per hundredweight (cents)*
45 to 70 miles	5.0
Each additional 70 miles or fraction thereof an additional	1.0

(b) In the case of producer milk plants operated by the same handler as part of a system, the amount of Class I and Class II milk to which the adjustments set forth in paragraph (a) of this section shall apply shall be determined as follows:

(1) Increase the Class I utilization at the producer milk plant(s) specified in § 1004.8(a), operated by such handler and at which no location adjustment applies, by 5 percent or by an amount which is not in excess of the Class II utilization at such plant(s), whichever is less, and deduct the amount of any such increase from the Class II utilization at such plant(s);

(2) Add to the adjusted Class I and Class II utilization computed pursuant to subparagraph (1) of this paragraph the Class I and Class II utilization, respectively at other producer milk plants in the system;

(3) Assign the Class I utilization computed pursuant to subparagraph (2) of this paragraph first to receipts of producer milk at producer milk plants operated by such handler and at which no location adjustments apply and any remaining Class I utilization shall be assigned to receipts of producer milk at the remaining plant(s) in the system to the extent that milk is moved from such plant(s) in the form of fluid milk products, in sequence, beginning with the plant at which the lowest location adjustment rate applies; and

(4) Receipts from producers which are not assigned to Class I utilization pursuant to subparagraph (3) of this paragraph shall be assigned to Class II milk.

§ 1004.53 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.47, 1004.50 through 1004.53, 1004.70 and 1004.71, and 1004.80 through 1004.84 shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

(a) Any plant qualified to be both a producer milk plant pursuant to § 1004.8 (a) and a regulated plant under the provisions of any other Federal order shall be fully subject to the provisions of this order during any month in which it disposes of in this marketing area on routes and to other producer milk plants a greater volume of its Class I milk (as defined in this part) than the volume of Class I milk (as defined in such other Federal milk order) disposed of as route disposition in such other marketing area and to regulated plants under the other Federal milk order, unless, notwithstanding that it would be regulated under this part it is nevertheless regulated under such other order.

(b) Any plant qualified to be both a producer milk plant pursuant to § 1004.8 (b) and a regulated plant under the provisions of any other Federal order shall be fully subject to the provisions of this order during any month in which it disposes of a greater volume of it Class I milk (as defined in this part) to producer milk plants under this order than the volume of Class I milk (as defined in such other Federal order) disposed of to plants at which milk is priced and pooled under such other order unless it would be a regulated plant by virtue of route distribution under such other order or, notwithstanding that it would be regulated under this part, it is nevertheless regulated under such other order.

(c) Any producer milk plant qualified pursuant to § 1004.8 which is a fully regulated plant under another Federal order shall not be subject to the provisions of § 1004.50 through 1004.53, 1004.70 through 1004.71, and 1004.80 through 1004.84 except as such provisions apply to payments to a cooperative association in its capacity as the operator of any plant which is a producer milk plant under this part and an unregulated plant under the other Federal order: *Provided,* That for purposes of determining the status under this part of such plant's otherwise unregulated supply sources, the assignment under such other order of (1) producer receipts, (2) receipts from other regulated plants, and (3) other source receipts on which any compensatory payment was applicable shall be recognized by equivalent assignment under this order prior to the application of § 1004.47 with respect to other receipts at 1004.47 with respect to other receipts at such plant.

(d) In the case of the New York-New Jersey order, equivalent assignment under this part shall be as follows:

New York-New Jersey Order:	*Delaware Valley Order (Class)*
Class I–A or I–B	I
Class II	II
Class III	II
Skim milk subject to the fluid skim differential	I

DETERMINATION OF UNIFORM PRICES

§ 1004.70 Net obligation of handlers.

The net obligation of each handler for producer milk received at his producer milk plant(s) or for any systemic operation, if designated pursuant to § 1004.8(b), each month shall be the sum of money computed by the market administrator as follows:

(a) Multiply the total hundredweight of such milk in each class by the applicable class price;

(b) Add together the resulting amount;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1004.47 (b)(11) and (c) by the applicable class price;

(d) Add or subtract as the case may be the amount necessary to correct errors discovered by the market administrator in the verification of such handler's receipts and utilization of milk for the previous month(s); and

(e) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1004.47(b)(8) and the corresponding step of (c), whichever is less.

§ 1004.71 Computation of uniform prices for handlers.

The market administrator shall compute each month a uniform price for each handler for producer milk received at his producer milk plant(s) or for any

systemic operation, if designated pursuant to § 1004.8(b), as follows:

(a) Add to the amount computed pursuant to § 1004.70 the total of the location differential deductions applicable pursuant to § 1004.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.5 butterfat content, f.o.b. market.

PAYMENTS

§ 1004.80 Payments to producers.

Each handler shall make payment to each producer for milk received from such producer as follows: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested in writing by the cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section:

(a) On or before the last day of each month each handler shall make payment for milk received during the first 15 days of such month at not less than such handler's estimate of his uniform price per hundredweight but in no event less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 20th day after each month each handler shall make payment for milk received during such month at not less than the uniform price per hundredweight computed for such handler pursuant to § 1004.71, subject to the butterfat differential computed pursuant to § 1004.81, the location differential computed pursuant to § 1004.82 less proper deductions authorized in writing by such producers and less payment made pursuant to paragraph (a) of this section; and

(c) On or before the 20th day of each month each handler shall pay a cooperative association which is a handler, with respect to milk, skim milk and cream received by him from a producer milk plant operated by such cooperative association not less than an amount computed by multiplying the minimum prices in each class subject to butterfat differential computed pursuant to § 1004.51 and the location differential of the buying handler computed pursuant to § 1004.52 by the hundredweight of such milk in each class.

§ 1004.81 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1004.80 shall be increased or decreased, for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat value computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

In making payments to producers pursuant to § 1004.80, the applicable uniform prices to be paid for producer milk received at a producer milk plant located at least 45 miles from the nearest of the City Halls in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey, by shortest highway distance as determined by the market administrator, shall be reduced 23 cents plus one and one-half cent for each additional 10 miles distance or fraction thereof, which such plant is located from the nearest of the City Halls in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey.

§ 1004.83 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclosed errors resulting in money due a producer or the market administrator, from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1004.84 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 20th day after the end of the month for such month 2 cents per hundredweight, or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of producer milk including such handler's own production.

§ 1004.85 Termination of obligations.

The provisions of the section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market adminstrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1004.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1004.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which re-

quires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1004.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on September 30, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-10506; Filed, Oct. 2, 1963; 8:48 a.m.]

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO-219-A12, AO-237-A8, AO-243-A10]

MILK IN MEMPHIS, TENN., FORT SMITH, ARK., AND CENTRAL ARKANSAS MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Memphis, Tennessee, on May 21 and 22, 1963, and June 26 through June 28, 1963, and at Fort Smith, Arkansas, on May 24, 1963, pursuant to notice thereof which was issued May 1, 1963 (28 F.R. 4512) and a supplemental notice which was issued May 13, 1963 (28 F.R. 4956).

The material issues on the record of the hearing relate to:

A. Issues relating to Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas orders:

1. Class I prices.
2. Class II prices.
3. Dates for filing reports and announcing class prices.
4. Classification of milk used for livestock feed or dumped.
5. Base and excess price plans.

B. Issue relating to the Fort Smith, Arkansas, order:

6. Fort Smith marketing area.

C. Issues relating to the Central Arkansas order:

7. Central Arkansas marketing area.
8. Advance payment to cooperative associations.

D. Issues relating to the Memphis, Tennessee, order:

9. Market administrator reports to cooperative associations.
10. Type of pool.

E. Issues relating to the Memphis, Tennessee, and Central Arkansas orders:

11. Location differentials.
12. Class II butterfat differentials.
13. Classification of milk used in specified products.
14. Shrinkage allowances.
15. Allocation of other order Class I milk.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I prices.* The seasonal Class I price differentials in the Memphis and Central Arkansas orders should be changed to $1.50 during the months of March through July and $1.91 in the other seven months. The Class I prices in the Memphis, Fort Smith and Central Arkansas orders should be adjusted by a supply-demand adjustor based upon the relationship of the producer milk receipts of all handlers regulated under such orders to their Class I sales.

Cooperative associations representing producers supplying these markets stated more emphasis on price needs to be placed on the short supply months than the orders presently provide. The present Class I differentials in the Memphis and Central Arkansas orders are $1.60 in each of the months of March through July and $1.84 in all other months. The annual average of these Class I differentials is $1.74. The proposed differentials would not change the annual average but would provide greater pricing seasonality. This will result in little change in the total value of the Class I milk of producers supplying these markets throughout a year. The Class I differentials in the Fort Smith order are $1.45, April through June, and $1.85 in the other months. These differentials are generally comparable to the seasonal differentials recommended herein for Central Arkansas and are about the same as those provided by the Oklahoma Metropolitan order. Handlers in Fort Smith compete with Oklahoma Metropolitan handlers for fluid sales and for a supply of milk.

The Memphis and Central Arkansas markets have had excess production during the summer months and cooperatives have had to import milk to meet the Class I demands of the markets during the fall and winter months. The proposed Class I differentials will encourage more even production throughout the year. The higher differentials in the fall months will also bring the Class I price in those months more in line with the cost of imported milk. The nearby Federal order markets where additional milk might be obtained have seasonal differentials which are about 40 cents higher in the fall and winter months of short supply than in the spring months.

This decision provides for a single supply-demand adjustor for the Memphis, Fort Smith and Central Arkansas orders. Handlers regulated under these orders compete for a supply of milk in Arkansas. Practically all of the Fort Smith and Central Arkansas markets' milk supply is obtained from producers located in Arkansas. The Memphis market is partially supplied by producers located in 45 Arkansas counties. The Central Arkansas Milk Producers Association supplies handlers located in all three markets and it is common practice for some member producers to have their milk shipped to more than one of the three markets during a month. At times, the milk of some producers is shipped to all three markets during the same month.

Handlers regulated by these three orders compete not only for a supply of milk but also for fluid milk sales. Memphis handlers have fluid milk sales in 31 Arkansas counties. Eleven of these counties are in the Central Arkansas marketing area. Fort Smith and Central Arkansas handlers have overlapping route sales.

There have been several recent shifts of sales and supplies among Memphis and Central Arkansas handlers. A handler who has plants regulated under both orders recently commenced supplying his distribution point in Forrest City, Arkansas, from his Memphis order plant. Prior to this date this distribution point was supplied from his Central Arkansas

regulated plant. Effective September 1962 the Central Arkansas Milk Producers Association began supplying a Memphis order handler with all his fluid needs. Starting in January 1963 this cooperative began supplying another distributor in the Memphis market with part of his fluid milk needs. These shifts in supply and sales increase the percent of producer milk being utilized for Class I purposes in one market while decreasing such percentage in the other market. By combining the receipts from producers and disposition of fluid milk by handlers in the three markets such shifts will not affect the total supply-sales ratio.

Since handlers regulated under the three orders compete for a supply of milk and for fluid sales, a misalignment of prices among these orders could result in uneconomic movements of milk. Therefore, the supply-demand adjustor herein proposed is identical for the three orders. A proposal was made to omit the supply-demand adjustor provisions from the Fort Smith order on the basis that supply-demand adjustments could result in a Class I price misaligned with the Class I price handlers located in Tulsa and regulated under the Oklahoma Metropolitan order are required to pay. Since the Oklahoma Metropolitan order contains a supply-demand adjustor, there would be no fixed relationship between the Fort Smith and Oklahoma Metropolitan prices even if the adjustor was not used in Fort Smith. Hence, the proposed supply-demand adjustor should apply to the Fort Smith market as well as the Memphis and Central Arkansas markets with which it is so closely related.

Under the requirements of the Agricultural Marketing Agreement Act, authorizing Federal milk orders, prices established by milk marketing orders must reflect supply and demand conditions in the respective market for which an order is issued. As these supply and demand conditions change from time to time, the changes must be reflected appropriately in order prices. Changes in the relationship of receipts of producer milk by regulated handlers and Class I disposition by such handlers are a measurable reflection of changes in market supply-demand conditions.

In 1962 the ratio of producer receipts to gross Class I sales in the Memphis market averaged 107 percent, in the Fort Smith market averaged 113 percent and in the Central Arkansas market averaged 112 percent. During this same period, the monthly average receipts from producers by regulated handlers in these markets were: Memphis, 22.4 million pounds; Fort Smith, 4.2 million pounds; and Central Arkansas, 16.0 million pounds.

The supply1demand adjustor recommended herein contains a utilization range which averages 110–116 percent a year. The recommended adjustor provides for monthly utilization ratios to be obtained by dividing the pounds of producer milk received by the milk plants fully regulated under the three orders for the second and third preceding months by the net pounds of Class I sales by such plants for the same months. The utilization ratios so computed averaged 111 percent for the 1961 pricing year; 110 percent for 1962; and 102 percent for the first six months of 1963.

Representatives of producers testified in favor of a supply-demand adjustor with monthly utilization ranges, based on the three market totals, which averaged 111.7–117.5 annually. They maintained a reserve of this magnitude is needed to provide an adequate supply of milk for handlers' Class I sales.

Handlers opposed supply-demand adjustors for the three orders but proposed that if the orders were to have a supply-demand adjustor, the midpoint of the utilization range be centered around the 1961 or 1962 utilization percentages of the three market totals with a 10 point range.

Handlers testified that producer milk received at regulated plants was not truly reflective of the supply situation in the three markets because producer cooperatives have been shipping milk from their members' farms directly to manufacturing plants and to other markets without accounting for such milk as producer milk as defined in the orders.

The Mid-South Milk Producers Association, the principal cooperative in the Memphis market, entered exhibits which showed the quantity and disposition of the milk of its members which did not enter into the Memphis market statistics. In 1962 an average of 823,000 pounds of milk per month which was handled by the cooperative was not included as producer milk under the Memphis order. This was equivalent to three percent of the total producer milk in the Memphis market during this period. In the first four months of 1963 the cooperative did not report as producer milk nearly four million pounds of milk of its members. However, some of this milk was not acceptable for fluid use and some of the four million pounds did not enter into the market statistics because of the failure of a supply plant to qualify as a fluid milk plant during one month. Hence, the 1963 supply-sales ratios are not representative of the usual market conditions.

The Central Arkansas Milk Producers Association, the principal cooperative in the Fort Smith and Central Arkansas markets, presented figures which showed the pounds of milk of their members which was associated with the Memphis, Fort Smith and Central Arkansas markets but which was not reported as producer milk. In 1962 this averaged approximately 1.2 million pounds per month, equivalent to 5.5 percent of the combined producer milk receipts in the Fort Smith and Central Arkansas orders during such year. The total pounds of off-the-market milk handled by this cooperative in the first three months of 1963 was less than 200,000 pounds.

Handler representatives asserted that any supply-demand adjustor for the three markets should include all off-the-market milk of cooperative members who had been producers at any time as defined in these orders. The cooperatives whose members' milk is shipped to Memphis, Fort Smith and Central Arkansas order handlers also regularly supply handlers regulated under other orders and unregulated plants. Hence, "off-the-market" sales are not necessarily primarily associated with these three regulated markets. Also, milk which is not accepted by handlers because of their special quality requirements can hardly be construed as available for sale in these markets. Handlers under the three orders obtain practically their entire supply of milk from cooperatives; ordering the milk as needed without regard for the available supply.

The pounds of milk which was marketed outside these three order programs by the two principal cooperatives but which might be identified as a reserve supply for these markets was reported by the cooperatives at the hearing for the period January 1962 through March 1963. When this milk was added to the producer receipts and Class I sales of handlers regulated under the three orders the ratios of receipts to sales in the pricing months July, August and September were increased substantially. The supply-demand ratio for these months reflected the seasonal peak of production relative to sales during the preceding March through June. When the reported market supply was relatively short, however, there was little difference in the ratios which included the "off-the-market" sales. The ratios based on reported producer milk and those including outside sales not reported for the period are shown below.

Pricing period, year and month	Reported ratios of producer milk receipts to Class I sales	Ratios of producer receipts to Class I sales including "off-market-milk"
1962	*Percent*	*Percent*
April	107	109
May	107	108
June	110	114
July	113	124
August	111	125
September	115	121
October	114	117
November	111	113
December	109	109
1963		
January	105	105
February	104	105
March	103	105
April	101	103
May	98	100

It is obvious that in certain months the markets have available more milk than handlers are willing to take. The total producer milk in these markets as reported by regulated handlers is determined largely by the quantity of milk the handlers in such markets accept in their plants.

It has been the practice of the cooperatives to ship excess milk directly from farms to manufacturing plants instead of through a fluid milk plant in order to reduce transportation costs. By not reporting such milk as diverted milk under the order, the cooperatives also save, as handlers of such milk, an administrative assessment of four cents per hundredweight. Even during the months of short production cooperatives have some off-the-market milk. Due to weekly variations in the demand for fluid milk products, the cooperatives have had

excess milk in the early part of a week and then have had to import milk in the latter part of the week in order to supply handlers' requirements. Representatives of the principal cooperatives in the three markets testified they intended to continue marketing excess milk as they have but that such off-the-market milk would always be available to handlers should they request it and that only such milk as is accepted by handlers should be taken into account in establishing norms for the supply-demand adjustors. Handlers testified that the cooperatives have never refused to supply them with milk when it was available.

The utilization percentages recommended herein are based on actual receipts of producer milk and reported Class I sales. These receipts and sales are identifiable with these three markets and are measures which can be determined accurately. The inclusion of certain off-market sales would require that the norms selected be established at a somewhat higher level of supply in order to retain the same price level. Since the reported producer milk and Class I sales appear to be reflecting the changes in the relative supply of milk in these markets to their Class I sales, the figures used to calculate the supply-demand adjustor should be these reported and verifiable receipts and sales.

The rate of adjustment for variations from the standard utilization ratios herein proposed would be nominal when such variations first appear, but would be increased progressively as a variation of like direction and amount persisted through two or three consecutive two-month periods. Such a provision will avoid substantial price increases or decreases based on nonrecurring deviations from the established norms. Substantial price adjustment will, however, occur when undersupply or oversupply representing significant deviations from the established norms persist for a period of time.

This type of adjustment is accomplished by providing that for each percentage unit of deviation from the standard range the price shall be adjusted by one cent, plus one cent for each such percentage unit for which there was a deviation of like extent and character in the first two-month period next preceding, plus one additional cent for each such percentage point for which there was a deviation of like extent and character in each of the first and second two-month periods next preceding. The accumulated adjustments would not exceed the 3-cent rate based on one two-month period which was proposed by cooperatives. However, the accumulation of three one-cent adjustments will delay adjustments when the market condition departs from normal until the departure is firmly established. The proposed adjustor would also bring the adjustment back to zero promptly, whenever the ratio again falls within the normal range.

The proposed supply-demand adjustor would have made little or no adjustment to the Class I price during 1961 and 1962. Using the combined data for the three markets, the utilization ranges which would have been used to establish 1961 prices averaged 111 percent and averaged 110 percent for 1962 prices. Little milk was imported in 1961 and in 1962, prior to September. It appears, therefore, that the total available receipts were adequate during that period.

Although the proposed adjustor would have had practically no effect on 1961 and 1962 prices, it would have averaged plus 12 cents for the first six months of 1963. The adjustor in the Memphis order, which also was used in determining the Central Arkansas Class I price during part of this period averaged plus ½ cent in 1961, plus 2½ cents in 1962 and plus 18½ cents during the first half of 1963.

Producer receipts in the three markets as a percentage of Class I sales in the period which would have been used under the proposed adjustor to determine January–June 1963 prices dropped below 100 percent during one month and averaged only 102 percent. In the Memphis market alone, however, in the same period producer receipts as a percentage of Class I sales dropped below 100 percent three times and averaged only 99 percent. Thus the adjustor based on the Memphis receipts and sales reflected a more severe shortage of supply relative to sales than that which existed in the three market areas.

The supply-demand adjustor proposed by the cooperative associations was based on the ratio of producer receipts to utilization, using the three market totals, for the second and third preceding months and provided for an adjustment of three cents for each unit of deviation from a table of standard utilization percentages with adjustments limited to six cents a month. The utilization range proposed by the cooperatives would have resulted in an increase in the Class I price in all but one of the months of 1962, ranging from three to nine cents with an average increase for the year of 4.5 cents. In view of the supply-demand conditions during the year, this additional price increase does not appear warranted.

The proposed six-cent limitation on monthly adjustments is not adopted. Should a substantial price adjustment occur during the short production months, price adjustments can be perpetuated into the flush production months due to the six-cent adjustment limitation. The supply-demand adjustor herein proposed will better provide for prompt price increases under unfavorable production conditions while providing for prompter price decreases when the market becomes adequately supplied.

The handlers' proposal to adopt a supply-demand adjustor with a ten-point range centered around the 1961 or 1962 ratios would result, essentially, in an adjustor which would seldom make any price adjustments. The proposal is denied.

The proposal to base the supply-demand adjustor on a 12-month base period is denied. This proposal was made as an alternative should a supply-demand adjustor as herein proposed not be adopted.

Under this proposal one would obtain the total producer receipts and Class I sales of the Memphis, Fort Smith and Central Arkansas order handlers for the 12-month period of August through July and from these figures compute the ratio of producer receipts to Class I sales. This ratio would then be added or subtracted from a fixed ratio. The fixed ratio, or norm, would be predetermined on the basis of the volume of reserve milk required to adequately meet the Class I demands of the markets on a year round basis. To obtain the adjustment, each point of difference between the 12-month ratio and the established norm would be multiplied by two cents. This figure would then be multiplied by twelve to give the total adjustments to be made for a year. Under the proposal, adjustments would not be made during the four flush months of production so the total adjustment figure for the year would be divided by eight. The resulting figure would then be the monthly Class I adjustment for the eight months of August through March.

The proposed norm for this supply-demand adjustor was 120 percent. The ratios of the combined three market statistics in 1961 was 111 percent and in 1962 was 110 percent. A norm of 120 and the 1962 utilization ratio of 110 would have resulted in a 30-cent increase per month to the Class I price in the three markets for an eight-month period. Such an increase in price would have resulted in a serious misalignment of prices with surrounding markets. Furthermore, proponents of this proposal stated it was not their intent to obtain an increase in the Class I price through a supply-demand adjustor. Also, this proposal should be denied because the proposed base period minimizes the effect of market changes in current months. Current month-to-month changes in receipts and utilization are subdued in a 12-month average to one-twelfth of the change in the latest month. Further, a fixed base period as August through July would determine the supply-demand adjustments for the following August through March. Thus the supply-demand adjustments in the first three months of 1964 would be based on supply-demand conditions existing in the three markets during the last five months of 1962 and the first seven months of 1963. Experience indicates that substantial changes in market supply and sales have occurred over such a time period.

The proposal to include Class I sales in the marketing areas made by handlers other than those regulated under the Memphis, Fort Smith and Central Arkansas orders is denied. Such sales are made by handlers who obtain their milk supply from sources other than the farmers who regularly supply these markets.

2. *Class II prices.* The Memphis, Fort Smith and Central Arkansas orders should be amended to provide that the price for Class II milk shall be the basic formula price which is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The present Class II price under the Memphis order is determined from the average of basic prices reported to have been paid at five local manufacturing plants plus 30 cents for the months of September–November and plus 20 cents for all other months. The present Fort Smith Class II price is computed by using the average of basic prices reported to have been paid at two local manufacturing plants. The Central Arkansas Class II price is the average price paid for manufacturing grade milk in the United States.

For the 12-month period May 1962 through April 1963 the average monthly Class II price for milk of 3.5 percent butterfat content in Memphis was $2.93, in Fort Smith was $2.70 and in Central Arkansas was $3.00. The Minnesota-Wisconsin series for 3.5 percent milk during this period averaged $3.067.

Distributing plants regulated under these orders normally arrange for a supply of milk which includes some reserve over their actual volume of Class I sales. When this reserve is not used for Class I purposes it is used in manufactured dairy products and, accordingly, is classified as Class II. The price for this reserve milk should be established at a level at which such milk can be disposed of for manufacturing use.

Regulated plants use reserve milk regularly each month in Class II products such as cottage cheese and ice cream. Producer milk in excess of that used by regulated plants is moved to manufacturing plants. In order to obtain a supply of quality milk, manufacturing plants in the area pay premiums over their basic price. It is a common practice for such plants to pay dairy farmers a 15-cent premium if they have a cooler and an additional 25-cent premium if they have barns with concrete floors. Producers supplying handlers regulated by these orders qualify for such premiums and producer milk moved to manufacturing plants has been sold at prices higher than the order prices.

Cooperative associations market nearly all of the milk which is in excess of that needed by Memphis handlers. The principal cooperative supplying the Memphis market sold almost fourteen million pounds of milk to manufacturing plants during the 16-month period of January 1962 through April 1963. The manufacturing plants were located mainly in Tennessee and Mississippi. The cooperative's witness reported that on all milk sold to manufacturing plants (from January 1962 through March 1963) the cooperative received a weighted average price of $3.11 per hundredweight of milk (adjusted to 3.5 percent butterfat content).

The Central Arkansas Milk Producers Association markets practically all of the milk supply not needed by handlers regulated under the Fort Smith and Central Arkansas orders. This cooperative has various outlets available, mainly in Arkansas, for such excess milk. Most manufacturing outlets in Arkansas are paying quality premiums of 40 cents over their reported basic price. Including the 40 cent premium, the average prices paid by two Arkansas manufacturing plants during the year 1962, averaged $3.17 per hundredweight for milk testing 3.5 percent butterfat. As of February 18, 1963, the Central Arkansas Milk Producers Association had arrangements with three manufacturing outlets where they receive 12 cents above the Central Arkansas order Class II price.

The Central Arkansas Milk Producers Association proposed that the monthly Class II price in Fort Smith and Central Arkansas be the Minnesota-Wisconsin price and for the months of September through February such price plus 25 cents. The Mid-South Producers Association proposed that the Memphis monthly Class II price be the Minnesota-Wisconsin series and for the months of September through February such price plus 10 cents.

Proponents clearly established that the value of producer milk classified as Class II is greater than the basic prices announced by local dairy manufacturing plants or the average price for milk used in manufacturing dairy products in the United States. Inasmuch as cooperative associations are willing to market milk in excess of handlers' needs at the proposed higher Class II prices, it is concluded that the Class II price in the three markets should be the Minnesota-Wisconsin series for manufacturing grade milk. This will lessen the disparity between the actual prices paid locally for premium quality milk used in manufacturing and the Class II order prices.

The Class II prices in these orders should not be increased in certain months above the average prices paid by Minnesota and Wisconsin plants. Although the prices which the Arkansas cooperative obtained for milk sold to manufacturing plants has been somewhat higher than the prices in the Minnesota-Wisconsin series, the prices received by the Memphis cooperative were close to that series on an annual average basis. It is important that the Class II prices in each of these markets be established at the same level. Hence, the average price for manufacturing milk in Minnesota and Wisconsin should be used with no premiums in all months for the three markets.

3. *Dates for filing reports and announcing class prices.* Cooperative associations representing most of the producers on the Memphis, Central Arkansas and Fort Smith markets proposed that the three orders be amended by changing the dates on which handlers are required to file reports of receipts and utilization to earlier dates in the month. Handlers opposed any change which would require reports to be filed on an earlier date. Since no necessity for earlier reporting dates was presented, no change in such filing dates should be made.

The Memphis and Central Arkansas orders should be amended by changing the date on which the market administrator is required to announce the minimum class prices and butterfat differentials from the 6th to the 5th day of the month.

The Class I prices for all three orders are computed from the Minnesota-Wisconsin basic formula price. It is recommended in this decision that the Class II prices for all three orders be computed from the same basic formula price. The average price for manufacturing grade milk at plants in Minnesota and Wisconsin and the Chicago butter price are both available by the fifth day of each month. Hence, all data necessary to compute the minimum class prices and butterfat differentials will be available by the fifth day of each month and should be announced on that date.

4. *Classification of milk used for livestock feed or dumped.* The Central Arkansas order should be amended to provide for Class II classification of both the butterfat and skim milk in fluid milk products disposed of and used for livestock feed. The proposals to amend the Memphis, Tennessee, and Fort Smith, Arkansas, orders to provide for Class II classification of only the skim milk disposed of and used for livestock feed are denied.

The Memphis and Central Arkansas orders should be amended to provide for the Class II classification of skim milk and butterfat in fluid milk products which are dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

The Memphis and Fort Smith orders presently provide for Class II classification of skim milk and butterfat disposed of for livestock feed while the Central Arkansas order provides for Class II classification of only the skim milk disposed of for livestock feed.

Cooperative associations representing producers supplying these markets proposed that the three orders be amended to provide for Class II classification of skim milk disposed of and used for livestock feed subject to inspection, at his discretion, by the market administrator. The cooperative associations further proposed that each handler, with respect to skim milk disposed of and used for livestock feed, be required to report to the market administrator such information at such time as the market administrator may require. The primary purpose for these proposals was to assure conformity among the orders and to clarify the authority of the market administrator.

Handlers regulated under the Memphis and Central Arkansas orders objected to the proposals and requested the Class II classification of both the butterfat and skim milk in fluid milk products disposed of as livestock feed.

Handlers under both orders testified that there were certain amounts of fluid milk products that could not be disposed of in Class I uses, principally returns from routes that have become unsalable as fluid products for human consumption. Other products which occasionally become unsalable for various reasons are vats of buttermilk, chocolate milk and cottage cheese. The unsalable butterfat and the skim milk is either disposed of for livestock feed at small returns to handlers or dumped with no financial return to handlers.

In any case, where a handler disposes of milk as livestock feed it may be presumed he is unable to find any other economic use for the product or its constituents. Ordinarily the disposal of butterfat for livestock feed would not occur in any case where salvage of the butterfat is reasonably possible. Accordingly, the Class II classification should apply to butterfat in the same manner as it applies to skim milk in fluid milk products disposed of and used for livestock feed.

Handlers regulated under the Memphis and Central Arkansas orders proposed that skim milk and butterfat contained in products dumped after prior notification to and opportunity for verification by the market administrator be classified as Class II.

Handlers testified that while some handlers have been able to find outlets as livestock feed for unsalable products, others have not. By providing Class II classification with respect to the skim milk and butterfat in products dumped, the handler who is not able to locate an outlet for unsalable products will be on an equitable basis with the handler who has a livestock feed outlet.

Allowing Class II classification for both the butterfat and skim milk in dumped products will accommodate the disposition of route returns and other items from which the recovery of butterfat and skim milk is not possible or practicable.

The market administrator can require such records at such times as are necessary and can prescribe such methods of accounting which he deems necessary to verify the claimed use of skim milk and butterfat for livestock feed and in dumped products. The market administrator should be notified prior to any dumping and be afforded the opportunity to verify such dumping if he should deem it necessary. To provide otherwise would make it possible for a handler to claim unlimited dumping of products. In the case of products disposed of for livestock feed, physical inspection and adequate records are needed to assure that such disposition was made.

5. *Base and excess price plans.* A base and excess plan of distributing returns for milk among producers should be incorporated into the Memphis, Tennessee, order. The base plan in the Memphis market and the base plans in the Fort Smith and Central Arkansas markets should be coordinated as to base-forming and base-paying rules and the transfer of bases between markets.

The cooperative association representing the majority of the producers on the Memphis market proposed that a base and excess plan be used in paying producers. The cooperative association representing most of the producers on the Central Arkansas and Fort Smith markets and several producers on the Memphis market supported the proposal.

There is a substantial movement of milk from producers on the nearby Central Arkansas and Fort Smith markets to the Memphis market. The Central Arkansas and Fort Smith orders presently provide for base and excess plans of distributing returns for milk among producers. The proponent of a base plan for Memphis requested a base-excess plan that would conform to modified base-excess plans for the Central Arkansas and Fort Smith orders.

The base-forming period under the Memphis order should be the months of September (or the effective date of this proposed amendment) through December in 1963 and during the months of September through January thereafter. The months of September through December are the base-forming months under the nearby Central Arkansas and Fort Smith orders. In view of the overlapping of the Memphis milkshed with the Central Arkansas and Fort Smith milksheds, it is appropriate that the base-forming periods be the same. After this year, the base-forming period should be the months of September through January in all three markets to encourage increased production in January.

Proponents asked that the base-excess plans provide for the calculation of a producer's daily base on the aggregate deliveries by such producer to handlers regulated under any of the three orders and that such producer's daily base should be recognized during the base and excess payment period with respect to that producer's deliveries to handlers under all of the three orders.

Due to the shifting of producer milk between handlers regulated under the three orders, the daily base for each producer should be determined by the market administrator by dividing the total pounds of milk received from such producer during the base-forming period by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Central Arkansas and Fort Smith marketing areas, by the total number of days in the base-forming period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than the number of days in the base-forming period minus 30. Such daily average base for each producer should be prorated for use during each of the base payment months according to his total deliveries to handlers regulated respectively under the Central Arkansas, Fort Smith and Memphis orders.

If a plant first became a fluid milk plant during or after the preceding base-forming period, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated by according such dairy farmers the same treatment as other producers in establishing bases. Bases would be computed from deliveries to the plant in the base-forming period for dairy farmers who became producers by virtue of the plant to which they delivered milk in the base-forming period having subsequently qualified as a fluid milk plant.

For deliveries during each month of February through July 1964, and March through July thereafter, separate uniform prices for "base milk" and "excess milk" would be computed. The months of February through July are the base payment months in the Central Arkansas and Fort Smith orders. In 1965 and thereafter, the base payment period should be limited to March through July under all three orders to encourage more production in February.

Each producer's base milk would be the quantity of such producer's milk received by a handler fully regulated under the respective order which is not in excess of the producer's pro rata base applicable to such handler's plant. His total base for the three markets would be determined by multiplying such producer's daily base by the number of days in the base-payment month. This base would be prorated to receipts from such producer at each plant fully regulated under the Memphis, Fort Smith or Central Arkansas order in the proportion of receipts during the month at each plant to the total receipts from such producer at all plants fully regulated by any of the three orders.

The proposed base-excess payment plan for Memphis is patterned after that used in Fort Smith and Central Arkansas. It provides that Class II disposition in the handler's plant would first be assigned to excess milk and the remaining use value would be assigned to base milk. If the handler's Class I utilization should be more more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price would be increased accordingly.

On or before January 25, 1964, and on or before February 25 of each year thereafter, the market administrator should notify each producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of computing and announcing bases and will correspond with the announcement dates in the Central Arkansas order.

Proponents requested that the base rules provide for the transfer of established bases between the three orders. The base rules herein recommended are patterned after the base rules in the Central Arkansas order and will coordinate the base and excess plans in the Memphis, Central Arkansas and Fort Smith orders.

A producer may maintain his base when he moves to another farm. Provision should be made that he may transfer his entire base to any other person. The producer making such transfer should notify the market administrator on forms approved by the market administrator and signed by the baseholder or his heirs and by the person to whom such base is to be transferred, on or before the end of the month in which such transfer is to be effective. If a base is held jointly, the entire base could be transferred only if the application is signed by all joint holders or their heirs and by the person to whom such base is to be transferred. Such base transfer rules should be applicable to base transfers between the Memphis, Central Arkansas and Fort Smith orders.

6. *Fort Smith marketing area.* The proposal to add the Arkansas counties of Sebastian, Scott, Logan, Johnson and Franklin to the Fort Smith, Arkansas, marketing area is denied.

The present Fort Smith marketing area includes the territory within the corporate limits of Fort Smith, Arkansas, Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation. Fort Smith is located in Sebastian County, Van Buren in Crawford County and Camp Chaffee is located primarily in Sebastian County. Two handlers, both located in Fort Smith, are fully regulated under the provisions of the Fort Smith order by virtue of fluid milk sales in the marketing area.

The proposal to enlarge the marketing area was made by the Central Arkansas Milk Producers Association. This cooperative, which supplies the two handlers regulated under the Fort Smith order, did not offer any testimony as to the prices being paid producers by three unregulated handlers located in the counties proposed to be added to the marketing area. Also, the cooperative failed to show any loss of sales in the proposed area by handlers purchasing milk from the cooperative.

The expansion of the marketing area as proposed would result in three additional handlers becoming regulated under the order. Two of these handlers are located in Logan County and the other handler is located in Johnson County. These handlers have from 90 to 100 percent of their fluid milk sales in the proposed addition to the marketing area. One of these handlers receives Grade A milk from five dairy farms, including his own. This handler distributes milk in Sebastian, Scott, Logan and Johnson Counties. Another handler purchases milk from eight Grade A producers and distributes milk in Franklin, Logan and Johnson Counties. The third handler, located in Johnson County, purchases milk from 13 Grade A producers and distributes milk in two of the five counties proposed to be added to the marketing area. The three unregulated handlers and some of the dairy farmers supplying these handlers opposed the expansion of the marketing area.

Although the prices paid by the two unregulated handlers who testified at the hearing indicate that they are paying somewhat less for milk than would be required under the classified prices of the Fort Smith order, there was no indication that regulated handlers had suffered loss of sales due to any competitive price advantage on the part of these unregulated handlers. No regulated handler appeared to support any addition to the marketing area or to present evidence that he was at a disadvantage in meeting competition from the three unregulated handlers. One unregulated handler stated he has no store sales because stores can purchase their milk from regulated handlers at a price lower than he is willing to meet.

Handlers regulated by the Fort Smith order make approximately 70 percent of the total fluid milk sales in the proposed five-county area. The three unregulated handlers have approximately 11 percent of the fluid sales in the proposed area. Although regulated handlers have the majority of the sales in these counties they have no apparent competitive disadvantage in the counties and, accordingly, these counties should not be included in the marketing area.

7. *Central Arkansas marketing area.* The Central Arkansas marketing area should be expanded to include the Arkansas counties of Craighead and Poinsett.

The addition of Craighead and Poinsett Counties to the marketing area will regulate a handler located in Paragould, Arkansas. The Paragould handler became regulated under the Memphis order by virtue of having fluid milk sales in excess of 1,000 pounds per day in the Memphis marketing area. In May 1963, approximately 3.4 percent of his total fluid milk sales were in the Memphis marketing area. The Memphis order which operates on the basis of an individual-handler pool requires that any plant from which 1,000 pounds of Class I milk per day, or 5 percent of the Class I milk at the plant during the month, is disposed of on routes in the marketing area shall be regulated as to minimum prices paid producers. The Central Arkansas order requires that 10 percent of a plant's receipts from producers and other pool plants be disposed of on routes in the marketing area as a basis for full regulation.

The Paragould handler has approximately 5 percent of his fluid milk sales in the present Arkansas marketing area, 6 percent of his fluid milk sales in Poinsett County and 11 percent of such sales in Craighead County. Since the handler uses about 90 percent of his receipts in fluid sales, 20 percent of his total receipts are disposed of on routes in the present and proposed marketing area.

This handler stated he preferred to be regulated under the Central Arkansas order. Handlers under the Memphis and Central Arkansas orders, and producers supplying the Memphis market were not opposed to the change in regulation provided that such handler received the same location differential under the Central Arkansas order as he currently does under the Memphis order. Such provision is proposed in this decision.

The Paragould handler with a slight withdrawal of fluid milk sales in the Memphis marketing area could obtain an unregulated status. This handler should be continually regulated as he competes extensively with handlers in both the Memphis and Central Arkansas markets for Class I sales and in procurement of supplies. The proposed expansion of the marketing area will insure continued regulated status for this handler under the Central Arkansas order.

The Paragould handler presently has more fluid milk sales in the Central Arkansas marketing area than he does in the Memphis marketing area. He purchases the majority of his milk from Arkansas producers through the Central Arkansas Milk Producers Association. This handler has from 46 to 62 percent (according to different estimates) of the Class I sales in Craighead County and from 43 to 47 percent of the milk sales in Poinsett County. The remaining portion of the sales in these two counties are made by Memphis and Central Arkansas order handlers, except for a small amount of sales in Poinsett County by a St. Louis order handler.

The proposed counties are contiguous with the present marketing area and are an integral part of the sales area of Central Arkansas order regulated handlers. The health regulations applicable to milk sold for fluid consumption are identical throughout such area so that milk can and does move freely within the area.

The Central Arkansas Milk Producers Association proposed the extension of the marketing area to include also the Arkansas counties of Greene, Independence, Jackson, Lawrence and Mississippi.

Independence, Jackson, and Lawrence Counties should not be added to the marketing area because the addition of these counties would bring a handler located in Batesville, Arkansas, under regulation. This handler makes approximately 60 percent of his fluid milk sales in these three counties and 40 percent of his sales in other counties north of Batesville. The Batesville handler is purchasing his milk from the Central Arkansas Milk Producers Association on a classified basis at prices in line with minimum order prices he would be required to pay if regulated under the Central Arkansas order. A representative for the cooperative testified that this was an equitable price and that regulated handlers were not losing Class I sales in the proposed counties. The Batesville handler opposed regulation. There was no need shown for regulating this handler and, therefore, these three counties should not be added to the marketing area.

Greene and Mississippi Counties should not be added to the marketing area. Central Arkansas handlers have approximately two percent of the fluid milk sales in Greene County and not more than seven percent of such sales in Mississippi County. Excluding the sales of the Paragould handler, Memphis handlers have approximately 13 percent of the sales in Greene County and not more than 41 percent of such sales in Mississippi County. These counties are so insignificantly associated with the sales territory of present Central Arkansas handlers that it does not justify their being added to the marketing area. Further, an unregulated handler in Cape Girardeau, Missouri, is currently supplying a military base located in Mississippi County. Should this county be added to the marketing area this handler could become regulated. The record shows no need for regulating this handler under the Central Arkansas order.

8. *Advance payment to cooperative associations.* The Central Arkansas order should be amended to provide specifically for advance payments by handlers to cooperative associations on bulk tank milk for which the cooperative association acts as the handler.

The order presently provides for advance and final payments by a handler to a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and which has so requested any handler in writing, and for final payments by a handler to a

cooperative association with respect to receipts of bulk tank milk for which the cooperative association is the handler. The cooperative association representing most of the producers on the market proposed that the order be amended to specifically require a handler to make the advance payment to the cooperative association on bulk tank milk for which the cooperative acts as the handler. There was no opposition to the proposal. The advance payment should be due the second day before payments are due individual producers.

9. *Market administrator reports to cooperative associations.* The Memphis, Tennessee, order should be amended to provide that the market administrator report to each cooperative association, which so requests, the percentage of milk delivered by such association or its members which was used in each class by each handler receiving such milk.

The cooperative association representing the majority of the producers on the market proposed that on or before the 11th day after the end of each month, the market administrator report to each cooperative association which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the fluid milk plants of other handlers and to nonfluid milk plants.

Under the present provisions of the Memphis order, bulk tank milk for which the cooperative association is the handler and which is delivered directly to fluid milk plants of other handlers is prorated with receipts at the fluid milk plant from producers and from other cooperative associations which are handlers for bulk tank milk. Such a cooperative association reports to the market administrator only the receipts from producers and the total pounds of skim milk and butterfat delivered to each fluid milk plant. From the handlers' reports of receipts and utilization and from other reports prescribed by the order and by the market administrator, the market administrator calculates the net obligation of each handler for milk received from producers and notifies each handler of such obligation on or before the 11th day of each month. The notification includes, along with other information, the amount and value of milk in each class.

By requiring the market administrator to report at the same time to the cooperative association the percentage of milk delivered by such association or its members which was classified in each class by each handler receiving such milk, the association will be informed immediately of the proportions of its members' milk used in each class by each handler, and can plan its marketing program according to the relative use of producer milk in Class I at each plant.

The relationship of receipts of producer milk from cooperative associations at each handler's plant to the total pounds of Class I milk available to assign such receipts, exclusive of the Class I milk disposed of by such handler to the fluid milk plants of other handlers and to nonfluid milk plants, involves the disclosure of information with respect to milk other than producer milk in the handler's plant. Therefore, the market administrator should not be required to report this information to cooperative associations.

10. *Type of pool.* The proposal to change the pooling arrangement of the Memphis, Tennessee, order from an individual-handler pool to a marketwide pool was abandoned at the hearing by its proponents. Since no evidence was presented at the hearing regarding the need for a marketwide pool, the order should not be amended in this aspect on the basis of this record.

11. *Location differentials.* The basing points for location price adjustments in the Central Arkansas order should be Arkadelphia, Arkansas; Little Rock, Arkansas; or Memphis, Tennessee, whichever is nearest. No changes should be made in the location price differentials in the Memphis order.

The present basing points for location differentials in Central Arkansas are Little Rock and Benton. Arkadelphia is located 48 miles south of Benton. Recently a plant at Arkadelphia, which was fully regulated under this order was purchased by a partially regulated handler in Camden, Arkansas. The plant in Arkadelphia is being closed and the sales from that plant will be served by the Camden plant. Since the sales from the Arkadelphia plant were made almost entirely in the marketing area, it is anticipated that the handler in Camden will become a fully regulated handler under the order. Camden is 103 miles south of Benton and under the present provisions of the order would receive a minus 16.5 cents location adjustment. Camden is located 55 miles south of Arkadelphia, and would receive no location adjustment with Arkadelphia as a basing point for location adjustments.

A location adjustment should not be applicable to a plant at Camden. The operator of this plant is presently purchasing milk from the Central Arkansas Milk Producers Association at the same price as Central Arkansas order handlers are paying for milk delivered to plants in Little Rock. Producers supplying the plant have the alternative of obtaining this price if they ship milk to Little Rock plants.

The proposal to provide for a plus location adjustment for Central Arkansas pool plants located 60 miles south of the nearest basing point is denied. Generally, as one moves south, supply-demand conditions for milk require progressively higher prices for milk corresponding to the increased cost of transporting milk from areas of alternative milk supplies. However, the record does not establish the need for this provision since there presently are no pool plants located south of the proposed basing points to which a plus location adjustment would apply. Furthermore, the proposed adoption of a basing point at Arkadelphia to maintain the Little Rock price level at Camden 155 miles south of Little Rock indicates that the proposed pattern of plus adjustments may not fit actual conditions.

Memphis, Tennessee, should be included as a basing point for location differentials in Central Arkansas. The handler located in Paragould, Arkansas, as a regulated handler under the Memphis order, receives a 13.5-cent location differential. The expansion of the Central Arkansas marketing area as proposed in this decision will regulate the Paragould handler under the Central Arkansas order. Under present provisions, the Paragould handler, as a regulated handler under Central Arkansas, would receive a location adjustment on Class I milk of 22.5 cents and producers supplying this handler would receive the Central Arkansas order plend price minus 22.5 cents.

Producer milk should be priced in relation to its location value. Since the value of producer milk varies with the proximity of a producer to a market, milk prices are usually higher at delivery points in the major consumption centers. If there is more than one major consumption area in which a producer can market his milk, the location value of his milk is affected by his nearness to each of these consumption centers. With the value of producer milk established in relation to the major consumption centers, all producer milk received by handlers in a given area has an alternative value based on the highest net price paid f.o.b. such centers less the cost of hauling milk to the respective market. Since the Central Arkansas and Memphis Class I prices are identical, the higher alternative net price for producers at Paragould is the Class I price less the cost of transportation to Memphis.

The record is replete with evidence concerning the overlapping of production and sales areas of Memphis and Central Arkansas handlers. By including Memphis as a basing point for location adjustments, the location price adjustment will be the same for a handler and for producers who deliver milk to him irrespective of whether he is regulated under the Central Arkansas or the Memphis order. Thus, inclusion of Memphis as a basing point for location differentials in the Central Arkansas order will reflect the higher alternative value of producer milk for the competing markets of Memphis and Central Arkansas.

Pool plants located in Greene County, Arkansas, should not receive a 34-cent location adjustment. The handler in Paragould proposed that plants regulated under the Memphis and Central Arkansas orders and located in Greene County receive a 34-cent location adjustment. Paragould is located about 90 miles north of Memphis and 150 miles northeast of Little Rock. As previously stated the best alternative market for producer milk being supplied this handler is the Memphis price minus 13.5 cents. It is not necessary to price such milk at the Memphis price minus 34 cents since producers can obtain the Memphis price by hauling their milk the additional 90 miles at an approximate cost of 13½ cents per hundredweight.

12. *Class II butterfat differentials.* The Class II price in the Memphis and Central Arkansas orders for milk containing more or less than 3.5 percent butterfat should be increased or decreased, respectively, for each one-tenth percent butterfat at a rate determined by multiplying the Chicago butter price by .115.

The present Memphis Class II butterfat differential is obtained by multiplying the Chicago butter price by .110 during April through June and by .115 for all other months. The Central Arkansas order Class II butterfat differential is obtained by multiplying the Chicago butter price by .110 during April through July and by .115 for all other months. During the 12-month period May 1962 through April 1963, the butterfat differential was 6.7 cents during the months the .115 factor was applicable and 6.4 cents during the months the .110 factor was applicable.

The two principal cooperative associations in the three markets proposed the .115 factor for all months. The Fort Smith order uses such a factor, thus this proposal would make the butterfat differentials uniform in the three orders. These cooperative associations handle the Class II milk handlers do not want to accept.

The testimony with respect to the Class II prices and that concerning butterfat differentials shows that the cooperative associations are able to market their milk at the proposed Class II prices adjusted by the proposed butterfat differentials when handlers will not accept milk in excess of their fluid sales. Since a market is available for excess milk including butterfat at the proposed prices the differentials should be revised as proposed.

Handlers proposed that the butterfat differentials in the Central Arkansas and Memphis orders be reduced to .110 times the Chicago butter price. There was some testimony that handlers occasionally receive less than 67 cents per pound of excess fat disposed of to manufacturing plants. They offered no evidence, however, to show that they could purchase butterfat for use in ice cream or other Class II products for less than 67 cents per pound.

13. *Classification of milk used in specified products.* The classification of certain uses of milk under the Memphis and Central Arkansas orders should be revised. The Memphis order should be amended to provide that fluid milk products fortified by the addition of nonfat milk solids be classified as Class I in an amount equal only to the weight of an equivalent volume of an unfortified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

Fortified fluid milk products generally result from the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of unfortified milk. Reconstituted products, on the other hand, involve a process wherein concentrated milk solids are blended with water to yield a weight of product approximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

Nonfat dry milk and condensed milk can be derived from sources other than producer milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demand of consumers and thereby to maintain or increase Class I sales.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Therefore, the difference between the volume classified in Class I and the total skim milk equivalent of nonfat milk solids in the product should be assigned to Class II.

The Central Arkansas order should be amended to provide Class II classification for cream frozen and stored and for skim milk and butterfat disposed of in bulk to commercial food manufacturing establishments which do not dispose of fluid milk products.

The Class II classification for these products was requested so that the Central Arkansas order would conform in this respect to the Memphis, Tennessee, order. There was no opposition to this proposal. The proponent of this proposal had no knowledge of any transactions of this nature currently being practiced. However, any milk used by commercial food manufacturing establishments which do not dispose of fluid milk products would not displace producer milk from Class I uses. Frozen cream which is stored is designed primarily for use in Class II products.

There is an extensive overlap of supply and sales by handlers regulated by the Central Arkansas and Memphis orders. In order that Central Arkansas handlers may use these outlets for surplus milk as Memphis handlers are permitted, skim milk and butterfat in such a transaction should be classified as Class II.

The Memphis order should be amended to provide for Class I classification of eggnog which is labelled Grade A. The proposal to amend the Central Arkansas order to provide for Class I classification of eggnog is denied. Cooperative associations representing producers supplying the Memphis and Central Arkansas markets proposed that the two orders be amended to provide for Class I classification of eggnog and/or boiled custard. The proponents of the proposals claimed that eggnog displaces sales of a considerable volume of Class I milk, particularly during holiday seasons, and that other Federal orders in the immediate vicinity provide for Class I classification of eggnog. Handlers regulated under both orders objected to the proposals, indicating that they would be placed at a competitive disadvantage in the marketing of eggnog if the product were classified as Class I.

Class I milk includes products which are required to be made from Grade "A" milk produced in accordance with the requirements of health authorities having jurisdiction in the marketing area. Eggnog sold in the respective marketing areas is not required to be made from Grade "A" milk and is not permitted to be labelled Grade A in the State of Arkansas. Some regulated handlers use Grade "A" producer milk in the production of eggnog since they are not allowed to have ungraded products in the Grade A portions of their plants. However, this product is sold in competition with eggnog produced by unregulated handlers using non-Grade "A" milk.

Since eggnog is not required to be made from Grade "A" milk and due to competition in the marketing of eggnog from plants where eggnog is made from non-Grade A milk, eggnog should not be classified as Class I under the Central Arkansas order and should not be Class I under the Memphis order unless the product is labelled as Grade A. Eggnog labelled Grade A is required to be made from Grade A milk and thus should be classified as Class I.

The Memphis and Central Arkansas orders should be amended to provide for Class II classification of sour cream mixtures to which cheese or any food substance other than a milk product has been added except when such products are labelled Grade A.

Handlers regulated under both orders proposed that the skim milk and butterfat contained in sour cream mixtures to which cheese or another food substance had been added be classified as Class II. Memphis handlers originally proposed a 15 percent butterfat limitation on the finished product to be classified as Class II but did not support this limitation since some Memphis handlers' finished products have less than 15 percent butterfat content while other Memphis handlers' finished products have more than 15 percent butterfat content. As an alternate proposal, Memphis handlers asked for Class II classification of cultured sour cream mixtures to which cheese or another food substance other than a milk product has been added and which contain butterfat equal to not more than 15 percent of the finished product, and cultured sour cream mixtures to which cheese or another food substance other than a fluid milk product has been added which are not labelled Grade A.

A cooperative association with producers on the Memphis market opposed the proposal, stating that Memphis handlers use Grade A milk in the production of sour cream mixtures and that some of the mixtures were sold under a Grade A label.

Handlers regulated under the Memphis and Central Arkansas orders market

"dip specialty" products which are cultured sour cream mixtures to which cheese and non-dairy food ingredients have been added. Some of the containers have reference to Grade A while others do not. These dip specialty products are sold in competition with similar products which are not labelled Grade A.

Since Class I milk should include products which are required to be made from Grade A milk, sour cream mixtures which are labelled Grade A should remain in Class I. Sour cream mixtures sold in the marketing area as Grade A products must be made from Grade A milk. However, if they are not labelled as Grade A they may be made from non-Grade A milk. Since such dip specialty products may be, and are, sold in the marketing areas as non-Grade A products, they should not be included in Class I unless labelled Grade A. A 15 percent butterfat content limitation on the finished product is not necessary as a basis for distinguishing these products for the purpose of classification.

14. *Shrinkage allowances.* The shrinkage provision of the Memphis, Tennessee, order should be revised and clarified to provide that handlers would receive shrinkage allowances on skim milk and butterfat in milk received in bulk from other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants only in the net amount remaining after subtracting milk disposed of as bulk milk to other plants. With this amendment, the Memphis order shrinkage provision will conform with the Central Arkansas shrinkage provision in these aspects. The proposal to amend the Central Arkansas order shrinkage provision to conform with the Memphis order shrinkage provision is denied.

The Memphis order shrinkage provision presently provides for shrinkage allowances of two percent of skim milk and butterfat received directly from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream; one-half of one percent of skim milk and butterfat in milk, except diverted milk, received directly from producers and disposed of as whole milk, skim milk or cream in bulk; and one and one-half percent of skim milk and butterfat received in bulk from fluid milk plants of other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants.

The cooperative association representing the majority of the producers on the Memphis market proposed that the Memphis order be amended to provide that handlers would receive no shrinkage allowance on skim milk and butterfat received in bulk from fluid milk plants of other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants if disposed of as bulk tank lots of whole milk, skim milk or cream.

The cooperative association representing most of the producers on the Central Arkansas market and a substantial number of producers on the Memphis market proposed that the Central Arkansas order be amended to provide for a shrinkage provision the same as that provided for under the Memphis order, including the change proposed by the Memphis cooperative association. This proposal would entail the elimination of the option to handlers to receive milk from a cooperative association handler on the basis of farm tank weights determined by farm bulk tank calibrations and the one and one-half or two percent shrinkage allowance, depending on the source, to handlers who ship cream or skim milk in bulk to other plants. This proposal was submitted so that the two orders would have conforming shrinkage provisions. The Memphis cooperative association supported the proposal so that the shrinkage provisions provided in the two orders would be identical since this would promote equity among competing Memphis and Central Arkansas handlers.

Handlers under the Central Arkansas order objected to the elimination of the option to receive milk on the basis of farm tank weights. A handler with plants regulated under both orders objected to the proposed shrinkage allowances of zero or one-half of one percent, depending on the source, of milk disposed of as bulk cream or skim milk to other plants. The handler requested that the present Central Arkansas shrinkage allowances be retained.

This handler, at the Central Arkansas plant, separates milk and uses the skim milk and butterfat for processing various milk products. At times there is a surplus of butterfat and skim milk which must be disposed of to outside sources since the plant has no manufacturing facilities for ice cream or butter. Since there is some loss of fat in the separation process, the plant operation reflects this shrinkage.

The provisions, as herein recommended, revise the division of allowable shrinkage between handlers, depending upon functions performed, and will avoid the duplication of shrinkage on transfers between regulated plants.

The option to handlers in the Central Arkansas order to receive milk from a cooperative association handler on the basis of farm tank weights determined by farm bulk tank calibrations should be retained, and the wording should be clarified to specify that the use of average farm butterfat tests is required under the option.

15. *Allocation of other order Class I milk.* Handlers regulated under the Memphis and Central Arkansas orders proposed that the orders be amended with respect to the allocation of skim milk and butterfat received at handlers' plants in the form of fluid milk products in consumer packages if such fluid milk products were priced as Class I under another order issued pursuant to the Act.

Evidence with respect to these proposals was received also at a previous hearing. The hearing was held at St. Louis, Missouri, on January 8–11, 1963, and evidence was received with respect to the milk marketing orders for the Memphis, Tennessee, marketing area, and the Central Arkansas marketing area, as well as for several other areas including Fort Smith, Arkansas. Consideration of the allocation and charges assessed other order packaged Class I milk received at handlers' plants is a matter to be dealt with on the record of the regional hearing held in St. Louis. Therefore, the proposals to provide for the allocation to Class I of skim milk and butterfat received at handlers' plants in the form of fluid milk products in consumer packages if such fluid milk products were priced as Class I pursuant to another order issued pursuant to the Act are denied on the basis of this record.

16. *Miscellaneous and conforming changes.* The Central Arkansas order presently contains definitions which provide that producer milk delivered directly from the farm to pool plants in tank trucks for the account of a cooperative association as a handler is producer milk received by such cooperative and transferred to pool plants. Since such milk is the producer milk of the cooperative association as a handler, the order should not be amended to provide for the classification and pricing of such milk as producer milk at the pool plants to which transferred.

The Memphis, Tennessee, order presently provides for the Class II classification of aerated and frozen cream by virtue of the "fluid milk product" definition. To conform the provisions of this order, the specific reference to these products as Class II milk under "classes of utilization" should be deleted.

Other conforming changes to the Memphis, Tennesee; Fort Smith, Arkansas; and Central Arkansas orders are necessitated by the recommended new and modified base-excess plans and involve the inclusion or modification of certain reports required of both handlers and the market administrator which are essential to the operation of the base-excess plans.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

MEMPHIS, TENNESSEE, ORDER (PART 1097)

1. Section 1097.16 is revised as follows:

§ 1097.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, plain or flavored milk drinks, sweet and sour cream (except aerated and frozen cream); and any mixture in fluid form of milk, skim milk and cream except mixes for frozen dairy products. Eggnog and sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as fluid milk products only if disposed of under a Grade A label.

2. New §§ 1097.17 and 1097.18 are added as follows:

§ 1097.17 Base milk.

"Base milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1097.81.

§ 1097.18 Excess milk.

"Excess milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1097.81.

3. In § 1097.22, paragraphs (i) and (k) are revised as follows:

§ 1097.22 Duties.

* * * * * *

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 1097.51(a) and the Class I butterfat differential computed pursuant to § 1097.52(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1097.51(b) and the Class II butterfat differential computed pursuant to § 1097.52(b), both for the previous month; and

(2) On or before the 13th day of each month, the uniform price(s) for each handler computed pursuant to §§ 1097.71 or 1097.72, as applicable, the location differential for each handler computed pursuant to § 1097.93, and the butterfat differential computed pursuant to § 1097.92, all for the preceding month;

* * * * * *

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of milk delivered by such association or by its members which was allocated to each class by each handler receiving such milk.

* * * * * *

4. Section 1097.41 is revised as follows:

§ 1097.41 Classes of utilization.

Subject to the conditions set forth in §§ 1097.43 and 1097.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(3), (4) and (7) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in ending inventory of fluid milk products;

(3) In fluid milk products disposed of and used for livestock feed or in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to subparagraph (a)(1)(ii) of this section;

(5) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1097.42(b)(2) but not in excess of:

(i) Two percent of milk received directly from producers except milk diverted pursuant to § 1097.11(b); plus

(ii) One and one-half percent of milk received in bulk tank lots from fluid milk plants of other handlers and from cooperative associations which are handlers pursuant to § 1097.10(c); less

(iii) One and one-half percent of milk disposed of in bulk tank lots to other plants; less

(iv) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1097.10(c);

(6) In shrinkage allocated to other source milk pursuant to § 1097.42(b)(1); and

(7) The utilization of which is established as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products.

5. In § 1097.42, subparagraph (b)(2) is revised as follows:

§ 1097.42 Shrinkage.

* * * * * *

(b) * * *

(2) Fifty times the maximum pounds of skim milk and butterfat pursuant to § 1097.41(b)(5).

6. Section 1097.45 is revised as follows:

§ 1097.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler. The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

7. In § 1097.46, subparagraph (a)(1) is revised as follows:

§ 1097.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk computed pursuant to § 1097.41(b)(5);

* * * * * *

8. In § 1097.51, paragraphs (a) and (b) are revised as follows:

§ 1097.51 Class prices.

* * * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding inter-

handler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1102 (Fort Smith marketing area) and 1108 (Central Arkansas marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October–November	108	114
February	November–December	107	113
March	December–January	107	113
April	January–February	107	113
May	February–March	106	112
June	March–April	109	115
July	April–May	112	118
August	May–June	115	121
September	June–July	114	120
October	July–August	111	117
November	August–September	110	116
December	September–October		

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(*a*) Each percentage unit of deviation, or

(*b*) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each percentage unit of deviation;

(*b*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The Class II milk price shall be the basic formula price computed pursuant to § 1097.50.

9. In § 1097.52, paragraph (b) is revised as follows:

§ 1097.52 Butterfat differential to handlers.

• • • • •

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

10. Section 1097.60 is revised as follows:

§ 1097.60 Producer-handler.

Sections 1097.40 through 1097.46, 1097.50 through 1097.53, 1097.70 through 1097.72, 1097.80 through 1097.83, and 1097.90 through 1097.97 shall not apply to a producer-handler.

11. In § 1097.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1097.71 Computation of uniform prices for handlers.

For each of the months through January 1964 and for the months August through February thereafter, the market administrator shall compute for each handler a uniform price with respect to his producer milk as follows:

• • • • •

12. A new § 1097.72 is added as follows:

§ 1097.72 Computation of the uniform prices for base and excess milk for handlers.

For each of the months of February through July 1964 and March through July thereafter, the market administrator shall compute for each handler with respect to his producer milk, a uniform price for base milk and for excess milk as follows:

(a) Follow the computations and adjustments provided for in § 1097.71 (a) through (d);

(b) Compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk not in excess of the total quantity of producer milk assigned to Class II milk for such handler by the Class II price; multiply the remaining excess milk by the Class I price and add together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for such handler for all excess milk of 3.5 percent butterfat content;

(d) Subtract, for each handler, the value of such handler's excess milk obtained in paragraph (b) of this section from the value of all milk obtained for such handler pursuant to paragraph (a) of this section; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be the uniform price for such handler for base milk of 3.5 percent butterfat content subject to adjustments pursuant to § 1097.93.

13. Sections 1097.80, 1097.81, 1097.82 and 1097.83 are added as follows under the heading "Determination of Base".

§ 1097.80 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period starting with the effective date of this order through December 1963 and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than the number of days in the period through December 1963 less 30 for such period and 120 thereafter. In the case of producers delivering milk to a plant which first became a fluid milk plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been a fluid milk plant during such period.

§ 1097.81 Determination of monthly base of each producer.

Subject to the rules set forth in § 1097.82, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by a handler as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1097.80 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by more than one handler and/or by handlers fully regulated under the terms of the Central Arkansas (Part 1108) or Fort Smith, Arkansas (Part 1102), orders during the month, multiply such producer's daily average base computed pursuant to § 1097.80 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1097.80 which were received by each handler to determine the amount of base milk received from such producer by each handler.

§ 1097.82 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1097.80.

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred; and

(b) If a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1097.83 Announcement of established bases.

On or before January 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

14. In § 1097.91 the introductory text of paragraph (b) and all of paragraph (c) is revised as follows:

§ 1097.91 Payments to producers.

• • • • •

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer or cooperative association during the month by each handler from whom the appropriate payments have been received pursuant to § 1097.90(b), such payments by the market administrator to be at not less than the uniform price(s) computed pursuant to §§ 1097.71 or 1097.72, as applicable, subject to the following adjustments:

• • • • •

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall, on or before the second day prior to the date payments are due to individual producers, make payment to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, and to a cooperative association with respect to milk for which it is a handler pursuant to § 1097.10(c), a total amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section.

15. Section 1097.93 is revised as follows:

§ 1097.93 Location differentials to producers.

In making payment pursuant to § 1097.91, the applicable uniform prices for all milk received shall be adjusted according to the location of the fluid milk plant where such milk was received at the rate provided pursuant to § 1097.53.

16. Section 1097.94(b) is revised as follows:

§ 1097.94 Statement to producers.

• • • • •

(b) The total pounds of milk received months of February through July 1964 and March through July thereafter, such producer's deliveries of base and excess milk.

FORT SMITH, ARKANSAS (PART 1102)

17. Section 1102.14 is revised as follows:

§ 1102.14 Base milk.

"Base milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1102.91.

18. Section 1102.15 is revised as follows:

§ 1102.15 Excess milk.

"Excess milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1102.91.

19. Section 1102.22(k) is redesignated as (l) and a new (k) is added as follows:

§ 1102.22 Duties.

• • • • • •

(k) Notify each handler in writing on or before the 12th day of each month for each of the preceding months of February through July 1964 and March through July thereafter, the amount of base milk and excess milk received from each producer.

20. Section 1102.30(a) is revised as follows:

§ 1102.30 Reports of receipts and utilization.

• • • • •

(a) The quantities of skim milk and butterfat contained in milk received from producers;

• • • • •

21. Section 1102.31(a) is revised as follows:

§ 1102.31 Reports of payments to producers.

• • • • •

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July 1964 and March through July thereafter, such producer's deliveries of base and excess milk.

• • • • •

22. Section 1102.32 is revised by adding a new paragraph (b) as follows:

§ 1102.32 Other reports.

• • • • •

(b) Each handler, except a producer handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator on or before the 7th day of each month of March through August 1964 and April through August thereafter, for each producer for the preceding month:

(1) His name and address or other appropriate identification;

(2) The total pounds of milk and butterfat received from such producer;

(3) The location at which such milk was received; and

(4) The number of days on which milk was received from each producer.

23. Section 1102.41(b)(2) is revised as follows:

§ 1102.41 Classes of utilization.

• • • • •

(b) • • •

(2) Disposed of and used for livestock feed;

• • • • •

24. Section 1102.51 (a) and (b) are revised as follows:

§ 1102.51 Class prices.

• • • • •

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.45 in each of the months of April through June and $1.85 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1097 (Memphis, Tennessee, marketing area) and 1108 (Central Arkansas marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October–November	108	114
February	November–December	107	113
March	December–January	107	113
April	January–February	107	113
May	February–March	106	112
June	March–April	109	115
July	April–May	112	118
August	May–June	112	118
September	June–July	115	121
October	July–August	114	120
November	August–September	111	117
December	September–October	110	116

(3) For a minus "deviation percentage" the Class I price shall be increased and for a plus "deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(*a*) Each percentage unit of deviation, or

(*b*) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each percentage unit of deviation;

(*b*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The Class II milk price shall be the basic formula price computed pursuant to § 1102.50.

25. Section 1102.60 is revised as follows:

§ 1102.60 Producer-handlers.

Sections 1102.40 through 1102.46, 1102.50 through 1102.53, 1102.70 through 1102.72, 1102.80 through 1102.85, and 1102.90 through 1102.93 shall not apply to a producer-handler.

26. In § 1102.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1102.71 Computation of uniform prices for handlers.

For each of the months through January 1964, and August through February thereafter, the market administrator shall compute for each handler a uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

* * * * *

27. In § 1102.72 the introductory text preceding paragraph (a) is revised as follows:

§ 1102.72 Computation of the uniform prices for base and excess milk for each handler.

For each of the months of February through July 1964, and March through July thereafter, the market administrator shall compute for each handler with respect to milk received from producers, a uniform price for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

* * * * *

28. Section 1102.80(a) is revised as follows:

§ 1102.80 Time and method of payment.

* * * * *

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, at not less than the appropriate uniform price(s) adjusted by the producer butterfat differential for all milk received from such producer during the preceding month less the amount of payment made pursuant to paragraph (b) of this section.

* * * * *

29. Section 1102.90 is revised as follows:

§ 1102.90 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period of September through December 1963, and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 90 for the September–December base-forming period and 120 thereafter. In the case of producers delivering milk to a plant which first became an approved plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been an approved plant during such period.

30. Section 1102.91 is redesignated as § 1102.92 and a new § 1102.91 is added as follows:

§ 1102.91 Determination of monthly base for each producer.

Subject to the rules set forth in § 1102.92, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by a handler as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1102.90 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by more than one handler and/or by handlers fully regulated under the terms of the Memphis, Tennessee (Part 1097), or Central Arkansas (Part 1108) orders during the month, multiply such producer's daily average base computed pursuant to § 1102.90 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1102.90 which were received by each handler to determine the amount of base milk received from such producer by each handler.

31. The redesignated § 1102.92 is revised as follows:

§ 1102.92 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1102.90:

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base-holder, or his heirs, and by the person to whom such base is to be transferred;

(b) If a base is held jointly, the entire base shall be transferred only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

32. A new § 1102.93 is added as follows:

§ 1102.93 Announcement of established bases.

On or before Januray 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

CENTRAL ARKANSAS ORDER (PART 1108)

33. Section 1108.4 is revised as follows:

§ 1108.4 Central Arkansas marketing area.

"Central Arkansas marketing area", called the "marketing area" in this part means all the territory included within the boundaries of the counties of Clark, Conway, Craighead, Cross, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lonoke, Monroe, Phillips, Poinsett, Pope, Prairie, Pulaski, Saline, St. Francis, White, and Woodruff, all in the State of Arkansas.

34. Section 1108.16 is revised as follows:

§ 1108.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream except frozen cream, aerated cream, ice cream mix, eggnog and sterilized products in hermetically sealed containers. Sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as a fluid milk product only if disposed of under a Grade A label.

35. Section 1108.18 is revised as follows:

§ 1108.18 Base milk.

"Base milk" means milk received by handlers from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1108.91.

36. Section 1108.19 is revised as follows:

§ 1108.19 Excess milk.

"Excess milk" means milk received by handlers from a producer during any of the months of February through July 1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1108.91.

37. Section 1108.27(k)(1) is revised as follows:

§ 1108.27 Duties.

* * * * *

(k) * * *

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price and the Class II butterfat differential, both for the preceding month; and

* * * * *

38. Section 1108.31(b)(1) and (b)(2)(ii) are revised as follows:

§ 1108.31 Other reports.

* * * * *

(b) * * *

(1) On or before the 7th day of each month of March through August 1964 and April through August thereafter, for each producer for the preceding month: (i) His name and address or other appropriate identification; (ii) the total pounds of milk and butterfat received from such producer; (iii) the location at which such milk was received; and (iv) the number of days on which milk was received from such producer.

(2) * * *

(ii) The total pounds of milk received from such producer, including, for the months of February through July 1964 and March through July thereafter, the pounds of base milk;

* * * * *

39. Section 1108.41 is revised as follows:

§ 1108.41 Classes of utilization.

Subject to the conditions set forth in §§ 1108.42 through 1108.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(3), (4) and (7) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) In fluid milk products disposed of and used for livestock feed or in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1108.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers except milk diverted pursuant to § 1108.6; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 1108.12(c), if the handler operating the pool plant files with the market administrator in writing, prior to the first day of the month, notice that he is purchasing such milk for the month on the basis of average farm tests and farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1108.12 (c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph;

(6) In shrinkage allocated to other source milk pursuant to § 1108.42(b)(2); and

(7) The utilization of which is established as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products.

40. Section 1108.51 (a) and (b) are revised as follows:

§ 1108.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1097 (Memphis, Tennessee, marketing area) and 1102 (Fort Smith, Arkansas, marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October–November	106	114
February	November–December	107	113
March	December–January	107	113
April	January–February	107	113
May	February–March	106	112
June	March–April	109	115
July	April–May	112	118
August	May–June	112	118
September	June–July	115	121
October	July–August	114	120
November	August–September	111	117
December	September–October	110	116

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(*a*) Each percentage unit of deviation, or

(*b*) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceeding; plus

(iii) One cent times the least of:

(*a*) Each percentage unit of deviation;

(*b*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1108.50.

41. Section 1108.52(b) is revised as follows:

§ 1108.52 Butterfat differential to handlers.

* * * * *

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

42. Section 1108.53 is revised as follows:

§ 1108.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 60 miles or more from the Courthouse at Arkadelphia, Arkansas; the City Hall at Memphis, Tennessee; or the State

Capital at Little Rock, Arkansas; whichever is nearest by shortest highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1108.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is from the respective building designated above: *Provided,* That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculation prescribed in § 1108.46(a) (1) through (4) and the comparable steps in paragraph (b) thereof for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

43. In § 1108.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1108.71 Computation of the uniform price.

For each of the months through January 1964 and August through February thereafter, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

* * * * *

44. In § 1108.72 the introductory text preceding paragraph (a) is revised as follows:

§ 1108.72 Computation of uniform prices for base milk and excess milk.

For each of the months of February through July 1964 and March through July thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

* * * * *

45. Section 1108.74 is revised as follows:

§ 1108.74 Location differential to producers.

The applicable uniform prices to be paid for all producer milk received at a pool plant located 60 miles or more from the Courthouse at Arkadelphia, Arkansas; the City Hall at Memphis, Tennessee; or the State Capital at Little Rock, Arkansas, whichever is nearest by shortest highway distance, as determined by the market administrator, shall be reduced according to the distance of the plant from the respective building designated above at the rate of 1.5 cents for each 10 miles or residual fraction thereof.

46. Section 1108.75(b) is revised as follows:

§ 1108.75 Notification of handlers.

* * * * *

(b) For the months of February through July 1964 and March through July thereafter, the amount and value of his base and excess milk, respectively, and the amount of base milk and excess milk received from each producer;

* * * * *

47. Section 1108.80(c)(2)(ii) and (d) are revised as follows:

§ 1108.80 Time and method of payment for producer milk.

* * * * *

(c) * * *

(2) * * *

(ii) For the months of February through July 1964 and March through July thereafter, the pounds of base milk received;

* * * * *

(d) To a cooperative association with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1108.12(c):

(1) On or before the 2d day prior to the last day of the delivery period, an amount equal to the rate specified in paragraph (a)(1) of this section times the volume received during the first 15 days of the delivery period; and

(2) On or before the 13th day after the end of each delivery period, an amount equal to not less than the value of such milk at applicable class price(s) less payment made pursuant to paragraph (d)(1) of this section.

48. Section 1108.90 is revised as follows:

§ 1108.90 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period of September through December 1963, and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 90 for the September-December base-forming period and 120 thereafter. In the case of producers delivering milk to a plant which first became a pool plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been a pool plant during such period.

49. Section 1108.91 is redesignated as § 1108.92 and a new § 1108.91 is added as follows:

§ 1108.91 Determination of monthly base of each producer.

Subject to the rules set forth in § 1108.92, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by handlers as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1108.90 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by handlers regulated under this part and by handlers fully regulated under the terms of the Memphis, Tennessee (Part 1097), or Fort Smith, Arkansas (Part 1102), orders during the month, multiply such producer's daily average base computed pursuant to § 1108.90 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1108.90 which were received by each handler to determine the amount of base milk received from such producer by each handler.

50. Section 1108.92 is redesignated as § 1108.93 and the redesignated § 1108.92 is revised as follows:

§ 1108.92 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1108.90:

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred;

(b) If a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

51. Section 1108.92 is redesignated as § 1108.93 and is revised as follows:

§ 1108.93 Announcement of established bases.

On or before January 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

Signed at Washington, D.C., on September 30, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-10505; Filed, Oct. 2, 1963; 8:48 a.m.]

[7 CFR Part 1193]

[Docket No. AO 345 RO 1]

RYEGRASS SEED

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of ryegrass seed. Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington 25, D.C., not later than the close of business on the 30th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A hearing on the aforementioned proposed marketing agreement and proposed order was held at several locations and on the days enumerated below, pursuant to notice thereof which was published in the FEDERAL REGISTER of June 8, 1962 (27 F.R. 5432); the notice reopening the hearing published in the FEDERAL REGISTER of November 10, 1962 (27 F.R. 11022); the notice reconvening the hearing published in the FEDERAL REGISTER of January 19, 1963 (28 F.R. 525). The public hearing was held in Albany, Oreg., June 26-27; in Houston, Tex., November 30 through December 1, 1962; and in New Orleans, La., February 5, 1963.

Material issues. The material issues presented on the record of the hearing are as follows: (1) Existence of Federal jurisdiction, (2) the desirability of and economic justification for entering into a marketing agreement and the issuing of an order regulating the handling of ryegrass seed, (3) determination of the production or marketing area to be affected by the marketing agreement and order, and (4) the specific terms and provisions that would be contained in a proposed marketing agreement and order.

Findings and conclusions. Findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Ryegrass, annual and perennial, is an important grass used for pasture, cover crop and turf—about 50 percent of which is sold for lawn and turf uses. The record of the hearing shows that according to the 1959 Census, 95 percent of the ryegrass seed marketed in the United States is produced in Oregon, the principal area of production being in the Willamette Valley, Oregon. Ryegrass seed grown in Oregon is usually harvested in July and August and is marketed throughout the United States.

There has been a highly seasonal demand for ryegrass seed during the years 1947 through 1959. On the average, nearly 63 percent of the annual ryegrass seed moves from the first handler into marketing channels during the months of July, August, and September. Nearly 59 percent of perennial ryegrass seed moves into the channels of trade during the months of June, July, August, and September. Annual ryegrass seed is usually shipped to the Southeastern States to be planted in the months of September and October. Nearly 80 percent of the ryegrass seed marketed in the Northern States is received by dealers from August through January. Perennial ryegrass seed is used extensively on the Pacific Coast in mixed pasture seed and is seeded as a cover crop in the northeastern part of the United States. In the northeastern States it is usually mixed with other lawn and turf seeds. In the southeast and southwest States it is often sowed without mixing in lawns and other turf uses.

A national market is thus established for annual and perennial ryegrass seed through the interaction of buyers and sellers of seed. Communication between buyers and sellers at shipping points and distribution points throughout the United States are modern and rapid so that shipping point markets reflect distribution point spot market prices. These prices also reflect current supplies and future production. Annual ryegrass seed is in competition with other grass seed and small grain seed for cover crops. Perennial ryegrass seed competes with annual ryegrass seed, fine-leaved fescue seeds, and Kentucky bluegrass seeds. Thus, competition from other grass seeds can effectively limit the prices at which large quantities of annual and perennial ryegrass seed can be sold. Wholesale shippers buy from growers on the basis of firm or expected orders from wholesale distributors and retailers in consuming areas. The market demands of consumers in Southeastern States for annual ryegrass seed have an effect on prices and supplies available to consumers in other States.

On the basis of these findings of fact, it is concluded that the handling of Oregon-produced ryegrass seed is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(2) In addition, it does not appear that the parity limitations of the Agricultural Marketing Agreement Act of 1937, as amended, would bar a regulatory program for ryegrass seed. The declared policy and objective of the Act is to establish and maintain such orderly marketing conditions on commodities as will provide parity prices to farmers with due regard to the interests of the consumer. On the question of parity, the record indicates that insofar as Oregon growers are concerned the season average price received by growers for annual ryegrass seed decreased from $9.00 in 1951-52 to $3.70 per hunderweight in 1960-61. The season average price received by farmers for perennial ryegrass seed decreased from $13.60 in 1951-52 to $6.40 in 1960-61.

The Mid-September parity price of annual ryegrass seed has steadily declined from 9.05 cents per pound in the 1951-52 marketing year (July-June) to 7.90 cents per pound in 1960-61. The percent the season average price is of the Mid-September price declined from 99.4 percent in 1951-52 and 104.3 percent in 1953-54 to 46.8 percent in 1960-61.

The Mid-September parity price of perennial ryegrass seed has steadily declined from 15.40 cents per pound in 1951-52 to 11.80 cents per pound in 1960-61. The percent the season average price is of the Mid-September price declined from 88.3 percent in 1951-52 to 54.2 percent in 1960-61.

Annual ryegrass seed production in Oregon ranged between 66 million pounds in 1951 to 136 million pounds in 1959, dropping to 107 million pounds in 1960. One hundred thousand acres of annual ryegrass seed were harvested in 1951. One hundred fifteen thousand acres were harvested in 1960 while 124,000 acres were harvested during 1955 and 1959.

Average yields per harvested acre of annual ryegrass seed in Oregon ranged from 660 pounds in 1951 to 1,100 pounds in 1959. The production costs per acre for annual ryegrass seed in Linn County, Oregon, in 1956 totalled $60.20. At a price of 5 cents per pound of annual ryegrass in 1956, it was necessary to have a yield of 1,204 pounds per acre to break even. Carryover of annual ryegrass seed was 14 million pounds on June 30, 1952, 9 million pounds in 1954, 57 million pounds in 1960, and 45 million pounds on June 30, 1961. During this period total utilization or demand increased from 65 million pounds in 1951-52 to 119 million pounds in 1960-61.

Perennial ryegrass seed production in Oregon increased from 8 million pounds in 1951 to 45 million pounds in 1959 and decreased to 43 million pounds in 1960. In 1951, 15,000 acres of perennial ryegrass seed were harvested and in 1960, 48,000 acres of perennial ryegrass seed were harvested. The average yield per harvested acre was 530 pounds in 1951, 1,050 pounds in 1956, and 896 pounds in 1960. The production costs per acre for perennial ryegrass seed in Linn County, Oregon, in 1956 totalled $73.50. At a price of 7 cents, it was necessary to have a yield of 1,050 pounds per acre to break even. Costs of production have increased substantially since 1956. Carryover was 3 million pounds in June 1952, 16 million pounds in 1958, and 11 million pounds on June 30, 1961.

Statistics on annual ryegrass seed and perennial ryegrass seed were combined in 1961 and 1962. Season average prices received by Oregon growers for all ryegrass seed were $5.20 per hundred pounds in 1961 and $4.60 in 1962.

All ryegrass seed production in Oregon reached 136 million pounds in 1961 and 180 million pounds in 1962, harvested from 142,000 and 157,000 acres, respectively. Yields per acre have increased substantially during the last decade primarily due to the application of fertilizer and improvement of other cultural practices, but not sufficiently to recover cost

of production based on 1956 figures and prevailing market prices. Acreage yields rose from the 1951–60 average of 877 pounds per acre to 960 in 1961 and 1,150 per acre in 1962.

The carryover of all ryegrass seed increased from the 1951–60 average of 32 million to 56 million pounds in 1961 and 51 million pounds in 1962.

Demand for the seed has not kept pace with production. The increase in carryover during the last decade has caused a substantial deterioration in prices received by farmers for ryegrass seed. Evidence presented at the hearing indicated that an average 10-million-pound shift in carryover of annual ryegrass seed resulted in opposite movement of price by 84 cents per hundredweight. A similar shift in production caused an expected change in the opposite direction of 27 cents per hundredweight.

Witnesses at the hearing testified that production adjustments under a voluntary program had had some success in Oregon in previous years. Due to the lack of compliance by some growers, however, this program became ineffective.

These facts are strongly indicative of a need to eliminate some of the basic causes of disorderly marketing with respect to ryegrass seed. It appears that the industry would be benefited and returns to growers in a regulated area would be improved by a regulatory program providing for restrictions on the volume of ryegrass seed marketed.

(3) Although the above findings and conclusions with respect to the conditions existing in the ryegrass industry as they relate to Oregon-produced ryegrass, indicate that on the basis of jurisdiction and need the handling of ryegrass seed, under appropriate circumstances, is potentially subject to regulation under the Act. However, on the basis of the evidence adduced at the hearing with respect to the issue relating to the area to be affected by the proposal, it is hereby found and concluded that a marketing agreement and an order should not be entered into or issued at this time on the basis of the proposed regulation of ryegrass seed considered at the aforementioned hearing for the following reasons:

Under section 8c(11) of the Agricultural Marketing Agreement Act of 1937, as amended, marketing agreements and orders must be limited in their application to the smallest practicable area consistent with carying out the declared policy of the Act. A finding to that effect is made a condition precedent to the issuance of an order. The proponents, the Oregon Ryegrass Growers Association, who submitted, and requested the hearing on, the proposed marketing agreement and order have consistently urged and supported an area covering the continental United States, and in so doing have indicated that any smaller area, including an area limited to the State of Oregon, would not be practicable. As previously mentioned, there is evidence in the record which indicates that 95 percent of the total commercial production of ryegrass seed marketed in the United States is produced in the State of Oregon, and there is not reliable and substantial evidence in the record with respect to the extent of the past, present, and potential production of rygrass seed and the number of producers outside of the State of Oregon. Taken as a whole, the state of the record on this basic issue leaves no alternative but to conclude that there is not sufficient evidence to provide a sound basis on which to make the required findings or a proper determination of the marketing or production area to be affected.

As respects the issue relating to the specific terms and provisions of the proposed regulatory program, only a brief discussion appears necessary. Considering the proponent's position discussed above with respect to the area to be affected, it is clear that such terms and provisions were formulated on the basis of and with a view to their application to an area covering the continental United States. Accordingly, a discussion of the issue of using such terms and provisions as applied to a national program would serve no useful purpose in view of the findings and conclusions that there is not sufficient evidence to support a finding that a marketing or production area to be affected be national in scope.

The testimony by proponents in support of such terms and provisions emphasized the need and practicality for authority to regulate according to such terms and provisions under a marketing agreement and order national in scope. Little or no consideration was given to other terms and provisions that might be made applicable to a smaller area, nor is there sufficient evidence to indicate the extent that the terms and provisions set forth in the notice could be applied to any such smaller area and which would serve as a basis for finding that such terms and provisions could be made applicable to a regional production or marketing area.

Rulings on briefs of interested parties. At the conclusion of the hearing, the presiding officer fixed March 7, 1963, as the latest date on which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the findings and conclusions to be drawn therefrom must be filed with the Hearing Clerk of the Department.

Briefs were filed within the allotted time by Charles S. Kizer, president and John G. Swatzka, secretary, Oregon Ryegrass Growers Association, C. H. DeVaney, president, Texas Farm Bureau; Edwin Hawes III, Wharton, Texas; and Tom Harpool, president, Texas Certified Seed Producers, Inc.

Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the finds and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

CHARLES S. MURPHY,
Acting Secretary.

SEPTEMBER 27, 1963.

[F.R. Doc. 63–10490; Filed, Oct. 2, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

CROW RESERVATION

Proposed Leasing and Permitting

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the revised statutes, sections 161 (5 U.S.C. 22?, and 463 and 465 (25 U.S.C. 2 and 9), and pursuant to other authorizing Acts, it is proposed to amend § 131.15, Title 25 of the Code of Federal Regulations, concerning the leasing of the trust lands of those Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, who may lease their trust lands without the approval of the Secretary of the Interior pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), to read as set forth below.

The purposes of the revision are (1) to more clearly define the responsibilities of Crow Indians who avail themselves of the privilege of leasing their trust lands without Departmental approval under the cited statutes, (2) to define the role of the Secretary of the Interior as the officer of the Federal Government charged with the responsibility for the proper discharge of the obligations of the United States with respect to the trust lands of such Indians, and (3) to state the Department's interpretation of the cited statutes.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 131.15 is amended to read as follows:

§ 131.15 Crow Reservation.

(a) Notwithstanding the regulations in other sections of this Part 131, Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, may lease their trust lands and the trust lands of their minor children for farming or grazing purposes without the approval of the Secretary pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80). However, at their election Crow Indians classified as competent may authorize the Secretary to lease, or assist in the leasing of such lands. When this prerogative is exercised, the general regulations contained in this Part 131 shall be applicable.

(b) The Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), provides that no lease for farming or grazing purposes shall be made for a period longer than five years, except irrigable lands under the Big Horn Canal, which may be leased for periods of 10 years. No such lease shall provide the lessee a preference right to future leases.

(c) All leases entered into by Crow Indians classified as competent, under the above-cited special statutes, must be recorded at the Crow Agency. Such recording shall constitute notice to all persons. Under these special statutes, Crow Indians classified as competent are not entirely free to lease their property. The five-year (ten-year in the case of lands under the Big Horn Canal) limitation is intended to afford a protection to the Indians. The essence of this protection is the right to deal with the property free, clear, and unencumbered at intervals at least as frequent as those provided by law. If lessees are able to obtain new leases long before the termination of existing leases, they are in a position to set their own terms. In these circumstances lessees could perpetuate their leaseholds and the protection of the statutory limitations as to terms would be destroyed. Therefore, in implementation of the foregoing interpretation, any lease which, on its face, is in violation of statutory limitations or requirements, and any lease executed more than 12 months prior to the commencement of the term thereof or which purports to cancel an existing lease with the same lessee as of a future date and take effect upon such cancellation will not be recorded. Under a Crow tribal program, approved by the Department of the Interior, competent Crow Indians may, under certain circumstances, enter into agreements which require that, for a specified term, their leases be approved. Information concerning whether a competent Crow Indian has executed such an instrument is available at the office of the Superintendent of the Crow Agency, Bureau of Indian Affairs, Crow Agency, Montana. Any lease entered into with a competent Crow Indian during the time such an instrument is in effect will be returned without recordation.

(d) Where any of the following conditions exist, leases will be recorded but the lessee and lessor will be notified of the condition: (1) The lease has not been executed by all owners of the land described in the lease, (2) there is, of record, a lease on the land for all or a part of the same term, or (3) there are other deficiencies such as, but not limited to, erroneous land descriptions, and alterations which are not clearly endorsed by the lessor.

(e) Except as provided herein, Crow Indians classified as competent who lease lands under the Act of May 26, 1926 (44 Stat. 658), as amended, shall have the full responsibility for obtaining compliance with the terms of any lease so made. In fulfilling the Secretary's legal responsibility to protect and conserve trust and restricted Indian lands, leases executed by Crow Indians under the special statutes cited herein shall contain stipulations requiring sound land utilization plans and conservation practices.

(f) Leases made by competent Crow Indians shall be subject to the right to issue permits and leases to prospect for, develop, and mine oil, gas, and other minerals, and to grant rights of way and easements, in accordance with applicable law and regulations. In the issuance or granting of such permits, leases, rights of way or easements due consideration will be given to the interests of lessees and to the adjustment of any damages to such interests. In the event of a dispute as to the amount of such damage, the matter will be referred to the Secretary whose determination will be final as to the amount of said damage.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1963.

[F.R. Doc. 63–10474; Filed, Oct. 2, 1963; 8:46 a.m.]

National Park Service

[36 CFR Part 7]

BLUE RIDGE PARKWAY, VIRGINIA AND NORTH CAROLINA

Camping and Horseback Riding

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southeast Region Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend § 7.34 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to establish hours camps may be left unattended and to control horseback riding on trails.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Blue Ridge Parkway, P.O. Box 1710, Roanoke, Virginia, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

New paragraphs (i) and (j) are added to § 7.34 to read as follows:

§ 7.34 Blue Ridge Parkway.

* * * * *

(i) Camping: Campers shall not leave their camps unattended for more than 24 hours without special permission of the Superintendent, obtained in advance, and camps must be occupied 24 hours prior to the request to leave them unattended. In the absence of such permission camping equipment left unattended in any public camping area for more than 24 hours is subject to removal by order of the Superintendent, the expense of such removal and storage to be paid by the person leaving such equipment.

(j) Horseback riding is prohibited on the Appalachian Trail, and on all other trails except where otherwise indicated by appropriate signs posted by the Supterintendent.

SAM P. WEEMS,
Superintendent,
Blue Ridge Parkway.

[F.R. Doc. 63–10477; Filed, Oct. 2, 1963; 8:46 a.m.]

Office of the Secretary

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 3)]

OIL IMPORTS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Proclamation 3279, as amended (24 F.R. 1781, 3527, 10133; 25 F.R. 13945; 26 F.R. 507, 811; 27 F.R. 11985; 28 F.R. 4077, 5931 and E.O. 11051, 27 F.R. 9683), it is proposed to add a new section 6 to Oil Import Regulation 1 (Revision 3) as amended (27 F.R. 12442; 28 F.R. 2677, 4953 and 6353) and to amend as indicated below sections 5, 7, 8, 11, 12, 21 and 22 of that regulation.

The proposed amendments to sections 5 and 7 would require persons to file an application for allocation of imports of crude oil, unfinished oils, residual fuel oil, and other finished products in each allocation period. There would no longer be any continuing applications for allocations of imports of finished products other than residual fuel oil to be used as fuel or for imports of residual fuel oil in Districts II–IV. However, persons would no longer be required to file separate applications for licenses. Under the proposed amendments one form would serve both purposes. The proposed amendments would therefore eliminate one step in the administrative process.

A new section 6 is proposed providing for the maintenance of records and the inspection of records and facilities. This amendment is designed to provide the Oil Import Administration with a means of verifying the various certifications which are made to it and of assuring compliance with the regulations.

The proposed amendment to section 8 would specifically require that all requests for entry without licenses of small quantities be in writing.

Allocations of imports of unfinished oil are restricted to 10 percent of the permissible imports of crude oil. However, section 11 (relating to District V) provides that if the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude oil the Administrator may allocate the remaining balance among persons requesting an increase. In past allocation periods it has been the practice of most eligible persons to apply for an allocation of imports of unfinished oil equal to 10 percent of their crude oil allocation. Consequently, there have been no occasions where there has been any significant quantity of unfinished oils available for redistribution. Accordingly, the proposed amendment to section 11 would delete the provisions authorizing the Administrator to redistribute any quantities

of imports of unfinished oils which have not been applied for.

The proposed amendment to section 12 is designed to facilitate the movement of residual fuel oil to be used as fuel without the loss of terminal inputs.

The proposed amendment to section 21 is designed to permit the Oil Import Appeals Board to grant relief without delay in cases of exceptional hardship occasioned by catastrophic events causing total loss of refining capacity or deep-water terminal facilities.

The proposed amendment to the term "refinery capacity" in section 22 is designed to indicate more clearly that the term refers to a plant the primary function of which is to manufacture finished petroleum products from crude oil.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Administrator, Oil Import Administration, Washington, D.C., 20240, on or before October 18, 1963.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 1, 1963.

1. Section 5 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12443) to be amended to read as follows:

Sec. 5. Applications for allocations and licenses.

An application for allocations of imports of crude oil, unfinished oils, or finished products and for a license or licenses must be filed with the Administrator, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. However, no application for an allocation of imports of finished products need be filed for the allocation period January 1, 1964 through June 30, 1964. Allocation periods are provided for in section 3 of this regulation.

2. A new section 6 to be added to Oil Import Regulation 1 (Revision 3) (27 F.R. 12443) to read as follows:

Sec. 6. Records and inspection.

All persons receiving allocations pursuant to these regulations shall maintain complete records of imports, refinery inputs, and terminal inputs, all of which relate to eligibility for and the computation of allocations. These records shall be maintained on a current basis so that they will be available for inspection by a representative of the Oil Import Administration. All records required to be maintained pursuant to this section shall be retained for a period of three (3) years. In connection with the performance of the Oil Import Administration's responsibility for assuring full compliance with these regulations, the person shall permit the Government's representative to enter upon his office, property, plants and facilities to examine such records and to inspect as necessary the refinery and terminal and all operations being performed within the facilities which include, but are not necessarily limited to refining, receiving, shipping, testing and storage. If requested by the Oil Import Administration representatives, the person shall be required to assign an employee to accompany the Government representatives in all inspections, record evaluations, and verification operations. The Government's representative shall not be required to sign any releases prior to entering upon a person's property or installation.

3. Section 7 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12443) to be amended to read as follows:

Sec. 7. Licenses.

(a) When an allocation has been made to a person under this regulation, the Administrator shall issue a license or licenses based on the allocation, specifying the amount of crude oil and unfinished oils or finished products which may be imported, the period of time such license shall be in effect, and the districts (District I, Districts I–IV, Districts II–IV, District V, or Puerto Rico) into which the importation may be made. The Administrator may amend such licenses.

(b) No license issued pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 8 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12444) to be amended to read as follows:

Sec. 8. Small quantities.

(a) Collectors of Customs are authorized to permit without a license baggage entries, and entries for consumption of small quantities of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis and which do not exceed 110 gallons per entry.

(b) Persons desiring to import small quantities not covered by paragraph (a) of this section shall file with the Administrator a written request for an authorization for entry without a license for each shipment describing the oil and quantity to be imported and listing the port of entry.

5. Paragraph (d) of section 11 of Oil Import Regulation 1 (Revision 3) as amended (28 F.R. 6354) to be amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

* * * * * *

(d) (1) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs.

(2) The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period, if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the amendment making such change.

6. Subparagraph (4) of paragraph (c) of section 12 of Oil Import Regulation 1 (Revision 3) as amended (28 F.R. 2678) to be amended to read as follows:

Sec. 12. Allocations of residual fuel oil to be used as fuel in District I.

* * * * * *

(c) * * *

(4) An eligible applicant who has under his management and operational control a deep-water terminal in District I may also count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned and (ii) delivered to a deep-water terminal in District I under the management and operational control of a person who is not in the business of selling residual fuel oil to be used as fuel provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

7. Paragraph (c) of section 21 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12446) to be amended to read as follows:

Sec. 21. Appeals.

* * * * * *

(c) (1) Except as provided in subparagraph (2) of this paragraph, the modification or grant of an allocation by the Appeals Board shall become effective in the allocation period, as provided in section 3 of this regulation, which succeeds the allocation period during which the Board's decision is made and no decision of the Appeals Board shall become effective unless it is made and the Administrator is notified more than thirty calendar days before the beginning of an allocation period.

(2) An allocation granted pursuant to clause (2) or (3) of paragraph (b) of this section to a person who has become ineligible because of total loss of refinery capacity or deep-water terminal facilities may be made effective within the allocation period during which the Appeals Board's decision is made.

8. Paragraph (1) of section 22 of Oil Import Regulations 1 (Revision 3) (27 F.R. 12447) to be amended to read as follows:

Sec. 22. Definitions.

* * * * * *

(l) Refinery capacity means a plant which (1) consists of stills, refining units and equipment for separating or converting hydrocarbons, and storage tanks, pipelines and pumps; (2) processes crude oil or further processes unfinished oils through the stills or units; and (3) manufactures two or more separate and distinct finished products for a total yield equal to not less than 30 percent of total "refinery inputs".

[F.R. Doc. 63–10589; Filed, Oct. 2, 1963; 11:40 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–89]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Redwood Falls, Minn., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Redwood Falls VOR 061° and 241° True radials, extending from 20 miles northeast to 9 miles southwest of the VOR.

In accordance with a request received from aviation interests in the State of Minnesota, the FAA has developed a public-use instrument approach procedure for use at the Redwood Falls, Minn., Municipal Airport. However, before this procedure can be used, the designation and reconfiguration of controlled airspace in the Redwood Falls terminal area is necessary to provide protection for aircraft executing the approach procedure developed.

In consideration of the foregoing and to implement the provisions of CAR Amendments 60–21/60–29 in the Redwood Falls terminal area, the Federal Aviation Agency has under consideration the designation of a control zone and the alteration of the existing transition area at Redwood Falls. The proposed control zone would be designated to comprise that airspace within a 3-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45'' N., longitude 95°04'50'' W.) and within 2 miles each side of the Redwood Falls VOR 023° True radial, extending from the 3-mile radius zone to the VOR. The altered Redwood Falls transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 4-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45'' N., longitude 95°04'50'' W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the Redwood Falls VOR 023° and 203° True radials, extending from 4 miles north to 12 miles south of the VOR.

The Redwood Falls control zone extension has been proposed with a length slightly in excess of that required by criteria to simplify the charting of controlled airspace in the Redwood Falls terminal area.

The designation of a control zone at Redwood Falls would provide protection for aircraft executing the instrument approach and departure procedures which have been developed for use at Redwood Falls Municipal Airport. Communications and weather reporting service are currently available within the proposed control zone by the FAA's Redwood Falls Flight Service Station. The proposed alteration of the Redwood Falls transition area would reconfigure and reduce the lateral extent of the existing transition area to provide protection for aircraft executing the newly developed Redwood Falls VOR instrument holding and approach procedures.

The floors of the airways which traverse the proposed reconfigured transition area would automatically assume a floor coincident with the floor proposed for the transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance or present landing minimums be adversely affected. Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10457; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–80]

CONTROL ZONE AND TRANSITION AREA

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations the substance of which is stated below.

The following controlled airspace is presently designated in the Delta, Utah, terminal area:

1. The Delta control zone is designated within a 5-mile radius of Delta Municipal Airport.

2. The Delta transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Delta VOR 203° and 023° True radials, extending from 9 miles northeast to 20 miles southwest of the VOR, excluding that airspace within Federal airways.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Delta area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Revoke the Delta control zone.

2. Alter the Delta transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39°-23'00'' N., longitude 112°30'35'' W.), and within 2 miles each side of the Delta VOR 001° and 196° True radials, extending from the 5-mile radius area to 6 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles east and 8 miles west of the Delta VOR 016° and 196° True radials, extending from 10 miles north to 20 miles south of the VOR. The floors of the airways that traverse the transition area would automatically coincide with the floor of the transition area.

At present, both an ADF and a VOR instrument approach procedure are prescribed for Delta Municipal Airport. The FAA plans to retain the VOR procedure and cancel the ADF procedure. Agency records indicate that only one instrument approach was made at Delta during calendar year 1962. Retention of the VOR procedure is proposed because the Delta Municipal Airport is listed as an alternate for five scheduled carriers.

The proposed transition area would provide protection for aircraft executing prescribed instrument holding procedures at the Delta VOR, and for aircraft executing instrument approach and departure procedures at the Delta Municipal Airport.

The Air Traffic Control Communications and Weather Reporting Service available at Delta meet FAA standards for the establishment of a control zone. However, in view of the infrequent use of instrument approach procedures at Delta, the Agency proposes to revoke the existing control zone and limit the amount of controlled airspace at Delta to that contained in the transition area proposed above.

Certain revisions to the VOR instrument procedure would accompany the actions proposed herein. Specific details of these changes may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, West-

ern Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10458; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-SW-61]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR, CONTROLLED AIRSPACE AND FEDERAL AIRWAYS

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested designation of a restricted area/military climb corridor at Albuquerque (Kirtland AFB), N. Mex., for use by the newest century series air defense aircraft while departing from the airbase on active air defense missions. This would provide segregation between the air defense aircraft and other users of the airspace during the initial phase of the mission which is accomplished at high speed and high rate of climb. The restricted area would extend from two to twenty-five nautical miles southwest of Kirtland AFB, with a ceiling of 23,000 feet MSL and the floor gradually increasing from 7,000 feet MSL to 20,000 feet MSL. It would be two miles wide at point of beginning and expand uniformly to a width of six miles at its outer extremity.

The proposed restricted area/military climb corridor is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 7,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft, and has been agreed to by the Air Force.

If action is taken to designate this area, it would be described as follows:

R-5111 Albuquerque, N. Mex. (Kirkland AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 35°02'30" N., longitude 106°39'30" W., and extending via the true bearing of 245° to a point twenty-three nautical miles southwest, having a width of two nautical miles at the beginning and expanding uniformly to a width of six nautical miles at the outer extremity.

Designated altitudes. 7,000 feet MSL to 23,000 feet MSL from point of beginning to two nautical miles southwest. 8,000 feet MSL to 23,000 feet MSL from two nautical miles to four nautical miles southwest of point of beginning. 10,000 feet MSL to 23,000 feet MSL from four nautical miles to six nautical miles southwest of point of beginning. 12,000 feet MSL to 23,000 feet MSL from six nautical miles to eight nautical miles southwest of point of beginning. 14,000 feet MSL to 23,000 feet MSL from eight nautical miles to 13 nautical miles southwest of point of beginning. 17,000 feet MSL to 23,000 feet MSL from 13 nautical miles to 18 nautical miles southwest of point of beginning. 20,000 feet MSL to 23,000 feet MSL from 18 nautical miles to 23 nautical miles southwest of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Albuquerque Approach Control.

Using agency. Commander, Kirtland AFB, N. Mex.

The restricted area would coincide with a portion of the Albuquerque, N. Mex., control zone (§ 71.171), the Albuquerque, N. Mex., transition area (§ 71.181), low altitude airways V-12, V-12S, V-19, V-19W, V-60, V-60S, V-68, V-68N, V-68S, V-187, V-190, V-190N, (§ 71.123), and with intermediate altitude airways V-1624, V-1532, V-1550 and V-1543 (§ 71.143). Accordingly, it is proposed to amend their description so as to require approval from appropriate authority prior to operation within those portions which coincide with the restricted area/military climb corridor. The controlling agency would authorize other air traffic to transit the area when not in use for air defense purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10459; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-SW-62]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 73 and 71 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested designation of a restricted area/military climb corridor at the Naval Air Station, Alvin Callender Field, New Orleans, Louisiana, for use by the newest century series air defense aircraft while departing from the airbase on active air defense missions. This would provide segregation between the air defense aircraft and other users of the airspace during the initial phase of the mission which is accomplished at high speed and high rate of climb. The restricted area would extend from two to thirty-two nautical miles southwest of Callender Field with the floor gradually increasing from 2,000 feet MSL to 20,000 feet MSL, and the ceiling from 14,000 feet MSL to 23,000 feet MSL.

Since the climb corridor would be aligned more than 15° from the runway centerline, it is proposed that it be two nautical miles wide at point of beginning and expand uniformly to a width of six nautical miles at its outer extremity.

The proposed restricted area/military climb corridor is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 2,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft, and has been agreed to by the Air Force.

If action is taken to designate this area, it would be described as follows:

R-3805 New Orleans, La. (Alvin Callender Field) Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 29°48'00" N., longitude 90°04'00" W. (two nautical miles southwest of the end of the runway), and extending via the true bearing of 201° to a point 30 nautical miles southwest, having a width of two nautical miles at the beginning and expanding uniformly to a width of six nautical miles at the outer extremity.

Designated altitudes. 2,000 feet MSL to 14,000 feet MSL from the point of beginning to one nautical mile southwest. 2,000 feet MSL to 17,000 feet MSL from one nautical mile to two nautical miles southwest of the point of beginning. 2,000 feet MSL to 19,000 feet MSL from two nautical miles to three nautical miles southwest of the point of beginning. 2,000 feet MSL to 21,000 feet MSL from three nautical miles to four nautical miles southwest of the point of beginning. 2,000 feet MSL to 23,000 feet MSL from four nautical miles to five nautical miles southwest of the point of beginning. 4,000 feet MSL to 23,000 feet MSL from five nautical miles to eight nautical miles southwest of the point of beginning. 7,000 feet MSL to 23,000 feet MSL from eight nautical miles to 13 nautical miles southwest of the point of beginning. 12,000 feet MSL to 23,000 feet MSL from 13 nautical miles to 18 nautical miles southwest of the point of beginning. 15,000 feet MSL to 23,000 feet MSL from 18 nautical miles to 25 nautical miles southwest of the point of beginning. 20,000 feet MSL to 23,000 feet MSL from 25 nautical miles to 30 nautical miles southwest of the point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, New Orleans Approach Control.

Using agency. Commander, Alvin Callender NAS.

The restricted area would coincide with a portion of the proposed New Orleans, La., transition area (§ 71.181) and the proposed NAS New Orleans, La., Alvin Callender Field control zone (§ 71.171) (28 F.R. 8215, August 9, 1963). Therefore, if this area is designated as proposed, action would also have to be taken to amend their descriptions so as to require approval from appropriate authority prior to operation within those portions which coincide with the restricted area/military climb corridor. The controlling agency would authorize other air traffic to transit the area when not in use for air defense purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10460; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-SW-63]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR AND CONTROLLED AIRSPACE AND FEDERAL AIRWAYS

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 73 and 71 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested designation of a restricted area/military climb corridor at San Antonio (Kelly AFB), Texas, for use by the newest century series air defense aircraft while departing from the airbase on active air defense missions. This would provide segregation between the air defense aircraft and other users of the airspace during the initial phase of the mission which is accomplished at high speed and high rate of climb. The restricted area would extend from two to thirty-two nautical miles southeast of Kelly AFB, with the floor gradually increasing from 3,000 feet MSL to 20,000 feet MSL, and the ceiling from 19,000 feet MSL to 23,000 feet MSL.

Since the climb corridor would be aligned more than 15° from the runway centerline, it is proposed that it be two nautical miles wide at point of beginning and expand uniformly to a width of six nautical miles at its outer extremity.

The proposed restricted area/military climb corridor is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 3,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft, and has been agreed to by the Air Force.

If action is taken to designate this area, it would be described as follows:

R-6311 San Antonio, Texas (Kelly AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 29°20'15" N., longitude 98°33'50" W., and extending via the true bearing of 164° to a point 30 nautical miles southeast, having a width of two nautical miles at the beginning and expanding uniformly to a width of six nautical miles at the outer extremity.

Designated altitudes. 3,000 feet MSL to 19,000 feet MSL from point of beginning to one nautical mile southeast. 3,000 feet MSL to 23,000 feet MSL from one nautical mile to six nautical miles southeast of point of beginning. 5,000 feet MSL to 23,000 feet MSL from six nautical miles to 11 nautical miles southeast of point of beginning. 10,000 feet MSL to 23,000 feet MSL from 11 nautical miles to 15 nautical miles southeast to point of beginning. 14,000 feet MSL to 23,000 feet MSL from 15 nautical miles to 20 nautical miles southeast of point of beginning. 17,000 feet MSL to 23,000 feet MSL from 20 nautical miles to 25 nautical miles southeast of point of beginning. 20,000 feet MSL to 23,000 feet MSL from 25 nautical miles to 30 nautical miles southeast of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, San Antonio Approach Control.

Using agency. Commander, Kelly AFB, Texas.

The restricted area would coincide with a portion of the San Antonio (Kelly AFB) control zone (§ 71.171), the San Antonio, Texas, control area extension (§ 71.165), low altitude airways V-17 and V-163W (§ 71.123) and with intermediate airways V-1537 and V-1643 (§ 71.143). Therefore, if this area is designated as proposed, action would also have to be taken to amend their description so as to require approval from appropriate authority prior to operation within those portions which coincide with the restricted area/military climb corridor. The controlling agency would authorize other air traffic to transit the area when not in use for air defense purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10461; Filed, Oct. 2, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 123, 206, 301]

[Docket No. 34315 [1]]

COMMODITY STATISTICS REPORTING; EXTENT AND DISCLOSURE

Notice of Proposed Rule Making

SEPTEMBER 13, 1963.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission proposes to consider amendments in 49 CFR Parts 123, 206, and 301, with respect to commodity statistics reporting requirements of railroads, water carriers, electric railways and motor carriers as set out below:

1. (a) The amendment of 49 CFR Part 206, so as to withdraw for all or part of the individual motor carrier reports of commodity statistics which are or may be filed under the terms thereof, the requirement in 49 CFR 206.7 that carrier reports shall not be open to public inspection, or

(b) The amendment of 49 CFR Parts 123 and 301 to impose rules withholding all or part of commodity statistics reports of railroads, electric railways and water carriers from public inspection.

2. (a) The amendment of 49 CFR Part 123 to provide that Class I railroads shall file annual but not quarterly reports of commodity statistics; or

(b) The amendment of 49 CFR Parts 123, 206, and 301, to require that Class II railroads, electric railways, motor carriers, and water carriers shall file quarterly reports of commodity statistics.

3. The amendment of 49 CFR Parts 123, 206, or 301 to require quarterly reports of commodity statistics:

(a) On the basis of a lesser number of commodity codes, than adopted as the basis for reporting to the Commission in No. 34206, or

(b) On the basis of the commodity codes required in No. 34206, but for tons, carloads, truckloads, and gross revenues, related to originated or terminated traffic, in lieu of originated, received, terminated and delivered traffic presently required; or,

(c) A combination of (a) and (b).

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304, and sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20, sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320, and sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

The Commission, on September 13, 1963 in No. 34206, Commodity Statistics for Reporting Purposes, adopted as a basis for the reporting of commodity statistics, the "Commodity Classification for Transportation Statistics", issued by the Bureau of the Budget, supplemented by certain additional codes. The change brings identity of codes to the Commission and other governmental reporting of transportation statistics, and with a code being used within the transportation industry. As a means of continuing reporting on a basis similar to that presently in effect, the Commission adopted selected 3, 4 and 5-digit commodity codes to be reported, beginning with January 1, 1964.

Questions of disclosure of reports of individual carriers and of equality of reporting, raised in connection with No. 34206 were not determined in that proceeding. The problems of equality and disclosure also have been raised by petition of the Association of American Railroads for reopening of Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, requiring that commodity statistics reports of individual motor carriers be withheld from public inspection. The possible changes in rules proposed herein are intended to cover these questions of disclosure and equality.

It appears that, in view of the time which has passed since the 1957 action withholding motor-carrier reports from public inspection, reason exists for a comprehensive investigation of equality of reporting requirements and of disclosure of reports. The extent of reporting and of disclosure are to be reconsidered in the light of (1) the needs of the Commission and of other governmental agencies and parties, for commodity statistics; (2) the reporting burden on the different modes and on individual carriers; and (3) characteristics of traffic, such as the number of different commodities handled, number of shippers and locations served, seasonal fluctuations, volume of traffic, and interchange practices.

Any interested person desiring to file representations in regard to the proposed changes shall advise the Secretary of the Commission, on or before November 1, 1963, of their intent to file representations. Thereafter, the Commission will compile and serve on all parties of interest in the proceeding, a notice listing the names and addresses of all those persons who have filed, as specified above, notice of their intent to file representations.

Representations. An original signed copy and 15 additional copies of statements of fact, opinions or argument shall be filed with the Secretary of the Interstate Commerce Commission, Washington 25, D.C., on or before December 2, 1963.

Any written statements so filed shall be verified, and shall conform to the specifications in § 1.15 of the Commission's general rules of practice.

Copies. Any interested person desiring to receive a copy of a representation shall notify the party filing it on or before November 15, 1963.

A copy of this notice shall be served upon or mailed to each railroad, electric railway, water carrier, maritime carrier, and motor carrier, subject to the commodity statistics reporting requirements of 49 CFR Part 123, 206, or 301, as the case might be, and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the FEDERAL REGISTER.

By the Commission.

HAROLD D. MCCOY,
Secretary.

[SEAL]

[F.R. Doc. 63-10488; Filed, Oct. 2, 1963; 8:47 a.m.]

[1] This proceeding also embraces Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, reopened.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56010]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN KOREA

Restrictions on Entry

SEPTEMBER 27, 1963.

There is published below a letter of September 17, 1963, from the Chairman, President's Cabinet Textile Advisory Committee, which directs that effective as soon as possible and through December 31, 1963, the corrected levels of restraint therein specified be imposed on the entry for consumption or withdrawal from warehouse for consumption in the United States (including the Commonwealth of Puerto Rico) of cotton textiles and cotton textile products in Categories 9, 26, 45, and 54, produced or manufactured in Korea. These restraint levels became effective September 18, 1963.

A list of the items in Categories 9, 26, 45, and 54 is also published below.

Cotton textiles and cotton textile products in Categories 9, 26, 45, and 54, produced or manufactured in Korea and exported to the United States from Korea before January 1, 1963, are not subject to these limitations.

Collectors of customs and appraisers of merchandise have been notified of the procedures to be followed in carrying out this directive and have been instructed to bring such procedures to the attention of all brokers, importers, and others concerned.

LESTER D. JOHNSON,
Acting Commissioner of Customs.

[SEAL]

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.,
September 17, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on January 1, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Korea to restrain the export of cotton textiles and cotton textile products in Categories 9, 26, 45 and 54 to the United States during the twelve-month period beginning January 1, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective as soon as possible and for the period extending through December 31, 1963, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 26, 45 and 54, produced or manufactured in Korea, in excess of the corrected levels of restraint provided:

Categories	12-month levels of restraint	Corrected levels of restraint
9	1,740,000 square yards.	917,783 square yards.
26	10,000,000 square yards.	2,812,922 square yards.
45	20,000 dozen	2,000 dozen.
54	25,000 dozen	10,536 dozen.

The corrected levels of restraint reflect entries made during the period January 1, 1963, through September 9, 1963. Corrections have not been made to reflect entries, if any, made after September 9, 1963.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 26, 45 and 54, produced or manufactured in Korea, when such goods have been exported to the United States from Korea prior to January 1, 1963, regardless of whether the restraint level has been filled, and such goods exported to the United States from Korea prior to January 1, 1963, are not to be counted against the restraint level even if not filled at the time of entry.

A detailed description of Categories 9, 26, 45 and 54 in terms of T.S.U.S.A. numbers has previously been furnished to you.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Korea and with respect to imports of cotton textiles and cotton textile products from Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-10497; Filed, Oct. 2, 1963; 8:47 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1963 Rev., Supp. No. 8]

GENERAL INSURANCE CORP.

Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1963.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $100,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Texas; General Insurance Corporation; Fort Worth, Texas.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[SEAL]

[F.R. Doc. 63-10498; Filed, Oct. 2, 1963; 8:47 a.m.]

[Dept. Circ. 570, 1963 Rev., Supp. No. 7]

HOUSTON FIRE AND CASUALTY INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1963.

A Certificate of Authority has been issued by the Secretary of the Treasury the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $100,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Texas; Houston Fire and Casualty Insurance Company; Fort Worth, Texas.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[SEAL]

[F.R. Doc. 63-10499; Filed, Oct. 2, 1963; 8:47 a.m.]

[Dept. Circ. 570, 1963 Rev. Supp. No. 9]

TRI-STATE INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1963.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of

Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $191,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Oklahoma; Tri-State Insurance Company; Tulsa, Oklahoma.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 63-10500; Filed, Oct. 2, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 014642]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 26, 1963.

The Department of Agriculture has filed an application, Serial Number Idaho 014642 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws.

The applicant desires the land for an administrative site for the proposed Stanley Ranger Station.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

STANLEY ADMINISTRATIVE SITE

T. 10 N., R. 13 E.,
Sec. 22: Lots 2, 3, 6, SE¼NW¼NW¼, SW¼NW¼.

The area described aggregates 167.29 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 63-10491; Filed, Oct. 2, 1963; 8:47 a.m.]

[Oregon 013665]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 25, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013665, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection and preservation of recreation areas and administrative sites located in the Mt. Hood National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON—WILLAMETTE MERIDIAN

MOUNT HOOD NATIONAL FOREST

Eagle Creek Campground

T. 2 N., R. 7 E.,
Sec. 22, tract 37, SE¼NE¼, NE¼SE¼;
Sec. 23, SW¼NW¼, NW¼SW¼.
Total—167.16 acres.

Punch Bowl Campground

T. 2 N., R. 7 E.,
Sec. 25, SW¼SW¼SE¼.
Total—10 acres.

Columbia Gorge Ranger Station Administrative Site

T. 2 N., R. 8 E.,
Sec. 5, lot 3, NE¼SE¼;
Sec. 6, lot 1.
Total—99.49 acres.

Rainy Lake Campground

T. 2 N., R. 8 E.,
Sec. 25, SW¼NW¼ and NW¼SW¼ lot 7, SE¼NE¼ and NE¼SE¼ lot 8.
Total—9.14 acres.

Mount Defiance Administrative Site

T. 2 N., R. 9 E.,
Sec. 20, NW¼NE¼NW¼.
Total—10 acres.

Larch Mountain Campground

T. 1 N., R. 6 E.,
Sec. 29, S½SW¼SE¼SE¼;
Sec. 32, N½NE¼, N½S½NE¼.
Total—125 acres.

Camp A Administrative Site

T. 1 N., R. 6 E.,
Sec. 32, SE¼SE¼SE¼;
Sec. 33, SW¼SW¼SW¼.
Total—20 acres.

4-Mile Campground

T. 1 N., R. 7 E.,
Sec. 1, SE¼SE¼NE¼.
Total—10 acres.

Mud Lake Administrative Site

T. 1 N., R. 8 E.,
Sec. 2, SE¼SE¼SW¼.
Total—10 acres.

Wahtum Lake Campground

T. 1 N., R. 8 E.,
Sec. 10, SE¼SE¼;
Sec. 11, SW¼SW¼.
Total—80 acres.

Scout Lake Campground

T. 1 N., R. 8 E.,
Sec. 14, W½NW¼NW¼SW¼;
Sec. 15, NE¼NE¼SE¼.
Total—15 acres.

7-Mile Campground

T. 1 N., R. 8 E.,
Sec. 17, W½SW¼NW¼SW¼;
Sec. 18, E½SE¼NE¼SE¼.
Total—10 acres.

Indian Springs Campground

T. 1 N., R. 8 E.,
Sec. 21, SE¼SE¼NW¼.
Total—10 acres.

Indian Mountain Administrative Site

T. 1 N., R. 8 E.,
Sec. 28, NW¼NE¼NW¼.
Total—10 acres.

Bald Butte Administrative Site

T. 1 N., R. 10 E.,
Sec. 26, S½NE¼SW¼SE¼, N½SE¼SW¼SE¼.
Total—10 acres.

Lost Lake Campground

T. 1 S., R. 8 E.,
Sec. 9, Lots 1, 2, 3, NW¼SE¼;
Sec. 10, Lots 1, 2, NE¼SW¼;
Sec. 15, Lots 1, 2, 3, 4, 5.
Total—373.06 acres.

Lost Lake Butte Administrative Site

T. 1 S., R. 8 E.,
Sec. 11, SW¼NE¼SW¼.
Total—10 acres.

Ladd Creek Campground

T. 1 S., R. 8 E.,
Sec. 24, NW¼SE¼NW¼.
Total—10 acres.

Hiyo Administrative Site

T. 1 S., R. 8 E.,
Sec. 34, SE¼NW¼SE¼.
Total—10 acres.

Lava Bed Campground

T. 1 S., R. 9 E.,
Sec. 23, S½SE¼NE¼, NE¼SE¼.
Total—60 acres.

Mill Creek Administrative Site

T. 1 S., R. 10 E.,
Sec. 27, S½SE¼SE¼SE¼;
Sec. 34, N½NE¼NE¼NE¼.
Total—10 acres.

Knebal Springs Forest Camp

T. 1 S., R. 11 E.,
Sec. 31, SW¼ Lot 4.
Total—8.67 acres.

Clear Creek Campground

T. 2 S., R. 7 E.,
Sec. 34, SE¼NW¼NW¼.
Total—10 acres.

Fred McNeil Campground

T. 2 S., R. 8 E.,
Sec. 19, S½NW¼NE¼, N½SW¼NE¼.
Total—40 acres.

Cast Creek Campground

T. 2 S., R. 8 E.,
Sec. 19, E½SE¼NE¼.
Total—20 acres.

Ramona Falls Campground

T. 2 S., R. 8 E.,
Sec. 24, S½NW¼NW¼SW¼, N½SW¼NW¼SW¼.
Total—10 acres.

Cloud Cap Campground

T. 2 S., R. 9 E.,
Sec. 10, W½SW¼SE¼, W½E½SW¼SE¼;
Sec. 15, N½NW¼NW¼NE¼.
Total—35 acres.

Tilly Jane Campground

T. 2 S., R. 9 E.,
Sec. 15, S½NE¼NE¼, NE¼SE¼NE¼.
Total—30 acres.

Silcox Hut Campground

T. 2 S., R. 9 E.,
Sec. 31, SW¼SE¼SE¼SE¼, SE¼SW¼SE¼SE¼.
T. 3 S., R. 9 E.,
Sec. 6, NW¼NE¼ and NE¼NW¼ Lot 1.
Total—10.19 acres.

Brooks Meadow Administrative Site

T. 2 S., R. 10 E.,
Sec. 2—NW¼SW¼SW¼.
Total—10 acres.

Polallie Campground

T. 2 S., R. 10 E.,
Sec. 5, E½SE¼SW¼SE¼, SW¼SE¼SE¼;
Sec. 8, E½NE¼NW¼NE¼, NW¼NE¼NE¼.
Total—30 acres.

Bottle Prairie Forest Camp

T. 2 S., R. 10 E.,
Sec. 13, NW¼NW¼SW¼.
Total—10 acres.

Sherwood Campground

T. 2 S., R. 10 E.,
Sec. 17, S½SW¼NE¼, N½NW¼SE¼.
Total—40 acres.

Five Mile Administrative Site

T. 2 S., R. 11 E.,
Sec. 7, NE¼NW¼SE¼.
Total—10 acres.

8-Mile Crossing Forest Camp

T. 2 S., R. 11 E.,
Sec. 8, SW¼NE¼SW¼.
Total—10 acres.

Lower Crossing Forest Camp

T. 2 S., R. 11 E.,
Sec. 8, NE¼SE¼NE¼.
Total—10 acres.

Pebble Ford Forest Camp

T. 2 S., R. 11 E.,
Sec. 18, NE¼NE¼NE¼.
Total—10 acres.

Douglas Campground

T. 3 S., R. 6 E.,
Sec. 15, NE¼SW¼SE¼.
Total—10 acres.

Coffman Campground

T. 3 S., R. 6 E.,
Sec. 25, SW¼NW¼NE¼SW¼, NW¼SW¼NE¼SW¼, SE¼NE¼NW¼SW¼, NE¼SE¼NW¼SW¼.
Total—10 acres.

Oregon Trail and Still Creek Campground

T. 3 S., R. 7 E.,
Sec. 2, W½SW¼, W½E½SW¼;
Sec. 3, E½ Lot 10, Lot 16;
Sec. 11, Lots 3, 4, E½W½NW¼, W½ Lot 7, Lot 8, W½ Lot 9, N½SE¼SW¼, SE¼SE¼SW¼.
Total—349.63 acres.

Zigzag R.S. Administrative Site

T. 3 S., R. 7 E.,
Sec. 3, N½ Lot 8.
Total—21.63 acres.

Zigzag River Campground

T. 3 S., R. 7 E.,
Sec. 3, W½ Lot 10, Lot 11.
Total—31.15 acres.

Tollgate Campground

T. 3 S., R. 7 E.,
Sec. 11, N½NE¼, SE¼NE¼ and NE¼SE¼ Lot 9; W½ and W½SE¼ Lot 10;
Sec. 14, NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, N½SE¼NE¼NE¼.
Total—51.57 acres.

Cool Creek and Mile Bridge Campground

T. 3 S., R. 7 E.,
Sec. 13, SW¼NW¼NW¼, N½SW¼NW¼, E½SW¼SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, S½SE¼SE¼NW¼, NE¼SW¼, E½NE¼NW¼SW¼, W½NW¼SW¼SW¼, SW¼SW¼SW¼, W½SE¼SW¼SW¼, NE¼NE¼SE¼SW¼, Lot 4, NW¼SE¼, N½SW¼SE¼, E½SE¼SW¼SE¼, Lot 5;
Sec. 14, SE¼SE¼NE¼NE¼, NW¼NE¼, E½SW¼NE¼, W½SE¼NE¼, W½NE¼SE¼, S½SE¼NE¼SE¼, NW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 24, N½NE¼ Lot 1, W½NW¼NW¼, SE¼NW¼NW¼, E½NE¼SW¼NW¼, N½SE¼NW¼, N½SE¼SE¼NW¼.
Total—530.27 acres.

South Fork Campground

T. 3 S., R. 7 E.,
Sec. 34, SE¼NW¼NW¼, NE¼SW¼NW¼.
Total—20 acres.

Big Horn Campground

T. 3 S., R. 7 E.,
Sec. 34, E½NE¼SE¼SE¼;
Sec. 35, W½NW¼SW¼SW¼.
Total—10 acres.

Rolling Riffle Campground

T. 3 S., R. 7 E.,
Sec. 35, SE¼SW¼SW¼SW¼, SW¼SE¼SW¼SW¼.
T. 4 S., R. 7 E.,
Sec. 2, NW¼NE¼ and NE¼NW¼ Lot 3.
Total—10.11 acres.

Devil's Meadow Campground

T. 3 S., R. 8 E.,
Sec. 4, W½ Lot 3.
Total—25.57 acres.

Twin Bridges Campground

T. 3 S., R. 8 E.,
Sec. 15, S½SW¼NE¼NW¼, S½SE¼NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.
Total—30 acres.

Mile Bridge Campground

T. 3 S., R. 8 E.,
Sec. 17, N½SW¼, N½N½SE¼, SW¼NW¼SE¼;
Sec. 18, N½SE¼, NE¼SW¼, Lot 3.
Total—282.02 acres.

Camp Creek Campground

T. 3 S., R. 8 E.,
Sec. 17, S½S½S½SW¼, S½SW¼SE¼;
Sec. 18, S½S½S½SE¼, S½SE¼SW¼, S½ Lot 4;
Sec. 19, N½N½NE¼, N½NE¼NW¼, NE¼ Lot 1;
Sec. 20, N½N½NW¼.
Total—205.65 acres.

Mirror Lake Campground

T. 3 S., R. 8 E.,
Sec. 23, SE¼SW¼NW¼.
Total—10 acres.

Ski Bowl Campground

T. 3 S., R. 8E.,
Sec. 23, S½NE¼SE¼, N½SE¼SE¼SE¼.
Total—10 acres.

Devil's Peak Administrative Site

T. 3 S., R. 8 E.,
Sec. 31, SW¼SW¼NE¼SW¼, SE¼SE¼ Lot 3, E½NE¼ Lot 5, W½NW¼SE¼SW¼.
Total—15.40 acres.

Nenitch Campground

T. 3 S., R. 8½ E.,
Sec. 13, NW¼NW¼SE¼.
Total—10 acres.

Summit Ski Terminal Campground

T. 3 S., R. 8½ E.,
Sec. 24, NW¼NW¼NW¼.
Total—10 acres.

Summit Ranger Station Administrative Site

T. 3 S., R. 8½ E.,
Sec. 24, SW¼NE¼NW¼, S½NW¼NW¼.
Total—30 acres.

Still Creek Campground

T. 3 S., R. 8½ E.,
Sec. 24, SW¼NE¼SW¼, W½SE¼NE¼SW¼, W½NE¼SE¼SW¼, NW¼SE¼SW¼.
Total—30 acres.

Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $191,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Oklahoma; Tri-State Insurance Company; Tulsa, Oklahoma.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 63-10500; Filed, Oct. 2, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 014642]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 26, 1963.

The Department of Agriculture has filed an application, Serial Number Idaho 014642 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws.

The applicant desires the land for an administrative site for the proposed Stanley Ranger Station.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

STANLEY ADMINISTRATIVE SITE

T. 10 N., R. 13 E.,
Sec. 22: Lots 2, 3, 6, SE¼NW¼NW¼, SW¼NW¼.

The area described aggregates 167.29 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 63-10491; Filed, Oct. 2, 1963; 8:47 a.m.]

[Oregon 013665]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 25, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013665, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection and preservation of recreation areas and administrative sites located in the Mt. Hood National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON—WILLAMETTE MERIDIAN

MOUNT HOOD NATIONAL FOREST

Eagle Creek Campground

T. 2 N., R. 7 E.,
Sec. 22, tract 37, SE¼NE¼, NE¼SE¼;
Sec. 23, SW¼NW¼, NW¼SW¼.
Total—167.16 acres.

Punch Bowl Campground

T. 2 N., R. 7 E.,
Sec. 25, SW¼SW¼SE¼.
Total—10 acres.

Columbia Gorge Ranger Station Administrative Site

T. 2 N., R. 8 E.,
Sec. 5, lot 3, NE¼SE¼;
Sec. 6, lot 1.
Total—99.49 acres.

Rainy Lake Campground

T. 2 N., R. 8 E.,
Sec. 25, SW¼NW¼ and NW¼SW¼ lot 7, SE¼NE¼ and NE¼SE¼ lot 8.
Total—9.14 acres.

Mount Defiance Administrative Site

T. 2 N., R. 9 E.,
Sec. 20, NW¼NE¼NW¼.
Total—10 acres.

Larch Mountain Campground

T. 1 N., R. 6 E.,
Sec. 29, S½SW¼SE¼SE¼;
Sec. 32, N½NE¼, N½S½NE¼.
Total—125 acres.

Camp A Administrative Site

T. 1 N., R. 6 E.,
Sec. 32, SE¼SE¼SE¼;
Sec. 33, SW¼SW¼SW¼.
Total—20 acres.

4-Mile Campground

T. 1 N., R. 7 E.,
Sec. 1, SE¼SE¼NE¼.
Total—10 acres.

Mud Lake Administrative Site

T. 1 N., R. 8 E.,
Sec. 2, SE¼SE¼SW¼.
Total—10 acres.

Wahtum Lake Campground

T. 1 N., R. 8 E.,
Sec. 10, SE¼SE¼;
Sec. 11, SW¼SW¼.
Total—80 acres.

Scout Lake Campground

T. 1 N., R. 8 E.,
Sec. 14, W½NW¼NW¼SW¼;
Sec. 15, NE¼NE¼SE¼.
Total—15 acres.

7-Mile Campground

T. 1 N., R. 8 E.,
Sec. 17, W½SW¼NW¼SW¼;
Sec. 18, E½SE¼NE¼SE¼.
Total—10 acres.

Indian Springs Campground

T. 1 N., R. 8 E.,
Sec. 21, SE¼SE¼NW¼.
Total—10 acres.

Indian Mountain Administrative Site

T. 1 N., R. 8 E.,
Sec. 28, NW¼NE¼NW¼.
Total—10 acres.

Bald Butte Administrative Site

T. 1 N., R. 10 E.,
Sec. 26, S½NE¼SW¼SE¼, N½SE¼SW¼SE¼.
Total—10 acres.

Lost Lake Campground

T. 1 S., R. 8 E.,
Sec. 9, Lots 1, 2, 3, NW¼SE¼;
Sec. 10, Lots 1, 2, NE¼SW¼;
Sec. 15, Lots 1, 2, 3, 4, 5.
Total—373.06 acres.

Lost Lake Butte Administrative Site

T. 1 S., R. 8 E.,
Sec. 11, SW¼NE¼SW¼.
Total—10 acres.

Ladd Creek Campground

T. 1 S., R. 8 E.,
Sec. 24, NW¼SE¼NW¼.
Total—10 acres.

Hiyo Administrative Site

T. 1 S., R. 8 E.,
Sec. 34, SE¼NW¼SE¼.
Total—10 acres.

Lava Bed Campground

T. 1 S., R. 9 E.,
Sec. 23, S½SE¼NE¼, NE¼SE¼.
Total—60 acres.

Mill Creek Administrative Site

T. 1 S., R. 10 E.,
Sec. 27, S½SE¼SE¼SE¼;
Sec. 34, N½NE¼NE¼NE¼.
Total—10 acres.

Knebal Springs Forest Camp

T. 1 S., R. 11 E.,
Sec. 31, SW¼ Lot 4.
Total—8.67 acres.

Clear Creek Campground

T. 2 S., R. 7 E.,
Sec. 34, SE¼NW¼NW¼.
Total—10 acres.

Fred McNeil Campground

T. 2 S., R. 8 E.,
Sec. 19, S½NW¼NE¼, N½SW¼NE¼.
Total—40 acres.

Cast Creek Campground

T. 2 S., R. 8 E.,
Sec. 19, E½SE¼NE¼.
Total—20 acres.

Ramona Falls Campground

T. 2 S., R. 8 E.,
Sec. 24, S½NW¼NW¼SW¼, N½SW¼NW¼SW¼.
Total—10 acres.

Cloud Cap Campground

T. 2 S., R. 9 E.,
Sec. 10, W½SW¼SE¼, W½E½SW¼SE¼;
Sec. 15, N½NW¼NW¼NE¼.
Total—35 acres.

Tilly Jane Campground

T. 2 S., R. 9 E.,
Sec. 15, S½NE¼NE¼, NE¼SE¼NE¼.
Total—30 acres.

Silcox Hut Campground

T. 2 S., R. 9 E.,
Sec. 31, SW¼SE¼SE¼SE¼, SE¼SW¼SE¼SE¼.
T. 3 S., R. 9 E.,
Sec. 6, NW¼NE¼ and NE¼NW¼ Lot 1.
Total—10.19 acres.

Brooks Meadow Administrative Site

T. 2 S., R. 10 E.,
Sec. 2—NW¼SW¼SW¼.
Total—10 acres.

Polallie Campground

T. 2 S., R. 10 E.,
Sec. 5, E½SE¼SW¼SE¼, SW¼SE¼SE¼;
Sec. 8, E½NE¼NW¼NE¼, NW¼NE¼NE¼.
Total—30 acres.

Bottle Prairie Forest Camp

T. 2 S., R. 10 E.,
Sec. 13, NW¼NW¼SW¼.
Total—10 acres.

Sherwood Campground

T. 2 S., R. 10 E.,
Sec. 17, S½SW¼NE¼, N½NW¼SE¼.
Total—40 acres.

Five Mile Administrative Site

T. 2 S., R. 11 E.,
Sec. 7, NE¼NW¼SE¼.
Total—10 acres.

8-Mile Crossing Forest Camp

T. 2 S., R. 11 E.,
Sec. 8, SW¼NE¼SW¼.
Total—10 acres.

Lower Crossing Forest Camp

T. 2 S., R. 11 E.,
Sec. 8, NE¼SE¼NE¼.
Total—10 acres.

Pebble Ford Forest Camp

T. 2 S., R. 11 E.,
Sec. 18, NE¼NE¼NE¼.
Total—10 acres.

Douglas Campground

T. 3 S., R. 6 E.,
Sec. 15, NE¼SW¼SE¼.
Total—10 acres.

Coffman Campground

T. 3 S., R. 6 E.,
Sec. 25, SW¼NW¼NE¼SW¼, NW¼SW¼NE¼SW¼, SE¼NE¼NW¼SW¼, NE¼SE¼NW¼SW¼.
Total—10 acres.

Oregon Trail and Still Creek Campground

T. 3 S., R. 7 E.,
Sec. 2, W½SW¼, W½E½SW¼;
Sec. 3, E½ Lot 10, Lot 16;
Sec. 11, Lots 3, 4, E½W½NW¼, W½ Lot 7, Lot 8, W½ Lot 9, N½SE¼SW¼, SE¼SE¼SW¼.
Total—349.63 acres.

Zigzag R.S. Administrative Site

T. 3 S., R. 7 E.,
Sec. 3, N½ Lot 8.
Total—21.63 acres.

Zigzag River Campground

T. 3 S., R. 7 E.,
Sec. 3, W½ Lot 10, Lot 11.
Total—31.15 acres.

Tollgate Campground

T. 3 S., R. 7 E.,
Sec. 11, N½NE¼, SE¼NE¼ and NE¼SE¼ Lot 9; W½ and W½SE¼ Lot 10;
Sec. 14, NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, N½SE¼NE¼NE¼.
Total—51.57 acres.

Cool Creek and Mile Bridge Campground

T. 3 S., R. 7 E.,
Sec. 13, SW¼NW¼NW¼, N½SW¼NW¼, E½SW¼SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, S½SE¼SE¼NW¼, NE¼SW¼, E½NE¼NW¼SW¼, W½NW¼SW¼SW¼, SW¼SW¼SW¼, W½SE¼SW¼SW¼, NE¼NE¼SE¼SW¼, Lot 4, NW¼SE¼, N½SW¼SE¼, E½SE¼SW¼SE¼, Lot 5;
Sec. 14, SE¼SE¼NE¼NE¼, NW¼NE¼, E½SW¼NE¼, W½SE¼NE¼, W½NE¼SE¼, S½SE¼NE¼SE¼, NW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 24, N½NE¼ Lot 1, W½NW¼NW¼, SE¼NW¼NW¼, E½NE¼SW¼NW¼, N½SE¼NW¼, N½SE¼SE¼NW¼.
Total—530.27 acres.

South Fork Campground

T. 3 S., R. 7 E.,
Sec. 34, SE¼NW¼NW¼, NE¼SW¼NW¼.
Total—20 acres.

Big Horn Campground

T. 3 S., R. 7 E.,
Sec. 34, E½NE¼SE¼SE¼;
Sec. 35, W½NW¼SW¼SW¼.
Total—10 acres.

Rolling Riffle Campground

T. 3 S., R. 7 E.,
Sec. 35, SE¼SW¼SW¼SW¼, SW¼SE¼SW¼SW¼.
T. 4 S., R. 7 E.,
Sec. 2, NW¼NE¼ and NE¼NW¼ Lot 3.
Total—10.11 acres.

Devil's Meadow Campground

T. 3 S., R. 8 E.,
Sec. 4, W½ Lot 3.
Total—25.57 acres.

Twin Bridges Campground

T. 3 S., R. 8 E.,
Sec. 15, S½SW¼NE¼NW¼, S½SE¼NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.
Total—30 acres.

Mile Bridge Campground

T. 3 S., R. 8 E.,
Sec. 17, N½SW¼, N½N½SE¼, SW¼NW¼SE¼;
Sec. 18, N½SE¼, NE¼SW¼, Lot 3.
Total—282.02 acres.

Camp Creek Campground

T. 3 S., R. 8 E.,
Sec. 17, S½S½S½SW¼, S½SW¼SE¼;
Sec. 18, S½S½S½SE¼, S½SE¼SW¼, S½ Lot 4;
Sec. 19, N½N½NE¼, N½NE¼NW¼, NE¼ Lot 1;
Sec. 20, N½N½NW¼.
Total—205.65 acres.

Mirror Lake Campground

T. 3 S., R. 8 E.,
Sec. 23, SE¼SW¼NW¼.
Total—10 acres.

Ski Bowl Campground

T. 3 S., R. 8E.,
Sec. 23, S½NE¼SE¼, N½SE¼SE¼SE¼.
Total—10 acres.

Devil's Peak Administrative Site

T. 3 S., R. 8 E.,
Sec. 31, SW¼SW¼NE¼SW¼, SE¼SE¼ Lot 3, E½NE¼ Lot 5, W½NW¼SE¼SW¼.
Total—15.40 acres.

Nenitch Campground

T. 3 S., R. 8½ E.,
Sec. 13, NW¼NW¼SE¼.
Total—10 acres.

Summit Ski Terminal Campground

T. 3 S., R. 8½ E.,
Sec. 24, NW¼NW¼NW¼.
Total—10 acres.

Summit Ranger Station Administrative Site

T. 3 S., R. 8½ E.,
Sec. 24, SW¼NE¼NW¼, S½NW¼NW¼.
Total—30 acres.

Still Creek Campground

T. 3 S., R. 8½ E.,
Sec. 24, SW¼NE¼SW¼, W½SE¼NE¼SW¼, W½NE¼SE¼SW¼, NW¼SE¼SW¼.
Total—30 acres.

Snowbunny Lodge Campground

T. 3 S., R. 8½ E.,
Sec. 25, SW¼NE¼NE¼NE¼, SE¼NW¼NE¼NE¼, NE¼SW¼NE¼NE¼, NW¼SE¼NE¼NE¼.
Total—10 acres.

Trillium Lake Campground

T. 3 S., R. 8½ E.,
Sec. 36, NW¼SW¼NE¼, N½SW¼SW¼NE¼.
Total—15 acres.

Lone Fir Administrative Site

T. 3 S., R. 9 E.,
Sec. 6, W½SW¼ Lot 1, E½SE¼ Lot 2.
Total—10.38 acres.

Timberline Lodge Campground

T. 3 S., R. 9 E.,
Sec. 6, SE¼SE¼;
Sec. 7, N½NE¼NE¼.
Total—60 acres.

Phlox Point Campground

T. 3 S., R. 9 E.,
Sec. 7, NW¼SW¼NE¼.
Total—10 acres.

Hood River Meadow Campground

T. 3 S., R. 9 E.,
Sec. 11, E½SW¼SE¼NW¼, W½SE¼SE¼NW¼.
Total—10 acres.

Barlow Guard Station Administrative Site

T. 3 S., R. 9 E.,
Sec. 38, S½NW¼NE¼NW¼, N½SW¼NE¼NW¼.
Total—10 acres.

Robinhood Campground

T. 3 S., R. 10 E.,
Sec. 5, N½SW¼NE¼.
Total—20 acres.

Badger Lake Forest Camp

T. 3 S., R. 10 E.,
Sec. 16, NW¼ Lot 2.
Total—10.16 acres.

Bonney Butte Administrative Site

T. 3 S., R. 10 E.,
Sec. 31, NW¼NE¼SE¼.
Total—10 acres.

Bonney Meadows Forest Camp

T. 3 S., R. 10 E.,
Sec. 32, NW¼NW¼SW¼.
Total—10 acres.

Flag Point Administrative Site

T. 3 S., R. 11 E.,
Sec. 7, NE¼SW¼SE¼.
Total—10 acres.

Little Badger Forest Camp

T. 3 S., R. 12 E.,
Sec. 30, SW¼SW¼NE¼.
Total—10 acres.

North Fork Crossing Campground

T. 4 S., R. 5 E.,
Sec. 23, NE¼SE¼.
Total—10 acres.

Lazy Bend Campground

T. 4 S., R. 5 E.,
Sec. 28, SW¼NW¼SW¼, E½NW¼SW¼SW¼.
Total—15 acres.

Memaloose Scaling Station Administrative Site

T. 4 S., R. 5 E.,
Sec. 29, E½SW¼NW¼NE¼, SW¼SE¼NW¼NE¼, W½NE¼SW¼NE¼, NW¼SE¼SW¼NE¼.
Total—15 acres.

Big Eddy Campground

T. 4 S., R. 5 E.,
Sec. 35, SW¼SW¼NW¼.
Total—10 acres.

Squaw Mountain Administrative Site

T. 4 S., R. 6 E.,
Sec. 11, S½SE¼ Lot 13;
Sec. 14, N½NE¼ Lot 4.
Total—13.81 acres.

Twin Springs Campground

T. 4 S., R. 6 E.,
Sec. 13, W½NW¼NE¼NE¼, E½NE¼NW¼NE¼.
Total—10 acres.

Lookout Springs Campground

T. 4 S., R. 6 E.,
Sec. 22, SW¼SW¼NW¼NW¼, N½NW¼SW¼NW¼.
Total—7.50 acres.

Lookout Springs Administrative Site

T. 4 S., R. 6 E.,
Sec. 22, SE¼SW¼NW¼NW¼.
Total—2.50 acres.

Indian Ridge Administrative Site

T. 4 S., R. 6 E.,
Sec. 35, SE¼NE¼SE¼NE¼, NE¼SE¼SE¼NE¼;
Sec. 36, SW¼NW¼SW¼NW¼, NW¼SW¼SW¼NW¼.
Total—10 acres.

Salmon Butte Administrative Site

T. 4 S., R. 7 E.,
Sec. 15, NE¼SW¼NE¼.
Total—10 acres.

Hambone Springs Campground

T. 4 S., R. 7 E.,
Sec. 26, SW¼NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, NE¼SW¼NW¼NE¼, NW¼SE¼NW¼NE¼.
Total—10 acres.

Fir Tree Campground

T. 4 S., R. 8 E.,
Sec. 2, S½NE¼SE¼SE¼.
Total—5 acres.

Wolf Camp Administrative Site

T. 4 S., R. 8 E.,
Sec. 10, S½SW¼SW¼NE¼, N½NW¼NW¼SE¼.
Total—10 acres.

Linney Creek Forest Camp

T. 4 S., R. 8 E.,
Sec. 20, S½NW¼NE¼, N½SW¼NE¼.
Total—40 acres.

Frying Pan Lake Forest Camp

T. 4 S., R. 8 E.,
Sec. 35, NW¼NW¼NE¼.
Total—10 acres.

Barlow Creek Forest Camp

T. 4 S., R. 9 E.,
Sec. 11, W½NE¼NE¼SE¼, E½NW¼NE¼SE¼, NE¼SW¼NE¼SE¼, NW¼SE¼NE¼SE¼.
Total—15 acres.

Barlow Crossing Forest Camp

T. 4 S., R. 9 E.,
Sec. 13, SE¼SW¼SE¼.
Total—10 acres.

Frog Lake Forest Camp

T. 4 S., R. 9 E.,
Sec. 17, S½S½SW¼NE¼, SE¼SE¼SE¼NW¼, E½E½NE¼SW¼, E½NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, N½NW¼SE¼, SW¼NW¼SE¼, NW¼SE¼NW¼SE¼, NW¼SW¼SE¼, N½SW¼SW¼SE¼.
Total—77.50 acres.

Clear Lake Forest Camp

T. 4 S., R. 9 E.,
Sec. 32, W½W½SW¼NE¼, E½SE¼NW¼, E½NW¼SE¼NW¼.
Total—35 acres.

Grasshopper Administrative Site

T. 4 S., R. 10 E.,
Sec. 3, NE¼SE¼NW¼.
Total—10 acres.

Post Point Administrative Site

T. 4 S., R. 10 E.,
Sec. 25, SW¼NW¼NW¼.
Total—10 acres.

White River Station Forest Camp

T. 4 S., R. 10 E.,
Sec. 30, NE¼, Lot 1.
Total—9.93 acres.

Forest Creek Forest Camp

T. 4 S., R. 10 E.,
Sec. 34, NW¼SE¼NE¼.
Total—10 acres.

Reservoir Forest Camp

T. 4 S., R. 11 E.,
Sec. 14, SE¼SW¼SE¼.
Total—10 acres.

Rock Creek Administrative Site

T. 4 S., R. 11 E.,
Sec. 14, NE¼NE¼SE¼.
Total—10 acres.

Fish Creek Campground

T. 5 S., R. 5 E.,
Sec. 2, S½NE¼SE¼SE¼, SE¼SE¼SE¼.
Total—15 acres.

Armstrong Campground

T. 5 S., R. 5 E.,
Sec. 2, S½SE¼NE¼SE¼, N½NE¼SE¼SE¼.
Total—10 acres.

Carter Bridge Campground

T. 5 S., R. 5 E.,
Sec. 2, NE¼SW¼NE¼.
Total—10 acres.

South Fork Mountain Administrative Site

T. 5 S., R. 5 E.,
Sec. 31, E½NW¼NW¼SE¼.
Total—5 acres.

Roaring River Campground

T. 5 S., R. 6 E.,
Sec. 6, S½SW¼SE¼SE¼, SE¼SE¼SW¼SE¼;
Sec. 7, N½NW¼NE¼NE¼.
Total—12.50 acres.

Sun Strip Campground

T. 5 S., R. 6 E.,
Sec. 8, W½NW¼NE¼SW¼, E½NE¼NW¼SW¼.
Total—10 acres.

Oak Grove Administrative Site

T. 5 S., R. 6 E.,
Sec. 36, S½NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼, S½N½SE¼, N½S½SE¼.
T. 5 S., R. 7 E.,
Sec. 31, S½ Lots 3, N½ Lot 4.
Total—175.13 acres.

High Rock Administrative Site

T. 5 S., R. 7 E.,
Sec. 1, S½NW¼SE¼SE¼, SW¼SE¼SE¼.
Total—15 acres.

High Rock Campground

T. 5 S., R. 7 E.,
Sec. 12, SW¼NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, NE¼SW¼NW¼NE¼, NW¼SE¼NW¼NE¼.
Total—10 acres.

Hideaway Lake Campground

T. 5 S., R. 7 E.,
Sec. 20, SE¼SE¼NE¼;
Sec. 21, S½NW¼SW¼NW¼, N½SW¼SW¼NW¼.
Total—20 acres.

Oak Fork Campground

T. 5 S., R. 8 E.,
Sec. 24, S½SE¼SW¼SE¼, S½SW¼SE¼SE¼;
Sec. 25, NW¼NE¼NE¼, NE¼NW¼NE¼, E½NW¼NW¼NE¼.
Total—35 acres.

Little Crater Forest Camp

T. 5 S., R. 8½ E.,
Sec. 11, S½SW¼SE¼NE¼, NW¼SE¼SE¼NW¼, N½NW¼NE¼SE¼.
Total—12.50 acres.

Clackamas Lake Administrative Site

T. 5 S., R. 8½ E.,
Sec. 25, SW¼SW¼SW¼SW¼;
Sec. 26, SE¼SW¼NE¼SE¼;
Sec. 35, N½NE¼.
Total—85 acres.

Clear Lake Administrative Site

T. 5 S., R. 9 E.,
Sec. 6, SE¼SW¼SE¼SW¼, SW¼SE¼SE¼SW¼;
Sec. 7, NW¼NE¼NE¼NW¼, NE¼NW¼NE¼NW¼.
Total—10 acres.

Bear Paw Forest Camp

T. 5 S., R. 10 E.,
Sec. 3, SE¼SW¼SE¼SE¼, SW¼SE¼SE¼SE¼;
Sec. 10, W½NE¼NE¼NE¼, E½NW¼NE¼NE¼.
Total—15 acres.

Clear Creek Forest Camp

T. 5 S., R. 10 E.,
Sec. 8, NE¼SW¼SW¼.
Total—10 acres.

Keep's Mill Forest Camp

T. 5 S., R. 10 E.,
Sec. 11, S½SE¼NW¼NW¼, N½NE¼SW¼NW¼.
Total—10 acres.

Bear Springs Administrative Site

T. 5 S., R. 10 E.,
Sec. 22, NW¼SW¼SE¼, S½S½SE¼;
Sec. 27, NE¼NW¼NE¼, NE¼NE¼, NE¼SE¼NE¼.
Total—110 acres.

Boundary Scale Station Administrative Site

T. 5 S., R. 11 E.,
Sec. 30, S½S½NE¼SE¼, SE¼SE¼NW¼SE¼.
Total—12.50 acres.

Rainbow Campground

T. 6 S., R. 6 E.,
Sec. 2, S½S½SW¼NW¼, NW¼NE¼SW¼, N½NW¼SW¼.
Total—40 acres.

Ripplebrook Administrative Site

T. 6 S., R. 6 E.,
Sec. 2, S½ Lots 3 and 4, N½N½SW¼NW¼;
Sec. 3, SE¼ Lot 1, N½NE¼SE¼NE¼.
Total—98.35 acres.

Fish Creek Mountain Administrative Site

T. 6 S., R. 6 E.,
Sec. 6, SW¼SE¼ Lot 3, SE¼SW¼ Lot 3, NE¼NW¼SE¼NW¼, NW¼SE¼SE¼NW¼.
Total—13.40 acres.

Riverside Campground

T. 6 S., R. 6 E.,
Sec. 15, E½SE¼NE¼SW¼, E½E½SE¼SW¼, W½SW¼NW¼SE¼, W½W½SW¼SE¼.
Total—30 acres.

Two Rivers Campground

T. 6 S., R. 6 E.,
Sec. 22, SW¼SW¼NE¼, NW¼NW¼SE¼.
Total—20 acres.

Shellrock Campground

T. 6 S., R. 7 E.,
Sec. 2, E½ Lot 3.
Total—13.41 acres.

Oak Grove Butte Administrative Site

T. 6 S., R. 7 E.,
Sec. 17, S½SW¼NW¼.
Total—20 acres.

Summit Lake Campground

T. 6 S., R. 8 E.,
Sec. 23, W½NW¼NE¼SE¼, NW¼SW¼NE¼SE¼, NE¼NW¼SE¼, N½SE¼NW¼SE¼.
Total—22.50 acres.

Thunder Mountain Administrative Site

T. 7 S., R. 5 E.,
Sec. 2, SW¼NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, NE¼SW¼SE¼NW¼, NW¼SE¼SE¼NW¼.
Total—10 acres.

Pegleg Falls Campground

T. 7 S., R. 5 E.,
Sec. 14, NW¼SW¼SE¼, NE¼SE¼SW¼.
Total—20 acres.

Nohorn Campground

T. 7 S., R. 5 E.,
Sec. 14, SE¼SW¼SW¼, SW¼SE¼SW¼;
Sec. 23, N½NW¼NE¼NW¼, N½NE¼NW¼NW¼.
Total—30 acres.

Fan Creek Campground

T. 7 S., R. 6 E.,
Sec. 3, E½SE¼SW¼, SE¼ lot 3, W½W½SW¼NE¼.
Total—40.14 acres.

Pink Creek Campground

T. 7 S., R. 6 E.,
Sec. 9, N½SW¼NW¼, N½S½SW¼NW¼.
Total—30 acres.

Mt. Lowe Administrative Site

T. 7 S., R. 7 E.,
Sec. 17, NW¼SE¼SE¼.
Total—10 acres.

Bull of the Woods Administrative Site

T. 8 S., R. 6 E.,
Sec. 17, SE¼NW¼NW¼.
Total—10 acres.

Hawk Mountain Administrative Site

T. 8 S., R. 7 E.,
Sec. 27, S½NE¼NW¼NW¼, SE¼NW¼NW¼NW¼, NE¼SW¼NW¼NW¼, N½SE¼SW¼NW¼.
Total—15 acres.

Sisi Administrative Site

T. 8 S., R. 8 E.,
Sec. 9, SW¼NW¼NW¼, S½SE¼NW¼NW¼.
Total—15 acres.

Olallie Meadows Campground

T. 8 S., R. 8 E.,
Sec. 24, SW¼SE¼;
Sec. 25, N½NW¼NE¼.
Total—60 acres.

Fish Lake Campground

T. 8 S., R. 8 E.,
Sec. 34, E½NE¼SW¼.
Total—20 acres.

Olallie Lake Guard Station Administrative Site and Forest Camp

T. 9 S., R. 8 E.,
Sec. 11, W½NW¼NE¼NE¼, E½NE¼NW¼NE¼, S½NW¼NE¼, W½SW¼NE¼, W½E½SW¼NE¼, E½SE¼NE¼, E½E½SE¼SE¼;
Sec. 12, W½SW¼NW¼, S½S½NW¼SW¼, SW¼SW¼;
Sec. 13, N½N½NW¼NW¼;
Sec. 14, NE¼NE¼NE¼NE¼.
Total—172.50 acres.

Horseshoe Lake Campground

T. 9 S., R. 8 E.,
Sec. 23, E½SE¼SE¼NE¼;
Sec. 24, W½SW¼SW¼NW¼.
Total—10 acres.

Breitenbush Lake Campground

T. 9 S., R. 8 E.,
Sec. 25, E½SW¼NW¼NW¼, SE¼NW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼NW¼.
Total—30 acres.

The total combined area is 4,950.42 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-10475; Filed, Oct. 2, 1963; 8:46 a.m.]

Office of the Secretary

LEWIS W. LENGNICK

Appointment and Statement of Financial Interests

SEPTEMBER 26, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Lewis W. Lengnick.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Area Director, Defense Electric Power Area 18.

The name of the appointee's private employer or employers: The Hawaiian Electric Company, Limited, P.O. Box 2750, Honolulu 3, Hawaii.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Director, DEPA Area 18, Assistant Secretary for Water and Power, Defense Electric Power Administration, an officer or director:

The Hawaiian Electric Company, Ltd.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Boeing.
Commonwealth Oil Refinery.
Far West Finance.
Hawaiian Electric Co.
Eli Lilly.
Republic Aviation.
Union Oil.
American Photocopy.
General Dynamics.
Honolulu Construction & Draying.
Lewers & Cooke, Ltd.
Long's Drugs.
Standard Oil of New Jersey.

(3) Names of any partnerships in which I am associated, or had been associated within 6 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: August 19, 1963.

LEWIS W. LENGNICK.

[F.R. Doc. 63-10478; Filed, Oct. 2, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE

Fair Prices in Puerto Rico, Fair Wages and Prices in Virgin Islands, and Designation of Presiding Officers; Notice of Hearing

Pursuant to the authority contained in subsections (c) (1) and (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U.S.C. 1131) as amended by Public Law 87-535 approved July 13, 1962, and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Service Office, Segarra Building, on October 17, 1963, at 9:30 a.m.

At Chistiansted, St. Croix, Virgin Islands, in the District Court Room, Government House, on October 22, 1963, at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the said Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1964 on farms with respect to which applications for payment under the said Act are made, and (2) pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1963-64 crop of Puerto Rican sugarcane and the 1964 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matter regarding fair prices for sugarcane in Puerto Rico: Definition of admissible deductions for selling and delivery expenses for molasses with particular reference to "wharfage" and "storage".

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Daniel E. McGarry, Ward S. Stevenson, and Carlos G. Troche are hereby designated as presiding officers to conduct jointly or severally the foregoing hearings.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10507; Filed, Oct. 2, 1963; 8:48 a.m.]

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Refugio County, Texas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10510; Filed, Oct. 2, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization and Delegation of Authority

Part 6 of the Statement of Organization and Delegation of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045) is hereby amended to read as follows:

PART 6—OFFICE OF EDUCATION

SECTION 6.10 *Organization.* The Office of Education, under the supervision and direction of the Commissioner of Education, shall consist of:

Office of the Commissioner:
- Office of Program and Legislative Planning,
- Office of Administration,
- Office of Information,
- Office of Field Services.

Bureau of Educational Research and Development:
- Division of Educational Statistics,
- Division of Educational Research,
- Division of Higher Education,
- Division of Elementary and Secondary Education,
- Division of Continuing Education and Cultural Affairs.

Bureau of International Education:
- Division of International Studies and Services,
- Division of Technical Assistance and Exchange Programs.

Bureau of Educational Assistance Programs:
- Division of Vocational and Technical Education,
- Division of School Assistance in Federally Affected Areas,
- Division of State Grants,
- Division of College and University Assistance.

SECTION 6.20 *Commissioner of Education.* (a) The Office of Education shall be administered under the supervision and direction of the Commissioner.

(b) The Deputy Commissioner shall perform such duties as the Commissioner may prescribe and shall act as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in that office.

SEC. 6.30 *Order of succession.* (a) During the absence or disability of the Commissioner and Deputy Commissioner or in the event of simultaneous vacancies in the offices of Commissioner and Deputy Commissioner, the Associate Commissioner who is senior according to the date of his appointment as Associate Commissioner or, in the event of concurrent appointments, the Associate Commissioner who is senior according to the date of his appointment to the Office of Education, shall act as Commissioner.

(b) During the absence or disability of the Commissioner, Deputy Commissioner, and all Associate Commissioners, or in the event of simultaneous vacancies in the offices of Commissioner, Deputy Commissioner, and all Associate Commissioners, the Executive Officer shall perform all functions and exercise all authority of the Commissioner.

SEC. 6.40 *Functions.* (a) Except as provided in Part 2 of this Statement, the Commissioner of Education shall exercise the functions vested in the Secretary, the Department of Health, Education, and Welfare, the Commissioner, and the Office of Education by the following:

(1) Act of March 2, 1867, as amended (establishment of Federal agency) (14 Stat. 434, 20 U.S.C. 1 et seq.).

(2) Act of May 28, 1896, as amended (publications and international education studies) (29 Stat. 171, 20 U.S.C. 3).

(3) Morrill Acts, as amended (land-grant colleges) (except the certification of funds) (12 Stat. 503, 26 Stat. 417, 7 U.S.C. 301-329).

(4) Act of December 13, 1928, as amended (inspection of Howard University) (Public Law 634, 70th Cong., 45 Stat. 1021, 20 U.S.C. 123).

(5) Act of February 27, 1929, as amended (membership on Commission on Licensure, D.C.) (Public Law 831, 70th Cong., 45 Stat. 1326, 2 D.C. Code 101).

(6) Vocational Education. Smith-Hughes Act, as amended (Public Law 347, 64th Cong., 39 Stat. 929, 20 U.S.C. 11-15, 16-28). George-Barden Act, as amended, except for the function of the Secretary in section 206(b) thereof relating to the fixing of compensation for advisory committees (Public Law 586, 79th Cong., 60 Stat. 775; 20 U.S.C. 15 a-q, aa-jj, aaa-ggg). Act of August 30, 1950, as amended (Future Farmers of America) (Public Law 740, 81st Cong., 64 Stat. 563, 36 U.S.C. 271 et seq.).

(7) Public Law 874, 81st Cong., as amended (assistance to federally affected areas for operation and maintenance of schools) (64 Stat. 1101, 20 U.S.C. 236 et seq.).

(8) Public Law 815, 81st Cong., as amended (assistance to federally affected areas for construction of schools) (64 Stat. 967, 20 U.S.C. 631 et seq.).

(9) Act of July 26, 1954, as amended (cooperative research) (Public Law 531, 83d Cong., 68 Stat. 533, 20 U.S.C. 331-332).

(10) Library Services Act, as amended (Public Law 597, 84th Cong., 50 Stat. 293, 20 U.S.C. 351-358).

(11) Veterans Readjustment Assistance Act of 1952, as amended (accrediting agencies, and Advisory Committee to Administrator) (Public Law 550, 82d Cong., 66 Stat. 663, 38 U.S.C. 1644, 1653, 1662 et seq.).

(12) Agreement with Housing and Home Finance Agency under Title IV of the Housing Act of 1950, as amended (college housing loans) (Public Law 475, 81st Cong., 64 Stat. 77, 12 U.S.C. 1749a(c)).

(13) Act of July 2, 1942, as amended (student war loans) (Public Law 647, 77th Cong., 56 Stat. 576).

(14) Immigration and Nationality Act, as amended (schools for aliens under student visas) (Public Law 414, 82d Cong., 66 Stat. 168, 8 U.S.C. 1101(a)(15)(F)).

(15) Executive Order 10521 of 1954 (consultation with National Science Foundation on study of effects on institutions of higher education of Federal contracts and grants for scientific research).

(16) Section 3 of the Act of July 26, 1954, as amended (National Advisory Committee on Education, with respect to the Commissioner's membership on the Committee) (Public Law 532, 83d Cong., 68 Stat. 533, 20 U.S.C. 333-337).

(17) National Defense Education Act of 1958, as amended, including functions under section 1001(d) to study Federal programs in higher education, after initial contact has been made by the Secretary with the heads of Departments and agencies concerned (except for Title IX which applies to the National Science Foundation, and the function of the Secretary in section 761(a) of Title VII relating to the selection and compensation of the New Educational Media Committee and in section 1002(a) of Title X relating to the establishment of advisory committees and the fixing of compensation thereof) (Public Law 85-864, 72 Stat. 1580, 20 U.S.C. 401 et seq.).

(18) Public Law 85-874, as amended, making the Commissioner of Education an ex officio member of the National Cultural Center (72 Stat. 1698).

(19) Public Law 85-875, as amended, requiring Commissioner to encourage, foster and assist in establishment of science clubs for boys and girls (72 Stat. 1700, 20 U.S.C. 2 note).

(20) Public Law 85-905, as amended, to provide captioned films for the deaf, as delegated by the Secretary to the Commissioner (72 Stat. 1742, 42 U.S.C. 2491).

(21) Public Law 85-926, as amended, to encourage expansion of teaching in the education of mentally retarded children through grants to institutions of higher learning and to State educational agencies (72 Stat. 1777, 20 U.S.C. 611 et seq.).

(22) Functions vested in the Secretary by section 16 of the Area Redevelopment Act, as amended, except that the authority to disapprove an application for funds for training under this section is reserved to the Secretary (Public Law 87-27, 75 Stat. 47).

(23) Mutual Educational and Cultural Exchange Act of 1961, as amended (representation on Board of Foreign Scholarships) (Public Law 87-256, 75 Stat. 527).

(24) Public Law 87-276, as amended, Training Teachers of the Deaf, except for the function of the Secretary in section 5 relating to the selection and compensation of the Advisory Committee on the Training of Teachers of the Deaf (75 Stat. 575).

(25) Juvenile Delinquency and Youth Offenses Control Act of 1961, as amended (programs as assigned by the Secretary) (Public Law 87-274, 75 Stat. 572).

(26) Executive Order 11001 of 1962, section 5, and those portions of sections 6, 7, 9, 10, and 12 which pertain to education (preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions).

(27) Authority vested in the Secretary by the Manpower Development and Training Act of 1962, as amended, except that the responsibility for overall policy direction, including liaison with the Department of Labor and coordination with other departments and agencies; the approval of rules and regulations; the submission of reports to Congress; the approval of agreements under section 231 and of agreements or arrangements with the Department of Labor; and the apportionments and reapportionments under section 301 are reserved to the Secretary (Public Law 87-415, 76 Stat. 23).

(28) Authority vested in the Secretary by Part IV of Title III of the Communications Act of 1934, as amended by Public Law 87-447, as amended (grants for construction of educational television broadcasting facilities) except that authority for establishing policies for administration of the grants program; authority for final approval of project grants; authority for liaison with other Federal departments and agencies on matters involving policy and program coordination; and authority for approval of rules and regulations are reserved to the Secretary (76 Stat. 64).

(29) Functions and authority delegated to the Secretary by Executive Order 11034 of 1962 in connection with the administration of section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (promotion of modern foreign language training and area studies) (Public Law 87-256, 75 Stat. 527).

(30) Migration and Refugee Assistance Act of 1962, as amended (Cuban refugee educational assistance programs as assigned by the Commissioner of Welfare) (Public Law 87-510, 76 Stat. 121, 22 U.S.C. 2601).

(b) The Commissioner of Education shall be responsible for carrying out responsibilities assigned by or under agreements made with the State Department in connection with educational programs under the international education exchange programs and the international technical cooperation programs (e.g., the Smith-Mundt Act, as amended, Public Law 402, 80th Cong., 62 Stat. 6, 22 U.S.C. Ch. 18; the Mutual Security Act of 1954, as amended, Public Law 665, 83d Cong., 68 Stat. 832, 22 U.S.C. Ch. 24; the Agricultural Trade Development and Assistance Act of 1954, as amended, Public Law 480, 83d Cong., 68 Stat. 454, 7 U.S.C. 1691; the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256, 75 Stat. 527; and the Act for International Development of 1961, as amended, Public Law 87-195, 75 Stat. 424).

SEC. 6.50 *Reservation of authority.* No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without prior consultation and discussion with the Secretary.

SEC. 6.60 *Delegation of authority.* Authority contained in section 6.40, except the making of regulations, may, to the extent permitted by law, be delegated or redelegated by the Commissioner of Education to such officials of the Office of Education as he may deem appro-

priate. Such delegations or redelegations shall not be promulgated until the expiration of ten workdays after filing in the office of the Administrative Assistant Secretary.

Dated: September 27, 1963.

[SEAL] ANTHONY J. CELEBREZZE, *Secretary.*

[F.R. Doc. 63-10496; Filed, Oct. 2, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. PRM-20-2, PRM-30-14]

METTLER INSTRUMENT CORP.

Notice of Filing of Petition for Rule Making

Please take notice that Mettler Instrument Corporation, 20 Nassau Street, Princeton, New Jersey has filed with the Commission a petition for rule making to amend Title 10, Code of Federal Regulations, Part 20 "Standards for Protection Against Radiation" and Part 30 "Licensing of Byproduct Material". The proposed amendments would amend Parts 20 and 30 so as to exempt from licensing requirements analytical balances containing a tritiated organic compound as an antistatic device.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 26th day of September 1963.

For the Atomic Energy Commission.

F. T. HOBBS, *Acting Secretary.*

[F.R. Doc. 63-10455; Filed, Oct. 2, 1963; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14784; Order No. E-20050]

SLICK CORP.

Third-Level, Door-to-Door Deferred Freight Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1963.

By tariffs marked to become effective October 3, 1963, The Slick Corporation (Slick) proposes to cancel its existing system-wide, airport-to-airport, general and specific commodity deferred air freight service tariff, and, in lieu thereof, establish a door-to-door deferred tariff in terms of general commodities only. The proposed tariff will expire, by its own terms, with July 3, 1964. The proposed general commodity rates at the minimum weight of 200 pounds (the only weight break offered) when compared (on an airport-to-airport basis) to the present 100-pound rates, represent an adjustment ranging from a reduction of 40 percent to an increase of 5 percent, with the reductions at long hauls larger than at short hauls. Because of the elimination of directionality in the proposed rate structure (eastbound rates are presently lower than westbound) and the elimination of all other weight breaks (1,000, 3,000, 5,000, and 10,000 pounds), the proposed rates in these categories range from a 37-percent decrease to a 39-percent increase, the latter attributable to the nullification of present rate benefits inherent in both the airport-to-airport as well as the pick-up-and-delivery rate structures for volume shipments.

The proposed nondirectional 200-pound general commodity rates will yield from 11.8 cents per ton-mile for short hauls to 7.2 cents for long hauls, net to Slick after deducting published pick-up-and-delivery rates. Inasmuch as Slick will undoubtedly still obtain the benefit of pick-up-and-delivery rate reductions in payments to its cartage agents on volume shipments, the net yield to Slick on such traffic will be somewhat higher, namely, up to 13.7 cents per ton-mile in some instances. The proposed rates are stated to be based on "Class 92½ LTL (less-than-truckload) truck rates for 100-pound shipments, plus 5 percent to account for an anticipated rate increase in truck rate levels," and Slick believes that its new rates will be competitive, in terms of speed and rates, with nearly 4,000 commodity classifications now moving via truck.

The proposed cancellation of deferred specific commodity rates[1] and the resulting application of the proposed 200-pound door-to-door general commodity rates reflect a net increase in the airport-to-airport rate of 14 percent to New York and 11 percent to San Francisco. The present airport-to-airport rates yield Slick 8.0 and 8.8 cents, respectively, and the proposed general rates (which would hereafter apply) yield Slick 9.1 and 9.8 cents (net), respectively. No other carrier currently offers these specific commodity rates.

In terms of service, Slick incorporates an additional delay in its new tariff, as compared to its present offering. For shipments up to 2,100 miles, Slick currently offers 3- to 5-day service, varying with days of the week, and computed from airport to airport. The proposed tariff would extend these periods by 12 hours, but computed from door to door. Similarly, for shipments moving 2,100 miles or over, Slick would extend its current 4- to 5-day deferred release to 5½ and 6½, a difference of 36 hours, but again door to door, as above.

Complaints have been filed by American Airlines, Inc. (American), and The Flying Tiger Line, Inc. (Tiger).[2] In summary, the complaints variously allege that (1) the proposed deferred service rates would undercut present deferred rates by 30 to 45 percent, would be as much as 70 percent below standard service rates, and would yield Slick as little as 4.3 cents per ton-mile for certain transcontinental shipments; (2) the increase in delayed release (minimum delivery time) is more fancied than real; that no lengthening of delivery times will take place; that an actual negative time differential (faster delivery) on shipments to intermediate points (other than transcontinental hauls) will actually result; and that such alleged lengthening of delivery times does not justify the drastic rate reductions proposed; (3) no cost savings or operational efficiencies would result from the additional delay in release of shipments, and that the opposite would obtain, namely, an increase in cost due to additional storage, at the carrier's expense; (4) Slick's attraction of new traffic from surface carriers will be limited to bulky and/or high-rated, undesirable surface traffic, and its philosophy of meeting surface rates at surface speeds is unsound and nullifies speed of delivery, the airlines' principal advantage over surface; (5) the proposed rates will result in the diversion of over two million dollars in American's and Tiger's annual revenues; (6) Slick will suffer a diversion of over 33 percent of its own present revenues to the proposed lower-rated service, and to break even, Slick would have to increase its deferred traffic volume by 50 percent, without any allowance for the added costs incurred in carrying the additional traffic; and (7) the proposed rates are below Slick's costs of providing the service.

In answer to the complaints, Slick states (1) that Tiger has grossly miscalculated and underestimated surface traffic potential, and, in rebuttal, Slick offers a detailed analysis of the bases used in computation of new traffic available under the proposed rates; (2) that American is in error in believing airlines should not and cannot compete with surface carriers from a rate standpoint, and conversely, Slick believes rates must be brought down to surface levels to make any real penetration of the market; (3) that the rates are compensatory on a "total mix" concept, i.e., share of overall revenues received from traffic at various rate levels; (4) that the rates are above the conventional cost rationale as applied to deferred rates, Deferred Air Freight Case, 23 C.A.B. 651 (1956); (5) that American's and Tiger's alleged diversion from present deferred services and dilution of revenues will be more than offset by the increased volume of deferred traffic under the proposed rates; (6) that Tiger's alleged diversion of first-class traffic and dilution of revenues ignores the present existence of deferred rates, which are lower than for first-class traffic but apply to slower service, and further, that Tiger ignores and fails to credit a potential increase in revenues that will result from a pending cancellation of certain specific commodity rates and a resulting shift to higher (first-class) general commodity rates, which Slick filed and withdrew, but promises to file again in late September; and (7) the filing is experimental in nature inasmuch as the tariff bears an expiration date and Slick would be willing to submit traffic data to the Board to permit proper evaluation of the experiment before it is permanently implemented.

[1] Applicable to cushions and pillows, not less than one inch nor more than four inches thick, from Dallas to New York and San Francisco, minimum weight 300 pounds per shipment.

[2] Tiger filed a timely telegraphic protest and confirmed it by formal complaint received September 5, 1963.

Upon consideration of all relevant matters, the Board finds that the proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated. A number of the rates filed would be at low levels and involve significant reductions below current rates, especially for westbound movements.

However, we have decided not to suspend the proposal but to permit it to become effective pending investigation. The filing may well be a useful experiment in air freight service. Although there may be diversion from current air traffic, this impact may be expected to be confined chiefly to the current deferred service (which is relatively small in volume) and may be more than counterbalanced by additions of traffic not now moving by air. Furthermore, the filing has a relatively short period of effectiveness.

We plan to continue to monitor the reported data now required by the Board's regulations,[1] in order that we may have data upon which to consider possible extension of the rates beyond the expiration date. To insure an adequate record, we have instructed our staff to arrange for appropriate reporting procedures on such additional data as may be necessary and appropriate.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered that:

1. An investigation be instituted to determine whether the rates and provisions in The Slick Corporation's C.A.B. No. 13, including subsequent revisions or reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions;

2. The proceeding herein be assigned before an examiner of the Board at a time and place hereafter to be designated;

3. The complaints of American Airlines, Inc., in Docket 14732, and The Flying Tiger Line Inc., in Docket 14735 are dismissed, except to the extent granted herein; and

4. A copy of this order shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., and The Slick Corporation, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Acronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 63-10501; Filed, Oct. 2, 1963; 8:47 a.m.]

[1] Schedule T-7 of Form 41, as required by Part 241 of the Board's Economic Regulations.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15176; FCC 63-870]

RADIO STATION WTIF, INC.

Order To Show Cause

In the matter of revocation of license of Radio Station WTIF, Inc., for Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176.

The Commission having under consideration (1) the outstanding license issued to Radio Station WTIF to operate Station WTIF on the frequency of 1340 kc at Tifton, Georgia; (2) statements made by C. N. Todd, former sole stockholder and now majority stockholder of Radio Station WTIF, Inc., in (a) the application for construction permit for the above-mentioned facilities, filed with the Commission on October 28, 1955; (b) the application for modification of construction permit, filed with the Commission on May 14, 1957; and (c) the application for new broadcast station license, filed with the Commission on November 27, 1957; and (3) other information developed by Commission inquiry; and

It appearing, that, in the above-mentioned application for construction permit, C. N. Todd engaged in willful misrepresentations to the Commission by failing to disclose his partnership interest, with B. F. J. Timm, in a Douglas, Georgia business; and

It further appearing, that, in the above-mentioned application for modification of construction permit, Todd again engaged in willful misrepresentations to the Commission by failing to disclose his partnership with Timm and by indicating that he owned a certain business in Douglas, Georgia, when, in fact, he had sold his interest in such business prior to filing the application for modification for construction permit; and

It further appearing, that, in the above-mentioned application for modification of construction permit, Todd engaged in willful misrepresentations as to the financial information submitted by referring to the application for construction permit, which had indicated that funds for the construction and operation of Station WTIF would come from either Todd or his father, when, in fact, Todd had entered into an agreement with Timm whereby Timm would loan Todd up to $20,000 for use in the construction and operation of the station, and, by the time the application for modification of construction permit was filed with the Commission, Todd had borrowed about $5,000 from Timm pursuant to such agreement; and

It further appearing, that, in the above-mentioned application for license, Todd again engaged in willful misrepresentations as to the financial information submitted by again referring to himself or his father as the source of funds for the operation of the station, when, in fact, the above-mentioned loan agreement with Timm was still in force and, by the time the application for license was filed with the Commission, Todd had borrowed about $9,000 from Timm pursuant thereto; and

It further appearing, that, the actions of Todd and Timm may have amounted to an unauthorized transfer of control of Station WTIF from Todd to Timm, in that, inter alia, (a) Todd left the station, and Tifton, Georgia, around January, 1961 and has never returned; (b) Todd has endorsed in blank all his shares of stock in Radio Station WTIF, Inc., (c) former employees of Station WTIF have stated that they were hired by Timm or looked to Timm as the person in charge of the station, and (d) Timm has been solely responsible for the signing of checks drawn upon Radio Station WTIF, Inc., including checks payable to C. N. Todd and for the station's operation; and

It further appearing, that, the foregoing raises serious questions as to whether (a) C. N. Todd submitted false statements to the Commission in connection with various applications filed with the Commission and (b) violated the provisions of section 310(b) of the Communications Act of 1934, as amended; and

It further appearing, that, a serious question is presented whether on December 26, 1956, C. N. Todd, Jr., in conspiracy with B. F. J. Timm, filed an application for a new radio station at Alma, Georgia, the purpose of which application was to impede and bar the construction of a new radio facility at Douglas, Georgia; and

It further appearing, that, any of the foregoing matters presents grounds for revocation of the license for Station WTIF in accordance with the provisions of section 312(a)(1) and 312(a)(4) of the Communications Act of 1934, as amended; therefore

It is ordered, This 25th day of September 1963, that pursuant to the provisions of Section 312(c) of the Communications Act of 1934, as amended, that Radio Station WTIF, Inc., show cause why the license of Station WTIF, Tifton, Georgia, should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified in a subsequent order; and

It is further ordered, That, in the event Radio Station WTIF, Inc., gives notice of its intention to appear at the hearing and give evidence on the matters specified in this order, that such hearing be consolidated with the hearing on the application for renewal of license of Station WDMG (Docket No. 15177).

It is further ordered, That, the Secretary send a copy of this order by Certified Mail—Return Receipt Requested, to Radio Station WTIF, Inc.

Released: September 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10513; Filed, Oct. 2, 1963; 8:48 a.m.]

[Docket No. 15064; FCC 63M-1068]

EASTSIDE BROADCASTING CO.

Order Continuing Hearing

In re application of L. N. Ostrander & G. A. Wilson, d/b as Eastside Broadcasting Company, Phoenix, Arizona, Docket No. 15064, File No. BP-15022; for construction permit.

The Hearing Examiner having under consideration a petition filed on September 25, 1963, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on October 2, 1963, be rescheduled to commence on October 8, 1963; and

It appearing, that counsel for the Broadcast Bureau, because of other duties and commitments, will not be able to participate in the hearing as presently scheduled; and

It further appearing, that counsel for the other parties to this proceeding have informally advised that they have no objection to a grant of the instant petition and have also agreed to a waiver of the provisions of Section 1.43 of the Commission's Rules in order to permit immediate consideration thereof;

It is ordered, This 26th day of September 1963, that the hearing in the above-entitled proceeding be and it is hereby rescheduled to commence on October 8, 1963, at 10 a.m., in Washington, D.C.

Released: September 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10511; Filed, Oct. 2, 1963; 8:48 a.m.]

[Docket No. 15125; FCC 63M-1070]

RADIO STATION KAYE

Order Continuing Hearing

In re application of Henry Perozzo and Bethyl Perozzo (joint tenancy) d/b as Radio Station KAYE, Puyallup, Washington, Docket No. 15125, File No. BP-15739, for construction permit to change antenna system, including increase in antenna height.

The Hearing Examiner having under consideration the informal request for continuance of procedural dates filed herein by the applicant on September 20, 1963;

It appearing, that all parties have consented to immediate consideration and grant of the said request and that good cause thereof is shown;

It is ordered, This 26th day of September 1963 that the said request is granted and that (1) the date for exchange of preliminary drafts of the applicant's technical engineering exhibits is continued from October 1, 1963 to October 21, 1963; (2) the date for exchange of all exhibits to be offered in evidence in the presentation of applicant's affirmative case is continued from October 21, 1963 to November 12, 1963; (3) the date for giving notification of witnesses to be called for cross-examination is continued from October 28, 1963 to November 18, 1963; and (4) the hearing herein presently scheduled to commence on November 4, 1963 is continued to November 25, 1963 commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10512; Filed, Oct. 2, 1963; 8:48 a.m.]

[Docket Nos. 15176, 15177; FCC 63-871]

RADIO STATIONS WTIF, INC., AND WDMG, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of revocation of license of Radio Station WTIF, Inc. For Standard Broadcast Station WTIF Tifton, Georgia, Docket No. 15176; in re application of WDMG, Inc., Docket No. 15177, File No. BR-1709, for renewal of license of Standard Broadcast Station WDMG Douglas, Georgia.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1963;

The Commission, having under consideration the above-captioned and described application and other information developed by Commission inquiry;

It appearing, that, on November 14, 1958, former Station WSIZ, at that time the only other broadcast station in Douglas, Georgia, terminated operations and that the licensee of such station returned his license to the Commission; and

It further appearing, that, on or about the time former Station WSIZ ceased operations, WDMG, Inc., purchased the assets of such station for a price which appears to have been substantially in excess of the value of such assets; and

It further appearing, that, following the purchase of the assets of former Station WSIZ, B. F. J. Timm, sole stockholder of WDMG, Inc., submitted a statement to the Commission that he "did not participate in any way in the decision" of the licensee of former Station WSIZ to terminate operations; and

It further appearing, that, serious questions are presented whether the above statement of B. F. J. Timm contains misrepresentations of fact and/or is lacking in candor, and whether the decision of the licensee of former Station WSIZ to terminate operations was attributable to the actions of B. F. J. Timm; and

It further appearing, that, a serious question is presented whether B. F. J. Timm was the real party in interest in the application for a new station at Alma, Georgia, filed in December 1956 by C. N. Todd, Jr., the purpose of which application was to impede and bar the construction of a new radio facility (WSIZ) at Douglas, Georgia, which would compete with WDMG, Douglas, Georgia, owned by B. F. J. Timm; and

It further appearing, that, the actions of B. F. J. Timm and C. N. Todd, Jr., may have amounted to an unauthorized transfer of control of Station WTIF from Todd to Timm, in that, inter alia, (a) Todd left the station, and Tifton, Georgia, around January 1961 and has never returned; (b) Todd has endorsed in blank all his shares of stock in Radio Station WTIF, Inc., (c) former employees of Station WTIF have stated that they were hired by Timm or looked to Timm as the person in charge of the station; and (d) Timm has been solely responsible for the signing of checks drawn upon Radio Station WTIF, Inc., including checks payable to C. N. Todd, Jr., and for the station's operation; and

It further appearing, that, in view of the foregoing, a substantial question exists as to whether B. F. J. Timm possesses the requisite character qualifications to be a licensee or permittee of the Commission; and

It further appearing, that, after consideration of all the foregoing, the Commission is unable to find that a grant of the above-captioned and described application would serve the public interest, convenience and necessity; and that, therefore, said application must be designated for hearing; and

It is accordingly ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned and described application for renewal of license of Standard Broadcast Station WDMG, Douglas, Georgia, is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether B. F. J. Timm engaged in improper conduct designed to prevent or eliminate broadcast competition in Douglas, Georgia;

2. To determine whether B. F. J. Timm was the real party in interest in an application for a new radio station at Alma, Georgia, for the purpose of impeding and barring the construction of Radio Station WSIZ, Douglas, Georgia;

3. To determine whether in or about January 1961, B. F. J. Timm assumed control of the licensee of Station WTIF, Tifton, Georgia, in contravention of section 310(b) of the Communications Act of 1934, as amended;

4. To determine whether B. F. J. Timm engaged in misrepresentations to the Commission or demonstrated a lack of candor in statements filed with the Commission in connection with the closing of Station WSIZ;

5. To determine whether, in light of the evidence adduced in the foregoing issues, B. F. J. Timm possesses the requisite character qualifications to be a licensee of the Commission;

6. To determine whether, in light of all the evidence adduced with respect to the foregoing issues, a grant of the above-captioned and described application would serve the public interest, convenience and necessity.

It is further ordered, That, this hearing be consolidated with the hearing on the revocation of license of Station WTIF, Tifton, Georgia (Docket No. 15176); and

It is further ordered, That, to avail himself of the opportunity to be heard, WDMG, Inc., pursuant to § 1.140 of the Commission's rules and regulations, in person or by attorney, shall within twenty days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That, WDMG, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.362(g) of the Commission's rules and regulations.

Released: September 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10514; Filed, Oct. 2, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

J. E. BERNARD & CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

J. E. Bernard & Co., Inc., Chicago, Ill., is party to the following agreements, the terms of which are identical. The other parties are:

Keer, Maurer Co., Philadelphia, Pa.	FF-1031
C. J. Tower & Sons of Buffalo, Inc., Buffalo, N.Y.	FF-1032
Geo. S. Bush & Co., Inc., Portland, Oreg. (and Branch)	FF-1033
F. W. Myers & Co., Inc., Rouses Point, N.Y.	FF-1034
Norman G. Jensen, Inc., Minneapolis, Minn.	FF-1035
Reedy Forwarding Co., Inc., Miami, Fla.	FF-1036
Lang & Marshall Co., Inc., New York, N.Y.	FF-1037
H. H. Elder & Co., Los Angeles, Calif.	FF-1038
Frank P. Dow Co., Inc. of Los Angeles, Los Angeles, Calif.	FF-1039
Humphrey & MacGregor, Inc., Tampa, Fla.	FF-1040
J. T. Steeb & Co., Inc., Portland, Oreg.	FF-1041
M. E. Dey & Co., Inc., Milwaukee, Wis.	FF-1042
W. R. Pilbin & Co., Inc., Detroit, Mich.	FF-1043
F. B. Vandergrift & Co., Inc., Philadelphia, Pa.	FF-1044
Henry A. Wess, Inc., Cincinnati, Ohio	FF-1045
W. R. Zanes & Co., Houston, Tex.	FF-1046
W. M. Stone & Co., Inc., Norfolk, Va.	FF-1047
The A. W. Fenton Co., Inc., Cleveland, Ohio	FF-1048
Arthur J. Fritz & Co., Inc., Seattle, Wash.	FF-1049
Perryman, Mojonier Co., Los Angeles, Calif.	FF-1050
John A. Conkey & Co., Boston, Mass.	FF-1051
Herbert B. Moller, Jacksonville, Fla.	FF-1052

Chas. Kurz Co., Philadelphia, Pa., is party to the following agreements, the terms of which are identical. The other parties are:

John A. Merritt & Co., Pensacola, Fla.	FF-1066
Fillette, Green & Co., Pensacola, Fla.	FF-1067

The following agreements have similar terms:

J. S. Stass Co., New York, N.Y. and New Orleans, La., and Hirschbach & Smith, Inc., New York, N.Y.	FF-1053
Pistorino & Co., Inc., Boston, Mass., and Skyline Shipping Corp., New York, N.Y.	FF-1055
Pistorino & Co., Inc., Boston, Mass., and Pan American Forwarding Co., Miami, Fla.	FF-1056
Globe Shipping Co., Inc., New York, N.Y., and Harper, Robinson & Co., San Francisco, Calif.	FF-1057
Maron Shipping Agency, Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1058
William H. Masson, Inc., Baltimore, Md., and Allen Forwarding Co., Philadelphia, Pa.	FF-1059
J. E. Lowden & Co., San Francisco, Calif., and Amersped, Inc., New York, N.Y.	FF-1060
Inge & Co., Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1062
W. R. Keating & Co., Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C.	FF-1063
Universal Transcontinental Corp., New York, N.Y., and Southern Traffic Association, Mobile, Ala.	FF-1064
Mohegan International Corp., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1065
H. S. Thielen, Inc., Lake Charles, La., and Black & Geddes, New York, N.Y.	FF-1068
Premier Shipping Co., Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1069
Universal Transcontinental Corp., New York, N.Y., and Milton G. West, Baton Rouge, La.	FF-1070
Argus Shipping Co., Inc., New York, N.Y., and Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex.	FF-1071
Acco Foreign Shipping, Inc., Miami, Fla., and Reliable Shipping Co., New York, N.Y.	FF-1072
E. A. Gonzalez Co., Inc., New York, N.Y., and W. R. Zanes & Co., Houston, Tex.	FF-1073
Sorrentino Shipping, Inc., New York, N.Y., and W. R. Zanes & Co., Houston, Tex.	FF-1074
Uno Shipping Co., Inc., New York, N.Y., and F. B. Vandegrift & Co., Inc., Philadelphia, Pa.	FF-1075
J. E. Bernard & Co., Inc., New York, N.Y., and W. R. Zanes & Co., Houston, Tex.	FF-1076

Agreement No. FF-1054 between Oceanic Forwarding Co., San Francisco, Calif., party (a), and L. Grodwohl & Son, New York, N.Y., party (b), is an arrangement under which on shipments of paper products, paper or woodpulp, party (b) will receive 66⅔ percent and party (a) 33⅓ percent of ocean compensation, but in no case would party (a) receive less than $5.00 per shipment. On other shipments party (b) pays party (a) $7.50 forwarding fee, plus $.50 for passing export declaration and 33⅓ percent of ocean compensation.

Agreement No. FF-1061 between C. S. Greene and Company, Inc., Chicago, Illinois, party (a), and Footner & Company, Baltimore, Maryland, party (b), is an arrangement under which forwarding and service fees are $7.50 per shipment when consular invoices are not required and $10.00 when they are required. Party (a) will receive 60 percent and party (b) 40 percent of the ocean freight compensation.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building South, 600 South Street, New Orleans 12, La.
Mail address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 30, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10493; Filed, Oct. 2, 1963; 8:47 a.m.]

GREATER BATON ROUGE PORT COMMISSION AND CARGILL, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8225-9, between the Greater Baton Rouge Port Commission and Cargill, Incorporated, modifies the basic agreement which provides for the lease of certain storage facilities at Baton Rouge, Louisiana. The purpose of the amendment is to provide for the addition of certain property and equipment.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Or-

leans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10494; Filed, Oct. 2, 1963; 8:47 a.m.]

FREDERIC HENJES JR., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangement under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Frederic Henjes Jr., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Paul A. Boulo, Mobile, Ala	FF-1092
Morris Friedman & Co., Philadelphia, Pa	FF-1091
John J. Moylan & Co., Los Angeles, Calif	FF-1090
Wilfred Schade & Co., Inc., Newport News, Va	FF-1089

Fabius & Co., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Godwin Shipping Co., Inc., Mobile, Ala	FF-1087
Cavalier Shipping Co., Inc., Norfolk, Va	FF-1088

Amersped, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Loretz & Co., Los Angeles, Calif	FF-1084
Oceanic Shipping Co., Mobile, Ala	FF-1085

United Forwarders Service, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Del Mar Shipping Corp., San Francisco, Calif	FF-1094
Del Mar Shipping Corp., Los Angeles, Calif	FF-1095

W. R. Zanes & Co., Houston, Tex., is party to the following agreements, the terms of which are identical. The other parties are:

George Rediker Shipping Co., New York, N.Y	FF-1079
Wood Niebuhr & Co., New York, N.Y	FF-1080

The following agreements have similar terms:

Paul A. Boulo, Mobile, Ala., and D'Amato Freight Forwarding Co., New York, N.Y	FF-1077
Frontier Freight Forwarders, Inc., Miami, Fla., and William H. Masson, Inc., Baltimore, Md	FF-1078
Reynolds & Puzon, Inc., New York, N.Y., and Charleston Overseas Forwarders, Inc., Charleston, S.C.	FF-1081
Chase, Leavitt & Co., Portland, Maine, and Sopac Transport Corp., New York, N.Y	FF-1082
Premier Shipping Co., Inc., New York, N.Y., and Maher & Co., Houston, Tex	FF-1083
Pan-American Shipping Co., New Orleans, La., and Southern Shipping Co., Inc	FF-1086
United Forwarders Service, Miami, Fla., and John S. James, Savannah, Ga	FF-1100
J. P. Harle Forwarding Co., Houston, Tex., and Karr, Ellis & Co., Inc., New York, N.Y	FF-1101
Milton Snedeker Corp., New York, N.Y., and Pistorino Co., Inc., Boston, Mass	FF-1097
Caldwell & Co., Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla	FF-1099
Stone Forwarding Co. Inc., Galveston, Houston, and Corpus Christi, Tex., and George M. Leininger Co., New Orleans, La	FF-1093
Universal Transcontinental Corp., New York, N.Y., and Judson Sheldon International Corp., New York, N.Y	FF-1096
D. C. Andrews & Co., Inc., New York, N.Y., D. C. Andrews & Co. of Illinois, Inc., Chicago, Ill., D. C. Andrews & Co. of Louisiana, Inc., New Orleans, La., D. C. Andrews & Co. of Maryland, Inc., Baltimore, Md., D. C. Andrews & Co. of Massachusetts, Inc., Boston, Mass., and Fillette, Green & Co. of Tampa, Tampa, Fla	FF-1098

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building South, 600 South Street, New Orleans 12, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 30, 1963.

By the Federal Maritime Commision.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10495; Filed, Oct. 2, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-21]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

SEPTEMBER 26, 1963.

Take notice that on July 23, 1963, as supplemented on August 30, 1963, East Tennessee Natural Gas Company (East Tennessee), a Tennessee corporation with its principal place of business in Knoxville, Tennessee, filed at Docket No. CP64-21 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and compressor facilities in Virginia in order to serve the natural gas requirements of Colonial Natural Gas Company (Colonial), and to serve a portion of the additional natural gas requirements of Roanoke Gas Company (Roanoke Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

East Tennessee proposes to construct and operate approximately 138 miles of pipeline facilities from the terminus of its present system at Bristol, Tennessee-Virginia to Roanoke, Virginia and to install and operate a 1,980-horsepower compressor station in the Tri-Cities area of northeastern Tennessee and a 1,320-horsepower compressor station at Glade Spring, Virginia.

Colonial, a new company, will initiate gas service in thirteen cities and towns in southwest Virginia between Bristol and Roanoke. Natural gas is not presently available in these communities. East Tennessee will deliver gas to Roanoke Gas at two points on the southwest side of Roanoke. Roanoke Gas is presently served by Atlantic Seaboard Corporation at a delivery point near the northeast side of the city.

The application shows the following natural gas requirements for the proposed service in the third full year of operation (volumes in Mcf at 14.73 psia):

	Annual	*Peak day*
Colonial Natural Gas Co	2,570,191	18,005
Roanoke Gas Co	1,595,000	7,789
Totals	4,165,191	25,794

The total cost of East Tennessee's proposed facilities is estimated to be $5,139,000, which cost will be financed from funds on hand and notes in the amount of $4,500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10465; Filed, Oct. 2, 1963; 8:45 a.m.]

[Docket No. CP63-219]

NORTHERN NATURAL GAS CO.

Notice of Application To Amend

SEPTEMBER 26, 1963.

Take notice that on August 20, 1963, Northern Natural Gas Company (Applicant) with its principal place of business in Omaha, Nebraska, filed in Docket No. CP63-219 a petition to amend the Commission's order issued August 6, 1963, in said docket by increasing the contract demand of Coon Rapids, Iowa from 830 Mcf per-day to 850 Mcf per-day, an increase of 20 Mcf of natural gas per-day, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition to amend states that on August 6, 1963, the Commission issued its order in the above docket authorizing Applicant to construct and operate certain facilities and the transportation and sale of increased contract demand to Applicant's existing customers for the 1963-64 heating season in the amount of 30,127 Mcf of natural gas. Included in this amount was an increase for the Municipal Utilities of Coon Rapids, Iowa of 30 Mcf increasing this contract demand from 800 to 830 Mcf. Applicant filed its original application on February 4, 1963, and amended such application on April 26, 1963, requesting an increase in contract demand from 13,461 Mcf to 30,127 Mcf based upon the experience of the past heating season. Subsequent to the filing of the above amendment, the Municipal Utilities of Coon Rapids, Iowa, advised Applicant that since reviewing the town's gas loads, an additional 20 Mcf of firm gas will be required to satisfy the anticipated demand for the coming heating season.

The petition further states that no additional facilities will be required to deliver these increased volumes.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10466; Filed, Oct. 2, 1963; 8:45 a.m.]

[Docket No. CP63-268]

NORTH STAR NATURAL GAS CO.

Notice of Application

SEPTEMBER 26, 1963.

Take notice that on March 29, 1963, North Star Natural Gas Company (Applicant) filed at Docket No. CP63-268 an application pursuant to section 7(a) of the Natural Gas Act, for an Order directing Midwestern Gas Transmission Company (Midwestern) to deliver natural gas to Applicant to supply the first, second and third year natural gas requirements of Staples and Wadena, Minnesota, presently without natural gas service, such service to be initiated during the year 1963.

Applicant states that Staples and Wadena, Minnesota have a daily contract demand requirement of 770 Mcf and 1,078 Mcf respectively in the first year, 1,059 Mcf and 1,506 in the second year and 1,204 Mcf and 1,705 Mcf in the third year. Applicant proposes that Midwestern supply these requirements from its unallocated reserves in the total amounts (for both communities) of 1,000 Mcf in the first year, 1,100 Mcf in the second year and 1,200 Mcf in the third year. Applicant plans to establish peak sharing facilities in Staples and Wadena to manufacture the daily contract demand requirements over and above those supplied by Midwestern.

Applicant estimates that the distribution facilities including the peak sharing plants in Staples and Wadena will cost $882,200 which includes engineering, interest and overhead costs which amount will be financed through private placement, through short term financing and through cash generated from operations.

Staples and Wadena, Minnesota are located in Midwestern's presently existing service area and gas will be sold to Applicant according to Midwestern's existing rate schedule for the "Northern System".

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10467; Filed, Oct. 2, 1963; 8:45 a.m.]

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Approving Rate Settlement Proposal, Severing and Terminating Proceedings, Prescribing Refunds, and Issuing a Certificate of Public Convenience and Necessity

SEPTEMBER 26, 1963.

Union Texas Petroleum, et al., Docket Nos. G-13221, et al.; Robert B. Prentice, et al., Docket Nos. G-18710, et al.[1]

On August 7, 1963, Robert B. Prentice, et al. (Prentice) filed a Settlement Proposal encompassing its currently effective gas rate schedules. No objections or protests to said proposal have been filed.

In summary the settlement proposal provides:

(1) In one instance a settlement rate, including tax reimbursement, below the applicable area ceiling, and, in the other, a rate which is an exception to said ceiling;

(2) Prentice waives the right to file for contractually authorized increased rates until July 1, 1966. Prentice reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels determined through area hearing, or other proceeding, or by amendment of the Commission's Statement of General Policy No. 61-1, or any contractually authorized increase in tax reimbursement;

(3) Extension of the make-up period under the take-or-pay provision in Prentice's FPC Gas Rate Schedule No. 2 from the present one year period to five years;

(4) Refunds, with interest at the applicable rate, under the rate schedule where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the applicable initial ceiling rate, for a period of five months preceding the date of issuance of an order approving said settlement proposal.

In support of its proposal, Prentice states that the settlement rates, moratorium periods and other provisions thereof, some of which are not specifically noted herein, with the added benefit of termination of its rate proceeding, are in the public interest in that the proposed rates are reasonable, and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the various parties to the settlement conferences utilized cost of service studies. Such studies revealed that Prentice's costs for its jurisdictional sales of natural gas exceeded its jurisdictional revenues. However, its proposed increased rate, which it had been charging and collecting, subject to refund, exceeded the applicable area ceiling for initial service. Consequently, we believe it appropriate that Prentice make refunds for amounts collected by it over and above said ceiling rate for the period agreed to by the parties herein. Prentice's future annual revenues will be decreased approximately fifteen percent as a result of the settlement.

One of the proposed settlement rates is an exception to the applicable area ceiling. This is a sale to United Gas Pipe Line (United) by Prentice in the Houma Field, Terrebonne Parish, Louisiana. Prior to May 14, 1959, this sale was made under a ten-year contract, which was to expire in 1960. On May 14, 1959, Prentice and United entered into two contracts for twenty-year terms, and subsequent thereto Prentice dedicated additional acreage to the sale, which resulted in increased annual deliveries under these contracts.[2]

The renegotiated contracts were filed on August 21, 1959, and concurrently therewith, Prentice filed a proposed increase in rate thereunder, under section 4 of the Act. The renegotiated contracts were filed in Docket No. G-19292, and the proposed increase in rate was subsequently suspended and proceedings initiated in Docket No. G-19475. The renegotiated contracts did not encompass any acreage which was not covered by the certificate originally granted Prentice in Docket No. G-9018, and

[1] See the appendix for the additional dockets and applicable proceedings.

[2] One contract is for natural gas produced from "shallow" horizons, and the second is for natural gas produced from "deep" horizons. A definite and certain drilling obligation was imposed upon Prentice by the deep horizon contract.

therefore, such filing should properly have been considered as amendments to the original filing. Therefore, we shall sever Docket No. G–19292 from the proceedings in Union Texas Petroleum, et al., Docket Nos. G–13221, et al., and cancel such proceeding.

The current rate for gas sold under the renegotiated contracts is 23.25 cents per Mcf, while the settlement rate is 17.5 cents per Mcf. The proposed settlement rate therefore exceeds the increased rate ceiling, but is below the initial rate ceiling. In view of the above circumstances, we find the settlement rate of 17.5 cents per Mcf for this sale to be proper, and approve the same.

The settlement proposal includes one rate for which issuance of a related permanent certificate is pending (Rate Schedule No. 2, Docket No. G–18710). This proceeding was consolidated with the proceeding in Union Texas Petroleum, et al., Docket Nos. G–13221, et al., wherein the hearings were concluded on July 25, 1963. Consequently, we shall sever Prentice's application from Union Texas and shall issue it a certificate of public convenience and necessity herein.

Our action herein should not be construed as constituting approval of any future rate increase, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, involving Prentice's rates and rate schedules.

The Commission finds:

(1) The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on August 7, 1963, as herein modified, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective, and good cause exists for approving the settlement rates, for terminating proceedings, and providing for refunds.

(2) The sale of natural gas by Prentice, as more fully described in its application, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Prentice together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sale of natural gas by Prentice together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and a certificate therefor should be issued.

(4) Prentice is able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

The Commission orders:

(A) The settlement of these proceedings on the basis of the Settlement Proposal, filed August 7, 1963, is approved and made effective.

(B) The applicable settlement rates set out in the appendix below is approved and such rates shall be effective as of the date of issuance of this order.

(C) Within 90 days from the date of this order, Prentice shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(D) Within 90 days from the date of this order, Prentice shall (1) refund, with interest as specified computed to the date of actual refund, the difference between the rate collected subject to refund, for a period five months prior to the issuance of this order and the related settlement rate; and (2) report to the Commission, in writing, the amount of refunds made to its purchaser, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchaser showing receipt of the refunds in conformity with the settlement proposal as approved herein.

(E) The proceedings in Docket No. G–18710 are hereby severed from the consolidated proceedings in Union Texas Petroleum, et al., Docket Nos. G–13221, et al.

(F) A certificate of public convenience and necessity be and the same is hereby issued in Docket No. G–18710, upon the terms and conditions of this order, authorizing the sale by Prentice of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sale, all as fully described in its application and exhibits in this consolidated proceeding.

(G) The certificate granted in paragraph (F) above is not transferable and shall be effective only so long as Prentice continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(H) The grant of the certificate issued in paragraph (F) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Prentice. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificate.

(I) Docket No. G–19292 is hereby severed from the proceedings in Union Texas Petroleum, et al., Docket Nos. G–13221, et al., and is hereby canceled.

(J) Upon full compliance by Prentice with all the terms and provisions of this order applicable to it, the section 4(e) proceeding in Docket No. G–19475, listed in the appendix hereto, shall terminate.

(K) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Prentice, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Prentice or any other companies, person or parties affected by this order.

By the Commission. Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

ROBERT B. PRENTICE, ET AL.

Rate schedule No.	Field	Purchaser	Contract date	Certificate docket	Initial rate (cents)	Last firm rate (cents)	Last effective rate (cents)	Settlement rate[f] (cents)
2	Hollywood	United G.P.L. Co.	May 14, 1959	G–18710 [a]	[b] 20.25	20.25	20.25	20.25
3 [e]	Houma	do	May 14, 1959	G–19292 [d]	10	10	[c] 23.25	17.5

[a] Temporary authorization issued June 30, 1959. No rate condition.
[b] 18.5 cents base price, plus 1.75 cents tax reimbursement.
[c] The original contract covering this sale, dated Mar. 13, 1950, provided for a 10-year term extending into 1969. It was filed with the Commission by letter dated June 6, 1955, and was designated as Rate Schedule No. 1. This contract was later superseded by two contracts, both executed May 14, 1959, one covering "shallow" gas and the other covering "deep" gas. The "shallow" gas contract was designated as Rate Schedule No. 3. The "deep" gas contract was designated as Supplement No. 2 to Rate Schedule No. 3. The rate provided by Rate Schedule No. 3 was suspended by order issued Sept. 18, 1959, in Docket No. G–19475.
[d] Upon application seeking authorization for the sale under the Mar. 13, 1950, contract, the Commission issued a certificate of public convenience and necessity on Jan. 4, 1956, in Docket No. G–9018.
[e] 21.5 cents base price, plus 1.75 cents tax reimbursement.
[f] The total settlement rates set out above, as applicable to each sale to United, include a commodity rate and tax reimbursement. The tax reimbursement portion of each such total settlement rate shall be that portion expressed as tax reimbursement in each respective contract and the remaining balance of such total settlement rate shall be considered as the commodity rate.

[F.R. Doc. 63–10468; Filed, Oct. 2, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–2573]

ASSOCIATE UNDERWRITERS, INC.

Order Canceling Hearing and Making Suspension Permanent

SEPTEMBER 27, 1963.

The Commission, by order dated June 24, 1963, having temporarily suspended the Regulation A exemption of Associate Underwriters, Inc., 827 Stuart Building, Lincoln, Nebr., pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and the company having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated July 26, 1963, having ordered a hearing in the above-entitled matter, to commence on September 9, 1963, said hearing having been postponed and now scheduled to commence on October 1, 1963, at 10:00 a.m., at the South Courtroom, Main Post Office Building, 16th & Dodge Streets, Omaha, Nebr., and

The company having requested a withdrawal of its request for a hearing, and the Division of Corporation Finance and the Denver Regional Office not objecting thereto,

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter, scheduled for October 1, 1963, be and it hereby is canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10479; Filed, Oct. 2, 1963; 8:46 a.m.]

[File Nos. 70–410 and 60–22]

CONNECTICUT YANKEE ATOMIC POWER CO. ET AL.

Order in Part Granting and Permitting To Become Effective Application-Declaration

SEPTEMBER 26, 1963.

In the matters of Connecticut Yankee Atomic Power Company, The Connecticut Light and Power Company, New England Power Company, Boston Edison Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Central Maine Power Company, Public Service Company of New Hampshire, Montaup Electric Company, File No. 70–4109; The Connecticut Light and Power Company, New England Power Company, The United Illuminating Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Boston Edison Company, Central Maine Power Company, Public Service Company of New Hampshire, Montaup Electric Company, Central Vermont Public Service Corporation, New Bedford Gas and Edison Light Company, Cambridge Electric Light Company, File No. 60–22.

A joint application-declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Connecticut Yankee Atomic Power Company ("Conn Yankee"), a public service company under the laws of Connecticut which proposes to construct and operate a nuclear electric generating plant, and eight of its prospective sponsors: The Connecticut Light and Power Company ("CL & P"), an exempt holding company and a public-utility company; New England Power Company ("Nepco"), an exempt holding company and a public-utility subsidiary company of New England Electric System, a registered holding company; The Hartford Electric Light Company, a public-utility company and an affiliate of a public-utility company; Western Massachusetts Electric Company, a public-utility subsidiary company of Western Massachusetts Companies, an exempt holding company; Boston Edison Company, a public-utility company and an affiliate of a public utility company; Central Maine Power Company, a public-utility company and an affiliate of a public-utility company; Montaup Electric Company, a public-utility subsidiary company of Eastern Utilities Associates, a registered holding company; and Public Service Company of New Hampshire, a public-utility company and an exempt holding company.

The joint application-declaration requests permission pursuant to section 6(b) of the Act for the issue and sale by Conn Yankee from time to time of the first 50,000 shares of its common stock to provide $5,000,000 of initial capital; the exemption of such issue and sale from the competitive bidding requirements of Rule 50 under the Act; permission pursuant to section 10 of the Act for the acquisition of such stock by the other applicants; exemption from the Act under section 3(a) thereof for CL&P and Nepco; and permission for Conn Yankee to conduct such negotiations as may be desirable with investment banking firms and other potential purchasers to determine the type, amount and method of its permanent financing program.

Subsequently the Commission instituted proceedings pursuant to section 2(a)(7)(B) of the Act to determine whether certain of Conn Yankee's sponsors should be deemed to be holding companies with respect to Conn Yankee, and such proceedings were consolidated with the proceedings on the joint application-declaration.

After appropriate notice, a public hearing was held at which all interested persons were afforded an opportunity to be heard. In addition, briefs have been filed and the Commission has heard oral argument.

On the basis of the record, and for the reasons to be set forth in the Commission's Findings and Opinion to be issued.

It is ordered, Pursuant to the applicable provisions of the Act and the rules and regulations thereunder, that the joint application-declaration be, and it hereby is, granted and permitted to become effective in the following respects, subject to the terms and conditions of Rule 24 under the Act:

1. The issuance and sale of the initial shares of common stock of Conn Yankee as set forth in the application-declaration are exempt from the provisions of section 7 of the Act pursuant to section 6(b).

2. Such issuance and sale are exempt from competitive bidding pursuant to Rule 50 under the Act.

3. The acquisition of such initial shares of Conn Yankee stock by the other applicants-declarants is approved, pursuant to section 9(a) of the Act, under the standards of section 10.

4. Pursuant to section 3(a)(2) of the Act, CL&P and Nepco are exempt from all provisions of the Act except section 9(a)(2).

It is further ordered, That the request for permission to conduct negotiations to determine the type, amount and method of Conn Yankee's permanent financing program be, and it hereby is, denied.

It is further ordered, That jurisdiction is reserved in respect of the fees and expenses to be incurred in connection with the issuance of Conn Yankee's initial common stock and the acquisition thereof by the other applicants-declarants, and in respect of the contemplated servicing arrangements to be entered into between Conn Yankee and its affiliated companies.

It is further ordered, That the proceedings instituted pursuant to section 2(a)(7)(B) of the Act be, and they hereby are, dismissed.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10480; Filed, Oct. 2, 1963; 8:46 a.m.]

[File Nos. 812–1454, 811–755]

KIRK INDUSTRIES, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 27, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Kirk Industries, Inc. ("Applicant"), 29 Broadway, New York 6, New York, a Pennsylvania corporation and a closed-end investment company has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

Applicant states that its securities are beneficially owned by less than 100 persons and that it is not making and does not presently propose to make a public offering of its securities. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than

short-term paper) are beneficially owned by not more than one hundred persons and which is not making or does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 17, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10481; Filed, Oct. 2, 1963; 8:46 a.m.]

[File No. 811–246]

NORTH AMERICAN BOND TRUST

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 27, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that North American Bond Trust ("Applicant"), 63 Wall Street, New York, New York, a New York corporation and an investment trust has ceased to be an investment company.

The application states that the Trust Agreement creating the Applicant provided for termination of the Trust on August 31, 1952. Since termination of the Trust, the sum of $146,803.25 has been paid at the total rate of $126.50 to the holders of 1160–5/10ths Interests. At the present time the balance of $3,162.50 is held by the trustee for payment at the same rate per Interest to the holders of certificates representing 25 interests as and when the certificates are presented to the Trustee. These funds are held by the Trustee solely for the purpose of payment to the holders of the 25 interests except as such funds may be affected by the abandoned property law of the State of New York.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 17, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10482; Filed, Oct. 2, 1963; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 447]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of September, 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Jefferson, Newton and Orange Counties in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from rain, flood and accompanying conditions occurring on or about September 17, 1963.

OFFICES

Small Business Administration Regional Office,
1025 Elm Street,
Dallas 2, Tex.
Small Business Administration Branch Office,
201 Fannin Street,
Houston 2, Tex.

2. Temporary field offices will be established at Beaumont and Orange, Tex., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1964.

Dated: September 19, 1963.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 63–10483; Filed, Oct. 2, 1963; 8:46 a.m.]

TARIFF COMMISSION

[TEA–W–5]

WORKERS OF WINBURN TILE MANUFACTURING CO.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed September 26, 1963 on behalf of workers of Winburn Tile Manufacturing Company, Little Rock, Arkansas, the United States Tariff Commission, on the 27th day of September 1963, instituted an investigation under section 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, ceramic mosaic tiles like or directly competitive with articles produced by the aforementioned company are being imported into the United States in such increased quantities as to cause the unemployment of a significant number or proportion of the workers of such company. Petitioners do not desire a public hearing in connection with the investigation.

The tiles to which the petition relate are presently provided for in item 532.21 of the Tariff Schedules of the United States.

The petition filed in this case is available for inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued September 27, 1963.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 63–10453; Filed, Oct. 2, 1963; 8:45 a.m.]

CYLINDER, CROWN, AND SHEET GLASS

Report to the President

SEPTEMBER 27, 1963.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d)(1) of the Trade Expansion Act of 1962, on developments in the trade in cylinder, crown, and sheet glass. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamations dated March 19 and 27, 1962, increased the rates of duty on cylinder, crown, and sheet glass, effective after the close of business on June 17, 1962. Section 351(d)(1) of the Trade Expansion Act of 1962 provides that—

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report issued today presents statistical data and other information with respect to cylinder, crown, and sheet glass, with emphasis on developments that have occurred since the Commission reported to the President in May 1961 on its escape-clause investigation of such glass.

Copies of the Commission's report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 63–10454; Filed, Oct. 2, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38561: *Plaster and related articles from Heath, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 412), for interested rail carriers. Rates on plaster and/or gypsum wallboard and related articles, in carloads, from Heath, Mont., to points in Colorado and Wyoming.

Grounds for relief: Market competition.

Tariff: Supplement 115 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1644.

FSA No. 38562: *Iron or steel pipe to Louisville, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2684), for and on behalf of The Baltimore and Ohio Railroad Company. Rates on iron or steel pipe, in carloads, from specified points in Ohio, Pennsylvania and West Virginia, to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 408 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. 3388 (Hinsch series).

FSA No. 38563: *Substituted service—MP & T&P for Red Ball Motor Freight, Inc., et al.* Filed by J. D. Hughett, agent (No. 51), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Little Rock, Ark., and Memphis, Tenn., on the one hand, and Dallas and Fort Worth, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to J. D. Hughett, agent, tariff MF–I.C.C. 375.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–10485; Filed, Oct. 2, 1963; 8:47 a.m.]

[Notice No. 874]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 30, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66181. By order of September 26, 1963, the Transfer Board approved the transfer to Berthol Brown, doing business as Brown Truck Line, Minneapolis, Kans., of Certificate in No. MC 107860, issued January 24, 1950, to Lowell Morton, doing business as Morton Truck Line, Minneapolis, Kans., authorizing the transportation, over regular routes, between Minneapolis, Kans., and Kansas City, Mo., of livestock, farm machinery, and empty barrels, livestock feed, farm machinery and parts, binder twine, carbide, building materials, farm implements, water tanks, and household goods; and general commodities, excluding dangerous explosives, articles of unusual value, and commodities requiring special equipment, and over irregular routes, of livestock, between points in specified portions of Kansas and Nebraska.

No. MC–FC 66220. By order of September 24, 1963, the Transfer Board approved the transfer and substitution of Milton's Express, Inc., Los Angeles, Calif., as applicant or registrant in the "claimed grandfather rights" proceeding No. MC 96981 (Sub-No. 1), wherein an order of the Commission, Operating Rights Board No. 2 issued August 19, 1963, conditionally approved, upon compliance with the requirements recited therein, the issuance of a Certificate of Registration to transferor Milton C. Amundson, doing business as Milton's Express, Los Angeles, Calif., said transferor having qualified as a registrant by virtue of the filing of the above-numbered BOR 99 application, No. MC 96981 (Sub-No. 1) supported by California State Certificate No. 62895 authorizing the transportation of: Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed equipment, between points in a defined portion of California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif., attorney for applicants.

No. MC–FC 66234. By order of September 26, 1963, the Transfer Board approved the transfer to Q & R Motor Service Co., a corporation, St. Charles, Mo., of certificate in No. MC 111284, issued May 28, 1953, to Leonard Boyd, doing business as Q & R Motor Service, St. Charles, Mo., authorizing the transportation of: Packing house products, over regular routes, from National Stock Yards, Ill., to specified points in Missouri. Selden Blumenfeld, 418 Olive Street, St. Louis 2, Mo., attorney for applicants.

No. MC–FC 66240. By order of September 26, 1963, the Transfer Board approved the transfer to Aladin Van Lines, Incorporated, 1228 East Broadway, Maryville, Tenn., of the Certificate in No. MC 105203, issued January 26, 1953, to Sutton Transfer and Storage Company, Inc., 1228 East Broadway, Maryville, Tenn., authorizing the transportation of: Household goods, between points in Anderson, Blount, Knox, Loudon, Monroe and Sevier Counties, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia.

No. MC–FC 66246. By order of September 27, 1963, the Transfer Board approved the transfer to Mary Dunn, doing business as Dunn's Express and Transportation, 97 Prospect Avenue, Wood-

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bridge, N.J., of Certificate in No. MC 93729, issued July 11, 1941, to George Dunn and Russell Dunn, doing business as Dunn's Express and Transportation, 97 Prospect Avenue, Woodbridge, N.J., authorizing the transportation of: Textile sizings and softeners, from Woodbridge, N.J., to Johnstown and Gloversville, N.Y., and Southbridge and Fiskdale, Mass.; automotive rubber, from Rahway, N.J., to New York, N.Y.; pitch, tallow binder, and fire brick, from Woodbridge, N.J., to New York, N.Y.; plaster, from Linden, N.J., to New York, N.Y.; and lamp black, from New York, N.Y., to Rahway, N.J.

No. MC–FC 66252. By order of September 26, 1963, the Transfer Board approved the transfer to Paul Johnson, Inc., 340 West Adams Street, Waterman, Ill., of the Certificate in No. MC 81779, issued July 1, 1943, to Paul A. Johnson, 340 West Adams Street, Waterman, Ill., authorizing the transportation of: Household goods, emigrant moveables, livestock, feed, machinery, grain and grain products, between Waterman, Ill., on the one hand, and, on the other, points in Indiana, Iowa, and Wisconsin.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10486; Filed, Oct. 2, 1963; 8:47 a.m.]

[Ex Parte No. 205]

MOTOR CARRIER FREIGHT COMMODITY STATISTICS

Upon consideration of the record in the above-titled proceeding; petition (late-tendered) of the Association of American Railroads dated June 6, 1963, for reopening, reconsideration, consolidation for oral hearing with Docket No. 34206, and for other relief; petition of Association of American Railroads for leave to file the petition dated June 6, 1963, filed July 3, 1963; and joint replies of the American Trucking Associations, Inc., and National Motor Freight Traffic Association, Inc., filed June 26, 1963, and July 19, 1963; and good cause appearing:

It is ordered, That the said petition for leave to file be, and it is hereby, granted, and the tendered petition dated June 6, 1963, is accepted for filing and consideration.

It is further ordered, That this proceeding be, and it is hereby, reopened for reconsideration with No. 34315, Commodity Statistics Reporting—Extent and Disclosure;

And it is further ordered, That in all other respects, the said petition of June 6, 1963, be, and it is hereby, denied.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10487; Filed, Oct. 2, 1963; 8:47 a.m.]

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Rules and Regulations

DEPOSITED BY THE UNITED STATES OF AMERICA

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

REVOCATIONS, REDESIGNATIONS, AND CHANGE OF TERMINOLOGY

CROSS REFERENCE: For a document affecting certain parts in this chapter, see F.R. Document 63–10552, Title 46, Chapter IV, *infra*.

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 8, Part I]

REVOCATIONS, REDESIGNATIONS AND CHANGE OF TERMINOLOGY

By General Order 1 (26 F.R. 7788, August 19, 1961) the Federal Maritime Commission continued in effect all rules and regulations which had been issued by the Federal Maritime Board and Maritime Administration in the exercise of functions, delegations, powers and duties transferred to or vested in the Commission by Reorganization Plan No. 7 of 1961. Since then Chapter II of Title 46, CFR, which was formerly assigned to both the Federal Maritime Board and Maritime Administration, has been assigned exclusively to the Maritime Administration of the Department of Commerce. Chapter IV of Title 46 has been assigned to the Federal Maritime Commission. Accordingly, it has been found necessary to make certain changes in the form of revocations and redesignations of various parts of Chapter II.

Revocations. Part 223—"Bill of Lading Requirements" and Part 236—"Steamship Conferences Using Contract/Non-Contract Rates" are hereby revoked.

Redesignations. Part 222, §§ 222.11 through 222.17 is hereby redesignated as Part 522, §§ 522.1 through 522.7, to be entitled "Regulations for Filing Copies of Agreements Under section 15, Shipping Act, 1916." Wherever the word "Board" appears in these sections, the word "Commission" shall be substituted therefor. In § 222.11 (redesignated § 522.1) where "Federal Maritime Board, Regulation Office, Washington, D.C." appears, there shall be substituted therefor "Federal Maritime Commission, Washington, D.C., 20573." This redesignation does not affect §§ 222.1 through 222.5 of Part 222.

Part 226—"Free Time and Demurrage Charges on Import Property Applicable to All Common Carriers by Water" is hereby redesignated as Part 526. Wherever the word "Board" appears in this part, the word "Commission" shall be substituted therefor.

Part 231—"Publication, Posting and Filing of Freight and Passenger Rates, Fares, and Charges" is hereby redesignated as Part 531. Wherever the word "Board" appears in this part, the word "Commission" shall be substituted therefor. Wherever the terms "FMB–F" or "FMB–P" appear in this part, there shall be substituted therefor the terms "FMC–F" and "FMC–P". Wherever the address form "Federal Maritime Board, Regulation Office, Washington, D.C." appears in this part, the form "Federal Maritime Commission, Bureau of Domestic Regulation, Washington, D.C., 20573" shall be substituted therefor.

By order of the Federal Maritime Commission, September 12, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–10552; Filed, Oct. 3, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–WE–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Alteration of Transition Area

On June 26, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6565) stating that the Federal Aviation Agency proposed to alter the Tonopah, Nev., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments but no comments were received.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken:

In § 71.181 (27 F.R. 220–139, November 10, 1962), the Tonopah, Nev., transition area is amended to read:

Tonopah, Nev.

That airspace extending upward from 700 feet above the surface within 5 miles W and 3 miles E of the Tonopah VOR 352° and 172° radials, extending from 9 miles N to 2 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Tonopah VOR, excluding the portions within R–4807 and R–4809.

This amendment shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10521; Filed, Oct. 3, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SO–68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Revocation of Restricted Area and Alteration of Federal Airway and Controlled Airspace

The purpose of these amendments to §§ 71.123, 71.151 and 73.29 of the Federal Aviation Regulations is to revoke the Venice, Fla., Restricted Area R–2920 and alter Federal airway No. 35 and the continental control area.

The Department of the Air Force has stated it no longer has a requirement for Restricted Area R–2920. Therefore, this area is no longer justified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

The description of Federal airway No. 35 now includes a requirement for prior approval from appropriate authority for use of that airspace which coincides with R–2920. This requirement is no longer necessary upon the revocation of R–2920 and therefore is deleted herein from the description of Federal airway No. 35.

In addition, R–2920 is included in the continental control area for joint use. This requirement is no longer necessary upon the revocation of R–2920 and therefore is deleted herein from the continental control area.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication.

In consideration of the foregoing, the following actions are taken:

In § 73.29 Florida (28 F.R. 19–14, January 26, 1963), "R–2920 Venice, Fla." is revoked.

In § 71.123 (27 F.R. 220–6, November 10, 1962, 27 F.R. 11939, 28 F.R. 3482, 7029), Federal airway No. 35, "The airspace within R–2920 shall be used only after obtaining prior approval from appropriate authority." is deleted.

In § 71.151 (27 F.R. 220–54, November 10, 1962), "R–2920 Venice, Fla." is deleted.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 27, 1963.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 63–10520; Filed, Oct. 3, 1963; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 1954; Amdt. 342]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TOY VOR	ALN RBn	Direct	2200	T–dn	300–1	300–1	300–1
Prairie INT	ALN RBn	Direct	2200	C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–dn–17	600–1	600–1	600–1
				A–dn	NA	NA	NA

Procedure turn E side of crs, 004° Outbnd, 184° Inbnd, 2200′ within 10 miles of Dorsey Int.*
Minimum altitude over Dorsey Int* on final approach crs, 2200′.
Crs and distance, Dorsey Int* to airport, 184°—5.8 miles; breakoff point to runway, 179°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing Dorsey Int, make a left turn climbing to 2200′, return to ALN RBn, and hold on 098° bearing from RBn, right turns.
NOTES: Operating VOR/ADF receivers required to execute this approach procedure. Lights installed Runway 17–35 only.
*Dorsey Int: Int 004° bearing from ALN RBn and R–064 STL VOR.

City, Alton; State, Ill.; Airport Name, Civic Memorial; Elev., 541′; Fac. Class., MH; Ident., ALN; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Oct. 63

TOY VOR	ALN RBn	Direct	2200	T–dn	300–1	300–1	300–1
Prairie INT	ALN RBn	Direct	2200	C–d	600–1	600–1	600–1½
				C–n	660–2	600–2	600–2
				S–d–29	600–1	600–1	600–1
				A–dn	NA	NA	NA

Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 1900′ within 10 miles of ALN RBn.
Minimum altitude over facility on final approach crs, 1141′.
Facility on airport. Crs and distance, breakoff point to approach end of runway, 290°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ALN RBn, make right turn climbing to 2200′, return to ALN RBn.
NOTE: Lights installed Runway 17–35 only.

City, Alton; State, Ill.; Airport Name, Civic Memorial; Elev., 541′; Fac. Class., MH; Ident., ALN; Procedure No. 2, Amdt. Orig.; Eff. Date, 19 Oct. 63

TOY VOR	ALN RBn	Direct	2200	T–dn	300–1	300–1	300–1
Prairie INT	ALN RBn	Direct	2200	C–d	500–1	600–1	600–1½
				C–n	500–2	600–2	600–2
				S–d–29	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 2200′ within 10 miles of Carpenter Int.*
Minimum altitude over Carpenter Int* on final approach crs, 2200′—5.5 miles.
Crs and distance Carpenter Int* to airport, 278°—5.5 miles; breakoff point to runway, 290°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Carpenter Int,* make right turn climbing to 2200′, return to ALN RBn.
NOTES: Operating VOR/ADF receivers required for this procedure. Lights installed Runway 17–35 only.
*Carpenter Int: Int 098° bearing from ALN RBn and R–351 TOY VOR.

City, Alton; State, Ill.; Airport Name, Civic Memorial; Elev., 541′; Fac. Class., MH; Ident., ALN; Procedure No. 3, Amdt. Orig.; Eff. Date, 19 Oct. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lansing LOM	LAN–VOR	Direct	2500	T–dn	300–1	300–1	200–½
Potter Int	LAN–VOR (final)	Direct	2500	C–dn	400–1	500–1	500–1½
				S–dn–6	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 054°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LAN–VOR, climb to 2500′ on R–054 and proceed direct to LAN LOM or, when directed by ATC, make left climbing turn to 2500′ and proceed to St. Johns Int via LAN R–031.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class., BVOR; Ident., LAN; Procedure No. 1, Amdt. 9; Eff. Date, 19 Oct. 63; Sup. Amdt. No. 8; Dated, 21 Sept. 63

3. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Grand Beach Int	Prairie Int*	Via OXI R–345 and W crs ILS.	2400	T–dn	300–1	300–1	200–½
Prairie Int*	Gordon Int# (final)	Direct	2400	C–dn	400–1	500–1	500–1½
SBN VOR	Gordon Int#	Direct	2400	S–dn–9	400–1	400–1	400–1
SB LOM	Gordon Int#	Direct	2400	A–dn	800–2	800–2	800–2
Stillwell Int	Prairie Int*	Direct	2400				

Procedure turn N side of crs, 269° Outbnd, 089° Inbnd, 2400′ within 10 miles of Gordon Int# nonstandard due traffic.
Minimum altitude over Gordon Int# on final approach crs, 2400′.
Crs and distance, Gordon Int# to Runway 9, 089°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Gordon Int,# climb to 2200′ and proceed direct to SB LOM or, as directed by ATC, make left turn, climb to 2000′ and proceed direct to SBN VOR.
NOTES: No glide slope. No approach lights. Simultaneous reception of ILS and VOR required to execute this approach.
*Prairie Int: Int W crs SBN localizer and OXI R–360.
#Gordon Int: Int W crs SBN localizer and SBN R–235.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I–SBN; Procedure No. ILS–9, Amdt. Orig.; Eff. Date, 19 Oct. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on September 13, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63–9976; Filed, Oct. 3, 1963; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of two additional substances, 4,4'-butylidenebis-(6-*tert*-butyl-*m*-cresol) and 4,4'-thiobis-(6-*tert*-butyl-*m*-cresol), as antioxidants and/or stabilizers in polymers used in the manufacture of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2566 (28 F.R. 7777) is amended by inserting alphabetically, in paragraph (b) two new items, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol).	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5% by weight of polypropylene film complying with § 121.2501 and for use at levels not to exceed 0.3% by weight of polyethylene film complying with § 121.2510, provided that the finished polypropylene and polyethylene films contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI-B, and VIII.
* * *	* * *
4,4'-Thiobis(6-*tert*-butyl-*m*-cresol).	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.25% by weight of polyethylene film complying with § 121.2510, provided that the specific gravity of the polyethylene film is not less than 0.926 and further provided that the finished polyethylene film contacts food only of the types identified in § 121.2526 (c), table 1, under categories I, II, VI-B, and VIII.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 27, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10551; Filed, Oct. 3, 1963; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

1. Section 1-1.701-1(h) is amended to add an industry size standard for Census classification code 1925. As so amended, Major Group 19—Ordnance and Accessories reads as follows:

(h) *Table of specific industry employment size standards for the purpose of Government procurement.* (See footnotes at end of table.)

MANUFACTURING

MAJOR GROUP 19—ORDNANCE AND ACCESSORIES

Census classification code	Industry	Employment size standard (number of employees)[1]
1925	Guided missiles and space vehicles, completely assembled	1,000
1931	Tanks and tank components	1,000
1951	Small arms	1,000
1961	Small arms ammunition	1,000

2. Section 1-1.701-1(i) is added to include small business size standards for research, development and testing concerns.

(i) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of § 1-1.701-1(c) for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of § 1-1.701-1(d).

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective immediately.

Dated: September 30, 1963.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 63-10559; Filed, Oct. 3, 1963; 8:48 a.m.]

Chapter 2—Federal Aviation Agency

CONTRACTS AND PROCUREMENT

Miscellaneous Amendments

This chapter is supplemented and revised as follows:

PART 2-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 2-2.2—Solicitation of Bids

§ 2-2.205 Bidders mailing lists.

§ 2-2.205-5 Release of bidders mailing lists.

Except as provided in § 1-2.205-5(b) of this title, the list of prospective bidders to whom invitations for bids have been furnished will not be made available for inspection to individuals outside the Agency. Such lists may, however, be made available to other Government agencies, at their specific request, and upon condition that the list will not be available for inspection to anyone outside the Government.

(Secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

PART 2-7—CONTRACT CLAUSES

Subpart 2-7.1—Fixed-Price Supply Contracts

Sec.

2-7.100 Scope of subpart.
2-7.150 Additional clauses.
2-7.150-1 New materials.
2-7.150-2 Interpretation and modification.
2-7.150-3 Status of performance.
2-7.150-4 Change in place of delivery.
2-7.150-5 Evidence of delivery.
2-7.150-6 Preservation, packaging and packing.
2-7.150-7 Patent indemnity.
2-7.150-8 Authorization and consent.
2-7.150-9 Suspension of work.
2-7.150-10 Priorities and allotments.
2-7.150-11 Definition of delivery terms.
2-7.150-12 Withholding payment for nondelivery of instruction books or other technical data.
2-7.150-13 Government-furnished property.
2-7.150-14 Reproduction and use of technical data.
2-7.150-15 Publications.
2-7.150-16 Federal, state and local taxes.
2-7.150-17 Security requirements.

AUTHORITY: §§ 2-7.100 to 2-7.150-17 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

§ 2-7.100 Scope of subpart.

This subpart sets forth contract clauses to be used in fixed-price supply contracts, and provides instructions relative to their use.

§ 2-7.150 Additional clauses.

Unless otherwise indicated by the specific instructions for their use, the clauses set forth or cited in this section shall be included in fixed-price supply contracts, awarded as a result of formal advertising, for delivery within the United States, its possessions, or Puerto Rico. Additional clauses may be used which are considered by each procurement office to be essential to its operations, and which are not inconsistent with or in limitation of clauses set forth in this Subpart 2-7.1, or Subpart 1-7.1 of this title. Clauses used in FAA contracts which are in addition to those contained in SF-32 are to be entitled "Additional General Provisions—Supply Contracts (supplementing SF-32)". Unless inappropriate, clauses set forth in this Subpart 2-7.1 should be used in negotiated fixed price supply contracts, and contracts for foreign delivery.

§ 2-7.150-1 New materials.

NEW MATERIALS

Unless otherwise specified in the invitation, all materials, supplies and equipment to be furnished must be new, unused and of current production.

§ 2-7.150-2 Interpretation and modification.

INTERPRETATION AND MODIFICATION

No oral statement of any person shall be allowed to modify or otherwise affect the terms or meaning of the Invitation or any contract resulting therefrom. Any request for interpretation shall be made in writing and sent to the officer issuing the Invitation, or to the Contracting Officer as the case may be.

§ 2-7.150-3 Status of performance.

STATUS OF PERFORMANCE

(a) The Contractor shall notify the Contracting Officer in writing whenever difficulties are encountered which may delay deliveries under the contract, stating the reason for the delay and the estimated extent thereof. The giving of such notice shall not of itself constitute a basis for an extension of delivery schedule; but failure to give timely notice may preclude later consideration of any request for an extension of contract time.

Paragraphs (b) and (c) which follow are applicable only when the contract requires fabrication or manufacture, and delivery time for the first production unit exceeds 120 days.

(b) Within 30 days from the effective date of notice to proceed, the Contractor shall furnish in duplicate to the Contracting Officer, a schedule showing the projected timing for accomplishment of each phase of the work required for each contract item. Each 30 days thereafter the Contractor shall furnish, in duplicate, a progress report which shall clearly indicate the current status of each phase of the scheduled work. The schedule and reports required by this section shall be in chart form unless a different manner of presentation is approved by the Contracting Officer. Any report which indicates a failure to meet the contract schedule, shall be accompanied by a narrative statement of the reasons for delay and the action being taken by the Contractor to improve his rate of progress.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph, in any subcontract entered into as a result of this contract.

§ 2-7.150-4 Change in place of delivery.

CHANGE IN PLACE OF DELIVERY

When the Government directs shipment to a destination other than stated in the contract, and does not furnish a Government Bill of Lading, shipping and delivery charges shall be prepaid by the Contractor. The cost of such shipment shall be shown as a separate item on each invoice and be supported by a prepaid waybill, express receipt, or Post Office Certificate of Mailing, Form 3817 showing cost of such shipment. The Government will make an adjustment at the time of payment to account for any difference in transportation costs and contract time due to a change in destination.

§ 2-7.150-5 Evidence of delivery.

EVIDENCE OF DELIVERY

When the contract delivery point is "F.O.B. Point of Origin", evidence of delivery shall be submitted with invoices. In the case of freight or express shipments, this evidence shall be in the form of memorandum copies of Bills of Lading duly receipted by the carrier. In the case of parcel post shipments this evidence shall be by Post Office Certificate of Mailing Form 3817. If the invoice submitted for payment is not accompanied by evidence of delivery, discounts for prompt payment will be computed from date of receipt of such evidence of delivery or the receipt of the Contractor's invoice, whichever is later. When the contract delivery point is other than "F.O.B. Point of Origin", evidence of delivery will be obtained from the consignee.

§ 2-7.150-6 Preservation, packaging and packing.

PRESERVATION, PACKAGING AND PACKING

Unless otherwise specified, all materials shall be packaged in accordance with Preservation and Packaging Level C, and delivered in accordance with Packing Level C, both as defined in Federal Standard 102.

§ 2-7.150-7 Patent indemnity.

Except as provided in paragraph (c) below, a patent indemnity clause shall be used in contracts exceeding $5,000, in accordance with the following instructions:

(a) An effort shall be made to determine in advance of issuing the Invitation whether the supplies (or such supplies with relatively minor modifications made thereto) normally are or have been sold to the public in the commercial open market. When this determination is affirmative, the following clause entitled "Patent Indemnity (Predetermined)" shall be used. When the contract calls only in part for supplies normally sold to the public in the commercial open market, the items which are excluded shall be listed with a statement that the clause does not apply to the listed items:

PATENT INDEMNITY (PREDETERMINED)

The Contractor agrees to indemnify the Government and its officers, agents and employees against liability, including costs, for infringements of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the performance of this contract, or out of the use of or disposal by or for the account of the Government, of supplies furnished hereunder. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (i) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used; or (ii) the infringement results from addition to, or change in, such supplies or components furnished which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

(b) When it cannot be determined in advance of issuing the Invitation that the supplies (or such supplies with relatively minor modifications made thereto) normally are or have been sold to the public in the commercial open market, the above clause (revised as follows and entitled "Patent Indemnity (Not Predetermined))" shall be used. Revision shall consist of changing the period at the end of the first sentence to a comma, and adding the following: "which supplies or component parts either normally are or have been sold or offered for sale to the public in the commercial open market by any supplier on or before the date set for the opening of bids, or are such supplies or component parts thereof, with relatively minor modifications made thereto".

(c) When it is definitely established that the supplies (or such supplies with relatively minor modifications made thereto) are not sold to the public in the commercial open market, no patent indemnity clause shall be used.

§ 2-7.150-8 Authorization and consent.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to its rights of indemnification, if such rights are provided for in this contract) for all use and manufacture, in the performance of this contract or any part thereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The Contractor's entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clause, if any, included in the contract and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 2–7.150–9 Suspension of work.

SUSPENSION OF WORK

The Contracting Officer may order the Contractor, in writing, or by telegram to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government. The Contracting Officer shall make an adjustment for any increase in the time or cost of performance of the contract (excluding profit) necessarily caused by an unreasonable period of such suspension, and the contract shall be modified in writing accordingly. No adjustment shall be made to the extent that performance by the Contractor would have been prevented by other causes even if the work had not been so suspended. Any claim asserted under this clause shall be in writing and made within 30 days after the resumption of work. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of the contract.

§ 2–7.150–10 Priorities and allotments.

PRIORITIES AND ALLOTMENTS

The Contractor shall comply with the provisions of DMS Reg. 1 and all other applicable regulations and orders of the Business and Defense Services Administration in obtaining controlled materials required for the performance of this contract.

§ 2–7.150–11 Definition of delivery terms.

DEFINITION OF DELIVERY TERMS

The meaning of delivery terms used in this contract such as "F.O.B. Point of Origin", "F.O.B. Destination", and other related terms used in the invitation shall be as defined under "Standard Delivery Terms (Domestic)" and "Standard Delivery Terms (Foreign)" Exhibits 9 and 10, Appendix C, GSA Reg. 1–II–209.03.

§ 2–7.150–12 Withholding payment for non-delivery of instruction books or other technical data.

When the contract requires that instruction books or other technical data be shipped with equipment, the following clause shall be included in the contract:

WITHHOLDING PAYMENT FOR NON-DELIVERY OF INSTRUCTION BOOKS OR OTHER TECHNICAL DATA

If the invitation requires that instruction books (applicable issue of Specification FAA–R–638 Instruction Books, Electronic Equipment) or other technical data (plans, drawings, reports, spare parts or repair parts lists) be shipped with the equipment, and the material does not accompany the shipment, there shall be withheld from each invoice a percentage of the contract price in accordance with the following table:

When total contract price is:	Percentage to be withheld is
(a) Not in excess of $250,000	10%
(b) Not in excess of $1,000,000	5%
(c) Over $1,000,000	2%

§ 2–7.150–13 Government-furnished property.

When property will be furnished by the Government in the performance of the contract, the following clause shall be included in the contract:

GOVERMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule of Specification , together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property. The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule, or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. If material is not on hand within five days prior to the date it is required, immediate notification shall be given in writing to the Contracting Officer. Failure to give such notice may preclude later consideration of any request for extension of contract time. If such timely notice has been given, and the Government-furnished property is not delivered to the Contractor in sufficient time to permit delivery or performance within the schedule established in the contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall adjust the delivery or performance dates or the contract price, or both. In the event the Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property, or (ii) effect repairs or modifications. Upon the completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in the delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance or the contract price, or both.

(c) Title to the Government-furnished property shall remain in the Government. Title to Government-furnished property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor agrees to promptly receipt for all Government-furnished property and to maintain a suitable inventory control system acceptable to the Contracting Officer.

(d) The Government-furnished property shall, unless otherwise provided herein, be used for the performance of this contract. The Contractor shall maintain and administer, in accordance with sound industrial practices, a program for the maintenance, repair, protection and preservation of Government-furnished property.

(e) Unless otherwise provided in this contract, the Contractor, upon delivery to it of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of the contract. The Contractor shall not be liable for loss or destruction of or damage to Government-furnished property if such loss, destruction or damage is due to causes beyond the control and without the fault or negligence of the Contractor.

(f) The Government shall at all times have access to the premises wherein any Government-furnished property is located.

(g) Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-furnished property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such manner as the Contracting Officer may direct.

§ 2–7.150–14 Reproduction and use of technical data.

When the contract will require manufacture or fabrication of equipment, the following clause shall be included in the contract:

REPRODUCTION AND USE OF TECHNICAL DATA

The Contractor agrees to and does hereby grant to the Government, to the full extent of the Contractor's right to do so without payment of compensation to others, the right to reproduce, use, and disclose for Governmental purposes, all or any part of the reports, drawings, blueprints, data, and technical information acquired under this contract.

§ 2–7.150–15 Publications.

PUBLICATIONS

The Contractor agrees that he will not publish, have published, or otherwise disseminate any information of whatever nature resulting from the work being performed under this contract except as may be approved by the Contracting Officer.

§ 2–7.150–16 Federal, State and local taxes.

When Federal, State and local taxes are to be included in the bid prices, the following clause, which supplements the clause set forth in § 1–11.401 of this title, shall be included in the contract:

FEDERAL, STATE AND LOCAL TAXES

The prices quoted shall include all Federal, State and local taxes in effect as of the tax inclusive date.

§ 2–7.150–17 Security requirements clause.

The following clause shall be included in contracts only when they are classified as "confidential" or "Confidential-Modified Handling Authorized" or higher. If it is not definite that a security requirements clause is necessary when an invitation is issued or a contract executed, the clause shall not be used. If it becomes necessary to use the clause after a contract has been executed, the contract can be modified accordingly and an equitable adjustment negotiated. The Contracting Officer shall notify the Security Division, Office of Compliance and Security, when a contract has been executed which contains a security requirements clause.

SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" including "Confidential-Modified Handling Authorized" or higher.

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of: (i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and (ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of the Federal Aviation Agency shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

Effective date: These regulations are effective November 1, 1963.

Dated: September 27, 1963.

JOHN E. PERNICE,
Chief, Procurement Division, Installation and Material Service.

[F.R. Doc. 63–10522; Filed, Oct. 3, 1963; 8:45 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.50—Change Orders, Equitable Adjustments, and Supplemental Agreements for Fixed-Price Contracts

The following subpart is added:

Sec.
9–1.5000 Scope of subpart.
9–1.5001 General policy.
9–1.5002 Applicability.
9–1.5003 Definitions.
9–1.5004 Change orders and other unilateral-type modifications within the general contract scope.
9–1.5004–1 Change orders.
9–1.5004–2 Unilateral-type contract modifications other than change orders.
9–1.5005 Changes outside the general contract scope.
9–1.5006 Preparation of change orders, other unilateral contract modifications, and supplemental agreements.
9–1.5007 Surety bonds.

AUTHORITY: §§ 9–1.5000 to 9–1.5007 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9–1.5000 Scope of subpart.

This subpart sets forth the circumstances under which change orders, other unilateral-type contract modifications, and supplemental agreements are to be used in connection with AEC fixed-price prime contracts, and outlines general procedures to be followed in the preparation and negotiation of such modifications, including determination of necessary equitable adjustments in price or performance time.

§ 9–1.5001 General policy.

It is the policy of AEC to handle change orders and supplemental agreements to fixed-price contracts expeditiously and economically without sacrificing sound contract administration or lessening the opportunity for proper consideration of all pertinent factors in effecting equitable adjustments and settlements. Conscientious observance of this policy by AEC and its contractors and subcontractors will reduce to a minimum formal disputes and litigation with resulting expense and delays which are harmful to all concerned.

§ 9–1.5002 Applicability.

(a) The policies and procedures set forth in this subpart apply to all AEC fixed-price prime contracts.

(b) Contracting Officers shall require AEC cost-type contractors to follow the policies and procedures set forth in this subpart to the maximum extent practicable for their fixed-price subcontracts (see AECPR 9–1.104(b)).

§ 9–1.5003 Definitions.

For the purpose of this subpart, the following terms have the meanings set forth in this section:

(a) *Article.* "Article" means an article or clause as these terms are used in the various standard contract forms used by the AEC to designate separate and distinct contract provisions.

(b) *Change order.* "Change order" means a written directive to the contractor (1) to add, vary, or omit work within the general scope of the contract under provisions permitting or requiring such changes without the consent of the contractor and (2) effecting, either with or without prior agreement of the contractor according to the circumstances, an equitable adjustment in the contract price or performance time, or both.

(c) *Contract modification.* The meaning of "contract modification" is as defined in FPR 1–1.219.

(d) *Equitable adjustment or adjustment.* "Equitable adjustment" or "adjustment" means a determination or agreement that no change in contract price or performance time is to be made as well as that an increase or decrease is made in one or both of these factors.

(e) *Supplemental agreement.* "Supplemental agreement" means a negotiated, bilateral modification of a contract effecting changes in the general scope of work or other contract terms and conditions.

§ 9–1.5004 Change orders and other unilateral-type modifications within the general contract scope.

§ 9–1.5004–1 Change orders.

(a) *Use of change orders.*

(1) A change order shall be used to direct an addition to or variation or omission from the work within the general scope of a contract in accordance with the contract provisions and to effect an equitable adjustment in contract price and performance time.

(2) A change order shall not be used to effect additions, alterations, or deletions of work which involve a change in the general scope of a contract or to change any of the substantive provisions of a contract, such as time of commencement, methods of payment, and refund of retained percentages.

(b) *Obligation of contractor.* Under the terms of standard fixed-price contract forms the contractor agrees in advance to perform such changes in the work as are within the general scope of the contract. A written order to the contractor making such a change is binding upon him whether or not the order contains adjustments of price and time, and he is obligated to proceed with the work as changed pending determination of equitable adjustments. If the order contains unilateral adjustments of price and time with which the contractor cannot agree, he has the right to protest or appeal from such determination in accordance with the language of the particular contract article under which the order was issued, but he must com-

PART 2–17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Part 2–17 of the Federal Aviation Procurement Regulations published in the FEDERAL REGISTER on April 7, 1962 (27 F.R. 3324) is hereby cancelled in its entirety.

(Secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

ply with the requirements of such article

(d) *Adjustment of price or time.* Any

(d) Adjustments in price and time re-

forth in §§ 9–16.5002–10 and 9–16.5002–

(5) Therefore if the foregoing modifica-

ply with the requirements of such article in order for his protest or appeal to be effective.

(c) *Method of issuance.* (1) Whenever possible, prior agreement should be reached with the contractor regarding any price and time adjustments and a complete one-part change order should be issued prior to commencement of the changed work. If agreement cannot be reached within available time, the directive portion of the change order should be issued in any case prior to commencement of the changed work.

(2) When failure to reach mutual agreement on equitable adjustments prior to issuance of a change order is due to inability to obtain adequate proposals from the contractor or to reaching an impasse in negotiations, rather than to lack of available time, a complete one-part change order should be issued as a unilateral action with price and time adjustments based on the Government estimate.

(3) A two-part change order should be used when a complete one-part change order has not been issued under either subparagraph (1) or (2) above. The first part should set forth the details of the change and contain a statement that price and time adjustments will be settled by the parties at an early date. The second part should contain the adjustments in price and time. Where appropriate, the first part of a two-part change order may establish an interim price as a basis for such partial payments as can be thoroughly substantiated by cost estimates; the interim price should not include profit or items which might be controversial. Every effort should be made by the parties to reach agreement on part two of the two-part change order as expeditiously as possible. When the parties fail to reach agreement as to equitable adjustments due to inability to obtain adequate proposals from the contractor, the reaching of an impasse in negotiations, or for any other proper reason, the second part of a two-part change order should be issued as a unilateral action with price and time adjustments based on the Government estimate.

(4) In all cases where agreement is reached with the contractor on equitable price and time adjustments, the contractor's acceptance shall be indicated by his signature on the change order to establish that mutual agreement has been reached.

(5) According to the circumstances of the particular case, the contractor's protest or "appeal" from unilateral adjustments of price and time in a change order should be treated (i) as a claim for consideration and decision, based on findings of fact by the Contracting Officer, subject to further appeal, or (ii) as an appeal from the Contracting Officer's decision. The latter alternative should apply only when the unilateral adjustments were preceded by a full consideration of the details of the contractor's claim, a thorough effort to resolve differences by negotiation, and a decision by the Contracting Officer based upon formal findings of fact. See "Rules of Procedure in Contract Appeals", 10 CFR Part 2, Subpart D.

(d) *Adjustment of price or time.* Any equitable adjustment in price or time must be determined as of the date the change is directed. Estimated increased costs of performing the contract as changed, which are a direct result of the change order, are proper for consideration in an equitable adjustment in price. Ascertainment of costs which may be properly included in any equitable adjustment depends upon all of the facts surrounding a particular change. The following procedures shall be followed in establishing price and time adjustments for change orders:

(1) *Contractor's proposal.* The contractor shall be furnished details of the change and be requested to submit a statement that the directed change will not require a change in contract price or time or, if an increase or decrease in contract price or time will result, an estimate of cost, broken down as appropriate between features of work and into costs of labor, materials, equipment, construction equipment, taxes, bonds, insurance, overhead and profit, and the change in time for completion, if any.

(2) *Government estimate.* An independent Government estimate of the cost of the changed work shall be prepared on the basis, as applicable, of the costs of labor, materials, equipment, construction equipment, taxes, bonds, and insurance (direct costs) upon which appropriate allowances for profit and overhead should be made. The change in the time of performance, if any, should also be estimated.

(3) *Use of actual costs.* Costs actually incurred may be considered, to the extent that they are determined to be both necessary and reasonable, in determining price adjustments for changes that have been completed, but they are not to be used as the basis for price adjustments since the price adjustment must be determined as of the date the change was directed.

§ 9–1.5004–2 Unilateral-type contract modifications other than change orders.

Fixed-price contracts often include provisions other than Changes articles which contemplate, as a result of specified happenings or actions, unilateral equitable adjustments in the contract price or performance time in the event of failure to reach mutual agreement. To the extent applicable, the procedures for the handling of change order equitable adjustments specified in § 9–1.5004–1 shall be followed in the treatment of such other equitable adjustments. Such other adjustments include:

(a) Adjustments in price and time resulting from differences in physical conditions as described in the "Changed Conditions" article which appears in Standard Form 23–A: General Provisions (Construction Contract) and other contracts.

(b) Certain time extensions as covered by provisions of contract articles dealing with default terminations, delays, and time extensions.

(c) Time or price adjustments resulting from suspension, delay, or interruption of work covered by applicable contract articles.

(d) Adjustments in price and time resulting from the removing or tearing out of construction work which subsequently is found to meet contract requirements as covered by inspection articles.

§ 9–1.5005 Changes outside the general contract scope.

(a) *Use of supplemental agreements.* (1) A supplemental agreement is used to modify a contract when a substantive change is necessary, such as a change in the general scope of the contract, changes in basic contract articles, or a deletion or addition of contract articles.

(2) A supplemental agreement shall not be used for work additions unless the added work is so closely related to work under the existing contract, or for other reasons, that it is impracticable to accomplish the new work under a separate fixed-price contract awarded as a result of formal advertising or invited proposal procedures. The use of a supplemental agreement for additional work shall be fully justified as being in the best interest of the Government and shall satisfy AEC requirements for procurement by negotiation.

(3) Whenever time will permit, a supplemental agreement shall be issued and signed by both parties prior to the commencement of any work covered by the modification. When construction must be started before a supplemental agreement can be completed, prior agreement shall be confirmed by letter or a letter-type supplemental agreement should be issued to authorize the start of work.

(b) *Negotiation.* Since a supplemental agreement concerns a change in contract terms or in work which is not within the general scope of the contract, any price and time adjustment must be acceptable to the contractor and the supplemental agreement must be effected by negotiation with the contractor. The following procedures shall be used:

(1) *Contractor's proposal.* The contractor shall be furnished a description of the change, together with any applicable revised plans and specifications, and be requested to submit a proposal for the changed work, including a detailed estimate of any change in price or time involved in the performance of the work.

(2) *Government estimate.* An independent government estimate shall be prepared in accordance with applicable provisions of § 9–1.5004–1(d)(2).

(3) *Agreement on price or time adjustment.* In the event negotiation with the contractor does not result in reasonable reconciliation between the contractor's estimate and the government estimate, the Contracting Officer must determine whether, under the circumstances, contracting with others for the work involved would better serve the interest of the Government.

§ 9–1.5006 Preparation of change orders, other unilateral contract modifications, and supplemental agreements.

(a) Suggested outlines that may be used as guides in preparing change orders and supplemental agreements to fixed-price construction contracts are set forth in §§ 9–16.5002–10 and 9–16.5002–11, respectively.

(b) See Part 9–53 for numbering and distribution of contract modifications.

(c) See Part 9–55 for required justification and documentation.

§ 9–1.5007 Surety bonds.

Additional performance bond protection in connection with and consent of surety to change orders and supplemental agreements to fixed-price contracts shall be obtained when they are determined to be appropriate on the basis of AECPR 9–10. (Until issued, use AEC Manual Chapter 9114.)

Effective date. These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Maryland, this 26th day of September 1963.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 63–10515; Filed, Oct. 3, 1963; 8:45 a.m.]

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.50—Contract Outlines

The following contract outlines are added:

§ 9–16.5002–10 Outline of a change order for fixed-price construction contracts.

UNITED STATES
ATOMIC ENERGY COMMISSION
(Insert Office and Location)

Modification No. ------
Change Order to
Contract No. ----------
Date: ----------

Name of Contractor:
Address:

Gentlemen:

(1) Reference is made to Clause(s) ------ of the General Provisions to your Contract No. ------, dated ----------, for the construction of ----------, located at ---------.

(2) It has been determined that in view of (insert here the reasons for modification of the contract), it is necessary and in the best interest of the Government to modify said contract in certain particulars as follows:

NOTE: (Insert here details of the changes, including as appropriate: reference to pertinent portions of existing or added drawings and specifications; change in quantities, together with unit prices if applicable; and the amount of the increase or decrease in contract price, a statement that there is no adjustment in price, or a statement that agreement as to price will be reached at an early date.)

(3) It is understood and agreed that on account of the foregoing modification of said contract additional time will (will not) be allowed.

NOTE: (If additional time is allowed or if the contract time is decreased because of the change, state definitely the change in time; if agreement as to time has been deferred, include a statement to that effect.)

(4) All other terms and conditions of said contract as it heretofore may have been modified shall be and remain the same.

(5) Therefore if the foregoing modification of said contract is satisfactory, please indicate your acceptance in the space provided below and return ------ copies to this office. The extra copy of the modification is for your record.

THE UNITED STATES OF AMERICA
By: UNITED STATES ATOMIC ENERGY COMMISSION

By: ----------
Contracting Officer
(or Authorized Representative of C.O.)

The foregoing modification of said contract is hereby accepted.

By: ----------
(Name of Company)

Title: ----------

§ 9–16.5002–11 Outline of a supplemental agreement for fixed-price construction contracts.

(a) A description of the nature and scope of the changes in the work.

(b) A description of the manner in which the terms or conditions of the contract are being modified or the circumstances that qualify the action as a change in the general scope of the contract.

(c) The amount the contract price is increased or decreased.

(d) The adjustment in time for completion, or a statement that there is no such adjustment.

(e) A statement that except as modified by the supplemental agreement, the provisions of the contract shall remain in full force and effect.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective 45 days after publication in the FEDERAL REGISTER, but they may be observed earlier.

Dated at Germantown, Md., this 26th day of September 1963.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 63–10516; Filed, Oct. 3, 1963; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 34206; Ex Parte 205]

PART 123—FREIGHT COMMODITY STATISTICS

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 206—FREIGHT COMMODITY STATISTICS

Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of September, A.D. 1963.

On January 9, 1963, the Commission, Division 2, issued its notice of proposed rule making advising that it had under consideration the requirement that carriers reporting commodity statistics make their reports on the basis of the commodity codes named in Appendix A to the notice in lieu of the 262 freight commodity classes presently required. The proposed code was to become effective with annual or quarterly reports, as the case might be, for the year 1964. The notice was served upon or mailed to class I and II railroads, class A and B carriers by water, maritime carriers, and class I common and contract motor carriers of property, as described in the notice, and was subsequently served on electric railways; it was published in the FEDERAL REGISTER on February 2, 1963, 28 F.R. 1062.

The notice stated that any party desiring to make representations in regard to the proposed change might do so through the submission of written data, views or arguments, within 60 days after publication of the notice in the FEDERAL REGISTER. The initial closing date of April 3 was postponed, successively, to May 6 and to May 27, 1963.

By petition filed March 11, 1963, the Association of American Railroads asked that the Commission delay the proceedings herein, pending institution of an action looking toward determination of the matter of equal disclosure of freight commodity statistics filed by all modes, or in the alternative, that this proceeding be broadened to include the issue of disclosure, and that the date of filing statements herein be extended until some such determination might have been made. A reply to the petition was filed March 21, 1963, by the American Trucking Associations, Inc.

The petition related primarily to the circumstance that, while the reports of commodity statistics by railroads are open to public inspection, those of motor carriers are not, being held as confidential under § 206.7, approved by the entire Commission, January 8, 1957, in Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, 69 MCC 327.

An order denying the AAR petition of March 11, except as to extension of the date for filing statements in No. 34206, was entered by the entire Commission under date of May 2, 1963. A further petition in regard to Ex Parte No. 205 is being handled separately from but concurrently with the instant proceeding.

Representations concerning adoption of the proposed commodity codes were received from more than 20 interested parties, including the Association of American Railroads, 6 individual motor carriers, the Common Carrier Conference of Domestic Water Carriers, the National Industrial Traffic League, various trade associations and individual shippers, and 4 governmental agencies. A motion of the American Trucking Associations, Inc., to strike certain portions of the representation of the Association of American Railroads, is overruled as the matter complained of is not prejudicial to the ATA in disposition of the issues herein. A request of the AAR for oral hearing is denied.

The proposed commodity classification, attached to the notice of rule making,

was designed to be compatible with the "Commodity Classification for Transportation Statistics," reissued in July by the Bureau of the Budget, which also has been expanded by and adapted to the use of the Association of American Railroads, as its "Standard Transportation Commodity Code." Use of the AAR code is scheduled to begin with 1964, the same time as contemplated by the Commission proposal.

A principal source of objection to the Commission's proposed code was the use of classes ending in "0", sometimes styled "zero classes," some of them combining 3- or 4-digit codes used by the Budget Bureau, and others being residual groups of 5-digit codes. These "zero classes," it was urged, collected items in, but were not strictly compatible with the items in the Budget Bureau Code. The "zero classes" have been eliminated. Requests of trade groups, industries, and Government departments for additional "breakouts" of specified commodities have been considered, and in some instances appropriate changes have been made.

Other objections ran to the number of codes, 369 as compared with the 262 presently required, and to the necessity of reporting items at specified 5-digit level.

While all objections have not been met, they have been considered, and none appear to be of sufficient merit to warrant delay in adoption of a code for the reporting of commodity statistics.

In July of this year the Bureau of the Budget reissued its 1300-item "Commodity Classification for Transportation Statistics," which is to be used in the Census of Transportation being conducted by the Bureau of the Census. This code, with commodity groups 01 through 40, is related to the "Standard Industrial Classification," used for more general industrial reporting. The AAR code, described above, with some revision, is compatible with the Budget Bureau transportation code for groups 01 through 40, included in both, and also has been supplemented, groups 41 through 46, with some 3, 4, 5, and 7-digit codes, to cover types of traffic not adaptable to commodity classification, i.e., forwarder traffic.

Adoption by the Commission of the revised "Commodity Classification for Transportation Statistics," groups 01 through 40, as a framework or basis for commodity statistics reported to it will afford, for such codes as might be used, identity with the same codes as employed in other government transportation statistics. There will be identity with the AAR classification. Reporting different degrees of commodity detail in recognition of the characteristics of the different modes or individual carriers is made possible since varying digit levels from the full 5-digit code may be specified.

The needs of the Commission for quarterly or annual reporting, to begin with reports for traffic moving in 1964, will be met by quarterly or annual reporting, as the case might be, by use of the 410 specified 3, 4, and 5-digit codes set out in § 123.52, consisting of 178 3-digit codes, and 124 and 108 selected 4- and 5-digit codes respectively.

The orders herein are adopted to place the Commission commodity reporting system on a basis comparable with a revised commodity classification being used by Government and the transportation industry, and to secure continued reporting at a level of detail comparable to that presently required. The matters of equality of reporting and of disclosure of reports will be taken up separately in No. 34315, Commodity Statistics—Extent and Disclosure, instituted by the Commission on September 13, 1963.

The orders herein relate to the compilation and reporting of statistics and do not otherwise impose requirements governing the keeping of carrier records. Carriers desiring to report in more detail than is required by the orders herein should submit written requests to the Bureau of Transport Economics and Statistics for approval.

It appearing, that the commodity classification issued by the Bureau of the Budget, and certain supplemental codes, should be adopted as the basis of the reporting of commodity statistics by carriers reporting such statistics, and that carriers should be required to report items deemed necessary for the Commission's use, set forth in § 123.52, subject to existing reporting requirements in such respects as items to be reported, periods covered, time of filing, and copies to be filed, the following changes in and additions to outstanding orders respecting reports of railroads, water carriers, electric railways, and motor carriers shall be made:

RAILROADS

It is ordered, That §§ 123.1, 123.2, 123.3 (a) and 123.4(n), of the orders of September 24, 1946, October 16, 1946, and November 23, 1955, in the matter of Freight Commodity Statistics, as such sections may have been amended, be, and they are hereby, modified as amended, as to traffic and reports for the year beginning January 1, 1964, to read as set out below;

It is further ordered, That §§ 123.1, 123.2, 123.3(a) and 123.4(n) be modified and amended to read as follows:

§ 123.1 Freight commodity statistics.

Commencing with reports for the first quarter of 1964 or for the year 1964, as the case might be, and thereafter until further order, all Class I and Class II railroads, as described in § 126.1 of this chapter, subject to Part I of the Interstate Commerce Act, other than switching and terminal companies, shall compile and report freight commodity statistics on the basis of the commodity codes named in § 123.52. Class I railroads shall report quarterly and annually on the basis of the 3, 4 and 5-digit commodity codes named in that section, and Class II railroads shall report annually on the basis of the 2-digit commodity codes named therein. Such reports shall be made in conformity with the outline of terms set forth in §§ 123.2 to 123.5, inclusive, as supplemented by instructions included in the appropriate report forms to be supplied to the reporting railroads.

§ 123.2 Items to be reported.

(a) The following items are to be reported quarterly and annually by class I railroads:

(1) Average number of miles of road operated in freight service.

(2) For each commodity code used in reporting, except that the number of carloads for commodity code 431, "Small packaged freight shipments," shall be omitted, the following items:

Revenue freight originating on respondent's road:
  Terminating on line:
    Number of carloads.
    Number of tons (2,000 pounds).
  Delivered to connecting rail carriers.
    Number of carloads.
    Number of tons (2,000 pounds).
Revenue freight received from connecting rail carriers:
  Terminating on line:
    Number of carloads.
    Number of tons (2,000 pounds).
  Delivered to connecting rail carriers:
    Number of carloads.
    Number of tons (2,000 pounds).
  Total revenue freight carried:
    Number of carloads.
    Number of tons (2,000 pounds).
  Gross freight revenue.

(b) The following items are to be reported annually by Class II railroads for the 2-digit codes in § 123.52:

Number of tons (2,000 pounds) of revenue freight originating on respondent's road.
Number of tons (2,000 pounds) of revenue freight received from connecting carriers.
Total revenue freight carried:
Number of tons (2,000 pounds each).
Gross freight revenue.

§ 123.3 Carload and L.C.L. traffic defined.

(a) Commodity codes 01 through 422 and 44 through 462, named in § 123.52, shall include only carload traffic. All shipments weighing less than 10,000 pounds shall be included in commodity code 431, "Small packaged freight shipments."

* * * * *

§ 123.4 Originating and connecting line traffic.

* * * * *

(n) Commodity codes 44 and 441, "Freight forwarder traffic," as named in § 123.52, include freight traffic in carloads shipped by or consigned to any forwarder holding a certificate under Part IV of the Interstate Commerce Act.

* * * * *

It is further ordered, That the appendix to the above-described orders, in Freight Commodity Statistics, be vacated and set aside, as to traffic and reports for the year beginning January 1, 1964, and that Appendix I, following § 123.5 be deleted.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

CARRIERS BY WATER

It is ordered, That §§ 123.21, 123.22, 123.23, 123.24 (a), (d), and (e), of the orders of November 25, 1946, and November 20, 1950, in the matter of Freight Commodity Statistics, Carriers by Water, as such sections may have been amended, be, and they are hereby, modified and amended, as to traffic and reports for the year beginning January 1, 1964, to read as set out below;

It is further ordered, That §§ 123.21, 123.22, 123.23, 123.24 (a), (d) and (e), be modified and amended to read as follows:

§ 123.21 Freight commodity statistics.

Commencing with reports for the year beginning January 1, 1964, and thereafter until further order, all carriers by water subject to the provisions of Parts I and III of the Interstate Commerce Act, assigned to classes A and B, as described in § 126.2, of this chapter, shall compile and report freight commodity statistics annually on the basis of the 3, 4 and 5-digit commodity codes named in § 123.52. Full information shall be furnished in accordance with the terms of outlines and requirements set forth in §§ 123.22 to 123.27, as supplemented by instructions included in the annual report forms to be supplied to the reporting water carriers.

§ 123.22 Items to be reported.

For each commodity code used in reporting, the following items and subdivisions thereof are to be reported annually by each carrier by water, except shipments of less than 10,000 pounds, which shall be reported as provided in § 123.23(b):

a. Number of tons (2,000 pounds) of revenue freight carried:
  Joint rail and water traffic
  All other traffic
  Total
b. Gross freight revenue (dollars):
  Joint rail and water traffic
  All other traffic
  Total

§ 123.23 Traffic defined.

(a) Commodity codes used in reporting, except commodity code 431, "Small packaged freight shipments," shall include shipments weighing 10,000 pounds or more, except as provided in paragraph (b) of this section.

(b) Shipments of less than 10,000 pounds of one commodity shall be reported under commodity code 431, "Small packaged freight shipments," unless the reporting carrier elects to distribute all revenue freight among the other designated classes.

§ 123.24 Number of tons of revenue freight.

(a) Tonnage of commodities, in tons of 2,000 pounds, carried by the reporting carrier in its water-line and motor-truck operations, and for the reporting carrier in the vessels and motor trucks of other companies (carriers) under contract, in revenue service, shall be separate for each commodity code between "Joint rail and water traffic" and "All other traffic." The separation as to joint rail and water traffic and all other traffic may be omitted for commodity code 431, "Small packaged freight shipments."

* * * * *

(d) Commodity code 37111, "Passenger cars, assembled," is confined to vehicles carried as revenue freight on freight rates and does not include those carried as an adjunct to passenger business.

(e) Commodity code 441, "Freight Forwarder Traffic," includes freight traffic shipped by or consigned to any forwarder holding a certificate under Part IV of the Interstate Commerce Act.

* * * * *

It is further ordered, That the appendix to the order of November 25, 1946, in Freight Commodity Statistics, Carriers by Water, be vacated and set aside as to traffic and reports for the year beginning January 1, 1964, and that Appendix I following §123.27 be deleted.

(Sec. 12, 24 Stat. 383, as amended, 49 U.S.C. 12, sec. 304, 54 Stat. 933, 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 20, sec. 313, 54 Stat. 944, as amended, 49 U.S.C. 913)

ELECTRIC RAILWAYS

It is ordered, That §§ 123.35, 123.36, 123.37(a), and 123.38(n), of the order of November 25, 1946, in the matter of Freight Commodity Statistics, Electric Railways, be modified and amended, as to traffic and reports for the year beginning January 1, 1964, to read as set out below;

It is further ordered, That §§ 123.35, 123.36, 123.37(a) and 123.38(n) be modified and amended to read as follows:

§ 123.35 Freight commodity statistics and operating statistics.

Commencing with reports for the year beginning January 1, 1964, and thereafter until further order, carriers by electric railway, subject to the provisions of Part I of the Interstate Commerce Act, which reported more than 1,000,000 freight, mail, and express car-miles in rail-line operations during the year 1946, shall compile freight commodity statistics and operating statistics, and report annually such statistics to this Commission, according to the items and subdivisions thereof listed in § 123.36, and for each 3, 4 and 5-digit commodity code named in § 123.52. Full information shall be furnished in accordance with the terms and requirements outlined below, as supplemented by instructions included in the annual report forms to be supplied to the reporting electric railways.

§ 123.36 Items to be reported for each commodity code.

For each commodity code used in reporting, the following items and subdivisions thereof are to be reported annually by each electric railway, as defined in § 123.35, except that the number of carloads for commodity code 431, "Small packaged freight shipments," shall be omitted.

(a) Revenue freight originating on respondent's road:

Terminating on line:
  Number of carloads.
  Number of tons (2,000 pounds).
Delivered to connecting carriers:
  Number of carloads.
  Number of tons (2,000 pounds).

(b) Revenue freight received from connecting carriers:

Terminating on line:
  Number of carloads.
  Number of tons (2,000 pounds).
Delivered to connecting carriers:
  Number of carloads.
  Number of tons (2,000 pounds).

(c) Total revenue freight carried:

Number of carloads.
Number of tons (2,000 pounds).

(d) Gross freight revenue.

§ 123.37 Carload and L.C.L. traffic defined.

(a) Commodity codes 01 through 422 and 44 through 462, shall include only carload traffic. All shipments weighing less than 10,000 pounds shall be included in commodity code 431, "Small packaged freight shipments."

* * * * *

§ 123.38 Originating and connecting line traffic.

* * * * *

(n) Commodity code 441, "Freight forwarder traffic," as named in § 123.52, includes freight traffic in carloads shipped by or consigned to any forwarder holding a certificate under Part IV of the Interstate Commerce Act.

* * * * *

It is further ordered, That Appendix I to the above-described order as to Freight Commodity Statistics, Electric Railways, be vacated and set aside as to traffic and reports for the year beginning January 1, 1964, and that Appendix I following § 123.43 be deleted.

(Sec. 12, 24 Stat. 383, as amended, 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

COMMODITY CODE

It is further ordered, That, with respect to the reporting of commodity statistics for the year or quarter, beginning with January 1, 1964, as the case might be, the ordering paragraphs set out below shall apply as to commodity codes to be used;

It is further ordered, That 49 CFR be amended by adding thereto a heading, "Commodity Code," and §§ 123.51 and 123.52, as follows:

§ 123.51 Commodity classification designated.

Commencing with reports for the year or quarter beginning January 1, 1964, as the case might be, and thereafter until further order, reports of commodity statistics required to be made to the Commission, shall be based on the commodity codes, up to 5 digits, in groups 01 through 40, in the Commodity Classification for Transportation Statistics, 1963, issued by the Bureau of the Budget, and on additional codes 411 through 462 shown in § 123.52.

§ 123.52 Commodity codes required.

Commodity codes required to be reported, as referred to in this part or in Part 206 of this chapter, are as follows:

Code	*Description*
01	FARM PRODUCTS.
011	Field Crops.
0112	Cotton, raw.
01121	Cotton in bales.
0113	Grain:
01131	Barley.
01132	Corn, except popcorn.
01133	Oats.

Code	Description
01134	Rice, rough.
01135	Rye.
01136	Sorghum grains.
01137	Wheat, except buckwheat.
01139	Grain, n.e.c.
0114	Oil seeds, oil nuts, and oil kernels, except edible tree nuts.
01144	Soybeans.
0115	Field seeds, except oil seeds.
0119	Miscellaneous field crops.
01193	Leaf tobacco.
01195	Potatoes, other than sweet.
01197	Sugar beets.
012	Fresh Fruits and Tree Nuts.
0121	Citrus fruits.
0122	Deciduous fruits.
01221	Apples.
01224	Grapes.
01226	Peaches.
0123	Tropical fruits, except citrus.
01232	Bananas.
0129	Miscellaneous fresh fruits and tree nuts.
01295	Coffee, green.
013	Fresh Vegetables.
0131	Bulbs, roots, and tubers, with or without tops except potatoes.
01318	Onions, dry.
0133	Leafy fresh vegetables.
01334	Celery.
01335	Lettuce.
0134	Dry ripe vegetable seeds, etc. (except artificially dried).
01341	Beans, dry ripe.
01342	Peas, dry.
0139	Miscellaneous fresh vegetables:
01392	Watermelons.
01394	Tomatoes.
01398	Melons, except watermelons (cantaloupes, muskmelons, etc.).
014	Livestock and Livestock Products.
0141	Livestock.
01411	Cattle.
01413	Hogs and pigs.
01414	Sheep and lambs.
0142	Dairy farm products, except pasteurized.
0143	Animal fibers.
01431	Wool.
015	Poultry and Poultry Products.
0151	Live poultry.
0152	Poultry eggs.
019	Miscellaneous Farm Products.
0191	Horticultural specialties.
0192	Animal specialties.
08	Forest Products.
084	Gums and Barks, Crude.
08423	Latex and allied gums (crude natural rubber).
086	Miscellaneous Forest Products.
09	Fresh Fish and Other Marine Products.
091	Fresh Fish and Other Marine Products.
0912	Fresh fish and whale products, including frozen unpackaged fish.
09131	Shells (oyster, crab, clam, etc.).
10	Metallic Ores.
101	Iron Ores.
10112	Beneficiating-grade ore, crude.
102	Copper Ores.
103	Lead and Zinc Ores.
1031	Lead ores.
1032	Zinc ores.
104	Gold and Silver Ores.
105	Bauxite and Other Aluminum Ores.
106	Manganese Ores.
107	Tungsten Ores.
108	Chromium Ores.
109	Miscellaneous Metal Ores.
11	Coal.
111	Anthracite Coal.
11111	Raw anthracite (lump).
11112	Cleaned or prepared anthracite (crushed, screened, or sized).
112	Bituminous Coal and Lignite.
1121	Bituminous coal.
13	Crude Petroleum, Natural Gas, and Natural Gasoline.
131	Crude Petroleum and Natural Gas.
132	Natural Gasoline.
14	Nonmetallic Minerals, Except Fuels.
141	Dimension Stone, quarry.
142	Crushed and Broken Stone, including riprap
14211	Agricultural limestone.
14219	Crushed and broken stone, including riprap, n.e.c.
144	Sand and Gravel.
14411	Sand (aggregate and ballast).
14412	Gravel (aggregate and ballast).
14413	Industrial sand and gravel.
145	Clay, Ceramic and Refractory Minerals.
14511	Bentonite.
14512	Fire clay.
14514	Kaolin and ball clay.
147	Chemical and Fertilizer Minerals.
14711	Barite.
14713	Potash, soda and borate.
14714	Phosphate rock.
14715	Rock salt.
14716	Sulphur.
149	Miscellaneous Nonmetallic Minerals, Except Fuels.
14911	Gypsum and anhydrite.
14913	Native asphalt and bitumens.
14914	Pumice and pumicite.
19	Ordnance and Accessories.
191	Guns, Howitzers, Mortars, and Related Equipment, Over 30 mm.
192	Ammunition, Except for Small Arms (over 30 mm.).
193	Full Tracked Combat Vehicles and Parts.
194	Sighting and Fire Control Equipment.
195	Small Arms, 30 mm. and Under.
196	Small Arms Ammunition, 30 mm. and Under.
199	Miscellaneous Ordnance and Accessories.
20	Food and Kindred Products.
201	Meat (Including Poultry and Small Game): Fresh, Chilled, or Frozen.
2011	Meat, fresh or chilled, except salted.
2012	Meat, fresh-frozen.
2013	Meat products.
2014	Animal by-products, inedible.
20141	Hides, skins and pelts, not tanned (cattle, pig, goat, sheep, mule, and horse).
2015	Dressed poultry, small game, and related products, fresh, chilled or canned.
2016	Dressed poultry, small game and related products, fresh-frozen.
202	Dairy Products.
2021	Creamery butter.
2023	Condensed, evaporated milk and dry milk.
2024	Ice cream and related frozen desserts.
2025	Cheese and other special dairy products.
2026	Processed whole milk, skim milk, cream and other fluid products.
203	Canned and Preserved Fruits, Vegetables and Sea Foods.
2031	Canned and cured sea foods.
2032	Canned specialties.
2033	Canned fruits and vegetables.
2034	Dried and dehydrated fruits and vegetables (except field dried) and soup mix.
2035	Pickled fruits and vegetables; sauces and seasoning; salad dressing.
2036	Fresh or frozen packaged fish.
2037	Frozen fruits, fruit juices, vegetables and specialities.
204	Grain Mill Products.
2041	Flour and other grain mill products.
20411	Wheat flour, except blended and prepared.
20421	Prepared feeds for animals and fowls, except canned.
20423	Canned feed for animals and poultry.
2043	Cereal preparations.
2044	Milled rice, flour and meal.
2045	Blended and prepared flour.
2046	Corn starch, sirup, oil, sugar and by-products (wet process).
20461	Corn sirup.
20462	Corn starch.
20463	Corn sugar.
205	Bakery Products.
206	Sugar (beet and cane).
2061	Sugar mill products and by-products.
20611	Raw cane and beet sugar.
20616	Sugar molasses, except blackstrap.
20617	Blackstrap molasses.
2062	Sugar, refined: Cane and beet.
20625	Sugar refining by-products.
20626	Pulp, molasses, beet.
207	Confectionery and related products.
208	Beverages and flavoring extracts.
20821	Beer, ale, porter, stout: Bottled, barrels, kegs.
20823	Malt extract and brewers' spent grains.
2083	Malt.
2084	Wines, brandy, and brandy spirits.
20851	Distilled, rectified and blended liquors.
20859	By-products of liquor distilling.
2086	Bottled and canned soft drinks and carbonated and mineral waters.
2087	Miscellaneous flavoring extracts and flavoring sirups and compounds except chocolate syrups.
209	Miscellaneous Food Preparations and Kindred Products.
20911	Cottonseed oil, crude or refined.
20914	Cottonseed cake, meal and other by-products.
20921	Soybean oil, crude or refined.
20923	Soybean cake, meal, flour, grits, and other by-products.
2093	Vegetable and nut oils and by-products, except cottonseed and soybean.
2094	Marine fats and oils.
2095	Roasted coffee, including instant coffee.
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.
2097	Ice, natural or manufactured.
2098	Macaroni, spaghetti, vermicelli, and noodles.
21	Tobacco Products:
211	Cigarettes.
212	Cigars.
213	Chewing and Smoking Tobacco and Snuff.
214	Stemmed and Redried Tobacco.
22	Basic Textiles:
221	Cotton Broad Woven Fabrics.
222	Man-made Fiber and Silk Broad Woven Fabrics.
223	Wool Broad Woven Fabrics.
224	Narrow Fabrics.
225	Knit Fabrics.
227	Carpets and Rugs, Textile.
228	Yarn and Thread.
229	Miscellaneous Basic Textiles.
2296	Tire cord and fabrics.
2297	Wool and mohair (scoured, combed, carbonized): Tops, noils, nubs, slubs and grease.
2298	Cordage and twine.
23	Apparel and Other Finished Textile Products Including Knit.
231	Men's, Youths', and Boys' Clothing.
233	Women's, Misses', Girls' and Infants' Clothing.
235	Millinery, Hats and Caps.
237	Fur Goods.
238	Miscellaneous Apparel and Accessories.

Code	Description
239	Miscellaneous Fabricated Textile Products.
24	Lumber and Wood Products, Except Furniture.
241	Primary Forest Products (Pulpwood, Piling, Posts, Logs, Bolts, etc.).
24114	Pulpwood logs.
24115	Pulpwood chips.
24116	Woodposts, poles and piling.
242	Lumber and Dimension Stock:
2421	Lumber and dimension stock:
24212	Sawed ties (railroads, mine, etc.).
2429	Miscellaneous sawmill and planing mill products (shingles, cooperage stock, etc.).
243	Millwork, Veneer, Plywood, Prefabricated Structural Wood Products.
2431	Millwood.
2432	Veneer and plywood.
244	Wooden Containers.
249	Miscellaneous Wood Products.
2491	Creosoted or oil treated wood products.
25	Furniture and Fixtures
251	Household and Office Furniture.
253	Public Building and Related Furniture.
254	Partitions, Shelving, Lockers, Office, and Store Fixtures.
259	Miscellaneous Furniture and Fixtures.
26	Pulp, Paper and Allied Products
261	Pulp and pulp mill products.
26111	Pulp.
262	Paper, except building paper.
26211	Newsprint.
26216	Coarse paper, including wrapping paper.
263	Paperboard, pulpboard and fiberboard, except insulating board.
264	Converted paper and paperboard products, except containers and boxes.
2643	Paper bags.
265	Containers and boxes, paperboard, fiberboard and pulpboard.
266	Building paper and building board.
2661	Building paper and building board.
26613	Wallboard.
27	Printed Matter.
271	Newspapers.
272	Periodicals.
273	Books.
274	Miscellaneous Printed Matter.
276	Manifold Business Forms.
277	Greeting Cards, Seals, Labels, And Tags.
278	Blankbooks, Looseleaf Binders and Devices.
279	Products of Service Industries for the Printing Trades.
28	Chemical and Allied Products
281	Industrial Inorganic and Organic Chemicals.
2812	Sodium, potassium, and other basic inorganic chemical compounds and chlorine.
28123	Sodium compounds, except sodium alkalies.
2813	Industrial gases (compressed and liquefied).
2814	Crude products from coal tar, petroleum and natural gas.
2816	Inorganic pigments.
2818	Miscellaneous industrial organic chemicals.
28184	Alcohols.
2819	Miscellaneous industrial inorganic chemicals.
28193	Sulphuric acid.
282	Plastics Materials and Synthetic Resins, Synthetic Rubbers and Fibers.
28212	Synthetic rubber.
28213	Synthetic organic fibers.
283	Drugs (Biological Products, Medicinal Chemicals, Botanical Products and Pharmaceutical Preparations).
284	Soap, Detergents, and Cleaning Preparations, Perfumes, Cosmetics and Other Toilet Preparations.
2841	Soap and other detergents, except specialty cleansers.
285	Paints, Varnishes, Lacquers, Enamels, and Allied Products.
286	Gum and Wood Chemicals.
287	Agricultural Chemicals.
2871	Fertilizers.
289	Miscellaneous Chemical Products.
2892	Explosives.
28991	Salt.
29	Petroleum and Coal Products.
291	Products of Petroleum Refining.
29111	Gasoline, jet fuels and other high volatile petroleum fuels, except natural gasoline.
29112	Kerosene, distillate fuel oil, residual fuel oil and other low volatile petroleum fuels.
29114	Lubricating and similar oils and derivatives.
29115	Lubricating greases.
29116	Asphalt, tar and pitches (petroleum, cokeoven, coal tar).
29119	Products of petroleum refining, n.e.c.
2912	Liquefied petroleum gases and coal gases.
295	Paving and Roofing Materials.
2951	Paving mixtures and blocks.
2952	Asphalt felt and coatings.
299	Miscellaneous Petroleum and Coal Products.
29911	Coke and coal briquettes.
30	Rubber and Miscellaneous Plastic Products.
301	Tires and Inner Tubes.
302	Rubber Footwear.
303	Reclaimed Rubber.
306	Miscellaneous Fabricated Rubber Products.
307	Miscellaneous Plastics Products.
31	Leather and Leather Products.
311	Leather.
312	Industrial Leather Belting and Packing.
313	Boot and Shoe Cut Stock and Findings, All Materials.
314	Footwear, Except Rubber.
315	Leather Gloves and Mittens.
316	Luggage, Handbags, and Other Personal Leather Goods (all materials).
319	Miscellaneous Leather Goods.
32	Stone, Clay and Glass Products.
321	Flat Glass.
322	Glass and Glassware, Pressed and Blown.
3221	Glass containers.
324	Hydraulic Cement.
32411	Cement, hydraulic; Portland, natural, masonry, puzzolan.
325	Structural Clay Products.
3251	Brick and structural clay tile.
32511	Brick, except ceramic glazed and refractory brick.
3253	Ceramic wall and floor tile.
3255	Refractories, clay and nonclay.
3259	Miscellaneous structural clay products.
32594	Roofing tile.
326	Pottery and Related Products.
327	Concrete, Gypsum, and Plaster Products.
3271	Concrete products.
3274	Lime.
3275	Gypsum products.
328	Cut Stone and Stone Products.
329	Abrasives, Asbestos, and Miscellaneous Nonmetallic Mineral Products.
3291	Abrasive products.
33	Primary Metal Products.
331	Steel Works and Rolling Mill Products.
33111	Pig iron.
33112	Slag.
33113	Coke, screenings and breeze.
33119	Coke oven and blast furnace products, n.e.c.
3312	Primary iron and steel products, except coke oven by-products.
33121	Steel ingot and semi-finished shapes.
3313	Ferro-alloys.
3315	Steel wire, nails, and spikes.
332	Iron and Steel Castings.
33211	Iron and steel cast pipe and fittings.
333	Nonferrous Metals Primary Smelter Products (Slab, Ingot, Pig, etc., and Residues).
3331	Primary copper and copper base alloys smelter products.
3332	Primary lead and lead base alloys smelter products.
3333	Primary zinc and zinc base alloys smelter products.
3334	Primary aluminum and aluminum base alloys smelter products.
335	Nonferrous Metal Basic Shapes.
3351	Copper, brass or bronze and other copper base alloy basic shapes.
3352	Aluminum and aluminum base alloy basic shapes except aluminum foil.
3357	Nonferrous wire, including insulated wire.
336	Nonferrous and Nonferrous Base Alloy Castings.
3361	Aluminum and aluminum base alloy castings.
3362	Brass, bronze, copper, and copper base alloy castings.
339	Miscellaneous Primary Metal Products.
3391	Iron and steel forgings.
3392	Nonferrous forgings.
34	Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment.
341	Metal Cans.
342	Cutlery, Hand Tools, and General Hardware.
343	Plumbing Fixtures and Heating Apparatus, Except Electric.
3433	Heating equipment, except electric.
344	Fabricated structural metal products.
3441	Fabricated structural metal products.
345	Bolts, Nuts, Screws, Rivets, Washers, and Other Industrial Fasteners.
346	Metal Stampings.
348	Miscellaneous Fabricated Wire Products.
349	Miscellaneous Fabricated Metal Products.
3491	Metal barrels, drums, kegs, and pails.
3494	Valves and pipe fittings (except plumbers' brass goods and fittings), fabricated pipe and fabricated pipe fittings.
35	Machinery, Except Electrical.
351	Engines and Turbines.
352	Farm Machinery and Equipment.
353	Construction, Mining and Materials Handling Equipment.
3531	Construction machinery and equipment.
3532	Mining machinery and equipment, except oil field machinery and equipment.
3533	Oil field machinery and equipment.
3537	Industrial trucks, tractors, trailers, and stackers.
354	Metalworking Machinery and Equipment.
355	Special Industry Machinery, Except Metalworking Machinery.
356	General Industrial Machinery and Equipment.
357	Office, Computing, and Accounting Machines.
358	Service Industry Machines.
359	Miscellaneous Machinery and Parts, Except Electrical.

Code	Description
36	Electrical Machinery, Equipment and
395	Pens, Pencils, and Other Office and

It is ordered, That the order of September 19, 1957, in Ex Parte No. 205

Code	Description
36	ELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES.
361	Electrical Transmission and Distribution Equipment.
362	Electrical Industrial Apparatus.
363	Household Appliances.
3631	Household cooking equipment, all types.
3632	Household refrigerators and home and farm freezers.
3633	Household laundry equipment.
364	Electric Lighting and Wiring Equipment.
365	Radio and TV Receiving Sets, Except Communication Types.
366	Communication Equipment.
367	Electronic Components and Accessories.
369	Miscellaneous Electrical Machinery, Equipment, and Supplies.
37	TRANSPORTATION EQUIPMENT.
371	Motor Vehicles and Motor Vehicle Equipment.
3711	Motor vehicles.
37111	Passenger cars, assembled.
37112	Truck tractors, and trucks, assembled.
37113	Motor coaches, assembled (including trolley busses) and fire department vehicles.
3712	Passenger car bodies and body parts.
3713	Truck and bus bodies and body parts.
3714	Motor vehicle parts and accessories.
3715	Truck trailers.
372	Aircraft and Parts.
373	Ships and Boats.
374	Railroad Equipment.
375	Motorcycles, Bicycles, and Parts.
379	Miscellaneous Transportation Equipment.
38	INSTRUMENTS, PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES AND CLOCKS.
381	Engineering, Laboratory, and Scientific Instruments.
382	Measuring, Controlling, and Indicating Instruments.
383	Optical Instruments and Lenses.
384	Surgical, Medical, and Dental Instruments and Supplies.
385	Ophthalmic or Opticians' Goods.
386	Photographic Equipment and Supplies.
387	Watches, Clocks, Clockwork Operated Devices, and Parts.
39	MISCELLANEOUS PRODUCTS OF MANUFACTURING.
391	Jewelry, Silverware, and Plated Ware.
393	Musical Instruments and Parts.
394	Toys, Amusement, Sporting and Athletic Goods.
3949	Sporting and athletic goods.
395	Pens, Pencils, and Other Office and Artists' Materials.
396	Costume Jewelry, Novelties, Buttons, and Notions.
398	Miscellaneous Manufactured Products—A.
399	Miscellaneous Manufactured Products—B.
40	WASTE AND SCRAP MATERIALS.
401	Ashes.
402	Waste and Scrap, Except Ashes.
4021	Metal scrap, waste and tailings.
40211	Iron and steel scrap, wastes and tailings.
4022	Textile waste, scrap and sweepings.
4024	Paper waste and scrap.
4026	Rubber and plastic scrap and waste.
41	MISC. FREIGHT SHIPMENTS.
411	Misc. Freight Shipments.
41111	Outfits or kits.
41114	Articles, used exc. for repair, reconditioning see 4115, returned empty see 421, remelting see 4034.
41115	Articles, used, returned for repair, incl. for reconditioning.
412	Miscellaneous Commodities Not Taken in Regular Freight Service.
42	CONTAINERS, SHIPPING, RETURNED EMPTY.
421	Containers, Shipping, Returned Empty Inc. Carriers or Devices.
422	Trailers, Semi-Trailers, Returned Empty.
43	SMALL PACKAGED FREIGHT SHIPMENTS.
431	Small Packaged Freight Shipments, Inc. LCL or LTL.
44	FREIGHT FORWARDER TRAFFIC.
441	Freight Forwarder Traffic, Carload or Truckload.
45	SHIPPER ASSOCIATION OR SIMILAR TRAFFIC.
451	Shipper Association or Similar Traffic, Carload or Truckload.
46	MISCELLANEOUS MIXED SHIPMENTS EXC. FORWARDER SEE 44 SHIPPER ASSOCIATION SEE 45.
461	All Freight Rate Shipments, N.E.C., Inc. TOFC.
462	Mixed Shipments on One Factor Rates Cnstg. of Commodities Representing Two or More Major Industry Groups Where it is Impossible to Determine the Predominant Industry.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304, sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20, sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320, sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

It is ordered, That the order of September 19, 1957, in Ex Parte No. 205, Motor Carrier Freight Commodity Statistics be modified and amended, as to traffic for the year beginning January 1, 1964, and until further order, so as to substitute for § 206.1 of Appendix A to such order, the ordering § 206.1 set out below, and to vacate and set aside § 206.8 thereof;

It is further ordered, That, § 206.1 be modified and amended to read as follows, and that § 206.8 be deleted:

§ 206.1 **Freight commodity statistics.**

Commencing with reports for the year beginning January 1, 1964, and thereafter until further order, all Class I common and contract motor carriers of property, as defined in § 182.01–1 of this chapter, subject to Part II of the Interstate Commerce Act, and not hereinafter specifically exempted from the requirements of this part, shall compile and report annually certain freight traffic statistics according to the 3, 4, and 5-digit commodity codes named in § 123.52 of this chapter, and in conformity with formal instructions included in the appropriate report forms hereinafter prescribed.

§ 206.8 **Standard commodity code. [Deletion]**

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That a copy of this order shall be served upon or mailed to each railroad, electric railway, water carrier, maritime carrier, and motor carrier, subject to the commodity statistics reporting requirements of Parts 123, 206, or 301, as the case might be, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10489; Filed, Oct. 3, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BAKERY PRODUCTS; BREAD

Notice of Proposal To Amend Definition and Standard of Identity

Notice is given that a petition has been filed by National Dairy Products Corporation, 801 Waukegan Road, Glenview, Illinois, proposing amendment of the standard of identity for bread (21 CFR 17.1) to make succinylated monoglycerides, in an amount not to exceed 0.5 part for each 100 parts of flour used, an optional ingredient of bread. Grounds set out in the petition to support the amendment requested are that the use of succinylated monoglycerides, when used as proposed, will improve the volume, grain, texture, and softness of the loaves. The proposed amendment is to add to § 17.1 (a) a new subparagraph (17), as follows:

§ 17.1 **Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.**

(a) • • •

(17) Succinylated monoglycerides, in a quantity not to exceed 0.5 part for each 100 parts by weight of flour used.

Because of cross-references, adoption of the proposed amendment to the basic standard for bread (§ 17.1) would have the effect of making succinylated monoglycerides a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2 to 17.5, inclusive).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably, in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63–10550; Filed, Oct. 3, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 62–WE–131]

CONTROL ZONES, CONTROL AREA EXTENSIONS AND TRANSITION AREAS

Proposed Alteration, Designation and Revocation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (IACO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the San Diego, Calif., terminal area.

1. The San Diego (Lindbergh Field-NAS North Island) control zone is designated within a 5-mile radius of Lindbergh Field; within a 5-mile radius of the NAS North Island TACAN; within 2 miles either side of the Lindbergh Field VOR 287° True radial extending from the 5-mile radius zone to 10 miles northwest of the VOR; and within 2 miles either side of the NAS North Island TACAN 120°, 185°and 235° True radials extending from the 5-mile radius zone to 6 miles southeast, south and southwest of the TACAN, excluding the portion of the Lindbergh Field 5-mile radius zone north of latitude 32°47′00″ N. and the portion within W–593.

2. The NAAS Ream Field, Calif., control zone is designated within a 3-mile radius of NAAS Ream Field, and the airspace west of Ream Field within the arc of a 6-mile radius circle centered on the Ream Field TACAN extending counterclockwise from a line 2 miles north of and parallel to the Ream Field TACAN 288° True radial to the United States/Mexican Flight Information Region boundary, excluding the portion within the San Diego, Calif., control zone, and the portion under the jurisdiction of Mexico.

3. The San Diego control area extension is designated within a 21-mile radius of the San Diego VOR extending counterclockwise from the San Diego VOR 251° True radial to the boundary of the Miramar, Calif., control area extension; within 5 miles either side of the San Diego VOR 251° True radial extending from the VOR to 28 miles southwest, and within 5 miles either side of the Lindbergh Field, San Diego, Calif., VOR 287° True radial extending from the VOR to 28 miles northwest, excluding the portion under the jurisdiction of Mexico and which coincides with W–536.

4. The Miramar, Calif., control area extension is designated as that airspace east of Miramar bounded on the north by V–208, on the east by longitude 116°–05′00″ W., on the south by the United States/Mexican Border, and on the west by the Oceanside, Calif., VORTAC 160° True radial.

5. The portion of the Riverside, Calif., control area extension south of March AFB, Riverside, Calif., bounded on the east by V–117, on the south and southeast by V–208, on the west by V–23 and on the north by latitude 33°30′00″ N.

6. The portion of the Los Angeles, Calif., control area extension south of Los Angeles bounded by a line beginning at latitude 33°30′00″ N., longitude 118°–45′00″ W., to latitude 33°28′30″ N., longitude 118°40′00″ W., to latitude 33°–28′30″ N., longitude 118°37′00″ W., to latitude 33°24′35″ N., longitude 118°37′–00″ W., to latitude 33°18′00″ N., longitude 118°28′00″ W., to latitude 33°12′30″ N., longitude 117°47′00″ W., to latitude 33°10′00″ N., longitude 117°45′00″ W., thence along latitude 33°10′00″ N., to the United States coastline, thence north along the United States coastline to latitude 33°30′00″ N., thence west along

latitude 33°30′00″ N. to the point of 32°29′40″ N., longitude 117°21′00″ W.

Island. In addition, the control zone or

latitude 33°30'00" N. to the point of beginning.

7. The portion of Control Area 1177 southwest of Los Angeles bounded by a line beginning at latitude 33°25'50" N., longitude 118°28'50" W., thence to latitude 33°19'00" N., longitude 118°21'45" W., thence to latitude 33°16'30" N., longitude 118°25'00" W., thence to latitude 33°18'00" N., longitude 118°34'00" W., thence to latitude 33°21'15" N., longitude 118°34'00" W., thence to point of beginning.

To implement the provisions of CAR Amendment 60-21/60-29 in the San Diego terminal area, the Federal Aviation Agency is considering the following airspace actions:

1. Alter the San Diego (Lindbergh Field) control zone by redesignating it to comprise that airspace within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32°43'58" N., longitude 117°11'14" W.); within 2 miles either side of the Lindbergh VOR 106° True radial extending from the 5-mile radius zone to 7 miles east of the VOR, excluding the portion south of a line extending from latitude 32°43'22" N., longitude 117°16'20" W. to latitude 32°43'22" N., longitude 117°12'23" W., to latitude 32°-41'02" N., longitude 117°07'25" W.; and the portion north of latitude 32°47'00" N.

2. Designate the San Diego (NAS North Island) control zone to comprise that airspace within a 5-mile radius of NAS North Island (latitude 32°42'00" N., longitude 117°12'35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN extending clockwise from a line 2 miles north of and parallel to the TACAN 120° True radial to the 162° True radial, excluding the portion north of a line from latitude 32°43'22" N., longitude 117°17'20" W., to latitude 32°43'22" N., longitude 117°12'23" W., to latitude 32°-41'02" N., longitude 117°07'25" W. and the portion within the NAS Ream Field, Calif., control zone.

3. Alter the NAS Ream control zone by redesignating it to comprise that airspace within a 3-mile radius of NAAS Ream Field (latitude 32°34'00" N., longitude 117°06'50" W.), and that airspace west of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN extending counterclockwise from a line 2 miles north of and parallel to the Ream TACAN 288° True radial to the United States/Mexican Flight Information Region boundary, excluding the portion under the jurisdiction of Mexico.

4. Revoke the San Diego control area extension and designate the San Diego transition area to comprise that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°15'00" N. longitude 117°-30'30" W., to latitude 33°15'00" N., longitude 117° 17'00" W., to latitude 33°00'-00" N., longitude 117°07'00" W., to latitude 33°00'00" N., longitude 116°51'00" W., thence south along longitude 116°-51'00" W. to the United States/Mexican Border, thence west along the United States/Mexican Border and Flight Information Region Boundary to latitude 32°29'40" N., longitude 117°21'00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32°33'00" N., longitude 117°-27'30" W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33°30'00" N., longitude 117°30'00" W., thence to latitude 33°30'00" N., longitude 116°18'00" W., thence to latitude 33°-00'00" N., longitude 116°18'00" W., thence to latitude 33°00'00" N., longitude 116°05'00" W., thence south via longitude 116°05'00" W., to the United States/Mexican Border, thence west via the United States/Mexican Border and Flight Information Region boundary to latitude 32°29'40" N., longitude 117°21'-00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32°37'15" N., longitude 117°31'50" W., thence to latitude 32°34'-45" N., longitude 117°39'00" W., thence to latitude 32°49'30" N., longitude 117°-45'15" W., thence to latitude 32°57'40" N., longitude 117°35'00" W., thence to latitude 33°11'00" N., longitude 117°48'-55" W., thence to latitude 33°15'00" N., longitude 117°30'00" W., thence north via longitude 117°30'00" W., to the point of beginning, excluding the portion within W-536. The portion of this transition area within R-2503 would be used only after obtaining prior approval from appropriate authority.

5. Designate the Santa Catalina, Calif., transition area to comprise that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 117°30'00" W., on the south by a line extending from latitude 33°15'00" N., longitude 117°30'00" W., to latitude 33°11'00" N., longitude 117°-48'55" W., to latitude 33°18'00" N., longitude 118°34'00" W., on the west by longitude 118°34'00" W., and on the north by latitude 33°30'00" N., excluding the portion within Control Area 1177. The portion of this transition area within R-2503 would be used only after obtaining prior approval from appropriate authority.

The revocation of the Los Angeles and Riverside control area extensions which currently coincide, in part, with the transition areas proposed for designation herein will be processed at a later date under the CAR Amendments 60-21/60-29 implementation program proposed for the Los Angeles and Riverside terminal areas. The portion within Control Area 1177 would be excluded.

The floor of the portions of the Los Angeles and Riverside control area extensions and the floors of the airways which traverse the transition areas proposed herein would automatically coincide with the floors proposed for the transition areas.

As presently designated, the operations for Lindbergh Field and NAS North Island are governed by weather observations reported for Lindbergh Field. Since weather, communications and control tower services are available at both airports, it is deemed advisable to propose the designation of separate control zones to obtain maximum operational capabilities at Lindbergh and NAS North Island. In addition, the control zone extensions west of Lindbergh Field and southwest and south of NAS North Island would be eliminated, while the extensions east of the airports would be extended to provide protection for aircraft executing prescribed instrument approach and departure procedures at Lindbergh Field and NAS North Island. The designation of the portion of the San Diego transition area proposed with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures while operating below 1,500 feet above the surface within the San Diego terminal area. These procedures include extensive helicopter operations at low altitudes in the western portion of the proposed 700-foot floor area, and between the various airports in the San Diego terminal area. The 700-foot floor area east of the airports in the terminal area would encompass radar vectoring procedures required below 1,500 feet above the surface because of sharply rising terrain.

In addition, the portion of the San Diego transition areas with a floor of 1,200 feet and the revocation of the San Diego and Miramar control area extensions would raise the floor of controlled airspace beyond the limits of the proposed irregularly-configured 700-foot transition area from 700 to 1,200 feet. The portions of controlled airspace released by these actions are no longer required for air traffic control purposes. That airspace northwest of San Diego, which is presently designated as part of the Los Angeles and Riverside control area extensions, is proposed herein for designation as the Santa Catalina transition area. This transition area would provide protection for aircraft when required to execute prescribed instrument holding pattern procedures at the Santa Catalina VOR, the Avalon Intersection (intersection of the Santa Catalina VOR 099° and the Long Beach VORTAC 200° True radials), and the Pacific Intersection (intersection of the Oceanside, Calif., VORTAC 279° and the San Diego VOR 319° True radials), while in transition to and from the Los Angeles, Long Beach, and San Diego terminal areas.

Since the designation of controlled airspace proposed herein overlies a portion of Warning Area W-291, alteration of this warning area is required. Therefore, the Federal Aviation Agency is including the proposed non-rulemaking action to alter this warning area. This would expedite the proposed rulemaking action and thus permit utilization of the holding, approach and departure procedures at the earliest possible date. Warning Area W-291 would be altered to exclude those portions within the Santa Catalina, and San Diego, Calif., transition areas.

Certain minor revisions to the prescribed instrument approach procedure would accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details relating to these changes may be examined by contacting the Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, Calif., 90045.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, Calif., 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10525; Filed, Oct. 3, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1991]

SUD AVIATION

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Sud Aviation SE-210 Caravelle I, III, and VIR aircraft. There have been several instances of engine flameout and engine damage, which have occurred when taking off or landing on flooded or slush covered runways. In order to correct this condition, this AD requires the installation of flanged nose wheel tires.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 5, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

SUD AVIATION: Applies to all Model SE-210 Caravelle I, III and VIR aircraft.

Compliance required within 30 days after the effective date of this AD.

To prevent engine flameout or engine damage from the bow wave caused by the nose wheel on flooded or slush covered runways, install Kleber-Colombes NO82E22 or Dunlop 082E22 nose wheel tires, with water deflectors, or FAA approved equivalents.

Issued in Washington, D.C., on September 27, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10524; Filed, Oct. 3, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

JAN KADLEC AND LUDMILA VATRASOVA-KADLECOVA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses, and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3 and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897.

Claimants, Property, Location, and Claim No.

Jan Kadlec, U Pergamentky 8, Prague 7—Holesovice, Czechoslovakia, $1,019.64 in the Treasury of the United States; Ludmila Vatrasova-Kadlecova, Nad Ostravici 1358/8, Ostrava 5, Czechoslovakia, $1,019.63 in the Treasury of the United States; Claim No. 63311; Vesting Order No. 9068.

Executed at Washington, D.C., on September 28, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10542; Filed, Oct. 3, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 30, 1963.

The United States Department of Agriculture, Forest Service, has filed application BLM 072066 for the withdrawal of public domain lands, described below, from mineral entry under the United States General Mining Laws, subject to valid existing rights.

The applicant requests the withdrawal be made to assure the public of continued availability and to adequately protect the Government's investment in the facilities placed and to be placed on these areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the withdrawal are as follows:

TALLAHASSEE MERIDIAN, FLORIDA

LAKE DELANCY RECREATION AREA

T. 12 S., R. 25 E.,
Sec. 22, S½SE¼NE¼, N½SE¼, SE¼NE¼SW¼;
Sec. 23, S½N½, N½S½, SE¼SE¼;
Sec. 27, S½NE¼;
Sec. 35, N½NW¼.
Total area 633.87 acres.

CHITTY POINT CAMPGROUND

T. 12 S., R. 25 E.,
Sec. 26, S½SW¼, NW¼SW¼.
Total area 120.52 acres.

GRASSY POND CAMPGROUND ADDITION

T. 13 S., R. 25 E.,
Sec. 8, N½SE¼, SW¼NE¼.
Total area 120.38 acres.

PLANTATION LANDING CAMPGROUND

T. 13 S., R. 26 E.,
Sec. 11, lot 1.
Total area 40.76 acres.

MASON BAY CAMPGROUND

T. 14 S., R. 24 E.,
Sec. 11, E½SE¼, except a strip of land 400 feet on each side of the center line of Florida Highway No. 314 which was withdrawn by PLO 1535, dated October 24, 1957.
Total area 80.06

EAST LAKE ETON CAMPGROUND

T. 14 S., R. 24 E.,
Sec. 14, SW¼SE¼.
Total area 40.09 acres.

LAKE LOU PICNIC SITE

T. 14 S., R. 24 E.,
Sec. 36, W½NE¼.
Total area 80.00 acres.

HOPKINS PRAIRIE CAMPGROUND ADDITION

T. 14 S., R. 26 E.,
Sec. 15, SW¼NW¼, SE¼SW¼.
Total area 80.30 acres.

JUNIPER PRAIRIE CAMPGROUND

T. 14 S., R. 26 E.,
Sec. 33, lots 2 and 3.
Total area 150.03 acres.

ZAY PRAIRIE PICNIC SITE

T. 15 S., R. 25 E.,
Sec. 5, lots 3 and 4.
Total area 81.92 acres.

TURKEY PEN HAMMOCK CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 6, lots 2 and 3.
Total area 83.39 acres.

DEER LAKE CAMPGROUND ADDITION

T. 15 S., R. 25 E.,
Sec. 7, S½NE¼, SE¼;
Sec. 8, SW¼NW¼, SW¼SW¼.
Total area 320.20 acres.

MILL DAM PICNIC SITE ADDITION

T. 15 S., R. 25 E.,
Sec. 17, lot 1, W½W½SE¼, W½SW¼NE¼, SE¼NW¼;
Sec. 18, lot 1;
Sec. 20, W½NW¼NE¼.
Total area 192.46 acres.

HALFMOON CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 29, lot 1.
Total area 63.86 acres.

SOUTH HALFMOON CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 32, lot 2.
Total area 39.70 acres.

WELLS POND CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 32, lots 3 and 4.
Total area 102.60 acres.

JUNIPER SPRINGS RECREATION AREA ADDITION

T. 15 S., R. 26 E.,
Sec. 21, lot 1, N½SE¼NW¼, except a strip of land 400 feet on each side of the center line of Florida Highway No. 40 which was withdrawn by PLO 1535, dated October 24, 1957.
Total area 113.20 acres.

GOBBLER LAKE PICNIC SITE

T. 15 S., R. 27 E.,
Sec. 29, S½SE¼NE¼, N½NE¼SE¼.
Total area 40.00 acres.

EIGHTBALL LAKE PICNIC SITE

T. 15 S., R. 27 E.,
Sec. 29, SW¼NE¼, NW¼SE¼, SE¼NW¼, NE¼SW¼.
Total area 160.00 acres.

WILDCAT LAKE PICNIC SITE

T. 15 S., R. 27 E.,
Sec. 30, W½NW¼SE¼, SW¼SE¼.
Total area 60.00 acres.

CROOKED LAKE CAMPGROUND

T. 15 S., R. 27 E.,
Sec. 33, NW¼.
Total area 160.00 acres.

GRASSHOPPER LAKES CAMPGROUND

T. 15 S., R. 27 E.,
Sec. 32, S½SE¼, E½SW¼;
Sec. 33, W½SW¼.
T. 16 S., R. 27 E.,
Sec. 5, NE¼SE¼, NE¼NW¼.
Total area 319.85 acres.

SQUAW POND CAMPGROUND

T. 16 S., R. 25 E.,
Sec. 22, W½SE¼, NE¼SW¼.
Total area 120.67 acres.

LONG POND CAMPGROUND

T. 16 S., R. 25 E.,
Sec. 27, W½W½;
Sec. 28, E½NE¼, NE¼SE¼.
Total area 280.38 acres.

TROUT POND PICNIC SITE

T. 16 S., R. 25 E.,
Sec. 32, NE¼SE¼.
Total area 39.20 acres.

LAKE CATHERINE CAMPGROUND ADDITION

T. 16 S., R. 25 E.,
Sec. 32, N½SW¼.
Total area 78.41 acres.

FISH TRAP PRAIRIE CAMPGROUND

T. 16 S., R. 25 E.,
Sec. 34, SW¼NW¼, NW¼SW¼.
Total area 79.48 acres.

YEARLING POND PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 13, lot 4.
Total area 80.00 acres.

BUCK LAKE CAMPGROUND

T. 16 S., R. 26 E.,
Sec. 13, lots 7 and 8.
Total area 160.00 acres.

BUCKSHOT POND PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 13, S½ lot 9;
Sec. 24, N½ lot 2.
Total area 80.00 acres.

FARLES PRAIRIE CAMPGROUND

T. 16 S., R. 26 E.,
Sec. 13, N½NW¼NW¼;
Sec. 14, N½NE¼NE¼.
Total area 40.04 acres.

TWIN POND CAMPGROUND

T. 16 S., R. 26 E.,
Sec. 14, SW¼NW¼, NW¼SW¼.
Total area 80.15 acres.

NAMELESS SINK PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 26, S½NE¼NE¼, N½SE¼NE¼.
Total area 40.22 acres.

BLUE SINK PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 36, E½NW¼NW¼, W½NE¼NW¼.
Total area 40.00 acres.

BEAKMON LAKE PICNIC SITE

T. 16 S., R. 27 E.,
Sec. 5, NE¼SW¼.
Total area 39.92 acres.

BILLY'S BAY CAMPGROUND

T. 16 S., R. 27 E.,
Sec. 20, lots 2 and 3.
Total area 104.60 acres.

SWIM POND PICNIC SITE

T. 17 S., R. 25 E.,
Sec. 4, SW¼NE¼.
Total area 40.00 acres.

DOE POND CAMPGROUND

T. 17 S., R. 26 E.,
Sec. 17, NE¼NE¼.
Total area 40.14 acres.

LAKE EGRET PICNIC SITE

T. 17 S., R. 28 E.,
Sec. 2, S½ lot 7.
Total area 40.00 acres.

The areas described aggregate 4,466.40 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 63-10529; Filed, Oct. 3, 1963; 8:46 a.m.]

FLORIDA

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 30, 1963.

The United States Fish and Wildlife Service, Bureau of Sports Fisheries and Wildlife, Atlanta, Georgia, by letter dated September 13 filed application BLM 073083 (LAEO-Florida, Pelican Island) for withdrawal of the unsurveyed lands, hereafter described, from all forms of appropriation under the public land laws, including the United States General Mining Laws but not the Mineral Leasing Act, subject to valid existing rights.

The applicant desires that the land be reserved as a part of the Pelican Island National Wildlife Refuge and managed under authority of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222, as amended; 16 U.S.C. 715).

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the withdrawal are as follows:

TALLAHASSEE MERIDIAN, FLORIDA

T. 31 S., R. 39 E.,
Sec. 4, All unsurveyed lands and islands located west of the original meander line, except the small parcel contiguous to lot 1;
Sec. 5, All unsurveyed lands or islands, except spoil islands and lumps;
Sec. 8, All unsurveyed lands and islands lying east of the Intracoastal Waterway;
Sec. 15, All unsurveyed lands and islands lying west either of the original meander line or the shoreline of the outer barrier island, whichever is the most westerly;
Sec. 16, All unsurveyed lands and islands lying east of the Intracoastal Waterway;
Sec. 21, All unsurveyed lands and islands lying east of the Intracoastal Waterway;
Sec. 22, All lands and islands lying west of either the original meander line or the shoreline of the outer barrier island, whichever is the most westerly, except spoil islands and lumps;
Sec. 27, Unsurveyed islands known as Wabasso Island and Michael Island.

The above-described lands and islands are estimated to encompass 613 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 63-10530; Filed, Oct. 3, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Notice of Specific Approval and of Withdrawal of Specific Approval

On September 19, 1962, February 1, 1963, March 19, 1963, April 26, 1963, May 28, 1963, July 11, 1963, July 26, 1963, and August 15, 1963, notices were published in the FEDERAL REGISTER (27 F.R. 9266; 28 F.R. 990, 2690, 4146, 5276, 7102, 7615, 8380), which contained lists of all stockyards and slaughtering establishments approved under §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125).

I. Pursuant to such authority, notice is hereby given that the following additional stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following additional stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

COLORADO

*Pueblo Livestock Auction Co., Pueblo.

IOWA

*Centerville Sales Co., Centerville.

KANSAS

*Iola Community Sale, Iola.
*Koenig Sales Co., Inc., Junction City.
*Pratt Livestock Commission Co., Pratt.
*Russell Livestock Comm. Co., Russell.

KENTUCKY

*Kentuckians Livestock Market, Inc., Owensboro.

MARYLAND

*Garrett County Livestock Sales, Inc., Accident.

NEBRASKA

*Klug Brothers Livestock Co., Columbus.
*National Co-op Association, Plattsmouth.

NORTH CAROLINA

Norwood Stockyard, Norwood.

NORTH DAKOTA

*Dobler Livestock Sales Co., Jamestown.

OKLAHOMA

*LeFlore County Livestock Auction, Wister.
*Tonkawa Livestock Auction, Tonkawa.

TEXAS

*Madison County Livestock Comm. Co., Madisonville.

VIRGINIA

*Alleghany County Livestock Market, Covington.

WISCONSIN

*Antigo Auction Sales, Antigo.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following additional slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

Barney's Pork House, Decatur.
Nelms & Son, Decatur.

IDAHO

Jensen Custom Packing Co., Rupert.
Mathews, Inc., Twin Falls.
*Mickelsen Pack, Blackfoot.

IOWA

Simerly Hardware Store and Locker, Hamburg.

MARYLAND

**Hahn Brothers, Inc., Westminster.
**Joska, Anthony, Baltimore.
Maurer & Miller Meats, Inc., Manchester.
**Myers, William F., Sons, Inc., Westminster.

MISSISSIPPI

Beard's Slaughter House, Waynesboro.

OHIO

Gibson Packing Co., Zanesville.

II. Notice is hereby given also that the following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

STOCKYARDS

COLORADO

Hess Livestock Commission Co., Pueblo.

KANSAS

Junction City Livestock Commission, Junction City.

MARYLAND

Friend, Blaine H., Stockyard, Inc., Accident.

NEBRASKA

Ericson Livestock Market, Ericson.
Plattsmouth Sale Barn, Plattsmouth.

NEW YORK

Empire Livestock Marketing Cooperative, Inc., West Winfield.

NORTH DAKOTA

Jamestown Livestock Sales Co., Jamestown.

OKLAHOMA

Tonkawa Sales Co., Tonkawa.

SOUTH DAKOTA

Stockmans Commission Co., Rapid City.

TEXAS

Heart of Texas Commission Co., Inc., Brady.
Meridian Livestock Commission Co., Meridian.

VIRGINIA

Covington Stockyards, Inc., Covington.

SLAUGHTERING ESTABLISHMENTS

IDAHO

Custom Packing Co., Twin Falls.
Jensen Packing Co., Rupert.
McKibbens Custom Butchering Establishment, Idaho Falls.
Moscow Meat Co., Moscow.
Peoples Market Plant, Pocatello.
Wallace Meat Co., Wallace.

ILLINOIS

Jones, Marshall E., Springfield.

MAINE

Hanson & Smith, St. Albans.

MARYLAND

Brewer's, H. W., Williamsport.
County Butchers, Inc., Granite.
Harden's Meat Market, Eckart Mines.
Howard County Meat Market, Ellicott City.
Miller, Charles, Manchester.
Nichols & Smith Meat Market, Federalsburg.
Thompson's Food Market, Maryland Line.

MISSISSIPPI

Sam's Slaughter House, Waynesboro.

NEW YORK

Kingston Beef Corp., Kingston.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspections and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and, good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of October 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63-10557; Filed, Oct. 3, 1963; 8:48 a.m.]

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (28 F.R. 8422 and 9848) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to swine with respect to Midland Empire Packing Company, Inc., establishment 339, to sheep with respect to Carter Packing Company, establishment 698, and to calves and swine with respect to National Meat Packers, Inc., establishment 917, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Owens Country Sausage, Inc.	403					(*)	
Ross Packing Co.	645	(*)					
Theede Packing Co	674	(*)					
Dana Packing Co.	706	(*)					
Acee's Meat Co., Inc.	809	(*)					
New establishments reporting total 5.							
The Cudahy Packing Co.	195			(*)			
Kenton Packing Co.	36			(*)		(*)	
Joel E. Harrell & Sons, Inc.	162		(*)				
S. Adams Packing Co.	211		(*)				
Armour & Co.	288			(*)			
Fletcher Brothers of Georgia, Inc.	239					(*)	
Armour & Co.	500		(*)				
Wholesale Cooperative Meat Dealers Association.	541		(*)	(*)			
Animal Husbandry Department	694			(*)			
Cadwell, Martin Meat Co.	773		(*)				
Siouxland Dressed Beef Co	857F			(*)			
Species added total 13.							

Done at Washington, D.C., this 30th day of September 1963.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 63-10535; Filed, Oct. 3, 1963; 8:47 a.m.]

TARIFF COMMISSION

LEAD AND ZINC

Report to the President

OCTOBER 1, 1963.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d)(1) of the Trade Expansion Act of 1962, on developments in the trade in lead and zinc. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamation dated September 22, 1958, imposed import quotas on unmanufactured lead and zinc, effective October 1, 1958. Section 351(d)(1) of the Trade Expansion Act of 1962 provides that—

So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report issued today presents statistical data and other information with respect to lead and zinc, with emphasis on developments that have occurred since the Commission reported to the President in October 1962 under Executive Order 10401.

Copies of the Commission's report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 63-10534; Filed, Oct. 3, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ARMOUR AND CO.

Notice of Filing of Petition Regarding Food Additive Bis(2-Hydroxyethyl) Alkyl(C_{14}-C_{18})Amine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1145) has been filed by Armour and Company, Post Office Box 9222, Chicago 90, Illinois, proposing the issuance of a regulation to provide for the safe use of bis(2-hydroxyethyl) alkyl(C_{14}-C_{18}) amine as an antistatic agent at levels not to exceed 0.1 percent by weight of polyolefin food-contact films.

Dated: September 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10543; Filed, Oct. 3, 1963; 8:47 a.m.]

CHEMAGRO CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical O,O-Dimethyl S-4-Oxo-1,2,3-Benzotriazin-3(4H)-Ylmethyl Phosphorodithioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, has withdrawn its petition published in the FEDERAL REGISTER of March 2, 1963 (28 F.R. 2069), proposing an extension of the present tolerance of 2 parts per million for residues of the insecticide *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on snap beans to beans (succulent and dried, except lima beans, blackeyed peas, and cowpeas).

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 30, 1963.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 63-10544; Filed, Oct. 3, 1963; 8:47 a.m.]

MERCK CHEMICAL DIVISION, MERCK & CO., INC.

Notice of Filing of Petition Regarding Food Additives; Penicillin Plus Streptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1202) has been filed by Merck Chemical Division, Merck & Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of combinations of penicillin and streptomycin in swine feed, as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Penicillin+streptomycin.	90-300			For swine: 90-300 gm. of combination; not less than 15 gm. of penicillin+75 gm. of streptomycin nor more than 50 gm. of penicillin+250 gm. of streptomycin; as procaine penicillin and streptomycin sulfate.	Treatment of bacterial swine enteritis.

Dated: September 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10546; Filed, Oct. 3, 1963; 8:47 a.m.]

ELANCO PRODUCTS CO., DIVISION OF ELI LILLY AND CO.

Notice of Filing of Petition Regarding Food Additives Tylosin, Streptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1151) has been filed by Elanco Products Company, a Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the amendment of § 121.217 *Tylosin* to provide for the safe use of tylosin with streptomycin in swine feed, as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Tylosin	10-100			As tylosin phosphate: 10-20 gm. per ton, 10 lb. to market weight; 20-40 gm. per ton, animal weight 41-100 lb.; 20-100 gm. per ton, animal weight up to 40 lb.	Growth promotion and feed efficiency.
1.2 Tylosin+streptomycin.	10-100			As tylosin phosphate plus streptomycin sulfate in combinations containing from 1 part tylosin with 3 parts streptomycin to 3 parts tylosin with 1 part streptomycin, as follows: 10-20 gm. per ton, 10 lb. to market weight; 20-40 gm. per ton, animal weight 41-100 lb.; 20-100 gm. per ton, animal weight up to 40 lb.	Do.

Dated: September 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10545; Filed, Oct. 3, 1963; 8:47 a.m.]

NATIONAL DAIRY PRODUCTS CORP.

Notice of Filing of Petition Regarding Food Additive Succinylated Monoglycerides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 771) has been filed by National Dairy Products Corporation, 801 Waukegan Road, Glenview, Illinois, proposing the issuance of a regulation to provide for the safe use of succinylated monoglycerides as an emulsifier in edible oils and fats and as a dough conditioner in bread.

Dated: September 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10547; Filed, Oct. 3, 1963; 8:47 a.m.]

NIAGARA CHEMICAL DIVISION

as described in the licensee's applica-

(5) If new air service to Garland fo-

No. R-52 as amended and in the application

NIAGARA CHEMICAL DIVISION, FMC CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical Tetradifon

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Niagara Chemical Division, FMC Corporation, Middleport, New York, has withdrawn its petition published in the FEDERAL REGISTER of June 1, 1963 (28 F.R. 5442), proposing the establishment of tolerances for residues of the insecticide tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) in or on cottonseed and certain beans.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 30, 1963.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 63-10548; Filed, Oct. 3, 1963; 8:48 a.m.]

PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1211) has been filed by Pennsylvania Industrial Chemical Corporation, 120 State Street, Clairton, Pennsylvania, proposing the amendment of § 121.2526 *Resinous and polymeric coatings for paper and paperboard* to provide for the use of α-methylstyrene-vinyltoluene copolymers in food-contact coatings for paper and paperboard.

Dated: September 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10549; Filed, Oct. 3, 1963; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R-52. The license authorizes The University of Arizona to operate its TRIGA type nuclear reactor, located in Tucson, Arizona. The amendment authorizes the licensee to perform experiments using high temperature tests assemblies in its TRIGA Mark I reactor, as described in the licensee's application for license amendment dated July 22, 1963 and supplemental amendment dated August 10, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 22, 1963 and supplemental amendment dated August 10, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 26th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-52; Amdt. 5]

License No. R-52, as amended, issued to The University of Arizona, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-52, as amended, The University of Arizona is authorized to perform experiments using high temperature test assemblies in its TRIGA Mark I reactor located on the campus in Tucson, Arizona, as described in its application for license amendment dated July 22, 1963 and supplemental amendment dated August 10, 1963.

Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-52, as amended, and in the application for license amendment dated July 22, 1963, and supplemental amendment thereto dated August 10, 1963.

This amendment is effective as of the date of issuance.

Date of issuance: September 26, 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10517; Filed, Oct. 3, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13939 etc.]

BUSINESS AND ECONOMY FARES

Notice of Postponement of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, now assigned to be held October 8, 1963, is postponed until October 15, 1963, at 10:00 a.m. (eastern daylight time) in Room 725, Universal Building, 1825 Connecticut Avenue, Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., September 30, 1963.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 63-10553; Filed, Oct. 3, 1963; 8:48 a.m.]

[Docket 14668 etc.]

MICHIGAN POINTS "USE IT OR LOSE IT" CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 401, 1001, and 1004 thereof, that the above-entitled proceeding is hereby assigned for hearing on October 15, 1963, at 10 a.m., in the Terrace Room, Lansing Civic Center, 505 West Allegan St., Lansing, Mich., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following matters:

(1) Do the public convenience and necessity require the continuation of the authority of North Central Airlines, Inc., to serve Cadillac-Reed City, Pontiac, and Port Huron, Mich.?

(2) If North Central's authority to serve these cities is continued, what shall be the terms, alterations, amendments, or modifications attached to such authority?

(3) If North Central continues to serve any or all of the points in question, should each point be served through its own or an area airline service airport?

(4) Do the public convenience and necessity require amendment of the certificate of public convenience and necessity of North Central so as to authorize air transportation serving Gaylord, Mich.?

(5) If new air service to Gaylord is found required, what shall be the terms, conditions, or restrictions under which such service should be authorized?

(6) If new air service to Gaylord is authorized, should this city be served through its own airport or an area airline service airport, and if so, to which one?

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered by the Board and the examiner, the documents filed by the parties, and the examiner's prehearing conference report served May 2, 1963, and supplemental report served May 20, 1963, all of which are on file with the Docket Section of the Civil Aeronautics Board.[1]

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before October 11, 1963, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., September 30, 1963.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 63-10554; Filed, Oct. 3, 1963; 8:48 a.m.]

[Docket 12445]

PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Prehearing Conference

Application of Pan American World Airways, Inc., for a determination that its proposed acquisition of an interest in Ala-Austral, S.A. de Transporte Aereo will not constitute acquisition of control within the meaning of section 408 of the Federal Aviation Act of 1958, as amended, or, if the Board should determine otherwise, for approval of such acquisition.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held on October 7, 1963, is hereby indefinitely postponed.

Dated at Washington, D.C., September 30, 1963.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 63-10555; Filed, Oct. 3, 1963; 8:48 a.m.]

[Docket 13777; Order E-20057]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of October 1963.

[1] Matters occurring prior to July 23, 1963, the date of severance of this proceeding from Docket 14288 et al., would be found in that docket.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates; Agreement C.A.B. 17233, R-2, R-4, and R-5.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional specific commodity rates as set forth in the attachment hereto.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17233, R-2, R-4 and R-5[1] is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10556; Filed, Oct. 3, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63-EA-11]

WLOK, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (1-OE-3410) to determine its effect upon the safe and efficient utilization of navigable airspace.

WLOK, Incorporated, Lima, Ohio, proposes to construct a television antenna structure in Lima, Ohio, at latitude 40°44'54" N., longitude 84°07'55" W. The overall height of the structure would be 1419 feet above mean sea level (549 feet above ground).

The proposed construction was circularized with the height of the structure as 1435 feet above mean sea level (565 feet above ground); however, the proponent subsequently amended the proposal to the height shown above.

The structure would replace the company's existing 1218 feet above mean sea level tower which is located within 50 feet of the proposed site.

The aeronautical study disclosed that the structure would be located approximately three miles southeasterly of the Lima Airport and five miles northwesterly of the Allen County Airport. At this location the structure would be within the congested area of the city of Lima, Ohio, and outside of the traffic pattern of the two airports. It would not be within a control zone, control area extension, airway, within five miles of any approved off-airway route or known VFR route generally used by aircraft.

The study disclosed, however, that the structure would be within the instrument approach area of a planned (Lima) VOR approach to Runway 9 at the Allen County Airport. The planned procedure would have a 600-foot landing minimum for straight-in approach. This minimum would be raised to 800 feet with the construction of the structure proposed by WLOK, Inc., unless a final approach fix or facility were provided. The Agency has no plans to install additional Navaids and cannot assure an acceptable final approach fix from existing facilities; therefore, the minimum would probably be raised.

The study disclosed another factor which would mitigate the potential adverse effect the proposed structure would have upon the planned VOR procedure. The present VOR approach provides straight-in and circling minimums of 400-1, except that circling minimums for aircraft with approach speeds over 65 knots are 500-1. Therefore, even though the planned approach discussed in the previous paragraph were to be established with 800-foot straight-in and circling minimums, aircraft could continue to use the present VOR approach procedure with its lower landing minimums anytime the ceiling went below 800 feet.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes associated with either the Lima Airport or the Allen County Airport or upon any en route operations.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under

[1] Filed as part of the original document.

§ 77.39 [New] (27 F.R. 10352). If the cause delay to instrument approach op-

Agreement No. FF 1022 between C.S.

§ 77.39 [New] (27 F.R. 10352). If the appeal is denied the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on September 27, 1963.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-10518; Filed, Oct. 3, 1963; 8:45 a.m.]

[OE Docket No. 63-SO-15]

WDEF BROADCASTING CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-2507) to determine its effect upon the safe and efficient utilization of navigable airspace.

The WDEF Broadcasting Company, Chattanooga, Tennessee, proposes to increase by 462 feet the height of an existing television antenna structure near Chattanooga, Tennessee, at latitude 35°-08'05" N., longitude 85°19'25" W. The new overall height of the structure would be 2,749 feet above mean sea level (841 feet above ground).

The existing structure is within the boundaries of VOR Federal airways Nos. 5 and 5E/243 approximately 15 miles northwest of the Chattanooga VORTAC and at the proposed height would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations by 641 feet since it would be more than 200 feet above ground within the boundaries of an airway.

The aeronautical study disclosed that the structure would require an increase from 3,400 feet to 3,700 feet in the minimum transition altitude from Whitwell, Haletown and Bridgeport Intersections to Chattanooga Radio Beacon.

The study also disclosed that because of the relatively short distance from the proposed structure to Lovell Field, only aircraft with a very fast climb capability would be able to depart on course with safety when proceeding in a northerly or westerly direction. Due to the high terrain and present towers in the Chattanooga area, the Agency has found it necessary to caution pilots, operating aircraft with limited climb capabilities and departing on routes west through north, that they should request clearance to climb on a track of either 016° or 196° from the instrument landing system middle marker to 3,000 feet before continuing climb on course. The greater height of the proposed structure would further complicate this problem.

The increase in the minimum transition altitudes that would be required if this structure were constructed would cause delay to instrument approach operations because of the higher initial approach altitude. In addition, when air traffic control found it necessary to direct a departing aircraft on the above special climb procedure, aircraft awaiting approach would be further delayed or approaches would be stopped altogether until the departing aircraft had left the immediate area or climbed to an altitude above 4,000 feet. Thus, when the Chattanooga terminal area was under heavy IFR traffic and minimum weather conditions, approach and departure procedures could become quickly saturated and traffic unavoidably delayed. During Fiscal Year 1963, there were 19,433 instrument operations and 3,321 instrument approaches at Lovell Field.

The study disclosed that the above procedures and minimum flight altitudes cannot be altered to accommodate the proposed structure without having a substantial adverse effect upon aeronautical operations in the Chattanooga terminal area.

The Agency study further disclosed that, if constructed to the height proposed, the structure would require visual flight rules aircraft departing the Chattanooga area in a northerly and westerly direction and proceeding on a course after take-off which would overlie the structure site, to alter course during climb-out to obtain adequate vertical or horizontal obstruction clearance from the structure. The FAA report of VFR general aviation operations for Fiscal Year 1962 indicates approximately 480 aircraft filed VFR flight plans between Chattanooga and points northerly and westerly.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on September 30, 1963.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-10519; Filed, Oct. 3, 1963; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

S. JACKSON & SON, McCANDLESS, INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

S. Jackson & Son, McCandless, Inc., New Orleans, Louisiana, is party to the following agreements, the terms of which are identical. The other parties are:

Meadows Wye & Co., Inc., New York, N.Y.	FF-1020
Fabius & Co., Inc., New York, N.Y.	FF-1021

J. P. Harle Forwarding Co., Houston, Texas, is party to the following agreements, the terms of which are identical. The other parties are:

John J. Moylan & Co., Los Angeles, Calif.	FF-1025
Anderson Shipping Co., Savannah, Ga.	FF-1026
Fillette, Green & Co. of Tampa, Tampa, Fla.	FF-1027
H. S. Thielen, Inc., Lake Charles, La.	FF-1028
J. E. Lowden & Co., San Francisco, Calif.	FF-1029
Paul A. Boulo, Mobile, Ala.	FF-1030

Hasman & Baxt of La., Inc., New Orleans, Louisiana, is party to the following agreements, the terms of which are identical. The other parties are:

Milton G. West, Baton Rouge, La.	FF-1015
The J. P. Fleisig Co., New York, N.Y.	FF-1016

The following agreements have similar terms:

W. J. Byrnes & Co., San Francisco, Calif. and The A. W. Fenton Co., Inc., Cleveland, Ohio	FF-929
Jay International, Inc., Philadelphia, Pa. and Dyson Shipping Co., Inc., New York, N.Y.	FF-1013
Amerford International Corp., New York, N.Y. and W. R. Zanes & Co., Houston, Texas	FF-1014
Globe Shipping Co., Inc., New York, N.Y. and Geo. S. Bush & Co., Portland, Oreg.	FF-1017
Joseph Craig & Co., Savannah, Ga. and The Hipage Co., Norfolk, Va.	FF-1018
John A. Merritt & Co., Pensacola, Fla. and Southern Steamship Agency, Inc., Gulfport, Miss.	FF-1019
Reynolds & Puzon, Inc., New York, N.Y. and Coastal Forwarders, Charleston, S.C.	FF-1024

Agreement No. FF-699 between D. C. Andrews & Co., Inc., New York, N.Y.; D. C. Andrews & Co. of Ill., Inc., Chicago, Ill; D. C. Andrews & Co. of La., Inc., New Orleans, La.; D. C. Andrews & Co. of Md., Inc., Baltimore, Md.; D. C. Andrews & Co. of Mass., Inc., Boston, Mass. and Paul Sustek Company, Philadelphia, Pa., is a working arrangement under which the parties may perform freight forwarding services for each other. Forwarding and service fees are subject to agreement. There is no division of ocean freight compensation.

Agreement No. FF-1022 between C. S. Greene & Co., Inc., Chicago, Ill., and Sherriff Guerringue, Inc., Seattle, Wash., is a working arrangement under which the parties may perform freight forwarding services for each other. Forwarding and service fees are $5.00 per shipment with special services remaining subject to agreement. Ocean freight compensation is to be divided equally.

Agreement No. FF-1023 between C. S. Greene & Co., Inc., Chicago, Ill., and Air Cargo Brokerage Co., Miami, Fla., is a working arrangement under which the parties may perform freight forwarding services for each other. Forwarding and service fees are $7.50 per shipment with special services remaining subject to agreement. Ocean freight compensation is to be divided 40 percent for Air Cargo Brokerage Co. and 60 percent for C. S. Greene and Co., Inc.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building South, 600 South Street, New Orleans 12, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By the Federal Maritime Commission.

Dated: October 1, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10532; Filed, Oct. 3, 1963; 8:46 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE

Extension of Time for Filing Comments on Agreement

Notice is hereby given that the time for filing comments with respect to Agreement 14-19, between the member lines of the Trans-Pacific Freight Conference (Hong Kong), notice of which was published in the FEDERAL REGISTER on September 12, 1963, 28 F.R. 9227, is hereby extended to and including October 9, 1963.

Dated: October 1, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10533; Filed, Oct. 3, 1963; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2394]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for License

SEPTEMBER 27, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Wisconsin Michigan Power Company (correspondence to: W. E. Shubert, Vice President, Wisconsin Michigan Power Company, 807 South Oneida Street, Appleton, Wisconsin), for license for constructed Project No. 2394, located on the Menominee River, in Menominee County, Michigan, and in Marinette County, Wisconsin, in the vicinity of the Community of Amberg, Wisconsin, and Village of Stephenson, Michigan.

The project consists of: a reservoir of about 882 acres created by a dam having two earth sections, a concrete spillway section with intake integral with the powerhouse of sufficient height to provide a hydraulic head of about 28 feet—the spillway section containing eleven tainter gates and a fish chute; a powerhouse containing three 3,750 horsepower turbines each connected to a 2,600 kilowatt generator; an operators village; a 2.32 mile long transmission line to a point where it connects with Applicant's transmission system; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 22, 1963. The application is on file with Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10528; Filed, Oct. 3, 1963; 8:46 a.m.]

[Docket No. CP64-47]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 27, 1963.

Take notice that on August 26, 1963 Northern Natural Gas Company (Northern) filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity to install uprating kits on the existing gas turbine compressor units at the Tescott and Macksville Compressor Stations located in Kansas.

The proposed uprating kits contain component parts of the units which are being replaced due to gradual deterioration caused by required high temperature operation. The new parts are made of material superior to the original parts and will withstand high temperature operation for an estimated 100,000 hours before replacement is required.

The original parts need reconditioning at approximately 50-60,000 hour intervals. All of the units at the two stations have exceeded 50,000 hours of operation. Northern considered reconditioning the existing parts which would probably result in an additional 50-60,000 hours of operation. Although the replacement program costs more initially, an overall savings in maintenance costs will be realized because of the longer period between replacement.

In addition, installation of the kits will develop approximately 500 additional horsepower per unit at the two stations; however, Northern does not propose any increase in system saleable capacity, nor is such horsepower required to enable Northern to meet its delivery obligations.

Installation of the proposed uprating kits is estimated to cost $613,200. It is proposed that the kits will be installed at the Tescott Station in the summer of 1964 and at the Macksville Station in the summer of 1965.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1963 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10526; Filed, Oct. 3, 1963; 8:45 a.m.]

[Docket Nos. RI64-150—RI64-156]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 27, 1963.

Skelly Oil Company, Docket No. RI64-150; Wichita River Oil Corporation,

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No. RI64-151; Cabot Corporation

American Petroleum Corporation, Docket

of natural gas subject to the jurisdic-

Docket No. RI64–151; Cabot Corporation (SW), Docket No. RI64–152; Clyde Beymer, Jr., et al., Docket No. RI64–153; L. A. Douglas (Operator), et al., Docket No. RI64–154; Benedum-Trees Oil Company, et al., Docket No. RI64–155; Pan American Petroleum Corporation, Docket No. RI64–156.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–150	Skelly Oil Co., P.O. Box 1650, Tulsa 2, Okla.	89	4	Northern Natural Gas Co. (Lovington Gasoline Plant, Lea County, N. Mex.) (Permian Basin Area).	$8,404	8–28–63	[1] 9–28–63	2–28–64	10.5124	[2] 11.5380	
RI64–151	Wichita River Oil Corp., P.O. Box 1130, Wichita Falls, Tex.	5	2	Lone Star Gas Co. (Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	3,134	9–3–63	[4] 10–4–63	3–4–64	11.0	[2] 12.0	
RI64–152	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex.	40	4	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area) (Ochiltree and Hansford Counties, Tex.) (R.R. District No. 10).	2,410	8–30–63	[1] 10–1–63	3–1–64	[3] 16.5	[3] 17.5	
RI64–153	Clyde Beymer, Jr., et al., Lakin, Kans.	2	7	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.)	1,632	9–3–63	[4] 10–4–63	3–4–64	[2] 11.0	[2] [5] 12.5	
RI64–154	L. A. Douglas (Operator), et al., 745 Milam Bldg., San Antonio, Tex.	1	5	Texas Eastern Transmission Corp. (Violet Field, Nueces County, Tex.) (R.R. District No. 4).	960	9–9–63	[1] 11–1–63	4–1–64	15.2	[6] 15.6	RI63–4
RI64–155	Benedum-Trees Oil Co. et al % Meyers & Batzell, Shoreham Bldg., Washington 5, D.C., Attn: Mr. Ivan V. Kerno.	10	7	Texas Eastern Transmission Corp. (DeLate Charco Field, Brooks County, Tex.) (R.R. District No. 4).	550	9–9–63	[1] 11–1–63	4–1–64	15.4	[6] 15.6	RI63–113
RI64–156	Pan/American Petroleum Corp., Oil and Gas Bldg., P.O. Box 1410, Fort Worth 1, Tex.	348	9	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8) (Permian Basin Area).	180	8–30–63	[1] 10–1–63	3–1–64	[6] 11.106	[7] [8] 17.09938	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Subject to downward Btu adjustment.
[4] The stated effective date is the first day after expiration of the required statutory notice.
[5] Renegotiated rate increase.
[6] Two-step periodic rate increase.
[7] Favored-nation rate increase.
[8] Includes tax reimbursement of 0.106 cent per Mcf.
[9] Includes tax reimbursement of 0.09938 cent per Mcf.

Clyde Beymer, Jr., et al. (Beymer), request a retroactive effective date of January 1, 1959, for their proposed renegotiated rate increase. Good cause has not been shown for the granting of an earlier effective date for Beymer's proposed increased rate and such request is denied.

El Paso Natural Gas Company (El Paso) has protested the rate increase filed by Pan American Petroleum Corporation (Pan American). El Paso states, inter alia, that the single basis upon which Pan American predicates its increase proposal is that of favored-nation activation; that the rates which Pan American identifies as triggering its favored-nation clause are those which have been the product of El Paso's efforts to renegotiate its Permian Basin contracts, and that such rates were negotiated with those producers who agreed to the elimination of favored-nation clauses from their contracts. El Paso asserts that the favored-nation provisions of Pan American's contract require, prior to activation, something more than the bare assertion, as made, that El Paso is paying higher rates in the delineated favored-nation area; that the clause demands comparison of all factors and conditions pertinent to the sale of gas under the contracts pursuant to which the asserted triggering price is paid and under the contract sought to be escalated on a favored-nation basis. Under the circumstances, we shall provide that the hearing provided for herein for Pan American shall concern itself with the contractual basis as well as the statutory lawfulness of Pan American's rate filing.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of Pan American's proposed rate filing which El Paso has protested, and the statutory lawfulness of all of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commisison orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of Pan American's proposed rate filing which El Paso has protested, and the statutory lawfulness of all of the producers' proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before November 13, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–10527; Filed, Oct. 3, 1963; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 37–64]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Notice of Proposed Organization and Conduct of Business of Subsidiary Service Company and Related Transactions

SEPTEMBER 30, 1963.

In the matter of Allegheny Power System, Inc., Allegheny Power Service Corporation, and Monongahela Power Company, 320 Park Avenue, New York, New York; File No. 37–64.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and Monongahela Power Company ("Monongahela"), an electric-utility subsidiary company of Allegheny, have filed a joint application-declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") requesting authorization of certain proposed transactions, and have designated sections 6, 7, 9(a), 10, 12, and 13 of the Act and Rules 40(b), 43, and 88 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the said application-declaration on file in the office of the Commission for a statement of the proposals contained therein which are summarized below.

Allegheny controls 10 electric-utility subsidiary companies which provide electric service in Maryland, Ohio, Pennsylvania, Virginia, and West Virginia. The Allegheny holding-company system had consolidated assets of approximately $641 million as of December 31, 1962 and consolidated operating revenues of approximately $172 million for the 12 months ended that date.

Allegheny has 7 officers and 31 other employees who perform supervisory, coordination, engineering, financial, legal, regulatory, tax, accounting, insurance, and other services for operating subsidiary companies without charge, and also perform the corporate and fiscal functions of Allegheny. Three employees of Monongahela and one employee of West Penn Power Company ("West Penn"), an electric-utility subsidiary company of Allegheny, perform area development, construction engineering, and transmission engineering services at cost for certain operating companies pursuant to expense-sharing agreements.

It is proposed to organize Allegheny Power Service Corporation ("Service Company") under the laws of Maryland with authorized capital stock of 50,000 shares, $10 par value per share, and to transfer the aforesaid servicing activities of Allegheny, Monongahela, and West Penn to Service Company. In connection therewith, applicants-declarants will enter into the following transactions:

1. Service Company will issue and sell, and Allegheny will acquire pursuant to Rule 40(b), 5,000 shares of the authorized but unissued capital stock of Service Company for $50,000 and $450,000 principal amount of long-term, unsecured notes of Service Company at the principal amount thereof. Such notes will mature in 25 years, and will bear interest at the New York commercial bank prime rate in effect from time to time, and may be prepaid at any time without penalty. Service Company also will issue and sell from time to time during the period of 5 years from the date of issuance of the Commission's order herein, and Allegheny will acquire pursuant to Rule 40(b), additional notes of Service Company up to a maximum principal amount thereof of $500,000. Such notes will carry the same provisions and be subject to the same conditions and limitations as the notes proposed to be initially issued. Service Company will maintain its aggregate capital at all times at amounts equivalent approximately to the sum of two months' operating expenses, plus the cost of its property less accumulated depreciation and amortization.

2. Allegheny will sell at its depreciated and amortized cost of approximately $328,000, and Service Company will acquire, all of the physical property and leasehold improvements now owned by Allegheny. Service Company will commence operations with initial capital of $500,000, of which approximately $328,000 will be invested in property and approximately $172,000 in cash will be available as working capital.

3. All the employees of Allegheny and the aforesaid 4 employees of Monongahela and West Penn will be transferred to the payroll of Service Company which also will assume all other expenses in respect of such personnel. The directors and officers of Service Company will be selected without regard to whether interlocking positions between Service Company and associate companies result.

4. Pursuant to the terms of a standard form of service contract to be executed with each associate company receiving services, Service Company will perform for such companies at cost the services heretofore performed for them by Allegheny, Monongahela, and West Penn, and such additional services as may be feasible.

5. The costs of services to be rendered by Service Company will include all costs of doing business, including interest on indebtedness, but excluding any return on the company's initial equity capital. These costs will be allocated among associate companies on the basis of job-time reports. The companies will be billed monthly for estimated costs of services rendered, and such billings will be adjusted to an actual-cost basis at the end of each year.

Service Company estimates that its total expenses for the first year of operations will amount to $995,000, of which approximately $169,000 will be charged to Allegheny. The remainder of approximately $826,000 will be charged to operating subsidiary companies of the system, and of such amount approximately $754,000 will constitute additional service costs to those companies. The total annual expenses of Allegheny will be reduced by approximately the same amount, from $1,775,000 to $1,020,000, and Allegheny will continue to bear the entire costs of its corporate and fiscal functions. The proposed transactions will not result in any increases in the consolidated expenses of the holding-company system.

The applicants-declarants represent that the organization and conduct of business of Service Company will permit more equitable allocation of system service costs, and will improve utilization of system manpower with resulting estimated system savings of $100,000 a year and other benefits. It is further represented that the proposed transactions will not of themselves result in, or be the basis for, any application or filing to increase the present rates of any operating subsidiary company, although the proposed service charges to such companies will be reflected in their costs of service in any rate proceedings.

The West Virginia Public Service Commission and the Virginia State Corporation Commission have jurisdiction over the service contracts proposed to be executed by Service Company with five associate companies. Petitions for approval of such contracts have been filed with the aforesaid Commissions, and copies of any orders entered therein will be supplied by amendment. The service contracts proposed to be executed by Service Company with two associate companies are required to be filed with, but need not be approved by, the Pennsylvania Public Utility Commission, and have been so filed. The applicants-declarants represented that, except as hereinbefore noted, no State or Federal commission other than this Commission has jurisdiction in respect of the proposed transactions.

The applicants-declarants request that the joint application-declaration be granted and permitted to become effective forthwith, so as to allow temporary authority for the proposed organization and conduct of business of Service Company and related transactions for a period of 30 months or such longer period as the Commission may determine, subject to further order of the Commission. Service Company agrees that, if the requested authorizations are allowed, the company will furnish the Commission during the period of temporary authority with such information as the Commission may request with respect to Service Company.

Notice is further given that any interested person may, not later than October 30, 1963, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affi-

davit or, in case of an attorney-at-law, by

[File Nos. 70–4158, 31–671]

company's principal customer and which

davit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rule as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10538; Filed, Oct. 3, 1963; 8:47 a.m.]

[File No. 24A-1591]

KALIKO DEVELOPMENT CORP.

Order Vacating Order Temporarily Suspending Regulation A Exemption

SEPTEMBER 30, 1963.

Kaliko Development Corporation, 1328 Thirteenth Street, Columbus, Georgia, has filed with the Commission an affidavit signed by its board chairman and its underwriter stating that:

1. Kaliko Development Corporation has fully redeemed in cash certain promissory notes issued to previous purchasers who elected to accept the offer of recission incorporated in the offering circular;

2. Kaliko has terminated the offering and desires to withdraw the unsold portion of the securities covered by the filing;

3. No securities have been offered and/or sold since January 27, 1963, the date when a revised offering circular was required under Rule 256(a) of Regulation A.

It appearing in view of the foregoing that there does not any longer exist any basis for the Commission's order dated August 19, 1963, temporarily suspending the company's Regulation A exemption, that it is not necessary in the public interest and for the protection of investors that said order be made permanent, and that a hearing is not necessary in the premises,

It is ordered, That the order dated August 19, 1963, temporarily suspending respondent's exemption under Regulation A be vacated.

It is further ordered, That respondent be allowed to withdraw its filing as to the unsold portion of the securities offered thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10539; Filed, Oct. 3, 1963; 8:47 a.m.]

[File Nos. 70-4158, 31-671]

PENN FUEL GAS, INC., AND JOHN H. WARE, 3d

Notice of Filing of Applications for Approval of Acquisition of Capital Stock of New Subsidiary and for Exemption

SEPTEMBER 30, 1963.

Notice is hereby given that Penn Fuel Gas, Inc. ("Penn Fuel"), a holding company which, subject to certain conditions, is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("Act"), and John H. Ware, 3d. ("Ware"), 55 South Third Street, Oxford, Pennsylvania, an affiliate of Penn Fuel, have filed a joint application (File No. 70-4158), pursuant to sections 9 and 10 of the Act, in which Penn Fuel proposes to acquire the capital stock of Emmitsburg Gas Company ("Emmitsburg Gas"). Penn Fuel has also filed a new application, and an amendment thereto (File No. 31-671), pursuant to section 3(a)(1) of the Act, for exemption of it, as a holding company, and of each of its subsidiary companies, as such, from the provisions of the Act.

All interested persons are referred to the applications, on file at the office of the Commission, for a statement of the proposed transactions and of the basis for the exemption requested.

Penn Fuel proposes to acquire for $30,000 all of the capital stock, consisting of 300 shares with a par value of $100 per share, of Emmitsburg Gas, a Maryland corporation, recently organized to provide natural gas service in the Town of Emmitsburg, Maryland, and vicinity, an area in which no gas service, other than bottled gas service, is currently available. The service area of Emmitsburg Gas will be within about 3 miles of the Maryland-Pennsylvania state line, in north-central Maryland, about 16 miles southeast of Waynesboro, Pennsylvania, served by Waynesboro Gas Company, a public-utility subsidiary company of Penn Fuel, and within 100 miles of the service areas of a majority of the other public-utility subsidiary companies of Penn Fuel. The employees of Waynesboro Gas Company will initially provide the management of Emmitsburg Gas. The proceeds from the sale of its capital stock, together with advances from Penn Fuel, and advances by others in aid of construction, will be used by Emmitsburg Gas to pay the cost of construction, estimated at $213,300, of the necessary transmission and distribution facilities.

The facilities to be constructed will consist of (a) a retail distribution system in the Town of Emmitsburg and (b) approximately seven miles of 6-inch lateral pipeline extending from a tap in Pennsylvania on the natural gas pipeline of The Manufacturers Light and Heat Company, a non-affiliated company, southward through the Town of Emmitsburg to the adjacent grounds of St. Joseph's Central House, a religious institution, which initially will be the new company's principal customer and which has advanced or will advance $72,000 in aid of construction, to be repaid by certain credits to the customer's monthly gas bills.

The application states that the Public Service Commission of Maryland has jurisdiction over the issuance by Emmitsburg Gas of its capital stock, the acquisition thereof by Penn Fuel, and the authorization of the gas service by Emmitsburg Gas; that the Federal Power Commission has jurisdiction over the construction of the proposed lateral natural gas line; that applications have been or will be made to such agencies for the requisite authorizations and approvals; and that application has been made to the Town of Emmitsburg for a franchise authorizing Emmitsburg Gas to engage in the distribution of natural gas in the town. The fees and expenses to be incurred in connection with the acquisition are estimated at not in excess of $1,500.

With respect to the requested exemption, the application states that Penn Fuel, a Pennsylvania corporation, is a holding company and is also engaged directly in the sale of bottled gas and appliances. It has 21 subsidiary companies, all Pennsylvania corporations, engaged in the retail distribution of natural and liquefied petroleum gas wholly within that State, and except for the proposed operations of Emmitsburg Gas and relatively minor liquefied petroleum gas facilities, neither Penn Fuel nor any of its utility subsidiary companies owns or operates any property outside Pennsylvania or receives delivery of gas at the State border.

At June 30, 1963, the consolidated assets of Penn Fuel and its subsidiary companies, after deducting applicable reserves, aggregate $9,834,224. For the twelve months then ended, the consolidated revenues amounted to $6,102,510 (including $5,569,992 utility revenues) and consolidated gross income and net income amounted to $545,367 and $298,608, respectively. The revenues of Emmitsburg Gas are estimated at $91,000 in the first year of its operation, $100,000 the second year, and $106,000 the third year; its gross income for those years is estimated at $8,200, $10,400, and $12,100, respectively, and its net income at $2,900, $4,600, and $5,900, respectively.

Applicant consents to the continuance of the conditions heretofore imposed by the Commission in its opinion and order of June 29, 1951 In the Matter of Penn Fuel Gas, Inc. and John H. Ware, 3d, File No. 70-2507, and In the Matter of Penn Fuel Gas, Inc., File No. 69-71, 32 S.E.C. 514 and Holding Company Act Release No. 10646, except to the extent that such conditions have heretofore been released by express action of the Commission.

Notice is further given that any interested person may, on or before October 18, 1963, request in writing that a hearing be held in respect of either or both applications, stating the nature of

his interest, the reasons for such request, and the issues of fact or law which he seeks to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants, at the above-stated address; and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application for approval of the acquisition of the Emmitsburg Gas stock, as filed or as it may be amended, may be granted, as provided in Rule 23 of the general rules and regulations under the Act, or the Commission may grant exemption from such rules and regulations, as provided in Rules 20(a) and 100 thereof; and the application for exemption may be granted, or the Commission may take such other action in respect of either application as it deems appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10540; Filed, Oct. 3, 1963; 8:47 a.m.]

[File No. 811-303]

TRUSTEED NEW YORK BANK SHARES

Notice on Motion To Terminate Registration

SEPTEMBER 30, 1963.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") that Trusteed New York Bank Shares ("Trusted"), 20 Broad Street, New York 5, New York, has ceased to be an investment company.

Trusteed was a Unit Investment Trust organized pursuant to a custodian agreement between National Associated Dealers, Inc., acting as Sponsor, and Empire Trust Company, acting as successor Trustee. The Sponsor was dissolved by proclamation of the Secretary of the State of New York on December 15, 1947. On October 22, 1948 the Trust was terminated by accelerated action of the Trustee and a first distribution of assets was made to holders on December 2, 1948. A final distribution was paid on October 19, 1956, and the Trustee no longer holds any assets of the Trust.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on its motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 14, 1963 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order may be issued by the Commission, unless an order for hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10541; Filed, Oct. 3, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION I

W. T. Grant Co., 149 South Main Street, Fall River, Mass.; effective 9-25-63 to 3-31-64 (variety store; 39 employees).

W. T. Grant Co., No. 5, 858 Purchase Street, New Bedford, Mass.; effective 9-5-63 to 3-31-64 (variety store; 46 employees).

REGION II

S. S. Kresge Co., No. 221, Sayre Woods Shopping Center, Highway 9, Parlin, N.J.; effective 9-13-63 to 3-31-64 (variety store; 32 employees).

REGION III

F. W. Woolworth Co., No. 117, 1314 11th Avenue, Altoona, Pa.; effective 9-13-63 to 3-31-64 (variety store; 33 employees).

REGION VI

Neisner Brothers, Inc., No. 50, 150 North Chicago Street, Joliet, Ill.; effective 9-13-63 to 3-31-64 (variety store; 36 employees).

Neisner Brothers, Inc., No. 98, 6344 West Cermak Road, Berwyn, Ill.; effective 9-10-63 to 3-31-64 (variety store; 17 employees).

Red Cross Drug Co., 3701 Durand Avenue, Racine, Wis.; effective 8-22-63 to 3-31-64 (drug store; 11 employees).

Red Cross Drug Co., 520 Goold Street, Racine, Wis.; effective 8-22-63 to 3-31-64 (drug store; 8 employees).

Red Cross Drug Co., 320 Sixth Street, Racine, Wis.; effective 8-22-63 to 3-31-64 (drug store; 9 employees).

REGION VII

Ball's Super Market, Inc., 5420 Leavenworth Road, Kansas City, Kans.; effective 6-10-63 to 3-31-64 (food store; 26 employees).

Ball's Thriftway Market, Inc., 3400 State Avenue, Kansas City, Kans.; effective 6-10-63 to 3-31-64 (food store; 21 employees).

Hested Store, No. 772, 58th and Garrison, Arvada, Colo.; effective 6-10-63 to 3-31-64 (variety store; 14 employees).

REGION X

Kuhn's 5-10-25¢ Store, 124 Franklin Street, Clarksville, Tenn.; effective 9-28-63 to 3-31-64 (variety store; 25 employees).

Kuhn's 5-10-25¢ Store, 129 North Main Street, Dickson, Tenn.; effective 9-28-63 to 3-31-64 (variety store; 26 employees).

Kuhn's 5-10-25¢ Store, East Lincoln Street, Tullahoma, Tenn.; effective 9-28-63 to 3-31-64 (variety store; 18 employees).

Kuhn's 5-10-25¢ Store, Front Street and Public Square, Winchester, Tenn.; effective 9-28-63 to 3-31-64 (variety store; 29 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

H.E.B. Food Store, No. 56, 516 North Main, Taylor, Tex.; effective 9-14-63 to 3-31-64; package boy, stock boy, bottle boy; 10 percent for each month (food store; 33 employees).

H.E.B. Food Store, No. 58, Loop 410 South and Lackland Drive, San Antonio, Tex.; effective 9-12-63 to 3-31-64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 25 employees).

H.E.B. Food Store, No. 59, North Star Mall, San Antonio, Tex.; effective 9-14-63 to 3-31-64; package boy, sack boy, bottle boy; 10 per-

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cent for each month (food store; 61 employees).

H.E.B. Food Store, No. 82, 2600 Seventh Street, Bay City, Tex.; effective 9–14–63 to 3–31–64; package boy, stock boy, bottle boy; 10 percent for each month (food store; 33 employees).

H.E.B. Food Store, No. 84, 302 South Second Street, McAllen, Tex.; effective 9–14–63 to 3–31–64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 37 employees).

H.E.B. Food Store, No. 85, 120 West Rice Street, Falfurrias, Tex.; effective 9–14–63 to 3–31–64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 22 employees).

Jupiter, No. 4531, Cross Roads Shopping Center, 760 North Main Street, West Hartford, Conn.; effective 9–21–63 to 3–31–64; sales clerk; between 4.3 percent and 10 percent (variety store; 9 employees).

S. S. Kresge Co., No. 775, Azalea Plaza, 3727 Oleander Drive, Wilmington, N.C.; effective 9–21–63 to 3–31–64; sales clerk; between 3.5 percent and 10 percent (variety store; 27 employees).

Mart Grocers, Inc., 8601 East 40 Highway, Kansas City, Mo.; effective 9–18–63 to 3–31–64; shag boys; 10 percent for each month (food store; 25 employees).

F. W. Woolworth Co., No. 2484, 1105 Shelby Street, Indianapolis, Ind.; effective 9–17–63 to 3–31–64; salesladies; between 4.8 percent and 10 percent (variety store; 44 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 26th day of September 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–10531; Filed, Oct. 3, 1963; 8:46 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Federal Power Commission

Effective upon publication in the FEDERAL REGISTER, paragraph (f) of § 6.325 is amended and paragraph (i) is added as set out below.

§ 6.325 **Federal Power Commission.**

* * * * *

(f) Two Technical Assistants to each Commissioner.

* * * * *

(i) The Assistant Executive Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A fifteenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Paragraph (f) of § 213.3329 is amended and paragraph (i) is added as set out below.

§ 213.3329 **Federal Power Commission.**

* * * * *

(f) Two Technical Assistants to each Commissioner.

* * * * *

(i) The Assistant Executive Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10605; Filed, Oct. 4, 1963; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraphs (45) and (46) are added to paragraph (a) of § 6.342 as set out below.

§ 6.342 **Housing and Home Finance Agency.**

(a) *Office of the Administrator.* * * *

(45) One Assistant Commissioner (Program Planning). Community Facilities Administration.

(46) One Assistant Commissioner (Operations and Standards), Community Facilities Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A sixteenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraphs (35) and (36) are added to paragraph (a) of § 213.3344 as set out below.

§ 213.3344 **Housing and Home Finance Agency.**

(a) *Office of the Administrator.* * * *

(35) One Assistant Commissioner (Program Planning), Community Facilities Administration.

(36) One Assistant Commissioner (Operations and Standards), Community Facilities Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10606; Filed, Oct. 4, 1963; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (d) of § 6.113 is amended as set out below.

§ 6.113 **Department of Labor.**

* * * * *

(d) *Bureau of Labor Statistics.*

(1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A fourteenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows.

Subparagraph (1) of paragraph (d) of § 213.3115 is amended as set out below.

§ 213.3115 **Department of Labor.**

* * * * *

(d) *Bureau of Labor Statistics.*

(1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this au-

thority and any other authorities for ex-

surance may not be made by an owner-

second sentence of subsection 6(b) of this

1. The rice endorsement, published in

thority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–10607; Filed, Oct. 4, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. No. 64]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

PEANUTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year in the following respects:

1. Paragraph (b) of § 401.3 of this chapter is amended effective beginning with the 1964 crop year by substituting the words "cotton, peanut, or tobacco" for the words "cotton or tobacco" wherever they appear therein.

2. That portion of the first sentence of section A of application Form FCI–12, March 1962, shown in paragraph (e) of § 401.3 of this chapter which reads "(for cotton and tobacco insurance, on his interest, sharecropper and share tenant interest, or both, as specified in paragraph B below)" is amended effective beginning with the 1964 crop year to read as follows: "(for cotton, peanut, and tobacco insurance, on his interest, sharecropper and share tenant interest, or both, as specified in paragraph B below)".

3. That portion preceding the colon in section B of the application Form FCI–12, March 1962, shown in paragraph (e) of § 401.3 of this chapter, is amended effective beginning with the 1964 crop year to read as follows:

B. Applicable only to cotton, peanuts, and tobacco:

4. That portion of the last sentence following the colon in section E of the application Form FCI–12, March 1962, shown in paragraph (e) of § 401.3 of this chapter is amended effective beginning with the 1964 crop year to read as follows: "*Provided, however,* That application for cotton, peanut, or tobacco insurance may not be made by an owner-operator or tenant-operator and a sharecropper or share tenant jointly."

5. That portion of the title of application Form FCI–812-Supplement shown in paragraph (f) of § 401.3 of this chapter which reads "in cotton and tobacco crops" is amended effective beginning with the 1964 crop year to read "in cotton, peanut, and tobacco crops".

6. Section 7 of the peanut endorsement shown in § 401.36 of this chapter is amended effective beginning with the 1964 crop year by adding the following subsections (c), (d), and (e) thereto:

(c) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of peanuts on such acreage whether produced by his own or other person's labor. Land rented for cash or for a fixed commodity payment shall be considered owned by the lessee.

(d) "Tenant-operator" means a person who rents land from another person for a share of the peanut crop, or proceeds therefrom, produced on such land and is responsible for farm management with respect to the production of peanuts on such acreage whether produced by his own or other person's labor.

(e) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works peanuts under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom and includes a person employed on the farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the peanut crop, or proceeds therefrom, produced on a specified acreage of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

7. The peanut endorsement shown in § 401.36 of this chapter is amended effective beginning with the 1964 crop year by adding a new section 10 to read as follows:

10. *Life of contract, cancellation, or termination thereof.* Notwithstanding section 15(b) of the policy, insurance may be provided in any crop year to any person who cancelled his contract for that crop year and who applies for insurance to cover (1) an interest (individual or sharecroppers') not covered by the cancelled contract, or (2) both the individual and sharecroppers' interest where only one such interest was covered under the cancelled contract.

8. The peanut endorsement shown in § 401.36 of this chapter is amended effective beginning with the 1964 crop year by adding a new section 11 to read as follows:

11. *Minimum support price per pound.* If in any crop year, the peanuts on any insurance unit are destroyed prior to the issuance of the support price per pound for the insured type for that crop year, the insured may elect that the provisions of this section 11 shall apply to his contract of insurance with respect to the insured production on such unit. In the event of such election, the references to the term "support price per pound for the insured type for the crop year under the peanut price support program administered by the United States Department of Agriculture" appearing in section 4 of this endorsement and to the term "support price per pound for the crop year under the peanut price support program for the insured type" appearing in the second sentence of subsection 6(b) of this endorsement shall both be deemed to be a reference to the minimum support price per pound for the insured type for the crop year under the peanut price support program administered by the United States Department of Agriculture.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 30, 1963.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on: October 2, 1963.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 63–10587; Filed, Oct. 4, 1963; 8:46 a.m.]

[Amdt. No. 63]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COMBINED CROP

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year in the following respects:

1. Section 4 of the combined crop endorsement shown in § 401.19 of this chapter is amended effective beginning with the 1964 crop year in the following respects: The reference to section 5(c) of the individual crop endorsement for corn is changed to section 6(a). The last sentence is deleted.

2. The combined crop endorsement shown in § 401.19 of this chapter is amended effective beginning with the 1964 crop year by deleting sections 5 and 6 and by redesignating sections 7 and 8 as sections 5 and 6, respectively.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 30, 1963.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on: October 2, 1963.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 63–10586; Filed, Oct. 4, 1963; 8:46 a.m.]

[Amdt. No. 61]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

RICE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year in the following respects:

1. The rice endorsement, published in § 401.27 of this chapter, is amended effective beginning with the 1964 crop year to read as follows:

§ 401.27 The rice endorsement.

The provisions of the rice endorsement for the 1964 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table: *Provided, however,* That any loss caused by drought, or the application of saline water, shall not be a cause of loss insured against.

2. *Insured crop.* Insurance shall not be considered to have attached on any acreage on which it is determined by the Corporation that the rice was (a) destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture, (b) seeded for the development of hybrid seed, (c) seeded on acreage which was seeded to rice for the two preceding crop years, (d) a second crop following a rice crop harvested in the same calendar year, (e) seeded on acreage on which a cotton crop was treated with calcium arsenate in the previous crop year, or (f) not seeded for harvest as grain.

3. *Pound guarantee, and price per pound.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the pound guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The pound guarantee per acre shown on the county actuarial table shall be increased by two hundred pounds for any acreage on which the amount threshed is two hundred pounds or more per acre.

At the time the application for insurance is made the applicant shall elect a price per pound at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1964 crop year may elect the price per pound to be in effect beginning with the 1964 crop year. If for the 1964 or any succeeding crop year any applicant, or insured, has not elected a price per pound, or has elected a price per pound not shown on the county actuarial table for the crop year, the price per pound election which shall be applicable under such contract, and which the insured is deemed to have elected, shall be the amount provided on the county actuarial table for such purposes.

For any crop year, any insured may change the price per pound which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per pound at which indemnities shall be computed shall be the price most recently in force under the contract: *Provided,* That if such price is not one shown on the county actuarial table for the crop year it shall be the price provided for such purpose on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the rice is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the rice is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of rice on the unit by the applicable pound guarantee per acre, which product shall be the pound guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per pound for computing indemnities: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That on any acreage from which less than two hundred pounds per acre are threshed, the total production to be counted under the provisions of this section shall be that amount in excess of two hundred pounds per acre, except that the production to be counted for any acreage of rice which is abandoned or put to another use without the consent of the Corporation shall be the pound guarantee provided on the county actuarial table.

(b) In determining total production, volunteer rice growing with the seeded rice crop shall be counted as rice on a weight basis.

(c) The total production to be counted shall include any threshed production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(d) Notwithstanding any provisions of this section for determining production to be counted, in any case where the quality of any production of threshed rough rice is reduced solely by insured causes occurring within the insurance period to the extent that the value per pound, as determined by the Corporation, is less than 80 percent of the market price at the nearest mill center (at the time the loss is adjusted) for the same variety of rough rice grading U.S. No. 3 (determined in accordance with Official Grain Standards of the United States) with a milling yield per hundredweight of 55 pounds in the case of Nato and 48 pounds of heads for other varieties (whole kernels) and 68 pounds total milling yield (heads, second heads, screenings and brewers) and such rice, if properly handled, would not have a value equal to or greater than 80 percent of such market price, the number of pounds of such rice to be counted shall be adjusted by (1) dividing the value of the damaged rice per pound, as determined by the Corporation, by 80 percent of the market price per pound at the nearest mill center (at the time the loss is adjusted) for the same variety of rough rice grading U.S. No. 3 with a milling yield per hundredweight of 55 pounds in the case of Nato and 48 pounds of heads for other varieties (whole kernels) and 68 pounds total milling yield (heads, second heads, screenings and brewers), and (2) multiplying the result thus obtained by the number of pounds of production of such damaged rice.

6. *Meaning of terms.*

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of rice in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of rice in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Mill center" means any location in which two or more mills are engaged in milling rough rice.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 30, 1963.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on: October 2, 1963.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 63–10588; Filed, Oct. 4, 1963; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 28]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.382 Grapefruit Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C.

1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 1, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 7, 1963, and ending at 12:01 a.m., e.s.t., October 21, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: October 3, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10636; Filed, Oct. 4, 1963; 8:49 a.m.]

[Orange Reg. 28]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.383 Orange Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 1, 1963; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 7, 1963, and ending at 12:01 a.m., e.s.t., October 21, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}4/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 3, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10637; Filed, Oct. 4, 1963; 8:49 a.m.]

[Tangerine Reg. 13]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.384 Tangerine Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 7, 1963. The Growers Administrative Committee held an open meeting on October 1, 1963, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the production area, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines, grown in the production area, at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 7, 1963, and ending at 12:01 a.m., e.s.t., October 21, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 3, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10639; Filed, Oct. 4, 1963; 8:49 a.m.]

[Tangelo Reg. 13]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.385 Tangelo Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 7, 1963. The committee held an open meeting on October 1, 1963, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, at the start of this marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relative to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 7, 1963, and ending at 12:01 a.m., e.s.t., October 21, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 3, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10638; Filed, Oct. 4, 1963; 8:49 a.m.]

[Valencia Orange Reg. 67]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.367 Valencia Orange Regulation 67.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 3, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 6, 1963, and ending at 12:01 a.m., P.s.t., October 13, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 4, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10688; Filed, Oct. 4, 1963; 11:36 a.m.]

[Lemon Reg. 83]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.383 Lemon Regulation 83.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 1, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 6, 1963, and ending at 12:01 a.m., P.s.t., October 13, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 162,750 cartons;

(iii) District 3: 45,190 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 3, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10635; Filed, Oct. 4, 1963; 8:49 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of October 1963:

In the table of § 1067.11(b) opposite the month of October, the following: "40".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This provision relates to the shipping requirement for a supply plant to maintain pool status for the month of October 1963.

(4) This action has been requested by a cooperative association in the market. The action will enable the cooperative to maintain pool status for its supply plant and thereby facilitate the orderly disposition of the market's reserve supply of milk which, as seems likely, will not be needed during the month of October 1963.

(5) A like suspension of this provision was issued for the months of August and September 1963. It appears that the conditions which necessitated such suspension for those months will continue to prevail during the month of October.

Therefore, good cause exists for making this order effective October 1, 1963.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of October 1963.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1963.

Signed at Washington, D.C., on October 1, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-10585; Filed, Oct. 4, 1963; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Washington and Pennsylvania

§ 1.127 Washington State Public School Plant Facility Bonds and Public Buliding Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $25,750,000 Public School Plant Facilities Bonds, 1961 and the $10,000,000 Public Building Bonds, 1961, of the State of Washington for purchase, dealing in, underwriting, and unlimited holding by National Banks under Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) These bonds are to be issued by the State of Washington under acts which provide that the bonds are not to be general obligations of the state but are payable from the sales tax revenues of the state. The acts also provide, however, that the state undertakes to maintain such taxes so as to provide sufficient funds to pay the bonds and interest thereon.

(2) The Supreme Court of the State of Washington has held with respect to these bonds that if the state undertakes or agrees to provide any part of a fund from any general tax, be it excise or ad valorem, the securities issued upon the credit of the fund are likewise issued upon the credit of the state and are, in truth, debts of the state. It has also ruled, however, that these bonds are lawful and valid and shall be issued in accordance with the terms of the statutes authorizing them.

(c) *Ruling.* It is our conclusion that the Public School Plant Facilities Bonds, 1961, and the Public Building Bonds, 1961, of the State of Washington, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks.

(Source: Comptroller's letter dated August 16, 1963)

§ 1.128 Commonwealth of Pennsylvania Tax Anticipation Notes.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $115,000,000 Commonwealth of Pennsylvania Tax Anticipation Notes, Series of 1963, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks under Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* Stable current revenues of the Commonwealth of Pennsylvania, which, in accordance with official estimates, are expected to amount to more than five times the amount to be borrowed, are pledged for the repayment of these notes. The Commonwealth of Pennsylvania has thus made fully adequate provision from its tax revenues for the payment of these notes.

(c) *Ruling.* Following the principles applied in the ruling on the Georgia State Authorities, 12 CFR 1.111, it is our conclusion that the Tax Anticipation Notes, Series 1963, of the Commonwealth of Pennsylvania are eligible for purchase, dealing in, underwriting and unlimited holding by National Banks.

(Source: Comptroller's letter dated August 16, 1963)

Dated: October 1, 1963.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 63-10582; Filed, Oct. 4, 1963; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Transition Areas

On June 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6404) stating that the Federal Aviation Agency proposed to alter the Battle Creek and Kalamazoo, Mich., control zones and designate transition areas at Battle Creek and Sturgis, Mich.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the following actions are taken:

a. The Battle Creek, Mich., control zone is amended to read:

Battle Creek, Mich.

Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'55" W.), within 2 miles each side of the Battle Creek VORTAC 050° and 215° radials, extending from the 5-mile radius zone to 8 miles NE and SW of the VORTAC, and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of Runway 4.

b. The Kalamazoo, Mich., control zone is amended to read:

Kalamazoo, Mich.

Within a 5-mile radius of Kalamazoo Municipal Airport (latitude 42°14'07" N., longitude 85°33'10" W.), within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles N, S and SW of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer S course, extending from the 5-mile radius zone to the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Battle Creek, Mich.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich., (latitude 42°18'35" N., longitude 85°14'55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course, extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.), within a 4-mile radius of Haines Field, Three Rivers, Mich., (latitude 41°57'30" N., longitude 85°35'30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from Haines Field to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°38'00" N., on the E by longitude 84°50'00" W., on the S by latitude 41°40'00" N., on the SW by a line extending from latitude 41°40'00" N., longitude 85°37'25" W., to latitude 42°08'-00" N., longitude 86°00'00" W., and on the W by longitude 86°00'00" W.

Sturgis, Mich.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Kirsch Airport, Sturgis, Mich., (latitude 41°48'50" N., longitude 85°26'10" W.), and within 8 miles NW and 5 miles SE of the 059° bearing from Kirsch Airport, extending from Kirsch Airport to 12 miles NE of the airport.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10560; Filed, Oct. 4, 1963; 8:45 a.m.]

[Airspace Docket No. 63-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Transition Area, and Designation of Transition Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7353) stating that the Federal Aviation Agency proposed to alter the Clovis, N. Mex., control zone, revoke the Clovis control area extension and Texico, Tex., transition area and, designate the Clovis transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the Notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Clovis, N. Mex., control zone is amended to read:

Clovis, N. Mex.

Within a 6-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 219° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN; within 2 miles each side of the Cannon AFB VOR 227° radial, extending from the 6-mile radius zone to 12 miles SW of the VOR; within 2 miles each side of the Cannon TACAN 232° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN, and within 2 miles each side of the Cannon VOR 242° radial, extending from the 6-mile radius zone to 8 miles SW of the VOR.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the following control area extension:

Clovis, N. Mex.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by revoking the following transition area:

Texico, Tex.

4. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Clovis, N. Mex.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the 217° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 12 miles SW of the RBN, and within 2 miles each side of the 225° bearing from the Cannon RBN, extending from the 14-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 051° radial to the Cannon VOR 190° radial; within a 37-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 190° radial to the Cannon VOR 226° radial, thence via a line to latitude 34°01'-10" N., longitude 104°04'00" W., thence to latitude 34°09'55" N., longitude 104°03'40" W., thence to latitude 34°10'00" N., longitude 103°55'00" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning; that airspace E of Clovis within 10 miles N and 7 miles S of the Texico, Tex., VOR 093° and 273° radials, extending from the 30-mile radius area to 25 miles E of the VOR; within 5 miles each side of the Cannon VOR 084° radial, extending from the 30-mile radius area to 51 miles E of the VOR; and that airspace extending upward from 8,000 feet MSL NW of Clovis bounded by a line beginning at latitude 34°32'30" N., longitude 103°55'00" W., thence to latitude 34°28'30" N., longitude 104°05'15" W., thence to latitude 34°38'00" N., longitude 104°10'30" W., thence to latitude 34°46'40" N., longitude 104°05'25" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning. The portions of this transition area within R–5104 and R–5105 shall be used only after obtaining prior approval from the appropriate authority.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10561; Filed, Oct. 4, 1963; 8:45 a.m.]

[Airspace Docket No. 61-NY-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Areas and Alteration of Control Area Extension

On August 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7913) stating that the Federal Aviation Agency proposed to alter the Boston, Mass., control area extension and designate the Boston, Mass., and Nantucket, Mass., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.165 (27 F.R. 220–59, November 10, 1962) the text of the Boston, Mass., control area extension is amended to read:

That airspace bounded by a line beginning at latitude 43°25'32" N., longitude 70°36'50" W., to latitude 43°21'30" N., longitude 70°-19'20" W., to latitude 43°15'00" N., longitude 70°30'00" W., to latitude 42°44'20" N., longitude 70°37'00" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°35'00" N., longitude 70°34'45" W., thence to latitude 42°35'00" N., longitude 70°30'00" W., to latitude 42°-15'20" N., longitude 70°30'00" W., to latitude 42°03'00" N., longitude 69°18'00" W., to latitude 41°41'40" N., longitude 69°45'20" W., to latitude 41°19'10" N., longitude 70°-13'40" W., to latitude 41°13'40" N., longitude 70°43'00" W., to latitude 41°36'30" N., longitude 70°43'00" W., to latitude 41°42'20" N., longitude 71°19'10" W., to latitude 42°-35'00" N., longitude 71°58'30" W., to latitude 42°46'40" N., longitude 72°09'15" W., to latitude 43°03'40" N., longitude 71°41'15" W., to latitude 43°13'11" N., longitude 71°-34'33" W., to the point of beginning; and that airspace N and NW of Concord, N.H., within the arc of a 20-mile radius circle centered at the Concord, N.H., VOR; and that airspace outside of the continental control area extending upward from FL 240 to FL 300 inclusive within an 18-mile radius of the Pease, N.H., RBN. The portion of this control area extension which coincides with R–4901 is excluded. The portion of this control area extension at 3,000 feet MSL and below bounded on the N by latitude 43°01'30" N., on the E by W–103, on the S by latitude 42°59'03" N., and on the W by R–4901 is excluded during the time of designation of R–4901. The portion of this control area extension which coincides with R–4101, R–4103 and R–4106 shall be used only after obtaining prior approval from the appropriate authority.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding:

Boston, Mass.

That airspace extending upward from 20,000 feet MSL to FL 300 inclusive E of Boston bounded by a line beginning at latitude 42°24'30" N., longitude 70°15'30" W., to latitude 42°27'50" N., longitude 70°04'00" W., to latitude 42°25'30" N., longitude 70°04'00" W., to latitude 42°24'30" N., longitude 69°46'00" W., to latitude 42°21'30" N., longitude 69°30'00" W., to point of beginning.

Nantucket, Mass.

That airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket CONSOLAN (Monitor site at latitude 41°15'35" N., longitude 70°09'19" W.), on the N by Control 1144, and on the SW by Control 1145; and that airspace from FL 240 to FL 300 inclusive SW of Nantucket, bounded on the N by Control 1169, on the east by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10563; Filed, Oct. 4, 1963; 8:45 a.m.]

[Airspace Docket No. 62-PC-15]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7360) stating that the Federal Aviation Agency proposed to alter the Schofield-Makua, Oahu, Hawaii, Restricted Area R–3109 and the Dillingham, Hawaii, Restricted Area R–3102.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The State of Hawaii, Department of Transportation, Airports Division, objected to the proposal, stating that the proposed alterations would restrict rather than facilitate ingress and egress for general aviation aircraft operating at Dillingham. However, the proposed alteration to R–3102 would restrict flight operations at the Dillingham Airport only when R–3102 is in use by the using agency. The Department of Army has stated that the area will be used approximately 45 days per year, 4 hours per day. The existing restricted area boundaries restrict operations at Dillingham whenever R–3109 is in use, which is estimated to be 10 hours per day throughout the year. Therefore, the proposed alteration would greatly increase the availability of the airport for general aviation use.

No other comments were received.

The substance of the proposed amendment having been published, therefore, for the reasons stated herein and in the Notice, the following action is taken:

1. In § 73.31 *Hawaii* (28 F.R. 19–18 January 26, 1963), R–3109 Schofield-Makua, Oahu, Hawaii is amended to read:

R–3109 Schofield-Makua, Oahu, Hawaii.

Boundaries. Beginning at latitude 21°30'-29" N., longitude 158°04'09" W.; to latitude 21°29'25" N., longitude 158°05'00" W.; to latitude 21°27'28" N., longitude 158°05'55" W.; to latitude 21°29'11" N., longitude 158°-07'35" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'30" N., longitude 158°14'30" W.; to latitude 21°-33'30" N., longitude 158°15'30" W.; to latitude 21°34'51" N., longitude 158°17'30" W.; to latitude 21°35'00" N., longitude 158°15'-24" W.; to latitude 21°32'14" N., longitude 158°05'12" W.; to point of beginning.

Designated altitudes. The area southeast of a line between latitude 21°28'35" N., longitude 158°07'00" W., and latitude 21°29'25" N., longitude 158°05'00" W., surface to 8,000 feet MSL. The area northwest of this line, surface to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

2. In § 73.31 *Hawaii* (28 F.R. 19–18 January 26, 1963), R–3102 Dillingham, Hawaii is amended to read:

R–3102 Dillingham, Hawaii.

Boundaries. Beginning at latitude 21°-35'02" N., longitude 158°11'02" W.; to latitude 21°35'00" N., longitude 158°15'24" W.; to latitude 21°34'51" N., longitude 158°17'-30" W.; to latitude 21°35'23" N., longitude 158°19'40" W.; thence three (3) nautical miles from the shoreline to latitude 21°37'-42" N, longitude 158°09'24" W.; to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. 0700 to 1700 Hawaiian standard time. Monday through Friday.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

This amendment shall become effective 0001 e.s.t. December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 30, 1963.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 63-10562; Filed, Oct. 4, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-578]

PART 13—PROHIBITED TRADE PRACTICES

Bramson, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.30–30 *Fur Products Labeling Act;* § 13.155 *Prices;* § 13.155–70 *Percentage savings.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.-1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.-1852–35 *Fur Products Labeling Act;* § 13.-1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40 (a) *Maker or seller;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bramson, Inc., Chicago, Ill., Docket C–578, Sept. 11, 1963]

Consent order requiring Chicago retail furriers to cease violating the Fur Products Labeling Act by failing, on labels and invoices and in advertising, to show the true animal name of furs; failing on invoices and in advertising to show when fur was artificially colored and the country of origin of imported furs; failing to use the term "natural" on labels and invoices of furs not artificially colored; failing to show the Commission's registered identification on labels; labeling and advertising furs falsely as "Broadtail"; advertising fur products as on sale at "savings of ⅓ to ½ and more", and failing to set forth the term "Dyed Broadtail-processed Lamb" as required in advertising; failing to maintain adequate records as a basis for pricing claims; substituting non-conforming labels for those originally affixed to fur products; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Bramson, Inc., a corporation, and its officers and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution, in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information on labels affixed to fur products.

6. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information re-

quired under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

10. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchases of respondent's fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

6. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

7. Falsely or deceptively represents in any manner that prices of respondent's fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondent Bramson, Inc., a corporation, and its officers and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10572; Filed, Oct. 4, 1963; 8:45 a.m.]

[Docket No. C-577]

PART 13—PROHIBITED TRADE PRACTICES

H. Greenblatt Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–70 *Percentage savings.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act;* § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–70(e) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2280–30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, H. Greenblatt Company, Inc., et al., South Bend, Ind., Docket C-577, Sept. 11, 1963]

In the Matter of H. Greenblatt Company, Inc., a Corporation Trading as Greenblatts Brazy Brothers Furriers and Sylvia Brazy, Lee Brazy, and Simon Brazy, Individually and as Officers of the Said Corporation

Consent order requiring retail furriers in South Bend, Ind., to cease violating the Fur Products Labeling Act by removing required labels prior to delivery of fur products to the ultimate consumers, and by substituting non-conforming labels for those originally attached; failing, on labels and invoices and in advertising, to name the country of origin of imported furs and to use the term "natural" for furs not artificially colored; and labeling imported furs as products of the United States; failing, on tags and invoices, to give the true animal name of the fur, to disclose on labels that fur products contained cheap or waste fur, and labeling "Blue Fox" as "Fox"; failing on invoices to disclose when fur was artificially colored and to set forth the term "Dyed Mouton Lamb" as required, and invoicing "Japanese Mink" as "Mink"; advertising fur products as "up to 70 percent off" when prices were not reduced in such percentage; failing to maintain adequate records to maintain pricing claims; and failing in other respects to conform with requirements of the law.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents H. Greenblatt Company, Inc., a corporation, trading as Greenblatts Brazy Brothers Furriers or under any other trade name and its officers, and Sylvia Brazy, Lee Brazy and Simon Brazy, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution, in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Falsely or deceptively labeling or otherwise identifying any such product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to disclose on labels that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

7. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

5. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

5. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondents H. Greenblatt Company, Inc., a corporation, trading as Greenblatts Brazy Brothers Furriers or under any other trade name and its officers, and Sylvia Brazy, Lee Brazy and Simon Brazy individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product.

It is further ordered, That respondents H. Greenblatt Company, Inc., a corporation, trading as Greenblatts Brazy Brothers Furriers or under any other trade name and its officers, and Sylvia Brazy, Lee Brazy and Simon Brazy individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10573; Filed, Oct. 4, 1963; 8:45 a.m.]

[Docket Nos. C-573—C-575]

PART 13—PROHIBITED TRADE PRACTICES

H & D Grossman Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act;* § 13.1255 *Manufacture or preparation;* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40 (a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 16 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist orders: H & D Grossman Corporation, New York, N.Y., Docket C-573, Sept. 10, 1963, Jo Copeland Furs Inc., et al., New York, N.Y., Docket C-574, Sept. 10, 1963, Harry & Dan Grossman Furs Inc., New York, N.Y., Docket C-575, Sept. 10, 1963]

In the Matters of: H & D Grossman Corporation, a Corporation; Jo Copeland Furs Inc., a Corporation Formerly Doing Business Under the Corporate Name of Brody Grossman Corporation and Harry Grossman and Dan Grossman, Individually and as Officers of the Said Corporation; and Harry & Dan Grossman Furs Inc., a Corporation

Consent orders requiring three affiliated manufacturing and wholesaling furriers in New York City to cease violating the Fur Products Labeling Act by labeling and invoicing artificially colored fur products as natural and failing to disclose on labels and invoices that certain furs were bleached, dyed, etc.; and additionally requiring respondents in Docket C-575 to cease setting forth required information in abbreviated form on invoices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Harry & Dan Grossman Furs Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents in Docket C-575 are additionally required to cease:

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 10, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10574; Filed, Oct. 4, 1963; 8:45 a.m.]

[Docket No. C-579]

PART 13—PROHIBITED TRADE PRACTICES

K. & W. Fur Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods— Goods: § 13.1745 *Source or origin;* § 13.1745-70 *Place;* § 13.1745-70(b) *Foreign, in general.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-50(b) *Place.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2280-30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, K. & W. Fur Co., Inc., et al., New Haven, Conn., Docket C-579, Sept. 11, 1963]

In the Matter of K. & W. Fur Co., Inc., a Corporation, Doing Business as Kresel & Wolf, and George M. Dermer, and Herman Katz, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in New Haven, Conn., to cease violating the Fur Products Labeling Act by failing, on invoices and in advertising, to show the true animal name of fur and when fur was artificially colored, to use the word "natural" for fur that was not bleached etc., and the term "Dyed Broadtail" improperly; failing, on invoices, to show the country of origin of imported furs and to use the term "Persian Lamb" where required; invoicing furs from S.W. Africa as from Russia and using the name of another animal than that which produced a fur; failing to keep adequate records as a basis for pricing claims; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents K. & W. Fur Co., Inc., a corporation doing business as Kresel & Wolf, and its officers, and George M. Dermer and Herman Katz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner, directly or by implication, the country of origin of the fur contained in fur products.

3. Setting forth on the invoices pertaining to fur products the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

5. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

6. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

7. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to described fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

8. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

9. Failing to set forth on invoices the item number or mark assigned to fur products.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10575; Filed, Oct. 4, 1963; 8:46 a.m.]

[Docket No. C-580]

PART 13—PROHIBITED TRADE PRACTICES

Model Home Furniture Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15-195 *Nature;* § 13.70 *Fictitious or misleading guarantees;* § 13.125 *Limited offers or supply;* § 13.235 *Source or origin;* § 13.235-35 *History;* § 13.235-60 *Place;* § 13.235-60(a) *Domestic products as imported.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Model Home Furniture Corporation, et al., Washington, D.C., Docket C-580, Sept. 11, 1963]

In the Matter of Model Home Furniture Corporation, a Corporation, and Evan Sax, and Audrey Sax, Individually and as Officers of Said Corporation.

Consent order requiring retail furniture dealers in Washington, D.C., to cease representing falsely, through use of their corporate name and in advertising, that their principal business was that of decorating and furnishing model homes and apartments and that furniture offered for sale had been obtained from model homes; and to cease representing falsely in newspaper advertising that excessive amounts were regular retail prices or "original cost", that certain furniture was "Danish" and "completely guaranteed", and that merchandise was limited in quantity and as to time on sale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Model Home Furniture Corporation, a corporation, and its officers, and Evan Sax and Audrey Sax, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture, home furnishings or other merchandise to persons or firms other than bona fide exhibitors of model homes or apartments, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Using the words "Model Home Furniture" or any other word or words of similar import or meaning as a part of respondents' trade or corporate name.

b. Representing in any other manner, that respondents' principal business is that of decorating and furnishing model homes and apartments.

It is further ordered, That respondents Model Home Furniture Corporation, a corporation, and its officers, and Evan Sax and Audrey Sax, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture, home furnishings or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Representing, directly or by implication, that furniture or home furnishings offered for sale have been withdrawn or obtained from model homes or apartments: *Provided, however*, That it shall be a defense, hereunder, for respondents to establish the truth of such representations.

b. Representing, directly or by implication, through the use of the words "Compare with groups sold in stores for" or other words or terms of similar import or meaning, or in any other manner, that respondents' merchandise is of a value comparable to any other merchandise retailing at a higher price unless respondents' merchandise is at least of like grade and quality in all material respects as the merchandise with which it is compared and such other merchandise is generally available for purchase at the comparative price in the same trade area or areas where the representation is made.

c. Representing, directly or by implication, that any saving is afforded in the purchase of respondents' merchandise, as compared to the purchase of another's merchandise, unless respondents' merchandise is at least of like grade and quality in all material respects as the merchandise with which it is compared and such other merchandise is generally available for purchase at the comparative price in the same trade area or areas in which the representation is made.

d. Using the words "original cost" or any other words of similar import or meaning, to refer to any amount which is in excess of the price at which such merchandise has been usually and regularly sold by respondents at retail in the recent, regular course of their business; or otherwise misrepresenting the respondents' usual and customary retail selling price of such merchandise.

e. Using the words "worth", "Stores sell this group for" or any other words of similar import or meaning, to refer to any amount which is in excess of the price or prices at which such merchandise is usually and customarily sold in the trade area where the representation is made; or otherwise misrepresenting the usual and customary retail selling price or prices of such merchandise in the trade area.

f. Representing in any manner that, by purchasing any of their merchandise, customers are afforded savings amounting to the difference between respondents' stated selling price and any other price used for comparison with their selling price, unless the comparative price used represents the price at which the merchandise is usually and customarily sold at retail in the trade area involved, or is the price at which such merchandise has been usually and regularly sold by respondents at retail in the recent regular course of their business.

g. Representing, directly or by implication, through the use of the words "Danish Modern", "Danish" or any other terms or words of similar import or meaning, or in any other manner, that domestically manufactured furniture is manufactured in the country of Denmark; or misrepresenting in any other manner the country of origin of respondents' merchandise.

h. Representing, directly or by implication, that merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

i. Representing, directly or by implication, that the quantity of any merchandise is limited or that said merchandise must be purchased within a limited time, where an adequate supply is available.

j. Misrepresenting in any manner the source, price, value, or availability of any item of merchandise or the savings resulting to purchasers thereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10576; Filed, Oct. 4, 1963; 8:46 a.m.]

[Docket No. C-576]

PART 13—PROHIBITED TRADE PRACTICES

Pariseau Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-70 *Percentage savings.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart — Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.*

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Pariseau Corp. (Manchester, N.Y.), et al., Docket C–576, Sept. 10, 1963]

In the Matter of The Pariseau Corp., Rooks, Inc., and Rooks, Inc. of Lynn, Corporations, and Alexander Rooks, Individually and as an Officer of Said Corporations, and George Younger, and Isadore Rooks, Individually and as Officers of The Pariseau Corp., and Jack Younger, Individually and as Manager of the Fur Department of The Pariseau Corp.

Consent order requiring a Massachusetts wholesaler and two New Hampshire retailers of furs to cease violating the Fur Products Labeling Act by failing on labels and invoices and in advertising, to describe as "natural" fur products that were not artificially colored; failing, in invoicing and advertising, to show the country of origin of imported furs and to disclose that certain furs were bleached, etc.; failing on invoices, to show the true animal name of fur and when the product contained cheap or waste fur; failing to use the term "Persian Lamb" in advertising; representing prices falsely as reduced from so-called regular prices which were, in fact, fictitious, and "25 to 30% off" and reduced "up to 50% and more"; failing to maintain adequate records as a basis for pricing claims; substituting non-conforming labels on fur products for those affixed by the manufacturer, etc., and failing in other respects to comply with labeling, invoicing and advertising requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Pariseau Corp., and Rooks, Inc. and Rooks, Inc. of Lynn, corporations and their officers and Alexander Rooks, individually and as an officer of said corporations and George Younger and Isadore Rooks, individually and as officers of The Pariseau Corp. and Jack Younger, individually and as manager of the fur department of The Pariseau Corp., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

2. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner, directly or by implication, the country of origin of the fur contained in fur products.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively advertising any fur product with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Represents, directly or by implication, that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondents in the recent past.

7. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

8. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

9. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

10. Falsely or deceptively represents directly or by implication that the prices of fur products are at or below cost.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondents The Pariseau Corp., and Rooks, Inc. and Rooks, Inc. of Lynn, corporations and their officers and Alexander Rooks, individually and as an officer of said corporations and George Younger and Isadore Rooks, individually and as officers of The Pariseau Corp. and Jack Younger, individually and as manager of the fur department of The Pariseau Corp., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63–10577; Filed, Oct. 4, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

TAGETES MEAL

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399; 21 U.S.C. 376(b)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner of Food and Drugs, based on a petition filed by Dawe's Laboratories, Inc., 4800 South Richmond Street, Chicago, Illinois, and other relevant material, finds that tagetes meal when used in accordance with the conditions prescribed in this order is safe for use in or on foods and that certification is not necessary for the protection of the public health. *Therefore, it is ordered,* That Part 8 be amended by adding to Subpart D the following new section:

§ 8.306 Tagetes (Aztec marigold) meal.

(a) *Identity.* The color additive tagetes (Aztec marigold) meal is the dried, ground flower petals of the Aztec marigold (Tagetes erecta L.) mixed with not more than 0.3 percent ethoxyquin.

(b) *Specifications.* Tagetes (Aztec marigold) meal is free from admixture with other plant material from Tagetes erecta L. or from plant material or flowers of any other species of plants.

(c) *Uses and restrictions.* The color additive tagetes (Aztec marigold) meal may be safely used in chicken feed in accordance with the following prescribed conditions:

(1) The color additive is used to enhance the yellow color of chicken skin and eggs.

(2) The quantity of the color additive incorporated in the feed is such that the finished feed:

(i) Is supplemented sufficiently with xanthophyll and associated carotenoids so as to accomplish the intended effect described in subparagraph (1) of this paragraph; and

(ii) Meets the tolerance limitation for ethoxyquin in animal feed prescribed in § 121.202 of this chapter.

(d) *Labeling requirements.* The label and labeling of the color additive and any premixes prepared therefrom shall bear, in addition to the other information required by the act, and other regulations in this chapter:

(1) The name of the color additive.

(2) A statement of the concentrations of xanthophyll and ethoxyquin contained therein.

(3) Adequate directions to provide a final product complying with the limitations prescribed in paragraph (c) of this section.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be acompanied by a memorandum or brief in support thereof. All documents shall be filed preferably in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), 74 Stat. 399; 21 U.S.C. 376(b)(1))

Dated: October 1, 1963.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 63–10610; Filed, Oct. 4, 1963; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

FOOD ADDITIVES FOR USE IN MILK-PRODUCING ANIMALS

1. The Commissioner of Food and Drugs, having evaluated the data submitted by the Surgets Company, Inc., Spring Valley, Minnesota, and other relevant material, has concluded that salicylic acid is safe and effective for use in milk-producing animals and that § 121.249 should be amended to prescribe conditions of use for this food additive. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.249 is amended by adding thereto the following new paragraph (b):

§ 121.249 Food additives for use in milk-producing animals.

* * * * *

(b) It is used or intended for use for the removal of scar tissue in the teat canal of milk-producing cows.

(1)(i) It contains in each dose 0.55 gram of salicylic acid (in gum arabic and dextrin vehicle).

(ii) Each dose is incorporated upon a device (teat dilator) suitable for insertion into and subsequent removal from the teat canal.

(iii) It bears labeling which directs the user to:

(*a*) Treat lactating cows initially by inserting dosage and removal of the device;

(*b*) Insert second dose and permit device to remain in canal until the next milking; and

(*c*) Insert one dose following each milking for not more than 2 days.

(iv) Milk that has been drawn from animals within 48 hours of such treatment may not be used for food.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where animals producing milk for food are treated with formulations containing salicylic acid, a zero tolerance is required to assure that such milk is safe for food. Therefore Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1140 Salicylic acid.

A tolerance of zero is established for residues of salicylic acid in milk from dairy animals.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order

deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: October 1, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10611; Filed, Oct. 4, 1963; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Streptomycin Tablets; Dihydrostreptomycin Tablets

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for the certification of streptomycin (or dihydrostreptomycin) and streptomycin- (or dihydrostreptomycin-) containing drugs are amended as follows:

In § 146b.104 *Streptomycin tablets; dihydrostreptomycin tablets,* the minimum potency requirement for the tablets is changed from 50 milligrams per tablet to 37.5 milligrams per tablet by changing the third sentence in paragraph (a) to read: "The potency of each tablet is not less than 50 milligrams, except if it is intended solely for veterinary use the potency of each tablet is not less than 37.5 milligrams."

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment in this order merely relaxes existing requirements.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 1, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10612; Filed, Oct. 4, 1963; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Parole Board Directive No. 2]

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Revocation of Parole or Mandatory Release

Under and by virtue of the authority vested in the United States Board of Parole and the Youth Correction Division thereof by Title 18 of the United States Code, particularly Chapter 311 and Part IV, and Subpart T of Part O of Chapter I of Title 28 of the Code of Federal Regulations, §§ 2.40 and 2.41 of Part 2 of Title 28 of the Code of Federal Regulations (Parole Board Directive No. 1, 27 F.R. 8487) are hereby amended to read as follows:

§ 2.40 **Revocation by the Board.**

A prisoner who is retaken pursuant to a warrant issued by the Board or a Member thereof, shall, while being held in custody under authority of such warrant awaiting possible return to a federal institution, be afforded a preliminary interview by an official designated by the Board. Following receipt of a summary or digest of the preliminary interview, the Board shall afford the prisoner an opportunity to appear before the Board, a Member thereof, or an Examiner designated by the Board. If the prisoner requests a local hearing prior to return to a federal institution in order to facilitate the retention of counsel or the production of witnesses, and if he has not been convicted of a crime committed while under community supervision, he shall be afforded a local revocation hearing reasonably near the place of the alleged violation (or one of the alleged violations if more than one is alleged). Otherwise, he shall be given a revocation hearing after he is returned to a federal institution. Following the revocation hearing, the Board may then or at any time within its discretion revoke and terminate the order of parole or mandatory release or modify the terms and conditions thereof. Whenever a parole or mandatory release is thus revoked, the prisoner may be required to serve all or any part of the remainder of the term for which he was sentenced, less such good time as he may earn following his recommitment.

§ 2.41 **Same; legal counsel and witnesses at preliminary interviews and revocation hearings.**

Each alleged parole or mandatory release violator shall be advised that he may be represented by counsel and that voluntary witnesses who have information relevant and material may testify at the preliminary interview or the revocation hearing, or both, authorized by § 2.40: *Provided,* That the alleged violator arranges for the appearance of counsel and witnesses in accordance with procedures prescribed by the Board.

The amendments made by this directive shall be effective as of October 7, 1963.

RICHARD A. CHAPPELL,
Chairman,
United States Board of Parole.

JAMES A. CARR, Jr.,
Chairman, Youth Correction Division, United States Board of Parole.

[F.R. Doc. 63-10678; Filed, Oct. 4, 1963; 10:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. In § 13.58(b), subparagraph (2) is amended to read as follows:

§ 13.58 **Legal custodian.**

* * * * *

(b) *Payment to.* Veterans Administration benefits may be paid to a legal custodian subject to the following conditions:

* * * * *

(2) The proposed legal custodian is qualified to administer the benefits payable and will agree to:

(i) Apply the benefits paid for the best interests of the beneficiary,

(ii) Invest surplus funds as provided by Veterans Administration regulations,

(iii) Provide adequate safeguards for the estate, and

(iv) Establish upon request compliance with agreement and the existence of funds agreed to be saved.

2. In § 13.59(b), subparagraph (8) is revoked.

§ 13.59 **Guardian.**

* * * * *

(b) *Chief Attorney's authority.* * * *

(8) [Revoked]

3. Section 13.66 is revoked.

§ 13.66 **Legal custodian and custodian-in-fact may be required to furnish bond. [Revoked]**

4. Section 13.100 is revised to read as follows:

§ 13.100 **Supervision of fiduciaries.**

(a) In any case where a fiduciary fails to render a satisfactory account or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are illegal or inequitable or in excess of those allowed by law, or has failed to use Veterans Administration funds for the benefit of the ward or his

dependents, or has otherwise failed or neglected to properly execute the duties of his trust, the Chief Attorney will take effective action to protect the interests of the beneficiary.

(b)(1) In any such case he may have all Veterans Administration benefits suspended.

(2) In guardianship cases he may appear in the court of appointment or in any court having original, concurrent, or appellate jurisdiction, and make proper presentation relating to the foregoing matters. His authority includes but is not limited to:

(i) Petitioning the court to cite a guardian to account;

(ii) Filing exceptions to accountings;

(iii) Requiring guardians to file bonds or make any necessary adjustments;

(iv) Requiring investments;

(v) Filing petitions to vacate or modify court orders;

(vi) Appearing or intervening in any State court as attorney for the Administrator of Veterans Affairs in litigation instituted by the Administrator or otherwise affecting money paid to such fiduciary by the Veterans Administration;

(vii) Incurring necessary court costs and other expenses, including witness fees, appeal bonds, advertising in any newspaper or other publication, preparing briefs or transcripts, purchase of records of trial or other records;

(viii) Instituting any other action necessary to secure proper administration of the estate of a Veterans Administration beneficiary, such as filing petitions for the removal of guardians and certifying successor fiduciaries;

(ix) Taking appropriate action to recover funds improperly disbursed.

(3) In custodianship cases he may require an accounting, formal or informal as he deems necessary, of Veterans Administration benefits paid, terminate recognition of the legal custodian, institute proceedings for the appointment of a guardian and render legal services for such guardian in any action against the custodian necessary to the protection of the ward's interests.

(c) Unless a trial is de novo, no appeal shall be taken to an appellate court and no costs incurred in connection therewith without the prior approval of the Chief Benefits Director or his designee.

(d) When the evidence shows a prima facie case of misappropriation, embezzlement or violation of the Federal statutes, the Chief Attorney shall refer the case to the United States Attorney.

5. Section 13.101 is revised to read as follows:

§ 13.101 **Management and use of estates of minors.**

Veterans Administration benefits payable in behalf of minors should be used for their benefit. Such funds should be expended only to the extent the person or persons responsible for their needs are unable to provide for them, except those derived from payments under 38 U.S.C. ch. 35.

6. Section 13.102 is revised to read as follows:

§ 13.102 **Accountability of legal custodians.**

Compliance with the agreement as to benefit use and any authorized modifications due to changed need, proof of existence of funds surplus to immediate needs and proper investment thereof, if appropriate, will be established upon home contact, normally at triennial intervals. Periodic written accountings will not be required.

7. Section 13.103 is revised to read as follows:

§ 13.103 **Investments by legal custodians.**

Veterans Administration benefits paid legal custodians in a beneficiary's behalf may be invested only in United States Savings Bonds, or in interest or dividend paying accounts in state or federally insured banks, building and loan associations, or savings and loan associations, whichever is to the beneficiary's advantage. When funds are invested in bonds, they will be registered in this form:

_____, a minor, under custodianship by designation of the Veterans Administration.
(Ward's Name)

_____
(Ward's Address)

8. Section 13.104 is revised to read as follows:

§ 13.104 **Accounts of guardians.**

(a) The Chief Attorney will require accountings from guardians as provided by State law, but in no event less frequently than once every three years. Arrangements will be made with the courts whereby notices of filing of all petitions, accounts, etc., and of hearings on same, relative to guardianship cases wherein the Veterans Administration is interested, will be sent to the Chief Attorney. If this is done, the court will be notified in due time whether the Veterans Administration has any objections to offer.

(b) Accounts will not be required, in the discretion of the Chief Attorney, in cases when the fiduciary and ward permanently reside in a jurisdiction other than a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico or the Republic of the Philippines, and the fiduciary appointment was made in said jurisdiction.

(c) Accountings normally will not be required in cases involving incompetent adults other than veterans.

9. In § 13.105, paragraph (e) is revoked.

§ 13.105 **Surety bonds.**

* * * * *

(e) [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These Veterans Administration Regulations are effective the date of approval.

Approved: October 1, 1963.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 63-10595; Filed, Oct. 4, 1963; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-43]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Dubois, Idaho. The proposed transition area would extend upward from 700 feet above the surface within a 5-mile radius of Dubois Municipal Airport (latitude 44°09'45" N., longitude 112°12'50" W.), and within 2 miles each side of the Dubois VOR 354° True radial, extending from the 5-mile radius area to the VOR. In addition it would be designated to extend upward from 1,200 feet above the surface within 11 miles east and 7 miles west of the Dubois VOR 170° and 350° True radials, extending from 10 miles north to 20 miles south of the VOR. The airway segments and the portion of the Idaho Falls, Idaho, control area extension which would be within the lateral limits of the proposed transition area would have floors coincident with the floor of the transition area.

No instrument approaches were recorded at Dubois during calendar years 1960, 1961 and 1962. However, the FAA plans to retain the Dubois VOR instrument approach procedure for possible emergency usage.

The proposed transition area would provide protection for aircraft executing prescribed en route instrument holding procedures at the Dubois VOR and for aircraft executing instrument approach and departure procedures at the DuBois Airport.

Certain revisions to the VOR instrument approach procedure would accompany the actions proposed herein. Specific details of these changes may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10566; Filed, Oct. 4, 1963; 8:45 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-CE-100]

RESTRICTED AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.42 of the Federal Aviation Regulations, the substance of which is stated below.

The Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor, R-4204 is described as follows:

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 266° radial of the Wurtsmith AFB, VOR, extending from 5 miles W of the airbase (latitude 44°27'05" N., longitude 83°23'40" W.) to 32 miles W of the airbase, having a width of 1 mile N and 2.3 miles S of the 266° radial at the beginning and a width of 2.3 miles on either side of the 266° radial at the outer extremity.

Designated altitudes. 2,600 feet MSL to 15,600 feet MSL from 5 miles W of the airbase to 6 miles W of the airbase. 2,600 feet MSL to flight level 246 from 6 to 7 miles W of the airbase. 2,600 feet MSL to flight level 270 from 7 to 10 miles W of the airbase. 6,600 feet MSL to flight level 270 from 10 to 15 miles W of the airbase. 10,600 feet MSL to flight level 270 from 15 to 20 miles W of the airbase. 15,600 feet MSL to flight level 270 from 20 to 25 miles W of the airbase. 19,600 feet MSL to flight level 270 from 25 to 32 miles W of the airbase.

Time of designation. Continuous.

Using agency. Wurtsmith AFB Approach Control.

The Federal Aviation Agency is considering a request by the Department of the Air Force to redesignate R-4204 as follows:

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. Beginning at latitude 44°25'30" N., longitude 83°27'10" W. (2 nautical miles SW of the SW end of runway 24), the area, centered on a bearing of 238°, extending to a point 30 nautical miles SW, having a width of 1 nautical mile at the beginning and expanding uniformly to a width of 6 nautical miles at the outer extremity.

Designated altitudes. Surface to flight level 270 from the point of beginning to 3 nmi SW. 2,000 feet MSL to flight level 270 from 3 nmi to 6 nmi SW. 5,000 feet MSL to flight level 270 from 6 nmi to 11 nmi SW. 10,000 feet MSL to flight level 270 from 11 nmi to 15 nmi SW. 14,000 feet MSL to flight level 270 from 15 nmi to 20 nmi SW. 17,000 feet MSL to flight level 270 from 20 nmi to 25 nmi SW. 20,000 feet MSL to flight level 270 from 25 nmi to 30 nmi SW.

Time of designation. Continuous.

Using agency. Wurtsmith AFB Approach Control.

Due to the capability of the latest fighter/interceptor aircraft to reach high speed and high rates of climb in a short time after take-off, the Federal Aviation Agency has revised the criteria for establishing restricted area/military climb corridors for use by these aircraft. The Air Force request for modification of R-4204 is consistent with the new criteria. Altered as proposed R-4204 will provide protection for air defense aircraft and other air traffic operating in the vicinity of Wurtsmith Air Force Base, during the initial climb phase of air defense missions. The using agency would authorize aircraft to operate within R-4204 when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on September 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10565; Filed, Oct. 4, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1992]

DOUGLAS MODEL DC-8 SERIES AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Douglas Model DC-8 Series Aircraft. There have been several failures due to cracking of the wing flap drive link assembly and in some instances these failures have resulted in an asymmetric flap condition due to jamming of the flap actuating mechanism. To correct this unsafe condition, this AD requires inspection of the wing flap drive link assembly and rework or replacement of any parts found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Council: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 5, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all Model DC-8 Series aircraft (except Model DC-8F-54).

Compliance required as indicated.

There have been several failures due to cracking of the wing flap drive link assemblies at Wing Station $X_w=97.906$ and $X_t=219.498$. In some instances these failures have resulted in an asymmetric flap condition due to jamming of the flap actuating mechanism. To correct this unsafe condition, the flap drive link assemblies set forth in paragraph (a) having the grease fitting located on the outer periphery of the flap drive link, shall, unless already accomplished, be reworked or replaced in accordance with the requirement of paragraph (b).

(a) Wing Station $X_w=97.906$; inboard flap drive link assembly P/N's 5644642-501 and -505 P/N 5714890, or P/N 5767588.

Wing Station $X_t=219.498$; midwing flap drive link assembly P/N 5644644-501, P/N 5714888, or P/N 5767489.

(b) Within the next 500 hours' time in service after the effective date of this AD on flap drive links having 5,500 or more hours' time in service as of the effective date of this AD and prior to the accumulation of 6,000 hours' time in service on flap drive links having less than 5,500 hours' time in service as of the effective date of this AD, accomplish the following:

(1) Remove attach bolt P/N 2713573, and sleeve bushing P/N 2766396, located at the flap compensating link attachment to the flap drive links and conduct a close visual inspection on the inside of the flap drive link lug for any evidence of cracks around the area of the lubrication hole.

(2) If no cracks are found as a result of the inspection per (1), or if cracks are found that do not exceed the ⅜ inch diameter back-spotface dimension shown in Figure (1) of DC-8 Service Bulletin No. 27-137, rework the flap drive link lubrication hole in accordance with the instructions outlined in paragraph 2B(1) of Service Bulletin No. 27-137, or FAA approved equivalent. If cracks are found that exceed the limits specified herein, the part shall be replaced with an undamaged part before further flight.

(3) Subsequent to the rework outlined in (2) and prior to return of the flap link to service, visually reinspect the back-spotfaced area around the lubrication hole to insure that all damaged material has been removed. If cracks still exist upon completion of the lubrication hole rework per (2), the part shall be replaced with an undamaged part before further flight.

(4) Reidentify flap drive links that have been reworked per (2).

(Douglas DC-8 Service Bulletin No. 27-137, Reissue No. 2, dated May 30, 1963, covers this same subject.)

Issued in Washington, D.C., on October 1, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-10564; Filed, Oct. 4, 1963; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

WHEAT GRAIN STANDARDS

Notice of Change in Location of Hearing

A proposed revision of the Official Grain Standards of the United States for Wheat was published in the FEDERAL REGISTER on August 3, 1963 (28 F.R. 7949). The proposed revision stated that an informal public hearing would be held at 9:30 a.m., October 11, 1963, in the City Library Auditorium, Toledo, Ohio.

Notice is hereby given that the above-mentioned public hearing will be held on the scheduled time and date in the Grand Ballroom of the Commodore Perry Hotel, Jefferson and Superior Streets, Toledo, Ohio, and not in the City Library Auditorium.

Dated at Washington, D.C., this 1st day of October 1963.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 63-10584; Filed, Oct. 4, 1963; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Released 40-3776]

TRANSACTIONS WITH AFFILIATED PERSONS

Proposed Exemptions

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of § 270.17a-6 (Rule 17a-6) under the Investment Coinpany Act of 1940 ("Act") to provide certain additional exemptions from the requirements of section 17(a) of the Act. The Commission proposes to rescind the present § 270.17a-6 and to adopt an amended § 270.17a-6 pursuant to sections 6(c) and 38(a) of the Act.

It is proposed that the exemptions from section 17(a) of the Act provided by the present § 270.17a-6 be broadened (a) to include exemptions for certain additional types of transactions with respect to which the nature of the affiliation between the parties is limited to that which the present rule requires as a condition for exemption and (b) to provide exemptions for such transactions with any registered investment company.

The present § 270.17a-6 exempts from the prohibitions of section 17(a)(1) and 17(a)(3) of the Act, subject to certain conditions, the sale of securities or other property to, and the borrowing of money or other property from, a registered investment company which is a small business investment company licensed under the Small Business Investment Act of 1958 (SBIC) where such transactions are prohibited solely because of an affiliation created through the owning, controlling or holding with power to vote, by the SBIC of voting securities of a small business concern. The exemption is not available if any person having an affiliate, promoter or principal underwriter relationship with the SBIC also has a direct or indirect financial interest in the small business concern.

The proposed amended § 270.17a-6 would not be limited to transactions with SBIC's, and would extend the exemptions provided by the present rule to any type of transaction between (1) an affiliated company of a registered investment company, or an affiliated person of such affiliated company and (2) the registered investment company or any company controlled by the registered investment company, provided that the transaction would be prohibited by section 17(a) only because (a) the registered investment company controls the affiliated company or (b) the registered

investment company directly or indirectly owns, controls or holds with power to vote five per centum or more of the securities of the affiliated company.

The proposed amended rule would provide that an exemption under the rule is unavailable if any affiliated person, promoter or principal underwriter of the registered investment company, or an affiliated person of (i) such promoter or principal underwriter, (ii) any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting securities of the registered investment company, (iii) any person directly or indirectly controlling or under common control with the registered investment company, (iv) any officer, director, or employee of the registered investment company, and (v) any investment adviser or depositor of the registered investment company, has a direct or indirect financial interest (with limited exceptions) in the affiliated company, in any controlled company of the registered investment company involved in the transaction, or in any affiliated person of such affiliated or controlled company.

In addition, the proposed amended rule would adopt as a condition for an exemption under the rule a requirement that the outstanding securities (other than short-term paper) of any party to the transaction other than the registered investment company be beneficially owned by not more than one hundred persons.

The basic purpose of the amended rule would be substantially the same as that of the existing rule, i.e., to eliminate filing and processing applications in circumstances in which there appears to be no likelihood that the statutory finding for a specific exemption under section 17(b) could not be made.

Section 17(b) of the Act provides that the Commission shall exempt a proposed transaction from the prohibitions of section 17(a) if evidence establishes that the terms thereof are reasonable and fair and do not involve overreaching on the part of any person concerned and that the the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act provides that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

The proposed § 270.17a–6 includes conditions to the availability of an exemption which are intended to assure that the exemption will be available only where there appears to be no likelihood of overreaching of the investment company. Moreover, the proposed rule includes a condition to assure that the exemption will not be available for transactions which might involve overreaching of other groups of public investors. Under the terms of the proposed rule, where the outstanding securities of any party to the transaction, other than the registered investment company, are beneficially owned by more than one hundred persons, no exemption from the provisions of section 17(a) is provided by the rule. (Of course, an application for exemption of such a transaction may be filed pursuant to section 17(b). Under the standards of section 17(b), the Commission will issue an order exempting the transaction if it is reasonable and fair and does not involve overreaching on the part of any person concerned.)

Illustrative of the type of transaction involving the sale and purchase of securities or other property, by an affiliated company or an affiliated person thereof to or from a registered investment company or a controlled company thereof, which would be exempt under the proposed rule, provided all of its conditions are met, are the following:

a. The conversion of convertible securities or exercise of options issued by an affiliated company. (If its conditions are met, § 270.17a–4 may also exempt such transactions.)

b. A material revision of the terms of securities issued by an affiliated company, or a loan agreement with respect thereto, e.g., to extend the maturity date or interest rate of a loan or to provide for subordination in respects not previously agreed to.

c. A reorganization of the capital structure of an affiliated company, or a merger of an affiliated company and a controlled company.

The present § 270.17a–6 requires that the pertinent details of each transaction for which exemption is claimed under the rule shall be reported by the investment company in its next annual report to its stockholders and in a report filed with the Commission within 30 days after the end of each semi-annual accounting period of the investment company. The proposed rule does not contain such a requirement. Instead, the Commission intends to give consideration to an amendment to Form N–30A–1 (listed and described, § 274.101) and Form N–5R (§ 274.5), used in filing annual reports to the Commission, to include therein a specific item calling for the pertinent details of transactions exempt pursuant to § 270.17a–6. As an alternative to including this information in the annual report to the Commission, consideration is also being given to a requirement that a registered investment company keep a separate record of all transactions exempt pursuant to § 270.17a–6 in which such company or a controlled company thereof participates, which record would be maintained for a stated period of time and would show the pertinent details of each such transaction and the bases upon which it is claimed that the requirements of the rule are met. The Commission invites comments on these or other alternatives to the reporting requirements of present § 270.17a–6.

The text of the proposed amended § 270.17a–6 (Rule 17a–6) reads as follows:

§ 270.17a–6 Exemption of transactions with certain affiliated persons.

A transaction with a registered investment company, or any company controlled by a registered investment company, shall be exempt from the provisions of section 17(a) of the Act, provided all of the following conditions are met:

(a) The other party to the transaction is an affiliated company of a registered investment company, or an affiliated person of such affiliated company.

(b) The sole bases upon which the affiliated company is affiliated with the registered investment company are that the registered investment company (1) controls the affiliated company or (2) directly or indirectly owns, controls or holds with power to vote five per centum or more of the outstanding voting securities of the affiliated company.

(c)(1) No affiliated person or promoter of or principal underwriter for the registered investment company, and no affiliated person of—

(i) Such promoter or principal underwriter,

(ii) Any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the registered investment company,

(iii) Any person directly or indirectly controlling or under common control with the registered investment company,

(iv) Any officer, director, or employee of the registered investment company, and

(v) Any investment adviser or depositor of the registered investment company,

has a direct or indirect financial interest in the affiliated company or in any affiliated person thereof, or in the controlled company of the registered company, or in any affiliated person of such controlled company, if the transaction is with such controlled company.

(2) The term "financial interest" as used in subparagraph (1) of this paragraph shall not include (i) usual and ordinary fees for services as a director; (ii) any interest through ownership of securities issued by the registered investment company; (iii) any interest held by a wholly-owned subsidiary of the registered investment company; or (iv) an interest acquired in a transaction described in paragraph (d)(3) of § 270.17d–1 (Rule 17d–1) under the Act.

(d) The outstanding securities (other than short-term paper) of any party to the transaction other than the registered investment company are beneficially owned by not more than one hundred persons. For the purpose of this paragraph, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that, if a company other than the registered investment company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

All interested persons are invited to submit views and comments on the proposed amended § 270.17a–6. Written statements of views and comments in respect of the proposed amended Rule should be submitted to the Securities and Exchange Commission, Washington, D.C., 20549, on or before October 31, 1963. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 27, 1963.

[F.R. Doc. 63–10581; Filed, Oct. 4, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Colorado

Designation of counties within the Great Plains Area of the Ten Great Plains States where the Great Plains Conservation Program is specifically applicable:

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 USC 590p (b)), as amended, the following counties in the following State are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

COLORADO

Alamosa.	Rio Grande.
Costilla.	

Done at Washington, D.C., this 30th day of September 1963.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 63-10618; Filed, Oct. 4, 1963; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

Allowance During Fiscal Year Ended June 30, 1963

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by Internal Revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by the Tax Court of the United States have been made in seven docketed cases. These are included in the list with appropriate notations.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in which engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

Increase in the amount of excess profits credit claimed by taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax, Column 7—Gross increase in the income tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710(a)(5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten per cent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount by which 80 percent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	210	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 5, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 5, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957
June 30, 1958	23	168	Aug. 27, 1958
June 30, 1959	24	175	Sept. 5, 1959
June 30, 1960	25	181	Sept. 16, 1960
June 30, 1961	26	165	Aug. 26, 1961
June 30, 1962	27	187	Sept. 26, 1962

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1963

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722	Gross increase in the income (chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Boston							
The Gillette Co., Formerly: Gillette Razor Blade Co., Gillette Park, Boston, Mass.	Manufacturer of safety razor blades and other shaving accessories.	[1] 12-31-43	$3,521,229.95	$2,178,945.00	$121,199.91	$290,744.22	$110,371.88
Chicago							
Superior Packing Co., 2103-25 Wabash Avenue, St. Paul, Minn., Formerly: 4111-19 South Union Avenue, Chicago, Ill.	Manufacturing meat products.	10-31-41	56,725.63	269,261.08	9,489.37	2,816.81	[2]
		[1] 10-31-42	68,221.42	257,665.34	12,528.58	6,635.75	3,105.06
		[1] 10-31-43	74,295.64	251,591.12	6,454.36	5,808.93	2,581.75
		[1] 10-31-44	74,868.24	251,018.52	5,881.76	2,581.75	2,581.75
		[1] 10-31-45	74,295.64	251,591.12	6,454.36	6,131.65	2,581.74
Indianapolis							
Benson Hotel Corp., c/o Washington Hotel, Indianapolis, Ind.	Hotel	[3] 5-31-43	9,102.00	63,908.03	9,898.00	14,885.83	6,032.62
		[3] 5-31-44	10,020.92	62,989.11	7,979.08	7,346.87	2,823.71
		[3] 5-31-45	11,500.43	61,509.60	5,999.57	6,337.86	2,534.71
		[3] 5-31-46	12,086.86	60,923.17	5,413.14	3,288.20	1,355.54
Manhattan							
General Aniline & Film Corp., Successor to Ozalid Corp., 111 West 50th Street, New York 20, N.Y.	Manufacturers of dyestuffs, etc.	[1] 9-30-40	70,033.61	95,446.50	29,716.39	6,950.41	[2]
		12-31-42	2,656,481.00	243,519.00	98,519.00	88,667.10	39,407.60
		12-31-43	2,656,483.00	243,517.00	98,517.00	88,665.30	39,406.80
		12-31-45	2,656,482.99	98,517.01	98,517.01	93,591.17	39,407.81
Newark							
Ciba Pharmaceutical Products, Inc., Lafayette Park, Summit, N.J.	Manufacture of pharmaceutical specialties.	[3] 12-31-40	279,423.10	829,675.03	826.90	248.07	[2]
		[3] 12-31-41	341,456.07	767,642.06	38,923.93	19,321.61	5,989.69
		[3] 12-31-42	341,456.07	767,642.06	38,923.93	35,031.54	15,569.56
		[3] 12-31-43	341,456.07	767,642.06	38,923.93	35,031.54	15,569.57
		[1] 12-31-44	490,527.11	767,642.06	38,923.93	36,977.73	15,569.57
Omaha							
Northern Natural Gas Co., 2223 Dodge Street, Omaha 1, Nebr.	Natural gas pipe line.	[1] 12-31-43	3,771,172.94	1,570,714.02	660,955.63	158,604.35	70,490.82
		[1] 12-31-44	3,732,814.55	1,609,378.75	729,620.36	217,747.21	91,653.03
		[1] 12-31-45	3,706,603.85	1,635,632.86	755,874.47	286,089.92	120,458.91
Pittsburgh							
Kennametal, Inc., Latrobe, Pa.	Manufacturer of carbide cutting tools and specialties.	[1] 6-30-44	75,318.55	2,045,024.45	67,181.45	74,469.42	32,207.74

[1] Allowance in accordance with a decision of the Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.
[2] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.
[3] None.

[SEAL]

MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

[F.R. Doc. 63-10537; Filed, Oct. 4, 1963; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Redelegation Order 1, Amdt. 14]

PORTLAND AREA OFFICE

Redelegation of Authority With Respect to Credit Matters

Order 1, as amended, is further amended as hereinafter indicated:

1. Section 2.120, under the heading "Functions Relating to Credit Matters" of Part 2, is amended to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, PROJECT ENGINEER, AND ASSISTANT SUPERINTENDENT, UMATILLA SUBAGENCY

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.120 *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals, except loans for educational purposes, pursuant to declarations of policy and plans of operation approved by the Commissioner or his authorized representative; provided that the amounts and conditions of loans shall be consistent with and shall not exceed the limitations as set forth in sections 120 and 121 of Bureau Order 551, Amendment 82 (28 F.R. 4206).

2. Part 3, Authority of Specifically Designated Employees, of Order 1 is comprised of sec. 3.120 and sec. 3.360. The provisions of sec. 3.120 are superseded by the amendment in Item 1, above. Section 3.360 pertains to the Klamath Tribe of Indians over which Federal supervision has been terminated and is no longer in force and effect. Therefore, Part 3 is revoked.

JOHN O. CROW,
Deputy Commissioner.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10578; Filed, Oct. 4, 1963; 8:46 a.m.]

National Park Service

[Order No. 1]

MOUNT McKINLEY NATIONAL PARK, ALASKA

Project Supervisor and Supervisory Park Ranger; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Project Supervisor.* The Project Supervisor may execute and approve contracts not in excess of $750 for supplies, equipment or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations, for accomplishing the construction phases of the work under his supervision in Katmai National Monument. This authority is limited to construction accounts.

2. *Supervisory Park Ranger.* The Supervisory Park Ranger may execute and approve contracts not in excess of $500 for supplies, equipment or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations. This authority may be exercised in management, protection, interpretation and operation of Katmai National Monument.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2. Western Region Order No. 3, 21 F.R. 1495)

Dated: June 11, 1963.

OSCAR T. DICK,
Superintendent,
Mount McKinley National Park.

[F.R. Doc. 63-10597; Filed, Oct. 4, 1963; 8:46 a.m.]

[Order No. 1]

DEATH VALLEY NATIONAL MONUMENT, CALIFORNIA

Procurement and Property Management Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Procurement and Property Management Assistant may execute and

for supplies, equipment, or services in

approve contracts not in excess of $2,500 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability to appropriations. This authority may be exercised by the procurement and Property Management Assistant in behalf of any coordinated area.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., Sec. 2. Western Region Order No. 3, 21 F.R. 1495)

JOHN A. AUBUCHON,
Superintendent,
Death Valley National Monument.

JUNE 4, 1963.

[F.R. Doc. 63-10598; Filed, Oct. 4, 1963; 8:46 a.m.]

[Order No. 1]

LAVA BEDS NATIONAL MONUMENT, CALIFORNIA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Administrative Assistant may execute and approve contracts not in excess of $2500 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2. Western Region Order No. 3, 21 F.R. 1495)

Dated: July 2, 1963.

IRVIN D. KERR,
Superintendent,
Lava Beds National Monument.

[F.R. Doc. 63-10599; Filed, Oct. 4, 1963; 8:46 a.m.]

[Order No. 1]

PINNACLES NATIONAL MONUMENT, CALIFORNIA

Clerk; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Clerk may execute and approve contracts not in excess of $200 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability to appropriations. This authority may be exercised by the Clerk in behalf of any coordinated area.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C. sec. 2. Western Region Order No. 3, 21 F.R. 1495)

DELYLE R. STEVENS,
Acting Superintendent,
Pinnacles National Monument.

JULY 18, 1963.

[F.R. Doc. 63-10600; Filed, Oct. 4, 1963; 8:46 a.m.]

[Order No. 4]

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIFORNIA

Assistant Superintendent et al.; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Assistant Superintendent and the Administrative Officer may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and the Administrative Officer on behalf of any coordinated area.

2. The Procurement and Property Management Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Officer on behalf of any coordinated area.

3. The Procurement Agent may execute and approve contracts not in excess of $10,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Procurement Agent on behalf of any coordinated area.

4. The Property and Supply Supervisor and the Warehouseman may execute and approve contracts not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Property and Supply Supervisor and the Warehouseman on behalf of any coordinated area.

5. Revocation. This order supersedes Order No. 3, issued January 18, 1960.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2. Western Region Order No. 3 (21 F.R. 1495))

Dated: June 13, 1963.

JOHN M. DAVIS,
Superintendent, Sequoia and Kings Canyon National Parks.

[F.R. Doc. 63-10601; Filed, Oct. 4, 1963; 8:46 a.m.]

[Order No. 1]

FORT CAROLINE NATIONAL MEMORIAL, FLORIDA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. Administrative Assistant. The Administrative Assistant may execute and approve contracts not in excess of $500.00 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824): 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 F.R. 1493))

Dated: September 16, 1963.

JOHN R. DE WEESE,
Superintendent,
Fort Caroline National Memorial.

[F.R. Doc. 63-10602; Filed, Oct. 4, 1963; 8:47 a.m.]

[Order No. 1]

FORT VANCOUVER NATIONAL HISTORIC SITE, WASHINGTON

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $1,000.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2. Western Region Order No. 3, 21 F.R. 1495)

Dated: June 3, 1963.

WILLIAM R. SAMPSON,
Acting Superintendent, Fort Vancouver National Historic Site.

[F.R. Doc. 63-10603; Filed, Oct. 4, 1963; 8:47 a.m.]

[Order No. 1]

WHITMAN MISSION NATIONAL HISTORIC SITE, WASHINGTON

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Administrative Assistant may execute and approve contracts not in excess of $1,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2. Western Region Order No. 3, 21 F.R. 1495).

Dated: May 31, 1963.

WILLIAM J. KENNEDY,
Superintendent, Whitman Mission National Historic Site.

[F.R. Doc. 63-10604; Filed, Oct. 4, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive Sulfaethoxypyridazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 946) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the issuance of a regulation to provide for the safe use of sulfaethoxypyridazine in the drinking water and feed of swine, and as a 25 percent solution for intraperitoneal administration for bacterial scours, salmonella enteritis, pneumonia enteritis complex, bronchitis, septicemia, and shipping fever (pasteurellosis).

Dated: September 30, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10608; Filed, Oct. 4, 1963; 8:47 a.m.]

SCHERING CORP.

Notice of Filing of Petition Regarding Food Additives for Use in Milk-Producing Animals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1163) has been filed by Schering Corporation, Bloomfield, New Jersey, proposing the the amendment of § 121.249 *Food additives for use in milk-producing animals* to provide for the safe use of a formulation for the treatment of bovine mastitis, containing prednisone acetate, procaine penicillin G, and dihydrostreptomycin, in a vehicle which is dispensed from pressurized containers.

Dated: September 30, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10609; Filed, Oct. 4, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14684]

FLYING TIGER; OKINAWA TARIFF

Notice of Prehearing Conference

Delayed-release cargo charter rate from Okinawa to California points proposed by The Flying Tiger Line Inc.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 17, 1963, at 10:00 a.m. (e.d.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., October 1, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10615; Filed, Oct. 4, 1963; 8:47 a.m.]

[Docket 12837 etc.]

UNITED AIR LINES, INC.; COMPETITIVE SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the above-entitled matter is assigned to be heard on November 6, 1963, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 2, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10616; Filed, Oct. 4, 1963; 8:48 a.m.]

[Docket 14785]

SURVAIR, LTD.

Notice of Hearing

Application of Survair, Ltd. for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on October 10, 1963, at 10 a.m., eastern daylight saving time, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 3, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10651; Filed, Oct. 4, 1963; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7680-13, between the member lines of the American West African Freight Conference, operating in the trade between Atlantic and St. Lawrence ports of Canada/United States Atlantic and Gulf ports and West African ports (South of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Southwest Africa), including the Atlantic Islands of Azores, Madeira, Canary, and Cape Verdes, and the Islands of Fernando Po, Principe and San Thome in the Gulf of Guinea, modifies Agreement 7680 so as to extend the termination date of the Neutral Body provisions to November 30, 1963.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 2, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10593; Filed, Oct. 4, 1963; 8:46 a.m.]

UNITED STATES ATLANTIC AND GULF-SANTO DOMINGO CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 6080-9, between the member lines of the United States Atlantic and Gulf-Santo Domingo Conference, modifies the approved agreement of that conference (Agreement 6080, as amended) covering the trade between U.S. Atlantic and Gulf of Mexico ports and ports in the Dominican Republic. The purpose of this modification is to (1) eliminate the provision in the approved conference agreement which permits the payment of freight charges in currency of the United States, or its equivalent in other currency, and (2) amend the conference rules and regulations to (a) provide that all freight charges, both southbound and northbound, shall be payable in currency of the United States, and (b) revise the terms and conditions under which the member lines may extend credit to shippers and/or consignees, as presently set forth in said rules and regulations.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the

offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 2, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10594; Filed, Oct. 4, 1963; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-24]

EMMITSBURG GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 30, 1963.

Take notice that on July 23, 1963, as supplemented on August 26 and September 3, 1963, Emmitsburg Gas Company (Applicant) filed in Docket No. CP64-24 an application pursuant to subsections (a) and (c) of section 7 of the Natural Gas Act for an order:

1. Directing Manufacturers Light & Heat Company to establish physical connection with Applicant's facilities hereinafter described, and directing Manufacturers to sell to Applicant a peak-day volume of 626 Mcf of natural gas;

2. Granting a certificate of public convenience and necessity authorizing Applicant to construct and operate a 6" OD lateral extending from a point of connection with Manufacturers transmission facilities in Adams County, Pennsylvania, 5.7 miles south to Emmitsburg, Maryland.

The application states that the estimated cost of the facilities is $213,300, to be financed by a cash advance of $141,300 from Applicant's parent, Penn Fuel Gas, Inc., and a cash advance from a customer, the Sisters of Charity of St. Joseph's Central House (St. Joseph's) an educational institution. The $72,000 will be repaid by a credit of 3 cents per Mcf of gas taken by said customer. St Joseph's has estimated its initial maximum requirement at 500 Mcf per day, and has agreed to purchase its fuel requirements from Applicant to the extent that Applicant can fill them.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1963 at 9:30 a.m. (e.s.t.) in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10567; Filed, Oct. 4, 1963; 8:45 a.m.]

[Docket No. CP63-174]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Hearing Date

SEPTEMBER 30, 1963.

Notice of application and date of hearing in this case was issued July 2, 1963 (28 F.R. 7044). Notice of postponement of hearing was issued July 29, 1963 (28 F.R. 7964).

A public hearing on the issues presented by the application in this case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., commencing October 21, 1963 at 10 a.m. (e.d.t.).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10568; Filed, Oct. 4, 1963; 8:45 a.m.]

[Docket No. CP64-18]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Postponement of Hearing

SEPTEMBER 30, 1963.

Take notice that the hearing in the above-entitled matter scheduled by notice issued September 4, 1963, published in the FEDERAL REGISTER on September 11, 1963 (28 F.R. 9891), to be held in Washington, D.C., on October 3, 1963, is hereby postponed to a date to be hereafter fixed, due to the timely filing of petitions to intervene in opposition to the granting of the application herein.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10569; Filed, Oct. 4, 1963; 8:45 a.m.]

[Docket No. CP63-222]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Date of Hearing

SEPTEMBER 30, 1963.

Take notice that the hearing in the above-entitled proceeding originally scheduled to be held on September 18, 1963, in Washington, D.C., by notice issued August 13, 1963, and published in the FEDERAL REGISTER on August 20, 1963 (28 F.R. 9170) and by notice issued September 3, 1963 and published in the FEDERAL REGISTER on September 10, 1963 (28 F.R. 9852), postponed to a date to be thereafter fixed is hereby set to begin on October 29, 1963 at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10570; Filed, Oct. 4, 1963; 8:45 a.m.]

[Docket No. E-7127]

UTAH POWER & LIGHT CO.

Order Providing for Hearing and Suspension of Proposed Rate Schedule Changes

SEPTEMBER 30, 1963.

Utah Power & Light Company (Utah Power), Salt Lake City, Utah, on September 3, 1963,[1] tendered for filing, pursuant to section 205 of the Federal Power Act, proposed changes in its filed rate schedules purporting to increase, as of October 4, 1963, its present rates and charges for wholesale electric service to seventeen municipal and rural electric cooperative customers in the State of Utah: Kaysville City, Price City, Helper City, Strawberry Water Users Association, Brigham City, Logan City, Bountiful City, Heber Light & Power Board, Nephi City, Provo City, Monticello City, Hyrum City, Lehi City, Blanding City, Morgan City, Mexican Hat Association, and Murray City. The proffered rate schedules have been tentatively designated in the files of the Commission as follows[2]: Utah Power's Rate Schedule FPC No. 71, Rate Schedule FPC No. 72, Rate Schedule FPC No. 73, Supplement No. 3 to Rate Schedule FPC No. 37, Supplement No. 2 to Rate Schedule FPC No. 39, Supplement No. 2 to Rate Schedule FPC No. 40, Supplement No. 2 to Rate Schedule FPC No. 44, Supplement No. 3 to Rate Schedule FPC No. 45, Supplement No. 1 to Rate Schedule FPC No. 50, Supplement No. 2 to Rate Schedule FPC No. 51, Supplement No. 1 to Rate Schedule FPC No. 57, Supplement No. 1 to Rate Schedule FPC No. 59, Supplement No. 1 to Rate Schedule FPC No. 60, Supplement No. 1 to Rate Schedule FPC No. 61, Supplement No. 1 to Rate Schedule FPC No. 62, Supplement No. 1 to Rate Schedule FPC No. 66, and Supplement No. 1 to Rate Schedule FPC No. 70.

[1] Although the revised rates were originally submitted on May 16, 1963, the filings were not completed until September 3, 1963, the date that the Company requested as the filing date.

[2] Applicable to the municipalities and rural electric cooperatives in the order as previously listed.

The proffered rates and charges would increase Utah Power's present rates to the aforesaid municipalities and rural electric cooperatives by approximately $136,657 per annum, or 7.1 percent, based upon deliveries of power and energy for the 12-month period ended June, 1963. For that 12-month period Utah Power's revenues from these customers aggregated $1,927,021. Applying the proffered supplemental rate schedules, Utah Power's operating revenues for service to those customers would be increased to $2,063,678. Utah Power is not proposing any other rate increases.

On March 15, 1963, Utah Power began serving the 15 former wholesale customers of Telluride Power Company (Telluride at the rates proposed herein to Utah Power's heretofore designated 17 wholesale customers in Utah.[3] With respect to these customers Utah Power filed an aggregate of eight initial rate schedules, including newly negotiated contracts, five on May 16, 1963, two on July 25, and one on September 17, and then made seven initial filings containing rate schedules only on September 19, 1963, for the seven remaining former customers of Telluride. These initial filings embody rates identical to those proposed herein to Utah Power's 17 aforesaid wholesale customers in Utah. These initial rate filings have been designated in the files of the Commission as follows: Utah Power's Rate Schedule FPC No. 74, California-Pacific Utilities Co., Rate Schedule FPC No. 75, Kanosh City; Rate Schedule FPC No. 76, Levan City; Rate Schedule FPC No. 77, Manti City; Rate Schedule FPC No. 78, Spring City; Rate Schedule FPC No. 79, Oak City; Rate Schedule FPC No. 80, Monroe City; Rate Schedule FPC No. 81, Holden City; Rate Schedule FPC No. 82, Fillmore City; Rate Schedule FPC N. 83, Beaver City; Rate Schedule FPC No. 84, Meadow City; Rate Schedule FPC No. 85, Mount Pleasant City; Rate Schedule FPC No. 86, Flowell Electric Association, Inc., Rate Schedule FPC No. 87, Garkane Power Association; and Rate Schedule FPC No. 88, Ephraim City.

Protests have been received from seven of Utah's wholesale customers, namely, Lehi City, Morgan City, Logan City, Provo City, Monticello City, Heber Light and Power Board and Bountiful City, as well as Intermountain Consumer Power Association, representing 24 municipalities and four cooperatives. Protestants generally oppose the proposed rate increases, asserting inter alia that Utah Power's rates are second highest in the nation, that the rate increase is unwarranted in view of fuel costs available to Utah Power, and that Utah Power discriminates between wholesale customers with generating facilities and those without generating sources regarding terms and conditions of service. On September 19, 1963, Utah Power filed an answer to the aforementioned individual protests.

[3] By order issued January 21, 1963, Utah Power & Light Company, 29 FPC 126, the Commission authorized Utah Power's acquisition and merger of the facilities of Telluride with its own facilities pursuant to section 203 of the Federal Power Act.

Utah Power's aforementioned filed rate schedules as proposed to be changed have not been shown to be justified; may result in excessive rates or charges; may place an undue burden upon ultimate customers; and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. Unless suspended by order of the Commission, the proposed supplemental rate schedules would become effective as of October 4, 1963, to the extent and in the manner provided in section 205 of the Federal Power Act and the Commission's regulations under that Act.

Examination of the proposed supplemental rate schedules and other data currently before the Commission indicates that the rates and charges embodied therein, among other things, may produce an excessive return on Utah Power's net investment properly allocated as a rate base to its service to these 17 wholesale customers; may be based in part upon test year cost allocations that have not been shown to be reasonable or representative; and may reflect preferential or discriminatory rates as to terms and conditions of service to wholesale customers with generating sources and those without generating facilities.

The Commission further finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, particularly sections 205, 206, 308 and 309 thereof, enter upon a hearing concerning (1) the lawfulness of Utah Power's aforementioned filed rate schedules as proposed to be supplemented in the manner provided in its proffered Rate Schedule FPC No. 71, Rate Schedule FPC No. 72, Rate Schedule FPC No. 73, Supplement No. 3 to Rate Schedule FPC No. 37, Supplement No. 2 to Rate Schedule FPC No. 39, Supplement No. 2 to Rate Schedule FPC No. 40, Supplement No. 2 to Rate Schedule FPC No. 44, Supplement No. 3 to Rate Schedule FPC No. 45, Supplement No. 1 to Rate Schedule FPC No. 50, Supplement No. 2 to Rate Schedule FPC No. 51, Supplement No. 1 to Rate Schedule FPC No. 57, Supplement No. 1 to Rate Schedule FPC No. 59, Supplement No. 1 to Rate Schedule FPC No. 60, Supplement No. 1 to Rate Schedule FPC No. 61, Supplement No. 1 to Rate Schedule No. 62, Supplement No. 1 to Rate Schedule FPC No. 66, and Supplement No. 1 to Rate Schedule FPC No. 70, and the objections thereto and the lawfulness of Utah Power's rate schedules for service to its other interstate wholesale customers; (2) that the Commission's staff undertake an examination of all of Utah Power's interstate rates and charges, utility operations and system costs, and (3) that the operation or effectiveness of the seventeen proposed supplemental rate schedules set forth in (1) above under the Federal Power Act be suspended and the use thereof deferred, all as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Utah Power's seventeen proffered supplemental rate schedules, all as designated in finding paragraph (1) above, and the lawfulness of Utah Power's other interstate wholesale rate schedules on file with this Commission and the objections raised to the aforesaid proposed supplemental rate schedules, at a time and place to be specified by notice of the Secretary.

(B) Pending such hearing and decision thereon, the operation under the Federal Power Act of the proffered rate schedule supplements set forth in finding paragraph (1) above, hereby is suspended and the use thereof deferred until October 5, 1963. On that date the proffered rate schedule supplements shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission, unless this proceeding has been disposed of at a date previous thereto.

(C) During the period of suspension Utah Power's currently effective Rate Schedule FPC No. 21 and Supplements Nos. 1 and 2 thereto, Rate Schedule FPC No. 30 and Supplement No. 1 thereto, Rate Schedule FPC No. 31 and Supplement No. 1 thereto, Rate Schedule FPC No. 37 and Supplements Nos. 1 and 2 thereto, Rate Schedule FPC No. 39 and Supplement No. 1 thereto, Rate Schedule FPC No. 40 and Supplement No. 1 thereto, Rate Schedule FPC No. 44 and Supplement No. 1 thereto, Rate Schedule FPC No. 45 and Supplement No. 2 thereto, Rate Schedule FPC No. 50, Rate Schedule FPC No. 51 and Supplement No. 1 thereto, Rate Schedule FPC No. 57, Rate Schedule FPC No. 59, Rate Schedule FPC No. 60, Rate Schedule FPC No. 61, Rate Schedule FPC No. 62, Rate Schedule FPC No. 66, and Rate Schedule FPC No. 70 for service to the seventeen aforesaid wholesale customers in Utah now on file with the Commission shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Utah Power shall not change the terms or provisions of its seventeen proffered supplemental rate schedules referred to in paragraph (A) above or those of its currently effective rate schedules and supplements thereto on file with the Commission for service to those seventeen wholesale customers and referred to in paragraph (C) above, until this proceeding has been disposed of or until the period of suspension has expired.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before October 31, 1963.

By the Commission. Chairman Swidler and Commissioner Black dissent to limiting the suspension to one day, on the ground that the circumstances of this case warranted and in the exercise of reasonable discretion required suspension of the proposed increases in

rates for the full statutory period of five months.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10571; Filed, Oct. 4, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4165]

GEORGIA POWER CO.

Notice of Proposed Issuance and Sale of $30,000,000 Principal Amount of First Mortgage Bonds and 70,000 Shares of Preferred Stock at Competitive Bidding

OCTOBER 1, 1963.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, Atlanta, Georgia, 30303, an exempt holding company and an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $30,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1993. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the Indenture dated as of March 1, 1941, between Georgia and Chemical Bank New York Trust Company, successor to The New York Trust Company, as Trustee, as heretofore supplemented by various indentures and as to be further supplemented by a Supplemental Indenture to be dated as of November 1, 1963.

Georgia also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 70,000 shares of its cumulative preferred stock, without par value. The dividend rate of the new preferred stock (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to Georgia (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Georgia's charter will be amended to allow for and to establish the terms of the new preferred stock.

The application states that Georgia intends to use the proceeds from the issuance and sale of the new bonds and new preferred stock, together with other available funds, for the construction or acquisition of permanent improvements, extensions, and additions to its property and for the payment of short-term bank loans made for such purposes. Georgia's 1963 construction expenditures are estimated to aggregate $86,636,000, and the company expects to finance the balance of these costs by issuing approximately $3,500,000 short-term notes to banks prior to the end of 1963.

The issuance and sale of the new bonds and the new preferred stock have been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business. The application states that no Federal commission, other than this Commission, has jurisdiction over the transactions proposed. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than October 21, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10579; Filed, Oct. 4, 1963; 8:46 a.m.]

[File No. 24NY-5338]

TELESCRIPT-CPS, INC.

Order Vacating Temporary Suspension of Exemption

SEPTEMBER 30, 1963.

On December 23, 1960, Telescript-CPS, Inc., filed a notification and offering circular, and subsequently filed amendments thereto, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3(b) and Regulation A thereunder, with respect to a public offering, at $5 per share, of 60,000 shares of its common stock, 1 cent par value.

On July 12, 1961, the Commission temporarily suspended the exemption pursuant to Rule 261 of Regulation A, and hearings were held to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption. Thereafter, the hearing examiner submitted a recommended decision, exceptions and briefs were filed, and the Commission heard oral argument.

The Commission has this day issued its findings and opinion, and on the basis thereof:

It is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the Commission's order of July 12, 1961 temporarily suspending the exemption from registration with respect to the offering of securities by Telescript-CPS, Inc., be, and it is hereby, vacated.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10580; Filed, Oct. 4, 1963; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC TRUST CO. AND ATLANTIC NATIONAL BANK OF JACKSONVILLE

Notice of Applications for Approval of Acquisition of Shares of a Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Atlantic Trust Company and The Atlantic National Bank of Jacksonville, both of which are bank holding companies located in Jacksonville, Florida, for the prior approval of the Board of the acquisition by Applicants of up to 35,000 of the 36,000 voting shares of the Daytona Atlantic Bank, Daytona Beach, Florida, a proposed new bank.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 1st day of October 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-10596; Filed, Oct. 4, 1963; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aalfs Manufacturing Co., 1005 Fourth Street, Sioux City, Iowa; effective 9-21-63 to 9-20-64 (men's, ladies', and girls' denim jeans).

Anvil Brand, Inc., Independence, Va.; effective 10-1-63 to 9-30-64 (men's pants).

Blue Gem Manufacturing Co., 604 Hoover Street, Asheboro, N.C.; effective 10-1-63 to 9-30-64 (men's and boys' dungarees).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N.C.; effective 10-1-63 to 9-30-64. Learners may not be employed at special minimum wages in the production of skirts (men's and boys' denim overalls, women's slacks, and men's and boys' work clothing).

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; effective 9-28-63 to 9-27-64 (men's work clothing).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 9-30-63 to 9-29-64 (men's and ladies' pajamas).

Form-O-Uth Brassiere Co., Inc., d.b.a. Marie Foundations, McLean, Tex.; effective 9-30-63 to 9-29-64 (women's brassieres and girdles).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N.C.; effective 9-25-63 to 9-24-64 (women's and children's nightwear and pajamas).

Gross Galesburg Co., No. 1, Chariton, Iowa; effective 9-19-63 to 9-18-64 (men's work pants, shirts, and jackets).

Hagale Garment Manufacturing Co., Ozark, Mo.; effective 9-28-63 to 9-27-64 (men's and boys' work pants and semi-dress pants).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; effective 9-28-63 to 9-27-64 (men's and boys' work pants and semi-dress pants).

Hallmark Manufacturing Co., Clinton, S.C.; effective 10-1-63 to 9-30-64 (men's sport and dress shirts).

Hopkinsville Clothing Manufacturing Co., 1100 South Main Street, Hopkinsville, Ky.; effective 10-1-63 to 9-30-64 (men's and boys' denim and fatigue pants).

Horse Cave Manufacturing Co., Inc., Horse Cave, Ky.; effective 9-22-63 to 9-21-64 (men's and boys' lined and unlined zipper outerwear jackets).

The Jerold Corp., P.O. Box 708, Smithfield, N.C.; effective 9-15-63 to 9-14-64 (men's and boys' outerwear jackets).

Kayler Manufacturing, Inc., 822 Anderson Street, New Kensington, Pa.; effective 9-25-63 to 9-24-64. Learners may not be employed at special minimum wage rates in the production of skirts (women's blouses).

Kent Sportswear, Inc., Curwensville, Pa.; effective 9-16-63 to 9-15-64 (men's outerwear jackets).

Lebro Shirt Manufacturing Co., Lykens, Pa.; effective 10-1-63 to 9-30-64 (men's shirts).

Midland Shirt Co., Inc., Union, Miss.; effective 9-19-63 to 9-18-64 (men's sport shirts and women's blouses).

Ottenheimer Brothers Manufacturing Co., Loungewear Division, A Division of Kellwood Co., 5703 Scott Hamilton Drive, Little Rock, Ark.; effective 9-23-63 to 9-22-64 (women's and misses' dresses and robes).

Pass Christian Industries, Inc., 100 West Beach, Pass Christian, Miss.; effective 9-20-63 to 9-19-64 (men's and boys' shirts).

Phillips-Van Heusen Corp., Geneva, Ala.; effective 10-1-63 to 9-30-64 (men's dress and sport shirts).

Phillips-Van Heusen Corp., Hartford, Ala.; effective 10-1-63 to 9-30-64 (men's dress shirts).

Phillips-Van Heusen Corp., Ozark, Ala.; effective 10-1-63 to 9-30-64 (men's pajamas).

Ruth Fashions, Inc., 121 West Broad Street, Greenville, S.C.; effective 9-23-63 to 9-22-64 (ladies' dresses).

Saltillo Manufacturing Co., Inc., Saltillo, Tenn.; effective 9-20-63 to 9-19-64 (men's, boys', and juveniles' sport shirts).

Henry I. Siegel Co., Inc., Bruceton, Tenn.; effective 9-23-63 to 9-22-64 (men's and boys' outerwear jackets).

Summerton Uniform Corp., Summerton, S.C.; effective 9-20-63 to 9-19-64 (nurses' and maids' uniforms).

Toll Gate Garment Co., Inc., Hamilton, Ala.; effective 10-1-63 to 9-30-64 (men's sport and dress shirts).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 9-27-63 to 9-26-64 (men's and boys' sport shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N.Y.; effective 10-1-63 to 9-30-64 (men's sport shirts).

Westmoreland Manufacturing Co., Inc., Westmoreland, Tenn.; effective 9-21-63 to 9-20-64 (ladies' blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Sheldon, Iowa; effective 10-1-63 to 9-30-64; 10 learners. (boys' jeans).

Bay Shore Togs, Locust Street, Keyport, N.J.; effective 9-19-63 to 9-18-64; 5 learners (children's carcoats and snowsuits and infants' sleepwear).

Gross Galesburg Co., 152 East Ferris Street, Galesburg, Ill.; effective 10-1-63 to 9-30-64; 10 learners (men's and boys' overalls, dungarees, and coveralls).

Hi-Style Fashions Co., Inc., 101 West End Road, Wilkes-Barre, Pa.; effective 9-20-63 to 9-19-64; 10 learners (children's sportswear—jumpers).

Lady Salisbury Classics, Inc., Jenkins Lane, Salisbury, Md.; effective 9-17-63 to 9-16-64; 10 learners. Learners may not be employed at special minimum wage rates in the production of skirts (children's blouses and pedal pushers).

Yolanda Dresses, 373 Hale Street, New Brunswick, N.J.; effective 9-17-63 to 9-16-64; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., 1005 Fourth Street, Sioux City, Iowa; effective 9-21-63 to 3-20-64; 10 learners (men's, ladies', and girls' denim jeans).

Butler Garment Co., 348 New Castle Road, Butler, Pa.; effective 9-16-63 to 3-15-64; 80 learners (women's blouses).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 9-27-63 to 3-26-64; 100 learners (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Monte Glove Co., Inc., Maben, Miss.; effective 10-1-63 to 9-30-64; 10 learners for normal labor turnover purposes (cotton work gloves).

Mountain City Glove Co., Inc., Mountain City, Tenn.; effective 9-27-63 to 9-26-64; 10 learners for normal labor turnover purposes (canton flannel knit work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alba-Waldensian, Inc., Alba Division, Valdese, N.C.; effective 10-8-63 to 10-7-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless and full-fashioned stockings).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 9-20-63 to 9-19-64; 5 learners for normal labor turnover purposes (seamless).

Broadway Hosiery Mills, Inc., 53 Burton Street, West Asheville, N.C.; effective 9-22-63 to 9-21-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Exeter Wilmington Hosiery Mills, Inc., Fifth and Monroe Streets, Wilmington, Del.; effective 9-18-63 to 9-17-64; 5 learners for normal labor turnover purposes (seamless).

Franklin Hosiery Co., Franklin, N.C.; effective 10-1-63 to 9-30-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless nylon hosiery).

Granite Hosiery Corp., 838 South Main Street, Mount Airy, N.C.; effective 9-16-63 to 9-15-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' seamless hosiery).

Harriman Hosiery Co., Harriman, Tenn.; effective 10-1-63 to 9-30-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' circular knit hose).

C. D. Jessup & Co., Claremont, N.C.; effective 10-1-63 to 9-30-64; 5 learners for normal labor turnover purposes (seamless).

Kosciusko Hosiery Mills, Division of Wayne Knitting Mills, Kosciusko, Miss.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morganton Hosiery Mills, Inc., 101 Lenoir Street, Morganton, N.C.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Newland Knitting Mills, Newland, N.C.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Prim Hosiery Mills, Chester, Ill.; effective 9–18–63 to 9–17–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Benham Underwear Mills, Inc., Scottsboro, Ala.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn; effective 9–21–63 to 9–20–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' rayon and nylon undergarments).

Geissler Knitting Mills, Inc., 129–131 East Broad Street, Hazleton, Pa.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' polo and T-shirts, athletic shirts, knit shorts, and children's, men's and boys' pajamas).

Loralyn Manufacturing Co., Inc., Post Office Box 165, Corner Upright and Ryder Streets, Landis, N.C.; effective 9–21–63 to 9–20–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and children's sleepwear).

Robinson Manufacturing Co., 520 South Market Street, Dayton, Tenn.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven cotton underwear).

Russell Mills, Inc., Alexander City, Ala.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's knit underwear and sweat shirts).

Standard Romper Co., Inc., Bldg. No. 7, 200 Conant Street, Pawtucket, R.I.; effective 9–23–63 to 9–22–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knit shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C. this 27th day of September 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–10613; Filed, Oct. 4, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 2, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38573: *Paper and paper articles to Wyoming points.* Filed by O. W. South, Jr., agent (No. A4379), for interested rail carriers. Rates on paper and paper articles, as described in the application, in carloads, from points in southern territory, to specified points in Wyoming on the CB&Q railroad.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 70 to Southern Freight Association, agent, tariff I.C.C. S–230.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10590; Filed, Oct. 4, 1963; 8:46 a.m.]

[Notice 875]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 2, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66032. By order of September 27, 1963, the Transfer Board approved the transfer to Piedmont Freight Co., Inc., Mineral, Va., of the permit in No. MC 2129, issued June 2, 1960, to Inez Lumsden Chapman, doing business as I. L. Chapman, Mineral, Va., authorizing the transportation of: Lumber, piling, and cedar posts, from Louisa, Pendleton, Trevilian, Dumbarton, Brokenburg (and points within 6 miles of Brokenburg), and Columbia (and points within 2 miles of Columbia), Va., and points in Louisa and Goochland Counties, Va., and from Leonardtown and Hollywood, Md., to Wilmington and Claymont, Del., and points in that part of Pennsylvania within 125 miles of Washington, D.C., and to points in Maryland and the District of Columbia; fertilizer from Baltimore, Md., to Fredericksburg, Culpepper, Madison, Orange, Charlottesville, and Pendleton, Va.; sawmill machinery and equipment, from Waynesboro, Pa., to Pendleton and Richmond, Va. W. W. Whitlock, Mineral, Virginia, attorney for transferee.

No. MC–FC 66116. By order of September 30, 1963, the Transfer Board approved the transfer to Grandadam Truck Lines, Inc., Fargo, North Dakota of certificate in No. MC 106485, issued August 11, 1954, to John B. Grandadam, doing business as Grandadam Truck Lines, Fargo, N. Dak., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Lisbon, N. Dak., and Moorhead, Minn., serving all intermediate points except Leonard, N. Dak.; between Lisbon, N. Dak., and Verona, N. Dak., for operating convenience only; between La Moure, N. Dak., and Ellendale, N. Dak., serving all intermediate points; between Oakes, N. Dak., and Hecla, S. Dak., serving all intermediate points; between Ellendale, N. Dak., and Aberdeen, S. Dak., with no service at Ellendale and none at intermediate points; between Hecla, S. Dak., and Aberdeen, S. Dak., with no service at Hecla and none at intermediate points; and general commodities, including household goods but excluding commodities in bulk, between South St. Paul, Minn., and Edgeley, N. Dak., serving the intermediate points of St. Paul and Minneapolis, Minn. and Milnor and La Moure, N. Dak., and off-route points of Englevale, Ashley, Hankinson, Oakes, Litchville, Valley City and Wimbledon, N. Dak. Alan Foss, 502 First National Bank Building, Fargo, N. Dak., 59102, attorney for applicants.

No. MC–FC 66236. By order of September 27, 1963, the Transfer Board approved the transfer to George Plank Jr., Clifton Heights, Pa., of a portion of certificate in No. MC 118189 (Sub-No. 2), issued September 5, 1963, to Morris Pollon, doing business as M. Pollon, Philadelphia, Pa., authorizing the transportation, over irregular routes, of: Household goods, between Philadelphia, Pa. on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Delaware. Raymond A Thistle, Jr., 1500 Walnut Street, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 66242. By order of September 27, 1963, the Transfer Board approved the transfer to Clarence Haase and Donald Collinge, a partnership, doing business as Haase-Collinge Trucking, Kaylor, S. Dak., of certificate in No. MC 101357, issued April 29, 1949, to Emil P. Friederich, Tripp, S. Dak., authorizing the transportation, over irregular routes, of: Farm implements, machinery and parts thereof, feed, tankage, seed, salt, and lubricating oils, from Sioux City, Iowa to points in South Dakota within 20 miles of Tripp, S. Dak., and livestock, in the reverse direction. Don A. Bierle, 308 Walnut Street, Yankton, S. Dak., attorney at law.

No. MC–FC 66258. By order of September 30, 1963, the Transfer Board approved the transfer to G. H. Harnum, Inc., Cambridge, Mass., of certificate in No. MC 6801, issued May 21, 1941, to George T. Smith, doing business as Smith Brothers Express Co., Cambridge, Mass., authorizing the transportation of: Contractor's supplies and equipment, and articles requiring specialized handling or rigging because of size or weight, between Boston, Mass., and points within 5 miles thereof, on the one hand, and, on the other, points in Connecticut and Rhode Island, and those as specified in New Hampshire. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., attorney for transferee. Harold J. Field, 10 State Street, Boston 9, Mass., attorney for transferor.

No. MC–FC 66222. Corrected notice.[1] By order of September 13, 1963, the Transfer Board approved the substitution of David Mongillo & Son, Inc., Southington, Conn., as applicant in lieu of David Mongillo, Milton J. Mongillo, and Edward H. Mongillo, a partnership, doing business as David Mongillo & Sons, Southington, Conn., in No. MC 121515 for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by Connecticut Certificate No. C–802, authorizing the transportation over irregular routes, of property in heavy hauling service, of steel tanks, steel boilers, steel stacks, structural steel, namely, steel beams, steel girders, steel trusses, steel plates, steel angles, and bridge steel, and in connection with the foregoing the necessary accessorial equipment, and industrial machinery and parts thereof, by flatbed or platform type vehicles, between all points within Connecticut. Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10591; Filed, Oct. 4, 1963; 8:46 a.m.]

[Drouth Order 63; Amdt. 6]

MISSISSIPPI AND NORTH CAROLINA

Authorization of Railroads To Transport Livestock Feed and Hay to Disaster Area at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Abe McGregor Goff, Vice Chairman, to whom the above-entitled matter has been assigned for action thereon.

[1] The notice being corrected did not include "property in heavy hauling service."

It appearing, that due to the drouth conditions existing in the State of Mississippi the Commission issued its Drouth Order No. 63 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay and livestock feed to the disaster area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order extending such authority to include 18 counties in the State of North Carolina:

It is ordered, That Drouth Order No. 63, as amended, be, and it is hereby, further amended to provide that the authority therein granted to establish reduced rates on hay and livestock feed shall also apply, subject to the same terms and conditions, to establish and maintain reduced rates on such commodities to destinations in the counties named below, viz.:

North Carolina, 18 counties, viz.:

Alexander.	Herford.
Anson.	Iredell.
Ashe.	Johnston.
Cleveland.	Lincoln.
Davidson.	Mecklenburg.
Davie.	Randolph.
Durham.	Wake.
Forsyth.	Wilkes.
Gaston.	Yadkin.

It is further ordered, That in all other respects Drouth Order No. 63, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 30th day of September A.D. 1963.

By the Commission, Vice Chairman Goff.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10592; Filed, Oct. 4, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 1, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38564: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 482), for interested rail carriers. Rates on blacks (carbon, gas and/or oil), and blacks, chemical carbon, not carbon black, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 3 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 38566: *Household laundry equipment from and to points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A–2327), for interested rail carriers. Rates on household laundry equipment, as described in the application, in carloads, between points in Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief: Market competition, modified shortline distance formula and grouping.

Tariff: Supplement 13 to Western Trunk Line Committee, agent, tariff I.C.C. A–4485.

FSA No. 38567: *Bituminous coal from Campbell Hill, Ill.* Filed by Illinois Freight Association, agent (No. 213), for interested rail carriers. Rates on bituminous coal, in carloads, from Campbell Hill, Ill., to points in the United States.

Grounds for relief: Rate relationship, and grouping.

FSA No. 38568: *Bituminous fine coal to Lawrence and Tecumseh, Kans.* Filed by Southwestern Freight Bureau, agent (No. B–8456), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, subject to aggregate minimum shipment of 20 carloads, from Appleton City, Mo., to Lawrence and Tecumseh, Kans.

Grounds for relief: Market competition.

Tariff: Supplement 101 to Southwestern Freight Bureau, agent, tariff I.C.C. 4276.

FSA No. 38569: *Newsprint paper from Snowflake, Ariz.* Filed by Pacific Southcoast Freight Bureau, agent (No. 245), for interested rail carriers. Rates on newsprint paper, in carloads, from Snowflake, Ariz., to Alameda, Oakland, Richmond and San Francisco, Calif.

Grounds for relief: Market competition.

Tariff: Supplement 203 to Pacific Southcoast Freight Bureau, agent, tariff I.C.C. 1628.

FSA No. 38570: *Grain and grain products to points in Texas and Louisiana.* Filed by Southwestern Freight Bureau, agent (No. B–8451), for interested rail carriers. Rates on grain, grain products, also seeds, in carloads, from points in Oklahoma on the AT&SF Ry., to points in Louisiana and Texas.

Grounds for relief: Market competition and rate relationship.

Tariffs: Supplements 18 and 29 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4495 and 4496, respectively.

FSA No. 38571: *Grain and grain products to Shreveport, La.* Filed by Southwestern Freight Bureau, agent (No. B-8452), for interested rail carriers. Rates on grain, grain products, and related products, also seeds, in carloads, from Davenport, Iowa, East Moline, Moline and Rock Island, Ill., to Shreveport, La.

Grounds for relief: Carrier competition.

Tariff: Supplement 18 to Southwestern Freight Bureau, agent, tariff I.C.C. 4495.

FSA No. 38572: *Petroleum products from Cody and Thermopolis, Wyo.* Filed by Chicago, Burlington & Quincy Railroad Company (No. 70), for itself and interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Cody and Thermopolis, Wyo., to points in Iowa, Minnesota, Nebraska and South Dakota on the CRI&P railroad.

Grounds for relief: Origin rate relationship.

Tariff: Supplement 12 to Chicago, Burlington & Quincy Railroad Company tariff I.C.C. 20555.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38565: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 483), for interested rail carriers. Rates on blacks (carbon, gas, and/or oil), and blacks, chemical carbon, not carbon black, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 3 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10536; Filed, Oct. 3, 1963; 8:47 a.m.]

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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[Updated to January 1, 1963]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 82, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (ii) and (iii) of § 910.382 (Lemon Regulation 82, 28 F.R. 10484) are hereby amended to read as follows:

(ii) District 2: 162,750 cartons;
(iii) District 3: 83,700 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 3, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10640; Filed, Oct. 7, 1963; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-583]

PART 13—PROHIBITED TRADE PRACTICES

Rugby Rug Mills, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–235 *Producer status of dealer or seller.* Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Rugby Rug Mills, Inc., et al., New York, N.Y., Docket C-583, Sept. 12, 1963. In the Matter of Rugby Rug Mills, Inc., et al., New York, N.Y., Docket C-583, Sept. 12, 1963]

In the Matter of Rugby Rug Mills, Inc., Rugby International Corp., Rug Buyers Corp., Corporations, and Herbert S. Rosenfeld, Individually and as Officers of Said Corporations

Consent order requiring three associated corporate importers and distributors of rugs, with common offices in New York City, to cease violating the Textile Fiber Products Identification Act by labeling as "70% Reprocessed Wool, 30% Virgin Wool", rugs which contained substantially less woolen fibers than so indicated; failing to disclose on labels affixed to rugs the true generic names of the fibers present and the true percentage thereof by weight; and furnishing false guarantees that their rugs were not misbranded; and to cease violating the Federal Trade Commission Act by representing falsely, through use of the word "Mills" in one corporations name, that they were the manufacturers of the products they sold.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Rugby Rug Mills, Inc., Rugby International Corp., and Rug Buyers Corp., corporations, and their officers, and Herbert S. Rosenfeld, Charles H. Gordon and Helene M. Rosenfeld, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce", and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Rugby Rug Mills, Inc., a corporation, and its officers, and Herbert S. Rosenfeld, Charles H. Gordon and Helene M. Rosenfeld, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rugs or any other textile products in commerce, as "commerce", is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly, using the word "Mills", or any other word or term of similar import or meaning, in or as part of respondents' corporate or trade name, or representing in any other manner that respondents perform the functions of a mill or otherwise manufacture or process the rugs or the textile products sold by them, unless and until respondents own and operate, or directly and absolutely control the mill

wherein said rugs or other textile prod-

trade name, and respondent's represent-

information with respect the the name

wherein said rugs or other textile products are manufactured.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 12, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10646; Filed, Oct. 7, 1963; 8:47 a.m.]

[Docket C-584]

PART 13—PROHIBITED TRADE PRACTICES

Edward Zinman and Edward's Fur Shop

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–35 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new;* § 13.1880–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(a) *Maker or seller;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Sta. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Edward Zinman trading as Edward's Fur Shop, Boston, Mass., Docket C-584, Sept. 12, 1963]

In the Matter of Edward Zinman, an Individual Trading as Edward's Fur Shop

Consent order requiring a Boston retail furrier to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing and advertising, to show the true animal name of fur, when fur was used or secondhand and when it was "natural"; failing on labels and invoices, to show when furs were artificially colored, to show the country of origin of imported furs on invoices and in advertising and to identify the manufacturer, etc., on labels; using the term "Broadtail" improperly on invoices; and failing to comply in other respects with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Edward Zinman, an individual trading as Edward's Fur Shop, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to disclose that fur products contain or are composed of second-hand used fur.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of labels affixed to fur products.

6. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

7. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

8. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

9. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect the the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

7. Failing to disclose that fur products contain or are composed or second-hand used fur.

8. Failing to set forth the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the "fur" or "used fur" added to fur products that had been repaired, restyled or remodeled.

9. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

10. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Persian Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

3. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Fails to disclose that fur products contain or are composed of second-hand used fur.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 12, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10647; Filed, Oct. 7, 1963; 8:47 a.m.]

[Docket No. C-581]

PART 13—PROHIBITED TRADE PRACTICES

Leo Esserman and Esserman Co.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–35 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leo Esserman trading as Esserman Co., New York, N.Y., Docket C-581, Sept. 11, 1963]

In the Matter of Leo Esserman, an Individual Trading as Esserman Co.

Consent order requiring a New York City manufacturing furrier to cease violating the Fur Products Labeling Act by failing, on labels and invoices, to show the true animal name of fur, to use the term "Persian Lamb" as required, and to describe fur products which were not artificially colored as "natural"; failing on invoices, to disclose when fur was bleached, etc.; and to show the country of origin of imported furs; failing in other respects to comply with labeling and invoicing requirements, and furnishing false guarantees that fur products were not misbranded, falsely invoiced or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Leo Esserman, an individual, trading under his own name as Esserman Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Setting forth the term "assembled" or any term of like import as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in a legible manner.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

10. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

6. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder in a manner which is not clear, legible, distinct and conspicuous.

7. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondent Leo Esserman, an individual, trading under his own name as Esserman Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10644; Filed, Oct. 7, 1963; 8:47 a.m.]

[Docket No. C-582]

PART 13—PROHIBITED TRADE PRACTICES

Milton Fettner and Milton Furs

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding and mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal*

regulatory and statutory requirements;

regulatory and statutory requirements; § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used or reclaimed as unused or new;* § 13.1880–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Milton Fettner trading as Milton Furs, Cincinnati, Ohio, Docket C–582, Sept. 12, 1963]

In the Matter of Milton Fettner, an Individual Trading as Milton Furs

Consent order requiring a manufacturing wholesale-retailer of furs in Cincinnati, Ohio, to cease violating the Fur Products Labeling Act by failing to show on labels and invoices and in advertising when fur products contained cheap or waste fur, to show on labels and in advertising the true animal name of fur and when fur was "natural", to disclose on labels that certain furs were "secondhand" and to show on invoices the country of origin of imported furs; using in advertising the names of animals other than those producing certain furs; advertising falsely that prices of fur products were reduced "¼ to ½ and more"; failing to maintain adequate records as a basis for pricing claims; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Milton Fettner, an individual, trading as Milton Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to disclose that fur products contain or are composed of second-hand used fur.

4. Failing to set forth on labels the item number or mark assigned to fur products.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information on labels affixed to fur products.

6. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwritng on labels affixed to fur products.

7. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

8. Failing to set forth separately on labels attached to fur products of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to disclose on invoices that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist directly or indirectly in the sale or offering for sale of any fur products and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide and as prescribed by the rules and regulations.

4. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

7. Falsely or deceptively represents in any manner that prices of respondent's fur products are reduced.

8. Represents, directly or by implication, through percentage savings claims that prices of fur products are reduced to afford purchasers of respondent's fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

9. Makes claims and representations, of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 12, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63–10645; Filed, Oct. 7, 1963; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—TANK VESSELS

[CGFR 63–45]

LIQUEFIED INFLAMMABLE GASES AND ETHYLENE OXIDE

Pursuant to the notices of proposed rulemaking published in the FEDERAL REGISTER on February 2, 1963 (28 F.R. 1052–1058), and February 16, 1963 (28 F.R. 1510, 1511), and the Merchant Marine Council Public Hearing Agenda, dated March 25, 1963 (CG–249), the Merchant Marine Council held a public hearing on March 25, 1963, for the purpose of receiving comments, views and data.

This document contains the final actions taken with respect to the proposals described as "Bulk Shipments of Ethylene Oxide" and "Liquefied Inflammable Gases" in "Item IV—Tank Vessels" of the Agenda (CG–249, pages 77 to 128). These proposals, as revised, are approved and set forth herein. This is the tenth document of a series containing regulations considered at the March 25, 1963 Public Hearing and Annual Session of the Merchant Marine Council.

The revised regulations governing the transportation of liquefied inflammable gases recognize certain technological advances developed in the handling of such gases and permit various methods of transportation not previously allowed. Many comments were received including

those from the Committee on Tank Vessels of the American Petroleum Institute, Inc., American Bureau of Shipping, American Merchant Marine Institute, Inc., Chemical Transportation Advisory Panel of the Merchant Marine Council, Stratoflex, Inc., Phillips Petroleum Company, Conch Methane Services, Ltd., and J. J. Henry Co., Inc. The regulations designated 46 CFR 38.01–5, 38.05–1, 38.05–10, 38.05–20, 38.05–25, 38.10–1, 38.10–20, and 38.25–1 contain changes from the original proposals set forth in the Agenda. The special endorsement required on the certificate of inspection was changed so it will show both the minimum and maximum temperatures for liquefied inflammable gas cargoes. The design requirements will require consideration to be given to the pressures anticipated in normal service and when testing the tanks. With a couple of exceptions, a tank vessel having a tank installed in a dry cargo hold with a portion extending above the weather deck shall be required to maintain the weathertightness of such deck. When a refrigerated cargo needs to be kept in an insulated tank, the insulation shall be of approved materials. While the regulations describe specific means for gaging contents in a tank, the use of alternate means will be permitted when such means are acceptable to the Commandant.

The regulations governing the transportation of ethylene oxide in bulk are in a new Subpart 40.05 in 46 CFR Part 40, entitled "Special construction, arrangement, and other provisions for carrying certain inflammable or combustible dangerous cargoes in bulk." The characteristics of ethylene oxide, when compared with other inflammable liquids commonly carried in tank vessels, present an unusually high degree of fire hazard. These new regulations for bulk shipment by water of ethylene oxide were developed with the cooperation of the Chemical Transportation Advisory Panel of the Merchant Marine Council. In addition to the Chemical Transportation Advisory Panel, views were received from the Dow Chemical Company, Monsanto Chemical Company, Stauffer Chemical Company, Olin Mathieson Chemical Corporation, Phillips Petroleum Company, Stratoflex, Inc., Technical Committee of the Shipbuilders Council of America, and the Committee on Tank Vessels of the American Petroleum Institute, Inc.

The regulations governing ethylene oxide and designated 46 CFR 40.01–5, 40.05–1, 40.05–2, 40.05–5, 40.05–10, 40.05–20, 40.05–30, 40.05–35, 40.05–40, 40.05–45, 40.05–60, 40.05–65, 40.05–69, 40.05–73, 40.05–75, 40.05–80, 40.05–83, 40.05–85, 40.05–86, and 40.05–87 contain changes from the original proposals set forth in the Agenda. The tanks certified for ethylene oxide may be used for transportation of other compatible products under conditions which must be approved by the Commandant. During the transportation of ethylene oxide, arrangements must be provided to keep the cargo temperature below 90° F. During the loading operation, the temperature of ethylene oxide shall be below 70° F. With a couple of exceptions, a tank vessel having a tank installed in a dry cargo hold with a portion extending above the weather deck will be required to maintain the weathertightness of such deck. The insulation requirements were changed to establish specified minimum conditions, including specific approval of such materials by the Commandant. The regulations provide for a manual method of operation of the cooling system. The setting of the relief valve is at the design pressure of the tank when such pressure is higher than 75 pounds per square inch. The filling density for ethylene oxide was increased from 82 percent to 83 percent. The cargo hose used for ethylene oxide may be used only with products compatible with it, and the manufacturer shall guarantee the maximum pressure for such hose and have it labeled "certified for ethylene oxide." The special operating requirements were revised to have a water system, including water hoses, provided for immediate use during filling and discharging operations to assist in controlling spillages which may occur, and to have the cargo transfer operations performed by personnel especially qualified in the handling of ethylene oxide. The cargo marking requirements were revised to include a color coding for barges carrying ethylene oxide. The proposals for vessel design in 46 CFR 40.05–15 were not adopted at this time.

The proposals described as "Special construction, arrangement and provisions for certain dangerous cargoes in bulk: Application; elemental phosphorus in water; sulfuric acid; hydrochloric acid; liquid chlorine; and anhydrous ammonia" in "Item V—Vessel Operations and Inspection" of the agenda are withdrawn. These proposals were intended to make additional corrections, to clarify certain requirements, and to add additional requirements based on the properties of the chemicals being transported. Approximately 146 comments were received. Since many comments were adverse to the proposals and raised questions not previously considered, it was determined desirable to review all the regulations.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), and 167–38 dated October 26, 1959 (24 F.R. 8857), the regulation and amendments in this document are prescribed and shall become effective January 1, 1964; however, the amendments and regulations in this document may be complied with on and after the date of publication of this document in the FEDERAL REGISTER in lieu of existing requirements. Existing tank vessels shall be in compliance with the new or revised requirements in this document regarding liquefied inflammable gases by the time of their inspections for certification or by January 1, 1965, whichever occurs first.

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

Section 30.01–5(b) is amended by redesignating subparagraphs (6) and (7) to (7) and (8), by inserting a new subparagraph (6), and by adding a new subparagraph (9), so that subparagraphs (6) and (9), inclusive, read as follows:

§ 30.01–5 Application of regulations—TB/ALL.

* * * * * * *

(b) * * *

(6) Elevated temperature cargoes.

(7) Liquefied inflammable gases.

(8) Inflammable or combustible liquids having lethal characteristics.

(9) Special construction, arrangement, and other provisions for carrying certain inflammable or combustible dangerous cargoes in bulk.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 695, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 176–14, November 26, 1954, 19 F.R. 8026)

PART 38—LIQUEFIED INFLAMMABLE GASES

Part 38 is amended in its entirety to read as follows:

Subpart 38.01—General

Sec.

38.01–1 Scope of regulations—TB/ALL.
38.01–2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied inflammable gases in dry cargo spaces—TB/ALL.
38.01–5 Certificate of inspection—TB/ALL.

Subpart 38.05—Design and Installation of Cargo Tanks

38.05–1 Design and construction—TB/ALL.
38.05–5 Markings—TB/ALL.
38.05–10 Installation of cargo tanks—TB/ALL.
38.05–20 Lagging—TB/ALL.
38.05–25 Refrigerated systems—TB/ALL.

Subpart 38.10—Piping, Valves, Fittings and Accessory Equipment

38.10–1 Valves, fittings and accessories—TB/ALL.
38.10–5 Filling and discharge pipes—TB/
38.10–10 Cargo piping—TB/ALL.
38.10–15 Safety relief valves—TB/ALL.
38.10–20 Liquid level gaging devices—TB/ALL.

Subpart 38.15—Special Cargo Handling Requirements

38.15–1 Filing densities—TB/ALL.
38.15–5 Cargo hose—TB/ALL.

Subpart 38.20—Venting and Ventilation

38.20–1 Venting—T/ALL.
38.20–5 Venting—B/ALL.

Subpart 38.05—Periodic Inspections and Tests

38.25–1 Tests and inspections—TB/ALL.
38.25–5 Removal of defective tanks—TB/ALL.
38.25–10 Safety valves—TB/ALL.

AUTHORITY: §§ 38.01–1 to 38.25–10 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375,

391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 1117; 3 CFR 1952 Supp. Treasury Dept. Orders 120 July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 10 F.R. 8026. Additional authority cited with sections affected.

Subpart 38.01—General

§ 38.01-1 Scope of regulations—TB/ALL.

(a) The regulations in this part contain requirements for the transportation of liquefied inflammable gases in bulk in fixed pressure-vessel types of cargo tanks vented above 10 pounds per square inch gage except as otherwise provided for in paragraphs (b), (c) and (d) of this section.

(b) When liquefied inflammable gases in bulk are transported in cargo tanks vented at 10 pounds per square inch gage or below, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this part.

(c) The regulations in this part apply specifically to the carriage of those commodities defined as liquefied inflammable gases and which have no significant hazard other than inflammability. Additional safeguards may be necessary for liquefied inflammable gases having other significant hazardous characteristics.

(d) The transportation "on deck" of liquefied inflammable gases in portable cylinders and tanks and the transportation of empty cylinders and portable tanks previously used shall be in accordance with the requirements of Part 146 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter. The transportation of such containers "under deck" shall be in accordance with the requirements of § 38.01-2.

§ 38.01-2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied inflammable gases in dry cargo spaces—TB/ALL.

(a) ICC cylinders, ICC Specification portable tanks, or other approved portable tanks containing liquefied inflammable gases may be transported under deck, provided the following requirements are met:

(1) The cargo space shall be provided with efficient means of ventilation, be protected from artificial heat, and be readily accessible from hatches.

(2) Containers shall be stored in such a position that the safety relief device is in communication with the vapor space of the container. They shall be properly stowed, dunnaged and secured to prevent movement in any direction.

(3) Unless a method acceptable to the Commandant is used, the containers shall not be over-stowed in the same dry cargo space with other liquefied inflammable gas containers, nor with other cargo.

(4) The containers shall be suitably protected against physical damage from other cargo, ship's stores, or equipment in such spaces.

(5) Cylinders shall have their valves protected at all times by one of the following methods:

(i) By metal caps securely attached to the cylinders and of sufficient strength to protect valve from injury.

(ii) By having the valves recessed into the cylinders or otherwise protected so that they will not be subject to a blow if the cylinder is dropped on a flat surface.

(6) Portable tanks shall have their valves protected at all times by a housing in accordance with the requirements under which they were manufactured.

(7) Electrical circuits in such cargo spaces shall meet the requirements of § 111.60-40 in Subchapter J (Electrical Engineering) of this chapter. If the electrical circuit does not meet such requirements, it must be de-energized by a positive means and not re-energized until the cargo has been removed and the space has been tested and found free of inflammable vapor.

(8) During the stowage of portable cylinders or portable tanks in a hold or compartment, that is not fitted with electrical fixtures meeting the requirements of § 111.60-40, no means of artificial lighting shall be used within the space unless such equipment is of the explosionproof type. Electrical connections for portable lights shall be made from outlets on the weather deck. Hand flashlights used in the stowage area shall be of an approved type.

(9) The following dangerous cargoes shall not be stowed in the same hold or compartment with liquefied inflammable gas containers:

(i) Class A, B, or C explosives.
(ii) Inflammable solids.
(iii) Oxidizing materials.
(iv) Corrosive liquids.
(v) Poisonous articles.
(vi) Cotton and similar fibrous materials.

(R.S. 4472, as amended, 4488, as amended, 46 U.S.C. 170, 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.01-5 Certificate of inspection—TB/ALL.

(a) The certificate of inspection shall be endorsed for the carriage of liquefied inflammable gases as follows:

Inspected and approved for the carriage of liquefied inflammable gases (1) at a pressure not to exceed ------ p.s.i. (the design pressure of the container) and (2) at temperatures not less than ---° F. and not to exceed ---° F. (Tanks approved to carry cargoes at either below or above ambient temperatures shall have the applicable limiting temperatures indicated on the certificate. Tanks designed to carry cargoes only at ambient temperatures should have the word "ambient" entered in these spaces.)

(R.S. 4421, as amended; 46 U.S.C. 399, Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 38.05—Design and Installation of Cargo Tanks

§ 38.05-1 Design and construction—TB/ALL.

(a) The liquefied inflammable gas tanks shall meet the requirements for Class I or Class II arc welded unfired pressure vessels, and shall be fabricated, inspected, and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this part. In the design of the tank, consideration shall be given to the possibility of the tank being subjected to external loads. Consideration shall also be given to excessive loads that can be imposed on the tanks by their support due to static and dynamic forces under operating conditions or during testing. The design shall show the manner in which the tanks are to be installed, supported, and secured, and shall be approved prior to installation.

(b) Unlagged liquefied inflammable gas tanks, where the cargo is transported, at or near ambient temperatures, shall be designed for a pressure of the gas at 115° F., or for the vapor pressure of the gas at the temperature of the surrounding cargo if higher than 115° F. The design shall also be based on the minimum internal pressure (maximum vacuum), plus the maximum external static head to which the tank may be subjected. Whenever surrounding cargo is at a greater temperature than the design temperature of the liquefied inflammable gas tanks, the liquefied inflammable gas cargo is to be such that the design pressure of the liquefied inflammable gas tank is not exceeded.

(c) Where liquefied inflammable gas tanks, in which the cargo is transported at or near ambient temperature, are lagged with an insulation material of a thickness to provide a thermal conductance of not more than 0.075 B.t.u. per square foot per degree Fahrenheit differential in temperature per hour, the tanks shall be designed for a pressure of not less than the vapor pressure of the gas at 105° F. The insulation material shall conform to the requirements of § 38.05-20. The design shall also be based on the minimum internal pressure (maximum vacuum) plus the maximum external static head to which the tank may be subjected.

(d) The refrigerated cargo tank requirements are:

(1) Liquefied inflammable gas tanks in which the temperature is maintained below the normal atmospheric temperature by refrigeration or other acceptable means, shall be designed for a pressure of not less than 110 percent of the vapor pressure corresponding to the temperature of the liquid at which the system is maintained or the pressure corresponding to greatest dynamic or static loads expected to be encountered in service or during testing, whichever is greater. The material of the tank shall be approved by the Commandant for the minimum operating cargo temperature and this temperature shall be permanently marked on the tank as prescribed in § 38.05-5.

(2) If the tank is vented at 10 pounds per square inch gage or below, the unfired pressure vessel requirements as specified in paragraph (a) of this section do not apply. However, the requirements of § 38.01-1(b) shall apply.

(e) The shell and head thickness of liquefied inflammable gas tanks shall not be less than 5/16-inch.

(f) Each liquefied inflammable gas tank shall be provided with not less than a 15-inch by 23-inch or an 18-inch diameter manhole fitted with a cover located above the maximum liquid level and as close to the top of the tank as possible. Where access trunks are fitted to the tanks, the nominal diameter of the trunks shall be not less than 30 inches.

(g) Provision shall be made for electric bonding tanks and piping.

§ 38.05-5 Markings—TB/ALL.

(a) Upon satisfactory completion of tests and inspection, the following marking, at least 3/8 inch high, shall be stamped into a non-corrodible nameplate permanently attached to the tank:

(Name and address of manufacturer)

(Design pressure) ---- p.s.i.

(Shop test pressure) ---- p.s.i.

(Minimum allowable cargo temperature) (Applicable to refrigerated cargo only) ---- ° F.

(Inspector's No.) (Initials and CG symbol)

(Manufacturer's Serial No.)

(Date of manufacture)

(Water capacity, U.S. gallons)

(b) All tank inlet and outlet connections, except safety relief valves, liquid level gaging devices, and pressure gages, shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of corrosion-resistant material may be attached to valves.

(c) All tank markings shall be permanently and legibly stamped in a readily visible position, and shall not be obscured by painting. If the tanks are lagged, the markings attached to the tank proper shall be duplicated on a corrosion-resistant plate secured to the outside jacket of the lagging.

§ 38.05-10 Installation of cargo tanks—TB/ALL.

(a) Liquefied inflammable gas tanks shall be independent of the hull and shall be so arranged as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom to provide access for inspection. Reduced clearances will be considered by the Commandant in special cases if adequate safeguards can be demonstrated to protect against tank damage in the event of collision or grounding. Where more than one tank is installed, the distance between such tanks and between tanks and vessel's structure shall be adequate to permit access for inspection and maintenance of all tank surfaces and hull structure as approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of the vessel's structure and tanks.

(b) The conditions regarding installation are:

(1) Liquefied inflammable gas tanks may be located in cargo tanks or in other spaces which meet the requirements for cofferdams as defined in § 30.10-13. When liquefied inflammable gas tanks are installed in cargo tanks, such cargo tanks may be used simultaneously or separately for the carriage of inflammable or combustible liquids up to and including the grade for which the cargo tanks are otherwise certified in accordance with the requirements of this subchapter.

(2) The liquefied inflammable gas tanks may be installed "on deck" or "under deck" with the tanks protruding above deck.

(3) Where the liquefied inflammable gas tanks are installed in dry cargo holds and a portion of the tank extends above the weather deck, provision shall be made to maintain the weathertightness of the deck. The weathertightness of the upper deck need not be maintained on:

(i) Tankships operating on restricted routes which are sufficiently protected; or,

(ii) Open hopper type barges of acceptable design.

(4) Where the liquefied inflammable gas tanks are installed in cargo tanks and a portion of the liquefied inflammable gas tanks extend above the weather deck, the penetration shall be made gastight and watertight, and shall be such as to provide full compliance with the structural requirements including testing for the hull and integral tanks. In the application of the requirements for the hydrostatic test of the cargo tanks, the hydrostatic test shall in no case be less severe than the worst anticipated service condition of the cargo loading. In the design and testing of the independent cargo tanks and integral cargo tanks, consideration shall be given to the possibility of the independent tanks being subjected to external loads.

(c) All liquefied inflammable gas tanks shall be installed with the manhole openings located in the open above the weather deck.

(d) Liquefied inflammable gas tanks shall be supported on foundations of steel or other suitable material and securely anchored in place to preclude the liquefied inflammable gas tanks from shifting when subjected to external forces. Each tank shall be so supported as to prevent the concentration of excessive loads on the supporting portions of the shell or head as prescribed under § 38.05-1(a).

(e) No strength welding employed in the attachment of supports, lugs, fittings, etc., shall be done on tanks that require and have been stress relieved, unless authorized by the Commandant.

§ 38.05-15 Cargo tanks on barges—B/ALL.

(a) Special consideration may be given by the Commandant to the design of liquefied inflammable gas tanks forming all or part of the structure of a tank barge where adequate provision is made to prevent damage to tanks in the event of collision or grounding.

(b) Sides of all tank barges shall be fitted with suitable guards as an added precaution against the cargo tanks becoming damaged as a result of collision.

§ 38.05-20 Lagging—TB/ALL.

(a) Where used, the insulation material shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter. For low temperature service the insulation shall be specifically approved by the Commandant. When the insulation is in an enclosed space where ignition is precluded by approved means, the insulation may be "self extinguishing" as tested according to ASTM D-1962-59T "Flammability of Plastics, Foam and Sheeting." (This standard may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pennsylvania.)

(b) All insulation shall be of a vapor-proof construction, or have a vapor-proof coating of a fire-retardant material acceptable to the Commandant. Unless the vapor barrier is inherently weather resistant, tanks exposed to the weather shall be fitted with a removable sheet metal jacket of not less than 0.083 inch thick over the vapor-proof coating and flashed around all openings so as to be weathertight. Weather resistant coatings shall have sheet metal over areas subject to mechanical damage.

(R.S. 4488, as amended, 4491, as amended; U.S.C. 481, 489. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.05-25 Refrigerated systems—TB/ALL.

(a) When a liquefied inflammable gas is carried below atmospheric temperature under the requirements of § 38.05-1(d) (1) or (2), maintenance of the tank pressure below the design pressure shall be provided by one of the following means:

(1) A refrigeration or liquefaction system which regulates the pressure in the tanks. A standby compressor of a capacity equal to one of the working compressors shall be provided.

(2) A system whereby the vapors are utilized as fuel for shipboard use.

(3) A system allowing the liquefied inflammable gas to warm up and increase in pressure. The insulation and tank design pressure shall be adequate to provide for a suitable margin for the operating time and temperatures involved.

(4) Other systems acceptable to the Commandant.

(b) A system whereby the vapors are vented to the atmosphere at sea only may be employed in conjunction with subparagraph (a)(1) of this section.

(c) When the tanks are insulated, the insulation shall conform to the requirements of § 38.05-20.

Subpart 38.10—Piping, Valves, Fittings and Accessory Equipment

§ 38.10-1 Valves, fittings and accessories—TB/ALL.

(a) All valves, flanges, fittings and accessory equipment for operation at atmospheric temperatures shall be of a type suitable for use with liquefied inflammable gases, and shall be made of steel or Grade A malleable iron con-

forming to the requirements of Part 51

the tank as possible. These valves are

forming to the requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter: *Provided,* That where the cargo is carried at temperatures below atmospheric the valves, flanges, fittings and accessory equipment shall be of a type and material suitable for use with liquefied inflammable gas at the minimum temperature to which they may be subjected, and shall be subject to approval by the Commandant. All valves, flanges, fittings and accessory equipment shall have a pressure rating at operating temperatures not less than the maximum pressure to which they may be subjected. Welded fittings shall be used wherever possible. The number of pipe joints shall be held to a minimum. Screwed joints in the cargo liquid and vapor lines are prohibited.

(b) Valve seat material, packing, gaskets, etc. shall be resistant to the action of the liquefied inflammable gas. All flange and manhole cover gaskets shall be compressed asbestos, spiral-wound metal asbestos, metal jacketed asbestos, solid aluminum, corrugated steel, solid steel or iron, or other materials with equal or better resistance to fire exposure.

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shutoff valves, safety relief valve connections, refrigeration connections where necessary, liquid level gaging devices, thermometer well and pressure gage and shall be provided with suitable access for convenient operation. Piping shall enter the cargo tanks above the weather deck except as otherwise permitted in this section. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by the Commandant, are prohibited. Cargo loading and discharge piping may be connected to the tanks below the weather deck, subject to approval by the Commandant, provided:

(1) A remotely controlled quick-closing shutoff valve is flanged to the tank outlet connection. The control mechanism for this valve shall meet the requirements of § 38.10–5(b).

(2) The piping which is below the weather deck shall be joined by welding, except for a flanged connection to the quick-closing shutoff valve and a flanged connection to the cargo pump.

(3) The design and arrangement of this piping, including the flange bolting, shall be such that excessive stresses will not be transmitted to the cargo tank outlet connection or the quick-closing valve, even in the event of abnormal displacement of the piping.

(4) Except for those vessels the design of which permits the exclusion of a weathertight deck over the tanks, the space in which such piping is located shall be accessible only from the weather deck and shall be vented to a safe location above the weather deck.

(d) All connections to tanks, except safety relief valves and liquid level gaging devices, except as provided in § 38.10–20(e), shall have manually operated shutoff valves located as close to the tank as possible. These valves are in addition to those required by § 38.10–5.

(e) Excess flow valves, where required by this section, shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve.

(f) Liquid level gaging devices which are so constructed that outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(g) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(h) Excess flow valves may be designed with a bypass not to exceed a No. 60 drill size opening to allow equalization of pressure.

(i) Suitable valves shall be installed on the cargo headers to relieve the pressure in the liquid and vapor lines to a safe location prior to disconnecting shore lines.

(j) Relief valves shall be fitted in liquid lines which may be subject to excessive pressure caused by liquid full condition and the escape from the relief valves shall be piped to a venting system or to a suitable vapor recovery system. Provision shall be made for the proper venting of all valves, fittings, etc., in which pressure buildup may occur, especially in refrigerated systems, because of an increase in product temperature.

(k) A pressure gage shall be located at the highest practicable point. A thermometer well where installed on the tank proper shall be attached to the shell by welding.

§ 38.10–5 Filling and discharge pipes—TB/ALL.

(a) Filling connection shall be provided with one of the following:

(1) A combination back pressure check valve and excess flow valve; or,

(2) One double or two single back pressure check valves; or,

(3) A positive shutoff valve in conjunction with either an internal back pressure check valve or an internal excess flow valve. This positive shutoff valve may be the one required by § 38.10–1(d).

(b) All other liquid and vapor connections to tanks, except filling connections, safety relief valves, liquid level gaging devices and pressure gages described in § 38.10–1, shall be equipped with automatic excess flow valves; or in lieu thereof, may be fitted with quick-closing shutoff valves of the fail-safe type which, except when necessary for operation of the system, shall remain closed. The control mechanism for the quick-closing shutoff valves shall be provided with a remote control in at least two locations and be of a type acceptable to the Commandant. In addition, such control mechanism shall be equipped with a fusible element designed to melt between 208° F. and 220° F., which will cause the quick-closing shutoff valve to close automatically in case of fire.

(c) The excess flow, quick-closing shutoff, or back pressure check valves shall be located on the inside of the tank or outside where the piping enters the tank. In the latter case, installation shall be made in such a manner that any undue strain will not cause breakage between the tank and excess flow, back pressure check, or internal stop valve.

(d) Where the filling and discharge connections are made through a common nozzle at the tank, and the connection is fitted with a quick-closing shutoff valve as required by paragraph (b) of this section, the back pressure check valve or excess flow valve is not required, provided however, a positive shutoff valve is installed in conjunction with the internal stop valve.

§ 38.10–10 Cargo piping—TB/ALL.

(a) The piping shall be designed for a working pressure of not less than the maximum pressure to which it may be subjected but in no case less than the design pressure of the cargo tanks. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall not be less than the pump or compressor discharge relief valve setting; or, provided the piping is not protected by relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(b) Piping subject to tank pressure shall be seamless drawn steel or electric resistance welded steel. Pipe used in refrigerated tank systems shall be made of a material which is suitable for the minimum temperature to which it may be subjected and acceptable to the Commandant.

NOTE: Present U.S. Coast Guard requirements are that design temperature for materials considered to be suitable is 10° F. below the minimum operating temperature of the system.

(c) Where necessary, provision shall be made for expansion and contraction of piping by means of pipe expansion bends, packless type bellows or corrugated expansion joints. Suitable means shall be provided for controlling the expansion in the piping system. Slip type expansion joints are prohibited.

(d) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings and to prevent excessive vibration and stresses on tank connections.

§ 38.10–15 Safety relief valves—TB/ALL.

(a) Each tank shall be fitted with, or subject to approval by the Commandant connected to, one or more safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(R.S. 4491, as amended; 46 U.S.C. 489. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

(b) Each safety relief valve shall be set to start to discharge at a pressure not in excess of the design pressure of the tank.

(c) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the design pressure of the tank. The minimum rates of discharge of safety relief valves shall not be less than that determined by the following formula:

$$Q = 633{,}000\frac{FA^{0.82}}{LC}\sqrt{\frac{ZT}{M}} \quad (1)$$

or

$$Q = FGA^{0.82} \quad (2)$$

where:

Q=Minimum required rate of discharge in cubic feet per minute of air at standard conditions (60° F. and 14.7 p.s.i.a.).

F=Fireproofing credit; F=1.0, except when an approved fireproofing material of recommended thickness of a metal screen wall is used, then F=0.5. The Commandant may give special consideration to a reduction in F when considering the thermal conductance of the insulation and its stability under fire exposure.

M=Molecular weight of the cargo.

T=Temperature, degrees R(460+temperature in degrees F. of gas at relieving conditions).

A=Total surface area of the cargo vessel in square feet which may be subjected to fire exposure.

$A=\pi\times(D\times U)$ for cylindrical tanks with hemispherical heads.

$A=\pi\times D(U+0.3D)$, for cylindrical tanks with spherically dished or semiellipsoidal heads.

$A=\pi\times D^2$, for spherical tanks.

D=Outside diameter of the tank, in feet.

U=External overall length of the tank, in feet.

C=Constant based on the relation of the specific heats. (See A.S.M.E. "Unfired Pressure Vessel Code," section 8, page 176, which may be purchased from American Society of Mechanical Engineers, 345 East 74th Street, New York, N.Y.) (If K is not known, use C=315.)

L=Latent heat of the material being vaporized at relieving conditions in B.t.u. per pound.

Z=Compressibility factor of the gas at relieving conditions (If not known, use Z=1.0).

G=Constant for individual gas as shown in Table 38.10–15(c)(1).

TABLE 38.10–15(c)(1)

Relief valve setting	"G" constant for relieving conditions at 120 percent of relief valve setting
250 p.s.i.g.	53.6
90 p.s.i.g.	40.3
65 p.s.i.g.	38.6

(d) Safety relief valve connections shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shut-off valves so arranged at all times as to permit the required capacity discharge through the open safety relief valves.

(e) Each safety relief valve shall be tested in the presence of a marine inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank.

§ 38.10–20 Liquid level gaging devices—TB/ALL.

(a) Each tank shall be fitted with a liquid level gaging device of approved design to indicate maximum level to which the tank may be filled with liquid at temperatures (1) between 20° F. and 130° F. for unrefrigerated service, and (2) within the operating temperature range for tanks operating below atmospheric temperature.

(b) Liquid level gaging devices may be of the following types: Rotary tube, slip tube, fixed tube, magnetic, automatic float, or similar types approved by the Commandant.

(c) All gaging devices shall be arranged so that the maximum liquid level for product being carried, to which the tank may be filled is readily determinable. The maximum gallonage capacity as required by § 38.15–1 shall be (1) marked on the tank system nameplate or gaging device; or (2) shown in the ullage tables.

(d) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(e) Each automatic float, continuous reading tapegage, and similar type, shall be fitted with a shutoff device located as close to the tank as practicable. When an automatic float gaging device, which gages the entire height of the tank is used, a fixed tube gage set in the range of 85 percent to 90 percent of the water capacity of the tank shall be provided in addition as a means of checking the accuracy of the automatic float gage, or other alternate means acceptable to the Commandant may be used.

(f) A gaging device shall have a design pressure of at least that which is equal to the design pressure of the tank on which it is installed.

(g) For tanks operating at atmospheric temperature, the length of fixed tube device shall be designed to indicate the maximum level to which the tank may be filled, based on the volume of the product at 40° F. at its maximum permitted filling density for unlagged tanks and at 50° F. for lagged tanks. The maximum volume of the liquid at 60° F. may be obtained by determining the volume of the liquid at 40° F. or 50° F. for unlagged or lagged tanks, using the filling densities given in § 38.15–1 and correcting the liquid volumes at these temperatures to 60° F. by applying the volume correction factors in Table 38.10–20(g).

TABLE 38.10–20 (g)—VOLUME CORRECTION FACTOR

Specific gravity	Unlagged tanks	Lagged tanks
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(h) The method for calculating length of fixed tubes shall be:

$$\frac{\text{Water capacity of container}\times\text{Filling density}}{\text{Specific gravity}\times\text{Volume correction factor}} = \left\{\text{Maximum volume for which fixed length tube shall be set}\right.$$

(i) Gage glasses of the columnar type are prohibited.

(j) Flat sight glasses may be used in the design of automatic float continuous reading tape gages: *Provided,* That such glasses shall be made of high strength material suitable for the operating temperatures of not less than ½ inch in thickness and adequately protected by a metal cover.

Subpart 38.15—Special Cargo Handling Requirements

§ 38.15–1 Filling densities—TB/ALL.

The "filling density" is defined as the percent ratio of the weight of the gas in a tank to the weight of water the tank will hold at 60° F. The filling densities shall not exceed the ratios indicated in the Table 38.15–1.

TABLE 38.15–1—MAXIMUM PERMISSIBLE FILLING DENSITIES FOR TANKS OPERATING AT OR NEAR

charge of gas will be directed vertically

Subpart 38.25—Periodic Tests and

TABLE 38.15-1—MAXIMUM PERMISSIBLE FILLING DENSITIES FOR TANKS OPERATING AT OR NEAR AMBIENT TEMPERATURE

Specific gravity at 60° F.	Maximum permitted filling density		
	Unlagged tanks—water capacity		Lagged tanks—all capacities
	1,200 gal. and under	Over 1,200 gal.	
0.473–0.480	38	41	42
0.481–0.488	39	42	43
0.489–0.495	40	43	44
0.496–0.503	41	44	45
0.504–0.510	42	45	46
0.511–0.519	43	46	47
0.520–0.527	44	47	48
0.528–0.536	45	48	49
0.537–0.544	46	49	50
0.545–0.552	47	50	51
0.553–0.560	48	51	52
0.561–0.568	49	52	53
0.569–0.576	50	53	54
0.577–0.584	51	54	55
0.585–0.592	52	55	56
0.593–0.600	53	56	57
0.601–0.608	54	57	58
0.609–0.617	55	58	59
0.618–0.626	56	59	60
0.627–0.634	57	60	61

NOTE: Increase in filling densities to provide for seasonal changes may be considered by the Commandant upon presentation of factual evidence that safe operation can be effected. The filling density for liquefied inflammable gas tanks in which the temperature is maintained below the normal ambient temperature by refrigeration or other acceptable means shall be such that the tank will not be liquid full at a temperature corresponding with the vapor pressure of the start-to-discharge pressure setting of the relief valve.

§ 38.15–5 Cargo hose—TB/ALL.

(a) Flexible metal hose fabricated of seamless steel pipe and flexible joints of steel or bronze, or hose fabricated of other suitable material resistant to the action of liquefied inflammable gas shall be fitted to the liquid and vapor lines during filling and discharging of the tanks. Hose used in refrigerated systems shall be suitable for the minimum temperature to which it may be subjected and shall be acceptable to the Commandant.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(d) Before being placed in service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected. The hose shall be marked with the maximum pressure guaranteed by the manufacturer. The hose shall be marked with its maximum pressure, and with its minimum temperature when used in refrigerated service.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-39, Oct. 26, 1959, 24 F.R. 8857)

Subpart 38.20—Venting and Ventilation

§ 38.20–1 Venting—T/ALL.

(a) Each safety relief valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point which shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and to a minimum of at least 10 feet, and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of vapor ignition. When special conditions will prevent the vent line header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustible system shall be provided which, when extended vertically, shall be capable of reaching a height of one-third the beam of the vessel.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header capacity as provided for in the Table 38.20–1(b), and upon the total safety relief valve discharge capacity.

TABLE 38.20–1(b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks:	*Percent of total valve discharge*
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical injury and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow.

(g) No valve of any type shall be fitted in the vent pipe between the safety relief valve and the vent outlets.

(h) Suitable provisions shall be made for draining condensate which may accumulate in the discharge pipe. If an open drain is used, a means shall be provided to protect the tank, adjacent tanks, cargo piping, or equipment against impingement of the flame resulting from ignition of product escaping from the drain.

§ 38.20–5 Venting—B/ALL.

(a) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a reasonable height above the deck. An alternate arrangement consisting of a branch vent header system as required by § 38.20–1 may be installed. In any case, the provisions of § 38.20–1 (d) through (h) shall apply.

(b) Arrangement specifically provided for venting cargo tanks forming a part of the hull on unmanned barges will be considered by the Commandant upon presentation of plans.

Subpart 38.25—Periodic Tests and Inspections

§ 38.25–1 Tests and inspections—TB/ALL.

(a) Each tank shall be subjected to the tests and inspections described in this section in the presence of a marine inspector, except as otherwise provided in this section.

(1) An internal examination shall be made at least once in each 8 calendar years of every tank.

(2) An external examination of unlagged tanks and the visible parts of lagged tanks shall be made at each inspection for certification and at such other times as considered necessary.

(3) Sufficient insulation shall be removed from insulated tanks at least once in each 8 calendar years to permit spot external examination of the tanks to the extent deemed necessary by the marine inspector or in lieu thereof the thickness of the tanks may be gaged by nondestructive means acceptable to the marine inspector without removal of the insulation.

(b) A hydrostatic test of 1½ times the allowable pressure as determined by the safety relief valve setting shall be made at any time that the marine inspector considers such hydrostatic test necessary to determine the condition of the tank.

(c) In the application of the requirements for the hydrostatic test of the cargo tanks, the hydrostatic test shall in no case be less severe than the worst anticipated service condition of the cargo loading.

(d) In the design and testing of the independent cargo tanks, consideration shall be given to the possibility of the independent tanks being subjected to external loads.

(R.S. 4453, as amended, 4488, as amended; 46 U.S.C. 435, 481. Treasury Dept. Orders 120, July 31, 1950, 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 38.25–5 Removal of defective tanks—TB/ALL.

If a tank fails to pass the tests prescribed in this subpart, it shall be removed from service unless otherwise authorized by the Commandant.

§ 38.25–10 Safety valves—TB/ALL.

The safety relief valve discs shall be lifted from their seats in the presence of a marine inspector by either liquid, gas or vapor pressure at least once every four years to determine the accuracy of adjustment and, if necessary, shall be reset.

PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CARRYING CERTAIN INFLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

There is added after Part 39 a new Part 40 to read as follows:

Subpart 40.01—Application

Sec.
40.01–1 General—TB/ALL.
40.01–5 Effective date—TB/ALL.

Subpart 40.05—Ethylene Oxide

Sec.
40.05–1 General—TB/ALL.
40.05–2 Tank vessel certification and other chargoes—TB/ALL.
40.05–5 How ethylene oxide may be carried—TB/ALL.
40.05–10 Design, construction and arrangement of cargo tanks—TB/ALL.
40.05–20 Installation of cargo tanks—TB/ALL.
40.05–30 Insulation—TB/ALL.
40.05–35 Cooling systems—TB/ALL.
40.05–40 Valves, fittings, and accessories—TB/ALL.
40.05–45 Liquid level gaging devices—TB/ALL.
40.05–50 Filling and discharge pipes—TB/ALL.
40.05–55 Cargo piping—TB/ALL.
40.05–60 Safety relief valves—TB/ALL.
40.05–65 Filling density—TB/ALL.
40.05–69 Venting—TB/ALL.
40.05–73 Ventilation—TB/ALL.
40.05–75 Cargo hose—TB/ALL.
40.05–80 Electrical bonding—TB/ALL.
40.05–83 Special cargo handling requirements—TB/ALL.
40.05–85 Information board—TB/ALL.
40.05–86 Placarding—B/ALL.
40.05–87 Tests and inspections—TB/ALL.

AUTHORITY: §§ 40.01–1 to 40.05–87 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 59 U.S.C. 198, E.O. 10402, 17 F.R. 1117; 3 CFR 1952 Supp. Treasury Dept. Orders 120 dated July 31, 1950, 15 F.R. 6521; 167-14 Nov. 26, 1954, 19 F.R. 9026. Additional authority cited with sections affected.

Subpart 40.01—Application

§ 40.01–1 General—TB/ALL.

(a) The provisions of this part shall apply to all vessels which carry in bulk any of the dangerous cargoes specifically noted in this part.

§ 40.01–5 Effective date—TB/ALL.

(a) The provisions in this part shall be in effect on and after January 1, 1964.

Subpart 40.05—Ethylene Oxide

§ 40.05–1 General—TB/ALL.

(a) Ethylene oxide transported under the provisions of this subpart shall be acetylene free.

(b) Ethylene oxide may be carried in tank barges or tankships in accordance with the provisions of this subpart.

(c) No other product may be transported in tanks certified for ethylene oxide except that the Commandant may approve subsequent transportation of other products and return to ethylene oxide service if tanks, piping and auxiliary equipment are adequately cleaned to the satisfaction of the marine inspector.

§ 40.05–2 Tank vessel certification and other cargoes—TB/ALL.

(a) The certificate of inspection shall be endorsed as follows:

"Inspected and approved for the carriage of ethylene oxide in tank number(s) _____."

(b) Unless authorized by the Commandant, no other kind of cargo except methane, ethane, propane, butane and pentane shall be on board a tank vessel certificated for the carriage of ethylene oxide at the same time ethylene oxide in either the liquid or vapor state is present in any cargo tank. Ethylene oxide tanks shall not be installed in tanks intended for any other cargo.[1]

(R.S. 4421, as amended, 4472, as amended, 46 U.S.C. 399, 170. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 5621)

§ 40.05–5 How ethylene oxide may be carried—TB/ALL.

(a) Ethylene oxide shall be carried in fixed, independent, pressure vessel type cargo tanks, designed, constructed, arranged and if necessary equipped with machinery to maintain the cargo temperature below 90° F. except as otherwise provided for in paragraph (c) of this section.

(b) Ethylene oxide shall be loaded at a temperature below 70° F.

(c) When ethylene oxide is to be transported at or near atmospheric pressure, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this subpart.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167-38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–10 Design, construction and arrangement of cargo tanks—TB/ALL.

(a) All cargo tanks shall be constructed of a carbon steel or stainless steel acceptable to the Commandant. Impurities of copper, magnesium and other acetylide-forming metals shall be kept to a minimum. The chemical composition of all steel used shall be submitted to the Commandant for approval prior to fabrication. Neither aluminum nor copper and other acetylide-forming metals, such as silver, mercury, magnesium, and their alloys shall be used as materials of construction for tanks or equipment used in handling ethylene oxide.

(b) Cargo shall be transported in cylindrical pressure vessel tanks, independent of the vessel's hull structure and so arranged as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom to provide access for inspection. When more than one tank is installed in a vessel, the distance between such tanks shall be not less than 15 inches unless otherwise approved by the Commandant.

(c) Cargo tanks shall meet the requirements of Class I arc-welded unfired pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(d) Cargo tanks shall be designed for the maximum pressure of vapor or gas used in discharging the cargo but in no case shall the design pressure of such tanks be less than the seventy-five (75) pounds per square inch gage. The tank shell and heads shall not be less than 5/16 inch thick. The design of tanks shall take into account the expected stresses due to internal pressure, static head and localized stress concentrations.

(e) Each tank shall be provided with not less than one 15- x 23-inch elliptical or 18-inch diameter manhole located above the maximum liquid level and as close as possible to the top of the tank. Where access trunks are fitted to the tanks, the diameter of the trunks shall be not less than 30 inches.

§ 40.05–20 Installation of cargo tanks—TB/ALL.

(a) Cargo tanks shall be located below deck in holds or enclosed spaces with the domes or trunks extended above the weather deck and terminating in the open. Provisions shall be made to maintain the watertightness of the deck by means of watertight seals around such domes or trunks. The holds or enclosed spaces, in which the ethylene oxide tanks are located, shall not be used for any other purpose. The weathertightness of the weatherdeck may not be required to be fully maintained on: (1) Tankships operating on restricted routes which are sufficiently protected; or, (2) Open hopper type barges of a suitable design approved for such service.

(b) All cargo tanks shall be installed with the manhole openings and all tank connections located above the weather deck in the open.

(c) Tanks shall be suitably mounted on steel supports and anchored in place and suitably electrically bonded to the hull. Each tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the tank shell. Collision chocks shall be installed to prevent any longitudinal shifting of and damage to the cargo tanks in the event of collision. The design shall show the manner in which the tanks are to be installed, supported and secured in the barge or vessel and shall be approved prior to the installation of the tanks.

(d) No welding of any kind shall be done on cargo tanks or supporting structure unless authorized by the Commandant.

§ 40.05–30 Insulation—TB/ALL.

(a) All cargo tanks, piping, valves, fittings, etc., which may contain ethylene oxide in either the liquid or vapor phase, including the vent risers, shall be insulated. Flanges need not be covered, but if covered a small opening shall be left at the bottom of the flange cover to detect leaks. Insulation shall be of an approved incombustible material suitable for use with ethylene oxide, which does not signficantly lower the autoignition temperature and which does not react spontaneously with ethylene oxide. The insulation shall be of such thickness as to provide a thermal conductance of not more than 0.075 B.t.u. per square foot per degree fahrenheit differential in temperature per hour.

(b) Insulation shall be of an approved type complying with the requirements of

[1] Ethylene oxide may rearrange and/or polymerize violently, liberating large quantities of heat. A few of the most notable catalysts for this type of reaction are: anhydrous iron, tin and aluminum chlorides; pure iron and aluminum oxides; metallic potassium; alkali metal hydroxides; acids and organic bases. The speed of the reaction varies with the purity of the reactants, the temperature, the relative amount of each reactant, and the method of application.

Subpart 164.009 of Subchapter Q (Specifications) of this chapter. However, the Commandant may consider alternate proposals where it is demonstrated to his satisfaction that adequate protection against fire exposure will be provided. Insulation shall be of a vapor-proof construction, or shall have a vapor-proof coating of a fire-retardant material acceptable to the Commandant. All insulation, vapor barrier and adhesive material shall be of a type which does not lower the autoignition temperature of or react spontaneously with ethylene oxide. Insulation exposed to the weather shall have the vapor-proof coating covered with a removable sheet metal jacket, not less than 0.083-inch thickness, flashed around all openings so as to be weathertight. The sheet metal jacket may be omitted when the vapor barrier is inherently weather resistant. When a weather resistant vapor barrier is used, the insulation shall be protected by sheet metal in those areas subject to mechanical damage.

§ 40.05–35 Cooling systems—TB/ALL.

(a) When cooling systems are installed to maintain the temperature of the liquid below 90° F., at least two complete cooling plants, automatically regulated by temperature variations within the tanks shall be provided; each to be complete with the necessary auxiliaries for proper operation. The control system shall also be capable of being manually operated. An alarm shall be provided to indicate malfunctioning of the temperature controls. The capacity of each cooling system shall be sufficient to maintain the temperature of the liquid cargo at or below the design temperature of the system.

(b) An alternate arrangement may consist of three cooling plants, any two of which shall be sufficient to maintain the temperature of the liquid cargo at or below the design temperature of the system.

(c) Cooling systems requiring compression of ethylene oxide are prohibited.

§ 40.05–40 Valves, fittings, and accessories—TB/ALL.

(a) All valves, flanges, fittings, and accessory equipment shall be of a type suitable for use with ethylene oxide and shall be made of steel or stainless steel, or other materials acceptable to the Commandant. Impurities of copper, magnesium and other acetylide-forming metals shall be kept to a minimum. The chemical composition of all material used shall be submitted to the Commandant for approval prior to fabrication. Disks or disk faces, seats and other wearing parts of valves shall be made of stainless steel containing not less than 11 percent chromium. Mercury, silver, aluminum, magnesium, copper and their alloys shall be used for any valves, gages, thermometers, etc. Gaskets shall be constructed of spirally wound stainless steel with "Teflon" or other suitable material. All packing and gaskets shall be constructed of materials which do not react spontaneously with or lower the autoignition temperature of ethylene oxide.

(b) The pressure rating of valves, fittings, and accessories shall be not less than the maximum pressure for which the cargo tank is designed or the shutoff head of the cargo pump, whichever is greater, but in no case less than 150 pounds per square inch, American Standards Association's standards. Welded fittings shall be used wherever possible and the number of pipe joints shall be held to a minimum. Threaded joints in the cargo liquid and vapor lines are prohibited.

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shutoff valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, which shall be accessible for convenient operation. All connections to tanks shall be made above the weather deck in the open to a trunk or dome and shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this part, are prohibited.

(d) All connections to the tanks, except safety relief valves, shall have manually operated shutoff valves located as close to the tank as possible. These valves are in addition to those required by § 40.05–50.

(e) Excess flow valves, where installed, shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, valves, fittings and appurtenances protected by the excess flow valves, shall have a greater flow capacity than the rated flow of the excess flow valve.

(f) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(g) Excess flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equalization of pressure.

(h) Relief valves shall be fitted in liquid and vapor lines which may be subject to excessive pressure due to thermal expansion when the lines are liquid full. The escape from these relief valves shall be piped to the venting system.

(i) The pressure gage connection shall be located at the highest practical point in the vapor space of the tank.

(j) The thermometer well shall terminate in the liquid space and shall be attached to the shell by welding with the end of the fitting being provided with a gastight screwed plug or bolted cover.

§ 40.05–45 Liquid level gaging devices—TB/ALL.

(a) Each tank shall be fitted with a liquid level gaging device of approved design to indicate the level to which the tank may be filled.

(b) Liquid level gaging devices may be the: Slip tube, magnetic, automatic float, or other types approved by the Commandant.

(c) Any gaging device that requires bleeding of the product to the atmosphere, such as the slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve.

(d) The automatic float continuous reading tape gage, and similar types, shall be fitted with a shutoff valve located as close to the tank as practicable, which shall be designed to close automatically in the event of fracture of the external gage piping. An auxiliary gaging device shall always be used in conjunction with an automatic gaging device. This auxiliary device may be a duplication of the automatic device.

§ 40.05–50 Filling and discharge pipes—TB/ALL.

(a) Filling and discharge piping shall extend to within four inches of the bottom of the tank or sump pit if one is provided.

(b) In addition to the shutoff valve required by § 40.05–40(d), all tank connections larger than ½ inch inside pipe size, except safety relief valves and liquid level gaging devises, shall be fitted with either internal back pressure check valves or internal excess flow valves in conjunction with a quick closing stop valve operable from at least two remote locations. The quick closing stop valve shall be of the "fail safe" type acceptable to the Commandant and shall be equipped with a fusible plug designed to melt between 208° F. and 220° F., which will cause the quick closing valve to close automatically in case of fire. The quick closing valve shall be located as close to the tank as possible.

§ 40.05–55 Cargo piping—TB/ALL.

(a) Piping systems intended for ethylene oxide service shall not be used for any other product and shall be completely separate from all other systems. The piping system shall be designed so that no cross connections may be made either through accident or design.

(b) The piping system shall be designed for a working pressure of not less than the maximum pressure to which the system may be subjected, however, in no case shall the design pressure be less than 150 pounds per square inch. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall be not less than the pump or compressor discharge relief valve setting; or, provided the piping is not fitted with relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(c) Piping shall be seamless drawn or electric resistance welded steel or stainless steel.

(d) Where necessary, provision shall be made for expansion and contraction of piping by means of seamless pipe expansion bends or offsets. Suitable means shall be provided for maintaining the piping in a fixed position.

(e) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings and to prevent excessive vibration.

§ 40.05–60 Safety relief valves—TB/ALL.

(a) Each tank shall be fitted with one or more approved safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(R.S. 4491, as amended; 46 U.S.C. 489. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

(b) Each safety relief valve shall be set to start to discharge at not less than 75 pounds per square inch gage, nor more than the design pressure of the tank.

(c) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when all the safety relief valves are discharging. The minimum rates of discharge of safety relief valves for tanks shall not be less than that determined by the following formula.

$$Q = 26.8A^{0.82} \quad (1)$$

where:

Q = Minimum required rate of discharge, in cubic feet per minute of standard air at 120 percent of the maximum set pressure of the safety relief valves. Discharge measured at 60° F. and atmospheric pressure (14.7 p.s.i.a.).

A = Total external surface area of the tank, in square feet.

$A = \pi(DU)$ for cylindrical tanks with hemispherical heads.

$A = \pi D(U + 0.3D)$, for cylindrical tanks with spherically dished or semi-ellipsoidal heads.

$A = \pi D^2$, for spherical tanks.

D = Outside diameter of the tank, in feet.

U = External over-all length of the tank, in feet.

(d) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves except:

(1) Manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shutoff valves so arranged that at all times the required relief valve capacity will be available to relieve internal pressure. The valving arrangement shall be such that no vapor will escape even if the "out of service" relief valve is removed.

(2) Auxiliary safety devices such as rupture discs or breaking pins, of suitable corrosion-resistant compatible material, may be installed between the tanks and the safety relief valves, subject to the approval of the Commandant.

(e) Each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure of not less than 75 pounds per square inch gage, nor greater than the design pressure of the tank.

§ 40.05–65 Filling density—TB/ALL.

(a) The filling density shall not exceed 83 percent. Filling density is defined as the ratio of the weight of material which may be loaded into the tank to the weight of water the tank will hold at 60° F. expressed as a percentage.

§ 40.05–69 Venting—TB/ALL.

(a) Tanks carrying ethylene oxide shall be vented through the safety relief valves independent of tanks carrying other products. Each safety relief valve installed on a cargo tank shall be connected to a venting system consisting of a branch vent from each cargo tank connected to a vent header which shall extend to a height above the weather deck to at least one-third the beam of the vessel and shall terminate at a comparable distance from any working or living space, ventilator inlet, or source of vapor ignition. When special conditions would prevent the vent line or header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustable system shall be provided which, when extended vertically, shall be capable of reaching a height one-third of the beam of the vessel. During loading and unloading operations the displaced ethylene oxide vapor shall be returned to the loading facility.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header vents as provided for in Table 40.05–69(b), and upon the total safety relief valve discharge.

TABLE 40.05–69(b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks	Percent of total valve discharge
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical damage and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow. A weather hood may be installed at the vent outlet providing it is of such design as not to direct the flow of vapor below the horizontal.

(g) No shutoff valve of any type shall be fitted in the vent piping between the safety relief valve and the vent outlets.

(h) Suitable provision shall be made for draining condensate which may accumulate in the vent piping.

(i) The outlet of each vent riser will be fitted with acceptable corrosion-resistant flame screen of suitable material or a flame arrestor suitable for use with ethylene oxide.

(j) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a height of not less than one-third the beam of the vessel but in no case less than seven feet above the deck. Alternate arrangements consisting of a branch vent header system may be installed. In any case, all other provisions of paragraphs (a) through (i) of this section apply.

§ 40.05–73 Ventilation—TB/ALL.

(a) All enclosed spaces within the hull shall be vented or ventilated in accordance with the provisions of this subchapter except as otherwise provided for in this subpart.

(b) The enclosed spaces on tankships and manned barges in which the cargo tanks are located shall be rendered inaccessible to personnel while the vessel is underway and shall be inerted by injection of a suitable inert gas or shall be well ventilated.

(c) The enclosed spaces on tankships and manned barges in which the cargo tanks are located, if an inerting system is not installed, shall be fitted with forced ventilation of such capacity to provide a complete change of air every three minutes and arranged in such a manner that any vapors lost into the space will be removed. The ventilation system shall be in operation at all times cargo is being loaded or discharged. No electrical equipment shall be fitted within the spaces or within 10 feet of the ventilation exhaust from these spaces.

(d) All ventilation machinery shall be of non-sparking construction and shall not provide a source of vapor ignition.

(e) Each vent shall be fitted with a flame screen of corrosion resistant wire which is suitable for use with ethylene oxide.

§ 40.05–75 Cargo hose—TB/ALL.

(a) Flexible metal hose fabricated of stainless steel or other acceptable material, resistant to the action of ethylene oxide, shall be fitted to the liquid and vapor lines during filling and discharging of the tanks.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor safety relief valve.

(d) Before being placed in service, each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected in service. The hose shall be marked with the maximum pressure guaranteed by the manufacturer, and with the words "Certified For Ethylene Oxide".

(e) Cargo hose intended for ethylene oxide service shall not be used for any other products except those which are compatible with ethylene oxide.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–80 Electrical bonding—TB/ALL.

(a) Each cargo tank shall be electrically bonded to the hull. The vessel shall be electrically bonded to the shore

piping prior to connecting the cargo hose. This electrical bonding shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 40.05–83 Special cargo handling requirements—TB/ALL.

(a) Cargo shall be discharged by pumping or by displacement with nitrogen or other acceptable inert gas. In no case shall air be allowed to enter the system. During loading and unloading operations the vapor shall not be discharged to the atmosphere. Provisions shall be made to return all displaced vapor to the loading facility. The loading rate and the pressure applied to the tank to discharge the cargo shall be so limited that the safety relief valves will not be caused to open.

(b) The cargo shall be shipped under a suitable protective padding, such as nitrogen gas. When nitrogen gas is used, the gas padding system shall be so designed that the vapor space above the liquid cargo will be filled and maintained with a gas mixture of not less than 45 percent nitrogen. Other gases proposed for use as padding may be given consideration by the Commandant. Original charging only of protective gas padding at the loading facility is not considered adequate. A sufficient amount of spare inerting gas as approved by the Commandant shall be provided on the vessel in order to maintain the proper concentration of the gas in the event of normal leakage or other losses.

(c) Any padding gas selected should be at least 98.0 percent pure and free of reactive materials, such as ammonia, hydrogen sulfide, sulfur compounds, and acetylene.

(d) A water spray extinguishing system shall be provided in the area where loading and unloading operations are conducted. The system shall be designed to operate automatically in case of fire. The capacity and arrangement shall be of such as to effectively blanket the area in way of the loading manifold and exposed deck piping for ethylene oxide. The rate of discharge and the arrangement of piping and nozzles shall be such as to give a uniform distribution over the entire area protected. Additionally, means shall be provided for local and remote manual operation. The arrangement shall be such that any spilled cargo will be washed away. A water hose with pressure to the nozzle, when atmospheric temperatures permit, shall be connected ready for immediate use during filling and discharge operations and any spillage of ethylene oxide shall be immediatey washed away.

(e) Prior to disconnecting shore lines, the pressure in the liquid and vapor lines shall be relieved through suitable valves installed at the loading header. The liquid and vapor discharged from these lines shall not be discharged to atmosphere.

(f) Prior to loading, a sample from the cargo tank will be taken to insure that the pad gas will meet the requirements of paragraph (b) of this section and that the oxygen content of the vapor space will be not more than 2.0 percent maximum. If necessary, a sample will be taken after loading to insure the vapor space meets this requirement.

(g) The owner, master or person in charge of any vessel subject to the provisions of this part shall insure that during cargo transfer operations the persons required by Subpart 35.35 of this subchapter shall be especially qualified in the handling of ethylene oxide.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–85 Information board—TB/ALL.

(a) A suitable information board shall be installed upon which shall be posted the information described in this section.

(b) The following information shall remain posted on board from time cargo transfer operations begin until the vessel is gas-free or changes cargo:

(1) Identification of the cargo.

(2) A description of the principal characteristics of the cargo.

(3) Instructions for the safe handling of the cargo, including operating procedures for maintaining the required cargo temperature.

(4) List and locations of all safety equipment.

(5) Emergency procedures.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–86 Placarding—B/ALL.

(a) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when ethylene oxide is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall be posted at each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and shall be protected from becoming readily damaged or obscured. After unloading and before the tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous-Empty" legend.

(b) In addition, when ethylene oxide in either the liquid or vapor phase is laden in the tanks, the barge shall display markings visible from above and on all four sides of the barge in the form of a diamond of not less than six feet on a side, unless otherwise authorized by the Commandant for special cases. The diamond shall be divided into four triangles by joining the opposite corners of the diamond with lines. These triangles shall be painted alternately bright red and bright yellow and the perimeter of the diamond shall have a three-inch black border. These markings and their locations shall be subject to the approval of the Officer In Charge, Marine Inspection.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

§ 40.05–87 Tests and inspections—TB/ALL.

(a) Each tank shall be subjected to the tests and inspections described in this paragraph in the presence of a marine inspector, except as otherwise provided in this section.

(1) An internal examination shall be made at least once in each four calendar years.

(2) Sufficient insulation shall be removed from the tank at least once in each four calendar years for spot external examination of the tank.

(3) A hydrostatic test of 1½ times the design pressure shall be made at least once in each four years at the time the internal examination is made and at such other times as considered necessary by the marine inspector.

(4) The safety relief valves shall be tested by liquid, gas, or vapor pressure at least once every two years to determine the accuracy of adjustment and, if necessary, shall be reset. Ethylene oxide shall not be used as the testing medium.

(b) The cargo hose and piping shall be inspected and tested at least once in each two calendar years.

(1) The cargo hose and piping shall be subjected to a hydrostatic test of 1½ times the maximum pressure to which they may be subjected in service.

(2) If any leakage, seepage or distortion is noted at any time, the hose shall be removed from service and replaced and/or the piping shall be repaired.

(3) In those cases where the cargo hose used is not part of the vessel's equipment, the senior deck officer shall determine that the provisions of this paragraph have been met before using such hose. A certificate of test, supplied by the loading facility, will be considered as adequate for this determination.

(R.S. 4453, as amended, 4488, as amended; 46 U.S.C. 435, 481. Treasury Dept. Orders 120, July 31, 1950, 167–38, Oct. 26, 1959, 24 F.R. 8857)

Dated: October 2, 1963.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 63–10614; Filed, Oct. 7, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 12—AREAS CLOSED TO HUNTING

Certain Lands and Waters in and Adjacent to Cross Creeks National Wildlife Refuge, Tennessee

On page 8052 of the FEDERAL REGISTER of August 7, 1963, there was published a notice and text of a proposed designation of an area closed to the hunting of migratory birds, under Part 12 of Title 50, Code of Federal Regulations. The purpose of the designation is to aid administration of the Cross Creeks National Wildlife Refuge and to increase the effectiveness of the refuge for the purpose for which it was established by the United States.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections to the proposed designation. No written communications were received, and the proposed designation is hereby adopted without change and is set forth below. This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 4, 1963.

The text of the designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all that area of land and water in Stewart County, Tennessee, described as follows:

All the area of the bed of the Cumberland River, bank to bank, submerged or exposed, including the waters thereof, between river mile 90.0, approximately one-quarter mile downstream from Dover Island, and river mile 102.25, approximately one-half mile downstream from the confluence of Wells Creek with the Cumberland River. The area is immediately contiguous to and abutting upon lands of the United States (Cross Creeks National Wildlife Refuge) acquired by the Corps of Engineers as part of the Barkley Dam and Lake Barkley Project.

[F.R. Doc. 63–10735; Filed, Oct. 7, 1963; 11:34 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Kern National Wildlife Refuge, California

On page 9645 of the FEDERAL REGISTER of August 31, 1963, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds on the Kern National Wildlife Refuge, California, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224; 16 U.S.C. 715i).

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

CALIFORNIA

Kern National Wildlife Refuge.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 1, 1963.

[F.R. Doc. 63–10648; Filed, Oct. 7, 1963; 8:48 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,682 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, cottontail and jackrabbits.

(b) Open season: Pheasants—from 12 o'clock noon, s.t., to sunset November 9, and from sunrise to sunset November 10 through November 17, 1963, inclusive. From 12 o'clock noon, s.t., to sunset December 14, and from sunrise to sunset December 15 and 16, 1963. Cottontail and jackrabbits—from 12 o'clock noon, s.t., to sunset November 9, and from sunrise to sunset November 10 through November 14, 1963, inclusive. From 12 o'clock noon, s.t., to sunset November 15, and from sunrise to sunset November 16 through December 13, 1963, inclusive. From 12 o'clock noon, s.t., to sunset December 14, and from sunrise to sunset December 15 through December 19, 1963, inclusive.

(c) Daily bag limits: Pheasants 3 cocks, cottontail 10, jackrabbits no limit.

(d) Methods of hunting: (1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used for the purpose of hunting and retrieving.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of his special regulation are effective to December 20, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 17, 1963.

[F.R. Doc. 63–10621; Filed, Oct. 7, 1963; 8:45 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,890 acres or 18 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, quail, and rabbits.

(b) Open season: From one-half hour before sunrise to sunset. Pheasants—from November 9 through December 8, 1963, inclusive. Quail—from November 16 through November 24, 1963, inclusive; and on November 26, 28, 29, 30, December 1, 3, 5, 7, 8, 10, 12, 14, and 15, 1963. Rabbits—only during those hours and on those days during the legal open season for the taking of pheasants and quail.

(c) Daily bag limits: Pheasants 3 cocks, quail 8, cottontails 10, jackrabbits no limit.

(d) Methods of hunting: (1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to hunt and retrieve upland game.

(d) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 16, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10622; Filed, Oct. 7, 1963; 8:45 a.m.]

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,600 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Quail.

(b) Open season: From one-half hour before sunrise to sunset November 23 through December 29, 1963, inclusive.

(c) Daily bag limit: Quail 10.

(d) Methods of hunting: (1) Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used for the purpose of hunting and retrieving.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 30, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10623; Filed, Oct. 7, 1963; 8:45 a.m.]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Virginia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Chincoteague National Wildlife Refuge, Virginia, is suspended for the 1963 season.

Due to the construction work in progress and other important management considerations, it was deemed necessary to cancel plans for the deer hunt this year.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 63-10624; Filed, Oct. 7, 1963; 8:45 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 14790]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS ACCOUNTING FOR INVESTMENT TAX CREDITS

Notice of Proposed Rule Making

OCTOBER 2, 1963.

Notice is hereby given that the Civil Aeronautics Board is proposing amendments to Part 241, the Uniform System of Accounts and Reports for air carriers, to prescribe accounting requirements for investment tax credits under section 38 of the Internal Revenue Code. The principal features of the proposed amendments are explained in the explanatory statement below and the text of the proposed rule is set forth below. The rule is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before November 7, 1963, will be considered by the Board before taking action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Revenue Act of 1962 (Public Law 87-834) provides an investment tax credit which in the air transport industry is equivalent to seven percent of the cost of certain depreciable assets acquired and placed in service after December 31, 1961. The credit is subject to certain conditions set forth in the Revenue Act.

Under the law the full amount of the credit is required to be offset against the cost of the related property in computing depreciation for tax purposes, whether or not the credit has been realized through offset against an actual tax liability. Consequently a portion of the tax credit (52 percent at current tax rates) represents in substantive effect a postponement in the payment of taxes. The remainder of the tax credit (48 percent at current tax rates) represents permanent tax relief provided the property is retained a prescribed minimum number of years.

The Board proposes to adopt amendments to its Uniform System of Accounts to prescribe the specific accounting methods for reporting the investment tax credit. The proposed amendments provide, in general, that (1) the credit would not be treated by the carrier as an offset against the cost of related property for accounting purposes, (2) the 48 percent portion of the credit representing permanent tax relief would be separately disclosed and would be treated as income in the year in which the credit is realized, and (3) the 52 percent portion of the credit representing deferred taxes would be separately disclosed and would be applied over the productive life of the equipment. However, if the entire credit is taken up by the Board in the year in which received as an offset against income taxes for subsidy or rate making purposes, the entire credit would be treated in this same manner for accounting purposes.

In view of the novel problems involved and the alternative accounting treatments which could be applied, the Board's staff informally solicited comments of industry representatives before the initiation of this rulemaking proceeding. A majority of the twelve respondents favored the approach proposed herein. One respondent (a firm of certified public accountants) expressed the opinion that the investment credit is preferably reflected as a reduction in the amount at which property is stated and the benefits of the credit both with respect to the postponement of taxes and the permanent tax relief should be recognized in net income over the productive life of the property giving rise to the credit. In the alternative, this respondent commented that recognition of the credit as deferred income is acceptable provided the credit is amortized over the productive life of the acquired property. These views conform in substance with Opinion No. 2 of the Accounting Principles Board of the American Institute of Certified Public Accountants, which also recommends that an investment credit should not be reflected in the financial statements unless it can be recognized as an offset against the tax liability.

Offset of the investment credit against the cost of the related property represents a departure from the conventional practice of reflecting assets at purchase cost. Moreover, under the offset procedure, the reflected cost of properties would be subject to repetitive adjustment over a period of from four to eight years during which the investment credit may be realized. This would result in an unstable cost base and consequent fluctuations in depreciation expense on a given property as between different time periods for the same carrier and on similar properties as between different carriers for the same time period. In addition the amount of the tax credit would not be separately disclosed. From a regulatory point of view it is preferable that the accounting results be maintained on a consistent basis irrespective of the incidence of investment tax credits and that the impact of investment credits be separately disclosed in the financial statements.

For the foregoing reasons the proposed rule would require the following accounting and reporting procedures:

(1) That a sub-schedule to the income statement shall reflect separately the actual income taxes for the period before investment credits, the full amount of all investment credits realized during the period, the resulting actual taxes for the period, the amount of any provisions for deferred taxes, excess profits taxes (if any), and the total tax charges during the accounting period reported.

(2) That contra memorandum accounts shall be maintained which would reflect currently the potential asset and liability elements in unused and unexpired investment credits applicable to all properties in service. The contra accounts would be offset for statement purposes and reported as a notation on Schedule B-2 of Form 41.

(3) That investment credits realized during the period would be credited to a new account "9194 Investment Tax Credits Realized."

(4) That the portion (52 percent) of the investment credit representing a postponement of tax would be deferred by charges to account "9192 Provisions for Deferred Federal Income Taxes" and credit to a subaccount of balance sheet account "2340 Deferred Federal Income Taxes." The balance in balance sheet account 2340 would be amortized over the productive life of the property to which related by credits to profit and loss account "9192 Provisions for Deferred Federal Income Taxes" as an application of taxes previously deferred.

These procedures have been designed with a view to disclosing the actual taxes payable for the period and conforming the over-all tax expense, including deferred taxes, with the income as reported for the period. However, if for subsidy or other rate making purposes investment credits are recognized during the period in which realized, the deferral of any element so recognized is not required to effect a proper matching of costs and revenues and, in these circumstances, accounting recognition could not properly be given to the deferment of taxes.

Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. By amending paragraph (b) of Section 2-6 *Federal income tax accruals* to read as follows:

(b) The general policy in respect to the accrual of income taxes for each accounting period will require that the air carrier take up in its accounts an amount equivalent to the actual tax liability applicable to the period as computed or estimated on the basis of income tax laws

and regulations then in effect. As a general rule the accrual of income taxes on differences between income recognized for book purposes and tax purposes is prohibited. However, Federal income taxes may be deferred for material income differences associated with airworthiness reserve or self-insurance reserve provisions, depreciation allowances under provisions of sections 38, 167 and 168 of the Internal Revenue Code, and different treatments for book and tax purposes of preoperating, aircraft integration, route extensions or other developmental expenses. In the event a carrier elects to follow deferred tax accounting for one or more of the foregoing income differences, it shall do so for all of such income differences, on a consistent basis both within each accounting year and as between accounting years. In effecting the accruals, records with respect to reserves for deferred taxes on income shall be maintained in accordance with the provisions of balance sheet account 2340 Deferred Federal Income Taxes. No provisions shall be made for deferred tax charges or credits associated with differences between book and tax depreciation expense under section 38 of the Internal Revenue Code under circumstances in which deferrals are not recognized for subsidy or other rate making purposes.

2. By adding a new paragraph (c) to Section 2–6 *Federal income tax accruals* to read:

(c) Investment credits, computed pursuant to section 46 of the Internal Revenue Code, in reduction of the carrier's tax liability for the year shall not be applied in the books of account against the cost of the depreciable assets giving rise to such credits. Such investment credits shall be accounted for in accordance with the provisions of balance sheet account 2131 Accrued Federal Income Taxes.

3. By amending Section 6 *Account 2131 Accrued Federal Income Taxes* to read:

(a) Record here accruals for currently payable Federal Income Taxes. Provisions for deferred taxes shall not be accrued except as provided in Section 2–6.

(b) The amount of any potential investment tax credit, computed pursuant to section 46 of the Internal Revenue Code, applicable to property placed in service during each accounting period shall be debited to a memorandum account, under balance sheet account 1890 Other Deferred Charges, titled "Investment Tax Credits Available" and shall be credited to a memorandum account, also under balance sheet account 1890 Other Deferred Charges, titled "Unrealized Investment Tax Credits." As investment tax credits are used in the reduction of tax liabilities, or expire, these two memorandum accounts shall be adjusted to the remaining outstanding balance of unused but allowable credits applicable to all properties currently in use. This balance sheet account 2131 Accrued Federal Income Taxes shall be debited in the period in which each credit is used. The contra credit shall be made to profit and loss account 9194 Investment Tax Credits Realized. An amount equivalent to the portion of investment credit which represents a deferral in tax payment shall be charged to profit and loss account 9192 Provisions for Deferred Federal Income Taxes and shall be credited to a subaccount titled "Investment Credit Deferred Tax" of balance sheet account 2340 Deferred Federal Income Taxes. Balances within the "Investment Credit Deferred Tax" subaccount shall be amortized over the remaining useful life of related properties to profit and loss account 9192 Provisions for Deferred Taxes in accordance with the provisions concerning deferred taxes generally. However, where charges for deferred taxes are not recognized for subsidy or other rate making purposes during the period in which taken for tax purposes, no accounting recognition shall be made to the deferment of income taxes related to investment tax credits realized.

4. By amending Section 7—*Chart of Profit and Loss Accounts* to insert under "Income Taxes" profit and loss account "94 Investment Tax Credits Realized," the revised part of section 7 to read:

Objective classification of profit and loss elements—income taxes		Functional or financial activity to which applicable (00)		
		Group I carriers	Group II carriers	Group III carriers
91	Normal income taxes and surtaxes	91	91	91
92	Provisions for deferred Federal income taxes			
92.1	Current provisions for deferred taxes	91	91	91
92.2	Application of deferred taxes	91	91	91
92.3	Adjustment of deferred taxes	91	91	91
94	Investment tax credits realized	91	91	91
95	Excess profits taxes	91	91	91

5. By inserting in Section 15 *Objective Classification—Income Taxes for Current Period* a new account to read:

94 Investment Tax Credits Realized.

Record here, the investment tax credits realized and offset against the tax liability of the period.

6. By amending Section 23 *Certification and Balance Sheet Elements*, Schedule B–2 "Notes to Balance Sheet" to insert a new paragraph (e) to read:

(e) The balances in subaccounts of balance sheet Account 1890 Other Deferred Charges titled "Investment Tax Credits Available" and "Unrealized Investment Credits" reflecting the asset and liability aspects, respectively, of unexpired but unused investment tax credits pursuant to the provisions of paragraph (b) of Account 2131 Accrued Federal Income Taxes, shall be set forth in this Schedule as at the end of each calendar quarter.

7. By amending Schedule P–3 of Form 41 under "Income Taxes" to reflect the foregoing changes in accounting, the amended part of the schedule, incorporated herein by reference, to appear as indicated by Appendix A hereto.

APPENDIX A

SCHEDULE P–3

Income taxes	9100	9100
Normal income taxes and surtaxes	91	91
Deferred taxes-net	92.9	92.9
Investment tax credits realized	94	94
Excess profits taxes	95	95
Total income taxes (per Schedule P–1)	9109	9109

[F.R. Doc. 63–10649; Filed, Oct. 7, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 18, 43 [New]]

[Reg. Docket No. 1993; Notice 63–37]

MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Notice of Proposed Rulemaking

Notice is hereby given that there is under consideration a proposal to recodify Part 18 of the Civil Air Regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before December 9, 1963, will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examiniation by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material which was announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

The aviation community is presently required to perform all maintenance, preventive maintenance, rebuilding, and alteration of aircraft, airframes, aircraft engines, propellers, and appliances in accordance with Part 18 of the Civil Air Regulations. Through the years, a large amount of material has been added to this part in the form of rules, interpretations, and policy statements. Often, this material relaxes or permits alternative methods of compliance with the existing requirements. However, in its present form, Part 18 does not easily set forth the scope of the requirements. The goal of the recodification project is to reduce and simplify the present regulations, with user convenience the paramount objective. Accordingly, this proposal clarifies the requirements of present Part 18 by removing nonregulatory material, reorganizing the requirements so that all logical aspects of one

function are grouped together, and by transferring to other parts that material which is consonant with the provisions of those parts.

The title of this proposed part has been changed from that of present Part 18 in order to incorporate the words "preventive maintenance" and "rebuilding". These types of work are presently covered by Part 18 but are not included in its title.

This proposed part would not apply to amateur-built aircraft. While the provisions of present Part 18 do purport to apply to amateur-built aircraft, the inherent characteristics of such aircraft make it impossible to maintain them in strict compliance with that part. As is being done at present, amateur-built aircraft will continue to be dealt with on a case-by-case basis.

Appendix A of this proposed part lists those items which are major repairs, major alterations and preventive maintenance. All repairs involving disassembly of the crankshaft of engines with propeller reduction gearing are presently major repairs. The Appendix proposes a relaxation by deleting repairs involving disassembly of the crankshaft of engines with spur-type reduction gearing. Any repair or alteration not included in Appendix A of this proposed part is a minor repair or minor alteration.

Present Parts 65 [New] and 145 [New] contain provisions detailing the privileges of certificated mechanics, repairmen, and repair stations to perform work. We propose to amend the privilege and limitation sections of these parts to conform to present Part 18. Proposed Part 43 [New] would still contain those portions of §§ 18.10 and 18.12 which authorize other persons to perform certain types of work.

As the record keeping requirements of 100-hour, periodic, and progressive inspections differ from those required for other types of work, the record keeping requirements have been dealt with separately in the proposed part. Accordingly, the record keeping requirements of §§ 18.21, 18.22, and 18.24, dealing with all work other than 100-hour periodic or progressive inspections have been combined in one section and the record keeping requirements for all inspections, (now in §§ 18.23, 18.30–18, 18.20–1, and 18.30–19), have been combined in another. Specific detailed procedures for all record keeping have been included in appendicies to the proposed part.

The performance requirements have not been changed. However, the voluminous nonregulatory CAM material and notes have been removed and that part of this material that is still current will be published in the Agency's Advisory Circular System. A separate performance section for 100-hour, periodic, and progressive inspections is included in addition to the general performance requirements. This section incorporates performance requirements that were formerly scattered through parts of §§ 18.30–18 and 18.30–19. Certain details concerning items to be included in periodic and 100-hour inspections have been consolidated and placed in Appendix D.

The object of the new part is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of the part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to the proposed rules.

When finally adopted, the new part will include the substance of any applicable rules or amendments adopted and effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations by deleting Part 18 and adding a Part 43 [New] reading as hereinafter set forth.

This proposal is made under the authority of sections 313(a), 601, 602, 603(c), 604(a), and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, 1423(c), 1424(a), and 1425).

Issued in Washington, D.C., on October 2, 1963.

N. E. HALABY,
Administrator.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Sec.
43.1 Applicability.
43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.
43.5 Approval for return to service after maintenance, preventive maintenance, rebuilding, or alteration.
43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alterations.
43.9 Content, form and disposition of maintenance, preventive maintenance, rebuilding, and alteration records (except 100-hour, periodic and progressive inspections).
43.11 Content, form, and disposition of periodic, 100-hour, and progressive inspection records.
43.13 Performance rules (general).
43.15 Additional performance rules for 100-hour periodic, and progressive inspections.

Appendix A—Major alterations, major repairs, and preventive maintenance.
Appendix B—Recording of major repairs and major alterations.
Appendix C—Recording of periodic and progressive inspections.
Appendix D—Scope and detail of items (as applicable to the particular aircraft) to be included in periodic and 100-hour inspections.

§ 43.1 Applicability.

(a) This part prescribes rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any—

(1) Aircraft having a U.S. airworthiness certificate; and

(2) Airframe, aircraft engine, propeller, or appliance of, or intended for use on, such an aircraft.

(b) This part does not apply to amateur-built aircraft.

[Revision note: Based on § 18.0]

§ 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

(a) Except as provided in this section, no person may maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, or appliance to which this part applies. Those items, the performance of which is a major alteration, a major repair, or preventive maintenance, are listed in Appendix A.

(b) The holder of a mechanic certificate may perform maintenance, preventive maintenance, and alterations as provided in Part 65 [New] of this chapter.

(c) A person working under the supervision of a holder of a mechanic's certificate may perform that maintenance, preventive maintenance, and alteration his supervisor is authorized to perform, if the supervisor personally observes the work being done to the extent necessary to ensure that it is being done properly and if the supervisor is readily available, in person, for consultation. However, this paragraph does not authorize the performance of 100-hour or periodic inspections, nor inspections performed after a major repair or alteration.

(d) The holder of a repairman certificate may perform maintenance and preventive maintenance as provided in Part 65 [New] of this chapter.

(e) The holder of a repair station certificate may perform maintenance,

preventive maintenance, and alterations as provided in Part 145 [New] of this chapter.

(f) A certificated air carrier that is required by its operating certificate or approved operations specifications to provide a continuous airworthiness maintenance and inspection program may perform maintenance, preventive maintenance, and alterations as provided in that program and its maintenance manual. In addition, such an air carrier may perform these functions for another air carrier as provided in the applicable continuous airworthiness maintenance and inspection program and in the maintenance manual of the other air carrier.

(g) The holder of a commercial operator certificate may perform maintenance, preventive maintenance, and alterations of its aircraft as provided in its continuous airworthiness maintenance and inspection program and in its maintenance manual.

(h) The holder of a pilot certificate issued under Part 61 [New] of this chapter may perform preventive maintenance on aircraft owned or operated by him that is not used in air carrier service.

(i) A manufacturer may rebuild or alter products manufactured by him, for which he holds a type or production certificate or which were manufactured in accordance with a Technical Standard Order or Product and Process Specification issued by the Administrator. In addition, he may perform one-hundred-hour, periodic, and progressive inspections on aircraft manufactured by him, while operating under a production certificate or under an approved production inspection system for such aircraft.

[Revision note: Combines §§ 18.10, 18.10–1, and performance aspect of § 18.12]

§ 43.5 Approval for return to service after maintenance, preventive maintenance, rebuilding, or alteration.

(a) No person may approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance, which has undergone maintenance, preventive maintenance or alteration unless—

(1) It has been determined airworthy by a person authorized under § 43.7;

(2) The maintenance record entry required by § 43.9 has been made;

(3) The repair or alteration form authorized by or furnished by the Administrator has been executed in a manner prescribed by the Administrator; and

(4) If a repair or an alteration results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, such operating limitations or flight data are appropriately revised and set forth in accordance with the requirements of § 91.31 of this chapter.

(b) Preventive maintenance performed by a person authorized under § 43.3(h) need not be approved for return to service.

[Revision note: Combines "return to service" aspect of §§ 18.11 and 18.13]

§ 43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alterations.

(a) Except as provided in this section, no person may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after it has undergone maintenance, preventive maintenance, rebuilding, or alteration.

(b) The holder of a mechanic certificate or an inspection authorization may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 65 [New] of this chapter.

(c) The holder of a repair station certificate may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 145 [New] of this chapter.

(d) A manufacturer may approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance that he has worked on under § 43.3(i). However, except for minor alterations, the work must have been done in accordance with a manual, specification, or other approved data or, in the case of a product manufactured under a Technical Standard Order, in accordance with data that he asserts meets the terms of the Technical Standard Order.

(e) A certificated air carrier may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alteration which it is authorized to perform under § 43.3(f). However, in the case of a major repair or major alteration, the work must have been done in accordance with a manual, specification, or other approved data or, in the case of a product manufactured under a Technical Standard Order, in accordance with data furnished by the product manufacturer that he asserts meets the terms of the Technical Standard Order.

(f) The holder of a commercial operator certificate may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alteration it is authorized to perform under § 43.3(g). However, in the case of a major repair or major alteration, the work must have been done in accordance with a manual, specification, or other approved data.

[Revision note: Combines §§ 18.11 (less "return to service" aspect; 7th through 21st words of (b)(2) and 14th through 39th words of (b)(5)) and approval aspect of § 18.12]

§ 43.9 Content, form and disposition of maintenance, preventive maintenance, rebuilding, and alteration records (except 100-hour, periodic and progressive inspections).

(a) *Maintenance record entries.* Except as provided in paragraph (c) of this section, each person who maintains, rebuilds, alters, or performs preventive maintenance on, an aircraft, airframe, aircraft engine, propeller, or appliance shall make an entry in the permanent maintenance record of that equipment containing the following information:

(1) A description (or reference to data approved by the Administrator) of the work performed.

(2) The date of completion of the work performed.

(3) The name of the person performing the work.

(4) The signature (and if a certificated mechanic, the certificate number) of the person approving for return to service the aircraft, airframe, aircraft engine, propeller, or appliance.

(b) In addition to the entries required by paragraph (a) of this section, major repairs and major alterations shall be entered on a form, and the form disposed of, in the manner prescribed in Appendix B by the person performing such work.

(c) *Special provisions for air carrier records.* A certificated air carrier that is required by its operating certificate or by approved operations specifications to provide for a continuous airworthiness maintenance and inspection program, may maintain records as provided in that program and its maintenance manual if the information required by paragraph (a) of this section is included. In addition, the registered owner or operator of the air carrier aircraft shall—

(1) Retain all records of major structural repairs and major alterations until the aircraft is sold, transferred, or retired;

(2) Retain all records of maintenance for one year from the date of approval for return to service of the aircraft, airframe, aircraft engine, propeller, appliance, or component thereof, to which the record pertains;

(3) Retain all records of the last complete overhaul cycle for each aircraft, airframe, aircraft engine, propeller, appliance, or component thereof, until the aircraft is sold, transferred, or retired;

(4) Retain all records of X-rays, and other special tests specified by the Administrator, relating to airframes, aircraft engines, propellers, or appliances or parts thereof, designated as critical by the Administrator, until such airframe, aircraft engine, propeller, or appliance is sold, transferred, or retired; and

(5) In addition—

(i) If the aircraft or an airframe, aircraft engine, propeller, or appliance, or part thereof, designated as critical by the Administrator is retired, retain the particular records for one year after cancellation of the registration certificate, or if not registered, for one year from the date of retirement;

(ii) For records of major structural repairs and major alterations, if the aircraft is retired, retain the records for one year after cancellation of the registration certificate; and

(iii) If an aircraft, airframe, aircraft engine, propeller, or appliance is sold or transferred, give the records required by this section to be retained to the new owner or operator.

(d) This section does not apply to persons performing periodic, 100-hour and progressive inspections or to pilots performing preventive maintenance.

[Revision note: Combines §§ 18.21, 18.21–1 (second sentence), 18.22, and 18.24]

§ 43.11 Content, form, and disposition of periodic, 100-hour, and progressive inspections records.

(a) *Maintenance record entries.* The person approving or disapproving for return to service an aircraft, airframe, aircraft engine, propeller, or appliance after a periodic, 100-hour, or progressive inspection, shall make an entry in the permanent maintenance record of that equipment, containing the following information:

(1) The type of inspection (and for progressive inspections, a brief description of the extent of the inspection).

(2) The date of the inspection and aircraft time in service.

(3) The signature (and if a certificated mechanic, the certificate number) of the person approving or disapproving for return to service, the aircraft, airframe, aircraft engine, propeller, or appliance.

(4) For periodic or 100-hour inspections if the aircraft is approved for return to service, the following statement: "I certify that this aircraft has been inspected in accordance with (insert type) inspection and was determined to be in airworthy condition".

(5) For periodic inspections of the aircraft is not approved for return to service because of needed maintenance, noncompliance with applicable specifications, airworthiness directives or other approved data, the following statement: "I certify that this aircraft has been inspected in accordance with a periodic inspection and a list of discrepancies and unairworthy items dated (date) has been provided for the aircraft owner or lessee".

(6) For progressive inspections, the following statement: "I certify that in accordance with a progressive inspection program, a routine inspection of (identify whether aircraft, or components) and a detailed inspection of (identify components) were performed in accordance with a progressive inspection and the aircraft is released to service".

(b) *Additional recording requirements.* Each person performing a periodic or progressive inspection shall complete the form and dispose of it as prescribed in Appendix C. In addition, if the person performing a periodic inspection finds that the aircraft is unairworthy or does not meet the applicable type certificate data, airworthiness directives, or other approved data upon which airworthiness depends, he shall provide the owner with a signed and dated copy of a list of discrepancies.

[Revision note: Combines §§ 18.23, 18.30–18(a)(1)(xi), 18.20–1, and 18.30–19(e)]

§ 43.13 Performance rules (general).

(a) Each person maintaining or altering, or performing preventive maintenance, shall use methods, techniques, and practices acceptable to the Administrator. He shall use the tools, equipment, and test apparatus necessary to assure completion of the work in accordance with good accepted industry practices. If special equipment or test apparatus is recommended by the manufacturer involved, he must use that equipment or apparatus or its equivalent acceptable to the Administrator.

(b) Each person maintaining or altering, or performing preventive maintenance, shall do that work in such a manner and use materials of such quality, that the condition of the equipment worked on will be at least equal to its original or properly altered condition (with regard to aerodynamic function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness).

(c) Each person maintaining or altering, or performing preventive maintenance, shall perform inspections in such a manner as will insure that the equipment worked on meets applicable type certificate data, airworthiness directives, or other approved data.

(d) Each person performing alterations, shall use a design that insures that the altered equipment will meet applicable airworthiness requirements.

(e) Each person performing a 100-hour, periodic or progressive inspection shall, in addition to the requirements of this section, comply with the requirements of § 43.15.

(f) *Special provisions for air carriers.* Unless otherwise notified by the Administrator, the methods technique and practices contained in the maintenance manual or the maintenance part of the air carrier manual of a certificated air carrier (that is required by its operating certificate or approved operating specification to provide a continuous airworthiness maintenance and inspection program) constitute acceptable compliance with this section.

[Revision note: Combines §§ 18.30 and 18.30–1]

§ 43.15 Additional performance rules for 100-hour, periodic, and progressive inspections.

(a) *General.* Each person performing a 100-hour, periodic, or progressive inspection shall, in addition to the requirements of § 43.13, comply with the requirements of this section.

(b) *Rotorcraft.* Each person performing a 100-hour, periodic, or progressive inspection of a rotorcraft shall inspect the following systems in accordance with the maintenance manual of the manufacturer concerned:

(1) The drive shafts or similar systems.

(2) The main rotor transmission gear box (for obvious defects only).

(3) The rotary wing and center section (or the equivalent area).

(4) The tail rotor on helicopters.

(c) *Periodic and 100-hour inspections.* (1) Except as provided in paragraph (b) of this section, each person performing a periodic or 100-hour inspection shall use a checklist while performing the inspection. The checklist may be of the persons own design, one provided by the manufacturer of the equipment being inspected, or one obtained from another source. However, the checklist must include the scope and detail of the items contained in Appendix D.

(2) Each person approving an aircraft for return to service after a periodic or 100-hour inspection shall, before that approval, run up the aircraft engine or engines to determine satisfactory performance, in accordance with the manufacturer's recommendations, of—

(i) Power output (static and idle r.p.m.

(ii) Magnetos;

(iii) Fuel and oil pressure; and

(iv) Cylinder and oil temperature.

(d) *Progressive inspection.* (1) Each person conducting a progressive inspection shall, at the start of a progressive inspection system, inspect the aircraft completely. After this initial inspection, routine and detailed inspections must be conducted as prescribed in the progressive inspection schedule. Routine inspections consist of visual examination or check of the appliances, the aircraft, and its components and systems, insofar as practicable without disassembly. Detailed inspections consist of a thorough examination of the appliances, the aircraft, and its components and systems, with such disassembly as is necessary. For the purposes of this subparagraph the overhaul of a component or system is considered to be a detailed inspection.

(2) If the aircraft is away from the station where inspections are normally conducted, an appropriately rated mechanic, a certificated repair station, or the manufacturer of the aircraft may conduct inspections in accordance with the procedures and using the forms of the person who would otherwise conduct the inspection.

[Revision note: Combines last sentences of §§ 18.30–18(a)(1)(i), (iii), (v), and (vi), 18.30–18(a)(1)(x), and 18.30–19 less last two sentences of § 18.30–19(b) § 18.30–19(c), and § 18.30–19(e)]

NOTE: Last two sentences of §§ 18.30–19(b) and 18.30–19(c) will be transferred to Part 91 [New].

APPENDIX A—MAJOR ALTERATIONS, MAJOR REPAIRS, AND PREVENTIVE MAINTENANCE

(a) *Major alterations*—(1) *Airframe major alterations.* Alterations of the following parts of an airframe, when not listed in the aircraft specifications issued by the Federal Aviation Agency, are airframe major alterations:

(i) Wings.
(ii) Tail surfaces.
(iii) Fuselage.
(iv) Engine mounts.
(v) Control system.
(vi) Landing gear.
(vii) Hull or floats.
(viii) Elements of an airframe including spars, ribs, fittings, shock absorbers, bracing, cowlings, fairings, and balance weights.
(ix) Hydraulic and electrical actuating system of components.
(x) Rotor blades.
(xi) Changes to the empty weight or empty balance which result in an increase in the certificated maximum weight or center of gravity limits of the aircraft.
(xii) Changes to the basic design of the fuel, oil, cooling, heating, cabin pressurization, electrical, hydraulic, de-icing, or exhaust systems.
(xiii) Changes to the wing or to fixed or movable control surfaces which affect flutter and vibration characteristics.

(2) *Powerplant major alterations.* The following alterations of a powerplant when

(xv) Main seat support braces and brack-

(1) Removal, installation, and repair of

(2) *Powerplant major alterations.* The following alterations of a powerplant when not listed in the engine specifications issued by the Federal Aviation Agency, are powerplant major alterations.

(i) Conversion of an aircraft engine from one approved model to another, involving any changes in compression ratio, propeller reduction gear, impeller gear ratios or the substitution of major engine parts which requires extensive rework and testing of the engine.

(ii) Changes to the engine by replacing aircraft engine structural parts with parts not supplied by the original manufacturer or parts not specifically approved by the Administrator.

(iii) Installation of an accessory which is not approved for the engine.

(iv) Removal of accessories that are listed as required equipment on the aircraft or engine specification.

(v) Installation of structural parts other than the type of parts approved for the installation.

(vi) Conversions of any sort for the purpose of using fuel of a rating or grade other than that listed in the engine specifications.

(3) *Propeller major alterations.* The following alterations of a propeller when not authorized in the propeller specifications issued by the Federal Aviation Agency are propeller major alterations.

(i) Changes in blade design.

(ii) Changes in hub design.

(iii) Changes in the governor or control design.

(iv) Installation of a propeller governor or feathering system.

(v) Installation of propeller de-icing system.

(vi) Installation of parts not approved for the propeller.

(vii) Changes in the design of a balance propeller or its controls.

(4) *Appliance major alterations.* Alterations of the basic design not made in accordance with approved recommendations of the appliance manufacturer or in accordance with a FAA Airworthiness Directive are appliance major alterations. In addition, changes in the basic design of radio communication and navigation equipment approved under type certification or a Technical Standard Order which have an effect on frequency stability, noise level, sensitivity, selectivity, distortion, spurious radiation, AVC characteristics, or ability to meet environmental test conditions and other changes which have an effect on the performance of the equipment are also major alterations.

(b) *Major repairs*—(1) *Airframe major repairs.* Repairs to the following parts of an airframe and repairs of the following types, involving the strengthening, reinforcing, splicing and manufacturing of primary structural members or their replacement, when replacement is by fabrication such as riveting or welding, are airframe major repairs.

(i) Box beams.

(ii) Monocoque or semimonocoque wings or control surfaces.

(iii) Wing stringers or chord members.

(iv) Spars.

(v) Spar flanges.

(vi) Members of truss-type beams.

(vii) Thin sheet webs of beams.

(viii) Keel and chine members of boat hulls or floats.

(ix) Corrugated sheet compression members which act as flange material of wings or tail surfaces.

(x) Wing main ribs and compression members.

(xi) Wing or tail surface brace struts.

(xii) Engine mounts.

(xiii) Fuselage longerons.

(xiv) Members of the side truss, horizontal truss, or bulkheads.

(xv) Main seat support braces and brackets.

(xvi) Landing gear brace struts.

(xvii) Axles.

(xviii) Wheels.

(xix) Skis, and ski pedestals.

(xx) Parts of the control system such as control columns, pedals, shafts, brackets, or horns.

(xxi) Repairs involving the substitution of material.

(xxii) The repair of damaged areas in metal or plywood stressed covering exceeding six inches in any direction.

(xxiii) The repair of portions of skin sheets by making additional seams.

(xxiv) The splicing of skin sheets.

(xxv) The repair of three or more adjacent wing or control surface ribs or the leading edge of wings and control surfaces, between such adjacent ribs.

(xxvi) Repair of fabric covering involving an area greater than that required to repair two adjacent ribs.

(xxvii) Replacement of fabric on fabric covered parts such as wings, fuselages, stabilizers, and control surfaces.

(xxviii) Rebuilding, including rebottoming, of removable or integral fuel tanks and oil tanks.

(2) *Powerplant major repairs.* Repairs of the following parts of an engine and repairs of the following types, are powerplant major repairs:

(i) Separation or disassembly of a crankcase or crankshaft of a reciprocating engine equipped with an integral supercharger.

(ii) Separation or disassembly of a crankcase or crankshaft of a reciprocating engine equipped with other than spur-type propeller reduction gearing.

(iii) Disassembly of a nonfloat type carburetor or fuel injection unit used on reciprocating engines equipped with an integral supercharger or other than spur-type propeller reduction gearing.

(iv) Special repairs to structural engine parts by welding, plating, metalizing or other methods.

(3) *Propeller major repairs.* Repairs of the following types to a propeller are propeller major repairs:

(i) Any repairs to or straightening of steel blades.

(ii) Repairing or machining of steel hubs.

(iii) Shortening of blades.

(iv) Retipping of wood propellers.

(v) Replacement of outer laminations on fixed pitch wood propellers.

(vi) Repairing elongated bolt holes in the hub of fixed pitch wood propellers.

(vii) Inlay work on wood blades.

(viii) Repairs to composition blades.

(ix) Replacement of tip fabric.

(x) Replacement of plastic covering.

(xi) Repair of propeller governors.

(xii) Repair of balance propellers of rotorcraft.

(xiii) Overhaul of controllable pitch propellers.

(xiv) Repairs to deep dents, cuts, scars, nicks, etc., and straightening of aluminum blades.

(xv) The repair or replacement of internal elements of blades.

(4) *Appliance major repairs.* Repairs of the following types to appliances are appliance major repairs:

(i) Repairs to instruments.

(ii) Adjusting to and calibrating VOR, ILS and DME equipment.

(iii) Rewinding the field coil of an electrical accessory.

(iv) Complete disassembly of complex hydraulic power valves.

(v) Overhaul of pressure type carburetors, and pressure type fuel, oil, and hydraulic pumps.

(c) *Preventive maintenance.* Work of the following type is preventive maintenance:

(1) Removal, installation, and repair of landing gear tires.

(2) Replacing elastic shock absorber cords on landing gear.

(3) Servicing landing gear shock struts by adding oil, air, or both.

(4) Servicing landing gear wheel bearings, such as cleaning and greasing.

(5) Replacing defective safety wiring or cotter keys.

(6) Lubrication not requiring disassembly other than removal of nonstructural items such as cover plates, cowlings, fairings.

(7) Making simple fabric patches not requiring rib stitching or the removal of structural parts or control surfaces.

(8) Replenishing hydraulic fluid in the hydraulic reservoir.

(9) Refinishing decorative coating of fuselage, wings, tail group surfaces (excluding balanced control surfaces), fairings, cowling, landing gear cabin or cockpit interior when removal or disassembly of any primary structure or operation system is not required.

(10) Applying preservative or protective material to components where no disassembly of primary structure or operation systems is involved and where such coating is not prohibited or is not contrary to good practices.

(11) Repairing upholstery and decorative furnishings of the cabin or cockpit interior when the repairing does not require disassembly of any primary structure or operating system or interfere with an operating system or affect primary structure of the aircraft.

(12) Making small simple repairs to fairings, nonstructural cover plates, cowlings, small patches and reinforcements not changing the contour where such change would interfere with proper air flow.

(13) Replacing side windows where such work does not interfere with the structure or any operating system such as controls, electrical equipment, etc.

(14) Replacing safety belts.

(15) Replacing seats or seat parts with replacement parts approved for the aircraft, not involving disassembly of any primary structure or operating system.

(16) Trouble shooting and repairing broken circuits in landing light wiring circuits.

(17) Replacing bulbs, reflectors, and lenses of position and landing lights.

(18) Replacing wheels and skis where no weight and balance computation in involved.

(19) Replacing any cowling not requiring removal of the propeller or disconnection of flight controls.

(20) Replacing or cleaning spark plugs and setting of spark plug gap clearance.

(21) Replacing any hose connection except hydraulic connections.

(22) Replacing prefabricated fuel lines.

(23) Cleaning fuel and oil strainers.

(24) Replacing batteries and checking fluid level and specific gravity.

(25) Removing and installing glider wings and tail surfaces which are specifically designed for quick removal and installation and when such removal and installation can be accomplished by the pilot.

[Revision note: Combines §§ 18.1–1, 18.1–3, and 18.1–6]

APPENDIX B—RECORDING OF MAJOR REPAIRS AND MAJOR ALTERATIONS

(a) Except as provided in paragraph (b), each person performing a major repair or major alteration shall—

(1) Execute an FAA Form ACA 337 at least in duplicate;

(2) Give a signed copy of that form to the aircraft owner; and

(3) Forward a copy of that form to the local Flight Standards District Office within 48 hours after the aircraft, aircraft engine, propeller, or appliance is approved for return to service.

(b) For major repairs made in accordance with a manual or specification approved by

the Administrator, a certificated repair station may, in place of the requirements of paragraph (a)—

(1) Use the customer's work order upon which the repair is recorded;

(2) Give the aircraft owner a signed copy of the work order and retain a duplicate copy for at least two years from the date of approval for return to service of the aircraft, airframe, aircraft engine, propeller, or appliance;

(3) Give the aircraft owner a maintenance release signed by an authorized representative of the repair station and incorporating the following information:

(i) Identity of the aircraft, airframe, aircraft engine, propeller, or appliance.

(ii) If an aircraft, the make, model, serial number, nationality, registration marks, and location of the repaired area.

(iii) If an airframe, aircraft engine, propeller, or appliance, give the manufacturer's name, name of the part, model and serial numbers (if any); and

(4) Include the following or a similarly worded statement—

"The aircraft, airframe, aircraft engine, propeller, or appliance identified above was repaired and inspected in accordance with current Regulations of the Federal Aviation Agency and is approved for return to service.

Pertinent details of the repair are on file at this repair station under Order No. ------, Date ------, Signed ----------

(Signature of authorized representative)

for ---------- ----------

(Repair station name) (Certificate No.)

(Address)

[Revision note: Combines §§ 18.22–1, and 18.22–2]

APPENDIX C—RECORDING OF PERIODIC AND PROGRESSIVE INSPECTIONS

(a) Each person performing a periodic or progressive inspection shall execute FAA Form ACA 2350, Aircraft Use and Inspection Report.

(b) Each person performing a periodic inspection shall—

(1) Send a copy to the local Flight Standards District Office within 48 hours after the aircraft is approved for return to service; or

(2) If the aircraft is not approved for return to service, send a copy of the form and a copy of the list of discrepancies required by § 43.11(b) to the local Flight Standards District Office, within 48 hours after completion of the inspection.

(c) For progressive inspections, each person performing a progressive inspection shall—

(1) Send a copy to the local Flight Standards District Office within 48 hours after completion of the first complete inspection of the aircraft (upon beginning a progressive inspection system) and thereafter once in January of each year; or

(2) If a progressive inspection system is discontinued for a particular aircraft, forward a copy of the form with the word "Discontinued" written in over the box preceding "progressive inspection", within 48 hours after such discontinuance.

[Revision note. Based on § 18.23–1]

APPENDIX D—SCOPE AND DETAIL OF ITEMS (AS APPLICABLE TO THE PARTICULAR AIRCRAFT) TO BE INCLUDED IN PERIODIC AND 100-HOUR INSPECTIONS

(a) Each person performing a periodic or 100-hour inspection shall, prior to that inspection, remove or open all necessary inspection plates, access doors, fairing, and cowling. He shall thoroughly clean the aircraft and aircraft engine.

(b) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the fuselage and hull group:

(1) Fabric and skin—for deterioration, distortion, other evidence of failure, and defective or insecure attachment of fittings.

(2) Systems and components—for improper installation, apparent defects, and unsatisfactory operation.

(3) Envelope, gas bags, ballast tanks, and related parts—for poor condition.

(c) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the cabin and cockpit group:

(1) Generally—for uncleanliness and loose equipment that might foul the controls.

(2) Seats and safety belts—for poor condition and apparent defects.

(3) Windows and windshields—for deterioration and breakage.

(4) Instruments—for poor condition, mounting, marking, and (where practicable) for improper operation.

(5) Flight and engine controls—for improper installation and improper operation.

(6) Batteries—for improper installation and improper charge.

(7) All systems—for improper installation, poor general condition, apparent and obvious defects, and insecurity of attachment.

(d) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the engine and nacelle group.

(1) Engine section—for visual evidence of excessive oil, fuel, or hydraulic leaks, and sources of such leaks.

(2) Studs and nuts—for improper torquing and obvious defects.

(3) Internal engine condition—for weak cylinder compression, and, if there is weak cylinder compression, for improper internal condition, improper internal tolerances, and metal particles or foreign matter on screens and sump drain plugs.

(4) Engine mount—for cracks, looseness of mounting, and looseness of engine to mount.

(5) Flexible vibration dampeners—for poor condition and deterioration.

(6) Engine controls—for defects, improper travel, and improper safetying.

(7) Lines, hoses, and clamps—for leaks, improper condition, and looseness.

(8) Exhaust stacks—for cracks, defects, and improper attachment.

(9) Accessories—for apparent defects in security of mounting.

(10) All systems—for improper installation, poor general condition, defects, and insecure attachment.

(11) Cowling—for cracks, and defects.

(e) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the landing gear group:

(1) All units—for poor condition and insecurity of attachment.

(2) Shock absorbing devices—for poor condition and improper oleo fluid level.

(3) Linkage trusses and members—for undue or excessive wear, fatigue, distortion, and insecurity of attachment.

(4) Retracting and locking mechanism—for improper operation.

(5) Hydraulic lines—for leakage.

(6) Electrical system—for chafing and improper operation of switches.

(7) Wheels—for cracks, defects, and poor condition of bearings.

(8) Tires—for wear and cuts.

(9) Brakes—for improper adjustment.

(10) Floats and skis—for insecure attachment, poor condition and obvious or apparent defects.

(f) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the wing and center section groups:

Wing and center section assembly including components—for poor general condition, fabric or skin deterioration, distortion, evidence of failure, and insecurity of attachment.

(g) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the empennage group:

Empennage including components—for poor general condition, fabric or skin deterioration, distortion, evidence of failure, insecure attachment, improper component installation, and improper component operation.

(h) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the propeller group:

(1) Propeller assembly—for cracks, nicks, binds, and oil leakage.

(2) Bolts—for improper torquing and lack of safetying.

(3) Anti-icing devices—for improper operations and obvious defects.

(4) Control mechanisms—for improper operation, insecure mounting, and restricted travel.

(i) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) the following components of the radio group:

(1) Radio and electronic equipment—for improper installation, and insecure mounting.

(2) Wiring and conduits—for improper routing, insecure mounting, and obvious defects.

(3) Bonding and shielding—for improper installation and poor condition.

(4) Antenna including trailing antenna—for poor condition, insecure mounting, and improper operation.

(j) Each person performing a periodic or 100-hour inspection shall inspect (where applicable) all installed miscellaneous items not otherwise covered by this listing for improper installation and improper operation.

[Revision note: Combines §§ 18.30–18 (less 18.30–18(a)), last sentences of 18.30–18(a)(1)(i)(iii)(v), and (vi), and 18.30–(a)(1)(x), and (xi)]

DISTRIBUTION TABLE

Present section	*Revised section*
18.0	43.1
18.1	(1)
18.1–1	(2)
18.1–2	(3)
18.1–3	(2)
18.1–4	(3)
18.1–5	(3)
18.1–6	(3)
18.10	43.3
18.10–1	43.3
18.11 (as applicable to return to service aspect)	43.5
18.11 (less applicability to return to service aspect; 7th through 31st words of (b)(2) and 14th through 39th words of (b)(5))	43.7
18.11 (7th through 31st words of (b)(2))	(4)
18.11 (14th through 39th words of (b)(5))	(5)
18.11–1	(1)
18.11–2	(3)
18.12 (as applicable to performance aspect)	43.3
18.12 (less applicability to performance aspect)	43.7
18.12–1	(1)
18.13	43.5
18.20	(3)
18.20–1	(6)
18.21	43.9
18.21–1 (2d sentence)	43.9
18.21–1 (less 2d sentence)	(3)

See footnotes at end of table.

DISTRIBUTION TABLE—Continued

Present section	Revised section
18.22	43.9
18.22–1	(3)
18.22–2	(3)
18.23	43.11
18.23–1	(7)
18.24	43.9
18.30	43.13
18.30–1	43.13
18.30–2—18.30–17	(8)
18.30–18(a)	(3)
18.30–18(a)(1)	(3)
18.30–18(a)(1)(i)—(ix) (less last sentences of (i), (iii), (v), and (vi))	(8)
18.30–18(a)(1)(i), (iii), (v), and (vi) (last sentences only)	43.15
18.30–18(a)(1)(x)	43.15
18.30–18(a)(1)(xi) (Note: This exhausts § 18.30–18)	43.11
18.30–19(a)	(3)
18.30–19(b) (less last two sentences)	43.15
18.30–19(b) (last two sentences)	(9)
18.30–19(c)	(9)
18.30–19(d)	43.15
18.30–19 (less (a)–(d))	43.11
18.30–20	(9)
18.30–21	(3)
18.30–22	(3)
Appendix A	(3)
Appendix B	(4)
Appendix C	(4)
Appendix D	(3)

[1] Surplusage.
[2] Appendix A.
[3] Not a rule.
[4] Transferred to Part 65 [New].
[5] Transferred to Part 145 [New].
[6] Obsolete.
[7] Appendix B.
[8] Appendix C.
[9] Transferred to Part 91 [New].

[F.R. Doc. 63–10634; Filed, Oct. 7, 1963; 8:46 a.m.]

[14 CFR Parts 44, 129 [New]]

[Reg. Docket No. 1994; Notice 63–38]

OPERATIONS OF FOREIGN AIR CARRIERS

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Part 44 of the Civil Air Regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 25, 1963, will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material which was announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

The object of the new part is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to the proposed rules.

When finally adopted, the new parts will include the substance of any applicable rules or amendments adopted and effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rulemaking have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations by deleting Part 44 and adding a Part 129 [New] reading as hereinafter set forth.

This proposal is made under the authority of section 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C. on October 2, 1963.

N. E. HALABY,
Administrator.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

Sec.
129.1 Applicability.
129.11 Operations specifications.
129.13 Airworthiness and registration certificates.
129.15 Flight crewmember certificates.
129.17 Radio equipment.
129.19 Air traffic rules and procedures.
129.21 Control of traffic.

APPENDIX A—Applications for operations specifications by foreign air carriers.

§ 129.1 Applicability.

This part prescribes rules governing the operation within the United States of aircraft of each foreign air carrier holding a permit issued by the Civil Aeronautics Board under section 402 of the Federal Aviation Act of 1958 (49 U.S.C. 1372).

[Revision note. Based on § 44.01]

§ 129.11 Operations specifications.

(a) Each foreign air carrier shall conduct its operations within the United States in accordance with operations specifications issued by the Administrator, including—

(1) Airports to be used;

(2) Routes or airways to be flown; and

(3) Such operations rules and practices as are necessary to prevent collisions between foreign aircraft and other aircraft.

(b) An application for the issue or amendment of operations specifications must be submitted in duplicate, at least 30 days before beginning operations in the United States, to the International District or Field Office in the area where the applicant's principal business office is located or to the Regional Director having jurisdiction over the area to be served by the operations. If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the applicant must secure written permission to do so from the Washington Headquarters of the military organization concerned and submit two copies of that written permission with his application. Detailed requirements governing applications for the issue or amendment of operations specifications are contained in Appendix A.

[Revision note: Combines §§ 44.2, 44.2–1(a)(1) (1st and 3d sentences), and 44.2–1(a)(2) (1st sentence)]

§ 129.13 Airworthiness and registration certificates.

(a) No foreign air carrier may operate an aircraft unless that aircraft carries current registration and airworthiness certificates issued or validated by the country of registry and displays the nationality and registration markings of that country.

(b) No foreign air carrier may operate a foreign aircraft within the United States except in accordance with the limitations on maximum certificated weights prescribed for that aircraft and that operation by the country of manufacture of that aircraft.

[Revision note: Based on § 44.3]

§ 129.15 Flight crewmember certificates.

No person may act as a flight crewmember unless he holds a current certificate or license issued by the country in which that aircraft is registered, showing his ability to perform his duties connected with operating that aircraft.

[Revision note: Based on § 44.5]

§ 129.17 Radio equipment.

Subject to the applicable laws and regulations governing ownership and operation of radio equipment, each foreign air carrier shall equip its aircraft with such radio equipment as is necessary to properly use the air navigation facilities, and to maintain communications with ground stations, along or adjacent to their routes in the United States.

[Revision note: Based on § 44.4]

§ 129.19 Air traffic rules and procedures.

(a) Each pilot must be familiar with the applicable rules, the navigational and communications facilities, and the air traffic control and other procedures, of the areas to be traversed by him within the United States.

(b) Each foreign air carrier shall establish procedures to assure that each of its pilots has the knowledge required by paragraph (a) and shall check the ability of each of its pilots to operate safely according to applicable rules and procedures.

(c) Each foreign air carrier shall conform to the practices, procedures, and other requirements prescribed by the Administrator for U.S. air carriers for the areas to be operated in.

[Revision note: Based on § 44.6]

§ 129.21 Control of traffic.

(a) Subject to applicable immigration laws and regulations, each foreign air carrier shall furnish the ground personnel necessary to provide for two-way voice communication between its aircraft and ground stations, at places where the Administrator finds that voice communication is necessary and that communications cannot be maintained in a language with which ground station operators are familiar.

(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak both English and the language necessary to maintain communications with the aircraft concerned, and shall assist ground personnel in directing traffic.

[Revision note: Based on § 44.7]

APPENDIX A—APPLICATION FOR OPERATIONS SPECIFICATIONS BY FOREIGN AIR CARRIERS

(a) *General.* Each application must be executed by an authorized officer or employee of the applicant having knowledge of the matter set forth therein, and must have attached thereto two copies of the appropriate written authority issued to that officer or employee by the applicant. Negotiations for permission to use airports under U.S. military jurisdiction is effected through the respective embassy of the foreign government and the United States Department of State.

(b) *Format of application.* The following outline must be followed in completing the information to be submitted in the application.

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(OUTLINE)

To: The Federal Aviation Agency
Washington, D.C., 20553

In accordance with the Federal Aviation Act of 1958 (49 U.S.C. 1372) and Part 129 of the Federal Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant must submit the following information only with respect to those parts of his proposed operations that will be conducted within the United States.

SECTION I. *Operations.* State whether the operation proposed is day or night, visual flight rules, instrument flight rules, or a particular combination thereof.

SEC. II. *Operational plans.* State the route by which entry will be made into the United States, and the route to be flown therein.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Regular route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.
4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating the type of facility to be used, such as radio range, ADF, VOR, etc.

B. *Airports.* Submit the following information with regard to each regular terminal and alternate to be used in the conduct of the proposed operation:

1. Name of airport or landing area.
2. Location (direction distance to and name of nearest city or town).

SEC. IV. *Radio facilities; Communications.* List all ground radio communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States.

SEC. V. *Aircraft.* Submit the following information in regard to each type and model aircraft to be used.

A. *Aircraft.*
1. Manufacturer and model number.
2. State of origin.
3. Single-engine or multiengine. If multiengine, indicate number of engines.
4. What is the maximum takeoff and landing weight to be used for each type of aircraft.

B. *Aircraft Radio.* List aircraft radio equipment necessary for instrument operation within the United States and/or Ter-aircraft?

C. *Licensing.* State name of country by whom aircraft are certificated.

SEC. VI. *Airmen.* List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. State the type and class of certificate held by each flight crewmember.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument letdowns along or adjacent to the route to be flown within the United States.

C. State whether or not personnel are familiar with those parts of the Federal Air Regulations pertaining to the conduct of foreign air carrier operations within the United States.

D. State whether pilot personnel are able to speak and understand the English language to a degree necessary to enable them to properly communicate with Airport Traffic Control Towers and Airway Radio Communication Stations using radiotelephone communications.

SEC. VII. *Dispatchers.*

A. Describe briefly the dispatch organization which you propose to set up for air carrier operations within the United States.

B. State whether or not the dispatching personnel are familiar with the rules and regulations prescribed by the Federal Air Regulations governing air carrier operations.

C. Are dispatching personnel able to read and write the English language to a degree necessary to properly dispatch flights within the United States?

D. Are dispatching personnel certificated by the country of origin?

SEC. VIII. *Additional Data.*

A. Furnish such additional information and substantiating data as may serve to expedite the issuance of the operations specifications.

B. Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this _____ day of _____ 19__.

_____
(Name of Applicant)

By _____
(Name of person duly authorized to execute this application on behalf of the applicant.)

DISTRIBUTION TABLE

Present section	Revised section
44.0	129.1
44.1	(1)
44.2	129.11
44.2–1(a)(1) (1st and 3d sentences)	129.11
44.2–1(a)(2) (1st sentence)	129.11
44.2–1 (less (a)(1) (1st and 3d sentences)) and (a)(2) (1st sentence)	(2)
44.3	129.13
44.4	129.17
44.5	129.15
44.6	129.19
44.7	129.21

[1] Transferred to Part 1 [New].
[2] Appendix A.

[F.R. Doc. 63–10653; Filed, Oct. 7, 1963; 8:48 a.m.]

[14 CFR Parts 47 [New], 49 [New], 187 [New], 501, 502, 503, 504, and 505]

[Reg. Docket No. 1996; Notice No. 63–39]

AIRCRAFT REGISTRATION AND RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to add Part 47—Aircraft Registration [New] and Part 49—Recording of Aircraft Titles and Security Documents [New], to Chapter I of Title 14 of the Code of Federal Regulations.

The purpose of the new parts is to revise Part 501—Registration of Aircraft, Part 502—Dealers' Aircraft Registration Certificates, Part 503—Recordation of

Aircraft Ownership, Part 504—Recordation of Encumbrances against Specifically Identified Aircraft Engines and Propellers, and Part 505—Recordation of Encumbrances against Aircraft Engines, Propellers, Appliances, or Spare Parts, of the regulations of the Administrator. The revision would provide for a temporary certificate of registration, increased registration and recording fees, changed procedures for special aircraft identification numbers, and accomplish other changes designed to clarify and implement the administration and use of these rules. In addition, the new parts would reduce to two the number of these related regulations on registration and recordation and bring them into the recodified series of regulations called the "Federal Aviation Regulations" with formats consistent therewith.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket and draft release numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C. All communications received on or before December 10, 1963, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In each of the new parts, provisions generally applicable to persons and transactions subject to it would be brought together in one place, designated "Subpart B" in each case. This would avoid redundancy and would make the regulations more readily usable.

The provisions treated in this manner in new Part 47 concern the definition and types of applicants for registration (§ 47.11); signatures, acknowledgments of conveyance instruments accompanying applications for registration, and applications made by representatives (§ 47.13); identification numbers (§ 47.15); fees for registration (§ 47.17); nontransferability of certificates of registration (§ 47.19); and a designation of the FAA Aircraft Registration Branch, Oklahoma City, Oklahoma, as the "FAA Aircraft Registry," for the submission to the FAA of all applications, requests, notifications, and other communications, except for the obtaining of identification numbers from FAA inspectors (§ 47.21).

The provisions treated in this manner in new Part 49 concern a similar designation of the "FAA Aircraft Registry" (§ 49.11); signatures and acknowledgments of conveyance instruments (§ 49.13); fees for recording (§ 49.15); and the definition and types of conveyances recorded (§ 49.17).

Also, the date a conveyance is received by the FAA Aircraft Registry would be considered the effective date of recording (§ 49.19). This would implement the provision of section 503(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1403) that a recorded conveyance should have effect from the time of its filing for recordation, and would preclude any doubt that might arise from illegible dates on mailing envelopes. For the latter reason, the new Part 47 also would provide that the FAA would consider an aircraft, except one last previously registered in a foreign country, to be registered under it when the required documents are received by the FAA Aircraft Registry (§ 47.39(a)). The FAA would consider as registered an aircraft previously registered in a foreign country, only after the required documents have been received and examined by the FAA Aircraft Registry and the duplicate of the application for registration returned to the applicant (§ 47.39(b)).

The new Part 47 would increase the existing registration fees from $4.00 to $5.00 for registration of individual aircraft and for recording a contract of conditional sale accompanying that kind of application; from $5.00 to $10.00 for a dealer's aircraft registration certificate; from $1.00 to $2.00 for a duplicate certificate of registration or additional dealer's aircraft registration certificate; and from $10.00 to $20.00 for a special or changed, reassigned, or reserved identification number. The new Part 49 would increase the existing fee for recording a conveyance, from $4.00 to $5.00 (from $2.00 to $5.00 in the case of encumbrances against engines, propellers, appliances, or spare parts, maintained at a designated location). The proposed increase has been derived from a consideration of the cost of the services involved as compared with the amounts of user charges collected for these activities.

The new Part 47 would limit the assignment of special identification numbers (one to three symbols) to FAA-owned aircraft and to other aircraft which will not structurally accommodate a larger number, and also would delete the provision for assignment of series of numbers to manufacturers which are consecutive, since the Agency does not have left sufficient low numbers for further assignment to other Government-owned aircraft, or blocks of consecutive numbers for assignment to manufacturers § 47.15 (c) and (d)). Manufacturers still could apply for groups of numbers sufficient to supply their estimated production for 18 months. Also the new provisions would limit the reserve status of a special identification number reserved for later assignment to one year, and would require the aircraft owner to receipt for the special identification number to the FAA Aircraft Registry, acknowledging that he has affixed the number to his aircraft, and to keep the duplicate of the application in his aircraft as temporary proof of authority to operate with that number pending receipt of revised registration and airworthiness certificates bearing the special number (§ 47.15(d)(3)).

The provisions for application for or cancellation of registration, and for recording of conveyances made by persons doing business under a trade name, and by a representative of the owner (such as by an agent, or for a corporation, partnership, or cotenancy) would be revised and clarified (§§ 47.13 (c) and (d) and 49.13(b)). Furthermore, a power of attorney or similar evidence of a person's authority to execute a document for another, submitted under either new Part, would be considered by the FAA to be valid for no longer than two years, in order to permit the purging of obsolete records from its files (§§ 47.13(e) and 49.13(d)).

The revised provisions for registration of individual aircraft would substitute for the present Part A "Certificate of Registration," of Form FAA-500, a new "Temporary Certificate of Registration" (§ 47.31). Under the existing procedures, it has been possible for an applicant to retain the duplicate of Part B "Application for Registration" as temporary authorization to operate the aircraft indefinitely. The proposed procedure would limit this temporary authorization to 30 days. The FAA would issue to the applicant a new Part A temporary certificate which would authorize operation of the aircraft until the application has been processed and, upon approval, would issue the regular certificate. The new provisions also would clarify and strengthen the provisions for applications for registration of amateur-built aircraft, aircraft built from kits, and aircraft assembled to conform to approved type designs by persons other than the holders of the type certificates (§ 47.33 (b) and (c)).

Other changes which would be made by the new Part 47 provide for the termination of a certificate of registration when the registered owner dies (§47.41 (a)(6)), and for cancellation of registration for export purpose (§ 47.47). Also, the holder of a dealer's aircraft registration certificate, other than a manufacturer, would be required to provide to the FAA evidence of his ownership of each aircraft he operates while using his certificate (§ 47.67). This has been added in order to facilitate identification of that dealer as the owner of aircraft operated under his certificate. Also, the existing requirement of display of a certificate of registration would be deleted, since § 91.27 of Part 91 of the Federal Aviation Regulations "General Operating and Flight Rules" [New] provides the rule on carrying certificates.

In the new Part 49, provision would be made for the recording of a mortgage upon the interest of a conditional vendor of an aircraft, which is not permitted under existing Part 503 (§ 49.17(e)(1)). The Part would in terms preclude the recording of Federal tax liens (§49.17), since under the Internal Revenue Code these liens are required to be filed elsewhere.

In consideration of the foregoing, it is proposed to amend Chapter III of Title 14 of the Code of Federal Regulations by deleting Parts 501, 502, 503, 504, and 505, and § 406.14 (c) and (d), Regulations of the Administrator, and to amend Chapter I of that title by adding new Parts 47 and 49 as hereinafter set forth, and by adding a reference to the increased fees for duplicates of certificates of aircraft registration in § 187.3 (b) of Part 187 Fees for Copying and Certifying Federal Aviation Agency Records [New].

In order to avoid its issuance, and then immediate reissuance in a recodified form, this revision is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material. In the FEDERAL REGISTER for August 9, 1962 (27 F.R. 7908), this Agency published a notice of proposed rulemaking for a proposed Subchapter C—Aircraft [New] in Chapter I of Title 14. There was included in that subchapter proposed Parts 47 [New] and 49 [New] to contain a recodification of Parts 501–505 of the regulations of the Administrator. This proposal would replace the recodification of those parts.

This amendment is proposed under the authority of sections 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1405, 1502).

Issued in Washington, D.C. on October 3, 1963.

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PART 47—AIRCRAFT REGISTRATION

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Subpart A—Introduction

§ 47.1 Applicability of this part.

This part applies to the registration of aircraft required or permitted by section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401). Subpart B of this part provides rules which govern, where applicable by their terms, all persons and transactions subject to this part. Subpart C of this part applies to registration of aircraft by owners other than manufacturers and sellers who are eligible for dealers' aircraft registration certificates under Subpart D of this part.

§ 47.3 Unlawful operation of unregistered aircraft.

(a) No person may operate any aircraft eligible for registration under this part, other than aircraft of the national-defense forces, unless that aircraft has been registered by its owner.

(b) Eligibility for registration is defined by section 501(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1401) as follows:

(b) An aircraft shall be eligible for registration if, but only if—

(1) It is owned by a citizen of the United States and it is not registered under the laws of any foreign country; or

(2) It is an aircraft of the Federal Government, or of a State, Territory, or possession of the United States, or the District of Columbia, or a political subdivision thereof.

Subpart B—General

§ 47.11 Applicants.

(a) A citizen of the United States who wishes to register an aircraft in this country must apply for a certificate of registration under this part. "Citizen of the United States" is defined by section 101(13) of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

(b) An aircraft may be registered only by and to its owner. However, section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) states that "registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue." The FAA does not issue any certificate of ownership or endorse information with respect to ownership on certificates of registration. It issues the certificate of registration to the person who appears to be the owner on the basis of the evidence of ownership the applicant submits to it.

(c) For the purposes of this part, "owner" includes the buyer in possession, bailee, or lessee, of an aircraft under a contract of conditional sale, within the meaning of the definition of "conditional sale" in section 101(16) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and the assignee of the interest of such a person.

(d) When he applies for registration, the buyer, bailee, or lessee must submit the contract of conditional sale as proof of ownership, and the contract must be eligible for recording under § 49.17(d) of this chapter. When he applies for registration, the assignee must submit the original contract (unless it has already been recorded by the FAA) and his assignment from the original buyer, bailee, or lessee, or prior assignee thereof. The assignment also must be eligible for recording under § 49.17(d) of this chapter, must be signed by the seller, bailor, or lessor under the contract of conditional sale, or his asignee and show that he agrees to this assignment.

(e) An applicant for registering an aircraft that he obtained by repossession or foreclosure proceedings must submit, as evidence of his ownership, a certificate of repossession on Form FAA-909, or its equivalent, executed by him, stating that the aircraft has been repossessed or otherwise seized under the financing agreement involved and applicable local laws. Unless the financing agreement has been previously recorded with the FAA, he must also submit the original or a true copy of it, imprinted on paper permanent in nature, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy. If the repossession was through foreclosure proceedings, he must also submit a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, autioneer, or other person responsible for conducting the sale.

(f) An applicant for registering an aircraft that he bought at a judicial sale or at a sale to satisfy a lien must submit, as evidence of his ownership, a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, auctioneer, or other person responsible for conducting the sale and stating that the sale was made under applicable local law.

(g) An applicant for registering an aircraft, the title to which has been in controversy and has been determined by a court, must submit, as evidence of his ownership, a certified copy of the decision of the court.

(h) The administrator or executor of the estate of the deceased former owner of an aircraft may apply for registering it in his name as administrator or executor. He must submit with the application a certified copy of the letters of administration or letters testamentary appointing him administrator or executor.

(i) An applicant for registering an aircraft that he bought from the estate of a deceased former owner must submit, as evidence of his ownership, a bill of sale, executed for the estate and acknowledged by the administrator or executor, and a certified copy of the letters of administration or letters testamentary. However, if no executor or administrator has been or is to be appointed, the bill of sale must be executed and acknowledged by the heir at law of the deceased former owner and be accompanied by an affidavit of the seller that no application has been made for appointment of an administrator or executor, that so far as he can determine none will be made, and that, under the law of the jurisdiction having authority, he is the person entitled to the aircraft or has the right to dispose of it.

(j) The appointed guardian of the property of another person may apply for registering an aircraft in his name as guardian. He must submit with his application a certified copy of the order of the court appointing him guardian.

(k) The appointed trustee of property including an aircraft may apply for registering the aircraft in his name as trustee. He must submit with his application a certified copy of the order of the court appointing him trustee or,

if he was appointed without order of a

Aviation Act of 1958 (49 U.S.C. 1403) as by an agent, or for a corporation, cates of aircraft registration in [illegible] of the court appointing him trustee or,

if he was appointed without order of a court, a complete copy of the trust instrument naming him, imprinted on material permanent in nature, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy.

§ 47.13 Signatures, acknowledgments, and instruments made by representatives.

(a) The signature on an application for a certificate of registration or instrument submitted as evidence of ownership, must be in ink.

(b) Any acknowledgment of a conveyance instrument must be made before a notary public or other officer authorized by the United States, a Territory or possession of the United States, a State, or the District of Columbia, to take acknowledgment of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable.

(c) An application for registration, or for canceling a registration, made by or on behalf of one or more persons doing business under a trade name must be made in the true name or names of the applicant or applicants, and must show the capacity of the person who signs, such as individual owner, agent, corporate representative, partner, or cotenant, as well as the trade name. However, an application made for an unincorporated association of five or more persons doing business under a trade name need not show the true names of more than five members.

(d) An application for registration, or for cancellation of registration, made by a representative of the owner, must comply with the following:

(1) An application made by an agent must bear the names of both the applicant and the agent, and indicate that he signs as agent or attorney-in-fact. It must be accompanied by a signed and acknowledged power of attorney or a true copy thereof, imprinted on paper permanent in nature, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy, or other satisfactory evidence of the agent's authority.

(2) An application made for a corporation must show on it the title of the signer's office and bear the corporation's seal. No person other than the president, vice president, secretary, or treasurer of a corporation may sign the document in its behalf unless the document is accompanied by a copy of his authority to sign from the board of directors of the corporation, certified as true by one of the officers named.

(3) An application made for a partnership must show the full name of the partnership, the names of all of the partners, and have the word "partner" following the signature of the person who signs for it.

(4) An application made for cotenants who are not engaged in business as partners must bear the signature of each person having title to the aircraft under that arrangement. However, an application made for an unincorporated association of five or more persons need not bear the signatures of more than five members.

(e) A power of attorney or other evidence of a person's authority to execute a document for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before [effective date of this part], two years after that date.

§ 47.15 Identification number.

(a) An applicant for registering an aircraft must first obtain the identification number ("registration mark") he places on Parts A, B, and C, Form FAA–500. This is the identification number for which §§ 1.100 through 1.109 of Part 1 of the Civil Air Regulations (Chapter I of Title 14 of the Code of Federal Regulations) provide rules for description, display, and maintenance thereof. The identification number assigned to the aircraft remains with it unless the owner obtains a different number under paragraph (d) of this section.

(1) If the aircraft was not last previously registered in a foreign country, the applicant must obtain the identification number, without charge, from the nearest FAA inspector in the field. However, he applies for a group of identification numbers, as an aircraft manufacturer, or for a special identification number, under paragraph (c) or (d) of this section.

(2) If the aircraft was last previously registered in a foreign country, the applicant must obtain the identification number from the FAA inspector at the port of entry of the aircraft into the United States or the appropriate FAA International Field Office. A U.S. identification number is assigned only after the foreign registration has been terminated or found to be invalid by the FAA Aircraft Registry. No charge is made for this identification number.

(b) In addition to the prefix "N", the identification number does not exceed five symbols. These may all be digits, or one to four digits may be followed by one letter, or one to three digits may be followed by two letters. A number followed by a specific letter that has been assigned to an aircraft is not assigned concurrently to another aircraft even with an additional suffix letter. For example, if number N100A is assigned, then that number with an additional suffix, such as "N100AB", is not concurently assigned. However, if the owner requests, he may be permitted, without charge, to add a second suffix letter to an assigned one to three digit number followed by a letter.

(c) An aircraft manufacturer may apply to the FAA Aircraft Registry for a group of identification numbers sufficient in number to supply his estimated production for the ensuing 18 months. No charge is made for this series.

(d) Unassigned identification numbers are available as special identification numbers. However, identification numbers of one to three symbols are reserved for assignment to FAA-owned aircraft and other aircraft which will not accommodate a larger number.

(1) If the owner wants a special identification number, or if he wants to change the identification number of his aircraft, he may apply to the FAA Aircraft Registry, accompanying his request with the fee provided in § 47.17.

(2) Any application for an identification number of one to three symbols must be accompanied by a statement of an FAA inspector that the aircraft is of such structural configuration or design as to preclude the placing of a registration number of more than three symbols on either its fuselage or vertical tail surface.

(3) Assignment of a special identification number is made on Form FAA– (new form in process). The owner must complete and sign the receipt contained therein, acknowledging that he has affixed the number to his aircraft on the date designated, and return the original of that form to the FAA Aircraft Registry within five days after affixing the number. Upon receipt, the FAA provides to the owner a revised certificate of registration, together with a new certificate of airworthiness changed only to show the special identification number. The owner shall carry the duplicate of Form FAA– (new form in process) in his aircraft together with the existing certificate of registration, if any, to serve as temporary proof of authority to operate the aircraft with the special identification number pending receipt of the revised certificates of registration and airworthiness, at which time the temporary authority expires.

(4) The owner of an aircraft to which a one to three symbol identification number was assigned before [effective date of this part] need not surrender that number. He may, before selling his aircraft, request the FAA Aircraft Registry to reassign that number to another aircraft owned by him or reserve it for later assignment, accompanying his request with the fee provided in § 47.17 for the number being reassigned or reserved. At the same time he must apply for a new identification number for the aircraft being sold. A special identification number reserved for later assignment is held in a reserve status by the FAA for no longer than one year. However, a number so reserved before [effective date of this part] will be held in a reserve status for one year after that date.

§ 47.17 Fees for registration.

(a) The fees for registering aircraft under this part are as follows:

(1) Registration of individual aircraft	$5.00
(2) Dealer's aircraft registration certificate	10.00
(3) Additional dealer's aircraft registration certificate issued to same dealer	2.00
(4) Special identification number (each number)	20.00
(5) Changed, reassigned, or reserved identification number	20.00
(6) Duplicate certificate of registration	2.00

(b) Fees must accompany the application in each case and may be paid by check or money order payable to the Federal Aviation Agency.

§ 47.19 Nontransferability of certificate.

A certificate of registration may not be transferred.

§ 47.21 FAA Aircraft Registry.

Except as provided in § 47.15(a) (1) and (2), all applications, requests, notifications, and other communications transmitted to the FAA under this part must be mailed or delivered only to the FAA, Aircraft Registration Branch, Oklahoma City, Oklahoma, which is called the "FAA Aircraft Registry" elsewhere in this part.

Subpart C—Owners' Certificates of Registration

§ 47.31 Application for registration.

(a) Application for registration of an aircraft under this subpart is made by sending to the FAA Aircraft Registry Form FAA–500 fully executed. The name of the applicant must be identical on each of Parts A, B, and C of the form. It must be accompanied by the fee required by § 47.17. The applicant must submit—

(1) The original and a duplicate copy of Part A—"Temporary Certificate of Registration."

(2) The original of Part B—"Application for Registration."

(3) The original of Part C—"Bill of Sale," or other evidence of ownership authorized by §§ 47.33, 47.35, or 47.37.

(b) Upon transmitting his application for registration, the applicant shall carry the duplicate copy of Part B of Form FAA–500 within the aircraft while operating it. This serves as temporary authorization to operate the aircraft, valid for not over 30 days after the date of execution until he receives back Part A, Temporary Certificate of Registration, or the regular certificate of registration. However, this paragraph does not apply to an applicant under § 47.37 for registration of an aircraft last previously registered in a foreign country.

§ 47.33 Registration of aircraft not previously registered anywhere.

(a) A U.S. citizen who is the owner of an aircraft that has not been registered under the Federal Aviation Act of 1958, or other law of the United States, or under foreign law, is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15, and 47.17; and

(2) Submits with his application a conveyance on Part C of Form FAA–500 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized by § 47.11 (b) through (k).

If the applicant cannot, for good reason, produce this proof, he must submit other evidence of ownership that is satisfactory to the Administrator. This evidence may be an acknowledged instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

(b) The owner of an amateur-built aircraft who applies for registration under paragraph (a) of this section must describe the aircraft by category, class, and type, and the engine by make, model, and horsepower, and must state whether the aircraft is built for land or sea operation. Also, he must submit as proof of ownership an acknowledged instrument stating that the aircraft was built from parts and that he is the owner. If he built the aircraft from a kit, the applicant must also submit an acknowledged bill of sale from the manufacturer of the kit.

(c) The owner, other than the holder of the type certificate, of an aircraft which he assembles from parts to conform to the approved type design, must describe the aircraft and engine in the manner required by paragraph (b) of this section and also submit evidence of ownership satisfactory to the Administrator, such as acknowledged bills of sale, for all major components of the aircraft.

§ 47.35 Registration of aircraft last previously registered in the United States.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the Federal Aviation Act of 1958, or other law of the United States, is entitled to have it registered under this part if he complies with §§ 47.11, 47.13, 47.15, and 47.17 and submits with his application a conveyance on Part C of Form FAA–500 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized by § 47.11 (b) through (k).

(1) If the applicant bought the aircraft from the last registered owner, the conveyance must be from that owner to him.

(2) If he did not buy the aircraft from the last registered owner, he must submit bills of sale or similar documents showing consecutive transactions from the last registered owner, through each intervening owner, to him.

(b) If the applicant cannot, for good reason, produce the evidence of ownership required by paragraph (a) of this section, he must submit other proof that is satisfactory to the Administrator. This evidence may be an acknowledged instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

§ 47.37 Registration of aircraft last previously registered in a foreign country.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the law of a foreign country is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15 and 47.17 of this chapter;

(2) Submits with the application a bill of sale from the foreign seller or other proof satisfactory to the Administrator that he owns the aircraft; and

(3) Submits evidence satisfactory to the Administrator that—

(i) If the country in which the aircraft was registered has not ratified the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830), the foreign registry has ended or is invalid; or

(ii) If that country has ratified the Convention, the foreign registry has ended or is invalid, and each holder of a recorded right against the aircraft has been satisfied or has consented to the transfer, or ownership in the country of export has been ended by a sale in execution under the terms of the Convention.

(b) For the purposes of paragraph (a)(3) of this section, satisfactory evidence may consist of—

(1) A statement that the registry has ended or is invalid, made by the official having jurisdiction over the national aircraft registry of the foreign country, showing that official's name and title, and describing the aircraft by make, model, and serial number; or

(2) A final judgment or decree of a court of competent jurisdiction that determines, under the law of the country concerned, that the registry has in fact become invalid.

§ 47.39 Effective date of registration.

(a) The FAA considers an aircraft, except one last previously registered in a foreign country, to be registered under this subpart upon the date that the documents required by §§ 47.33 or 47.35, whichever applies, are received by the FAA Aircraft Registry.

(b) The FAA considers an aircraft last previously registered in a foreign country to be registered under this subpart only after the documents required by § 47.37 have been received and examined by the FAA Aircraft Registry and the duplicate of Part A of Form FAA–500 has been returned to the applicant.

§ 47.41 Duration of registration and return of certificate of registration.

(a) Each certificate of registration issued by the FAA under this subpart remains effective, unless suspended or revoked, until the date—

(1) Subject to the International Convention on the Recognition of Rights in Aircraft, the aircraft is registered under the laws of a foreign country;

(2) The registration is canceled at the written request of the owner;

(3) The aircraft is totally destroyed or scrapped;

(4) Ownership of the aircraft is transferred;

(5) The registered owner loses his American citizenship; or

(6) The registered owner dies.

(b) The certificate of registration, with the reverse side thereof completed, must be returned to the FAA Aircraft Registry—

(1) Upon the termination of the registration, by the person who was owner of the aircraft before the registration under the laws of a foreign country;

(2) Within 60 days after the former owner's death, by the administrator or executor of his estate, or by his heir at law if no administrator or executor has been or is to be appointed; or

(3) Upon the termination of the registration, by the holder of the certificate of registration in all other cases mentioned in paragraph (a) of this section.

§ 47.43 Invalid registration.

(a) The registration of an aircraft is invalid if, at the time it is made—

(1) The aircraft is registered in a foreign country;

(2) The applicant is not the owner;

(3) The applicant is not a citizen of the United States; or

(4) The applicant is a citizen of the United States, but his interest in the aircraft was created by a transaction that was not entered into in good faith and was made to avoid (with or without the owner's knowledge) compliance with section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) that prevents registration of an aircraft owned by a person who is not a citizen of the United States.

(b) When the registration is invalid, the holder of the certificate of registration must return it to the FAA Aircraft Registry.

§ 47.45 Notice of change of address.

Within 30 days after any change in his permanent mailing address, the registered owner of an aircraft shall notify the FAA Aircraft Registry of his new address.

§ 47.47 Cancellation of registration for export purpose.

The registration of an aircraft is canceled for the purpose of export only upon the written request of the owner and, in the case of an aircraft under a contract of conditional sale, with the written consent of the conditional seller, bailor, or lessor, sent to the FAA Aircraft Registry. The request must state the registration number and describe the aircraft by make, model, and serial number, and country to which the aircraft will be exported. The FAA notifies that country of the cancellation by ordinary mail, or by airmail at the owner's request. The transmission of this notice by means other than ordinary mail or airmail must be arranged and paid for by the owner.

§ 47.49 Replacement of certificate.

(a) If a certificate of registration is lost, stolen, or mutilated, the person to whom it was issued may apply to the FAA Aircraft Registry for a duplicate certificate, accompanying his request with the fee required by § 47.17.

(b) If a person has applied for a duplicate certificate and needs to operate his aircraft before receiving it, the FAA Aircraft Registry, upon the owner's request, issues a temporary certificate, by a collect telegram, to be carried in the aircraft. This temporary certificate is valid until he receives the requested duplicate certificate issued by the FAA.

Subpart D—Dealers' Aircraft Registration Certificates

§ 47.61 Applicability.

(a) This subpart applies to the registration of aircraft by manufacturers and sellers, so as to—

(1) Allow manufacturers to make required production flight checks; and

(2) Facilitate operating, demonstrating, and merchandising aircraft by the manufacturer or seller without imposing the burden of obtaining an individual certificate of registration for each aircraft with each transfer of ownership, as required by Supart C of this part.

(b) A dealer's aircraft registration certificate is an alternative for the certificate of registration prescribed by Subpart C of this part. A dealer may, under this subpart, obtain one or more dealers' aircraft registration certificates additional to his original certificate, and he may use a certificate for any aircraft he owns.

§ 47.63 Application for registration.

Application for a dealer's aircraft registration certificate is made upon Form FAA–1706, accompanied by the fee required by § 47.17.

§ 47.65 Eligibility.

To be eligible for a dealer's aircraft registration certificate, a person must have an established place of business in the United States or one of its Territories or possessions, and must be substantially engaged in manufacturing or selling aircraft.

§ 47.67 Ownership.

Before operating an aircraft he owns while using his dealer's aircraft registration certificate, the holder of the certificate, other than a manufacturer, must send to the FAA Aircraft Registry evidence satisfactory to the Administrator that he is the owner of that aircraft. Part C of Form FAA–500 or its equivalent may be used for this purpose, and no recording fee need accompany it.

§ 47.69 Operating limitations.

A dealer's aircraft registration certificate is valid for operating aircraft only—

(a) By the owner of the aircraft to whom it was issued, his agent or employee, or a prospective buyer, and in the case of a dealer other than a manufacturer, only when he has complied with § 47.67;

(b) Within the United States, its Territories, and possessions;

(c) While a certificate is carried within the aircraft; and

(d) On a flight which is—

(1) For required flight tests; or

(2) In ordinary trade channels between any two or more of the following: the manufacturer, the seller, and the buyer from either of them; or

(3) For demonstration purposes necessary to sell the aircraft.

However, a prospective buyer may operate a single place aircraft for demonstration purposes only while he is under the direct supervision of the holder of the dealer's aircraft registration certificate or his agent.

§ 47.71 Duration of registration and notice of change of status.

(a) A dealer's aircraft registration certificate expires one year after the date on which it was issued. All additional certificates expire upon the date of expiration of the original certificate.

(b) Immediately after any change in his name or his address or a change that affects his status as a citizen of the United States, or upon discontinuance of his business, the holder of a dealer's aircraft registration certificate shall notify the FAA Aircraft Registry of that change or discontinuance of business.

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

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49.53 Eligibility for recording: General requirements.
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Subpart A—Introduction

§ 49.1 Applicability of this part.

(a) This part applies to the recording of certain conveyances affecting title to, or any interest in—

(1) Any aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401);

(2) Any specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower;

(3) Any specifically identified aircraft propeller able to absorb 750 or more rated takeoff shaft horsepower; and

(4) Any aircraft engines, propellers, or appliances maintained by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or for such an air carrier.

(b) Subpart B of this part provides rules that govern, where applicable by their terms, conveyances subject to this part.

Subpart B—General

§ 49.11 FAA Aircraft Registry.

To be eligible for recording, a conveyance must be sent to the FAA, Aircraft Registration Branch, Oklahoma, City, Oklahoma, which is called the "FAA Aircraft Registry" elsewhere in this part.

§ 49.13 Signatures and acknowledgments.

(a) The signature on any conveyance must be in ink.

(b) Conveyances made by or on behalf of one or more persons doing business under trade names, and by agents, corporations, partnerships, cotenants, or unincorporated associations, must comply with the rules provided for applications for registration in § 47.13 (c) and (d) of this chapter.

(c) A conveyance or other instrument recorded under this Part must be acknowledged before a notary public or other officer authorized by the United States, a Territory or possession of the United States, a State, or the District of Columbia, to take acknowledgment of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable. These requirements do not apply to a notice of a charge arising out of a claim for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft, covered by § 49.37.

(d) A power of attorney or other evidence of a person's authority to execute a conveyance for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before [effective date of this part], two years after that date.

§ 49.15 Fees for recording.

(a) The fees charged for recording conveyances under this part are as follows:

(1) Conveyance of aircraft—

For each aircraft listed herein—$5.00

(2) Conveyance, made for security purposes, of a specifically identified aircraft engine or propeller, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart D—

For each engine or propeller—$5.00

(3) Conveyance, made for security purposes, of aircraft engines, propellers, appliances, or spare parts, maintained at a designated location or locations, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart E—

For the group of items at each location—$5.00

(b) There is no fee for recording a conveyance, other than a contract of conditional sale, that accompanies an application for registration and fee under Part 47 of this chapter.

(c) Fees must accompany conveyances and may be paid by check or money order made payable to the Federal Aviation Agency.

§ 49.17 Conveyances recorded.

(a) The instruments recorded under this part are conveyances" within the following definition in section 101(17) of the Federal Aviation Act of 1958 (49 U.S.C. 1301):

(17) "Conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property.

A Federal tax lien is not recordable under this part, since it is required by law to be filed at the domicile of the person owning the property subject to the lien.

(b) The kinds of conveyances recorded under this part include those used as proof of ownership under § 47.11 (b) through (k) of this chapter, if they are properly acknowledged.

(c) The recording of a conveyance does not imply a decision of the FAA that the instrument does, in fact, affect title to, or an interest in, the aircraft or other property it covers.

(d) The following rules apply to contracts of conditional sale, that are defined in § 47.11(b)(1) of this chapter, and assignments thereof:

(1) A contract of conditional sale may be recorded by either party to it. It must be signed and acknowledged by both parties.

(2) An assignment of the interest of the seller, bailor, or lessor under a contract of conditional sale must be signed and acknowledged by the assignor and, unless it is attached to and is a part of the contract itself, must contain a description of the contract including the date of the contract, the names of the parties, the date of FAA recording, and the recorded document number.

(3) An assignment of the interest of the buyer, bailee, or lessee under a contract of conditional sale must clearly identify the original contract, and must be signed and acknowledged by the assignor (original conditional buyer, bailee, or lessee, or his assignee) and signed by the holder of the contract (original conditional seller, bailor, or lessor, or his assignee) to show the latter's consent to the assignment. The description of the contract must include its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) When the conditions of a contract of conditional sale for the passing of title to the conditional buyer, bailee, or lessee have been met, the holder of the conditional seller's, bailor's, or lessor's interest shall execute a release on Form FAA–818 provided to him by the FAA when he recorded the conveyance to him, or its equivalent, and send it to the FAA Aircraft Registry for recording.

(e) The following rules apply to chattel mortgages:

(1) A chattel mortgage must be signed and acknowledged by the mortgagor, and he must be the registered owner of the aircraft. However, if he is not the registered owner, the chattel mortgage must be accompanied by his application for registration under Part 47 of this chapter, unless—

(i) He holds a dealer's aircraft registration certificate and he submits documents proving his ownership as provided in § 47.67 of this chapter (if applicable);

(ii) He was the owner of the aircraft on the date the mortgage was executed, as shown by documents recorded by the FAA Aircraft Registry; or

(iii) He is the vendor, bailor, or lessor under a contract of conditional sale.

(2) The name of a cosignor may not appear in the mortgage as a mortgagor (owner). If a person other than the registered owner signs as cosignor, he must show the title "cosignor" under his signature.

(3) An assignment of a chattel mortgage must be signed and acknowledged by the mortgagee (assignor) and, unless it is attached to and is a part of the original mortgage, must describe the mortgage in enough detail to identify it including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) A supplement to a chattel mortgage that has been recorded by the FAA must meet the requirements for recording a chattle mortgage and describe the original mortgage in enough detail to identify it including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(5) When a debt secured by a chattel mortgage has been satisfied or any of the mortgaged aircraft released from the chattel mortgage, the holder shall execute a release on Form FAA–506 provided to him by the FAA when he recorded the conveyance made to him, or its equivalent, and shall send it to the FAA Aircraft Registry for recording. If the debt is secured by more than one aircraft and all of the collateral is released, the collateral need not be described in detail in the release document. However, the description of the mortgage must include the names of the parties, the date of FAA recording, and the recorded document number.

§ 49.19 Effective date of filing for recordation.

A conveyance is filed for recordation upon the date it is received by the FAA Aircraft Registry.

§ 49.21 Return of original conveyance.

A person submitting a conveyance for recording who wants the original returned to him must submit a true copy with the original. After recording, the copy is kept by the FAA and the original is returned to the applicant stamped with the date and hour of recording. The copy must be imprinted on paper permanent in nature, including dates, signatures, and acknowledgments, to which is attached a certificate of a notary public stating that he has compared the copy with the original and that it is a true copy.

Subpart C—Aircraft Ownership and Encumbrances Against Aircraft

§ 49.31 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A bill of sale, contract of conditional sale, assignment of an interest

under a contract of conditional sale, mortgage, assignment of mortgage, lease, notice of tax lien or of other lien, or other instrument affecting title to, or any interest in, aircraft.

(b) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) of this section.

§ 49.33 Eligibility for recording: General requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It is in a form prescribed by, or acceptable to, the Administrator for that kind of conveyance;

(b) It describes the aircraft by make and model, manufacturer's serial number, and FAA registration number, or other detail that makes identification possible;

(c) It is an original document or a duplicate original of it, or if neither the original nor a duplicate original is available, a copy of a conveyance recorded under the laws of a State, the District of Columbia, or a Territory or possession of the United States, certified by the officer having custody of it;

(d) It affects aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401); and

(e) It is accompanied by the recording fee required by § 49.15. However, no fee is charged for recording a release, cancellation, discharge, or satisfaction of a conveyance named in § 49.31(a).

§ 49.35 Eligibility for recording: Ownership requirements.

If the seller of an aircraft is not shown on the records of the FAA as the owner of the aircraft, a conveyance, including a contract of conditional sale, submitted for recording under this subpart must be accompanied by bills of sale or similar documents showing consecutive transfers from the last registered owner, through each intervening owner, to the seller.

§ 49.37 Claims for salvage or extraordinary expenses.

The right to a charge arising out of a claim for compensation for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft in operations terminated in a foreign country that is a party to the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) may be noted on the FAA record by filing notice thereof with the FAA Aircraft Registry within three months after the date of termination of the salvage or preservation operations.

Subpart D—Encumbrances Against Specifically Identified Aircraft Engines and Propellers

§ 49.41 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, a specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower, or a specifically identified aircraft propeller capable of absorbing 750 or more rated takeoff shaft horsepower.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.43 Eligibility for recording: General requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It affects and describes an aircraft engine or propeller to which this subpart applies, specifically identified by make, model, horsepower, and manufacturer's serial number; and

(b) It is accompanied by the recording fee required by § 49.15. However, no fee is charged for recording a release, cancellation, discharge, or satisfaction of a conveyance named in § 49.41 (a) or (b).

§ 49.45 Recording of releases, cancellations, discharges, and satisfactions: Special requirements.

(a) A release, cancellation, discharge, or satisfaction of collateral listed in an encumbrance must be in a form equivalent to release Form FAA–1991, and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the collateral released.

(b) If more than one engine or propeller, or both, is listed in the encumbrance and all of them are released, they need not be listed by serial number, but the release, cancellation, discharge, or satisfaction must state that all of the encumbered engines or propellers are released. The original recorded document must be clearly identified by the names of the parties, the date of FAA recording, and the document date.

Subpart E—Encumbrances Against Aircraft Engines, Propellers, Appliances, and Spare Parts

§ 49.51 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, any aircraft engine, propeller, or appliance maintained by or for an air carrier certified under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or for such an air carrier.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.53 Eligibility for recording: General requirements.

(a) A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(1) It affects any aircraft engine, propeller, appliance, or spare part, maintained at a designated location or locations by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b));

(2) It contains or is accompanied by a statement by the mortgagor, conditional purchaser, lessee, or other similar party that is an air carrier certificated under that section;

(3) It specifically describes the location or locations of the aircraft engines, propellers, appliances, or spare parts covered by it; and

(4) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a release, cancellation, discharge, or satisfaction of a conveyance named in § 49.51 (a) or (b).

(b) The conveyance need only describe generally, by type, the engines, propellers, appliances, or spare parts covered by it.

§ 49.55 Recording of releases, cancellations, discharges, and satisfactions: Special requirements.

(a) A release, cancellation, discharge, or satisfaction of all of the collateral listed in an encumbrance, or all of it at a particular place, must be in a form equivalent to release Form FAA–1991, acknowledged by the holder of all of the collateral at the particular place, and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the location of the released collateral.

(b) If the collateral at all of the places listed in the encumbrance is released, cancelled, discharged, or satisfied, the places need not be listed. However, the document must state that all of the collateral at all of the places listed in the encumbrance has been so released, canceled, discharged, or satisfied. The original recorded document must be clearly identified by the names of the parties, the date of recording by the FAA, and the document number.

[F.R. Doc. 63–10652; Filed, Oct. 7, 1963; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

BUREAU OF TRANSPORTATION AND INTERNATIONAL SERVICES

Revised Bureau Designation

The following is the text of Headquarters Circular No. 63–29, dated September 19, 1963, signed by the Deputy Postmaster General, which revised the title designation of the Bureau of Transportation.

Effective at once, the Bureau of Transportation will be known as the Bureau of Transportation and International Services.

The new title will be used to designate the Bureau in all correspondence, issuances, forms and other documents prepared hereafter. Existing forms and other printed matter bearing the old designation will be used until reprinted.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10632; Filed, Oct. 7, 1963; 8:46 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 32, Modification]

UNITED STATES OPERATIONS MISSION TO VIETNAM

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961, I hereby modify the Delegation of Authority to execute contracts and other documents of November 26, 1954, as amended (19 F.R. 8049), as it applies to the United States Operations Mission to Vietnam to the effect that the Mission Director is authorized to redelegate, in whole or in part, the authority conferred upon him by the said Delegation of Authority of November 26, 1954 to the Deputy Director and one or more other members of the Mission Staff as the Director may designate. However, authorities redelegated to more than one such other member of the Mission Staff must relate to separate fields of activity.

This delegation of authority shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 31, 1963.

DAVID E. BELL,
Administrator.

[F.R. Doc. 63–10627; Filed, Oct. 7, 1963; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a doument relating to a joint call for report of condition of insured banks, see F.R. Doc. 63–10633, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business September 30, 1963 to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130–A—Call No. 447,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 169,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 65,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January, 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

JESSE P. WOLCOTT,
Director, Federal Deposit Insurance Corporation.

JAMES J. SAXON,
Comptroller of the Currency.

WM. MCCHESNEY MARTIN, JR.,
Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 63–10633; Filed, Oct. 7, 1963; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 63–10633, Federal Deposit Insurance Corporation, *supra*.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CORTEZ LIVESTOCK AUCTION ET AL.

Notice of Approval of Certain Stockyards and Livestock Markets

On August 9, 1963, and August 27, 1963, notices were published in the FEDERAL REGISTER (28 F.R. 8220, 9401), which contained lists of all stockyards and livestock markets approved under § 76.16 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the

[1] Filed as part of original document.

Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–26; 75 Stat. 481; 76 Stat. 126).

Pursuant to such authority, notice is hereby given that the following additional stockyards and livestock markets are approved under said regulations as indicated below:

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE ALL CLASSES OF SWINE

COLORADO

Cortez Livestock Auction, Cortez.

ILLINOIS

Illinois Producers Livestock Association, Payson.
Meredith Feeder Pigs, Elburn.
Woodford County Livestock, El Paso.

KANSAS

Cedar Vale Sales Co., Cedar Vale.
Dodge City Livestock Commission Co., Inc., Dodge City.
Koenig Sales Co., Inc., Junction City.
McPherson Sales Co., McPherson.
Onaga Community Sale, Onaga.
Rezac Livestock Commission Co., St. Marys.
Rostetter, Christine, Sale, Hesston.

MARYLAND

Aberdeen Sales Co., Aberdeen.
Caroline Sales, Denton.
Rudnick, Harry, & Sons, Inc., Galena.

MASSACHUSETTS

Brighton Stockyards Co., Brighton.
Northampton Co-Operative Auction, Northampton.

MISSOURI

Rock Port Sales Pavilion, Inc., Rock Port.

NEBRASKA

Alma Sale Barn, Alma.
Beatrice Sales Pavilion, Beatrice.
Beatrice 77 Livestock Sales Co., Inc., Beatrice.
Butte Livestock Market, Butte.
Crofton Livestock Sales, Crofton.
Fairbury Livestock Co., Fairbury.
Falls City Auction Co., Falls City.
Farmers Livestock Sale Co., Benkelman.
Hebron Livestock Commission Co., Hebron.
McKee Sales Co., Superior.
Oxford Livestock Commission Co., Oxford.
Red Cloud Livestock Commission Co., Inc., Red Cloud.
Republican Valley Livestock Auction Co., Franklin.
Superior Sale Co., Superior.
Tri-State Livestock Commission Co., Inc., McCook.
Weichman Pig Co., Inc., Fremont.

OHIO

Dicke Stockyards, New Bremen.
Orville Stockyards, Orville.
Staugler Stockyards, Fort Recovery.

WEST VIRGINIA

Blue Ridge Livestock Sales, Inc., Charles Town.
Evans Stockyard, Inc., Elkins.
Moundsville Livestock Auction, Moundsville.
Ohio County Livestock Auction, Inc., Triadelphia.
Terra Alta Stockyard, Inc., Terra Alta.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE SLAUGHTER SWINE ONLY

ARKANSAS

Gentry, Community Sale, Gentry.

ILLINOIS

Mayer, Oscar & Co., Polo.
McPhillips, George, Transfer, Lena.
Staton Stock Yard, Lena.

MICHIGAN

Lugbill Brothers, Inc., Morenci.

MISSISSIPPI

Starkville Livestock Commission Co., Starkville.

OHIO

Producers Livestock Association, Greenville.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE FEEDING AND BREEDING SWINE ONLY

INDIANA

Ratcliff, John C., Russellville.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and livestock markets have been added to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such stockyards and livestock markets are adequate to effectuate the purposes of the regulations. This action relieves certain restrictions presently imposed and should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of October 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63–10641; Filed, Oct. 7, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of Emergency Transportation

[No. 21]

AIRCRAFT ALLOCATION ORDER

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Order 10999, and Department of Commerce Order 128 (Revised), I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense.

INTERNATIONAL FLEET

DC–6A

401US	6528C	37592	90776
402US	6541C	37593	90777
571	6579C	37594	90780
630NA	7822C	37595	90781
640NA	11565	37596	90782
650NA	34955	45500	90783
4061K	34956	45501	90784
6260C	34957	45502	90785
6519C	37590	45507	91306
6525C	37591	90771	

DC–7BF

336	342	6336C	6344C
337	350	6341C	6346C
341	394	6342C	6348C

DC–7CF

284	301G	737PA	755PA
288	302G	739PA	4059K
289	731PA	741PA	8215H
293	733PA	742PA	8216H
294	734PA	746PA	8217H
295	735PA	752PA	8218H
296	736PA	754PA	8219H

L–1049H

468C	5404V	6919C	6937C
469C	6912C	6922C	7121C
1880	6914C	6924C	7777C
1927H	6915C	6931C	9752C
5401V	6916C	6933C	
5402V	6917C	6935C	
5403V	6918C	6936C	

L–1649AF

7311C	7319C	8081H	45511
7315C	7322C	8082H	45512
7316C	7323C	8083H	
7317C	7324C	8084H	

CL–44

123SW	229SW	451T	603SA
124SW	446T	452T	604SA
125SW	447T	453T	605SA
126SW	448T	454T	
127SW	449T	455T	
228SW	450T	602SA	

B–707(300)F

351US	373WA	765PA	767PA
352US	374WA	766PA	

DC–8F

8782R	8008F		

B–707(300)

701PA	720PA	758PA	766TW
702PA	721PA	759PA	767TW
703PA	722PA	760PA	768TW
704PA	723PA	761PA	769TW
705PA	724PA	726PA	770TW
706PA	725PA	763PA	771TW
714PA	726PA	764PA	772TW
715PA	727PA	761TW	773TW
716PA	728PA	762TW	774TW
717PA	729PA	763TW	775TW
718PA	730PA	764TW	776TW
719PA	757PA	765TW	778TW

B–707(200)

7072	7073	7074	7075

B–707(100)

707PA	711PA	70773	74614
708PA	712PA	70774	
709PA	7524	74612	
710PA	7525	74613	

DC–8

802E	811PA	6572C	8030U
803E	812PA	8008D	8031U
801PA	813PA	8018U	8032U
802PA	814PA	8021U	8033U
803PA	815PA	8022U	8034U
804PA	816PA	8023U	8035U
805PA	817PA	8024U	8036U
806PA	801US	8025U	8601
807PA	802US	8026U	8603
808PA	804US	8027U	8780R
809PA	805US	8028U	8781R
810PA	6571C	8029U	

C880(22M)

8477H			

DOMESTIC FLEET

C–46

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607Z	3944C	10415	
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In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to the Office of Emergency Transportation.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to the Office of Emergency Transportation together with full information concerning the identity of the transferor, the date and place of transfer, and the term and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 20, 28 F.R. 2833–34 of March 21, 1963.

E. G. PLOWMAN,
Director, Office of Emergency Transportation.

[F.R. Doc. 63–10620; Filed, Oct. 7, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–199]

MANHATTAN COLLEGE CORP.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to January 31, 1964, the latest completion date specified in Construction Permit No. CPRR–75 for the construction of a 0.1 watt (thermal), tank-type nuclear reactor on the campus of Manhattan College in New York City.

Copies of the Commission's Order and of the application for extension filed by Manhattan College are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of September 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 63–10619; Filed, Oct. 7, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14681]

WILLIAM D. WHITE AND FRANK P. DOW CO., INC.

Notice of Proposed Approval

Application of William D. White and Frank P. Dow Company, Inc. (a Washington corporation), for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 14681.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 1, 1963.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority:

Application of William D. White and Frank P. Dow Company, Inc. (a Washington corporation) for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended; Docket 14681.

By Order E–9552 adopted September 7, 1955 in Docket 7236, the Board approved, after hearing, the common control by William D. White of Frank P. Dow Company, Inc., Seattle, Washington (Dow-Seattle), a domestic air freight forwarder, and Frank P. Dow Company, Inc., Los Angeles, California (Dow-Los Angeles), an air cargo agent for certain airline members of the International Air Transport Association (IATA). Interlocking relationships resulting from Mr. White's positions as president and director of both Dow-Seattle and Dow-Los Angeles were likewise approved.

By application filed July 30, 1963, as amended September 6, 1963, Mr. White and Dow-Seattle request approval under sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), of the relationships resulting from Mr. White's common control of Dow-Seattle and Frank P. Dow Company, Inc., San Francisco, California (Dow-San Francisco), and his positions as president and director of both companies.

The application states that Dow-San Francisco has recently become an agent for the sale of air cargo transportation for airline members of IATA, and that Mr. White owns 100 percent of the company's voting stock. It is further stated that each of the three Dow corporations, i.e., Seattle, Los Angeles and San Francisco, is engaged in the Custom House brokerage business, holds a Federal Maritime Board Registration, and is an applicant for a Federal Maritime Commission Registration which authorizes them to engage in freight forwarding in connection with the exportation of domestic shipments. None of the corporations engages in the warehouse or cartage business. In addition, Dow-Seattle holds Interstate Commerce Commission freight forwarder permit No. FF–173 under which it operates as a freight forwarder of import freight from Pacific Coast ports to overland territory in the area from Denver east. It employs the other Dow companies as agents to perform whatever services are required at other Pacific Coast ports in connection with its air freight forwarder and surface freight forwarder operations.

Applicants state, inter alia, that the relationships between Dow-Seattle and Dow-San Francisco are substantially the same as those approved by the Board in Order E 9552, and that the relationships will not present conflicts of interests or restrain competition.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, we have concluded that Dow-San Francisco is a person engaged in a phase of aeronautics, and that the common control by William D. White of Dow-Seattle and Dow-San Francisco is subject to section 408 of the Act. It has been further concluded, however, that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and we find that the public interest does not require a hearing. The control relationships are similar to those involving Dow-Seattle and Dow-Los Angeles which were previously approved by the Board and essentially do not present any new sub-

stantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.[1]

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by William D. White of the positions described herein. However, we have concluded that a due showing has been made in the form and manner prescribed that the interlocking relationships will not adversely affect the public interest.[2]

Pursuant to authority duly delegated by the Board in the Board's regulations (14 CFR 385.13), it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control by William D. White of Dow-Seattle and Dow-San Francisco be and it hereby is approved; and

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by William D. White of the positions set forth above be and they hereby are approved.

Persons entitled to petition the Board for review of this Order pursuant to the Board's regulations (14 CFR 385.50), may file such petitions within five days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this Order on its own motion.

J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10617; Filed, Oct. 7, 1963; 8:45 a.m.]

[Docket 13292]

SERVICE TO HOT SPRINGS, VA.

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be heard on October 30, 1963, is postponed to December 4, 1963, 10 a.m. (e.s.t.), Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 3, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10650; Filed, Oct. 7, 1963; 8:48 a.m.]

[1] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[2] It is noted that two other individuals, H. K. White and Mary R. Edwards, hold positions with Dow-Seattle and Dow-San Francisco which create interlocking relationships within the purview of section 409 of the Act. However, it would appear that such interlocking relationships come within the exemption from the provisions of section 409 of the Act afforded by § 287.2(d) of the Board's Economic Regulations.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15178, 15179; FCC 63M-1076]

HUNDRED LAKES BROADCASTING CORP. (WSIR) AND WJBS, INC. (WJBS)

Order Scheduling Hearing

In re applications of Hundred Lakes Broadcasting Corporation (WSIR), Winter Haven, Florida, Docket No. 15178, File No. BP-13015; WJBS, Inc. (WJBS), DeLand, Florida, Docket No. 15179, File No. BP-13075; for construction permits.

It is ordered, This 30th day of September 1963, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 18, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., October 25, 1963.

Released: September 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10628; Filed, Oct. 7, 1963; 8:46 a.m.]

[Docket No. 14841; FCC 63M-1073]

VERNE M. MILLER

Order for Further Prehearing Conference

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

The Hearing Examiner has under consideration a letter filed by the applicant on September 10, 1963, in compliance with the Hearing Examiner's direction of August 1, 1963, submitting a further progress report (in the form of an attached sworn statement prepared by applicant's engineering consultant) with regard to the taking of required field measurments. The engineering statement reflects the expectation of the consultant that completion of all proposed field measurements and analysis of data should in no event extend beyond December 1, 1963. The explanation furnished by the consultant as to the steps being taken by him to obtain the needed measurement data shows a continuing reasonable effort on the consultant's part to accomplish his assignment without undue delay.

Under the circumstances of the progress outlined in the affidavit of applicant's engineer, counsel for this party has suggested that a further prehearing conference be scheduled for December 2, 1963, in anticipation of proceeding to an early hearing thereafter. Letters have been received by the Examiner from the several respondent parties stating that they have no objections to applicant's proposal for a December 2 conference, and Bureau counsel has informally advised the Examiner to the same effect. The above-mentioned report of applicant's engineer and the concurrence of the other parties to the suggestion of applicant regarding the further prehearing conference persuade the Examiner that the proposal should be adopted.

Accordingly, it is ordered, This 27th day of September 1963, on the Hearing Examiner's own motion, that a further Prehearing Conference of all parties, or their counsel, will be held at the offices of the Commission in Washington, D.C., on December 2, 1963, at 9:00 a.m., in preparation for the hearing to be held on a date to be determined at said conference.

Released: September 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10629; Filed, Oct. 7, 1963; 8:46 a.m.]

[Docket No. 15180; FCC 63M-1077]

OTTAWA BROADCASTING CORP. (WJBL)

Order Scheduling Hearing

In re application of Ottawa Broadcasting Corporation (WJBL), Holland Michigan, Docket No. 15180, File No. BP-15189; for construction permit.

It is ordered, This 30th day of September 1963, that Sol Schildhause will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 18, 1963, in Washingto,n D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., October 22, 1963.

Released: September 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10630; Filed, Oct. 7, 1963; 8:46 a.m.]

[Docket No. 15134; FCC 63M-1080]

WENDELL-ZEBULON RADIO CO. (WETC)

Order Continuing Prehearing Conference

In re application of Wendell-Zebulon Radio Company (WETC), Wendell-Zebulon, North Carolina, Docket No. 15134, File No. BP-15344; for construction permit.

The Examiner having under consideration the petition for leave to amend filed by the applicant herein on September 26, 1963, and the joint informal request of the parties hereto for a continuance of the prehearing conference presently scheduled for October 1, 1963; and

It appearing, that good cause has been shown for a grant of the relief requested:

It is ordered, This 30th day of September 1963, that the prehearing conference scheduled for October 1, 1963, is indefinitely postponed.

Released: September 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10631; Filed, Oct. 7, 1963; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8485-B-1, between American Mail Line, Ltd., American President Lines, Ltd., and Pacific Far East Line, Inc., provides that American Mail Line, Ltd., as of October 2, 1963, or as soon thereafter as approved by the Federal Maritime Commission pursuant to section 15 of the 1916 Shipping Act, shall be considered a signatory to Agreement No. 8485-B and shall have all the rights and obligations of a party thereto. The recital and consent of American Mail Line, Ltd., at the foot of the May 25, 1962, agreement No. 8485-B shall be stricken.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 3, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10654; Filed, Oct. 7, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2342]

CAMPBELL RED LAKE MINES, LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1963.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security,

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Campbell Red Lake Mines, Ltd.—File 7-2342

Upon receipt of a request, on or before October 17, 1963 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10625; Filed, Oct. 7, 1963; 8:45 a.m.]

[File 7-2341]

NATIONAL STEEL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1963.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

National Steel Corporation—File 7-2341

Upon receipt of a request, on or before October 17, 1963 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10626; Filed, Oct. 7, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 3, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38574: *Joint motor-rail rates between the East and the South.* Filed by Southern Motor Carriers Rate Conference, agent (No. 83), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other, via interchange point of Richmond, Va.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 10 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1246 and 8 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10642; Filed, Oct. 7, 1963; 8:47 a.m.]

[Notice 876]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 3, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC–FC 65915. By order of September 30, 1963, the Transfer Board approved the transfer to Carlo Marfongelli and Joseph Marfongelli, Jr., a partnership, doing business as Salem Service Express, 42 Jefferson Avenue, Salem, Mass., of the Interstate operating rights claimed by Joseph Marfongelli, doing business as Salem Service Express, 42 Jefferson Avenue, Salem, Mass., under the "grandfather clause" of section 206 (a)(7)(b) in pending application No. MC 54657 (Sub No. 2), to the extent described in the BMC 75 statement, accepted in No. MC 54657 (Sub No. 1).

No. MC–FC 66122. By order of September 27, 1963, the Transfer Board approved the transfer to Vernon C. Rowley, doing business as Vernon C. Rowley Trucking, Blanding, Utah; of certificate in No. MC 112079 (Sub-No. 1), issued July 28, 1961, to John Wilson and T. L. Tucker, a partnership, doing business as Scotty Wilson Trucks, Blanding, Utah; authorizing the transportation of: Uranium and vanadium ores, in bulk, from points in San Juan County, Utah, to Naturita, Durango, and Uravan, Colo., and Thompson, Utah. Richard H. Moffat, 1311 Walker Bank Building, Salt Lake City, Utah, attorney for applicants.

No. MC–FC 66130. By order of September 30, 1963, the Transfer Board approved the transfer to Mary Ann Fix, doing business as Mary's Freight Lines, Breese, Ill., of certificate in No. MC 16067, issued May 14, 1963, to Stella P. Wieter, doing business as Mary's Freight Line, Breese, Ill., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Carlyle, Ill., and St. Louis, Mo., serving specified intermediate and off-route points, and milk, from Breese, Ill., and points in Illinois within 15 miles of Breese, to St. Louis, Mo. Mack Stephenson, 922 First National Bank Building, Springfield, Ill., attorney for applicants.

No. MC–FC 66135. By order of September 30, 1963, the Transfer Board approved the transfer to Jackie E. Dautel, doing business as Dautel Truck Line, Abilene, Kans., of certificate in No. MC 40624, issued April 13, 1955, to Francis Haas, doing business as Haas Truck Line, Longford, Kans., authorizing the transportation of: Agricultural machinery parts, agricultural implements, feed, hardware, binder twine, petroleum products in containers, livestock, general commodities, with the usual exceptions including household goods, empty molasses containers, agricultural commodities, building and fencing materials, road building materials, and tires, from, to or between specified points in Kansas and Missouri. John E. Jandera, 641 Harrison, Topeka, Kans., attorney for applicants.

No. MC–FC 66146. By order of September 30, 1963, the Transfer Board approved the transfer to Kay C. Schwedhelm, doing business as Schwedhelm Freight, Bancroft, Nebr., of certificates in Nos. MC 70040, MC 70040 (Sub-No. 1), and MC 70040 (Sub-No. 2), issued July 14, 1950, May 9, 1951, and December 21, 1960, respectively, to William C. Feller, doing business as Feller Freight, Bancroft, Nebr., authorizing the transportation of: Commodities in bulk, livestock, agricultural products, feed, lumber, hardware, agricultural implements, agricultural commodities, grain, household goods, and general commodities, with the usual exceptions including household goods from, to, or between specified points in Nebraska and Iowa. Rodney R. Smith, 1920 Dakota Avenue, South Sioux City, Nebr., attorney for applicants.

No. MC–FC 66165. By order of September 27, 1963, the Transfer Board approved the transfer to Oren E. Simmons and Lamar Simmons, a partnership, doing business as Simmons Truck Line, Overbrook, Kans., of certificate in Nos. MC 1945 and MC 1945 (Sub-No. 3), issued December 12, 1950 and October 9, 1951, to Art Skaggs, Overbrook, Kans., authorizing the transportation of: Livestock, seed, wool, building materials, burial cases and vaults, crated furniture, farm machinery and parts thereof, feed, hardware, petroleum products in containers, twine, wire, agricultural implements and parts, malt beverages, iron and steel pipe, and pumps, from, to, or between specified points in Kansas and Missouri. Donald S. Simons, 610 First National Bank Building, Topeka, Kans., 66603, attorney for applicants.

No. MC–FC 66209. By order of September 30, 1963, the Transfer Board approved the transfer to County Express, Inc., St. Louis, Mo., of the operating rights issued by the Commission April 16, 1958, under Certificate in No. MC 109862, to David V. Foley, Jr., doing business as Foley Truck Service, St. Louis, Mo., authorizing the transportation over irregular routes, of general commodities, except Class A and B explosives, household goods, and commodities requiring special equipment, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in St. Louis County, Mo., beyond the said commercial zone, except Valley Park, Mo. A. A. Marshall, 216 Buder Building, St. Louis 1, Mo., registered practitioner.

No. MC–FC 66248. By order of September 30, 1963, the Transfer Board approved the transfer to Perry Basham, doing business as Greenwood-Mansfield Truck Line, Fort Smith, Ark., of Certificate in No. MC 9385, issued November 10, 1949, to Harrison Fisher, doing business as Greenwood-Mansfield Truck Line, Fort Smith, Ark., authorizing the transportation, over regular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Mansfield, Hartford, and Fort Smith, Ark. J. W. Durden, Kelley Building, Fort Smith, Ark., attorney at law.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10643; Filed, Oct. 7, 1963; 8:47 a.m.]

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DEPOSITED BY THE UNITED STATES OF AMERICA

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3557

VETERANS DAY, 1963

By the President of the United States of America

A Proclamation

WHEREAS the Congress has designated the eleventh of November as a legal holiday to be known as Veterans Day, and has dedicated it to the cause of world peace (Act of May 13, 1938, 52 Stat. 351, as amended (5 U.S.C. 87a)); and

WHEREAS this day has an important dual significance in that it gives each one of us an opportunity both to honor the dedicated men and women of all races and religious beliefs who have honorably served in our armed forces in time of war, and to reemphasize our determination to achieve world peace with patience, perseverance, and courage; and

WHEREAS each one of us should have an opportunity to participate in publicly observing the twofold purpose of this day:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, call upon the people of this Nation to observe Monday, November 11, as Veterans Day, remembering those who have borne the burden in time of war and resolving with one accord to achieve a just and lasting peace throughout the world.

I request officials of the Federal and State Governments to work together with the Veterans Day National Committee so that this day may be appropriately commemorated by exercises and ceremonies in every part of our country.

I also direct the appropriate officials of the Federal Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of October in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-10766; Filed, Oct. 8, 1963; 9:57 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 8]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

DUTIES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the FEDERAL REGISTER of March 23, 1961 (26 F.R. 2451), June 22, 1961 (26 F.R. 5555), April 25, 1962 (27 F.R. 3911), July 21, 1962 (27 F.R. 6921), November 16, 1962 (27 F.R. 11312), March 1, 1963 (28 F.R. 1979), July 11, 1963 (28 F.R. 7067), and August 10, 1963 (28 F.R. 8239) are amended by adding to §§ 7.20(b) and 7.25(b) a provision that there shall be no employment discrimination due to race, creed, color, or national origin. The regulations in this subpart are, therefore, amended as follows:

§ 7.20 County committee.

* * * * *

(b) Employ the county office manager subject to standards and qualifications furnished by the State committee to serve at the pleasure of the county committee, except that incumbent managers shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 90 days: *Provided also*, That there shall be no employment discrimination due to race, creed, color, or national origin;

§ 7.25 County office manager.

* * * * *

(b) Employ the personnel of the county office in accordance with standards and qualifications furnished by the State committee to serve at his pleasure: *Provided, however*, That there shall be no employment discrimination due to race, creed, color, or national origin;

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590h. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h)

Effective on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 4, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-10718; Filed, Oct. 8, 1963; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of Walnut Control Board and Rates of Assessment for 1963–64 Marketing Year

Notice was published in the FEDERAL REGISTER on September 14, 1963 (28 F.R. 9989), that there was under consideration a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1963–64 marketing year which began August 1, 1963. The proposal was based on the recommendation of the Walnut Control Board and other available information, pursuant to amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to approval of a budget of expenses and the establishment of assessment rates for the 1963–64 marketing year. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Control Board in the amount of $104,200 are reasonable and likely to be incurred by the Board during the 1963–64 marketing year and rates of assessment of 0.10 cent per pound of merchantable inshell walnuts and 0.20 cent per pound of merchantable shelled walnuts are necessary to provide funds to meet authorized Board expenses.

Therefore, the expenses of the Control Borad and rates of assessment for the marketing year beginning August 1, 1963, are established as follows:

§ 984.315 Expenses of the Walnut Control Board and rates of assessment for the 1963–64 marketing year.

(a) *Expenses.* In accordance with § 984.68, the expenses that are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1963, will amount to $104,200, and the Board is authorized to incur such expenses.

(b) *Rates of assessment.* The rates of assessment fixed for said marketing year, payable by each handler in accordance with § 984.69, shall be 0.10 cent per pound for merchantable inshell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the current marketing year began on August 1, 1963, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 4, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-10716; Filed, Oct. 8, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-PC-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Controlled Airspace

On August 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7912) stating that the Federal Aviation Agency proposed to designate the North Hilo, Hawaii, transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendment having been published, and for the reasons stated in the notice, the following action is taken:

1. Section 71.181 (220–139, November 10, 1962) is amended by adding:

North Hilo, Hawaii.

That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V–1 Hawaii, and on the west, north and east by a line extending from V–1 Hawaii, through latitude 20°30'00" N., longitude 155°33'30" W.; to latitude 20°45'00" N., longitude 155°-43'00" W.; thence along latitude 20°45'00" N.; to longitude 155°27'00" W.; thence through latitude 20°27'22" N., longitude 155°15'00" W., to V–1 Hawaii.

This amendment shall become effective 0001 e.s.t., December 12, 1963.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on October 3, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10666; Filed, Oct. 8, 1963; 8:46 a.m.]

[Airspace Docket No. 63-WA-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Transition Area

On June 28, 1963, there was published in the FEDERAL REGISTER (28 F.R. 6678) an amendment to § 71.181 of the Federal Aviation Regulations, effective August 22, 1963, that designated a transition area at Wink, Tex.

Subsequent to publication of the amendment, precise cartographic measurements, attendant to the production of aeronautical charts, have revealed that the portion of the Wink transition area based on latitude 32°00'00" N., will not properly coincide with the Midland, Tex., transition area boundary. Therefore, action is taken herein to substitute latitude 32°02'00" N. for latitude 32°00'00" N., in the description of the Wink transition area.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following action is taken effective immediately:

In § 71.181 (27 F.R. 220-139, November 10, 1962, 28 F.R. 6678), the Wink, Tex., transition area is amended as follows: "latitude 32°00'00" N.," is deleted and "latitude 32°02'00" N.," is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 3, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10667; Filed, Oct. 8, 1963; 8:46 a.m.]

[Airspace Docket No. 63-SO-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On June 8, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5651) stating that the Federal Aviation Agency proposed to designate a transition area at Natchez, Miss.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

Subsequent to the publication of the notice, the FAA found that during publication, the radial from the Natchez VOR, used in describing the 700-foot floor transition area extension north of Natchez, was transposed from 012° to 002°. Accordingly, action is taken herein to reflect the correct radial extending from the Natchez VOR.

The substance of the proposed amendment having been published, and for the reasons stated herein and in the notice, § 71.181 (27 F.R. 220-139, November 10, 1962), is amended by adding the following:

Natchez, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hardy-Anders Field, Natchez, Miss. (latitude 31°36'50" N., longitude 91°17'55" W.) and within 2 miles each side of the Natchez VOR 012° radial extending from the 5-mile radius area to 8 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Hardy-Anders Field, and within 5 miles each side of the Natchez VOR 192° radial, extending from the 15-mile radius area to 23 miles south of the VOR.

This amendment shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 3, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10668; Filed, Oct. 8, 1963; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-587]

PART 13—PROHIBITED TRADE PRACTICES

Rhoda Lee, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-70 *Textile Fiber Products Identification Act;* § 13.1900 *Source or origin;* § 13.1900-80 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Rhoda Lee, Inc. (New York, N.Y.), et al., Docket C-587, Sept. 13, 1963]

In the Matter of Rhoda Lee, Inc., Elberton Manufacturing Company, and Rilla, Inc., Corporations, and Fred Alcott, and Isidor Alcalay, Individually and as Officers of Said Corporations, and Adolf Alcalay, Individually and as an Officer of Rhoda Lee, Inc.

Consent order requiring three associated corporate manufacturers of ladies' sportswear in New York City to cease violating the Textile Fiber Products Identification Act by failing to show plainly on labels the true generic name of the constituent fibers and the percentage thereof; and the name of the country where imported products were processed or manufactured; and by removing and mutilating, prior to sale to the ultimate consumer, the identifying tags, etc., required to be affixed to such products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Rhoda Lee, Inc., Elberton Manufacturing Company, and Rilla, Inc., corporations, and their officers, and Fred Alcott and Isidor Alcalay, individually and as officers of said corporations, and Adolph Alcalay, individually and as an officer of Rhoda Lee, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

It is further ordered, That each of the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail

the manner and form in which they have complied with this order.

Issued: September 13, 1963.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[SEAL]

[F.R. Doc. 63-10669; Filed, Oct. 8, 1963; 8:46 a.m.]

[Docket No. C-588]

PART 13—PROHIBITED TRADE PRACTICES

Majestic Utilities Corp. et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services.* Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being education, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Majestic Utilities Corporation, et al., Denver, Colo., Docket C-588, Sept. 17, 1963]

In the Matter of Majestic Utilities Corporation, a Corporation, and Phillip Winn, and Jack Darby, Individually and as Officers of Said Corporation

Consent order requiring Denver sellers of furniture, appliances, magazines and dictionaries through door-to-door salesmen, to cease representing falsely that a copy of "Webster's Home University Dictionary" would be given free or as a gift with the purchase of a five year subscription to "Look" magazine; and to cease using the registered trade name "Educators Institute", with its deceptive implication that their commercial enterprise was an institution of higher learning.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Majestic Utilities Corporation, a corporation and its officers, and Phillip Winn and Jack Darby, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of magazine subscriptions or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that dictionaries or other items of value sold in conjunction with magazine subscriptions or other merchandise are given to a customer or purchaser "free" or as a gift;

2. Using the words "Institute" or "Educators Institute" either singly or together or in conjunction with any other word or words of similar import and meaning, or any abbreviation or simulation thereof, as part of respondents' trade or corporate name or using said word or words in any other manner to designate, describe or refer to respondents' business, or otherwise misrepresenting the nature of their business in any manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 17, 1963.

By the Commission, Commissioner MacIntyre not participating.

JOSEPH W. SHEA,
Secretary.

[SEAL]

[F.R. Doc. 63-10670; Filed, Oct. 8, 1963; 8:46 a.m.]

[Docket No. C-586]

PART 13—PROHIBITED TRADE PRACTICES

Porte Manufacturing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Porte Manufacturing Co., Inc., et al., New York, N.Y., Docket C-586, Sept. 12, 1963]

In the Matter of Porte Manufacturing Co., Inc., a Corporation, Genuine Chemical Corp., a Corporation, Raphael Porte, Individually and as an Officer of Each of Said Corporations, and Betty Cooper, Individually and as an Officer of Porte Manufacturing Co., Inc.

Consent order requiring two associated corporations in Brooklyn, to cease selling automatic transmission fluid having a lubricating oil base of previously used oil that had been re-processed, with no clear disclosure of such prior use in advertising or on containers; and to cease representing their hydraulic brake fluid as "guaranteed" without disclosing that the "guaranty" was limited to a refund of the price of the brake fluid or replacement thereof.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Porte Manufacturing Co., Inc., a corporation, and its officers, Raphael Porte and Betty Cooper, individually and as officers of said corporation; Genuine Chemical Corp., and its officer, Raphael Porte, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the manufacturing, offering for sale, sale, or distribution of lubricating oil, including, but not limited to automatic transmission fluid and hydraulic brake fluid, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, offering for sale, packaging or selling, lubricating oil, including, but not limited to automatic transmission fluid, which is composed in whole or in substantial part of oil which has been reclaimed, or in any manner processed from previously used oil, without disclosing such prior use to the purchaser, or potential purchaser, in advertising and in sale promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels of the container;

2. Representing in any manner that lubricating oil, including, but not limited to automatic transmission fluid, composed in whole or in part of oil that has been manufactured, reprocessed, or refined from oil that has been previously used, has been manufactured from oil that has not been previously used.

3. Representing, directly or by implication, in any manner, that their products are guaranteed unless the nature, extent and conditions of the guaranty and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in conjunction with the guaranty representations.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 12, 1963.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[SEAL]

[F.R. Doc. 63-10671; Filed, Oct. 8, 1963; 8:46 a.m.]

[Docket No. C-585]

PART 13—PROHIBITED TRADE PRACTICES

Preston Woolen Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Preston Woolen Company, Inc., et al., Norwich, Conn., Docket C-585, Sept. 12, 1963]

In the Matter of Preston Woolen Company, Inc., Norwich Textile Co., Inc., Corporations, and Aaron Furman, and Gershon Furman, Individually and as Officers of Said Corporations

Consent order requiring associated corporate manufacturers of wool products in Norwich, Conn., to cease violating the Wool Products Labeling Act by labeling and invoicing certain fabrics falsely as to the amounts of woolen and other

fibers contained therein; failing to dis-

fibers contained therein; failing to disclose the correct amount of woolen and other fibers present in fabrics; and failing to comply in other respects with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Preston Woolen Company, Inc., Norwich Textile Co., Inc., corporations, and their officers and Aaron Furman, and Gershon Furman, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding of such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

4. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder in handwriting on labels affixed to wool products.

It is further ordered, That respondents Preston Woolen Company, Inc., Norwich Textile Co., Inc., corporations, and their officers, and Aaron Furman, and Gershon Furman, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in fabrics or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That each of the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 12, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10672; Filed, Oct. 8, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Caramel; Confirmation of Effective Date of Order Listing for Drug Use and Exempting From Certification; Deletion From Provisional Listing

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of August 14, 1963 (28 F.R. 8309), prescribing the listing and exemption from certification of the color additive caramel for use in coloring drugs. Accordingly, the regulation promulgated by that order will become effective October 13, 1963.

2. Effective October 13, 1963, § 8.501 *Provisional lists of color additives* is amended by deleting from paragraph (f) the item "Caramel * * *" (28 F.R. 2674).

(Sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d))

Dated: October 3, 1963.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 63-10699; Filed, Oct. 8, 1963; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Pasteurized Process Cheese Products; Notice of Effective Date of Order Amending Standards To List Sodium Aluminum Phosphate as an Optional Ingredient

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of August 20, 1963 (28 F.R. 9147), amending the standards for specified pasteurized process cheese products by listing sodium aluminum phosphate as an optional emulsifying ingredient. Accordingly, the amendments promulgated by that order will become effective October 19, 1963.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: October 3, 1963.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 63-10700; Filed, Oct. 8, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

DEFOAMING AGENTS USED IN COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the formulation of defoaming agents used in the production and application of coatings for paper and paperboard intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (d)(3) of § 121.2557 *Defoaming agents used in coatings* (21 CFR 121.2557; 28 F.R. 6266, 7033) is amended by inserting alphabetically in the "List of substances" the following new items:

List of substances	Limitations
* * *	* * *
Mustardseed oil, sulfated.	
* * *	* * *
Peanut oil, sulfated.	
* * *	* * *
Petroleum oil, aliphatic.	Initial boiling point 315° F. minimum; final boiling point 660° F. maximum; ultraviolet absorptivity 0.04 liter per gram centimeter maximum at 290 millimicrons.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 3, 1963.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 63-10702; Filed, Oct. 8, 1963; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 269—IMPLEMENTATION OF THE PRESIDENT'S STANDARDS OF CONDUCT FOR EMPLOYEE ORGANIZATIONS AND CODE OF FAIR LABOR PRACTICES

The Deputy Secretary of Defense approved the following September 25, 1963:

Sec.
269.1 Purpose.
269.2 Applicability.
269.3 Standards of Conduct for Employee Organizations.
269.4 Code of Fair Labor Practices.
269.5 Implementation and Effective Date.

AUTHORITY: §§ 269.1 to 269.5 issued under (Memorandum of President, May 21, 1963, 28 F.R. 5127. Interpret or apply E.O. 10988, 27 F.R. 551).

§ 269.1 Purpose.

The President stated that the Standards of Conduct for Employee Organizations and Code of Fair Labor Practices (28 F.R. 5127) were designed to assist in securing the uniform and effective implementation of the policies, rights, and responsibilities described in Executive Order No. 10988 (27 F.R. 551). This part fixes responsibilities and provides guidance to achieve these goals in the Department of Defense.

§ 269.2 Applicability.

(a) Except as provided in paragraph (b) of this section, this part is applicable to all components of the Department of Defense (Military Departments, Defense Agencies, and the Office of the Secretary of Defense), hereinafter referred to as "Department of Defense components".

(b) This part does not apply to those Department of Defense components or parts thereof to which, pursuant to subsection II. 1. of Department of Defense Directive No. 1426.1, the provisions of Executive Order No. 10988 do not apply.

§ 269.3 Standards of Conduct for Employee Organizations.

(a) The head of each Department of Defense component, or the person designated by him for this purpose, shall be responsible for assuring that the requirements of section 2.2 of the Standards of Conduct (hereinafter referred to as the "Standards") are met before recognition under Executive Order 10988 is accorded to any employee organization. Recognition of an employee organization shall be denied, suspended, or withdrawn because of failure to comply with the requirements of section 2.2 of the Standards, only as provided in this part. As used herein "recognition" shall include informal, formal, and exclusive recognition.

(b) A prima facie case of compliance with the requirements of section 2.2 of the Standards will be established when they are covered by express provisions in the constitution, by-laws, or other governing principles (such as the Code of Ethical Practices of the AFL–CIO) which have been adopted by the organization, or by the national or international organization or federation of organizations with which it is affiliated and to which the organization subscribes, copies of which have been supplied to the appropriate Department of Defense official. The Assistant Secretary of Defense (Manpower) will take appropriate action to avoid unnecessary duplication of requirements for the submission of documents to establish prima facie cases of compliance with the requirements of section 2.2 of the Standards.

(c) Any employee organization which, prior to the date of issuance of this part, has been granted recognition under Executive Order 10988 and has not submitted satisfactory proof of compliance with section 2.2 of the Standards will be given written notice to that effect and requested to submit such proof not later than 60 days from the date of the notice. In the case of a local organization, copies of the written notice will be sent to the national or international organization, if any, with which it is affiliated. Failure of any employee-organization so notified to submit satisfactory proof of compliance with section 2.2 of the Standards will be reported to the ASD(M), together with a full and complete statement of the facts and any information submitted by the organization.

(d) Any employee organization which after the date of issuance of this part applies for recognition under Executive Order 10988 must simultaneously submit satisfactory proof of compliance with section 2.2 of the Standards. In any such case in which there is a question as to whether the proof submitted is satisfactory, the employee organization will be notified in writing and advised as to the particulars in which the proof is deficient and that further action on the request for recognition will be withheld pending submission of further information. In the case of a local organization, copies of the writtten notice will be sent to the national or international organization, if any, with which it is affiliated. Failure of any employee organization so notified to submit satisfactory proof of compliance with section 2.2 of the Standards will be reported to the ASD(M), together with a full and complete statement of the facts and any information submitted by the organization.

(e) When information of the nature covered by section 2.4(a) (1), (2), or (3) of the Standards comes to the attention of a DOD component, appropriate inquiry or investigation will be made to develop all pertinent facts. A full and complete report will then be made to the ASD(M).

(f) Responsibility for denying, suspending, or withdrawing recognition of any employee organization for failure to comply with the Standards, for holding any required hearings under section 2.4 (b), and for all necessary consultations with the Secretary of Labor in connection with such matters is delegated to the ASD(M). Decisions made by the ASD(M) under this delegation shall be binding upon all DOD components and upon the employee organizations involved. The ASD(M) will establish such procedures as may be required to carry out this responsibility.

(g) No action affecting the recognition of an employee organization involved in a compliance case under this § 269.3 (c), (d), or (e), and no action affecting any unit for which such organization is seeking exclusive recognition will be taken pending advice from the ASD(M).

(h) A determination denying, suspending, or withdrawing recognition of an employee organization for failure to comply with the Standards will be applied only to the particular organization and to any subordinate or affiliated organizations. Any such determination with respect to one subordinate or affiliated organization will not be applied to the parent organization nor to any other subordinate or affiliated organization.

§ 269.4 Code of Fair Labor Practices.

(a) The head of each DOD component, for his component, will establish procedures for enforcement of the Code of Fair Labor Practices (hereinafter referred to as the "Code"), including fair and adequate procedures for the filing, investigation, and processing of complaints of violations of section 3.2. Such procedures will provide as a minimum, that:

(1) All cases which would be subject to established grievance or appeals procedures, whether initiated by an individual employee or several employees with the same complaint, will be processed under such procedures. An employee who files a grievance or appeals an adverse action will be required, at the time of such filing or appeal, to specify in writing whether a fair labor practice complaint is involved and, if so, to indicate clearly the nature of his complaint. In all grievance or appeal cases which involve fair labor practice complaints provision will be made for appeals to the head of the DOD component, or to the official designated by him to act

for him on all cases arising under the Code.

(2) All cases involving any strike, work stoppage, slow-down, or related picketing against the Government of the United States will be governed by the procedures stated in paragraph (b) of this section.

(3) Procedures governing other cases arising under the Code and not covered by this § 269.4(a) (1) and (2) (which will include cases initiated by employee organizations and cases initiated by an employee or employees charging a fair labor practice violation against an employee organization) above will provide for:

(i) Maximum use of informal contacts and discussions with and between the parties involved and any national or international organization with which a local organization is affiliated, so as to produce an acceptable resolution or adjustment of the complaint without resort to more formal procedures.

(ii) The designation of impartial hearing officers to conduct hearings on complaints not otherwise satisfactorily adjusted. To be "impartial" a hearing officer must not be a member of an employee organization involved in the complaint nor the immediate superior or a subordinate of any Defense official or employee who is a party to the complaint or who was directly involved in the action which gave rise to the complaint. When performing their duties as such, hearing officers will be responsible directly to the head of the DOD component, or to the official designated by him to act for him on all cases arising under the Code.

(iii) Compliance with all procedural requirements of subsections 3.3 (a) and (b) of the Code.

(iv) An appeal to the head of the DOD component or to the official designated by him to act for him on all cases arising under the Code, when the initial decision is made below that level.

(b) The proscriptions in subsection 3.2(b)(4) of the Code and the provisions of this section are directed specifically at employee organizations. Employees of the Department of Defense engaging in any of these acts will be subject to established disciplinary procedures, which will apply without regard to the Code and this Directive.

(1) In proceeding against an employee organization under subsection 3.2(b)(4) of the Code it will be necessary to establish:

(i) That members of the organization are participating in a prohibited act; and,

(ii) (*a*) That the prohibited act was ordered, approved, or authorized by the organization; or, (*b*) that, when apprised of participation by its members in the prohibited act, the employee organization did not take prompt steps to disavow the act and order its members to cease their participation.

(2) Whenever the head of a Defense installation, activity, or other organizational entity has evidence that members of a recognized employee organization who are employed in such installation, activity, or other organizational entity are engaging in any act prohibited by subsection 3.2(b)(4) of the Code, he will immediately advise the head of the employee organization of this fact. If there is no evidence that the employee organization ordered, approved, or authorized the prohibited act and prompt steps are taken by it to disavow the act and order its members to cease their participation, no further action will be taken against the organization. If, however, (i) there is evidence that the employee organization ordered, approved, or authorized the prohibited act (even though it took prompt steps to stop the act), or (ii) the organization fails to take prompt steps to disavow the prohibited act and order its members to cease their participation, or (iii) the organization denies that a prohibited act has taken place, the head of the installation, activity, or other organizational entity will promptly report all facts with respect to the matter to the head of his DOD component, or to the official designated by him to act for him on all matters arising under the Code.

(3) Upon receipt of a report on prohibited acts under subsection 3.2(b)(4) of the Code the head of the DOD component, or the official designated by him will, if the employee organization involved is affiliated with a national or international organization, notify the head of such organization and acquaint him with the facts which indicate a violation of the Code. At this time such informal discussions as may be necessary to clarify the facts should take place and, if required, further investigations will be made by the Defense official and by the head of the national or international organization. If the case cannot then be resolved to the satisfaction of the head of the DOD component involved and if he considers that withdrawal, withholding, or suspension of recognition of the employee organization is warranted, he will submit the case, with all supporting facts to the ASD(M) for action.

(4) The ASD(M) is hereby delegated authority to withdraw, withhold, or suspend recognition of an employee organization for violation of subsection 3.2(b)(4) of the Code when, following such investigation and discussion with the parties involved as he considers necessary, he determines that such action is warranted. Before taking such action, however, the ASD(M) will afford the employee organization involved, and any national or international organization with which it is affiliated, an opportunity to present any defense which it may have.

(c) No fair labor practice complaint involving the same individual or individuals and substantially the same facts will be processed under more than one procedure, either concurrently or sequentially. However, when a fair labor practice complaint is processed under grievance procedures and involves, either directly or indirectly, an employee organization which has not been made a party to the proceedings or which is not representing the employee or employees involved, an opportunity will be afforded such employee organization to participate in the proceedings to the extent of its interest.

(d) The procedures available for processing cases under the Code will not be available for re-hearing issues processed under the provisions of the Standards or of Section 11 of Executive Order 10988.

(e) The ASD(M) will from time to time as he considers desirable, and after consultation with representatives of employee organizations to which he has granted formal recognition at the national level, issue appropriate guidance for Department of Defense officials with respect to the practices covered by section 3.2 of the Code.

§ 269.5 Implementation and effective date.

(a) Regulations required to implement this part in the DOD components will, after appropriate consultation with representatives of employee organizations, be issued not later than November 20, 1963. Two copies of such regulations will be furnished to the ASD(M).

(b) The delegations of authority made in this part are effective immediately. The part is fully effective on and after November 21, 1963 and, insofar as possible, determinations made under the provisions of the Standards of Conduct for Employee Organizations and Code of Fair Labor Practices prior to that date shall conform to the procedures prescribed in this part. In no case where an opportunity for a hearing or a final notice is provided for in Standards of Conduct for Employee Organizations and Code of Fair Labor Practices shall recognition be withheld, suspended, or withdrawn from an employee organization without an opportunity for such hearing and without such final notice.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 63-10664; Filed, Oct. 8, 1963; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER K—SECURITY OF VESSELS

[CGFR 63-60]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Advance Notice of Time of Arrival of Vessels at First U.S. Port-of-Call on the Great Lakes

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other causes of similar nature to vessels, ports, and waterfront facilities in the United States and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof when within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility on waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of a vessel's estimated time of arrival at a United States port-of-call to the Captain of the Port. The purpose for amending § 124.10(b)(2) is to revise procedures for the Great Lakes since many masters and agents of vessels en route to ports on the Great Lakes have encountered difficulties in determining when their vessels will arrive at their first United States ports-of-call because they cannot estimate the number of days their vessels may first spend in passing through the Welland Canal or at various prior Canadian ports-of-call. In addition, the first United States port-of-call may be selected after a vessel arrives at a Canadian port. The amendment to § 124.10(b)(2) will now require the master of every vessel when proceeding westbound to United States waters of the Great Lakes and/or the St. Lawrence River (other than vessels of the United States or Canadian nationality engaging in the coastal trade of their respective countries or between their two countries without calling at any other country en route), in addition to other reports and at least 24 hours in advance of the vessel's estimated time of arrival at the first United States port-of-call, to advise the Commander, Ninth Coast Guard District, Cleveland, Ohio, of the vessel's time of arrival at such port.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352 I hereby prescribe the following amendment to § 124.10(b)(2), which shall become effective upon the date of publication in the FEDERAL REGISTER:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

* * * * * *

(b) * * *

(2) In addition, at least 24 hours in advance of the vessel's arrival at the first United States port-of-call, advise the Commander, Ninth Coast Guard District, Cleveland, Ohio, of the estimated time of arrival at that port.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: September 25, 1963.

[SEAL] D. MCG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63-10658; Filed, Oct. 8, 1963; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 8—Veterans Administration

PART 8-6—FOREIGN PURCHASES

A new Part 8-6 is added to Chapter 8 of Title 41 to read as follows:

Subpart 8-6.50—Buy American Act—Supply and Service Contracts

Sec.

8-6.5000 Scope.
8-6.5001 Definitions.
8-6.5002 Solicitation of bids and proposals.
8-6.5003 Evaluation of bids and offers and award of contracts.
8-6.5003-1 Preference to domestic source end products.
8-6.5004 Administrator's determination as to excepted articles, materials and supplies.

Subpart 8-6.51—[Reserved]

Subpart 8-6.52—[Reserved]

Subpart 8-6.53—Purchases From Soviet-Controlled Areas

8-6.5300 Restrictions.
8-6.5301 General.
8-6.5301-1 Soviet-controlled areas.
8-6.5302 Exceptions.
8-6.5303 Contract provisions.

AUTHORITY: §§ 8-6.5000 to 8-6.5303 issued under 72 Stat. 1114, sec. 205(c), 63 Stat. 390; 38 U.S.C. 210, 40 U.S.C. 486(c).

Subpart 8-6.50—Buy American Act—Supply and Service Contracts

§ 8-6.5000 Scope.

This subpart implements the "Buy American Act" (41 U.S.C. 10 a-d) and the policies set forth in Executive Order 10582, dated December 17, 1954, with respect to supply and non-personal service contracts excluding construction.

§ 8-6.5001 Definitions.

(a) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico and any areas subject to the complete sovereignty of the United States.

(b) "Domestic Bid" means a bid or offered price for a domestic source end product, including transportation to destination.

(c) "Foreign bid" means a bid or offered price for a foreign source end product, including transportation to destination and duty.

§ 8-6.5002 Solicitation of bids and proposals.

(a) Invitations for bids and requests for proposals shall provide substantially as follows:

(1) That a list of articles, materials and supplies which the Administrator of Veterans Affairs has determined to be excepted from the "Buy American Act" is available to prospective contractors upon request.

(2) A certificate as follows:

The bidder or offerer certifies that each end product, except those which the bidder lists below, is a domestic source end product, and that components of unknown origin have been considered to have been mined, produced or manufactured outside the United States (see Provision 14, SF-32 for definitions).

Items which are not domestic source end products _____

§ 8-6.5003 Evaluation of bids and offers and award of contracts.

§ 8-6.5003-1 Preference to domestic source end products.

(a) Pursuant to the "Buy American Act" and Executive Order 10582, the Administrator has determined that the acquisition of domestic source end products would be unreasonable in cost or inconsistent with the public interest when:

(1) A domestic bid exceeds a foreign bid by six (6) percent, or

(2) A domestic bid, submitted by a bidder or offerer who certifies that he will perform or cause to be performed the resultant contract in an area designated by the Secretary of Labor as an area of persistent or substantial labor surplus (see FPR 1-1.801) exceeds a foreign bid by twelve (12) percent.

(b) When a contracting officer believes that the purchase of a domestic source end product at a price differential greater than those shown in paragraph (a) (1) and (2) of this section is neither unreasonable as to cost nor inconsistent with the public interest, authority to consummate a contract will be requested. The request, containing all of the facts including a comparison of the bids or offers received, and any other pertinent information upon which a determination may be made, will be submitted through channels to the Chief Medical Director for approval by the Administrator. If approved, a report of the transaction will be prepared and transmitted by the Chief Medical Director or his designee in accordance with Executive Order 10582, dated December 17, 1954.

(c) When only foreign bids are received, the lowest meeting the requirements of the solicitation will be accepted.

(d) In the procurement of end products in accordance with subpart 8-3.6 of this chapter, preference will be given to domestic source end products, unless the contracting officer determines that such products, of a satisfactory quality, are excessive in price. The VA Form 2237 will be documented to show each such determination.

§ 8-6.5004 Administrator's determination as to excepted articles, materials and supplies.

Pursuant to the "Buy American Act," the Administrator has determined that the articles, materials and supplies listed in this section may be acquired by the Veterans Administration without regard to source, except as provided for in subpart 8-6.53:

Acetylene, Black.
Agar, Bulk.

Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of

If quoting on a foreign product, bidder must indicate in the space provided, the

Acetylene, Black.
Agar, Bulk.
Anise.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef Extract.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Brazil nuts.
Cadmium ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chloral hydrate U.S.P. crystal.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa Beans.
Coconut and coconut meat in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Copra.
Cork, wood or bark and waste.
Dammar gum.
Diamonds, industrial.
Emetine, bulk.
Ergot, crude.
Fiber, coir, abaca, and agave.
Flax.
Goat and kid skins.
Graphite, natural, crystalline, crucible grade.
Hemp.
Hog bristles for brushes.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root.
Jute and jute burlaps.
Kaurigum.
Lac.
Lavender oil.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany and teak.
Manganese.
Menthol, natural, bulk.
Mica.
Nickel, primary, in ingots, pigs, shot cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green; plain (unpitted) and stuffed, bulk.
Opium, crude.
Petroleum, crude oil; petroleum, finished products; and petroleum, unfinished oils.
Pine needle oil.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Quinine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Shellac.
Silk, unmanufactured.
Sisal.
Sperm oil.
Spices and herbs.
Sugar.
Talc, block, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Thyme oil.
Tin, in bars, blocks, and pigs.
Tungsten.
Vanilla beans.
Wax, carnauba.

Subpart 8–6.51—[Reserved]

Subpart 8–6.52—[Reserved]

Subpart 8–6.53—Purchases From Soviet-Controlled Areas

§ 8–6.5300 Restrictions.

§ 8–6.5301 General.

It is the policy of the Veterans Administration that supplies and materials mined, manufactured or produced in whole or in part within Soviet-controlled areas or which are or were located in, or transported from or through Hong Kong, Macao or any Soviet-controlled areas shall be presumed to have originated from Soviet-controlled sources and shall not be acquired for Veterans Administration use, except as provided for in § 8–6.5302.

§ 8–6.5301–1 Soviet-controlled areas.

The following are considered Soviet-controlled areas:

Albania.
Bulgaria.
China, excluding Taiwan (Formosa).
Communist-controlled areas of Viet Nam and Laos.
Cuba.
Czechoslovakia.
East Germany (Soviet Zone of Germany and Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
Manchuria.
Mongolia.
North Korea.
Poland and Danzig.
Romania.
Union of Soviet Socialist Republics.

§ 8–6.5302 Exceptions.

Contracting officers may deviate from the policy set forth in § 8–6.5301 only when it has been unequivocally established that the required merchandise or an acceptable substitute is not available from any other source. Complete justification for any purchase so made will be submitted through the Director, Supply Management Service for review by the Administrator.

§ 8–6.5303 Contract provisions.

Invitations for bids and requests for proposals will include a statement that a list of Soviet-controlled areas is available to prospective contractors upon request. They will also include a clause substantially as follows:

Bids or proposals to furnish supplies and materials mined, manufactured or produced within Soviet-controlled areas of which are or were located in or transported from or through Hong Kong, Macao or any Soviet-controlled area will be considered only if the required supplies or materials or acceptable substitutes are not available from any other source.

If quoting on a foreign product, bidder must indicate in the space provided, the name of the country in which it was mined, manufactured or processed ----------
(Name of country)

These regulations are effective immediately.

Approved: October 4, 1963.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 63–10690; Filed, Oct. 8, 1963; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3239]

CALIFORNIA

Correction of Certain Public Land Orders

Public Land Order No. 3142, appearing in the FEDERAL REGISTER issue of August 6, 1963, at pages 7978–9; and Public Land Orders No. 3180 and No. 3187, appearing in the FEDERAL REGISTER issue of August 7, 1963, at pages 8036, and 8038–9, respectively, are hereby corrected in the following particulars:

1. Public Land Order No. 3142 (Sacramento 050088):

a. The lands described in Tps. 44 and 45 N., R. 2 W., appearing under "State Highway No. 89 (Mount Lassen Highway) Roadside Zone" should be shown instead under "U.S. Highway No. 97, Roadside Zone".

b. In T. 43 N., R. 3 W., sec. 16, that part of the description reading "E½SE¼SE¼SW¼" should read "E½ SE¼SE¼NW¼".

2. Public Land Order No. 3180 (Sacramento 072947):

a. In sec. 6, T. 10 N., R. 19 E., the second reference to "lot 5" should be deleted.

b. In sec. 16 T. 11 N., R. 20 E., the land description "lots 1 to 7 inclusive" should read "lots 1 to 7 inclusive, SW¼NW¼, N½SW¼, and SW¼SE¼".

3. Public Land Order No. 3187 (Sacramento 068086):

a. The land description in sec. 3, T. 20 N., R. 6 E., reading "N½, N½NE¼, SW¼NE¼, W½" should read "N½NE¼, SW¼NE¼, unsurveyed NW¼, SW¼".

b. The land description in sec. 6 T. 23 N., R. 7 E., reading "lot 8, W½, lot 7, W½SE¼, NE¼SE¼", should read "W½ of lot 7, lot 8, NE¼SE¼, and W½SE¼".

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 3, 1963.

[F.R. Doc. 63–10674; Filed, Oct. 8, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 46]

EXCISE TAXES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D.C. within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Regulations Relating to Miscellaneous Excise Taxes Payable by Return (26 CFR Part 46) to sections 302 and 501 of the Tariff Classification Act of 1962 (Public Law 87–456, 76 Stat. 77), effective beginning August 31, 1963, such regulations are amended as follows:

PARAGRAPH 1. Section 46.4501 is amended by revising section 4501, and the historical note, to read as follows:

§ 46.4501 Statutory provisions; imposition of tax.

SEC. 4501. *Imposition of tax*—(a) *General.* There is hereby imposed upon manufactured sugar manufactured in the United States, a tax, to be paid by the manufacturer at the rate of 0.53 cent per pound of the total sugars therein. The manufacturer shall pay the tax with respect to manufactured sugar (1) which has been sold, or used in the production of other articles, by the manufacturer during the preceding month (if the tax has not already been paid) and (2) which has not been so sold or used within 12 months ending during the preceding calendar month, after it was manufactured (if the tax has not already been paid). For the purpose of determining whether sugar has been sold or used within 12 months after it was manufactured, sugar shall be considered to have been sold or used in the order in which it was manufactured.

(b) *Termination of tax.* No tax shall be imposed under this subchapter on the manufacture or use of sugar or articles composed in chief value of sugar after June 30, 1967. Notwithstanding the provisions of subsection (a), no tax shall be imposed under this subchapter with respect to unsold sugar held by a manufacturer on June 30, 1967, or with respect to sugar or articles composed in chief value of sugar held in customs custody or control on such date.

[Sec. 4501 as amended by sec. 19, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 162(b), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 2, Act of July 6, 1960 (Pub. Law 86–592, 74 Stat. 330); sec. 2(a), Act of March 31, 1961 (Pub. Law 87–15, 75 Stat. 40); sec. 302 (a) and (b), Tariff Classification Act 1962 (76 Stat. 77); sec. 18(a), Sugar Act Amendments 1962 (76 Stat. 166)]

PAR. 2. Paragraph (b) of § 46.4501–1 is amended to read as follows:

§ 46.4501–1 Imposition of tax on manufactured sugar.

* * * * *

(b) *Rate of tax.* The rates of tax imposed upon the manufacture of manufactured sugar are:

(1) For periods on or after August 31, 1963, 0.53 cent per pound of the total sugars therein,

(2) For the period January 1, 1955, to August 30, 1963, inclusive,

(i) On all manufactured sugar testing by the polariscope 92 sugar degrees, 0.465 cent per pound, and, for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(ii) On all manufactured sugar testing by the polariscope less than 92 sugar degrees, 0.5144 cent per pound of the total sugars therein.

PAR. 3. Section 46.4501–2 is amended to read as follows:

§ 46.4501–2 Cross references.

For provisions relating to the tax on imported sugar imposed by section 4501(b), prior to August 31, 1963, see § 46.4504–1.

PAR. 4. Section 46.4504 is amended by revising the historical note. The revised historical note reads as follows:

§ 46.4504 Statutory provisions; import tax imposed as tariff duty.

SEC. 4504. *Import tax imposed as tariff duty.* * * *

[Sec. 4504 as amended by sec. 21(a), Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); repealed by sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 5. Section 46.4504–1 is amended to read as follows:

§ 46.4504–1 Administration of import tax.

The import tax imposed by section 4501(b) prior to its repeal by section 302(d) of Public Law 87–456, effective as of August 31, 1963, is administered by the Bureau of Customs under regulations issued by such Bureau.

PAR. 6. Section 46.4511 is amended by adding immediately following section 4511 a historical note. As added such historical note reads as follows:

§ 46.4511 Statutory provisions; imposition of tax.

SEC. 4511. *Imposition of tax.* * * *

[Sec. 4511 as originally enacted and in effect Jan. 1, 1955; repealed by sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 7. Section 46.4511–1 is amended by redesignating paragraph (a)(3) as paragraph (a)(4), and by inserting a new paragraph (a)(3). These amended provisions read as follows:

§ 46.4511–1 Imposition of tax on coconut and palm oil.

(a) *Nature and rate of the tax.* * * *

(3) *Repeal of tax*—(i) *In general.* Pursuant to the provisions of sections 302(d) and 501(a) of the Tariff Classification Act of 1962 and the Proclamation of the President dated August 21, 1963, the taxes imposed under section 4511 are repealed, effective with respect to articles which, on or after August 31, 1963, are entered, or withdrawn from warehouse, for consumption.

(ii) *Application of repeal of tax in respect of articles entered or withdrawn prior to August 31, 1963*—(a) *Under section 4511(a).* In view of the provisions of the Act of August 30, 1957, as amended, and the Act of May 29, 1959, as amended, pursuant to which the tax imposed under section 4511(a) is suspended until June 30, 1966, the tax imposed by section 4511(a) applies to the first domestic processing occurring on or after July 1, 1966, only if the coconut oil, palm oil, etc., so processed was prior to August 31, 1963, entered, or withdrawn from a warehouse, for consumption.

(b) *Under section 4511(b).* The additional 2 cents a pound tax imposed under section 4511(b) applies to the first domestic processing occurring on or after August 31, 1963, only if the coconut oil or combination referred to in such section was, prior to August 31, 1963, entered, or withdrawn from a warehouse, for consumption. See § 46.4513–2 for exemption from tax under section 4511(b) where the coconut oil or combination is wholly produced in, or wholly produced from materials grown or produced in, the Philippine Islands, any possession of the United States, or the Trust Territory of the Pacific Islands.

(4) *Cross references.* For exemptions from the taxes imposed by section 4511 see section 4513 and §§ 46.4513–1 and 46.4513–2.

PAR. 8. Section 46.4512 is amended by adding a historical note. As added, such historical note reads as follows:

§ 46.4512 Statutory provisions; definition of first domestic processing.

SEC. 4512. *Definition of first domestic processing.* • • •

[Sec. 4512 as originally enacted and in effect Jan. 1, 1955; repealed by sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 9. Section 46.4513 is amended by adding a historical note. As added, such historical note reads as follows:

§ 46.4513 Statutory provisions; exemptions.

SEC. 4513. *Exemptions.* • • •

[Sec. 4513 as originally enacted and in effect Jan. 1, 1955; repealed by sec. 302(d), Tariff Classification Act of 1962 (76 Stat. 77)]

PAR. 10. Section 46.4514 is amended by adding a historical note. As added, such historical note reads as follows:

§ 46.4514 Statutory provisions; cross reference to general administrative provisions.

SEC. 4514. *Cross reference to general administrative provisions.* • • •

[Sec. 4514 as originally enacted and in effect Jan. 1, 1955; repealed by sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 11. Paragraph (b) of § 46.6001–2 is amended by revising so much thereof as follows subparagraph (6) to read as follows:

§ 46.6001–2 Records relating to sugar tax.

• • • • • •

(b) *Content of records.* • • •

For periods prior to August 31, 1963, the records shall show the polariscopic test or the total sugars of each grade and type of sugar and manufactured sugar. For periods after August 30, 1963, the records shall show the total sugars of each grade and type of sugar and manufactured sugar.

PAR. 12. Section 46.6412(d) is amended by revising the historical note. The revised historical note reads as follows:

§ 46.6412(d) Statutory provisions; floor stocks refunds.

SEC. 6412. *Floor stocks refunds.* • • •
(d) *Sugar.* • • •

[Sec. 6412(d) as amended by sec. 19, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 162(a), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 2, Act of July 6, 1960 (Pub. Law 85–592, 74 Stat. 330); sec. 2(b), Act of March 31, 1961 (Pub. Law 87–15, 75 Stat. 40); sec. 18(b), Sugar Act Amendments 1962 (76 Stat. 166); repealed by sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 13. Paragraph (d) of § 46.6417–1 is amended to read as follows:

§ 46.6417–1 Credit or refund of tax on coconut and palm oil sold to State or political subdivision thereof.

• • • • • •

(d) *Claims for refund.* In addition to the other requirements imposed by this section, any person seeking a refund under the provisions of paragraph (a) of this section must make a claim therefor on Form 843 in the manner prescribed in § 301.6402–2 of this chapter (Regulations on Procedure and Administration), except that such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located.

PAR. 14. Paragraph (b) of § 46.6417–2 is amended by revising so much thereof as precedes subparagraph (1) to read as follows:

§ 46.6417–2 Refund of tax on coconut and palm oil exported.

• • • • • •

(b) *Claims for refund.* When any person exports an article processed wholly or in chief value from oil or oils with respect to the processing of which the tax has been paid, he may file a claim for refund of such tax on Form 843 in the manner prescribed in § 301.6402–2 of this chapter (Regulations on Procedure and Administration), except that such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located. Each claim for refund shall also show with respect to each export shipment—

PAR. 15. Section 46.6418 is amended by revising section 6418(b), and the historical note, to read as follows:

§ 46.6418 Statutory provisions; credits and refunds of the tax on sugar.

SEC. 6418. *Sugar.* • • •

(b) *Exportation.* Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 4501(a) has been paid, the amount of such tax shall be paid by the Secretary or his delegate to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, or to the manufacturer of the manufactured sugar or of the articles exported, if the consignor waives any claim thereto in favor of such shipper or manufacturer.

[Sec. 6418 as amended by sec. 21(b), Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221; and sec. 302(c), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 16. Paragraph (a) of § 46.6418–1 is amended to read as follows:

§ 46.6418–1 Sugar used as livestock feed or for distillation of alcohol.

(a) *Claims for payment.* Any person using any manufactured sugar, or an article manufactured therefrom, with respect to which a tax has been paid under section 4501(a), (1) as livestock feed, (2) in the production of livestock feed, or (3) for the distillation of alcohol, may file a claim for payment of the amount of tax paid thereon. The claim shall be executed by the claimant on Form 843 in the manner prescribed in § 301.6402–2 of this chapter (Regulations on Procedure and Administration), except that such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located. No interest shall be paid in respect of any such claim. If the claim for payment relates to import tax paid pursuant to section 4501(b) in effect prior to its repeal by section 302(d) of the Tariff Classification Act of 1962, such claim shall be filed with the collector of customs pursuant to Bureau of Customs regulations.

PAR. 17. Section 46.6418–2 is amended by revising paragraph (b) and subparagraph (3) of paragraph (c). As so amended, such provisions read as follows:

§ 46.6418–2 Sugar exported.

• • • • • •

(b) *Claim for payment.* Claim for payment shall be executed by the claimant on Form 843, in the manner prescribed in § 301.6402–2 of this chapter (Regulations on Procedure and Administration), except that such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located. No interest shall be paid in respect of any such claim.

(c) *Proof of claim.* • • •

(3) That the tax claimed was not paid with respect to any manufactured sugar, or articles manufactured wholly or partially from manufactured sugar, upon which through substitution or otherwise a drawback of any tax paid under section 4501(b), with respect to articles which before August 31, 1963, were entered, or withdrawn from a warehouse, for consumption, has been or is to be claimed under any provision of law made applicable by section 4504. A claimant who can meet this requirement shall include in his claim a statement to the effect that no such drawback claim has been or will be filed with the Bureau of Customs.

[F.R. Doc. 63–10659; Filed, Oct. 8, 1963; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1963–64 Fiscal Year

Notice is hereby given that there is under consideration the proposed establishment of a free percentage of 81 percent and restricted percentage of 19 percent for Oregon and Washington filberts during the 1963–64 fiscal year which began on August 1, 1963. The proposed percentages, which are based on recommendations of the Filbert Control Board and other available information, would be established pursuant to the provisions of amended Marketing Agreement No. 115 and Order No. 982 (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed percentages are based on the following estimates (inshell weight basis) for the 1963–64 fiscal year; (a) total requirements for 1963 crop merchantable filberts of 10.6 million pounds, which is the sum of an inshell trade demand of 10 million pounds and provisions for inshell handler carryover on July 31, 1964, of 1 million pounds, less the inshell handler carryover on August 1, 1963, of .4 million pounds not subject to regulation; and (b) a total supply of merchantable filberts subject to regulation of 13 million pounds.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than seven days after publication of this notice in the FEDERAL REGISTER.

Dated: October 3, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–10715; Filed, Oct. 8, 1963; 8:47 a.m.]

Agricultural Research Service

[9 CFR Part 71]

RESTRICTION OF INTERSTATE MOVEMENTS OF ANIMALS AND POULTRY

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of February 2, 1903, as amended, and the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120), it is proposed to amend Part 71, Title 9, Code of Federal Regulations, restricting the interstate movement of animals and poultry because of contagious, infectious, and communicable diseases, as indicated below:

1. Paragraph (d) of § 71.3 would be redesignated as paragraph (e) of said section.

2. A new paragraph (d) would be added to said § 71.3 to read as follows:

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this section, livestock which is found to be diseased while in transit or upon arrival at a feed lot, stockyard or marketing center, may be moved interstate in accordance with subparagraphs (1) through (6) of this paragraph: *Provided,* That such livestock is not tick infested or affected with any disease referred to in this section other than the diseases named in this paragraph: *And provided further,* That such livestock is accompanied by a certificate, issued by a Division Inspector, stating the destination of the animals; the purpose for which they are to be moved; the number of animals covered by the certificate; the point from which the animals are moved interstate; and the name and address of the owner or shipper.

(1) Livestock affected with one or more of the following diseases: Actinomycosis, actinobacillosis, atrophic rhinitis, contagious ecthyma, foot rot, infectious keratitis, ringworm, influenza, and arthritis (simple lesions only), may be moved interstate for immediate slaughter to a slaughtering establishment where State or Federal meat inspection is maintained.

(2) Cattle with slight unopened cases of actinomycosis or actinobacillosis (or both) may be moved interstate to a feed lot in the State of destination: *Provided,* That such cattle are not affected with any other disease named in this paragraph.

(3) Sheep affected with contagious ecthyma may be moved interstate to a feed lot located in a State the laws, rules, or regulations of which require that such sheep be segregated or quarantined under a permit from an official of such State: *Provided,* That such sheep are not affected with any other disease named in this paragraph.

(4) Livestock affected with one or more of the following diseases may be moved interstate for any purpose to a State the laws, rules, or regulations of which require that such livestock be segregated or quarantined under a permit from an official of such State: Actinomycosis, actinobacillosis, contagious ecthyma, foot rot, and influenza: *Provided,* That such livestock is not affected with any other disease named in this paragraph.

(5) Livestock affected with infectious keratitis or ringworm (or both) may be moved interstate for any purpose if treated under the supervision of a Division or State inspector or an accredited veterinarian prior to movement: *Provided,* That such livestock is not affected with any other disease named in this paragraph. Livestock affected with infectious keratitis or ringworm (or both) and also with another disease named in this paragraph, may be moved interstate only under the applicable provisions of subparagraphs (1) through (4) after being so treated for infectious keratitis or ringworm (or both).

(6) Other movements. The Director of the Division may provide for the movement, not otherwise provided for in this paragraph, of animals affected with the diseases named in subparagraph (1) of this paragraph, under such conditions as he may prescribe to prevent the spread of disease. The Director of the Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

The proposed amendments would permit that livestock which is found to be affected with certain communicable diseases while in transit or upon arrival at a feed lot, stockyard or marketing center, be moved interstate in accordance with specified limitations. It has been determined that the movement of animals in accordance with the proposal would not endanger the livestock of the United States. Insofar as diseases other than infectious keratitis and ringworm are concerned, one of the purposes of the proposal is to permit that the livestock involved be moved to a place where the animals can be treated.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of October 1963.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 63–10689; Filed, Oct. 8, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

Flight Standards Service

[14 CFR Part 514]

[Reg. Docket No. 1504; Reference Draft Release No. 62–49]

SPECIAL AIRCRAFT TURNBUCKLE ASSEMBLIES AND TURNBUCKLE SAFETYING DEVICES—TSO–C21b

Withdrawal of Proposed Technical Standard Order

The Flight Standards Service of the Federal Aviation Agency has had under consideration a proposal to revise § 514.31 of Part 514 of the Regulations of the Administrator (14 CFR Part 514) by amending the technical standard order which establishes minimum performance standards for special aircraft turnbuckle assemblies and turnbuckle safetying devices for use on civil aircraft of the United States. The reasons therefor were set forth in the explanatory statement of a notice of proposed rule making which was published in the FEDERAL REGISTER on December 7, 1962 (27 F.R. 12141) and circulated to the public as Draft Release No. 62–49.

Upon further consideration, it has been determined that the proposed revision to the regulation is not appropriate at this time. The Agency believes that further study of this matter is necessary in light of the comments received in response to the Draft Release.

The withdrawal of this notice of proposed rule making constitutes only such action and does not preclude the Agency from issuing another notice in the future should further study warrant such action.

In consideration of the foregoing, the notice of proposed rule making, entitled "Technical Standard Orders for Aircraft Materials, Parts and Appliances" published in the FEDERAL REGISTER December 7, 1962 (27 F.R. 12141) and circulated as Draft Release No. 62–49 dated November 29, 1962, is hereby withdrawn.

(Sec. 313(a) of the Federal Aviation Act of 1958 (72 Stat. 752; 49 U.S.C. 1354))

Issued in Washington, D.C., on October 1, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10665; Filed, Oct. 8, 1963; 8:46 a.m.]

FEDERAL COMMUNICATIONS

channels at once may raise some techni-

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 15181, RM-476; FCC 63-887]

INSTRUCTIONAL TELEVISION FIXED STATIONS

Proposed Assignment of Alternate Channels to Stations Operating in Same Area

1. On July 25, 1963, the Commission adopted a Report and Order in Docket No. 14744 establishing a new class of educational stations to be known as Instructional Television Fixed Stations. Among the technical provisions adopted was a grouping of channels which would provide a separation of five channels (30 Mc/s) between assignments used by a single licensee in a single community.

2. On August 30, 1963, Adler Electronics, Inc. filed a petition to change the frequency assignment table set forth in § 4.902(a) of the rules so as to permit the assignment of alternate channels with only 6 Mc/s separation, to a single licensee in a single community. The separations referred to herein are the spacing between the upper band-edge of one channel and the lower band-edge of the next higher channel assigned to the same licensee. Adler includes a proposed assignment table.

3. In support of its petition, Adler claims that the proposed change will result in benefits to the users without any known detriments. This will come about because assignments on an alternate channel basis will permit the use of wideband frequency converters, a single one of which will be able to receive as many as 4 programs simultaneously, at no increase over the cost of a converter for reception of a single channel. This argument assumes that double conversion will be the common practice, i.e., a receiver-converter will receive the 2,500 Mc/s signals and through the use of a heterodyning oscillator, convert them to a standard VHF television channel. (The second conversion will take place in the conventional super heterodyne TV receiver.) If channel assignments are made on an alternate channel basis in the 2,500 Mc/s band the products of the heterodyning oscillator in the 2,500 Mc/s receiver-converter may be made to fall on alternate VHF channels. In communities where TV channels 8, 10 and 12 are used by TV broadcast stations, Channels 7, 9, 11 and 13 may be used for the converted 2,500 Mc/s signals. In areas where channels 7, 9, 11 and 13 are used by local TV stations, Channels 8, 10 and 12 may be used for the converted 2,500 Mc/s signals. Adler claims that such multi-channel broad-band receiver-converters are practical since the radio frequency band pass required is only 42 Mc/s for four alternate channels and this is only a little more than 1.5 percent of the fundamental frequency.

4. Adler's proposal to use a broad-band receiving system to pick up several channels at once may raise some technical problems in connection with adjacent channel interference and intermodulation, especially since some of the antennas that may be used may not be highly directive. These factors may depend upon the nature of the system, whether the received signals originate at the same location, etc. While many of the educational users may plan to locate all of their transmitters at a single location we anticipated that circumstances might arise where they would divide the transmitters between two or more locations. Furthermore, the sharing of this band by industrial users complicates the problem since they will in most cases be single channel operations and the use of a common site by several different licensees in that service would be sheer coincidence. We did not mean to assert that 6 channel separation was necessary but that arrangement was convenient and symmetrical and gives us the flexibility of providing two, three, four, or five channel separation between assignments to different licensees in the same general area, depending upon individual circumstances.

5. Since our original choice of channel grouping was based upon lack of technical data rather than consideration of technical knowledge, we are willing to explore Adler's proposal. Certainly the advantages of savings in costs to multi-channel users of this service are not to be overlooked. However, we must weigh the savings against any disadvantages that may accrue, particularly with respect to any curtailment in the availability of channels to all prospective users in a given area. Therefore, we invite comment from knowledgeable persons on the Adler proposal. We are particularly interested in actual experimental data on the necessary ratio of desired to undesired signals for interference-free reception when stations are operated on alternate channels. We would also like data on the required desired to undesired signal ratio between stations operating on adjacent channels and at other channel separations both with broad-band receivers of the type proposed by Adler and single channel receivers with reasonable selectivity built into the intermediate frequency amplifiers both with respect to signal interference and intermodulation. Comments by non-broadcast interests as potential users of visual and aural transmissions in this band would be helpful. We would be interested in knowing the purposes for which the service may be used and information about typical circuits, i.e., where the transmitting and receiving points are likely to be located. We are not asking about actual geographic locations but whether the transmissions will be between power stations and central offices or between police headquarters and various precinct stations, etc.

6. We would also like to have some estimates as to the probable range of costs of single channel receivers as compared to wide-band multi-channel receivers of equal sensitivity and the difference in sensitivity between single channel and multi-channel receivers if they are made to sell at approximately the same price. Comments are also solicited on possible grouping arrangements other than that proposed by Adler, which is shown below.

TABLE OF PROPOSED FREQUENCY ASSIGNMENTS

Group A		Group B		Group C		Group D		Group E		Group F	
Ch. No.	Band Limit Mc/s	Ch. No.	Band Limit Mc/s	Ch. No.	Band Limit Mc/s	Ch. No.	Band Limit Mc/s	Ch. No.	Band Limit Mc/s	Ch. No.	Band Limit Mc/s
A-1	2500-2506	B-1	2506-2512	C-1	2560-2566	D-1	2566-2572	E-1	2620-2626	F-1	2626-2632
A-2	2512-2518	B-2	2518-2524	C-2	2572-2578	D-2	2578-2584	E-2	2632-2638	F-2	2638-2644
A-3	2524-2530	B-3	2530-2536	C-3	2584-2590	D-3	2590-2596	E-3	2644-2650	F-3	2650-2656
A-4	2536-2542	B-4	2542-2548	C-4	2596-2602	D-4	2602-2608	E-4	2656-2662	F-4	2662-2668
A-5	2548-2554	B-5	2554-2560	C-5	2608-2614	D-5	2614-2620	E-5	2668-2674	F-5	2674-2680
								E-6	2680-2686		

7. We do not wish to delay unduly the inauguration of the new instructional television fixed service. Therefore, we would like to reach a decision on the proposal at the earliest practicable date. Comments shall be filed on or before November 12, 1963, and replies to such comments on or before November 22, 1963. Manufacturers or prospective manufacturers who do not have prototype receivers on which to conduct actual tests may comment from their expertise.

8. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303(c) of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.215 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.215 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

Adopted: October 3, 1963.

Released: October 4, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10714; Filed, Oct. 8, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 1146]

NOTICE REQUIREMENTS OF NEW AND INITIAL TARIFFS

Notice of Proposed Rulemaking

Take notice that in accordance with the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), the Federal Maritime Commission is considering amending Rule 13(a)(1) of its Tariff Circular No. 3 (46 CFR 531.13(a)(1)) to establish provisions which will require a common carrier entering a domestic offshore trade in the first instance to publish, post, and file its initial tariff publication on not less than 30 days notice to the Commission and the public. Filings of initial tariffs on short notice, sometimes less than one day, have caused confusion to shippers, competitive carriers, and even the filing carriers and have resulted in the submission of ambiguous or unreasonable tariffs which would have been rejected or suspended if sufficient time were afforded. Rule 13(a)(1) would be amended by adding the following new paragraph:

Initial tariff publications of new carriers entering a trade in the first instance may be published, posted, and filed on not less than 30 days' notice. Tariffs filed under authority of this paragraph shall bear the notation: "Issued on not less than 30 days' notice under authority of Rule 13(a), Federal Maritime Commission Tariff Circular No. 3."

Interested parties may participate in the rulemaking proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within 30 days of the publication of this notice in the FEDERAL REGISTER will be considered. No public hearing is contemplated at this time.

By order of the Commission, August 29, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10703; Filed, Oct. 8, 1963; 8:47 a.m.]

[46 CFR Part 531]

[Docket No. 1147]

CANCELLATION OF INACTIVE TARIFFS AND ELIMINATION FROM TARIFFS OF PORTS TO WHICH SERVICE HAS BEEN DISCONTINUED

Notice of Proposed Rulemaking

Take notice that in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), the Federal Maritime Commission is considering amending Rule 18(g) of its Tariff Circular No. 3 (46 CFR 531.18(g)) to (1) require a carrier to cancel its tariffs upon ceasing operations in a domestic offshore trade and (2) require a carrier to amend its tariff when service to or from a particular port is discontinued. Such amendment will assure the public that the tariffs on file with the Commission reflect accurately the services that are actually rendered and will make the Commission's domestic carrier tariff files less cumbersome. Rule 18(g) as amended would read as follows:

If a carrier ceases operation without having a successor, its tariffs, concurrences, and powers of attorney shall be regularly cancelled upon not less than 30 days' notice. The cancellation notices shall show that cancellation is made on account of discontinuance of operation. If a carrier ceases to hold out service to or from ports listed in its tariff it shall amend the alphabetical list of ports its serves to reflect the change in service. (See Rule 5(c).)

Interested parties may participate in the rulemaking proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within 30 days of the publication of this notice in the FEDERAL REGISTER will be considered. No public hearing is contemplated at this time.

By order of the Commission, September 5, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10704; Filed, Oct. 8, 1963; 8:47 a.m.]

[46 CFR Part 531]

[Docket No. 1148]

PUBLICATION, POSTING, AND FILING OF RATES, FARES AND CHARGES IN DOMESTIC OFFSHORE TRADE

Notice of Proposed Rulemaking

Take notice that in accordance with the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003) and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) the Federal Maritime Commission is considering amending Rule 9 of its Tariff Circular No. 3 (46 CFR § 531.9) to establish provisions, which will clarify the rule by (1) restricting the application thereof only to publications filed to reflect actual changes in rates, charges, and provisions of terminal operators over which the carrier has no control, and (2) requiring that publications issued under authority of Rule 9 be filed with the Commission and posted for public inspection not later than 30 days after the actual changes in such terminal operators' rates, charges and provisions.

Rule 9 would be amended to read as follows:

Changes in terminal rates, charges, and provisions, based upon changes in rates, charges, and provisions of terminal operators over which the carrier has no control, may be posted and filed on not less than 10 days' notice provided that such action is taken by the carrier within 30 days after the effective date of the change made by the terminal. Publications issued under authority of this rule must bear the following notation:

"Effective ---------- 19--. Issued on not less than 10 days' notice, under authority of Rule 9 of Tariff Circular No. 3 of the Federal Maritime Commission."

Interested parties may participate in the rulemaking proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered. No public hearing is contemplated at this time.

By order of the Commission, September 12, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10705; Filed, Oct. 8, 1963; 8:47 a.m.]

[46 CFR Part 531]

[Docket No. 1149]

PROTESTS TO TARIFFS, DESCRIPTION OF TARIFF CHANGES, AND NOTIFICATION TO STATE, COMMONWEALTH, OR TERRITORIAL GOVERNMENTS OF PROPOSED TARIFFS OR TARIFF AMENDMENTS

Notice of Proposed Rulemaking

Take notice that in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)) the Federal Maritime Commission is considering amending Rule 5(h) of its rules of practice and procedure and Rule 23 of its Tariff Circular No. 3 (46 CFR 531.23) and adopting a new Rule 24 to its Tariff Circular No. 3.

1. Rule 5(h) of the Commission's rules of practice and procedure provides that protests to tariff changes must be filed 10 days before the changes are scheduled to become effective. The ten-day period includes Saturdays, Sundays, and legal holidays, and frequently there is not enough time for staff evaluation of the protests and consideration by the Commission. It appears necessary to amend Rule 5(h) to provide a fifteen-day period to act on protests which would allow a reasonable time for replies to protests, proper analysis by the staff of the Commission, and submission of a recommendation in time for consideration by the Commission. Rule 5(h) would be amended to read as follows:

Proceedings under section 3 of the Intercoastal Act. Protests against proposed changes in tariffs, invoking the provisions of section 3 of the Intercoastal Shipping Act, 1933, may be made by letter, telegram, or radiogram, and shall be filed with the Direc-

tor, Bureau of Domestic Regulations, not

(Name of carrier or agent in full)

3. A new rule, to be designated

tor, Bureau of Domestic Regulations, not later than fifteen (15) days prior to the proposed effective date of the change unless the Commission permits the filing of the change in less than fifteen (15) days prior to the proposed effective date thereof, pursuant to the provisions of section 2 of the Intercoastal Act. Every protest shall clearly identify the tariff in question, give specific reference to the items opposed, set forth the grounds for opposition to the change, including a reference to the section or sections of the Shipping Act alleged to have been violated, shall be subscribed and verified, and shall be served upon each carrier whose tariff is protested or upon the issuing agent. Protests sent by telegraph or radio shall be confirmed promptly by letter signed by the person making the protest or by someone in his behalf. Replies thereto shall conform to the requirements of Rule 5(p) of these rules.

2. The proposed amendments to Rule 23 of the Commission's Tariff Circular No. 3 is designed to lessen the burden on prospective protestants and is designed to compensate them for the loss of five days in time allowed for filing protests under Rule 5(h). This amendment would require carriers to describe the effect of proposed tariff changes in letters of transmittal, i.e., give a brief description of each change, identify the commodities affected, and state the magnitude of resulting rate reductions or increases. This amendment will also facilitate the work of the staff of the Commission in evaluating and analyzing tariffs. As amended, Rule 23 would read as follows:

23. LETTERS OF TRANSMITTAL

Form of transmittal letters. All tariffs, supplements thereto and revised pages thereof filed with the Commission shall be accompanied by a letter of transmittal consisting of one sheet, 8 by 10½ inches in size, in form substantially as follows:

(Name of carrier or agent in full)

(General Freight or Passenger Department)

(Post Office address)

----------, 19--

Transmittal No. ------

To The Bureau of Domestic Regulation
Federal Maritime Commission
Washington, D.C. 20573

Accompanying schedule is sent you for filing in compliance with the requirements of the Shipping Act, 1916, as amended, issued by ---------- bearing
(Name of carrier or agent)
FMC–F (or –P) No. ------; Supplement No. ------ to FMC–F (or –P) No. ------; Revised Page No. ------; and is concurred in by all carriers named therein as participants under continuing concurrences or powers of attorney now on file with the Federal Maritime Commission, except the following named carriers whose concurrences (and/or powers of attorney) are attached thereto.

The aforementioned publications, upon becoming effective, will result in: (here show a brief description of each change, identifying the commodity affected and stating the amount of resulting rate reductions or increases).

(Signature)

(Title)

Separate letters for freight and passenger tariffs. A separate letter may accompany each publication or the form may be modified to provided for filing as many publications as can conveniently be entered upon one letter. Separate letters shall be used for freight and passenger tariffs. If receipt is desired the letter of transmittal should be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

3. A new rule, to be designated Rule 24 to Tariff Circular No. 3, would greatly expedite the process by which the general public becomes informed of proposed tariff changes. This rule would read as follows:

The Governor of any state, commonwealth or territory which includes a port served by a carrier, or carriers subject to these rules may request the Commission to furnish copies of tariffs and notices of tariff changes of such carrier or carriers to a person or office designated by him. A copy of each request should be mailed to each carrier involved. Such carriers shall submit to the Commission, in addition to the two copies required by rule, sufficient additional copies of each new tariff, tariff change and transmittal letter to enable the Commission to comply with the requests of the Governors. The carrier may elect to mail copies of all tariff publications (filed pursuant to Rule 2) and letters of transmittal (submitted pursuant to Rule 23) directly to the requesting Governor or his designee on the same day as they are mailed to the Commission. The Commission must be notified of such election by proper notation upon the original letter of transmittal.

Interested parties may participate in the rulemaking proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, and requests for oral argument, should the same be desired, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered.

By order of the Commission, September 24, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–10706; Filed, Oct. 8, 1963; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 167–55; CGFR 63–65]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to the Assistant Secretary of the Treasury by Treasury Department Order No. 190 (Revision 1), there are transferred to the Commandant, U.S. Coast Guard, the functions of Public Law 88–45, dated June 21, 1963, relating to the use of appropriated funds to restore, replace, establish or develop Coast Guard facilities.

The Commandant may provide for performance of these functions by subordinates in the Coast Guard.

Dated: October 2, 1963.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63–10660; Filed, Oct. 8, 1963; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 13]

ALASKA

Correcting and Amending Partial Cancellation of Public Sale

Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in Section 3, Delegation of Authority (F.R. Doc. 63–219) dated January 9, 1963, it is ordered as follows:

1. In F.R. Doc. 63–9416 appearing as Partial Cancellation of Alaska Public Sale Classification Order No. 13 in the issue of September 4, 1963, at page 9676, the date of the Order appearing as December 28, 1953, is hereby corrected to read December 29, 1953.

2. The subject Cancellation Order is hereby amended so as to include the following:

Amendment No. 1 to Alaska Public Sale Classification Order No. 13, which amendment is dated March 26, 1954 (F.R. Doc. 54–2949) and which classified the following lands for industrial, commercial, and housing purposes is hereby cancelled:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 24: NW¼NW¼SW¼NW¼, W½SW¼NW¼NW¼, that portion lying south of the Richardson Highway.

Containing approximately 5.1 acres.

Also that part of Amendment No. 1 which classified the following lands for industrial and commercial purposes only is hereby cancelled:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 24: N½N½NW¼SW¼, S½SW¼NW¼, NE¼SW¼NW¼, S½NW¼SW¼NW¼; NE¼NW¼SW¼NW¼, and those portions of the SE¼NW¼NW¼ and the E½SW¼NW¼NW¼ lying south of the right-of-way of the Richardson Highway.

Containing approximately 53.4 acres.

This order, as to Amendment No. 1 to A.P.S. No. 13, will take effect immediately. Cancellation of this order does not affect valid existing rights as to the lands embraced thereby.

GERALD G. WRIGHT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63–10673; Filed, Oct. 8, 1963; 8:46 a.m.]

Bureau of Reclamation

DEAVER TOWNSITE, SHOSHONE PROJECT, WYOMING

Sale of Tracts, Blocks, and Lots

SEPTEMBER 26, 1963.

1. *Statutory authority.* Certain tracts, blocks, and lots in the townsite of Deaver, Wyoming, will be disposed of in accordance with the Acts of April 16 and June 27, 1906 (34 Stat. 116, 519), and June 11, 1910 (36 Stat. 465).

2. *Description, area, and appraised value.* The descriptions, areas, and appraised values of the tracts, blocks, and lots to be sold are as follows:

APPRAISALS

Block 39—	3.45 acres	$50.00
Block 40—	4.00 acres	15.00
Block 41—	4.20 acres	15.00
Block 42—	6.08 acres	15.00
Tract 14—	9.60 acres	15.00
Tract 15—	11.48 acres	15.00
Tract 17—	8.67 acres	15.00
Tract 18—	30.96 acres	31.00

3. *Public sale.* On November 24, 1963, at 9 a.m., at the Deaver Irrigation District Office, Deaver, Wyoming, said tracts, blocks, and lots will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States or have declared their intention to become a citizen of the United States, and there will be reserved to the United States rights-of-way and minerals to the same extent as patents issued under the homestead laws. The owner of any crops or improvements located on any of the tracts, blocks, or lots may remove the same up to but not later than March 31, 1964.

D. Merlin Archibald, Irrigation Division, Regional Office, Bureau of Reclamation, Billings, Montana, has been designated as superintendent of sale and as auctioneer.

4. *Terms of sale.* Full payment for the tracts, blocks, and lots must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any tract, block, or lot, and to suspend, adjourn, and postpone the sale of any tract, block, or lot to such time and place as he may deem proper. After all the tracts, blocks, and lots have been offered, the superintendent will close the sale. Any tract, block, or lot remaining unsold will be subject to private sale by the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming, excepting that the Commissioner, Bureau of Reclamation, or his delegated representative, may cancel this sale order at any time with the concurrence of the State Supervisor, Bureau of Land Management.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any tract, block, or lot from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

Dated: September 26, 1963.

BRUCE JOHNSON,
Regional Director.

[F.R. Doc. 63–10675; Filed, Oct. 8, 1963; 8:48 a.m.]

Office of the Secretary

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 19, 1963.

Dated: September 19, 1963.

JAMES S. BROADDUS.

[F.R. Doc. 63–10681; Filed, Oct. 8, 1963; 8:46 a.m.]

CHARLES M. CUSTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Purchased 100 shares of American Security Savings and Loan Association Stock at $1.35.
(2) None.
(3) None.
(4) None.

This statement is made as of September 23, 1963.

Dated: September 24, 1963.

CHARLES M. CUSTER.

[F.R. Doc. 63-10682; Filed, Oct. 8, 1963; 8:46 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six month:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 23, 1963.

Dated: September 23, 1963.

JOHN W. HIERONYMUS.

[F.R. Doc. 63-10683; Filed, Oct. 8, 1963; 8:46 a.m.]

H. G. KEESLING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 24, 1963.

Dated: September 24, 1963.

H. G. KEESLING.

[F.R. Doc. 63-10684; Filed, Oct. 8, 1963; 8:46 a.m.]

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Deletion: Monsanto Chemical Co. common stock.
(3) None.
(4) None.

This statement is made as of September 19, 1963.

Dated: September 19, 1963.

GEORGE A. PORTER.

[F.R. Doc. 63-10685; Filed, Oct. 8, 1963; 8:46 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) My entire financial estate and assets consist of: U.S. Government bonds, bank deposits and real estate, consisting of homestead (unincumbered), located in the City of Janesville, Rock County, Wisconsin.
(2) Deletions: None.
(3) Additions: Purchased U.S. Government Bonds, also Certificates of Deposit.

This statement is made as of September 26, 1963.

Dated: September 26, 1963.

EDWARD W. WELCH.

[F.R. Doc. 63-10686; Filed, Oct. 8, 1963; 8:46 a.m.]

EDWARD F. ZIEGLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 19, 1963.

Dated: September 19, 1963.

EDWARD F. ZIEGLER.

[F.R. Doc. 63-10687; Filed, Oct. 8, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CHIEF OF FOREST SERVICE ET AL.

Delegations of Authority

I. The order of the Secretary of Agriculture of December 24, 1953 (19 F.R. 74), as amended, assigned certain functions, subject to reservations contained therein, to the Forest Service. Section 116 of the Order provides for the redelegation of authority by the head of an agency to appropriate officers and employees.

II. The Chief of the Forest Service is responsible for the programs and activities of the Forest Service.

III. Pursuant to the authority of section 116, and subject to the reservations contained in the Order of the Secretary as amended:

a. (1) There is delegated to each Deputy Chief of the Forest Service the authority to perform all duties and to exercise all the powers and functions which are now or which may hereafter be, vested in the Chief of the Forest Service. The authority herein conferred upon each Deputy Chief will be exercised by him in connection with the functions assigned to his direction and supervision, as provided in paragraph b. hereof; and may be exercised on behalf of any Deputy Chief who is absent or otherwise unavailable. The authority granted hereunder may be also exercised in the discharge of any additional functions which the Chief of the Forest Service may assign.

(2) Subject to the general direction and supervision of his Deputy Chief there is delegated to each Associate Deputy Chief the authority to perform all duties and to exercise all the regularly assigned functions which are now or which may hereafter be assigned to his Deputy Chief.

(3) A Deputy Chief may redelegate any authority conferred upon him in this Order to any employee of the Forest Service.

b. Each Deputy Chief shall exercise general direction and supervision of functions of the Forest Service, as set forth herein, and shall perform such other functions as the Chief of the Forest Service may from time to time assign.

(1) To the Deputy Chief for National Forest Resource Management, there is assigned general direction and supervision of the following functions: Timber Management; Range Management; Wildlife Management; Watershed Management; Recreation and Land Uses.

(2) To the Deputy Chief for Administration, there is assigned general direction and supervision of the following functions: Administrative Management; Budget and Finance; Administrative Services; Personnel Management; Information and Education; Integrating Inspection; Defense Activities.

(3) To the Deputy Chief for Programs and Legislation there is assigned general direction and supervision of the following functions: Program Planning and Special Projects; Legislative Reporting and Liaison.

(4) To the Deputy Chief for State and Private Forestry, there is assigned general direction and supervision of the following functions: Cooperative Forest Management; Flood Prevention and River Basin Programs; Cooperative Forest Fire Control; Forest Pest Control; Cooperative Tree Planting; Naval Stores Program; and overall direction of Forest Service participation in Rural Areas Development.

(5) To the Deputy Chief for Research, there is assigned general direction and supervision of research in the following fields: Timber Management; Range; Wildlife Habitat; Recreation; Forest Products Utilization; Forest Engineering; Forest Survey; Forest Economics; Forest Products Marketing; Watershed Management; Forest Fire; Forest Insect; Forest Disease. The Deputy Chief for Research is also assigned responsibility for Forest Service participation in foreign forestry activities.

(6) To the Deputy Chief for National Forest Protection and Development, there is assigned general direction and supervision of the following functions: Land Adjustments; Land Classification; Engineering; Fire Control.

c. The delegations herein shall be carried out in accordance with the Multiple Use Sustained Yield Act of June 12, 1960 (74 Stat. 215), where applicable.

d. No delegation or authorization prescribed in this Order shall preclude the Chief of the Forest Service from exercising any of the powers or functions, or from performing any of the duties conferred herein; and any such delegation or authorization is subject at all times to withdrawal or amendment by the Chief of the Forest Service.

Done at Washington, D.C., September 30, 1963.

EDWARD P. CLIFF,
Chief.

[F.R. Doc. 63-10717; Filed, Oct. 8, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ROHM AND HAAS CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical and Food Additive Nickel Sulfate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations and § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations, Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, has withdrawn its petition published in the FEDERAL REGISTER of March 14, 1963 (28 F.R. 2510), proposing the establishment of a pesticide tolerance for residues of the fungicide nickel sulfate in or on the whole grain and straw of barley, oats, rice, rye, and wheat, and food additive tolerances for residues in the bran and flour of these treated grains.

The withdrawal of this petition is without prejudice to a future filing.

Dated: October 3, 1963.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 63-10696; Filed, Oct. 8, 1963; 8:47 a.m.]

ROHM AND HAAS CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical Maneb

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, has withdrawn its petition published in the FEDERAL REGISTER of March 2, 1963 (28 F.R. 2068), proposing the establishment of tolerances for residues of the fungicide maneb in or on the whole grain and straw of barley, oats, rice, rye, and wheat.

The withdrawal of this petition is without prejudice to a future filing.

Dated: October 3, 1963.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 63-10697; Filed, Oct. 8, 1963; 8:47 a.m.]

DELMONICO FOODS, INC.

Spaghetti and Macaroni Deviating From Identity Standard; Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Delmonico Foods Inc., Tampa, Florida, to cover interstate marketing tests of spaghetti and macaroni deviating from the requirements of the standards of identity for such foods (21 CFR 16.1). The spaghetti and macaroni will contain glyceryl monostearate in a quantity not to exceed 2 percent by weight of the farinaceous ingredients. Such use of glyceryl monostearate will require label declaration.

This permit expires September 27, 1964.

Dated: October 3, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10698; Filed, Oct. 8, 1963; 8:47 a.m.]

COMMERCIAL SOLVENTS CORP.

Notice of Filing of Petition Regarding Food Additives Diethylstilbestrol and Zinc Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1213) has been filed by Commercial Solvents Corporation, Terre Haute, Indiana, proposing the amendment of § 121.225 to provide for the safe use of zinc bacitracin with diethylstilbestrol in cattle feed, as follows:

§ 121.225 *Antibiotics for growth promotion and feed efficiency.*

* * * * * * *

(c) * * *

(iv) In feed for growing cattle, in an amount not less than 35 milligrams nor more than 70 milligrams per animal per day with diethylstilbestrol at a level of 10 milligrams per animal per day.

Dated: October 2, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10679; Filed, Oct. 8, 1963; 8:46 a.m.]

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition Regarding Food Additives Sanitizing Solutions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1227) has been filed by Wyandotte Chemicals Corporation, Wyandotte, Michigan, proposing the amendment of § 121.2547 *Sanitizing solutions* to provide for the safe use of dichloroisocyanuric acid, trichloroisocyanuric acid, and the sodium and potassium salts of these acids, in sanitizing solutions used on food-processing equipment and utensils, when followed by adequate draining before contact with food.

Dated: October 1, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10680; Filed, Oct. 8, 1963; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-203]

GENERAL ELECTRIC CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to November 15, 1963, the latest completion date specified in Construction Permit No. CPCX-21 for construction of the Mixed Spectrum Critical Assembly to be located in Building 105 of General Electric Company's Vallecitos Atomic Laboratory in Alameda County, California.

Copies of the Commission's Order and of the application amendment filed by the General Electric Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of September 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 63-10661; Filed, Oct. 8, 1963; 8:45 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Issuance of Amendment to Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, as set forth below, to Facility License No. R-81. The license authorizes Union Carbide Corporation to operate its pool-type nuclear reactor located at the licensee's site in Sterling Forest, New York. The amendment incorporates into the license authorization to possess and use a 50-curie antimony-beryllium reactor startup source and a 300-microcurie strontium-90 nuclear instrument calibration source, in accordance with the application for license amendment dated March 21, 1963. Authority to possess and use these sources was previously contained in a separate byproduct material license. The reactor startup source will be leak tested by analysis of pool water, rather than by leak testing at six-month intervals as was done under the byproduct material license.

The Commission has found that:

1. Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for license amendment dated March 21, 1963, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of September 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-81; Amdt. No. 5]

1. Paragraph 3C of License No. R-81 issued to Union Carbide Corporation authorizing operation of its pool-type nuclear reactor located in Sterling Forest, New York, is hereby amended in its entirety to read as follows:

"3C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, 'Licensing of Byproduct Material,' to possess and use (1) an antimony-beryllium sealed source of up to 50 curies for reactor startup, and (2) a strontium-90 sealed source of up to 300 microcuries as a nuclear instrument calibration source in connection with operation of the reactor; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor."

2. A new paragraph 4L is added to License No. R-81, as amended, as follows:

"4L. The antimony-beryllium sealed source shall be leak tested in accordance with the procedures described in the application for license amendment dated March 21, 1963.

The strontium-90 sealed source shall be tested for leakage and/or contamination at intervals not to exceed six (6) months."

3/ This amendment is effective as of the date of issuance.

Date of issuance: September 27, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10662; Filed, Oct. 8, 1963; 8:45 a.m.]

[Docket No. 50-207]

UNITED NUCLEAR CORP.

Notice of Proposed Issuance of Construction Permits

Please take notice that the Atomic Energy Commission proposes to issue to United Nuclear Corporation two construction permits, each substantially in the form annexed, which would authorize the construction of (1) a Split Bed Critical Assembly and (2) a Shield Mock-Up Reactor (SMR). Both facilities are to be located in the same new extension to an existing Critical Facilities building at the Corporation's site at Pawling, New York. The reactors are to be located in separate cells and each would be operated independent of the other from its control room.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulatons set forth in Title 10, Chapter I, CFR.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of these construction permits may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application and amendment thereto and (2) the related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 27th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

UNITED NUCLEAR CORPORATION

[Docket No. 50-207

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 4, 1963, and two amendments thereto each dated June 20, 1963 (hereinafter referred to as "the application") United Nuclear Corporation requested a class 104 license, authorizing construction and operation on the United Nuclear Corporation's site at Pawling, New York, of a Split Bed Critical Assembly (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission ("the Commission") hereby finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactor will be used in the conduct of research and development activities of the type specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. United Nuclear Corporation is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, Part 50, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. United Nuclear Corporation is technically qualified to design, construct, and operate the reactor.

E. United Nuclear Corporation has described the proposed design of the facility, including the principal architectural and engineering criteria for the design, and, the major features or components have been identified on which further technical information is required.

F. The omitted technical information will be supplied.

G. United Nuclear Corporation has proposed and there will be conducted a research and development program reasonably designed to resolve the safety questions with respect to those features or components which require research and development.

H. There is reasonable assurance that (1) such safety questions will be satisfactorily resolved at or before the latest date specified for completion of construction and (2) the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

I. The issuance of a construction permit to United Nuclear Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a provisional construction permit to United Nuclear Corporation to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is November 1, 1963. The latest date for completion of the reactor is December 31, 1964. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the Corporation's site at Pawling, New York, specified in the application.

C. The issuance of this permit does not constitute any commitment by the Atomic Energy Commission to pay or bear any share of any cost attributable to this facility on either a direct or indirect basis under AEC Contract No. AT(30-1)-3078, Subcontract No. 1, or any other contract or subcontract, or otherwise.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless United Nuclear Corporation has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis of operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3A" above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, upon finding that the reactor authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, upon the filing of proof of financial protection required by AEC regulation 10 CFR Part 140, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to the United Nuclear Corporation pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this provisional construction permit.

Date of issuance:

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

UNITED NUCLEAR CORPORATION

[Docket No. 50-207]

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 4, 1963, and two amendments thereto each dated June 20, 1963 (hereinafter referred to as "the application") United Nuclear Corporation requested a class 104 license, authorizing construction and operation on the United Nuclear Corporation's site at Pawling, New York of a Shield Mock-Up reactor (SMR) Critical Assembly (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission ("the Commission") hereby finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactor will be used in the conduct of research and development activities of the type specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. United Nuclear Corporation is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, Part 50, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. United Nuclear Corporation is technically qualified to design, construct and operate the reactor.

E. United Nuclear Corporation has described the proposed design of the facility, including the principal architectural and engineering criteria for the design, and, the major features or components have been identified on which further technical information is required.

F. The omitted technical information will be supplied.

G. United Nuclear Corporation has proposed and there will be conducted a research and development program reasonably designed to resolve the safety questions with respect to those features or components which require research and development.

H. There is reasonable assurance that (1) such safety questions will be satisfactorily resolved at or before the latest date specified for completion of construction and (2) the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

I. The issuance of a construction permit to United Nuclear Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a provisional construction permit to United Nuclear Corporation to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is November 1, 1963. The latest date for completion of the reactor is December 31, 1964. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the Corporation's site at Pawling, New York, specified in the application.

C. The issuance of this permit does not constitute any commitment by the Atomic Energy Commission to pay or bear any share of any cost attributable to this facility on either a direct or indirect basis under AEC Contract No. AT(30-1)-3078, Subcontract No. 1, or any other contract or subcontract, or otherwise.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless United Nuclear Corporation has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis of operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3A" above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, upon finding that the reactor authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, upon the filing of proof of financial protection required by AEC regulation 10 CFR Part 140, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to the United Nuclear Corporation pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this provisional construction permit.

For the Atomic Energy Commission.

Date of issuance:

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10663; Filed, Oct. 8, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14713; Order E-20067]

SOUTHERN AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of October 1963.

Application of Southern Airways, Inc., Docket No. 14713; for an amendment to its certificate of public convenience and necessity to redesignate the intermediate point, Moultrie, Georgia, as Moultrie-Thomasville, Georgia.

On August 19, 1963, Southern Airways, Inc. (Southern) filed an application for amendment of its certificate so as to redesignate Moultrie, Georgia, as Moultrie-Thomasville, Georgia. Moultrie is an intermediate point on segment 2 of Southern's Route 98.

In support of its application, Southern alleges, inter alia, that it has been providing air transportation to Moultrie and Thomasville through the Moultrie Airport, known as the "Sunset Airport" since June 25, 1949; that Thomasville is located twenty miles south of the "Sunset Airport"; that Thomasville's residents have ready access to and from the "Sunset Airport" via surface transportation; that identification of Thomasville in Southern's schedules would be of substantial benefit to the travelling public; and that the "Sunset Airport" is to be operated as a joint facility by the Cities of Moultrie and Thomasville on a fifty-fifty basis.

No answers to Southern's application have been received.

The Board has decided to institute a

3. That in the event no objections are

FEDERAL COMMUNICATIONS

The Board has decided to institute a proceeding under section 401(g) of the Act with a view toward amending Southern's certificate of public convenience and necessity for Route 98 so as to redesignate the present point, Moultrie, as Moultrie-Thomasville.

In reaching the conclusion that Southern's certificate should be amended as sought in its application, the Board has taken all relevant factors into consideration. Because of the proximity of Thomasville to Moultrie and the proximity of both cities to the "Sunset Airport," service to Moultrie is, in fact, service to Thomasville. Thomasville has arranged to share equally in improvement expenses at the "Sunset Airport." Although no estimate of Thomasville air passengers using the "Sunset Airport" was submitted by the applicant, it is reasonable to assume that Thomasville traffic will increase.[1] Grant of the requested authority would enable Southern to advertise service to Thomasville and also list the community in its schedules, with resulting benefits to the carrier as well as the travelling public. Moreover, since Southern proposes service through a single airport, redesignation would not entail additional subsidy and would be consistent with the area airline service airport concept. In addition, both Moultrie and Thomasville support the relief requested.

Upon consideration of the foregoing, the Board, pursuant to section 401(g) of the Act, tentatively finds and concludes that the public convenience and necessity require that the certificate held by Southern for Route 98 should be amended so as to redesignate the point Moultrie, Georgia, as Moultrie-Thomasville, Georgia, to be served through the "Sunset Airport" on segment 2 thereof.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause within 10 days of service of a copy of this order why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Southern Airways, Inc. an amended certificate of public convenience and necessity for Route 98 redesignating the point, Moultrie, Georgia, as Moultrie-Thomasville, Georgia, to be served through the "Sunset Airport" on segment 2 thereof; [2]

2. That if timely objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

3. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

4. That copies of this order shall be served on the following persons who are hereby made parties to this proceeding: Southern Airways, Inc.; the City of Moultrie, Georgia; the City of Thomasville, Georgia; and the Colquitt County Airport, Moultrie, Georgia; and

5. That copies of this order shall be served on the Governor of Georgia, the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 63-10719; Filed, Oct. 8, 1963; 8:47 a.m.]

[1] In the Southeastern Area Local Service Case, Docket 7038, et al., the Board found that only one-tenth of the Thomasville passengers used the "Sunset Airport" (Order E-14754, dated December 18, 1959). Since that time, however, Eastern Air Lines, Inc.'s service between Atlanta, Georgia, and Tallahassee, Florida, the service formerly relied on by the majority of Thomasville's passengers, has been reduced from four to three round trips daily. In addition, Southern has upgraded one of its three round trips between Atlanta and Moultrie from DC-3 to Martin equipment.

[2] Petitions for reconsideration of this order will not be entertained. All responses to this order shall comply with the Board's rules of practice in Economic Proceedings.

FEDERAL COMMUNICATIONS COMMISSION

[List No. 180]

CANADIAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

SEPTEMBER 16, 1963.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement: List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		900 kilocycles				
CKDR (assignment of call letters).	Dryden, Ontario	1	ND	D	II	
		910 kilocycles				
CFCB (assignment of call letters).	Stephenville, Newfoundland.	0.5	ND	U	III	
		1230 kilocycles				
CFBV (assignment of call letters).	Smithers, British Columbia.	1 D/0.25	N-ND	U	IV	
		1230 kilocycles				
New	Kitimat, British Columbia.	1 D/0.25	N-ND	U	IV	Aug. 15, 1964
		1240 kilocycles				
New	Wawa, Ontario	1 D/0.25	N-ND	U	IV	Aug. 15, 1964
		1400 kilocycles				
CJFP (now in operation with increased daytime power).	Riviere du Loup, Province of Quebec.	5 D/0.25	N-ND	U	IV	
		1420 kilocycles				
New	Ste. Anne de la Perade, Province of Quebec.	1	DA-2	U	III	Aug. 15, 1964
		1490 kilocycles				
CFWB (assignment of call letters—now in operation).	Campbell River, British Columbia.	0.25	ND	U	IV	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10707; Filed, Oct. 8, 1963; 8:47 a.m.]

[Docket Nos. 14977, 14978; FCC 63M-1095]

ABACOA RADIO CORP. (WRAI) AND MID-OCEAN BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of Abacoa Radio Corporation (WRAI), Rio Piedras (San Juan), Puerto Rico, Docket No. 14977, File No. BP-14070; Mid-Ocean Broadcasting Corporation, San Juan, Puerto Rico, Docket No. 14978, File No. BP-14994; for construction permits.

At the oral request of counsel for the Commission's Broadcast Bureau: *It is ordered,* This 2d day of October 1963, that a further hearing conference in this proceeding will be held at 10:00 a.m., October 8, 1963, at the offices of the Commission in Washington, D.C.

Released: October 3, 1963.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10708; Filed, Oct. 8, 1963; 8:47 a.m.]

[Docket No. 15105; FCC 63M-1084]

CENTRAL BROADCASTING CO. (WCGC)

Order Continuing Hearing

In re application of Central Broadcasting Company (WCGC), Belmont, North Carolina, Docket No. 15105, File No. BP-15138; for construction permit.

It is ordered, This 30th day of September 1963, that the motion to continue the proceeding filed by the applicant and consented to by all of the parties is granted, that the commencement date of the hearing in this matter is postponed from October 29 to November 12, 1963, and that other procedural dates are rescheduled as follows:

Exchange of written evidence, October 15.
Notification of witnesses, November 1.

Released: October 2, 1963.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10709; Filed, Oct. 8, 1963; 8:47 a.m.]

[Docket Nos. 14748, 14749; FCC 63M-1072]

CHARLES COUNTY BROADCASTING CO., INC., AND DORLEN BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permits.

A hearing conference in the above-entitled matter having been held on September 27, 1963, and it appearing from the record made therein that certain agreements were reached and certain rulings were made which should be formalized by order;

It is ordered, This 27th day of September 1963, that:

(1) The direct affirmative case of Dorlen Broadcasters, Inc., on Issues 1, 2, 3 and 10, shall be presented primarily in the form of sworn, written exhibits, but that Dorlen shall have the right to supplement its written case by oral testimony;

(2) Copies of the Dorlen exhibits shall be supplied to counsel for all other parties and the Hearing Examiner on or before October 28, 1963, and that, in the event Dorlen proposes to offer any portion of its direct case in oral form, it shall advise counsel for all other parties and the Hearing Examiner of the identity of its witnesses and the general scope of their testimony on or before October 28, 1963;

(3) Any party wishing to call for cross-examination any witness responsible for the preparation of any of the Dorlen exhibits shall give notification thereof on or before November 12, 1963; and,

It is further ordered, That hearing shall resume on November 18, 1963, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 30, 1963.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10710; Filed, Oct. 8, 1963; 8:47 a.m.]

[Docket Nos. 15176, 15177; FCC 63M-1090]

RADIO STATION WTIF, INC., AND WDMG, INC.

Order Changing Place of Hearing

In the matter of revocation of license of Radio Station WTIF, Inc., for Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176.

In re application of WDMG, Inc., Docket No. 15177, File No. BR-1709; for renewal of license of Standard Broadcast Station WDMG, Douglas, Georgia.

It is ordered, This 2d day of October 1963, that the hearing in the above-entitled proceeding will be convened December 9, 1963, in Tifton, Georgia, in lieu of Washington, D.C., as originally scheduled.

Released: October 3, 1963.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10711; Filed, Oct. 8, 1963; 8:47 a.m.]

[Docket Nos. 15176, 15177; FCC 63M-1082]

RADIO STATION WTIF, INC., AND WDMG, INC.

Order Scheduling Hearing

In the matter of revocation of license of Radio Station WTIF, Inc. For Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176.

In re application of WDMG, Inc., Docket No. 15177, File No. BR-1709; for renewal of license of Standard Broadcast Station WDMG, Douglas, Georgia.

It is ordered, this 30th day of September 1963, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., October 23, 1963.

Released: October 1, 1963..

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10712; Filed, Oct. 8, 1963; 8:47 a.m.]

[Docket Nos. 15162-15164; FCC 63M-1100]

STATION VIEW REALTY CO. ET AL.

Order Continuing Prehearing Conference

In re applications of the Station View Realty Company, Cleveland, Ohio, Docket No. 15162, File No. BPCT-2870; Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT-3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT-3176; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a "Petition for Continuance of Prehearing Conference" filed October 2, 1963 by Cleveland Broadcasting, Inc., an applicant in the above-entitled proceeding, and

It appearing, that good cause for the continuance has been shown and that all parties agree to the continuance:

It is ordered, This 4th day of October 1963, that the aforesaid petition for continuance be granted and that, accordingly, the prehearing conference now scheduled for October 18, 1963 be, and it hereby is, continued to 10:00 a.m., October 25, 1963, in the Commission's offices in Washington, D.C.

Released: October 4, 1963.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63-10713; Filed, Oct. 8, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-56]

NEW YORK STATE NATURAL GAS CORP.

Notice of Application and Date of Hearing

OCTOBER 1, 1963.

Take notice that on September 4, 1963, New York State Natural Gas Corporation (New York Natural) filed in Docket No. CP64-56 and application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity to sell and deliver natural gas to the Pavilion Natural Gas Campany (Pavilion), 56 Main Street, Geneseo, New York. New York Natural proposes to tap its 8-inch transmission pipeline in the Town of York, Livingston County, New York, and from that point construct a 6⅝-inch O.D. pipeline, approximately 1.4 miles in length to a point near the intersection of Federal and Peoria Roads, also in the Town of York, and to construct and operate at the latter point a measuring and regulating station, for the sale and delivery of gas to Pavilion under New York Natural's Rate Schedule CR-3-A for resale in Livingston County, New York. The estimated cost of New York Natural's facilities is $43,360.00. Pavilion plans to distribute such gas in the Village of Geneseo and the Hamlets of Greigsville, Retsof, Piffard, Wadsworth, and the Town of York, all in Livingston County, New York. Service is expected to commence on or about November 1, 1963. The expected market requirements in Mcfs at 14.73 psia are:

	Annual	Year	Peak day
1963 (2 months)	20,000	1963-64	420
1964	100,000	1964-65	835
1965	200,000	1965-66	1,385
1966	225,000	1966-67	1,550

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authorization contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 24, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDEN M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10655; Filed, Oct. 8, 1963; 8:45 a.m.]

[Docket No. RI64-157]

PANHANDLE PRODUCING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

OCTOBER 1, 1963.

On September 3, 1963, Panhandle Producing Company (Panhandle)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated August 26, 1963.
Purchaser and producing area: Eva N. Glass, et al., Successors to Henderson Trusts FPC Gas Rate Schedule No. 1 covering resale to Colorado Interstate Gas Company. (West Panhandle Field, Hutchinson County, Texas) (Railroad District No. 10).
Rate schedule designation: Supplement No. 16 to Panhandle's FPC Gas Rate Schedule No. 1.
Effective date: October 4, 1963.[2]
Amount of annual increase: $7,972.
Effective rate: 8 cents per Mcf.
Proposed rate: 11 cents per Mcf.[3]
Pressure base: 14.65 psia.

Panhandle requests an effective date of October 1, 1963, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Panhandle's rate increase and such request is denied.

Panhandle's proposed rate increase (from 8 cents to 11 cents per Mcf) relates to gas being sold to a gasoline plant owned and operated by Eva N. Glass, et al. (Glass)[4] successors in interest to Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2. The residue gas, after processing, is resold at the plant outlet to Colorado Interstate Gas Company in the West Panhandle Field, Hutchinson County, Texas. We consider the area rate ceiling to be applicable to the sales of residue gas by Glass after processing. Accordingly, Panhandle's proposed increased rate, although not in excess of the increased ceiling for pipeline quality gas for Texas Railroad District No. 10 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, 2.56), should be suspended because the sale related thereto is considered to be for non-pipeline quality gas.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 16 to Panhandle's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 16 to Panhandle's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 16 to Panhandle's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until March 4, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 13, 1963.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10656; Filed, Oct. 8, 1963; 8:45 a.m.]

[Docket No. G-3203 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

OCTOBER 1, 1963.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Sinclair Oil & Gas Company (formerly Drilling & Exploration Company, Inc.), Docket No. G-3203, et al.;[2] Phillips Petroleum Company, Docket No. G-3468; An-Son Corporation (formerly An-Son Petroleum Corporation), Docket No. G-6693; H. N. Burnett, et al. (formerly Burnett Corporation), Docket No. G-6901; Gas Production Company (formerly W. H. Hudson Company), Docket No. G-9165; Champlin Oil & Refining Company, Docket No. G-9490; Warren Petroleum Corporation, Docket No. G-16030; An-Son Corporation (formerly An-Son Petroleum Corporation), Docket No. G-19542; An-Son Corporation (Operator), et al. (formerly An-Son Petroleum Corporation (Operator), et al.), Docket No. CI60-364; An-Son Corporation (formerly An-Son Petroleum Corporation), Docket No. CI60-663; The Hefner Company (formerly W. J. Hefner), Docket No. CI61-576; Woods Petroleum Corporation, Docket No. CI61-1031; J. H. Cordell, et al., Docket No. CI62-614; Petroleum Corporation of Texas (Operator), et al. (formerly M. B. Rudman (Operator), et al.), Docket No. CI62-1057; Marathon Oil Company (Operator), et al., Docket No. CI63-271; Yingling Oil, Inc., Docket No. CI63-697; Ann Oil and Gas, Inc., et al., Docket No. CI63-939; California College of Arts and Crafts, Docket No. CI63-1527; Sun Oil Company (Eastern Division), Docket No. CI64-362; D. W. Skinner (Operator), et al., Docket No. CI64-363; General American Oil Company of Texas (Operator), et al., Docket No. CI64-364; John W. Mecom, Docket No. CI64-365; Woods Petroleum Corporation, Docket No. CI64-366; Aztec Oil & Gas Company, Docket No. CI64-367; W. E. Bourne and E. H. Bourne, Docket No. CI64-368; Laurel Fork Oil & Gas Company, Docket No. CI64-369; Barnwell Drilling Company, Inc., Docket No. CI64-370; Louis J. Smith, Docket No. CI64-371; Gordon Street, Inc. (Operator), et al., Docket No. CI64-372; Pioneer Production Corporation (Operator), et al., Docket No. CI64-373; Donnie McCumbers Lease, Docket No. CI64-374.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-3203, et al. E 9-20-63	Southwest Gas Producing Co., Inc.	Lisbon and Northwest Lisbon Fields, Claiborne and Lincoln Parishes, La.	12.6944	15.025
G-3204	United Gas Pipe Line Co.	Northeast Lisbon Field, Claiborne Parish, La.	7.9676	15.025
G-3205	H. W. Klein	Lisbon Field, Lincoln Parish, La.	9.5625	16.7
G-3207	Northern Natural Gas Co.	Eunice Field, Lea County, N. Mex.	9.7432	15.025
CI60-112	Lone Star Gas Co.	Knox Field, Grady and Stephens Counties, Okla.	16.8	14.65
CI60-113[1]	Transwestern Pipeline Co.	Northwest Morse Field, Hansford County, Tex.	17.0	14.65
CI60-114[1]	do.	East Wilco Field, Hansford County, Tex.	17.0	14.65
CI61-686	Cities Service Gas Co.	West Medicine Lodge Field, Barber County, Kans.	13.0	14.65
CI63-121	Panhandle Eastern Pipe Line Co.	Acreage in Hansford County, Tex.	17.0	14.65
G-3468, 9-24-63	Kerr-McGee Oil Industries, Inc.	Panhandle Field, Carson and Gray Counties, Tex.	(2)	
G-6693, E 6-6-63	Cities Service Gas Co.	SE. Moore Field, Cleveland County, Okla.	10.0	14.65
G-6901, E 6-13-63	Natural Gas Pipeline Co. of America.	W. Panhandle Field, Carson County, Tex.	7.21063	14.65
G-9165, E 9-16-63	El Paso Natural Gas Co.	Ignacio Field, La Plata County, Colo.	12.0	15.025
G-9490, D 9-18-63	Colorado Interstate Gas Co.	Greenwood Field, Morton County, Kans.	Uneconomical	
G-16030[1], 9-16-63	Transwestern Pipeline Co.	Sitter Plant, Wheeler County, Tex.	17.0	14.65
G-19542, E 6-6-63	Michigan-Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.	17.0	14.65
CI60-364, E 6-6-63	Lone Star Gas Co.	Acreage in Carter County, Okla.	11.0	14.65
CI60-663, E 6-6-63	Michigan-Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.	17.0	14.65
CI61-576, E 6-28-62	Cities Service Gas Co.	Northeast Florence Field, Grant and Alfalfa Counties, Okla.	12.0	14.65
CI61-1031, D 9-20-63	do.	Acreage in Stephens County, Okla.	(4)	
CI62-614, C 9-23-63	American Louisiana Pipe Line Co.	Calcasieu Pass Field, Cameron Parish, La.	18.25	14.7
CI62-1057, E 9-23-63	El Paso Natural Gas Co.	Basin Dakota Field, San Juan County, N. Mex.	12.0	15.025
CI63-271[1], 9-23-63	Northern Natural Gas Co.	Acreage in Pecos County, Tex.	14.0	14.65
CI63-697, C 9-23-63	Cities Service Gas Co.	Acreage in Texas County, Okla.	16.0	14.65
CI63-939[4], 9-23-63	Hope Natural Gas Co.	Center District, Gilmer County, W. Va.	25.0	15.325
CI63-1527, A 9-24-63	El Paso Natural Gas Co.	Pegasus Gasoline Plant, Midland and Upton Counties, Tex.	10.0	14.65
CI64-362, A 9-19-63	The Manufacturers Light and Heat Co.	Henry Clay and Wharton Townships, Fayette County, Pa.	27.5	15.025
CI64-363, A 9-19-63	Cities Service Gas Co.	Boggs Field, Barber County, Kans.	13.0	14.65
CI64-364, A 9-20-63	United Fuel Gas Co.	Duson Field, Lafayette Parish, La.	20.625	15.025
CI64-365, A 9-20-63	Tennessee Gas Transmission Co.	Patterson Field, St. Mary Parish, La.	23.675	15.025
CI64-366, B 9-20-63	Cities Service Gas Co.	Southeast Byron Field, Eureka Area, Alfalfa County, Okla.	(7)	
CI64-367, A 9-23-63	Texas Gas Transmission Corp.	North Rousseau Area, Lafourche Parish, La.	[8] 21.5	15.025
CI64-368, A 9-23-63	Equitable Gas Co.	Birch District, Braxton County, W. Va.	25.0	15.325
CI64-369, A 9-23-63	do.	Murphy District, Ritchie County, W. Va.	25.0	15.325
CI64-370, B 9-23-63	Texas Eastern Transmission Corp.	Ft. Lynn Field, Miller County, Ark.	(9)	
CI64-371, A 9-23-63	Equitable Gas Co.	Otter District, Braxton County, W. Va.	25.0	15.325
CI64-372, A 9-21-63	Tennessee Gas Transmission Co.	Alligator Bayou, Chambers County, Tex.	15.0	14.65
CI64-373, A 9-24-63	Northern Natural Gas Co.	Mammoth Creek North (Cleveland) Field, Lipscomb County, Tex.	17.0	14.65
CI64-374, A 9-25-63	Equitable Gas Co.	Birch District, Braxton County, W. Va.	25.0	15.325

Filing codes: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

[1] Pending certificate application.
[2] Applicant proposes to sell the subject gas to Kerr-McGee Oil Industries, Inc. pursuant to section 154.91(e) under a "percentage of proceeds" type contract.
[3] Applicant filed amendment to certificate proposing that—(1) deliveries to Transwestern from the Sitter Plant during the period January 1, 1964 to July 1, 1964 shall be limited to the amount of gas available in the excess of the amount contracted to Columbian Carbon Co. during said period; (2) from and after July 1, 1964 the terms and provisions of Warren's FPC Gas Rate Schedule No. 51 will apply in determining the quantity of gas which Warren is obligated to deliver and Transwestern is obligated to receive from the Sitter Plant.
[4] Amendment to delete acreage per letter dated May 23, 1963.
[5] Amendment to certificate filed to include interests of certain co-owners through ratification and adoption.
[6] Amendment to certificate filed to reflect interest holders names as signatory parties and to include the term "et al.".
[7] Available supply of natural gas has been depleted to the extent that continuance of service is unwarranted.
[8] Price is 21.5 cents plus 2.5 cents tax reimbursement.
[9] Wells are no longer productive of gas.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.
[2] "Et al." includes Docket Nos. G-3204, G-3205, G-3207, CI60-112, CI60-113, CI60-114, CI61-686 and CI63-121.

[1] Address is: 2202 Alamo National Building, San Antonio 5, Texas.
[2] The stated effective date is the first day after expiration of the required thirty days' notice.
[3] Dry but sour gas.
[4] Panhandle owns 22 percent of the gasoline plant and is one of the "et al." parties to the Colorado Interstate Gas Company sale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10657; Filed, Oct. 8, 1963; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN CATEGORY 62 PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Restriction on Entry or Withdrawal From Warehouse

OCTOBER 3, 1963.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, has informed the Republic of China that it intends, pending the conclusion of discussions with the Republic of China on the subject of the exports of cotton textiles and cotton textile products from the Republic of China to the United States, to renew the arrangements in effect between the two governments on the exports of such goods to the United States in Category 62, produced or manufactured in the Republic of China, during the twelve-month period beginning October 15, 1962.

There is published below a letter of October 2, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 62 produced or manufactured in the Republic

of China which may be entered, or withdrawn from warehouse, for consumption in the United States from October 15, 1963, through December 31, 1963, be limited to 3,750 pounds.

Further directives concerning the entry for consumption and withdrawal from warehouse for consumption of goods in Category 62, produced or manufactured in the Republic of China, will be issued as soon as possible. In the meantime, interested parties are advised that the discussions between the United States and the Republic of China, referred to above, may result in revisions to the rate of imports permitted entry into the United States in Category 62, produced or manufactured in the Republic of China, for periods following the conclusion of such discussions.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., October 2, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 15, 1963, and for the period extending through December 31, 1963, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 62, produced or manufactured in the Republic of China, in excess of the following level of restraint:

Category:	*Level of restraint*
62	3,750 pounds

A detailed description of Category 62 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-10725; Filed, Oct. 8, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

OCTOBER 3, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6% convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period October 4, 1963, through October 13, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10676; Filed, Oct. 8, 1963; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

OCTOBER 3, 1963.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period October 4, 1963, through October 13, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10677; Filed, Oct. 8, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 4, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2448-M, filed September 27, 1963. Applicant: PIKE TRANSFER COMPANY, INC., Post Office Box 605, Newnan, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Applicant seeks to amend its Georgia State Class A Certificate No. 3230 to provide for the movement of *general commodities:* Between Atlanta, Ga. and Fayetteville, Ga., via Morrow and Jonesboro, over State Highway 54, with closed doors at all intermediate points except the site of the Sherwin Williams Company at Morrow, Ga.; between the junction of State Highways 54 and 160 and junction of State Highway 14 and U.S. Highway 285, via State Highway 160 and U.S. Highway 285, for operating convenience only; between Newnan, Ga., and Peachtree City, Ga., via State Highways 14 and 16, for operating convenience only.

NOTE: Applicant states the sole purpose of this request is to enable applicant to serve the plant site of the Sherwin Williams Co., at or near Morrow, Ga.; and to provide for two (2) alternate route operations.

HEARING: November 26, 1963, at 10:00 a.m., in the Hearing Room of the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta 3, Ga., and should not be directed to the Interstate Commerce Commission.

State Docket No. 2501-M, filed September 24, 1963. Applicant: PIKE TRANSFER COMPANY, INC., Post Office Box 605, Newnan, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* moving in interstate and intrastate commerce, between Newnan and Luthersville, Ga., via State Highways 14 and 41, serving all intermediate points.

HEARING: November 26, 1963, at 10:00 a.m., in the Hearing Room of the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga.

Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street SW., Atlanta 3, Ga., and should not be directed to the Interstate Commerce Commission.

State Docket No. 7105-CCT, filed September 12, 1963. Applicant: MAURICE CLYDE POSEY, doing business as GENERAL DELIVERY, Panasoffkee (Sumter County), Fla. Applicant's attorney: William Chappel, 7 North Magnolia Street, Ocala, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *non-refrigerated fruits and vegetables and specifically bananas,* over irregular routes to, from and between points in Florida, and specifically to, from and between Jacksonville, Miami and Tampa, on the one hand, and, on the other, all points in Florida, with station at Panasoffkee (Sumter County), Fla.

NOTE: Applicant states he seeks authority to engage in interstate and foreign commerce only to the extent of his intrastate operations.

HEARING: November 12, 1963, at 9:00 a.m., in the City Hall, Ocala, Fla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Railroad and Public Utilities Commission, Lock Drawer 810, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-8164, filed September 19, 1963. Applicant: NASSAU MESSENGER SERVICE, INC., 125 East Jericho Turnpike, Mineola, Long Island, N.Y. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* in a messenger type service, limited to shipments not exceeding thirty-five (35) pounds in weight each, to be transported in vehicles not exceeding one (1) ton carrying capacity with delivery to be completed within six (6) hours after shipment is tendered. Applicant will deliver and pick up interstate shipments at bus lines, messenger services and other carriers at New York, N.Y.

HEARING: Date, time and place assigned for hearing, not known at this time.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission, 55 Elk Street, Albany, N.Y., 12225, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 16767, filed September 17, 1963. Applicant: JOE HODGES TRANSPORTATION CORPORATION, 103 Southwest Seventh Street, Oklahoma City, Okla. Applicant's attorney: Rufus H. Lawson, 2753 Northwest 22d Street (Post Office Box 5114), Oklahoma City 7, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: (1) Between Oklahoma City, Okla., and Waurika, Okla., from Oklahoma City, Okla., to Chickasha, Okla., via U.S. Highway 62, thence via U.S. Highway 62 to Waurika, Okla., and return over the same route, serving no intermediate points; (2) between Oklahoma City, Okla., and Chickasha, Okla., from Oklahoma City, Okla., via Interstate Highway 35 to its intersection with State Highway 9, southwest of Norman, Okla., thence via State Highway 9 to its intersection with U.S. Highway 62, thence via U.S. Highway 62 to Chickasha, Okla., and return over the same route, serving no intermediate points; (3) between Oklahoma City, Okla., and Altus, Okla., from Oklahoma City, Okla., to Cordell, Okla., via State Highway 152, thence from Cordell, Okla., via U.S. Highway 183 to its intersection with State Highway 9, thence via State Highway 9 to Lone Wolf, Okla., thence via U.S. Highway 283 to Altus, Okla., and return over the same route, serving no intermediate points; (4) between Oklahoma City, Okla., and Lawton, Okla., from Oklahoma City, Okla., via U.S. Highway 62 to northern terminus of Harry E. Bailey Turnpike, thence via said Turnpike to Lawton, Okla., serving all intermediate points including terminus areas, and return over the same route; (5) between Oklahoma City, Okla., and Waurika, Okla., from Oklahoma City, Okla., via U.S. Highway 62 to northern terminus of Harry E. Bailey Turnpike, thence via said Turnpike to Chickasha, Okla., thence via U.S. Highway 81 to Waurika, Okla., serving the intermediate point of Duncan, Okla., and return over the same route; (6) from Oklahoma City, Okla., via Interstate Highway 40 to junction State Highway 34 approximately four (4) miles west of Elk City, Okla., and return over the same route, serving no intermediate points; (7) from Mountain View, Okla., via State Highway 115 to junction State Highway 115 and State Highway 152 approximately thirteen (13) miles north of Mountain View, Okla., and return over the same route, serving no intermediate points; (8) from Gotebo, Okla., via State Highway 54 to junction State Highway 54 and State Highway 152 approximately fifteen (15) miles north of Gotebo, Okla., and return over the same route, serving no intermediate points; (9) from Coopertown, Okla., via State Highway 54 to junction State Highway 54 and U.S. Highway 62 approximately six (6) miles west of Snyder, Okla., and return over the same route, serving no intermediate points; (10) from Roosevelt, Okla., to Blair, Okla., via State Highway 19 and return over the same route, serving no intermediate points; (11) from Roosevelt, Okla., to Snyder, Okla., over U.S. Highway 183 and return over the same route, serving no intermediate points; and (12) from junction State Highway 19 and State Highway 115 approximately nine (9) miles west of Boone, Okla., via State Highway 19 to junction State Highway 54 and State Highway 19 approximately two (2) miles north of Coopertown, Okla., and return over the same route, serving no intermediate points.

HEARING: October 29, 1963, at 9:00 a.m., before Darwin Frayer, Referee, in the Jim Thorpe Building, Room 305, Oklahoma City, Okla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Oklahoma Corporation Commission, 300 Capitol Office Building, Oklahoma City 5, Okla., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10692; Filed, Oct. 8, 1963; 8:47 a.m.]

[Notice No. 274]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 4, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's

Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Deviation No. 3), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind., filed September 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Champaign and Mount Vernon, Ill., over Interstate Highway 57, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Mount Vernon over Illinois Highway 37 to junction U.S. Highway 45, thence over U.S. Highway 45 via Arcola, Ill. to Champaign, and return over the same route.

No. MC 52746 (Deviation No. 2), MISSOURI CONSOLIDATED FREIGHTWAYS CORPORATION, Post Office Box 5138, Chicago 80, Ill., filed September 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From junction U.S. Highways 40 and 54 at or near Kingdom City, Mo., over U.S. Highway 40 to Wentzville, Mo., thence over By-Pass U.S. Highway 40 to junction U.S. Highway 40 at or near Troy, Ill., thence over U.S. Highway 40 to Indianapolis, Ind.; (B) from Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo.; (C) from Osceola, Iowa, over U.S. Highway 34 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 24 (formerly U.S. Highway 40) at or near Topeka, Kans., and return over the same routes, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Kans., over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 via Monroe City, Mo., to Indianapolis; from Kansas City, Kans., over U.S. Highway 40 to Kingdom City, thence over U.S. Highway 54 to junction U.S. Highway 36, thence over U.S. Highway 36 via Jacksonville, Ill., to Springfield, Ill., thence over U.S. Highway 66 via Bloomington, Chenoa and Braidwood, Ill., to Chicago, Ill.; from Kansas City, Kans., over city streets to Kansas City, Mo., thence over U.S. Highway 71 to St. Joseph, thence over U.S. Highway 36 to junction U.S. Highway 69, thence over U.S. Highway 69 to Des Moines, Iowa; from Kansas City over U.S. Highway 69 via Osceola to Des Moines; from Kansas City, Kans., over the Kansas Turnpike to Witchita, Kans.; from Kansas City, Mo., over U.S. Highway 40 via Victory Junction, Kans., to junction U.S. Highway 24 at or near Wamego, Kans., thence over U.S. Highway 24 to junction Kansas Highway 18, thence over Kansas Highway 18 to Junction City, Kans., thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to McPherson, Kans., thence over U.S. Highway 56 (formerly portion U.S. Highway 50N and Kansas Highway 45) via Great Bend, Kans., to Dodge City, Kans., thence over U.S. Highway 283 to Minneola, Kans. (also from McPherson over Kansas Highway 61 (formerly Kansas Highway 17) via Hutchinson, Kans., to junction U.S. Highway 54, thence over U.S. Highway 54 to Minneola), and thence over U.S. Highway 54 to Liberal, Kans.; from Kansas City, Mo., to Junction City, as specified immediately above, thence over U.S. Highway 77 to junction U.S. Highway 56 (formerly portion U.S. Highway 50N), thence over U.S. Highway 56 to Marion, Kans., thence over unnumbered highway to junction U.S. Highway 50 (formerly portion U.S. Highway 50S), thence over U.S. Highway 50 to Newton, Kans. (also from Marion over U.S. Highway 56 (formerly portion U.S. Highway 50N to McPherson, Kans., thence over U.S. Highway 81 to Newton), thence over U.S. Highway 50 (formerly portion U.S. Highway 50S) to Hutchinson, Kans., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 138), THE GREYHOUND CORPORATION (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed September 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) From Purcell, Okla., over Interstate Highway 35 to Dallas, Tex., thence over Interstate Highway 35E to Hillsboro, Tex., thence over Interstate Highway 35 to Laredo, Tex.; (B) from Fort Worth, Tex., over Interstate Highway 35W to Hillsboro, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Oklahoma City, Okla., over U.S. Highway 77 to junction Interstate Highway 35 south of Moore, Okla., thence over Interstate Highway 35 to junction Oklahoma Highway 9 (also from junction U.S. Highway 77 and Interstate Highway 35 over U.S. Highway 77 to Norman, Okla., thence over Oklahoma Highway 9 to junction Interstate Highway 35), thence over Interstate Highway 35 to Purcell, Okla., thence over U.S. Highway 77 via Marietta, Okla., to junction unnumbered highway near Gainesville, Tex., thence over unnumbered highway via Gainesville to junction U.S. Highway 77, thence over U.S. Highway 77 via Lewisville and Dallas, Tex., to Hillsboro, Tex. (also from Dallas over Texas Highway 342 via Lancaster and Red Oak, Tex., to junction U.S. Highway 77, thence over U.S. Highway 77 to Hillsboro), thence over U.S. Highway 81 via Waco and San Antonio, Tex., to Laredo, Tex.; from Fort Worth, Tex., over U.S. Highway 81 via Alvarado, Tex., to Hillsboro, and return over the same routes.

No. MC 2890 (Deviation No. 36), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed September 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 73 to the Morman Bridge Trail, thence over the Morman Bridge Trail to junction Interstate Highway 29, thence over Interstate Highway 29 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 75 at Missouri Valley, Iowa, thence over U.S. Highway 75 to junction Iowa Highway 175 at Onawa, Iowa, thence over Iowa Highway 175 to junction Interstate Highway 29, thence over Interstate Highway 29 to Sioux City, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier presently is authorized to transport passengers over a pertinent service route as follows: From Sioux City over U.S. Highway 77 (also U.S. Highway 73) to Winnebago, Nebr., thence over U.S. Highway 73E (now U.S. Highway 73) to Tekamah, Nebr., thence over U.S. Highway 73 to Omaha, and return over the same route.

No. MC 29957 (Deviation No. 2), CONTINENTAL SOUTHERN LINES, INC., Box 4407, Alexandria, La., filed September 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highways 64 and 70 (approximately 15 miles east of Memphis, Tenn.) over U.S. Highway 70 to Braden, Tenn., thence over Tennessee Highway 59 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Tennessee Highway 20 (approximately 4 miles northwest of Jackson, Tenn.), thence over Tennessee Highway 20 to Jackson, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction U.S. Highways 64 and 70, over U.S. Highway 64 to Whiteville, Tenn., thence over Tennessee Highway 100 to junction Tennessee Highway 18, thence over Tennessee Highway 18 to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10693; Filed, Oct. 8, 1963; 8:47 a.m.]

[Notice No. 566]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 4, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 11712 (Sub-No. 2), filed August 28, 1963. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between Newark, N.J., on the one hand, and, on the other, points in Fairfield and New Haven Counties, Conn., points in New Jersey, and points in Suffolk, Nassau, Westchester, and Rockland Counties, N.Y., and New York, N.Y.

NOTE: Applicant holds contract carrier authority in MC 83885; therefore dual operations may be involved. Common control may also be involved.

HEARING: November 22, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

No. MC 13134 (Sub-No. 9), filed April 25, 1963. Applicant: PENNSYLVANIA-OHIO EXPRESS, INC., Post Office Box 266, Oak Hill, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Cleveland and Lorain, Ohio, on the one hand, and, on the other, points in West Virginia.

NOTE: Applicant states it has authority under MC-13134 to transport over irregular routes iron and steel articles between Washington, Pa., and points in Pennsylvania within five (5) miles of Washington, Pa., on the one hand, and, on the other, points in Ohio and West Virginia.

In Docket No. MC 13134 (Sub-No. 7) applicant has authority to transport over irregular routes iron and steel and iron and steel products between points in Washington County, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. Thus, by tacking, applicant may now transport what is herein sought by using Washington, Pa., as a tacking point. The instant application is to delete the tacking point, that is, operate directly without observing Washington, Pa., as a tacking point. Common control may be involved.

HEARING: November 20, 1963, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 30374 (Sub-No. 13), filed August 13, 1963. Applicant: MOEY LIHN, doing business as TRI-STATE TRANSPORTATION CO., West and Railroad Avenues, Vineland, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *Garments*, on hangers, and *materials, supplies and equipment used in the manufacture of garments*, serving Medford and Clementon, N.J., as off-route points in connection with applicant's authorized regular route operations.

HEARING: November 14, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner H. Reece Harrison.

No. MC 30844 (Sub-No. 127), filed September 23, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *butter, cheese and frozen foods*, from points in Nebraska, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

HEARING: October 28, 1963, Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner John S. Messer.

No. MC 45657 (Sub-No. 38), filed July 24, 1963. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Glass containers and glassware; caps, covers, tops and stoppers* used in connection with glass containers and glassware; *boxes and bottle molds*, between junction U.S. Highway 66 and Illinois Highway 23 and junction Interstate Highway 55 and Alternate U.S. Highway 66 north of Joliet, Ill., serving the intermediate point of Streator, Ill., and serving the termini as points of joinder only: from junction U.S. Highway 66 and Illinois Highway 23 over Illinois Highway 23 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Alternate U.S. Highway 66, and return over the same route.

HEARING: November 6, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 50069 (Sub-No. 270), filed July 22, 1963. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phthalic anhydride*, in bulk in tank trucks from the plant site of Stephan Chemical Company, located at Millsdale, Ill., to points in the United States (except Hawaii and Alaska).

HEARING: November 19, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 52579 (Sub-No. 36), filed July 15, 1963. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York City, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, from points in California, to points in Illinois, Michigan, Indiana, Colorado, Ohio, New Jersey, and New York, and *refused, returned and rejected wearing apparel*, on return.

NOTE: Common control may be involved.

HEARING: November 21, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 56388 (Sub-No. 26), filed September 15, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington, 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bags, from Woodsboro, Md., to points in Delaware, and *damaged and rejected shipments*, on return.

HEARING: November 20, 1963, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 40.

No. MC 60183 (Sub-No. 7), filed August 15, 1963. Applicant: BUGLIO TRUCKING CO., a corporation, Harding Highway, Richland, N.J. Applicant's attorney: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed foods*, from Seabrook, N.J., to Jersey City, N.J., for storage in transit and subsequent movement from Jersey City to points in New York, Pennsylvania, Connecticut, Massachusetts, and Rhode Island.

HEARING: November 15, 1963, at the Bellevue Stratford Hotel, Broad and Walnut streets, Philadelphia, Pa., before Examiner H. Reece Harrison.

No. MC 66562 (Sub-No. 1894), (REPUBLICATION), filed June 22, 1962, published FEDERAL REGISTER, issue of December 5, 1962, and republished this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. By application filed June 22, 1962, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities, moving in express service over regular routes between Trenton, N.J., and Lansdale and Lower Providence Township, Pa., as described in the notice of filing published in the FEDERAL REGISTER issue of December 5, 1962, and subject to certain restrictions. A decision and order, dated September 17, 1963, served September 23, 1963, orders, among other things that prior to the issuance of a certificate, a proper notice of the complete scope of the authority granted herein will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, with respect to the notice of the application

as previously published, may file an appropriate pleading. The service authorized is as follows: Operation as a *common carrier*, by motor vehicle, in interstate or foreign commerce, of general commodities, moving in express service, (a) between Trenton, N.J., and Lansdale, Pa., from Trenton over New Jersey Highway 69 to its junction with U.S. Highway 202, thence over U.S. Highway 202 to its junction with Pennsylvania Highway 463, thence over Pennsylvania Highway 463 to its junction with Broad Street, and thence over Broad Street to Lansdale, and return over the same route, serving the intermediate point of Doylestown, Pa., and the off-route points in Plumstead Township (Bucks County), Pa.; (b) between Trenton and Lambertville, Pa., over New Jersey Highway 29, serving no intermediate points, but serving Lambertville for the purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular route operations; (c) between Trenton and Norristown, Pa., from Trenton over U.S. Highway 1 to junction with Pennsylvania Turnpike at Philadelphia Interchange No. 28, thence over Pennsylvania Turnpike to Norristown Interchange No. 25, and thence over U.S. Highway 422 to Norristown, and return over the same route, serving the off-route points in Lower Providence Township (Montgomery County), Pa.; and (d) between Willow Grove Interchange No. 27 on Pennsylvania Turnpike and Doylestown, Pa., over U.S. Highway 611, serving no intermediate points, but serving Willow Grove Interchange No. 27 for the purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular route operations; subject to the following conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. (2) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts. (3) The authority granted herein, to the extent that it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring 5 years from the date of the certificate. (4) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency.

No. MC 75185 (Sub-No. 242), filed September 25, 1963. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Indiana, Michigan, Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

HEARING: October 16, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 76478 (Sub-No. 7), filed September 12, 1963. Applicant: CHESTER CARRIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, from points in Cecil County, Md., to points in Bucks and Lehigh Counties, Pa.

HEARING: November 19, 1963, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 199.

No. MC 77874 (Sub-No. 6) (AMENDMENT), filed August 30, 1963, published in FEDERAL REGISTER September 25, 1963, amended September 27, 1963 and republished as amended this issue. Applicant: ALVIN D. FREY, NORMAN T. PETOW, ACTING EXECUTOR, 966 York Street, Hanover, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, chain groceries, and food business houses*, from points in Borough of Hanover, York County, Pa., and points in Penn Township, York County, Pa., to points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Kentucky, District of Columbia, Pennsylvania, Ohio, and Wilmington, Del., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected and damaged commodities*, on return.

NOTE: The purpose of this republication is to enlarge the destination territory by adding six States.

HEARING: Remains as assigned November 4, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Leo A. Riegel.

No. MC 82100 (Sub-No. 19), filed August 1, 1963. Applicant: EASTERN AUTOMOBILE FORWARDING CO., INC., 2727 William Street, Buffalo 25, N.Y. Applicant's attorney: George S. Dixon, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, by the truckaway method, in secondary movements, from points in New York and New Jersey, to Newark, Del., and points within 5 miles thereof.

HEARING: November 19, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

No. MC 84737 (Sub-No. 73), filed September 19, 1963. Applicant: NILSON MOTOR EXPRESS, a corporation, Old Summerville Highway, Post Office Box 3603, Charleston, S.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, insulated or not insulated and either jacketed or not jacketed, from Charleston, S.C., to points in Florida (except points in Duval County), and *damaged and rejected shipments*, on return.

HEARING: November 21, 1963, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner Albert E. Luttrell.

No. MC 92983 (Sub-No. 422) (AMENDMENT), filed June 7, 1963, published FEDERAL REGISTER issue September 5, 1963, amended October 1, 1963, and republished as amended this issue. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City 41, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Colorado, Iowa, and North Carolina, to Kansas City, Kans.

NOTE: The purpose of this republication is to show "Kansas City, Kans." as the destination point in lieu of destination previously published.

HEARING: Remains as assigned October 29, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner James Anton.

No. MC 94265 (Sub-No. 112), filed June 10, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Smithfield, Va., to Cincinnati, Ohio and Indianapolis, Ind.

HEARING: November 12, 1963, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Examiner Albert E. Luttrell.

No. MC 94350 (Sub-No. 25), filed August 22, 1963. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, in truckaway service, from points in Maryland (except Berlin and Elkton, Md., and points within five (5) miles of Elkton, Md.), to points in the United States, including Alaska, but excluding Hawaii, and *damaged or rejected shipments*, on return.

HEARING: November 18, 1963, at the U.S. Court Rooms, Columbia, S.C., before Examiner Albert E. Luttrell.

No. MC 95212 (Sub-No. 34), filed July 24, 1963. Applicant: HELEN R. HENDERSON, doing business as H. R. HENDERSON, Post Office Box 327, Seneca, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sponge rubber products* (except commodities in bulk in tank vehicles) from the plant site of Sponge Cushion, Inc., located at Morris, Ill., to points in Ohio, New York, Massachusetts, Connecticut, Colorado, Rhode Island, New Jersey, Delaware, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Michigan (except Detroit and Grand Rapids), Iowa (except Des Moines), and Omaha, Nebr., and (2) *raw materials used in the manufacture of sponge rubber products* (except commodities in bulk in tank vehicles) from points in Georgia, Ohio, and New York to the plant site of Sponge Cushion, Inc., located at Morris, Ill.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 103378 (Sub-No. 269), filed August 29, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay* (regular, processed or mixed), in bulk, from points in Aiken County, S.C. to points in Georgia and North Carolina.

HEARING: November 21, 1963, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Albert E. Luttrell.

No. MC 103993 (Sub-No. 176), filed July 24, 1963. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Maryland (except from Berlin and Elkton, Md., and points within 5 miles of Elkton) to points in the United States, including Alaska, but excluding Hawaii, and *rejected shipments*, on return.

HEARING: November 13, 1963, at the Maryland Public Service Commission, Baltimore, Md., before Examiner H. Reece Harrison.

No. MC 107403 (Sub-No. 500), filed September 26, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and sea animal oils, caster oil (not medicinal), soybean oil, foots of sediment oils, foundry core oils (other than petroleum), and other animal and vegetable oils*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: October 31, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 107403 (Sub-No. 501), filed September 26, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, including dry litharges, oxides and commodities dervied from lead*, in bulk, in tank and hopper vehicles, from points in Kanawha County, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

HEARING: October 21, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 107496 (Sub-No. 287), filed August 15, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from the site of the Des Plaines Chemical Co. plant at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: Common control may be involved.

HEARING: November 22, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 108207 (Sub-No. 122), filed September 24, 1963. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in Kansas.

HEARING: October 24, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 109637 (Sub-No. 245), filed September 24, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 110157 (Sub-No. 22), filed September 23, 1963. Applicant: LANG TRANSIT COMPANY, 38th Street and Quirt Avenue, Lubbock, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Plains, Tex., and Lovington, N. Mex., from Plains over Texas Highway 337 to the Texas-New Mexico State line, thence over New Mexico Highway 337 to junction New Mexico Highway 18, and thence over New Mexico Highway 18 to Lovington, and return over the same route, serving all intermediate points in Texas, and (2) between Brownville, Tex., and Hobbs, N. Mex., from Brownfield, over U.S. Highway 380 to Tatum, N. Mex., and thence over New Mexico Highway 18 to Hobbs, and return over the same routes serving all intermediate points, and the off-route points of the plant sites of the Phillips Petroleum Company plant and refinery located near Buckeye, N. Mex., and the Sinclair Oil & Gas Company's Gas Products Plant No. 29, located near Tatum, N. Mex.

NOTE: Applicant is presently authorized to conduct operations in the transportation of the above-described commodities over the above-described routes. However, such authority is subject to the restriction "that Hobbs, N. Mex., shall not be served on traffic moving from, to, or through Brownfield or Lubbock, Tex." The purpose of this application is to eliminate said restriction. No duplicating operating rights are sought.

HEARING: November 6, 1963, at the Little Theater Room, Hobbs Senior High School, 1300 East Scarbauer, Hobbs, N. Mex., before Joint Board No. 33.

No. MC 110264 (Sub-No. 27), filed September 25, 1963. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 504 Veranda Road NW. (Post Office Box 404), Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, 1903 N Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including shipper-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas), or empty (but excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Roswell, N. Mex., and Odessa, Tex.: (1) from Roswell over U.S. Highway 380 to Tatum, N. Mex., thence over New Mexico Highway 18 to junction New Mexico Highway 176, thence over New Mexico Highway 176 to New Mexico-Texas State line, thence over Texas Highway 176 to Andrews, Tex., thence over U.S. Highway 385 to Odessa, and return over the same route, serving all intermediate points, and (2) from Roswell over U.S. Highway 285 to Artesia, N. Mex., thence over New Mexico Highway 83 to Lovington, N. Mex., thence over New Mexico Highway 18 to Hobbs, N. Mex., thence over U.S. Highway 62 to junction New Mexico Highway 8, thence over New Mexico Highway 8 to junction New Mexico Highway 176, thence over New Mexico Highway 176 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to New Mexico-Texas State line, thence over Texas Highway 18 to junction Texas Highway 302, thence over Texas Highway 302 to Odessa, and return over the same route, serving all intermediate points.

HEARING: November 6, 1963, at the Little Theater Room, Hobbs Senior High School, 1300 East Scarbauer, Hobbs, N. Mex., before Joint Board No. 33.

No. MC 111401 (Sub-No. 141), filed July 1, 1963. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla. Applicant's attorney: Fred M. Standley, Petroleum Building, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid acids and chemicals, crude petroleum treating compound, fertilizer and fertilizer solutions, petroleum and petroleum products, road oil, and sugar, liquid and dry*, in bulk, in tank vehicles, and (2) *sand, gypsum, gravel, coal, cement, aggregate, and pulp wood*, in bulk, in tank or dump vehicles, between points in New Mexico and points in Arizona.

NOTE: Applicant has pending contract carrier application in MC 125020.

HEARING: December 2, 1963, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129.

No. MC 111450 (Sub-No. 15), filed July 18, 1963. Applicant: GRANT TRUCKING, INC., Oak Hill, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products*, and *refractory products*, from South Shore, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Louisiana, and (2) *equipment, materials* and *supplies* used in the manufacture, packing and sale of clay, clay products, and refractory products, and *empty containers or other such incidental facilities* used in transporting the commodities specified, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Louisiana, to South Shore, Ky.

NOTE: Applicant states that it is controlled by Darrell D. Detty. Mr. Detty also controls Pennsylvania-Ohio Express, Inc., holder of interstate authority MC 13134.

HEARING: November 19, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Raymond V. Sar.

No. MC 111450 (Sub-No. 16), filed July 18, 1963. Applicant: GRANT TRUCKING, INC., Oak Hill, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products, and refractory products*, (a) from Ashland, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Louisiana, and (b) from Ironton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Louisiana, and (2) *equipment, materials and supplies used in the manufacture, packing and sale of clay, clay products and refractory products*, from the destination points to origin points as shown above in (a) and (b).

NOTE: Common control may be involved.

HEARING: November 19, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Raymond V. Sar.

No. MC 111687 (Sub-No. 12) (AMENDMENT), filed May 24, 1963, published FEDERAL REGISTER issue of September 18, 1963, amended and republished, this issue. Applicant: BENJAMIN H. RUEGSEGGER, Route No. 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages;* (1) from St. Louis, Mo., to Grayling, West Branch, Saginaw, Cadillac, Alpena, Adrian, Ann Arbor, Bad Axe, Battle Creek, Cheboygan, Detroit, Engadine, Escanaba, Flint, Grand Rapids, Greenville, Hastings, Holland, Iron Mountain, Jackson, Kalamazoo, Lansing, Ludington, Manistee, Monroe, Mt. Clemens, Munising, Muskegon, Negaunee, Niles, Owosso, Port Huron, Ramsay, St. Joseph, Sault Ste. Marie, Sturgis, Traverse City, Oscoda, Pontiac, and Wyandotte, Mich.; (2) from South Bend, Ind., to Grayling, Houghton Lake, West Branch, Cadillac, Prudenville, Tawas-East Tawas, Alpena, Petoskey, Pontiac, Lapeer, Andrian, Ann Arbor, Bad Axe, Battle Creek, Cheboygan, Detroit, Engadine, Escanaba, Flint, Grand Rapids, Greenville, Hastings, Holland, Iron Mountain, Jackson, Kalamazoo, Lansing, Ludington, Manistee, Monroe, Mt. Clemens, Munising, Muskegon, Negaunee, Niles, Owosso, Port Huron, Ramsay, St. Joseph, Saulte Ste. Marie, Sturgis, Traverse City, and Wyandotte, Mich.; (3) from Milwaukee, Wis., to Cadillac, Traverse City, Pontiac, Petoskey, Tawas-East Tawas, Houghton Lake, Prudenville, Owosso, Alpena, Jackson, Greenville, Muskegon, and Whittemore, Mich.; (4) from Fort Wayne, Ind., to Jackson, Cadillac, and Alpena, Mich.; (5) from Sheboygan, Wis., to Bay City, Mich.; and (6) from Toledo and Findlay, Ohio, to Bay City, Cadillac, Jackson, Alpena, Greenville, and West Branch, Mich.; and (7) *empty used beverage containers*, on return.

NOTE: The purpose of this republication is to clarify the route description.

HEARING: Remains as assigned October 28, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 111812 (Sub-No. 216), filed August 9, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 113362 (Sub-No. 26), filed July 14, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground equipment*, from Jamestown, Pa., to points in Illinois, Iowa, Wisconsin, Minnesota, and Nebraska.

HEARING: November 13, 1963, at the Pittsburgh-Hilton Hotel, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 114004 (Sub-No. 42) (AMENDMENT), filed April 12, 1963, published in FEDERAL REGISTER issue of September 5, 1963, amended October 1, 1963, and republished as amended this issue. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Watercraft, not exceeding 23 feet in length, and watercraft accessories*, from Grabill, Syracuse, and Chesterton, Ind., to points in the United States, excluding Alaska and Hawaii, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

NOTE: The purpose of this republication is to include origin point Chesterton, Ind., exclude points in Alaska as destination points and furnish new hearing information.

HEARING: October 28, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 114091 (Sub-No. 57), filed August 27, 1963. Applicant: FLEET TRANSPORT CO. OF KY., INC., Fern Valley Road, Louisville 13, Ky. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol* (other than denatured), *brandy, rum and wine*, in bulk, in tank vehicles, from Lake Alfred, Fla., to Detroit, Mich., Louisville, Ky., Minneapolis, Minn., Boston, Mass., Hartford, Conn., New York, N.Y., Baltimore, Md., Philadelphia, Pa., Cleveland, and Cincinnati, Ohio, St. Louis, Mo., Chicago, Pekin, and Peoria, Ill., and Pennington and Peterboro, N.J.; and *rejected shipments*, on return.

HEARING: November 14, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 115841 (Sub-No. 140), filed June 28, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food preparations* (except liquid commodities, in bulk, and in tank vehicles), in vehicles, equipped with mechanical refrigeration, from Pittsburgh, Pa., to points in Kentucky, Tennessee, Georgia, Alabama, Mississippi, Arkansas, and Louisiana.

HEARING: November 14, 1963, at the Pittsburgh-Hilton Hotel, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 115946 (Sub-No. 26) (AMENDMENT), filed August 5, 1963, published FEDERAL REGISTER issue September 18, 1963, amended September 27, 1963, and republished as amended this issue. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 August Road, Post Office Box 7055, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C.

NOTE: The purpose of this republication is to show the proposed service as published previously will originate from the "plant site of the Southern Nitrogen Company located approximately seven (7) miles north of Port Wentworth, Ga."

HEARING: Remains as assigned October 30, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 116514 (Sub-No. 21), filed June 21, 1963. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Incandescent electric lamps* from Mullins, S.C., to points in Pennsylvania, New Jersey, and New York, and (2) *material to be used in the manufacture of incandescent electric lamps* from Wellsboro, Pa., and Central Falls, R.I., to Mullins, S.C.

HEARING: November 19, 1963, at the U.S. Court Rooms, Columbia, S.C., before Examiner Albert E. Luttrell.

No. MC 116763 (Sub-No. 34), filed July 25, 1963. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp board boxes*, knocked down, flat, (1) from Jacksonville, Fla., to points in Tennessee, (2) from Garland, Tex., to points in Arkansas, Oklahoma, Tennessee, and points in Louisiana and Mississippi on and north of U.S. Highway 80, and (3) from Seymour, Ind., to points in Kentucky, Michigan, Ohio, Tennessee, and West Virginia.

HEARING: November 12, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Richard A. White.

No. MC 116763 (Sub-No. 37), filed September 2, 1963. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117119 (Sub-No. 110), filed September 19, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dough and frozen pies*, (1) from Anaheim and Los Angeles, Calif., to Durango, Colo., Phoenix, Ariz., Albuquerque, N. Mex., and El Paso, Tex., and (2) from Seattle, Wash., to Phoenix, Ariz., Albuquerque, N. Mex., El Paso, Tex., and Durango, Colo.

HEARING: November 4, 1963, at the New Mexico State Corporation Commission, Santa Fe, New Mexico, before Examiner Leo M. Pellerzi.

No. MC 117119 (Sub-No. 113), filed September 26, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in California to points in Kansas on and east of U.S. Highway 75, and (2) from points in Utah to points in Kansas.

HEARING: November 7, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner James Anton.

No. MC 117119 (Sub-No. 114), filed September 26, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Utah, Oregon, Idaho, and Washington, to points in Kansas.

HEARING: November 6, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner James Anton.

No. MC 117119 (Sub-No. 115), filed September 26, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products, frozen juices, and frozen citrus concentrates, in mixed loads with frozen fruits, frozen berries, and frozen vegetables*, from Sanger, Calif., and points in that part of California bounded on the north by U.S. Highway 40, on the east by U.S. Highway 99, on the south by Los Angeles and on the west by the Pacific Ocean, including points on the indicated portions of the specified highways, to points in Kansas, Kansas City, Mo., and Oklahoma City, Okla.

HEARING: November 8, 1963, at the Hotel Lassen, Wichita, Kans., before Examiner James Anton.

No. MC 117119 (Sub-No. 116), filed September 30, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods, dairy products, meat products and meat byproducts*, as described in paragraphs A and B of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, *frozen foods, cured meats, fresh meats* and *frozen and fresh poultry*, from points in Minnesota and Wisconsin, to points in New York, Massachusetts, Pennsylvania, New Jersey, Maryland, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, Delaware, and the District of Columbia.

HEARING: October 31, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 117183 (Sub-No. 3), filed September 1, 1963. Applicant: 3-B TRUCKING COMPANY, INC., 35 Getty Avenue, Paterson, N.J. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and nonalcoholic beverages*, in containers, from Paterson, N.J., to points in Westchester and Rockland Counties, N.Y., and *empty containers* used to transport the commodities specified above, and *skids*, on return.

NOTE: The proposed service will be restricted to a transportation service to be performed under a continuing contract, or contracts, with Cantrell & Cochrane, a division of Great American Industries, Inc., New York, N.Y., in connection with service to and from the plant site of this shipper located at Paterson, N.J.

HEARING: November 20, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

No. MC 117344 (Sub-No. 106), filed July 19, 1963. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorneys: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Missouri.

HEARING: November 18, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Raymond V. Sar.

No. MC 117574 (Sub-No. 84), filed September 20, 1963. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressors, engines, motors, machinery, generators, turbines*, and (2) *parts, attachments and accessories of the items named* in (1) above, loose or in packages, from the plant sites of Worthing-

No. MC 117574 (Sub-No. 85), filed September 20, 1963. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sharon, Pa., and points in Mercer County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia.

HEARING: November 20, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

No. MC 117765 (Sub-No. 16), filed July 29, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 17), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 18), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 19), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 20), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 21), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 22), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 23), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 24), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 25), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 26), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 27), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 28), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 29), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 30), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 31), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 32), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC 117765 (Sub-No. 33), filed August 1, 1963. Applicant: HAHN TRUCK LINE, INC., 1602 Harney Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine (except points in Aroostook County), to points in North Dakota, South Dakota, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

ton Corporation located at Buffalo and Wellsville, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois (except Chicago, Ill., and Illinois points in the Chicago Commercial Zone), Iowa, Kansas, Louisiana, Minnesota, Missouri (except St. Louis, Mo., and points in the St. Louis Commercial Zone), Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: November 14, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 117578 (Sub-No. 4), filed August 7, 1963. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler and dolomitic limestone*, in bulk, in tank and hopper type vehicles, from points in Botetourt County, Va., to points in North Carolina, South Carolina, Georgia, and West Virginia.

HEARING: November 14, 1963, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Examiner Albert E. Luttrell.

No. MC 118993 (Sub-No. 7), filed August 29, 1963. Applicant: L. R. McDONALD & SONS, LTD., 843 Sydney Street, Cornwall, Ontario, Canada. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the port of entry located on the international boundary line between the United States and Canada on the Cornwall-Massena international bridge, on the one hand, and, on the other, points in the town of Massena, N.Y., on the United States end or plaza of the Cornwall-Massena international bridge and carriers' terminals in the town of Massena, N.Y. RESTRICTION: The proposed operations will be restricted to traffic destined to or originating in Canada.

HEARING: November 12, 1963, at the Federal Building, Albany, N.Y., before Examiner William A. Royall.

No. MC 119005 (Sub-No. 2) (CORRECTION), filed September 8, 1963, published FEDERAL REGISTER, issue of October 2, 1963 and corrected this issue. Applicant: GLENN R. OHLER, doing business as OHLER'S TOWING SERVICE, 1610 Elson, Adelphi, Md. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles* (except trailers designed to be drawn by passenger automobiles), and *replacement tractors, trailers and trucks*, between points in North Carolina, Virgina, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

NOTE: The purpose of this republication is to show the correct docket number as above in lieu of MC 119005 (Sub-No. 1) published in error.

HEARING: Remains as assigned, November 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 119531 (Sub-No. 18), filed July 17, 1963. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles, and materials and supplies* used in the manufacture, sale and distribution thereof, (a) between Lawrenceburg, Ind., on the one hand, and, on the other, points on the Lower Peninsula of Michigan and Ohio (except Cincinnati, Ohio), and (b) between Streator, Ill., on the one hand, and, on the other, Toledo and Cleveland, Ohio; and (2) *metal cans and materials and supplies* used in the manufacture, sale and distribution thereof, from Cincinnati, Ohio, to Detroit and Frankenmuth, Mich.

HEARING: November 15, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 119778 (Sub-No. 46), filed September 16, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Sheffield, Ala., and points within fifteen (15) miles thereof, to points in the United States (except Alaska and Hawaii).

NOTE: Common control may be involved.

HEARING: November 13, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 119778 (Sub-No. 50), filed September 25, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Birmingham and Birmingport, Ala., to points in Mississippi, Tennessee, North Carolina, South Carolina, Georgia, and Florida.

NOTE: Common control may be involved.

HEARING: October 31, 1963, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Theodore M. Tahan.

No. MC 119778 (Sub-No. 51), filed September 25, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Georgia, Kentucky, and Tennessee.

NOTE: Common control may be involved.

HEARING: October 31, 1963, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Theodore M. Tahan.

No. MC 119934 (Sub-No. 67), filed July 15, 1963. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from the plant site of the Des Plaines Chemical Company located at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *damaged or rejected shipments thereof*, on return.

HEARING: November 22, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 123375 (Sub-No. 7), filed July 19, 1963. Applicant: KIRK TRUCKING SERVICE, INC., 3766 William Penn Highway, Monroeville, Pa. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, steel and steel products*, restricted as to the transportation of steel and steel products as require specialized handling and rigging, between points in Columbiana, Mahoning, Trumbull, Jefferson, Belmont, Harrison, and Carroll Counties, Ohio, points in Pennsylvania west of U.S. Highway 15, and West Virginia, on the one hand, and, on the other, New York, N.Y., and points in New Jersey on and north of New Jersey Highway 33.

NOTE: Applicant is presently authorized to perform this service under MC 123375 and Subs therein by operating through a gateway at Philadelphia, Pa.

HEARING: November 12, 1963, at the Pittsburgh-Hilton Hotel, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 123927 (Sub-No. 3), filed August 26, 1963. Applicant: JOHN F. KIRKSEY, doing business as KIRKSEY TRUCKING, 101 Ruthers Road, Richmond, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck refuse bodies, refuse containers* and *repair parts therefor*, from Buffalo, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, Illinois, Kentucky, West Virginia, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and the District of Columbia.

HEARING: November 12, 1963, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Examiner Albert E. Luttrell.

No. MC 123943 (Sub-No. 1), filed August 28, 1963. Applicant: ARNOLD B. HAIRE, 88 Forest Street, Gloversville, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in Fulton County, N.Y., Nelliston (Montgomery County) N.Y., Edinburg, Hagadorn Mills and Middle Grove (Saratoga County), N.Y., to points in the States of Vermont, New Hampshire, Massachusetts, Pennsylvania, New Jersey, and New York, and *refused or rejected shipments* of the same commodity on return.

HEARING: November 14, 1963, at the Federal Building, Albany, N.Y., before Examiner William A. Royall.

No. MC 124186 (Sub-No. 3) (AMENDMENT), filed August 2, 1963 published in FEDERAL REGISTER issue September 11, 1963, amended September 20, 1963, and republished as amended this issue. Applicant: J-WAYS TRUCKING CO., INC., 533 McClaine Street, Post Office Box 237, Silverton, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, (1) from the plant site of The Best Fertilizers Co., located at or near Lathrop, Calif., to points in Oregon, (2) from the plant sites of Collier Carbon & Chemical Corporation, located at or near Los Angeles, Brea Chem (Orange County), Richmond and Nichols, Calif., to points in Oregon, and (3) from the plant sites of Shell Chemical Company located at or near Los Angeles, Nichols, Nitroshell, Shell Point, and Dominguez, Calif., to points in Oregon.

NOTE: The purpose of this republication is to show the addition of (2) and (3) above.

HEARING: Remains as assigned November 6, 1963, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 124221 (Sub-No. 5), filed June 28, 1963. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk products, milk by-products, and fruit juices, fruit drinks and fruit segments*, in containers, in mechanically refrigerated vehicles, (a) between Louisville, Ky., and Cincinnati, Ohio, (b) between Louisville, Ky., and Nashville, Tenn., and (c) between St. Louis, Mo., and Memphis, Tenn., and (2) *ice cream, sherbets, water ices, and ice cream products and water ice products*, in containers, in mechanically refrigerated vehicles, from Hamilton, Ohio, to Milan, Tenn., Grenada, Miss., and South Bend, Ind.

HEARING: November 12, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 124515 (Sub-No. 1), filed August 1, 1963. Applicant: FEDERATED CARRIERS, INC., 720 Stewart Avenue, Garden City, Nassau County, N.Y. Applicant's attorney: Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stoves, ranges, surface units for ranges*, for retail stores and consumer home deliveries, from points in Nassau County, N.Y., to points in Connecticut, (2) *gas and electrical appliances*, crated and uncrated for consumer home delivery, (a) from points in Westchester and Nassau Counties, N.Y., to points in Fairfield County, Conn., and (b) from points in Nassau County, N.Y., to points in Connecticut, and (3) *gas and electrical appliances*, crated and uncrated (between warehouses), between points in Nassau County, N.Y. and points in Connecticut.

HEARING: November 19, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

No. MC 125170 (Sub-No. 1), filed September 6, 1963. Applicant: CLINE W. STURKIE, Perry, S.C. Applicant's attorney: E. Pickens Rish, Lexington, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, cotton seed meal* and *soybean meal*, from Augusta and Savannah, Ga., to Columbia, Barnwell, Edgefield, Aiken, Johnston, McCormick, Wagener, Salley, Pelion, Perry, Saluda, Batesburg, Leesville, West Columbia, Lexington, New Holland, Swansea, Cayce, Williston, Blackville, Denmark, Bamberg, Monetta, Kitchings Mill, Springfield, Neeses, Orangeburg, Trenton, North, Yemassee, Branchville, Tarboro, Fairfax, Allendale, and Clarks Hill, S.C., and *exempt commodities*, on return.

HEARING: November 20, 1963, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner Albert E. Luttrell.

No. MC 125400, filed May 26, 1963. Applicant: CANNONBALL, INC., 412 North Wells Street, Chicago, Ill. Applicant's attorney: Harold E. Marks, 208 South LaSalle Street, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, packaged and/or wrapped, not exceeding 100 pounds in weight per item*, between points in the Milwaukee, Wis., Commercial Zone, on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone.

NOTE: Applicant states that it proposes to pick up packages of less than 100 pounds by motor vehicle in the Chicago Commercial Zone, give them to a messenger in its employ who will take the Chicago & Northwestern R.R. to Milwaukee, Wis., and deliver the packages to an agent of applicant (a motor carrier) who will deliver the packages to the consignee. Return trips will operate in exactly the same way. Packages will be made in the Milwaukee Commercial Zone, shipments will be given to an employee who will take the train to Chicago and delivery will be made by the applicant in the Chicago Commercial Zone. Shippers will have the option of delivering their shipments to the employee of the applicant directly; thus completely eliminating any carriage by motor vehicle.

HEARING: November 20, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 125438, filed June 4, 1963. Applicant: MEDFORD T. ROSS AND JESSE C. BROWN, doing business as, AUTO TRANSPORTERS, 5100 Two Notch Road, Columbia, S.C. Applicant's attorney: J. Lewis Cromer, Suite 203, The Singley Building, Columbia, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and other motor vehicles*, between points in South Carolina, on the one hand, and, on the other, points in States east of the Mississippi River, namely; points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: November 19, 1963, at the U.S. Court Rooms, Columbia, S.C., before Examiner Albert E. Luttrell.

No. MC 125501 (Sub-No. 2), filed August 13, 1963. Applicant: DRIVE AWAY AUTO TRANSPORT, INC., 1583 Jerome Avenue, Bronx 52, New York, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in driveaway service, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

HEARING: November 18, 1963, at the Sheraton Atlantic Hotel, Broadway at 34th Street, New York, N.Y., before Examiner H. Reece Harrison.

No. MC. 125557, filed July 25, 1963. Applicant: GEORGE F. RUNG, doing business at RUNG TRANSPORT, 12225 Flambeau Drive, Palos Heights, Ill. Applicant's attorney: Peter B. Atwood, 10 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils, proprietary lubricating products, special lubricant fractions*, classified in "Petroleum Products", in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone to points in Illinois, Michigan, Ohio, Indiana, Iowa, and Wisconsin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 125572, filed July 31, 1963. Applicant: ACE TERMINALS, INC., 420

Bond Street, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig lead, steel wire rods and steel sheet coils*, on flat trucks, from piers in the New York, N.Y., Commercial Zone, as defined by the Commission in Fifth Supplemental Report, *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, to Hicksville, Long Island, N.Y.; and (2) *wrought steel pipe and copper rods*, on flat trucks, from Hicksville, Long Island, N.Y., to New York, N.Y.

NOTE: Applicant states the proposed service will be performed for the account of Circle Wire & Cable Corp.

HEARING: November 18, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

No. MC 125573 (Sub-No. 1), filed August 5, 1963. Applicant: EDMUND E. GAPP, 70–18 57th Road, Maspeth, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Architectural aluminum products*, and, in connection therewith, *hardware*, used in the installation thereof, unpackaged and packaged, from Carlstadt, N.J., to points in Connecticut, Delaware, District of Columbia, Maryland, New York, and Pennsylvania, and *returned shipments*, on return.

NOTE: Applicant states the proposed operations will be restricted to service under contract with American Metal Climax, Inc., New York, N.Y.

HEARING: November 18, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

No. MC 125575 (Sub-No. 1), filed August 18, 1963. Applicant L. J. KENNEDY TRUCKING CORPORATION, 342 Schuyler Avenue, Kearny, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass bottles* in cardboard containers from Royersford, Pa., to the plant site of The Distillers Co., Ltd., located at Linden, N.J., and *rejected, returned or damaged shipments* on return. RESTRICTION: The proposed service will be under contract with The Distillers Co., Ltd.

NOTE: Common control may be involved.

HEARING: November 20, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner William A. Royall.

MOTOR CARRIERS OF PASSENGERS

No. MC 29592 (Sub-No. 14) (REPUBLICATION), filed August 1, 1963, published FEDERAL REGISTER, issue of September 18, and republished this issue to show advanced hearing date. Applicant: ARROW STAGE LINES, INC., 1113 McDonald Street, Sioux City 3, Iowa. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, on individual tickets sold by the carrier, in special and charter service, between points in Woodbury County, Iowa, and points in Antelope, Brown, Burt, Cherry, Cuming, Dakota, Dawson, Dixon, Dodge, Holt, Lancaster, Madison, Pierce, Rock, Saunders, Sheridan, Stanton, Thurston, Washington, and Wayne Counties, Nebr., on the one hand, and, on the other, points in the United States and Ports of Entry on the International Boundary line between the United States and Canada.

HEARING: Advanced to November 5, 1963, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 125277 (Sub-No. 1), filed August 28, 1963. Applicant: CAROL FUHR, doing business as WAGONS WEST CAMP-TOUR, Box 103, Stone Ridge, N.Y. Applicant's attorney: Richard J. Drake, 233 Liberty Street, Newburgh, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (between the ages of 12 and 18 years), and accompanying chaperones, and *baggage* of such passengers, in vehicles equipped with a seating capacity not exceeding eight (8) passengers not including the driver, in special round-trip operations, during the season from June 15 to September 15, inclusive of each year, beginning and ending at Stone Ridge, N.Y., and extending to points in Pennsylvania, Indiana, Missouri, Kansas, Colorado, Wyoming, South Dakota, Montana, Washington, Oregon, California, Nevada, Utah, Arizona, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, Alabama, Nebraska, Arkansas, Tennessee, and North Carolina.

HEARING: November 15, 1963, at the Federal Building, Albany, N.Y., before Examiner William A. Royall.

No. MC 125569 (Sub-No. 3), filed September 18, 1963. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations during the authorized racing season of each year, between Harrisburg, Camp Hill, Lemoyne, and York, Pa., on the one hand, and, on the other, Hagerstown Race Course, Hagerstown, Md.

HEARING: November 6, 1963, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 74, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 125591, filed August 9, 1963. Applicant: LAWSON TRANSPORTATION CORPORATION, Heathsville, Va. Applicant's attorney: Lawrence M. Traylor, Professional Building, Heathsville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Virginia, and extending to points in Pennsylvania, Delaware and the District of Columbia, Maryland, New Jersey, and New York.

HEARING: November 15, 1963, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Examiner Albert E. Luttrell.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12867, filed May 22, 1963. Applicant: BESSEMER-HILLSVILLE BUS COMPANY, a corporation, 310 East Liberty Street, Lowellville, Ohio. For a license (BMC 5) to engage in operations as a *broker* at Lowellville, Ohio, in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, beginning and ending at points in Mahoning County, Ohio, and Lawrence County, Pa., and extending to points in the United States, including ports of entry on the International Boundary line between the United States and Canada.

NOTE: Applicant is authorized to conduct passenger operations under Certificate MC 31422 in Ohio and Pennsylvania.

HEARING: November 21, 1963, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 2228 (Sub-No. 43), filed July 28, 1963. Applicant: MERCHANTS FAST MOTOR LINES, INC., Post Office Drawer 270, Abilene, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Pampa and Clarendon, Tex.; from Pampa over Texas Highway 70 to Clarendon, and return over the same route, serving no intermediate points.

No. MC 41432 (Sub-No. 93), filed September 19, 1963. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex., 75226. Applicant's attorney: Rollo E. Kidwell (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant site of Texas Power and Light Company generating plant at or near Stryker Creek, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Henderson, Tex., for a limited term expiring June 30, 1966.

NOTE: Applicant states the purpose of this application is to provide service at the Texas Power and Light Company, Stryker Creek, Tex., generating plant for the period of construction of an addition to the plant.

No. MC 47142 (Sub-No. 80), filed September 18, 1963. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between the Iowa Ordnance Plant, located at Burlington, Iowa, and Seneca, Ill.

No. MC 61440 (Sub-No. 88) (CORRECTION), filed September 2, 1963, published in FEDERAL REGISTER issue of September 18, 1963, and republished as corrected this issue. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Richard H. Champlin (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except light and bulky articles, gold bullion, paper money, silver, articles of virtu, commodities injurious or contaminating to other lading, commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and Classes A and B explosives), between Fort Worth, Tex., and the Texas-Oklahoma State line, approximately two miles south of Terrel, Okla., from Fort Worth over U.S. Highway 81 to the Texas-Oklahoma State line, approximately two miles south of Terrel, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Restriction: The proposed operations are to be restricted to preclude the transportation of any traffic moving between Wichita Falls, Tex., and points within 25 miles of Wichita Falls, Tex., on the one hand, and, on the other, other points in Texas.

NOTE: Common control may be involved. The purpose of this republication is to specify *Wichita Falls, Texas*, in the restriction in lieu of *Wichita*, as previously published.

No. MC 103378 (Sub-No. 277), filed September 30, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turpentine*, in bulk, from Lake City, Fla., to Valdosta, Ga.

No. MC 111159 (Sub-No. 157), filed September 23, 1963. Applicant: MILLER TRANSPORTERS, LTD., Post Office Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Eudora, Ark., to points in Mississippi and Louisiana.

NOTE: Common control may be involved.

No. MC 119086 (Sub-No. 8), filed September 27, 1963. Applicant: WILBUR P. MILLER, JR., 80 York Street, Taneytown, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial baking pans, trays, baskets* and *covers* (for cleaning, straightening and reglazing), between Coraopolis, Pa., on the one hand, and, on the other, points in Maryland, New Jersey, West Virginia, and those in Pennsylvania on and east of U.S. Highways 15 and 220, Binghamton, N.Y., Wilmington, and Dover, Del., Arlington, Alexandria, Charlottesville, Fredericksburg, Harrisonburg, Richmond, and Roanoke, Va., and Washington, D.C.

NOTE: Applicant states the proposed operation will be for the account of Bundy Industries Inc.

No. MC 120449 (Sub-No. 2), filed August 21, 1963. Applicant: PETER P. DeCASPER, JR., AND HERMAN DeCASPER, a partnership, doing business as DeCASPER DELIVERY, 18 River Street, Bradford, Pa. Applicant's attorney: Joseph Graff, 20 Main Street, Bradford, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Bradford, McKean County, Pa., and points in Pennsylvania within 30 miles of Bradford.

NOTE: The proposed operations will be subject to the following conditions: Commodities in bulk, in tank vehicles or in hopper-type vehicles will not be transported. Brick, tile and clay products will not be transported, except from Bradford to points within 30 miles thereof, and return.

No. MC 124661 (Sub-No. 2), filed September 20, 1963. Applicant: GEORGE R. HIX, Rural Delivery 1, Reinholds, Pa. Applicant's attorney: David R. Eaby, 45 North Duke Street, Lancaster, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated kitchen units and cabinets*, from Reading, Berks County, Pa., to Baltimore, Baltimore County, Md., Arlington, Va., Falls Church, Va., Alexandria, Va., Easton, Md., Ocean City, Md., and Millsboro, Del., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *refused, rejected and damaged kitchen units and cabinets*, on return.

NOTE: Applicant states the proposed operations will be for Pioneer Craftsmen Inc.

No. MC 125689, filed September 18, 1963. Applicant: HUBERT McGUIRE and GLENDON NOLAN, doing business as McGUIRE AND NOLAN TRUCKING, Beattyville, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and grease, petroleum naphtha, petroleum refined oil, lighting fluid, buffing or polishing compounds, cleaning compounds, rust preventing compounds, radiator cement insecticides, brake fluid, petroleum, petroleum asphalt, petroleum distillate fuel oil, petroleum transformer oil, petroleum oil, proprietary anti-freeze preparations, and anti-freeze alcohol*, in packages, from Roxanna, Ill., to Beattyville and Ravenna, Ky.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub-No. 83), filed September 23, 1963. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Post Office Box 4407, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Scooba, Miss., and Junction Alabama Highway 2 and U.S. Highway 82, in Alabama: from Scooba over Mississippi Highway 16 to Mississippi-Alabama State line, thence over Alabama Highway 30 to junction Alabama Highway 17, thence over Alabama Highway 17 to junction Alabama Highway 116, thence over Alabama Highway 116 to Gainesville, Ala., thence over Alabama Highway 39 to Clinton, Ala., thence over Alabama Highway 51 to junction Alabama Highway 2, thence over Alabama Highway 2 to junction Alabama Highway 2 and U.S. Highway 82 (near Coker), Ala., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8563. Authority sought for control by CLARENCE L. CALLAWAY, 6222 Alhambra Street, New Orleans 17, La., of D. A. BEARD TRUCK LINES CO., 6220 Harvey-Wilson Drive, Houston, Tex. Applicants' attorney: William D. White, Jr., 2420 Republic National Bank Building, Dallas, Tex. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from Houston, Tex., to Lake Charles and Shreveport, La., and those points in Texas on and east of U.S. Highway 277 from the Red River through Wichita Falls and Abilene, Tex., to San Angelo, Tex., thence U.S. Highway 87 to San Antonio, Tex., and thence U.S. Highway 81 to Laredo, Tex.; and *cotton, cotton linters, wool, and mohair*, from the above-described destination points to Houston, Tex. CLARENCE L. CALLAWAY holds no authority from this Commission. However, he is affiliated with ENGLAND TRANSPORTATION COMPANY, INC., 6222 Alhambra Street, New Orleans 17, La., which is authorized to operate as a *common carrier* in Louisiana and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8565. Authority sought for control by JULIUS BLUMOFF, JACK G. BLUMOFF, IVAN BLUMOFF and DAVID BLUMOFF, 731 Campbell Avenue and 6328 Ouida Street, St. Louis 15, Mo., of PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., and ILLINOIS MOTOR EXPRESS, INC., 6328 Ouida Street, St. Louis 15, Mo. Applicants' attorneys: B. W. LaTourette, Jr., and G. M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be controlled: (PIC-WALSH FREIGHT CO.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Kansas City, Mo., and Chicago, Ill., serving certain intermediate and off-route points, between Hannibal, Mo., and Bowling Green, Mo., between Lincoln, Ill., and Peoria, Ill., serving no intermediate points, between St. Louis, Mo., and Springfield, Ohio, serving certain intermediate and off-route points, the intermediate point of Dayton, Ohio, restricted to traffic moving from St. Louis, Mo., in truck load lots only, between Indianapolis, Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points, with service at Indianapolis, Ind., restricted against traffic originating at, or destined to St. Louis, Mo., between Chicago, Ill., and St. Louis, Mo., serving certain intermediate and off-route points, between Kansas City, Mo., and Lake City, Mo., and the site of the Lake City Ordnance Plant near Lake City, serving no intermediate points, between St. Louis, Mo., and the site of the Weldon Springs Ordnance Plant and Weldon Springs, Mo., serving certain off-route points, between St. Charles, Mo., and the site of the Weldon Springs Ordnance Plant, and Weldon Springs, Mo., serving no intermediate points, between Lebanon, Ohio, and Cincinnati, Ohio, serving all intermediate points, between Stuttgart, Ark., and Little Rock, Ark., serving the intermediate points of Rose City, and North Little Rock, Ark., between Amory, Miss., and Tupelo, Miss., serving the intermediate point of Nettleton, Miss., between Memphis, Tenn., and Fulton, Miss., serving all intermediate points except those between Memphis, Tenn., and New Albany, Miss., and the off-route points of Mantachie and Birmingham Ridge, Miss.; between St. Louis, Mo., and Vandalia, Ohio, serving no intermediate points, between Indianapolis, Ind., and Vandalia, Ohio, serving no intermediate points, RESTRICTION: The authority granted above is subject to the restriction that no service may be rendered over the routes described above on traffic originating at, destined to, or interchanged at Kansas City, Mo.-Kansas City, Kans., or points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, or points within ten miles of Kansas City, Mo.-Kansas City, Kans.; between Fulton, Miss., and Tremont, Miss., serving the intermediate point of Clay, Miss., over two alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between St. Louis, Mo., and Jonesboro, Ark., serving certain intermediate and off-route points, between Jonesboro, Ark., and Memphis, Tenn., serving all intermediate points, between Jonesboro, Ark., and Gilkerson, Ark., serving no intermediate points, over four alternate routes for operating convenience only; *general commodities*, between Memphis, Tenn., and Pine Bluff, Ark., between Stuttgart, Ark., and DeWitt, Ark., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, Robertson, and Ferguson, Mo., the site of the Ford Motor Company plant near Robertson, and the site of the Lambert Airfield also near Robertson, between Lebanon, Ohio, on the one hand, and, on the other, points in Ohio, from Memphis, Tenn., to points in that part of Mississippi, bounded on the east by the Mississippi-Alabama State line, on the north by the Mississippi-Tennessee State line, on the west by Mississippi Highway 15, and on the south by U.S. Highway 82, including points on the indicated portions of the highways specified (except Amory and Nettleton, Miss.); between Vandalia, Ohio, on the one hand, and, on the other, points in Ohio, RESTRICTION: The authority granted immediately above is restricted against the transportation of traffic originating at or destined to Vandalia, Ohio, from Cedar Hill, Miss. (located about five miles northwest of Guntown, Miss., on Mississippi Highway 348), to Memphis, Tenn., from Marietta, Miss., to Memphis, Tenn.; *glass bottles*, between points in La Salle County, Ill., on the one hand, and, on the other hand, Clinton, Davenport, Muscatine, Burlington, Fort Madison, and Keokuk, Iowa, and points in that part of Indiana on and north of U.S. Highway 24 and on and west of U.S. Highway 31, *roofing and building materials*, between Marseilles, Ill., on the one hand, and, on the other, points in that part of Indiana, north of U.S. Highway 40, and west of U.S. Highway 31, and that part of Iowa east of U.S. Highway 63, including points on the indicated portions of the highways specified, *scrap rags and paper*, from Indianapolis, Ind., to Marseilles, Ill., *glass containers*, from Seneca, Streator, and Ottawa, Ill., to points in Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone), Iowa, and the lower peninsula of Michigan, *fiberboard or paperboard boxes*, from Streator, Ill., to points in Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone), Iowa and the lower peninsula of Michigan, *empty containers* and *pallets*, from points in Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone), Iowa, and the lower peninsula of Michigan, to Streator, Seneca, and Ottawa, Ill., RESTRICTION: No single portion of the authority contained in the above specified commodities shall be tacked or joined directly or indirectly with any other authority contained in the above specified commodities, for the purpose of performing any through service; (ILLINOIS MOTOR EXPRESS, INC.) *general commodities*, except livestock and articles of extraordinary value, as a *common carrier* over a regular route, between Alton, Ill., and St. Louis, Mo., serving all intermediate and off-route points in St. Louis County, Mo., within the St. Louis-East St. Louis Commercial Zone, as defined in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 1 M.C.C. 656, and 2 M.C.C. 285, over an alternate route for operating convenience only. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8566. Authority sought for purchase by NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio, of the operating rights of MARTIN F. ROLFES, Luckey, Ohio, and for acquisition by CHARLES W. HOKE, 180 Milan Avenue, Norwalk, Ohio, EWING T. BOLES, 51 North High Street, Columbus, Ohio, JOHN W. CHRISTENSON, 8 East Long Street, Columbus, Ohio, GEORGE W. BYERS, SR., 658 Fairway Boulevard, Columbus, Ohio, ELMER J. KLAMFOTH, 753 Bedford Avenue, Columbus, Ohio, and ARTHUR E. WHITE, 5775 Carrington Court, Worthington, Ohio, of control of such rights through the purchase. Applicants' representative: Marion M. Emery, 6055 Flanders Road, Sylvania, Ohio. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over a regular route, between Toledo, Ohio, and Luckey, Ohio, serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Michigan, Indiana, Pennsylvania, New York, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8567. Authority sought for purchase by BELL LINES, INC., 6414 McCorkle Avenue SE., Charleston, W. Va., of a portion of the operating rights of BISON FAST FREIGHT, INC., 1010 West Lee Street, Greensboro, N.C., and for acquisition by JOHN E. AMOS, 1 Morris Street, Charleston, W. Va., and FRED SCLAVI, 2004 Kanawha Boulevard, East Charleston, W. Va., of control of such rights through the purchase. Applicants' attorneys: Francis W. McInerny and James W. Lawson, 1000 16th Street NW., Washington, D.C., 20006. Operating rights sought to be transferred, which covers the remaining portion in No. MC–F–7758: *Roofing, builders' supplies*, and *hardware*, as a *common carrier*, over irregular routes, from Cincinnati, Ohio, to Sanford, Mount Airy, Laurinburg, Raeford, Selma, Durham, and Laurel Hill, N.C.; *rock, granite, rock memorial products* and *granite memorial products*, from Winnsboro, S.C., and points in South Carolina within 20 miles of Winnsboro, to Richmond, Springfield, Gary, and Hammond, Ind., from points in South Carolina within 20 miles of Winnsboro, S.C., not including Winnsboro and Rion, to Charleston, Parkersburg, Huntington, Clarksburg, Berkeley Springs, Princeton, Gauley Bridge, Monogah, Snow Hill, Belle, and Bluefield, W. Va., Marietta, Newcomerstown, Kent, Bedford, Cleveland, Lorain, Lancaster, Newark, New London, Versailles, Washington Court House, Dayton, Columbus, Akron, Jackson, Newport, Cincinnati, and Wapakoneta, Ohio, and Chicago and Peoria, Ill.; *cotton yarn and fabrics*, from Laurel Hill, Laurinburg, and Bladenboro, N.C., and McColl, S.C., to Cleveland, Cincinnati, Warren, and Dayton, Ohio, and Sycamore and Chicago, Ill.; *empty spools* for cotton yarn and fabrics, from the above-specified destination points to Laurel Hill, Laurinburg, and Bladenboro, N.C., and McColl, S.C.; *bottling machinery, beer and wine and advertising matter incidental thereto*, and *bottle caps*, from Cincinnati, Ohio, to Lumberton, and Rockingham, N.C.; *empty containers* for beer and wine, from Lumberton and Rockingham, N.C., to Cincinnati, Ohio. Vendee is authorized to operate as a *common carrier* in Indiana, North Carolina, Ohio, West Virginia, Pennsylvania, Virginia, Kentucky, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

NOTE: This proceeding is assigned for hearing (with No. MC–F–8449, PILOT FREIGHT CARRIERS, INC. — PURCHASE (PORTION)—BISON FAST FREIGHT, INC.), before Examiner George A. Dahan, on October 21, 1963, at the Charlotte Public Library, 310 Tryon Street, Charlotte, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8564. Authority sought for control by ERNEST CAPITANI, ERNEST A. CAPITANI, JR., MARY CAPITANI, and AMELIA CAPITANI GERACE, 126 North Washington Avenue, Bergenfield, N.J., of NORTH BOULEVARD TRANSPORTATION CO., 9261 Hudson Boulevard, North Bergen, N.J. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be controlled: *Passengers* and their baggage, as a *common carrier* over regular routes, between North Bergen, N.J., and Manhattan, New York, N.Y., between Jersey City, N.J., and Manhattan, New York, N.Y., serving all intermediate points except those in New Jersey not on Hudson County Boulevard or Marginal Street, between North Bergen, N.J., and Fort Lee, N.J., between Underwood Place and Journal Square, both in Jersey City, N.J., serving all intermediate points; *passengers* and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Hudson and Bergen Counties, N.J., to New York, N.Y., and points in Orange, Rockland, Sullivan, Westchester, and Nassau Counties, N.Y. ERNEST CAPITANI, ERNEST A. CAPITANI, JR., MARY CAPITANI, and AMELIA CAPITANI GERACE, hold no authority from this Commission. However, they own all stock of the following motor *common carriers*, which are authorized to operate in the States respectively: (1) THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnelle Avenue, Jersey City, N.J.: New Jersey, New York, Connecticut, Virginia, Pennsylvania, Maryland, Delaware, and the District of Columbia; (2) ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J.: All States in the United States (except Hawaii), and the District of Columbia; (3) ROCKLAND TRANSIT CORPORATION, 126 North Washington Avenue, Bergenfield, N.J.: New York and New Jersey; and (4) HILL BUS COMPANY, 126 North Washington Avenue, Bergenfield, N.J.: New York and New Jersey. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10694; Filed, Oct. 8, 1963; 8:47 a.m.]

[Notice No. 567]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 4, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 111138 (Sub-No. 36), filed September 19, 1963. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 459, Storm Lake, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Interstate Commerce Commission, from Sterling, Ill., to points in Arizona, California, Nevada, Oregon, Washington, Billings, and Butte, Mont., Boise, Idaho, and Salt Lake City, Utah.

NOTE: Applicant states the "authority requested above is restricted to (a) shipments originating at the plant site of Armour & Company at or near Sterling, Illinois; and (b) against commodities in bulk, in tank vehicles."

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Neffen.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10695; Filed, Oct. 8, 1963; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 4, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38575: *Iron or steel pipe from Minnequa, Colo.* Filed by Southwestern Freight Bureau, Agent (No. B–8540), for interested rail carriers. Rates on iron or steel pipe, in carloads, from Minnequa, Colo., to Corpus Christi, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 310 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4116.

FSA No. 38576: *Salt from Baldwin, La., to Anniston, Ala.* Filed by Southwestern Freight Bureau, Agent (No. B–8454), for interested rail carriers. Rates on salt, in carloads, from Baldwin, La., to Anniston, Ala.

Grounds for relief: Rate relationship

Tariff: Supplement 38 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4431.

By the Commission.

HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10691; Filed, Oct. 8, 1963; 8:47 a.m.]

THE UNIVERSITY OF MICHIGAN

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[87th Cong., 2d Sess.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3558

PROCLAMATION AMENDING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF BUTTER OIL

By the President of the United States of America

A Proclamation

WHEREAS Proclamation No. 3178 of April 15, 1957, issued pursuant to Section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), established a quota for imports of butter substitutes, including butter oil, containing 45 per centum or more of butterfat and classifiable under paragraph 709 of the Tariff Act of 1930, as amended;

WHEREAS at the time of the issuance of that proclamation butter oil was in fact being classified for purposes of tariff duty by the Bureau of Customs under paragraph 709;

WHEREAS, subsequent to the issuance of that proclamation, the United States Customs Court, in litigation involving the rate of duty applicable to butter oil and not involving the construction of that proclamation, held that butter oil was not properly classifiable for purposes of customs duty under paragraph 709 (*Faehndrich et al.* v. *United States*, decided July 3, 1962, C.D. 2351, 97 Treas. Decs. (No. 28) 8);

WHEREAS the decision in that case has the effect of barring the importation of butter oil under the quota established by Proclamation No. 3178, and is contrary to the intent and purpose of that proclamation and Section 22 of the Agricultural Adjustment Act; and

WHEREAS the quota prescribed by Proclamation No. 3178 has been superseded by the quota prescribed in Item No. 950.06, Part 3, Appendix to the Tariff Schedules of the United States:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, particularly Section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the article description for Item No. 950.06, Part 3, Appendix to the Tariff Schedules of the United States (published in Part II of the FEDERAL REGISTER of August 17, 1963, and proclaimed by paragraph numbered 3 of Proclamation No. 3548 of August 21, 1963) is hereby amended to read as follows:

"Butter substitutes containing over 45 percent of butterfat provided for in item 116.30, part 4B, schedule 1, and butter oil however provided for elsewhere in these schedules."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of October in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

Dean Rusk,
Secretary of State.

[F.R. Doc. 63-10804; Filed, Oct. 9, 1963; 10:05 a.m.]

Executive Order 11121

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE UNITED AIR LINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the United Air Lines, Inc., a carrier, and certain of its employees represented by the International Association of Machinists, AFL–CIO, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the United Air Lines, Inc., or by its employees, in the conditions out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 9, 1963.

[F.R. Doc. 63–10828; Filed, Oct. 9, 1963; 12:11 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (a) of § 6.311 is amended, and subparagraphs (18) and (19) are added to paragraph (a) as set our below.

§ 6.311 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services. • • •

(18) One Deputy Assistant Secretary (Rural Development and Conservation).

(19) One Deputy Assistant Secretary (International Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

REORGANIZATION AND REVISION OF CHAPTER

In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A seventeenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (9) of paragraph (a) § 213.3313 is amended and subparagraphs (18) and (19) are added to paragraph (a) as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services. • • •

(18) One Deputy Assistant Secretary (Rural Development and Conservation).

(19) One Deputy Assistant Secretary (International Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–10748; Filed, Oct. 9, 1963; 8:46 a.m.]

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Miscellaneous Amendments

Effective January 1, 1964, Subpart F is revised as set out below:

§ 25.601 Definitions.

• • • • • •

(d) "Allotment" is (1) either an allotment or assignment of a definite amount of the compensation of a civilian employee which is authorized to be paid to an allottee, or (2) an authorization by the allotter to deduct for the payment of income taxes as authorized by § 25.604(a)(4), or (3) an authorization by an allotter to deduct an amount certified by an appropriate official of an employee organization as the amount of the dues for the employee organization.

• • • • • •

(h) "Dues" means the regular, periodic amount required to maintain the member in good standing in the employee organization.

(i) "Employee organization" means an employee organization as defined by section 2 of Executive Order 10988 of January 17, 1962.

§ 25.602 Authority of Federal department.

• • • • • •

(c) Subject to the provisions of paragraphs (a) and (b) of this section, allotments for the payment of dues to an employee organization as authorized by § 25.604(a)(5) may be permitted only in accordance with instructions published by the Civil Service Commission in the Federal Personnel Manual.

§ 25.603 Authorized allotters.

• • • • • •

(b) An employee regardless of tenure may be permitted to make an allotment for the payment of income taxes as authorized by § 25.604(a)(4) or for the payment of dues to an employee organization as authorized by § 25.604(a)(5).

§ 25.604 Circumstances under which allotments are permitted.

(a) Allotments may be authorized on a current basis under the following circumstances: • • •

(5) When an employee is a member of an employee organization to which a department has accorded formal or exclusive recognition under Executive Order 10988 and with which a department has agreed in writing to deduct allotments for the payment of dues to the employee organization and to recover the costs of making the deduction.

§ 25.605 Purposes for which allotments may be made.

(a) Allotments may be used for the following purposes:

• • • • • •

(6) For payment of dues to an employee organization of which the employee is a member.

(7) For any other purpose, not otherwise prohibited, when approved by the head of the department or his authorized representative.

(b) Allotments may not be made for the following purposes: • • •

(3) For payment of dues to civic, fraternal, or other organizations except as authorized by § 25.604(a)(5).

§ 25.606 Authorized allottees.

(a) An allotment may be made to an individual, a corporation, a financial institution or an agency when the allotment is for one of the purposes permitted by subparagraph (1), (2), or (3) of § 25.605(a); a State or the District of Columbia for the payment of income taxes as authorized by § 25.604(a)(4); or an employee organization for the payment of dues as authorized by § 25.604(a)(5).

§ 25.607 Limitations on allotments.

The following limitations shall apply to the making or approving of allotments:

• • • • • •

(d) A change in the amount of an allotment for the payment of dues to an employee organization may not be made more frequently than once each twelve months.

(e) An allotment for the payment of dues to an employee organization may be revoked by an allotter only as provided by § 25.608(f).

§ 25.608 Discontinuance of allotment.

Allotments shall be discontinued under the following circumstances:

(a) On the retirement, transfer between departments, separation from the Federal service, death of the allotter, or in the case of an allotment for the payment of dues as authorized by § 25.604(a)(5), movement or reassignment of the allotter within the department to an organizational segment having a different payroll office or to an organizational segment for which the employee organization has not been accorded formal or exclusive recognition.

• • • • • •

(c) Except as provided by paragraph (f) of this section, upon written notice from the allotter.

• • • • • •

(e) Except as provided by paragraph (f) of this section, when the circumstances under which allotments are permitted under § 25.604 no longer exist.

(f) When the written revocation of an allotment for the payment of dues as authorized by § 25.604(a)(5) is received in the employee's payroll office either by March 1 or September 1 of any calendar year, the allotment will be discontinued at the beginning of the first full pay period for which a deduction is made either after March 1 or September 1, as appropriate.

§ 25.609 Fee for service.

A department shall charge the employee organization a fee in the amount $0.02 for each deduction from an employee's salary.

(Former § 25.609 is renumbered § 25.610.)

(Sec. 6, 75 Stat. 664; 5 U.S.C. 3076)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10764; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 14—SALES OF AGRICULTURAL COMMODITIES ON CREDIT UNDER LONG-TERM SUPPLY CONTRACTS

Subpart A—Regulations Governing the Financing of Commercial Export Sales of Surplus Agricultural Commodities on Credit (Revised)

Subpart A of Part 14 is revised to read as follows:

Sec.
14.1 General statement.
14.2 Definition of terms.
14.3 Purchase authorizations.
14.4 Subauthorizations.
14.5 Eligible commodities.
14.6 Contracts between suppliers and importers.
14.7 Price provisions.
14.8 Adjustment refunds.
14.9 Insurance on c.i.f. sales for account of importer.
14.10 Fees, discounts, commissions and ship's dollar disbursements.
14.11 Reimbursement for ocean transportation.
14.12 Letters of commitment to banking institutions.
14.13 Ocean transportation.
14.14 Documentation.
14.15 Documents in support of drafts drawn on CCC by banking institutions.
14.16 Responsibilities of banking institutions.
14.17 Supplier's records.
14.18 ASCS Commodity Offices.
14.19 Effective date.

AUTHORITY: §§ 14.1 to 14.19 issued under sec. 102, 68 Stat. 454, sec. 406, 73 Stat. 610; 7 U.S.C. 1702, 1736. Interpret or apply secs. 401–404, 406, 73 Stat. 610, sec. 201, 76 Stat. 610, secs. 101, 102, 103(a), 106, 107, 68 Stat. 455–457, 69 Stat. 44; 7 U.S.C. 1731–1734, 1736, 1701, 1702, 1703(a), 1706, 1707; E.O. 10900, 26 F.R. 143.

§ 14.1 General statement.

(a) This subpart contains the regulations governing the sale, exportation and financing of surplus agricultural commodities and products thereof pursuant to authority contained in Title IV of Public Law 480, the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1731–1736). Title IV authorizes agreements between the United States of America and the governments of friendly importing countries as well as between the Secretary, U.S. Department of Agriculture, and the foreign and United States private trade to assist the development of the economies of friendly nations and to maximize dollar trade. The agreements will provide for the financing of the sale and exportation of surplus agricultural commodities and products thereof for specified supply periods and certain ocean transportation costs, and will provide for repayment in United States dollars of the amount financed plus accrued interest thereon. The regulations in this subpart, which apply to both types of agreements, set forth procedures to be followed by importing countries and private trade entities in making application for purchase authorizations; by the Administrator, Foreign Agricultural Service, in the issuance of purchase authorizations; and by Commodity Credit Corporation in financing the sale and exportation of such commodities and products thereof through private trade channels.

(b) The Administrator, Foreign Agricultural Service, will issue purchase authorizations following approval of applications received from the importing country or the private trade entity with which an agreement has been entered into. The importing country or the private trade entity, directly or through authorized importers or agents, will procure the commodities from U.S. private trade sources and will arrange for shipment in U.S.-flag vessels when such vessels are required to be used. Agreements with private trade entities may when appropriate authorize the export of surplus agricultural commodities and products thereof which are owned by the private trade entity. Prior approval for the use of all vessels must be obtained from the appropriate office of the United States Department of Agriculture. Such approval will state whether or not the cost of ocean transportation will be financed by Commodity Credit Corporation and the amount, if any, of the freight differential approved for each vessel.

(c) The Controller, Commodity Credit Corporation, following receipt and approval of applications, will issue letters of commitment to the U.S. banking institutions designated by the importing country or the private trade entity, in case of purchase authorizations which provide for the letter of commitment method of financing. The U.S. supplier of the commodity will receive payment, under letters of credit opened or requested by the approved applicant and issued, confirmed or advised by the U.S. bank to which the letter of commitment was issued, for the cost of the commodities and, when authorized and included as a part of the commodity cost, the cost of ocean transportation and insurance. When the cost of ocean transportation is approved for financing and is to be financed separately from the commodity cost, the supplier of the ocean transportation will obtain payment from the importing country or the private trade entity, or the assignee of either such party (see § 14.11(b)(1)). Commodity Credit Corporation will reimburse U.S. banks for payments made under letters of commitment and will reimburse the importing country, or the private trade entity, or the assignee of either such party, for the cost of ocean transportation which is financed separately from the commodity cost. The U.S. bank will forward documents and advice of the amount financed by Commodity Credit Corporation to the approved applicant which will notify the importing country or the private trade entity, as the case may be. It is the responsibility of the importing country or the private trade entity to arrange with its authorized importers or agents and approved applicants for the transfer to such importing country or private trade entity of the foreign currency equivalent of the U.S. dollars disbursed by U.S. banks and by CCC.

(d) When the letter of commitment method of financing is not to be used under an agreement with a private trade entity, such an agreement and related purchase authorizations will provide the method of financing.

(e) General information pertaining to this program and to the development and negotiation of agreements pursuant to Title IV of Public Law 480 may be obtained upon request to the General Sales Manager, Foreign Agricultural Service, United States Department of Agriculture, Washington 25, D.C. Information pertaining to purchase authorizations and related operations under this program may be obtained upon request to the Director, Program Operations Division; FAS, United States Department of Agriculture, Washington 25, D.C. Information relating to financing operations and related prescribed forms may be obtained upon request to the Controller, CCC, United States Department of Agriculture, Washington 25, D.C. The Foreign Agricultural Service will make public, with respect to each credit purchase authorization, information necessary to enable suppliers to initiate negotiations for any sales to be made under the purchase authorization. Such information will be issued daily or as often as necessary in the form of a public release.

§ 14.2 Definition of terms.

Terms used in this subpart are defined as follows:

(a) *Terms relating to the United States, its agencies and officials.* (1) "CCC" shall mean the Commodity Credit Corporation, United States Department of Agriculture.

(2) "The Controller, CCC" shall mean the Controller, Commodity Credit Corporation, or his designee.

(3) "ASCS" shall mean the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(4) "ASCS Offices" shall mean the ASCS Divisions, the ASCS Commodity Offices listed in § 14.18, and any other offices or agencies which may succeed to the functions of such offices.

(5) "FAS" shall mean the Foreign Agricultural Service, United States Department of Agriculture.

(6) "The Administrator" shall mean the Administrator of the Foreign Agricultural Service, or his designee.

(7) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

Terms relating to ocean transportation. (1) Categories of carriers:

(i) "Dry bulk carriers" shall mean irregularly scheduled vessels, other than tankers, commonly referred to as "tramps". They go where full cargoes offer. Rates are negotiated by charter arrangements covering the movement of a specific quantity of a specific commodity, at a specific time from specific port or ports to specific destination port or ports. Cargoes under this category generally include grain, coal, fertilizers, lumber, pitch, salt, sugar, etc.

(ii) "Dry cargo liners" shall mean regularly scheduled vessels on specific trade routes. Any cargo can be shipped in this service including part-cargoes (parcels) of such bulk items as grain, coal, etc., generally not exceeding 60 percent of the capacity of the vessel. Petroleum, vegetable oils, and similar bulk liquids carried in deep tanks of dry cargo liner vessels are classified as liner cargos.

(iii) "Tankers" shall mean vessels which are designed to carry full cargoes of liquids. Because of compartmentation, tankers can carry a combination of such cargoes, including bulk grain. Rates are negotiated by charter arrangements in the same manner as with dry bulk carriers.

(2) "Form CCC 106" shall mean Form CCC 106–1, Advice of Vessel Approval (Supplier of Commodity); Form CCC 106–2, Advice of Vessel Approval (Ocean Carrier); or Form CCC 106–3, Advice of Vessel Approval (Cotton); or any or all of them, as applicable.

(3) "Ocean bill of lading" shall mean a nonnegotiable copy (or photostat) of an "On-Board" bill of lading, or other type of ocean bill of lading with an "on-board" endorsement dated and signed or initialed on behalf of the carrier.

(4) "Ocean transportation" shall mean, and is interchangeable with, the term, "ocean freight".

(c) *Terms relating to purchase authorizations.* (1) "Credit purchase authorization" shall mean LTC Form 501, Credit Purchase Authorization—Surplus Agricultural Commodities (Title IV, Public Law 480).

(2) "Purchase authorization" shall mean either Credit Purchase Authorization-Surplus Agricultural Commodities (Title IV, Public Law 480), LTC Form 501, or Credit Purchase Authorization for Ocean Transportation, LTC Form 502, or both forms.

(3) "Transportation purchase authorization" shall mean LTC Form 502, Credit Purchase Authorization for Ocean Transportation.

(d) *Other terms:* (1) "Affiliate" shall mean (i) a supplier which is a United States branch office of the importer, (ii) an importer which is owned or controlled by the supplier, or (iii) a firm (a corporation, partnership, individual or other legal entity) which (*a*) owns or controls the importer or supplier; (*b*) is owned or controlled by the importer or supplier; or (*c*) is owned or controlled by the same firm which owns or controls the importer or supplier.

(2) "Approved applicant" shall mean the bank in the importing or destination country or other agency named in any letter of commitment issued to a banking institution under this subpart and shall include any agent authorized to act on behalf of such an applicant.

(3) "Banking institution" shall mean a banking institution organized under the laws of the United States, any State, or the District of Columbia.

(4) "Commodity" shall mean the surplus agricultural commodity or product thereof specified in the applicable purchase authorization.

(5) "Copy" shall mean a copy or photostat of an original document showing all data shown on the original, including signature or the name of the person signing the original, or if the signature or name is not shown on the copy, a statement that the original was signed.

(6) "Delivery" shall mean the transfer to or for the account of an importer of custody and right of possession of the commodity in export channels as specified in the credit purchase authorization.

(7) "Destination country" shall mean the foreign country to which the commodities are exported under a private trade agreement.

(8) "Importer" shall mean any person or organization, governmental or otherwise, to which an importing country issues a subauthorization under a purchase authorization. "Importer" shall also mean the private trade entity or any person or entity to which the private trade entity issues a subauthorization under a purchase authorization.

(9) "Importing country" shall mean any nation with which an agreement has been negotiated pursuant to Title IV.

(10) "Letters of credit" shall mean irrevocable commercial letters of credit issued, confirmed or advised by a banking institution on behalf of an approved applicant.

(11) "Private trade agreement" means an agreement between CCC and a private trade entity for the supply and financing of surplus agricultural commodities, entered into pursuant to Title IV.

(12) "Private trade entity" means the private individual or organization which enters into the private trade agreement with CCC under Title IV.

(13) "Supplier" shall mean any individual, partnership, corporation, or other legal entity who or which sells any agricultural commodity or products thereof to an importer under the terms of a credit purchase authorization for delivery to such an importer in export channels, or who or which sells ocean transportation to an importer or supplier under the terms of a purchase authorization.

(14) "Title IV" shall mean Title IV of the Agricultural Trade Development and Assistance Act of 1954, as amended.

§ 14.3 Purchase authorizations.

(a) *Application.* The importing country or the private trade entity, as the case may be, shall submit an Application for Authorization to Purchase Surplus Agricultural Commodities and/or Authorization to Procure Ocean Transportation (LTC Form 501–1) for each commodity to the Administrator. The application shall be submitted in triplicate and shall include such information as may be required by the Administrator. Upon request by the Administrator, the importing country or the private trade entity shall submit such supplementary information as is required.

(b) *Issuance of purchase authorizations.* Upon approval of the application by the Administrator, appropriate purchase authorizations will be issued to the importing country or the private trade entity as follows:

(1) Credit Purchase Authorization, LTC Form 501.

(2) Transportation Purchase Authorization, LTC Form 502.

(c) *Provisions of purchase authorizations*—(1) *Credit purchase authorizations.* Each credit purchase authorization will specify the commodity to be purchased, the approximate quantity, the maximum dollar amount, the method of financing, the ASCS office which will administer the financing operation on behalf of CCC, the periods during which contracts between importers and suppliers may be entered into and during which deliveries may be made and any other provisions deemed necessary.

(2) *Transportation purchase authorizations.* Each transportation purchase authorization will specify the commodity to be shipped, the delivery period, the maximum dollar amount and any other provisions deemed necessary.

(3) *Applicability of this subpart.* In addition to the provisions of the particular purchase authorization, each purchase authorization shall be subject to the provisions of the regulations in this subpart to the same extent as though fully set forth in the purchase authorization.

(d) *Modification or revocation.* The Administrator reserves the right at any time for any reason or cause whatsoever to supplement, modify or revoke any purchase authorization, including the termination of deliveries thereunder. CCC shall reimburse suppliers, who would otherwise be entitled to be financed, for costs incurred in connection with firm sales contracts, and not otherwise recovered, as the result of such action by the Administrator: *Provided, however,* That such reimbursement shall not be made to a supplier if the Administrator determines that such action was taken because the supplier failed to comply with the requirements of the regulations in this subpart or the applicable purchase authorizations.

§ 14.4 Subauthorizations.

The importing country or the private trade entity, as the case may be, will issue subauthorizations to importers within the terms of each credit purchase authorization. The importing country or the private trade entity, in subauthorizing, shall instruct importers to use the credit purchase authorization number in placing orders, and shall specify to im-

porters all the provisions of the credit purchase authorization which are applicable to the subauthorization. Each importer to whom a subauthorization has been issued must inform his supplier that the transaction is to be financed under Title IV and must give to his supplier the credit purchase authorization number that has been given to him. Copies of credit purchase authorizations may be obtained from FAS. The importer must also inform his supplier of any special provisions which affect the supplier in carrying out the transaction.

§ 14.5 Eligible commodities.

(a) *Surplus agricultural commodities.* To be eligible for financing, the commodities must be agricultural commodities or products thereof, produced in the United States, which are at the time of exportation in excess of domestic requirements, adequate carryover, and anticipated exports for dollars, as determined by the Secretary of Agriculture.

(b) *Commodity description and specification.* Only the commodity described and specified in the purchase authorization shall be eligible for financing.

§ 14.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* In order to be eligible for financing under Title IV, contracts shall comply with the following requirements:

(1) Contracts between importers and suppliers must be entered into within the contracting period specified in the purchase authorization and shall provide for deliveries to the importer in accordance with the delivery terms and during the delivery period specified in the credit purchase authorization, unless an extension of such contracting or delivery period is granted in writing by the Administrator.

(2) Any contract for a commodity, under a credit purchase authorization which limits contracting to f.o.b. or f.a.s. terms, must be separate and apart from the contract for ocean transportation of such commodity.

(3) The contracted price must not be on a cost plus-a-percentage-of-cost basis.

(4) The supplier must be engaged in the business of selling for export from or furnishing ocean transportation from the United States, must maintain a bona fide business office in the United States, and must have a person, principal or agent upon whom service of judicial process may be had in the United States.

(b) *Invitations to bid.* (1) Importers may make purchase through negotiation with a supplier or suppliers of the importer's choice or on the basis of invitations to submit competitive offers. If competitive offers are invited, such invitations shall not limit the right to submit offers to any specified group or class of suppliers but shall permit submission of offers by any supplier who meets the requirements of paragraph (a)(4) of this section.

(2) An importer's request for offers pursuant to which an export sales contract is entered into must not preclude such offers from being made for shipment from any United States port(s). This requirement does not preclude the importer from accepting offers on the basis of shipment from port(s) which result in the lowest total landed cost of the commodity.

(c) *Shipment prior to letter of credit.* It is the responsibility of the supplier to assure that he does not make shipments or deliveries of commodities until he has been informed by a banking institution in the United States that a letter of credit has been issued, confirmed, or advised in his favor.

(d) *Interest and carrying charges for account of importer.* CCC will not finance interest or carrying charges assessed by suppliers against importers because of delays in establishing letters of credit.

§ 14.7 Price provisions.

(a) *Maximum price.* The supplier's sales price must not exceed the prevailing range of export market prices (or such other maximum price level as may be specified in the credit purchase authorization) as applied to the terms of sale at the time of sale, as determined by CCC. "Time of sale" shall mean the day as of which the sales price is established in or pursuant to the contract between the importer and the supplier. In addition to the foregoing, the sales price for commodities sold to an affiliate of the supplier shall not be in excess of the aggregate amount of the following:

(1) The initial cost to the supplier for acquisition from U.S. sources;

(2) The actual cost, if available, otherwise the average cost incurred for any handling, processing and transportation to point of delivery; and

(3) Any markup regularly and customarily charged.

(b) *Refund of excess price.* In the event the sales price exceeds the maximum permissible under paragraph (a) of this section, the supplier shall refund the amount of such excess to CCC promptly after determination and notification of the amount thereof by CCC. If not promptly refunded, such amount may be set-off by CCC against monies owed by it to the supplier. CCC will credit the account of the importing country or the private trade entity, as the case may be, with the amount of the refund or set-off. The making of any such refund to CCC, or any set-off by CCC, shall not, however, prejudice the right of the supplier to challenge the correctness of such determination in a court action brought against CCC for recovery of the amount refunded or set-off.

(c) *Cotton.* In the case of cotton, the following shall apply in lieu of the provisions of paragraph (b) of this section:

(1) The supplier shall, within 5 days after the date of export sale, forward to the Director, ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, La. a copy of the sales confirmation furnished by the supplier to his purchaser, and if the supplier fails to do so, CCC shall have the right to refuse to finance the sale under the program.

(2) The ASCS Commodity Office will undertake, on behalf of CCC, to check the sales confirmation as to price and to inform the supplier, within 3 business days from receipt of the sales confirmation, whether such price is in conformance with paragraph (a) of this section.

(i) If the ASCS Commodity Office determines that the sales price is in conformance with paragraph (a) of this section, the supplier will promptly be informed by telegram of the registration number assigned to the sale by CCC.

(ii) Failure by the ASCS Commodity Office so to notify the supplier by telegram within 5 business days after receipt of the copy of the sales confirmation will indicate that the sales price is not acceptable and the sale will not be financed under the program unless the supplier satisfies CCC that the sales price is in conformance with paragraph (a) of this section.

(d) *Commodities other than cotton.* The supplier's sales price for certain commodities must be submitted to the Administrator for review and approval prior to the financing of the sale under this subpart. The credit purchase authorizations for these commodities will provide the procedures and documentation for such prior price approval.

§ 14.8 Adjustment refunds.

(a) *Credit purchase authorizations providing for letters of commitment.*

(1) All claims by importers against suppliers for adjustment refunds representing amounts financed by CCC arising out of the terms of the contract or out of the normal customs of the trade, including arbitration and appeal awards, amicable allowances, and claims for overpayment of ocean transportation included in the commodity price, shall be settled by payment by the supplier to the banking institution to which the supplier presented the documents covering the original transaction. The amount of such adjustment refunds shall not be reduced by the amount of any claims of the supplier against the importer assessed because of delay in establishing letters of credit or for any other charges not eligible for financing by CCC.

(2) The remittance to the banking institution shall be identified with the date and amount of the original payment, the applicable letter of credit number, and the applicable credit purchase authorization number.

(3) The banking institution shall remit the refund to the Controller, CCC, as provided in § 14.16(a)(9) and shall advise the approved applicant in writing of the amount of the refund and that the refund will be remitted to CCC as required by the regulations in this subpart.

(b) *Credit purchase authorizations which do not provide for letters of commitment.* Special provisions relating to adjustment refunds will be contained in credit purchase authorizations issued pursuant to private trade agreements under which the letter of commitment method of financing will not be used.

(c) *Transportation purchase authorization.* (1) The supplier for whom ocean transportation is financed by CCC separately from the commodity cost shall remit directly to the Controller, CCC, the

amount of any refunds due the contractor (charterer or booking agent) because of overpayments of ocean transportation. Suppliers shall advise the contractor of the amount of the refund.

(2) The remittance to the Controller and the advice to the contractor shall be identified with the name of the vessel, the date and amount of the original payment, and the applicable transportation purchase authorization number.

(d) *Credit to account of importing country or private trade entity.* CCC will credit the account of the importing country or the private trade entity, as the case may be, with the amount of refunds received by CCC pursuant to paragraphs (a) and (c) of this section.

§ 14.9 Insurance on c.i.f. sales for account of importer.

The provisions of this section apply only to transactions under credit purchase authorizations that specifically authorize c.i.f. sales in which the cost of insurance is included in the net c.i.f. invoice price of the commodity financed. When the supplier furnishes insurance in favor of or for the account of the importer, the policies or certificates of insurance shall include a loss payable clause which provides that all claims shall be paid in United States dollars to the Controller, CCC. Such payments shall be accompanied by advice of the credit purchase authorization number, the names and addresses of the supplier and importer, the nature of the claim, the quantity of the commodity involved in the claim, the date of shipment, the bill of lading number, and the name of the vessel. CCC will credit the account of the importing country or the private trade entity, as the case may be, with the amount of such payments received and will promptly notify the importing country or the private trade entity of amounts so received and credited.

§ 14.10 Fees, discounts, commissions, and ship's dollar disbursements.

(a) *Consular fees.* Consular fees imposed in connection with the exportation of commodities for the issuance or legalization of consular invoices or certificates will not be financed by CCC.

(b) *Discounts.* If a contract provides for one or more discounts (including but not limited to trade or quantity discounts and discounts for prompt payment) whether expressed as such or as "commissions" to the importer, only the invoice amount after discount (supplier's contracted price less all discounts) will be eligible for financing.

(c) *Commissions.* (1) A commission to a bona fide commercial or selling agent employed or engaged by the supplier to obtain a contract will be financed to the extent that such commission is not in excess of the rate or percentage customarily and usually charged for the services performed and the commodity involved, as determined by CCC.

(2) If the supplier has employed any person or firm, other than a bona fide established commercial or selling agent, to obtain a contract under any agreement for a commission, percentage, or contingent fee, only the amount of the contract less the amount of any such commission, percentage or contingent fee will be eligible for financing.

(3) No commission paid or to be paid to any agent, broker, or other representative of the importer will be eligible for financing, whether included in the price of the commodity or separately stated. This is not applicable to ocean transportation brokerage commissions otherwise allowable under subparagraph (4) of this paragraph.

(4) With respect to ocean transportation, CCC will not finance:

(i) Address commissions, or

(ii) Brokerage commissions in excess of 2½ percent of the freight charged.

(d) *Ship's dollar disbursements.* CCC will not finance ship's dollar disbursements.

§ 14.11 Reimbursement for ocean transportation.

(a) *General.* CCC will reimburse importing countries or private trade entities, as the case may be, for the cost of ocean transportation which is financed separately from the commodity cost, to the extent authorized in the transportation purchase authorization and as provided in § 14.13.

(b) *Assignment.* (1) The right to receive reimbursement under a transportation purchase authorization may be assigned by the importing country or by the private trade entity to any bank, trust company or other financing institution in the United States by sending a completed Instrument of Assignment, Form CCC 335, in an original and one copy, to the assignee.

(2) An original and two copies of the Notice of Assignment, Form CCC 334, must be prepared by the assignee and, together with one signed copy of the Instrument of Assignment, filed with the Controller, CCC. The signed copy of the Instrument of Assignment submitted with the Notice of Assignment must contain all of the signatures, seals, acknowledgments, etc., which appear on the original.

(c) *Limitation on assignment.* The assignment may be made only to a bank, trust company, or other financing institution in the United States. The assignment shall cover all amounts payable under the transportation purchase authorization and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in the financing.

(d) *Protection of assignee.* No supplement, modification, or revocation of a transportation purchase authorization shall affect or impair the right of an assignee to obtain reimbursement to the extent of any payments made or irrevocable obligations incurred under a letter of credit, issued or confirmed by such assignee prior to receipt of a written notice from the Controller, CCC, of such supplement, modification, or revocation, for which the assignee has not been repaid by the importing country or the private trade entity (without, however, any obligation on the assignee's part to obtain such repayment). The term "purchase authorization" as used in any assignment of the right to receive reimbursement under a transportation purchase authorization shall be deemed to include each such supplement or modification from and after receipt by the assignee from the Controller, CCC, of written notice of the same, subject always, however, to the foregoing terms and provisions preserving the assignee's right of reimbursement.

(e) *Requests for reimbursement.* (1) All requests for reimbursement, supported by the required documentation, shall be submitted to the ASCS Office named in the transportation purchase authorization not later than 210 days after expiration of the delivery period specified in such transportation purchase authorization or any extension thereof granted by the Administrator.

(2) One copy of each Notice of Assignment, Form CCC 334, bearing a receipt of notice executed by CCC must be attached to the first voucher or invoice for reimbursement submitted to CCC by an assignee.

(f) *Collection of improper payments.* Amounts improperly paid to an assignee by CCC may be collected by CCC by set-off from amounts due the assignee under the same transportation purchase authorization. Such overpayments may also be collected by CCC by set-off against amounts due the same assignee under other transportation purchase authorizations issued to the same importing country or private trade entity, provided such assignee is notified of the amount to be collected by set-off at the time receipt of the assignment is acknowledged by CCC.

§ 14.12 Letters of commitment to banking institutions.

(a) *General.* (1) Letters of commitment issued by the Controller, CCC, to banking institutions designated by the importing country or the private trade entity, as the case may be, will assure reimbursement to the banking institution, in accordance with the terms of such letters of commitment, for payments, not in excess of the amount specified in the letter of commitment, made under letters of credit for the account of the approved applicant.

(2) Each letter of commitment will name the Federal Reserve Bank(s) to which drafts shall be presented by the banking institution in order to obtain reimbursement of amounts paid under the letters of credit, and will name the ASCS Office which will administer the financing operation under the letter of commitment on behalf of CCC.

(b) *Application*—(1) *Original applications.* The importing country or the private trade entity shall apply for a letter of commitment by submitting the signed original of the Application for Letter of Commitment or Amendment, CCC Form 327, to the Controller, CCC. This form will identify the U.S. bank designated to receive the letter of commitment and the approved applicant, and show the maximum amount to be financed under the letter of commitment.

(2) *Amendments.* The importing country or the private trade entity shall submit the signed original of OCC Form

327 to the Controller, CCC, to request changes in letters of commitment, except for reductions in amounts which may be made by banking institutions in accordance with paragraph (f) of this section.

(c) *Issuance.* Upon approval of the original application for a letter of commitment, the Controller, CCC, will issue the original and one copy of Form CCC 528, Letter of Commitment, to the designated banking institution. Upon approval of the application for an amendment of a letter of commitment, the Controller, CCC, will issue the original and one copy of CCC Form 328–1, Amendment to Letter of Commitment, to the designated banking institution.

(d) *Acceptance by banking institution.* All letters of commitment and all amendments thereof issued in accordance with paragraph (c) of this section, except amendments which increase the amounts of letters of commitment, shall be accepted or rejected by the banking institution. The banking institution shall promptly return to CCC the copy of Form CCC 528, or CCC Form 328–1, indicating acceptance or rejection.

(e) *Advice to importing country or the private trade entity.* The Controller, CCC, will send to the importing country or the private trade entity a copy of each letter of commitment or amendment accepted by the banking institution, as well as amendments increasing the amounts of letters of commitment.

(f) *Reduction by banking institution.* The amount of a letter of commitment may be reduced by a banking institution, when so requested by the importing country or the private trade entity by issuing a Notice of Reduction of Letter of Commitment, Form CCC 328–2. The request of the importing country or the private trade entity to the banking institution may be made by letter or telegram or other method acceptable to the banking institution. Instructions to the banking institution for the preparation and distribution of this form are contained on the form.

(g) *Successors.* The letter of commitment shall inure to the benefit of the banking institution's legal successors and assigns.

(h) *Issuance of letters of credit.* In issuing, confirming, or advising letters of credit pursuant to a letter of commitment, the banking institution shall observe the following:

(1) *General.* The application or request for, and any agreement relating to, any letter of credit issued, confirmed, or advised in connection with a letter of commitment to a banking institution, may contain such terms and provisions as the approved applicant and the banking institution may agree upon, and the approved applicant and the banking institution may agree to any extension of the life of, or any other modification of, or variation from the terms of any such letter of credit: *Provided*, That such terms and provisions and any such extension, modification or variance shall be in no respect inconsistent with or contrary to the terms and provisions of the letter of commitment. In case of any such inconsistency, or conflict, the terms and provisions of the letter of commitment shall prevail. In any event, every application for a letter of credit shall provide for submission to the banking institution of the documentation required by this subpart and by the credit purchase authorization.

(2) *Identification.* Each letter of credit, modification, or extension shall bear the numbers of the applicable letter of commitment and credit purchase authorization.

(3) *Commodity description.* The commodity description in letters of credit shall not be inconsistent with the description in the credit purchase authorization. In making payments under letters of credit the banking institution shall, on the basis of the description contained in the required documents, other than Form CCC–529, Invoice-and-Contract Abstract, act in accordance with good commercial practice.

(i) *Availability of information to CCC.* The banking institution shall make available to CCC upon request, a copy of each letter of credit issued, confirmed, or advised by it, and of any extension or modification thereof, a copy of each application and agreement relating to such letter of credit, a copy of each document in its possession received by it under the letter of credit, and detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit.

(j) *Acceptability of documents.* Acceptance by the banking institution of any documents in the ordinary course of business in good faith as being genuine and valid and sufficient in the premises, and the delivery thereof to the Federal Reserve Bank, or the ASCS Office as required, shall constitute full compliance by the banking institution with any provision of this subpart, the credit purchase authorization, or the letter of commitment requiring delivery of a document of the sort that the document actually so delivered purports to be. The banking institution shall be entitled to receive and retain reimbursement of the amount of all payments made by it against documents so accepted, notwithstanding that such payments may be inconsistent with § 14.7.

(k) *Truth or accuracy of supplier's statements.* The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate or invoice-and-contract abstract. The rights of the banking institution under the letter of commitment will not be affected by the fact that such abstracts may be incomplete, or may indicate noncompliance with any provision of this subpart, or of the credit purchase authorization or of the letter of commitment, or may be inconsistent with other required documents.

(l) *Notice of supplement, modification, or revocation.* No supplement, modification, or revocation of any credit purchase authorization or letter of commitment shall affect or impair the right of the banking institution to obtain reimbursement to the extent of any payments made or irrevocable obligations incurred under a letter of credit, issued or confirmed by the banking institution prior to receipt of a written notice from the Controller, CCC, of such supplement, modification, or revocation, for which the banking institution has not been repaid by the approved applicant (without, however, any obligation on the part of the banking institution to obtain such repayment). The term "credit purchase authorization" as used in a letter of commitment shall be deemed to include each such supplement or modification from and after receipt by the banking institution from the Controller, CCC, of written notice of the same, subject always, however, to the foregoing terms and provisions preserving the banking institution's right of reimbursement.

(m) *Compliance with changes in credit purchase authorizations.* In the event the Administrator shall revoke a credit purchase authorization, or supplement or modify the same in relation to the disposition of any document(s) and the Controller, CCC, shall give the banking institution written notice thereof, the banking institution shall in all respects comply with the instruction of the Controller, CCC, to the extent it may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by it under any letter of credit issued or confirmed by it, and it shall be repaid and reimbursed by CCC for the costs, expenses and liabilities paid or incurred by it in relation to such instruction. Such repayment and reimbursement shall be made by CCC upon application therefor filed with the ASCS Office named in the letter of commitment and supported by an itemized statement of the costs, expenses, and liabilities certified to by an officer of the banking institution. The banking institution shall have no obligation whatsoever to the approved applicant for anything done or omitted to be done by it pursuant to such instructions of the Controller, CCC.

(n) *Payments in anticipation of letter of commitment.* Payments made by a banking institution in anticipation of a letter of commitment, and falling within the scope of payments authorized by such letter of commitment when issued, will be deemed to be payments to be reimbursed thereunder.

(o) *Deadline for submission of drafts.* Drafts drawn by banking institutions on CCC shall be presented not later than 210 days after expiration of the delivery period specified in the applicable credit purchase authorization or any extension thereof granted by the Administrator.

§ 14.13 Ocean transportation.

(a) *General.* Unless otherwise specifically provided in the applicable credit purchase authorization or unless otherwise requested by the appropriate U.S. Department of Agriculture office, the terms of all proposed charters (whether single voyage charters, consecutive voyage charters or time charters) and all proposed liner bookings must be submitted to the appropriate U.S. Department of Agriculture office (§ 14.13(b)) for review and approval prior to the fixture of the vessel. Tentative advance approvals may be obtained by telephone or telegram, provided CCC Form 105, Ocean Shipment Data, is furnished promptly confirming the information supplied by telephone or telegram. Approvals of charters and liner bookings will be given on Form CCC 106, Advice of Vessel Approval. The Form CCC 106 will state whether the vessel is a dry cargo liner, dry bulk carrier, or tanker, and whether or not financing of ocean transportation by CCC is authorized. If the credit purchase authorization requires that a part of the commodity shall be shipped on privately-owned United States-flag commercial vessels, the appropriate U.S. Department of Agriculture office shall determine the quantity of the commodity under each sale which must be shipped on such United States-flag vessels.

(b) *Request for vessel approval.* In order to obtain approval of proposed vessel bookings the following forms shall be submitted in duplicate to the office indicated:

(1) For cotton—CCC Form 105 (Cotton), Ocean Shipment Data, shall be submitted to the Director, ASCS Commodity Office, U.S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana.

(2) For commodities other than cotton—CCC Form 105, Ocean Shipment Data, shall be submitted to the Director, Program Operations Division, FAS, U.S. Department of Agriculture, Washington, D.C.

(c) *Special requirements for charter parties on required U.S.-flag vessels.* (1) Where a charter is involved in connection with the required use of a U.S.-flag vessel, a copy of the charter party shall be forwarded immediately after its execution to the Director, Program Operations Division, FAS, U.S. Department of Agriculture, Washington, D.C., for review and approval prior to issuance of Form CCC 106–2. In the event there is any conflict between the provisions of this subpart and the charter party, the provisions of this subpart shall prevail.

(2) Each charter party for a United States-flag chartered vessel shall contain the following information:

(i) The name of each party participating in the ocean freight brokerage commission (if any) and the percentage payable to each party;

(ii) The name of the vessel and the name of the substitute vessel, if authorized.

(3) The charter party shall contain or be deemed to contain the following provisions:

(i) If there is any failure on the part of the supplier of ocean transportation to perform the charter party after the vessel has tendered at the loading port, the charterer shall be entitled to incur all expenses which in the judgment of the Administrator are required to enable the vessel to undertake and carry out her obligations under the charter party, including, but not limited to, expenses for lifting any liens asserted against the vessel. Such expenses may be deducted from the freight earned under the charter party notwithstanding any prior assignments of freight made by the owner or operator of the vessel.

(ii) The supplier of ocean transportation shall release a copy of the ocean bill of lading to the supplier of the commodity promptly upon completion of loading of the vessel.

(iii) Ocean freight is earned and 90 percent thereof is payable when the vessel and cargo arrive at the first port of discharge, subject to subdivision (iv) of this subparagraph. The final 10 percent shall be settled, subject to adjustments, if any, after submission of loading and discharging laytime statements and statements of fact.

(iv) If a force majeure situation, as defined in § 14.14(d)(2), prevents the vessel's arrival at the first port of discharge, not to exceed 90 percent of the freight shall be payable at the time CCC determines that such force majeure was the cause of non-arrival. Any dispatch earned at loading port will be deducted from this payment. The remaining 10 percent of freight shall be deemed not payable.

(v) Laydays are reversible.

(vi) In case of dispute as to any rights or obligations of CCC, as successor or otherwise, which cannot be settled by agreement, such dispute shall, in the discretion of CCC, not be subject to arbitration but shall be decided by the courts.

(d) *Notice of arrival.* A notice of arrival when required by § 14.14(d)(2) must be furnished promptly by the importing country or the private trade entity, as the case may be, or its designated agent, and must include the name of the vessel, the purchase authorization number, the name of first port of discharge, and the date of arrival.

(e) *Advice of vessel approval.* Advice of vessel approval will be issued as follows:

(1) For cotton—Form CCC 106–3 (white) signed for the Director, New Orleans ASCS Commodity Office, will be issued to the supplier of the commodity on sales made on a c.i.f. or c & f basis In the event the shipment of cotton is to be made on an f.o.b. or f.a.s. basis the signed original of this form will be issued to the supplier of the commodity, and, if CCC will finance the ocean freight, an additional signed original will be issued to the ocean carrier.

(2) *For commodities other than cotton*—Form CCC 106 signed for the Director, Program Operations Division, FAS, will be issued as follows:

(i) On shipments to be made on an f.o.b. or f.a.s. basis the original of Form CCC 106–1 (yellow) will be issued to the supplier of the commodity, and, if CCC will finance the ocean freight, the original of Form CCC 106–2 (blue) will be issued to the ocean carrier.

(ii) On shipments to be made on a c.i.f. or c.&f. basis the original of Form CCC 106–1 (yellow) will be issued to the supplier of the commodity.

(f) *Non-U.S.-flag vessels.* CCC will not finance the cost of ocean transportation on flag vessels of the importing country or the destination country either as a part of the contracted price or separate therefrom. The cost of ocean transportation will be financed by CCC on other non-U.S.-flag vessels only when specifically provided for in the applicable credit purchase authorization.

(g) *U.S.-flag vessels.* Where it is required that the commodity be shipped on a United States-flag vessel, the Form CCC 106 will set forth the amount of the ocean freight differential, if any, which the appropriate U.S. Department of Agriculture office determines to exist between the prevailing foreign-flag vessel rate and the United States-flag vessel rate. The amount of such ocean freight differential is authorized to be reimbursed by CCC to the extent of the tonnage for which the ocean freight is authorized to be financed by CCC.

(h) *Ocean transportation financed by CCC.* Where ocean transportation will be financed by CCC, either separately from or as part of the contracted price, the following shall apply:

(1) Loading, trimming, other related shipping expenses, and dues and taxes assessed by the importing country or the destination country against the cargo will not be financed by CCC as items separate from the dollar cost of ocean transportation. Discharge costs may be included in the dollar cost of ocean transportation financed separately by CCC, or be for the account of the vessel when ocean transportation is financed as part of the contracted price, only when in accordance with trade customs. The cost of "dead freight" will not be financed by CCC.

(2) In the case of transshipment from a United States-flag vessel to a foreign-flag vessel, the cost of ocean freight from the port of transshipment to the importing country or to the destination country will not be financed by CCC.

(3) Ocean freight will be financed only to the extent that the rates charged do not exceed the lowest of the following rates for the category of vessel concerned:

(i) *For commodities covered by published tariff rates.* The published conference contract rate.

(ii) *For other commodities (bulk commodities and other commodities for which no tariff rates are currently effective, whether carried on liners, dry bulk carriers or tankers).* The rate charged other shippers for commodities of the same or similar kind on the voyage concerned; or in the absence of such a rate, the market rate prevailing on the date of request for approval, as determined by CCC.

(4) Reimbursement will be made for the cost of shipment from points of loading to points of discharge at rates established in the applicable charter party or liner booking contract and approved by CCC on Form CCC 106.

(5) If the charter party or liner booking contract provides for more than one rate because of optional ports of loading or discharge, alternate routes, or any other option arising from ocean transportation, CCC will finance initially the lowest of such rates. Increased amounts (if any) due because of the use of the higher-rated port, route, or other option will be financed by CCC when reimbursement is requested therefor in accordance with the provisions of § 14.14 (d)(7). Notwithstanding the foregoing

provisions of this subparagraph, if the

(5) Contracts for ocean transporta-

on all other required documents of the

tions for which all or part of the

letter of commitment. In case of any such inconsistency, or conflict, the terms

reimbursement to the extent of any payments made or irrevocable obligations

for review and approval prior to the fixture of the vessel. Tentative advance

or operator of the vessel.

on other non-U.S.-flag vessels only when

cordance with the provisions of § 14.14 (d)(7). Notwithstanding the foregoing

provisions of this subparagraph, if the option is exercised conclusively prior to the issuance of ocean bills of lading, and such exercise of the option is clearly reflected in such ocean bills of lading, the rate applicable to the option so exercised will be financed initially by CCC.

(i) *Ocean transportation financed separately from the commodity price.* Reimbursement for the cost of ocean transportation financed separately from the commodity price will be made by CCC upon the submission of the pertinent documentation required in § 14.14, subject to the following:

(1) In the case of liner booking contracts, reimbursement will be made for 100 percent of the dollar cost of ocean transportation if the carrier's invoice includes a certification by the carrier that the contract does not provide for dispatch earnings. When the invoice does not include a certification by the carrier that the liner booking contract does not provide for dispatch earnings, reimbursement will be made for not to exceed 90 percent of the dollar cost of ocean transportation.

(2) In the case of bookings covered by charter parties, notice of vessel's arrival at first port of discharge is required as a condition of reimbursement for any part of the cost of ocean freight, unless such requirement for notice is waived by the Controller, CCC, as provided for in this subparagraph or in § 14.14(d)(2). Reimbursement will be made for not to exceed 90 percent of the dollar cost of ocean transportation upon notice from the importing country or the private trade entity, or its designated agent, of the vessel's arrival at first port of discharge. If the supplier of ocean transportation furnishes to CCC financial coverage in the form of an acceptable letter of credit or freight refund bond, the Controller, CCC, will waive the requirement for the notice of arrival as a condition for reimbursement of 90 percent of the cost of ocean freight. The amount of such financial coverage to be furnished should be not less than:

(i) 90 percent of the cost of ocean freight based upon the related on-board ocean bill of lading, a copy of which bill of lading must be furnished to the Controller, CCC, if coverage is furnished after loading, or

(ii) An amount determined by multiplying the rate per ton by the quantity in the charter party, without tolerance, if coverage is furnished before loading.

(3) Reimbursement for any balance of the cost of ocean transportation not included in payments made under subparagraphs (1) and (2) of this paragraph, will be made upon submission of the documents required by § 14.14(b)(6).

(4) Demurrage incurred in excess of dispatch earnings will not be financed. Amounts earned for dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; any balance of dispatch shall be deducted from the amount of the final request for reimbursement. Discharge costs may be for the account of the vessel only when in accordance with trade customs.

(5) Contracts for ocean transportation shall not be eligible for financing by CCC if the supplier of the ocean transportation is also the supplier of the commodity, or is an affiliate of such supplier of the commodity, unless the supplier of ocean transportation is the owner of the vessel named in the Form CCC 106 or is the operator of such vessel by time charter, and the ocean freight rate for which reimbursement is claimed is not in excess of the rate originally contracted for with the importer.

(j) *Ocean transportation financed as part of the contracted price.* (1) The cost of ocean transportation will be financed as part of the contracted price only to the extent specifically provided in the applicable credit purchase authorization. In the absence of a specific provision in the applicable credit purchase authorization, the cost of ocean transportation will not be financed by CCC as part of the contracted price and must not be covered by the net invoice price.

(2) Form CCC 106 issued for vessels for which the cost of ocean transportation will not be financed by CCC, will require that the supplier's detailed invoice covering the commodity shipped on such vessels show a deduction for ocean transportation.

§ 14.14 Documentation.

(a) *General.* Requests for payment submitted to banking institutions by suppliers, and requests submitted to CCC for reimbursement, shall be supported by the documents required by this section unless previously submitted to CCC, except when and to the extent the Controller, CCC, determines that the intended purpose of a document is served by documents otherwise available to or under the control of CCC, or by alternate documents specified in such determination. The documents required herein are in addition to any other documents the supplier may be required to submit to a bank under the applicable letter of credit.

(b) *Identification.* (1) Each document must be identified as provided below with the appropriate purchase authorization number or be readily identifiable therewith:

(i) Documents to be submitted by suppliers to banking institutions with requests for payment, and requests to CCC for reimbursement, of commodity price (including ocean transportation and insurance when covered by the commodity price) shall be identified with the credit purchase authorization number,

(ii) Documents to be submitted to CCC to obtain reimbursement under a transportation purchase authorization shall be identified with the transportation purchase authorization number including the "OT" suffix, except that the copy of the ocean bill of lading may bear the credit purchase authorization number.

(2) The supplier must put the appropriate purchase authorization number on all documents specified in this section which are prepared under his control. He should arrange for the appropriate purchase authorization number to be put on all other required documents at the time of their preparation.

(c) *Documents relating to commodity price (including ocean transportation and insurance when covered by the commodity price).* (1) Signed originals of supplier's certificates, with invoice-and-contract abstract on the reverse side (Form CCC 529) as follows:

(i) When the cost of ocean transportation is financed by CCC, in whole or in part, two Forms CCC 529 are required. One will cover the supplier's net invoice price expressed in dollars and will be executed by the supplier of the commodity. The other will cover the cost of ocean transportation expressed in dollars and will be executed by the ocean carrier.

(ii) When no part of the cost of ocean transportation is being financed by CCC, only one Form CCC 529 is required. It will cover the supplier's net invoice price for the commodity expressed in dollars and will be executed by the supplier of the commodity.

(2) One copy of the ocean bill of lading.

(3) One copy of supplier's detailed invoice showing quantity, description, contracted price and net invoice price expressed in dollars and basis of delivery (e.g., f.o.b. vessel, c. & f.) of the commodity. In the event the importer procured the commodity through his affiliate, this copy of the invoice shall include an itemization of the amounts specified in § 14.7(a) or the supplier must furnish such information in a separate signed statement to the ASCS Office named in the purchase authorization. Whenever the Form CCC 106 provides for an ocean freight rate differential on a c. & f. or c.i.f. sale and authorizes financing of ocean transportation costs by CCC, the supplier's detailed invoice shall show a computation of the dollar amount of ocean freight differential. In arriving at the net invoice price there shall be deducted:

(i) The cost of ocean transportation, or portion thereof, which is not being financed by CCC when the cost of ocean transportation is included in the contracted price.

(ii) All discounts from the supplier's contracted price through payments, credits, or other allowances made or to be made to the importer, his agent or consignee.

(iii) All purchasing agents' commissions applicable.

(4) Signed original of Form CCC 106–1 or 106–3.

(5) One nonnegotiable copy of the insurance certificate or policy where the cost of insurance is covered by the price of the commodity to be financed by CCC. Such certificate or policy must contain a loss payable clause running to CCC as provided in § 14.9.

(6) Signed original of Form CCC 329–3, Statement of Transmittal of Ocean Bills of Lading, showing that two nonnegotiable copies of ocean bills of lading have been sent to the Administrator, Foreign Agricultural Service, USDA, Washington 25, D.C.

(7) Requests for additional payments, submitted in connection with transac-

tions for which all or part of the required documents have been previously submitted to the banking institution shall be supported by the following documents as applicable:

(i) The supplier's certificate, with the invoice-and-contract abstract on the reverse and the supplier's detailed invoice, as required by subparagraphs (1) and (3) of this paragraph, covering the additional amount requested. The supplier's invoice must show the date, serial number and the amount of the original invoice and the basis for the additional amount claimed.

(ii) If the payment is stated to be due because of the exercise of a higher-rated option provided in a liner booking contract or charter party, a statement signed by the ship's master or owner (or agent of either of them) showing exercise of the higher-rated option. An agent's signature is acceptable.

(8) Any additional or substitute documentation that may be required by the purchase authorization or the letter of commitment.

(d) *Documents required for reimbursement of ocean transportation which is financed separately from commodity price.* (1) Signed original of supplier's certificate, with invoice-and-contract abstract on the reverse side (Form CCC 529) to be executed by the carrier, covering the dollar cost of ocean transportation.

(2) One copy of the ocean bill of lading and, if required by the related Form CCC 106–2, a notice of arrival at the first port of discharge of the vessel named in the Form CCC 106–2, except that a notice of arrival will not be required in the event the vessel is lost or unable to proceed to destination after completion of loading because of damage caused by perils of the sea or other waters, collisions, stranding, jettison, wreck, fire from any cause, Act of God, public enemies or pirates, or by arrest or restraint of princes, rulers or peoples without the fault of the supplier of the ocean transportation, wars, public disorders, captures or detention by public authority in the interest of public safety, provided the owner or operator supplies evidence satisfactory to CCC of such disability. Upon receipt of satisfactory evidence of force majeure the Controller, CCC, will waive the requirement for the notice of arrival. The requirement for the notice of arrival may also be waived by the Controller, CCC, under § 14.13(i)(2).

(3) One copy of carrier's detailed invoice marked "Paid".

(4) Signed original of Form CCC 106–2 or 106–3 in the case of cotton.

(5) One copy of the charter party in the case of shipment by dry bulk cargo vessel or tender.

(6) Requests for reimbursement of any balance claimed on a shipment involving dispatch after initial reimbursement of 90 percent of the dollar cost of ocean transportation as provided in § 14.13(i)(2) shall be supported by the following documents:

(i) A copy of the carrier's final invoice marked "Paid".

(ii) A copy of the laytime statement(s) signed by the ship's master or owner and the charterer or consignee. Agent's signatures are acceptable.

(iii) If a copy of the charter party was not presented pursuant to subparagraph (5) of this paragraph, a copy of the freight contract showing the terms of dispatch and demurrage.

(iv) Supplier's certificate for the balance claimed.

(7) Requests for reimbursement of any amounts claimed because of the exercise of a higher-rated option following payment of a lower-rated option pursuant to § 14.13(h)(5) shall be supported by the following documents:

(i) Copy of the carrier's detailed invoice marked "Paid".

(ii) Supplier's certificate for the balance claimed.

(iii) A statement signed by the ship's master or owner showing the exercise of the higher-rated option. An agent's signature is acceptable.

(8) Any additional or substitute documents that may be required by the purchase authorization.

(e) *Weight certificates.* Whenever a copy of a weight certificate is required by the purchase authorization, the supplier shall submit a weight certificate issued by or on authority of a State or other governmental Weighing Department, Chamber of Commerce, Board of Trade, Grain Exchange, or other independent organization or firm providing public weighing services (1) having qualified, impartial, paid employees who are stationed at storage or other facilities where weights customarily are determined, one of whom performed the weighing covered by the certificate, or (2) having qualified, independent, impartial, supervised weighmasters stationed at storage or other facilities where weights are customarily determined one of whom supervised the employees of such a facility in the performance of the weighing covered by the certificate.

(f) *Inspection certificate.* The terms of the credit purchase authorization will specify the particulars of any required inspection certificate.

§ 14.15 Documents in support of drafts drawn on CCC by banking institutions.

Drafts drawn on CCC by banking institutions under letters of commitment for reimbursement of amounts disbursed to suppliers shall be supported by the following documents:

(a) *Documents to be obtained from suppliers.* Documents specified in § 14.14 and such additional or substitute documents as may be required with respect to any particular transaction as specified in the credit purchase authorization or in the letter of commitment. A banking institution holding a letter commitment is not required by CCC to obtain from suppliers any documents other than those specified in § 14.14.

(b) *Document originated by banking institutions.* CCC Form 331, "Advice of Payment or Acceptance of Draft", signed by an officer of the banking institution.

§ 14.16 Responsibilities of banking institutions.

(a) For transactions under letter of commitment, the banking institution is responsible only for the following:

(1) *Delivery of documents.* The banking institution shall deliver to the Federal Reserve Bank documents required by this subpart, the letter of commitment, and the credit purchase authorization.

(2) *Advice to approved applicant.* The banking institution shall give advice of the amount of dollar disbursement to the approved applicant, which advice shall accompany documents transmitted to the approved applicant. There shall be included in the transmittal a request that the approved applicant notify the importing country or the private trade entity, as the case may be, that "the net amount of the supplier's invoice financed by CCC under the transaction is $------".

(3) *Examination of documents.* The banking institution shall examine documents in accordance with good commercial practice.

(4) *Delivery date.* The banking institution shall ascertain that the shipping documents bear a date within the delivery period specified in the credit purchase authorization.

(5) *Destination.* The banking institution shall ascertain that the required documents are consistent, under good commercial practice, with shipment or transshipment to the importing country or the destination country shown in the credit purchase authorization.

(6) *Description.* Section 14.12(h)(3) provides that the commodity description in letters of credit shall not be inconsistent with the description in the credit purchase authorization. In making payment under letters of credit the banking institution shall, on the basis of the description contained in the required documents other than Form CCC 529, Invoice-and-Contract Abstract, act in accordance with good commercial practice.

(7) *Verification of computation of ocean freight differential and notification to approved applicant.* Whenever Form CCC 106 provides for an ocean freight rate differential on a c. & f. or c.i.f. sale and authorizes financing of ocean transportation costs by CCC, the banking institution shall determine that the supplier's detailed invoice shows a computation of the dollar amount of ocean freight differential; shall verify the computation of such amount of differential, using the rate stated in Form CCC 106 and the gross weight shown on the supplier's detailed invoice or the bill of lading, whichever is less; and shall include with the advice of dollar disbursement under the letter of credit, a request that the approved applicant notify the importing country or the private trade entity of the amount of such differential:

(i) In the case of the importing country, the notice shall be: "The amount of $------ paid to the beneficiary includes an ocean freight differential of $------.

The importing country is indebted to the

or to be made through payments, credits,

contained in one of the

The importing country is indebted to the Government of the United States for the net amount of $_____."

(ii) In the case of the private trade entity, the notice shall be: "The amount of $_____ paid to the beneficiary includes an ocean freight differential of $_____. The private trade entity is indebted to CCC for the net amount of $_____." (See also § 14.16(a)(2).)

(8) *Reimbursement of CCC for losses.* Upon demand therefor made by the ASCS Office named in the letter of commitment, the banking institution shall promptly reimburse CCC for any losses sustained as a direct result of failure on the part of the banking institution to carry out its responsibilities as required by this section.

(9) *Adjustment refunds.* The banking institution shall, at the end of each calendar quarter, remit to the Controller, CCC, the total amount of any adjustment refunds received during the quarter. A copy of each advice sent to approved applicants or agents shall accompany each quarterly report. (See also § 14.8(a)(3).)

(10) *Credit purchase authorization number.* The banking institution shall examine required documents to determine that they bear the appropriate credit purchase authorization number or are readily identifiable therewith.

(11) *Additional requirements.* Any additional particulars for which the banking institution is to be responsible will be specified in the credit purchase authorization or letter of commitment as (i) additional required documents, (ii) additional statements to be contained in the required documents or (iii) additional actions to be performed.

(b) The banking institution shall have limited responsibilities for transactions under a letter of commitment as follows:

(1) *Contracting.* Section 14.6(a) provides that contracts must meet certain specified requirements in order to be eligible for financing. The banking institution is responsible only to the extent of ascertaining that the required documents show delivery terms as required by the credit purchase authorization (f.o.b., f.a.s., c. & f. or c.i.f.). The banking institution has no responsibility under § 14.6(b) with regard to invitations to bid.

(2) *Vessel approval.* The banking institution shall not make payment under the letter of credit unless the name of the vessel shown on Form CCC 106 is identical with the name of the vessel shown on the bill of lading. The banking institution is not required to verify the signature appearing on Form CCC 106 or to make an independent inquiry as to the correctness of the information shown thereon.

(3) *Discounts, purchasing agent's commissions and consular fees.* The banking institution is not required to make independent inquiry as to whether the net invoice price includes either discounts (whether expressed as such or as "commissions" to the importer, or made or to be made through payments, credits or other allowances to the buyer or consignee), commissions payable to purchasing agents, or consular fees, but shall not honor any such items when disclosed by the required documents other than Form CCC-529, Invoice-and-Contract Abstract. The provisions of § 14.10(c) regarding commissions are included primarily for the instruction of suppliers, and banking institutions are not responsible for compliance therewith except to the extent set forth above.

(4) *Weight certificate.* The banking institution is responsible for ascertaining that a weight certificate is included in the documentation when required by the credit purchase authorization and that the quantity invoiced does not exceed the weight shown on the certificate. The banking institution is not responsible for ascertaining that the weight certificate meets the requirement of § 14.14(a).

(5) *Insurance.* The banking institution shall be responsible for determining compliance with § 14.9 only to the extent of ascertaining that the policy or certificate of insurance includes a loss payable clause which provides for payment of any claims in United States dollars to the Controller, CCC.

(6) *Deduction for ocean transportation on c.&f. or c.i.f. invoices.* If Form CCC 106 provides that the cost of ocean transportation is not to be financed by CCC, the banking institution shall not make payment under the letter of credit unless a deduction for the cost of ocean transportation is shown on the CCC copy of the supplier's detailed invoice. The banking institution is not required to verify the correctness of the amount(s) of such deduction(s).

(c) For transactions under a letter of commitment, the banking institution is not responsible for the following:

(1) *Supplier's certification.* The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificates or in any special certification required by this subpart, the terms of the purchase authorization or the letter of commitment. The banking institution is entitled to rely on such certifications.

(2) *Invoice and contract abstract.* The banking institution is not responsible for the truth or accuracy of information contained in the invoice-and-contract abstract, for the sufficiency or completeness of such information, or for any indication by such information of noncompliance with any provision of this subpart or of the purchase authorization, or for any inconsistency with other required documents.

(3) *Contracting period.* The credit purchase authorization specifies the period during which contracts may be entered into by suppliers and importers. A banking institution has no responsibility with regard to compliance with this requirement.

(4) *Other required documents.* The banking institution is not responsible for the truth or accuracy of the statements contained in any of the required documents. A banking institution is not obligated to look beyond these documents nor to make independent investigation as to the accuracy of statements made therein.

(5) *Affiliate.* The banking institution is not responsible for determining whether or not the supplier and the importer are affiliates. Also the banking institution is not responsible for the furnishing or verification of any information required to be furnished pursuant to § 14.14(c)(3).

(d) *Responsibilities under reimbursement method of financing for transportation purchase authorizations.* Purchase authorizations for the procurement of ocean transportation are of the reimbursement type. No letters of commitment are issued for such purchase authorizations.

§ 14.17 **Supplier's records.**

The Administator shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the supplier involving transactions related to contracts between the supplier and the importer until the expiration of three years after final payment under such contracts.

§ 14.18 **ASCS Commodity Offices.**

The addresses of the ASCS Commodity Offices are as follows:

ASCS Commodity Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.

ASCS Commodity Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.

ASCS Commodity Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minn.

ASCS Commodity Office, U.S. Department of Agriculture, 120 Marais Street, New Orleans 16, La.

§ 14.19 **Effective date.**

This revision of this subpart shall become effective upon publication in the FEDERAL REGISTER as to purchase authorizations originally issued on and after the date of such publication. Purchase authorizations originally issued prior to such date of publication shall continue to be subject to the provisions of this subpart applicable thereto prior to this revision unless made subject to this revision by amendment or modification of such purchase authorizations.

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 4th day of October 1963. Witness my hand and the seal of the Department of Agriculture.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10744; Filed, Oct. 9, 1963; 8:46 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 62]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

CORN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year in the following respects:

The corn endorsement, published in § 401.20 of this chapter, is amended effective beginning with the 1964 crop year to read as follows:

§ 401.20 **The corn endorsement.**

The provisions of the corn endorsement for the 1964 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* The crop insured under this endorsement shall be only corn normally regarded as field corn planted for harvest as grain as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the corn is (a) thick planted for the production of silage or fodder, (b) planted for the development of hybrid seed other than the final cross or (c) planted for the production of silage or fodder and so designated on the acreage report as acreage to which insurance will not attach for the crop year.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by three bushels for any harvested acreage on which the amount harvested is three or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1964 crop year may elect the price per bushel to be in effect beginning with the 1964 crop year. If for the 1964 or any succeeding crop year any applicant, or insured, has not elected a price per bushel, or has elected a price per bushel not shown on the county actuarial table for the crop year, the price per bushel election which shall be applicable under such contract, and which the insured is deemed to have elected, shall be the amount provided on the county actuarial table for such purposes.

For any crop year, any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract: *Provided*, That if such price is not one shown on the county actuarial table for the crop year it shall be the price provided for such purpose on the county actuarial table.

4. *Insurance period.* For each crop year of the contract, insurance attaches on any insured acreage at the time of planting and as to any such acreage shall cease on final adjustment of a loss, or upon harvest, or December 10 (October 31 in North Dakota), whichever first occurs: *Provided*, That, where representative rows of corn are allowed to remain on any insured acreage in accordance with Section 5(b) of this endorsement, insurance on such acreage shall cease at the time it would otherwise cease if such rows had not been left.

5. *Acreage to be harvested for silage, fodder, or wet storage.* (a) The crop on any insured acreage may be harvested for silage, fodder, or wet storage without notice to, or consent of, the Corporation, but if so harvested the production shall be appraised at the bushel guarantee.

(b) Notwithstanding section 8(a) of the policy, if the crop on any insured acreage referred to in paragraph (a) hereof is damaged and the insured desires a preharvest appraisal of the production he shall give notice in writing to the Corporation at the county office before harvest is commenced, and request such an appraisal. The Corporation shall, pursuant to such notice, appraise the production, but if unable to do so prior to harvest, the insured may harvest the crop on the condition that representative rows, or areas, are left from which appraisals of production properly can be made. If the conditions of this paragraph are not met, the appraisal provided for in paragraph (a) hereof shall be made.

Appraisals of production made hereunder shall not exceed the bushel guarantee and shall be made without regard to section 6(b) of this endorsement on the basis of the most favorable conditions prevailing and shall not be reduced because of any damage to representative rows, or areas, after the crop was harvested.

6. *Claims for loss.* (a) In lieu of section 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of corn on the insurance unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the insurance unit, (2) subtracting therefrom the total production to be counted for the insurance unit, (3) multiplying the remainder by the insured interest, and (4) multiplying the result obtained in (3) by the applicable price per bushel for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for an insurance unit shall be determined by the Corporation and, subject to section 5 of this endorsement and the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of corn (1) which, with the consent of the Corporation is planted in the current crop year, before harvest becomes general, to any other crop (excluding small grain crops normally maturing for harvest in the following calendar year) insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater; (2) which is unharvested or from which less than three bushels per acre are harvested shall be the appraised production and the harvested production in excess of three bushels per acre; and (3) which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided for such acreage.

(b) Notwithstanding the provisions of subparagraph (a) of this section, in determining the production of corn, other than the corn referred to in section 5 of this endorsement, to be counted, the Corporation shall, where appropriate when due to insurable causes occurring within the insurance period, first adjust such production as follows: The production shall be reduced 2 percent for each full 1 percent of moisture in excess of 16 percent up to and including 40 percent, or shall be reduced for damaged kernels as follows: for damage of 7 or 8 percent—1 percent; for damage of 9 or 10 percent—2 percent; for damage of 11 or 12 percent—3 percent; for damage of 13 or 14 percent—4 percent; and for each full 1 percent of damage in excess of 14 percent up to and including 35 percent—an additional 2 percent. If, however, reductions for both moisture and kernel damage are applicable the percent of production to be counted shall be the product (rounded to the nearest whole percent) of the percentages remaining after the respective percentage reductions are made as herein provided.

If, however, the Corporation determines that the moisture content is above 40 percent, or if the kernel damage is above 35 percent, or if the test weight of shelled corn is below 40 pounds per bushel, the percent of production to be counted shall be that as agreed upon by the Corporation and the insured, or in the absence of agreement as appraised by the Corporation.

7. *Meaning of terms.* For the purposes of insurance on corn the terms:

(a) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for silage, fodder, wet storage, or any other purpose.

(b) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of corn in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of corn in the county into two or more units, taking into consideration separate and distinct farm operations.

(c) "Wet storage" means any production of corn harvested and stored as high moisture corn for the purpose of maintaining it in such condition.

8. *Cancellation and termination for indebtedness dates.* For each crop year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop

year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 30, 1963.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Aproved on October 4, 1963.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 63-10745; Filed, Oct. 9, 1963; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4 (Rev. 2)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Capital and Surplus of Licensees

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is hereby amended, as set forth below, § 107.301 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754 and amended in 28 F.R. 681, 1627, and 3021.

Information and effective date. The subject amendment extends for one-half year, the time in which a Licensee may request SBA to agree to purchase its Subordinated Debenture.

Since the subject amendment amounts to a relaxation of the former regulation and is therefore exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, as amended, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (27 F.R. 9743-9754), as amended, is hereby further amended by:

1. Deleting the language "on or before October 3, 1963, or the second anniversary of" at the beginning of § 107.301(c) and inserting in lieu thereof the following "On or before April 3, 1964, or two and one-half years after". As amended, § 107.301(c) reads as follows:

(c) On or before April 3, 1964, or two and one-half years after the issuance of its License, whichever is later, a Licensee may request SBA to agree to purchase its Subordinated Debenture in an amount which, when aded to any Subordinated Debenture previously issued to SBA, will not exceed the lesser of:

(1) $400,000, or

(2) Its paid-in capital and paid-in surplus from private sources

Dated: October 2, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63-10763; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1995; Amdt. 10-1]

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

Clarification of the Provisions Dealing With Type Certification

This amendment clarifies the provisions of § 10.11 of Part 10 of the Civil Air Regulations by adding a new § 10.12 which affirms that a product type certificated under the provisions of Part 10 is considered by the Agency to be type certificated also under the provisions of that part of the Civil Air Regulations which is invoked by the terms of § 10.11.

Currently effective § 10.11 states that a type certificate under the provisions of Part 10 shall be issued to an applicant when the Government of the country in which the product was manufactured certifies that the product has been examined, tested, and found to comply with either: (a) The airworthiness requirements prescribed in the Civil Air Regulations applicable to the product involved; or (b) the applicable airworthiness requirements of the Government of the country in which the product was manufactured together with such other requirements as may be prescribed by the Administrator to provide a level of safety equivalent to the airworthiness requirements in the Civil Air Regulations that are applicable to the product.

Whatever alternative is selected by the applicant, a specific part of the Civil Air Regulations is invoked by the terms of § 10.11 and compliance with the airworthiness requirements of that part, or equivalence to those requirements, must be certified by the Government of the country in which the product is manufactured. The Agency, therefore, considers that any product type certificated under the provisions of Part 10 is, in addition, type certificated under the provisions of that part of the Civil Air Regulations which was invoked when showing compliance with § 10.11; and has administered the Civil Air Regulations accordingly. This means, for example, that when a provision of the Civil Air Regulations is applicable to products that are type certificated under the provisions of Part 4b, it is made equally applicable to products that are type certificated under the provisions of Part 10 if, in accordance with § 10.11(a), a compliance with the airworthiness requirements of Part 4b is certified, or if, in accordance with § 10.11(b), equivalence to these requirements is certified.

The Agency recognizes, however, that there is a need to clarify the Civil Air Regulations on this point. To avoid misunderstanding, as has occurred in one recent instance when applying the provisions of Special Civil Air Regulation No. SR-450A, a new § 10.12 is being added to Part 10 to specifically set forth the connection between this part and other parts of the Civil Air Regulations with respect to the type certification of products.

The format of this amendment will be subject to such change as may be necessary for its recodification under the Agency's Recodification Program, announced in Draft Release No. 61-25 (26 F.R. 10698).

Since this amendment is clarifying in nature, and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and it may be made effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 601, 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, Part 10 of the Civil Air Regulations (14 CFR Part 10, as amended) is hereby amended by adding a new § 10.12 to read as follows, effective October 10, 1963.

§ 10.12 **Type certificated products.**

A product type certificated under the provisions of this part is considered to be type certificated also under the provisions of that part of the Civil Air Regulations containing the airworthiness requirements with which compliance is certified in accordance with § 10.11(a) or to which equivalence in level of safety is certified in accordance with § 10.11(b).

Issued in Washington, D.C., on October 2, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-10722; Filed, Oct. 9, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1997; Amdt. 629]

PART 507—AIRWORTHINESS DIRECTIVE

Rolls-Royce Dart Engines

Amendment 425, 27 F.R. 3653 (AD 62-8-8), requires special inspection of the oil filters of Rolls Royce Dart engines not incorporating Rolls Royce Dart Modification 1023. Since the issuance of Amendment 425, metal particles have been found in filters of engines which incorporate Mod. 1023. In one case there was failure of the rear compressor bearing which resulted in an oil fire and inability to feather the propeller. Therefore, Amendment 425 is being superseded by a new directive to require special inspection of the oil filters of Dart engines whether or not Mod. 1023 is incorporated.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended by adding the following new airworthiness directive:

ROLLS-ROYCE. Applies to all Dart 525 Series, 526, 527, 528 Series, and 529 Series engines with Rolls-Royce Modification 529 (Part 2) bearing in the rear position. Compliance required as indicated.

(a) Inspect the oil filters in accordance with Rolls-Royce Notice to Operators, Dart Engines, No. 100, Issue 3, at the following times:

(1) Within 25 hours time in service after the effective date of this AD, unless already accomplished within the last 25 hours, and thereafter at intervals not exceeding 50 hours time in service from the last inspection; and

(2) Before further flight, when an increase in oil consumption or a drop in oil pressure is reported.

(b) If metal particles are found in the filters, remove the engine from service and further inspect to determine whether repairs are required.

(c) If the inspection in paragraph (b) indicates that repairs are required, the appropriate modifications specified under "Remedial Action" in Rolls-Royce Notice to Operators, Dart Engines No. 100, Issue 3, shall be incorporated.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Rolls-Royce Notice to Operators, Dart Engines, No. 100 Issue 3 dated July 12, 1963, covers this subject.)

This supersedes Amendment 425, 27 F.R. 3653, AD 62-8-8.

This amendment shall become effective October 10, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 3, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10721; Filed, Oct. 9, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Dalapon Sodium Salt

A petition was filed with the Food and Drug Administration by The Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance of 5 parts per million for residues of the herbicide dalapon sodium salt, as 2,2-dichloropropionic acid, in or on bananas.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

Data presented by the petitioner on chronic toxicity in rats and dogs show "no effect levels" of 300 parts per million in rats and 4,000 parts per million in the dogs. The data showed no effect on reproduction or lactation from diets containing as high as 3,000 parts per million.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512 as amended; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.150 (21 CFR 120.150; 28 F.R. 3259) a tolerance for residues of dalapon sodium salt in or on bananas. As amended, the affected portion of this section reads as follows:

§ 120.150 **Dalapon sodium salt; tolerances for residues.**

* * * * *

5 parts per million in or on bananas, corn fodder and forage, cranberries, fresh corn including sweet corn (kernels plus cobs with husks removed), grapefruit, limes, oranges, sugar beets (roots and tops), tangerines.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512 as amended; 21 U.S.C. 346a(d)(2))

Dated: October 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10753; Filed, Oct. 9, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

AMPROLIUM, ARSANILIC ACID, SODIUM ARSANILATE, AND ZOALENE IN MEDICATED FEED

A. The Commissioner of Food and Drugs has evaluated the data submitted in petitions filed by Merck Chemical Division of Merck and Company, Inc., Rahway, New Jersey, and Dow Chemical Company, Midland, Michigan, each jointly with Abbott Laboratories, North Chicago, Illinois, and other relevant material, concerning the addition of arsanilic acid and sodium arsanilate to amprolium- or zoalene-medicated poultry feeds. The relevant material includes the report of an interdepartmental committee on cancer-producing food additives. After evaluation of these data, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner has concluded that Part 121 should be amended as hereinafter indicated:

1a. In § 121.207 *Zoalene*, paragraph (c) is amended by changing the table heading to read as set forth below, and by adding to the table new items, as follows:

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. * * *	* * *	* * *	* * *	* * *	* * *
d. Zoalene	113.5-170.3	Arsanilic acid	90 (0.01%)	For turkeys grown for meat purposes only; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
e. Zoalene	113.5-170.3	Sodium arsanilate	90 (0.01%)	do	Do.
2. * * *	* * *	* * *	* * *	* * *	* * *
h. Zoalene	113.5	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
i. Zoalene	113.5	Sodium arsanilate	90 (0.01%)	do	Do.
3. * * *	* * *	* * *	* * *	* * *	* * *
h. Zoalene	36.3-113.5	Arsanilic acid	90 (0.01%)	For replacement chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
i. Zoalene	36.3-113.5	Sodium arsanilate	90 (0.01%)	do	Do.

b. There was published in the FEDERAL REGISTER of August 14, 1963 (28 F.R. 8310), an order amending § 121.207(c) by adding to the table a new item incorrectly designated "2. * * * f. Zoalene" which is changed to read "2. * * * g. Zoalene."

2. In § 121.210 *Amprolium*, paragraph (c) is amended by adding to table 1 new items, as follows:

TABLE 1—AMPROLIUM IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 * * *	* * *	* * *	* * *	* * *	* * *
i. 1.1	113.5–227	Arsanilic acid	90 (0.01%)	For turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
j. 1.1	113.5–227	Sodium arsanilate	90 (0.01%)	do	Do.
2.1 * * *	* * *	* * *	* * *	* * *	* * *
m. 2.1	113.5–227	Arsanilic acid	90 (0.01%)	For broiler chickens; not for laying chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
n. 2.1	113.5–227	Sodium arsanilate	90 (0.01%)	do	Do.
3.1 * * *	* * *	* * *	* * *	* * *	* * *
m. 3.1	36.3–113.5	Arsanilic acid	90 (0.01%)	For replacement chickens; not for laying chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
n. 3.1	36.3–113.5	Sodium arsanilate	90 (0.01%)	do	Do.

3. Part 121 is amended by adding thereto the following new sections:

§ 121.253 Arsanilic acid.

Arsanilic acid may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical *p*-aminobenzenearsonic acid ($C_6H_8AsNO_3$).

(b) Permitted uses of arsanilic acid alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in feeds, as follows:

ARSANILIC ACID IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Arsanilic acid	90(0.01%)			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
a. Arsanilic acid	90	Amprolium	36.3–227 (0.004%–0.025%).	For chickens and turkeys; as prescribed in § 121.210, table 1, items 1.1, 2.1, 3.1.	§ 121.210, table 1, items 1.1, 2.1, 3.1.
b. Arsanilic acid	90	Zoalene	36.3–170.3 (0.004%–0.01875%).	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3.	§ 121.207, table, items 1, 2, 3.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix and final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.254 Sodium arsanilate.

Sodium arsanilate may be safely used in animal feed when incorporated therein in accordance with the following conditions.

(a) The additive is the chemical sodium *p*-aminobenzenearsonate, ($C_6H_7AsNNaO_3$).

(b) Permitted use of sodium arsanilate alone and with certain other additives is described in tabular form in this section and this table is to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in feeds, as follows:

SODIUM ARSANILATE IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Sodium arsanilate.	90 (0.01%)			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
a. Sodium arsanilate.	90	Amprolium	36.3–227 (0.004%–0.025%).	For chickens and turkeys; as prescribed in § 121.210, table 1, items 1.1, 2.1, 3.1.	§ 121.210, table 1, items 1.1, 2.1, 3.1.
b. Sodium arsanilate.	90	Zoalene	36.3–170.3 (0.004%–0.01875%).	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3.	§ 121.207, table, items 1, 2, 3.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix and final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

B. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens and turkeys have been treated with arsanilic acid or sodium arsanilate-containing feeds in accordance with § 121.253 or § 121.254, a tolerance limitation is required in order to assure that edible tissues from chickens and turkeys are safe for human food. Therefore, the food additive regulations are amended by adding to Subpart D the following new section:

§ 121.1138 Arsenic.

Tolerances for total residues of combined arsenic (calculated as As) in chicken and turkey tissues and byproducts are established as follows:

0.5 part per million in muscle meat.
1.0 part per million in edible byproducts.
0.5 part per million in eggs.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: October 3, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10701; Filed, Oct. 9, 1963; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE RESINS, CARBOXYL MODIFIED

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 1082, 1083) filed by Spencer Chemical Company, Dwight Building, Kansas City 5, Missouri, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of carboxyl-modified polyethylene resins as the food-contact surface of articles used in contact with dry, bulk food and also as components of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended as set forth below:

1. Section 121.2520 *Adhesives* is amended by inserting alphabetically in the list "Components of Adhesives" in paragraph (c)(5), the following new item:

Polyethylene resins, carboxyl modified, identified in § 121.2580.

2. By adding to Subpart F the following new section:

§ 121.2580 Polyethylene resins, carboxyl modified.

Carboxyl-modified polyethylene resins may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry, bulk food, subject to the provisions of this section.

(a) For the purpose of this section, carboxyl-modified polyethylene resins are those formed by reacting any suitable combination of the following substances:

Ammonium hydroxide.
Calcium carbonate.
Ethylene.
Methyl acrylate.
Potassium hydroxide.
Sodium hydroxide.

(b) The finished resin in the form in which it contacts food, when subjected to method No. 6191 in Federal Test Methods Standard No. 141, using No. 50 emery abrasive in lieu of Ottawa sand, shall exhibit an abrasion coefficient of not less than 20 liters per mil of film thickness.

(c) The provisions of paragraph (b) of this section are not applicable to carboxyl-modified polyethylene resins used in food-packaging adhesives complying with § 121.2520.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10754; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6680]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Estate Tax Regulations and Gift Tax Regulations Amended To Include Rules for the Valuation of Shares in Open-End Investment Companies

On June 5, 1962, notice of proposed rule making was published in the FEDERAL

REGISTER (27 F.R. 5268) to provide in the Estate Tax Regulations (26 CFR Part 20) and in the Gift Tax Regulations (26 CFR Part 25) a rule for the valuation of shares in open-end investment companies. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

PARAGRAPH 1. Section 20.2031–8 is amended by changing the heading, redesignating existing material as paragraph (a), and adding a new paragraph (b). As so amended § 20.2031–8 reads as follows:

§ 20.2031–8 Valuation of certain life insurance and annuity contracts; valuation of shares in an open-end investment company.

(a) *Valuation of certain life insurance and annuity contracts.* (1) The value of a contract for the payment of an annuity, or an insurance policy on the life of a person other than the decedent, issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of comparable contracts. An annuity payable under a combination annuity contract and life insurance policy on the decedent's life (e.g., a "retirement income" policy with death benefit) under which there was no insurance element at the time of the decedent's death (see paragraph (d) of § 20.2039–1) is treated like a contract for the payment of an annuity for purposes of this section.

(2) As valuation of an insurance policy through sale of comparable contracts is not readily ascertainable when, at the date of the decedent's death, the contract has been in force for some time and further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the decedent's death the proportionate part of the gross premium last paid before the date of the decedent's death which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such an approximation is not reasonably close to the full value of the contract, this method may not be used.

(3) The application of this section may be illustrated by the following examples. In each case involving an insurance contract, it is assumed that there are no accrued dividends or outstanding indebtedness on the contract.

Example (1). X purchased from a life insurance company a joint and survivor annuity contract under the terms of which X was to receive payments of $1,200 annually for his life and, upon X's death, his wife was to receive payments of $1,200 annually for her life. Five years after such purchase, when his wife was 50 years of age, X died. The value of the annuity contract at the date of X's death is the amount which the company would charge for an annuity providing for the payment of $1,200 annually for the life of a female 50 years of age.

Example (2). Y died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was one on which no further payments were to be made to the company (e.g., a single premium policy or a paid-up policy). The value of the insurance policy at the date of Y's death is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (3). Z died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was an ordinary life policy issued nine years and four months prior to Z's death and at a time when Z's wife was 35 years of age. The gross annual premium is $2,811 and the decedent died four months after the last premium due date. The value of the insurance policy at the date of Z's death is computed as follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One-third of such increase (Z having died four months following the last preceding premium due date) is	545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of Z's death	13,510.33
Two-thirds of gross premium (⅔ x $2,811)	1,874.00
Value of the insurance policy	15,384.33

(b) *Valuation of shares in an open-end investment company.* (1) The fair market value of a share in an open-end investment company (commonly known as a "mutual fund") is the public offering price of a share, adjusted for any reduction in price available to the public in acquiring the number of shares being valued. In the absence of an affirmative showing of the public offering price in effect at the time of death, the last public offering price quoted by the company for the date of death shall be presumed to be the applicable public offering price. If the alternate valuation under section 2032 is elected, the last public offering price quoted by the company for the alternate valuation date shall be the applicable public offering price. If there is no public offering price quoted by the company for the applicable valuation date (e.g., the valuation date is a Saturday, Sunday, or holiday), the fair market value of the mutual fund share is the last public offering price quoted by the company for the first day preceding the applicable valuation date for which there is a quotation, adjusted for any reduction in price available to the public in acquiring the number of shares being valued. In any case where a dividend is declared on a share in an open-end investment company before the decedent's death but payable to shareholders of record on a date after his death and the share is selling "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the share as of the date of the decedent's death. As used in this paragraph, the term "open-end investment company" includes only a company which on the applicable valuation date was engaged in offering its shares to the public in the capacity of an open-end investment company.

(2) The provisions of this paragraph shall apply with respect to estates of decedents dying after October 10, 1963.

PAR. 2. Section 25.2512–6 is amended by changing the heading, designating existing material as paragraph (a), and by adding a new paragraph (b). As so amended § 25.2512–6 reads as follows:

§ 25.2512–6 Valuation of certain life insurance and annuity contracts; valuation of shares in an open-end investment company.

(a) *Valuation of certain life insurance and annuity contracts.* The value of a life insurance contract or of a contract for the payment of an annuity issued by a company regularly engaged in the selling of contracts of that character is established through the sale of the particular contract by the company, or through the sale by the company of comparable contracts. As valuation of an insurance policy through sale of comparable contracts is not readily ascertainable when the gift is of a contract which has been in force for some time and on which further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the gift the proportionate part of the gross premium last paid before the date of the gift which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such approximation is not reasonably close to the full value, this method may not be used. The following examples, so far as relating to life insurance contracts, are of gifts of such contracts on which there are no accrued dividends or outstanding indebtedness.

Example (1). A donor purchases from a life insurance company for the benefit of another a life insurance contract or a contract for the payment of an annuity. The value of the gift is the cost of the contract.

Example (2). An annuitant purchased from a life insurance company a single payment annuity contract by the terms of which he was entitled to receive payments of $1,200 annually for the duration of his life. Five years subsequent to such purchase, and when of the age of 50 years, he gratuitously assigns the contract. The value of the gift is the amount which the company would charge for an annuity contract providing for the payment of $1,200 annually for the life of a person 50 years of age.

Example (3). A donor owning a life insurance policy on which no further payments are to be made to the company (e.g., a single premium policy or paid-up policy) makes a gift of the contract. The value of the gift is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (4). A gift is made four months after the last premium due date of an ordinary life insurance policy issued nine years and four months prior to the gift thereof by the insured, who was 35 years of age at date of issue. The gross annual premium is $2,811. The computation follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One-third of such increase (the gift having been made four months following the last preceding premium due date), is	545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of gift	13,510.33
Two-thirds of gross premium ($2,811)	1,874.00
Value of the gift	15,384.33

Example (5). A donor purchases from a life insurance company for $15,198, a joint and survivor annuity contract which provides for the payment of $60 a month to the donor during his lifetime, and then to his sister for such time as she may survive him. The premium which would have been charged by the company for an annuity of $60 monthly payable during the life of the donor alone is $10,690. The value of the gift is $4,508 ($15,198 less $10,690).

(b) *Valuation of shares in an open-end investment company.* (1) The fair market value of a share in an open-end investment company (commonly known as a "mutual fund") is the public offering price of a share, adjusted for any reduction in price available to the public in acquiring the number of shares included in the particular gift. In the absence of an affirmative showing of the public offering price in effect at the time of the gift, the last public offering price quoted by the company for the date of the gift shall be presumed to be the applicable public offering price. If there is no public offering price quoted by the company for the date of the gift (e.g., the date of the gift is a Saturday, Sunday, or holiday), the fair market value of the mutual fund share is the last public offering price quoted by the company for the first day preceding the date of the gift for which there is a quotation, adjusted for any reduction in price available to the public in acquiring the number of shares included in the particular gift. As used in this paragraph, the term "open-end investment company" includes only a company which on the date of the gift was engaged in offering its shares to the public in the capacity of an open-end investment company.

(2) The provisions of this paragraph shall apply with respect to gifts made after October 10, 1963.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 7, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 63–10788; Filed, Oct. 9, 1963; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 888—STANDARDS OF CONDUCT

Part 888 is revised to read as follows:

Sec.
888.1 Scope of part.
888.1a Code of Ethics for Government Service.
888.2 Definitions.
888.3 Applicability.
888.4 Ethical standards of conduct.
888.5 Bribery and graft.
888.6 Gratuities.
888.7 Prohibition of contributions or presents to superiors.
888.8 Use of Government facilities, property, and manpower.
888.9 Use of civilian and military titles in connection with commercial enterprises.
888.10 Outside employment of Air Force personnel.
888.11 Conflict of interest laws.
888.12 Advisers, consultants, and temporary or intermittent employees.
888.13 Digest of conflict of interest laws.
888.14 New law applicable to former officers and employees.
888.15 Summary of laws applicable to retired regular officers not on active duty.
888.16 Other related criminal laws applicable to all Department of Defense personnel.

AUTHORITY: §§ 888.1 to 888.16 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 30–30, August 26, 1963.

§ 888.1 Scope of part.

This part prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all Air Force personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. It is in consonance with the President's Memorandum (28 F.R. 4539, May 7, 1963) concerning Special Government Employees and the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which applies to all Government personnel. It also includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (§§ 888.13 and 888.16).

§ 888.1a Code of Ethics for Government Service.

HOUSE CONCURRENT RESOLUTION 175

85TH CONGRESS, 2D SESSION

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

Code of Ethics for Government Service

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

§ 888.2 Definitions.

(a) "DOD personnel," as used in this part, unless the context indicates otherwise, means all civilian officers and employees of all the offices, agencies, and departments in the Department of Defense (including nonappropriated fund activities) and all officers and enlisted members of the Army, Navy, Air Force, and Marine Corps.

(b) "Air Force personnel," as used in this part, unless the context indicates otherwise, means all civilian officers and employees in the Department of the Air Force (including nonappropriated fund activities) and all officers and enlisted members of the Air Force.

(c) "Officers" includes both commissioned and warrant officers.

(d) "Reserve officers" includes both officers of the Air National Guard of the United States and Air Force Reserve.

§ 888.3 Applicability.

(a) This part applies to all Air Force personnel and activities.

(b) All Air Force personnel should be familiar with §§ 888.2 to 888.12 and those parts of §§ 888.13 and 888.14 which pertain to them.

§ 888.4 Ethical standards of conduct.

(a) *General.* Air Force personnel are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interests of the United States. Even though a technical conflict, as set forth in the statutes cited in this part, may not exist, Air Force personnel must avoid the appearance of such a conflict, from a public confidence

point of view. Air Force personnel will not engage in any private activity which involves the use of, or the appearance of the use of, inside information gained through an Air Force position for private gain for themselves, their families or business associates. Air Force personnel must not use their official position in any way to induce, or give the appearance of inducing, another person to provide any financial benefit to themselves, or persons with whom they have family, business or financial ties.

(b) *Dealing with present and former military and civilian personnel.* Air Force personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel, of the Government, if such action will result in a violation of a statute or policy set forth in this part.

(c) *Presidential appointees.* Executive Order 10939 of May 5, 1961 (3 CFR, 1961 Supp., p. 107) prescribing special standards for Presidential appointees and others is self-explanatory.

§ 888.5 Bribery and graft.

In general, Air Force personnel may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for being influenced in performing or in refraining from performing an official act (see 18 U.S.C. 201).

§ 888.6 Gratuities.

(a) Air Force personnel will not accept any favor, gratuity, or entertainment directly or indirectly, from any person, firm, corporation, or other entity which has engaged, is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the Department of Defense, where such favor, gratuity, or entertainment might affect, or might reasonably be interpreted as affecting, or give the appearance of affecting the objectivity and impartiality of such personnel in serving the Government. Favors, gratuities, or entertainment bestowed upon members of the immediate families of Air Force personnel are viewed in the same light as those bestowed upon Air Force personnel. Acceptance of entertainment, gifts, or favors (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of Defense may be a source of embarrassment to the Department and to the personnel involved, may affect the objective judgment of the recipient, may impair public confidence in the integrity of business relations between the Department and industry, and must be discouraged.

(b) Procedures with respect to gifts from foreign governments are set forth in §§ 891.1 to 891.11 and §§ 878.1 to 878.16 of this subchapter.

§ 888.7 Prohibition of contributions or presents to superiors.

No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R.S. 1784; 5 U.S.C. 113.)

§ 888.8 Use of Government facilities, property, and manpower.

Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph services and chauffer services, shall be used only for official Government business. Sections 888.2 to 888.12 are not intended to preclude the use of Government facilities for activities which would further military-community relations provided they do not interfere with the military mission.

§ 888.9 Use of civilian and military titles in connection with commercial enterprises.

(a) All civilian personnel, and military personnel on active duty, are prohibited from using their civilian and military titles or positions in connection with any commercial enterprise or in endorsing any commercial product. For the purpose of this section, the term "commercial enterprise" includes any organization other than a nonprofit or charitable organization which is exempt from Federal income taxation because it comes within subsection (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 501). No civilian person and no military person on extended active duty will use his civilian or military title or position in connection with any organization unless he first determines from the organization involved that it is exempt from taxation under one of the above subsections of the Internal Revenue Code. The foregoing shall not be deemed to preclude publication by such personnel of books or articles which identify them as author by reference to their military or civilian title or position, provided that publication of such material has been cleared under existing Air Force procedures.

(b) All retired military personnel and all members of Reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the Air Force or the Department of Defense. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by Department of the Air Force or the Department of Defense. The Department of the Air Force may restrict retired personnel and members of reserve components not on active duty, from using their military titles in connection with public appearances in oversea areas.

§ 888.10 Outside employment of Air Force personnel.

(a) Air Force personnel shall not engage in private outside employment with or without compensation, which:

(1) Interferes with the performance of their Government duties,

(2) May reasonably be expected to bring discredit upon the Government or the agency concerned, or

(3) Is inconsistent with § 888.4.

(b) No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession. (10 U.S.C. 8635)

§ 888.11 Conflict of interest laws.

(a) *Full-time officers and employees—*(1) *Definition.* The term "full-time officer or employee" includes all civilian officers and employees, and all military officers on active duty, except those who are "special Government employees" (see paragraph (b) of this section). It does not include enlisted personnel.

(2) *Prohibitions.* Section 888.13 contains a discussion of these criminal laws and the exemptions therefrom. In general, a full-time officer or employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (see 18 U.S.C. 203 and 205).

(ii) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (see 18 U.S.C. 209).

(iii) He may not participate[1] in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (see 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with subparagraph (4) of this paragraph, except as provided in subparagraph (3) of this paragraph.

(3) *Nondisqualifying financial interest.* (i) A full-time officer or employee need not disqualify himself under subparagraph (2)(ii) of this paragraph, if the financial holdings are in shares of a widely-held diversified mutual fund or regulated investment company.

(ii) The indirect interests in business entities which the holder of shares in a widely-held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is hereby exempted from the provisions of 18 U.S.C. 208(a), in accordance with the provisons of 18 U.S.C. 208(b)(2) as being too remote or inconsequential to affect the integrity of the Government officers' or employees' services.

(4) *Disqualification procedures.* (i) In any case where a full-time officer or employee must disqualify himself under subparagraph (2)(iii) of this paragraph, he will promptly notify his superior thereof and make a full disclosure of the financial interest. The superior will thereupon relieve him from his duty and responsibility in the matter, unless the Government official responsible for his appointment makes a written advance determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the officer or the employee. The original copy of such written determination will be made a matter of permanent record and will become a part of the Official Civilian Personnel Folder or the Military Officer Unit Personnel Record Group, as appropriate.

(ii) In the case of a military officer or a civilian employee, the "official responsible for his appointment" shall, for the purpose of this paragraph (a), be his superior, or such other person as the commander may designate, who is a full-time officer or employee serving in the grade of major, or GS-12, or higher. The designation, authorized to be made by commanders in the previous sentence, may be made by directors or heads of comparable offices in the Office of the Secretary of the Air Force and in Hq USAF for personnel assigned to their respective offices.

(iii) In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter.

(iv) In cases of disqualification under this paragraph (a), the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

(b) *Special Government employees—*(1) *Definition.* The term "special Government employee" includes an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (see 18 U.S.C. 202). The term also includes a Reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(2) *Prohibitions.* The President's Memorandum (28 F.R. 4539, May 7, 1963) contains a detailed discussion of these criminal laws. In general, a special Government employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else:

(a) Before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (see 18 U.S.C. 203 and 205).

(b) In a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (see 18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in this subdivision apply to both paid and unpaid representation of another.

(ii) He may not participate in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (see 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with paragraph (a)(4) of this section, except as provided in paragraph (a)(3) of this section.

(iii) After his Government employment has ended, he is subject to the prohibitions in paragraph (c)(2) of this section as a "former employee" (see 18 U.S.C. 207).

(c) *Former officers or employees—*(1) *Definition.* The term "former officer or employee" includes those full-time civilian officers or employees and former military officers who have left Government service, special Government employees who have left Government service, retired Regular officers, and Reserve officers released from active duty. It does not include enlisted personnel.

(2) *Prohibited activities.* Section 888.14 contains a more detailed discussion of the criminal law. In general, a former officer or employee is subject to the following major prohibitions:

(i) He may not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (see 18 U.S.C. 207(a)).

(ii) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (see 18 U.S.C. 202(b) and 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in subdivision (i) of this subparagraph, if the matter is one in which he participated personally and substantially.

(d) *Retired Regular officers—*(1) *Prohibitions.* Section 888.15 contains a summary of the laws applicable to retired Regular officers. In general, a retired Regular Air Force officer is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else:

(a) Before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (see 18 U.S.C. 203 and 205).

(b) In a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (see 18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in this subdivision apply to both paid and unpaid representation of another.

(ii) He may not participate in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (see 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with paragraph (a)(4) of this section, except as provided in paragraph (a)(3) of this section.

(iii) After his Government employment has ended, he is subject to the prohibitions in paragraph (c)(2) of this section as a "former employee" (see 18 U.S.C. 207).

(c) *Former officers or employees—*(1) *Definition.* The term "former officer or employee" includes those full-time civilian officers or employees and former military officers who have left Government service, special Government employees who have left Government service, retired Regular officers, and Reserve officers released from active duty. It does not include enlisted personnel.

(2) *Prohibited activities.* Section 888.14 contains a more detailed discussion of the criminal law. In general, a former officer or employee is subject to the following major prohibitions:

(i) He may not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (see 18 U.S.C. 207(a)).

(ii) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (see 18 U.S.C. 202(b) and 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in subdivision (i) of this subparagraph, if the matter is one in which he participated personally and substantially.

(d) *Retired Regular officers—*(1) *Prohibitions.* Section 888.15 contains a summary of the laws applicable to retired Regular officers. In general, a retired Regular Air Force officer is subject to the following major prohibitions:

(i) As an officer whose "employment has ceased," he may not engage in the prohibited activities listed in paragraph (c) of this section (see 18 U.S.C. 207).

(ii) He may not, at any time, assist in prosecuting a claim against the United States if he worked on that claim while on active duty (see 18 U.S.C. 283).

(iii) He may not, within two years after his retirement, assist in prosecuting a claim which involves the Department in whose service he holds a retired status (see 18 U.S.C. 283).

(iv) He may not, at any time, sell anything to the Department in whose service he holds a retired status (see 18 U.S.C. 281).

(v) He may not, within three years after retirement, sell supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (see 37 U.S.C. 801(c), as amended October 9, 1962, Public Law 87-777, formerly 5 U.S.C. 59(c)). (See definition of "Selling," § 888.15.)

(2) *Required statement of employment.* (i) Each Regular retired Air Force officer will file the following "Statement of Employment," DD Form 1357,[2] with the Retired Pay Division, Directorate of Allotments and Retired Pay, Air Force Accounting and Finance Center (AR), 3800 York Street, Denver 5, Colorado. Each Regular officer retiring hereafter will file this Statement within 30 days after retirement. Whenever the information in the Statement is no longer accurate, each such officer shall file a new DD Form 1357; however, a new Statement need not be filed solely because of the revision of the DD Form 1357.

(ii) The Air Force Accounting and Finance Center will review the "Statement of Employment" to assure compliance with applicable statutes and regulations. Where it appears that a possible violation of a policy or statute, as set forth in this part may be involved, the Retired member may be requested to furnish clarifying information.

(iii) The Retired member will request additional copies of DD Form 1357 from AFAFC (AR), 3800 York Street, Denver 5, Colorado.

(e) *Officers of the Reserve components.* (1) A Reserve officer who is voluntarily serving a period of extended active duty in excess of 130 days is a full-time Government officer, and paragraph (a) of this section applies to him. Exception: Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person (see 10 U.S.C. 1033).

(2) A Reserve officer who is serving on active duty involuntarily for any length of time, and a Reserve officer who is voluntarily serving on extended active duty for 130 days or less, is a "special Government employee," and paragraph (b) of this section applies to him.

(3) A Reserve officer (unless otherwise a full-time officer or employee of the

[1] A person may "participate" through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise.

[2] Form filed as part of original document.

United States) who is on active duty solely for training for any length of time is a "special Government employee," and paragraph (b) of this section applies to him.

(4) When he is released from active duty, a Reserve officer described in subparagraph (1), (2), or (3) of this paragraph, is a "former officer," and paragraph (c) of this section applies to him.

(5) Membership in a Reserve component of the Armed Forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before or in connection with any department (see 5 U.S.C. 30r (c), (d)).

(6) An officer of a Reserve component, whether in the Ready, Standby, or Retired Reserve, who is not on active duty is not, solely because of his status as a Reserve, considered to be an officer or employee of the United States for the purpose of bringing him within the prohibitions summarized in paragraphs (a), (b), or (c) of this section (see 5 U.S.C. 30r (c), (d)).

(7) Receipt of retired pay by a Reserve or a former Reserve does not, in itself, make him an officer or employee or a former officer or employee for the purpose of bringing him within the prohibitions summarized in paragraphs (a), (b), or (c) of this section. Paragraph (d) of this section does not apply to a retired Reserve.

§ 888.12 Advisers, consultants, and temporary or intermittent employees.

(a) *Applicability.* This section implements the President's Memorandum of May 2, 1963, titled "Preventing Conflicts of Interest on the Part of Special Government Employees" (28 F.R. 4539, May 7, 1963). It will be noted that, while the Memorandum relates to all special Government employees, its primary thrust is to advisers and consultants.

(1) The President's Memorandum and this section apply to the following categories of personnel, including members of advisory committees established under AFR 25–7, "Air Force Committee Management":

(i) Advisers and consultants (including experts) employed under AFR 40–921, "Employment of Experts and Consultants" (publication pending); AFR 160–97, "Civilian National Consultants"; or AFR 25–4, "Expert and Consultant Services."

(ii) Temporary or intermittent employees appointed under regular Civil Service appointment procedures; and

(iii) Industry or other representatives (including representatives of labor and agriculture) who are not appointed as Air Force employees, but who are requested to appear before an activity of the Air Force to present the views of a non-governmental organization.

(2) The following categories of personnel are not considered "advisers and consultants" within the meaning of this section when performing the specific services listed in subdivisions (i) through (v) of this subparagraph, and they are not required to file the "Statement of Employment and Financial Interests" referred to in paragraph (b)(2)(i)(b) of this section. The other provisions of this part, and the laws referred to therein, apply to such employees either as full-time or as special Government employees.

(i) Physicians, dentists, and allied medical specialists performing care and service to patients.

(ii) Veterinarians providing veterinary service to animals.

(iii) Lecturers participating in educational activities.

(iv) Chaplains performing religious services.

(v) Individuals of national prominence in the motion picture and television fields who are utilized as narrators or actors in motion picture or television productions produced by the Department of Defense.

(b) *Specific responsibilities* — (1) *Over-all responsibility.* Each commander is responsible for implementing all of the provisions of the President's Memorandum of May 2, 1963, pertaining to his command.

(2) *Advisers and consultants.* (i) Each adviser and consultant employed, or to be employed, will:

(*a*) Familiarize himself and comply with the President's Memorandum of May 2, 1963, and those parts of this part which pertain to him.

(*b*) Complete and file with the civilian personnel office of the employing activity the following "Statement of Employment and Financial Interests" prior to his appointment or reappointment, and file with that office a revised Statement whenever the one previously submitted by him is no longer accurate. He will report on the Statement his Government employment (including his anticipated employment with the Air Force and with any other Government agencies) and his private employments, as prescribed in the President's Memorandum of May 2, 1963, and his financial interests. He must list all of his investments and other financial interests, such as a pension; retirement; group life, health, or accident insurance; and profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. He is not required to list precise amounts of investments.

S-A-M-P-L-E

STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

1. *Private Employment*

(Name of all companies, firms, State or local governmental organizations, research organizations, and educational or other institutions for which you are serving as employee, officer, member, director, adviser or consultant. Also list any organization with which you are negotiating or have an arrangement concerning prospective employment.)

2. *Federal Government Employment*

a. I anticipate I will be employed by the U.S. Government during the 365 days following _____ (date of proposed appointment), as follows:

Employing Agency: _____
Estimated Days of Service: _____

b. During the 365 days prior to _____ (date of proposed appointment) I will have been employed by (Army), (Navy), (Air Force), (OSD) as follows:

Employing Agency: _____
Days Served: _____

3. *Financial Interests*

(Names of *all* companies, firms, research institutions or other organizations in which you, or to your knowledge, your spouse, or your children, own securities or other financial interests—precise amounts of investments need not be revealed.)

Name _____
Address _____
Date _____

(ii) The central civilian personnel office of the employing activity will:

(*a*) Arrange to give each prospective adviser or consultant, and each adviser or consultant now employed, a copy of this part, to invite his attention especially to this section and the President's Memorandum of May 2, 1963, and to advise him of the name of the legal office from which he should seek legal assistance should he have any question relating to conflict of interest.

(*b*) Prior to appointment or reappointment, arrange to secure a completed "Statement of Employment and Financial Interests" or a revised Statement as applicable.

(*c*) Prior to appointment or reappointment, arrange to furnish the operating official who will supervise the adviser or consultant, and the legal office, copies of the Statement and to obtain their comments thereon (see subdivisions (iii) and (iv) of this subparagraph).

(*d*) Maintain the original "Statement of Employment and Financial Interests," and other papers relating thereto as prescribed in AFM 40–2 (Civilian Personnel Actions, Records, Files and Reports). The Statement and related papers are official personnel records and must be treated accordingly.

(*e*) Determine whether the adviser or consultant is a special or full-time employee in accordance with the procedure set forth in paragraphs (a) through (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541–4542, May 7, 1963). Any service expected to be rendered with other departments or agencies during the period will be taken into account in making this determination. This determination will be based on the Statement filed by the individual.

(*f*) Record, as appropriate, one of the following in the remarks section of the SF 50, "Notification of Personnel Action":

(*1*) "Subject to conflict of interest laws and regulations as a special Government employee."

(*2*) "Subject to conflict of interest laws and regulations as a regular Government employee."

(*g*) Determine if the 60-day rule in § 888.11(b)(2)(i)(*b*) applies and advise the individual in writing of this determination. This determination is made in accordance with paragraphs (f) and (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541–4542, May 7, 1963), based on the Statement filed by the individual.

(iii) The official who supervises, and who will supervise, an adviser or consultant, will:

(*a*) Familiarize himself and comply with all of the provisions of the President's Memorandum of May 2, 1963, and the provisions of this part, pertaining to him and to advisers and consultants.

(*b*) Review each "Statement of Employment and Financial Interests," and each revised Statement and furnish, for use by the legal office and for filing in the central civilian personnel office, a statement whether, during the course of his employment, the adviser or consultant will participate in any matter the outcome of which would have a direct and predictable effect on any of the non-Governmental organizations listed in paragraphs 1 and 3 of his "Statement of Employment and Financial Interests." In an appropriate case, he will consult with the legal office before preparing this Statement.

(iv) *Legal office.* The legal office providing legal assistance to the commander of the employing activity, will:

(*a*) Furnish legal advice and assistance to the central civilian personnel office, the supervisors, and advisers and consultants, on all matters relating to conflict of interest.

(*b*) Review each "Statement of Employment and Financial Interests" and each revised Statement together with the report of the supervisor (subdivision (iii)(*b*) of this subparagraph) and furnish a written opinion thereon to the central civilian personnel office for filing.

(v) *The Directorate of Civilian Personnel, Hq USAF.* The directorate will arrange for furnishing information requested by other agencies on advisers and consultants employed within the Air Force. Requests from other agencies are directed to Hq USAF (AFPCPAA), Washington, D.C., 20330.

(3) *Temporary or intermittent employees.* The central civilian personnel office will:

(i) Brief each individual employed on a temporary or intermittent appointment.

(ii) Make the determinations, as set forth in paragraphs (a) through (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541–4542, May 7, 1963), on the basis of personnel records, and advise the employee of these determinations.

(iii) Record one of the appropriate remarks on the SF 50 as provided in subparagraph (2)(ii)(*b*) of this paragraph.

(4) *Industry or other representatives.* (i) Each industry, labor, agriculture, or other representative who is requested to appear before an activity of the Air Force to present the views of a non-Governmental organization or group which he represents will be familiar, and comply, with those provisions of the President's Memorandum of May 2, 1963, pertaining to him.

(ii) The official who requests or receives the views of any industry or other representative (28 F.R. 4545, May 7, 1963) will:

(*a*) Furnish the representative a copy of this part and invite his attention to the President's Memorandum of May 2, 1963.

(*b*) Be familiar and comply with that Memorandum.

§ 888.13 Digest of conflict of interest laws.

New laws applicable to full-time officers and employees (these laws are set out in full in the Appendix to the President's Memorandum (28 F.R. 4539, May 7, 1963)):

(a) *18 U.S.C. 203.* (1) Section 203(a) in general prohibits an officer or employee of the United States in any branch or agency of the Government from soliciting or receiving compensation for services rendered on behalf of another person before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest. Section 203(a) does not preclude compensation for services rendered on behalf of another in court.

(2) Section 203(b) makes it unlawful for anyone to offer or pay compensation, the solicitation or receipt of which is barred by section 203(a).

(b) *18 U.S.C. 205.* (1) Section 205 contains two major prohibitions. The first prevents an officer or employee of the United States in any branch of agency of the Government from acting as agent or attorney for prosecuting any claim against the United States, including a claim in court, whether for compensation or not. It also prevents him from receiving a gratuity, or a share or interest in any such claim, for assistance in the prosecution thereof.

(2) The second main prohibition of section 205 is concerned with more than claims. It precludes an officer or employee of the Government from acting as agent or attorney for anyone else before a department, agency or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

(3) 18 U.S.C. 203 and 205 overlap. The following are the few important differences between sections 203 and 205 as they apply to officers and employees of the Government:

(i) Section 203 bars services rendered for compensation solicited or received, but not those rendered without such compensation; section 205 bars both kinds of services.

(ii) Section 203 bars services rendered before the departments and agencies but not services rendered in court; section 205 bars both.

It should be noted, however, that for all practical purposes section 205 completely overshadows section 203.

(4) Exemptions:

(i) Section 205 permits a Government officer or employee to represent another person, without compensation, in a disciplinary, loyalty or other personnel matter. Another provision declares that the section does not prevent an officer or employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

(ii) Section 205 also authorizes a limited waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special Government employee, who represents his own parents, spouse or child, or a person or estate he serves as a fiduciary. The waiver is available to the officer or employee, whether acting for any such person with or without compensation, but only if approved by the official making appointments to his position. In no event does the waiver extend to his representation of any such person in matters in which he has participated personally and substantially or which, even in the absence of such participation, are the subject of his official responsibility.

(iii) Finally, section 205 gives the head of a department or agency the power, notwithstanding any applicable restrictions in its provisions or those of section 203, to allow a special Government employee to represent his regular employer or other outside organization in the performance of work under a Government grant or contract. However, this action is open to the department or agency head only upon his certification, published in the FEDERAL REGISTER, that the national interest requires it.

(c) *18 U.S.C. 208.* (1) Section 208 forbids certain actions by an officer or employee of the Government in his role as a servant or representative of the Government. Its thrust is therefore to be distinguished from that of 18 U.S.C. 203 and 205 which forbid certain actions in his capacity as a representative of persons outside the Government.

(2) Section 208(a) in substance requires an officer or employee of the executive branch, including a special Government employee, to refrain from participating as such in any matter in which, to his knowledge, he, his spouse, minor child or partner has a financial interest. He must also remove himself from a matter in which a business or nonprofit organization with which he is connected or is seeking employment has a financial interest. Under this section 208, a "particular matter" may be a matter less concrete than an actual contract, because the concept of a "particular matter involving a specific party or parties" is not used here as in other U.S.C. sections. However, a "particular matter" is something more specific than rule making or abstract scientific principles. The test for determining whether the action of the individual involves a particular matter in which he (or the other enumerated parties) has a financial interest is whether he might reasonably anticipate that his action or the decision in which he participates or with respect to which he advises, will have a direct and predictable effect upon a financial interest of himself, his spouse, minor child, partner or organization with which he is connected or seeking employment.

(3) Section 208(b) permits the agency of an officer or employee to grant him an ad hoc exemption from section 208(a) if the outside financial interest in a matter is deemed not substantial enough to have an effect on the integrity of his services. Financial interests of this kind may also be made nondisqualifying by a general regulation published in the FEDERAL REGISTER.

[3] Form filed as part of original document.

Employing Agency:	
Days Served:	

of this section. The other provisions of

him and to advisers and consultants.

(d) *18 U.S.C. 209.* (1) Section 209 (a) prevents an officer or employee of the executive branch, an independent agency or the District of Columbia from receiving, and anyone from paying him, any salary or supplementation of salary from a private source as compensation for his services to the Government.

(2) Section 209(b) specifically authorizes an officer or employee covered by section 209(a) to continue his participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

(3) Section 209(c) provides that section 209 does not apply to a special Government employee or to anyone serving the Government without compensation, whether or not he is a special Government employee.

(4) Section 209(d) provides that section 209 does not prohibit the payment or acceptance of contributions, awards or other expenses under the terms of the Government Employees Training Act.

§ 888.14 New law applicable to former officers and employees.

(a) 18 U.S.C. 207 (this law is set out in full in the Appendix to the President's Memorandum (28 F.R. 4539, May 7, 1963)):

(1) Section 207 (a) and (b) contains post-employment prohibitions applicable to persons who have ended service as officers or employees of the executive branch. The prohibitions for persons who have served as special Government employees are the same as for persons who have performed regular duties.

(2) The restraint of section 207(a) is against a former officer or employee's acting as agent or attorney for anyone other than the United States in connection with certain matters, whether pending in the courts or elsewhere. The matters are those involving a specific party or parties in which the United States is one of the parties or has a direct and substantial interest and in which the former officer or employee participated personally and substantially while holding a Government position.

(3) Section 207(b) sets forth a one-year post-employment prohibition in respect of those matters which were within the area of official responsibility of a former officer or employee at any time during the last year of his service but which do not come within section 207(a) because he did not participate in them personally and substantially. More particularly, the prohibition of section 207 (b) prevents his personal appearance in such matters before a court or a department or agency of the Government as agent or attorney for anyone other than the United States. Where, in the year prior to the end of his service, a former officer or employee has changed areas of responsibility by transferring from one agency to another, the period of his post-employment ineligibility as to matters in a particular area ends one year after his responsibility for that area ends. For example, if an individual transfers from a supervisory position in the Internal Revenue Service to a supervisory position in the DOD and leaves DOD for private employment nine months later, he will be free of the restriction of section 207(b) in three months insofar as Internal Revenue matters are concerned. He will of course be bound by it for a year in respect of DOD matters.

(4) The proviso following section 207 (a) and (b) authorizes a department head, notwithstanding anything to the contrary in their provisions, to permit a former officer or employee with outstanding scientific qualifications to act as attorney or agent or appear personally before the department for another in a matter in a scientific field. This authority may be exercised by the department head upon a "national interest" certification published in the FEDERAL REGISTER.

(5) Section 207(a) describes the activities it forbids as being in connection with "particular matters involving a specific party or parties" in which the former officer or employee had participated. Section 207(b) relates to matters which were under his official responsibility. The language of both does not include general rule-making, the formulation of general policy or standards, or other similar matters. Thus, past participation in or official responsibility for a matter of this kind on behalf of the Government does not disqualify a former employee from representing another person in a proceeding which is governed by the rule or other result of such matter. Similarly, in the scientific field past participation in discussion of scientific or engineering concepts, the feasibility of scientific or technical accomplishments or proposed Government programs in early stages prior to the formulation of contract or a contract proposal where specific parties become involved in a matter, does not disqualify the former employee from representing his company with respect to a contract entered into at a later time even though the same general scientific matters may be involved in such a contract.

(6) Section 207(a) bars permanently a greater variety of actions than section 207(b) bars temporarily. The conduct made unlawful by the former is any action as agent or attorney, while that made unlawful by the latter is a personal appearance as agent or attorney. However, neither subsection precludes post-employment activities which may fairly be characterized as no more than aiding or assisting another. An individual who has left the department to accept private employment may, for example, immediately perform technical work in his company's plant in relation to a contract for which he had official responsibility—or, for that matter, in relation to one he helped the agency negotiate. On the other hand, he is forbidden for a year, in the first case, to appear personally before the department as the agent or attorney of his company in connection with a dispute over the terms of the contract. He may at no time appear personally before the department or otherwise act as agent or attorney for his company in such dispute if he helped negotiate the contract. Under both subsections the disability is personal, and neither section would prevent the former officer or employee from becoming the president or other officer of a corporation which has contracts with the Government, so long as such former officer or employee does not personally act as the agent or attorney of the company in dealing with the matters covered under subsections (a) and (b).

§ 888.15 Summary of laws applicable to retired regular officers not on active duty.

(a) *Prohibited activities*—(1) *Matters connected with former duties or official responsibilities.* A retired regular officer not on active duty is considered to be a "former officer" for the purposes of 18 U.S.C. 207 and therefore, the prohibitions discussed in §§ 888.13 and 888.16 apply to him.

(2) *Claims.* A retired regular officer of the armed forces may not, within two years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the department in whose service he holds a retired status. Nor may a regular retired officer at any time act as an agent or attorney for prosecuting any claim against the Government or assist in prosecution of such claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty (see 18 U.S.C. 283).

(3) *Selling.* (i) A retired regular officer is prohibited, at all times, from receiving or agreeing to receive any compensation for representing any person in the sale of anything to the Government through the department in whose service he holds a retired status (see 18 U.S.C. 281).

(ii) 37 U.S.C. 801(c) as amended October 9, 1962, Public Law 87–777, formerly 5 U.S.C. 59(c) provides:

> No payment shall be made from appropriations in any Act to any officer on the retired lists of the Regular Army, Regular Navy, Regular Marine Corps, Regular Air Force, Regular Coast Guard, Coast and Geodetic Survey, and Public Health Service for a period of *three* years after retirement who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service any supplies or war materials.

(*a*) For the purpose of this statute, "selling" means:

(*1*) Signing a bid, proposal, or contract;

(*2*) Negotiating a contract;

(*3*) Contacting an officer or employee of any of the foregoing departments or agencies for the purpose of:

(*i*) Obtaining or negotiating contracts,

(*ii*) Negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or

(*iii*) Settling disputes concerning performance of a contract, or

(4) Any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person.

However, it is not the intent of §§ 888.1 to 888.16 to preclude a retired regular officer from accepting employment with private industry solely because his employer is a contractor with the Government.

(b) *Exemptions from law applying to officers on active duty.* A regular officer who has been retired continues to be an "officer" of the United States for purposes of many statutes. However, the laws applying to officers on active duty listed in § 888.11(a) do not normally apply to retired regular officers not on active duty. The law specifically provides that 18 U.S.C. 203 and 205 do not apply to a retired officer while not on active duty who is not otherwise an officer or employee of the United States (see 18 U.S.C. 206). In addition, as a practical matter, 18 U.S.C. 208 and 209 do not apply to a retired officer not on active duty who is not performing services for the Government, solely because of his status as a retired regular officer.

§ 888.16 Other related criminal laws applicable to all Department of Defense personnel.

(a) The following activities may subject present and former DOD personnel to criminal penalties:

(1) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (see 18 U.S.C. 2).

(2) Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (see 18 U.S.C. 4).

(3) Conspiring with one or more other persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (see 18 U.S.C. 371).

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63–10720; Filed, Oct. 9, 1963; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 39—Post Office Department

PART 39–1—GENERAL

Subpart 39–1.1—Post Office Department Procurement Regulations System

Chapter 39 of Title 41 of the Code of Federal Regulations is amended to read as follows:

Sec.
39–1.101 Purpose.
39–1.102 Authority.
39–1.103 Relation to Federal Procurement Regulations System.
39–1.104 Content.
39–1.105 Applicability.
39–1.106 Exclusions.
39–1.107 Issuance.
39–1.107–1 Internal.
39–1.107–2 Public.
39–1.107–3 Coordination.
39–1.108 Citation.
39–1.109 Bureau or Office Implementation.
39–1.110 Deviation.

AUTHORITY: §§ 39–1.101 to 39–1.110 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501.

§ 39–1.101 Purpose.

This subpart establishes a system of Post Office Department Procurement Regulations (PODPR) for the codification and publication of policies and procedures for procurement by the Post Office Department (POD) which is subject to the Federal Property and Administrative Services Act of 1949, as amended.

§ 39–1.102 Authority.

PODPR are issued in compliance with the Federal Procurement Regulations System prescribed by the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended.

§ 39–1.103 Relation to Federal Procurement Regulations System.

The Federal Procurement Regulations System is designed to bring together, under Title 41, Subtitle A, of the Code of Federal Regulations, the procurement regulations applicable to all civilian agencies of the Government. Federal Procurement Regulations (FPR) are Chapter 1. Chapter 39 is assigned for the procurement regulations of the POD. Parts 1 through 49 of PODPR (Chapter 39) will be used to implement or supplement the policies and procedures included in FPR. Material issued in the first 49 parts of PODPR will be numerically keyed to the corresponding sections of FPR. Parts 50 through 99 of PODPR will be used for procurement policies and procedures for which there is no counterpart in FPR. The numbering system established by § 1–1.107–2 of this title will be utilized to the maximum practicable extent in PODPR.

§ 39–1.104 Content.

Chapter 39 will contain procurement policies and procedures, prescribed by the Assistant Postmaster General, Bureau of Facilities for uniform application throughout the POD, including the Postal Field Service.

§ 39–1.105 Applicability.

Except where a deviation is specifically authorized in accordance with § 39–1.110 or otherwise authorized by law, Departmental and field employees engaged in procurement activities shall comply with the policies and procedures set forth in FPR and PODPR. Other POD regulations affecting procurement will remain in effect until such time as they are rescinded, lapsed or are incorporated in PODPR.

§ 39–1.106 Exclusions.

Procurement policy or procedure which bears a security classification or is expected to be in effect for less than six months or which is instituted on an experimental basis will not be included in PODPR.

§ 39–1.107 Issuance.

§ 39–1.107–1 Internal.

PODPR will be published in loose-leaf form for distribution to postal procurement offices and other postal offices concerned. Requests to be placed on the distribution list, or for extra copies, should be addressed to the Publications Supply Unit, Directives Management Branch, Office of the Deputy Postmaster General. However, placement on the distribution list or deletion therefrom is subject to prior approval of the Director, Procurement Division, Bureau of Facilities.

§ 39–1.107–2 Public.

Those parts of PODPR which contain significant policies and procedures considered to be of interest to the general public will be published in the daily issues of the FEDERAL REGISTER and, in cumulative form in the Code of Federal Regulations. Copies of PODPR, as published in the FEDERAL REGISTER and the Code of Federal Regulations, may be purchased by the public from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

§ 39–1.107–3 Coordination.

Responsibility for the development of Chapter 39 of PODPR is assigned to the Assistant Postmaster General, Bureau of Facilities. In developing the regulations, this Bureau will solicit the views of the Bureaus and Offices concerned. The Office of General Counsel shall be responsible for determining the legality of all proposed regulations and policy and for making arrangements for the publication of these regulations and any subsequent implementation thereof in the FEDERAL REGISTER.

§ 39–1.108 Citation.

Any section of PODPR may be informally identified in internal instructions or correspondence by "PODPR" followed by the section number, as for example PODPR 39–1.108. Only those sections of the regulations which have been published in the FEDERAL REGISTER may be incorporated in contracts by reference. Such sections should be cited as "41 CFR" followed by the section number as "41 CFR 39–1.108".

§ 39–1.109 Bureau or office implementation.

Bureaus and Offices may supplement or implement the FPR and PODPR with internal instructions subject to the prior review and concurrence of the Assistant Postmaster General, Bureau of Facilities, and the Office of General Counsel. The purpose of this review is to ascertain that such instructions are consistent with FPR and PODPR, and that they do not contain material which should be issued as PODPR. A copy of each such

instruction shall be furnished to the Procurement Division, Bureau of Facilities. Bureaus or Offices shall prepare for publication in the FEDERAL REGISTER such instructions, which implement or supplement FDR or PODPR, as are considered to be of interest to the general public. Such material shall be first submitted to the Assistant Postmaster General, Bureau of Facilities, for review and concurrence. Such material will thereafter be reviewed for legal sufficiency by the Office of General Counsel. When all necessary Bureau or Office concurrences have been obtained, the Office of General Counsel will make the necessary arrangements for publication of such instructions in the FEDERAL REGISTER.

Deviations (as described in § 1–1.009–1 of this title) shall be kept to a minimum and shall be controlled as follows:

(a) The Assistant Postmaster General, Bureau of Facilities, is authorized to approve deviations from FPR, to the extent authorized by FPR, and PODPR in individual cases when such action is clearly in the best interest of the Department. A record of the nature of each such deviation and the justification therefor shall be included in the contract file. A copy of each authorized deviation shall be sent to and retained by the Procurement Division, Bureau of Facilities. Any deviation must be approved in advance by the Assistant Postmaster General, Bureau of Facilities, and handled in the following manner.

(1) Request for deviation may be initiated by the contracting officer of any procuring activity of the Department or Postal Field Service. A request shall cite the specific part or section of FPR or PODPR from which it is desired to deviate, shall set forth the nature of the deviation, and shall give the reasons why such action is considered necessary or desirable. Request shall be routed through the head of the procuring activity for concurrence or additional comments. If the initiating office is at a field location, the request shall be routed through the cognizant Washington office of the Bureau or Office concerned. After the indicated concurrence has been obtained, requests shall be submitted to the Assistant Postmaster General, Bureau of Facilities.

(b) If a requested deviation is considered appropriate, approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting contracting officer with copies to interested Bureaus and Offices and the Procurement Division, Bureau of Facilities. The contract file of the requesting office shall include a copy of the request and approval.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration will be accomplished by the Bureau of Facilities after consultation with the Office of Research and Engineering, if necessary. The deviation may be issued as a part of PODPR. The Bureau or Office concerned may be authorized to issue internal instructions which incorporate the deviation consistent with § 1.109 of this title.

(c) When any deviation in a contract form provision is authorized, physical change may not be made in the printed form but shall be made by appropriate provision in the schedule, specifications or continuation sheet, as provided in the Department's procedures.

(d) The requesting office will be notified by memorandum, with copies to other interested Bureaus or Offices and the Procurement Division, Bureau of Facilities, whenever a requested deviation is disapproved.

(e) In emergency situations involving individual cases, deviation clearance may be handled by telephone or telegraph and later confirmed in writing.

(f) Requests for deviation may be made at any time, but contracting officers are urged to review new FPR releases as they are issued so that requests for deviation can be considered prior to the effective date of the FPR.

This chapter is effective upon publication in the FEDERAL REGISTER.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10750; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 87, Amdt. 1]

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

MISCELLANEOUS AMENDMENTS

Effective as of the date hereof §§ 310.2 (b) and 310.3(a) are amended to read as follows:

1. Section 310.2(b) is amended by designating the second portion thereof as paragraph "(c)" and by revising the text of the first portion thereof to read as set forth below:

§ 310.2 Federal assistance.

* * * * *

(b) The Secretary may under the provisions of section 3 of said Act furnish any suitable vessel under his jurisdiction or obtain from any department or agency of the United States, or construct and furnish a suitable vessel, if such is not available, to the State of Maine, the State of Massachusetts, the State of New York, the State of California, the State of Texas, and any other State or Territory of the United States for use as a training vessel for a Maritime Academy or College meeting the requirements of the Act.

(c) As a condition to receiving any payments or the use of any vessel under the provisions of said Act, an Academy or College shall comply with the provisions of section 5(a) of said Act and shall agree in writing to conform to such standards as provided for under section 5(a)(2) of said Act. Said standards to be so agreed upon are set forth here in §§ 310.1 to 310.13, inclusive.

2. Section 310.3(a) is amended to read as follows:

§ 310.3 Schools and courses.

(a) State Maritime Schools operating with Federal aid. The following State Maritime Schools are presently operated with Federal aid under said Act:

California Maritime Academy.
Maine Maritime Academy.
Massachusetts Maritime Academy.
State University of New York Maritime College.
The Texas Maritime Academy of the Texas A. & M. University.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: October 3, 1963.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63–10759; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 27 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants; ruffed grouse; grey and fox squirrels; cottontail, jack, and snowshoe rabbits; and raccoons, during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Minnesota State regulations, is prohibited.

(b) Open season: Pheasants—from 12:00 noon to sunset on October 26, 1963, and from 10:00 o'clock to sunset each day from October 27, 1963, through November 30, 1963. Ruffed grouse—from sunrise to sunset each day from effective date of this notice through November 3, 1963. Grey and fox squirrels—from sunrise to sunset each day from effective date of this notice through December 31, 1963. Cottontail, jack, and snowshoe rabbits—from sunrise to sunset each day from effective date of this notice through March 1, 1963. Raccoon (hunting)—24 hours per day from effective date of this notice through December 31, 1963.

(c) Daily bag limits: Pheasants (cocks only)—3; ruffed grouse—3; grey and fox squirrels—10, combined; cottontail, jack, and snowshoe rabbits—10 of each species; raccoon—no limit.

(d) Methods of hunting: (1) Weapons—shotguns and small bore rifles as permitted by State regulations.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through March 1, 1964.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1963.

[F.R. Doc. 63–10760; Filed, Oct. 9, 1963; 8:47 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Hunting of migratory game birds on the Malheur National Wildlife Refuge, Oregon, is suspended for the 1963 season. A prolonged drouth has resulted in a shortage of water on the public hunting area.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

OCTOBER 9, 1963.

[F.R. Doc. 63–10803; Filed, Oct. 9, 1963; 10:03 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ANNUITY CONTRACTS PURCHASED BY CERTAIN TAX-EXEMPT ORGANIZATIONS

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under sections 72, 101, 402, 403, and 404 of the Code, relating to annuity contracts purchased by certain tax-exempt organizations; the taxability of the beneficiary under a qualified annuity plan, and under certain forfeitable contracts purchased by exempt organizations; etc., were published in the FEDERAL REGISTER for August 27, 1963.

A public hearing on these proposed amendments to the regulations will be held on Tuesday, October 29, 1963, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue. Attention: Technical Planning Division, Washington, D.C., 20224, by October 25, 1963.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 63-10825; Filed, Oct. 9, 1963; 11:02 a.m.]

[26 CFR Parts 20, 25]

ESTATE AND GIFT TAX REGULATIONS

Additional Rules Relating to Valuation of Property

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to include additional rules relating to the valuation of property in the Estate Tax Regulations (26 CFR Part 20) and the Gift Tax Regulations (26 CFR Part 25) and to correct a typographical error such regulations are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 20.2031-1 is amended to read as follows:

§ 20.2031-1 Definition of gross estate; valuation of property.

* * * * *

(b) *Valuation of property in general.* The value of every item of property includible in a decedent's gross estate under sections 2031 through 2044 is its fair market value at the time of the decedent's death, except that if the executor elects the alternate valuation method under section 2032, it is the fair market value thereof at the date, and with the adjustments, prescribed in that section. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. The fair market value of a particular item of property includible in the decedent's gross estate is not to be determined by a forced sale price. Nor is the fair market value of an item of property to be determined by the sale price of the item in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item wherever appropriate. Thus, in the case of an item of property includible in the decedent's gross estate, which is generally obtained by the public in the retail market, the fair market value of such an item of property is the price at which the item or a comparable item would be sold at retail. Examples of items of property which are generally sold to the public at retail may be found in §§ 20.2031-6 and 20.2031-8. The value is generally to be determined by ascertaining as a basis the fair market value as of the applicable valuation date of each unit of property. For example, in the case of shares of stock or bonds, such unit of property is generally a share of stock or a bond. Livestock, farm machinery, harvested and growing crops must generally be itemized and the value of each item separately returned. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value as of the applicable valuation date. All relevant facts and elements of value as of the applicable valuation date shall be considered in every case. See §§ 20.2031-2 through 20.2031-8 for further information concerning the valuation of particular kinds of property.

PAR. 2. Section 20.2031-2 is amended by redesignating paragraph (j) as paragraph (i). As so amended § 20.2031-2 reads as follows:

§ 20.2031-2 Valuation of stocks and bonds.

* * * * *

(i) *Stock sold "ex-dividend."* In any case where a dividend is declared on a share of stock before the decedent's death but payable to stockholders of record on a date after his death and the stock is selling "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the stock as of the date of the decedent's death.

PAR. 3. Section 25.2512-1 is amended to read as follows:

§ 25.2512-1 Valuation of property; in general.

Section 2512 provides that if a gift is made in property, its value at the date of the gift shall be considered the amount of the gift. The value of the property is the price at which such property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell, and both having reasonable knowledge of relevant facts. The value of a particular item of property is not the price that a forced sale of the property would produce. Nor is the fair market value of an item of property the sale price in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item wherever appropriate. Thus, in the case of an item of property made the subject of a gift, which is generally obtained by the public in the retail market, the fair market value of such an item of property is the price at which the item or a comparable item would be sold at retail. Examples of items of property which are generally sold to the public at retail may be found in § 25.2512-6. The value is generally to be determined by ascertaining as a basis the fair market value at the time of the gift of each unit of the property. For example, in the case of shares of stocks or bonds, such unit of property is generally a share or a bond. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value thereof on the date of the gift. All relevant facts and elements of value as of the time of the gift shall be considered. See §§ 25.2512-2 through 25.2512-6 for further information concerning the valuation of particular kinds of property.

[F.R. Doc. 63-10787; Filed, Oct. 9, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 192, 200]

OIL AND GAS LEASES

Mineral Deposits in Acquired Lands and Under Rights-of-Way

Basis and purposes. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181, et seq.), as amended and supplemented, and by section 10 of the Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. sec. 351 et seq.), it is proposed to amend 43 CFR 192.42, 192.43 and 200.8 as set forth below. The primary purpose of these amendments is to facilitate processing of oil and gas lease offers simultaneously filed pursuant to the regulations in 43 CFR 192.43. The amendments will also delete certain obsolete provisions.

It is the policy of the Department of the Interior, wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraphs (b), (c), (e)(1), and (4)(i), (g) (1) and (2) of § 192.42 are amended to read as follows:

§ 192.43 Offer to lease, and issuance of lease.

* * * * *

(b) Five copies of Form 4-1158, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land or deposits in States for which there are no land offices, with the Director of the Bureau of Land Management, Washington 25, D.C.[1] For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

(c) If there is any variation in the land descriptions among the five Forms 4-1158, the copy showing the date and time of receipt in the land office will control.

* * * * *

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge, even though the offer should be rejected or withdrawn in whole or in part.

* * * * *

(4) (i) If the offer is signed by an attorney in fact or agent, it shall be accompanied by separate statements over the signature of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them or with any other person, either verbal or written, by which the attorney in fact or agent or such other person has received or is to receive any interest in the lease when issued, including royalty interest or interest in any operating agreement under the lease, giving full details of the agreement or understanding if it is a verbal one. The statement must be accompanied by a copy of any such written agreement or understanding. If such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or the agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers including options for such leases or interests therein exceed 246,080 acres in any one State, of which no more than 200,000 acres may be held under option, or exceeds the permissible acreage in Alaska as set forth in § 192.3(a). The statement by the principal (offeror) may be filed within 15 days after the filing of the offer. This requirement does not apply in cases in which the attorney in fact or agent is a member of an unincorporated association (including a partnership), or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

* * * * *

(g) (1) Except as provided in subparagraph (2) of this paragraph, an offer which is not filed in accordance with the regulations in this part will be rejected and will afford the offeror no priority.

(2) An offer to lease, containing any of the following deficiencies, will be approved by the signing officer provided all other requirements are met:

(i) An offer covering not more than 10 percent over the maximum allowable acreage of 2,560 acres. The lease will be approved for 2,560 acres in the discretion of the signing officer, or so much over that amount as may be included under the rule of approximation.

(ii) An offer completed in pencil or script.

(iii) An offer on a form not correctly reproduced, provided it contains the statement that the offeror agrees to be bound by the terms and conditions of the lease form in effect at the date of filing.

2. Paragraphs (b) and (c) of § 192.43 are amended to read as follows:

§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.

* * * * *

(b) On the third Monday of each month, or the first working day thereafter, if the land office is not officially open on the third Monday, there will be posted on the bulletin board in each land office a list of the lands in leases which expired, were cancelled, were relinquished in whole or in part, or which terminated, together with a notice stating that such lands will become subject to the simultaneous filings of lease offers from the time of such posting until 10 a.m. on the fifth working day thereafter. The posted list will describe the lands by leasing units identified by parcel numbers, which will be supplemented by a description of the lands in accordance with § 192.42a, i.e., by subdivision, section, township and range if the lands are surveyed or officially protracted, or if unsurveyed, by metes and bounds. The leasing units will be established to coincide to the extent possible with the lands in an expired, cancelled, relinquished or terminated lease except that where two or more such leases were contiguous and contained a total of 640 acres or less, they may be consolidated into one leasing unit.

(c) Each offer to lease must describe the lands by parcel number and by the amplified description applicable thereto in accordance with § 192.42a. Only one complete parcel may be included in one offer to lease, and lands not on the posted list may not be included therein.

(1) Each offer to lease must be accompanied by separate remittances covering the filing fee and the first year's advance rental. The advance rental payment must be made by cash, money order, certified check, bank draft, or bank cashier's check. The filing fee may be paid either by a similar remittance or by uncertified check.

(2) Each offer must also be accompanied by an entry card, Form 4-1664 executed by the offeror. Unsuccessful offerors will be so notified by the return of their respective entry cards. Offers filed pursuant to this section which are not accompanied by such entry card, will be rejected.

3. Section 192.44 is deleted.

4. Paragraphs (b) and (d) of § 200.8 are amended to read as follows:

§ 200.8 Offer to lease and issuance of lease.

* * * * *

(b) Seven copies of Form A-1196, or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that offers for lands or deposits in North Dakota or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Sante Fe, New Mexico. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

* * * * *

(d) Except as provided in § 192.42(g) (2) of this chapter an offer which is not filed in accordance with the applicable regulations in Part 192 or in this part will be rejected and will afford the applicant no priority.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10733; Filed, Oct. 9, 1963; 8:46 a.m.]

[1] Offers for lands or minerals deposits in the following States should be filed at the land office named: North Dakota or South Dakota, land office at Billings, Montana; Nebraska or Kansas, at Cheyenne, Wyoming; Oklahoma, at Santa Fe, New Mexico.

of the time, place, and date will be pub-

relevant facts and elements of value

Oklahoma, at Santa Fe, New Mexico.

ing that such lands will become subject to the simultaneous filings of lease offers

[F.R. Doc. 63-10733; Filed, Oct. 9, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 222]

[Delegation of Authority No. 105-2]

ASSISTANT SECRETARY OF STATE

Delegation of Authority To Perform Certain Functions

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111), I hereby delegate to the Assistant Secretary of State for Educational and Cultural Affairs authority to perform all functions conferred upon the Secretary of State by Executive Order No. 11117, of August 13, 1963 entitled "Establishing an Interagency Committee on International Athletics."

Dated: September 12, 1963.

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-10749; Filed, Oct. 9, 1963; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST UNION NATIONAL BANK OF NORTH CAROLINA AND SCOTTISH BANK

Notice of Decision Granting Application To Merge

On July 18, 1963, First Union National Bank of North Carolina, Charlotte, North Carolina, and the Scottish Bank, Lumberton, North Carolina, applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On September 13, 1963, the Comptroller of the Currency granted this application, effective on or after September 20, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10736; Filed, Oct. 9, 1963; 8:46 a.m.]

NORTH CAROLINA NATIONAL BANK AND BANK OF CHAPEL HILL

Notice of Decision Granting Application To Merge

On June 17, 1963, North Carolina National Bank, Charlotte, North Carolina, and the Bank of Chapel Hill, Chapel Hill, North Carolina, applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On September 20, 1963, the Comptroller of the Currency granted this application, effective on or after September 27, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10737; Filed, Oct. 9, 1963; 8:46 a.m.]

NORTHWEST PENNSYLVANIA BANK AND TRUST CO. AND FIRST NATIONAL BANK IN CLARION

Notice of Report on Competitive Factors Involved in Merger Application

On July 3, 1963, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $56.1 million Northwest Pennsylvania Bank and Trust Company, Oil City, Pennsylvania, with the $8.3 million First National Bank in Clarion, Clarion, Pennsylvania.

On August 19, 1963, the Comptroller of the Currency reported that this application represents another step toward undue concentration in the area and would have a substantially adverse effect upon banking competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10738; Filed, Oct. 9, 1963; 8:46 a.m.]

NORTHWEST PENNSYLVANIA BANK AND TRUST CO. AND FIRST NATIONAL BANK OF MERCER

Notice of Report on Competitive Factors Involved in Merger Application

On July 3, 1963, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $56.1 million Northwest Pennsylvania Bank and Trust Company, Oil City, Pennsylvania, with the $15.4 million First National Bank of Mercer, Mercer, Pennsylvania.

On August 19, 1963, the Comptroller of the Currency reported that approval of this application would eliminate the competition presently existing between the merging banks and by concentrating the area's banking resources in a few large banks have a substantially adverse effect upon competition in the three county area.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10739; Filed, Oct. 9, 1963; 8:46 a.m.]

PEOPLES TRUST CO. OF BERGEN COUNTY AND PALISADES TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On August 5, 1963, the Board of Governors of the Federal Reserve System pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $34.5 million Palisades Trust Company, Englewood, New Jersey, with the $236.5 million Peoples Trust Company of Bergen County, Hackensack, New Jersey.

On September 6, 1963, the Comptroller of the Currency reported that consummation of the proposed merger would contribute unreasonably to the centralization of banking resources in the largest bank in Bergen County and would have an adverse competitive effect.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10740; Filed, Oct. 9, 1963; 8:46 a.m.]

SEABOARD CITIZENS NATIONAL BANK OF NORFOLK AND FARMERS BANK OF NANSEMOND

Notice of Decision Granting Application To Merge

On July 18, 1963, The Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia, and The Farmers Bank of Nansemond, Suffolk, Virginia, applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On September 25, 1963, the Comptroller of the Currency granted this application, effective on or after October 2, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant of the Comptroller of the Currency.

[R.R. Doc. 63-10741; Filed, Oct. 9, 1963; 8:46 a.m.]

UNION TRUST CO. OF MARYLAND AND FARMERS NATIONAL BANK OF ANNAPOLIS

Notice of Report on Competitive Factors Involved in Merger Application

On July 16, 1963, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $348 million Union Trust Company of Maryland, Baltimore, Maryland, and the $21 million Farmers National Bank of Annapolis, Annapolis, Maryland.

On August 20, 1963, the Comptroller of the Currency reported that consummation of this merger would tend to lessen competition in Annapolis and add to the concentration of banking resources in the state.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10742; Filed, Oct. 9, 1963; 8:46 a.m.]

WACHOVIA BANK AND TRUST CO. AND BANK OF RANDOLPH

Notice of Report on Competitive Factors Involved in Merger Application

On July 29, 1963, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $11.1 million Bank of Randolph, Asheboro, North Carolina, into the $972 million Wachovia Bank and Trust Company, Winston-Salem, North Carolina.

On September 6, 1963, the Comptroller of the Currency reported that further expansion of the state's dominant bank through merger would have serious adverse effects upon banking competition in the area.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10743; Filed, Oct. 9, 1963; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Aberdeen Area Office Redelegation Order 2, Amdt. No. 11]

CREDIT MATTERS

Redelegation of Authority

Subject: Redelegation of authority with respect to credit matters.

Order 2, as amended, is further amended as hereinafter indicated:

1. The heading and general delegation of authority of Part 2 are amended to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS AND SCHOOL SUPERINTENDENT

Subject to the provisions of Part 1, the Superintendents and School Superintendent may exercise the authority of the Area Director with respect to the following:

2. The entire unit entitled "Functions Relating to Credit Matters" under Part 2 is revoked and a new unit issued reading as follows:

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.120. *Loan agreements and modifications.* (a) The approval of applications for and modifications of loans, subject to the availability of funds, in the case of loans by the United States to individuals pursuant to 25 CFR Part 91, where the total indebtedness of the applicant to the lender does not exceed $1,500 except for loans for educational purposes.

(b) The approval of applications for and modifications of loans to individuals pursuant to declarations of policy and plans of operation approved by the Commissioner or his authorized representative, provided that the amounts and conditions of loans shall be consistent with and shall not exceed the limitations as set forth in Sections 120 and 121 of Bureau Order 551, Amendment 82.

SEC. 2.126. *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 91 and 92.

SEC. 2.127. *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian and assignments of income from trust or restricted land of an Indian as security for a loan by any lender.

SEC. 2.128. *Release of United States interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

3. The entire unit entitled "Functions Relating to Credit Matters" under Part 3 is revoked.

JOHN O. CROW,
Acting Commissioner.

OCTOBER 4, 1963.

[F.R. Doc. 63-10726; Filed, Oct. 9, 1963; 8:45 a.m.]

[Aberdeen Area Redelegation Order 2, Amdt. 11]

LAW AND ORDER

Redelegation Orders

1. Aberdeen Area Redelegation Order 2, Amendment 11.

Part 2 of Aberdeen Area Office Redelegation Order 2, as amended, is further amended by the addition of a new center head and two new sections thereunder to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND OFFICER IN CHARGE OF AREA FIELD OFFICE

FUNCTIONS RELATING TO LAW AND ORDER

SEC. 2.151 *Special Deputy Officers' Commissions.* The issuance of special deputy officers' commissions to Federal and State employees working under the supervision of the chief special officer for the suppression of traffic in liquor among Indians (62 Stat. 817; 18 U.S.C. 3055).

SEC. 2.152 *Indian Court Sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 11.2(d), and by tribal courts as provided by any law and order code.

2. Billings Area Redelegation Order 1, Amendment 12, section 2.150, under the heading "Functions Relating to Law and Order," of Part 2 of Billings Area Office Redelegation Order 1, is amended to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, AND PROJECT ENGINEER

SEC. 2.150 *Appointment, Approval, and Removal, Judges, Indian Courts and Tribal Courts.* The appointment, suspension and removal for cause of judges of Courts of Indian Offenses, pursuant to the provisions of 25 CFR Part 11, and of judges of Tribal Courts as provided by any law and order code. The approval of the appointment of judges of Tribal Courts as provided by any law and order code.

JOHN O. CROW,
Acting Commissioner.

OCTOBER 4, 1963.

[F.R. Doc. 63-10727; Filed, Oct. 9, 1963; 8:45 a.m.]

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Riverside 03926, for the withdrawal of certain lands from location and entry under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino National Forest Reserve by Presidential proclamation, February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such

lands for the Grout Bay Campground and the Desert View Picnic Area, which uses are incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned Officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 1 W.,
Sec. 14, W½NE¼NE¼, and S½SE¼NE¼NE¼.
T. 2 N., R. 2 E.,
Sec. 5, S½NW¼NW¼, and N½SW¼NW¼.

The areas described aggregate 65 acres.

JENS C. JENSEN,
Land Office Manager, Riverside.

[F.R. Doc. 63-10728; Filed, Oct. 9, 1963; 8:45 a.m.]

[New Mexico 0450803]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1963.

The U.S. Army, Corps of Engineers, has filed an application Serial Number New Mexico 0450803 for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for water development purposes in connection with Holloman Air Force Base.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, State Director, P.O. Box 1251, Santa Fe, New Mexico.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the U.S. Army, Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T.17 S., R. 10 E.,
Sec. 31, NE¼SE¼, NW¼SE¼, NE¼NE¼SW¼SE¼, N½N½SE¼SE¼, SE¼NE¼SE¼SE¼, E½SE¼SE¼SE¼;
Sec. 32, NW¼NW¼.

The areas described, including both public and non-public lands, aggregate 140 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 63-10729; Filed, Oct. 9, 1963; 8:45 a.m.]

[Oregon 013792]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 27, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013792, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection of the Government's investments in administrative sites and recreation areas located in the Deschutes National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as required by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Deschutes National Forest

Riverside Guard Station and Campground Area

T. 13 S., R. 9 E.,
Sec. 15, NE¼SE¼.
Total—40 acres.

Black Butte Lookout

T. 13 S., R. 9 E.,
Sec. 34, NE¼SE¼, S½SE¼NE¼.
Total—60 acres.

The total combined area is 100 acres.

STANLEY D. LESTER,
Land Officer Manager.

[F.R. Doc. 63-10730; Filed, Oct. 9, 1963; 8:45 a.m.]

[Oregon 013864]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 3, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013864, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection of the Government's investments in structures and improvements on administrative sites located in the Umatilla National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Umatilla National Forest

Duncan Guard Station

T. 1 N., R. 36 E.,
Sec. 9, NE¼SE¼, E½NW¼SE¼.
Total—60 acres.

Tollgate Guard Station

T. 4 N., R. 38 E.,
Sec. 33, SW¼SW¼NW¼, N½NW¼SW¼.
Total—30 acres.

Bone Springs Lookout Site

T. 5 N., R. 39 E.,
Sec. 28, SE¼SE¼SW¼, SW¼SW¼SE¼.
Total—20 acres.

Lookout Mountain Lookout Site

T. 4 N., R. 40 E.,
Sec. 3, S½NE¼SE¼.
Total—20 acres.

Fry Meadows Guard Station

T. 4 N., R. 40 E.,
Sec. 32, NW¼NE¼NE¼.
Total—10 acres.

Elk Flat Administration Site

T. 5 N., R. 40 E.,
Sec. 13, S½NE¼NW¼, N½SE¼NW¼, NW¼NE¼SE¼, NE¼NW¼SE¼, SW¼NE¼.
Total—100 acres.

Long Meadows Guard Station Site

T. 5 N., R. 42 E.,
Sec. 6, W½ Lot 3, E½ Lot 4.
Total—40.46 acres.

Hoodoo Lookout Tower Site

T. 5 N., R. 42 E.,
Sec. 6, NE¼ Lot 2.
Total—9.70 acres.

Arbuckle Lookout Tower Site

T. 4 S., R. 29 E.,
Sec. 30, S½SW¼NE¼SE¼, N½NW¼SE¼SE¼.
Total—10 acres.

Pearson Lookout Tower Site

T. 6 S., R. 33 E.
Sec. 28, SE¼NW¼NE¼.
Total—10 acres.

Tower Mountain Lookout Tower Site

T. 6 S., R. 34 E.,
Sec. 13, NW¼NE¼NW¼.
Total—10 acres.

Crane Flats Administrative Site

T. 8 S., R. 35½ E.,
Sec. 15, SW¼NW¼NE¼, SW¼NE¼, N½SE¼NE¼.
Total—70 acres.

The total combined area is 390.16 acres.

M. M. GORECKI,
Acting Manager, Land Office.

[F.R. Doc. 63-10731; Filed Oct. 9, 1963; 8:46 a.m.]

[Utah 0113169]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 2, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Utah 0113169 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the mining and mineral leasing laws.

The applicant desires the land as an addition to the Cache National Forest so resources of these lands may be administered in conjunction with the adjoining National Forest Lands. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Mox 777, Salt Lake City, Utah, 84110.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as required by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 10 N., R. 1 W.,
Sec. 19: Lot 4;
Sec. 31: All.

Embracing 689.87 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 63-10732; Filed, Oct. 9, 1963; 8:46 a.m.]

[Group 375]

IDAHO

Notice of Filing of Plat of Survey

OCTOBER 4, 1963.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Boise, Idaho, effective at 10:00 a.m., on October 14, 1963.

BOISE MERIDIAN, IDAHO

T. 23 N., R. 14 E.,
Sec. 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, SW¼NW¼, SW¼, NW¼SE¼.

The area described aggregates 580.91 acres of public land.

2. All of the above described lands are embraced in the Salmon National Forest by Proclamation of June 3, 1905.

3. Prior to survey the lands described below were withdrawn by Public Land Orders No. 1227 dated September 26, 1955; No. 1564 dated December 12, 1957; No. 2712 dated June 23, 1962; and No. 2931 dated February 6, 1963. These lands will be described by legal subdivisions in accordance with the plat of survey at a later date:

T. 23 N., R. 14 E.,
Sec. 1: W½SW¼NE¼, S½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼ S½NW¼, N½NW¼SW¼.

4. The lands affected by paragraphs 2 and 3 above will not be subject to disposition under the public land laws or the general mining laws.

5. The lands not affected by paragraphs 2 and 3 above shall be open to such forms of disposition as may by law be made of national forest lands.

6. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, P.O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 63-10761; Filed, Oct. 9, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ISTHMIAN LINES, INC.

Notice of Processing of Application

Notice is hereby given that Isthmian Lines, Inc., has updated its application for operating-differential subsidy under Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (herein called the "Act") for the hereinafter referred to services, routes or lines in connection with which application, specified issues have heretofore been considered in public proceedings held before the Federal Maritime Board and designated as Docket No. S-72. Subsequent to these public proceedings, the Federal Maritime Board made its determinations and rendered its decision with respect to matters under sections 605(c), 805(a) and 804 of the Act. The full text of these decisions is set forth in published reports of the Federal Mari-

time Board. Copies of these reports and the aforementioned application (excluding, however, financial statements and other confidential data) may be examined in the Office of the Secretary of the Maritime Subsidy Board, Room 3041, New G.A.O. Building, 441 G Street NW., Washington 25, D.C.

The findings of the Federal Maritime Board in Docket No. S–72 were summarized as follows:

Isthmian Lines, Inc., is operating an existing service in its Westbound, Round-the-World service to the extent of 21 sailings annually, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Isthmian for this existing service.

Without the cargo carryings of approximately 7 additional sailings per year in addition to the 21 existing sailings of Isthmian Lines, Inc., the service provided by vessels of United States registry in the Westbound, Round-the-World service of Isthmian would be inadequate, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Isthmian for such additional 7 sailings.

Including the cargo carryings of the 21 existing annual sailings of Isthmian Lines, Inc., and the 7 additional annual sailings, service provided by vessels of United States registry in the Westbound, Round-the-World service of Isthmian is adequate, and section 605(c) of the Merchant Marine Act, 1936, as amended, is a bar to the award of subsidy for the operation of vessels on such service in excess of 28 sailings per year.

Isthmian Lines, Inc., is operating an existing service in its India-Pakistan-Ceylon service to the extent of 16 sailings annually, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Isthmian for the existing service.

Service provided by vessels of United States registry in the India-Pakistan-Ceylon service is inadequate to the extent of 8 sailings per year over the 16 annual existing sailings of Isthmian, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of a subsidy contract to Isthmian Lines, Inc., for the operation of such additional vessels thereon. Section 605(c) does interpose a bar to the award of subsidy for annual sailings in excess of 24.

Isthmian Lines, Inc., is operating an existing service in its Persian Gulf service to the extent of 14 sailings annually, and section 605(c) is not a bar to the award of subsidy to Isthmian for this existing service.

Service provided by vessels of United States registry in the Persian Gulf service is inadequate to the extent of 20 sailings per year over the 14 annual existing sailings of Isthmian, and section 605(c) of the Act does interpose a bar to the award of subsidy in excess of 34 sailings per year.

Continuation of Isthmian's Atlantic-Gulf/Hawaii service will not result in unfair competition to any person, firm or corporation operating exclusively in any domestic service, and would not be prejudicial to the objects and policy of the Act. Permission to continue such service under section 805(a) of the Act granted.

Continuation of States Marine's Gulf and Pacific Coast Intercoastal Service will not result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service and would not be prejudicial to the objects and policy of the Act. Permission to continue such service under section 805(a) of the Act granted.

Continuation of States Marine's Pacific Coast to Atlantic eastbound lumber service will not result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service and would not be prejudicial to the objects and policy of the Act. Permission to continue such service under section 805(a) of the Act granted.

* * * * *

Among other things included in the updated application are data pertinent to traffic and the extent of United States-flag participation for the years 1959 through 1962, with respect to the services on which subsidy is requested. Digested below are those portions of the updated application relating to the services sought to be subsidized under Title VI of the Act, the waivers requested under section 804 of the Act, and the permissions reqested under section 805(a) of the Act.

SECTION 605(c) ASPECTS OF THE MATTER

ROUND-THE-WORLD WESTBOUND SERVICE

From United States Atlantic ports via the Panama Canal, completing loading at California ports, and thence:

(a) To ports in the Far East (the Philippines and the Continent of Asia from Hong Kong south to and including Thailand),

(b) To ports in Indonesia and Malaya (including Singapore),

(c) To ports in southwest Asia (Suez to Burma, inclusive),

(d) To ports in Africa on the Red Sea and Gulf of Aden, and

(e) To ports in the Mediteranean when the Suez Canal is available; otherwise via the Cape of Good Hope,

returning to Eastern Canadian and U.S. Atlantic ports.

Sailing frequency: A total of 24 to 28 sailings a year.

INDIA-PAKISTAN-CEYLON SERVICE
TRADE ROUTE 18

Between United States Gulf and Atlantic ports, via the Suez Canal (when available, otherwise via Cape of Good Hope), and ports on the Red Sea, Gulf of Aqaba, Gulf of Aden and in Saudi Arabia, West Pakistan, India, East Pakistan and Ceylon, with the privilege of calling at ports in the Eastern Mediteranean and Eastern Canada—20 to 24 sailings per year.

PERSIAN GULF SERVICE
TRADE ROUTE 18

Between United States Gulf and Atlantic ports, with the privilege of calling Eastern Canadian ports, via the Suez Canal (when available, otherwise via the Cape of Good Hope), and ports in Iran, Saudi Arabia, Bahrein Island, Kuwait, Iraq, West Pakistan and India, with the privilege of calling at ports on the Red Sea, Gulf of Aqaba and Gulf of Aden and in the Eastern Mediterranean—18 to 24 sailings a year.

SECTION 805(a) ASPECTS OF THE MATTER

1. Pacific-Atlantic lumber service by States Marine Lines, Inc., as reported in Docket No. S–72.

2. Pacific-Gulf intercoastal service by States Marine Lines, Inc., as reported in Docket No. S–72.

3. U.S. Atlantic/Gulf-Hawaii service by Isthmian Lines, Inc., as reported in Docket No. S–72.

4. Ownership and operation of the SSs "Texan" and "Alaskan" by Oil Transport, Incorporated, which is owned 50 percent by Global Bulk Transport Incorporated, which also owns 50 percent of the stock of States Marine Lines Inc. States Marine Lines, Inc., owns 50 percent of the stock of Isthmian Lines, Inc. Both vessels are chartered to Joshua Hendy Corp. (owner of the remaining 50 percent of the stock in Oil Transport), which operates them in the carriage of chemicals, petrochemicals and lubricating oil in domestic commerce between United States Pacific Coast ports and United States Gulf and Atlantic ports, and on occasion charters or sub-charters the "Alaskan."

While the decision in Docket No. S–72 made no reference to this situation, it was reported in Docket No. S–57 (Sub. Nos. 4 and 5) in which the necessary section 805(a) permission was granted to States Marine Lines, Inc., to cover this situation. Isthmian Lines, Inc., now requests similar permission under section 805(a), if such permission is required by law.

5. Operation of the molten sulphur carrier "Louisiana Sulphur." This vessel is a converted T–2 owned by Oceanic Sulphur Carriers Incorporated, an unaffiliated Delaware corporation, and is currently operating between U.S. Gulf and U.S. Atlantic ports. Global Bulk Transport Incorporated, referred to above, has a contract as managing agent of the vessel, but the agency work thereunder is said to have been subcontracted to Joshua Hendy Corporation. Isthmian Lines, Inc., requests permission for the continuance of this operation if such permission is required by law.

SECTION 804 ASPECTS OF THE MATTER

This application covers: (A) the twenty-one specialized bulk carriers discussed in Docket No. S–57 (Sub. No. 3) in which Global Bulk Transport Incorporated has interests; (B) the activities of Navegacion del Pacifico S.A. (Mexico) furnishing lighterage services in Mexican ports using lighters and tugs, also discussed in Docket No. S–57 (Sub. No. 3); and (C) waiver for Global Bulk Transport Incorporated to act as husbanding agent for Sir William Reardon Smith & Sons, Ltd., as discussed in Docket No. S–57 (Sub. No. 3). The decision in Docket No. S–57 (Sub. No. 3) indicated that the necessary waivers would be granted to States Marine Lines, Inc. Isthmian Lines, Inc., now requests similar waivers under Section 804. Although it was also indicated in Docket No. S–57 (Sub. No. 3) that a waiver would be granted for Isthmian Lines, Inc., to charter lighters in the Persian Gulf, this waiver is not now requested as Isthmian no longer charters such lighters.

Global Bulk Transport Incorporated (formerly named Global Bulk Transport Corporation, and prior to that States Marine Corporation) is a New York corporation and owns 50 percent of the voting stock of States Marine Lines, Inc. (the remaining 50 percent is owned by Anderson, Clayton & Co.). Isthmian Lines, Inc., is a Delaware corporation 50 percent owned by States Marine Lines, Inc., and 50 percent owned by Global Bulk Transport Incorporated. Navegacion del Pacifico S.A. is a Mexican corporation, owned 51 percent by Mexican nationals and the remainder by States Marine Lines, Inc.

Because of political developments in Cuba, one of the 21 bulk carriers mentioned above has been largely unemployed since 1960, except for occasional voyages carrying liquid asphalt in bulk from Venezuela to Brazil and Newfoundland, and molten sulphur from Mexico to the United States. Accordingly, a waiver for these additional highly specialized activities is requested.

Current processing of the application. Any person, firm, or corporation having any interest in the aforementioned application under sections 605(c), 805(a) or 804 of the Act, and desiring to make written submission relevant to any substantial change in significant circumstances which would justify any modification or re-examination of the permissions, waivers, and/or other determinations as hitherto made by the Board and as enumerated above, should, by the close of business on November 18, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate. Such submission should specifically identify the services, routes, or lines covered by the application and the specific determinations of the Board, in which such person, firm, or corporation has an interest; and should contain a statement of facts sufficient to support the position that because of the existence of substantially changed significant circumstances, as referred to above, the prior determinations of the Board should not be determinative in the processing of the aforementioned application.

Upon the receipt of any submissions in the matter, the Maritime Subsidy Board will take such action as it deems necessary in the premises. In the event further hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to such issues under section 605(c), 805(a), or 804 as the Maritime Subsidy Board in its discretion may specifically prescribe.

If no submissions are received within the specified time, or if the Maritime Subsidy Board determines that the submissions filed within the specified time do not demonstrate sufficient interest or present prima-facie evidence of the existence of substantially changed significant circumstances, as referred to above, to warrant further hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 8, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63–10801; Filed, Oct. 9, 1963; 8:48 a.m.]

STATES MARINE LINES, INC.

Notice of Processing of Application

Notice is hereby given that States Marine Lines, Inc. (formerly States Marine Corporation of Delaware) has updated the application heretofore filed by States Marine Corporation and States Marine Corporation of Delaware, for operating-differential subsidy under Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended (herein called the "Act") for the hereinafter referred to services, routes or lines in connection with which application, specified issues have heretofore been considered in public proceedings held before the Federal Maritime Board and designated as Dockets Nos. S–57 and S–57 (Sub. Nos. 1, 2, 3, 4, and 5). Subsequent to these public proceedings, the Federal Maritime Board made its determinations and rendered its decisions with respect to matters under sections 605(c), 805(a) and 804 of the Act. The full text of these decisions is set forth in published reports of the Federal Maritime Board. Copies of these reports and the aforementioned application (excluding, however, financial statements and other confidential data) may be examined in the Office of the Secretary of the Maritime Subsidy Board, Room 3041, New G.A.O. Building, 441 G Street NW., Washington 25, D.C.

The findings of the Federal Maritime Board under the proceedings cited above were summarized in the applicable reports as follows:

UNDER DOCKETS NOS. S–57 AND S–57 (SUB. NOS. 1 AND 2)

Section 605(c) of the Merchant Marine Act, 1936, as amended found not to interpose a bar to the granting of an operating-differential subsidy contract to States Marine Corporation and States Marine Corporation of Delaware for the operation of vessels (1) in the Tri-Continent service (a) to the extent of 12 to 24 direct annual sailings on Trade Route 12 and an additional 12 annual sailings on the route topping-off in California; (b) to the extent of 12 to 24 direct annual sailings on Trade Route 22 and an additional 24 annual sailings topping-off in California; (c) to the extent of 14 to 17 annual sailings on Trade Route 23; and (d) to the extent of 24 to 36 annual sailings on Trade Route 26 A & B, all topping-off on Trade Routes 5, 6, 7, 8, and 9,[1] with the privilege of lifting cargo at Hawaii for discharge in Europe; (2) in the Gulf-Mediterranean service to the extent of 12 to 24 annual sailings on Trade Route 13; and (3) in the trans-Pacific service, (a) to the extent of 18 to 24 direct annual sailings on Trade Route 29; (b) to the extent of 6 to 12 annual sailings on Trade Route 30; and (c) to the extent of 12 to 24 annual sailings serving both Trade Routes 29 and 30, half to sail last from a Trade Route 29 port and half to sail last from a Trade Route 30 port.

Section 605(c) of the Merchant Marine Act, 1936, as amended, found to interpose a bar to the award of an operating-differential subsidy contract to States Marine Corporation and States Marine Corporation of Delaware for (1) inbound service on Trade Route 30 from the Far East to the Pacific Northwest with vessels other than those which sailed outbound on Trade Route 30; (2) inbound service to Hawaii from the Far East; (3) inbound service to the Gulf from Europe on Trade Route 21 in the Tri-Continent service; and (4) service between the Gulf and the Azores on Trade Route 13 sailings.

The continuation of (1) a Pacific-Atlantic lumber service to the extent of 24 to 36 annual sailings, and (2) a Pacific-Gulf intercoastal service to the extent of 14 to 17 eastbound sailings and 24 westbound sailings, by States Marine Corporation and States Marine Corporation of Delaware, when and if subsidy is awarded, found not to result in unfair competition to any person, firm, or corporation operating exclusively in the domestic coastwise or intercoastal service, and found not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended. Written permission for the continuation of these services in the event subsidy is awarded, shall be granted.

Isthmian Lines, Inc., and its predecessor in interest found to have been continuously engaged in the U.S. Atlantic-Hawaii leg of its U.S. Atlantic/Gulf-Hawaii service since 1935, and the continuation of the U.S. Gulf-Hawaii leg of the service found not to result in unfair competition to any person, firm, or corporation operating exclusively in the domestic coastwise or intercoastal service, and found not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended. Written permission for the continuation of the U.S. Atlantic/Gulf-Hawaii service by Isthmian Lines, Inc., in the event a subsidy contract is awarded States Marine Corporation and States Marine Corporation of Delaware, shall be granted.

[1] In its Supplemental Report in Docket S–57, decided December 14, 1959, the Federal Maritime Board stated that it would ". . . delete any reference to topping off on Trade Route No. 11 . . . ." (See 5 FMB 739 at 740).

UNDER DOCKET NO. S–57 (SUB. NO. 3)

Special circumstances and good cause shown under Section 804 Merchant Marine Act 1936, as amended, to permit (1) ownership and/or operation by Global Bulk Transport Corporation of 21 specified vessels in specified bulk trades; (2) ownership and operation by Navegacion del Pacifico of certain Mexican-flag vessels to provide lighter services at Guaymas and La Paz, Mexico; (3) chartering by Isthmian Lines, Inc., of foreign flag vessels for use as lighters in the Persian Gulf; and (4) Global Bulk Transport Corporation to act as husbanding agent in the United States for Reardon Smith & Sons, Ltd.

Waivers will be granted under Sec. 804 for a period of two years subject to cancellation upon 90 days' notice to the operator.

UNDER DOCKET NO. S–57 (SUB. NO. 4)

States Marine Lines, Inc. granted written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, permitting continuance, in the event an operating-differential subsidy is awarded States Marine Lines, Inc., of the operation of the "SS Texan," a tanker owned by Oil Transport, Incorporated, an affiliate of States Marine Lines, Inc., in the transportation of chemicals, petro-chemicals and lubricating oil in domestic commerce between U.S. Pacific ports on the one hand and U.S. Gulf and Atlantic ports on the other, since granting of the permission found (1) not to result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, and (2) not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended.

UNDER DOCKET NO. S–57 (SUB. NO. 5)

States Marine Lines, Inc. granted written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, (A) permitting continuance, in the event an operating-differential subsidy is awarded States Marine Lines, Inc., of the operation of the "SS Alaskan," a tanker owned by Oil Transport, Incorporated, an affiliate of States Marine Lines, Inc., in the transportation of chemicals, petro-chemicals and lubricating oil in domestic commerce between U.S. Pacific ports on the one hand and U.S. Gulf and Atlantic ports on the other; and (B) permitting the "Alaskan" to be chartered or sub-chartered for the carriage of petroleum or petroleum products in the domestic intercoastal and coastwise commerce of the United States, since granting of the permission found (1) not to result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, and (2) not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended.

* * * * *

Among other things included in the updated application are data pertinent to traffic and the extent of United States-flag participation for the years 1959 through 1962, with respect to the services on which subsidy is requested. Digested below are those portions of the updated application relating to the services sought to be subsidized under Title VI of the Act, the waivers requested under section 804 of the Act, and the permissions requested under Section 805(a) of the Act.

SECTION 605(c) ASPECTS OF THE MATTER

TRI-CONTINENT SERVICE

I. A. *Westbound.*
From—

(A) U.S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West), via Panama Canal, with privilege of calling at Canal Zone and Mexican ports to load cargo for the Far East, completing at

California ports on one sailing per month—24 to 36 sailings per year; and

(B) U.S. Gulf ports (Key West-Mexican border), via Panama Canal, with privilege of calling at Canal Zone and Mexican ports to load cargo for the Far East, completing at California ports on two sailings per month on which sailings westbound intercoastal cargo may be carried—36 to 48 sailings per year;

To—

Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive, with privilege of calling at Okinawa).

B. *Eastbound.*

From—

Far East to U.S. Pacific Coast with cargo for discharge at California and U.S. Gulf ports or for discharge at California and U.S. Atlantic ports; with privilege of calling at Hawaii to load cargo for United Kingdom and Europe;

To—

(A) United Kingdom and Continental Europe (North of Portugal) via Panama Canal with cargo loaded at U.S. Pacific ports, and Hawaii with privilege of calling at British Columbia, West Coast of Mexico and Canal Zone ports but only to load cargo for United Kingdom/Europe, returning from United Kingdom/Europe to U.S. Atlantic or Gulf ports with cargo for discharge at U.S. Pacific and Far East ports—24 to 36 sailings per year; and

(B) Havana, Cuba (when permissible), and U.S. Gulf ports or U.S. Atlantic ports, with cargo loaded at U.S. Pacific ports, via Panama Canal—24 to 60 sailings per year (remainder of westbound sailings).

PACIFIC-FAR EAST SERVICE[2]

(TRADE ROUTE 29)

U.S. Pacific/Far East Service between U.S. Pacific ports (Alaska, Washington, Oregon, California) and ports in the Far East (continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive, Japan, Formosa, Philippines and other Pacific islands lying between continental Pacific Coast U.S. and the continent of Asia) with privilege of calls at West Coast of Mexico ports and British Columbia ports. Frequency: A total minimum of 36 and a total maximum of 60 sailings per year, of which 18–24 will load cargo at California ports, but not Washington and Oregon ports, 6 to 12 will load cargo at Washington and Oregon ports but not California, and 12 to 24 will load cargo at both California and Washington and Oregon ports, approximately half sailing last from California and approximately half sailing last from Washington and Oregon.

U.S. GULF-MEDITERRANEAN SERVICE

(TRADE ROUTE 13)

Gulf-Mediterranean Service between United States South Atlantic and Gulf ports (North Carolina-Texas, inclusive) and ports in the Mediterranean Sea, Black Sea, and in Portugal, Spain south of Portugal, and Morocco (Tangier to southern border of Morocco), with privilege of calling at ports in the West Indies and Mexico. Frequency: 12 to 24 sailings per year.

SECTION 805(a) ASPECTS OF THE MATTER

1. Pacific-Atlantic lumber service by States Marine Lines, Inc., as reported in Dockets Nos. S–57 and S–57 (Sub. Nos. 1 and 2).

2. Pacific-Gulf intercoastal service by States Marine Lines, Inc., as reported in Dockets Nos. S–57 and S–57 (Sub. Nos. 1 and 2).

3. U.S. Atlantic/Gulf-Hawaii service by Isthmian Lines, Inc., as reported in Dockets Nos. S–57 and S–57 (Sub. Nos. 1 and 2).

4. Ownership and operation of the SSs "Texan" and "Alaskan" by Oil Transport, Incorporated, which is owned 50 percent by Global Bulk Transport Incorporated, which also owns 50 percent of the stock of States Marine Lines, Inc., as reported in Docket No. S–57 (Sub. Nos. 4 and 5).

5. Operation of the molten sulphur carrier "Louisiana Sulphur." This vessel is a converted T–2 owned by Oceanic Sulphur Carriers Incorporated, an unaffiliated Delaware Corporation, and is currently operating between U.S. Gulf and U.S. Atlantic ports. Global Bulk Transport Incorporated, referred to above, has a contract as managing agent of the vessel, but the agency work thereunder is said to have been sub-contracted to Joshua Hendy Corporation. States Marine Lines, Inc., requests permission for the continuance of this operation if such permission is required by law.

SECTION 804 ASPECTS OF THE MATTER

This application covers: (A) the twenty-one specialized bulk carriers discussed in Docket S–57 (Sub. No. 3) in which Global Bulk Transport Incorporated has interests; (B) the activities of Navegacion del Pacifico S.A. (Mexico) furnishing lighterage services in Mexican ports using lighters and tugs, also discussed in Docket S–57 (Sub. No. 3); and (C) waiver for Global Bulk Transport Incorporated to act as husbanding agent for Sir William Reardon Smith & Sons, Ltd., as discussed in Docket S–57 (Sub. No. 3). The decision in Docket S–57 (Sub. No. 3) indicated that the necessary waivers would be granted to States Marine Lines, Inc. Although it was also indicated in Docket S–57 (Sub. No. 3) that a waiver would be granted for Isthmian Lines, Inc., to charter lighters in the Persian Gulf, this waiver is not now requested as Isthmian no longer charters such lighters.

Global Bulk Transport Incorporated (formerly named Global Bulk Transport Corporation, and prior to that States Marine Corporation) is a New York corporation and owns 50 percent of the voting stock of States Marine Lines, Inc. (the remaining 50 percent is owned by Anderson, Clayton & Co.). Isthmian Lines, Inc., is a Delaware corporation 50 percent owned by States Marine Lines, Inc., and 50 percent owned by Global Bulk Transport Incorporated. Navegacion del Pacifico S.A. is a Mexican corporation, owned 51 percent by Mexican nationals and the remainder by States Marine Lines, Inc.

Because of political developments in Cuba, one of the 21 bulk carriers mentioned above has been largely unemployed since 1960, except for occasional voyages carrying liquid asphalt in bulk from Venezuela to Brazil and Newfoundland, and molten sulphur from Mexico to the United States. Accordingly, a waiver for these additional highly specialized activities is requested.

Current processing of the application. Any person, firm, or corporation having any interest in the aforementioned application under sections 605(c), 805(a), or 804 of the Act, and desiring to make written submission relevant to any substantial change in significant circumstances which would justify any modification or re-examination of the permissions, waivers, and/or other determinations as hitherto made by the Board and as enumerated above, should by the close of business on November 18, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate. Such submission should specifically identify the services, routes, or lines covered by the application and the specific determinations of the Board in which such person, firm, or corporation has an interest; and should contain a statement of facts sufficient to support the position that because of the existence of substantially changed significant circumstances, as referred to above, the prior determinations of the Board should not be determinative in the processing of the aforementioned application.

Upon the receipt of any submissions in the matter, the Maritime Subsidy Board will take such action as it deems necessary in the premises. In the event further hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to such issues under sections 605(c), 805(a), or 804 as the Maritime Subsidy Board in its discretion may specifically prescribe.

If no submissions are received within the specified time, or if the Maritime Subsidy Board determines that the submissions filed within the specified time do not demonstrate sufficient interest or present prima-facie evidence of the existence of substantially changed significant circumstances, as referred to above, to warrant further hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 8, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63–10802; Filed, Oct. 9, 1963; 8:48 a.m.]

[2] Applicant plans to continue its Trans-Pacific Service (Trade Route 29) with time-chartered vessels on an unsubsidized basis for an interim period until additional vessels are acquired for subsidized operations.

FEDERAL MARITIME COMMISSION

COLUMBUS LINE AND PACIFIC ISLANDS TRANSPORT LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9248, between Columbus Line and Pacific Islands Transport Line sets forth the terms of an oral agreement upon transportation rates and conditions to be applied on cargoes carried from Pacific Coast ports of the United States to ports of call of the named carriers in the Islands of the South Seas.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification; together with a request for hearing, should such hearing be desired.

Dated: October 7, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–10756; Filed, Oct. 9, 1963; 8:47 a.m.]

[Docket No. 1150]

HASMAN & BAXT, INC. AND VALENCIA BAXT EXPRESS, INC.

Misclassification and Misdescription of Goods in Containerized Trailer Vans in United States/Puerto Rico Trade

Information before the Commission indicates that Valencia Baxt Express, Inc. is a (non-vesel operating) common carrier by water engaged in the trade between the United States and the Commonwealth of Puerto Rico, having filed with this agency or its predecessor, its FMC–F No. 5 Tariff, among others. Hasman & Baxt, Inc. is an independent ocean freight forwarder engaged in the trade between the United States and the Commonwealth of Puerto Rico.

It appears, that between January 1, 1960, and the present, Valencia Baxt Express, Inc., or Hasman & Baxt, Inc., or both, in routing and accepting cargoes from the United States to the Commonwealth of Puerto Rico, may have falsely billed, falsely classified, falsely weighed or given false report of weights on bills of lading prepared by Hasman & Baxt, Inc., and/or Valencia Baxt Express, Inc., for shipment aboard vessels of Sea-Land Service, Inc. (Sea-Land of Puerto Rico Division), and Bull-Insular Lines, Inc. (Puerto Rico Service) in the following respects:

1. Misdescribed, on bills of lading, high rated commodities as lower rated commodities, in order to take advantage of a lower rate.

2. Misdescribed and falsely listed on bills of lading the quantities, and weight thereof, of certain commodities, in order to take advantage of the "freight, all kinds" rate.

3. Misdescribed on bills of lading low rated commodities which were not included in such shipments, and provided false weights on bills of lading on low rated commodities included in the shipments in lesser quantity in order to take advantage of the "freight, all kinds" rate.

Accordingly, the Commission, pursuant to sections 16 and 22 of the Shipping Act, 1916, hereby institutes, on its own motion, an investigation to determine whether the above-described practices and activities of Valencia Baxt Express, Inc. and Hasman & Baxt, Inc. are lawful under section 16, Shipping Act, 1916.

Now, therefore, it is ordered, That (1) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (2) Hasman & Baxt, Inc. and Valencia Baxt Express, Inc. be and are hereby made respondents in this proceeding; and (3) a copy of this order shall forthwith be served upon said respondents; (4) the said respondents be duly notified of the time and place of the hearing herein ordered; and (5) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] THOMAS LISI,
Secretary.

OCTOBER 3, 1963.

[F.R. Doc. 63–10757; Filed, Oct. 9, 1963; 8:47 a.m.]

MEMBER LINES OF THE FAR EAST CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 17–31, between the member lines of the Far East Conference, modifies the basic agreement of that conference (No. 17, as amended), in the trade from North Atlantic, South Atlantic and Gulf ports of the United States of America to Japan, Korea, Taiwan (Formosa), Siberia, Manchuria, China, Hong Kong, Indo-China, and the Republic of the Philippines. The purpose of this modification is to substitute the names of Vietnam, Cambodia, and Laos for the name of Indo-China and to include Okinawa within the scope of the conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 7, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–10758; Filed, Oct. 9, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP64–43, CP64–44]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

Notice of Application and Date of Hearing

OCTOBER 3, 1963.

Transcontinental Gas Pipe Line Corporation, Docket No. CP64–43; Transcontinental Gas Pipe Line Corporation, United Natural Gas Company, North Penn Gas Company, Docket No. CP64–44.

Take notice that on August 16, 1963 Transcontinental Gas Pipe Line Corporation (Transco) with its principal place of business in Houston, Texas, filed in Docket No. CP64–43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of additional general storage service to existing resale customers under its rate schedule GSS. Concurrently Transco, United Natural Gas Company (United) with its principal place of business in Oil City, Pennsylvania, and North Penn Gas Company (North Penn) with its principal place of business in the Borough of Port Allegany, McKean County, Pennsylvania, filed a joint application in Docket No. CP64–44 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional development and operation of the Wharton Storage Field in Potter and Cameron Counties, Pennsylvania. The authorizations requested are more fully described in the applications which are on file with the Commission and open to public inspection.

Transco states that the application in Docket No. C64–43 is a supplement to its general storage service program for the 1963–64 winter season. The supplemental service will be rendered from the Wharton Storage Field under an Intermediate Development Program, the application for which is the companion docket in this proceeding. Transco sells gas to its resale customers and in turn provides storage for the gas under its presently authorized general storage service. The storage service is proposed to the following existing customers:

Customer	Winter	Mcf at 14.7 psia	
		Storage demand	Storage capacity
North Carolina Gas Service, Division of Pennsylvania and Southern Gas Co.	1963–64	1,000	50,000
Elizabethtown Consolidated Gas Co.	1964–65	4,500	405,000
Mid-Georgia Natural Gas Co.	1964–65	700	35,000
Mid-Georgia Natural Gas Co.	1965–66	650	32,500
Totals		6,850	522,500

Transco would render the proposed additional storage service for the above-listed customers commencing with the winter season specified in the foregoing table. No additional facilities are requested and no costs or financing are involved.

The joint application in Docket No. CP64–44 requests authority for an Intermediate Development Program in the Oriskany Horizon of the Wharton Field in Potter and Cameron Counties, Pennsylvania. The development and operation of the Wharton Field as a storage pool to the extent provided for in an Initial Development Program, together with the construction and operation of

facilities necessary therefor, were authorized by order of the Commission issued January 18, 1963, as amended February 1, 1963, in Transcontinental Gas Pipe Line Corporation, et al., Docket No. CP61–284, et al. The instant application is predicated upon an amended agreement dated August 2, 1963, between Transco and United.[1] Pursuant to the Wharton Storage Agreement and the authorization granted in Docket No. CP61–284, Transco and United are presently working toward completion of the Initial Development Program.

Upon completion of this Program it is estimated that the field will have a capacity to hold efficiently in storage 10,966,667 Mcf of active gas and the ability to deliver active gas from the Wharton compressor station of Transco at a rate of not less than 115,347 Mcf per day until 85 percent of this gas has been withdrawn.

The joint application states that the proposed Intermediate Development Program means the additional supply of 560,000 Mcf of cushion gas to the Wharton Field to be supplied by Transco at a cost of $181,496 thereby increasing the effective capacity of the storage field to 12,060,000 Mcf of active gas and the ability to deliver active gas from the Wharton compressor station of Transco at a rate of not less than 130,425 Mcf per day until 85 percent of the gas has been withdrawn. The 15,078 Mcf per day increase will be prorated between the applicants as follows: Transco, 12,800 Mcf; United, 822, Mcf; and North Penn, 456 Mcf. No additional facilities are required under the proposed new program, nor is any new sale requested.

Transco states that it will utilize its share of the additional top storage capacity under the proposed new Program to assist in meeting the peak-day requirements of its many wholesale customers. In this connection, it filed concurrently its application in Docket No. CP64–43 consolidated in this proceeding with the instant Docket No. CP64–44. The rendition of service requested in Docket No. CP64–43 is dependent upon the approval of the Intermediate Development Program inasmuch as all of the peak day storage deliverability to be generated by the Initial Development Program has already been contracted for by Transco's customers, with full service to be reached in the 1965 storage season. United and North Penn will use their respective shares of the additional top storage capacity to assist in meeting the winter-day requirements of their wholesale and retail customers.

The joint application further states that the only costs incurred will be the value of the cushion gas, to be prorated 80 percent to Transco; 16 percent to United; and 4 percent to North Penn. This cost is substantially less than the money necessary to increase the deliverability by the use of additional wells or by installation of additional horsepower.

[1] The original Wharton Storage Agreement was executed by Transco and United dated February 7, 1963, subsequent to the granting of authorization in Docket Nos. CP61–284, et al.

The proposed Intermediate Development Program will be carried out immediately upon completion of the previously authorized Initial Development Program.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10724; Filed, Oct. 9, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4167]

IROQUOIS GAS CORP. ET AL.

Notice of Proposed Transactions Related To Merger of Subsidiary Companies

OCTOBER 4, 1963.

In the matter of Iroquois Gas Corporation, Empire Gas and Fuel Company, Limited, National Fuel Gas Company, 30 Rockefeller Plaza, New York 20, New York, File No. 70–4167.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and two of its wholly-owned gas utility subsidiary companies, Iroquois Gas Corporation ("Iroquois") and Empire Gas and Fuel Company, Limited ("Empire"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

By order dated October 31, 1961 (Holding Company Act Release No. 14537), this Commission authorized the acquisition by National of all the outstanding capital stock of Empire, then a nonaffiliated corporation. It is now proposed that Empire be merged into Iroquois as part of National's general program of corporate simplification. The filing states that Empire's service area is adjacent to that of Iroquois and that since the acquisition of Empire's capital stock by National the operations of Empire have been gradually integrated with those of Iroquois.

Iroquois and Empire are New York corporations and are engaged in producing, purchasing, and distributing natural gas in the western part of New York State. The two companies now have substantially the same executives and, with minor exceptions, follow the same operating, engineering, and accounting practices and procedures. Iroquois and Empire serve approximately 370,000 and 16,000 customers, respectively. At June 30, 1963, the total assets of Iroquois amounted to $137,947,808 (after deduction of valuation reserves), and for the 12 months then ended its total revenues were $84,340,048. Empire's total assets (less reserves) on that date amounted to $4,895,040, and for the 12 months then ended its total revenues were $3,722,408. Neither Iroquois nor Empire presently has outstanding any publicly-held securities; their capital stocks, consisting of 496,746 shares and 12,400 shares, respectively, of $100 par value common stock, are all owned by National.

In connection with the proposed merger, Iroquois will increase the number of its authorized shares of common stock from 500,000 to 512,500, and will issue 12,400 additional shares of its common stock which National will acquire in exchange for a like number of shares of Empire's common stock to be surrendered and cancelled. Upon consummation of the merger, Iroquois will acquire all of the assets of Empire and will assume its liabilities. Empire's assets, together with its capital surplus and earned surplus, will be recorded on the books of Iroquois at the same amounts at which they are recorded on the books of Empire on the closing date. After giving effect to the merger, National's investment in Iroquois' stock will be equal to the sum of its present investments in the stocks of Iroquois and Empire.

The filing states that the New York Public Service Commission has jurisdiction over the proposed merger and that no other State and no Federal commission, other than this Commission, has jurisdiction thereover. Fees and expenses incident to the proposed merger are estimated to aggregate $8,555, including estimated fees and expenses of Iroquois' counsel of $4,400 and stamp taxes of $2,897.

Notice is further given that any interested person may, not later than October 24, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–10734; Filed, Oct. 9, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38577: *Vermiculite to North Weedsport, N.Y.* Filed by O. W. South, Jr., agent (No. A4380), for interested rail carriers. Rates on vermiculite, as described in the application, in carloads, from Kearney and Travelers Rest, S.C., to North Weedsport, N.Y.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 86 to Southern Freight Association, agent, tariff I.C.C. S–126.

FSA No. 38578: *Soda ash from Stauffer and Westvaco, Wyo.* Filed by Western Trunk Line Committee, agent (No. A–2330), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, from Stauffer and Westvaco, Wyo., to Minneapolis, Minnesota Transfer, Rosemount, St. Paul and Valley Park, Minn.

Grounds for relief: Carrier competition.

Tariff: Supplement 67 to Western Trunk Line Committee, agent, tariff I.C.C. A–4411.

FSA No. 38579: *Liquid caustic soda to Naheola, Ala.* Filed by Southwestern Freight Bureau, agent (No. B–8455), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Louisiana and Texas, also Baldwin, Ark., to Naheola, Ala.

Grounds for relief: Market competition.

Tariffs: Supplements 15, 102 and 5 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 38580: *Volcanic scoria or slag to Louisiana points.* Filed by Southwestern Freight Bureau, agent (No. B–8457), for interested rail carriers. Rates on volcanic scoria or slag, not pumice stone, in carloads, from points in New Mexico, to points in Louisiana.

Grounds for relief: Carrier competition.

Tariff: Supplement 14 to Southwestern Freight Bureau, agent, tariff I.C.C. 4526.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10746; Filed, Oct. 9, 1963; 8:46 a.m.]

[Notice No. 877]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 7, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66210. By order of October 1, 1963, the Transfer Board approved the transfer to Carl R. Matthews, Clinton, Mass., of Certificate in No. MC 82190, issued May 31, 1941 to George H. Murphy, Clinton, Mass., authorizing the transportation, over irregular routes, of: Used Heavy Machinery, from points in a described portion of Connecticut and Rhode Island to points in a portion of Massachusetts, and, Household goods, between Clinton, Mass., and points within 10 miles thereof, on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware. Arthur A. Wentzell, Post Office Box 720, Worcester 1, Mass., representative for applicants.

No. MC–FC 66254. By order of October 3, 1963, the Transfer Board approved the transfer and substitution of Motor Transport Terminals, Inc., San Francisco, Calif., as applicant in the "claimed grandfather rights" proceeding seeking the issuance of a Certificate of Registration, filed February 4, 1963 on Form BOR 99, assigned No. MC 99463 (Sub-No. 1) covering operation in interstate or foreign commerce under the former second proviso of Section 206(a) (1) of the Act, supported by California Certificate Nos. 51026 and 51531, pursuant to a Form BMC 75 Statement accepted August 1, 1955, in the name of Frank L. Nolan, Jr., and Mary F. Bartholomew, a partnership, doing business as Frank Nolan Drayage Co., San Francisco, Calif., assigned No. MC 99463, authorizing the transportation of: General commodities, with certain exceptions, between points within a described portion of California. Edward M. Berol, 100 Bush Street, San Francisco, Calif., attorney for applicants.

No. MC–FC 66259. By order of October 3, 1963, the Transfer Board approvide the transfer to Lester W. Stephen, Dighton, Kans., of Certificate in No. MC 50760 issued August 12, 1963, to Don L. Shull, Dighton, Kans., authorizing the transportation over irregular rountes of: Livestock, between points within 25 miles of a point located two and five-tenths miles southeast of Bazine, Kans., not including Ness City, Kans., on the one hand, and, on the other, Alma, Beaver City, Grand Island, and McCook, Nebr., Burlington and Pueblo, Colo., and Kansas City, Mo.; mill feeds, farm machinery, hardware, and lumber, from Kansas City, Mo., to points in the above-specified Kansas territory; grain, feeds, and hay, from Alma, Beaver City, and McCook, Nebr., and the vicinity of each, to points in the above-specified Kansas territory; coal, from Canon City, and Florence, Colo., and the vicinity of each, to points in the above-specified Kansas territory; and household goods, from points in the above-specified Kansas territory to points in Colorado, Missouri, and Nebraska.

No. MC–FC 66263. By order of October 2, 1963, the Transfer Board approved the transfer to White Star Body Works and Wrecker Service, Inc., 4009 Hargrove Street, Charlotte, N.C., of Certificate in No. MC 123638 (Sub-No. 1), issued May 3, 1962, to Clarence Wood Mundy, Jr., and Elizabeth Johnson Mundy, a partnership, doing business as White State Body Works, 4009 Hargrove Street, Charlotte, N.C., authorizing the transportation of: Trucks, tractors, buses, and trailers (except trailers designed to be drawn by Passenger automobiles), as replacement vehicles for wrecked or disabled trucks, tractors, buses, and trailers, from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia.

No. MC–FC 66268. By order of October 2, 1963, the Transfer Board ap-

proved the transfer to Matthew J. Curran, Jr., doing business as M. J. Curran, New Bedford, Mass., of Certificate in No. MC 2149, issued February 7, 1952, to John D. Curran, and Matthew J. Curran, Jr., doing business as M. J. Curran, New Bedford, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between New Bedford, Mass., and Providence, R.I., and between New Bedford, Mass., and Boston, Mass., and between Boston, Mass., and Providence, R.I., serving specified intermediate and off-route points; and cotton yarn, between New Bedford, Mass., and Milbury, Mass. Maurice F. Downey, 261 Union Street, New Bedford, Mass., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10747; Filed, Oct. 9, 1963; 8:46 a.m.]

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VOLUME 28 NUMBER 199

Washington, Friday, October 11, 1963

THE UNIVERSITY OF MICHIGAN
OCT 15 1963
MAIN READING ROOM

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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DEPOSITED BY THE UNITED STATES OF AMERICA

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Miscellaneous Amendments

1. Basis and purpose. These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), and the Food and Agriculture Act of 1962 (Public Law 87–703, approved September 27, 1962 and Public Law 87–801, approved October 11, 1962) for the purpose of: (1) Extending the sled row provision to include fire-cured (Type 21) tobacco and (2) modifying the requirement that notification of completion of disposition of excess acreage shall be given prior to the completion of harvest of the crop on the farm.

2. Section 718.2(m) (28 F.R. 8117) is amended to read as follows:

§ 718.2 Definitions.

* * * * *

(m) "Sled row" means a strip not planted to tobacco at least one normal row wide between strips of row of flue-cured or fire-cured (Type 21) tobacco.

3. Section 718.5(f) (1) and (3) (28 F.R. 8117) are amended to read as follows:

§ 718.5 Determination of crop and land use acreages.

* * * * *

(f) *Deductions.* * * *

(1) *Minimum area requirements.* Three-hundredths (0.03) acre, except that for tobacco a minimum of one-hundreth (0.01) acre will apply to turn rows and to non-cropland areas which could not be planted to tobacco. Eligible areas in skip-row planting patterns which meet the applicable width requirements prescribed in paragraph (e) (2), (3), and (4) of this section and terraces, sod waterways, permanent irrigation and drainage ditches, and sled rows in flue-cured or fire-cured (Type 21) tobacco which meet the minimum width requirements of subparagraph (2) and (3) of this paragraph (f) may be combined to meet the 0.03 acre minimum area requirement.

* * * * *

(3) *Sled rows (flue-cured and fire-cured (Type 21) tobacco).* Minimum width, one normal row. The area included in sled rows shall be deducted provided there is not more than one sled row for each four rows of tobacco, except that where an acceptable sled row pattern has been followed in the field, a sled row nearest one edge of the field may be deducted even though it serves less than four rows.

4. Section 718.14(h) (1) (28 F.R. 8117) is amended to read as follows:

§ 718.14 Adjustment of Acreage.

* * * * *

(h) *Failure to notify county office of intent or completion of disposition of excess acreage or request for release of excess diverted acreage.*—(1) *Notice of disposition.* If the farm operator or other producer on the farm failed to notify the county office of intent or completion of disposition of excess acreage in accordance with the provisions of paragraph (b) of this section, credit for disposition may be given for crops other than tobacco if the producer pays the cost of determining the acreage and establishes to the satisfaction of the county committee with the concurrence of a representative of the State committee that the crop on the excess acreage was in fact disposed of prior to the disposition date: *Provided, however,* That if a notice of farm marketing excess for cotton, rice, or wheat has been issued on the basis of such excess acreage, no credit for disposition of such excess acreage prior to the disposition date can be given unless application, in writing, to so establish such disposition, is filed with the county committee within 15 days after the mailing date of the farm marketing excess notice. The determination of the county committee, with the concurrence of a representative of the State committee, with respect to the application shall be evidenced by the issuance and mailing of a revised notice of farm marketing excess. In case of tobacco, the county committee may accept a notice of intention filed after the date specified on the notice of acreage upon receipt of satisfactory proof that the producer was prevented from notifying the county office by the date specified because of condition beyond his control.

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812)

Effective date. The disposition of excess acreage has been and is now being carried out on farms throughout the United States. Evidence has been presented from various sections of the country that the present requirement is inconsistent with effective program administration. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that provisions of this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-10800; Filed, Oct. 10, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On August 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8415) stating that the Federal Aviation Agency proposed to alter the Grand Rapids, Mich., control zone, revoke the Muskegon, Mich., control area extension and designate a transition area at Grand Rapids.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Grand Rapids, Mich., control zone is amended to read:

Grand Rapids, Mich.

Within a 5-mile radius of Cascade Airport, Grand Rapids, Mich. (latitude 42°52'45" N., longitude 85°30'30" W.), and within 2 miles each side of the Grand Rapids ILS localizer E course, extending from the 5-mile radius zone to the OM.

2. In § 71.165 (27 F.R. 220–59, November 10, 1962), the Muskegon, Mich., control area extension is revoked.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Grand Rapids, Mich.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cascade Airport, Grand Rapids, Mich. (latitude 42°52'45" N., longitude 85°30'30" W.), within 5 miles N and 10 miles S of the 259° bearing from the Grand Rapids RR, extending from the RR to 12 miles W of the RR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line 6 miles N of and parallel to the centerline of V–216 E of the Muskegon, Mich., VORTAC, and on the W, S and E by the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude

43°10'16" N., longitude 86°14'09" W.), and a line beginning at latitude 42°54'35" N., longitude 86°13'00" W., extending to latitude 42°45'25" N., longitude 86°23'40" W.; to latitude 42°35'00" N., longitude 86°17'30" W.; to latitude 42°35'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°02'00" W.; to latitude 43°27'00" N., longitude 85°02'00" W.

These amendments shall become effective 0001 e.s.t., November 23, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10771; Filed, Oct. 10, 1963; 8:45 a.m.]

[Airspace Docket No. 63-WE-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the description of the Cheyenne, Wyo., control zone and control area extension.

The Cheyenne control zone and control area extension are presently designated, in part, with reference to the Cheyenne radio range. The Federal Aviation Agency has converted this facility to a radio beacon. The action taken herein reflects this conversion in the description of the Cheyenne control zone and control area extension. Controlled airspace requirements for this area will be further reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Cheyenne, Wyo., control zone is amended to read:

Cheyenne, Wyo.

Within a 5-mile radius of the Cheyenne Municipal Airport (latitude 41°09'25" N., longitude 104°48'25" W.); within 2 miles each side of a 296° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 12 miles NW of the RBN; within 2 miles each side of a 090° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 11.5 miles E of the RBN; within 2 miles each side of the Cheyenne ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the airport and within 2 miles each side of the Cheyenne VORTAC 032° radial, extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962), the Cheyenne, Wyo., control area extension is amended to read:

Cheyenne, Wyo.

Within 5 miles each side of the Cheyenne VORTAC 032° radial extending from the VORTAC to 25 miles NE; the airspace bounded on the N by V-6, on the SE by V-207, on the S by V-138 and on the W by V-89E alternate; the airspace SE of Cheyenne within a 25-mile radius of the Cheyenne RBN extending clockwise from a 090° bearing to a 181° bearing from the Cheyenne RBN; and the airspace SW of Cheyenne bounded on the N by V-118, on the E by V-19 and on the SW by V-4N alternate.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10772; Filed, Oct. 10, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 400—ADVERTISING AND LABELING AS TO SIZE OF SLEEPING BAGS

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of §§ 1.61 through 1.71 of the Commission's rules of practice, procedures and organization, 27 F.R. 4611-12 (May 1962), has conducted a proceeding for the promulgation of a Trade Regulation Rule regarding deception resulting from advertising and labeling of the size of sleeping bags. Notice of this proceeding appeared in the FEDERAL REGISTER on February 19, and June 7, 1963 as proposed § 320.1 (28 F.R. 1561, 5619). In this rule-making proceeding the Commission has considered its findings and decision in Outdoor Supply Company, Inc., Docket 7482, 57 FTC 361 (1960), its orders to cease and desist entered pursuant to consent agreements in other adjudicative proceedings, the views expressed by interested parties in this proceeding, and all other relevant matters of fact, law, policy and discretion.

§ 400.1 The Rule.

(a) The Commission finds that: (1) Manufacturers and distributors have engaged in the practice of selling sleeping bags in commerce, as "commerce" is defined in the Federal Trade Commission Act, marked as to "cut size," i.e. the dimensions of the material used in making such sleeping bags, without disclosing the size of the finished products; (2) this practice has the tendency and capacity (i) to mislead and deceive purchasers into believing that the "cut size" represents the actual dimensions of the finished products, whereas the finished size of sleeping bags is in fact substantially smaller than the "cut size" of the materials from which they are made, a matter of primary importance to the consumer, and (ii) to divert business from competitors who clearly disclose the finished size of their sleeping bags; and that, therefore, (3) this practice constitutes an unfair method of competition in commerce, and an unfair and deceptive act or practice in commerce, in violation of section 5 of the Federal Trade Commission Act.

(b) Accordingly, the Commission hereby promulgates, as a Trade Regulation Rule, its findings and determination that in connection with the sale or offering for sale of sleeping bags, any representation of the "cut size" or the dimensions of materials used in the construction of sleeping bags, in advertising, labeling, marking or otherwise, constitutes an unfair method of competition and an unfair and deceptive act or practice, unless—

(1) The dimensions of the cut size are accurate measurements of the yard goods used in construction of the sleeping bags; and

(2) Such "cut size" dimensions are accompanied by the words "cut size"; and

(3) The "cut size" is accompanied by a clear and conspicuous disclosure of the length and width of the finished products and by an explanation that such dimensions constitute the finished size.

Example. An example of proper size marking when the product has a finished size of 33" x 68" and a cut size of 36" x 72", and disclosure is made of the cut size, is—Finished size 33" x 68"; cut size 36" x 72".

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

This rule becomes effective on November 12, 1963.

Adopted: September 18, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-10755; Filed, Oct. 10, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-70]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Orange Juice and Orange Juice Products; Definitions and Standards of Identity; Findings of Fact and Final Order

In the matter of establishing definitions and standards of identity for orange juice, pasteurized orange juice, canned orange juice, sweetened pasteurized orange juice, canned sweetened orange juice, concentrated orange juice, sweetened concentrated orange juice, reconstituted orange juice, sweetened reconstituted orange juice, and industrial orange juice with added chemical preservatives:

Notices of proposed rule making were published in the FEDERAL REGISTER of November 6, 1956 (21 F.R. 8511), and June 4, 1957 (22 F.R. 3893), setting forth proposals of Kraft Foods Company, 500 Peshtigo Court, Chicago, Illinois, the National Association of Frozen Food Packers, 1415 K Street NW., Washington, D.C., and the Commissioner of Food and Drugs for the establishment of definitions and standards of identity for orange juice and certain types of orange juice products. Subsequently, an order was published in the FEDERAL REGISTER of March 1, 1960 (25 F.R. 1770), promulgating identity standards for all the above-identified orange juice and orange juice products, except for industrial orange juice, the petition for which was denied. Objections to the order were filed asserting reasonable grounds for a public hearing on several issues, and an announcement was published on April 13, 1960 (25 F.R. 3159), staying the order. In response to a notice published in the FEDERAL REGISTER of December 2, 1960 (25 F.R. 12372), which set forth the issues, a hearing was held.

Based upon the evidence received at the hearing and having given consideration to the written arguments and suggested findings, the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare, published proposed findings of fact, conclusions, and tentative order in the FEDERAL REGISTER of October 27, 1962 (27 F.R. 10494) and invited exceptions thereto. After consideration of exceptions and written arguments received, some of which were adopted in whole or in part and some of which were rejected, the Commissioner, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371(e)) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), and on the reliable, probative, and substantial evidence in the whole record, orders the promulgation of the following findings of fact, conclusions, and definitions and standards of identity for the subject foods.

Findings of fact.[1] 1. The food commonly and usually known as orange juice is the natural liquid that is squeezed from mature oranges. Oranges generally used in producing orange juice are of the species Citrus sinensis. (R. 1839, 1840)

2. Fresh orange juice is not a suitable name for the commercially packaged expressed juice of oranges. The housewife who for many years has squeezed oranges knows this juice to be orange juice. The term "fresh" is ambiguous in that it is difficult to determine and to draw the line when a product is fresh and when it is no longer fresh. The use of the term "fresh" on commercially packed orange juice or orange juice products would tend to confuse and mislead consumers. (R. 859, 1843, 1844)

3. Orange juice is the raw material out of which all other orange juice products are made. In the commercial production of orange juice for these other products, there are several different types of extractors used in obtaining the juice from oranges. The juice as it comes from the extractors needs further treatment to remove seed, rag, excess pulp, and similar materials. This is usually accomplished by passing the juice through mechanical equipment known as "finishers." However, the embryonic seeds or bits of larger seeds accidentally broken during the extraction of juice may pass through the finisher with the juice. In noticeable numbers, they are objectionable to the consumer. It would be impracticable to impose a zero tolerance on seeds or fragments thereof in orange juice. It would not be contrary to consumers' interests to permit the inclusion of minute seed particles in orange juice, in amounts that cannot be removed by good commercial practice. (R. 518-522, 525-526, 536, 546, 552, 555, 1839, 1856, 1898-1899)

4. The evidence indicates that since 1959 orange juice has been commercially packed in containers, frozen, and used in preparation of other orange juice products for enhancing flavor. This frozen product is not packed in retail-size containers for consumer use, but in 3½- and 7-gallon containers. This frozen orange juice is normally used by the processor within a period of 12 months, and limited tests have not revealed any detectable change in identity within this time. Since this product differs from orange juice because it is sold in the frozen state a separate definition and standard of identity should be established for it. (R. 1848, 1892, 2103-2105, 2107-2108; Ex. 144, 167)

5. There are three general species of citrus fruits used in the manufacture of orange juice products: (1) Citrus sinensis (sweet oranges); (2) Citrus reticulata (mandarin oranges); and (3) Citrus aurantium (sour oranges). Most of the Citrus reticulata and Citrus aurantium are grown in Florida. However, 97 percent of the oranges used in Florida for commercial production of orange juice products are varieties of Citrus sinensis. The other 3 percent are of miscellaneous varieties including Murcott, King, Temple, Satsuma, Clementine, sour oranges, and tangerines. The single-strength unmixed juices of these miscellaneous varieties is not what the consumer knows as orange juice. Juice from tangerine oranges is tangerine juice. Juice from Satsuma oranges is Satsuma juice. These juices may have a legitimate purpose when blended into orange juice products, but they are not orange juice (see Finding 1). Likewise, the juice from Citrus aurantium, when used in limited proportions, serves a useful function in certain orange juice products. (R. 117, 118, 120, 125, 126, 1839, 1840, 2683, 2692, 2693; Ex. 116, 117)

6. The use of tangerine juice and other Citrus reticulata juices in the production of orange juice concentrate would aid in producing a product uniform in color as well as flavor. The ranges of Brix and Brix-acid ratios for mandarin oranges are practically the same as those for sweet oranges. All varieties of Citrus reticulata and hybrids thereof may have a legitimate use in limited amounts in products derived from orange juice. A reasonable maximum limit for the inclusion of juice from Citrus reticulata in other juice products is 10 percent by volume of the blended juices before concentration. The declaration of the juice of mandarin oranges as an optional ingredient on labels of orange juice products containing such juice would present great difficulties, because of the many hybrid varieties of these products. (R. 126, 129, 153, 154, 160, 169-171, 197, 198; Ex. 81(a), 109-113, 116, 117)

7. Sometimes juice from sour oranges is added in the manufacture of orange concentrates to adjust the acidity. Most of the distinctive aroma and bouquet of Citrus aurantium juice that would be undesirable in single-strength products is driven off in the evaporators, and therefore contributes little, if any, to the flavor of the finished product. The acidity of the juice from sour oranges is approximately four to six times that of sweet oranges. Late in the season the Brix-acid ratio of Valencia orange juice becomes higher than is desirable for making a quality concentrate. It is frequently necessary to blend substantial quantities of lower-ratio concentrate in order to adjust to a lower and more desirable ratio. Citrus aurantium juice is needed if the supply of low-ratio Citrus sinensis bulk concentrate is exhausted. The quantity of such juice, when used, is normally from 1 percent to 5 percent of the blended juices before concentration. (R. 206, 1263, 2670-2678, 2681, 2682; Ex. 109-113)

8. A new product has been developed within recent years and sold as "orange juice" or "fresh orange juice," largely in dairy-type cartons. The new product is distinctly different from what has been historically known to the consumer as orange juice. The new product has been heat-treated to retard deterioration; the pulp has been adjusted, as has been the oil content; a part or all of it may have been frozen; and it may have had concentrated orange juice added to it. Since this is a newly developed product, it requires a name of its own. Testimony was presented to show that this product, as well as other single-strength orange juice products, has been sometimes referred to in the citrus industry as "chilled orange juice"; also, that there are U.S. Department of Agriculture grade standards for this product under the name "chilled orange juice." However, the product referred to as "chilled orange juice" can be prepared in several ways. The word "chilled" in the name "chilled orange juice" is not really meaningful to consumers, and chilling is not the significant difference between orange juice and this new product. Both may be chilled, and the word "chilled" unqualified implies that this is freshly ex-

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

pressed orange juice preserved by re- stabilized." (R. 253, 709, 1861, 1863, That the amount of orange juice soluble

pressed orange juice preserved by refrigeration. The feature that distinguishes one from the other is that orange juice has not been heat-treated; whereas, the new product has been heat-treated. This affects the taste and differentiates this food from orange juice as known to ordinary consumers. The term "chilled juice" is meaningful only in the trade. (R. 709(k), 709(*l*), 1364–1365, 1863, 1895)

9. The heat-treated orange juice product referred to in Finding 8 is made by the manufacturing process as commonly used for single-strength products. First, a determination is made of the Brix-acid ratio of the oranges. Oranges with varying characteristics are blended in an effort to get a finished product having the desired final composition. The oranges are passed through mechanical extractors to separate the liquid and pulp portions of the orange from the peel. The pulp and juice from the extractors is passed through mechanical strainers known as "finishers," which, among other things, remove some of the pulp. One or more of these finishers may be used to recover as much juice from oranges as is commercially possible. In many cases the juice is then passed through a deoiler or a deaerator or both. At this point the juice may be frozen and stored at very low temperatures for use later in the season, or it may be heated and quickly cooled to improve stability. The heated juice may be frozen and stored at very low temperatures, or it may pass on immediately to further steps, which may include blending with other batches of similar juice, with frozen heated or unheated juice, or with concentrated juice. This is followed by chilling, packaging, and distribution. The details and sequence of the manufacturing steps vary from one plant to another and vary within a plant, depending upon the availability of juices and concentrates for blending, cost, etc. (R. 253, 1855–1860, 1892, 2167; Ex. 161)

10. The primary purpose of heat-treating orange juice is to inactivate the enzyme pectinesterase. A secondary purpose is to reduce the number of micro-organisms. This is done to impart the necessary keeping qualities, and the heat treatment is called pasteurization. Generally, the temperatures required to inactivate enzymes are higher than those required to kill micro-organisms. The time and temperature may vary, depending upon the type of pasteurizer used. However, testimony was given that in a typical process the orange juice is heated for 12 seconds at 170° F.–183° F. and then cooled to 31° F. The entire time lapse is 20 to 22 seconds. When the enzymes in orange juice are not inactivated they tend to promote chemical reactions that result in undesirable changes, notably the separation and precipitation of the cloudy material. The principal difference between pasteurized or heat-treated orange juice and the product "orange juice" is the taste, stability, and keeping quality of the former. The identifying terms that are suitable for distinguishing this product from other orange juice products are "pasteurized," "heat-processed," and "heat-stabilized." (R. 253, 709, 1861, 1863, 1864)

11. There are at present two forms of frozen single-strength orange juices sometimes used in the manufacture of pasteurized orange juice. Sometimes the orange juice is heat-treated before freezing and storing. At other times it is heat-treated after storage and thawing. It may be in storage up to 12 months. Scientific experts studied the problem of the change of identity for single-strength orange juice that had been frozen, stored, and defrosted, and concluded that there was no change in the product. Other experts in this field, on the basis of their studies, questioned the above conclusion. Changes in relation to flavor, vitamin C content, stability, etc. that may take place in the frozen orange juice during low temperature storage are smaller in magnitude than those that customarily take place in the finished product during the first day or so of shipment and distribution under refrigeration. Considering all the testimony on this point, it is concluded that freezing and thawing single-strength orange juice does not change its identity. (R. 794, 1060–1064, 1068, 1070, 1073–1075, 1078–1080, 1082–1085, 1089, 1094–1096, 1244–1247, 1264–1265, 1384, 2017–2019, 2452–2478; Ex. 141)

12. Maturity standards, as defined in the Florida Citrus Code, require that oranges to be used for making concentrated orange juice and other processed orange products shall have not less than 8.0 percent soluble solids and not less than the Brix-acid ratio prescribed by a sliding scale, the lowest value of which requires a ratio of 8.5 to 1. Section 795.1 of the Agricultural Code of California states that oranges shall not be considered mature unless the juice has a Brix-acid ratio of at least 8.0 to 1. There is no California State law prohibiting processors from using oranges that do not meet the State maturity standards. Orange juice made from oranges just meeting the minimum maturity standards is not acceptable to drink as orange juice, as the average consumer knows it. However, because of freezing weather it sometimes becomes necessary to pick fruit in advance of its attainment of minimum Brix and Brix-acid ratio requirements. Such fruit, if it complies with all other maturity requirements, would be suitable for preparation of orange juice products intended for manufacturing bases for orange-flavored drinks or similar articles in which added sweeteners, and often added citric acid, are normal ingredients. It is reasonable to provide that the products orange juice for manufacturing, orange juice with preservative, concentrated orange juice for manufacturing, and concentrated orange juice with preservatives may be prepared from low Brix and low Brix-acid ratio fruit because such products are intended for further processing.

In establishing a reasonable definition and standard of identity for the heat-stabilized orange juice product in the consumer's interest, it is necessary to establish certain minimum requirements for the composition of this product. The record reveals that the following figures fulfill these requirements: That the amount of orange juice soluble solids be not less than 10.5° Brix, and that the Brix-acid ratio be not less than 10 to 1. The juice of many legally mature oranges that come on the market would not meet these requirements. However, most fruit used in preparing the product would meet them. When legally mature fruit of low Brix or Brix-acid ratio is used, these factors may be adjusted by adding frozen single-strength juice or orange juice concentrate. The composition of this product as it is presently manufactured generally meets or exceeds these requirements. The addition of orange juice concentrate to adjust the orange juice soluble solids modifies the identity of the product. However, where not more than one-fourth of the total orange juice solids are contributed by the addition of orange juice concentrate it would not be sufficient to change the identity to that of some other product. In adjusting these orange juice soluble solids, it is not necessary to restrict the concentrate that may be added to that which is 41.8° Brix. It would not be in the interest of consumers to permit the addition of reconstituted orange juice (with its added water) to this product. (R. 427, 437, 461, 463, 830, 832, 1867–1870, 1884, 2621–2624, 2638, 2641 2645; Ex. 3, 78, 80, 81, 121, 144)

13. There was substantial evidence (see Finding 11) that frozen, stored, and thawed single-strength orange juice is not a different identity from orange juice. For this reason, it is unnecessary to require label declaration of its use as an optional ingredient in pasteurized orange juice or in any other orange juice product. However, the addition of orange juice concentrate to pasteurized orange juice does modify the identity of the product sufficiently to require label declaration of the orange juice concentrate as an optional ingredient. It would not be feasible to provide, in a regulation, different labeling requirements to reflect the amount of concentrate used. (R. 943, 958–959, 962, 981, 996, 1003, 1254, 1871, 2024, 2027–2029; Ex. 103–105)

14. Canned orange juice is a well-recognized product of long standing. It is prepared by extracting the juice from oranges and passing it through a finisher or a series of finishers to remove seeds and excess pulp. The excess oil is also removed. However, it is not considered contrary to the promotion of honesty and fair dealing in the interest of consumers to provide for the addition of orange oil or orange pulp (other than washed or spent pulp), or both, to orange juice deficient in these constituents. The most significant difference between canned orange juice and pasteurized orange juice is the stability of the product. Canned orange juice is hermetically sealed to prevent contamination with micro-organisms. It is heat-treated before or after being sealed in containers in order to yield a product that does not require refrigeration to prevent spoilage. (R. 517, 1876–1880)

15. Canned orange juice is not adjusted by the addition of orange juice concentrate as is pasteurized orange

juice. The packer of canned orange juice ordinarily has only a very limited opportunity to adjust the Brix of his product by blending oranges. However, it is reasonable to permit the canner to blend into his product orange juice previously extracted, frozen, and stored prior to use (see Finding 11). To promote the interest of consumers, there is a need for the standard to prescribe a minimum Brix requirement. A minimum of 10° Brix is a reasonable requirement. The juice extractable from some lots of legally mature oranges will fall below 10° Brix. It is customary for canners to add a sweetening ingredient to compensate for the Brix deficiency of such juice. The Brix-acid ratio is a very significant characteristic of a citrus product. The standard should prescribe a minimum Brix-acid ratio. The United States standards for grades of canned orange juice prescribe a minimum Brix-acid ratio of 9 to 1 for unsweetened canned orange juice. Although a ratio lower than 10 to 1 makes a very tart juice, it is reasonable to establish the identity of canned orange juice at a minimum Brix-acid ratio of 9 to 1. It is also reasonable to permit the canner to adjust very tart juice by adding a sweetening ingredient. In any event, if the finished canned orange juice contains an added sweetening ingredient consumers should be informed of that fact by label declaration. A proper way to declare the presence of the sweetener added for this purpose is "_____ added to reduce tartness," inserting in the blank the name of the sweetener added or, alternatively, the word "sweetener." (R. 133, 362, 363, 365, 367, 377, 398–402, 407, 408, 480–482, 1546, 1547, 1555, 1879–1880; Ex. 81, 140)

16. In the deoiling and deaerating process commonly employed for canned orange juice, volatile flavors along with oil and some water are removed to some extent in the vacuum distillation. The extent of water removal depends on the temperature and vacuum employed and efficiency of the equipment. It is considered good manufacturing practice to add back to the juice the condensate separated from the oil, thus augmenting the flavor of the juice. (R. 2587–2589)

17. The Food and Drug Administration directed its field offices over the country to obtain an accurate and comprehensive picture of the merchandising practices of the orange juice industry. As a result of this nationwide investigation, it was found that most of the States and municipalities have no laws, regulations, nor ordinances specifically applicable to orange juice products. All the States have general food laws which to some extent enable them to cope with the misbranding and adulteration of orange juice and orange juice products. The problem most encountered by the States is the adulteration of orange juice products with water and sugar. The next most frequent problem is misrepresentation of reconstituted orange juice and of pasteurized orange juice as fresh orange juice. The investigation further showed that even managers of retail food stores over the country are confused concerning the identity of various single-strength orange juice products. There is general confusion in this area. Investigation of processors of dairy-type pasteurized orange juice and reconstituted orange juice, i.e., products made or sold through dairies, showed a wide difference in labels for products of similar composition. For example, five firms made the same product from orange juice concentrate and water, but labeled it under names ranging from "fresh orange juice" to "reconstituted orange juice." Other firms produced a reconstituted juice to which sugar had been added, but made no reference to the added sugar on the label. (R. 1569–1570, 1572–1577, 1581–1584, 1589–1615, 1618–1649, 2165–2166, 2170–2176, 2206–2209; Ex. 3, 114, 119–138, 159)

18. Reconstituted orange juice differs from orange juice in many respects. It is made from orange juice concentrate. It contains added water, and parts of it, if not all of it, have been subjected to heat-treatment. It is necessary to establish a minimum requirement for the percentage of orange juice soluble solids in the standard of identity for this product, especially since water is being added. A reasonable and practical requirement is 11.8° Brix. This product will then be comparable to the product prepared in the home by the consumer, from concentrate. The standard of identity should provide that the product may be heat-treated, either before or after reconstitution. The names "reconstituted orange juice" and "orange juice from concentrate" are truthful, meaningful, and accurate designations for this product and are presently being used by some firms. (R. 719–721, 764–800, 842, 845, 879, 1013, 1870, 1872–1874, 1876, 1921, 2031; Ex. 121, 122, 138)

19. Nutritive sweeteners added to orange juice products have an effect on the Brix-acid ratio; i.e., sweet to tart taste, within the normal range of orange juice. The addition of sugar or other nutritive sweeteners modifies the identity and, depending upon the extent of that modification, might even change the identity into a distinctly different product. Processors use sweeteners to compensate for a natural deficiency in sugars relative to the acidity in particular lots of orange juice, and the sweeteners are added only to the extent of compensating for that deficiency. For reconstituted orange juice, the minimum fruit solids should be 11.8° Brix, which is comparable to the product the housewife reconstitutes for herself. Sugar, invert sugar, dextrose, dried corn sirup, and dried glucose sirup are suitable sweetening ingredients for addition to pasteurized orange juice and canned orange juice. Liquid sweetening ingredients should not be used in making pasteurized orange juice or canned orange juice because such use would result in the indirect addition of water. The consumer should be informed by appropriate labeling that a sweetening ingredient has been added. The presence of added sweeteners in orange juice products should be so declared on labels as to inform consumers that the product contains an added sweetening ingredient but without naming the article as a sweetened orange juice product, since it is the practice of industry, when using a sweetener, to add it in small proportions to bring the sweetness within the range found in average oranges, and it is not the practice to sweeten the products above the upper limit of the normal range of oranges. It is reasonable to provide that the addition of any optional sweetening ingredient be shown on labels by a statement "_____ added to reduce tartness" the blank being filled in with the name of the sweetening ingredient; for example, "sugar" or "dextrose" or "dried corn sirup". In lieu of the specific name of the sweetening ingredient the general designation "sweetener" is suitable. If an orange juice product does not contain an added sweetener, the packer may, at his option, put the word "unsweetened" on the label. (R. 105, 658–662, 1881–1884, 1914, 1932–1933, 2089–2090; Ex. 3)

20. No complaints are reported in the record that the consuming public has objected to the taste of canned orange juice to which sugar has been added. There was some testimony that consumers have shown a preference for the canned orange juice product labeled "unsweetened" over the product labeled "sugar added," but industry has found no trouble, from the taste standpoint, in marketing either product. Testimony was given on the use of calcium cyclamate (calcium cyclohexylsulfamate) as an artificial sweetening ingredient in canned orange juice. It would be added to a tart-tasting juice to suppress the effect of the citric acid and give a sweet taste equivalent to an acceptable Brix-acid ratio, thus making the juice appear to be of higher quality. An artificial sweetener is a chemical substance that has the power of sweetening but does not provide food energy or calories. Canned orange juice was not proposed as a special dietary food. It will not promote honesty and fair dealing in the interest of the consumer to provide for the use of calcium cyclamate as an artificial sweetening ingredient in canned orange juice. (R. 2118, 2121–2124, 2127–2130, 2150–2151, 2184, 2187, 2193–2194, 2196, 2207–2209, 2212, 2222–2223, 2232, 2237–2238, 2242, 2252, 2254, 2258; Ex. 172–175)

21. Orange oil is a natural constituent of orange juice. However, if oil obtained from an extraneous source is added to raise the oil level naturally occurring in the juice, such added oil is an optional ingredient in that product. A number of conditions influence the level of oil in the extracted juice: The condition of the fruit, its temperature when processed, and the processing methods used. Testimony showed that there is often a need for addition of high-quality orange oil to reconstituted orange juice, since the concentrate from which it is prepared may be low in oil content. Testimony given on the production of pasteurized orange juice and canned orange juice indicates that there is no significant commercial practice of adding orange oil to these products and rarely a need for such addition. For that matter, juice intended for use as pasteurized orange juice or canned orange juice is usually run through a deoiler to remove excess oil prior to final processing and

packaging. However, for articles other than orange juice and frozen orange juice found to be deficient in orange oil it is not considered to be in conflict with the promotion of honesty and fair dealing in the interest of consumers to provide for the optional addition of orange oil. (R. 1855–1860, 1876–1880, 1884–1886, 1921, 2001, 2584–2586, 2599)

22. Orange pulp prepared in several ways has been used commercially in orange juice products. One method of varying the pulp content of a juice is by varying the size of openings in the finishers. This is the usual procedure followed for orange juice and frozen orange juice. The need for addition of pulp from other sources is not present here. On the other hand, depending upon the technical problems and marketing requirements, optional addition of pulp to other orange juice products is a common commercial practice. Another method of adjusting pulp is by separating it from juice at the time of concentration, heat-treating it to inactivate the enzymes, draining it to remove more juice, and adding it back to the concentrate. Or it may be packaged and frozen separately for later use to meet varying marketing requirements. Such pulp does not resemble that pulp derived from hand-squeezed juice, since the pumps and finishers alter its appearance. However, for orange juice products other than orange juice and frozen orange juice, which are often prepared in final form elsewhere than at the plant where orange juice is extracted, it is not considered as in conflict with the promotion of honesty and fair dealing in the interest of consumers to adjust the pulp content by adding pulp. Still another method of obtaining pulp involves saving the spent pulp that consists of exhausted juice cells and connective tissue resulting from the washed pulp process (see Finding 27). The addition of such washed or spent pulp to orange juice products is not in the interest of the consumer because it makes the product appear to be better or of greater value than it actually is. (R. 1915–1918, 2591–2596, 2606–2613, 2702, 2703, 2935)

23. "Orange essence" is a generic term describing the volatile flavoring constituents in orange juice. Nearly all these volatile flavoring constituents are unavoidably removed in the production of concentrated orange juice by evaporation. The resulting concentrate as it comes from the evaporator has a flat taste. Presently the industry compensates for this loss of flavor by adding unheated, "cut-back" single-strength orange juice, orange oil, and sometimes "orange essence." A substantial portion of the volatile flavoring constituents of orange juice is found in orange oil.

The testimony revealed that there are three methods of obtaining volatile orange flavors and aromas. In one method the volatile flavoring components that have escaped from the orange juice in the evaporator are recovered from the water vapor and concentrated as orange essence. The second method of preparing orange essence is by volatilizing a portion of orange juice prior to its entry into the evaporator system. The vapors are condensed and the volatile flavoring constituents stripped from them. Such volatile flavoring constituents are then returned to the juice after any heat treatment or evaporation of the juice. Sometimes the "cut-back" juice added to concentrated orange juice products is rather low in volatile flavoring constituents. This deficiency can be partially remedied by adding orange oil or by adding such oil plus a quantity of "orange essence. Such use of orange essence helps to achieve a product of more uniform quality, in the interest of the consumer. In the future it may become possible to substitute orange essence for unheated "cut-back" juice in the manufature of orange juice concentrate. If this can be perfected, a product of better shelf life may be provided the consumer. There is no need to add orange essence to single-strength orange juice products. A method of preparing so-called orange essence consists of grinding up the orange peel from the juice extractors and mixing it with water. This mixture is pressed and from it there is separated an article consisting of oil, peel, juice, and other components that were never present in orange juice. This article has sometimes been termed orange essence. It is not in the interest of consumers to permit the use of this so-called orange essence made from orange peel or other orange byproducts. (R. 1887–1889, 2588–2590, 3148, 3151, 3152, 3154, 3155, 3157–3161, 3165–3171, 3176–3181, 3237, 3255, 3257–3260, 3296–3303; Ex. 100, 202–207)

24. Benzoate of soda (sodium benzoate) was used as early as 1925 as a preservative to inhibit fermentation in orange juice products. In the last 5 years nearly 2 million gallons of single-strength orange juice containing preservatives have been used for making beverage bases. Such orange juice with preservative is sold in 3½-, 7-, 50-, and 55-gallon containers. The single-strength orange juice may be heat-treated, after which the chemical preservative is added. For sodium benzoate, 0.2 percent is used to accomplish the intended results. Taste tests made with finished orange beverages containing various amounts of sodium benzoate showed that 0.06 percent is the maximum that can be used without injuring the flavor. More than that amount causes a burning sensation on the palate of the tasters. Orange juice containing 0.2 percent sodium benzoate is not suitable for direct consumer use because of the excessive burning or "hot" taste. Because of the industry practice of adding sorbic acid or sodium benzoate as a preservative in concentrated orange juice with preservative (see Finding 25), such product being intended for uses similar to that of orange juice with preservative, it is reasonable to also provide for use of sorbic acid, at a level not to exceed 0.2 percent, in the single-strength orange juice with preservative. Tests are being made with other preservatives but are not specifically described by testimony to determine their effectiveness in inhibiting fermentation and no provision can be made for them. Label designation of the preservative ingredient to conform with the requirements of section 403(k) of the Federal Food, Drug, and Cosmetic Act and in terms showing the percentages of the preservative in the food is an established labeling practice. "Orange juice with preservative" would be a proper name for the food when containing either sodium benzoate or sorbic acid. (R. 2272–2278, 2294–2299, 2300; Ex. 176)

25. Some concentrated orange juice products contalning preservatives have been sold within a Brix range of 22° to 72°. It is reasonable to provide a minimum of 20° Brix in the standard of identity for concentrated orange juice with preservative. Thus the concentration of this article will correspond to the concentration of concentrated orange juice for manufacturing. Testimony was given that these concentrated orange juice products containing preservatives have never been sold in the frozen state, in retail-size containers, or to retail outlets. They are used primarily as a source of flavor and fruit solids and for enhancing the appearance of the finished beverage. Tests show that it is necessary to add up to 0.2 percent benzoate of soda to the concentrate, depending upon the degree of concentration, to inhibit spoilage. Label designation of the preservative is an established practice. The only reference to other preservatives was testimony that in Florida, during the 4 years preceding the hearing, approximately 600,000 gallons of orange juice with added chemical preservatives were produced. Benzoate of soda and sorbic acid were the preservatives used. The preservatives were used at a level of 0.2 percent. As in Finding 24, label designation of the preservative ingredient to conform with the requirements of section 403(k) of the Federal Food, Drug, and Cosmetic Act and in terms showing the percentage of the preservatilve in the food is an established labeling practice. "Concentrated orange juice with preservative" would be a proper name for this food. (R. 2279–2290, 2295, 3057, 3058; Ex. 177)

26. Shipments of single-strength orange juice and concentrated orange juice preserved with sulfur dioxide have been exported. Sulfur dioxide is not added as a chemical preservative in single-strength orange juice and concentrated orange juice for use in this country. Orange juice products preserved with sulfur dioxide may be exported in accordance with section 801(d) of the Federal Food, Drug, and Cosmetic Act, even though sulfur dioxide is not listed in the standard. The record does not establish that it will promote the interests of consumers in this country to provide in the standard of identity for "orange juice with preservative" for adding sulfur dioxide as an optional preservative ingredient. (R. 2295–2296, 2299, 2300, 2312; Ex. 177)

27. During recent years, the trend has been to increase the yield of juice from a standard box of oranges. This has been accomplished by more vigorous methods of extraction, separation of pulp from extracted juice, and removal of the remaining juice from the pulp by the use of one or more finishers employing

pressure. This increase in yield adversely affects the quality of the resulting products. When the pressure on a finisher is increased, the pulp becomes comminuted and the juice that is forced through the screen contains finely ground pulp and considerable amounts of pectin. Although this juice is identified as orange juice, it is not orange juice in the sense that that term is normally understood. To avoid to some extent the undesirable properties of juice coming from finishers exerting excessive pressure, a counter-current flow technique was developed to extract the juice from the pulp by the use of water. This method gives a product of better quality than second finisher juice and it produces a slightly higher yield. Water is introduced into the pulp and the mixture is screened through several finishers, where the juice remaining in the pulp is "washed" away. This diluted orange juice is mixed with undiluted juice from the primary finisher going to the evaporators for concentration. The volume of water used is about the same in weight as the pulp. This added water is removed in the evaporator in making concentrated orange juice, and this is a costly operation; however, industry witnesses from Florida and California assert that the increase in yield and quality make the operation worthwhile. Comparative analytical studies were made on concentrated orange juice products manufactured by the washed-pulp process and the mechanical pressure process, the two alternative processing steps by which the soluble solids of the orange pulp may be recovered for conversion into concentrate. The product made by the water-extraction process was about half as viscous as the product made by the mechanical-pressure process. The vitamin C content was essentially the same for both products.

Results of taste-panel tests on samples of reconstituted orange juice prepared from concentrates made by both processes showed that the commercial washed-pulp process produced a product equal to or better than the product produced by the mechanical-pressure process. From the evidence in the record, the interests of consumers do not require that orange juice products prepared in part from water extract of orange pulp should be labeled to show this fact. (R. 2711–2735, 2737–2738, 2742, 2746–2747, 2751–2753, 2757, 2759, 2767–2768, 2792–2795, 2825–2829, 2831–2862, 2901–2912, 2938–2962; Ex. 180–182, 187–189, 191A–191B, 193A–193C, 194–195, 200)

28. Testimony was given by Florida processors that it would not be in the interest of consumers to promulgate a Federal standard of identity for frozen concentrated orange juice that would be superimposed upon the strict standards already enforced in the State of Florida. They assert that doubt and confusion would be created in the Florida industry by the establishment of such a Federal standard and, further, that such Federal standard might serve to hinder future development of this product. Testimony revealed that the Florida Citrus Commission Regulation No. 22 provides that no citrus fruit or products thereof shall be processed except in the presence of a U.S. Department of Agriculture inspector or without his previous consent. Such inspection is carried out under inspection service arranged under contract between the Agricultural Marketing Service and the State of Florida Department of Agriculture. In the 1959–60 season, Florida produced 66,200,000 gallons of the retail-type concentrate, and 1,000,000 gallons of the same product was produced elsewhere. An industry witness acknowledged, however, that Florida has no control over orange juice concentrate once it leaves the State of Florida, and that a product labeled "substandard" could be relabeled after leaving the State. An industry witness acknowledged that the statement "concentrated orange juice is the food prepared by removing water from the juice of mature oranges" is sufficiently broad to permit further improvements and technological advances in the development of the concentrating process. There was some concern whether the citrus industry could pursue the same type of research and to the same extent if a Federal standard of identity were established. However, several agreed that § 3.12 (currently § 10.5) of Title 21 of the Code of Federal Regulations on temporary permits for experimental packs of food varying from requirements of definitions and standards of identity would permit further research and development. A limited market survey was made by the Food and Drug Administration for the purpose of determining whether there were on the market products that purported to be frozen concentrated orange juice packed in retail-size containers but which were in fact some other product. Products that purported to be frozen concentrated orange juice but that were really a concentrate for orange juice drink were found in two large cities in Southern California. These products were labeled in part "quick frozen concentrated orange juice product" or "frozen orange concentrate." All had been stocked for from 8 months to 5 years. These products were stored side by side with frozen concentrated orange juice in the retail market freezer. This Food and Drug survey shows that there are on the market products that purport to be concentrated orange juice and accentuates the need for a Federal definition and standard of identity for that product. It is clear that the Florida authorities have no control of activities beyond the State's borders. Testimony revealed that bulk concentrate could be purchased in Florida and repackaged easily and economically elsewhere. Most frozen concentrate is packed in Florida. However, California and Texas processors pack a substantial amount that would be beyond the control of the Florida Citrus Code. (R. 2331–2335, 2349, 2397, 2415–2416, 2430–2431, 2434–2435, 2440, 2968–2971, 2998–2999, 3034–3037, 3051–3052, 3054–3056, 3311–3317, 3320–3322, 3371, 3378–3386; Ex. 144, 179, 197–199)

29. Frozen concentrated orange juice consists of a blend of selected orange juice and may contain several other related ingredients, including other frozen concentrates, packed during different seasons and perhaps at other places. Refined orange oil and orange essence may be added. The finely divided pulp present is adjusted to whatever level is called for. Fractions or all of the product may be heated before blending, and washed-pulp extract or second finisher liquid may be among the components used. The resulting product when properly diluted makes a beverage that resembles and substitutes for fresh orange juice, but it has an identity of its own. (R. 2353, 2402–2407, 3311–3314)

30. "Addback" is the name given to concentrated orange juice packed in bulk 55-gallon drums for later reprocessing. Approximately 20 percent of the frozen concentrate packed in retail-size containers during the 1959–60 season was reprocessed from bulk "addback" which had been stored in a frozen condition. The 55-gallon drums of concentrated orange juice are removed from storage, allowed to soften by standing at room temperature, and emptied into a hopper. A layer of approximately 1 gallon of concentrate remains on the plastic liner of the drums. A stream of water is sprayed over the interior of the drum to flush the adhering concentrate into the hopper. This diluted concentrate may pass through the evaporator or go directly to the blend tank and be incorporated into the final product. During the 1959–60 season, over 13 million gallons of concentrate were reprocessed in this manner. If the drums were not washed out with water, some three-quarters of a million dollars would be added to the annual cost of producing concentrate, thus raising the price to consumers accordingly. (R. 2951, 2962–2973, 3136)

31. For the past 15 years, the housewife has come to recognize the name "frozen concentrated orange juice" as meaning the product to which she adds three volumes of water to obtain reconstituted orange juice. Therefore, the unqualified name "frozen concentrated orange juice" should reflect the product with which she is familiar. In all probability, a consumer product having a different, and very likely a higher concentration, will become available. However, when that product is ready for sale, it should have some distinguishing name that will set it apart from the product already known as "frozen concentrated orange juice." This can be done by indicating, as a part of the name, the number of cans of water necessary to reconstitute the can of concentrate. (R. 3034–3037, 3315, 3316)

32. The amount of orange juice soluble solids in the reconstituted product made by the consumer from orange juice concentrate ranges from 11.8 percent to 12.4 percent. The approximate average of the soluble solids in the Florida orange juices available for processing is 11.8° Brix. For several reasons the industry adopted a concentrate in consumer-sized containers of about 42 percent orange juice soluble solids or 42° Brix. First, it was desirable to have as high a degree of concentration as was then practicable in order to achieve savings

in freight, storage, and container costs. Second, the Brix value was selected with

35. During the 1959–60 season in Flor-

§ 27.106 Frozen orange juice; identity.

tainers and preserved by freezing, the and the ratio of the Brix hydro-

in freight, storage, and container costs. Second, the Brix value was selected with the thought that reconstitution should be based on the addition of a whole number of cans of water in the interests of preventing confusion on the part of consumers in using this new product. This resulted in the selection of a concentrate to be reconstituted by the addition of three parts of water, now described as three-plus-one concentrate. Thus the selection of a specific Brix value for the three-plus-one concentrate was based on the average Brix value for orange juice, and the figure of approximately 42° Brix was derived. In practice, this may vary from 41.8° to 44.0° Brix. When diluted with three volumes of water, reconstituted juice ranging from 11.8° to 12.4° Brix results. The three-plus-one reconstitution factor for concentrate in small size cans has had wide consumer acceptance and understanding of how to use it. Since the housewife is now familiar with that product, other products of different levels of concentration when offered to the consumer should be plainly labeled to indicate that difference. It would reduce confusion if the products were concentrated to such levels that they can be reconstituted by addition of whole numbers of volumes of water, e.g., four-plus-one or five-plus-one, or be made up to a standard volume, for example, 1 quart. The soluble orange juice solids of the reconstituted juice should in no case be less than 11.8 percent. (R. 2322, 3034–3036, 3314–3316, 3371)

33. California processors of concentrated orange juice find it desirable to add sugar to orange juice concentrate when they are using California oranges that have a low Brix-acid ratio. The addition of sugar to frozen concentrated orange juice for the purpose of adjusting the Brix-acid ratio would modify but not destroy its identity. This then would not require that a different standard of identity be established but rather that a label declaration indicate that sugar or other sweeteners have been added. Frozen concentrated orange juice to which a sweetener is added should have the same orange juice soluble solids as that product to which no sugar or other sweetener has been added. If the orange juice soluble solids were less in the concentrate with sweetener than in concentrate without sweetener having the same dilution factor it would cause the consumer to over-dilute the orange juice concentrate and thus make a product that is not reconstituted orange juice nor even a sweetened reconstituted orange juice, but a watered reconstituted orange juice. (R. 663–673, 680, 684–688, 3318, 3320–3322, 3340)

34. Under the laws of Florida, a special experimental permit was given for packing a "four-plus-one" frozen concentrated orange juice for distribution to institutions to be reconstituted by the addition of four parts of water to one part of the concentrate product. The product proved successful. The Brix of this concentrate is 50.6° and it reconstitutes to 11.8° Brix. (R. 2382, 2383, 3034–3036)

35. During the 1959–60 season in Florida, there were produced over 9 million gallons of concentrated orange juice for further processing. The concentration of these products varies from 33°–72° Brix, most of it being above 42° Brix. There are approximately 50,000 to 100,000 gallons of 33° Brix orange juice concentrate produced annually in Florida. Orange juice concentrates ranging from 25° Brix–72° Brix are made for sale to producers of pasteurized orange juice and to the beverage base and flavors trade for further manufacture. The concentrates that range from 25° Brix–66° Brix are frozen and packed in 3½- and 7-gallon containers and 50- and 55-gallon drums. The product of 65° Brix or higher is held under refrigeration but not frozen. A minimum orange juice solids content of 20° Brix was suggested for such concentrated orange juice. The users of concentrated orange juice products for further processing need to know the concentration of orange juice solids in the products as they purchase them. It is customary in the citrus industry to express the concentration of orange juice soluble solids in terms of the degrees Brix of the product. It is reasonable to specify in the standard for concentrated orange juice for manufacturing that the label shall name the product "concentrated orange juice for manufacturing ----------" or "---------- orange juice for manufacturing," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix. (R. 2331–2333, 2346, 2361, 2389, 2390, 2621, 2631, 3054–3056, 3313, 3314; Ex. 179)

36. Testimony was offered with respect to canned heat-processed concentrated orange juice for consumer use. The Brix requirements in a standard of identity for such a product should be the same as that for frozen concentrated orange juice. The name for this canned concentrate would be "canned concentrated orange juice," and the word "canned" would not necessarily have to be on the label if the product did not purport to be frozen concentrated orange juice. (R. 3040, 3314, 3327, 3339–3348, 3369–3371)

Conclusions. On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence of the entire record, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity as follows:

§ 27.105 Orange juice; identity.

(a) Orange juice is the unfermented juice obtained from mature oranges of the species Citrus sinensis. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed. The juice may be chilled, but it is not frozen.

(b) The name of the food is "orange juice." The name "orange juice" may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia orange juice."

§ 27.106 Frozen orange juice; identity.

(a) Frozen orange juice is orange juice as defined in § 27.105, except that it is frozen.

(b) The name of the food is "frozen orange juice." Such name may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia frozen orange juice."

§ 27.107 Pasteurized orange juice, heat-processed orange juice, heat-stabilized orange juice; identity; label statement of optional ingredients.

(a) Pasteurized orange juice, heat-processed orange juice, heat-stabilized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in § 27.105, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species Citrus reticulata or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If the adjustment involves the addition of pulp, then such pulp shall not be of the washed or spent type. The solids may be adjusted by the addition of one or more of the optional concentrated orange juice ingredients specified in paragraph (b) of this section. One or more of the optional sweetening ingredients listed in paragraph (c) of this section may be added, in a quantity reasonably necessary to compensate for a deficiency, if any, of the Brix-acid ratio. The orange juice is so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. Either before or after such heat treatment, all or a part of the product may be frozen. The finished pasteurized orange juice contains not less than 10.5 percent by weight of orange juice soluble solids, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 10 to 1.

(b) The optional concentrated orange juice ingredients referred to in paragraph (a) of this section are frozen concentrated orange juice as specified in § 27.109 and concentrated orange juice for manufacturing as specified in § 27.114 when made from mature oranges; but the quantity of such concentrated orange juice ingredients added shall not contribute more than one-fourth of the total orange juice solids in the finished pasteurized orange juice.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are sugar, invert sugar, dextrose, dried corn sirup, dried glucose sirup.

(d)(1) The name of the food is "pasteurized orange juice" or "heat-processed orange juice" or "heat-stabilized orange juice." If the food is filled into containers and preserved by freezing, the label shall bear the name "frozen pasteurized orange juice," "frozen heat-processed orange juice," or "frozen heat-stabilized orange juice."

(2) If the pasteurized orange juice is filled into containers and refrigerated, the label shall bear the name of the food, "chilled pasteurized orange juice," "chilled heat-processed orange juice," or "chilled heat-stabilized orange juice." If it does not purport to be either canned orange juice or frozen pasteurized orange juice, the word "chilled" may be omitted from the name.

(e)(1) If a concentrated orange juice ingredient specified in paragraph (b) of this section is used in adjusting the orange juice solids of the pasteurized orange juice, the label shall bear the statement "prepared in part from concentrated orange juice" or "with added concentrated orange juice" or "concentrated orange juice added."

(2) If one or more of the sweetening ingredients specified in paragraph (c) of this section is added to the pasteurized orange juice, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" or "sweeteners" may be used in lieu of the specific name or names of the sweetening ingredients.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.108 Canned orange juice; identity; label statement of optional ingredients.

(a) Canned orange juice is the food prepared from orange juice as specified in § 27.105 or frozen orange juice as specified in § 27.106, or a combination of both, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species Citrus reticulata or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed. Orange oil and pulp may be adjusted in accordance with good manufacturing practice. The adjustment of pulp referred to in this paragraph does not permit the addition of washed or spent pulp. Liquid condensate recovered from the deoiling operation may be added back. One or more of the optional sweetening ingredients named in paragraph (b) of this section may be added, in a quantity that reasonably compensates for deficiency, if any, of the Brix-acid ratio of the orange juice used. The food is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. The finished canned orange juice tests not less than 10° Brix, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 9 to 1.

(b) The optional sweeting ingredients referred to in paragraph (a) of this section are sugar, invert sugar, dextrose, dried corn sirup, dried glucose sirup.

(c) The name of the food is "canned orange juice." If it does not purport to be chilled pasteurized orange juice or frozen pasteurized orange juice, the word "canned" may be omitted from the name.

(d) If one or more of the sweetening ingredients specified in paragraph (b) of this section is added to the canned orange juice, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.109 Frozen concentrated orange juice, frozen orange juice concentrate; identity; label statement of optional ingredients.

(a) Frozen concentrated orange juice is the food prepared by removing water from the juice of mature oranges as provided in § 27.105, to which juice may be added unfermented juice obtained from mature oranges of the species Citrus reticulata, or hybrids thereof, or of Citrus aurantium, or both. However, in the unconcentrated blend the volume of juice from Citrus reticulata shall not exceed 10 percent and from Citrus aurantium shall not exceed 5 percent. The concentrate so obtained is frozen. In its preparation, seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed, and a properly prepared water extract of the excess pulp so removed may be added. Orange oil, orange pulp (other than washed or spent pulp), orange essence (obtained from orange juice), orange juice and other orange juice concentrate as provided in this section or concentrated orange juice for manufacturing provided in § 27.114 (when made from mature oranges), water, and one or more of the optional sweetening ingredients specified in paragraph (b) of this section may be added to adjust the final composition. Any of the ingredients of the finished concentrate may have been so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The finished food is of such concentration that when diluted according to label directions the reconstituted article will contain not less than 11.8 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. The dilution ratio shall be not less than three plus one. For the purposes of this section and § 27.110, the term "dilution ratio" means the whole number of volumes of water per volume of frozen concentrate required to produce reconstituted orange juice having orange juice soluble solids of not less than 11.8 percent.

(b) The optional sweetening ingredients referred to in paragraph (a) of this section are sugar, sugar sirup, invert sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(c) If one or more of the sweetening ingredients specified in paragraph (b) of this section is added to the frozen concentrated orange juice, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(d) The name of the food concentrated to a dilution ratio of three plus one is "frozen concentrated orange juice" or "frozen orange juice concentrate." The name of the food concentrated to a dilution ratio greater than three plus one is "frozen concentrated orange juice, ---------- plus 1" or "frozen orange juice concentrate, ---------- plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "frozen orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of reconstituted orange juice (or multiples of a quart), the blank in the name may be filled in with a mixed number; for example, "frozen orange juice concentrate, 4½ plus 1." For containers larger than 1 pint, the dilution ratio in the name may be replaced by the concentration of orange juice soluable solids in degrees Brix; for example, a 62° Brix concentrate in 3½-gallon cans may be named on the label "frozen concentrated orange juice, 62° Brix."

(e) Wherever the name of the food appears on the label conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.110 Canned concentrated orange juice, canned orange juice concentrate; identity; label statement of optional ingredients.

(a) Canned concentrated orange juice complies with the requirements for composition, definition of dilution ratio, and labeling of optional ingredients prescribed for frozen concentrated orange juice by § 27.109, except that it is not frozen and it is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) The name of the food concentrated to a dilution ratio of three plus one is "canned concentrated orange

juice" or "canned orange juice concentrate." The name of the food concen-

§ 27.112 Orange juice for manufacturing; identity.

and labeling of optional ingredients prescribed for frozen concentrated orange

juice" or "canned orange juice concentrate." The name of the food concentrated to a dilution ratio greater than three plus one is "canned concentrated orange juice, ---------- plus 1" or "canned orange juice concentrate, ----- plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "canned orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of reconstituted orange juice (or multiples of a quart) the blank in the name may be filled in with a mixed number; for example, "canned orange juice concentrate, 4⅓ plus 1." If the food does not purport to be frozen concentrated orange juice, the word "canned" may be omitted from the name.

§ 27.111 Reconstituted orange juice, orange juice from concentrate; identity; label statement of optional ingredients.

(a) Reconstituted orange juice is the food prepared by mixing water with frozen concentrated orange juice as defined in § 27.109 or with concentrated orange juice for manufacturing as defined in § 27.114 (when made from mature oranges), or both. To such mixture may be added orange juice as defined in § 27.105, frozen orange juice as defined in § 27.106, pasteurized orange juice as defined in § 27.107, orange oil, orange pulp (other than washed or spent pulp), and one or more of the sweetening ingredients listed in paragraph (b) of this section. The finished reconstituted orange juice contains not less than 11.8 percent orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. It may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(b) The sweetening ingredients referred to in paragraph (a) of this section are sugar, sugar sirup, invert sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.

(c) The name of the food is "reconstituted orange juice" or "orange juice from concentrate."

(d) When reconstituted orange juice contains any optional sweetening ingredient as listed in paragraph (b) of this section, whether added directly as such or indirectly as an added ingredient of any orange juice product used, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients added. However, for the purposes of this section the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.112 Orange juice for manufacturing; identity.

(a) Orange juice for manufacturing is the food prepared for further manufacturing use. It is prepared from unfermented juice obtained from oranges as provided in § 27.105, except that the oranges may deviate from the standards for maturity in that they are below the minimum for Brix and Brix-acid ratio for such oranges, and to which juice may be added not more than 10 percent by volume of the unfermented juice obtained from oranges of the species Citrus reticulata or the hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If pulp is added it shall be other than washed or spent pulp. The juice or portions thereof may be so treated by heat as to reduce substantially the enzymatic activity and number of viable micro-organisms, and it may be chilled or frozen, or it may be so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(b) The name of the food is "orange juice for manufacturing."

§ 27.113 Orange juice with preservative; identity; label statement of optional ingredients.

(a) Orange juice with preservative is the food prepared for further manufacturing use. It complies with the requirements for composition of orange juice for manufacturing as provided for in § 27.112, except that a preservative is added to inhibit spoilage. It may be heat-treated to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(b) The preservatives referred to in paragraph (a) of this section are sodium benzoate and sorbic acid. Sodium benzoate or sorbic acid may be used in an amount not exceeding 0.2 percent by weight.

(c) The name of the food is "orange juice with preservative."

(d) The label shall bear the statement "---------- added as a preservative," the first blank being filled in with the percent by weight of the preservative used and the second blank by the name "sorbic acid" or "sodium benzoate" (or "benzoate of soda"), as appropriate.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (d) of this section for naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.114 Concentrated orange juice for manufacturing, orange juice concentrate for manufacturing; identity; label statement of optional ingredients.

(a) Concentrated orange juice for manufacturing is the food that complies with the requirements for composition and labeling of optional ingredients prescribed for frozen concentrated orange juice by § 27.109, except that it is either not frozen, or it is less concentrated, or both, and the oranges from which the juice is obtained may deviate from the standards for maturity in that they are below the minima for Brix and Brix-acid ratio for such oranges: *Provided, however,* That the concentration of orange juice soluble solids is not less than 20° Brix.

(b) The name of the food is "concentrated orange juice for manufacturing, ----------" or "---------- orange juice concentrate for manufacturing," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix.

§ 27.115 Concentrated orange juice with preservative; identity; label statement of optional ingredients.

(a) Concentrated orange juice with preservative complies with the requirements for composition and labeling of optional ingredients prescribed for concentrated orange juice for manufacturing by § 27.114, except that a preservative is added to inhibit spoilage.

(b) The preservatives referred to in paragraph (a) of this section are sodium benzoate and sorbic acid. Sodium benzoate or sorbic acid may be used in an amount not exceeding 0.2 percent, by weight.

(c) The name of the food is "concentrated orange juice with preservative, ----------," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix.

(d) The label shall bear the statement "---------- added as a preservative," the first blank being filled in with the percent by weight of the preservative used and the second blank by the name "sorbic acid" or "sodium benzoate" (or "benzoate of soda"), as appropriate.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (d) of this section for naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

Effective date. This order shall become effective July 1, 1964.

(Secs. 401, 701(e), 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371(e))

Dated: October 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10752; Filed, Oct. 10, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ALUMINUM NICOTINATE

The Commissioner of Food and Drugs, having evaluated data in a petition filed by Walker Laboratories, Division of Richardson-Merrell, Inc., Mount Vernon, New York, and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of aluminum nicotinate. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1141 Aluminum nicotinate.

Aluminum nicotinate may be safely used as a source of niacin in foods for special dietary use. A statement of the concentration of the additive, expressed as niacin, shall appear on the label of the food additive container or on that of any intermediate premix prepared therefrom.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 7, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10791; Filed, Oct. 10, 1963; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—VEHICLE, GUIDE, ADMISSION, AND MISCELLANEOUS FEES

Family Group Guide and Admission Fees and Admission Fees for Sagamore Hill and Theodore Roosevelt National Historic Sites, New York

On page 7911 of the FEDERAL REGISTER of August 2, 1963, there was published a notice and text of a proposed amendment to §§ 6.1 and 6.9 of Title 36, Code of Federal Regulations. The purpose of the amendment is to (1) establish general family group guide and admission fees where the individual fee is 50 cents or more per person; and (2) to establish fees applicable to Sagamore Hill National Historic Site, the country home of Theodore Roosevelt, and to Theodore Roosevelt Birthplace National Historic Site, the birthplace of Theodore Roosevelt, both located in New York. Also, (3) a minor change is being made to correct the name of Edison National Historic Site.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections concerning the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 4, 1963.

1. Section 6.1 is amended by adding paragraph (e). As so amended § 6.1 reads as follows:

§ 6.1 General.

* * * * * *

(e) Where the personal guide or admission fee is 50 cents or more, family groups consisting of parents (or a parent) and children age 12 or over shall be entitled to a special group rate fixed at three times the amount of the individual fee.

2. Section 6.9, paragraph (b), is amended by adding two new historic sites to the listings and by correcting the name of Edison National Historic Site. As so amended § 6.9(b) reads as follows:

§ 6.9 Admission; miscellaneous.

* * * * * *

(b) An admission fee shall be charged each person entering the following places:

	Fee
Adams National Historic Site	$0.25
Appomattox Court House National Historical Park—McLean House	.25
Chickamauga and Chattanooga National Military Park—Point Park	.25
Colonial National Historical Park—Moore House	.25
Edison National Historic Site:	
Home of Thomas A. Edison (Glenmont)	.25
Laboratory of Thomas A. Edison	.50
Fort McHenry National Monument and Historic Shrine—Inner Fort	.25
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum	.25
Gettysburg National Military Park—Cyclorama	.50
Home of Franklin D. Roosevelt National Historic Site (no charge shall be made for persons desiring to visit only the grave of Franklin D. Roosevelt)	.25
House Where Lincoln Died	.10
Custis-Lee Mansion in Arlington National Cemetery	.25
Lincoln Museum	.10
Manassas National Battlefield Park—Museum	.25
Morristown National Historical Park—Ford Museum and Mansion	.25
Ocmulgee National Monument—Museum and Earth Lodge	$0.25
Sagamore Hill National Historic Site—Theodore Roosevelt Home	.50
Salem Maritime National Historic Site—Derby House	.25
Theodore Roosevelt Birthplace National Historic Site—Birthplace	.25
Vanderbilt Mansion National Historic Site	.25
Vicksburg National Military Park—Museum	.25

[F.R. Doc. 63-10778; Filed, Oct. 10, 1963; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3240]

UTAH AND WYOMING

Partial Revocation of Executive Order Creating Public Water Reserve

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands:

UTAH

[88513]

SALT LAKE MERIDIAN

T. 42 S., R. 15 W.,
Sec. 10, NW¼NE¼.

Containing approximately 40 acres.

WYOMING

[Wyoming 0262338]

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 117 W.,
Sec. 26, NE¼NE¼ and W½SW¼.

Containing approximately 120 acres.

2. Until 10:00 a.m. on April 4, 1964, the States of Utah and Wyoming shall have a preferred right of application to select the lands within their respective borders, released from withdrawal by this order, in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the States, received at or prior to 10:00 a.m. on November 9, 1963 shall be considered as simultaneously filed at that time.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m. on April 4, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah, or Cheyenne, Wyoming, as appropriate.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10774; Filed, Oct. 10, 1963; 8:46 a.m.]

[Public Land Order 3241]

[Sacramento 074009]

CALIFORNIA

Order Opening Lands Subject to Section 24 of Federal Power Act

1. In DA-1035-California the Federal Power Commission determined that the power value of the following-described lands withdrawn in Project Nos. 2088 and 2100, and in Power Site Classification No. 425, will not be injured or destroyed by restoration to location, entry or selection, under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and further subject to the prior rights of the respective licensees for Project No. 2088 and Project 2100, and their successors or assigns, to use said lands for project purposes as contemplated in the licenses issued therefor, including the right of access to the project facilities and works for the reasonable maintenance and operation thereof; and subject further to the condition that the United States, its permittees or licensees will not be held liable for any damages to structures or improvements placed on the lands resulting from the operation and maintenance of the projects:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 5 E.,
Sec. 10, N½N½.

Containing aproximately 160 acres.

2. Until 10:00 a.m. on April 4, 1964, the State of California shall have (1) a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act, supra.

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on April 4, 1964. At that time they shall be open to the operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals. All valid applications and selections other than preference right applications from the State of California received at or prior to 10:00 a.m. on April 4, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Any disposals of the lands described in paragraph 1 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights and conditions specified by the Federal Power Commission in its determination.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on April 4, 1964, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10775; Filed, Oct. 10, 1963; 8:46 a.m.]

[Public Land Order 3242]

[Anchorage 049677; Misc. 1963073]

ALASKA

Modification of Public Land Order No. 1102

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1102 of March 23, 1955, so far as it reserved the following-described lands under jurisdiction of the Secretary of the Interior for use of the Department of Aviation of the Alaska Aeronautics and Communications Commission as an airport reserve, is hereby modified to the extent necessary to permit leasing of said lands under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) as amended and supplemented:

SEWARD MERIDIAN

T. 15 N., R. 3 W.,
Sec. 8, SW¼SE¼, and SE¼SW¼;
Sec. 17, lots 1 and 2, and N½NE¼.

Aggregating 231.67 acres.

2. Applications and offers received at or prior to 10:00 a.m. on November 9, 1963, shall be considered as simultaneously filed at that time. Those received after that date and hour shall be considered in the order of filing.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10776; Filed, Oct. 10, 1963; 8:46 a.m.]

[Public Land Order 3243]

[88566; 88567; 88573]

WASHINGTON AND WYOMING

Partial Revocation of Withdrawals for Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is order as follows:

1. The departmental orders of January 8, November 25, 1907 and June 17, 1908, and any other order or orders, so far as they withdrew the following-described national forest lands in Washington and Wyoming for use of the Forest Service, Department of Agriculture, as national forest administrative sites are hereby revoked:

WASHINGTON

WILLAMETTE MERIDIAN

Olympic National Forest

Intermount Ranger Station

T. 22 N., R. 5 W., unsurveyed,
Sec. 9, an irregular tract described by metes and bounds.

Maude Ranger Station

T. 22 N., R. 7 W.,
Sec. 19, SE¼SE¼;
Sec. 20, SW¼SW¼.

Canyon Ranger Station

T. 22 N., R. 7 W.,
Sec. 20, NE¼, and SE¼NW¼.

Humptulips Ranger Station

T. 21 N., R. 9 W.,
Sec. 4, N½NE¼, and SE¼NE¼.
T. 22 N., R. 9 W.,
Sec. 33, SE¼SE¼.

Falls Ranger Station

T. 23 N., R. 9 W., unsurveyed
Sec. 11, SW¼NW¼NE¼.

Morgan Ranger Station

T. 28 N., R. 12 W.,
Sec. 32, S½SE¼SE¼.

MOUNT BAKER NATIONAL FOREST

Baker River Administrative Site

T. 37 N., R. 9 E.,
Sec. 30, lot 11;
Sec. 31, lot 1.

Cougar Hollow Administrative Site

T. 32 N., R. 10 E.,
Sec. 32, lot 2.

Ruby Administrative Site

T. 38 N., R. 14 E.,
Sec. 22, an irregular tract described by metes and bounds.

The areas described aggregate approximately 618 acres.

WYOMING

SIXTH PRINCIPAL MERIDIAN

Medicine Bow National Forest

Big Creek Administrative Site

T. 13 N., R. 81 W.,
Sec. 32, E½NW¼SW¼, and NE¼SW¼.

Jenkins Administrative Site

T. 15 N., R. 81 W.,
Sec. 34, E½NE¼, E½SW¼NE¼, E½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, and SW¼SW¼NE¼.

Willow Park Administrative Site

T. 13 N., R. 84 W.,
Sec. 7, NE¼SE¼;
Sec. 8, NW¼SW¼.

The areas described aggregate approximately 258 acres.

2. At 10:00 a.m. on Nov. 9, 1963, the lands described in this order shall be open to such forms of disposition as may by law be made of forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10777; Filed, Oct. 10, 1963; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14507; FCC 63-856]

PART 1—PRACTICE AND PROCEDURE

Establishment of Fees for the Commission's Licensing and Regulatory Activities

1. The Commission has before it seventeen Petitions for Reconsideration of its Report and Order in Docket No. 14507[1] which amended Part 1 of the rules, effective January 1, 1964, so as to establish a schedule of fees for applications filed with this Commission.[2] Also before the Commission are three petitions requesting that the effective date of the fee rules be stayed until the Commission has had an opportunity to act upon the Petitions for Reconsideration.[3]

2. Many of the arguments set forth in the petitions merely restate questions which were discussed in our Report and Order. The principal argument reiterated in the petitions is the contention by ARINC & ATA, AOPA, Central Committee, NBAA and SIRSA that the Commission does not have specific legislative authority under Title V of the Independent Offices Appropriation Act of 1952, 5 U.S.C. section 140, to adopt rules providing for a schedule of fees for Commission services. In this connection, ARINC & ATA further state (1) that the legislative history of Title V discloses that Congress only intended to encourage the recovery of fees where authority otherwise existed, and (2) that if Title V of the Independent Offices Appropriation Act of 1952 were construed to authorize the Commission's action, that Act would be invalid as an unconstitutional delegation of legislative power. We feel our position with respect to Title V and its provisions has been clearly outlined in the Report and Order and does not require further clarification at this time. However, we will address ourselves briefly to the points raised by ARINC & ATA regarding the intention of Congress and the constitutionality of Title V.

3. It is a well settled rule of statutory interpretation that when language is clear and unambiguous it must be held to mean what it plainly expresses.[4] We feel it is clear that by the enactment of Title V Congress intended that the head of every Federal agency should thereby be authorized to prescribe fees, irrespective of whether legislative authority may otherwise have existed. Title V states explicitly, "* * * and the head of each Federal agency is authorized by regulation * * * to prescribe therefor such fee, charge, or price, if any, * * *". Moreover, the two provisos at the end of Title V further demonstrate that Congress did not intend that the statute should apply only to those agencies with existing legislative authority to prescribe fees.[5]

4. ARINC & ATA state that if the Commission's Order of May 8, 1963, is deemed to be authorized by Title V of the Independent Offices Appropriation Act of 1952, that Act is invalid as an unconstitutional delegation of legislative power under the rule in U.S. v. Schechter, 292 U.S. 495. We believe this position is without merit. The Court in the Schechter Case set out the ground rules for delegations of authority wherein it stated at p. 530:

> "Congress may leave to selected instrumentalities the making of subordinate rules within prescribed limits, and the determination of facts to which the policy, as declared by Congress, is to apply; but it must itself lay down the policies and establish standards."

We are of the opinion that the language of Title V contains policies and establishes adequate standards by which each Federal agency may arrive at a schedule of fees within the limits prescribed by Congress.

5. AARI and ARINC & ATA seek to attach significance to a differentiation between "user charge" or "special benefit" services and what they refer to as the "regulatory" services offered by the Commission. They object in principle to the imposition of any fee for fundamentally governmental regulatory functions. Assuming, arguendo, that a differentiation may be made between "special benefit" and "regulatory" services, we fail to ascertain how any significance may be attributed to such a differentiation in light of the specific language of Title V. As we stated in par. 5 of the Report and Order, Title V spells out "service", "license", and "permit" as categories for which Congress considered fees to be appropriate. It can scarcely be denied that these categories are accurately descriptive of the services rendered by this Commission and, accordingly, we fail to see how the distinction which AARI and ARINC & ATA make should affect our action.

6. Before treating the arguments which are directed to the fee schedule per se, we wish to point out that, in establishing the schedule of fees set forth below, the Commission recognizes that the requirements of the application procedures of the several Bureaus do not readily lend themselves to a uniform schedule of fees completely devoid of seeming or minor disparities. These disparities, however, will be resolved from time to time in the course of a continuing review which will be undertaken with respect to the fee schedule, the Commission's application procedures, and the interrelation of the two. Appropriate adjustments will be made in either, or both, as may appear to be proper or desirable.

7. AIA, AOPA, NATA, NBAA, NPA, and the Petroleum Flyers, as spokesmen for the aviation industry and particularly for private aircraft owners and operators, contend that applications for the required FCC authorizations are not made on a voluntary basis because the regulations of the Federal Aviation Agency require aircraft wishing to utilize tower-controlled airfields to be equipped with a two-way radio system. Therefore, these petitioners argue that it is improper to require the payment of fees for applications filed for aircraft transmitters. Though we recognize that in some instances aircraft are equipped with radio merely to comply with FAA regulations, we are not persuaded that an exception should be made on this account. The position which the aviation industry occupies, and which it apparently feels is a basis for exemption from the payment of fees, is by no means unique to aviation. Certain vessels are required by the Communications Act and by applicable treaties in force to maintain radio transmitting equipment for safety purposes. However, this is not to say that owners and operators of such vessels and aircraft do not derive benefits from the use of the radio apparatus they are required to carry, particularly where such equipment contributes to the safe operation of the vessel or aircraft involved, aids its navigation, and provides a means for operational communi-

[1] FCC 63-414 (mimeo No. 34829), published in the FEDERAL REGISTER, May 11, 1963, 28 F.R. 4758.

[2] Petitions for Reconsideration were received from: Aeronautical Radio Inc. and Air Transport Association of America (ARINC & ATA); Aerospace Industries Association of America, Inc. (AIA); Aircraft Owners and Pilots Association (AOPA); Alaska Aviation Radio, Inc. (AARI); American Radio Relay League (ARRL); Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee); Civil Air Patrol (CAP); Georgia Association of Broadcasters, Inc. (GAB); Houston Business Aircraft Committee; National Aviation Trades Association (NATA); National Business Aircraft Association, Inc. (NBAA); National Committee for Utilities Radio (NCUR); National Mobile Radio System (NMRS); National Pilots Association (NPA); Petroleum Flyers; Special Industrial Radio Service Association, Inc. (SIRSA); and Woodrow C. DeByle, K8RFA.

[3] Petitions for stay were received from the Central Committee, NCUR, and SIRSA.

[4] See, e.g., Caminetti v. U.S., 242 U.S. 470, 485, Knox Co. v. Morgan, 68 F. 787, 789, Swarts v. Siegel, 117 F. 13, 18, 19.

[5] The two provisos read as follows: "*Provided*, That nothing contained in this title shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price: *Provided further*, That nothing contained in this title shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with prescribed bases of the amount of any such fee, charge or price."

cations. It should also be noted that the $10 fee for filing applications in the Aviation Services is nominal considering that licenses in those services are usually for a five-year period and, under normal circumstances, an aviation licensee will only be required to pay the fee once every five years upon application for renewal.[6] For these reasons, we are not prepared to accept the thinking that radio equipment which is required by law should be exempted on that basis from the payment of the prescribed fee.

8. The AARI, NPA and the Houston Business Aircraft Committee argue that the $10 fee for each application for license modification will detract from an operator's incentive to equip his aircraft with additional or improved communications equipment. We have compared the $10 modification fee with the cost of the equipment to which the petitioners refer and we find it very difficult to conclude that a person who has expended $300–$3,000 for suitable radio equipment will be significantly influenced by the $10 fee for filing application for a modification of his license.

9. AARI states that radio in Alaska, especially in remote areas, is often the only available means of communication and for this reason the State of Alaska often supplies radio equipment to remote operators, either free or for a nominal charge. AARI argues that to impose a fee charge for small individually owned aviation stations which often render the only means of safety communications is inappropriate. In the Report and Order, we stated that, in establishing the schedule of fees, we took into consideration the safety aspects of the use of radio, especially in the Safety and Special Radio Services. Again, with respect to radio in Alaska, though we recognize that operators render communications services which benefit the public at large (and this is true with a number of radio services to varying degrees), we are not persuaded that the operators do not enjoy some particular benefit from its use. Therefore, we do not believe that an exemption for small individually owned aviation stations in Alaska is justified.

10. The Civil Air Patrol requests that it be considered for exemption under § 1.622(b) of the new rules on the grounds that it engages primarily in the performance of public services similar to those performed by exempted organizations in the Special Emergency Radio Service, e.g., disaster relief organizations and non-profit ambulance operators and rescue organizations. The CAP points out that in 1962 it flew over 10,000 sorties and nearly 20,000 hours in search and rescue operations. We are persuaded that radio is used by the CAP to a substantial degree in connection with operations relating directly to public safety and that the CAP should be exempted from the fee requirement. For the same reason, and on the Commission's own motion, we are exempting applications for search and rescue mobile stations in the Aviation Services. These stations are operated almost exclusively by rescue organizations or by the CAP and may be used only in connection with search and rescue operations. (See Subpart W of Part 9 of the Commission's rules.)

11. On our own motion, we are also providing an exemption for radionavigation stations in the Aviation Services. (See Subpart O of Part 9 of the Commsion's rules.) Though air navigation aid facilities are usually operated by the Federal Aviation Agency, local governments, airfield operators and private individuals may apply to the Commission for a radionavigation station authorization where the need may be justified and the FAA is not prepared to render this service. These stations provide primarily navigation and safety service to aircraft at large and we are of the opinion that a fee should not be charged to applicants for such stations.

12. The ARRL argues that the fee requirement will thwart its recently initiated efforts to upgrade the Amateur Service by establishing a new Amateur advanced class. This general argument was considered by the Commission in establishing the special fee schedule for Amateurs. Furthermore, we are not persuaded that charging a nominal fee will prevent an earnest amateur from obtaining a higher class of license.

13. In response to a question raised by the ARRL with respect to when the $2 fee and the $4 fee will be charged, we wish to point out that the $2 fee will be charged when an application is filed for modification of an Amateur license other than a Novice Class license, e.g., a change of address or name, etc.; however, an application filed by an Amateur licensee for a higher or different class license will be treated as an initial license application and a $4 fee will be charged.

14. The ARRL also argues that the $20 fee for applications for special Amateur call signs is excessive and consequently will impede the establishment by the ARRL of an effective incentive program. As we stated in our Report and Order, the assignment of special Amateur call signs is a costly service since it involves considerable research. Moreover, a special call is of no direct benefit to anyone other than the operator to whom it is issued. Several arguments included in the ARRL's petition were considered by the Commission, directly or indirectly in the Report and Order and need not be treated further herein.

15. The Commission, on its own motion, has provided an exemption for applications for amateur stations under military auspices. The cost for establishing such stations, including the payment of the fee, is borne by the armed service involved. Thus, charging a fee in this case would be inappropriate.

16. The Central Committee, NCUR, and SIRSA argue that it is inequitable to charge a $10 fee for filing applications for renewal of land mobile licenses in the Safety and Special Radio Services as compared with a $4 fee for filing applications for renewal of a point-to-point microwave license in the same services since, in both instances, the same post card type application form—FCC Form 405A—is used. On reconsideration, we must agree with this argument and, accordingly, we have provided that a fee of $4 will be charged for all renewal applications in the Safety and Special Radio Services for which FCC Form 405A is prescribed. The above-mentioned petitioners have also argued that the Commission should not charge a fee for applications for non-substantive modifications such as changes of address, corporate names, etc. Although no exception is being made at this time for applications for pro forma, non-substantive modifications, the Commission will address itself to such matters as we have stated previously.

17. NCUR states that the radio usuage of all Power Radio Service licensees inures directly to the benefit of the general public. Therefore, NCUR argues that it is discriminatory to exempt governmental entities licensed in the Power Radio Service while requiring private utility, or non-governmental, licensees in that service to pay the prescribed fee. We are not persuaded that the arguments of NCUR support an exemption for private utility licensees in the Power Radio Service. As we stated in par. 19 of our Report and Order, governmental entities and certain non-profit organizations in the Safety and Special Radio Services were exempted from the fee schedule in keeping with the recommendations of Bureau of the Budget Circular A–25, section 5(b) (3), (4).[7] The mere fact that private utility companies and governmental entities may be licensed in the same radio service will not be recognized as a basis for extending the exemption to the private utility licensees.

18. NMRS objects that the $100 fee prescribed for applications filed for initial construction permit or authorization to change location of fixed stations in the Domestic Public Land Mobile Radio Service (DPLMRS) is inequitable when compared with the $100 fee prescribed for similar applications filed by television broadcast stations in the Radio Broadcast Services. NMRS urges that the $100 fee in the DPLMRS be reduced at least 50 percent in order to achieve some measure of equity.

19. We must concede that under a system of nominal flat fees such as we have adopted it is not difficult to pinpoint inequity by contrasting a particular station in one service with a particular station in another service. As we stated in our Report and Order, it is not administratively practicable to establish fees on the basis of individual station characteristics. We wish to note that NMRS seeks to demonstrate inequity by comparing only the $100 fee for applications for initial construction permit in the DPLMRS and in the television broadcast service. We believe a fairer approach would be to compare all fees prescribed for these two services. Such an overall comparison would disclose that the fees in the DPLMRS, other than for application for initial construction permit, are in every instance substantially lower than those applicable to television broadcast stations.

20. The Georgia Association of Broadcasters objects to the establishment of the $30 fee for applications for permits and licenses for auxiliary broadcast stations, e.g., remote pickups used by radio and TV stations for such things as mobile news coverage. They state that the $30 fee for each mobile radio unit will be a financial burden on many smaller radio stations and that these fees are not consistent with fees for similar equipment in the Safety and Special Radio Services area used by purely commercial interests (e.g., construction companies). The GAB urges the Commission to study this "inequity and provide relief to broadcast stations so their mobile radio services, news coverage, and programming in the public interest will not have to be curtailed."

21. In establishing the schedule of fees the Commission attempted to implement the Congressional directive that fees be equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts". While it may appear that there is a certain amount of disproportion between fees for similar applications in the various services, we are not convinced that action should be taken now, as suggested by the GAB, to change the schedule. As previously mentioned, the Commission plans to exercise continuous scrutiny of the fees and readjustments may be undertaken in the future. At this point, however, considering the Congressional directive and all other pertinent factors, we believe that the broadcast fee schedule is fair and equitable as it relates to the fee schedules for other services.

22. Our further review of the schedule of fees has indicated the desirability of more fully clarifying the schedule in terms of specific types of applications. These clarifications are set forth in the following paragraphs:

(1) Assignment and transfer applications in the Broadcast Radio Services. Applications for assignment of license or transfer of control filed on FCC Forms 314 and 315 must be accompanied by the total amount of the prescribed fees for the license or permit of each radio facility so assigned or transferred, irrespective of the fact that only one application is involved. For example, if all the stock of a licensee corporation is proposed to be transferred, and the corporation holds licenses for two TV stations, one AM station, one FM station, and four auxiliary broadcast stations, then a fee of $420 must accompany the application ($100 for each TV station, $50 each for the AM and FM stations, and $30 each for the auxiliary stations). Similarly, an application for assignment of license where more than one broadcast facility is involved must be accompanied by the total amount of the prescribed fees for each broadcast station assigned. Applications filed on FCC Form 316 must be accompanied by a $30 fee for each main broadcast station involved. No fee will be required for auxiliary broadcast stations involved in an FCC Form 316 application.

(2) Translator applications in the Broadcast Radio Services. A $30 fee will be required for each application for a construction permit for a VHF or UHF television translator station or for a major change in such an existing station.[8] A $30 fee will also be required for each application for assignment of license or transfer of control filed on FCC Forms 314 and 315 as well as for license renewal applications for such stations; but no fee will be required for any other translator application. Thus, e.g., fees will not be required to accompany translator pro forma applications filed on FCC Form 316, applications for a covering license (filed on FCC Form 347), or applications for additional time to construct (filed on FCC Form 701).

(3) Domestic Public Land Mobile Radio Service (DPLMRS) applications in the Common Carrier Services. We have observed that the fees applicable to the DPLMRS (§ 1.621) do not accord specific treatment to dispatch stations, control stations, and repeater stations. In order to insure that these stations are not subjected to the higher fees prescribed for base stations, we have revised the schedule to set a fee of $25 for applications for initial construction permits for dispatch, control and repeater stations as compared with the $100 fee prescribed for base stations. A renewal application fee of $10 has been provided for dispatch, control and repeater stations as compared with the base station renewal fee of $25. Modification applications filed by any station in the DPLMRS would be $10.

(4) Applications filed by communications common carriers for authorization to own stock in the Communications Satellite Corporation. These applications were not specifically designated in the fee schedule and would have fallen within the category "All Other Common Carrier Radio Applications" for which a $10 fee is prescribed. However, we feel these applications are of significant importance to warrant mention and we have revised the schedule accordingly. The fee remains at $10.

(5) Rural Radio Service, Point-to-Point Microwave Radio Service and Local Television Transmission Service. We have noted that the schedule of fees for Common Carrier Services (§ 1.621) does not clearly identify all applications in the above-mentioned services for which we intend to prescribe fees other than the $10 fee for "All Other Common Carrier Radio Applications." Therefore, we have revised § 1.621 to set forth the specific applications in those services for which we intend to prescribe a fee other than the $10 fee for "All Other Common Carrier Radio Applications."

(6) International control stations in the International Fixed Public Radiocommunication Services (§ 1.621). These stations are not treated in the present schedule of fees and should be distinguished from international fixed stations since they are used merely for communication between message centers and primary transmitting and receiving stations. Therefore, we have prescribed a fee of $30 for applications for construction permit for these stations and a $5 renewal application fee.

(7) Applications filed for the sole purpose of conforming with changes in the Commission's rules. The Commission has recognized that in certain instances applicants may be required to file applications as a result of changes made in the Commission's rules. It is not the intention of the Commission to require fees where applications are filed solely to conform with such rule changes. Therefore, we have added a new § 1.602 under the General Information portion of Subpart G of Part 1 which provides a general exception for such applications. This exception will be effected only when specifically ordered in connection with the adoption of the pertinent rule changes. However, the new section states that where an application which is otherwise excepted also requests a renewal or an additional modification of the authorization, the appropriate renewal or modification fee will be charged.

(8) Section 1.601(a) under the General Information portion of the rules adopted by the Commission on May 6, 1963, appears to restrict the fee schedule to "formal" applications for which a fee is prescribed in the subpart. In view of the fact that several of the prescribed fees relate to applications which are normally filed in an informal manner, we have undertaken to correct the apparent inconsistency by revising § 1.601(a) so as to delete the term "formal" from the first sentence of that section. However, since formal applications have been devised for virtually every type of request in the Safety and Special Radio Services, the Commission believes it is appropriate to limit the applicability of fees in those services to formal applications only. Section 1.622(a) has been revised accordingly.

23. In view of the foregoing: *It is ordered*, That the Petition for Reconsideration filed by the CAP is hereby granted; that the Petitions for Reconsideration filed by the Central Committee, NCUR, and SIRSA are hereby granted in part and denied in part; and that the Petitions for Reconsideration filed by ARINC & ATA, AIA, AOPA, AARI, ARRL, GAB, Houston Business Aircraft Committee, NATA, NBBA, NMRS, NPA, Petroleum Flyers and Woodrow C. DeByle are hereby denied; and

[6] A survey of our aviation license files discloses that only about 10 percent of those licenses are normally modified during a given five-year license period. Therefore, it would appear that about 90 percent of our aviation licensees can expect to pay an average of $2 a year for application fees.

[7] Bureau of the Budget Circular No. A–25, September 23, 1959, sets forth general policies for developing an equitable and uniform system of charges for Government services and property. Section 5(b)(3) directs that in establishing new fees an agency may make exceptions to the general policy wherein the recipient is engaged in a non-profit activity designed for the public safety, health, or welfare. Section 5(b)(4) states that payment of the full fee by a State, local government, or non-profit group would not be in the interest of the program.

[8] By "translator" stations we mean television broadcast translator stations licensed under Subpart G of Part 4 of the rules as distinguished from television broadcast booster stations licensed under Subpart H of Part 4. All applications filed with respect to television broadcast booster stations fall within the category "All Other Applications in the Broadcast Services", for which a flat $30 fee is prescribed.

24. *It is further ordered*, That in view

24. *It is further ordered,* That in view of the Commission's action on the Petitions for Reconsideration prior to January 1, 1964, the Petitions for Stay filed by the Central Committee, NCUR, and SIRSA are hereby dismissed; and

25. *It is further ordered,* Pursuant to authority contained in section 4(i) of the Communications Act, section 140 of Title 5 of the United States Code, and Bureau of the Budget Circular A-25 of September 23, 1959, and effective January 1, 1964, that the Report and Order of May 6, 1963 (FCC 63-414, 28 F.R. 4758), is revised to read as set forth below.

Adopted: September 25, 1963.

Released: October 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] BEN F. WAPLE,
Secretary.

1. The Report an Order of May 6, 1963, (FCC 63-414, 28 F.R. 4758) is revised to read as follows:

Subpart G—Schedule of Fees for Applications Filed With the Commission

GENERAL INFORMATION

Sec.
1.600 Authority.
1.601 Payment of fees.
1.602 General exceptions.

SCHEDULES OF FEES

1.620 Schedule of fees for Radio Broadcast Services.
1.621 Schedule of fees for Common Carrier Services.
1.622 Schedule of fees for Safety and Special Radio Services.
1.623 Schedule of fees for commercial radio operator examinations and licensing.
1.624 Experimental Radio Services (other than Broadcast).

AUTHORITY: §§ 1.600–1.602 and §§ 1.620–1.624 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

GENERAL INFORMATION

§ 1.600 Authority.

Authority for this Subpart is contained in Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.601 Payment of fees.

(a) Each application, filed on or after January 1, 1964, for which a fee is prescribed in this subpart must be accompanied by a remittance in the full amount of the fee. In no case will an application be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications received in the Commission's Offices in Washington, D.C., or in any of the Commission's field offices, should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 1.602 General exception.

When so specifically ordered, no fee will be required to accompany an application filed for the sole purpose of amending an authorization so as to conform with changes in the Commission's rules; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application.

SCHEDULE OF FEES

§ 1.620 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, applications filed in the Radio Broadcast Services shall be accompanied by the fees prescribed below:

	AM	FM	TV	Translator	Auxiliary
Application for Construction Permit for New Station or Major Change	$50	$50	$100	$30	$30
Application for Renewal or Assignment of License or Transfer of Control, Exclusive of FCC Form 316 Applications (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	50	50	100	30	30
Application Filed on FCC Form 316 (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	30	30	30	No fee	No fee
Application for Change of Call Letters for Broadcast Station	$20 in all services				
All Other Applications in the Broadcast Services (excluding television translator applications not specified above)	$30 for each application				

(b) Fees are not required in the case of applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

§ 1.621 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

Applications for Initial Construction Permit (No additional fee will be charged for application for license to cover. An application for authority to change location of a fixed station will be treated as an application for Initial Construction Permit):	
Domestic Public Land Mobile Radio Service:	
Base Station (includes associated mobile stations)	$100
Dispatch Station, Control Station or Repeater Station	25
Individual User Mobile Station	5
Point-to-Point Microwave Radio Service	30
Rural Radio Service:	
Central Office Station, Inter-office Station, or Rural Subscriber Station	10
Rural Subscriber Station at Temporary-Fixed Locations	10
Individual Subscriber Station	5
Local Television Transmission Service	50
Applications for Initial Construction Permit—Continued	
International Fixed Public Radiocommunication Services:	
International Fixed Public Station:	
New Station	$100
Additional Transmitter	100
Replacement of Transmitter	50
International Control Station:	
New Station	30
Additional Transmitter	30
Replacement of Transmitter	10
Other Common Carrier Services	10
Applications to make Modifications or to Supplement Facilities at Existing Sites in the Point-to-Point Microwave Radio Service	30
Applications for License for Operation of a Station at Temporary-Fixed Locations in the Point-to-Point Microwave Radio Service	30
Applications for Modification of Construction Permit at an Existing Station Location in the Local Television Transmission Service	50
Applications for License for Operation of an STL Station at Temporary-Fixed Locations in the Local Television Transmission Service	50
Applications for License for Operation of Mobile Television Pickup Station in the Local Television Transmission Service	50
Applications for Renewal of License:	
Domestic Public Land Mobile Radio Service:	
Base Station (includes associated mobile stations)	25
Dispatch Station, Control Station or Repeater Station	10
Individual User Mobile Station	5

* Dissenting statements of Commissioners Bartley and Ford and concurring statement of Commissioner Cox filed as part of the original document.

Applications for Renewal of License—Continued	
Point-to-Point Microwave Radio Service	$5
Local Television Transmission Service	5
Rural Radio Service, All Stations	5
International Fixed Public Radiocommunication Services:	
International Fixed Public Station	75
International Control Station	10
Other Common Carrier Services	5
All Other Common Carrier Radio Applications	10
Applications by Communications Common Carriers for Authorization to Own Stock in the Communications Satellite Corporation	10
Section 214 Applications by Telephone Companies	50
Section 214 Applications by Telegraph Companies	10
Cable Landing License Applications	100
Section 221 Applications	50
Interlocking Directorate Applications	10
All Other Common Carrier Non-radio Applications	10

§ 1.622 Schedule of fees for Safety and Special Radio Services.

(a) Except as provided in paragraph (b) of this section, all formal applications filed in the Safety and Special Radio Services shall be accompanied by the fees prescribed below:

Applications in the Amateur Radio Service:	
For Initial and Renewed Licenses	$4
For Modification of License	2
Request for Special Call Sign Pursuant to § 12.81	20
Applications in the Citizens Radio Service:	
For Class A Station Authorization	10
For All Other Classes of Stations in the Citizens Radio Service	8
Applications for Radio Station Authorizations for Operational Fixed Microwave Radio Stations (no fee required for application for license to cover construction permit)	30
Applications for Renewal only for which FCC Form 405A is prescribed	4
All Other Applications Filed in the Safety and Special Radio Services	10

(b) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government, and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: Hospitals, Disaster Relief Organizations, Beach Patrols, and School Buses, and non-profit Ambulance Operators and Rescue Organizations.

(4) Applications filed in the Disaster Communications Service.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Applications for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Service (RACES).

(7) Operational Fixed Microwave Applications filed for Closed Circuit Educational Television Service.

(8) Applications for Civil Air Patrol Stations, Aeronautical Radionavigation Stations and for Aeronautical Search and Rescue Stations.

§ 1.623 Schedule of fees for commercial radio operator examinations and licensing.

Applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for Commercial Operator Examinations:	
First Class	$5
Second Class	4
Third Class	3
Applications for renewals, endorsements, duplicates, etc., of Commercial Operator Licenses	2
Applications for Restricted Radiotelephone Permits	2

§ 1.624 Experimental Radio Services (other than Broadcast).

Fees are not required in the case of applications filed in the Experimental Radio Services (other than Broadcast).

[F.R. Doc. 63-10796; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket No. 15022, RM-180, FCC 63-901]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 3—RADIO BROADCAST SERVICES

Temporary Interference Protection to the University of Illinois Radio Astronomy Site

1. On March 27, 1963, the Commission adopted a notice of proposed rule making in this proceeding calling for comments on or before May 1, 1963, and for reply comments on or before May 10, 1963. The latter date was subsequently extended to May 17, 1963, at the request of one of the interested parties.

2. The Commission proposed to amend Parts 2 and 3 of its rules to delete the availability of Channel 37 (608–614 Mc/s) for authorization in the broadcasting service, until January 1, 1968, in an area circumscribed by a radius of 600 statute miles centered on Danville, Illinois, the location of the University of Illinois radio astronomy observatory. However, because of the possibility that comments responsive to the notice would indicate the need to adopt a temporary protection plan involving a radius other than that proposed, the Commission stated that it would issue no final authorizations for the use of Channel 37 anywhere within the United States until the termination of this proceeding. In order to delineate the type of information necessary to permit a considered judgement in this proceeding, a series of six questions was directed to radio astronomy interests. These questions and responses thereto are treated in detail in subsequent paragraphs.

3. Approximately 140 comments were filed with the Commission in response to its notice of proposed rule making in this proceeding. All fell within two sharply defined categories: (1) Broadcasting interests, who, in general, considered the Commission's proposal a fair and equitable compromise solution to a difficult problem; and (2) radio astronomy proponents, who considered the action proposed by the Commission inadequate to meet the needs of the radio astronomy service in general. The latter category is divisible further, about 25 being formal in nature and the remainder of varying degrees of formality from individual members of the public either directly or through their Congressional representatives.

4. Comments were filed by the following broadcasting interests:

Spanish International Television Company, Inc. (SITC).
Trans-Tel Corporation.
Progress Broadcasting Corporation.
Association of Maximum Service Telecasters, Inc. (AMST).

The first three are TV applicants for Channel 37 at Paterson, New Jersey, where it is presently assigned. SITC subsequently filed comments in response to those filed by the University of Illinois, and AMST filed in response to the general tenor of comments filed by radio astronomy proponents, wherein an exclusive allocation on a permanent basis was advocated for the radio astronomy service in the band 608–614 Mc/s.

5. Formal comments were filed by the following radio astronomy interests:

President, Graduate Research Center of the Southwest.
Director, Department of Terrestrial Magnetism, Carnegie Institution of Washington.
National Science Foundation.
Director, Radio Astronomy Observatory, University of Michigan.
Associated Universities, Inc. (for the National Radio Astronomy Observatory).
University of Illinois.
University of Maryland.
Federation of American Scientists.
Director, Stanford Radio Astronomy Institute.
Geophysical Institute, University of Alaska.
National Academy of Sciences—National Research Council.
President, University of California.
The Pennsylvania State University.
National Center of Atmospheric Research.
Yale University.
Stanford University.
California Institute of Technology.
American Museum Hayden Planetarium.
Director, Radio Observatory, University of Florida.
Dr. R. M. Fristrom.
Boeing Scientific Research Laboratories.
Mr. C. L. Seeger, Department of Astronomy, University of California, Berkeley.

Additionally, on June 7, 1963, the City Council of Ann Arbor, Michigan, adopted and transmitted to the Commission a Resolution on behalf of the University of Michigan radio astronomy program in particular, and the radio astronomy service in general, seeking the preservation of Channel 37 for that purpose.

6. The initial comments filed by Spanish International Television Company, Inc. (SITC) expressed the view that:

(a) The Commission's proposal is more than adequate to meet the needs of the University of Illinois;

(b) If limitations upon the use of Channel 37 by television stations were imposed, they should be no harsher than those proposed by the Commission;

(c) Channel 37 could be used by television stations of either Canada or Mexico under existing agreements, without observing the mileage or hour limitations;

(d) The University of Illinois had neither alleged nor filed factual data at that time to support a supposition that television operations on Channel 37 in New Jersey or Florida would cause harmful interference to the observatory at Danville, Illinois; and

(e) With regard to the hours-of-use limitation, effective radio astronomy observations could not be made during daylight hours; sunrise may occur as early as 4:30 AM in June and July at Danville; and therefore, the time limitation on television use of the channel is unduly harsh.

SITC, as well as Trans-Tel Corporation, took the position that adoption of the Commission's proposal would drive a wedge into the middle of the UHF–TV band where no particular need for the band in question had been advanced (other than equipment built in disregard of the Table of Frequency Allocations).

7. Trans-Tel Corporation took exception to the proposal to prohibit the use of Channel 37 by television stations between midnight and 7:00 a.m., l.t., on the ground that the television station might have to operate during that period to be viable, particularly in view of competitive difficulties in the same area. Trans-Tel stated the Commission may wish to allot a different UHF channel to New York City with but minor waiver of the mileage separation requirement and cited Channel 14 as a case in point. That channel is used by WWOR–TV, Worcester, Massachusetts, but could be re-used in New York City on the basis of a rule waiver. Trans-Tel reportedly was discussing the matter with WWOR–TV to get the reaction of the latter to such a waiver.

8. Association of Maximum Service Telecasters, Inc. (AMST) recognized the Commission's proposal as a compromise solution and, therefore, did not object to the proposal. AMST cautioned, however, that its acquiesence in this case could not be taken as applicable to any other channel or to greater limitations on Channel 37 than initially proposed. AMST, in its reply comments, requested the Commission to disregard all requests for permanent, exclusive allocation of Channel 37 to the radio astronomy service on the grounds that such requests were beyond the scope of this proceeding and that, in any event, such action would be premature prior to the conclusion of proceedings in Docket No. 11997.

9. Progress Broadcasting Corporation supported the Commission's proposal as a fair and equitable compromise solution to a difficult problem.

10. Of the radio astronomy proponents filing formal comments, relatively few responded specifically to the previously-mentioned six questions directed to them. Those questions, and the replies thereto, are set forth below.

A. *During what hours of the day and during what seasons of the year will observations with the University of Illinois radio telescope be required?*

The University of Illinois, supported by Penn State, University of Michigan, National Radio Astronomy Observatory, Graduate Research Center of the Southwest, and the University of California, stated that the initial program ideally requires 24 hours per day, 365 days per year but that natural or man-made obstacles prevent that ideal from being realized. When the sun is at or near meridian, its radiation at 608–614 Mc/s is so strong that it obliterates extragalatic signals. High winds, ice storms and snow storms can create a hazard to personnel normally making manual settings to the antennas at the Illinois observatory, thus delaying observations.

California and Michigan made the additional point relative to the need for freedom of access to the band by noting that the moon occasionally occults signals from certain sources. These occultations occur six to twelve times per year and offer a unique opportunity to obtain high effective angular resolution of the brightness and polarization distributions of the occulted source. This is done most satisfactorily in the general area of the UHF–TV band. Above this region, the thermal radio emission from the moon tends to mask the non-thermal radiation from radio sources, which decreases in intensity as frequency is increased, and uncertainty is introduced. Below this region, defraction around the moon's limb reduces greatly the accuracy of the angular resolution of occultations.

B. *What programs of research are currently planned for the University of Illinois radio telescope and what time schedules are involved?*

The Universities of Illinois, Michigan, Alaska, California and Penn State and the NRAO replied to the effect that Illinois' initial program will consist of cataloging accurate positions and flux densities of signal sources. A five year program contemplates twelve to sixteen hours per day of interference-free observations. Under the Commission's proposal, respondents state that period might be as little as four hours per day and it could require fifteen to twenty years to complete the program. Therefore, if any time limit is placed on the use of the channel for radio astronomy it should be twenty years rather than five.

Later programs, not defined at this time, would probably be general observing programs such as the initial program. There is no foreseeable time when the Illinois radio telescope would cease to perform a useful function.

C. *What is the nature and importance of the results expected to be obtained from the programs referred to in B above?*

Collectively, those responding to A and B above, anticipate the following results from the University of Illinois program:

1. Determination of the flux density of individual sources;
2. More accurately established positions of individual sources;
3. Determination of the character of emissions from different sources;
4. Important information on the nature of the universe and of the nature of its expansion;
5. Optical identification of extragalactic radio sources will be facilitated;
6. Information that will help explain why one galaxy is an emitter and another is not; and
7. Measurements of flux densities of radio sources on Channel 37 by the University of Illinois, coupled with similar measurements at other points in the United States and abroad, will provide additional information on the origin of high energy particle radiations in the universe.

Later programs are expected to throw light on possible variability of certain sources, their angular diameters and composite structure.

D. *Could the program of research now planned for the University of Illinois radio telescope be carried out at any other existing facility?*

The University of Illinois, supported by NRAO, Penn State and Michigan, stated that the question incorrectly assumes that observations are so few in number that programs can be switched from one instrument to another without a serious net loss in the amount of information obtained. The analogy is drawn between optical and radio telescopes, pointing out that the 200'' telescope at Mt. Palomar can do all the 120'' telescope at Lick Observatory can do, but that it would be absurd to suggest that the 120'' can be abandoned in favor of the 200''. Additionally, the University of Alaska stated that the Illinois radio telescope has the largest effective antenna reception area now in existence in the U.S., and all conclude that there is no alternative instrument in the U.S.

E. *What is the minimum bandwidth within which protection is required for the University of Illinois radio telescope?*

The consensus of the seven respondents to this point is that 6 Mc/s is the minimum bandwidth necessary to protect the Illinois telescope. This would provide a signal bandwidth of about 4 Mc/s with guard bands on either side. The broader the bandwidth, the more sensitive the instrument, with the sensitivity increasing as the square root of the bandwidth.

F. *To what extent is it expected that radio signals originating on earth and reflected off the moon or man-made satellites will prove to be sources of interference to the University of Illinois radio telescope? How would such interference compare, in severity, with that generated directly by Channel 37 TV stations at various distances from the telescope?*

The Graduate Research Center of the Southwest and Penn State took the position that an exclusive allocation to radio astronomy would be highly desirable because of inevitable reflections from aircraft, the moon and earth satellites if stations are transmitting in the band. The Universities of Illinois, Michigan and Alaska expressed the opinion that satellites such as ECHO would not create a serious problem due to their rapid motion.

The University of Illinois made reference to a report prepared by the Central Radio Propagation Laboratory (CRPL) of the Bureau of Standards, dated February 5, 1963, "Potential Interference from UHF Television Channel 37 to the Radio Astronomy Service" wherein calculations showed that a television station using Channel 37, on the Empire State Building, with an effective radiated power of 202 kw would result in a power of -191 [1] dbW at the output terminals of the Illinois antenna approximately 5 percent of the time as a result of tropospheric scattering of the television signal. Since this level of signal is within the detection capability of the radio telescope, the respondent was of the opinion that nearly as many spurious sources would be recorded as real sources. It was anticipated that a television antenna 365' high at Paterson, N.J., with an ERP of 242 kw would produce similar results.

By comparison, power received as a result of reflection from the moon, where the moon is on the horizon with respect to the television station at Paterson, and randomly oriented with respect to Danville, would be -222 dbw and therefore not a threat to the radio telescope. On the other hand, if the moon were randomly oriented with respect to the television station, and in the main beam of the radio telescope, the power received would be -163 dbw and heavy interference would result. Under the latter conditions, observation of moon radiation at 610 Mc/s would be impossible.

11. SITC filed comments in reply to those of the University of Illinois, expressing the view that Illinois was inconsistent in its appraisal of the time required to complete its present program, in that the magazine article referred to in the Commission's notice stated a need for five years of night-time hours, whereas the filing with the Commission indicated a need for 12 to 16 hours per day of actual observing time. SITC took exception to the assumptions used in the CRPL report referred to above. The CRPL calculations, while not detailed in the Illinois filing, were made available to SITC by Illinois. SITC contends that with very minor changes in the CRPL assumptions, it can be shown that interference will never be experienced at the Illinois radio telescope from a television station at Patterson. SITC further contended that the University of Illinois had not demonstrated that signals of sufficient intensity to cause interference would be present at the output terminals of the radio telescope. This contention is based on the fact that the radio telescope half-power beamwidth measured from the centerline of the main lobe covers only nine minutes of arc and operates at or close to zenith angles, whereas interference signals reaching the area by means of tropospheric scatter would be confined to low angles of arrival and hence discriminated against by the directivity of the radio telescope. Additionally, since the latter is located beneath the surface of the earth, it appears reasonable, in SITC's view, that some measure of terrain shielding would tend further to isolate the telescope from such interfering signals. SITC further argued that while Illinois claims interference would be received from the moon (-163 dbw) when the moon is in its main beam, Illinois does not show the probability of the existence of such a geometrical arrangement, which in fact could occur during the quiet hours specified for television stations in the Commission's proposal. SITC considered unrealistic the need for protection requested by Illinois when compared to the criteria used by the NRAO, Green Bank, West Virginia. Despite the fact that the NRAO antenna has a sensitivity approaching that of Illinois, NRAO requests only that no television stations operate within 150 miles of Green Bank on frequencies being observed by NRAO.

12. A number of pertinent comments were received, not related directly to the specific questions treated above. Carnegie Institution of Washington, National Science Foundation and the University of Illinois deplored the proposal to afford a protection period of only five years on the grounds that: (1) Even though it proved sufficient to permit a cataloguing of discrete radio sources, it would not permit time in which to study things discovered during that period; (2) the life expectancy of the Illinois telescope is considerably in excess of five years, yet it would be afforded no protection after January 1, 1968; and (3) an instrument designed to meet a specific objective need not be abandoned when that project is completed.

13. As an indication of the degree to which Channel 37 would be used by astronomers, it is mentioned in the comments that the University of Illinois and Stanford University are now observing in that band; the Universities of California and Michigan as well as the Carnegie Institution of Washington have specific plans underway to use it; and the University of Pennsylvania will use it if made available to the radio astronomy service. While several other observatories were not specific as to future planning, their comments implied that observations would be conducted in the band if made available.

14. Dr. R. M. Fristrom, Johns Hopkins University Applied Physics Laboratory, commenting as an individual, suggested a compromise solution whereby radio astronomy and television might share time on Channel 37. He does not vouch for the practicality of his approach and suggests it be examined critically by workers in the field to ascertain whether it holds promise. Dr. Fristrom suggests that Channel 37 be exchanged for an unused educational TV channel wherever possible, making Channel 37 available for educational purposes. A private foundation would then be established, sympathetic to radio astronomy's needs, to ensure a reasonable amount of public usage while minimizing interference to radio astronomy. In instances where no educational channel is available to trade for Channel 37, and it has been assigned to commercial interests, a private foundation might buy and operate the station, or buy advertising time and dedicate it as blank time to radio astronomy. He considers it important to operate one TV station experimentally on the channel to test compatibility techniques and to devise new ones. Under his plan, discrete segments of each hour could be designated as "quiet-time" or the radio astronomy observations could be interleaved in time with the TV transmissions. In the latter case, it is suggested that the TV signal be transmitted with a millisecond blank time at the end of each line—which might result in a signal degradation of about 10 percent. Also suggested is the blanking of alternate pictures or every other raster line, which respondent assumes will result in about a 50 percent degradation of the resolution. In either case, all radio astronomy observations within interference range of such a television station would have to be carefully synchronized with the television signal, and in either case the viewing public would be subjected to a seriously degraded picture. In the Commission's view, such an approach should be considered only as a last resort.

15. Of the remaining 100 or so comments filed in this proceeding, none raised a point or posed a question not contained in the formal filings identified by name in paragraph 5 above and, except for the broadcasting interests, were virtually unanimous in urging that Channel 37 be allocated permanently on an exclusive and nation-wide basis to the radio astronomy service. The University of Alaska, in supporting this position, pointed out that the space program requires knowledge of the particle and electromagnetic radiation pervading space at different times and places and that the radio astronomy service plays a major role in securing such information. The National Radio Astronomy Observatory expressed disbelief that Paterson, New Jersey needs a TV channel badly enough to jeopardize radio astronomy throughout the eastern United States when it is already served by many stations. In this connection, it is noted that no member of the general public in the Paterson area, or elsewhere, commented in favor of retaining Channel 37 for television.

16. Among the many filings in this proceeding, both from radio astronomers and the general public, a number of misconceptions have come to light. Among these are statements such as: (1) The FCC has taken Channel 37 away from radio astronomy and given it to commercial television; (2) • • • 608–614 Mc/s is at present the only remaining band in its octave not already assigned for use by transmitters and has been recommended for radio astronomy in the radio regulations • • •; (3) • • • the general need of radio astronomy for one clear channel per octave of the radio spectrum is known to the FCC. So far, two such channels have been provided in the U.S., namely, 404–410 Mc/s and 1400–1427 Mc/s • • •; (4) European broadcasters have been excluded from the use of the band 606–614 Mc/s; (5) • • • at the Stockholm Conference of a year ago, the European authorities agreed to keep the over-lapping two channels in this region as clear as possible for radio astronomy use • • •; (6) • • • the Geneva Conference, 1959, adopted a substantial measure of protection for 606–614 Mc/s which has led internationally to considerable progress • • •; and (7) • • • the FCC Docket suggests an appalling lack of comprehension within the FCC of the nature and needs of radio astronomy and yet the Commission has power to cripple and perhaps even destroy radio astronomy. We comment on these matters below, in the interest of clarification.

17. (1) The UHF-TV band, 470–890 Mc/s, consisting of Channels 14 through 83, has been allocated exclusively for television broadcasting since April 11, 1952, and no portion thereof has ever been allocated to the radio astronomy service within the United States.

(2) As of July 29, 1963, no authorizations had been granted and no applica-

[1] CCIR report No. 224 (Geneva, 1963) deals with tolerable levels of interference for radio astronomy. It concludes that a sophisticated low-noise receiver at 640 Mc/s would suffer harmful interference in the presence of unwanted fields in excess of 0.017 microvolts/meter. It also indicates 7.9×10^{-23} $W/m^2/c/s$, incident upon an isotropic antenna, as the tolerable level. This is equivalent to -251 dbw or -194 dbw for a 5 Mc/s bandwidth as used in the CRPL calculations. For receiving antenna gain G, the tolerable level becomes (7.9×10^{-23}) $(10^{-G/10})$ $W/m^2/c/s$.

tions were on file with the Commission for Channels 54, 60 or 68, representing the frequency bands 710–716 Mc/s, 746–752 Mc/s and 794–800 Mc/s, respectively.[2]

(3) Since October 1961, as reflected in Part 2 of the Commission's Rules, the following frequency bands have been allocated exclusively to the radio astronomy service on a nation-wide basis:

Mc/s	*Mc/s*
40.66–40.70	10680–10700
73.0–74.6	15350–15400
1400–1427	19300–19400
2690–2700	31300–31500
4990–5000	

On that same date, the following additional frequency bands were allocated to the radio astronomy service on a secondary basis:

kc/s	*Mc/s*
2495–2505	24.99–25.01
4995–5005	404–406
9995–10005	
14990–15010	
19990–20010	

18. Items (4), (5), (6) and (7) of paragraph 15 are best treated in a chronological discussion of how the United States arrived at its present posture, insofar as frequency allocations to the radio astronomy service are concerned. Although radio astronomy got its start in 1937 through the work of Karl Jansky, it was not until 1955 that any official action was initiated in the United States to cater to the frequency requirements of that budding science. Becoming aware of the upsurge of interest in radio astronomy, in early 1955 the Commission issued a public notice soliciting the views of radio astronomers relative to their frequency needs. Simultaneously, similar action was taken by the Interdepartment Radio Advisory Committee (IRAC) to ascertain the frequency requirements of various government agencies in support of radio astronomy. Although an appreciable number of replies to each inquiry were received, there was virtually no correlation in stated requirements between any two replies. The stated needs were so diverse as to preclude any realistic reallocation of the spectrum to accommodate them. Something approaching a total of 4000 Mc/s of spectrum space would have been required to satisfy what amounted to individual, randomly-selected and unrelated bands throughout the spectrum.

19. Following a series of discussions and exchanges of correspondence with Associated Universities, Inc., and after consultation with the IRAC, the Commission adopted a notice of proposed rule making in Docket No. 11745 on June 20, 1956, looking toward the establishment of a protected zone around the newly established National Radio Astronomy Observatory at Green Bank, West Virginia and the Naval Radio Research Observatory at Sugar Grove, West Virginia. Comments in response to that Notice resulted in the adoption of a further notice of proposed rule making on June 5, 1958 in the same Docket. Subsequently, on November 19, 1958, the Commission issued a Report and Order in this Docket amending Parts 3, 4, 5, 6, 7, 9, 10, 11, 16, 20, and 21 of its Rules to stipulate the following concept in each:

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Citizens Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N., on the north 78°30' W. on the east, 37°30' N. on the south and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

Through this action, and parallel action by the IRAC with respect to government operations, a "quiet zone" extending approximately 100 miles on each side and embracing the entire radio spectrum was established to protect radio astronomy observations at Green Bank and Sugar Grove, W. Va.

20. The International Radio Consultative Committee (CCIR) is one of the permanent organs of the International Telecommunication Union (ITU) and normally holds Plenary Assemblies at three year intervals. Recommendations and Reports adopted by such assemblies serve as technical bases upon which subsequent Administrative Radio Conferences can develop changes in the international Table of Frequency Allocations in the event other considerations indicate a change is warranted. The IXth Plenary Assembly of the C.C.I.R. (Los Angeles, April 1959) adopted Recommendation No. 314 pointing out the basic needs of radio astronomy, i.e., bands in which spectral line radiations could be observed and those in which continuum observations could be made. Spectral lines are characteristic of specific elements and represent their natural periods of oscillation, and hence the frequencies at which such radiations appear in the radio spectrum. Spectral lines are dictated by nature and offer the frequency allocator no choice except in the width of the band which might be reserved for the study of the spectral line. Continuum observations, on the other hand, may be conducted in any part of the radio spectrum, but, in order to get the best sampling of data, should be conducted in a series of Lands having octave relationships throughout the spectrum. The specific spectral lines and associated bandwidths for which complete international protection was recommended by the C.C.I.R. are as follows:

deuterium 327.4 Mc/s	(322–329 Mc/s)
hydrogen 1420.4	(1400–1427 Mc/s)
OH radical 1667	(1645–1675 Mc/s)

Of the three, only radiations from monatomic hydrogen have ever been detected in nature. The bands suggested for continuum studies in Recommendation No. 314 were 40, 80, 160, 640, 2560, 5120 and 10240 Mc/s, with over-all bandwidths increasing from a minimum of 1.5 Mc/s to 20 Mc/s. It will be noted that insertion of the deuterium and hydrogen bands into the list of continuum bands would complete the octave or approximate harmonic relationship of the total list.

21. Subsequent to the IXth Plenary Assembly, Recommendation No. 314 was considered by the ITU Administrative Radio Conference (August–December, 1959) to determine the extent to which radio astronomy could be accommodated. Because of a number of factors, most important of which was spectrum occupancy due to existing radio services, the radio astronomy service was afforded allocation status in only one band, 1400–1427 Mc/s. By footnotes to the international Table, the following bands were made available to radio astronomy on a world-wide basis without rights of protection from those services having allocation status in the body of the Table itself: 2690–2700 Mc/s, 4990–5000 Mc/s, 10680–10700 Mc/s, 15350–15490 Mc/s, 19300–19400 Mc/s and 31300–31500 Mc/s. Below 1000 Mc/s, however, it was not possible for the Conference to reach agreement on a world-wide basis and only Regional provisions could be agreed for radio astronomy. For example, Recommendation No. 32 of the Conference recommended that administrations, in preparing for the *next* Administrative Radio Conference, give consideration to the possibility of making an allocation in the range 37–41 Mc/s and in the meantime avoid, as far as practicable, assigning transmitting stations at 38 and 40.68 Mc/s ±0.25 Mc/s. In ITU Region 2 (the Americas) 73–74.6 Mc/s was made available by footnote, whereas the remaining two Regions gave the radio astronomy service footnote status in the band 79.75–80.25 Mc/s. Region 1 (European and African areas) made 150–153 Mc/s available by footnote but the rest of the world could not accommodate radio astronomy anywhere in this part of the spectrum. Something approaching unanimity was achieved in footnote No. 317 wherein 404–410 Mc/s was made available in Regions 2 and 3 and 406–410 Mc/s was made available in Region 1.

22. Finally, with regard to the band 608–614 Mc/s, footnote No. 332 provides that:

In Regions 1 and 3, the band 606–614 Mc/s may be used by the radio astronomy service until such time as it is required for use by other services to which this band is allocated. During this period administrations should take all practicable measures to avoid harmful interference to radio astronomy observations.

23. Additionally, a European VHF/UHF Broadcasting Conference was convened in Stockholm, Sweden in 1961, under the auspices of the ITU, to devise an allotment plan whereby the broadcasting needs of the countries concerned could best be met with a minimum of interference to other countries and to themselves. Recommendation 2, adopted by that Conference, recommends that:

Administrations should continue to comply, as far as practicable, with a request made by the Inter-Union Committee on the Allocation of Frequencies for Radio Astronomy and Space Science (I.U.C.A.F.) to avoid the use of Channel No. 38 (606–614 Mc/s) in the development of their UHF broadcasting services.

Despite the adoption of that Recommendation however, the Conference allotted the channel for use by the broadcasting service in a total of 41 cities in 14 different countries. Records available to the Commission show that the channel is now in use for broadcasting at three locations in Germany and two locations in the USSR. Additionally, records indicate that Italy is using portions of the same band at three locations for point-to-point operations.

24. In April 1963, a VHF/UHF African Broadcasting Conference was convened in Geneva for the same basic purpose as the Stockholm Conference. The results of that Conference, as they pertain to Channel 37 (Channel 38 in ITU Region 1), and as reported in Telecommunication Journal, July 1963, are as follows:

• • • At an earlier stage it was decided to protect the radio astronomy service at least to the extent to which it was protected in the Stockholm Agreement. In the Stockholm Agreement the use of Channel 38 which coincides with band 606–614 Mc/s used in radio astronomy, was to be avoided "as far as practicable." When bands IV and V were being considered in the Plenary session, this matter was again discussed. By this time, several countries had included Channel 38 transmissions in their plans. Since radio astronomy is of vital importance to the world and that no infallible method exists of providing protection in this service if terrestrial emissions take place, the case of Channel 38 was reopened. At this point the delegation with the largest number of Channel 38 stations intervened and announced a dramatic modification—their deletion of all proposed use of Channel 38. This action was greeted with spontaneous acclamation, as was the announcement by successive delegations that Channel 38 would not be used for television • • •

25. The Channel 37 problem first arose in the United States when, on May 6, 1960, the University of Illinois filed with the Commission a petition for rule-making requesting the re-allocation of Channel 37 (608–614 Mc/s)[3] from television broadcasting to radio astronomy on a national basis. The petitioner stated that construction of the telescope was under way near Danville, Illinois, under a contract with the Office of Naval Research. The design frequency had by then been selected and construction initiated in the hope and anticipation that 610–615 Mc/s would be reserved for radio astronomy by the Geneva Conference (1959) as part of a proposal advanced by the Netherlands which was not supported by the United States or other countries in Region 2. On March 8, 1961, the Commission adopted a Memorandum Opinion and Order denying the University of Illinois petition. On April 11, 1961, the University of Illinois filed a Petition for Reconsideration and shortly thereafter asked, by letter, that the Petition be held in abeyance pending disposition of the proceedings in Docket No. 11997 and that the petition be taken into consideration in that proceeding.

26. Assertions charging the Commission with a lack of comprehension of the nature and needs of radio astronomy and implications that the Commission might cripple and even destroy radio astronomy are unjustified and cannot be supported by facts. Whereas the existing International Radio Regulations afford radio astronomy only footnote status in all bands other than 1400–1427 Mc/s, as described in paragraph 20, it will be noted in paragraph 16 that virtually all of those bands have been afforded allocation status in the United States. That improved position is a direct result of actions initiated by the Commission, on its own motion, in consultation with the Office of Emergency Planning and the IRAC. Further, the proposals of the United States to the Extraordinary Administrative Radio Conference to be convened in Geneva on October 7, 1963 to deal with frequency allocations for space radiocommunication and radio astronomy, recommend that the following bands be allocated to the radio astronomy service on a world-wide exclusive basis:

Mc/s	*Mc/s*
1400–1427	15350–15400
2590–2600	19300–19400
4990–5000	31300–31500
10680–10700	

Under those same proposals, 73.0–74.6 Mc/s would be allocated exclusively to radio astronomy in Region 2, 402–404 Mc/s would be allocated world-wide on a shared basis with meteorological aids, and 1664.4–1668.4 Mc/s on a world-wide basis with meteorological satellites. In the last two cases, radio astronomy would be afforded secondary status.

Decision. 27. Returning to the matter at hand, the comments submitted in this proceeding and all other information available to the Commission support the following findings and conclusions:

(a) Data which are of significant scientific value, and which may be of importance in the nation's space program, can be obtained through radio astronomy observations in the UHF TV portion of the radio spectrum under the present state of the art.

(b) Obtaining certain of these data depends upon observations in the same frequency band over extended geographical areas.

(c) The only prospect for world-wide clearance of frequencies for radio astronomy in this portion of the spectrum is in the band 608–614 Mc/s.

(d) Considering only the University of Illinois observatory, and in view of the necessary protection level cited previously on CCIR Report No. 224, there is doubt as to the adequacy of a protected radius in the order of 600 miles. It is probable that Channel 37 operations at Paterson, New Jersey would interfere with observations at Danville to a certain extent. Also (since interference from different sources would probably not occur simultaneously) the situation would be complicated by interference from other Channel 37 stations if authorized. Moreover, any interference which would exist, even though for only a small percentage of time, might occur at critical times in the observing process. To the extent that observation programs would be interfered with, the time of completing them might well be substantially increased, so that a longer period of protection would be required to achieve the same results.

(e) Activation of the Illinois radio telescope will not obviate the need for additional observations in different programs in the band 608–614 Mc/s at other locations in the United States, particularly in view of the fixed nature of the Illinois radio telescope. It appears that observations at other points will be made and that adequate interference protection should be afforded to radio astronomy observations in the band 608–614 Mc/s throughout the United States rather than to the Danville site alone.

28. The Commission is also persuaded by the comments filed that a five year period would be insufficient to meet the needs of radio astronomy in general in this portion of the spectrum. While perhaps adequate for initial programs, it would not permit a protected period during which initial discoveries could be explored further. It would also be insufficient to justify the installation of additional equipment at observatories other than Danville, Illinois. On the other hand, it cannot be concluded from the facts at hand that a permanent reservation for this service and withdrawal of the band for television, is justified. The Commission has concluded that a period of 10 years should be adequate to meet the needs of radio astronomy and justify the installation of observing equipment. In the interim, the matter will be subject to periodic review to determine whether the protected status should be maintained or whether Channel 37 should revert in whole or in part, to the television broadcasting service.

29. Failure to provide adequate protection to radio astronomy in this portion of the spectrum may do irreparable harm to the cause of scientific development. Therefore, the Commission concludes it would be in the public interest to make Channel 37 available to radio astronomy, by footnote to the Table, on a nation-wide basis for a ten-year period during which Channel 37 will not be assigned to any television broadcasting station. Further, it is the Commission's intention: (1) to solicit the cooperation of Canada and Mexico in taking similar action in those countries; and (2) to initiate action looking toward modification of the USA proposals to the Space

[2] There appears no prospect of clearing these bands world-wide for radio astronomy, and they are not now being observed in the United States.

[3] Channel 37 in the U.S. corresponds, in part, to Channel 38 in Europe.

Conference in October, to recommend

they will not be available for use until

order of 15 db, a UHF–TV transmitter

Conference in October, to recommend that this channel be reserved for radio astronomy on a world-wide basis for a ten-year period.

30. We recognize that the showing made in support of a nation-wide Channel 37 reservation for radio astronomy has some limitations, and there is some merit in the broadcaster's arguments. Nevertheless, it must be borne in mind that inevitably a showing with respect to this new science, its needs and potential, must at this point be somewhat speculative in nature. In view of the united interest of the scientific community in such a reservation, and the vast potential offered by radio astronomy for adding significantly to our knowledge of the universe, we do not believe it to be in the public interest to close the door on, or even jeopardize, whatever benefits may be derived from such operations, at Danville and elsewhere, by failing to afford them temporary nation-wide protection in the 608–614 Mc/s band, which is the one appearing most feasible for international agreement on this use.

31. In providing for a ten-year reservation and withdrawal from television, we have of course weighed the loss in potential TV service both specifically at Paterson, New Jersey (and Melbourne, Florida, where another application for the channel is pending) and, in general, in terms of total existing and potential assignments. § 3.606 presently contains slightly more than 15 Channel 37 assignments, and the staff's recent UHF allocation studies indicate that about 30 assignments per channel can be made in the 43 conterminous states. On the basis of applications presently on hand we would be able to satisfy the requirements of those cities wherein Channel 37 would otherwise be available. However, if the usage of the UHF TV band grows as anticipated, the satisfaction of such needs will become increasingly difficult and, in some areas, impossible. To the extent that these Channel 37 requests are satisfied by replacements drawn from another area, there will of course be a net loss to the area from which the replacement is withdrawn. It appears highly unlikely that any viewers will lose the only service they would otherwise have available. At Paterson, for example, we are proposing a specific replacement for Channel 37 in the new UHF Table. To the extent that real losses in potential are involved, we believe the loss is outweighed by the potential gain accruing through the advancement of science.

32. We mentioned above, and wish to re-emphasize, that the Commission is not by this action permanently withdrawing Channel 37 for the broadcast service. Accordingly, in the Table of Assignments we will continue to list Channel 37 assignments, with a note indicating that they will not be available for use until after January 1, 1974.

33. In commenting on the bandwidth required for a radio-telescope in this portion of the spectrum, one respondent stated "* * * it is to be strongly recommended that TV stations on adjacent channels be placed as far from the radio-telescope as possible because of the danger of spurious radiation interference * * *". In this connection, it must be made quite clear that the Commission has no intention of placing any constraints upon the use of Channels 36 and 38 apart from those now applicable to all other UHF–TV channels in Part 3 of the rules. This absence of constraints includes complete freedom to modify the Table of Assignments as necessary in the public interest. Also pertinent to this point is the matter of radiation from oscillators in television receivers and the possibility of interference to radio astronomy observations resulting therefrom. As an example, the radiation from television tuned to Channel 30 would fall within Channel 37. Therefore, practical observations on Channel 37 would be precluded in areas reasonably close to a television station operating on Channel 30 because of the cumulative effect of a number of receivers tuned to that channel. The practical answer to the problem of adjacent channel operation as well as the receiver radiation problem is the establishment of radio astronomy observatories in remote areas, well removed from centers of population density. Location of Channel 37 observatories should of course take into account all UHF–TV channel assignments provided in our present and proposed Table.

34. Although most comments failed to mention the subject of adjacent channel interference, the potential magnitude of the problem should be brought to the attention of the radio astronomy community since it will tend to limit the usefulness of Channel 37 for radio astronomy in many areas of the country. For example, according to information filed with the Commission in Docket No. 11654 by the Electronic Industries Association (EIA), a typical television visual transmitter has a radiated spectrum signature at the lower channel edge which is 50 db below the peak visual power in a 0.1 Mc/s bandwidth. This typical signature is 75 db down at the center of both the upper and lower adjacent channels. If the 20 db vestigial sideband filters were removed it is reasonable to assume that the radiated power at the lower channel edge would be 30 db below the peak visual power in a 0.1 Mc/s bandwidth. Section 3.687 of the Commission's rules permits a 1 kw visual transmitter operating on Channels 15–83 to have an amplitude characteristic exhibiting no attenuation at the lower channel edge and 20 db attenuation at the upper channel edge. With antenna gains on the order of 15 db, a UHF–TV transmitter on Channel 36 or 38 could legally radiate appreciable power well into Channel 37. In practice, however, most of the power radiated by a TV visual transmitter (with the exception of the color subcarrier) is within 1 megacycle of the visual carrier frequency. In addition to remotely located observatories, the problem of adjacent channel interference can be minimized by observing in that portion of Channel 37 farthest removed from the interfering signal, i.e., 608–611 or 608–612 Mc/s to avoid Channel 38 and 610–614 or 611–614 Mc/s to avoid Channel 36.

35. The specific rule changes necessary to carry out the Commission's decision, authority for which is contained in section 4(i) and 303 of the Communications Act of 1934, as amended, are found below.

36. *It is ordered*, That the proceedings in this docket are terminated and it is further ordered, That effective November 15, 1963, Parts 2 and 3 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 4, 1963.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.106 is amended by adding a new footnote NG48 designator in Column 7, in the frequency band 470–890 Mc/s, and by adding a new footnote as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

NG48 Stations in the broadcasting service will not be authorized in the band 608–614 Mc/s prior to January 1, 1974. In the interim the band is available for use by the radio astronomy service. The radio astronomy service shall be protected from extra-band radiation only to the extent that offending stations are required to comply with the technical standards applicable to the service in which they operate.

2. Section 3.603 is amended by adding a new paragraph (c) as follows:

§ 3.603 Numerical designation of television channels.

* * * * *

(c) Channel 37, 608–614 Mc/s, is not available for assignment prior to January 1, 1974.

[F.R. Doc. 63–10797; Filed, Oct. 10, 1963; 8:47 a.m.]

[1] Dissenting statement of Commissioner Lee in which Commissioner Cox joins filed as part of the original document.

[FCC 63–857]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 12—AMATEUR RADIO SERVICE

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

Schedule of Fees for Filing Applications for Commission Authorizations

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 25th day of September 1963;

It appearing, That, on May 6, 1963, the Commission, in the proceeding in Docket 14507, adopted a fee schedule for its licensing and regulatory activities, effective January 1, 1964;

It further appearing, That today the Commission granted in part various petitions for reconsideration filed in the above-mentioned proceeding and made certain changes in the schedule of fees and denied those and other petitions in all other respects; and

It further appearing, That the fee schedule as revised and the rules pertaining thereto appear only in Part 1 (Subpart G) and that the pertinent portions of the fee schedule and rules should be included in the rule parts governing the Safety and Special Radio Services; and

It further appearing, That the rule amendments ordered herein are editorial in nature in that they codify in other rule parts the rules (Subpart G, Part 1) adopted following a public rule making proceeding, and therefore the prior notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable:

It is ordered, Pursuant to authority contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended, that Parts 7, 8, 9, 10, 11, 12, 14, 16 and 19, are amended, effective January 1, 1964, as shown below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Part 7 is amended by adding two new sections to read:

§ 7.49 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 7.50 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 7.50 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations governed by this part	10

(b) Fees are not required in the following instances:

Applications filed pursuant to §§ 7.41(b) and 7.48 (informal applications for special temporary authority and applications in an emergency).
Applications filed by governmental entities.

2. Subpart B, Part 8, is amended by adding two new sections to read:

§ 8.53 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 8.54 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 8.54 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

All applications for radio station authorizations governed by this part	$10
Applications for exemption from the radio equipment and operator requirements of Part II or Part III of Title III of the Communications Act of 1934, as amended, and/or the Safety of Life at Sea Convention, or application for modification or renewal of exemption previously granted thereunder	10
Application for exemption from the requirements of the Great Lakes Agreement, or modification or renewal thereof	10

(b) Fees are not required in the following instances:

Applications filed pursuant to §§ 8.41 and 8.42 (informal applications for special temporary authority and applications in an emergency).
Informal exemption applications filed pursuant to §§ 8.49 and 8.52 in cases of emergency.
Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention and Parts II and III, Title III, of the Communications Act of 1934, as amended.
Applications filed by governmental entities.

3. Part 9 is amended by adding two new sections to read:

§ 9.4 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 9.5 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The

Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 9.5 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
All other applications for radio station authorizations	10

(b) Fees are not required in the following instances:

Applications filed pursuant to § 9.108 (Special Temporary Authorization).
Applications filed by governmental entities.
Applications for Civil Air Patrol Stations (Subpart S).
Applications for Radionavigation Stations (Subpart O).
Applications for Aeronautical Search and Rescue Mobile Stations (Subpart W).

4. Part 10 is amended by adding two new sections to read:

§ 10.69 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 10.70 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 10.70 Schedule of fees.

(a) *No fee services.* No fee is required for filing applications in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government and State Guard Radio Services.

(b) *Fees in Special Emergency Radio Service.* (1) Except as provided in subparagraph (2) of this paragraph, applications filed on or after January 1, 1964, in the Special Emergency Radio Service under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations	10

(2) Fees are not required for applications filed in the Special Emergency Radio Service in the following instances:

Applications filed by hospitals, disaster relief organizations, beach patrols, school buses, non-profit ambulance operators and rescue organizations.
Applications filed pursuant to § 10.56 of this chapter (informal requests for special temporary authority).
Applications filed by governmental entities.

5. Part 11 is amended by adding two new sections to read:

§ 11.67 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 11.68 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 11.68 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations	10

(b) Fees are not required in the following instances:

Applications filed pursuant to § 11.53 (informal applications for special temporary authority).
Applications filed by governmental entities.
Applications for closed circuit educational television service for which frequencies above 952 Mc/s are requested.

6. Part 12 is amended by adding two new sections to read:

§ 12.85 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 12.86 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 12.86 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part must be accompanied by the fees prescribed below:

Applications for initial license, including new class of operator license, and applications for renewal of license	$4
Applications for modification of license without renewal	2
Applications for a combination of modification and renewal of license	4
Application for a specific call sign pursuant to § 12.81(a)	20

NOTE: Reassignment of a specific call sign held under an expired license is not subject to this fee if an application for renewal is filed within 1 year after the expiration date of the license.

(b) Fees are not required for the following types of amateur applications:

Applications for Novice license.
Applications for a license for a station for recreation under military auspices.
Applications filed in the Radio Amateur Civil Emergency Service.

7. Section 14.25(b) is amended to read:

§ 14.25 Rules in other parts applicable.

* * * * *

(b) So far as they are consistent with this part, the following rule sections contained in Subpart B of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.23, 7.25 to and including 7.37, 7.39(a), 7.40 (a) (3), (4) and (b), 7.41 to and including 7.45, 7.47, 7.48, 7.49, and 7.50.

8. Part 16 is amended by adding two new sections to read:

§ 16.66 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 16.67 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 16.67 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations	10

(b) Fees are not required in the following instances:

Applications filed pursuant to § 16.53 (informal applications for special temporary authority).
Applications filed by governmental entities.

9. Part 19 is amended by adding two new sections to read:

§ 19.18 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 19.19 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 19.19 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part must be accompanied by the fees prescribed below:

Applications for new, renewed, or modified Class A radio station licenses	$10
Applications for new, renewed, or modified Class B, C, or D radio station licenses	8

(b) Fees are not required for applications filed by governmental entities.

[F.R. Doc. 63–10798; Filed, Oct. 10, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

SOYBEANS

Proposed Interpretation Regarding Term "Purple Mottled or Stained" When Used in Grain Standards

Notice of proposed interpretation with respect to the term "Purple Mottled or Stained" when used in the official grain standards of the United States for soybeans.

Statement of considerations. The official grain standards of the United States for soybeans (7 CFR §§ 26.601–26.603) were revised effective September 1, 1955. The revised standards provide that "Soybeans which are purple mottled or stained shall be graded not higher than No. 3." The term "purple mottled or stained" has been interpreted to include soybeans which are discolored by a fungus.

During recent months soybeans which were apparently discolored by legume inoculants and other unknown substances appeared in commercial lots of soybeans in various midwestern grain markets. The soybeans had a distinctly undesirable appearance. It was believed that the discoloration would have a substantial adverse effect on the oil and related by-products produced from the soybeans. For these reasons, grain inspectors licensed under the United States Grain Standards Act were instructed to grade such soybeans "Sample grade, distinctly low quality, because of the presence of an unknown foreign substance."

It has now been found that soybeans can become similarly discolored under certain harvest conditions. It has also been determined that the discoloration apparently does not have a substantial adverse effect on the oil and related by-products produced from the soybeans. For these reasons, it appears that because of the undesirable appearance, the discolored soybeans should be graded lower than No. 1 or No. 2, but should not be graded "Sample Grade, distinctly low quality." Accordingly, it is proposed that the discolored soybeans be considered as purple mottled or stained soybeans and graded not higher than No. 3.

Pursuant to section 8 of the United States Grain Standards Act, as amended (7 U.S.C. 84), the following proposed interpretation of the official grain standards of the United States for soybeans is issued for consideration and comment: *Interpretation with respect to the term "purple mottled or stained."* The term "purple mottled or stained" when used in the Official grain standards of the United States for soybeans (see § 26.603 (a)) shall be construed to include soybeans which are discolored by the growth of a fungus; or by dirt; or by a dirt-like substance, including non-toxic inoculents; or by other non-toxic substances.

Because of the widespread interest in the grading of discolored soybeans, interested parties who desire may submit written data, views, or arguments with respect to the proposed interpretation to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, to be received by him not later than 10 days after the date of this notice. Consideration will be given to the written data, views and arguments received by the Director and to other information available to the United States Department of Agriculture before a final interpretation is issued.

Done at Washington, D.C., this 8th day of October 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63–10799; Filed, Oct. 10, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–AL–11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Northway, Alaska, terminal area:

1. The Northway control zone is designated within a 5-mile radius of the Northway Airport, and within 2 miles either side of the Northway radio range northwest course extending from the 5-mile radius zone to 12 miles northwest of the radio range.

2. The Northway transition area is designated as that airspace extending upward from 1,200 feet above the surface within 16 miles northeast and 25 miles southwest of the 307° and 127° True bearings from the Northway radio range, extending from 22 miles southeast to 42 miles northwest of the radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Northway area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Northway control zone by redesignating it to comprise that airspace within a 5-mile radius of Northway Airport (latitude 62°57'43" N., longitude 141°55'27" W.), and within 2 miles each side of the Northway radio range northwest course, extending from the 5-mile radius zone to 8 miles northwest of the radio range.

2. Alter the Northway transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° and 127° True bearings from the Northway radio range, extending from 8 miles southeast to 12 miles northwest of the radio range; and that airspace extending upward from 1,200 feet above the surface within 16 miles northeast and 25 miles southwest of the 307° and 127° True bearings from the Northway radio range, extending from 22 miles southeast to 42 miles northwest of the radio range.

The actions proposed herein would, in part, alter the Northway control zone by reducing the control zone northwest extension from 12 miles to 8 miles northwest of the radio range. The portion released would no longer be required for air traffic control purposes. The portion of the Northway transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures conducted beyond the limits of the Northway control zone. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures beyond the limits of the proposed 700 foot area. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach and departure procedures with the Northway terminal area.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area, and no revisions to prescribed instrument approach procedures would be required by the actions proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10769; Filed, Oct. 10, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–46]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Zanesville/Coshocton, Ohio, terminal area:

1. The Zanesville control zone is presently designated within a 5-mile radius of the Zanesville Municipal Airport and within 2 miles either side of a 210° bearing from the Municipal Airport extending from the 5-mile radius zone to 10 miles southwest of the airport.

2. Portions of the Pittsburgh, Pa., Cincinnati and Columbus, Ohio, control area extensions.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Zanesville/Coshocton area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Zanesville control zone by redesignating it as that airspace within a 5-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 2 miles each side of the 210° True bearing from the Zanesville RBN, extending from the 5-mile radius zone to 7 miles southwest of the RBN; and within 2 miles each side of the Zanesville VOR 222° True radial, extending from the 5-mile radius zone to 7 miles southwest of the VOR, excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville (latitude 39°59'10" N., longitude 81°59'00" W.).

2. Designate the Zanesville transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport; within 2 miles each side of the 210° True bearing from the Zanesville RBN, extending from the 7-mile radius area to 8 miles southwest of the RBN, and within 2 miles each side of Zanesville VOR 222° True radial, extending from the 7-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°53'15" N., longitude 81°03'15" W., to latitude 39°43'00" N., longitude 81°13'00" W.; to latitude 39°40'00" N., longitude 81°30'00" W.; to latitude 39°40'00" N., longitude 82°00'00" W.; to latitude 39°52'25" N., longitude 82°13'00" W.; thence direct to the Tiverton, Ohio, VOR; to the Newcomerstown, Ohio, VOR; to the intersection of the Imperial, Pa., VORTAC 249° True radial and the arc of a 60-mile radius circle centered on the Imperial, Pa., VORTAC; thence via this arc to the point of beginning.

3. Designate the Coshocton transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Universal-Cyclops Airport (latitude 40°12'15" N., longitude 81°52'55" W.), and within 2 miles each side of the Zanesville VOR 002° True radial, extending from the 6-mile radius area to 12 miles north of the Zanesville VOR.

The proposed alteration of the Zanesville control zone would increase the over-all size of the control zone by the addition of a short extension to provide protection for aircraft executing prescribed VOR instrument approach procedures.

The proposed designation of the Zanesville and Coshocton transition areas would raise the floor of controlled airspace beyond 6- and 7-mile radius circular areas, with extensions, around the Zanesville Municipal and Universal-Cyclops Airports, from 700 to 1,200 feet above the surface. The portions of controlled airspace released by these actions would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within this area.

The floors of the airways which traverse the transition areas proposed herein and the floor of the portions of the Pittsburgh, Pa., Cincinnati and Columbus, Ohio, control area extensions which coincide with the proposed transition areas would automatically assume a floor coincident with the floors of the transition areas. Revocation of these control area extensions will be processed at a later date as a part of the CAR Amendments 60–21/60–29 implementation programs proposed for the terminal areas which adjoin the Zanesville area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be introduced nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10770; Filed, Oct. 10, 1963; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 320]

NONPRISMATIC INSTRUMENTS MISREPRESENTED AS "BINOCULARS"

Notice of Proposed Trade Regulation Rule Making Proceeding and Opportunity to Present Data, Views or Argument

Notice is hereby given that the Federal Trade Commission pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart F of Part 1 of the Commission's procedures and rules of practice, 28 F.R. 7083–84 (July 1963) has initiated a Trade Regulation Rule proceeding for the establishment of a Trade Regulation Rule relating to the misrepresentation of nonprismatic in-

struments as "binoculars." The Commission, having reason to believe that (1) the use of the word "binocular" to describe nonprismatic viewing instruments and (2) the appearance of nonprismatic two tube viewing instruments having bulges along such tubes have the capacity and tendency to mislead and deceive prospective purchasers into the belief that such instruments contain prisms, in violation of section 5 of the Federal Trade Commission Act, has initiated this proceeding. The proposed rule is as follows:

§ 320.3 Misrepresenting nonprismatic instruments as "binoculars."

In connection with the sale or offering for sale of two tube (barrel) viewing instruments in commerce, as "commerce" is defined in the Federal Trade Commission Act, manufacturers, distributors and other marketers thereof shall not:

(a) Represent in any manner that nonprismatic two tube (barrel) viewing instruments are prismatic; or

(b) Use the words "binocular" or "binoculars" to describe instruments not equipped with functional prisms; or

(c) Fail to make clear and conspicuous disclosure of the fact that nonprismatic products having bulges on the tubes which create the characteristic appearance of prismatic instruments are not prismatic. The disclosure required by this section shall be made in all pictorial sales promotional literature and on the instrument or on a label or tag affixed thereto with such degree of permanency as to remain thereon until consummation of consumer sale.

All persons, firms, corporations, or others engaged in the sale or distribution of binoculars, field glasses and other similar optical instruments in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

All interested persons, including the consuming public, are hereby notified that they may file written data, views or argument concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington 25, D.C., not later than December 2, 1963. Such written data, views or argument should be filed in duplicate.

All interested parties are also hereby given notice of opportunity to orally present data, views or argument with respect to the proposed rule at a hearing to be held at 10 a.m., e.s.t., on November 15, 1963 in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views or argument presented orally or in writing respecting the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

The Commission in this proceeding will also consider its action in the matter of Benjamin D. Ritholz, et al., Docket 5759, 50 FTC 184 (July 6, 1953) including its record, Findings, Decision and Order To Cease and Desist. The public record in the matter is available for examination at the office of the Federal Trade Commission, Washington, D.C.

Advertising and sales promotional literature used in promoting the sale of binoculars, field glasses and other similar optical instruments for portable use, indicate that the practice which would be prohibited by the proposed rule is widespread in the industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying with the law.

All interested parties, including the consuming public, are urged to express their approval or disapproval of the proposed rule and give a full statement of their views in connection therewith.

Issued: October 10, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10558; Filed, Oct. 10, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

BUREAU INTERNATIONAL DE L'EDITION MECANIQUE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bureau International de l'Edition Mecanique (BIEM), Paris, France, Claim No. 41887, Vesting Order No. 2095, $210.04 in the Treasury of the United States.

Executed at Washington, D.C., on October 7, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 63-10822; Filed, Oct. 10, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Hertford County, North Carolina, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of October 1963.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 63-10782; Filed, Oct. 10, 1963; 8:46 a.m.]

NORTH CAROLINA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Carolina and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Washington.

TEXAS

Baylor.	Waller.
Knox.	Washington.
Throckmorton.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of October 1963.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 63-10783; Filed, Oct. 10, 1963; 8:46 a.m.]

VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties and areas in the State of Virginia a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

Bland.	Pulaski.
Greensville.	Wythe.

That portion of Newport News which was formerly Warwick County.

The area in Hampton City which was formerly Elizabeth City County.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties and areas after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of October 1963.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 63-10784; Filed, Oct. 10, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-917]

OMNIA K. G. KRAUSS, WEISS AND CO. AND FRIEDERICH ZIFFER

Order Temporarily Denying Export Privileges

In the matter of Omnia K. G. Krauss, Weiss and Company and Friederich Ziffer, 30A Hanauerstrasse, Munich 54, Federal Republic of Germany, respondents.

The Export Control Investigations Division, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings, as may be deemed proper under the law, against said respondents.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for sixty days.

The evidence presented shows that Omnia K. G. Krauss, Weiss & Company is a limited partnership with a place of business in Munich, Federal Republic of Germany, and that Friederich Ziffer (sometimes known as Fritz Ziffer) is a silent partner in said firm and is its sales manager.

The evidence and recommendation of the Compliance Commissioner have been considered. There is substantial basis to believe that the respondents have been and are engaged in obtaining commodities of U.S. origin and have been diverting and transshipping such commodities to destinations in contravention of the United States Export Control Act and regulations thereunder, and that said respondents will continue such conduct in contravention of said Act and regulations unless U.S. export privileges are temporarily denied. I find that an order

temporarily denying export privileges to, or whereby any such respondent or re-

The report of the Compliance Com-

temporarily denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Control Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C. at the earliest convenient date.

Dated: October 8, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-10767; Filed, Oct. 10, 1963; 8:45 a.m.]

[File 23-932]

PI-MO K. PIRKER AND CO. ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of PI-MO K. Pirker & Co., Mollardgasse 64, Vienna VI, Austria, respondent; Mr. Karl Pirker, Mrs. Elfriede Mondschein, Mollardgasse 64, Vienna VI, Austria, related parties.

The Acting Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondent all export privileges for an indefinite period because of the failure of said respondent to furnish responsive answers to interrogatories and certain documents requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). In accordance with the usual practice, the application was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows, and I find, that PI-MO K. Pirker & Company is a partnership with a place of business in Vienna, Austria, and that Mr. Karl Pirker and Mrs. Elfriede Mondschein are the principals of said firm; that the aforesaid Investigations Division is conducting an investigation into the disposition by said firm of certain electronics equipment of U.S. origin purchased and received by said firm.

It is impracticable to issue a subpoena to the respondent, and relevant and material interrogatories were served on it pursuant to § 382.15 of the Export Regulations. The respondent has failed to furnish answers to said interrogatories or to furnish certain documents therein requested, as required by said section and good cause for such failure has not been shown. I find that an order denying export privileges to the respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

I further find that Mr. Karl Pirker and Mrs. Elfriede Mondschein by reason of their ownership, control, and positions of responsibility are related parties to the respondent firm and this order is hereby made applicable to said individuals, and for the purposes of this order they are considered to be respondents. *On the basis of the foregoing, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e)

in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent, PI-MO K. Pirker & Company provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent, related party, or other person or firm included within the terms of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent, related party, or such other person or firm included within the terms of this order, or whereby any such respondent, related party, or such other person or firm may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or carry on negotiations with respect to such transactions, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: October 9, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc 63-10768; Filed, Oct. 10, 1963; 8:45 a.m.]

Maritime Administration

TROOPSHIPS

Notice of Availability

Pursuant to the provisions of Public Law 86-575, eighteen C4 troopships, owned by the Maritime Administration, U.S. Department of Commerce, are available to American steamship operators in exchange for their older and less efficient ships. As required by the statute, approval from the Department of Defense has been received for the release of these ships. Applications for the C4 troopships have been received from several companies. Additional applications should be submitted to the Maritime Administration on or before November 15, 1963.

Assignment of these ships will be made in accordance with the provisions of General Order 92 as published in the FEDERAL REGISTER issue of March 1, 1962 (27 F.R. 2011) except that applications will be closely scrutinized to determine the requirements of the contemplated trade, type of conversion and resulting efficiency of the ship, the applicant's operating ability and financial responsibility, private financial assistance available to the applicant, the extent by which the Merchant Marine is upgraded, and other factors having a bearing on the intent of the Ship Exchange law. Shipowners having applications on file and those filing new applications should furnish information relating to the aforementioned factors. The C4's available for assignment are:

Name	Type	Fleet
Marine Swallow	C4-S-A3	Hudson River, N.Y.
Ernie Pyle	C4-S-A3	James River, Va.
Gen. G. O. Squier	C4-S-A1	Do.
Gen. J. R. Brooke	C4-S-A1	Do.
Gen. Omar Bundy	C4-S-A1	Do.
Marine Falcon	C4-S-A3	Do.
Marine Flasher	C4-S-A3	Do.
Marine Jumper	C4-S-A3	Do.
Marine Marlin	C4-S-A3	Do.
Marine Perch	C4-S-A3	Do.
Marine Shark	C4-S-A3	Do.
Marine Tiger	C4-S-A3	Do.
Gen. O. H. Ernst	C4-S-A1	Suisun Bay, Calif.
Marine Cardinal	C4-S-A3	Do.
Marine Devil	C4-S-B2	Do.
Marine Dragon	C4-S-B2	Do.
Gen. H. L. Scott	C4-S-A1	Olympia, Wash.
Gen. T. H. Bliss	C4-S-A1	Do.

Principal characteristics of the C4's are: Length overall, 522' 10''; beam, 71' 6''; speed, 17 knots; deadweight tonnage, approximately 15,000.

Dated: October 8, 1963.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 63-10841; Filed, Oct. 10, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive Ethyl Acrylate-Acrylonitrile-Methacrylic Acid Copolymer

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1218) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, proposing the issuance of a regulation to provide for the safe use of ethyl acrylate-acrylonitrile-methacrylic acid copolymer food-contact coatings for paper and paperboard.

Dated: October 4, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10789; Filed, Oct. 10, 1963; 8:47 a.m.]

OLIN MATHIESON CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Olin Mathieson Chemical Corporation, New Haven, Connecticut, has withdrawn its petition (FAP 60), published in the FEDERAL REGISTER of February 3, 1960 (25 F.R. 916), proposing the issuance of a regulation to establish a tolerance of 4 parts per million (0.0004 percent) for chlortetracycline in or on retail fresh meat cuts.

The withdrawal of this petition is without prejudice to a future filing.

Dated: October 4, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10790; Filed, Oct. 10, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 011697]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 4, 1963.

Notice of an application Serial No. Oregon 011697, for withdrawal and

reservation of lands described below was published as Federal Register Document No. 61-7923 on page 7742 of the issue for August 18, 1961. The applicant agency has cancelled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 295, any of the lands which are in Federal ownership will be at 10:00 a.m. on October 28, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

Ochoco National Forest

T. 13 S., R. 20 E.,
Sec. 35, E½E½SE¼;
Sec. 36, W½SW¼, N½SE¼.
T. 13 S., R. 24 E.,
Sec. 17, SW¼NE¼, NW¼NW¼, S½NW¼, N½S½, SE¼SW¼, SW¼SE¼;
Sec. 18, NE¼NE¼.
T. 14 S., R. 17 E.,
Sec. 2, Lot 1, SE¼NE¼, E½SE¼;
Sec. 3, SW¼NW¼;
Sec. 6, Lots 5, 6, SW¼NE¼, SE¼NW¼;
Sec. 10, NE¼NW¼, NW¼SW.
T. 14 S., R. 18 E.,
Sec. 8, SE¼.
T. 14 S., R. 20 E.,
Sec. 2, Lots 1, 2, SE¼NE¼, SE¼;
Sec. 11, N½NE¼;
Sec. 14, NE¼, N½SE¼;
Sec. 24, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 14 S., R. 21 E.,
Sec. 19, Lot 4, E½SW¼, SE¼;
Sec. 20, SW¼SW¼;
Sec. 26, SE¼SW¼;
Sec. 30, Lots 1, 3, 4, N½NE¼, SW¼NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 31, SE¼NE¼, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 32, SE¼NE¼, W½W½, SW¼SE¼, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 4, All;
Sec. 10, N½NW¼.
T. 15 S., R. 21 E.,
Sec. 5, Lots 1, 2, 3, 4, S½N½, N½S½.

The areas described above aggregate 4,872.05 acres.

M. M. GORECKI,
Acting Manager, Land Office.

[F.R. Doc. 63-10773; Filed, Oct. 10, 1963; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56010]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN KOREA

Restrictions on Entry; Correction

SEPTEMBER 27, 1963.

The document described above was published in the FEDERAL REGISTER of October 3, 1963 (28 F.R. 10683). The list of items in Categories 9, 26, 45, and 54 referred to as published therewith was inadvertently omitted.

The omitted list is published below.

Dated: October 4, 1963.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

T.S.U.S.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Description	Item	Statistical suffix
9	Sheeting, carded	[1] 320.	36
		320.	38
		320.	40
		320.	41
		321.	41
		322.	41
		326.	36
		[2] 326.	38
		326.	40
		326.	41
		327.	41
		328.	41
26	Woven fabric, not elsewhere specified, other, carded [1]	320.	02
		320.	04
		320.	06
		320.	08
		320.	*22
		321.	34
		321.	*68
		321.	76
		321.	88
		321.	92
		322.	02
		322.	04
		322.	06
		322.	08
		322.	*22
		322.	34
		320.	*34
		320.	68
		320.	76
		320.	88
		320.	92
		321.	02
		321.	04
		321.	06
		321.	08
		321.	*22
		322.	*68
		322.	76
		322.	88
		322.	92
		323.	02
		323.	04
		323.	06
		323.	08
		323.	*22
		323.	*68
		323.	76
		323.	88
		323.	92
		324.	02
		324.	04
		324.	06
		324.	08
		324.	*22
		324.	*68
		324.	76
		324.	88
		324.	92
		325.	02
		325.	04
		325.	06
		325.	08
		325.	*22
		325.	*68
		325.	76
		325.	88
		325.	92
		[1] 326.	02
		326.	04
		326.	06
		326.	08
		326.	*22
		326.	34
		326.	*68
		326.	76
		326.	88
		326.	92
		327.	02
		327.	04
		327.	06
		327.	08
		327.	*22
		327.	34
		327.	*68
		327.	76
		327.	88
		327.	92
		328.	02
		328.	04
		328.	06
		328.	08
		328.	*22
		328.	34
		328.	*68
		328.	76
		328.	88
		328.	92
		329.	02
		329.	04
		329.	06
		329.	08
		329.	*22
		329.	*68
		329.	76

See footnotes at end of table.

T.S.U.S.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES—Continued

Category	Description	Item	Statistical suffix
26	Woven fabric, not elsewhere specified, other, carded [1] (continued)	329.	88
		329.	92
		330.	02
		330.	04
		330.	06
		330.	08
		330.	*22
		330.	*68
		330.	76
		330.	88
		330.	92
		331.	02
		331.	04
		331.	06
		331.	08
		331.	*22
		331.	*68
		331.	76
		331.	88
		331.	92
		332.10	20
		346.30	20
		346.32	20
		346.35	20
		346.40	20
		346.45	20
		346.70	00
45	Shirts, dress, not knit, men's and boys'	357.05	12
		357.05	16
		380.03	57
		380.03	58
		380.27	52
		380.27	55
		380.27	59
		380.27	62
		380.27	65
54	Playsuits, sunsuits, washsuits, creepers, rompers, etc., not knit, not elsewhere specified	380.27	59
		380.03	56
		380.39	12
		382.03	71
		382.33	28
		382.33	30
		382.33	32

[1] The fourth and fifth digits represent average yarn number or average yarn number groups (e.g., 01 through 79 represent average yarn numbers 1 through 79; 80 represents average yarn numbers 80 through 89; 92 represents average yarn numbers 140 through 159, etc.).

[2] The phrase "chief value, but not wholly of cotton" as it appears in the description of items 326 through 331 means "containing (in addition to cotton) silk or man-made fibers, or both, but not containing other fibers."

[3] Includes lawn and voile. The item numbers for lawn and voile are enumerated in categories 11, 12, 13 and 14. Until historical data for these commodities have been established, however, imports will be reported in category 26 if carded and 27 if combed.

[F.R. Doc. 63-10762; Filed, Oct. 10, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 13, set forth below, to Facility License No. R-46. The license authorizes Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York ("the licensee") to possess and operate the IRL nuclear research reactor ("the reactor") located in Plainsboro Township, Middlesex County, New Jersey. The amendment authorizes the licensee (1) to operate the reactor at power levels in excess of five megawatts, but not in excess of five and one-half megawatts (thermal) for periods of time not to exceed five minutes in any one week, for the sole purpose of performing routine dynamic tests of the high flux scram feature, and (2) to utilize, within the reactor, core components in which experiment capsules may be placed for irradiation, in accordance with the procedures and subject to the limitations in License No. R-46, as amended, and in the application for license amendment dated June 21, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and copy of the application for license amendment dated June 21, 1963, both of which are available for public inspection at the Commisison's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 3d day of October 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[Licese No. R-46; Amdt. No. 13]

License No. R-46, as amended, issued to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York, ("the licensee") is hereby further amended as follows:

1. In addition to the activity as authorized under Paragraph 4.A.(1) of Facility License No. R-46, as amended, the licensee is hereby authorized to operate the reactor at power levels in excess of five megawatts, but not in excess of five and one-half megawatts (thermal), for periods of time not to exceed five minutes in any one week, for the sole purpose of performing routine dynamic tests of the high flux scram feature.

2. The licensee is further authorized to utilize, within the reactor, core components in which experiment capsules may be placed for irradiation, subject to the following limitations:

a. No such component shall be larger in cross-section than a standard fuel element.

b. Each such component shall be provided with sufficient water coolant to assure that no boiling of the primary cooling system water shall occur within or about the component.

c. No fuel element surface, by reason of its proximity to any such component or contained experiment capsule, shall be permitted to attain a temperature above which local boiling of the primary system at that point would be predicted to occur.

d. Any experiment capsule within such a component, involving material which would be highly corrosive to reactor components if released into the pool water must be provided with a double barrier between the material and the pool water and a method of leak detection shall be provided between the double barrier.

e. Any experiment capsule within such a component in which pressures are maintained, or could credibly be developed, in excess of 40 psia must be provided with a double barrier between the high pressure zone and the core component. Safety relief devices shall be provided to prevent excess pressure.

f. Each such core component shall be positioned on the core grid plate in the same manner as is a standard fuel element. Any

core component or capsule which could be displaced accidentally from its normal position in the reactor shall be provided with a hold-down device.

g. Reactivity of experiment capsules in such core components shall be limited by Paragraph 4.A.(2) of the license.

h. Limitations and procedures for the manipulation of the experiment capsules and the core components shall be as stated in Paragraph 4.A.(5) of the license.

i. Procedures for the review of the design and use of such core components and any contained experiment capsules shall be as described in the application for amendment to this license dated July 18, 1960.

3. The activities authorized in this amendment shall be conducted in accordance with the procedures and subject to the limitations in License No. R-46, as amended, and in the licensee's application dated June 21, 1963.

This amendment is effective as of the date of issuance.

Dated of issuance: October 3, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-10765; Filed, Oct. 10, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15183; FCC 63-897]

CENTRAL SOUTH DAKOTA BROADCASTING CO. (KEZE)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Central South Dakota Broadcasting Company (KEZE), Huron, South Dakota, Docket No. 15183, File No. BP-15395; requests: 1530 kc, 1 kw, Day; for construction permit.

1. The Commission has before it for consideration a "Petition for Reconsideration" filed on July 8, 1963, by James Valley Broadcast Company, licensee of Station KIJV, Huron, South Dakota, directed against the Commission's action of June 18, 1963 (Public Notice 3741, dated June 19, 1963) granting without hearing the above application; and pleadings in opposition and reply thereto.

2. Petitioner bases its claim of standing on the fact that it is the licensee of the only existing station in the community which the permittee seeks to serve and that the two parties would compete for advertising revenues and listeners. We find that petitioner is a "person aggrieved" within the meaning of section 405 of the Communications Act of 1934, as amended. F.C.C. v. Sanders Brothers, 309 U.S. 470 9 R.R. 2008 (1940).

3. In explaining its failure to file a pre-grant petition to deny, petitioner asserts, and we agree, that substantially all of the information contained in the petition resulted from an analysis of the financial amendment filed on May 22, 1963, and that the allegations are of such a serious nature the public interest requires that the petition be considered on its merits. Accordingly, we find that petitioner has made a proper showing of good cause under § 1.84(c) of the rules.

4. Petitioner requests that the Commission designate the application for hearing upon the following issue: "To determine whether the applicant in File No. BP-15395 has misrepresented the financial assets and liabilities of its principals; and in the light of the evidence adduced thereunder to determine the character qualifications of the applicant."

5. In support of its request, petitioner alleges, in substance, that Mr. Tracy Gitchell, president and majority stockholder of the permittee and Dwight Coursey, vice-president and twenty-four percent stockholder failed to disclose the existence of certain notes, mortgages, liens and other liabilities, the net effect of which was to mislead the Commission into finding that there were sufficient funds available to construct and operate the proposed station.

6. In opposition the permittee admits that a note and chattel mortgage was inadvertently omitted from the Coursey balance sheet but contends that the omission was immaterial in that Coursey was to receive his stock for services and was not obliged to furnish funds for construction. It is also admitted that certain liabilities were not included in Gitchell's balance sheet but any intent to deceive or mislead the Commission is denied. In support of this contention the permittee submitted a revised financial statement purporting to show that while certain liabilities were omitted so were corresponding assets which, when taken into account, indicate that Gitchell had a greater net worth than originally claimed. In brief, the permittee attempts to explain, refute, or deny all of the allegations contained in the petition.

7. We find that petitioner has alleged certain facts with sufficient specificity to raise substantial and material questions concerning the qualifications of the permittee, both as to character and financial ability. One central fact is beyond dispute. The balance sheets in the application are, at least to some degree, incomplete and inaccurate. The extent of the deficiencies and the intent of the parties can be determined only after all the facts and concomitant circumstances are brought forth in an evidentiary hearing.

8. In view of the foregoing, the Commission is of the opinion that the grant of the above-captioned application should be set aside and that the application should be designated for hearing.

Accordingly, it is ordered, That, the grant of the application of Central South Dakota Broadcasting Company is set aside.

Except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues;

1. To determine whether Central South Dakota Broadcasting Company, or any party thereto, made misrepresentations or omissions in the financial portion of its application, File No. BP-15395, or in amendments thereto, and whether full disclosure was made concerning the financial condition of all parties to such application.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether Central South Dakota Broadcasting Company, or any of its officers or directors, possess the requisite character qualifications to be a licensee or permittee of the Commission.

3. To determine whether Central South Dakota Broadcasting Company is financially qualified to construct and operate its proposed station.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the "Petition for Reconsideration" filed July 8, 1963 by James Valley Broadcast Company, is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That James Valley Broadcast Company, licensee of Station KIJV, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following conditions:

Permittee shall accept any interference that may result in the event of a subsequent grant of the Grand Strand Broadcasting Corporation proposal, File No. BP-15191.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data, made and analyzed according to the Commission's rules, to clearly show that the radiation pattern is essentially non-directional as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the

Commission's rules, give notice of the hearing, and consistent with the rules, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Adopted: October 3, 1963.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10792; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket No. 15184; FCC 63-898]

JERRELL A. SHEPHERD AND MOBERLY BROADCASTING CO. (KNCM)

Order Designating Application for Hearing on Stated Issues

In re application of Jerrell A. Shepherd tr/as Moberly Broadcasting Company (KNCM), Moberly, Missouri, Docket No. 15184, File No. BP-15256; for construction permit to make changes in antenna and ground systems.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of October 1963.

The Commission having under consideration the above-captioned and described application and related correspondence;

It appearing, That the proposed operation would cause objectionable cochannel interference to Radio Stations: KFJB, Marshalltown, Iowa; KLWT, Lebanon, Missouri; KTNC, Falls City, Nebraska, and WHCO, Sparta, Illinois; and first adjacent channel interference to Radio Station KWOS, Jefferson City, Missouri; and

It further appearing, That, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate as proposed; however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified by subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Radio Stations KFJB, KLWT, KTNC, KWOS, WHCO, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Marshall Electric Company, Lebanon Broadcasting Company, Fall City Broadcasting Company, Capital Broadcasting Company, and Hirsch Communication Engineering Corporation, licensees of Radio Stations KFJB, KLWT, KTNC, KWOS and WHCO, respectively, are made parties to this proceeding.

It is further ordered, That in the event of a grant of the instant application, the construction permit shall contain the following conditions:

Permittee shall accept any interference that may result in the event of a subsequent grant of any Class IV power increases.

Permittee shall comply with Paragraphs 1, 3, 4, 13, 21 and 22 of FCC Form 715.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10793; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket Nos. 15185, 15186; FCC 63-899]

SUNBEAM TELEVISION CORP. AND COMMUNITY BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sunbeam Television Corporation, Miami, Florida, Docket No. 15185, File No. BRCT-540, for renewal of license of Television Station WCKT; and Community Broadcasting Corporation, Miami, Florida, Docket No. 15186, File No. BPCT-3206, for construction permit for New VHF Television Broadcast Station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on this 3d day of October 1963;

The Commission having under consideration the above-captioned applications, one filed by Community Broadcasting Corporation (Community) requesting a construction permit for a new television broadcast station to operate on Channel 7, Miami, Florida, the other, filed by Sunbeam Television Corporation (Sunbeam) requesting a renewal of its existing license, granted March 11, 1963 (BLCT-1261), authorizing the operation of a television broadcast station, also on Channel 7, Miami, Florida; and

It appearing, That the above-captioned applications are mutually exclusive in that operation of both applicants as proposed would result in mutually destructive interference; and

It further appearing, That upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary, and that both Community and Sunbeam are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Sunbeam Television Corporation and Community Broadcasting Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, on the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, Community Broadcasting Corporation and Sunbeam Television Corporation, pursuant to § 1.40(c) of the rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10794; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket No. 15182; FCC 63-892]

J. J. TENNANT CO. AND "ALASKA SPRUCE"

Order Designating Matter for Oral Argument

In the matter of application for exemption from the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended, filed on behalf of the United States cargo ship "Alaska Spruce," 2447 gross tons; Docket No. 15182.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 3d day of October 1963;

The Commission having before it a request for reconsideration of its Memorandum Opinion and Order, adopted June 5, 1963 (FCC 63-521), denying an application filed by J. J. Tennant Company, 206 Oregon Bank Building, Portland, Oregon, for exemption of the vessel "Alaska Spruce," 2447 gross tons, from the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended, and petitioner's related request for an oral hearing in the matter;

It appearing, That an oral argument should be held on this matter:

It is ordered, That the above-captioned matter is hereby designated for oral argument to be held before a panel of Commissioners to consist of Commissioners Hyde, Cox, and Loevinger, commencing at 2:30 p.m. on November 7, 1963 in Washington, D.C.:

It is further ordered, That petitioner, J. J. Tennant Company, and Chief, Safety and Special Radio Services Bureau are hereby made parties to this proceeding and are alloted thirty minutes each for presentation of oral argument;

It is further ordered, That all parties wishing to participate in this proceeding shall file written notice of such intention to appear and participate within fifteen days of the release date of this Order.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10795; Filed, Oct. 10, 1963; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1567]

INVESTORS DIVERSIFIED SERVICES, INC.

Notice of Filing of Application for Order Exempting Transactions Between Affiliates

OCTOBER 7, 1963.

Notice is hereby given that Investors Diversified Services, Inc. ("applicant"), Minneapolis, Minnesota, a registered face-amount certificate company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the sale to applicant by Frances K. Mahoney of her holdings of common capital stock of The Roanoke Building Company ("Roanoke"), a Delaware corporation. All interested persons are referred to the application, which is on file with the Commission, for a full statement of applicant's representations which are summarized below.

Applicant owns 1,565 shares of the common stock of Roanoke or 26.3 percent of the total number of shares outstanding. Mrs. Mahoney owns 630 shares or 10.6 percent of the total shares outstanding. Mrs. Mahoney is therefore an affiliated person of an affiliated person (Roanoke) of applicant.

Section 17(a) of the Act, insofar as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such company securities or property, unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

The principal asset of Roanoke is the leasehold estate and improvements known as the Roanoke Building located at the southeast corner of Seventh Street and Marquette Avenue, Minneapolis, Minnesota. The leasehold estate arises from a ground lease entered into on October 25, 1926, at an annual rental of $36,001 which lease expires on October 31, 2026. The fee is owned by the Baker Block Land Trust which is 51 percent owned by Baker Properties and 49 percent owned by I.D.S. The Roanoke Building Company is also 51 percent owned by Baker Properties and, in addition to I.D.S. and Mrs. Mahoney, has 41 other minority shareholders who own 12.1 percent of the outstanding common stock of the Roanoke.

Applicant desires to purchase the other minority interests in Roanoke because it and Baker Properties, the majority stockholder of Roanoke, believe it would be economically feasible and desirable to expand the present building and that the same ownership interests as exist in the Baker Block Land Trust are desirable in Roanoke to justify commitments to the expansion of the building and to assure the necessary cooperation by equity owners in the expansion.

Applicant has agreed to pay Mrs. Mahoney, and offered to pay all other minority shareholders, $150 per share for each share of common stock of Roanoke held. The application states that the stock of Roanoke is neither listed on any securities exchange nor are price quotations available and that, accordingly, the best valuation of the stock can be made by determining the fair value of the real estate comprising the sole underlying asset and then converting this into a per share value. The price to be paid, in the instant application, is based upon the application of an 8 percent capitalization rate to the projected 1962 net income of Roanoke before depreciation, interest, and income tax, which represents a 4 percent increase over the amount of such income in 1961. The application discloses that since 1957 there have been six major sales of downtown office buildings in Minneapolis and that, by relating the net income earned before deductions for depreciation, interest and income taxes in each of the properties sold to the sale price, the capitalization rate indicated ranged from 7.7 percent to 8.48 percent.

Notice is further given that any interested person may, not later than October 22, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10779; Filed, Oct. 10, 1963; 8:46 a.m.]

[File No. 7-2343]

BRISTOL-MYERS CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 7, 1963.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Bristol-Myers Company--------- File 7-2343

Upon receipt of a request, on or before October 22, 1963 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10780; Filed, Oct. 10, 1963; 8:46 a.m.]

[File No. 24D-2526]

PIKE'S PEAK NATIONAL LIFE INSURANCE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 7, 1963.

I. Pike's Peak National Life Insurance Company (issuer), 312 PBMI Bldg., Denver, Colorado, filed with the Commission on August 1, 1961 a notification on Form 1-A and an offering circular relating to a public offering of 150,000 shares of $1.00 par value, Class A common, non-voting stock at $2.00 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. By amendment, John B. Bennet, doing business as Bennet Brokerage and Agency, was named as underwriter for the proposed offering on a best-efforts basis.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has become subject to Rule 261(a)(5) in that a permanent injunction has been issued in the District Court of Shawnee County, Kansas, enjoining United Underwriters, Ltd., an affiliated issuer, its officers, employees and agents from further violations of the provisions of the Kansas Securities Act.

2. The failure to disclose that United Underwriters, Ltd., an affiliated issuer, was offering and selling securities in violation of the registration requirements of the Securities Act of 1933, as amended, and in violation of the provisions of the Kansas Securities Act.

3. The failure to disclose that the issuer was offering its securities in violation of the Kansas Securities Act.

C. The offering has been and would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10781; Filed, Oct. 10, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 878]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 8, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66151. By order of October 3, 1963, the Transfer Board approved the transfer to Wertz Truck Line, Inc., 207 East D Avenue, Lawton, Okla., of permit in No. MC 62298, issued October 26, 1956, to Ralph Wertz, doing business as Wertz Truck Line, 207 East D Avenue, Lawton, Okla., authorizing the transportation of: Dairy products, and frozen foods, between Lawton and Guthrie, Okla., on the one hand, and, on the other, Omaha, Nebra., Dodge City, Concordia, and Council Grove, Kansas., and, from Lawton and Guthrie, Okla., to points in a specified part of Texas and Louisiana; and, frozen foods, from a specified part of Texas and Louisiana, to Lawton and Guthrie, Okla., and empty containers used in transporting said commodities, on the return.

No. MC-FC 66170. By order of October 3, 1963, the Transfer Board approved the transfer to Ralph Shoemaker, doing business as Shoemaker Trucking Co., Boise, Idaho, of certificate in No. MC 114265, issued July 23, 1958, to W. C. Shoemaker and Ralph Shoemaker, a partnership, doing business as Shoemaker Trucking Co., Boise, Idaho, authorizing the transportation of: Lumber, from specified points or parts of Oregon and Washington, to points in that part of Idaho south of the southern boundary of Idaho County, Idaho; and, fertilizer from Pocatello, Idaho, and points within 10 miles thereof, and Wendell, Idaho and points within 5 miles thereof, to points in Malheur, Harney, Baker, and Union Counties, Oreg. Raymond D. Givens, Post Office Box 964, Boise, Idaho, attorney for applicants.

No. MC–FC 66175. By order of October 3, 1963, the Transfer Board approved the transfer to C. A. Woolverton, doing busines as Woolverton Garage, 3819 Winn Road, Kansas City, Mo., of certificate in No. MC 116555, issued December 18, 1957, to H. J. Millington, doing busines as Herb Millington Service, 75th and Holmes, Kansas City, Mo., authorizing the transportation of: Wrecked and disabled motor vehicles, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas.

No. MC–FC 66182. By order of October 3, 1963, the Transfer Board approved the transfer to Caustic Soda Transportation Co., a corporation (West), Asheville, N.C., of certificate in No. MC 106009, issued August 28, 1956, to John Austin Emory, doing business as Caustic Soda Transportation Co. (West), Asheville, N.C., authorizing the transportation of liquid caustic soda, in bulk, in tank trucks, over regular routes, from Canton, N.C., to Lyman, S.C., serving the intermediate points of Travelers Rest and Greenville, S.C., for delivery only; and liquid sulphuric acid, in bulk, in tank vehicles, over irregular routes, from Copperhill, Tenn., to points in Buncombe, Haywood, Henderson, Madison, McDowell, Polk, Transylvania, and Yancey Counties, N.C. Robert R. Williams, Jr., Box 7316, Asheville, N.C., attorney at law.

No. MC–FC 66286. By order of October 3, 1963, the Transfer Board approved the transfer to Albert Kelm, doing business as Kelm Truck Line, Ivanhoe, Minn., of certificate in No. MC 109189, issued June 9, 1963, to L. H. Ellis, doing business as Ellis Truck Line, Hendricks, Minn., authorizing the transportation of groceries, fruits, and vegetables, from Minneapolis and St. Paul, Minn., to points in Hamlin County, S. Dak.; general commodities, excluding commodities in bulk and other specified commodities, from Watertown, S. Dak., to Hendricks, Minn.; building materials, from Fort Dodge, Iowa and points within 5 miles thereof, and Sioux Falls and Rapid City, S. Dak., to Hendricks, Minn.; refrigeration equipment and farm machinery parts, from Sioux Falls, S. Dak., to Hendricks, Minn.; agricultural machinery, from Waterloo, Iowa, to Hendricks, Minn.; animal and poultry feed, from Oelwein, Iowa, to points in Lincoln County, Minn., and those in Brookings, Deuel, and Moody Counties, S. Dak.; and from Sioux City and Oelwein, Iowa, to Hendricks, Minn.; livestock between Hendricks, Minn., and points within 15 miles thereof, on the one hand, and, on the other, Sioux City, Iowa; grain, stoves, twine, furnaces, livestock, and farm machinery, between Hendricks, Minn., and points within 15 miles of Hendricks, on the one hand, and, on the other, points as specified in Minnesota, South Dakota and Iowa; and emigrant movables, between Hendricks, Minn., and points within 15 miles of Hendricks, on the one hand, and, on the other, points in Iowa, South Dakota, and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., practitioner for applicants.

No. MC–FC 66293. By order of October 3, 1963, the Transfer Board approved the transfer to Joseph A. Martino, doing business as Bedell's Express, Columbiaville, N.Y., of certificate in No. MC 78033, issued July 12, 1961, to Mario Palleschi, doing business as Bedell's Express, Kinderhook, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Troy, N.Y., and Hudson, N.Y., serving all intermediate points, and the off-route points of Castleton-on-Hudson, Claverack, Melenville, Nassau, Newton Hook, Philmont, Rossman, Stockport, and Stottville, N.Y. John J. Brady, Jr., 75 State Street, Albany 7, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10785; Filed, Oct. 10, 1963; 8:47 a.m.]

AUGUST W. KOEHLER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9468, and 28 F.R. 4117) during the six months' period ended September 14, 1963.

No change in my financial interests. Have retired as of January 1, 1963 and am serving as Consultant to the National Association of Motor Bus Owners for life.

Dated: September 26, 1963.

AUGUST W. KOEHLER.

[F.R. Doc. 63–10786; Filed, Oct. 10, 1963; 8:47 a.m.]

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Washington, Saturday, October 12, 1963

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Announcing: **Volume 76A**
UNITED STATES STATUTES AT LARGE
Containing
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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3559

NATIONAL DAY OF PRAYER, 1963

By the President of the United States of America

A Proclamation

Our forefathers declared the independence of our Nation "with a firm reliance on the protection of divine Providence." In that reliance, they set forth the conviction that all men are created equal and endowed by their Creator with unalienable rights to life, liberty, and the pursuit of happiness.

More than a century and three-quarters after our Nation was dedicated to that proposition, it may truly be reaffirmed that "We are a religious people whose institutions presuppose a Supreme Being." Conscious of the religious character of our people, the Congress of the United States by a joint resolution of April 17, 1952, provided that "The President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation, at churches, in groups, and as individuals."

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do set aside and proclaim Wednesday, the sixteenth day of October 1963, as the National Day of Prayer.

On this day, let us acknowledge anew our reliance upon the divine Providence which guided our founding fathers. Let each of us, according to his own custom and his own faith, give thanks to his Creator for the divine assistance which has nurtured the noble ideals in which this Nation was conceived.

Most especially, let us humbly acknowledge that we have not yet succeeded in obtaining for all of our people the blessings of liberty to which all are entitled. On this day, in this year, as we concede these shortcomings, let each of us pray that through our failures we may derive the wisdom, the courage, and the strength to secure for every one of our citizens the full measure of dignity, freedom, and brotherhood for which all men are qualified by their common fatherhood under God.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of October in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63–10877; Filed, Oct. 10, 1963; 4:45 p.m.]

Memorandum of October 10, 1963

[GOVERNMENT PATENT POLICY]

Memorandum for the Heads of Executive Departments and Agencies

Over the years, through Executive and Legislative actions, a variety of practices has developed within the Executive Branch affecting the disposition of rights to inventions made under contracts with outside organizations. It is not feasible to have complete uniformity of practice throughout the Government in view of the differing missions and statutory responsibilities of the several departments and agencies engaged in research and development. Nevertheless, there is need for greater consistency in agency practices in order to further the governmental and public interests in promoting the utilization of federally financed inventions and to avoid difficulties caused by different approaches by the agencies when dealing with the same class of organizations in comparable patent situations.

From the extensive and fruitful national discussions of government patent practices, significant common ground has come into view. First, a single presumption of ownership does not provide a satisfactory basis for government-wide policy on the allocation of rights to inventions. Another common ground of understanding is that the Government has a responsibility to foster the fullest exploitation of the inventions for the public benefit.

Attached for your guidance is a statement of government patent policy, which I have approved, identifying common objectives and criteria and setting forth the minimum rights that government agencies should acquire with regard to inventions made under their grants and contracts. This statement of policy seeks to protect the public interest by encouraging the Government to acquire the principal rights to inventions in situations where the nature of the work to be undertaken or the Government's past investment in the field of work favors full public access to resulting inventions. On the other hand, the policy recognizes that the public interest might also be served by according exclusive commercial rights to the contractor in situations where the contractor has an established non-governmental commercial position and where there is greater likelihood that the invention would be worked and put into civilian use than would be the case if the invention were made more freely available.

Wherever the contractor retains more than a non-exclusive license, the policy would guard against failure to practice the invention by requiring that the contractor take effective steps within three years after the patent issues to bring the invention to the point of practical application or to make it available for licensing on reasonable terms. The Government would also have the right to insist on the granting of a license to others to the extent that the invention is required for public use by governmental regulations or to fulfill a health need, irrespective of the purpose of the contract.

The attached statement of policy will be reviewed after a reasonable period of trial in the light of the facts and experience accumulated. Accordingly, there should be continuing efforts to monitor, record, and evaluate the practices of the agencies pursuant to the policy guidelines.

This memorandum and the statement of policy shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

STATEMENT OF GOVERNMENT PATENT POLICY

BASIC CONSIDERATIONS

A. The government expends large sums for the conduct of research and development which results in a considerable number of inventions and discoveries.

B. The inventions in scientific and technological fields resulting from work performed under government contracts constitute a valuable national resource.

C. The use and practice of these inventions and discoveries should stimulate inventors, meet the needs of the government, recognize the equities of the contractor, and serve the public interest.

D. The public interest in a dynamic and efficient economy requires that efforts be made to encourage the expeditious development and civilian use of these inventions. Both the need for incentives to draw forth private initiatives to this end, and the need to promote healthy competition in industry must be weighed in the disposition of patent rights under government contracts. Where exclusive rights are acquired by the contractor, he remains subject to the provisions of the antitrust laws.

E. The public interest is also served by sharing of benefits of government-financed research and development with foreign countries to a degree consistent with our international programs and with the objectives of U.S. foreign policy.

F. There is growing importance attaching to the acquisition of foreign patent rights in furtherance of the interests of U.S. industry and the government.

G. The prudent administration of government research and development calls for a government-wide policy on the disposition of inventions made under government contracts reflecting common principles and objectives, to the extent consistent with the missions of the respective agencies. The policy must recognize the need for flexibility to accommodate special situations.

POLICY

SECTION 1. The following basic policy is established for all government agencies with respect to inventions or discoveries made in the course of or under any contract of any government agency, subject to specific statutes governing the disposition of patent rights of certain government agencies.

(a) Where

(1) a principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) a principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare; or

(3) the contract is in a field of science or technology in which there has been little significant experience outside of work funded by the government, or where the government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(4) the services of the contractor are

(i) for the operation of a government-owned research or production facility; or

(ii) for coordinating and directing the work of others,

the government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any inventions made in the course of or under the contract. In exceptional circumstances the contractor may acquire greater rights than a non-exclusive license at the time of contracting, where the head of the department or agency certifies that such action will best serve the public interest. Greater rights may also be acquired by the contractor after the invention has been identified, where the invention when made in the course of or under the contract is not a primary object of the contract, *provided* the acquisition of such greater rights is consistent with the intent of this Section 1(a) and is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application.

(b) In other situations, where the purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions, subject to the government acquiring at least an irrevocable non-exclusive royalty free license throughout the world for governmental purposes.

(c) Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in Section 1(b), above, the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy statement, taking particularly into account the intentions of the contractor to bring the invention to the point of commercial application and the guidelines of Section 1(a) hereof, *provided* that the agency may prescribe by regulation special situations where the public interest in the availability of the inventions would best be served by permitting the contractor to acquire at the time of contracting greater rights than a non-exclusive license. In any case the government shall acquire at least a non-exclusive royalty free license throughout the world for governmental purposes.

(d) In the situation specified in Sections 1(b) and 1(c), when two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to grant the government principal or exclusive rights in resulting inventions will be an additional factor in the evaluation of the proposals.

(e) Where the principal or exclusive (except as against the government) rights in an invention remain in the contractor, he should agree to provide written reports at reasonable intervals, when requested by the government, on the commercial use that is being made or is intended to be made of inventions made under government contracts.

(f) Where the principal or exclusive (except as against the government) rights in an invention remain in the contractor, unless the contractor, his licensee, or his assignee has taken effective steps within three years after a patent issues on the invention to bring the invention to the point of practical application or has made the invention available for licensing royalty free or on terms that are reasonable in the circumstances, or can show cause why he should retain the principal or exclusive rights for a further period of time, the government shall have the right to require the granting of a license to an applicant on a non-exclusive royalty free basis.

(g) Where the principal or exclusive (except as against the government) rights to an invention are acquired by the contractor, the government shall have the right to require the granting of a license to an applicant royalty free or on terms that are reasonable in the circumstances to the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the contract.

(h) Where the government may acquire the principal rights and does not elect to secure a patent in a foreign country, the contractor may file and retain the principal or exclusive foreign rights subject to retention by the government of at least a royalty free license for governmental purposes and on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States.

SEC. 2. Government-owned patents shall be made available and the technological advances covered thereby brought into being in the shortest time possible through dedication or licensing and shall be listed in official government publications or otherwise.

SEC. 3. The Federal Council for Science and Technology in consultation with the Department of Justice shall prepare at least annually a report concerning the effectiveness of this policy, including recommendations for revision or modification as necessary in light of the practices and determinations of the agencies in the disposition of patent rights under their contracts. A patent advisory panel is to be established under the Federal Council for Science and Technology to

(a) develop by mutual consultation and coordination with the agencies common guidelines for the implementation of this policy, consistent with existing statutes, and to provide over-all guidance as to disposition of inventions and patents in which the government has any right or interest; and

(b) encourage the acquisition of data by government agencies on the disposition of patent rights to inventions resulting from federally-financed research and development and on the use and practice of such inventions, to serve as basis for policy review and development; and

(c) make recommendations for advancing the use and exploitation of government-owned domestic and foreign patents.

SEC. 4. *Definitions:* As used in this policy statement, the stated terms in singular and plural are defined as follows for the purposes hereof:

(a) Government agency—includes any Executive department, independent commission, board, office, agency, administration, authority, or other government establishment of the Executive Branch of the Government of the United States of America.

(b) "Invention" or "Invention or discovery"—includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(c) Contractor—means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(d) Contract—means any actual or proposed contract, agreement, grant, or other arrangement, or sub-contract entered into with or for the benefit of the government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(e) "Made"—when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(f) Governmental purpose—means the right of the Government of the United States (including any agency thereof, state, or domestic municipal government) to practice and have practiced (made or have made, used or have used, sold or have sold) throughout the world by or on behalf of the Government of the United States.

(g) "To the point of practical application"—means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

[F.R. Doc. 63-10888; Filed, Oct. 11, 1963; 9:21 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

REORGANIZATION AND REVISION OF CHAPTER

In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published its new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. Complete background information appears in the explanatory statement published with those regulations.

Among other things, this explanatory statement indicated that with minor exceptions the new regulations did not include regulations to replace the current pay and leave regulations and, accordingly, all of Part 25 except the appeals provisions of § 25.416; all of Part 30; and all of Part 27 except § 27.1 would remain in effect on November 17, 1963. However, the explanatory statement also indicated that new pay and leave regulations to replace these parts would be issued at a later date and given a correspondingly later effective date.

These new regulations, consisting of New Parts 530, 531, 534, 539, 550, 610, and 630, are set out below. They become effective December 15, 1963, superseding the corresponding old regulations, i.e., those described in the preceding paragraph, on that date.

One change in the new pay and leave regulations appears to warrant comment. Appendix A to Part 30, Annual and Sick Leave Regulations (list of officers to whom the Annual and Sick Leave Act of 1951, as amended, does not apply) is not being published with the new regulations. This list is included in the Commission's Federal Personnel Manual Supplement 990-2, and any changes in the list that are approved by the Chairman of the Civil Service Commission under authority of paragraph 2 of Executive Order 10540 will be made in that supplement. In addition, these changes will be published as notices in the FEDERAL REGISTER.

The new regulations do not reflect any changes in the current pay and leave regulations that were published in the FEDERAL REGISTER after September 18, 1963. Those changes will be published in the near future as amendments of the new regulations. Any other changes in these regulations that are to be effective before December 15, 1963, will be published in the FEDERAL REGISTER in both the current and new form. Thus, the new pay and leave regulations that are effective December 15, 1963 consist of:

1. The regulations as set out below.

2. Amendments of these regulations which reflect amendments of the current regulations between September 19, 1963 and October 12, 1963; and,

3. Any other amendments of these new regulations which are published in the FEDERAL REGISTER after October 12, and before December 15, 1963.

PART 530—PAY RATES AND SYSTEMS (GENERAL)

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Special Rates for Recruitment and Retention

§ 530.301 Special adjustments in salary ranges for certain positions.

(a) For each Classification Act grade in an occupation and location for which the Commission had increased the minimum rate under authority of former section 803 of that act in effect immediately before the Federal Salary Reform Act of 1962, the lowest rate in Compensation Schedule I of section 603(b) of the Classification Act which equals or exceeds the increased minimum rate is the minimum rate, and each rate for the grade is increased by the dollar amount by which the new minimum rate exceeds the minimum rate prescribed by statute for the grade.

(b) The incumbent of a position covered by an increased minimum rate under authority of former section 803 of the Classification Act in effect immediately before the Federal Salary Reform Act of 1962, after his rate is fixed initially under section 602(b) of the Federal Salary Reform Act, shall then be placed at the lowest rate in the increased rate range established under paragraph (a) of this section which equals or exceeds his rate as fixed initially under section 602(b).

(Sec. 504, 76 Stat. 842; 5 U.S.C. 1173; E.O. 11056, 27 F.R. 10017, 3 CFR, 1962 Supp.)

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Subpart A—[Reserved]

Subpart B—Determining Rate of Basic Compensation

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531.201 Applicability.
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Subpart C—Pay Adjustments for Supervisors

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Subpart E—Salary Retention

531.501 Purpose.
531.502 Entitlement.
531.503 Definitions.
531.504 Documentation.
531.505 Equivalent tenure—excepted service.
531.506 Demotion for personal cause.
531.507 Demotion at employee's request.
531.508 Demotion in a reduction in force.
531.509 Continuous service.
531.510 Transfer of functions.
531.511 Work performance.
531.512 Rate determination.
531.513 Retention period—reassignment.
531.514 Within-grade increases.
531.515 Pay adjustment.
531.516 Appeals to the Commission.

AUTHORITY: §§ 531.201 to 531.516 issued under sec. 1101, 63 Stat. 971; 5 U.S.C. 1072. §§ 531.501 to 531.516 also issued under sec. 507 as added by 70 Stat. 291, as amended; 5 U.S.C. 1107.

Subpart A—[Reserved]

Subpart B—Determining Rate of Basic Compensation

§ 531.201 Applicability.

This subpart and title VIII of the Classification Act apply in fixing and adjusting rates of basic compensation of each officer and employee covered by the act.

§ 531.202 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Area" means a geographical subdivision which can be described in terms of boundaries, such as the metropolitan limits of a city, the area within 20 miles of the city limits, a county, several counties, or a State.

(c) "Demotion" means a change of an employee, while continuously employed, from:

(1) One Classification Act grade to a lower Classification Act grade, with or without reduction in compensation; or

(2) A higher rate paid under authority other than the Classification Act to a lower rate within a Classification Act grade.

(d) "Department" has the meaning given that word by section 201(a) of the act.

(e) "Employee" means an officer or employee of a department to whom this subpart applies.

(f) "Existing rate of basic compensation" means the rate received immediately before the effective date of a transfer, promotion, demotion, or within-grade increase.

(g) "Higher grade" means a General Schedule grade above the last previous General Schedule grade or its equivalent held by the employee.

(h) "Highest previous rate" means the highest rate of basic compensation previously paid to an individual while employed in a position in a branch of the Federal Government (executive, legislative, or judicial), a mixed ownership corporation, or the government of the District of Columbia, irrespective of whether or not the position was subject to the pay schedules of the Classification Act.

(i) "Location" means a specific place of employment within an area, such as a particular shipyard or airbase.

(j) "New appointment" means the first appointment, regardless of tenure, as an employee of the Federal Government or the government of the District of Columbia.

(k) "Promotion" means a change of an employee, while continuously employed, from:

(1) One Classification Act grade to a higher Classification Act grade; or

(2) A lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade.

(l) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(m) "Reassignment" means a change of an employee, while serving continuously in the same department, from one position to another without promotion or demotion.

(n) "Reemployment" means an employment, including reinstatement or another type of appointment, after a break in service of at least 1 full workday.

(o) "Transfer" means a change of an employee, without a break in service of 1 full workday, from one branch of the Federal Government (executive, legislative, or judicial) to another or from one department to another.

§ 531.203 General provisions.

(a) *New appointments.* A new appointment is made at the minimum rate of the grade to which the employee is appointed. When the minimum rate for the grade of a position has been set under Part 530 of this chapter, a new appointment to that position is made at the minimum rate set under Part 530 of this chapter.

(b) *Position or appointment changes.* Subject to §§ 531.204, 531.515, 539.201 of this chapter, and section 802(b) of the act, when an employee is reemployed, transferred, reassigned, promoted, or demoted, the department may pay him at any rate of his grade which does not exceed his highest previous rate; however, if his highest previous rate falls between two rates of his grade, the department may pay him at the higher rate. When an employee's type of appointment is changed in the same position, the department may continue to pay him at his existing rate or may pay him at any higher rate of his grade which does not exceed his highest previous rate; however, if his highest previous rate falls between two rates of his grade, the department may pay him at the higher rate.

(c) *Computation of highest previous rate.* The highest previous rate is based on a regular tour of duty at that rate under an appointment not limited to 90 days or less, or for a continuous period of not less than 90 days under one or more appointments without a break in service. If the highest previous rate was earned in a Classification Act position, it is increased by subsequent amendments of the Classification Act pay schedules. If the highest previous rate was earned in a position not subject to the Classification Act, it is computed as follows:

(1) The actual rate earned at the time of service is converted to the equivalent annual rate under the act as of the time of the service. If there was no exact equivalent annual rate, the next higher Classification Act rate is the equivalent annual rate. When an equivalent annual rate falls within the range of two or more grades under the act, the rate in the grade which gives the employee the maximum benefit is used as the equivalent annual rate.

(2) The equivalent annual rate determined under subparagraph (1) of this paragraph is converted to the equivalent annual rate under the current Classification Act pay schedule and that rate is the employee's highest previous rate.

(d) *Agency classification action.* When an agency regrades a position to a grade higher than the one to which the position had been classified by Commission action, and when subsequent to the regrading, the Commission again classifies the position to the grade which it had originally assigned the position, the rate attained by the employee in the higher grade may not be used as his highest previous rate.

(e) *Simultaneous actions.* When a position or appointment change and entitlement to a higher rate of pay occur at the same time, the higher rate of pay is deemed an employee's existing rate of basic compensation. If the employee is entitled to two pay benefits at the same time, the department shall process the changes in the order which gives the employee the maximum benefit.

§ 531.204 Special provisions.

(a) *Promotions and transfers.* (1) The requirements of section 802(b) of the act, apply in a transfer involving a promotion between Classification Act grades.

(2) For employees serving in grade GS–3 at the time of promotion, the following are two within-grade increases for the purposes of section 802(b) of the act:

(i) For employees who are in rates 1 through 4, $210;

(ii) For employees who are in rate 5, $215;

(iii) For employees who are in rate 6, $235; and

(iv) For employees who are in rate 7 or above, $250.

(b) *Classification decisions.* When a classification decision is made effective retroactively under Part 511 of this chapter, the department shall treat the corrective personnel action affecting the employee concerned as a cancellation or correction, as the case may be, of the original action of demotion, and the employee is entitled to retroactive pay in accordance with the terms of the corrective action.

Subpart C—Pay Adjustments for Supervisors

§ 531.301 Authority of department.

This subpart authorizes a department to make a special adjustment in the pay of a supervisor in a Classification Act position who regularly has responsibility for supervision over one or more wage board employees. In making this pay adjustment, a department is governed by section 803 of the act and this subpart.

§ 531.302 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Wage board employee" means an employee whose compensation is fixed and adjusted from time to time by a wage board or similar administrative authority as nearly as is consistent with the public interest in accordance with prevailing rates or in accordance with prevailing rates and practices in the maritime industry.

(c) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

§ 531.303 Use of authority.

In determining whether to use the authority under section 803 of the act and this subpart, a department shall consider (a) the relative rate-ranges of the supervisor and the wage board employee supervised by him as well as the specific rate either is receiving at the time, and (b) the equities among supervisors in the same organizational entity as well as the equities between the supervisor and the wage board employee supervised by him.

§ 531.304 Requirements for entitlement.

(a) *Basic.* Before a department may adjust the pay of a supervisor under section 803 of the act and this subpart, it must find that (1) the supervisor regularly has responsibility for supervision (which must include supervision over the technical aspects of the work concerned) over one or more wage board employees, and (2) the rate of basic compensation for the supervisor is less than the rate of basic compensation for the wage board employee supervised by him.

(b) *Regular responsibility.* A supervisor regularly has responsibility for supervision when this responsibility is a continuing assignment as reflected in his official position description.

(c) *Responsibility for supervision.* A supervisor has responsibility for supervision (including supervision over the technical aspects of the work concerned) when he has relatively frequent personal contact with the wage board employees in the unit in connection with assigned work and when he personally or through an intermediate wage board supervisor:

(1) Determines assignments or duties for individual wage board employees;

(2) Makes reviews of work products of individual wage board employees when the reviews require a substantial subject matter or technical knowledge;

(3) Plans and organizes work with primary emphasis on distribution of assignments, workloads of individual wage board employees, work item priorities, and schedules for timely completion of work items, projects, or cases;

(4) Provides advice, assistance, counsel, or instructions to individual wage board employees;

(5) Evaluates the performance of individual wage board employees; and

(6) Serves as the focal point for discussion of problems arising from, or associated with, specific work products of the unit.

(d) *Rate of basic compensation.* (1) In comparing the rate of basic compensation for a supervisor with the rate of basic compensation for a wage board employee supervised by him, a department shall exclude from the wage board employee's rate (i) any irregular prevailing rate, such as a retained rate not related to his current position, and (ii) night differential.

(2) When a department excludes an irregular prevailing rate for the wage board employee from comparison, the department shall consider the highest rate of the regular prevailing rate for the position occupied by the wage board employee.

§ 531.305 Adjustment of rates.

(a) *Rate payable to supervisor.* When a department decides to adjust the rate of pay for a supervisor under section 803 of the act and this subpart, it shall adjust his rate of pay to the nearest rate (but not above the maximum rate) of his grade which exceeds the highest rate of basic compensation (excluding night differential) paid to any wage board employee for whom the supervisor regularly has responsibility for supervision.

(b) *Documentation.* The department shall record the basis for the determination of the supervisor's adjusted rate in his Official Personnel Folder.

(c) *Effective date.* The adjustment of a supervisor's rate of pay under this subpart is effective on the first day of the first pay period following the date on which the department determines to make the adjustment under section 803 of the act and this subpart.

(d) *Equivalent increase.* An adjustment in pay under section 803 of the act and this subpart is an equivalent increase in compensation under section 701 of the act.

Subpart D—Within-Grade Increases

§ 531.401 Scope.

(a) *Applicability.* Within-grade increases provided in title VII of the act apply to both full-time and non-full-time employees who occupy permanent positions under the act and who are compensated on an annual basis.

(b) *Entitlement.* A department shall determine an employee's entitlement to within-grade increases in accordance with title VII of the act and this subpart.

§ 531.402 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Department" has the meaning given that word by section 201(a) of the Act.

(c) "Employee" means an officer or employee of a department to whom this subpart applies.

(d) "Maximum rate" means the top rate for the grade of the Classification Act position.

(e) "Permanent position" means one filled on a permanent basis, that is by an appointment not designated as temporary by law and not having a definite time limitation.

(f) "Quality increase" means an additional within-grade increase in accordance with section 702 of the act and this subpart in recognition of high quality performance above that ordinarily found in the type of position concerned.

(g) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(h) "Waiting period" means the minimum time requirement of creditable service to become eligible for consideration for a within-grade increase.

(i) "Within-grade increase" means an increase in an employee's rate of basic compensation from one rate of his grade to the next in accordance with section 701 of the act and this subpart, and is synonymous with the term "step increase" as used in the act.

§ 531.403 Within-grade increases—waiting period.

(a) (1) For a full-time employee, and for a non-full-time employee with a prearranged regularly scheduled tour of duty, the waiting periods for advancement to the following rates in all grades are:

(i) Rates 2, 3, and 4—52 calendar weeks of creditable service.

(ii) Rates 5, 6, and 7—104 calendar weeks of creditable service.

(iii) Rates 8, 9, and 10—156 calendar weeks of creditable service.

(2) For a non-full-time employee without a prearranged regularly scheduled tour of duty, the waiting periods for advancement to the following rates in all grades are:

(i) Rates 2, 3, and 4—260 days of creditable service in a pay status over a period of not less than 52 calendar weeks.

(ii) Rates 5, 6, and 7—520 days of creditable service in a pay status over a period of not less than 104 calendar weeks.

(iii) Rates 8, 9, and 10—780 days of creditable service in a pay status over a period of not less than 156 calendar weeks.

(b) A waiting period begins:

(1) On a new appointment as an employee of the Federal Government or the government of the District of Columbia;

(2) After a break in service or a nonpay status in excess of 52 calendar weeks; or

(3) On receiving an equivalent increase.

(c) For purposes of this section, a calendar week is a period of any 7 calendar days.

§ 531.404 Creditable service—waiting period.

(a) Continuous civilian employment in any branch of the Federal Government (executive, legislative, or judicial) or in the government of the District of Columbia is creditable service in the computation of a waiting period. Service credit is given during this employment for periods of annual, sick, and other leave with pay; advanced annual and sick leave; service under a temporary appointment; and service paid for at a daily or hourly rate. The waiting period is not interrupted by nonworkdays intervening between an employee's last regularly scheduled workday in one position and his first regularly scheduled workday in a new position.

(b) For a full-time employee, and a non-full-time employee with a prearranged regularly scheduled tour of duty, time in a nonpay status, except as provided in § 531.405(b), is creditable service in the computation of a waiting period when it does not exceed, in the aggregate:

(1) Two workweeks in the waiting period for rates 2, 3, and 4;

(2) Four workweeks in the waiting period for rates 5, 6, and 7; and

(3) Six workweeks in the waiting period for rates 8, 9, and 10. When an employee has time in a nonpay status in excess thereof, he shall make it up with creditable service before his next within-grade increase is effected.

(c) Leave of absence granted to an employee because of an injury for which compensation is payable under the Federal Employees' Compensation Act (5 U.S.C. 751) is creditable service in the computation of a waiting period.

(d) Service with the Armed Forces during a period of war or national emergency is creditable service in the computation of a waiting period when an employee leaves his civilian position to enter the Armed Forces and he is (1) reemployed in a position under the act not later than 52 calendar weeks after separation from active military duty, or (2) restored to his civilian position after separation from active military duty or hospitalization continuing thereafter as provided by law.

(e) The period from the date of an employee's separation with a reemployment right granted by law, Executive order, or regulation to the date of his return to duty through the exercise of that right is creditable service in the computation of a waiting period.

(f) Service in essential non-Government civilian employment in the public interest during a period of war or national emergency is creditable service in the computation of a waiting period when it interrupts otherwise creditable service.

§ 531.405 Noncreditable service—waiting period.

(b) When a determination is made that an employee's work is not of an ac-

§ 531.411 Quality of performance required.

(f) "Salary Retention Act" means the

ter demotion includes any period or pe-

ten notification of the effective

§ 531.405 Noncreditable service—waiting period.

The following is not creditable service in the computation of a waiting period:

(a) Service at overtime rates;

(b) Service before a single nonpay period or a break in service when the nonpay period or break in service exceeds 52 calendar weeks, and any part of a nonpay period of more than 52 calendar weeks;

(c) A period of separation from a civilian position except as provided in § 531.404; or

(d) The period between the date an employee leaves his civilian position to enter the Armed Forces and the date of his reemployment in a position subject to the act when his reemployment is not within 52 continuous calendar weeks from the date of his discharge from the Armed Forces, except in instances of restoration provided by law.

§ 531.406 Equivalent increase.

(a) Except as otherwise provided in this section, equivalent increase, as used in the act and this subpart, is an increase or increases in an employee's rate of basic compensation equal to or greater than the amount of the within-grade increase for the grade in which the employee is serving.

(b) When an employee has served in more than one grade during the waiting period under consideration and it is necessary to determine whether he received an equivalent increase in a prior grade, an equivalent increase is an increase or increases in his rate of basic compensation equal to or greater than the amount of the within-grade increase for the prior grade.

(c) In computations under paragraph (a) or (b) of this section for grade GS–3 an equivalent increase after October 10, 1962, is an increase or increases in the employee's rate of basic compensation equal to or greater than $105 for an employee in rates 1 through 6, $110 for an employee in rate 7, and $125 for an employee in rate 8 or higher.

(d) When an employee receives more than one increase in his rate of basic compensation during the waiting period under consideration, no one of which is an equivalent increase, the first and subsequent increases are added until they amount to an equivalent increase, at which time he is deemed to have received an equivalent increase.

(e) For the purpose of paragraphs (b) and (d) of this section, the waiting period under consideration is the waiting period immediately preceding an employee's current entry into the rate of the grade in which he is serving.

§ 531.407 Work of an acceptable level of competence.

(a) An employee may receive a within-grade increase under section 701 of the act and this subpart only if his work is of an acceptable level of competence. The head of the department, or a person authorized to act in his behalf, shall determine whether an employee's work is of an acceptable level of competence and record that determination in writing.

(b) When a determination is made that an employee's work is not of an acceptable level of competence, the department shall give him:

(1) A prompt, written notice of that determination; and

(2) An opportunity to secure, upon timely request, reconsideration of that determination within the department. If the reconsideration results in a new determination favorable to the employee, the new determination supersedes the earlier one and is deemed to be made as of the date of the earlier determination.

(c) When a determination is made that an employee's work is not of an acceptable level of competence, the head of the department, or a person authorized to act in his behalf, shall make a new determination within the next 52 calendar weeks. If the new determination is favorable to the employee, the effective date of a within-grade increase for which he is otherwise eligible is the first day of the first pay period that begins on or after the date the new determination is made.

(d) There is no right to a review by the Commission of a department's determination.

(e) When a determination as prescribed by paragraphs (a), (b), or (c) of this section is not made on a timely basis through administrative oversight, error, or delay, it is deemed, when made, to have been made as of the date it would have been made were it not for the administrative oversight, error, or delay.

(f) The requirement for a determination as prescribed by paragraph (a) of this section is waived for periods of service which are counted as creditable service toward a waiting period under § 531.404 (c), (d), (e), or (f).

§ 531.408 Effective date—within-grade increase.

(a) A within-grade increase is effective on the first day of the first pay period following completion of the required waiting period and compliance with the other conditions of eligibility.

(b) When the effective date of a within-grade increase and the effective date of a personnel action occur at the same time, the department shall process the actions in the order that gives the employee the maximum benefit.

§ 531.409 Corrective action—within-grade increase.

(a) When a within-grade increase is delayed beyond its proper effective date through administrative oversight, error, or delay, the department shall make the increase effective as of the date it was properly due.

(b) When an improper personnel action is corrected in accordance with a mandatory statutory or regulatory requirement, the waiting period is not extended and begins on the date it would have begun had the improper action not occurred.

§ 531.410 Authority—quality increase.

The head of a department, or a person authorized to act in his behalf, may grant a quality increase in accordance with section 702 of the act and this subpart.

§ 531.411 Quality of performance required.

(a) A supervisory recommendation for a quality increase shall be in writing and shall show why performance can be characterized as high quality performance above that ordinarily found in the type of position concerned.

(b) Before a quality increase may be granted, the head of a department, or a person authorized to act in his behalf, shall find that (1) the employee concerned has been performing the most important functions of his position in a manner that substantially exceeds normal requirements so that when viewed as a whole the employee's work performance is of a high level of effectiveness, and (2) the employee's high level of effectiveness has been sustained to the extent that it may be considered characteristic of his performance.

§ 531.412 Department plans—quality increase.

Each department shall establish a plan for granting quality increases. The plan shall include standards and procedures to provide for the granting of quality increases with reasonable consistency throughout the department and with fairness to all employees.

§ 531.413 Reports—quality increase.

The Commission, from time to time, may request departments to report on the use of the authority to grant quality increases.

Subpart E—Salary Retention

§ 531.501 Purpose.

The purpose of this subpart is to provide the regulations necessary to administer section 507 of the Classification Act and carry out the intent of Congress in establishing salary retention benefits for Classification Act employees whose demotions are without personal cause, not at their own request, and not in a reduction in force due to lack of funds or curtailment of work.

§ 531.502 Entitlement.

An employee who is demoted from one Classification Act grade to another and qualifies under section 507 of the act and this subpart is entitled to salary retention.

§ 531.503 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Department" has the meaning given that word by section 201(a) of the act.

(c) "Employee" means an officer or employee in a Classification Act position.

(d) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(e) "Salary retention" means an employee's entitlement to be paid at a rate fixed under the act and this subpart, and includes those rates preserved by section 2 of the Salary Retention Act.

(f) "Salary Retention Act" means the act of August 23, 1958, 72 Stat. 830, 5 U.S.C. 1107 note.

(g) "Salary retention period" means the period of not to exceed 2 continuous years during which an employee is entitled to salary retention under section 507 of the act.

§ 531.504 Documentation.

When an employee is granted the benefits of this subpart, the department concerned shall:

(a) Notify him of the action taken and the effective date thereof; and

(b) Make a written record of the action which becomes a permanent part of the employee's Official Personnel Folder even though no salary change occurs at the time of demotion.

§ 531.505 Equivalent tenure—excepted service.

When a department has established an employment system for its excepted service on a basis comparable to the career-conditional or career employment system in the competitive service, the department shall determine which excepted employees have tenure equivalent to career-conditional or career employees in the competitive service. When a department has not established such a system, each excepted employee having an appointment not limited to 1 year or less is deemed to have tenure equivalent to a career-conditional or career employee in the competitive service.

§ 531.506 Demotion for personal cause.

A demotion or other personnel action for personal cause is an action based on conduct, character, or inefficiency of the employee.

§ 531.507 Demotion at employee's request.

The reference in section 507(a)(3) of the act to the demotion of an employee "at his own request," includes a demotion to which he has consented in lieu of a proposed adverse action for personal cause, and one that he personally requests for another reason. The employee's consent to, or personal request for, a demotion shall be in writing and signed by the employee.

§ 531.508 Demotion in a reduction in force.

Salary retention does not apply to a demotion in a reduction in force due to (a) a lack of funds for personal services in the competitive area when that lack of funds results from a limitation imposed on a department or a military department by outside authority, or (b) a curtailment of the number of man hours required to perform the current work of the department in the competitive area.

§ 531.509 Continuous service.

The period of 2 continuous years of service immediately prior to a demotion required by section 507(a)(4) of the act must be served in a Classification Act position or in a position covered by § 539.201 of this chapter. This period includes any period or periods of nonpay status occurring in the 2-year period. Similarly, the salary retention period after demotion includes any period or periods in a nonpay status.

§ 513.510 Transfer of functions.

The movement of an employee with his function in a transfer of function between departments does not terminate or defeat the employee's eligibility for salary retention in determining whether he remained "in the same department," as required by section 507(a)(4) of the act.

§ 531.511 Work performance.

An employee who has not received an official rating of less than satisfactory covering any part of the 2-year period required to be served immediately prior to a demotion is eligible for salary retention.

§ 531.512 Rate determination.

(a) At the time of an employee's demotion, the department shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic compensation if he were not entitled to a retained rate. When the department does not select a higher rate under § 531.203(b), it shall determine the rate as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

(b) At the time of an employee's demotion, the department shall (1) record in the employee's Official Personnel Folder the rate selected in accordance with paragraph (a) of this section, and (2) make all determinations of within-grade increases, in accordance with Subpart D of this part, on this rate during the salary retention period and record these determinations in the employee's Official Personnel Folder.

§ 531.513 Retention period—reassignment.

(a) When an employee is reassigned to another position at his current grade level, the reassignment does not terminate his retained rate, except as provided in paragraph (b) of this section.

(b) When an employee is reassigned to another position at his current grade level for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work, the reassignment terminates his retained rate.

(c) An employee receiving a retained rate under Public Law 594, 84th Congress (70 Stat. 291), holds that retained rate without time limitation in accordance with that act. However, if the employee is reassigned, the department shall terminate his retained rate and adjust his rate of basic compensation in a manner comparable to that provided in § 531.515.

(d) When an employee's retained rate is terminated by reassignment, the department shall furnish him with a written notification of the effective date of the termination of the retained rate and of his right to appeal under § 531.516.

§ 531.514 Within-grade increases.

An employee with a retained rate is eligible for within-grade increase, only in the grade in which he is serving and on the rate selected under § 531.512.

§ 531.515 Pay adjustment.

When an employee's retained rate is terminated because of the expiration of the salary retention period, the department shall adjust his rate of basic compensation within the grade in which he is serving to the rate previously selected in accordance with § 531.512(a) together with any within-grade increases to which the employee became entitled during the salary retention period.

§ 531.516 Appeals to the Commission.

(a) *General.* An employee who is reduced in grade or compensation, or reassigned during his salary retention period, may appeal to the Commission from a decision of the department that (1) he is not entitled to salary retention, or (2) will terminate or adversely affect the salary retention he is currently receiving. This right of appeal does not in any way restrict an employee's entitlement to appeal to the Commission under another part of this chapter or under statute.

(b) *Departmental notification to employee.* When an employee is reduced in grade or compensation, or reassigned during a salary retention period, the department shall inform him in writing whether or not he is entitled to salary retention, or the salary retention he is currently receiving will be terminated or adversely affected. When a department decides that (1) an employee is not entitled to salary retention, or (2) the salary retention an employee is currently receiving will be terminated, the department shall inform him in writing of his right of appeal to the Commission under this section.

(c) *Time limit*—(1) *General.* Except as provided in subparagraph (2) of this paragraph, an employee may submit an appeal to the Commission at any time after his receipt of a decision to deny or terminate salary retention but not later than 30 calendar days after his demotion or reassignment has been effected.

(2) *Exceptions.* When an employee appeals a decision to deny or terminate salary retention to the department under established procedures, other than those based on Subpart B of Part 771 of this chapter, the time limit on an appeal to the Commission is not later than 30 calendar days after the final decision on the appeal to the department. The Commission may extend the time limits in this paragraph when the employee shows that he was not informed of his right of appeal or of the applicable time limit and was not otherwise aware of that right or that time limit, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(d) *How submitted.* The appeal shall be in writing and shall set forth the

employee's reasons why he considers the department's decision erroneous, with

Chaplain interns, Department of Health, Education, and Wel-

Medical or dental interns and residents:

Psychology student trainee, Department of the Navy: Approved

Student nurses:
Total for three years training

or attached to a hospital, clinic, or med-

employee's reasons why he considers the department's decision erroneous, with such offer of proof and evidence as he is able to submit.

(e) *Departmental action when Commission recommends corrective action.* (1) It is mandatory that the department take all corrective action recommended in the Commission's initial decision on an appeal unless it makes a timely appeal to the Board of Appeals and Review.

(2) The decision of the Board is final and compliance with its recommendation for corrective action is mandatory.

PART 534—PAY UNDER OTHER SYSTEMS

Subpart A—[Reserved]

Subpart B—Trainees in Government Hospitals

Sec.

534.201 Exclusions from the Federal Employees Pay Act and the Classification Act.
534.202 Maximum stipends.
534.203 Stipends of trainees assigned to Federal hospitals as affiliates.
534.204 Agency requests for additional exclusions.
534.205 Extent of regulations.

Subpart C—Scientific and Professional Positions Requiring Specially Qualified Personnel (Public Law 313-Type Positions)

534.301 Approval of agency pay determinations and adjustments.

Subpart A—[Reserved]

Subpart B—Trainees in Government Hospitals

AUTHORITY: §§ 201 to 205 issued under sec. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052.

§ 534.201 Exclusions from the Federal Employees Pay Act and the Classification Act.

In addition to the positions specifically excluded by the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 902), the Classification Act of 1949, as amended (5 U.S.C. 1082), and section 2 of the act of August 4, 1947 (5 U.S.C. 1052), the positions named in § 511.201 (b) of this chapter are excluded from the Federal Employees Pay Act and the Classification Act.

§ 534.202 Maximum stipends.

(a) The following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind) are prescribed for the positions named:

Auxiliary medical therapy students, Department of Health, Education, and Welfare, as follows: Vocational guidance counselors (student), recreation leaders (student), occupational therapists (student), vocational rehabilitation advisers (student), teachers (student) (educational administration and supervision), teachers (student) (business training), teachers (student) (music), teachers (student) (art), chaplains (student): Approved training after a minimum of one year college level training, part-time, per semester	$200.00
Chaplain interns, Department of Health, Education, and Welfare: First year approved clinical training following completion of three or more years approved postgraduate theological training	$3,600.00
Chaplain residents, Department of Health, Education, and Welfare: Fifteen months approved clinical training following completion of four or more years approved postgraduate theological training	5,250.00
Chaplain residents, Department of Health, Education, and Welfare: Third year approved clinical training following completion of five or more years approved postgraduate theological training	5,000.00
Chaplain student interns: Approved clinical training during second year approved postgraduate theological training: Department of Health, Education, and Welfare, per month	200.00
Government of the District of Columbia, no stipend other than any maintenance provided.	
Clinical psychology interns:	
Department of Health, Education, and Welfare: Second year approved postgraduate training (predoctoral)	3,400.00
Department of Health, Education, and Welfare and Government of the District of Columbia:	
Third year approved postgraduate training (predoctoral)	3,600.00
Fourth year approved postgraduate training (predoctoral)	4,000.00
Department of the Navy: Third year approved postgraduate training (predoctoral), no stipend other than any maintenance provided.	
Clinical psychology residents:	
Department of Health, Education, and Welfare and Government of the District of Columbia: First year approved postdoctoral training	6,000.00
Department of Health, Education, and Welfare: Second year approved postdoctoral training	7,000.00
Clinical psychology students, Department of Health, Education, and Welfare: First year approved postgraduate training	3,200.00
Counseling psychology interns and speech therapy interns, Department of Health, Education, and Welfare: Approved training during programs for graduate degree, no stipend other than any maintenance provided.	
Dental hygiene students, Department of Health, Education, and Welfare: Approved training during clinical affiliation, no stipend other than any maintenance provided.	
Dietetic interns (student dieticians): One year approved postgraduate training	2,000.00
Dietetic residents: Second year approved postgraduate training	2,400.00
Hospital administration interns, U.S. Public Health Service: First year approved postgraduate training	2,000.00
Hospital administration residents: Second year approved postgraduate training	3,400.00
Hospital administration residents, Freedmen's Hospital: Third year approved postgraduate training	2,600.00
Medical or dental interns and residents:	
Approved internship, per year	$3,800.00
First year approved residency	4,400.00
Second year approved residency	4,800.00
Third year approved residency	5,200.00
Fourth year approved residency	5,700.00
Medical record interns, U.S. Public Health Service: One year approved training, after a minimum of three years college level training	1,800.00
Medical record students, U.S. Public Health Service: One year approved training after two years college level training, no stipend other than any maintenance provided.	
Medical residents, Saint Elizabeths Hospital:	
First year approved residency	4,800.00
Second year approved residency	5,200.00
Third year approved residency	5,600.00
Medical student interns:	
Approved training during third year of medical school:	
Full-time, per month	200.00
Half-time, per month	100.00
Approved training during fourth year of medical school:	
Full-time, per month	216.00
Half-time, per month	108.00
Occupational therapy interns (student occupational therapists): Approved clinical training in affiliation with an approved school of occupational therapy, per month	166.00
Occupational therapy students, Department of the Army: Approved training after a minimum of one year college level training, per month	166.00
Pharmaceutical interns, U.S. Public Health Service: One year approved postgraduate training	2,000.00
Physical therapy interns (student physical therapists): Approved clinical training in affiliation with an approved school of physical therapy, per month	166.00
Physical therapy students, Department of the Army: Approved training after a minimum of one year college level training, per month	166.00
Practical nurse affiliates, Saint Elizabeths Hospital: Three months approved postgraduate training, no stipend other than any maintenance provided.	
Psychiatric nurse interns (postgraduate student nurses), Saint Elizabeths Hospital and U.S. Public Health Service: One year approved postgraduate training	2,000.00
Psychiatric nurse students, Saint Elizabeths Hospital: Approved training, undergraduate level per month	125.00
Psychodrama interns, Department of Health, Education, and Welfare:	
First year approved postgraduate training	3,200.00
Second year approved postgraduate training	3,400.00
Third year approved postgraduate training	3,600.00
Psychodrama residents, Department of Health, Education, and Welfare:	
Fourth year approved postgraduate training	4,000.00
Fifth year approved postgraduate training or first year approved postdoctoral training	5,000.00

Psychology student trainee, Department of the Navy: Approved postgraduate training in a summer practicum following attainment of bachelor's degree, no stipend other than any maintenance provided.	
Recreation interns, Department of Health, Education, and Welfare: One year approved postgraduate training	$2,000.00
Social worker interns (student social workers), U.S. Public Health Service: Approved postgraduate training during program for the Master of Science degree, part-time, per month	87.50
Sociology interns, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree, no stipend other than any maintenance provided.	
Student dental assistants, Department of Health, Education, and Welfare: Approved training during clinical affiliation, no stipend other than any maintenance provided.	
Student dental technicians, Department of Health, Education, and Welfare: Approved training during clinical affiliation, per hour	1.50
Student dietitians, Department of the Army and Department of Health, Education and Welfare: Approved training after a minimum of three years college level training, per month	166.00
Student education therapists and student manual arts therapists, Department of Health, Education, and Welfare: Approved training after a minimum of two years college level training, no stipend other than any maintenance provided.	
Student hospital administration interns, U.S. Public Health Service: Approved training prior to first year postgraduate training in hospital administration, no stipend other than any maintenanced provided.	
Student laboratory technicians, Department of the Army and U.S. Public Health Service: One year approved training after a minimum of two years college level training	1,600.00
Student medical librarians: First and second years approved postgraduate training during program for the Master of Science degree, total for the program, half-time	2,800.00
Student medical technologists (interns), Department of the Army and U.S. Public Health Service: One year approved training after a minimum of three years college level training	2,000.00
Student medical typists, Department of Health, Education, and Welfare: Approved training for a 90-day period, no stipend other than any maintenance provided.	
Student nurse anesthetists, Department of Health, Education, and Welfare: Eighteen months approved postgraduate training, per year	2,000.00
Student nurses:	
Total for three years training (diploma course)	$5,100.00
Department of the Army: Approved training in a degree program, after a minimum of two years college level training, part-time, per month	85.00
Student nursing assistants, Department of Health, Education, and Welfare: Eighteen weeks approved clinical training, no stipend other than any maintenance provided.	
Student pharmacists, U.S. Public Health Service: Approved training after a minimum of three years college level training, part-time, per month	22.50
Student practical nurses:	
D.C. General Hospital: Approved training during clinical affiliation, per month	20.00
Department of Health, Education, and Welfare: One year approved training, per month	100.00
U.S. Public Health Service: Approved training during clinical affiliation, U.S. Public Health Service hospitals generally, no stipend other than any maintenance provided; U.S. Public Health Service Hospital, New Orleans, Louisiana, per month	42.00
Student public health nutritionists, Department of Health, Education, and Welfare: Approved training during a program for a graduate degree, no stipend other than any maintenance provided.	
Student X-ray technicians:	
U.S. Public Health Service:	
First nine months approved training, per month	100.00
Subsequent three to nine months approved training per month	116.00
Department of Health, Education, and Welfare:	
First twelve months approved training, per month	116.00
Second twelve months approved training, per month	133.00

(b) The maximum stipends for Public Health Service positions in which duty requires intimate contact with persons afflicted with leprosy are increased above the rates prescribed in paragraph (a) of this section to the same extent that additional compensation is provided by Public Health Service Regulations (42 CFR 22.1) for employees under the Classification Act of 1949, as amended.

§ 534.203 Stipends of trainees assigned to Federal hospitals as affiliates.

A trainee at a non-Federal hospital assigned to a Federal hospital as an affiliate for part of his training may not receive a stipend from the Federal hospital other than any maintenance provided.

§ 534.204 Agency requests for additional exclusions.

(a) An agency may request the Commission to:

(1) Exclude from the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, positions in addition to those referred to in § 534.201 which are filled by student-employees who are assigned or attached to a hospital, clinic, or medical or dental laboratory; and

(2) Approve maximum stipends not provided in § 534.202.

The agency shall submit each request to the Commission with full supporting information, including complete identification of the positions concerned.

§ 534.205 Extent of regulations.

Maximum stipends provided in § 534.202 apply to any hospital, clinic, or medical or dental laboratory, operated by any department, agency, or instrumentality of the Federal Government or by the District of Columbia, unless rates of compensation are otherwise provided by law.

Subpart C—Scientific and Professional Positions Requiring Specially Qualified Personnel (Public Law 313-Type Positions)

§ 534.301 Approval of agency pay determinations and adjustments.

Each rate of compensation fixed for a scientific or professional position requiring specially qualified personnel under Public Law 80–313, or a similar statute, is subject to the prior approval of the Commission. The prior approval of the Commission is required for both original and subsequent appointments to these positions, and for the pay adjustment for an incumbent of such a position. When an agency requests the approval of the Commission for a rate of compensation or a pay adjustment, it shall submit adequate supporting information.

(Sec. 1, 61 Stat. 715, as amended; 5 U.S.C. 1161)

PART 539—CONVERSIONS BETWEEN PAY SYSTEMS

Subpart A—[Reserved]

Subpart B—Conversions to Classification Act Pay System

Sec.

539.201 Applicability.
539.202 Definitions.
539.203 Rate of basic compensation in conversion actions.

AUTHORITY: §§ 539.201 to 539.203 issued under sec. 1101, 63 Stat. 971, sec. 802(d) as added by sec. 604(b), 76 Stat. 848; 5 U.S.C. 1072, 1132(d).

Subpart A—[Reserved]

Subpart B—Conversions to Classification Act Pay System

§ 539.201 Applicability.

This subpart applies in fixing the rate of basic compensation of each officer and employee initially brought under the Classification Act by converting his position to a position subject to the act.

§ 539.202 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Department" has the meaning given that word by section 201(a) of the act.

(c) "Employee" means an officer or employee of a department to whom this subpart applies.

(d) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

§ 539.203 Rate of basic compensation in conversion actions.

When an employee occupies a position not subject to the Classification Act and the employee and his position are initially brought under the act pursuant to a reorganization plan or other legislation, an Executive order, or a decision of the Commission under section 203 of the act, the department shall determine the employee's rate of basic compensation as follows:

(a) When the employee is receiving a rate of basic compensation below the minimum rate of the grade in which his position is placed, his compensation shall be increased to the minimum rate.

(b) When the employee is receiving a rate of basic compensation equal to a rate in the grade in which his position is placed, his compensation shall be fixed at that rate.

(c) When the employee is receiving a rate of basic compensation that falls between two rates of the grade in which his position is placed, his compensation shall be fixed at the higher of the two rates.

(d) When the employee is receiving a rate of basic compensation above the maximum rate of the grade in which his position is placed, he is entitled to retain his former rate as long as he remains continuously in the same position or in a position of higher grade in the same department, or until he receives a higher rate of basic compensation by operation of the act and Part 531 of this chapter. The employee may retain his former rate on subsequent reassignment as defined in § 531.202(m) of this chapter. If the employee is subsequently demoted to a position under the act, the department shall determine his rate of basic compensation in accordance with § 531.203(b) or Subpart E of Part 531 of this chapter, as appropriate.

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart A—Premium Pay

GENERAL PROVISIONS

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550.102 Entitlement.
550.103 Definitions.
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Subpart A—Premium Pay

AUTHORITY §§ 550.101 to 550.164 issued under sec. 605, 59 Stat. 304; 5 U.S.C. 945; §§ 550.141 to 550.164 also issued under sec. 401, added by sec. 208(a), 68 Stat. 1111, as amended; 5 U.S.C. 926.

GENERAL PROVISIONS

§ 550.101 Coverage and exemptions.

(a) *Employees to whom this subpart applies.* (1) This subpart applies to each civilian officer and employee in or under the executive branch of the Federal Government, including a Government-owned or controlled corporation, except those named in paragraph (b) of this section.

(2) The sections in this subpart incorporating special provisions for certain types of work (§§ 550.141 to 550.164, inclusive) apply also to each officer and employee of the judicial branch, legislative branch, and the government of the District of Columbia who is subject to titles II, III, and IV of the Federal Employees Pay Act of 1945, as amended.

(b) *Employees to whom this subpart does not apply.* This subpart does not apply to:

(1) An elected official;

(2) The head of a department;

(3) An officer or employee in the field service of the Post Office Department;

(4) An employee whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by a wage board or similar administrative authority serving the same purpose, except that § 550.113(d) is applicable to such an employee whose rate of basic compensation is fixed on an annual or monthly basis;

(5) An employee outside the continental United States or in Alaska who is paid in accordance with local prevailing wage rates for the area in which employed;

(6) An officer or employee of the Inland Waterways Corporation;

(7) An officer or employee of the Tennessee Valley Authority;

(8) An officer or employee of the Central Intelligence Agency (sec. 10, 63 Stat. 212, as amended; 50 U.S.C. 403j);

(9) A seaman to whom section 1(a) of the act of March 24, 1943 (57 Stat. 45; 50 U.S.C. App. 1291(a)) applies;

(10) An officer or member of the United States Park Police or the White House Police;

(11) An officer or member of the crew of a vessel, whose compensation is fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry (30 Comp. Gen. 158);

(12) A civilian keeper of a lighthouse, or a civilian employed on a lightship or another vessel of the Coast Guard (14 U.S.C. 432(f));

(13) A physician, dentist, nurse, or any other employee in the Department of Medicine and Surgery, Veterans Administration, whose compensation is fixed under chapter 73, title 38, United States Code;

(14) A student nurse, medical or dental intern, resident-in-training, student dietician, student physical therapist, or student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by a department, agency, or intrumentality of the Federal Government or any other student employee, assigned or attached to such a hospital, clinic, or laboratory primarily for training purposes, who is designated by the head of the department, agency, or instrumentality with the approval of the Commission;

(15) An employee of the Weather Bureau, Department of Commerce, engaged in the conduct of meteorological investigations in the Arctic region (62 Stat. 286; 15 U.S.C. 327);

(16) An officer or employee of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives; or

(17) A "teacher" or an individual holding a "teaching position" as defined by 5 U.S.C. 2351 (5 U.S.C. 2358(a)).

(c) *Services to which this subpart does not apply.* This subpart does not apply to overtime, night, or holiday services for which additional compensation is provided by the act of:

(1) February 13, 1911, as amended (36 Stat. 899, as amended; 19 U.S.C. 261, 267), involving inspectors, storekeepers, weighers, and other customs officers and employees;

(2) July 24, 1919 (41 Stat. 241; 7 U.S.C. 394), involving employees engaged in enforcement of the Meat Inspection Act;

(3) June 17, 1930, as amended (46 Stat. 715, as amended; 19 U.S.C. 1450, 1451, 1452), involving customs officers and employees;

(4) March 2, 1931 (46 Stat. 1467; 5 U.S.C. 342c), involving inspectors and employees, Immigration and Naturalization Service;

(5) May 27, 1936, as amended (49 Stat. 1380, as amended; 46 U.S.C. 382b), involving local inspectors of steam vessels and assistants, U.S. shipping commissioners, deputies, and assistants, and customs officers and employees;

(6) March 23, 1941 (55 Stat. 46; 47 U.S.C. 154(f)(3)), involving certain engineers of the Federal Communications Commission;

(7) June 3, 1944 (58 Stat. 269; 19 U.S.C. 1451a), involving customs officers and employees;

(8) August 4, 1949 (63 Stat. 495; 7 U.S.C. 349a), involving employees of the Bureau of Animal Industry who work at establishments which prepare virus, serum, toxin, and analogous products for use in the treatment of domestic animals; or

(9) August 28, 1950 (64 Stat. 561; 5 U.S.C. 576), involving employees of the Department of Agriculture performing inspection or quarantine services relating to imports into and exports from the United States.

§ 550.102 Entitlement.

A department (and for the purpose of §§ 550.141 to 550.164, inclusive, a legislative or judicial agency and the government of the District of Columbia) shall determine an employee's entitlement to premium pay in accordance with the Act and this subpart.

§ 550.103 Definitions.

In this subpart:

(a) "Act" means the Federal Employees Pay Act of 1945, as amended.

(b) "Department" means an executive department, a military department, and an independent establishment or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(c) "Agency" means (1) a department as defined in paragraph (b) of this section, (2) the government of the District of Columbia, and (3) a legislative or judicial agency which has positions that are subject to titles II, III, and IV of the Act.

(d) "Employee" means an officer or employee to whom this subpart applies.

(e) "Head of a department" means the head of department and, except for the purpose of § 550.101(b)(2), an official who has been delegated authority to act for the head of a department in the matter concerned.

(f) "Night pay differential" means the additional compensation authorized by section 301 of the Act for nightwork.

(g) "Irregular or occasional overtime work" means overtime work which is not regularly scheduled.

(h) "Regular overtime work" means overtime work which is regularly scheduled.

(i) "Overtime work" has the meaning given that term by § 550.111(a), and includes irregular or occasional overtime work and regular overtime work.

(j) "Premium pay" means additional compensation authorized by the Act and this subpart for overtime, night, or holiday work, and standby duty.

(k) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(l) "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that are scheduled in advance and during which an employee is required to perform work on a regularly recurring basis.

(m) "Administrative workweek" means a period of 7 consecutive calendar days designated in advance by the head of a department under section 604(a) of the Act.

(n) "Basic workweek," for full-time employees, means the 40-hour workweek established in accordance with § 610.111 of this chapter.

(o) "Regularly scheduled administrative workweek," for full-time employees, means the period within an administrative workweek established in accordance with § 610.111 of this chapter within which these employees are required to be on duty regularly. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which these employees are required to be on duty regularly.

§ 550.104 General pay computation method.

(a) For pay computation purposes affecting an employee, the annual rate of basic compensation established by or under statute is deemed payment for employment during 52 basic workweeks.

(b) When it is necessary for computation of premium pay under this subpart to convert an annual rate of basic compensation to a basic hourly, daily, weekly, or biweekly rate, the following rules govern:

(1) To derive an hourly rate, divide the annual rate by 2,080.

(2) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required.

(3) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

Rates are computed in full cents, counting a fraction of a cent as the next higher cent.

§ 550.105 Maximum limitation.

An employee may be paid premium pay under this subpart only to the extent that the payment does not cause his aggregate rate of compensation for any pay period to exceed the maximum rate for GS–15.

OVERTIME PAY

§ 550.111 Authorization of overtime pay.

(a) Overtime work means each hour of work in excess of 40 hours in an administrative workweek that is:

(1) Officially ordered or approved; and

(2) Performed by an employee.

(b) Except as otherwise provided in this subpart, a department shall pay for overtime work at the rates provided in § 550.113.

(c) Overtime work in excess of any included in a regularly scheduled administrative workweek may be ordered or approved only in writing by an officer or employee to whom this authority has been specifically delegated.

§ 550.112 Computation of overtime work.

The computation of the amount of overtime work of an employee is subject to the following conditions:

(a) *Leave with pay.* An employee's absence from duty on authorized leave with pay under the Annual and Sick Leave Act of 1951, as amended, during the time when he would otherwise have been required to be on duty during a basic workweek (including authorized absence on a legal holiday, on a nonworkday established by Executive or administrative order, and on compensatory time off as provided in § 550.114) is deemed employment and does not reduce the amount of overtime pay to which the employee is entitled during an administrative workweek. Leave of absence with pay under the Annual and Sick Leave Act of 1951, as amended, is charged only for an absence that occurs during a basic workweek.

(b) *Leave without pay.* For a period of leave without pay in an employee's basic workweek, an equal period of service performed outside the basic workweek, but in the same administrative workweek, shall be substituted and paid for at the rate applicable to his basic workweek before any remaining period of service may be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as provided by paragraph (a) of this section, as expressly authorized by statute, or to the extent authorized while the employee is in a travel status, a period is counted as overtime work only when the employee actually performs work during the period or is taking compensatory time off as provided in § 550.114.

(d) *Night or holiday work.* Hours of night or holiday work are included in determining for overtime pay purposes the total number of hours of employment in the same administrative workweek.

(e) *Time in travel status.* Time in travel status away from the official duty-station of an employee is deemed employment only when:

(1) It is within his regularly scheduled administrative workweek, including regular overtime work; or

(2) The travel involves the performance of actual work while traveling or is carried out under such arduous and unusual conditions that the travel is inseparable from work.

(f) *Call-back overtime work.* Irregular or occasional overtime work performed by an employee on a day when work was not scheduled for him, or for which he is required to return to his place of employment, is deemed at least 2 hours in duration for the purpose of premium pay, either in money or compensatory time off.

§ 550.113 Computation of overtime pay.

(a) For each officer or employee whose rate of compensation does not exceed the minimum rate of grade GS–9 of the Classification Act of 1949, as amended, the overtime hourly rate is one and one-half times his hourly rate of basic compensation.

(b) For each officer or employee whose rate of basic compensation exceeds the minimum rate of GS–9 of the Classification Act of 1949, as amended, the overtime hourly rate is one and one-half times the hourly rate of basic compensation at the minimum rate of grade GS–9.

(c) An employee is compensated for overtime work performed on a Sunday or a holiday at the same rate as for overtime work performed on another day.

(d) An employee whose rate of basic compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by a wage board or similar administrative authority serving the same purpose is entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934, as amended (48 Stat. 522, as amended; 5 U.S.C. 673c). The rate of compensation for each hour of overtime work of such an employee is computed as follows:

(1) If the rate of basic compensation of the employee is fixed on an annual basis, divide the rate of basic compensation by 2,080 and multiply the quotient by one and one-half; and

(2) If the rate of basic compensation of the employee is fixed on a monthly basis, multiply the rate of basic compensation by 12 to derive an annual rate of basic compensation, divide the annual rate of basic compensation by 2,080 and multiply the quotient by one and one-half. Rates are computed in full cents, counting a fraction of a cent as the next higher cent.

§ 550.114 Compensatory time off for irregular or occasional overtime work.

(a) At the request of an employee, the head of a department may grant him compensatory time off from his tour of duty instead of payment under § 550.113 for an equal amount of irregular or occasional overtime work.

(b) The head of a department may provide that an employee whose rate of basic compensation exceeds the maximum rate of grade GS–9 of the Classification Act of 1949, as amended, shall be compensated for irregular or occasional overtime work with an equivalent amount of compensatory time off from his tour of duty instead of payment under § 550.113.

(c) The head of a department may fix a time limit for an employee to request or take compensatory time off and may provide that an employee who fails to take compensatory time off to which he is entitled under paragraph (a) or (b) of this section before the time limit fixed, shall lose his right both to compensatory time off and to overtime pay unless his failure is due to an exigency of the service beyond his control.

NIGHT PAY

§ 550.121 Authorization of night pay differential.

(a) Except as provided by paragraph (b) of this section, nightwork is regularly scheduled work between the hours of 6:00 p.m. and 6:00 a.m. Subject to § 550.122, and except as otherwise provided in this subpart, an employee is entitled to compensation for nightwork at his rate of basic compensation plus a night pay differential amounting to 10 percent of his rate of basic compensation.

(b) The head of a department may designate a time after 6:00 p.m. and a time before 6:00 a.m. as the beginning and end, respectively, of nightwork for the purpose of paragraph (a) of this section, at a post outside the United States where the customary hours of business extend into the hours of nightwork provided by paragraph (a) of this section. Times so designated as the beginning or end of nightwork shall correspond reasonably with the end or beginning, respectively, of the customary hours of business in the locality.

§ 550.122 Computation of night pay differential.

(a) *Absence on holidays or in travel status.* An employee is entitled to a night pay differential for a period when he is excused from nightwork on a holiday or other nonworkday and for night hours of his tour of duty while he is in an official travel status, whether performing actual duty or not.

(b) *Absence on leave.* An employee is entitled to a night pay differential for a period of paid leave only when the total amount of that leave in a pay period, including both night and day hours, is less than 8 hours.

(c) *Relation to overtime and holiday pay.* Night pay differential is in addition to overtime or holiday compensation payable under this subpart and it is not included in the rate of basic compensation used to compute the overtime or holiday compensation. An employee earns the same amount of night pay differential during a night overtime period, whether he is paid in money or granted compensatory time off for the overtime work.

(d) *Temporary assignment to different tour of duty.* An employee is entitled to a night pay differential for nightwork performed when he is assigned temporarily to a tour of duty other than his own.

PAY FOR HOLIDAY WORK

§ 550.131 Authorization of pay for holiday work.

(a) Except as otherwise provided in this subpart, an employee who performs work on a holiday is entitled to compensation at his rate of basic compensation plus premium pay at a rate equal to his rate of basic compensation for that holiday work which is not:

(1) In excess of 8 hours; or

(2) Overtime work.

(b) An employee is entitled to compensation for overtime work on a holiday at the same rate as for overtime work on other days.

(c) An employee who is assigned to duty on a holiday is entitled to compensation for at least 2 hours of holiday work.

§ 550.132 Relation to overtime and night pay.

(a) Premium pay for holiday work is in addition to overtime compensation or night pay differential payable under this subpart and is not included in the rate of basic compensation used to compute the overtime compensation or night pay differential.

(b) Notwithstanding premium pay for holiday work, the number of hours of holiday work are included in determining for overtime pay purposes the total number of hours of work performed in the administrative workweek in which the holiday occurs.

(c) The number of regularly scheduled hours of duty on a holiday that fall within an employee's basic workweek on which the employee is excused from duty are part of the basic workweek for overtime pay computation purposes.

REGULARLY SCHEDULED STANDBY DUTY PAY

§ 550.141 Authorization of premium pay on an annual basis.

An agency may pay premium pay on an annual basis, instead of the premium pay prescribed in this subpart for regularly scheduled overtime, night, and holiday work, to an employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work. Premium pay under this section is determined as an appropriate percentage, not in excess of 25 percent, of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9.

§ 550.142 General restrictions.

An agency may pay premium pay under § 550.141 only if that premium pay, over a period appropriate to reflect the full cycle of the employee's duties and the full range of conditions in his position, would be:

(a) More than the premium pay which would otherwise be payable under this subpart for the hours of actual work customarily required in his position, excluding standby time during which he performs no work; and

(b) Less than the premium pay which would otherwise be payable under this subpart for the hours of duty required in his position, including standby time during which he performs no work.

§ 550.143 Bases for determining positions for which premium pay under § 550.141 is authorized.

(a) The requirement for the type of position referred to in § 550.141 that an employee regularly remain at, or within the confines of, his station must meet all the following conditions:

(1) The requirement must be definite and the employee must be officially ordered to remain at his station. The employee's remaining at his station must not be merely voluntary, desirable, or a result of geographic isolation, or solely because the employee lives on the grounds.

(2) The hours during which the requirement is operative must be included in the employee's tour of duty. This tour of duty must be established on a regularly recurring basis over a substantial period of time, generally at least a few months. The requirement must not be occasional, irregular, or for a brief period.

(3) The requirement must be associated with the regularly assigned duties of the employee's job, either as a continuation of his regular work which includes standby time, or as a requirement to stand by at his post to perform his regularly assigned duties if the necessity arises.

(b) The words "at, or within the confines of, his station", in § 550.141 mean one of the following:

(1) At an employee's regular duty station.

(2) In quarters provided by an agency, which are not the employee's ordinary living quarters, and which are specifically provided for use of personnel required to stand by in readiness to perform actual work when the need arises or when called.

(3) In an employee's living quarters, when designated by the agency as his duty station and when his whereabouts is narrowly limited and his activities are substantially restricted. This condition exists only during periods when an employee is required to remain at his quarters and is required to hold himself in a state of readiness to answer calls for his services. This limitation on an employee's whereabouts and activities is distinguished from the limitation placed on an employee who is subject to call outside his tour of duty but may leave his quarters provided he arranges for someone else to respond to calls or leaves a telephone number by which he can be reached should his services be required.

(c) The words "longer than ordinary periods of duty" in § 550.141 mean more than 40 hours a week.

(d) The words "a substantial part of which consists of remaining in a standby status rather than performing work" in § 550.141 refer to the entire tour of duty. This requirement is met:

(1) When a substantial part of the entire tour of duty, at least 25 percent, is spent in a standby status which occurs throughout the entire tour;

(2) If certain hours of the tour of duty are regularly devoted to actual work and others are spent in a standby status, that part of the tour of duty devoted to standing by is at least 25 percent of the entire tour of duty; or

(3) When an employee has a basic workweek requiring full-time performance of actual work and is required, in addition, to perform standby duty on certain nights, or to perform standby duty on certain days not included in his basic workweek.

(e) An employee is in a standby status, as referred to in § 550.141, only at times when he is not required to perform actual work and is free to eat, sleep, read, listen to the radio, or engage in other similar pursuits. An employee is performing actual work, rather than being in a standby status, when his full attention is devoted to his work, even though the nature of his work does not require constant activity (for example, a guard on duty at his post and a technician continuously observing instruments are engaged in the actual work of their positions). Actual work includes both work performed during regular work periods and work performed when called out during periods ordinarily spent in a standby status.

§ 550.144 Rates of premium pay payable under § 550.141.

(a) An agency may pay the premium pay on an annual basis referred to in § 550.141, to an employee who meets the requirements of that section, at one of the following percentages of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9:

(1) A position with a tour of duty of the 24 hours on duty, 24 hours off duty type and with a schedule of: 60 hours a week—5 percent, unless 25 or more hours of actual work is cutomarily required, in which event—10 percent; 72 hours a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event—20 percent; 84 hours or more a week—25 percent.

(2) A position with a tour of duty requiring the employee to remain on duty during all daylight hours each day, or for 12 hours each day, or for 24 hours each day, with the employee living at his station during the period of his assignment to his tour, and with a schedule of: 5 days a week—5 percent, unless 25 or more hours of actual work is cutomarily required, in which event—10 percent; 6 days a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event 20 percent; 7 days a week—25 percent.

(3) A position in which the employee has a basic workweek requiring fulltime performance of actual work, and is required, in addition, to remain on standby duty; 14 to 18 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—15 percent; 19 to 27 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—20 percent; 28 or more hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—25 percent; 7 to 9 hours on one or more of his regular weekly nonworkdays—15 percent; 10 to 13 hours on one or more of his regular weekly nonworkdays—15 percent; 14 or more hours on one or more of his regular weekly nonworkdays—25 percent.

(b) If an employee is eligible for premium pay on an annual basis under § 550.141, but none of the percentages in paragraph (a) of this section is applicable, or unusual conditions are present which seem to make the applicable rate unsuitable, the agency may propose a rate of premium pay on an annual basis for the Commission's approval. The proposal shall include full information bearing on the employee's tour of duty; the number of hours of actual work required and how it is distributed over the tour of duty; the number of hours in a standby status required and the extent to which the employee's whereabouts and activities are restricted during standby periods; the extent to which the assignment is made more onerous by night or holiday duty or by hours of duty beyond 40 a week; and any other pertinent conditions.

ADMINISTRATIVELY UNCONTROLLABLE WORK

§ 550.151 Authorization of premium pay on an annual basis.

An agency may pay premium pay on an annual basis, instead of other premium pay prescribed in this subpart except premium pay for regular overtime work, to an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular or occasional overtime work and work at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. Premium pay under this section is determined as an appropriate percentage, not in excess of 15 percent, of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9.

§ 550.152 General restrictions.

An agency may pay premium pay under § 550.151 only if that premium pay, over a period appropriate to reflect the full cycle of the employee's duties and the full range of conditions in his position, would be less than the premium pay which would otherwise be payable under this subpart for the hours of duty required in his position, exclusive of regular overtime work.

§ 550.153 Bases for determining positions for which premium pay of 15 percent under § 550.151 is authorized.

(a) The requirement in § 550.151 that a position be one in which the hours of duty cannot be controlled administratively is inherent in the nature of such a position. A typical example of a position which meets this requirement is that of an investigator of criminal activities whose hours of duty are governed by what criminals do and when they do

it. He is often required to perform such

it. He is often required to perform such duties as shadowing suspects, working incognito among those under suspicion, searching for evidence, meeting informers, making arrests, and interviewing persons having knowledge of criminal or alleged criminal activities. His hours on duty and place of work depend on the behavior of the criminals or suspected criminals and cannot be controlled administratively. In such a situation, the hours of duty cannot be controlled by such administrative devices as hiring additional personnel; rescheduling the hours of duty (which can be done when, for example, a type of work occurs primarily at certain times of the day); or granting compensatory time off duty to offset overtime hours required.

(b) In order to satisfactorily discharge the duties of a position referred to in § 550.151, an employee is required to perform substantial amounts of irregular or occasional overtime work and work at night and on holidays. In regard to this requirement:

(1) A substantial amount of irregular or occasional overtime work means an average of at least 6 hours a week of that overtime work.

(2) The irregular or occasional overtime work is a continual requirement, generally averaging more than once a week.

(3) There must be a definite basis for anticipating that the irregular or occasional overtime work will continue over an appropriate period with a duration and frequency sufficient to meet the requirements under subparagraphs (2) and (3) of this paragraph, and that night and holiday work will be performed from time to time.

(c) The words in § 550.151 that an employee is generally "responsible for recognizing, without supervision, circumstances which require him to remain on duty" mean that:

(1) The responsibility for an employee remaining on duty when required by circumstances must be a definite, official, and special requirement of his position.

(2) The employee must remain on duty not merely because it is desirable, but because of compelling reasons inherently related to continuance of his duties, and of such a nature that failure to carry on would constitute negligence.

(3) The requirement that the employee is responsible for recognizing circumstances does not include such clear-cut instances as, for example, when an employee must continue working because a relief fails to report as scheduled.

(d) The words "circumstances which require him to remain on duty" as used in § 550.151 mean that:

(1) The employee is required to continue on duty in continuation of a full daily tour of duty or that after the end of his regular workday, the employee resumes duty in accordance with a prearranged plan or an awaited event. Performance of only call-back overtime work referred to in § 550.112(f) does not meet this requirement.

(2) The employee has no choice as to when or where he may perform the work when he remains on duty in continuation of a full daily tour of duty. This differs from a situation in which an employee has the option of taking work home or doing it at the office; or doing it in continuation of his regular hours of duty or later in the evening. It also differs from a situation in which an employee has such latitude in his working hours, as when in a travel status, that he may decide to begin work later in the morning and continue working later at night to better accomplish a given objective.

§ 550.154 Rates of premium pay payable under § 550.151.

(a) An agency may pay the premium pay on an annual basis referred to in § 550.151 to an employee who meets the requirements of that section, at the rate of 15 percent of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9.

(b) If an agency proposes to pay an employee premium pay on an annual basis under § 550.151 but unusual conditions seem to make the applicable rate in paragraph (a) of this section unsuitable, the agency may propose a lesser rate of premium pay on an annual basis for the Commission's approval. The proposal shall include full information bearing on the frequency and duration of the irregular or occasional overtime work and the night and holiday work required; the nature of the work which prevents hours of duty from being controlled administratively; the necessity for the employee's being generally responsible for recognizing, without supervision, circumstances which require him to remain on duty; and any other pertinent conditions.

General Rules Governing Payments of Premium Pay on an Annual Basis

§ 550.161 Responsibilities of the agencies.

The head of each agency, or an official who has been delegated authority to act for the head of an agency in the matter concerned, is responsible for:

(a) Fixing tours of duty; ordering employees to remain at their stations in a standby status; and placing responsibility on employees for remaining on duty when required by circumstances.

(b) Determining, in accordance with section 401(1) and section 401(2) of the act and this subpart, which employees shall receive premium pay on an annual basis under section 550.141 or section 550.151. These determinations may not be retroactive.

(c) Determining the number of hours of actual work to be customarily required in positions involving longer than ordinary periods of duty, a substantial part of which consists of standby duty. This determination shall be based on consideration of the time required by regular, repetitive operations, available records of the time required in the past by other activities, and any other information bearing on the number of hours of actual work which may reasonably be expected to be required in the future.

(d) Determining the number of hours of irregular or occasional overtime work to be customarily required in positions which require substantial amounts of irregular or occasional overtime work, and work at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. This determination shall be based on consideration of available records of the hours of irregular or occasional overtime work required in the past, and any other information bearing on the number of hours of duty which may reasonably be expected to be required in the future.

(e) Determining the rate of premium pay fixed by the Commission under § 550.144 or § 550.154 which is applicable to each employee compensated under § 550.141 or § 550.151; or, if no rate fixed under § 550.144 or § 550.154 is considered applicable, proposing a rate of premium pay on an annual basis to the Commission.

(f) Reviewing determinations under paragraphs (b), (c), (d) and (e) of this section at appropriate intervals, and discontinuing payments or revising rates of premium pay on an annual basis in each instance when that action is necessary to meet the requirements of section 401(1) or section 401(2) of the act and this subpart.

§ 550.162 Payment provisions.

(a) Except as otherwise provided in this section, an employee's premium pay on an annual basis under § 550.141 or § 550.151 begins on the date that he enters on duty in the position concerned for purposes of basic compensation, and ceases on the date that he ceases to be paid basic compensation in the position.

(b) When an employee is in a position in which conditions warranting premium pay on an annual basis under § 550.141 or § 550.151 exist only during a certain period of the year, such as during a given season, an agency may pay the employee premium pay on an annual basis only during the period he is subject to these conditions.

(c) An agency may continue to pay an employee premium pay on an annual basis under § 550.141 or § 550.151:

(1) For a period of not more than 10 consecutive prescribed workdays on temporary assignment to other duties in which conditions do not warrant payment of premium pay on an annual basis, and for a total of not more than 30 workdays in a calendar year while on such a temporary assignment.

(2) For an aggregate period of not more than 60 prescribed workdays on temporary assignment to a formally approved program for advanced training duty directly related to duties for which premium pay on an annual basis is payable.

An agency may not continue to pay an employee premium pay on an annual basis under this paragraph for more than 60 workdays in a calendar year.

(d) When an employee is not entitled to premium pay on an annual basis under § 550.141 or § 550.151, he is entitled to be paid for overtime, night and holiday work in accordance with other sections of this subpart.

(e) An agency shall continue to pay an employee premium pay on an annual basis under § 550.141 or § 550.151 while he is on leave with pay during a period in which premium pay on an annual basis is payable under paragraphs (a), (b), and (c) of this section.

§ 550.163 Relationship to other payments.

(a) An employee receiving premium pay on an annual basis under § 550.141 may not receive premium pay for regular overtime work or work at night or on a holiday under any other section of this subpart. An agency shall pay the employee in accordance with §§ 550.113 and 550.114 for irregular or occasional overtime work in excess of his weekly tour of duty.

(b) An employee receiving premium pay on an annual basis under § 550.151 may not receive premium pay for irregular or occasional overtime work or work at night or on a holiday under any other section of this subpart. An agency shall pay the employee in accordance with other sections of this subpart for regular overtime work.

(c) Overtime, night, or holiday work compensated under any statute other than the act is not a basis for payment of premium pay on an annual basis under § 550.141 or § 550.151.

(d) Premium pay on an annual basis under § 550.141 or § 550.151 is not base pay and is not included in the base used in computing retirement deductions, foreign and nonforeign allowances and differentials, or any other benefits or deductions that are computed on base pay alone.

§ 550.164 Construction and computation of existing aggregate rates.

(a) Pursuant to section 208(b) of the act of September 1, 1954 (68 Stat. 1111), nothing in this subpart relating to the payment of premium pay on an annual basis may be construed to decrease the existing aggregate rate of compensation of an employee on the rolls of an agency immediately before the date section 401 of the act is made applicable to him by administrative action.

(b) When it is necessary to determine an employee's existing aggregate rate of compensation (referred to in this section as existing aggregate rate), an agency shall determine it on the basis of the earnings the employee would have received over an appropriate period (generally 1 year) if his tour of duty immediately before the date section 401 of the act is made applicable to him had remained the same. In making this determination, basic compensation and premium pay for overtime, night, and holiday work are included in the earnings the employee would have received. Premium pay for irregular or occasional overtime work may be included only if it was of a significant amount in the past and the conditions which required it are expected to continue.

(c) An agency shall recompute an employee's rate of compensation based on premium pay on an annual basis when he receives subsequent increases in his rate of basic compensation in order to determine whether or not the employee should continue to receive an existing aggregate rate or be paid premium pay on an annual basis.

(d) Except as otherwise provided by statute, an agency may not use subsequent increases in an employee's rate of basic compensation to redetermine or increase the employee's existing aggregate rate. However, these increases shall be used for other pay purposes, such as the computation of retirement deductions and annuities, payment of overseas allowances and post-differentials, and determination of the highest previous rate under Part 531 of this chapter.

(e) When an agency elects to pay an employee premium pay on an annual basis, he is entitled to continue to receive hourly premium pay properly payable under titles II and III of the act until his base pay plus premium pay on an annual basis equals or exceeds his existing aggregate rate. When this occurs, the agency shall pay the employee his base pay plus premium pay on an annual basis.

(f) Except when terminated under paragraph (e) of this section, an agency shall continue to pay an employee an existing aggregate rate so long as:

(1) He remains in a position to which § 550.141, § 550.151, or § 550.162(c) is applicable;

(2) His tour of duty does not decrease in length; and

(3) He continues to perform equivalent night, holiday, and irregular or occasional overtime work.

(g) If an employee who is entitled to an existing aggregate rate moves from one position to another in the same agency, both of which are within the scope of section 401 of the Act, he is entitled to be paid an existing aggregate rate in the new position such as he would have received had he occupied that position when the agency elected to make section 401 of the Act applicable to it.

Subpart B—[Reserved]

Subpart C—Allotments and Assignments From Federal Employees

Authority: §§ 550.301 to 550.308 issued under sec. 6, 75 Stat. 664; 5 U.S.C. 3076; E.O. 10982; 27 F.R. 3, 3 CFR, 1962 Supp.

§ 550.301 Definitions.

In this subpart:

(a) "Act" means the act of September 26, 1961 (75 Stat. 662; 5 U.S.C. 3071).

(b) "Allottee" means the person or institution to whom an allotment is made payable.

(c) "Allotter" means the employee from whose compensation an allotment is made.

(d) "Allotment" means an allotment or assignment of a definite amount of compensation to be paid to an allottee.

(e) "Compensation" means the net pay due an employee after all deductions authorized by law (such as retirement or social security deductions, Federal withholding tax, and others, when applicable) have been made.

(f) "Department" means an Executive department and an independent establishment or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(g) "Employee" means an officer or employee of a department.

(h) "Continental United States" means the several States and the District of Columbia, but excluding Alaska and Hawaii.

§ 550.302 Authority of a department.

(a) A department may permit allotments under section 5 of the Act only in accordance with the Act and this subpart.

(b) The head of a department may prescribe such additional regulations governing allotments, not inconsistent with the Act and this subpart, as he considers necessary.

§ 550.303 Authorized allotters.

Only an employee who is serving under an appointment not limited to 6 months or less may make an allotment.

§ 550.304 Circumstances under which allotments are permitted.

(a) A department may permit an employee to make an allotment on a current basis when he is:

(1) Assigned to a post of duty outside the continental United States;

(2) Working on an assignment away from his regular post of duty when the assignment is expected to continue for 3 months or more; or

(3) Serving as an officer or member of a crew of a vessel under the control of the Federal Government.

(b) A department may permit an employee to authorize an allotment to be effective on the issuance of an order of evacuation under section 2 or 3 of the Act. Payment of such an allotment may not be made until the issuance of the order.

§ 550.305 Purposes for which allotments may be made.

(a) A department may permit an employee to make an allotment for any of the following purposes:

(1) The support of relatives or dependents of the allotter;

(2) Savings;

(3) Payment of commercial insurance premiums on the life of the allotter;

(4) Payment of U.S. Government Insurance or National Service Life Insurance;

(5) Any other purpose, not otherwise prohibited, when approved by the head of the department or his authorized representative.

(b) A department may not permit an employee to make an allotment for any of the following purposes:

(1) Payment of indebtedness, except when the head of the department specifically provides otherwise;

(2) Contribution to charity; or

(3) Payment of dues to civic, fraternal, or other organizations.

§ 550.306 Authorized allottees.

(a) An employee may make an allotment to a person, a corporation, financial institution, or an agency for any of the purposes permitted by § 550.305(a).

(b) The allotter shall designate the allottee specifically and in writing.

§ 550.307 Limitations on allotments.

(d) "Executive order" means Execu-

§ 550.307 Limitations on allotments.

(a) An allotment shall be disbursed on one of the employee's regularly designated paydays and in accordance with the conditions of the allotment, except when the department and allotter agree on a later date.

(b) An employee may have only one allotment payable to the same allottee at the same time.

(c) The total number of allotments may not exceed the compensation due the allotter for a particular period.

§ 550.308 Discontinuance of allotment.

A department shall discontinue paying an allotment when:

(a) The allotter dies, retires, or is separated from the Federal service;

(b) The allottee dies or his whereabouts are unknown;

(c) A written notice to discontinue is given by an allotter or an authorized official of the department concerned; or

(d) The circumstances under which an allotment is permitted under § 550.304 no longer exist.

Subpart D—Payments During Evacuation

AUTHORITY: §§ 550.401 to 550.407 issued under sec. 6, 75 Stat. 644; 5 U.S.C. 3076; E.O. 10982; 27 F.R. 3, 3 CFR, 1962 Supp.

§ 550.401 Purpose.

The purpose of this subpart is to provide the authority necessary for a department to administer the act (except section 5), by establishing an efficient, orderly, and equitable procedure for the payment of compensation, allowances, and differentials in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military reasons or because of imminent danger to their lives.

§ 550.402 Applicability.

This subpart applies to departments which exercise the authority under the Act and Executive order to provide for payments for their employees who are located in United States areas.

§ 550.403 Employee coverage.

This subpart applies to:

(a) Civilian employees of a department who are United States citizens or who are United States nationals;

(b) Civilian employees of a department who are not citizens or nationals of the United States but who were recruited with a transportation agreement which provides return transportation to the area from which recruited; and

(c) Alien employees of a department hired within the United States.

§ 550.404 Definitions.

In this subpart:

(a) "Act" means the act of September 26, 1961 (75 Stat. 662; 5 U.S.C. 3071).

(b) "Department" means an Executive department and an independent establishment or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(c) "Employee" means an officer or employee of a department.

(d) "Executive order" means Executive Order No. 10982, 27 F.R. 3, 3 CFR, 1962 Supp.

(e) "United States area" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and any territory or possession of the United States, but excluding the Trust Territory of the Pacific Islands.

§ 550.405 Limitations.

A department may not provide an authority in its regulations to make payments under the Act and this subpart when evacuations are occasioned by a natural disaster within the 48 contiguous States or the District of Columbia.

§ 550.406 Approval of departmental regulations.

(a) *Advance approval.* The Commission has prescribed, and published in the Federal Personnel Manual, departmental regulations for adoption by a department as the regulations authorized by section 6(c) of the Act to be issued by the head of a department to carry out sections 2 and 3 of the Act. When the head of a department proposes to exercise the authority given him under sections 2 and 3 of the Act, he may adopt these departmental regulations for use in United States areas; or for use in specifically designated localities within these areas. When the departmental regulations are adopted without change as published in the Federal Personnel Manual, regulations so adopted have the prior approval of the Commission as required by section 4(b) of the Executive order. If a department adopts the departmental regulations, it shall notify the Commission of the date of adoption and of the areas in which the departmental regulations will be applied.

(b) *Request for prior approval.* When a department proposes to issue regulations which deviate from the departmental regulations published in the Federal Personnel Manual, prior approval as required by section 4(b) of the Executive order must be secured from the Commission before the regulations may be made effective.

(c) *Revision of departmental regulations.* When the Commission revises the departmental regulations provided for in paragraph (a) of this section, departments which have previously adopted those departmental regulations shall adopt the revisions or within 30 days request approval from the Commission to retain the regulations without change.

(d) *Supplemental regulations.* When a department has regulations which have been approved under paragraph (a) or (b) of this section, the department may issue any supplemental regulations or instructions, not inconsistent with its approved regulations, deemed necessary for internal operations.

§ 550.407 Payment to employees of other departments.

The Commission shall publish in the Federal Personnel Manual a list containing the name of each department which has approved departmental regulations and the areas to which the approved departmental regulations apply. When this information is published in the Federal Personnel Manual, any department (whether or not it has approved departmental regulations) may make payments in an evacuation situation to an employee (and his dependents and designated representative) of a department which has approved departmental regulations who is assigned to a post of duty within the areas covered by the approved departmental regulations. When a payment is made under this subpart by other than the employee's department, the department making the payment shall immediately report the amount and date of the payment to the employee's department in order that prompt reimbursement may be made.

PART 610—HOURS OF DUTY

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Subpart A—Weekly and Daily Scheduling of Work

AUTHORITY: §§ 610.101 to 121 issued under sec. 605, 59 Stat. 304; 5 U.S.C. 945.

§ 610.101 Coverage.

This subpart applies to each officer and employee to whom Subpart A of Part 550 applies.

§ 610.102 Definitions.

In this subpart:

(a) "Administrative workweek" means a period of 7 consecutive calendar days designated in advance by the head of a department under section 604(a) of the Act.

(b) "Regularly scheduled administrative workweek," for full-time employees, means the period within an administrative workweek, established in accordance with § 610.111, within which these employees are required to be on duty regularly. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which these employees are required to be on duty regularly.

(c) "Basic workweek," for full-time employees, means the 40-hour workweek established in accordance with § 610.111.

(d) "Department" means an executive department, military department, independent establishment, or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(e) "Head of department" means the head of a department or an official who has been delegated the authority to act for the head of the department in the matter concerned.

(f) *Employee* means an officer or employee of a department to whom this subpart applies.

WORKWEEK

§ 610.111 Establishment of workweeks.

(a) The head of each department, with respect to each group of full-time employees to whom this subpart applies, shall establish by regulation:

(1) A basic workweek of 40 hours which does not extend over more than 6 of any 7 consecutive days. Except as provided in paragraphs (b) and (c) of this section, the regulation shall specify the calendar days constituting the basic workweek and the number of hours of employment for each calendar day included within the basic workweek.

(2) A regularly scheduled administrative workweek which consists of the 40-hour basic workweek established in accordance with subparagraph (1) of this paragraph, plus the period of overtime work, if any, regularly required of each group of employees. Except as provided in paragraphs (b) and (c) of this section, the regulation, for purposes of leave and overtime pay administration, shall specify by calendar days and number of hours a day the periods included in the regularly scheduled administrative workweek which do not constitute a part of the basic workweek.

(b) When it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the head of a department may establish the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek as the basic workweek, and additional hours of officially ordered or approved duty within the administrative workweek are overtime work.

(c)(1) When an employee is paid additional compensation under section 401(1) of the Federal Employees Pay Act of 1945, as amended, his regularly scheduled administrative workweek is the total number of regularly scheduled hours of duty a week.

(2) When an employee has a tour of duty which includes a period during which he remains at or within the confines of his station in a standby status rather than performing actual work, his regularly scheduled administrative workweek is the total number of regularly scheduled hours of duty a week, including time in a standby status except that allowed for sleep and meals by regulation of the department.

WORK SCHEDULES

§ 610.121 Establishment of work schedules.

Except when the head of a department determines that the department would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide that:

(a) Assignments to tours of duty are scheduled in advance over periods of not less than 1 week;

(b) The basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;

(c) The working hours in each day in the basic workweek are the same;

(d) The basic nonovertime workday may not exceed 8 hours;

(e) The occurrence of holidays may not affect the designation of the basic workweek; and

(f) Breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

Subpart B—Holidays

AUTHORITY: §§ 610.201 and 610.202 issued under sec. 605, 59 Stat. 304; 5 U.S.C. 945.

§ 610.201 Identification of holidays.

In this subpart, "holiday" has the same meaning given that word in section 2(a) of Executive Order 10358.

§ 610.202 Determining the holiday.

For purposes of pay and leave, the day to be treated as a holiday is determined as follows:

(a) Except as provided in paragraph (c) of this section, when a holiday falls on a workday in an employee's basic workweek (as defined in § 610.103(c)), that workday is his holiday.

(b) When a holiday falls on a nonworkday outside an employee's basic workweek, the day to be treated as his holiday is determined in accordance with the act of September 22, 1959, 73 Stat. 643, and Executive Order 10358.

(c) When an employee's basic workweek includes both Sunday and Monday and a holiday falls on Sunday, either day, as determined by the head of the department, but not both days, may be treated as his holiday.

Subpart C—Administrative Dismissals of Daily, Hourly, and Piecework Employees

AUTHORITY: §§ 610.301 to 610.306 issued under sec. 1, 52 Stat. 1246, as amended; 5 U.S.C. 86a; E.O. 10552, 19 F.R. 5079, 3 CFR, 1954–1958 Comp., p. 201.

§ 610.301 Purpose.

The purpose of this subpart is to provide uniform and equitable standards under which regular employees compenstated at daily, hourly, or piecework rates may be relieved from duty with pay by adminstrative order.

§ 610.302 Policy statement.

The authority in this subpart may be used only to the extent warranted by good administration for short periods of time not generally exceeding 3 consecutive work days in a single period of excused absence. This authority may not be used in situations of extensive duration or for periods of interrupted or suspended operations such as ordinarily would be covered by the scheduling of leave, furlough, or the assignment of other work. Insofar as practicable, each administrative order issued under this subpart shall provide benefits for regular employees compensated at daily, hourly, or piecework rates similar to those provided for employees compensated at annual rates.

§ 610.303 Definitions.

In this subpart:

(a) "Administrative order" means an order issued by an authorized official of a department or agency relieving regular employees from active duty without charge to leave or loss of compensation.

(b) "Regular employees" means employees compensated at daily, hourly, or piecework rates who have a regular tour of duty, and whose appointments are not limited to 90 days or less or who have been currently employed for a continuous period of 90 days under one or more appointments without a break in service.

§ 610.304 Coverage.

This subpart applies to regular employees of the Federal Government compensated at daily, hourly, or piecework rates. This subpart does not apply to experts and consultants.

§ 610.305 Standards.

An administrative order may be issued under this subpart when:

(a) Normal operations of an establishment are interrupted by events beyond the control of management or employees;

(b) For managerial reasons, the closing of an establishment or portions thereof is required for short periods; or

(c) It is in the public interest to relieve employees from work to participate in civil activities which the Government is interested in encouraging.

§ 610.306 Supplemental regulations.

Each department and agency is authorized to issue supplemental regulations not inconsistent with this subpart.

PART 630—ABSENCE AND LEAVE

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Subpart E—Recredit of Leave

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AUTHORITY: §§ 630.101 to 630.607 issued under sec. 206, 65 Stat. 681; 5 U.S.C. 2065.

Subpart A—General Provisions

§ 630.101 Responsibility for administration.

The head of an agency to which the act applies is responsible for the proper administration of the act and this part so far as they pertain to employees under his jurisdiction, and for maintaining an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

Subpart B—Definitions and General Provisions for Annual and Sick Leave

§ 630.201 Definitions.

In this part:

(a) "Act" means the Annual and Sick Leave Act of 1951, as amended.

(b) "Accrued leave" means the leave earned by an employee during the current leave year that is unused at any given time in that leave year.

(c) "Accumulated leave" means the unused leave remaining to the credit of an employee at the beginning of a leave year.

(d) "Contagious disease" means a disease which is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period as prescribed by the health authorities having jurisdiction.

(e) "Employee" means an officer or employee to whom the act applies.

(f) "Leave year" means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

(g) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

(h) "United States" means the several States and the District of Columbia.

§ 630.202 Full biweekly pay period; leave earnings.

(a) *Full-time employees.* A full-time employee earns leave during each full biweekly pay period while in a pay status or in a combination of a pay status and a nonpay status.

(b) *Part-time employees; hourly postal field service employees.* Hours in a pay status in excess of an agency's basic working hours in a pay period are disregarded in computing the leave earnings of a part-time employee, except that an hourly employee in the field service of the Post Office Department earns leave to the annual maximum in accordance with his actual number of hours in a pay status.

§ 630.203 Pay periods other than biweekly.

An employee paid on other than a biweekly pay period basis earns leave on a pro rata basis for a full pay period.

§ 630.204 Fractional pay periods.

When an employee's service is interrupted by a non-leave-earning period, he earns leave on a pro rata basis for each fractional pay period that occurs within the continuity of his employment.

§ 630.205 Change in length of day.

When the number of hours of duty in a full-time employee's workday is permanently changed, the leave to his credit is converted to the proper number of hours based upon the new workday.

§ 630.206 Minimum charge.

(a) The minimum charge for leave is 1 hour, and additional charges are in multiples thereof. If an employee is unavoidably or necessarily absent for less than 1 hour, or tardy, the agency, for adequate reason, may excuse him without charge to leave.

(b) When an employee is charged with leave for an unauthorized absence or tardiness, the agency may not require him to perform work for any part of the leave period charged against his account.

§ 630.207 Travel time.

The travel time granted an employee under section 203(e) of the act is inclusive of the time necessarily occupied in traveling to and from his post of duty and (a) the United States, or (b) his place of residence, which is outside the area of employment, in the Commonwealth of Puerto Rico or the possessions of the United States. The employee shall designate his place of residence in his request for leave under section 203(e) of the act.

§ 630.208 Reduction in leave credits.

(a) When the number of hours of nonpay status in a full-time employee's leave year equals the number of basepay hours in a pay period, the agency shall reduce his credits for leave by an amount equal to the amount of leave the employee earns during a pay period. When the employee's number of hours of nonpay status does not require a reduction of leave credits, the agency shall drop those hours at the end of the employee's leave year.

(b) An employee who is in a nonpay status for his entire leave year does not earn leave.

(c) When a reduction in leave credits results in a debit to an employee's annual leave account at the end of a leave year, the agency shall:

(1) Carry the debit forward as a charge against the annual leave to be earned by the employee in the next leave year; or

(2) Require the employee to refund the amount paid him for the period covering the excess leave that resulted in the debit.

(d) A period covered by an employee's refund for unearned advanced leave is deemed not a nonpay status under this section.

§ 630.209 Refund for unearned leave.

(a) When an employee who is indebted for unearned leave is separated, the agency shall:

(1) Require him to refund the amount paid him for the period covering the leave for which he is indebted; or

(2) Deduct that amount from any salary due him.

An employee who enters active military service with a right of restoration is deemed not separated for the purpose of this paragraph.

(b) This section does not apply when an employee:

(1) Dies;

(2) Retires for disability; or

(3) Is unable to return to duty because of disability, evidence of which is supported by a medical certificate acceptable to the agency.

§ 630.210 Uncommon tours of duty.

An agency having employees who work 24-hour shifts or other uncommon tours of duty may prescribe supplemental regulations consistent with the act and this part for administering leave for these employees.

Subpart C—Annual Leave

§ 630.301 Ninety-day qualifying period.

(a) An employee begins the 90-day qualifying period required by section 203(i) of the act when:

(1) He initially enters a position subject to the act;

(2) He moves from a position not under a leave system to one subject to the act;

(3) He returns from service with the Armed Forces without the exercise of a restoration right; or

(4) He has a break in service of 1 workday or more.

(b) An employee does not begin another 90-day qualifying period solely because:

(1) Nonworkdays, including leave without pay, occur during the 90-day period;

(2) The hours of duty in his tour change; or

(3) He transfers from a different leave system.

(c) When an employee completes the 90-day qualifying period, he is entitled to credit for the annual leave earned during that period.

(d) Annual leave credited on completion of a 90-day qualifying period may not be substituted for leave without pay granted during that period.

§ 630.302 Maximum annual leave accumulation—forty-five day limitation.

(a) The effective date on which an employee (otherwise eligible thereunder) becomes subject to section 203(d) of the act is the:

(1) Date of his entry on duty when he is employed locally;

(2) Date of his arrival at a post of regular assignment for duty; or

(3) Date on which he begins to perform duty in an area outside the United States and the area of recruitment or from which transferred, when the employee is required to perform duty en route to his post of regular assignment for duty.

(b) Subject to section 208 of the act, the maximum amount of annual leave that may be carried forward into the next leave year by an employee who is transferred or reassigned to a position in which he is no longer subject to section 203(d) of the act is determined as follows:

(1) When, on the date prescribed by paragraph (c) of this section, the amount, of an employee's accumulated and accrued annual leave is 30 days or less, he may carry forward the amount prescribed by section 203(c) of the act;

(2) When, on the date prescribed by paragraph (c) of this section, the amount of an employee's accumulated and accrued annual leave is more than 30 days but not more than 45 days, he may carry forward the full amount thereof that is unused at the end of the current leave year;

(3) When, on the date prescribed by paragraph (c) of this section, the amount of an employee's accumulated and accrued annual leave is more than 45 days, he may carry forward the amount of unused annual leave to his credit at the end of the current leave year that does not exceed:

(i) 45 days, if he is not entitled to a greater accumulation under section 208 of the act; or

(ii) The amount he is entitled to accumulate under section 208 of the act, if that amount is greater than 45 days.

(c) For the purposes of paragraph (b) of this section, an agency shall determine the amount of an employee's accumulated and accrued annual leave at the end of the pay period which includes:

(1) The date on which the employee departs from his post of regular assignment for transfer or reassignment, except that when the employee is required to perform duty en route in an area in which he would be subject to section 203(d) of the act if assigned there, it is the date on which he ceases to perform the duty; or

(2) The date on which final administrative approval is given to effect a change in the employee's duty station when he is on detail or leave in the United States, or in an area (the Commonwealth of Puerto Rico or a possession of the United States) from which he was recruited or transferred.

§ 630.303 Part-time employees; earnings.

A part-time employee for whom there has been established in advance a regular tour of duty on 1 or more days during each administrative workweek, and an hourly employee in the field service of the Post Office Department earn annual leave as follows:

(a) An employee with less than 3 years of service earns 1 hour of annual leave for each 20 hours in a pay status.

(b) An employee with 3 but less than 15 years of service earns 1 hour of annual leave for each 13 hours in a pay status.

(c) An employee with 15 years or more of service earns 1 hours of annual leave for each 10 hours in a pay status.

§ 630.304 Accumulation limitation for part-time employees.

A part-time employee may accumulate not more than 240 or 360 hours' annual leave on the same basis that a full-time employee may accumulate not more than 30 or 45 days' annual leave.

Subpart D—Sick Leave

§ 630.401 Grant of sick leave.

An agency shall grant sick leave to an employee when the employee:

(a) Receives medical, dental, or optical examination or treatment;

(b) Is incapacitated for the performance of duties by sickness, injury, or pregnancy and confinement;

(c) Is required to give care and attendance to a member of his immediate family who is afflicted with a contagious disease; or

(d) Would jeopardize the health of others by his presence at his post of duty because of exposure to a contagious disease.

§ 630.402 Application for sick leave.

An employee shall file a written application for sick leave within such time limits as the agency may prescribe. An employee shall request advance approval for sick leave for medical, dental, or optical examination.

§ 630.403 Supporting evidence.

An agency may grant sick leave in excess of 3 workdays only when supported by a medical certificate, or other evidence administratively acceptable. For a grant of sick leave of 3 workdays or less, an agency may accept an employee's certification as to the reason for his absence.

§ 630.404 Limitation on advance sick leave.

When an employee is serving under a limited appointment or one which will be terminated on a specified date, an agency may advance sick leave to him up to the total sick leave which he would otherwise earn during the term of his appointment. For the purposes of this section, an employee serving a probationary or trial period is not serving under a limited appointment.

§ 630.405 Sickness during annual leave.

When sickness occurs within a period of annual leave, an agency may grant sick leave for the period of sickness.

§ 630.406 Part-time employees; earnings.

A part-time employee earns 1 hour of sick leave for each 20 hours in a pay status.

Subpart E—Recredit of Leave

§ 630.501 Annual leave recredit.

(a) When an employee transfers between positions under the act, the agency from which he transfers shall certify his annual leave account to the employing agency for credit or charge.

(b) When annual leave is transferred between different leave systems under section 205(e) of the act, or is recredited under a different leave system as the result of a refund under the Lump Sum Leave Payment Act, as amended, 7 calendar days of annual leave are deemed equal to 5 workdays of annual leave.

(c) An employee who transfers to a position under a different leave system to which he can transfer only a part of his annual leave is entitled to a recredit of the untransferred annual leave if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(d) An employee who transfers to a position (other than a position excepted from the act under section 202(b)(1)(B), (C), (H), or (I)) to which he cannot transfer his annual leave because the position is not under an annual leave system is entitled to a recredit of the untransferred annual leave if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

§ 630.502 Sick leave recredit.

(a) When an employee transfers between positions under the act, the agency from which he transfers shall certify his sick leave account to the employing agency for credit or charge.

(b) An employee who is separated from the Federal Government or the government of the District of Columbia is entitled to a recredit of his sick leave if he is reemployed in the Federal Government or the government of the District of Columbia, without a break in service of more than 3 years.

(c) When sick leave is transferred between different leave systems under section 205(e) of the act, 7 calendar days of sick leave are deemed equal to 5 workdays of sick leave.

(d) An employee who transfers to a position under a different leave system to which he can transfer only a part of his sick leave is entitled to a recredit of the untransferred sick leave if he returns to the leave system under which it was earned, without a break in service of more than 3 years.

(e) An employee who transfers to a position to which he cannot transfer his sick leave is entitled to a recredit of the untransferred sick leave if he returns to the leave system under which it was earned, without a break in service of more than 3 years.

§ 630.503 Leave from former leave systems.

An employee who earned leave under the leave acts of 1936 or any other leave system merged under the act is entitled to a recredit of that leave under the act if he would have been entitled to re-

credit for it on reentering the leave sys-

ment in the Armed Forces of the United

credit for it on reentering the leave system under which it was earned. However, this section does not revive leave already forfeited.

§ 630.504 Reestablishment of leave account after military service.

When an employee leaves his civilian position to enter the military service, the agency shall certify his leave account for credit or charge. When the employee is:

(a) Restored in accordance with a right of restoration after separation from active military duty or hospitalization continuing thereafter as provided by law, or in accordance with the mandatory provisions of a statute, Executive order, or regulation; or

(b) Reemployed in a position under the act not more than 3 years after his separation from active military duty; the agency in which he is restored or reemployed shall reestablish the certified leave account as a credit or charge.

§ 630.505 Restoration after appeal.

When an employee is restored to an agency as a result of an appeal, the agency shall reestablish his leave account as a credit or charge as it was at the time of separation.

Subpart F—Home Leave

§ 630.601 Definitions.

In this subpart:

(a) "Home leave" means leave authorized by section 203(f) of the act and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(b) "Month" means a period which runs from a given day in 1 month through the date preceding the numerically corresponding day in the next month.

(c) "Service abroad" means service on and after September 6, 1960, by an employee at a post of duty outside the United States and outside the employee's place of residence if his place of residence is in the Commonwealth of Puerto Rico or a possession of the United States.

§ 630.602 Coverage.

An employee who meets the requirements of section 203(d) of the act for the accumulation of a maximum of 45 days of annual leave earns and may be granted home leave in accordance with section 203(f) of the act and this subpart.

§ 630.603 Computation of service abroad.

For the purpose of this subpart, service abroad:

(a) Begins on the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty when recruited abroad;

(b) Ends on the date of the employee's departure from the post for separation or for assignment in the United States, or on the date of his separation from duty when separated abroad; and

(c) Includes (1) absence in a nonpay status up to a maximum of 2 workweeks within each 12 months of service abroad, (2) authorized leave with pay, (3) time spent in the Armed Forces of the United States which interrupts service abroad, and (4) a period of detail.

In computing service abroad, full credit is given for the day of arrival and the day of departure.

§ 630.604 Earning rates.

(a) For each 12 months of service abroad, an employee earns home leave at the following rate:

(1) An employee who accepts as a condition of initial or continued employment with his agency an obligation to accept assignments anywhere in the world as the needs of the agency dictate—15 days.

(2) An employee who is serving with a U.S. mission to a public international organization—15 days.

(3) An employee who is serving at a post for which payment of a foreign or nonforeign (but not a tropical) differential of 20 percent or more is authorized by law or regulation—15 days.

(4) An employee not included in subparagraph (1), (2), or (3) of this paragraph who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation—10 days.

(5) An employee not included in subparagraph (1), (2), (3), or (4) of this paragraph—5 days.

(b) An agency shall credit home leave to an employee's leave account, as earned, in multiples of 1 day.

§ 630.605 Computation of home leave.

(a) For each month of service abroad, an employee earns home leave under the rates fixed by § 630.604(a) in the amounts set forth in the following table:

HOME LEAVE-EARNING TABLE

Months of service abroad	Earning rate (days for each 12 months)		
	15	10	5
	Days earned		
1	1	0	0
2	2	1	0
3	3	2	1
4	5	3	1
5	6	4	2
6	7	5	2
7	8	5	2
8	10	6	3
9	11	7	3
10	12	8	4
11	13	9	4
12	15	10	5

(b) When an employee moves between different home leave-earning rates during a month of service abroad, or when a change in the differential during a month of service abroad results in a different home leave-earning rate, the agency shall credit the employee with the amount of home leave for the month at the rate to which he was entitled before the change in his home leave-earning rate.

§ 630.606 Grant of home leave.

(a) *Entitlement.* Except as otherwise authorized by statute, an employee is entitled to home leave only when he has completed a basic service period of 24 months of continuous service abroad. This basic service period is terminated by (1) a break in service of 1 or more workdays, or (2) an assignment (other than a detail) to a position in which an employee is no longer subject to section 203(f) of the act.

(b) *Agency authority.* A grant of home leave is at the discretion of an agency. An agency may grant home leave in combination with other leaves of absence in accordance with established agency policy.

(c) *Limitations.* An agency may grant home leave only:

(1) For use in the United States, the Commonwealth of Puerto Rico, or a possession of the United States; and

(2) During an employee's period of service abroad, or within a reasonable period after his return from service abroad when it is contemplated that he will return to service abroad immediately or on completion of an assignment in the United States.

Home leave not granted during a period named in subparagraph (2) of this paragraph may be granted only when the employee has completed a further substantial period of service abroad. This further substantial period of service abroad may not be less than the tour of duty prescribed for the employee's post of assignment, except when the agency determines that an earlier grant of home leave is warranted in an individual case.

(d) *Charging of home leave.* The minimum charge for home leave is 1 day and additional charges are in multiples thereof.

(e) *Refund for home leave.* An employee is indebted for the home leave used by him when he fails to return to service abroad after the period of home leave, or after the completion of an assignment in the United States. However, a refund for this indebtedness is not required when (1) the employee has completed not less than 6 months' service in an assignment in the United States following the period of home leave; (2) the agency determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control; or (3) the agency which granted the home leave determines that it is in the public interest not to return the employee to his overseas assignment.

§ 630.607 Transfer and recredit of home leave.

An employee is entitled to have his home leave account transferred or recredited to his account when he moves between agencies or is reemployed without a break in service of more than 90 days.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10751; Filed, Oct. 11, 1963; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 68]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.368 Valencia Orange Regulation 68.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 10, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 13, 1963, and ending at 12:01 a.m., P.s.t., October 20, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10920; Filed, Oct. 11, 1963; 11:22 a.m.]

[Grapefruit Reg. 12]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.312 Grapefruit Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 25, 1963, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended section is based were received by the Fruit Branch on October 3, 1963; information regarding the provisions of the section recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 13, 1963, and ending at 12:01 a.m., P.s.t., December 15, 1963, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit are well colored and grade at least U.S. No. 2: *Provided,* That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point in Zone 1 or Zone 2, any grapefruit, grown as aforesaid, which measure less than $3\frac{11}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller.

(iii) From the State of California or the State of Arizona to any point in Zone 3 any grapefruit, grown as aforesaid, which measure less than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with

the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in such lot which shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 9, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10826; Filed, Oct. 11, 1963; 8:46 a.m.]

[Lemon Reg. 84]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.384 Lemon Regulation 84.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 8, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 13, 1963, and ending at 12:01 a.m., P.s.t., October 20, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 186,000 cartons;
(iii) District 3: 79,050 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10862; Filed, Oct. 11, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963–Crop Barley Supplement, Amdt. 3]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation (28 F.R. 6258, 8273 and 9809) with respect to barley produced in 1963 which contain specific requirements for the 1963-crop of barley are hereby amended as follows:

1. Section 1421.2204(a)(1) is amended to make barley grading "Sample" on the factor of total damage (except heat damage) eligible for price support. The amended subparagraph reads as follows:

§ 1421.2204 Eligible barley.

* * * * * * *

(a) * * *

(1) The barley must be No. 5 or better, except that (i) the barley may be of any class grading "Sample" on the factor of total damage (except heat damage), (ii) Western Barley shall have a test weight of not less than 36 pounds per bushel, and (iii) the barley may have the following special grade designations: "Garlicky" and in the State of Alaska only, "Tough." The provisions of subparagraph (3) of this paragraph pertaining to barley grading "Tough" are not applicable to barley produced in Alaska.

2. Section 1421.2210(d) is amended to provide discounts for barley with total damage (except damage) in excess of 10 percent.

§ 1421.2210 Support rates.

* * * * * * *

(d) *Discounts.* The applicable basic support rate shall be adjusted by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Other—Garlicky	10
Weed control laws (see § 1421.27)	10
Total damage (percent):	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 9, 1963.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63–10848; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1969; Amdt. 630]

PART 507—AIRWORTHINESS DIRECTIVES

Grumman Model G–159 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on September 18, 1963, and made effective immediately because of the safety emergency involved as to all known United States operators of Grumman Model G–159 Series aircraft. The directive requires inspection and modification of the main landing gear retract cylinder attachment fittings.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Grumman Model G–159 Series aircraft by individual telegrams dated September 18, 1963. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

GRUMMAN. Applies to all Model G–159 aircraft.

Compliance required as indicated.

Because of cracks found on the main landing gear retract cylinder attachment fitting P/N 159 WM10032–1 and –2, accomplish the following:

(a) Within 10 hours' time in service, after the effective date of this AD, and before each flight thereafter, conduct a visual inspection for cracks in the vicinity of the aft end of the retract cylinder attachment fitting.

(b) Within 15 hours' time in service, after the effective date of this AD, unless already accomplished, modify and inspect the attachment fitting in accordance with the provisions of Grumman Gulfstream Customer Bulletin No. 172 dated September 6, 1963, with the exception of the time period specified therein, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Replace cracked fittings before further flight with a fitting of the same part number or an FAA approved equivalent, except that one flight may be made in accordance with the provisions of CAR, Part 1.76 for the purpose of obtaining these replacements.

(Grumman Customer Bulletin No. 172 dated September 6, 1963, covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated September 18, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 8, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63–10810; Filed, Oct. 11, 1963; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 11 (Rev. 1)]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Miscellaneous Amendments

The loans to State and local development companies regulation (revision 1, 26 F.R. 1822), as amended, is hereby further amended by:

1. Deleting in § 108.2, paragraph (h) and inserting a new paragraph (h) which reads as follows:

§ 108.2 Definitions.

* * * * * * *

(h) "Construction contract" as used herein means any contract entered into by the development company or the small business concern being assisted for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

* * * * * * *

2. Deleting in § 108.3, paragraph (d) and inserting a new paragraph (d) which reads as follows:

§ 108.3 Procedures for loan applications.

* * * * * * *

(d) *Nondiscrimination.* An Application for a section 502 loan which will be used by the development company or the small business concern being assisted to pay for a construction contract in whole or in part, including repayment of interim financing, shall be accompanied by Applicant's Agreement of Compliance (SBA Form 601).[1] If the small business concern has entered into or will enter into the construction contract for which the proceeds of the 502 loan will be used for payment, the small business concern shall be required to execute the Applicant's Agreement of Compliance.

[1] Form filed with the Federal Register Office. Copies of SBA Form 601 are available at the office of the Deputy Administrator, Investment Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all regional offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration.

These amendments are effective upon publication in the FEDERAL REGISTER.

Dated: October 5, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63–10824; Filed, Oct. 11, 1963; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–590]

PART 13—PROHIBITED TRADE PRACTICES

Kramer's

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–35 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40 (a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Kramer Fur Co., Inc. trading as Kramer's, New Haven, Conn., Docket C–590, Sept. 17, 1963]

In the Matter of The Kramer Fur Co., Inc., a Corporation, Trading as Kramer's

Consent order requiring New Haven, Conn., retail furriers to cease violating the Fur Products Labeling Act by failing, in invoicing and newspaper advertising, to show the true animal name of fur, to disclose when fur was artificially colored, and to use the terms "natural" and "Persian Lamb" as required; to identify the person issuing an invoice and to show, on invoices, the country of origin of imported furs; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Kramer Fur Co., Inc., a corporation, trading as Kramer's, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce",

"fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

3. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10815; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-591]

PART 13—PROHIBITED TRADE PRACTICES

Labor Digest, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* §13.15–30 *Connections or arrangements with others;* § 13.95 *Identity of product;* § 13.110 *Indorsements, approval and testimonials;* § 13.235 *Source or origin;* § 13.235–50 *Maker or seller, etc.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly;* § 13.330–54 *Labor unions.* Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.*

(Sec. 6, 38 Stat. 721; U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Labor Digest, Inc., et al., New York, N.Y., Docket C-591, Sept. 17, 1963]

In the Matter of Labor Digest, Inc., a Corporation, Ernest J. Modarelli, and Harry B. Simon, Individually and as Officers of Said Corporation, Alex Adler, Charles Cole and Ralph J. De Meo, Individuals

Consent order requiring New York City publishers of a magazine known as "Labor Digest", deriving a large part of their income from the sale of advertising space therein, to cease representing falsely to prospective advertisers that their said publication was endorsed by, affiliated with, or the official publication of, the AFL–CIO or other labor unions; intimidating business concerns by threats that if they did not purchase advertising space, their products would receive unfavorable treatment by labor union members; and placing advertisements of various concerns in their magazine without authorization and then seeking to exact payment therefor.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Labor Digest, Inc., a corporation, and its officers, and Ernest J. Modarelli and Harry B. Simon, individually and as officers of said corporation, and Alex Adler, Charles Cole and Ralph J. De Meo, individually, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the soliciting, offering for sale or sale in commerce of advertising space in the magazine now designated as Labor Digest, or any other publication, whether published under that name, or any other name, and in connection with the offering for sale, sale or distribution of said magazine, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said magazine is endorsed by, affiliated with, or an official publication of, or otherwise connected with a labor union.

2. Inducing or seeking to induce any business concern to purchase advertising space in or contribute to respondents' publication by means of expressed or implied threats that such business concern will or may be subjected to unfavorable treatment at the hands of representatives or purported representatives of labor should it refuse to make such purchase or contribution.

3. Placing, printing or publishing any advertisement on behalf of any person or firm in said paper without a prior order or agreement to purchase said advertisement.

4. Sending bills, letters or notices to any person or firm with regard to an advertisement which has been or is to be printed, inserted or published on behalf of said person or firm, or in any other manner seeking to exact payment for any such advertisement, without a bona fide order or agreement to purchase said advertisement.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10816; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-589]

PART 13—PROHIBITED TRADE PRACTICES

Leon Younger et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 113.30–30 *Fur Products Labeling Act;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–35 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2280–30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65, Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leon Younger trading as Younger's, Louisville, Ky., Docket C-589, Sept. 17, 1963]

In the Matter of Leon Younger and Alvin Younger, Individuals and Copartners Trading as Younger's

Consent order requiring Louisville, Ky., retail furriers to cease violating the Fur Products Labeling Act by failing, on labels and invoices and in advertising to show the true name of the animal producing a fur; to show the country of origin of imported products on tags and invoices, to use the word "natural" for unbleached furs in labeling and advertising; to show when furs were artificially colored and to disclose the country of origin of imported furs on labels; by invoicing and advertising fur products deceptively as to the animals that produced the fur; by representing prices of fur products falsely as reduced from so-called regular prices that were fictitious; by failing to maintain adequate records as a basis for pricing claims; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Leon Younger and Alvin Younger individually and as copartners trading as Younger's or under any other trade name and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation, or distribution, in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to describe fur products as natural when such fur products are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to set forth on labels the item number or mark assigned to fur products.

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any such product as to the name or designation of the animal or animals that produced the fur from which the fur product was manufactured.

C. Failing to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term in lieu of the word "Lamb".

D. Failing to set forth the term "Dyed Broadtail-processed Lamb" on invoices in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

E. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

F. Failing to describe as natural fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist directly or indirectly in the sale, or offering for sale of fur products and which:

A. Fails to set forth all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Contains any form of misrepresentation or deception, directly or by implication, as to the name or designation of the animal or animals that produced the fur from which the fur product was manufactured.

C. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

D. Represents that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by the respondents in the recent past.

E. Misrepresents directly or by implication that savings are available to purchasers of respondents' fur products.

F. Fails to use the term natural to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10817; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-592]

PART 13—PROHIBITED TRADE PRACTICES

Commodity Futures Forecast

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Edward B. Gotthelf trading as Commodity Futures Forecast, New York, N.Y., Docket C-592, Sept. 20, 1963]

In the Matter of Edward B. Gotthelf, an Individual Trading as Commodity Futures Forecast

Consent order requiring an individual in New York City engaged in selling to the public a weekly advisory letter known as "Commodity Futures Forecast", a daily statistical bulletin titled "Commodex", and management services incident to the purchase and sale of Commodity Futures, to cease representing falsely in circulars and other advertising material that stated large profits had been realized for accounts he managed, that they were typical and could be expected, that the transactions reflected the recommendations in his aforesaid advisory letter, and that the managed customers' accounts in accordance with the principles contained in his "Forecast" and "Commodex".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Edward B. Gotthelf, an individual trading as Commodity Futures Forecast, or under any other name, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of publications and management services, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. a. Representing directly or by implication that profits or earnings have been realized for any account or portfolio managed by him unless such pro-

fits or earnings have been in fact realized by an account or portfolio managed by him.

b. Representing directly or by implication that the transactions reflected the recommendations contained in the advisory letter, Commodity Futures Forecast, unless such transactions have been there recommended.

c. Representing directly or by implication that customers made or realized profits or earnings of a specified amount when such specified amount is in excess of those customarily made unless it is clearly and conspicuously disclosed in immediate conjunction therewith that such profits or earnings are exceptional and are not realized or to be expected by customers generally; or otherwise representing profits or earnings in any manner not in accordance with the facts.

2. Representing directly or by implication that customers' accounts are being managed in accordance with the information or principles contained in Commodity Futures Forecast or Commodex unless all such transactions conform to the information or principles set forth in such publications.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10829; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-593]

PART 13—PROHIBITED TRADE PRACTICES

Mode Ltd. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-35 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Mode Ltd., et al., Boise, Idaho, Docket C-593, Sept. 20, 1963]

In the Matter of The Mode Ltd., a Corporation, and Ethel C. Chapman, Albert S. Rice and Marie Mautz, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Boise, Idaho, to cease violating the Fur Products Labeling Act by representing falsely on labels and in advertising that prices of fur products were reduced from so-called regular prices which were fictitious; by invoicing furs deceptively as "Broadtail", and failing to show on invoices the true animal name of furs, and to set forth the term "Broadtail Lamb" as required; by advertising which failed to describe as "natural", furs which were not artificially colored; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Mode Ltd., a corporation, and its officers, and Ethel C. Chapman, Albert S. Rice and Marie Mautz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying such products by any representation that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise so represented was usually and customarily sold at retail by the respondents unless such merchandise was in fact usually and customarily sold at retail by respondents at such price in the recent past.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondents' products.

3. Falsely or deceptively representing in any manner, directly or by implication, on labels or other means of identification that prices of respondents' fur products are reduced.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

2. Represents, directly or by implication, that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondents in the recent past.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10830; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-594]

PART 13—PROHIBITED TRADE PRACTICES

National Cellulose Insulation Manufacturers Association, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.170-70 *Preventive or protective;* § 13.265 *Tests and investigations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Cellulose Insulation Manufacturers Association, Inc. (Delphos, Ohio), et al., Docket C-594, Sept. 20, 1963]

In the Matter of National Cellulose Insulation Manufacturers Association, Inc., a Corporation; Electra Manufacturing Corp., a Corporation; Hagan Mfg. Company, a Corporation; Oren Corporation, a Corporation; and Pal-O-Pak Insulation Co., Inc., a Corporation

Consent order requiring a trade association of manufacturers of cellulose insulation and four corporate members in the States of Ohio, Indiana, Wisconsin and Minnesota, to cease representing falsely—as they did in brochures distributed to dealers, institutions, etc.—that tests by independent laboratories established the greater efficiency of their insulation over others; that their product would eliminate possibility of settling, moisture and paint failure problems; and that it was a more effective protection against fire than mineral or glass fiber materials.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Cellulose Insulation Manufacturers Association, Inc., a corporation; Electra Manufacturing Corp., a corporation; Hagan Mfg. Company, a corporation; Oren Corporation, a corporation; and Pal-O-Pak Insulation Co., Inc., a corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cellulose insulation, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

Representing, directly or by implication, that:

1. Cellulose fiber insulation has been approved by independent laboratory tests as more efficient than other insulations unless specific findings to the extent represented have been made by an independent laboratory.

2. Cellulose fiber insulation will eliminate the possibility of settling, moisture or paint failure problems.

3. Cellulose fiber insulation will provide effective fire protection at temperatures that would melt other commonly known types of insulation.

4. Efficiency alone determines the economy of cellulose insulation when compared with mineral or glass fiber materials.

It is further ordered, That each of the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10831; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-595]

PART 13—PROHIBITED TRADE PRACTICES

Thomas Smilios

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-35 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation of product;* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Thomas Smilios trading as Thomas Smilios, New York, N.Y. Docket C-595, Sept. 20, 1963]

In the Matter of Thomas Smilios, an Individual Trading as Thomas Smilios

Consent order requiring a manufacturing furrier in New York City to cease violating invoicing provisions of the Fur Products Labeling Act by failing to set forth required information and item numbers on invoices and to use the term "natural" to describe fur products which were not artificially colored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Thomas Smilios, an individual trading as Thomas Smilios, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to customers to whom fur products were sent showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10832; Filed, Oct. 11, 1963; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Disability Insured Status

Subpart B of Regulations No. 4 of the Social Security Administration (20 CFR 404.1 et seq.) is amended by adding §§ 404.115 through 404.120 immediately succeeding § 404.114, as follows:

Sec.

404.115 When disability insured status must be met.
404.116 Disability insured status; application filed after August 27, 1958.
404.117 Disability insured status; application filed before August 28, 1958.
404.118 Special disability insured status; alternate rule in effect after August 1960.
404.119 Disability insured status; determining 13-quarter period; 40-quarter period; continuous quarters after 1950.
404.120 Disability insured status for period of disability; granting of quarters of coverage based on railroad compensation or military service.

AUTHORITY: Sections 404.115-404.120 issued under sections 205, 216, 217, 223, and 1102, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 70 Stat. 815, as amended, and 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 416, 417, 423, and 1302. Section 404.120 (a) also issued under section 5(k) of the Railroad Retirement Act of 1937, as amended, 68 Stat. 1081, as amended; 45 U.S.C. 228e.

§ 404.115 When disability insured status must be met.

(a) *Period of disability.* To establish a period of disability, in addition to meeting certain other requirements (see section 216(i) of the Act), an individual must meet the insured status requirements for a period of disability as of the calendar quarter he became disabled (as defined in § 404.1501(b)) or, if he files the application to establish a period of disability after June 1962, as of whichever is later: the calendar quarter in which he became disabled, or the calendar quarter in which occurs the first day of the 18th month prior to the month in which he filed the application to establish a period of disability. If the individual does not have the required insured status as of such time, he will be insured for purposes of establishment of a period of disability as of the first day of the first calendar quarter thereafter in which he acquires such insured status, provided that at such later time he meets all other requirements for establishment of a period of disability.

(b) *Disability insurance benefits.* To become entitled to a disability insurance benefit, in addition to meeting certain other requirements (see section 223(a) of the Act), an individual must meet the

insured status requirement for disability

vidual has disability insured status in

for purposes of § 404.118(a)(2), any

§ 130.3 New drugs for investigational

1. The Executive order of February

insured status requirement for disability insurance benefits as of the first full month that he was under a disability (as defined in § 404.1501(a)), or as of the 18th month (the 12th month, where no "waiting period" is required, see section 223(a) of the Act) prior to the month in which the application for disability insurance benefits is filed, whichever is later. If the individual does not meet the insured status requirement at such time, he will be insured for disability insurance benefit purposes as of the first month thereafter in which he acquires such insured status provided that at such later time he meets all other requirements for disability insurance benefits.

§ 404.116 Disability insured status; application filed after August 27, 1958.

(a) *Period of disability.* For the purpose of establishing a period of disability, an individual has disability insured status as of the quarter specified in § 404.115(a) if such individual:

(1) Has at least 20 quarters of coverage in the 40-quarter period (see § 404.119(a)) ending with such quarter; and

(2) Would have been fully insured had the individual attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such quarter (however, this requirement does not apply where such calendar quarter occurred before 1951).

(b) *Disability insurance benefits.* For the purpose of entitlement to disability insurance benefits, an individual has disability insured status in the month specified in § 404.115(b) if such individual:

(1) Has at least 20 quarters of coverage in the 40-quarter period (see § 404.119(b)(1)) ending with the quarter in which such month falls; and

(2) Would have been fully insured had the individual attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such month.

(c) *Applicability.* The provisions of paragraphs (a) and (b) of this section are applicable in cases where the application to establish a period of disability, or for disability insurance benefits, as the case may be, is filed after August 27, 1958, and also in cases where such application was filed before August 28, 1958, and after December 31, 1957, if the individual was alive on August 28, 1958, and notice of the Administration's final decision on such application had not been mailed to him before August 29, 1958.

§ 404.117 Disability insured status; application filed before August 28, 1958.

(a) *Period of disability.* For the purpose of establishing a period of disability, an individual has disability insured status in the quarter specified in § 404.115(a) if such individual meets the requirements set forth in § 404.116(a)(1) and, in addition, has at least six quarters of coverage in the 13-quarter period (see § 404.119(a)) ending with such quarter.

(b) *Disability insurance benefits.* For the purpose of establishing entitlement to disability insurance benefits, an individual has disability insured status in the month specified in § 404.115(b) if such individual met the requirements set forth in § 404.116(b), and, in addition, would have been currently insured had he attained age 65 (or age 62, if a woman) and filed application for old-age insurance benefits on the first day of such month.

(c) *Applicability.* The provisions of paragraphs (a) and (b) of this section are applicable in cases where the application to establish a period of disability, or for disability insurance benefits, as the case may be, is filed before January 1, 1958, and in cases where the application was filed after December 31, 1957, but before August 28, 1958, if, before the latter date, the individual died or notice of the Administration's final decision on such application had been mailed to him before August 29, 1958.

§ 404.118 Special disability insured status; alternate rule in effect after August 1960.

(a) Where an application to establish a period of disability, or for disability insurance benefits, is filed after August 31, 1960, and the individual does not have a disability insured status under § 404.116 as of the time specified therein, he is deemed to have such disability insured status if he meets the following conditions:

(1) He had at least 20 quarters of coverage during the period ending with the quarter referred to in § 404.116(a), if a period of disability is involved, or § 404.116(b) if disability insurance benefits are involved; and

(2) All quarters elapsing after 1950, and up to but excluding such quarter are quarters of coverage (see, however, § 404.119(b)(2)); and

(3) He had at least six such quarters of coverage after 1950.

(b) No benefits under Title II of the Social Security Act shall be payable or increased by reason of the special disability insured status described in this section for any month before October 1960.

§ 404.119 Disability insured status; determining 13-quarter period; 40-quarter period; continuous quarters after 1950.

(a) *Period of disability.* In determining the 13-quarter period for purposes of § 404.117(a) and the 40-quarter period for the purpose of § 404.116(a)(1) and § 404.117(a), any quarter, all or any part of which is included in a prior period of disability established for the individual, is not counted as part of such 13-quarter or 40-quarter period unless such quarter is a quarter of coverage (see § 404.103 and § 404.104).

(b) *Disability insurance benefits.* (1) In determining the 40-quarter period for purposes of § 404.116(b)(1) and § 404.117(b), any quarter, all or any part of which is included in a period of disability established for the individual, is not counted as part of such 40-quarter period unless such quarter is a quarter of coverage (see § 404.103 and § 404.104).

(2) In determining the number of calendar quarters elapsing after 1950, for purposes of § 404.118(a)(2), any quarter, all or any part of which is included in a period of disability established for the individual, is not counted as a calendar quarter elapsing after 1950 unless such quarter is a quarter of coverage (see § 404.103 and § 404.104).

§ 404.120 Disability insured status for period of disability; granting of quarters of coverage based on railroad compensation or military service.

For the purpose of meeting the disability insured status requirements for the establishment of a period of disability only, quarters of coverage may be granted for:

(a) Compensation for service after 1936 covered by the Railroad Retirement Act (see Subpart O of this part) even though such compensation may not be used for other purposes of Title II of the Social Security Act because the individual has 120 or more months of such service, or is receiving an annuity under the Railroad Retirement Act; and

(b) A period of military service prior to 1957 (see Subpart N of this part), even though such period of service may not be used for other purposes of Title II of the Social Security Act because a periodic benefit which is based in whole or in part on the same period of military service, is payable by another Federal agency.

Effective date. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: September 19, 1963.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 7, 1963.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 63-10836; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

New Drugs for Investigational Use; Foreign Shipments; Drugs Used for Diagnosing Disease

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1053, as amended, 76 Stat. 788; 52 Stat. 1055; 21 U.S.C. 355, 371), and delegated to the Commissioner of Food and Drugs (25 F.R. 8625), § 130.3 of the new-drug regulations is amended as hereinafter indicated.

1. Section 130.3(a)(2) is amended by inserting therein, following form FD 1571, the following proviso:

§ 130.3 New drugs for investigational use; exemption from section 505(a).

(a) * * *

(2) * * *

Provided, however, That where a new drug limited to investigational use is proposed for shipment to a foreign country and the circumstances are such that the submission of the "Notice of Claimed Investigational Exemption for a New Drug" (Form FD 1571) is not feasible, the Commissioner may authorize the shipment of the drug if he receives, through the U.S. Department of State, a formal request to allow such shipment from the government of the country to which the drug is proposed to be shipped. This request should specify that said government has adequate information about the drug and its proposed use and is satisfied that the drug may legally be used by the intended consignee in that country.

2. Section 130.3(f) is amended by adding a new subparagraph (4), reading as follows:

(4) The exemption allowed in this paragraph shall not apply to any new drug intended for in vitro use in the regular course of diagnosing or treating disease, including antibacterial sensitivity discs impregnated with any new drug or drugs, which discs are intended for use in determining susceptibility of microorganisms to the new drug or drugs.

Notice and public procedure are not necessary prerequisites to the issuance of the amendments made by this order, and I so find, since they are merely interpretative in nature and are intended to supplement existing regulations.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 505, 701, 52 Stat. 1053, as amended; 76 Stat. 788; 52 Stat. 1055; 21 U.S.C. 355, 371)

Dated: October 8, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10837; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3244]

[Washington 04930]

WASHINGTON

Partly Revoking Withdrawal for Military Purposes (Fort Canby Military Reservation)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of February 26, 1852, as modified by the Executive order of December 27, 1859, which withdrew lands in Washington for military and/or lighthouse purposes is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 9 N., R. 11 W.
Sec. 4, lots 2, 3, and 4;
Sec. 5, lots 2, 3, 4, 5 E½SE¼, and SE¼NE¼.
Containing approximately 356 acres.

2. The lands are situated in Pacific County, near the town of Ilwaco, Washington.

3. Until 10:00 a.m. on April 7, 1964, the State of Washington shall have a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on April 7, 1964. At that time the said lands shall be open to operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of any existing withdrawals. All valid applications except preference right applications from the State of Washington received prior to 10:00 a.m. on April 7, 1964 will be considered as simultaneously filed at that time.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on April 7, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 7, 1963.

[F.R. Doc. 63-10820; Filed, Oct. 11, 1963; 8:46 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 5; Amdt. 5]

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Extensions of Time for Filing Financial Reports

Pursuant to the authority of sections 21 and 43 of the Shipping Act, 1916 (39 Stat. 736 and 75 Stat. 766), and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the Federal Maritime Commission hereby amends its General Order 5, 46 CFR Part 511.

The purpose of this amendment is to allow the Commission discretion in granting extensions of the time limits prescribed in § 511.4 of this part for the filing of financial reports by common carriers who are subject to the provisions of General Order 5. As the amendment will relieve restrictions the Commission is of the opinion that notice and public procedure is unnecessary, and pursuant to section 4(c) of the Administrative Procedure Act the amendment will become effective upon publication in the FEDERAL REGISTER.

Section 511.4 of Title 46, CFR, is hereby amended by designating the present text as paragraph (a) and adding the following new paragraph (b):

(b) Upon application, the Commission may grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required by this part, provided that (1) the application therefor is received fifteen (15) days before the statements and data are due; (2) the application sets forth good and sufficient reasons to justify the extension requested; (3) the application states a specific date on, or before, which the statements or data will be filed; and, (4) the application is not to be construed as constituting relief from possible penalties for tardy filing, unless it is granted.

By order of the Federal Maritime Commission, October 3, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10840; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,769 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Smyrna, Delaware, and from the Re-

gional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts, 02111. Hunting shall be subject to the following conditions:

(a) Species to be taken: Coots, ducks (except canvasback and redhead), geese (except snow geese) and brant.

(b) Open season: Ducks and coots—From 12:00 noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through November 23, 1963, inclusive. From 12:00 noon (standard time) to sunset December 9, 1963, and from sunrise to sunset December 10, 1963, through December 30, 1963, inclusive. No hunting is permitted on Sundays. Geese and brant—From 12:00 noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through January 9, 1964, inclusive, except that no hunting is permitted on Sundays.

(c) Daily bag limits: Ducks—3, coots—8, geese—2, brant—6. The daily bag limit of 3 ducks may not include more than (a) 1 hooded merganser, (b) 2 wood ducks, (c) 2 mallard or black ducks, singly or in the aggregate of both kinds. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Hunting is permitting only from Government constructed blinds and possession of loaded guns outside blinds is prohibited except when in active pursuit of crippled waterfowl.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(5) The use of boats, including boats with motors, is permitted, except that shooting from boats of any type is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is required to enter the public hunting area. Daily permits may be obtained at the checking station located at Port Mahon from 9:00 a.m. to sunset on November 1, 1963, and from one hour before sunrise to sunset each hunting day thereafter. These permits must be surrendered at the checking station when leaving the public hunting area.

(3) The provisions of this special regulation are effective to January 10, 1964.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 24, 1963.

[F.R. Doc. 63-10818; Filed, Oct. 11, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

CARROTS GROWN IN SOUTH TEXAS

Notice of Rule Making With Respect to Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments, as hereinafter set forth, which was recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement No. 142 and Marketing Order No. 970, as amended (7 CFR Part 970; 28 F.R. 7467, 7584), regulating the handling of carrots grown in certain designated counties of South Texas. This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than seven days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.304 Limitation of shipments.

During the period from November 3, 1963, through June 30, 1964, no person shall handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d), or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

(a) *Minimum grade requirements.* U.S. No. 1, or better.

(b) *Sizing requirements*—(1) *Medium-to-large:* ¾ Inch minimum diameter to 1⅞ inches maximum diameter, 5½ inches minimum length, with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

(2) *Jumbos:* 1 Inch minimum diameter to 3 inches maximum diameter and 5½ inches minimum length.

(c) *Container requirements*—(1) Carrots may be handled only in containers classified by weight as follows:

(i) 1 Pound;
(ii) 2 Pounds;
(iii) 25 Pounds;
(iv) 50 Pounds; and
(v) 75–80 Pounds.

(2) "Jumbos," as specified in paragraph (b)(2) of this section, may be handled only in 25, 50, and 75–80 pound containers.

(3) The container requirements of this paragraph shall not, but the pack requirements of paragraph (d) of this section shall, be applicable to carrots handled for export.

(d) *Pack requirements*—(1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1 Pound packages;
(ii) 48 1 Pound packages; or
(iii) 24 2 Pound packages.

(2) (i) Average gross weight of master containers is to be computed by multiplying the allowable number of packages therein by their weight classification, with respective tare allowances added. Tare allowances for crates, or their equivalents in other containers, are 4 pounds for crates Nos. 4015 and 3820, and 2 pounds for crate No. 5055. Crate designations are carrier numbers.

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances:

(*a*) 1 Pound packages, 22.5 percent.
(*b*) Over 1 pound and including 2 pound packages, 15 percent.
(*c*) Over 2 pound packages, 10 percent.

(iii) Containers weighing 25 pounds or more may not exceed an average of 10 percent of the net weight of contents.

(e) *Minimum quantities.* Pursuant to § 970.52(c)(2) of this part any person subject to the regulations in this section may handle, except for export, up to but not to exceed 100 pounds of carrots per calendar month without regard to the requirements of this section or to the inspection and assessment requirements of this part, but this exception may not apply to any portion of a shipment of over 100 pounds of carrots.

(f) *Handling carrots not grown in production area.* Carrots packed, but not grown, within the production area shall meet the requirements of paragraphs (a), (b), (c), and (d) of this section unless they are handled as a distinct entity in accordance with safeguards under §§ 970.120–970.125.

(g) *Special purpose shipments.* The requirements set forth in paragraphs (a), (b), (c), and (d) of this section, and the inspection and assessment requirements of this part, shall not be applicable to carrots handled for:

(1) Canning or freezing;
(2) Relief or charity;
(3) Experimental purposes; and
(4) Livestock feed only if mechanically mutilated in accordance with § 970.126 *Handling of culls* (28 F.R. 906).

(h) *Safeguards.* Each handler of carrots failing to meet the requirements of paragraphs (a), (b), (c), and (d) of this section, which (1) are packed but not grown within the production area under paragraph (f) of this section, or (2) are handled for canning or freezing, relief or charity, or experimental purposes under paragraph (g) of this section shall, prior to handling, apply for and obtain a Certificate of Privilege from the Committee. This shall require the handler to furnish reports and documents as the Committee may require showing that the carrots were handled in accordance with conditions specified in the certificate. Certificates are not required on carrots for canning or freezing if processed within Cameron, Starr, Willacy, and Hidalgo Counties.

(i) *Inspection.* (1) No handler may handle any carrots for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of carrots by motor vehicle for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto.

(3) For administration of this part each inspection certificate is valid for only 72 hours following completion of inspection as shown on the certificate.

(j) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360–51.2381 of this title) including the tolerances set forth therein with the following exceptions: (1) For packages which contain 5 pounds or less, a composite sample of 50 carrots will be scored and restricted to double the tolerances for defects and off-size, provided that no more than one carrot which is affected by soft rot will be permitted in any package, and (2) for packages of more than 5 pounds the percentages of defects and off-size shall be calculated on the basis of count. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142, and Order No. 970 (Part 970 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 9, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-10845; Filed, Oct. 11, 1963; 8:47 a.m.]

[7 CFR Part 970]

CARROTS GROWN IN SOUTH TEXAS

Proposed Amendment to Rules and Regulations

Notice is hereby given that the Secretary of Agriculture is considering the approval of an amendment to the existing rules and regulations, as hereinafter set forth, which was recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement

No. 142 and Order No. 970 as amended, destination; the purpose for which the requiring Certificates of Privilege to de-

No. 142 and Order No. 970 as amended (7 CFR Part 970; 28 F.R. 7467, 7584), regulating the handling of carrots grown in designated counties in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than seven days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment would delete present §§ 970.120 through 970.125, and insert in lieu thereof new §§ 970.120 through 970.125, to read as follows:

§ 970.120 Policy.

(a) Whenever shipments of carrots for special purposes pursuant to § 970.53, are relieved in whole or in part from regulations issued under § 970.52 the committee may require information and evidence on the manner, methods and timing of such shipments as safeguards against the entry of such carrots in trade channels other than those for which intended. Such information and evidence shall include requirements set forth below with respect to Certificates of Privilege.

(b) Unless carrots packed, but not grown, in the production area are handled in accordance with regulations issued pursuant to § 970.52 they must be handled as a distinct entity and the committee may require information and evidence on the origin, quantity and methods of handling to insure that such carrots are not commingled with or represented as carrots grown in the production area. Such information and evidence may include requirements set forth below with respect to Certificates of Privilege.

§ 970.121 Qualification.

Before handling carrots for special purposes or carrots packed but not grown within the production area, which do not meet regulations issued pursuant to § 970.52, a handler when required by such regulations must qualify with the committee to handle such shipments. To qualify he must (a) apply for and receive the Certificate of Privilege indicating his intent to so handle carrots, (b) agree to comply with reporting and other requirements set forth in §§ 970.120 to 970.125, inclusive, with respect to such shipments and (c) receive approval of the committee or its duly authorized agents to so handle carrots. Such approval will be based upon evidence furnished in the application for Certificate of Privilege and other information available to the committee.

§ 970.122 Application.

(a) Applications for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, and quality of the carrots to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the carrots are to be used; and certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon, and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 970.120.

(b) The committee may require each handler making shipments of carrots for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525–V applicable to such shipments.

(c) Each handler of carrots packed but not grown within the production area shall:

(1) Provide adequate evidence of production in other than the production area. Such evidence may include certification of origin of shipment, quantity and carrier by the Federal or Federal State Inspection Service at point of origin, or such other evidence deemed by the committee to be necessary evidence.

(2) Maintain physical separation and identification of out-of-production area carrots from South Texas carrots throughout receipt, packing, or other preparation for market by not handling out-of-production area carrots and South Texas carrots at the same time in the same packing facility.

(3) Identify out-of-production carrots when packed and marketed as to the State or area where grown by labeling or other appropriate means of identification on the containers and packages, and

(4) Provide evidence to the Federal State Inspection Service that the other than production area carrots are handled without commingling with production area carrots.

§ 970.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon the determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period and, relative to special purpose shipments, it shall specify consignees and qualities and quantities of carrots to be sold or transported for the purpose declared.

§ 970.124 Reports.

Each handler of carrots shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee, or its duly authorized agents, showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee, the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 970.125 Disqualification.

The committee from time to time may conduct surveys of handling of carrots requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that the handler or consignee is failing to comply with the requirements and regulations applicable to handling of carrots requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and subsequent certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee, but in no event shall it extend beyond the date of the succeeding fiscal period. Any handler who has a Certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

Dated: October 9, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–10844; Filed, Oct. 11, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 25, 121]

IDENTITY STANDARDS FOR MAYONNAISE, FRENCH DRESSING, SALAD DRESSING; FOOD ADDITIVES IN FOOD FOR HUMAN CONSUMPTION

Proposals To Amend Standards and Food Additive Regulations To Permit Use of Preservatives Calcium Disodium Ethylenediaminetetraacetate and Disodium Ethylenediaminetetraacetate

A. In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that petitions have been filed by Corn Products Company, 717 Fifth Avenue, New York, New York, and by the Kraft Foods Division of National Dairy Products Corporation, 500 Peshtigo Court, Chicago, Illinois, proposing that amendments be made of the standards of identity for mayonnaise, french dressing, and salad dressing to provide for using specified derivatives of ethylenediaminetetraacetic acid as optional preservation ingredients. Both petitions are based on using the chemical preservative to retard flavor deterioration, and they propose that the quantity of the preservative be limited to not more than 75 parts per million.

The petition by Corn Products Company proposes that the standard for french dressing (21 CFR 25.2) be amended to recognize calcium disodium ethylenediaminetetraacetate as a permitted optional preservative ingredient and to provide that the use of such preservative ingredient shall be shown by the label statement "Calcium disodium EDTA added as a preservative", or, alternatively, "Calcium disodium EDTA added to protect flavor."

The petition by Kraft Foods Division proposes that the standards for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, and 25.3) be amended to provide for the use in each of these foods of an optional preservative ingredient consisting of calcium disodium ethylenediaminetetraacetate, or disodium ethylenediaminetetraacetate, or both. This petition proposes that labeling requirements of the standards be amended to provide that when the preservative ingredient is used the label shall bear the statement "----------added as a preservative," blank being filled in with the designations "calcium disodium EDTA" or "disodium EDTA" or "calcium disodium EDTA and disodium EDTA," as appropriate.

B. Calcium disodium ethylenediaminetetraacetate and disodium ethylenediaminetetraacetate are food additives within the meaning of sections 201(s) and 409 of the Federal Food, Drug, and Cosmetic Act. Therefore, in accordance with the procedure outlined in § 10.4 *Food additives proposed for use in foods for which definitions and standards of identity are established,* and under the authority of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the Commissioner further proposes to amend the food additive regulations to reflect the proposed amendments to the standards of identity for the foods hereinbefore specified and to recognize the now commonly used names of the additives. The amendments proposed will be effected:

1. By changing the section heading, the introduction to § 121.1017, the table in paragraph (b)(2), and paragraph (d) to read as set forth below:

§ 121.1017 Calcium disodium EDTA.

The food additive calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) may be safely used in designated foods for the purposes and in accordance with the conditions prescribed, as follows:

* * * * * *

(b) * * *

(2) * * *

Food	Limitation (parts per million)	Use
Dressings, nonstandardized	75	Preservative.
French dressing	75	Do.
Mayonnaise	75	Do.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

* * * * * *

(d) In the standardized foods listed in paragraph (b) of this section, the additives are used only in compliance with the applicable standards of identity for such foods.

2. By changing the section heading of § 121.1056 and the tabulations in paragraph (b) (1) and (2) to read as set forth below and by adding to the section a new paragraph (d), as follows:

§ 121.1056 Disodium EDTA.

* * * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
Aqueous multivitamin preparations.	150	With iron salts as a stabilizer for vitamin B_{12} in liquid multivitamin preparations.
Canned kidney beans	165	Preservative.
Dressings, nonstandardized	75	Do.
French dressing	75	Do.
Frozen white potatoes including cut potatoes.	100	Promote color retention.
Mayonnaise	75	Preservative.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

(2) * * *

Food	Limitation (parts per million)	Use
Dressings, nonstandardized	75	Preservative.
French dressing	75	Do.
Mayonnaise	75	Do.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

* * * * * *

(d) In the standardized foods listed in paragraph (b) (1) and (2) of this section the additives are used only in compliance with the applicable standards of identity for such foods.

All interested persons are invited to submit their views in writing regarding the proposals published hereinabove. Such views and comments should be submitted preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 8, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–10834; Filed, Oct. 11, 1963; 8:47 a.m.]

[21 CFR Part 45]

OLEOMARGARINE, MARGARINE; DEFINITION AND STANDARD OF IDENTITY

Notice of Proposal To Amend Identity Standard by Listing Calcium Disodium Ethylenediaminetetraacetate as Optional Preservative Ingredient

Notice is given that a petition has been filed by Corn Products Company, 717 Fifth Avenue, New York, New York, proposing that the identity standard for oleomargarine be amended to provide for using calcium disodium ethylenediaminetetraacetate as an optional preservative ingredient and proposing the label statements to be prescribed in the standard for showing that the oleomargarine contains this added chemical preservative.

It is proposed that § 45.1 *Oleomargarine, margarine; identity; label statement of optional ingredients* be amended as set forth below:

1. By adding to paragraph (a) (3), a new subdivision (xii) reading as follows:

(xii) Calcium disodium EDTA, incorporated in the milk ingredient used, in an amount not to exceed 75 parts per million by weight of the finished oleomargarine.

2. By adding to the list in paragraph (b) (1) a new item reading as follows:

Subparagraph (3) (xii)—"Calcium disodium EDTA added to protect flavor" or "Calcium disodium EDTA added as a preservative."

In a notice published concurrently with this document (28 F.R. 10976), the Commissioner of Food and Drugs is proposing that the food additive regulations be amended to provide for the use of the name "calcium disodium EDTA" as the common or usual designation of calcium disodium ethylenediaminetetraacetate.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 8, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–10835; Filed, Oct. 11, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Economic Regs. Docket No. 14749]

EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rulemaking

OCTOBER 10, 1963.

The Board, by publication in 28 F.R. 9989 and by circulation of a Notice of Proposed Rulemaking, EDR–60, PSDR–

7, dated September 11, 1963, gave notice that it had under consideration amendments to Part 288 of its Economic Regulations and Part 399 of its Policy Statements which would, among other matters, revise the minimum rates and minimum utilization of aircraft requirements for short-notice MATS charters in foreign and overseas transportation, and between the 48 contiguous states, on the one hand, and Alaska and Hawaii, on the other hand.

Certain air carriers which may be substantially affected by the amendments have requested that further time be allowed for compilation of additional economic data and preparation of adequate comments in light thereof. The undersigned finds that good cause has been shown for an extension of time for receipt of comments, and an additional two weeks will be allowed.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice No. PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the proposed amendments to Parts 288 and 399 until October 28, 1963. All relevant data and information received on or before that date will be considered by the Board before taking action on the proposed amendment. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 407, and 416 of the Federal Aviation Act of 1958; 72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] CHARLES A. HASKINS,
Acting Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 63-10876; Filed, Oct. 11, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airpsace Docket No. 63-SW-40]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Palacios, Tex., terminal area:

1. The Palacios control zone is designated as that airspace within a 3-mile radius of Palacios Airport and within 2 miles each side of the Palacios VOR 305° and 125° True radials, extending from the 3-mile radius zone to 10 miles northwest of the VOR.

2. The Houston, Tex., control area extension is designated, in part, as that airspace bounded by a line extending from latitude 29°37'30" N., longitude 94°00'00" W., thence southwest 3-nautical miles from and parallel to the shoreline to latitude 28°23'20" N., longitude 96°17'30" W., thence clockwise along the arc of a 25-mile radius circle centered at latitude 28°44'45" N., longitude 96°17'-00" W., to latitude 28°55'00" N., longitude 96°38'45" W., thence northeast to latitude 29°58'30" N., longitude 95°58'-30" W.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Palacios area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Redesignate the Palacios control zone as that airspace within a 5-mile radius of the Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'-15" W.). The proposed alteration of the Palacios control zone would increase the basic 3-mile radius zone to 5 miles to provide protection for larger, more-modern type aircraft executing prescribed instrument approach and departure procedures at the Palacios Municipal Airport and would eliminate the northwest control zone extension as it is no longer required for air traffic control purposes.

2. Designate the Palacios transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VOR 308° True radial, extending from the VOR to 8 miles northwest; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the Palacios VOR 308° and 128° True radials, extending from 13 miles northwest to 7 miles southeast of the VOR; and within 5 miles each side of the Palacios VOR 128° True radial, extending from 7 miles southeast to 23 miles southeast of the VOR, excluding the portion outside of the United States. This would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures at the Palacios Municipal Airport.

The floors of the airways which traverse the transition area proposed herein and the floor of the portion of the Houston control area extension which coincides with the proposed transition area would automatically assume a floor coincident with the floors of the transition area. Revocation of the Houston control area extension will be processed at a later date as a part of the CAR Amendments 60-21/60-29 implementation program for the Houston terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 7, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10805; Filed, Oct. 11, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 2009]

VICKERS VISCOUNT MODELS 745D AND 810 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Vickers Viscount Models 745D and 810 Series aircraft. There have been several instances of failure of the fuselage leading edge frame and associated floor beam in the region of the top leading edge fittings and also in the leading edge frame top spigot fittings and their mating socket fittings which are attached to the inner wing leading edge member. To correct this unsafe condition, this AD requires inspection and repair, reinforcement, or replacement of any parts found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 15, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

Fatigue failures have occurred in the fuselage leading edge frame and associated structure. To preclude further failures accomplish the following:

(a) Fuselage frame:

(1) Within 175 landings after the effective date of this AD on aircraft which have attained 8,000 landings, unless already accomplished within the last 500 landings, conduct initial visual inspection for cracks in accordance with the applicable Vickers Preliminary Technical Leaflet referenced herein. Accomplish repair in (2) or (3) as applicable, before further flight if the inspection reveals any of the following:

(i) Cracks in the frame joint pressings or in the floor beam or in the floor beam joint plates—either in the flanges or running towards the flanges or in the heel line of the flanges.

(ii) Any single crack not defined in (a)(1)(i), greater in length than 1.5 inches.

(iii) Two or more cracks not defined in (a)(1)(i).

(2) Model 745D cracked frame joint pressings must be repaired/reinforced per Modification D.3059, or any alternative scheme which has been approved by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area.

(3) Model 810 Series aircraft. Figure 2, PTL 106 Issue 2 illustrates a temporary repair scheme, applicable only where unacceptable cracks, confined to the areas indicated in Figure 1 of the referenced PTL are present. Unacceptable cracks, outside those areas must be repaired/reinforced in accordance with Mod. FG. 1928 part (b). Any alternative scheme which has been approved by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area may be used.

(4) Subsequent to the initial inspection, per (1), aircraft are considered serviceable if the following repetitive inspections of the frame structure are accomplished at the periods indicated.

(i) Within every 700 landings:

(a) When no cracks are present.

(b) Where any acceptable single crack not greater in length than 1.5 inches is present.

(c) When VTO/700/169 or any other temporary repair scheme approved by the aircraft manufacturer or by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area, has been incorporated.

(ii) At routine overhaul periods not later than every 12,000 flying hours: After reinforcement of the frame structure by incorporation of Mod. D.3059 (for 745D) or Mod. FG. 1928 part (b) (for 810), or any alternative

reinforcement approved by the aircraft manufacturer, or by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area. (Continental Air Lines Repair/Reinforcing Scheme 753—43079 has been approved by the aircraft manufacturer for aircraft repaired/reinforced prior to the effective date of this AD.)

(b) Inspection of top spigot and socket fittings and attachment bolts:

(1) From effective date of this AD within 1,000 landings on aircraft which have already attained 12,000 landings or within 2,000 landings on aircraft which have accumulated between 8,000 and 12,000 landings, unless already accomplished, conduct initial visual in situ inspection of the spigot and socket fittings for cracks and the associated attachment bolts for damage, in accordance with the applicable PTL referenced herein. Cracked fittings or damaged bolts must be replaced before further flight. Initial inspection of replacement fittings with new original type fittings need not be conducted until these fittings have accumulated 8,000 landings.

(2) Subsequent to the initial inspection in (b)(1) conduct repetitive inspections within every 2,000 landings until Mod. D.3072 (for 745D) Mod. FG. 1928 part (a) (for 810) is embodied. Inspect modified fittings at routine overhaul periods not later than every 12,000 hours' time in service.

(3) Modified fittings shall be used in pairs. Single modified fittings shall not be used to replace unserviceable unmodified items.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

It will be necessary for the operator to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to the effective date of this AD may be estimated by substituting one landing for each hour in service prior to the effective date of this AD.

(Vickers-Armstrongs PTL 242 Issue 2 (700 Series) and Modifications D.3059 and D.3072 for 745D aircraft, PTL 106 Issue 2 (800/810 Series) and Modification FG. 1928 for 810 Series aircraft cover this subject.)

Issued in Washington, D.C., on October 7, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-10806; Filed, Oct. 11, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 2010]

VICKERS VISCOUNT MODEL 810 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Vickers Viscount Model 810 Series aircraft. Several cases of cracking of the flap beam have occurred due to fatigue. To correct this unsafe condition, this AD requires inspection of the flap beams for cracks and repair as indicated.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 15, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Model 810 Series aircraft.

Compliance required as indicated.

Fatigue failures have been reported on flap beams in the areas shown in Figures 4 and 5 of Vickers Preliminary Technical Leaflet No. 107 Issue 2 (800/810 Series). To preclude further failures accomplish the following on Nos. 1 and 4 flap units:

(a) Within 200 landings after the effective date of this AD, on aircraft which have accumulated 10,000 or less landings, unless already accomplished within the past 1,300 landings, conduct dye penetrant or FAA approved equivalent inspection for cracks in accordance with PTL 107 Issue 2. If no cracks are found, reinspect at intervals not exceeding 1,500 landings until the aircraft accumulates between 10,000 and 11,000 landings during which time the airplane must be reinspected. Thereafter, the aircraft must be reinspected at intervals not exceeding 600 landings until a total of not more than 12,000 landings are accumulated at which time either of the following or FAA approved equivalent must be incorporated:

(1) Modification FG. 1946, or

(2) The repair/reinforcing scheme defined in the referenced PTL.

(b) Within 50 landings after the effective date of this AD on aircraft which have attained over 10,000 landings, unless already accomplished within the past 550 landings, conduct the inspection of (a). If no cracks are found, reinspect at intervals not exceeding 600 landings until reinforcing scheme (a)(1) or (a)(2), or FAA approved equivalent, has been incorporated. Incorporate the reinforcing scheme within 2,000 landings after the effective date of this AD.

(c) Cracked flap beams are considered acceptable for a further 500 landings provided that the cracks are within the limits specified in "Definition of Serviceability" paragraph 3 of the referenced PTL, and provided that the area is reinspected in accordance with (a) within every 100 landings to ensure that no crack propagation has occured. Incorporate repair/reinforcing scheme (a)(1) or (a)(2), or FAA approved equivalent, as follows:

(1) Within 10 landings from the time of crack detection for aircraft with unacceptable cracks, and within 10 landings for aircraft with cracks that are found to propagate in length.

(2) On or before the completion of 500 landings from the time of crack detection for aircraft with acceptable cracks.

(d) After incorporating the modification of (a)(1) or (a)(2), or FAA approved equivalent, the special inspection of this AD may be discontinued.

It will be necessary for the operator to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to the effective date of this AD may be estimated by substituting one landing for each hour in service prior to the effective date of this AD.

(Vickers-Armstrongs PTL No. 107 Issue 2 (800/810) and Modification FG. 1946 cover this subject.)

Issued in Washington, D.C., on October 7, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-10807; Filed, Oct. 11, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 566, Amdt. 10]

CONTRACTING AND RELATED MATTERS

Designation and Delegation of Authority

Section 2 of Order 566 (19 F.R. 3971) as amended (20 F.R. 2092, 5703; 21 F.R. 2290, 7460, 8219; 23 F.R. 5611; 24 F.R. 8952; 27 F.R. 12143; 28 F.R. 3991), is further amended to reflect designation of an additional contracting officer by the addition of new subsection (f) to section 2(a)(2). The amended portion of section 2 reads as follows:

SEC. 2. *Designation of Contracting Officers and Contracting Officers' authorized representatives*—(a) *Contracting Officers.* • • •

(2) *Area Office Officials.* • • •

(f) Contract Engineer Adviser (Portland Area)

JOHN O. CROW,
Acting Commissioner.

OCTOBER 4, 1963.

[F.R. Doc. 63-10819; Filed, Oct. 11, 1963; 8:46 a.m.]

Bureau of Land Management

[Wyoming 0275223]

WYOMING

Order Providing for Opening of Public Lands

OCTOBER 7, 1963.

1. In an exchange of lands with the State of Wyoming under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), as amended, the following described lands have been conveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 60 W.,
Sec. 15, Lot 3.

Containing 11.73 acres.

T. 31 N., R. 119 W.,
Sec. 18, Lot 8.

Containing 29.14 acres.

2. The land described in T. 30 N., R. 60 W. is located near the Wyoming-Nebraska border in Goshen County, approximately 15 miles northeast of the town of Jay Em, Wyoming. The general area consists of cattle and sheep ranches. The subject land is gently rolling, grass-type cover of fair to good livestock carrying capacity. There is no water nor improvements on the land.

The land above described in T. 31 N., R. 119 W. is in the Star Valley area of Lincoln County, Wyoming. The general area consists of small farms based on production of livestock and dairying. The tract is characterized by steep grazing land supporting a sagebrush-grass covering of fair to good livestock carrying capacity. No water nor improvements are on the land.

3. Pursuant to the authority delegated to me by section 1.5(b), Part 1, Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), of the Associate Director, Bureau of Land Management, the lands described in Paragraph 1 hereof will be open at 10 a.m. on November 12, 1963, to the filing of applications, selections and locations under the public land laws, mineral leasing laws and the general mining laws, subject to all valid existing rights, equitable claims, the provisions of existing withdrawals, the requirements of applicable laws, rules and regulations. The land in Sec. 18, T. 31 N., R. 119 W. is under oil and gas lease Wyoming 084990.

4. Inquiries concerning the lands should be addressed to the Assistant State Director, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming.

ED PIERSON,
State Director.

[F.R. Doc. 63-10821; Filed, Oct. 11, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 1]

ORGANIZATION AND FUNCTIONS

Delegations of Authority

Paragraph III E 1 of 28 F.R. 4368 dated May 2, 1963 is amended to read as follows:

1. *Inventory Management Division.* The Inventory Management Division formulates, develops and coordinates a broad comprehensive inventory management program for ASCS, CCC, including: storage and handling standards, guides and practices, uniform and special storage and handling agreements, examination and approval of warehouses, positioning, care and management of inventories, emergency storage programs, technical transportation advice and assistance. It provides appropriate instructions, interpretations and reviews pertaining to assigned functions, and carries out assigned defense activities.

Signed at Washington, D.C., this 9th day of October 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and conservation Service.

Approved:

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 63-10847; Filed, Oct. 11, 1963; 8:47 a.m.]

Office of the Secretary

NORTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Sampson County, North Carolina, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10849; Filed, Oct. 11, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 18]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. Pursuant to the National Security Action Memorandum No. 220, dated February 5, 1963, addressed to The Secretary of State; The Secretary of Defense; The Secretary of Agriculture; The Secretary of Commerce; The Administrator, Agency for International Development; and The Administrator, General Services Administration, concerning United States Government shipments by foreign-flag vessels in the Cuban trade, the Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through October 4, 1963, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2:

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—All flags (183 ships)	1,449,622
British (54 ships)	506,467
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300

FLAG OF REGISTRY AND NAME OF SHIP—*Con.*	FLAG OF REGISTRY AND NAME OF SHIP—*Con.*	FLAG OF REGISTRY AND NAME OF SHIP—*Con.*
Ardtara	Lapland	Sinkiang
Ardtrea	Lassell	Sinoe
Arizona	Lassen	Sirikit
Arlington	Lassenbank	Sirius
Arnewood	Lassenfjord	Skaubryn
Arnfinn Bergesen	Lassenpool	Skaugum
Arnfinn Jarl	Lassenstar	Skeldergate
Arnfinn Viking	Lassenville	Skeldergill
Arnhem	Lassenwood	Skeldergrange
Arnhemland	Lassenwoods	Skeldergrove
Arnhemstar	Lassenwoodstar	Skeldergrove
Arnhemville	Lassenwoodville	Skeldergrove
Arnhemwood	Lassenwoodwood	Skeldergrove
Arnhemwoods	Lassenwoodwoodstar	Skeldergrove
Arnhemwoodstar	Lassenwoodwoodville	Skeldergrove
Arnhemwoodville	Lassenwoodwoodwood	Skeldergrove
Arnhemwoodwood	Lassenwoodwoodwoodstar	Skeldergrove
Arnhemwoodwoodstar	Lassenwoodwoodwoodville	Skeldergrove
Arnhemwoodwoodville	Lassenwoodwoodwoodwood	Skeldergrove
Arnhemwoodwoodwood	Lassenwoodwoodwoodwoodstar	Skeldergrove
Arnhemwoodwoodwoodstar	Lassenwoodwoodwoodwoodville	Skeldergrove
Arnhemwoodwoodwoodville	Lassenwoodwoodwoodwoodwood	Skeldergrove
Arnhemwoodwoodwoodwood	Lassenwoodwoodwoodwoodwoodstar	Skeldergrove
Arnhemwoodwoodwoodwoodstar	Lassenwoodwoodwoodwoodwoodville	Skeldergrove
Arnhemwoodwoodwoodwoodville	Lassenwoodwoodwoodwoodwoodwood	Skeldergrove
Arnhemwoodwoodwoodwoodwood	Lassenwoodwoodwoodwoodwoodwoodstar	Skeldergrove
Arnhemwoodwoodwoodwoodwoodstar	Lassenwoodwoodwoodwoodwoodwoodville	Skeldergrove
Arnhemwoodwoodwoodwoodwoodville	Lassenwoodwoodwoodwoodwoodwoodwood	Skeldergrove
Arnhemwoodwoodwoodwoodwoodwood	Lassenwoodwoodwoodwoodwoodwoodwoodstar	Skeldergrove
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FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
British (54 ships)—Continued	
Arlington Court	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cedar Hill	7,156
Chipbee	7,271
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Ho Fung	7,121
Inchstaffa	5,255
Ivy Fair (now Cosmo Trader)	7,201
Kirriemoor	5,923
Linkmoor	8,236
London Confidence (Tanker)	21,699
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Independence (Tanker)	22,643
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
London Victory (Tanker)	12,132
Lord Gladstone	11,299
Maratha Enterprise	7,166
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Shienfoon	7,127
Silverforce	8,058
Silverlake	8,058
Stanwear	8,108
Suva Breeze	4,970
Thames Breeze	7,878
Tulse Hill	7,120
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (54 ships)	421,629
Aegaion	7,239
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
Americana	7,104
Anacreon	7,359
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
Despoina	5,006
Efcharis	7,249
Eftychia	7,223
Embassy	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Hydraios III	5,239
*Irena	7,232
Istros II	7,275
Katingo	7,349
Kostis	7,264
Kyra Hariklia	6,888
Maria de Lourdes	7,219
Maria Santa	7,217

*Added to Report No. 17 appearing in the FEDERAL REGISTER issue of September 27, 1963.

FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
Greek (54 ships)—Continued	
Maria Theresa	7,245
Maroudio	7,369
Mastro-Stellos II	7,282
Nicolaos Frangistas	7,199
North Empress	10,904
North Queen	9,341
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
Polaris	9,603
Pollux	9,956
Polyxeni	7,143
Presvia	10,820
Propontis	7,128
Redestos	5,911
Seirios	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos	7,244
Timios Stavros	5,269
Tina	7,362
Vassiliki (Tanker)	10,507
Western Trader	9,268
Lebanese (32 ships)	215,751
Aiolos II	7,256
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Areti	7,176
Aristefs	6,995
Astir	5,324
Carnation	4,884
Dimos	7,187
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani	7,253
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Tertric	7,045
*Theologos	6,529
Vassiliki	7,192
Italian (10 ships)	76,816
Achille	6,950
Airone	6,969
Annalisa	2,479
Arenella	7,183
Aspromonte	7,154
Cannaregio	7,184
Linda Giovanna (Tanker)	9,985
Nazareno	7,173
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Polish (8 ships)	51,899
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237

FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
Polish (8 ships)—Continued	
Kopalnia Miechowice	7,229
Kopalnia Siemianowice	7,165
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,286
Cetinje	7,200
Dugi Otok	6,997
Promina	6,969
Trebisnjica	7,145
Norwegian (5 ships)	54,502
Kongsgaard (Tanker)	19,999
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
Tine (now Jezrell)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
Guinee	3,048
Nelee	2,874
Spanish (3 ships)	5,564
Castillo Ampudia	3,566
Sierra Madre	999
Sierra Maria	999
Moroccan (3 ships)	29,632
Atlas	10,382
Mauritanie	10,382
Toubkal	8,748
Swedish (2 ships)	14,286
Dagmar	6,490
Atlantic Friend	7,868
Finnish (1 ship):	
Vainy (Tanker)	11,691
Japanese (1 ship):	
Meishun Maru	8,647

SEC. 2. In accordance with the provisions of National Security Action Memorandum No. 220 of February 5, 1963, the following vessels which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance that no ships under their control will, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade:

a. Since last report: None.

b. Previous reports:

Flag of registry:	Number of ships
British	1
Danish	1
German (West)	1
Greek	1
Norwegian	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba in 1963, based on information received through October 4, 1963:

Flag of registry	Number of trips									
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
British	5	8	8	17	13	15	14	11	8	99
Greek	4	6	8	17	12	17	7	5	5	84
Lebanese	1		2	8	8	9	8	3	3	42
Norwegian		2	4		1	2	1	2	1	13
Italian	1	1	1	2	3	2	2	2		14
Yugoslav		2	2	1	1		1	1	1	9
Spanish			2				1	1	1	5
Danish			1							1
Finnish						1				1
French										
German (West)					1				5	5
Japanese	1									1
Moroccan			1			1	1	1	1	5
Swedish				1		1		1		3
Subtotal	12	19	29	37	44	43	45	29	25	283
Polish	2	1	1	2	2	2	1	1		12
Grand total	14	20	30	39	46	45	46	30	25	295

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: October 8, 1963.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 63-10689; Filed, Oct. 11, 1963; 9:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition Regarding Food Additive Polysorbate 60

POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1228) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the issuance of an amendment to § 121.1030 to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as an emulsifier in nonstandardized dressings made without egg yolk, whereby the maximum amount of the additive does not exceed 0.3 percent (3,000 parts per million) of the weight of the dressing.

Dated: October 8, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10833; Filed, Oct. 11, 1963; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14682]

CUNARD EAGLE PERMIT

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence Monday, October 21, 1963, at 10:00 a.m., l.t., in Room 911 of the Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Is the applicant fit, willing, and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. Will the air transportation proposed in the application be in the public interest?

3. Is substantial ownership and effective control of the applicant vested in nationals of the United Kingdom?

4. If the application is granted, what should be the duration of the permit and what terms, conditions, and limitations, if any, should be attached thereto?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., October 9, 1963.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 63-10842; Filed, Oct. 11, 1963; 8:47 a.m.]

JOINT CONFERENCE 3-1 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1963.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17004, R-10.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notice to the carriers and promulgated in IATA memorandum JT31/Rates 289, cancels the following specific commodity rates:

ITEM 1026—FISH, LIVE, INEDIBLE

From—	To—	Rate in cents per kilogram	Minimum weight
			Kilograms
Bangkok	New York	408	100
Do	West Coast	398	100

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17004, R-10, be approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10843; Filed, Oct. 11, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63-EA-14]

MONONGAHELA POWER CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (1-OE-3215) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Monongahela Power Company, Fairmont, West Virginia, proposes to construct a 450-foot extension of its existing electric distribution line near Lewis Field, Buckhannon, West Virginia, aligned in a north/south direction near latitude 38°59'25" N., longitude 80°16'-30" W. The proposed extension would consist of three additional utility poles, all thirty feet above ground, but having top elevations of 1,456 feet MSL, 1,455 feet MSL and 1,454 feet MSL, respectively, and all would be connected by

wires to each other and the existing elec-

be 906 feet above mean sea level (500

erations would be adversely affected a

wires to each other and the existing electric line.

The aeronautical study disclosed that the proposed structure would be located approximately 260 feet west of the west end of the only runway at Lewis Field. The extension to the existing electric line would carry it across the path of the extended centerline of the runway. It would exceed the 20:1 non-instrument approach area surface as defined in § 77.27(b)(3) of the Federal Aviation regulations, as applied to the runway by approximately 16 feet. An 8:1 obstruction clearance slope would result, whereas, Agency standards establish 20:1 for airports with runways the length of the one at Lewis Field. By applying a 20:1 slope ratio to provide standard obstruction clearance from the proposed structure it was found that only 1,280 feet of runway would be usable for aircraft landing to the east or taking off to the west. Therefore, if the proposed structure were to be built it would be a formidable obstruction to such aircraft operations from this runway.

Lewis Field is the only airport serving the Buckhannon area and has 6 based aircraft, one of which is a multi-engine aircraft.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations at Lewis Field.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 7, 1963.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-10808; Filed, Oct. 11, 1963; 8:45 a.m.]

[OE Docket No. 63-SW-6]

TOMMY MOORE, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SW-OE-4827) to determine its effect upon the safe and efficient utilization of navigable airspace.

Tommy Moore, Inc., Fort Worth, Texas, proposes to construct a radio antenna structure in Dallas, Texas, at latitude 32°48'41" N., longitude 96°53'49" W. The overall height of the structure would be 906 feet above mean sea level (500 feet above ground).

At the proposed location and height, the proposed structure would be approximately four miles southwest of Dallas Love Field and two and one-fourth miles west/southwest of the Dallas Non-Directional Radio Beacon. It would exceed the standards for determining hazards to air navigation in § 77.23(a)(2) of the Federal Aviation regulations by 300 feet since the site would be located within a control zone and a Federal airway.

The aeronautical study disclosed that the structure would be located in proximity to routes used extensively by aircraft operating in accordance with the Visual Flight Rules and with special VFR procedures authorized for flights in the Dallas-Fort Worth, Texas, area. If the proposed structure were erected, it would be necessary to change special VFR procedures which presently authorize VFR operations between Love Field and Greater Southwest Airport at flight altitudes of 1,100 feet AMSL during daylight hours and 1,300 feet AMSL during night hours. The special VFR procedures allow aircraft to operate during weather conditions which are less than those prescribed for normal VFR flight. The purpose of such special procedures is to expedite air traffic movement in a high density terminal area where it can be accomplished without sacrificing safety. The affected minimum altitudes would require adjustment upward to 1,400 feet and 1,600 feet, respectively, thus derogating the effectiveness of the special VFR procedures.

VFR traffic operating in the immediate vicinity of the construction site, but not authorized to use the special VFR procedures, would also be affected if the proposed structure were erected. Since the construction site is located in a congested area, pilots not authorized to use the special VFR procedures would be required to fly at least 1,000 feet above the top of the structure when operating within a horizontal radius of 2,000 feet from the structure. Unlike the VFR traffic using the special procedures, however, these flights could still use minimum altitudes comparable to those presently in effect in the general area by making a slight adjustment of route to avoid the site of the structure.

The aeronautical study also disclosed that the construction of the proposed structure would have the following adverse effects upon instrument flight rules operations in the Dallas terminal area:

1. Require cancellation of the 400-1 straight-in minima for Love Field ADF-2 standard instrument approach procedure.

2. Require cancellation of the 400-1 straight-in minima for Love Field Runway 36 radar surveillance approach procedure.

3. Require a restriction of 1,200 feet minimum altitude for instrument approaches to Love Field Runway 36, a restriction which would result in excessive rates of descent for aircraft making instrument approaches to this runway.

The Agency study disclosed that a substantial number of aeronautical operations would be adversely affected if the IFR procedures were cancelled or amended for the purpose of accommodating the proposed structure. The Agency records reveal a total of 250,982 aircraft operations during calendar year 1962 of which 96,101 were instrument operations including 10,328 instrument approaches.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would derogate the use of existing IFR and special VFR procedures in the Dallas terminal area to such an extent that they could not be safely used by aircraft. To change the affected procedures and minimum flight altitudes for the purpose of accommodating the proposed structure would have an adverse effect upon aircraft operating in the Dallas terminal area since they would be denied the use of the lower altitudes and landing minimums they are now using.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 7, 1963.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-10809; Filed, Oct. 11, 1963; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CANTON RAILROAD CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-29, between Canton Railroad Company (Canton) and Sea-Land Service, Inc. (Sea-Land), provides for a five year lease of certain pier and terminal property adjacent to Canton's Pier 10 at Baltimore, Maryland. The premises are to be used for the receiving, delivering, handling and storing of cargo to and from vessels, and the parking or storing of tractors, trailers, chassis including those of Sea-Land's agents, used in trucking cargo to or from vessels. In consideration therefore, Sea-Land shall pay an annual rental of $135,000, and such rental shall be in lieu of all charges customarily assessed by Canton for dockage, wharfage, top wharfage, wharf demurrage, wharf storage, space assignment, freight transfer service charge, service and facility charge, and all other charges governing the docking of vessels and the storing, transferring and handling of cargo. Canton is permitted to use a certain portion of the leased premises and adjacent berthing area to dock and service vessels other than those of Sea-Land provided that such use does no interfere with Sea-Land's operations. As consideration therefore, Canton shall pay Sea-Land all dockage charges assessed against vessels berthed at such facility.

Agreement No. T-32, between Maryland Port Authority (MPA) and Baltimore & Ohio Railroad (Railroad), provides for a 40 year lease of certain terminal property and facilities at Locust Point, Baltimore, Maryland, to be operated by MPA as a marine terminal at an annual rental of $1.00. MPA has certain options to purchase the facilities during the initial term of the lease and if no option is exercised, the lease will be automatically renewed for an additional 40 years. MPA agrees to expend $6,987,000 for modernization and construction during the first five years of occupancy. Railroad will have the exclusive right to provide rail service to and from the facilities and agrees to pay terminal service charges and loading and unloading charges as set forth in MPA's Terminal and Service Tariff No. 1. MPA reserves the right to amend their tariff but only upon thirty (30) days prior notice to and after consultation with the Railroad. MPA agrees that the terminal service charge will be assessed without discrimination against all types of transport and that its charges to the Railroad will be no greater than like charges assessed against other rail carriers at other facilities operated by the MPA. Railroad retains the right to operate Pier 7 (Grain Pier) at its own expense and for its own account under terms and conditions set forth in the agreement.

Interested parties may inspect the agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

OCTOBER 9, 1963.

[F.R. Doc. 63-10838; Filed, Oct. 11, 1963; 8:47 a.m.]

[Docket No. 1143]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Minimum Rates and Charges Between Jacksonville and Puerto Rico; Notice of Vacation of Suspension

On September 5, 1963, the Commission suspended and placed under investigation certain minimum rates and charges of Sea-Land Service, Inc. For the reasons set forth in the Commission's Report issued this date in Docket No. 1144, which Report is hereby referred to and made a part hereof,

It is ordered, That the suspension ordered herein by the Commission on September 5, 1963, is hereby vacated effective October 8, 1963.

By the Commission, October 3, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10839; Filed, Oct. 11, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7128]

PACIFIC POWER AND LIGHT CO.

Notice of Application

OCTOBER 7, 1963.

Take notice that on September 27, 1963 Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of not to exceed 732,854 shares of its Common Stock with a par value of $3.25 per share. Applicant proposes to offer the aforesaid Common Stock initially on a pro rata basis to holders of record of Applicant's presently outstanding Common Stock on the rights offering record date (presently expected to be October 30, 1963) in the ratio of one share of additional Common Stock for each twenty shares then held. The price of the additional shares will be determined by Applicant's Board of Directors shortly before the proposed offering date, at an appropriate discount. Each common stockholder of record will receive a transferable subscription warrant expressed in terms of rights (equal to the number of shares of the Company's Common Stock held of record by the stockholder on the record date) which will have a life of not less than twenty days. Where the number of rights evidenced by a warrant is not evenly divisible by 20 or is less than 20, then the holder will be entitled to subscribe for one full share with the number of rights which exceeds a multiple of twenty or is less than 20. Applicant will not accept subscriptions for fractional shares. Any shares of the additional Common Stock not subscribed for by warrant holders pursuant to the aforesaid subscription offer will be sold by Applicant to underwriters at the same price at which the shares are to be sold to Applicant's stockholders. The underwriters' compensation for commitments to purchase any unsubscribed shares is to be fixed by competitive bidding.

Applicant states that the net proceeds of the additional shares of Common Stock will be applied to the payment of notes then outstanding under an existing credit agreement which will amount to approximately $5,000,000 upon completion of the financing and the balance together with internally generated funds and funds borrowed under its existing credit agreement and future credit agreements (Docket E-7129) will be used to finance the company's 1963 construction program.

The company's construction expenditures for 1963 are estimated at $52,500,000 of which approximately $27,975,000 has been expended through August 31, 1963. The principal items in applicant's construction budget and the amounts estimated to be expended in 1963 are as follows: $18,000,000 for the 3d unit at the Dave Johnson Steam Plant; $1,000,000 toward the construction of the 230/500 kv transmission line from Stephens Butte, California to Keno, Oregon; $650,000 for the completion of Applicant's portion of the Walla Walla, Washington-Wanapum Line; $1,300,000 for the completion of the 230 kv transmission line from Rock Springs, Wyoming to the Flaming Gorge Project in Utah; $300,000 toward the construction of the 230 kv transmission line from Muddy Ridge, Wyoming to Thermopolis, Wyoming; $835,000 toward the construction of the 230 kv transmission line from Frannie, Wyoming to Oregon Basin, Wyoming via Garland Dome; $300,000 for the completion of a 115 kv line from Lebanon, Oregon to Sweet Home, Oregon; $850,000 for the completion of the Walla Walla substation; $432,000 for the completion of the Rock Springs substation; $485,000 for completion of the Diamond Hill substation at Corvallis, Oregon and $16,444,000 for electric distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 23, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10811; Filed, Oct. 11, 1963; 8:45 a.m.]

[Docket No. G-3491 etc.]

PHILLIPS PETROLEUM CO.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 8, 1963.

Phillips Petroleum Company, Docket No. G-3491; San Jacinto Oil and Gas Company (successor to Humble Oil & Refining Company), Docket No. G-5145; Skelly Oil Company, Docket No. G-5320; The Jupiter Corporation (successor to H. R. Smith (Operator), et al.), Docket No. G-9855; The Pure Oil Company, Docket No. G-10272; Humble Oil & Refining Company, Docket No. G-12175; Gulf Oil Corporation, Docket No. G-16139; Gulf Oil Corporation, Docket No. G-16218; Mountain States Natural Gas Corporation (formerly Mountain States Petroleum Corporation), Docket Nos. G-18356, G-20465, and CI63-290; Ray Barth (successor to Jack Properties, Inc.), Docket No. CI63-810 (CI60-256); Sinclair Oil & Gas Company (Operator), et al., Docket No. CI61-691; Livingston Oil Company (successor to Kidd Williams Production Corporation (Operator), et al., Docket No. CI61-1747; Jalou Gas Company (Operator), Docket No. CI62-88; Tex-Star Oil & Gas Corp., Docket No. CI62-1553; Humble Oil & Refining Company, Docket No. CI63-20; Mayflo Oil Company (Operator), et al., Docket No. CI63-222; Mayflo Oil Company, Operator, Docket No. CI63-870; Transamerican Petroleum Corporation, Docket No. CI63-1417; Pan American Petroleum Corporation (successor to S. A. Butler, et al.), Docket No. CI63-1488; Texaco, Inc., Docket No. CI64-375; Frederick W. Mueller, et al., Docket No. CI64-376; Pan American Petroleum Corporation, Docket No. CI64-377; Champlin Oil & Refining Co. (Operator), et al., Docket No. CI64-378; San Jacinto Oil and Gas Company, Docket No. CI64-379; Kewanee Oil Company, Docket No. CI64-380; The Hunter Company, Inc., Docket No. CI64-381; Commonwealth Gas Corporation, Docket No. CI64-382; H. & K. Oil & Gas Company, Docket No. CI64-383; Gulf Oil Corporation, Docket No. CI64-384; Grampian Company, Limited, Docket No. CI64-385; Gulf Oil Corporation, Docket No. CI64-386; J. P. Pruett, Docket No. CI64-387; Oklahoma Natural Gas Company, Docket No. CI64-388; Adair & Jenkins, et al., Docket No. CI64-389; Hawn Brothers (Operator), et al., Docket No. CI64-390; W. T. Carrender, et al., Docket No. CI64-391; Amerada Petroleum Corporation (Operator), et al., Docket No. CI64-392; Continental Oil Company, Docket No. CI64-393; Socony Mobil Oil Company, Inc., Docket No. CI64-394; E. M. and W. E. Smith, Docket No. CI64-395; A. R. Dillard, et al., Docket No. CI64-396; E. K. Edmiston (Operator), et al., Docket No. CI64-397; The Shamrock Oil and Gas Corporation, Docket No. CI64-398; R. L. McCulty, et al., Docket No. CI64-399; Delhi-Taylor Oil Corporation, Docket No. CI64-400; Pan American Petroleum Corporation, Docket No. CI64-401; Bill Ferguson d/b/a Ferguson Oil Company, et al., Docket No. CI64-402.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and Location	Price Per Mcf	Pressure base
G-3491 C 9-30-63	El Paso Natural Gas Co.	Acreage in Lea County, N. Mex.	9.0	14.65
G-5145 E 9-27-62	do	Spraberry Trend Area Field, Upton County, Tex.	10.096	14.65
G-5320 D 12-5-62 [1]	Cities Service Gas Co.	Guymon-Hugoton Field, Texas County, Okla.	[2] 11.0 [2] 12.0273	14.65 14.65
G-9855 E 9-30-63	Tennessee Gas Transmission Co.	North Magnolia City Field, Jim Wells County, Tex.	12.12268	14.65
G-10272 C 9-26-63	Colorado Interstate Gas Co.	Mocane Field, Beaver County, Okla.	15.0	14.65
G-12175 C 9-26-63	Northern Natural Gas Co.	Acreage in Hansford and Hutchinson Counties, Tex.	17.5	14.65
G-16139 D 9-30-63	Transwestern Pipeline Co.	Acreage in Sherman County, Tex.	(3)	
G-16218 C 9-26-63	do	Acreage in Beaver and Harper Counties, Okla.	17.0	14.65
G-18356, et al. E 9-30-63	Phillips Petroleum Co.	Guymon-Hugoton Field, Texas County, Okla.	8.0	14.65
G-20465	El Paso Natural Gas Co.	Gavilan Field, Rio Arriba County, N. Mex.	11.0	15.025
CI63-290	do	Basin Dakota Field, La Plata County, Colo.	12.0	15.025
CI63-810 E 12-30-62	Tennessee Gas Transmission Co.	Mary Field, Jim Wells County, Tex.	14.87589	14.65
CI61-691 D 10-2-63	Michigan Wisconsin Pipe Line Co.	Acreage in Dewey County, Okla.	(4)	
CI61-1747 E 9-30-63	Oklahoma Natural Gas Gathering Corp.	Ringwood Field, Major County, Okla.	11.0	14.65
CI62-88 C 9-27-63	El Paso Natural Gas Co.	Acreage in San Juan County, N. Mex.	11.0	15.025
CI62-1553 C 9-27-63	do	Ignacio Field, La Plata County, Okla.	12.0	15.025
CI63-20 C 9-25-63	Arkansas Louisiana Gas Co.	Acreage in Pittsburg County, Okla.	17.0	14.65
CI63-222 B 8-17-62	F.T.F. Gas Corp.	East Spearman Atoka Field, Hansford County, Tex.	(4)	
CI63-870 B 1-14-63	Northern Natural Gas Co.	Mocane Gas Pool, Beaver County, Okla.	(4)	
CI63-1417 A 5-17-63 9-5-63	Medina Gathering Corp.	Acreage in Crawford County, Pennsylvania.	27.0	15.025
CI63-1488 A 6-3-63	Tennessee Gas Transmission Co.	LaSal Viejo Field, Willacy County, Tex.	17.24347	14.65
CI64-375 A 9-26-63	Natural Gas Pipeline Co. of America.	Eubanks and Hostetter Fields, DuVal and McMullen Counties, Tex.	16.0	14.65
CI64-376 B 9-26-63	W. J. Riley d.b.a. Banquette Gas Co.	Plymouth Field, San Patricio County, Tex.	(4)	
CI64-377 A 9-27-63	Natural Gas Pipeline Co. of America.	Willamar Field, Willacy County, Tex.	16.0	14.65
CI64-378 A 9-27-63	Kansas-Nebraska Natural Gas Co., Inc.	Various Acreage in Hamilton County, Kans.	12.5	14.65
CI64-379 A 9-27-63	El Paso Natural Gas Co.	Spraberry Trend Area Field, Upton County, Tex.	17.2295	14.65
CI64-380 A 9-20-63	Cities Service Gas Co.	Acreage in Texas County, Okla.	16.0	14.65
CI64-381 B 9-27-63	Arkansas Louisiana Gas Co.	Jefferson Field, Marion County, Tex.	(7)	
CI64-382 B 9-27-63	United Fuel Gas Co.	Elk District, Kanawha County, W. Va.	(7)	
CI64-383 A 9-26-63	Equitable Gas Co.	Union District, Ritchie County, W. Va.	25.0	15.325
CI64-384 A 9-25-63	Cities Service Gas Co.	Laketon Field, Gray County, Tex.	17.0	14.65
CI64-385 A 9-25-63	Tennessee Gas Transmission Co., Natural Gas Pipeline Co. of America, and Transcontinental Gas Pipe Line Corp.	Seeligson and La Gloria Fields, Jim Wells and Brooks Counties, Tex.	9.998846 14.6 8.89088 17.24347	14.65 14.65 14.65 14.65
CI64-386 A 9-26-63	Northern Natural Gas Co.	Bechthold (Tonkawa) Field, Lipscomb County, Tex.	17.0	14.65
CI64-387 B 9-27-63	Coastal States Gas Producing Co.	Acreage in San Patricio County, Tex.	(4)	
CI64-388 A 9-30-63	Cities Service Gas Co.	Southwest Prairie Gem Field, Lincoln County, Okla.	12.0	14.65
CI64-389 A 9-30-63	do	do	12.0	14.65
CI64-390 B 9-30-63	Crestmont Consolidated Corp.	St. Paul South Field, San Patricio County, Tex.	(4)	
CI64-391 A 9-30-63	Kentucky West Virginia Gas Co.	Little Blaine Creek, Lawrence County, Ky.	18.0	15.325
CI64-392 A 9-30-63	Panhandle Eastern Pipe Line Co.	South Dacoma Field, Woods County, Okla.	17.0	14.65
CI64-393 A 9-30-63	Arkansas Louisiana Gas Co.	West Vixen Field, Caldwell Parish, La.	17.0	15.025
CI64-394 A 10-1-63	Lone Star Gas Co.	East Doyle, Stephens County, Okla.	15.0	14.65
CI64-395 A 10-1-63	Cabot Corp.	Horse Run, Clay District, Wirt County, W. Va.	17.5	15.325
CI64-396 A 10-1-63	Panhandle Eastern Pipe Line Co.	Hansford Lower Missouri Field, Hansford County, Tex.	12.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Purchaser	Field and Location	Price Per Mcf	Pressure base
CI64-397 A 10-1-63	Cities Service Gas Co.	Aetna Mississippi Gas Pool, Barber County, Kans.	13.0	14.65
CI64-398 A 10-1-63	Natural Gas Pipeline Co. of America.	Acreage in Beaver County, Okla.	17.0	14.65
CI64-399 B 10-1-63	Hope Natural Gas Co.	Lee District, Calhoun County, W. Va.	(7)	
CI64-400 B 10-2-63	Florida Gas Transmission Co.	Garcia Field, Starr County, Tex.	(6)	
CI64-401 B 10-1-63	Lone Star Gas Co.	Acreage in Stephens County, Okla.	(6)	
CI64-402 A 10-2-63	Panhandle Eastern Pipe Line Co.	Acreage in Kingman County, Kans.	15.0	14.65

[1] Assigned to Yingling Oil, Inc.
[2] Rate in effect subject to refund.
[3] Deletion of acreage by letter agreement between parties dated Sept. 6, 1963.
[4] Deletion of acreage by letter agreement dated Sept. 4, 1963.
[5] Wells no longer capable of producing gas.
[6] Depleted.
[7] Uneconomical.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10812; Filed, Oct. 11, 1963; 8:45 a.m.]

[Docket No. CP63-286]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Date of Hearing

OCTOBER 4, 1963.

Take notice that the hearing in the above-entitled matter, originally set for hearing on August 20, 1963, by notice issued July 18, 1963 (published in the FEDERAL REGISTER on July 25, 1963, 28 F.R. 9574), and postponed without date by notice issued August 14, 1963 (published in the FEDERAL REGISTER on August 21, 1963, 28 F.R. 9224), is hereby rescheduled for a hearing to be held on October 22, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application. On September 30, 1963, Colorado Interstate Gas Company filed a notice of withdrawal of its petition for leave to intervene in this proceeding, and no other protests or petitions to intervene have been filed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10813; Filed, Oct. 11, 1963; 8:46 a.m.]

[Project No. 2299]

TURLOCK IRRIGATION DISTRICT AND MODESTO IRRIGATION DISTRICT

Notice Fixing Oral Argument

OCTOBER 4, 1963.

The Commission has before it the Examiner's Decision and exceptions thereto filed in the above-designated matter. Various participants have requested an opportunity to present oral argument before the Commission. It appears appropriate that oral argument be heard with respect to the issues presented in this matter;

Notice is given that an oral argument before the Commission is hereby scheduled to commence at 1:30 p.m., e.d.s.t., October 28, 1963 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C. Any party desiring to participate in the oral argument should notify the Secretary in writing on or before October 15, 1963, of his intention to do so and the amount of time desired for the presentation of his oral argument.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10814; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket No. RI60-37]

W. P. LUSE ET AL.

Order Making Successor in Interest Co-respondent and Requiring Filing of Successor's Bond

OCTOBER 3, 1963.

W. P. Luse, et al., and Jack L. Burrell (Operator), et al., Docket No. RI60-37.

On July 20, 1962, Jack L. Burrell (Operator), et al. (Burrell), filed a motion requesting that he be substituted for W. P. Luse, et al. (Luse), as respondent in the above-designated proceeding. In support of the motion, Burrell states that he acquired all of Luse's interest in the subject property. By letter order issued September 20, 1962, Burrell's notice of succession was accepted for filing, and Luse's FPC Gas Rate Schedule No. 1, and Supplement Nos. 1 through 6 thereto, were redesignated as Jack L. Burrell (Operator), et al., FPC Gas Rate Schedule No. 3, Supplement Nos. 1 through 6.

Since Burrell acquired his interest subsequent to the date that the subject suspended rate became effective subject to refund, Luse will be responsible for any monies collected subject to refund in this proceeding prior to the effective date of the assignment.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder, that Burrell be joined as co-respondent with Luse in the rate suspension proceeding in Docket No. RI60-37, that the proceeding be redesignated accordingly, and that Burrell be required to file a surety bond to assure refund of any excess charges, as hereinafter ordered.

The Commission orders:

(A) Jack L. Burrell (Operator), et al., is hereby joined as co-respondent with W. P. Luse, et al., in the proceeding in Docket No. RI60-37, and the proceeding is hereby redesignated as "W. P. Luse, et al., and Jack L. Burrell (Operator), et al."

(B) The surety bond heretofore filed by W. P. Luse, et al., on June 17, 1960, in the proceeding in Docket No. RI60-37, shall remain in full force and effect until discharged by the Commission, and shall assure refund of any excess charges which might be determined in this proceeding to be applicable to sales prior to the acquisition by Jack L. Burrell (Operator), et al.

(C) Within 30 days of the issuance of this order, Jack L. Burrell (Operator), et al., shall execute, in the form set out in Appendix A hereto,[1] as applicable, an acceptable surety bond in the amount of $50,000, signed by Jack L. Burrell, and tender it for filing with the Commission. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such bond shall be deemed to be satisfactory and to have been accepted for filing.

(D) Jack L. Burrell (Operator), et al., shall comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder. The surety bond to be filed by Jack L. Burrell (Operator), et al., shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10723; Filed, Oct. 11, 1963; 8:45 a.m.]

[1] Filed as part of the original document.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION VII

F. W. Woolworth Co., No. 140, 134 Westside Public Square, Springfield, Mo.; effective 6–19–63 to 3–31–64 (variety store; 37 employees).

F. W. Woolworth Co., No. 657, 1908 Swift Avenue, North Kansas City, Mo.; effective 6–18–63 to 3–31–64 (variety store; 25 employees).

REGION VIII

Mac's Food Market, Inc., Spur, Tex.; effective 10–10–63 to 9–2–64 (food store; 11 employees).

Mac's Super Market, Inc., d.b.a. Mac's Food Market, Ralls, Tex.; effective 10–10–63 to 9–2–64 (food store; 6 employees).

Mac's Super Market, Inc., d.b.a. Mac's Superette, Aspermont, Tex.; effective 10–10–63 to 9–2–64 (food store; 10 employees).

F. W. Woolworth Co., No. 735, 317 Central N.W., Albuquerque, N. Mex.; effective 9–29–63 to 3–31–64 (variety store; 77 employees).

REGION X

Lerner Shops, No. 121, Federal Street and Princeton, Bluefield, W. Va.; effective 10–22–63 to 3–31–64 (department store; 15 employees).

NORTH CAROLINA

Baldwin's Super Market, 224 West Palmer Street, Franklin, N.C.; effective 9–23–63 to 3–31–64 (food store; 16 employees).

Crest Queen City Variety Stores Co., d.b.a. Ben Franklin 5 & 10¢ Store, 1330 Central Avenue, Charlotte, N.C.; effective 9–18–63 to 3–31–64 (variety store; 18 employees).

P & Q Super Market, Inc., 209 South Broad Street, Edenton, N.C.; effective 9–18–63 to 3–31–64 (food store; 28 employees).

Peebles-Kimbrell Co., 123 South Main Street, Roxboro, N.C.; effective 10–5–63 to 3–31–64 (department store; 19 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Easter Super Valu, 725 West Second, Ottumwa, Iowa; effective 9–17–63 to 3–31–64; carry-out boy, stock boy; 10 percent for each month (food store; 51 employees).

Easter Super Valu, 223 North Madison, Ottumwa, Iowa; effective 9–17–63 to 3–31–64; carry-out boys, stock boys; 10 percent for each month (food store; 32 employees).

H. E. B. Food Store, No. 20, Viking Mall Shopping Center, Port Lavaca, Tex.; effective 9–24–63 to 3–31–64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 30 employees).

H. E. B. Food Store, No. 54, 516 North 20th Street, Waco, Tex.; effective 9–24–63 to 3–31–64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 47 employees).

H. E. B. Food Store, No. 94, 703 Avenue F, Del Rio, Tex.; effective 9–23–63 to 3–31–64; package boy, sack boy, bottle boy; between 9.2 percent and 10 percent (food store; 56 employees).

Jupiter, No. 4513, 6316 Woodland Avenue, Philadelphia, Pa.; effective 9–28–63 to 3–31–64; sales clerks; between 3.4 percent and 10 percent (variety store; 12 employees).

S. S. Kresge Co., No. 547, Springfield Plaza Shopping Center, 6414 Springfield Plaza, Springfield, Va.; effective 9–26–63 to 3–31–64; sales clerk; 10 percent for each month (variety store; 46 employees).

S. S. Kresge Co., No. 705, Oak Forest Shopping Center, 1341 West 43d Street, Houston, Tex.; effective 9–27–63 to 3–31–64; sales clerks; between 3.1 percent and 10 percent (variety store; 29 employees).

S. S. Kresge Co., No. 748, 408 Northlake Shopping Center, Northwest Highway and Ferndale Road, Dallas, Tex.; effective 9–27–63 to 3–31–64; sales clerks; between 0.2 percent and 10 percent (variety store; 18 employees).

G. C. Murphy Co., No. 102, 230–232 Main Street, Tifton, Ga.; effective 9–21–63 to 1–31–64; sales, clerical, janitorial, stockkeeping; between 0.2 percent and 4.9 percent (variety store; 19 employees).

Neisner Brothers, Inc., No. 196, U.S. No. 1 and Palm Place, Marathon, Fla.; effective 9–28–63 to 3–31–64; selling, stocking; 10 percent for each month (variety store; 15 employees).

Nicoma Park Variety, Inc., d.b.a. T.G. & Y. Stores Co., No. 86, 2403 North Westminster, Nicoma Park, Okla.; effective 9–23–63 to 3–31–64; clerical, sales, stock work; 10 percent for each month (variety store; 17 employees).

Southway Discount Center, Inc., 342 Finley Avenue, Birmingham, Ala.; effective 9–24–63 to 3–31–64; bag boys, carryout boys, clerks, checkers; between 6.8 percent and 10 percent (food store; 67 employees).

Tri Angle Super Market, No. 2, Florence Boulevard, Florence, Ala.; effective 1–1–64 to 4–30–64; bag boys; 10 percent for each month (food store; 18 employees).

Younker Brothers, Inc., Middle and Kimberly Roads, Bettendorf, Iowa; effective 9–24–63 to 3–31–64; stock clerk, office clerk, sales clerk, messenger, wrappers, markers, delivery clerk, cleaning, porter work; between 9.8 percent and 10 percent (department store; 92 employees).

Younker Brothers, Inc., Lindale Plaza, 4444 First Avenue Northeast, Cedar Rapids, Iowa; effective 9–24–63 to 3–31–64; stock clerk, office clerk, sales clerk, delivery clerk, wrappers, markers, messengers, cleaning, porter work; between 2.3 percent and 9.0 percent (department store; 143 employees).

Younker Brothers, Inc., 1501 First Avenue East, Newton, Iowa; effective 9–24–63 to 3–31–64; stock clerk, office clerk, sales clerk, delivery clerk, messenger, marker, wrapper, cleaning, porter work; between 0.7 percent and 7.9 percent (department store; 25 employees).

Younker Brothers, Inc., 1950 Grand Avenue North, Spencer, Iowa; effective 9–24–63 to 3–31–64; sales clerk, stock clerk, office clerk, delivery clerk, wrapper, marker, messenger, cleaning, porter work; between 0.3 and 7.0 percent (department store; 23 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 3d day of October 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–10823; Filed, Oct. 11, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 879]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 9, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65821. By order of October 4, 1963, Division 3, acting as an Appellate Division, approved the transfer to George T. Donner, doing business as Checker Moving, Philadelphia, Pa., of Certificate in No. MC 106475, issued April 14, 1958, to Alexander Levine and Mary Levine, a partnership, doing business as A. A. Lexington Moving & Storage Co., West Belmar, N.J., authorizing the transportation of: Household goods, as defined by the Commission, between points in New York in the New York, N.Y., Commercial Zone; between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; between points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; between Philadelphia, Pa., and points in Pennsylvania within 30 miles of Philadelphia, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Morris J. Winokur, 1920–Two Penn Center Plaza, Philadelphia, Pa., attorney for transferee. Bowes & Millner, 1060 Broad Street, Newark, N.J., attorney for transferor.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10827; Filed, Oct. 11, 1963; 8:46 a.m.]

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Latest Revision

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[Updated to January 1, 1963]

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DEPOSITED BY THE UNITED STATES OF AMERICA

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart C—Allotments and Assignments From Federal Employees

MISCELLANEOUS AMENDMENTS

1. In the FEDERAL REGISTER for October 12, 1963, the Civil Service Commission published a group of new pay and leave regulations to become effective December 15, 1963, superseding the corresponding old regulations on that date. Complete background information appears in the explanatory statement published with those new regulations. Among other things, this explanatory statement indicated that the new regulations published on October 12, 1963, did not reflect any changes in the current pay and leave regulations that were published in the FEDERAL REGISTER after September 18, 1963, but that these changes would be published in the near future as amendments of the new regulations. These amendments are set out below.

§ 550.301 Definitions.

* * * * *

(d) "Allotment" means (1) an allotment or assignment of a definite amount of compensation to be paid to an allottee, and (2) an authorization by the allotter to deduct for the payment of income taxes as authorized by § 550.304(a) (4), and (3) an authorization by an allotter to deduct an amount certified by an appropriate official of an employee organization as the amount of the dues for the employee organization.

* * * * *

(h) "Dues" means the regular, periodic amount required to maintain the member in good standing in the employee organization.

(i) "Employee organization" means an employee organization as defined by section 2 of Executive Order 10988 of January 17, 1962.

§ 550.302 Authority of Federal department.

* * * * *

(c) Subject to the provisions of paragraphs (a) and (b) of this section, allotments for the payment of dues to an employee organization as authorized by § 550.304(a) (5) may be permitted only in accordance with instructions published by the Civil Service Commission in the Federal Personnel Manual.

§ 550.303 Authorized allotters.

(a) Except as provided by paragraph (b) of this section, only an employee who is serving under an appointment not limited to 6 months or less may make an allotment.

(b) An employee regardless of tenure may be permitted to make an allotment for the payment of income taxes as authorized by § 550.304(a) (4) or for the payment of dues to an employee organization as authorized by § 550.304(a) (5).

§ 550.304 Circumstances under which allotments are permitted.

(a) A department may permit an employee to make an allotment on a current basis when he is * * *

(4) Employed outside of, but is a resident in, a State or the District of Columbia with which the Secretary of the Treasury has entered into an agreement to withhold income taxes from the salaries of employees under the Act of July 17, 1952, as amended (5 U.S.C. 84b–c), and the Act of March 31, 1956 (70 Stat. 77).

(5) A member of an employee organization to which a department has accorded formal or exclusive recognition under Executive Order 10988 and with which a department has agreed in writing to deduct allotments for the payment of dues to the employee organization and to recover the costs of making the deduction.

§ 550.305 Purposes for which allotments may be made.

(a) A department may permit an employee to make an allotment for any of the following purposes: * * *

(5) Payment of State or District of Columbia income taxes as authorized by § 550.304(a) (4);

(6) Payment of dues on or after January 1, 1964, to an employee organization of which the employee is a member.

(7) Any other purpose, not otherwise prohibited, when approved by the head of the department or his authorized representative.

(b) A department may not permit an employee to make an allotment for any of the following purposes: * * *

(3) Payment of dues to civic, fraternal, or other organizations except as authorized by § 550.304(a) (5).

§ 550.306 Authorized allottees.

(a) An employee may make an allotment to an individual, a corporation, a financial institution, an agency, a State or the District of Columbia, or an employee organization when the allotment is for one of the purposes permitted by § 550.305(a).

§ 550.307 Limitations on allotments.

* * * * *

(d) A change in the amount of an allotment for the payment of dues to an employee organization may not be made more frequently than once each twelve months.

(e) An allotment for the payment of dues to an employee organization may be revoked by an allotter only as provided by § 550.308(f).

§ 550.308 Discontinuance of allotment.

A department shall discontinue paying an allotment when:

(a) The allotter dies, retires, is separated from the Federal service, transfers between departments, or in the case of an allotment for the payment of dues as authorized by § 550.304(a) (5), moves or is reassigned within the department to an organizational segment having a different payroll office or to an organizational segment for which the employee organization has not been accorded formal or exclusive recognition;

* * * * *

(e) Except as provided by paragraph (f) of this section, the circumstances under which an allotment is permitted under § 550.304 no longer exist.

(f) The written revocation of an allotment for the payment of dues as authorized by § 550.304(a) (5) is received in the employee's payroll office either by March 1 or September 1 of any calendar year, the allotment will be discontinued at the beginning of the first full pay period for which a deduction is made either after March 1 or September 1, as appropriate.

§ 550.309 Fee for service.

A department shall charge the employee organization a fee in the amount of $0.02 for each deduction from an employee's salary.

(Sec. 6, 75 Stat. 664; 5 U.S.C. 3076; E.O. 10982; 27 F.R. 3, 3 CFR 1962 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–10918; Filed, Oct. 14, 1963; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Order on Objections Relative to Prescription-Drug Advertisements

Pursuant to the notice published in the FEDERAL REGISTER on September 10, 1963 (28 F.R. 9837), prehearing conferences were held on September 26, October 3, and October 7. Counsel for the objectors presented a series of questions about the meaning of the regulations, which have been answered in a letter dated October 1, 1963. Counsel also presented a series of prescription-drug

advertisements to explore the operation

(2), and (4), published in the FEDERAL

In determining the range of height

advertisements to explore the operation of the regulations, and the Food and Drug Administration's comments on the advertisements were summarized in a letter dated October 9, 1963. The questions, the two letters, and a list of the advertisements have been placed in the record. A modification of § 1.105(j)(1) was agreed upon, to permit the sponsor of a prescription drug to develop a program of advertising to publicize information on side-effects or contraindications involving fatalities or serious injury as an alternative to preclearance of individual advertisements. Counsel for the objectors have concluded that these clarifications of the regulations satisfy the objections to § 1.105 (e), (f), (g), (i), and (j), and the objections were withdrawn. Counsel maintains the objections to paragraph (h), and requests 30 days for briefing the objection. Counsel for the Food and Drug Administration reserves the right to produce evidence on this objection after the brief is presented.

Section 1.105(j)(1) (28 F.R. 9837) is revised to read as follows:

(j)(1) No advertisement concerning a particular prescription drug may be disseminated without prior approval by the Food and Drug Administration if:

(i) The sponsor or the Food and Drug Administration has received information that has not been widely publicized in medical literature that the use of the drug may cause fatalities or serious damage;

(ii) The Commissioner (or in his absence the officer acting as Commissioner), after evaluating the reliability of such information, has notified the sponsor that the information must be a part of the advertisements for the drug; and

(iii) The sponsor has failed within a reasonable time as specified in such notification to present to the Food and Drug Administration a program, adequate in light of the nature of the information, for assuring that such information will be publicized promptly and adequately to the medical profession in subsequent advertisements.

If the Commissioner finds that the program presented is not being followed, he will notify the sponsor that prior approval of all advertisements for the particular drug will be required. Nothing in this paragraph is to be construed as limiting the Commissioner's or the Secretary's rights, as authorized by law, to issue publicity, to suspend any new-drug application, to decertify any antibiotic, or to recommend any regulatory action.

Now, therefore, under the authority provided in sections 502(n) and 701 (a) and (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n), 371 (a), (e); 52 Stat. 1050, 1051, as amended 76 Stat. 790, 791, 792; 1055, as amended 70 Stat. 919, 74 Stat. 380), and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations in § 1.105 (e), (f), (g), (i), and (j) (2), (3), and (4), published in the FEDERAL REGISTER on June 20, 1963 (28 F.R. 6376–6377) and the revision of § 1.105(j)(1) included in this order are hereby made effective 90 days after the publication of this order.

Counsel for the objectors to paragraph (h) may, within 30 days from the publication of this order, file a brief in support of objections, and a further order will be made either giving notice of a hearing on the objections or acting on the objections without the necessity for a hearing.

(Secs. 502 (e), (n), 701 (a), (e), 52 Stat. 1050, 1051, as amended 76 Stat. 790, 791, 792; 1055, as amended 70 Stat. 919, 74 Stat. 399; 21 U.S.C. 352 (e), (n), 371 (a), (e)).

Dated: October 10, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10912; Filed, Oct. 14, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1512; Amdt. No. 6-7]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

Turbine Powered Rotorcraft

This amendment to Part 6 adds airworthiness requirements specifically related to turbine powered rotorcraft. Minor changes are made in rules applicable to reciprocating powered rotorcraft as well. The contents of this amendment were published by the Federal Aviation Agency as a notice of proposed rule making (27 F.R. 12224) and circulated as Civil Air Regulations Draft Release No. 62–52 dated December 11, 1962.

Among the general comments received in response to the draft release was an expression of concern that the proposed requirements would, if adopted as rules, have retroactive applicability. No statement of retroactive application was contained in the draft release, nor intended, nor are the rules adopted herein retroactive.

The following is a discussion of the major issues raised in comments received in response to Draft Release No. 62–52, and changes made in the rules proposed therein:

1. Sections 6.111 and 6.116 *Takeoff; limiting height and speeds for safe landing following power failure.* Present § 6.116 requires determination of the limiting range of heights and speeds within which it is not possible to make a safe landing following power failure. From this and other related requirements, a height-velocity envelope is established to inform the pilot of critical heights and speeds to be avoided during takeoff and in sustained powered flight.

In determining the range of heights and speeds for safe landings following power failure, it has been the general practice in the past to conduct tests only at one field elevation. The height-velocity envelope derived therefrom was established for sea level conditions and assumed to be applicable over the range of operating altitudes. Because the range of operating altitudes of the early helicopters was limited by performance, the height-velocity envelope was not determined by taking into account the effects of altitude.

Since 1956, tests have been conducted at relatively high field elevations to determine the effect of altitude on the height-velocity envelope and to permit comparison of performance at high and low field elevations. Several of these tests resulted in accidents. The characteristics of the height-velocity envelope were found to be sufficiently different at altitude that considerable weight reduction was necessary to obtain an envelope similar to that for sea level conditions. The current rules do not preclude altitude accountability in the determination of the limiting heights and speeds for safe landing. However, in view of the foregoing § 6.116 is amended by including a provision that expressly requires the height-velocity envelope to be determined at maximum certificated weight and at other weights and corresponding altitudes selected by the applicant up to 7,000 feet.

The related provisions of present § 6.111 require demonstration of a takeoff procedure at maximum certificated weight that will enable a landing to be made at any point along the takeoff flight path in the event of an engine failure. It follows, therefore, that the takeoff flight path must be outside the height-velocity envelope established under § 6.116. Since present § 6.111 requires a demonstration of takeoff procedures at only the maximum certificated weight, it too is amended to provide for altitude accountability by requiring a showing that a safe landing can be made following a power failure during takeoff at maximum certificated weight and at other weights and corresponding altitudes selected by the applicant up to 7,000 feet.

The upper limit of the altitude range over which §§ 6.111 and 6.116 must be complied with was not specified in the draft release but was added to the final rule after one comment on the proposal expressed concern that compliance with it would require takeoff and landings to be made from inaccessible sites and at field elevations neither practical or readily available for test purposes. The proposed takeoff provisions of § 6.111 were not intended to apply beyond a range of altitudes that would encompass most takeoffs and landings. However, the Agency recognizes that the draft release did not clearly define such a range and the final rule has therefore been revised to accomplish this. The range between sea level and 7,000 feet is deemed a reasonable altitude range for determining the takeoff and height-velocity performance of rotorcraft certificated under Part 6. In addition, domestic airports at field elevations above 7,000 feet are few in number and most operations will be conducted within this altitude range. If performance data above 7,000 is deemed necessary, it may be obtained as provided for in § 6.100.

One comment on proposed § 6.111(c) suggested that the word "shown" as used there could be interpreted to require an actual demonstration. This is not necessarily so if compliance can be determined by other acceptable means as provided in § 6.100(a). However to avoid any confusion on this point, the word "determined" has been inserted in lieu of "shown". Also, the requirement that takeoff be demonstrated at maximum certificated weight in proposed § 6.111(a) has been deleted from the final rule since that requirement is also set forth in new § 6.111(c).

A comment was made proposing a change to proposed § 6.116 to permit the applicant to select a single altitude at which the height-velocity envelope would be established other than for sea level conditions and at maximum certificated weight. This is not acceptable because there is no assurance that the height-velocity envelope would be established over the range of altitudes within which most operations are likely to occur.

2. Section 6.113 *Minimum operating speed performance.* Present § 6.113(b) prescribes a minimum hovering ceiling, for helicopters, of not less than 4,000 feet under standard atmospheric conditions and at maximum weight. The turbine engine is considerably more sensitive to the effects of ambient temperature in developing power than is the reciprocating engine. As a result, ambient temperatures higher than the standard atmospheric conditions will impair the hovering performance of turbine-powered helicopters to a greater degree than in the case of helicopters equipped with reciprocating engines. Therefore, compliance with the minimum hovering ceiling requirements of § 6.113(b) does not necessarily insure that turbine-powered helicopters will have an overall level of hovering performance equivalent to reciprocating-engine-powered helicopters under the same temperature conditions.

From an analysis of hovering performance data of helicopters equipped with sea level reciprocating engines, it appears that reasonable equivalence in overall hovering capabilities can be obtained if turbine-powered helicopters possess hovering capability at a pressure altitude of 2,500 feet and a temperature of standard plus 40° F. Because of the foregoing, § 6.113 is being amended by making the currently effective paragraph (b) applicable to reciprocating-engine-powered helicopters, and by introducing a new paragraph incorporating the aforementioned hovering ceiling criteria for turbine-powered helicopters.

3. Section 6.121 *Controllability.* The present rules do not include provisions for rapid power recovery when the power control is advanced from the idle position. For helicopters, rapid transition to powered flight is necessary for recovery following autorotative approaches, where the use of improper flare techniques close to the ground might result in an accident. Rapid power response affords protection during autorotation training and practice, and in other landing operations.

Reciprocating engines can be made to respond rapidly to throttle opening. In the case of at least one turbine-powered helicopter, however, the engine manifested delayed power recovery characteristics following autorotative approaches and rejected landings. It was proposed, therefore, to amend § 6.121(a) by adding a new sentence at the end thereof which would require demonstration of a prompt recovery following an autorotative approach.

Two comments were made on the proposal, both of which pointed out that the word "promptly", which was used to qualify the recovery from the autorotative approach to power-on flight, would be subject to different interpretations. One comment went on to say that the word "promptly" was not considered to have the same meaning for both reciprocating and turbine-engine installations and, for this reason, the applicant should be required to demonstrate only that the engine installation does not detract significantly from the ability of the engine to respond. A suggestion was made to revise the proposal by using "safely" in lieu of "promptly". Accordingly, a change is being made to § 6.121 (a) by adding a new provision to require that the helicopter be able to recover safely from a balked autorotative approach to power-on flight.

4. Section 6.251 *Fuselage, landing gear, and rotor pylon structure.* The draft release proposed to amend § 6.251 (c) by requiring that a factor of 1.25 be applied to the mean engine torque to account for turbine-engine power surges under accelerated flight and landing conditions. One comment recommended that this requirement be qualified to permit the application of a factor less than 1.25 if this reduced factor is supported by tests. The Agency believes that the 1.25 factor (which has already been prescribed for turbine-powered aircraft in other parts of the airworthiness regulations) is a reasonable standard for all turbine-powered rotorcraft type certificated under the provisions of Part 6. Accordingly, § 6.251(c) is being amended as proposed.

5. Section 6.304 *Protection.* Present § 6.304(a) requires that the rotorcraft structure be protected against deterioration or loss of strength due to weathering, corrosion, abrasion, or other causes. It was proposed in the draft release to add a requirement that all parts of the rotorcraft be protected against deterioration due to engine exhaust gases as well. One comment pointed out that the phrase "or other causes" in the present regulation embraces engine exhaust gases, and that mention of this cause improperly implies that turbine installations require more protection from deterioration due to exhaust than do reciprocating installations. Another comment point out that the proposed deletion of the phrase "where necessary for protection" from present § 6.304(b) (which requires ventilation and drainage provisions), unjustifiably imposes a requirement for ventilating and draining all parts of the rotorcraft regardless of need. The Agency agrees with both of these comments and the final rule has been revised accordingly. Present § 6.304 (c) is superfluous and has been deleted, and the provisions of present §§ 6.304(a) and 6.304(b) have been combined in one section.

6. Section 6.401 *Engines.* Section 6.401 of Subpart E (relating to powerplant installation) is amended by the addition of a requirement that neither engine combustion flameout, nor compressor stall or surge shall prevent compliance with the demonstration of flight characteristics required by § 6.120. That section requires compliance with certain provisions pertaining to controllability, trim, and stability at all normally expected operating altitudes, under all critical loading conditions, and for all speeds, power, and rotor speed conditions for which certification is sought. Present § 6.120(b) requires that it shall be possible to maintain a flight condition and to make a smooth transition from one flight condition to another without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot. These requirements do not take into account any effect that turbine engine characteristics might have on the execution of rotorcraft control and maneuver. Section 6.401 is therefore amended as set forth above. The proposed text of § 6.401(c) stated in part that "• • • engine combustion flameout shall not occur nor shall compressor stall or surge affect any of the prescribed maneuvers." A comment was made that the proposal did not define the degree of "affect" that would be permissible and in no way determines the effect of maneuvers on engine operation. The proposed requirement was intended to disclose whether the effect of stall or surge prevented compliance with the maneuver requirements, regardless of whether the maneuvers or something else caused the onset of stall or surge. The final rule has been clarified in this respect.

7. Section 6.427 *Strainers.* Present § 6.427 requires a strainer to be incorporated in the fuel system between the tank and the engine. Turbine engine fuel can contain significant quantities of dissolved and entrained water which might, under low temperature conditions, precipitate from the fuel onto the strainer. Section 6.427 is, therefore, amended by adding a provision, for turbine engines, to require automatic maintenance of fuel flow when ice-clogging of the strainer occurs, unless means are incorporated in the fuel system to prevent the accumulation of ice particles on the strainer. This requirement is the same as the requirement which has been applied to turbine transport airplanes type certificated in accordance with Part 4b of the Civil Air Regulations, and is added because rotor-

craft type certificated in accordance with Part 6 can be exposed to a similar environment. Rotorcraft operated in northern latitudes can be exposed to low temperature atmosphere and the fuel temperature reduced below the freezing temperature of water. This is a situation conducive to formation of ice particles in the fuel system.

Two comments were made on the proposal to amend § 6.427. The first was that further definition of fuel and icing is required because the same requirements should not be required for fuels such as aviation gasoline which can be used and which are not susceptible to icing. Turbine engines usually are certificated to use turbine fuels, which are susceptible to icing, with a secondary specification for the use of aviation gasoline as a fuel. In the improbable event that aviation gasoline is specified as the only fuel to be used in a particular turbine engine, and appropriate limitations to that effect are established, it is possible that the rotorcraft might still be found eligible under § 6.10 for issuance of a type certificate, even when not in compliance with the requirement. The second comment expressed concern that although the language of the proposal seems clear that, as a means of compliance, a suitable bypass in case of filter clogging is acceptable, there was reason to believe that the rule might not be so construed in all cases. The proposal was constructed deliberately to neither require nor prohibit a bypass as a means of compliance, or for any other reason. The use of an automatic filter bypass is an acceptable way of maintaining fuel flow if the filter ice-clogs. The final rule has therefore not been changed in any respect.

8. Sections 6.450–6.452 *Cooling tests.* Present §§ 6.450 and 6.451 deal with powerplant cooling capability and require tests to show that powerplant temperature limits can be maintained. It was proposed to arrange these requirements in the same form adopted for other parts and to clarify their general applicability to turbine engine installations as well as reciprocating engine installations. It was also proposed to specify in a new § 6.452, test conditions based on applicable rotorcraft performance requirements. Present rules require cooling capability to be shown under an anticipated hot day temperature of 100° F., but do not limit rotorcraft operation to ambient atmospheric temperatures at or below that temperature. The proposal in the draft release would have permitted the applicant to select the maximum ambient atmospheric temperature at which cooling capability is to be shown and would have established the selected temperature as an operating limitation.

Two comments were made on the proposals to amend the cooling requirements. The first comment was an objection to the proposed requirement establishing an ambient atmospheric temperature limitation on the operation of a rotorcraft. It was contended that no need had been shown for imposing such a limitation and that engine operational temperature limits have been adequate in providing for safe operation. The intent of this aspect of the proposal was not to supplant existing limits on cylinder, oil, and other temperatures, but to give the applicant greater freedom in determining the capability of the cooling system and to set forth the temperature limit to which that capability had been demonstrated and beyond which operation should not be permitted. The Agency agrees, nevertheless, that cooling capability is adequately determined under existing regulations whether or not such a limitation is established and, therefore, the presently effective rules are being retained with respect to the arbitrary hot-day condition, with no requirement being adopted for an ambient atmospheric temperature limitation. Accordingly, proposed §§ 6.1(c)(2), 6.603(d), and 6.714(d), all of which dealt with the proposed ambient atmospheric temperature limitation, are not included in the amendments adopted herein.

The second comment was a request to retain the existing cooling test procedures because: There is no reason to change them, the existing requirements are to investigate hover, climb, and maximum speed conditions, and takeoffs and landings are conditions which are too transient to require testing. The Agency disagrees and the cooling test procedures are adopted in a new § 6.452 as proposed. These procedures, in fact, provide substantial relief from the presently effective rule which requires that the cooling system be capable of maintaining engine temperatures within safe operating limits under all conditions of flight during a period at least equal to that established by the fuel capacity of the rotorcraft. Rather than prolonging an operation far beyond its normal extent, which is not practical, the final rule requires a test of cooling capability only through the course of a normal operation. The only change from existing procedures is in the requirement to precede the takeoff-cooling test by a stabilization period at hover, a procedure carried out in serivce. Takeoff in these circumstances would not be a transient condition. Present cooling test procedures clearly require a demonstration of cooling capability during all conditions, including takeoff and landing, and the new procedures are substantively unchanged in this respect.

9. Sections 6.460–6.463 *Induction and exhaust systems.* Presently effective §§ 6.460 through 6.463 deal with the induction and exhaust systems. Although these sections have general applicability, regardless of the type of engine used, the provisions in detail cover reciprocating engines only. Because of the differences in configuration, operation, and characteristics between turbine and reciprocating engines, it is necessary to add similar details covering turbine engines. Accordingly, § 6.460 is being amended to incorporate the general requirement for induction systems which is presently contained in § 6.461(a). Section 6.461 is being amended to make the provision of paragraph (c), covering drains, generally applicable.

Foreign object ingestion can damage turbine compressors. Service experience with military type aircraft operating from undeveloped or unclean ramp and runway areas shows that compressor damage due to foreign objects is one of the major causes of premature engine change and compressor failures. Helicopters, while operating on the ground or hovering in ground effect, produce a strong recirculation pattern of airflow through the rotor disk which is capable of lifting objects from the ground and whirling them about the helicopter. Turbine engines used in helicopters type certificated in accordance with Part 6 are lightly constructed and, therefore, are especially vulnerable to compressor damage. Section 6.461 is being amended, therefore, by adding a provision (§ 6.461(c)), for turbine engines, to require that operation of turbine engines from idle to the start of takeoff shall not result in pebble ingestion into the induction air inlet during rotorcraft operation on a defined bed of pebbles. The objective of this amendment is to protect the engine against foreign object damage and thereby avoid engine failure from this cause.

Section 6.462 is also being amended by adding a provision (§ 6.462(b)) for the protection of turbine engines in icing conditions by requiring that the engine installation shall not adversely affect the capability of the engine to operate in accordance with the provisions of § 13.210-(c) of Part 13 of the Civil Air Regulations. This addition more specifically covers the effect of installation on the ice protection features of the engine than the general terms of § 6.462(a).

Section 6.463 has been revised to clarify the extent of its applicability to turbine engine rotorcraft. Accordingly, the phrase "carburetor air intake" in present § 6.463(b)(1) has been changed to "engine air intake" in § 6.463(c) of the amended rule. A provision is added requiring drains for turbine engine exhaust systems to prevent the accumulation of fuel after the failure of an attempted engine start. Also, because of the difficulty of insuring that turbine engine exhaust gases are discharged clear of rotorcraft structure, and the possible ambiguity of this requirement with respect to the provisions of § 6.304, this provision of present § 6.463(b)(1) is being deleted. In this connection, the similar provision of that section requiring that exhaust gases shall be discharged clear of cowling, is contradictory to § 6.484(d) which permits impingement of exhaust gases on cowling under certain conditions. The word "cowling" is therefore, being deleted from the final rule.

Several comments were made on the induction system and exhaust system proposals. The first, made with respect to proposed § 6.461(b), was a request to insert the phrase, "when fuel accumulation is possible," for the reason that not all turbine induction systems can accumulate fuel and drains should not be required for an installation where fuel will not accumulate. The Agency concurs and the requirement is being revised accordingly. A request also was made to reword paragraph (c) to permit compliance without demonstration because the location or design of the induction system can easily preclude the need for a demonstration, and the demonstration implied by the requirement could seriously damage rotors and structural components of the rotorcraft and would be unnecessarily costly. The proposal expressed the importance of insuring that foreign objects will not be ingested, by reason of design or location, during certain ground operations. It was not intended, of course, to result in engine damage during a showing of compliance with the requirement. The requirement will in no way prevent the applicant from taking whatever precautions he deems necessary to prevent ingestion at the time he shows compliance with this requirement. If the precautions taken are permanent and prevent ingestion, it should be possible to find that compliance has been achieved without the necessity of conducting an actual operation.

The second comment, made with respect to proposed § 6.462, requested that reference to, and requirements for, supercharged engines be made in paragraph (a), and that the requirements of paragraph (b), for ice protection of turbine engines, be deleted. The provisions of paragraph (a) cover reciprocating engines and were carried into the proposal unchanged from the presently effective rules. The reasons advanced for introducing supercharger requirements are apart from any consideration contained in the draft release and raise no substantive issue which should or could be treated within the framework of this regulatory action. The proposal to add provisions concerning turbine engine ice protection has the purpose of preserving the operational integrity of the engine which is required by presently effective § 13.210(c) and places in more general terms the applicability to turbine engines of the already existing requirement that the engine air induction system shall incorporate means for the prevention and elimination of ice accumulations. The requirement has been revised to clarify the purpose of retaining the previously established capability of the engine to operate in icing conditions, when the engine is installed in the rotorcraft.

In connection with the proposed ice protection requirement, an additional comment was made that the proposal was unclear because of reference made therein to rules in other parts. The Agency feels that the requirement as proposed is made sufficiently explicit by drawing attention to related rules in other parts, and thereby eliminating any possible necessity for repeating those rules in Part 6.

A comment was made with respect to proposed § 6.463(b), that the phrase, "if significant traps exist," should be inserted because the proposed wording was all inclusive and unnecessarily stringent. The agency concurs and the requirement has been revised accordingly.

10. Section 6.485 *Lines and fittings.* The currently effective provisions of § 6.485 set forth requirements for flammable fluid lines and fittings in areas subject to engine fire conditions. These requirements do not take into account that turbine engines present a greater area of hot surface than reciprocating engines and that leaking flammable fluid can easily ignite upon contact with the hot surface. Experience with turbine-powered transports shows that fluid leaks do occur occasionally and can reasonably be expected to occur as well in rotorcraft type certificated in accordance with Part 6. The requirements of present § 6.463(b)(2) (amended § 6.463(d)) for separation of exhaust system and fuel system components establishes a concept of fire prevention which must be retained in the case of turbine engine installations if a comparable level of safety is to be achieved. Section 6.485 is, therefore, being amended by adding a requirement that lines and fittings carrying flammable fluid be located or shielded to prevent fluid leakage on surfaces hot enough to ignite the fluid. It is also being required that flammable fluid from drains and vents be discharged clear of the induction system air inlet.

One comment was made on the proposal to amend § 6.485, expressing concern that the requirement as proposed might not state clearly the fact engine lines and fittings are excluded from applicability of the rule. The provision of the present rule which states, "The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine" is retained. The Agency does not agree that the rule is not clear and explicit, and feels that the concern expressed arises only because the new provision appeared in the draft release after the statement of exclusion. The requirement has been revised, therefore, by reversing the order of appearance of the two provisions.

11. Sections 6.604 and 6.714 *Powerplant instruments; powerplant limitations.* Section 6.1(g)(2)(ii) defines takeoff power for turbine engines in terms of the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for normal takeoff. Section 6.1(g)(4) defines gas temperature as the temperature of the gas stream obtained as indicated in the approved engine specification. Gas temperature is a limiting condition on the development of power and is limited itself by engine operating limitations. Sections 6.604 and 6.714 are deficient in not requiring a gas temperature indicator and the establishment of gas temperature limits. These requirements are, therefore, being added to these sections.

Turboshaft engines used in rotorcraft are capable of producing brake horsepower substantially in excess of the maximum rating or that which the rotor drive system is designed to absorb. Adherence to gas temperature and r.p.m. limitations will not, in all cases, prevent excess brake horsepower. To prevent adverse effects upon rotorcraft and engine structure, and flight characteristics, it was believed necessary to establish a maximum limit upon brake horsepower. This limit would require means to be provided for the pilot to determine that the brake horsepower limit is not being exceeded. It was proposed, therefore, to amend § 6.714 to require that brake horsepower limitations be established for takeoff and maximum continuous operation and to amend § 6.604 by adding a requirement for means to enable the pilot to determine the brake horsepower.

Several comments were made on this proposal. None of the comments took issue in principle but all of them contended that torque and torque limitations were the significant factors to be considered, rather than brake horsepower. The Agency concurs and the requirements involved have been revised accordingly by employing the term "torque" in place of "brake horsepower." In so doing, it has been necessary to consider the provisions of presently effective § 6.250(f), pertaining to design torque and torque limitations. For consistency with these provisions and the terms of the draft release, the amendments being made for torque limitation and indication will be applicable to rotorcraft the main rotors of which are driven by turboshaft engines. The torque upon which a limit is established is that which the rotor drive system is designed to transmit or the torque which the main rotor assembly is designed to withstand in complying with the provisions of § 6.250(f), whichever is lesser, if this torque is less than the maximum which the engine is capable of exerting and a torque limiting device is not provided in the transmission system.

Interested persons have been afforded an opportunity to participate in the making of this amendment (27 F.R. 12224), and due consideration has been given to all relevant matter presented.

This amendment is subject to the FAA Recodification Program announced in Draft Release No. 61–25 (26 F.R. 10698). This recodification, however, will not result in any substantive change in the rules as adopted herein.

In consideration of the foregoing, Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) is hereby amended as follows, effective November 14, 1963:

1. By amending § 6.111 to read as follows:

§ 6.111 Takeoff.

(See also §§ 6.116, 6.740, 6.742, and 6.743.)

(a) The takeoff shall be demonstrated at forward center of gravity, and using takeoff power and takeoff r.p.m.

(b) The takeoff shall be made in a manner such that a landing can be made safely at any point along the flight path in case of an engine failure and shall not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

(c) Compliance with the provisions of paragraph (b) of this section shall be determined over the range from standard sea level conditions and maximum certificated weight to the maximum altitude capability of the rotorcraft but which need not be greater than 7,000 feet and at weights selected by the applicant.

(d) Pertinent information concerning the takeoff weights and altitudes shall be specified in the performance information section of the Rotorcraft Flight Manual. Information concerning the takeoff procedure, including the type of takeoff surface and appropriate climbout airspeeds, shall be specified in the operating procedures section of the Rotorcraft Flight Manual.

2. By amending § 6.113 by redesignating paragraph (c) as paragraph (d), and by amending paragraph (b) and adding new paragraph (c) to read as follows:

§ 6.113 Minimum operating speed performance.

* * * * *

(b) For reciprocating-engine-powered helicopters, the hovering ceiling at maximum weight shall be not less than 4,000 feet under standard atmospheric conditions and under operating conditions prescribed in paragraph (a) of this section.

(c) For turbine-powered helicopters, the hovering ceiling at maximum weight shall be not less than 2,500 feet pressure altitude at a temperature of standard +40° F. and under operating conditions prescribed in paragraph (a) of this section.

§ 6.116 [Amendment]

3. By amending § 6.116 by adding in the first sentence between the words "established" and "together" the words "over the range from standard sea level conditions and maximum certificated weight to the maximum altitude capability of the rotorcraft but which need not be greater than 7,000 feet and a weight selected by the applicant,".

§ 6.121 [Amendment]

4. By amending § 6.121(a) by adding a new sentence at the end thereof to read "It shall be possible to recover safely from a balked autorotative approach to power-on flight."

§ 6.251 [Amendment]

5. By amending § 6.251(c) by adding a new sentence at the end thereof to read "For turbine engines, the limit torque shall be obtained by multiplying the means torque by 1.25."

6. By amending § 6.304 to read as follows:

§ 6.304 Protection.

All parts of the rotorcraft shall be protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes, and shall be ventilated and drained where necessary for protection to prevent the accumulation of corrosive, flammable, and noxious fluids.

7. By amending § 6.401 by adding a new paragraph (c) to read as follows:

§ 6.401 Engines.

* * * * *

(c) In establishing compliance with the provisions of § 6.120, for rotorcraft incorporating turbine engines, engine combustion flameout shall not occur nor shall compressor stall or surge prevent compliance with the provisions of § 6.120.

8. By amending § 6.427 to read as follows:

§ 6.427 Fuel strainer or filter.

A fuel strainer or filter shall be installed between the fuel tank outlet and the fuel metering device of the engine and shall comply with the following provisions:

(a) The strainer or filter shall incorporate a sediment trap and drain;

(b) The strainer or filter shall be installed in an accessible position;

(c) The screen or filter element shall be easily removed for cleaning;

(d) If an engine-driven fuel pump is incorporated, the strainer or filter shall be located between the fuel tank and the pump; and

(e) Provision shall be made to maintain automatically the fuel flow to turbine engines when ice-clogging of the strainer or filter occurs, unless means are incorporated in the fuel system to prevent the accumulation of ice particles on the strainer or filter.

9. By amending § 6.450 to read as follows:

§ 6.450 General.

The powerplant cooling system shall be capable of maintaining the temperatures of powerplant components and engine fluids within the temperature limits established for such components and fluids, under all surface (ground or water) and flight operating conditions. (For cooling system instruments, see §§ 6.604 and 6.734.)

10. By amending § 6.451 to read as follows:

§ 6.451 Cooling tests.

(a) *General.* Compliance with the provisions of § 6.450 shall be demonstrated by test under critical surface (ground or water) and flight operating conditions. If the tests are conducted under conditions which deviate from the maximum anticipated air temperature (see paragraph (b) of this section), the recorded powerplant temperatures shall be corrected in accordance with the provisions of paragraphs (c) and (d) of this section. The corrected temperatures determined in this manner shall not exceed the established limits. In the case of reciprocating engines, the fuel used during the cooling tests shall be of the minimum grade approved for the engines involved, and the mixture settings shall be those normally used in the flight stages for which the cooling tests are conducted. The test procedures shall be as outlined in § 6.452.

(b) *Maximum anticipated air temperature.* The maximum anticipated temperature (hot-day condition) shall be 100° F. at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level until a temperature of −69.7° F. is reached above which altitude the temperature shall be constant at −69.7° F.

(c) *Correction factor.* Temperatures of all powerplant components and engine fluids, except cylinder barrels, for which temperature limits have been established shall be corrected by adding the difference between the maximum anticipated temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

11. By adding a new § 6.452 to read as follows:

§ 6.452 Cooling test procedures.

(a) *General.* The cooling tests shall be conducted with the rotorcraft in the configuration and operating under the conditions which are critical relative to cooling during each stage of flight.

(b) *Temperature stabilization.* For all stages of flight, temperatures shall be stabilized under conditions from which entry is made into the stage of flight for which a test is conducted, except when the entry condition normally is not one during which component and engine fluid temperatures would stabilize. In such case, operation through the full entry condition shall be conducted prior to entry into the stage of flight for which the test is conducted in order to allow temperatures to attain their natural level at the time of entry. During the takeoff cooling test of helicopters, the climb at takeoff power shall be preceded by a period of operation at hover during which the powerplant component and engine fluid temperatures are stabilized. A temperature shall be considered stabilized when its rate of change is less than 2° F. per minute.

(c) *Duration of test.* Cooling tests for each stage of flight shall be continued until one of the following conditions is fulfilled:

(1) Component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

12. By amending § 6.460 to read as follows:

§ 6.460 General.

The engine air induction system shall supply air as required by the engine when the rotorcraft is operated under all intended operating conditions and maneuvers.

13. By amending § 6.461 to read as follows:

§ 6.461 Air induction.

The following provisions shall apply to air induction systems:

(a) Cold air induction systems shall open completely outside the cowling unless the emergence of backfire flames is prevented;

(b) If fuel accumulation is possible, air induction systems shall be provided with drains which discharge fuel clear of the rotorcraft and out of the path of exhaust flames; and

(c) Operation of turbine engines from idle to the start of takeoff shall not result in pebble ingestion into the induction air inlet when the rotorcraft is operated on a pebble bed at least 1½ inches deep, consisting of pebbles which will pass through ½-inch mesh screening but not through ⅛-inch mesh screening, and spread over an area which extends horizontally 5 feet beyond tips of the main rotor.

14. By amending § 6.462 to read as follows:

§ 6.462 Induction system protection from ice.

(a) *Reciprocating engines.* (1) The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations. Unless it is demonstrated that this can be accomplished by other means, compliance with the following heat rise provisions shall be demonstrated in air free of visible moisture at a temperature of 30° F. when the engine is operating at 75 percent of its maximum continuous power.

(2) Rotorcraft equipped with sea level engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 90° F.

(3) Rotorcraft equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

(4) Rotorcraft equipped with altitude engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 120° F.

(5) Rotorcraft equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 100° F., except that if a fluid deicing system is used the heat rise need not be greater than 40° F.

(b) *Turbine engines.* The engine as installed shall be capable of operation throughout the flight power range without adverse effect on engine operation or a serious loss of power or thrust under the icing conditions specified in § 13.210(c) of Part 13 of this chapter.

15. By amending § 6.463 to read as follows:

§ 6.463 Exhaust system.

The following provisions shall apply to exhaust systems:

(a) Provision shall be made for thermal expansion of manifolds and pipes;

(b) Provision shall be made to prevent local hot spots;

(c) Exhaust gases shall be discharged clear of the engine air intake, fuel system components, and drains;

(d) Exhaust pipes shall not be located adjacent to or under the carburetor or fuel system parts unless such parts are protected against leakage;

(e) Exhaust gases shall not impair pilot vision at night due to glare; and

(f) If significant traps exist, turbine engine exhaust systems shall be provided with drains discharging clear of the rotorcraft in normal ground and flight attitudes to prevent the accumulation of fuel after the failure of an attempted engine start.

§ 6.485 [Amendment]

16. By amending § 6.485 by inserting between the second and last sentences of paragraph (a) a new sentence to read "Lines and fittings carrying flammable fluid shall be located or shielded to prevent fluid leakage on surfaces hot enough to ignite the fluid.", and by adding at the end of paragraph (b) a new sentence to read "Flammable fluid from drains and vents shall be discharged clear of the induction system air inlet."

17. By amending § 6.604 by adding new paragraphs (n) and (o) to read as follows:

§ 6.604 Powerplant instruments.

* * * * *

(n) Gas temperature indicator for each turbine engine.

(o) For each turboshaft engine, means to enable the pilot to determine the torque if a torque limitation is established in accordance with the provisions of § 6.714(d).

18. By amending § 6.714 by deleting from the first sentence the parenthetical letter "(c)" and inserting in lieu thereof "(d)", by adding to paragraph (a) a new subparagraph (5), by adding to paragraph (b) a new subparagraph (3), and by adding a new paragraph (d) to read as follows:

§ 6.714 Powerplant limitations.

* * * * *

(a) *Takeoff operation.* * * *

(5) The permissible gas temperature for turbine engines over the range of operating and atmospheric conditions for which certification is sought.

(b) *Continuous operation.* * * *

(3) The permissible gas temperature for turbine engines over the range of operating and atmospheric conditions for which certification is sought.

* * * * *

(d) *Torque.* For rotorcraft the main rotors of which are driven by turboshaft engines, the torque which the rotor drive system is designed to transmit or the torque which the main rotor assembly is designed to withstand in complying with the provisions of § 6.250(f), whichever is lesser, if this torque is less than the maximum which the engine is capable of exerting and a torque limiting device is not provided in the transmission system.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on October 8, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-10855; Filed, Oct. 14, 1963; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SO-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration and Designation of Transition Area

On August 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7854) stating that the Federal Aviation Agency proposed to designate a transition area at Laurel, Miss., and alter the Hattiesburg, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, § 71.181 (27 F.R. 220–139, November 10, 1962) is amended as follows:

1. The following transition area is added:

Laurel, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laurel Municipal Airport (latitude 31°40'-10" N., longitude 89°10'20" W.); within 8 miles SW and 5 miles NE of the Laurel VOR 330° radial extending from the VOR to 12 miles NW.

2. The Hattiesburg, Miss., transition area is amended to read:

Hattiesburg, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hattiesburg Municipal Airport (latitude 31°16'00" N., longitude 89°15'15" W.); within 2 miles each side of the Hattiesburg VOR 154° radial, extending from the 5-mile radius area to the VOR; within 2 miles each side of the 315° bearing from the Hattiesburg Municipal Airport, extending from the 5-mile radius area to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Hattiesburg VOR; within a 15-mile radius of the Laurel Municipal Airport, Laurel, Miss. (latitude 31°40'10" N., longitude 89°10'20" W.); and within 5 miles each side of the Laurel VOR 150° radial, extending from the 15-mile and the 20-mile radius areas to 23 miles SE of the VOR, excluding the portion within R-4401.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 9, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10854; Filed, Oct. 14, 1963; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 1973; Amdt. 343]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 26 OCT. 1963, OR UPON DECOMMISSIONING OF FACILITY.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196'; Fac. Class., SBMRAZ; Ident., AJ; Procedure No. 1, Amdt. 11; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 11; Dated, 15 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE 26 OCT. 63, OR UPON DECOMMISSIONING OF AGS LFR.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 142'; Fac. Class., SBRAZ; Ident., AS; Procedure No. 1, Amdt. 3; Eff. Date, 8 Oct. 60; Sup. Amdt. No. 2; Dated, 12 Mar. 60

				T-dn*	300–1	300–1	300–1
				C-dn	700–1½	700–1½	700–2
				S-dn	NA	NA	NA
				A-dn	1000–3	1000–3	1000–3

Procedure turn W side SE crs, 129° Outbnd, 309° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport 003°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing BS-LFR, turn left immediately, climb to 4000' on SE crs, Bettles LFR within 15 miles.
CAUTION: 1000' terrain 2 miles NNE, 2000' hills 5 miles E, 3000' hills 7 miles E, 2000' 9 miles W of airport.
AIR CARRIER NOTE: Sliding scale not applicable.
Other change: Deletes shuttle.
*Take-off Runway 1, N, 500–2 day and night. Right turn after take-off Runway 1 not authorized.

City, Bettles; State, Alaska; Airport Name, Bettles; Elev., 665'; Fac. Class., SBRAZ; Ident., BS; Procedure No. 1, Amdt. 6; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 5; Dated, 27 May 61

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of E crs, 066° Outbnd, 246° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 246°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing GL-LFR, climb to 3000' on W crs (246°) Galena LFR within 20 miles.
CAUTION: Higher terrain N of final approach crs. Make all turns to S side of final approach crs.

City, Galena; State, Alaska; Airport Name, Galena Airport; Elev., 128'; Fac. Class., SBRAZ; Ident., GL; Procedure No. 1, Amdt. 9; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 8; Dated, 15 Apr. 56

PROCEDURE CANCELLED, EFFECTIVE 26 OCT. 1963, OR UPON CONVERSION OF PD LFR TO PIR RBN.

City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742'; Fac. Class., SBRAZ; Ident., PD; Procedure No. I, Amdt. 10; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 9; Dated, 3 Apr. 58

				T-d	500–1	500–1	500–1
				C-d	1000–2	1000–2	1000–2
				A-d	1500–3	1500–3	1500–3

Procedure turn N side of E crs, 9100' within 10 miles.
Minimum altitude over facility on final approach crs, 8300'.
Crs and distance, facility to airport, 257°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing SIR-LFR, climb to 10,000' on W crs SIR LFR within 15 miles.
NOTE: High unlighted terrain surrounding airport.

City, Rawlins; State, Wyo.; Airport Name, Municipal; Elev., 6784'; Fac. Class., SBRAZ; Ident., SIR; Procedure No. 1, Amdt. 8; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 7; Dated, 14 Jan. 61

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-5	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2400' within 10 miles of Cheektowaga FM.
Minimum altitude over Cheektowaga FM on final approach crs, 1500'.
Crs and distance, Cheektowaga FM to airport, 055°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing Cheektowaga FM, proceed direct to BU LOM at 2000'. Hold NE BU LOM, right turns, 1-minute, 232° Inbnd.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class., MHW; Ident., BUF; Procedure No. 3, Amdt. 3; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 2; Dated, 7 July 62

Daggett VOR	BAG RBn	Direct	6000	T-dn*	2000–4	2000–4	2000–4
				C-dn	2000–4	2000–4	2000–4
				A-dn	2000–4	2000–4	2000–4

Procedure turn N side of crs, 244° Outbnd, 064° Inbnd, 6000' within 11 miles.
Minimum altitude over facility on final approach crs, 3900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of DAG RBn, climb to 6000' on 047° bearing from DAG RBn within 20 miles.
*500–1 authorized for takeoff on Runways 3 and 7.

City, Daggett; State, Calif.; Airport Name, Barstow-Daggett; Elev., 1927'; Fac. Class., BH; Ident., DAG; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Oct. 63

Denver VOR	LOM	Direct	7000	T-dn	300–1	300–1	200–½
Strasburg Int	LOM	Direct	7000	C-dn	500–1	500–1	500–1½
Kiowa VOR	Watkins Int	Direct	7500	S-dn-26L/R	500–1	500–1	500–1
Watkins Int	LOM (final)	Direct	7000	A-dn	800–2	800–2	800–2
Broomfield Int##	LOM	Direct	7000				
Englewood (EGW) RBn	LOM	Direct	7000				
Franktown Int	LOM	Direct	7500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 7000'.
Crs and distance, facility to airport, 256°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 7000' on 345° bearing from DE LOM within 20 miles or, when directed by ATC, turn right, climb to 7000' direct to DEN-VOR.
Other changes: Deletes transitions from Derby Int, Bennett Int, Henderson Int and Brighton Int. Deletes caution note.
#Broomfield Int: Int DEN-VOR R-263 and GLL-VOR R-200.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class., LOM; Ident., DE; Procedure No. 1, Amdt. 26; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 25; Dated, 20 Apr. 63

Broomfield Int#	EGW RBn	Direct	7800	T-dn	300–1	300–1	200–½
Denver VOR	EGW RBn	Direct	7800	C-dn*	500–1	500–1	500–1½
Watkins Int	EGW RBn	Direct	7800	S-dn-35*	500–1	500–1	500–1
Silo Int	EGW RBn	Direct	7800	A-dn	800–2	800–2	800–2
Franktown Int	EGW RBn	Direct	7800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 7800' within 10 miles.
Minimum altitude over facility on final approach crs, 7300'; over OM, 6000'.
Crs and distance facility to airport 349°—9.1 miles; OM to airport, 349°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing EGW RBn, climb to 7000' on 349° bearing from EGW RBn within 20 miles or, when directed by ATC, climb to 7000' direct to DEN VOR.
#Broomfield Int.: DEN VOR R-263 and Gill VOR R-200.
*If OM is not received 700–2 minimums apply.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class., MHW; Ident., EGW; Procedure No. 2, Amdt. Orig.; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 1, Procedure No. 3; Dated, 6 Apr. 63

FLL VOR	FLL RBn	Direct	1500	T-dn	300–1	300–1	200–½
MIA VOR	FLL RBn	Direct	1500	C-dn	600–1	600–1	600–1½
MIA-RBn	FLL RBn	Direct	1500	S-dn-13	500–1	500–1	500–1
Oakland VHF Int	Wagner LF Int	Direct	1500	A-dn#	800–2	800–2	800–2
Wagner LF Int	FLL RBn (final)	Direct	1000				
Raton Int	FLL RBn	Direct	1500				
Dania Int	FLL RBn	Direct	2000				

Radar vectoring utilizing Miami Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 314° Outbnd, 134° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 133°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing RBn, make immediate left turn to a course of 030°, climbing to 2000' and intercept the 100° crs from FLL RBn and proceed to Martin LF Int* or, when directed by ATC, make left climbing turn to 1500' returning direct to FLL RBn.
#NOTE: Limited weather information available to public. Alternate usage authorized for air carriers only.
*Martin LF Int: Int 100° bearing from FLL RBn and 348° bearing to PI-LFR.

City, Fort Lauderdale; State, Fla.; Airport Name, Broward County International; Elev., 10'; Fac. Class., MHW; Ident., FLL; Procedure No. 1, Amdt. 4; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 3; Dated, 16 Feb. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Goshen VOR	GSH RBn (final)	Direct	1500	T–dn	300–1	300–1	NA
				C–dn	500–1½	500–1½	NA
				S–d–9	500–1	500–1	NA
				S–n–9	500–1½	500–1½	NA
				A–dn	NA	NA	NA

Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 088°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing GSH RBn, climb to 2500′ on 088° bearing from GHS RBn and return to RBn.
NOTES: Final approach from holding pattern at RBn not authorized. Procedure turn required. No weather available.

City, Goshen; State, Ind.; Airport Name, Goshen Municipal; Elev., 825′; Fac. Class., SABH; Ident., GSH; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Oct. 1963, or upon conversion of LFR to SABH

HSV VOR	LOM	Direct	2600	T–dn	300–1	300–1	200–½
Gurley Int	LOM	Direct	3000	C–d#	800–1½	900–1½	900–2
Toney Int	LOM	Direct	2600	C–n#	800–2	900–2	900–2
Owens Int	LOM	Direct	3000	S–d–18	800–1	800–1	800–1
Princeton Int	LOM	Direct	3000	S–n–18	800–2	800–2	800–2
				A–dn	1000–2	1000–2	1000–2

Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 178°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing LOM, climb to 3000′ on HSV-VOR R-157, then turn left to intercept HSV-VOR R-148 within 20 miles or, when directed by ATC, climb to 3000′ on crs of 157° from LMM (Ident SV), turn left and return direct to LOM (Ident HS).
Other change: Deleted transition from Hobbs Island Int.
CAUTION: Circling approaches avoid high terrain and trees 1100′ 1.3 miles E of airport.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., LOM; Ident., HS; Procedure No. 1, Amdt. 2; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 1; Dated 13 Jan. 62

Morey Int	LOM	Direct	2700	T–dn	300–1	300–1	200–½
Marshall Int	LOM	Direct	2600	C–dn	600–1	600–1	600–1½
Albany Int	LOM	Direct	2600	S–dn–36	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 359°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2600′ on 359° bearing from LOM within 10 miles.
CAUTION: 1211′ tower 2.5 miles to left of crs after passing LOM on final and 1023′ MSL pole 0.8 mile to left of crs and 0.8 mile SW of Runway 36.
NOTES: (1) Final approach from holding pattern at LOM not authorized. Procedure turn required. (2) When weather is below 2000–2 aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between radials 201 and 257 inclusive of the TAX VOR, due to 2227′ tower 9 miles SW of airport.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 9; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 8; Dated, 22 June 63

Tiverton VOR	MF RBn	Direct	2900	T–dn	300–1	300–1	200–½
Mansfield VOR	MF RBn	Direct	2500	C–dn	500–1	500–1	500–1½
				S–dn–32	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 320°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing MF RBn, climb on 320° crs 2500′, turn right and return to Mansfield RBn. Hold SE Mansfield RBn, right turns, 1-minute, 320° Inbnd.

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev., 1296′; Fac. Class., MHW; Ident., MF; Procedure No. 1, Amdt. 1; Eff. Date, 26 Oct. 63; Sup. Amdt. No. Orig.; Dated, 14 May 60

Fort Jones LFR	SIY–RBn	Direct	8500	T–d	1500–2	1500–2	1500–2
Fort Jones VOR	SIY–RBn	Direct	8500	T–n	1500–3	1500–3	1500–3
				C–d	2500–2	2500–2	2500–2
				C–n	2500–3	2500–3	2500–3
				A–d	2500–2	2500–2	2500–2
				A–n	2500–3	2500–3	2500–3

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 6500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 351°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 9000′ on crs 161° Outbnd, 341° Inbnd, within 10 miles of SIY RBn.
NOTE: Due to surrounding terrain severe turbulence possible during storm conditions.

City, Montague; State, Calif.; Airport Name, Siskiyou County; Elev., 2651′; Fac. Class., BH; Ident., SIY; Procedure No. 1, Amdt. 8; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 7; Dated, 6 July 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amboy VHF Int	LOM (final)	Direct	1500	T–dn	300–1	300–1	200–½
Chatham RBn	LOM	Direct	2000	C–dn	600–1	600–1	600–1½
				S–dn–4	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 217° Outbnd, 037° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 037°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM, climb to 1000′ on crs 037° from LOM, then make left climbing turn to 2000′ direct to Chatham RBn.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. 16; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 15; Dated, 11 Jan. 62

Buffalo VOR	IA LOM	Direct	2000	T–dn	300–1	300–1	*200–½
Buffalo RBn	IA LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Int SE crs Toronto LFR and bearing 097° to LOM.	IA LOM	Direct	1800	S–dn–28R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
Wolcottsville Int	IA LOM (final)	Direct	1800				

Radar vectoring utilizing Buffalo Radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 277°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing IA LOM, climb straight ahead on crs 277° to 2000′ within 10 miles, then make right turn and return to the LOM. Hold E 1-minute right turns, Inbnd crs 277°.
*300–1 required on Runways 10R, 28L, 18 and 36.

City, Niagara Falls; State, N.Y.; Airport Name, Niagara Falls Municipal; Elev., 590′; Fac. Class., LOM; Ident., IA; Procedure No. 1, Amdt. 7; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 6; Dated, 7 July 62

Ontario VOR	Edgemont LF Int*	Direct	4200	T–dn	300–1	300–1	200–½
Edgemont LF Int*	Colton RBn	Direct	4200	C–dn	800–1	800–1	800–1½
Colton RBn	LOM (final)	Direct	2800	S–dn–25	400–1	400–1	400–1
Moreno Int	Colton RBn	Direct	4200	A–dn	800–2	800–2	800–2

Radar vectoring utilizing March Radar authorized in accordance with approved radar patterns.
Procedure turn not authorized. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn in accordance with approved transitions.
Minimum altitude over Colton RBn on final approach crs, 4200′.
Crs and distance, facility to airport, 255°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, climb to 3000′ on crs of 255° within 14 miles of LOM.
Other Change: Deletes transition from RIV RBn to Colton RBn.
*Edgemont LF Int: Int ONT–VOR R–076 and 140° bearing from Colton RBn (SB).

City, Ontario; State, Calif.; Airport Name, Ontario International; Elev., 952′; Fac. Class., LOM; Ident., ON; Procedure No. 1, Amdt. 18; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 17; Dated, 25 May 63

PIR VOR	PIR RBn	Direct	3600	T–dn*	300–1	300–1	200–½
				C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–2
				S–dn–25	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 089° Outbnd, 269° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 269°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing RBn make left climbing turn to 4000′ on 241° bearing from the PIR RBn within 20 miles.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
*Takeoff to NW restricted to 400–1.

City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742′; Fac. Class., SBH; Ident., PIR; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Oct. 63, or upon conversion of PD LFR to PIR RBn

Wauseon Int	LOM	Direct	2300	T–dn	300–1	300–1	200–½
McClure Int	LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Waterville VOR	LOM	Direct	2000	S–dn–7	500–1	500–1	500–1
Weston Int	LOM	Direct	2300	A–dn	800–2	800–2	800–2
Harbor View Int	LOM	Direct	2000				
Gerald Int#	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 069°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, make climbing left turn to 2000′, proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.
CAUTION: Tower 865′ 1¾ miles S of LMM.
#Gerald Int: Int Toledo ILS SW crs and Waterville VOR R–275.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., LOM; Ident., TO; Procedure No. 1, Amdt. 5; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 4; Dated, 18 May 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Peekskill Int	LOM (final)	Direct	2000	T-dn	300–1	300–1	200–½
LaGuardia UR LOM	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
Paterson RBn	LOM	Direct	2000	S-dn-16	500–1	500–1	500–1
Trinity VOR	LOM	Direct	2000	A-dn	800–2	800–2	800–2

Procedure turn E side crs 342° Outbnd, 162° Inbnd, 2000′ within 10 miles (non-standard due to traffic).
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 162°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM, climb to 1500′ on crs 162° within 5 miles, then make left climbing turn to 2000′. Proceed direct to Trinity VOR. Hold E, 1-minute right turns, Inbnd crs 257°, 2000′.
CAUTION: Standard clearance not provided over tower 1070′ MSL, 17.6 miles NW of airport, and tank 726′ MSL 4.6 miles N of airport.

City, White Plains; State N.Y.; Airport Name, Westchester County; Elev., 441′; Fac. Class., LOM; Ident., HP; Procedure No. 1, Amdt. 10; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 9; Dated, 2 Mar. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Alcova Int	CPR-VOR	Direct	8000	T-dn	300–1	300–1	200–½
Glenrock Int	CPR-VOR	Direct	7400	C-dn	1000–3	1000–3	1000–3
				A-dn	1000–3	1000–3	1000–3
				If aircraft equipped with functional VOR and ADF receivers or DME for simultaneous operations and Bishop Int* received, the following minimums are authorized:			
				C-dn	400–1	500–1	500–1½
				S-dn	400–1	400–1	500–1½

Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 7400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 7400′.
Crs and distance, facility to airport, 201°—13.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.0 miles after passing CPR-VOR, climb to 8000′ on R-201 CPR-VOR within 20 miles or, when directed by ATC, climb to 8000′ on W crs of ILS within 10 miles of LMM.
*Bishop Int: Int CPR-VOR R-201 and 303° bearing from CPR RBn or 8.0 miles DME Fix on CPR-VOR R-201.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., BVORTAC; Ident., CPR; Procedure No. 1, Amdt. 4; Eff. Date, 17 Oct. 63; Sup. Amdt. No. 3; Dated, 29 Apr. 61

MKG LOM	MKG-VOR	Direct	2800	T-dn#	500–1	500–1	500–1
				C-dn	1000–2	1000–2	1000–2
				A-dn	NA	NA	NA
				The following minimums are authorized for aircraft capable of receiving VOR and ILS, ADF or DME simultaneously and Spring Int* identified:			
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2

Procedure turn N side of crs, 042° Outbnd, 222° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 222°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 miles after passing MKG-VOR or 4.6 miles after passing Spring Int*, climb to 2500′ on MKG-VOR R-222 and proceed to Bullfrog Int via MKG-VOR R-222 and PMM-VOR R-335 or, when directed by ATC, make right climbing turn to 2800′ and return to MKG-VOR.
CAUTION: Rapid rising terrain 950′ msl 1.2 miles WSW of airport.
Other change: Deletes transition from MJ LFR.
*Spring Int: Int MKG-VOR R-222 and SE crs MKG ILS localizer or 137° bearing from MK LOM or 6-mile DME Fix on MKG-VOR R-222.
#For takeoffs on Runways 18 and 27, climb to 1300′ msl before proceeding southwestbound.

City, Grand Haven; State, Mich.; Airport Name, Grand Haven Memorial; Elev., ; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 3; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 2; Dated, 27 Oct. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSV VOR	Factory Int* (final)	Direct	1600	T-dn	300–1	300–1	200–½
Toney Int	HSV VOR	Direct	2600	C-d#	1000–1	1000–1	1000–1½
Grant Int	HSV VOR	Direct	3000	C-n#	1000–2	1000–2	1000–2
Gurley	HSV VOR	Direct	3000	S-d-18	1000–1	1000–1	1000–1
Owens Int	HSV VOR	Direct	3000	S-n-18	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2
				If aircraft is equipped with two operating VOR receivers or one VOR and one ADF receiver, and Factory Int* received, minimums become:			
				C-dn#	800–1½	900–1½	900–2
				S-dn-18	700–1	700–1	700–1

Procedure turn W side of crs, 337° Outbnd, 157° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′; over Factory Int*, 1600′.
Crs and distance, facility to airport, 157°—6.2 miles; Factory Int* to airport, 157°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing HSV VOR, climb to 3000′ on HSV VOR R-157, then turn left to intercept HSV VOR R-148 within 20 miles.
*Factory Int: Int HSV VOR R-157, HUA VOR R-030, or 259° bearing to HUA RBn.
#CAUTION: Circling approaches avoid high terrain and trees 1100′ 1.3 miles E of airport.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., BVOR; Ident., HSV; Procedure No. 1, Amdt. 7; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 6; Dated, 11 Nov. 61

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-14	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 311° Outbnd, 131° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 131°–4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing Mansfield VOR, make left climbing turn to 2700′, proceed to Mansfield VOR. Hold NW Mansfield VOR R-311, right turns, 1-minute, 131° Inbnd.,

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev., 1296′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. 1, Amdt. 2; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 1; Dated, 6 Aug. 60

Bailey Int*	MKG VOR (final)	Direct	2300	T-dn	300–1	300–1	200–½
Sparta Int**	MKG VOR (final)	Direct	2300	C-d	700–1	700–1	700–1½
MKG LOM	MKG VOR	Direct	2300	C-n	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2
				The following minimums apply for VOR and ADF or DME equipped aircraft and Fruit Int# identified:			
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 272°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing MKG-VOR, make climbing left turn to 2500′ and proceed to Bullfrog Int via MKG-VOR R-253, or when directed by ATC, climb to 2300′ on MKG-VOR R-272, then reverse crs and return to MKG-VOR.
*Bailey Int: Int MKG-VOR R-076 and HIC-VOR R-200.
**Sparta Int: Int MKG-VOR R-115 and HIC-VOR R-200.
#Fruit Int: Int MKG-VOR R-272 and 006° bearing from MKG LOM or 5-mile DME Fix from MKG-VOR R-272.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 625′; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 4; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 3; Dated, 8 June 63

PIR RBn	PIR VOR	Direct	3500	T-dn*	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–2
				S-dn-25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3200′.
Crs and distance, facility to airport, 255°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing PIR-VOR, climb to 4000′ on R-241 PIR-VOR within 20 miles.
*Takeoff to NW restricted to 400–1.

City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742′; Fac. Class., M-BVOR; Ident., PIR; Procedure No. 1, Amdt. 5; Eff. Date, 26 Oct. 63, or upon conversion of PD LFR to PIR RBn; Sup. Amdt. No. 4; Dated, 28 Apr. 62

				T-d	300–1	300–1	300–1
				C-d	800–1	800–1	800–1½
				S-d-4	800–1	800–1	800–1
				A-d	NA	NA	NA

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 049°—9.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 miles after passing VOR, make right climbing turn to 2200′, proceed to Waterville VOR. Hold SW Waterville VOR R-229, right turns, 1-minute, 049° Inbnd.

City, Toledo; State, Ohio; Airport Name, Municipal; Elev., 622′; Fac. Class., BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 1; Eff. Date, 26 Oct. 63; Sup. Amdt. No. Orig.; Dated, 13 Apr. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	1000–1	1000–1	1000–1½
				C-dn	1000–2	1000–2	1000–2
				A-dn	1000–3	1000–3	1000–3

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 140° Outbnd, 320 Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 320°—10.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing VWV-VOR, make a climbing right turn to 2200′, proceed to Waterville VOR. Hold SE Waterville VOR R-140, right turns, 1-minute, 320° Inbnd.

City, Toledo; State, Ohio; Airport Name, Toledo-Express; Elev., 684′; Fac. Class., BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 2; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 1; Dated, 23 June 62

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BL LFR	BAL VOR	Direct	2000	T-dn	300–1	300–1	200–½
Bodkin Int	Green Haven Int*	Direct	1900	C-dn	500–1	500–1	500–1½
Bowie Int	BAL VOR	Direct	2000	C-dn	500–1	500–1	500–1½
Green Haven Int*	BAL VOR (final)	Direct	500	S-dn	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved Radar procedures.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900′ within 10 miles of Green Haven Int*.
Minimum altitude over facility on final approach crs, 500′. Maintain 1900′ until passing Green Haven Int*.
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL-VOR, climb to 2000′ on R-276 BAL-VOR within 10 miles. Return to VOR, hold W on R-276, 1-minute right turns.
CAUTION: Procedure turn not authorized when Restricted Area R-4001 in use.
*Green Haven Int: Int BAL-VOR R-096 and S crs BL-LFR.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-28, Amdt. 6; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 5; Dated, 13 Jan. 62

MIA VOR	FLL-VOR	Direct	2000	T-dn	300–1	300–1	200–½
MIA-RBN	FLL-VOR	Direct	2000	C-dn	600–1	600–1	600–1½
New River VHF Int	FLL-VOR	Direct	1500	S-dn-9	600–1	600–1	600–1
Int BSY-VOR-345/FLL-VOR-278	Big Horse Int**	Direct	1500	A-dn#	800–2	800–2	800–2
Big Horse Int**	Wagon Wheel Int* (final)	Direct	600	If aircraft equipped with VOR and ADF receivers and Wagon Wheel Int* identified, the following minimum applies:			
				S-dn-9	500–1	500–1	500–1

Radar vectoring utilizing Miami Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 1500′ within 10 miles. Nonstandard due Miami, Fla. terminal traffic.
Minimum altitude over facility on final approach crs, 600′; over Wagon Wheel Int* 600′.
Crs and distance, Wagon Wheel Int* to breakoff point, 098°—3.3 miles.
Crs and distance, breakoff point to Runway 9, 091°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL-VOR, turn left and climb to 2000′ on 079° radial, and proceed to Martin VHF Int.
*Wagon Wheel Int: Int FLL-VOR R-278 and 008° bearing to FLL RBn.
**Big Horse Int—Int FLL-VOR R-278 and MIA VOR R-053.
#Limited weather information available to public. Alternate usage authorized for air carriers only.

City, Fort Lauderdale; State, Fla.; Airport Name, Broward County International; Elev., 10′; Fac. Class., VOR; Ident., FLL; Procedure No. TerVOR-9, Amdt. 4; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 3; Dated, 6 July 63

MIA-VOR	FLL-VOR	Direct	2000	T-dn	300–1	300–1	200–½
MIA RBn	FLL-VOR	Direct	2000	C-dn	600–1	600–1	600–1½
New River VHF Int	FLL-VOR	Direct	1500	S-dn-13	600–1	600–1	600–1
Int BSY VOR-345/FLL VOR-306	Play Boy Int**	Direct	1500	A-dn#	800–2	800–2	800–2
Play Boy Int**	Levee Int* (final)	Direct	600	If aircraft equipped with VOR and ADF receivers and Levee Int* identified, the following minimum applies:			
				S-dn-13	500–1	500–1	500–1

Radar vectoring utilizing Miami Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 1500′ within 10 miles. Nonstandard due Miami, Fla. terminal traffic.
Minimum altitude over facility on final approach crs 600′; over Levee Int* 600′.
Crs and distance, Levee Int* to breakoff point 126°—3.5 miles.
Crs and distance breakoff point to runway 13, 135°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL-VOR, turn left and climb to 2000′ on R-079, and proceed to Martin VHF Int.
#Limited weather information available to public. Alternate usage authorized for air carriers only.
*Levee Int: Int FLL-VOR R-306 and 008° bearing to FLL RBn.
**Play Boy Int: Int FLL VOR R-306 and MIA VOR R-042.

City, Fort Lauderdale; State, Fla.; Airport Name, Broward County International; Elev., 10′; Fac. Class., VOR; Ident., FLL; Procedure No. TerVOR-13, Amdt. 4; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 3; Dated, 29 June 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sunol Int	SJC-VOR	Direct	#5000	T-dn*	300–1	300–1	200–½
Mt Hamilton Int	SJC-VOR	Direct	#5000	C-dn	600–1	600–1	600–1½
Saratoga Int	SJC-VOR	Direct	#4500	S-dn-12R	600–1	600–1	600–1
OSI-VOR	SJC-VOR	Direct	4000	A-dn	800–2	800–2	800–2
Lick Int	SJC-VOR	Direct	3500				
OAK-VOR	SJC-VOR	Direct	3000				
SFO-VOR	Agnew Int (final)	Direct	2000				
Agnew Int	SJC-VOR	Direct	700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Facility on airport.
Crs and distance, Agnew Int to airport, 128°—5.4 miles; breakoff point to Runway 12R, 122°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 2000′ on R-308 within 15 miles.
AIR CARRIER NOTE: No reduction in visibility minimums authorized, except for alternate visibility minimums.
#Shuttle descent to 4000′ will be accomplished in a 1-minute holding, 300° Outbnd, 120° Inbnd, left turns.
*500–1 required when taking off on Runways 12 R-L.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-12R, Amdt. 3; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 2; Dated, 17 Nov. 62

Mt Hamilton Int	SJC VOR	Direct	5000	T-dn*	300–1	300–1	200–½
SJC-VOR	Lick RBn/FM	Direct	4000	C-dn	700–1	700–1	700–1½
Morgan Int	Lick RBn/FM	Direct	4000	A-dn	800–2	800–2	800–2
Lick RBn/FM	SJC ILS OM (final)	Via SJC-VOR R-120	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 4000′ within 10 miles of Lick RBn/FM.
Facility on airport.
Minimum altitude over facility on final approach crs, 800′; over SJC ILS OM, 2000′; over Lick RBn/FM, 4000′.
Crs and distance, SJC ILS OM to airport, 300°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, climb to 2000′ on R-308 within 15 miles.
AIR CARRIER NOTE: No reduction in visibility minimums authorized, except for alternate visibility minimums.
*500–1 required for takeoff on Runways 12R-L.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′, Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-30L, Amdt. 5; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 4; Dated, 17 Nov. 62

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albacore Int (10.8-mile DME Fix LGB R-171).	LGB VOR	Direct	1500	T-dn	300–1	300–1	NA
				C-dn*	800–1	800–1	NA
San Pedro Int (16.2-mile DME Fix LGB R-210).	LGB VOR	Direct	1500	A-dn#	1000–2	1000–2	NA

Radar vectoring utilizing Long Beach Radar Patterns authorized in accordance with approved patterns.
Procedure turn S side of crs, 260° Outbnd, 020° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 020°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LGB 6.0-mile DME Fix make right climbing turn via 6.5 mile DME orbit to intercept and climb Inbnd on LGB R-053 to cross LGB minimum 2000′.
NOTES: (1) When authorized by LGB Approach Control, DME may be used within 10 miles from R-171 clockwise to R-251 at 1500′ to position aircraft for straight-in approach with elimination of procedure turn.
*CAUTION: Derrick 752′ MSL 2.0 miles NNE of airport. Radio tower 823′ MSL 1.9 miles W of Airport. All maneuvering S of Airport only.
#Weather Service 0600 to 2200.

City, Fullerton; State, Calif.; Airport Name, Fullerton Municipal; Elev., 96′; Fac. Class., BVORTAC; Ident., LGB; Procedure No. VOR/DME No. 1, Amdt. 3; Eff Date, 26 Oct 63; Sup. Amdt. No. 2; Dated, 23 Mar. 63

15-mile DME Fix R-140	VWV VOR	Direct	2200	T-dn	300–1	300–1	200–½
VWV VOR	6-mile DME Fix R-320 (final)	Direct	1700	C-dn	500–1	500–1	500–1½
6-mile DME Fix R-320	10.5-mile DME Fix R-320	Direct	1200	A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′; over 6-mile DME Fix R-320, 1700′.
Crs and distance, facility to airport, 320°—10.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 10.5 miles DME Fix R-320, make right climbing turn to 2200′, proceed to Waterville VOR. Hold SE Waterville VOR on R-140, right turns, 1-minute, 320° Inbnd.
NOTE: When authorized by ATC, DME may be used within 15 miles at 2600′ to position aircraft for final approach, with the elimination of procedure turn.

City, Toledo; State, Ohio; Airport Name, Toledo-Express; Elev., 684′; Fac. Class., BVORTAC; Ident., VWV; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 26 Oct 63; Sup. Amdt. No. Orig.; Dated, 13 Apr. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Asheville VOR	Broad River Int	Direct	5500	T–dn*	500–1	500–1	500–1
Owen Int	Broad River Int	Direct	5000	C–d**	1000–2	1000–2	1000–2
Spartanburg VOR	Int R–214 AVL–VOR and AVL ILS Localizer.	Direct	5000	C–n	NA	NA	NA
				S–dn–34#	400–¾	400–¾	400–¾
Int R–214 AVL–VOR and AVL ILS Localizer.	Broad River Int (final)	Direct	5000	A–dn**	1000–2	1000–2	100–2

Procedure turn E side of crs, 162° Outbnd, 342° Inbnd, 5000′ within 10 miles of Broad River Int.
Minimum altitude over Broad River Int on final approach crs, 5000′.
Crs and distance, Broad River Int to LOM (HW), 342°—5.2 miles.
Minimum altitude at glide slope intercept Inbnd, 5000′ (Broad River Int).
Altitude of glide slope and distance to approach end of runway at OM, 3519′—4.7 miles; at MM, 2329′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on crs of 340° to ABN RBn and continue climb, if necessary, in holding pattern S of ABN RBn (right turns, 1-minute) to 5000′ or higher as directed by ATC before returning to Broad River Int or continuing climb on crs or, when directed by ATC, climb on crs of 342° from LOM (HW) to 8000′ within 20 miles.
NOTE: This procedure is authorized only for aircraft having an operating VOR receiver in addition to the normal ADF/ILS equipment.
*IFR Departure Procedures: Takeoffs to the N will comply with missed approach procedure when climbing to altitude. Takeoffs to the S will climb on crs of 162° over the LOM (HW) and continue on crs of 162° to Broad River Int. Upon reaching 5000′, or higher as directed by ATC, continue climb on crs.
**CAUTION: Terrain rises rapidly 2.0 miles W of airport. All maneuvering for circling approach must be accomplished E of airport. Night alternate predicated on landing straight-in Runway 34.
#800–1 required when glide slope not utilized.

City, Asheville; State, N.C.; Airport Name, Asheville Municipal; Elev., 2161′; Fac. Class., ILS; Ident., I–AVL; Procedure No. ILS–34, Amdt. 3; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 2; Dated, 18 May 63

Boston VOR	BE–LOM	Direct	2000	T–dn	300–1	300–1	200–½
Manchester VOR	BE–LOM	Direct	2000	C–dn	600–1	600–1	600–1½
Framingham Int	BE–LOM	Direct	2000	S–dn–11*	300–¾	300–¾	300–¾
Millbury Int	BE–LOM	Direct	2500	A–dn	600–2	600–2	600–2
Hollis Int	BE–LOM (final)**	Direct	2000				
Lawrence VOR	BE–LOM	Direct	2000				
Lawrence Rbn	BE–LOM	Direct	2000				

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1455′—3.9 miles; at MM, 357′—0.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 1600′, return to BE LOM, hold W, 112° Inbnd, 1-minute, right turns.
CAUTION: 570′ tower 3 miles NE of airport. 368′ stack SE side of airport.
*500–1 required when glide slope not utilized.
**After interception of localizer crs Inbnd, descent on glide slope to cross the outer marker at 1455′ on final approach is authorized.

City, Bedford; State, Mass.; Airport Name, Hanscom Field; Elev., 133′; Fac. Class., ILS; Ident., I–BED; Procedure No. ILS–11, Amdt. 4; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 3; Dated, 5 Oct. 63

Denver VOR	EGW RBn	Direct	7800	T–dn	300–1	300–1	200–½
Sedalia Int	EGW RBn	Direct	7800	C–dn	*400–1	500–1	500–1½
Silo Int	EGW RBn	Direct	7800	S–dn–35#	200–½	200–½	200–½
Franktown Int	EGW RBn	Direct	7800	A–dn	600–2	600–2	600–2
Broomfield Int @	EGW RBn	Direct	7800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs 169° Outbnd, 349° Inbnd, 7800′ within 10 miles of EGW RBn.
Minimum altitude at glide slope interception (1.3 miles N of EGW RBn), 7800′.
Altitude and distance to approach end of runway at EGW RBn, 7800′—9.1 miles; at OM, 6917′—5.0 miles; at LMM, 5522′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 7000′ on N crs SPO ILS to Derby Int#, hold N right turns, or when directed by ATC, make right climbing turn to 7000′, proceed direct to DEN VOR at 7000′.
Other changes: Deletes transitions from Strasburg Int, Derby Int, Bennett Int and Parker Int.
*500–1 required for circling S of airport due to 5521′ tower 1.5 miles S of airport.
#500–1 required when glide slope not utilized. When both glide slope and OM not received, straight-in, circling and alternate minimums become 700–2.
@Broomfield Int: DEN VOR R–263 and GLL VOR R–200.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident., I–SPO; Procedure No. ILS–35, Amdt. 2; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 1; Dated, 20 Apr. 63

HSV VOR	LOM	Direct	2600	T–dn	300–1	300–1	200–½
Gurley Int	LOM	Direct	3000	C–dn#	800–1½	900–1½	900–2
Toney Int	LOM	Direct	2600	S–dn–18*	300–¾	300–¾	300–¾
Owens Int	LOM	Direct	3000	A–dn	1000–2	1000–2	1000–2
Princeton Int	LOM	Direct	3000				
Fayetteville Int %	LOM (final)	Direct	2600				

Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2558′—6.2 miles; at MM, 827′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on HSV VOR R–157, then turn left to intercept HSV VOR R–148 within 20 miles or, when directed by ATC, climb to 3000′ on crs of 157° from LMM (Ident SV), turn left and return direct to LOM (Ident HS).
Other change: Deletes transition from Hobbs Island Int.
*700–1 required when glide slope not utilized.
#CAUTION: Circling approaches avoid high terrain and trees 1100′ 1.3 miles E of airport.
%Fayetteville Int: Int MSL–VOR R–035 and HSV–VOR R–004 or HSV ILS N crs.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., ILS; Ident., I–HSV; Procedure No. ILS–18, Amdt. 3; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 2; Dated, 18 Aug. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Tiverton VOR	LOM	Direct	2900	T–dn	300–1	300–1	200–½
Mansfield VOR	LOM	Direct	2500	C–dn	500–1	500–1	500–1½
				S–dn–32	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2500′—4.0 miles; at MM, 1510′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on NW crs ILS, turn right and return to Mansfield LOM. Hold SE Mansfield LOM, right turns, 1-minute, 320° Inbnd.

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev., 1296′; Fac. Class., ILS; Ident., I–MFD; Procedure No. 1LS–32, Amdt. 2; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 1; Dated, 14 May 60

Allen Int*	LOM (final)	Direct	1900	T–dn	300–1	300–1	200–½
MKG VOR	LOM	Direct	2300	C–dn	400–1	500–1	500–1½
Bullfrog Int	LOM	Direct	2300	S–dn–32#	200–½	200–½	200–½
Hudsonville Int	Allen Int*	Direct	2300	A–dn	600–2	600–2	600–2

Procedure turn E side of SE crs, 137° Outbnd, 317° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1843′—3.8 miles; at MM, 811′—0.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing left turn to 2500′ and proceed to Bullfrog Int via MKG–VOR R–253 or, when directed by ATC, make right turn and climb to 2300′ and proceed direct to MKG–VOR.
Other change: Deletes transition from MJ–LFR.
#400–¾ required if glide slope not utilized.
*Allen Int: Int MKG ILS SE crs and MKG–VOR R–185.

City, Muskegon; State, Mich.; Airport Name, Muskegon-County; Elev., 625′; Fac. Class., ILS; Ident., I–MKG; Procedure No. ILS–32, Amdt. 2; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 1; Dated, 15 Apr. 61

Ontario VOR	Edgemont LF Int*	Direct	4200	T–dn	300–1	300–1	200–½
Edgemont LF Int*	Colton RBn	Direct	4200	C–dn	500–1	500–1	500–1½
Colton RBn	LOM (final)	Direct	2800	S–dn–25	200–½	200–½	200–½
Moreno Int	Colton RBn	Direct	4200	A–dn	600–2	600–2	600–2

Radar vectoring utilizing March Radar authorized in accordance with approved radar patterns.
Procedure turn not authorized. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn in accordance with approved transitions.
Altitude and distance to approach end of runway at Colton RBn, 4200′—10.8 miles; at OM, 2720′—5.9 miles; at MM, 1145′—0.6 mile. Descent to cross LOM at 2720′ authorized after intercepting glide slope on localizer crs at minimum altitude, 2800′.
Glide slope on localizer crs at minimum altitude, 2800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, climb to 3000′ on W crs within 14.0 miles of ILS LOM.
Other change: Deletes transition from Riverside RBn to Colton RBn.
*Edgemont LF Int: Int ONT–VOR R–076 and 140° bearing from Colton RBn (SB).

City, Ontario; State, Calif; Airport Name, Ontario International; Elev., 952′; Fac. Class., ILS; Ident., I–ONT; Procedure No. ILS–25, Amdt. 19; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 18; Dated, 18 May 63

McClure Int	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Waterville VOR	LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Wauseon Int	LOM	Direct	2300	S–dn–7*	300–¾	300–¾	300–¾
Weston Int	LOM	Direct	2300	A–dn	600–2	600–2	600–2
Harbor View Int	LOM	Direct	2000				
Gerald Int#	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1975′—4.1 miles; at MM, 919′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing left turn to 2000′ and proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.
CAUTION: Tower 865′ 1¾ miles S of LMM.
*400–¾ if glide slope not utilized.
#Gerald Int: Int Toledo ILS SW crs and Waterville VOR R–275.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., ILS; Ident., I–TOL; Procedure No. ILS–7, Amdt. 5; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 4; Dated, 25 May 63

Peekskill Int	LOM (final)	Direct	2000	T–dn	300–1	300–1	200–½
LaGuardia UR LOM	LOM	Direct	2000	C–dn	600–1	600–1	600–1½
Trinity VOR	LOM	Direct	2000	S–dn–16	200–½	200–½	200–½
Paterson RBn	LOM	Direct	2000	A–dn	800–2	800–2	800–2

Procedure turn E side NW crs, 342° Outbnd, 162° Inbnd, 2000′ within 10 miles (Non-standard due to traffic).
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1975′—4.9 miles; at MM, 630′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500′ on crs 162° within 5 miles, then make left climbing turn to 2000′. Proceed direct to Trinity VOR. Hold E 1-minute right turns, Inbnd crs 257°, 2000′.
NOTE: Provisions of inoperative ILS component apply except 500–1 required with glide slope inoperative.
CAUTION: Standard clearance not provided over tower, 1070′ MSL, 17.6 miles NW of airport, and tank 726′ MSL 4.6 miles N of airport.

City, White Plains; State, N.Y.; Airport Name, Westchester County; Elev., 441′; Fac. Class., ILS; Ident., I–HPN; Procedure No. ILS–16, Amdt. 10; Eff. Date, 26 Oct. 63; Sup. Amdt. No. 9; Dated, 2 Mar. 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
330°	060°			15 mi	2200	20 mi	2200							Surveillance approach			
060°	120°			15 mi	3300	20 mi	4000										
120°	330°																
120°	300°	10 mi	2600*											T-dn	300-1	300-1	200-½
300°	330°	10 mi	2200											C-dn-5, 23, 31, 18, 36.	400-1	500-1	500-1½
														C-dn-13	500-1	500-1	500-1½
														S-dn-5, 36, 31, 23, 18.	400-1	400-1	400-1
														S-dn-13	500-1	500-1	500-1
														A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 5-31, make climbing right turn to 2000' or Runways 13-23, make climbing left turn to 2000', proceed direct to BUF-VOR. Hold E BUF-VOR 1-minute right turns, 287° Inbnd.

*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3-5 mile (inclusive) radius of tower 1349' msl 6 miles W of airport. All bearings are from the radar site with sector azimuths progressing clockwise.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class., Buffalo Radar; Procedure No. 1, Amdt. 1; Eff. Date, 26 Oct. 63; Sup. Amdt. No. Orig.; Dated, 28 July 62

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
280° CW	330°	10 miles	2200	T-dn	300-1	300-1	200-½
330° CW	280°	20 miles	2200	C-dn	500-1	500-1	500-1½
280° CW	330°	10-30 miles	2300	S-dn	400-1	400-1	400-1
330° CW	280°	20-30 miles	2300	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.

Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3 to 5 mile (inclusive) radius of the 1629' and 1625' towers 18 miles NE of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—

Runway 7: Make climbing right turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR R-140, right turns, 1-minute, 320° Inbnd.

Runway 16: Make climbing left turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR R-140, right turns, 1-minute, 320° Inbnd.

Runway 25: Climb straight ahead to 2000', proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.

Runway 34: Make climbing left turn to 2000', proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684'; Fac. Class., Toledo Radar; Procedure No. 1, Amdt. 1; Eff. Date, 26 Oct 63; Sup. Amdt. No. Orig.; Dated, 30 Dec. 61

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on September 23, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63-10269; Filed, Oct. 14, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 2012; Amdt. 631]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller Models UH-12D and UH-12E Helicopters

Amendment 190, 25 F.R. 7783 (AD 60-17-2), requires visual inspection of the main rotor blades of Hiller Model UH-12D and UH-12E helicopters. As the result of a recent accident resulting from a blade failure, it has been determined that more thorough inspections are necessary. Therefore, Amendment 190 is being superseded by a new directive requiring that the visual inspection be made with a magnifying glass and specifying a dye penetrant inspection every 25 hours. An additional dye penetrant inspection is being required in the event of any unusual main rotor vibration because vibration was noticed a few hours prior to the recent failure.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HILLER. Applies to Models UH-12D and UH-12E helicopters.

Compliance required as indicated.

Due to fatigue cracking and brazed doubler separation of main rotor blade, Parsons P/N 2253-1101-03, inspect the top and bottom surfaces of each blade after removing paint in the area adjacent to the outboard and of the steel doubler brazed to the leading edge spar (approximately 27 inches from the blade root end), for doubler separation and for cracks in the leading edge spar near the end of the doubler as follows:

(a) For all main rotor blades, conduct a visual inspection of the affected areas with a 4- to 6-power magnifying glass within 10 hours' time in service from the effective date of this AD and daily thereafter. When inspecting for cracks or separation in the lower surface, the blade tip must be supported in a manner to remove all droop from the blade.

(b) For all main rotor blades, conduct a dye penetrant inspection of the affected areas within 10 hours' time in service from the effective date of this AD and thereafter within each 25 hours' time in service from the last dye penetrant inspection.

(c) In the event of any unusual main rotor vibration that cannot be corrected by normal tracking, balancing or rigging procedures, conduct a dye penetrant inspection of the affected areas. In addition, inspect for cracks the bolt hole and adjacent milled surfaces of the main rotor blade fork P/N 52110-3 by means of a dye penetrant inspection or FAA approved equivalent. For this inspection remove nut, washer and pin. Replace cracked forks before further flight.

(d) Main rotor blades with cracks or doubler separation must be removed from service before further flight.

(Hiller Service Information Letter No. 3037A covers this subject.)

This supersedes Amendment 190, 25 F.R. 7783 AD 60-17-2.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective October 15, 1963.

Issued in Washington, D.C., on October 8, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 63-10853; Filed, Oct. 14, 1963; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 14—SALES OF AGRICULTURAL COMMODITIES ON CREDIT UNDER LONG-TERM SUPPLY CONTRACTS

Subpart A—Regulations Governing the Financing of Commercial Export Sales of Surplus Agricultural Commodities on Credit

Correction

In F.R. Doc. 63-10744, appearing at page 10858 of the issue for Thursday, October 10, 1963, the following corrections are made:

1. The undesignated paragraph following § 14.2(a)(7) should be designated as paragraph (b).

2. In § 14.12(b)(2), "OCC Form 327" should read "CCC Form 327".

3. In § 14.13(e)(1), the phrase "c & f basis" should be followed by a period.

4. In § 14.13(i)(3), the reference reading "§ 14.14(b)(6)" should read "§ 14.14(d)(6)".

5. In § 14.14(d)(5), the word "tender" should read "tanker".

6. In § 14.16(b)(4), the reference to "§ 14.14(a)" should read "§ 14.14(e)".

7. In the last entry under § 14.18, the word "Maraie" should read "Marais".

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—National Marketing Quota, National Allotment and Apportionment to the States and Counties for the 1964 Crop of Upland Cotton

Sec.
722.240 Basis and purpose.
722.241 National marketing quota in bales.
722.242 National allotment in acres.
722.243 National reserve.
722.244 Apportionment of national allotment and national reserve to the States.

AUTHORITY: §§ 722.240 to 722.244 issued under secs. 301, 342, 344, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1342, 1344, 1375.

§ 722.240 Basis and purpose.

(a) The provisions of §§ 722.240 to 722.244 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.) (referred to as the "act"). These provisions announce findings with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1963, and proclaim, upon the basis of such findings, a national marketing quota in bales and a national allotment in acres for the 1964 crop of upland cotton. The national reserve and the apportionment of the national allotment and the national reserve to the States are also established under these provisions. The term "upland cotton" (referred to as "cotton") does not include extra long staple cotton described in section 347(a) of the act or similar types of extra long staple cotton which are imported. The findings and determinations of the Secretary in §§ 722.240 to 722.244 have been made on the basis of the latest available statistics of the Federal Government.

(b) Notice that the Secretary was preparing to determine whether a national marketing quota and national allotment would be required under the act for the 1964 crop of cotton and with respect to the establishment of State and county allotments was published in the FEDERAL REGISTER on September 14, 1963 (28 F.R. 10002) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). The data, views and recommendations received in response to such notice have been duly considered.

(c) Since this subpart contains proclamations required by section 342 of the act to be made not later than October 15, 1963, and since the apportionment of the national allotment and national reserve to the States requires immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that §§ 722.240 to 722.244 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.240 to 722.244 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.241 National marketing quota in bales.

(a) *Findings of total supply and normal supply.* (1)(i) As defined in section 301 of the act, the "total supply" of cotton for the marketing year beginning August 1, 1963 (in terms of running bales or the equivalent) consists of the sum of (*a*) "carryover" on August 1, 1963, (*b*) estimated production from the 1963 crop of cotton, and (*c*) estimated imports into the United States during the marketing year beginning August 1, 1963.

(ii) The "normal supply" of cotton, as defined in section 301 of the act, for the marketing year beginning August 1, 1963 (in terms of running bales or the equivalent) consists of the sum of (*a*) estimated domestic consumption for the marketing year beginning August 1, 1963, (*b*) estimated exports during the marketing year year beginning August 1, 1963, and (*c*) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryovers.

(2) The following findings of total supply and normal supply are hereby made by the Secretary:

(i) Total supply of cotton for the marketing year beginning August 1, 1963, in running bales or equivalent:

(*a*) Carryover	10,738,000
(*b*) Estimated production	14,686,000
(*c*) Estimated imports	50,000
Total supply	25,474,000

(ii) Normal supply of cotton for the marketing year beginning August 1, 1963, in running bales or equivalent:

(*a*) Estimated domestic consumption	8,600,000
(*b*) Estimated exports	5,000,000
(*c*) 30 percent allowance for carryover	4,080,000
Normal supply	17,680,000

(b) *Proclamation of national marketing quota.* It is hereby determined and proclaimed by the Secretary that the total supply of cotton for the marketing year beginning August 1, 1963, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1964.

(c) *Proclamation of amount of national marketing quota in bales.* Section 342 of the act provides that the amount of the national marketing quota for the 1964 crop of upland cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of cotton adequate, together with (i) the estimated

carryover at the beginning of the 1964–65 marketing year, and (ii) the estimated imports during the 1964–65 marketing year, to make available a normal supply of cotton.

(2) The number of bales of cotton equal to the estimated domestic consumption and estimated exports (less estimated imports) for the 1964–65 marketing year, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below one million bales less than the estimated domestic consumption and estimated exports for the 1964–65 marketing year.

(3) Ten million bales.

(4) The number of bales of cotton required to provide a national allotment of 16,000,000 acres for the 1964 crop of cotton.

It is hereby determined and proclaimed that the national marketing quota for the 1964 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be 14,267,000[1] bales based on a minimum national allotment of 16,000,000 acres under subparagraph (4) of this paragraph calculated by multiplying the minimum national allotment by the national average yield of 428 pounds per acre of cotton for the four calendar years 1959, 1960, 1961, and 1962 and dividing the result by 480 pounds (net weight of a standard bale). This determination is based on the following data:

Determinations for purpose of:

	Bales
(i) § 722.241(c)(1)	[1] 5,626,000
(ii) § 722.241(c)(4)	[1] 14,267,000
(iii) § 722.241(c)(2)	[1] 13,450,000

Based on:

(iv) Estimated domestic consumption	[2] 8,500,000
(v) Estimated exports	[2] 5,000,000
(vi) Estimated imports	[2] 50,000
(vii) Adjustment for stocks	(4)

[1] Standard bales.
[2] Running bales.
[3] Equivalent running bales.
[4] None.

§ 722.242 National allotment in acres.

It is hereby determined and proclaimed that a national allotment shall be in effect for the crop of cotton produced in the calendar year 1964. The amount of such national allotment is 16,000,000 acres calculated as set forth in § 722.241.

[1] Rounded to nearest 1,000 bales.

§ 722.243 National reserve.

It is hereby determined that a national reserve of 200,000 acres is required under section 344(b) of the act which is in addition to the national allotment. The amount of the national reserve is based upon the estimated needs of the States for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act except that 1,000 acres shall be apportioned to Nevada as required by section 344(b) of the act.

§ 722.244 Apportionment of national allotment and national reserve to the States.

The national allotment of 16,000,000 acres and the national reserve of 200,000 acres are apportioned to the States in accordance with section 344(b) of the act as follows:

State	State allotment (1)	State's share of national reserve (2)	Total allotment available for distribution in State (3)
Alabama	941,065	28,394	969,459
Arizona	331,199	557	331,756
Arkansas	1,322,727	5,020	1,327,747
California	735,202	2,037	737,239
Florida	32,443	3,212	35,655
Georgia	814,524	22,259	836,783
Illinois	2,974	21	2,995
Kansas	20	2	22
Kentucky	6,943	249	7,192
Louisiana	558,296	9,170	567,465
Maryland	8		8
Mississippi	1,529,449	21,260	1,550,709
Missouri	354,861	1,774	356,635
Nevada	2,522	1,000	3,522
New Mexico	171,132	572	171,704
North Carolina	438,300	22,908	461,208
Oklahoma	741,002	10,356	751,358
South Carolina	667,787	18,018	685,805
Tennessee	531,604	15,578	547,182
Texas	6,802,305	36,042	6,838,347
Virginia	15,638	1,576	17,214
United States	16,000,000	200,000	16,200,000

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 11, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-10966; Filed, Oct. 11, 1963; 5:06 a.m.]

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—National Marketing Quota, National Allotment and Apportionment to the States and Counties for the 1964 Crop of Extra Long Staple Cotton

Sec.
722.340 Basis and purpose.
722.341 National marketing quota in bales.
722.342 National allotment in acres.
722.343 Apportionment of national allotment to the States.

AUTHORITY: §§ 722.340 to 722.343 issued under secs. 301, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344, 1347, 1375.

§ 722.340 Basis and purpose.

(a) The provisions of §§ 722.340 to 722.343 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.) (referred to as the "act"). These provisions announce findings with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1963, and proclaim, upon the basis of such findings, a national marketing quota in bales and a national allotment in acres for the 1964 crop of extra long staple cotton. The apportionment of the national allotment to the States is also made under these provisions. The term "extra long staple cotton" as used in § 722.341(a) means the kinds of cotton described in section 347(a) of the act, including American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sea-land cotton, and all imports of similar type cotton produced in Egypt, Sudan and Peru. The term "extra long staple cotton" as used in §§ 722.341 (b) and (c) and 722.342 means the kinds of cotton described in section 347(a) of the act. The findings and determinations of the Secretary in §§ 722.340 to 722.343 have been made on the basis of the latest available statistics of the Federal Government.

(b) Notice that the Secretary was preparing to determine whether a national marketing quota and national allotment would be required under the act for the 1964 crop of extra long staple cotton and with respect to the establishment of State and county allotments was published in the FEDERAL REGISTER on September 14, 1963 (28 F.R. 10001) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). The data, views and recommendations received in response to such notice have been duly considered.

(c) Since this subpart contains proclamations required by section 347(b) of the act to be made not later than October 15, 1963, and since the apportionment of the national allotment to the States requires immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that §§ 722.340 to 722.343 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.340 to 722.343 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.341 National marketing quota in bales.

(a) *Findings of total supply and normal supply.* (1) (i) As defined in section 301 of the act, the "total supply" of extra long staple cotton for the marketing year beginning August 1, 1963 (in terms of running bales or the equivalent) consists of the sum of (*a*) "carryover" on August 1, 1963, (*b*) estimated production from the 1963 crop of extra long staple cotton, and (*c*) estimated imports into the United States during the marketing year beginning August 1, 1963. Pursuant to Public Law 87–548 enacted July 25, 1962 (76 Stat. 218), the term "carryover" does not include any domestically grown extra long staple cotton which was transferred or made available to the Commodity Credit Corporation from the stockpile established under the Strategic and Critical Materials Stockpiling Act, as amended (50 U.S.C. 98) and which has not been sold by the Commodity Credit Corporation; and does not include any foreign-grown extra long staple cotton which was transferred to the Commodity Credit Corporation from such stockpile.

(ii) The "normal supply" of extra long staple cotton, as defined in section 301 of the act, for the marketing year beginning August 1, 1963 (in terms of running bales or the equivalent) consists of the sum of (*a*) estimated domestic consumption for the marketing year beginning August 1, 1963, (*b*) estimated exports during the marketing year beginning August 1, 1963, and (*c*) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover.

(2) The following findings of total supply and normal supply are hereby made by the Secretary:

(i) Total supply of extra long staple cotton for the marketing year beginning August 1, 1963, in running bales or equivalent:

(*a*) Carryover	89,300
(*b*) Estimated production	154,400
(*c*) Estimated imports	85,600
Total supply	329,300

(ii) Normal supply of extra long staple cotton for the marketing year beginning August 1, 1963, in running bales or equivalent:

(*a*) Estimated domestic consumption	165,000
(*b*) Estimated exports	6,000
(*c*) 30 percent allowance for carryover	51,300
Normal supply	222,300

(iii) 108 per centum of normal supply—240,084.

(b) *Proclamation of national marketing quota.* It is hereby determined and proclaimed by the Secretary that the total supply of extra long staple cotton for the marketing year beginning August 1, 1963, will exceed the normal supply of extra long staple cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of extra long staple cotton produced in the calendar year 1964.

(c) *Proclamation of amount of national marketing quota in bales.* Section 347 of the act provides that the amount of the national marketing quota for the 1964 crop of extra long staple cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales equal to the estimated domestic consumption plus exports for the marketing year beginning August 1, 1964; less the estimated imports for the marketing year beginning August 1, 1964; plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until extra long staple cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

(2) 30,000 bales.

(3) The number of bales equal to 30 per centum of the estimated domestic consumption plus exports of extra long staple cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

It is hereby determined and proclaimed that the national marketing quota for the 1964 crop of extra long staple cotton (in terms of standard bales of 500 pounds gross weight) shall be 120,200 bales based on subparagraph (1) of this paragraph including an adjustment of 13,300 bales to assure adequate working stocks. This determination is based on the following data:

Determinations for purposes of:

	Bales
(i) § 722.341(c)(3)	[1] 57,000
(ii) § 722.341(c)(1)	[1] 120,200

[1] Standard bales.

Based on running bales or equivalent:

(iii) Estimated domestic consumption	190,000
(iv) Estimated exports	0
(v) Estimate imports	85,600
(vi) Adjustment for stocks	13,300

§ 722.342 National allotment in acres.

It is hereby determined and proclaimed that a national allotment shall be in effect for the crop of extra long staple cotton produced in the calendar year 1964. The amount of such national allotment is 112,500[2] acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 513 pounds per acre of extra long staple cotton for the four calendar years 1959, 1960, 1961, and 1962.

§ 722.343 Apportionment of national allotment to the States.

The national allotment of 112,500 acres is apportioned to the States in accordance with section 344(b) of the act as follows:

State:	State allotment (acres)
Arizona	48,342
California	746
Florida	536
Georgia	159
New Mexico	22,405
Texas	39,133
Puerto Rico	1,179
Total	112,500

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 11, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-10965; Filed, Oct. 11, 1963; 5:06 a.m.]

[2] Rounded to nearest 100 acres.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 83, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.383 (Lemon Regulation 83, 28 F.R. 10740) are hereby amended to read as follows:

(ii) District 2: 209,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10863; Filed, Oct. 14, 1963; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[Ninth General Rev., Export Regulations; Amdt. No. 69]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Agricultural Commodities and Manufactures Thereof Covering Shipments to Subgroup A Destinations or Cuba

Section 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations or Cuba*, paragraph (a) *Subsidized commodities* is amended to read as follows:

(a) *Subsidized and price-supported commodities*—(1) *Exportations and reexportations to Cuba, Communist China, North Korea, and the Communist-controlled area of Viet-Nam.* It is the general policy of the Office of Export Control to deny applications for validated licenses to export, and requests for authorization to reexport, subsidized or price-supported agricultural commodities and manufactures thereof to Cuba, Communist China, North Korea, and the Communist-controlled area of Viet-Nam.

(2) *Exportations of wheat and wheat flour.* (i) The Office of Export Control will issue export licenses in an estimated total quantity of 4,000,000 metric tons of subsidized wheat or wheat flour equivalent, for exportation to all Subgroup A countries except Communist China, North Korea, or the Communist-controlled area of Viet-Nam. All export licenses issued will bear an expiration date of April 30, 1964.

(ii) In order to insure that no exporter or other American participant receives an excessive share of these sales, license applications which meet all the requirements for approval will be normally processed at successive two week intervals beginning October 11, 1963, so as to assure that no American participant receives more than 25 percent of the total licensed.

(iii) The exporter shall enter the following certification on the license application in the space entitled "additional information" or on an attachment thereto:

I (We) certify that with respect to the commodities described on this application (1) the price will be on the basis of the prevailing world price at the time the contract is concluded; (2) the payment will be made in United States dollars or gold; (3) the terms of sale will be cash or normal commercial credit; (4) the exportation from the U.S. will not be financed under Public Law 480; (5) the sale does not involve (me) (us) in any barter arrangement; (6) the commodities will be exported in U.S. flag ocean carriers unless such carriers are not available; and (7) the commodities will not be loaded for export on a non-U.S. flag ocean carrier unless prior authorization is received from the U.S. Department of Commerce.

(iv) The following information shall be included on the license application or on an attachment thereto:

(*a*) The proposed shipping date, if known;

(*b*) The specific terms of sale, i.e., cash, credit and credit terms if applicable;

(*c*) The name and address of the commercial supplier from whom the exporter is obtaining, or has obtained, the commodities described on the application (if more than one commercial supplier is involved, the quantity from each commercial supplier shall be specified); and

(*d*) The name and address of the firm which registered the export sale transaction with the U.S. Department of Agriculture, together with the registration number assigned by the Department of Agriculture.

(v) Each such application shall be accompanied by a completed Form FC–842, Single Transaction Statement by Consignee and Purchaser.

(3) *Exportations of other subsidized or price-supported agricultural commodities.* License applications covering price-supported agricultural commodities or subsidized agricultural commodities, other than wheat and wheat flour, will be considered for approval for exportation to all Subgroup A countries except Communist China, North Korea, or the Communist-controlled area of Viet-Nam. Among other commodities, these include barley, corn, grain sorghums, oats, rye, cotton, vegetable oils, tobacco, etc. These applications shall be accompanied by a completed Form FC–842 and shall include the same certifications and information as set forth in subparagraph (2) of this paragraph for applications covering exportations of wheat and wheat flour except for the information pertaining to registration of the export sale transaction with the U.S. Department of Agriculture.

This amendment shall become effective October 11, 1963.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63–10942; Filed, Oct. 14, 1963; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGFR 63–49]

PART 2—VESSEL INSPECTIONS

Certificates of Approval Administered by Chief, Merchant Marine Technical Division

Certain navigational and vessel inspection laws in Title 46, U.S. Code, sections 367, 390b, 481, 489, 1333, Title 33, U.S. Code, section 1007, Title 43, U.S. Code, section 1333, and Title 50, U.S. Code, section 198, as well as specific regulations in 33 CFR Chapter I and 46 CFR Chapter I, provide for and require the Commandant's approval before specific types of safety equipment, materials or installations may be installed or used on vessels subject to Coast Guard inspection, or on other described vessels, motorboats, artificial islands, and fixed structures. These approvals are issued to persons, partnerships, companies, or corporations who offer for sale specific items of safety equipment, materials, or installations or who intend them for their own or others' use. These approvals are intended to provide a control over the quality of such approved items.

The Commandant's approvals are issued to qualified holders in the form of certificates of approval (Form CGHQ–10030), by appropriate descriptions in documents published in the FEDERAL REGISTER, by letters, or by appropriate markings on drawings, plans, etc. Under the direction of the Commandant and the Chief, Office of Merchant Marine Safety, the Chief, Merchant Marine Technical Division, is hereby delegated the authority to exercise the necessary actions relating to the granting, suspension, cancellation or revocation of approvals for specific items of safety equipment, materials or installations required by law or the regulation in 33 CFR Chapter I or in 46 CFR Chapter I to have the Commandant's approval. The authority hereby delegated to the Chief, Merchant Marine Technical Division, may be further delegated by him in the case of suspensions. The Chief, Merchant Marine Technical Division, normally will issue a certificate of approval to a party after ascertaining that a specific item submitted complies with requirements in applicable laws and regulations. Such an approval shall be in effect for a period of 5 years from the date on the certificate of approval unless sooner suspended, canceled, or revoked by proper authority, or specifically stated otherwise on the certificate.

Because the amendments in this document describe procedures followed by the Coast Guard, it is hereby found that compliance with the Administration Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements) is exempted by specific provisions in section 4 of that Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 in Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–15 dated January 3, 1955 (20 F.R. 840), 167–20 dated June 18, 1956 (21 F.R. 4894), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), 167–38 dated October 26, 1959 (24 F.R. 8857), and 167–46 dated November 6, 1961 (26 F.R. 10609), to promulgate regulations in accordance with the statutes cited below, the following amendments in this document are prescribed and shall become effective on the date of publication in the FEDERAL REGISTER:

1. The authority for Part 2 is amended to read as follows:

AUTHORITY: §§ 2.01–1 to 2.95–10 issued under R.S. 4405, as amended, 4462, as amended, sec. 632, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 632. Interpret sec. 3, 60 Stat. 238, 5 U.S.C. 1002. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521. Additional authority cited with sections affected.

2. In Subpart 2.75—Approval of Safety Equipment, Materials and Installations and Qualifications for Construction Personnel:

a. Section 2.75–1(c) is amended to read as follows:

§ 2.75–1 Approvals.

* * * * *

(c) The Commandant's approvals are issued to qualified holders in the form of certificates of approval (Form CGHQ–10030), by appropriate description and identification in documents filed with the Office of the Federal Register and published in the FEDERAL REGISTER, or by letters, or by appropriate markings on drawings, plans, etc. Under the direction of the Commandant and the Chief, Office Merchant Marine Safety, the Chief, Merchant Marine Technical Division, is hereby delegated the authority to exercise the necessary actions relating to the granting, suspension, cancellation or revocation of approvals for specific items of safety equipment, materials, or installations required by law or regulation in this Chapter or in 33 CFR Chapter I to have the Commandant's approval. The authority hereby delegated to the Chief, Merchant Marine Technical Division, may be further delegated by him in the case of suspensions.

b. Section 2.75–5(a) is amended to read as follows:

§ 2.75–5 Certificates of approval.

(a) The Chief, Merchant Marine Technical Division, will issue a certificate of approval to the manufacturer or party named therein and certify that such manufacturer or party has submitted satisfactory evidence that the item described therein complies with the applicable laws and regulations, which are outlined on the reverse side of the certificate.

(Interpret or apply R.S. 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 4(e), 67 Stat. 462, sec. 3, 68 Stat. 675, sec. 6, 75 Stat. 403; 46 U.S.C. 481, 489, 367, 526p, 1333, 390b, 43 U.S.C. 1333(e), 50 U.S.C. 198, 33 U.S.C. 1007. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–15, January 3, 1955, 20 F.R. 840; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857; 167–46, November 6, 1961, 26 F.R. 10609)

Dated: September 26, 1963.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 63–10865; Filed, Oct. 14, 1963; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 63–62]

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARY'S RIVER

PART 90—PILOT RULES FOR THE GREAT LAKES

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Demarcation Lines Between Rules of Road for Great Lakes and Western Rivers in Chicago Port Area

The statutory definition of the waters subject to the Act of February 8, 1895, as amended (33 U.S.C. 241), states that the "Rules of the Road—Great Lakes" (CG–172) apply in part " * * * upon the Great Lakes and their connecting and tributary waters * * *." The statutory definition of the waters subject to the provisions of section 4233 of the Revised Statutes, as amended (33 U.S.C. 301), states that the "Rules of the Road—Western Rivers" (CG–184) apply in part "* * * upon the waters of the Mississippi River * * * and all of the tributaries emptying thereinto and their tributaries * * *." Certain waters in the Chicago port area, by reason of these definitions, seemingly are subject to both sets of "Rules of the Road." The Coast Guard, in an effort to obtain uniform administration and compliance, since 1939 has treated the waters between Lockport, Illinois, and Lake Michigan as subject only to the "Rules of the Road—Great Lakes."

It now appears changing conditions within the Chicago port area require a different demarcation line. Originally, the Chicago River was a tributary of Lake Michigan. However, at the time of the opening of the Chicago Sanitary and Ship Canal, which connects the Chicago River and the Des Plaines River, the direction of the flow of the Chicago River was changed so that this River is now a tributary of the Mississippi River. Furthermore, an analysis of the traffic within the Chicago port area indicates that on the waters west of the Ashland Avenue Bridge it is essentially river traffic while that to the east is primarily lake traffic. These factors dictate the designation of a line of demarcation between the two sets of "Rules of the Road" at the east side of the Ashland Avenue Bridge on the Chicago River. Similarly, on the Calumet River, the Thomas J. O'Brien Lock and Controlling Works is a logical divide.

It is realized there are many differences between the requirements of the "Rules of the Road—Great Lakes" and those of the "Rules of the Road—Western Rivers." It is essential for the safety of navigation that everyone on a particular body of water follow the same set of "Rules." The specified landmarks, being readily recognizable, will aid navigators in determining which set of "Rules" they are required to follow when in the Chicago port area.

The demarcation line description designated 33 CFR 90.03 in effect provides that the "Rules of the Road—Great Lakes" apply from the shores of Lake Michigan to the east side of the Ashland Avenue Bridge (between mile 321 and 322) on the Chicago River and to the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327) on the Calumet River.

The demarcation line description designated 33 CFR 95.02 in effect provides that the "Rules of the Road—Western Rivers" apply on the Chicago River to the east side of Ashland Avenue Bridge (between mile 321 and 322) and on the Calumet River to the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327). The Chicago River and Calumet River are tributaries of the Mississippi River.

Because the rules in this document are statements of policy and interpretations with respect to the administration and enforcement of the "Rules of the Road—Great Lakes" and the "Rules of the Road—Western Rivers," it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements) is specifically exempted by the provisions in section 4 of that Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–17 dated June 29, 1955 (20 F.R. 4976), and 167–33 dated September 23, 1958 (23 F.R. 7592), the following rules are prescribed and such rules shall become effective on the date of publication of this document in the FEDERAL REGISTER.

In Subchapter E—Navigation Requirements for the Great Lakes and St. Marys River, of Part 90—Pilot Rules for the Great Lakes, a new section is inserted after § 90.02 to read as follows:

§ 90.03 Demarcation lines between "Rules of the Road—Great Lakes" and "Rules of the Road—Western Rivers."

(a) The demarcation lines between the "Rules of the Road—Great Lakes" and "Rules of the Road—Western Rivers" are as follows:

(1) On the Calumet River at the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327).

(2) On the Chicago River at the east side of the Ashland Avenue Bridge (between mile 321 and 322).

(Sec. 3, 28 Stat. 649, as amended, 33 U.S.C. 243. Interpret or apply sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–17, June 29, 1955, 20 F.R. 4976)

In Subchapter F—Navigation Requirements for Western Rivers, of Part 95—Pilot Rules for Western Rivers, a new section is inserted after § 95.01 to read as follows:

§ 95.02 Demarcation lines between "Rules of the Road—Western Rivers" and "Rules of the Road—Great Lakes."

(a) The demarcation lines between the "Rules of the Road—Western Rivers" and the "Rules of the Road—Great Lakes" are as follows:

(1) On the Calumet River at the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327).

(2) On the Chicago River at the east side of the Ashland Avenue Bridge (between mile 321 and 322).

(R.S. 4233, as amended, 33 U.S.C. 353. Interpret or apply sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-17, June 29, 1955, 20 F.R. 4976; 167-33, September 23, 1958, 23 F.R. 7592)

Dated: September 25, 1963.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 63-10866; Filed, Oct. 14, 1963; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

Pleadings Part of Record

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of September A.D. 1963.

There being under consideration §§ 1.5(d), 1.19, and 1.42 of the Commission's general rules of practice, 49 CFR 1.5(d), 1.19, and 1.42, and good cause appearing therefor:

It is ordered, That 49 CFR 1.19, Pleadings part of record, be, and it is hereby, amended to read as follows:

§ 1.19 Pleadings part of record.

Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding, unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and be a part of the record without special admission or incorporation therein, but if request is seasonably made, a competent witness must be made available for cross-examination on the evidence so included in the record. Pleadings may contain specific references to or quotation from the tariffs or schedules containing the several rates, fares, charges, schedules, classifications, regulations or practices alleged to be material. A filing under § 1.42 *Petitions for suspension of tariffs or schedules*, shall not be considered a pleading for purposes of this rule.

It is further ordered, That this order shall become effective upon its publication in the FEDERAL REGISTER.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; secs. 304, 316, 54 Stat. 933, 946; secs. 403, 417, 56 Stat. 285, 297, as amended; 49 U.S.C. 12, 17, 304, 305, 904, 916, 1003, 1017)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63-10939; Filed, Oct. 14, 1963; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 192, 200]

OIL AND GAS LEASES

Mineral Deposits in Acquired Lands and Under Rights-of-Way

Correction

In F.R. Doc. 63-10733 appearing in the issue for Thursday, October 10, 1963, at page 10883, the reference to "Form A-1196" in § 200.8(b) should read "Form 4-1196".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Proposed Meat Content Standards

Notice is hereby given that the United States Department of Agriculture is considering amending § 81.134 of the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR 81.134) pursuant to authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.). The amendment would establish minimum poultry meat content standards for certain poultry food products, and require that the poultry meat used be the equivalent of poultry meat with a solids content of 34 percent (excluding salt). Testing facilities to determine solids content would have to be furnished by processors whose cooked deboned poultry consistently has a lower than normal solids content, to assure that the finished poultry food products meet the requirements.

Statement of considerations. The number of further-processed poultry food products has increased rapidly over the past few years. The Poultry Products Inspection Act and the regulations promulgated thereunder require that the label on any poultry food product, in addition to other information, include the common or usual name of the product, along with a statement of ingredients in order of descending proportions, and that the label of such product be approved by the Department. Under the regulations, poultry food product processors are required to furnish formula information specifying the amount of poultry in each poultry food product they manufacture. A careful review of this information indicates that there is a variation in the amount of poultry meat in poultry food products bearing the identical name. Therefore, it is proposed to establish minimum meat content standards for certain of the more commonly prepared poultry food products in order that the labeling of these products may be more informative to consumers. Such action will also help maintain uniformity in label approval procedures. The percent or amount of poultry meat which is being proposed as the minimum poultry meat content of each particular product was selected after a detailed study of the formulas of the various poultry food items on file in the Department, as well as examination of recipes found in various popular cookbooks. Consideration was given to consumer expectation and acceptability of these products as established over the years and to comments received from various interested persons as a result of tentative proposed standards that were circulated in the industry in April 1963.

Most poultry foods, now being produced, comply with the proposed requirements for minimum meat content. There has been a conflict of views and practices relating to the meat content and labeling of chicken soup. Liquid soups bearing the unqualified label "chicken soup" contain two percent or more chicken meat computed on a ready-to-serve basis. A number of dehydrated chicken soups do not. The proposal would treat all types of soups—liquid, condensed, or dehydrated—as being in the same product class and, therefore, would apply the same labeling standard to all types. Data, views, and comments on this provision relating to soup are particularly desired.

In conjunction with the study relating to establishment of minimum poultry meat content of certain poultry food products, a survey was made of the solids content of cooked deboned poultry used in the fabrication of the various products. The survey shows that the majority of cooking, boning and cooling operations which consist of long established and well recognized acceptable commercial procedures, present no problem. However, there are certain operations which result in a lower solids content of cooked deboned poultry than is considered to be normal. This has been taken into consideration in drafting the proposals.

Amounts of gelatin and liquid to be permitted for certain types of poultry rolls are also proposed to prevent deception of consumers.

All persons who desire to submit data, views or arguments for consideration in connection with the proposed amendment may file them in writing with the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 60 days following publication of this notice in the FEDERAL REGISTER. Alternatively, persons may during such time request an oral public hearing. Such a request must be supported by written objections showing wherein the person filing will be adversely affected by the proposal, specifying with particularity the provisions of the proposal to which objections are taken and setting forth reasonable grounds therefor. Such hearing, if held, will be held in Washington, D.C. at a time to be announced later and notice of such hearing will be published in the FEDERAL REGISTER.

It is proposed to amend § 81.134 to read:

§ 81.134 Product specifications for labeling purposes.

(a) *Authorization to establish specifications.* The Administrator is authorized to establish specifications covering the principal constituents of any poultry food product with respect to which a specified name of the product or other labeling terminology may be used, whenever such action is necessary to prevent sale of the product under a false or deceptive name or other false or misleading labeling. The requirements of this section are hereby found to be necessary for this purpose.

(b) *Labeling terminology for light and dark chicken and turkey meat.* Product containing light and dark chicken or turkey meat in quantities other than natural proportions must have a qualifying statement in close conjunction with the name of the product indicating, as shown in Table I of this paragraph, the types of meat actually used. The qualifying statement must be in type at least one-half the size and of equal boldness as the name of the product, e.g., Boned Turkey (Dark Meat). When the product is processed in such a manner that the character of the light and dark meat is not distinguishable, the qualifying statement will not be required.

TABLE I

Terminology	Percent light meat	Percent dark meat
Natural proportions	50–65	50–35, respectively
Light or white meat	100	0
Dark meat	0	100
Light and dark meat	51–65	49–35, respectively
Dark and light meat	35–49	65–51, respectively
Mostly white meat	66 or more	34 or less
Mostly dark meat	34 or less	66 or more

(c) *Poultry meat content of poultry food products*—(1) *General.* Where cooked poultry meat is specified in this section as an ingredient of poultry food products, this means poultry meat derived from poultry cooked and cooled in a manner approved by the Administrator without use of liquid or moisture in any form in the preparation of the poultry meat following the cooking and the cooling of the poultry. If liquid or moisture is used in any number following cooking and cooling of poultry meat to be used in poultry food products and the percentage of solids, excluding salt, in the poultry meat is found to be below 34 percent when such poultry meat is tested

§ 982.308 Expenses of the Filbert Committee and its subcommittees.

Aviation regulations, the substance of

tions, the substance of which is stated

by approved methods, the percentage of poultry meat required by this section for any poultry food product shall be increased in proportion to the deficiency, or the meat shall be so processed as to raise the solids content, excluding salt, to 34 percent. The official plant shall furnish adequate facilities for such testing.

(2) *Canned boned poultry.* (i) Canned boned poultry shall, unless otherwise specified in this subparagraph (2), be prepared from cooked deboned poultry meat and may contain skin and fat not in excess of natural proportions. Gelatin, stabilizers or similar solidifying or emulsifying agents may be added in quantities not in excess of a total of 0.5 percent of the total ingredients used in the preparation of the product: *Provided,* That the common name of the substance added is included in the name of the product, e.g., "Boned Chicken with Broth—Gelatin Added." However, such agents shall not be added to product labeled "Boned (Kind)—Solid Pack."

(ii) Canned boned poultry, except poultry within subdivision (iv) of this subparagraph, shall meet the requirements set forth in Table II of this paragraph. The percentages in Table II shall be calculated on the basis of the total ingredients used in the preparation of the product.

(iii) *Shredded (Kind).* Canned shredded poultry shall be prepared as set forth in Table II, items 1, 2, 3, or 4, whichever is applicable, except that the boned meat shall be shredded.

(iv) *Boned (Kind) with natural juices.* Canned boned poultry with natural juices shall be prepared from either raw boned meat or a mixture of raw boned meat and cooked boned meat, and shall have no liquid added during the preparation of the product.

TABLE II

Product name	Minimum percent cooked, deboned poultry meat of kind indicated, with skin, fat, and seasoning	Maximum percent liquid that may be added [1]
1. Boned (kind)—solid pack	95	5
2. Boned (kind)	90	10
3. Boned (kind) with broth [2]	80	20
4. Boned (kind) with ——percent broth [2]	50	50
5. Strained or chopped (kind) with broth [4]	50	50

[1] Liquid may be in the form of, but is not limited to, broth or extractives.

[2] Alternatively, product may be prepared from raw boned meat in combination with cooked boned meat in which case liquid not in excess of 10 percent of the weight of the cooked meat used in the preparation of the product may be added.

[3] Total amount of liquid added shall be included in the name of the product, e.g. "Boned Chicken with 25 percent Broth."

[4] Label must indicate in some manner that product is for infant servings.

(3) *Poultry dinners and pies.* Poultry dinners and pies shall meet the requirements set forth in Table III of this paragraph and the percentage or weight shall be calculated on the basis of total ingredients used in the preparation of the products.

TABLE III

Product name	Minimum cooked deboned poultry meat of kind indicated		Minimum raw deboned poultry meat of kind indicated	
	Percent	Weight	Percent	Weight
(Kind) pies	14	1¼ oz. per 8 oz. pie.	25	2 oz. per 8 oz. pie.
(Kind) dinners.[1]	18	2 oz. per 11 oz. dinner.		

[1] Do not include weight of appetizers, desserts, etc. A minimum of 45 percent, or 5 ounces per 11 ounce dinner, of cooked poultry including bone and breading may be used in lieu of minimum 18 percent of cooked deboned poultry meat.

(4) *Poultry rolls.* (i) Binding agents, including but not limited to gelatin and wheat gluten, may be added in quantities not in excess of a total of 3 percent for cooked rolls and 2 percent for raw rolls, based on the total ingredients used in the preparation of the product without affecting the common name of the product. However, when such agents are added in excess of 3 percent or 2 percent, whichever is applicable, the common name of the agent shall be included in the name of the product, e.g. "Turkey Roll—Gelatin Added."

(ii) With respect to heat processed rolls, 2 percent or less liquid based on the weight of the finished product without liquid may remain with or be returned to product labeled as "(Kind) Roll." Product which has more than 2 percent liquid remaining with or returned to the product shall be labeled as "(Kind) Roll with Natural Juices." Liquid shall not be added in excess of the amount normally cooked out during preparation and if any liquid other than natural cookout juices is added, product must be labeled to indicate that fact, e.g. "Turkey Roll with Broth."

(5) *(Kind)—burgers.* Such product shall consist of 100 percent poultry meat of the kind indicated, with skin and fat not in excess of natural proportions. Product containing fillers or binders shall be named "(Kind) Patties."

(6) *Other poultry dishes and specialty items.* Poultry dishes and specialty items listed in Table IV of this paragraph shall meet the requirements set forth in said Table, irrespective of the type of packaging, and the percentages in Table IV shall be calculated on a ready-to-serve basis, except that soup bases in institutional packs which are prepared for sale to institutional users shall have a minimum of 15 percent cook deboned poultry meat based on the weight of the soup base product. Products subject to the Poultry Products Inspection Act, similar to those listed in Table IV but having less than the specified minimum poultry meat content, may use the "kind" name on the label, provided it is appropriately qualified to distinguish such products from those containing the specified minimum meat content.

TABLE IV

Product name	Minimum percent cooked deboned poultry meat of kind indicated	Minimum percent cooked poultry of kind indicated, including bone
(Kind) ravioli	2	
(Kind) soup	2	
Chop suey with (kind)	2	
(Kind) chop suey	4	
(Kind) chow mein without noodles	4	
(Kind) tamales	6	
Noodles or dumplings with (kind) [1]	6	
(Kind) stew	12	
(Kind) fricassee of wings		40
(Kind) noodles or dumplings [1]	15	30
Creamed (kind)	20	
(Kind) cacciatore	20	40
(Kind) fricassee	20	40
(Kind) a-la-king	20	
Sliced (kind) with gravy	35	
Minced (kind) barbecue	40	

[1] Product also includes rice or similar starches.

Done at Washington, D.C., this 9th day of October 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Service.

[F.R. Doc. 63-10846; Filed, Oct. 14, 1963; 8:45 a.m.]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Expenses of Filbert Control Board and Rate of Assessment for 1963–64 Fiscal Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Filbert Control Board and a rate of assessment for the 1963–64 fiscal year which began August 1, 1963. The proposal is based on the recommendation of the Filbert Control Board and other available information and would be established pursuant to the provisions of amended Marketing Agreement No. 115 and Order No. 982 (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than ten days after publication of this notice in the FEDERAL REGISTER.

Based on 11.9 million pounds of filberts estimated to be subject to this regulatory program during the fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

The proposal is as follows:

§ 982.308 Expenses of the Filbert Control Board and rate of assessment for 1963–64 fiscal year.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Filbert Control Board during the 1963–64 fiscal year beginning August 1, 1963, in accordance with § 982.60, will amount to $22,995; and the Board is authorized to incur such expenses.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: October 9, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-10864; Filed, Oct. 14, 1963; 8:45 a.m.]

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO 219-A12, AO 237-A8 and AO 243-A10]

MILK IN MEMPHIS, TENN., FORT SMITH, ARK., AND CENTRAL ARKANSAS MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas, which was issued September 30, 1963 (28 F.R. 10660), is hereby extended to October 12, 1963.

Dated: October 10, 1963, Washington, D.C.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-10878; Filed, Oct. 14, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-79]

FEDERAL AIRWAY

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 71.143 of the Federal Aviation regulations, the substance of which is stated below.

Intermediate altitude Federal airway V-1645 is presently designated as a 12 mile wide airway from the Socorro, N. Mex., VOR via the intersection of the Socorro VOR 057° and the Las Vegas, N. Mex., 216° True radials to the Las Vegas VOR.

The Peak Day IFR Traffic Survey for Fiscal Year 1963 indicated for V-1645 only 2 aircraft movements. The Peak Day IFR Traffic Survey for Fiscal Year 1962 indicated no aircraft movements for V-1645. As this limited use does not justify the retention of V-1645 as an assignment of airspace, the Federal Aviation Agency is proposing to revoke V-1645.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 9, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10851; Filed, Oct. 14, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 75 [New]]

[Airspace Docket No. 63-SO-66]

JET ROUTES AND FEDERAL AIRWAY

Notice of Proposed Alteration and Revocation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

1. Revoke the segment of intermediate altitude VOR Federal airway V-1509 which extends from Pulaski, Va., to Parkersburg, W. Va. The 1963 IFR peak day traffic survey shows 3 aircraft movements between Pulaski and Parkersburg.

2. Revoke Jet route No. 57 which extends from Raleigh-Durham, N.C., via Pulaski, Va., to Charleston, W. Va. The 1963 IFR peak day traffic survey shows 3 aircraft movements on this jet route.

3. Realign the segment of Jet route No. 75 between Gordonsville, Va., and Columbia, S.C., to include the Greensboro, N.C., VOR. The distance from Columbia to Gordonsville direct is 286 nautical miles, via Greensboro 291 nautical miles. The addition of the Greensboro VOR in the description of J-75 would provide for more precise navigation and would make temporary route structure more feasible when either the Gordonsville VOR or the Columbia VOR is out of service.

Additionally, as jet advisory areas do not include the airspace within positive control areas the FAA proposes to revoke the jet advisory areas associated with the above jet routes which lie within positive control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553: Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 9, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10852; Filed, Oct. 14, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada 054565]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 2,1963.

The Department of Agriculture has filed an application, Nevada 054565, to extend the boundaries of the Toiyabe National Forest to include the lands described below. The public lands listed will be withdrawn from all forms of appropriation under the public land laws, except to such forms of disposition as may by law be made of national forest lands and the mining and mineral leasing laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box Number 1551, Reno, Nevada.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

PRIVATE LANDS

T. 13 N., R. 18 E.,
Sec. 1;
Sec. 2, lot 2 of NE¼;
Secs. 12 and 13;
Sec. 25, N½, SW¼, N½SE¼.
T. 14 N., R. 18 E.,
Sec. 13;
Sec. 14, E½;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, and E½;
Sec. 35, E½;
Sec. 36.
T. 13 N., R. 19 E.,
Sec. 4, lots 1 and 2 of NW¼, SW¼;
Sec. 5, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, E½SW¼, SE¼;
Sec. 6, W½ lot 1 of NE¼, lot 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, W½SE¼;
Sec. 7, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼;
Sec. 9, N½NW¼, SE¼NW¼, SW¼SW¼;
Sec. 16, W½E½, W½;
Sec. 17, E½;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, W½NE¼, SE¼;
Sec. 20, W½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 29, NW¼, N½SW¼;
Sec. 30, lots 1 and 2 of NW¼, N½ lot 1 of SW¼, NE¼, N½SE¼;
Sec. 32, E½.
T. 14 N., R. 19 E.,
Sec. 4, SW¼;
Sec. 5, lots 1 and 2 of NW¼, S½;
Sec. 6, W½ lot 1 of NE¼, lot 2 of NE¼, E½ lot 1 of NW¼, lot 2 of NW¼, S½ lot 2 of SW¼, E½SW¼, SE¼;
Secs. 7 and 8;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 and 18;
Sec. 19, lots 1 and 2 of NW¼, NE¼, E½ SE¼;
Sec. 20;
Sec. 21, NE¼, W½, W½SE¼;
Sec. 28, N½, SW¼, N½SE¼;
Sec. 29;
Sec. 30, lot 2 of NW¼, lot 2 of SW¼, E½ E½;
Secs. 31 and 32;
Sec. 33, SE¼NE¼, W½NE¼, W½, SE¼.
T. 15 N., R. 19 E.,
Sec. 32, S½S½.

ACQUIRED LANDS

T. 14 N., R. 19 E.,
Sec. 19, lots 1 and 2 of SW¼, W½SE¼;
Sec. 30, W½E½, E½W½.

PUBLIC LANDS

T. 13 N., R. 19 E.,
Sec. 7, SW¼SE¼;
Sec. 9, NE¼SW¼;
Sec. 17, NW¼SW¼.
T. 14 N., R. 19 E.,
Sec. 21, E½SE¼;
Sec. 28, S½SE¼;
Sec. 33, NE¼NE¼.

The lands described above aggregate 21,321.47 acres.

DONALD I. BAILEY,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 63-10857; Filed, Oct. 14, 1963; 8:45 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

OCTOBER 8, 1963.

1. Plat of extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. November 1, 1963.

SEWARD MERIDIAN

T. 16 N., R. 3 W., Tract A,
Sec. 30, Lots 1-4, E½, E½W½;
Sec. 31, Lots 1-6, E½, E½SW¼.
Containing 2,984.08 acres.

2. A consistency in land and soil is found along the two miles of this survey. The land is gently rolling to level swampland. Soil on the high ground is sandy loam. The timber consists of first and second growth spruce, birch and cottonwood. The swampy land is for the most part wet, water ranging from six inches to four or five feet deep.

3. Subject to any existing valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the above-described land is hereby opened to filing aplications, selections and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws presented prior to 10:00 a.m. on November 1, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. The lands will also be open to mining location at that date and hour.

4. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska.

AL J. HOLLEY,
Acting Manager.

[F.R. Doc. 63-10872; Filed, Oct. 14, 1963; 8:46 a.m.]

[Sacramento 076627]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

Correction

SEPTEMBER 23, 1963.

In F.R. Doc. 63-10402, appearing at page 10584 of the issue for Wednesday, October 2, 1963, the entry under Humboldt Meridian, Shasta-Trinity National Forest, Trinity County, Whites Bar Picnic Area, should read as follows:

T. 4 N., R. 8 E.,
Sec. 4, E½ Lot 2.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[472.133]

CONTAINERS AND COVERINGS

Duty-Free Treatment of Certain Textile Bags

OCTOBER 9, 1963.

The following Bureau of Customs decision, dated October 4, 1963, concerning the duty-free treatment of certain textile bags under the conditions specified is published below.

Textile bags in which coffee, cocoa, sugar, and other bulk commodities are imported are not considered, as a general class of containers, "designed for, or capable of, reuse" within the meaning of General Headnote 6(b)(ii), TSUS, in the "practical, commercial sense" for "commercial shipping or transportation purposes" contemplated by Headnote 6(b)(ii), as announced in the Seventh Supplemental Report, Appendix C. The Bureau finds such bags in the ordinary course of trade either are not reused or are reused only after cleaning and repair. They are not normally fit for reuse in their condition as imported. Any reuse in the condition as imported is "incidental or fugitive" as the term is used in the Seventh Supplemental Report.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 63-10880; Filed, Oct. 14, 1963; 8:47 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 10]

HOME OWNERS INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 10, 1963.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $97,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20220.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Illinois, Home Owners Insurance Co., Chicago, Ill.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 63-10881; Filed, Oct. 14, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10976 etc.]

CALIFORNIA-NEVADA EXCURSION FARES INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on November 13, 1963, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 10, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-10875; Filed, Oct. 14, 1963; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Methionine N.F.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1216) has been filed by The Dow Chemical Company, Midland, Mich., proposing the issuance of a regulation to provide for the safe use of methionine N.F. (DL-methionine), at levels not exceeding 200 milligrams per day, in foods for special dietary use.

Dated: October 9, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10869; Filed, Oct. 14, 1963; 8:46 a.m.]

DREW CHEMICAL CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1030) has been filed by Drew Chemical Corporation, 522 Fifth Avenue, New York, N.Y., 10036, proposing that paragraph (c)(4)(iv) of § 121.2562 *Rubber article intended for repeated or continuous use* be amended by inserting alphabetically therein the following new items:

Triethylene glycol dicaprate.
Triethylene glycol dicaprylate.

Dated: October 9, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10870; Filed, Oct. 14, 1963; 8:46 a.m.]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition Regarding Food Additive 1,1,2,2-Tetrachloroethylene in Polystyrene Film

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1173) has been filed by Syracuse University Research Corporation, 1075 Comstock Avenue, Syracuse 10, N.Y., proposing the issuance of a regulation to provide for the safe use of 1,1,2,2-tetrachloroethylene at levels not to exceed 0.3 percent by weight of foamed polystyrene film intended for use in contact with dry and aqueous foods only.

Dated: October 9, 1963.

J. K. KIRK,
Assistant Commissioner, of Food and Drugs.

[F.R. Doc. 63-10871; Filed, Oct. 14, 1963; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15183; FCC 63M-1109]

CENTRAL SOUTH DAKOTA BROADCASTING CO. (KEZE)

Order Scheduling Hearing

In re application of Central South Dakota Broadcasting Company (KEZE),

Huron, South Dakota, Docket No. 15183, File No. BP-15395; for construction permit.

It is ordered, This 7th day of October 1963, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 12, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., November 4, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10882; Filed, Oct. 14, 1963; 8:47 a.m.]

[Docket No. 15184; FCC 63M-1108]

JERRELL A. SHEPHERD AND MOBERLY BROADCASTING CO. (KNCM)

Order Scheduling Hearing

In re application of Jerrell A. Shepherd, tr/as Moberly Broadcasting Company (KNCM) Moberly, Missouri, Docket No. 15184, File No. BP-15256; for construction permit to make changes in antenna and ground systems.

It is ordered, This 7th day of October 1963, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 4, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., November 6, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10883; Filed, Oct. 14, 1963; 8:47 a.m.]

[Docket No. 15187]

POST 170X, BOY SCOUTS OF AMERICA

Order To Show Cause

In the matter of Post 170X, Boy Scouts of America, Los Angeles, California, Docket No. 15187; order to show cause why there should not be revoked the license for Radio Station KEJ-5570 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, That, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated August 20, 1963, and September 26, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, That, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 of the Commission's rules.

It is ordered, This 8th day of October 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at the address of record at 6739 West Olympic Boulevard, Los Angeles 48, Calif.

Released: October 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10884; Filed, Oct. 14, 1963; 8:47 a.m.]

[Docket Nos. 15185, 15186; FCC 63M-1106]

SUNBEAM TELEVISION CORP. AND COMMUNITY BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Sunbeam Television Corporation, Miami, Florida, Docket No. 15185, File No. BRCT-540, for renewal of license of Television Station WCKT; Community Broadcasting Corporation, Miami, Florida, Docket No. 15186, File No. BPCT-3206, for construction permit for new VHF television broadcast station.

It is ordered, This 7th day of October 1963, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., November 4, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10885; Filed, Oct. 14, 1963; 8:47 a.m.]

[Docket No. 15188]

UNITED STATES MOBILE COMMUNICATIONS CORP.

Order To Show Cause

In the matter of United States Mobile Communications Corp., Los Angeles, California, Docket No. 15188; order to show cause why there should not be revoked the license for Radio Station 11Q1177 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, That, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated August 19, 1963, and September 26, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, That, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 of the Commission's rules;

It is ordered, This 9th day of October 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at the address of record at 3723 Wilshire Blvd., Los Angeles 5, Calif.

Released: October 10, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10886; Filed, Oct. 14, 1963; 8:47 a.m.]

[Docket Nos. 15136, 15137; FCC 63M-1110]

WEAT-TV, INC. (WEAT-TV) AND SCRIPPS-HOWARD BROADCASTING CO. (WPTV)

Order Continuing Prehearing Conference

In re applications of WEAT-TV, Inc. (WEAT-TV), West Palm Beach, Florida, Docket No. 15136, File No. BPCT-2916; and Scripps-Howard Broadcasting Company (WPTV), West Palm Beach, Florida, Docket No. 15137, File No. BPCT-2921; for construction permits to change transmitter location, to increase antenna height, and to make other changes.

All parties having agreed that a postponement of the further prehearing conference would facilitate the preparation for trial of this proceeding: *It is ordered*, This 8th day of October 1963, that the further prehearing conference now scheduled for October 14 is continued to October 18, 1963, at 9:00 a.m.

Released: October 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10887; Filed, Oct. 14, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

FEDERAL STORAGE CO. ET AL.

Independent Ocean Freight Forwarder Applications

Notice is hereby given that the following application for independent ocean freight forwarder license has been withdrawn to the following applicant, pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

NON-GRANDFATHER APPLICANT

Federal Storage Company, 1701 Florida Avenue, Washington 9, D.C.; Withdrawn 9/4/63.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANTS

Name, Address, and Officers

Albatross Shipping Company (Frank B. Kennedy, Jr., d/b/a), 527 Canal Street, New Orleans, Louisiana, 70130; Individual.

Cophresi Shipping Company, Inc., 925 Roger Place, Bronx 55, New York; Silvio R. Diaz—President/Director; Maria E. Quintero—Vice President; Pedro Amador—Treasurer/Director.

H. E. Schurig & Co. of Louisiana, 124 Camp Street, New Orleans, Louisiana; Henry E. Schurig, Sr.—Director; Henry E. Schurig, Jr.—President/Director; Charles M. Schurig—Vice Pres./Director; J. R. Gross—Secretary/Director; S. J. Blankenship—Treasurer; R. B. Ekelund—Director.

Valencia Service Co., Inc., P.O. Box 4767, San Juan 24, Puerto Rico, Alfonso Valencia—President; Stanley Nishwitz—Treasurer; Conchita Valencia—Secretary.

Dated: October 9, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10873; Filed, Oct. 14, 1963; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II (Philadelphia) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region II, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Assistant Regional Director of Urban Renewal.
3. Chief, Operations Staff.
4. Assistant Regional Director for Special Programs.

This designation supersedes the designation effective November 8, 1962 (27 F.R. 10920 November 8, 1962).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 1st day of September 1963.

[SEAL] WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 63-10874; Filed, Oct. 14, 1963; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated September 24, 1963, reading in part as follows:.

I hereby determine the damage in the various areas of the State of Texas adversely affected by Hurricane Cindy, beginning on or about September 16, 1963, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Texas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 24, 1963:

The counties of Jefferson and Orange.

Dated: October 9, 1963.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 63-10850; Filed, Oct. 14, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4166]

CENTRAL AND SOUTH WEST CORP. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Payment of Dividend by Subsidiary to Parent, Reinvestment of Proceeds in Subsidiary's Common Stock, and Related Transactions

OCTOBER 9, 1963.

Notice is hereby given that Central and South West Corporation ("Central"), 902 Market Street, Wilmington 99, Delaware, a registered holding company, and one of its electric utility subsidiary companies, Public Service Company of Oklahoma ("Public Service"), 600 South Main Street, Tulsa 2, Oklahoma, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rules 20, 23, 43, 50, and 100 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Central owns all of the common stock of Public Service which, as at June 30, 1963, had an earned surplus of $13,924,186. Public Service proposes (1) to increase the number of its authorized shares of common stock, par value $10

per share, from 6,000,000 shares to 8,000,000 shares; (2) to pay to Central a cash dividend on its common stock out of earned surplus in the amount of $7,500,000; and (3) to issue and sell to Central 750,000 shares of its common stock, for a cash consideration of $7,500,000.

It is indicated that the purpose of the proposed transactions is to satisfy a commitment previously made by Public Service to transfer in 1963 unrestricted earned surplus in an amount of not less than $6,000,00 to its common stock capital account. (Holding Company Act Release No. 14788, January 15, 1963.)

Fees and expenses incident to the proposed transactions are estimated to aggregate $28,000, including a fee of $20,000 payable to the State of Oklahoma in connection with the proposed charter amendment increasing the authorized common stock. Counsel for Public Service are under an annual retainer, and Public Service estimates that $1,000 represents a reasonable allocation in respect of the services herein rendered by such counsel. It is stated that the issue and sale of common stock is subject to the jurisdiction of the Corporation Commission of the State of Oklahoma and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 30, 1963, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit, or in the case of an attorney at law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the joint application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10859; Filed, Oct. 14, 1963; 8:45 a.m.]

[File No. 811-86]

INLAND INVESTORS, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 9, 1963.

Notice is hereby given that Inland Investors, Inc. ("applicant"), of Cleveland, Ohio, 1144 Union Commerce Building, Cleveland 14, Ohio, a registered management closed-end diversified investment company organized under the laws of the State of Delaware, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that applicant has ceased to be an investment company.

All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant represents that pursuant to stockholders' approval, which was given on April 26, 1962, a total of 584,979 shares of capital stock of Broad Street Investing Corporation, 65 Broadway, New York 6, New York ("Broad Street") was exchanged on May 3, 1962 for substantially all of applicant's assets and that dissolution of the applicant was completed in accordance with Delaware law on May 15, 1962. On May 3, 1962 and at the time of dissolution 100,000 shares with a par value of $10.00 each outstanding were held by 695 shareholders. Since that time all of the shareholders have sent in their shares and have received in exchange for them shares of capital stock of Broad Street to which they are entitled and $0.47 per share in cash. Applicant represents that all obligations and liabilities have been paid and that applicant has ceased to be an investment company as defined in the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 25, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10860; Filed, Oct. 14, 1963; 8:45 a.m.]

[File No. 70-4168]

NEW ENGLAND POWER CO.

Notice of Proposed Issuance and Sale of $10,000,000 Principal Amount of First Mortgage Bonds and 100,000 Shares of Cumulative Preferred Stock at Competitive Bidding, and Related Increase in Authorized Shares of Preferred Stock

OCTOBER 9, 1963.

Notice is hereby given that New England Power Company ("NEPCO"), 441 Stuart Street, Boston 16, Massachusetts, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(a)(2), 6(b), and 7(e) of the Act and Rules 42(b)(2) and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $10,000,000 principal amount of First Mortgage Bonds, Series K____ percent, due 1993. The interest rate of the new bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to NEPCO (which will be not less than principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding (if the interest rate specified by the successful bidders exceeds 5 percent per annum, further orders of State commissions having jurisdiction will be necessary).

The new bonds, to be dated November 1, 1963, will be issued under an Indenture of Trust and First Mortgage dated as of November 15, 1936, between NEPCO and New England Merchants National Bank of Boston, successor to The New England Trust Company, as Trustee, as heretofore amended and supplemented and as to be further supplemented by a Tenth Supplemental Indenture.

NEPCO further proposes to increase its authorized shares of preferred stock and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of Cumulative Prepared Stock, ____ percent Series, par value $100 per share. The dividend rate of the new preferred stock (which shall be a multiple of .04 of 1 percent) and the price, exclusive of accrued dividends, to be paid to NEPCO (which shall not be less than $100 per share nor more than $102.75) will be determined by the competitive bidding (if the dividend rate specified by the successful bidders exceeds 5¼ percent per annum, further orders of State commissions having jurisdiction will be necessary).

The proceeds from the sale of the new bonds and the new preferred stock will be applied to the payment of outstanding short-term notes, estimated to aggregate $20,000,000 at the time of issuance and sale of said bonds and preferred stock, and the balance, if any, will be used to pay for construction or to reimburse the treasury for expenditures therefor.

The estimated fees and expenses aggregate $83,000 in the case of the new bonds and $42,000 in the case of the new preferred stock including $31,200 and $16,800, respectively, for services of New England Power Service Company, the affiliated system service company, at the actual cost thereof. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidders, are to be supplied by amendment.

NEPCO has applied to the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission and the Vermont Public Service Board for approval of the proposed issuance and sale of the new bonds and the new preferred stock. Copies of the orders entered therein are to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 30, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10861; Filed, Oct. 14, 1963; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., 318 South Elm Street, High Point, N.C.; effective 10-1-63 to 9-30-64 (pants).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N.C.; effective 10-1-63 to 9-30-64 (dungarees).

The Arrow Co., 2022 Murphy Avenue SW., Atlanta, Ga.; effective 10-1-63 to 9-30-64 (men's shirts).

The Arrow Co., 105 Mill Street, Corinth, N.Y.; effective 10-1-63 to 9-30-64 (men's and boys' shirts).

August Sportswear Co., North Third Street, Boonsville, Miss.; effective 9-30-63 to 9-29-64 (boys' cotton outerwear jackets and boys' and girls' hooded parkas).

Ballwood Corp., 162 Coxe Avenue, Asheville, N.C.; effective 9-30-63 to 9-29-64 (boys' cotton shirts and pants).

Bi-Flex Marion, Inc., Marion, Ala.; effective 10-5-63 to 10-4-64 (women's bras and girdles).

Dunhill Shirt Co., El Dorado Springs, Mo.; effective 10-1-63 to 9-30-64 (men's shirts).

The Eastern Isles Manufacturing Corp., Richlands, Va.; effective 9-26-63 to 9-25-64 (ladies' sleepwear).

Ephrata Apparel Co., Fulton Street, Ephrata, Pa.; effective 10-6-63 to 10-5-64 (children's dresses).

The H. W. Gossard Co., 316 Sixth Street, Logansport, Ind.; effective 9-27-63 to 9-26-64 (ladies' foundation garments, girdies and bras).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 10-1-63 to 9-30-64 (ladies' uniforms).

Jamar-Ruby, Inc., 209 West Michigan Street, Michigan City, Ind.; effective 9-29-63 to 9-28-64 (men's slacks).

Mercer Co., Route 2, Mercersburg, Pa.; effective 9-27-63 to 9-26-64 (children's shirts, pants, and outerwear jackets and ladies' blouses and slacks).

Mitchell Manufacturing Co., Inc., 702 Tate Street, Corinth, Miss.; effective 10-10-63 to 10-9-64 (men's sport shirts).

Nino Sportswear, 221 Lackawanna Avenue, Scranton, Pa.; effective 9-4-63 to 9-3-64 (boys' trousers).

Penn State Coat and Apron Manufacturing Co., Broadway and Radnor Streets, Clifton Heights, Pa.; effective 9-27-63 to 9-26-64 (women's cotton aprons and coats).

Publix Shirt Corp., Myerstown, Pa.; effective 10-2-63 to 10-1-64 (men's and boys' dress shirts).

Red Hill Apparel Co., Main Street, Red Hill, Pa.; effective 10-6-63 to 10-5-64 (children's dresses).

The Shirtmaster Co., Inc., 206 Barnette Street, Abbeville, S.C.; effective 10-3-63 to 10-2-64 (sport shirts).

A Stein & Co., Inc., 606 North Vermillion Street, Streator, Ill.; effective 9-28-63 to 9-27-64 (women's brassieres and girdles).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex.; effective 9-27-63 to 9-26-64 (men's and boys' wash and wear slacks, shorts, and denim work jackets.)

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

B. & W. Manufacturing Co., Inc., Great Falls, S.C.; effective 9-30-63 to 9-29-64; 10 learners (ladies' slacks, shorts, bermudas, slim jims, and wool pants).

Brevard Manufacturing Co., Post Office Box 709, Brevard, N.C.; effective 9-25-63 to 9-24-64; 10 learners (children's dresses and blouses).

Elm Dress Co., Inc., White Horse Pike, Elm, N.J.; effective 9-25-63 to 9-24-64; 10 learners (children's dresses).

Elpern Manufacturing Inc., 113 Summit Avenue, Hagerstown, Md.; effective 9-27-63 to 9-26-64; 10 learners (children's dresses).

Eileen Hope, Inc., 138 Cumberland Street, Duncannon, Pa.; effective 9-26-63 to 9-25-64; 10 learners (women's dresses).

Eileen Hope, Inc., 209 Market Street, Halifax, Pa.; effective 9-26-63 to 9-25-64; 10 learners (women's dresses).

Indian Creek Garment Co., Inc., Cherryville, N.C.; effective 9-24-63 to 9-23-64; 10 learners (ladies' synthetic uniforms).

Mount Carmel Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa.; effective 9-28-63 to 9-27-64; 10 learners. Learners may not be employed at special minimum wage rates in the production of skirts (ladies' blouses).

Osgood & Sons, Inc., 349 East North Street, Decatur, Ill.; effective 9-27-63 to 9-26-64; 10 learners (women's blouses).

Tru-fit Trousers, Traverse City, Mich.; effective 10-2-63 to 10-1-64; 10 learners (men's dress and sport pants).

E. Weinshel & Bros. Co., 1319 North Third Street, Milwaukee, Wis.; effective 9-27-63 to 9-26-64; 10 learners (men's and boys' outerwear jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and

the number of learners authorized are indicated.

Barad Lingerie Co. of Salem, Salem, Mo.; effective 9–27–63 to 3–26–64; 20 learners (ladies' cotton sleepwear).

Brevard Manufacturing Co., Post Office Box 709, Brevard, N.C.; effective 9–25–63 to 3–24–64; 20 learners (children's dresses and blouses).

Paintsville Manufacturing Co., East Point, Ky.; effective 9–30–63 to 3–29–64; 10 learners (boys' shirts and pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Manufacturing Co., 1335 Palmwood Avenue, Toledo, Ohio; effective 9–24–63 to 9–23–64; 10 learners for normal labor turnover purposes (industrial leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., High Point, N.C.; effective 10–1–63 to 9–30–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Claussner Hosiery Co., Division of Joseph Bancroft & Sons Co., 28th and Adams Streets, Paducah, Ky.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Commonwealth Hosiery Mills, Inc., Ellerbe, N.C.; effective 10–3–63 to 10–2–64; 5 learners for normal labor turnover purposes (seamless).

Commonwealth Hosiery Mills, Inc., Randleman, N.C.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Danville Knitting Mills, Inc., Danville, Va.; effective 9–27–63 to 9–26–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Great American Knitting Mills, Inc., Bechtelsville. Bally, Norristown, Pa.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Hudson Hosiery Co., Charlotte, N.C.; effective 10–8–63 to 10–7–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Hudson Hosiery Co., Shelby, N.C.; effective 10–8–63 to 10–7–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Kayser-Roth Hosiery Co., Inc., Dayton Division, Dayton, Tenn.; effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

V. I. Prewett & Son, Inc., 2808 North Gault Avenue, Fort Payne, Ala.; effective 9–30–63 to 9–29–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., 3418 Orlando Drive, Sandford, Fla.; effective 9–26–63 to 3–25–64; 20 learners for plant expansion purposes (ladies' swimwear).

Conn Knitting Mills, Inc., 110 East Ninth Street, Oswego, N.Y.; effective 9–30–63 to 9–29–64; 5 learners for normal labor turnover purposes (ladies' swimsuits and men's and boys' T-shirts).

The Griffin Manufacturing Co., Inc., Highway No. 36, Carlisle, Ky.; effective 9–27–63 to 9–26–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's knitted and woven shorts).

The Griffin Manufacturing Co., Inc., 10–14 East High Street, Mt. Sterling, Ky.; effective 9–27–63 to 9–26–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's knitted and woven shorts).

Kingston Knitting Mills, Inc., 139 Cornell Street, Kingston, N.Y.; effective 9–23–63 to 9–22–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters).

Norwich Mills, Inc., Clayton, N.C., effective 10–1–63 to 9–30–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton knit underwear).

S&M Manufacturing Co., Greenville Highway, Easley, S.C.; effective 10–6–63 to 10–5–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' knit sleep and play clothes).

Sylvester Textile Corp., Sylvester, Ga.; effective 10–8–63 to 10–7–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear).

Sylvester Textile Corp., Sylvester, Ga.; effective 9–26–63 to 3–25–64; 5 learners for plant expansion purposes (ladies' and children's underwear).

Terretel, Inc., 651 High Street, Lancaster, Pa.; effective 9–26–63 to 9–25–64; 5 learners for normal labor turnover purposes (women's lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

France Neckware Manufacturing Corp., 1217 South 13th Street, Wilmington, N.C.; effective 9–29–63 to 3–28–64; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operator, hand sewer, presser, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of at least $1.10 an hour for the first 160 hours, and not less than $1.15 an hour for the remaining 160 hours (men's and boys' neckwear).

Griffin Sportswear Co., Inc., State Highway N. 36, Carlisle, Ky.; effective 9–27–63 to 3–26–64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rates of not less than $1.10 an hour for the first 160 hours and not less than $1.15 an hour for the remaining 160 hours (women's sanitary belts and men's athletic supporters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 4th day of October 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–10858; Filed, Oct. 14, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 10, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38581: *Liquid caustic soda to Etowah and Englewood, Tenn.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2686), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from specified points in Michigan, Ohio, and West Virginia, to Etowah and Englewood, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 117 to Traffic Executive Association—Eastern Railroads, agent, tariff I.C.C. C–102.

FSA No. 38582: *Liquid caustic soda to Louisville, Ky.* Filed by O. W. South, Jr., agent (No. A4381), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Evans City, Ala., to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 99 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 38583: *Substituted service—B&M, D&H, and E–L for Trans-Universal Van Lines, Inc.* Filed by Movers' & Warehousemen's Association of America, Inc., agent (No. 5), for interested carriers. Rates on property loaded in highway trailers, between Chicago, Ill., on the one hand, and East Cambridge, Holyoke, and Worcester, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motortruck competition.

FSA No. 38584: *Wallboards from Marrero and New Orleans, La.* Filed by Southwestern Freight Bureau, agent (No. B–8458), for interested rail carriers. Rates on boards, building, wall or insulating, in carloads, from Marrero and New Orleans, La., to points in Kansas and Missouri.

Grounds for relief: Motortruck competition.

Tariff: Supplement 82 to Southwestern Freight Bureau, agent, tariff I.C.C. 4362.

FSA No. 38585: *T.O.F.C. service—from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–8459), for interested rail carriers. Rates on empty trailers, as described in the application, transported on railroad flat cars, between points in southwestern territory, also Natchez, Miss., and Memphis, Tenn., on the one hand, and points in southern, southwestern, western trunkline and Illinois Freight Association territories, also points in Colorado, Indiana, Utah, and Wyoming, on the other.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 146 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345 and 5 other schedules listed in the application.

FSA No. 38586: *Mud sealing fibre and material within southern territory.* Filed by O. W. South, Jr., agent (No. A4382), for interested rail carriers. Rates on mud, sealing fibre and material, oil well drilling, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities, Washington, D.C., St. Louis, Mo., and intermediate points on lines of southern rail carriers.

Grounds for relief: Short-line distance formula and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10867; Filed, Oct. 14, 1963; 8:46 a.m.]

[Notice No. 880]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 10, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65982. By order of October 4, 1963, the Transfer Board approved the transfer to James O. Schueman, Avoca, Iowa, of Certificate in No. MC 47085, issued May 24, 1962, to James O. Schueman, Gerald L. Schueman and John H. Schueman, a partnership, doing business as Schueman Brothers, Avoca, Iowa, authorizing the transportation, over irregular routes, of: Livestock, feed, coal, furniture, building materials, petroleum products, agricultural implements and parts, lumber, and household goods and emigrant movables, between specified points in Iowa and Nebraska.

No. MC–FC 66097. By order of October 2, 1963, the Tranfer Board approved the transfer to Cullum Trucking Co., a corporation, Jersey City, N.J., of Permits in Nos. MC 15167, MC 15167 (Sub-No. 2), MC 15167 (Sub-No. 8), MC 15167 (Sub-No. 10), MC 15167 (Sub-No. 15), MC 15167 (Sub-No. 16), MC 15167 (Sub-No. 24), MC 15167 (Sub-No. 26), and MC 15167 (Sub-No. 28), issued by the Commission to Paul F. Cullum, doing business as Cullum Trucking Company, Jersey City, N.J., on January 23, 1939, August 18, 1939, July 8, 1941, August 28, 1942, August 2, 1954, August 1, 1957, April 15, 1960, July 26, 1961, and April 9, 1962, respectively; authorizing the transportation, over irregular routes, of: Various commodities, transported primarily in tank and dump vehicles, between points in New Jersey, New York, Pennsylvania, Maryland, Connecticut, Delaware, Massachusetts, Rhode Island, District of Columbia, Ohio, and Virginia. Charles J. Williams, 1060 Broad Street, Newark, N.J., attorney for applicants.

No. MC–FC 66143. By order of October 4, 1963, the Transfer Board approved the transfer to P & N Milk Transport, Inc., Rock Island, Ill., of Permit in No. MC 124103 (Sub-No. 1), issued April 9, 1963, to Maynard S. Perry, Rock Island, Ill., authorizing the transportation, over irregular routes, of cheese, cream, milk, ice cream, ice cream mix, dips, fruit juices, butter, buttermilk, dairy drinks, sherbets, and dairy ices, in containers in motor vehicles equipped with mechanical refrigeration, from Rock Island, Ill., to points in Iowa, Missouri, and Illinois, and from Chicago, Ill., to Davenport, Iowa.

No. MC–FC 66212. By order of October 4, 1963, the Transfer Board approved the transfer to Marvin Decker, doing business as Dell Rapids Motor Express, Dell Rapids, South Dakota, of Certificate in No. MC 62037, issued September 13, 1957, to Marvin Decker and Darrell Hars, a partnership, doing business as Dell Rapids Motor Express, Dell Rapids, S. Dak., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Dell Rapids, S. Dak., and Sioux Falls, S. Dak. Robert G. May, Northwestern Bank Building, Sioux Falls, S. Dak., attorney for applicants.

No. MC–FC 66260. By order of October 4, 1963, the Transfer Board approved the transfer to John E. Miller, Jr., doing business as Easton Storage, Easton, Pa., of Certificate in No. MC 112624, issued December 29, 1959, to John E. Miller, doing business as Easton Storage, Easton, Pa., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between Easton, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Delaware, Maryland, and the District of Columbia. Jacob A. Raub, Jr., 200 South Seventh Street, Easton, Pa., attorney for applicants.

No. MC–FC 66265. By order of October 4, 1963, the Transfer Board approved the transfer to DeGrosa Trucking Incorporated, South Hackensack, N..J., of Permit in Nos. MC 115217 (Sub-No. 1) and MC 115217 (Sub-No. 4), issued October 28, 1958 and March 2, 1959, respectively, to Anthony DeGrosa, doing business as DeGrosa Trucking Co., South Hackensack, N.J., authorizing the transportation, over irregular routes, of: Rubber articles, and commodities used in the manufacture of same, between specified points in New York, New Jersey, and Pennsylvania. Bert Collins, 140 Cedar Street, New York, N.Y., representative for applicants.

No. MC–FC 66285. By order of October 4, 1963, the Transfer Board approved the transfer to H. E. Cook, doing business as H. E. Cook Bus Lines, Scotland, Pa., of a portion of Certificate in No. MC 52475, and the entire Certificate in No. MC 52475 (Sub-No. 2), issued September 11, 1952 and September 30, 1948, respectively, to Potomac Motor Lines, Inc., Hagerstown, Md., authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicles with passengers, over regular routes, between Hagerstown, Md., and Blue Ridge Summit, Pa.; between Caledonia, Pa., and Greencastle, Pa.; between Hagerstown, Md., and Mercersburg, Pa.; and between Rouzerville, Pa., and Blue Ridge Summit, Pa. L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036, attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–10868; Filed, Oct. 14, 1963; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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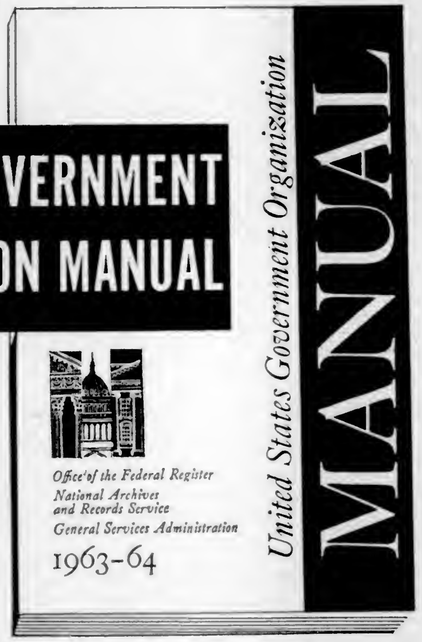
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FEDERAL REGISTER

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MAIN READING ROOM

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Miscellaneous Amendments

1. Paragraph (a) of § 2.202 is amended as set out below.

§ 2.202 Rating competitors.

(a) *Eligible rating.* The subjects in examinations shall be given such relative weights as the Commission may prescribe. A scale of 100 shall be used. Except as provided in § 34.3(a) of this chapter, all competitors who meet the minimum entrance requirements and are rated 70 or more shall be eligible for appointment.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

2. Section 34.3 is amended by the addition of a new paragraph (a) and the redesignation of present paragraphs (a), (b), (c), (d), and (e) as paragraphs (b), (c), (d), (e), and (f). The new paragraph (a) reads as set out below.

§ 34.3 Appointments.

(a) *Eligible rating.* All competitors for hearing examiner positions who meet the minimum entrance requirements and attain a numerical rating determined by the Commission as sufficient to produce an adequate register shall be eligible for appointment.

(Sec. 11, 60 Stat. 244; 5 U.S.C. 1010)

Reorganization and revision of chapter: In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

An eighteenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

1. Paragraph (a) of § 337.101 is amended as set out below.

§ 337.101 Rating applicants.

(a) The Commission shall prescribe the relative weights to be given subjects in an examination, and shall assign numerical ratings on a scale of 100. Except as provided in § 930.203(a) of this chapter, each applicant who meets the minimum requirements for entrance to an examination and is rated 70 or more in the examination is eligible for appointment.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

2. Section 930.203 is amended by the addition of a new paragraph (a) and the redesignation of present paragraphs (a), (b), (c), (d), and (e) as paragraphs (b), (c), (d), (e), and (f). The new paragraph (a) reads as set out below.

§ 930.203 Appointment.

(a) *Eligible rating.* Each applicant for a hearing examiner position who meets the minimum entrance requirements for entrance to the examination and attains a numerical rating determined by the Commission as sufficient to produce an adequate register is eligible for appointment.

(Sec. 11, 60 Stat. 244; 5 U.S.C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10917; Filed, Oct. 15, 1963; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 65]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year for safflower in the following respects:

1. The table following paragraph (a) of § 401.3 of this chapter is amended, effective beginning with the 1964 crop year, for safflower by adding the following insertion immediately below that portion of the table showing a closing date for rye.

Safflower	Mar. 31

2. The following section is added:

§ 401.42 The safflower endorsement.

The provisions of the safflower endorsement for the 1964 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* The insured crop shall be safflower grown on acreage under a contract of, or for, sale with a processor executed by the time the acreage to be insured is reported. Insurance shall not be considered to have attached on any acreage of safflower excluded from such contract for or during the crop year. In counties where so provided on the county actuarial table, insurance shall not attach on any acreage, on which it is determined by the Corporation, that the safflower was planted following a safflower crop planted the previous calendar year.

3. *Pound guarantee, and price per pound.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the pound guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The pound guarantee per acre shown on the county actuarial table shall be increased by 50 pounds for any threshed acreage on which the amount harvested is 50 or more pounds per acre.

At the time the application for insurance is made the applicant shall elect a price per pound at which indemnities shall be computed from among those shown on the county actuarial table. If any applicant, or insured, has not elected a price per pound, or has elected a price per pound not shown on the county actuarial table for the crop year, the price per pound election which shall be applicable under such contract, and which the insured is deemed to have elected, shall be the amount provided on the county actuarial table for such purposes.

For any crop year, any insured may change the price per pound which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per pound at which indemnities shall be computed shall be the price most recently in force under the contract: *Provided*, That if such price is not one shown on the county actuarial table for the crop year it shall be the price provided for such purpose on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the safflower is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which safflower is normally harvested.

5. *Claims for loss.* In lieu of subsection 11(c) of the policy, the following shall apply:

Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of safflower on the insurance unit by the applicable pound guarantee per acre, which product shall be the pound guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per pound for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed production, which the Corporation determines is customarily marketable for oil, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That on any acreage from which less than 50 pounds per acre are threshed, the total production to be counted under the provision of this section shall be that amount in excess of 50 pounds per acre, except that the production to be counted for any acreage of safflower which is abandoned or put to another use without the consent of the Corporation shall be the pound guarantee provided on the county actuarial table.

6. *Meaning of terms.* For the purpose of insurance on safflower the term:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of safflower in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of safflower in the county into two or more units, taking into consideration separate and distinct farm operations.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 30, 1963.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 10, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-10924; Filed, Oct. 15, 1963; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

The provisions of §§ 722.301 to 722.339 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.). These provisions govern the establishment of State, county and farm allotments for the 1964 and succeeding crops of extra long staple cotton (referred to as "ELS cotton"). The latest available statistics of the Federal Government are used in making the determinations required to be made by the Secretary under the Act. Notice of proposed formulation of acreage allotment regulations for the 1964 and succeeding crops of ELS cotton was published in the FEDERAL REGISTER on September 14, 1963 (28 F.R. 10001), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish 1964 farm allotments as early as possible prior to the holding of the ELS cotton referendum, it is essential that §§ 722.301 to 722.339 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.301 to 722.339 shall be effective upon filing this document with the Director, Office of the Federal Register.

GENERAL

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AUTHORITY: §§ 722.301 to 722.339 issued under secs. 301, 361, 362, 365–368, 373, 374, 375, 388; 52 Stat. 38, 62–66, as amended, 68; secs. 343–344, 345–346, 347; 63 Stat. 670, as amended, 674, 675, as amended; sec. 377; 70 Stat. 206, as amended; sec. 378, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1343–1347, 1361, 1362, 1365–1368, 1373–5, 1377, 1378, 1388.

GENERAL

§ 722.301 Applicability.

The provisions of §§ 722.301 to 722.339 apply to the establishment of acreage allotments for ELS cotton beginning with the 1964 crop in years when farm acreage allotments are in effect.

§ 722.302 Extent of calculations and rule of fractions.

Farm allotments shall be rounded to tenths of acres. Computations shall be carried to two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example:

6.732=6.7 6.751=6.8
6.750=6.7 6.782=6.8

§ 722.303 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to §§ 722.301 to 722.339.

§ 722.304 Definitions.

(a) *General terms.* In determining the meaning of §§ 722.301 to 722.339, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions of the following terms in Part 719 of this chapter, as amended, shall apply to §§ 722.301 to 722.339:

community committee
county committee
county office manager
cropland

current year
deputy administrator
farm
farm serial number
operator
person
representative of the State committee
Secretary
State committee
State executive director

In Puerto Rico, the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the State and county committees.

(b) *ELS cotton program terms.* The following terms shall have the following meanings:

(1) Abnormal weather conditions—weather conditions including conditions directly resulting therefrom adversely affecting the planting of ELS cotton which conditions must have been of sufficient duration and intensity to prevent the seeding of land to ELS cotton and must have continued until the end of the planting season for the area.

(2) Acreage planted to ELS cotton in the State and county during the base period (for use in establishing State and county allotments; acreage devoted to production of upland cotton shall be excluded)—

(i) *For 1958 and 1959.* The sum of the farm allotments for 1958 and the sum of the 1959 farm allotments excluding any allotment released from the farm or reapportioned to the farm and including history for released allotments which were reapportioned and planted to ELS cotton under section 344(m)(2) of the act: *Provided*, That the acreage planted to ELS cotton for each year in a State shall not exceed the State's share of the 1958 and 1959 national allotments, respectively, as adjusted for transfers of farm allotments between States and counties.

(ii) *For 1960 and succeeding years.* The sum of the farm allotments for 1960 and the sum of the farm allotments for succeeding years including any allotments released from such farm allotments, excluding any allotment reapportioned to farms under section 344 (m)(2) of the act (as adjusted under section 377 of the act); *Provided*, That the acreage planted to ELS cotton for each year in a State shall not exceed the State's share of the respective national allotments as adjusted for transfers of farm allotments between States and counties.

(3) Acreage planted to ELS cotton on the farm during the base period (for use in establishing farm allotments; acreage devoted to production of upland cotton shall be excluded)—

(i) *For 1961 and succeeding years.* The farm allotment for the respective year including any allotment released from the farm for one year only, excluding any allotment reapportioned to the farm under section 344(m)(2) of the act: *Provided*, That if less than 75 percent of the farm allotment for the respective year and for each of the two years preceding such year, after release and before reapportionment under section 344(m)(2) of the act, was seeded to ELS cotton; or devoted to the production of ELS cotton but seeded prior to such year (stub ELS cotton); or was regarded as planted to ELS cotton under the conservation programs; the farm acreage history for the respective year shall be the sum of the acreage seeded to ELS cotton on the farm in such year, the acreage devoted to the production of stub ELS cotton, acreage regarded as planted under the conservation programs, and released allotment for the year. The foregoing proviso does not apply to the allotment for farms owned by the Federal Government with a restrictive lease prohibiting the planting of ELS cotton or to farms for which allotments have been pooled under section 378 of the act.

NOTE: Farm base adjustments under section 344(f)(8) of the act not included in above which is limited to definition of farm acreage history.

(4) Acreage planted to ELS cotton on the farm in the current year (for use in determining compliance with the farm allotment)—the acreage seeded to ELS cotton plus stub ELS cotton acreage on the farm in the current year, excluding any acreage in excess of the farm allotment which is destroyed or disposed of in accordance with the requirements of Part 718 of this chapter.

(5) Act—Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(6) Base period—for establishing State and county allotments, the five year period immediately preceding the year in which allotments and marketing quotas are proclaimed for the current year; for establishing farm allotments, the three year period immediately preceding the current year.

(7) Conservation programs—conservation reserve program of the Soil Bank Act (Section 112; 7 U.S.C. 1836); Great Plains program (section 16(b) of the Soil Conservation and Domestic Allotment Act; 16 U.S.C. 590(p)(b); and cropland conversion program (section 16(e) of the Soil Conservation and Domestic Allotment Act; 16 U.S.C. 590 (p)(e).

(8) County—county or parish of a State. The Northern Area and Southern Area of Puerto Rico are considered as counties.

(9) County reserve—acreage reserved by the county committee from the computed county allotment and allocations from the State reserve for trends and abnormal conditions not in excess of 15 percent thereof for use in establishing new ELS cotton farm allotments and adjusting old ELS cotton farm allotments.

(10) Extra long staple cotton—American-Egyptian, Sea Island, Sealand, and all other varieties of the Barbadense species of cotton and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, produced in an area designated under section 347(a) of the act.

(11) Farm allotment—ELS cotton acreage allotment established for a farm.

(12) New ELS cotton farm—farm for which an ELS cotton acreage allotment is established for the current year and for which there is no history acreage in the farm base period.

(13) Old ELS cotton farm—farm having an acreage planted to ELS cotton in any one or more of the farm base years and an ELS cotton allotment other than zero was established for the farm for the year ELS cotton was planted. Released allotments shall not be considered as acreage planted to ELS cotton for purposes of determining eligibility of the farm for allotment as an old ELS cotton farm.

(14) Owner—person who owns farmland.

(15) Sharecropper—person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the ELS cotton or of the proceeds thereof.

(16) Share tenant—person other than a sharecropper who rents land from another person and pays as rent a share of the ELS cotton or of the proceeds thereof.

(17) Small farm—farm for which an allotment for the current year, exclusive of allocations to the farm from State and county reserves, is 15 acres or less.

(18) State reserve—acreage reserved by the State committee from the State allotment not in excess of 10 percent thereof for use in accordance with section 344(e) of the act.

(19) Upland cotton—any cotton other than extra long staple cotton.

§ 722.305 Annual ELS cotton referendum.

A referendum of the farmers who were engaged in the production of ELS cotton in the year preceding the current year will be held on the Tuesday preceding December 15 of each year in which farm acreage allotments and farm marketing quotas are proclaimed. If December 15 falls on a Tuesday, the referendum shall be held on the preceding Tuesday. The referendum shall be conducted in accordance with the provisions of Part 717 of this chapter to determine whether such farmers are in favor of or opposed to the quota for the current year. If two-thirds or more of the ELS cotton farmers voting in the ELS cotton referendum favor the quota, such quota will be in effect for the current year. If more than one-third of the ELS cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the current year; however, farm allotments established for the current year will remain in effect and compliance with such farm allotments will be a condition of eligibility of producers for price support at 50 percent of the parity price for ELS cotton.

STATE AND COUNTY ALLOTMENTS

§ 722.306 Apportionment of national allotment among States.

The national allotment proclaimed for the current year shall be apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to ELS cotton in each such State for the State base years, with adjustments in such acreage for failure to seed ELS cotton because of abnormal

weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to ELS cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such reduction in the acreage planted to ELS cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted ELS cotton acreage in the State attributed solely to abnormal weather conditions.

§ 722.307 Annual allocations.

(a) The regulations in §§ 722.301 to 772.339 will be supplemented to establish for each year for which farm acreage allotments and farm marketing quotas are proclaimed the following:

(1) State allotment which is the State's share of the national allotment,
(2) County allotment,
(3) Allocations of State reserve,
(4) County reserve.

§ 722.308 State reserve.

(a) *Establishment of State reserve.* The State committee shall establish a State reserve not in excess of 10 percent of the State allotment and shall divide such reserve for use as follows: However, the State committee may, in its discretion, determine that no acreage shall be established for any one or more of the categories of the State reserve listed in this paragraph.

(1) Adjusting computed county allotments for trends in acreage,

(2) Adjusting computed county allotments for abnormal conditions affecting plantings,

(3) Establishing allotments for new ELS cotton farms,

(4) Adjusting farm allotments to correct inequities and to prevent hardships, and

(5) Adjusting allotments determined for small farms.

(b) *Use of State reserve.* The State reserve, if any, established for each designated purpose under paragraph (a) of this section shall be used by the State committee as follows:

(1) State reserve for trends shall be used to adjust the computed county allotments for trends in acreage in the counties during the six years preceding the current year and the State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) State reserve for abnormal conditions shall be used to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the five base years. In determining any such adjustment, the State committee shall consider abnormal weather conditions such as floods and droughts during the planting season which caused plantings to be abnormally low in comparison with normal and any other abnormal conditions which adversely affected plantings to a greater extent than in other counties. The State committee shall also take into consideration any abnormal weather condition adjustments to the State and county allotments made pursuant to section 344 (b) and (e) of the act without reference to the State reserve.

(3) State reserve for small farms shall be used by the county committee only for adjustments in small farm allotreasons for disapproval.

(4) State reserve to correct inequities in farm allotments and to prevent hardships shall be used by the county committee to adjust farm allotments to correct inequities and to prevent hardships. Such State reserve shall also include a set-aside to assist county committees in correcting erroneous allotments, in establishing allotments for missed farms and reconstituted farms and in making late adjustments to correct inequities and to prevent hardship.

(5) State reserve for new ELS cotton farms shall be used by the county committee to establish farm allotments for new ELS cotton farms.

§ 722.309 Apportionment of State allotment among counties and establishment of county reserve.

(a) *Apportionment of State allotment.* The State allotment less the State reserve for the current year shall be apportioned among the counties designated in this paragraph on the basis of the average acreage planted to ELS cotton in each county in the five base years with adjustments in such acreage for failure to seed ELS cotton because of abnormal weather conditions. Such adjustments shall be made in the manner provided in § 722.306 for adjustment of the State allotment. The acreage apportioned under this paragraph shall be the computed county allotment.

(b) *Designated counties.* The counties designated by the Secretary for the production of ELS cotton pursuant to section 347(a) of the act are as follows:

ARIZONA	
Cochise.	Mohave.
Gila.	Pima.
Graham.	Pinal.
Greenlee.	Santa Cruz.
Maricopa.	Yuma.
CALIFORNIA	
Imperial.	Riverside.
FLORIDA	
Alachua.	Marion.
Bradford.	Orange.
Columbia.	Putnam.
Hamilton.	Seminole.
Jefferson.	Sumter.
Lake.	Suwannee.
Levy.	Union.
Madison.	Volusia.
GEORGIA	
Berrien.	Lanier.
Cook.	
NEW MEXICO	
Chaves.	Hidalgo.
Dona Ana.	Luna.
Eddy.	Otero.
Grant.	Sierra.
PUERTO RICO	
Northern Area.	Southern Area.
TEXAS	
Brewster.	Loving.
Culberson.	Pecos.
El Paso.	Presidio.
Hudspeth.	Reeves.
Jeff Davis.	Ward.

(c) *County allotment.* The county allotment shall be the sum of the computed county allotment and allocations to the county from the State reserve for trends and for abnormal conditions.

(d) *County reserve.* The county committee shall establish a county reserve not in excess of 15 percent of the county allotment. The State committee may coordinate the establishment of county reserves by county committees in the State so as to provide a uniform county allotment factor for all or for groups of counties in the State. The adjusted county allotment resulting from the establishment of a county reserve shall be sufficient to provide factored farm allotments equal to the product of the farm allotment base times the uniform county allotment factor for all old cotton farms in the State.

(e) *Adjusted county allotment.* The adjusted county allotment shall be the county allotment less the county reserve.

FARM ALLOTMENTS

§ 722.310 Method of apportioning county allotment among farms.

The county allotment shall be apportioned among farms in accordance with section 344(f)(8) of the act if farm allotments were in effect for the year preceding the current year. It is hereby determined that for purposes of establishing farm allotment bases for the current year, it will not be necessary under section 344(f)(8) of the act to adjust farm allotments for the year preceding the current year for any change in the acreage of cropland available for the production of ELS cotton.

§ 722.311 Establishment of farm allotments.

(a) *Indicated allotments for old ELS cotton farms in all counties.* The adjusted county allotments shall be apportioned among old ELS cotton farms in accordance with this paragraph. The farm allotment for the year preceding the current year shall be the farm allotment established for such year prior to release of allotment from the farm or reapportionment of released allotment to the farm. Acreage regarded as planted to ELS cotton on the farm for the year preceding the current year shall be the acreage determined to have been diverted for such year from ELS cotton production under the conservation programs plus the acreage released from the farm for such year. A farm allotment for each old ELS cotton farm shall be established as follows:

(1) If the total of the acreage planted to ELS cotton for the year preceding the current year plus the acreage regarded as planted to ELS cotton for such year is 75 percent or more of the farm allotment for the year preceding the current year, such farm allotment shall be the farm allotment base for the current year.

(2) The farm allotment for the year preceding the current year shall be the farm allotment base for the current year for each farm on federally owned land with a restrictive lease prohibiting the planting of ELS cotton, and for each farm for which the allotment has been pooled because of acquisition by an agency having the right of eminent domain.

(3) Except as provided in subparagraphs (2) and (4) of this paragraph, if the total of the acreage planted or regarded as planted to ELS cotton is less than 75 percent of the farm allotment for the year preceding the current year, the farm allotment base for the current year shall be the average of the farm allotment for the year preceding the current year and the acreage planted to ELS cotton (including acreage regarded as planted to ELS cotton) for the year preceding the current year.

(4) Adjustments provided in subparagraph (3) of this paragraph shall not be made and the farm allotment for the year preceding the current year shall be the allotment base for the farm if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm.

(5) Indicated allotments for old ELS cotton farms shall be determined by multiplying the allotment base for the farm by a county allotment factor determined by dividing the total of the allotment bases for the current year for all such farms into the adjusted county allotment.

(6) The indicated ELS allotment shall not exceed the cropland on the farm available for the production of ELS cotton, as determined by the county committee. The ELS allotment regained by application of this limitation shall be added to the county reserve and used by the county committee in adjusting farm allotments; however, the total acreage used from the county reserve shall not exceed 15 percent of the county allotment. Where this limitation is effective for a farm with allotments for both upland and ELS cotton, the county committee shall determine which allotment (upland, ELS, or both) shall be reduced and, if both are reduced, the amount of reduction for each.

(b) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (a) of this section to be 15 acres or less. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community taking into consideration for the farm the acreages planted to ELS cotton in the farm base years, the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm, the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of ELS cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to ELS cotton on the farm in the farm base years as reflecting such factors and use such acreages as the basis for adjusting the indicated farm allotment under this subparagraph. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(3) *Determination of acreage needed for establishing allotments for new ELS cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing allotments for new ELS cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new ELS cotton farms in the county and an estimate may be made of the cropland on new ELS cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new ELS cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing allotments for new ELS cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve for establishing allotments for new ELS cotton farms.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (f) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve to correct inequities and prevent hardship may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to ELS cotton in the farm base years, the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(c) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (b) (1) and (2) of this section for adjusting small farm allotments.

(d) *Reconstitution of farms.* The reconstitution of farms under §§ 722.301 to 722.339 shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(e) *Allotments for missed and reconstituted farms and correction of errors.* The reserves provided for in paragraph (b)(4) of this section and in § 722.308(b) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for the current year under paragraph (d) of this section.

(f) *Equitable adjustments from State reserve for all old ELS cotton farms.* Under the conservation programs, acreage diverted from the production of ELS cotton shall be considered acreage devoted to ELS cotton for purposes of establishing future State, county, and farm allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than that acreage required to give all old ELS cotton farms equal consideration, whether the farm history resulted from actual seeding of ELS cotton or from acreage history required by law.

§ 722.312 Allotments for new ELS cotton farms.

(a) *Closing date.* The State committee shall establish a closing date for filing an application for a new ELS cotton farm allotment with the county committee which shall be no earlier than January 15 of the current year and no later than the date on which the planting of ELS cotton normally becomes general on farms in the county. Such closing date and the amount of reserve acreage available in the county for new ELS cotton farms shall be posted in the county office and, to the extent practicable, such information shall be given general publicity in the county.

(b) *Eligibility of a new ELS cotton farm for an ELS cotton allotment.* An ELS cotton allotment for a new ELS cotton farm may be established by the county committee if each of the following conditions is met:

(1) An application for an ELS cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee.

(2) Neither the farm operator nor the farm owner owns or operates any other farm in the United States for which an ELS cotton allotment is established for the current year.

(3) The available land, type of soil and topography of the land is suitable for the production of ELS cotton and such production ordinarily will not result in an undue erosion hazard under continuous production.

(4) The farm operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water in irrigated areas) necessary to produce ELS cotton on the farm.

(5) The farm operator (each partner where the farm operator is a partnership) expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of ELS cotton requested for the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farms, and the officers and general manager of the corporation must expect to obtain during the current year more than 50 percent of their income, whether dividends or salary, from the production of agricultural commodities or products from the farm excluding the estimated income from the production of ELS cotton requested for the farm. Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary of the trust each must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of ELS cotton requested for the farm. In estimating the income of the farm operator from the farm, the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included.

(c) *Establishment of allotments for new ELS cotton farms.* If the applicant's farm is eligible for an ELS cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of ELS cotton. The allotment so determined for any such farm shall not exceed the smaller of (1) the indicated allotments established pursuant to § 722.311 for old ELS cotton farms in the county which are similar except for the acreages planted to ELS cotton during the farm base years, or (2) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new ELS cotton farms shall not exceed the reserves available for such farms in the county. The allotments for new ELS cotton farms shall be subject to review and approval by a representative of the State committee.

(d) *Reduction or cancellation of new ELS cotton farm allotments for misrepresentation.* If a new ELS cotton farm allotment is established under paragraph (c) of this section, and it is later determined by the county committee or State committee, or the deputy administrator, that the new farm allotment was obtained by misrepresentation by or on behalf of the farm operator, the new farm allotment established for the farm shall be cancelled if the farm is not eligible for a new ELS cotton farm allotment or reduced to the amount which would be proper on the basis of the facts and a notice of revised allotment shall be issued. Any reduction or cancellation of a new ELS cotton farm allotment by the county committee shall be subject to the approval of the State committee. An ELS cotton allotment established for a farm in any year subsequent to the establishment of a new ELS cotton farm allotment for such farm shall be revised to reflect any reduction or cancellation of the new farm allotment and a notice of revised allotment shall be issued.

(e) *Reduction of new ELS cotton farm allotments for underplanting.* If the acreage planted to ELS cotton on the new ELS cotton farm is less than 75 percent of the ELS cotton allotment established for the farm pursuant to paragraph (c) of this section, such allotments shall be automatically reduced to the acreage planted to ELS cotton on the farm.

§ 722.313 Release and reapportionment of ELS cotton allotments.

(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new ELS cotton farms.

(2) The allotment for an old ELS cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to ELS cotton.

(3) The allotment for any farm where such release is opposed by the owner or operator.

(b) *Allotments which may be released and reapportioned—(1) Release of allotments for the current year only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for the current year for an old ELS cotton farm, including allotments pooled for farms acquired by agencies having the right of eminent domain, which will not be used may be voluntarily released in writing to the county committee by the farm owner or operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

(2) *Permanent release of allotments.* Except as provided otherwise in paragraph (a) of this section and except for pooled acreage allotments, all or any part of any farm allotment for the current year for an old ELS cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

(3) *Reapportionment of allotments.* (i) The State committee may establish standards and guidelines to the extent necessary to assure uniform application of the basic factors required to be considered under section 344(m)(2) of the act listed in subdivision (iii) of this subparagraph in the reapportionment of released allotments to farms.

(ii) An oral or written request by the farm operator or owner shall be made to the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm: *Provided*, That the State committee may require a written request as a condition of eligibility.

(iii) Released allotments may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of ELS cotton, land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; and soil and other physical facilities affecting the production of ELS cotton and approved standards and guidelines, if any, established by the State committee: *Provided*, That any allotment released from a farm which is covered in whole or in part by a contract under the conservation programs or for which an application for such contract is pending, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to any other farm or surrendered to the State committee for reapportionment to other counties.

(4) *Surrender of released acreage to the State committee.* If all of the released acreage in a county is not needed, the county committee may surrender, except for released acreage from pooled acreage allotments or acreage released from conservation programs' farms, the unused released acreage to the State committee for reapportionment to counties. The State committee shall reapportion such surrendered acreage to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(5) *Closing dates.* The State committee shall establish the following closing dates for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates within the State. Closing dates under this subparagraph may be extended by the State committee to a date by which ELS cotton could be planted with a reasonable expectation of producing a crop. In establishing closing dates, the State committee shall also take into consideration the time required for reapportionment of surrendered acreage to counties and farms.

(i) Closing date for release of allotments which shall be no later than the date on which the planting of ELS cotton normally becomes general on farms in the State, area, or county.

(ii) Closing date for requests for reapportionment of allotments which shall be a date from the closing date for release of allotments to the closing date for reapportionment of allotments, both dates inclusive.

(iii) Closing date for reapportionment of allotments to other farms shall be no later than the latest date on which ELS cotton can normally be planted on farms in the State, area, or county with reasonable expectation of producing an average crop.

(6) *Acreage history.* For the purpose of determining future State and county allotments, released allotments will be credited to the State and county in which such allotments were released. In determining future farm allotments, the planting in the current year of reapportioned allotments shall not be considered. Any farm allotment released for the current year only, shall, in determining future farm ELS cotton allotments, be regarded as having been planted on the farm from which such allotment was released if ELS cotton was planted or regarded as planted on such farm under the conservation programs in at least one of the two years preceding the current year.

(7) *Public notice.* The county committee shall post in the county office the applicable closing dates and the amount of released allotments available in the county for reapportionment and to the extent practicable, such information shall be given general publicity in the county.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (b)(4) of this section may be used by the county committee for establishing and adjusting farm allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with § 722.311 (b) and (c).

§ 722.314 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to plantings of ELS cotton in the current year.* Section 344(f)(8) of the act provides for adjustment of the farm base if plantings of ELS cotton in the current year are reduced below a specified percentage. The following items are set forth so that farm operators may be fully advised and take any necessary action:

(1) Farm base adjustments are required in connection with establishing farm allotments for the year after the current year, if acreage allotments are in effect, and the acreage actually planted (or regarded as planted under the conservation programs, and the release and reapportionment provisions of section 344(m)(2) of the act) to ELS cotton on the farm in the current year was less than 75 percent of the farm allotment, in lieu of using such farm allotments as the farm base, the base shall be the average of (i) the ELS cotton acreage actually planted or regarded as planted for the farm in the current year and (ii) the farm allotment for the current year. Notwithstanding the provisions of this subparagraph, the farm base on federally owned land with a restrictive lease prohibiting the planting of ELS cotton and for each farm for which the allotment has been pooled because of acquisition of an agency having the right of eminent domain shall not be adjusted under section 344(f)(8) of the act.

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator or owner shall file an application in writing with the county committee not later than September 15 of the current year, showing that failure to plant at least 75 percent of the farm allotment in the current year was due to one or more of such conditions: *Provided*, That no written application by the farm operator or owner shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the farm allotment for the current year would have been planted to ELS cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation programs for one or more of the two years preceding the current year was actually planted to ELS cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, the percent of allotments planted to ELS cotton in the two years preceding the current year, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(b) *Preservation of acreage history under section 377 of the act.* Section 377 of the act provides for preservation of acreage history under certain circumstances. The farm allotment for the current year, excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county, and farm allotments to have been planted to ELS cotton (acreage history for released allotment shall be determined in accordance with § 722.313(b): *Provided*, That the farm allotment for the current year, except for such allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of ELS cotton and pooled allotment farms, shall not be preserved as history acreage unless an acreage equal to 75 percent or more of the farm allotment, after release and before reapportionment, in the current year or the two years preceding was seeded to ELS cotton or devoted to the production of stub ELS cotton or was regarded as planted to ELS cotton under the conservation programs; and in cases where the farm allotment for the current year shall not be preserved under this proviso, the acreage considered to have been planted to ELS cotton in such cases shall be the sum, subject to the limitation under § 722.321 of (1) acreage seeded to ELS cotton on the farm in the current year (2) acreage devoted to the production of stub ELS cotton on the farm in the current year, and (3) acreage regarded as planted on the farm in the current year under the conservation programs.

(c) *Farm acreage history.* Farm acreage history for the purpose of establishing future State and county allotments shall be the sum of the acreage considered to have been planted to ELS cotton under paragraph (b) of this section plus the acreage released for the current year only from the farm.

§ 722.315 Allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, farm allotments for such acquired land and determination of other farm allotment for such owner shall be governed by section 378 of the act and the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(b) *Allotments for farms operated by publicly owned agricultural experiment station.* A farm allotment shall be established pursuant to the provisions of § 722.311 for a farm operated by a publicly owned agricultural experiment station.

gardens, livestock and livestock products, poultry, or other agricultural products

lessor on condition that no land on the farm shall be planted to ELS cotton.

except for released acreage from pooled acreage allotments or acreage released

No. 202——2

NOTICES OF FARM MARKETING QUOTAS

§ 722.316 Notices of farm allotment and marketing quota.

Immediately after farm allotments in a county are established and approved, the county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established a similar written notice showing "None" as the allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof substantially the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the ELS cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced in the current year on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether ELS cotton farmers favor or oppose marketing quotas for the current year. Farm allotments shall not become effective unless proper approval is obtained and written notices of farm allotment is issued as provided under §§ 722.301 to 722.339. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for the current year. Revised notices of allotment shall be issued where an erroneous allotment was established or the farm allotment is adjusted by release and reapportionment.

§ 722.317 Publication of farm allotments and marketing quotas and availability of records.

One copy of each notice of the farm allotment and marketing quota for farms in the county mailed under § 722.316 shall be placed in binders or folders, or in lieu thereof a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. Either the copies of the notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees. The State and county committees shall make available for inspection by owners or operators of farms receiving ELS cotton allotments, all records pertaining to ELS cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and distribution of the county reserve. The amount of State reserve and categories thereof; and formula, if any, and data developed and used to apportion State reserve for trends and abnormal conditions shall be on file and available in the office of the State committee for examination by any interested ELS cotton producer.

MISCELLANEOUS PROVISIONS

§ 722.318 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop, or in ELS cotton for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of ELS cotton.

§ 722.319 Marketing quotas not transferable.

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.313 and 722.315(a) may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 722.320 Measurement of farms to determine compliance with allotments.

For purposes of determining compliance with allotments, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage, and remeasurement shall be governed by Part 718 of this chapter, as amended.

§ 722.321 No credit for overplanting the farm allotment.

Any acreage planted to ELS cotton in the current year in excess of the farm allotment shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of ELS cotton.

§ 722.322 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) *Approval of State reserve, county allotments, and county reserves.* Determination of State reserves and county allotments and county reserves, shall be subject to review and approval by the Secretary.

(b) *Approval of county committee determinations.* A representative of the State committee shall review all farm allotments prior to issuance thereof and may revise or require revisions of any determinations made under §§ 722.301 to 722.321: *Provided*, That such prior review shall not be required where revised farm allotments resulting from reconstitution of farms or from release and reapportionment of farm allotments do not require additional acreage for allocation, except in the case of reapportionment of allotments, the State committee may require approval by its representative prior to issuance thereof. ELS cotton allotments for both old and new ELS cotton farms shall be approved by a representative of the State committee. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.301 to 722.339 for determination of farm allotments and farm marketing quotas for both old and new farms, including revised allotments to correct errors, such determinations may be made by the Secretary and Assistant Secretary of Agriculture, or the Administrator of Agricultural Stabilization and Conservation Service. A notice conforming to the requirements of § 722.316 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.316.

(d) *Supervisory authority of State committee.* The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such committee which is not in accordance with §§ 722.301 to 722.339. The State committee may also require the county committee to withhold taking any action which is not in accordance with §§ 722.301 to 722.339.

§ 722.323 Review of farm allotment.

Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within fifteen days after the mailing to him of the notice provided for in § 722.316, have such allotment reviewed by a review committee pursuant to section 363 of the act and the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee.

§ 722.324 Erroneous notices.

(a) *Erroneous notice of ELS cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and

it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to ELS cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of ELS cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State executive director. The acreage planted to ELS cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.321.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the ELS cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to ELS cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with § 722.320.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the ELS cotton acreage for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State executive director concurs upon review of the county committee determination, the acreage planted to ELS cotton on the farm will be considered as an acreage equal to the farm allotment.

§§ 722.325–339 [Reserved]

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 11, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-10947; Filed, Oct. 15, 1963; 8:47 a.m.]

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

The provisions of §§ 722.201 to 722.239 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.). These provisions govern the establishment of State, county and farm allotments for the 1964 and succeeding crops of upland cotton. The latest available statistics of the Federal Government are used in making the determinations required to be made by the Secretary under the Act. Notice of proposed formulation of acreage allotment regulations for the 1964 and succeeding crops of upland cotton was published in the FEDERAL REGISTER on September 14, 1963 (28 F.R. 10,002) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish 1964 farm allotments as early as possible prior to the holding of the cotton referendum, it is essential that §§ 722.201 to 722.239 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.201 to 722.239 shall be effective upon filing this document with the Director, Office of the Federal Register.

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722.226–239 [Reserved]

AUTHORITY: §§ 722.201 to 722.239 issued under secs. 301, 361, 362, 365–368, 373, 374, 375, 388, 52 Stat. 38, 62–66, as amended, 68, secs. 342–344, 345–346, 347; 63 Stat. 670, as amended, 674, 675, as amended, sec. 377; 70 Stat. 206, as amended, sec. 378, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1342–1344, 1345–1347, 1361, 1362, 1365–1368, 1373–1375, 1377, 1378, 1388.

GENERAL

§ 722.201 Applicability.

The provisions of §§ 722.201 to 722.239 apply to the establishment of acreage allotments for upland cotton beginning with the 1964 crop in years when farm acreage allotments are in effect.

§ 722.202 Extent of calculations and rule of fractions.

Farm allotments shall be rounded to tenths of acres. Computations shall be carried to two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example:

6.732=6.7	6.751=6.8
6.750=6.7	6.782=6.8

§ 722.203 Expiration of time limitations

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to §§ 722.201 to 722.239.

§ 722.204 Definitions.

(a) *General terms.* In determining the meaning of §§ 722.201 to 722.239, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and

words used in the present tense include the future as well as the present. The definitions of the following terms in Part 719 of this chapter, as amended, shall apply to §§ 722.201 to 722.239:

community committee
county
county committee
county office manager
cropland
current year
deputy administrator
farm
farm serial number
operator
person
representative of the State committee
Secretary
State committee
State executive director

(b) *Cotton program terms.* The following terms shall have the following meanings:

(1) Abnormal weather conditions—weather conditions including conditions directly resulting therefrom adversely affecting the planting of cotton which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area.

(2) Acreage planted to cotton in the State and county during the base period (for use in establishing State and county allotments; acreage devoted to production of extra long staple cotton shall be excluded)—

(i) *For 1958 and 1959.* The sum of the farm allotments for 1958 and the sum of the 1959 Choice (A) farm allotments excluding any allotment released from the farm or reapportioned to the farm and including acreage history for released allotments which were reapportioned and planted to cotton under section 344(m)(2) of the act: *Provided,* That the acreage planted to cotton for each year in a State shall not exceed the State's share of the 1958 and 1959 national allotments, respectively, as adjusted for transfers of farm allotments between States and counties.

(ii) *For 1960 and succeeding years.* The sum of the farm allotments for 1960 (Choice A) and the sum of the farm allotments for succeeding years including any allotments released from such farm allotments, excluding any allotment reapportioned to farms under section 344(m)(2) of the act (as adjusted under section 377 of the act): *Provided,* That the acreage planted to cotton for each year in a State shall not exceed the State's share of the respective national allotments as adjusted for transfers of farm allotments between States and counties.

(3) Acreage planted to cotton on the farm during the base period (for use in establishing farm allotments; acreage devoted to production of extra long staple cotton shall be excluded)—

(i) *For 1961 and succeeding years.* The farm allotment for the respective year including any allotment released from the farm for one year only, excluding any allotment reapportioned to the farm under section 344(m)(2) of the act and excluding any allotment not entitled to acreage history under section 344(f)(7) of the act; *Provided,* That if less than 75 percent of the farm allotment for the respective year and for each of the two years preceding such year (Choice A allotment for 1959 and 1960), after release and before reapportionment under section 344(m)(2) of the act, was seeded to cotton; or devoted to the production of cotton but seeded prior to such year (stub cotton); or was regarded as planted to cotton under the conservation programs; the farm acreage history for the respective year shall be the sum of the acreage seeded to cotton on the farm in such year, the acreage devoted to the production of stub cotton, acreage regarded as planted under the conservation programs, and released allotment for the year but excluding any allotment not entitled to acreage history under section 344(f)(7) of the act. The foregoing proviso does not apply to the allotment for farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton or to farms for which allotments have been pooled under section 378 of the act.

(NOTE: Farm base adjustments under section 344(f)(8) of the act not included in above which is limited to definition of farm acreage history.)

(4) Acreage planted to cotton on the farm in the current year (for use in determining compliance with the farm allotment)—the acreage seeded to cotton plus stub cotton acreage on the farm in the current year, excluding any acreage in excess of the farm allotment which is destroyed or disposed of in accordance with the requirements of Part 718 of this chapter.

(5) Act—Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(6) Base period—for establishing State and county allotments, the five year period immediately preceding the year in which allotments and marketing quotas are proclaimed for the current year; for establishing farm allotments, the three year period immediately preceding the current year.

(7) Conservation programs—conservation reserve program of the Soil Bank Act (section 112; 7 U.S.C. 1836); Great Plains program (section 16(b) of the Soil Conservation and Domestic Allotment Act; 16 U.S.C. 590p(b)); and cropland conversion program (section 16(e) of the Soil Conservation and Domestic Allotment Act; 16 U.S.C. 590p(e)).

(8) County reserve—acreage reserved by the county committee from the computed county allotment and allocations from the State reserve for trends and abnormal conditions not in excess of 15 percent of the sum of such computed county allotment and such allocations from the State reserve for use in establishing new cotton farm allotments and adjusting old cotton farm allotments.

(9) Extra long staple cotton—American—Egyptian, Sea Island, Sealand, and all other varieties of the Barbadense species of cotton and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, produced in an area designated under section 347(a) of the act.

(10) Farm allotment—cotton acreage allotment established for a farm.

(11) National reserve—that portion of the 310,000 acres authorized under section 344(b) of the act to be apportioned to the States for the current year for minimum farm allotments.

(12) New cotton farm—farm for which a cotton acreage allotment is established for the current year and for which there is no history acreage in the farm base period.

(13) Old cotton farm—farm having an acreage planted to cotton in any one or more of the farm base years and a cotton allotment other than zero was established for the farm for the year cotton was planted. Released allotments, except allotments transferred pursuant to section 344(n) of the act for 1963, shall not be considered as acreage planted to cotton for purposes of determining eligibility of the farm for allotment as an old cotton farm.

(14) Owner—person who owns farmland.

(15) Sharecropper—person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton or of the proceeds thereof.

(16) Share tenant—person other than a sharecropper who rents land from another person and pays as rent a share of the cotton or of the proceeds thereof.

(17) Small farm—farm for which an allotment for the current year, exclusive of allocations to the farm from State and county reserves, is 15 acres or less.

(18) State reserve—acreage reserved by the State committee from the State allotment not in excess of 10 percent thereof (15 percent for Oklahoma) for use in accordance with section 344(e) of the act.

(19) Upland cotton—any cotton other than extra long stable cotton.

§ 722.205 Annual cotton referendum.

A referendum of the farmers who were engaged in the production of cotton in the year preceding the current year will be held on the Tuesday preceding December 15 of each year in which farm acreage allotments and farm marketing quotas are proclaimed. If December 15 falls on Tuesday, the referendum shall be held on the preceding Tuesday. The referendum shall be conducted in accordance with the provisions of Part 717 of this chapter to determine whether such farmers are in favor of or opposed to the quota for the current year. If two-thirds or more of the cotton farmers voting in the cotton referendum favor the quota, such quota will be in effect for the current year. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the current year; however, farm allotments established for the current year will remain in effect and compliance with such farm allotments will be a condition of eligibility of producers for price support at 50 percent of the parity price for cotton.

STATE AND COUNTY ALLOTMENTS

§ 722.206 Apportionment of national allotment and national reserve among States.

(a) *National allotment.* The national allotment proclaimed for the current year less the acreage required to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the three years immediately preceding the current year pursuant to section 344(k) of the act, shall be apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the State base years, with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such reduction in the acreage planted to cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted cotton acreage in the State attributed solely to abnormal weather conditions.

(b) *National reserve.* The need for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act for the current year, together with the 1,000 acre allocation to Nevada provided under section 344(b) of the act, will be estimated after taking into consideration the needs for such additional acreage for the year preceding the current year and the size of national allotment for such year preceding the current year. The additional acreage, if any, from the national reserve shall be apportioned among States on the basis of the estimated needs of each State for additional acreage for establishing minimum farm allotments except that the amount apportioned to Nevada shall be 1,000 acres. Acreage apportioned to a State from the national reserve shall not be taken into account in establishing future State allotments.

§ 722.207 Annual allocations.

The regulations in §§ 722.201 to 722.239 will be supplemented to establish for each year for which farm acreage allotments and farm marketing quotas are proclaimed the following:

(1) State allotment which is the State's share of the national allotment,

(2) State's share of the national reserve,

(3) County allotment,

(4) Allocations of State reserve,

(5) County reserve.

§ 722.208 State reserve.

The State committee shall establish a State reserve for the current year not in excess of 10 percent of the State allotment (15 percent for Oklahoma) as follows:

(a) *State reserve for minimum farm allotments.* If the State's share of the national reserve is less than the requirements as determined or estimated by the Secretary for establishing minimum farm allotments, the State committee shall establish a State reserve not less than the smaller of (1) the remaining acreage so determined or estimated to be required for establishing minimum farm allotments or (2) 3 percent of the State allotment. The State committee shall allocate the State reserve for minimum farm allotments, if any, to counties on the basis of their needs for additional acreage for establishing minimum farm allotments and such reserve acreage shall be added to the county allotment: *Provided,* That no part of such reserve acreage shall be used to increase the county reserve above 15 percent of the county allotment determined without regard to such reserve acreage.

(b) *State reserve for all other categories.* The State committee shall divide the State reserve remaining after the State reserve for minimum farm allotments, if any, is allocated pursuant to paragraph (a) of this section as follows:

(1) Adjusting computed county allotments for trends in acreage,

(2) adjusting computed county allotments for abnormal conditions affecting plantings,

(3) establishing allotments for new cotton farms,

(4) adjusting farm allotments to correct inequities and to prevent hardships, and

(5) adjusting allotments determined for small farms.

The State committee may, in its discretion, determine that no acreage shall be established for any one or more of the categories of the State reserve listed in this paragraph.

(c) *Use of State reserve for all other categories.* The State reserve, if any, established for each designated purpose under paragraph (b) of this section shall be used by the State committee as follows:

(1) State reserve for trends shall be used to adjust the computed county allotments for trends in acreage in the counties during the six years preceding the current year and the State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) State reserve for abnormal conditions shall be used to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the five base years. In determining any such adjustment, the State committee shall consider abnormal weather conditions such as floods and droughts during the planting season which caused plantings to be abnormally low in comparison with normal and any other abnormal conditions which adversely affected plantings to a greater extent than in other counties. The State committee shall also take into consideration any abnormal weather condition adjustments to the State and county allotments made pursuant to section 344 (b) and (e) of the act without reference to the State reserve.

(3) State reserve for small farms shall be used by the county committee only for adjustments in small farm allotments.

(4) State reserve to correct inequities in farm allotments and to prevent hardships shall be used by the county committee to adjust farm allotments to correct inequities and to prevent hardship. Such State reserve shall also include a set-aside to assist county committees in correcting erroneous allotments, in establishing allotments for missed farms and reconstituted farms and in making late adjustments to correct inequities and to prevent hardship.

(5) State reserve for new cotton farms shall be used by the county committee to establish farm allotments for new cotton farms.

§ 722.209 Apportionment of State allotment and State's share of national reserve among counties and establishment of county reserve.

(a) *Apportionment of State allotment.* The State allotment less the State reserve for the current year shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in the five base years with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments shall be made in the manner provided in § 722.206 (a) for adjustment of the State allotment. The acreage apportioned under this paragraph shall be the computed county allotment.

(b) *Apportionment of State's share of national reserve.* The State's share of the national reserve shall be apportioned among counties on the basis of estimated needs for additional allotment to establish minimum farm allotments under section 344(f)(1) of the act as determined by the State committee, except that the additional allotment of 1,000 acres for Nevada shall be apportioned among counties of Nevada on the same basis that the Nevada State allotment, less State reserve, is apportioned among counties. The State committee shall take into consideration the needs for such additional allotment for the year preceding the current year, the size of the county allotments for the current year and the year preceding the current year without regard to State and county reserves, the size of the allocation to the county from the State's share of the national reserve for the year preceding the current year, and adjustments in farm allotment bases for the current year required under section 344(f)(8) of the act. Acreage apportioned to a county from the State's share of the national reserve shall not be taken into account in establishing future county allotments.

(c) *County allotment.* The county allotment shall be the sum of the computed county allotment, allocations to the county from the State reserve for minimum farm allotments, trends and abnormal conditions, and the allocation to the county from the State's share of the national reserve.

(d) *County reserve.* The county committee shall establish a county reserve not in excess of 15 percent of the sum of the computed county allotment and allocations to the county from the State re-

serve for trends and for abnormal conditions. The State committee may coordinate the establishment of county reserves by county committees in the State so as to provide a uniform county allotment factor for all or for groups of counties in the State. The adjusted county allotment resulting from the establishment of a county reserve shall be sufficient to provide factored farm allotments equal to the product of the farm allotment base times the uniform county allotment factor for all old cotton farms in the State plus the additional acreage that would be required to provide minimum farm allotments to farms.

(e) *Adjusted county allotment.* The adjusted county allotment shall be the county allotment less the county reserve.

FARM ALLOTMENTS

§ 722.210 Method of apportioning county allotment among farms.

The county allotment shall be apportioned among farms in accordance with section 344(f)(8) of the act if farm allotments were in effect for the year preceding the current year. It is hereby determined that for purposes of establishing farm allotment bases for the current year, it will not be necessary under section 344(f)(8) of the act to adjust farm allotments for the year preceding the current year for any change in the acreage of cropland available for the production of cotton.

§ 722.211 Establishment of farm allotments.

(a) *Farm allotment bases and minimum allotment requirements.* The following terms shall apply in connection with establishment of farm allotment bases and minimum allotment requirements:

(1) Farm allotment for the year preceding the current year—the farm allotment established for the year preceding the current year prior to release of allotment from the farm or reapportionment of released allotment to the farm.

(2) Maximum farm allotment base—the maximum farm allotment base for each old cotton farm for which a 1958 farm allotment was established shall be the farm allotment for the year preceding the current year less that part, if any, which was added by increasing it to the smaller of 10.0 acres or the 1958 farm allotment under the minimum allotment provisions of the act.

(3) Preliminary allotment base—the preliminary allotment base for each old cotton farm for the current year shall be established as follows:

(i) Except as provided in subdivision (iv) of this subparagraph (3), if the total of the acreage planted to cotton for the year preceding the current year plus the acreage regarded as planted to cotton is 75 percent or more of the farm allotment for the year preceding the current year, such farm allotment shall be the preliminary allotment base for the farm for the current year.

(ii) The farm allotment for the year preceding the current year shall be the preliminary allotment base for the current year for each farm on federally-owned land with a restrictive lease prohibiting the planting of cotton, and for each farm for which the allotment has been pooled because of acquisition by an agency having the right of eminent domain.

(iii) Except as provided in subdivisions (ii), (iv), and (v) of this subparagraph (3), if the total of the acreage planted or regarded as planted to cotton is less than 75 percent of the farm allotment for the year preceding the current year, the preliminary allotment base for the farm for the current year shall be the average of such farm allotment and the acreage planted to cotton (including acreage regarded as planted to cotton) for the year preceding the current year.

(iv) For a farm with a new cotton farm allotment for the year preceding the current year, the preliminary allotment base shall be the acreage planted to cotton if less than 75 percent of the farm allotment for the year preceding the current year is planted. If such acreage planted to cotton is 75 percent or more of the farm allotment, the preliminary allotment base for the current year shall be the farm allotment for the year preceding the current year.

(v) Adjustments provided in subdivision (iii) of this subparagraph (3) shall not be made, and the farm allotment for the year preceding the current year shall be the preliminary allotment base for the current year for the farm, if the county committee determines that failure to plant at least 75 percent of the farm allotment for the year preceding the current year was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm.

(4) Farm allotment base—for each old cotton farm for which a 1958 allotment was determined, the farm allotment base for the current year shall be the smaller of the maximum allotment base or the preliminary allotment base. For each other old cotton farm, the preliminary allotment base shall be the farm allotment base for the current year.

(5) 1958 farm allotment—the allotment established for the farm for 1958 prior to release of allotment from the farm or reapportionment of released allotment to the farm.

(6) Adjusted 1958 farm allotment—the smaller of the 1958 farm allotment adjusted for use in establishing allotments for the year preceding the current year or the preliminary allotment base for the current year.

(7) Minimum allotment—the minimum allotment for each old cotton farm for which a 1958 farm allotment was established shall be the smaller of 10.0 acres or the adjusted 1958 farm allotment determined for the current year.

(8) Total minimum farm allotment requirements for a county—the sum of the minimum farm allotments for all old cotton farms in the county.

(b) *Indicated allotments for old cotton farms in all counties.* The adjusted county allotment shall be apportioned among old cotton farms in accordance with applicable subparagraph (1) or (2) of this paragraph.

(1) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is equal to or less than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is equal to or smaller than the total minimum farm allotment requirements for the county, the indicated allotment for each old cotton farm in the county for which a 1958 farm allotment was established shall be the minimum allotment for the farm. The allotment, if any, required in excess of the adjusted county allotment shall be in addition to the county, State, and national allotments and shall not be taken into account in establishing future State, county, or farm allotments. The indicated allotment for each old cotton farm in the county which was a new cotton farm for any year in the farm base period shall be zero; however, reserve acreage, to the extent available, shall be used to adjust such allotment to not less than the allotment base for the current year adjusted to reflect the change in the State allotment for the current year from the State allotment for the year preceding the current year in accordance with paragraph (c) (1), (2), and (4) of this section.

(2) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is larger than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is larger than the total minimum farm allotment requirements for the county, indicated farm allotments for old cotton farms shall be established as follows:

(i) An allotment base shall be established for each old cotton farm in the county.

(ii) A county factor shall be determined by dividing the adjusted county allotment by the sum of the farm allotment bases established for old cotton farms in the county. If required, additional county allotment factors shall be determined in the same manner until the adjusted county allotment is apportioned to old cotton farms, except that each old cotton farm for which the factored allotment determined by applying the preceding county factor was less than the minimum allotment for the farm shall be excluded in computing each additional factor.

(iii) A factored allotment shall be computed for each old cotton farm by multiplying the allotment base by the county factor.

(iv) The indicated allotment for each old cotton farm shall be the larger of the factored allotment or the minimum allotment for the farm, except that, if a 1958 allotment was not established for the farm, the indicated allotment shall be the factored allotment.

(v) Except for farms for which minimum allotments are established, the indicated allotment shall not exceed the cropland on the farm available for the production of cotton, as determined by the county committee. The allotment regained by application of this limitation shall be added to the county reserve and used by the county committee in adjusting farm allotments; however, the total acreage used from the county reserve shall not exceed 15 percent of the county allotment.

(c) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (b) of this section to be 15 acres or less, excluding minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in the farm base years, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres and minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm, the land, labor and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to cotton on the farm in the farm base years as reflecting such factors and use such acreages as the basis for adjusting the indicated farm allotment under this subparagraph. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(3) *Determination of acreage needed for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve for establishing allotments for new cotton farms.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (g) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve to correct inequities and prevent hardship may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to cotton in the farm base years, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(d) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (c) (1) and (2) of this section for adjusting small farm allotments.

(e) *Reconstitution of farms.* The reconstitution of farms under §§ 722.201 to 722.239 shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(f) *Allotments for missed and reconstituted farms and correction of errors.* The reserves provided for in paragraph (c)(4) of this section and in § 722.208 (c)(4) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for the current year under paragraph (e) of this section. If the reserves authorized to be used under this paragraph have been exhausted, acreage authorized under section 344(f)(7)(A) of the act may be used for establishing minimum farm allotments.

(g) *Equitable adjustments from State reserve for all old cotton farms.* Under the conservation programs, acreage diverted from the production of cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county, and farm allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than that acreage required to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

§ 722.212 Allotments for new cotton farms.

(a) *Closing date.* The State committee shall establish a closing date for filing an application for a new cotton farm allotment with the county committee which shall be no earlier than January 15 of the current year and no later than the date on which the planting of cotton normally becomes general on farms in the county. Such closing date and the amount of reserve acreage available in the county for new cotton farms shall be posted in the county office and, to the extent practicable, such information shall be given general publicity in the county.

(b) *Eligibility of a new cotton farm for a cotton allotment.* A cotton allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(1) An application for a cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee.

(2) Neither the farm operator nor the farm owner owns or operates any other farm in the United States for which a cotton allotment is established for the current year.

(3) The available land, type of soil and topography of the land is suitable for the production of cotton and such production ordinarily will not result in an undue erosion hazard under continuous production.

(4) The farm operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water in irrigated areas) necessary to produce cotton on the farm.

(5) The farm operator (each partner where the farm operator is a partnership) expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a corporation, it must have no

major corporate purpose other than operation, and ownership where applicable, of such farms, and the officers and general manager of the corporation must expect to obtain during the current year more than 50 percent of their income, whether dividends or salary, from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary of the trust each must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. In estimating the income of the farm operator from the farm, the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included.

(c) *Establishment of allotments for new cotton farms.* If the applicant's farm is eligible for a cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smaller of (1) the indicated allotments established pursuant to § 722.211 for old cotton farms in the county which are similar except for the acreages planted to cotton during the farm base years, or (2) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county. The allotments for new cotton farms shall be subject to review and approval by a representative of the State committee.

(d) *Reduction or cancellation of new cotton farm allotments for misrepresentation.* If a new cotton farm allotment is established under paragraph (c) of this section and it is later determined by the county committee or State committee, or the deputy administrator, that the new farm allotment was obtained by misrepresentation by or on behalf of the farm operator, the new farm allotment established for the farm shall be cancelled if the farm is not eligible for a new cotton farm allotment or reduced to the amount which would be proper on the basis of the facts and a notice of revised allotment shall be issued. Any reduction or cancellation of a new cotton farm allotment by the county committee shall be subject to the approval of the State committee. A cotton allotment established for a farm in any year subsequent to the establishment of a new cotton farm allotment for such farm shall be revised to reflect any reduction or cancellation of the new farm allotment and a notice of revised allotment shall be issued.

(e) *Reduction of new cotton farm allotments for underplanting.* If the acreage planted to cotton on the new cotton farm is less than 75 percent of the cotton allotment established for the farm pursuant to paragraph (c) of this section, such allotments shall be automatically reduced to the acreage planted to cotton on the farm.

§ 722.213 Release and reapportionment of cotton allotments.

(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new cotton farms.

(2) The allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.

(3) The allotment for any farm where such release is opposed by the owner or operator.

(b) *Allotments which may be released and reapportioned—(1) Release of allotments for the current year only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for the current year for an old cotton farm, including allotments pooled for farms acquired by agencies having the right of eminent domain, which will not be used may be voluntarily released in writing to the county committee by the farm owner or operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

(2) *Permanent release of allotments.* Except as provided otherwise in paragraph (a) of this section and except for pooled acreage allotments, all or any part of any farm allotment for the current year for an old cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

(3) *Reapportionment of allotments.* (i) The State committee may establish standards and guidelines to the extent necessary to assure uniform application of the basic factors required to be considered under section 344(m)(2) of the act listed in subdivision (iii) of this subparagraph in the reapportionment of released allotments to farms.

(ii) An oral or written request by the farm operator or owner shall be made to the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm: *Provided,* That the State committee may require a written request as a condition of eligibility.

(iii) Released allotments may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton; crop-rotation practices; and soil and other physical facilities affecting the production of cotton and approved standards and guidelines, if any, established by the State committee. *Provided,* That any allotment released from a farm which is covered in whole or in part by a contract under the conservation programs or for which an application for such contract is pending, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties.

(4) *Surrender of released acreage to the State committee.* If all of the released acreage in a county is not needed, the county committee may surrender, except for released acreage from pooled acreage allotments or acreage released from conservation programs farms, the unused released acreage to the State committee for reapportionment to counties. The State committee shall reapportion such surrendered acreage to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(5) *Closing dates.* The State committee shall establish the following closing dates for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates within the State. Closing dates under this subparagraph may be extended by the State committee to a date by which cotton could be planted with a reasonable expectation of producing a crop. In establishing closing dates, the State committee shall also take into consideration the time required for reapportionment of surrendered acreage to counties and farms.

(i) The closing date for release of allotments which shall be no later than the date on which the planting of cotton normally becomes general on farms in the State, area, or county.

(ii) Closing date for requests for reapportionment of allotments which shall be a date from the closing date for release of allotments to the closing date for reapportionment of allotments, both dates inclusive.

(iii) The closing date for reapportionment of allotments to other farms which shall be no later than the latest date on which cotton can normally be planted on farms in the State, area, or county with reasonable expectation of producing an average crop.

(6) *Acreage history.* For the purpose of determining future State and county allotments, released allotments will be credited to the State and county in which such allotments were released. In determining future farm allotments, the planting in the current year of reapportioned allotments shall not be considered. Any farm allotment released for the current year only, shall, in determining future farm cotton allotments, be regarded as having been planted on the farm from which such allotment was released if cotton was planted or regarded as planted

on such farm under the conservation programs in at least one of the 2 years preceding the current year.

(7) *Public notice.* The county committee shall post in the county office the applicable closing dates and the amount of released allotments available in the county for reapportionment and to the extent practicable, such information shall be given general publicity in the county.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (b)(4) of this section may be used by the county committee for establishing and adjusting farm allotments for new cotton farms or small farms or to correct inequities and to prevent hardship in accordance with § 722.211 (c) and (d).

§ 722.214 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to plantings of cotton in the current year.* Section 344 (f)(8) of the act provides for adjustment of the farm base if plantings of cotton in the current year are reduced below a specified percentage. The following items are set forth so that farm operators may be fully advised and take any necessary action:

(1) Farm base adjustments are required in connection with establishing farm allotments for the year after the current year, if acreage allotments are in effect, and the acreage actually planted (or regarded as planted under the conservation programs, and the release and reapportionment provisions of section 344(m)(2) of the act) to cotton on the farm in the current year was less than 75 percent of the farm allotment, in lieu of using such farm allotment as the farm base, the base shall be the average of (i) the cotton acreage actually planted or regarded as planted for the farm in the current year and (ii) the farm allotment for the current year. Similarly, the 1958 farm allotment (as adjusted under section 344(f)(8) of the act for the prior years) used for establishing the minimum farm allotment shall be adjusted to the average acreage so determined. However, the farm acreage history for the current year shall be limited to the extent required under section 344(f)(7) of the act. Notwithstanding the provisions of this subparagraph, the farm base on federally-owned land with a restrictive lease prohibiting the planting of cotton and for each farm for which the allotment has been pooled because of acquisition of an agency having the right of eminent domain shall not be adjusted under section 344(f)(8) of the act.

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator or owner shall file an application in writing with the county committee not later than September 15 of the current year, showing that failure to plant at least 75 percent of the farm allotment in the current year was due to one or more of such conditions: *Provided,* That no written application by the farm operator or owner shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the farm allotment for the current year would have been planted to cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation programs for one or more of the two years preceding the current year was actually planted to cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, the percent of allotments planted to cotton in the two years preceding the current year, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(b) *Preservation of acreage history under section 377 of the act.* Section 377 of the act provides for preservation of acreage history under certain circumstances. The farm allotment for the current year, excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county and farm allotments to have been planted to cotton (acreage history for released allotment shall be determined in accordance with § 722.213(b)): *Provided,* That the farm allotment for the current year, except for such allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton and pooled allotment farms, shall not be preserved as history acreage unless an acreage equal to 75 percent or more of the farm allotment, after release and before reapportionment, in the current year or the two years preceding was seeded to cotton or devoted to the production of stub cotton or was regarded as planted to cotton under the conservation programs; and in cases where the farm allotment for the current year shall not be preserved under this proviso, the acreage considered to have been planted to cotton in such cases shall be the sum, subject to the limitation under § 722.222 of (1) acreage seeded to cotton on the farm in the current year, (2) acreage devoted to the production of stub cotton on the farm in the current year, and (3) acreage regarded as planted on the farm in the current year under the conservation programs.

(c) *Farm acreage history.* Farm acreage history for the purpose of establishing future State and county allotments shall be the sum of the acreage considered to have been planted to cotton under paragraph (b) of this section plus the acreage released for the current year only from the farm: *Provided,* That such acreage history for the State, county and farm shall be limited to the extent required under sections 344(b) and 344 (f)(7) of the act.

§ 722.215 Allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, farm allotments for such acquired land and determination of other farm allotment for such owner shall be governed by section 378 of the act and the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(b) *Allotments for farms operated by publicly-owned agricultural experiment stations.* A farm allotment shall be established pursuant to the provisions of § 722.211 for a farm operated by a publicly-owned agricultural experiment station.

EXTRA LONG STAPLE COTTON

§ 722.216 Conditions of exemption of extra long staple cotton.

(a) *If marketing quotas under section 347 of the act are in effect for the current year.* If marketing quotas for extra long staple cotton are in effect for the current year, the provisions of this subpart relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the current year.* If marketing quotas for extra long staple cotton are not in effect for the current year, this paragraph will be amended to establish the procedure relating to extra long staple cotton.

NOTICES OF FARM MARKETING QUOTAS

§ 722.217 Notices of farm allotment and marketing quota.

Immediately after farm allotments in a county are established and approved, the county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established a similar written notice showing "None" as the allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof substantially the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall con-

issued.

be fair and reasonable on the basis of

ton was planted or regarded as planted

stitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in the current year on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether cotton farmers favor or oppose marketing quotas for the current year. Farm allotments shall not become effective unless proper approval is obtained and written notice of farm allotment is issued as provided under §§ 722.201 to 722.239. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for the current year. Revised notices of allotment shall be issued where an erroneous allotment was established or the farm allotment is adjusted by release and reapportionment.

§ 722.218 Publication of farm allotments and marketing quotas and availability of records.

One copy of each notice of the farm allotment and marketing quota for farms in the county mailed under § 722.217 shall be placed in binders or folders, or in lieu thereof, a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. Either the copies of the notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees. The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments, all records pertaining to cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and distribution of the county reserve. The amount of State reserve and categories thereof; the formula, if any, and data developed and used to apportion State reserve for trends and abnormal conditions, shall be on file and available in the office of the State committee for examination by any interested cotton producer.

MISCELLANEOUS PROVISIONS

§ 722.219 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.220 Marketing quotas not transferable.

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.213 and 722.215(a) may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 722.221 Measurement of farms to determine compliance with allotments.

For purposes of determining compliance with allotments, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage, and remeasurement shall be governed by Part 718 of this chapter, as amended.

§ 722.222 No credit for overplanting the farm allotment.

Any acreage planted to cotton in the current year in excess of the farm allotment shall not be taken into account in establishing State, county and farm allotments for subsequent crops of cotton.

§ 722.223 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) *Approval of State reserves, county allotments, and county reserves.* Determination of State reserves and county allotments and county reserves, shall be subject to review and approval by the Secretary.

(b) *Approval of county committee determinations.* A representative of the State committee shall review all farm allotments prior to issuance thereof and may revise or require revisions of any determinations made under §§ 722.211 to 722.222: *Provided,* That such prior review shall not be required where revised farm allotments resulting from reconstitution of farms or from release and reapportionment of farm allotments do not require additional acreage for allocation, except in the case of reapportionment of allotments, the State committee may require approval by its representative prior to issuance thereof. Cotton allotments for both old and new cotton farms shall be approved by a representative of the State committee. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.201 to 722.239 for determination of farm allotments and farm marketing quotas for both old and new farms, including revised allotments to correct errors, such determinations may be made by the Secretary and Assistant Secretary of Agriculture, or the Administrator of Agricultural Stabilization and Conservation Service. A notice conforming to the requirements of § 722.217 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.217.

(d) *Supervisory authority of State committee.* The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such committee which is not in accordance with §§ 722.201 to 722.239. The State committee may also require the county committee to withhold taking any action which is not in accordance with §§ 722.201 to 722.239.

§ 722.224 Review of farm allotment.

Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within fifteen days after the mailing to him of the notice provided for in § 722.217, have such allotment reviewed by a review committee pursuant to section 363 of the act and the marketing quota review regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee.

§ 722.225 Erroneous notices.

(a) *Erroneous notice of cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State executive director. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered an excess acreage for purposes of § 722.222.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage

planted to cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with § 722.221.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the cotton acreage for upland cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State executive director concurs upon review of the county committee determination, the acreage planted to cotton on the farm will be considered as an acreage equal to the farm allotment.

§§ 722.226–722.239 [Reserved]

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Date of filing this document with the Director, Office of the FEDERAL REGISTER.

Signed at Washington, D.C., on October 11, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-10948; Filed, Oct. 15, 1963; 8:47 a.m.]

[Amdt. 5]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Rates of Penalty Per Pound

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–1315), and is made for the purpose of amending § 724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144), to (1) include the rate of penalty per pound upon marketings of excess Maryland tobacco for the 1963–64 marketing year, and (2) clarify the 1963 rates of penalty on other kinds of tobacco published in the FEDERAL REGISTER of July 31, 1963 (28 F.R. 7757).

The official average price for Maryland tobacco for the 1962–63 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for the preceding marketing year.

As sales of the 1963 crop of Maryland tobacco may soon begin, it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty for Maryland tobacco may be made known to producers who desire to market such tobacco, and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and as the amendment with respect to the rate of penalty on Maryland tobacco is the result of a mathematical calculation provided for by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

Paragraph (a) of §724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years, is hereby amended by adding thereto an average market price for Maryland tobacco of 55.2 cents per pound and by amending paragraph (b) of said section to read:

§ 724.92 Rate of penalty.

* * * * *

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1963–64 marketing year shall be:

RATE OF PENALTY

Kind of tobacco:	Cents per pound
Burley	44
Flue-cured	45
Fire-cured (type 21)	29
Fire-cured (types 22, 23, and 24)	29
Dark air-cured	27
Virginia sun-cured	28
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	22
Cigar-binder (types 51 and 52)	36
Maryland	41

(Secs. 314, 375, 52 Stat. 48, as amended, 66, as amended; 7 U.S.C. 1314, 1375)

Effective date. Date of Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 11, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-10949; Filed, Oct. 15, 1963; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.16]

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1963 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87–535 and Public Law 87–539 (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Houma, Louisiana, on July 18, 1963, the following determination is hereby issued:

§ 874.16 Fair and reasonable prices for the 1963 crop of Louisiana sugarcane.

A producer of sugarcane in Louisiana who is also a processor of sugarcane (herein referred to as "processor") shall have paid or contracted to pay, for sugarcane of the 1963 crop grown by other producers and processed by him, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this determination the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc. except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination; which he determines will reflect the true market value of raw sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Policy and Program Appraisal Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(3) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday) in which the sugarcane is delivered.

(4) "Season's average price" means the simple average of the weekly prices of raw sugar or of blackstrap molasses for the period October 4, 1963 through February 27, 1964.

(5) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the

gross weight of sugarcane as delivered by a producer.

(6) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(7) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49 percent.

(8) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(9) "State Office" means the Louisiana State Agriculture Stabilization and Conservation Service Office, 528 Monroe Street, Alexandria, Louisiana.

(10) "State Committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one-cent per pound of raw sugar determined on the basis of the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1962 crop, or the processor may use the alternate period upon written approval by the State Office: *Provided,* That the average price of raw sugar as determined above shall be increased 0.03 cent for all mills located in Freight Area (a); shall be unchanged for all mills in Freight Area (b); and may be decreased 0.03 cent in Freight Area (c).[1]

(2) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1962 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State Office upon a determination by the State Committee that the method of settlement and the resultant price are fair and reasonable.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice:	*Standard sugarcane quality factor*[1]
9.5	0.80
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR[1]

Percent purity of normal juice		Percent sucrose in normal juice															
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.922	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.896	.890
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.00	74.49		1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
74.50	74.99		1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.00	75.49			1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
75.50	75.99			1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.00	76.49				1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
76.50	76.99				1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.00	77.49					1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
77.50	77.99					1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.00	78.49						1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
78.50	78.99						1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.00	79.49							1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
79.50	79.99							1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.00	80.49								1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
80.50	80.99								1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.00	81.49									1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
81.50	81.99									1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.00	82.49										1.035	1.027	1.020	1.013	1.007	1.000	.995
82.50	82.99										1.038	1.030	1.023	1.016	1.010	1.004	.998
83.00	83.49											1.033	1.027	1.019	1.013	1.007	1.000
83.50	83.99											1.036	1.030	1.022	1.016	1.010	1.004
84.00	84.49												1.033	1.025	1.019	1.013	1.007
84.50	84.99													1.028	1.022	1.016	1.010

[1] Factors applicable to higher or lower sucrose and purity of normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State Office upon request.

(d) *Payment for frozen sugarcane.* (1) The payment for sugarcane determined pursuant to paragraph (c) of this section may be reduced upon certification by the State Office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(2) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to written approval by the State Office: *Provided,* That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting such sugarcane.

[1] Freight Area (a) includes all mills except those located in Areas (b) and (c) below:

Freight Area (b) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River.

Freight Area (c) includes all mills located north and west of New Iberia west of the Atchafalaya River.

(e) *Molasses payment.* The processor shall pay an amount equal to the product of 6.6 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for (1) salvage sugarcane where settlement is based on the so-called "Java Formula", (2) frozen sugarcane testing in excess of 4.75 cc. of acidity, and (3) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from the sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1962 crop, or the processor may use the alternate period upon written approval by the State Office.

(f) *Hoisting, weighing, and transportation.* The price for sugarcane established by this section shall be applicable to sugarcane delivered by the producer (1) to a hoist for loading into the conveyance for transportation to the mill, or (2) from the farm directly to the mill. With respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be paid by the processor or the processor shall make allowances to the producer for such services, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1962 crop: *Provided,* That the processor shall not be required to make hauling allowances to the producers in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have charged for performing such service. With respect to sugarcane delivered directly from the farm to the mill the processor shall pay the cost of transportation or shall make an allowance to the producer for such service, based on net sugarcane, at per ton rates not less than those made with respect to the 1962 crop: *Provided,* That the processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of one mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles: *Provided, further,* That nothing in this paragraph shall be construed as prohibiting negotiations between the processor and the producer, any change to be approved in writing by the State Office upon a determination by the State Committee that the change results in allowances which are fair and reasonable.

(g) *Mutual plan for improving harvesting and delivery.* If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, the processor may deduct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State Office and it has been determined by the State Committee that the plan is fair and reasonable.

(h) *Applicability.* The requirements of this section apply to that sugarcane grown by a producer within the proportionate share for the farm and processed by the processor for the extraction of sugar or liquid sugar.

(i) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1963 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1963 price determination.* This determination continues the provisions of the 1962 crop determination, except that the period for determining the season's average price of raw sugar and blackstrap molasses is from October 4, 1963 through February 27, 1964.

A public hearing was held in Houma, Louisiana on July 18, 1963, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1963 crop of Louisiana sugarcane. A representative of the Grower-Processor Committee recommended that the pricing period for raw sugar and blackstrap molasses extend from October 4, 1963 through February 27, 1964; and that processors be allowed to make deductions for frozen sugarcane after the State Office has certified that sugarcane has been damaged by freeze in a factory area or in any substantial part of the factory area without the necessity of waiting for a certification that such freeze damaged sugarcane has adversely affected boiling house operations. The witness stated that on December 12, 1962 sugarcane in some factory areas was affected by freeze and that on December 19, 1962, the State Office certified that the processing of such sugarcane had adversely affected boiling house operations, and that the payment for such sugarcane could be reduced. The witness pointed out that after a freeze has damaged sugarcane, it is beneficial to all affected processors and producers that the acidity clause be applied as soon as possible; that until the deductions are applied there is not sufficient incentive to producers to properly top and promptly deliver such sugarcane; that the producer who does a proper job of topping and delivering the best quality cane possible under the circumstances is at a disadvantage, and that the producer who delivers bulk, regardless of the quality of top joints, or who is tardy in his deliveries, is paid full price for a product which is low in quality and which results in serious problems in boiling house operations.

The representative of the Louisiana Farm Bureau Federation concurred in the recommendation of the Grower-Processor Committee that the pricing period for raw sugar and blackstrap molasses extend from October 4, 1963 through February 27, 1964. He also recommended that the hoisting, weighing, and transportation provisions of the 1962 determination be retained. Consideration has been given to the testimony presented at the public hearing, and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Louisiana, obtained through field survey have been recast in terms of prospective price and production conditions for the 1963 crop. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns from sugar and molasses based on their sharing of costs.

The period specified for determining the season's average prices of raw sugar and molasses upon which payments for sugarcane are based follows the recommendation of the Grower-Processor Committee and the Farm Bureau Federation.

The recommendation of the Grower-Processor Committee for a change in the requirement for making deductions for frozen sugarcane has not been adopted. Even though a severe freeze damages sugarcane to the extent that the bud is killed and its growth arrested, it does not always deteriorate or sour and consequently its value for processing into sugar is not lessened. To permit deductions solely on the basis of freeze would reduce grower payments even though there was no impairment of boiling house operations or lowering of sugar recovery.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Public Law 87-535, Public Law 87-539)

N/10 alkali per 10 cc. of juice but not in

Atchafalaya River.

amount equal to the total returns from

Signed at Washington, D.C., on October 10, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-10879; Filed, Oct. 15, 1963; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Determination Relative to Establishment of a Reserve and to Carryover of Unexpended Funds

Notice was published in the September 19, 1963, issue of the FEDERAL REGISTER (28 F.R. 10269), that consideration was being given to a proposal for establishing a reserve and that unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1963, be placed in said reserve, to be used in accordance with the provisions of § 929.42 of the marketing agreement and Order No. 929 (7 CFR Part 929), regulating the handling of cranberries, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Cranberry Marketing Committee, established pursuant to the provisions of the said marketing agreement and order, it is hereby determined that:

§ 929.204 Reserve.

(a) It is necessary and appropriate to establish and maintain a reserve in an amount not to exceed approximately one fiscal period's operational expenses to be used in accordance with the provisions of § 929.42 of the marketing agreement and this part, and

(b) Assessments collected for the fiscal period ended July 31, 1963, were in excess of the expenses for such period and the committee is hereby authorized to place such excess in said reserve.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-10922; Filed, Oct. 15, 1963; 8:46 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free, Reserve, and Surplus Percentages for 1963–64 Crop Year and List of Countries for Export Sale of Surplus Tonnage by or Through Handlers

The Raisin Administrative Committee has unanimously recommended (1) that 60 percent, 20 percent, and 20 percent, respectively, be designated as the free tonnage, reserve tonnage, and surplus tonnage percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1963–64 crop year, and (2) the countries to which sale in export of surplus tonnage raisins may be made by or through handlers. The Committee is established under, and its recommendations are made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The Bureau of Agricultural Statistics of the California State Department of Agriculture estimated the 1963 production of natural (sun-dried) Thompson Seedless raisins at 239,400 tons.[1] The Committee estimated that 220,000 tons of such production consists of standard raisins, the difference being due to raisins damaged by rain.

The percentages recommended by the Committee for standard natural (sun-dried) Thompson Seedless raisins are based on the following estimates and formula adopted by the Committee: (1) The 1963 production of such raisins of 220,000 tons; (2) plus five percent of item 1 for possible underestimation of production, 11,000 tons; (3) total of items 1 and 2, 231,000 tons; (4) average annual trade demand for such raisins in free tonnage outlets (Western Hemisphere markets) of 143,000 tons for the most recent five crop years of normal supply, less carryin at September 1, 1963, of 21,000 tons, plus merchandising cushion of 15,000 tons, equals total of 137,000 tons; (5) free tonnage percentage, total in item 4 divided by total in item 3, with the quotient of such division multiplied by 100 and the result rounded upward to the nearest even whole number, equals 60 percent; (6) a reserve tonnage percentage of 20 percent is deemed sufficient to satisfy any deficiency in the free tonnage resulting from underestimation of trade demand or handler carryout needs, or from overestimation of the production; and (7) a surplus tonnage percentage of 20 percent is the residual obtained by subtracting the total of the free and reserve percentages from 100 percent.

[1] All tonnage figures herein are in terms of natural condition weight.

The foregoing percentages for standard natural (sun-dried) Thompson Seedless raisins, when applied, respectively, to the estimated production of 220,000 tons of such raisins, result in a free tonnage of 132,000 tons, a reserve tonnage of 44,000 tons, and a surplus tonnage of 44,000 tons.

The total supply of other varietal types of raisins is expected to approximate 24,000 tons. The Committee did not deem the supply of such raisins to be in excess of the quantity that can be marketed in all outlets at reasonable prices in 1963–64 and the quantity needed for desirable carryout. Volume regulation for these varietal types was deemed unnecessary and, therefore, none was recommended.

The 1963–64 list of countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as recommended by the Committee, is the same as the list for the 1961–62 crop year, the last preceding year of volume regulation.

Based upon the recommendation of the Raisin Administrative Committee, supported by the factors set forth in the 1963–64 marketing policy of the Committee and other available information including the estimates and formula adopted by the Committee, it is hereby found that to designate for natural (sun-dried) Thompson Seedless raisins the free tonnage percentage, reserve tonnage percentage, and surplus tonnage percentage for the 1963–64 crop year, and to establish, pursuant to § 989.68(c), the list of countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as set forth below, will tend to effectuate the declared policy of the act.

§ 989.219 Free, reserve, and surplus tonnage percentages for the 1963–64 crop year.

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1963, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 60 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, 20 percent.

§ 989.220 Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.

The countries to which sale in export of surplus tonnage raisins acquired by handlers during the crop year beginning September 1, 1963, may be made by or through handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" means the area east of the International Date Line and west of 30 degrees W. longitude but shall not be deemed to include any of Greenland.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making

procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) Under this regulatory program the percentages designated for a particular crop year apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and such acquisitions for the current crop year have begun; (2) the current crop year began on September 1, 1963, and the percentages herein designated will automatically apply to such raisins acquired on and after that date; (3) these actions are necessary to provide a firm basis for pricing raisins and making surplus tonnage raisins available to meet current export demand which may be lost by the California raisin industry if not promptly supplied; and (4) handlers are aware of the percentages recommended by the Committee and no preliminary preparation is required to utilize or comply with this regulation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-10919; Filed, Oct. 15, 1963; 8:48 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 44]

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Amending Order

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective November 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area. The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued September 10, 1963 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued September 25, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1963 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Section 1044.10 is revised to read as follows:

§ 1044.10 Handler.

* * * * *

(d) Any cooperative association, at its election, with respect to member milk delivered from the farm to the fluid milk plant of another handler in a tank truck operated by or under contract to the cooperative association. To elect this handler status, the market administrator must be notified prior to the first day of the month during which these deliveries will take place. Milk delivered pursuant to this paragraph is deemed to have been received at the location of the milk plant to which it is delivered.

2. In § 1044.14 the introductory text is revised to read as follows:

§ 1044.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a fluid milk plant directly from a dairy farmer or a handler pursuant to § 1044.10(d): *Provided,* That:

3. Section 1044.34 is revised to read as follows:

§ 1044.34 Other reports.

(a) Each handler pursuant to § 1044.10(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 5th day of each month the quantities of skim milk and butterfat in producer milk delivered to each fluid milk plant in the preceding month.

(b) Each handler exempt pursuant to §§ 1044.81 and 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

4. Section 1044.41(b) is revised to read as follows:

§ 1044.41 Classes of utilization.

* * * * *

(b) * * *

(5) Skim milk and butterfat, respectively, (except in milk diverted to a nonfluid milk plant pursuant to § 1044.14) in shrinkage allocated pursuant to § 1044.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1044.10(d);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1044.10(d): *Provided,* That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from fluid milk plants of other handlers; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage assigned pursuant to § 1044.42(b)(2).

5. Section 1044.42 is revised to read as follows:

§ 1044.42 Shrinkage.

The market administrator shall determine shrinkage for each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to nonfluid milk plants pursuant to § 1044.14), plus fluid milk products in bulk from fluid milk plants of other handlers and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

6. Section 1044.46 is revised to read as follows:

§ 1044.46 Allocation of butterfat classified.

The market administrator shall determine the classification of butterfat in producer milk each month as follows:

* * * * *

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of butterfat in each class in series beginning with Class II utilization.

7. Section 1044.47 is revised to read as follows:

§ 1044.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to producer milk in the same manner as that prescribed for butterfat in § 1044.46.

8. Section 1044.71(a) is revised to read as follows:

§ 1044.71 Expense of administration.

* * * * *

(a) Producer milk (including a handler's own farm production); and

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674)

Effective date: November 1, 1963.

Signed at Washington, D.C., on October 10, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63–10923; Filed, Oct. 15, 1963; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation; Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—Tung Nut Price Support Program Regulations

MISCELLANEOUS AMENDMENTS

This subpart and any amendments and supplements thereto set forth the terms and conditions under which the Secretary of Agriculture will make price support available, through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "CCC" and "ASCS," respectively) for each crop of tung nuts for which an annual supplement to this subpart is issued.

Sec.
1443.330 Administration.
1443.331 Availability.
1443.332 Methods of price support.
1443.333 Eligible producer.
1443.334 Eligible tung nuts and tung oil.
1443.335 Disbursement of loans.
1443.336 Approved storage facilities.
1443.337 Maturity date of loans and period of notification of election to sell under purchase agreement.
1443.338 Applicable forms.
1443.339 Personal liability of the producer and his agent.
1443.340 Determination of quantity.
1443.341 Determination of quality.
1443.342 Liens.
1443.343 Service charges.
1443.344 Insurance.
1443.345 Setoffs.
1443.346 Interest rate.
1443.347 Producer's right or equity not transferable.
1443.348 Release of tung oil under loan.
1443.349 Foreclosure.
1443.350 Delivery and settlement under purchase agreement.
1443.351 Storage and handling charges.
1443.352 Support prices.

AUTHORITY: §§ 1443.330 to 1443.352 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1443.330 Administration.

(a) *Responsibility.* The Farmer Programs Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and policies established by the Board of Directors, CCC, and the Executive Vice President, CCC. In the field, the provisions of this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees (referred to in this subpart as "State" and "county" committees), the Kansas City ASCS Commodity Office, 8930 Ward Parkway, P. O. Box 205, Kansas City, Missouri, 64141 (referred to in this subpart as the "commodity office"), and the ASCS Data Processing Center, P. O. Box 205, Kansas City, Missouri, 64141 (referred to in this subpart as the "Data Processing Center").

(b) *Distribution and approval of forms and documents.* Forms will be distributed through the Agricultural Stabilization and Conservation State and county offices (referred to in this subpart as "State" and "county" offices). All documents in connection with warehouse-storage loans on tung oil and purchase agreements for tung nuts and tung oil will be approved by the county office manager or other employee of the county office designated by him. Such designation shall be in writing and a copy thereof shall be on file in the county office. Copies of all price support documents shall be retained in the county office.

(c) *Limitation of authority.* (1) State and county committees and employees thereof, the commodity office, and the Data Processing Center do not have authority to modify or to waive any of the provisions of this subpart or any amendment or supplement hereto.

(2) No delegation herein to a State or county committee, or to the commodity office, or to the Data Processing Center shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee or by the commodity office or by the Data Processing Center.

§ 1443.331 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1 of the calendar year in which the crop is grown, through January 31 of the following calendar year. Loans and purchase agreements covering tung oil will be available from November 1 of the calendar year in which the crop of tung nuts from which the tung oil is processed is grown through June 30 of the following calendar year.

(c) *Where to apply.* Application for price support shall be made at the county office which keeps the farm program records for the farm on which the tung nuts are produced.

§ 1443.332 Methods of price support.

Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and by means of loans on eligible tung oil stored in facilities approved in accordance with the provisions of § 1443.336.

§ 1443.333 Eligible producer.

(a) *General applicability.* An eligible producer is any individual, partnership, corporation, trust, estate, other legal entity, or a State or political subdivision or agency thereof producing tung nuts in the capacity of landowner, landlord, tenant, or sharecropper.

(b) *Cooperative marketing association.* Any bona fide producer-owned and producer-controlled cooperative association of producers (referred to in this subpart as "association") organized in accordance with the provisions of the Capper-Volstead Act which handles or crushes tung nuts or markets tung oil delivered to it by its members who are eligible producers, shall be considered an eligible producer, provided all of the following requirements are met:

(1) The major part of the tung oil handled or marketed by the association is extracted from tung nuts grown by members who are eligible producers.

(2) The eligible producers share proportionately in the proceeds from marketings of eligible tung oil according to the quantity and quality of eligible tung nuts or tung oil each delivers to the association.

(3) The association has the legal right to pledge the tung oil as security for a loan, as well as the authority to sell such tung oil under purchase agreement.

(4) The association maintains records showing separately for each crop year:

(i) The total quantity of tung oil processed by it from each crop of tung nuts obtained from all sources.

(ii) The total quantity of tung oil obtained from all sources.

(iii) The quantity and quality of tung nuts obtained from each eligible producer and the quantity of tung oil processed therefrom.

(iv) The quantity of tung oil obtained from each eligible producer.

(v) The total quantity of tung oil processed by it from tung nuts obtained from all eligible producers.

(vi) The total quantity of tung oil obtained from all eligible producers.

(c) *Availability of association records for inspection.* The association shall make its records available to CCC for inspection at all reasonable times and shall maintain such records for a period of three years after December 31 of the crop year to which they pertain.

(d) *Certification.* The producer or association shall certify in the form prescribed in § 1443.338 that the tung nuts are, or that the tung oil is, eligible for price support.

(e) *Eligibility of minors.* A minor shall be eligible for price support only if he meets one of the following requirements:

(1) The right of majority has been conferred on him by court proceedings or by statute.

(2) A guardian has been appointed to manage his property, and the applicable price support documents are signed by the guardian.

(3) Any note signed by the minor is cosigned by a financially responsible person.

(4) A bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(f) *Joint loans.* Two or more eligible producers may obtain a joint loan on eligible tung oil processed from tung nuts produced by them if stored in the same storage facility. In the case of joint loans, each producer signing the loan note shall be held jointly and severally liable for the obligations imposed by the loan documents and this subpart as amended and supplemented.

§ 1443.334 Eligible tung nuts and tung oil.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest in the tung nuts and tung oil tendered for price support must be in the producer making such tender and must have always been in him, or in him and a former producer whom he succeeded either as landowner, landlord, tenant, or sharecropper, before the tung nuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the tung nuts were produced, shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to the harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met. Any producer in doubt as to whether his interest in the tung nuts or the resultant tung oil complies with the requirements of this section, before applying for price support, should make available to the county committee all pertinent information which will permit a determination to be made by the county committee.

(b) *Tung nuts.* To be eligible under the price support program announced for any crop of tung nuts, the tung nuts must be of that crop and must be matured, air dried with hard hulls dark in color, and suitable for milling.

(c) *Tung oil.* To be eligible under the price support program announced for any crop, tung oil must have been extracted from eligible tung nuts of such crop harvested by eligible producers and must meet the requirements of sections 3 and 4 of Federal Specification TT–T–775, Tung Oil, Raw (Chinawood) dated May 28, 1957 (referred to in this subpart as "Federal Specification"). The eligibility of tung oil delivered under this program must be evidenced by a certification signed by the producer as provided in § 1443.338(d), by an agent designated as provided in § 1443.338(f), or in the case of an association, by an authorized officer thereof in the form prescribed in § 1443.338(e).

§ 1443.335 Disbursement of loans.

Disbursement of loans on tung oil will be made to producers (a) by financial institutions under separate regulations published in the FEDERAL REGISTER, or (b) by ASCS county offices by means of sight drafts drawn on CCC. Disbursement shall not be made later than July 15 following the year in which the crop of tung nuts from which the tung oil is processed is grown unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 1443.336 Approved storage facilities.

Approved storage facilities shall consist of facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on Commodity Credit Corporation Form 77 for the current crop has been entered into with CCC through the commodity office. The names and addresses of approved storage facilities may be obtained from the commodity office and State and county offices.

§ 1443.337 Maturity date of loans and period of notification of election to sell under purchase agreement.

(a) *Loans.* Loans on tung oil mature on October 31 following the calendar year in which the crop of tung nuts from which the tung oil is processed is grown or on such earlier date as may be determined by CCC.

(b) *Purchase agreement.* Producers who elect to sell tung nuts under a purchase agreement must so notify the county committee within a 30-day period ending March 31 following the calendar year in which the crop is grown or ending on such earlier date as may be determined by CCC. Producers who elect to sell tung oil under a purchase agreement must so notify the county committee within a 30-day period ending October 31 following the calendar year in which the crop of tung nuts from which the tung oil is processed is grown or ending on such earlier date as may be determined by CCC.

§ 1443.338 Applicable forms.

The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required which, together with the provisions of this subpart and any amendments thereto, and the annual supplement for the applicable crop year, govern the rights and responsibilities of the producer. Notes and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreements and loan documents executed by an administrator, executor, or trustee, will be acceptable only when legally valid.

(a) *Purchase agreement documents.* Applicable forms shall consist of the Purchase Agreement, Commodity Delivery Notice, the Purchase Agreement Settlement, the Lien Waiver for Purchases, and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Other forms shall consist of warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, power of attorney, where applicable, and such other forms and documents as may be prescribed by CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than an association, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the county committee, the producer or his agent, designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify:

(1) That the _____ pounds of tung oil stored at _____
(Name and address of storage facilities)
which I am pledging to CCC as collateral for loan or am tendering for delivery to CCC under purchase agreement was delivered to me as oil processed for my account by _____ out of _____ tons of eligible
(Name of mill)
_____ crop tung nuts produced by me which I delivered to such plant for toll processing:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me

or in me and a former producer whom I succeeded either as landowner, landlord, tenant, or sharecropper, before such tung nuts were harvested.

(Signatures) _____
(Producer)
By _____
(Agent)
_____
(Date)

(e) *Association's certification of eligibility of tung oil.* Before a loan is made to an association or delivery of tung oil from an association under a purchase agreement can be accepted by the county committee, the manager, or other official empowered to sign contracts for or on behalf of the association must sign a statement in substantially the following form:

I hereby certify:

(1) That _____ pounds of tung oil stored at the mill shown below and which are being pledged to CCC as collateral for loan, or are being tendered for delivery to CCC under purchase agreement, were processed from _____ tons of eligible _____ crop tung nuts produced by eligible producer(s) who are members of the undersigned association:

(a) Name and address of Tung Mill;

(b) _____ Crop tung nuts delivered for crushing (tons);

(c) Tung oil crushed from tung nuts in column (2) (pounds).

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or sharecropper before such tung nuts were harvested:

_____
(Name of association)
By _____
Title _____
_____
(Date)

(f) *Power of attorney.* An eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event, the producer or group of producers shall execute a power of attorney on the form or in a form prescribed or approved by CCC. A copy of each power of attorney signed by the producer(s) must be delivered to the county office before any purchase agreement or loan document filed by the agent on behalf of such producer(s) is approved.

(g) *Warehouse receipts.* Warehouse receipts representing tung oil in approved warehouse storage to be placed under loan or to be delivered under a purchase agreement must:

(1) Be signed by the warehouseman or by his authorized representative, and be properly endorsed in blank by the producer so as to vest title in the holder.

(2) Show the location of the warehouse.

(3) State the quantity of tung oil guaranteed by the warehouseman.

(4) Guarantee that the tung oil when delivered by the warehouse will meet Federal Specifications.

(5) State the date of issue.

(6) Set forth in its written terms that the tung oil is insured for not less than the full market value against loss by fire, lightning, inherent explosion, windstorm, cyclone, tornado, leakage, and other hazards required by statute or insured against by the warehouseman.

(7) Be negotiable.

(8) Be issued in the name of the producer (in case of an association, in the name of the producer delivering tung nuts or tung oil to it).

(9) Include a statement or an endorsement in substantially the following form: "All warehouse charges (including insurance) through the storage season on the tung oil represented by this warehouse receipt have been paid or otherwise provided for, and the warehouseman has no lien upon the tung oil for such charges."

(10) Contain such other terms and conditions as CCC may require in tung oil storage agreement with approved warehousemen.

§ 1443.339 Personal liability of the producer and his agent.

Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer or his agent, will render the producer or agent subject to criminal prosecution under Federal law and liable for any damages suffered by CCC as a result of purchase of tung nuts or tung oil, for the amount of the loan (including interest), and for any resulting expense incurred. Where there has been a fraudulent representation by the producer in executing the loan documents or in obtaining the loan proceeds, the loan shall bear interest at the rate of six percent per annum from the date of disbursement of the loan.

§ 1443.340 Determination of quantity.

(a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC. The net weight is the gross scale weight less foreign material and tare.

(b) *Tung oil.* When the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity for purposes of settlement with the producer shall be based on the weight specified on such warehouse receipts. When tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight upon delivery to CCC.

§ 1443.341 Determination of quality.

(a) *Tung oil stored in approved warehouses.* In the case of tung oil stored in approved warehouses where warehouse receipts meeting the requirements of § 1443.338(g) are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil for the purposes of settlement with the producer shall be the quality shown on the warehouse receipts.

(b) *Tung oil and tung nuts stored in nonapproved warehouses.* The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (referred to in this subpart as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn at the time of delivery of the tung nuts to CCC. The time of determining the quality of tung oil and evidence of such quality shall be as provided in § 1443.350(e). The cost of sampling and analysis shall be borne by the producer.

§ 1443.342 Liens.

If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to CCC must be obtained. A joint disbursement of price support proceeds to the producer and the lienholder does not satisfy the requirement that lienholders must execute the Lienholder's Waiver.

§ 1443.343 Service charges.

Producers shall pay CCC service charges on the quantity of the commodity placed under loan, or specified in the purchase agreement computed at the following rates. The loan service charge shall be deducted from the proceeds of the loan at the time the loan is disbursed.

Commodity	Rates	Minimum charges
Tung oil	6 cents per hundredweight	$1.50
Tung nuts	18 cents per ton	1.50

No service charges will be refunded unless the amount collected is in excess of the correct amount.

§ 1443.344 Insurance.

Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against the hazards specified in § 1443.338(g)(6).

§ 1443.345 Setoffs.

(a) *Storage facility and drying equipment loans.* If any installment(s) on any loan made available by CCC on farm-shortage facilities or mobile drying equipment is payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC as payee of such amount to the extent of such installment(s), but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) *Producers listed on county debt record.* If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the

county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable under paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he otherwise has to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1443.346 Interest rate.

Loans shall bear interest from the date of disbursement at the rate announced in a separate notice in the FEDERAL REGISTER.

§ 1443.347 Producer's right or equity not transferable.

(a) *Loans.* The producer shall not transfer either his remaining interest in or his right to redeem tung oil pledged as security for a loan, nor shall anyone acquire such interest or right. Warehouse receipts will be released only to the producer or to his authorized agent as provided in § 1443.348.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 1443.348 Release of tung oil under loan.

A producer may at any time on or before the maturity date obtain release of the tung oil under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the county committee by paying the amount of the loan represented by the quantity of the tung oil to be released, plus charges and accrued interest. However, the quantity to be released must equal the quantity covered by one or more warehouse receipts. If the producer has authorized another person to act as his agent solely for the purpose of receiving the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of the warehouse receipts by repayment.

§ 1443.349 Foreclosure.

Upon maturity and nonpayment of the loan, title to the unredeemed collateral tung oil shall, without sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including interest and charges. Upon maturity and nonpayment of a tung oil loan, CCC is authorized to remove the collateral tung oil from storage and to sell, assign, transfer, and deliver the collateral tung oil or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Disposition may also be made without removing the tung oil from storage. Nothing herein shall preclude paying to the producer, or his personal representative only, without right of assignment to or substitution of any other party, the amount by which the proceeds of sale may exceed the loan indebtedness if the collateral is sold to third parties.

§ 1443.350 Delivery and settlement under purchase agreement.

(a) *Maximum quantity for delivery.* A producer who signs a purchase agreement will not be obligated to sell any specified quantity of tung nuts or tung oil to CCC but shall have the option, subject to paragraphs (d) and (e) of this section, of delivering to CCC at the support price any quantity of tung nuts or tung oil within the maximum specified in the purchase agreement executed by him.

(b) *Delivery of tung oil in lieu of tung nuts.* A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts a quantity of eligible tung oil not in excess of that which has been processed from such tung nuts: *Provided*, That such tung oil shall be delivered in accordance with paragraphs (d) or (e) of this section, whichever is applicable.

(c) *Tung nuts purchased on basis of net weight and oil content.* Eligible tung nuts will be purchased on the basis of the net weight and the oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the county committee on or after March 31 following the calendar year in which the crop is grown. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point, but not in excess of an amount which the county committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(d) *Tung oil stored in approved storage facilities.* In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 1443.337(b), or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts issued in the form prescribed in § 1443.338(g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on the purchase agreement. CCC will not accept a delivery of less than the total quantity of tung oil covered by a warehouse receipt. The certification of the eligibility of tung oil, as provided in § 1443.338 (d) or (e), whichever is applicable, must accompany the warehouse receipt.

(e) *Tung oil stored in nonapproved facilities.* In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f.o.b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will, on or after the final date of the 30-day notification period prescribed in § 1443.337(b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car offered showing that oil meets Federal Specifications; or if it is found by the county committee that a submission of these analysis certificates on tank car lots would cause undue delay in shipment, (1) the producer may submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis if the producer (i) waives his right of appeal of the findings of the approved chemist, (ii) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (iii) agrees further that if the tung oil does not meet Federal Specifications, the car shall be rejected with all freight demurrage and handling charges reverting to the account of the producer; or (2) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks if the producer agrees to have such tank oil checkloaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f.o.b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 1443.338 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Notwithstanding the provisions of this section, delivery of less than tank car lots may be accepted by CCC f.o.b. tank truck or other conveyance in those cases where the commodity office determines that such action is in the interest of CCC. The tung nuts or tung oil will be purchased by CCC at the applicable support rate, and payment will be made by sight drafts drawn on CCC by the county office.

§ 1443.351 Storage and handling charges.

(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 1443.350(c)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing, and analysis reports, and tagging accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to

prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing, and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31 following the year in which the crop of tung nuts from which the oil is processed is grown. Storage charges on such tung oil which is acquired by CCC under a purchase agreement, or upon maturity of the loan, accruing after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and out-loading services to which the producer becomes entitled under any contract between the producer and the warehouseman.

§ 1443.352 Support prices.

The support prices for tung nuts and tung oil of each crop year will be contained in the annual supplement to these regulations for such crop.

Effective date. Date of signature.

Signed at Washington, D.C., on October 11, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63-10951; Filed, Oct. 15, 1963; 8:47 a.m.]

PART 1443—OILSEEDS

Subpart—1963-Crop Supplement to Tung Nut Price Support Program Regulations

MISCELLANEOUS AMENDMENTS

The tung nut price support program regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to purchase agreements covering tung nuts and tung oil and warehouse-stored loans for tung oil are supplemented for 1963-crop tung nuts as follows:

Sec.
1443.355 Purpose.
1443.356 Support prices.

AUTHORITY: §§ 1443.355 to 1443.356 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054, 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1443.355 Purpose.

This supplement contains the basic support prices for tung nuts and tung oil which, together with the provisions of the Tung Nut Price Support Program Regulations issued by Commodity Credit Corporation, and any amendments thereto, apply to 1963-crop tung nuts and tung oil processed therefrom.

§ 1443.356 Support prices.

(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (basis 15 percent moisture) shall be $63.34 per ton. The price shall be adjusted upward or downward by 34 cents per ton for each variation of 1/10 of 1 percent in oil content from the base of 18.5 percent oil content (basis 15 percent moisture) on the basis of chemical analysis certificates issued by an approved chemist.

(b) *Tung oil.* The support price for eligible tung oil will be 24 cents per pound.

Effective date. Date of signature.

Signed at Washington, D.C., on October 11, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63-10952; Filed, Oct. 15, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1347; Amdt. 42-1]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Aircraft Certification Requirements

This amendment affects § 42.61 of Revised Part 42 (28 F.R. 7124), published July 12, 1963, effective November 11, 1963.

Section 42.61(b) of Revised Part 42 requires that airplanes certificated as a basic type after June 30, 1942, be certificated as transport category airplanes and meet the transport category airplane operating limitations prescribed in § 42.70. These requirements apply to cargo as well as passenger-carrying airplanes of more than 12,500 pounds maximum certificated takeoff weight.

Section 42.15(b) of currently effective Part 42 is similar to § 42.61(b) of Revised Part 42, except that the currently effective section applies only to passenger-carrying airplanes. Thus, Revised Part 42 would impose new requirements with respect to cargo airplanes, effective November 11, 1963.

Although currently effective Part 42 does not require cargo airplanes to be certificated in the transport category, current § 42.14-1(b) does require large nontransport category cargo airplanes to be operated in accordance with the nontransport category takeoff performance requirements of current § 42.81, and to meet the one-engine-inoperative climb requirement of current § 42.82 at an altitude 1,000 feet above the airport from which the takeoff is being made.

A number of C-46 airplanes, originally manufactured during World War II, are being operated under the provisions of currently effective Part 42. Some C-46 airplanes have been modified at considerable expense and recertificated in the transport category under the provisions of Special Civil Air Regulation No. 406C to make them eligible for passenger operations. However, most of the C-46 airplanes are nontransport category airplanes and are used only in cargo operations.

Several operators of nontransport category C-46 airplanes used in cargo operations have petitioned for relief from § 42.61(b) of Revised Part 42 to permit the continued operation of such airplanes under the provisions of currently effective Part 42 applicable to nontransport category cargo airplanes.

The petitioners contend that the recertification of C-46 cargo airplanes in the transport category is not necessary for safety and that the expense of such recertification would be economically ruinous to the short-haul air cargo industry. Specifically they state that:

(1) Prior to publication of Revised Part 42 on July 12, 1963, many of the operators did not understand that it would require C-46 cargo airplanes to be certificated in the transport category.

(2) It is not possible to modify and recertificate all the airplanes by the effective date of Revised Part 42, November 11, 1963. Moreover, modification kits are not in production.

(3) Except for a few C-46 airplanes certificated in the transport category, C-46 cargo operations would cease on November 11, 1963, thereby preventing the operators from carrying out their military and other contracts for hauling cargo.

(4) They have examined the C-46 accident record for a period of years and found that it shows no need to recertificate C-46 cargo airplanes in the transport category. Engine failure and premature removal records show that the engines on nontransport category C-46 airplanes are more reliable than the higher-powered engines on the modified C-46 airplanes. In addition, they noted that compliance with a recent Airworthiness Directive provides substantially improved powerplant fire protection on nontransport category C-46 airplanes.

(5) Even if sufficient time were allowed for the orderly scheduling of airplane modifications and recertification in the transport category, the cost would be prohibitive for economic short-haul cargo operations.

Section 42.61(b) of Revised Part 42 was made applicable to cargo as well as passenger airplanes in line with an Agency policy previously announced in the preamble of the proposed revision of the United States Flag certificated route air carrier operating rules of Part 41 (Draft Release No. 60-19, 25 F.R. 12299, December 1, 1960). This policy was adopted in § 41.61 of Revised Part 41 (27 F.R. 1977, March 1, 1962), and was subsequently proposed in a notice to amend the domestic certificated route air carrier operating rules of Part 40 (Notice No. 63-20, 28 F.R. 6083, June 14, 1963). The Agency also intended to extend this policy to supplemental air carriers and commercial operators in the revision of Part 42. In this respect, the preamble of the notice for Revised Part 42 (Draft Release No. 62-39, 27 F.R. 8356, August 22, 1962) stated an Agency policy that the same safety standards should apply to supplemental or irregular air carriers and certificated route air carriers wherever practicable. However, the preamble did not specifically discuss the proposed changes in § 42.61 which would require the same aircraft certification and operation requirements for both passenger and cargo airplanes.

The Agency recognizes that requiring transport category certification of cargo airplanes has a much greater impact on the Part 42 supplemental air carriers and commercial operators than it does on the Part 40 or Part 41 certificated route air carriers, since the latter group now operates very few nontransport category airplanes. Therefore, upon receipt of the petitioners' request for relief, the Agency made a survey of the C-46 airplanes affected by the Revised Part 42 and the operations in which they are being used. After a preliminary evaluation of the survey and a conference with the operators concerned, the Agency has concluded that there appears to be adequate justification to postpone the effective date of § 42.61(b) of Revised Part 42, as it applies to nontransport category C-46 cargo airplanes, in order to provide the Agency an opportunity to complete its evaluation of the C-46 cargo operations and conduct any necessary rule making action resulting from this evaluation.

Accordingly, § 42.61(b) of Revised Part 42 is being amended to permit the operation of nontransport category C-46 cargo airplanes until July 12, 1964. This amendment will also permit such airplanes to be operated under the operating limitations prescribed in § 42.14-1(b) of currently effective Part 42 until that date.

During the period of the postponement, the Agency will issue a notice of proposed rule making based upon its evaluation, and conduct any rule making action with respect to nontransport category C-46 cargo airplanes.

Since this amendment is necessary to grant relief until further rule making action can be accomplished, and imposes no additional burden on any person, I find that notice and public procedure hereon are impracticable and unnecessary, and that it may be made effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

In consideration of the foregoing, § 42.61(b) of Revised Part 42 of the Civil Air Regulations (28 F.R. 7124) is hereby amended to read as follows, effective November 11, 1963:

§ 42.61 Aircraft certification requirements.

* * * * *

(b) *Airplanes certificated after June 30, 1942.* (1) Except as provided in subparagraph (2) of this paragraph, airplanes certificated as a basic type after June 30, 1942, shall be certificated as transport category airplanes and shall meet the requirements of § 42.70.

(2) Nontransport category C-46 airplanes may be used as cargo aircraft until the end of July 11, 1964. Such airplanes when used as cargo aircraft shall meet the provisions of § 42.14-1(b) of Part 42 in effect on November 10, 1963, in lieu of §§ 42.90 through 42.94 of this part as effective November 11, 1963. For the purposes of this section, the provisions of § 42.14-1(b) and other sections of Part 42 referenced therein, in effect on November 10, 1963, shall continue in effect until the end of July 11, 1964.

Issued in Washington, D.C., on October 9, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-10895; Filed, Oct. 15, 1963; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Designation of Transition Areas and Alteration of Federal Airways and Control Area Extension

Correction

In F.R. Document 63-10093 appearing in the issue for Saturday, September 21, 1963, at page 10332, the reference in the third line of paragraph 3b to "238" should read "283".

[Airspace Docket Nos. 63-AL-4, 63-AL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Alteration of Amendments

On August 17, 1963, there were published in the FEDERAL REGISTER (28 F.R. 8448) amendments to the Federal Aviation Regulations which altered VOR Federal airway No. 440 between Middleton Island, Alaska, and Anchorage, Alaska, and extended this airway from Anchorage to McGrath, Alaska; designated a VOR airway between McGrath and Galena, Alaska; designated a VOR airway between Galena and Nenana, Alaska; designated a VOR airway between Nenana and McGrath; designated a VOR airway between Moses Point, Alaska, and Galena; and designated Galena, McGrath, and Moses Point as reporting points. These amendments are to become effective October 17, 1963. The dockets were combined for the sake of airway continuity.

Because of a delay in commissioning of the Moses Point VOR until December 15, 1963, action is taken herein to postpone the effective date of those actions based on the Moses Point VOR until January 9, 1964, the first aeronautical charting date after the facility is commissioned.

These changes consist of amending Airspace Dockets No. 63-AL-4 and 63-AL-7 to delete the designation of Moses Point as a reporting point and to designate VOR Federal airway No. 452 to extend from Galena to Nenana only, and inserting separate action herein to designate the Moses Point reporting point and the portion of V-452 from Moses Point to Galena effective January 9, 1964.

Since more than 30 days will elapse from the time of publication of the rule as initally adopted to the new effective date adopted herein, these changes are made in compliance with Section 4 of the Administrative Procedure Act.

In consideration of the foregoing, the following actions are taken:

1. In Airspace Docket Nos. 63-AL-4 and 63-AL-7, the following changes are made effective immediately:

(a) In Item 1.c.: V-452 is amended to read:

V-452 from Galena, Alaska, to Nenana, Alaska (14-mile wide airway from 45 nmi from Galena to 45 nmi from Nenana).

(b) In Item 2, "Moses Point, Alaska" is deleted.

2. Effective 0001 e.s.t., January 9, 1964, the following changes are made:

(a) In § 71.125 (27 F.R. 220-36, November 10, 1962) V-452 is amended to read:

V-452 from Moses Point, Alaska, via Galena, Alaska (14-mile-wide airway from 45 nmi from Moses Point to 45 nmi from Galena); to Nenana, Alaska (14-mile-wide airway from 45 nmi from Galena to 45 nmi from Nenana).

(b) In §§ 71.211 and 71.213 (27 F.R. 220-174, 175, November 10, 1962) add:

Moses Point, Alaska.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 14, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11005; Filed, Oct. 15, 1963; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-596]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Bollella

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15-125 *Individual or private business being;*

§ 13.15–125(a) *Association;* § 13.120 *Legality or legitimacy;* § 13.260 *Terms and conditions.* Subpart—Using misleading name—Vendor: § 13.2395 *Individual or private business being association or guild.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Joseph Bollella trading as Empire Commodity Association, New York, N.Y., Docket C–596, Sept. 20, 1963]

In the Matter of Joseph Bollella, an Individual Trading as Empire Commodity Association

Consent order requiring an individual engaged in New York City in the sale of management services incident to the purchase and sale of commodity futures, to cease representing falsely, through use of his trade name and otherwise, that his private business was an association with members united in a common effort; and representing falsely in circulars, membership agreement forms, etc., that he deducted 20 percent of net profits for his management fee when he actually deducted 20 percent of every profitable transaction and clients sustained all losses, and that he operated pursuant to the Commodity Exchange Act and the regulations of the U.S. Department of Agriculture.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Joseph Bollella, an individual trading as Empire Commodity Association, or under any other name, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of management services, or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Using the word "association" or any abbreviation or contraction thereof, as a part of the trade name under which respondent conducts his business; or representing in any other manner or by any other means, directly or indirectly, that respondent's business is an association of any nature.

b. Representing, directly or by implication, that any amount will be deducted as a fee for management services from net profits, when such fee is deducted on all profitable transactions.

c. Misrepresenting, in any manner, the remuneration he deducts, charges or receives for any service.

d. Representing, directly or by implication, that he or any person associated with him in the operation of his business is operating under or pursuant to the Commodity Exchange Act.

e. Representing, directly or by implication, that he or any person associated with him in the operation of his business is operating under or pursuant to the regulations and rulings of the United States Department of Agriculture.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63–10909; Filed, Oct. 15, 1963; 8:46 a.m.]

[Docket C–597]

PART 13—PROHIBITED TRADE PRACTICES

Stylebilt Furs, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Stylebilt Furs, Inc., et al., New York, N.Y., Docket C–597, Sept. 17, 1963]

In the Matter of Stylebilt Furs, Inc., a Corporation, and Jack Schimmel, Individually and as an Officer of Said Corporation

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices that certain furs were artificially colored; failing, on invoices, to show the true animal name of fur and the country of origin of imported furs, to use the terms "Persian Lamb" and "natural" where required, and to comply in other respects with invoicing requirements; and furnishing false guaranties with fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Stylebilt Furs, Inc., a corporation, and its officers, and Jack Schimmel, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Stylebilt Furs, Inc., a corporation, and its officers, and Jack Schimmel, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63–10910; Filed, Oct. 15, 1963; 8:46 a.m.]

[Docket C–598]

PART 13—PROHIBITED TRADE PRACTICES

United Nations Publications, Inc., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–155 *Institutional connections;* § 13.15–230 *Plant and equipment;* § 13.185 *Refunds, repairs, and replacements.* Subpart—Using misleading name—Vendor: § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, United Nations Publications, Inc., et al., Hollywood, Calif., Docket C–598, Sept. 20, 1963]

In the Matter of United Nations Publications, Inc., a Corporation, and Fred Otash, Individually and as an Officer of Said Corporation

Consent order requiring the compilers of their "International Directory and Almanac", engaged in the sale of the Directory and of advertising space therein, to cease representing falsely in advertising that monies received from customers were placed in trust and refunds were thereby guaranteed, and that they had their own art department; and to cease representing falsely, by their corporate name, that they were affiliated with the United Nations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent United Nations Publications, Inc., a corporation, and its officers, and respondent Fred Otash, individually and as an officer of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of The International Directory and Almanac or any other book or publication, or of advertising space therein, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents have an art department or maintain their own staff for doing design and art work for advertisements intended for publication in their directory, or misrepresenting in any manner the facilities afforded by respondents' business.

2. Representing, directly or by implication, that monies received by respondents from their customers are placed in a trust account which insures or guarantees the availability at all times of funds sufficient to meet all requests for refunds.

3. Using the words "United Nations" or any other word or words of similar import as part of any corporate or trade name; or representing in any other manner that respondents' business is in any way affiliated with or sponsored by the United Nations.

4. Representing in any manner that their business is affiliated with any organization with which it is in fact not affiliated.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: September 20, 1963.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63–10911; Filed, Oct. 15, 1963; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

Miscellaneous Amendments

On August 24, 1963, a notice was published in the FEDERAL REGISTER (28 F.R. 9357) proposing to amend 29 CFR Part 522, to show a $0.10 increase in the minimum wage rates for learners in the apparel, cigar, glove, hosiery, independent telephone and knitted wear industries, and change "$1.15" to "$1.25" in the regulations restricting the issuance of learner certificates in the luggage, small leather goods, and ladies' handbag industries, the men's and boys' clothing industry, the shoe industry, the small electrical products industry, and in office and clerical occupations in all industries. After considering all relevant data submitted by interested persons regarding the proposed amendments, and pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), 29 CFR Part 522 is hereby amended as proposed, subject to the following change. A study of the application of the regulations to the independent telephone industry discloses that it has no outstanding learner certificates, or applications for them. It appears therefore, that the special learner certificate regulation concerning this industry is no longer necessary, and it is revoked. Employers in this industry however, retain the right to apply for learner certificates under the general regulations, 29 CFR §§ 522.1–522.9.

As these amendments merely provide the policy which will guide the Administrator in the future in issuing special certificates for the employment of learners, they shall take effect 15 days from publication in the FEDERAL REGISTER.

1. Paragraphs (a), (b), (c) and (d) of 29 CFR 522.24 are amended to read as follows:

§ 522.24 **Special minimum wage rates.**

(a) A learner employed in occupations for which a 320-hour period is authorized under § 522.23(a) shall be paid not less than $1.10 per hour during that period.

(b) An experienced worker in any one of the occupations shown in § 522.23(a) for which a 320-hour learning period is authorized, who is being retrained under the terms of a learner certificate in any other occupation shown in that paragraph having such a 320-hour maximum period, shall be paid not less than $1.10 an hour for the first 160 hours and not less than $1.15 for the remaining 160 hours.

(c) A learner employed in the occupation of final inspection of assembled garments under § 522.23(b) shall be paid during the authorized 160-hour learning period, not less than $1.15 per hour.

(d) A learner employed in any occupation, other than final inspection of assembled garments, for which a 160-hour learning period is authorized in § 522.23 (a) or (b) shall be paid not less than $1.10 an hour during such period.

2. Paragraph (a) of 29 CFR 522.35 is amended to read as follows:

§ 522.35 **Special minimum rates.**

(a) The special minimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than $1.15 per hour.

3. Subparagraphs (1)–(9) of 29 CFR 522.43(a) and paragraph (d) of 29 CFR 522.43 are amended to read as follows:

§ 522.43 **Learner occupations, learning periods and special minimum wages.**

(a) • • •

(1) In the seamless branch, knitting (transfer top only) and looping, for 960 hours, at not less than $1.10 per hour for the first 480 hours and $1.17½ for the remaining 480 hours.

(2) In the seamless branch, pairing (women's nylon) and mending (women's nylon), for 720 hours, at not less than $1.10 per hour for the first 360 hours and $1.17½ for the remaining 360 hours.

(3) In the seamless branch, topping, welting, and mending (other than women's nylon), for 480 hours, at not less than $1.10 per hour.

(4) In the seamless branch, boarding (women's nylon), folding (women's nylon and rayon) and pairing (other than women's nylon), for 360 hours, at not less than $1.10 per hour.

(5) In the seamless branch, knitting (except transfer top), seaming, examining and inspection, folding (other than women's nylon and rayon), and boarding (other than women's nylon), for 240 hours, at not less than $1.10 per hour.

(6) In the full-fashioned branch, seaming (leg and foot), for 960 hours, at not less than $1.15 for the first 480 hours and $1.22½ for the remaining 480 hours.

(7) In the full-fashioned branch, pairing and mending, for 720 hours, at not less than $1.15 for the first 360 hours, and $1.22½ for the remaining 360 hours.

(8) In the full-fashioned branch, boarding and folding, for 360 hours, at not less than $1.15 per hour.

(9) In the full-fashioned branch, examining and inspecting, and seaming (sewing—other than leg and foot), for 240 hours, at not less than $1.15 per hour.

• • • • •

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period author-

ized for the occupation at not less than $1.17½ an hour in the seamless branch and not less than $1.22½ an hour in the full-fashioned branch. A worker who has had partial training in any authorized learner occupation may be transferred to any other learner occupation for either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than $1.17½ an hour in the seamless branch and not less than $1.22½ an hour in the full-fashioned branch; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable special minimum rates set forth in paragraph (a) of this section: *Provided, however,* That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupations of folding or inspection; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned or from the full-fashioned branch to the seamless, if the worker is employed in the same occupation as that in which he or she has been previously employed.

4. Section 522.50 of 29 CFR Part 522 is amended to read as follows:

§ 522.50 General denial policy.

All applications for the employment of learners in the shoe manufacturing industry, as defined in § 522.51 at wages lower than $1.25 shall be denied.

5. Paragraph (a) of 29 CFR 522.65 is amended to read as follows:

§ 522.65 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the glove industry shall be not less than $1.10 per hour for the first 320 hours and not less than $1.20 per hour for the remaining 160 hours in the leather glove, woven or knit fabric glove, and knitted glove branches of the industry, and not less than $1.10 per hour for the first 320 hours and not less than $1.15 per hour for the remaining 160 hours in the work glove branch of the industry.

6. The undesignated center head following 29 CFR 522.65 and §§ 522.70 through 522.74, both inclusive, of 29 CFR Part 522 are revoked.

7. Paragraph (a) of 29 CFR 522.85 is amended to read as follows:

§ 522.85 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than $1.10 per hour in the occupations of cigar machine operating and cigar packing; not less than $1.10 per hour for the first 480 hours and $1.17½ per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than $1.10 per hour for the first 320 hours and $1.17½ per hour for the second 320 hours in the occupation of hand making Italian stogies; and not less than $1.10 per hour in the occupations of hand stripping and machine stripping.

8. Sections 522.92 and 522.93 of 29 CFR Part 522 is amended to read as follows:

§ 522.92 Issuance of learner certificates.

In the absence of extraordinary circumstances, applications for the employment of learners at wages lower than $1.25 per hour in these industries shall be denied.

§ 522.93 Learner certificates in extraordinary circumstances.

In those cases where extraordinary circumstances are shown to exist, learner certificates for the employment of learners at wages lower than $1.25 per hour shall be issued in accordance with the provisions of the general learner regulations (Section 522.1 through 522.9) only after all interested parties have been given opportunity to present their views on the application pursuant to section 522.4.

9. Sections 522.102 and 522.103 of 29 CFR Part 522 are amended to read as follows:

§ 522.102 Issuance of learner certificates.

In the absence of exceptional circumstances applications for the employment of learners at wages lower than $1.25 per hour in the small electrical products industry shall be denied.

§ 522.103 Learner certificates in exceptional circumstances.

In each case where a prima facie showing of exceptional circumstances is initially made to the Administrator, the applicant will be given an opportunity to demonstrate at a public hearing, by reliable, probative, and substantial evidence, that the denial of the applicant for a special learner certificate will curtail opportunities for employment and that the granting of such certificate will not give a competitive advantage to the applicant or tend to depress working standards for experienced workers in the industry. At the public hearing interested persons will have full opportunity to appear, testify, and conduct such cross-examination as may be required for a full and true disclosure of the facts. In each case in which exceptional circumstances are shown to exist under the standards provided in this section, a special certificate for the employment of learners at wages less than $1.25 an hour shall be issued in accordance with the provisions of the general learner regulations (§§ 522.1 to 522.9).

10. Section 522.104 of 29 CFR Part 522 is amended to read as follows:

§ 522.104 General denial policy.

All applications for the employment of learners at wages lower than $1.25 per hour in the men's and boys' clothing industry shall be denied. For the purpose of this section, the men's and boys' clothing industry is defined as the industry which manufactures men's, youths', and boys' suits, coats, and overcoats.

11. Section 522.105 of 29 CFR Part 522 is amended to read as follows:

§ 522.105 General denial policy.

All applications for the employment of learners at wages lower than $1.25 per hour in office and clerical occupations in any industry shall be denied.

(52 Stat. 1068, as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 11th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-10953; Filed, Oct. 15, 1963; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 46—ABSENTEE VOTING

The Deputy Secretary of Defense approved the following September 25, 1963.

Sec.
46.1 Purpose.
46.2 Applicability.
46.3 Basic policy.
46.4 Administration.
46.5 Effective date.

AUTHORITY: §§ 46.1 to 46.5 issued under 69 Stat. 584 (P.L. 296, 84th Congress, 5 U.S.C. 2171).

§ 46.1 Purpose.

This part establishes the Department of Defense policy and fixes responsibility for administering absentee voting by every person in any of the following categories who is absent from the place of his or her voting residence and who is eligible to vote under the laws and procedures of the state of his or her voting residence.

(a) Members of the Armed Forces while in the active service and their spouses and dependents.

(b) Members of the merchant marine of the United States and their spouses and dependents, for whom, under delegation of authority from the Maritime Administrator, the Department of Commerce, a Military Department has assumed the responsibility for administering absentee voting procedures.

(c) Civilian employees of the United States for whose administration components of the Department of Defense, including the Military Departments, are responsible, who are serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

(d) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces and their spouses and dependents.

§ 46.2 Applicability.

The provisions of this part apply to all Department of Defense components.

§ 46.3 Basic policy.

Where practicable and compatible with military operations, every person listed in § 46.1 shall be afforded an opportunity to vote by absentee ballot in any elections for which the state of his voting residence has established enabling laws and procedures. In all general elections occurring on even-numbered years, a Federal Post Card Application for an absentee ballot will be issued by delivery in-hand to all Armed Forces personnel of voting age.

§ 46.4 Administration.

The Assistant Secretary of Defense (Manpower) is designated as having primary cognizance within the Department of Defense for the administration of absentee voting. He is authorized and empowered, subject to the direction of the Secretary of Defense, to issue such directions and instructions and exercise such supervision and control, including redelegation of responsibilities and authority, as are necessary to implement the basic policy herein established.

§ 46.5 Effective date.

This part is effective immediately for planning purposes, but no later than thirty (30) days from the date of this part.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 63-10931; Filed, Oct. 15, 1963; 8:47 a.m.]

PART 66—RELEASE OF INFORMATION FROM MEDICAL RECORDS

1. Section 66.2 is amended by inserting the following agencies as paragraphs (n) and (o):

§ 66.2 Individuals and agencies to whom medical records may be released.

• • • • •

(n) Social Security Administration.

(o) National Aeronautics and Space Administration.

• • • • •

2. Reletter the present paragraphs (o) through (u) as (p) through (v) respectively.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 63-10932; Filed, Oct. 15, 1963; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart B—Definition of Terms

Add new § 1001.201-72 as follows:

§ 1001.201-72 Breakout.

The progress whereby parts, components and subsystems of major subsystems and/or systems are isolated and listed for consideration of the method of procurement to be used for their acquisition. As a result of the breakout process the items listed may then be acquired direct from the actual manufacturer or from industry on a competitive basis, where such method of procurement is technically and economically feasible and does not result in degradation of the items listed.

Subpart C—General Policies

1. The introduction of § 1001.350 is set forth herein to correct 32 CFR 1001.350 as follows:

§ 1001.350 Forward purchasing policy.

The primary objective of the forward purchasing policy is to attain and maintain on a continuing basis an Air Force in a maximum state of readiness to perform its combat mission within approved force structures, with a minimum cost impact on the United States economy. The control of expenditures through employment of efficient inventory control procedures and purchasing methods, are indispensable prerequisites to the achievement of this objective. The Air Force must demonstrate continually increased efficiency in its current operations in addition to developing sound programs directed towards greater efficiencies in the future. Consistent with this objective, and with the basic AF policy to make all procurements on a competitive basis to the maximum practical extent, the following requirements are established:

2. Add new § 1001.365 as follows:

§ 1001.365 Advance procurement planning.

(a) The primary purpose of advance procurement planning is to effect procurement on a competitive basis to the maximum practicable extent. The procurement of supplies and services competitively, particularly military items of a complex and specialized nature, depends largely upon the timeliness, extent, and effectiveness of prior planning toward such end.

(b) Advance procurement planning is the responsibility of Heads of Procuring Activities, the scope of such planning to vary with the complexity and dollar value of items concerned. Such planning is required of all procurements, except procurements of nonrecurring requirements; and procurements of recurring requirements wherein competition, type(s) of contract(s), and breakout, are optimum as determined by an individual exercising manual approval authority above the level of the contracting officer.

(c) Advance procurement planning is to be initially accomplished as early as possible, preferably in conjunction with planning for requirements entering the development phase with appropriate revisions and up-dating to be processed as the development phase progresses and work statements and specifications become firmly established. Such planning is to result in:

(1) The establishment of procurement objectives in terms of breakout, competitive procurement, and competition at the subcontract level.

(2) The establishment of specific milestones for receipt of approved specifications and adequate reprocurement data.

(3) The establishment of specific milestones for time phasing from cost reimbursable type contracting to incentive and fixed-price type contracting where such action is desirable and feasible.

(d) Consideration is to be given, but not limited to, the following factors on an item-by-item basis as applicable:

(1) Availability, or plans for timely acquisition of adequate procurement data.

(2) Current and all future requirements.

(3) Identification and adequacy of organic technical capabilities and resources necessary to facilitate breakout and competition by performing or reviewing the functions of technical direction, design control, product improvement, qualification testing, and others.

(4) Administrative, production, and installation leadtime required, including availability of funds for advance procurement where available leadtime is insufficient for the introduction of breakout and competition or to further increase breakout and competition.

(5) Need to maintain continuous production to avoid impairment of qualitative and delivery requirements.

(6) Need for special capabilities or techniques required to produce the item.

(7) Need to perpetuate prime contractor control of an integral component or part of the system, subsystem, or equipment to assure system reliability.

(8) Other factors applicable to specific cases.

(e) It will be necessary in the development of advance procurement planning to consider and evaluate information obtained from requirements, determination, programming, fiscal, engineering, production, supply, maintenance, contracting and administration sources. The advance procurement plan must be adequately coordinated so that reviewing and approval officials are satisfied that it represents a coordinated position. Any subsequent revisions of a major nature should return through the same review and approval cycle afforded the original plan.

(f) Advance procurement plans shall constitute a part of individual contract files. Information copies will be provided applicable System Program Offices (SPO) where the requirement concerned is a vital part of a system program.

Subpart D—Procurement Responsibility and Authority

1. Revise § 1001.402(a) to read as follows:

§ 1001.402 General authority of contracting officers.

(a) According to the provisions of Subchapter A, Chapter I of this title and this subchapter, any contracting officer is hereby authorized to enter into contracts on approved forms for supplies and services on behalf of the Government and in the name of the United States of America, whether by formal advertising or by negotiation. Unless otherwise specifically provided, the words "the contracting officer" when used in Subchapter A, Chapter I of this title, this subchapter, or in any contract, supplemental agreement, or change order, are construed to include any contracting officer, acting within the scope of the written orders designating him a contracting officer, his duly designated successor, or authorized representative. Purchases will be made only by individuals duly designated as contracting officers, except (1) Purchases from Imprest Funds which will be made according to § 1003.604 of this subchapter, (2) emergency purchases of fuel, oil, repairs, etc., which will be made according to AFR 67–24 (USAF Invoice—AF Form 15 and Invoice Envelope—AF Form 15A) and § 1003.651 of this subchapter, and (3) emergency purchases of medical supplies and equipment, followed by the issuance of a confirmatory purchase order or contract by the contracting officer provided, however, that purchases made by persons not designated as contracting officers or included in one of the above exceptions may nevertheless be ratified according to § 1001.453(j).

2. Revise § 1001.453(j) to read as follows:

§ 1001.453 Delegations of authority.

* * * * *

(j) In the event that a person acts without the requisite authority, his action may, under certain circumstances, be later ratified.

(1) Purchases involving $2,500 or less, made by persons to whom requisite authority has not been delegated, may be ratified in the case of persons under the jurisdiction of the major air commands other than AFLC and AFSC by the Commander of the respective major air command with power of redelegation to the DCS/Materiel or comparable office within the major air command headquarters, and in the case of persons under the jurisdiction of AFLC and AFSC by the Commanders of the first echelon of command immediately subordinate to Headquarters AFLC and AFSC or by higher authority. Each such transaction shall be submitted for review and possible ratification according to the following procedures:

(i) A statement of all the pertinent facts of the transaction, accompanied by a file of all relevant documents and records, will be forwarded through channels to the staff judge advocate at the headquarters of the respective major air command or of the AFLC or AFSC activity. Along with the statement the base commander or officer who has command over the installation in which the unauthorized act occurred will include a description of any disciplinary action taken or an explanation why none was considered necessary and a description of action taken to prevent recurrence of the unauthorized act. The immediate supervisor of the individual having committed the unauthorized act will be responsible for furnishing to the base commander or officer in command any of the pertinent facts, records, and documentation concerning the transaction. In no event, will any contracting officer be required to perform any of the aforementioned duties incident to forwarding any transactions for ratification.

(ii) The staff judge advocate designated in subdivision (ii) of this subparagraph will review the file, obtain any additional evidence required and prepare a recommendation as to whether the transaction should be ratified stating reasons therefor. Recommendations in support of ratification will cite appropriate negotiation authority. Advice against ratification will include a recommendation as to whether the matter should be processed according to Part 17 of this title. Following action by the staff judge advocate, the complete file will be forwarded to the individual responsible for ratification as indicated in subparagraph (1) of this paragraph.

(iii) When the complete file is received by the individual responsible for ratification, he may ratify if he deems it in the best interest of the Government to do so. However, no transaction will be ratified that would not otherwise have been valid if made by a properly authorized contracting officer. The statement of ratification will cite 10 U.S.C. 2304(a)(3) as negotiating authority.

(iv) The major air commands (other than AFSC) and AFLC activities will inform the Director of Procurement and Production, Hq AFLC, and the Commanders of AFSC activities will inform the Director of Procurement, Hq AFSC, of each transaction submitted for review under this subdivision (iv), indicating whether or not the transaction was ratified.

(2) Transactions involving more than $2,500 made by persons to whom requisite authority has not been delegated may be considered for ratification only by the Director of Procurement and Production at Hq AFLC or the Director of Procurement at Hq AFSC or by higher authority. A statement of all the pertinent facts of each transaction, accompanied by a file of all relevant documents and records, will be forwarded to the Director of Procurement and Production at Hq AFLC or the Director of Procurement at Hq AFSC as appropriate. The statement will include a description of any disciplinary action taken or an explanation why none was considered necessary, and a description of action taken to prevent recurrence of the unauthorized act. A copy of the statement will be forwarded to the commander of the major air command, AFLC or AFSC activity. Prior to ratification, all such transactions must be reviewed by the Staff Judge Advocate, Hq AFLC or AFSC as appropriate. The Directors of Procurement and Production, Hq AFLC, and Director of Procurement, Hq AFSC, will inform the Director of Procurement Policy, Hq USAF, of each transaction submitted for review under this subparagraph (2), indicating whether or not the transaction was ratified.

(3) Transactions which have been ratified will be forwarded to the appropriate contracting officer for issuance of a purchase order or contract for payment purposes.

3. In § 1001.457(a), a new subparagraph (13) is added as follows:

§ 1001.457 Authority to enter into, execute and approve contracts.

(a) * * *

(13) With respect to § 1001.453(j), the Director of Procurement and Production, Hq AFLC, has delegated to the Commanders of all major air commands (except AFSC) and the Commanders of the first echelon of command immediately subordinate to Hq AFLC; the Director of Procurement, Hq AFSC, has delegated to the Commanders of the first echelon of command immediately subordinate to Hq AFSC, authority to ratify or deny ratification of any transaction involving $2,500 or less. Such delegations by the Director of Procurement and Production, Hq AFLC, to major air commanders permit further redelegation of this authority to the DCS/Materiel or other comparable office within the major air command headquarters. In no event will such authority be redelegated to contracting officers at any level.

Subpart I—Responsible Prospective Contractors

In § 1001.902(b) revise subparagraph (5) to read as follows:

§ 1001.902 General policy.

* * * * *

(b) * * *

(5) Basic ordering agreement and call procurement arrangements (§§ 1003.410–2 and 1003.409–50 of this subchapter). However, a complete FCR is required for orders or calls of more than $20,000.

Subpart J—Publicizing Procurement Actions

Revise § 1001.1002–51 to read as follows:

§ 1001.1002–51 Distribution of invitations for bid and requests for proposals.

(a) AF procurement activities will effect distribution of unclassified IFBs and RFPs as follows, in addition to persons or firms on the appropriate bidders' mailing list (selected according to § 1002.205 of this subchapter). Copies of IFBs will be supplied to additional sources upon submission of AFPI Form 2B, "Request for Bid Set."

(1) Each CMD.

(i) Applicability: One copy of the IFB, RFP, or letter proposal and one complete set of data will be furnished for all AFLC and AFSC central procurement IFBs and RFPs which have been synopsized. Base procurement activities will furnish one complete set of IFBs and RFPs, which have been synopsized, together with data or specifications to the CMDs or CMOs located in the local trading area of the activity.

(ii) Exceptions: Where specifications, plans, and drawings are not available, or where the procurement has been synopsized solely for the purpose of publicizing subcontract opportunities, copies of the IFB or RFP will not be distributed to CMDs.

(2) Small Business Administration, Procurement Advisory Center, 811 Vermont Avenue, Washington 25, D.C.

(i) Copies: One copy of the IFB, RFP, or letter proposal only, excluding drawings, specifications, or data.

(ii) Applicability: All AF IFBs; AFLC/AFSC central procurement RFPs which have been synopsized.

(3) Contractor relations office of the respective procurement activity.

(i) Copies: Two copies of the IFB or RFP and one set of data, or one copy of letter proposal and one set of data.

(ii) Applicability: All AFLC/AFSC IFBs and RFPs which have been synopsized.

(4) Small Business Administration region and branch offices as designated by the SBA representative.

(i) Copies: One copy of IFB or RFP.

(ii) Applicability: All AFLC/AFSC IFBs and RFPs which have been synopsized.

(5) Additional copies of unclassified AF invitation for bids will be distributed to the following as applicable to the particular procurement:

(i) Bid sets will be furnished to government-owned manufacturing establishments as applicable.

(ii) Copies of unclassified IFBs for construction projects may be furnished to trade journals for the construction field.

(iii) Copies of IFBs for both housing and off-site utility construction projects will be sent on the date issued to Hq USAF, Family Housing Division (AFOCE–HO), Washington 25, D.C.

(b) Classified IFBs: See AFR 205–1 for instructions on distributing classified documents. In such cases, instead of sending a copy of the IFB to the Procurement Advisory Center, as set forth in paragraph (a)(2) of this section, for unclassified invitations, a letter will be sent to that office, in substance as follows:

This office has issued Invitation for Bids No. ------ dated ----------, bids to be opened on ----------, under classified project No. -------.

(c) Retention of extra sets of data mailed with IFBs: Whenever data is required for inclusion with an IFB, three extra sets will be requested for the purpose of later mailing one set to the successful bidder and two sets to the administrative contracting officer. It will be the responsibility of the office requesting the data to periodically ascertain (not less than once a week) the contracts mailed covering the respective IFBs and then to send the pertinent data, by forwarding letters, to the successful bidder and the ACO, citing the applicable IFB and contract number.

(d) Synopsized letter proposals: Buyers will be responsible for furnishing to the unit making distribution of RFPs a sufficient number of each synopsized letter proposal to make the distribution in paragraph (a) of this section. Each set will be comprised of one copy of the letter proposal and all accompanying data.

(e) AFPI Form 2C, "Bid Set Register," will be used by AFSC contractor relations activities to record receipt of IFBs and RFPs from purchasing offices.

(f) AFPI Form 2A, "IFB/RFP Control Record," will be used by AFLC/AFSC activities to record the progress of central procurement IFBs and RFPs to the date of opening.

(g) IFBs and RFPs will not be furnished CMOs on automatic distribution unless requested by the appropriate contract management region (CMR). The CMRs will furnish the procuring activity a list of the CMOs under their jurisdiction which should receive IFBs and RFPs. When such a list has been furnished, IFBs, RFPs, and preinvitation notices will be distributed on the same basis as to CMDs (see paragraph (a)(1) of this section).

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

1. Revise § 1002.407–5 (d) to (f) to read as follows:

§ 1002.407–5 Other factors to be considered.

* * * * *

(d) to (f) No implementation.

2. Revise §§ 1002.407–9 and the letter in 1002.408–1(b) as follows:

§ 1002.407–9 Protests against award.

(a) *No implementation.*

(b) *Protests before award.* (1) No implementation.

(2) No implementation. (i) If the written protest is received within the required time, the contracting officer will investigate the matter and decide whether the protest is, in his opinion, valid. It is the responsibility of the contracting officer in the first instance to decide, whenever possible, with the concurrence or advice of the local staff judge advocate, if necessary, whether the protest has any valid basis and to take appropriate action on the protest. If his conclusion is affirmative, he will take necessary action to rectify the erroneous action. If his conclusion is negative or if he deems it desirable to obtain the views of higher authority, the contracting officer will make a written statement of his opinion in the matter supported by copies of all pertinent papers. Contracting officers at activities other than AFSC activities will submit the protest and statement through AFLC (MCPP) to Hq USAF (AFSPPCA) for decision. Contracting officers at AFSC activities will submit their protests through AFSC (SCKP) to Hq USAF (AFSPPCA) for decision. The letter of transmittal should be forwarded by the most expeditious means and marked "Immediate Action—Protest Before Award." The letter of transmittal will include the following:

* * * * *

(*h*) The file will be assembled in an orderly fashion including an index of inclosures. Inclosures will be tabbed in alphabetical sequence.

(*i*) Submission of protests to Hq USAF under this section may be dispensed with by the contracting officer if he is satisfied that the protest is without any reasonable degree of foundation or that it was made solely to obstruct and hinder the contracting officer or otherwise successful bidder. In such case except as modified in subdivisions (ii) and (iii) of this subparagraph, the contracting officer on his own responsibility, or after asking such advice as he may desire, may disallow the protest. In such case, the contracting officer should reply to the protester in writing, making a timely and complete answer to the allegations of the protesting bidder. A copy of the correspondence and explanatory remarks will be forwarded to AFLC (MCPP) or AFSC (SCK), as appropriate, for information.

* * * * *

(iii) Notices of intent to make awards with appropriate justification will be furnished to Hq USAF (AFSPPCA) for submittal to the Comptroller General. A copy of the notice of intent will be sent to AFLC (MCPP) or AFSC (SCK), as appropriate. Hq USAF will advise the contracting officer forwarding the notice of intent whether the determination to make award prior to decision by the Comptroller General is approved or disapproved. This notice will be made through AFLC (MCPP) or AFSC (SCK), as appropriate.

(3) No implementation.

(c) *Protests after award.* All protests after award will be processed to Hq USAF (AFSPPCA) through AFLC (MCPP) or AFSC (SCK), as appropriate. The letter of transmittal will include the material listed in paragraph (b)(2)(i) of this section.

§ 1002.408–1 Unclassified awards.

* * * * *

(b) * * *

Your interest in submitting a bid is appreciated by this activity; however, we are unable to award you a contract in this instance due to a negative preaward survey (facility capability report) on your firm with respect to this procurement. Basis for the negative survey report cannot be divulged to you by the undersigned but may be obtained from the chief of the activity that performed the survey, located ---------- (here insert name and address of CMD or AFPRO).

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart D—Types of Contracts

1. Delete present § 1003.407–3 and insert the following therefor:

§ 1003.407–3 Contracts with value engineering incentives.

Contracts containing value engineering incentives will be identified by adding "V" to the symbol designating the basic pricing of the contract: e.g., FPIFV or FPR–CV. Also see Subpart Q, Part 1 of this title.

2. Revise § 1003.408 (a), (b) (1), (6) and (c) to read as follows:

§ 1003.408 Letter contract.

(a) *Limitations.* • • •

(3) The overall price (estimated cost and fee) ceiling required by § 3.408(c)(2) of this title will be no higher than the quotation leading to the issuance of letter contract.

(4) The date by which definitization is expected to be completed is that date included in the letter contract which reflects a bilateral agreement between the Air Force and the contractor as expressed in a schedule of events leading to the contract definitization; or in event the letter contract as awarded does not contain a bilaterally agreed to definitization schedule, the anticipated definitization date will not be established beyond the limits imposed by § 3.408(c)(3) of this title. The expected definitization date in either of the above instances is subject to the approval of the approving authority or his designee. Any change or any slippage in the expected definitization schedule of events which has an effect on the scheduled definitive contract distribution date will be brought to the attention of the letter contract approving authority (or in the case of letter contracts requiring prior approval of SCK–3 or MCPC, the official who requested permission to issue the letter contract) and will be fully documented. Letter contracts will become delinquent when: (i) The definitive contract has not been distributed by the original date of expected definitization provided in the letter contract schedule or, (ii) according to provisions of § 3.408 of this title in event the letter contract awarded does not contain a definitization schedule. Letter contract definitization date is defined as the date of the definitive contract distribution.

(5) The amount obligated for each letter contract will be the amount estimated to cover the contractor's requirements for funds prior to definitization, but will not exceed the limits imposed by § 3.408(c)(4) of this title. If it becomes necessary to increase the funds obligated for the letter contract by later amendment, the personal approval of the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of SCK–3 or MCPC, the official who requested permission to issue the letter contract) is required. Any such request exceeding the limits imposed by § 3.408(c)(4) of this title will be reported to the commander of the procuring activity involved, provided that no activity will authorize the obligation of any sum in excess of 70% of the total estimated cost of the procurement except with the prior approval of Command Headquarters, through SCK–3 or MCPC, as applicable.

(b) *Content.* • • •

(1) The date to be inserted in the last sentence of the clause set forth in §§ 1007.2504–4, 1007.2505–4 and 1007.2506–4 of this subchapter will be the date by which definitization is to be complete based upon a bilateral agreement included in the letter contract which takes into consideration both Air Force and contractor administrative requirements defined in a schedule of events leading to definitization of the letter contract. In the event a definitization schedule is not bilaterally agreed to and made a part of the letter contract as awarded, the date to be inserted in the last sentence of the clause set forth in §§ 1007.2504–4, 1007.2505–4 and 1007.2506–4 of this subchapter will in no event be a date later than 180 days from the date of the letter contract. The definitization date inserted in the contract clause will require approval of the approving authority or his designee. Letter contract definitization will be measured from the date of definitive contract distribution.

• • • • •

(6) Amendments to letter contracts to accomplish new procurements will be avoided to the greatest practical extent but may be used if the new procurement is so closely allied to the procurement covered by the existing letter contract as to be inseparable. Amendments to letter contracts to accomplish new procurements are subject to the same limitations and delegations as new letter contracts and will comply with § 1001.357 of this subchapter.

(c) *Procedure.* • • •

(3) • • •

(iv) • • •

(*f*) Efforts made to secure agreement to a later delivery schedule so as to avoid need for letter contract. Include identification of related programs that will be affected if this contract is delayed and estimate of cost of such delay.

(*g*) Specify why a definitive contract is not possible within the time required to meet the mandatory delivery schedule as verified.

• • • • •

(vii) Prices.

• • • • •

NOTE: The amount obligated should be no more than is necessary to provide funds up to the anticipated date of definitization, and will in no event exceed 50 percent of the total estimated cost of this procurement. See § 3.408(c)(4) of this title and paragraph (a)(5) of this section.

• • • • •

(x) Contract: • • •
(*b*) [Reserved]

• • • • •

(*h*) Contract definitization schedule: All letter contracts awarded should include a definitization schedule whether definitization is anticipated prior to, or subsequent to, 180 days after award. Approval to write a letter contract without the use of a definitization schedule must be obtained from the letter contract approving authority or his designee. Identify milestones of important events by date leading to definitization of the letter contract. Identify by asterisk those dates to be set forth in the letter contract. Minimum mandatory milestones where applicable, will include the following:

Title	Date
Definitive work statement completed	
Issuance of RFP	
(*) Proposal cut-off	
Submittal of contractor cost proposal	
Negotiations complete	
Contractor's make-or-buy plan complete	
Contractor signature	
Government signature	
Contract distribution	

(*) Proposal cut-off date will normally be 60 days prior to contractor's proposal for negotiating the definitive contract. All changes prior to proposal cut-off date including quantities, model specification or any changes affecting work to be performed by the contractor will be included in the contractor's proposal for definitization of the letter contract. Changes subsequent to the proposal cut-off date may be made under the provisions of the letter contract but will be incorporated by a supplemental agreement into the definitive contract.

(*i*) Explain any date or combination of dates which prolong the letter contract beyond 180 days.

(4) One copy of all requests for authorization as approved will be forwarded by the procuring activity to the applicable contract management activity for necessary field support.

(d) Copies of the letter contract issued will be forwarded to AFSC (SCK–3) or AFLC (MCPC) if the letter contract required their approval for issuance, or if the resultant definitive contract contemplated will require manual approval of DCS/Procurement and Production, AFSC, or Director for Procurement and Production, AFLC.

Subpart G is revised to read as follows:

Subpart G—Negotiated Overhead Rates

Sec.
1003.704 Contract clauses.
1003.704–1 Contract with commercial concerns.
1003.704–2 Contracts with nonprofit and educational institutions.
1003.705 Procedure.
1003.706 Coordination.

AUTHORITY: §§ 1003.704 to 1003.706 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.704 Contract clauses.

§ 1003.704–1 Contract with commercial concerns.

It is AF policy not to incorporate provisional rates in contracts with commercial organizations. The contractor will be reimbursed on basis of billing overhead rates negotiated by the administrative contracting office as provided in the ASPR clause.

§ 1003.704–2 Contracts with nonprofit and educational institutions.

It is AF policy to incorporate provisional rates in contracts with colleges, universities, and research institutes. Provisional overhead rates for research institutes will be negotiated by AFSC (SCKP). Provisional overhead rates for colleges and universities will be negotiated by OAR (RRMK). Such rates will be negotiated as part of the final overhead rate negotiations.

§ 1003.705 Procedure.

(a) AFSC (ASXKF) will conduct or monitor all negotiated final overhead rates when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations as described under § 3.706 of this title.

(1) With the exception of colleges, universities and research institutes, the contractor's proposal will be forwarded through the ACO for distribution to either ASXKF or SCKF within AFSC, or OAR (RRMK) and to the cognizant auditor. The audit report will be forwarded by the cognizant auditor to ASXKF, SCKF, or OAR (RRMK) through the Auditor General, USAF, liaison activity nearest the office responsible for the negotiation, with copies provided to the ACO. In addition to the auditor's responsibility to obtain the contractor's reaction to the costs questioned, it will normally be standard procedure to furnish one copy of the audit report, exclusive of narrative comments, to the contractor.

(2) Under the monitorship of ASXKF, authority to conduct such negotiations with colleges and universities has been delegated to OAR (RRMK) without redelegation authority. The authority to conduct such negotiations with research institutes has been delegated to SCKF without redelegation authority.

(3) ACOs are authorized to negotiate final overhead rates for any fractional periods less than 6 months necessary to close out a contract. ACOs may utilize either the rates negotiated for the immediate preceding period, the recommendation of the cognizant auditor based on limited review, or any other reasonable approach.

(b) Advisory audit reports will be used in all final overhead negotiations except where ASXKF, SCKF, or OAR (RRMK), as appropriate, decides that the amount of overhead involved is so small that the cost of auditing is not justified and the cognizant audit agency is so notified.

(c) to (d) No implementation.

(e) ASXKF, SCKF, or OAR (RRMK) as appropriate will distribute the negotiation report to all Air Force and other military department buying activities holding affected contracts and audit activity.

§ 1003.706 Coordination.

Where one or more military departments, other than the Air Force, have cost-reimbursement type contracts with a contractor, ASXKF will coordinate with the other military departments in determining the cognizant negotiating activity. Should the determination be made that the Air Force will be the cognizant negotiating activity, ASXKF will (a) for negotiations pursuant to § 3.704–1 of this title, schedule the negotiation, or (b) for negotiations pursuant to § 3.704–2 of this title notify SCKF or OAR (RRMK) as appropriate, who will be responsible for scheduling the negotiation meeting, notifying the other interested services, and conduct the negotiation.

Subpart H—Price Negotiation Policies and Techniques

Add new § 1003.802 as follows:

§ 1003.802 Preparation for negotiation.

PART 1006—FOREIGN PURCHASES

Subpart T—Offshore Procurement

1. Revise the introduction of § 1006.2001–1 to read as follows:

§ 1006.2001–1 USAF procurements.

The Under Secretary of the Air Force has directed that a maximum quantity of the supplies, materials, and services required to logistically support United States forces overseas be procured from indigenous sources, provided that such procurement will not result in one of the following:

2. Revise § 1006.2005(c) to read as follows:

§ 1006.2005 Prohibitions.

• • • • •

(c) *Purchases from sources in the continental United States.* With the exception of the procurement activities listed below, contracting officers in oversea commands, including United States Territories and possessions, will not effect base procurement of supply items from sources within the continental United States. When supplies are not available for base procurement from sources in the oversea area, the purchase request will be returned to the initiator for requisition.

• • • • •

PART 1007—CONTRACT CLAUSES

Subpart Y—Clauses and Arrangements for Letter Contracts

1. Revise § 1007.2504–3(a) to change the reference in line 34, as follows:

§ 1007.2504–3 Contract clauses for incorporation by reference.

(a) The provisions of the contract clauses set forth in the following Sections of Chapter 1 of this title (Armed Services Procurement Regulation) in effect on the date hereof and the additional clauses which are made a part of this Letter Contract in Exhibit "A" are hereby incorporated into this letter contract by reference with the same force and effect as though herein set forth in full:

Sections 7.103–1 (Definitions); 7.103–2 (Changes); 7.103–3 (Extras); 7.103–4 (Variation in Quantity); 7.103–5 (Inspection); 7.103–6 (Responsibility for Supplies); 7.103–8 (Assignment of Claims); 7.103–9 (Additional Bond Security); 7.103–12 (Disputes); 7.103–13 (Renegotiation); 6.104–5 (Buy American Act); 12.303–1 (Work Hours Act of 1962; Overtime Compensation); 12.604 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not to Benefit); 7.103–20 (Covenant Against Contingent Fees); 7.104–12 (Military Security Requirements); 1.707–3(a) (Utilization of Small Business Concerns); 7.104–15 (Examination of Records); 7.104–16 (Gratuities); 7.104–18 (Priorities, Allocations and Allotments); 7.104–40 (Competition in Subcontracting); 12.203 (Convict Labor); 9.103–1 (Patent Indemnity); 9.102–2 (Authorization and Consent; R&D); 9.104 (Notice and Assistance Regarding Patent and Copyright Infringement); 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.107–2(b) (Patent Rights; License); 9.203–1, 9.203–2, 9.203–3, and 9.203–4 (Data); 9.207–2(a) (Data; Withholding of Payment); [1] 13.502 (Government-Furnished Property); 6.403 (Soviet Controlled Areas); 8.707 (Default); 7.104–4 (Notice to the Government of Labor Disputes); 1.805–3(a) (Utilization of Concerns in Labor Surplus Areas); 1.805–3(b) (Labor Surplus Area Subcontracting Program); 1.707–3(b) (Small Business Subcontracting Program); 12.102–3(a) (Payment for Overtime and Shift Premiums); 3.902–1(i) (Changes to Make-or-Buy Program); and § 163.118, Subpart F, Subchapter E of this title (Interest).

2. Revise § 1007.2505–3(a) to change the reference in line 6 from end, as follows:

§ 1007.2505–3 Contract clauses incorporated by reference.

(a) The provisions of the contract clauses set forth in the following paragraphs of the Armed Services Procurement Regulation in effect on the date hereof, and the additional clauses which are made a part of this letter contract in Exhibit "A" are hereby incorporated into this letter contract by reference, with the same force and effect as though herein set forth in full:

Sections 7.103–1 (Definitions); 7.203–2 (Changes); 7.203–5 (Inspection of Supplies and Correction of Defects); 7.103–8 (Assignment of Claims); 7.103–13 (Renegotiation); 7.203–7 (Records); 7.203–8 (Subcontracts); 1.707–3(a) (Utilization of Small Business Concerns); 7.103–12 (Disputes); 6.104–5 (Buy American Act); 12.203 (Convict Labor); 12.303–1 (Work Hours Act of 1962; Overtime Compensation); 12.604 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not to Benefit); 7.103–20 (Covenant Against Contingent Fees); 13.503 (Government Property); 7.203–22 (Insurance; Liability to Third Persons); 7.104–12 as modified by 7.204–12 (Military Security Requirements); 7.104–16 (Gratuities); 7.104–18 (Priorities, Allocations and Allotments); 9.104 (Notice and Assistance Regarding Patent and Copyright Infringement); 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.102–2 (Authorization and Consent; R&D); 9.107–2(b) (Patent Rights; License); 9.203–1, 9.203–2, 9.203–3 and 9.203–4 (Data); 9.207–2(b) (Data; Withholding of Payment); [1] 6.403 (Soviet Controlled Areas); 7.104–4 (Notice to the Government of Labor Disputes); 1.805–3(a) (Utilization of Concerns in Labor Surplus Areas); 1.805–3(b) (Labor Surplus Area Subcontracting Program); 8.706 (Excusable Delays); 1.707–3(b) (Small Business Subcontracting Program); 7.104–40 (Competition in Subcontracting); 12.102–3(a) (Payment for Overtime and Shift Premiums); 3.902–1(i) (Changes to Make-or-Buy Program); and 163.118, Subpart F, Subchapter E of this title (Interest).

3. Revise §§ 1007.2905–5 and 1007.2905–6 to read as follows:

[1] When § 9.207–2(a) of this title is used, the wording "ten percent (10%) of the contract price" will be changed to "ten percent (10%) of the amount that may be otherwise payable to the Contractor under the terms of this letter contract."

§ 1007.2905–5 Use of leased property.

USE OF LEASED PROPERTY (AUG. 1958)

• • • • •

§ 1007.2905–6 Rental.

RENTAL (AUG. 1958)

• • • • •

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

Revise § 1007.3706–11 to read as follows:

§ 1007.3706–11 Termination.

(The figure of 30 days may be changed to any other figure not in excess of 90 days.)

TERMINATION (MAY 1963)

This contract may be terminated by either party by the giving of not less than thirty (30) days advance written notice of the effective date of termination.

Subpart NN—Special Clauses

1. Revise § 1007.4054 as follows:

§ 1007.4054 Limitation of Government's obligation.

• • • • •

(a) When the contract is a fixed-price type, insert the following clause:

LIMITATION OF GOVERNMENT'S OBLIGATION (JUN. 1963)

• • • • •

(7) • • •

(8) Nothing in this clause shall affect the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination."

(b) • • •

LIMITATION OF GOVERNMENT'S OBLIGATION (JUN. 1963)

(1) It is estimated that the total cost to the Government, inclusive of any fee, for the performance of this contract will not exceed the estimated cost and fee set forth in the schedule and the Contractor agrees to use its best efforts to perform the work specified in the schedule and all obligations under this contract within such estimated cost. The fee for complete performance of this contract is specified in the schedule. If at any time, the Contractor has reason to believe that the total cost to the Government, inclusive of any fee, for the performance of this contract will be substantially greater or less than the amounts thereof then set forth in the schedule to date, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimate of the total cost to the Government for the performance of this contract.

(2) The sum presently available for payment and allotted to this contract, the items covered thereby and the period of performance which it is estimated the allotted amount will cover, are specified in the schedule. It is anticipated that from time to time additional funds will be allotted to this contract up to the full estimated cost, including any fee. When additional funds are allotted from time to time for continued performance of the work, the parties shall agree as to the applicable estimated period of contract performance which shall be covered by such funds and the contract schedule amended accordingly. The contractor agrees to perform or have performed work on this contract up to the point at which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to any settlement, including cost and fee under paragraph (e) of such clause would, in the exercise of reasonable judgment by the Contractor, approximate the total amount at the time allotted to this contract. The Contractor shall not be obligated to continue performance of the work beyond such point.

(3) The Government shall not be obligated to reimburse the Contractor for costs incurred (including amounts payable in respect to subcontracts and termination settlement costs) and to pay any fee to which the Contractor may be entitled, in excess of the total amount from time to time allotted to this contract. However, when and to the extent that the total amount allotted to this contract has been increased, any costs incurred by the Contractor and any fee to which the Contractor may be entitled, prior to the increase and in excess of the amount previously allotted, shall be allowable to the same extent as if such costs had been incurred and fee earned after such increase in amount allotted.

(4) In the event funds allotted are considered by the Contractor to be inadequate to cover the work to be performed for the period set forth in the schedule, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days[1] the work will reach a point, at which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to a settlement including cost and fee under paragraph (e) of such clause will approximate eighty-five percent (85%)[2] of the total amount then allotted to the contract. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance for the period set forth in the schedule. The Contractor shall, thirty (30) days[2] prior to the end of the period specified in the schedule, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required, on the basis of the obligation for performance in accordance with paragraph (2) of this clause, for the timely performance of the work under the contract for such further period as may be specified in the schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the schedule, or an agreed date in substitution therefor, the Contracting Officer will, upon written request of the Contractor, terminate this contract on such date, or on a date to be specified in such request on which the Contractor, in the exercise of his reasonable judgment, estimates that he will have discharged his obligation to perform hereunder in accordance with paragraph (2) of this clause, whichever is later, pursuant to the provisions of the clause of this contract entitled "Termination."

NOTE 1: May be changed to sixty (60) days for R & D contracts.

NOTE 2: May be changed to seventy-five (75%) percent for R & D contracts.

• • • • •

(7) In the event that sufficient amounts are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled, subject to the limitation of paragraph (3) of this clause, to a percentage of the fee set forth in the schedule equivalent to the percentage of completion of the work contemplated by this contract.

• • • • •

§ 1007.4064 [Deletion]

2. Delete § 1007.4064.

Subpart QQ—Clauses for Fixed-Price Architectural Engineering Service Contracts

Revise § 1007.4307–2(b) as follows:

§ 1007.4307–2 Option for inspection services.

• • • • •

(b) When no specification for inspection services is available, or the time of performance is undetermined, or for other reasons only the categories of inspection personnel and agreed payment therefor are to be included in the option the following clause will be inserted.

• • • • •

PART 1009—PATENTS, DATA AND COPYRIGHTS

Subpart A—Patents

Revise § 1009.107–2(b) to read as follows:

§ 1009.107–2 License rights; domestic contracts.

• • • • •

(b) Contract clause: The following subparagraphs relate to material required to be furnished by contractors under the provisions of paragraphs (c), (d), (e), and (h) of the Patent Rights clause of § 9.107–2(b) of this title.

• • • • •

PART 1013—GOVERNMENT PROPERTY

Subpart E—Contract Clauses

Revise § 1013.503 as follows:

§ 1013.503 Government-property clause for cost-reimbursement type contracts.

Whenever contracts fall within the purview of § 1030.2(B–102.50(c)) of this subchapter, and Government owned parts and materials are furnished, the following will be added to the end of the second sentence of paragraph (c) of the clause set forth in § 13.503 of this title:

except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual.

PART 1016—PROCUREMENT FORMS

Subpart C—Purchase and Delivery Order Forms

Revise § 1016.303–2(d)(1) to read as follows:

§ 1016.303–2 Conditions for use.

• • • • •

(d) *Use as a delivery order.* (1) In addition to indefinite delivery type contracts, DD Form 1155 will be used as a delivery order against call procurement arrangements (§ 1003.409–50 of this subchapter) and basic ordering agreements (§ 1003.410–2 of this subchapter).

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

§ 1030.2 Appendix B—Manual for control of Government property in possession of contractors.

Part II—General Provisions

Revise paragraph B–207.5 to read as follows:

B–207.5 *Discrepancies.* The contractor will submit to the property administrator (a) A listing which properly identifies all discrepancies, including overages, shortages, and damages, which have been disclosed by the physical inventory accomplished; and (b) a certification, in writing, that physical inventory of or certain classes of Government property was completed on a given date and that the official contract records are in agreement with the physical inventory aside from the reported discrepancies. Discrepancies will be examined to determine, as far as possible, actual losses of Government property. Differences caused by record errors or offsetting overages and shortages of similar items are not considered actual losses. The offset adjustment of dissimilar items which may appear comparable in quantity or dollar value will not be approved. Adjustments necessitated by posting errors will include appropriate cross-references to the error in the official contract records.

Part III—Records To Be Maintained

Revise paragraph B–304.1 to read as follows:

B–304.1 *Records of material.* No implementation.

(a) to (c) No implementation.

• • • • •

§ 1030.3 Appendix C—Manual for control of Government property in possession of non-profit research and development contractors.

Part II—Government Administrative Provisions

In paragraph C–203 revise (c) and delete (e) to (i), as follows:

C–203 *Duties and responsibilities of the property administrator.*

• • • • •

(c) No implementation.

(d) • • •

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

1. Section 1053.406–5 is added as follows:

§ 1053.406–5 Processing variations permitted by the contract.

Whenever the quantity delivered by a contractor contains an overrun or underrun within the limits and for the causes permitted by the contract, the delivery may be accepted by the appropriate AF personnel usually responsible for accepting deliveries. Disbursement vouchers will be used to adjust obligations upward in the instance of overruns; deobligation and decommitment action will be taken by the accounting and finance activities, in the case of underruns, after payment of the final voucher and upon the receipt of AFPI Form 14 from the ACO. No action by the procuring contracting officer or ACO is required either to approve quantities delivered by the contractor or to adjust obligations within the permitted variation. Where necessary, additional shipping instructions, required as a result of overruns, will be obtained from the buyer.

2. Revise § 1053.406–6(b) as follows:

§ 1053.406–6 Processing variations not permitted by the contract.

• • • • •

(b) *Underruns.* It is the responsibility of the contractor to deliver and of the Air Force to accept the quantities called for by the terms of the contract, unless the contract has been terminated according to the terms of the contract. If the contractor requests the Air Force to accept quantities less than those set forth in the contract or less than those permitted by the variation clause, the ACO will carefully consider the reasons for the underrun as extended by the contractor and determine whether acceptance of the underrun is warranted. Where acceptances appear justified, the ACO will submit the facts to the buyer, who will reply, stating the decision made and the action to be taken by the procuring contracting officer. If the contractor, however, underruns the quantity called for on an FP contract for $5,000 or under, which does not contain a variation in quantity clause, the underruns will be considered inconsequential and will be ignored if it does not exceed five percent of the quantity of any one item, or an aggregate of $50 of the total contract obligation.

3. Revise § 1053.407–2 to read as follows:

§ 1053.407–2 Citation of accounting and finance officer.

A citation of the accounting and finance officer designated to make payment will be made on all contracts. (See § 1053.404 for procedures for AFLC/AFSC.)

4. Add new § 1053.407–3 as follows:

§ 1053.407–3 Contracting officer's signature.

The contracting officer will sign on behalf of the United States in the space provided for his signature, and his official title will be added.

5. Revise § 1053.407–8 and add new § 1053.407–9, as follows:

§ 1053.407–8 Contract with joint venturers.

Contracts are sometimes entered into with joint venturers, consisting of a corporation and a partnership, or a partnership and an individual, etc. In such cases the contract will be signed by each participant in the joint venture in the manner indicated for each type of participant in §§ 1053.407–4 through 1053.407–7. When a corporation is participating, a certificate should be obtained from the custodian of the records stating that the corporation is authorized to participate in the joint venture.

§ 1053.407–9 Contracts for food of animal origin.

Contracts for food of animal origin will only be placed with those sources which are approved with respect to sanitation according to the standards and procedures prescribed in AFR 160–48 (Veterinary Food Inspection). In this respect, contracting officers will solicit the cooperation of the director of base medical services, base veterinarian, or other duly authorized persons in determining the acceptability of food sources of supply. Further, the contracting officer will take necessary action to insure that his activity receives distribution or has access to all lists of approved sources of food (see AFR 160–48). These lists of approved sources are not to be used for the purpose of limiting consideration to a group of selected suppliers, but may be used only to suggest potential sources. Sources who wish to bid on food of animal origin requirements, but who have not been inspected, will be advised to apply in writing to the procurement activity concerned requesting a sanitary inspection.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. 32, July 31, 1963; AFPC Nos. 68, Aug. 16, 1963; 70, Aug. 23, 1963; 72, Aug. 28, 1963; 74, Aug. 29, 1963; 75, Aug. 30, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63–10890; Filed, Oct. 15, 1963; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3245]

[New Mexico 0437636]

NEW MEXICO

Power Site Restoration No. 601; Power Site Cancellation No. 187; Partly Revoking Certain Power Withdrawals, Opening Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Acts of June 10, 1920 (36 Stat. 557), March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determinations of the Federal Power Commission docketed as DA–62, and DA–66–70 combined, New Mexico, it is ordered as follows:

1. The Executive order of September 30, 1916, creating Power Site Reserve No. 548, and the Departmental orders of August 7, 1916 and October 28, 1949, establishing Water Power Designation

No. 1 and Power Site Classification No. 393, respectively, as interpreted and/or modified, are hereby revoked so far as they affect the following-described lands:

PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 12 E.,
Sec. 16, lots 3 and 4,
Sec. 20, lot 5.

The tracts described, aggregating 133.81 acres, are patented.

2. In DA-62, and DA-66-70 combined, New Mexico, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed by restoration to location, entry or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 11 E.,
Sec. 1, lot 1.
T. 25 N., R. 11 E.,
Sec. 35, lot 3, NE¼SE¼;
Sec. 36, lot 2.
T. 26 N., R. 11 E.,
Sec. 1, lot 7;
Sec. 12, lot 1;
Sec. 13, lots 1 and 2;
Sec. 23, lot 2, and SW¼NE¼.
T. 27 N., R. 12 E.,
Sec. 5, W½SW¼ and the remainder of the SW¼ lying outside the boundaries of the Carson National Forest;
Sec. 31, lots 2, 3, 4, W½NE¼NW¼, and E½NW¼NW¼.
T. 28 N., R. 12 E.,
Sec. 5, SW¼, W½SE¼, and SE¼SE¼;
Sec. 8;
Sec. 9, SE¼SW¼;
Sec. 16, NE¼NW¼;
Sec. 17, NE¼, NE¼NW¼, E½SE¼SW¼, and W½SE¼;
Sec. 20, SW¼NW¼ except that portion within the boundaries of Carson National Forest.
T. 29 N., R. 12 E.,
Sec. 17, lot 10;
Sec. 29, S½SE¼NW¼, and NE¼SW¼;
Sec. 31, SW¼SE¼.

The areas described aggregate approximately 1,300 acres.

3. The lands lie in the Upper Rio Grande Basin, near the town of Embudo, New Mexico.

4. Until 10:00 a.m. on April 10, 1964, the State of New Mexico shall have (1) a preferred right of application to select the lands described in paragraph two of this order, in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of Section 24 of the Federal Power Act.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on April 10 1964. At that time the said lands shall be open to operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of any existing withdrawals. All valid applications, except preference right applications from the State, received at or prior to 10:00 a.m. on April 10, 1964, shall be considered as simultaneously filed at that time.

6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

7. Any disposals of the lands described in paragraph two of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determinations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1963.

[F.R. Doc. 63-10934; Filed, Oct. 15, 1963; 8:47 a.m.]

[Public Land Order 3246]

[Nevada 048100]

NEVADA

Amending Bureau Order of April 7, 1958 (El Dorado Valley)

By virtue of the authority and direction contained in section 2 of the Act of March 6, 1958 (72 Stat. 31) as amended by the Act of October 10, 1962 (76 Stat. 804), it is ordered as follows:

The order of April 7, 1958, of the Bureau of Land Management segregating from all forms of entry under the public land laws, 126,775 acres in the State of Nevada, pending application by the Colorado River Commission of the State of Nevada for conveyance to it of title to the lands or any of them, is hereby amended to the extent necessary to extend the segregative effect of the order from March 7, 1963, to and including March 6, 1968.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1963.

[F.R. Doc. 63-10933; Filed, Oct. 15, 1963; 8:47 a.m.]

[Public Land Order 3247]

[Utah 88583]

UTAH

Partly Revoking Public Water Reserve No. 16

By virtue of the authority vested in the President, by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of March 9, 1914, creating Public Water Reserve No. 16, Utah, so far as it affects the following-described land, is hereby revoked:

SALT LAKE MERIDIAN

T. 5 S., R. 24 E.,
Sec. 31, NE¼NE¼.

Containing 40 acres of patented land.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1963.

[F.R. Doc. 63-10936; Filed, Oct. 15, 1963; 8:47 a.m.]

[Public Land Order 3248]

[Oregon 88572]

OREGON

Revoking Forest Service Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to the Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Departmental Orders of February 25, August 13, October 23, December 2 and December 20, 1907, January 7, 8, and 11, February 13, May 5, and October 23, 1908, and any other order or orders which withdrew national forest lands in the national forests indicated, for use of the Forest Service, as administrative sites, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

Four Bit Ranger Station Administrative Site

T. 35 S., R. 4 E.,
Sec. 30, N½NW¼.

Little Elk Prairie Administrative Site

T. 37 S., R. 4 E.,
Sec. 29, S½SW¼SW¼;
Sec. 30, SE¼SE¼SE¼;
Sec. 32, N½NW¼NW¼, and SE¼NW¼NW¼.

FREMONT NATIONAL FOREST

Timothy Meadows Administrative Site

T. 27 S., R. 12 E.,
Sec. 5, S½NW¼NE¼ (S½ lot 2), N½SW¼NE¼, SE¼NW¼SE¼, SW¼NE¼SE¼, and SE¼SE¼.

Oatman Flat Ranger Station Administrative Site

T. 27 S., R. 13 E.,
Sec. 22, SE¼SW¼, and SW¼SE¼;
Sec. 27, NW¼NE¼.

Silver Creek Administrative Site

T. 30 S., R. 13 E. (unsurveyed)
Sec. 1, NE¼NW¼.

Horse Glades Administrative Site

T. 34 S., R. 14 E.,
Sec. 8, S½NW¼, NE¼SW¼, and NW¼SE¼.

Foster Flat Administrative Site

T. 30 S., R. 15 E.,
Sec. 33, N½NW¼.

Foster Administrative Site

T. 32 S., R. 16 E.,
Sec. 10, E½SE¼ (lots 3 and 4);
Sec. 15, E½NE¼ (lots 1 and 2).

Arkansas Administrative Site

T. 39 S., R. 16 E.,
Sec. 5, S½SE¼SW¼;
Sec. 8, N½NW¼.

Ingram Ranger Station Administrative Site

T. 34 S., R. 17 E.,
Sec. 19, lot 4 (SW¼SW¼), lot 3, and NE¼SW¼ (N½SW¼).

Salt Creek Administrative Site

T. 38 S., R. 21 E.,
Sec. 7, lot 4;
Sec. 18, lot 1, and W½NE¼NW¼.

Bull Prairie Administrative Site

T. 38 S., R. 21 E.,
Sec. 11, N½SE¼NE¼.

Roggers Administrative Site

T. 39 S., R. 21 E.,
Sec. 28, SW¼NE¼, E½NW¼, and NW¼SE¼.

The areas described aggregate approximately 1,241 acres.

2. At 10:00 a.m. on November 15, 1963, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1963.

[F.R. Doc. 63-10935; Filed, Oct. 15, 1963; 8:47 a.m.]

[Public Land Order 3249]

[Sacramento 074022]

CALIFORNIA

Administrative Site Withdrawal (South Fork Mountain)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to existing valid rights, the minerals in the following-described lands are hereby withdrawn from prospecting, location, entry and purchase, under the mining laws, in aid of utilization of the surface by Federal agencies and qualified applicants under the right-of-way laws, and for the retention in public ownership of valuable radio receiving and transmitting site values:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 8 W.,
Sec. 3, lot 5 and SE¼NE¼ (except M.S.).

Containing about 65 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1963.

[F.R. Doc. 63-10915; Filed, Oct. 15, 1963; 8:46 a.m.]

[Public Land Order 3250]

WYOMING

Withdrawals for Forest Service Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the minerals in the following-described national forest lands in the national forests hereafter named, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture for utilization of the surface as recreation areas and administrative sites as indicated:

(Wyoming 094183)

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

Barrett Creek Campground

T. 16 N., R. 81 W.,
Sec. 27, NW¼SE¼NW¼, S½SE¼NW¼, E½SW¼NW¼, NE¼NW¼SW¼, and N½NE¼SW¼.

Blair Picnic Ground

T. 14 N., R. 71 W.,
Sec. 7, SW¼NW¼SE¼, SE¼NE¼SW¼, E½SE¼SW¼, W½SW¼SE¼, and SE¼SW¼SE¼;
Sec. 18, N½NW¼NE¼.

Boswell Creek Picnic Ground

T. 12 N., R. 78 W.,
Sec. 23, lot 2.

Bow River Campground

T. 18 N., R. 80 W.,
Sec. 23, SW¼NE¼SW¼, SE¼NW¼SW¼, E½SW¼SW¼, and W½SE¼SW¼.

Esterbrook Campground

T. 28 N., R. 71 W.,
Sec. 1, S½NW¼SW¼, and N½SW¼SW¼.

French Creek Campground

T. 15 N., R. 81 W.,
Sec. 34, N½SW¼NE¼.

Happy Jack Ski Area

T. 15 N., R. 72 W.,
Sec. 23, NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, and N½SE¼SE¼;
Sec. 24, NW¼SW¼, and N½SW¼SW¼.

Hidden Valley Community Picnic Ground

T. 15 N., R. 72 W.,
Sec. 26, SW¼SW¼SE¼, and SE¼SE¼SW¼;
Sec. 35, NW¼NE¼, and NE¼NE¼NW¼.

Jim Creek Campground

T. 15 N., R. 79 W.,
Sec. 2, SE¼SE¼.

Libby Flats Observation Point

T. 16 N., R. 79 W.,
Sec. 20, W½SE¼NW¼, and E½SW¼NW¼.

North Fork Campground

T. 16 N., R. 78 W.,
Sec. 8, SE¼SW¼SE¼, and S½SE¼SE¼;
Sec. 16, NW¼NW¼NW¼, S½NW¼NW¼, and SW¼NW¼;
Sec. 17, NE¼NE¼, and N½SE¼NE¼.

North Spring Creek Campground

T. 15 N., R. 86 W.,
Sec. 16, SW¼NW¼NW¼, and NW¼SW¼NW¼.

North Twin Lake Campground

T. 16 N., R. 80 W.,
Sec. 14, E½SW¼SW¼, and W½SE¼SW¼.

Pole Creek Picnic Ground

T. 15 N., R. 72 W.,
Sec. 24, S½NW¼NE¼, S½NE¼NW¼, N½SE¼NW¼, and N½SW¼NE¼.

South Brush Creek Campground

T. 16 N., R. 81 W.,
Sec. 21, NW¼NE¼, and E½NE¼NW¼.

Stillwater Park Campground

T. 17 N., R. 80 W.,
Sec. 2, lots 3, 4, SW¼NW¼, and N½SE¼NW¼;
Sec. 3, E½SE¼NE¼.

South Twin Lake Campground

T. 16 N., R. 80 W.,
Sec. 22, SE¼NE¼NE¼, and NE¼SE¼NE¼;
Sec. 23, S½NW¼NW¼, and N½SW¼NW¼.

Tie City Picnic Ground

T. 15 N., R. 72 W.,
Sec. 23, SW¼NW¼SE¼, S½NE¼SW¼, SE¼SW¼, and W½SW¼SE¼;
Sec. 26, NW¼NW¼NE¼, and NE¼NE¼NW¼.

Vedauwoo Picnic Ground

T. 14 N., R. 71 W.,
Sec. 20, E½SE¼SW¼, W½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼SE¼;
Sec. 29, N½NE¼, and E½NE¼NW¼.

Wallis Picnic Ground

T. 14 N., R. 71 W.,
Sec. 7, lot 1.

Woods Creek Picnic Ground

T. 13 N., R. 77 W.,
Sec. 19, NE¼ of lot 6, and N½NE¼SW¼.

BIGHORN NATIONAL FOREST

Black Mountain Lookout

T. 55 N., R. 87 W.,
Sec. 18, S½SW¼NE¼, and N½NW¼SE¼.

Bighorn Baptist Youth Organization Camp

T. 55 N., R. 88 W.,
Sec. 4, W½NW¼SE¼.

Big Willow Campground

T. 55 N., R. 89 W.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼.

Boulder Park Campground and Trailer Park

T. 48 N., R. 86 W.,
Sec. 6, lot 12.

Bull Creek Picnic Ground

T. 49 N., R. 86 W.,
Sec. 34, S½SW¼SE¼, and SW¼SE¼SE¼.

Burgess Junction Highway Maintenance Camp

T. 55 N., R. 89 W.,
Sec. 1, SW¼NE¼.

Burgess Picnic Ground

T. 56 N., R. 89 W.,
Sec. 36, W½SW¼NE¼, and E½SE¼NW¼.

Cabin Creek Campground

T. 53 N., R. 89 W. (unsurveyed), when surveyed will be,
Sec. 14, W½NE¼NE¼SW¼, W½NE¼SW¼, and E½E½NW¼SW¼.

Canyon Creek Campground

T. 48 N., R. 85 W.,
Sec. 18, SE¼NE¼NW¼.

Canyon Campground

T. 49 N., R. 83 W.,
Sec. 29, SE¼SW¼SW¼, and SW¼SE¼SW¼.

Circle Park Campground

T. 50 N., R. 84 W.,
Sec. 29, SE¼SW¼SE¼, and SW¼SW¼SE¼SE¼.

Cliff Lake Back Area Camp

T. 51 N., R. 86 W.,
Sec. 4, S½NE¼SW¼, and N½SE¼SW¼.

Cold Springs Campground

T. 50 N., R. 88 W.,
Sec. 2, S½SE¼NE¼.

Crazy Woman Campground

T. 49 N., R. 84 W.,
Sec. 36, E½SW¼SW¼, and W½W½SE¼SW¼.

Cross Creek Campground

T. 53 N., R. 86 W.,
Sec. 21, SW¼SW¼SE¼, and W½SE¼SW¼SE¼.

Dayton Gulch Campground

T. 56 N., R. 91 W.,
Sec. 12, S½S½SE¼SW¼;
Sec. 13, NE¼NW¼.

Deer Park Campground

T. 49 N., R. 86 W.,
Sec. 4, W½NW¼SW¼.

E-La-Ka-Wee Organization Camp

T. 49 N., R. 84 W.,
Sec. 22, E½SW¼SE¼SE¼, and SE¼SE¼SE¼;
Sec. 23, SW¼SW¼SW¼;
Sec. 26, NW¼NW¼NW¼;
Sec. 27, NE¼NE¼NE¼, and E½NW¼NE¼NE¼.

Frying Pan Lakes Back Area Camp

T. 51 N., R. 85 W.,
Sec. 3, SE¼SW¼SE¼.

Granite Creek Campground

T. 53 N., R. 89 W. (unsurveyed), when surveyed will be,
Sec. 14, W½NE¼NW¼.

Highway Campground

T. 56 N., R. 88 W.,
Sec. 28, SW¼SW¼SW¼;
Sec. 29, SE¼SE¼SE¼;
Sec. 32, NE¼NE¼NE¼;
Sec. 33, NW¼NW¼NW¼.

High Park Lookout

T. 48 N., R. 86 W.,
Sec. 4, SE¼SW¼SE¼SW¼, and SW¼SE¼SE¼SW¼;
Sec. 9, NE¼NW¼NE¼NW¼, and NW¼NE¼NE¼NW¼.

Hunter Mesa Lookout

T. 50 N., R. 84 W.,
Sec. 3, NE¼SE¼NW¼SW¼, and NW¼SW¼NE¼SW¼.

Indian Creek Organization Camp

T. 48 N., R. 86 W.,
Sec. 18, lot 8.

Island Park Campground

T. 49 N., R. 86 W.,
Sec. 20, NE¼SE¼NW¼, E½NW¼SE¼NW¼, and NW¼SE¼SE¼NW¼.

Lake Creek Campground

T. 49 N., R. 86 W.,
Sec. 22, E½NW¼NW¼NE¼.

Lake Geneva Back Area Camp

T. 52 N., R. 86 W.,
Sec. 19, S½NW¼SE¼.

Lake Helen Back Area Camp

T. 50 N., R. 86 W.,
Sec. 9, S½N½NW¼SW¼, and N½S½NW¼SW¼.

Leigh Creek Picnic Ground

T. 48 N., R. 87 W.,
Sec. 33, E½NE¼SE¼, and SW¼NE¼SE¼.

Little Horn Picnic Ground

T. 58 N., R. 89 W.,
Sec. 19, lot 3.

Lower Doyle Campground

T. 47 N., R. 84 W.,
Sec. 5, NE¼SW¼NW¼, and E½NW¼SW¼NW¼.

Lower Lake Solitude Back Area Camp

T. 51 N., R. 87 W.,
Sec. 36, N½NW¼NE¼.

Middle Fork Campground

T. 50 N., R. 84 W.,
Sec. 15, S½SE¼SW¼NE¼, and N½NE¼NW¼SE¼.

North Fork Picnic Ground

T. 50 N., R. 84 W.,
Sec. 10, E½SW¼SE¼NE¼, and W½SE¼SE¼NE¼.

North Tongue Campground

T. 55 N., R. 89 W.,
Sec. 1, lot 4;
Sec. 2, lot 1, NE¼SE¼NE¼.
T. 56 N., R. 89 W.,
Sec. 35, E½SE¼SE¼;
Sec. 36, NW¼SW¼SW¼, and S½SW¼SW¼.

Owen Creek Campground

T. 55 N., R. 88 W.,
Sec. 31, SW¼NW¼NE¼, SE¼NE¼NW¼, NE¼SW¼NW¼, and NW¼SW¼NE¼.

Paralto Picnic Ground

T. 53 N., R. 86 W.,
Sec. 21, S½NE¼NE¼SE¼, and N½SE¼NE¼SE¼.

Pine Island Community Center

T. 55 N., R. 88 W.,
Sec. 5, lots 1 and 2.

Powder River Pass Observation Point

T. 48 N., R. 85 W.,
Sec. 9, N½NE¼NE¼, and NE¼NW¼NE¼.

Preacher Rock Picnic Ground

T. 54 N., R. 86 W.,
Sec. 31, NE¼SE¼NW¼.

Prune Creek Campground

T. 55 N., R. 88 W.,
Sec. 4, NE¼SW¼, and E½NW¼SW¼.

Ranger Creek Picnic Ground

T. 53 N., R. 86 W.,
Sec. 4, lot 6.

Ranger Creek Campground and Picnic Ground

T. 53 N., R. 88 W.,
Sec. 19, SE¼SW¼SE¼, SW¼SE¼SE¼, and SW¼SE¼SE¼SE¼;
Sec. 30, NW¼NE¼NE¼NE¼, N½NW¼NE¼NE¼, and N½NE¼NW¼NE¼.

Sheep Mountain Lookout

T. 49 N., R. 84 W.,
Sec. 30, SE¼NE¼NE¼, and NE¼SE¼NE¼.

Shell Creek Campground

T. 53 N., R. 88 W.,
Sec. 19, lot 3.
T. 53 N., R. 89 W. (unsurveyed), when surveyed will be,
Sec. 24, S½S½S½.

Shell Falls Observation Point

T. 53 N., R. 89 W. (unsurveyed), when surveyed will be,
Sec. 7, SW¼SW¼NE¼.

Shell Reservoir Campground

T. 52 N., R. 88 W. (unsurveyed), when surveyed will be,
Sec. 2, lots 1, 2, and S½NE¼.

Sibley Lake Camp and Picnic Grounds

T. 55 N., R. 88 W.,
Sec. 3, SE¼SE¼;
Sec. 10, NE¼NE¼, and N½SE¼NE¼;
Sec. 11, W½NW¼NW¼, and NW¼SW¼NW¼.

Sitting Bull Campground

T. 49 N., R. 86 W.,
Sec. 21, E½E½SW¼SE¼SW¼, W½SE¼SE¼SW¼, and SE¼SE¼SE¼SW¼.

Sourdough Campground

T. 50 N., R. 84 W.,
Sec. 34, E½W½SE¼SW¼, and W½E½SE¼SW¼.

South Fork Campground

T. 50 N., R. 84 W.,
Sec. 27, NE¼SW¼NE¼, W½SE¼NE¼, and W½E½SE¼NE¼.

South Tongue Recreation Area

T. 56 N., R. 88 W.,
Sec. 33, E½W½SW¼.

Spear Lake Back Area Camp

T. 52 N., R. 86 W.,
Sec. 35, E½E½SW¼SW¼, and W½SE¼SW¼.

Tensleep Canyon Observation Point

T. 48 N., R. 87 W.,
Sec. 27, SW¼SE¼.

Tieback Campground

T. 50 N., R. 84 W.,
Sec. 23, E½SE¼SE¼SW¼, and W½SW¼SW¼SE¼.

Twin Lakes Campground

T. 54 N., R. 87 W.,
Sec. 35, SE¼NE¼NE¼, SE¼SW¼NE¼NE¼, NE¼NW¼SE¼NE¼, and N½NE¼SE¼NE¼.

Upper Doyle Campground

T. 47 N., R. 85 W.,
Sec. 12, Lot 15.

Upper Lake Solitude Back Area Camp

T. 51 N., R. 86 W.,
Sec. 31, SW¼NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, and NW¼SE¼NE¼.

West Goose Campground

T. 54 N., R. 87 W.,
Sec. 25, NW¼NE¼NE¼.

West Lake Campground

T. 50 N., R. 86 W.,
Sec. 33, S½NE¼SW¼, N½N½SE¼SW¼.

West Tensleep Campground

T. 49 N., R. 86 W.,
Sec. 8, SE¼NE¼NE¼NE¼, SE¼NE¼NE¼, and N½NE¼SE¼NE¼.

Worland Boy Scout Organization Camp

T. 49 N., R. 86 W.,
Sec. 31, NE¼SW¼SE¼.

Zipe Campground

T. 49 N., R. 86 W.,
Sec. 8, SW¼NW¼SW¼SE¼, and NW¼SW¼SW¼SE¼.

The areas described aggregate approximately 3,651 acres.

(Wyoming 0150196)

SIXTH PRINCIPAL MERIDIAN

SHOSHONE NATIONAL FOREST

Shoshone Sunlight Ranger Station—Addition (established by Public Land Order 3141)

T. 55 N., R. 105 W.,
Sec. 19, E½SW¼.

Containing approximately 80 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1963.

[F.R. Doc. 63–10937; Filed, Oct. 15, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1004, 1010]

[Docket No. AO–160–A26, AO–276–A6]

MILK IN PHILADELPHIA, PENNSYLVANIA, AND WILMINGTON, DELAWARE, MARKETING AREAS

Notice of Extension of Time for Filing Exceptions To Recommend Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas, which was issued September 30, 1963 (28 F.R. 10646), is hereby extended to October 15, 1963. Exceptions shall be deemed to have been filed when postmarked or when received by the Hearing Clerk.

Dated: October 11, 1963, Washington, D.C.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 63–10921; Filed, Oct. 15, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63–EA–48]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR, FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 73 and 71 of the Federal Aviation Regulations, the substance of which is stated below.

The Griffiss AFB, N.Y., Restricted Area/Military Climb Corridor R–5204 is presently described as follows:

Boundaries. The area based on the 138° radials and 318° radials of the Griffiss AFB VOR and the 318° radial of the Griffiss AFB TACAN, extending from 5 miles NW of the airbase (latitude 43°14'00" N., longitude 75°24'10" W.) to 32 miles NW of the airbase, having a width of 1 mile SW of the 138° radial of the VOR and 1 mile NE of the 318° radial of the TACAN at the beginning, expanding uniformly to a width of 2.3 miles SW of the 318° radial of the VOR and 2.3 miles NE of the 318° radial of the TACAN at the outer extremity.

Designated altitudes: 2,500 feet MSL to 15,500 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase. 2,500 feet MSL to flight level 245 from 6 to 7 miles NW of the airbase. 2,500 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase. 6,500 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase. 10,500 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase. 15,500 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase. 19,500 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Griffiss Approach Control.

Using agency. Commander, Griffiss AFB, N.Y.

The Air Force has requested alteration of R–5204 in accordance with revised FAA/USAF airspace criteria which provide for enlarging such corridors as necessary to meet the lift-off requirements of the newest supersonic fighter/interceptor aircraft of the Air Defense Command. This alteration is to facilitate accomplishment of the Air Defense Command mission without deviation from the lateral and vertical limits of the restricted area/military climb corridor.

The proposed alteration to this restricted area would not affect existing low and intermediate altitude airways and would be less restrictive to jet routes in the vicinity of Syracuse, N.Y.

If action is taken to alter the area as proposed, it would be redescribed as follows:

R–5204 Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 43°16'05" N., longitude 75°27'20" W. (2 nmi from the end of Runway 33), and extending via the true bearing of 314° to a point 30 nmi northwest, having a width of 1 nmi at the point of beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes: Surface to flight level 240 from point of beginning to 3 nmi northwest. 2,000 feet MSL to flight level 240 from 3 nmi to 6 nmi northwest of point of beginning. 5,000 feet MSL to flight level 240 from 6 nmi to 11 nmi northwest of point of beginning. 10,000 feet MSL to flight level 240 from 11 nmi to 15 nmi northwest of point of beginning. 14,000 feet MSL to flight level 240 from 15 nmi to 19 nmi northwest of point of beginning. 16,000 feet MSL to flight level 240 from 19 nmi to 25 nmi northwest of point of beginning. 20,000 feet MSL to flight level 240 from 25 nmi to 30 nmi northwest of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Griffiss Approach Control.

Using agency. Commander, Griffiss AFB, N.Y.

The restricted area would coincide with a portion of the Rome, N.Y., control zone (§ 71.171). Accordingly, it is proposed to amend its description so as to require approval from appropriate authority prior to operation within that portion which is within R–5204.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 9, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10893; Filed, Oct. 15, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63–EA–50]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR, FEDERAL AIRWAY AND CONTROLLED AIRSPACE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 71.143 and 73.41 of the Federal Aviation Regulations, the substance of which is stated below.

The Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor R–4103 is presently described as follows:

Boundaries. The area centered on the 039° radial of the Otis AFB VOR extending from 5 miles NE of the airbase (latitude 41°38'54" N., longitude 70°31'12" W.) to 32 miles NE of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

T. 58 N., R. 89 W.,
Sec. 19, lot 3.

NW¼.

8:47 a.m.]

Designated altitudes: 2,130 feet MSL to 15,130 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase. 2,130 feet MSL to flight level 241 from 6 to 7 miles NE of the airbase. 2,130 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase. 6,130 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase. 10,130 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase. 15,130 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase. 19,130 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Otis Approach Control.

Using agency. Commander, Otis AFB, Mass.

The Air Force has proposed to alter R–4103 in accordance with revised airspace criteria enlarging such corridors as necessary to meet air defense aircraft requirements.

This proposal which would enlarge the current climb corridor would continue to affect Victor Airways 141, 1697 and Jet Route 97. It provides a 1,000 foot corridor below the climb corridor for VFR operations along the Mid Cape Highway fly-way.

In addition, a small portion of the proposed corridor which would presently lie outside controlled airspace would be included in controlled airspace of the Boston Control Area Extension undergoing modification in Airspace Docket No. 61–EA–100 which was published as a Notice of Proposed Rule Making action on August 2, 1963 (28 F.R. 7913). A minor editorial change in the description of Victor Airway 1697 would also be required to provide that prior approval would be required to transit that portion of the airway that coincides with the climb corridor.

If this action is taken, the Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor R–4103 would be redescribed as follows:

Boundaries. That area within the United States centered on Otis AFB TACAN 033° radial beginning at latitude 41°41'35" N., longitude 70°29'05" W. (2 nmi from the end of Runway 5), and extending to a point 30 nmi northeast having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. Surface to flight level 240 from point of beginning to 2 nmi northeast. 1,000 feet MSL to flight level 240 from 2 nmi to 3 nmi northeast of point of beginning. 2,000 feet MSL to flight level 240 from 3 nmi to 8 nmi northeast of point of beginning. 5,000 feet MSL to flight level 240 from 6 nmi to 11 nmi northeast of point of beginning. 10,000 feet MSL to flight level 240 from 11 nmi to 15 nmi northeast of point of beginning. 14,000 feet MSL to flight level 240 from 15 nmi to 19 nmi northeast of point of beginning. 16,000 feet MSL to flight level 240 from 19 nmi to 25 nmi northeast of point of beginning. 20,000 feet MSL to flight level 240 from 25 nmi northeast of point of beginning to the northeastern extremity.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Otis Approach Control.

Using agency. Commander, Otis AFB, Mass.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 9, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10894; Filed, Oct. 15, 1963; 8:45 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–CE–99]

RESTRICTED AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.42 of the Federal Aviation Regulations, the substance of which is stated below.

The Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor R–4203 is presently described as follows:

Boundaries. The area based on the 336° radial of the Selfridge AFB VOR extending from 5 miles NW of the airbase (latitude 42°36'50" N., longitude 82°50'05" W.) to 32 miles NW of the airbase, having a width of 1 mile W and 3 miles E of the 326° radial at the beginning and a width of 2.3 miles on either side of 336° radial at the outer extremity.

Designated altitudes: 2,600 feet MSL to 15,600 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase. 2,600 feet MSL to flight level 246 from 6 to 7 miles NW of the airbase. 2,600 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase. 6,600 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase. 10,600 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase. 15,600 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase. 19,600 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.

Time of designation. Continuous.

Using agency. Selfridge AFB Approach Control.

The Federal Aviation Agency has under consideration a Department of the Air Force request for redesignation of R–4203 as follows:

R–4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.

Boundaries. Beginning at latitude 42°39'35" N., longitude 82°50'05" W. (2 nautical miles N of the N end of runway 36), the area centered on a bearing of 008°, extending to a point 30 nautical miles N, having a width of 1 nautical mile at the beginning and expanding uniformly to a width of 6 nautical miles at the outer extremity.

Designated altitudes: Surface to flight level 240 from the point of beginning to 3 nmi N. 2,000 feet MSL to flight level 240 from 3 nmi to 6 nmi N. 5,000 feet MSL to flight level 240 from 6 nmi to 10 nmi N. 9,000 feet MSL to flight level 240 from 10 nmi to 15 nmi N. 14,000 feet MSL to flight level 240 from 15 nmi to 21 nmi N. 17,000 feet MSL to flight level 240 from 21 nmi to 26 nmi N. 20,000 feet MSL to flight level 240 from 26 nmi to 30 nmi N.

Time of designation. Continuous.

Using agency. Selfridge AFB Approach Control.

Due to the capability of the latest fighter/interceptor aircraft to reach high speed and high rates of climb in a short time after take-off, the Federal Aviation Agency has revised the criteria for establishing restricted area/military climb corridors for use by these aircraft. The proposal contained herein is consistent with the new criteria. Altered as proposed, R–4203 would provide protection for air defense aircraft and other air traffic operating in the vicinity of Selfridge Air Force Base during the initial climb phase of air defense missions. The using agency would authorize aircraft to operate within R–4203 when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 9, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10892; Filed, Oct. 15, 1963; 8:45 a.m.]

[14 CFR Part 91 [New]]

[Notice 63–40; Docket No. 2013]

USE OF PARACHUTES DURING ACROBATICS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to permit aircraft to be flown in flights involving flight instruction and pilot certification without the necessity of equipping the occupants with approved parachutes. This permission will apply even though the aircraft is flown in acrobatic maneuvers if the maneuvers are required by the regulations as flight instruction or flight test.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted, in duplicate, to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before Dec. 16, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 43.48 of the Civil Air Regulations prohibited intentional acrobatic flight with an aircraft carrying a person other than a crew-member unless all occupants of the aircraft were equipped with approved parachutes. Section 43.48–1 interpreted acrobatic flight to be an intentional maneuver exceeding 60 degrees of bank or 30 degrees nose up or nose down attitude. Section 43.48 of the Civil Air Regulations has since been recodified, without substantive revision, as § 91.71(b) of the Federal Aviation Regulations.

For the purposes of § 43.48 (§ 91.71(b) [New]), a student pilot has been interpreted as not being a "crewmember"; therefore, the student pilot, as well as the flight instructor, is required to wear a parachute when the flight instructor is giving the student instruction in those maneuvers required by the regulations that involve acrobatics. The Agency feels that a relaxation of the rule is appropriate at this time. The safety factor in acrobatics depends upon the skill of the pilot while performing maneuvers within the operating limitations of the aircraft. An FAA certificated flight instructor by training and certification is properly presumed to have the skill necessary to perform and instruct in the acrobatics required by the regulations for pilot flight training or examination. Moreover, complaints from the field indicate that the wearing of parachutes may be a hazard to training within the operating limitations of the aircraft since the parachute may reduce the pilots visibility and hamper his handling the controls in many aircraft. The proposal also applies to flights for pilot certification or rating.

The problem was presented to the public at the Grass-Roots Air-Share meetings held October 21, 1961, and at the Regional Air-Share meetings held in April 1962, and it was agreed that parachutes were unnecessary as a safety device when doing training maneuvers required by the regulations.

In consideration of the foregoing, it is proposed to amend § 91.71(b) [New] of the Federal Aviation Regulations by adding a new sentence to read as follows: "However, this paragraph does not apply to flight training required by the regulations when given by a certificated flight instructor or to flight tests for pilot certification or rating."

This notice of proposed rule making is issued under the authority of sections 313(a), 601 and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on October 9, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10891; Filed, Oct. 15, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 153, 157]

[Docket No. R–133]

APPLICATIONS FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS AND FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Order Terminating Proposed Rulemaking Proceeding

OCTOBER 10, 1963.

A notice in this proceeding, issued February 3, 1954 (19 F.R. 801), proposed the prescription of filing fees and other assessments in connection with applications for and authorizations granted pursuant to sections 3 and 7 of the Natural Gas Act. Views and comments of interested parties were received in response to the invitation in the notice, but the Commission has taken no further action on the proposal. The proceeding has become obsolete by the passage of time and, in any event, if the same or similar proposals are made in the future they will be initiated in a new proceeding.

The Commissions finds: Good cause exists to terminate this proceeding.

The Commission orders:

(A) Effective upon the issuance of this order, the proceeding in Docket No. R–133 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10908; Filed, Oct. 15, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[443.43]

CONTAINERS AND COVERINGS

Glass Bottles

OCTOBER 10, 1963.

The following Bureau of Customs decision, dated October 8, 1963, concerning the duty-free treatment of certain glass bottles under the conditions specified is published below.

Glass bottles having the legend "Federal Law Forbids Sale or Reuse of This Bottle" are not "designed for, or capable of, reuse" within the meaning of General Headnote 6(b)(ii), TSUS. After a thorough survey of the characteristics and use of the general class of bottles in which wine and malt beverages are customarily imported the Bureau finds that such bottles, whether or not marked with the words "No Deposit—No Return" or similar wording, are as a general class of containers not designed for or capable of reuse "in the practical, commercial sense" for "commercial shipping or transportation purposes" contemplated by General Headnote 6(b)(ii) announced in the Seventh Supplemental Report, Appendix C. Any reuse of the bottles referred to is "incidental or fugitive" as the term is used in the Seventh Supplemental Report. Bottles of a class which in the usual course of trade have been entered under temporary importation bonds under section 308(7), Tariff Act of 1930, should continue to be so entered under the corresponding provision of TSUS namely item 864.45 pending a decision on the status of this class of bottles under General Headnote 6(b)(ii).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 63-10963; Filed, Oct. 15, 1963; 8:48 a.m.]

Coast Guard

[CGFR 63-64]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted, as described in this document, during the period from May 11, 1963 to July 30, 1963 (List No. 19-63). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Approval No. 160.035/20/4, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G-2440 dated March 9, 1951, and revised June 17, 1963, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective July 15, 1963. (It supersedes Approval No. 160.035/20/3 dated July 4, 1958.)

Approval No. 160.035/21/3, 24.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 37-person capacity, identified by general arrangement dwg. No. G-2437 dated April 11, 1952, and revised June 17, 1963, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective July 15, 1963. (It supersedes Approval No. 160.035/21/2 dated July 4, 1958.)

Approval No. 160.035/24/3, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio cabin (Class B), 36-person capacity, identified by general arrangement dwg. No. G-2436M dated February 21, 1951, and revised June 17, 1963, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective July 15, 1963. (It supersedes Approval No. 160.035/24/2 dated July 4, 1958.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/315/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La.; 511 North Solomon Street, New Orleans, La.; Fairfield, Calif., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill., effective July 25, 1963. (It supersedes Approval No. 160.047/315/0 dated June 21, 1960, to show change in address of manufacturer.)

Approval No. 160.047/316/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La.; 511 North Solomon Street, New Orleans, La.; and Fairfield, Calif., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill., effective July 25, 1963. (It supersedes Approval No. 160.047/316/0 dated June 21, 1960, to show change in address of manufacturer.)

Approval No. 160.047/317/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La.; and Fairfield, Calif., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill., effective July 25, 1963. (It supersedes Approval No. 160.047/317/0 dated June 21, 1960, to show change in address of manufacturer.)

Approval No. 160.047/312/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill., effective July 25, 1963. (It supersedes Approval No. 160.047/321/0 dated June 21, 1960, to show change in address of manufacturer.)

Approval No. 160.047/322/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill., effective July 25, 1963. (It supersedes Approval No. 160.047/322/0 dated June 21, 1960, to show change in address of manufacturer.)

Approval No. 160.047/323/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill., effective July 25, 1963. (It supersedes Approval No. 160.047/323/0 dated June 21, 1960, to show change in address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/21/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill., effective July 25, 1963. (It supersedes Approval No. 160.048/21/0 dated September 29, 1960, to show change in address of manufacturer.)

Approval No. 160.048/224/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by American Cover Co., Inc., 8815-25 South Avalon Boulevard, Los Angeles 3, Calif., effective July 26, 1963.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/2/0, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., effective July 25, 1963. (It supersedes Approval No. 160.049/2/0 dated May 7, 1960, to show change in address of manufacturer.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/19/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., effective July 25, 1963. (It supersedes Approval No. 160.052/19/0 dated March 14, 1959, to show change in address of manufacturer.)

Approval No. 160.052/20/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., effective July 25, 1963. (It supersedes Approval No. 160.052/20/0 dated March 14, 1959, to show change in address of manufacturer.)

Approval No. 160.052/21/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., effective July 25, 1963. (It supersedes Approval No. 160.052/21/0 dated March 14, 1959, to show change in address of manufacturer.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/15/0, Model 77, unicellular plastic foam work vest, dwg. No. 6 and materials specification dated June 17, 1963, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Miss., effective July 23, 1963.

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/11/0, Eveready Model No. 304, flashlight, waterproof, Type I, Size No. 2 (2-cell), identified by Bright Star Industries assembly dwg. No. 3F-1788 dated May 27, 1963, manufactured by Bright Star Industries, Clifton, N.J., for Union Carbide Consumers Products Co., 270 Park Avenue, New York 17, N.Y., effective July 17, 1963.

Approval No. 161.008/12/0, Eveready Model No. 305, flashlight, waterproof, Type I, Size No. 3 (3-cell), identified by Bright Star Industries assembly dwg. No. 3F-1787 dated May 27, 1963, manufactured by Bright Star Industries, Clifton, N.J., for Union Carbide Consumers Products Co., 270 Park Avenue, New York 17, N.Y., effective July 17, 1963.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/241/0, Style HS-MS-35 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 775 p.s.i. primary service pressure rating, 650° F. maximum temperature, dwg. No. HV-35-MS revised April 15, 1963, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective May 11, 1963. (It supersedes Approval No. 162.001/241/0 dated May 8, 1963, to show change in effective date.)

Approval No. 162.001/242/0, Style HS-MS-36 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 775 p.s.i. primary service pressure rating, 750° F. maximum temperature, dwg. No. HV-35-MS revised April 15, 1963, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective May 11, 1963. (It supersedes Approval No. 162.001/242/0 dated May 8, 1963, to show change in effective date.)

Approval No. 162.001/244/0, Style HSA-MS-38 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 465 p.s.i. primary service pressure rating, 1020° F. maximum temperature with standard inlet flange, approved for sizes 1½", 2", 2½", 3", and 4"; 775 p.s.i. primary service pressure rating, 1020° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", and 2½"; 700 p.s.i. primary service pressure rating, 1020° F. maximum temperature with optional inlet flange, approved for sizes 3" and 4"; dwg. No. HV-36-MS revised April 15, 1963, manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective May 11, 1963. (It supersedes Approval No. 162.001/224/0 dated April 11, 1963, to show change in effective date.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/84/0, Model 2-3-125, backfire flame arrester for carburetors, dwg. No. 2-3-125, flame arrester, Marine, dated May 25, 1963, Minor dimensional change from Model 2-3-87, Approval No. 162.915/50/0, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective July 24, 1963.

Approval No. 162.015/85/0, Model No. 2-3-125-6, backfire flame arrester for carburetors, dwg. No. 2-3-125-6, flame arrester, Marine, dated July 24, 1963, Small dimensional changes from Models 2-3-125 and 2-3-87, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective July 30, 1963.

Dated: October 7, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63-10954; Filed, Oct. 15, 1963; 8:47 a.m.]

[CGFR 63-54]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice and Change in Address of Manufacturer

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Com-

mandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated as described in this document, during the period from June 10, 1963 to July 1, 1963 (List Nos. 16–63 and 17–63). These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 in Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–15 dated January 3, 1955 (20 F.R. 840), 167–20 dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

8. In Part III of this document is a change in address of a manufacturer which has been accepted by the Coast Guard.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/2/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 17, 1963. (It supersedes Approval No. 160.-002/2/1 dated December 31, 1958, to show change in address of manufacturer.)

Approval No. 160.002/3/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 17, 1963. (It supersedes Approval No. 160.-002/3/1 dated December 31, 1958, to show change in address of manufacturer.)

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/3/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 17, 1963. (It supersedes Approval No. 160.-003/3/0 dated May 12, 1959, to show change in address of manufacturer.)

Approval No. 160.003/4/0, Model 36, child cork life preserver. U.S.C.G. Specification Subpart 160.003, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 17, 1963. (It supersedes Approval No. 160.-003/4/0 dated May 12, 1959, to show change in address of manufacturer.)

LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE) MODELS 52 AND 56

Approval No. 160.005/15/0, Model 52, adult fibrous glass life preserver, U.S.C.G. Specification Subpart 160.005, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn 1, N.Y., effective June 14, 1963.

Approval No. 160.005/16/0, Model 56, child fibrous glass life preserver, U.S.C.G. Specification Subpart 160.005, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn 1, N.Y., effective June 14, 1963.

LIFE FLOATS

Approval No. 160.027/57/0, 9.75′ x 6.25′ (10″ x 12″ body section) rectangular life float, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane foam core, 25-person capacity, dwg. No. B–80496, Rev. C dated June 13, 1963, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective June 18, 1963.

LIFEBOATS

Approval No. 160.035/41/2, 24.0′ x 8.0′ x 3.58′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 2602 dated June 26, 1952, and revised April 10, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective June 12, 1963. (It supersedes Approval No. 160.035/41/2 dated June 3, 1963, to show correction in approval number.)

Approval No. 160.035/184/2, 24.0′ x 7.75′ x 3.33′ steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 245–2 dated October 1, 1953, and revised March 24, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective June 12, 1963. (It supersedes Approval No. 160.035/184/2 dated June 3, 1963, to show correction in approval number.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/300/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 17, 1963. (It supersedes Approval No. 160.047/300/0 dated March 16, 1960, to show change in address of manufacturer.)

Approval No. 160.047/301/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 17, 1963. (It supersedes Approval No. 160.047/301/0 dated March 16, 1960, to show change in address of manufacturer.)

Approval No. 160.047/302/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 17, 1963. (It supersedes Approval No. 160.047/302/0 dated March 16, 1960, to show change in address of manufacturer.)

Approval No. 160.047/482/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn., effective June 11, 1963. (It supersedes Approval No. 160.047/482/0 dated January 11, 1961, to show change in address of manufacturer.)

Approval No. 160.047/483/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn., effective June 11, 1963. (It supersedes Approval No. 160.047/483/0 dated January 11, 1961, to show change in address of manufacturer.)

Approval No. 160.047/553/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Tex., for Planet Sales Company, P.O. Box 3568, 1911 East 11th Street, Tulsa, Okla., effective June 19, 1963.

Approval No. 160.047/554/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Tex., for Planet Sales Company, P.O. Box 3568, 1911 East 11th Street, Tulsa, Okla., effective June 19, 1963. (It supersedes Approval No. 160.047/554/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Tex., for Planet Sales Company, P.O. Box 3568, 1911 East 11th Street, Tulsa, Okla., effective June 19, 1963.)

Approval No. 160.047/555/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Tex., for Planet Sales Company, P.O. Box 3568, 1911 East 11th Street, Tulsa, Okla., effective June 19, 1963.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/4/0, Group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass fillings to be as per Table 160.048–4(c)(1)(ii), manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 14, 1963. (It supersedes Approval No. 160.048/4/0 dated May 7, 1960, to show change of address of manufacturer.)

Approval No. 160.048/5/0, Special approval for 14″ x 17″ x 2″ rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. Nos. A–16 and B–245 dated February 15, 1955, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 14, 1963. (It supersedes Approval No. 160.048/5/0 dated May 7, 1960, to show change in address of manufacturer.)

Approval No. 160.048/6/0, Special approval for 14″ x 19″ x 2″ rectangular ribbed-type buoyant cushions, 24-oz. kapok, dwg. Nos. A–15 and B–245 dated February 15, 1955, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street, New Orleans, La., and Fairfield, Calif., effective June 14, 1963. (It supersedes Approval No. 160.048/6/0 dated May 7, 1960 to show change in address of manufacturer.)

Approval No. 160.048/19/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective June 14, 1963. (It supersedes Approval No. 160.048/19/0 dated September 29, 1960, to show change in address of manufacturer.)

Approval No. 160.048/20/0, Special approval for 14″ x 17″ x 2″ rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, The American Pad & Textile Co. dwg. Nos. A–453 dated July 18, 1955, and B–245 dated February 15, 1955, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective June 14, 1963. (It supersedes Approval No. 160.048/20/0 dated September 29, 1960, to show change in address of manufacturer.)

Approval No. 160.048/34/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048–4(c)(1)(i), manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for the Firestone Tire and Rubber Co., Akron 17, Ohio, effective June 11, 1963. (It supersedes Approval No. 160.048/34/0 dated December 20, 1960, to show change in address of manufacturer.)

Approval No. 160.048/47/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok fillings to be as per Table 160.048–4(c)(1)(i), manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn., effective June 11, 1963. (It supersedes Approval No. 160.048/47/0 dated December 20, 1960, to show change in address of manufacturer.)

Approval No. 160.048/48/0, Special approval for 14″ x 17″ x 2″ rectangular ribbed-type kapok buoyant cushions, 21-oz kapok, The American Pad & Textile Co. dwg. Nos. A–766 dated October 24, 1955, and B–245 dated February 15, 1955, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn., effective June 11, 1963. (It supersedes Approval No. 160.048/48/0 dated December 20, 1960, to show change in address of manufacturer.)

Approval No. 160.048/161/0; Special approval for 17″ diameter x 2″ thick, round kapok buoyant cushion, 20-oz. kapok, The American Pad & Textile Co. dwg. Nos. C–20 and A–103 dated June 15, 1959, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 511 North Solomon Street New Orleans, La., and Highway 40 West, Fairfield, Calif., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective June 14, 1963. (It supersedes Approval No. 160.048/161/0 dated December 17, 1959, to show change in address of manufacturer.)

Approval No. 160.048/209/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans La., for Bob Erath Company, 603 East Washington Street, South Bend 22, Ind., effective June 11, 1963. (It supersedes Approval No. 160.048/209/0 dated October 25, 1961, to show change in address of manufacturer.)

Approval No. 160.048/223/0, Group approval for rectangular and trapezoidal kapok cushions, U.S.C.G. Specification Subpart 160.048, sizes to be as per Table 160.048–4(c)(1)(i), manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Tex., for Planet Sales Company, P.O. Box 3568, 1911 East 11th Street, Tulsa, Okla., effective June 19, 1963.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/84/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective June 11, 1963. (It supersedes Approval No. 160.052/84/0 dated December 17, 1959, to show change in address of manufacturer.)

Approval No. 160.052/85/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective June 11, 1963. (It supersedes Approval No. 160.052/85/0 dated December 17, 1959, to show change in address of manufacturer.)

Approval No. 160.052/86/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective June 11, 1963. (It supersedes Approval No. 160.052/86/0 dated December 17, 1959, to show change in address of manufacturer.)

Approval No. 160.052/122/0, Type II, Model 5650, adult unicellular plastic foam buoyant vest, dwg. No. C–28 (sheets 1 to 4) dated March 13, 1961, and specifications C–28 dated March 13, 1961, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7,

Ill., effective June 11, 1963. (It supersedes Approval No. 160.052/122/0 dated April 10, 1961, to show change in address of manufacturer.)

Approval No. 160.052/123/0, Type II, Model 5651–M, child medium unicellular plastic foam buoyant vest, dwg. No. C–28 (sheets 1 to 4) dated March 13, 1961, and specifications C–28 dated March 13, 1961, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill. (It supersedes Approval No. 160.-052/123/0 dated April 10, 1961, to show change in address of manufacturer.)

Approval No. 160.052/124/0, Type II, Model 5651–S, child small unicellular plastic foam buoyant vest, dwg. No. C–28 (sheets 1 to 4) dated March 13, 1961, and Specifications C–28 dated March 13, 1961, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective June 11, 1963. (It supersedes Approval No. 160.052/124/0 dated April 10, 1961, to show change in address of manufacturer.)

Approval No. 160.052/131/1, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwg. Nos. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va. and 12th and Graham Streets, Emporia, Kans., effective June 18, 1963. (It supersedes Approval No. 160.052/131/0 dated October 11, 1961, to show change in construction.)

Approval No. 160.052/132/1, Type II, Model "M", child medium unicellular plastic foam buoyant vest, dwg. Nos. 11 and 13 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., effective June 18, 1963. (It supersedes Approval No. 160.052/132/0 dated October 11, 1961, to show change in construction.)

Approval No. 160.052/133/1, Type II, Model "S", child small unicellular plastic foam buoyant vest, dwg. Nos. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., effective June 18, 1963. (It supersedes Approval No. 160.052/133/0 dated October 11, 1961, to show change in construction.)

Approval No. 160.052/150/1, Type II, Model "A", adult unicellular plastic foam buoyant vest, Crawford dwg. Nos. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective June 18, 1963. (It supersedes Approval No. 160.052/150/0 dated October 11, 1961, to show change in construction.)

Approval No. 160.052/151/1, Type II, Model "M", child medium unicellular plastic foam buoyant vest, Crawford dwg. Nos. 11 and 13 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective June 18, 1963. (It supersedes Approval No. 160.052/151/0 dated October 11, 1961, to show change in construction.)

Approval No. 160.052/152/1, Type II, Model "S", child small unicellular plastic foam buoyant vest, Crawford dwg. Nos. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective June 18, 1963. (It supersedes Approval No. 160.052/152/0 dated October 11, 1961, to show change in construction.)

Approval No. 160.052/225/0, Type II, Model AD, adult unicellular plastic foam buoyant vest with vinyl dip coating, dwg. No. 4A dated June 11, 1963, and Bill of Materials as dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., effective June 18, 1963.

Approval No. 160.052/226/0, Type II, Model MD, child unicellular plastic foam buoyant vest with vinyl dip coating, dwg. No. 5A dated June 11, 1963, and Bill of Materials dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., effective June 18, 1963.

Approval No. 160.052/227/0, Type II, Model SD, child small unicellular plastic foam buoyant vest with vinyl dip coating, dwg. No. 6A dated June 11, 1963, and Bill of Materials dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., effective June 18, 1963.

Approval No. 160.052/228/0, Type II, Model AD, adult unicellular plastic foam buoyant vest, Crawford dwg. No. 4A dated June 11, 1963, and Bill of Materials dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective June 18, 1963.

Approval No. 160.052/229/0, Type II, Model MD, child medium unicellular plastic foam buoyant vest, Crawford dwg. No. 5A dated June 11, 1963, and Bill of Materials dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective June 18, 1963.

Approval No. 160.052/230/0, Type II, Model SD, child small unicellular plastic foam buoyant vest, Crawford dwg. No. 6A dated June 11, 1963, and Bill of Materials dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., effective June 18, 1963.

Approval No. 160.052/231/0, Type II, Model SW–1, adult unicellular plastic foam buoyant vest, dwg. No. 63F1005 dated March 8, 1963, dwg. list 63F1005 dated January 23, 1963, and Bill of Materials dated March 8, 1963, manufactured by Gentex Corporation, Carbondale, Pa., effective June 24, 1963.

Approval No. 160.052/232/0, Type II, Model WW–2, child medium unicellular plastic foam buoyant vest, dwg. No. 63D1004 dated March 8, 1963, dwg. list 63D1004 dated January 15, 1963, and Bill of Materials dated March 8, 1963, manufactured by Gentex Corporation, Carbondale, Pa., effective June 24, 1963.

Approval No. 160.052/233/0, Type II, Model EW–3, child small unicellular plastic foam buoyant vest, dwg. No. 63D1003 dated March 8, 1963, dwg. list 63D1003 dated January 15, 1963, and Bill of Materials dated March 8, 1963, manufactured by Gentex Corporation, Carbondale, Pa., effective June 24, 1963.

Approval No. 160.052/240/1, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwgs. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Parkway Manufacturing Company, subsidiary of Crawford Mfg., Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., effective June 18, 1963. (It supersedes Approval No. 160.052/240/0 dated May 6, 1963 to show change in construction.)

Approval No. 160.052/241/1, Type II, Model "M", child medium unicellular plastic foam buoyant vest, dwgs. 11 and 13 dated March 3, 1961, Rev. 1 dated June 28, 1961, manufactured by Parkway Manufacturing Company, Subsidiary of Crawford Mfg. Co., Inc., Third and Decatur Streets, Richmond 12, Va and 12th and Graham Streets, Emporia, Kans., effective June 18, 1963. (It supersedes Approval No. 160.052/241/0 dated May 6, 1963, to show change in construction.)

Approval No. 160.052/242/1, Type II, Model "S", child small unicellular plastic foam buoyant vest, dwgs. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated June 28, 1961, manufactured by Parkway Manufacturing Company, Subsidiary of Crawford Mfg. Co., Inc., Third and Decatur Streets, Richmond 12, Va. and 12th and Graham Streets, Emporia, Kans., effective June 18, 1963. (It supersedes Approval No. 160.052/242/0 dated May 6, 1963, to show change in construction.)

Approval No. 160.052/243/0, Type II, Model No. 500, adult unicellular plastic foam buoyant vest, dwg. Nos. CP–1 and CP–0 dated March 25, 1963, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, effective June 18, 1963.

Approval No. 160.052/244/0, Type II, Model No. 501, child medium unicellular plastic foam buoyant vest, dwg. Nos. CP–2 and CP–0 dated March 25, 1963, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, effective June 18, 1963.

Approval No. 160.052/245/0, Type II, Model No. 502, child small unicellular plastic foam buoyant vest, dwg. Nos. CP–3 and CP–0 dated March 25, 1963, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, effective June 18, 1963.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/14/0, Unicellular plastic foam work vest, dwg. Nos. 20, 21, and 22, and Bill of Materials dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va. and 12th and Graham Streets, Emporia, Kans., effective June 12, 1963.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/68/0, Sound-powered telephone station, selective ringing, common talking, 11 stations maximum, panel board or console type, dwg. No. 128–01 dated March 25, 1963, for Model SF flush mounting; Model SFR flush mounting with a relay; Model SFLR flush mounting with a light and a relay, for use in locations not exposed to the weather, manufactured by Hose McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y., effective June 24, 1963.

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/8/3, Model No. C175–11 backfire flame arrester for carburetors, dwg. No. C175–11, revision B dated May 18, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/8/3 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/9/3, Model No. C175–11A backfire flame arrester for carburetors, dwg. No. C175–11A, revision B dated May 18, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/9/3 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/10/2, Model No. B175–19A backfire flame arrester for carburetors, dwg. No. B175–19A, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/10/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/11/2, Model B175–18 backfire flame arrester for carburetors, dwg. No. B175–18, revision A, dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/11/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/12/2, Model No. B175–17 backfire flame arrester for carburetors, dwg. No. B175–17, revision B, dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/12/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/13/2, Model No. B175–14 backfire flame arrester for carburetors, dwg. No. B175–14, revision B dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/13/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/14/2, Model No. B175–12 backfire flame arrester for carburetors, dwg. No. B175–12, revision A, dated May 27, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/14/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/15/2, Model No. B175–12A backfire flame arrester for carburetors, dwg. No. B175–12A, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/15/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/16/2, Model No. B175–13B backfire flame arrester for carburetors, dwg. No. B175–12A, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/16/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/17/2, Model No. B175–13 backfire flame arrester for carburetors, dwg. No. B175–13, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/17/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/18/2, Model No. B175–13A backfire flame arrester for carburetors, dwg. No. B175–13A, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/18/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/19/2, Model No. B175–16 backfire flame arrester for carburetors, dwg. No. B175–16, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/19/2 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/20/1, Model No. B175–1 backfire flame arrester for carburetors, dwg. No. B175–1 dated May 10, 1946, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/20/1 dated December 4, 1961 to show change of name of manufacturer.)

Approval No. 162.015/21/1, Model No. B175–3 backfire flame arrester for carburetors, dwg. No. B175–3, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/21/1 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/25/1, Model No. B175–20 backfire flame arrester for carburetors, dwg. No. B175–20, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/25/1 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/26/1, Model No. B175–21 backfire flame arrester for carburetors, dwg. No. B175–21, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/26/1 dated December 4, 1961, to show change of name of manufacturer.)

Approval No. 162.015/27/1, Model No. B175–19 backfire flame arrester for carburetors, dwg. No. B175–19, revision A dated May 21, 1954, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective June 10, 1963. (It supersedes Approval No. 162.015/27/1 dated December 4, 1961 to show change of name of manufacturer.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS: REPAIRING AND CLEANING

Termination of Approval No. 160.006/24/0, Rex cleaning process for kapok life preservers without vinyl covered pad inserts, as outlined in letter of October 1, 1955, from Rex Cleaners and Dyers, 1518–24 East 12th Street, Oakland, Calif., issued to Rex Cleaners and Dyers, 1518–24 East 12th Street, Oakland, Calif., effective July 1, 1963. (Termination of Approval No. 160.006/24/0 dated July 1, 1960, due to modification in specifications.)

Termination of Approval No. 160–006/25/0, New Richmond cleaning process for kapok life preservers without vinyl covered pad inserts, as outlined in description of cleaning process dated April 23, 1956, submitted by New Richmond Laundries & Cleaners, issued to New Richmond Laundries & Cleaners—Plant No. 2, 1265 Republican Street, Seattle 9, Wash., effective July 1, 1963. (Termina-

tion of Approval No. 160.006/25/0 dated July 1, 1960, due to modification in specifications.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/67/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by the Dennison Co., 200 Waverly Avenue, Newark 8, N.J. and 2517 South Main Street, Los Angeles 5, Calif., effective July 1, 1963. (Termination of Approval No. 160.048/67/0 dated May 15, 1961. Company no longer in business.)

Termination of Approval No. 160.048/105/0, Special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Associated Plastics, Inc., 2315 East Olympic Boulevard, Los Angeles 21, Calif., effective July 1, 1963. (Termination of Approval No. 160.048/105/0 dated November 1, 1962. Item no longer manufactured.)

Termination of Approval No. 160.048/119/0, Group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, size and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C., for Lifeline Company, Marietta, Ga., effective June 3, 1963. (Termination of Approval No. 160.048/119/0 dated June 3, 1958. Expired and terminated.)

DECK COVERINGS

Termination of Approval No. 164.006/32/0, "Ocean-Lite Decking", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG367–128:FP2577 dated December 10, 1947, approved for use without other insulating material as meeting Class A–60 requirements in a 1½ inch thickness, manufactured by Ocean-Lite Flooring Corp., 143 Pioneer Street, Brooklyn 31, N.Y., effective July 1, 1963. (Termination of Approval No. 164.006/32/0 dated April 1, 1963. Manufacturer no longer in business.)

PART III—CHANGE IN ADDRESS OF MANUFACTURER

The address of Marine Safety Equipment Corporation, Point Pleasant Beach, New Jersey, has been changed to Fort of Paynter's Road, Farmingdale, N.J. (07727), for all items approved by the Coast Guard.

Dated: October 7, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63–10955; Filed, Oct. 15, 1963; 8:47 a.m.]

Comptroller of the Currency

CROCKER-ANGLO NATIONAL BANK AND CITIZENS NATIONAL BANK

Notice of Decision Granting Application To Merge

On May 13, 1963, Crocker-Anglo National Bank, San Francisco, California, and Citizens National Bank, Los Angeles, California, applied to the Comptroller of the Currency for permission to merge under the charter of the former and with the title "Crocker Citizens National Bank".

On September 30, 1963, the Comptroller of the Currency granted this application, effective on or after November 1, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 8, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10956; Filed, Oct. 15, 1963; 8:47 a.m.]

FIDELITY-PHILADELPHIA TRUST CO. AND LIBERTY REAL ESTATE BANK AND TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On August 8, 1963, the Board of Governors of the Federal Reserve System pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $609 million Fidelity-Philadelphia Trust Company, Philadelphia, Pennsylvania, and the $153.5 million Liberty Real Estate Bank and Trust Company, Philadelphia, Pennsylvania.

On September 27, 1963, the Comptroller of the Currency reported that the proposed merger would substantially lessen both existing and potential competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 8, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10957; Filed, Oct. 15, 1963; 8:47 a.m.]

FIRST NATIONAL BANK OF OELWEIN AND STATE SAVINGS BANK

Notice of Decision Granting Application To Purchase Assets

On August 5, 1963, The First National Bank of Oelwein, Oelwein, Iowa, applied to the Comptroller of the Currency for permission to purchase the assets and assume the liabilities of the State Savings Bank, Westgate, Iowa.

On October 3, 1963, the Comptroller of the Currency granted this application, effective on or after October 10, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 8, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10958; Filed, Oct. 15, 1963; 8:47 a.m.]

FIRST NATIONAL BANK IN SIOUX CITY AND WOODBURY BANK AND TRUST CO.

Notice of Decision Granting Application To Merge

On July 23, 1963, the $38.9 million First National Bank in Sioux City, Sioux City, Iowa, and the $15.8 million Woodbury Bank and Trust Company, Sioux City, Iowa, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On October 2, 1963, the Comptroller of the Currency granted this application, effective on or after October 9, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 8, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10959; Filed, Oct. 15, 1963; 8:47 a.m.]

MATAWAN BANK AND CENTRAL JERSEY BANK AND TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On August 19, 1963, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $7.8 million Matawan Bank, Matawan, New Jersey, into the $94.5 million The Central Jersey Bank and Trust Company, Freehold, New Jersey.

On October 3, 1963, the Comptroller of the Currency reported that the proposal would continue the trend toward concentration of banking resources in the state.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 8, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10960; Filed, Oct. 15, 1963; 8:48 a.m.]

PEOPLES STATE BANK AND BANK OF SOUTH HAVEN

Notice of Report on Competitive Factors Involved in Acquisition of Assets

On August 5, 1963, the Board of Governors of the Federal Reserve System pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed purchase of assets and assumption of liabilities of the $2.6 million Peoples State Bank, Bloomingdale, Michigan, by the $16.4 million Bank of South Haven, South Haven, Michigan.

On September 13, 1963, the Comptroller of the Currency reported that the proposed acquisition would constitute another step in the trend toward concentration of banking resources.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 8, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10961; Filed, Oct. 15, 1963; 8:48 a.m.]

SECURITY SAVINGS BANK AND PEOPLES SAVINGS BANK

Notice of Report on Competitive Factors Involved in Acquisition of Assets

On August 19, 1963, the Board of Governors of the Federal Reserve System pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed purchase of assets and assumption of liabilities of the Peoples Savings Bank, Laurel, Iowa, by Security Savings Bank, Marshalltown, Iowa.

On September 25, 1963, the Comptroller of the Currency reported that the approval of the acquisition would constitute another step in the trend toward concentration of banking resources.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 8, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10962; Filed, Oct. 15, 1963; 8:48 a.m.]

POST OFFICE DEPARTMENT

QUALIFICATIONS FOR SECOND-CLASS MAIL PRIVILEGES

Notice of Hearing on Regulations Regarding Free Circulation Publications

The following regulations of the Post Office Department in § 22.2(b)(7) of Title 39, Code of Federal Regulations (§ 132.227, Postal Manual), relating to the standard for determining whether a publication is designed primarily for free circulation was adopted on January 28, 1961 (28 F.R. 893).

§ 22.2 *Qualifications for second-class privileges.*

* * * * *

(b) *Basic qualifications* * * *

(7) *Free circulation publications.* Publications designed primarily for free circulation may not qualify for second-class privileges. Publications are designed primarily for free circulation when the total number of copies furnished during any 12-month period to legitimate paid subscribers (See subparagraph (5) of this paragraph) and to purchasers of single copies constitutes less than 65 percent of the total number of copies distributed by mail at the second-class pound rates or the transient rate, by the publishers' carriers, and by other means for any purpose. See § 22.3(a)(1).

Some publishers have expressed the opinion that this regulation improperly permits bundles of copies consigned to news agents for sale, and bundles of copies purchased by news agents for resale, to be mailed at the second-class postage rates prescribed by 39 U.S. Code, Sections 4358, 4359 for subscribers' copies instead of the transient second-class rate prescribed by 39 U.S. Code, Section 4362(3) for nonsubscribers' copies.

Other publishers have expressed the opinion that the regulation improperly includes unsold newsstand copies as free circulation in determining whether a publication has 65 percent paid circulation.

An informal hearing will be held at 10:00 a.m. on November 12, 1963, in Room 5241 of the Post Office Department, 12th Street and Pennsylvania Avenue NW., Washington, D.C., 20260, in order that opinions concerning this matter may be received from interested parties.

Written statements received on or before November 12, 1963 from those who cannot attend the hearing will be considered. The statements should be sent to the Assistant Postmaster General, Bureau of Operations, Post Office Department, Washington, D.C., 20260.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S. Code 501, 4354)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10938; Filed, Oct. 15, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification No. 119

OCTOBER 7, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 24, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority, dated January 9, 1963 (28 F.R. 294), and effective immediately, I hereby classify the following described public lands, totalling approximately 3840 acres, subject to valid existing rights as suitable for lease, lease and sale, or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

T. 15 N., R. 1 E., S.M.,
Secs. 1, 2, 11 and 12.
T. 15 N., R. 2 E., S.M.,
Secs. 6 and 7.

2. Classification of the above-described lands by this order segregates them from all appropriations and applications, including locations under the mining laws, except as to applications under the mineral leasing and material disposal laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued, by an authorized officer, opening the lands to application or bid.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63–10913; Filed, Oct. 15, 1963; 8:46 a.m.]

[Los Angeles 0153533]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Additional Lands

The National Park Service, Department of the Interior, has amended its application, Serial No. Los Angeles 0153533, for the withdrawal of the additional lands described below, from entry under the mining laws, subject, however, to existing withdrawals and to valid existing rights. Notices of proposed withdrawal and reservation of the land under this application, LA 0153533, were published as F.R. Doc. 59–7557; Filed September 10, 1959; 8:47 a.m., Page 7337 of the issue of September 11, 1959; as F.R. Doc. 62–7611; Filed, August 1, 1962; 8:54 a.m., Pages 7659 and 7660 of the issue of August 2, 1962; and as F.R. Doc. 62–7607; Filed, August 1, 1962; 8:54 a.m., Page 7659 of the issue of August 2, 1962.

The applicant desires the exclusion of mining activity to permit proper administration of scenic, historic and scientific areas of the National Monument that could be modified or destroyed if entry under the mining laws were permitted. Applicant, also desires to safeguard the public interest and to protect the water rights and valuable water resources in the Monument's Furnace Creek area.

The uses allowed for National Monument purposes would continue to be permitted if the withdrawal is accomplished.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California, 92502.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the amended application are:

SAN BERNARDINO MERIDIAN

T. 25 N., R. 2 E.,
Sec. 13, NE¼, unsurveyed.
T. 26 N., R. 2 E.,
Sec. 1, SW¼;
Sec. 2, 3, and 4;
Sec. 5, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, N½SW¼, and SE¼;
Sec. 6, Lots 1 and 2 of NE¼, and E½ of Lot 2 of NW¼;
Sec. 9, E½, E½NW¼, and NW¼NW¼;
Secs. 10, and 11;
Sec. 12, W½;
Sec. 13, W½;
Sec. 14;
Sec. 15, NE¼;
Secs. 23, and 24.
T. 26 N., R. 3 E.,
Sec. 30, excepting that part in Patented Mining Claims.
T. 27 N., R. 1 E.,
Secs. 1, and 2;
Sec. 3, excepting that part in valid existing mineral claims;
Sec. 4, lots 15, 16, 17, 18, and 19, and W½ SE¼;
Sec. 9, Lots 1, 2, 3, 4, 5, 6, and 7, and E½E½;
Secs. 10 and 11, excepting that part in valid existing mineral claims;
Secs. 12, and 13;
Sec. 14, excepting that part in valid existing mineral claims;
Sec. 15, Lots 1 and 2, and NW¼;
Sec. 22, N½NE¼, SW¼, and S½SE¼;
Sec. 23, E½NE¼, SW¼NE¼, W½, and SE¼;
Sec. 24, E½, NW¼, N½SW¼, and SE¼ SW¼;
Sec. 25, N½, NE¼SW¼, and SE¼;
Sec. 26, N½N½, and SE¼NE¼;
Secs. 27, and 28.
T. 27 N., R. 2 E.,
Sec. 6, Lot 1 of NW¼, W½ Lot 2 of NW¼, Lot 2 of SW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 7;
Sec. 17, SE¼NW¼, W½NW¼, SW¼, and SW¼SE¼;
Secs. 18, 19, and 20;
Sec. 21, SW¼NW¼, and SW¼;
Sec. 27, SW¼;
Secs. 28, 29, 30, 31, 32, and 33;
Sec. 34, W½, and S½SE¼;
Sec. 35, S½SW¼.
T. 28 N., R. 1 E.,
Sec. 33, N½;
Sec. 34, N½N½;
Sec. 35.

The areas described aggregate approximately 26,456 acres.

JENS C. JENSEN,
Land Office Manager.

[F.R. Doc. 63-10914; Filed, Oct. 15, 1963; 8:46 a.m.]

[Anchorage 060160]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 8, 1963.

The U.S. Army District Engineer, Alaska, has filed an application Serial Number Anchorage 060160 for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the land in the name of the Department of the Army for power and appurtenant purposes in developing the Snettisham Power Project.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the U.S. Army District Engineer, Alaska.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application generally are unsurveyed lands located on the west side of the Speel River Arm, north of Port Snettisham in the First State Judicial District. Included are the drainages into Long and Crater Lakes, as well as a strip of land, not exceeding one mile in width, extending from the west side of Speel River Arm to within two miles of the town of Juneau, Alaska.

Aggregating approximately 24,497 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-10944; Filed, Oct. 15, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

INTERSTATE LIVESTOCK AUCTION MARKET, INC., ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Interstate Livestock Auction Market, Inc., Seffner, Fla.
Kentuckiana Livestock Market, Inc., Owensboro, Ky.
Athens Livestock Sales Co., Inc., Athens, Ohio.
Oconee Stockyards, Inc., Westminister, S.C.
Tomball Livestock Commission Co., Tomball, Tex.
Fauquier Livestock Exchange, Inc., Marshall, Va.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of October 1963.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-10946; Filed, Oct. 15, 1963; 8:47 a.m.]

Office of the Secretary

MINNESOTA AND SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Minnesota and South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Kittson. Lake of the Woods.

SOUTH DAKOTA

Bennett.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10925; Filed, Oct. 15, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions:
Cinerama.
General Telephone & Electronics.
Crose-United.
Anaconda Copper.
Korvette.
Studebaker.
B. Additions:
American Motors.
American Tobacco.
Ex-cello.
Giannini Controls.
Fairchild Camera.

This statement is made as of October 6, 1963.

Dated: October 6, 1963.

WILLIAM M. FIRSHING.

[F.R. Doc. 63-10964; Filed, Oct. 15, 1963; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-184]

NATIONAL BUREAU OF STANDARDS

Notice of Hearing

Take notice that good cause has been shown and that a hearing shall convene in this proceeding at 10:00 a.m. on Tuesday, November 26, 1963, in the Headquarter's Auditorium of the U.S. Atomic Energy Commission, Germantown, Maryland, to consider the issues specified herein.

On May 9, 1963 the Commission issued a Memorandum and Order in this proceeding and therein concluded in part as follows: "* * * Those facts indicate that detailed current evidence of construction of residential housing and planned or announced construction in the area, present and anticipated growth in population density, and explicit evaluation of the hazards of the proposed reactor at the 10 megawatt level and at planned higher levels of operation should all be incorporated in the public record in the public interest."

This case involves important questions relative to the location or siting of reactors in areas where there are positive indications for substantial increases of population adjacent to the proposed reactor. The area here involved is currently being increased in population in excess of its previous normal rate of growth.

On June 3, 1963 a hearing was held in this proceeding to determine whether a formal hearing should be convened to consider the various matters set forth in the May 9 Commission's Memorandum and Order. Subsequent to June 3, the participants herein filed pertinent statements reflecting data pertaining to certain aspects of the problems involved in this proceeding.

On September 17, 1963 (28 F.R. 10170) the Commission proposed amendments to Part 20 of the Commission's regulations which would, if effective, reduce the airborne radioactive Iodine-131 concentration by a factor of three. The relationship between the computations of permissible limits of exposure for individuals as set forth in Part 20 and the exposure dose values which could be used for reference in the evaluation of reactor sites as set forth in Part 100 of the Commission's regulations appears to rest upon a mathematical basis. At the time of issuance of the Part 100 regulations, the Commission stated that: "In an effort to develop more specific guidance on the total man-dose concept, the Commission intends to give further study to the subject."

This case, while not contesting the validity of presently existing regulations, affords an opportunity to develop a record which may assist the Commission in the aforesaid study.

The issues to be considered at this hearing shall include:

1. Whether there is other than a numerical or mathematical basis between the computations of exposure limits in Part 20 and total radiation exposure limits to the thyroid specified in Part 100 of the regulations of the Commission.

2. Whether if a mathematical basis is the substantial relationship between the aforesaid Parts of the regulations, would the application of that basis defeat the purpose for which the proposed facility is to be constructed and the metals testing program which is represented to need designated power levels of operation?

3. With the availability of a capacity for higher power levels in this proposed reactor by an expenditure increase of 2 percent or 3 percent over the presently proposed cost, and with the declared purpose for incorporating such increased power capacity to be as stated by NBS "* * * a commitment to build into the structure a higher power capacity for a relatively small cost so that if the Bureau decided to achieve a higher power operation at a later date it would not be precluded from doing so," does not the building in or including of the substantial and majority of the components for a higher power capacity constitute the "planned higher level of operation" for which an "explicit evaluation of hazards" should be presented?

4. Whether the hazards evaluation for the proposed level of operations should include other available data or reasonably procurable data including considerations on hydrology (with the undesignated number of curies, particularly tritium in the moderator, involved in any unlikely but possible spillage), the assumed plume pattern, as well as the indicated engineering for a 100-foot tall stack, its area at exit and exit velocity for the gaseous effluents. This issue does not overlook that NBS plans to procure specific data later, but in view of the pendency of the construction permit considerations since 1961, that length of time may be adequate for somewhat definite data to be presented at the hearing provided herein.

5. Whether adequate basis exists (1) to determine the curie concentration limit of the proposed stack effluent under emergency conditions, (2) to verify the accuracy of certain calculations on population density, (3) to measure the increase in iodine uptake factor, and the reductions in exposure rates by changes in average breathing rate as set forth in the statements filed by the participants herein.

6. Whether accurate analysis of the effects of a maximum credible accident requires presentation of data respecting:

a. Total fission product inventory and significant individual radioisotopes present at the time of the calculated, but assumed to be unlikely incident.

b. Factors permitting or restricting dispersal of contaminants in the air, particularly the capacity of the air to contain and then disperse the contaminants.

c. Determination of the level of the inversion conditions which are expected to exist, with variances of temperature and wind, modified or affected by the topography of the area, at the time that the assumed but unlikely maximum credible accident might occur.

d. Determination made respecting the number and kind of pollutants, or possible smog conditions, expected or assumed to be present in the atmosphere at the time of a maximum credible accident and its effect on the dispersal of airborne, radioactive contamination.

e. Effect of rainout on adjacent populations after a release of gaseous effluent from a maximum credible accident.

Issued: October 10, 1963, Germantown, Maryland.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 63-10943; Filed, Oct. 15, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14802; Order E-20082]

DELTA AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of October 1963.

Delta Air Lines, Inc. (Delta), has proposed a routing via Orlando to apply to its jet and propeller first-class and jet and propeller coach fares and services between San Diego, Los Angeles, Dallas/Ft. Worth, and Atlanta [1] with an effective date of October 27, 1963. National Airlines, Inc. (National), has filed a complaint against this proposal, dated September 24, 1963, requesting its suspension and investigation. In support of its complaint, National asserts that the pro-

[1] Agent C. C. Squire's tariff C.A.B. No. 44, Routing Numbers 181-182.

posed routing will permit Delta to offer

This order will be published in the

tom House Building, 600 Granby Street, Norfolk, Virginia.

posed routing will permit Delta to offer service between Los Angeles and Orlando at lower per-mile fares than those currently applicable. In addition, National claims that the effect of the routing is that Los Angeles-Orlando traffic can travel at the lower Los Angeles-Atlanta fare simply by deplaning at Orlando, and that the proposed routing involves the flying of considerable additional mileage without compensation.

Upon consideration of the matters of record, the Board finds that the proposed routing via Orlando may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. The routing via Orlando entails a mileage circuity of approximately 33 to 90 percent, or stated otherwise, a dilution in the carrier's yield per passenger-mile of approximately 25 to 47 percent. Moreover, no information or justification in support of its proposal has been supplied by Delta. In view of these circumstances, the Board has further concluded to suspend the operation of the tariff revision relating to the proposed routing and defer its use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether RG No. 182 between Atlanta and Dallas on 22nd Revised Page 113; between Atlanta, on the one hand, and Ft. Worth, Los Angeles and San Diego, on the other, on 24th Revised Page 114; between Atlanta, on the one hand, and Dallas, Ft. Worth and Los Angeles, on the other, on 40th Revised Page 121; and between Atlanta, and San Diego on 54th Revised Page 122; of Agent C. C. Squire's C.A.B. No. 44, is, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful routing;

2. Pending hearing and investigation by the Board RG No. 182 between Atlanta and Dallas on 22nd Revised Page 113; between Atlanta, on the one hand, and Ft. Worth, Los Angeles and San Diego, on the other, on 24th Revised Page 114; between Atlanta, on the one hand, and Dallas, Ft. Worth and Los Angeles, on the other, on 40th Revised Page 121; and between Atlanta, and San Diego on 54th Revised Page 122; of Agent C. C. Squire's C.A.B. No. 44 is suspended and its use deferred to and including January 24, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The complaint of National Airlines, Inc., in Docket 14777, to the extent granted herein, be consolidated in this proceeding; and

5. Copies of this order shall be filed with the tariffs and shall be served upon National Airlines, Inc., and Delta Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10945; Filed, Oct. 15, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

ZIM ISRAEL NAVIGATION COMPANY, LTD., AND NAVIERA CASTELLANA, S.A.

Modification of Cooperative Working Agreement 9052; Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9052-1, between Zim Israel Navigation Company, Ltd., and Naviera Castellana, S.A., modifies the basic cooperative working agreement covering a joint service in the Mediterranean-Pacific trade to: (1) Specify the scope of the cargo service as between Mediterranean ports and Caribbean, Venezuelan, Colombia, Panama Canal, Pacific West Coast of Central America, Mexico, U.S.A. and Canadian ports; (2) eliminate Article 9(a) pertaining to membership in certain approved Conferences; and (3) provide a form of signature for the parties to enter into other approved agreements as one member or party only.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 10, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10940; Filed, Oct. 15, 1963; 8:47 a.m.]

TERMINAL PRACTICES AT NORTH ATLANTIC PORTS (HAMPTON ROADS, VA., TO SEARSPORT, ME.)

Fact Finding Investigation No. 4; Notice of Hearing

OCTOBER 11, 1963.

A hearing in this proceeding will be held by the undersigned beginning at 10:00 a.m., November 13, 1963, at hearing room G8, U.S. Post Office and Custom House Building, 600 Granby Street, Norfolk, Virginia.

The hearing will be public.

JAMES A. KEMPKER,
Investigative Officer.

[F.R. Doc. 63-10941; Filed, Oct. 15, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2390]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Application for License

OCTOBER 9, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Lake Superior District Power Company (correspondence to: Martin E. Juhl, President, Lake Superior District Power Company, 101 West Second Street, Ashland, Wisconsin) for license for constructed Project No. 2390, known as Big Falls Hydro Plant, located on the Flambeau River, in Rusk County, Wisconsin.

The project consists of: a 2,196 foot long dam consisting of earth embankments with reinforced concrete core walls resting on bed rock and a reinforced concrete gravity spillway section having 8 floodgates 13 feet high and 35 feet long; a reservoir of about 380 acres extending 4.5 miles upstream from the dam; a powerhouse of brick construction containing 3 generating units of 4,000 horsepower each, operating under a normal head of 52 feet; and appurtenant mechanical and electrical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 30, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10897; Filed, Oct. 15, 1963; 8:45 a.m.]

[Docket No. CP61-96, etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Postponement of Hearing

OCTOBER 8, 1963.

Natural Gas Pipeline Company of America, Docket No. CP61-96; Austral Oil Company Incorporated, Docket No. CI61-427; The Atlantic Refining Company, Docket No. CI61-482; Blanco Oil Co. (Operator), et al., Docket No. CI61-618; Killam & Hurd, Docket No. CI61-626; Katz Oil Company, Docket No. CI61-631; Texaco, Inc., Docket No. CI61-677.

Take notice that the hearing in the above-entitled matter now scheduled to commence on October 29, 1963, pursuant to notice last issued on September 16, 1963, and published in the FEDERAL REGISTER on September 24, 1963 (28 F.R. 10365), is hereby postponed until further notice.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10898; Filed, Oct. 15, 1963; 8:45 a.m.]

[Docket No. CP64-54]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 8, 1963.

Take notice that on September 3, 1963, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP64-54 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of compression and pipeline facilities on existing gathering systems to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed hereunder will not exceed a maximum of $3,000,000, with no single project to exceed a cost of $500,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 12, 1963, at 9:30 a.m., e.s.t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in, and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 1, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10899; Filed, Oct. 15, 1963; 8:45 a.m.]

[Docket No. E-7129]

PACIFIC POWER AND LIGHT CO.

Notice of Application Regarding Notes

OCTOBER 9, 1963.

Take notice that on September 30, 1963 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power and Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of $45,000,000 at any one time outstanding. The securities which Applicant proposes to issue will be unsecured Promissory Notes to be executed and delivered under and pursuant to a Credit Agreement, to be dated as of October 1, 1963. Under the Credit Agreement Applicant has the right to borrow from, repay to and reborrow from the banks, and the respective banks are obliged to lend to Applicant, from time to time during the period March 31, 1964 to September 30, 1965, sums not exceeding in aggregate principal amount at any one time outstanding the amount set forth below opposite the names of the respective banks.

Morgan Guaranty Trust Co. of New York	$15,750,000
The Chase Manhattan Bank	10,935,000
The First National City Bank of New York	5,850,000
Mellon National Bank and Trust Co	3,375,000
Continental Illinois National Bank and Trust Co. of Chicago	2,520,000
The Hanover Bank	2,520,000
Wells Fargo Bank American Trust Co	2,520,000
Harris Trust and Savings Bank	1,530,000
	$45,000,000

The afore-mentioned Credit Agreement provides that the Notes to be issued thereunder shall be dated the date of the borrowings evidenced thereby, shall mature eleven months after their dates or on September 30, 1965, whichever shall be earlier, and shall bear interest at a rate per annum equivalent to the prime commercial rate of interest charged by Morgan Guaranty Trust Company of New York from time to time. The Credit Agreement further provides for the payment to the banks of a commitment fee computed at the rate of ¼ of 1 percent per annum on unborrowed balances.

Applicant states that the funds obtained from the proposed issuance of Promissory Notes, together with funds available to it from internal sources, will be used to finance temporarily its construction program, the expenditures for which are estimated to be approximately $47,000,000 for 1964 and $41,000,000 for 1965. The principal items of expenditures for those years are described as follows: $4,825,000 for completion of the third unit at the Dave Johnston Steam Plant in 1964; $250,000 in 1964 and $3,190,000 in 1965 for the completion of additional transportation and mining facilities at the Dave Johnston Steam Plant; $2,200,000 toward the construction of the first unit at the Cherokee, Wyoming steam plant 24 miles west of Rawlins (total cost estimated at $33,750,000); $200,000 in 1965 toward the construction of a coal mine for the Cherokee Steam Plant (total cost estimated at $3,640,000); $3,400,000 in 1964 for the completion of the 230/500 kv transmission line from Stephens Butte, California to Keno, Oregon; $1,900,000 in 1964 for completion of a 230 kv transmission line from Oregon Basin, Wyoming to Thermopolis, Wyoming (to be operated initially at 115 kv); $2,550,000 in 1964 for completion of a 230 kv transmission line from Kemmerer, Wyoming to Treasureton, Idaho; $815,000 in 1965 for a 230 kv transmission line from Sinclair, Wyoming to Cherokee Steam Plant (also to be operated initially at 115 kv); $935,000 in 1964 for a 230 kv transmission line from Medford, Oregon to Grant's Pass, Oregon; $910,000 in 1964 for a 115 kv transmission line from Bly, Oregon to Lakeview, Oregon; $5,660,000 in 1964 and $8,050,000 in 1965 for new substations and conversions and additions to existing substations; $17,880,000 in 1964 and $18,480,000 in 1965 for additional distribution facilities; $2,370,000 in 1964 and $2,400,000 in 1965 for additions to steam heating, water and telephone utility systems; and $4,770,000 in 1964 and $4,890,000 in 1965 for other plant facilities, surveys, and investigations.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 25th day of October, 1963 file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10900; Filed, Oct. 15, 1963; 8:45 a.m.]

[Project No. 2195]

PORTLAND GENERAL ELECTRIC CO.

Notice of Application for Amendment of License

OCTOBER 9, 1963.

Public notice is hereby given that application has been filed under the Fed-

eral Power Act (16 U.S.C. 791a–825r) by Portland General Electric Company (correspondence to: Waldemar Seton, Vice President, Portland General Electric Company, 502 Electric Building, Portland 5, Oregon) for amendment of its license for Project No. 2195, located on the Clackamas River, in Clackamas County, Oregon.

The application seeks to include under the license two constructed developments downstream from Project No. 2195 which, together with the development presently comprising Project No. 2195, are operated as a single project to achieve maximum utilization of the water power involved.

The two downstream developments consist of: Faraday Development created by Cazadero dam 260 feet long and 70 feet high of timber construction with concrete headworks forming part of the dam and a spillway section 180 feet long with wooden apron; a concrete lined tunnel 2,450 feet long; an unlined canal 3,300 feet long leading to a forebay; six penstocks leading to a powerhouse containing five units totalling 12,250 kilowatts; and an out-door type powerhouse containing one 19,200 kilowatt unit; and River Mill Development created by an "Ambursen" hollow type reinforced concrete dam 936 feet long and 85 feet high; a reservoir with normal pool elevation at 389 feet; a powerhouse containing five turbines directly connected to generators having a total capacity of 19,050 kilowatts; fish facilities; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 6, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10901; Filed, Oct. 15, 1963; 8:45 a.m.]

[Docket Nos. RI–173—RI–175]

SAMEDAN OIL CORP., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; [1] and Allowing Rate Changes To Become Effective Subject to Refund

OCTOBER 9, 1963.

Samedan Oil Corporation (Operator), et al., Docket No. RI64–173; Samedan Oil Corporation, Docket No. RI64–174; Penrose Production Company (Operator), et al., Docket No. RI64–175.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of the sale made by Penrose Production Company (Penrose) which is made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–173...	Samedan Oil Corp. (Operator), et al., P.O Box 909, Ardmore, Okla., 73401.	1	6	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	$87 12	9–16–63	[1] 10–17–63	[2] 10–18–63	[3] 15.5017 [3] 15.0550	[3] [4] 15.5656 [3] [4] 15.1171	RI61–344 RI61–344
	Samedan Oil Corp. (Operator) et al.	2	4	El Paso Natural Gas Co. (Blinebry and Drinkard Fields Lea County, N. Mex.)(Permian Basin Area).	302	9–16–63	[1] 10–17–63	[2] 10–18–63	[3] [4] 15.5017	[3] [4] 15.5656	RI61–344
	----do----	3	8	El Paso Natural Gas Co. (Drinkard Field, Lea County, N.Mex.) (Permian Basin Area).	62	9–16–63	[1] 10–17–63	[2] 10–18–63	[3] 15.0550	[3] [4] 15.1171	RI61–344
RI64–174...	Samedan Oil Corp.----	7	5	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	20	9–16–63	[1] 10–17–63	[2] 10–18–63	[3] 15.0550	[3] [4] 15.1171	RI61–345
RI64–175...	Penrose Production Co. (Operator), et al 1813 Fair Building, Fort Worth 2, Tex.	1	4	El Paso Natural Gas Co. (Tapacitos Pool, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,262	9–9–63	[1] 10–10–63	[2] 10–11–63	11.0	[5] 11.210375	----------

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] High pressure gas (above 600 psig.).
[4] Tax reimbursement increase.
[5] Low pressure gas (below 600 psig.).
[6] Subject to reduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 psig.).

Samedan Oil Corporation and Samedan Oil Corporation (Operator), et al., request waiver of notice to make their proposed rate increases effective as of April 1, 1963, the effective date of the increase in the New Mexico Oil and Gas Emergency School Tax, and Penrose Production Company (Operator), et al., request an effective date of September 9, 1963. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the producers' rate filings and such requests are denied. Since the proposed rate increases of the producers listed herein reflect only tax reimbursement, the suspension period for each may be shortened to one day from the date of expiration of the 30-days' statutory notice.

Penrose proposes partial reimbursement for 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 to 2.55 percent on April 1, 1963. El Paso Natural Gas Company (El Paso) has protested the rate increase filed by Penrose. El Paso questions the right of Penrose under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at lease .55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Penrose's proposed rate change is below the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended, but is spended because of El Paso's protest. Under the circumstances, we shall provide that the hearing provided for herein for Penrose shall concern itself with the contractual basis for Penrose's proposed increased rate.

All of the proposed increased rates and charges, with the exception of the rate increase filed by Penrose which is suspended herein because of El Paso's protest, exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of Penrose's proposed rate filing which El Paso has protested, and the statutory lawfulness of the other producers' proposed rate changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR Ch. I], public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of Penrose's proposed rate filing which El Paso has protested, and the statutory lawfulness of all of the other producers' proposed rate increases contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before November 25, 1963.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10902; Filed, Oct. 15, 1963; 8:45 a.m.]

[Docket No. G–5991 etc.]

JOSEPH E. SEAGRAM & SONS, INC.

Notice of Petition To Amend

OCTOBER 9, 1963.

Joseph E. Seagram & Sons, Inc. (Successor to Texas Pacific Coal and Oil Company), Docket Nos. G–5991, CI60–780; G–9261, CI61–996; G–10155, CI61–1044; G–10257, CI61–1079*; G–12188, CI61–1425*; G–14335*, CI61–1429*; G–14407*, CI61–1582; G–14848, CI61–1649*; G–14849, CI62–3; G–15296, CI62–438[1]; G–16911, CI62–742*; G–17385, CI62–852*; G–18303*, CI62–1234; G–18449, CI–62–1237; G–18507*, CI63–469*[1]; G–18549*, CI63–649[1]; G–18637, CI63–667*[1]; G–18659, CI63–1216[1]; G–19512[1], CI62–1344; G–19545, CI63–1351; G–19959, CI63–1573; CI60–774, CI64–302[1].

Take notice that on September 25, 1963, Joseph E. Seagram & Sons, Inc. (Seagram) filed in the aforementioned dockets a petition for amendment of orders issuing certificates of public convenience and necessity and for amendment of pending certificate applications, requesting that Seagram be substituted as holder or applicant for each certificate Texas Pacific Coal and Oil Company (Texas Pacific) has received or applied for.

The application states that Seagram is in the process of acquiring, for cash, all of Texas Pacific's producing properties and assets, together with all rights and privileges, obligations and responsibilities incident thereto. On date of closing, November 1, 1963, all gas contracts and amendments thereto in which Texas Pacific, or its predecessor in interest, is "Seller" and which have heretofore been filed with the Commission as Texas Pacific's FPC Gas Rate Schedules will be transferred to Seagram. All properties which Texas Pacific owns and from which Texas Pacific is selling gas subject to the jurisdiction of the Commission and for which Texas Pacific holds or has applied for a certificate of public convenience and necessity will be transferred to Seagram on such date of closing. Texas Pacific will not operate any properties after the closing date.

Protests, petitions to intervene or requests for hearing in regard to the subject petition may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 30, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10903; Filed, Oct. 15, 1963; 8:45 a.m.]

[Docket No. CP63–339]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Date of Hearing

OCTOBER 8, 1963.

Take notice that the hearing in the above-entitled matter, originally set for hearing on August 27, 1963, by notice issued on July 19, 1963 (published in the FEDERAL REGISTER on July 26, 1963, 28 F.R. 7620), and postponed without date by notice issued August 26, 1963 (published in the FEDERAL REGISTER on August 29, 1963, 28 F.R. 9490), is hereby rescheduled for a hearing to be held on October 23, 1963 at 9:30 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application. On September 30, 1963 Colorado Interstate Gas Company filed a notice of withdrawal of its petition for leave to intervene in this proceeding and no other protests or petitions to intervene have been filed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10904; Filed, Oct. 15, 1963; 8:45 a.m.]

[Project No. 2299]

TURLOCK IRRIGATION DISTRICT AND MODESTO IRRIGATION DISTRICT

Notice Changing Time of Oral Argument

OCTOBER 8, 1963.

Notice is hereby given that the oral argument to be held before the Commission in the above-designated matter scheduled by notice issued September 26, 1963 to commence at 1:30 p.m., e.d.s.t., on October 28, 1963 is now scheduled to begin at 10:00 a.m., e.s.t., on October 28, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10906; Filed, Oct. 15, 1963; 8:45 a.m.]

[Docket No. G–13221 etc.]

UNION TEXAS PETROLEUM, ET AL.

Order Severing Proceedings, Conditionally Approving Settlement Agreements and Conditionally Issuing Certificates of Public Convenience and Necessity

OCTOBER 9, 1963.

Union Texas Petroleum, et al., Docket No. G–13221, et al.; Gulf Oil Corporation, Dockets Nos. G–19062, G–19467, CI60–54, CI60–440, CI60–824, CI61–716, CI61–1562, CI61–1630, CI62–62, CI62–411, CI62–412, CI62–859 and CI62–965; Socony Mobil Oil Company, Inc., Docket Nos. CI60–310, CI60–311, CI60–392, CI61–290, CI61–659, CI61–674, CI6–1128, and CI61–1640.

Gulf Oil Corporation (Gulf) on July 15, 1963, and Socony Mobil Oil Company (Socony) on July 18, 1963, filed settlement proposals and motions for severance of their respective dockets from the proceedings in Union Texas Petroleum, et al., Docket Nos. G–13221, et al. (hereinafter referred to as the Union Texas Proceeding) for approval of their respective settlement proposals and for the issuance of certificates of public convenience and necessity.

The settlement proposals generally provide that for the onshore sales involved herein (subject to the taxing jurisdiction of the State of Louisiana), the total amount to be paid to Gulf and Socony by the respective pipeline purchasers for gas delivered (or paid for

[1] Pending certificate application.
[2] Consolidated with G–8592, et al.
[3] Consolidated with G–13221, et al.
[4] Consolidated with G–20464, et al.

*(Operator), et al.

but not taken)[1] shall be 20.625 cents per Mcf,[2] during the "moratorium period" of July 1, 1963, through June 30, 1968. Throughout the same period, the total amount to be paid to Gulf and Socony by the respective pipeline purchasers for gas delivered (or paid for but not taken) under offshore (in the Federal domain) contracts shall be 19.0 cents per Mcf.[3]

The proposals provide that rate increase filings may be made (1) prior to the end of moratorium periods to the extent that the maximum suspension period under section 4(e) of the Natural Gas Act may be extended beyond 5 months or the Commission may hereafter be authorized to lengthen such suspension period, and (2) at any time for reimbursement of one-half the amount of increased State and Federal taxes or payments in lieu of taxes, provided that such increase does not exceed the reimbursement to which the applicant is entitled by contract.

Full refunds of amounts collected above the settlement rates will be made by Gulf in Docket Nos. CI61–1562[4] and CI62–62[5] and by Socony in Docket Nos. CI61–674[6] and CI61–659.[7] Interest at a rate of 7 percent per annum will be paid on the amounts to be refunded. The temporary certificates heretofore issued in these four dockets contained refund conditions.

In Docket Nos. CI60–311 and CI61–1128, Socony proposed that certificates be issued in accordance with the applications at initial rates of 20.375 cents per Mcf and 20.25 cents per Mcf, respectively. The increased rate now in effect subject to refund and Commission determination in Docket No. RI61–441[8] may continue to be collected and the rate increase filed for but under suspension in Docket No. RI63–412[9] may be made effective, subject to the Commission's suspension order in that Docket and further proceedings in accordance therewith. The general terms of the settlement proposal shall otherwise apply to these sales.

Gulf and Socony proposed to extend the make-up period for take-or-pay gas to four years in all cases where the contract provides for a lesser make-up period.

Generally, the terms of these proposals are similar to the provisions of the Humble settlement approved by the Commission recently.[10] The present proposals do differ from Humble in some respects, however.

The effective date of the rate reductions in the Humble settlement was April 1, 1963, while Socony and Gulf propose July 1, 1963, as the effective date of the reduction in rates. The Humble moratorium on rate increase filings ends on March 31, 1968; Socony and Gulf propose June 30, 1968, as the end of the moratorium. As we noted in our recent order conditionally approving other settlement proposals in these proceedings,[11] those applicants with later effective dates would stand to gain an advantage over those producers who have, in good faith, filed earlier, because Area Rate Proceeding, Docket No. AR61–2 certainly will be completed before the five-year moratoria proposed herein expire. Accordingly, we shall approve of these settlements upon condition that the effective dates for the rate reductions be April 1, 1963, and that the moratoria extend through March 31, 1968.

By our order approving Gulf's company-wide rate settlement we required Gulf to reduce its rates under its Rate Schedule Nos. 170, 175, 184, 199 and 208 to 21.25 cents per Mcf.[12] That order further provided that monies collected by Gulf for deliveries on and after April 25, 1963, under the aforementioned rate schedules and Rate Schedule No. 188 be collected subject to refund of all amounts over the rate determined to be required by the public convenience and necessity in the Union Texas Proceeding. Gulf therefore proposes to make refunds in accordance therewith for amounts collected above the settlement rates for deliveries made since April 25, 1963. However, since we shall require that April 1, 1963, be the effective date of the rate reductions herein proposed, this aspect of Gulf's offer has lost its effectiveness.

Transcontinental Gas Pipeline Corporation (Transco) filed letters with the Secretary on August 7, 1963, with respect to Gulf's settlement and on August 9, 1963, with respect to Socony's settlement. Transco points out that on July 25, 1963, it made prepayments of $1,413,493.77 to Gulf under the terms of its Rate Schedule No. 220 (Docket No. CI61–1630) and a like amount to Socony under the terms of its Rate Schedule No. 268 (Docket No. CI61–1640). Transco suggests that an adjustment in Transco's prepaid gas accounts with Gulf and Socony would be appropriate since it made its prepayment at the rate of 19.5 cents per Mcf and the settlement rates are 19 cents per Mcf. Transco advises that it would have no objection to receiving the adjustment in kind, i.e. gas over the life of the contract, as it has done in other settlements.[13] Transco states that it did not take part in the negotiations leading up to either settlement proposal. Hence, neither proposal specifically provides a solution to the prepayments problem. In previous settlement agreements in which refunds were paid for deliveries prior to the effective date of the reduced rates, the parties have agreed to refund the difference between the amounts paid under take-or-pay provisions and the amounts that would have been payable under the settlement rates. Since the effective date of the proposed rate reductions will be April 1, 1963, under the terms of this order, under the circumstances of these cases it is appropriate that our approval of these proposals be conditioned upon Gulf's and Socony's refunding to Transco the difference between the amounts paid for at a rate of 19.5 cents per Mcf by Transco for gas which it was obligated to take from April 1, 1963 on but was not taken under the above mentioned rate schedules and the amounts that would have been paid at a rate of 19 cents per Mcf. We shall also give Gulf and Socony the alternative which Transco suggests of making such refunds in kind over the life of the contract.

Each pipeline purchaser (shown in the Appendix) who will receive refunds and future gas purchase cost reductions in substantial amounts as a result of these settlements, with the exceptions noted below, is under an obligation to pass on the refunds and rate reductions to its jurisdictional customers, subject to accumulation provisions in some cases. United Gas Pipeline Company's rate case in Docket No. RP63–1 is presently before the Commission, so refunds and adjustments in rates to reflect producer rate reductions can be effected in that proceeding.

On August 22, 1963, the Public Service Commission of New York (PSC) filed comments on both settlement proposals. The comments of PSC are directed to Docket Nos. CI61–1630 and CI61–1640. PSC states that, based on the estimated deliveries shown in the certificate applications, the rate reductions would result in an annual reduction in Transco's gas purchase costs of $182,500 but that Transco does not intend to pass on any of this reduction to its customers in the form of lower rates.

Transco, on September 9, 1963, filed a letter with the Secretary (and served copies on all parties) advising that the settlement agreement in Docket No. RP61–13 approved by the Commission by order of February 2, 1962,[14] does not provide for reductions in rates based upon the reductions in the producer rates in Docket Nos. CI61–1630 and CI61–1640 because Transco did not commence purchasing gas under the rate schedules related to the latter two dockets until July 1962. Transco states that even the reduced rates under these two rate schedules are more than 1 cent per Mcf higher than the average cost of gas for settlement purposes in Docket No. RP61–13. Transco concludes that any attempt to

[1] The term "delivered" is used in the proposals as in other proposals approved by us. In the context of the proposals we have interpreted the term to include gas required to be taken during the moratorium periods but paid for and not taken. Our approval of these settlements is also conditioned upon such interpretation.

[2] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

[3] See Appendix for details as to rate schedules, rates and purchasers.

[4] Gulf F.P.C. Gas Rate Schedule No. 219.

[5] Gulf F.P.C. Gas Rate Schedule No. 224.

[6] Socony F.P.C. Gas Rate Schedule No. 269.

[7] Socony F.P.C. Gas Rate Schedule No. 302.

[8] Relates to Docket No. CI60–311 and Rate Schedule No. 229.

[9] Relates to Docket No. CI61–1128 and Rate Schedule No. 258.

[10] See Order Severing Proceedings, Conditionally Approving Proposed Settlement and Conditionally Issuing Certificates of Public Convenience and Necessity, Union Texas Petroleum, et al., Docket Nos. G–13221, et al., issued August 7, 1963, — FPC —.

[11] Order Severing Proceedings, Conditionally Approving Settlement Agreements and Conditionally Issuing Certificates of Public Convenience and Necessity, Union Texas Petroleum, et al., Docket Nos. G–13221, et al., issued August 23, 1963, — FPC —.

[12] Gulf Oil Corporation, Docket Nos. G–9520, et al., issued April 25, 1963, — FPC —.

[13] See Texaco, Inc., 28 FPC 247.

[14] See Transcontinental Gas Pipe Line Corporation, 27 FPC 187.

order a rate reduction based upon the Gulf and Socony settlements in Docket Nos. CI61–1630 and CI61–1640 would be inequitable and unjustified since the flow through provisions in Transco's rate settlement in Docket No. RP61–13 do not specifically mention Docket Nos. CI61–1630 and CI61–1640. Transco's letter, supra, did not consider the effects of its reduced gas purchase costs resulting from the settlement in Docket No. CI61–659. Its letter was an answer to the comments of PSC concerning Docket Nos. CI61–1630 and CI61–1640 only. In view of the foregoing, we shall require Transco to hold the refunds and amounts equal to the reductions in purchased gas costs which will accrue as a result of the settlements in all of these dockets subject to further orders of the Commission. Transco will be required to report to the Commission its proposed disposition of the refunds and its proposed rate adjustments, if any, to reflect its reduced gas purchase costs.

Southern Natural Gas Company (Southern) whose purchased gas costs also will be substantially affected by these settlements should be subject to the same holding and reporting requirements as Transco since the flow through provisions of our opinion and order in Southern's rate case, decided on February 18, 1963,[15] do not specifically refer to the dockets settle herein.

Comments favoring the Gulf settlement proposal were filed on July 23, 1963, by the Long Island Lighting Company, Philadelphia Gas Works Division of the United Gas Improvement Company and the United Gas Improvement Company, and on July 31, 1963, by Public Service Electric and Gas Company.

We find these settlement proposals, as herein modified, to be in the public interest.

In keeping with our present policy we shall require that the applicants pay interest on the amounts to be refunded at 7 percent per annum, such interest to accrue through the last day of the month in which the respective settlement proposals were filed.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61–2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61–2. The settlement proposal also provides that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61–2, should go into effect upon conclusion of judicial review of our final order. However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61–2. These matters should be decided at the conclusion of that proceeding and our approval of the settlements will be so conditioned.

In accordance with the above we shall sever these individual dockets from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al., omit the intermediate decision in regard to these dockets[16] and issue certificates of public convenience and necessity in accordance with the applications, settlement proposals and conditions of this order.

The Commission finds:

(1) Gulf and Socony are "natural-gas companies" within the meaning of the Natural Gas Act, and are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The applicants herein are able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) It is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that Transco and Southern be required to submit the reports and retain the refunds, interest and purchased gas cost reductions as ordered below.

(6) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(7) No party has opposed the waiver of the intermediate decisions in these proceedings.

The Commission orders:

(A) The motions for waiver of the intermediate decisions are granted.

(B) The matters in Docket Nos. G–19062, G–19467, CI60–54, CI60–440, CI60–824, CI61–716, CI61–1562, CI61–1630, CI62–62, CI62–411, CI62–412, CI62–859, CI62–965, CI60–310, CI60–311, CI60–392, CI61–290, CI61–659, CI61–674 CI61–1128, and CI61–1640 are hereby severed from the consolidated proceeding, Union Texas Petroleum, et al. Docket Nos. G–13221, et al.

(C) Certificates of public convenience and necessity are hereby issued upon the conditions set forth herein to the applicants for the sales of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposals and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the applications and settlement proposals herein.

(D) The certificates issued by paragraph (C) above, are granted upon the express condition that the applicants comply fully with the terms of the settlement proposals which settlements are expressly approved, as modified by this order.

(E) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposals, the applicants shall report to the Commission, in triplicate, the amount of the refunds made to each pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with releases from the purchasers showing receipt of the refunds in conformity to the settlements and the conditions of this order.

(F) The certificates issued by paragraph (C) above are issued upon express condition that the effective date for rate reductions proposed herein be April 1, 1963, and that Gulf and Socony refund to the respective pipeline purchasers all amounts above the settlement rates for gas delivered since April 1, 1963; and upon the further condition that Gulf and Socony refund to Transco the difference between the amount actually paid by Transco for gas not taken attributable to the months of April, May and June 1963, and the amount that would have been paid had the payment for gas paid for but not taken attributable to the months of April, May and June 1963, been made at the settlement rates: *Provided, however,* That Gulf and Socony shall have the option of refunding as to such take-or-pay-for payments and over the life of the contracts, a volume of gas attributable to the difference between the settlement rate of 19 cents per Mcf and the price of 19.5 cents per Mcf for volumes paid for but not taken attributable to the months of April, May and June 1963. The volume of such refund gas shall be calculated at the price or prices prevailing at the time delivered, and no interest shall be charged. Interest at 7 percent on all monies to be refunded will accrue through July 31, 1963. Gulf and Socony shall report to the Commission within 15 days of their acceptance or rejection of these conditions and their choices provided for herein.

(G) Upon full compliance of the applicants with all the terms of this order and of the settlement proposals as modified, the applicants shall be relieved of any further refund obligations in these certificate proceedings and the proceedings in Docket Nos. G–19062, G–19467, CI60–54, CI60–440, CI60–824, CI61–716, CI61–1562, CI61–1630, CI62–62, CI62–411, CI62–412, CI62–859, CI62–965, CI60–310, CI60–311, CI60–392, CI61–290, CI61–659, CI61–674, CI61–1128, and CI61–1640 shall terminate.

(H) The certificates herein issued are not transferable and shall be effective only so long as the applicants continue the acts and operations hereby author-

[15] *Southern Natural Gas Company*, Docket Nos. G–20509, et al. Opinion No. 379 and Opinion No. 379A, issued April 19, 1963 — FPC——.

[16] The hearing in the Union Texas Petroleum, et al. consolidated proceeding concluded July 25, 1963.

non-participants, and in accordance with the

ized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(I) The grant of the certificates herein shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder: *Provided, however,* That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rates as required by this order and the settlement proposals.

(J) The grant of certificates herein and approval of the settlement proposals is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the applicants, particularly any proceeding under section 5 of the Natural Gas Act and section 5(c) of the Outer Continental Shelf Lands Act, and is without prejudice to claims or contentions which may be made by the Commission, applicants, the Commission staff, or any affected party herein in any other proceeding.

(K) Within 15 days from the date of receipt of refunds and interest required by this order, Transco and Southern shall each submit a report to the Commission and serve a copy on their respective jurisdictional customers, and the various State Utility Commissions wherein each pipeline does business, setting forth the amount of refund and interest received, the estimated annual reduction in purchased gas costs due to these rate reductions, their proposed disposition of such refunds and their proposed rate adjustments to reflect the reductions in gas purchase costs. Pending Commission action and further orders respecting such proposed dispositions, the aforementioned companies shall hold such refunds, interest and amounts equal to the reduction in purchased gas costs which accrue as a result of these settlements in a special fund (without further interest obligation).

(L) Gulf's F.P.C. Gas Rate Schedule No. 229 is hereby accepted for filing effective as of the date of initial delivery.

By the Commission.[17]

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[17] Commissioner Woodward dissenting.

APPENDIX I—SALES BY GULF

R.S. No.	Docket No.	Purchaser	Present rate (cents/Mcf)	Proposed initial service rate (cents/Mcf)
170	G-19062	Tennessee Gas Transmission Co.	21.25	20.625
175	G-19467	do	21.25	20.625
184	CI60-54	do	21.25	20.625
188	CI60-440	Southern Natural Gas Co.	20.75	20.625
199	CI60-824	Trunkline Gas Co.	21.25	20.625
208	CI61-716	American Louisiana Pipe Line Co.	21.25	20.625
219	CI61-1562	Trunkline Gas Co.	21.80	20.625
220	CI61-1630	Transcontinental Gas Pipe Line Corp.	19.50	[1] 19.0
224	CI62-62	United Gas Pipe Line Co.	22.25	20.625
228	CI62-412	do	21.25	20.625
229	CI62-411	Trunkline Gas Co.	23.25	[2] 20.625
233	CI62-859	Texas Gas Transmission Corp.	21.25	20.625
235	CI62-965	United Gas Pipe Line Co.	21.25	20.625

[1] Offshore.
[2] Our files indicate that this has not yet commenced.

APPENDIX II—SALES BY SOCONY

R.S. No.	Docket No.	Purchaser	Present rate (cents/Mcf)	Proposed initial service rate (cents/Mcf)
229	CI60-311	United Gas Pipe Line Co.	[1] 22.375	20.375
230	CI60-310	Tennessee Gas Transmission Co.	22.8333	20.625
231	CI60-392	do	22.8333	20.625
258	CI61-1128	United Gas Pipe Line Co.	[2] 23.3	20.25
268	CI61-1640	Transcontinental Gas Pipe Line Corp.	19.5	[3] 19.0
269	CI61-674	Texas Gas Transmission Corp.	23.25	[4] 20.625
300	CI61-240	Southern Natural Gas Co.	22.05	20.625
302	CI61-659	Transcontinental Gas Pipe Line Corp.	23.55	20.625

[1] This rate is presently under suspension in Docket No. RI63-412, and according to the terms of the proposal will be collected subject to refund at such time as it is made effective.
[2] This rate is presently being collected subject to refund in Docket No. RI61-441, and according to the terms of the proposal will continue to be collected.
[3] Offshore.
[4] Our files indicate that this sale has not yet commenced.

[F.R. Doc. 63-10907; Filed, Oct. 15, 1963; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN CATEGORY 19 PRODUCED OR MANUFACTURED IN THE UNION OF SOVIET SOCIALIST REPUBLICS

Restriction on Entry or Withdrawal From Warehouse

OCTOBER 11, 1963.

The United States Government on October 8, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of the Union of Soviet Socialist Republics to restrain the export of cotton textiles and cotton textile products in Category 19 to the United States. A level of restraint has been set for the twelve-month period beginning October 10, 1963.

There is published below a letter of October 10, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles and cotton textile products in Category 19 produced or manufactured in the Union of Soviet Socialist Republics and shipped from that country on or after October 10, 1963, which may be entered, or withdrawn from warehouse, for consumption in the United States be limited to 150,000 square yards.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C., October 10, 1963.

COMMISSIONER OF CUSTOMS
DEPARTMENT OF THE TREASURY
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on October 8, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of the Union of Soviet Socialist Republics to restrain the export of cotton textiles and cotton textile products in Category 19 to the United States. A level of restraint has been set for the twelve-month period beginning October 10, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective immediately, and for the period extending through October 9, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 19 produced or manufactured in the Union of Soviet Socialist Republics and shipped from the Union of Soviet Socialist Republics on or after October 10, 1963, in excess of the level of restraint provided:

Category:	*Level of restraint*
19	150,000 square yards

A detailed description of the listed category in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Union of Soviet Socialist Republics and with respect to imports of cotton textiles and cotton textile products from that country have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-10972; Filed, Oct. 15, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1602]

NATIONAL STEEL CORP. AND ARMCO STEEL CORP.

Notice of Filing of Application for Order Exempting Proposed Transaction

OCTOBER 10, 1963.

Notice is hereby given that Armco Steel Corporation ("Armco"), Middletown, Ohio, and National Steel Corporation ("National"), 2800 Grant Building, Pittsburgh 19, Pennsylvania, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed sale of 6,000 shares of the capital stock of Hanna Ore Mining Company ("Hanna Ore") to National by Armco and the assumption by National of Armco's obligation to purchase iron ore from Hanna Ore as more fully described below. All interested persons are referred to the application, as amended, which is on file with the Commission, for a full statement of the applicants' representations which are summarized below:

The M. A. Hanna Company ("Hanna"), a registered, closed-end, nondiversified investment company, owns approximately 26 percent of the outstanding voting stock of National. By reason of such holdings, National is presumed to be controlled by Hanna. National and Armco are both principally engaged in the business of producing, processing, and marketing steel and steel products.

Hanna Ore, a Minnesota corporation, is principally engaged in the business of owning, leasing and operating iron ore properties in Minnesota. Hanna Ore is owned by Armco, National and Wheeling Steel Corporation ("Wheeling"). The outstanding voting stock of Hanna Ore consists of 40,000 shares of capital stock of which Armco presently holds 6,000 shares, National holds 28,000 shares and Wheeling holds 6,000 shares.

Under an agreement between Hanna Ore and Armco, National and Wheeling, each of the stockholders of Hanna Ore is required to purchase from Hanna Ore, and Hanna Ore is required to sell to each of such stockholders, such proportion of the total iron ore produced and shipped by Hanna Ore as the stock ownership of each stockholder in Hanna Ore bears to the total outstanding capital stock of Hanna Ore. All such iron ore is to be purchased at prices fixed by the Board of Directors of Hanna Ore from time to time. Under this agreement, Armco is obligated to purchase 15 percent of the total iron ore produced and delivered each year by Hanna Ore. Armco represents that the quantities of iron ore which it is obligated to purchase are in excess of the quantities of the type of iron ore mined by Hanna Ore which it can use on an economically sound basis and accordingly, Armco wishes to dispose of its stock interest in Hanna Ore and to relieve itself of the obligation to purchase a pro rata share of the iron ore production of Hanna Ore. Since National can make use of additional quantities of iron ore and is willing to acquire additional quantities of such ore from Hanna Ore, it proposes to purchase from Armco for cash the 6,000 shares of the capital stock of Hanna Ore owned by Armco and to assume Armco's obligation under the aforementioned agreement to purchase 15 percent of the total iron ore production of Hanna Ore, such purchase and assumption to be effective as of January 1, 1963. As required under the aforementioned agreement between Hanna Ore and stockholders, the consent of Hanna Ore and Wheeling, the only other stockholder of Hanna Ore, to the proposed transaction between National and Armco has been obtained.

The purchase price to be paid to Armco by National for such stock is $255,000, representing 15 percent of the approximate amount by which the current assets of Hanna Ore exceeded its current liabilities at December 31, 1962. Following the consummation of the proposed transaction, National will own 34,000 shares, or 85 percent of the outstanding capital stock of Hanna Ore, and will be obligated to purchase 85 percent of the total iron ore production of Hanna Ore. It is represented that the purchase price was reached through arm's length bargaining by both corporations and represents the best business judgment of two independent business entities who are engaged in active competition with each other. Except for ownership of the securities of Hanna Ore, and ownership of securities of other ore producing and transporting companies, there is no relationship existing betwen National and Armco.

Section 17(a) of the Act, insofar as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such company securities or property, unless the Commission upon application pursuant to section 17(b) grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 25, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10916; Filed, Oct. 15, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 275]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 11, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation No. 6) RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., filed September 30, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Shreveport, La., and Monroe, La., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between Shreveport, La. and Monroe, La., over U.S. Highway 80.

No. MC 8600 (Deviation No. 3), WERNER TRANSPORTATION CO., 2601 32nd Avenue, South, Minneapolis 6, Minn., filed September 30, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Wisconsin Highways 32 and 31, approximately 7 miles north of Racine, Wis., over Wisconsin Highway 31 to the Wisconsin-Illinois State line, thence over Illinois Highway 131 to junction Illinois Highway 120, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From South Milwaukee, Wis., over Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to Waukegan, Ill., thence over Illinois Highway 120 to junction Illinois Highway 131, and return over the same route.

No. MC 10343 (Deviation No. 3), CHURCHILL TRUCK LINES, INC., Post Office Box 660, Chillicothe, Mo., filed October 3, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Chillicothe, Mo., over U.S. Highway 65 to junction Interstate Highway 70 (U.S. Highway 40), thence over Interstate Highway 70 to junction U.S. Highway 61, and return over the same route, for operating convenience only. The notice indicates that the carrier presently is authorized to transport the same commodities over a pertinent service route as follows: From Chillicothe over U.S. Highway 36 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Interstate Highway 70, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-10927; Filed, Oct. 15, 1963; 8:47 a.m.]

[Notice 568]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 11, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 3468 (Sub-No. 148), filed August 30, 1963. Applicant: J. J. BOUTELL DRIVEAWAY CO., INC., 705 Dort Highway, Flint, Mich. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, (1) from Framingham, Mass., to points in Connecticut, Maine, Vermont, New Hampshire, and Rhode Island, and (2) from points in Albany County, N.Y., to points in Vermont, Maine, New Hampshire, Rhode Island, and Connecticut. RESTRICTION: Applicant states that the service involved is restricted to traffic which has had an immediately prior movement by rail.

HEARING: November 21, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 30844 (Sub-No. 122) (CORRECTION), filed July 29, 1963, published FEDERAL REGISTER issue August 14, 1963, corrected and republished this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections, A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lincoln, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to describe the destination area as above rather than as set forth in previous publication.

HEARING: November 19, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 31600 (Sub-No. 551), filed October 2, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide, calcium cyanamid, dicyandiamide, and weed killing compounds* (other than liquid), in bulk and in containers, from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Vermont, West Virginia, and Virginia.

HEARING: October 24, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner Gerald F. Colfer.

No. MC 34600 (Sub-No. 4) (REPUBLICATION), filed March 11, 1963, published in FEDERAL REGISTER issue of April 20, 1963, and republished this issue. Applicant: CLIFFORD JAMES AND EFFIE JAMES, doing business as CLIFFORD AND EFFIE JAMES, Mayville, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. By application filed March 11, 1963, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, from Union Township, Erie County, Pa., to points in Allegany, Cattaraugus, Chautauqua, Erie, Steuben, and Wyoming Counties, N.Y., and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, and damaged, defective and rejected fertilizer, on return. Hearing was held on June 6, 1963, at Buffalo, N.Y. At the hearing, in order to clarify the origin point, the application was amended to include the Borough of Union City as well as Union Township. A report and order, served September 3, 1963, which became effective October 3, 1963, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *fertilizer* (except in bulk, in dump trucks and except liquid fertilizer), from Union Township and the Borough of Union City, Erie County, Pa., to points in Allegany, Cattaraugus, Chautauqua, Erie, Steuben, and Wyoming Counties, N.Y., and damaged, defective and returned fertilizer on return; and that an appropriate certificate should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of this application during which period any proper party in interest may file a petition for further hearing.

No. MC 43657 (Sub-No. 23), filed September 19, 1963. Applicant: DETAR DISTRIBUTING COMPANY, INC., 7200 South Shields, Box 4905, Oklahoma City, Okla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Blasting powders and supplies and classes A, B and C explosives:* (1) between Joplin, Mo., and points within 15 miles of Joplin, and Columbus and Turck, Kans., on the one hand, and, on the other, Oklahoma City, Okla., and points within 10 miles of Oklahoma City; (2) from Oklahoma City, Okla., and points within 10 miles of Oklahoma City, to points in Arkansas, Kansas, Oklahoma, and Texas; (3) between points in Oklahoma (except from Oklahoma City and points within 10 miles of Oklahoma City to points in Oklahoma); (4) from Atlas, Mo., to Alexandria, La., Dallas and Houston, Tex., and points in Oklahoma; (5) from Alexandria, La., to points in Bowie, Marion, Panola, Shelby, Nacogdoches, Angelina, Sabine, Newton, Tyler, and Jasper Counties, Tex.; (6) between Joplin, Mo., and points in Missouri within 15 miles of Joplin, on the one hand, and, on the other, points in New Mexico; (7) and between points in Kansas, Louisiana, Mississippi, and New Mexico.

HEARING: December 2, 1963, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 44128 (Sub-No. 31), filed September 30, 1963. Applicant: THE TRANSPORT CORPORATION, 126 South Main Street, Blackstone, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular-route operations between Richmond, Va. and Philadelphia, Pa.

HEARING: December 3, 1963, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 52458 (Sub-No. 180), filed October 4, 1963. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper type vehicles, from Wallingford, Conn., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *rejected shipments* of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: October 28, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner, Richard H. Roberts.

No. MC 61403 (Sub-No. 95), filed August 23, 1963. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil shortenings*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Kentucky, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: December 17, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Wm. N. Culbertson.

No. MC 64932 (Sub-No. 331), filed October 4, 1963. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry starch*, in pneumatic hopper-type vehicles, from Indianapolis, Ind., to points in Illinois, Michigan, and Ohio.

HEARING: October 22, 1963, at the Midland Hotel, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 64932 (Sub-No. 332), filed October 8, 1963. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, Michigan, Missouri, and Wisconsin.

HEARING: November 12, 1963, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 71478 (Sub-No. 28), filed August 29, 1963. Applicant: THE CHIEF FREIGHT LINES COMPANY, a corporation, 1229½ Union Avenue, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), from the junction of U.S. Highway 75 and Texas Highway 121 over Texas Highway 121, to the junction of U.S. Highway 77 and Texas Highway 121, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: December 12, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 85374 (Sub-No. 6), filed October 2, 1963. Applicant: FERRO TRUCKING, INC., 112 Hudson Street, New York, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, animal feeds, and materials used in the manufacture, sale, and distribution of such commodities* (except commodities in bulk, in tank vehicles), between Jersey City and Hillside, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed operations are to be under contract with Kraft Foods Division of National Dairy Products Corp.

HEARING: November 8, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 95876 (Sub-No. 24) (CORRECTION), filed July 8, 1963, published FEDERAL REGISTER issue of October 2, 1963, and republished this issue to show advanced hearing date. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, marble, slate, and stone*, from points in Oklahoma to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

HEARING: November 4, 1963, at Room 393, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Gordon M. Callow.

No. MC 99868 (Sub-No. 2) (AMENDMENT), filed August 12, 1963, published FEDERAL REGISTER issue September 5, 1963, and republished as amended this issue.

Applicant: J. R. SEALE, doing business as J. R. SEALE TRUCKING CO., Throckmorton Highway, Box 602, Olney, Tex. Applicant's attorney: R. E. Thornton, First National Bank Building, Olney, Tex. Authority sought to operate as a

common carrier, by motor vehicle, over *hydrous ammonia*, in bulk, in tank vehi-

common carrier, by motor vehicle, over irregular routes, transporting: *Oil field equipment*, between points in Texas, on and west of U.S. Highway 81.

NOTE: The purpose of this republication is to show that applicant proposes to operate as a common carrier rather than as a contract carrier as indicated in the previous publication; also, the application has been assigned No. MC 99868 (Sub-No. 2) in lieu of No. MC 125601.

HEARING: Remains as assigned November 6, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 106553 (Sub-No. 13), filed September 5, 1963. Applicant: WOODS INDUSTRIES, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs* and *bodies*, and *automobile show equipment when transported with display vehicles*, in initial movements, by truckaway service, from the plant site of General Motors Corp. (Buick-Oldsmobile-Pontiac Assembly Division), located at Arlington, Tex., to points in Mississippi, Tennessee (except Memphis), Alabama, and Kentucky.

NOTE: Applicant states the proposed operations will be conducted under continuing contracts with General Motors Corp. (Buick-Oldsmobile-Pontiac Assembly Division), of Detroit, Michigan. It is further noted common control may be involved.

HEARING: December 13, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Donald R. Sutherland.

No. MC 106997 (Sub-No. 9) (AMENDMENT), filed August 18, 1963, published in FEDERAL REGISTER issue of October 2, 1963, republished this issue as amended October 7, 1963. Applicant: ARTHUR PIERSON, 119 Water Street, Newton, N.J. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sensitized photographic materials, equipment, and supplies* from Newton, N.J. to Cleveland, Ohio, Detroit, Mich., Washington, D.C., and Atlanta, Ga.

NOTE: Applicant states proposed "service to be rendered under a continuing contract with Anken Chemical & Film Corp., Newton, N.J." The purpose of this republication is to indicate the commodities to be transported as above, and to show a new hearing date.

HEARING: November 16, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 107064 (Sub-No. 32), filed September 15, 1963. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Post Office Box 2998, Dallas 21, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, between points in Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Kansas, Oklahoma, and Colorado.

HEARING: December 11, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Donald R. Sutherland.

No. MC 107107 (Sub-No. 282), filed August 19, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meats, meat products, and meat byproducts*, from Springhill, La., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

HEARING: December 11, 1963, at the Claridge Hotel, Memphis Tenn., before Examiner Wm. N. Culbertson.

No. MC 107403 (Sub-No. 500) (AMENDMENT), filed September 26, 1963, published in FEDERAL REGISTER October 9, 1963, amended October 7, 1963, and republished as amended this issue. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and sea animal oils, castor oil (not medicinal), soybean oil, foots of sediment oils, foundry core oils (other than petroleum), and other animal and vegetable oils*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Missouri, Wisconsin, and the District of Columbia.

NOTE: The purpose of this republication is to add Missouri and Wisconsin as destination States.

HEARING: Remains as assigned October 31, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 109616 (Sub-No. 14), filed September 2, 1963. Applicant: CONSOLIDATED TRUCK LINES, LIMITED, 775 The Queensway, Toronto 18, Ontario, Canada. Applicant's representative: Floyd B. Piper, 47 Ramsdell Avenue, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cork and cork products* from Buffalo, N.Y., to port of entry on the boundary of the United States and Canada at Buffalo, and *rejected or returned shipments* on return.

HEARING: November 22, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 110012 (Sub-No. 12), filed August 16, 1963. Applicant: G.B.C., INC., Post Office Box 68, Morristown, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glue*, when tendered into a premounted sealed or collapsible container, from High Point, Charlotte, Fayetteville, and Greensboro, N.C., to Morristown, Tenn.

HEARING: November 26, 1963, at the Chamber of Commerce Inc., Chamber of Commerce Building, 825 West First North Street, Morristown, Tenn., before Joint Board No. 8.

No. MC 110486 (Sub-No. 17), filed September 23, 1963. Applicant: WALTER PITTS, 301 South Fifth Street, West Memphis, Ark. Applicant's attorney: Ernest A. Brooks II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road and bridge building machinery and materials*, between points in Arkansas on and south of U.S. Highway 79, on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: Applicant already has authority to transport road and bridge building machinery and materials between Warren, Ark., on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. The purpose of this application is to enlarge the base point, Warren, Ark., to include limited adjacent territory.

HEARING: December 13, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Wm. N. Culbertson.

No. MC 110525 (Sub-No. 600), filed September 17, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and shortening*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Kentucky, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: December 17, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Wm. N. Culberston.

No. MC 110525 (Sub-No. 609), filed October 6, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea and ammonium nitrate* (other than liquid), in bulk and in bags, from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., and at Detroit, Mich., to points in Nassau and Suffolk Counties, N.Y., points in Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota; (2) *urea and ammonium nitrate* (other than liquid), in bulk and in bags, from the port of entry on the international boundary line between the United States and Canada located at Port Huron, Mich., to points in Michigan, Ohio, Kentucky, West Virginia, Wisconsin, Indiana, Illinois, Iowa, and Minnesota; and (3) *calcium carbide, calcium cyanamid, dicyandiamide, and weed killing compounds* (other than liquid), in bulk and in containers, from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., Detroit and Port Huron, Mich., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota.

HEARING: October 24, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner Gerald F. Colfer.

No. MC 111401 (Sub-No. 143), filed September 6, 1963. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla. Applicant's attorney: William D. White, Jr., 2420 Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Big Spring, Tex., and points within 10 miles thereof, to points in Kansas and Colorado.

NOTE: Applicant has a pending contract application MC 125020.

HEARING: December 10, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Donald R. Sutherland.

No. MC 112098 (Sub-No. 7), filed August 19, 1963. Applicant: JACK FARNELL, doing business as LOS ANGELES TURF EXPRESS, 1611 Easterly Terrace, Los Angeles 26, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and, in connection therewith, *personal effects of attendants, equipment, supplies, and mascots* used in the care and exhibition of such animals: (1) between points in Colorado, Nevada, New Mexico, and Utah, and (2) between points in Colorado, Nevada, New Mexico, and Utah, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Nebraska, Louisiana, Oklahoma, and Texas.

NOTE: Applicant states no duplication of operating authority is intended to the extent that the authority sought duplicates present authority.

HEARING: December 17, 1963, at the Hotel Paso Del Norte, El Paso, Tex., before Examiner Donald R. Sutherland.

No. MC 112668 (Sub-No. 26), filed August 28, 1963. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Martinsburg, W. Va., to points in Delaware, North Carolina, and the District of Columbia, and points in Maryland, Virginia, and West Virginia (except points within 150 miles of Martinsburg, W. Va.

NOTE: Applicant states it holds authority in MC 112688 (Sub-No. 20) to transport lime, from Martinsburg, W. Va. to points in Maryland, Virginia, West Virginia, and Pennsylvania within 150 miles of this origin.

HEARING: November 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112668 (Sub-No. 27), filed August 28, 1963. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Limestone*, in bulk, in dump vehicles, and (b) *gravel*, in bulk and in bags, from Texas, Md., to points in Ohio, New York, and those in Erie, Crawford, and Mercer Counties, Pa.

HEARING: November 26, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 112801 (Sub-No. 7) (AMENDMENT), filed August 30, 1963 published in FEDERAL REGISTER issue September 25, 1963, amended October 3, 1963, and republished as amended this issue. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Chicago, Ill. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions* and *anhydrous ammonia*, from Marseilles, Ill., to points in Indiana, Illinois, Michigan, Wisconsin, Kentucky, Minnesota, Ohio, Iowa, and Missouri.

NOTE: The purpose of this republication is to show the addition of Kentucky to destination description.

HEARING: Remains as assigned November 8, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 113627 (Sub-No. 1), filed August 27, 1963. Applicant: BARNETT MOTOR TRANSPORTATION, INC., 85 Kendall Street, New Haven, Conn. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products* and *materials and supplies used in the manufacture and installation thereof*, between Rochester and Buffalo, N.Y., Newington and New Haven, Conn., Boundbrook, East New Brunswick, and Wharton, N.J., Perryman and Branchville, Md., and Worcester, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Deleware, Ohio, Vermont, and the District of Columbia.

HEARING: November 18, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 113666 (Sub-No. 14) (AMENDMENT), filed May 29, 1963, published FEDERAL REGISTER issue of September 18, 1963, amended October 4, 1963, and republished, as amended, this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Urea and ammonium nitrate* (other than liquid) in bulk and in bags, from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., and Detroit, Mich., to points in Nassau and Suffolk Counties, N.Y., Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota, (B) *urea and ammonium nitrate* (other than liquid) in bulk and in bags, from port of entry on the international boundary line between the United States and Canada located at Port Huron, Mich., to points in Michigan, Ohio, Kentucky, West Virginia, Wisconsin, Indiana, Illinois, Iowa, and Minnesota, and (C) *calcium carbide, calcium cyanamid, calcium cyanide, dicyandiamide*, and *weed killing compounds* (other than liquid) in bulk and in containers, from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., Detroit and Port Huron, Mich., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Vermont, West Virginia, Virginia, Kentucky, Wisconsin, Missouri, Iowa, and Minnesota.

NOTE: The purpose of this republication is to add "calcium cyanide" in (C) above.

HEARING: Remains as assigned October 24, 1963, at the Pittsburgh-Hilton Hotel, Pittsburgh, Pa., before Examiner Gerald F. Colfer.

No. MC 114045 (Sub-No. 119), filed August 14, 1963. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Toilet articles, preparations, and drugs*, from Memphis, Tenn., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

HEARING: December 9, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Donald R. Sutherland.

No. MC 114091 (Sub-No. 59), filed October 9, 1963. Applicant: FLEET TRANSPORT CO. OF KY., INC., Fern Valley Road, Louisville 13, Ky. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 15, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Sheffield, Ala., and points within fifteen (15) miles thereof to points in the United States (except Alaska and Hawaii).

CHURCHILL TRUCK LINES, INC., Post Office Box 660, Chillicothe, Mo., filed October 2, 1963. Applicant's attorney: Same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma.

No. MC 113106 (Sub-No. 2), filed October 2, 1963. Applicant: XPRESS, INC., Post Office Box 218, Sumter, S.C. Applicant's attorney: Same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Florida, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Arkansas, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia, restricted to traffic moving in foreign commerce, over irregular routes.

No. 202——9

CORMACK TRUCKING COMPANY, Post Office Box 1, Kansas City, Mo. Applicant's attorney: Same as applicant. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Kansas City, Mo., to points in Kansas, Nebraska, Oklahoma, and Iowa.

No. MC 113855 (Sub-No. 1), filed October 2, 1963. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Hampton Avenue, St. Louis, Mo. Applicant's attorney: Same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Florida, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Arkansas, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia, restricted to traffic moving in foreign commerce, over irregular routes.

No. MC 114004 (Sub-No. 2), filed October 2, 1963. Applicant: HOLLAND TRANSPORTATION, INC., 1000 Hollywood Avenue, Fort Wayne, Ind. Applicant's attorney: Same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Florida, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Arkansas, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia, restricted to traffic moving in foreign commerce, over irregular routes.

No. MC 114211 (Sub-No. 58), filed October 2, 1963. Applicant: WARREN TRANSPORT, INC., 324 North Main Street, Waterloo, Iowa. Applicant's attorney: Same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Florida, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Arkansas, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia, restricted to traffic moving in foreign commerce, over irregular routes.

No. MC 114273 (Sub-No. 110), filed October 2, 1963. Applicant: CRST, INC., 2000 5th Street, S.W., Cedar Rapids, Iowa. Applicant's attorney: Same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Florida, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Arkansas, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia, restricted to traffic moving in foreign commerce, over irregular routes.

No. MC 114273 (Sub-No. 111), filed October 2, 1963. Applicant: CRST, INC., 2000 5th Street, S.W., Cedar Rapids, Iowa. Applicant's attorney: Same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Florida, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Arkansas, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia, restricted to traffic moving in foreign commerce, over irregular routes.

HEARING: November 13, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 114569 (Sub-No. 62), filed August 29, 1963. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Char, char briquettes, and charcoal briquettes*, and (2) *wood blocks (including chips or sawdust), fuel lighting liquids, flavoring sticks, or pellets, vermiculite* (other than crude), *perlite* (other than crude), *display racks and other advertising material* in mixed shipments in the same vehicle with char, char briquettes or charcoal briquettes, from Marion, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: November 20, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 115946 (Sub-No. 28) (AMENDMENT), filed August 19, 1963, published FEDERAL REGISTER issue October 2, 1963, amended October 9, 1963, and republished as amended this issue. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Post Office Box 7055, Savannah, Ga. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof deck materials* (except in bulk, in tank vehicles), from Brunswick, Ga., to points in Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Mississippi, Pennsylvania, West Virginia, New Jersey, Maryland, Virginia, and Delaware, and *wood excelsior*, on return.

NOTE: The purpose of this republication is to include the return movement as shown above.

HEARING: Remains as assigned, November 14, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 116014 (Sub-No. 9), filed August 26, 1963. Applicant: OLIVER TRUCKING COMPANY, Bloomfield Road, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used whiskey barrels*, from points in Kentucky, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, *and rejected shipments*, on return.

HEARING: November 25, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 116410 (Sub-No. 6), filed September 12, 1963. Applicant: R. W. BRADSHAW, doing business as R. W. BRADSHAW TRANSFER, Box 203, Winchester, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives): (1) from points in Franklin, Moore, Coffee, Lincoln, and Bedford Counties, Tenn., to points in Arkansas, Texas, Oklahoma, Iowa, West Virginia, Pennsylvania, and New York, and (2) from points in the destination States named in (1) above, to points in origin counties named in (1) above.

HEARING: December 19, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Wm. N. Culbertson.

No. MC 117119 (Sub-No. 111), filed September 23, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary products*, from Los Angeles, Calif., to points in Kansas, Oklahoma, Missouri, and Texas.

HEARING: December 12, 1963, at the Baker Hotel, Dallas, Tex., before Examiner Donald R. Sutherland.

No. MC 119767 (Sub-No. 5) (CORRECTION), filed July 2, 1963, published FEDERAL REGISTER issue of October 2, 1963, and corrected this issue to show correct hearing information. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, with or without tops: (1) 1 gallon capacity and less, from Rockdale, Ill., to Milwaukee, Wis., and Minneapolis, Minn.

NOTE: Applicant proposes to perform the transportation in vehicles especially designed for the movement of plastic containers. Common control may be involved.

HEARING: November 18, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 141, or if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 119632 (Sub-No. 14), filed August 28, 1963. Applicant: REED LINES, INC., Box 285, Woodburn, Ind. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, parts, and accessories for glass containers* such as *caps, covers, bail handles, stoppers*, and *tops*, and *fiberboard boxes*, from Huntington, W. Va., and points within five (5) miles thereof, to points in Michigan and points in Indiana north of U.S. Highway 40, and (2) *damaged, defective, and returned shipments* of the commodities specified in (1) above, from points in Michigan and points in Indiana north of U.S. Highway 40, to Huntington, W. Va., and points within five (5) miles thereof.

HEARING: November 20, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 119778 (Sub-No. 53), filed October 7, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, in tank vehicles, from points in Twiggs, Wilkinson, and Washington Counties, Ga., to points in Florida.

NOTE: Common control may be involved.

HEARING: October 24, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 119934 (Sub-No. 68) (AMENDMENT), filed August 4, 1963, published FEDERAL REGISTER issue September 18, 1963, amended September 30, 1963, and republished as amended this issue. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 6, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, from Marseilles, Ill., to points in Indiana, Illinois, Kentucky, Michigan, Wisconsin, Minnesota, Ohio, Iowa, and Missouri, and *damaged and rejected shipments* of the commodities specified above, on return.

NOTE: The purpose of this republication is to include Kentucky as a destination state.

HEARING: Remains as assigned November 8, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 124078 (Sub-No. 77), filed August 16, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, granular and pulverized, between points in Tennessee, Kentucky, Alabama, Arkansas, Georgia, North Carolina, and Mississippi.

NOTE: Applicant has contract carrier authority under MC 113832 and Subs thereunder; therefore, dual operations may be involved. It is also noted that common control may be involved.

HEARING: December 18, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Wm. N. Culbertson.

No. MC 124236 (Sub-No. 12), filed August 29, 1963. Applicant: CHEMICAL EXPRESS, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 2420 Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from points in Potter and Randall Counties, Tex., to Rhea, Tex.

NOTE: Applicant states it is under common control with Texas corporations Smith Transit, Inc. (MC 113514) and Cement Transports, Inc. (MC 124238), formerly MC 116391.

HEARING: December 10, 1963, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 125243 (Sub-No. 2), filed September 26, 1963. Applicant: JINX GRAHAM, doing business as J & L VAN LINES, Box 584, Hollywood, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses and attendant paraphernalia*, between points in New Mexico, on the one hand, and, on the other, points in Texas, Arizona, Colorado, Oklahoma, Nebraska, and Pomona and Los Alamitos, Calif., Hot Springs, Ark., and Sunland Park, N. Mex.

HEARING: December 18, 1963, at the Hotel Paso Del Norte, El Paso, Tex., before Examiner Donald R. Sutherland.

No. MC 125259 (Sub-No. 1), filed June 25, 1963. Applicant: W. L. HACKINGER, doing business as HECK'S WRECKER & TOWING COMPANY, Expressway 55, Marion, Ark. Applicant's attorney: R. Connor Wiggins, Jr., 710 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or damaged motor vehicles and trailers, by the use of wrecker equipment, and replacement vehicles therefor*, (1) between points in Shelby County, Tenn., and points in Crittenden County, Ark., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Texas, and (2) between points in Tennessee, Arkansas, and Mississippi.

HEARING: December 12, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Wm. N. Culbertson.

No. MC 125373 (Sub-No. 2) (CORRECTION), filed July 19, 1963, published FEDERAL REGISTER issue of October 2, 1963, and republished this issue to show advanced hearing date. Applicant: RICHARD G. BAER, doing business as UNITED DELIVERED SERVICE, Letendre Avenue, Port Edwards, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen human blood*, from St. Joseph's Hospital, Marshfield, Wis., Memorial and St. Mary's Hospitals, Wausau, Wis., St. Michael's Hospital, Stevens Point, Wis., and Riverview Hospital, Wisconsin Rapids, Wis., to Wisconsin Rapids, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

NOTE: Applicant states that pickups of the above commodity will be made at the above points and consolidated at Wisconsin Rapids for subsequent delivery by other carriers to Lederle Laboratories, Pearl River, N.Y.

HEARING: November 14, 1963, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 125368 (Sub-No. 1), filed October 4, 1963. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Cudahy, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, West Virginia, and Delaware.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 111442; therefore, dual operations may be involved.

HEARING: November 7, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 125383 (Sub-No. 1), filed August 30, 1963. Applicant: JORAY TRUCKING CORP., 2375 Woodbridge Avenue, Edison, N.J. Applicant's attorney: LeRoy Danziger, 334 Kings Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, dirt, gravel, stone, bank run, clay*, and *asphalt*, in dump vehicles, and *such other building and construction materials and supplies* ordinarily moving dump vehicles, from points in New Jersey to New York, N.Y., and *refused and rejected shipments*, on return.

NOTE: Applicant states the proposed service is to be performed under a continuing contract, or contracts, with Buck Realty Co., Inc., Buck Brothers, Inc., or their affiliated and subsidiary corporations or companies.

HEARING: November 21, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 125464 (Sub-No. 1), filed August 1, 1963. Applicant: FRANK WHITINGTON, INC., 259 East Webster Street, Memphis, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, or disabled motor vehicles, including trailers, replacement, and substitute vehicles therefor*, by use of wrecker equipment, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and Texas.

HEARING: December 12, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Wm. N. Culbertson.

No. MC 125486 (Sub-No. 1), filed August 12, 1963. Applicant: M. S. SAINT, 2122 South Bellevue Boulevard, Memphis, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, and disabled motor vehicles, trailers, and replacement vehicles therefor*, using wrecker equipment only, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, and Missouri.

HEARING: December 12, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Wm. N. Culbertson.

No. MC 125590, filed August 11, 1963. Applicant: MOLASSES CARRIER, INC., Post Office Box 247, El Reno, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, (1) from Beaumont, El Paso, and Houston, Tex., to points in Arkansas, Kansas, and Oklahoma, and (2) from points in Oklahoma to points in Arkansas and Kansas, and *empty containers or other such incidential facilities* used in transporting the commodity specified in this application, and *rejected shipments*, in (1) and (2) above, on return.

HEARING: December 5, 1963, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 125610, filed August 16, 1963. Applicant: O. L. GRIGGS AND GEORGE A. GRIGGS, doing business as GRIGGS BROTHERS, 2615 Grandview Avenue, Nashville 11, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of size or weight require special equipment*, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified: (1) between points in Tennessee and points in Alabama, (2) between points in Davidson, Rutherford, Sumner, Wilson, Williamson, Dickson, Stewart, Macon, Coffee, Montgomery, Maury, Sullivan, Hickman, and Covington Counties, Tenn., on the one hand, and, on the other, points in Alabama, Mississippi, Tennessee, Kentucky, Illinois, Iowa, Wisconsin, Ohio, Michigan, Indiana, Missouri, Arkansas, Georgia, Virginia, West Virginia, North Carolina, South Carolina, and Pennsylvania, and (3) between points in Tennessee and points in Ohio.

HEARING: December 16, 1963, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Wm. N. Culbertson.

No. MC 125627, filed August 26, 1963. Applicant: I & L TRUCKING, INC., 441 Claremont Avenue, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical, gas, and household appliances, sinks and cabinets*, crated and uncrated, between The Model

Warehouse Corp., Jersey City, N.J., on the one hand, and, on the other, Baltimore, Md., Philadelphia, Pa., Washington, D.C., points in Maryland, points in Connecticut on and south of U.S. Highway 44, points in New York on and south of a line beginning at the Massachusetts-New York State line and extending along U.S. Highway 20 to Cazenovia, N.Y., and on and east of a line extending along New York Highway 13 from Cazenovia to the New York-Pennsylvania State line.

HEARING: November 25, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

MOTOR CARRIERS OF PASSENGERS

No. MC 9598 (Sub-No. 1), filed September 6, 1963. Applicant: UNION STREET RAILWAY COMPANY, 935 Purchase Street, New Bedford, Mass. Applicant's attorney: Joseph P. Harrington, 190 Willian Street, New Bedford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between New Bedford, Mass., and Tiverton, R.I., leaving the Union Street Railway Co. Bus Terminal in New Bedford, Mass., over High Street, County Street, Mill Street, and Kempton Street, thence over Massachusetts Highway 6 to Old Westport Road in Dartmouth, thence over Old County Road, Main Road and Adamsville Road in Westport, thence over Main Road, Adamsville, R.I., thence over Crandell Road (between Main Road, Adamsville, R.I. and Bulgarmarsh Road, Tiverton, R.I.), thence over Stafford Road, Tiverton, R.I. to Fall River, Mass., and the Massachusetts-Rhode Island State line, returning to junction Stafford Road and Crandell Road, thence east on Bulgarmarsh Road (Rhode Island Highway 177) in the towns of Tiverton, R.I. and Fall River, Mass., thence over American Legion Highway (Massachusetts Highway 177) between Fall River and Westport, Mass. line and Beedam Road, thence over Massachusetts Highway 6 in Westport and continue on same route in town of Dartmouth and city of New Bedford, Mass., to the Union Street Railway Company Bus Terminal, in either direction, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at the Hotel Essex, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 125115 (Sub-No. 1), filed July 8, 1963. Applicant: LOUIS ROSENBAUM, Post Office Box 1183, El Paso, Tex. Applicant's attorney: George A. McAlmon, 609 Bassett Tower, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their luggage*, limited to transportation of no more than eight (8) passengers in any one vehicle, in special operations consisting of nonscheduled door-to-door service, between El Paso, Tex., and Los Angeles, Calif., from El Paso, over Interstate Highway 10 to Las Cruces, N. Mex., thence over U.S. Highway 80 through Lordsburg, N. Mex., to a junction of U.S. Highway 80 and 86, thence over U.S. Highway 86 to Benson, Ariz., thence over U.S. Highway 80 to Tucson, Ariz., thence over U.S. Highway 84 to Gila Bend, Ariz., thence over U.S. Highway 80 through Yuma, Ariz., to a junction of U.S. Highway 80 and California Highway 98, to Calexico, Calif., thence over U.S. Highway 99 to Indio, Calif., thence over Interstate Highway 10 to Los Angeles, and return over the same routes, serving no intermediate points.

HEARING: December 16, 1963, at the Hotel Paso Del Norte, El Paso, Tex., before Examiner Donald R. Sutherland.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 113828 (Sub-No. 48), filed October 4, 1963. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in tank or closed hopper vehicles, from Baltimore, Md., to Oil City and Rouseville, Pa.

No. MC 114194 (Sub-No. 54), filed September 23, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends*, in bulk from Granite City, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Texas, Oklahoma, Kentucky, and Tennessee, and *rejected shipments*, on return.

No. MC 114897 (Sub-No. 46), filed October 4, 1963. Applicant: WHITEFIELD TANK LINES, INC., 300–316 North Clard Road, Post Office Drawer 9897, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, from El Paso, Tex., to points in Arizona.

No. MC 124251 (Sub-No. 4), filed October 1, 1963. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's attorney: Ariel V. Conlin, 833 Atlanta Merchandise Mart Building, 240 Peachtree Street, NW., Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex compounds*, in bulk, and in drums on trucks and in van trailers between points in Whitfield County, Ga., and points in Oklahoma.

MOTOR CARRIERS OF PASSENGERS

No. MC 108570 (Sub-No. 2), filed October 1, 1963. Applicant: LITTEN & LITTEN MOTOR LINES, INC., Box 128, Route 1, Knoxville, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter or special operations, beginning and ending at Brunswick, Md., and points within twenty (20) miles thereof, and extending to points in Pennsylvania, New Jersey, Maryland, Virginia, West Virginia, Delaware, and the District of Columbia.

NOTICE OF FILING OF PETITIONS

No. MC 119777 (Sub-No. 3) (PETITION TO MODIFY CERTIFICATE), dated September 26, 1963. Petitioner: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, U.S. Highway 41 South, Madisonville, Ky. Petitioner's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Petitioner is authorized in MC 119777 (Sub-No. 3) to operate as a common carrier, by motor vehicle, transporting: Ferrochrome, ferrochrome silicon, ferro-silicon, silicomanganese, ferromanganese, siliconmetal, scrap iron, and steel for remelting purposes only, *in bulk, on flatbed trailers and in dump vehicles*, between points in Marshall County, Ky., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia. By the instant petition, petitioner requests the Commission to modify its certificate in MC 119777 (Sub-No. 3) to read as follows: *Ferrochrome, ferrochrome silicon, ferro-silicon, silicomanganese, ferromanganese, silicon-metal, scrap iron, and steel for remelting purposes only*, between the points named above. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8568. Authority sought for purchase by NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio, of a portion of the operating rights of MOHAWK MOTOR, INC., 40 Harrison Avenue, Tiffin, Ohio, and for acquisition by CHARLES W. HOKE, also of Norwalk, Ohio, EWING T. BOLES, 51 North High Street, Columbus, Ohio, JOHN W. CHRISTENSEN, 8 East Long Street, Columbus, Ohio, GEORGE W. BYERS, SR., 658 Fairway Boulevard, Columbus, Ohio, ARTHUR E. WHITE, 5775 Carrington Court, Worthington, Ohio, and ELMER J. KLAMFOTH, 753 Bedford Avenue, Columbus, Ohio, of control of such rights through the purchase. Applicants' attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be purchased: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Fort Wayne, Ind., and Muncie, Ind., serving all intermediate

and certain off-route points, between Muncie, Ind., and Indianapolis, Ind., serving certain intermediate and off-route points; *general commodities*, except dangerous explosives and livestock, between Muncie, Ind., and Huntsville, Ind., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, Michigan, Pennsylvania, New York, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8569. Authority sought for purchase by NILSON VAN & STORAGE, 2965 Main Street, Columbia, S.C., of the operating rights and property of D. V. NILSON, doing business as NILSON BONDED STORAGE COMPANY, 2965 Main Street, Columbia, S.C., and for acquisition by HOWARD A. NILSON and NORMA R. NILSON, both of 120 Lake Elizabeth Drive, Columbia, S.C., of control of such rights and property through the purchase. Applicants' attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Operating rights sought to be transferred: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier* over an irregular route, between points in North Carolina, on the one hand, and, on the other, points in South Carolina. Vendee holds no authority from this Commission. However, it is affiliated with UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, Post Office Box 3430, St. Louis 17, Mo., which is authorized to operate as a *common carrier* in all States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8570. Authority sought for control and merger by SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis., of the operating rights and property of PACKER CITY TRANSIT LINE, INC., 1210 16 North Buchanan Street, Green Bay, Wis., and for acquisition by AL J. SCHNEIDER, AGNES SCHNEIDER, both of 812 Stuart Street, Green Bay, Wis., and DONALD J. SCHNEIDER, 1410 Langlade, Green Bay, Wis., of control of such rights and property through the transaction. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be controlled and merged: *Pickles, sauerkraut*, and *relish*, as a *common carrier*, over irregular routes, from Oconto, Wis., to points in Iowa, Illinois, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, the lower peninsula of Michigan, and points in the New York, N.Y., Commercial Zone, as defined by the Commission; *used empty containers* for the commodities specified above, from points in Iowa, Illinois, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, the lower peninsula of Michigan, and points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Oconto, Wis.; *glass jars*, from Alton, Ill., Washington and Connellsville, Pa., Lancaster, and Toledo, Ohio, Dunkirk, Muncie, and Winchester, Ind., to Oconto, Wis.; *empty glass containers*, from Streator, Ill., to Oconto, Wis.; *bottle caps, acetic acid, sugar*, and *cooperage*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Oconto, Wis.; *pepper hulls*, from Oak Harbor, Ohio, to Oconto, Wis.; *onions*, from Celina, Ohio, Chicago, Ill., and points within 25 miles of Chicago, Ill., to Oconto, Wis.; *equipment and supplies* used in a canning or pickle factory or condensery, between points in Brown, Marinette, Oconto, Outagamie, Shawano, and Waupaca Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and north of Illinois Highway 116;

Pickles, relish, sauerkraut, sauerkraut juice, canned goods, mustard and vinegar, from Green Bay, Wis., to St. Louis, Mo., and points in Illinois, Indiana, and Ohio; *damaged, defective, rejected or returned shipments* of pickles, relish, sauerkraut, sauerkraut juice, canned goods, mustard, and vinegar, and *returned empty containers* used in the transportation of such commodities, from St. Louis, Mo., points in that part of Iowa on and east of U.S. Highway 69, and points in Illinois, Indiana, and Ohio, to Green Bay, Wis.; *glass jars, glass bottles, caps and covers for glass jars and bottles*, and *tin cans*, from points in Illinois, and Indiana, to Green Bay, Wis.; *empty barrels*, for vinegar, pickles, sauerkraut, and relish, from points in Illinois, to Manitowoc and Green Bay, Wis.; *vinegar*, from Manitowoc, Wis., to points in Illinois; *paper* and *paper articles*, from De Pere, Wis.; to Chicago, Ill.; *farm machinery* and *twine*, from Canton, Moline, Rock Island and Chicago, Ill., to Green Bay and De Pere, Wis.; *paper, paper products*, and *fibre and materials* used in the manufacture of these commodities, from Shawano, De Pere and points in the town of Richmond, Wis.; to points in Illinois, and that part of Iowa on and east of U.S. Highway 69, from Chicago and Chicago Heights, Ill., to Shawano, Wis.; *feed, grain, flour, fertilizer*, and *scrap meat products*, from Chicago, Riverdale, and Chicago Heights, Ill., to points in Dodge, Washington, Waukesha, Racine, Walworth, Sheboygan, Manitowoc, Brown, Outagamie, Kewaunee, Oconto, Green Lake, Calumet, Wood, Waupaca, Winnebago, Portage, Fond du Lac, Shawano, Door, Marinette, Marquette, Waushara, Adams, and Langlade Counties, Wis.; *cement products* and *cement supplies*, from Utica, Ill., to points in Dodge, Washington, Waukesha, Racine, Walworth, Sheboygan, Manitowoc, Brown, Outagamie, Kewaunee, Oconto, Green Lake, Calumet, Wood, Waupaca, Winnebago, Portage, Fond du Lac, Shawano, Door, Marinette, Marquette, Waushara, Adams, and Langlade Counties, Wis.;

Clay products, from Streator, Ill., to points in Dodge, Washington, Waukesha, Racine, Walworth, Sheboygan, Manitowoc, Brown, Outagamie, Kewaunee, Oconto, Green Lake, Calumet, Wood, Waupaca, Winnebago, Portage, Fond du Lac, Shawano, Door, Marinette, Marquette, Waushara, Adams, Langlade, Kenosha, Milwaukee, Jefferson, Green, Marathon, Columbia, Juneau, Lincoln, Sauk, Dane, Rock, and Monroe Counties, Wis.; *canned goods*, from points in Shawano, Waupaca, Brown, Outagamie, Oconto, and Marinette Counties, Wis., to St. Louis, Mo., points in Illinois, and that part of Iowa on and east of U.S. Highway 69, from Fort Atkinson, Wis., to St. Louis, Mo., points in that part of Iowa on and east of U.S. Highway 69, and points in Illinois, Indiana and Ohio; *damaged, defective, rejected, or returned shipments* of canned goods, and *empty containers*, from St. Louis, Mo., points in that part of Iowa on and east of U.S. Highway 69, and points in Illinois, Indiana and Ohio, to Fort Atkinson, Wis.; *canned foods*, from Shawano, Wis., to points in the upper peninsula of Michigan, from Antigo, Wis., to points in Illinois, that part of Iowa on and east of U.S. Highway 69, and points in the upper peninsula of Michigan; *milk*, processed, from Shawano, Wis., to points in the Chicago, Ill., Commercial Zone, as defined by the Commission; *wood veneer, crates, box shooks, built-up wood, plywood*, and *lumber*, between Shawano, Wis., on the one hand, and, on the other, Freeport and Elgin, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission;

Sauerkraut and *sauerkraut juice*, from Bear Creek, Wis., to St. Louis, Mo., points in that part of Iowa on and east of U.S. Highway 69, and points in Illinois, Indiana, and Ohio; *damaged, defective, rejected, or returned shipments* of sauerkraut and sauerkraut juice, and *empty containers*, from St. Louis, Mo., points in that part of Iowa on and east of U.S. Highway 69 and points in Illinois, Indiana, and Ohio, to Bear Creek, Wis.; *tin cans*, from Chicago, Hoopeston, and Maywood, Ill., and Indianapolis, Ind., to Fort Atkinson, Wis.; *labels*, from St. Charles, Ill., to Fort Atkinson, Wis.; *canning and harvesting machinery and equipment*, and *cannery supplies*, between Kent City, Mich., on the one hand, and, on the other, Fort Atkinson, and Green Bay, Wis.; *household goods*, as defined by the Commission, between points in Dodge, Washington, Waukesha, Racine, Walworth, Sheboygan, Manitowoc, Brown, Outagamie, Kewaunee, Oconto, Green Lake, Calumet, Wood Waupaca, Winnebago, Portage, Fond du Lac, Shawano, Door, Marinette, Marquette, Waushara; Adams, and Langlade Counties, Wis., on the one hand, and, on the other, points in Illinois; *corn oil*, in tank vehicles, from Decatur and Chicago, Ill., Cedar Rapids and Clinton, Iowa, and St. Louis, Mo., to Green Bay, Wis.; *vinegar*, in tank vehicles, from Green Bay, Wis., to points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Pennsylvania, and points in Kentucky within 15 miles of the Mississippi and Ohio Rivers, from Bailey, Mich., and Peoria, Ill., to Green Bay, Wis., from Manitowoc, Wis., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Pennsylvania, and to Louisville, Ky.;

Empty barrels and *sweet brine*, from Terre Haute, Ind., to Green Bay, Wis.; *glass jars and bottles*, from Lapel, Ind.,

to Oconto, Wis., from Marion, Ind., to points in Wisconsin (except Green Bay and Milwaukee, Wis.); *fertilizer*, from Chicago Heights, Ill., to points in Ozaukee, Jefferson, Marathon, Lincoln, Oneida, Forest, Vilas, and Florence Counties, Wis., and to points in Kenosha and Milwaukee Counties, Wis., other than incorporated cities and villages; *soap, soap products*, and *cooking compounds*, from Shawano, Wis., to points in Shawano, Outagamie, Waupaca, Oconto, and Langlade Counties, Wis.; *paper and paper products*, from Shawano, Wis., to Green Bay, De Pere, Kaukauna, Kimberly, Appleton, Neenah, and Menasha, Wis.; *building, paving, or roofing materials and supplies*, as follows: *asbestos*, scrap; *asphalt*, liquid or solid in packages; *automobile body panels*, fiberboard, not covered, with cut-outs, or shape other than rectangular, painted or not painted, loaded on platforms or wooden skids; *blocks*, mastic (asphalt flooring, compound); *boards*, fiberboard and/or pulpboard (impregnated with asphalt), in rectangular shapes, without cut-outs, painted or not painted, loaded on wooden platforms or wooden skids; *boards*, asphalt composition, paving or flooring; *board*, wall, asbestos; *board*, wall, fiberboard, pulpboard or strawboard; *burlap*, bituminized, in packages; *caps*, roofing, tin, in packages; *carpet lining*, paper, including felt paper plain, other than indented; *cement*, asbestos, in packages; *cement*, composition or asbestos; *cement*, furnace, in packages; *cement*, tile, liquid; cement, roofing, in packages; *cement*, magnesia; *clamps*, metal, in packages; *coating*, roof, having asbestos, pitch tar or rosin base, in packages; *cloth*, cotton, saturated with asbestos; *conduits*, bituminized fiber; *creosote*, in packages; *eave filler strips*, asphalt composition; *fasteners*, metal, in packages; *felt*, building or roofing, saturated or unsaturated; *felts*, paper, fabrics saturated and/or coated; *flashing blocks*, asphalt composition;

Insulating material, asbestos or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets; *millboard*, asbestos, in packages; *mineral wool* (rock or slag wool) metal reinforced, in packages, or without paper backs, in batts or other than batts, in packages; *mortar or cement*, high temperature bonding, N.O.I., in packages; *nails*, in packages; *packing*, asbestos, braid or wick, in packages; *paint*, asphaltum, in packages; *paint*, coal tar, in packages; *paper*, asbestos, and/or other than asbestos, building, roofing, or sheathing, plain or saturated; *paper* building or roofing or sheathing, saturated or unsaturated; *paving joints*, expansion (asphalt or asphalt base); *pipe*, cement, containing asbestos fiber; *pitch*, roofing, in packages; *planks*, asphalt composition, paving or flooring; *ridge rolls*, asbestos, in packages; *roofing*, composition or prepared; *roofing or sheathing*, asbestos hard, corrugated; *sheathing*, asbestos, hard flat, ornamented or not ornamented, polished or shaped, with or without fiberboard center or back, and/or air cell paper center; *shingles*, asbestos, hard (artificial stone shingles or slate), in bundles; *shingles*, asbestos; *shingles*, asphalt, asbestos or composition; *sheathings; shorts*, asbestos; *siding*, asbestos; *siding*, asphalt; *straps*, tin, with fasteners, in packages; *tar*, roofing, in packages; *tile*, asphalt, composition, floor; *wood preservatives*, in packages, from Chicago Heights, Ill., to points in Wisconsin (except Madison and Milwaukee, Wis., and points south of Milwaukee within 5 miles of Lake Michigan), RESTRICTION: The separately stated authorities granted herein shall not be joined or tacked one to another for the purpose of performing any through transportation;

Aluminum siding, and *parts, accessories, and materials* used in the installation of aluminum siding, from the plant site of Flintkote Company, at Chicago Heights, Ill., to points in Wisconsin (except Madison and Milwaukee and points south of Milwaukee within five miles of Lake Michigan); and *returned shipments* of the commodities specified above, from points in Wisconsin (except Madison and Milwaukee and points south of Milwaukee within 5 miles of Lake Michigan), to the plant site of the Flintkote Company, at Chicago Heights, Ill. SCHNEIDER TRANSPORT & STORAGE, INC., is authorized to operate as a *common carrier* in Wisconsin and Michigan. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10928; Filed, Oct. 15, 1963; 8:47 a.m.]

[Notice 569]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 11, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 123194 (Sub-No. 1), filed October 8, 1963. Applicant: SPRAGUE & McCORMICK, INC., 9641 South Ewing Avenue, Chicago 17, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat-packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, 766, and *materials, supplies, and equipment used in the conduct of such business* (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company at or near Sterling, Ill., to points in Indiana and Michigan.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10929; Filed, Oct. 15, 1963; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 11, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-3579 Case No. 1, filed August 28, 1963. Applicant: MULVENA TRUCK LINE, INC., 400 West Chisholm Street, Alpena, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* over a regular route from Gaylord, Mich., via Interstate Highway 75 to junction Michigan Highway 68 and thence via Michigan Highway 68 to Afton, Mich., and return over the same route, for operating convenience only, serving no intermediate points.

HEARING: November 7, 1963, at 9:30 a.m. in the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing 13, Mich., and should not be directed to the Interstate Commerce Commission.

State Docket No. 11598 Case No. 1, filed July 19, 1963. Applicant: CLAUD HERLOCKER AND ROY HERLOCKER, doing business as CLAUD'S CARTAGE, 515 Franklin Street, Detroit 26, Mich. Applicant's representative: Claud Herlocker (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *uncrated office machines and office equipment, including display and advertising materials*, between Detroit, Mich., and points within eight (8) miles thereof (including Detroit Metropolitan Airport), on the one hand, and, on the other, points in Michigan within one hundred (100) miles thereof.

NOTE: Applicant states such authority shall be subject to the following restrictions: (a) vehicles shall be specially equipped with hydraulic lifting devices, and (b) limited to shipments moving to and from International Business Machines Co., its subsidiaries, affiliates, or customers. He further states similar authority is presently held from Michigan Public Service Commission to serve International Machines Co. within seventy-five (75) miles of Detroit. Some of this traffic may move as part of a continuous movement in interstate commerce.

HEARING: November 7, 1963, at 9:30 a.m. in the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing 13, Mich., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10930; Filed, Oct. 15, 1963; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 11, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38587: *Tile from Galveston, Houston and Texas City, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8453), for interested rail carriers. Rates on tile, facing or flooring, loaded in or on trailers and transported on railroad flat cars, from Galveston, Houston and Texas City, Tex., to New York, N.Y., Harrisburg and York, Pa.

Grounds for relief: Water-truck competition.

Tariff: Supplement 212 to Southwestern Freight Bureau, agent, tariff I.C.C. 4380.

FSA No. 38588: *T.O.F.C. service—from and to Natchez, Miss., and Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8460), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars, between Natchez, Miss., and Memphis, Tenn., on the one hand, and points in Illinois Freight Association and western trunkline territories, on the other.

Grounds for relief: Motortruck competition.

Tariff Supplement 74 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA No. 38589: *T.O.F.C. service—from and to southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8462), for interested rail carriers. Rates on cooling boxes or refrigerators, loaded in or on trailers and transported on railroad flat cars, between points in Illinois, Kansas and Missouri, on the one hand, and points in southwestern territory, also Natchez, Miss., and Memphis, Tenn., on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 146 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345.

FSA No. 38590: *T.O.F.C. service—class and commodity rates from and to southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8463), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars, between Kingsland, Thiokol and Woodbine, Ga., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 36 to Southwestern Freight Bureau, agent, tariff I.C.C. 4511.

FSA No. 38591—*Cement form Joppa, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2685), for interested rail carriers. Rates on cement and related articles, in carloads, from Joppa, Ill., to points in Kentucky, also Cincinnati, Ohio.

Grounds for relief: Market competition.

Tariff: Supplement 63 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. 4225 (Hinsch series).

FSA No. 38592: *Ferro-silicon metals to Houston, Tex.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2687), for interested rail carriers. Rates on ferro-silicon-manganese metals, as described in the application, in carloads, from Brilliant and Mingo Junction, Ohio, to Houston, Tex.

Grounds for relief: Watertruck competition.

Tariff: Supplement 155 to Southwestern Freight Bureau, agent, tariff I.C.C. 4397.

FSA No. 38593: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 484), for interested rail carriers. Rates on various commodities, as described in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 4 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38594: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 485), for interested rail carriers. Rates on various commodities, as described in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 4 to Texas-Louisiana Freight Bureau, Agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10926; Filed, Oct. 15, 1963; 8:47 a.m.]

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Volume 76

UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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VOLUME 28 NUMBER 203

Washington, Thursday, October 17, 1963

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Announcing: Volume 76A

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Rules and Regulations

Title 26—INTERNAL REVENUE

[T.D. 6681]

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Mutual Insurance Companies

On June 19, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 821 through 826, 831, 832, 841, 1016, and 1201 of the Internal Revenue Code of 1954 (relating to mutual insurance companies, other than life and certain marine insurance companies and other than fire or flood insurance companies which operate on basis of perpetual policies or premium deposits) to reflect the changes made by section 8 of the Revenue Act of 1962 (76 Stat. 960, 989) was published in the FEDERAL REGISTER (28 F.R. 6272). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below. Section 1.831–4 of such regulations supersedes § 16.4–1 of Treasury Decision 6624 (26 CFR Part 16), approved December 13, 1962 (27 F.R. 12544). In addition, there is contained herein an amendment of the Income Tax Regulations under section 11 of the Internal Revenue Code of 1954 to conform to the Tax Rate Extension Act of 1963 (77 Stat. 72).

PARAGRAPH 1. Section 1.821, as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising section 821 (a)(1), and (c)(1)(A), and the historical note at the end thereof.

PAR. 2. Section 1.821–4, as set forth in paragraph 4 of the notice of proposed rule making, is changed by revising subparagraph (1) of paragraph (b), example (1) of paragraph (d), and subparagraph (2)(i) of paragraph (e).

PAR. 3. Paragraph (c) of § 1.821–5, as set forth in paragraph (4) of the notice of proposed rule making, is revised.

PAR. 4. Section 1.823–6, as set forth in paragraph 10 of the notice of proposed rule making is changed by revising paragraph (b)(1) and paragraph (c)(2)(v).

PAR. 5. Paragraph (c) of § 1.824–1, as set forth in paragraph 10 of the notice of proposed rule making, is changed by revising example (5).

PAR. 6. Section 1.831–4, as set forth in paragraph 12 of the notice of proposed rule making, is changed by revising paragraphs (b) and (c).

PAR. 7. Paragraph (a)(4) of § 1.832–4, as set forth in paragraph 14 of the notice of proposed rule making, is changed by revising subdivisions (i) and (ii).

PAR. 8. Section 1.11 is amended by revising section 11(b) and the historical note at the end thereof.

PAR. 9. Paragraph (c) of § 1.11–1 is amended.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 11, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 821 through 826, 831, 832, 841, 1016, and 1201 of the Internal Revenue Code of 1954 to section 8 of the Revenue Act of 1962 (76 Stat. 989), such regulations are amended. In addition, the regulations under section 11 of the Internal Revenue Code of 1954 are amended to conform to the Tax Rate Extension Act 1963 (77 Stat. 72).

PARAGRAPH 1. The heading of part II of subchapter L is amended to read as follows: "Mutual insurance companies (other than life and certain marine insurance companies and other than fire or flood insurance companies which operate on basis of perpetual policies or premium deposits)".

PAR. 2. Section 1.821 is amended by revising the heading thereof, by revising section 821 (including the heading), and by revising the historical note at the end thereof. These amended provisions and historical note read as follows:

§ 1.821 Statutory provisions; tax on mutual insurance companies to which part II applies.

SEC. 821. *Tax on mutual insurance companies to which part II applies*—(a) *Imposition of tax.* A tax is hereby imposed for each taxable year beginning after December 31, 1962, on the mutual insurance company taxable income of every mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831). Such tax shall consist of—

(1) *Normal tax*—(A) *Taxable years beginning before July 1, 1964.* In the case of taxable years beginning before July 1, 1964, a normal tax of 30 percent of the mutual insurance company taxable income, or 60 percent of the amount by which such taxable income exceeds $6,000, whichever is the lesser;

(B) *Taxable years beginning after June 30, 1964.* In the case of taxable years beginning after June 30, 1964, a normal tax of 25 percent of the mutual insurance company taxable income, or 50 percent of the amount by which such taxable income exceeds $6,000, whichever is the lesser; plus

(2) *Surtax.* A surtax of 22 percent of the mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) in excess of $25,000.

(b) *Mutual insurance company taxable income defined.* For purposes of this part, the term "mutual insurance company taxable income" means, with respect to any taxable year, the amount by which—

(1) The sum of—

(A) The taxable investment income (as defined in section 822(a)(1)),

(B) The statutory underwriting income (as defined in section 823(a)(1)), and

(C) The amounts required by section 824(d) to be subtracted from the protection against loss account, exceeds

(2) The sum of—

(A) The investment loss (as defined in section 822(a)(2)),

(B) The statutory underwriting loss (as defined in section 823(a)(2)), and

(C) The unused loss deduction provided by section 825(a).

(c) *Alternative tax for certain small companies*—(1) *Imposition of tax.* In the case of taxable years beginning after December 31, 1962, there is hereby imposed for each taxable year on the income of each mutual insurance company to which this subsection applies a tax (which shall be in lieu of the tax imposed by subsection (a)) computed as follows:

(A) *Normal tax*—(i) *Taxable years beginning before July 1, 1964.* In the case of taxable years beginning before July 1, 1964, a normal tax of 30 percent of the taxable investment income, or 60 percent of the amount by which such taxable income exceeds $3,000, whichever is the lesser;

(ii) *Taxable years beginning after June 30, 1964.* In the case of taxable years beginning after June 30, 1964, a normal tax of 25 percent of the taxable investment income, or 50 percent of the amount by which such taxable income exceeds $3,000, whichever is the lesser; plus

(B) *Surtax.* A surtax of 22 percent of the taxable investment income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) in excess of $25,000.

(2) *Gross amount received, over $150,000 but less than $250,000.* If the gross amount received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) is over $150,000 but less than $250,000, the tax imposed by paragraph (1) shall be reduced to an amount which bears the same proportion to the amount of the tax determined under paragraph (1) as the excess over $150,000 of such gross amount received bears to $100,000.

(3) *Companies to which subsection applies*—(A) *In general.* Except as provided in subparagraph (B), this subsection shall apply to every mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831) which received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) a gross amount in excess of $150,000 but not in excess of $500,000.

(B) *Exceptions.* This subsection shall not apply to a mutual insurance company for the taxable year if—

(i) There is in effect an election by such company made under subsection (d) to be taxable under subsection (a); or

(ii) There is any amount in the protection against loss account at the beginning of the taxable year.

(d) *Election to include statutory underwriting income or loss*—(1) *In general.* Any

mutual insurance company which is subject to tax under subsection (a) for any taxable year beginning after August 16, 1954, and all meaning as in section 501(c)(15), and

whichever is the lesser. For example, a

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mutual insurance company which is subject to the tax imposed by subsection (c) may elect, in such manner and at such time as the Secretary or his delegate may by regulations prescribe, to be subject to the tax imposed by subsection (a).

(2) *Effect of election.* If an election is made under paragraph (1), the electing company shall be subject to the tax imposed by subsection (a) (and shall not be subject to the tax imposed by subsection (c)) for the first taxable year for which such election is made and for all taxable years thereafter unless the Secretary or his delegate consents to a revocation of such election.

(e) *No United States insurance business.* Foreign mutual insurance companies (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831) not carrying on an insurance business within the United States shall not be subject to this part but shall be taxable as other foreign corporations.

(f) *Special transitional underwriting loss—(1) Companies to which subsection applies.* This subsection shall apply to every mutual insurance company which has been subject to the tax imposed by this section (as in effect before the enactment of this subsection) for the 5 taxable years immediately preceding January 1, 1962, and has incurred an underwriting loss for each of such 5 taxable years.

(2) *Reduction of statutory underwriting income.* For purposes of this part, the statutory underwriting income of a company described in paragraph (1) for the taxable year shall be the statutory underwriting income for the taxable year (determined without regard to this subsection) reduced by the amount by which—

(A) The sum of the underwriting losses of such company for the 5 taxable years immediately preceding January 1, 1962, exceeds

(B) The total amount by which the company's statutory underwriting income was reduced by reason of this subsection for prior taxable years.

(3) *Underwriting loss defined.* For purposes of this subsection, the term "underwriting loss" means statutory underwriting loss, computed without any deduction under section 824(a) and without any deduction under section 832(c)(11).

(4) *Years to which subsection applies.* This subsection shall apply with respect to any taxable year beginning after December 31, 1962, and before January 1, 1968, for which the taxpayer is subject to the tax imposed by subsection (a).

(g) *Cross references.* (1) For exemption from tax of certain mutual insurance companies, see section 501(c)(15).

(2) For alternative tax in case of capital gains, see section 1201(a).

[Sec. 821 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 14); sec. 3(a)(1) and (2), Life Insurance Company Tax Act 1955 (70 Stat. 47); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114); sec. 8(a), Rev. Act 1962 (76 Stat. 989); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72)]

PAR. 3. Section 1.821–2 is amended to read as follows:

§ 1.821–2 Taxable years affected.

Section 1.821–1 is applicable only to taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Section 1.821–3 is applicable only to taxable years beginning after December 31, 1954, but before January 1, 1963, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 36). Sections 1.821–4 through 1.821–7 are applicable only to taxable years beginning after December 31, 1962, and all references to sections of parts II and III, subchapter L, chapter 1 of the Code are to sections of the Internal Revenue Code of 1954 as amended by section 8 of the Revenue Act of 1962 (76 Stat. 989).

PAR. 4. There are inserted immediately after § 1.821–3 the following new sections:

§ 1.821–4 Tax on mutual insurance companies other than life insurance companies and other than fire, flood, or marine insurance companies subject to tax imposed by section 831.

(a) *In general—(1) Tax imposed.* (i) For taxable years beginning after December 31, 1962, all mutual insurance companies, including foreign insurance companies carrying on an insurance business within the United States, not taxable under section 802 or 831, and not specifically exempt under the provisions of section 501(c)(15), are subject either to the tax imposed by section 821(a) on mutual insurance company taxable income or, in the case of certain small companies, to the tax imposed by section 821(c) on taxable investment income. The determination of whether a mutual insurance company is taxable under section 821 (a) or (c) for the taxable year is dependent upon the gross amount received by the company during such taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments). If such gross amount received exceeds $150,000, but does not exceed $500,000 for the taxable year, the company is subject to the tax imposed by section 821(c) on taxable investment income, unless (*a*) the company elects under section 821(d) in the manner provided in paragraph (f) of this section to be subject to the tax imposed by section 821(a), or (*b*) there is a balance in its protection against loss account at the beginning of the taxable year. A company having a gross amount received in excess of $500,000 is subject to the tax imposed by section 821(a). For exemption from income tax of companies having a gross amount received not in excess of $150,000, see section 501(c)(15). For the alternative tax, in lieu of the tax imposed by section 821 (a) or (c), where the net long-term capital gain for any taxable year exceeds the net short-term capital loss, see section 1201(a) and the regulations thereunder. For the definition of an insurance company, see § 1.801–3(a).

(ii) The term "premiums" as used in section 821 and this section has the same meaning as in section 501(c)(15) and § 1.501(c)(15)–1, and means the total amount of the premiums and other consideration provided in the insurance contract without any deduction for commissions, return premiums, reinsurance, dividends to policyholders, dividends left on deposit with the company, discounts on premiums paid in advance, interest applied in reduction of premiums (whether or not required to be credited in reduction of premiums under the terms of the contract), or any other item of similar nature. Such term includes advance premiums, premiums deferred and uncollected and premiums due and unpaid, deposits, fees, assessments, and consideration in respect of assuming liabilities under contracts not issued by the taxpayer (such as a payment or transfer of property in an assumption reinsurance transaction), but does not include amounts received from other insurance companies for losses paid under reinsurance contracts.

(2) *Tax base.* The taxable income of mutual insurance companies taxable under section 821 differs from the taxable income of other corporations. See sections 821(b) and 822. Mutual insurance companies have special items of income and special deductions not provided for other corporations. See, for example, sections 821(b)(1)(C), 822(d), 823(b), 824(a), and 825(a). Thus, the computation of mutual insurance company taxable income for a company taxable under section 821(a), and the computation of taxable investment income for a company taxable under section 821(c), must be made in strict accordance with the provisions of part II of subchapter L of the Code.

(3) *Applicability of other provisions.* All provisions of the Code and of the regulations in this part not inconsistent with the specific provisions of part II of subchapter L of the Code are applicable to the assessment and collection of the tax imposed by section 821 (a) or (c), and mutual insurance companies subject to the tax imposed by section 821 are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations. The return shall be on Form 1120M.

(4) *Certain foreign companies.* Foreign mutual insurance companies (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831) not carrying on an insurance business within the United States are not taxable under section 821 (a) or (c), but are taxable as other foreign corporations. See section 881.

(b) *Rates of tax imposed by section 821(a)—(1) Normal tax.* For taxable years beginning before July 1, 1964, the normal tax imposed under section 821(a) is the lesser of 30 percent of mutual insurance company taxable income, or 60 percent of the amount by which mutual insurance company taxable income exceeds $6,000. In the case of taxable years beginning after June 30, 1964, the normal tax is imposed at the rate of 25 percent of mutual insurance company taxable income, or 50 percent of the amount by which mutual insurance company taxable income exceeds $6,000, whichever is the lesser. For example, a company subject to tax under section 821 (a) will file a return but will pay no normal tax if mutual insurance company taxable income does not exceed $6,000. When mutual insurance company taxable income exceeds $6,000 but does not exceed $12,000, the company will pay a normal tax equal to 60 percent (50 percent in the case of taxable years beginning after June 30, 1964) of the amount by which mutual insurance company taxable income exceeds $6,000. When mutual insurance company taxable income exceeds $12,000, the company will pay normal tax at the rate of 30 percent (25 percent in the case of taxable years beginning after June 30, 1964) of such income.

(2) *Surtax.* Companies taxable under section 821(a) are subject to a surtax equal to 22 percent of so much of their mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) as exceeds $25,000. In the case of an interinsurer or reciprocal underwriter electing to be subject to the limitation provided in section 826(b), the surtax applies to any increase in mutual insurance company taxable income attributable to such election, without regard to the $25,000 surtax exemption otherwise provided by section 821(a)(2) and this subparagraph, and without regard to whether the company is liable for any normal tax under section 821(a)(1) and subparagraph (1) of this paragraph. See section 826(f) and § 1.826–2.

(c) *Mutual insurance company taxable income defined.* The tax imposed by section 821(a) with respect to any taxable year is computed upon mutual insurance company taxable income for the taxable year. Section 821(b) provides that in the case of a mutual insurance company subject to the tax imposed by section 821(a), mutual insurance company taxable income means the amount by which—

(1) The sum of—

(i) The taxable investment income (as defined in section 822(a)(1) and paragraph (a)(1) of § 1.822–8),

(ii) The statutory underwriting income (as defined in section 823(a)(1) and paragraph (b)(1) of § 1.823–6), and

(iii) The amounts required by section 824(d) and paragraph (b)(3) of § 1.824–1 to be subtracted from the protection against loss account, exceeds

(2) The sum of—

(i) The investment loss (as defined in section 822(a)(2) and paragraph (a)(2) of § 1.822–8),

(ii) The statutory underwriting loss (as defined in section 823(a)(2) and paragraph (b)(2) of § 1.823–6), and

(iii) The unused loss deduction provided by section 825(a) and paragraph (a) of § 1.825–1.

If for any taxable year the amount determined under subparagraph (2) of this paragraph equals or exceeds the amount determined under subparagraph (1) of this paragraph, the mutual insurance company taxable income for such year shall be zero.

(d) *Examples.* The application of the tax imposed by section 821(a) may be illustrated by the following examples:

Example (1). M, a mutual casualty insurance company, for the calendar year 1968 has gross receipts from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) in excess of $500,000, and therefore is subject to the tax imposed by section 821(a). M's taxable investment income, computed under section 822, is $30,000 and its statutory underwriting income, computed under section 823, is $15,000. M subtracts $3,000 from its protection against loss account in accordance with the computation made under section 824(d). M has no unused loss deduction. If M is not subject to section 826, its mutual insurance company taxable income for the taxable year 1968 is $48,000, computed as follows:

(1)	Taxable investment income	$30,000
(2)	Statutory underwriting income	15,000
(3)	Subtractions from protection against loss account	3,000
(4)	Total income items	48,000
	Less:	
(5)	Investment loss	0
(6)	Statutory underwriting loss	0
(7)	Unused loss deduction	0
(8)	Total loss items	0
(9)	Mutual insurance company taxable income (item (4) minus item (8))	48,000

Example (2). Assume the same facts as in example (1), and in addition assume that M received $5,000 of partially tax-exempt interest during the taxable year which M deducted under section 242. Since M's mutual insurance company taxable income is in excess of $12,000, M will pay normal tax on its mutual insurance company taxable income at a rate of 30 percent. In addition, since M's mutual insurance company taxable income (computed without regard to the deduction provided by section 242 for partially tax-exempt interest) exceeds $25,000, M will pay surtax on such excess at a rate of 22 percent. M's total tax liability for the taxable year 1968 is $20,560, computed as follows (assuming a normal tax rate of 30 percent and a surtax of 22 percent):

(1)	Mutual insurance company taxable income as computed in example (1)	$48,000
(2)	Normal tax: 30 percent of mutual insurance company taxable income	14,400
(3)	Partially tax-exempt interest deducted under section 242	5,000
(4)	Mutual insurance company taxable income for purposes of surtax (item (1) plus item (3))	53,000
(5)	Surtax exemption	25,000
(6)	Mutual insurance company taxable income subject to the surtax (item (4) minus item (5))	28,000
(7)	Surtax: 22 percent of mutual insurance company taxable income subject to the surtax	6,160
(8)	Total tax (item (2) plus item (7))	20,560

Example (3). If in example (2), M's mutual insurance company taxable income had been in excess of $6,000 but not in excess of $12,000, M would pay normal tax in an amount equal to 60 percent of the amount by which such income exceeded $6,000. Thus, if M had mutual insurance company taxable income of $11,000, and partially tax-exempt interest of $5,000, M's total tax liability for the taxable year 1968 would be $3,000, computed as follows:

(1)	Mutual insurance company taxable income	$11,000
(2)	Mutual insurance company taxable income in excess of $6,000 ($11,000 minus $6,000)	5,000
(3)	30 percent of item (1)	3,300
(4)	60 percent of item (2)	3,000
(5)	Normal tax (lesser of items (3) or (4))	3,000
(6)	Partially tax-exempt interest deducted under section 242	5,000
(7)	Mutual insurance company taxable income for purposes of surtax (item (1) plus item (6))	16,000
(8)	Surtax exemption	25,000

Since the surtax exemption exceeds the mutual insurance company taxable income for purposes of the surtax, there is no surtax liability. Since the normal tax under section 821(a) is the lesser of 30 percent of mutual insurance company taxable income or 60 percent of the amount by which such income exceeds $6,000, M's normal tax (and total income tax liability) is $3,000. If M's mutual insurance company taxable income was not in excess of $6,000, M would be required to file a return, but would not be liable for any normal tax, since, in such a case, 60 percent of M's mutual insurance company taxable income in excess of $6,000 would be zero.

(e) *Alternative tax for certain small mutual insurance companies—(1) In general.* (i) Section 821(c) provides an alternative tax for certain small mutual insurance companies. This alternative tax, which is in lieu of the tax imposed by section 821(a), is imposed on taxable investment income (as defined in section 822(a)(1) and paragraph (a)(1) of § 1.822–8) and consists of a normal tax and a surtax. The tax provided by section 821(c) is imposed on every mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831) which received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) a gross amount in excess of $150,000 but not in excess of $500,000, except a company which has properly elected under section 821(d) and paragraph (f) of this section to be subject to the tax imposed by section 821(a), or a company which has a balance in its protection against loss account at the beginning of the taxable year.

(ii) Any company which would be taxable under section 821(c) but for the presence of an amount in its protection against loss account at the beginning of the taxable year may elect to subtract the balance from such account. See section 824(d)(5) and § 1.824–3. If such an election is made in such a case, the company shall not be subject to the tax imposed by section 821(a), but shall be subject to the tax imposed by section 821(c).

(2) *Rates of tax imposed by section 821(c)—(i) Normal tax.* Section 821(c)(1)(A) provides that the normal tax for taxable years beginning before July 1, 1964, is the lesser of 30 percent of taxable investment income or 60 percent of the amount by which taxable investment in-

come exceeds $3,000. For taxable years beginning after June 30, 1964, the normal tax is the lesser of 25 percent of taxable investment income, or 50 percent of the amount by which taxable investment income exceeds $3,000. For example, if a company subject to tax under section 821(c) has taxable investment income for the calendar year 1968 of $4,000, its normal tax liability for the taxable year 1968 would be $2,000, computed as follows:

(1)	Taxable investment income	$4,000
(2)	$3,000	3,000
(3)	Excess of item (1) over item (2)	1,000
(4)	60 percent of item (3)	600
(5)	30 percent of item (1)	1,200
(6)	Normal tax (lesser of item (4) or item (5))	600

(ii) The surtax provided by section 821(c) is imposed on taxable investment income in excess of $3,000 at a rate of 22 percent. For example, if a company subject to tax under section 821(c) has taxable investment income for the calendar year 1968 of $4,000, its surtax liability for the taxable year 1968 would be $220, computed as follows:

(1)	Taxable investment income	$4,000
(2)	$3,000	3,000
(3)	Excess of item (1) over item (2)	1,000
(4)	22 percent of item (3)	220

(iii) The total tax liability for the taxable year 1968 of a company subject to tax under section 821(c) which has taxable investment income for the calendar year 1968 of $4,000 would be $820, computed as follows:

(1)	Taxable investment income	$4,000
(2)	$3,000	3,000
(3)	Excess of item (1) over item (2)	1,000
(4)	60 percent of item (3)	600
(5)	30 percent of item (1)	1,200
(6)	Normal tax (lesser of item (4) or item (5))	600
(7)	$3,000	3,000
(8)	Excess of item (1) over item (7)	1,000
(9)	Surtax (22 percent of item (8))	$220

(f) (1) and paragraph (a) of this section

come exceeds $3,000. For taxable years beginning after June 30, 1964, the normal tax is imposed at the rate of 25 percent of taxable investment income, or 50 percent of the amount by which taxable investment income exceeds $3,000, whichever is the lesser. Thus, a company subject to tax under section 821(c) will file a return but will pay no tax if for the taxable year its taxable investment income does not exceed $3,000; or will pay a normal tax equal to 60 percent (50 percent in the case of taxable years beginning after June 30, 1964) of taxable investment income in excess of $3,000 when such income exceeds $3,000 but does not exceed $6,000. When taxable investment income exceeds $6,000, the normal tax is imposed at the rate of 30 percent (25 percent in the case of taxable years beginning after June 30, 1964) of such income.

(ii) *Surtax.* Section 821(c)(1)(B) imposes a surtax at the rate of 22 percent of taxable investment income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) in excess of $25,000.

(iii) *Special reduction for certain small companies.* Section 821(c)(2) provides for an adjustment of the tax liability computed under section 821(c)(1) where the gross amount received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) is in excess of $150,000 but does not exceed $250,000. This special adjustment applies only to companies subject to tax under section 821(c). The adjustment reduces the tax liability as otherwise computed under section 821(c)(1) to an amount which bears the same proportion to such tax as the gross amount received in excess of $150,000 bears to $100,000.

(f) *Election to be taxed under section 821(a)*—(1) *In general.* Section 821(d) provides that any mutual insurance company taxable under section 821(c) may elect, in the manner provided by subparagraph (3) of this paragraph, to be taxed under section 821(a).

(2) *Scope of election.* Except as otherwise provided herein, an election made under section 821(d) and this paragraph to be taxable under section 821(a) shall be binding for the taxable year for which made and for all succeeding taxable years unless the Commissioner consents to a revocation of such election. If for any taxable year the gross amount received from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) does not exceed $150,000, a company's prior election made under section 821(d) to be taxable under section 821(a) will automatically terminate and any balance in the protection against loss account will be taken into account for the preceding taxable year. (See section 824(d)(4) and § 1.824–2 for automatic termination of protection against loss account if company is not subject to the tax imposed by section 821(a).) If for any taxable year thereafter the gross amount received exceeds $150,000 but does not exceed $500,000, the company shall be taxable under section 821(c) unless it makes a new election to be taxable under section 821(a). If a company subject to tax under section 821(c) for a taxable year elects under section 821(d) and this section to be taxed under section 821(a) and, in a subsequent taxable year, the gross receipts of such company exceed $500,000, the election made for such earlier taxable year shall be considered as continuing in effect. Thus, such a company will continue to be taxable under section 821(a) notwithstanding that its gross receipts subsequently fall below $500,000 (so long as they do not fall below $150,000) unless the Commissioner consents to a revocation of the prior election. Whether revocation is permissible in any case will depend on the facts and circumstances of the particular case, but in no case will revocation be granted in the absence of a showing that the election creates an undue burden or material hardship on the company due to a substantial change in the character of its operations.

(3) *Time and manner of making election.* The election provided by section 821(d) shall be made in a statement attached to the company's income tax return for the first taxable year for which the election is to apply. The statement shall include the name and address of the taxpayer, shall be signed by the taxpayer (or its duly authorized representative), and shall be filed not later than the date prescribed by law (including extensions thereof) for filing the return for such taxable year.

(g) *Examples.* The application of the tax imposed by section 821(c) may be illustrated by the following examples:

Example (1). M, a mutual casualty insurance company, for the calendar year 1963 has a gross amount received from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) of $400,000. Since M's gross amount received exceeds $150,000, but does not exceed $500,000, M is subject to the tax imposed by section 821(c) on taxable investment income unless it elects to be subject to the tax imposed on mutual insurance company taxable income by section 821(a). M computes its taxable investment income under section 822 to be $35,000. In computing taxable investment income, M deducted $2,000 of partially tax-exempt interest under section 242. If M does not make an election to be taxed under section 821(a), its total tax liability for the taxable year 1963 is $13,140 computed as follows:

(1) Taxable investment income as computed under section 822	$35,000
(2) 30 percent of taxable investment income	10,500
(3) 60 percent of taxable investment income in excess of $3,000	19,200
(4) Normal tax (lesser of items (2) or (3))	10,500
(5) Partially tax-exempt interest deducted in computing taxable investment income	2,000
(6) Taxable investment income for purposes of the surtax (item (1) plus item (5))	37,000
(7) Surtax exemption	25,000
(8) Taxable investment income subject to surtax (item (6) minus item (7))	12,000
(9) Surtax (22 percent of item (8))	$2,640
(10) Total tax liability (item (4) plus item (9))	13,140

Example (2). N, a mutual casualty insurance company, for the taxable year 1963 has a gross amount received from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) of $210,000. Since N's gross amount received exceeds $150,000 but does not exceed $500,000, N is subject to the tax imposed by section 821(c) on taxable investment income unless it elects to be subject to the tax imposed by section 821(a). Furthermore, since the gross amount received by N does not exceed $250,000, N is entitled to the special tax reduction provided by section 821(c)(2). N computes its taxable investment income under section 822 to be $24,000. In computing taxable investment income, N deducted $2,000 of partially tax-exempt interest under section 242. If N does not make an election to be taxed under section 821(a), its total tax liability for the taxable year 1963 is $4,452 computed as follows:

(1) Taxable investment income as computed under section 822	$24,000
(2) 30 percent of taxable investment income	7,200
(3) 60 percent of taxable investment income in excess of $3,000	12,600
(4) Normal tax (lesser of items (2) or (3))	7,200
(5) Partially tax-exempt interest deducted in computing taxable investment income	2,000
(6) Taxable investment income for purposes of the surtax (item (1) plus item (5))	26,000
(7) Surtax exemption	25,000
(8) Taxable investment income subject to surtax (item (6) minus item (7))	1,000
(9) Surtax 22 percent of item (8)	220
(10) Tax liability computed without regard to special reduction (item (4) plus item (9))	7,420
(11) Amount by which gross receipts exceed $150,000 ($210,000 gross receipts minus $150,000)	60,000
(12) Percentage which item (1) bears to $100,000 ($60,000 over $100,000)	0.60
(13) Tax as adjusted (percentage determined in item (12) applied to item (10))	4,452

If N's taxable investment income for purposes of the surtax did not exceed $3,000, N would file a return but would pay no tax. Had N elected (under section 821(d)) to be subject to tax under section 821(a), N would not be entitled to the special reduction afforded by section 821(c)(2), since that provision applies only to companies taxable under section 821(c).

§ 1.821–5 Special transitional underwriting loss.

(a) *In general.* Section 821(f) provides a special reduction in the statutory underwriting income (as defined by section 823(a)(1) and paragraph (b)(1) of § 1.823–6) of any company taxable under section 821(a) which was taxable under section 821 for the five taxable years immediately preceding January 1, 1962, and which incurred an underwriting loss (as defined in section 821(f)(3) and paragraph (c) of this section) for each of such five taxable years.

(b) *Amount of reduction.* In the case of a company described in section 821

(f)(1) and paragraph (a) of this section the statutory underwriting income for the taxable year (determined without regard to this paragraph) shall be reduced by an amount equal to the amount by which—

(1) The sum of the underwriting losses of such company for the five taxable years immediately preceding January 1, 1962, exceeds

(2) The total amount by which the company's statutory underwriting income was reduced by reason of section 821(f) and this section for prior taxable years.

(c) *Underwriting loss defined.* For purposes of computing the amount of the reduction available under section 821(f) and paragraph (a) of this section, the term underwriting loss means statutory underwriting loss (as defined by section 823(a)(2) and paragraph (b)(2) of § 1.823–6) computed without any deduction under section 824(a) and paragraph (a) of § 1.824–1 (relating to deduction to provide protection against losses) and without any deduction under section 832(c)(11) (relating to dividends and similar distributions paid or declared to policyholders). For rules relating to the definition of dividends and similar distributions paid or declared to policyholders, see paragraph (a) of § 1.832–5.

(d) *Years of applicability.* Section 821(f)(4) provides that the special reduction of statutory underwriting income allowed by section 821(f)(2) and paragraph (b) of this section shall apply to any taxable year beginning after December 31, 1962, and before January 1, 1968, for which the taxpayer is subject to the tax imposed by section 821(a).

PAR. 5. Section 1.822 is amended by revising the heading thereof, by revising the heading of section 822, by revising section 822 (a), (c), and (e), by adding a subsection (f), and by revising the historical note. These amended and added provisions and amended historical note read as follows:

§ 1.822 Statutory provisions; determination of taxable investment income.

SEC. 822. *Determination of taxable investment income*—(a) *Definitions.* For purposes of this part—

(1) The term "taxable investment income" means the gross investment income, minus the deductions provided in subsection (c).

(2) The term "investment loss" means the amount by which the deductions provided in subsection (c) exceed the gross investment income.

* * * * * * *

(c) *Deductions.* In computing taxable investment income, the following deductions shall be allowed:

* * * * * * *

(2) *Investment expenses.* Investment expenses paid or accrued during the taxable year. If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 percent of the mean of the book value of the invested assets held at the beginning and end of the taxable year plus one-fourth of the amount by which taxable investment income (computed without any deduction for investment expenses allowed by this paragraph, for tax-free interest allowed by paragraph (1), or for partially tax-exempt interest and dividends received allowed by paragraph (7)), exceeds 3¾ percent of the book value of the mean of the invested assets held at the beginning and end of the taxable year.

* * * * * * *

(6) *Capital losses.* * * *

(A) The taxable investment income (computed without regard to gains or losses from sales or exchanges of capital assets or to the deduction provided in section 242 for partially tax-exempt interest); or

* * * * * * *

(7) *Special deductions.* The special deductions allowed by part VIII (except section 248) of subchapter B (sec. 241 and following, relating to partially tax-exempt interest and to dividends received). In applying section 246(b) (relating to limitation on aggregate amount of deductions for dividends received) for purposes of this paragraph, the reference in such section to "taxable income" shall be treated as a reference to "taxable investment income".

* * * * * * *

(e) *Foreign mutual insurance companies other than life or marine.* In the case of a foreign mutual insurance company (other than a life or marine insurance company or a fire insurance company subject to the tax imposed by section 831), the taxable investment income shall be the taxable income from sources within the United States (computed without regard to the deductions allowed by subsection (c)(7)), and the gross amount of income from the items described in subsection (b) (other than paragraph (1)(D) thereof) and net premiums shall be the amount of such income from sources within the United States. In the case of a company to which the preceding sentence applies, the deductions allowed in this section shall be allowed to the extent provided in subpart B of part II of subchapter N (sec. 881 and following) in the case of a foreign corporation engaged in trade or business within the United States.

(f) *Definitions.* For purposes of this part—

(1) *Net premiums.* The term "net premiums" means gross premiums (including deposits and assessments) written or received on insurance contracts during the taxable year less return premiums and premiums paid or incurred for reinsurance. Amounts returned where the amount is not fixed in the insurance contract but depends on the experience of the company or the discretion of the management shall not be included in return premiums but shall be treated as dividends to policyholders under paragraph (2).

(2) *Dividends to policyholders.* The term "dividends to policyholders" means dividends and similar distributions paid or declared to policyholders. For purposes of the preceding sentence, the term "paid or declared" shall be construed according to the method regularly employed in keeping the books of the insurance company.

[Sec. 822 as amended by sec. 3(a)(3), (4), (5), (8), (7), and (8), Life Insurance Company Tax Act 1955 (70 Stat. 47); sec. 8(b), Rev. Act 1962 (76 Stat. 991).]

PAR. 6. Section 1.822–4 is amended to read as follows:

§ 1.822–4 Taxable years affected.

Sections 1.822–1 through 1.822–3 are applicable only to taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.822–5 through 1.822–7 are applicable only to taxable years beginning after December 31, 1954, but before January 1, 1963, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 36). Sections 1.822–8 through 1.822–12 are applicable only to taxable years beginning after December 31, 1962, and all references to sections of parts II and III, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954 as amended by section 8 of the Revenue Act of 1962 (76 Stat. 989).

PAR. 7. There are inserted immediately after § 1.822–7 the following new sections:

§ 1.822–8 Determination of taxable investment income.

(a) *In general*—(1) *Taxable investment income defined.* Section 822(a)(1) defines the term "taxable investment income" for purposes of part II, subchapter L, chapter 1 of the Code as the gross investment income (as defined in section 822(b) and paragraph (b) of this section), less the deductions provided in section 822(c) and paragraph (c) of this section for wholly tax-exempt interest, investment expenses, real estate expenses, depreciation, interest paid or accrued, capital losses, special deductions, trade or business (other than an insurance business) expenses, and depletion. However, such expenses are deductible only to the extent that they relate to investment income and the deduction of such expenses is not disallowed by any other provision of subtitle A of the Code. For example, investment expenses are not allowable unless they are ordinary and necessary expenses within the meaning of section 162. In addition to the limitations on deductions relating to real estate owned and occupied by a mutual insurance company subject to the tax imposed by section 821 provided in section 822(d)(1), the adjustment for amortization of premium and accrual of discount provided in section 822(d)(2), and the limitation on the deduction for investment expenses where general expenses are allocated to investment income provided in section 822(c)(2), mutual insurance companies subject to the tax imposed by section 821 (a) or (c) are subject to the limitation on deductions relating to wholly tax-exempt income provided in section 265. Such companies are not entitled to the net operating loss deduction provided in section 172. See, however, section 825 and paragraph (a) of § 1.825–1 for unused loss deduction allowed companies taxable under section 821(a). A deduction shall not be permitted with respect to the same item more than once.

(2) *Investment loss defined.* The term "investment loss" is defined by section 822(a)(2) as the amount by which the deductions allowable under section 822(c) and paragraph (c) of this section exceed the gross investment income (as defined in section 822(b) and paragraph (b) of this section).

(b) *Gross investment income defined.* For purposes of part II, subchapter L, chapter 1 of the Code, section 822(b) defines the term "gross investment income" of a mutual insurance company

subject to the tax imposed by section

vided in section 822(c)(2) and subdivi-

in losses of $20,000. It pays dividends to

ample, no deduction shall be allowed

carried on by the insurance

subject to the tax imposed by section 821 (a) or (c) as the sum of the following:

(1) The gross amount of income during the taxable year from—

(i) Interest (including tax-exempt interest and partially tax-exempt interest), as described in § 1.61–7. Interest shall be adjusted for amortization of premium and accrual of discount in accordance with the rules prescribed in section 822(d)(2) and § 1.822–10;

(ii) Dividends, as described in § 1.61–9;

(iii) Rents and royalties, as described in § 1.61–8;

(iv) The entering into of any lease, mortgage or other instrument or agreement from which the company may derive interest, rents, or royalties;

(v) The alteration or termination of any instrument or agreement described in subdivision (iv) of this subparagraph;

(vi) Gains from sales or exchanges of capital assets to the extent provided in subchapter P (section 1201 and following, relating to capital gains and losses), chapter 1 of the Code.

(2) The gross income from any trade or business (other than an insurance business) carried on by a mutual insurance company subject to the tax imposed by section 821 (a) or (c), or by a partnership of which the insurance company is a partner.

For example, gross investment income includes amounts received as commitment fees, or as a bonus for the entering into of a lease, or as a penalty for the early payment of a mortgage. In computing the gross income from any trade or business (other than an insurance business) carried on by the insurance company, or by a partnership of which the insurance company is a partner, any item described in section 822(b)(1) and paragraph (b)(1) of this section shall not be considered as gross income arising from the conduct of such trade or business, but shall be taken into account under section 822(b)(1) and paragraph (b)(1) of this section.

(c) *Deductions from gross investment income*—(1) *Wholly tax-exempt interest.* Interest which in the case of other taxpayers is excluded from gross income by section 103 but included in the gross investment income by section 822(b) is allowed as a deduction from gross investment income by section 822(c)(1).

(2) *Investment expenses.* (i) The deduction for investment expenses under section 822(c)(2) includes only those expenses of the taxable year which are fairly chargeable against gross investment income. For example, investment expenses include salaries and expenses paid exclusively for work in looking after investments, and amounts expended for printing, stationery, postage, and stenographic work incident to the collection of interest. An itemized schedule of such expenses shall be attached to the return.

(ii) Any assignment of general expenses to the investment department of a mutual insurance company subject to the tax imposed by section 821 (a) or (c) subjects the entire deduction for investment expenses to the limitation provided in section 822(c)(2) and subdivision (iii) of this subparagraph. As used in section 822(c)(2), the term "general expenses" means any expense paid or incurred for the benefit of more than one department of the company rather than for the benefit of a particular department thereof. For example, if an expense, such as a salary, is attributable to more than one department, including the investment department, such expense may be properly allocated among these departments. If such expense is allocated, the amount properly allocable to the investment department shall be deductible as general expenses assigned to or included in investment expenses and as such shall be subject to the limitation of section 822(c)(2) and subdivision (iii) of this subparagraph. However, a company subject to the tax imposed by section 821 (a) or (c) shall not deduct under section 822(c)(2) its real estate taxes, depreciation, or other expenses with respect to any portion of the real estate which it owns, irrespective of whether such items are properly allocable to its investment department. For the rules relating to the deductibility of these items, see section 822(c) (3) and (4) and subparagraphs (3) and (4) of this paragraph. If general expenses are in part assigned to or included in investment expenses, the maximum allowance (as determined under section 822(c)(2)) shall not be granted unless it is shown to the satisfaction of the district director that such allowance is justified by a reasonable assignment of actual expenses. The accounting procedure employed is not conclusive as to whether any assignment has in fact been made. Investment expenses do not include Federal income and excess profits taxes, if any.

(iii) If any general expenses are in part assigned to or included in investment expenses, the total deduction under section 822(c)(2) shall not exceed the sum of—

(*a*) One-fourth of 1 percent of the mean of the book value of the invested assets held at the beginning and end of the taxable year, plus

(*b*) One-fourth of the amount by which taxable investment income (computed without any deduction for investment expenses, tax-free interest, partially tax-exempt interest, or dividends received) exceeds 3¾ percent of the book value of the mean of the invested assets held at the beginning and end of the taxable year.

For purposes of section 822(c)(2) and this paragraph, the term "invested assets" means only those assets which are owned and used, and to the extent used, for the purpose of producing the income specified in section 822(b). See paragraph (b) of this section. The term does not include real estate owned and occupied, and to the extent owned and occupied, by the company.

(3) *Real estate expenses and taxes.* The deduction for real estate expenses and taxes under section 822(c)(3) includes taxes (as defined in section 164) and other expenses for the taxable year exclusively on or with respect to real estate owned by the company. For example, no deduction shall be allowed under section 822(c)(3) for amounts allowed as a deduction under section 164(e) (relating to taxes of shareholders paid by a corporation). No deduction shall be allowed under section 822(c)(3) for any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. An itemized schedule of such taxes and expenses shall be attached to the return. See § 1.822–9 for limitation of such deduction.

(4) *Depreciation.* The deduction allowed by section 822(c)(4) for depreciation is, except as provided in section 822(d)(1) and § 1.822–9, identical to that allowed other corporations by section 167. Such amount allowed as a deduction from gross investment income in determining taxable investment income is limited to depreciation sustained on the property used, and to the extent used, for the purpose of producing the income specified in section 822(b).

(5) *Interest paid or accrued.* The deduction allowed by section 822(c)(5) for interest on indebtedness is the same as that allowed other corporations by section 163. See § 1.163–1.

(6) *Capital losses.* (i) The deduction for capital losses under section 822(c)(6) includes not only capital losses to the extent provided in subchapter P, chapter 1 of the Code but in addition thereto losses from capital assets sold or exchanged to provide funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Losses in the latter case may be deducted from ordinary income while the deduction for losses under subchapter P is limited to the gains. See section 1211.

(ii) Capital assets are considered as sold or exchanged to provide for the funds or payments specified in section 822(c)(6), to the extent that the gross receipts from the sale or exchange of such assets are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders, and losses and expenses paid over the sum of the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums received. If, by reason of a particular sale or exchange of a capital asset, gross receipts are greater than such excess, the gross receipts and the resulting loss should be apportioned and the excess included in capital losses subject to the provisions of subchapter P. Capital losses actually used to reduce net income in any taxable year may not again be used in a succeeding taxable year as an offset against capital gains in that year and for that purpose a special rule is set forth for the application of section 1212.

(iii) The application of section 822(c)(6) may be illustrated by the following examples:

Example (1). The X Company, a mutual fire insurance company subject to tax under section 821, in the taxable year 1963 sells capital assets in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. The gross receipts from the sale are $60,000, resulting in losses of $20,000. It pays dividends to policyholders of $150,000. It sustains losses of $25,000, and pays expenses of $25,000. It receives interest of $50,000, dividends of $5,000, royalties of $4,000, and net premiums of $66,000. The excess of the sum of dividends, losses, and expenses paid ($200,000) over the sum of the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums received ($125,000) is $75,000. Since the gross receipts from the sale of capital assets ($60,000) do not exceed such excess ($75,000), the losses of $20,000 are allowable as a deduction from gross investment income in computing taxable investment income under section 822.

Example (2). If in example (1) the gross receipts were $76,000 and the last capital asset sold, for the purpose therein specified, resulted in gross receipts of $2,000 and a loss of $500, the losses allowable as a deduction from gross investment income would be $19,750. The last sale made the gross receipts of $76,000 exceed by $1,000 the excess ($75,000) of the sum of dividends, losses, and expenses paid ($200,000) over the sum of the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums received ($125,000). The gross receipts and the resulting loss from the last sale are apportioned on the basis of the ratio of the excess of $1,000 to the gross ceipts of $2,000, or 50 percent. Fifty percent of the loss of $500 is deducted from the total loss of $20,000. The remaining gross receipts of $1,000 and the proportionate loss of $250 should be reported as capital losses under subchapter P.

Example (3). If in example (1) the X Company had taxable investment income for purposes of the surtax of $9,750 and, under the provisions of subchapter P, chapter 1 of the Code, had capital losses of $18,000 and capital gains of $10,000, the net capital loss for the taxable year 1963, in applying section 1212 for the purposes of section 822(c)(6), would be $8,000. This is determined by subtracting from total losses of $38,000 ($18,000 capital losses under subchapter P plus $20,000 other capital losses under section 822(c)(6)) the sum of capital gains of $10,000 and losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders of $20,000. Such losses of $20,000 are added to capital gains of $10,000, since they are less than taxable investment income for purposes of the surtax, computed without regard to gains or losses from sales or exchanges of capital assets, of $29,750 ($9,750 taxable investment income for purposes of the surtax plus $20,000 other capital losses under section 822(c)(6) plus the portion of capital losses allowable under subchapter P of $10,000 minus capital gains under subchapter P of $10,000).

(7) *Special deductions.* Section 822(c)(7) allows a mutual insurance company the special deductions provided by Part VIII (section 241 and following), except section 248, subchapter B, chapter 1 of the Code, relating to partially tax-exempt interest and to dividends received. In applying section 246(b) (relating to limitation on aggregate amount of deductions for dividends received) for purposes of this subparagraph, the reference in such section to "taxable income" shall be treated as a reference to "taxable investment income".

(8) *Trade or business deductions.* (i) Under section 822(c)(8), the deductions allowed by subtitle A of the Code (without regard to this part) which are attributable to any trade or business (other than an insurance business) carried on by the insurance company, or by a partnership of which the company is a partner are, subject to the limitations in subdivision (ii) of this subparagraph, allowable as deductions from gross investment income in computing taxable investment income. Such deductions are allowable, however, only to the extent that they relate to income which is included in the company's gross investment income by reason of section 822(b)(2). Thus, a deduction shall not be allowed under section 822(c)(8) with respect to any item described in section 822(b)(1). The allowable deductions may exceed the gross income from such business.

(ii) In computing the deductions under section 822(c)(8)—

(*a*) Any item, to the extent attributable to the carrying on of the insurance business, shall not be taken into account. For example, if the company operates a radio station primarily to advertise its own insurance services, a portion of the expenses of the radio station shall not be allowed as a deduction. The portion disallowed shall be an amount which bears the same ratio to the total expenses of the station as the value of advertising furnished to the insurance company bears to the total value of services rendered by the station.

(*b*) The deduction for net operating losses provided in section 172 shall not be allowed.

(9) *Depletion.* The deduction allowed by section 822(c)(9) for depletion is the same as that allowed life insurance companies under section 804(c)(4). See paragraph (b)(5) of § 1.804–4.

§ 1.822–9 Real estate owned and occupied.

Section 822(d)(1) provides that the amount allowable as a deduction for taxes, expenses, and depreciation on or with respect to any real estate owned and occupied in whole or in part by a mutual insurance company subject to the tax imposed by section 821 (a) or (c) shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this limitation) as the rental value of the space not so occupied bears to the rental value of the entire property. For example, if the rental value of the space not occupied by the company is equal to one-half of the rental value of the entire property, the deduction for taxes, expenses, and depreciation is one-half of the taxes, expenses, and depreciation on account of the entire property. Where a deduction is claimed as provided in this section, the parts of the property occupied and the parts not occupied by the company, together with the respective rental values thereof, must be shown in a statement acompanying the return.

§ 1.822–10 Amortization of premium and accrual of discount.

(a) *In general.* In computing taxable investment income for the taxable year, the gross amount of income from interest, the deduction under section 822(c)(1) for wholly tax-exempt interest, and the deduction under section 242 for partially tax-exempt interest, are, under the provisions of section 822(d)(2), each to be decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures, or other evidences of indebtedness held by a mutual insurance company subject to the tax imposed by section 821 (a) or (c). However, only the accrual of discount relating to issue discount will increase the deduction for wholly tax-exempt interest. See section 103. Such amortization and accrual is the same as that provided for life insurance companies by section 818(b)(1), as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 133), and shall be determined in accordance with paragraphs (a) and (b) of § 1.818–3, except as provided by paragraph (b) of this section.

(b) *Modifications.* (1) Paragraph (b) of § 1.818–3 shall apply to mutual casualty insurance companies subject to the tax imposed by section 821 (a) or (c) without regard to the date of acquisition of the particular securities to which the amortization of premium or accrual of discount is attributable.

(2) In computing the amount of premium or discount for purposes of section 822(d)(2) with respect to securities held by a company taxable under section 821, the basis provided by section 1012 shall be used in lieu of the acquisition value provided by paragraph (b) of § 1.818–3. In the case of a company subject to the tax imposed by section 821(c), adjustments to basis to reflect the accrual of discount and the amortization of premium shall be made in the manner provided by paragraphs (a) and (b) of § 1.818–3. However, for purposes of determining statutory underwriting income or loss for the taxable year under section 823, a company subject to the tax imposed by section 821(a) is not required to accrue discount or to amortize premium in computing its income under section 832 as if it were subject to the tax imposed by section 831. Thus, the accrual of discount and amortization of premium required in the computation of taxable investment income by a company subject to the tax imposed by section 821(a) neither increases nor decreases the mutual insurance company taxable income of such a company and, except to the extent such a company actually accrues discount or amortizes premium for purposes of making the section 832 computation, no adjustment shall be made to the basis of obligations held by it to reflect accrual of discount or amortization of premium.

§ 1.822–11 Net premiums.

The term "net premiums", defined in section 822(f)(1), includes deposits and assessments, but excludes amounts returned to policyholders which are treated as dividends under section 822(f)(2). Net premiums are used in sections 822(c)(6) and 832(c)(5) in determining the limitation on certain capital losses and in the application of section 1212.

§ 1.822–12 Dividends to policyholders.

(a) Dividends to policyholders are used in determining the "underwriting loss" for purposes of the special transitional underwriting loss deduction provided by section 821(f), and the limitation on capital losses under section 822

(c)(6); in computing statutory underwriting income or loss under section 823, and the subtractions from the protection against loss account under section 824(d). The term "dividends to policyholders" is defined in section 822(f)(2) as dividends and similar distributions paid or declared to policyholders. It includes amounts returned to policyholders where the amount is not fixed in the insurance contract but depends upon the experience of the company or the discretion of the management. Such amounts are not to be treated as return premiums under section 822(f)(1). Savings credited to the individual accounts of the subscribers of a reciprocal underwriter or interinsurer under section 823(b)(2) are not dividends paid or declared within the meaning of this paragraph. However, distributions in respect of such credits shall be considered as dividends paid. See section 823(b)(2) and paragraph (c)(2) of § 1.823–6. The term "paid or declared" is to be construed according to the method of accounting regularly employed in keeping the books of the insurance company, and such method shall be consistently followed with respect to all deductions (including dividends and similar distributions to policyholders) and all items of income.

(b) If the method of accounting so employed is the cash receipts and disbursements method, the deduction is limited to the dividends and similar distributions actually paid to policyholders in the taxable year. If, on the other hand, the method of accounting so employed is the accrual method, the deduction, or a reasonably accurate estimate thereof, for dividends and similar distributions declared to policyholders for any taxable year will, in general, be computed by adding the amount of dividends and similar distributions declared but unpaid at the end of the taxable year to dividends and similar distributions paid during the taxable year and deducting dividends and similar distributions declared but unpaid at the beginning of the taxable year. If an insurance company using the accrual method does not compute the deduction for dividends and similar distributions declared to policyholders in the manner stated, it must submit with its return a full and complete explanation of the manner in which the deduction is computed. For the rule as to when dividends are considered paid, see the regulations under section 561.

PAR. 8. Section 1.823 is amended by revising the heading thereof, by revising section 823 (including the heading), and by adding a historical note at the end thereof. These amended provisions and historical note read as follows:

§ 1.823 Statutory provisions; determination of statutory underwriting income or loss.

SEC. 823. *Determination of statutory underwriting income or loss*—(a) *In general.* For purposes of this part—

(1) The term "statutory underwriting income" means the amount by which—

(A) The gross income which would be taken into account in computing taxable income under section 832 if the taxpayer were subject to the tax imposed by section 831, reduced by the gross investment income, exceeds

(B) The sum of (i) the deductions which would be taken into account in computing taxable income if the taxpayer were subject to the tax imposed by section 831, reduced by the deductions provided in section 822(c), plus (ii) the deductions provided in subsection (c) and section 824(a).

(2) The term "statutory underwriting loss" means the excess of the amount referred to in paragraph (1)(B) over the amount referred to in paragraph (1)(A).

(b) *Modifications.* In applying subsection (a)—

(1) *Net operating loss deduction.* The deduction for net operating losses provided in section 172 shall not be allowed.

(2) *Interinsurers.* In the case of a mutual insurance company which is an interinsurer or reciprocal underwriter—

(A) There shall be allowed as a deduction the increase for the taxable year in savings credited to subscriber accounts, or

(B) There shall be included as an item of gross income the decrease for the taxable year in savings credited to subscriber accounts.

For purposes of the preceding sentence, the term "savings credited to subscriber accounts" means such portion of the surplus as is credited to the individual accounts of subscribers before the 16th day of the third month following the close of the taxable year, but only if the company would be obligated to pay such amount promptly to such subscriber if he terminated his contract at the close of the company's taxable year. For purposes of determining his taxable income, the subscriber shall treat any such savings credited to his account as a dividend paid or declared.

(c) *Special deduction for small company having gross amount of less than $1,100,000*—(1) *In general.* If the gross amount received during the taxable year by a taxpayer subject to the tax imposed by section 821(a) from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) does not equal or exceed $1,100,000, then in determining the statutory underwriting income or loss for the taxable year there shall be allowed an additional deduction of $6,000; except that if such gross amount exceeds $500,000, such additional deduction shall be equal to 1 percent of the amount by which $1,100,000 exceeds such gross amount.

(2) *Limitation.* The amount of the deduction allowed under paragraph (1) shall not exceed the statutory underwriting income for the taxable year, computed without regard to any deduction under this subsection or section 824(a).

[Sec. 823 as amended by sec. 8(c), Rev. Act 1962 (76 Stat. 992)]

PAR. 9. Section 1.823–3 is amended to read as follows:

§ 1.823–3 Taxable years affected.

Sections 1.823–1 and 1.823–2 are applicable only to taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.823–4 and 1.823–5 are applicable only to taxable years beginning after December 31, 1954, but before January 1, 1963, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 36). Sections 1.823–6 through 1.823–8 are applicable only to taxable years beginning after December 31, 1962, and all references to sections of parts II and III, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954 as amended by section 8 of the Revenue Act of 1962 (76 Stat. 989).

PAR. 10. There are inserted immediately after § 1.823–5 the following new sections:

§ 1.823–6 Determination of statutory underwriting income or loss.

(a) *In general.* Section 823(a) and this section provide that for purposes of determining statutory underwriting income or loss for the taxable year, a mutual insurance company subject to the tax imposed by section 821(a) must first take into account the same gross income and deduction items (except as modified by section 823(b) and paragraph (c) of this section) as a taxpayer subject to tax under section 831 would take into account for purposes of determining its taxable income under section 832. These items are then reduced to the extent that they include amounts which are included in determining taxable investment income or loss under section 822(a) and § 1.822–8. In addition, in computing its statutory underwriting income or loss for the taxable year, a company taxable under section 821(a) is allowed to deduct the amount determined under section 824(a) (relating to deduction to provide protection against losses) and, if its gross amount received is less than $1,100,000, is allowed to deduct the amount determined under section 823(c) and paragraph (d) of this section (relating to special deduction for certain small companies), subject to the limitations provided therein.

(b) *Definitions*—(1) *Statutory underwriting income defined.* Section 823(a)(1) defines the term "statutory underwriting income" for purposes of part II of subchapter L of the Code. Subject to the modifications provided by section 823(b) and paragraph (c) of this section, statutory underwriting income is defined as the amount by which—

(i) The gross income which would be taken into account in computing taxable income under section 832 if the taxpayer were subject to the tax imposed by section 831, reduced by the gross investment income (as determined under section 822(b)), exceeds

(ii) The sum of—

(*a*) The deductions which would be taken into account in computing taxable income if the taxpaper were subject to the tax imposed by section 831, reduced by the deductions provided in section 822(c) (relating to deductions allowed in computing taxable investment income), plus

(*b*) The deductions provided in section 823(c) (relating to special deduction for small company having gross amount of less than $1,100,000) and section 824(a) (relating to deduction to provide protection against losses).

For purposes of subdivision (ii)(*a*) of this subparagraph, the limitations on the amounts deductible under paragraphs (9) (relating to charitable, etc., contributions) and (12) (relating to partially tax-exempt interest and to dividends received) of section 832(c) shall be computed by reference to taxable income as defined by section 832(a), and as modified by section 823(b) and paragraph (c) of this section.

(2) *Statutory underwriting loss defined.* "Statutory underwriting loss" is defined in section 823(a)(2) as the amount by which the amount determined under section 823(a)(1)(B) and subparagraph (1)(ii) of this paragraph exceeds the amount determined under section 823(a)(1)(A) and subparagraph (1)(i) of this paragraph.

(c) *Modifications*—(1) *Net operating losses.* In applying section 832 for purposes of determining statutory underwriting income or loss under section 823(a) and paragraph (b) of this section, the deduction for net operating losses provided by section 172 is not allowed. However, see section 825(a) and § 1.825–1 for unused loss deduction allowed companies taxable under section 821(a) in computing mutual insurance company taxable income under section 821(b).

(2) *Interinsurers and reciprocal underwriters*—(i) *In general.* Section 823(b)(2) provides that in computing the statutory underwriting income or loss of a mutual insurance company which is an interinsurer or reciprocal underwriter, there shall be allowed as a deduction the increase for the taxable year in savings credited to subscriber accounts, or there shall be included as an item of gross income the decrease for the taxable year in savings credited to subscriber accounts. For purposes of this subparagraph, the term "savings credited to subscriber accounts" means such portion of the surplus for the taxable year as is credited to the individual accounts of subscribers before the 16th day of the third month following the close of the taxable year, but only if the company would be obligated to pay such amount promptly to such subscriber if he terminated his contract at the close of the company's taxable year, and only if the company mails notification to such subscriber of the amount credited to his individual account in the manner provided by subdivision (v) of this subparagraph.

(ii) *Limitations.* Amounts representing return premiums (as defined in paragraph (a)(1)(ii) of § 1.809–4) which the company would be obligated to pay to any subscriber terminating his contract at the close of the company's taxable year are not savings credited to subscriber accounts within the meaning of section 823(b)(2) and subdivision (i) of this subparagraph. The deduction for savings credited to individual subscriber accounts is allowed only in the case of reciprocal underwriters or interinsurers where the subscriber or policyholder has not only a legally enforceable right to receive the amount so credited if he withdraws from the exchange, but where the amounts credited, as a matter of actual practice, are paid to subscribers or policyholders who terminate their contracts. Thus, no deduction shall be allowed for savings credited to subscriber accounts if such savings are not in fact promptly returned to subscribers when they terminate their contracts.

(iii) *Computation of increase or decrease in savings credited to subscriber accounts.* For purposes of determining the increase or decrease for the taxable year in savings credited to subscriber accounts, every reciprocal underwriter or interinsurer claiming a deduction under section 823(b)(2) and this section shall establish and maintain an account for savings credited to subscriber accounts. The opening balance in such account for the first taxable year for which a deduction is claimed under section 823(b)(2) and this section shall be zero. In each taxable year there shall be added to such account the total amount of savings credited to subscriber accounts for the taxable year, and there shall be subtracted from such account the total amount of savings subtracted from subscriber accounts for the taxable year. However, in no case may the amount added to the account exceed the total amount of savings to subscribers for the taxable year, irrespective of the amount of savings credited to subscriber accounts for the taxable year. Credits made to subscriber accounts after the close of the taxable year and before the 16th day of the third month following the close of the taxable year will be taken into account as if such amounts had been credited on the last day of the taxable year to the extent such amounts would have become fixed and determinable legal obligations due subscribers if such subscribers had terminated their contracts on the last day of the company's taxable year unless, at the time the amounts are credited, the company specifically designates such amounts as being from surplus for the taxable year in which the amounts were actually credited. Such a designation, once made, shall be irrevocable. However, if a company credited savings to subscriber accounts after December 31, 1962, and before March 16, 1963, and failed to designate such credits as being from surplus for the taxable year 1963, such company may designate such credits as being from surplus for the taxable year 1963 for purposes of determining the total amount of credits to subscriber accounts for such year. In determining the total amount of savings subtracted from subscriber accounts for the taxable year, only amounts subtracted from savings credited for taxable years beginning with the first taxable year for which a deduction was claimed under section 823(b)(2) and this subparagraph will be taken into account. The method of accounting regularly employed by the taxpayer in keeping its books of account will be used for purposes of determining whether the amounts subtracted from the subscriber accounts are from savings for taxable years beginning before the first taxable year for which a deduction is claimed under section 823(b)(2) and this subparagraph, or from savings for taxable years beginning with such first taxable year. Where the method of accounting regularly employed by the taxpayer in keeping its books of account does not clearly indicate whether an amount was subtracted from savings credited to subscriber accounts for taxable years beginning before the first taxable year for which a deduction is claimed under section 823(b)(2) and this subparagraph, or from savings credited for such first taxable year and subsequent taxable years, the amount subtracted will be deemed to have come from savings credited to subscriber accounts for all taxable years, on a pro rata basis. Where an amount is subtracted from a subscriber's account for record purposes, but such subtraction does not reflect the discharge of the company's legal obligation to pay the amount subtracted promptly to the subscriber if he terminates his contract, then such subtraction shall not be taken into account for purposes of section 823(b)(2) and this subparagraph. On the other hand, where the company ceases to be under a legal obligation to pay promptly to any subscriber the amount credited to his individual account, then such amount shall be considered as having been subtracted from such subscriber's account at the time such obligation ceased to exist. For purposes of section 823(b)(2) and this subparagraph, the increase (if any) for the taxable year in savings credited to subscriber accounts shall be the amount by which the balance in the account for savings credited to subscriber accounts as of the close of the taxable year exceeds the balance in such account as of the close of the preceding taxable year; and the decrease (if any) for the taxable year in savings credited to subscriber accounts shall be the amount by which the balance in the account for savings credited to subscriber accounts as of the close of the preceding taxable year exceeds the balance in such account as of the close of the taxable year.

(iv) *Legal obligation.* For purposes of this subparagraph, the existence of a legal obligation on the part of the company to pay to the subscriber the savings credited to him will be determined under the insurance contract pursuant to which the credits are made. Where it appears that the company is otherwise legally obligated to pay amounts credited to its subscribers, the requisite legal obligation will not be considered absent merely because a subscriber's credits remain subject to absorption by future losses incurred if left on deposit with the company.

(v) *Notification to subscribers.* Every reciprocal underwriter or interinsurer claiming a deduction under section 823(b)(2) and this subparagraph for amounts credited to the individual accounts of its subscribers must mail to each such subscriber written notification of the amount credited to the subscriber's account for the taxable year, the date on which such amount was credited, and the date on which the subscriber's right to such amount first would have become fixed if such subscriber had terminated his contract at the close of the company's taxable year. As an alternative to providing each subscriber with specific information relat-

ing to the amount of savings credited to his individual account, the notification required by this subdivision may be provided in the form of a table or formula mailed to the subscribers. However, a table or formula may not be used in lieu of the specific notification required by this subdivision unless such table or formula has been approved by the Commissioner. Generally, a table or formula will be approved if it enables the subscriber to simply and readily ascertain the amount of savings credited to his individual account for the taxable year, the date on which such amount was credited, and the date on which his right to such amount first would have become fixed if he had terminated his contract at the close of the company's taxable year. A reciprocal underwriter or interinsurer which desires to use such a table or formula should direct a written request for approval of such table or formula to the Commissioner of Internal Revenue, Attention: T:R, Washington, D.C., 20224. Such request must set forth a copy of the table or formula proposed to be used, together with sufficient information to permit the Commissioner to determine the basis upon which such table or formula was prepared and the manner in which the subscribers will use such table or formula in determining the amounts credited to their individual accounts. Once a table or formula has been approved, the use of such table or formula with respect to savings credited for subsequent taxable years will not require further approval unless the basis upon which such table or formula was prepared, or the manner in which such table or formula is to be applied, is substantially changed. The table or formula method of notification may be used with respect to all or less than all of the company's subscribers. For example, the company might provide the notification required by this subdivision to one class of subscribers in the form of a table or formula mailed to the individual subscribers, while providing another class of subscribers with specific statements of the amounts credited to their individual accounts. The notification required by this subdivision must be mailed before the 16th day of the third month following the close of the reciprocal's taxable year for which the account was credited. Where for any taxable year a reciprocal underwriter or interinsurer claims a deduction under section 823(b) and this subparagraph and fails to give notice as required by this subdivision, such deduction shall not be allowed unless the reciprocal establishes to the satisfaction of the district director that the failure to mail such notice within the prescribed period was due to reasonable cause.

(d) *Special deduction for small company having gross amount of less than $1,100,000*—(1) *In general.* In the case of a taxpayer subject to the tax imposed by section 821(a), section 823(c) provides that if the gross amount received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) is less than $1,100,000, then, subject to the limitation provided in section 823(c)(2) and subparagraph (2) of this paragraph, there shall be allowed an additional deduction for purposes of determining statutory underwriting income or loss under section 823(a) for the taxable year. The amount of the additional deduction is $6,000; except that if the gross amount received for the taxable year exceeds $500,000, the additional deduction is limited to an amount equal to 1 percent of the amount by which $1,100,000 exceeds such gross amount.

(2) *Limitation.* The amount of the deduction provided by section 823(c)(1) may not exceed the statutory underwriting income for the taxable year, computed without regard to the deduction allowed under section 823(c)(1) and subparagraph (1) of this paragraph, and the deduction allowed under section 824(a) (relating to deduction for protection against losses).

(3) *Example.* The application of section 823(c) and this paragraph may be illustrated by the following example:

M, a mutual insurance company subject to the tax imposed by section 821(a), has the following items for the taxable year 1963:

Gross amount for purposes of section 823(c)(1)	$800,000
Gross investment income (including capital gains)	150,000
Capital gains	100,000
Gross income under section 832	900,000
Deductions under section 822(c)	22,000
Deductions under section 832 (as modified by section 823(b)(2))	746,000

Under the provisions of section 823(c), M's special small company deduction for the taxable year 1963 would be $3,000, computed as follows:

(1) Gross amount for purposes of section 823(c)(1)	$800,000
(2) Amount by which $1,100,000 exceeds item (1) ($1,100,000 minus $800,000)	300,000
(3) 1 percent of item (2) (not to exceed $6,000)	3,000
(4) Gross income under section 832, reduced by gross investment income ($900,000 minus $150,000)	750,000
(5) Deductions under section 832 (as modified by section 823(b)), reduced by deductions under section 822(c) ($746,000 minus $22,000)	724,000
(6) Limitation on deduction under section 823(c)(1) (excess, if any, of item (4) over item (5))	26,000
(7) Deduction under section 823(c)(1) (item (3) or item (6), whichever is the lesser)	3,000

§ 1.823–7 Subscribers of reciprocal underwriters and interinsurers.

A subscriber or policyholder of a reciprocal underwriter or interinsurer entitled to the deduction allowed by section 823(b)(2) and paragraph (c)(2) of § 1.823–6 shall treat amounts representing savings credited to his individual account for the taxable year as a dividend paid or declared for purposes of computing his taxable income. If a reciprocal credits savings to subscriber accounts after the close of its taxable year, but before the 16th day of the third month following the close of the taxable year, and the reciprocal takes such credits into account as if they had been made on the last day of its taxable year, the subscribers of such reciprocal must take such savings into account as if they had in fact been credited on the last day of the company's taxable year. The subscriber shall take savings credited to his account into account without regard to whether the amounts credited are actually distributed to him in cash. To the extent the insurance premium constituted a deductible expense when paid or accrued, the subscriber's taxable income for the taxable year will be increased and any loss for the taxable year will be decreased, by the amount credited to his account. Amounts credited to a subscriber's account which are taken into income by him and which subsequently are used to absorb losses of the reciprocal shall be treated by the subscriber as an additional insurance expense for the taxable year in which the amounts are absorbed. Such amounts may be deducted in computing taxable income to the extent insurance constitutes an otherwise properly deductible expense for such taxable year.

§ 1.823–8 Special transitional underwriting loss; cross reference.

With respect to taxable years beginning after December 31, 1962, and before January 1, 1968, section 821(f) provides, for any company subject to the tax imposed by section 821(a), a special reduction in the statutory underwriting income if such company was subject to tax under section 821 for the five taxable years immediately preceding January 1, 1962, and incurred an underwriting loss in each of such five taxable years. For rules relating to the determination of the amount of such reduction, see section 821(f) and § 1.821–5.

§ 1.824 Statutory provisions; adjustments to provide protection against losses.

SEC. 824. *Adjustments to provide protection against losses*—(a) *Allowance of deduction*—(1) *In general.* In determining the statutory underwriting income or loss for any taxable year there shall be allowed as a deduction the sum of—

(A) An amount equal to 1 percent of the losses incurred during the taxable year (as determined under section 832(b)(5)), plus

(B) An amount equal to 25 percent of the underwriting gain for the taxable year, plus

(C) If the concentrated windstorm, etc., premium percentage for the taxable year exceeds 40 percent, an amount determined by applying so much of such percentage as exceeds 40 percent to the underwriting gain for the taxable year.

For purposes of this paragraph, the term "underwriting gain" means statutory underwriting income, computed without any deduction under this subsection.

(2) *Special rule for companies having concentrated windstorm, etc., risks.* For purposes of paragraph (1)(C), the term "concentrated windstorm, etc., premium percentage" means, with respect to any taxable year, the percentage obtained by dividing—

(A) The amount of the premiums earned on insurance contracts during the taxable year (as defined in section 832(b)(4)), to the extent attributable to insuring against losses arising, either in any one State or within 200 miles of any fixed point selected by the taxpayer, from windstorm, hail, flood, earthquake, or similar hazards, by

(B) The amount of the premiums earned on insurance contracts during the taxable year (as so defined).

(b) *Protection against loss account.* Each insurance company subject to the tax imposed by section 821(a) for any taxable year shall, for purposes of this part, establish and maintain a protection against loss account.

(c) *Additions to account.* There shall be added to the protection against loss account for each taxable year an amount equal to the amount allowable as a deduction for the taxable year under subsection (a)(1).

(d) *Subtractions*—(1) *Annual subtractions.* After applying subsection (c), there shall be subtracted for the taxable year from the protection against loss account—

(A) First, an amount equal to the excess (if any) of the deduction allowed under subsection (a) for the taxable year over the underwriting gain (within the meaning of subsection (a)(1)) for the taxable year,

(B) Then, the amount (if any) by which—

(i) The sum of the investment loss for such year and the statutory underwriting loss (reduced by the amount referred to in subparagraph (A)) for such year, exceeds

(ii) The sum of the statutory underwriting income for such taxable year and the taxable investment income for such taxable year,

(C) Next (in the order in which the losses occurred), amounts equal to the unused loss carryovers to such year,

(D) Next, any amount remaining which was added to the account for the fifth preceding taxable year, minus one-half of the amount remaining in the account for such taxable year which was added by reason of subsection (a)(1)(B), and

(E) Finally, the amount by which the total amount in the account exceeds whichever of the following is the greater:

(i) 10 percent of premiums earned on insurance contracts during the taxable year (as defined in section 832(b)(4)) less dividends to policyholders (as defined in section 832(c)(11)), or

(ii) The total amount in the account at the close of the preceding taxable year.

(2) *Rules for ceiling on protection against loss account.* For purposes of paragraph (1)(E), the total amount in the account shall be determined—

(A) After the application of this section without regard to paragraph (1)(E), and

(B) Without taking into consideration amounts remaining in the account which were added, with respect to all taxable years, by reason of subsection (a)(1)(C).

(3) *Priorities.* The amounts required to be subtracted from the protection against loss account—

(A) Under subparagraphs (A), (B), and (C) of paragraph (1) shall be subtracted—

(i) First (on a first-in, first-out, basis) from amounts in the account with respect to the five preceding taxable years and the taxable year, and

(ii) Then from amounts in the account with respect to earlier years,

(B) Under subparagraph (E) of paragraph (1) shall be subtracted only from amounts in the account with respect to the taxable year, and

(C) Under paragraphs (A), (B), (C), and (E) of paragraph (1) shall, if the amount to be subtracted from the total amounts in the account with respect to any taxable year is less than such total, be subtracted from each of the amounts (referred to in subsection (a)(1)) in the account with respect to such year in the proportion which each bears to such total.

(4) *Termination of taxability under section 821.* If the taxpayer is not subject to tax under section 821 for any taxable year, the entire amount in the account at the close of the preceding taxable year shall be subtracted from the account in such preceding taxable year.

(5) *Election to subtract amount from account*—(A) A taxpayer may elect for any taxable year for which it is subject to tax under section 821(a) to subtract from its protection against loss account any amount which, but for the application of this subparagraph, would be in such account as of the close of such taxable year.

(B) The election provided by subparagraph (A) for any taxable year shall be made (in such manner and in such form as the Secretary or his delegate may by regulations prescribe) after the close of such taxable year and not later than the time prescribed by law for filing the return (including extensions thereof) for the taxable year following such taxable year. Such an election, once made, may not be revoked.

[Sec. 824 as added by sec. 8(c), Rev. Act 1962 (76 Stat. 992)]

§ 1.824–1 Adjustments to provide protection against losses.

(a) *Allowance of deduction*—(1) *In general.* Except as otherwise provided in section 824(d), section 824(a) provides that in determining statutory underwriting income or loss (as defined in section 823(a)) for any taxable year, a mutual insurance company subject to the tax imposed by section 821(a) is allowed a deduction in an amount equal to the sum of—

(i) 1 percent of the losses incurred during the taxable year (as determined under section 832(b)(5) and § 1.832–4);

(ii) 25 percent of the underwriting gain for the taxable year (as defined in subparagraph (2)(i) of this paragraph); and

(iii) If the concentrated windstorm, etc., premium percentage (as defined in subparagraph (2)(ii) of this paragraph) for the taxable year exceeds 40 percent, an amount determined by applying so much of such percentage as exceeds 40 percent to the underwriting gain for the taxable year.

(2) *Definitions*—(i) *Underwriting gain.* For purposes of this section and section 824(a)(1), the term "underwriting gain" means statutory underwriting income, computed under section 823(a) without regard to the deduction provided by section 824(a)(1) and subparagraph (1) of this paragraph.

(ii) *Concentrated windstorm etc., premium percentage.* For purposes of this section and section 824(a), the term "concentrated windstorm, etc., premium percentage" means, with respect to any taxable year, the percentage obtained by dividing—

(*a*) The amount of the premiums earned on insurance contracts during the taxable year (as defined in section 832(b)(4) and paragraph (a) of § 1.832–1), to the extent attributable to insuring against losses arising either in any one State or within 200 miles of any fixed point selected by the taxpayer from windstorm, hail, flood, earthquake, or similar hazards, by

(*b*) The amount of the premiums earned on insurance contracts during the taxable year.

The term "similar hazards" as used in section 824(a) and this section includes tornadoes, cyclones, hurricanes and similar natural phenomena, but does not include insurance against fires, explosions, or riots. Where a company issues contracts insuring against a combination of risks, some of which are included in the definition of what constitutes concentrated windstorm, etc., coverage risks, and some of which are not so included, the taxpayer shall make a reasonable allocation of the premiums earned for the taxable year for purposes of determining such company's concentrated windstorm, etc., premium percentage for the taxable year. Where such an allocation is made, the taxpayer shall submit with his income tax return sufficient information to enable the district director to determine the basis upon which the allocation was made and the reasonableness thereof.

(3) *Concentrated risk companies; selection of geographical area*—(i) *Manner of making selection.* Section 824(a)(2)(A) permits a mutual insurance company taxable under section 821(a) to make an annual selection of the geographical area to be used in determining its concentrated windstorm, etc., premium percentage for the taxable year. The geographical area selected shall be indicated in a statement attached to the taxpayer's return for the taxable year for which such selection is to apply. Such statement shall include the name and address of the taxpayer, and shall set forth the computation by which the concentrated windstorm, etc., premium percentage was determined. In addition, the taxpayer shall furnish such other information as the district director may require in determining the correctness of the taxpayer's computation.

(ii) *Scope of selection.* The selection of a geographical area under section 824(a)(2)(A) shall be effective only with respect to the taxable year for which such selection is made and the area selected may be changed within the period of limitation allowed. Thus, the taxpayer must indicate the State or other geographical area selected for each taxable year for which an amount is deducted under section 824(a)(1)(C) and this paragraph.

(b) *Protection against loss account*—(1) *In general.* Section 824(b) requires every insurance company subject to the tax imposed by section 821(a) for any taxable year to establish and maintain a protection against loss account. This account is to be established for taxable years beginning after December 31, 1962. The opening balance in such account shall be zero.

(2) *Additions to the protection against loss account.* Section 824(c) provides that in the case of a company subject to the tax imposed by section 821(a), there shall be added to the protection against loss account for each taxable year an amount equal to the amount allowable as a deduction for the taxable year under section 824(a)(1) and paragraph (a)(1) of this section.

(3) *Subtractions from the protection against loss account*—(i) *In general.* Section 824(d)(1) provides that, after making the additions to the protection against loss account required by section 824(c) and subparagraph (2) of this paragraph, certain amounts shall be subtracted from such account for the taxable year. The amounts subtracted are taken into account under section 821(b)

(1)(C) for purposes of determining mutual insurance company taxable income for the taxable year. The amounts to be subtracted are—

(*a*) First, an amount equal to the excess (if any) of the protection against loss deduction allowed under section 824(a) and paragraph (a) of this section for the taxable year over the underwriting gain (as defined in section 824(a)(1)) for the taxable year,

(*b*) Then, the amount (if any) by which the sum of the investment loss for such year and the statutory underwriting loss (reduced by the amount referred to in section 824(d)(1)(A) and (*a*) of this subdivision) for such year, exceeds the sum of the statutory underwriting income for the taxable year and the taxable investment income for such taxable year,

(*c*) Next (in the order in which the losses occurred), amounts equal to the unused loss carryovers to such year,

(*d*) Next, any amount remaining which was added to the account for the fifth preceding taxable year, minus one-half of the amount remaining in the account for such taxable year which was added by reason of section 824(a)(1)(B), and

(*e*) Finally, the amount by which the total amount in the account exceeds the greater of 10 percent of premiums earned on insurance contracts during the taxable year (as defined in section 832(b)(4) and § 1.832–4) less dividends to policyholders (as defined in section 832(c)(11) and § 1.832–5), or the total amount in the account at the close of the preceding taxable year.

(ii) *Rules for determining ceiling on protection against loss account.* Section 824(d)(2) provides that for purposes of determining the ceiling on the protection against loss account under section 824(d)(1)(E), the total amount in the protection against loss account is to be determined after the subtractions required under section 824(d) but without regard to paragraph (1)(E) thereof (relating to the ceiling on such account), and without regard to amounts remaining in the account which were added, with respect to all taxable years, under section 824(a)(1)(C) (relating to additional deduction to provide protection against losses for certain companies having concentrated windstorm, etc., risks). Thus, the limitation provided in section 824(d)(1)(E) does not apply to amounts added to the protection against loss account by concentrated risk companies to the extent such amounts are attributable to the additional deduction allowed such companies under section 824(a)(1)(C). In no case does the limitation of section 824(d)(1)(E) require a taxpayer to reduce the balance in its protection against loss account below the balance in such account at the close of the preceding taxable year.

(iii) *Priorities.* (*a*) Section 824(d)(3) provides a priority system for making the subtractions required under section 824(d)(1). Under section 824(d)(3)(A) the subtractions required to be made under section 824(d)(1)(A), (B), and (C), are to be made (*1*) first (on a first-in, first-out basis), from amounts in the account with respect to the five preceding taxable years and the taxable year, and (2) then, from amounts in the account with respect to earlier years.

(*b*) Section 824(d)(3)(B) provides that the amounts to be subtracted under section 824(d)(1)(E) are to be subtracted only from amounts in the protection against loss account with respect to the taxable year.

(*c*) Section 824(d)(3)(C) provides that if the amount to be subtracted from the total amounts in the protection against loss account with respect to any taxable year is less than such total, the amount required to be subtracted from such account under section 824(d)(1)(A), (B), (C), and (E) is to be subtracted from each of the amounts referred to in section 824(a)(1) in the account with respect to such year in the proportion which each bears to the total amount in the account with respect to such year.

(c) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). The computation of mutual insurance company taxable income, statutory underwriting income, and the protection against loss account, for a 6-year period with successive underwriting gains may be illustrated by assuming the facts shown in the following table:

Year	Insurance losses incurred	Underwriting gain	Additions to protection against loss account	Taxable investment income
1963	700	12	10 (7+3)	10
1964	800	16	12 (8+4)	11
1965	600	12	9 (6+3)	12
1966	600	20	11 (6+5)	13
1967	900	24	15 (9+6)	14
1968	1,000	20	15 (10+5)	15

For 1963, the statutory underwriting income would be 2 (underwriting gain of 12 minus the 1 percent of incurred losses (7) and the 25 percent of underwriting gain (3) credited to the protection against loss account) while mutual insurance company taxable income would be 12, the sum of the taxable investment income of 10 and the statutory underwriting income of 2. For 1964 the statutory underwriting income would be 4 and the mutual insurance company taxable income 15; for 1965, the corresponding amounts would be 3 and 15; for 1966, 9 and 22; and for 1967, 9 and 23.

For 1968 the statutory underwriting income would be 5 (underwriting gain of 20 minus the 1 percent of losses incurred (10) and the 25 percent of underwriting gain (5) credited to the protection against loss account); but there would be included in mutual insurance company taxable income an amount equal to the first item added to the protection against loss account in 1963 (7), and half of the second item (1.5), so that for 1968 the mutual insurance company taxable income would be 28.5, the sum of the taxable investment income (15), the statutory underwriting income (5), and the 8.5 subtracted from the protection against loss account in accordance with section 824(d)(1)(D).

At the end of 1968, therefore, the total amount in the protection against loss account would be 63.5; amounts totaling 62 added for 1964 and the 4 following years plus 1.5 remaining from amounts added in 1963. Under the priority system provided by section 824(d)(3), the amounts added for 1964 and the 4 following years would be the amounts first subject to losses for years following 1968. If after having been in the account for 5 years such amounts were not absorbed by losses, then section 824(d)(1)(D) would require the amount attributable to the 1 percent of losses incurred for the fifth preceding taxable year, and one-half of the amount attributable to the 25 percent of underwriting gain for the fifth preceding taxable year, to be included in income.

Example (2). If in example (1) there had been a statutory underwriting loss of 30 for 1966 computed without regard to the protection against loss deduction, and losses incurred had been 600, the addition to the protection against loss account would have been 6 (1 percent of incurred losses of 600, plus 25 percent of underwriting gain of zero), and the statutory underwriting loss would be 36. After increasing the protection against loss account by the addition of 6, 23 would be subtracted from the protection against loss account under section 824(d)(1). Of the amount subtracted, 6 would be attributable to section 824(d)(1)(A) (the excess of the protection against loss deduction (6) over the underwriting gain (0)), and 17 would be attributable to section 824(d)(1)(B) (the excess of the statutory underwriting loss reduced by the subtraction required by section 824(d)(1)(A) (36 minus 6, or 30) over the taxable investment income (13)). Under section 824(d)(3)(A), the subtractions required by section 824(d)(1)(A), (B), and (C), would be made first (on a first-in, first-out basis) from amounts in the account with respect to the five preceding taxable years and the taxable year. Thus, the subtractions would be made as follows: 10 from the 10 added for 1963; next, 12 from the 12 added for 1964; finally, 1 from the 9 added for 1965. Since the amount to be subtracted from amounts added in 1965 is less than the total added for such year, the subtraction must be made from each of the amounts in the account with respect to 1965 in the proportion which each amount bears to the total amount in the account for such year. Of the 9 added to the protection against loss account in 1965, 6 represented 1 percent of losses incurred, and 3 represented 25 percent of the underwriting gain for that year. Thus, ⅔ of the amount to be subtracted will be subtracted from the 6, and ⅓ will be subtracted from the 3. After the subtractions required by section 824(d), the balance remaining in the protection against loss account at the end of 1966 will be 14, comprised of 8 (5.33 plus 2.67) from 1965, plus the 6 added for 1966. Since the 10 added in 1963 and the 12 added in 1964 were eliminated from the protection against loss account, there would be nothing to be included in mutual insurance company taxable income for 1968 or 1969 by reason of section 824(d)(1)(D). The mutual insurance company taxable income for 1966 would be zero (23 subtracted from the protection against loss account plus taxable investment income of 13, minus statutory underwriting loss of 36).

Example (3). For the taxable year 1963, W, a mutual insurance company taxable under section 821(a), writes windstorm, hail, and flood insurance, exclusively, and only operates in the States of A, B, and C. For the taxable year 1963 W has underwriting gain (as defined by section 824(a)(1)) of 100, losses incurred of 1,000, and earned premiums of 1,500. For purposes of determining its concentrated risk premium percentage for 1963, W selects the area encompassed by a circle having a 200-mile radius (400-mile diameter) with its center in Central City, State of B. W determines that during 1963, it earned premiums attributable to insurance against losses arising within this area in the amount of 1,350. On the facts assumed, W's concentrated risk premium percentage for the taxable year 1963 is 90 percent (1,350 divided by 1,500),

and W's protection against loss deduction is 85. Of this amount, 10 (1 percent of losses incurred, or 1 percent of 1,000) is attributable to section 824(a)(1)(A); 25 (25 percent of underwriting gain, or 25 percent of 100) is attributable to section 824(a)(1)(B); and 50—the amount determined by multiplying the underwriting gain by so much of the concentrated windstorm, etc., premium percentage as exceeds 40 percent, or 50 percent (90 percent minus 40 percent) times 100—is attributable to section 824(a)(1)(C). W's selection of the area to be used in determining its concentrated risk premium percentage is not binding. In future taxable years, W may select some other area, such as the State of A, B, or C, or the area within 200 miles of any fixed point. Furthermore, W may file an amended return for 1963 (within the period of limitations prescribed) in order to change its selection for that year.

Example (4). For the taxable year 1969, X, a mutual insurance company subject to the tax imposed by section 821(a), has taxable investment income of 25 and a statutory underwriting loss of 22 (including a protection against loss deduction of 7 which is entirely attributable to the application of section 824(a)(1)(A)). The following table shows the protection against loss account of X before and after the application of section 824(d) for the taxable year 1969:

PROTECTION AGAINST LOSS ACCOUNT

	1963	1964	1965	1966	1967	1968	1969
Balance remaining in account with respect to each taxable year (before application of sec. 824(d))	3	1	1	1	2	1	7
Balance remaining in account with respect to each taxable year (after application of sec. 824(d))	3	0	0	0	0	0	6

Under the provisions of section 824(d)(1)(A), for the taxable year 1969, X would subtract 7 from its protection against loss account (the amount by which the protection against loss deduction allowed under section 824(a) for the taxable year exceeds the underwriting gain for the taxable year, or 7 minus 0). Under the provisions of section 824(d)(3)(A), since the subtractions are to be made with respect to amounts in the account for the 5 preceding taxable years and the taxable year on a first-in, first-out basis, X would first apply the amount to be subtracted to the amount in the account with respect to 1964, 1965, 1966, 1967, and 1968, in that order. This would reduce the total amount in the account with respect to such taxable years by 6, and the balance in the account with respect to each of the taxable years 1964 through 1968 would be reduced to zero. The remaining amount required to be subtracted under section 824(d)(1)(A), 1 (7 minus 6), would then be subtracted from the amount added to the account for the taxable year, 7 (an amount equal to the protection against loss deduction for the taxable year 1969), leaving a balance of 6 (7 minus 1) in the account with respect to 1969. No proration of the subtraction from the amount in the account for 1969 is required under section 824(d)(3)(C) since the entire amount added to the account in 1969 was added by reason of section 824(a)(1)(A).

Example (5). Assume the facts are the same as in example (4), except that X has taxable investment income of 7 (instead of 25) for the taxable year 1969. After the application of section 824(d) for the taxable year 1969, the results would be as follows:

PROTECTION AGAINST LOSS ACCOUNT

	1963	1964	1965	1966	1967	1968	1969
Balance remaining in account with respect to each taxable year (after application of sec. 824(d))	1	0	0	0	0	0	0

Under the provisions of section 824(d)(1), for the taxable year 1969, X would subtract 15 from its protection against loss account. Of this amount, 7 would be attributable to the application of section 824(d)(1)(A) (i.e., the amount by which the protection against loss deduction allowed under section 824(a) for the taxable year exceeds the underwriting gain for the taxable year, or 7 minus 0), and 8 would be attributable to the application of section 824(d)(1)(B) (i.e., the amount by which the statutory underwriting loss for the taxable year, reduced by the amount determined under section 824(d)(1)(A), exceeds the taxable investment income for the taxable year, or the amount by which 15 (22 minus 7) exceeds 7). Under section 824(d)(3)(A)(i), this subtraction would be made (on a first-in, first-out basis) from amounts in the account with respect to 1964, 1965, 1966, 1967, 1968, and 1969, in that order. This would reduce the total amount in the account with respect to such taxable years by 13, and the balance in the account with respect to each of the taxable years 1964 through 1969 would be reduced to zero. Under the provisions of section 824(d)(3)(A)(ii), the remaining amount required to be subtracted under section 824(d)(1), 2 (15 minus 13), would then be subtracted from the amount in the account with respect to 1963 (i.e., the amount representing one-half of the amount added by reason of section 824(a)(1)(B) which was not required to be subtracted from the protection against loss account under section 824(d)(1)(D) in 1968). Thus, the amount in the account with respect to 1963 would be reduced to 1 (3 minus 2).

Example (6). Assume that Y, a mutual insurance company subject to tax under section 821(a), has a protection against loss account which reflects the following items for the taxable years 1963 through 1968:

ADDITIONS TO PROTECTION AGAINST LOSS ACCOUNT

	1963	1964	1965	1966	1967	1968
1 percent of losses incurred	15	20	60	60	60	60
25 percent of underwriting gain	60	20	40	50	45	45
Additional deduction for concentrated risks	0	0	5	5	0	0
Total	75	40	105	115	105	105

Y, in computing mutual insurance company taxable income for 1968, is required to subtract from the account with respect to 1963 the entire amount of 1 percent of losses incurred added for 1963 (15) and one-half of the underwriting gain (30) added for such year. Upon taking into account these subtractions, the balance in the protection against loss account with respect to 1963 is 30 (the one-half remaining in the account after the application of section 824(d)(1)(D)).

Assume further, that for the taxable year 1969, Y has taxable investment income of 50, underwriting gain of 80 (premiums earned less dividends to policyholders of 5,080, less incurred losses of 4,000 and expenses of 1,000). Under section 824(a), the protection against loss deduction for 1969 is 60. After applying section 824(c), but before applying section 824(d) for 1969, the protection against loss account as of the close of 1969 (after subtracting in 1968 the 45 amount with respect to 1963) would be as follows:

PROTECTION AGAINST LOSS ACCOUNT

	1963	1964	1965	1966	1967	1968	1969
Additions:							
1 percent of loss incurred	0	20	60	60	60	60	40
25 percent of underwriting gain	30	20	40	50	45	45	20
Additional deduction for concentrated risks	0	0	5	5	0	0	0
Total with respect to taxable year	30	40	105	115	105	105	60
Total (as of end of each year before 1969 subtractions)	30	70	175	290	395	500	560

After making the addition to the protection against loss account for 1969 and obtaining the results shown in the table above, Y is required to make the subtractions for 1969 from the account. These subtractions may be summarized as follows:

SUBTRACTIONS UNDER SECTION 824(d) FOR 1969

Taxable year with respect to which amount is subtracted	1963	1964	1965	1966	1967	1968	1969
Par. (1)(A) subtraction	0	0	0	0	0	0	0
Par. (1)(B) subtraction	0	0	0	0	0	0	0
Par. (1)(C) subtraction	0	0	0	0	0	0	0
Par. (1)(D) subtraction	0	*30	0	0	0	0	0
Par. (1)(E) subtraction	0	0	0	0	0	0	12
Pars. (4) and (5) subtraction	0	0	0	0	0	0	0

*20 represents the amount added for 1964 with reference to incurred losses; 10 represents one-half of the amount added for 1964 with reference to underwriting gain.

After determining the subtractions with respect to years before 1969, the next step is to determine whether any subtraction is required for the taxable year 1969 under section 824(d)(1)(E). Since the total balance in the account after the application of section 824(d) (other than paragraph (1)(E) thereof), 520 (560 minus 30, and excluding 10 added to the account by reason of the additional deduction for protection against losses for concentrated windstorm, etc., companies provided by section 824(a)(1)(C)), exceeds 10 percent of premiums earned on insurance contracts during the taxable year less dividends to policyholders, 508 (10 percent of 5,080), Y would be subject to the ceiling on the protection against loss account for the taxable year 1969 and would be required to subtract 12 (the excess of 520 over 508) from the account under section 824(d)(1)(E). Under the provisions of section 824(d)(3)(B) this subtraction would be made only from amounts in the account with respect to the taxable year 1969. Under the provisions of section 824(d)(3)(C), however, since the amount to be subtracted, 12, is less than the total amount added to the account for the taxable year, 60 (40 plus 20), the subtractions under section 824(d)(1)(E) would be applied ratably against each of the amounts added to the account for the taxable year. Thus, the amount remaining in the account with respect to section 824(a)(1)(A) for the taxable year 1969, would be 32 (40 minus 40/60×12, or 40 minus 8), and the amount remaining in the account with respect to section 824(a)(1)(B) for the

taxable year 1969, would be 16 (20 minus 20/60×12, or 20 minus 4).

Based on these facts, Y's mutual insurance company taxable income for 1969 would be 112 (the sum of taxable investment income of 50, plus statutory underwriting income of 20 (underwriting gain minus protection against loss deduction, or 80 minus 60), plus subtractions from the protection against loss account under section 824(d) of 42).

§ 1.824–2 Termination of taxability under section 821.

Section 824(d)(4) provides that if the taxpayer is not subject to tax under section 821 for any taxable year, the entire amount in its protection against loss account at the close of the preceding taxable year must be subtracted from such account in such preceding taxable year and included in the company's mutual insurance company taxable income (as defined in section 821(b)) for such preceding taxable year.

§ 1.824–3 Election to subtract amount from protection against loss account.

(a) *In general.* Section 824(d)(5) provides that a taxpayer subject to the tax imposed by section 821(a) for any taxable year may elect, in the manner provided in paragraph (b) of this section, to subtract from its protection against loss account the amount which would otherwise be in such account at the close of such taxable year. The amount so subtracted is to be included in mutual insurance company taxable income (as defined in section 821(d)) for the taxable year.

(b) *Manner of making election.* The election provided by section 824(d)(5) and this section shall be made (after the close of the taxable year) in a statement attached to the taxpayer's income tax return originally filed for the taxable year for which such election is to apply or to an amended return for such year. If the election is made in an amended return, such amended return and statement must be filed not later than the time prescribed by law for filing the return (including extensions thereof) for the taxable year following such taxable year. The statement shall include the name and address of the taxpayer, and shall be signed by the taxpayer (or his duly authorized representative). In addition, the statement shall indicate that the company has elected under section 824(d)(5) to reduce the balance of its protection against loss account to zero as of the close of the taxable year and shall set forth the amount which would have been in such account but for such election.

(c) *Scope of election.* An election made under section 824(d)(5) and this section shall be effective only with respect to the taxable year for which the election is made. Thus, the company must make a new election for each taxable year for which such election is to apply. If the election allowed by section 824(d)(5) and this section has been made for any taxable year, it cannot be revoked.

§ 1.825 Statutory provisions; unused loss deduction.

SEC. 825. *Unused loss deduction*—(a) *Amount of deduction.* For purposes of this part, the unused loss deduction for the taxable year shall be an amount equal to the unused loss carryovers or carrybacks to the taxable year.

(b) *Unused loss defined.* For purposes of this part, the term "unused loss" means, with respect to any taxable year, the amount (if any) by which—

(1) The sum of the statutory underwriting loss and the investment loss, exceeds

(2) The sum of—

(A) The taxable investment income,

(B) The statutory underwriting income, and

(C) The amounts required by section 824(d) to be subtracted from the protection against loss account.

(c) *Loss year defined.* For purposes of this part, the term "loss year" means, with respect to any company subject to the tax imposed by section 821(a), any taxable year in which the unused loss (as defined in subsection (b)) of such taxpayer is more than zero.

(d) *Years to which carried.* The unused loss for any loss year shall be—

(1) An unused loss carryback to each of the 3 taxable years preceding the loss year, and

(2) An unused loss carryover to each of the 5 taxable years following the loss year.

(e) *Amount of carrybacks and carryovers.* The entire amount of the unused loss for any loss year shall be carried to the earliest of the taxable years to which such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess (if any) of the amount of such loss over the sum of the offsets (as defined in subsection (f)) for each of the prior taxable years to which such loss may be carried.

(f) *Offset defined.* For purposes of subsection (e), the term "offset" means with respect to any taxable year (hereinafter referred to as the "offset year")—

(1) In the case of an unused loss carryback from the loss year to the offset year, the mutual insurance company taxable income for the offset year; or

(2) In the case of an unused loss carryover from the loss year to the offset year, an amount equal to the sum of—

(A) The amount required to be subtracted from the protection against loss account under section 824(d)(1)(C) for the offset year, plus

(B) The mutual insurance company taxable income for the offset year.

For purposes of paragraphs (1) and (2)(B), the mutual insurance company taxable income for the offset year shall be determined without regard to any unused loss carryback or carryover from the loss year or any taxable year thereafter.

(g) *Limitations.* For the purposes of this part, an unused loss shall not be carried—

(1) To or from any taxable year beginning before January 1, 1963,

(2) To or from any taxable year for which the insurance company is not subject to the tax imposed by section 821(a), nor

(3) To any taxable year if, between the loss year and such taxable year, there is an intervening taxable year for which the insurance company was not subject to the tax imposed by section 821(a).

[Sec. 825 as added by sec. 8(c), Rev. Act 1962 (76 Stat. 992)]

§ 1.825–1 Unused loss deduction; in general.

(a) *Amount of deduction.* Section 825(a) provides that the unused loss deduction of a mutual insurance company subject to the tax imposed by section 821(a) shall be an amount equal to the sum of the unused loss carryovers and carrybacks to the taxable year. The amount so determined is used in the computation of mutual insurance company taxable income for the taxable year. See section 821(b) and § 1.821–4.

(b) *Unused loss defined.* Section 825(b) defines the term "unused loss" as the amount (if any) by which—

(1) The sum of the statutory underwriting loss (as defined in section 823(a)(2)) and the investment loss (as defined in section 822(a)(2)) exceeds

(2) The sum of—

(i) The taxable investment income (as defined in section 822(a)(1)),

(ii) The statutory underwriting income (as defined in section 823(a)(1)), and

(iii) The amounts required to be subtracted from the protection against loss account under section 824(d).

(c) *Steps in computation of unused loss deduction.* The three steps to be taken in the ascertainment of the unused loss deduction for any taxable year are as follows:

(1) Compute the unused loss for any preceding or succeeding taxable year from which an unused loss may be carried over or carried back to the taxable year.

(2) Compute the unused loss carryovers to the taxable year from such preceding taxable years and the unused loss carrybacks to the taxable year from such succeeding taxable years.

(3) Add such unused loss carryovers and carrybacks in order to determine the unused loss deduction for the taxable year.

(d) *Statement with tax return.* Every mutual insurance company taxable under section 821(a) claiming an unused loss deduction for any taxable year shall file with its return for such year a concise statement setting forth the amount of the unused loss deduction claimed and all material and pertinent facts relative thereto, including a detailed schedule showing the computation of the unused loss deduction.

(e) *Ascertainment of deduction dependent upon unused loss carryback.* If a mutual insurance company taxable under section 821(a) is entitled in computing its unused loss deduction to a carryback which it is not able to ascertain at the time its return is due, it shall compute the unused loss deduction on its return without regard to such unused loss carryback. When the company ascertains the unused loss carryback, it may within the applicable period of limitations file a claim for credit or refund of the overpayment, if any, resulting from the failure to compute the unused loss deduction for the taxable year with the inclusion of such carryback; or it may file an application under the provisions of section 6411 for a tentative carryback adjustment.

(f) *Law applicable to computations.* The following rules shall apply to taxable years for which the taxpayer is subject to the tax imposed by section 821(a)—

(1) In determining the amount of any unused loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

(2) The unused loss for any taxable year shall be determined under the law applicable to that year without regard to the year to which it is to be carried and in which, in effect, it is to be deducted as part of the unused loss deduction.

(3) The amount of the unused loss deduction which shall be allowed for any taxable year shall be determined under the law applicable for that year.

§ 1.825–2 Unused loss carryovers and carrybacks.

(a) *Years to which loss may be carried*—(1) *In general.* In order to determine its unused loss deduction for any taxable year, a mutual insurance company taxable under section 821(a) must first determine the part of any unused losses for any preceding or succeeding taxable years which are carryovers or carrybacks to the taxable year in issue. An unused loss is to be an unused loss carryback to each of the 3 taxable years preceding the loss year, and an unused loss carryover to each of the 5 taxable years following the loss year, subject to the limitations provided in section 825(g) and subparagraph (2) of this paragraph.

(2) *Limitations.* An unused loss may not be carried—

(i) To or from any taxable year beginning before January 1, 1963,

(ii) To or from any taxable year for which the taxpayer is not subject to the tax imposed by section 821(a), nor

(iii) To any taxable year if, between the loss year and such taxable year, there is an intervening taxable year for which the taxpayer was not subject to the tax imposed by section 821(a).

(3) *Periods of less than 12 months.* A fractional part of a year which is a taxable year under sections 441(b) and 7701(a)(23) is a preceding or a succeeding taxable year for the purpose of determining under section 825 the first, second, etc., preceding or succeeding taxable year.

(b) *Loss year defined.* The term "loss year" as used in this section means any taxable year for which a company subject to the tax imposed by section 821(a) has an unused loss in excess of zero.

(c) *Amount of carrybacks and carryovers.* Section 825(e) provides that in the case of a loss year for a company taxable under section 821(a), the entire amount of the unused loss shall be carried to the earliest taxable year to which such loss may be carried under section 825(d) (subject to the limitations of section 825(g)). The amount of the unused loss carried to each of the other taxable years to which such loss may be carried under section 825(d) following such earliest taxable year shall be the excess (if any) of such loss over the sum of the offsets for each taxable year preceding the taxable year to which the unused loss is carried.

(d) *Offset defined*—(1) *In general.* Section 825(f) defines the term "offset" and provides that the taxable year to which an unused loss is carried shall be referred to as the "offset year". The definition of the term offset in the case of an unused loss carryback to an offset year, differs from the definition of such term in the case of an unused loss carryover to an offset year.

(2) *Offset in case of carryback.* In the case of an unused loss carryback from the loss year to the offset year, the offset is the mutual insurance company taxable income for the offset year, computed without regard to any unused loss carryback from the loss year or any taxable year thereafter.

(3) *Offset in case of carryover.* In the case of an unused loss carryover from the loss year to the offset year, the offset is equal to the sum of—

(i) The amount required to be subtracted from the protection against loss account under section 824(d)(1)(C) (relating to amounts equal to the unused loss carryovers to the offset year), plus

(ii) The mutual insurance company taxable income for the taxable year, computed without regard to any unused loss carryback or carryover from the loss year or any taxable year thereafter.

§ 1.825–3 Examples.

The application of section 825 may be illustrated by the following examples:

Example (1). For the taxable year 1967, F, a mutual insurance company subject to the tax imposed by section 821(a), has the following items:

Taxable investment income	1
Underwriting loss	59
Addition to protection against loss account	8
Statutory underwriting loss	67

The subtractions from the protection against loss account are as follows:

Amount subtracted from amounts in account with respect to taxable years 1963 through 1966	18
Amount subtracted from amounts in account with respect to taxable year 1967	8
Total subtractions from protection against loss account under section 824(d)	26

The application of section 825 in this case may be illustrated by the facts and results shown in the following table and explained below:

	Taxable Year					
	1963	1964	1965	1966	1967	1968
Protection against loss account:						
Addition to account during taxable year	6	2	3	7	8	7
Subtraction from account during taxable year	0	0	0	0	8	7
Protection against loss account (at end of year)	6	2	3	7	0	0
Protection against loss account (at end of taxable year 1968)	0	0	0	0	0	0
Unused loss	0	0	0	0	40	0
Unused loss carryback	0	40	35	25	0	0
Unused loss carryover	0	0	0	0	0	18
Unused loss deduction	0	40	35	25	0	18
Mutual insurance company taxable income (computed without regard to unused loss)	13	5	10	7	0	2
Mutual insurance company taxable income (computed with regard to unused loss)	13	0	0	0	0	0
Offset for year	0	5	10	7	0	9
Offset total	0	5	15	22	22	31

1967: Under the provisions of section 825(b), F's unused loss for 1967 is 40, the amount by which the sum of the statutory underwriting loss and the investment loss, 67 (67 plus 0), exceeds the sum of the taxable investment income, the statutory underwriting income, and the amounts required to be subtracted from the protection against loss account under section 824(d) for the taxable year, 27 (the sum of 1, 0, and 26, respectively).

1967 carryback to 1964: Under the provisions of section 825(e), the entire unused loss for 1967 of 40 is carried back to 1964, the earliest year to which the loss may be carried under section 825(d). Since there are no other amounts carried to 1964, the unused loss deduction for 1964 is 40. Thus, after taking the unused loss deduction into account, the mutual insurance company taxable income for 1964 is zero, and the offset for 1964 is 5 (the mutual insurance company taxable income for 1964 determined without regard to the unused loss carryback from 1967 or any year thereafter).

1967 carryback to 1965: The portion of the unused loss for 1967 which is carried back to 1965 is 35 (40 minus 5, the offset for 1964). After taking the unused loss deduction into account, the mutual insurance company taxable income for 1965 is zero. The offset for 1965 is 10, the mutual insurance company taxable income for 1965 determined without regard to any unused loss carryback from 1967 or any year thereafter.

1967 carryback to 1966: The portion of the unused loss for 1967 which is carried back to 1966 is 25. This amount is the excess of the unused loss for 1967 of 40 over the sum of the offset for 1964 (5) and the offset for 1965 (10). As a result of the unused loss deduction the mutual insurance company taxable income for 1966 is reduced to zero. The offset for 1966 is 7.

1967 carryover to 1968: Under the provisions of section 825(d), the portion of the unused loss for 1967 which is carried forward to 1968 is 18 (40 minus the sum of 5, 10, and 7, the offsets for 1964, 1965, and 1966, respectively). Under section 825(f)(2), this amount is first applied against any amounts in the protection against loss account at the end of 1968, and is then applied against the mutual insurance company taxable income for 1968 (computed without regard to any unused loss carryovers or carrybacks from 1967 or any taxable year thereafter). Thus, assuming that there are no other subtractions from its protection against loss account under section 824(d) for 1968, F's protection against loss account of 7 is reduced to zero by reason of the subtraction under section 824(d)(1)(C). The remaining portion of the unused loss for 1967 which is carried to 1968, 11 (18 minus 7, the amount of the unused loss carryover to 1968 which is subtracted from the protection against loss account under section 824(d)(1)(C)), is then applied against the mutual insurance company taxable income for 1968 computed without regard to any unused carryback or carryover from the loss year (1967) or any taxable year thereafter. After the application of the unused loss deduction for 1968, the mutual insurance company taxable income for 1968 is zero. The offset for 1968 is 9, the sum of the amount required to be subtracted from the protection against loss account under section 824(d)(1)(C) for 1968 (7), plus the mutual insurance company taxable income for 1968, determined without regard to any unused loss carryover or carryback from 1967 or any year thereafter (2). The remaining 9 of the unused loss for 1967 (40 minus the sum of 5, 10, 7, and 9, the offsets for 1964, 1965, 1966, and 1968, respectively), is carried forward to 1969, and to the extent not used in that year or any year thereafter, may be carried forward to 1970, 1971, and 1972, in that order.

Example (2). If in example (1) F had an unused loss in 1966 of 22, then, with respect to F's 1967 unused loss of 40, the offset for 1964 would be zero; the offset for 1965 would be 6—the 1965 mutual insurance company taxable income of 10 less an unused loss carryback of 4 from 1966 (the 1966 unused loss of 22 minus the 1963 offset of 13 and the 1964 offset of 5); the offset for the loss

year 1966 would be zero, and 34 (the 1967 unused loss of 40 minus the offset for 1965 of 6) would remain as an unused loss carryover to 1968, 1969, 1970, 1971, 1972, in that order. Thus, the unused loss carrybacks or carryovers to an offset year are applied against the mutual insurance company taxable income for such year in the order in which the losses occurred, with the earliest loss being offset first.

Example (3). For the taxable year 1963, M, a mutual insurance company subject to tax imposed by section 821(a), has an unused loss (as defined in section 825(b)) of $65,000. Under section 825(g), the loss may not be carried back to any taxable year beginning before 1963. However, the loss may be carried forward to each of the 5 taxable years following 1963 provided that for each of such succeeding taxable years M is subject to the tax imposed by section 821(a).

Example (4). Assume the facts are the same as in example (3), except that for the taxable year 1964, the gross amount received by M from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) exceeds $150,000 but does not exceed $500,000. If M does not make the election under section 821(d) (relating to election to be taxed under section 821(a)) for 1964, M's 1963 unused loss of $65,000 will not be allowed as an unused loss carryover or carryback since, by reason of section 825(g)(3), the unused loss may not be carried to any taxable year if, between the loss year and such taxable year, there is an intervening taxable year for which the insurance company was not subject to the tax imposed by section 821(a), and by reason of section 825(g)(1), the unused loss may not be carried to any taxable year beginning before 1963.

§ 1.826 Statutory provisions; election by reciprocal.

SEC. 826. *Election by reciprocal*—(a) *In general.* Except as otherwise provided in this section, any mutual insurance company which is an interinsurer or reciprocal underwriter (hereinafter in this section referred to as a "reciprocal") subject to the taxes imposed by section 821(a) may, under regulations prescribed by the Secretary or his delegate, elect to be subject to the limitation provided in subsection (b). Such election shall be effective for the taxable year for which made and for all succeeding taxable years, and shall not be revoked except with the consent of the Secretary or his delegate.

(b) *Limitation.* The deduction for amounts paid or incurred in the taxable year to the attorney-in-fact by a reciprocal making the election provided in subsection (a) shall be limited to, but in no case increased by, the deductions of the attorney-in-fact allocable, in accordance with regulations prescribed by the Secretary or his delegate, to the income received by the attorney-in-fact from the reciprocal.

(c) *Exception.* An election may not be made by a reciprocal under subsection (a) unless the attorney-in-fact of such reciprocal—

(1) Is subject to the taxes imposed by section 11 (b) and (c);

(2) Consents in such manner as the Secretary or his delegate shall prescribe by regulations to make available such information as may be required during the period in which the election provided in subsection (a) is in effect, under regulations prescribed by the Secretary or his delegate;

(3) Reports the income received from the reciprocal and the deductions allocable thereto under the same method of accountng under which the reciprocal reports deductions for amounts paid to the attorney-in-fact; and

(4) Files its return on the calendar year basis.

(d) *Special rule.* In applying section 824(d)(1)(D), any amount which was added to the protection against loss account by reason of an election under this section shall be treated as having been added by reason of section 824(a)(1)(A).

(e) *Credit.* Any reciprocal electing to be subject to the limitation provided in subsection (b) shall be credited with so much of the tax paid by the attorney-in-fact as is attributable, under regulations prescribed by the Secretary or his delegate, to the income received by the attorney-in-fact from the reciprocal in such taxable year.

(f) *Surtax exemption denied.* Any increase in taxable income of a reciprocal attributable to the limitation provided in subsection (b) shall be taxed without regard to the surtax exemption provided in section 821(a)(2).

(g) *Adjustment for refund.* If for any taxable year an attorney-in-fact is allowed a credit or refund for taxes paid with respect to which credit or refund to the reciprocal resulted under subsection (e), the taxes of such reciprocal for such taxable year shall be properly adjusted under regulations prescribed by the Secretary or his delegate.

(h) *Taxes of attorney-in-fact unaffected.* Nothing in this section shall increase or decrease the taxes imposed by this chapter on the income of the attorney-in-fact.

[Sec. 826 as added by sec. 8(c), Rev. Act 1962 (76 Stat. 992)]

§ 1.826–1 Election by reciprocal underwriters and interinsurers.

(a) *In general.* Except as otherwise provided in section 826(c), any mutual insurance company which is an interinsurer or reciprocal underwriter taxable under section 821(a) may elect under section 826(a) to limit its deductions for amounts paid or incurred to its attorney-in-fact to the deductions of its attorney-in-fact which are allocable to income received by the attorney-in-fact from the reciprocal during the taxable year. See § 1.826–4 for rules relating to allocation of expenses. In no case may such an election increase the amount deductible by the reciprocal for amounts paid or due its attorney-in-fact for the taxable year. The election allowed by section 826(a) and this section in effect increases the income of the reciprocal by the net income of the attorney-in-fact attributable to its business with the reciprocal. A reciprocal making the election is allowed a credit for the amount of tax paid by the attorney-in-fact for the taxable year which is attributable to income received by the attorney-in-fact from the reciprocal. See section 826(e) and § 1.826–5.

(b) *Companies eligible to elect under section 826(a).* Any mutual insurance company which is a reciprocal underwriter or interinsurer subject to the tax imposed by section 821(a) may elect (in the manner prescribed by paragraph (c) of this section) to be subject to the limitation provided by section 826(b) and paragraph (a) of this section provided the attorney-in-fact of the electing reciprocal—

(1) Is subject to the taxes imposed by section 11 (b) and (c) and the regulations thereunder;

(2) Consents (in the manner provided by paragraph (a) of § 1.826–3) to provide the information required under paragraph (b) of § 1.826–3 during the period in which the election made under section 826(a) and this section is in effect;

(3) Reports the income received from the reciprocal and the deductions allocable thereto under the same method of accounting used by the reciprocal in reporting its deductions for amounts paid or due its attorney-in-fact; and

(4) Files its income tax return on a calendar year basis.

(c) *Manner of making election.* The election provided by section 826(a) and this section shall be made in a statement attached to the taxpayer's income tax return for the first taxable year for which such election is to apply. The statement shall include the name and address of the taxpayer, shall be signed by the taxpayer (or its duly authorized representative), and shall be filed not later than the time prescribed by law for filing the income tax return (including extensions thereof) for the first taxable year for which such election is to apply. For information required of an electing reciprocal, see paragraph (e) of this section.

(d) *Scope of election.* The election allowed by section 826(a) is binding for the taxable year for which made and all succeeding taxable years unless the Commissioner consents to a revocation of such election. Whether revocation will be permitted will depend upon the facts and circumstances of each particular case.

(e) *Information required of an electing company.* Every reciprocal underwriter or interinsurer making the election provided by section 826(a) and this section shall, in the manner provided by paragraph (f) of this section, furnish the following information for each taxable year during which such election is in effect:

(1) The name and address of the attorney-in-fact with respect to which the election allowed by section 826(a) and this section is in effect; the district in which such attorney-in-fact filed its return for the taxable year; and a copy of the consent required by section 826 and § 1.826–3 and the date and district in which such consent was filed;

(2) The deductible amount paid or due to such attorney-in-fact from the reciprocal computed without regard to the limitation provided by section 826(b);

(3) The total amount claimed as a deduction by the reciprocal for amounts paid to its attorney-in-fact after giving effect to the limitation provided by section 826(b);

(4) The amount of the increase (if any) in underwriting gain (as defined in section 824(a)) attributable to the election allowed by section 826(a);

(5) The amount of the increase (if any) in the deduction allowed by section 824(a) (relating to deduction to provide protection against losses) attributable to the election allowed by section 826(a);

(6) The amount of any increase or decrease in the statutory underwriting income or loss for the taxable year (as computed under section 823) attributable to the election allowed by section 826(a);

(7) The amount of any increase or decrease in the mutual insurance company taxable income or unused loss for the taxable year attributable to the election allowed by section 826(a);

(8) The amount of the increase (if any) in the tax liability of the reciprocal for the taxable year attributable to the election allowed by section 826(a) before taking into account the credit provided by section 826(e);

(9) The amount of tax attributable to income received by the attorney-in-fact from the reciprocal during the taxable year (as determined under § 1.826–5) claimed (under section 826(e) and paragraph (a) of this section) by the reciprocal as a credit for the taxable year; and

(10) The information which the attorney-in-fact is required to submit to the reciprocal under paragraphs (b) and (c) of § 1.826–3.

(f) *Manner in which information is to be provided.* The information required by paragraph (e) of this section shall be set forth in a statement attached to the taxpayer's income tax return for each taxable year for which such information is required. Such statement shall include the name and address of the taxpayer; and shall be filed not later than the date prescribed by law (including extensions thereof) for filing the income tax return for the taxable year with respect to which such information is being provided.

§ 1.826–2 Special rules applicable to electing reciprocals.

(a) *Protection against loss account.* Section 826(d) provides that for purposes of determining the amount to be subtracted from the protection against loss account under section 824(d)(1)(D) and the regulations thereunder (relating to amounts added to the account for the fifth preceding taxable year) for any taxable year, any amount which was added to such account by reason of the election under section 826(a) and paragraph (a) of § 1.826–1 shall be treated as having been added by reason of section 824(a)(1)(A) and the regulations thereunder (relating to amounts equal to 1 percent of losses incurred during the taxable year). Thus, no amount added to the protection against loss account by reason of an election made under section 826(a) may remain in such account beyond the end of the fifth taxable year following the taxable year with respect to which such amount was added. See section 824(d)(1)(D) and paragraph (b)(3) of § 1.824–1. The amount added to the protection against loss account by reason of an election under section 826(a) is that amount which is equal to 25 percent (plus, in the case of a reciprocal which qualifies as a concentrated risk company under section 824(a), so much of the concentrated wind-storm, etc., premium percentage as exceeds 40 percent) of the amount by which—

(1) The underwriting gain (as defined by section 824(a)(1)) computed after taking into account the limitation provided by section 826(b) and § 1.826–1, exceeds

(2) The underwriting gain computed without regard to the limitation provided by section 826(b) and § 1.826–1.

(b) *Denial of surtax exemption.* Section 826(f) provides that the tax imposed upon any increase in the mutual insurance company taxable income of a reciprocal which is attributable to the limitation provided by section 826(b) shall be computed without regard to the $25,000 surtax exemption provided by section 821(a)(2) and the regulations thereunder. Thus, a company making the election provided under section 826(a) will be subject to surtax, as well as normal tax, on the increase in its mutual insurance company taxable income for the taxable year which is attributable to such election. Similarly, any amount which was added to the protection against loss account by reason of an election under section 826(a) and § 1.826–1, and which is subtracted from such account in accordance with section 826(d) and paragraph (a) of this section, will be subject to surtax, as well as normal tax, to the extent such amount increases mutual insurance company taxable income in the year in which the subtraction is made. Furthermore, the company will be subject to surtax on such increases notwithstanding the fact that it may have no normal tax liability for the taxable year, because its mutual insurance company taxable income (after giving effect to the election provided by section 826(a)) does not exceed $6,000.

(c) *Adjustment for refunds.* Section 826(g) provides that if for any taxable year an attorney-in-fact is allowed a credit or refund for taxes paid with respect to which credit or refund to the reciprocal resulted under section 826(e), the taxes of such reciprocal for such taxable year shall be properly adjusted. The reciprocal shall make the adjustment required by section 826(g) by increasing its income tax liability for its taxable year in which the credit or refund is allowed to the attorney-in-fact by the amount of such credit or refund which is attributable to taxes paid by the attorney-in-fact on income received from the reciprocal, as determined under § 1.826–6, but only to the extent that the payment of such amount by the attorney-in-fact resulted in a credit or refund to the reciprocal. However, if the refund or credit to the attorney-in-fact is the result of an error in determining its items of income or deduction for the taxable year with respect to which the refund or credit is allowed, and such error affects the amount of deductions allocable to its reciprocal for such taxable year, then, if the reciprocal's period for filing an amended return has not otherwise expired, the preceding sentence shall not apply and the reciprocal shall make the adjustment required by section 826(g) by filing an amended return for such taxable year and all subsequent taxable years for which an adjustment is required. The reciprocal's amended return or returns shall give effect to the change in the deductions of the attorney-in-fact allocable to income received from the reciprocal and the tax paid by the attorney-in-fact attributable to such income. The amount of any adjustment required by section 826(g) and this section and the computation thereof shall be set forth in a statement attached to and filed with the taxpayer's income tax return for the taxable year for which the adjustment is made. Such statement shall include the name and address of the taxpayer, and a copy of the notification received by the attorney-in-fact indicating that it has been allowed the credit or refund requiring adjustment of the reciprocal's taxes.

§ 1.826–3 Attorney-in-fact of electing reciprocals.

(a) *Manner of making consent.* Section 826(c)(2) provides that a reciprocal may not elect to be subject to the limitation provided by section 826(b) unless its attorney-in-fact consents to make certain information available. See paragraph (b) of this section. The attorney-in-fact of a reciprocal making the election provided by section 826(a) shall signify the consent required by section 826(c) in a statement attached to its income tax return for the first taxable year for which the reciprocal's election is to apply. Such statement shall include the name and address of the consenting taxpayer; the name and address of the reciprocal with respect to which such consent is to apply; shall be signed by the taxpayer (or its duly authorized representative); and shall be filed not later than the date prescribed by law (including extensions thereof) for filing the income tax return for the first taxable year for which such consent is to apply. In addition, such statement shall specify that the taxpayer is subject to the taxes imposed by section 11 (b) and (c); the method of accounting used in reporting income received from its reciprocal and the deductions allocable thereto; and that its return is filed on the calendar year basis. Consent, once given, shall be irrevocable for the period during which the election provided for the reciprocal by section 826(a) is in effect. See paragraph (e) of § 1.826–1.

(b) *Information required of consenting attorney-in-fact.* Every attorney-in-fact making the consent provided by section 826(c)(2) and paragraph (a) of this section shall, in the manner prescribed by paragraph (c) of this section, furnish the following information for each taxable year during which the consent provided by section 826(c)(2) and paragraph (a) of this section is in effect:

(1) The name and address of the reciprocal with respect to which the consent required by section 826(c)(2) and paragraph (a) of this section is to apply;

(2) Gross income in total and by sources, adjusted for returns and allowances;

(3) Deductions (itemized to the same extent as on taxpayer's income tax return and accompanying schedules) allocable to each source of gross income and in total (see § 1.826–4);

(4) Method of allocation used in subparagraph (3) of this paragraph;

(5) Taxable income (if any) in total and by sources, as in subparagraph (2) of this paragraph (income by sources from subparagraph (2) of this paragraph minus expenses allocable thereto under subparagraph (3) of this paragraph);

(6) Total income tax liability (if any) for the taxable year;

(7) Taxes paid attributable (under § 1.826–5) to income earned by the taxpayer in dealing with the reciprocal;

(8) Such other information as may be required by the district director.

(c) *Manner in which information is to be provided.* (1) The information required by paragraph (b) of this section shall be set forth in a statement attached to the taxpayer's income tax return for each taxable year for which the consent provided by section 826(c)(2) and paragraph (a) of this section is in effect. Such statement shall include the name and address of the taxpayer, and shall be filed not later than the date prescribed by law (including extensions thereof) for filing the income tax return for each taxable year for which such information is required.

(2) A copy of the statement containing the information required by paragraph (b) of this section shall be submitted to the board of advisors (or other comparable body) of the reciprocal on whose behalf the consent provided under section 826(c)(2) is given. The copy shall be executed in the same manner as the original and shall be delivered to such board not later than 10 days before the last date prescribed by law (including extensions thereof) for filing the reciprocal's income tax return for the taxable year for which the information is required unless the attorney-in-fact establishes to the satisfaction of the district director that the failure to furnish such copy or the failure to furnish such copy within the prescribed 10 day period was due to circumstances beyond its control. In addition, there shall be attached to and made a part of such copy, a copy of the income tax return of the attorney-in-fact (including accompanying schedules) for each taxable year for which such statement is required.

§ 1.826–4 Allocation of expenses.

An attorney-in-fact allocating expenses as required by section 826(b) and paragraph (b) of § 1.826–3 shall allocate each expense itemized in its income tax return (and accompanying schedules) for the taxable year to each source of gross income (as set forth pursuant to paragraph (b)(2) of § 1.826–3). However, no portion of the net operating loss deduction allowed by section 172 shall be allocated to income received or due from the reciprocal, and no expenses, other than those directly related thereto, shall be allocated to capital gains. Where the method of allocation used by the taxpayer does not reasonably reflect the expenses of the taxpayer allocable to income received or due from the reciprocal, the district director may require the taxpayer to use such other method of allocation as is reasonable under the circumstances.

§ 1.826–5 Attribution of tax.

(a) *In general.* Section 826(e) provides that a reciprocal making the election allowed by section 826(a) shall be credited with so much of the tax paid by the attorney-in-fact as is attributable to the income received by the attorney-in-fact from the reciprocal in such taxable year.

(b) *Computation.* For purposes of section 826(e) and paragraph (a) of this section, the amount of tax attributable to income received by the attorney-in-fact from the reciprocal in the taxable year shall be computed in the following manner:

(1) First, compute the taxable income (if any) from each source of gross income set forth in paragraph (b)(2) of § 1.826–3 by deducting from each such amount the expenses allocable thereto under § 1.826–4;

(2) Second, compute the normal tax on each amount of taxable income computed in subparagraph (1) of this paragraph at the rate provided by section 11(b) of the Code;

(3) Third, deduct from each amount determined in subparagraph (1) of this paragraph an amount which bears the same proportion to the surtax exemption provided by section 11(c) of the Code as each amount computed under subparagraph (1) of this paragraph bears to the total of the amounts computed under subparagraph (1) of this paragraph;

(4) Fourth, compute the surtax on each remainder computed in subparagraph (3) of this paragraph at the rate provided by section 11(c) of the Code;

(5) Fifth, add the normal tax computed under subparagraph (2) of this paragraph to the surtax computed under subparagraph (4) of this paragraph for each amount computed under subparagraph (1) of this paragraph;

(6) Sixth, deduct from each amount of tax computed under subparagraph (5) of this paragraph any tax credits (other than those arising from payments made with respect to the tax liability for the taxable year or other taxable years) allocable (in the same manner as provided for expenses under § 1.826–4) to such amount;

(7) Seventh, compute that amount which bears the same proportion to the tax actually paid with respect to the taxable year as each individual amount computed under subparagraph (6) of this paragraph bears to the total of the amounts computed under subparagraph (6) of this paragraph. The amount so determined with respect to each amount computed under subparagraph (6) of this paragraph is the tax paid which is attributable to the amount computed under subparagraph (1) of this paragraph.

To the extent the amounts determined under subparagraph (1) of this paragraph are attributable to amounts received from the reciprocal for the taxable year, the tax attributable to such amounts (as determined under subparagraph (7) of this paragraph) shall be the amount of tax attributable to income received by the attorney-in-fact from the reciprocal during the taxable year.

(c) *Taxes of attorney-in-fact unaffected.* Nothing in section 826 or the regulations thereunder shall increase or decrease the taxes imposed on the income of the attorney-in-fact.

§ 1.826–6 Credit or refund.

(a) *Notification required.* In any case where a taxpayer applies for a credit or refund of taxes paid by it in respect of a taxable year for which the taxpayer was the consenting attorney-in-fact of a reciprocal making the election provided by section 826(a), such taxpayer shall give written notice to its reciprocal for such taxable year, first, upon applying for the credit or refund; and again, within 10 days from the date on which a final determination is made that such credit or refund has been allowed or denied.

(b) *Notice form.* The notices required by this section shall include the name and address of the taxpayer and shall be signed by the taxpayer or its duly authorized representative. In addition, there shall be attached to and made a part of each first notice a concise statement of the claim upon which the application for refund or credit is based; and there shall be attached to and made a part of each second notice:

(1) A copy of the notification (if any) received by the taxpayer indicating that the credit or refund has been allowed; and

(2) A statement setting forth the amount of such credit or refund attributable to taxes paid by the taxpayer on income received from the reciprocal, and the computation by which such amount was determined.

(c) *Manner of apportioning refund or credit.* The taxpayer shall determine the amount of the refund or credit attributable to taxes paid on income received from its reciprocal by reallocating its income and expense items for the taxable year, with respect to which the refund or credit is allowed, in the manner provided by §§ 1.826–3 and 1.826–4 so as to reflect the adjustments (if any) in such items which resulted in the credit or refund of tax for the taxable year. The taxpayer shall then recompute the tax attributable to income received from its reciprocal for such taxable year in the manner provided by § 1.826–5. The district director may require such additional information as may be necessary in the circumstances to verify the computations required by this paragraph.

§ 1.826–7 Examples.

The application of section 826 may be illustrated by the following examples:

Example (1). For the taxable year 1963, R, a reciprocal underwriter subject to the taxes imposed by section 821(a), has the following items (determined before applying any election under section 826):

Gross income under sec. 832	578
Gross investment income	50
Deductions under sec. 832 (as modified by sec. 823(b)):	
Deduction for amounts paid by R to attorney-in-fact A	60
All other deductions	500
Total deduction under sec. 832	560
Deductions under sec. 822(c)	40
Incurred losses	400
Underwriting gain	8
Protection against loss deduction	6
Mutual insurance company taxable income	12
Unused loss	0
Credit or refund for taxes paid	16

Under the provisions of section 826(b), R's deduction for amounts paid or incurred to the attorney-in-fact in the taxable year 1963 would be limited to the deductions of A allocable to the income received by A from R. Thus, R's deductions under section 832 (as modified by section 823(b)) for 1963 would be 60 (the deductions of A which are allocable to the income received by A from R). As a result of making the election under section 826(a) for the taxable year 1963, R's underwriting gain would be 8, and its statutory underwriting income would be 2 (the underwriting gain of 8 minus the protection against loss deduction of 6—of which 4 represents the amount determined under section 824(a)(1)(A)—and 2 represents the amount determined under section 824(a)(1)(B)—or 8 minus 6). R's mutual insurance company taxable income for 1963 would be 12, consisting of taxable investment income of 10 (gross investment income minus deductions under section 822(c), or 50 minus 40) plus statutory underwriting income of 2. Since all of R's mutual insurance company taxable income of 12 is attributable to the limitation under section 826(b), the entire amount is subject to the surtax under section 821(a)(2) without regard to the $25,000 surtax exemption. The credit of 16, representing that part of the tax paid by A which is allocable to the income received by A from R, may be applied by R against its taxes with respect to its mutual insurance company taxable income of 12 for 1963, and R would be entitled to a refund of any excess of the amount of such credit over its tax liability for 1963.

Under the provisions of section 826(d), no portion of the amount added to the protection against loss account in 1963 by reason of the election under section 826(a), 2 (25 percent of the amount by which the consolidated underwriting gain exceeds 25 percent of the underwriting gain determined without regard to the election under section 826(a), or the amount by which 25 percent of 8 exceeds 25 percent of 0), may remain in such account beyond the taxable year 1968.

Example (2). For the taxable year 1963, F is a corporate attorney-in-fact subject to the taxes imposed by section 11 (b) and (c) of the Code. F files its return on the calendar year basis and reports income received from its reciprocal and the deductions allocable thereto under the same method of accounting used by its reciprocal in reporting its deductions for amounts paid to F. F properly consents to provide the information required by paragraph (b) of § 1.826–3. In addition to its attorney-in-fact business, F owns real estate for investment purposes, and operates a real estate management service. For the taxable year 1963, F has gross income from these various sources as follows:

Attorney-in-fact fees	$85,000
Real estate management fees	18,000
Rental income	25,000

F allocates its expenses for the taxable year on the basis of their direct relation to each source of income. During 1963, F acquired property for use in its attorney-in-fact operations which entitled F to an investment credit of $800 under section 38. For 1963, F determines that the tax paid by it which is attributable to its reciprocal is $21,863, computed as follows:

	Attorney-in-fact fees	Real estate management	Rental income	Total
Gross income	$85,000	$18,000	$25,000	$128,000
Allocable expenses	25,000	3,000	35,000	63,000
Taxable income (loss)	60,000	15,000	(10,000)	65,000
Normal tax (30 percent)	18,000	4,500	0	19,500
Surtax exemption	20,000	5,000	0	25,000
Income subject to surtax	40,000	10,000	0	40,000
Surtax (22 percent)	8,800	2,200	0	8,800
Total tax	26,800	6,700	0	28,300
Investment credit	800	0	0	800
1963 tax liability	26,000	6,700	0	27,500
1963 tax paid				27,500
Allocation of tax paid	21,863	5,637	0	27,500

Under paragraph (b)(1) of § 1.826–5, F computes its taxable income from its attorney-in-fact fees to be $60,000 ($85,000 minus $25,000), and its taxable income from its real estate management to be $15,000 ($18,000 minus $3,000). Since F's rental operations resulted in a $10,000 loss for the taxable year ($25,000 minus $35,000), F's taxable income from its rental operations is zero. Using the 30 percent rate provided by section 11(b), F computes its normal tax to be $18,000 on its attorney-in-fact fees and $4,500 on its real estate management operations. F's normal tax on total income is $19,500. The $3,000 difference between the normal tax on F's total income and the normal taxes on F's profitable operations results from the loss on F's rental operations. Under paragraph (b)(3) of § 1.826–5, F allocates its surtax exemption as follows: $20,000 ($60,000/$75,000×$25,000) to its attorney-in-fact fees; and $5,000 ($15,000/$75,000×$25,000) to its real estate management operations. F computes its surtax on its profitable operations at the 22 percent rate provided by section 11(c) as follows: $8,800 (22 percent of $40,000) on attorney-in-fact fees; and $2,200 (22 percent of $10,000) on real estate management income. F adds its normal tax and surtax on its profitable operations and determines its total tax to be $26,800 on its attorney-in-fact operations; $6,700 on its real estate management operations; and $28,300 on its total income. F must allocate its investment credit on the same basis as it used to allocate its expenses. Thus, F's entire investment credit must be allocated to its attorney-in-fact operations. Accordingly, F's 1963 tax liability is $26,000 on its attorney-in-fact fees; $6,700 on its real estate management operations; and $0 on its rental operations; and $27,500 on its total income. Under paragraph (b)(7) of § 1.826–5, F allocates $21,863 ($26,000/$32,700×$27,500) of its 1963 tax paid to its attorney-in-fact fees; and $5,637 ($6,700/$32,700×$27,500) of its 1963 tax paid to its real estate management business. F's reciprocal will be allowed a credit or refund of $21,863 for taxes paid by F which are attributable to F's income received from its reciprocal.

Example (3). Assume the same facts as in example (2), and assume further that in 1966 F sustains a net operating loss on its overall operations of $5,000. In carrying the loss back to 1963 as a net operating loss deduction under section 172, F must allocate the deduction under the same method it used in allocating its 1963 deductions. Thus, if the loss was entirely attributable to F's rental operations for the taxable year 1966, F would reduce its taxable income attributable to those operations by the entire amount of the loss and would recompute the tax attributable to those operations under paragraph (b) of § 1.826–5. As recomputed in the table below, F's 1963 tax liability from attorney-in-fact fees would be $19,800 and F's total tax liability would be $24,900.

	Attorney-in-fact fees	Real estate management	Rental income	Total
Gross income	$85,000	$18,000	$25,000	$128,000
Allocable expenses	25,000	3,000	35,000	63,000
Net operating loss deduction	0	0	5,000	5,000
Taxable income (loss)	60,000	15,000	(15,000)	60,000
Normal tax (30 percent)	18,000	4,500	0	18,000
Surtax exemption	20,000	5,000	0	25,000
Income subject to surtax	40,000	10,000	0	35,000
Surtax (22 percent)	8,800	2,200	0	7,700
Total tax	26,800	6,700	0	25,700
Investment credit	800	0	0	800
1963 tax liability	26,000	6,700	0	24,900
1963 tax paid				24,900
Allocation of tax paid	19,800	5,100	0	24,900

As a result of its 1966 net operating loss, F would be entitled to a refund of $2,600 (1963 taxes paid of $27,500 minus recomputed 1963 taxes of $24,900). Under paragraph (a) of § 1.826–6, F would be required to notify its reciprocal of its claim for refund and of the amount of the refund or credit attributable to taxes paid on income received from the reciprocal. Since the 1963 tax paid by F attributable to its reciprocal (as recomputed) is less than the amount claimed in 1963 by F's reciprocal as a credit, F's reciprocal would be required, under section 826(g), to add the difference—$2,063 ($21,863 minus $19,800), to its tax liability for 1966. Thus, F's reciprocal would first compute its tax liability for 1966 without regard to section 826(g) and then would increase such liability by $2,063.

PAR. 11. Section 1.831 is amended by revising the heading thereof, by revising the heading of section 831, by revising section 831(a), by redesignating section 831(c) as section 831(d), by inserting a new section 831(c), and by adding a historical note. These amended and added provisions read as follows:

§ 1.831 Statutory provisions; tax on insurance companies (other than life or mutual), mutual marine insurance companies, and certain mutual fire or flood insurance companies.

SEC. 831. *Tax on insurance companies (other than life or mutual), mutual marine insurance companies, and certain mutual fire or flood insurance companies*—(a) *Imposition of tax.* Taxes computed as provided in section 11 shall be imposed for each taxable year or [on]* the taxable income of—

(1) Every insurance company (other than a life or mutual insurance company),

(2) Every mutual marine insurance company, and

(3) Every mutual fire or flood insurance company—

(A) Exclusively issuing perpetual policies, or

(B) Whose principal business is the issuance of policies for which the premium deposits are the same, regardless of the length

*Editorial note: "or" in Code, should be "on".

of the term for which the policies are written, and which premium deposits are not required for losses, expenses

whether or not marine insurance is its

of the term for which the policies are written, if the unabsorbed portion of such premium deposits not required for losses, expenses, or establishment of reserves is returned or credited to the policyholder on cancellation or expiration of the policy.

• • • • •

(c) *Election for multiple line company to be taxed on total income*—(1) *In general.* Any mutual insurance company engaged in writing marine, fire, and casualty insurance which for any 5-year period beginning after December 31, 1941, and ending before January 1, 1962, was subject to the tax imposed by section 831 (or the tax imposed by corresponding provisions of prior law) may elect, in such manner and at such time as the Secretary or his delegate may by regulations prescribe, to be subject to the tax imposed by section 831, whether or not marine insurance is its predominant source of premium income.

(2) *Effect of election.* If an election is made under paragraph (1) the electing company shall (in lieu of being subject to the tax imposed by section 821) be subject to the tax imposed by this section for taxable years beginning after December 31, 1961. Such election shall not be revoked except with the consent of the Secretary or his delegate.

(d) *Alternative tax on capital gains.* For alternative tax in case of capital gains, see section 1201(a).

[Sec. 831 as amended by sec. 8 (e)(1), (f), and (g)(4)(B), Rev. Act 1962 (76 Stat. 997–999)]

PAR. 12. There are inserted immediately after § 1.831–1 the following new sections:

§ 1.831–2 Taxable years affected.

Section 1.831–1 is applicable only to taxable years beginning after December 31, 1953, but before January 1, 1963, and ending after August 16, 1954, and all references therein to sections of the Code and regulations are to sections of the Internal Revenue Code of 1954 and the regulations thereunder before amendments. Section 1.831–3 is applicable only to taxable years beginning after December 31, 1962, and all references therein to sections of the Code and regulations are to sections of the Internal Revenue Code of 1954 as amended. Section 1.831–4 is applicable only with respect to the companies described therein, and only with respect to taxable years beginning after December 31, 1961.

§ 1.831–3 Tax on insurance companies (other than life or mutual), mutual marine insurance companies, mutual fire insurance companies issuing perpetual policies, and mutual fire or flood insurance companies operating on the basis of premium deposits; taxable years beginning after December 31, 1962.

(a) All insurance companies, other than life or mutual or foreign insurance companies not carrying on an insurance business within the United States, and all mutual marine insurance companies and mutual fire or flood insurance companies exclusively issuing perpetual policies or whose principal business is the issuance of policies for which the premium deposits are the same regardless of the length of the term for which the policies are written, are subject to the tax imposed by section 831 if the unabsorbed portion of such premium deposits not required for losses, expenses or reserves is returned or credited to the policyholder on cancellation or expiration of the policy. For purposes of section 831 and this section, in the case of a mutual flood insurance company, the premium deposits will be considered to be the same if the payment of a premium increases the total insurance under the policy in an amount equal to the amount of such premium and the omission of any annual premium does not result in the reduction or suspension of coverage under the policy. As used in this section and section 832 and the regulations thereunder, the term "insurance companies" means only those companies which qualify as insurance companies under the definition provided by paragraph (b) of § 1.801–1 and which are subject to the tax imposed by section 831.

(b) All provisions of the Code and of the regulations in this part not inconsistent with the specific provisions of section 831 are applicable to the assessment and collection of the tax imposed by section 831(a), and insurance companies are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations.

(c) Since section 832 provides that the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners shall be the basis for computing gross income and since the annual statement is rendered on the calendar year basis, the returns under section 831 shall be made on the basis of the calendar year and shall be on Form 1120. Insurance companies are entitled, in computing insurance company taxable income, to the deductions provided in part VIII (section 241 and following), subchapter B, chapter 1 of the Code.

(d) Foreign insurance companies not carrying on an insurance business within the United States are not taxable under section 831 but are taxable as other foreign corporations. See section 881.

(e) Insurance companies are subject to both normal tax and surtax. The normal tax shall be computed as provided in section 11(b) and the surtax shall be computed as provided in section 11(c). For the circumstances under which the $25,000 exemption from surtax for certain taxable years may be disallowed in whole or in part, see section 1551. For alternative tax where the net long-term capital gain for any taxable year exceeds the net short-term capital loss, see section 1201(a) and the regulations thereunder.

§ 1.831–4 Election of multiple line companies to be taxed on total income.

(a) *In general.* Section 831(c) provides that any mutual insurance company engaged in writing marine, fire, and casualty insurance which, for any 5-year period beginning after December 31, 1941, and ending before January 1, 1962, was subject to the tax imposed by section 831 (or the tax imposed by corresponding provisions of prior law) may elect, in the manner provided by paragraph (b) of this section, to be subject to the tax imposed by section 831, whether or not marine insurance is its predominant source of premium income. A company making an election under section 831(c) and this section will be subject to the tax imposed by section 831 for taxable years beginning after December 31, 1961, rather than subject to the tax imposed by section 821.

(b) *Time and manner of making election.* The election provided by section 831(c) and paragraph (a) of this section shall be made in a statement attached to the taxpayer's return for the taxable year 1962. The statement shall indicate that the taxpayer has made the election provided by section 831(c) and this section; shall include the name and address of the taxpayer, and shall be signed by the taxpayer or his duly authorized representative. In addition, the statement shall list the 5 consecutive taxable years prior to 1962 for which the taxpayer was subject to tax under section 831 (or the corresponding provisions of prior law); the types of insurance written by the company; and the percentage of marine insurance to total insurance written. The return and statement must be filed not later than the date prescribed by law (including extensions thereof) for filing the return for the taxable year 1962. However, if the last date prescribed by law (including extensions thereof) for filing the income tax return for the taxable year 1962 falls before October 17, 1963, the election provided by section 831(c) and this section may be made for such year by filing the statement and an amended return for such taxable year (and all subsequent taxable years for which returns have been filed) before January 16, 1964.

(c) *Scope of election.* An election made under section 831 (c) and paragraph (b) of this section shall be binding for all taxable years beginning after December 31, 1961, unless consent to revoke the election is obtained from the Commissioner. However, if a taxpayer made the election provided by section 831(c) and this section for taxable years beginning prior to October 17, 1963, the taxpayer may revoke such election without obtaining consent from the Commissioner by filing, before January 16, 1964, a statement that the taxpayer desires to revoke such election. Such statement shall be signed by the taxpayer or its duly authorized representative. An amended return reflecting such revocation must accompany the statement for all taxable years for which returns have been filed with respect to such election.

(d) *Limitation on certain net operating loss carryovers and carrybacks.* In the case of a taxpayer making the election allowed under section 831(c) and this section, a net operating loss shall not be carried—

(1) To or from any taxable year for which the insurance company is not subject to the tax imposed by section 831(a) (or predecessor sections); or

(2) To any taxable year if, between the loss year and such taxable year, there is an intervening taxable year for which the insurance company was not subject to the tax imposed by section 831(a) (or predecessor sections).

PAR. 13. Section 1.832 is amended by revising section 832(b)(1) (B) and (C); by adding a new subparagraph (D) to section 832(b)(1); by adding two new sentences to section 832(b)(4); by revising section 832(c)(11); and by revising the historical note. These revised and added provisions read as follows:

§ 1.832 Statutory provisions; insurance company taxable income.

SEC. 832. *Insurance company taxable income.* • • •

(b) *Definitions.* • • •

(1) *Gross income.* • • •

(B) Gain during the taxable year from the sale or other disposition of property,

(C) All other items constituting gross income under subchapter B, except that, in the case of a mutual fire insurance company described in section 831(a)(3)(A), the amount of single deposit premiums paid to such company shall not be included in gross income, and

(D) In the case of a mutual fire or flood insurance company described in section 831(a)(3)(B), an amount equal to 2 percent of the premiums earned on insurance contracts during the taxable year with respect to policies described in section 831(a)(3)(B) after deduction of premium deposits returned or credited during the same taxable year.

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(4) *Premiums earned.* The term "premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

(A) From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance.

(B) To the result so obtained, add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year.

For purposes of this subsection, unearned premiums shall include life insurance reserves, as defined in section 801(b), pertaining to the life, burial, or funeral insurance, or annuity business of an insurance company subject to the tax imposed by section 831 and not qualifying as a life insurance company under section 801. For purposes of this subsection, unearned premiums of mutual fire or flood insurance companies described in section 831(a)(3)(B) means (with respect to the policies described in section 831(a)(3)(B)) the amount of unabsorbed premium deposits which the company would be obligated to return to its policyholders at the close of the taxable year if all of its policies were terminated at such time; and the determination of such amount shall be based on the schedule of unabsorbed premium deposit returns for each such company then in effect. Premiums paid by the subscriber of a mutual flood insurance company referred to in paragraph (3) of section 831(a) shall be treated, for purposes of computing the taxable income of such subscriber, in the same manner as premiums paid by a policyholder to a mutual fire insurance company referred to in such paragraph (3).

• • • • •

(c) *Deductions allowed.* • • •

(11) Dividends and similar distributions paid or declared to policyholders in their capacity as such, except in the case of a mutual fire insurance company described in section 831(a)(3)(A). For purposes of the preceding sentence, the term "dividends and similar distributions" includes amounts returned or credited to policyholders on cancellation or expiration of policies described in section 831(a)(3)(B). For purposes of this paragraph, the term "paid or declared" shall be construed according to the method of accounting regularly employed in keeping the books of the insurance company; and

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[Sec. 832 as amended by sec. 3(b)(1), (2), and (3), Life Insurance Company Tax Act 1955 (70 Stat. 48); sec. 8(e)(2), (3), (4), and (5), Rev. Act 1962 (76 Stat. 997, 998)]

PAR. 14. There are inserted immediately after § 1.832–2 the following new sections:

§ 1.832–3 Taxable years affected.

Sections 1.832–1 and 1.832–2 are applicable only to taxable years beginning after December 31, 1953, and before January 1, 1963, and ending after August 16, 1954, and all references therein to sections of the Code and regulations are to sections of the Internal Revenue Code of 1954 and the regulations thereunder before amendments. Sections 1.832–4, 1.832–5, and 1.832–6 are applicable only to taxable years beginning after December 31, 1962, and all references therein to sections of the Code and regulations are to sections of the Internal Revenue Code of 1954 as amended.

§ 1.832–4 Gross income.

(a)(1) Gross income as defined in section 832(b)(1) means the gross amount of income earned during the taxable year from interest, dividends, rents, and premium income, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners, as well as the gain derived from the sale or other disposition of property, and all other items constituting gross income under section 61, except that in the case of a mutual fire insurance company described in section 831(a)(3)(A) the amount of single deposit premiums received, but not assessments, shall be excluded from gross income. Section 832(b)(1)(D) provides that in the case of a mutual fire or flood insurance company described in section 831(a)(3)(B), there shall be included in gross income an amount equal to 2 percent of the premiums earned during the taxable year on contracts described in section 831(a)(3)(B) after deduction of premium deposits returned or credited during such taxable year with respect to such contracts. Gross income does not include increase in liabilities during the year on account of reinsurance treaties, remittances from the home office of a foreign insurance company to the United States branch, borrowed money, or gross increase due to adjustments in book value of capital assets.

(2) The underwriting and investment exhibit is presumed to reflect the true net income of the company, and insofar as it is not inconsistent with the provisions of the Code will be recognized and used as a basis for that purpose. All items of the exhibit, however, do not reflect an insurance company's income as defined in the Code. By reason of the definition of investment income, miscellaneous items which are intended to reflect surplus but do not properly enter into the computation of income, such as dividends declared to shareholders in their capacity as such, home office remittances and receipts, and special deposits, are ignored. Gain or loss from agency balances and bills receivable not admitted as assets on the underwriting and investment exhibit will be ignored, excepting only such agency balances and bills receivable as have been allowed as deductions for worthless debts or, having been previously so allowed, are recovered during the taxable year.

(3) In computing "premiums earned on insurance contracts during the taxable year" the amount of the unearned premiums shall include:

(i) Life insurance reserves as defined in section 803(b) and § 1.803–1 pertaining to the life, burial, or funeral insurance, or annuity business of an insurance company subject to the tax imposed by section 831 and not qualifying as a life insurance company under section 801;

(ii) Liability for return premiums under a rate credit or retrospective rating plan based on experience, such as the "War Department Insurance Rating Plan," and which return premiums are therefore not earned premiums; and

(iii) In the case of a mutual fire or flood insurance company described in section 831(a)(3)(B) (with respect to the contracts described therein), the amount of unabsorbed premium deposits which the company would be obligated to return to its policyholders at the close of the company's taxable year if all of its policies were terminated at such time.

(4) In computing the amount of unabsorbed premium deposits which a mutual fire or flood insurance company described in section 831(a)(3)(B) would be obligated to return to its policyholders at the close of its taxable year, the company must use its own schedule of unabsorbed premium deposit returns then in effect. A copy of the applicable schedule must be filed with the company's income tax return for each taxable year for which a computation based upon such schedule is made. In addition, a taxpayer making such a computation must provide the following information for each taxable year for which the computation is made:

(i) The amount of gross premiums received during the taxable year, and the amount of premiums paid for reinsurance during the taxable year, on the policies described in section 831(a)(3)(B) and on other policies;

(ii) The amount of insurance written during the taxable year under the policies described in section 831(a)(3)(B) and under other policies, and the amount of such insurance written which was reinsured during the taxable year. The information required under this subdivision shall only be submitted upon the specific request of the district director for a statement setting forth such information, and, if required, such statement shall be filed in the manner provided by this subparagraph or in such other manner as is satisfactory to the district director;

(iii) The amount of premiums earned during the taxable year on the policies described in section 831(a)(3)(B) and on other policies and the computations by which such amounts were determined, including sufficient information to support the taxpayer's determination of the amount of unearned premiums on pre-

mium deposit plan and other policies at the beginning and end of the taxable year, and the amount of unabsorbed premium deposits at the beginning and end of the taxable year on policies described in section 831(a)(3)(B).

The information required by this subparagraph shall be set forth in a statement attached to the taxpayer's income tax return for the taxable year for which such information is being provided. Such statement shall include the name and address of the taxpayer, and shall be filed not later than the date prescribed by law (including extensions thereof) for filing the income tax return for the taxable year.

(5) In computing "losses incurred" the determination of unpaid losses at the close of each year must represent actual unpaid losses as nearly as it is possible to ascertain them.

(b) Every insurance company to which this section applies must be prepared to establish to the satisfaction of the district director that the part of the deduction for "losses incurred" which represents unpaid losses at the close of the taxable year comprises only actual unpaid losses stated in amounts which, based upon the facts in each case and the company's experience with similar cases, can be said to represent a fair and reasonable estimate of the amount the company will be required to pay. Amounts included in, or added to, the estimates of such losses which, in the opinion of the district director are in excess of the actual liability determined as provided in the preceding sentence will be disallowed as a deduction. The district director may require any such insurance company to submit such detailed information with respect to its actual experience as is deemed necessary to establish the reasonableness of the deduction for "losses incurred."

(c) That part of the deduction for "losses incurred" which represents an adjustment to losses paid for salvage and reinsurance recoverable shall, except as hereinafter provided, include all salvage in course of liquidation, and all reinsurance in process of collection not otherwise taken into account as a reduction of losses paid, outstanding at the end of the taxable year. Salvage in course of liquidation includes all property (other than cash), real or personal, tangible or intangible, except that which may not be included by reason of express statutory provisions (or rules and regulations of an insurance department) of any State or Territory or the District of Columbia in which the company transacts business. Such salvage in course of liquidation shall be taken into account to the extent of the value thereof at the end of the taxable year as determined from a fair and reasonable estimate based upon either the facts in each case or the company's experience with similar cases. Cash received during the taxable year with respect to items of salvage or reinsurance shall be taken into account in computing losses paid during such taxable year.

§ 1.832–5 Deductions.

(a) The deductions allowable are specified in section 832(c) and by reason of the provisions of section 832(c)(10) and (12) include in addition certain deductions provided in sections 161, 241 and following. The deductions, however, are subject to the limitation provided in section 265, relating to expenses and interest in respect of tax-exempt income. The net operating loss deduction is computed under section 172 and the regulations thereunder. For the purposes of section 172, relating to net operating loss deduction, "gross income" shall mean gross income as defined in section 832(b)(1) and the allowable deductions shall be those allowed by section 832(c) with the exceptions and limitations set forth in section 172(d). In addition to the deduction for capital losses provided in subchapter P (section 1201 and following), chapter 1 of the Code, insurance companies are allowed a deduction for losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. A special rule is provided for the application of the 5-year capital loss carryover provisions of section 1212. The deduction is the same as that allowed mutual insurance companies subject to the tax imposed by section 821, see section 822(c)(6) and the regulations thereunder. Insurance companies, other than mutual fire insurance companies described in section 831(a)(3)(A) and the regulations thereunder, are also allowed a deduction for dividends and similar distributions paid or declared to policyholders in their capacity as such. Similar distributions include such payments as the so-called unabsorbed premium deposits returned to policyholders by factory mutual insurance companies. The deduction is otherwise the same as that allowed mutual insurance companies subject to the tax imposed by section 821, see section 822(f)(2) and the regulations thereunder.

(b) Among the items which may not be deducted are income and profits taxes imposed by the United States, income and profits taxes imposed by any foreign country or possession of the United States (in cases where the company chooses to claim to any extent a credit for such taxes), taxes assessed against local benefits, decrease during the year due to adjustments in the book value of capital assets, decrease in liabilities during the year on account of reinsurance treaties, dividends paid to shareholders in their capacity as such, remittances to the home office of a foreign insurance company by the United States branch, and borrowed money repaid.

(c) In computing taxable income of insurance companies, losses sustained during the taxable year from the sale or other disposition of property are deductible subject to the limitation contained in section 1211. Insurance companies are entitled to the alternative taxes provided in section 1201.

§ 1.832–6 Policyholders of mutual fire or flood insurance companies operating on the basis of premium deposits.

For purposes of determining his taxable income for any taxable year, a taxpayer insured by a mutual fire or flood insurance company under a policy for which the premium deposit is the same regardless of the length of the term for which the policy is written, and who is entitled to have returned or credited to him on the cancellation or expiration of such policy the unabsorbed portion of the premium deposit not required for losses, expenses, or establishment of reserves, may, if such amount is otherwise deductible under this chapter, deduct so much of his premium deposit as was absorbed by the company during the taxpayer's taxable year. The amount of the premium deposit absorbed during the taxpayer's taxable year shall be determined in accordance with the schedule of unabsorbed premium deposit returns in effect for the company during such taxable year. If the taxpayer is unable to determine the applicable rate of absorption in effect during his taxable year, he shall compute his deduction on the basis of the rate of absorption in effect at the end of the company's taxable year which next preceded the end of the taxpayer's taxable year. In such a case, an appropriate adjustment will be made upon the final determination of the rate of absorption applicable to the taxable year.

PAR. 15. Section 1.841 is amended by redesignating section 841(2) as section 841(3) and by inserting a new section 841(2), and by revising the historical note. These amended and added provisions read as follows:

§ 1.841 Statutory provisions; credit for foreign taxes.

SEC. 841. *Credit for foreign taxes.* The taxes imposed by foreign countries or possessions of the United States shall be allowed as a credit against the tax of a domestic insurance company subject to the tax imposed by section 802, 821, or 831, to the extent provided in the case of a domestic corporation in section 901 (relating to foreign tax credit). For purposes of the preceding sentence, the term "taxable income" as used in section 904 means—

(1) In the case of the tax imposed by section 802, the life insurance company taxable income (as defined in section 802(b)),

(2) In the case of the tax imposed by section 821(a), the mutual insurance company taxable income (as defined in section 821(b)); and in the case of the tax imposed by section 821(c), the taxable investment income (as defined in section 822(a)), and

(3) In the case of the tax imposed by section 831, the taxable income (as defined in section 832(a)).

[Sec. 841 as amended by sec. 5(4), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(b), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 8(g)(1), Rev. Act 1962 (76 Stat. 998)]

PAR. 16. Section 1.1016 is amended by revising section 1016(a)(3)(B) and (C), by adding a subparagraph (D) to section 1016(a)(3), and by revising the historical note. These amended and added provisions read as follows:

§ 1.1016 Statutory provisions; adjustments to basis.

SEC. 1016. *Adjustments to basis*—(a) *General rule.* Proper adjustment in respect of the property shall in all cases be made—

* * * * *

(3) In respect of any period—

(A) Before March 1, 1913,

(B) Since February 28, 1913, during which such property was held by a person or an organization not subject to income taxation under this chapter or prior income tax laws,

(C) Since February 28, 1913, and before January 1, 1958, during which such property was held by a person subject to tax under part I of subchapter L (or the corresponding provisions of prior income tax laws), to the extent that paragraph (2) does not apply, and

(D) Since February 28, 1913, during which such property was held by a person subject to tax under part II of subchapter L (or the corresponding provisions of prior income tax laws), to the extent that paragraph (2) does not apply,

* * * * *

[Sec. 1016 as amended by sec. 4(c), Act of June 29, 1956 (Pub. Law 629, 84th Cong., 70 Stat. 407); sec. 3(d)(1) and (2), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 8(g)(2), Rev. Act 1962 (76 Stat. 998)]

PAR. 17. Section 1.1016–4 is amended to read as follows:

§ 1.1016–4 Exhaustion, wear and tear, obsolescence, amortization, and depletion; periods during which income was not subject to tax.

(a) Adjustments to basis must be made for exhaustion, wear and tear, obsolescence, amortization, and depletion to the extent actually sustained in respect of:

(1) Any period before March 1, 1913,

(2) Any period since February 28, 1913, during which the property was held by a person or organization not subject to income taxation under chapter 1 of the Code or prior income tax laws,

(3) Any period since February 28, 1913, and before January 1, 1958, during which the property was held by a person subject to tax under part I, subchapter L, chapter 1 of the Code, or prior income tax law, to the extent that section 1016(a)(2) does not apply, and

(4) Any period since February 28, 1913, during which such property was held by a person subject to tax under part II of subchapter L, chapter 1 of the Code, or prior income tax law, to the extent that section 1016(a)(2) does not apply.

(b) The amount of the adjustments described in paragraph (a) of this section actually sustained is that amount charged off on the books of the taxpayer where such amount is considered by the Commissioner to be reasonable. Otherwise, the amount actually sustained will be the amount that would have been allowable as a deduction:

(1) During the period described in paragraph (a)(1) or (2) of this section, had the taxpayer been subject to income tax during those periods, or

(2) During the period described in paragraph (a)(3) or (4) of this section, with respect to property held by a taxpayer described in that paragraph, to the extent that section 1016(a)(2) was inapplicable to such property during that period.

In the case of a taxpayer subject to the adjustment required by subparagraph (1) or (2) of this paragraph, depreciation shall be determined by using the straight line method.

PAR. 18. Section 1.1201 is amended by revising section 1201(a) and by adding a historical note. These amended and added provisions read as follows:

§ 1.1201 Statutory provisions; alternative tax.

SEC. 1201. *Alternative tax*—(a) *Corporations.* If for any taxable year the net long-term capital gain of any corporation exceeds the net short-term capital loss, then, in lieu of the tax imposed by sections 11, 511, 821(a) or (c), and 831(a), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

* * * * *

[Sec. 1201 as amended by sec. 5(7), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(f)(2), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 8(g)(3), Rev. Act 1962 (76 Stat. 999)]

PAR. 19. Paragraph (a) of § 1.1201–1 is amended to read as follows:

§ 1.1201–1 Alternative tax.

(a) *Corporations.* In case the net long-term capital gain of any corporation exceeds the net short-term capital loss, section 1201(a) imposes an alternative tax in lieu of the tax imposed by sections 11, 511, 821(a) or (c) (or, for taxable years beginning before January 1, 1963, 821(a)(1) or (b)), and 831(a), if and only if such alternative tax is less than the tax imposed by such sections. For taxable years beginning after December 31, 1954, and before January 1, 1958, the alternative tax shall also be in lieu of the tax imposed by section 802(a), as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 38), if such alternative tax is less than the tax imposed by such section. See section 802(e), as added by the Life Insurance Company Tax Act for 1955 (70 Stat. 39). However, for taxable years beginning after December 31, 1958, and before January 1, 1962, section 802(a)(2), as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 115), imposes a separate tax equal to 25 percent of the amount by which the net long-term capital gain of any life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3) exceeds its net short-term capital loss. See paragraph (f) of § 1.802–3. For alternative tax for life insurance companies in the case of taxable years beginning after December 31, 1961, see section 802(a)(2) and the regulations thereunder. The alternative tax is not in lieu of the personal holding company tax imposed by section 541, or of any other tax not specifically set forth in section 1201(a). The alternative tax is the sum of (1) a partial tax computed at the rates provided in sections 11, 511, 802(a) (for taxable years beginning after December 31, 1954, and before January 1, 1958), 821(a) or (c) (or for taxable years beginning before January 1, 1963, 821(a) or (b)), and 831(a) on the taxable income of the taxpayer decreased by the amount of the excess of the net long-term capital gain over the net short-term capital loss, and (2) an amount equal to 25 percent of such excess or, in the case of a taxable year beginning before April 1, 1954, an amount equal to 26 percent of such excess. In the computation of the partial tax the special deductions provided for in sections 243, 244, 245, 247, 922, and 941 shall not be recomputed as the result of the reduction of taxable income by the excess of net long-term capital gain over net short-term capital loss.

PAR. 20. Section 1.11 is amended by revising section 11(b) and the historical note at the end thereof. These amended provisions read as follows:

§ 1.11 Statutory provisions; tax imposed.

SEC. 11. *Tax imposed*— * * *

(b) *Normal tax*—(1) *Taxable years beginning before July 1, 1964.* In the case of a taxable year beginning before July 1, 1964, the normal tax is equal to 30 percent of the taxable income.

(2) *Taxable years beginning after June 30, 1964.* In the case of a taxable year beginning after June 30, 1964, the normal tax is equal to 25 percent of the taxable income.

* * * * *

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 114); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72)]

PAR. 21. Paragraph (c) of § 1.11–1 is amended to read as follows:

§ 1.11–1 Tax on corporations.

* * * * *

(c) The normal tax is computed by applying to the taxable income the rate of tax in effect for the taxable year. The rates of tax applicable for the the respective taxable years are as follows:

	Percent
For taxable years beginning before July 1, 1964	30
For taxable years beginning after June 30, 1964	25

[F.R. Doc. 63–10980; Filed, Oct. 16, 1963; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Small Business Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (y) is added to § 6.328 as set out below.

§ 6.328 Small Business Administration.

* * * * *

(y) One Staff Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended;

ministrative Committee, established pur-

the Treasury by the President by Execu-

(c) *Bonds that may be excluded from*

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A nineteenth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Paragraph (t) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(t) One Staff Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-11006; Filed, Oct. 16, 1963; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1963–64 Fiscal Period

Pursuant to the amended marketing agreement and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 905.202 Expenses and rate of assessment for the 1963–64 fiscal period.

(a) *Expenses.* The expenses necessary to be incurred by the Growers Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1963, and ending July 31, 1964, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $149,500.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and order shall be six and one-half mills ($0.0065) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforementioned expenses.

As used herein, the terms "standard packed box," "fiscal period," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh fruit are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11008; Filed, Oct. 16, 1963; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56020]

PART 1—CUSTOMS, DISTRICTS, PORTS AND STATIONS

San Francisco-Oakland, Calif.; Extension of Port Limits

OCTOBER 9, 1963.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2) which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), the limits of the customs port of entry of San Francisco-Oakland, California, in Customs Collection District No. 28 (San Francisco), comprising the territory within the corporate limits of San Francisco and Oakland, all points on San Franscico Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, all points on the San Joaquin River in Contra Costa and San Joaquin Counties, State of California, to and including Stockton, California (T.Ds. 44731, 52175, 53738), are extended to include all points on the Sacramento River in Solano, Yolo, and Sacramento Counties, State of California, from the junction of the Sacramento River with the San Joaquin River in Sacramento County, to and including Sacramento, California; and all points on the Sacramento River Deep Water Ship Channel in Solano, Yolo, and Sacramento Counties, State of California, from and including the junction of Cache Slough with the Sacramento River, to and including Sacramento, California.

This extension is effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1(c) of the Customs Regulations is amended by deleting the parenthesis and period at the end of the parenthetical material appearing after "San Francisco-Oakland, California" in the column headed "Ports of Entry" in District No. 28 (San Francisco), and adding, "and including territory described in T.D. 56020)."

Notice of proposed rulemaking to effect this extension of port limits was published in the FEDERAL REGISTER on August 22, 1963 (28 F.R. 9263), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1002). No objections were received.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-10993; Filed, Oct. 16, 1963; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 315—UNITED STATES SAVINGS BONDS

Bonds That May Be Excluded From Computation

Section 315.11(c) of Department Circular No. 530, Eighth Revision, as amended (31 CFR Part 315) is hereby amended by the addition of the following:

(c) *Bonds that may be excluded from computation.* * * *

(9) Bonds of Series E or Series H purchased with the proceeds of bonds of Series J or Series K, at or after maturity, where such matured bonds are presented for that purpose in accordance with the provisions of Department Circular No. 653, Fifth Revision, as amended, offering bonds of Series E, and Department Circular No. 905, Second Revision, as amended, offering bonds of Series H.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

OCTOBER 14, 1963.

[F.R. Doc. 63-10996; Filed, Oct. 16, 1963; 8:47 a.m.]

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Limitation on Holdings

Section 316.7(b) of Department Circular No. 653, Fifth Revision, dated September 23, 1959, as amended (31 CFR, Part 316, Supp. 1963), is hereby amended as follows:

§ 316.7 Limitation on holdings.

* * * * *

(b) *Special limitation for owners of maturing savings bonds of Series F, G, J and K.* Owners of outstanding bonds of Series F, Series G, Series J and Series K are hereby granted the privilege of applying the proceeds of the bonds, at or after maturity, to the purchase of Series E bonds without regard to the general limitation on holdings, under the following restrictions and conditions:

(1) This privilege extends to all owners of matured and maturing bonds of Series F, Series G, Series J and Series K, except bonds registered in the names of commercial banks in their own right (as distinguished from a representative or fiduciary capacity). For this purpose commercial banks are defined as those accepting demand deposits.

(2) It is subject to the restrictions prescribed in § 315.6 of the savings bond regulations.[1]

(3) The matured bonds must be presented to a Federal Reserve Bank or Branch for the specified purpose of taking advantage of this privilege.

(4) Series E bonds may be purchased with the proceeds of the matured bonds only up to the denominational amounts that the proceeds thereof will fully cover; any difference between such proceeds and the purchase price of Series E bonds will be paid to the owner.

(5) The Series E bonds will be registered in the name of the owner in any authorized form of registration.

(6) They will be dated as of the first day of the month in which the matured bonds are presented to a Federal Reserve Bank or Branch.

(7) This privilege will continue until terminated by the Secretary of the Treasury.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

OCTOBER 14, 1963.

[F.R. Doc. 63-10994; Filed, Oct. 16, 1963; 8:47 a.m.]

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Limitation on Holdings

Section 332.7 (b) of Department Circular No. 905, Second Revision, dated September 23, 1959, as amended (31 CFR, Part 332, Supp. 1963) is hereby amended as follows:

§ 332.7 Limitation on holdings.

* * * * *

(b) *Special limitation for owners of maturing savings bonds of Series F, G, J and K.* Owners of outstanding savings bonds of Series F, Series G, Series J and Series K are hereby granted the privilege of applying the proceeds of the bonds, at or after maturity, to the purchase of Series H bonds without regard to the general limitation on holdings, under the following restrictions and conditions.

(1) This privilege extends to all owners of matured and maturing bonds of Series F, Series G, Series J and Series K, except bonds registered in the names of commercial banks in their own right (as distinguished from a representative or fiduciary capacity). For this purpose commercial banks are defined as those accepting demand deposits.

(2) It is subject to the restrictions prescribed in § 315.6 of the savings bond regulations.[1]

(3) The matured bonds must be presented to a Federal Reserve Bank or Branch for the specified purpose of taking advantage of this privilege.

(4) Series H bonds may be purchased with the proceeds of the matured bonds only up to the denominational amounts that the proceeds thereof will fully cover; any difference between such proceeds and the purchase price of Series H bonds will be paid to the owner.

(5) The Series H bonds will be registered in the name of the owner in any authorized form of registration.

(6) They will be dated as of the first day of the month in which the matured bonds are presented to a Federal Reserve Bank or Branch.

(7) This privilege will continue until terminated by the Secretary of the Treasury.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

OCTOBER 14, 1963.

[F.R. Doc. 63-10995; Filed, Oct. 16, 1963; 8:47 a.m.]

[1] Department Circular No. 530, current revision.

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—ADMINISTRATIVE CLAIMS AND LITIGATION

PART 836—CLAIMS

SUBCHAPTER F—RESERVE FORCES

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

SUBCHAPTER G—PERSONNEL

PART 888—STANDARDS OF CONDUCT

Miscellaneous Amendments

Part 836 is amended as follows:

1. In § 836.15(a), revise subparagraph (3) to read as follows:

§ 836.15 Action on approved claims.

(a) *Settlement agreement.* * * *

(3) In all claims paid under §§ 836.85 to 836.91, 836.92 to 836.98, and 836.123 to 836.130, a settlement agreement is required as provided therein.

2. Revise § 836.19(a) to read as follows:

§ 836.19 Participation in prosecution of claims and disclosure of information.

(a) *Aid or assistance prohibited.* Air Force personnel are forbidden to represent, aid, or assist any claimant or potential claimant in the prosecution or support of any claim against the United States, or to receive any gratuity, share, or interest in any such claim. This includes disclosing or furnishing information or documents which may be made the basis of a claim, or any evidence of record in a claim matter—such as reports of investigation, statements of witnesses, photographs, and medical reports.

3. Delete present § 836.35 and insert the following:

§ 836.35 Demand on carrier, contractor, warehouseman or insurer.

(a) *Carrier, contractor, or warehouseman—(1) General.* (i) In all cases where personal property is damaged or lost while being transported by a carrier, contractor, or warehouseman, the owner-claimant must provide the claims officer with sufficient information so that a written demand for reimbursement can be made, in accordance with provisions of the bill of lading or other contract, on the carrier, contractor, or warehouseman who was in possession of the property when it was lost or damaged. Exception: If the property was shipped on a thru bill of lading, demand will be made on the carrier to whom the bill of lading was issued.

(ii) If the responsible carrier, contractor, or warehouseman is not known or cannot be determined, a demand will be made on the last such carrier, contractor, or warehouseman known or believed to have handled the shipment.

(iii) If more than one bill of lading or contract was issued, a separate de-

to be payable by the Air Force exceeds $6,500 after all deductions have been

widely-held diversified mutual fund or regulated investment company.

(3) The provisions of this special

generally which are set forth in Title

WAUBAY NATIONAL WILDLIFE REFUGE

(iii) If more than one bill of lading or contract was issued, a separate demand will be made on the last carrier, contractor, or warehouseman, under each.

(iv) No demand will be made if:

(*a*) It is apparent that the estimated weight of the damaged or lost property is such that any recovery would be insignificant.

(*b*) It is clearly evident that the damage or loss was caused by faulty packing by Government employees.

(c) There is some other cogent reason why a demand would be impracticable.

(v) If the property was being carried under an MSTS shipping contract by a commercial ocean carrier, the shipper-owner, will not make a demand on the ocean carrier. Claims against such ocean carriers are the sole responsibility of MSTS, and, after settlement of the claim by the Air Force, the Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, will transmit the assignment of claim to MSTS for appropriate action.

(b) *Insurer*—(1) *General.* In all cases where damaged or lost personal property was insured in whole or part, the claimant will make a written demand on the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made before filing the claim against the Government under 10 U.S.C. 2732 and §§ 836.28 to 836.41, and within the time limit prescribed by the policy.

(2) *Action on claim while demand on insurer pending.* (i) Normally, the demand on the insurer should be concluded before the claim file is forwarded, unless this will unduly delay processing of the claim.

(ii) However, on traffic-type accidents and other motor vehicle damage which occur on base in the United States, its territories, Commonwealth, or possessions, the approving authority will make no settlement until the demand on the insurer has been accepted or rejected.

(3) *Insurance recovery.* The claimant should be encouraged to consult with the base staff judge advocate before accepting any insurance offer that is not in full satisfaction of the claim.

(c) *Application of recovery.* (1) Any amount recovered or recoverable from a carrier, contractor, warehouseman, or insurer will be deducted from the amount otherwise allowable under §§ 836.28 to 836.41. Exception: A deduction will not be made for the recovery for any item which cannot be allowed by the Air Force for payment.

(2) When the amount recovered or recoverable from a carrier, contractor, warehouseman, or insurer is equal to or greater than the amount otherwise payable by the Air Force, no compensation will be allowed under §§ 836.28 to 836.41. The amount otherwise payable is that amount determined by the application to the total amount claimed of depreciation factors and limitations and exclusions provided in §§ 836.28 to 836.41 and its implementing guides and instructions. In cases where the amount determined to be payable by the Air Force exceeds $6,500 after all deductions have been made, the claimant will be awarded $6,500.

(d) *Transfer and assignment of rights.* (1) The claimant will assign to the United States, to the extent of any payment on his claim accepted by him, all his rights, title, and interest in any claim he may have against any carrier, contractor, warehouseman, insurer, or other party arising out of the incident on which the claim against the United States is based. On request, he also will furnish such evidence as may be required to enable the United States to enforce the claim.

(2) After payment of his claim by the United States, if the claimant receives any payment from a carrier, contractor, warehouseman, insurer, or other party, he will pay the proceeds to the United States to the extent of the payment received by him from the United States (see § 836.41).

4. Revise § 836.27(a) to read as follows:

§ 836.37 Claims procedure.

(a) *Presenting claim.* After discovery of the damage or loss, all claims should be submitted as soon as possible to the claims officer of the organization to which the claimant is attached or assigned. If a person inquires about the procedure for presenting a claim, he will be furnisned appropriate claim forms, advised where they may be presented, and informed of the statute of limitations. A claim will not be refused even though it is presented at the wrong place, on the wrong form, or appears not to be within the provisions of §§ 836.28 to 836.41.

5. In § 836.45 add new paragraph (r) as follows:

§ 836.45 Claims not cognizable.

* * * * *

(r) Claims presented while litigation commenced by the claimant and arising from the same accident or incident, is pending against the United States.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text) [AFM 112–1H, August 1, 1963]

In Subchapter F—Reserve Forces, Part 862—Air Force Reserve Officers Training Corps the following is inserted as a center head: "Policies and Procedures for the Organization, Administration, and Operation of the AFROTC."

In Subchapter G—Personnel, Part 888—Standards of Conduct, in order to correct the reference in § 888.11(a)(3), subparagraph (3) is reinserted as follows:

§ 888.11 Conflict of interest laws.

(a) * * *

(3) *Nondisqualifying financial interest.* A full-time officer or employee need not disqualify himself under subparagraph (2)(iii) of this paragraph, if the financial holdings are in shares of a widely-held diversified mutual fund or regulated investment company.

* * * * * *

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63–10967; Filed, Oct. 16, 1963; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tewaukon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,840 acres or 33 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants only during the season specified below. The hunting of other upland game species, as may be authorized by North Dakota State regulations, is prohibited.

(b) Open season: From sunrise to sunset daily from November 18 through December 31, 1963.

(c) Daily bag limit: Four male birds.

(d) Methods of hunting:

(1) Weapons—shotguns or bow and arrow. Shotguns must be no larger than 10 gauge, fired from the shoulder and capable of holding three shots or less. Arrows must be at least 24 inches in length and have at least 2 untrimmed or not less than 5 trimmed feathers (Flu-Flu type).

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 1, 1964.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 10, 1963.

[F.R. Doc. 63–10973; Filed, Oct. 16, 1963; 8:45 a.m.]

PART 32—HUNTING

South Dakota; Lacreek National Wildlife Refuge et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total refuge area, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below.

(b) Open season: From one-half hour before sunrise to sunset, daily from November 1 through November 11, 1963.

(c) Bag limit: One buck deer with two or more points to one antler; one deer per person per season.

(d) Methods of hunting:

(1) Weapons—As designated under Chapter 25.0708 of the South Dakota Game and Fish Code of Laws.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through November 11, 1963.

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres or 93 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the seasons specified below.

(b) Open season: Gun season—From one-half hour before sunrise to one-half hour after sunset, daily from November 30, 1963, through December 8, 1963. Bow and Arrow season—From one-half hour before sunrise to one-half hour after sunset, daily from December 15, 1963 through December 31, 1963.

(c) Bag limit: One deer, of any age or sex, per person per season.

(d) Methods of hunting:

(1) Weapons—For gun season as designated under Chapter 25.0708 of the South Dakota State Game and Fish Code of Laws. Archery hunters must be equipped with a non-mechanical bow of not less than 40 pounds pull. Bow and arrow hunters may not carry any firearms, cross bows, explosives, poisonous or barbed arrow points.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through December 31, 1963.

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Waubay National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,200 acres or 50 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer during the season specified below.

(b) Open seasons: Gun season—From one-half hour before sunrise to one-half hour after sunset, daily from November 30, 1963, through December 8, 1963. Bow and arrow season—From one-half hour before sunrise to one-half hour after sunset, daily from December 15, 1963, through December 31, 1963.

(c) Bag limit: One deer, of any age or sex, per person per season.

(d) Methods of hunting:

(1) Weapons—For gun season as designated under Chapter 25.0708 of the South Dakota State Game and Fish Code of Laws. Archery hunters must be equipped with a non-mechanical bow of not less than 40 pounds pull. Bow and arrow hunters may not carry any firearms, cross bows, explosives, poisonous or barbed arrow points.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through December 31, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 9, 1963.

[F.R. Doc. 63–10974; Filed, Oct. 16, 1963; 8:45 a.m.]

The Tennessee counties of Cheatham, [illegible]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA, IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1963–64 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 906, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That the Secretary of Agriculture find that expenses not to exceed $95,100 will be necessarily incurred during the fiscal period August 1, 1963, to July 31, 1964, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order.

(2) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at three cents ($0.03) per carton of grapefruit handled by such handler as the first handler thereof during such fiscal period.

(3) That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ending July 31, 1964, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10981; Filed, Oct. 16, 1963; 8:46 a.m.]

[7 CFR Part 1097]

[Docket No. AO 219–A13]

MILK IN MEMPHIS, TENN., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Memphis, Tennessee, on June 25, 1963, pursuant to notice thereof issued on May 23, 1963 (28 F.R. 5270).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on September 11, 1963 (28 F.R. 10169; F.R. Doc. 63–9889) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision (28 F.R. 10169; F.R. Doc. 63–9889) are hereby approved and adopted and are set forth in full herein:

The material issue on the record of the hearing relates to marketing area.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

The marketing area should be expanded to include the Tennessee counties of Fayette, Hardeman (exclusive of Civil Districts 5 and 6), Haywood, Lauderdale, Tipton, plus the portions of the townships of Mississippi and Proctor in Crittenden County, Arkansas, which are not included in the city of West Memphis, Arkansas. That portion of the village of Crowder which is in Panola County, Mississippi, should be excluded from the marketing area.

The present Memphis marketing area includes the city of West Memphis, Arkansas; the Mississippi counties of De Soto, Tate, Panola, Tunica, Lafayette, and Marshall (exclusive of Beat 5); and the Tennessee counties of Shelby and Madison (except Civil Districts 4 and 9).

The proposed marketing area will encompass a contiguous geographical area in which Memphis order handlers are the principal distributors. The proposed counties are located near or between the counties of Shelby and Madison. Addition of the proposed area will result in a marketing area more closely conforming to the sales territory of Memphis order handlers. Handlers regulated under this order have route distribution throughout the territory recommended for addition to the marketing area. There are no fluid milk sales in the proposed area made by unregulated handlers. The health regulations applicable to milk sold for fluid consumption are identical throughout the proposed marketing area so that milk can and does move freely within the area.

Memphis order handlers have 100 percent of the fluid milk sales in Tipton County and 98 percent of the fluid sales in Lauderdale County. Two handlers regulated under the Paducah milk order have the remaining two percent of the fluid sales in Lauderdale County. In Haywood County, Memphis order handlers have approximately 90 percent of the fluid sales while a Paducah order handler has the remaining 10 percent. Four handlers under the Memphis order have sales in Fayette County and they have approximately 77 percent of the fluid sales in that county. Approximately 23 percent of the fluid sales in Fayette County are made by a handler regulated under the Paducah order.

Hardeman County is served by four Memphis order handlers, one Paducah order handler and an unregulated handler located in Tupelo, Mississippi. The unregulated handler's sales in Hardeman County are limited to Civil Districts 5 and 6. To prevent this handler from being regulated under the Memphis order, Memphis order handlers proposed and the principal cooperative in the market supported the exclusion of Civil Districts 5 and 6 from the proposed Memphis marketing area. This proposal should be adopted as regulation of this handler is not essential for effective regulation in the Memphis marketing area. The Tupelo handler is paying at least as much for his milk as he would be required to pay if regulated under the Memphis order and the majority of his fluid milk sales are not made in competition with handlers regulated under the Memphis order. Memphis order handlers have approximately 86 percent of the fluid sales in the other seven civil districts of the county, and these districts should be included in the marketing area.

The proposal to add McNairy County to the marketing area was abandoned and, therefore, is given no further consideration.

The Tennessee counties of Crockett, Dyer and Gibson should not be included in the marketing area. Although Memphis order handlers have extensive sales in these counties, the exclusion of these counties will prevent unnecessary problems which might result from regulating under the Memphis order handlers who are strongly associated with the Paducah market. All of the fluid milk sales in the three counties are made by Memphis or Paducah order handlers.

Two Paducah order handlers opposed expansion of the marketing area on the grounds that it could result in their becoming regulated under the Memphis order. One handler is located in Paducah and the other handler is located in Fulton, Kentucky. Fulton is 48 miles from Paducah and 127 miles from Memphis. These handlers and their producers have been historically associated with the Paducah market which operates with a marketwide pool. Since the Memphis order provides an individual-handler pool, a shift to regulation under that order would deprive these producers of the pooling system under which they are now paid. Exclusion of Dyer, Gibson and Crockett Counties from the marketing area will permit producers supplying the two Paducah handlers to continue receiving the Paducah market blend price.

The handler located in Fulton, Kentucky, is regulated by the Paducah order by virtue of having 10–12 percent of his fluid milk sales in the Paducah marketing area. This handler has another 10–12 percent of his sales in the two counties of Dyer and Gibson. Thus, if these two counties were not excluded from the marketing area this handler could, with a slight shift in sales, become regulated under the Memphis order during certain months of a year.

The handler located in Paducah makes approximately 43 percent of the fluid milk sales in Crockett County, 13 percent of such sales in Dyer County and 9 percent of such sales in Gibson County. While this handler has some sales in four of the counties proposed to be added to the marketing area these counties have a small population, the largest having approximately 24,000 people. The sales in these counties represent a small percentage of this handler's total Class I sales. No evidence was presented to show that the expanded marketing area, as herein proposed, would bring this handler under regulation of the Memphis order.

The portions of Mississippi and Proctor Townships, in Crittenden County, Arkansas, which are not now included in the city of West Memphis, Arkansas, should be added to the marketing area. The city of West Memphis was added to the marketing area in June 1954. The city limits have been expanded six times since that time. Any change in boundary lines of any named city, town or village which is made subsequent to the issuance of an order does not modify the geographical boundary lines of a marketing area to conform to the changes resulting from such annexation or other modification of the boundary lines of such units. This presents the problem of determining the volume of milk disposed of in the marketing area when the boundary lines are no longer recognized by the political subdivision. Since the quantity sold by a handler determines whether such handler is regulated, it is important to have an area boundary which is clearly defined. The addition of Mississippi and Proctor Townships to the marketing area will add a small area around the city of West Memphis. All fluid milk sales in these townships are made by regulated handlers.

The portion of the village of Crowder in Panola County, Mississippi, should be excluded from the Memphis marketing area. This village lies partly in Quitman and Panola Counties, Mississippi. The population of Crowder as of 1960 was 476 and the preponderance of the population is located in Quitman County. Because the Mississippi Delta marketing area includes all of the village of Crowder that portion of the village of Crowder which is in Panola County should be excluded from the Memphis marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed, to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of July 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Memphis, Tennessee, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 11, 1963.

CHARLES S. MURPHY,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

§ 1097.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed, four cents per hundredweight as the Secretary may prescribe, as follows:

(a) By each handler pursuant to § 1097.10(a) with respect to all:

(1) Receipts of milk from producers (including such handler's own production) and from cooperative associations which are handlers pursuant to § 1097.10 (c); and

(2) Other source milk received at a fluid milk plant classified as Class I milk; and

(b) By a cooperative association with respect to all:

(1) Milk for which such cooperative association is a handler pursuant to § 1097.10(b); and

(2) Milk for which such cooperative association is accountable pursuant to § 1097.10(c) in excess of that specified in paragraph (a) of this section.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Section 1097.6 is revised to read as follows:

§ 1097.6 **Memphis, Tennessee, marketing area.**

"Memphis, Tennessee, marketing area" means all the territory, including incorporated municipalities and military reservations, within the Tennessee counties of Fayette, Hardeman (except Civil Districts 5 and 6), Haywood, Lauderdale, Madison (except Civil Districts 4 and 9), Shelby and Tipton; the Mississippi counties of DeSoto, Tate, Panola (except the village of Crowder), Tunica, Lafayette and Marshall (exclusive of Beat 5); and the townships of Mississippi and Proctor in Crittenden County, Arkansas.

[F.R. Doc. 63-10982; Filed, Oct. 16, 1963; 8:46 a.m.]

[7 CFR Part 1130]

[Docket No. AO-259-A10]

MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Corpus Christi, Texas, on August 12, 1963, pursuant to notice thereof issued on July 26, 1963 (28 F.R. 7847).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Secretary on September 20, 1963 (28 F.R. 10426; F.R. Doc. 63-10250) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed to the recommended decision.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (28 F.R. 10426; F.R. Doc. 63-10250) are hereby approved and are adopted as if set forth in full herein, subject to the following modification:

1. Add a new sentence at the end of the seventh paragraph under the "Findings and Conclusions."

The material issues on the record of the hearing relate to the revision of the definitions for a supply plant, fluid milk plant and market equalization plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The supply plant, fluid milk plant and market equalization plant definitions should be revised to permit a market equalization plant to receive other source milk during the months of August through January to the same extent that fully regulated plants are permitted such receipts; i.e., from any plant in an amount not in excess of a daily average of 5,000 pounds per month. In addition, shipments to a market equalization plant should be included as qualifying shipments for purposes of determining a plant's status as a fluid milk plant.

Effective March 1, 1963, the order was amended to recognize a balancing plant operated by a cooperative association as a market equalization plant. Such a market equalization plant is presently defined as "a plant, other than a fluid milk plant, operated by a cooperative association, performing marketing services pursuant to § 1130.84(b), which plant is approved by a duly constituted health authority for the receipt and disposition of Grade A milk and at which all fluid milk products received are as diversions pursuant to § 1130.16 or as transfers from fluid milk plants."

Receipts at a market equalization plant are limited to diverted producer milk and transfers from fluid milk plants. This was recognized as a restriction on the full role of such a plant in balancing supplies when the decision was issued on February 15, 1963. However, it was expected that the recognition of the cooperative as a handler on farm bulk tank milk, in conjunction with recognition of its market equalization plant, would permit sufficient flexibility to assure free movement of milk between handlers as needed. The limitation on receipts at the market equalization plant was intended to provide assurance to other handlers and nonmember producers that the cooperative association could not use the market equalization plant except as a market balancing plant for milk associated with the market through previous delivery to fluid milk plants. It was not anticipated that the cooperative would move milk through its plant to other handlers except in limited quantities during the short season when limited imports of other source milk are permitted.

Producer milk supplies, as compared to Class I sales, for the Corpus Christi market began to shorten in September 1962. Because of the need for additional milk, two unregulated supply plants became associated with the market and regulated under the order. Although one plant remained on the market only for October 1962, the second plant was on the market for the nine-month period of September 1962–May 1963. This milk was arranged for by the cooperative association to fulfill the needs of proprietary handlers. For most efficient handling it would have been desirable that the milk move through the market equalization plant but this was deterred by the present terms of the order, since receipts of only diverted milk and transfers from fluid milk plants are permitted at the market equalization plant if such plant is to maintain its unregulated status. In addition, any shipment from such plant to a fluid milk plant in any of the months of February through July would also result in full regulation.

Under individual-handler pooling these movements of milk would work to the detriment of the cooperative since the bulk of the milk received at the plant would undoubtedly be disposed of for Class II use. With regulated status, producers whose milk moved by diversion to the market equalization plant would receive a price for such milk reflecting only the utilization value of milk at the balancing plant rather than the blend price paid at the plant from which the milk was diverted. Hence, the burden of carrying the market's reserve supplies would fall almost entirely on such producers.

Amendments to the order definitions are needed to provide additional flexibility in a manner which would permit the market equalization plant to function effectively as a balancing plant. The revisions herein recommended will accommodate free movement of milk between fluid milk plants and the market equalization plant. In addition, they will accommodate the importation of supplemental milk supplies from outside the market through a market equalization plant and provide regulation of the source plant in exactly the same manner as though the importation were made directly to fluid milk plants.

To fully implement this conclusion, the recommended order language defining a "market equalization plant" has been modified to make clear that the limitation of not in excess of 5,000 pounds on a daily average on receipts of other source fluid milk products during any month of August through July applies to each nonfluid milk plant shipping to a market equalization plant..

The movements of milk in the market since the amendment of March 1, 1963, have been directed in a manner to avoid regulation of the market equalization plant, and consequently the amendment herein recommended will not affect the volume of milk priced under the order. The revisions will, however, permit greater efficiency in the movement of milk between fluid milk plants and should result in substantial savings both to the cooperative association and to regulated handlers.

No opposition to the proposed revisions was raised at the hearing.

A supply plant's qualifying shipments under the present order are based on the milk equivalent of 4.0 percent butterfat content milk. Proponents of these amendments also proposed that such shipment be based on the milk equivalent of 3.5 percent butterfat content milk since all other provisions are based on 3.5 percent milk. This change would make accounting for milk more convenient and would have little effect on the volume of milk permitted to enter the market without the plant being regulated. Therefore, this recommendation is herein adopted.

Rulings on proposed findings and conclusions. No briefs were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 11, 1963.

CHARLES S. MURPHY,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area

§ 1130.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Section 1130.12 is revised to read as follows:

§ 1130.12 **Supply plant.**

"Supply plant" means a plant, other than a distributing plant or a market equalization plant, from which fluid milk products meeting the Grade A inspection requirement of a duly constituted health authority are moved to and received at a distributing plant or a market equalization plant during the month.

2. In § 1130.13, paragraph (b) is revised to read as follows:

§ 1130.13 **Fluid milk plant.**

* * * * *

(b) A supply plant from which milk, skim milk, or cream approved by a duly constituted health authority for disposition under a Grade A label, is transferred to and received at a plant(s)

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

qualified pursuant to paragraph (a) of this section or a market equalization plant, in any amount during any month of February through July, or in an amount in excess of an average of 5,000 pounds per day, computed on a milk equivalent basis of 3.5 percent butterfat content, during any month of August through January.

3. Section 1130.14 is revised to read as follows:

§ 1130.14 Market equalization plant.

"Market equalization plant" means a plant, other than a distributing plant, operated by a cooperative association performing marketing services pursuant to § 1130.84(b) which plant is approved by a duly constituted health authority for the receipt and disposition of Grade A milk and at which all fluid milk products received are as diversions pursuant to § 1130.16 or as transfers from fluid milk plants except that during any month of August through January such plant may also receive other source fluid milk products from any nonfluid milk plant in an amount not in excess of an average of 5,000 pounds per day, computed on a milk equivalent basis of 3.5 percent butterfat content.

[F.R. Doc. 63-10983; Filed, Oct. 16, 1963; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

TROUT RIVER AND MALONE, NEW YORK

Proposed Designation and Revocation as Customs Port of Entry

OCTOBER 9, 1963.

Commercial activities requiring customs services have increased rapidly in recent years at the town of Trout River, New York. At the same time there has been a decrease in rail traffic and other transactions requiring customs services at Malone, New York. In order to provide the most effective customs services in the Malone-Trout River area, it is proposed to revoke the designation of Malone as a port of entry and at the same time designate Trout River as a port of entry.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), it is proposed to revoke the designation of Malone, New York, as a customs port of entry in Customs Collection District No. 7 (St. Lawrence).

It is further proposed to designate Trout River, New York, as a customs port of entry in Customs Collection District No. 7 (St. Lawrence). The geographical limits of the customs port of entry of Trout River shall include all that territory in Constable County, New York, north of 44 degrees and 58 minutes north latitude.

Data, views, or arguments with respect to the proposed revocation and designation of the above-mentioned customs ports of entry may be addressed to the Commissioner of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-10992; Filed, Oct. 16, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-18]

TRANSITION AREA

Alteration of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER on July 18, 1963 (28 F.R. 7352) it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Knoxville, Tenn.

Subsequent to the publication of the notice, a review of the controlled airspace requirements in the Knoxville terminal area indicates that additional controlled airspace, extending upward from 1,200 feet above the surface, is required within the area northwest of Knoxville. This would provide protection for aircraft executing prescribed instrument holding, approach, departure and radar vector procedures within the Knoxville terminal area.

Accordingly, the notice is hereby amended to propose the Knoxville transition area as that airspace extending upward from 700 feet above the surface within a 21-mile radius of the McGhee-Tyson Airport; within the area northwest of Knoxville, extending from the 21-mile radius area bounded on the southwest by a line 5 miles south of and parallel to the Knoxville VORTAC 290° True radial, on the northwest by the arc of a 27-mile radius circle centered at the McGhee-Tyson Airport, and on the northeast by a line 5 miles southwest of and parallel to the Knoxville VORTAC 321° True radial; and that airspace extending upward from 1,200 feet above the surface within the area northeast of Knoxville bounded on the northwest by V-97 east alternate, on the northeast by a line beginning at latitude 36°35'50'' N., longitude 83°36'00'' W.; to latitude 36°33'10'' N., longitude 83°28'00'' W.; to latitude 36°36'10'' N., longitude 83°25'25'' W.; to latitude 36°29'00'' N., longitude 83°11'15'' W., and on the southeast by V-16 north alternate; within the area southeast of Knoxville within 5 miles each side of the Knoxville VORTAC 130° True radial, extending from the arc of a 21-mile radius circle centered at the McGhee-Tyson Airport to 35 miles southeast of the VORTAC; within the area southwest of Knoxville bounded on the northwest by V-16 south alternate, on the northeast by the arc of a 21-mile radius circle centered on the McGhee-Tyson Airport, on the southeast by V-97, and on the southwest by V-51 east alternate; within the area northwest of Knoxville bounded on the east by V-97, on the southeast by the arc of a 21-mile radius circle centered on the McGhee-Tyson Airport, on the south by V-16, on the southwest by the arc of a 10-mile radius circle centered on the Rockwood Municipal Airport, Rockwood, Tenn. (latitude 35°55'15'' N., longitude 84°41'25'' W.), on the west and northwest by a line extending from latitude 36°01'25'' N., longitude 84°49'00'' W.; to latitude 36°14'00'' N., longitude 84°41'40'' W.; to latitude 36°10'35'' N., longitude 84°31'40'' W.; thence clockwise along the arc of a 40-mile radius circle centered on the Knoxville VORTAC to the western boundary of V-97; and that airspace extending upward from 7,500 feet MSL within the area southeast of Knoxville bounded on the north by the arc of a 21-mile radius circle centered at the McGhee-Tyson Airport, on the east by a line 5 miles east of and parallel to V-267 east alternate, on the south by latitude 35°26'15'' N., and on the west by V-267 east alternate; and within the airspace south of Knoxville bounded on the east by V-267, on the south by latitude 35°12'00'' N., and on the west by V-97.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this supplemental notice.

Communications should be submitted to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 10, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10968; Filed, Oct. 16, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-82]

CONTROL ZONE, CONTROL AREA EXTENSIONS AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the greater Wichita, Kans., terminal area:

1. The Wichita (Wichita Municipal) control zone is designated within a 5-mile radius of Wichita Municipal Airport; within 2 miles either side of the 020° and 200° True bearings from the Wichita ILS outer marker locator extending from the 5-mile radius zone to 12 miles south of the outer marker locator and within 2 miles either side of the Wichita VOR 180° and 360° True radials extending from the 5-mile radius zone to 12 miles north of the VOR.

2. The Wichita (McConnell AFB) control zone is designated within a 7-mile radius of McConnell AFB; within 2 miles either side of a 192° True bearing from the Wichita AFB radio beacon extending from the 7-mile radius zone to 12 miles south of the radio beacon. The portion of this control zone within the Wichita (Wichita Municipal) control zone is excluded.

3. The Wichita control area extension is designated as that airspace bounded on the north by a line 10 miles north of and parallel to the Emporia, Kans., VORTAC 259° and 079° True radials, on the east by a line 10 miles east of and parallel to the Emporia VORTAC 209° and 029° True radials to and along the south boundary of V-132 to longitude 96°05'-00'' W., thence direct to latitude 37°22'-00'' N., longitude 96°11'00'' W., thence direct to latitude 37°08'00'' N., longitude 96°11'00'' W.; on the south by a line 10 miles south of and parallel to the Anthony, Kans., VOR 085° and 265° True radials, and on the west by a line 10 miles W. of and parallel to the Hutchinson, Kan., VORTAC 195° and 015° True radials; that airspace within 5 miles either side of a direct line extending from the Wichita VOR to the Tulsa, Okla., VORTAC.

4. The Ponca City, Okla., control area extension is designated within a 15-mile radius of the Ponca City Airport and within 5 miles either side of the Ponca City VORTAC 284° True radial extending from the VORTAC to 25 miles west.

5. That portion of the Hutchinson, Kans., control area extension southeast of Hutchinson within a 25-mile radius of latitude 38°00'53'' N., longitude 97°51'-40'' W.

6. The Arkansas City, Kans., transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 10 miles south of and parallel to the Anthony, Kans., VOR 085° True radial, on the east by a line 5 miles southwest of and parallel to a direct line, extending from the Wichita, Kans., VOR to the Tulsa, Okla., VORTAC, on the south by V-516 and the arc of a 15-mile radius circle centered on the Ponca City, Okla., Airport (latitude 36°43'41'' N., longitude 97°05'57'' W.), and on the west by V-77.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the greater Wichita area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Wichita (Wichita Municipal) control zone by redesignating it as that airspace within a 5-mile radius of the Wichita Municipal Airport (latitude 37°39'10'' N., longitude 97°25'46'' W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer north course, extending from the 5-mile radius zone to the intersection of the Wichita Municipal Airport ILS localizer north course and the Wichita VOR 075° True radial, excluding the portion subtended by a chord drawn between the points of intersection of the Wichita (Wichita Municipal) 5-mile radius zone with the Wichita (McConnell AFB) 5-mile radius control zone as proposed for designation herein.

2. Alter the Wichita (McConnell AFB) control zone by redesignating it as that airspace within a 5-mile radius of McConnell AFB (latitude 37°37'25'' N., longitude 97°16'00'' W.), within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° True radial, extending from the 5-mile radius zone to 7 miles north of the TACAN, within 2 miles each side of the McConnell AFB VOR 008° True radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the McConnell AFB TACAN 199° True radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the Wichita (McConnell AFB) 5-mile radius zone with the Wichita (Wichita Municipal) control zone as proposed for designation herein.

3. Designate a transition area at Wichita to comprise that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Wichita Municipal Airport (latitude 37°39'10'' N., longitude 97°25'46'' W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer north course, extending from the 8-mile radius area to 8 miles north of the intersection of the Wichita Municipal Airport ILS localizer north course and the Wichita VOR 075° True radial, within 5 miles east and 8 miles west of the Wichita Municipal Airport ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM, within an 8-mile radius of McConnell AFB, Wichita, Kans. (latitude 37°37'25'' N., longitude 97°16'00'' W.), within 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM, and within a 6-mile radius of the Beech Factory Airport, Wichita, Kans. (latitude 37°41'10'' N., longitude 97°13'-15'' W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the north boundary of V-516 and longitude 96°29'00'' W., thence extending northwest to the intersection of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° True radial and latitude 37°10'00'' N., thence northeast along a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° True radial to, and southeast along, the west boundary of V-131 to, and southwest along, the northwest boundary of V-516 to the point of beginning. The portion of this transition area which would coincide with the Ponca City, Okla., control zone and transition area as proposed in Airspace Docket No. 63-CE-76, the Anthony, Kans., control zone and transition area as proposed in Airspace Docket No. 63-CE-75, and the Emporia, Kans., control zone and transition area would be excluded.

4. Revoke the Arkansas City, Kans., transition area. This action is interdependent upon the action proposed herein and in Airspace Docket No. 63-CE-76.

5. Revoke the Wichita, Kans., control area extension.

The revocation of the Ponca City, Okla., and Hutchinson, Kans., control area extensions which currently coincide, in part, with the transition area proposed for designation herein will be processed at a later date under the CAR Amendments 60-21/60-29 implementation program proposed for the adjoining terminal areas.

The floors of the portions of the control area extensions and the floors of the airway segments which would lie within the boundaries of the transition area proposed herein would automatically coincide with the floors proposed for the transition area.

The proposed alteration of the Wichita (Wichita Municipal) control zone would eliminate the existing north and south control zones extensions which are no longer required for air traffic control purposes. A short extension would be added to the north for the protection of aircraft executing the prescribed Wichita Municipal Airport ILS Runway 19 in-

strument approach procedure. The proposed alteration of the Wichita (McConnell AFB) control zone would lessen the lateral extent of the existing control zone by reducing the basic radius area from 7 to 5 miles and eliminating the existing south control zone extension which is no longer required for air traffic control purposes. Short extensions would be added to the north and south for the protection of aircraft executing prescribed McConnell AFB TACAN, VOR and radar approach procedures. The north extension has been proposed with a width in excess of that required by criteria to contain the Beech Factory and Rawdon Airports within the area proposed as control zone. The inclusion of these airports is necessary because of their close proximity to the McConnell AFB air traffic area.

The portion of the proposed Wichita transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures conducted beyond the limits of the proposed Wichita Municipal and McConnell AFB control zones and below the floor of the proposed 1,200-foot floor area. The floor of controlled airspace beyond the proposed 700-foot floor area would be raised from 700 to 1,200 feet above the surface in the major portion of the area proposed for designation as transition area. The area proposed with a floor of 3,500 feet above the surface is required for the use of the Kansas City Air Route Traffic Control Center for the random radar vectoring of instrument arrival and departing air traffic operating to and from the Wichita, Hutchinson, and Salina, Kans., and the Enid, Okla., terminal areas.

The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained together with the additional portions proposed for designation herein would provide protection for aircraft executing prescribed holding, approach, missed approach, radar and departure procedures within the Greater Wichita terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 10, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10969; Filed, Oct. 16, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 63-71]

JAMES RIVER

Closure to Navigation During Launching of USS "Von Steuben"

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of H. J. Wuensch, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Pursuant to the request of the Commandant, Fifth Naval District, Norfolk, Virginia, and under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, I declare that from 9:00 a.m., e.s.t. until 3:00 p.m., e.s.t. on Friday the 18th day of October 1963 the following area is a prohibited area and I order that it be closed to any person or vessel due to the launching of the USS "Von Steuben" (SSB(N)632):

The waters of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of Latitude 36 degrees 59 minutes 34 seconds North, Longitude 76 degrees 26 minutes 53 seconds West, at the shoreline of Newport News at the foot of 52nd Street, Newport News, to a point 500 yards offshore at Latitude 36 degrees 59 minutes 27 seconds North, Longitude 76 degrees 27 minutes 10 seconds West, thence southeasterly to a point Latitude 36 degrees 58 minutes 43 seconds North, Longitude 76 degrees 26 minutes 41 seconds West, 500 yards off the shoreline of Newport News at the foot of 32nd Street, Newport News, and thence to a point at Latitude 36 degrees 58 minutes 48 seconds North, Longitude 76 degrees 26 minutes 27 seconds West at Newport News Shipbuilding Pier 8 Light (Light List 2786.5).

This prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands as shown on the enclosed chart section.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia, shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order, section 2, Title II of the Espionage Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

"(a) If any other person knowingly fails to comply with any regulations or rule issued or order given under the provision of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: October 7, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63-10991; Filed, Oct. 16, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, United States Department of the Interior, has filed an application, Serial Number Sacramento 076813 for the withdrawal of the following described lands from prospecting, location, entry, and purchase under the mining laws, subject to valid claims. The applicant desires the land for use by the Bureau of Land Management for recreation and administrative site purposes for the Douglas City Recreation Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TRINITY COUNTY

Douglas City Recreation Site

T. 32 N., R. 10 W.,
Sec. 12, Lot 2 (NE¼NW¼), E½NW¼NW¼.

The afore-described area aggregates approximately 59.98 acres of Federal land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 63-10975; Filed, Oct. 16, 1963; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 10, 1963.

The Bureau of Indian Affairs, Department of the Interior has filed an application, Serial No. 031591 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of material under the Materials Act of 1947 as amended. The applicant desires the land for establishing a school reserve under the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353(a)).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

What will be when surveyed:

Lot 1 of U.S. Survey 4092, Alakanuk, Alaska.

The areas described aggregate 6.63 acres.

DANIEL A. JONES,
Manager.

[F.R. Doc. 63-10988; Filed, Oct. 16, 1963; 8:46 a.m.]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 10, 1963.

Notice of an application, Serial No. Idaho 013618, for withdrawal and reservation of lands was published as Federal Register Document No. 62-11182 on pages 10913 and 10914 of the issue for November 8, 1962. The application insofar as it involved the lands described below is canceled. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on October 25, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

Magpie Creek Public Service Site

A tract of land within the unsurveyed NE¼, Section 36, T. 26 N., R. 11 E., and NW¼, Section 31, T. 26 N., R. 12 E.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 63-10989; Filed, Oct. 16, 1963; 8:46 a.m.]

[Small Tract Classification 118; Amdt. 1]

ALASKA

Small Tract Classification

OCTOBER 9, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 24, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority, dated January 9, 1963 (28 F.R. 294), and effective immediately, I hereby cancel Small Tract Classification Order No. 118, dated October 11, 1962, as to the following lands:

LAKE LOUISE AREA

U.S. Survey 3497 (unapproved),
Lots 9, 10 and 11.
Containing 12.62 acres.

comprising a portion of the lands described in the classification order as T. 7 N., R. 7 W., C.R.M., Section 17.

2. The highest and best use of the above described lands has been determined to be in aid of furthering public safety and recreation.

3. This amendment will take effect immediately.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-10990; Filed, Oct. 16, 1963; 8:46 a.m.]

[Oregon 013871]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 10, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013871, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection of the Government's investments in a road zone and in recreation areas located in the Fremont National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oregon 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

FREMONT NATIONAL FOREST

Fremont Road Zone

State Highway 31 Addition: A strip of land 330 feet on each side of centerline of existing highway and roads through public land in following sections:

T. 24 S., R. 11 E.,
In sec. 36.
T. 25 S., R. 11 E.,
In sec. 1.
Total—90 acres.

East Bay Recreation Area

T. 30 S., R. 14 E.,
In sec. 28.
Total—50 acres.

Pikes Crossing Recreation Area

T. 33 S., R. 15 E.,
In sec. 22.
Total—30 acres.

Quartz Mountain Recreation Area

T. 37 S., R. 16 E.,
In sec. 28.
Total—40 acres.

Quartz Grove Recreation Area

T. 38 S., R. 16 E.,
In secs. 12 and 13.
Total—50 acres.

Marster Spring Recreation Area Addition

T. 34 S., R. 18 E.,
In sec. 16.
Total—40 acres.

Sawdust Pile Recreation Area

T. 37 S., R. 20 E., unsurveyed,
In sec. 3.
Total—20 acres, approximately.

Mud Creek Recreation Area

T. 38 S., R. 21 E.,
In sec. 11.
Total—20 acres.

Deep Creek Recreation Area

T. 40 S., R. 22 E.,
In sec. 31.
Total—10 acres.

Dismal Creek Recreation Area Addition

T. 41 S., R. 22 E.,
In sec. 17.
Total—135 acres.

The total combined area is approximately 485 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-11007; Filed, Oct. 16, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Little River County, Arkansas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10984; Filed, Oct. 16, 1963; 8:46 a.m.]

TEXAS AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Texas and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Hardin.	Limestone.
Jefferson.	Orange.

NORTH DAKOTA

Pembina.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Texas counties after June 30, 1964, or the above-named North Dakota county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10985; Filed, Oct. 16, 1963; 8:46 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

October Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during October 1963 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghums, peanuts, flax, soybeans, and dry edible beans.

Rye is not available for barter in October. Dry beans are not being offered at export prices for October.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for October 1963 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks are available for export sale under the CCC Export Credit Sales Program.

The following CCC-owned commodities are available for programing under Title IV, Public Law 480, private trade agreements: Wheat, corn, barley, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, nonfat dry milk, and dry beans. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, barley, and grain sorghum. This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said com-

modities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products.
Butter	Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office. Domestic, unrestricted use: Announced prices, under LD-29 as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD-35: Any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced by press release in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 as amended. (Sale of Upland Cotton for Unrestricted Use.) Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-18 Cotton Export Program—Sales (1963–64 Marketing Year), as amended, and NO-C-22 Sale of Upland Cotton (Cotton Export Program—1963–64 Marketing Year), as amended. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-21 (Acquisition of Upland Cotton for Export under Barter and Credit Sales Programs) and NO-C-22, as amended, (Sale of Upland Cotton (Cotton Export Program—1963–64 Marketing Year)).
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton). Sales of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Barley, bulk	Domestic and export Unrestricted use: A. Redemption of domestic payment-in-kind certificate: [1] Such CCC dispositions of barley, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, but not less than the formula price for such redemptions. Such formula price shall be the applicable 1963 price-support loan rate for the class, grade and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. B. General sales: [1] 1. Storables: Such CCC dispositions of storable barley as CCC may designate as general sales, will be made during the month at market price but not less than the formula minimum price for such sales which is 105 percent of the applicable 1963 price-support rate [2] (published price-support loan rate plus 14 cents per bu.) for the class, grade and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable barley as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula price examples (per bushel).

Markup in cents received by		Example of in-store [3] formula minimum prices for No. 2 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
8	3	Minneapolis, Minn	$1.24
		Kansas City, Mo	1.26

D. Availability information: For information on CCC dispositions of barley from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter, credit and other designated sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.

Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS offices respectively.

See footnotes at end of table.

Commodity	Sales price or method of sale
Grain sorgum, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificate: [1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the formula price for such redemptions. Such formula price shall be the applicable 1963 price-support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, but not less than the formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] (published price support loan rate plus 29 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorgum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store [3] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
17	6	Kansas City, Mo	$2.53

D. Availability information: For information on CCC dispositions of grain sorghum from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS Grain Office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum held in California export terminals are the only grain stored in California available for sale under these export announcements, except that such sorgbum shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the corn, plus the amount shown in C below applicable for the storage point involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the formula minimum price for such sales which is 105 percent of the applicable 1963 price-support rate [2] (published price support loan rate plus 18 cents per bushel) for the class, grade and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and formula price examples (per bushel).

Markup in cents in-store at		Example of in-store [3] formula minimum prices for No. 2 yellow corn (14 percent Mt. & 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
0	1½	Minneapolis, Minn. [5]	1.34¼
		Chicago, Ill. [5]	1.53½

D. Availability information: For information on CCC disposition of corn from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS Grain Office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

Stat. 614–617; 7 U.S.C. 1427; and 1441

Commodity	Sales price or method of sale
Dry edible beans (bagged)	Domestic, unrestricted use: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1963 price support differentials.

Class	Prices per hundredweight	Area of production
Red kidney	$9.11	New York and Michigan.
Pea	7.42	Michigan.
Small red	7.66	Washington.
Pinto	6.72	Denver rate area.

As available from the Evanston, Kansas City, and Portland ASCS Offices.
Domestic sales price, as determined by CCC, but not less than the formula price which is 105 percent of the applicable 1963 price support rate [2] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store			
		Terminal	Grade and class	Price	
Production point	Other points				
Cents 3	*Cents* 4½	Chicago,[3] Ill	No. 2 (or better) XHWO	$0.86	
		Minneapolis,[4] Minn		.7674	

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and 212 (Revision 3, Jan. 9, 1961) for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961), or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland, ASCS offices.
Domestic, unrestricted use: Market price, but not less than the 1963 loan rate plus 5 percent, plus 19 cents per bushel. Market price basis in store.
Export: As Part I Program—Payment-in-Kind, and under GR-379, revision 1, for approved credit sales. Price, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

Commodity	Sales price or method of sale
Rye, bulk	Domestic and export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the formula price which is 105 percent of the applicable 1963 price support rate [2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (exrail or barge)			
Truck	Rail or barge	Terminal	Class and grade	Price	
Cents 9	*Cents* 3	Minneapolis, Minn	No. 2 or better (or No. 3 on TW only).	$1.39	

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit and other designated sales. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS office for rye stored in terminals in Minneapolis.

Flaxseed, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[3] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 15 cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Flaxseed	*Cents* 11	*Cents* 3	Minneapolis	No. 1	$3.30½

Soybeans, bulk (as available)	Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office. Available: Through the Minneapolis Grain Merchandising ASCS offices. Export, restricted use: Competitive bid basis under Announcement Nos. FV-20 issued by the Evanston ASCS office under which flaxseed equal in grade and quantity to the flaxseed sold, or linseed oil equivalent computed on the basis of 19 pounds per bushel of flaxseed sold must be exported within 120 days after the date of sale. Domestic or export: Market price, but not less than the 1962 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discount, basis point of production, will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City and Minneapolis ASCS Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Wheat, bulk	Domestic and export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the formula price which is 105 percent of the applicable 1963 price support loan rate [2] for the class, grade, and quality [4] of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added.

Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store [3] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 9	*Cents* 3	Chicago	No. 1 RW	$2.24
		Minneapolis	No. 1 DNS	2.30
		Kansas City	No. 1 HW	2.21
		Portland	No. 1 SW	2.13

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Office.
Nonstorable (as available): At no less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-345 (Revised July 13, 1962), as amended, for export under the wheat export payment-in-kind program, except that Durum Wheat will not be eligible for P.L. 480, Title I sales, (2) under Announcement GR-212 (Rev. 2, Jan. 9, 1961), for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961), for export as wheat, under Announcement GR-262 (Rev. 2, Jan. 9, 1961), for export as flour, for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices. (At Portland ASCS office, hard red winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)

Peanuts, shelled or unshelled (Farmers Stock) as available.	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended.

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b. buyer's conveyance at the bin site.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[3] Woodford County, Ill., origin.
[4] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES:

GRAIN OFFICES

Evanston ASCS Commodity Office, 201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange), Local—Rogers Park 1-5000 (Chicago, Ill.).
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Portland ASCS Branch Office, 218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6-3361.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington, and Arizona and California (Export sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.
Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: Walnut 7-7311.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.
Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 5, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on October 11, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63-10950; Filed, Oct. 16, 1963; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition Regarding Food Additives Polysorbate 60 (Polyoxyethylene (20) Sorbitan Monostearate) and Polysorbate 80

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1230) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the amendments of §§ 121.1009 and 121.1030 to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) and polysorbate 80, singly or in combination, as emulsifiers in edible fats and oils, whereby the maximum amount of the additives, alone or in combination, does not exceed 1.0 percent of the finished fat or oil.

Dated: October 10, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10998; Filed, Oct. 16, 1963; 8:47 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Food Additive Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1234) has been filed by Geigy Chemical Corporation, Post Office Box 430, Yonkers, New York, proposing that paragraph (c)(5) of § 121.2520 *Adhesives* be amended by changing the item "Ethylenediamine tetraacetic acid, sodium, potassium, or calcium salts, single or mixed" to read "Ethylenediaminetetraacetic acid, calcium, ferric, potassium, or sodium salts, single or mixed."

Dated: October 10, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10999; Filed, Oct. 16, 1963; 8:47 a.m.]

MONSANTO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Styrene Polymers Modified With Polybutadiene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 971) has been filed by Monsanto Chemical Company, 812 Monsanto Avenue, Springfield, Massachusetts, proposing the issuance of a regulation to provide for the safe use of styrene polymers modified with polybutadiene as components of articles that contact dry and aqueous foods.

Dated: October 10, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-11000; Filed, Oct. 16, 1963; 8:47 a.m.]

SPENCER CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Ethylene-Methyl Acrylate Copolymers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1115) has been filed by Spencer Chemical Company, Dwight Building, Kansas City 5, Missouri, proposing the issuance of a regulation to provide for the safe use of ethylene-methyl acrylate copolymers, containing not more than 16 percent by weight of methyl acrylate, in the production of packaging materials, containers, and equipment intended for use in contact with dry and aqueous foods.

Dated: October 10, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-11001; Filed, Oct. 16, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Notice of Hearing on Application for Construction Permit

In the matter of Southern California Edison Company, San Diego Gas and Electric Company, Bechtel Corporation, Westinghouse Electric Corporation (San Onofre Nuclear Generating Station Unit No. 1); Docket No. 50-206.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50—Licensing of Production and Utilization Facilities, and Part 2—Rules of Practice, notice is hereby given that a hearing will be held at 10:00 a.m., local time, on November 19, 1963, in the City Council Chambers, 217 North Main, Santa Ana, California, to consider the application filed by (1) Southern California Edison Company, Post Office Box 351, Los Angeles 53, California, (2) San Diego Gas and Electric Company, Post Office Box 1831, San Diego 12, California, (3) Bechtel Corporation, 220 Bush Street, San Francisco 4, California, and (4) Westinghouse Electric Corporation, Post Office Box 2278, Pittsburgh 30, Pennsylvania (the applicants), for a construction permit to construct a pressurized light water reactor designed to operate at 1210 megawatts (thermal) to be located on the Pacific coast near the northern boundary of Camp Pendleton, San Diego County, California.

The hearing will be conducted by an Atomic Safety and Licensing Board designated by the Atomic Energy Commission (the Commission), pursuant to section 191 of the Atomic Energy Act of 1954, as amended, consisting of Robert M. Evans, Albuquerque, New Mexico; Lawrence R. Quarles, Charlottesville, Virginia; and J. D. Bond, Esq., Chairman, Washington 25, D.C. The following issues will be considered at the hearing:

1. Whether the applicants have submitted sufficient information to provide reasonable assurance that a facility of the general type proposed in the application can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that the technical information omitted from and required to complete the application will be supplied;

3. Whether the applicants are technically qualified to design and construct the proposed facility;

4. Whether the applicants are financially qualified to design and construct the proposed facility; and

5. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

The application and the report of the Commission's Advisory Committee on Reactor Safeguards are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington D.C., and at the Commission's Los Angeles Area Office, Room 804, 3325 Wilshire Boulevard, Los Angeles, California. Copies of the ACRS report may be obtained by request to the Director of the Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than November 8, 1963, or, in the event of a postponement of the hearing date specified, at such time as the Licensing Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice, 10 CFR Part 2.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, shall be filed by the applicants on or before November 8, 1963.

Papers required to be filed with the Commission in this proceeding may be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Licensing Board, parties shall file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and fifteen conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 14th day of October 1963.

UNITED STATES ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 63-10997; Filed, Oct. 16, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 63-904]

RADIO EQUIPMENT LIST, PART C

Type Acceptance and Listing Withdrawn for Certain Transmitters

OCTOBER 10, 1963.

Effective November 1, 1963, the Part 10, 11, 16 and 21 listings for 1148 transmitters (of 63 manufacturers) which do not comply with the narrow band technical standards will be deleted from the Radio Equipment List, Part C.

New "narrow band" technical standards for operation under Parts 10, 11, 16 and 21 of the rules and regulations were established by the Commission in Docket 11253. FCC 56-901, 21 F.R. 7569, October 3, 1956; FCC 57-1018, 22 F.R. 7637, September 26, 1957. A requirement for an audio frequency low-pass filter of specified characteristics in equipment operating in the 450-470 Mc/s band under Parts 10, 11, and 16 was established in Dockets 11990, 11991, and 11993; FCC 58-962, 23 F.R. 7993, October 16, 1958; FCC 58-602, 23 F.R. 4784, June 28, 1958; and FCC 58-195, 23 F.R. 1571, March 5, 1958. In each case, the use of nonconforming equipment authorized prior to November 1, 1958, or integrated with existing radio systems prior to November 1, 1958, was permitted through October 31, 1963. Operation of certain additional nonconforming equipment during the period ending October 31, 1963, was subsequently authorized.

The Commission has recently completed a review of Part C of the Radio

Equipment List to determine which of the listed transmitter types do not comply with the technical standards for equipment under Parts 10, 11, 16 and 21 which become mandatory November 1, 1963. The technical requirements for such equipment are set forth as Subpart C of Parts 10, 11 and 16, and Subparts C and G of Part 21. On the basis of information submitted by manufacturers and reflected in the Radio Equipment List, it would appear that the equipment types listed below are not capable of complying with those standards. This being the case, type acceptance and listings in the Radio Equipment List, Part C, for those transmitters under Parts 10, 11, 16 and 21 will be withdrawn, effective November 1, 1963.

Except as hereinafter provided, Parts 10, 11, 16 and 21 licensees are not authorized to utilize the transmitters listed below on or after November 1, 1963.

(a) Transmitters in use under Parts 10, 11 and 16 prior to May 16, 1955, which have been modified to meet all of the technical standards (including the narrow band standards) may be used until January 1, 1965, even though they are not in the Radio Equipment List, Part C, or their listing is deleted at this time. It is emphasized, however, that this exception to the listing requirement applies only to licensees of such equipment as of May 16, 1955, their successors or assigns, and does not apply to Part 21 licensees.

(b) Any manufacturer or licensee, having equipment shown on the list below, which he believes to be capable of compliance with all pertinent requirements without modification, may submit to the Commission measurement data taken in accordance with type acceptance procedures set forth in Subpart F of Part 2 of the Commission's rules, accompanied by a request for continued listing in the Radio Equipment List, Part C. Such measurement data should show the capabilities of the equipment with respect to the technical standards in Subpart C of Parts 10, 11, or 16 or Subparts C and G of Part 21, as appropriate.

(c) Persons desiring to modify equipment for compliance with the standards may submit requests for type acceptance of the modified transmitters in accordance with the type acceptance procedure set forth in Subpart F of Part 2 of the Commission's rules.

Adopted: October 9, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. TRANSMITTERS FOR WHICH TYPE ACCEPTANCE AND LISTING IN THE RADIO EQUIPMENT LIST, PART C, FOR PARTS 10, 11, 16, AND 21 OF THE COMMISSION'S RULES IS WITHDRAWN, EFFECTIVE NOVEMBER 1, 1963

AERONAUTICAL ELECTRONICS, INC.

500-D	6W3	
6W10	6W60	
6W100	6W60/SLTA	
6W100/SLTA	6W85	
6W15	6W85/SLTA	

ALLISON ELECTRONICS, INC.

650-RB

ANICO

150A3P1

AVIA PRODUCTS COMPANY

FM-T-40 FMT-150

BENDIX CORP. OR BENDIX AVIATION CORP.

10TS-1A	MRT-1JA	MRT-6GC
10TS-2A	MRT-1JAC	MRT-6GD
11TS	MRT-1JC	MRT-6HB
12TS-1A	MRT-1K	MRT-6HC
12TS-2A	MRT-1KC	MRT-6HD
13TS	MRT-1L	MRT-6JB
14TS	MRT-2B	MRT-6JC
15TS	MRT-3C	MRT-6JD
1H-01C	MRT-5A	MRT-7A
1P-71C	MRT-5B	MRT-7B
1TR-1	MRT-5BB	MRT-7BA
1TR-3	MRT-5BX	MRT-7BB
1TS	MRT-6AB	MRT-7C
2AM	MRT-6AC	MRT-7CA
2TR-1	MRT-6AD	MRT-7CC
2TS	MRT-6BB	MRT-7CP
3AM	MRT-6BC	MRT-7DA
3TS	MRT-6BD	MRT-7DB
MRS-3-208	MRT-6CB	MRT-7DC
MRT-1B	MRT-6CC	MRT-7DD
MRT-1BC	MRT-6CD	MRT-7DE
MRT-1C	MRT-6DB	MRT-9A
MRT-1E	MRT-6DC	MRT-9B
MRT-1EC	MRT-6DD	MRT-9BA
MRT-1F	MRT-6EB	MT-142B
MRT-1G	MRT-6EC	MT-142C
MRT-1GAC	MRT-6ED	MT-142D
MRT-1GBC	MRT-6FB	MT-142-E
MRT-1GC	MRT-6FC	MT-144D
MRT-1H	MRT-6FD	MT-144E
MRT-1J	MRT-6GB	MT-144EE-1

BUDELMAN RADIO CORP. OR BUDELMAN ELECTRONICS CORP.

127B	141AW
141AN	B-250VA3

CAPEHART FARNSWORTH CORP.

M-1000 M-102 M-103

COMMUNICATION EQUIPMENT AND ENGINEERING CO.

51-1	61-2H	63
51-2	62	63-1
51-6	62-1	63-2
51-6M	62-2	63-2H
51-AC	62-6	65
61-1	62-6M	65-1
61-2	62-AC	

COMMUNICATIONS CO., INC.

170-5C	400-12T-AB	425-T-AB
210-2T	400-12T-FG	426-K-AB
260-2T	400-24T-AB	434-T-FG
260-3T	400-24T-FG	450-2T
260-T	400-6T-AB	450-2T-FG
267-2T	400-6T-FG	450-T-AB
267-3T	400-7T	450-T-D
267-T	400-7T-E	450-T-FG
275-2T	400-7T-FG	500
275-3T	400-8T	525
275-4T	400-8T-E	580-T
275-T	400-8T-FG	580-T-I
275-T-D	400-T-AB	582-T
276-T-AB	400-T-D	582-T-I
276-T-FG	400-T-E	649-RMT
300-2T-AB	400-T-FG	680-T
300-2T-FG	401-T-AB	680-T-1
300-T-AB	401-T-FG	682-T
300-T-FG	404-3T-FG	682-T-1
400-11T-AB	404-T-FG	

COMMUNICATIONS ENGINEERING COMPANY

CE 306B	CE-310
CE 307A	CE-311
CE 307B	CE-312

DELTRONIC CORP.

DC-150A

DOLLAR, ROBERT CO.

330 A4907B

DOOLITTLE RADIO CO.

PJZ-1	PJZ-1A
PJZ-11	PJZ-2
PJZ-12	PJZ-4
PJZ-14	

DUMONT, ALLEN B. LABORATORIES OR DUMONT DIVISION OF FAIRCHILD CAMERA & INSTRUMENT CORP.

5800-/A/□	5838-/A/□
5803-/C/□	5840-/A/□
5806-/A/-□-M	5841-/A/□
5807-/A/-□	5842-/A/□
5814-/A/-□	5843-/A/□
5814-/B/-□	5845-/A/□
5814-/C/-□	5846-/A/□
5817-/A/□	5847-/A/□
5817-/B/□	5848-/A/□
5820-/A/□	5850-/A/□
5820-/B/□	5850-B
5820-BA D	5855-/A/□
5821-/A/□	5860-/A/□
5824-/A/□	MCA-825-A
5825-/A/□	MCA-826-A
5826-/A/□	MCA-875-A
5827-/A/□	MCA-876-A
5830-/A/□	M-825-A
5832-/A/□	M-826-A
5833-/A/□	M-875-A
5837-/A/□	M-876-A

EMPIRE ELECTRONIC SPECIALTIES

EM-10-110-X-40M	EM-30-6-X-40FM
EM-10-110-X-52FM	EM-30-6-X-52FM
EM-10-6-X-40FM	EM-50-110-X-40FM
EM-10-6-X-52FM	EM-50-110-X-52FM
EM-30-110-X-40FM	EM-50-6-X-40FM
EM-30-110-X-52FM	EM-50-6-X-52FM

FARINON ELECTRIC CO.

MB150-36F3-150W	MB150A36F3-50W
MB150-36F3-250W	MB150M36F3-150W
MB150-36F3-50W	MB150M36F3-50W
MB150A36F3-150W	

FEDERAL TELEPHONE & RADIO CORP.

101C-250Y	FT-110-D50 BY
101C-250Z	FT-110-D50 BZ
101C-50Y	FT-125-D25 AY
101C-50Z	FT-125-D25 AZ
103D-250Y	FT-125-D25 BY
103D-250Z	FT-125-D25 BZ
103D-25Y	FT-145-10
103D-25Z	FT-145-10-A
104D-50Y	FT-145-B10 AY
106B-25YI	FT-145-B10 AZ
106D-25Y	FT-145-B10 BY
108AY	FT-145-B10 BZ
108AZ	FT-145-B10 C
109AY	FT-145-B10 CY
109AZ	FT-145-B10 CZ
280B50A2	FT-149-30 AZ
280B50A3	FT-149-30 AZ1
280B50B2	FT-149-30 BZ
280B50B3	FT-149-30 BZ1
280B50C2	FT-153-10 A
282B25A2	FT-153-10 AY1
282B25A3	FT-153-10 AY2
282B25B2	FT-153-10 AZ1
282B25B3	FT-153-10 AZ2
282B25C2	FT-153-10 BY1
291A	FT-153-10 BY2
295A-AW	FT-153-10 BZ1
295A-BW	FT-153-10 BZ2
297A-AW	FT-153-10 CZ1
297A-BW	FT-153-10 CZ2
298A- N	FT-156-10 AY1
298A- W	FT-156-10 AY2
299A-BXAW	FT-156-10 AZ1
299A-BXBW	FT-156-10 AZ2
299A-DXAW	FT-156-10 BY1
299A-DXBW	FT-156-10 BY2
FT-110-D50 AY	FT-156-10 BZ1
FT-110-D50 AZ	FT-156-10 BZ2

GATES AMERICAN CORP. OR GATES RADIO CO.

M5245

GENERAL ELECTRIC COMPANY

ES–1–A	ET–20–A	ET–6–C
ES–1–B	ET–21–A	ET–6–D
ES–12–A	ET–21–B	ET–6–F
ES–12–B	ET–22–A	ET–6–H
ES–12–C	ET–23–A	ET–7–A
ES–13–A	ET–25–A	ET–7–B
ES–13–B	ET–25–B	ET–7–D
ES–15–A	ET–26–A	ET–8–A
ES–15–B	ET–26–B	ET–8–B
ES–16–A	ET–28–A	ET–8–D
ES–16–B	ET–29–A	ET–8–E
ES–17–A	ET–32–B	ET–9–A
ES–17–B	ET–32–D	ET–9–B
ES–18–A	ET–38–B	ET–9–C
ES–20–A	ET–33–D	GF–6–A
ES–22–A	ET–34–B	TMD–30–A
ES–22–B	ET–34–D	TMD–30–B
ES–22–C	ET–37–B	TMD–30–C
ES–22–D	ET–37–D	TMD–30–D
ES–25–A	ET–38–B	TMD–60–A
ES–25–B	ET–39–B	TMD–60–B
ES–25–C	ET–42–A	TMD–60–C
ES–3–A	ET–45–B	TMD–60–D
ES–3–A	ET–45–D	TRS–250–A
ES–4–A	ET–46–B	TRS–250–D
ES–4–D	ET–46–D	TRS–350–A
ES–7–A	ET–48–A	TSA–30–A
ES–9–A	ET–5–A	TSA–30–B
ET–1–A	ET–5–B	TSA–30–C
ET–1–B	ET–5–C	TSA–60–A
ET–1–C	ET–5–D	TSA–60–B
ET–1–D	ET–5–F	TSA–60–C
ET–1–E	ET–5–H	TSA–60–D
ET–11–A	ET–6–A	
ET–18–A	ET–6–B	

GENERAL MOTORS CORP.

CVT–2	CVT–32

GENERAL RAILWAY SIGNAL COMPANY

E CLASS A	E–50 CLASS B
E CLASS B	F
E–50 CLASS A	F1

GONSET DIVISION OF LAYCO, INC. OR LINK RADIO CORP.

1498 ED 6	2750–10AMF–C2
150–FT–1	2750–10 AMR–A2
1505	2750–10AMR–C2
1810–T	2750–10AVMF–A2
1873	2750–10AVMF–C2
1906 ED 2	2750–10VF–A1
1906	2750–10VF–A2
1907 ED 2	2750–10VF–C1
1907–TED 2A	2750–10VF–C2
1908	2750–10VR–A1
1908 ED 2A	2750–10VR–A2
2190	2750–10VR–C1
2190 ED 2	2750–10VR–C2
2210	2750–250AU–A2
2210–L	2750–250AU–C2
2210–LR	2750–2AMF–A2
2210–M	2750–2AMF–C2
2210–M ED 2/SS/	2750–2AMR–A2
2210–SS	2750–2AMR–C2
2210/A30	2750–2AVMF–A2
2210/A60	2750–2AVMF–C2
2240	2750–2VF–A2
2240 ED 2A	2750–2VF–C2
2295	2750–2VR–A2
2365 ED 8	2750–2VR–C2
2365 ED 9	2750–30AC–A1
2365–L	2750–30AC–A2
2365–L ED3	2750–30AC–C1
2365–LR	2750–30AC–C2
2365–LR ED3	2750–30AM–A1
2365–M	2750–30AM–C1
2365–M ED 2A	2750–30AMF–A2
2365–M ED32	2750–30AMF–C2
2365/A75	2750–30AMR–A2
2490	2750–30AMR–C2
2490 ED 2	2750–30AU–A1
25–UFM ED 7A	2750–30AU–A2
250–UPS	2750–30AU–C1
250–UPS ED 7	2750–30AU–C2
250–UPS ED 7A	2750–30AVMF–A2
2750–10AMF–A2	2750–30AVMF–C2

2750–30DR–A1	5000–10VF–C1
2750–30DR–A2	5000–10VR–A1
2750–30DR–C1	5000–10VR–C1
2750–30DR–C2	5000–2AM–A1
2750–30VF–A2	5000–2AM–C1
2750–30VF–C2	5000–2VF–A1
2750–30VR–A1	5000–2VF–C1
2750–30VR–A2	5000–2VR–A1
2750–30VR–C1	5000–2VR–C1
2750–30VR–C2	5000–30AC–A1
2750–60AC–A1	5000–30AC–C1
2750–60AC–A2	5000–30AM–A1
2750–60AC–C1	5000–30AM–C1
2750–60AC–C2	5000–30VF–A1
2750–60AM–A1	5000–30VF–C1
2750–60AM–C1	5000–30VR–A1
2750–60AMF–A2	5000–30VR–C1
2750–60AMF–C2	5000–60AC–A1
2750–60AMR–A2	5000–60AC–C1
2750–60AMR–C2	6000–30DR–A1
2750–60AU–A1	6000–30DR–C1
2750–60AU–A2	6000–30VR–A1
2750–60AU–C1	6000–30VR–C1
2750–60AU–C2	6000–50VR–A1
2750–60DR–A1	6000–60AC–A1
2750–60DR–A2	6000–60AC–C1
2750–60DR–C1	6000–60AU–A1
2750–60DR–C2	6000–60AU–C1
2758	6000–60DR–A1
3000–UFS	6000–60DR–C1
3035	7000–250AU–A1
3036	7000–250AU–C1
3042	7000–250TR–A1
35–UFM ED 2	7000–250TR–C1
35–UFM ED 7	7000–60TR–A1
40–FT–4	7000–60TR–C1
50–UFM ED 7	75–FMTR–7A
50–UFS ED 7	75–UFM
50–UFS ED 7A	75–UFM ED 7
50–UPS	75–UFM ED 7B
5000–10VF–A1	

HALLICRAFTERS CO.

HT–21 HWS	HT–22 LWS
HT–21 LDS	HT–23
HT–21 LWS	HT–24
HT–22 HWS	HT–25
HT–22 LDS	HT–26

HARVEY RADIO LABORATORIES, INC.

542A	100T–R	MFT–152–30D

INDUSTRIAL RADIO CORP.

FF–155	PS–150	PS–150–1
FF–45		PS–40

KAAR ENGINEERING COMPANY

FM–100X	FM–179X	FM–50X
FM–120A	FM–250A	FM–75A
FM–120A–1	FM–252A	LP–120A
FM–176A	FM–45X	LP–48X
FM–177X	FM–45Y	PTS–22X
FM–178A	FM–48X	TR425

KAHN AND CO. INC.

KC–102

KNAPP, W. W., INC.

48–12	TR–10 EDITION 4
48–25	TR–10 LP EDITION 1
48–25A	TR–10 LP EDITION 2
48–50	TR–15 EDITION 1
TR–10 EDITION 1	TR–15 EDITION 2
TR–10 EDITION 2	TR–15 LP EDITION 1
TR–10 EDITION 3	TR–15 LP EDITION 2

LYSCO MFG COMPANY

802	851
803	852

MOBILE COMMUNICATIONS CO.

MFM–25–150

MORROW RADIO MFG. CO.

FC–20–1	FC–250

MOSLER RESEARCH PRODUCTS, INC.

PT–6C

MOTOROLA, INC.

B51A–18	P–8601	TA105
B53A–18	P–8601–U	TA107
FHT–1	P–8610	TA113
FHTU–1	P–8620	TA114
FMT–140	P–9020	TA115
FMT–22	P–9020–C–LP	TA116
FMT–23	P–9030	TA117
FMT–25	P–9030–C–LP	TA118
FMT–30	P–9040	TA119
FMT–40	P–9050	TA120
FMT–41	P–9088	TA121
FMT–50	P–9088–U	TA122
FMT–80	P–9089	TA123
FMTU–140	P–9089–U	TA126
FMTU–15	P–9090	TA127
FMTU–22	P–9090–U	TA130
FMTU–23	P–9091	TA137
FMTU–30	P–9091–U	TA138
FMTU–40	PA–7203	TA139
FMTU–41	PA–7232	TA169
FMTU–5	PA–7232–R	TA170
FMTU–50	PA–7291	TA190
FMTU–80	PA–7292	TA192
FPT–1	PA–7293	TA193
FPTU–1	PA–8021	TA194
FST–140	PA–8026	TA195
FST–250	PA–8029	TA200
FST–50	PA–8032	TA201
FST–520	PA–8049	TA202
FST–6020	PA–8329	TA205
FST–80	PA–8332	TA214
FSTU–140	PA–8342	TA215
FSTU–250	PA–8345	TA234
FSTU–50	PA–8349	TA236
FSTU–520	PA–8461	TU219
FSTU–80	PA–8462	TU221
FSTW–140	PA–8463	TU227
FSTW–250	PA–8491	TU230
FSTW–50	PA–8492	TU232
FSTW–80	PA–8493	TU233
H11	PA–8548	TU234
H13	PA–8561	TU245
NA101	PA–8562	TU293
NA102	PA–8563	TU294
NA103	PA–8625	TU295
NA104	PA–8648	TU296
NA105	PA–8664	W43D
NA106	PA–8665	WE–8021
NU102	PA–8671	WE–8026
NU102/ NU142	PA–8672 PA–8673	WE–8032 WE–8329
NU105	PA–8691	WE–8332
NU105/ NU143	PA–8692 PA–8693	WE–8345 WE–8492
NU105/ NU183	PA–9110 SP1125531	WE–8497 WE–8497–A
P11	T19–23	WE–8692
P13	T41G	X13T
P–8520	T51G	
P–8600	TA104	

MOTREL, INC.

400–00C	400–00C–TB
400–00C–TA–30	400–00C–TB–30
400–00C–TA–50	400–00C–TB–50

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

PS–1–ET–8A	PS–1–ET–8D
PS–1–ET–8B	PS–2

PHILCO CORPORATION

PRT 150GT	PRT 53GTS
PRT 152GT	PRT 55GT
PRT 30GT	PRT 55GTS
PRT 30GTS	PRT 5TGTS
PRT 33GT	PRT 60GT
PRT 33GTS	PRT 61GT
PRT 35GT	PRT 62GT
PRT 35GTS	PRT 74GT
PRT 37GT	PRT 75GT
PRT 37GTS	PRT 83GT
PRT 50GT	PRT 90GT
PRT 50GTS	

PLATT MANUFACTURING CO.

10–TRM–11	30–TRM–32–D
10–TRM–31	30–TRS–11
2–TRM–11	30–TRS–31
2–TRM–31	60–TRM–12D
2–TRS–11	60–TRM–32–D
2–TRS–31	60–TRS–11
250T–13–U	60–TRS–12
250T–33–U	60–TRS–12U
30–TRM–11	60–TRS–31
30–TRM–12	60–TRS–32
30–TRM–12D	60–TRS–32–U
30–TRM–31	60T–13–U
30–TRM–32	60T–33

PYE CORPORATION OF AMERICA

PTC–2001U	PTC–8007UNH
PTC–2002U	PTC–8007UNL
PTC–2007UNH	PTC–8101UN
PTC–2007UNL	PTC–8102U
PTC–2101U	PTC–8102UN
PTC–2102U	PTC–8103UN
PTC–330	PTC–8104UN
PTC–331	PTC–8107UNH
PTC–3831U	PTC–8107UNL
PTC–3831UN	PTC–8201U
PTC–3832U	PTC–8201UN
PTC–3832UN	PTC–8202U
PTC–8001UN	PTC–8202UN
PTC–8002U	PTC–8751UN
PTC–8002UN	PTC–8752UN

RADIO CORPORATION OF AMERICA

CJC–10A	CMV–2E3	CT–11B
CM–1A	CMV–2E4	CT–12A
CM–1C	CMV–2E5	CT–12B
CM–2A	CMV–2E6	CT–17A
CM–2B	CMV–2F	CT–1A
CM–3B	CMV–2F3	CT–2A
CM–3C	CMV–2F4	CT–2C
CM–5A	CMV–3A	CT–3A
CMC–10A	CMV–3B	CT–4A
CMC–10A2	CMV–3E	CT–4C
CMC–10A3	CMV–3E1	CT–4D
CMC–10A4	CMV–3E2	CT–5A
CMC–10B	CMV–3E3	CT–5C
CMC–10B/ H/	CMV–3E4 CMV–3E5	CT–5C–A CT–6A
CMC–1A	CMV–3E6	CT–6C
CMC–1B	CMV–3E7	CT–6D
CMC–1B2	CMV–3E8	CT–8A
CMC–1C3	CMV–3F	CT1–100A
CMC–1C4	CMV–3F3	CT1–100C
CMC–1D	CMV–3F4	CT1–250B
CMC–30A1	CMV–4A	CT1–50B
CMC–30A2	CMV–4B	CT1–55A
CMC–30A3	CMV–4E	CT2–250B
CMC–30A4	CMV–4F	CT2–30B
CMP–40A	CSC–10A	CT2–30BL
CMV–1A	CSC–10B	CT2–30E
CMV–1B	CSC–10B /H	CT2–60B
CMV–1C	CSC–1A	CT2–60D
CMV–1CY	CSC–1C	CTC–10A
CMV–1D	CSC–250A	CTC–10B
CMV–1D1	CSC–60A	CTC–10B/H
CMV–1DY	CSF–250A	CTC–1A
CMV–1E	CSF–40A	CTC–1B
CMV–2A	CSF–60A	CTC–2A2
CMV–2B	CT–10A	CTP–40A
CMV–2C	CT–10AX	CTR–1A
CMV–2E	CT–10B	CTR–1AY
CMV–2E1	CT–10BX	ET–8054
CMV–2E2	CT–11A	ET–8058

RADIO ENGINEERING LABORATORIES

715

RADIO SPECIALTY MFG. CO.

1086	1144–5–4	1160–320–1W
1144–42–2	1147–33–1	1160–393–1W
1144–5–1	1147–33–2	1160–40–1
1144–5–2	1160–119–1	1160–52–1
1144–5–3	1160–29–1	

RAILWAY RADIOTELEPHONE, INC.

1100A	400–A
1100B	

RAYTHEON MFG. CO.

UM–15–1	US–20–2A	US–85–2
UM–15–1A	US–30–1	US–85–2A
UM–15–2	US–30–1A	VM–30–1
UM–15–2A	US–30–2	VM–30–1A
UM–30–1	US–30–2A	VM–30–2
UM–30–1A	US–60–1	VM–30–2A
UM–30–2	US–60–1A	VS–50–1
UM–30–2A	US–60–2	VS–50–1A
US–20–1	US–60–2A	VS–50–2
US–20–1A	US–85–1	VS–50–2A
US–20–2	US–85–1A	

RESEARCH PRODUCTS, INC.

PT–6C

ROFLAN COMPANY

4000

SERVO CORP. OF AMERICA

FE–1

SHELL DEVELOPMENT CO.

HF–49	HF–49M

SKYCRAFTERS AVIATION RADIO OR SKYCRAFTERS, INC.

FM–162

SONAR RADIO CORP.

MB–26

STROMBERG CARLSON CO.

3036	3036C
3036B	ET–301–A

SUBURBAN RADIO CO.

MS60–A	TR–70–A
MSC–30A	TRC 30
MSP–30–A	TRC–30/A75–A
TR–35–A	

TELE COMMUNICATIONS, INC. OR TELE COMMUNICATIONS CORP.

330	A4907B

TEXAS INSTRUMENTS, INC.

T–125A

WASHINGTON STATE PATROL

300A

WEST COAST ELECTRONICS

FFM–15–150	FFM–60–150
FFM–15–150B	MFM–15–150B
FFM–30–150	MFM–15–150C

WESTERN ELECTRIC

38B	540A
38C	541A
39A	542A
39B	543A

WESTINGHOUSE ELECTRIC CORP.

FE	FE–1	MR

B. COMPOSITE TRANSMITTERS (NOT IN RADIO EQUIPMENT LIST, PART C) FOR WHICH TYPE ACCEPTANCE UNDER PART 21 OF THE COMMISSION'S RULES IS WITHDRAWN AS OF NOVEMBER 1, 1963

CAROLINA TELEPHONE & TELEGRAPH CO., TARBORO, NORTH CAROLINA

ET–1–E (RC208 Modification)

COOK'S TELEPHONE ANSWERING & RADIO, INC., FRESNO, CALIFORNIA

CTAR–1–ET–8B

CHARLES B. SCHAFER, 79 EAST PETTEBONE STREET, FORTY FORT, PENNSYLVANIA

PS–1–ET8D

PACIFIC TELEPHONE & TELEGRAPH COMPANY

ET–1–E (RC208 Modification)

RADIO POCKET PAGE, INC., PORTLAND, OREGON

AM–350/GE ET–8–B

[F.R. Doc. 63–11014; Filed, Oct. 16, 1963; 8:48 a.m.]

[Docket No. 14964; FCC 63R–467]

BEAMON ADVERTISING, INC.

Memorandum Opinion and Order Amending Issues

In re application of Beamon Advertising, Incorporated, Daingerfield, Texas, Docket No. 14964, File No. BP–14359, for construction permit.

1. Pursuant to 47 CFR 1.141, the Board is being asked to enlarge the scope of this proceeding.[1] A history of this proceeding and a summary of the conflicting allegations must necessarily be set forth here for a proper understanding and disposition of the pleadings.

2. On September 9, 1960, Beamon Broadcasting Company, a partnership of Charles Monk and Chesley Beaver, filed an application for a new AM Station to operate on 1560 kilocycles, 1 kilowatt, daytime, in Daingerfield, Texas. Thereafter, on May 14, 1962, the application was amended to change the partnership to a corporation, Beamon Advertising, Incorporated. Monk retained a 50 percent interest in the new applicant, while the remaining shares were divided among nine other stockholders; Beaver's interest in the application was terminated. In all other major respects, including the specified proposed transmitter site, the application remained unchanged.

3. On August 8, 1962, Winston O. Ward, tr/as Mt. Pleasant Broadcasting Company (KIMP) filed a petition to deny the application; the petition was supplemented on August 13, 1962. An opposition was filed by Beamon on September 4, 1962, to which KIMP replied on September 14, 1962. By memorandum Opinion and Order, 28 F.R. 1699 (February 21, 1963) KIMP's petition was granted in part and denied in part by the Commission and Beamon's application was designated for hearing on financial qualifications and program planning

[1] Under consideration are: (a) (1) Petition for enlargement of Issues, filed April 24, 1963, by Winston O. Ward, tr/as Mt. Pleasant Broadcasting Company (KIMP); (2) supplement, filed April 25, 1963, by KIMP; (3) further supplement, filed May 1, 1963, by KIMP; (4) comments, filed May 17, 1963, by Broadcast Bureau; (b) (1) petition for enlargement of issues regarding site, filed May 13, 1963, by KIMP; (2) comments, filed May 21, 1963, by Bureau; (3) errata to comments, filed May 23, 1963, by Bureau; (c) single opposition to both petitions, filed June 3, 1963, by Beamon Advertising, Incorporated; (d) single opposition to both Bureau comments, filed June 3, 1963, by Beamon; (e) motion to strike the opposition to comments, filed June 13, 1963, by Bureau; (f) (1) petition for enlargement of issues, filed July 17, 1963, by KIMP; (2) opposition, filed July 29, 1963, by Beamon; (3) comments, filed July 30, 1963, by Bureau; and (4) reply, filed August 8, 1963, by KIMP.

issues; KIMP was made a party to the hearing.

4. As a part of the hearing, the depositions of Beaver, Charles Black (vice-president, First National Bank, Mt. Pleasant, Texas), and Charles A. Tucker (executive vice-president, Guaranty Bond State Bank, Mt. Pleasant) were taken by KIMP relative to the existing issues, which depositions were filed on April 18, 1963.

5. By its first two petitions to enlarge, KIMP requests addition of issues as to Beamon concerning misrepresentation, site availability, and character qualifications. The Bureau supports the requests for the reasons alleged by KIMP. Essentially, KIMP shows first that whereas Beamon's amended application and Monk's affidavit in support of Beamon's opposition to KIMP's petition to deny stated the applicant had $15,000 on deposit in a bank at that time, there was in fact only some $2,500 on deposit. Second, it shows that although in the amended application, the opposition to KIMP's petition to deny, and the direct affirmative case of Beamon, Monk represented that he owed his former partner Beaver the sum of $2,588.79, he in fact owed Beaver $4,000. Third, it is shown that in Beamon's opposition to KIMP's petition to deny it was represented that with regard to the proposed transmitter site, "beneficial ownership is in the corporation, and record title is being transferred to the corporation at this time without further reimbursement to Beaver [who, in partnership with Monk, had owned the land prior to the amendment of the application]" and that Monk's affidavit, supporting that opposition, further affirmed that the formal transfer of title of land to the corporation would be effected. In contrast to these representations, however, Beaver in his deposition filed April 18, 1963, stated that the property had not been transferred to the corporation and in fact, KIMP shows that on January 14, 1963, Beaver transferred the property to Kimbell Milling Company.

6. Beamon concedes all of the allegations to be true but has an explanation for each. Thus, it asserts with regard to the money on deposit, Monk had informed the stock subscribers they were to deposit their subscription funds in the Beamon account but through misunderstanding of the bank vice-president (a principal in Beamon) he informed them it was not necessary to do so at the time of application, due to the length of time it would take the Commission to act on the application. Monk was unaware of these events, but as soon as he was apprised of the situation he had all stock subscribers deposit their money, each of them having been capable of doing so at any time. These assertions are supported by affidavits of Monk and the bank vice-president. Thus, it is asserted that the erroneous representations were made in good faith, and have been corrected. Concerning the discrepancy in shown and actual debt to Beaver by Monk, the latter alleges that all he had shown was the amount owed Beaver for his half interest in the former partnership application; that this was uppermost in his mind at the time and he did not think of his personal debt to Beaver in the amount of $1,400. Accordingly, it is asserted that the omission was inadvertent, that the error was corrected as soon as it was called to his attention, and that the matter did not affect his financial standing since he was relying on a loan from his father. As to the ownership of the property, Monk, by affidavit, avers that since Beaver's wife opposed immediate transfer of the property until money owed Beaver had been paid, Monk did not press for the transfer; that he was unaware of the transfer to Kimbell; and that as soon as he was apprised of the facts he took steps to vest title in the corporation where it now is.

7. Parenthetically, we should add here that one of Beamon's two filed oppositions was directed solely to the Bureau's comments, contending that the rules make no provisions for filing "Comments"; that the Bureau neither requested nor was given permission to file such pleading; and that treating them as petitions to enlarge issues they are untimely. Thus, Beamon asserts they should be dismissed. The Bureau answers with a motion to strike the opposition, contending that under 47 CFR 1.13(b), only a petitioner can file a "reply" and that in the absence of specific permission, Beamon is prohibited from filing a pleading specifically directed to the Bureau's comments.

8. After all of the foregoing pleadings were filed, KIMP filed a third petition to enlarge. In this pleading it again asks for a misrepresentation issue showing that in the foregoing Beamon opposition, the applicant describes the one-acre tract it obtained from Kimbell as the same one shown in its application as its transmitter site. KIMP also provides a report and plot plan from a surveyor showing, among other things, the location of the two towers, the ground screens, the location of the proposed studio, and the proposed ground system, and further depicting that the greater part of these things would be located outside of the one-acre tract. Thus, KIMP implies there was misrepresentation when in its application form Beamon indicated it owned its transmitter site. The Bureau supports the petition.

9. Beamon answers that it intends to only own the one-acre of land and to lease the rest, and thus, its representation "owned" in the Form 301 box entitled "Acquiring Land" was proper, and that the costs of leasing the remainder of land was reflected under "operating expenses." Monk, in an affidavit attached to this opposition, states that prior to the purchase of this one-acre by him and his then partner, Beaver, "we were given oral assurances from the property owner from whom the land was purchased, that we could lease land behind and adjacent to our acre, which he owned, for the erection of the towners (sic) and ground system when the station was granted * * * [and thereafter, learning that the adjacent property was sold]. I went to the first owner and found that the property had been sold with a verbal provision that a lease would be available for the radio station towers and ground system. I then went to the new owner of the property and received assurance from him that he understood about the towers, etc. and would make the lease available when the time comes."

10. In reply to this opposition, KIMP has filed the affidavit of Ward stating that he spoke with W. E. Key, owner of the property in question; that Key informed him that there was no agreement regarding a lease; that Key stated he was not interested in leasing; that Monk talked to Key on July 31, 1963, and told Key he was interested in buying the land; and that Key said he told Monk he would name a price in a few days.

11. The subject petitions were not filed within 15 days of the date the issues were published in the FEDERAL REGISTER, as required by § 1.141 of the Commission's rules. Moreover, it appears that the facts set forth in the petitions were available to the petitioners long before the petitions were filed. Accordingly, good cause for the late filing as contemplated by § 1.141(b) of the rules has not been established. The petitions will, therefore, be dismissed as untimely. In view of our action with respect to the petitions, all of the collateral pleadings and the questions raised thereby become moot.

12. Despite our holdings as to the procedural aspects of this proceeding, which disposes of the entire set of pleadings, we must take cognizance of what amounts in this case to overriding public interest considerations. It is clear that a substantial question exists regarding the availability and adequacy of Beamon's proposed transmitter site. The applicant itself concedes that the tract of land heretofore believed by all to be the transmitter site is only a fraction of the land necessary. Although the affidavit by Monk states the remaining land necessary is available by lease, Ward's affidavit is clearly to the contrary. We are not unmindful that KIMP offers no explanation as to why it does not supply an affidavit from the landowner with respect to this matter. Nevertheless, if the allegations advanced in Ward's affidavit are given any credibility, the availability and adequacy questions are clearly raised. It is our view that these questions must be resolved in an evidentiary hearing. In connection with this issue, it must be borne in mind that there is already an issue herein regarding Beamon's financial qualifications. Were Beamon required to buy the additional land in question, it might have considerable adverse effect on its financial qualifications.

13. A matter equally raised by these latter pleadings is the question of misrepresentation and character qualifications. The conflict of the affiants here is plain and concise. Monk says he spoke with Key and had his assurances he would lease the land. Ward claims Key indicated to him he never did say he would lease the land. This clear conflict necessitates the subject issues. We are aware that neither Beamon nor KIMP has provided the best evidence as to the truth or falsity of Monk's allegation that additional land could be leased. Nevertheless, the direct conflict of testimony is sufficient to raise questions which can only be resolved by the hearing process. Beamon's explanation of the matters, sought to be included in the first two issues, in terms of "inadvertence" and "carelessness" does not avoid the need, in view of all the allegations and counter-allegations, to test those explanations in a public hearing. Therefore, the issues designated will encompass all matters raised in each of the petitions.

14. Finally, the Board is concerned with one more aspect of this question. Assuming arguendo that it is shown that none of these errors was intentional or that they do not require disqualification of the applicant on character qualifications grounds, there still remains the problem here that the applicant may be so inept and careless that it should not be entrusted with a license. The applicant's responses to the petitioner's allegations raise a substantial question as to whether its proneness to "mistakes" is such that it would not be an acceptable Commission licensee. Section 308 (b) of the Communications Act of 1934, as amended, requires that all prospective licensees show the requisite "character * * * and other qualifications" that the Commission might require. Considerations of inadvertence and ineptness on the part of applicants have entered into Commission decisions in the past. See e.g., Air Waves, Inc., 3 RR 142 (1946); Kanawha Valley Broadcasting Company, 3 RR 1977 (1948); American Southern Broadcasters, 13 RR 927 (1957); Walter T. Gaines, 25 FCC 1387, 16 RR 159 (1958); and Palm Springs Translator Station, Inc., 17 RR 1263 (1959). Though not leading to denials in the cited cases, the consideration of such matters, and the diminution of adverse findings due to factors not here involved, evidences Commission concern with such matters and clearly suggests that such matters may, in appropriate circumstances, be the subject of a hearing issue. In the instant case, there are repeated urgings by applicant that its nondisclosures and inacuracies were the result of inadvertence and carelessness. There is no showing that applicant was not adequately represented by counsel or that either applicant or counsel were unfamiliar with Commission requirements; on the contrary, applicant's majority stockholder is an experienced broadcaster and applicant is represented by legal counsel long familiar with Commission processes and requirements. The Commission cannot condone a pattern of carelessness and inadvertence in preparing applications and pleadings filed with the Commission, and indifference to the Commission's Rules. Thus, the Board will add an issue on its own motion to inquire into this matter.

Accordingly, it is ordered, This 10th day of October 1963, That the petitions herein and the Bureau's motion are dismissed; that Issue 3 set forth in the hearing order of February 21, 1963 (28 F.R. 1699) is renumbered as Issue 7; and that, on the Review Board's own motion, the issues in this proceeding are enlarged as follows:

3. To determine whether Beamon Advertising, Incorporated, has adequate land available for a transmitter site for the proposal herein.

4. To determine whether there have been any false statements, misrepresentations, lack of candor, or nondisclosure of material facts in the above-captioned application, amendments thereto, supporting documents, pleadings, affidavits, or testimony of any of the officers, directors, or stockholders of Beamon Advertising, Incorporated.

5. To determine in light of the evidence adduced under the foregoing issue, whether Beamon Advertising, Incorporated, has the requisite character qualifications to be licensee of the facilities requested.

6. To determine whether there have been repeated errors, inaccuracies, nondisclosures of material facts, and/or inadvertent statements in the above-captioned application, amendments thereto, pleadings, and prosecution of the application, and, if so, whether they reflect such negligence, carelessness, ineptness, or disregard of the Commission's processes that the Commission cannot rely upon the applicant to fulfill the duties and responsibilities of a licensee; and

It is further ordered, That the proceeding is remanded to the Hearing Examiner for further hearing on the foregoing issues and for the issuance of a Supplemental Initial Decision.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11009; Filed, Oct. 16, 1963; 8:47 a.m.]

[List No. 181]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

OCTOBER 3, 1963.

Notification under the provisions of Part II, section 2, of the North American Regional Broadcasting Agreement: List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		580 kilocycles				
CJDC (reduction in power from that shown on list No. 160).	Dawson Creek, British Columbia.	1	DA-N	U	III	EIO 12-15-63.
		610 kilocycles				
CKML (now in operation).	Mont Laurier, Province of Quebec.	1	DA-N	U	III	
		790 kilocycles				
New (delete assignment).	Port Credit, Ontario.	1	DA-1	U	III	
		860 kilocycles				
CFPR (P.O. 1240 kc, 0.25 kw, ND).	Prince Rupert, British Columbia.	10	DA-1	U	II	EIO 9-15-64.
		900 kilocycles				
CKDR (now in operation).	Dryden, Ontario.	1	ND	D	II	
		1070 kilocycles				
CFAX (reduction in power and change in location from that shown on list No. 172).	Victoria, British Columbia.	1	DA-1	U	II	Do.
		1250 kilocycles				
New	Steinbach, Manitoba.	10	DA-2	U	III	Do.
		1410 kilocycles				
CHLO (delete assignment—CHLO remaining 680 kc, 1 kw, DA-1).	St. Thomas, Ontario.	10 D/2.5 N	DA-2	U	III	
		1410 kilocycles				
CKSL (P.O. 1290 kc, 5 kw, DA-1).	London, Ontario.	10	DA-2	U	III	Do.
		1600 kilocycles				
New (change in mode of operation from that shown on list No. 176).	Duncan, British Columbia.	1	DA-2	U	II	Do.
		1610 kilocycles				
New	Montreal, Province of Quebec.	50	DA-2	U	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11011; Filed, Oct. 16, 1963; 8:48 a.m.]

sion in triplicate, a written appearance

continuance of the hearing be and it is

cause objectionable interference to Sta-

[Docket Nos. 15190, 15191; FCC 63-921]

BOARDMAN BROADCASTING CO., INC., AND DANIEL ENTERPRISES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Boardman Broadcasting Company, Inc., Boardman, Ohio, Docket No. 15190, File No. BP-14305, requests 1570 kc, 1 kw, DA, Day; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP-14886, requests 1570 kc, 500 w, DA, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of October 1963;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, and otherwise qualified to construct and operate the instant proposals; that Daniel Enterprises, Inc., is financially qualified but that for the reasons hereinafter indicated it cannot be determined that the Boardman Broadcasting Company, Inc., is financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals appear to be mutually exclusive.

2. Regarding the application of the Boardman Broadcasting Company, Inc. ("Boardman Broadcasting"):

(a) A substantial question exists as to whether Boardman, Ohio, is a "community" within the meaning of section 307(b) of the Communications Act of 1934, as amended, since: (1) The 1960 United States Census report does not include any entry for Boardman in its tables of "population of All Incorporated Places and of Unincorporated Places of 1,000 or More: 1940 to 1960"; (2) Boardman does not have its own post office, but is served instead by a substation of the Youngstown, Ohio, post office; and (3) no affirmative evidence has been introduced by the applicant to support a conclusion that Boardman is an integral community.

(b) For the following reasons, a substantial question exists as to whether Boardman Broadcasting is financially qualified to construct and operate its proposal: (1) Boardman Broadcasting's application indicates that it will require at least $29,198 to construct the proposed station and operate it without revenue for a reasonable period of time.[1] (2) According to the Boardman Broadcasting application, 40,000 will come from stock purchases by Louis W. Skelly (50 percent stockholder), Vincent A. Pepper (25 percent stockholder), and E. Stratford Smith (25 percent stockholder), and loans of $20,000 from non-stockholder J. H. Davis and $10,000 apiece from Pepper and Smith. (3) However:

(i) The statements by Pepper and Smith, submitted in lieu of personal balance sheets, do not satisfy the requirements for such statements as set forth in section III, page 2, paragraph 4(d), of the application form.[2]

(ii) The notarized statement by J. H. Davis, dated July 28, 1960, in which Davis indicates that he would be willing to lend the then individual applicant, Louis W. Skelly, $20,000 "for construction of a proposed radio station in Boardman, Ohio," does not appear to be sufficient evidence of the present availability of that sum to the successor corporate applicant, Boardman Broadcasting, for the same purpose.

(iii) For the following reasons, a substantial question exists as to whether the above-described statement by J. H. Davis sets forth the "terms of repayment, if any, and security, if any," as required by section III, page 2, paragraph 4(c), of the application form: (A) No indication is given in Davis's statement that any security would be required. (B) The amount of the proposed loan constitutes approximately 42 percent of the assets listed by Davis in his "Partial Financial Statement * * * as of June 30, 1960." (C) An unsecured loan of $20,000 would not appear to be compatible with normal business practice, in view of the foregoing and the "Balance Sheet of Louis W. Skelly as of July 31, 1960," submitted as Exhibit No. 2 of Mr. Skelly's original application for a Boardman, Ohio, broadcast station construction permit.

(iv) The principals of Boardman Broadcasting—Smith, Pepper, and Skelly—are also the principals of the Greater Erie Broadcasting Co., Inc., which has filed an application for a construction permit for a proposed standard broadcast station for Lawrence Park, Pennsylvania. That application (File No. BP-14945) indicates that the initial construction and operating costs for the proposal therein would be financed by payments of $5,000 apiece by Pepper and Smith (as loans and for purchases of stock) and $10,000 by Skelly (as loans and for purchases of stock), the latter amount presumably derived from an unsecured personal loan of $10,000 to Skelly by Edward J. Malek. A substantial question exists as to whether the above-named principals have sufficient financial resources to construct and operate both the Boardman, Ohio, and the Lawrence Park, Pennsylvania, proposals.

3. Data supplied by Daniel Enterprises, Inc., indicate that the latter's proposal would cause interference (adjacent channel, 20 kilocycles removed) to standard broadcast station WAKR, Akron, Ohio, involving an area of 44 square miles and a population of 10,219 persons (0.74 percent).

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals of Boardman Broadcasting and Daniel and the availability of other primary service to such areas and populations.

2. To determine whether Boardman Broadcasting is financially qualified to construct and operate its proposed station.

3. To determine whether the proposal of Daniel Enterprises, Inc., would cause objectionable interference to Station WAKR, Akron, Ohio, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposal of the Boardman Broadcasting Company, Inc., would serve primarily a particular city, town, political subdivision or community as contemplated by § 3.30 (a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either of the above-captioned applications, the construction permit shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, in the event of a grant of either broadcast application, the construction permit shall also contain the following condition:

A license will not be issued until Station WHOT, Campbell, Ohio, is licensed to operate on a frequency other than 1570 kilocycles.

It is further ordered, That the Summit Radio Corporation, licensee of standard broadcast Station WAKR, Akron, Ohio, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11010; Filed, Oct. 16, 1963; 8:48 a.m.]

[1] I.e.: Equipment down payment, $6,198; building expenses, $6,000; miscellaneous, $2,000; working capital for a reasonable period of time, $15,000. Cost of leasing or purchasing land not estimated by applicant.

[2] I.e., that there be supplied "a financial statement showing all liabilities and containing current and liquid assets sufficient in amount to meet current liabilities (including amounts payable during the next year on long term liabilities) and, in addition, to indicate financial ability to comply with the terms of the agreement."

[Docket Nos. 15108-15110; FCC 63M-1115]

PIEDMONT BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of William H. Kirby and John B. Burns, d/b as Piedmont Broadcasting Co., Travelers Rest, South Carolina, Docket No. 15108, File No. BP-14527; James C. Liles, tr/as Hentron Broadcasting Company, Hendersonville, North Carolina, Docket No. 15109, File No. BP-15026; The Mountainaire Corporation, Hendersonville, North Carolina, Docket No. 15110, File No. BP-15274; for construction permits.

The Hearing Examiner having under consideration a motion filed on October 10, 1963, by counsel for The Mountainaire Corporation on behalf of the three applicants in the above-entitled proceeding, requesting that the hearing in such proceeding presently scheduled to commence on October 11, 1963, be continued for a period of 30 days in order to allow time for action by the Review Board upon a Joint Petition for Approval of Agreement and Dismissal of Application filed on October 8, 1963, by James C. Liles, tr/as Hentron Broadcasting Company, and The Mountainaire Corporation; and

It appearing that upon favorable action on the petition for approval of agreement and dismissal of application, all of the issues upon which the applications in the above-entitled proceeding were designated for hearing may become moot and a hearing may, therefore, not be necessary to determine whether the applications of Piedmont Broadcasting Co. and The Mountainaire Corporation can be granted; and

It further appearing that counsel for the Broadcast Bureau and counsel for James B. Childress, respondent herein, have informally consented to a grant of the relief requested; and

It further appearing that public interest requires early consideration of the motion; and good cause has been shown for the grant thereof;

It is therefore ordered, This 10th day of October 1963, that the request for continuance of the hearing be and it is hereby granted and the hearing in the above-entitled proceeding presently scheduled for October 11, 1963, be and it is hereby continued to November 18, 1963.

Released: October 10, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11012; Filed, Oct. 16, 1963; 8:48 a.m.]

[Docket No. 15193; FCC 63-924]

LAKE VALLEY BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Lake Valley Broadcasters, Inc., Crystal Lake, Illinois, Docket No. 15193, File No. BP-15509, Requests: 850 kc, 500 w, DA-D, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of October 1963;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that according to the applicant's data, the proposal would cause interference to the existing operations of Stations WFOX and KFUO, Milwaukee, Wisconsin and Clayton, Missouri, respectively; and

It further appearing, that, although the applicant's data indicates that the proposed operation would receive interference from existing stations involving a total population loss of 8.75 percent, Commission study indicates that interference received from KFUO, Clayton, Missouri would involve a greater area than is indicated by Applicant's exhibits Figures 8C and Figure 3 and, as a result, a substantial question exists as to whether the proposal does, in fact, comply with the provisions of § 3.28(d)(3) of the Commission rules; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Lake Valley Broadcasters, Inc., and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Lake Valley Broadcasters, Inc., would cause objectionable interference to Station WFOX and KFUO, Milwaukee, Wisconsin, and Clayton, Missouri, respectively, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from all sources would affect more than ten percent of the population within the normally protected primary service area of the proposed operation of Lake Valley Broadcasters, Inc., in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Wisconsin Broadcasters, Inc., and The Lutheran Church-Missouri Synod, licensees of Stations WFOX and KFUO, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Lake Valley Broadcasters, Inc., the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11013; Filed, Oct. 16, 1963; 8:48 a.m.]

[Docket No. 14031 etc.; FCC 63-911]

WEXC, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of WEXC, Inc., Depew, New York, Docket No. 14031, File

No. BP-12793; Leon Lawrence Sidel,

Accordingly, it is ordered, This 9th day

studies indicate that the proposed opera-

advise the Commission of the publica-

pany, Ltd., and Lamport & Holt Line,

CITY OF PORT HURON, MICHIGAN

No. BP-12793; Leon Lawrence Sidel, Hamburg, New York, Docket No. 14032, File No. BP-13688; De-Lan, Inc.,[1] Depew, New York, Docket No. 14034, File No. BP-14084; Seaport Broadcasting Corporation, Lancaster, New York, Docket No. 14035, File No. BP-14085, for construction permits.

1. The Commission has under consideration (a) the Initial Decision herein; [2] (b) the exceptions and associated briefs of the parties; and (c) all other matters of record in this proceeding. Each applicant seeks a construction permit for a new Class III standard broadcast station to operate on 1300 kilocycles with a power of one kilowatt, utilizing a directional antenna, daytime only. The application of WEXC proposes operation at Depew, New York: Sidell proposes operation at Hamburg, New York; and Seaport seeks authorization for a station at Lancaster, New York. Each of these communities is in or near the Buffalo Urbanized Area. The applications are mutually exclusive. The Examiner accorded the Depew and Lancaster proposals a 307(b)[3] preference over the Hamburg proposal on the basis of greater efficiency due to greater population coverage. He then applied the standard comparative criteria as between the Depew and Lancaster proposals and concluded that Seaport's Lancaster application should be preferred. For reasons hereinafter stated, the Commission is remanding this proceeding to the Examiner for further hearing.

2. Sidell proposes to locate his transmitter about 4½ miles southeast of Hamburg Village and about 16½ miles southwest of the other two proposed sites. His proposal contemplates service to 1,031,199 persons. Seaport will serve 1,114,132 persons and WEXC, 1,160,260 persons. The service areas of each proposal enjoy a minimum of 6 and a maximum of 16 services. In his Initial Decision, the Examiner concluded that "it is a fair inference that the population common to the service areas of all three proposals approaches 1,000,000 persons" (Conclusion 15). This being so, it appears that a determinative preference may not be possible based upon section 307(b) considerations. Accordingly, we believe testimony must be taken upon the basis of which the comparative qualifications of Sidell to serve the million persons commonly served by the three proposals may be determined along with those of WEXC and Seaport. See Kent-Ravenna Broadcasting Company, 22 Pike & Fischer, R.R. 605; Seven Locks Broadcasting Company, 22 Pike & Fischer, R.R. 967; Rockland Broadcasting Company, 23 Pike & Fischer, R.R. 789; Massillon Broadcasting Company, 23 Pike & Fischer, R.R. 918.

3. To accommodate the foregoing, the Commission is revising the 307(b) and comparative issues presently specified in this proceeding.

Accordingly, it is ordered, This 9th day of October, 1963, that this proceeding is remanded to the Hearing Examiner for further hearing consistent herewith; and

It is further ordered, That issues 2, 3 and 5 of this proceeding are deleted, and that the issues set forth below are substituted therefor:

(a) To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applicants can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

(b) To determine, in the event it is concluded that a choice between the instant applications cannot be made upon considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(i) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(ii) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(iii) The programming service proposed in each of the instant applications.

Released: October 11, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11015; Filed, Oct. 16, 1963; 8:48 a.m.]

[Docket No. 15192; FCC 63-922]

WHITEVILLE BROADCASTING CO. (WENC)

Order Designating Application for Hearing on Stated Issues

In re application of Whiteville Broadcasting Company (WENC), Whiteville, North Carolina, has 1220 kc, 1 kw, Day, Class II, requests 1220 kc, 5 kw, Day, Class II, Docket No. 15192, File No. BP-13390; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of October 1963;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that this proposal is in contravention of Paragraph 2(iii) of § 1.351 of the Commission rules with respect to Class I-A channels within 30 kilocycles of the proposal, however, studies indicate that the proposed operation would not materially prejudice future consideration of the Class I-A channels, and accordingly, the Commission on its own motion will waive the provisions of the aforementioned rule; and

It further appearing that this proposal would cause objectionable interference to the existing operation of Station WALD, Walterboro, South Carolina; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WENC and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WENC would cause objectionable interference to Station WALD, Walterboro, South Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the provisions of § 1.351 of the Commission rules are waived with respect to this proposal.

It is further ordered, That Walterboro Radiocasting Company, licensee of Station WALD, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of Whiteville Broadcasting Company, the construction permit shall contain the following condition:

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and §1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (h) of the rules.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11016; Filed, Oct. 16, 1963; 8:48 a.m.]

[1] Held in default by Examiner for failure to prosecute its application.

[2] Initial Decision of Hearing Examiner Isadore A. Honig, released December 19, 1962 (FCC 62D-105, Mimeo No. 29193).

[3] Section 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. 307(b).

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND AMERICAN MAIL LINE, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9249, between American President Lines, Ltd., and American Mail Line, Ltd., provides for the appointment by American Mail Line of American President Lines as its general passenger agent, which appointment American President Lines accepts, with respect to all vessels owned or operated by American Mail Line. The agreement also provides the rate of compensation to be paid by American Mail Line to American President Lines for the performance of the services described in the agreement in the territory comprising the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas (except El Paso), Wisconsin and Wyoming.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Martime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 11, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11002; Filed, Oct. 16, 1963; 8:47 a.m.]

[Docket No. 1151]

BOOTH STEAMSHIP CO., LTD., ET AL.

Notice of Filing of Agreement

Agreement 9216, covering an arrangement between Booth Steamship Company, Ltd., and Lamport & Holt Line, Ltd., parties to the Booth Lamport West Indies Service joint service, and Delta Steamship Company, Inc., whereby Delta will act as agent for Booth Lamport joint service at U.S. Gulf ports, has been filed for approval pursuant to section 15, Shipping Act, 1916.

Notice of the filing of Agreement 9216 was published in the FEDERAL REGISTER on July 13, 1963. In response to such publication, Alcoa Steamship Company, Inc., a common carrier operating between U.S. Gulf ports and Barbados, Trinidad, Jamaica and British Guiana, protested the approval of Agreement 9216 on the grounds inter alia that it is unjustly discriminatory as between carriers, detrimental to the foreign commerce of the United States and contrary to the public interest, and requested investigation by the Commission.

It appears that Agreement 9216 may be unjustly discriminatory or unfair, or may operate to the detriment of the commerce of the United States, or be contrary to the public interest; and further that it may not set forth the full agreement between the parties, or may otherwise be in violation of the Act.

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission, upon its own motion enter upon an investigation to determine (1) whether the parties have violated section 15 in that Agreement 9216 does not fully set forth their agreement; (2) whether Agreement 9216, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United States, or be contrary to the public interest, or otherwise violate the Shipping Act, 1916, and (3) whether Agreement 9216 should be approved, disapproved, or modified in any respect, pursuant to section 15:

And it is further ordered, That Booth Steamship Company, Ltd., Lamport and Holt Line, Ltd., and Delta Steamship Lines, Inc. be made respondents in this proceeding:

And it is further ordered, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner:

And it is further ordered, That action with respect to Agreement 9216 be held in abeyance pending the Commission's decision and order in this proceeding:

And it is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and that copies thereof be served upon respondents.

By the Commission, October 8, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-11003; Filed, Oct. 16, 1963; 8:47 a.m.]

CITY OF PORT HURON, MICHIGAN, AND PORT HURON TERMINAL CO.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreements No. 8795-1, 8795-2, and 8795-3, between the City of Port Huron, Michigan, and the Port Huron Terminal Company, modify the basic agreement of the parties which provides for a lease of certain terminal property and facilities in the City of Port Huron, Michigan. The purpose of the modifications is to (1) provide for the construction of a warehouse and a steel conventional building on the premises, (2) extend the original term of the lease 10 years, and (3) require 120 days notice for termination of certain operations.

Interested parties may inspect the agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

OCTOBER 11, 1963.

[F.R. Doc. 63-11004; Filed, Oct. 16, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-158—RI64-172]

STANDARD OIL CO. OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 9, 1963.

Standard Oil Company of Texas, a division of California Oil Company, Docket No. RI64-158; H. M. Gillespie, Docket No. RI64-159; Panhandle Development Company, Inc. (Operator), et al., Docket No. RI64-160; Ashland Oil & Refining Company, Docket No. RI64-161; McAlester Fuel Company, Docket No. RI64-162; W. C. McBride, Inc., Docket No. RI64-163; Forest Oil Corporation (Operator), et al., Docket No. RI64-164; Continental Oil Company, Docket No. RI64-165; Continental Oil Company

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

(Operator), et al., Docket No. RI64–166; Midhurst Oil Corporation, Docket No. RI64–167; John Frank (Operator), et al., Docket No. RI64–168; Hiawatha Oil and Gas Company, Docket No. RI64–169; Monsanto Chemical Company, Docket No. RI64–170; Monsanto Chemical Company (Operator), et al., Docket No. RI64–171; Sunray DX Oil Company, Docket No. RI64–172.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–158	Standard Oil Co. of Texas, a division of California Oil Co., P.O. Box 1249, Houston, Tex.	38	1	Transwestern Pipeline Co. (Chenot (Wolfcamp) Field, Pecos County, Tex.), (R.R. District No. 8), (Permian Basin Area).	$1,300	9–9–63	[1] 10–10–63	3–10–64	16.0	[2] [3] 17.0	
RI64–159	H. M. Gillespie, 722 Union Center Bldg., Wichita, Kans.	9	1	Cities Service Gas Co. (Hugoton Field, Kearny County, Kans.).	3,498	9–12–63	[1] 10–13–63	3–13–64	[4] 7.5037	[4] [5] 14.5	
RI64–160	Panhandle Development Co., Inc. (operator), et al., 801 Union Center, Wichita, Kan., 67202.	2	6	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	1,400	9–16–63	[1] 10–17–63	3–17–64	[4] 15.0	[5] [6] 16.0	
	do	8	2	Kansas-Nebraska Natural Gas Co., Inc. (East Camrick Field, Beaver County, Okla.) (Panhandle Area).	160	9–16–63	[1] 10–17–63	3–17–64	[4] [7] 16.8	[6] [8] [4] [7] 17.2	
RI64–161	Ashland Oil Refining Co., P.O. Box 1503, Houston 1, Tex.	135	1	Panhandle Eastern Pipe Line Co. (depths above base of Chase Series, Hopeton Field, Stevens, Grant, and Seward Counties, Kans.).	20,000	9–13–63	[1] 11–15–63	4–15–64	[9] 11.0	[5] [9] 12.0	
RI64–162	McAlester Fuel Co., P.O. Box 210, Magnolia, Ark.	3	8	Texas Eastern Transmission Co. (Fort Lynn Field, Miller County, Ark.)	150	9–16–63	[1] 11–1–63	4–1–64	[4] [10] 14.675	[5] [4] [10] [11] 14.875	RI63–103
RI64–163	W. C. McBride, Inc., 25 North Brentwood Blvd., St. Louis 5, Mo.	8	9	Texas Eastern Transmission Co. (Carthage Field, Panola County, Tex.) (R.R. District No. 6).	4,673	9–12–63	[1] 11–1–63	4–1–64	[12] 14.6	[5] [9] 15.6	
RI64–164	Forest Oil Corp. (operator), et al., National Bank of Commerce Bldg., San Antonio 5, Tex.	11	6	Texas Eastern Transmission Corp. (Sal Del Rey and La Jara Fields, Hidalgo and Willacy Counties, Tex.) (R.R. District No. 4).	1,988	9–13–63	[1] 11–1–63	4–1–64	15.4	[5] [9] 15.6	RI63–104
	do	2	15	United Fuel Gas Co. (Bourg and North Bourg Fields, LaFourche and Terrebonne Parishes, La.).	83,642	9–16–63	[1] 11–1–63	4–1–64	[13] 20.7	[13] [13] [14] 21.1	RI63–106
RI64–165	Continental Oil Co., P.O. Box 2197, Houston 1, Tex., 77001.	169	8	Texas Eastern Transmission Corp. (Cherokee Lake Field, Rusk and Gregg Counties, Tex.) (R.R. District No. 6).	800	9–16–63	[1] 11–1–63	4–1–64	[14] 14.6	[5] [9] 15.6	
RI64–166	do	170	4	Texas Eastern Transmission Corp. (Cherokee Lake Area, Rusk County, Tex.) (R.R. District No. 6).	72	9–16–63	[1] 11–1–63	4–1–64	15.0	[5] [9] 15.6	RI61–949
RI64–167	Midhurst Oil Corp., 1030 Bank of the Southwest Bldg., Houston, Tex., Attn: Mr. L. R. Metcalf.	12	2	Texas Eastern Transmission Corp. (Mud Flats Field, Aransas County, Tex.) (R.R. District No. 4).	516	9–16–63	[1] 11–1–63	4–1–64	15.2	[4] 15.6	RI62–614
	do	18	1	United Gas Pipe Line Co. (Peden Field, Harris County, Tex.) (R.R. District No. 3).	650	9–16–63	[1] 10–17–63	3–17–64	[15] 15.0	[4] 16.0	
RI64–168	John Frank (operator), et al., 1007 Petroleum Tower, Shreveport, La.	7	3	Texas Eastern Transmission Corp. (North Liberty Hill Field, Bienville Parish, La.).	2,819	9–16–63	[1] 11–1–63	4–1–64	[17] 16.4161	[5] [13] [17] 16.8263	
RI64–169	Hiawatha Oil and Gas Co., Benedum-Trees Bldg., Pittsburgh 22, Pa.	6	10	Texas Eastern Transmission Corp. (Greenwood Waskon Field, Caddo Parish, La.).	87	9–12–63	[1] 11–1–63	4–1–64	[15] 16.7462	[5] [13] [15] 16.9513	RI63–96
RI64–170	Monsanto Chemical Co., 1401 South Coast Bldg., Houston 2, Tex.	1	15	Texas Eastern Transmission Corp. (Bryceland Field, Bienville Parish, La.).	718	9–12–63	[1] 11–1–63	4–1–64	[17] 16.6212	[5] [13] [17] 16.8263	RI63–138
RI64–171	do	20	10	Texas Eastern Transmission Corp. (Logansport Field, DeSoto Parish, La.)	513	9–12–63	[1] 11–1–63	4–1–64	[17] 16.6212	[5] [13] [17] 16.8263	RI63–137
RI64–172	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	122	14	Texas Eastern Transmission Corp. (Greenwood Waskom Field, Caddo Parish, La.)	76	9–13–63	[1] 11–1–63	4–1–64	[17] 16.6212	[5] [13] [17] 16.8263	RI63–91
	do	126	11	Texas Eastern Transmission Corp. (Bethany Longstreet Field, Desota Parish, La.)	220	9–13–63	[1] 11–1–63	4–1–64	[17] 16.6212	[5] [13] [17] 16.8263	RI63–91
	do	127	12	do	121	9–13–63	[1] 11–1–63	4–1–64	[17] 16.6212	[5] [13] [17] 16.8263	RI63–91
	do	132	11	United Fuel Gas Co. (Cole's Gully Field, Acadia Parish, La.)	460	9–13–63	[1] 11–1–63	4–1–64	[17] 20.7	[5] [13] [17] 21.1	RI63–91
	do	178	6	United Fuel Gas Co. (Valentine Field, LaFourche Parish, La.)	1,100	9–13–63	[1] 11–1–63	4–1–64	[17] 20.7	[5] [13] [17] 21.1	RI63–91

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Subject to downward Btu adjustment.
[5] Redetermined rate increase.
[6] Two-step periodic rate increase.
[7] Subject to 1.75 cents per Mcf deduction for compression of gas from the Helfenbein, Vogt and Hamilton wells.
[8] Subject to 0.5 cent per Mcf deduction if buyer desulfurizes gas.
[9] Includes 0.175 cent per Mcf tax reimbursement (Ark. severance tax and conservation assessment).
[10] No established ceiling for increased rates in Arkansas.
[11] Settlement rate approved by the Commission's order issued Aug. 12, 1960, in Docket Nos. G–14823, G–16623 and G–19603.
[12] Pressure base is 15.025 psia.
[13] Includes 1.5 cents per Mcf tax reimbursement.
[14] Settlement rate established by the Commission's order issued Feb. 9, 1962, in Docket Nos. G–15170, et al.
[15] Three-Step periodic rate increase.
[16] Initial rate.
[17] Includes 1.75 cents per Mcf tax reimbursement.
[18] Includes 1.875 cents per Mcf tax reimbursement.

With the exception of the proposed periodic rate increase filed by McAlester Fuel Company for the sale of natural gas to Texas Eastern Transmission Company from the Fort Lynn Field, Miller County, Arkansas,[2] the proposed increased rates and charges listed herein exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56)

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 25, 1963.

By the Commission. Commissioners O'Connor and Woodward not participating in the suspension of the filings in Docket No. RI64–163, W. C. McBride, Inc. and Docket No. RI64–165, Continental Oil Company.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–10905; Filed, Oct. 16, 1963; 8:45 a.m.]

[2] There is no established ceiling for increased rates for gas sold in Arkansas.

[Docket No. G–4992 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates

OCTOBER 9, 1963.

Humble Oil & Refining Company, Docket No. G–4992; Shell Oil Company, Docket No. G–5077; Alco Oil and Gas Corporation (Operator and Agent for G. W. Breuer, et al.), Docket No. G–9103; Alco Oil and Gas Corporation (Operator and Agent for G. W. Breuer, et al.), Docket No. G–9985; Shell Oil Company (Operator and Agent), et al., Docket No. G–13308; W. L. McKnight, d.b.a. Arrowhead Exploration Company (Operator), et al. (successor to Ridgmorr Oil Company (Operator), et al., Docket No. CI62–212; Humble Oil & Refining Company (Operator), et al., Docket No. CI62–619; Consolidated Oil & Gas, Inc., Docket No. CI62–1058; Ryan Consolidated Petroleum Corporation (successor to McAlester Fuel Company), Docket No. CI62–1113; Cooperative Refinery Association, Docket No. CI62–1525; Cooperative Refinery Association, Docket No. CI62–1526; Cooperative Refinery Association, Docket No. CI62–1527; Ryan Consolidated Petroleum Corporation (successor to McAlester Fuel Company), Docket No. CI63–206; Ryan Consolidated Petroleum Corporation (successor to McAlester Fuel Company), Docket No. CI63–231; King-Stevenson Gas and Oil Company, et al., Docket No. CI63–293; Petroleum Exploration, Inc. of Texas, et al. (successor to Miami Petroleum Company, Inc.), Docket No. CI63–366; Petroleum Exploration, Inc. of Texas, et al., Docket No. CI63–412; Mayflo Oil Company, Docket No. CI63–872; Thomas E. Berry (Operator), et al., Docket No. CI63–1059; Harper Oil Company (Operator), et al., Docket No. CI63–1074; Braden Drilling, Inc., Docket No. CI63–1096; Dorchester Gas Producing Company, Docket No. CI63–1146; Frank Parkes, Docket No. CI63–1290; Paul H. Umbach (successor to Wayne Moore, et ux.), Docket No. CI63–1325; Gulf Oil Corporation, Docket No. CI63–1327; Helmerich & Payne, Inc. (Operator), et al., Docket No. CI63–1333; John L. Morrison, et al., Docket No. CI63–1366; Service Drilling Company (Operator), et al., Docket No. CI63–1382; Parker Petroleum Company, Inc. (Operator), et al., Docket No. CI63–1387; Columbian Fuel Corporation, Docket No. CI63–1454; La Gloria Oil and Gas Company, Docket No. CI63–1468; Kingwood Oil Company, Docket No. CI63–1492; E. L. Fundingsland (Operator), et al., Docket No. CI63–1536; Colorado Oil and Gas Corporation, Docket No. CI63–1565.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and psia pressure base	Related rate schedule: Number	Related rate schedule: Supplement
G–4992 C–5/3/63	Humble Oil & Refining Co., Katie Pool, Garvin County, Okla.	Lone Star Gas Co.	12.35 cents [1] at 14.65 psia.	171	10
G–5077 D–3/26/63	Shell Oil Co., Springdale Field, Logan County, Colo.	Kansas-Nebraska Natural Gas Co., Inc.	12.7 cents at 14.65 psia.	89	9, 10
G–9103 4/24/63	Alco Oil and Gas Corp. (Operator and Agent for G. W. Breuer, et al.) (Amend certificate to make Applicant operator and agent) Zim Field, Starr County, Tex.	Tennessee Gas Transmission Co.	14.6 cents at 14.65 psia.	2	1–7
G–9985	(See Docket No. G–9103).				
G–13308 D–8/30/62	Shell Oil Co. (Operator), et al., Laverne Field, Harper County, Okla.	Michigan Wisconsin Pipe Line Co.	17.0 cents at 14.65 psia.	181	8
CI62–212 5/6/63	W. L. McKnight, d.b.a. Arrowhead Exploration Co. (Operator), et al. (successor to Ridgmorr Oil Co., et al.) (Amend to make Applicant operator), P. A. Harbaugh Lease, Ochiltree County, Tex.	Northern Natural Gas Co.	17.0 cents at 14.65 psia.	7	1, 2
CI62–619 A–12/8/61	Humble Oil & Refining Co. (Operator), et al., Mocane-Light Field, Beaver County, Okla.	Western Gas Service Co.	9.8262 cents at 14.65 psia.	297	----------
CI62–1058 C–2/18/63 [2]	Consolidated Oil & Gas, Inc., Tapacito, Blanco, Mesa-Verde, and Basin Dakota Fields, Rio Arriba County, N. Mex.	El Paso Natural Gas Co.	13.0 cents at 15.025 psia.	13	10

Filing code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

See footnotes at end of table.

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and psia pressure base	Related rate schedule	
				Number	Supplement
C163-1333, 4/19/63	Helmerich & Payne, Inc. (Operator), et al. (abandon service authorized in Docket No. C163-354 due to explosion of compressor) East Brady Field, Garvin County, Okla.	Lone Star Gas Co.		33	3
C163-1366, A-5/6/63	John O. Moore, et al., Blanco Mesa Verde Field, San Juan County, N. Mex.	El Paso Natural Gas Co.	11.0 cents at 15.025 psia.	1	1-4
C163-1382, A-5/9/63	Service Drilling Co. (Operator), et al, Texas County, Okla.	Western Gas Service Co.	14.5 cents at 14.65 psia.	4	
C163-1387, 5/10/63	Parker Petroleum Co., Inc. (abandon service authorized in Docket No. G-11398 due to water encroachment) Harber County, Kans.	Cities Service Gas Co.		5	6
C163-1454, 5/10/63	Columbian Fuel Corp., Texas County, Okla.	Panhandle Eastern Pipe Line Co.	17.0 cents at 14.65 psia.	75	3
C163-1466, A-5/31/63	Lone Oak Gas Co., Waukomis Field, Garfield County, Okla.	Arkansas Louisiana Gas Co.	15.0 cents at 14.65 psia.	18	1
C163-1492, A-6/6/63	Kingwood Oil Co., North Cooper Field, Blaine and Kingfisher Counties, Okla.	do	15.0 cents at 14.65 psia.	15 15	1,2
C163-1536, A-6/10/63	E. L. Fumiglietti (Operator), et al., Dukes-Arriba Field, Rio Arriba County, N. Mex.	El Paso Natural Gas Co.	13.0 cents at 15.025 psia.	2 2	1
C163-1565, A-6/6/63	Colorado Oil & Gas Corp., Cage Ranch Field, Brooks County, Tex.	Trunkline Gas Co.	13.3746 cents at 14.65 psia.	54	

[1] Subject to refund in Docket No. R160-270.
[2] This filing was submitted as an amendment to a pending certificate application; however, it was not submitted in time to be included in the certificate notice and order.
[3] Subject to refund in Docket No. R161-461.
[4] Supersedes Harper Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10896; Filed, Oct. 16, 1963; 8:45 a.m.]

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and psia pressure base	Related rate schedule	
				Number	Supplement
C162-1113, 5/15/63 B-10-1/63	Ryan Consolidated Petroleum Corp. (successor to McAlester Fuel Co.) New Milton District, Doddridge County, W. Va.	Hope Natural Gas Co.	25.0 cents at 15.325 psia.	1 1	1 1-4
C162-1825, 1/7/63	Cooperative Refinery Association (change in delivery point) Rich Valley Field, Grant County, Okla.	Arkansas Louisiana Gas Co.	11.0 cents at 14.65 psia.	5	3,4
C162-1826, 1/7/63	Cooperative Refinery Association (change in delivery point) Salt Fork Field, Grant County, Okla.	do	11.0 cents at 14.65 psia.	3	3
C162-1827, 1/7/63	Cooperative Refinery Association (change in delivery point) Salt Fork Field, Grant and Garfield Counties, Okla.	do	11.0 cents at 14.65 psia.	4	3
C163-206, 5/15/63	Ryan Consolidated Petroleum Corp. (successor to McAlester Fuel Co.) (succession) Washington District, Calhoun County, W. Va.	Hope Natural Gas Co.	25.0 cents at 15.325 psia.	2 2	1
C163-231, 5/15/63	Ryan Consolidated Petroleum Corp. (successor to McAlester Fuel Co.) (succession) New Milton District, Doddridge County, W. Va.	do	25.0 cents at 15.325 psia.	3 3	1
C163-293, D-1/22/63	King-Stevenson Gas and Oil Co. (Agent), et al., Major County, Okla.	Panhandle Eastern Pipe Line Co.	15.0 cents at 14.65 psia.	3	3
C163-366, 9/17/62	Petroleum Exploration, Inc. of Texas, et al. (succesor to Miami Petroleum Co., Inc.) (succession). Upton-Clearfork Field, Upton County, Tex.	El Paso Natural Gas Co.	17.2295 cents [3] at 14.65.	10 10	1
C163-412, A-10/1/62 B-3/29/63	Petroleum Exploration, Inc. of Texas, et al., Spraberry Formation, Upton County, Tex.	do	16.0 cents at 14.65 psia.	12	1-8
C163-872, A-1/15/63	Mayfo Oil Co., Guymon-Hugoton Field, Beaver County, Okla.	Western Gas Service Co.	17.0 cents at 14.65 psia.	10	1-6
C163-1059, A-2/21/63	Thomas E. Berry (Operator), et al., Guymon-Hugoton Field, Texas County, Okla.	do	14.5 cents at 14.65 psia.	9	1-8
C163-1074, A-2/25/63	Harper Oil Company (Operator) et al., Oklahoma City, Okla.	Cities Service Gas Co.	12.0 cents at 14.65 psia.	431	10
C163-1096, A-3/1/63	Brodhead Drilling Co., Inc., Davis Ranch Area, Barber County, Kans.	do	13.0 cents at 14.65 psia.	8 8	1-3
C163-1146, A-3/11/63	Dorchester Gas Producing Co., Guymon-Hugoton Field, Texas County, Okla.	Western Gas Service Co.	16.0 cents at 14.65 psia.	6	1-3
C163-1290, A-4/1/63	Frank Parkes, Carnick Field, Beaver County, Okla.	Natural Gas Pipeline Co. of America.	12.0 cents at 14.65 psia.	3	1-6
C163-1325, 3/13/63	Paul H. Umbach (successor to Wayne Moore et ux.) (succession), Blanco Field, San Juan and Rio Arriba Counties, N. Mex.	El Paso Natural Gas Co.	12.0 cents at 15.025 psia.	1 1	1-13
C163-1327, 4/24/63	Gulf Oil Corp., (abandon service authorized in Docket No. G-4640 due to depletion of reserves) Fox Field, Carter County, Okla.	Lone Star Gas Co.		31	1

See footnotes at end of table.

[Docket No. RI64-13—RI64-15]

SKELLY OIL CO. ET AL.

Order Amending Order Issued July 15, 1963, Providing for Hearings on and Suspension of Proposed Changes in Rates; and Allowing Rate Changes To Become Effective Subject to Refund

OCTOBER 10, 1963.

Skelly Oil Company (Operator), et al., Docket No. RI64-13; Skelly Oil Company, Docket No. RI64-14; Sun Oil Company, Docket No. RI64-15.

On July 15, 1963, the Commission issued its order providing for hearings on and suspension of proposed changes in rates and allowing rate changes to become effective subject to refund in the above-designated proceedings. By its order, the Commission suspended for one day the producers' rate filings listed below:

Docket No.	Producer	Rate schedule number	Supplement number
RI64-13	Skelly Oil Co. (Operator), et al.	157 141	3 13
RI64-14	Skelly Oil Co	46 107	13 13
RI64-15	Sun Oil Co	129 61 58	3 10 16

The suspension order indicated that all of the proposed rate increases involved therein reflected reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax * * * and were suspended because of El Paso Natural Gas Company's (El Paso) protest and because they exceeded the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, 2.56). Said order also provided that the hearings should concern themselves with the contractual basis for the proposed rates as well as the lawfulness of the producers' proposed rate changes.

By letter dated August 5, 1963, El Paso requests that the Commission's order issued July 15, 1963, in the proceedings entitled Skelly Oil Company (Operator), et al., Skelly Oil Company, and Sun Oil Company, Docket Nos. RI64-13, RI64-14 and RI64-15, respectively, be modified to reflect that El Paso has not opposed the proposed rate increases suspended therein. Since the rate filings of the three aforementioned producers reflect partial reimbursement for the 0.55 percent tax increase only from (2.0 to 2.55 percent) in the New Mexico Emergency Oil and Gas Emergency School Tax and El Paso is protesting only those tax reimbursement filings in excess of 0.55 percent, there is no necessity in the hearings provided for in said order to entertain the question of the contractual basis for such filings. Accordingly, with respect to these three producers' rate filings, the hearings should concern themselves only with the lawfulness of the producers' proposed rate changes. We shall therefore amend the suspension order issued July 15, 1963, in these proceedings to so provide.

The Commission finds: Good cause exists for amending the order issued July 15, 1963, to the extent hereinafter provided.

The Commission orders:

(A) The hearings in Docket Nos. RI 64-13, RI64-14 and RI64-15 shall concern themselves only with the lawfulness of the increased rates involved therein.

(B) In all other respects, the order issued by the Commission on July 15, 1963, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10971; Filed, Oct. 16, 1963; 8:45 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 106-53]

CIVIL RIGHTS CONGRESS

Notice of Fact That Order Has Become Final Requiring Registration as a Communist-Front Organization

Robert F. Kennedy, Attorney General of the United States, Petitioner, v. Civil Rights Congress, Respondent.

Pursuant to section 13(g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq.), the Subversive Activities Control Board on July 26, 1957, duly issued and served a report and order requiring the Civil Rights Congress to register as a Communist-front organization under section 7 of said Act. Publication of the order appeared in the FEDERAL REGISTER for August 1, 1957.

In disposing of the appeal timely brought by William L. Patterson, liquidator of Civil Rights Congress, pursuant to section 14(a) of said Act, the United States Court of Appeals for the District of Columbia Circuit on May 23, 1963, found that the petitioner at bar failed to prove to any satisfactory degree that the organization was dissolved, and allowed said petitioner a time certain in which to file a memorandum or brief on the merits of the petition for review. No memorandum or brief having been filed, the court on motion of its respondent dismissed the petition for review by order dated July 3, 1963.

The time allowed in section 14 (a) and (b) (2) for filing a petition for certiorari having expired and no such petition having been duly filed, notice is hereby given pursuant to section 13(k) of the fact that said order of the Subversive Activities Control Board has become final under the provisions of section 14(b) (2) of said Act.

Washington, D.C., October 11, 1963.

By the Board.

[SEAL] FRANCIS A. CHERRY,
Chairman.

[F.R. Doc. 63-10979; Filed, Oct. 16, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER, 14, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38595: *Substituted service—IC, NJI&I and Wab. for Lee American Freight System, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, agent (No. 81), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Memphis, Tenn., and South Bend, Ind., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Central and Southern Motor Freight Tariff Association, Incorporated, agent, tariff MF-I.C.C. 272.

FSA No. 38596: *Tin or terne plate to points in southern territory.* Filed by Illinois Freight Association, agent (No. 216), for interested rail carriers. Rates on tin or terne plate, as described in the application, in carloads, from points in Chicago, Ill., district, to New Orleans, La., Pascagoula, Miss., Dade City, also specified points in Florida.

Grounds for relief: Market competition.

Tariff: Supplement 28 to Illinois Freight Association, agent, tariff I.C.C. 989.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10986; Filed, Oct. 16, 1963; 8:46 a.m.]

[Notice No. 881]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 14, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65869. By order of October 9, 1963, Division 3, Acting as an Appellate Division, approved the transfer to Gray Moving & Storage, Inc., Denver, Colo., of a portion of Certificate No. MC 33624, issued June 13, 1941, to Buehler Transfer Company, a corporation, Denver, Colo., authorizing the transportation of household goods, over irregular routes, between Denver, Colo., and points within ten miles thereof, on the one hand, and on the other, points in New Mexico and Utah.

Marion F. Jones, 526 Denham Building, Denver 2, Colo., attorney for transferee.

Raymond B. Danks, First National Bank Building, 17th and Welton Streets, Denver 2, Colo., attorney for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–10987; Filed, Oct. 16, 1963; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

OCTOBER 11, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period October 14, 1963, through October 23, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10976; Filed, Oct. 16, 1963; 8:45 a.m.]

[File No. 812–1603]

LIFE AND FINANCE COMPANIES, INC.

Notice of and Order for Hearing on Application for Order That Company is Not an Investment Company; Notice of Application for Order Extending Period of Exemption From Provisions of Act

OCTOBER 10, 1963.

Notice is hereby given that Life and Finance Companies, Inc. ("Applicant"), 21 North Pennsylvania Street, Indianapolis 4, Indiana, a corporation organized and existing under the laws of the State of Indiana, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of business. Applicant has also filed an amendment to said application requesting the Commission to enter an order pursuant to section 3(b)(2) of the Act extending the period during which the Applicant is exempt from all provisions of the Act applicable to investment companies, as more fully described hereinafter.

Section 3(a)(1) of the Act defines an investment company as an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities. Section 3(a)(3) of the Act defines an investment company as an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of section 3(a)(3), "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Applicant's audited balance sheet as of April 30, 1963, filed as an exhibit to the application, shows total assets, stated at cost, to be $1,759,754, of which $4,156 consist of cash. Included in the assets shown on such balance sheet are Applicant's holdings of securities of two insurance companies with an aggregate cost of $1,751,537, of which $452,529 are applicable to 135,939 shares or 12 percent of the outstanding common stock of Great Fidelity Life Insurance Company ("Great Fidelity"), and $1,299,008 are applicable to 327,019 shares or 19 percent of the outstanding common stock of Wabash Fire & Casualty Insurance Company ("Wabash"). Applicant states that it is an investment company as defined in section 3(a)(3) of the Act by virtue of the fact that more than 40 percent of the value of its assets consists of securities of Great Fidelity and Wabash, which are "investment securities" under the Act.

Applicant states that directors and members of its Advisory Board own 90,658 shares of Great Fidelity common stock and that directors of Great Fidelity who are not also directors of Applicant but who have been elected and reelected as management nominees own an additional 32,924 shares of Great Fidelity common stock. Applicant and the foregoing persons own a total of 259,521 shares or 21.6 percent of the outstanding common stock of Great Fidelity. Seven of the twelve directors of Great Fidelity are also directors of Applicant, and John McGuirk, president of Applicant is a director and the president and chief executive officer of Great Fidelity. Applicant also states that directors and members of the Advisory Board of Applicant own 35,947 shares of Wabash common stock and that directors of Wabash who are not also directors of Applicant but who have been elected and reelected as management nominees own an additional 98,755 shares of such stock. Applicant and the foregoing persons own a total of 461,721 shares or 27 percent of the outstanding common stock of Wabash. Applicant further states that it has an option to purchase an additional 786,488 shares of Wabash common stock and if it exercised said option its direct holdings would amount to 44 percent of the total then outstanding, and the combined holdings of Applicant and its shareholders or affiliates would amount to 46 percent (or 49.9 percent, including the shares owned by the other Wabash directors). Three of the seventeen directors of Wabash are also directors of Applicant, and John McGurk, president of Applicant, is a director and the president and chief executive officer of Wabash. Applicant states that it believes it controls Great Fidelity and Wabash.

Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses. Section 3(b)(2) further provides that the filing of an application thereunder shall exempt the applicant for a period of sixty days from all provisions of the Act applicable to investment companies as such. The instant application was filed by Applicant on July 19, 1963. Section 3(b)(2) also provides that for cause shown the Commission by order may extend such period of exemption. Applicant has requested an extension of the exemption period until such time as the Commission has entered an order determining Applicant's status pursuant to section 3(b)(2) of the Act. Applicant has undertaken that if the order extending the exemption period is entered, it will not, without prior permission of the Commission, engage in any transaction or take any action which would be prohibited to a registered investment company.

Notice is further given that, in respect of the amendment requesting an order extending the exemption period, any interested person may, not later than the 25th day of October, 1963 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein insofar as it relates to said requested exemption may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 3(b)(2) of the Act:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 6th day of November 1963 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That Sidney Ullman, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matter and question is presented for consideration, without prejudice to its specifying additional matters and questions upon further examination: Whether Life & Finance Companies, Inc., is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses:

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matter and question.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Life & Finance Companies, Inc., and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10977; Filed, Oct. 16, 1963; 8:45 a.m.]

[File No. 1–4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

OCTOBER 11, 1963.

In the matter of trading on the American Stock Exchange In the Common Stock, 67 cents par value, of Tastee Freez Industries, Inc., File No. 1–4722.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period October 14, 1963, through October 23, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–10978; Filed, Oct. 16, 1963; 8:45 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11122

ESTABLISHING THE RURAL DEVELOPMENT COMMITTEE

WHEREAS a substantial number of families, both farm and nonfarm, living in rural areas have relatively low cash incomes and do not share equitably in the economic and social progress of the Nation, and it is desirable to encourage and assist such families by providing greater opportunity for their participation in the Nation's production of goods and services and in community, civic, and other affairs; and

WHEREAS the Federal Government, in cooperation with the several States and local governments and private agencies and individuals, pursues a rural-development program designed to develop the human resources in rural America by a series of concerted actions to identify the needs of low-income rural people and to help them to achieve greater rewards for their contributions to our national progress; and

WHEREAS the meeting of legitimate rural-development needs requires vigorous and sustained Federal effort; and

WHEREAS it is necessary to provide suitable Federal organization for the purpose of promoting the coordination of the efforts of the various departments and agencies in this work:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby created the Rural Development Committee (hereinafter referred to as the "Committee") which shall consist of the following members, all ex officio: the Secretary of Agriculture, who shall be the chairman of the Committee, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Labor, the Secretary of the Treasury, the Housing and Home Finance Administrator, and the Administrator of the Small Business Administration. The chairman may from time to time invite the participation of officials of other agencies of the executive branch interested in the functions of the Committee. Each member of the Committee may designate an officer of his agency to act for him as a member of the Committee with respect to any matter considered by the Committee.

SEC. 2. The Committee shall provide leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural-development program functions and related activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the work.

SEC. 3. In conducting its activities, the Committee shall place particular emphasis on effective public and private cooperation and leadership for rural development at the State and local levels, and to that end, shall provide guidance for the conduct of Federal rural-development program functions and related activities in a manner designed to produce optimum State, local, and private participation and initiative in identifying and meeting local needs.

SEC. 4. The Secretary of Agriculture and the Secretary of Commerce, jointly and individually, shall institute and maintain appropriate measures for the effective coordination of each of the following: (1) the rural-development program of the Department of Agriculture and the functions of the Department of Commerce under the Area Redevelopment Act (75 Stat. 47), and (2) the activities of the Committee and the activities of the Area Redevelopment Advisory Policy Board (75 Stat. 48).

SEC. 5. Each department and agency responsible for functions and activities that can contribute to the objectives of the rural-development program and related activities shall carry those functions and activities forward in such a manner as to make the fullest possible contribution to the objectives of rural development.

SEC. 6. The departments and agencies represented on the Committee shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Committee in consonance with Section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include the detailing of employees to the Committee, one of whom may serve as its executive secretary, to perform such functions consistent with the purpose of this order as the Committee may assign to them.

SEC. 7. Nothing in this order shall be deemed to authorize any executive department or any other executive agency established by law to carry out any program which is inconsistent with law.

SEC. 8. Executive Order No. 10847 of October 12, 1959, is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 16, 1963.

[F.R. Doc. 63-11106; Filed, Oct. 17, 1963; 11:03 a.m.]

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6682]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Sales Under a Revolving Credit Plan as Sales on Installment Plan

On October 9, 1962, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954 (relating to the installment method of accounting) to provide rules for treating sales under a revolving credit plan as sales on the installment plan was published in the FEDERAL REGISTER (27 F.R. 9920). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 1.453–1 is amended to read as follows:

§ 1.453–1 Installment method of reporting income.

(a) *In general.* (1) Section 453 permits dealers in personal property, that is, persons who regularly sell or otherwise dispose of personal property on the installment plan, to elect to return the income from the sale or other disposition thereof on the installment method. To the extent provided in paragraph (d) of § 1.453–2, sales under a revolving credit type plan will be treated as sales on the installment plan and the income from the sales so treated may be returned on the installment method. A dealer who makes sales of personal property under both a revolving credit plan and a traditional installment plan may elect to report only sales under the traditional installment plan on the installment method; or he may elect to report only sales under the revolving credit plan on the installment method; or he may elect to report both sales under the revolving credit plan and the traditional installment plan on the installment method. A traditional installment plan usually has the following characteristics:

(i) The execution of a separate installment contract for each sale of personal property, and

(ii) The retention by the dealer of some type of security interest in such property.

(2) The installment method may also be applied with certain limitations (see paragraph (c) of this section) to the sale or other disposition of real property and the casual sale or other casual disposition of certain personal property.

PAR. 2. Section 1.453–2 is amended to read as follows:

§ 1.453–2 Special rules applicable to dealers in personal property.

(a) *In general.* A person who regularly sells personal property on the installment plan may adopt (but is not required to do so) one of the following four ways of protecting his interest in case of default by the purchaser:

(1) By an agreement that title is to remain in the vendor until the purchaser has completely performed his part of the transaction;

(2) By a form of contract in which title is conveyed to the purchaser immediately, but subject to a lien for the unpaid portion of the selling price;

(3) By a present transfer of title to the purchaser, who at the same time executes a reconveyance in the form of a chattel mortgage to the vendor; or

(4) By conveyance to a trustee pending performance of the contract and subject to its provisions.

(b) *Definition of sale on the installment plan.* The term "sale on the installment plan" means—

(1) A sale of personal property by the taxpayer under any plan for the sale or other disposition of personal property, which plan, by its terms and conditions, contemplates that each sale under the plan will be paid for in two or more payments, or

(2) A sale of personal property by the taxpayer under any plan for the sale or other disposition of personal property—

(i) Which plan, by its terms and conditions, contemplates that such sale will be paid for in two or more payments, and

(ii) Which sale is in fact paid for in two or more payments.

Normally, a sale under a traditional installment plan (as described in paragraph (a)(1) of this section), meets the requirements of subparagraph (1) of this paragraph. See paragraph (d) of this section for the application of the requirements of subparagraph (2) of this paragraph to sales under revolving credit plans.

(c) *Installment income of dealers in personal property.* The income from sales on the installment plan of a dealer, that is, a person regularly engaged in the sale of personal property on the installment plan, may be ascertained by by treating as income that proportion of the total payments received in the taxable year from sales on the installment plan (such payments being allocated to the year against the sales of which they apply) which the gross profit realized or to be realized on the total sales on the installment plan made during each year bears to the total contract price of all such sales made during that respective year. However, if the dealer demonstrates to the satisfaction of the district director that income from sales on the installment plan is clearly reflected, the income from such sales may be ascertained by treating as income that proportion of the total payments received in the taxable year from sales on the installment plan (such payments being allocated to the year against the sales of which they apply) which either (1) the gross profit realized or to be realized on the total credit sales made during each year bears to the total contract price of all credit sales during that respective year, or (2) the gross profit realized or to be realized on all sales made during each year bears to the total contract price of all sales made during that respective year. See, however, paragraph (d)(6)(vi) of this section for rules permitting, under certain circumstances, all sales under a revolving credit plan to be considered as having been made in the taxable year. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method in accordance with the provisions of this section, section 446, and § 1.446–1.

(d) *Revolving credit plans.* (1) To the extent provided in this paragraph, sales under a revolving credit plan will be treated as sales on the installment plan. The term "revolving credit plan" includes cycle budget accounts, flexible budget accounts, continuous budget accounts, and other similar plans or arrangements for the sale of personal property under which the customer agrees to pay each billing-month (as defined in subparagraph (6)(iii) of this paragraph) a part of the outstanding balance of his account. Sales under a revolving credit plan do not constitute sales on the installment plan merely by reason of the fact that the total debt at the end of a billing-month is paid in installments. The terms and conditions of a revolving credit plan do not contemplate that each sale under the plan will be paid for in two or more payments and thus do not meet the requirements of paragraph (b)(1) of this section. In addition, since under a revolving credit plan payments are not generally applied to liquidate any particular sale, and since the terms and conditions of such plan contemplate that account balances may be paid in full or in installments, it is generally impossible to determine that a particular sale under a revolving credit plan is to be or is in fact paid for in installments so as to meet the requirements of paragraph (b)(2) of this section. However, subparagraphs (2) and (3) of this paragraph provide rules under which a certain percentage of charges under a revolving credit plan will be treated as sales on the installment plan. For purposes of arriving at this percentage, these rules, in general, treat as sales on the installment plan those sales under a

revolving credit plan (1) which are of the type which the terms and conditions of the plan contemplate will be paid for in two or more installments and (2) which are charged to accounts on which subsequent payments indicate that such sales are being paid for in two or more installments.

(2) (i) The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts and by applying the rules contained in subparagraph (3) of this paragraph to determine what percentage of charges in the sample is to be treated as sales on the installment plan. (See subparagraph (5) of this paragraph for rules to be used if some of the sales under a revolving credit plan are nonpersonal property sales (as defined in subparagraph (6)(iv) of this paragraph).) Such segregation shall be made of charges which make up the balances in the sample accounts as of the end of each customer's last billing-month ending within the taxable year. (See subparagraph (6)(v) of this paragraph for rules to be used in determining which charges make up the balance of an account.) However, in making such segregation, any account to which a sale is charged during the taxable year on which no payment is credited after the billing-month within which the sale is made (hereinafter called the "billing-month of sale") and on or before the end of the first billing-month ending in the taxpayer's next taxable year shall be disregarded and not taken into account in the determination of what percentage of charges in the sample is to be treated as sales on the installment plan. In order to obtain a probability sample, the accounts shall be selected in accordance with generally accepted probability sampling techniques. The appropriateness of the sampling technique and the accuracy and reliability of the results obtained must, if requested, be demonstrated to the satisfaction of the district director. If the district director is not satisfied that the taxpayer's sample is appropriate or that the results obtained are accurate and reliable, the taxpayer shall recompute his sample percentage or make appropriate adjustments to his original computations in a manner satisfactory to the district director. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample.

(ii) For taxable years ending before January 31, 1964, a taxpayer who has reported for income tax purposes all or a portion of sales under a revolving credit plan as sales on the installment method may apply the percentage obtained for the first taxable year ending on or after such date in determining the percentage of charges under a revolving credit plan for such prior taxable year (or years) which will be treated as sales on the installment plan.

(3) For the purpose of determining the percentage described in subparagraph (2) of this paragraph, a charge under a revolving credit plan will be treated as a sale on the installment plan only if such charge is a sale (as defined in subparagraph (6)(i) of this paragraph) and meets the requirements contained in subdivisions (i) and (ii) of this subparagraph.

(i) The sale must be of the type which the terms and conditions of the plan contemplate will be paid for in two or more installments. If the aggregate of sales charged during a billing-month to an account under a revolving credit plan exceeds the required monthly payment, then all sales during such billing-month shall be considered to be of the type which the terms and conditions of such plan contemplate will be paid for in two or more installments. The required monthly payment shall be the amount of the payment which the terms and conditions of the revolving credit contract require the customer to make with respect to a billing-month. If the amount of such payment is not fixed at the date the contract is entered into, but is dependent upon the balance of the account, then such amount shall be the amount that the customer is required to pay (but not including any past-due payments) as shown on the statement either (*a*) for the last billing-month ending within the taxpayer's taxable year or (*b*) for the billing-month of sale, whichever method the taxpayer adopts for all his accounts. A taxpayer shall not change such method of determining the required monthly payment based upon the balance of the account without obtaining the consent of the district director. In any case where the required monthly payment is not set in accordance with a consistent method used during the entire taxable year, the district director may determine the required monthly payment in accordance with the method used during the major portion of such taxable year if he determines that the use of such method is necessary in order to reflect properly the income from sales under a revolving credit plan. The requirements stated in this subdivision may be illustrated by the following examples:

Example (1). Under the terms of a revolving credit plan the required monthly payment to be made by customer A is $20. During the billing-month ending in December, sales aggregating $80 are charged to customer A's account, and during the next billing-month, ending in January, sales aggregating $19.95 and finance charges of $.60 are charged to A's account. Since the aggregate of sales charged to customer A's account during the billing-month ending in December ($80) exceeds the required monthly payment ($20), the terms and conditions of the plan contemplate that the sales charged during such billing-month are of the type which will be paid for in two or more installments. Since the aggregate of sales charged to customer A's account during the billing-month ending in January ($19.95) does not exceed the required monthly payment, the sales making up the aggregate of sales in such billing-month are not of the type which the terms and conditions of the plan contemplate will be paid for in two or more installments.

Example (2). The terms of a revolving credit plan require a payment of 20 percent of the balance of the customer's account as of the end of the billing-month for which the statement is rendered. A customer makes purchases aggregating $25 in his next to the last billing-month ending within the taxpayer's taxable year, and the balance at the end of that month is $150. At the end of the customer's last billing-month ending within the taxpayer's taxable year, the balance of the account has decreased to $110. If the taxpayer determines the required monthly payment by reference to the payment required on the statement for the last billing-month ending within the taxable year and applies such method consistently to all accounts, then the sales making up the $25 aggregate of sales are of the type which the terms and conditions of the plan contemplate will be paid for in two or more installments. Although such aggregate was less than the $30 payment (20% × $150) required on the statement rendered for the billing-month of sale, it was more than the $22 (20% × $110) that the customer was required to pay on the statement rendered for his last billing-month ending within the taxable year, and thus meets the requirements of this subdivision. If, however, the taxpayer determines the required monthly payment by reference to the payment required on the statement for the billing-month of sale, then the sales making up the aggregate of sales during such billing-month do not meet the requirements of this subdivision because such aggregate was less than the $30 payment required on the statement rendered for such month.

(ii) The sale must be charged to an account on which the first payment after the billing-month of sale indicates that the sale is being paid in installments. The first payment after the billing-month of sale indicates that the sale is being paid in installments if, and only if, such payment is an amount which is less than the balance of the account as of the close of the billing-month of sale. For purposes of this subdivision, such balance shall be reduced by any return or allowance credited to the account after the close of the billing-month of sale and before the close of the billing-month within which the first payment after the billing-month of sale is credited to the account, unless the taxpayer demonstrates that the return or allowance was attributable to a charge made in a month subsequent to the billing-month of sale. The requirements stated in this subdivision may be illustrated by the following examples, in which it is assumed that the taxpayer's annual accounting period ends on January 31.

Example (1). Customer A's revolving credit account shows the following sales and payments:

Month ending	Aggregate sales in month	Payments	Balance
December 20	$150	0	$150
January 20	75	$30	195
February 20	0	195	0

All sales made in the billing-month ending December 20 meet the requirements of this subdivision because the first payment on the account after such billing-month ($30) was less than the balance of the account as of the close of such billing-month ($150); and none of the sales made in the billing-month ending January 20 meets the requirements of this subdivision because the balance of the account as of the end of such billing-month was liquidated in one payment. By application of the rules of subparagraph (6)(v) of this paragraph, the balance in the account as of the last billing-month ending in the taxable year ($195) consists of $120 of the $150 of sales made in the billing-month ending December 20 and all of the $75 of sales made in the billing-month ending January 20. Therefore, $120 of the account balance meets the requirements of this subdivision and $75 does not.

Example (2). Customer B's revolving credit account shows the following sales and payments:

Month ending	Aggregate sales in month	Payments	Balance
December 20	$50	0	$50
January 20	100	0	150
February 20	0	$50	100

None of the sales made in the billing-month ending December 20 meets the requirements of this subdivision because the first payment credited to the account after such billing-month ($50) is not less than the balance of the account as of the close of such month ($50). All of the sales made in the billing-month ending January 20 meet the requirements of this subdivision because the first payment after such billing-month ($50) is less than the balance of the account as of the close of such month ($150).

Example (3). Customer C's revolving credit account shows the following purchases and credits:

Month ending	Item	Charges	Credits	Balance
January 20	Coat	$55		
	Dress	40		
	Shirt	5		$100
February 20	Return		$5	
	Payment		95	0

None of the sales made in the billing-month ending January 20 meets the requirements of this subdivision because the first payment credited to the account after such billing-month ($95) was equal to the balance of the account as of the end of such billing-month, $95. For this purpose, the balance of $100 is reduced by the $5 return which was credited to the account after the close of the billing-month of sale and before the close of the billing-month within which the first payment after the billing-month of sale is credited.

(4) The provisions of subparagraphs (2) and (3) of this paragraph may be illustrated by the following examples in which it is assumed that the taxpayer is a dealer in personal property whose annual accounting period ends on January 31.

Example (1). Customer A's revolving credit ledger account shows the following:

Month ending	Aggregate sales in month [1]	Returns and allowances	Payments	Finance charges	Balance
October 20	$55.00	0	0	0	$55.00
November 20	45.00	0	$20.00	$.35	80.35
December 20	20.00	0	20.00	.60	80.95
January 20	26.00	$5.00	20.00	.61	82.56
February 20	0	10.00	72.56	0	0

[1] Including sales of personal property and nonpersonal property sales.

For purposes of the segregation provided for in subparagraph (2)(i) of this paragraph, customer A's account will be disregarded and not taken into account in the determination of what percentage of charges in the sample is to be treated as sales on the installment plan because no payment was credited to that account after the billing-month of sale and on or before February 20.

Example (2). Under the terms of the taxpayer's revolving credit plan, payments are required in accordance with the following schedule:

Unpaid balance:	Required monthly payment
$0—$99.99	$20
$100—$199.99	40
$200—$299.99	60

Customer B's revolving credit ledger account shows the following:

Month ending	Aggregate sales in month [1]	Returns and allowances	Payments	Finance charges	Balance
October 20	$55.00	0	0	0	$55.00
November 20	45.00	0	$20.00	$.35	80.35
December 20	20.00	0	20.00	.60	80.95
January 20	26.00	$5.00	20.00	.61	82.56
February 20	0	10.00	72.56	0	0

[1] Including sales of personal property and nonpersonal property sales.

The three $20 payments and the $5 return or allowance made in the billing-months ending in the taxable year are applied, under the rules in subparagraph (6)(v), to liquidate the earliest outstanding charges, first to the $55 aggregate of sales in the billing-month ending October 20 and next to $10 of the aggregate of sales made in the billing-month ending November 20. Thus, the balance of the account as of the close of the billing-month ending January 20, $82.56, is made up as follows:

Remainder of sales in billing-month ending Nov. 20 ($45–$10)	$35.00
Finance charge for billing-month ending Nov. 20	.35
Sales for billing-month ending Dec. 20	20.00
Finance charge for billing-month ending Dec. 20	.60
Sales for billing-month ending Jan. 20	26.00
Finance charge for billing-month ending Jan. 20	.61
	$82.56

The sales of $35 remaining from the aggregate of sales for the billing-month ending November 20 meet the requirements of subparagraph (3)(i) of this paragraph because the aggregate of sales charged during such billing-month ($45) exceeds the required monthly payment ($20), and such sales meet the requirements of subparagraph (3)(ii) of this paragraph because the first payment after the billing-month of sale ($20) is an amount less than the balance of the account as of the close of such month ($80.35). Therefore, $35 of sales will be treated as sales on the installment plan. The $20 aggregate of sales charged during the billing-month ending December 20 does not meet the requirements of subparagraph (3)(i) of this paragraph because it is in an amount which does not exceed the required monthly payment ($20). (The finance charge of $.60 added in the billing-month does not enter into the determination of the aggregate of sales for the month because the term "sales" (as defined in subparagraph (6)(i) of this paragraph) does not include finance charges.) The $26 aggregate of sales for the billing-month ending January 20 does not meet the requirements of subparagraph (3)(ii) of this paragraph because the first payment after such billing-month ($72.56) was equal to the balance of the account as of the close of such billing-month ($72.56). For this purpose, the balance of $82.56 is reduced by the $10 return or allowance which was credited after the billing-month of sale and before February 20. Thus, of the $82.56 balance of B's account as of the close of the last billing-month ending within corporation X's taxable year, $35 will be treated as sales on the installment plan for purposes of determining the percentage provided for in subparagraph (2) of this paragraph.

(5) Sales under a revolving credit plan which are nonpersonal property sales (as defined in subparagraph (6)(iv) of this paragraph) do not constitute sales on the installment plan. Therefore, the charges under a revolving credit plan must be reduced by the nonpersonal property sales, if any, under such plan, before application of the sample percentage as provided for in subparagraph (2)(i) of this paragraph. The taxpayer may treat as the nonpersonal property sales under the plan for the taxable year an amount which bears the same ratio to the total sales under the revolving credit plan made in the taxable year as the total nonpersonal property sales made in such year bears to the total sales made in such year.

(6) For purposes of this section—

(i) The term "sales" includes sales of services, such as a charge for watch repair, as well as sales of property, but does not include finance or service charges.

(ii) The term "charges" includes sales of services and property as well as finance or service charges.

(iii) A billing-month is that period of time for which a periodic statement of charges and credits is rendered to a customer.

(iv) The term "nonpersonal property sales" means all sales which are not sales of personal property made by the taxpayer. Thus, sales of a department leased by the taxpayer to another are nonpersonal property sales. Likewise, charges for services rendered by the taxpayer are nonpersonal property sales unless such services are incidental to and rendered contemporaneously with the sale of personal property, in which case such charges shall be considered as constituting part of the selling price of such property.

(v) Each payment received from a customer under a revolving credit plan before the close of the last billing-month ending in the taxable year shall be applied to liquidate the earliest outstanding charges under such plan, notwithstanding any rule of law or contract provision to the contrary. For purposes of determining which charges remain in the balance of an account at the end of the last billing-month ending in the taxable year, the taxpayer may apply returns and allowances which are credited before the close of the last billing-month ending in the taxable year either (*a*) to liquidate or reduce the charge for the specific item so returned or for which an allowance is permitted, or (*b*) to liquidate or reduce the earliest outstanding charges. The method so selected for applying returns and allowances shall be followed on a consistent basis from year to year unless the district director consents to a change. Additionally, finance or service charges which are computed on the basis of the balance of the account at the end of the previous billing-month (usually reduced by payments during the current billing-month) are accrued at the end of the current billing-month and are therefore considered, for purposes of determining the earliest outstanding charges, as charged to the account after any sales made during the current billing-month.

(vi) The taxpayer shall allocate those sales under a revolving credit plan which

are treated as sales on the installment plan to the proper year of sale in order to apply the appropriate gross profit percentage as provided for in paragraph (c) of this section. This allocation shall be made on the basis of the percentages of charges treated as sales on the installment plan which are attributable to each taxable year as determined in the sample of accounts described in subparagraph (2) of this paragraph. However, if the taxpayer demonstrates to the satisfaction of the district director that income from sales on the installment plan is clearly reflected, all sales may be considered as being made in the taxable year for purposes of applying the gross profit percentage.

(7) The provisions of this paragraph may be illustrated by the following example:

Example. Corporation X is a dealer in personal property and has elected to report on the installment method those sales under its revolving credit plan which may be treated as sales on the installment plan. Corporation X's taxable year ends on January 31, and the total balance of all its revolving credit accounts as of January 31, 1964, is $2,000,000. The total sales made in the taxable year are $10,000,000 of which $500,000 are nonpersonal property sales. The gross profit percentage realized or to be realized on all sales made in the taxable year is 40 percent. The amount of the gross profit contained in the year-end balance of $2,000,000 which may be deferred to succeeding years is computed as follows:

(i) In order to reduce the charges appearing in the year-end balance of revolving credit accounts receivable by the nonpersonal property sales contained therein, corporation X determines the amount of such nonpersonal property sales under the method permitted in subparagraph (5) of this paragraph. Corporation X first determines the ratio which total nonpersonal property sales made during the year ($500,000) bears to total sales made during the year ($10,000,000), and then applies the percentage (5 percent) thus obtained to the year-end balance of revolving credit accounts receivable ($2,000,000). The nonpersonal property sales thus determined ($100,000) is subtracted from such year-end balance to obtain the charges under the revolving credit plan appearing in the year-end balance ($1,900,000) to which the sample percentage is to be applied.

(ii) In accordance with generally accepted sampling techniques, the taxpayer selects a probability sample of all revolving credit accounts having balances for billing-months ending in January 1964. The technique employed results in a randum selection of accounts with total balances of $100,000.

(iii) Analysis of these sample accounts discloses that of the $100,000 of balances, $10,000 of balances are in accounts on which no payment was credited after a billing-month of sale and on or before the end of the first billing-month ending in the taxable year beginning February 1, 1964. These balances are, therefore, disregarded and not taken into account in the determination of what percentage of sales in the sample is to be treated as sales on the installment plan. Of the remaining $90,000 of balances, the taxpayer determines, by analyzing the ledger cards in the sample, that $63,000 of balances are composed of sales which meet the requirements of subparagraph (3) (i) and (ii) of this paragraph and are thus treated as sales on the installment plan. The remaining $27,000 of balances either did not meet the requirements of subparagraph (3) (i) or (ii) of this paragraph or were not sales (as defined in subparagraph (6)(i) of this paragraph). The percentage of charges in the sample treated as sales on the installment plan is, therefore, 70 percent ($63,000÷$90,000).

(iv) The charges in the year-end balance which are to be treated as sales on the installment plan, $1,330,000, are computed by multiplying the charges determined in subdivision (i) of this subparagraph ($1,900,000) by the percentage obtained in subdivision (iii) of this subparagraph (70 percent).

(v) The deferred gross profit attributable to sales under the revolving credit plan for the taxable year, $532,000, is determined by multiplying the amount determined in subdivision (iv) of this subparagraph, $1,330,000, by the gross profit percentage, 40 percent. (Corporation X will be able to demonstrate to the satisfaction of the district director that (*a*) since the gross profit percentage for all sales does not vary materially from the gross profit percentage for all sales made under the revolving credit plan, (*b*) since only an insubstantial amount of sales included in year-end account balances was made prior to the taxable year, and (*c*) since the prior year's gross profit percentage does not vary materially from the gross profit percentage for the taxable year, income from sales on the installment plan will be clearly reflected by applying the current year's gross profit percentage for all sales under the revolving credit plan created as sales on the installment plan.)

(e) *Treatment of payments on sales made in years prior to change to installment method.* No payments received in the taxable year shall be excluded in computing the amount of income to be returned on the ground that they were received on a sale the total profit from which was returned as income during a taxable year or years prior to the change by the taxpayer to the installment method of returning income. In this regard see section 453(c) and § 1.453–7 for the method of determining the sales on which the payments shall not be excluded and the computation of the adjustments for amounts previously included in income in the case of a change from the accrual method to the installment method. Deductible items are not to be allocated to the years in which the profits from the sales of a particular year are to be returned as income, but must be deducted for the taxable year in which the items are "paid or incurred" or "paid or accrued." See section 461 and the regulations thereunder, and section 7701 (a)(25).

PAR. 3. Section 1.453–7 is amended by revising paragraph (a) and by revising the material preceding the example in paragraph (b)(3). These revised provisions read as follows:

§ 1.453–7 Change from accrual to installment method by dealers.

(a) *In general.* A taxpayer who is a dealer in personal property and who is entitled to the benefits of section 453(a) may elect to report his taxable income on the installment method of accounting without securing consent of the Commissioner. In the event a dealer elects to change from the accrual method of accounting to the installment method for either sales under a revolving credit plan or sales on the traditional installment plan, or both types of sales (see paragraph (a)(1) of § 1.453–1), any installment payments actually received in the year of change or in subsequent taxable years on account of sales (or other dispositions of property) of a type or types for which the installment method is elected and which were made in any taxable year before the year of change shall not be excluded from taxable income. For the purpose of determining which payments on account of sales made under a revolving credit type plan shall not be excluded, the dealer shall make a determination of charges under a revolving credit plan made in any taxable year before the year of the change which under the provisions of paragraph (d) of § 1.453–2 are treated as sales on the installment plan. However, for this purpose, in lieu of the percentage determined under paragraph (d)(2) of § 1.453–2 for any such year, the percentage so determined for the year of change may be used. Profits attributable to sales on the installment plan, even though included in taxable income in their entirety in a year of sale before the year in which the change to the installment method is made, are also includible in taxable income as payments are received in the year of change and in subsequent taxable years. But the tax imposed for the year of change or any subsequent taxable years (such years being referred to as "adjustment years") beginning after December 31, 1953, shall be reduced by an adjustment proportionate to the tax attributable to the gross profit which is, by reason of the change to the installment method, included in gross income a second time, determined by the method of computation described in section 453(c) and paragraph (b) of this section.

(b) *Adjustments to tax.* • • •

(3) The computation of the adjustment provided in section 453(c)(2) may be illustrated by the following example, the principles of which are equally applicable to sales under a revolving credit plan which are reported on the installment method:

• • • • •

PAR. 4. Paragraph (a) of § 1.453–8 is amended to read as follows:

§ 1.453–8 Requirements for adoption of or change to installment method.

(a) *Dealers in personal property*—(1) *Time for election.* An election to adopt or change to the installment method for a type or types of sales must be made on an income tax return for the taxable year of the election, filed on or before the time specified (including extensions thereof) for filing such return. For a taxable year ending before October 31, 1963, the reporting of sales under a revolving credit plan on the installment method on a return for such year constitutes an election to report that type of sale on the installment method, even though no specification was made of the type or types of sales for which the election was made.

(2) *Adoption of installment method.* A taxpayer who adopts the installment method for the first taxable year in which he makes sales on the installment plan of any kind must indicate in his income tax return for that taxable year that the installment method of accounting is being adopted and specify the type or types of sales included within such election. If a taxpayer in the year of the initial election made only one type of sale on the installment plan, but during a subsequent taxable year makes another type of sale on the installment plan and adopts the installment method for such other type of sale, he must indicate in his income tax return for such subsequent year that he is electing to adopt the installment method of accounting for that type of sale.

(3) *Change to installment method.* A taxpayer who changes to the installment method for a particular type or types of sales on the installment plan in accordance with § 1.453–7 must, for each type of sale on the installment plan for which the installment method is to be used, attach a separate statement to his income tax return for the taxable year with respect to which such change is made. Each statement must show—

(i) The method of accounting used in computing taxable income before the change;

(ii) The type of sale on the installment plan for which the installment is being elected;

(iii) The span of taxable years over which it will be necessary to compute adjustments; and

(iv) A schedule similar to the schedule shown in the example in paragraph (b)(3) of § 1.453–7, showing the computation of the required adjustments under section 453(c)(2).

Similar statements must be attached to and filed with income tax returns for subsequent taxable years in which adjustments are required because of the inclusion of installment payments in gross income a second time.

PAR. 5. Paragraphs (a) and (b) of § 1.453–10 are amended to read as follows:

§ 1.453–10 Effective date.

(a) Except as provided in this section, the provisions of section 453 and §§ 1.453–1 through 1.453–9 shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

(b) The provisions of paragraphs (a)(2) and (3), (b), and (c) of § 1.453–8 shall apply to taxable years ending after December 17, 1958.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 15, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 63–11029; Filed, Oct. 15, 1963; 1:25 p.m.]

[T.D. 6683]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Controlled Foreign Corporations

On April 11, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3541) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform to sections 955, 956, and 957(c) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment containing the regulations under sections 955 and 957(c) is hereby adopted, subject to the changes set forth below. The amendment shall apply with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such corporations end. The regulations under section 956, after consideration of all such relevant matter as was presented by interested parties regarding the rules proposed, will be published at a later date.

PARAGRAPH 1. Section 1.955–1, as set forth in the notice of the proposed rule making, is revised.

PAR. 2. Section 1.955–2, as set forth in the notice of proposed rule making, is changed by revising paragraph (a)(2) and (3), by revising paragraph (b)(1) and (3) and by adding a new paragraph (b)(4), by revising paragraph (c), and by revising paragraph (d)(1).

PAR. 3. Section 1.955–3, as set forth in the notice of proposed rule making, is changed by revising paragraphs (a), (b)(2), (c)(3) and (4), and examples (3) and (4) of paragraph (d).

PAR. 4. Section 1.955–5, as set forth in the notice of proposed rule making, is changed by revising paragraphs (a), (b), and (c) and by adding a new paragraph (d).

PAR. 5. Section 1.955–6, as set forth in the notice of proposed rule making, is changed by revising paragraphs (a), (b), (c), and (d) and by deleting paragraph (e).

PAR. 6. Section 1.957–3, as set forth in the notice of proposed rule making, is changed by revising paragraphs (a)(1) and (2) and (b)(3) and (4).

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 15, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to sections 955 and 957(c) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended to include the following new sections, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

TAX BASED ON INCOME FROM SOURCES WITHIN OR WITHOUT THE UNITED STATES

INCOME FROM SOURCES WITHOUT THE UNITED STATES

Controlled Foreign Corporations

Sec.
1.955 Statutory provisions; withdrawal of previously excluded subpart F income from qualified investment.
1.955–1 Shareholder's pro rata share of amount of previously excluded subpart F income withdrawn from investment in less developed countries.
1.955–2 Amount of a controlled foreign corporation's qualified investments in less developed countries.
1.955–3 Election as to date of determining qualified investments in less developed countries.
1.955–4 Definition of less developed country.
1.955–5 Definition of less developed country corporation.
1.955–6 Gross income from sources within less developed countries.
1.957 Statutory provisions; controlled foreign corporations; United States persons.
• • • • •
1.957–3 Corporations organized in United States possessions.

§ 1.955 Statutory provisions; withdrawal of previously excluded subpart F income from qualified investment.

SEC. 955. *Withdrawal of previously excluded subpart F income from qualified investment*—(a) *General rules*—(1) *Amount withdrawn.* For purposes of this subpart, the amount of previously excluded subpart F income of any controlled foreign corporation withdrawn from investment in less developed countries for any taxable year is an amount equal to the decrease in the amount of qualified investments in less developed countries of the controlled foreign corporation for such year, but only to the extent that the amount of such decrease does not exceed an amount equal to—

(A) The sum of the amounts excluded under section 954(b)(1) from the foreign base company income of such corporation for all prior taxable years, reduced by

(B) The sum of the amounts of previously excluded subpart F income withdrawn from investment in less developed countries of such corporation determined under this subsection for all prior taxable years.

(2) *Decrease in qualified investments.* For purposes of paragraph (1), the amount of the decrease in qualified investments in less developed countries of any controlled foreign corporation for any taxable year is the amount by which—

(A) The amount of qualified investments in less developed countries of the controlled foreign corporation at the close of the preceding taxable year, exceeds

(B) The amount of qualified investments in less developed countries of the controlled foreign corporation at the close of the taxable year,

to the extent the amount of such decrease does not exceed the sum of the earnings and

profits for the taxable year and the earnings and profits accumulated for prior taxable years beginning after December 31, 1962. For purposes of this paragraph, if qualified investments in less developed countries are disposed of by the controlled foreign corporation during the taxable year, the amount of the decrease in qualified investments in less developed countries of such controlled foreign corporation for such year shall be reduced by an amount equal to the amount (if any) by which the losses on such dispositions during such year exceed the gains on such dispositions during such year.

(3) *Pro rata share of amount withdrawn.* In the case of any United States shareholder, the pro rata share of the amount of previously excluded subpart F income of any controlled foreign corporation withdrawn from investment in less developed countries for any taxable year is his pro rata share of the amount determined under paragraph (1).

(b) *Qualified investments in less developed countries*—(1) *In general.* For purposes of this subpart, the term "qualified investments in less developed countries" means property which is—

(A) Stock of a less developed country corporation held by the controlled foreign corporation, but only if the controlled foreign corporation owns 10 percent or more of the total combined voting power of all classes of stock of such less developed country corporation;

(B) An obligation of a less developed country corporation held by the controlled foreign corporation, which, at the time of its acquisition by the controlled foreign corporation, has a maturity of one year or more, but only if the controlled foreign corporation owns 10 percent or more of the total combined voting power of all classes of stock of such less developed country corporation; or

(C) An obligation of a less developed country.

(2) *Country ceases to be less developed country.* For purposes of this subpart, property which would be a qualified investment in less developed countries, but for the fact that a foreign country has, after the acquisition of such property by the controlled foreign corporation, ceased to be a less developed country, shall be treated as a qualified investment in less developed countries.

(3) *Special rule.* For purposes of this subpart, a United States shareholder of a controlled foreign corporation may, under regulations prescribed by the Secretary or his delegate, make the determinations under subsection (a)(2) of this section and under subsection (f) of section 954 as of the close of the years following the years referred to in such subsections, or as of the close of such longer period of time as such regulations may permit, in lieu of on the last day of such years. Any election under this paragraph made with respect to any taxable year shall apply to such year and to all succeeding taxable years unless the Secretary or his delegate consents to the revocation of such election.

(4) *Exception.* For purposes of this subpart, property shall not constitute qualified investments in less developed countries if such property is disposed of within 6 months after the date of its acquisition.

(5) *Amount attributable to property.* The amount taken into account under this subpart with respect to any property described in paragraph (1) or (2) shall be its adjusted basis, reduced by any liability to which such property is subject.

(c) *Less developed country corporations*—(1) *In general.* For purposes of this subpart, the term "less developed country corporation" means a foreign corporation which during the taxable year is engaged in the active conduct of one or more trades or businesses and—

(A) 80 percent or more of the gross income of which for the taxable year is derived from sources within less developed countries; and

(B) 80 percent or more in value of the assets of which on each day of the taxable year consists of—

(i) Property used in such trades or businesses and located in less developed countries,

(ii) Money, and deposits with persons carrying on the banking business,

(iii) Stock, and obligations which, at the time of their acquisition, have a maturity of one year or more, of any other less developed country corporation,

(iv) An obligation of a less developed country,

(v) An investment which is required because of restrictions imposed by a less developed country, and

(vi) Property described in section 956(b)(2).

For purposes of subparagraph (A), the determination as to whether income is derived from sources within less developed countries shall be made under regulations prescribed by the Secretary or his delegate.

(2) *Shipping companies.* For purposes of this subpart, the term "less developed country corporation" also means a foreign corporation—

(A) 80 percent or more of the gross income of which for the taxable year consists of—

(i) Gross income derived from, or in connection with, the using (or hiring or leasing for use) in foreign commerce of aircraft or vessels registered under the laws of a less developed country, or from, or in connection with, the performance of services directly related to use of such aircraft or vessels, or from the sale or exchange of such aircraft or vessels, and

(ii) Dividends and interest received from foreign corporations which are less developed country corporations within the meaning of this paragraph and 10 percent or more of the total combined voting power of all classes of stock of which are owned by the foreign corporation, and gain from the sale or exchange of stock or obligations of foreign corporations which are such less developed country corporations, and

(B) 80 percent or more of the assets of which on each day of the taxable year consists of (i) assets used, or held for use, for or in connection with the production of income described in subparagraph (A), and (ii) property described in section 956(b)(2).

(3) *Less developed country defined.* For purposes of this subpart, the term "less developed country" means (in respect of any foreign corporation) any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of this subpart. For purposes of the preceding sentence, an overseas territory, department, province, or possession may be treated as a separate country. No designation shall be made under this paragraph with respect to—

Australia.	Luxembourg.
Austria.	Monaco.
Belgium.	Netherlands.
Canada.	New Zealand.
Denmark.	Norway.
France.	Union of South Africa.
Germany (Federal Republic).	San Marino.
Hong Kong.	Sweden.
Italy.	Switzerland.
Japan.	United Kingdom.
Liechtenstein.	

After the President has designated any foreign country or any possession of the United States as an economically less developed country for purposes of this subpart, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order under the first sentence of this paragraph which has the effect of terminating such designation) unless, at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation.

[Sec. 955 as added by sec. 12(a), Revenue Act of 1962 (76 Stat. 1006)]

§ 1.955–1 Shareholder's pro rata share of amount of previously excluded Subpart F income withdrawn from investment in less developed countries.

(a) *In general.* Section 955 provides rules for determining the amount of a controlled foreign corporation's previously excluded subpart F income which is withdrawn for any taxable year from investment in less developed countries. Pursuant to section 951(a)(1)(A)(ii) and the regulations thereunder, a United States shareholder of such controlled foreign corporation must include in his gross income his pro rata share of such amount as determined in accordance with paragraph (c) of this section.

(b) *Amount withdrawn by controlled foreign corporation*—(1) *In general.* For purposes of sections 951 through 964, the amount of a controlled foreign corporation's previously excluded subpart F income which is withdrawn for any taxable year from investment in less developed countries is an amount equal to the decrease for such year in such corporation's qualified investments in less developed countries. Such decrease is, except as provided in § 1.955–3—

(i) An amount equal to the excess of the amount of its qualified investments in less developed countries at the close of the preceding taxable year over the amount of its qualified investments in less developed countries at the close of the taxable year, minus

(ii) The amount (if any) by which recognized losses on sales or exchanges by such corporation during the taxable year of qualified investments in less developed countries exceed its recognized gains on sales or exchanges during such year of qualified investments in less developed countries,

but only to the extent that the net amount so determined does not exceed the limitation determined under subparagraph (2) of this paragraph. See § 1.955–2 for determining the amount of qualified investments in less developed countries.

(2) *Limitations applicable in determining decreases*—(i) *General.* The limitation referred to in subparagraph (1) of this paragraph for any taxable year of a controlled foreign corporation shall be the lesser of the following two limitations:

(a) The sum of the controlled foreign corporation's earnings and profits (or deficit in earnings and profits) for the taxable year, computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year, plus the sum of its earnings and profits (or deficits in earnings and profits) accumulated for prior taxable years beginning after December 31, 1962, or,

(b) The sum of the amounts excluded under section 954(b)(1) and paragraph (b)(1) of § 1.954–1 from the foreign base company income of such corporation for all prior taxable years, minus the sum of the amounts (determined under this paragraph) of its previously excluded subpart F income withdrawn from investment in less developed countries for all prior taxable years.

(ii) *Treatment of earnings and profits.* For purposes of determining earnings and profits of a controlled foreign corporation under subdivision (i)(a) of this subparagraph, such earnings and profits shall be considered not to include any amounts which are attributable to—

(a) Amounts which are, or have been, included in the gross income of a United States shareholder of such controlled foreign corporation under section 951(a) (other than an amount included in the gross income of a United States shareholder under section 951(a)(1)(A)(ii) or section 951(a)(1)(B) for the taxable year) and have not been distributed, or

(b) Amounts described in section 959(b) which are, or have been, included in the gross income of a United States shareholder of another controlled foreign corporation under section 951(a) and which are distributed through a chain of ownership described in section 958(a) to the controlled foreign corporation with respect to which such determination is being made.

The rules of this subdivision apply only in determining the limitation on a controlled foreign corporation's decrease in qualified investments in less developed countries. See section 959 and the regulations thereunder for limitations on the exclusion from gross income of previously taxed earnings and profits.

(c) *Shareholder's pro rata share of amount withdrawn by controlled foreign corporation*—(1) *In general.* A United States shareholder's pro rata share of a controlled foreign corporation's previously excluded subpart F income withdrawn for any taxable year from investment in less developed countries is his pro rata share of the amount withdrawn for such year by such corporation, as determined under paragraph (b) of this section. See section 955(a)(3).

(2) *Special rule.* A United States shareholder's pro rata share of the net amount determined under paragraph (b)(2)(i)(b) of this section with respect to any stock of the controlled foreign corporation owned by such shareholder shall be determined without taking into account any amount attributable to a period prior to the date on which such shareholder acquired such stock. See section 1248 and the regulations thereunder for rules governing treatment of gain from sales or exchanges of stock in certain foreign corporations.

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). A, a United States shareholder, owns 60 percent of the only class of stock of M Corporation, a controlled foreign corporation throughout the entire period here involved. Both A and M Corporation use the calendar year as a taxable year. Corporation M's qualified investments in less developed countries at the close of 1964 amount to $125,000; and, at the close of 1965, to $75,000. During 1965, M Corporation realizes recognized gains of $5,000 and recognized losses of $15,000 on sales of qualified investments in less developed countries. Corporation M's earnings and profits for 1965 and its accumulated earnings and profits for 1963 and 1964 amount to $45,000, as determined under paragraph (b)(2) of this section. The amount excluded under section 954(b)(1) for 1963 from its foreign base company income is $75,000, and the amount of its previously excluded subpart F income withdrawn for 1964 from investment in less developed countries is $25,000. The amount of M Corporation's previously excluded subpart F income withdrawn for 1965 from investment in less developed countries is $40,000, and A's pro rata share of such amount is $24,000, determined as follows:

(i) Qualified investments in less developed countries at the close of 1964	$125,000
(ii) Less: Qualified investments in less developed countries at the close of 1965	75,000
(iii) Balance	50,000
(iv) Less: Excess of recognized losses over recognized gains on sales during 1965 of qualified investments in less developed countries ($15,000 less $5,000)	10,000
(v) Tentative decrease in qualified investments in less developed countries for 1965	40,000
(vi) Earnings and profits for 1963, 1964, and 1965	45,000
(vii) Excess of amount excluded under sec. 954(b)(1) from foreign base company income for 1963 ($75,000) over amount of previously excluded subpart F income withdrawn for 1964 from investment in less developed countries ($25,000)	50,000
(viii) M Corporation's amount of previously excluded subpart F income withdrawn for 1965 from investment in less developed countries (item (v), but not to exceed the lesser of item (vi) or item (vii))	40,000
(ix) A's pro rata share of M Corporation's amount of previously excluded subpart F income withdrawn for 1965 from investment in less developed countries (60 percent of $40,000)	24,000

Example (2). The facts are the same as in example (1), except that M Corporation's earnings and profits (determined under paragraph (b)(2) of this section) for 1963, 1964, and 1965 (item (vi)) are $30,000 instead of $45,000. Corporation M's amount of previously excluded subpart F income withdrawn for 1965 from investment in less developed countries is $30,000. A's pro rata share of such amount is $18,000 (60 percent of $30,000).

Example (3). The facts are the same as in example (1), except that the excess of the amount excluded under section 954(b)(1) for 1963 from M Corporation's foreign base company income over the amount of its previously excluded subpart F income withdrawn for 1964 from investment in less developed countries (item (vii)) is $20,000 instead of $50,000. Corporation M's amount of previously excluded subpart F income withdrawn for 1965 from investment in less developed countries is $20,000. A's pro rata share of such amount is $12,000 (60 percent of $20,000).

§ 1.955–2 Amount of a controlled foreign corporation's qualified investments in less developed countries.

(a) *Included property.* For purposes of sections 951 through 964, a controlled foreign corporation's "qualified investments in less developed countries" are items of property (other than property excluded under paragraph (b)(1) of this section) owned directly by such corporation on the applicable determination date for purposes of section 954(f) or section 955(a)(2) and consisting of one or more of the following:

(1) Stock of a less developed country corporation if the controlled foreign corporation owns (within the meaning of paragraph (b)(2) of this section) on the applicable determination date 10 percent or more of the total combined voting power of all classes of stock of such less developed country corporation;

(2) An obligation (as defined in paragraph (b)(3) of this section) of a less developed country corporation which, at the time of acquisition (as defined in paragraph (b)(4) of this section) of such obligation by the controlled foreign corporation, has a maturity of one year or more, but only if the controlled foreign corporation owns (within the meaning of paragraph (b)(2) of this section) on the applicable determination date 10 percent or more of the total combined voting power of all classes of stock of such less developed country corporation; and

(3) An obligation (as defined in paragraph (b)(3) of this section) of a less developed country, including obligations issued or guaranteed by the government of such country or of a political subdivision thereof and obligations of any agency or instrumentality of such country, in which such country is financially committed. The application of this subparagraph may be illustrated by the following example:

Example. A, a political subdivision of foreign country X, constructs and operates a toll bridge. Country X is a less developed country throughout the period here involved. A issues bonds under an indenture which provides for amortization of the principal and interest of such bonds only out of the net revenues derived from operation of the bridge. The bonds of A are obligations in which X country is financially committed and, in the hands of a controlled foreign corporation, are qualified investments in less developed countries.

(b) *Special rules*—(1) *Excluded property.* For purposes of paragraph (a) of this section, property which is disposed of within 6 months after the date of its acquisition shall be excluded from a controlled foreign corporation's qualified investments in less developed countries. However, the fact that property acquired by a controlled foreign corporation has not been held on an applicable determination date for more than 6 months after the date of its acquisition shall not prevent such property from being included in the controlled foreign

corporation's qualified investments in less developed countries on such date. Proper adjustments shall be made subsequently, however, to exclude any item of property so included, if the property is in fact disposed of within 6 months after the date of its acquisition. See section 955(b)(4).

(2) *Determination of stock ownership.* In determining for purposes of paragraph (a) (1) and (2) of this section whether a controlled foreign corporation owns 10 percent or more of the total combined voting power of all classes of stock of a less developed country corporation, only stock owned directly by such controlled foreign corporation shall be taken into account and the provisions of section 958 and the regulations thereunder shall not apply. See section 958 (a)(1).

(3) *Obligation defined.* For purposes of paragraph (a) (2) and (3) of this section, the term "obligation" means any bond, note, debenture, certificate, or other evidence of indebtedness. In the absence of legal, governmental, or business reasons to the contrary, the indebtedness must bear interest or be issued at a discount.

(4) *Date of acquisition.* For purposes of paragraph (a)(2) of this section, an obligation shall be considered acquired by a foreign corporation as of the date such corporation acquires an adjusted basis in the obligation. For this purpose, in a case in which a foreign corporation acquires an obligation in a transaction (other than a reorganization of the type described in section 368(a)(1)(E) or (F)) in which no gain or loss would be recognized had the transaction been between two domestic corporations, such corporation will be considered to have acquired an adjusted basis in such obligation as of the date such transaction occurs.

(c) *Termination of designation as a less developed country.* For purposes of sections 951 through 964, property which would constitute a qualified investment in a less developed country but for the fact that a foreign country or United States possession has, after the acquisition of such property by the controlled foreign corporation, ceased to be a less developed country shall be treated as a qualified investment in a less developed country. The application of this paragraph may be illustrated by the following example:

Example. On December 31, 1969, in accordance with the provisions of § 1.955–4, the designation of foreign country X as an economically less developed country is terminated. Corporation M, a controlled foreign corporation, has $50,000 of qualified investments in country X acquired before December 31, 1969. After 1969 such investments are treated as qualified investments in a less developed country notwithstanding the termination of the status of X country as an economically less developed country. However, if such qualified investments of M Corporation are reduced to $40,000, each United States shareholder of M Corporation is required, subject to the provisions of § 1.955–1, to include his pro rata share of the $10,000 decrease in his gross income under section 951(a)(1)(A)(ii) and the regulations thereunder.

(d) *Amount attributable to property—*(1) *General rule.* For purposes of this section, the amount taken into account with respect to any property which constitutes a qualified investment in a less developed country shall be its adjusted basis as of the applicable determination date, reduced by any liability (other than a liability described in subparagraph (2) of this paragraph) to which such property is subject on such date. To be taken into account under this subparagraph, a liability must constitute a specific charge against the property involved. Thus, a liability evidenced by an open account or a liability secured only by the general credit of the controlled foreign corporation will not be taken into account. On the other hand, if a liability constitutes a specific charge against several items of property and cannot definitely be allocated to any single item of property, the liability shall be apportioned against each of such items of property in that ratio which the adjusted basis of such item on the applicable determination date bears to the adjusted basis of all such items at such time. A liability in excess of the adjusted basis of the property which is subject to such liability shall not be taken into account for the purpose of reducing the adjusted basis of other property which is not subject to such liability.

(2) *Excluded charges.* For purposes of subparagraph (1) of this paragraph, a specific charge created with respect to any item of property principally for the purpose of artificially increasing or decreasing the amount of a controlled foreign corporation's qualified investments in less developed countries will not be recognized; whether a specific charge is created principally for such purpose will depend upon all the facts and circumstances of each case. One of the factors that will be considered in making such a determination with respect to a loan is whether the loan is from a related person, as defined in section 954(d)(3) and paragraph (e) of § 1.954–1.

(3) *Statement required.* If for purposes of this section a United States shareholder of a controlled foreign corporation reduces the adjusted basis of property which constitutes a qualified investment in a less developed country on the ground that such property is subject to a liability, he shall attach to his return a statement setting forth the adjusted basis of the property before the reduction and the amount and nature of the reduction.

§ 1.955–3 Election as to date of determining qualified investments in less developed countries.

(a) *Nature of election.* In lieu of determining the increase under the provisions of section 954(f) and paragraph (a) of § 1.954–5, or the decrease under the provisions of section 955(a)(2) and paragraph (b) of § 1.955–1, in a controlled foreign corporation's qualified investments in less developed countries for a taxable year in the manner provided in such provisions, a United States shareholder of such controlled foreign corporation may elect, under the provisions of section 955(b)(3) and this section, to determine such increase in accordance with the provisions of paragraph (b) of § 1.954–5 and to determine such decrease by ascertaining the amount by which—

(1) Such controlled foreign corporation's qualified investments in less developed countries at the close of such taxable year exceed its qualified investments in less developed countries at the close of the taxable year immediately following such taxable year, and reducing such excess by

(2) The amount determined under paragraph (b)(1)(ii) of § 1.955–1 for such taxable year,

subject to the limitation provided in paragraph (b)(2) of § 1.955–1 for such taxable year. An election under this section may be made with respect to each controlled foreign corporation with respect to which a person is a United States shareholder within the meaning of section 951(b), but the election may not be exercised separately with respect to the increases and the decreases of such controlled foreign corporation. If an election is made under this section to determine the increase of a controlled foreign corporation in accordance with the provisions of paragraph (b) of § 1.954–5, subsequent decreases of such controlled foreign corporation shall be determined in accordance with this paragraph and not in accordance with paragraph (b) of § 1.955–1.

(b) *Time and manner of making election—*(1) *Without consent.* An election under this section with respect to a controlled foreign corporation shall be made without the consent of the Commissioner by a United States shareholder's filing a statement to such effect with his return for his taxable year in which or with which ends the first taxable year of such controlled foreign corporation in which—

(i) Such shareholder owns, within the meaning of section 958(a), or is considered as owning by applying the rules of ownership of section 958(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such controlled foreign corporation, and

(ii) Such controlled foreign corporation realizes foreign base company income from which amounts are excluded under section 954(b)(1) and paragraph (b)(1) of § 1.954–1.

The statement shall contain the name and address of the controlled foreign corporation and identification of such first taxable year of such corporation.

(2) *With consent.* An election under this section with respect to a controlled foreign corporation may be made by a United States shareholder at any time with the consent of the Commissioner. Consent will not be granted unless the United States shareholder and the Commissioner agree to the terms, conditions, and adjustments under which the election will be effected. The application for consent to elect shall be made by the United States shareholder's mailing a letter for such purpose to the Commissioner of Internal Revenue, Washington, D.C., 20224. The application shall be mailed before the close of the first taxable year of the controlled foreign corporation with respect to which the shareholder desires to compute an amount described in section 954(b)(1) in accordance with the election provided in this section. The application shall include the following information:

(i) The name, address, and taxable year of the United States shareholder;

(ii) The name and address of the controlled foreign corporation;

(iii) The first taxable year of the controlled foreign corporation for which income is to be computed under the election;

(iv) The amount of the controlled foreign corporation's qualified investments in less developed countries at the close of its preceding taxable year; and

(v) The sum of the amounts excluded under section 954(b)(1) and paragraph (b)(1) of § 1.954–1 from the foreign base company income of the controlled foreign corporation for all prior taxable years during which such shareholder was a United States shareholder of such corporation and the sum of the amounts of its previously excluded subpart F income withdrawn from investment in less developed countries for all prior taxable years during which such shareholder was a United States shareholder of such corporation.

(c) *Effect of election—*(1) *General.* Except as provided in subparagraphs (3) and (4) of this paragraph, an election under this section with respect to a controlled foreign corporation shall be binding on the United States shareholder and shall apply to all qualified investments in less developed countries acquired, or disposed of, by such controlled foreign corporation during the taxable year following its taxable year for which income is first computed under the election and during all succeeding taxable years of such corporation.

(2) *Returns.* Any return of a United States shareholder required to be filed before the completion of a period with respect to which determinations are to be made as to a controlled foreign corporation's qualified investments in less developed countries for purposes of computing such shareholder's taxable income shall be filed on the basis of an estimate of the amount of the controlled foreign corporation's qualified investments in less developed countries at the close of the period. If the actual amount of such investments is not the same as the amount of the estimate, the United States shareholder shall immediately notify the Commissioner. The Commissioner will thereupon redetermine the amount of tax of such United States shareholder for the year or years with respect to which the incorrect amount was taken into account. The amount of tax, if any, due upon such redetermination shall be paid by the United States shareholder upon notice and demand by the district director. The amount of tax, if any, shown by such redetermination to have been overpaid shall be credited or refunded to the United States shareholder in accordance with the provisions of sections 6402 and 6511 and the regulations thereunder.

(3) *Revocation.* Upon application by the United States shareholder, the election made under this section may, subject to the approval of the Commissioner, be revoked. Approval will not be granted unless the United States shareholder and the Commissioner agree to the terms, conditions, and adjustments under which the revocation will be effected. Unless such agreement provides otherwise, the change in the controlled foreign corporation's qualified investments in less developed countries for its first taxable year for which income is computed without regard to the election previously made will be considered to be zero for purposes of effectuating the revocation. The application for consent to revocation shall be made by the United States shareholder's mailing a letter for such purpose to the Commissioner of Internal Revenue, Washington, D.C., 20224. The application shall be mailed before the close of the first taxable year of the controlled foreign corporation with respect to which the shareholder desires to compute the amounts described in section 954(b)(1) or 955(a) without regard to the election provided in this section. The application shall include the following information:

(i) The name and address of the United States shareholder;

(ii) The name and address of the controlled foreign corporation;

(iii) The taxable year of the controlled foreign corporation for which such amounts are to be so computed;

(iv) The amount of the controlled foreign corporation's qualified investments in less developed countries at the close of its preceding taxable year;

(v) The sum of the amounts excluded under section 954(b)(1) and paragraph (b)(1) of §1.954–1 from the foreign base company income of the controlled foreign corporation for all prior taxable years during which such shareholder was a United States shareholder of such corporation and the sum of the amounts of its previously excluded subpart F income withdrawn from investment in less developed countries for all prior taxable years during which such shareholder was a United States shareholder of such corporation; and

(vi) The reasons for the request for consent to revocation.

(4) *Transfer of stock.* If during any taxable year of a controlled foreign corporation—

(i) A United States shareholder who has made an election under this section with respect to such controlled foreign corporation sells, exchanges, or otherwise disposes of all or part of his stock in such controlled foreign corporation, and

(ii) The foreign corporation is a controlled foreign corporation immediately after the sale, exchange, or other disposition,

then, with respect to the stock so sold, exchanged, or disposed of, the controlled foreign corporation's acquisitions and dispositions of qualified investments in less developed countries for such taxable year shall be considered to be zero. If the United States shareholder's successor in interest is entitled to and does make an election under paragraph (b)(1) of this section to determine the controlled foreign corporation's increase in qualified investments in less developed countries for the taxable year in which he acquires such stock, such increase with respect to the stock so acquired shall be determined in accordance with the provisions of paragraph (b)(1) of § 1.954–5. If the controlled foreign corporation realizes no foreign base company income from which amounts are excluded under section 954(b)(1) and paragraph (b)(1) of § 1.954–1 for the taxable year in which the United States shareholder's successor in interest acquires such stock and such successor in interest makes an election under paragraph (b)(1) of this section with respect to a subsequent taxable year of such controlled foreign corporation, the increase in the controlled foreign corporation's qualified investments in less developed countries for such subsequent taxable year shall be determined in accordance with the provisions of paragraph (b)(2) of § 1.954–5.

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Foreign corporation A is a wholly owned subsidiary of domestic corporation M. Both corporations use the calendar year as a taxable year. In a statement filed with its return for 1963, M Corporation makes an election under section 955(b)(3) and the election remains in force for the taxable year 1964. At December 31, 1964, A Corporation's qualified investments in less developed countries amount to $100,000; and, at December 31, 1965, to $80,000. For purposes of paragraph (a)(1) of this section, A Corporation's decrease in qualified investments in less developed countries for the taxable year 1964 is $20,000 and is determined by ascertaining the amount by which A Corporation's qualified investments in less developed countries at December 31, 1964 ($100,000) exceed its qualified investments in less developed countries at December 31, 1965 ($80,000).

Example (2). The facts are the same as in example (1) except that A Corporation experiences no changes in qualified investments in less developed countries during its taxable years 1966 and 1967. If M Corporation's election were to remain in force, A Corporation's acquisitions and dispositions of qualified investments in less developed countries during A Corporation's taxable year 1968 would be taken into account in determining whether A Corporation has experienced an increase or a decrease in qualified investments in less developed countries for its taxable year 1967. However, M Corporation duly files before the close of A Corporation's taxable year 1967 an application for consent to revocation of M Corporation's election under section 955(b)(3), and, pursuant to an agreement between the Commissioner and M Corporation, consent is granted by the Commissioner. Assuming such agreement does not provide otherwise, A Corporation's change in qualified investments in less developed countries for its taxable year 1967 is zero because the effect of the revocation of the election is to treat acquisitions and dispositions of qualified investments in less developed countries actually occurring in 1968 as having occurred in such year rather than in 1967.

Example (3). The facts are the same as in example (2) except that A Corporation's qualified investments in less developed countries at December 31, 1968, amount to $70,000.

For purposes of paragraph (b)(1)(i) of § 1.955–1, the decrease in A Corporation's qualified investments in less developed countries for the taxable year 1968 is $10,000 and is determined by ascertaining the amount by which A Corporation's qualified investments in less developed countries at December 31, 1967 ($80,000) exceed its qualified investments in less developed countries at December 31, 1968 ($70,000).

Example (4). The facts are the same as in example (1) except that on September 30, 1965, M Corporation sells 40 percent of the only class of stock of A Corporation to N Corporation, a domestic corporation. Corporation N uses the calendar year as a taxable year. Corporation A remains a controlled foreign corporation immediately after such sale of its stock. Corporation A's qualified investments in less developed countries at December 31, 1966, amount to $90,000. The changes in A Corporation's qualified investments in less developed countries occurring in its taxable year 1965 are considered to be zero with respect to the 40-percent stock interest acquired by N Corporation. The entire $20,000 reduction in A Corporation's qualified investments in less developed countries which occurs during the taxable year 1965 is taken into account by M Corporation for purposes of paragraph (a)(1) of this section in determining its tax liability for the taxable year 1964. Corporation A's increase in qualified investments in less developed countries for the taxable year 1965 with respect to the 60-percent stock interest retained by M Corporation is $6,000 and is determined by ascertaining M Corporation's pro rata share (60 percent) of the amount by which A Corporation's qualified investments in less developed countries at December 31, 1966 ($90,000) exceed its qualified investments in less developed countries at December 31, 1965 ($80,000). Corporation N does not make an election under section 955(b)(3) in its return for its taxable year 1966. Corporation A's increase in qualified investments in less developed countries for the taxable year 1966 with respect to the 40-percent stock interest acquired by N Corporation is $4,000.

§ 1.955–4 Definition of less developed country.

(a) *Designation by Executive order.* For purposes of sections 951 through 964, the term "less developed country" means any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the foreign corporation's taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of such sections. Each territory, department, province, or possession of any foreign country other than a country within the Sino-Soviet bloc may be treated as a separate foreign country for purposes of such designation if the territory, department, province, or possession is overseas from the country of which it is a territory, department, province, or possession. Thus, for example, an overseas possession of a foreign country may be designated by Executive order as an economically less developed country even though the foreign country itself has not been designated as an economically less developed country; or the foreign country may be so designated even though the overseas possessions of such country have not been designated as economically less developed countries. The term "possession of the United States", for purposes of section 955(c)(3) and this section, shall be construed to have the same meaning as that contained in paragraph (b)(2) of § 1.957–3.

(b) *Countries not eligible for designation.* Section 955(c)(3) provides that no designation by Executive order may be made under section 955(c)(3) and paragraph (a) of this section with respect to—

Australia.	Luxembourg.
Austria.	Monaco.
Belgium.	Netherlands.
Canada.	New Zealand.
Denmark.	Norway.
France.	Union of South Africa.
Germany (Federal Republic).	San Marino.
Hong Kong.	Sweden.
Italy.	Switzerland.
Japan.	United Kingdom.
Liechtenstein.	

(c) *Termination of designation.* Section 955(c)(3) provides that, after the President has designated any foreign country or possession of the United States as an economically less developed country for purposes of sections 951 through 964, he may not terminate such designation (either by issuing an Executive order for the purpose of terminating such designation or by issuing an Executive order which has the effect of terminating such designation) unless, at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation. If such 30-day notice is given, no action by the Congress of the United States is necessary to effectuate the termination. The requirement for giving 30-day notice to the Senate and House of Representatives applies also to the termination of a designation with respect to an overseas territory, department, province, or possession of a foreign country. See paragraph (c) of § 1.955–2 for the effect of a termination of a Presidential designation upon property which would be a qualified investment in a less developed country but for the fact of such termination.

§ 1.955–5 Definition of less developed country corporation.

(a) *Less developed country corporation.*—(1) *In general.* For purposes of sections 951 through 964, the term "less developed country corporation" means a foreign corporation described in paragraph (b) of this section and also any foreign corporation—

(i) Which is engaged in the active conduct of one or more trades or businesses during the entire taxable year;

(ii) Which derives 80 percent or more of its gross income, if any, for such taxable year from sources within less developed countries, as determined under the provisions of § 1.955–6; and

(iii) Which has 80 percent or more in value (within the meaning of paragraph (d) of this section) of its assets on each day of such taxable year consisting of one or more of the following items of property:

(*a*) Property (other than property described in (*b*) through (*h*) of this subdivision) which is used, or held for use, in such trades or businesses and is located in one or more less developed countries;

(*b*) Money;

(*c*) Deposits with persons carrying on the banking business;

(*d*) Stock of any other less developed country corporation;

(*e*) Obligations (within the meaning of paragraph (b)(3) of § 1.955–2) of another less developed country corporation which at the time of their acquisition (within the meaning of paragraph (b)(4) of § 1.955–2) by the foreign corporation have a maturity of one year or more;

(*f*) Obligations (within the meaning of paragraph (b)(3) of § 1.955–2) of any less developed country;

(*g*) Investments which are required to be made or held because of restrictions imposed by the government of any less developed country; and

(*h*) Property described in section 956(b)(2).

For purposes of this subparagraph, if a foreign corporation is a partner in a foreign partnership, as defined in section 7701(a)(2) and (5) and the regulations thereunder, such corporation will be considered to be engaged in the active conduct of a trade or business to the extent and in the manner in which the partnership is so engaged and to own directly its proportionate share of each of the assets of the partnership. For purposes of subdivision (i) of this subparagraph, a newly-organized foreign corporation will be considered engaged in the active conduct of a trade or business from the date of its organization if such corporation commences business operations as soon as practicable after such organization. In the absence of affirmative evidence showing that the 80-percent requirement of subdivision (iii) of this subparagraph has not been satisfied on each day of the taxable year, such requirement will be considered satisfied if it is established to the satisfaction of the district director that such requirement has been satisfied on the last day of each quarter of the taxable year of the foreign corporation. For purposes of subdivision (iii) of this subparagraph, property (other than stock in trade or other property of a kind which would properly be included in inventory of the foreign corporation if on hand at the close of the taxable year, or property held primarily for sale to customers in the ordinary course of the trade or business of the foreign corporation) purchased for use in a trade or business and temporarily located outside less developed countries will be considered located in less developed countries if, but only if, such property is shipped to and received in less developed countries promptly after such purchase.

(2) *Special rules.* For purposes of subparagraph (1)(iii)(*a*) of this paragraph—

(i) *Treatment of receivables.* Bills receivable, accounts receivable, notes receivable and open accounts shall be considered to be used in the trade or business and located in less developed countries if, but only if—

(*a*) Such obligations arise out of the rental of property located in less developed countries, the performance of services within less developed countries, or the sale of property manufactured, produced, grown, or extracted in less developed countries, but only to the extent that the aggregate amount of such obligations at any time during the taxable year does not exceed an amount which is ordinary and necessary to carry on the business of both parties to the transactions if such transactions are between unrelated persons or, if such transactions are between related persons, an amount which would be ordinary and necessary to carry on the business of both parties to the transactions if such transactions were between unrelated persons;

(*b*) In the case of bills receivable, accounts receivable, notes receivable, and open accounts arising out of transactions other than those referred to in (*a*) of this subdivision—

(*1*) If the obligor is an individual, such individual is a resident of one or more less developed countries and of no other country which is not a less developed country;

(*2*) If the obligor is a corporation which as to the foreign corporation is a related person as defined in section 954(d)(3) and paragraph (e) of § 1.954–1, such obligor meets, with respect to the period ending with the close of its annual accounting period in which occurs the date on which the obligation is incurred, the 80-percent gross income requirement of paragraph (b)(1)(ii) of § 1.955–6; or

(*3*) If the obligor is a corporation which as to the foreign corporation is not a related person as defined in section 954(d)(3) and paragraph (e) of § 1.954–1, it is reasonable, on the basis of ascertainable facts, for the obligee to believe that the obligor meets, with respect to such period, the 80-percent gross income requirement of paragraph (b)(1)(ii) of § 1.955–6.

(ii) *Location of interests in real estate.* Interests in real estate such as leaseholds of land or improvements thereon, mortgages on real property (including interests in mortgages on leaseholds of land or improvements thereon), and mineral, oil, or gas interests shall be considered located in less developed countries if, but only if, the underlying real estate is located in less developed countries.

(iii) *Location of certain other intangibles.* Intangible property (other than any such property described in subdivision (i) or (ii) of this subparagraph) used in the trade or business of the foreign corporation shall be considered to be located in less developed countries in the same ratio that the amount of the foreign corporation's tangible property and property described in subdivision (i) or (ii) of this subparagraph used in its trades or businesses and located or deemed located in less developed countries bears to the total amount of its tangible property and property described in subdivision (i) or (ii) of this subparagraph used in its trades or businesses.

(3) *Illustration.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. Foreign corporation A is formed on November 1, 1963, to engage in the business of manufacturing and selling radios in Brazil, a less developed country as of November 1, 1963. Corporation A uses the calendar year as a taxable year. Shortly after it is formed, A Corporation acquires a plant site and begins construction of a plant which is completed on August 1, 1964. Corporation A commences business operations as soon as practicable after completion of the plant and continues such operations through December 31, 1964, and thereafter. Corporation A will be considered for purposes of subparagraph (1)(i) of this paragraph to be engaged in the active conduct of a trade or business for its entire taxable years ending on December 31, 1963, and 1964. The plant site and the plant (while under construction and after completion) will be considered to be property held during such taxable years for use in A Corporation's trade or business.

(b) *Shipping companies.* For purposes of sections 951 through 964, the term "less developed country corporation" also means any foreign corporation—

(1) Which has 80 percent or more of its gross income, if any, for the taxable year consisting of one or more of—

(i) Gross income derived—

(*a*) From, or in connection with, the using (or hiring or leasing for use) in foreign commerce of aircraft or vessels registered under the laws of a less developed country,

(*b*) From, or in connection with, the performance of services directly related to the use in foreign commerce of aircraft or vessels registered under the laws of a less developed country, or

(*c*) From the sale or exchange of aircraft or vessels registered under the laws of a less developed country and used in foreign commerce by such foreign corporation;

(ii) Dividends and interest received from other foreign corporations which are less developed country corporations within the meaning of this paragraph and 10 percent or more of the total combined voting power of all classes of stock of which is owned at the time such dividends and interest are received or accrued by such foreign corporation; and

(iii) Gain from the sale or exchange of stock or obligations of other foreign corporations which are less developed country corporations within the meaning of this paragraph and 10 percent or more of the total combined voting power of all classes of stock of which is owned by such foreign corporation immediately before such sale or exchange; and

(2) Which has 80 percent or more in value (within the meaning of paragraph (d) of this section) of its assets on each day of the taxable year consisting of—

(i) Assets used, or held for use, for the production of income described in subparagraph (1) of this paragraph, or in connection with the production of such income, whether or not such income is received during the taxable year, and

(ii) Property described in section 956(b)(2).

In the absence of affirmative evidence showing that the 80-percent requirement of this subparagraph has not been satisfied on each day of the taxable year, such requirement will be considered satisfied if it is established to the satisfaction of the district director that such requirement has been satisfied on the last day of each quarter of the taxable year of the foreign corporation. The provisions of this subparagraph may be illustrated by the following example:

Example. Foreign corporation A is formed on November 1, 1963, for the purpose of constructing and operating a vessel and, on that date, enters a charter agreement which provides that such vessel will be registered under the laws of Liberia, a less developed country as of November 1, 1963, and operated between South American and European ports. Corporation A uses the calendar year as a taxable year. Construction of the vessel is completed on September 1, 1965, and the vessel is registered under the laws of Liberia and operated between South American and European ports through December 31, 1965, and thereafter. The charter and the vessel (while under construction and after completion), or any interest of A Corporation in such assets, will be considered assets which are held by A Corporation during its taxable years ending on December 31, 1963, 1964, and 1965, for use in the production of income described in subparagraph (1) of this paragraph.

(c) *Determination of stock ownership.* In determining for purposes of paragraph (b)(1)(ii) and (iii) of this section whether a foreign corporation owns 10 percent or more of the total combined voting power of all classes of stock of a less developed country corporation, only stock owned directly by such foreign corporation shall be taken into account and the provisions of section 958 and the regulations thereunder shall not apply. See section 958(a)(1).

(d) *Determination of value.* For purposes of paragraphs (a)(1)(iii) and (b)(2) of this section—

(1) *General.* Except as provided in subparagraph (2) of this paragraph, the value at which property shall be taken into account is its actual value (not reduced by liabilities) which, in the absence of affirmative evidence to the contrary, shall be deemed to be its adjusted basis.

(2) *Treatment of certain receivables.* The value at which receivables described in paragraph (a)(2)(i) of this section and held by a foreign corporation using the cash receipts and disbursements method of accounting shall be taken into account is their actual value (not reduced by liabilities) which, in the absence of affirmative evidence to the contrary, shall be deemed to be their face value.

§ 1.955–6 Gross income from sources within less developed countries.

(a) *General.* For purposes of paragraph (a)(1)(ii) of § 1.955.5, the determination whether a foreign corporation has derived 80 percent or more of its gross income from sources within less developed countries for any taxable year shall be made by the application of the provisions of sections 861 through 864, and §§ 1.861–1 through 1.863–5, in application of which the name of a less developed country shall be substituted for "the United States", except that if income is derived by the foreign corporation from—

(1) Interest (other than interest to which subparagraph (3) of this paragraph applies), the rules set forth in paragraph (b) of this section shall apply:

(2) Dividends, the rules set forth in paragraph (c) of this section shall apply; or

(3) Income (including interest) derived in connection with the sale of tangible personal property, the rules set forth in paragraph (d) of this section shall apply.

The source of income described in subparagraphs (1), (2), or (3) of this paragraph shall be determined solely under the rules of this section and without regard to the rules of sections 861 through 864, and the regulations thereunder.

(b) *Interest*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph and paragraph (d) of this section, gross income derived by the foreign corporation from interest on any indebtedness—

(i) Of an individual shall be treated as income from sources within a less developed country if, but only if, such individual is a resident of one or more less developed countries and of no other country which is not a less developed country.

(ii) Of a corporation shall be treated as income from sources within less developed countries if, but ony if, 80 percent or more of the gross income of the payer corporation for the 3-year period ending with the close of its annual accounting period in which such interest is paid, or for such part of such 3-year period as such corporation has been in existence, or for such part of such 3-year period as occurs on and after the beginning of such corporation's first annual accounting period beginning after December 31, 1962, whichever period is shortest, was derived from sources within less developed countries as determined in accordance with the principles of this section; or

(iii) Of a less developed country, including obligations issued or guaranteed by the government of such country or of a political subdivision thereof and obligations of any agency or instrumentality of such country, in which such country is financially committed shall be treated as income from sources within such country.

(2) *Special rule.* Gross income derived by the foreign corporation from interest on obligations of the United States shall be treated as income from sources within less developed countries without regard to the provisions of subparagraph (1) of this paragraph.

(3) *Payers other than related persons.* For purposes of subparagraph (1)(ii) of this paragraph, a payer corporation which as to the recipient corporation is not a related person as defined in section 954 (d)(3) and paragraph (e) of § 1.954–1 shall be deemed to have satisfied the 80-percent gross income requirement if, on the basis of ascertainable facts, it is reasonable for the recipient corporation to believe that such requirement is satisfied.

(c) *Dividends*—(1) *In general.* Gross income derived by the foreign corporation from dividends, as defined in section 316 and the regulations thereunder, shall be treated as income from sources within less developed countries if, but only if, 80 percent or more of the gross income of the payer corporation for the 3-year period ending with the close of its annual accounting period in which such dividends are distributed, or for such part of such 3-year period as such corporation has been in existence, or for such part of such 3-year period as occurs on and after the beginning of such corporation's first annual accounting period beginning after December 31, 1962, whichever period is shortest, was derived from sources within less developed countries as determined in accordance with the principles of this section.

(2) *Payers other than related persons.* See paragraph (b)(3) of this section for rule governing satisfaction of the 80-percent gross income requirement by payers other than related persons.

(d) *Sale of tangible personal property*—(1) *In general.* Income (whether in the form of profits, commissions, fees, interest, or otherwise) derived by the foreign corporation in connection with the sale of tangible personal property shall be treated as income from sources within less developed countries if, but only if—

(i) Such property is produced (within the meaning of subparagraph (2) of this paragraph) within less developed countries; or

(ii) Such property is sold for use, consumption, or disposition within less developed countries even though produced outside less developed countries and the selling corporation is engaged within less developed countries, in connection with sales of such property, in continuous operational activities which are substantial in relation to such sales, as evidenced, for example, by the maintenance within less developed countries of a substantial sales or service organization or substantial facilities for the storage, handling, transportation, assembly, packaging, or servicing of such property.

§ 1.957 Statutory provisions; controlled foreign corporations; United States persons.

SEC. 957. *Controlled foreign corporations; United States persons.* * * *

(c) *Corporations organized in United States possessions.* For purposes of this subpart, the term "controlled foreign corporation" does not include any corporation created or organized in the Commonwealth of Puerto Rico or a possession of the United States or under the laws of the Commonwealth of Puerto Rico or a possession of the United States if—

(1) 80 percent or more of the gross income of such corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within the Commonwealth of Puerto Rico or a possession of the United States; and

(2) 50 percent or more of the gross income of such corporation for such period, or for such part thereof, was derived from the active conduct within the Commonwealth of Puerto Rico or a possession of the United States of any trades or businesses constituting the manufacture or processing of goods, wares, merchandise, or other tangible personal property; the processing of agricultural or horticultural products or commodities (including but not limited to livestock, poultry, or fur-bearing animals); the catching or taking of any kind of fish or the mining or extraction of natural resources, or any manufacturing or processing of any products or commodities obtained from such activities; or the ownership or operation of hotels.

For purposes of paragraphs (1) and (2), the determination as to whether income was derived from sources within the Commonwealth of Puerto Rico or a possession of the United States and was derived from the active conduct of a described trade or business within the Commonwealth of Puerto Rico or a possession of the United States shall be made under regulations prescribed by the Secretary or his delegate.

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[Sec. 957(c) as added by sec. 12(a), Revenue Act of 1962 (76 Stat. 1006)]

§ 1.957–1 [Reserved]

§ 1.957–2 [Reserved]

§ 1.957–3 Corporations organized in United States possessions.

(a) *General rule.* For purposes of sections 951 through 964, a corporation created or organized in a possession of the United States or under the laws of a possession of the United States shall not be treated as a controlled foreign corporation for any taxable year if—

(1) 80 percent or more of the gross income of such corporation for the 3-year period immediately preceding the close of the taxable year or for such part of such 3-year period as such corporation was in existence or for such part of such 3-year period as occurs on and after the beginning of such corporation's first annual accounting period beginning after December 31, 1962, whichever period is shortest, was derived from sources within a possession of the United States; and

(2) 50 percent or more of the gross income of such corporation for such period, or for such part of such period, was derived from the active conduct within a possession of the United States of one or more trades or businesses constituting—

(i) The manufacture or processing of goods, wares, merchandise, or other tangible personal property;

(ii) The processing of agricultural or horticultural products or commodities (including but not limited to livestock, poultry, or fur-bearing animals);

(iii) The catching or taking of any kind of fish, or any manufacturing or processing of any products or commodities obtained from such activities;

(iv) The mining or extraction of natural resources, or any manufacturing or processing of any products or commodities obtained from such activities; or

(v) The ownership or operation of hotels.

(b) *Special provisions.* For purposes of section 957 (c) and this section—

(1) *United States defined.* The term "United States" includes only the States and the District of Columbia.

(2) *Possession of the United States defined.* The term "possession of the United States" includes Guam, the Midway Islands, the Panama Canal Zone, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Wake Island.

(3) *Determination of source of gross income.* Whether gross income of a corporation referred to in paragraph (a) of this section is derived from sources within a possession of the United States shall be determined by the application of the provisions of § 1.955–6 except that, for purposes of making such determination, the term "produced", as used in paragraph (d)(2) of § 1.955–6, shall also include the activities described in paragraph (a)(2) (i) through (iv) of this section and the activities considered, under subparagraph (4) of this paragraph, to be qualifying trades or businesses.

(4) *Manufacturing or processing.* The trades or businesses which qualify under the provisions of paragraph (a)(2) of this section shall include, but not be limited to, the manufacture of tabulating cards, paper tablets or pads, facial tissues, and paper napkins from rolls of paper; the manufacture of such household products as liquid starch by mixing quantities of the ingredients which are used to produce liquid starch; and the manufacture of juices and drinks from fruit concentrates. In the application of paragraph (a)(2) of this section, proper regard shall be given to the classification of a trade or business as a manufacturing or processing activity under the applicable economic incentive law of the possession involved. The fact that an activity of a corporation qualifies as a trade or business for purposes of paragraph (a) of this section does not necessarily mean that such activity constitutes a substantial transformation of property within the meaning of paragraph (a)(4) of § 1.954–3 for purposes of determining any foreign base company income of such corporation.

[F.R. Doc. 63–11030; Filed, Oct. 17, 1963; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SO–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Control Area and Reporting Point

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the description of the West Palm Beach, Fla., control zone, control area 1235 and the Halibut Intersection reporting point.

The West Palm Beach control zone, control area 1235 and the Halibut Intersection reporting point are designated, in part, with reference to the West Palm Beach radio range. The FAA has scheduled the conversion of this navigational aid to a radio beacon on or about December 10, 1963. The actions taken herein reflect the conversion of this facility.

Since the changes effected by these amendments are editorial in nature, notice and public procedure hereon are unnecessary and it may be made effective December 10, 1963.

In consideration of the foregoing, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the West Palm Beach, Fla., control zone is amended to read:

West Palm Beach, Fla.

Within a 5-mile radius of West Palm Beach International Airport (latitude 26°41'25" N., longitude 80°05'35" W.) and within 2 miles each side of the West Palm Beach RBN 090° bearing, extending from the 5-mile radius zone to 10 miles W of the RBN.

2. In § 71.163 (27 F.R. 220–55, November 10, 1962), control 1235 is amended to read:

Control 1235

That airspace within 5 miles each side of the West Palm Beach RBN 090° bearing, extending from the RBN to the INT of the West Palm Beach RBN 090° bearing and the W boundary of the Miami Oceanic/Nassau Control Area, excluding the portions below 1,000 feet MSL outside the United States and within W–497B.

3. Section 71.209 (27 F.R. 220–172, November 10, 1962) is amended as follows: In the Halibut INT, "West Palm Beach, Fla., RR" is deleted and "West Palm Beach, Fla., RBN" is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 10, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11024; Filed, Oct. 17, 1963; 8:45 a.m.]

[Airspace Docket No. 61–FW–24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On June 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5527) stating that the Federal Aviation Agency proposed to realign VOR Federal airway No. 243 between Jacksonville, Fla., and Vienna, Ga., via a new VOR to be installed in the vicinity of Waycross, Ga., including an east alternate via Alma, Ga., and to realign VOR Federal airway No. 157 between Taylor, Fla., and Alma via the new Waycross VOR.

On November 29, 1962, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 11770) extending the time for comments on the original proposal.

The Department of the Air Force objected to proposals contained in the original notice due to the possible impact of en route traffic on training operations at Moody Air Force Base, Ga. These objections were resolved upon publication of Airspace Docket No. 62–WA–97 (27 F.R. 11939) in which Intensive Student Jet Training Areas were established for Moody AFB.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments. Due consideration has been given to all relevant matter presented.

Subsequent to publication of the supplemental notice, VOR Federal airway Nos. 819, 839 and 881 have been designated between Taylor and Alma via the alignment of Victor 157. Accordingly, action is also taken herein to redesignate these airways via the altered alignment of Victor 157. Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. Section 71.123 (27 F.R. 220–6, November 10, 1962, 27 F.R. 12439, 28 F.R. 3482, 3779, 4126) is amended as follows:

a. In V–243 all before "Vienna;" is deleted and "From Jacksonville, Fla., via INT of Jacksonville 304° and Waycross, Ga., 149° radials; Waycross, including an E alternate from INT of Jacksonville 304° and Waycross 149° radials to INT of Alma, Ga., 305° and Vienna, Ga., 139° radials via Alma;" is substituted therefor.

b. In V–157, "Taylor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.

c. In V–819 "Taylor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.

d. In V–839 "Tayor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.

e. In V–881 "Taylor, Fla.;" is deleted and "Waycross, Ga.; Taylor, Fla.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1963.

H. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11025; Filed, Oct. 17, 1963; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 2022; Amdt. 107]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is

impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.608 *Blue Federal airway 8* is deleted.

Section 95.619 *Blue Federal airway 19* is amended to read in part:

From Key West, Fla., LF/RBN; to Perrine, Fla., LF/RBN; MEA *2,000. *1,600—MOCA.

Section 95.625 *Blue Federal airway 25* is amended to read in part:

From Hinchinbrook, Alaska, LFR; to *Sheep Bay INT, Alaska; MEA 6,000. *8,500—MCA Sheep Bay INT, northeastbound.
From Sheep Bay INT, Alaska; to *Tiekel INT, Alaska; MEA 9,500. *8,500—MCA Tiekel INT, northeastbound.
From Tiekel INT, Alaska; to Gulkana, Alaska, LFR; MEA 9,500.

Section 95.648 *Blue Federal airway 48* is amended to read in part:

From Key West, Fla., LF/RBN; to Marathon, Fla., LF/RBN; MEA *2,000. *1,300—MOCA.

Section 95.1001 *Direct route—U.S.* is amended to delete:

From INT 128 M rad Huntsville VOR and 345 M rad LaGrange VOR; to INT 275 M rad Fulton VOR and 357 M rad LaGrange VOR; MEA *5,000. *2,500—MOCA.

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Stebbins INT, Okla.; to Bartlesville, Okla., VOR; MEA 2,200.
From Ukiah, Calif., VOR; to Calistoga INT, Calif.; MEA 6,500.
From Williams, Calif., VOR; to Calistoga INT, Calif.; MEA 6,500.
From Alvord INT, Tex.; to Lewisville INT, Tex.; MEA *4,500. *2,600—MOCA. MAA—10,000.
From Hensley INT, Tex.; to INT 152 M rad DAL and 128 M rad GSW; MEA *3,000. *2,800—MOCA.
From Joshua INT, Tex.; to INT 085 M rad MWL and 220 M rad DAL; MEA *2,700. *2,000—MOCA.
From Fort Worth, Tex., VOR, to Dallas, Tex., VOR; MEA 2,200.
From Fair Park INT, Tex.; to Trinity Fork INT, Tex.; MEA 2,100. MAA—10,000.
Route 1
From *Hawaii INT, Puerto Rico; to Cabo Rojo INT, Puerto Rico; MEA **7,500. *7,500—MRA. **1,300—MOCA.
From Cabo Rojo INT, Puerto Rico; to *Mayaguez INT, Puerto Rico; MEA **2,200. *4,500—MRA. **1,300—MOCA.
From Mayaguez INT, Puerto Rico; to Ramey, Puerto Rico, VOR; MEA 2,200.
Route 8
From Cabo Rojo INT, Puerto Rico; to Ponce, Puerto Rico, VOR; MEA 2,200.
From Ponce, Puerto Rico, VOR; to Point Tuna INT, Puerto Rico; MEA 4,100.
Route 9
From *Hawaii, Puerto Rico, VOR; to **Iowa INT, Puerto Rico; MEA ***2,500. *7,500—MRA. **5,500—MRA. ***1,000—MOCA.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

Route 9
From *Iowa INT, Puerto Rico; to Ponce, Puerto Rico, VOR; MEA 1,500. *5,500—MRA.
From Ponce, Puerto Rico, VOR; to *Midway INT, Puerto Rico; MEA 4,200. *4,500—MRA.
From Midway INT, Puerto Rico; to Guaynabo INT, Puerto Rico; MEA 4,300.
From Guaynabo INT, Puerto Rico; to San Juan, Puerto Rico, VOR; MEA 3,200.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From Dickinson, N. Dak., VOR; to Bismarck, N. Dak., VOR; MEA *4,600. *4,100—MOCA.
From Dickinson, N. Dak., VOR, via N alter.; to Bismarck, N. Dak., VOR, via N alter.; MEA *4,300. *4,100—MOCA.
From Fargo, N. Dak., VOR; to Alexandria, Minn., VOR; MEA *3,500. *2,800—MOCA.
From Fargo, N. Dak., VOR, via N alter.; to Alexandria, Minn., VOR, via N alter.; MEA *3,500. *2,800—MOCA.
From Alexandria, Minn., VOR; to Minneapolis, Minn., VOR; MEA *3,200. *2,600—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From Oak Hill INT, Fla.; to Smyrna INT, Fla.; MEA *1,800. *1,400—MOCA.
From Smyrna INT, Fla.; to Daytona Beach, Fla., VOR; MEA *1,500. *1,400—MOCA.
From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA **1,500. *3,000—MRA. **1,200—MOCA.
From Daytona Beach, Fla.; VOR, via E alter.; to *Croaker INT, Fla., via E alter.; MEA **1,500. *3,500—MRA. **1,100—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

From Baker, Oreg., VOR; to Payette INT, Idaho; MEA *9,000. *8,000—MOCA.
From Payette INT, Idaho; to Emmett INT, Idaho, northwest bound; MEA *9,000, southeast bound; MEA 5,500. *5,500—MOCA.
From Emmett INT, Idaho; to Boise, Idaho, VOR; MEA 5,500.
From Baker, Oreg., VOR, via S alter; to Boise, Idaho, VOR, via S alter; MEA *12,000. *8,500—MOCA.
From Boise, Idaho, VOR; to Canyon Creek INT, Idaho; MEA 7,000.
From Canyon Creek INT, Idaho; to Jerome INT, Idaho; MEA *8,500. *8,000—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From Chagrin Falls INT, Ohio; to Hiram INT, Ohio; MEA 2,600.
From Hiram INT, Ohio; to Youngstown, Ohio, VOR; MEA 3,200.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From Milwaukee, Wis., VOR; to Calvary INT, Wis.; MEA 2,500.
From Tallahassee, Fla., VOR; to Spring INT, Ga.; MEA 2,000.
From Spring INT, Ga.; to Dothan, Ala., VOR; MEA 2,500.
From Green Bay, Wis., VOR; to Menominee, Mich., VOR; MEA *2,500. *1,900—MOCA.
From Menominee, Mich., VOR; to Escanaba, Mich., VOR; MEA *2,400. *1,900—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Mansfield, Ohio, VOR; to Reedsburg INT, Ohio; MEA 2,500.
From Reedsburg INT, Ohio; to Briggs, Ohio, VOR; MEA 3,100.
From Briggs, Ohio, VOR; to Kilgore INT, Ohio; MEA 3,100.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

From Milwaukee, Wis., VOR; to Eden INT, Wis.; MEA 2,600.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

From Chillicothe INT, Mo.; to Kirksville, Mo., VOR; MEA *3,000. *2,300—MOCA.
From Kirksville, Mo., VOR; to Luray INT, Mo.; MEA *2,700. *2,100—MOCA.
From Luray INT, Mo.; to Burlington, Iowa, VOR; MEA 2,100.
From Kirksville, Mo., VOR, via S alter.; to Burlington, Iowa, VOR, via S alter.; MEA *2,500. *2,100—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From Cleveland, Ohio, VOR; to Mentor INT, Ohio; MEA *3,000. *2,500—MOCA.
From Mentor INT, Ohio; to Jefferson, Ohio, VOR; MEA 3,000.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From Britton, Tex., VOR, via W alter.; to Waxie INT, Tex., via W alter.; MEA 2,800.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From Abilene, Tex., VOR, via S alter.; to Clyde INT, Tex., via S alter.; MEA *3,300. *3,200—MOCA.
From Mustang INT, Tex.; to Big Spring, Tex., VOR; MEA *4,400. *2,900—MOCA.
From Midland, Tex., VOR, via S alter.; to Big Spring, Tex., VOR, via S alter.; MEA *4,400. *4,200—MOCA.
From Gordonsville, Va., VOR; to *Locust Grove INT, Va.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

From Quitman, Tex., VOR, via S alter.; to Woodlawn INT, Tex., via S alter.; MEA 1,700.
From Woodlawn INT, Tex., via S alter.; to Shreveport, La., VOR, via S alter., MEA 3,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Evergreen, Ala., VOR; to Montgomery, Ala., VOR; MEA 1,800.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Dinuba INT, Calif., via E alter.; to Selma INT, Calif., via E alter.; northwestbound MEA 2,500; southeastbound MEA 3,500.
From Selma INT, Calif., via E alter.; to Fresno, Calif., VOR, via E alter.; MEA 2,000.
From *Lamont INT Calif., via E alter.; to Arvin INT, Calif., via E alter.; MEA 6,500. *7,200—MCA Lamont INT, southbound.
From Arvin INT, Calif., via E alter.; to Bakersfield, Calif., VOR, via E alter.; MEA 3,000.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

From Attica, Ohio, VOR; to Sharon INT, Ohio; MEA 2,500.
From Sharon INT, Ohio; to Akron, Ohio, VOR; MEA 3,000.
From Akron, Ohio, VOR; to Clarion, Pa., VOR; MEA, 3,300.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

From St. Petersburg, Fla., VOR; to *Richey INT, Fla.; MEA **1,600. *2,500—MRA. **1,300—MOCA.
From Richey INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,200—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

From Ellwood City, Pa.; to Volant INT, Pa.; MEA 2,700.

From Volant INT, Pa.; to Erie, Pa., VOR; MEA 3,100.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

From Cleveland, Ohio, VOR; to Sharon INT, Ohio; MEA *3,000. *2,500—MOCA.
From Sharon INT, Ohio; to Briggs, Ohio, VOR; MEA 3,000.
From Briggs, Ohio, VOR; to Wellsville INT, Ohio; MEA 3,100.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

From Tiverton, Ohio, VOR; to Briggs, Ohio, VOR; MEA 3,100.
From Briggs, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 3,000.
From Youngstown, Ohio, VOR; to Erie, Pa., VOR; MEA 3,000.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

From Kirksville, Mo., VOR; to Quincy, Ill., VOR; MEA *2,700. *2,100—MOCA.
From Kirksville, Mo., VOR, via S alter.; to Quincy, Ill., VOR, via S alter.; MEA *2,700. *2,100—MOCA.
From Quincy, Ill., VOR; to Virginia INT, Ill.; MEA *2,600. *2,000—MOCA.
From Virginia INT, Ill.; to Capital, Ill., VOR; MEA 2,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From Oak Hill INT, Fla.; to Smyrna INT, Fla.; MEA *1,800. *1,400—MOCA.
From Smyrna INT, Fla.; to Daytona Beach, Fla., VOR; MEA *1,500. *1,400—MOCA.
From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA **1,500. *3,000—MRA. **1,200—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

From Quincy, Ill., VOR; to Rockport INT, Ill.; MEA **2,600. *3,200—MRA. **1,800—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

From Daley INT, Ky.; to Vincent INT, Ky.; MEA *6,000. *3,600—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

From Lubbock, Tex., VOR; to *Spur INT, Tex.; MEA **5,800. *6,500—MRA. **4,500—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

From Hallsville, Mo., VOR; to Quincy, Ill., VOR; MEA *2,700. *2,100—MOCA.

Section 95.6065 *VOR Federal airway 65* is amended to read in part:

From INT 170 M rad, St. Joseph VOR and 223 M rad, Kansas City VOR; to Lansing INT, Kans.; MEA *2,600. *2,200—MOCA.
From Lansing INT, Kans.; to New Market INT, Mo.; MEA *2,700. *2,100—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

From Attica, Ohio, VOR; to Sharon INT, Ohio; MEA 2,500.
From Sharon INT, Ohio; to Akron, Ohio, VOR; MEA 3,000.
From Akron, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 2,900.

Section 65.6075 *VOR Federal airway 75* is amended to read in part:

From Wheeling, W. Va., VOR; to Smithfield INT, Ohio; MEA 3,000.
From Smithfield INT, Ohio; to Briggs, Ohio, VOR; MEA 3,100.
From Briggs, Ohio, VOR; to Sharon INT, Ohio; MEA 3,000.
From Sharon INT, Ohio; to Cleveland, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From San Angelo, Tex.; to *Rowena INT, Tex.; MEA **3,500. *7,000—MRA. **3,400—MOCA.

Section 95.6079 *VOR Federal airway 79* is amended to read in part:

From Fort Stockton, Tex., VOR; to *Pyote INT, Tex.; MEA **4,500. *6,000—MRA. **4,000—MOCA.
From Pyote INT, Tex.; to Wink, Tex., VOR; MEA *4,500. *4,000—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

From Dalhart, Tex., VOR; to Tobe, Colo., VOR; MEA 8,500.
From Mustang INT, Tex.; to Pat INT, Tex.; MEA *4,400. *3,900—MOCA.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

From Scottsbluff, Nebr., VOR, via E alter.; to Chadron, Nebr., VOR, via E alter.; MEA *6,600. *5,600—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

From Mansfield, Ohio, VOR; to Reedsburg INT, Ohio; MEA 2,500.
From Reedsburg INT, Ohio; to Briggs, Ohio, VOR; MEA 3,100.
From Briggs, Ohio, VOR; to Smithfield INT, Ohio; MEA 3,100.
From Smithfield INT, Ohio; to Wheeling, W. Va., VOR; MEA 3,000.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

From Abilene, Tex., VOR; to Clyde INT, Tex.; MEA *3,300. *3,200—MOCA.
From Britton, Tex., VOR; to Waxie INT, Tex.; MEA 2,800.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *10,000. *5,500—MOCA.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

From Wheeling, W. Va., VOR; to Smithfield INT, Ohio; MEA 3,000.
From Smithfield INT, Ohio; to Briggs, Ohio, VOR; MEA 3,100.
From Akron, Ohio, VOR, to Chagrin Falls INT, Ohio; MEA 3,000.
From Chagrin Falls INT, Ohio; to U.S.-Canadian Border; MEA *3,500. *3,000—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

From Gregg County, Tex., VOR, via N alter.; to Woodlawn INT, Tex., via N alter; MEA 1,900.
From Woodlawn INT, Tex., via N alter.; to Shreveport, La., VOR, via N alter; MEA 3,000.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

From Parkersburg, W. Va., VOR; to *Antioch INT, Ohio; MEA 3,000. *3,500—MRA.
From Antioch INT, Ohio; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

From Tina INT, Mo.; to Macon, Mo., VOR; MEA *2,600. *2,000—MOCA.
From Macon, Mo., VOR; to Quincy, Ill., VOR; MEA *2,700. *2,100—MOCA.
From Quincy, Ill., VOR; to Canton INT, Ill., MEA *2,600. *2,000—MOCA.
From Canton INT., Ill.; to Peoria, Ill., VOR; MEA 2,000.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

From Clarion, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 5,500.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

From Cleveland, Ohio, VOR; to Mentor INT, Ohio; MEA *3,000. *2,500—MOCA.
From Mentor INT, Ohio; to Jefferson, Ohio, VOR; MEA 3,000.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 3,000.

Section 95.6131 *VOR Federal airway 131* is amended to read in part:

From McAlester, Okla., VOR; to *Hoffman INT, Okla.; MEA 2,200. *4,700—MRA.
From Hoffman INT, Okla.; to Okmulgee, Okla., VOR; MEA 2,200.

Section 95.6135 *VOR Federal airway 135* is amended to read in part:

From Blythe, Calif., VOR; to Parker, Calif., VOR; MEA 5,400.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

From Snow Hill, Md., VOR; to Willards INT, Md.; MEA 2,000.
From Willards INT, Md.; to Sea Isle, N.J., VOR; MEA 1,700.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Dyersburg, Tenn., VOR, via S alter.; to Graham, Tenn., VOR, via S alter.; MEA 4,000.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

From *Lake Helen INT, Fla.; to Daytona Beach, Fla., VOR; MEA **1,600. *2,500—MRA. **1,400—MOCA.
From Woodruff INT, Fla., via N alter.; to Daytona Beach, Fla., VOR, via N alter.; MEA *1,600. *1,400—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *1,700. *1,300—MOCA.
From Gainesville, Fla., VOR; to Dukes INT, Fla.; MEA 1,700.
From Dukes INT, Fla.; to Taylor, Fla., VOR; MEA *2,000. *1,700—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *1,700. *1,300—MOCA.
From Gainesville, Fla., VOR; to Branford INT, Fla.; MEA *1,700. *1,500—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

From Scottsbluff, Nebr., VOR; to Chadron, Nebr., VOR; MEA *6,600. *5,600—MOCA.
From Chadron, Nebr., VOR; to Smithwick, S. Dak., VOR; MEA *6,400. *5,900—MOCA.
From Chadron, Nebr., VOR, via E alter.; to Rapid City, S. Dak., VOR, via E alter.; MEA *6,400. *5,900—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

From Eden Valley INT, Minn.; to Alexandria, Minn., VOR; MEA *3,200. *2,900—MOCA.

Section 95.6181 *VOR Federal airway 181* is amended to delete:

From Grand Forks, N. Dak., VOR; to U.S.-Canadian Border; MEA *4,000. *2,200—MOCA.

Section 95.6181 *VOR Federal airway 181* is amended by adding:

From Grand Forks, N. Dak., VOR; to Pembina, N. Dak., VOR; MEA *2,600. *2,200—MOCA.
From Pembina, N. Dak., VOR; to U.S.-Canadian Border; MEA 2,800.

Section 95.6182 *VOR Federal airway 182* is amended to read in part:

From Douglas, Wyo., VOR; to Chadron, Nebr., VOR; *8,000. *7,700—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

From Milwaukee, Wis., VOR; to Eden INT, Wis.; MEA 2,600

Section 95.6206 *VOR Federal airway 206* is amended to read in part:

From Tina INT, Mo.; to Kirksville, Mo., VOR; MEA *3,100. *2,100—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

From Tiverton, Ohio, VOR; to Irondale INT, Ohio; MEA 3,100.
From Irondale INT, Ohio; to Imperial, Pa., VOR; MEA 2,500.

Section 95.6230 *VOR Federal airway 230* is amended to read in part:

From Los Banos, Calif., VOR; to Mendota INT, Calif.; MEA 4,500.
From Mendota INT, Calif.; to Bland INT, Calif., westbound; MEA 4,500. Eastbound; MEA 2,000.
From Bland INT, Calif.; to Fresno, Calif., VOR; MEA 2,000.
From *Fresno, Calif., VOR; to Friant, Calif., VOR; MEA 5,000. *4,000—MCA Fresno VOR, northeastbound.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

From Chardon, Ohio, VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 95.6253 *VOR Federal airway 253* is amended to read in part:

From Buhl INT, Idaho; to Canyon Creek INT, Idaho; MEA *8,500. *8,000—MOCA.
From Canyon Creek INT, Idaho; to Boise, Idaho, VOR; MEA 7,000.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

From *Rialto INT, Calif.; to Redlands INT, Calif., eastbound; MEA 13,500. Westbound; MEA 9,000. *8,500—MCA Rialto INT, westbound. *12,300—MCA Rialto INT, eastbound.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

From *Lake Helen INT, Fla., via E alter; to Daytona Beach, Fla., VOR, via E alter.; MEA **1,600. *2,500—MRA. **1,400—MOCA.
From Daytona Beach, Fla., VOR, via E alter.; to *Roy INT, Fla., via E alter.; MEA **1,600. *2,500—MRA. **1,200—MOCA.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

From Briggs, Ohio, VOR, to Power Point INT, Ohio; MEA 3,000.
From Power Point INT, Ohio; to Ellwood City, Pa., VOR, MEA 2,600.

Section 95.6283 *VOR Federal airway 283* is amended to read in part:

From *Fresno, Calif., VOR; to Coarsegold INT, Calif.; MEA 5,000. *4,000—MCA Fresno VOR, northeastbound.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

From Lufkin, Tex., VOR; to Gregg County, Tex. VOR; MEA 2,000.

Section 95.6308 *VOR Federal airway 308* is deleted.

Section 95.6318 *VOR Federal airway 318* is added to read:

From Border INT, Maine; to Houlton, Maine, VOR; MEA *9,000. *3,800—MOCA.

Section 95.6405 *Hawaii VOR Federal airway 5* is deleted.

Section 95.6427 *VOR Federal airway 427* is amended to read:

From Newcomerstown, Ohio, VOR; to Briggs, Ohio, VOR; MEA 3,000.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

From Daytona Beach, Fla., VOR; to *Croaker INT, Fla.; MEA **1,500. *3,500—MRA. **1,100—MOCA

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

From Anchorage, Alaska, VOR; to *Martha INT, Alaska; MEA 2,000. *5,000—MCA Martha INT, northwestbound.
From Martha INT, Alaska; to *Friday INT, Alaska; MEA 6,500. *7,000—MCA Friday INT, northwestbound.
From Friday INT, Alaska; to McGrath, Alaska, VOR; MEA 11,500.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

From Newcomerstown, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 3,000.
From Tiverton, Ohio, VOR, via E alter.; to Sharon INT, Ohio, via E alter.; MEA 3,000.
From Sharon INT, Ohio, via E alter.; to Cleveland, Ohio, VOR, via E alter.; MEA *3,000. *2,500—MOCA.

Section 95.6468 *VOR Federal airway 468* is amended to read:

From Newcomerstown, Ohio, VOR; to Ellwood City, Pa., VOR; MEA 3,100.

Section 95.6507 *VOR Federal airway 507* is amended to read in part:

From *Reynolds INT, Idaho; to Boise, Idaho, VOR; MEA 6,000. *7,300—MCA Reynolds INT, southwestbound.

Section 95.6518 *VOR Federal airway 518* is amended to read in part:

From *Twin Lakes INT, Calif.; to Palmdale, Calif., VOR; MEA 8,000. *7,000—MCA Twin Lakes INT, northeastbound.

Section 95.6520 *VOR Federal airway 520* is amended to read in part:

From *Walla Walla, Wash., VOR; to Cloverland INT, Wash.; MEA 8,000. *5,500—MCA Walla Walla VOR, eastbound.
From Cloverland INT, Wash.; to Lewiston, Idaho, VOR, eastbound; MEA 6,000. Westbound MEA 8,000.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

From Fitzgerald, Pa., VOR; to Clarion, Pa., VOR; MEA 5,500.
From Imperial, Pa., VOR; to Irondale INT, Ohio; MEA 2,500.
From Irondale INT, Ohio; to Tiverton, Ohio, VOR; MEA 3,100.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *10,000. *5,500—MOCA.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

From Gainesville, Fla., VOR; to Dukes INT, Fla.; MEA 1,700.
From Dukes INT, Fla.; to Taylor, Fla., VOR; MEA *2,000. *1,700—MOCA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

From Evergreen, Ala., VOR; to Montgomery, Ala., VOR; MEA 1,800.
From Gordonsville, Va., VOR; to *Locust Grove INT, Va.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

From Gainesville, Fla., VOR; to Dukes INT, Fla.; MEA 1,700.
From Dukes INT, Fla.; to Taylor, Fla., VOR; MEA *2,000. *1,700—MOCA.
From Newcomerstown, Ohio, VOR; to Briggs, Ohio, VOR; MEA 3,000.
From Briggs, Ohio, VOR; to Sharon INT, Ohio; MEA 3,000.
From Sharon INT, Ohio; to Cleveland, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

From Quincy, Ill., VOR; to Hallsville, Mo., VOR; MEA *2,700. *2,100—MOCA.

Section 95.6854 *VOR Federal airway 854* is amended to read in part:

From O'Neill, Nebr., VOR; to Chadron, Nebr., VOR; MEA *10,000. *5,500—MOCA.

Section 95.6855 *VOR Federal airway 855* is amended to read in part:

From Kilgore INT, Ohio; to Briggs, Ohio, VOR; MEA 3,100.
From Briggs, Ohio, VOR; to Reedsburg INT, Ohio; MEA 3,000.
From Reedsburg INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,500.

Section 95.6880 *VOR Federal airway 880* is amended to read in part:

From Burlington, Iowa, VOR; to Luray INT, Mo.; MEA 2,100.
From Luray INT, Mo.; to Kirksville, Mo., VOR; MEA *2,700. *2,100—MOCA.
From Kirksville, Mo., VOR; to Chillicothe INT, Mo.; MEA *3,000. *2,300—MOCA.
From Chicago, Ill., VOR; to Malta INT, Ill.; MEA 2,500.

Section 95.6881 *VOR Federal airway 881* is amended to read in part:

From Taylor, Fla., VOR; to Dukes INT, Fla.; MEA *2,000. *1,700—MOCA.
From Dukes INT, Fla.; to Gainesville, Fla., VOR; MEA 1,700.

Section 95.1547 *VOR Federal airway 1547* is amended to read in part:

From Dickinson, N. Dak., VOR; to Pembina, N. Dak., VOR; MEA 14,500. MAA 24,000.

Section 95.1730 *VOR Federal airway 1730* is amended to read:

From Prescott, Ariz., VOR; to Winslow, Ariz., VOR; MEA 14,500. MAA 24,000.
From Winslow, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 14,500. MAA 24,000.
From Farmington, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 15,000. MAA 24,000.
From Alamosa, Colo., VOR; to Lamar, Colo., VOR; MEA 16,400. MAA 24,000.
From Lamar, Colo., VOR; to Russell, Kans., VOR; MEA 14,500. MAA 24,000.

These amendments are made under the authority of Sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775). These rules shall become effective November 14, 1963.

Issued in Washington, D.C., on October 14, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-11018; Filed, Oct. 17, 1963; 8:45 a.m.]

SUBCHAPTER I—AIRPORTS [NEW]

[Reg. Docket No. 2021; SFAR 1]

PART 159—NATIONAL CAPITAL AIRPORTS [NEW]

Dulles International Airport; Suspension of Landing Charges

The purpose of this Special Federal Aviation Regulation is to suspend § 159.181(a) of Part 159 [New] of the Federal Aviation Regulations, so far as it provides landing charges for certain aircraft at Dulles International Airport, on November 2 and 3, 1963, during the observance of the fifth anniversary of the Federal Aviation Agency. The aircraft thus relieved of landing charges on the two days will mainly consist of those usually referred to as "general aviation".

The Agency will hold an open house at Dulles International Airport on November 2 and 3 to commemorate that anniversary. The Agency will sponsor numerous activities at the Airport, including safety exhibits, exhibitions of aircraft, and inspection tours. An invitation will be extended to airmen and other interested persons to attend and participate in these anniversary activities, using the Airport as a base for their aircraft.

Since its purpose is to encourage the attendance and participation of as many interested persons as possible, and to encourage and foster civil aviation, the Administrator considers the action taken in this regulation to be in the public interest.

This Special Regulation will not affect the operations of air carriers while engaged in scheduled operations since those operations are not controlled by Part 159 so far as fees are concerned.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply to this regulation because it is within the exception to section 4 relating to public property.

In consideration of the foregoing, the following Special Federal Aviation Regulation 1 is adopted to become effective November 2, 1963.

1. Section 159.181(a) of Part 159 [New] of the Federal Aviation Regulations, so far as it provides landing charges for aircraft at Dulles International Airport, is suspended for the period November 2 and 3, 1963, with respect to aircraft that are participating in the anniversary activities on those dates.

2. This special regulation shall terminate at 12:00 midnight, November 3, 1963.

This regulation is issued under the authority of section 4 of the Act of September 7, 1950 (64 Stat. 770), as amended.

Issued in Washington, D.C., on October 11, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-11023; Filed, Oct. 17, 1963. 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8556]

PART 13—PROHIBITED TRADE PRACTICES

Central Sewing Center, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.110 *Indorsements, approval and testimonials;* § 13.155 *Prices;* § 13.155–10 *Bait;* § 13.155–40 *Exaggerated as regular and customary;* § 13.157 *Prize contests.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly; § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly;* § 13.330–72 *Publishers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Central Sewing Center, Inc., et al., Denver, Colo., Docket 8556, Sept. 20, 1963]

In the Matter of Central Sewing Center, Inc., a Corporation, and Leonard H. Dorey, Individually and as an Officer of Said Corporation; and Said Respondents, Doing Busines as Tri-State Distributing

Order requiring Denver, Colo., sellers of sewing machines and vacuum cleaners to the public to cease representing falsely in advertising and orally that their "bait" offers made to develop leads to prospects, were bona fide offers to give sewing machines free to specially selected persons; that an excessive amount set forth as "Retail Value" was the usual price and a stated lesser figure represented savings; that a customer preferring one of their regular line would be granted a substantial discount; that drawings for their products displayed at theaters or business establishments—actually schemes to obtain leads to prospective customers—were bona fide contests and that participants won valuable certificates entitling them to reductions from usual prices; and that their products and practices had been tested and approved by "Good Housekeeping" and "Parents Magazine".

The order to cease and desist is as follows:

It is ordered, That respondent Central Sewing Center, Inc., a corporation, and its officers, and respondent Leonard H. Dorey, individually and as an officer of said corporation, and said respondents separately or collectively doing business at Tri-State Distributing, or under any other trade name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines, vacuum cleaners or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication, that any offer to sell said products is being made only to a limited number of persons or to specially selected persons.

2. Representing, directly or by implication, that said products are offered for sale when such offer is not a bona fide offer to sell the merchandise so, and as, offered.

3. Using the words, "Retail Value", or words of similar import, to refer to any amount which is in excess of the price or prices at which such merchandise is usually and customarily sold in the trade area where the representation is made; or otherwise misrepresenting the usual and customary retail selling price or prices of such merchandise in the trade area.

4. Representing in any manner that, by purchasing any of their merchandise, customers are afforded savings amounting to the difference between respondents' stated selling price and any other price used for comparison with that selling price, unless the comparative price used represents the price at which the merchandise is usually and customarily sold at retail in the trade area involved, or is the price at which such merchandise has been usually and regularly sold by respondents at retail in the recent, regular course of their business.

5. Representing, directly or by implication, that contests to select the winners of prizes or awards are being conducted when all of such winners are not selected on the basis of a bona fide drawing or other competitive elimination.

6. Representing, directly or by implication, that awards or prizes are of a certain value or worth when the recipients thereof are not in fact benefited by or do not save the amount of the stated value or worth of such prizes or awards.

7. Representing, unless true, directly or by implication, that "Good Housekeeping" or "Parents' Magazine" have authorized the use of any insignia or emblem by respondents, or have tested or approved respondents' products, advertising, or practices; or misrepresenting in any manner or by any means that respondents' products, advertising, or practices have been tested or approved by any organization or publication.

8. Representing, directly or by implication, that said products are guaranteed unless the nature, extent and duration of the guarantee, the manner in which the guarantor will perform thereunder and the name and address of the guarantor are clearly and conspicuously disclosed and respondents do in fact fulfill all of

their requirements under the terms of said guarantee.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order set forth herein.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11036; Filed, Oct. 17, 1963; 8:46 a.m.]

[Docket No. C-599]

PART 13—PROHIBITED TRADE PRACTICES

Montaldo's Furs, Inc., and Sidney Weiner

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* §13.30–30 Fur Products Labeling Act; § 13.155 *Prices;* § 13.155–70 Percentage savings. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition;* § 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation;* § 13.1865–40 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Montaldo's Furs, Inc., et al., New York, N.Y., Docket C-599, Sept. 23, 1963]

In the Matter of Montaldo's Furs, Inc., a Corporation, and Sidney Weiner, Individually and as the Principal Stockholder of the Said Corporation

Consent order requiring retail furriers in New York City to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to show the true animal name of fur and when fur was artificially colored, and to use the term "Dyed Broadtail-processed Lamb" as required, representing furs improperly as "Broadtail", and falsely advertised "* * * Savings of 25% to 50% * * *"; and by failing to keep adequate records as a basis for pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Montaldo's Furs, Inc., a corporation, and its officers and Sidney Weiner, individually and as the principal stockholder of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such products are not reduced to afford to purchasers the percentage of savings stated.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

5. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

6. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

B. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11037; Filed, Oct. 17, 1963; 8:46 a.m.]

[Docket No. C-600]

PART 13—PROHIBITED TRADE PRACTICES

Montaldo's, Inc., and Jack Montaldo

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.30–30 Fur Products Labeling Act; § 13.155 *Prices;* § 13.155–70 Percentage savings. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation;* § 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin;* § 13.1900–40 Fur Products Labeling Act; § 13.1900–40(b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Montaldo's, Inc., et al., St. Louis, Mo., Docket C-600, Sept. 23, 1963]

In the Matter of Montaldo's, Inc., a Corporation and Jack Montaldo, Individually and as an Officer of Said Corporation

Consent order requiring a St. Louis, Mo., retail furrier to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to show the true animal name of fur and the country of origin of imported furs and to reveal when fur was artificially colored, to use the term "Dyed Broadtail-processed Lamb" as required and the word "natural" where applicable; and which identified fur products falsely with respect to the animal that produced the fur and falsely advertised "savings of 25% to 50%; by failing in other respects to comply with advertising and invoicing requirements; and by failing to maintain adequate records as a basis for pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents Montaldo's Inc., a corporation and its officers, and Jack Montaldo individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such products are not reduced to afford to purchasers the percentage of savings stated.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

5. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

6. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

7. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11038; Filed, Oct. 17, 1963; 8:46 a.m.]

[Docket No. 8053]

PART 13—PROHIBITED TRADE PRACTICES

Westinghouse Electric Corp.

Subpart—Discriminating in price under § 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Westinghouse Electric Corporation, Pittsburgh, Pa., Docket 8053, Sept. 12, 1963]

Consent order requiring a manufacturer of electrical devices, equipment and supplies to cease discriminating in price in violation of section 2(a) of the Clayton Act by such practices as (1) granting to automotive replacement parts wholesalers who bought in excess of $25,000 worth of its miniature and sealed beam lamps in a contract year, an additional discount over that allowed to purchasers of smaller amounts; and (2) granting to General Motors Corporation on purchases resold to G.M.C. car and truck dealers in competition with replacement parts wholesalers, an additional discount to that allowed such wholesalers.

The order to cease and desist is as follows:

It is ordered, That Westinghouse Electric Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale for replacement purposes, of automotive miniature and sealed beam lamps in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such automotive miniature and sealed beam lamps of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser who, in fact, competes in the resale and distribution of said products with the purchaser paying the higher price.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent Westinghouse Electric Corporation, a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 12, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11039; Filed, Oct. 17, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 20—FROZEN DESSERTS; DEFINITIONS AND STANDARDS OF IDENTITY

Ice Cream and Related Products; Order Amending Standard To List Fructose N.F. as Optional Ingredient

A notice of proposed rule making was published in the FEDERAL REGISTER of June 29, 1963 (28 F.R. 6752) setting forth a proposal by Dawe's Laboratories, Inc., 4800 Richmond Street, Chicago 32, Illinois, to amend the standard of identity for ice cream to provide for the use of fructose N.F. as an optional sweetening ingredient. No comments were filed in response to the notice above cited.

On the basis of the relevant information available it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner (25 F.R. 8625): *It is ordered,* That the standards of identity for ice cream be amended by adding to the list of optional sweetening ingredients in § 20.1(d) a new subparagraph (13), reading as follows:

(13) Fructose N.F.

Because of cross-references, adopting this amendment to the standard for ice cream will have the effect of making fructose N.F. a permitted optional sweetening ingredient of frozen custard (§ 20.2) and ice milk (§ 20.3).

Any person who will be adversely affected by the foregoing order may at any time prior within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 14, 1963.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 63-11044; Filed, Oct. 17, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 722) filed by Stein, Hall and Company, Inc., 285 Madison Avenue, New York 17, New York, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium polyacrylate as a component of the food-contact surface of paper and paperboard intended for use in contact with dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571; 28 F.R. 4615, 7220, 9742) is amended by inserting alphabetically in the "List of substances" in paragraph (b) the following new item:

List of substances	Limitations
. . .	. . .
Sodium polyacrylate	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 14, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-11043; Filed, Oct. 17, 1963; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2124]

PART 192—OIL AND GAS LEASES

Rentals

On page 3418 of the FEDERAL REGISTER of April 6, 1963, there were published proposed amendments of 43 CFR 192.80. The purpose of the amendments was to clarify the regulations pertaining to rentals payable on oil and gas leases.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposed amendments. After consideration of all of the comments and suggestions received during that period the proposed amendments are hereby adopted as set forth below to become effective at the beginning of the 30th calendar day following date of this publication in the FEDERAL REGISTER.

Paragraph (b)(3) of § 192.80 is amended and new paragraphs (d) and (e) are added as follows:

§ 192.80 Rentals.

* * * * *

(b) On leases wholly or partly within the known geologic structure of a producing oil or gas field:

* * * * *

(3) If issued competitively, unless a different rate of rental is prescribed in the lease, an annual rental of $2 per acre or fraction thereof prior to a discovery on the leased lands. After a discovery, if the lease is unitized, such rental shall be payable on the nonparticipating acreage only, and royalty as provided in the lease and elsewhere in this Part shall be payable on the participating acreage.

* * * * *

(d) A lease subject to the provisions of section 31 of the act, as amended by section 1(7) of the Act of July 29, 1954 (30 U.S.C. 188) on which there is no well capable of producing oil or gas in paying quantities, shall automatically terminate by operation of law if the lessee fails to pay the full rental due on or before the anniversary date of the lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The "anniversary date" of a lease means the same day and month in succeeding years as that on which the lease first became effective. The anniversary date of a lease does not change.

(e) If on the anniversary date of the lease less than a full year remains in the lease term, the rentals due shall be in the same proportion to the annual rental as the period remaining in the lease term is to a full year. The rentals shall be prorated on a monthly basis for the full months, and on a daily basis for the fractional months remaining in the lease term. For the purpose of prorating rentals for a fractional month, each month will be deemed to consist of 30 days.

(1) If the term of a lease for which prorated rentals have been paid is further extended to or beyond the next anniversary date of the lease, rentals for the balance of the lease year shall be due and payable on the date following the date through which the prorated rentals were paid. If the rentals are not paid for the balance of the lease year, the lease will be subject to cancellation by the Secretary after he has given notice to the lessee in accordance with section 31 of the act. However, if the anniversary date occurs before the end of the notice period, the rental for the ensuing lease year shall nevertheless be due on the anniversary date, and failure to pay the full rental for that year on or before that date shall cause the lease to terminate automatically by operation of law, without relieving the lessee of liability for rental due for the balance of the previous lease year. (30 U.S.C. 189; 41 Stat. 437.) If the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 11, 1963.

[F.R. Doc. 63-11040; Filed, Oct. 17, 1963; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Public hunting of upland game on the Charles M. Russell Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 400,000 acres is described as follows:

North of the Missouri River (Phillips County): Beginning at the intersection of U.S. Highway 191 and the north boundary of the Charles M. Russell National Wildlife Range, thence east to Beauchamp Creek, thence south along Beauchamp Creek to its confluence with the Missouri River, thence west along the river to the Fred Robinson Bridge, thence north along Highway 191 to the Range boundary, the point of beginning.

South of the Missouri River and Reservoir (Fergus, Petroleum and Garfield Counties): Beginning at the intersection of U.S. Highway 191 and the south boundary of the Charles M. Russell National Wildlife Range, thence east along the boundary to the Devils Creek Road in northwest Garfield County, thence north along Devils Creek Road to the Fort Peck Reservoir, thence west along the Reservoir and the Missouri River to the Fred Robinson Bridge, thence south along Highway 191 to the boundary of the Charles M. Russell National Wildlife Range.

It is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: November 10 through November 24, 1963.

(c) Daily bag limits: 3 birds, one of which may be a hen.

(d) Methods of hunting:

1. Weapons: Must be in accordance with State regulations.

2. Dogs: Not to exceed two dogs per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective to November 25, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 10, 1963.

[F.R. Doc. 63-11027; Filed, Oct. 17, 1963; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS, THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 266—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED FISH PORTIONS [1]

On page 8412 of the FEDERAL REGISTER of August 16, 1963, there was published a notice and text of a proposed amendment of part 266—United States Standards for Grades of Frozen Raw Breaded Fish Portions—of Title 50, Code of Federal Regulations.

Interested persons were given until September 16, 1963, to submit written comments, suggestions of objections with respect to the proposed revised part. Two responses to the proposal were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the proposed revised part is hereby adopted with one change and is set forth below. A change was made in § 266.5 to realign the requirements of that section for more direct and simplified application.

The revised part is issued under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

This part shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER except that the requirements of § 266.5 shall become effective on such date or on any date subsequent thereto at the election of the applicant but not later than July 1, 1964.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 11, 1963.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

Sec.
266.1 Description of the product.
266.2 Styles of frozen raw breaded fish portions.
266.3 Grades of frozen raw breaded fish portions.
266.5 Labeling requirements for styles of frozen raw breaded fish portions.
266.11 Determination of the grade.
266.21 Definitions.
266.25 Tolerances for certification of officially drawn samples.

AUTHORITY: §§ 266.1 to 266.25 issued under 16 U.S.C. 742e.

§ 266.1 Description of the product.

Frozen raw breaded portions are clean, wholesome, rectangular-shaped unglazed masses of cohering pieces (not ground) of fish flesh coated with breading. The portions are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; and are packaged and frozen in accordance with good commercial practice. They are maintained at temperatures necessary for the preservation of the product. Frozen raw breaded fish portions weigh more than 1½ ounces, and are at least ⅜-inch thick. Frozen raw breaded fish portions contain not less than 75 percent, by weight, of fish flesh. All portions in an individual package are prepared from the flesh of one species of fish.

§ 266.2 Styles of frozen raw breaded fish portions.

(a) *Style I—Skinless portions.* Portions prepared from fish blocks which have been made with skinless fillets.

(b) *Style II—Skin-on-portions.* Portions prepared from fish blocks which have been made with demonstrably acceptable skin-on fillets.

§ 266.3 Grades of frozen raw breaded fish portions.

(a) "U.S. Grade A" is the quality of frozen raw breaded fish portions that (1) possess good flavor and odor and (2) rate a total score of not less than 85 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(b) "U.S. Grade B" is the quality of frozen raw breaded fish portions that (1) possess at least reasonably good flavor and odor and (2) rate a total score of not less than 70 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" is the quality of frozen raw breaded portions that meet the requirements of § 266.1, Description of Product, but otherwise fail to meet the requirements of "U.S. Grade B".

§ 266.5 Labeling requirements for styles of frozen raw breaded fish portions.

Section 260.86 (a) (b) and (c) of Part 260 states the requirements for the use of approved grade marks, inspection marks and combined grade and inspection marks on processed fishery products. When an approved inspection mark is used on Style II (§ 266.2) of frozen raw breaded fish portions, that style shall be conspicuously revealed on the label as having been made from "skin-on fillets".

§ 266.11 Determination of the grade.

The grade is determined by examining the product in the frozen and cooked states and is evaluated in accordance with the following factors:

(a) *Factors rated by score points.* Points are deducted for variations in the quality of each factor in accordance with the schedule in table 1. The total points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

(b) *Factors not rated by score points.* The factor of "flavor and odor" is evaluated organoleptically by smelling and tasting, after the product has been cooked in accordance with § 266.21.

(1) Good flavor and odor (essential requirements for a Grade A Product) means that the cooked product has the typical flavor and odor of the indicated species of fish and of the breading and is free from rancidity, bitterness, staleness, and off-flavors and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a Grade B Product) means that the cooked product is lacking in good flavor and odor but is free from objectionable off-flavors and off-odors of any kind.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE UNIT OF 10 PORTIONS

Factors scored				Method of determining score	Deduct
Frozen state	1	Condition of package		Small degree: Moderate loose breading and/or moderate frost Large degree: Excessive loose breading and/or excessive amount frost.	3 6
	2	Ease of separation		Minor: Hand separated with difficulty. Each affected Major: Separated only by knife or other instrument. Each affected.	1 2
	3	Broken portion		Break or cut greater than ½ width or length. Each affected	10
	4	Damaged portion		Mashed, mechanically and/or physically injured, misshaped or mutilated.[1] Minor: 1 to 5 instances. Each affected Major: Over 5 instances. Each affected	2 4
	5	Uniformity	Size	Deviation in length or width between the 2 largest and 2 smallest portions is: Up to ¼ inch Over ¼ inch and up to ½ inch Over ½ inch	0 3 10
	6	Uniformity	Weight	Weight ratio of the 2 heaviest divided by the 2 lightest portions: Over 1.0 but not over 1.2 Over 1.2 but not over 1.3 Over 1.3 but not over 1.4 Over 1.4	0 2 5 10
Cooked state	7	Distortion		Minor: Bending, shrinking, twisting—¼ to ½ inch. Each affected. Major: Excessive bending, shrinking, twisting—over ½ inch. Each affected.	1 2
	8	Coating defects		Bare spots, blistering, ridges, breaks, curds:[1] Minor: 1 to 6 instances. Each affected Major: Over 6 instances. Each affected	1 2
	9	Blemishes		Skin (except for style II), blood spots, bruises, and discolorations:[1] Minor: 1 to 6 instances. Each affected Major: Over 6 instances. Each affected	2 4
	10	Bones		Portions containing bones (potentially harmful). Each affected	10
	11	Texture	Coating	Small degree: Moderately dry, soggy, doughy, or tough Large degree: Farinaceous (mealy), pasty, very tough	5 15
	12	Texture	Fish flesh	Small degree: Moderately dry, soft, mushy Large degree: Dry to the point of fibrousness, very mushy, tough, or rubbery (skin for style II).	5 15

[1] An instance=each 1/16 square inch (¼-inch square).

§ 266.21 Definitions.

(a) Selection of the sample unit: The sample unit shall consists of 10 frozen raw breaded fish portions taken at random from one or more packages as required. The fish portions are spread out on a flat pan or sheet and are examined according to table 1. Definitions of factors for point deductions are as follows:

(b) Examination of sample, frozen state: (1) "Condition of package" refers to the presence in the package of loose breading and/or loose frost.

(2) "Ease of separation" refers to the difficulty of separating the portions from each other or from the packaging material.

(3) "Broken portion" means a portion with a break or cut equal to or greater than one-half the width or length of the portion.

(4) "Damaged portion" means a portion that has been mashed, physically or mechanically injured, misshaped or multilated to the extent that its appearance is materially affected. The amount of damage is measured by using a grid composed of squares ¼-inch x ¼-inch (that is, squares with an area of 1/16 square inch each) to measure the area of the portion affected. No deductions are made for damage of less than 1/16 square inch.

(5) "Uniformity of size" refers to the degree of uniformity in length and width of the frozen portions. Deviations are measured from the combined lengths of the two longest minus the combined lengths of the two shortest and/or the combined widths of the two widest minus the combined widths of the two narrowest portions in the sample. Deductions are not made for overall deviations in length or width up to ¼ inch.

(6) "Uniformity of weight" refers to the degree of uniformity of the weights of the portions. Uniformity is measured by the combined weight of the two heaviest portions divided by the combined weight of the two lightest portions in the sample. No deductions are made for weight ratios less than 1.2.

(c) (1) Cooked state means the state of the product after being cooked in accordance with the instructions accompanying the product. If, however, specific instructions are lacking, the product being inspected is cooked as follows:

(2) Transfer the product, while still frozen, into a wire mesh fry basket large enough to hold the fish portions in a single layer and cook by immersing them 3–5 minutes in liquid or hydrogenated cooking oil heated to 350 to 375° F. After cooking, allow the fish portions to drain 15 seconds and place them on a paper napkin or towel to absorb excess oil.

(d) Examination of sample, cooked state.

(1) "Distortion" refers to the degree of bending of the long axis of the portion. Distortion is measured as the greatest deviation from the long axis. Deductions are not made for deviations of less than ¼ inch.

(2) "Coating defects" refers to breaks, lumps, ridges, depressions, blisters or swells and curds in the coating of the cooked product. Breaks in the coating are objectionable bare spots through which the fish flesh is plainly visible. Lumps are objectionable outcroppings of breading on the portion surface. Ridges are projections of excess breading at the edges of the portions. Depressions are objectionable visible voids or shallow areas that are lightly covered by breading. Blisters are measured by the swelling or exposed area in the coating resulting from the bursting or breaking of the coating. Curd refers to crater-like holes in the breading filled with coagulated white or creamy albumin. Instances of these defects are measured by a plastic grid marked off in ¼-inch squares (1/16 square inch). Each square is counted as 1 whether it is full or fractional.

(3) "Blemishes" refers to skin (except for Style II), blood spots or bruises, objectionable dark fatty flesh, or extraneous material. Instances of blemishes refers to each occurrence measured by placing a plastic grid marked off in ¼-inch squares (1/16 square inch) over the defect area. Each square is counted as 1 whether it is full or fractional.

(4) "Bones" means the presence of potentially harmful bones in a portion. A potentially harmful bone is one that after being cooked is capable of piercing or hurting the palate.

(5) "Texture defects of the coating" refers to the absence of the normal textural properties of the coating which are crispness and tenderness. Defects in coating texture are dryness, sogginess, mushiness, doughyness, toughness, pastyness, as sensed by starchiness or other sticky properties felt by mouth tissues and/or mealiness.

(6) "Texture defects of the fish flesh and texture of skin in Style II" refers to the absence of the normal textural properties of the cooked fish flesh and to the absence of tenderness of the cooked skin in Style II. Normal textural properties of cooked fish flesh are tenderness, firmness, and moistness without excess water. Texture defects of the cooked flesh are dryness, mushiness, toughness, and rubberyness. Texture defects of the cooked skin in Style II are mushiness, rubberyness, toughness, and stringiness.

(e) General definitions. (1) "Small" (overall assessment) refers to a condition that is noticeable but is not seriously objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(f) *Minimum fish flesh content* refers to the minimum percent, by weight, of the average fish flesh content of 3 or more portions per sample unit as determined by the following method:

(1) *Equipment needed.* (i) Water bath (for example, a 3 to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch readable to a second.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut picker.

(viii) Thermometer (immersion type) accurate to ±2°F.

(ix) Copper sulfate crystals ($CuSO_4 \cdot 5H_2O$)—one pound.

(2) *Procedure.* (i) Weigh all portions in the sample while they are still hard frozen.

(ii) Place each portion individually in a water bath that is maintained at 63° F. to 86° F. and allow to remain until the breading becomes soft and can easily be removed from the still frozen fish flesh (between 10 to 80 seconds for portions held in storage at 0° F.). If the portions were prepared using batters that are difficult to remove after one dipping, redip them for up to 5 seconds after the initial debreading and remove residual batter materials.

NOTE: Several preliminary trials may be necessary to determine the exact dip time required for "debreading" the portions in a sample unit. For these trials only, a saturated solution of copper sulfate (1 pound of copper sulfate in 2 liters of tap water) is necessary. The correct dip time is the minimum time of immersion in the copper sulfate solution required before the breading can easily be scraped off: *Provided,* (1) That the "debreaded" portions are still solidly frozen and (2) only a slight trace of blue color is visible on the surface of the "debreaded" fish portions.

(iii) Remove the portion from the bath; blot lightly with double thickness paper toweling; and scrape off or pick out coating from the fish flesh with the spatula or nut picker.

(iv) Weigh all the "debreaded" fish portions.

(v) Calculate the percent of fish flesh in the sample using the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (d)}}{\text{Weight of raw breaded portions (a)}} \times (100)$$

§ 266.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, of this chapter (Regulations Governing Processed Fishery Products, Vol. 25 F.R. 8427 September 1, 1960) except that a sample unit shall consist of 10 portions taken at random from one or more packages as required.

Second Issue: These standards supersede the standards which have been in effect since March 23, 1960.

[F.R. Doc. 63-11028; Filed, Oct. 17, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1071]

[Docket No. AO–227–A14]

MILK IN NEOSHO VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Neosho Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Pittsburg, Kansas, on October 1, 1963, pursuant to notice thereof which was issued September 19, 1963 (28 F.R. 10383).

The material issue on the record of the hearing relates to discontinuing the base-excess plan in paying producers.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The base and excess plan of distributing returns for milk among producers should be discontinued.

The base and excess plan has been a part of the order since its promulgation on December 1, 1951. Its single purpose was to encourage an even rate of production throughout the year. Under the base and excess plan a producer establishes a base for each of the months of February through July according to his deliveries to approved plants during the preceding months of September through December. In each month of February through July separate uniform prices for base milk and excess milk are computed and Class I utilization during each month is first allotted to base milk. Excess milk, that milk in excess of each producer's established base, is assigned first to Class II use, to the extent that an equivalent quantity of producer milk is so allocated, and any remainder is assigned to Class I. For all other months producers receive the marketwide uniform price for all milk delivered to approved plants.

Three cooperative associations whose members deliver approximately 85 percent of the producer milk under the order proposed the removal of the base and excess plan from the order. There was no opposition to the joint proposal of the three producer associations.

The base rating plan in the order, designed to level the seasonality of milk production so as to provide an adequate supply of pure and wholesome milk to the consuming public on a year-around basis, has served the purpose for which it was established but the need for the provision no longer exists. Until the past few years, milk production for the Neosho Valley marketing area came from relatively small producers who shipped their milk in cans. The market is now supplied by fewer producers who make larger daily deliveries. Approximately 95 percent of the producers now have bulk tanks and they deliver an adequate and a relatively consistent supply of milk to the market each day.

Together the three cooperative associations operating under the Neosho Valley order have milk which is regulated under eight other Federal orders. The base and excess provisions or the Neosho Valley order restrict these cooperatives in the movement of milk between the various Federal orders in which they operate. These provisions prevent the cooperatives from obtaining the highest possible total Class I utilization of their members' milk by requiring them to keep certain milk on the Neosho Valley market during the base-forming months in order to establish bases for individual-member producers. There is some production in the Neosho Valley market beyond the needs of that market's fluid sales even during the base-forming months. Class I outlets are available for such excess production in other markets. However, the base and excess plan is preventing this excess milk from moving into other market Class I outlets.

Further, the base and excess plan is ineffective with respect to payments to producers who are members of the three cooperative associations since the cooperatives reblend the proceeds of their sales of all member milk, including milk regulated under other Federal orders, when paying producers under the Neosho Valley order. Thus, the cooperatives' member producers do not individually receive the order base and excess prices for their milk.

Deleting the base-excess plan for distributing returns from milk among producers will not change the handlers' costs of milk.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties. The evidence in the record was considered in making the findings and conclusions set forth above.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Neosho Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1071.22(j)(2) is revised as follows:

§ 1071.22 Duties.

* * * * *

(j) * * *

(2) On or before the 12th day of each delivery period the uniform price computed pursuant to § 1071.71 and the butterfat differential computed pursuant to § 1071.52, both for the previous delivery period; and

2. Section 1071.60 is revised as follows:

§ 1071.60 **Producer-handlers.**

Sections 1071.40 through 1071.46, 1071.50 through 1071.52, 1071.70, 1071.71 and 1071.90 through 1071.97 shall not apply to a producer-handler.

§ 1071.71 [Amendment]

3. In the introductory text of § 1071.71, the words "of August through January" are revoked.

§ 1071.72 [Revocation]

4. Section 1071.72 is revoked.

§§ 1071.80, 1071.81, 1071.82, 1071.83 [Revocation]

5. Sections 1071.80, 1071.81, 1071.82, 1071.83 and the center head "Base Rating" are revoked in their entirety.

6. In § 1071.90(b), the introductory text preceding subparagraph (1) is revised as follows:

§ 1071.90 **Time and method of payment.**

* * * * *

(b) On or before the 17th day after the end of each delivery period, for all milk received during such delivery period from such producer at not less than the uniform price for such delivery period computed pursuant to § 1071.71 subject to the following adjustments:

* * * * *

7. Section 1071.93 is revised as follows:

§ 1071.93 **Payments to the producer-settlement fund.**

On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of the milk received by such handler from producers as determined pursuant to § 1071.70 for such delivery period is greater than an amount computed by multiplying the total hundredweight of milk received from producers during the delivery period by the applicable uniform price adjusted by the producer butterfat and location differentials pursuant to § 1071.91.

8. In § 1071.94, the text preceding the first proviso is revised as follows:

§ 1071.94 **Payments out of the producer-settlement fund.**

On or before the 14th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers or a cooperative association, any amount by which the value of the milk received by such handler from producers as determined pursuant to § 1071.70 for the delivery period is less than an amount computed by multiplying the total hundredweight of milk received from producers during the delivery period by the applicable uniform price adjusted by the producer butterfat and location differentials pursuant to § 1071.91:

* * * * *

Signed at Washington, D.C., on October 14, 1963.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 63–11034; Filed, Oct. 17, 1963; 8:46 a.m.]

[7 CFR Part 53]

CARCASS BEEF

Proposed Revision of Official United States Standards for Grades

On September 18, 1963, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), there was published in the FEDERAL REGISTER (28 F.R. 10208), a notice of a proposal to revise the official United States standards for grades of carcass beef appearing in 7 CFR Part 53, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624). The notice provided for a 60-day period within which interested persons could submit written data, views, or arguments to the Director of the Livestock Division concerning the proposal. It is now deemed advisable to provide additional time for such submissions. Any person who wishes to do so may file written data, views, or arguments relating to the proposal with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, on or before April 1, 1964.

Done at Washington, D.C. this 14th day of October 1963.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 63–11033, Filed, Oct. 17, 1963; 8:46 a.m.]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Proposed Meat Content Standards

Correction

In F.R. Doc. 63–10846, appearing at page 11017 of the issue for Tuesday, October 15, 1963, the following corrections are made in § 81.134(c):

1. In the second sentence of subparagraph (1), the word "number" should read "manner".

2. In Table II following subparagraph (2)(iv), a blank space should precede the word "percent" in item 4 of the "product name" column, so that the entry reads as follows:

4. Boned (kind) with ------ percent broth [3] ------	

Agricultural Research Service

[7 CFR Part 362]

REGULATIONS UNDER FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

Notice of Availability for Public Inspection of Comments on Proposed Revision

On September 6, 1963 a notice of a proposed revision of the regulations (7 CFR Part 362) for the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act was published in the FEDERAL REGISTER (28 F.R. 9783), and interested persons were invited to submit written data, views and arguments thereon to the Department.

Since the publication of the notice in the FEDERAL REGISTER, question has been raised as to whether the written data, views, and arguments filed with the Department in response to the notice are available to the public. In view of the substantial public interest in the subject matter of the regulations, arrangements have been made for all such data, views, and arguments to be made available for public examination in the Office of the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C.

Done at Washington 25, D.C. this 16th day of October 1963.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63–11079; Filed, Oct. 17, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–21]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

The following controlled airspace is designated in the Burbank, Calif., terminal area:

1. The Burbank control zone is designated within a 5-mile radius of Lockheed Air Terminal, Burbank, Calif., excluding the portion west of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W. and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif.

2. The Van Nuys Airport control zone is designated within a 5-mile radius of Van Nuys Airport, excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

3. The Burbank control area extension is designated as that airspace bounded on the southeast by Victor 8 north, on the south by Victor 16, on the southwest by Victor 107, on the northwest by Victor 12 and the east boundary of Victor 23, and on the northeast by Victor 137.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Burbank area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Burbank control zone by redesignating it as that airspace within a 5-mile radius of Lockheed Air Terminal, Burbank, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), and within 2 miles each side of the 113° true bearing

from the Glendale, Calif., RBN, extending from the 5-mile radius zone to 6 miles southeast of the RBN, excluding the portion west of a line from latitude 34°16′00″ N., longitude 118°25′55″ W., to latitude 34°09′25″ N., longitude 118°25′40″ W. and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif. (latitude 34°15′35″ N., longitude 118°24′45″ W.).

2. Designate the Burbank transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°14′00″ N., longitude 118°47′00″ W.; to latitude 34°14′00″ N., longitude 118°15′00″ W.; to latitude 34°12′00″ N., longitude 118°15′00″ W.; to latitude 34°12′00″ N., longitude 117°59′00″ W.; to latitude 33°56′00″ N., longitude 117°59′00″ W.; to latitude 33°56′00″ N., longitude 118°07′00″ W.; to latitude 34°00′00″ N., longitude 118°07′00″ W.; to latitude 34°00′00″ N., longitude 118°15′00″ W.; to latitude 34°05′00″ N., longitude 118°15′00″ W.; to latitude 34°05′00″ N., longitude 118°33′00″ W.; to latitude 34°04′00″ N., longitude 118°33′00″ W.; to latitude 34°04′00″ N., longitude 118°43′00″ W.; to latitude 34°10′00″ N., longitude 118°43′00″ W.; to latitude 34°10′00″ N., longitude 118°47′00″ W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30′00″ N., longitude 118°50′00″ W.; to latitude 34°30′00″ N., longitude 118°45′00″ W.; thence north along longitude 118°45′00″ N. to the southern boundary of Victor 137, thence along the southern boundary of Victor 137 to longitude 118°20′00″ W.; to latitude 34°30′00″ N., longitude 118°20′00″ W.; to latitude 34°30′00″ N., longitude 117°43′00″ W.; to latitude 34°10′00″ N., longitude 117°43′00″ W.; to latitude 34°10′00″ N., longitude 117°59′00″ W.; to latitude 34°05′00″ N., longitude 117°59′00″ W., to latitude 34°05′00″ N., longitude 118°33′00″ W.; to latitude 34°00′00″ N., longitude 118°33′00″ W.; to latitude 34°00′00″ N., longitude 118°50′00″ W.; thence to point of beginning.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floors of the transition areas.

The actions proposed herein would increase the size of the presently designated control zone at Burbank by the addition of a control zone extension to provide protection for aircraft executing prescribed instrument approach and departure procedures at Lockheed Air Terminal. No change in the configuration of the Van Nuys Airport control zone would be required. The portion of the proposed Burbank transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach, departure and radar vectoring procedures conducted beyond the limits of the Burbank and Van Nuys control zones and below the floor of the proposed 1,200-foot floor area. The floor of controlled airspace beyond the proposed 700-foot floor areas would be raised from 700 to 1,200 feet above the surface. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed holding, approach, missed approach, radar and departure procedures within the Burbank terminal area.

The portion of the Burbank control area extension within the lateral limits of the proposed transition area would automatically assume a floor coincident with that of the transition area. Revocation of the Burbank control area extension will be processed at a later date as a part of the terminal area CAR Amendments 60–21/60–29 implementation studies in adjacent terminal areas.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, Calif., 90045.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11020; Filed, Oct. 17, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–70]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Notice of Proposed Alteration, Designation, and Revocation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

The following controlled airspace is designated in the Alpena, Mich., terminal area:

1. The Alpena control zone is designated as that airspace within a 5-mile radius of Phelps Collins Airport, Alpena, Mich., (latitude 45°05′00″ N., longitude 83°33′30″ W.), and within 2 miles either side of the 185° true bearing from the Alpena RBN extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airmen's Guide.

2. The Alpena control area extension is designated as that airspace bounded by a line beginning at latitude 45°28′00″ N., longitude 83°30′00″ W., thence to latitude 45°16′30″ N., longitude 83°11′25″ W., thence to latitude 44°42′00″ N., longitude 83°52′30″ W., thence to latitude 44°53′00″ N., longitude 84°11′30″ W., thence to the point of beginning. This control area extension is effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airmen's Guide.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Alpena area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Alpena control zone by redesignating it within a 5-mile radius of Phelps Collins Airport, Alpena, Mich. (latitude 45°05′00″ N., longitude 83°33′30″ W.), within 2 miles each side of the Phelps Collins TACAN (latitude 45°05′00″ N., longitude 83°33′30″ W.) 350° true radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 176° and 356° true bearings from the Alpena RBN, extending from the 5-mile radius zone to 8 miles north of the RBN. This control zone would be effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airmen's Guide.

2. Designate the Alpena transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Phelps Collins Airport, Alpena, Mich., and that airspace extending upward from 1,200 feet above the airport within a 21-mile radius of Phelps Collins Airport, and within the arc of a 29-mile radius circle centered on the Phelps Collins RBN, extending from a line 5 miles west of and parallel to the 356° True bearing from the Phelps Collins RBN clockwise to a line 5 miles east of and parallel to the 021° True bearing from the Phelps Collins RBN. The portion of this transition area which would coincide with the Oscoda, Mich., control area extension would be excluded. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airmen's Guide.

3. Revoke the Alpena control area extension.

The action proposed herein to alter the Alpena control zone would lengthen and realign the existing north control zone extension for the protection of aircraft executing the prescribed Phelps Collins Airport public-use ADF instrument approach procedure. A short extension would be added to the existing basic 5-mile radius area for the protection of aircraft executing the prescribed Phelps Collins Airport military TACAN instrument approach procedures.

The establishment of a transition area at Alpena together with revocation of the existing Alpena control area extension would raise the floor of controlled airspace beyond the immediate vicinity of the Phelps Collins Airport from 700 to 1,200 feet above the surface. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide for the required air traffic control operational flexibility of military aircraft executing instrument flight rules procedures utilized at the Phelps Collins Airport during prescribed training periods.

The Phelps Collins Airport is utilized during summer months for the training of Air Force and Air National Guard Units. For the summer training periods the Air Force provides control tower service and a radar and TACAN capability at Phelps Collins Airport. The specific training exercises conducted vary with the types of aircraft assigned to the different operational units. Therefore, a high degree of air traffic control flexibility is necessary and sufficient controlled airspace must be provided to accommodate this flexibility.

There are no Federal airways in the Alpena terminal area. The changes to the minimum en route instrument altitudes for the off-airway routes utilized by North Central Airlines in the Alpena terminal area which would be adopted as a result of the actions proposed herein may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11021; Filed, Oct 17, 1963; 8:45 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–EA–58]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.50 of the Federal Aviation regulations, the substance of which is stated below.

The Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor R–5003 is presently described as follows:

Boundaries. The area centered on the 226° radial of the McGuire VOR, extending from 5 miles SW of the airbase (latitude 40°00′55″ N., longitude. 74°35′25″ W.) to 32 miles SW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes. 2,100 feet MSL to 15,100 feet MSL from 5 miles SW of the airbase to 6 miles SW of the airbase. 2,100 feet MSL to flight level 241 from 6 to 7 miles SW of the airbase. 2,100 feet MSL to flight level 270 from 7 to 10 miles SW of the airbase. 6,100 feet MSL to flight level 270 from 10 to 15 miles SW of the airbase. 10,100 feet MSL to flight level 270 from 15 to 20 miles SW of the airbase. 15,100 feet MSL to flight level 270 from 20 to 25 miles SW of the airbase. 19,100 feet MSL to flight level 270 from 25 to 32 miles SW of the airbase.

Time of designation. Continuous.

Using agency. McGuire AFB Approach Control.

The Air Force has proposed to alter R–5003 in accordance with revised airspace criteria enlarging such corridors as necessary to meet air defense aircraft requirements.

This proposal would enlarge the current climb corridor but would not affect existing airway structures in the vicinity of McGuire AFB. It would establish a floor of 1,500 feet MSL for the first step of the corridor to eliminate conflict with operations at nearby Pemberton Airport.

If this action is taken, the Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor R–5003 would be redescribed as follows:

Boundaries. The area centered on McGuire Air Force Base TACAN 224° radial beginning at latitude 39°59′05″ N., longitude 74°38′00″ W. (2 nmi from the end of Runway 24), and extending to a point 30 nmi southwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. 1,500 feet MSL to 23,000 feet MSL from point of beginning to 3 nmi southwest. 2,000 feet MSL to 23,000 feet MSL from 3 nmi to 6 nmi southwest of point of beginning. 5,000 feet MSL to 23,000 feet MSL from 6 nmi to 11 nmi southwest of point of beginning. 10,000 feet MSL to 23,000 feet MSL from 11 nmi to 15 nmi southwest of point of beginning. 14,000 feet MSL to 23,000 feet MSL from 15 nmi to 19 nmi southwest of point of beginning. 16,000 feet MSL to 23,000 feet MSL from 19 nmi to 25 nmi southwest of point of beginning. 20,000 feet MSL to 23,000 feet MSL from 25 nmi to 30 nmi southwest of point of beginning.

Time of designation. Continuous.

Using agency. McGuire AFB Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. On informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 11, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11022; Filed, Oct. 17, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RELIABLE SALE BARN, WINTERSET, IOWA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and Location of Stockyard, and Date of Posting

Reliable Sale Barn, Winterset, Iowa, May 19, 1959.

Albert Lea Horse Market, Albert Lea, Minnesota, April 18, 1960.

Farmers Auction Market, Motley, Minnesota, April 22, 1960.

Empire Livestock Marketing Cooperative, Inc., Greene, New York, August 8, 1960.

Athens Livestock Sales Co., Inc., Athens, Ohio, July 7, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 14th day of October 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-11031; Filed, Oct. 17, 1963; 8:46 a.m.]

TUSCALOOSA STOCK YARD, TUSCALOOSA, ALABAMA, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and were, therefore, subject to the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard, and Date of Posting

ALABAMA

Tuscaloosa Stock Yard, Tuscaloosa, August 12, 1963.

CALIFORNIA

B & B Livestock Auction Yard, Inc., Modesto, August 28, 1963.

DELAWARE

C. J. Carroll Auction Company, Dover, June 20, 1963.

INDIANA

Eastern Indiana Livestock Auction, Ridgeville, September 10, 1963.

MINNESOTA

Faribault Livestock Sales, Faribault, September 24, 1963.

NEW MEXICO

Belen Livestock Commission Co., Inc., Belen, September 12, 1963.

OREGON

Madras Livestock Auction, Inc., Madras, September 16, 1963.

SOUTH CAROLINA

Piedmont Saddle Horse and Pony Sales, Greer, September 18, 1963.

TEXAS

Bowie Livestock Commission Company, Bowie, August 14, 1963.

Breckenridge Livestock Exchange, Breckenridge, August 16, 1963.

Spur Livestock Commission Company, Spur, July 22, 1963.

Templer Livestock Auction, Inc., Belton, September 10, 1963.

Done at Washington, D.C., this 14th day of October 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-11032; Filed, Oct. 17, 1963; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-p]

COPPER SHEETS FROM YUGOSLAVIA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value or Constructed Value

OCTOBER 14, 1963.

FEDERAL REGISTER notice dated August 30, 1963, is hereby corrected as follows: The words "copper sheets" should be amended wherever they appear to read "copper in sheets and strips whether or not in rolls or coils."

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 63-11045; Filed, Oct. 17, 1963; 8:47 a.m.]

[511.4]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Lobster Crates and Certain Large Boxes for Shipment and Reshipment of Fish

OCTOBER 14, 1963.

The following Bureau of Customs decision, dated October 14, 1963, concerning the duty-free treatment of certain lobster crates and certain large boxes is published below.

Under the authority conferred by § 10.41a(a), Customs Regulations, as amended by Treasury Decision 55981 of August 27, 1963, I hereby designate as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended, lobster crates, being containers which because of their unique and substantial construction are used in the shipment and reshipment of live lobsters; and fish boxes which because of their large size and substantial construction are used and reused in the transportation of fish. The lobster crates and fish boxes described may be released under the procedures provided for in § 10.41a. This decision will be published in the FEDERAL REGISTER and as T.D. 56021.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 63-11046; Filed, Oct. 17, 1963; 8:47 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 41]

FOUNDERS' INSURANCE CO., LOS ANGELES, CALIFORNIA

Termination of Authority To Qualify as Surety on Federal Bonds

OCTOBER 11, 1963.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Founders' Insurance Company, Los Angeles, California, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States has been terminated effective as of midnight December 31, 1962.

Pursuant to Agreement of Merger, effective midnight December 31, 1962, the Founders' Insurance Company, Los Angeles, California, was merged into Security Insurance Company of New Haven, New Haven, Connecticut, the surviving company, and Security Insurance Company of New Haven acquired all of the assets and assumed all of the liabilities of Founders' Insurance Company.

The Security Insurance Company of New Haven, a Connecticut corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. The Treasury has obtained from Security Insurance Company of New Haven a separate indemnifying agreement dated September 5, 1963, whereby Security Insurance Company of New Haven has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking or other form of obligation entered into or assumed by Founders' Insurance Company on or before December 31, 1962, or in its name at any time thereafter, in which the United States has or may have an interest, direct or indirect. Copies of this agreement and the Agreement of Merger approved by the Commissioner of Insurance of the State of Connecticut, December 20, 1962, and the Commissioner of Insurance of the State of California, December 27, 1962, are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond-approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1962, by Founders' Insurance Company pursuant to the Certificate of Authority issued to the company by the Secretary of the Treasury.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 63-11047; Filed Oct. 17, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 15, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38597: *Common salt between points in southwestern and WTL territories.* Filed by Southwestern Freight Bureau, agent (No. B-8464), for interested rail carriers. Rates on salt, as described in the application, in carloads, from specified points in Kansas, Louisiana, New Mexico, Oklahoma and Texas, to points in southwestern, Illinois Freight Association, and western trunkline territories.

Grounds for relief: Market competition.

Tariffs: Supplements 40 and 58 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4504 and 4506, respectively.

FSA No. 38598: *Liquid caustic soda from Memphis, Tenn., to Franklin, Va.* Filed by O. W. South, Jr., agent (No. A4383), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Memphis, Tenn., to Franklin, Va.

Grounds for relief: Market competition.

Tariff: Supplement 145 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 38599: *Liquid caustic soda from Charleston, Tenn., to Louisville, Ky.* Filed by O. W. South, Jr., agent (No. A4384), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Charleston, Tenn., to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 145 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 38600: *Iron and steel articles to Pascagoula, Miss.* Filed by Illinois Freight Association, agent (No. 215), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Sterling and Sterling (Rock Falls), Ill., to Pascagoula, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 28 to Illinois Freight Association, agent, tariff I.C.C. 989.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-11035; Filed, Oct. 17, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63-SO-11]

NEW HORIZONS TELECASTING CORP.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-2286) to determine its effect upon the safe and efficient utilization of navigable airspace.

The New Horizons Telecasting Corporation, Jacksonville, Florida, proposes to construct a television antenna structure near Green Cove Springs, Florida, at latitude 29°55'18" N., longitude 81°40'38" W. The overall height of the proposed structure would be 1,549 feet above mean sea level (1,491 feet above ground).

The proposed structure at this location and height would be more than 500 feet above the ground at the site and would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of Part 77 of the Federal Aviation Regulations by 991.5 feet. It would be located approximately 2.5 miles north/northwest of the site of a similar proposal by the Brennan Broadcasting Company, Jacksonville, Florida, for a tower 1,799 feet MSL (1,769 feet AGL) which was considered in aeronautical study No. 2-OE-292. As a result of this study a determination of hazard (FAA OE Docket No. 63-SO-3) was issued in Washington, D.C., on February 13, 1963.

The aeronautical study disclosed that the proposed structure would require: an increase from 1,500 feet to 2,500 feet in the minimum obstruction clearance altitude for flight in the southeast sector of the NAS Jacksonville, Florida, TACAN facility within a radius of 25 nautical miles; an increase from 1,400 feet to 2,500 feet in the minimum obstruction clearance altitude for flight in the southeast sector of the NAS Cecil VOR facility within a radius of 25 nautical miles; an increase to 2,000 feet of the minimum safe obstruction clearance altitude for visual flight rule operations along the St. Johns River where such operation would be in proximity to the site of the proposed structure.

The study further disclosed that the structure would be located in close proximity to the 185 degree radial of the NAS Jacksonville TACAN. At that location it would underlie a planned holding pattern on the 185 degree radial at the 6 NM DME fix and would require an increase from 1,700 feet to 2,500 feet in the minimum holding altitude available at this fix. In addition, it would require an increase in the minimum crossing altitude from 1,600 feet to 2,500 feet at the 9 mile DME fix on the 185 radial of the Jacksonville TACAN for the Palatka 3 and Green Cove 3 standard instrument departure procedures. These procedures have recently been revised to simplify air traffic control and instrument flight procedures at NAS Jacksonville which were in conflict with NAS Cecil flight operations.

The proposed structure would be located approximately three miles west of the St. Johns River, approximately one-half mile east of restricted area R-2903A which is a part of a complex of restricted areas (R-2903A, R-2903B, R-2903C, R-2903D, R-2906, R-2907, and R-2910) and approximately 22 miles south of the United States Naval Air Station, Jacksonville, Florida. At this location the proposed structure would be on a line between the NAS Jacksonville and restricted areas used by the Department of the Navy for the training of naval aviators.

The location of the proposed structure approximately .5 mile east of the boundary of restricted R-2903A presumes that the boundary of the area would provide a shielding effect for the structure from aircraft operating either in the restricted area or along the St. Johns River. This concept does not consider the fact, however, that ingress and egress by naval aircraft to and from R-2903A is primarily by way of the St. Johns River and that civil aircraft having authorization from the controlling agency to penetrate R-2903A may also conduct flights in or through the area. In addition there is a heavy volume of low altitude VFR flight operations conducted along the river and in R-2903A.

would be located approximately 2.5 miles in R–2903A.

The St. Johns River is a natural VFR route used by both navy and general aviation flights proceeding between Jacksonville, Florida, and points southeast along the coastline and for naval training flights between NAS Jacksonville and their assigned restricted area. It has been established by the Navy as a "VFR Return Route" for navy flights returning to NAS Jacksonville from the restricted areas.

The route is most frequently used when marginal weather conditions prevail in the area. The low Florida terrain of the coastal areas and the Florida peninsula favors low altitude flight operations. The Florida climate also favors low altitude operations because of periods of low stratus cloud conditions in all seasons and frequent periods of broken to overcast cumulus cloud conditions and numerous thunderstorm activity in the non-winter months.

The aeronautical study disclosed that approximately 2,940 civil VFR flights per year are conducted over, or in close proximity to the site of the proposed structure at altitudes of 2,000 feet or less.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would require increases in minimum instrument flight altitudes which would seriously compromise the utility of the procedures affected, complicate air traffic control procedures, and result in delay to IFR flight operations at NAS Cecil and NAS Jacksonville; and in addition, it would be an unsafe obstruction to air navigation along a recognized VFR route.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washingto, D.C., on October 11, 1963.

GEORGE R. BORSARI,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 63–11019; Filed, Oct. 17, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14779]

AMERICAN AIRLINES, INC.

Notice of Prehearing Conference

Group travel jet coach fares proposed by American Airlines, Inc. See Order E–20039.

Notice is hereby given that a prehearing conference on the above-entitled docket is assigned to be held on November 5, 1963, at 10 a.m., e.s.t. in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., October 15, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63–11055; Filed, Oct. 17, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND UNITED STATES LINES COMPANY (AMERICAN PIONEER LINE)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9251, by and between American President Lines, Ltd., and United States Lines Company (American Pioneer Line), provides for a through billing arrangement for general cargo transported in the trade from ports of call of the American President Lines, Ltd., in Okinawa, to Hawaiian ports of call of United States Lines Company with transshipment at Yokohama or Kobe, Japan, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 15, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–11053; Filed, Oct. 17, 1963; 8:48 a.m.]

WATERMAN STEAMSHIP CORP., ARNOLD WEISSBERGER AND MARSHALL P. SAFIR

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9250, between Waterman Steamship Corporation, Arnold Weissberger and Marshall P. Safir establishes an arrangement whereby the parties thereto shall acquire or lease, and thereafter lease or sublease refrigerated containers to Liberty-Pac International Corp.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 15, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–11054; Filed, Oct. 17, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64–176—RI64–189]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 10, 1963.

Gulf Oil Corporation, Docket No. RI–64–176; Sunray DX Oil Company, Docket No. RI64–177; Continental Oil Company, Docket No. RI64–178; The Atlantic Refining Company, Docket No. RI64–179; Bright & Schiff, Docket No. RI64–180; Caulkins Oil Company, Agent (Operator), et al., Docket No. RI64–181; The Bradley Producing Corporation, Docket No. RI64–182; Texaco Inc. (Operator), et al., Docket No. RI64–183; Crescent Oil and Gas Corporation, Docket No. RI64–184; The Atlantic Refining Company, (Operator), et al., Docket No. RI64–185; Austral Oil Company Incorporated (Operator), et al., Docket No. RI64–186; Austral Oil Company Incorporated (Operator), Agent for Oil Participations Incorporated, Docket No. RI64–187; Austral Oil Company Incorporated; Agent for Oil Participations Incorporated, Docket No. RI64–188; Forest Oil Corporation (Operator), et al., Docket No. RI–64–189.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–176	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	192	8	Transwestern Pipeline Co. (Puckett-Ellenburger Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$540,800	9–12–63	[1] 10–13–63	3–13–64	[2] 11.0	[3] [4] 13.0	
	Gulf Oil Corp.	193	11	Transwestern Pipeline Co. (Worsham and Waha Fields, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	23,150	9–12–63	[1] 10–13–63	3–13–64	16.0	[3] [4] 17.0	
	do	194	4	Transwestern Pipeline Co. (McKee Gas Field, Crane County, Tex.) (R.R. District No. 8) (Permian Basin Area).	6,930	9–12–63	[1] 10–13–63	3–13–64	16.0	[3] [4] 17.0	
	do	197	10	Transwestern Pipeline Co. (Puckett-Devonian Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	60,750	9–12–63	[1] 10–13–63	3–13–64	16.0	[3] [4] 17.0	
RI64–177	Sunray DX Oil Co., Tulsa 2, Okla.	66	9	Northern Natural Gas Co. (Drinkard Field, Lea County, N, Mex.) (Permian Basin Area).	3,423	9–13–63	[1] 12– 1–63	5– 1–64	[5] [6] 10.70199	[3] [6] 11.72114	
RI64–178	Continental Oil Co., P.O. Box 2197, Houston, Tex., 77001.	196	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper and Woodward Counties, Okla.) (Panhandle Area).	6,575	9–16–63	[1] 11–12–63	4–12–64	17.0	[3] [4] [7] 19.5	
RI64–179	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	205	6	Kansas-Nebraska Natural Gas Co., Inc. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	251	9–19–63	[1] 11– 1–63	4– 1–64	17.2	[3] [4] [11] 17.4	RI63–88
	do	1	14	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.), (R.R. District No. 6).	1,104	9–19–63	[1] 11– 1–63	4– 1–64	[12] 14.6	[3] [4] 15.6	
	do	141	16	Texas Eastern Transmission Corp. (Silsbee Field, Hardin County, Tex.), (R.R. District No. 3).	29,637	9–19–63	[1] 11– 1–63	4– 1–64	[12] 14.6	[3] [4] 15.6	
	do	142	26	Texas Eastern Transmission Corp. (Various Fields, Newton, Hardin, Orange and Jasper Counties, Tex.), (R.R. District No. 3).	25,059	9–19–63	[1] 11– 1–63	4– 1–64	[12] 14.6	[3] [4] 15.6	
	do	166	12	United Fuel Gas Co. (Bourg Field, Terrebonne and LaFourche Parishes, La.).	46	9–19–63	[1] 11– 1–63	4– 1–64	[13] 20.7	[3] [13] [14] 21.1	RI63–93
RI64–180	Bright & Schiff, 205 Mercantile Continental Building, Dallas, Tex.	6	5	Northern Natural Gas Co. (Perryton-Morrow Field, Ochiltree County, Tex.), (R.R. District No. 10).	402	9–19–63	[15] 10–20–63	3–20–64	[11] 15.5	[3] [4] [11] 16.5	
RI64–181	Caulkins Oil Co., Agent (Operator), et al., 1130 First National Bank Building, Denver 2, Colo.	9	14	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.), (Panhandle Area).	469	9–18–63	[15] 10–19–63	3–19–64	15.0	[4] [16] 17.0	
RI64–182	The Bradley Producing Corp., 313 North Main Street, Wellsville, N.Y., 14895.	4	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.), (Panhandle Area).	2,420	9–23–63	[1] 12–15–63	5–15–64	[17] 17.93	[4] [18] 20.43	
RI64–183	Texaco, Inc. (Operator), et al., P.O. Box 52332, Houston, Tex., 77052.	166	8	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Southeast Field, Texas County, Okla), (Panhandle Area).	1,897	9–23–63	[1] 11– 7–63	4– 7–64	[11] 17.0	[3] [4] [11] 17.2	RI63–124
RI64–184	Crescent Oil and Gas Corp., P.O. Box 2460, Dallas, Tex., 75221.	7	3	Tennessee Gas Transmission Co. (Garwood Field, Colorado and Lavaca Counties, Tex.) (R.R. District Nos. 2 and 3).	6,200	[19] 9–18–63	[1] 1– 1–64	6– 1–64	[20] 14.5	[3] [4] 15.5	
RI64–185	The Atlantic Refining Co. (Operator) et al.	181	11	Texas Eastern Transmission Corp. (Carthage Field, Rusk County, Tex.) (R.R. District No. 6).	635	9–19–63	[1] 11– 1–63	4– 1–64	15.4	[3] [4] 15.6	RI63–135
	do	187	8	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6).	146	9–19–63	[1] 11– 1–63	4– 1–64	[21] 15.4	[3] [4] 15.6	[22] RI63–135
	do	63	16	United Fuel Gas Co. (Midland Estherwood Field, Acadia Parish, La.).	40,298	9–19–63	[1] 11– 1–63	4– 1–64	[14] 20.7	[3] [13] [14] 21.1	RI63–92
RI64–186	Austral Oil Co., Inc. (Operator), et al., 300 San Jacinto Building, Houston 2, Tex.	2	9	United Fuel Gas Co. (South Lake Arthur Field, Jefferson Davis, Cameron and Vermilion Parishes, La.).	2,483	9–20–63	[1] 11– 1–63	4– 1–64	[14] 20.7	[3] [13] [14] 21.1	RI63–146
RI64–187	Austral Oil Co., Inc. (Operator), Agent for Oil Participations Inc.	9	9	United Fuel Gas Co. (Thornwell Field, Jefferson Davis and Cameron Parishes, La.).	6,132	9–20–63	[1] 11– 1–63	4– 1–64	[14] 20.7	[3] [13] [14] 21.1	RI63–145
RI64–188	Austral Oil Co., Inc., Agent for Oil Participations Inc.	17	5	United Fuel Gas Co. (Florence Field, Vermilion Parish, La.).	102	9–20–63	[1] 11– 1–63	4– 1–64	[14] 20.7	[3] [13] [14] 21.1	RI63–154
RI64–189	Forest Oil Corp. (Operator) et al., National Bank of Commerce Building, San Antonio 5, Tex.	3	9	United Fuel Gas Co. (Ellis Field, Acadia Parish, La.).	14,160	9–18–63	[1] 11– 1–63	4– 1–64	[14] 20.7	[3] [13] [14] 21.1	RI63–136

[1] The stated effective date is the effective date requested by Respondent.
[2] Initial service rate conditioned from 12 cents per Mcf by Opinion No. 328.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] Subject to upward or downward adjustment when inert content of gas, by volume, is above 30 percent or below 27.6 percent.
[6] Subject to downward adjustment when gas delivered contains less than 1,000 Btu's per cubic foot.
[7] Includes 0.20199 cent per Mcf tax reimbursement.
[8] 10.97566 cents at 15.025 psia.
[9] Includes 0.22124 cent per Mcf tax reimbursement.
[10] Subject to an upward Btu adjustment.
[11] Subject to downward Btu adjustment.
[12] Rate is the result of settlement offer approved by the Commission's order issued 8–15–62, in Docket No. G–13496, et al.
[13] Pressure base is 15.025 psia.
[14] Includes 1.5 cents per Mcf tax reimbursement.
[15] The stated effective date is the first day after expiration of the required statutory notice.
[16] Renegotiated rate increase.
[17] Includes base rate of 17.0 cents per Mcf plus upward Btu adjustment.
[18] Includes base rate of 19.0 cents per Mcf plus upward Btu adjustment.
[19] Notice of Change filed prematurely (prior to 90 days before requested effective date) per Section 154.94 of the Commission's Regulations under the Natural Gas Act.
[20] Initial rate.
[21] Rate subject to 0.5 cent per Mcf line rental fee.
[22] Rate in effect subject to refund in docket No. RI63–135 and RI63–88.

Bright & Schiff request a retroactive effective date of January 17, 1962, for their proposed rate increase, and Caulkins Oil Company, Agent (Operator), et al., request a retroactive effective date of June 1, 1962. Good cause has not been shown for granting earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Crescent Oil and Gas Corporation (Crescent) requests an effective date of January 1, 1964, for its proposed periodic rate increase. Good cause exists for waiving the provisions of § 154.94 of the Commission's regulations under the Natural Gas Act to permit Crescent's premature rate filing.

Gulf Oil Corporation and its buyer, Transwestern Pipeline Company, are affiliates.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 25, 1963.

By the Commission. Commissioners O'Connor and Woodward not participating in the suspension of Supplements Nos. 14, 16, and 26 to The Atlantic Refining Company's Rate Schedules Nos. 1, 141, and 142, respectively, in Docket No. RI64–179.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10970; Filed, Oct. 17, 1963; 8:45 a.m.]

[Docket No. CP63–188 (Phase I)[1], Docket] No. CP64–42]

CITIES SERVICE GAS CO.

Notice of Applications and Date of Hearing

OCTOBER 11, 1963.

Take notice that on December 31, 1962, as amended and supplemented on January 7, 1963, January 28, 1963, February 12, 1963, July 3, 1963, and July 15, 1963, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP63–188 (Phase I) an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities on Applicant's transmission system in Kansas, Oklahoma and Missouri and for permission and approval to abandon certain transmission facilities to be replaced and reclaimed, all as more fully set forth in the application, as amended and supplemented, on file with the Commission and open to public inspection.

Specifically, in Phase I, Applicant proposes the following:

KANSAS-HUGOTON FIELD

(1) Install 4,000 additional horsepower at the Ulysses Compressor Station, Grant County, Kansas.

(2) Loop approximately 7 miles of the Hugoton Station 30-inch intake pipeline with 26-inch pipeline Grant County, Kansas; and,

Add 340 horsepower at the United Compressor Station, Grant County, Kansas, by turbocharging the 1,100 horsepower unit presently installed at said station.

HUTCHINSON-SUPERIOR SYSTEM

(3) Loop approximately 4 miles of the present Lyons-Ellsworth segment of the Superior 8-inch pipeline with 12-inch pipeline, Rice County, Kansas.

(4) Loop approximately 4 miles of the present Ellsworth-Beloit segment of the Superior 8-inch pipeline with 12-inch pipeline, Lincoln County, Kansas.

(5) Replace approximately 3 miles of the existing Minneapolis 3-inch lateral with 6-inch pipeline, Ottawa County, Kansas.

(6) Replace approximately 3 miles of the existing Osborne 4-inch lateral with 6-inch pipeline, Mitchell County, Kansas.

(7) Replace approximately 5.38 miles of the existing Smith Center 4-inch lateral with 6-inch pipeline, Jewell County, Kansas.

OTTAWA-TOPEKA-TONGANOXIE SYSTEM

(8) Replace approximately 5.75 miles of the existing Lawrence-Tonganoxie 18-inch and 20-inch pipeline and a 10-inch multiple river crossing under the Kansas River, with approximately 7.26 miles of 26-inch pipeline, all in Douglas County, Kansas. Applicant will reclaim the 5.75 miles of line and the multiple river crossing.

(9) Construct and operate approximately 4.5 miles of 3-inch pipeline and a town border meter and appurtenant regulator equipment to serve the town of Perry, Jefferson County, Kansas.

Reclaim 2.06 miles of 2-inch pipeline beginning at the LeCompton, Kansas, town border and extending across a highway bridge over the Kansas River and thence to the present Perry, Kansas, town border meter.

VINITA LATERAL

(10) Replace approximately 3.77 miles of the existing Vinita 6-inch pipeline with approximately 3.8 miles of 8-inch pipeline, Craig County, Oklahoma.

MONETT LATERAL

(11) Replace 3.5 miles of the existing Monett, Missouri, 3-inch and 4-inch lateral with 6-inch lateral, Lawrence County, Missouri.

Applicant states that the proposed Phase I facilities are necessary to either, (1) meet the estimated peak day demands of its existing customers, (2) replace, with larger facilities, pipelines which have become physically deteriorated to the extent that replacement is required, or (3) offset declining wellhead working pressures in the Kansas-Hugoton Field.

The application shows the total estimated cost of the proposed facilities in Phase I to be $2,848,800 which cost will be financed from treasury cash. Said cost reflects the cost of removal and salvage credit for facilities to be abandoned.

Take further notice that on August 15, 1963, Applicant filed in Docket No. CP64–42 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to The Gas Service Company (Gas Service) for resale and distribution in and about the communities of Clever, Purdy and Cassville, Missouri, and Leon, Kansas, the Villages of Butterfield and Wood Heights, Missouri, and to domestic consumers and customers of Gas Service residing adjacent to the 4-inch Leon pipeline, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following:

(a) To construct and operate meter and regulator facilities on, and tap its Springfield, Monett and Augusta laterals, and to sell natural gas to Gas Service for resale in Clever, Purdy, Cassville, Butterfield and Leon and for resale to customers along Gas Service's Leon lateral.

(b) To sell natural gas to Gas Service by means of existing facilities for resale in and about Wood Heights; and,

(c) To replace approximately 1.8 miles of its Old Soldiers 6-inch lateral with 8-inch pipe and to replace approximately 0.88 mile of its Girard 4-inch line with 6-inch line. Applicant states that these facilities are required because the existing ones are unserviceable due to corrosion and leakage.

The application shows the total estimated third year peak day and annual natural gas requirements for all the communities proposed to be served to be 2,021 Mcf and 189,269 Mcf, respectively.

[1] The application in Docket No. CP63–188 is divided in to two Phases. This notice and the abridged hearing hereby set pertain exclusively to Phase I of said application.

The total estimated cost of all the proposed facilities is $56,700, which cost will be financed by treasury cash. Said estimated cost includes a net loss of $2,800 on salvage of the lines to be replaced.

The application indicates that Gas Service has received the appropriate authorizations from the communities to be served and from The Missouri Public Service Commission and the Kansas Corporation Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1963, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in Docket No. CP64–42 and Phase I of the application, as amended and supplemented, in Docket No. CP63–188: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 1, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–11048; Filed, Oct. 17, 1963; 8:48 a.m.]

[Docket No. CP64–61]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 11, 1963.

Take notice that on September 16, 1963, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP64–61 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of the proposed facilities will not exceed a maximum of $5,000,000 and no single project will exceed a cost of $500,000.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1963, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–11049; Filed, Oct. 17, 1963; 8:48 a.m.]

[Docket No. CP63–269]

GAS BOARD OF THE TOWN OF DORA, ALABAMA

Notice of Application

OCTOBER 11, 1963.

Take notice that on April 3, 1963, as supplemented on September 4, 1963, The Gas Board of the Town of Dora, Alabama (Applicant) filed in Docket No. CP63–269 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Southern Natural Gas Company (Southern Natural) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant 938 Mcf per day or 128,445 annually at rates provided under Southern Natural's G–2 Gas Rate Schedule for sale and distribution in the Town of Dora, all as more fully described in the application on file herein and open to public inspection.

Applicant states that it proposes to construct and operate a 3-mile 4½ inch pipeline together with appurtenant measuring facilities and distribution lines at an estimated cost of $410,000 to serve the people of the community.

The cost of the facilities to be constructed is to be financed by the sale of bonds.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 1, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–11050; Filed, Oct. 17, 1963; 8:48 a.m.]

[Docket No. CP64–72]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

OCTOBER 11, 1963.

Take notice that on September 23, 1963, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP64–72 an application pursuant to section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of various lateral pipelines and related facilities to enable Applicant to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system, at a total cost not to exceed $1,700,000, with the total cost of any single project limited to $425,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of gas in producing areas generally co-extensive with said system.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1963, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11051; Filed, Oct. 17, 1963; 8:48 a.m.]

[Docket No. RI64-190]

ROGER MILLIKEN ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

OCTOBER 11, 1963.

On September 13, 1963, Roger Milliken, et al. (Milliken) [1] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser and producing area: Texas Eastern Transmission Corporation (South Karon Field, Live Oak County, Texas) (R.R. District No. 2).
Rate schedule designation: Supplement No. 8 to Milliken's FPC Gas Rate Schedule No. 4.
Effective date: October 14, 1963.[2]
Amount of annual increase: $775.
Effective rate: 13.8733 cents per Mcf.[3][4]
Proposed rate: 14.3733 cents per Mcf.[3]
Pressure base: 14.65 psia.

Milliken requests a retroactive effective date of February 5, 1963, for his proposed periodic rate increase. Good cause has not been shown for the granting of an earlier effective date for Milliken's proposed increased rate and such request is denied.

Milliken's presently effective rate of 13.8733 cents per Mcf is the result of an offer of settlement accepted by the Commission by letter dated March 2, 1960. The proposed increased rate of 14.3733 cents per Mcf, which was contractually due on February 5, 1963, is equivalent to 14.8733 cents per Mcf when the standard contractual differential of 0.5 cents per Mcf for dehydration and central point delivery is taken into consideration and exceeds the area ceiling of 14.6 cents per Mcf for increased rates in Texas Railroad District No. 2 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[1] Address is: c/o Coloma Oil and Gas Corp., Wilson Building, Corpus Christi, Texas.
[2] The stated effective date is the first day after expiration of the required thirty days' notice.
[3] Rate is applicable to nondehydrated gas sold at the wellhead.
[4] Rate is the result of a settlement offer approved by the Commission in a letter dated Mar. 2, 1960.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 8 to Milliken's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Milliken's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, Supplement No. 8 to Milliken's FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until March 14, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before November 27, 1963.

By the Commission. Commissioners O'Connor and Woodward not participating.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11052; Filed, Oct. 17, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 907) has been filed by Shell Chemical Company, a division of Shell Oil Company, 50 West 50th Street, New York 20, New York, proposing the issuance of a regulation to provide for the safe use of 4-hydroxymethyl-2,6-ditert-butylphenol as an antioxidant in food (at a level not exceeding 0.02 percent of the fat content of such food) and as an antioxidant in food packages at a level whereby the migration to the packaged food does not exceed 50 parts per million of the fat content of the food.

Dated: October 14, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-11042; Filed, Oct. 17, 1963; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

Effective October 14, 1963, section I is amended to read as follows:

I. *Description of agency and programs.*

A. *Creation and purposes.* The Public Housing Administration, a constituent agency of the Housing and Home Finance Agency, has the direct responsibility under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.) for administering the low-rent public housing program. Historically, this Act created the United States Housing Authority to administer the low-rent public housing program established by the Act, and a change of name from United States Housing Authority to Federal Public Housing Authority occurred in 1942. Under the provisions of the President's Reorganization Plan No. 3 of 1947, effective July 27, 1947, the name Federal Public Housing Authority was changed to Public Housing Administration, and the Public Housing Administration became the corporate successor to the United States Housing Authority as a constituent agency of the Housing and Home Finance Agency.

B. *Low-rent public housing program.* The United States Housing Act of 1937, as amended (42 U.S.C. 1401 et seq.), establishes the low-rent public housing program pursuant to a declaration of policy to employ Federal funds to assist the several States in remedying "the unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income * * *" Also included in this program are certain projects (a few of which are federally owned) constructed under authority other than the United States Housing Act of 1937, but transferred to the low-rent public housing program: Projects developed by the Public Works Administration before passage of the Act and transferred under authority of the Act (42 U.S.C. 1404(d)), and farm labor camps and permanent war housing projects transferred under the terms of the Housing Act of 1950 (42 U.S.C. 1412(f) and 1586, respectively).

C. *Central office organization.* 1. The PHA is headed by a Public Housing Commissioner appointed by the President, by and with the advice and consent of the Senate. The Commissioner's principal staff members are enumerated below.

2. The Deputy Commissioner is the Commissioner's principal adviser and assistant and serves as Acting Commissioner in the absence of the Commissioner. In his immediate office the Deputy Commissioner has a small staff which is responsible for controlling PHA action in connection with audit findings of concern to PHA and other matters relating to the prevention and correction of improper practices.

3. The General Counsel is the PHA's principal attorney and is responsible for all legal activities of the PHA. The Legal Division, which he heads, consists of the following branches:

a. Operations and Financing
b. Opinions, Legislation, and Administration

4. The Assistant Commissioner for Administration is responsible for matters relating to adminstrative management, including organization planning, budget and personnel administration, accounting and fiscal management, the procurement and management of administrative property, and general office services. The Administration Division, which he heads, consists of the following branches:

a. Administrative Planning.
b. Budget.
c. Fiscal.
d. Office Services.
e. Personnel.

5. The Assistant Commissioner for Development is responsible for matters relating to the planning, design, and construction of public housing, including development research, methods, and standards. The Development Division, which he heads, consists of the following branches:

a. Design Services.
b. Planning and Production.

6. The Assistant Commissioner for Management is responsible for matters relating to the operation of public housing, including a program for conducting comprehensive audits of local housing authorities. The Management Division, which he heads, consists of the following Branches:

a. General Management.
b. Fiscal Management.
c. Fiscal Auditing.
d. Maintenance Engineering.

7. The Assistant Commissioner for Program Planning is responsible for matters relating to the economic aspects of public housing, including low-income housing needs, income limits, 20 percent gap determinations, relocation feasibility; administrative and operational statistics; and activities relating to civil defense and disaster relief. The Statistics Branch is located in the Program Planning Division.

8. In addition, there are four independent Branch Directors who are responsible for public relations, intergroup relations, labor relations, and internal audit.

D. *Central office address.* The Central Office of the PHA is located in the Longfellow Building, 1741 Rhode Island Avenue NW., Washington, D.C. Mail should be addressed as follows: Public Housing Administration, Washington, D.C., 20413.

E. *Regional office organization.* The Commissioner, in administering the program of the PHA, has established a decentralized organization, vesting primary responsibility in the Regional Offices (wherever possible) for carrying out the programs. Each Regional Office is headed by a Regional Director who is responsible for the work of the Regional Office and of the PHA field establishments within his area of jurisdiction. The principal staff officials of a typical Regional Office are an Assistant Director for Development, an Assistant Director for Management, an Assistant Director for Programs, an Attorney, an Intergroup Relations Officer, a Labor Relations Officer, and a Chief of Office Services. In the absence of the Regional Director (including a vacancy), one of the following shall serve as Acting Regional Director in the Regional Office indicated, but shall so serve only in the absence of all the officials listed above him:

Atlanta Regional Office:
1. Ernest J. Moyle, Assistant Director for Management.
2. Erman R. Williams, Assistant Director for Development.

Chicago Regional Office:
1. Albert F. Muench, Regional Attorney.
2. Theodore A. Veenstra, Assistant Director for Programs.

Fort Worth Regional Office:
1. George A. Parker, Regional Attorney.
2. F. W. Digby-Roberts, Assistant Director for Development.

New York Regional Office:
1. Joseph J. Kohler, Assistant Director for Management.
2. Horton H. Nielson, Regional Attorney.

Philadelphia Regional Office:
1. Archie P. Burgess, Assistant Director for Development.
2. Alexander Shaw, Regional Attorney.
3. Harry Glanz, Assistant Director for Management.

Puerto Rico Regional Office:
1. Alberto Hernandez, Assistant Director for Development.
2. Kenneth R. Moul, Assistant Director for Management.

San Francisco Regional Office:
1. Arthur L. Chladek, Assistant Director for Management.
2. James E. Prisin-Zano, Regional Attorney.

F. *Regional office jurisdictions and addresses.* The geographical jurisdictions and addresses of the Regional Offices are shown below:

1. *Atlanta Regional Office.* Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Public Housing Administration, Room 737, Peachtree Building, Atlanta, Georgia, 30323.

2. *Chicago Regional Office.* Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Public Housing Administration, Room 2201, 185 North Wabash Avenue, Chicago, Illinois, 60601.

3. *Fort Worth Regional Office.* Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas. Public Housing Administration, Room 2072, 300 West Vickery Boulevard, Fort Worth, Texas, 76104.

4. *New York Regional Office.* Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Public Housing Administration, 346 Broadway, New York, New York, 10013.

5. *Philadelphia Regional Office.* Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Public Housing Administration, Room 1102, Widener Building, Chestnut and Juniper Streets, Philadelphia, Pennsylvania, 19107.

6. *Puerto Rico Regional Office.* Puerto Rico and the Virgin Islands. Public Housing Administration, Garraton Building, 1608 Ponce de Leon Avenue, Stop 23, Santurce, Puerto Rico (Mailing address: P.O. Box 9197, Santurce, Puerto Rico, 00908).

7. *San Francisco Regional Office.* Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. Public Housing Administration, 1360 Mission Street, San Francisco, California, 94103.

G. *Other field establishments.* Project and rental offices under the direct supervision of the Regional Offices are located at Indianapolis, Indiana; Enid, Oklahoma; and Oklahoma City, Oklahoma. Requests for information concerning them should be addressed to the appropriate Regional Office.

Approved: October 14, 1963.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 63-11041; Filed, Oct. 17, 1963; 8:47 a.m.]

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Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14503; FCC 63-906]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

Allocation of Assignable Frequencies in the 25–42 Mc/s Band

1. A notice of proposed rule making was issued in the above-entitled matter seeking comments in favor of or in opposition to the proposals contained therein. This notice was duly published in the FEDERAL REGISTER (27 F.R. 1495, February 17, 1962) and all timely filings submitted in response thereto have been considered by the Commission in reaching the determinations set forth below.

2. The notice was issued as a result of previous Commission actions in Dockets 11253, 12169, and 12295 which concluded, inter alia, that frequencies should be assignable with a separation of 20 kc/s rather than 40 kc/s. Hence, the above-mentioned rule parts were amended to provide that as of November 1, 1963, equipment operating in this band, and other bands not germane here, must be capable of transmitting with such frequency separation. Subsequently, petitions were filed by Electronics Industries Association (EIA) requesting that 20 kc/s channels be actually allocated and assigned among the various land mobile services, and by Special Industrial Radio Service Association, Inc. (SIRSA) asking that specific 20 kc/s channels be created and that 15 of the frequencies thus established be made available to the Special Industrial Radio Service. It was against this background that this Docket No. 14503 was initiated.

General. 3. Unusually large numbers of comments and reply comments were submitted. Users from virtually every land mobile service sought additional frequencies over and above the figure proposed in the notice. The total number of frequencies requested far exceeds what is available; hence, it is impossible to satisfy completely all of the demands advanced. There is little doubt that a frequency shortage in this band exists and seems to affect users in all of these services although in varying degree. In deciding specific allocations, the Commission has relied on essentially two criteria: (a) how critical is the need of a particular service?, and (b) does the service because of type of communications involved justify any priority of treatment? Even with rigid application of these standards, it is admitted that the available frequencies are insufficient to meet all needs, however worthy. It is recognized, for example, that in many services there will still be a critical frequency shortage in metropolitan areas. The Commission will continue to explore other avenues in attempting to alleviate the frequency problem.

4. In the proposal, the Commission endeavored to retain the "block allocation" concept. It was thought preferable to make a series of adjacent frequencies available to a single service, even at the expense of requiring certain licensees to change frequency, rather than to interspserse various services. Forest Industries Radio Communications (FIRC), for example, recommended allocation on a "block" basis with a three-year amortization period for those who would thus be required to change frequency. However, a vast majority of the comments disagreed. Their position is that interspersion if done carefully is better than the large scale displacement of existing systems. These comments contended that technical advances in the equipment utilized enable two services to operate on adjacent channels compatibly. The gist of these comments is that as more and more systems modify or replace existing equipment to meet the narrow-band technical standards, interspersion of different services in a given frequency band presents little difficulty. Since the Commission is aware that its proposal would have necessitated a change in frequency for many present licensees and since the comments generally advocate interspersion as opposed to requiring such a frequency shift, the Commission has decided to adopt this approach wherever feasible. It is recognized that this requires a high degree of cooperation between the services which are interspersed; however, technical advances in equipment and superior operating procedures make such an allocation feasible. In doing so, it has almost eliminated the number of licensees who will have to change frequency and thus saves them from incurring financial expense which in many cases, no matter how generous an amortization period is provided, causes a serious monetary problem for the user. In those few cases requiring a frequency change every consideration will be given to easing the impact of such a transition.

5. Many of those who did advocate interspersion requested that only services which require frequency coordination be assigned contiguous channels. These services in which frequency coordination committees function tend toward more orderly and efficient frequency utilization; thus, two such services are better able to coordinate and cooperate in using adjacent frequencies. The Commission regards this as a valid approach and has generally made frequencies available on an interspersed basis accordingly. In the isolated instances in which such a procedure was not followed, it is anticipated that the needs of the services concerned exist in different geographical areas; therefore, while they will occupy adjacent channels there should not be extensive overlapping usage in any particular locality.

6. The notice of proposed rule making specifically invited comments as to the feasibility of establishing 10 kc/s segments contiguous to the various Government bands in the 25–42 Mc/s frequency range in the form of two 5 kc/s segments which would be made available to the service adjacent to this band. Relatively few filings made reference to this proposal and all these were favorable. EIA did discuss this proposal in some detail and requested that a single 10 kc/s segment rather than two 5 kc/s segments be created. It contended that the current state of receiver selectivity and oscillator stability precludes any economical usage of 5 kc/s segments. The comment further suggested that assignment of these segments be made on a developmental basis only for fixed operations utilizing non-voice emissions. The comment also proposed technical standards concerning frequency stability, power, and frequency deviation for these segments. The Commission agrees to the creation of 10 kc/s segments as suggested; naturally, applicants may use less space if feasible. Also, it seems advisable to restrict such assignments to one-year developmental authorizations until data is acquired indicating more clearly appropriate usages for these segments. For the present, it is not proposed to limit permissible operations on these frequencies specifically, rather these segments will be made available on a case-by-case basis. In light of the foregoing, the establishment of technical standards will not be imposed at this time pending more definite information as to how these bands will be utilized.

Part 10—Public Safety Radio Services. 7. The main thrust of the comments from most of the Police and Fire users and associations was directed toward that part of the proposal which would have reallocated certain frequencies now available to these services to users in the Industrial Radio Service. In the case of the Fire Radio Service, it was proposed to make the frequency band 33.42 Mc/s to 33.68 Mc/s available to the Special Industrial and Business Radio Services. The Police Radio Service stood to lose under the proposal the frequency band 37.02 Mc/s to 37.42 Mc/s to these same Part 11 services. In addition, the proposal would make the frequency band 39.74–39.98 Mc/s available to the Local Government Radio Service.

The comments on this point generally fell into two categories. First, those users who would be forced to change frequency

because of the proposal requested that additional cost involved in many instances of the Local Government Radio Service

splits should go to the Local Government and 33.10 Mc/s, and between 37.90 and toward the Commission's proposal con-

because of the proposal requested that they be permitted to retain their existing frequency. Thus, for example voluminous comments were received from fire users in the New England area which operate on the frequencies 33.42 Mc/s and 33.66 Mc/s. There are approximately 400 base stations and 4,200 mobile units authorized on these frequencies in this area, and it was contended that the proposal to make these frequencies available to other services would result in large scale disruption of essential fire communications. The problem of financing a necessary frequency change was also pointed out with special emphasis on the monetary crisis which affected volunteer fire departments would face. In similar situations in the Police Radio Service, the same type of comments were filed. Virtually every local police system in the State of Iowa utilizes the frequency 37.10 Mc/s (which under the proposal was to be reallocated to the Special Industrial Radio Service), and their filings reflected their need, both operational and financial, for continued use of this frequency.

The second group of comments from these services objected to "losing" frequencies to non-public safety users. It was argued that as a matter of principle services which utilize radio for the safety of life and property and which are engaged in serving the general public should not have their available frequencies diminished for the benefit of commercial users. It should be noted that very few comments expressed any opposition to the contention that Industrial users under Part 11 suffer from a severe frequency shortage, rather it was their general position that relief for those users should be found in other parts of the spectrum. On a more pragmatic basis, it was asserted that the immediate and prospective needs of these public safety services lead to the conclusion that more rather than less frequencies should be made available. While the Associated Public-Safety Communications Officers, Inc. (APCO), conceded that under the proposal the number of frequencies available to the Police Radio Service would remain the same, it claimed that because of the "skip" characteristics of this band the degree of utilization which can be made of 20 kc/s channels is actually substantially less than is now available using 40 kc/s channels. Filings from police and fire users across the country detailed frequency shortages in their areas and in general requested that each Service be given its own "splits" in the 25–42 Mc/s band.

8. As previously noted, the Notice of Proposed Rule-Making predicated frequency allocations on the basis of retention of the "block" concept even though this would necessitate a change of frequency by some licensees. Since, however, it has now been determined that interspersion is preferable, there appears to be no reason to require a change in the frequency now being used by these existing licensees. The potential disruption which might be caused to public safety systems engaged in the protection of life and property plus the additional cost involved in many instances to tax-supported entities provide sufficient reasons for determining that police and fire users now utilizing frequencies within this band should be permitted to continue such operations provided their equipment will be capable of meeting the narrow-band technical standards as of November 1, 1963. For the reasons set forth below (see paragraph 9, infra), however, it should be noted that as of the effective date of this Report and Order certain of these primary police frequencies will also be available for assignment in the Local Government Radio Service.

In view of the fact that some of these primary police channels will be shared with the Local Government Radio Service, it appears that the needs of the Police Radio users can best be provided for by making available to that service its own "splits." Since those eligible in the Police and Local Government Radio Services are virtually identical and rely on basically similar frequency coordination procedures, interspersion should present no difficulty in terms of frequency usage even where there is relatively heavy operation by both services in a given geographical area.

It would also appear that the needs of the Fire Radio Service justify the assignment to that Service of its own "splits." As of November 1, 1963, licensees will no longer be able to transmit fire communications on police frequencies. While most users in this situation will elect to modify their systems to the Local Government Radio Service, it may be anticipated that a substantial group will establish a separate fire radio system. A study of the Commission's records show that as opposed to most land-mobile services in which the trend has been to shift operations from this band to the 150 Mc/s band, the Fire Radio Service has steadily increased its usage in the low band. By utilizing mutual aid plans and by efficient frequency sharing, a majority of state-wide fire operations are conducted on frequencies in this band, and the Commission is of the opinion that a continuation of this practice will be properly carried out by making available these split channels to the Fire Radio Service.

9. The Commission has received comments in this proceeding and letters from public safety users expressing dissatisfaction with the requirement that as of November 1, 1963, fire communications must be divorced from police systems. This reaction in conjunction with the objections submitted from those who under the proposal would have to change to a new frequency comprised the bulk of the public safety opposition to this Docket. The November 1, 1963, regulation was in particular the target of volunteer fire departments who pointed out that they frequently relied on the police base station for their communications, and that were unable to handle the cost of new equipment. Finally, they contended that the fire and police departments work in such close cooperation that a single system promotes efficiency.

This latter contention, of course, was one of the major reasons for the creation of the Local Government Radio Service in Docket Number 11990. It provides a means whereby such a unified system can be established. However, from the comments received in Docket Number 11990 and from subsequent information, it also appears that a majority of police users favor the requirement and prefer to have police frequencies available for purely police transmissions. The instant proceeding seems to provide a good opportunity for compromise. The Commission's licensing records disclose that there are ten police frequencies in this band which are heavily used for fire communications. In fact, most of the adverse comments were from users of one of these frequencies. Hence, it would appear that an overall benefit would result by making the following frequencies available to the Local Government Radio Service as well as to the Police Radio Service: 37.10, 37.18, 37.26, 39.10, 39.18, 39.50, 39.58, 39.82, 39.90, and 39.98 Mc/s. The effect of this action will be to permit systems which conduct public safety communications in addition to police transmissions on these frequencies to continue to do so. This will further reduce future loading on other Local Government frequencies.[1] It is believed that existing police systems operating on these frequencies will also remain; however, should any of them elect to change frequency, the Commission's action herein of making the police "splits" available to the Police Radio Service will enable them to do so at minimum cost and inconvenience.

10. The Forestry-Conservation Radio Service has presently available the frequencies from 30.86 Mc/s to 31.98 Mc/s. The frequencies from 30.86 Mc/s to 31.14 Mc/s are also available to the Urban Passenger Radio Service.[2] The proposal would have reallocated these shared frequencies to the Business Radio Service and would also have reallocated the frequencies from 31.64 Mc/s to 31.98 Mc/s, including the split channels therein, to the Local Government Radio Service. The Forestry-Conservation Communications Association (FCCA) objected to the proposed loss of the shared frequencies to the Business Radio Service and also to the planned reallocation to the Local Government Radio Service. It stated that the costs necessary to change frequency would be prohibitive, that the proposed reduction in channels from 29 to 23 would preclude this service from meeting its needs, and that the skip interference in this band limits the usage per frequency to 4 state networks. It argued that Forestry-Conservation should be allocated the frequency band from 31.64 Mc/s through 31.98 Mc/s, and that the lower frequencies including the

[1] The Commission will consider in another proceeding the possible expansion of the Local Government Radio Service and if this occurs and depending on the extent, further consideration will be given to the allocation of additional frequencies to this service.

[2] The "Urban Passenger Radio Service" is part of the Motor Carrier Radio Service (Part 16, Subpart F) rather than a separate service in and of itself. Section 16.251(a)(2) defines the persons deemed to be engaged in rendering urban passenger transit service.

splits should go to the Local Government Radio Service. Other comments from Forestry-Conservation users generally supported FCCA.

The adoption of FCCA's proposed allocation is not feasible. It would mean the loss to the Urban Passenger Service of the frequencies it now shares with the Forestry-Conservation Service and, as explained below, the needs of the Urban Passenger Service necessitate its retention of certain of its frequencies. That being the case, the possibility of the Local Government Radio Service and the Urban Passenger Radio Service sharing these lower frequencies is also not desirable since the operations of users in these services tend to be in the same urban areas. It should be noted that the present sharing has generally succeeded precisely because the Urban Passenger and Forestry-Conservation Services do not usually operate in the same area.

It is recognized that the Forestry-Conservation Service has continuing radio needs. Since it has been determined that "block" assignments are not essential, it is the Commission's opinion that the Forestry-Conservation Radio Service should be permitted to retain the primary channels it now has available. The present sharing with Urban Passenger of certain of the primary channels will also continue. While this represents no net gain in frequencies for this Service, it is an increase of six channels over the proposal. Further, by this determination it will not be necessary for any existing Forestry-Conservation system to change its present frequency. With regard to the "skip interference" problem mentioned, the Commission would point to the fact that at the behest of users in this Service, and particularly FCCA, frequencies in the 151 Mc/s band were made available in Docket No. 13754. A study of assignments in this band shows that there are ample frequencies available for users who wish to avoid this type of interference.

The split channels in the 30.86–31.98 band, as will be explained in more detail below, have generally been allocated in two segments. Those in the band 30.84–31.16 Mc/s have been made available either to the Business Radio Service or to the Urban Passenger Radio Service. The remaining "splits" (those located between 31.18–31.98 Mc/s) have been allocated to the Special Industrial Radio Service with the exception of two frequencies each limited to 3 watts which have been made available to the Business Radio Service. The Special Industrial Radio Service has frequency advisory Committees which make frequency recommendations and its activities should not overlap to any substantial degree with those of the Forestry-Conservation Radio Service. With proper coordination and cooperation between these two services, there is every likelihood that they can operate compatibly.

11. Several comments objected to the proposal that the Highway Maintenance and Special Emergency Radio Services share the split frequencies between 33.02 and 33.10 Mc/s, and between 37.90 and 37.98 Mc/s. The full utilization of the shared primary frequencies has not been realized, particularly by the Highway Maintenance Radio Service because of a lack of similarity between their respective operations. The California Public-Safety Radio Association, Inc., suggested that one service be permitted to use the primary frequencies exclusively, while the split channels would be made available to the other. However, this would require a change in frequency by a substantial number of licensees which this situation does not appear to warrant. Instead the Commission has determined that this problem may be better solved by making the split channels 33.04 Mc/s and 33.08 Mc/s available exclusively to the Special Emergency Radio Service and making the split channels 37.92 Mc/s and 37.96 Mc/s available to the Highway Maintenance Radio Service on the same basis. Thus, users in these services can elect to modify their systems to an exclusive frequency, or they may continue to operate on their existing channel without incurring equipment costs.

12. In Docket No. 13971, the Commission made the frequency 39.06 Mc/s available to the Local Government Radio Service as well as the Police Radio Service for the control of traffic signals by public safety mobile units. The City of Erie, Pennsylvania, which utilizes this frequency for that purpose requested that the adjacent frequencies be restricted to the same 3 watt power limitation which applies to 39.06 Mc/s, and that this frequency be made assignable without requiring applicants to obtain frequency coordination as required by § 10.8. The need for low power frequencies does not appear to warrant imposing such restrictions on the frequencies 39.04 Mc/s or 39.08 Mc/s. It should be noted that under the determinations reached herein these frequencies are to be available to the Police Radio Service, and this Service has a significant requirement for additional base-mobile frequencies which would not be as well satisfied if these two frequencies were limited in power to 3 watts. However, with respect to the frequency 39.06 Mc/s itself, the Commission agrees that since the transmission range is limited, and thus the likelihood of interference is remote, frequency coordination, as required by § 10.8 of the rules, should not be necessary.

Part 11—Industrial Radio Services.

13. Comments from the users and associations in these Services generally supported the Commission's proposals in this proceeding. Since to a large extent the Commission's determinations are in accord with these proposals, it does not appear necessary to discuss these filings in detail. Instead, the discussion will be limited to areas in which Commission action deviates from the proposal or to that part of the frequency spectrum in which more than one group expressed interest.

14. It should be noted that FIRC's position with regard to interspersion (see paragraph 4, supra) is mainly directed toward the Commission's proposal concerning the frequency band 37.46–37.52 Mc/s which is allocated to the Power Radio Service but is available to Forest Products in Oregon and Washington. FIRC's point is that the primary frequencies 37.46 Mc/s and 37.50 Mc/s are presently used extensively by the Power Radio Service and that the "splits" will undoubtedly also be used extensively. Because of the interference characteristics of this band, it is contended that the Forest Products' ability to operate on these shared frequencies will be limited. As an ancillary matter, it should be pointed out that this allocation involves the sharing of frequencies rather than interspersion. In any event, the Commission is cognizant of the problem raised by FIRC, and it is believed that a satisfactory solution is available. First, it is proposed to allocate the frequencies between 37.46 and 37.52 Mc/s to the Power Radio Service on an exclusive basis. Secondly, the Commission has determined that the frequencies 37.44 Mc/s and 37.88 Mc/s should be allocated exclusively to the Forest Products Radio Service.

Under the proposal these latter frequencies were to be made available to the Relay Press Radio Service; however, this failed to receive any support in the record. While the reply comments of National Committee for Utilities Radio (NCUR) requested that these two frequencies be allocated to the Power Radio Service, the Commission is also aware of the important need which FIRC presented for frequencies in connection with its fire prevention and weather activities. In view of the Commission's action set forth above with regard to the frequencies 37.46 Mc/s and 37.52 Mc/s and in light of the over-all frequency availability to the two services, the Commission has concluded that the channels 37.44 Mc/s and 37.88 Mc/s should be allocated to the Forest Products Radio Service.

15. The Central Committee on Communications Facilities of the American Petroleum Institute (CAPI) objected to the proposed loss of the frequency band 30.66–30.82 Mc/s (which it now shares with Urban Passenger) to the Special Industrial Radio Service. The comment points out that this action would seriously impair the operations of this service especially in Texas, Louisiana, and along the entire Gulf Coast where petroleum operation is heaviest. Based on this filing and on further analysis of present and potential frequency loading in this Service, particularly in the area referred-to-above, the Commission has modified its proposal. The primary frequencies 30.70 Mc/s and 30.78 Mc/s will be allocated exclusively to the Petroleum Radio Service while the remaining primary frequencies will continue to be available on a shared basis to the Petroleum and Urban Passenger Radio Services since this arrangement has generally worked out satisfactorily in the past. The split channels 30.68 Mc/s and 30.72 Mc/s will be made available ex-

clusively to the Forest Products Radio Service. This will enable the latter service to expand its operations particularly in this same southern and Gulf Coast regions where its activities are also heavy without undue interference to Petroleum communications there. This should, in turn, reduce the impact on Petroleum Radio usage of its frequencies in the 48 Mc/s band which it now shares with the Forest Products Radio Service. In other words, it is anticipated that some of the Forest Products expansion will now take place on these 30 Mc/s split channels and thus the Petroleum Radio Service may better be able to utilize the shared frequencies in the 48 Mc/s band. The other split channels, will be made available to the Business Radio Service.

16. The Commission has concluded that 21 additional frequencies should be allocated to the Special Industrial Radio Service. While this number is less than that proposed, it is in excess of the request for 15 new channels sought by the Special Industrial Radio Services Association (SIRSA) in its original proposal. It should be noted that as of June 15, 1963, many licensees previously eligible to operate in this Service were required to change to another radio service. This date was the termination of a five-year amortization period allowed to users who were affected by the Commission's amendment regarding eligibility in this Service adopted in 1958 in Docket No. 11991. This reduction in the number of Special Industrial eligibles coupled with the additional channels allocated herein should be of substantial assistance to this Service to meet adequately its radio needs.

The bulk of the additional channels provided are interspersed between primary frequencies utilized by the Forestry-Conservation Radio Service. As a general rule the activities of these two services are not concentrated in the same geographical areas. Also, both services utilize frequency advisory committees to make frequency recommendations and to provide assistance to potential applicants. It is hoped that the respective committees will cooperate with each other in arriving at their frequency recommendations and that this cooperation will extend to the individual users in instances where an overlap in the locale of their operations may arise.

Part 16—Land Transportation Radio Services. 17. As previously set forth, the proposal to allocate the frequencies from 30.66–31.14 Mc/s which the Urban Passenger Radio Service now shares in part with Petroleum and in part with Forestry-Conservation to the Special Industrial and Business Radio Services has been modified. Instead the Commission has determined that Urban Passenger should be permitted to retain the same number of channels. This determination is predicated on the content of the various filings submitted on behalf of Urban Transit activity and upon a thorough review of the existing loading on the Land Transportation frequencies involved. The comparative loading on these frequencies, however, leads the Commission to conclude that an additional 80 kilocycles of spectrum space cannot be made available at this time exclusively for automatic train control functions as requested by American Transit Association and General Electric. This conclusion, however, should not be construed as a bar to the development of such a system which can be integrated into the frequency allocation determined herein. To encourage and facilitate this development the Commission has altered the frequencies available to this Service to provide for a contiguous block of frequencies from 31.08 to 31.16 Mc/s totaling 80 kilocycles in width. Should automatic train control systems develop to the point at which the additional 80 kilocycles exclusively for this purpose is required, the industry may then advance new rule making petitions for that purpose.

Part 19—Citizens Radio Service. 18. The Commission has determined that the present allocation of the frequencies 27.235 Mc/s and 27.275 Mc/s should be retained rather than permitting the Citizens Radio Service to share in their use. A review of current authorizations on these frequencies shows substantial usage which might be severely impaired if a new service were also permitted to operate thereon. Also there is serious question as to how much usage the Citizens Radio Service would be able to make of these frequencies in light of existing operations. The Citizens Radio Service may, of course, continue to utilize the frequency 27.255 Mc/s.

19. There were two requests for Oral Argument filed during the comment period in this proceeding. One such request from the City of Cleveland, Ohio, was directed toward the Commission's proposal to reallocate the frequency 33.58 Mc/s from the Fire Radio Service to the Business Radio Service. Cleveland utilizes this frequency for its fire mobile operations. Since it has been determined that this frequency should remain available to the Fire Radio Service, it may be concluded that Cleveland's request has been rendered moot.

APCO's request, which was supported by FCCA, was predicated mainly on the Commission's proposal to reallocate certain Police frequencies to the Special Industrial Radio Service. It further objected to the loss of any Public Safety frequencies to other services. The Commission's action herein nullifying the reallocation proposal and enabling public safety licensees to remain on existing frequencies would seem to render this request moot also. It should be emphasized that the Commission is currently considering APCO's petition for a Statutory Inquiry into the frequency needs of the Public Safety Radio Services, and that the disposal of its request in the instant proceeding is without prejudice to that petition.

20. In addition, on June 14th, 1963, the National Committee for Utilities Radio (NCUR) filed a "Petition for Severance" in this proceeding. Basically, the NCUR's petition requested a timely disposition of the matters under consideration in this proceeding; and specifically requested a prompt allocation "* * *to the Power Radio Service (of) at least the ten 20 kc split channels interspersed among the 37 mc primary frequencies in the Power Radio Service block." The relief requested by the NCUR has been essentially granted by our order herein.

Authority for the amendments set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Therefore, *It is ordered*, That effective November 25, 1963, Parts 2, 10, 11, and 16 of the Commission's rules be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U.S.C. 303)

Adopted: October 9, 1963.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

§ 2.106 [Amendment]

Section 2.106 *Table of frequency allocations*, of the Commission's rules and regulations, is amended in respect to the bands 25.01–25.33 Mc/s, 27.28–27.54 Mc/s, 29.7–29.8 Mc/s, 30.56–32 Mc/s, 33–34 Mc/s, 35–36 Mc/s, 37–38 Mc/s and 39–40 Mc/s, to read as follows, in columns 7 through 11:

Federal Communications Commission

Band (Mc/s)	Service	Class of Station	Frequency (Mc/s)	Nature of Services (of stations)
7	8	9	10	11
•	• •	•	•	• •
25.01–25.33	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
•	• •	•	•	• •
27.28–27.54	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
•	• •	•		• •
29.7–29.8	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
•	• •	•	•	• •
30.56–32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY.
•	• •	•	•	• •
33–33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
33.01–33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
33.11–33.4	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
33.4–34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
•	• •	•	•	• •
35–35.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
35.2–35.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
35.68–36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
•	• •	•	•	• •
37–37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
37.01–37.42	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
37.42–37.88	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
37.88–38	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
•	• •	•	•	• •
39–40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.

• • • • • • • • •

Part 10 of the Commission's rules is amended as follows:

1. Section 10.101 is amended by adding the following paragraph:

§ 10.101 Frequencies.

• • • • • • • • •

(1) The frequency bands 31.99 to 32.00 Mc/s, 33.00 to 33.01 Mc/s, 33.99 to 34.00 Mc/s, 37.99 to 38.00 Mc/s, 39.00 to 39.01 Mc/s, 39.99 to 40.00 Mc/s, and 42.00 to 42.01 Mc/s may be authorized for developmental operation to any eligible applicant in the Public Safety Radio Services.

§ 10.255 [Amendment]

2. Section 10.255 is amended as follows:

a. The frequency table in paragraph (g) is amended by deleting that portion beginning with the frequency 37.02 Mc/s and ending with the frequency 42.02 Mc/s and substituting therefor the following:

• • • • • • • • •

Frequency or band	Class of station(s)	Limitations
• •	• •	•
37.02	Mobile	
37.04	Base and mobile	
37.06	do	
37.08	do	
37.10	do	
37.12	do	18
37.14	do	
37.16	do	
37.18	do	
37.20	do	18
37.22	do	
37.24	do	
37.26	do	
37.28	do	18
37.30	do	
37.32	do	
37.34	Mobile	
37.36	Base and mobile	
37.38	Mobile	
37.40	Base and mobile	
37.42	Mobile	
39.02	Base and mobile	
39.04	do	
39.06	do	
39.08	do	17, 18
39.10	do	
39.12	do	18
39.14	do	
39.16	do	
39.18	do	
39.20	do	18
39.22	do	
39.24	do	
39.26	Mobile	
39.28	Base and mobile	
39.30	Mobile	
39.32	Base and mobile	
39.34	Mobile	
39.36	Base and mobile	
39.38	Mobile	
39.40	Base and mobile	
39.42	do	
39.44	do	
39.46	do	
39.48	do	16, 21
39.50	do	
39.52	do	18
39.54	do	
39.56	do	
39.58	do	
39.60	do	18
39.62	do	
39.64	do	
39.66	Mobile	
39.68	Base and mobile	
39.70	Mobile	
39.72	Base and mobile	
39.74	Mobile	
39.76	Base and mobile	
39.78	Mobile	
39.80	Base and mobile	
39.82	do	18
39.84	do	
39.86	do	
39.88	do	
39.90	do	18
39.92	do	
39.94	do	
39.96	do	
39.98	do	
42.02	do	18

b. Paragraph (h) is amended by adding the following new subparagraph:

• • • • • • • • •

(18) This frequency is shared with the Local Government Radio Service.

§ 10.305 [Amendment]

2. Section 10.305 is amended as follows:

The frequency table in paragraph (f) is amended by deleting that portion beginning with the frequency 33.42 Mc/s and ending with the frequency 45.88 Mc/s and substituting therefor the following:

• • • • • • • • •

Frequency or band	Class of station(s)	Limitations
• •	• •	•
33.42	Mobile and fixed	6
33.44	Base and mobile	
33.46	Mobile	
33.48	Base and mobile	
33.50	Mobile	
33.52	Base and mobile	
33.54	Mobile	
33.56	Base and mobile	
33.58	Mobile	
33.60	Base and mobile	
33.62	Mobile	
33.64	Base and mobile	
33.66	Mobile	
33.68	Base and mobile	
33.70	do	
33.72	do	
33.74	do	
33.76	do	
33.78	do	
33.80	do	
33.82	do	
33.84	do	
33.86	do	

Frequency or band	Class of station(s)	Limitations
33.88	Base and mobile	
33.90	do	
33.92	do	
33.94	do	
33.96	do	
33.98	do	
45.88	do	13

§ 10.405 [Amendment]

3. Section 10.405 is amended as follows:

The frequency table in paragraph (e) is amended by deleting that portion beginning with the frequency 37.90 Mc/s and ending with the frequency 37.98 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
37.90	Base and mobile	6
37.92	do	
37.94	do	6
37.96	do	
37.98	do	6

§ 10.462 [Amendment]

4. Section 10.462 is amended as follows:

The table in paragraph (e) is amended by deleting that portion beginning with the frequency 33.02 Mc/s and ending with the frequency 33.10 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
33.02	Base and mobile	6
33.04	do	
33.06	do	6
33.08	do	
33.10	do	6

§ 10.555 [Amendment]

5. Section 10.555 is amended as follows:

a. The table in paragraph (f) is amended by deleting the entry 39.06 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
37.10	Base and mobile	8
37.18	do	8
37.26	do	8
39.06	Mobile	7, 8, 9
39.10	Base and mobile	8
39.18	do	8
39.50	do	8
39.58	do	8
39.82	do	8
39.90	do	8
39.98	do	8

b. Paragraph (g) is amended by adding the following new subparagraphs:

(8) This frequency is shared with the Police Radio Service.

(9) Applicants for this frequency need not demonstrate compliance with the provisions of § 10.8.

§ 11.8 [Amendment]

1. Section 11.8 is amended by adding the following frequencies at the beginning of the list in paragraph (j):

Mc/s
30.56–30.57
35.00–35.01
35.19–35.20
35.68–35.69
35.99–36.00
37.00–37.01

2. In § 11.254, the table in paragraph (a) is amended by substituting the following for the 37.46–37.86 Mc/s portion as follows:

§ 11.254 Frequencies available.

(a) • • •

Frequency or band	Class of station(s)	Limitations
37.46	Base or mobile	
37.48	do	
37.50	do	
37.52	do	
37.54	do	
37.56	do	
37.58	do	
37.60	do	
37.62	do	
37.64	do	
37.66	do	
37.68	do	
37.70	do	
37.72	do	
37.74	do	
37.76	do	
37.78	do	
37.80	do	
37.82	do	
37.84	do	
37.86	do	

3. In § 11.304, the table in paragraph (a) is amended by substituting the following for the 25.02–25.30 and 30.66–33.38 Mc/s portion as follows:

§ 11.304 Frequencies available.

(a) • • •

Frequency or band	Class of station(s)	Limitations
25.02	Base or Mobile	
25.04	do	
25.06	do	
25.08	do	
25.10	do	
25.12	do	
25.14	do	
25.16	do	
25.18	do	
25.20	do	
25.22	do	
25.24	do	
25.26	do	
25.28	do	
25.30	do	
25.32	do	
30.66	do	12
30.70	do	
30.74	do	12
30.78	do	
30.82	do	12
33.18	do	
33.20	do	
33.22	do	
33.24	do	
33.26	do	
33.28	do	
33.30	do	
33.32	do	
33.34	do	
33.36	do	
33.38	do	

4. In § 11.354, the table in paragraph (a) is amended by substituting the following for the 29.73–29.77 Mc/s portions as follows:

§ 11.354 Frequencies available.

(a) • • •

Frequency or band	Class of station(s)	Limitations
29.71	Base or mobile	
29.73	do	
29.75	do	
29.77	do	
29.79	do	
30.68	do	
30.72	do	
37.44	do	
.88	do	

5. In § 11.504, the table in paragraph (a) is amended by substituting the following for the 30.58–35.86 Mc/s portion; and paragraph (b) is amended by adding a new limitation (14) as follows:

§ 11.504 Frequencies available.

(a) • • •

Frequency or band	Class of station(s)	General reference	Limitations
30.58			
30.60	do	do	11
30.62	do	do	11
30.64	do	General use	
31.28	do	do	
31.32	do	do	
31.36	do	do	
31.40	do	do	
31.44	do	do	
31.48	do	do	
31.52	do	do	
31.56	do	do	
31.60	do	do	
31.64	do	do	
31.68	do	do	
31.72	do	do	
31.76	do	do	
31.80	do	do	
31.84	do	do	
31.88	do	do	
31.92	do	do	
31.96	do	do	
33.12	Mobile	do	14
35.74	Base or mobile	Permanent use	11
35.76	do	do	11
35.78	do	do	11
35.80	do	do	11
35.82	do	do	11
35.84	do	do	11
35.86	do	do	11

(b) • • •

(14) This frequency is limited to a maximum plate input power to the final radio frequency state of 3 watts; and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and provided further, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

6. In § 11.554, the table in paragraph (a) is amended by substituting the following for 33.14–35.72 Mc/s portion; and paragraph (b) is amended by adding a new limitation (20) as follows:

§ 11.554 Frequencies available.

(a) • • •

Frequency or band	Class of station(s)	General reference	Limitations
30.76	Base or mobile	Permanent use	10, 11
30.80	do	do	10, 11
30.84	Mobile	Low power general use	13, 14
30.88	Base or mobile	Permanent use	10, 11
30.92	do	do	10, 11
30.96	do	do	10, 11
31.00	do	do	10, 11
31.04	do	do	10, 11
31.20	Mobile	Low power general use	13, 14
31.24	do	do	13, 14
33.14	do	do	13, 14
33.16	do	Half-watt general use	14, 20
33.40	do	do	14, 20
35.02	do	Low power general use	13, 14
35.04	Base or mobile	Itinerant use	10, 12
35.06	do	Permanent use	10, 11
35.08	do	do	10, 11
35.10	do	do	10, 11
35.12	do	do	10, 11
35.14	do	do	10, 11
35.18	do	do	10, 11
35.70	do	do	11
35.72	do	do	11

(b) • • •

(20) This frequency is limited to a maximum plate input power to the final radio frequency stage of 0.5 watt and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

§ 16.204 [Amendment]

7. Section 16.204 is amended by adding the following frequency band at the beginning of the list in paragraph (b):

Mc/s
33.00–33.01

§ 16.252 [Amendment]

8. Section 16.252(c) is amended by deleting the frequencies 30.70 Mc/s and 30.78 Mc/s; and by adding the frequencies 31.08 Mc/s and 31.16 Mc/s in numerical sequence.

[F.R. Doc. 63-11017; Filed, Oct. 18, 1963; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Miscellaneous Amendments

Effective thirty days after publication in the FEDERAL REGISTER, paragraph (c) of § 25.103 and paragraph (a) of § 25.412 are amended as set out below.

§ 25.103 General provisions.

• • • • • •

(c) *Computation of highest previous rate.* (1) The highest previous rate must be based on a rate for a regular tour of duty (i) under an appointment not limited to 90 days or less, or (ii) for a continuous period of not less than 90 days under one or more appointments without a break in service.

(2) The highest previous rate may not be based on (i) a rate received for an appointment as an expert or consultant under section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) or (ii) a rate of basic compensation established under section 504 of the Federal Salary Reform Act of 1962 (76 Stat. 842; 5 U.S.C. 1173).

(3) When an employee's rate of basic compensation is one established under section 504 of the Federal Salary Reform Act of 1962, the employee's highest previous rate is the rate to which the employee would have been entitled had the rate established under section 504 not applied to him.

(4) If the highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, this rate shall be computed as follows: The actual rate earned at the time of such service shall be converted to the equivalent per annum rate under the Classification Act as of the time of such service; where there was no exact equivalent per annum rate under the Classification Act, the next higher Classification Act rate shall be considered an equivalent; where the rate thus determined falls within two or more grades under the Act, the rate in the grade which gives the employee the maximum benefit shall be used; the equivalent Classification Act rate thus determined shall be converted to the equivalent per annum rate under the current Classification Act pay schedule and shall be the employee's highest previous rate.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

§ 25.412 Rate determination.

(a) At the time of the employee's demotion, his department shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic compensation if he were

not entitled to a retained rate. When the department does not select a higher rate permissible under the provisions of § 25.103(b), the rate shall, subject to the provisions of paragraph (b) of this section, be determined as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

(b) When the employee's retained rate is a rate established under section 504 of the Federal Salary Reform Act of 1962 (Public Law 87–793; 76 Stat. 842), the department shall determine what the employee's rate in the grade from which demoted would have been if the rate established by section 504 had not applied to him and this rate shall be considered to be the employee's retained rate for the purpose of selecting a rate under the provisions of subparagraph (1), (2), or (3) of paragraph (a) of this section.

(c) At the time of the employee's demotion, the department shall record in the employee's Official Personnel Folder the rate selected in accordance with paragraph (a) of this section and shall make and record all determinations of entitlement to within-grade increases on this rate during the salary retention period.

(Sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1108; 5 U.S.C. 1072, 1072a)

Reorganization and revision of chapter. In the FEDERAL REGISTER for October 12, 1963, the Civil Service Commission published new pay and leave regulations to become effective December 15, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on October 15, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A second amendment of these new regulations is set out below, i.e., the new pay and leave regulations published in the FEDERAL REGISTER on October 12, 1963, as amended, which are to become effective December 15, 1963, are further amended as follows:

In part 531—Pay Under the Classification Act System, paragraph (c) of § 531.203 and § 531.512 are amended as set out below.

§ 531.203 General provisions.

* * * * *

(c) *Computation of highest previous rate.* (1) The highest previous rate is based on a regular tour of duty at that rate under an appointment not limited to 90 days or less, or for a continuous period of not less than 90 days under one or more appointments without a break in service.

(2) The highest previous rate may not be based on (i) a rate received for an appointment as an expert or consultant under section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) or (ii) a rate of basic compensation established under section 504 of the Federal Salary Reform Act of 1962 (72 Stat. 842; 5 U.S.C. 1173).

(3) When an employee's rate of basic compensation is one established under section 504 of the Federal Salary Reform Act of 1962, the employee's highest previous rate is the rate to which the employee would have been entitled had the rate established under section 504 not applied to him.

(4) If the highest previous rate was earned in a Classification Act position, it is increased by subsequent amendments of the Clasification Act pay schedules. If the highest previous rate was earned in a position not subject to the Classification Act, it is computed as follows:

(i) The actual rate earned at the time of service is converted to the equivalent annual rate under the Act as of the time of the service. If there was no exact equivalent annual rate, the next higher Classification Act rate is the equivalent annual rate. When the equivalent annual rate falls within the range of two or more grades under the Act, the rate in the grade which gives the employee the maximum benefit is used as the equivalent annual rate.

(ii) The equivalent annual rate determined under subparagraph 4(i) of this paragraph is converted to the equivalent rate under the current Classification Act pay schedule and that rate is the employee's highest previous rate.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

§ 531.512 Rate determination.

(a) At the time of an employee's demotion, the department shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic compensation if he were not entitled to a retained rate. When the department does not select a higher rate under § 531.203(b), it shall determine the rate, subject to the provisions of paragraph (b) of this section as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

(b) When the employee's retained rate is a rate established under section 504 of the Federal Salary Reform Act of 1962 (Public Law 87–793; 76 Stat. 842), the department shall determine what the employee's rate in the grade from which demoted would have been if the rate established by section 504 had not applied to him and this rate shall be considered to be the employee's retained rate for the purpose of selecting a rate under the provisions of subparagraph (1), (2), or (3) of paragraph (a) of this section.

(c) At the time of the employee's demotion, the department shall (1) record in the employee's Official Personnel Folder the rate selected in accordance with paragraph (a) of this section, and (2) shall make all determinations of within-grade increases, in accordance with Subpart D of this part, on this rate during the salary retention period and record these determinations in the employee's Official Personnel Folder.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072; sec. 507 as added by 70 Stat. 291, as amended; 5 U.S.C. 1107)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–11126; Filed, Oct. 18, 1963; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 851.1, Amdt. 4]

PART 851—COMMITMENT OF NATIONAL SUGARBEET ACREAGE RESERVE, 1962 AND SUBSEQUENT CROPS

Revocation of Commitment of Acreage

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1 (27 F.R. 10745, 12705; 28 F.R. 1369, 2090) is further amended by adding the following new paragraph (j):

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

* * * * *

(j) *Revocation of the commitment of acreage to farms supplying sugarbeets to proposed facility near Phoenix, Arizona, and of the commitment of acreage to farms supplying sugarbeets to proposed facility in the Missouri River Valley of Southeastern South Dakota.* (1) (i) This paragraph is issued pursuant to section 302(b) of the Sugar Act of 1948, as amended, which provides in part, that "* * * such distribution shall thereby be committed to be in effect for the year in which production of sugarbeets is scheduled to commence in a locality or localities determined by the Secretary to receive such reserves for such year, such determination of distribution by the Secretary shall be final, and such commitment of the sugarbeet acreage reserve shall be irrevocable upon issuance of such determination of the Secretary by publication in the FEDERAL REGISTER; except that if the Secretary finds in any case that construction of sugarbeet processing facilities and the contracting for processing of sugarbeets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of distribution of the sugarbeet acreage reserve, he shall revoke such determination in accordance with and upon publication in the FEDERAL REGISTER of such findings.

(ii) The purpose of this paragraph is to revoke the commitment of the acreage reserve heretofore made (28 F.R. 1369) of 19,000 acres, estimated to yield about 34,000 short tons, raw value, of sugar, to farms in eastern South Dakota, northwestern Iowa and northeastern Nebraska for the 1965 crop and to revoke the commitment of the acreage reserve heretofore made (28 F.R. 2090) of 20,000 acres, estimated to yield about 50,000 short tons, raw value, of sugar to farms in Arizona for the 1964 crop.

(iii) Pursuant to the above quoted provision of section 302(b) of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), I hereby find and determine:

(2) That construction of the sugarbeet processing facility and the contracting for processing of sugarbeets by the Utah-Idaho Sugar Company has not proceeded in substantial accordance with the representations made to me as a basis for my determination of distribution of the sugarbeet acreage reserve to the locality to be served by this proposed beet sugar processing facility; and

(3) That construction of the sugarbeet processing facility and the contracting for processing of sugarbeets under the supervision of the Arizona Sugar Beet Committee has not proceeded in substantial accordance with the representations made to me as a basis for my determination of distribution of the sugarbeet acreage reserve to the locality to be served by this proposed beet sugar processing facility.

In accordance with such findings, the determinations of distribution of the acreage reserve set forth in paragraph (h) of Sugar Determination 851.1, Amendment 2 (28 F.R. 1369) and paragraph (i) of Sugar Determination 851.1, Amendment 3 (28 F.R. 2090) are hereby revoked and § 851.1 of this chapter is amended by deleting therefrom paragraphs (h) and (i).

Statement of bases and considerations. A commitment of 19,000 acres estimated to yield about 34,000 tons of sugar, raw value, was made on February 7, 1963, to farms in southeastern South Dakota, northeastern Nebraska and northwestern Iowa which were to supply sugarbeets to a proposed new beet sugar facility in southeastern South Dakota, scheduled to begin operations for the 1965 crop year.

In efforts to develop this area, the Utah-Idaho Sugar Company first contracted for beets in 1961. About 4,500 acres were grown, with an average yield of about 11.24 tons per acre. Part of the area averaged almost 14 tons per acre and several individual growers averaged in excess of 18 tons per acre. In its request in 1962 for reserve acreage the company stated that contractings had increased to about 10,500 acres with yield prospects being greatly improved despite unfavorable spring weather. Contractings in 1963 were increased to about 11,200 acres.

The company has informed the Department that, because of disease and other problems, it will not proceed with the construction of a factory to be ready to process beets of the 1965 crop. In view of the company's decision, the commitment is revoked on the finding and determination that the project has not proceeded in substantial accordance with the representations made as the basis for the final determination of commitment.

A commitment of 20,000 acres, estimated to yield about 50,000 tons of sugar, raw value, was made on February 27, 1963, to the locality near Phoenix, Arizona, to serve a proposed new beet sugar facility near Phoenix, Arizona, scheduled to begin operations for the 1964 crop year.

The Arizona Sugar Beet Committee recently notified the Department that Mr. Julio Lobo of Olavarria & Company of New York City, has informed that committee that he was not prepared to proceed with financing the construction of the factory. The committee has been unable to obtain other financing in sufficient time to have the project completed in time to process 1964 crop sugarbeets. The commitment is revoked on the finding and determination that the project has not proceeded in substantial accordance with the representations made as the basis for the final determination of commitment.

Neither of these localities is precluded from competing with other localities for a reserve acreage allocation and both may, if they desire, present their cases at the public hearing in Washington, D.C. on December 10, 1963.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 16, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63–11081; Filed, Oct. 18, 1963; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 29]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.386 Orange Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1963; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the

persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 17, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–11152; Filed, Oct. 18, 1963; 8:49 a.m.]

[Grapefruit Reg. 29]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.387 Grapefruit Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3$^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 17, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–11118; Filed, Oct. 18, 1963; 8:48 a.m.]

[Tangerine Reg. 14]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.388 Tangerine Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause

exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 17, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–11120; Filed, Oct. 18, 1963; 8:48 a.m.]

[Tangelo Reg. 14]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.389 Tangelo Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 21, 1963, and ending at 12:01 a.m., e.s.t., November 4, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 17, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–11119; Filed, Oct. 18, 1963; 8:48 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 900), it is hereby found and determined that:

(a) The following provisions of the order will not tend to effectuate the declared policy of the Act for the periods specified:

(1) For the month of October all the table contained in § 1002.71(b)(3) except the first column captioned "Mileage zone of the farm pursuant to subparagraph (1) of this paragraph"; the words "dollars per hundredweight" and the column of figures beginning with ".48".

(2) For the month of November 1963 all of the table contained in § 1002.71(b)

ILLINOIS—Continued

IOWA

KANSAS—Continued

(3) except the first column captioned "Mileage zone of the farm pursuant to subparagraph (1) of this paragraph"; the words "dollars per hundredweight" and the column of figures beginning with ".40".

(3) For the months of October and November 1963 all of § 1002.71(b)(6).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) A decision of the Supreme Court on June 4, 1962 invalidated § 1002.83(b)(2), (3) and (4) of the New York-New Jersey order. This necessitated the suspension of these and certain other provisions effective July 1, 1962 (27 F.R. 6117) including the provision which previously had permitted certain plants to elect nonpool status at the option of the handler. This resulted in the pooling for several months of at least one additional nearby plant.

(2) Section 1002.71(b)(6) provides that "the nearby differential rates shall be reduced 10 percent for each full percentage point by which the quantity of milk subject to the differential in the preceding 12 months exceeds 35 percent of the total quantity of Class I-A milk (both pool and nonpool) in such 12 months". This provision is designed to reflect automatically the relationship between the production of milk of the producers eligible for such differential and the use of fluid milk in the marketing area.

(3) The inclusion in the above computation of the receipts of a plant which has been a pool plant because of the suspension of the pooling option resulted in a 10 percent decrease in the rates of nearby differentials for October and November 1962, because of the increase in the number of producers eligible for such differential. This is a situation which the provision for reduction in the rate of differential was not designed to reflect. Suspension orders, therefore were issued effective December 1, 1962 (27 F.R. 11342), February 1, 1963 (28 F.R. 1865) and June 1, 1963 (28 F.R. 6257) to approximately offset the previous decreases and to result in average nearby differentials for the period October 1962 through September 1963 at the approximate level which would have resulted had the option of nonpool status been available to, and exercised by, plants that exercised such option prior to the July 1, 1962 suspension order.

(4) This suspension will result in average nearby differentials for the months of October and November 1963, at the approximate level which would have resulted had the option of nonpool status been available to, and exercised by, plants that exercised such option prior to the July 1, 1962 suspension order.

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(6) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

Therefore, good cause exists for making this order effective October 1, 1963.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the periods indicated in paragraph (a) above.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1963.

Signed at Washington, D.C., on October 15, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-11067; Filed, Oct. 18, 1963; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963-Crop Corn Supplement, Amdt. 1]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Corn Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation (28 F.R. 7506) with respect to corn produced in 1963 which contain specific requirements for the 1963-crop of corn are hereby amended as follows:

1. Paragraph (b) is added to § 1421.2310 to set forth the schedule of premiums and discounts and provisions regarding the application of premiums and discounts.

2. Paragraph (c) is added to § 1421.2310 to set forth the basic county support rates for loans and purchase agreements.

§ 1421.2310 Support rates.

* * * * *

(b) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible corn under farm storage loan or delivered from farm storage under purchase agreement the applicable premiums and discounts shown in the schedule in subparagraph (3) of this paragraph and discounts established by the appropriate ASCS commodity office for moisture in excess of 14 percent and for other factors shall be applied to the basic rate at the time of settlement. In the case of loans the discount for corn grading "Mix," and the discount for "Weed control laws," if applicable, shall be applied to the basic rate both at the time the loan is completed and at the time of settlement.

(2) *Warehouse storage.* In the case of warehouse-storage loans the applicable premiums and discounts shown in the schedule in subparagraph (3) of this paragraph, shall be applied to the basic support rate at the time the loan is completed. In the case of corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shown in subparagraph (3) of this paragraph, shall be applied to the basic support rate at the time of settlement.

(3) *Schedule of premiums and discounts.*

	Cents per bushel
(i) Premiums:	
Grade No. 2 or better	1
Broken corn and foreign material (percent) 2.0 or less	1
Moisture content (percent) 14.0 or less	1
(ii) Discounts:	
Weevily	2
Mixed	2
Weed control laws (see § 1421.27)	10

(c) *Basic county support rates.* Basic county support rates for use in making loans and for use in settling loans and purchase agreements for both farm-stored and warehouse-stored corn which grades No. 3 (except for moisture) or No. 4 on the factor of test weight but otherwise No. 3 or better (except for moisture) are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.20

ARIZONA

All counties	$1.21

ARKANSAS

All counties	$1.15

CALIFORNIA

All counties	$1.21

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.10	Larimer	$1.10
Alamosa	1.13	Las Animas	1.12
Arapahoe	1.11	Lincoln	1.11
Archuleta	1.16	Logan	1.09
Baca	1.12	Mesa	1.18
Bent	1.12	Moffat	1.18
Boulder	1.11	Montezuma	1.20
Cheyenne	1.10	Montrose	1.18
Conejos	1.14	Morgan	1.09
Costilla	1.12	Otero	1.12
Crowley	1.12	Ouray	1.20
Custer	1.12	Phillips	1.09
Delta	1.18	Pitkin	1.16
Dolores	1.20	Prowers	1.11
Douglas	1.12	Pueblo	1.12
Elbert	1.11	Rio Blanco	1.18
El Paso	1.12	Rio Grande	1.16
Fremont	1.12	Routt	1.16
Garfield	1.18	Saguache	1.14
Grand	1.14	San Miguel	1.20
Huerfano	1.12	Sedgwick	1.09
Jefferson	1.12	Washington	1.09
Kiowa	1.11	Weld	1.09
Kit Carson	1.09	Yuma	1.09
La Plata	1.18		

CONNECTICUT

All counties	$1.28

DELAWARE

All counties	$1.23

FLORIDA

All counties	$1.21

GEORGIA

All counties	$1.21

IDAHO

All counties	$1.16

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.07	Clay	$1.09
Alexander	1.11	Clinton	1.09
Bond	1.09	Coles	1.07
Boone	1.08	Cook	1.09
Brown	1.08	Crawford	1.09
Bureau	1.08	Cumberland	1.08
Calhoun	1.08	De Kalb	1.08
Carroll	1.06	De Witt	1.08
Cass	1.09	Douglas	1.07
Champaign	1.07	Du Page	1.09
Christian	1.09	Edgar	1.07
Clark	1.08	Edwards	1.10

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Effingham	$1.09	Massac	$1.11
Fayette	1.09	Menard	1.09
Ford	1.07	Mercer	1.06
Franklin	1.10	Monroe	1.10
Fulton	1.08	Montgomery	1.09
Gallatin	1.11	Morgan	1.09
Greene	1.09	Moultrie	1.07
Grundy	1.08	Ogle	1.07
Hamilton	1.10	Peoria	1.08
Hancock	1.06	Perry	1.10
Hardin	1.11	Piatt	1.07
Henderson	1.06	Pike	1.08
Henry	1.07	Pope	1.11
Iroquois	1.08	Pulaski	1.11
Jackson	1.10	Putnam	1.08
Jasper	1.09	Randolph	1.10
Jefferson	1.09	Richland	1.10
Jersey	1.09	Rock Island	1.06
Jo Daviess	1.06	St. Clair	1.10
Johnson	1.10	Saline	1.10
Kane	1.09	Sangamon	1.09
Kankakee	1.08	Schuyler	1.08
Kendall	1.08	Scott	1.09
Knox	1.08	Shelby	1.08
Lake	1.09	Stark	1.08
La Salle	1.08	Stephenson	1.07
Lawrence	1.10	Tazewell	1.09
Lee	1.08	Union	1.10
Livingston	1.08	Vermilion	1.07
Logan	1.09	Wabash	1.10
McDonough	1.07	Warren	1.07
McHenry	1.08	Washington	1.10
McLean	1.08	Wayne	1.09
Macon	1.08	White	1.10
Macoupin	1.09	Whiteside	1.06
Madison	1.09	Will	1.09
Marion	1.09	Williamson	1.10
Marshall	1.09	Winnebago	1.07
Mason	1.09	Woodford	1.09

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.08	Lawrence	$1.10
Allen	1.08	Madison	1.08
Bartholomew	1.10	Marion	1.08
Benton	1.08	Marshall	1.08
Blackford	1.08	Martin	1.10
Boone	1.08	Miami	1.08
Brown	1.09	Monroe	1.09
Carroll	1.08	Montgomery	1.07
Cass	1.08	Morgan	1.08
Clark	1.11	Newton	1.08
Clay	1.08	Noble	1.08
Clinton	1.08	Ohio	1.11
Crawford	1.11	Orange	1.10
Daviess	1.10	Owen	1.08
Dearborn	1.11	Parke	1.07
Decatur	1.10	Perry	1.11
De Kalb	1.08	Pike	1.10
Delaware	1.08	Porter	1.08
Dubois	1.10	Posey	1.11
Elkhart	1.08	Pulaski	1.08
Fayette	1.09	Putnam	1.08
Floyd	1.11	Randolph	1.08
Fountain	1.07	Ripley	1.10
Franklin	1.10	Rush	1.09
Fulton	1.08	St. Joseph	1.08
Gibson	1.11	Scott	1.11
Grant	1.08	Shelby	1.09
Greene	1.09	Spencer	1.11
Hamilton	1.08	Starke	1.08
Hancock	1.08	Steuben	1.08
Harrison	1.11	Sullivan	1.09
Hendricks	1.08	Switzerland	1.11
Henry	1.08	Tippecanoe	1.07
Howard	1.08	Tipton	1.08
Huntington	1.08	Union	1.09
Jackson	1.10	Vanderburgh	1.11
Jasper	1.08	Vermillion	1.07
Jay	1.08	Vigo	1.08
Jefferson	1.11	Wabash	1.08
Jennings	1.10	Warren	1.07
Johnson	1.08	Warrick	1.11
Knox	1.10	Washington	1.11
Kosciusko	1.08	Wayne	1.08
LaGrange	1.08	Wells	1.08
Lake	1.08	White	1.08
La Porte	1.08	Whitley	1.08

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.02	Jefferson	$1.04
Adams	1.03	Johnson	1.04
Allamakee	1.01	Jones	1.04
Appanoose	1.04	Keokuk	1.03
Audubon	1.01	Kossuth	.98
Benton	1.03	Lee	1.05
Black Hawk	1.01	Linn	1.03
Boone	1.00	Louisa	1.05
Bremer	1.00	Lucas	1.03
Buchanan	1.02	Lyon	.97
Buena Vista	.98	Madison	1.02
Butler	1.00	Mahaska	1.01
Calhoun	.99	Marion	1.02
Carroll	1.00	Marshall	1.00
Cass	1.02	Mills	1.03
Cedar	1.05	Mitchell	.98
Cerro Gordo	.98	Monona	1.01
Cherokee	.99	Monroe	1.03
Chickasaw	1.00	Montgomery	1.03
Clarke	1.03	Muscatine	1.05
Clay	.98	O'Brien	.98
Clayton	1.02	Osceola	.97
Clinton	1.05	Page	1.03
Crawford	1.00	Palo Alto	.98
Dallas	1.01	Plymouth	.99
Davis	1.04	Pocahontas	.98
Decatur	1.03	Polk	1.01
Delaware	1.03	Pottawattamie	1.03
Des Moines	1.05	Poweshiek	1.01
Dickinson	.97	Ringgold	1.03
Dubuque	1.04	Sac	.99
Emmet	.97	Scott	1.05
Fayette	1.02	Shelby	1.01
Floyd	.99	Sioux	.98
Franklin	.99	Story	1.00
Fremont	1.03	Tama	1.01
Greene	1.00	Taylor	1.03
Grundy	1.00	Union	1.03
Guthrie	1.01	Van Buren	1.04
Hamilton	.99	Wapello	1.03
Hancock	.98	Warren	1.02
Harding	1.00	Washington	1.04
Harrison	1.02	Wayne	1.03
Henry	1.05	Webster	.99
Howard	1.00	Winnebago	.98
Humboldt	.98	Winneshiek	1.01
Ida	.99	Woodbury	.99
Iowa	1.03	Worth	.98
Jackson	1.05	Wright	.98
Jasper	1.01		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.09	Greenwood	$1.09
Anderson	1.08	Hamilton	1.10
Atchison	1.07	Harper	1.11
Barber	1.11	Harvey	1.09
Barton	1.08	Haskell	1.10
Bourbon	1.09	Hodgeman	1.10
Brown	1.05	Jackson	1.06
Butler	1.09	Jefferson	1.07
Chase	1.07	Jewell	1.03
Chautauqua	1.11	Johnson	1.08
Cherokee	1.11	Kearney	1.10
Cheyenne	1.07	Kingman	1.10
Clark	1.11	Kiowa	1.10
Clay	1.04	Labette	1.11
Cloud	1.04	Lane	1.10
Coffey	1.08	Leavenworth	1.08
Comanche	1.11	Lincoln	1.06
Cowley	1.11	Linn	1.09
Crawford	1.10	Logan	1.09
Decatur	1.06	Lyon	1.07
Dickinson	1.06	McPherson	1.07
Doniphan	1.06	Marion	1.07
Douglas	1.07	Marshall	1.04
Edwards	1.09	Meade	1.11
Elk	1.11	Miami	1.08
Ellis	1.07	Mitchell	1.05
Ellsworth	1.07	Montgomery	1.11
Finney	1.10	Morris	1.07
Ford	1.10	Morton	1.11
Franklin	1.08	Nemaha	1.05
Geary	1.06	Neosho	1.10
Gove	1.09	Ness	1.10
Graham	1.06	Norton	1.05
Grant	1.10	Osage	1.07
Gray	1.10	Osborne	1.05
Greeley	1.10	Ottawa	1.05

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Pawnee	$1.09	Sheridan	$1.06
Phillips	1.04	Sherman	1.08
Pottawatomie	1.05	Smith	1.03
Pratt	1.10	Stafford	1.09
Rawlins	1.07	Stanton	1.10
Reno	1.09	Stevens	1.11
Republic	1.03	Sumner	1.11
Rice	1.08	Thomas	1.08
Riley	1.04	Trego	1.09
Rooks	1.06	Wabaunsee	1.06
Rush	1.08	Wallace	1.09
Russell	1.06	Washington	1.04
Saline	1.06	Wichita	1.10
Scott	1.10	Wilson	1.10
Sedgwick	1.10	Woodson	1.09
Seward	1.11	Wyandotte	1.08
Shawnee	1.06		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.16	Knox	$1.18
Allen	1.16	Larue	1.14
Anderson	1.15	Laurel	1.18
Ballard	1.12	Lawrence	1.17
Barren	1.15	Lee	1.18
Bath	1.17	Leslie	1.19
Bell	1.19	Letcher	1.19
Boone	1.12	Lewis	1.14
Bourbon	1.16	Lincoln	1.17
Boyd	1.16	Livingston	1.12
Boyle	1.16	Logan	1.15
Bracken	1.14	Lyon	1.14
Breathitt	1.19	McCracken	1.12
Breckenridge	1.12	McCreary	1.17
Bullitt	1.13	McLean	1.13
Butler	1.14	Madison	1.17
Caldwell	1.14	Magoffin	1.19
Calloway	1.13	Marion	1.15
Campbell	1.12	Marshall	1.13
Carlisle	1.12	Martin	1.18
Carroll	1.12	Mason	1.14
Carter	1.16	Meade	1.12
Casey	1.16	Menifee	1.17
Christian	1.15	Mercer	1.16
Clark	1.17	Metcalfe	1.16
Clay	1.18	Monroe	1.16
Clinton	1.17	Montgomery	1.17
Crittenden	1.12	Morgan	1.18
Cumberland	1.16	Muhlenburg	1.14
Daviess	1.12	Nelson	1.14
Edmonson	1.14	Nicholas	1.16
Elliott	1.17	Ohio	1.13
Estill	1.17	Oldham	1.12
Fayette	1.16	Owen	1.13
Fleming	1.15	Owsley	1.18
Floyd	1.19	Pendleton	1.13
Franklin	1.14	Perry	1.19
Fulton	1.12	Pike	1.19
Gallatin	1.12	Powell	1.17
Garrard	1.17	Pulaski	1.17
Grant	1.13	Robertson	1.15
Graves	1.12	Rockcastle	1.17
Grayson	1.13	Rowan	1.17
Green	1.16	Russell	1.17
Greenup	1.15	Scott	1.15
Hancock	1.12	Shelby	1.13
Hardin	1.13	Simpson	1.16
Harlan	1.19	Spencer	1.13
Harrison	1.15	Taylor	1.15
Hart	1.15	Todd	1.15
Henderson	1.12	Trigg	1.15
Henry	1.13	Trimble	1.12
Hickman	1.12	Union	1.12
Hopkins	1.14	Warren	1.15
Jackson	1.18	Washington	1.15
Jefferson	1.12	Wayne	1.17
Jessamine	1.17	Webster	1.13
Johnson	1.18	Whitley	1.18
Kenton	1.12	Wolfe	1.18
Knott	1.19	Woodford	1.16

LOUISIANA

All counties	$1.18

MAINE

All counties	$1.28

MARYLAND

All counties	$1.23

County	Rate per bushel
MASSACHUSETTS	
All counties	$1.28
MICHIGAN	
Allegan	$1.09
Barry	1.09
Berrien	1.08
Branch	1.09
Calhoun	1.09
Cass	1.08
Clinton	1.10
Eaton	1.10
Genesee	1.10
Gratiot	1.10
Hillsdale	1.09
Ingham	1.10
Ionia	1.10
Isabella	1.10
Jackson	1.10
Kalamazoo	1.09
Kent	1.10
Lapeer	1.10
Lenawee	1.10
Livingston	$1.10
Macomb	1.10
Mecosta	1.10
Midland	1.10
Monroe	1.10
Montcalm	1.10
Oakland	1.10
Saginaw	1.10
St. Clair	1.10
St. Joseph	1.08
Sanilac	1.10
Shiawassee	1.10
Tuscola	1.10
Van Buren	1.08
Washtenaw	1.10
Wayne	1.10
All other counties	1.11
MINNESOTA	
Aitkin	$0.99
Anoka	1.01
Becker	.97
Beltrami	.97
Benton	.99
Big Stone	.95
Blue Earth	.98
Brown	.98
Carlton	1.00
Carver	1.00
Cass	.98
Chippewa	.96
Chisago	1.01
Clay	.96
Clearwater	.97
Cook	.99
Cottonwood	.97
Crow Wing	.98
Dakota	1.01
Dodge	.99
Douglas	.98
Faribault	.96
Fillmore	1.00
Freeborn	.98
Goodhue	1.01
Grant	.97
Hennepin	1.00
Houston	1.01
Hubbard	.97
Isanti	1.00
Itasca	.99
Jackson	.96
Kanabec	1.00
Kandiyohi	.98
Kittson	.96
Koochiching	.99
Lac Qui Parle	.95
Lake	.99
Lake of the Woods	.97
La Sueur	.99
Lincoln	.95
Lyon	.96
McLeod	.99
Mahnomen	.96
Marshall	$0.96
Martin	.96
Meeker	.99
Mille Lacs	.99
Morrison	.98
Mower	.99
Murray	.96
Nicollet	.99
Nobles	.96
Norman	.96
Olmsted	1.00
Otter Tail	.97
Pennington	.96
Pine	1.00
Pipestone	.96
Polk	.96
Pope	.97
Ramsey	1.01
Red Lake	.96
Redwood	.97
Renville	.98
Rice	1.00
Rock	.96
Roseau	.96
St. Louis	.99
Scott	1.00
Sherburne	.99
Sibley	.99
Stearns	.99
Steele	.98
Stevens	.96
Swift	.97
Todd	.98
Traverse	.95
Wabasha	1.01
Wadena	.98
Waseca	.98
Washington	1.02
Watonwan	.97
Wilkin	.96
Winona	1.01
Wright	.99
Yellow Medicine	.96
MISSISSIPPI	
All counties	$1.18
MISSOURI	
Adair	$1.07
Andrew	1.06
Atchison	1.05
Audrain	1.09
Barry	1.12
Barton	1.11
Bates	1.09
Benton	1.09
Bollinger	1.11
Boone	1.09
Buchanan	1.08
Butler	1.12
Caldwell	1.09
Calloway	1.09
Camden	$1.11
Cape Girardeau	1.11
Carroll	1.09
Carter	1.12
Cass	1.09
Cedar	1.10
Charlton	1.09
Christian	1.12
Clark	1.06
Clay	1.09
Clinton	1.09
Cole	1.10
Cooper	1.09
Crawford	$1.11
Dade	1.11
Dallas	1.11
Daviess	1.07
De Kalb	1.07
Dent	1.11
Douglas	1.12
Dunklin	1.12
Franklin	1.10
Gasconade	1.10
Gentry	1.06
Greene	1.11
Grundy	1.07
Harrison	1.05
Henry	1.09
Hickory	1.10
Holt	1.06
Howard	1.09
Howell	1.12
Iron	1.11
Jackson	1.09
Jasper	1.11
Jefferson	1.10
Johnson	1.09
Knox	1.07
Laclede	1.11
Lafayette	1.09
Lawrence	1.11
Lewis	1.07
Lincoln	1.09
Linn	1.08
Livingston	1.08
McDonald	1.12
Macon	1.09
Madison	1.11
Maries	1.11
Marion	1.07
Mercer	1.05
Miller	1.11
Mississippi	1.12
Moniteau	1.10
Monroe	1.09
Montgomery	1.09
Morgan	1.10
New Madrid	$1.12
Newton	1.12
Nodaway	1.05
Oregon	1.12
Osage	1.10
Ozark	1.12
Pemiscot	1.12
Perry	1.11
Pettis	1.09
Phelps	1.11
Pike	1.08
Platte	1.09
Polk	1.11
Pulaski	1.11
Putnam	1.06
Ralls	1.03
Randolph	1.09
Ray	1.09
Reynolds	1.11
Ripley	1.12
St. Charles	1.09
St. Clair	1.10
St. Francois	1.11
St. Louis	1.10
Ste. Genevieve	1.10
Saline	1.09
Schuyler	1.06
Scotland	1.05
Scott	1.12
Shannon	1.11
Shelby	1.08
Stoddard	1.12
Stone	1.12
Sullivan	1.07
Taney	1.12
Texas	1.11
Vernon	1.10
Warren	1.09
Washington	1.11
Wayne	1.11
Webster	1.11
Worth	1.05
Wright	1.11
MONTANA	
All counties	$1.09
NEBRASKA	
Adams	$1.01
Antelope	.99
Arthur	1.05
Banner	1.07
Blaine	1.02
Boone	1.00
Box Butte	1.06
Boyd	.99
Brown	1.01
Buffalo	1.01
Burt	1.01
Butler	1.01
Cass	1.02
Cedar	.99
Chase	1.05
Cherry	1.03
Cheyenne	1.07
Clay	1.01
Colfax	1.01
Cuming	1.00
Custer	1.03
Dakota	.99
Dawes	1.06
Dawson	1.02
Deuel	1.07
Dixon	.99
Dodge	1.01
Douglas	1.02
Dundy	1.05
Fillmore	1.01
Franklin	1.01
Frontier	1.03
Furnas	1.03
Gage	1.03
Garden	1.06
Garfield	1.02
Gosper	1.03
Grant	1.04
Greeley	1.01
Hall	$1.01
Hamilton	1.01
Harlan	1.02
Hayes	1.05
Hitchcock	1.05
Holt	1.00
Hooker	1.03
Howard	1.01
Jefferson	1.03
Johnson	1.03
Kearney	1.01
Keith	1.06
Keyapaha	1.01
Kimball	1.07
Knox	.99
Lancaster	1.01
Lincoln	1.04
Logan	1.04
Loup	1.02
McPherson	1.04
Madison	1.00
Merrick	1.01
Morrill	1.07
Nance	1.01
Nemaha	1.03
Nuckolls	1.02
Otoe	1.02
Pawnee	1.04
Perkins	1.05
Phelps	1.02
Pierce	.99
Platte	1.01
Polk	1.01
Red Willow	1.04
Richardson	1.04
Rock	1.01
Saline	1.02
Sarpy	1.02
Saunders	1.01
Scotts Bluff	$1.07
Seward	1.01
Sheridan	1.05
Sherman	1.02
Sioux	1.07
Stanton	1.00
Thayer	1.02
Thomas	1.03
Thurston	$1.00
Valley	1.02
Washington	1.02
Wayne	.99
Webster	1.02
Wheeler	1.01
York	1.01
NEVADA	
All counties	$1.22
NEW HAMPSHIRE	
All counties	$1.28
NEW JERSEY	
All counties	$1.24
NEW MEXICO	
All counties	$1.18
NEW YORK	
All counties	$1.23
NORTH CAROLINA	
All counties	$1.23
NORTH DAKOTA	
All counties	$0.95
OHIO	
Adams	$1.14
Allen	1.09
Ashland	1.13
Ashtabula	1.19
Athens	1.16
Auglaize	1.09
Belmont	1.18
Brown	1.14
Butler	1.10
Carroll	1.17
Champaign	1.10
Clark	1.10
Clermont	1.12
Clinton	1.11
Columbiana	1.19
Coshocton	1.14
Crawford	1.11
Cuyahoga	1.15
Darke	1.09
Defiance	1.09
Delaware	1.11
Erie	1.13
Fairfield	1.13
Fayette	1.12
Franklin	1.11
Fulton	1.10
Gallia	1.15
Geauga	1.17
Greene	1.10
Guernsey	1.16
Hamilton	1.11
Hancock	1.10
Hardin	1.10
Harrison	1.17
Henry	1.10
Highland	1.12
Hocking	1.14
Holmes	1.14
Huron	1.13
Jackson	1.14
Jefferson	1.19
Knox	1.12
Lake	1.17
Lawrence	1.15
Licking	$1.12
Logan	1.10
Lorain	1.14
Lucas	1.11
Madison	1.11
Mahoning	1.19
Marion	1.11
Medina	1.14
Meigs	1.16
Mercer	1.09
Miami	1.09
Monroe	1.18
Montgomery	1.09
Morgan	1.15
Morrow	1.12
Muskingum	1.14
Noble	1.16
Ottawa	1.12
Paulding	1.09
Perry	1.14
Pickaway	1.12
Pike	1.13
Portage	1.17
Preble	1.09
Putnam	1.10
Richland	1.12
Ross	1.13
Sandusky	1.12
Scioto	1.14
Seneca	1.11
Shelby	1.09
Stark	1.16
Summit	1.15
Trumbull	1.19
Tuscarawas	1.16
Union	1.10
Van Wert	1.09
Vinton	1.14
Warren	1.11
Washington	1.17
Wayne	1.14
Williams	1.09
Wood	1.11
Wyandot	1.11
OKLAHOMA	
All counties	$1.13
OREGON	
All counties	$1.18
PENNSYLVANIA	
All counties	$1.23
RHODE ISLAND	
All counties	$1.28
SOUTH CAROLINA	
All counties	$1.23

County	Rate per bushel
SOUTH DAKOTA	
Armstrong	$0.99
Aurora	.95
Beadle	.95
Bennett	1.01
Bon Homme	.96
Brookings	.95
Brown	.95
Brule	.96
Buffalo	.96
Butte	1.01
Campbell	.97
Charles Mix	.95
Clark	.95
Clay	.97
Codington	.95
Corson	.99
Custer	1.04
Davison	.95
Day	.95
Deuel	.95
Dewey	.99
Douglas	.95
Edmunds	.96
Fall River	1.05
Faulk	.97
Grant	.95
Gregory	.96
Haakon	.99
Hamlin	.95
Hand	.96
Hanson	.95
Harding	1.01
Hughes	.97
Hutchinson	.96
Hyde	.97
Jackson	$1.00
Jerauld	.95
Jones	.99
Kingsbury	.95
Lake	.95
Lawrence	1.01
Lincoln	.97
Lyman	.97
McCook	.96
McPherson	.96
Marshall	.95
Meade	1.00
Mellette	.99
Miner	.95
Minnehaha	.96
Moody	.95
Pennington	1.01
Perkins	1.00
Potter	.98
Roberts	.95
Sanborn	.95
Shannon	1.03
Spink	.95
Stanley	.99
Sully	.97
Todd	.99
Tripp	.97
Turner	.97
Union	.97
Walworth	.98
Washabaugh	1.00
Washington	1.02
Yankton	.97
Ziebach	1.00
TENNESSEE	
Anderson	$1.19
Bedford	1.16
Benton	1.15
Bledsoe	1.17
Blount	1.20
Bradley	1.18
Campbell	1.19
Cannon	1.17
Carroll	1.14
Carter	1.20
Cheatham	1.15
Chester	1.14
Claiborne	1.19
Clay	1.17
Cocke	1.20
Coffee	1.16
Crockett	1.14
Cumberland	1.18
Davidson	1.16
Decatur	1.15
De Kalb	1.17
Dickson	1.15
Dyer	1.13
Fayette	1.14
Fentress	1.18
Franklin	1.15
Gibson	1.13
Giles	1.15
Grainger	1.20
Greene	1.20
Grundy	1.17
Hamblen	1.20
Hamilton	1.17
Hancock	1.20
Hardeman	1.14
Hardin	1.15
Hawkins	1.20
Haywood	1.14
Henderson	1.14
Henry	1.14
Hickman	1.15
Houston	1.15
Humphreys	1.15
Jackson	1.17
Jefferson	1.20
Johnson	1.20
Knox	1.19
Lake	1.13
Lauderdale	$1.13
Lawrence	1.15
Lewis	1.15
Lincoln	1.15
Loudon	1.19
McMinn	1.18
McNairy	1.15
Macon	1.16
Madison	1.14
Marion	1.16
Marshall	1.17
Maury	1.15
Meigs	1.18
Monroe	1.19
Montgomery	1.15
Moore	1.17
Morgan	1.18
Obion	1.13
Overton	1.17
Perry	1.15
Pickett	1.17
Polk	1.18
Putnam	1.17
Rhea	1.18
Roane	1.19
Robertson	1.15
Rutherford	1.16
Scott	1.18
Sequatchie	1.17
Sevier	1.20
Shelby	1.13
Smith	1.16
Stewart	1.15
Sullivan	1.20
Sumner	1.16
Tipton	1.13
Trousdale	1.16
Unicoi	1.20
Union	1.19
Van Buren	1.17
Warren	1.17
Washington	1.20
Wayne	1.15
Weakley	1.13
White	1.17
Williamson	1.16
Wilson	1.16
TEXAS	
All counties	$1.15
UTAH	
All counties	$1.21
VERMONT	
All counties	$1.28
VIRGINIA	
All counties	$1.23
WASHINGTON	
All counties	$1.16
WEST VIRGINIA	
All counties	$1.22
WISCONSIN	
Adams	$1.07
Ashland	1.07
Barron	1.05
Bayfield	1.06
Brown	1.09
Buffalo	1.05
Burnett	1.05
Calumet	1.09
Chippewa	1.06
Clark	1.07
Columbia	1.08
Crawford	1.05
Dane	1.08
Dodge	1.08
Door	1.10
Douglas	1.05
Dunn	1.05
Eau Claire	1.06
Florence	1.09
Fond du Lac	1.08
Forest	1.09
Grant	1.05
Green	1.07
Green Lake	1.08
Iowa	1.07
Iron	1.08
Jackson	1.06
Jefferson	1.08
Juneau	1.07
Kenosha	1.09
Kewaunee	1.10
La Crosse	1.05
Lafayette	1.07
Langlade	1.09
Lincoln	1.08
Manitowoc	1.10
Marathon	$1.08
Marinette	1.09
Marquette	1.08
Milwaukee	1.09
Monroe	1.06
Oconto	1.09
Oneida	1.09
Outagamie	1.08
Ozaukee	1.09
Pepin	1.05
Pierce	1.05
Polk	1.05
Portage	1.08
Price	1.07
Racine	1.09
Richland	1.06
Rock	1.08
Rusk	1.06
St. Croix	1.05
Sauk	1.07
Sawyer	1.06
Shawano	1.09
Sheboygan	1.09
Taylor	1.07
Trempealeau	1.05
Vernon	1.05
Vilas	1.09
Walworth	1.08
Washburn	1.05
Washington	1.08
Waukesha	1.08
Waupaca	1.09
Waushara	1.08
Winnebago	1.09
Wood	1.07
WYOMING	
All counties	$1.09

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 15, 1963.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-11082; Filed, Oct. 18, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963 Crop Barley Supp., Amdt. 3]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Crop Barley Loan and Purchase Agreement Program

Correction

In F.R. Doc. 63-10848, appearing at page 10966 of the issue for Saturday, October 12, 1963, the parenthetical remark in item 2 reading "(except damage)" should read "(except heat damage)".

PART 1446—PEANUTS

Subpart—1963 Crop Peanut Price Support Program Regulations

The regulations issued by Commodity Credit Corporation with respect to 1963 crop Peanut Price Support Program (28 F.R. 8195) are amended as follows:

1. Subdivision (iii), of subparagraph (1) of paragraph (d) of § 1446.1533 is amended to read as follows:

(iii) Premium for each one percent extra large kernels in Virginia type shall be 45 cents, except that no premium shall be applicable to any lot of peanuts containing more than 7 percent damaged kernels.

2. Subparagraph (3) of paragraph (d) of § 1446.1533 is amended to read as follows:

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of:	Discount
1 percent	(1)
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	17.00
6 percent	23.00
7 percent	32.00
8 percent and over	(2)

[1] None.

[2] Not eligible for price support except that for peanuts having more than 7 percent damaged kernels which are determined to be eligible as provided in subparagraph (3) of paragraph (a) of § 1446.1504 the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of:	Discount
8–9 percent	$60.00
10–11 percent	80.00
12–14 percent	100.00
15–18 percent	120.00
19–25 percent	140.00

3. Subparagraph (5) of paragraph (d) of § 1446.1533 is amended to read as follows:

(5) *Foreign material discount.* The discount for each full one percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support, except that peanuts having more than 10 percent foreign material which are determined to be eligible as provided in subparagraph (3) of paragraph (a) of § 1446.1504 shall be discounted further at the rate of $2.00 per ton for each full one percent foreign material in excess of 10 percent.

4. Paragraphs (a) and (b) of § 1446.1538 are amended to read as follows:

(a) Contain not less than 25 percent splits and not more than 25 percent small whole kernels.

(b) (1) Contain not more than (i) 2 percent peanuts of other types, (ii) 6 percent damaged or unshelled peanuts,

(iii) 2 percent minor defects, except that any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects, (iv) 2 percent foreign material, (v) 7 percent fall through, and (vi) 10 percent moisture.

5. Section 1446.1533 is amended by adding a new paragraph (h) as follows:

(h) *Moisture discount.* If a lot of peanuts determined to be eligible for price support pursuant to subparagraph (3) of paragraph (a) of § 1446.1504, is found on the basis of the official grade determination to contain more than 10 percent moisture, such lot shall be subject to a discount in such amount as CCC determines will result in a support price for the peanuts received and placed in storage equal to the domestic market value therefor.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: August 1, 1963.

Signed at Washington, D.C., October 15, 1963.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-11083; Filed, Oct. 18, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WA-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of a Temporary Restricted Area and Alteration of Federal Airways

The purpose of this amendment to § 73.66 of the Federal Aviation Regulations is to designate a temporary restricted area over the weapons firing range at Camp A. P. Hill, Virginia.

The Department of Defense, has stated an urgent request in the interest of national defense for the designation of a temporary restricted area from the surface to 2,000 feet MSL on October 21, 1963, between the hours of 0800 and 1700 local time for a special weapons training course for Central American military personnel. Mortar firing will be conducted on Range No. 19 at Camp A. P. Hill which will constitute a hazard to aircraft to an altitude level of 2,000 feet MSL.

The airspace within this restricted area will penetrate the airspace of VOR Federal airways Nos. 157, 222 and 286, and of the Washington, D.C., transition area. Action is taken herein to exclude the airspace in conflict from these airways and control area extension for the period of time this restricted area is designated.

For the reasons stated above, the Administrator finds that a requirement exists for expeditious action in the interest of safety, that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective with less than 30 days notice.

In § 73.66 (28 F.R. 19-43, January 26, 1963), the following temporary restricted area is added:

Camp A. P. Hill, Va., Temporary Restricted Area.

Boundaries. Beginning at latitude 38°08'-00" N., longitude 77°12'00" W., to latitude 38°05'30" N., longitude 77°12'00" W., to latitude 38°05'30" N., longitude 77°15'00" W., to latitude 38°08'00" N., longitude 77°15'00" W., to point of beginning.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. 0800 to 1700 local time, October 21, 1963.

Using agency. Department of the Army, Camp A. P. Hill, Va.

In § 71.123 (27 F.R. 220-6, November 10, 1962) V-157, V-222, and V-286, the following is added: "The airspace within the Camp A. P. Hill, Va., Temporary Restricted Area is excluded."

In § 71.181 (27 F.R. 220-139, November 10, 1962), Washington, D.C., transition area, the following is added: "The airspace within the Camp A. P. Hill, Va., Temporary Restricted Area is excluded."

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective upon the date of issuance.

Issued in Washington, D.C., on October 17, 1963.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 63-11133; Filed, Oct. 18, 1963; 8:49 a.m.]

[Reg. Docket No. 2024]

[Special Federal Aviation Reg. No. 2]

PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

Prohibition of Air Traffic Over and in Vicinity of Parade Routes

From October 16, 1963, through October 25, 1963, His Excellency Josip Broz Tito, President of the Socialist Federal Republic of Yugoslavia, and other officials of the Yugoslavia Republic will travel through several areas of the United States as guests of President Kennedy. Agencies of the United States Government responsible for their personal safety have requested that certain measures be taken by the Federal Aviation Agency. In the course of their visit, they will participate in reception ceremonies with officials of the United States and State and local governments involving motor caravans to and from various points of interest. The interest of the public in these ceremonies may cause the assembly on the ground of large numbers of persons and the operation of numerous aircraft along the routes and in the vicinity of the places at which the ceremonies will occur.

In order to provide safeguards for persons or property on the ground, it appears necessary to promulgate an air traffic rule governing the flights of all aircraft over and in the vicinity of such ceremonies. This regulation will apply in each locality visited by the Yugoslavia delegation. The areas of airspace affected will be specified in Notams issued by the Federal Aviation Agency. Additionally, this information will be available from the local FAA air traffic control facility.

On the basis of the above, I have determined there exists a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted effective 0001 e.s.t., October 16, 1963:

1. Except as provided in section 2 hereof, no person may operate an aircraft within one statute mile horizontally, or 3,000 feet vertically, of any area designated in a Notice to Airmen as an area in which Yugoslavia President Josip Broz Tito and his official party may be present.

2. This regulation does not apply to aircraft operated by Federal, State, or local authorities while engaged in law enforcement activities.

3. This regulation expires 2400 e.s.t., October 25, 1963.

(Sec. 307, the Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on October 15, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-11070; Filed, Oct. 18, 1963; 8:46 a.m.]

[Reg. Docket No. 2023; Amdt. 93-1]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]

Victor Airway No. 16

On August 2, 1957, special air traffic rules were adopted for a segment of Victor Airway No. 16 in an area immediately west of Phoenix, Arizona, to resolve an air traffic conflict which had developed between military jet aircraft crossing the airway to and from Luke Air Force Base and the military and civil traffic operating on the airway. These rules are now contained in Subpart E of Part 93 [New] of the Federal Aviation Regulations, §§ 93.71, 93.73 and 93.75. The purpose of this amendment is to realign the boundaries of the airspace used by the military aircraft crossing Victor Airway No. 16 and to simplify the provisions allocating altitudes to these aircraft and the aircraft using the airway.

Under the existing regulations, Luke Air Force Base jet aircraft engaged in training operations cross Victor Airway No. 16 between longitudes 112°10' W. and 112°28' W. at 8,000 feet MSL. When the ceiling is less than 8,000 feet MSL, two revised crossing areas are provided and lower crossing altitudes are specified. The governing ceiling is that reported by the U.S. Aerology Station at Litchfield Park NAF, Arizona. The flight of other aircraft along this segment of the airway must be conducted at altitudes above or below, or between, those allotted for the use of Luke Air Force Base.

In 1957, Luke Air Force Base was an advanced training school for student pilots. The segment of Victor Airway No. 16 involved was located over a lightly inhabited desert area. Since late 1962, the mission of the Luke installation has been expanding to include training which requires that live ordnance, i.e. napalm, and heavy inert ordnance be carried externally on the aircraft. From 20 percent to 25 percent of the 200 daily sorties return to Luke with externally hung ordnance remaining on the aircraft. During the past few years, the city of Phoenix and the adjacent communities have developed rapidly in the direction of the Air Force Base, with the result that part of the crossing corridor now overlies heavily populated areas. In consideration for the safety of the persons and property on the ground, Luke aircraft have been instructed to use the western half of the crossing corridor as much as possible. This restriction to the smaller area creates flight hazards for the aircraft involved, both in crossing the airway and in conducting approaches to land at Luke.

By this amendment, the east boundary of the crossing corridor is moved westward 13 statute miles to 112°23' W. longitude, i.e., a north-south line along the west edge of Litchfield Park Naval Air Facility and Luke Air Force Base, and the west boundary is moved westward six statute miles to 112°41'30" W., i.e. a north-south line along the west edge of the Buckeye Auxiliary Airport. The altitudes for the Luke jet training crossings are fixed at 8,000 feet MSL and from 2,100 feet MSL to 4,000 feet MSL. Altitudes for other aircraft crossing or operating along this segment of the airway are thus made available from the surface, subject to the minimum safe altitude and the airport traffic area rules, to 1,600 feet MSL, from 4,500 feet to 7,000 feet inclusive, and above 9,000 feet MSL. The buffer zones and the Luke Air Force Base airport traffic area, which extends into the airway segment, provide segregation between the Luke aircraft and all other aircraft operations. Since these provisions are applicable only in Visual Flight Rules conditions, the regulation makes no reference to a ceiling measurement.

The revised crossing corridor provides adequate airspace for the military training flights originating at Luke Air Force Base. It does so with a minimum of inconvenience to other aircraft operations in the area. It is identifiable by prominent geographical references. The revision eliminates the two additional descriptions of areas required by variations in the ceiling and thus simplifies the establishment of the area. The shift to the west provides additional maneuvering airspace for aircraft arriving and departing the Phoenix terminal area.

This amendment has been discussed in detail in local meetings with the United States Air Force, United States Navy, United States Army, Arizona State Aviation Commission, Air Transport Association, Aircraft Owners and Pilots Association, and local users. It has received unanimous acceptance.

On the basis of the above, I have determined that air safety hazards exist in the Phoenix area in the operation of aircraft carrying ordnance in limited airspace in the vicinity of the Luke Air Force Base and over substantially populated areas. Because of this present danger, I find it contrary to the public interest to comply with the notice and public procedure requirements of the Administrative Procedure Act and that good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 93 [New] of the Federal Aviation Regulations (14 CFR Part 93) is amended as follows:

1. By revising § 93.71 to read as follows:

§ 93.71 Applicability.

This subpart applies to aircraft operated under VFR conditions within Victor Airway No. 16 between longitudes 112°23' W. and 112°41'30" W., Monday through Friday from 0600 to 1800 MST.

2. By revising § 93.73 to read as follows:

§ 93.73 Crossing Victor Airway No. 16, jet training operations.

Each pilot in command of a Luke Air Force Base jet aircraft operating outside the Luke Air Force Base airport traffic pattern and engaged in a training operation that requires crossing of Victor Airway No. 16 shall cross between longitudes 112°23' W. and 112°41'30" W.:

(a) Between 2,100 feet MSL and 4,000 feet MSL; or

(b) At 8,000 feet MSL.

3. By revising § 93.75 to read as follows:

§ 93.75 Crossing and operating along Victor Airway No. 16.

Unless ATC authorizes otherwise, each pilot in command of an aircraft (other than an aircraft to which § 93.73 applies) crossing or operating en route along Victor Airway No. 16 between longitudes 112°23' W. and 112°41'30" W., shall operate:

(a) At 1,600 feet MSL or lower;

(b) Between 4,500 feet MSL and 7,000 feet MSL; or

(c) At 9,000 feet MSL or higher.

This amendment becomes effective immediately. It is issued under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on October 14, 1963.

N. E. HALABY,
Adminstrator.

[F.R. Doc. 63-11056; Filed, Oct. 18, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-602]

PART 13—PROHIBITED TRADE PRACTICES

Chesebrough-Pond's, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.170-52 *Medicinal, therapeutic, healthful, etc.;* § 13.170-70 Preventive or protective.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chesebrough-Pond's, Inc., New York, N.Y., Docket C-602, Sept. 25, 1963]

Consent order requiring the manufacturers of "Vaseline Petroleum Jelly" to cease making a variety of unwarranted statements as to the therapeutic and protective qualities of its said product as in the order below set forth.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Chesebrough-Pond's, Inc., a corporation, and its officers, and respondent's representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Vaseline" petroleum jelly (White Petrolatum, U.S.P. or Yellow Petrolatum, N.F.), or any other preparation of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That respondent's product is of value in preventing infection;

(b) That respondent's product provides a protective barrier to the skin unless limited to the water repellant effect of a continuous film of the product;

(c) That respondent's product:

(1) Is of any benefit in the treatment of burns, scrapes, scratches or abrasions unless specifically limited to the temporary relief of pain and itching and softening scabs of minor burns, scrapes, scratches or abrasions,

(2) Is of any benefit in the treatment of scabbed skin unless expressly limited to the softening of the scab and temporary relief of itching.

(3) Is of any benefit in the treatment of diaper rash unless expressly limited to diaper rash characterized by dry, scaly skin,

(4) Will prevent craddle cap or that it will be of any benefit in the treatment thereof unless expressly limited to the temporary softening of the crust and scales,

(5) Will have any effect upon itching unless specifically limited to itching

from sunburned, dry, chapped, chafed or scraped skin or from other minor skin injuries,

or is of any other benefit in promoting healing;

(d) That respondent's product is of any benefit in the treatment of cuts or open wounds;

(e) That respondent's product is a substitute for a first aid kit; or that the product is "The First Aid Kit in a Jar" unless such slogan is used in direct connection with or in close proximity to illustrations or descriptions of the unprohibited first aid uses of the product;

(f) That respondent's product will soothe and soften the skin better than competitors' products having substantially similar properties;

(g) That respondent's product prevents the escape of tissue fluids from the skin unless specifically limited to reducing the escape of moisture by exaporation.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, to purchase of respondent's preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 25, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11063; Filed, Oct. 18, 1963; 8:46 a.m.]

[Docket No. C-601]

PART 13—PROHIBITED TRADE PRACTICES

Vitamin Industries, Inc., and Joseph L. Zweiback

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service: Medicinal, therapeutic, healthful, etc.;* § 13.170-70 *Preventive or protective.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Vitamin Industries, Inc., et al., Omaha, Nebr., Docket C-601, Sept. 23, 1963]

In the Matter of Vitamin Industries, Inc., a Corporation, and Joseph L. Zweiback, Individually and as an Officer of Said Corporation

Consent order requiring distributors of three vitamin preparations in Omaha, Nebr., to cease misrepresenting the therapeutic and protective qualities of their said products in advertising in newspapers and by radio and television broadcasts, etc., as in the order below in detail indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Vitamin Industries, Inc., a corporation, and its officers, and Joseph L. Zweiback, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Guardian 12 Plus Vitamins", "Guardian A/D/E Plex", and "Cal Plex F. Vitamins", or any other preparations of similar composition or possessing substantially similar properties whether sold under said names, or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication:

(a) That the preparation "Guardian 12 Plus Vitamins" will be of benefit in affording protection against colds, virus infections, or any type of influenza.

(b) That "Guardian 12 Plus Vitamins" will be of value in the treatment or relief of a lack of pep, vigor or energy, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to an established or existing deficiency of Vitamin B_1, Vitamin B_2, Vitamin C or Nicotinamide and further, unless the advertisement clearly and conspicuously reveals the facts that in a great majority of persons, or of any age, sex, or other class or group thereof who experience such symptoms, these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

(c) That "Guardian A/D/E Plex" will be of benefit in the treatment or relief of either arthritis or rheumatism, or the symptoms thereof, or any other aches or pains.

(d) That a person, by looking in a mirror, can determine whether he has a need for "Cal Plex F Vitamins", or that a person by any means, can determine for himself whether he has symptoms of a deficiency of one or more of the nutrients provided by "Cal Plex F Vitamins".

(e) That "Cal Plex F Vitamins" will be of benefit in the treatment or relief of brittle or dull fingernails, falling hair, hair split at the ends, dry leathery or coarse textured skin, or skin infection.

(f) That "Cal Plex F Vitamins" will be of benefit in the treatment or relief of a lack of normal vigor or life, unless such advertisement expressly limits the effectiveness of the product to those persons whose symptoms are due to an established or existing deficiency of Vitamin B_1, Vitamin B_2, or Niacinamide, and further unless such advertisement clearly and conspicuously reveals the facts that in the great majority of persons, or of any age, sex or other class or group thereof, who experience such symptoms, these symptoms are caused by conditions other than those which may respond to treatment by the use of the product, and that in such persons the product will not be of benefit.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in or which fails to comply with any of the affirmative requirements of paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11064; Filed, Oct. 18, 1963; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS, HANDICAPPED PERSONS, STUDENT WORKERS, STUDENT LEARNERS, APPRENTICES, AND MESSENGERS AT SUBMINIMUM WAGE RATES

Application for a Full-Time Student Certificate and Definition of Terms

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, 29 CFR Parts 519 and 528 are hereby amended so as to show changes made necessary by incorporating North Carolina into Region XI of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor.

As these amendments merely reflect a change in agency organization which has already occurred, notice and opportunity for public participation are found to be unnecessary. I find that these facts also provide good cause to make the amendments effective immediately.

1. Paragraph (a) of 29 CFR 519.3 is amended to read as follows:

§ 519.3 **Application for a full-time student certificate.**

(a) Whenever the employment of full-time students working outside of school hours in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment, an application for a certificate authorizing such employment may be filed by their employer with the authorized representative of the Administrator. Such application shall be signed by an authorized representative of the employer. It shall be filed at the appropriate Regional Office of the Wage and Hour and Public Contracts Divisions, except that for the Hawaiian Islands, Guam and American Samoa, the application shall be filed with the Field Office Supervisor, Honolulu, Hawaii.

(Sec. 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; 29 U.S.C. 214)

2. Paragraph (c) of 29 CFR 528.2 (27 F.R. 3994, April 26, 1962, as amended at 28 F.R. 2902, March 23, 1963), and paragraph (d) of 29 CFR 528.2 (27 F.R. 3994, April 26, 1962), are amended to read as follows:

§ 528.2 **Definition of terms.**

* * * * *

(c) "Regional Director" shall include any Regional Director of the Wage and Hour and Public Contracts Divisions and the Field Office Supervisor, Honolulu, Hawaii;

(d) "Supervising Investigator" shall include any employee of the Wage and Hour and Public Contracts Divisions who is authorized to use that title.

Signed at Washington, D.C., this 15th day of October 1963.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 63-11066; Filed, Oct. 18, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Standards; Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of Official Standard Grades for Puerto Rican Cigar-filler Tobacco, U.S. Type 46, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration leading to the proposed standards. Tentative standard grades for Puerto Rican cigar-leaf tobacco were established in 1952. The original standards were composed of 24 grades: 10 Stripper (C Group), 11 Filler and Grinder (X and Y Groups consolidated), and 3 Nondescript and Scrap (N and S Groups combined). These grades remained in effect until studies revealed a need for less quality distinction between grades to keep pace with usage trends from long filler to short filler and the processing of cigar tobacco.

In 1960 a modification was effected in which grades for stalk-cut tobacco were consolidated with corresponding qualities of primed tobacco. Specifications for other grades were broadened by reducing length requirements and increasing injury tolerances. The amendment added, deleted, and rephrased definitions and rules to clarify the modified grades, including the addition of a rule to govern the grading of stained tobacco. The number of grades was reduced to 13: 4 Stripper (long filler), 6 Grinder (short filler), 2 Nondescript, and 1 Scrap.

This 1960 amendment was issued with a view to observing the adaptation of the modified standards and ultimately proposing their issuance as official. Studies during the two succeeding years indicated that a few grade specifications remained slightly stringent to parallel adequately the increased demand for short fillers. Thus in early 1962 a modification was adopted to further simplify the grade structure. At this time the two heavy-bodied Stripper grades were combined and the two thin-bodied Stripper grades were combined; length requirements and injury tolerances were slightly eased; one grade was added to cover the second quality stained Grinders; and the two Nondescript grades were combined. Results were an overall reduction of only two grades.

The standards as modified in 1962 constitute the present tentative standards for Puerto Rican cigar-filler tobacco. They have proved satisfactory to producers, inspectors, and the trade throughout two marketing seasons. Studies and experience during this period would indicate that with little alteration these standards could become official. This consideration has been substantiated through informal discussions with interested groups who have observed the application of the present tentative standards and who have also reviewed a preliminary draft of the proposed official standards.

The proposal would make these tentative standards official and would incorporate into them the following changes: (1) The appropriate body designation would be added to the grade name of each Stripper and Grinder grade except the two stained Grinder grades; (2) the body specification for X2T would be changed from "heavy" to "thin to heavy" and following this characterization would be added "sucker leaves"; (3) the definition of "crude" would delete the reference to "hard and woody" and would add that a condition similar to crude may result from sunburn or sunscald; (4) two other definitions and five rules would be slightly rephrased for clarification; and (5) the sequence of grades in the Stripper and Grinder groups would be realigned.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed official standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Under Subpart F of Part 29 revoke "Tentative Standard Grades for Puerto Rican Cigar-filler Tobacco (U.S. Type 46)" and §§ 29.9301–29.9396 inclusive.

2. Insert in Subpart C of Part 29 immediately after § 29.4656 the following:

OFFICIAL STANDARD GRADES FOR PUERTO RICAN CIGAR-FILLER TOBACCO (U.S. TYPE 46)

DEFINITIONS

Sec.
29.5251 Definitions.
29.5252 Air-cured.
29.5253 Body.
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SUMMARY OF STANDARD GRADES

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KEY TO STANDARD GRADEMARKS

29.5386 Key to standard grademarks.

AUTHORITY: §§ 29.5251 to 29.5386 issued under 49 Stat. 734; 7 U.S.C. 511m.

DEFINITIONS

§ 29.5251 Definitions.

As used in §§ 29.5251–29.5386, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.5252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.5253 Body.

The thickness and density of a leaf or the weight per unit of surface.

§ 29.5254 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.5255 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 4.)

§ 29.5256 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.5257 Crude.

A subdegree of maturity. A condition similar to crude may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See rule 14.)

§ 29.5258 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.5259 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Nondescript, N Group.)

§ 29.5260 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 15.)

§ 29.5261 Foreign matter.

Any extraneous substance or material such as stalks, straw, or abnormal amounts of dirt or sand. (See rule 15.)

§ 29.5262 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.5263 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.5264 Grademark.

A symbol or a combination of symbols designated to identify standard grades. A letter is used to indicate group and a number to indicate quality. In Type 46 the third factor denotes: F, thin to medium body; P, heavy body; T, second crop; and S, stained. For example, C1P means Strippers, first quality, heavy body.

§ 29.5265 Group.

A type division consisting of one or more grades. Groups in Type 46 are: Strippers (C), Grinders (X), Nondescript (N), and Scrap (S).

§ 29.5266 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, ragged, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, pole-burnt, barn-burnt, house-burnt, bleached, bruised, blackened, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 12.)

§ 29.5267 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.5268 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.5269 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.5270 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development.

§ 29.5271 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 15.)

§ 29.5272 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, semicured, or wet; tobacco that is abnormally dirty or improperly baled, contains foreign matter, or has an odor foreign to the type. (See rules 3 and 15.)

§ 29.5273 Offtype.

Tobacco of distinctly different characteristics which cannot be classified in the grades of the type. (See rule 15.)

§ 29.5274 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.5275 Package.

A bundle, bale, case, or other securely enclosed parcel.

§ 29.5276 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.5277 Quality.

A division of a group or the second factor of a grade based upon the stated specifications.

§ 29.5278 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, or tobacco that has not been thoroughly dried in the curing process. (See definition of No Grade and rule 15.)

§ 29.5279 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.5280 Sound.

Free of damage.

§ 29.5281 Stained (S).

A term applied to tobacco that is blackened, bruised, or discolored by excessive moisture. Any leaf affected 10 percent or more by any of these conditions may be described as stained. (See rule 13.)

§ 29.5282 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.5283 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.5284 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.5285 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as fermented.

§ 29.5286 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.5287 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.5288 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.5289 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.5290 Type 46.

That type of cigar-leaf tobacco, commonly known as Puerto Rican filler, produced principally in the inland and semicoastal areas of Puerto Rico.

§ 29.5291 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.5292 Uniformity.

A grade requirement designating the percentage of a lot which must meet the stated specifications. (See rule 11.)

§ 29.5293 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.5294 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.5295 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 15.)

RULES

§ 29.5321 Rules.

The application of the standard grades in §§ 29.5251–29.5386 shall be in accordance with the following rules.

§ 29.5322 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.5323 Rule 2.

The determination of a grade shall be based upon a representative sample or a thorough examination of a lot of tobacco.

§ 29.5324 Rule 3.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. The sides of the bundles or bales shall be completely covered with burlap or other suitable protective material. Improperly packed tobacco shall be designated "No-G."

§ 29.5325 Rule 4.

Standard grades shall be assigned to clean tobacco only.

§ 29.5326 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.5327 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.5328 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree than the minimum specifications of such grade.

§ 29.5329 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.5330 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.5331 Rule 10.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.5332 Rule 11.

Uniformity shall be expressed in terms of percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.5333 Rule 12.

Injury tolerance shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury.

§ 29.5334 Rule 13.

First quality tobacco stained 30 percent or less shall be graded X1S. Any tobacco stained over 30 percent but not more than 75 percent shall be graded X2S. Tobacco stained over 75 percent shall be graded "N."

§ 29.5335 Rule 14.

Any lot containing 20 percent or more of crude tobacco shall be designated by the symbol "N."

§ 29.5336 Rule 15.

Tobacco shall be classified No Grade, using the designation "No-G," when it is abnormally dirty, improperly baled, nested, off-type, semicured, wet, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.5361 Strippers (C Group).

Tobacco that is free of stain and is of long filler stemming quality.

U.S. Grades	Grade Names and Specifications
C1F	First Quality Thin Strippers Eighty-five percent must be thin to medium bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.
C1P	First Quality Heavy Strippers Eighty-five percent must be heavy bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.

§ 29.5362 Grinders (X Group).

Short fillers or grinders.

U.S. Grades	Grade Names and Specifications
X1F	First Quality Thin Grinders Seventy percent must be thin to medium bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X1P	First quality Heavy Grinders Seventy percent must be heavy bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X1S	First Quality Stained Grinders Seventy percent must be thin to heavy bodied, mature, and 8 inches or over in length. Tolerances: 30 percent injury and 30 percent stained.
X2F	Second Quality Thin Grinders Thin to medium bodied and over 30 percent injury tolerance; any yellow tobacco; or tobacco pole-burnt over 30 percent.
X2P	Second Quality Heavy Grinders Heavy bodied and over 30 percent injury tolerance; any hard or woody tobacco.
X2T	Second Quality Second Crop Grinders Thin to heavy-bodied sucker leaves and over 30 percent injury tolerance.
X2S	Second Quality Stained Grinders Thin to heavy bodied. Tolerances: Over 30 percent injury and over 30 percent but not more than 75 percent stained.

§ 29.5363 Nondescript (N Group).

U.S. Grade	Grade Name and Specifications
N	Nondescript Moldy, musty, or otherwise damaged tobacco; or tobacco bruised, blackened, stained, or injured over 75 percent.

§ 29.5364 Scrap (S Group).

U.S. Grade	Grade Name and Specifications
S	Scrap Loose, tangled, whole or broken leaves or the web portions of leaves reduced to scrap by any process. Scrap is free of strings, paper, excessive dirt, and other foreign matter.

SUMMARY OF STANDARD GRADES

§ 29.5381 Summary of standard grades.

2 Grades of strippers

C1F C1P

1 Grade of nondescript

N

7 Grades of grinders

X1F X1P X1S
X2F X2P X2T X2S

1 Grade of scrap

S

Tobacco not covered by standard grades is designated "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.5386 Key to standard grademarks.

Groups	Qualities	Third factors
C—Strippers X—Grinders N—Nondescript S—Scrap	1—First 2—Second	F—Thin to medium body P—Heavy body T—Second crop S—Stained

Done at Washington, D.C., this 16th day of October, 1963.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 63–11078; Filed, Oct. 18, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

[Docket No. FDC—72]

COLOR ADDITIVES

β-APO-8'-Carotenal; Notice of Change of Date of Prehearing Conference

There was published in the FEDERAL REGISTER of September 20, 1963 (28 F.R. 10300), a notice of hearing for the purpose of receiving relevant and material evidence on the issue of whether the Secretary of Health, Education, and Welfare should find, under the standards provided in 21 CFR 8.6(b), that certification of batches of the color additive β-apo-8'-carotenal is not necessary in the interest of the protection of the public health. Interested parties and their counsel have requested that the prehearing conference be scheduled for October 25, 1963, instead of October 22, 1963; and, good reason therefor appearing, notice is given that the prehearing conference will be held at 10 a.m. on October 25, 1963, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

Dated: October 17, 1963.

WILLIAM E. BRENNAN,
Hearing Examiner, Food and Drug Division, Office of the General Counsel.

[F.R. Doc. 63–11151; Filed, Oct. 18, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[No. MC–C–3437]

MOTOR TRANSPORTATION OF PROPERTY INCIDENTAL TO TRANSPORTATION BY AIRCRAFT [1]

Supplemental Notice of Proposed Rule Making and Order

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on th 17th day of September A.D. 1963.

This proceeding was instituted on October 4, 1961, by the Commission, Division 1, on its own motion, with a view to determining and prescribing by regulation the circumstances under which and the areas or distances within which the motor carriage, in interstate or foreign commerce, of property is transportation incidental to transportation by aircraft within the meaning of section 203(b)(7a) of the Interstate Commerce Act. The order instituting the proceeding provided for participation by motor and air carriers, or any other interested persons, through the submission of written statements of facts, views, and arguments. A number of such statements have been received, and all of them have been considered.

A related rule-making proceeding, instituted August 26, 1961, is also pending before the Civil Aeronautics Board in its Economic Regulations Docket No. 12951 (26 F.R. 8037). This proceeding deals with the establishment of terminal zones within which air cargo pick-up and delivery services may be performed by air carriers pursuant to tariffs filed with that agency under the Federal Aviation Act.

In his message to the Congress on transportation of April 5, 1962, President Kennedy stated that he was "requesting the Chairmen of the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission to meet at frequent intervals to discuss regulatory problems affecting the various modes of transportation and to seek coordinated solutions in the form of legislative or administrative action that will improve the regulatory process". Information which has come to our attention in the course of such meetings, which have been held both on the Commission and staff level, as well as from representations previously submitted in this proceeding, indicates that there now exist substantial barriers to the effective participation of air freight forwarders (indirect air carriers) holding authority from the Civil Aeronautics Board in intermodal air-motor transportation. It is also apparent that this situation, in part, at least, has been due to the Commission's decision in Panther Cartage Co. Extension—Air Freight, 88 M.C.C. 37, decided October 4, 1961, which held, in effect:

(1) That the incidental-to-aircraft exemption of section 203(b)(7a) of the Act applies to the motor transportation of shipments which have had an immediately prior or subsequent movement by air freight forwarder only to the extent that the motor movement takes place within the terminal area, not of the forwarder, but of the direct air carrier performing the line-haul transportation; and

(2) That the air freight forwarder supporting the application had been utilizing the services of motor carriers between the airport and points beyond the terminal area of direct air carriers serving the airport in such a way that it had been operating, without appropriate authority, as a surface freight forwarder subject to the provisions of part IV of the Interstate Commerce Act.

In the light of the foregoing, it has been determined that a supplemental notice of proposed rule-making should be issued to obtain additional information on the subject matter involved; and that to this end the proceeding should be reopened so that interested persons may file representations in support of or in opposition to, or suggesting possible modifications and improvements in, the following proposed rules:

Rules Proposed: A. To the extent that the territorial scope of an air-carrier terminal area is relevant to the determination whether the motor transportation of a shipment having an immediately prior or subsequent movement by air is exempt from the certificate and permit requirements of Part II of the Interstate Commerce Act by virtue of section 203(b)(7a) of the Act, no distinction shall be made between shipments moving on the billing of direct air carriers and those moving on the billing of air freight forwarders (indirect air carriers) holding authority from the Civil Aeronautics Board.

B. An air freight forwarder may receive from or turn over to an authorized motor common carrier shipments moving from or to a point or points beyond the territorial scope of the incidental-to-aircraft exemption of section 203(b)(7a) of the Interstate Commerce Act without being considered as conducting operations as a freight forwarder subject to part IV of the Act, provided:

1. That the air freight forwarder shall not hold out to assume responsibility for, nor make any claim in its advertising, solicitation of freight, or tariff publications that it will assume responsibility for, any shipment prior to its receipt from or after it is turned over to an authorized motor common carrier for movement beyond the air freight forwarder's terminal area as defined in tariffs filed with and accepted by the Civil Aeronautics Board.

2. That all shipping documents issued by the air freight forwarder shall state clearly that its responsibility for the shipment does not extend beyond its actual air movement and the territorial extent of its terminal area as provided for in tariffs published with the Civil Aeronautics Board.

3. That the air freight forwarder shall receive no compensation from any shipper or motor carrier for services rendered in connection with the receipt of or delivery to a motor carrier for movement beyond the air freight forwarder's terminal area.

It is ordered, therefore, That this proceeding be, and it is hereby, reopened and the scope thereof expanded to encompass the matters described hereinabove, under the authority of sections 204(a)(6) and 403(a) of the Interstate Commerce Act and section 4 of the Administrative Procedure Act;

It is further ordered, That no hearings be scheduled for the receiving of oral testimony on the matters which are the subject of this supplemental notice of proposed rulemaking; but that motor carriers, air carriers, or any other interested person, whether or not they have heretofore participated in this proceeding, may participate herein by submitting for consideration written statements of facts, views, and arguments on any

[1] The phrase "of property" has been added to the title to distinguish this proceeding from the subsequently-instituted No. MC–C–4000, Motor Transportation of Passengers Incidental to Transportation by Aircraft.

of the subjects specifically mentioned above or any others pertinent to this proceeding, by filing with the Commission at its office in Washington, D.C., on or before November 27, 1963, 15 copies of such statements, one copy of which shall be signed. All such statements shall be considered as a part of the record in this proceeding.

And it is further ordered, That a copy of this order be served on all present parties to this proceeding, that copies be mailed to the Civil Aeronautics Board and to the Public Service Commissions or Boards of each State having jurisdiction over motor transportation, that a copy be posted in the office of the Secretary of the Commission for public inspection, and that a notice of the proceeding be delivered to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-11123; Filed, Oct. 18, 1963; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

Adjustment in Maximum Level of Imports; Puerto Rico

The maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279 (24 F.R. 1781), as amended, is modified pursuant to paragraph (c) of section 2 of the Proclamation to permit, during the period October 15, 1963 through November 5, 1963, 21,600 barrels of imports of liquefied petroleum gas to meet the demand in Puerto Rico.

All non-Governmental holders of allocations of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, have been canvassed with respect to their interest in supplying the requirements for liquefied petroleum gas. With the exception of the Tropical Gas Company, Inc., all others have stated that they have no interest. Accordingly, the allocation made to the Tropical Gas Company, Inc., will be increased to permit them to import into Puerto Rico an additional 21,600 barrels of liquefied petroleum gas during the period October 15, 1963 through November 5, 1963.

STEWART L. UDALL, *Secretary of the Interior.*

OCTOBER 15, 1963.

[F.R. Doc. 63-11065; Filed, Oct. 18, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended (61 Stat. 922) is preparing to consider the commitment of acreage for the 1964 and 1965 sugarbeet acreage reserve which has become available by reason of the revocations by the Secretary of the commitments of acreage to produce 50,000 tons of sugar, raw value, for the 1964 crop of sugarbeets, and 34,000 tons of sugar, raw value, for the 1965 crop of sugarbeets. Notice of such revocation is scheduled to appear in the FEDERAL REGISTER of October 19, 1963, under Title 7—Agriculture. The Secretary is also preparing to consider the commitment of acreage for 1966, the commitments for which have not heretofore been made.

In accordance with the provisions of section 302 of the Sugar Act of 1948, as amended, an informal public hearing on the matter will be held in the Jefferson Auditorium, U.S. Department of Agriculture, South Building, Washington, D.C., beginning at 10:00 a.m. on December 10, 1963, for consideration of requests for the 1964, 1965 and 1966 crop years.

It is planned to carry over into 1966, a tonnage of sugar which with the 1966 reserve of 65,000 tons will be sufficient for two new plants that year. The act limits the carryover into 1966 to the acreage required to produce 35,000 tons, raw value, of sugar. The 50,000 ton reserve, or the part thereof not committed for 1964, will be added to the 34,000 ton reserve for 1965. The acreage required to yield this tonnage of sugar is available primarily for the construction of new facilities in new areas and secondarily for substantial expansion of existing facilities.

Those localities that requested reserve acreage of the 1964 or 1965 crops for new facilities or for expanded facilities at the public hearing in September 1962 may renew their requests at the December 10 hearing.

(1) *Submittal of requests for acreage.* Requests for reserve acreage for each of the crops 1964, 1965 and 1966 (preferably one request for each project) shall be addressed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., and shall be submitted in triplicate at the hearing. Interested persons will be given the opportunity at the hearing to submit data, views and arguments in regard to such requests. Provision for submitting written arguments and briefs after the hearing will be announced at the hearing.

(2) *Specifications to be covered in requests.* Requests for reserve acreage should include all relevant information including the following:

(a) The location of the processing facility and concise delineation of the area wherein the beets for the new or expanded facility will be grown.

(b) The acreage desired and its sugar equivalent, including the basis for the estimate of the sugar equivalent; also the crop year when the new facility would commence processing sugarbeets or when the expansion in the old facility would be effective, and, if a case can be made for commencement in an alternate year, the alternate year for which consideration is desired if the reserve acreage has been committed for the year of first choice.

(c) In the case of a new factory, the daily slicing capacity and the contemplated slicing period. In the case of an expanded facility, the details of the expansion, including the percentage of such expansion and the full details of the changes made in the facilities.

(d) A complete description of the arrangements made for capital financing. The firmness of the capital commitment would be considered as shown by the applicant if all arrangements for the necessary funds for the project, contingent only upon the commitment of an acreage by the Secretary, have been completed.

(e) The suitability of the area for growing sugarbeets, as evidenced by any production records, results of plantings on test plots which were performed and supervised by competent authorities, a showing of the availability of irrigation water or of adequate rainfall, availability of suitable land and other evidence relating to the continued feasibility of growing the required sugarbeets in the area, including also proof of interest of farms in entering into and continuing in sugarbeet production.

(f) The proximity of other factories and the extent to which sugarbeets are now being produced in the area in which the beets for the new or expanded facility will be contracted.

(g) The need for a cash crop or a replacement crop in the area, including a full statement regarding the crops presently being grown and the crops which are to be replaced by sugarbeets.

(h) The accessibility to sugar markets, as indicated by population data, the extent of the existence in the proposed markets of industrial users of sugar, distances and freight costs to proposed sales areas and the extent and nature of the competition for the market in such areas.

(i) The estimated amount of acreage that would be supplied by each of the following categories and subcategories of growers and the number of growers involved in each instance (all reference to sugarbeets relates to those grown for the extraction of sugar):

For an expanded facility. Growers who did not grow sugarbeets during any of the three years immediately preceding the year when the facility will become operative; growers who grew sugarbeets during all three such years (a) for the proposed expanded facility or (b) for another facility; growers who grew sugarbeets during only the immediately preceding two of such years (a) for the proposed expanded facility or (b) for another facility; and growers who grew sugarbeets during only the immediately preceding year of such years (a) for the proposed expanded facility or (b) for another facility.

For a new facility. Growers who did not grow sugarbeets for any facility during any of the three years immediately preceding the year when the facility will become operative; growers who grew sugarbeets for another facility during all three such years; growers who grew sugarbeets during only the immediately preceding two of such years, and growers

who grew sugarbeets during only the immediately preceding first of such years.

Statement of bases and considerations. A hearing was held in September 1962 at Washington, D.C., to receive requests for commitments of acreage for the crop years 1962 through 1965. Subsequent to this hearing, five commitments of acreage were made, as follows:

(1) 19,000 acres, estimated to produce 45,700 short tons of sugar, for the 1963 crop, to the locality to be served by a factory then being built by the Spreckels Sugar Company near Mendota, California. This factory commenced operations this summer.

(2) 24,730 acres, estimated to produce 50,000 short tons of sugar, for the 1964 crop, to farms in three counties in the Texas Panhandle Area and in Curry County, New Mexico. Sugarbeets will be grown in this locality for a new factory being built by the Holly Sugar Corporation near Hereford, Texas, scheduled to commence operations in 1964.

(3) 20,000 acres, estimated to produce 50,000 short tons of sugar, to the Phoenix, Arizona area, for a factory proposed to be built near Phoenix, Arizona, under the supervision of the Arizona Sugar Beet Committee. This factory was scheduled to commence operations for the 1964 crop.

(4) 31,000 acres, estimated to produce 50,000 tons of sugar, to the northern Red River Valley area of Minnesota and North Dakota for a factory to be built near Drayton, North Dakota, by the American Crystal Sugar Company. This factory is scheduled to commence operations in 1965.

(5) 19,000 acres, estimated to produce 34,000 short tons of sugar to the locality in eastern South Dakota, northwestern Iowa and northeastern Nebraska to be served by a factory to be built in southeastern South Dakota by the Utah-Idaho Sugar Company. This factory was scheduled to commence operations for the 1965 crop.

Actions to revoke the commitment of 20,000 acres to the Phoenix, Arizona area and the commitment of 19,000 acres to the locality to be served by the factory proposed to be built in southeastern South Dakota have been taken. These actions were taken pursuant to the Secretary's findings that the construction of sugarbeet processing facilities and contracting for the processing of sugarbeets by the Arizona Sugar Beet Committee and the Utah-Idaho Sugar Company had not proceeded in substantial accordance with the representations made to him as a basis for his determination of distribution of the sugarbeet acreage reserve.

Effective date: Date of publication.

Signed at Washington, D.C. on October 16, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63–11080; Filed, Oct. 18, 1963; 8:47 a.m.]

Office of the Secretary

KANSAS

Designation of County Where Great Plains Conservation Program Is Applicable

Designation of county within the great plains area of the ten great plains states where the great plains conservation program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

KANSAS

Sumner.

Done at Washington, D.C., this 15th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63–11068; Filed, Oct. 18, 1963; 8:46 a.m.]

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Guadalupe County, Texas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63–11084; Filed, Oct. 18, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14813; Order No. E–20099]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1963.

Family fares for services other than first class proposed by American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc.

By tariff revisions[1] bearing a posting date of September 12, 1963, and marked to become effective October 27, 1963, United Air Lines, Inc. (United), proposed a family fare for its one-class standard service at full one-class fare for the head of the family and 50 percent of the full one-class fare for each accompanying family member (spouse and children 2 through 21 years of age). The proposed fare would be applicable on the same days and under the same general conditions as the first-class family fare. This is the first family fare filed by any carrier for a class of service other than first class.

Subsequent to United's filing, a number of carriers filed competitive tariff revisions for a 50-percent discount family fare for coach service, but restricted to those flights that compete with United's one-class service. American Airlines, Inc. (American), filed a similar family fare for coach service, but applicable to its entire system, and to both jet and propeller equipment. In the following few days, all the trunkline carriers except Northeast and Western filed defensive family fares for coach service. In addition, American and Continental filed defensive 50-percent discount family fares applicable to their business-class services, and American, Continental, TWA, and United filed defensive 33⅓-percent discount family fares for their economy services. As with the first-class family fare now in effect, the head of the family would pay the full fare applicable to the class of service utilized, whereas each accompanying member or members would pay the fraction of the full fare authorized for such family members in that particular class of service.

Eight carriers (American, Braniff, Continental, Delta, Eastern, National, Northwest, and TWA) have filed complaints with the Board seeking investigation and suspension of United's proposed family-plan fares, as well as all the proposals of the other trunkline carriers, including their own defensive filings. In summary, the complaints allege that no data have been submitted by United in justification of its original filing; that United's proposal ignores the existence of certain relationships between all classes of service; that the proposal would offer substantially reduced rates to family-plan passengers in classes other than first class at fares that would be uneconomic and therefore unjust and unreasonable; that the extension of family fares to other than first-class service would bring great harm to the industry; and that revenue losses due to dilution would be approximately $40 to $50 million annually. Some complaints emphasize that because of the many changes in family fares in the past years, the family plan can no longer be considered strictly a promotional fare; that the entire family plan and its applicability should be investigated; and that there is no evidence to sustain the reasonableness of these proposed fares from a cost standpoint.

[1] Revisions to C. C. Squire's Local and Joint Passenger Rules Tariff C.A.B. No. 43.

In support of its filing of September 12, 1963, and in answer to the complaints, United alleges that its proposal to apply the family plan to one-class service was prompted by American's actions last March that increased the family-plan discount on first-class service from 33⅓ percent to 50 percent, and to extend the plan from mid-week days to six days per week. Although proposing a significant extension to the existing family plans, United contends that the traffic-generating qualities of family-plan fares are of doubtful value; that there are no compelling reasons to limit the family plan to first-class service; and that although an investigation of all the revisions to the plan may be appropriate, the suspension of its proposal in order to maintain the status quo is not.

The carriers' proposals to apply family fares to all services other than first class were preceded by various filings.[2] On March 10, 1963, United's one-class service first went into effect in a limited number of markets, and more recently this service was extended by United to additional markets. Also on March 10, 1963, American increased the first-class family-plan discount from 33⅓ percent to 50 percent. On August 26, 1963, TWA proposed to cut down its first-class family-fare discount from its present 50 percent to 40 percent, and its proposal was followed by similar filings by all the other trunkline carriers except American and Continental. The apparent failure of these two carriers to go along with the rest of the industry in raising family fares (by cutting down the prevailing 50-percent discount) appears to have caused the other carriers to revert to the 50-percent discount level.

The Board has entertained serious doubts for some time that the first-class family plan is any longer a useful and economic discount for the domestic trunk operations. For example, it is difficult to believe that a first-class fare discount offered between the same points and on the very same flights as coach service would result in any significant generation of new traffic. Almost two years ago, the Board invited the domestic industry to reevaluate this type of discount in the light of then-current factors.[3] Despite the fact that our opinion seemed to be shared by a majority of the trunklines, the first-class family discount has not only been retained, but earlier this year the discount was increased to 50 percent and the period of its applicability was broadened. We permitted those filings to become effective, notwithstanding grave reservations regarding their economic soundness, in accordance with our long-standing policy of affording individual carrier managements maximum discretion to experiment with fare discounts.

The currently effective first-class family-fare discount produces fares in many instances lower than the normal fares in the business-class, one-class, and coach services. This anomalous circumstance has triggered the instant series of filings by which the carriers are attempting to protect their lower classes of service from undue diversion to higher-rated services by virtue of the family discount. None of the filings has been contended to be economic and, except for United's proposal to apply a family discount to its one-class service, all these filings are said to be defensive in nature. The Board is asked to suspend all of them pending investigation.

Absent some prompt, constructive step by the industry, it is clear that an overall investigation of the family-fare tariffs is required. The economic justification for a discount from normal fares for given classes of service essentially rests on the expectation of a net gain in revenues and profits. Although the proposed discount as applied to coach services probably would generate new traffic, the average yield at the 50-percent discount may well be below cost. With respect to the higher-class services, as noted earlier, we doubt even the promotional effectiveness. Moreover, the family-fare discounts have always presented a serious question of unjust discrimination which is now magnified by the apparent diminution of the economic basis for the fares.

This suspension issue presents a close and difficult question. On the one hand, it is difficult to justify perpetuating the present anomaly in which the first-class family passenger pays less than the coach passenger for a better service. Similarly, it is difficult to prevent, even temporarily, a competing carrier from protecting itself from such fare competition.[4] On the other hand, we must consider the probable unlawfulness of these proposals and the adverse impact on the whole industry if they are permitted to become effective. On consideration of all these factors, we conclude that suspension is required to prevent what may well be irreparable economic damage to a majority of the industry. We intend to process this investigation as quickly as possible, so as to resolve the basic family-plan issues which have initiated this chain reaction. Moreover, we have instructed our staff to meet with the industry to explore the possibility of reaching an early and sound solution.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares, charges, and provisions described in the attached Appendix A[5] are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, charges, and provisions;

2. Pending hearing and decision by the Board, the fares, charges, and provisions described in Appendix A, so far as applicable to interstate air transportation, are suspended and their use deferred to and including January 24, 1964, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints in Dockets 14775, 14769, 14772, 14768, 14773, 14771, 14778, and 14774 to the extent granted are consolidated herein;

4. The request of United Air Lines, Inc., that the Board dismiss the complaints listed in (3), above, is denied;

5. The investigation ordered herein includes the investigation of first-class family fares presently offered by the domestic trunkline and local service carriers;

6. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

7. A copy of this order be filed with the aforesaid tariffs and be served upon all the domestic trunkline and local service carriers of the United States, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63–11074; Filed, Oct. 18, 1963; 8:46 a.m.]

[Docket 10976 etc.]

CALIFORNIA-NEVADA EXCURSION FARES INVESTIGATION

Notice of Postponement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be heard on November 13 is postponed to December 11, 1963, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 15, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63–11075; Filed, Oct. 18, 1963; 8:46 a.m.]

[2] Moreover, other competitive devices were initiated. First, United offered free drinks to its one-class adult passengers on longer flights. Then TWA and American, which had been charging coach passengers for drinks, started to serve free drinks to coach passengers on longer flights. Following this, United also started to serve free drinks to coach passengers.

[3] E.g., Order E–17885, December 28, 1961.

[4] In this regard, we would note that the current competitive situation between the several classes of service might be eased materially, at least for an interim period, by providing that the same dollar fare produced by the first-class family fare would also apply to family members traveling in the lower classes of service.

[5] Filed as part of the original document.

[6] Murphy, Vice Chairman, and Minetti, Member, filed the concurrence and dissent.

[Docket 14682]

CUNARD EAGLE PERMIT

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed until November 6, 1963, at which time it will open at 10:00 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., October 15, 1963.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 63-11076; Filed, Oct. 18, 1963; 8:46 a.m.]

[Docket 13292]

SERVICE TO HOT SPRINGS, VA.

Notice of Reassignment of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be heard on December 4 is reassigned to November 13, 1963, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 16, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-11077; Filed, Oct. 18, 1963; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

COMPAGNIE MARITIME BELGE (LLOYD ROYAL) S.A., AND ARMEMENT DEPPE, S.A.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8610-1, between Compagnie Maritime Belge (Lloyd Royal), S.A., and Armement Deppe, S.A., changes the scope of sailing agreement 8610 by adding Florida East Coast ports eastbound, and South Atlantic ports from Charleston to Key West, both inclusive, westbound, to the trade between the U.S. Gulf of Mexico ports and the ports in France, Belgium, Holland and Germany previously covered. The modification further provides that the parties shall adhere to the rates filed by any conference engaged in the trades covered by this agreement in which both participants are members, and, in the event no conference rate is on file, or, if either or both of the parties are not members of such conference, then the parties shall apply identical rates in the trade covered by this agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 16, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11071; Filed, Oct. 18, 1963; 8:46 a.m.]

SCINDIA STEAM NAVIGATION CO., LTD., AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9254, between Scindia Steam Navigation Co., Ltd., and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Scindia Steam Navigation Co., Ltd., in India and Pakistan to ports of call of Alcoa Steamship Company, Inc., in Puerto Rico with transhipment at Mobile, Alabama, and New Orleans, Louisiana, in accordance with the terms and conditions set forth therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 16, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11072; Filed, Oct. 18, 1963; 8:46 a.m.]

YOUNG BROTHERS, LTD.

Notice of Amendment of Agreement Filed for Approval

Notice is hereby given that the amendment described below has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814):

Agreement No. 8282-1 provides for the substitution of Young Brothers, Limited (a Hawaii corporation) for Oahu Railway and Land Company, Young Brothers Division, as a party to Agreement No. 8282, the former having become the successor in interest to the latter.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 16, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11073; Filed, Oct. 18, 1963; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2397]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 14, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2397, known as Gage Plant, located on Passumpsic River in the vicinity of St. Johnsbury Center, Caledonia County, Vermont.

The project consists of: A reservoir of about 15.2 acres created by a concrete gravity type dam about 13 feet high having 6 feet of flashboard to supply a normal operating head of 15 feet, a spillway section about 43 feet in length, and an intake structure located at right angles upstream to the spillway and containing headgates and trashracks and diverting water through a canal 40 feet wide and 90 feet long to the powerhouse; a concrete and steel frame powerhouse containing two generating units with total rated capacity of 1,190 horsepower and total generated output of 700 kilowatts; a 12,500 volt transmission line from the powerhouse connected to the Bay Street Substation in St. Johnsbury Center; and appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11057; Filed, Oct. 18, 1963; 8:45 a.m.]

[Project No. 2399]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 14, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2399, known as Arnolds Falls Plant, located on the Passumpsic River, Village of St. Johnsbury, Caledonia County, Vermont.

The project consists of a timber crib, rock fill dam about 18 feet high in two sections separated by an island, creating a reservoir of about 7.2 acres. The dam consists of 255 feet of spillway with 18-inch flashboards, and a powerhouse forming part of the dam. In addition to a head gate and trash racks, the powerhouse contains a vertical shaft turbine rated at 450 horsepower and a generator rated at 350 kilowatts. The powerhouse is constructed of concrete foundation with steel frame and masonry superstructure. The plant is connected to the Bay Street Substation by a 12,500 volt transmission line and includes appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11058; Filed, Oct. 18, 1963; 8:45 a.m.]

[Project No. 2400]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 14, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2400, known as Passumpsic Plant, located on the Passumpsic River, Village of Passumpsic, Caledonia County, Vermont.

The project consists of: a concrete gravity type dam about 10 feet high and 258 feet long consisting of 248 feet of spillway and 10 feet of stop log section; an open concrete lined canal 22 feet wide and 87 feet long; head gates located at the upstream end of the canal and a set of trash racks located at the entrance to the powerhouse; a powerhouse operating under a normal head of 22 feet, with a concrete foundation and steel frame and masonry superstructure, and containing a vertical shaft turbine unit rated at 990 horsepower and a generator rated at 700 kilowatts; and appurtenant mechanical and electrical facilities. The plant is connected to the Bay Street Substation in St. Johnsbury, Vermont, by a 12,500 volt transmission line.

Projects or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11059; Filed, Oct. 18, 1963; 8:45 a.m.]

[Docket No. RP64-8]

MIDWESTERN GAS TRANSMISSION CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Fixing Date of Hearing and Allowing Proposed Revised Tariff Sheets to Become Effective Subject to Refund Obligation

OCTOBER 14, 1963.

On September 13, 1963, Midwestern Gas Transmission Company (Midwestern), tendered for filing [1] revised tariff sheets [2] to its FPC Gas Tariff, such sheets to become effective October 15, 1963. Under the filing, Midwestern proposes to increase the monthly minimum bill of its northern system Rate Schedule CD-2 from a 75 percent load factor to an 87½ percent load factor minimum. Midwestern states that this increase is necessary to reflect the establishment of a new 95 percent annual minimum load factor by its northern system supplier, Trans-Canada Pipe Line, Ltd. (Trans-Canada), which will become effective automatically on October 15, 1963, in accordance with the provisions of Trans-Canada's existing gas supply contract with Midwestern. There is no proposal to change the presently-effective demand rate of $4.55 and commodity rate of 25.2 cents per Mcf at 14.73 psia.

Michigan Wisconsin Pipe Line Company, which purchases 77 percent of Midwestern's contract demand with Trans-Canada, and which is the only purchaser under Midwestern's CD-2 rate, has agreed not to object to the proposed increase in monthly minimum bill by an agreement dated May 16, 1960, however, it is estimated that Michigan Wisconsin Pipe Line Company will experience an increase in purchased gas cost of approximately $390,000 a year and will suffer an adverse affect upon its prepaid gas account in view of recent agreements to increase takes from other suppliers.

The probable impact on Midwestern is indicated by the fact that the proposed 95 percent Trans-Canada provision applied to Midwestern-Michigan Wisconsin sales volumes for 1962 would have required Midwestern to pay approximately $1,750,000 for gas it did not take. Had Michigan Wisconsin taken gas at 87½ percent load factor throughout the summer months, instead of 75 percent, the cost of gas not taken by Midwestern would have declined to $900,000.

The change in rate and minimum charge contained in the revised tariff sheets tendered for filing on September 13, 1963 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commisssion finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges and classifications and services contained in Midwestern's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended by the revised tariff identified above and that said proposed revised tariff sheets be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed change in rate and minimum charges contained in First Revised Sheet No. 10 to Midwestern's FPC Gas Tariff, First Revised Volume No. 1 (and the revised title pages for Midwestern's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2), be made effective as hereinafter provided and that Midwestern be required to file a motion and an undertaking as hereinafter ordered and conditioned.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the public hearing provided herein be expedited.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereunder, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held on a date fixed by notice from the Presiding Examiner as hereinafter provided, concerning the lawfulness of

[1] This filing was made pursuant to § 154.63 (b) (2) of the Commission's regulations under the Natural Gas Act. Since this filing is, in fact, a major rate increase it should have complied with § 154.63(b)(4), and therefore, the filing is deficient. Ordering Paragraph (G) requires Midwestern to satisfy this deficiency, but such Commission action is not to be construed as condoning the lack of compliance with its Regulations, or assurance that future filings will be accepted in comparable situations.

[2] First revised Sheet No. 10 to Midwestern's FPC Gas Tariff, First Revised Volume No. 1 and the title sheets to its tariff Volumes Nos. 1 and 2.

the rates, charges, classifications and services contained in Midwestern's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended by First Revised Sheet No. 10 and the revised title pages to the volumes.

(B) Pending such hearing and decision thereon, Midwestern's proposed revised tariff sheets identified in Paragraph (A) above, hereby are suspended and their use deferred until October 16, 1963: *Provided, however,* That, within 20 days from the date of this order, Midwestern shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (D) below. Unless Midwestern is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Midwestern shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Midwestern until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the tariff sheets made effective as of October 16, 1963, for each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies) in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom as computed under the tariff sheets in effect immediately prior to October 16, 1963, and under the tariff sheets herein allowed to become effective, together with the differences in the revenues so computed.

(D) As a condition of this order, Midwestern shall execute and file in triplicate with the Secretary of this Commission, its written agreement and undertaking to comply with the terms of paragraph (C) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheet involved as follows:

Agreement and Undertaking of Midwestern Gas Transmission Company to comply with the Terms and Conditions of paragragh (C) of Federal Power Commission's Order Issued ----------, 1963, in Docket No. -------

In conformity with the requirements of the order issued ----------, 1963, in Docket No. --------, Midwestern Gas Transmission Company hereby agrees and undertakes to comply with the terms and conditions of Paragraph (C) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------, 1963.

MIDWESTERN GAS TRANSMISSION COMPANY,

By ----------,
President.

Attest:

----------,
Secretary.

(E) If Midwestern shall, in conformity with the terms and conditions of its agreement and undertaking, make the refunds as may be required by order of the Commission in this proceeding, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(F) This proceeding shall be presided over by Examiner Ewing G. Simpson, or any other officer or officers who may be designated by the Chief Examiner for that purpose, who will control the proceeding until the completed record is certified to the Commission.

(G) Midwestern shall file with the Commission and serve upon the Presiding Examiner, the Staff and all other parties, on or before November 12, 1963, the material required to be filed for a major rate increase under § 154.63 of the Commission's regulations under the Natural Gas Act.

(H) The Commission Staff and all interveners proposing to present evidence in this proceeding shall serve their testimony and exhibits upon the Presiding Examiner and all parties on or before December 13, 1963.

(I) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on January 6, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary to prescribe procedure for hearing herein giving effect to the Commission's intent that this matter be expedited.

(J) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8, 1.37(f)), on or before November 12, 1963.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11060; Filed, Oct. 18, 1963; 8:45 a.m.]

[Docket Nos. CP60-122, CP61-203]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Motion To Amend

OCTOBER 14, 1963.

Take notice that on August 29, 1963, Texas Eastern Transmission Corporation (Movant) with its principal place of business in Houston, Texas, filed in Docket Nos. CP60-122 and CP61-203 a motion to amend the Commission's order, issued December 17, 1962, in said dockets to effect a reduction in the additional volumes of natural gas authorized by the order to be sold and delivered to two customers, the Penn Fuel Group Companies and the Shippensburg Gas Company, and in addition to reflect the change of names of three of the companies composing the Penn Fuel Group Companies, all as more fully set forth in the motion to amend on file with the Commission and open to public inspection.

The motion states that the subject order authorized Movant, among other things, to sell and deliver an additional Maximum Daily Quantity of 3,999 Mcf[1] of natural gas to the Penn Fuel Group Companies[2] consisting of Ashland Gas Light Company, Hamburg Gas and Fuel Company, Huntingdon Gas Company, Lewistown Gas Company, Mt. Carmel Citizens Gas Company, and Pottsville Gas Company, and 398 Mcf of natural Gas to Shippensburg Gas Company (Shippensburg). Since issuance of the subject order, the Penn Fuel Group has experienced cutbacks by certain of their industrial customers. This, combined with an increase in requirements of one member of the Penn Fuel Group, results in a net reduction of 2,275 Mcf of natural gas per day for the Group as a whole which makes their additional volumes required a total of only 1,724 Mcf in lieu of the authorized increase of 3,999 Mcf granted in the subject order. In addition, two communities served by Shippensburg have demonstrated a need for additional volumes of 289 Mcf per day over and above those presently authorized. The involved customers have therefore requested Movant to make the necessary adjustments. They are as follows:

Customers	Originally authorized additional volumes	Desired additional volumes Mcf/Day at 14.73 psia
Penn Fuel Group Cos--------	3,999	1,72
Shippensburg Gas Co--------	398	69

In addition, Movant states that subsequent to issuance of the subject order three companies of the Penn Fuel Group have undergone name changes which are as follows:

Old name	*New name*
Ashland Gas Light Co--	Ashland Gas Co.
Hamburg Gas and Fuel Co ----------	Hamburg Gas Co.
Mt. Carmel Citizens Gas Co----------	Mt. Carmel Gas Co.

Movant contends that the requested reduction of the additional volumes authorized is not needed by any of the Penn Fuel Group Companies or Shippensburg to render adequate natural gas service in the areas served by them. On the other hand, amending the order of December 17, 1962, in accordance with its motion will make this volume of gas available to others along Movant's pipeline system for distribution to the general public.

Protests, petitions to intervene, or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11062; Filed, Oct. 18, 1963; 8:45 a.m.]

[1] All volumes are at a pressure base of 14.73 psia.

[2] Of the additional volumes authorized to be delivered to the Penn Fuel Group Companies, 1,785 Mcf was authorized in Docket No. CP60-122 and 2,214 Mcf was authorized in Docket No. CP61-203.

INTERSTATE COMMERCE COMMISSION

[Notice No. 882]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 16, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66109. By order of October 15, 1963, the Transfer Board approved the transfer to Nolte Bros. Truck Line, Inc., Farnhamville, Iowa, of Certificates in Nos. MC 25869, MC 25869 (Sub-No. 2), MC 25869 (Sub-No. 3), MC 25869 (Sub-No. 6), MC 25869 (Sub-No. 8), MC 25869 (Sub-No. 9), and MC 25869 (Sub-No. 11), issued August 26, 1954, May 9, 1956, September 26, 1956, February 21, 1958, December 1, 1959, April 26, 1960, and April 20, 1962, in the name of Myron R. Nolte and Maurice D. Nolte, a partnership, doing business as Nolte Bros., Farnhamville, Iowa, authorizing the transportation of livestock, agricultural products, feed, agricultural machinery, road building machinery, flour, hardware, furniture, heating equipment, and petroleum products, in containers, over regular routes, between Auburn, Iowa, and Omaha, Nebr., serving the intermediate and off-route points of Dedham, Iowa, and those within 15 miles of Auburn; general commodities, excluding household goods, between Churdan, Iowa, and Omaha, serving all intermediate and off-route points within 25 miles of Churdan; from Churdan, Iowa, to Chicago, Ill., serving all intermediate and off-route points within 25 miles of Churdan; from Chicago, Ill., to Churdan, Iowa, serving all intermediate and off-route points within 25 miles of Churdan; general commodities, excluding household goods and commodities in bulk, serving Portage, Ind., as an off-route point in connection with carrier's regular route operations to and from Chicago, Ill.; over irregular routes, livestock, from Lohrville, Iowa and points within 25 miles thereof to Omaha, Nebr.; farm implements and machinery, feed, livestock, petroleum products, and paint, from Omaha, Nebr., to Lohrville, Iowa, and points within 25 miles thereof; dry fertilizer, and dry fertilizer ingredients, in bulk adn bags, from Omaha, Nebr., to Lohrville, Iowa and points within 25 miles of Lohrville; and from Omaha, Nebr., to points within 15 miles of Auburn, Iowa; feeds and lumber, from Omaha, Nebr., to points in Greene and Calhoun Counties, Iowa and specified area in Webster County, Iowa, and thence along Webster County Line to the point of beginning, including points on the indicated portion of the highway specified; wallpaper, from Joliet, Ill., to points in the Iowa territory specified above; feeds, farm implements and machinery, hardware, twine, roofing materials, wire, steel fencing and posts, and reinforcing steel, from Chicago, Sterling, Forest Park, Canton, Rockford, Rock Falls, Streator, Rock Island, Moline and East Moline, Ill., to points in the above described Iowa territory; livestock, between points in the above-specified Iowa territory, on the one hand, and, on the other, Chicago, Ill., and Omaha, Nebr.; agricultural implements, from Richmond, Ind. to points in Boone, Buena Vista, Calhoun, Carroll, Clay, Dickinson, Franklin, Greene, Hamilton, Hardin, Humboldt, Palo Alto, Pocahontas, Sac, Story, Webster, and Wright Counties, Iowa; malt beverages, from St. Louis, Mo., to Fort Dodge and Carroll, Iowa; from Milwaukee, Wis., to Carroll, Iowa; from Waukesha, Wis., to Carroll, Iowa; from St. Louis, Mo., to Britt, Iowa; and empty malt beverage containers, on return from the above points. Donald E. Leonard, 605 South 14th Street, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC-FC 66317. By order of October 15, 1963, the Transfer Board approved the transfer to L. & B. Express, Inc., a Kentucky corporation, Frankfort, Ky., of Certificate in No. MC 118610, issued July 2, 1963, to L. & B. Express, Incorporated, an Indiana corporation, Frankfort, Ky., authorizing the transportation, over irregular routes, of: Contractor's heavy construction, excavating, mining, and road building machinery and equipment, with exceptions, used in the gas and petroleum industry, between points in Illinois, Indiana, and Kentucky. Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-11069; Filed, Oct. 18, 1963; 8:46 a.m.]

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Washington, Tuesday, October 22, 1963

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DEPOSITED BY THE
UNITED STATES OF AMERICA

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Title 3—THE PRESIDENT

Executive Order 11123

AMENDMENT OF EXECUTIVE ORDER NO. 10853,[1] RELATING TO VARIOUS ALLOWANCES TO CERTAIN GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by Section 235(a) of title 38 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Executive Order No. 10853 of November 27, 1959, headed "Delegating the authority of the President with respect to various allowances to certain Government personnel on foreign duty," as amended, is hereby amended by substituting for Section 2(c) thereof the following:

"(c) The authority vested in the President by Section 235(a) of title 38 of the United States Code to prescribe rules and regulations, to the extent that such authority is in respect of the following:

"(1) Section 235(a)(5) of title 38, except as that section pertains to allowance similar to that provided for in Section 911(9) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9)),

"(2) Section 235(a)(6) of title 38, and

"(3) Section 235(a)(8) of that title."

SEC. 2. The rules and regulations prescribed by the Secretary of State pursuant to Section 2(c) of the said Executive Order No. 10853, or pursuant thereto as amended, shall be effective from such date or dates as he shall determine, but not in any case earlier than October 15, 1962, in respect of Europe (38 U.S.C. 230(c)) or earlier than January 9, 1961, in respect of territory of the Republic of the Philippines (38 U.S.C. 230(b)).

JOHN F. KENNEDY

THE WHITE HOUSE,
October 18, 1963.

[F.R. Doc. 63-11236; Filed, Oct. 21, 1963; 11:09 a.m.]

[1] 24 F.R. 9565; 3 CFR, 1959 Supp., p. 144.

Notice of October 19, 1963

NOTICE OF PROPOSED TRADE AGREEMENT NEGOTIATIONS AND ARTICLES TO BE CONSIDERED FOR NEGOTIATION

In conformity with section 221 of the Trade Expansion Act of 1962, 76 Stat. 874, 19 U.S.C. 1841, and as President of the United States, I hereby direct publication in the FEDERAL REGISTER of this notice of proposed trade agreement negotiations, including the list of articles to be considered for trade agreement concessions under Title II of the Trade Expansion Act.

I. *Proposed negotiations.*

It is intended that the trade agreements authority conferred by the Trade Expansion Act of 1962 will be employed primarily in multilateral trade agreement negotiations under the General Agreement on Tariffs and Trade (GATT). That authority may also be employed to conclude other trade agreements including but not limited to, agreements for the purpose of obtaining mutually advantageous tariff or other trade concessions, consolidating trade agreement concessions, or compensating other nations for modifications or withdrawals of United States trade agreement concessions such as those required to compensate for increases in United States rates of duty incidental to the promulgation of the Tariff Schedules of the United States.

II. *List of articles to be considered for trade agreement concessions.*

(A) Every article provided for in the Tariff Schedules of the United States (28 F.R. 8599, as corrected 28 F.R. 9131)[1] will be considered for modification or continuance of the existing duty to the extent permitted by sections 201(b) and 254 of the Trade Expansion Act (19 U.S.C. 1821, 1884), continuance of duty-free or excise treatment, continuance or modification of any other import restriction applicable thereto, or imposition of any additional import restriction, pursuant to authority vested in me by section 201 of the Trade Expansion Act (19 U.S.C. 1821); *Provided that*,

(1) The articles identified in part 2 of the Appendix to the Tariff Schedules of the United States, which I hereby determine to be articles presently meeting the criteria of section 225(a) of the Trade Expansion Act (19 U.S.C. 1845), will not be considered for reduction of any duty or other import restriction, or elimination of any duty;

(2) The articles consisting of crude petroleum and certain products thereof and subject to import quotas under Presidential Proclamation 3279, as modified by Presidential Proclamations 3290, 3328, 3386, 3389, 3509, 3531, and 3541, which I determine to be articles presently meeting the criteria of section 225(a) of the Trade Expansion Act, will not be considered for reduction of any duty or other import restriction, or elimination of any duty;

(3) Pursuant to section 257(h) of the Trade Expansion Act (19 U.S.C. 1887), the articles identified in part 3 of the Appendix to the Tariff Schedules of the United States will not be considered for modification of any import restriction imposed under section 22 of the Agricultural Adjustment Act (64 Stat. 261, as amended, 7 U.S.C. 624).

(B) All articles dutiable under the Tariff Schedules of the United States item numbers or designated parts thereof contained in the following lists will also be considered for reduction of duty to a rate below fifty per cent of the rate existing on July 1, 1962, including elimination of duty:

(1) The following articles, as to which I hereby determine that the rate of duty which existed on July 1, 1962, was not more than 5 per cent ad valorem (or ad valorem equivalent, as determined by the Tariff Commission in accordance with section 256(7) of the Trade Expansion Act (19 U.S.C. 1886(7)) and pursuant to authority delegated by section 5(a) of Executive Order 11075, as amended), will be

[1] "Tariff Schedules of the United States" or "Tariff Schedules of the United States Annotated (1963)", Division of Public Documents, Government Printing Office, Washington, D.C., 20402, available for inspection at any field office of the Bureau of Customs or the Department of Commerce.

considered for reduction or elimination of duty pursuant to the authority vested in me by section 201 and section 202 of the Trade Expansion Act (19 U.S.C. 1821, 1822):

100.07	126.81	175.15	252.45	452.68	608.05
100.09	126.85	175.36	252.55	452.80	608.06
100.81	126.87	175.45	252.63	461.20	608.10
105.30	126.95	176.42	253.25	470.23	608.30
105.82	127.01	177.04	254.05	470.65	608.70
106.40	130.15	177.32	256.13	472.40	609.42
106.50	130.20	177.34	270.35	472.42	609.80
106.60	130.30	182.30	270.45	472.46	609.96
106.85	130.40	182.55	273.15	473.04	610.20
107.15	130.45	182.58	273.50	473.32	610.25
107.30	130.65	184.10	273.75	473.36	610.32
107.35	131.15	184.20	273.80	474.20	610.39
107.80	131.35	184.25	274.15	474.26	610.65
110.15	131.72	184.30	274.65	474.60	620.02
110.20	131.75	184.35	274.80	485.10	620.32
110.25	135.20	184.40	274.85	493.04	622.04
110.30	136.10	184.45	300.20	493.20	632.10
110.33	137.66	184.47	300.45	493.56	632.14
110.35	140.35	184.61	301.01	494.22	632.64
110.40	140.38	184.70	301.02	494.60	642.35
110.47	145.04	186.30	304.10	495.15	642.93
110.57	145.07	186.40	304.12	511.11	642.96
110.60	145.14	188.18	304.16	511.14	646.06
111.10	145.24	188.20	304.22	511.21	646.15
111.15	145.26	188.24	306.50	512.11	646.20
111.18	145.30	188.36	306.51	512.14	646.25
111.22	145.42	188.50	306.52	512.24	646.26
111.28	145.44	190.57	309.41	513.11	646.28
111.32	145.52	190.90	309.66	513.71	646.40
111.40	145.53	191.15	335.40	514.51	646.54
111.56	146.10	192.50	356.50	515.21	646.56
111.64	146.12	192.55	361.52	515.51	646.58
111.68	146.52	192.60	380.48	516.11	646.70
111.72	146.54	193.15	390.12	516.41	651.23
111.76	146.56	200.45	390.50	517.11	651.25
111.80	146.58	200.55	415.15	517.31	651.45
112.10	146.60	200.90	416.30	518.44	652.06
113.08	146.62	202.03	417.50	519.37	652.27
113.40	146.90	202.06	418.60	519.95	652.30
113.56	147.29	202.09	418.62	520.38	652.33
113.58	147.60	202.12	418.76	520.39	652.40
119.50	147.62	202.15	419.22	521.17	652.93
120.11	148.72	202.18	420.18	521.41	653.07
120.13	149.20	202.21	420.86	521.54	653.10
125.01	149.22	202.24	420.96	521.61	657.09
125.05	149.24	202.27	421.08	521.81	660.50
125.10	155.40	202.30	421.16	521.84	661.80
125.15	155.50	202.36	421.18	522.31	674.51
125.20	155.55	202.39	421.44	522.71	690.30
125.40	156.20	202.41	421.46	523.31	692.24
125.60	156.25	202.43	421.54	523.35	696.05
126.05	156.47	202.45	425.88	523.51	700.20
126.09	156.55	202.48	426.28	531.27	700.27
126.11	160.20	202.50	428.36	532.11	703.80
126.15	160.65	202.52	428.38	533.11	730.73
126.17	161.29	202.53	435.10	534.31	741.05
126.19	161.49	202.57	435.40	540.14	741.06
126.21	161.94	202.63	437.22	543.61	741.15
126.25	165.15	204.25	437.30	543.63	755.10
126.37	165.55	222.25	437.58	601.06	755.40
126.39	166.10	245.90	437.84	603.10	760.32
126.41	166.20	251.05	439.30	607.11	760.54
126.51	166.30	251.35	445.20	607.15	771.15
126.57	166.40	251.40	452.14	607.31	793.00
126.65	167.15	251.51	452.48	607.50	
126.73	175.06	252.05	452.58	608.02	

(2) The following articles, which I hereby determine to be articles referred to in Agricultural Handbook No. 143, United States Department of Agriculture, as issued in September 1959, will be considered subject to the further requirements of section 212 of the Trade Expansion Act (19 U.S.C. 1832) for reduction or elimination of duty pursuant to the authority vested in me by section 201 and section 212 of the Trade Expansion Act:

100.07	117.05	126.91	137.63	146.22	148.86
100.09	117.10	126.93	137.66	146.24	148.90
100.20	117.15	126.95	137.70	146.30	148.93
100.35	117.20	127.01	138.00	146.42	148.96
100.40	117.25	127.10	140.09	146.44	148.98
100.43	117.30	130.10	140.10	146.50	149.15
100.45	117.35	130.15	140.11	146.52	149.20
100.50	117.40	130.20	140.14	146.54	149.22
100.53	117.45	130.30	140.16	146.56	149.24
100.55	117.50	130.35	140.20	146.58	149.26
100.60	117.55	130.40	140.21	146.60	149.28
100.63	117.60	130.45	140.25	146.62	149.50
100.65	117.65	130.50	140.30	146.64	149.60
100.73	117.67	130.55	140.35	146.66	150.00
100.75	117.70	130.60	140.38	146.68	150.50
100.77	117.75	130.65	140.40	146.70	152.00
100.79	117.80	130.70	140.45	146.72	152.05
100.81	118.10	131.10	140.46	146.80	152.14
100.85	118.15	131.12	140.50	146.90	152.18
100.95	118.25	131.15	140.55	146.91	152.22
105.10	118.30	131.20	140.60	146.93	152.26
105.20	119.50	131.25	140.65	146.95	152.30
105.30	119.55	131.27	140.70	146.96	152.34
105.40	119.65	131.30	140.75	146.98	152.38
105.50	119.70	131.33	141.05	147.02	152.42
105.55	120.11	131.35	141.10	147.10	152.46
105.60	120.13	131.38	141.15	147.13	152.50
105.70	125.01	131.40	141.20	147.16	152.54
105.82	125.05	131.45	141.25	147.20	152.58
105.84	125.10	131.85	141.30	147.22	152.62
106.10	125.15	132.15	141.35	147.26	152.70
106.20	125.20	132.20	141.40	147.29	153.00
106.30	125.25	132.25	141.45	147.31	153.04
106.40	125.30	132.30	141.50	147.33	153.08
106.50	125.40	132.50	141.55	147.36	153.16
106.55	125.50	132.55	141.60	147.40	153.24
106.60	125.60	135.10	141.65	147.42	153.28
106.70	125.65	135.12	141.66	147.44	153.32
106.75	125.70	135.14	141.70	147.46	154.05
106.80	125.80	135.16	141.75	147.48	154.10
106.85	126.01	135.20	141.80	147.50	154.15
107.10	126.05	135.30	144.10	147.52	154.20
107.15	126.07	135.40	144.12	147.54	154.25
107.20	126.09	135.50	144.20	147.60	154.30
107.25	126.11	135.51	145.02	147.62	154.35
107.30	126.15	135.60	145.04	147.64	154.40
107.35	126.17	135.61	145.07	147.66	154.45
107.40	126.19	135.70	145.08	147.68	154.55
107.45	126.21	135.75	145.09	147.70	154.60
107.50	126.23	135.80	145.12	147.72	155.10
107.55	126.25	135.90	145.14	147.75	155.12
107.60	126.27	135.92	145.16	147.77	155.15
107.65	126.29	135.94	145.18	147.80	155.20
107.70	126.31	136.00	145.20	147.85	155.30
107.75	126.33	136.10	145.22	147.90	155.35
107.80	126.35	136.20	145.24	148.10	155.40
115.00	126.37	136.22	145.26	148.15	155.50
115.05	126.39	136.30	145.28	148.20	155.55
115.10	126.41	136.40	145.30	148.25	155.60
115.15	126.51	136.50	145.40	148.30	155.65
115.20	126.53	136.60	145.41	148.35	155.70
115.25	126.55	136.61	145.42	148.40	155.75
115.30	126.57	136.70	145.44	148.42	156.20
115.35	126.59	136.80	145.46	148.44	156.25
115.40	126.61	136.90	145.48	148.46	156.30
115.45	126.63	136.91	145.50	148.48	156.35
115.50	126.65	137.00	145.52	148.50	156.40
115.55	126.67	137.01	145.53	148.52	156.45
115.60	126.71	137.10	145.54	148.54	156.47
116.00	126.73	137.20	145.55	148.56	160.20
116.05	126.77	137.21	145.58	148.60	160.30
116.10	126.79	137.25	145.60	148.70	160.35
116.15	126.81	137.28	145.90	148.72	160.40
116.20	126.83	137.40	146.10	148.74	160.65
116.25	126.85	137.50	146.12	148.76	161.05
116.30	126.87	137.60	146.14	148.80	161.07
117.00	126.89	137.62	146.20	148.83	161.15

161.19	167.35	176.36	182.58	306.21	450.40
161.23	167.37	176.38	182.91	306.22	450.50
161.29	167.40	176.40	184.10	306.23	452.14
161.31	167.42	176.42	184.20	306.24	452.20
161.37	167.50	176.45	184.25	306.30	452.22
161.41	170.01	176.46	184.30	306.31	452.24
161.43	170.05	176.47	184.35	306.32	452.28
161.45	170.10	176.49	184.40	306.33	452.34
161.49	170.15	176.50	184.45	306.34	452.44
161.53	170.20	176.52	184.47	306.40	452.48
161.57	170.25	176.54	184.50	306.41	452.52
161.59	170.30	176.55	184.52	306.42	452.54
161.61	170.35	176.70	184.61	306.43	452.58
161.65	170.40	177.04	184.65	306.44	452.64
161.69	170.45	177.12	184.70	306.50	452.68
161.71	170.60	177.16	184.75	306.51	452.80
161.75	175.03	177.20	186.10	306.52	455.04
161.79	175.06	177.22	186.15	306.53	455.16
161.81	175.09	177.24	186.30	306.54	455.18
161.84	175.10	177.26	190.10	306.60	455.20
161.88	175.12	177.30	191.15	306.61	455.22
161.92	175.15	177.32	192.15	306.62	455.24
161.94	175.18	177.34	192.20	306.63	455.30
161.96	175.21	177.36	192.25	306.64	455.32
162.03	175.24	177.40	192.30	306.70	455.34
162.07	175?27	177.50	192.35	306.71	455.40
162.11	175.30	177.52	192.45	306.72	455.42
162.15	175.33	177.56	192.55	306.73	465.25
165.25	175.36	177.58	192.60	306.74	465.30
165.30	175.39	177.62	192.75	306.80	465.35
165.35	175.45	177.70	192.90	306.81	465.40
165.40	175.48	177.72	193.10	306.82	465.45
165.44	175.49	178.05	193.15	306.83	465.50
165.46	175.51	178.10	222.25	306.84	490.05
165.50	176.02	178.25	300.15	425.30	490.10
165.55	176.03	178.30	300.20	426.12	490.12
165.65	176.04	182.10	304.08	435.10	490.30
165.70	176.07	182.11	304.10	435.40	490.32
166.20	176.10	182.15	304.14	435.45	490.44
166.30	176.11	182.20	304.16	435.70	490.46
166.40	176.18	182.30	304.22	437.22	490.48
167.05	176.22	182.35	304.24	437.30	490.50
167.10	176.24	182.36	306.10	437.47	493.04
167.15	176.26	182.40	306.11	437.58	493.42
167.20	176.29	182.45	306.12	437.84	493.56
167.25	176.30	182.46	306.13	439.30	493.65
167.30	176.32	182.52	306.14	450.20	493.66
167.32	176.33	182.55	306.20	450.30	748.25
167.34					

(3) The following articles, which I hereby determine after receipt and consideration of findings by the Tariff Commission made pursuant to section 213(c) of the Trade Expansion Act of 1962 (19 U.S.C. 1833 (c)) to be tropical agricultural or forestry commodities of a kind not produced in significant quantities in the United States, will be considered subject to the further requirements of section 213 of the Trade Expansion Act for reduction or elimination of duty pursuant to authority vested in me by section 201 and section 213 of the Trade Expansion Act:

136.00	146.80	175.10	175.30	193.10	452.20
145.08	147.80	175.11	176.36	193.15	452.22
145.14	147.85	175.12	188.18	202.36	452.52
145.16	148.60	175.24	188.22	222.15	452.64
145.42	148.65	175.27	188.36	435.40	452.68
145.44	175.09				

(C)(1) Listing of an article for negotiation anywhere in this paragraph does not preclude the possibility of negotiation pursuant to notice given elsewere herein.

(2) The term "rate existing on July 1, 1962" is used in this paragraph as defined by section 256(4) of the Trade Expansion Act of 1962 (19 U.S.C. 1886(4)), and section 203 of the Tariff Classification Act of 1962 (76 Stat. 75, as amended, 76 Stat. 882).

III. *Supplemental notices.*

From time to time as may be appropriate, other notices may be published for the purpose of giving notice of proposed actions under the Trade Expansion Act not announced in this notice.

IV. *Public hearings of the Trade Information Committee.*[2]

I have designated the Special Representative for Trade Negotiations to perform the functions prescribed by the second sentence of section 223 of the Trade Expansion Act of 1962 (section 3(g) of Executive Order No. 11075 of January 15, 1963, as amended). Accordingly, the Trade Information Committee of the Office of the Special Representative will hold public hearings for the purpose of affording an opportunity for any interested person to present views concerning any article on the list published in paragraph II of this notice, any article which should be so listed, any tariff or other trade concession which should be sought by the United States, or any other matter relevant to the trade agreements proposed in Part I of this notice.

V. *Public hearings of the Tariff Commission.*[3]

In accordance with section 221(a) of the Trade Expansion Act of 1962, I have furnished the Tariff Commission with the list of articles published in paragraph II of this notice, for the purpose of securing from the Tariff Commission its judgment as to the probable economic effect of modifications of duties or other import restrictions on United States industries producing like or directly competitive articles.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 21, 1963.

[F.R Doc. 63–11242; Filed, Oct. 21, 1963; 5:00 p.m.]

[2] See F.R. Doc. 63–11183, in Notices section, *infra.*
[3] See F.R. Doc. 63–11132, in Notices section, *infra.*

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 864.10]

PART 864—WAGES; SUGARCANE; LOUISIANA

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87–535 and Public Law 87–539 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Houma, Louisiana, on July 18, 1963, the following determination is hereby issued:

§ 864.10 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the following:

(i) *For work performed on a time or piecework basis.*

CLASS OF WORKER OR OPERATION

Harvest work	*Rate per hour*
Operators of mechanical loading or harvesting equipment	$1.05
Tractor drivers, truck drivers, and harvester bottom blade operators	1.00
Loaders, spotters, ropemen, grabmen, and teamsters	.95
Cutters, toppers, strippers, scrappers, behind loaders, cutters and loaders, pilers, and hoist operations	.90
All other harvesting workers	.85

	Rate per ton
Cutting top and bottom:	
Large barrel varieties [1]	$1.35
Small barrel varieties [2]	1.55

[1] Large barrel varieties: Co. 290; C.P. 29/103; C.P. 29/116; C.P. 32/243; C.P. 36/13; C.P. 36/105; C.P. 29/120; C.P. 43/47; C.P. 44/101; C.P. 44/155; N. Co. 310; C.P. 47/193; C.P. 48/103; C.P. 52/68; and C.P. 55/30.

[2] Small barrel varieties: All other.

Production and cultivation work	*Rate per hour*
Tractor drivers	$0.95
All other production and cultivation workers	.85

(ii) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producers) shall be not less than three-fourths of the applicable hourly wage rates for adults provided under subdivision (i) of this subparagraph.

(iii) *Bonus payment for work performed on a time basis.* The rates per hour under subdivision (i) of this subparagraph for harvest work shall be increased by 1.5 cents per hours for each full one-tenth cent per pound by which the season's average price for raw cane sugar as defined in SD 874.16 (28 F.R. 11049) exceeds the average price per pound for raw cane sugar for the three-year period, 1957–59 (determined to be 6.21 cents per pound), as adjusted by the relationship of the average parity indexes for the five-month period, October 1963 through February 1964, to the average parity indexes for the three-year period, 1957–59: *Provided,* That, if the Secretary announces on or before February 27, 1964, that the 1963 Louisiana sugarcane crop was so substantially damaged by weather that the total outturn of sugar from the crop was less than 500,000 tons the increase in wage rates provided for in this subparagraph shall not become effective. The definition of the term "parity index" in section 201 of the act shall apply to the determinations made hereunder.

(iv) *Other piecework rates.* For any piecework performed on a unit basis for which a rate is not specified in subdivision (i) of this subparagraph, the rate shall be as agreed upon between the producer and worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks), shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to an assembly point located on the farm, or from a central recruiting point to the field, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish, upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements in this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file

an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section applicable to harvest work shall become effective on the date of filing this section with the FEDERAL REGISTER and the provisions for production and cultivation work shall become effective on January 1, 1964, and the provisions of this section shall remain in effect until amended, superseded, or terminated.

Statement of bases and considerations.

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *Wage determination.* This determination differs from the prior determination in the following respects; it increases the minimum time rates for each operation 15 cents per hour; increases the minimum piecework rates for cutting large and small barrel varieties of sugarcane 25 cents per ton; provides for the payment of a bonus to harvest workers if the season's average price of raw sugar for the 1963 crop exceeds the average of the raw sugar price objective of the Act during the same period; and lists a new large barrel variety of sugarcane for piecework rate purposes.

A public hearing was held in Houma, Louisiana on July 18, 1963, at which interested persons were afforded the opportunity to present testimony as to whether the wage rates established by the determination which became effective October 26, 1962, continue to be fair and reasonable or whether the determination should be amended. The notice of hearing specifically requested information and recommendations on the elimination of the differential in wage rates between harvest work and production and cultivation work for tractor drivers.

An agricultural economist with the Louisiana State University testified regarding economic studies of the costs and returns from the operation of sugarcane farms in Louisiana. He stated that returns and costs data indicated that large sugarcane farms realized a net profit of $1.44 per ton of cane of the 1961 crop, compared with a net income of 42 cents a ton for the 1960 crop and a loss of 38 cents a ton for the 1959 crop; that family-type (small) sugarcane farms realized a net income of $2.86 per ton of cane of the 1961 crop compared with a net income of 79 cents per ton in 1960 and a loss of 86 cents a ton in 1959; that for the large sugarcane farms direct labor costs during the 5-year period 1954–58 accounted for 48 percent of the total direct costs for growing and harvesting sugarcane compared with 51 percent for the 25-year period 1937–61 and 47 percent for the 3-year period 1959–61; that for family-type farms for the 5-year period 1954–58, direct labor costs accounted for 39 percent of the total costs compared with 45 percent for the 24-year period 1938–61 and 36 percent for the 3-year period 1959–61; that labor costs have not decreased proportionately with man hours; and that labor has received a larger share of the benefits of improved technology than the grower. The witness made no recommendations regarding wage rates.

The chairman of the Employee Relations Committee of the American Sugar Cane League recommended that the minimum wage rates for harvest workers and for production and cultivation workers be increased 10 cents per hour and that the piecework rates for cutting sugarcane be increased 10 cents per ton, if at the time the determination is made it is the judgment of the Department that the price of raw sugar will be 7.40 cents per pound, or more, during the Louisiana sugarcane pricing period; that the harvesting wage rates for the 1963 crop be determined separately from the production and cultivation wage rates for the 1964 crop; and that these determinations be issued as late as possible, prior to the commencing of the respective operations.

A representative of the Louisiana Farm Bureau Federation concurred in the wage rate recommendations made by the representative of the American Sugar Cane League, for the 1963 crop, but for subsequent crops he recommended that beginning March 1, 1964, a continuing determination be established on the basis of a 3-year moving average of the average price received for raw sugar during the Louisiana pricing period; that for each one percent increase reflected by this 3-year average price above $6.50 per hundredweight the determination wage rates be increased one percent above their present level; and that once a year minimum determination wage rates be adjusted immediately after the Louisiana pricing period ends. The witness stated further that Louisiana sugarcane producers had not participated in the high sugar prices which occurred in April and May of 1963 because the pricing period for Louisiana sugarcane ended February 28, 1963 at which time the raw sugar price was 6.92 cents per pound, the highest price reached during the 1962–63 Louisiana pricing period, and that he opposed the elimination of the differential in wage rates for tractor drivers because working conditions during harvesting are so much more difficult and the pressure to finish before cold weather is so great that, to obtain labor, producers would have to offer to pay workers a higher wage than for similar work performed during the production and cultivation season. No testimony was presented by representatives of workers.

Consideration has been given to the recommendations made at the public hearing, to data on the returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect prospective conditions for the 1963 crop, and to other pertinent factors. Analysis of these data indicate that the basic minimum wage rates established in this determination are fair and reasonable and are within the producer's ability to pay at raw prices within the range of the price objective of the Act. Recently prices have risen above that level by more than 2 cents per pound. Under these circumstances it is desirable and reasonable that harvest workers also share in the high level of sugar prices unless adverse harvest weather seriously curtails production. Accordingly, provision is made for a bonus payment of one and one-half cents per hour for harvest workers for each one-tenth of a cent per pound by which the average price of raw sugar during the sugarcane pricing period exceeds the average price per pound for raw cane sugar for the three-year period, 1957–59, adjusted as provided in this determination.

The bonus will become effective simultaneously with the increase in the basic minimum hourly rates applicable to harvest work. The bonus payment is not applicable to work performed on a piecework basis.

The production of sugarcane in Louisiana has been a profitable operation during recent years due largely to favorable yields of sugarcane and sugar, increases in raw sugar and molasses prices, and improvements in production practices which have resulted in greater labor productivity. Producers realized favorable profits from the 1960, 1961, and 1962 crops, and present prospects indicate another record crop in 1963. In view of current prospects for the 1963 crop and the trends in labor productivity gains during recent years, the increased wage rates of this determination are deemed equitable.

The increase of 15 cents per hour results in minimum rates ranging from 85 cents per hour for unskilled workers to $1.05 per hour for operators of mechanical loading or harvesting equipment. The increase in minimum rates for all classes of workers averages approximately 18 percent as compared to the rates which were effective under the prior determination. The increase of 25 cents per ton in piecework rates results in about the same percentage increase as the increase in hourly rates. However, since a very small percentage of the crop is cut by hand the increase in piecework rates will have little effect on total labor costs.

Consideration has also been given to the other recommendations made at the hearing but except as reflected in this determination such recommendations have not been adopted.

This determination is issued on a continuing basis and will be effective until amended, superseded or terminated. The Department will keep the wage situation under review and will conduct such investigations and hold such hearings as may be necessary.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132, Act of Congress approved July 13, 1962)

Signed at Washington, D.C., on October 17, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-11159; Filed, Oct. 18, 1963; 1:01 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 84, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (ii) and (iii) of § 910.384 (Lemon Regulation 84, 28 F.R. 10966) are hereby amended to read as follows:

(ii) District 2: Unlimited movement.
(iii) District 3: Unlimited movement.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 17, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11122; Filed, Oct. 21, 1963; 8:46 a.m.]

[947.321 Amdt. 1]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the amendment to the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1963 crop potatoes grown in the production area are now being made, and (2) to maximize benefits to growers, this regulation should apply to as many shipments as possible during the remainder of the season, (3) producers and handlers have operated under said marketing order since 1948 so special preparation on the part of handlers is not required, (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) the amendment relieves restrictions.

Order, as amended. In § 947.321 (28 F.R. 6731) delete paragraph (f) and in lieu thereof substitute a new paragraph (f) as set forth below.

§ 947.321 Limitation of shipments.

* * * * *

(f) *Inspection.* For the purpose of operation under this part, and (1) unless exempted from inspection by the provisions of this section, or (2) unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity on an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 17, 1963, to become effective October 28, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-11154; Filed, Oct. 21, 1963; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Provisional Construction Authorizations

On July 27, 1963, the Commission published in the FEDERAL REGISTER (28 F.R. 7677) proposed amendments to 10 CFR Part 115 designed to identify more explicitly the principal elements of the safety determination which the Commission makes when it issues a provisional construction authorization. These amendments are parallel to corresponding provisions adopted (27 F.R. 12915, dated December 29, 1962) for Part 50, "Licensing of Production and Utilization Facilities."

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within thirty days after publication of the notice in the FEDERAL REGISTER. No comments were received.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act, the following amendments are published as a docu-

ment subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 115.24 of Part 115, 10 CFR, is amended to read as follows:

§ 115.24 Issuance of provisional construction authorizations.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction authorization which approves all proposed design features, the Commission may issue a provisional construction authorization if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components on which further technical information is required; (2) the omitted technical information will be supplied; (3) the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and that (4) on the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100 of this chapter, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(b) A provisional construction authorization will authorize the applicant to proceed with construction but will not constitute Commission approval of the safety of any design feature or specification unless the applicant specifically requests such approval and such approval is incorporated in the authorization. The applicant, at his option, may request such approvals in the provisional construction authorization or, from time to time, by amendment of his construction authorization. The Commission may, in its discretion, incorporate in any provisional construction authorization provisions requiring the applicant to furnish periodic reports of the progress and results of research and development programs designated to resolve safety questions.

(c) Any construction authorization will be subject to the limitation that an operating authorization for the facility will not be issued by the Commission until (1) the applicant has submitted to the Commission, by amendment to the application, the complete final hazards summary report, portions of which may be submitted and evaluated from time to time, and (2) the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the requirements of the operating authorization and the regulations in this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 8th day of October 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63-11085; Filed, Oct. 21, 1963; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Fedral Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SW-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway and Control Area Extension

On August 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7996) stating that the Federal Aviation Agency proposed to revoke the south alternate to VOR Federal airway No. 20 between Lake Charles, La., and Lafayette, La., and to redescribe the north boundary of the New Iberia, La., control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.123 (27 F.R. 220-6, November 10, 1962, 28 F.R. 907, 2229, 4126, 4506) V-20 "radials and also an S alternate via INT of Lake Charles 119° and Lafayette 255° radials;" is deleted and "radials;" is substituted therefor.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962) New Iberia, La., "S of V-20S alternate." is deleted and "S of a line 5 miles S of and parallel to the Lafayette, La., VOR 145° and 255° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11090; Filed, Oct. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63-EA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Akron, Ohio; Correction

On September 28, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10473) an amendment to § 71.181 of the Federal Aviation regulations, effective November 14, 1963, designating a transition area at Akron, Ohio. During publication, a longitudinal coordinate, used in the description of this transition area, was transposed from 80°50'00" W. to 80°56'40" W. Accordingly, action is taken herein to correct this discrepancy.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-EA-38 (28 F.R. 10473) is hereby modified as follows:

In the description of the Akron, Ohio, transition area "longitude 80°56'40" W." is deleted and "longitude 80°50'00" W." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11091; Filed; Oct. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Modification of Amendment

On September 28, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10474) an amendment to § 71.181 of the Federal Aviation Regulations, effective November 14, 1963, designating a transition area at Youngstown, Ohio.

Subsequent to publication of the amendment, precise cartographic measurements, attendant to the production of aeronautical charts, have revealed that one of the sets of coordinates (latitude 41°28'20" N., longitude 81°09'10" W.) used in describing the boundary of the Youngstown transition area will not permit this boundary to properly coincide with the Akron, Ohio, transition area boundary (28 F.R. 10473). Therefore, action is taken herein to substitute latitude 41°28'00" N., longitude 81°10'00" W., for latitude 41°28'20" N., longitude 81°09'10" W., in the description of the Youngstown transition area.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-EA-41 (28 F.R. 10474) is hereby modified as follows:

In the description of the Youngstown, Ohio, transition area "latitude 41°28'20" N., longitude 81°09'10" W." is deleted and "latitude 41°28'00" N., longitude 81°10'00" W., is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11092; Filed, Oct. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63-CE-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On August 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7955) stating that the Federal Aviation Agency proposed to designate a transition area at Keokuk, Iowa.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, § 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Keokuk, Iowa.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40°27'-35" N., longitude 91°25'50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40°27'45" N., longitude 91°26'00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN.

This amendment shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11093; Filed, Oct. 21, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

GIBBERELLIC ACID AND ITS POTASSIUM SALT FOR INCREASING ENZYMATIC ACTIVITY OF MALT

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1181) filed by Elanco Products Company, a division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that § 121.1010 should be amended to authorize other acceptable diluents of gibberellic acid and its potassium salt. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (a)(6) of § 121.1010 *Gibberellic acid and its potassium salt for increasing enzymatic activity of malt* is amended to read as follows:

(6) The gibberellic acid or potassium gibberellate may be diluted with substances generally recognized as safe in foods or with salts of fatty acids conforming to § 121.1071.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Foods and Drugs.

[F.R. Doc. 63-11110; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHLORINATED POLYETHER RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 867) filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Delaware, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of chlorinated polyether resins as articles or components of articles intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2581 Chlorinated polyether resins.

Chlorinated polyether resins may be safely used as articles or components of articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The chlorinated polyether resins are produced by the catalytic polymerization of 3,3-bis(chloromethyl) oxetane, and shall contain not more than 2 percent residual monomer.

(b) In accordance with good manufacturing practice, finished articles containing the chlorinated polyether resins shall be thoroughly cleansed prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Foods and Drugs.

[F.R. Doc. 63-11111; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

4,4'-ISOPROPYLIDENEDIPHENOL-EPICHLOROHYDRIN RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, and other relevant material, has concluded that the following regulation should issue with respect to food ad-

ditives resulting from the use of 4,4'-isopropylidenediphenol - epichlorohydrin resins (minimum molecular weight 10,000) as articles or components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2579 4,4'-Isopropylidenediphenol-epichlorohydrin resins minimum molecular weight 10,000.

4,4'-Isopropylidenediphenol-epichlorohydrin resins having a minimum molecular weight of 10,000 may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) 4,4' - Isopropylidenediphenol-epichlorohydrin resins consist of basic resins produced by the condensation of equimolar amounts of 4,4'isopropylidenediphenol and epichlorohydrin terminated with phenol, to which may have been added certain optional adjuvant substances required in the production of the resins.

(b) The optional adjuvant substances required in the production of the resins may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and the following:

List of substances	Limitations
Butyl alcohol	Not to exceed 300 p.p.m. as residual solvent in finished resin.
Ethyl alcohol	
Toluene	Not to exceed 1,000 p.p.m. as residual solvent in finished resin.

(c) 4,4'-Isopropylidenediphenol - epichlorohydrin resins shall meet the following nonvolatile extractives limitations:

(1) Maximum extractable nonvolatile fraction of 2 parts per million when extracted with distilled water at 70° C. for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(2) Maximum extractable nonvolatile fraction of 3 parts per million when extracted with *n*-heptane at 70° C for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(3) Maximum extractable nonvolatile fraction of 6 parts per million when extracted with 10 percent (by volume) ethyl alcohol in distilled water at 70° C for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(d) The provisions of this section are not applicable to 4,4'-isopropylidenediphenol-epichlorohydrin resins listed in other sections of this Subpart F.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-11112; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1085) filed by the Dow Chemical Company, P.O. Box 467, Midland, Michigan, and other relevant material, has concluded that § 121.2514 (21 CFR 121.2514) of the food additive regulations should be amended to provide for the use of ethylene-acrylic acid copolymer, containing not more than 8 percent by weight of acrylic acid, in the formulation of resinous and polymeric coatings intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (b)(3) of § 121.2514 *Resinous and polymeric coatings* is amended by inserting, alphabetically, in subdivision (xviii) the new item:

Ethylene-acrylic acid copolymer containing not more than 8 percent by weight of acrylic acid.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-11113; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED OR CONTINUOUS USE; UNSATURATED POLYESTER-STYRENE COPOLYMER RESINS; RESINOUS AND POLYMERIC COATINGS

Sections 121.2562 and 121.2576 of the food additive regulations prescribe safe conditions for the use of rubber articles and unsaturated polyester-styrene copolymer resins, respectively, as articles intended for repeated or continuous use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food. The use of these substances was limited to articles intended for "repeated or continuous use" in contact with food to preclude their use in articles designed for one-time use in contact with a single quantity of food, since the determination of safe use of the subject rubber articles and unsaturated polyester-styrene copolymer resins was based upon evaluation by the Commissioner of Food and Drugs of available data that demonstrated lack of any significant migration of these substances to food from articles, such as food-processing equipment, that are used in accordance with good manufacturing practice in repeated or continuous contact with large volumes of food during the service life of the articles.

Based upon further review of §§ 121.2562 and 121.2576, the Commissioner finds that the references to "repeated or continuous use" in these regulations are ambiguous and do not clearly preclude use of the subject substances in articles designed for one-time use in contact with a single quantity of food, since any packaging or holding of food in single-service articles may be properly described as continuous use of the single-service article in contact with food. The Commissioner also finds that the continuous use food-contact articles originally contemplated within the scope of §§ 121.2562 and 121.2576, such as pipes lined with rubber or unsaturated polyester-styrene copolymer resins and used for continuous holding and/or transporting of large volumes of water employed in food-processing operations, may be considered for the purpose of §§ 121.2562 and 121.2576 as articles intended for repeated use in contact with food as opposed to articles intended for one-time use in contact with food.

For reasons similar to those listed above, the Commissioner finds that the references to "repeated use or continuous service" in paragraph (c)(3) and (4) of § 121.2514 *Resinous and polymeric coatings* are also ambiguous and do not preclude one-time use as intended.

Accordingly, the Commissioner has concluded that the conditions under which the subject resinous and polymeric coatings, rubber articles, and unsaturated polyester-styrene copolymer resins may be safely used require that §§ 121.2514, 121.2562, and 121.2576 be amended by changing all references to "repeated use or continuous service" and "repeated or continuous use" to read "repeated use." Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 52 Stat. 1055 as amended, 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended as follows:

1. In § 121.2514 *Resinous and polymeric coatings*, paragraph (c) (3) and (4) is amended by changing the phrase "repeated use or continuous service" to read "repeated use".

2. Section 121.2562 is amended:

a. By changing the section heading to read: "§ 121.2562 *Rubber articles intended for repeated use.*"

b. By changing the phrase "continuous service or repeated use" in paragraph (d) to read "repeated use."

c. By changing the phrase "repeated or continuous use" in paragraphs (b), (e), and (f) to read "repeated use".

3. Section 121.2576 *Unsaturated polyester-styrene copolymer resins* in the introduction to the section is amended by changing the words "repeated or continuous use" to read "repeated use."

These amendments are made solely for interpretation and clarification of existing regulations, and therefore notice and public procedure are not necessary in this instance.

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-11114; Filed, Oct. 21, 1963; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS

Miscellaneous Amendments

Pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments to Part 132 (28 F.R. 3195) are ordered:

§ 132.1 [Amendment]

1. In § 132.1 *Definitions*, paragraph (b) is amended to read as set forth below, paragraph (c) is deleted and reserved, and paragraph (d) is amended by deleting the words "or new." As amended, the affected portions of § 132.1 read:

(b) "Initial registration" means the first registration of a drug establishment under the act as a producer of drugs.

(c) [Reserved]

(d) "Reregistration" means the registration procedure that must be complied with on or before each December 31 following the initial registration.

2. Sections 132.3, 132.4, 132.5, 132.6, 132.7, 132.8, 132.10, and 132.11 are revised to read as follows:

§ 132.3 Times for registration.

The owner or operator of an establishment entering into an operation defined in § 132.1(f) must register such establishment within 5 days after the beginning of such operation. Owners or operators of all establishments so engaged must register annually between November 15 and December 31.

§ 132.4 How and where to register.

Initial registration will be by Form FD-1581 obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20201, or at any of the Food and Drug Administration district offices listed below:

Food and Drug Administration, 60 Eighth Street NE., Atlanta, Ga., 30309.
Food and Drug Administration, Room 800, U.S. Appraisers Stores Building, 103 South Gay Street, Baltimore, Md., 21202.
Food and Drug Administration, 585 Commercial Street, Boston, Mass., 02189.
Food and Drug Administration, 599 Delaware Avenue, Buffalo, N.Y., 14202.
Food and Drug Administration, Room 1222, Main Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.
Food and Drug Administration, 1141 Central Parkway, Cincinnati, Ohio, 45202.
Food and Drug Administration, 3032 Bryan Street, Dallas, Tex., 75204.
Food and Drug Administration, Room 573, New Customhouse Building, Nineteenth and Stout Streets, Denver, Colo., 80202.
Food and Drug Administration, 1560 East Jefferson Avenue, Detroit, Mich., 48207.
Food and Drug Administration, 1009 Cherry Street, Kansas City, Mo., 64106.
Food and Drug Administration, 1521 West Pico Boulevard, Los Angeles, Calif., 90015.
Food and Drug Administration, Room 201, Federal Office Building, Washington and Third Avenue South, Minneapolis, Minn., 55401.
Food and Drug Administration, Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, La., 70130.
Food and Drug Administration, Room 1200, U.S. Appraisers Stores Building, 201 Varick Street, New York, N.Y., 10014.
Food and Drug Administration, Room 1204, U.S. Customhouse Building, Second and Chestnut Streets, Philadelphia, Pa., 19106.
Food and Drug Administration, Room 1007, U.S. Courthouse and Customhouse Building, 1114 Market Street, St. Louis, Mo., 63101.
Food and Drug Administration, Room 518, Federal Office Building, 50 Fulton Street, San Francisco, Calif., 94102.
Food and Drug Administration, Room 501, Federal Office Building, 909 First Avenue, Seattle, Wash., 98104.

Reregistration will be by Form FD-1597 which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose drug registration for that year was validated pursuant to § 132.8. The completed form should be mailed to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20201, in an envelope plainly marked "Registration."

§ 132.5 Notification of registration requirements.

The Commissioner of Food and Drugs will take steps to publicize the procedure and the need for registration. Failure to receive such notification, however, will not constitute acceptable reason for failure to register.

§ 132.6 Information required.

Both the initial registration form FD-1581 and the reregistration form FD-1597 will require furnishing or confirming information required by the act. This information includes the name and street address of the drug establishment, including post office Zip code; the kind of ownership or operation (e.g. individually owned, partnership, or corporation), and the name of the owner or operator of such establishment. The term "name of owner" or "operator" shall include in the case of a partnership the name of each partner and in the case of a corporation the name and title of each corporation officer and director, and the name of the State of incorporation. The information required shall be given separately for each establishment as defined in § 132.1(e).

§ 132.7 Additional information requested.

For more efficient operation, additional information not required by statute is being requested on the initial registration form FD-1581. This additional information consists of the trade names used by the establishment, the classes of drugs handled by the establishment, the kind of business operation, the approximate gross sales of drugs during the last fiscal year (or for a new firm an estimate of expected gross receipts), and whether the output of the firm enters interstate commerce. This additional information is not being requested on reregistration form FD-1597.

§ 132.8 Notification of registrant; drug establishment registration number.

The Commissioner of Food and Drugs will provide to the registrant a validated copy of the registration form as evidence of registration. A permanent registration number will be assigned to each drug establishment registered in accordance with these regulations.

* * * * *

§ 132.10 Amendments to registration.

Changes in individual ownership, corporate or partnership structure, or of street address shall be submitted by letter or on Form FD–1597 as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of corporations do not require such amendment but must be shown at the time of annual reregistration.

§ 132.11 Misbranding by reference to registration or to registration number.

Registration of a drug establishment or assignment of a drug establishment registration number does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of registration or possession of registration number will be considered misleading.

§ 132.51 [Amendment]

3. In § 132.51 *Exemption for domestic establishments*, paragraph (d) is amended by deleting the phrase "a number of".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments ordered are merely procedural in nature.

Effective date. This order shall become effective on November 15, 1963.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63–11115; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Oxacillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs are amended as set forth below:

§ 141a.104 [Amendment]

1. Section 141a.104 *Sodium oxacillin* is amended by adding the following new paragraphs thereto:

(h) *Sterility.* Proceed as directed in § 141a.2 adding sufficient penicillinase to inactivate the penicillin (approximately 6,000 Levy units of penicillinase per tube) in the test for bacteria.

(i) *Pyrogens.* Proceed as directed in § 141a.3, except use sodium chloride injection as the diluent, and inject 1.0 milliliter per kilogram of a solution containing 20 milligrams per milliliter.

2. Part 141a is amended by adding thereto the following new section:

§ 141a.110 Sodium oxacillin for aqueous injection.

(a) *Potency.* Reconstitute the drug as directed in the labeling. Using a syringe and 22-gage needle, 1 inch in length, transfer a representative aliquot of the drug equivalent to one dose to a 100-milliliter volumetric flask; make to volume with 1 percent phosphate buffer, pH 6.0. Proceed as directed in § 141a.104(a). Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.104(h).

(c) *Pyrogens.* Proceed as directed in § 141a.104(i).

(d) *Toxicity.* Proceed as directed in § 141a.104(b).

(e) *Moisture.* Proceed as directed in §141a.26(e).

(f) *pH.* Proceed as directed in § 141a.5(b), using the solution resulting when the amount of diluent recommended in the labeling is added and then further diluting to a concentration of 30.0 milligrams per milliliter.

(g) *Identity.* Accurately weigh 250 milligrams of sample; add sufficient 5*N* sodium hydroxide to give a total volume of 100 milliliters. Place in a boiling water bath for 30 minutes. Cool, acidify 1.0 milliliter with 1.0 milliliter of dilute sulfuric acid (1 in 2), add 8.0 milliliters of water, and extract with 25.0 milliliters of ethyl ether. Extract the ether with 25.0 milliliters of 0.1*N* sodium hydroxide and dilute the alkaline extract to 100.0 milliliters with carbon dioxide-free water. Record the absorbency from 220 millimicrons to 360 millimicrons. The spectrum should be basically indentical to that of the sodium oxacillin standard, similarly treated, and should show maxima at 232 and 282, and a minimum at 265 (±2) millimicrons.

3. Part 146a is amended by adding thereto the following new section.

146a.3 Sodium oxacillin for aqueous injection.

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin for aqueous injection is a dry mixture of sodium oxacillin and one or more buffer substances, with or without one or more suitable and harmless preservatives. It is sterile. It is nonpyrogenic. Its moisture content is not more than 6.0 percent. When reconstituted as directed in the labeling, the pH is not less than 6.0 and not more than 8.5. The sodium oxacillin used conforms to the requirements of § 146a.12(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate container shall be of a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than 250 milligrams and not more than 3.0 grams of sodium oxacillin.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container, the statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, 30 months, or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(2) On the circular or other labeling within or attached to the package, a statement to the effect that reconstituted solutions may be stored for not more than 3 days at room temperature or not more than 7 days under refrigeration.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of sodium oxacillin for aqueous injection shall submit with his request a statement showing the batch marks, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the sodium oxacillin used in making such batch was completed, the number of milligrams in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, pyrogens, toxicity, moisture, pH, and identity.

(ii) The sodium oxacillin used in making the batch: Potency, crystallinity, and sodium oxacillin content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The sodium oxacillin used in making the batch: 5 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.12(b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2)(ii) of this paragraph, and no sample referred to in subparagraph (3)(ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $5.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*) and (ii) of this section; $4.00 for each immediate container submitted in accordance with paragraph (d)(3)(iii) of this section; $10.00 for all containers submitted in accordance with paragraph (d)(3)(i)(*b*) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.12 [Amendment]

4. Section 146a.12 *Sodium oxacillin* is amended as follows:

a. Paragraph (a) is changed to read:

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin is the crystalline monohydrated sodium salt of 5-methyl-3-phenyl-isoxazolyl penicillin. It is no purified and dried that:

(1) It contains not less than 815 micrograms of the free acid of oxacillin per milligram.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its moisture content is not more than 6.0 percent.

(6) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 4.5 and not more than 7.5.

(7) Its sodium oxacillin content is not less than 90 percent.

b. Paragraph (c)(4) is amended to read:

(c) *Labeling.* • • •

(4) The statement "For manufacturing use only."

c. Paragraph (d) is amended by changing the paragraph heading and subparagraphs (1) and (2) to read as set forth below, and by adding thereto a new subparagraph (3), as follows:

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(2) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: Nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(ii) For sterility testing: 10 packages each containing approximately 300 milligrams.

Each such sample shall be taken from a different part of the batch and packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which sodium oxacillin is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed in subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of each check test and assay as are so requested.

d. Paragraph (e)(1) is amended to read:

(e) • • •

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d)(2)(i) of this section; $10.00 for all containers submitted in accordance with paragraph (d)(2)(ii) of this section.

§ 146a.13 [Amendment]

5. In § 146a.13 *Sodium oxacillin tablets*, paragraph (a) is amended by changing the fifth sentence to read as follows: "The sodium oxacillin conforms to the requirements of § 146a.12(a), except the standards for sterility and pyrogens."

§ 146a.14 [Amendment]

6. In § 146a.14 *Sodium oxacillin capsules*, paragraph (a) is amended by changing the fourth sentence to read as follows: "The sodium oxacillin conforms to the requirements of § 146a.12(a), except the standards for sterility and pyrogens."

This order provides for tests and methods of assay and certification of sodium oxacillin for injection, which has been found to be safe and effective for use, conditions pertinent to its certification. Since it is required that such dosage forms be sterile and pyrogen free, existing regulations are also amended to reflect this adjustment. Since the basic requirements of section 507 of the Federal Food, Drug, and Cosmetic Act have been complied with and since the interests of the public health will be served by making this new dosage form available for use, the requirements for notice and public procedure are not deemed necessary in this instance.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Foods and Drugs.

[F.R. Doc. 63–11116; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Dihydrostreptomycin-Neomycin-Polymyoxin Aerosol Solution Veterinary; Change of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of dihydrostreptomycin or dihydrostreptomycin-containing drugs (21 CFR 146b.133) are amended by changing the expiration date for dihydrostreptomycin-neomycin-polymyxin aerosol solution from 24 months to 36 months under certain conditions. As amended, paragraph (c)(1)(v) of § 146b.133 *Dihydrostreptomycin-neomycin-polymyxin aerosol solution veterinary* reads as follows:

(v) The statement "Expiration date _____," the blank being filled in

with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to this specific product unless and until the manufacturer thereof has supplied adequate data regarding the article involved.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-11117; Filed, Oct. 21, 1963; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

CROSS REFERENCE: For a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Presidential Notice of October 21, 1963, F.R. Doc. 63-11242, *supra*.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 548—AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY

Miscellaneous Amendments

On August 1, 1963, a notice proposing amendments to 29 CFR Parts 516 and 548 relating to record and pay provisions for overtime employment of retail or service establishment employees, and others who are compensated on a commission basis, was published in the FEDERAL REGISTER (28 F.R. 7850). The proposed amendments to 29 CFR 516 are still being considered. The proposed amendments to 29 CFR 548 are hereby adopted subject to the following changes.

1. Subparagraph (1) of § 548.3(f) is amended by inserting after the words, "* * * the current quarter year", the phrase, "or differ only because of some change in basic salary or similar nonfluctuating factor for which suitable adjustments have been made in the calculations to accurately reflect such change".

2. Paragraph (c) of § 548.306 is amended by changing paragraph (c) to subparagraph (1).

A new subparagraph, designated as subparagraph (2) of § 548.306(c) is added.

Signed at Washington, D.C., this 15th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

§ 548.3 Authorized basic rates.

* * * * *

(f) (1) A rate per hour for each workweek equal to the average hourly remuneration of the employee for employment during the annual period or the quarterly period immediately preceding the calendar or fiscal quarter year in which such workweek ends, provided (i) it is a fact, confirmed by proper records of the employer, that the terms, conditions, and circumstances of employment during such prior period, including weekly hours of work, work assignments and duties, and the basis of remuneration for employment, were not significantly different from the terms, conditions, and circumstances of employment which affect the employee's regular rates of pay during the current quarter year, or differ only because of some change in basic salary or similar nonfluctuating factor for which suitable adjustments have been made in the calculations to accurately reflect such change and (ii) such average hourly remuneration during the prior period is computed by the method or methods authorized in the following subparagraphs.

(2) The average hourly remuneration on which the rate authorized in subparagraph (1) of this paragraph is based shall be computed (i) by totaling all remuneration for employment during the workweeks ending in the prior period (including all earnings at hourly or piece rates, bonuses, commission or other incentive payments, and other forms of remuneration paid to or on behalf of the employee) except overtime premiums and other payments excluded from the regular rate pursuant to provisions of section 7(d) of the Act, and (ii) by dividing the amount thus obtained by the number of hours worked in such prior period for which such compensation was paid.

(3) Where it is not practicable for an employer to compute the total remuneration of an employee for employment in the prior period in time to determine obligations under the Act for the current quarter year (as where computation of bonus, commission, or incentive payments cannot be made immediately at the end of the period), a one month grace period may be used. If this one month grace period is used, it will be deemed in compliance with subparagraph (1) of this paragraph to use the basic rate authorized therein for the quarter commencing one month after the next preceding four-quarter or quarter-year period (whichever length period is adopted as the base period for the rate determination). Once the grace period method of computation is adopted it must be used for each successive quarter.

(52 Stat. 1060, as amended; 29 U.S.C. 201)

§ 548.306 Average earnings for year or quarter year preceding the current quarter.

(a) Section 548.3(f)(1) authorizes as an established basic rate:

A rate per hour for each workweek equal to the average hourly remuneration of the employee for employment during the annual period or the quarterly period immediately preceding the calendar or fiscal quarter year in which such workweek ends, provided (i) it is a fact, confirmed by proper records of the employer, that the terms, conditions, and circumstances of employment during such prior period, including weekly hours of work, work assignments and duties, and the basis of remuneration for employment, were not significantly different from the terms, conditions, and circumstances of employment which affect the employee's regular rates of pay during the current quarter year, and (ii) such average hourly remuneration during the prior period is computed by the method or methods authorized in the following subparagraphs.

(b) There may be circumstances in which it would be impossible or highly impracticable for an employer at the end of a pay period to compute, allocate, and pay to an employee certain kinds of remuneration for employment during that pay period. This may be true in the case of such types of compensation as commissions, recurring bonuses, and other incentive payments which are calculated on work performance over a substantial period of time. Since the total amount of straight-time remuneration is unknown at the time of payment the full regular rate cannot be ascertained and overtime compensation could not be paid immediately except for the provisions of § 548.3(f). In many such situations, the necessity for any subsequent computation and payment of the additional overtime compensation due on these types of remuneration can be avoided and all overtime premium pay due under the Act, including premium pay due on such a commission, bonus or incentive payment, can be paid at the end of the pay period rather than at some later date, if the parties to the employment agreement so desire. This is authorized by § 548.3(f)(1), which provides an alternate method of paying overtime premium pay by permitting an employer, under certain conditions, to use an established basic rate for computing overtime premium pay at the end of each pay period rather than waiting until some later date when the exact amounts of the commission, bonus, or other incentive payment can be ascertained. Such established rate may also be used in other appropriate situations where the parties desire to avoid the necessity of recomputing the regular rate from week to week.

(c)(1) The rate authorized by § 548.3(f)(1) is an average hourly rate based on earnings and hours worked during the workweeks ending in a representative period consisting of either the four quarter-years or the last quarter-year immediately preceding the calendar or fiscal quarter-year in which the established rate is to be used. Such a rate may be used only if it is a fact, confirmed by proper records of the employer, that the terms, conditions, and circumstances of employment during this prior period were not significantly different from those affecting the employee's regular rates of pay during the current quarterly period. Significant differences in weekly hours of work, work assignments and duties, the basis of remuneration for employment, or other factors in the employment which could result in substantial differences in regular rates of pay as between the two periods will render the use of an established rate based on such a prior period inappropriate, and its use is not authorized under such circumstances.

(2) However, an increase in the basic salary or other constant factor would not preclude the use of such a rate provided that accurate adjustments are made. For instance, assume that during the previous annual period an employee was compensated on the basis of a weekly salary or $50.00 plus a commission of 1 percent of sales. If his weekly salary is raised to $60.00 for the next annual period (assuming he still receives his commission of 1 percent of sales) the annual rate on which the established rate is to be computed must be adjusted by an increase of $520.00 ($10×52 weeks). For instance, assume the above employee earned a total of $4244.00 and worked 2318 hours during the previous annual period when his salary was $50.00 per week. Normally his established basic rate would be computed by dividing 2318 hours into $4244.00, thus arriving at a rate of $1.83. However, since the rate must reflect the increase in salary it must be computed by adding the anticipated increase to the pay received during the previous annual period ($4244.00 plus $520.00=$4764.00). The established basic rate would then be $2.05.

(d) Establishment of the rate explained in paragraphs (b) and (c) of this section is authorized under the circumstances there stated, provided it is computed in accordance with § 548.3(f)(2), which prescribes the following method: First, all of the employee's remuneration for employment during the workweeks ending in the representative four-quarter or quarter-year period immediately preceding the current quarter, except overtime premiums and other payments excluded from the regular rate under section 7(d) of the Act, must be totaled. All straight-time earnings at hourly or piece rates or in the form of salary, commissions, bonus or other incentive payments, and board, lodging, or other facilities to the extent required under section 3(m) of the Act and Part 531 of this chapter, together with all other forms of remuneration paid to or on behalf of the employee must be included in the above total. Second, this total sum must be divided by the total number of hours worked during all the workweeks ending in the prior period for which such remuneration was paid. The average hourly rate obtained through this division may be used as the established rate for computing overtime compensation in any workweek, in which the employee works in excess of the applicable maximum standard number of hours, ending in the calendar or fiscal quarter-year period following the four-quarter or quarterly period used for determination of this rate. This is authorized irrespective of any fluctuations of average straight-time hourly earnings above or below such rate from workweek to workweek within the quarter.

(e) As a variant to the method of computation described in paragraph (d) of this section, it is provided in § 548.3(f)(3), with respect to situations where it is not practicable for an employer to compute the total remuneration of an employee for employment in the prior period in time to determine obligations under the Act for the current quarter year, a one month grace period may be used. This method is authorized, for example, in employment situations where the computation of bonuses, commissions, or other incentive payments cannot be made immediately at the end of the four-quarter or quarterly base period. If this one month grace period is used, it will be deemed in compliance with § 548.3(f)(1) to use the basic rate authorized therein for the quarter commencing one month after the next preceding four-quarter or quarter-year period. To illustrate, suppose an employer and employee agree that the employee will be paid for overtime work at one and one-half times a basic rate computed in accordance with § 548.3(f)(1), but on the pay day for the first workweek ending in the current quarter his records do not show all commissions earned by the employee in the preceding quarter. The employer and employee may therefore elect to use a one month grace period. This would mean that a basic rate for the quarter January 1–March 31, for example, which is derived from the prior four-quarter (January 1–December 31) or quarterly (October 1–December 31) period, as the case may be, would be applied during a quarterly period commencing one month later (February 1–April 30) than the period (January 1–March 31) in which it would otherwise be applicable. The same adjustment would be made in succeeding quarters. Once the grace method of computation is adopted it must be used for each successive quarter.

(f) The established basic rate must be designated and substantiated in the employer's records as required by Part 516 of this chapter, and other requirements of such part with respect to records must be met. An agreement or understanding between the parties to use such rate must be reached prior to the quarter-year period in which the work to which it is applied is performed. The agreement or understanding may be limited to a fixed period or may be a continuing one, but use of the established rate under such an agreement or understanding is not authorized for any period in which terms, conditions, and circumstances of employment become significantly different from those obtaining during the period from which the rate was derived. This method of computation cannot be used if there is any change in the employee's position, method of pay, or amount of salary or if the employee was not employed during the full period used to determine the rate.

(g) To function properly and to provide, over an extended period, overtime premium pay substantially equivalent to the pay the employee would receive if overtime were paid on the true regular rate, the plan must provide that overtime be computed on the established basic rate in every overtime week without regard to the fact that in some weeks the employee receives more premium pay than he would using the true regular rate and in some weeks less. Plans initiated pursuant to this section are based on averages and, if properly applied, will yield substantially the same overtime compensation in a representative period as the employee would have received if it were computed on the true regular rate.

(h) The following examples assume the employee is due overtime premium pay for hours worked over 40 in the workweek.

(1) *Example.* A sales employee whose applicable maximum hours standard is 40 hours enters into an agreement with his employer that he will be paid a salary plus a commission based on a certain percentage of sales. He agrees that this compensation will constitute his total straight-time earnings for all hours worked each week, provided such compensation equals or exceeds the applicable minimum wage.

The employee further agrees that he is to receive overtime premium pay for each workweek on the normal pay day for that week; based each quarter on one-half his established basic rate derived by taking the hourly average of the total straight-time remuneration he received during the workweeks ending in the four-quarter period immediately preceding the current quarter. For example, his established basic rate for each workweek ending in the first quarter of 1964 (January through March) is determined by computing his average hourly rate for employment during all workweeks ending in the four quarter periods of 1963.

Assume the employee worked the following number of hours and received the straight-time pay indicated:

Line No.	Quarters	Pay		Hours worked	
1	1st—1963	$1,074		550	
2	2d—1963	980	$980	489	489
3	3d—1963	1,069	1,069	542	542
4	4th—1963	1,365	1,365	619	619
5	1, 2, 3, 4—1963	4,488		2,200	
6	1st—1964		1,166		531
7	2, 3, 4 (1963) 1 (1964)		4,582		2,181

The employee's basic rate for the first quarter of 1964 (line 6) is determined by the hours worked and pay received in the four previous quarters (lines 1, 2, 3 and 4). Total pay received during that period ($4,488.00, line 5) is divided by the total hours worked (2,200 hours, line 5) to derive the established basic rate ($2.04 per hour). This is the hourly rate on which overtime is computed in each workweek ending in the first quarter of 1964 in which the employee worked in excess of the applicable maximum hours standard. For instance, if in the first week of that quarter the employee worked 47 hours he would be due his guaranteed salary, his commission (at a later date) plus $7.14 as overtime premium pay (7 hours×$2.04×½). It does not matter that the employee actually earned and ultimately received $90.71 in salary and commission as his total straight-time pay for that week and that his true hourly rate would be only $1.93 ($90.71÷47 hours). The established basic rate is an average rate and is designed to be used, and must be used, in every overtime week in the quarter for which it was com-

puted, without regard to the employee's true hourly rate in the particular week.

The employee's basic rate for the second quarter of 1964 will be similarly computed at the end of the first quarter of that year by adding together the hours worked and pay received in the second, third, and fourth quarters of 1963 and the first quarter of 1964 (lines 2, 3, 4 and 6) so that the totals now reflect the figures in line 7. The regular rate is again computed by dividing pay received ($4,582.00) by hours worked (2,181) and the new basic rate would be $2.10.

(2) *Example.* Assume that an employee employed under a similar arrangement agrees to receive overtime premium pay for each workweek on the normal pay day, based each quarter on one-half his established basic rate determined by the *quarterly* method rather than by the *annual* method previously discussed. His established basic rate for the first quarter of 1964 would therefore be determined by computing his average hourly rate for the *last quarter* of 1963. To illustrate, if in the latter quarter the employee received $1,156.00 in straight time compensation and worked 561 hours, his basic rate for the first quarter of 1964 would therefore be $2.06 ($1,156.00÷561 hours). During the overtime weeks in this quarter there would be due him, in addition to his straight time compensation, premium pay of $1.03 ($2.06×½) for each hour he works in excess of the applicable maximum hours standard.

As in the previous example the established basic rate must be used in every overtime week in the quarter for which it was computed without regard to the employee's true hourly rate in the particular quarter.

(52 Stat. 1062, as amended; 29 U.S.C. 201)

[F.R. Doc. 63-11136; Filed, Oct. 21, 1963; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 507—MANUFACTURE OF DECORATIONS

Authority To Manufacture and Sell

Section 507.3 is revised to read as follows:

§ 507.3 Authority to manufacture and sell.

(a) *Authority to manufacture.* Certificates of authority to manufacture articles listed in 8507.4 will be granted by the Institute of Heraldry, U.S. Army, a class II activity under the jurisdiction of The Adjutant General.

(1) All articles must be manufactured in accordance with specifications prescribed or authorized by the Department of the Army.

(2) The certificate of authority is valid only for the individual, firm, or corporation indicated and at the address stated thereon. Any change in name or address will result in cancellation of certificate. Manufacturers will be required to make application for new certificates, in order to continue manufacturing.

(3) Application for initial grant and renewal of certificates is the responsibility of the manufacturers. Applications for renewal are required to be filed with the Institute of Heraldry, U.S. Army, at least 60 days prior to expiration date of existing certificate.

(b) *Authority to sell.* No certificate of authority is required to sell articles listed in § 507.4; however, sellers are responsible to sell only those articles which have been manufactured in conformance with Government specifications by certified manufacturers with the use of Government loaned tools and bearing hallmarks assigned by the Institute of Heraldry, U.S. Army.

[AR 672-8, August 14, 1963] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 701 and 704, 62 Stat. 731, 732; 18 U.S.C. 701, 704)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63-11086; Filed, Oct. 21, 1963; 8:45 a.m.]

SUBCHAPTER E—ORGANIZED RESERVES

PART 563—RETIREMENT PAY FOR NONREGULAR SERVICE

Miscellaneous Amendments

Sections 563.4(b) and 563.9(i) are revised, and new § 563.19 is added, as follows:

§ 563.4 Application.

* * * * *

(b) DD Form 108 may be obtained, upon request, from the office of State adjutants general, U.S. Army Corps headquarters, or from the Commanding Officer, U.S. Army Records Center, Attention: AGAC-RA-OC, St. Louis 32, Missouri, not earlier than 120 days before applicant's 60th birthday or upon qualification for retired pay if retained and qualified for such pay after age 60.

* * * * *

§ 563.9 Service not creditable as qualifying service.

* * * * *

(i) Active status in the Ready Reserve, the Standby Reserve and the active National Guard after 30 June 1949, but insufficient retirement points earned for such service to be credited as qualifying service.

* * * * *

§ 563.19 Entitlement.

The entitlement portion of this part has been approved by the Department of Defense, Military Pay and Allowance Committee, under procedures prescribed by the Secretary of Defense in accordance with title 37, United States Code, section 1001.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1331-1337, 70A Stat. 102-104, as amended; 10 U.S.C. 1331-1337)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63-11087; Filed, Oct. 21, 1963; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Altamaha River, Ga.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (h), revising subparagraph (15) by adding a regulation to govern the operation of the Atlantic Coast Line Railroad Company bridge across Altamaha River at Doctortown, Georgia, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(15) Altamaha River, Ga.; all drawbridges except the Atlantic Coast Line Railroad Company bridge at Doctortown. At least 24 hours' advance notice required. The Atlantic Coast Line Railroad Company bridge at Doctortown. At least seven days' advance notice required: *Provided*, That the bridge owner will restore constant attendance, when in the opinion of the District Engineer, Corps of Engineers, river traffic warrants additional service.

* * * * *

[Regs., Sept. 30, 1963, 1507-32 (Altamaha River, Ga.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63-11088; Filed, Oct. 21, 1963; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Measles Virus Vaccine, Live, Attenuated Canine Renal Tissue Cultures

On June 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5477) proposing to amend the additional standards for Measles Virus Vaccine, Live, Attenuated, in 42 CFR Part 73 to provide that virus for the manufacture of measels vaccine may be cultured in canine renal tissue as well as in chick embryo tissue.

The notice provided 30 days for submission of public comment, and to afford the earliest opportunity for the use of the alternative culture system, it was proposed that any amendment adopted be effective upon its publication in the FEDERAL REGISTER.

After due consideration of submitted comment, the following amendment to Part 73 of the Public Health Service regulations is hereby adopted, to become effective immediately.

1. Amend § 73.140(b) to read as follows:

(b) *Criteria for acceptable strains of attenuated measles virus.* Strains of attenuated measles virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation during attenuation, (2) antigenic specificity as measles virus as demonstrated by tissue culture neutralization tests. Strains used for the manufacture of Measles Virus Vaccine, Live, Attenuated, shall have been shown to be safe and potent in man by field studies with experimental vaccines. Vaccine prepared from measles virus strains propagated in chick embryo or canine renal tissue cultures shall have been demonstrated as safe and potent in at least 10,000 susceptible persons. Susceptibility shall be shown by the absence of neutralizing or other antibodies against measles virus, or by other appropriate methods. Vaccine prepared from measles virus strains propagated in canine renal tissue cultures shall also have been demonstrated to be free from harmful effects in not less than 100,000 persons. See virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

2. Redesignate the present paragraphs (b), (c), (d), (e), and (f) of § 73.141 as (d), (e), (f), (g), and (h) respectively, delete present paragraph (a) and insert new paragraphs (a), (b), and (c) to read as follows:

(a) *Virus cultures.* Virus shall be propagated in chick embryo tissue cultures or canine renal tissue cultures.

(b) *Virus propagated in chick embryo tissue cultures.* Embryonated chicken eggs used as the source of chick embryo tissue for the propagation of measles virus shall be derived from flocks certified to be free of Salmonella pullorum, avian tuberculosis, fowl pox, Rous sarcoma, avian leucosis and other adventitious agents pathogenic for chickens. If eggs are procured from flocks that are not so certified, tests shall be performed to demonstrate freedom of the vaccine from such agents. (See § 73.142(a)(8) for test for avian leucosis.)

(c) *Virus propagated in canine renal tissue cultures.* Only dogs in overt good health which have been maintained in quarantine in vermin-proof quarters for a minimum of six months, having had no exposure to other dogs or animals throughout the quarantine period, or dogs born to dogs while so quarantined, provided the progeny have been kept in the same type of quarantine continuously from birth, shall be used as a source of kidney tissue for the propagation of measles virus.

(1) *Dogs used for experimental purposes.* Dogs that have been used previously for experimental or testing purposes with microbiological agents shall not be used as a source of kidney tissue in the manufacture of vaccine.

(2) *Quarantine and necropsy.* Each dog shall be examined periodically during the quarantine period as well as at the time of necropsy under the direction of a qualified pathologist, physician or veterinarian having experience with diseases of dogs, for the presence of signs or symptoms of ill health, particularly for evidence of tuberculosis, infectious canine hepatitis, canine distemper, rabies, leptospirosis, and other diseases indigenous to dogs. If there are any such signs, symptoms, or other significant pathological lesions observed, tissue from such animals shall not be used in the manufacture of Measles Virus Vaccine, Live, Attenuated.

3. Amend the last paragraph (unnumbered) of § 73.141(e)(1), redesignated as § 73.141(g)(1), to read as follows:

Samples of fluid from each control vessel shall be collected at the same time as fluid is harvested from the corresponding production vessels. If multiple virus harvests are made from the same cell suspension, the control samples for each harvest shall be frozen and stored at −60°C. until the last viral harvest for that cell suspension is completed. The fluid from all the control samples from that suspension shall be pooled in proportionate amounts and at least five ml. inoculated into human and simian cell tissue culture systems and in the tissue culture system used for virus production. The cultures shall be observed for the presence of changes attributable to growth of adventitious viral agents including hemadsorption viral agents.

4. Amend the second sentence of § 73.141(e)(2), redesignated as § 73.141(g)(2), by inserting the words "chick embryo" between the words "the" and "cultures" and by changing "(§ 73.141(a))" to "(§ 73.141(b))".

5. Amend § 73.142(a) by revising the portion preceding subparagraph (1) to read as follows:

(a) *Tests prior to clarification of vaccine manufactured in chick embryo tissue cultures.* Prior to clarification, the following tests shall be performed on each virus pool of chick embryo tissue culture:

6. Amend § 73.142(a)(8) by changing "§ 73.141(a)" to "§ 73.141(b)" and "§ 73.141(e)" to "§ 73.141(g)".

7. Amend § 73.142 by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively, and by inserting a new paragraph (b) to read as follows:

(b) *Tests prior to clarification of vaccine manufactured in canine renal tissue cultures.* Prior to clarification, the following tests shall be performed on each virus pool of canine renal tissue culture:

(1) *Inoculation of adult mice.* Virus grown in canine renal tissue cultures shall be tested in adult mice, as prescribed in paragraph (a)(1) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(2) *Inoculation of suckling mice.* Each of at least 20 suckling mice less than 24 hours old shall be inoculated intracerebrally with 0.01 ml. and intraperitoneally with 0.1 ml. of the canine renal tissue culture virus pool to be tested. The mice shall be observed daily for at least 28 days. Each mouse that dies after the first 48 hours of the test, or is sacrificed because of illness, shall be necropsied and all areas examined for evidence of viral infection. Such examination shall include subinoculation of appropriate tissue suspensions into an additional group of at least five suckling mice by intracerebral and intraperitoneal routes and observed daily for 28 days. The virus pool is satisfactory for Measles Virus Vaccine only if at least 80 percent of the originally inoculated mice remain healthy and survive the entire observation period, and if none of the mice used in the test show evidence of having been infected with rabies virus or any other transmissible agent or viral infection other than measles virus.

(3) *Inoculation of monkey tissue cell cultures.* Virus grown in canine renal tissue cultures shall be tested in monkey tissue cell cultures as prescribed in paragraph (a)(3) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(4) *Inoculation of other cell cultures.* Virus grown in canine renal tissue cultures shall be tested in rhesus or cynomolgus monkey kidney tissue, canine renal tissue and human tissue cell cultures as prescribed in paragraph (a)(3) of this section for testing virus grown in chick embryo tissue culture in cercopithecus monkey kidney tissue culture preparations. Test result standards are those prescribed therein.

(5) *Inoculation of embryonated eggs.* Virus grown in canine renal tissue cultures shall be tested in embryonated eggs as prescribed in paragraph (a)(5) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(6) *Test for Pleuropneumonia-like organisms. (PPLO). (Mycoplasma).* Virus grown in canine renal tissue cultures shall be tested for Pleuropneumonia-like organisms as prescribed in paragraph (a)(6) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(7) *Bacteriological test.* Each virus pool shall be tested for sterility in accordance with § 73.73. In addition each virus pool shall be tested for M. tuberculosis, human, by appropriate culture methods.

(8) *Tests for adventitious agents.* Each virus pool shall be tested for the presence of such adventitious agents as canine distemper virus, canine hepatitis virus, leptospira and toxoplasma and the following fungi: coccidiomyces, histoplasma and blastomyces. The virus pool is satisfactory only if the results of all tests show no evidence of any extra-

neous agent attributable to the canine renal tissue or the vaccine.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, 42 U.S.C. 262)

Dated: October 10, 1963.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: October 16, 1963.

IVAN A. NESTIGEN,
Acting Secretary.

[F.R. Doc. 63-11130; Filed, Oct. 21, 1963; 8:47 a.m.]

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Measles Virus Vaccine, Inactivated Canine Renal Tissue Cultures

On June 4, 1963 a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5478) proposing to amend the additional standards for Measles Virus Vaccine, Inactivated, in 42 CFR Part 73 to provide that virus for the manufacture of measles vaccine may be cultured in canine renal tissue as well as in chick embryo tissue and in monkey kidney tissue.

The notice provided 30 days for submission of public comment, and to afford the earliest opportunity for the use of the alternative culture system, it was proposed that any amendment adopted be effective upon its publication in the FEDERAL REGISTER. No comments were received on the amendment as proposed.

The following amendment to Part 73 of the Public Health Service regulations is hereby adopted, to become effective immediately.

1. Amend § 73.150(b) to read as follows:

(b) *Criteria for acceptable strains of measles virus.* Strains of measles virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation and (2) antigenic specificity as measles virus as demonstrated by tissue culture neutralization tests. Strains used for the manufacture of Measles Virus Vaccine, Inactivated, shall have been shown to be safe and potent in man by field studies with experimental vaccines. Vaccine prepared from measles virus strains propagated in chick embryo tissue cultures, monkey kidney tissue cultures or canine renal tissue cultures, shall have been demonstrated as safe and potent in at least 10,000 susceptible persons. Susceptibility shall be shown by the absence of neutralizing or other antibodies against measles virus, or by other appropriate methods. Vaccine prepared from measles virus strains propagated in canine renal tissue cultures shall also have been demonstrated to be free from harmful effects in not less than 100,000 persons. Seed virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

2. Amend § 73.151(a) to read as follows:

(a) *Virus cultures.* Virus shall be propagated in chick embryo tissue cultures, monkey kidney tissue cultures, or canine renal tissue cultures.

3. Redesignate paragraphs (d), (e), and (f) of § 73.151 as subparagraphs (1), (2), and (3) respectively.

4. Insert a new paragraph (d) in § 73.151 to read as follows:

(d) *Virus propagated in canine renal tissue cultures.* Only dogs in overt good health which have been maintained in quarantine in vermin-proof quarters for a minimum of six months, having had no exposure to other dogs or animals throughout the quarantine period, or dogs born to dogs while so quarantined, provided the progeny have been kept in the same type of quarantine continuously from birth, shall be used as a source of kidney tissue for the propagation of measles virus.

(1) *Dogs used for experimental purposes.* Dogs that have been used previously for experimental or testing purposes with microbiological agents shall not be used as a source of kidney tissue in the manufacture of vaccine.

(2) *Quarantine and necropsy.* Each dog shall be examined periodically during the quarantine period as well as at the time of necropsy under the direction of a qualified pathologist, physician or veterinarian having experience with diseases of dogs, for the presence of signs or symptoms of ill health, particularly for evidence of tuberculosis, infectious canine hepatitis, canine distemper, rabies, leptospirosis, and other diseases indigenous to dogs. If there are any such signs, symptoms, or other significant pathological lesions observed, the kidneys from such animals shall not be used in the manufacture of Measles Virus Vaccine, Inactivated.

5. Redesignate paragraphs (g), (h), (i), (j), and (k) of § 73.151 as paragraphs (e), (f), (g), (h), and (i) respectively.

6. Insert a new subparagraph (3) in § 73.152(a) to read as follows:

(3) *Measles virus propagated in canine renal tissue cultures*—(i) *Inoculation of adult mice; test for adventitious agents.* Each virus pool prepared from canine renal tissue cultures shall be shown to be free from contaminating agents pathogenic for mice by the test prescribed in subparagraph (1)(i) of this section for chick embryo virus pools. Test result standards are those prescribed therein.

(ii) *Inoculation of suckling mice.* Suckling mice shall be inoculated as prescribed in § 73.142(b)(2) for virus (live, attenuated) grown in canine renal tissue cultures. Test result standards are those prescribed therein.

(iii) *Inoculation of monkey tissue cell cultures.* Monkey tissue cell cultures shall be inoculated as prescribed in § 73.142(a)(3) for virus (live, attenuated) grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(iv) *Inoculation of other cell cultures.* Virus grown in canine renal tissue cultures shall be tested in rhesus or cynomolgus monkey kidney tissue, canine renal tissue and human tissue cell cultures as prescribed in § 73.142(a)(3) for testing virus grown in chick embryo tissue cultures in cercopithecus monkey kidney tissue culture preparations. Test result standards are those prescribed therein.

(v) *Inoculation of embryonated chicken eggs.* Embryonated chicken eggs shall be inoculated as prescribed in § 73.142(a)(5) for virus (live, attenuated) grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(vi) *Test for Pleuropneumonia-like organisms (PPLO) (Mycoplasma).* The test for Pleuropneumonia-like organisms (PPLO) shall be performed as prescribed in § 73.142(a)(6) for virus (live, attenuated) grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(vii) *Bacteriological test.* Each virus pool shall be tested for sterility in accordance with § 73.73. In addition each virus pool shall be tested for M. tuberculosis, human, by appropriate culture methods.

(viii) *Test for adventitious agents.* Each virus pool shall be tested for the presence of the adventitious agents enumerated in § 73.142(b)(8) for virus (live, attenuated) grown in canine renal tissue cultures. Test result standards are those prescribed therein.

(Sec. 215, 38 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, 42 U.S.C. 262)

Dated: October 10, 1963.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: October 16, 1963.

IVAN A. NESTIGEN,
Acting Secretary.

[F.R. Doc. 63-11131; Filed, Oct. 21, 1963; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14746; FCC 63-893]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

Operator Requirements for Standard and FM Broadcast Stations

1. On July 15, 1963, the Commission released a Report and Order (FCC 63-646) in the above-captioned proceeding, which modified the operator requirements with respect to lesser-powered standard and FM broadcast stations. The new rules promulgated therein were to have been effective on August 19, 1963.

2. On July 22, 1963, the National Association of Broadcast Employees and Technicians, AFL-CIO (NABET), filed a petition for reconsideration. This document requested that the Commission

reconsider certain portions of the Report and Order, and that the effective date of the new rules be stayed pending action on the petition for reconsideration. Subsequently, on July 30, 1963, NABET filed an additional pleading, a "Supplementary Petition for Oral Argument with Regard to Petition for Reconsideration by National Association of Broadcast Employees and Technicians, AFL-CIO."

3. In order to prevent serious disruption in employment arrangements between operators and station licensees in the event that changes in the aforementioned Report and Order should be forthcoming as a result of action taken with regard to the petitions for reconsideration and oral argument, the Commission, in an Order of Stay released August 2, 1963, stayed the effective date of the new rules to October 18, 1963. This stay was ordered on our own motion because of the importance of the proceeding, despite the fact that the petitioners had not filed the request for stay as a separate document (as required by the rules) and had failed to meet the two criteria for entering orders of stay: irreparable injury to the public or petitioner's interests, and demonstration of a likelihood of prevailing on the merits.

4. Presently before the Commission for reconsideration are the NABET petitions for reconsideration and for oral argument.[1]

RULE CHANGES THAT WERE EFFECTED BY THE REPORT AND ORDER

5. Sections 3.93, 3.265, and 3.565 of the Commission rules contain provisions governing operator requirements for standard, FM, and noncommercial educational FM broadcast stations respectively. The sections are substantially identical, and provide that one or more operators holding a valid radiotelephone first-class operator license must be in charge of the transmitting apparatus of such stations and must be on duty either at the transmitter location or at the remote control point. However, this requirement need not be met by nondirectional standard broadcast stations which are authorized to operate with a power of 10 kilowatts or less, or by FM broadcast stations which are authorized transmitter power output of 10 kilowatts or less. Such lesser-powered stations may employ other than radiotelephone first-class operators for routine transmitter operation provided that they have in regular full-time employment at the station a radiotelephone first-class operator whose primary duties are to effect and insure the proper functioning of the transmitting equipment.[2]

[1] Several letters were also received from broadcast licensees requesting reconsideration of various parts of the Report and Order. However, although these informal pleadings have been made a part of the record, they contain no arguments not previously considered by the Commission in this proceeding, and will not be further considered.

[2] Other details of the sections are omitted here as unnecessary for the present discussion.

6. Under the provisions of the rules condensed in the previous paragraph, many lesser-powered stations employ persons holding restricted radiotelephone operator permits for routine transmitter operation. Such permits are the lowest type of operator authority issued by the Commission. Holders of such permits need only sign a declaration stating that they are familiar with the regulations governing the authority granted and that they understand their responsibility to keep currently familiar with the provisions of the rules. As we stated in the Notice herein, they are not required to demonstrate through examination or otherwise that they do in fact possess the required knowledge.

7. The Report and Order in this proceeding changed the aforementioned rules in the following respects:

(a) It raised the minimum operator authority for routine transmitter operation at lesser-powered stations from restricted radiotelephone operator permit to radiotelephone third-class operator permit endorsed for broadcast station employment. Third-class operator permittees presently must pass written examinations which qualify them to engage in various types of operator activity. The new rules would require them to pass an additional examination in order to obtain an endorsement on their permits that would qualify them for employment at broadcast stations. Thus, the new requirement would be higher in two respects, requiring not only a third-class operator for routine transmitter operation, but one who has, in addition, passed a broadcast endorsement examination.

(b) It required that station licensees train their lesser-grade operators to insure that they are properly instructed in the duties of routine transmitter operation so as to be capable of performing such duties when not under the immediate supervision of a radiotelephone first-class operator.

(c) The present rules permit the lesser-powered stations to utilize the services of other than first-class operators for routine transmitter operation, provided that they also have in regular full-time employment a first-class operator with certain responsibilities. The Report and Order changed this by permitting the first-class operator in such cases to be employed either on a full-time basis or on a contract part-time basis.

(d) Finally, the new rules raised from 10 kilowatts to 25 kilowatts the ceiling for lesser-powered FM stations permitted to employ other than first-class operators for routine transmitter operation.

8. In addition to the foregoing changes adopted by the Report and Order in the instant proceeding, another change in the operating rules has already been put into effect. In the Notice of Proposed Rule Making herein we also proposed to require that at lesser-powered stations using the services of other than first-class operators for routine transmitter operation, the transmitting equipment be inspected daily, six times per week. However, inasmuch as in Docket No. 14661 we adopted a requirement of a daily transmitter inspection by a first-class operator, five times per week, at all standard and FM broadcast stations, the inspection proposal was dropped from this proceeding.[3] The new inspection requirement became effective July 19, 1963. It appears as new paragraph (e) in § 3.93, 3.265 and 3.565. The stay order mentioned in paragraph 3 applied only to the rule changes mentioned in paragraph 7 and in no way affected the new inspection requirement.

THE REASON FOR THE NEW OPERATOR RULES

9. As seen from the foregoing discussion, the Report and Order herein and the final action in Docket No. 14661 with regard to transmitter inspections, taken as a "package," change the present operator rules for AM and FM stations by raising the minimum operator authority required for routine operation of lesser-powered stations, by instituting a training requirement for the instruction of lesser-grade operators in their duties, by permitting lesser-powered stations to hire first-class operators on a contract part-time basis instead of employing them full time, by raising the ceiling on lesser-powered FM stations so permitted from 10 to 25 kilowatts, and by requiring a daily inspection of transmitting equipment five times per week.

10. As stated in footnote 3, the inspection requirement has already been affirmed on reconsideration by the Commission in Docket No. 14661. NABET vigorously supported this move in reconsideration of that docket against various broadcasting parties who opposed it. NABET now attacks only that change adopted in the present docket which would permit lesser-powered stations to employ first-class operators on a contract part-time basis. Its petition for reconsideration and supplement do not fully reflect our action and the reasons for it. It will be helpful to set forth succinctly the reasons for the action taken, the action itself having been briefly noted in paragraphs 5 through 8 above.

11. Both the Notice and the Report and Order adverted to recent inspection reports which reveal that holders of restricted radiotelephone operator permits in many cases are not qualified for the duties that must be performed by them under present operator rules which permit lesser-powered stations to employ such permittees for routine transmitter operation. We then stated that it would appear that any operator attending a

[3] This requirement was adopted in Docket No. 14661 by Report and Order (FCC 63-184), released on February 25, 1963. In a Memorandum Opinion and Order (FCC 63-644) responsive to petitions for reconsideration in that docket, the Commission reaffirmed its belief in the necessity for such a requirement. As the Report and Order in the instant proceeding stated, the fact that it and the Memorandum Opinion and Order in Docket No. 14661 (which reaffirmed the inspection requirement) were released simultaneously on July 15, 1963, was the reason that the inspection proposal was dropped from the instant proceeding.

broadcast transmitter should at a minimum have familiarity with aural broadcast regulations and sufficient skill to read meters accurately, and be able to recognize symptons of trouble when they occur.

12. To help correct the situation, the new rules promulgated in the Report and Order herein raise the minimum operator requirements at lesser-powered stations from restricted permittees to third-class operators, and add a new category of examination questions—covering basic broadcast information—to those already required to obtain the third-class permit. Moreover, the new rules require that station licenses institute a training program to insure that the lesser-grade operators at the lesser-powered stations are adequately instructed in the duties required of them when not under the immediate supervision of a first-class operator. It is clear from the rules that the training should be such that lesser-grade operators are able to read meters accurately, recognize symptoms of trouble, and make prescribed adjustments of external controls to correct observed operation in violation of Commission rules or the instrument of authorization of the station. According to the new rules, if the adjustments fail to correct an observed condition of improper operation, and a first-class operator is not immediately available, the lesser-grade operator is required to terminate the emissions of the station.

13. In addition to the foregoing, an integral and vital part of the effort to reduce the technical violation situation which has been found to prevail consists of the requirement of a daily inspection of transmitting equipment five times per week by a first-class operator. We were and are of the opinion that strict adherence to the new inspection requirement will be of tremendous importance in insuring that stations adhere to technical requirements of operation set forth in the Commission rules.

14. The basic thrust of the aforementioned actions is thus seen to be in the direction of improved technical operation of AM and FM broadcast stations.[1]

15. With respect to the only change adopted in the present docket which NABET attacks—permitting lesser-powered stations to employ first-class operators on a contract part-time rather than a full-time basis—the Commission was of the opinion that in view of the transmitter inspection requirement, the requirements of training lesser-grade operators, and the stiffening of the operator requirement for routine transmitter operation, it would no longer be necessary for the lesser-powered stations employing other than first-class operators also to employ first-class operators on a regular full-time basis. We stated in the Report and Order that, taken together, the aforementioned increases in the requirements to insure better station operation provided sufficient safeguards against possible deterioration of service which some feared would result from the contract part-time provisions. It will become apparent from the ensuing discussion of the NABET petitions that little has been offered in the way of argument to alter our stand. We shall first consider the NABET petition for reconsideration, and then its supplementary petition for oral argument.

THE NABET PETITION FOR RECONSIDERATION

16. As mentioned, the new operator rules constitute a "package" which it is believed will improve the technical operation of AM and FM stations. The "package" contains numerous elements. There are a number of deficiencies in the NABET petition, but the most serious is its failure to view the new rules as a "package". The most graphic illustration of this failure is the absolute silence of NABET concerning one of the most important elements of the "package"—the new requirement for daily transmitter inspections at all AM and FM broadcast stations. In Docket No. 14661 (on reconsideration), NABET strongly urged the good (in terms of proper technical operation of stations) that would flow from the adoption of a new requirement that transmitting equipment be inspected daily. But there is no reference in the petition (or supplement) to this far-reaching new rule. Thus, for example, in the first numbered paragraph of its petition it states that it fails to see the logic of the Commission action in permitting the use of first-class operators on a contract part-time basis at lesser-powered stations. This averment is then followed by a purported summary of what the Commission did, which states merely that "In substance the Commission is saying that because it is stiffening the requirements for third-class operator, it can weaken other requirements without materially affecting the 'present unhappy violation situation.'"

17. In other respects also the petitioner fails to read the clear language of the Report and Order. Thus, for example, it argues that by permitting the use of part-time independent contractors to "perform transmitter maintenance and to correct conditions of improper operation" (still no mention of the requirement that such operators would have to perform a daily inspection of the transmitting equipment) the Commission is permitting licensees to shift the responsibility of proper station technical operation to others. We stated in paragraph 27 of the Report and Order: "In this connection, it is emphasized • • • that licensees of stations will continue to be expected to observe the condition of their instruments of authorization and the Commission Rules. Contracting with first-class operators for part-time employment in no way relieves them of this responsibility."

18. It is further urged against the part-time first-class operator rule that, as "a practical matter, a third-class operator simply has not mastered the fundamentals of transmitters sufficiently to reach an informed judgment as to trouble or impending trouble," so that he is not really in a position to call for the aid of the first-class operator; that if he feels that something is wrong, the third-class operator must take appropriate action including going off the air if necessary; that the purpose of having technical rules is to keep stations on the air performing public service in accordance with the terms of their licenses, but the Commission invited interruption of service while waiting for the "on-call" operator to arrive at the transmitter; and that, if called, the part-time first-class operator may not be available because of the fact that he is servicing other clients or performing other duties not related to broadcasting.

19. The answer to these arguments is that, as we noted in paragraphs 11 and 12 above, additional written examinations for third-class operators and the station lesser-grade operator training program are designed to insure that such operators have the requisite knowledge to perform their duties, which include the recognition of symptoms of trouble. We also note that the purpose of having technical rules is to have stations stay on the air performing a public service in accordance with their instruments of authorization and in accordance with those technical rules. The new requirements just mentioned are designed to do just that. The requirement that a station cease operation if trouble cannot be corrected presently exists in §§ 3.93, 3.265 and 3.565 of the operator rules, which permit other than first-class operators with a minimum of a restricted operator permit to handle routine transmitter operation at lesser-powered stations. Under present rules, lesser-powered stations using the services of lesser-grade operators for routine transmitter operation are required to have only one first-class operator on a regular full-time basis. Since such an operator usually works only an eight-hour day, there are extended periods of time when the station is on the air with lesser-grade operators in charge of the routine operation of the transmitter, and, if the first-class operator is unavailable, and adjustments by the lesser operator are to no avail, the station must go off the air. It is noted, too, that the now-required daily inspection shall include such tests, adjustments, and repairs as may be necessary to insure operation of the station in conformance with the Commission rules and the station instrument authorization. If properly adhered to, this program of inspections should cut down the chances of transmitter malfunctioning when lesser-grade operators are on duty and consequently reduce the possibility of having to go off the air.

20. Finally, with regard to the argument of the unavailability of the contract first-class operator, we point to our statement in paragraph 27 of the Report and Order in which we stated: "Such occasions of unavailability of part-time engineers seem not likely to occur frequently. Moreover, some safeguards against such occurrence could be discussed at the time of entering into part-time arrangements."

21. Petitioner raises two further points—one, concerning the relationship between the new contract part-time rules and a possible shortage of first-class operators, and the other having to do with the effect of the new rules on a pool of operators in case of national emergency. The latter, as we stated, is too tenuous to bear weight. Petitioner merely advances broad generalities but offers no well-reasoned arguments to convince us on the point. With regard to the possible shortage of first-class operators as related to the promulgation of the new rules, the matter is discussed below.

THE NABET SUPPLEMENTARY PETITION

22. The NABET supplementary petition requesting oral argument states that:

> A careful reexamination of the Commission's July 15, 1963, report and order subsequent to the filing of its (NABET's) petition for reconsideration disclosed to NABET many reasons, in addition to those set forth in its petition, which would justify revision of the Commission's order to the end that contracts for the services of part-time independent radiotelephone operators be prohibited. One of the reasons is set forth below.
>
> It was recently brought to the attention of NABET that one of the basic reasons for the issuance of the order permitting the use of part-time radiotelephone first-class operators not regularly employed by the broadcaster was that there was a shortage of competent skilled radiotelephone operators. This assertion is contrary to the facts • • •

NABET then goes on to argue that there is in fact not a shortage but a surplus of such operators. This argument forms the bulk of the supplementary petition; the rest is repetition of parts of its petition for reconsideration.

23. Initially, it is to be noted that NABET filed its comments in this proceeding in a document entitled "Statement of Position." Its statement did not address itself to the question of a possible shortage of first-class operators. Many comments filed, however, did suggest that a shortage of first-class operators existed and that a contract part-time rule would be helpful to alleviate the situation. NABET had opportunity to address itself to this and other topics in reply comments, but did not do so since it filed no reply comments.

24. The Commission, in its Report and Order, set forth the fact that some parties raised the shortage-of-operator argument in supporting the proposal to permit contract part-time employment of first-class operators. Then, after we had dealt with the essence of the new rules—the elements of the "package" designed to relieve the violation situation—we touched briefly in a short paragraph on a few miscellaneous items raised by parties to the proceeding. The sole treatment of a possible operator shortage appeared in the sentence "It is also hoped that the new provision will ease any situation which might exist as a result of a shortage of first-class operators." The complete handling of this matter in the NABET petition for reconsideration is as follows: "The Commission also 'hopes' that the new provision will ease 'any situation which might exist as a result of a shortage of first-class operators.' It does not find such a situation does exist, but even so, the logic of its 'hope' does not bear analysis. If there is a shortage of first-class operators, how can the shortage possibly be eased by reducing the job opportunities for use of the skill and thus discouraging the entry of new technicians into the labor market for this skill."

25. We are of the opinion that NABET should have addressed itself to the operator shortage matter in the course of the regularly filed documents of the proceeding. NABET did not address itself to the question in reply comments, and now it makes no showing (required by § 1.84(c) concerning petitions for reconsideration) as to why this matter could not have been presented before. Such failures to use the Commission's normal processes are not to be encouraged. However, we shall handle this point on its merits nonetheless. It should be clear from the foregoing discussion that the principal purpose underlying the adoption of the new operator rules and the daily inspection requirement is to reduce the great number of technical violations. We believe that our action in raising operator requirements for routine transmitter operation, in requiring a new examination for third-class operators wishing to work at broadcast stations, in requiring that stations train lesser-grade operators in their duties, and in instituting a daily transmitter inspection, are reasonably designed to achieve that end. The daily inspection was a vital element of the "package," and there is no reason to believe that a contract part-time first-class operator cannot make the inspection as well as a full-time employee. As we stated previously, stations do not relinquish their responsibility for proper performance in hiring part-time operators. And such operators must enter in the station maintenance log a detailed signed statement concerning their inspection, maintenance and repair activities. NABET's statement that our decision was based largely on the assumption that there is a shortage is incorrect; we reached no such conclusion and our decision was not based on any such assumption, as shown by the language therein quoted above. Thus, our decision would not be changed even if NABET were able to prove a surplus of trained technicians. With respect to the suggestion that the new rule will tend to discourage entry into the field, this, again, we find too tenuous and speculative to bear weight. Moreover, it is related to the question of a "shortage," and this was not the basis of our decision.

26. While it is not unknown, it is not customary for the Commission to grant oral argument in rule-making proceedings, either during the proceeding itself or on petition for reconsideration. We do not see that oral argument would be likely here to throw additional light on the subject, or that there is reason here to depart from the usual custom. NABET's request for oral argument is therefore denied.

MISCELLANEOUS MATTERS

27. The new rules adopted in this proceeding were to have become effective August 19, 1963. Under the provisions of those rules, lesser-powered stations were to be allowed to use the services of restricted operator permittees or third-class permittees without broadcast endorsements for routine transmitter operation until a cutoff date of February 19, 1964, after which time it would be necessary to use at least third-class operators with broadcast endorsements. Our Order of Stay released on August 2, 1963, changed the effective date of the new rules to October 18, 1963. This change involved some administrative problem with regard to the new broadcast endorsement examination for third-class operators, and it has therefore become necessary to change the aforementioned date of February 19, 1964, to April 19, 1964. Appropriate amendments to §§ 3.93(b), 3.265(b) and 3.565(b) of the new rules are set forth below, making this change in date.

28. In connection with the cutoff date discussed in the immediately preceding paragraph, it was our intent in the Report and Order herein that prior to the cutoff stations could contract for the part-time services of radiotelephone first-class operators even though utilizing restricted permittees or radiotelephone third-class permittees without broadcast endorsements for routine transmitter operation. Further consideration of the matter, however, convinces us that a wiser course to follow, in view of the "package" character of the rules adopted herein directed at reducing technical violations of the stations involved, is to permit contracting for part-time services of first-class operators prior to the cutoff date only if a station is using for routine transmitter operation radiotelephone third-class operators with broadcast endorsements or higher operator authority. This view is reflected below by the addition of notes after §§ 3.93(c), 3.265(c), and 3.565(c). Thus, the lesser-powered stations involved may utilize the contract part-time alternative only after they comply with the third-class operator broadcast endorsement provision.

29. The three sections of the new rules require that copies of contracts for part-time employment of operators shall be filed with the Commission and with the Engineer in Charge of the radio district in which the station is located. In view of this new requirement, it becomes necessary to amend § 1.342 of the rules pertaining to the filing of contracts with the Commission. Paragraph (f)(2) of that section excludes from filing with the Commission various contracts among which are "contracts with chief engineers or other engineering personnel." Set forth below, appropriate amendment to § 1.342(f)(2) is made to reflect the fact that the part-time contracts dealt with in this proceeding must be filed.

[1] In addition to the foregoing, we further modified the rules to raise to 25 kilowatts the ceiling on lesser-powered FM stations permitted to utilize lesser-grade operators for routine transmitter operation. This action was taken because of the belief, based on our experience with FM stations, that the reliability and stability of FM transmitters with power up to the new ceiling is such that proper station operation would not be hindered by entrusting routine transmitter operation to the hands of lesser-grade operators.

30. The change in § 1.342(f)(2) referred to is procedural. The change with respect to the date the third-class operator requirement will pertain—postponed from February 19, 1964, to April 19, 1964—is necessary for proper administration of the rules. Therefore prior notice is not required.

ORDER

31. For the reasons stated above, we conclude that it is in the public interest to affirm our decision in the Report and Order (FCC 63-646) released herein on July 15, 1963, except to the extent indicated in paragraph 28 above; that the rules adopted therein as amended below should become effective on January 1, 1964; and that the petitions for reconsideration and oral argument considered above should be denied.

32. Authority for the adoption of these rules and amendments is contained in sections 4(i), 303 (f), (l) and (r) and 405 of the Communications Act of 1934, as amended.

33. In view of the foregoing: *It is ordered*, That the "Petition for Reconsideration by National Association of Broadcast Employees and Technicians, AFL-CIO" and the "Supplementary Petition for Oral Argument with Regard to Petition for Reconsideration by National Association of Broadcast Employees and Technicians, AFL-CIO" are denied; and, That effective January 1, 1964, Parts 1, 3 and 13 of the Commission's rules and regulations are amended in accordance with the Report and Order in the instant Docket No. 14746 (FCC 63-646) released July 15, 1963, as modified by the present Memorandum Opinion and Order.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: October 16, 1963.

Released: October 17, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Parts 1 and 3 of the Commission rules are amended as follows:

1. In § 1.342, subparagraph (2) of paragraph (f) is amended by changing the language concerning contracts with chief engineers or other engineering personnel so that the amended section reads as follows:

§ 1.342 Filing of contracts.

* * * * *

(f) * * *

(2) The following contracts, agreements, or understandings need not be filed: agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with chief engineers or other engineering personnel except those contracts required to be filed under the provisions of §§ 3.93(c), 3.265(c), and 3.565 (c) of this chapter; contracts with attorneys, accountants, or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

2. In § 3.93, the introductory text of paragraph (b) is amended by changing the date of "February 19, 1964" to "April 19, 1964", and paragraph (c) is amended by the addition of a note as follows:

§ 3.93 Operator requirements.

* * * * *

(b) In cases where a station is authorized for non-directional operation with power not in excess of 10 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Until April 19, 1964, routine operation of transmitters of such stations may be performed by persons holding valid radiotelephone operator third-class permits which are not endorsed for broadcast station operation, or valid restricted radiotelephone operator permits. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitting equipment shall be limited to the following:

* * * * *

(c) * * *

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services of radiotelephone first-class operators on a part-time basis may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits will be available to all applicants through the Commission's field offices after January 1, 1964.

3. In § 3.265, the introductory text of paragraph (b) is amended by changing the date of "February 19, 1964" to "April 19, 1964", and paragraph (c) is amended by the addition of a note as follows:

§ 3.265 Operator requirements.

* * * * *

(b) In cases where a station is authorized to operate with a transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Until April 19,1964, routine operation of transmitters of such stations may be performed by persons holding valid radiotelephone operator third-class permits which are not endorsed for broadcast station operation, or valid restricted radiotelephone operator permits. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitter shall be limited to the following:

* * * * *

(c) * * *

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services of radiotelephone first-class operators on a part-time basis may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits will be available to all applicants through the Commission's field offices after January 1, 1964.

4. § 3.565, the introductory text of paragraph (b) is amended by changing the date of "February 19, 1964" to "April 19, 1964", and paragraph (c) is amended by the addition of a note as follows:

§ 3.565 Operator requirements.

* * * * *

(b) In cases where a station is authorized to operate with transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Until April 19, 1964, routine operation of the transmitter may be performed by persons holding valid radiotelephone operator third-class permits which are not endorsed for broadcast station operation, or valid restricted radiotelephone operator permits. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid operator license of the grade indicated for the station in subparagraphs (1), (2), or (3) of paragraph (c) of this section, adjustments of the transmitter shall be limited to the following:

* * * * *

(c) * * *

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services on a part-time basis of the operators mentioned in subparagraphs (1) and (2) of this paragraph may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits will be available to all applicants through the Commission's field offices after January 1, 1964.

[F.R. Doc. 63-11150; Filed, Oct. 21, 1963; 8:48 a.m.]

[1] Dissenting statement of Commissioner Lee filed as part of original document.

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Television Broadcast Booster Stations and Instructional Television Fixed Stations

The Commission having under consideration § 4.1 of its rules and regulations which lists the broadcast services covered by Part 4 of said rules and regulations;

It appearing, that the Report and Order (FCC 60-615) released June 3, 1960, in Docket No. 11331 adopting rules governing Television Broadcast Booster Stations (Part 4, Subpart H) and the Report and Order (FCC 63-722) released July 30, 1963, in Docket No. 14744 adopting rules governing Instructional Television Fixed Stations (Part 4, Subpart I) inadvertently omitted an amendment of the aforementioned Section 4.1 and that it is desirable that such omission be rectified; and

It further appearing, that the rectifying amendment to § 4.1 appearing below is editorial, involving organization of the Commission rules, and is not substantive in nature, notice and public procedure thereon and compliance with the 30-day effective date requirement under the provisions of Section 4 of the Administrative Procedure Act are unnecessary; and

It further appearing, that the authority for the adoption of the amendment herein is contained in sections 4 (i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Commission rules and regulations;

It is ordered, That, effective October 21, 1963, § 4.1(c) of the Commission rules and regulations is amended to read as follows:

§ 4.1 Broadcast services covered by this part.

* * * * *

(c) *Special broadcast.* (1) Television broadcast translator (Subpart G).

(2) Television broadcast booster (Subpart H).

(3) Instructional television fixed (Subpart I).

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 15, 1963.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11105; Filed, Oct. 21, 1963; 8:46 a.m.]

[FCC 63-939]

PART 12—AMATEUR RADIO SERVICE

Applications and Examinations for Amateur Radio Operator Licenses

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of October 1963;

The Commission having under consideration § 12.44(c) of its rules [as amended by its Order (FCC 63-813, 28 F.R. 10206) adopted September 11, 1963 and effective November 1, 1963] and § 12.22 of its rules, both of which govern, in part, applications and examinations for amateur radio operator licenses; and

It appearing, that, Part 12 of the Commission's rules should be amended to specify that the filing of a formal application (FCC Form 610) at the District Field Office involved is a prerequisite for applicants desiring examinations conducted by such office, and that when the examination will be supervised by a volunteer examiner the request for the written portion of the examination must be made in writing by the examiner after the applicant has passed the required code test and submitted a formal application (FCC Form 610) to the Commission's Office at Gettysburg, Pennsylvania; and

It further appearing, that, the requirement that a formal application be filed for obtaining a duplicate license is no longer necessary; and

It further appearing, that, subparagraph (1) of § 12.44(c), as adopted by the Commission's order, FCC 63-813, effective November 1, 1963, should be superseded by the amendment of § 12.44 (c) in this order so as to reflect the rule change adopted herein; and

It further appearing, that, the effective date, November 1, 1963, of the Commission's order, FCC 63-813, should be stayed until the effective date of this order; and

It further appearing, that, the amendments adopted herein and set forth below are procedural in nature and hence are not subject to the prior notice provisions of section 4(a) of the Administrative Procedure Act; and

It further appearing, that, authority for the issuance of these rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That the effective date of the Commission's Order, FCC 63-813, adopted September 11, 1963, is stayed until the effective date of this order; and

It is further ordered, That, subparagraph (1) of § 12.44(c), as previously adopted by the Commission's Order, FCC 63-813, is superseded; and

It is further ordered, That effective December 1, 1963, §§ 12.22 and 12.44(c) of Part 12 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 17, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 12.22 is amended to read as follows:

§ 12.22 Application for operator license.

(a) An application (FCC Form 610) for a new operator license, including an application for change in operating privileges, which will require an examination supervised by Commission personnel, shall be submitted to the district field office of the Commission which exercises jurisdiction over the area in which the applicant resides. Upon receipt of the application, and any necessary filing fee (see § 12.86), the district field office will make arrangements for conducting the required examination either at its location or at an examination point within its area.

(b) An application (FCC Form 610) for a new operator license, including an application for change in operating privileges, which requests an examination supervised by a volunteer examiner under the provisions of § 12.44(c), shall be submitted to the Commission's office at Gettysburg, Pennsylvania, 17325. The application shall be accompanied by any necessary filing fee (see § 12.86) and by a request for the written examination material (see § 12.44(c)).

(c) An application (FCC Form 610) for renewal and/or modification of license when no change in operating privileges is involved shall be submitted, together with any necessary filing fee (See § 12.86), to the Commission's office at Gettysburg, Pennsylvania, 17325.

§ 12.44 [Amendment]

2. Section 12.44(c)(1) is amended to read as follows:

(c) * * *

(1) Within ten days after passing the required code test, an applicant shall submit an application (FCC Form 610), together with any filing fee prescribed by § 12.86, to the Commission's office at Gettysburg, Pennsylvania, 17325. The application shall include a written request from the volunteer examiner for the appropriate examination papers. The examiner's written request shall include (i) the names and permanent addresses of the examiner and the applicant, (ii) a description of the examiner's qualifications to administer the examination, (iii) the examiner's statement that the applicant has passed the code test for the class of license involved under his supervision within the ten days prior to submission of the request, and (iv) the examiner's written signature. Examination papers will be forwarded only to the volunteer examiner.

NOTE: When the applicant is entitled to examination credit for the code test pursuant to § 12.46(b), an application may be submitted without regard to the ten day limitation. The examiner's request should then state that a code test was not administered for that reason. The applicant should furnish details as to the class, number, and expiration date of the Commercial radiotelegraph operator license involved.

[F.R. Doc. 63-11149; Filed, Oct. 21, 1963; 8:48 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

CROSS REFERENCE: For a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Presidential Notice of October 21, 1963, F.R. Doc. 63-11242, *supra*.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 945]

PART 95—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held at its office in Washington, D.C., on the 18th day of October A.D. 1963.

It appearing, that an acute shortage of plain 40-foot (XM, XME and XI) type box cars exists in certain sections of the country; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.945 Railroad operating regulations for freight car movement.

(a) *Special and general permits—appointment of agent.* (1) Section (b) of this order shall be subject to any special or general permits issued by the Permit Agent named below.

(2) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington, D.C., 20423, is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special and general permits to meet exceptional circumstances.

(b) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) The provisions of this order apply to plain (XM, XME and XI) type box cars with doors less than 8-feet wide, of the following ownerships:

ATSF
CB&Q-C&S-FW&D
C&NW
CRI&P
GN
Milw
NP
Soo Line

(2) Cars of above ownerships shall not be loaded (other than by owners) except (i) to stations on owner's line or via owner's rails; (ii) to junction with owner, or (iii) to states listed below for designated ownerships:

ATSF	*CB&Q C&S FW&D*	*C&NW*	*CRI&P*
Colo.	Colo.	Iowa	Ark.
Ill.	Ill.	Ill.	Colo.
Kans.	Iowa	Kans.	Ill.
Mo.	Kans.	Minn.	Iowa
Okla.	Mo.	Nebr.	Kans.
Tex.	Nebr.	N. Dak.	Mo.
	Tex.	S. Dak.	Nebr.
	Wyo.	Wis.	Okla.
		Wyo.	Tex.

GN	*Milw*	*NP*	*Soo Line*
Idaho	Idaho	Idaho	Ill.
Iowa	Ill.	Iowa	Iowa
Minn.	Iowa	Minn.	Minn.
Mont.	Minn.	Mont.	N. Dak.
N. Dak.	Mo.	N. Dak.	S. Dak.
Oreg.	Mont.	Oreg.	Wis.
S. Dak.	N. Dak.	S. Dak.	
Wash.	Oreg.	Wash.	
Wis.	S. Dak.	Wis.	
	Wash.		
	Wis.		

(3) Cars locating empty at a junction with the owner must be loaded to or via the owning road or delivered owner empty at that junction. Cars must not be backhauled or delayed to obtain loading as outlined above. In the absence of immediate loading as specified, cars should be moved to the owners empty in service route or under Association of American Railroads Special Car Order 90.

(4) Roads named in application section of this order should avoid the loading of system plain box of types specified to off-line points and shall not deliver foreign serviceable plain box of these types off-line empty under Association of American Railroads Special Car Order 90 or in service route, except cars locating at a junction with the owner and/or cars of the ownerships listed in this order, but shall apply such cars on loading in accordance with Association of American Railroads Car Service Rules.

(c) *Application.* The provisions of this order shall apply to intrastate and interstate commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., October 21, 1963.

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1963, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C. and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11199; Filed, Oct. 21, 1963; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

California et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

DELEVAN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Delevan National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,200 acres or 39 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Willows, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: From one-half hour before sunrise to sunset November 9, 10, 11, 13, 16, 17, 20, 23, 24, 27, 28, 30, December 1, 4, 7, 8, 11, 14, 15, 18, 21, 22, 28, 29, 1963; and January 1, 4, 5, 1964.

(c) Daily bag limits: Ducks 6; geese 6; coots and gallinules (singly or in the aggregate) 25.

The daily bag limit on ducks may not include more than: one hooded merganser; two wood ducks. In addition to the daily bag limit on other ducks, a daily bag of five American and red-breasted mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit of geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting: (1) Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(2) Dogs: Not to exceed two dogs per hunter may be used for retrieving wounded or dead birds.

(3) Boats: Boats without motors will be permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station or advance reservations, obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

KERN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Kern National Wildlife Refuge, Delano, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,200 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Delano, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 23, and from one-half hour before sunrise to sunset October 26, 27, 30, November 2, 3, 6, 9, 10, 11, 13, 16, 17, 20, 23, 24, 27, 28, 30, December 1, 4, 7, 8, 11, 14, 15, 18, 21, 22, 28, 29, 1963; and January 1, 4, and 5, 1964.

(c) Daily bag limits: Ducks 6; geese 6; coots and gallinules (singly or in the aggregate) 25.

The daily bag limit on ducks may not include more than: one hooded merganser; two wood ducks. In addition to the daily bag limit on other ducks, a daily bag of five American and red-breasted mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit of geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting: (1) Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs: Two dogs per hunter may be used to retrieve dead and wounded birds.

(3) Boats: Boats without motors may be used.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained at a checking station on the public shooting area. Hunters will be permitted on a first-come, first-served basis, and a limitation will be placed on the total number of hunters permitted at any one time.

(3) The provisions of this special regulation are effective to January 6, 1964.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres or 8.7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Homasassa, Florida, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead).

(b) Open season: Coots and ducks—from 12 o'clock noon (standard time) to sunset November 27, 1963, and from sunrise to sunset November 28, 1963, through January 5, 1964.

(c) Daily bag limits: (1) Ducks 4, coots 8. The daily bag limit may not include more of the following species than: (a) 2 mallards, black ducks, or Florida ducks, singly, or in the aggregate; (b) 2 wood ducks;

(2) 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge, which are incapable of holding more than 3 shells. The possession or use of single ball shotgun shells or rifles is prohibited.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds may be constructed using local vegetation.

(4) Guides—Persons may employ guides while hunting on the area subject to the restrictions of State law and regulation.

(5) Boats—Boats are permitted with ingress and egress restricted to either S–39 landing or the headquarters landing. Airthrust boats may be authorized only by special permit issued by the refuge manager.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Loxahatchee National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 27,800 acres or 19 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tavernier, Florida, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead).

(b) Open season: Coots and ducks—from 12 o'clock noon (standard time) to sunset November 28, 1963, through January 5, 1964.

(c) Daily bag limits: (1) Ducks 4, Coots 8. The daily bag limit may not include more of the following species than: (a) 2 mallards, black ducks, or Florida ducks, singly or in the aggregate; (b) 2 wood ducks;

(2) 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge, which are incapable of holding more than 3 shells. The possession or use of single ball shotgun shells or rifles is prohibited.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds may be constructed using local vegetation.

(4) Guides—Persons may employ guides while hunting on the area subject to the restrictions of State law and regulation.

(5) Boats—Boats are permitted with ingress and egress restricted to either S–39 landing or the headquarters landing. Airthrust boats may be authorized only by special permit issued by the refuge manager.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of migatory game birds on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, New Holland, North Carolina, and from the Regional Director, Bureau of Sport Fisheries and Wild-

life, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead) and geese (except Snow geese).

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) until sunset November 16, 1963, and from sunrise until sunset November 17 through January 4, 1964. Geese—from sunrise until sunset November 7, 1963 through January 15, 1964.

(c) Daily bag limits: (1) Ducks 3, coots 8, geese 2. The daily bag limit may not include more of the following species than: (a) 2 mallards or black ducks, singly, or in the aggregate; (b) 2 wood ducks; (c) 1 hooded merganser. In addition to the limits on other ducks, 2 additional scaup ducks are allowed in the daily bag limit.

In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge, which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per blind may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—The use of blinds shall be in accordance with State regulations pertaining to this hunt.

(4) Guides—Persons are required to employ guides while hunting on the area subject to the restrictions of State law and regulations.

(5) Boats—Boats provided by approved guides only may be used.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 16, 1964.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres or 13 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season: Ducks and coots—from sunrise to sunset on Tuesdays, Thursdays, Saturdays, Sundays and national holidays only from November 9 through December 12, 1963, inclusive. Geese—from sunrise to sunset on Tuesdays, Thursday, Saturdays, Sundays and national holidays only from October 27 through December 25, 1963, inclusive.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than: (a) 1 hooded merganser; (b) 2 wood ducks; (c) 2 mallards. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

The daily bag limit for geese may not include more than: (a) 1 Ross' goose; (b) in the alternative, 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or (c) 1 white-fronted goose.

(d) Methods of hunting: (1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder. Each hunter shall be limited to 8 shells in his possession when entering Zone 3 of the Management Unit; and may fire only 8 shells during any one day in Zone 3.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—In Zone 3 blinds are provided and hunters will be assigned to blinds on a first-come first-choice basis. Temporary blinds or open field hunting is prohibited in this area. In other areas, where blinds are not provided, hunters may construct temporary blinds. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of other sportsmen, but blinds must be at least 80 yards apart.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 26, 1963.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 17, 1963.

[F.R. Doc. 63-11127; Filed; Oct. 21, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS

Notice of Petition To Amend Standards of Identity for Certain Cheeses To Permit Addition of Sorbic Acid and Salts of Sorbic Acid To Retard Mold Growth

Notice is given that a petition has been filed by National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Illinois, proposing that the standards of identity for specified hard cheeses be amended to provide that when such cheeses are in the form of slices or cuts in consumer-sized packages one or any combination of two or more of the antimycotic agents sorbic acid, potassium sorbate, sodium sorbate may be added, in an amount not to exceed 0.2 percent by weight, to retard mold growth. Appropriate label declaration is also proposed when such mold-inhibiting substances are used:

The standards to be amended are:

§ 19.595 Parmesan cheese, reggiano cheese • • •.
§ 19.610 *Romano cheese* • • •.
§ 19.620 *Asiago medium cheese* • • •.
§ 19.625 *Asiago old cheese* • • •.
§ 19.650 *Hard cheeses* • • •.
§ 19.680 *Hard grating cheeses* • • •.

It is proposed that each of the standards set out under the above-named sections be modified by changing the section titles to require label statements of optional ingredients; by inserting a compositional amendment with a corresponding labeling amendment; and by revising sections by renumbering the paragraphs were necessary. The wording of the compositional amendment as proposed for § 19.595 is:

(__) Parmesan cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these.

The wording of the corresponding labeling amendment as proposed for § 19.595 is:

(__) If parmesan cheese in sliced or cut form contains an optional mold-inhibiting ingredient as provided for in paragraph (__) of this section, the label shall bear the statement "---------- added to retard mold growth" or "---------- added as a preservation," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

The amendments proposed for §§ 19.610, 19.650, and 19.680 would be worded the same as those proposed for § 19.595, except for the names of the cheeses.

By an order which became effective July 31, 1963 (28 F.R. 5420), amendments were made to the standard for asiago fresh cheese (§ 19.615) which correspond to those herewith proposed for parmesan and other cheeses. The cross-references in the standards for asiago medium cheese and asiago old cheese (§§ 19.620, 19.625) include an exception for the mold-inhibiting ingredient provisions in the standard for asiago fresh cheese. It is proposed to delete this exception from §§ 19.620 and 19.625, so that the compositional and labeling amendments that were made in § 19.615 will become applicable to asiago medium cheese and asiago old cheese.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046; 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 16, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-11129; Filed, Oct. 21, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

[Amdt. 1]

POTATO IMPORTS

Notice of Proposed Rule Making

The Notice of Proposed Import Restriction as published in the FEDERAL REGISTER September 19, 1963, is supplemented and added to by the following notice.

Consideration is being given to the approval of Amendment No. 1 of § 980.1, Import regulations; Irish potatoes, applicable to the importation of potatoes into the United States. This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8c–1 of the act, whenever two or more marketing orders for a commodity are in effect, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

It is hereby determined that imports of red skinned round type potatoes during the months of October through the following June are now in most direct competition with federally regulated marketings of the same type potatoes grown in Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended, since the grade, size, quality and maturity regulations are not in effect under Marketing Order No. 949, Red River Valley. Therefore, import regulations for red skinned, round type potatoes during such period shall be based on regulations effective for Area No. 2 (San Luis Valley) under said Marketing Order No. 948, as amended.

It is also hereby determined that imports of all other round type potatoes during the months of October through the following June are now in most direct competition with Federally regulated marketings of the same type potatoes grown in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended, since grade, size, quality and maturity regulations are not in effect under Marketing Order No. 950, Maine. Therefore import regulations for all other round type potatoes during such period shall be the regulations effective for Area No. 3 (Northern Colorado) under Marketing Order No. 948, as amended.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 14 days following publication of this notice in the FEDERAL REGISTER. The proposed amendment is as follows:

In § 980.1 Import regulations; Irish potatoes (7 CFR 980.1), subparagraph 2 (i), (ii) of paragraph (a) and subparagraph (2) of paragraph (b) are to be deleted, and a new subparagraph 2 (i), (ii), of paragraph (a) and a new subparagraph (2) of paragraph (b) are to be substituted in lieu thereof, each reading as hereinafter set forth.

§ 980.1 Import regulations; Irish potatoes.

(a) • • •

(2) • • •

(i) Imports of red skinned, round type potatoes during the months of October through the following June are in most direct competition with the marketing

of the same type potatoes produced in Area No. 2, Colorado (San Luis Valley) covered by Order No. 948, as amended (Part 948 of this chapter);

(ii) Imports of all other round type potatoes during the months of October through the following June are in most direct competition with the marketings of the same type potatoes produced in Area No. 3 of Colorado, covered by Order No. 948 (Part 948 of this chapter);

* * * * * *

(b) * * *

(2) Except as otherwise provided in this subparagraph, for the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 945, as amended (Part 945 of this chapter), applicable to long type potatoes; and the grade, size, quality and maturity requirements of potatoes grown in Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) applicable to red skinned, round type potatoes; and the grade, size, quality and maturity requirements of potatoes grown in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948 (Colorado) as amended (Part 948 of this chapter), for all other round varieties; shall be the respective grade, size, quality and maturity requirements for potatoes imported. For all round type potatoes, the initial effective date of this amendment shall be December 1, 1963, and thereafter October 1 of each year as set forth in this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 16, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–11153; Filed, Oct. 21, 1963; 8:48 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Schedule of Payments; Payment for Services Performed With Respect to Reserve and Surplus Tonnage Raisins

Notice is hereby given of a proposal unanimously recommended by the Raisin Administrative Committee to amend the schedule of payments (Subpart—Schedule of Payments) by revising subparagraph (1) in § 989.401(a) so as to increase from $6.00 per ton to $6.25 per ton the payment to handlers for receiving, storing, and handling reserve and surplus tonnage raisins during the crop year of acquisition. The increase is proposed in recognition of an increase in handlers' labor costs. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposal follows:

1. Revise subparagraph (1) in § 989.401(a) to read as follows:

(1) *Receiving, storing, and handling.* Each handler shall, beginning with the crop year which began September 1, 1963, be compensated at the rate of $6.25 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

Dated: October 16, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–11121; Filed, Oct. 21, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–81]

SEGMENT OF FEDERAL AIRWAYS

Notice of Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

VOR Federal airway No. 12 is designated in part from Hector, Calif., to Needles, Calif., with a north alternate segment from the Hector VOR via Goffs, Calif., VOR to the Needles VOR.

The Federal Aviation Agency is considering the revocation of V–12 north alternate segment from Hector via Goffs to Needles. This north alternate airway segment is currently designated coincidentally with segments of VOR Federal airways Nos. 8 and 210 from Hector to Goffs and VOR Federal airway No. 135 from Goffs to Needles.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 15, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11089; Filed, Oct. 21, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15138; RM–262]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Staunton-Waynesboro, Virginia; Order Extending Time for Filing Reply Comments

1. The closing date for the filing of comments in the above-captioned proceeding was October 1, 1963, and reply comments were to have been filed not later than October 16, 1963.

2. On October 14, 1963, the Advisory Council for Educational Television of the Commonwealth of Virginia filed a petition requesting that the time for filing reply comments be extended to October 25, 1963. Petitioner states that because of illness in its secretarial staff, it has been impossible to conduct correspondence necessary to the collection of material which is needful if its reply comments are to be appropriately comprehensive and helpful to the Commission in reaching its conclusions.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding as requested.

4. In view of the foregoing: *It is ordered*, That the petition for extension of time to file reply comments filed by the Advisory Council for Educational Television of the Commonwealth of Virginia is granted and the time for filing reply comments in the above-entitled proceeding is extended from October 16, 1963 to October 25, 1963.

5. Authority for the action taken herein is found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission rules.

Adopted: October 15, 1963.

Released: October 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–11148; Filed, Oct. 21, 1963; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 15084]

AM STATION ASSIGNMENT STANDARDS; RELATIONSHIP BETWEEN THE AM AND FM BROADCAST SERVICES

Order Extending Time for Filing Reply Comments

1. The closing date for the filing of comments in the above-captioned proceeding was September 16, 1963, and reply comments were to have been filed not later than October 16, 1963.

2. On October 7, 1963, the Association on Broadcasting Standards, Inc., filed a petition requesting that the time for filing reply comments be extended to November 15, 1963. The Association states that some difficulty has been encountered in obtaining copies of other comments filed in Docket 15084, that various subcommittees of the Association must consider various phases of proposed reply comments, and that the Association's Board of Directors hoped to consider the proposed reply comments as a whole on November 4–6, 1963. It was also stated that the National Association of FM Broadcasters joins in the present request and that the American Broadcasting Company, Columbia Broadcasting System, Inc., and National Broadcasting Company, Inc., have no objection to the extension requested.

3. On these facts, we agree that some limited extension of time to file reply comments should be granted. However, since we wish to bring this proceeding to a prompt conclusion and eliminate the present AM "freeze," we do not feel that a full thirty day extension is justified. Accordingly, we will extend the date for filing of reply comments to November 6, 1963.

4. In view of the foregoing: *It is ordered*, This 10th day of October 1963, that the time for filing reply comments in this proceeding is extended from October 16, 1963, to November 6, 1963; and that the aforementioned petition for extension is granted to the extent indicated herein and is denied in all other respects.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–11104; Filed, Oct. 21, 1963; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 0450842]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 14, 1963.

The Bureau of Reclamation has filed an application Serial Number New Mexico 0450842 for the withdrawal of the lands described below, from all forms of appropriation including the General Mining but not the Mineral Leasing laws. The applicant desires the land for the construction, operation, and maintenance of the proposed Shiprock Substation, a feature of the Transmission Division, Colorado River Storage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, State Director, P.O. Box 1251, Santa Fe, New Mexico.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 16 W.,
Sec. 24, N½SE¼SW¼, N½SW¼SE¼.

The area described aggregates 40 acres.

W. J. ANDERSON,
Acting State Director.

[F.R. Doc. 63-11101; Filed, Oct. 21, 1963; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14815; Order E-20102]

ALASKA AIRLINES, INC.

Order of Investigation and Suspension Relating to Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

Alaska Airlines, Inc. (ASA) has filed a new excursion tariff,[1] marked to become effective on October 19, 1963. The tariff provides for a reduced round-trip fare of $189.00 for persons traveling between Seattle/Tacoma, Washington, on the one hand, and Kotzebue, Alaska, on the other. The fare applies in the coach compartment of CV-880 equipment, or in the first-class or coach compartment of CV-340 equipment. Return travel must begin not earlier than 6 days nor later than 21 days after departure from point of origin.

Timely complaints were filed by Northwest Airlines, Inc. (NWA) and Pacific Northern Airlines, Inc. (PNA).[2] In summary, these carriers, which compete with ASA in the Seattle/Tacoma-Anchorage market, allege that the proposed fare of $189.00 to Kotzebue for single-passenger coach service matches a group travel fare previously filed by ASA and protested by NWA and PNA,[3] but that the latest ASA tariff does not contain numerous limitations and restrictions previously imposed by ASA in its group travel tariff; that the proposed coach excursion fare to Kotzebue, when applied at Anchorage, would undercut the present jet coach fare[4] by $19.00 and would yield ASA as little as 3.8 cents per passenger-mile (Seattle-Kotzebue); that ASA will suffer self-dilution of passenger revenues far in excess of the revenues which might be received from the alleged potential new traffic; and that if the proposed fare is permitted to take effect, NWA and PNA will be forced to make defensive fare filings with serious revenue dilution to all carriers in the market.

In support of its tariff and in answer to the complaints, ASA states that (1) the Board has previously permitted a similar excursion tariff[5] to take effect in the Seattle-Fairbanks market and the current proposed tariff is needed to keep the equivalent pricing structure in line in merchandising of tours on its Anchorage-Nome-Kotzebue route; (2) major tour wholesalers have agreed, if the tariff is approved, to feature the proposed excursion offering in their 1964 itineraries; and (3) the new proposal will attract approximately 400 passengers, representing $75,000 additional revenues annually.

Upon consideration of the complaints and all relevant matters, the Board finds that the subject proposal may result in unjustifiably low fares and yields and that it is unlikely that sufficient new traffic will be generated to offset the dilution which will result. Consequently, it is found that the proposal of Alaska Airlines should be investigated. In view of the unusually low yields involved and resulting harmful effects upon the revenues of all the carriers in the market, suspension of the effectiveness of the applicable tariff provisions appears to be warranted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions of Alaska Airlines, Inc., C.A.B. No. 103 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions;

2. Pending hearing and decision by the Board, Alaska Airlines, Inc., C.A.B. No. 103 is suspended and its use deferred to and including January 16, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be set for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. A copy of this order will be served upon Alaska Airlines, Inc., Pacific Northern Airlines, Inc., Wien Alaska Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding; and

5. The complaints of Northwest Airlines, Inc. in Docket 14788, and Pacific Northern Airlines, Inc. in Docket 14783, to the extent granted herein are consolidated in this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-11137; Filed, Oct. 21, 1963; 8:47 a.m.]

[1] Alaska Airlines, Inc., C.A.B. No. 103.

[2] A late telegraphic complaint was filed by Wien Alaska Airlines, Inc. on October 8, 1963. This complaint has not been docketed, and has not been considered in this order.

[3] Group fares proposed by Alaska Airlines, Inc., Order E-20051, September 30, 1963.

[4] NWA and PNA publish a jet coach, individual, round-trip fare of $208.00; ASA's comparable rate in the market is $232.00.

[5] Alaska Airlines, Inc., C.A.B. No. 99, effective August 11, 1963, names a round-trip excursion fare of $150.00 (4.88 cents per passenger-mile) between Seattle/Tacoma, Wash. and Fairbanks, Alaska.

[Docket No. 13777; Order E-20104]

JOINT CONFERENCE 3-1 OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17004, R-9.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum SFO Board/9/JT31-Rates 287, names an additional specific commodity rate as follows:

Item 9499: Australasian souvenirs, consisting of animal skins and articles made of wood, fur or animal skin.
Rate: 148 cents per kilogram, minimum weight 45 kilograms, from Sydney to Honolulu.

This rate represents a reduction of 59 percent from the applicable general commodity rate.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17004, R-9, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-11138; Filed, Oct. 21, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15194]

H. B. "BUSTER" HUGHES, CONTRACTOR

Order To Show Cause

In the matter of H. B. and H. D. Hughes, d/b as H. B. "Buster" Hughes, contractor, Harvey, Louisiana, order to show cause why there should not be revoked the license for Radio Station KKU-511 in the Special Industrial Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Letter dated February 11, 1963, concerning violation of § 11.107(c) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated March 28, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 11th day of October 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said-licensee at his last known address of Post Office Box 55, Harvey, Louisiana.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11103; Filed, Oct. 21, 1963; 8:46 a.m.]

[Docket No. 14964; FCC 63M-1139]

BEAMON ADVERTISING, INC.

Notice of Conference

In re application of Beamon Advertising, Incorporated, Daingerfield, Texas, Docket No. 14964, File No. BP-14359; for construction permit.

In view of the Review Board's Memorandum Opinion and Order released October 14, 1963 (FCC 63R-467), there will be a conference on Monday, November 4, 1963, at 9 a.m., in the offices of the Commission, Washington, D.C.

Dated: October 15, 1963.

Released: October 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11139; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket Nos. 15190, 15191; FCC 63M-1130]

BOARDMAN BROADCASTING CO., INC. AND DANIEL ENTERPRISES, INC.

Order Scheduling Hearing

In re applications of Boardman Broadcasting Company, Inc., Boardman, Ohio, Docket No. 15190, File No. BP-14305; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP-14886; for construction permit.

It is ordered, This 14th day of October 1963, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., November 12, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11140; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket Nos. 14318, 14319; FCC 63 M-1133]

COLUMBIA BASIN MICROWAVE CO.

Order Continuing Hearing

In re applications of Columbia Basin Microwave Company, for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464-C1-R-61; for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082-C1-AL-61.

The Hearing Examiner having under consideration a motion for continuance filed October 11, 1963, by the above-entitled applicant requesting that the hearing now scheduled to begin on Oc-

tober 14, 1963, be continued to December 16, 1963; and

It appearing that the reason for the requested continuance arises from the fact that on October 4, 1963, the applicant filed with the Commission a petition requesting the modification of its license to add Othello, Washington, as a point of communication, with the purpose of rendering service to Othello Community Antenna Television System, Inc., a corporation which, it is alleged, is not under the control of or under common control with the applicant and has no other affiliation between the applicant and its principals; and

It further appearing that the requested continuance is to enable the Commission's staff to determine whether in view of the requested amendment the applicant will, in fact, meet the requirements of § 21.709 of the Commission's Rules or whether an evidentiary hearing on the above applications will be necessary; and

It further appearing that there are no objections to the immediate favorable consideration of the motion for continuance, and good cause for granting the same having been shown;

It is ordered, This the 14th day of October 1963, that the motion for continuance is granted and the evidentiary hearing in the above-entitled proceeding is continued from Monday, October 14, 1963, to Monday, December 16, 1963.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11141; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket Nos. 14693, 14694; FCC 63-953]

JOHN A. EGLE AND KLFT RADIO, INC.

Memorandum Opinion and Order

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

1. By memorandum Opinion and Order, released January 28, 1963, the Review Board dismissed with prejudice the application of KLFT Radio, Inc., for a new standard broadcast station in Golden Meadow, Louisiana, granted the competing application of John A. Egle, and denied the joint request for approval of agreement between KLFT and Egle. The Commission now has before it for consideration KLFT's application for review of that portion of the Board's decision denying the joint request for approval of the agreement whereby KLFT would be compensated for its out-of-pocket expenses.

2. Certain background facts are necessary to a decision in this case. On November 28, 1962, KLFT and Egle filed a joint petition seeking: (a) Dismissal of KLFT's application; (b) a grant of Egle's application; and (c) approval of an agreement whereby Egle agreed to pay KLFT approximately $3,100 as partial reimbursement of its expenses. In this connection, it is noted that contrary to the general practice of parties in a so-called "pay-out" situation, KLFT did not condition its request for dismissal of its application upon Commission approval of the reimbursement agreement. In its application for review, KLFT explains that there was no contingency with respect to its request for dismissal because both parties mutually recognized the importance of the Commission's desire to expedite the hearing in order to restore Golden Meadow's first transmission service as soon as possible.[1]

3. The Review Board granted the requests for dismissal of the KLFT application and the grant of Egle's application, but denied the joint request for approval of the reimbursement agreement since the "unresolved issues are concerned with possible misrepresentation as well as other possible abuses of the Commission's processes." The Board took the position that since uncontroverted character matters had been raised, the burden of proof thereon rested upon KLFT and that KLFT had failed to meet its burden. In its application for review, KLFT asserts that it has met the issues by the "precise, specific, unequivocal" affidavits which it had filed denying any undisclosed association with Theriot, any relationship to him admitting of undisclosed principalship, and denying any misrepresentation whatsoever. Alternatively, KLFT urges the Commission to remand the proceedings to the Examiner for additional hearing in accordance with 47 CFR 1.85(i) in order to afford KLFT an opportunity to refute all allegations of misrepresentation or lack of candor which might be raised against it. In regard to the matter of a further hearing, the Broadcast Bureau maintains that such a separate hearing on character issues should not be undertaken since KLFT no longer has an application pending before the Commission but appears solely as one who has been deprived of reimbursement in connection with the dismissal of its application.

4. We believe that before a determination can be made here pursuant to section 311(c)(3) of the Communications Act of 1934, as amended, as to whether the reimbursement agreement is consistent with the public interest, a hearing must be held at which the unresolved character issues will be determined.

Accordingly, it is ordered, This 16th day of October, 1963, that that portion of the Review Board's decision of January 28, 1963, which denied the joint request for approval of agreement between KLFT Radio, Inc. and John A. Egle, is vacated and set aside;

It is further ordered, That this proceeding is remanded to the Hearing Examiner for further hearing consistent herewith on the following issues:

1. To determine whether any agreements or understandings exist between Leo Joseph Theriot and KLFT Radio, Inc., Edward Diaz and Clerville Kief, Sr., or either of them, relating to the above-captioned application of KLFT Radio, Inc., and to its proposed station, which have not been disclosed to the Commission.

2. To determine whether the agreements, disclosed or undisclosed, between Theriot and the above corporation or individuals (a) were intended to constitute Theriot as an undisclosed principal to the application of KLFT Radio, Inc., or to permit him to exercise control of or participate in the operation of its proposed station; or (b) do, in fact, provide Theriot with the opportunity to exercise such control or participation.

3. To determine whether, in connection with the filing of its application and its communications with the Commission, KLFT Radio, Inc., and its principals misrepresented facts to the Commission and/or were lacking in candor.

4. To determine the character qualifications of Edward Diaz and Clerville Kief.[2]

5. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether approval of the reimbursement agreement between KLFT Radio, Inc., and John A. Egle would be consistent with the public interest.

Released: October 17, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11142; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket Nos. 14755-14757; FCC 63M-1143]

JUPITER ASSOCIATES, INC., ET AL.

Order Scheduling Hearing

In re applications of Jupiter Associates, Inc., Matawan, New Jersey, Docket No. 14755, File No. 14178; William S. Halpern and Louis N. Seltzer, d/b as Somerset County Broadcasting Company, Somerville, New Jersey, Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, New Jersey, Docket No. 14757, File No. BP-14812; for construction permits.

Upon the Hearing Examiner's own motion, *It is ordered*, This 17th day of October 1963, that further hearing in the above-entitled proceeding will be held on October 18, 1963, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: October 17, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11143; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket No. 15193; FCC 63M-1132]

LAKE VALLEY BROADCASTERS, INC.

Order Scheduling Hearing

In re application of Lake Valley Broadcasters, Inc., Crystal Lake, Illinois, Docket No. 15193, File No. BP-15509; for construction permit.

It is ordered, This 14th day of October, 1963, that Sol Schildhause will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., November 20, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11144; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket Nos. 14031-14035; FCC 63M-1131]

WEXC, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of WEXC, Inc., Depew, New York, Docket No. 14031, File No. BP-12793; Leon Lawrence Sidel, Hamburg, New York, Docket No. 14032, File No. BP-13688; De-Lan, Inc., Depew, New York, Docket No. 14034, File No. BP-14084; Seaport Broadcasting Corporation, Lancaster, New York, Docket No. 14035, File No. BP-14085; for construction permits.

Pursuant to the Commission's Memorandum Opinion and Order (FCC 63-911) released October 11, 1963 remanding this proceeding to the Examiner for further hearing consistent therewith, *It is ordered*, This 14th day of October, 1963, that:

(1) The record in this proceeding is reopened; and

(2) A Prehearing Conference of the parties, or their counsel, will be held on November 7, 1963, at 9:00 a.m., in the offices of the Commission at Washington, D.C. to make procedural arrangements for further evidentiary proceedings as contemplated by the aforementioned Commission's remand action.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11145; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket No. 15192; FCC 63M-1129]

WHITEVILLE BROADCASTING CO. (WENC)

Order Scheduling Hearing

In re application of Whiteville Broadcasting Company (WENC), Whiteville, North Carolina, Docket No. 15192, File No. BP-13390; for construction permit.

It is ordered, This 14th day of October 1963, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., November 12, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11146; Filed, Oct. 21, 1963; 8:48 a.m.]

[FCC 63-964]

BROADCAST LICENSEES

New Operator Requirements and Examination Procedure

OCTOBER 17, 1963.

On October 16, 1963, by Memorandum Opinion and Order the Commission, with some variations, reaffirmed a previous decision in Docket No. 14746, which changed the operator requirements for certain standard and FM broadcast stations. Among other matters the changes are concerned with the grade of operator license (permit) under which many stations are routinely operated.

On and after April 19, 1964, the restricted radiotelephone operator permit, presently valid for limited operation of certain standard and FM stations, will no longer be accepted. Instead of such permit, it will be necessary for limited operators to hold, as a minimum, a radiotelephone third class operator permit endorsed for broadcast operation.

A written examination is required for the third class permit consisting of Elements 1 and 2 of the Commission's examination material. A written examination in Element 9 is required for the endorsement. The subject matter of the examination is as follows:

Element 1: Basic law.
Element 2: Basic operating practice.
Element 9: Basic broadcast.

Each element is graded separately with a passing score of 75 percent required.

As a prerequisite to operating the transmitters of broadcast stations after April 19, 1964, in a routine manner, those persons now required to hold a restricted permit must successfully complete Elements 1, 2, and 9 thus obtaining the third class permit with endorsement for broadcast use, and those operators holding a radiotelephone third class operator permit must secure the broadcast endorsement by successfully completing Element 9 prior to that date.

The Commission is preparing a special study guide pamphlet containing sample questions covering the scope of Elements 1, 2 and 9 for those persons who wish to prepare for these examinations. The pamphlet and an examination schedule will be distributed without cost to all AM and FM broadcast licensees at an early date.

Applicants may appear for examination at any of the Commission's 30 field offices and 56 special examination points after January 1, 1964 in accordance with the regular examination schedule. Arrangements have also been made with the National Association of Broadcasters to develop additional field examination points in order to facilitate examinations and avoid excessive travel by individual applicants. When information is available as to the additional points, a Public Notice will be issued.

Adopted: October 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11147; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket No. 15160; FCC 63M-1128]

ALL AMERICA CABLES AND RADIO, INC.

Order Continuing Hearing

In the matter of all America Cables and Radio, Inc., multiple leased teleprinter channel charges between Miami, Florida, and San Juan, Puerto Rico.

Pursuant to agreements reached at a prehearing conference held on October 11, 1963;

It is ordered, This 14th day of October 1963, that the following schedule shall govern the preparation of this case for hearing:

All America Cables and Radio, Inc., Mackay Radio and Telegraph Company, Inc., and Aeronautical Radio, Inc., shall furnish all parties, and the Examiner, with a sworn written copy of their respective direct cases and all exhibits in support thereof, on or before November 1, 1963.[1]

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[1] In March 1962, the Commission revoked Leo Joseph Theriot's license to operate Class III standard broadcast station KLFT in Golden Meadow, Louisiana. This action temporarily left Golden Meadow without a local transmission service. Subsequently, the two applicants here involved, Egle and KLFT, applied for the vacated frequency occasioned by the Theriot revocation. The Commission designated their applications for a comparative hearing on an expedited basis. Egle thereupon petitioned for an enlargement of the issues as to the basic character qualifications of KLFT's principals. Based upon the uncontroverted allegations presented to it, the Review Board enlarged the issues as requested.

[2] Issues 1 through 4 are identical with those designated by the Review Board in its Memorandum Opinion and Order released October 11, 1962, FCC 62R-67, granting Egle's Petition to Enlarge Issues.

[1] The participation of Aeronautical Radio, Inc., in this proceeding is subject to favorable action upon its pending Petition for Leave to Intervene, filed September 30, 1963.

RCA Communications, Inc., and the Common Carrier Bureau shall furnish the other parties, and the Examiner, with a sworn written copy of their respective cases in opposition to the proponents' direct cases, and copies of all exhibits in support thereof, on or before November 7, 1963.

All parties to the proceeding shall exchange notification, on or before November 8, 1963, as to the identity of any witnesses of other parties desired for cross-examination at the hearing.

It is further ordered, That the hearing herein presently scheduled for October 28, 1963, is postponed to November 12, 1963, at the time and place heretofore specified.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 63-11102; Filed, Oct. 21, 1963; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5316 etc.]

SKELLY OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 15, 1963.

Skelly Oil Company, Docket No. G-5316; J. R. Welch (Successor to F. S. Deem), Docket No. G-8316; Woods Petroleum Corporation, Docket No. G-10692; Tidewater Oil Company, Docket No. G-11049; Walter Kuhn (Successor to PWC Oil Company), Docket No. G-12440; Ferguson Oil Company (Successor to Rupp-Ferguson Oil Company (Operator), et al), Docket No. G-12783; Skelly Oil Company (Operator), et al., Docket No. G-16546; E. J. Dunigan, Jr., Docket No. CI62-409; Compass Exploration, Inc., Operator, et al., Docket No. CI62-579; Union Texas Petroleum, a Division of Allied Chemical Corporation, Docket No. CI63-213; Hays & Company, Agent for Grimm & Dorward, Docket No. CI63-982; Southern Triangle Oil Co., Inc., et al., Docket No. CI64-80; Amerada Petroleum Corporation, Docket No. CI64-403; O. W. Gerwig, et al., Docket No. CI64-404; H. H. Allen Gas Company, Docket No. CI64-405; Amerada Petroleum Corporation, Docket No. CI64-406; Humble Oil & Refining Company, Docket No. CI64-407; Sun Down Oil Company, Docket No. CI64-408; Alva Maze Oil & Gas Partnership, Docket No. CI64-409; Kanlin Oil & Gas Company, Docket No. CI64-410; Skelly Oil Company, Docket No. CI64-411; Apache Corporation, Docket No. CI64-412; Aztec Oil & Gas Company, Docket No. CI64-413; Shelton Equipment and Machine Company, Inc., Docket No. CI64-414; Gulf Oil Corporation, Docket No. CI64-415; Texaco Inc., Docket No. CI64-416; John O. Farmer, Inc., Operator, et al., Docket No. CI64-417; Union Pacific Railroad Company, Docket No. CI64-418; Cities Service Company, Docket No. CI64-419; Texaco Inc.,, Docket No. CI64-420; Gunn-Stevens, et al., Docket No. CI64-421; Claude Drake, Jr., et al., Docket No. CI64-422; Ashland Oil & Refining Company, Docket No. CI64-423; Arthur I. Appleton, d.b.a. Appleton Oil Company, Docket No. CI64-424; Columbian Fuel Corporation, Docket No. CI64-425; Sinclair Oil & Gas Company (Operator), Docket No. CI64-426; Frank A. Schultz, et al., Docket No. CI64-427; Ralph Mace, et al., Docket No. CI64-428; Phillips Gas Company, Docket No. CI64-429; Drilco Oil Productions, Docket No. CI64-430; Morris Drilling Company, Docket No. CI64-431; Louboys Oil Company, Docket No. CI64-432; Phillips Petroleum Company, Docket No. CI64-433; R. H. Feuille, Docket No. CI64-434; J. M. Huber Corporation, Docket No. CI64-435; Jake L. Hamon (Operator), et al., Docket No. CI64-436; Anadarko Production Company, Docket No. CI64-437; Sinclair Oil & Gas Company, Docket No. CI64-438; R. C. Turner (Operator), et al., Docket No. CI64-439; Amerada Petroleum Corporation, Docket No. CI64-440; James A. Ford, d.b.a. Maytex Gas Company (Operator), et al., Docket No. CI64-441; An-Son Corporation, Docket No. CI64-442.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-5316	El Paso Natural Gas Co.	Gallegos-Gallup Sand Unit, San Juan County, N. Mex.	13.508	15.025
C 10-3-63				
C 10-7-63	do	Mesa Verde Formation, San Juan County, N. Mex.	13.508	15.025
G-8316	Hope Natural Gas Co.	Murphy District, Ritchie County, W. Va.	20.0	15.325
E 10-8-63				
G-10692	Cities Service Gas Co.	Acreage in Grant and Alfalfa Counties, Okla.	13.0	14.65
C 10-9-63				
G-11049	Tennessee Gas Transmission Co.	Acreage in Offshore Cameron Parish, La.	18.5	15.025
C 9-26-63				
G-12440	Northern Natural Gas Co.	Acreage in Kearny County, Kans.	11.055	14.65
E 9-27-63				
G-12783	Colorado Interstate Gas Co.	Greenwood Field, Morton County, Kans.	15.1125	14.65
E 9-30-63				
G-16546	El Paso Natural Gas Co.	Acreage in San Juan County, N. Mex.	13.053625	15.025
C 10-3-63				
CI62-409	do	Acreage in Beckham County, Okla.	13.0	14.65
C 10-7-63				
CI62-579	do	Acreage in Rio Arriba County, N. Mex.	13.0	15.025
C 10-7-63				
CI63-213	do	Acreage in San Juan County, N. Mex.	13.24863	15.025
C 10-3-63				
CI63-982	Hope Natural Gas Co.	Lee District, Calhoun County, W. Va.	25.0	15.325
C 10-8-63				
CI64-80	do	Central District, Doddridge County, W. Va.	25.0	15.325
C 10-8-63				
CI64-403	El Paso Natural Gas Co.	Humble Pembrook Unit, Upton County, Tex.	12.1162	14.65
A 10-2-63				
CI64-404	Hope Natural Gas Co.	Center District, Gilmer County, W. Va.	(3)	
B 10-3-63				
CI64-405	do	Murphy District, Ritchie County, W. Va.	(3)	
B 10-3-63				
CI64-406	Transcontinental Gas Pipe Line Corp.	Tilden Area, McCullen County, Tex.	(3)	
B 10-3-63				
CI64-407	Natural Gas Pipeline Co. of America.	Blair Unit, Texas County, Okla.	(3)	
B 10-4-63				
CI64-408	Hope Natural Gas Co.	Grant District, Ritchie County, W. Va.	25.0	15.325
A 10-4-63				
CI64-409	do	Sheridan District, Calhoun County, W. Va.	25.0	15.325
A 10-4-63				
CI64-410	do	Maldon District, Kanawha County, W. Va.	25.0	15.325
A 10-4-63				
CI64-411	Arkansas Louisiana Gas Co.	Darley Field, Bienville Parish, La.	(3)	
B 10-4-63				
CI64-412	Cities Service Gas Co.	Deer Creek North Field, Grant County, Okla.	13.0	14.65
A 10-4-63				
CI64-413	El Paso Natural Gas Co.	Barker Creek Dome Field, San Juan County, N. Mex.	8.0	15.025
A 10-4-63				
CI64-414	Northern Natural Gas Co.	West Follett (Cherokee) Field, Lipscomb County, Tex.	15.0	14.65
A 10-4-63				
CI64-415	Natural Gas Pipeline Co. of America.	Northwest Dower Gas Pool, Beaver County, Okla.	17.4	14.65
A 10-4-63				
CI64-416	Banquete Gas Co., a Division of Crestmont Consolidated Corp.	East Taft Field, San Patricio County, Tex.	10.0	14.65
A 10-4-63				
CI64-417	Cities Service Gas Co.	Acreage in Barber County, Kans.	13.0	14.65
A 10-4-63				
CI64-418	Colorado Interstate Gas Co.	Wamsutter Unit Area, Sweetwater County, Wyo.	15.0	14.65
A 10-4-63				
CI64-419	Texas Eastern Transmission Corp.	Puerto Bay Field, Aransas County, Tex.	(3)	
B 10-7-63				
CI64-420	United Gas Pipe Line Co.	Lisbon Field, Claiborne Parish, La.	(3)	
B 10-7-63				
CI64-421	Cabot Corp.	Sheridan District, Calhoun County, W. Va.	15.2	15.325
A 10-7-63				
CI64-422	United Fuel Gas Co.	Acreage in Roane County, W. Va.	23.0	15.325
A 10-7-63				

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
CI64-423	Transwestern Pipeline Co.	Acreage in Ellis County, Okla.	17.0	14.65
A 10-7-63				
CI64-424	Arkansas Louisiana Gas Co.	Deer Creek Field, Grant County, Okla.	11.0	14.65
A 10-7-63				
CI64-425	Northern Natural Gas Co.	Acreage in Stevens County, Kans.	(1)	14.65
A 10-7-63				
CI64-426	El Paso Natural Gas Co.	Lancaster Hills Area, Crockett County, Tex.	15.68309	14.65
A 10-7-63				
CI64-427	do	Dakota Formation, San Juan County, N. Mex.	12.0	15.025
A 10-8-63				
CI64-428	Hope Natural Gas Co.	Lee District, Calhoun County, W. Va.	25.0	15.325
A 10-8-63				
CI64-429	do	Murphy District, Ritchie County, W. Va.	25.0	15.325
A 10-8-63				
CI64-430	do	Union District, Ritchie County, W. Va.	25.0	15.325
A 10-8-63				
CI64-431	do	Murphy District, Ritchie County, W. Va.	25.0	15.325
A 10-8-63				
CI64-432	do	do	25.0	15.325
A 10-8-63				
CI64-433	Texas Gas Pipe Line Corp.	Robinson Lake Field, Chambers County, Tex.	(2)	
B 10-7-63				
CI64-434	El Paso Natural Gas Co.	San Juan Field, San Juan County, New Mexico:		
A 10-8-63		Pictured Cliffs	10.0	15.025
		Mesa Verde	11.0	15.025
		Dakota	12.0	15.025
CI64-435	Northern Natural Gas Co.	Various Fields in Beaver and Harper Counties, Oklahoma and Ochiltree County, Tex.	17.0	14.65
A 10-9-63				
CI64-436	Texas Eastern Transmission Corp.	Acreage in McMullen County, Tex.	(4)	
B 10-9-63				
CI64-437	Northern Natural Gas Co.	Ivanhoe and Mocane-Laverne Fields, Beaver County, Okla.	17.0	14.65
A 10-9-63				
CI64-438	El Paso Natural Gas Co.	State McIntyre Unit, Rojo Caballos Field, Pecos County, Tex.	18.0	14.65
A 10-9-63				
CI64-439	Natural Gas Pipeline Co. of America.	Escobas Area, Zapata County, Tex.	16.0	14.65
A 10-9-63				
CI64-440	Cities Service Gas Co.	Sawyer Unit, Grant County, Okla.	13.0	14.65
A 10-9-63				
CI64-441	Texas Gas Transmission Corp.	Northeast Bethany Field, Panola County, Tex.	14.0	14.65
A 10-9-63				
CI64-442	Cities Service Gas Co.	Northeast Selman Field, Harper County, Okla.	16.0	14.65
A 10-10-63				

[1] Price is 14.0 cents for gas from base of the Wolfcamp to the top of the Morrowan Series; 16.0 cents for gas below the top of the Morrowan Series.
[2] Wells located on said lease have ceased to produce gas in commercial quantities.
[3] Uneconomical.
[4] Depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 4, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11061; Filed, Oct. 21, 1963; 8:45 a.m.]

[Project No. 2396]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 15, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r), by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2396, known as Pierce Mills, located on Passumpsic River, in the vicinity of St. Johnsbury Center, Caledonia County, Vermont.

The project consists of: A concrete gravity dam about 18 feet high creating a reservoir of about 24.7 acres. The dam is about 130 feet long consisting of 93 feet of spillway and about 37 feet of abutment section containing head gate and trash rack. A 6-foot, 6-inch diameter wood stave penstock 246 feet long conducts water to the powerhouse, a one story structure of steel frame and masonry construction containing a verticle shaft turbine rated at 364 horsepower and a generator rated at 250 kilowatts. The plant is connected to the Bay Street Substation in St. Johnsbury Center by two 12,500-volt transmission line. The project also includes appurtenant mechanical and electric facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions to intervene may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11094; Filed, Oct. 21, 1963; 8:46 a.m.]

[Project No. 2398]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 15, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2398, known as the West Dummerston Plant, located on West River in the vicinity of West Dummerston, Windham County, Vermont.

The project consists of: A timber crib, rock filled dam about 29 feet high consisting of 214 feet of spillway with four feet of flashboard at the crest and an intake structure containing head gates and trash racks; two 8 foot diameter steel penstocks 60 feet long; a reservoir with an area of about 27.5 acres; a powerhouse of concrete and masonry construction with wood framing and stucco finish housing two generating units rated at 1,000 horsepower and power output at 720 kilowatts; and appurtenant and electrical facilities. The plant is connected to the North Brattleboro substation by a 44,000 volt transmission line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

F.R. Doc. 63-11095; Filed, Oct. 21, 1963; 8:46 a.m.]

[Project No. 2392]

GILMAN PAPER CO.

Notice of Application for License

OCTOBER 15, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Gilman Paper Company (correspondence to: Arthur L. Graves, Attorney, 20 Citizens

Bank Building, St. Johnsbury, Vermont) for license for constructed Project No. 2392, known as the Gilman Project, located on the Connecticut River, in the Towns of Lunenburg and Guildhall, Essex County, in the vicinity of the Village of Gilman, Vermont, and in the Towns of Dalton and Lancaster, Coos County, New Hampshire.

The project consists of: A dam with crest elevation at about 828 feet, topped with 5 foot flashboards, extending from the left bank, including a concrete gravity section, with two sluice gates, about 108 feet long, and a rock filled timber crib section about 211 feet long, including a 27 foot long sluiceway with crest elevation at about 827 feet, and a 15 foot long bulkhead with crest elevation at about 839 feet; a powerhouse extending to the right bank, containing one 1250 horsepower turbine and three 1000 horsepower turbines directly connected to one 990 kva and three 1000 kva generating units; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 4, 1964. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11096; Filed, Oct. 21, 1963; 8:46 a.m.]

[Docket No. CP63-258]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application To Amend Order

OCTOBER 15, 1963.

Take notice that on September 23, 1963, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City 10, Utah, filed in Docket No. CP63-258 an application to amend the Commission's order, issued June 17, 1963, in Docket No. CP63-258, to authorize Applicant to construct and operate 3.7 miles of 16-inch pipe in lieu of 3.7 miles of 24-inch pipe presently authorized by said order, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The subject order authorized Applicant to construct and operate, among other facilities, 3.7 miles of 24-inch pipeline in Weber Canyon, Utah, replacing and relocating a portion of a 14-inch line. Such replacement and relocation was due to the construction of Interstate Highway 80. The relocated line was to be constructed along a bench high above the canyon, and Applicant desired to install 24-inch pipe because it was understood that the bench would be too narrow to allow for the looping, at a subsequent time, of a smaller diameter pipe in the event that increased capacity would be required. It has now been determined that the bench will have sufficient room to permit looping in the future, if required.

Therefore, Applicant request that the subject order be amended to permit the installation of 16-inch pipe.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11097; Filed, Oct. 21, 1963; 8:46 a.m.]

[Docket Nos. CP63-286 and CP63-339]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Postponement of Hearings

OCTOBER 15, 1963.

South Texas Natural Gas Gathering Company, Docket No. CP63-286; South Texas Natural Gas Gathering Company, Docket No. CP63-339.

Take notice that the hearings now scheduled to be held in Washington, D.C., on October 22 and October 23, 1963, in Docket Nos. CP63-286 and CP63-339, respectively, by notices issued on October 4 and October 8, 1963, respectively, are hereby postponed to a date or dates to be hereafter fixed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11098; Filed, Oct. 21, 1963; 8:46 a.m.]

[Project No. 2299]

TURLOCK IRRIGATION DISTRICT AND MODESTO IRRIGATION DISTRICT

Notice of Postponement of Oral Argument

OCTOBER 15, 1963.

Upon consideration of the request filed on October 7, 1963, by the applicants' special counsel for postponement of the oral argument presently scheduled for October 28, 1963, in the above-designated matter;

Notice is hereby given that the oral argument is postponed to 10:00 a.m., e.s.t., December 5, 1963.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11099; Filed, Oct. 21, 1963; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BANK OF SOUTH HAVEN

Order Approving Acquisition of Bank's Assets

In the matter of the application of Bank of South Haven for approval of acquisition of assets of Peoples State Bank of Bloomingdale.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Bank of South Haven, South Haven, Michigan, a member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets of and assumption of deposit liabilities in Peoples State Bank of Bloomingdale, Bloomingdale, Michigan. As an incident to such application, Bank of South Haven, the title of which will be changed to Citizens Trust and Savings Bank, has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the present location of Peoples State Bank. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board of Governors, has been published pursuant to said Bank Merger Act.

Upon consideration of all relevant material, including the reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and assumption of deposit liabilities and establishment of a branch shall not be consummated (a) within seven calendar days following the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 15th day of October, 1963.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-11100; Filed, Oct. 21, 1963; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Balderston, and Governors Mills, Shepardson, and Mitchell. Absent and not voting: Chairman Martin and Governor Robertson.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN CATEGORIES 53 AND 61 PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Restriction on Entry or Withdrawal From Warehouse

OCTOBER 17, 1963.

There is published below a letter of October 17, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 53 and 61 produced or manufactured in the Philippines which may be entered, or withdrawn from warehouse, for consumption in the United States from October 25, 1963, through October 24, 1964, be limited to certain designated levels. This is a continuation of the arrangement presently in effect between the United States Government and the Government of the Philippines on the exports of such goods to the United States in Categories 53 and 61, produced or manufactured in the Philippines, during the twelve-month period which began October 25, 1962.

G. ERVIN DIXON,
Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.
October 17, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 25, 1963, and for the period extending through October 24, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 53 and 61, produced or manufactured in the Philippines, in excess of the following levels of restraint:

Categories:	*Levels of restraint dozen*
53	300,000
61	1,145,000

A detailed description of Categories 53 and 61 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out this directive, entries of cotton textile products in Categories 53 and 61, produced or manufactured in the Philippines, which have been exported to the United States from the Philippines prior to October 25, 1963, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 25, 1962, through October 24, 1963. In the event that the levels of restraint established for the period October 25, 1962, through October 24, 1963, have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-11156; Filed, Oct. 21, 1963; 8:48 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Information Committee

[Docket No. 63-2]

NOTICE OF PUBLIC HEARING RELATING TO ARTICLES TO BE CONSIDERED FOR TRADE AGREEMENT NEGOTIATION

Timetable

1. Requests to present oral testimony must be received by Wednesday, November 20, 1963.

2. For due dates for written briefs, see section 5 of this notice.

3. Hearings begin December 2, 1963.

1. *Notice of public hearing.* Pursuant to section 223 of the Trade Expansion Act of 1962 (76 Stat. 872, 19 U.S.C. 1843), section 3(g) of Executive Order No. 11075 of January 15, 1963, as amended (28 F.R. 473), section 202.3 of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (48 CFR, Part 201, 28 F.R. 3974), and § 211.2 (a) of its Regulations (48 CFR, Part 211, 28 F.R. 7947), the Trade Information Committee in the Office of the Special Representative for Trade Negotiations has ordered public hearings to be held concerning the notice of proposed trade agreement negotiations and articles to be considered for negotiation published this day by the President in the FEDERAL REGISTER.[1]

NOTE: See also F.R. Doc. 63-11132, Tariff Commission, in Notices section, *infra*.

2. *Subject matter of public hearings.* The subject matter of the public hearing will include any matter pertaining to the proposed trade agreements announced in the notice of proposed trade agreement negotiations required to be heard by section 223 of the Trade Expansion Act of 1962. That section provides, in pertinent part, that any interested person may present his views "concerning any article on a list published pursuant to section 221, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement".

In view of the fact that briefs and testimony presented to the Tariff Commission concerning the subject matter set forth in section 221 of the Act will be made available to the Trade Information Committee, the same material need not be submitted to the Committee. It is suggested that persons appearing before the Committee devote particular attention to the following subjects comprised within section 223 of the Act:

(1) Reductions in rates of duty which the United States should seek to obtain from other nations.

(2) Restrictions and barriers to trade other than rates of duty imposed by other nations which the United States should seek to have removed or modified.

(3) Articles upon which elimination, reduction, or continuance of the United States rate of duty should be offered.

(4) Other United States import restrictions which should be offered for modification or continuance under the authority of section 201(a) of the Trade Expansion Act of 1962.

3. *Time and place of public hearing.* The public hearing will commence on Monday, December 2, 1963. Hearings held before January 1, 1964, will be held in Room 105, 722 Jackson Place NW., Washington, D.C. Hearings held after January 1, 1964, will be held in Conference Room B of the Interdepartmental Auditorium, Labor Department Building, Constitution Avenue and 14th Street NW., Washington, D.C.

The sequence of the hearings will follow Schedules 1 through 8 of the Tariff Schedules of the United States (TSUS). Each Schedule will be treated as a unit for the purpose of conducting the hearing. Matters not specifically related to any commodity will be scheduled as the Committee deems appropriate.

Hearings on Schedules 1 and 2 will commence on December 2, 1963. The opening date for hearings concerning Schedules 3 through 8 and any other matters will be announced in the FEDERAL REGISTER on Tuesday, December 10, 1963.

4. *Requests to present oral testimony.* All requests to present oral testimony, regardless of subject matter, must be received by the Executive Secretary of the Trade Information Committee not later than Wednesday, November 20, 1963. The entire schedule for the proposed hearing will be formulated on the basis of requests to appear received as of that date.

Requests to present oral testimony must conform with the regulations of the Committee, 48 CFR, Part 211, 28 F.R. 7947. Requests shall be submitted in an original and three copies. Requests must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request;

(c) The description and TSUS item number (to the extent practicable) of the commodity or commodities in which the party has an interest;

(d) The subject or subjects to be dealt with in the proposed testimony, listed

[1] See Presidential Notice of October 21, 1963, *supra*.

individually and, in the case of import restrictions other than duties, with sufficient particularity to identify the restriction to be discussed;

(e) A brief indication of the position to be taken by the party;

(f) The name, address, and telephone number of the person (or persons) who will present oral testimony; and

(g) The amount of time requested for the presentation of oral testimony, and if more than 15 minutes is requested, the reasons therefor.

Each party submitting a request will be notified of the Committee's disposition thereof. Each person whose request is granted will also be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. The Committee reserves the right to restrict the time allotted for oral presentation. Any person whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of this hearing. Each party presenting oral testimony must file a brief. All briefs must be filed within the time specified in the following paragraph.

Written briefs concerning commodities contained in Schedule 1 of the TSUS must be received by the Executive Secretary by November 25, 1963, and briefs concerning commodities contained in Schedule 2 must be received by December 2, 1963. Written briefs concerning commodities contained in other Schedules of the TSUS must be filed fifteen calendar days before the date on which hearings concerning that Schedule are to begin. Hearing dates for subsequent Schedules will be announced in the FEDERAL REGISTER on December 10, 1963.

Briefs must conform to the Committee's Regulations, 48 CFR, Part 211, 28 F.R. 7927. Briefs must be submitted in twenty (20) copies, one of which must be made under oath or affirmation. In addition, each brief shall clearly designate on the first page the name and address of the party submitting the brief, the description and TSUS item number of the commodities to which the brief pertains, and the subject matter of the brief.

Suggestions for the prepartion of written briefs will be sent to all parties requesting to present oral testimony, and will otherwise be furnished upon request to the Executive Secretary.

In order to aid preparation for the hearings, statistics of United States imports on a world-wide basis, according to TSUS item numbers, will be available shortly from the Government Printing Office in a Census Bureau publication entitled "United States Imports of Merchandise for Consumption: TSUS Schedule by Part by Item, 1961". A breakdown of United States imports by country will be published later in the year.

6. *Rebuttal briefs.* In order to assure each party equal opportunity to contest the information provided by other interested parties, the Committee will entertain rebuttal briefs filed by any party within one week after the close of hearings on a particular schedule. Rebuttal briefs shall conform, in form and number, to the Regulations of the Committee and the provisions of this notice applicable to written briefs. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing, and should be as concise as possible.

7. *Information exempt from public inspection.* Parties are referred to §§ 211.7 and 211.8 of the Committee's Regulations, 48 CFR, Part 211, 28 F.R. 7947, for the regulations concerning information exempt from public inspection. In addition, the following should be noted: (1) Requests to present oral testimony should contain no confidential information, and any requests marked "For Official Use Only" will not be accepted. (2) Every written brief must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

8. *Public inspection of written materials.* Subject to the regulations of the Committee, and in particular §§ 211.7 and 211.8, all written materials filed with the Committee in connection with this hearing will be open to public inspection, by appointment, at the office of the Executive Secretary, Executive Office Building, 17th Street and Pennsylvania Avenue NW., Washington, D.C., 20506. Transcripts of the hearing will also be available for inspection, but not for reproduction. Transcripts may be purchased from the official reporter.

9. *Communications.* All communications with regard to these hearings should be addressed to: Executive Secretary, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Executive Office Building, 17th Street and Pennsylvania Avenue NW., Washington, D.C., 20506.

SIDNEY PICKER, JR.,
Executive Secretary.

[F.R. Doc. 63-11183; Filed, Oct. 21, 1963; 5:00 p.m.]

TARIFF COMMISSION

[TEA-221(b)-1]

PRESIDENT'S LIST OF ARTICLES FOR POSSIBLE CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

Notice of Investigation and Hearings

1. Tariff Commission public hearings will begin on December 2, 1963.

2. The final date for filing requests to testify at the Tariff Commission public hearings is November 20, 1963.

On October 22, 1963, the President, pursuant to section 201(a) of the Trade Expansion Act of 1962 (hereinafter referred to as "the Act"), furnished the United States Tariff Commission (hereinafter referred to as "the Commission") a list of articles (hereinafter referred to as the "President's list") to be considered for modification or continuance of United States duties or other import restrictions, or continuance of United States duty-free or excise treatment, in connection with trade-agreement negotiations to be conducted under the Act. The President's list is published in the FEDERAL REGISTER concurrently with this notice.[1]

I. *Investigation instituted.* In accordance with Part 205 of the Commission's rules of practice and procedure, the Commission has instituted an investigation for the purpose of obtaining, to the extent practicable, information of the kind described in section 221(c) of the Act for use in connection with the preparation of advice to the President required by section 221(b) of the Act, namely, advice with respect to each article included in the President's list of the Commission's judgment as to the probable economic effect of modifications of duties or other import restrictions on industries producing like or directly competitive articles.

II. *Procedure for conduct of hearings and submission of written views.* A. Public hearings in connection with the investigation will commence at 10:00 a.m. on Monday, the 2d day of December, 1963, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C.

1. Requests to appear at the public hearings must be filed in writing with the Secretary of the Commission on or before November 20, 1963. Such requests must contain the following information:

a. The item number or numbers in the Tariff Schedules of the United States covering the article or articles on which testimony will be presented.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importer or domestic-producer interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

2. Allotment of time: Because of the extensive scope of the President's list, limitation of time for the presentation of oral testimony is in the public interest. Accordingly, in scheduling appearances at the hearings the time to be allotted to witnesses for the presentation of oral testimony will be limited as circumstances require. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony.

3. Notification of date of appearance: Persons who have properly filed requests to appear will be individually notified in advance of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

4. Order of hearings: To the extent practicable the hearings will follow the order of the Tariff Schedules of the United States, beginning with Schedule 1, Animal and Vegetable Products.

5. Questioning of witnesses will be limited to members of the Commission.

[1] See Presidential Notice of October 21, 1963, *supra*.

B. Written information and views in lieu of appearance at the public hearings may be submitted by interested persons. A signed original and nineteen true copies of such statements shall be submitted. Business data which it is desired shall be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential." All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than the date of the closing of the public hearings.

III. *Requests for reservation of certain items from negotiations.* Under conditions set forth in section 225(b) of the Act, certain articles included in the President's list must be reserved by the President from negotiation for the reduction of duty or other import restriction or the elimination of duty. This reservation provision applies to any article with respect to which (1) the Commission, in escape-clause proceedings concluded prior to October 11, 1962, found by majority vote that it was being imported in such increased quantities as to cause or threaten serious injury to an industry, (2) there was not in effect on October 11, 1962, any action taken under section 7 of the Trade Agreements Extension Act of 1951, (3) a request in behalf of the industry concerned is filed with the Commission not later than 60 days after publication of the President's list, and (4) the Commission finds and advises the President that economic conditions in such industry have not substantially improved since the date of the report of the finding referred to in (1).

A. Articles subject to request for reservation under section 225(b) of the Act are listed in the Annex to this notice.

B. Requests for reservation may be filed by or on behalf of any firm or firms which in 1962 accounted for more than 50 percent of the production (by quantity) of the domestic article concerned in an escape-clause investigation which resulted in a majority Commission finding of serious injury or the threat thereof. Interested persons who intend filing requests are urged to do so within the time specified in part II A 1 for the filing of requests to appear at the public hearings in connection with the President's list. Persons doing so will be allowed additional time for the presentation of evidence at the hearings. (Note § 205.9 of the Commission's rules of practice and procedure (19 CFR 205.9) which provides that investigations for the purposes of section 225(b) of the Act will be consolidated with the investigation for the purposes of section 221 of the Act.)

C. Requirements for requests. Requests for reservation shall include the following: (1) The names and addresses of the firms known by the persons filing the request to be producing the domestic article concerned, and the location of the separate establishments, if any, of such firms in which such article is produced; (2) data on production by quantity of the domestic article concerned for each of the years 1958 through 1962; and (3) a statement of the facts forming the basis of the claim that economic conditions in the industry producing the domestic article concerned have not improved since the date of the report of the Commission which contained the finding of serious injury or the threat thereof.

IV. *Related hearings before the Trade Information Committee.* Published in the FEDERAL REGISTER concurrently with this notice is an announcement by the Trade Information Committee[2] regarding public hearings to be held by the Committee on the articles included in the President's list, and on other matters, to begin on December 2, 1963. Oral testimony and written statements of interested persons received by the Commission in connection with its investigation for the purposes of section 221 of the Act will be made available by the Commission to the Trade Information Committee. Accordingly, as stated in the Trade Information Committee's notice, appearance before the Trade Information Committee for the purpose of submitting the same information, although permissible, will not be necessary.

V. *Communciations to be addressed to Secretary.* All communications regarding the Commission's investigation should be addressed to the Secretary, United States Tariff Commission, Washington, D.C., 20436.

Issued October 22, 1963.

By direction of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

ANNEX—ARTICLES REFERRED TO IN PART III OF TARIFF COMMISSION NOTICE

[NOTE: "TSUS" refers to "Tariff Schedules of the United States"; "pt" after an item number means that only part of the item is involved]

TSUS Item No.	Articles	Number and date of Tariff Commission report
650.91	Scissors and shears and blades therefor, valued over $1.75 per dozen.	7-24 3/12/54
725.04(pt)	Violins and violas valued not over $25 each.	7-55 1/29/57
732.02 732.04 732.06 732.08 732.10 732.12 732.14 732.16 732.18 732.20 732.22 732.24	Bicycles	7-37 3/14/55
734.55(pt)	Baseball (including softball) gloves and mitts.	7-97 5/1/61
745.52	Dressmakers' or common pins	7-52 1/30/57 7-109 2/28/62
751.20(pt) 751.25(pt)	Ribs and stretchers of metal for umbrellas or parasols of the kind commonly carried in the hand when in use, in frames or otherwise, and tubes (rods) for such umbrellas, whether or not of metal.	7-62 1/14/58
755.35(pt)	Ferrocerium and other cerium alloys.	7-41 12/21/55
756.20(pt)	Tobacco pipes and pipe bowls, of brier wood or root, valued not over $5 per dozen.	7-10 12/22/52
790.05	Spring type clothespins	7-57 9/10/57

[F.R. Doc. 63-11132; Filed, Oct. 21, 1963; 5:00 p.m.]

ANNEX—ARTICLES REFERRED TO IN PART III OF TARIFF COMMISSION NOTICE

[NOTE: "TSUS" refers to "Tariff Schedules of the United States"; "pt" after an item number means that only part of the item is involved]

TSUS Item No.	Articles	Number and date of Tariff Commission report
110.50 110.55	Cod, cusk, haddock, hake, pollock, and Atlantic ocean perch (rosefish), "otherwise processed".	7-47 10/12/56
126.23	Alsike clover seed	1-10401-2 5/8/57
136.30	Garlic	177, 2d Ser. 6/6/52
186.20	Fur, not on the skin, prepared for hatters' use, and carrotted furskins.	178, 2d Ser. 11/9/51
346.15 346.20 346.22 346.24	Velveteens, of cotton	7-49 10/24/56
372.65(pt)	Screen-printed scarves, of silk	7-19 4/13/53
425.94	Tartaric acid	7-69 1/14/59
426.76	Cream of tartar	7-70 1/14/59
532.21(pt)	Ceramic mosaic tiles (except such tiles valued at 95 cents or more per square foot, and except tiles in sheets (1) containing over 300 tiles per square foot, or (2) having none, or not more than half, of the tiles with faces which (disregarding rounded corners) are in the form of triangles, rectangles, or polygons and with such triangles, rectangles, or polygons as there may be forming an integral part of the pattern).	7-100 5/10/61

[2] See F.R. Doc. 63-11183, in Notices section, *supra*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENRICHED FLOUR DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the Fant Milling Company, 408 Magnolia Street, Sherman, Texas, to cover interstate marketing tests of enriched flour deviating from the requirements of the standard of identity for that food (21 CFR 15.10). The product has been modified so that it no longer meets the granulation specification of the standard. The product is to be labeled "free flow enriched flour."

This permit expires August 1, 1964.

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-11107; Filed, Oct. 21, 1963; 8:46 a.m.]

MONSANTO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1231) has been filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, proposing that paragraph (c)(4) of § 121.2562 *Rubber articles intended for repeated use* be amended as follows:

1. By inserting alphabetically in subdivision (ii)(b) a new item "*N,N*-Dimethylcyclohexylamine salt of dibutyldithiocarbamic acid."

2. By inserting alphabetically in subdivision (viii) a new item "Sodium decylbenzenesulfonate."

3. By inserting alphabetically in subdivision (ix) the new items "2-Ethoxyethanol" and "Tall oil."

Dated: October 15, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-11108; Filed, Oct. 21, 1963; 8:46 a.m.]

NEW-DRUG APPLICATIONS

Notice of Approvals August 1963

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of August 1963:

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
		Drugs for Human Use			
Dexamethasone phosphate sodium.	Hexadrol Cream	Gluco-corticoid	Organon, Inc., 375 Mt. Pleasant Ave., West Orange, N.J.	Aug. 9, 1963	R_x
Do	Hexadrol Cream With Tar.	do	do	do	R_x
Meprobamate		Tranquilizer	The Lannett Co., Frankford Ave., Allen St., Philadelphia, Pa.	do	R_x
Dequalinium acetate, cetyl pyridinium chloride.	Band-Aid Liquid Antiseptic.	Antiinfective	Johnson & Johnson, 500 George St., New Brunswick, N.J.	Aug. 15, 1963	OTC
Cyclothiazide	Anhydron No. 1850.	Diuretic	Eli Lilly & Co., Box 618, Indianapolis, Ind.	Aug. 20, 1963	R_x
Meprobamate	Vio-Bamate	Tranquilizer	Rowell Laboratories, Inc., Baudette, Minn.	Aug. 22, 1963	R_x
Radio-cyanocobalamin (cobalt^{57}), cyanocobalamin, intrinsic factor concentrate.	Racobalamin-57 Capsules.	Diagnostic agent	Abbott Laboratories, 14th & Sheridan Rd., North Chicago, Ill.	Aug. 23, 1963	R_x
Radio-cyanocobalamin (cobalt^{57}), cyanocobalamin, intrinsic factor concentrate.	Racobalamin-57 Anemia Diagnostic Kit.	do	do	do	R_x
Radio-cyanocobalamin (cobalt^{57}), cyanocobalamin.	Racobalamin-57 Sterile Solution.	do	do	do	R_x
		Drugs for Veterinary Use			
Trimeprazine tartrate, prednisolone.	Temaril-P Granulets.	Antihistamine, gluco-corticoid.	Norden Laboratories, Inc., Lincoln, Nebr.	Aug. 10, 1963	R_x
Oxytetracycline hydrochloride.	Terramycin for Poultry.	Antibiotic	Chas. Pfizer & Co., Inc., 235 East 42d St., New York 17, N.Y.	Aug. 23, 1953	OTC

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Correction. The item "3,4,4'-Trichlorocarbanilide, 4,4'-dichloro-3-(trifluoromethyl) carbanilide, 4',5- di- and 3,4' 5-tribromosalicylanilides", published in the FEDERAL REGISTER August 6, 1963 (28 F.R. 7998) should read "3,4,4'-Trichlorocarbanilide, 4,4'-dichloro-3-(trifluoromethyl) carbanilide, 3',5-di- and 3,4',5-tribromosalicylanilides".

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-11109; Filed, Oct. 21, 1963; 8:46 a.m.]

NOPCO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Polyethylene Glycol 200

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1245) has been filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, proposing that paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* be amended by inserting alphabetically in the "List of substances" the new item:

Polyethylene glycol 200.

Dated: October 16, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-11128; Filed, Oct. 21, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 883]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65499. By order of October 15, 1963, the Transfer Board approved the transfer to Harlan W. Thompson and Keith H. Chittim, a partnership, doing business as Tower Transportation Co., Newcastle, Wyo.; of certificate in No. MC 112575, issued February 6, 1962, to Sven Johanson, doing business as Johanson and Carbis Oil Field Trucking and Moving, Newcastle, Wyo., authorizing the transportation of: Commodities similar to those described in the "Merse Description", and those which, because of size or weight, require the use of special equipment, between points in Weston County, Wyo.; on the one hand, and, on the other, points in a specified part of Nebraska and South Dakota. Vincent A. Ross, 314-321 Hynds Building, Cheyenne, Wyo., attorney for applicants.

No. MC-FC 65990. By order of October 15, 1963, the Transfer Board approved the transfer to Salvatore Finocchiaro, doing business as Finocchiaro Motor Freight, 1342 Carpenter Street, Philadelphia, Pa., of certificate in No. MC 42087, issued October 8, 1942, to Rosario Finocchiaro, doing business as Finocchiaro Motor Freight, 1342 Carpenter Street, Philadelphia 47, Pa., authorizing

the transportation of: Agricultural commodities, from Swedesboro, N.J., to Baltimore, Md., Philadelphia, Pa., Wilmington, Del., and New York, N.Y., and from Bridgeton, N.J., to Philadelphia, Pa.; canned goods, from Baltimore, Md., to Philadelphia, Pa., from Philadelphia, Pa., to Swedesboro, N.J., from Swedesboro, N.J., to Baltimore, Md., Philadelphia, Pa., Wilmington, Del., and New York, N.Y., and from Bridgeton, N.J., to Philadelphia, Pa.; fertilizer, from Philadelphia, Pa., to Swedesboro, N.J., and Bridgeton, N.J.; paints, from New York, N.Y., to Swedesboro, N.J.; petroleum products in containers, from Paulsboro, N.J., to New York, N.Y., and from New York, N.Y., to Swedesboro, N.J.; such merchandise as is dealt in by wholesale and retail grocery stores, and equipment, materials, and supplies used in the conduct of such business, between New York, N.Y., Brooklyn, N.Y., and Jersey City, N.J., on the one hand, and, on the other, Trenton, N.J., Wilmington, Del., Camden, N.J., Philadelphia, Pa., and Baltimore, Md., and from Philadelphia, Pa., to Trenton, N.J., and Wilmington, Del.; tagua or ivory nuts, and vegetable ivory nut slabs, between New York, N.Y., and Brooklyn, N.Y., on the one hand, and, on the other, Philadelphia, Pa., medicinal preparations, tonics and drugs, between New York, N.Y., and Philadelphia, Pa., and empty containers between Philadelphia, Pa., and New York, N.Y.

No. MC-FC 66084. By order of October 15, 1963, the Transfer Board approved the transfer to Mey Transfer, Inc., of Newburg, Wis., of the operating rights claimed in No. MC 104876 (Sub-No. 2) under the "grandfather clause" of section 206(a)(7)(B), Interstate Commerce Act by A. F. Mey, doing business as A. F. Mey Transfer, Newburg, Wis., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transfer or issued by the Wisconsin Public Service Commission in Certificate No. CC-407. Robert H. Suran, 230 West Capiton Drive, Milwaukee, Wis., attorney for applicants.

No. MC-FC 66200. By order of October 15, 1963, the Transfer Board approved the transfer to the Picton Cartage Co., Ltd., a corporation, Hamilton, Ontario, Canada, of permit in No. MC 123292 issued July 24, 1961, to Frank Calzonetti, doing business as Picton Cartage Co., Hamilton, Ontario, Canada, authorizing the transportation of scrap metals, in dump vehicles over irregular routes, between points on the United States-Canada boundary line located on the Niagara River, on the one hand, and, on the other, Niagara Falls and Buffalo, N.Y. Francis Rocchi, 64 Hughson Street, South, Hamilton, Ontario, Canada, attorney for applicants.

No. MC-FC 66208. By order of October 15, 1963, the Transfer Board approved the transfer to Rochester Moving, Inc., Rochester, N.Y., of a portion of certificate in No. MC 36060 issued June 23, 1941, to Rochester Carting Co., a corporation, Rochester, N.Y., authorizing the transportation of household goods, over irregular routes, from Rochester, N.Y., to points in Pennsylvania, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, Ohio, Indiana, Illinois, Maryland, Virginia, North Carolina, Georgia, Florida, and the District of Columbia, traversing South Carolina for operating convenience only; and from points in the above specified destination territory, to points in New York. Robert V. Gianniny, 900 Midtown Tower, Rochester, New York, attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-11125; Filed, Oct. 21, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38601: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 51), for itself and interested carriers. Rates on chemicals, as described in the application, in trailer loads, moving in part over the highways and in part via water in containerships in intercoastal service, from Buffalo, N.Y., to Los Angeles and San Francisco, Calif.

Grounds for relief: All-rail competition.

Tariff: Supplement 35 to Sea-Land Service, Inc., tariff I.C.C. 14.

FSA No. 38602: *Substituted service—CGW for Seuring Transit, Inc., et al.* Filed by A. R. Fowler, agent (No. 11), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., and St. Paul, Minn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motortruck competition.

Tariff: A. R. Fowler, agent, tariff MF-I.C.C. A-94.

FSA No. 38603: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 338), for interested carriers. Rates on property moving on class and commodity rates, loaded in highway trailers, and moving over joint routes of applicant rail and motor carriers, between points in Arkansas, Kansas, Missouri, Oklahoma, Tennessee, and Texas, on the one hand, and points in central States, and middlewest territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 1 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 417.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-11124; Filed, Oct. 21, 1963; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION I

Ward Bros., Inc., 72 Lisbon Street, Lewiston, Maine; effective 10-1-63 to 3-31-64. (apparel store; 84 employees).

REGION III

W. T. Grant Co., 17 South Front Street, Milton, Pa.; effective 10-18-63 to 9-2-64 (variety store; 14 employees).

S. S. Kresge Co., No. 492, Springfield Shopping Center, 799 Sproul Road, Springfield, Pa.; effective 9-19-63 to 3-31-64 (variety store; 38 employees).

REGION IV

Kuhn's 5-10-25¢ Store, 306 South First Avenue, East, Cullman, Ala.; effective 10-3-63 to 9-2-64 (variety store; 30 employees).

REGION V

Neisner Brothers, Inc., No. 18, 241 West Western Avenue, Muskegon, Mich.; effective 10-1-63 to 9-2-64 (variety store; 18 employees).

REGION VI

M. Gilbert & Sons Co., 813 South Michigan Street, South Bend, Ind.; effective 9-18-63 to 3-31-64 (apparel store; 156 employees).

G. C. Murphy Co., No. 270, 1566 University Avenue, St. Paul (4E), Minn.; effective 9-1-63 to 3-31-64 (variety store; 143 employees).

REGION VII

Hested Brentwood Corp., No. 775, 2005 South Federal Boulevard, Denver, Colo.; effective 9-5-63 to 3-31-64 (variety store; 32 employees).

Hested Laramie Corp., No. 725, Laramie, Wyo.; effective 9-24-63 to 3-31-64 (variety store; 24 employees).

Lee Sidney Corp., No. 732, Sidney, Nebr.; effective 6-10-63 to 3-31-64 (variety store; 31 employees).

J. J. Newberry Co., No. 201, 2703 North 14 Street, St. Louis, Mo.; effective 6-10-63 to 3-31-64 (variety store; 18 employees).

Olson Mercantile Co., 1406 West Main Street, Chanute, Kans.; effective 6-10-63 to 8-31-63 (food store; 21 employees).

Younker Brothers, Inc., Seventh and Walnut Streets, Des Moines, Iowa; effective 7-16-63 to 3-31-64 (department store; 1573 employees).

Younker Brothers, Inc., Merle Hay Plaza, 503 Merle Hay Plaza, Des Moines, Iowa; effective 7-16-63 to 3-31-64 (department store; 239 employees).

Younker Brothers, Inc., Fourth and Nebraska and Fourth and Pierce, Sioux City, Iowa; effective 7-16-63 to 3-31-64 (department store; 715 employees).

REGION VIII

Grayson Shops, Inc. of Texas, No. 448, 324 East Houston Street, San Antonio, Tex.; effective 10-3-63 to 9-2-64 (apparel store; 54 employees).

NORTH CAROLINA

Big Dollar Grocery, East Main Street, Franklin, N.C.; effective 9-27-63 to 3-31-64 (food store; 17 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Britts Freehold Corp., Route No. 9, Freehold, N.J.; effective 10-1-63 to 9-2-64; office clerk, sales clerk, stock clerk, janitor, window trimmer, markers; between 8.0 percent and 10 percent (variety store; 75 employees).

Hested Stores Co., No. 793, 2547 11th Avenue, Greeley, Colo.; effective 10-1-63 to 9-2-64; sales clerk, stock clerk, markers; between 3.5 percent and 10 percent (variety store; 16 employees).

McCrory-McLellan-Green, 1114 Candelaria NW., Albuquerque, N. Mex.; effective 10-1-63 to 3-31-64; stock clerks, sales clerks; between 0.0 percent and 10 percent (variety store; 33 employees).

Neisner Brothers, Inc., No. 204, 2726 Mt. Pleasant Street, Burlington, Iowa; effective 10-1-63 to 9-2-64; selling, stocking, clerical; between 4.3 percent and 10 percent (variety store; 19 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 10th day of October 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-11134; Filed, Oct. 21, 1963; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., 1624 North Main Street, High Point, N.C.; effective 10-6-63 to 10-5-64 (men's work shirts).

Blue Bell, Inc., Commerce, Ga.; effective 10-18-63 to 10-17-64 (men's, boys', and misses' outerwear jackets).

Blue Bell, Inc., Fulton, Miss.; effective 10-14-63 to 10-13-64 (men's and boys' work and sport trousers).

E-Town Sportswear Corp., Elizabethtown, Ky.; effective 10-3-63 to 10-2-64 (men's slacks).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 10-15-63 to 10-14-64 (men's, boys', and ladies' dress and casual slacks and walking shorts).

Honea Path Shirt Co., Honea Path, S.C.; effective 10-17-63 to 10-16-64 (men's and ladies' sport shirts).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10-15-63 to 10-14-64 (men's and boys' trousers).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 10-1-63 to 9-30-64 (ladies' blouses).

Middletown Garment Co., Middletown, Ohio; effective 10-4-63 to 10-3-64 (women's dresses).

The Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10-1-63 to 9-30-1964 (men's and boys' dungarees).

Newport News Children's Dress Co., 824 39th Street, Newsport News, Va.; effective 10-5-63 to 10-4-64 (children's and girls' dresses and playsuits).

Olney Manufacturing Co., Olney, Texas; effective 10-7-63 to 10-6-64 (men's and boys' dress slacks).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 10-8-63 to 10-7-64 (men's work and casual pants and shirts).

Phillips-Van Heusen Factory, Clayton, Ala.; effective 10-4-63 to 10-3-64 (men's sport shirts).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 10-12-63 to 10-11-64 (men's and boys' sport shirts).

Southland Manufacturing Co., 1510 South Third Street, Wilmington, N.C.; effective 10-3-63 to 10-2-64 (men's sport and dress shirts).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R.I.; effective 10-4-63 to 10-3-64 (children's outerwear—blouses, shirts, and pants).

Standard Romper Co., Inc., Verney Building, Brunswick, Maine; effective 10-11-63 to 10-10-64 (children's pants).

Standard Romper Co., Inc., 321 Canco Road, Portland, Maine; effective 10-4-63 to 10-3-64 (children's shirts).

Tic Tac Co., Inc., Dicey Creek Road, Camden, S.C.; effective 9-26-63 to 9-25-64 (children's outerwear—slacks, shirts, and coveralls).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apco Manufacturing Co., 922 Exchange Avenue, Brodhead, Wis.; effective 10-11-63 to 10-10-64; 10 learners (infants' and children's cotton knit polo shirts).

Irene Sportswear Co., Inc., Plant No. 2, Main Street, Dalton, Pa.; effective 10-2-63 to 10-1-64; 10 learners (ladies' blouses).

Knitwear Associates, Inc., 1427 Chew Street, Allentown, Pa.; effective 10-3-63 to 10-2-64; 10 learners (men's and boys' shirts and girls' shifts).

R & K Apparel Co., 40 West Main Street, Plymouth, Pa.; effective 10-7-63 to 10-6-64; 10 learners (ladies' dresses).

Southern Garment Co., P.O. Box 608, Robbins, N.C.; effective 10-4-63 to 10-3-64; 10 learners (women's cotton wash dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; effective 10-4-63 to 4-3-64; 20 learners (women's brassieres).

Diane Co., Inc., d.b.a. Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 9-27-63 to 3-26-64; 20 learners (women's dresses and blouses).

Denise Lingerie Corp., 425 West Walnut Street, Johnson City, Tenn.; effective 9-30-63 to 3-29-64; 35 learners (women's and misses' full and half slips).

The Eastern Isle Manufacturing Corp., Richlands, Va.; effective 10-7-63 to 4-6-64; 50 learners (ladies' woven pajamas and sleepwear).

Eileen Hope, Inc., 122 Juniper Street, Harrisburg, Pa.; effective 10-2-63 to 4-1-64; 10 learners (women's dresses).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; effective 10-3-63 to 4-2-64; 50 learners (men's western pants).

Middletown Garment Co., Middletown, Ohio; effective 10-4-63 to 4-3-64; 115 learners (women's dresses).

Olney Manufacturing Co., Olney, Tex.; effective 10-15-63 to 4-14-64; 75 learners (men's and boys' dress slacks).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 9-27-63 to 9-26-64; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Glove Corp., Heber Springs, Ark.; effective 10-4-63 to 10-3-64; 10 learners for normal labor turnover purposes (work gloves).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 10-1-63 to 9-30-64; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Burlington-Balfour Mills, Burlington Industries, Inc., Post Office Box 610, Asheboro, N.C.; effective 10-12-63 to 10-11-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Co., Scottsboro, Ala.; effective 10-9-63 to 10-8-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Greensboro Hosiery Mills, Inc., Greensboro, N.C.; effective 10-12-63 to 10-11-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Hickory Knitting Division, Hickory, N.C.; effective 10-16-63 to 10-15-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Walnut Cove Hosiery Mills, Walnut Cove, N.C.; effective 10-3-63 to 10-2-64; 5 learners for normal labor turnover purposes (seamless).

Wee-Sox Hosiery Mills, Inc., Randleman, N.C.; effective 10-12-63 to 10-11-64; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bellaire Garment Co., Post Office Box 19, Bellaire, Ohio; effective 9-30-63 to 9-29-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' bathing suits).

Eagle Knit, Inc., Shawano, Wis.; effective 10-1-63 to 9-30-64; five learners for normal labor turnover purposes (children's knit headwear and knit sweaters).

Hardwick Knitwear, Inc., Main Street, Hardwick, Vt.; effective 10-2-63 to 10-1-64; five learners for normal labor turnover purposes (ladies' pajama suits, and cardigans).

Kingston Knitting Mills, Inc., 139 Cornell Street, Kingston, N.Y.; effective 10-2-63 to 4-1-64; 10 learners for plant expansion purposes (men's and boys' sweaters).

Loralyn Manufacturing Co., Inc., Post Office Box 165, Corner Upright and Ryder Streets, Landis, N.C.; effective 10-4-63 to 4-3-64; 10 learners for plant expansion purposes (infants' and children's sleepwear).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 10-1-63 to 9-30-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's lingerie).

Spofford Knitting Mills, Inc., Morganton, N.C.; effective 10-2-63 to 10-1-64; five learners for normal labor turnover purposes (knitted cotton piece goods and knitted piece goods other than cotton).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 11th day of October 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-11135; Filed, Oct. 21, 1963; 8:47 a.m.]

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Washington, Wednesday, October 23, 1963

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Presidential Documents

Title 3—THE PRESIDENT

Notice of October 21, 1963

Correction

In the "Notice of Proposed Trade Agreement Negotiations and Articles to be Considered for Negotiation", published Tuesday, October 22, 1963 (28 F.R. 11251) the initial caption is corrected to read "Notice of October 21, 1963".

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (54) is added to paragraph (a) of § 6.304 as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* • • •

(54) One Staff Assistant to the Director for Equal Employment Opportunity.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A twentieth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (39) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(39) One Staff Assistant to the Director for Equal Employment Opportunity.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 CFR, 1954–1958 Comp., P. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–11196; Filed, Oct. 22, 1963; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (47) is added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(47) One Secretary and Confidential Assistant to the Deputy Commissioner, Community Facilities Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A twenty-first amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (37) is added to paragraph (a) of § 213.3344 as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(37) One Secretary and Confidential Assistant to the Deputy Commissioner, Community Facilities Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–11195; Filed, Oct. 22, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SW–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Revocation of Control Area Extension, and Designation of Transition Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7355) stating that the Federal Aviation Agency proposed to revoke the Columbus, N. Mex., control area extension and designate the Deming, N. Mex., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

Comments were received from the Air Transport Association of America (ATA) and the Aircraft Owners and Pilots Association (AOPA).

The ATA pointed out that the floor of the proposed transition area northeast of Deming with a floor of 8,500 feet MSL would conflict with the established 8,000-foot cardinal altitude established for Victor airway No. 110. The AOPA concurred with the establishment of the 700-foot and 8,500-foot MSL portions of of the transition area, but suggested that the portion of the transition area with a floor of 1,200 feet in excess of 25 miles east of Deming be raised to 8,500 feet MSL.

With regard to the comment received from the ATA the FAA has determined that, with the establishment of Victor 110 Northeast of Deming, the portion of the transition area with a floor of 8,500 feet MSL, which would coincide with Victor 110, would not be required. Accordingly, action is taken herein to delete that portion of the transition area. With regard to the comments from the AOPA, raising the floor of the area proposed for designation with a floor of 1,200 feet above the surface beyond 25 miles east of Deming would adversely affect instrument operations within the Deming terminal area and between the Deming, El Paso, Tex., and Truth or Consequences, N. Mex., terminals. Therefore, with respect to this comment, action is taken herein in accordance with the proposal as was stated in the notice.

The substance of the proposed amendment having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.165 (27 F.R. 220–59, November 10, 1962), the following control area extension is revoked: Columbus, N. Mex.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962), the following transition area is added:

Deming, N. Mex.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Deming VOR 264° radial, extending from the VOR to 2.5 miles W of the VOR, and within 2 miles each side of the Deming VOR 270° radial, extending from 5.5 miles W of the Deming Municipal Airport (latitude 32°15'25" N., longitude 107°43'00" W.) to 8.5 miles W of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°47'00" N., longitude 106°53'35" W., thence W along the United States/Mexican border to longitude 107°13'00" W., thence N along longitude 107°13'00" W. to latitude 31°59'00" N., thence W along latitude 31°-59'00" N., to longitude 107°54'00" W., thence N along longitude 107°54'00" W. to latitude

32°19'15" N., longitude 107°54'00" W., thence to latitude 32°24'20" N., longitude 107°36'00" W., thence to latitude 32°30'20" N., longitude 107°32'58" W., thence via the arc of a 16-mile circle centered on the Deming VOR to the N boundary of V–94, thence E along the N boundary of V–94 to the W boundary of V–19, thence N along the W boundary of V–19 to latitude 32°36'25" N., longitude 107°03'55" W., thence to latitude 32°30'45" N., longitude 106°42'00" W., thence S along the W boundary of R–5107A and R–5107B to the arc of a 30-mile radius circle centered on the El Paso, Tex., International Airport (latitude 31°48'35" N., longitude 106°-22'55" W.), thence counterclockwise along the 30-mile radius arc to the point of beginning; and that airspace extending upward from 8,500 feet MSL bounded on the W by the E boundary of V–110, on the north by a line from latitude 32°44'45" N., longitude 107°-20'50" W., to latitude 32°41'50" N., longitude 107°06'20" W., on the E by V–19, and on the S and SW by V–94 and the arc of a 16-mile radius circle centered on the Deming VOR.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 11168; Filed, Oct. 22, 1963; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

PATENT MATTERS

Section 1204.506 added as follows:

§ 1204.506 Delegation of Authority—NASA Patent Matters.

(a) *Scope.* This section delegates to certain NASA officials the authority to perform administrative and legal functions relating to the NASA Patent Program.

(b) *Delegation of authority.* (1) The General Counsel, and in his absence the Deputy General Counsel, is authorized to supervise, administer and control all activities within or on behalf of the National Aeronautics and Space Administration relating to the NASA Patent Program. In connection with the foregoing, but without limitation thereof, the General Counsel, and in his absence the Deputy General Counsel, is specifically authorized:

(i) *Powers of attorney.* To appoint attorneys and to execute all necessary powers of attorney for the purpose of filing and prosecuting patent applications in which the United States, as represented by the Administrator, has an interest by way either of title or of license;

(ii) *Authority under subsections 305 (d) and (e).* To represent the Administrator and to appoint attorneys to represent the Administrator in the conduct of official business with the United States Patent Office under subsections 305 (d) and (e) of the National Aeronautics and Space Act of 1958 and, on behalf of the Administrator, to sign requests addressed to the Commissioner of Patents pursuant to said subsections of the Act that patents be issued to the Administrator on behalf of the United States or that ownership of patents be transferred to the Administrator;

(iii) *Application papers and statements.* To receive on behalf of the Administrator application papers and statements transmitted by the Commissioner of Patents to the Administrator pursuant to subsection 305(c) of the National Aeronautics and Space Act of 1958;

(iv) *Certifications.* To sign on behalf of the Administrator all certifications made under sections 266 and 267, Title 35, United States Code;

(v) *Authority under 35 U.S.C., Chapter 17.* To exercise all powers conferred on the Administrator by Chapter 17, Title 35, United States Code, and to represent the Administrator in the conduct of official business with the United States Patent Office under Chapter 17, Title 35, United States Code;

(vi) *Execution of foreign applications.* To execute on behalf of the Administrator applications for foreign Letters Patent where title to the invention is in the United States Government, as represented by the Administrator;

(vii) *Determination of rights.* To sign on behalf of the Administrator all instruments announcing determinations made pursuant to subsection 305(a) of the National Aeronautics and Space Act of 1958;

(viii) *Granting of licenses and assignments.* To execute assignments of patent rights and to grant licenses for the practice of any invention for which the Administrator holds a patent on behalf of the United States;

(ix) *Acceptance of licenses and assignments.* To accept on behalf of the Government of the United States licenses to and assignments of inventions, patents, and applications for patents under the authority of subsection 203 (b)(3) of the National Aeronautics and Space Act of 1958.

(2) The Associate Administrator when he is the Acting Administrator and the General Counsel when he is the Acting Administrator are authorized and directed to apply for United States Letters Patent on inventions which become the exclusive property of the United States pursuant to section 305(a) of the National Aeronautics and Space Act of 1958. This authority shall be exercised only when an invention has a reasonable probability of being patentable and there is sufficient Government interest in the invention to justify application for United States Letters Patent by virtue of the fact that the invention is:

(i) Of primary importance to the aeronautical or space activities of the United States, or

(ii) A pioneer discovery, or

(iii) A basic scientific development, or

(iv) The subject of a substantial existing or prospective Government research and development program, or

(v) The subject of substantial existing or prospective Government production or use; or

(vi) Of a type having substantial promise of commercial utility.

(c) *Redelegation of authority.* Unless specifically restricted by law or otherwise, the authority delegated in paragraph (b)(1) of this section may be redelegated by the General Counsel to his subordinates as required for the proper conduct of the business of the National Aeronautics and Space Administration.

(42 U.S.C. 2473, 2457)

Effective date. The delegations of authority in § 1204.506 are effective October 17, 1963.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 63–11193; Filed, Oct. 22, 1963; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Correction

CROSS REFERENCE: For correction of a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Title 3—The President, *supra.*

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 306–63]

PART 42—EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURE

Opportunity for Hearing and Review

By virtue of the authority vested in me by Executive Order No. 10590 of January 15, 1955, Part II of Executive Order No. 10925 of March 6, 1961, section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, paragraph (a) of § 42.12 of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 265–62) is amended to read as follows:

§ 42.12 Opportunity for hearing and review.

(a) In any case involving a complaint which has not been settled or dismissed under § 42.10 or § 42.11, respectively, the complainant shall be afforded an opportunity for an oral hearing before the Employment Policy Officer, Deputy Employment Policy Officer, or someone designated by either of them, at a convenient time and place. At such hearing, the Department shall produce any officer or employee under its jurisdiction, upon a showing satisfactory to the hearing officer of a reasonable necessity therefor. The complainant and the Department shall have the right to confront and cross-examine any witness insofar as may be necessary for a development of relevant facts directly concerning any discriminatory practice prohibited by these regulations. Any requests for the attendance of necessary witnesses must be made in writing by the complainant at least 10 days before the date of the hearing.

* * * * *

Order No. 295–63 is hereby revoked.

Dated: October 21, 1963.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 63–11264; Filed, Oct. 22, 1963; 10:10 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–202—MINIMUM WAGE DETERMINATION

Engines and Turbines Industry

Exceptions were filed on behalf of the three trade associations that participated in these proceedings criticizing the findings and conclusions expressed in the tentative decision determining prevailing minimum wages in the engines and turbines industry (28 F.R. 6989). That decision adopts the definition of the industry proposed in the notice of hearing. The definition is based upon Standard Industrial Classification Industry No. 351, and it appears to be satisfactory to those who participated in the hearing. Based on industry practices and the recommendations of representatives of employers, the tentative decision provides separate branch minimum wage determinations for (1) the manufacture and furnishing of steam engines, turbines, and turbine generator sets, and (2) the manufacture and furnishing of internal combustion engines. For each of these branches, it proposes one prevailing minimum wage for all the area in which the branch has its plants, because it finds that there are no geographic limitations on the competition for government contracts for the products of either branch of the industry. On the basis of an analysis of wage data submitted by representatives of employers and a Bureau of Labor Statistics (BLS) wage survey, the tentative decision finds $1.71 an hour to be the prevailing minimum wage in the steam engines, turbines, and turbine generator sets branch, and $1.69 an hour to be the prevailing minimum wage in the internal combustion engines branch.

The National Electrical Manufacturers Association (NEMA) which represents employers in the steam engines, turbines, and turbine generator sets branch presses its claim that it was denied a fair hearing because its application for a subpoena calling for the production of wage questionnaire responses or in the alternative a list of all establishments included in the survey was rejected on the ground that the release of this information would violate the confidentiality pledge contained in the wage questionnaire. This claim was fully considered in the tentative decision. It seems appropriate, however, to emphasize the point that the possible value of the data sought is limited to the replacement of October 1961 data by June 1962 data for a minor part of one of the branches. This part accounts for such a small portion of the branch employment (8.5 percent) that NEMA could not possibly have been prejudiced by the denial of its application. Even if all establishments in the minor part of the branch paid minimum wages no higher than required by the Fair Labor Standards Act, the overwhelming proportion (80.4 percent) of covered workers employed in establishments paying at least $1.71 an hour would have established that wage as prevailing.

The Internal Combustion Engine Institute (ICEI) and the Diesel Engine Manufacturers Association (DEMA) which represent employers in the internal combustion engines branch of the industry also contend that they should have been furnished data underlying the BLS wage tabulations. No attempt was made by them however, to subpoena such data prior to or during the hearing. Clearly, ICEI and DEMA have no cause to protest the failure of the government to provide them with information, of no possible value except for cross examination or as a lead to possible evidence, which they did not request while the record was open to receive such evidence. Moreover, to date, they have failed to show that the requested data are in any way inconsistent with the tentative decision.

Each exception has been carefully considered. None appears to warrant further amplification of the discussion contained in the tentative decision. Each is overruled. Each finding and conclusion, together with the reason and basis therefor, which is expressed in the tentative decision is hereby made final.

Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (41 U.S.C. sec. 35 et seq.), and in accordance with the Administrative Procedure Act (5 U.S.C. 1001 et seq.) a new 41 CFR § 50–202.34 is hereby established to read as set forth below.

For the reasons fully stated in the final decision for the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699), good cause is found to, and I do hereby, make this determination effective seven days after publication of this document in the FEDERAL REGISTER.

§ 50–202.34 Engines and turbines industry.

(a) *Definition.* (1) The engines and turbines industry is defined as that industry which manufactures or furnishes steam engines; steam turbines; hydraulic turbines; gas turbines (except aircraft); complete steam, gas, and hydraulic turbine generator sets; internal combustion engines (except aircraft and nondiesel automotive) such as diesel and semidiesel engines, including marine, locomotive, and military tank engines; jet propulsion engines (except aircraft); outboard motors and propelling units; and parts, attachments and accessories specifically designed for the foregoing products such as, but not limited to, governors for steam and gas turbines, turbine blades, assembled diaphragms, turning gear drives, marine propulsion gears, head covers, bottom rings, discharge rings, pit liners, pistons, vibration dampers, cam follower rollers, crankshafts, piston pins and gear covers.

(2) Specifically excluded from this definition are: Prime mover generator sets (except complete steam, gas or hydraulic turbine generator sets); all types of generators; aircraft engines; rocket engines; automotive engines (except diesel); locomotives; and parts commonly recognized as products of industries other than the engines and turbines industry such as, but not limited to, temperature relays, packings, pulsation dampeners, roller and ball bearings, compressors, piping and tubing, oil pumps, couplings, rubber sealing rings, clutches, governors for diesel engines, gaskets, thrust bearings, torque converters, silencers, valve seat inserts and nonmetallic engine mountings.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of steam engines, steam turbines, hydraulic turbines, gas turbines (except aircraft), complete steam, gas, and hydraulic turbine generator sets; and parts, attachments, and accessories specifically designed for the foregoing products, shall be not less than $1.71 an hour.

(2) The minimum wage for persons employed in the manufacture or furnishing of internal combustion engines (except aircraft and non-diesel automotive) such as diesel and semi-diesel engines, including marine, locomotive, and military tank engines; jet propulsion engines (except aircraft); outboard motors and propelling units; and parts, attachments, and accessories specifically designed for the foregoing products shall be not less than $1.69 an hour.

Signed at Washington, D.C., this 17th day of October 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63–11198; Filed, Oct. 22, 1963; 8:47 a.m.]

Chapter 60—The President's Committee on Equal Employment Opportunity

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Definition of Subcontract; Correction

Paragraph (k) of § 60–1.2 of the amended regulations of The President's Committee on Equal Employment Opportunity, published in the FEDERAL REGISTER issue of September 7, 1963 (28 F.R. 9812), is corrected by inserting the phrase "or a subcontractor" between the words "contractor" and "where", so that such paragraph (k) reads as follows:

§ 60–1.2 Definitions.

* * * * *

(k) "Subcontract" means any agreement made or purchase order executed by a prime contractor or a subcontractor where a material part of the supplies or

services covered by such agreement or purchase order is being obtained for use in the performance of a contract.

Effective date. This correction is effective as of September 7, 1963.

Signed at Washington, D.C., this 16th day of October 1963.

HOBART TAYLOR, JR.,
Executive Vice Chairman.

[F.R. Doc. 63-11183; Filed, Oct. 22, 1963; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3251]

WASHINGTON

Revoking Forest Service Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Departmental Orders of October 26, 1906, June 9, 1908, and January 8, 1907, and any other order or orders which withdrew national forest lands in the Okanogan National Forest for use of the Forest Service as administrative sites, are hereby revoked so far as they affect the following-described lands:

WASHINGTON 88570

WILLAMETTE MERIDIAN

Stehekin Ranger Station Administrative Site No. 19

T. 33 N., R. 17 E.,
Sec. 36, SW¼NE¼.

Prince Creek Ranger Station Administrative Site No. 21

T. 30 N., R. 19 E.,
Sec. 5, an irregular area of about 40 acres in the NW¼SW¼.

Twin Harbor Cabin Site

T. 31 N., R. 19 E.,
Sec. 32, by metes and bounds, about 8 acres.

(WASHINGTON 68392)

Goat Creek Ranger Station Site No. 55

T. 35 N., R. 20 E.,
By metes and bounds (about 1 acre, section number unspecified)

Black Canyon Ranger Station Site No. 22

T. 30 N., R. 22 E.,
Sec. 25, SE¼NE¼.

The areas described aggregate approximately 138 acres.

2. At 10:00 a.m. on November 21, 1963, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 16, 1963.

[F.R. Doc. 63-11169; Filed, Oct. 22, 1963; 8:46 a.m.]

[Public Land Order 3252]

[Riverside 02659]

CALIFORNIA

Enlarging Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Secretary of the Interior for the protection of adjacent lands and facilities maintained and operated by the Federal Aviation Agency as the China Lake Remote Transmitter Receiver Facility:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 40 E.,
Sec. 6, lots 8 and 9 (additional to approximately 4 acres therein withdrawn by Public Land Order No. 719, as amended by Public Land Order No. 2799), and lots 11, 13, 14 and 15.

Containing approximately 26 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 16, 1963.

[F.R. Doc. 63-11170; Filed, Oct. 22, 1963; 8:46 a.m.]

[Public Land Order 3253]

[Nevada 060240]

NEVADA

Withdrawal for Protection and Development of Geological, Historical and Recreational Values; Robbers Roost Cave Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Toiyabe National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for protection and development of geological, historical and recreational values:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 57 E.,
Sec. 17, E½NE¼SW¼NW¼, NE¼SE¼SW¼NW¼, N½SE¼NW¼, and N½S½SE¼NW¼.

Containing 37.5 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 16, 1963.

[F.R. Doc. 63-11171; Filed, Oct. 22, 1963; 8:46 a.m.]

[Public Land Order 3254]

[Colorado 0109926]

COLORADO

Revoking Air Navigation Site Withdrawal 122

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

The Departmental Order of July 12, 1938, creating Air Navigation Site Withdrawal No. 122, is hereby revoked so far as it affects the following described lands:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 29 S., R. 63 W.,
Section 11, NE¼SE¼.

The lands have been patented.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 16, 1963.

[F.R. Doc. 63-11172; Filed, Oct. 22, 1963; 8:46 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Correction

CROSS REFERENCE: For correction of a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Title 3—The President, *supra*.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,000 acres or 69 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset on November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Des Lacs National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres or 94 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,700 acres or 93 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lostwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres or 97 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963, through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres or 99.5 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Slade National Wildlife Refuge, North

Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres or 95 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger shall be illegal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Snake Creek National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,435 acres or 91 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Pubic hunting of big game on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres or 98 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset Novemebr 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 14, 1963.

[F.R. Doc. 63-11173; Filed, Oct. 22, 1963; 8:46 a.m.]

PART 32—HUNTING

Tewaukon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Hunting of big game on the Tewaukon National Wildlife Refuge, North Dakota, is suspended for the 1963 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 16, 1963.

[F.R. Doc. 63-11174; Filed, Oct. 22, 1963; 8:46 a.m.]

Chapter III—International Regulatory Agencies (Fishing and Whaling)

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953: Part 301 of Title 50 is revised to read as follows:

Sec.
301.1 Regulatory areas.
301.2 Length of halibut fishing seasons.
301.3 Closed seasons.
301.4 Catch limits in areas 2, 3A and 3B North Triangle.
301.5 Size limits.
301.6 Licensing of vessels.
301.7 Retention of halibut taken under permit.
301.8 Conditions limited validity of permits.
301.9 Statistical return by vessels.
301.10 Statistical return by dealers.
301.11 Dory gear prohibited.
301.12 Retention of halibut taken by nets.
301.13 Retention of tagged halibut.
301.14 Responsibility of master.
301.15 Supervision of unloading and weighing.
301.16 Sealing of fishing equipment.
301.17 Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part II, 1353.

§ 301.1 Regulatory areas.

(a) The "convention waters" which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1 (south of Willapa Bay) shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in November 1947, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17" N., longitude 124°04'15" W.

(c) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W.; thence south one-quarter east.

(d) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08" N., longitude 159°36'00" W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey.

(e) Area 3B South (Shumagin Islands to Cape Wrangell, Attu Island, not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and a straight line running west northwest from Cape Wrangell, the westernmost extremity of Attu Island at a point approximately latitude 52°55'20" N., longitude 172°26'-50" E., and that are south of straight lines running from Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude 54°49'00" N., longitude 163°21'36" W.; thence to Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W.; thence to the head of Pumicestone Bay on Unalaska Island at a point approximately latitude 53°31'50" N., longitude 166°58'20" W.; thence to Ananiuliak Island Light on the southwest side of Umnak Island, which light is approximately latitude 52°59'48" N., longitude 168°55'06" W.; thence to Seguam Island Light, which light is approximately latitude 52°23'12" N., longitude 172°26'12" W.; thence to Cape Amagalik on Tanaga Island, which cape is approximately latitude 51°40'40" N., longitude 178°07'00" W.; thence to Aleut Point at the northwest end of Amchitka Island, which point is approximately latitude 51°38'20" N., longitude 178°37'15" E.; thence to Cape Wrangell. The positions of Cape Kabuch Light and Cape Sarichef Light were determined from Chart 8860 published in March 1958 (13th Edition), revised August 1961; the position of the head of Pumicestone Bay and Ananiuliak Island Light were determined from Chart 8861, published in May 1942 (1st Edition), revised August 1961; the position of Seguam Island Light was determined from Chart 8862, published in June 1960 (3rd Edition); the position of Cape Amagalik was determined from Chart 8863, published in May 1959 (6th Edition); the position of Aleut Point was determined from Chart 8864, published in June 1962 (6th Edition); and the position of Cape Wrangell was determined from Chart 8865, published 1944 (1st Edition), revised August 1952, all charts as published by the United States Coast and Geodetic Survey.

(f) Area 3B North (Bering Sea exclusive of Area 3B North Triangle) shall include all convention waters which are not included in Areas 1, 2, 3A, 3B South and 3B North Triangle.

(g) Area 3B North Triangle (in Bering Sea) shall include all the convention waters within the following boundary as stated in terms of the magnetic compass, unless otherwise indicated; from Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W., west along the boundary line of Area 3B South, as described in paragraph (e) of this section, to the point of intersection with the meridian of 170° west at a point approximately latitude 52°48'00" N.; thence true north to a point northeast of St. Paul Island, approximately latitude 57°15'00" N., longitude 170°00'00" W.; thence to the point of origin at Cape Sarichef Light. The position of Cape Sarichef was determined from Chart 8860 published in March 1958 (13th Edition), revised August 1961. The position of the point northeast of St. Paul Island was determined from Chart 8995, published June 1954 (5th Edition), all charts as published by the United States Coast and Geodetic Survey.

§ 301.2 Length of halibut fishing seasons.

(a) In Area 1, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(b) In Area 2, the halibut fishing season shall commence at 6:00 p.m. on the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(c) In Area 3A, the halibut fishing season shall commence at 6:00 p.m. of the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(d) In Area 3B South, the halibut fishing season shall commence at 6:00 p.m. of the 19th day of April and terminate at 6:00 p.m. of the 15th day of October.

(e) In Area 3B North, the halibut fishing season shall commence at 6:00 p.m. of the 25th day of March and terminate at 6:00 p.m. of the 15th day of October.

(f) In Area 3B North Triangle, the halibut fishing season shall commence at 6:00 p.m. of the 25th day of March and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4, or at 6:00 p.m. of the 15th day of October, whichever is earlier.

(g) All hours of opening and closing of areas in this section and other sections of the regulations of this part shall be Pacific Standard Time, except in Area 3B North and in Area 3B North Triangle where they shall be local standard time.

§ 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations of this part, shall be closed to halibut fishing at 6:00 p.m. of the 30th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in these regulations shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged except as provided for in § 301.7. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in the regulations of this part referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

§ 301.4 Catch limits in Areas 2, 3A and 3B North Triangle.

(a) The quantities of halibut to be taken during the halibut fishing seasons in areas with catch limits shall be limited to 28,000,000 pounds in Area 2, to 34,000,000 pounds in Area 3A, and to 11,000,00 pounds in Area 3B North Triangle, each of the above quantities to consist of salable halibut and the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commisison shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing season in Area 2 and to the halibut fishing season in Area 3A and to the halibut fishing season in Area 3B North Triangle.

§ 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or opera-

tor of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 Licensing of vessels.

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required and at such times as required by other provisions of the regulations in this part. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 3B South when Area 3A is closed to halibut fishing must be validated at Sand Point, Alaska prior to such fishing, except as provided in paragraph (f) of this section.

(f) Any vessel already fishing in Area 3B South prior to the date of closure of Area 3A may continue to fish in said area until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (g) of this section when it departs from Area 3B South.

(g) The halibut license of any vessel departing from Area 3B South into Area 3A with any halibut on board when Area 3A is closed to halibut fishing, must be validated at Sand Point, Alaska subsequent to fishing and prior to such departure.

(h) The halibut license of any vessel fishing for halibut in Area 3B North or in Area 3B North Triangle must be validated at Sand Point, Alaska, both prior to such fishing and prior to unloading any halibut at any port or place other than Sand Point, Alaska.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 1 or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas.

(j) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B South or 3B North or 3B North Triangle from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas, except that a halibut license validated for fishing in Area 3B North or in Area 3B North Triangle prior to the opening of Area 3B South may at the same time be validated for halibut fishing in Area 3B South when the latter area is opened; nor shall a halibut license be validated for departure for halibut fishing in Area 3A from any port or place outside said area more than 5 days prior to commencement of the halibut fishing season in said area.

(k) A halibut license shall not be valid for halibut fishing in more than one of Areas 1, 2 or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(l) A halibut license may be validated for halibut fishing in Areas 3A and 3B South except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (e), (f) and (g) of this section and to any other applicable provisions of these regulations.

(m) A halibut license may be validated for halibut fishing in more than one of Areas 3B South, 3B North or 3B North Triangle provided that when Area 3B North Triangle is open to halibut fishing the master or operator of the vessel shall declare in which one of the three said areas the vessel intends to fish for halibut, and provided the master or operator shall report by radio to any authorized officer at Sand Point, Alaska the intention of the vessel to shift its fishing activities to another of said areas, the date and approximate time of the shift and the amount of halibut caught in Area 3B North Triangle that is on board at the time of shifting, and such radio report shall be recorded at the time in the log book of the vessel.

(n) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to an area open to halibut fishing, or to or within a port of sale and as provided in paragraph (q) of this section. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of § 301.16, if applicable.

(o) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(p) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated for halibut fishing while halibut taken under such permit is on board.

(q) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B South or in Area 3B North or in Area 3B North Triangle shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B South.

(r) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 Retention of halibut taken under permit.

(a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area except in Area 3B North Triangle after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna; and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this regulation for any such vessel to have in possession except in Area 3B North halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) Halibut retained under such permit shall not be filleted, flitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the master or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut caught in all convention waters in the year 1963 shall become invalid at 6:00 p.m. of the 15th day of November of said year.

§ 301.8 Conditions limiting validity of permits.

(a) Any vessel which shall be used in fishing for other species than halibut in any area except in Area 3B North Triangle after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish halibut in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of § 301.7.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9 of these regulations the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of § 301.7.

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

§ 301.9 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations of this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations of this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

(g) The master or operator of any vessel holding a license validated for fishing in Area 3B North or in Area 3B North Triangle on entering Sand Point, Alaska enroute to another port to unload, must report to an authorized representative of the United States or of the Commission the estimated amount of halibut on board that was caught in each regulatory area.

§ 301.10 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of § 301.7. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection

by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B South or in Area 3B North or in Area 3B North Triangle after the closure of Area 3A unless the license of said vessel has been validated at Sand Point, Alaska as required in paragraphs (e) and (g) of § 301.6, and unless the vessel has complied with the provisions of § 301.16, or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 Dory gear prohibited.

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in all convention waters.

§ 301.12 Retention of halibut taken by nets.

(a) It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while fishing with any net or nets other than bait nets in any convention waters except in those waters of Area 3B North that are west of the meridian of 175° W. longitude and north of a line running from Cape Newenham, which cape is approximately latitude 58°39'00'' N., longitude 162°10'25'' W. to a point northeast of St. Paul Island, approximately latitude 57°15'00'' N., longitude 170°00'00'' W.; thence to a point of intersection with the meridian of 175° W. longitude at approximately 58°38'00'' N. latitude. The position of Cape Newenham was determined from Chart 9103 published September 29, 1958 (3d Edition), revised April 30, 1962 by the United States Coast and Geodetic Survey.

(b) All vessels with any halibut on board except those fishing in or in transit to or in transit from the waters of Area 3B North described in paragraph (a) of this section are prohibited to use or possess any net or nets other than bait nets.

(c) The character and the use of bait nets referred to in paragraphs (a) and (b) of this section shall conform to the laws and regulations of the country where they may be utilized and shall be of a type commonly used for such purposes and said bait nets shall be utilized for no other purpose than the capture of bait for use of the vessel carrying them.

§ 301.13 Retention of tagged halibut.

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.14 Responsibility of master.

Wherever in the regulations of this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.15 Supervision of unloading and weighing.

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.16 Sealing of fishing equipment.

Any fishing vessel, prior to departing from Area 3B South into Area 3A with any halibut on board when Area 3A, as defined in § 301.1, is closed to halibut fishing, shall be equipped with approved attachments on the chute to permit the securing of a seal or seals, and prior to such departure shall request that said chute or the gurdy used for hauling gear or both chute and gurdy be sealed with such seal or seals as shall be required by any customs or fishery officer or any other duly authorized officer of the Government of the United States. The vessel shall keep such seal or seals intact until removed by a customs or fishery officer of the United States or of Canada and shall not unload any halibut until such time as said officer removes the seal or seals and grants permission to unload.

§ 301.17 Previous regulations superseded.

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of these regulations. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to these regulations shall become effective immediately.

WM. M. SPRULES,
Chairman.
H. A. DUNLOP,
Secretary.
HAROLD E. CROWTHER,
Vice Chairman.
WILLIAM A. BATES.
HAROLD S. HELLAND.
MATTIAS MADSEN.
RICHARD NELSON.

Approved: June 8, 1963.

JOHN F. KENNEDY.

[F.R. Doc. 63-11158; Filed, Oct. 22, 1963; 8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Docket No.	Marketing area
1032	AO-313-A4	Suburban St. Louis.
1061	AO-327-A4	St. Joseph, Mo.
1062	AO-108-30	St. Louis, Mo.
1064	AO-23-A26	Greater Kansas City.
1067	AO-222-A14	Ozarks.
1071	AO-227-A15	Neosho Valley.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Tower Room, Aladdin Hotel, 1312 Wyandotte Street, Kansas City, Missouri, beginning at 10:00 a.m., local time, on October 28, 1963, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the above designated marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Creamery Company, Springfield, Missouri; The Pure Milk Producers Association of Kansas City, Missouri; Sanitary Milk Producers; St. Joseph Milk Producers Association; Shawnee Milk Producers Association; Greene County, Missouri, Milk Producers Association; The Neosho Valley Cooperative Creamery Association; and the Southwest Milk Producers Association:

Proposal No. 1. Amend each of the above orders to increase the Class I prices 25 cents per hundredweight effective through April 1964.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be procured from the offices of the market administrators listed below or may be there inspected:

308 North Walnut, Pittsburg, Kansas (P.O. Box 601).
7939 Floyd Avenue, Overland Park, Kansas (P.O. Box 4336).
2710 Hampton Avenue, St. Louis, Missouri, 63139.

Signed at Washington, D.C., on October 21, 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63-11238; Filed, Oct. 22, 1963; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Subtitle A]

NONDISCRIMINATION IN APPRENTICESHIP AND TRAINING

Notice of Proposed Rule Making

This document sets forth the substance of rules regarding nondiscrimination in apprenticeship which the Secretary of Labor proposes to issue pursuant to the authority granted him in the 29 U.S.C. 50 and 5 U.S.C. 22.

A. *Background and policy.* President Kennedy, in a statement dated June 4, 1963, directed the Secretary of Labor "in the conduct of his duties under the Federal Apprenticeship Act (29 U.S.C. 50–50b) and Executive Order No. 10925 (26 F.R. 1977) to require that the admission of young workers to apprenticeship programs be on a completely non-discriminatory basis." The President further directed that "all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training."

Pursuant to these instructions, the Secretary of Labor directed the Bureau of Apprenticeship and Training to insure that all apprenticeship or apprenticeship and training programs now federally registered operate on the basis of the following standards:

1. The selection of apprentices on the basis of qualifications alone, in accordance with objective standards which permit review after full and fair opportunity for application, unless the selections otherwise made would themselves demonstrate that there is equality of opportunity.

2. The taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted.

3. Nondiscrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

Discrimination based on race, creed, color, or national origin has no place in American life today, particularly in the programs by which young people acquire the skills that determine their future employment prospects. Full equality of opportunity for all is a goal toward which both labor and management have pledged their efforts and which warrants the full cooperation of labor, management and the community.

B. *General directions.* This document sets forth procedures to be used in implementing the program set forth by the President and the Secretary. The Bureau's primary job, in this context, is to encourage and assist program sponsors and the community in achieving equally of opportunity, voluntarily and by their own efforts, through the adoption and implementation of the equal opportunity standards for apprenticeship set forth above. This encouragement and assistance is to be undertaken constructively and in a manner reflecting the historic advisory and counseling services of the Bureau. If there should be apprenticeship programs in which equal opportunity cannot be obtained voluntarily through the various processes outlined in this document, procedures are set forth below for the withholding or withdrawal of governmental recognition from such apprenticeship programs.

C. *Promotion of equal opportunity.* Regional Directors shall take immediate steps to inform all sponsors of federally registered apprenticeship programs of the policy, standards and requirements set forth in this document and to promote the voluntary acceptance by sponsors of the standards. Regional Directors shall insure that general publicity is given to the Bureau's non-discrimination policy and program and that Bureau field personnel give continuing leadership toward acceptance of these policies. Recognizing that the policies set forth herein will effect their purpose only if qualified applicants from racial and ethnic minorities are informed with respect to apprenticeship opportunities that will be available under the revised standards, Regional Directors shall make special effort to guarantee that the organizations most useful in assuring such a supply of candidates (schools, public employment service, minority group organizations, etc.) are informed of the revised program. Regional Directors should lay plans with such groups for the stepped-up information and counseling program that will be needed to obtain qualified minority group applicants.

D. *Program reviews.* Regional Directors shall initiate a systematic review of existing federally registered programs, inform program sponsors of the equal

opportunity standards, encourage their adoption, and take appropriate action regarding programs which do not adopt and operate in accordance with the standards. Each program review shall involve the following steps:

1. Notification to the program sponsor of the equal opportunity standards and the taking of all appropriate action to urge their voluntary acceptance.

2. Maintenance of a file on the program review which shall accompany the report forwarded regarding the review.

3. Determination of racial and ethnic composition of the program. Where the composition of the program demonstrates that there is equality of opportunity no further review will be made. A file shall be maintained regarding such programs, which will contain the information which indicates that equal employment opportunity is being provided. This file shall be forwarded through supervisory channels to the Administrator of the Bureau of Apprenticeship and Training for review.

4. Use of the following checklist:

a. *The formal program language requirement.* Does the program contain a formal non-discrimination clause consistent with the equal opportunity standards set forth in section A of this document? (Programs already containing the language required by Circular 62–5 are not required to adopt new written provisions. See section H.)

b. *Selection of apprentices*—(1) *Selection on the basis of qualifications alone.* (a) Does the program select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application (see section G.1 below) and

(b) Is the application list composed entirely of applicants selected and ranked solely on the basis of qualifications alone in accordance with objective standards that permit review after full and fair opportunity for application? (See sections G.1d and G.2 below.)

(2) *Alternative selection plan.* If the program does not qualify under section (1) above, has the program adopted an alternative equal opportunity plan for selecting apprentices which is consistent with the standards for apprenticeship set forth in section A and which is acceptable to the Administrator? Does the program operate in accordance with such plan? Field representatives should submit through channels to the Administrator for approval alternate selection plans which appear to be consistent with the equal opportunity standards set forth in section A. A copy of the approved plan should be included in the case file.

c. *Program operation.* Is there any discrimination in apprenticeship or employment during apprenticeship, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay or other forms of compensation or conditions of work? (See section G.3 below.)

5. Where the program has not adopted or is not operating in accordance with the equal opportunity standards, the field representative shall notify the program sponsor (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with this document. For a reasonable time, not to exceed 30 days from the time the sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report. This effort to obtain corrective action shall include an opportunity for any body designated by the program sponsor or industry group for reviewing complaints of discrimination to resolve the issue.

6. At the close of the review for programs found to be in conformity, or at the close of the time allowed for voluntary corrective action for programs found not to be in conformity, the field representative shall forward the case file through supervisory channels to the Regional Director for review.

7. The Regional Director shall review findings of conformity or achievement of corrective action on a spot check basis in sufficient proportion to assure himself that Bureau equal opportunity policy is being properly carried out. Where upon review the Regional Director does not concur in the finding of the field representative, he may order further investigation or such other action as may be necessary and appropriate.

8. Upon receipt of any finding of nonconformity by a field representative, the Regional Director shall notify the program sponsor that such a finding has been made and that the program will be deregistered unless the finding is set aside or appropriate corrective action taken. The sponsor shall have 15 days within which to file a written request for a hearing with the Regional Director.

a. If the program sponsor does not request a hearing within 15 days, the Regional Director shall review the case.

(1) Where upon review the Regional Director concurs in the findings of noncompliance and failure to achieve satisfactory corrective action, he shall so notify the program sponsor and the complainant, if any, and shall forward the case file to the Administrator, stating his concurrence and his recommendations, if any.

(2) Where upon review, the Regional Director does not concur in the finding of the field representative, he may order further investigation or such other action as may be necessary and appropriate.

b. If the program sponsor within 15 days files a written request, the sponsor shall be accorded a hearing before a hearing officer designated by the Regional Director. The hearing shall be informally conducted. Every party shall have the right to counsel and a fair opportunity to present its case or defense, including a right of cross-examination. The hearing officer shall prepare a decision on the basis of the record before him, setting forth findings and conclusions on the question of noncompliance and recommendations, if any. This decision shall be final as to any complainant with respect to whom it is adverse. Copies of the decision shall be furnished to the program sponsor, and the complainant, if any. Exception to the decision may be filed by the program sponsor with the Administrator within 15 days. If exceptions are filed and if there is a complainant, a copy of the exception filed shall be furnished to him and he shall be given 15 days in which to file a reply with the Administrator. A copy of such reply shall be furnished to the program sponsor.

9. Upon receipt of the Regional Director's concurrence in the finding of the field representative or of a decision of a hearing officer that a program is not in conformity, the Administrator will so inform any private organization designated by the industry in question to assist in achieving equal opportunity and shall allow the organization a reasonable time normally not to exceed 20 days to achieve voluntary corrective action.

10. Following the receipt of exceptions and replies to be filed or for the action provided for in subsection 9 above, the Administrator shall render a final decision in writing based on the file or the record as the case may be. If the decision is that the program is in nonconformity and that satisfactory action to achieve conformity has not been taken, the program shall be deregistered. The Administrator shall notify the Regional Director, the Program sponsor, the complainant, if any, and any private organizations of the type described in subsection 9 of his decision. In each case in which deregistration is ordered the Administrator will make public notice of the order and will notify the President's Committee on Equal Employment Opportunity and the Solicitor of Labor who will notify contracting agencies.

11. If in the judgment of the Administrator a particular situation warrants and requires special processing and expedited determination, he shall take the steps necessary to permit such determination: *Provided,* That no person or party affected by such determination shall be prejudiced by such special processing.

12. Priorities: Until such time as all larger programs shall have been reviewed, field representatives shall not review programs with a total of 5 or less apprentices in training except in connection with the processing of complaints. Review should also be deferred of programs which have been examined under the complaint procedure provided for in section E below and which have been found by the Bureau to provide equal opportunity or which have taken necessary action to provide such opportunity.

E. *Complaint processing.* Complaints may be filed with the Bureau or any field representative by any applicant or apprentice who feels that he has been discriminated against on the basis of race, creed, color, or national origin with regard to apprenticeship or that the equal opportunity standards have not been followed in his case. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated

against, the program sponsor involved and a brief description of the circumstances of the alleged discrimination. Complaints received by the Bureau headquarters office will be transmitted to the field for processing. It is Bureau policy to encourage local program sponsors to establish, either individually or in an industry group, fair, speedy and effective procedures for reviewing complaints of discrimination. The desirability of establishing such review procedures should be brought to the attention of all program sponsors as soon as possible. Regional Directors shall institute procedures to insure that upon receipt of any complaint field representatives shall:

1. Prepare and maintain a complete case file for each complaint received. It shall contain the original complaint, reports of investigations and visits, and correspondence with the employer, the program sponsor, and others regarding all phases of the case in chronological order, including recommendations made and final disposition of the case. This file shall be forwarded to the Regional Director for review upon local disposition of each complaint. A separate local office correspondence and reports file shall be maintained for essential internal records and correspondence regarding each case.

2. When the program sponsor or industry group has designated a body for reviewing complaints of discrimination, the Bureau field representative, upon receiving a complaint shall after establishing a case file direct the complainant to file his complaint with the representative of the review body. He shall give the complainant the name and address of this representative.

3. No later than 60 days following the filing of a complaint with the review body by the complainant the field representative shall obtain reports from the complainant and the review body of the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

4. When a complaint has not been resolved through local review procedures within 60 days, where no local review procedure exists or where despite satisfactory resolution of the complaint there is evidence that the equal opportunity practices of the program are not in accordance with these rules, the field representative shall notify the program sponsor of the complaint or such evidence, solicit a response from the sponsor and conduct whatever other investigation is necessary to determine the facts, including where necessary, interrogation of the complainant, the employer and other involved persons. The pertinent facts should be recorded.

5. Where the program is not operating in accordance with the equal opportunity standards, the field representative shall notify the program sponsor (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with this document. For a reasonable time, not to exceed 15 days from the time the sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report.

6. From this point on, complaints shall be processed procedurally in the same manner as program reviews (see section D. 6–11).

F. Reinstatement of program registration. Any program deregistered pursuant to this document may be reinstated upon presentation of adequate evidence to the Administrator that the program has established and is operating under a selection system based on qualifications alone and is in compliance with the equal opportunity standard set forth in section A(3).

G. *Interpretations*—1. *Selection on the basis of qualifications.* The Bureau encourages program sponsors to adopt a system of apprentice selection based solely on qualifications "in accordance with objective standards which permit review, after full and fair opportunity for application" on the ground that this kind of system is the one most in accord with a free and democratic society.

a. "Objective standards which permit review" does not mean that all programs must have identical standards for selection. It does mean that qualifications and eligibility must be determined by specific requirements so that questions of discrimination in selection can be promptly adjudicated. These requirements must be established and disseminated publicly prior to selection.

b. Selection "on the basis of qualifications alone" means that apprentices are chosen from those applicants meeting the minimum qualifications for the trade or craft solely on the basis of their qualifications compared to those of other applicants. Examples of standards by which comparative qualifications may be determined are fair aptitude tests, high school diploma, age requirements, occupationally essential physical requirements, fair interviews, high school grades and previous work experience. Under this test, both actual selection for and entry into apprenticeship must be on the basis of comparative qualifications alone.

It is not enough for a program to establish a lengthy list on the basis of minimum qualifications standards and then select apprentices from the list on a basis other than comparative qualifications such as on the basis of time of application. Where the number of applicants meeting the qualification requirement is greater than the number of job openings, "qualifications alone" means (1) that the applicants are ranked on the basis of criteria which measure comparative qualifications (e.g., fair aptitude tests, etc.) and are selected on the basis of the rankings, or (2) that without ranking each individual, criteria which measure comparative qualifications are used to identify the "best qualified" in a total number not in excess of the total number of apprentice openings and selections for employment from within the "best qualified" group are made through any nondiscriminatory system.

c. To "permit review" adequate records must be kept of the selection process. These must include a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, willingness to accept direction, which are part of the total judgment.

d. "After full and fair opportunity for application" means that the program sponsor has, prior to the time of selection and in the future at least once annually, allowed a substantial period of time for new applicants to apply for apprenticeship, has publicly disseminated information about the availability of apprenticeship opportunities and has ranked the new applicants thus received along with previous applicants on the basis of their comparative qualifications. In the future, such information shall be posted at the normal place of application for apprenticeship and disseminated to the local employment service and the local schools. The information so disseminated must describe the qualification standards and selection procedures, and specify the anticipated number of openings, the method and place of making application, the dates within which applications will be accepted. It should indicate the approximate date at which the results of the selection process will be made known to all the applicants.

2. *Necessary action on prior application lists.* Where program sponsors have or adopt a selection system based on qualifications as specified in section G. 1 the standard stated in section A. 2 does not require any action with regard to "application lists developed prior to this time" beyond that required by section G. 1. Where program sponsors do not have a selection system based on qualifications, the Standard stated in section A. 2 requires that "application lists developed prior to this time" be opened to the extent necessary to provide current opportunities for selection of qualified members of racial and ethnic minority groups.

3. *Nondiscriminatory operation.* There must be no discrimination in apprenticeship or employment during apprenticeship after selections have been made, including but not limited to job assignment, promotion, layoff or termination, rates of pay or other forms of compensation or conditions of work. All apprentices employed shall be subject to the same job performance requirements.

4. *Selection from existing employees.* Where apprentices are selected from a restricted pool, e.g., from present employees, admissions to the pool as well as selection for apprenticeship shall after the effective date of this document be on a nondiscriminatory basis. Selections from the pool may be made on the basis of seniority of employment.

H. *Program language requirements.* Each federally registered apprenticeship program which does not now contain a nondiscrimination clause in the form required by Circular 62–5 [1] must contain a

[1] The language now required by Circular 62–5 is as follows: "Selection of apprentices under this program shall be made from qualified applicants without regard to race, creed, color, national origin or physical handicaps; women shall not be barred from apprenticeships for which they qualify.

formal nondiscrimination clause con-

at the same time notify the Regional

industry determinations as to these op-

[29 CFR Part 526]

amendment was set out in said publica-

age life of insured institutions' mortgage

formal nondiscrimination clause consistent with the equal opportunity standards set forth in section A of this document. The Bureau suggests the following language as appropriate for adoption by program sponsors desiring to select apprentices on the basis of qualifications alone: "Selection of apprentices under the program shall be made from qualified applicants on the basis of qualifications alone and without regard to race, creed, color, national origin, sex or physical handicaps in accordance with objective standards which permit review, after full and fair opportunity for application; and this program shall be operated on a completely nondiscriminiatory basis." Irrespective of the form of the formal nondiscrimination clause adopted, all federally registered apprenticeship programs are required to operate in accordance with the equal opportunity standards as stated and interpreted above and all Bureau correspondence regarding program language requirements shall so indicate.

I. *New programs.* Any program seeking Federal registration hereafter must select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application and must adopt a nondiscrimination clause in the form suggested in section H or its equivalent. In addition to the language requirement, the submission to the Bureau must include a concise statement of the selection procedure and of the selection standards which the program sponsor proposes to apply.

J. *Bureau and State agency cooperation.* (a) Regional Directors shall encourage State Apprenticeship Council (SAC) States to accept the equal opportunity standards for appenticeship and to adopt effective procedures to implement the standards including program reviews, the processing of complaints, deregistration of noncomplying programs, and consultation and cooperation with private organizations designated by the industry in question to assist in achieving equal opportunity in apprenticeship. Regional Directors shall submit nondiscrimination programs developed by States to the Administrator for determination as to consistency with the equal opportunity standards. Where State programs are determined to be consistent with the equal opportunity standards, Regional Directors shall work out with SAC States a division of responsibilities between Federal and State personnel for carrying out the procedures adopted to implement the policy. This division should generally be based on present assignments for the servicing of apprenticeship program accounts.

(b) In SAC States which adopt a nondiscrimination program consistent with the equal opportunity standards, BAT field representatives shall file their reports with BAT State supervisors. Where the State supervisor concurs in any finding of noncompliance and failure to take corrective action, he shall forward the file to the State agency with a recommendation for deregistration. He shall at the same time notify the Regional Director who will notify the Administrator.

(c) Regional Directors shall request that SAC State agencies notify them of any State deregistration. Regional Directors shall then notify the Administrator who will in turn notify the President's Committee on Equal Employment Opportunity and the Solicitor of Labor. The Solicitor of Labor will notify contracting agencies.

(d) Regional Directors shall consult with State officials regarding methods of cooperation with State fair employment practices commissions and shall report the results of such consultations to the Administrator. Interested persons may submit written statements of data, views, or arguments in regard to any or all of the policies or procedures contained in this proposal within 15 days after this document is published in the FEDERAL REGISTER. Submissions should be directed to the Secretary of Labor, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C.

Signed at Washington, D.C., this 18th day of October 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-11202; Filed, Oct. 22, 1963; 8:47 a.m.]

Wage and Hour Division

[29 CFR Part 526]

LUMBER; ICE AND SNOW ROAD HAULING, PULPWOOD SAP PEELING, AND SPRING FRESHET DRIVING

Proposed Revocation as Seasonal Industry

Pursuant to the authority found in paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and pursuant to the procedure prescribed in 29 CFR 526.6, a proposal is hereby made to revoke the following seasonal industry determinations as to lumber, ice and snow road hauling branch, Maine, Massachusetts, New Hampshire, Pennsylvania, Vermont, Michigan, Minnesota, Wisconsin and New York, pulpwood sap peeling branch, and spring freshet driving branch.

After considering results of a study made of technological advancements in the area of lumbering since the original determination of the above mentioned operations as seasonal industries, coupled with the fact that recent studies disclose these operations to be but steps in the logging industry, and not separable branches thereof or separate industries of and in themselves, I have preliminarily determined that a prima facie case exists for the revocation of the seasonal industry determinations as to these operations. In accordance with 29 CFR 526.6, I propose to revoke the determinations that the above mentioned operations are seasonal industries within the meaning of paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207).

Any person adversely affected by this proposal may file a written statement of data, views, and argument and request a hearing by writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-11166; Filed, Oct. 22, 1963; 8:45 a.m.]

[29 CFR Part 526]

OPEN-CUT MINING OF PLACER GOLD BY HAND AND POWER MACHINERY

Proposed Seasonal Industries

Pursuant to the authority in paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and pursuant to the procedure prescribed in 29 CFR 526.6, a proposal is hereby made to amend the determination that open-cut mining of placer gold by hand in Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming, and open-cut mining of placer gold by both hand and power machinery in Alaska are seasonal industries. This proposal is based upon findings that this type of mining by hand in all States named above except Alaska no longer exists as a separable branch of the placer gold mining industry. Based upon these findings, I have determined preliminarily, pursuant to the procedure prescribed in 29 CFR 526.6, that a prima facie case is established for amending the determination so as to apply it solely to open-cut mining of placer gold by hand and power machinery in Alaska.

Any person adversely affected by this proposed amendment may file a written statement of data, views and argument and may request a hearing by writing to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-11167; Filed, Oct. 22, 1963; 8:46 a.m.]

[29 CFR Part 526]

DECORTICATION AND DRYING OF RAMIE FIBER IN FLORIDA

Proposed Revocation as Seasonal Industry

Pursuant to paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and pursuant to the procedure prescribed in 29 CFR 526.6, a proposal is hereby made to revoke the determination that decortication and drying of ramie fiber in Florida is an industry of a seasonal nature. This proposal is based upon studies which disclose that ramie fiber is no longer being decorticated and dried in Florida. Having found that the above industry no longer exists in Florida, I have preliminarily determined that a prima facie case exists for the revocation of its determination as a seasonal industry.

Any person adversely affected by this proposal may file a written statement of data, views, and argument and request a hearing by writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-11165; Filed, Oct. 22, 1963; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[FSLIC-1,671]

MORTGAGE LOANS, PROFIT ON REAL ESTATE SOLD AND RELATED ITEMS

Termination of Proposed Rule Making Proceedings Regarding Charges and Credits

OCTOBER 18, 1963.

Whereas, by resolution No. FSLIC-1,039, dated January 26, 1961, and duly published in the FEDERAL REGISTER on February 1, 1961 (26 F.R. 986), as amended by resolution No. FSLIC-1,081, dated March 29, 1961, and duly published in the FEDERAL REGISTER on April 1, 1961 (26 F.R. 2758), this Board resolved that pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508), and § 567.1 of the rules and regulations for insurance of accounts (12 CFR 567.1), it was proposed that Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) be amended by the addition of a new section, § 563.23-1 *Charges and credits with respect to mortgage loans, profit on real estate sold, and related items*, the substance of which amendment was set out in said publications, and

Whereas, careful consideration has been given to such proposed amendment;

It is hereby resolved, that this Board hereby determines not to adopt the amendment proposed by said resolution No. FSLIC-1,039, as amended by resolution No. FSLIC-1,081.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 63-11200; Filed, Oct. 22, 1963; 8:47 a.m.]

[12 CFR Part 563]

[FSLIC-1,672]

MORTGAGE LOANS, SALE OF REAL ESTATE OWNED AND RELATED ITEMS

Proposed Premiums, Charges, and Credits

OCTOBER 18, 1963.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for insurance of accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) is hereby amended by adding thereto, immediately after § 563.23, the following new section:

§ 563.23-1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.

(a) *Premiums.* A premium paid by an insured institution in connection with the acquisition of a mortgage loan may be charged off when paid or may be capitalized; if capitalized, a proportionate amount thereof shall be charged to expense, at least semiannually, over the remaining term of the loan.

(b) *Charges.* All acquisition charges, as hereinafter defined, in connection with the making or acquisition of a mortgage loan by an insured institution shall be charged to such institution's expense for the accounting period in which such charges are incurred and shall not be deferred beyond the end of such accounting period.

(c) *Credits deferred.* Any acquisition credits, as hereinafter defined, in connection with the making or acquisition of any mortgage loan by an insured institution, not treated as provided in paragraph (d) of this section, shall be deferred and shall be credited to an account descriptive of deferred income, and a proportionate amount of all acquisition credits so deferred shall be credited to income, at least semiannually, over a period of 8 years (representing the average life of insured institutions' mortgage loans).

(d) *Credits not deferred.* If, during any fiscal year, in connection with the making or acquisition of any mortgage loan, any acquisition credits are not deferred in the manner provided in paragraph (c) of this section, an insured institution shall credit from its net income for such fiscal year, to a reserve account that shall be established for losses and entitled "Reserve for Losses—Insurance Regulation 563.23-1", an amount equal to the amount of acquisition credits applicable to such loans. Credits to such reserve account shall be in addition to and not a part of reserve credits required to be made by § 563.13; and such reserve account shall not be considered a part of such institution's Federal insurance reserve account, shall not receive credits from any source other than that provided in this paragraph (d), and shall not receive any charges except as set forth in paragraph (e) of this section. No part of such reserve account shall be available for earmarking pursuant to paragraph (b) of § 563.13.

(e) *Application of credits not deferred.* In each fiscal year one-tenth part of the credits required to be made during such fiscal year and during prior fiscal years to the reserve account provided for in paragraph (d) of this section shall become available for credit from such account to such institution's Federal insurance reserve account. Without limitation on the generality of the foregoing provisions of this paragraph (e), any credit made pursuant to said provisions shall, for the purposes of any provision of paragraph (c) of § 563.13 for credits from specified sources, be regarded as having been made from such sources. Charges for the purpose of absorbing losses may be made in any fiscal year to the reserve account provided for in paragraph (d) of this section, provided the Federal insurance reserve account of such institution and all its other reserve accounts established for the purpose of absorbing losses shall first have been exhausted by losses.

(f) *Sale of loans.* If a mortgage loan owned by an insured institution is sold without recourse in whole or in part at a premium or a discount, such premium or discount shall be credited or charged, respectively, to such institution's income or expense for the accounting period in which the loan is sold and shall not be deferred beyond the end of such accounting period.

(g) *Sale of real estate owned.* When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it is sold. If such sale results in a profit, such part of the profit as is proportionate to the part of the sale price not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; thereafter such unearned profit shall be deemed to have been realized to no greater extent than is proportionate to the reduction of the unpaid balance of the sale contract or purchase money mortgage.

FEDERAL MARITIME COMMISSION

(h) *Definitions.* For the purpose of this section (1) the term "mortgage

(3) For carriers with a fiscal year ending on any date from January 1 to June

the books and records of the carrier in accordance with this order.

sidered to be terminated on the completion of one of the following operations or events:

any deductions as of the beginning of the year. All additions and deductions made during the reporting period shall

(h) *Definitions.* For the purpose of this section (1) the term "mortgage loan" means any loan or contract (or interest therein) on the security of real estate; (2) the term "amount of the loan" means the face amount of the obligation executed by the primary obligor on a mortgage loan, except that with respect to a mortgage loan acquired by an insured institution such term means the principal balance of such loan at the time of its acquisition by such institution; (3) the term "acquisition credits" means that portion of any consideration, other than the average interest provided by the loan contract, charged or received by an insured institution for or in connection with the making or acquisition of a mortgage loan or commitment that is made or acquired, that is in excess of the greater of (i) $50 or (ii) 2 percent of the amount of the loan if the loan is for the purpose of construction, or 1 percent of the amount of the loan if the loan is for any other purpose; (4) the term "acquisition charges" includes finder's fee, buying commission, attorney's fee, and brokerage fee paid by an insured institution in connection with the making or acquisition of a mortgage loan or commitment, but does not include a premium paid by such institution in connection with the purchase of a mortgage loan: *Provided,* That the term "acquisition charges" does not include actual costs incurred, nor does the term "acquisition credits" include amounts collected by an insured institution in respect to a mortgage loan that are collected by such institution from the borrower (either by deduction from the proceeds of such loan or otherwise) and paid out by such institution to third parties for actual attorney's fee, title insurance premium, appraisal fee, credit report, survey, recording fees, or other services.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 22, 1963, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 63-11201; Filed, Oct. 22, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 1152]

SEMIANNUAL REPORTING BY CARRIERS IN DOMESTIC OFFSHORE TRADES

Notice of Proposed Rulemaking

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and section 43 of the Shipping Act, 1916, as amended (46 U.S.C. 841(a)), notice is hereby given that the Federal Maritime Commission proposes to promulgate rules which will require vessel operating common carriers by water in the domestic offshore trades to file with the Commission semiannual statements setting forth rate bases and income accounts for each regulated trade in which operations are performed. The proposed rules are set forth below.

SECTION 1. *Purpose.* The purpose of these rules is to require the filing of additional information by common carriers by water subject to the Commission's General Order 5 (46 CFR Part 511) so that the Commission will be able to expedite the discharge of its duties under the Intercoastal Shipping Act, 1933.

SEC. 2. *Authority.* These rules are issued pursuant to authority vested in the Commission by sections 18, 21, and 43 of the Shipping Act, 1916, as amended, and sections 2, 4, and 7 of the Intercoastal Shipping Act, 1933.

SEC. 3. *General requirements.* (a) All persons engaged in the operation of vessels in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii) and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission shall execute and file, in triplicate, with the Secretary of the Federal Maritime Commission, statements of rate base and income account for each domestic offshore trade served by the carrier. The trade, as a defined term used herein, is limited to the carriage of cargo in a domestic offshore trade under the terms of tariffs on file with the Federal Maritime Commission, except for the permitted inclusion of other revenues within the 5 percent limitation set forth under income account (section 7(c)(1)). Statements of rate base and income account shall be filed every 6 months after the initial statements which shall be filed as follows:

(1) For carriers whose fiscal year coincides with the calendar year, the first filing shall cover the entire calendar year 1963 and the statements shall be filed within 120 days after December 31, 1963.

(2) For carriers with a fiscal year ending on any date from July 1, 1963, to December 30, 1963, inclusive, the first filing shall cover the last 6 months of such fiscal year and the statements shall be filed within 120 days after the last day of the fiscal year or within 120 days of the date of this order, whichever is later.

(3) For carriers with a fiscal year ending on any date from January 1 to June 30, 1964, inclusive, the first filing shall cover the entire fiscal year and the statements shall be filed within 120 days after the last day of the fiscal year.

(b) After the first filing, annual statements shall be filed within 120 days after the close of the carrier's fiscal year; half-year statements shall be filed within 90 days after the end of the first 6 months of the carrier's fiscal year.

(c) Upon application, the Commission may grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required by this Part: *Provided,* That (1) the application therefor is received 15 days before the statements and data are due; (2) the application sets forth good and sufficient reasons to justify the extension requested; (3) the application states a specific date on or before which the statements or data will be filed; and (4) the application is not construed as constituting relief from possible penalties for tardy filing, unless it is granted.

(d) Where it is necessary to allocate property, revenue, costs, and expenses to the trade, the allocation shall be on a direct basis, if practicable, and if not, in the manner prescribed herein (section 7).

(e) All carriers subject to these reporting requirements must comply fully with the instructions outlined herein, both as to the submission of the specified reports and as to compliance with the methods prescribed for their preparation. The carrier, however, may present additional material by way of alternative methods of allocation or other approaches to the problems inherent in this type of reporting. When such additional material is submitted, the methods used shall be explained and fully supported.

(f) The establishment of the rules and regulations prescribed in the succeeding sections hereof is without prejudice to the right of the Federal Maritime Commission to employ other bases for allocation and calculation in any instance where the results produced by the application of such rules and regulations create unreasonable results.

(g) With respect to the annual statements, all data must be based on amounts shown in the appropriate annual financial statements filed with the Federal Maritime Commission in compliance with General Order 5.

(h) All calculations required by allocations herein shall be carried to five places beyond the decimal point, e.g., 97.53821 percent.

SEC. 4. *Affidavit.* The data required by these rules as set forth in the prescribed statements shall be accompanied by an affidavit of the corporate officer responsible for the maintenance and accuracy of the books, accounts, and financial records of the carrier, to the effect that:

(a) The books or accounts have been maintained in accordance with the appropriate system of accounts, and

(b) The exhibits and schedules prescribed herein have been prepared from the books and records of the carrier in accordance with this order.

SEC. 5. *Access to working papers.* All working papers (irrespective of by whom prepared) in support of all exhibits and schedules submitted, as well as the books and records of the carrier, shall be made available upon request for examination by auditors representing the Federal Maritime Commission, and said auditors shall be permitted to make copies of such records to the extent they deem necessary.

SEC. 6. *Definitions.* Various expressions, terms, and designations used herein may or may not have additional meanings or usage. For the purposes of this regulation, however, these terms are expressly limited to the following:

"Domestic Offshore Trade" means that trade carried on by common carriers by water operating (1) between the United States and its territories and possessions, (2) between or within those territories and possessions, (3) between Continental U.S. and Hawaii and Alaska, (4) between, but not within, Hawaii and Alaska.

"The Trade" means the carriage by common carriers by water of cargo in the domestic offshore trade under the terms of tariffs on file with the Federal Maritime Commission.

"The Service" means all voyages performed by common carriers by water on which any cargo was carried in The Trade.

"Other Services" means all voyages performed by common carriers by water on which no cargo was carried in The Trade.

"Revenue Tons" means those tons, either weight or measurement, on which freight revenues are calculated. For the purposes of this regulation a weight ton is 2,240 lbs., and a measurement-ton is 40 cubic feet.

"Revenue Ton-Mile" means the product of the revenue tons carried between each port of origin and destination, multiplied by the number of nautical miles representing the shortest navigable distance between the two ports as set forth in either:

(1) "Table of Distances Between Ports"—United States Navy Department, Hydrographic Office;

(2) "Distances Between United States Ports"—U.S. Department of Commerce, Coast and Geodetic Survey. For the purposes of this regulation, revenue tons related to revenues earned from the carriage of mail, which is treated herein as a reduction of costs, shall be excluded from the revenue ton-mile calculations.

"Revenue Ton-Mile Relationship" is used for the purpose of making certain allocations herein. Revenue ton-miles summarized by types of cargo such as The Trade, military, foreign, and contract cargoes, determines the revenue ton-mile relationship of each to the total.

"Voyage" means a completed round voyage from port of origin and return to port of origin. In no case shall voyages be split to reflect outward and inward services separately.

"Terminated Voyage" means a voyage that from an operational standpoint is finished. Voyages are generally considered to be terminated on the completion of one of the following operations or events:

(1) The latest of:

(i) Crew paid off

(ii) Discharge of last of homeward cargo

(iii) Completion of repairs (excluding annual overhaul and emergency repairs)

or

(2) Midpoint in time of operations simultaneously loading and unloading cargo

Usually this will be considered to have happened at noon or midnight of the day on which the determining operation is completed.

"Vessel Operating Expense" means:

(1) for those carriers required to file FMC–64 (line 56 of schedule 3002 of that report), the total of all operating expense: Terminated voyages, plus port, cargo, brokerage and other voyage expense, less revenue from passengers, net of passenger brokerage, revenue from mail, and other voyage revenue.

(2) for those carriers required to file reports FMC–63, basically the same data as outlined in (1) above, but in the format and detail set forth in schedule VI (A).

"Vessel Operating Expense Relationship" means the ratio that "total vessel operating expense" allocated to the trade bears to "total vessel operating expense" of all trades and services of the carrier for the reporting period.

SEC. 7. *Forms and instructions*—(a) *General.* (1) The information shall be submitted in the form of the prescribed exhibits and schedules and shall consist of:

Exhibit I, rate base and supporting schedules and

Exhibit II, income account and supporting schedules for the appropriate period as prescribed herein.

(2) The required exhibits and schedules are described in the following paragraphs. Pro forma statements have been prepared by the Commission and may be obtained upon request from the Director, Bureau of Financial Analysis, Federal Maritime Commission, Washington, D.C., 20573. These pro forma statements are based on the uniform system of accounts for maritime carriers prescribed by the Maritime Administration and the Interstate Commerce Commission. For those carriers who are required to file Report Form FMC–63, a means has been provided whereby the accounts prescribed by the Interstate Commerce Commission for carriers by inland and coastal waterways may be reconciled with the requirements of these statements. For such carriers, alternative schedules IV, VI, VII, and VIII have been provided, each identified by suffix A.

(b) *Rate Base (Exhibit I)*—(1) *Investment in Vessels (Schedule I).* Each vessel, excluding chartered vessels, employed in the trade for which a statement is filed shall be listed by name and type showing the original cost to the company, or any company related thereto, plus the cost of betterments, conversions, and alterations, less the cost of any deductions as of the beginning of the year. All additions and deductions made during the reporting period shall be shown gross and on a pro rata basis reflecting the number of days they were actually in use during the period. The result of these computations shall be called adjusted cost. Where any of the above figures differ from those reported in Schedule 222 or 2020, respectively, of the annual financial statements FMC–63 or FMC–64 or from those reported in Federal income tax returns, the differences shall be set forth and fully explained.

(i) The vessels employed in the trade may be subdivided into two categories:

(A) Those vessels employed exclusively in the service for the entire period, inclusive of normal periodic lay-ups, and which at no time during the period carried any cargo other than in the service. For such vessels, the adjusted cost shall be included in the total to be allocated on the revenue ton-mile relationship as set forth below.

(B) Those vessels employed in the service for less than the entire period. For such vessels the adjusted cost shall be allocated between the service and other services on the basis of the relationship that the number of days in each bears to the total of both. The total number of days thereby derived will not normally equal the number of days in the reporting period because lay-up days are not included. Lay-up days of vessels in this category shall normally be assigned between the respective services on the same basis as that employed in allocating the adjusted costs of such vessels, i.e., active days. However, if one or more of the vessels normally employed in the service have been diverted temporarily to other services in lieu of incurring lay-up expense, no assignment of lay-up time to other services is required. On the other hand, if a vessel or vessels are permanently withdrawn from the service and laid-up pending disposition, the period of lay-up shall be assigned to other services. In summary, an inequitable amount of lay-up days shall not be assigned to the service or to the trade. That portion of the adjusted cost of the vessels not allocated to other services shall be included in the total to be allocated on the revenue ton-mile relationship.

(ii) The total of the adjusted cost of all vessels employed in the service during the period which has not been allocated to other services, as required in (b)(1)(i)(A) above, shall be distributed between regulated cargo (the trade) and other cargo on a revenue ton-mile relationship.

(iii) Where the service of the carrier is solely between ports in the continental United States and domestic offshore ports, and where there are no significant differences between the distances from the various continental ports and the several domestic offshore ports and the ocean rates between said ports are identical, the revenue ton relationship may be used in lieu of the revenue ton-mile relationship.

(iv) Revenue derived from the carriage of passengers, mail, and other

services, which is treated herein as a

sented by the average length of time of

of the depreciated cost of such assets as reflected on the books of such related

Any direct allocation shall be explained in detail and set forth in an appropriate

general, be allocated on the same basis as the investment in each vessel is in-

plained and supported by details show-

services, which is treated herein as a reduction of costs (section 7(c)(2)(iii)) and the revenue tons from which such revenue is derived shall be excluded from the revenue ton-mile calculations required herein.

(2) *Reserve for Depreciation—Vessels (Schedule II).* (i) Each vessel, excluding chartered vessels, shall be listed separately showing for each its depreciable life and residual value used for depreciation purposes. The accumulated reserve for depreciation as at the beginning of the year shall be reported and shall be allocated to the various services, trades, and classes of cargo in the same manner and in the same proportion as is the cost of the vessel in Schedule I. When any of the amounts required herein are different from those reported in Schedule 282 or 2021, respectively, of the annual financial statements FMC–63 or FMC–64, or from those reported in Federal income tax returns, the differences shall be set forth and fully explained. If the depreciable life of any equipment installed on vessels differs from that of the vessel, the cost thereof and the depreciation basis shall be set forth separately.

(ii) For any vessels disposed of during the reporting period, a deduction shall be made representing a daily prorate of the proportion of the period following the date of disposal corresponding to the similar deduction made in Schedule I.

(3) *Other Property and Equipment—Net (Schedule III).* (i) Actual investment, representing cost to the carrier or any company related thereto, in other fixed assets employed in the trade, less accumulated reserve for depreciation, both as at the beginning of the year, adjusted by a daily prorate of additions and deductions shall also be reported. Assets may be grouped in major categories, preferably as required by the appropriate annual financial statements. Within each major category individual items with a cost of $10,000 or more shall be listed separately. The basis of allocation to the rate base of each item reported shall be set forth and shall be based upon the use thereof within the trade. Any computations of percentages employed shall also be set forth. Assets employed in a general capacity, such as office furniture and fixtures, shall be allocated in the ratio of total vessel operating expense allocated to the trade, as required by Schedule V, to the total vessel operating expense of all trades and services of the carrier for the year.

(ii) The depreciable lives of the major categories of assets reported in this classification shall be set forth.

(iii) When any of the amounts required herein are different from those reported in the annual financial statements or from those reported in the Federal income tax returns, the differences shall be set forth and fully explained.

(4) *Working Capital (Schedule IV).* Working capital shall be included on the average voyage expense basis computed as follows:

(i) Average voyage expense shall be determined on the basis of the actual expenses of operating and maintaining the vessels employed in the service (excluding lay-up expenses) for a period represented by the average length of time of all round voyages (excluding lay-up periods) terminated during the period on which any cargo was carried in the trade. The expense of operating and maintaining the vessels employed in the service shall include administrative and general expense (Accounts 900–955 less Accounts 670 and 895) allocated to the service in accordance with section 7(c)(4) hereof and total vessel operating expense—terminated voyages (Accounts 701–799 inclusive). For this purpose if the average voyage, as determined above, is of less than 90 days' duration, the expense of hull and machinery and P & I insurance (Accounts 755 and 757, respectively) shall be determined to be that for 90 days; provided, that such allowance for insurance expense shall not, in the aggregate, exceed the total actual insurance expense for the accounting period.

(ii) The determination shall be made in the following manner:

First, by dividing the sum of such expenses for the accounting period involved applicable to the vessels in the service by the aggregate number of days consumed in all voyages of such vessels in the service terminating during such period;

Second, by multiplying the quotient thus obtained by the number of days (excluding lay-up days) in the average voyage in the service; and,

Third, by multiplying the resulting product by the quotient of the total number of days (excluding lay-up days) consumed in voyages of vessels in the service terminating during the accounting period divided by the number of calendar days within the accounting period.

(iii) Where vessel operating expense is allocated as provided hereinafter (section 7(c)(2)), working capital shall be computed on the basis of vessel operating expense of the service and then allocated on the gross vessel operating expense basis to the trade. This schedule is not required of those carriers who annually file Form FMC–63 with the Federal Maritime Commission.

(5) *Working Capital (Schedule IV(A)).* Total current assets less total current liabilities shall be set forth as shown in the annual financial statements, FMC–63, as of the beginning of the period. The net working capital derived thereby shall be allocated to the trade in the relationship that vessel operating expense allocated to the trade bears to total vessel operating expense for the company, both as shown on Schedule IV(A).

(6) *Other assets.* Any other assets claimed by the carrier as components of its rate base shall be set forth separately and related to amounts shown in the annual financial statements. The basis of allocation to the trade shall be fully explained and supported by computations of percentages employed.

(7) *Property and equipment of related companies.* Exhibit I provides for the reporting of property and equipment of related companies used in the the trade. Where such assets owned by related companies are used in the trade, the profits of such related companies from such use shall be included in the income account, and an appropriate allocation of the depreciated cost of such assets as reflected on the books of such related companies may be included in the rate base. The basis of allocating such net depreciated cost to the trade shall be set forth and fully explained in a schedule similar to Schedule III.

(c) *Income Account (Exhibit II)*—(1) *Operating Revenue (Schedule V).* (i) Revenue allocated to the trade shall include only revenue earned from the common carriage of cargo in the domestic offshore trade on voyages terminated during the period, except that military, contract, and foreign cargo need not be excluded provided the revenue derived is not in excess of 5 percent of the total revenue. This 5 percent limitation shall be applied separately to each class of cargo. Revenue tons and amounts for the major classes of commodities carried shall be reported separately for each individual commodity of which 1,000 or more revenue tons are transported.

(ii) When any of the amounts reported in the Income Account are different from those reported in the annual financial statements, the differences shall be set forth and fully explained.

(2) *Vessel Operating Expense (Schedule VI).* A vessel operating expense summary of voyages terminated during the period, including all voyages in which any cargo was carried in the trade, shall be submitted setting forth allocations to the trade on the following bases:

(i) Total vessel expense shall be allocated where an allocation is necessary to the trade on the revenue ton-mile basis. This procedure will be required for all voyages in the service, as defined herein (section 6). Should any of the elements of vessel expense be directly allocable to specific cargo, such direct allocations should be made and explained.

(ii) Port, cargo, freight brokerage, and other voyage expenses, by ports at which incurred, shall be allocated directly to the extent practicable or otherwise on the revenue ton basis.

(iii) Passenger revenue less passenger brokerage, revenue from mail, and other voyage revenue shall be deducted from vessel operating expense and distributed on the revenue ton-mile basis.

(3) *Vessel Operating Expense (Schedule VI (A)).* This schedule is to be submitted by carriers whose vessels are not self-propelled and who report annually to the Federal Maritime Commission on Form FMC–63. It is designed to summarize the operating results and to provide for allocations to the trade where necessary because of the simultaneous carriage of unregulated cargo. The principles of allocation are the same as those required by Schedule VI.

(4) *Administrative and General Expense (Schedules VII and VII (A)).* Administrative and general expense less agency fees, commissions, and brokerage earned shall be allocated to the trade in the proportion that the gross vessel operating expenses incurred in the trade bears to the gross vessel operating expense for all trades and services. Direct allocations may be made, where practicable, particularly with respect to advertising expense related to the operation of passenger and combination vessels.

Any direct allocation shall be explained in detail and set forth in an appropriate schedule.

(5) *Other Shipping Operations (Schedule VIII).* Terminal, cargo handling, tug and lighter, and other shipping operations shall be allocated to the trade on a tonnage or volume basis as a measure of use and shall be made separately by ports at which incurred. The methods used shall be explained and fully supported. If interdepartmental credits for services and facilities are used by the carrier, such credits shall be allocated so as to offset the related contra charges included in the voyage accounts. Revenues earned from services performed for others, unrelated to the trade, and the related costs and expenses shall not be allocated to the trade.

(6) *Other Shipping Operations (Schedule VIII (A)).* (i) Items related to shipping classified on Schedule VIII (A) as other shipping operations shall be allocated to the trade on tonnage or volume basis, where applicable, as a measure of use and shall be made separately by ports at which incurred. The methods used shall be explained and fully supported.

(ii) Interdepartmental debits and credits shall be offset as explained under Schedule VIII, above.

(iii) Revenues earned from services performed for others, unrelated to the trade, and related costs and expenses shall not be allocated to the trade.

(7) *Inactive Vessel Expense (Schedule IX).* Inactive vessel expense shall, in general, be allocated on the same basis as the investment in each vessel is included in the rate base. However, when a vessel is definitely assigned to the trade any inactive vessel expense for that vessel may be allocated to the trade. If such a vessel be temporarily chartered out to minimize lay-up expense, no lay-up expense incurred before or after such charter period need be allocated to the charter. Inactive vessel expense applicable to vessels not used in the trade or withdrawn from the trade shall be excluded. (See instructions (b)(1)(i)(B) applicable to Schedule I pertaining to the allocation of lay-up time.)

(8) *Depreciation (Schedule X).* Depreciation of assets included in the rate base shall be allocated on the same bases as the specific assets.

(9) *Other.* Any other elements of income or expense wholly or partially applicable to the trade shall be fully explained and supported by a schedule showing details of allocation and reconciliation with amounts shown in the annual financial statements.

(10) *Federal income tax.* Federal income taxes allocated to the trade shall be set forth together with the details of the computation thereof.

(11) *Profits of related companies.* Net income, after Federal income taxes, earned by related companies of the carrier in performing services for the carrier in the trade shall be included in an appropriate manner. The basis of allocation of such net income shall be direct where practicable and shall be fully explained and supported by details showing the basis of allocation.

(12) *Additional required information.* The following information shall also be furnished:

(i) A statement summarizing the outstanding long-term debt with related interest rates and accruals for the period including an identification of any debts secured by assets included in the rate base.

(ii) A description of the pattern of service with respect to routes, number and type of vessels employed, regularity of sailing dates, turn-around time, itineraries, etc.

(iii) Surplus adjustments recorded since the latest annual financial statements in sufficient detail to permit the recognition of the significance of such adjustments as related to the trade.

Interested parties may submit such written data, views, or arguments as they desire. Communications should be submitted in original and 15 copies to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken by the Commission. No public hearing is contemplated at this time.

By order of the Commission October 15, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–11192; Filed, Oct. 22, 1963; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-0280347]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 16, 1963.

The Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, has filed an application, serial number Wyoming 0280347, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, subject to valid existing rights. The applicant desires the lands for use as part of the existing East Fork Elk Winter Pasture.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 43 N., R. 106 W.,
Sec. 35: NE¼, E½SE¼.

Containing 240 acres.

JOHN R. KILLOUGH,
Acting State Director.

[F.R. Doc. 63-11160; Filed, Oct. 22, 1963; 8:45 a.m.]

[Anchorage 060303]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 16, 1963.

The Department of the Army has filed an application, Serial Number Anchorage 060303, for the withdrawal of the lands described below from all forms of appropriation except mineral leasing.

The applicant desires the land for use as a small arms firing range for troops stationed at Wildwood Station, near Kenai, Alaska.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the Department of the Army. The determination of the Secretary will be published in the FEDERAL REGISTER, and a separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

Lands involved in the application are:

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 4: SW¼NW¼, SW¼; (unsurveyed);
Sec. 5: SE¼NE¼, SE¼SW¼, SE¼; (unsurveyed);
Sec. 7: S½NE¼; (unsurveyed);
Sec. 8: N½, SE¼; (unsurveyed);
Sec. 9: W½NE¼, NW¼, NW¼SW¼; (unsurveyed).
T. 6 N., R. 12 W.,
Sec. 25: E½E½E½NW¼.

The areas described aggregate 1300.0 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-11184; Filed, Oct. 22, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NBS RADIO STATIONS WWVB AND WWVL, FORT COLLINS, COLORADO

Notice of Change in Schedule

Notice is hereby given of the change in schedule of the standard frequency and time broadcasts from WWVB at 60 kilocycles per second, and the standard frequency broadcasts from WWVL at 20 kilocycles per second. These changes will become effective November 5, 1963, for station WWVB and November 12, 1963, for station WWVL.

Present schedule	*Proposed schedule*
WWVB: Continuous	Continuous, except for a 12 hour silent period alternate weeks from 1300 UT Tuesday to 0100 UT Wednesday, beginning November 5, 1963.
WWVL: Continuous	Continuous, except for a 12 hour silent period alternate weeks from 1300 UT Tuesday to 0100 UT Wednesday, beginning November 12, 1963.

R. D. HUNTOON,
Deputy Director,

[F.R. Doc. 63-11161; Filed, Oct. 22, 1963; 8:45 a.m.]

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955 the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 9, 1963.

CARL W. HASEK, Jr.

OCTOBER 9, 1963.

[F.R. Doc. 63-11157; Filed, Oct. 22, 1963; 8:45 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Revision

The statement of the Department's organization and administration, as published in the FEDERAL REGISTER of September 11, 1962, at pages 8982 through 9007, and as amended by 27 F.R. 11558-11559, 27 F.R. 12452-12453, 28 F.R. 914, 28 F.R. 2690, 28 F.R. 3674, 28 F.R. 7362 and 28 F.R. 8295-8296, is further amended to include revised organizational and administrative titles.

I. In 812.5 *Authority to Effect Personnel Actions*, delete "Chief Cartographer" from paragraph ".51b".

II. In 812.6 *Authority to Administer Oaths of Office*, amend paragraph "61b" by deleting "Chief Cartographer" and revising the fourth and fifth titles therein to read as follows:

Superintendent and Administrative Assistant, Mail Bag Depository
Superintendent, Assistant Superintendent where authorized, and Administrative Assistant of Combined Mail Bag Depository and Mail Bag Repair Center

III. In Part 825 amend paragraph "a" to read as follows:

PART 825—REGIONAL DIRECTOR

a. Administers the execution of policies, regulations, and procedures governing, and takes final action within his delegated authority on, matters relating to management, operations, transporatation, finance, engineering, equipment, supply, facilities, and personnel within an assigned region (except the postal inspection service, internal auditors, the mail bag equipment shops, mail bag repair centers and depositories, area supply centers, capital equipment warehouses, postal agency and stamped envelope agency, equipment production specialists, and other specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S. Code 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-11155; Filed, Oct. 22, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14618; Order E-20103]

DELTA AIR LINES, INC.

Application for Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

On July 1, 1963, Delta Air Lines, Inc. (Delta) filed an application in Docket 14618, pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (the Act) for an exemption from the provisions of section 401 of the Act, and the provisions of Condition 5 of the carrier's certificate for Route 24,[1] insofar as these provisions would otherwise prevent Delta from operating one daily round trip between Dallas and/or Ft. Worth, Texas, Shreveport, La., Jackson, Miss., Birmingham, Ala., and the Northeast.[2] Delta requests that an exemption be granted until final Board decision on its application, concurrently filed in Docket 14617, for amendment of its certificate for Route 24 to permit the type of operation described above.

In support of its application, Delta alleges principally that both Jackson and Shreveport will be able to accommodate Delta's jet aircraft upon completion of airport developments in late summer or early fall of this year; that Delta proposes to inaugurate jet service at these points by operating a single round trip which would originate at Dallas or Fort Worth and serve Shreveport, Jackson, and Birmingham en route to one or more of Delta's northeastern points;[3] that while Delta is authorized to provide both Shreveport and Jackson with southwest-northeast service via Atlanta or New Orleans on flights originating at Dallas or Fort Worth, or via Birmingham on flights originating at Houston or Shreveport, neither Shreveport nor Jackson is capable at this time of supporting such an operation if the flight originates or terminates at Shreveport or Houston. Delta concludes that a Houston-Shreveport-Jackson-Birmingham operation could not obtain sufficient intermediate and connecting traffic to make such an operation economically feasible;[4] and by originating and terminating such flights at Dallas or Fort Worth and operating via Birmingham, additional supporting traffic would be available in such markets as Dallas-Shreveport, Dallas-Jackson and Shreveport-Jackson-Birmingham. Delta further contends that under Condition 5 its proposed flight originating or terminating at Dallas or Fort Worth would be required to stop at Atlanta, and that because of air traffic congestion at Atlanta's airport at certain hours, the substitution of Birmingham for Atlanta on the contemplated flight would produce significant benefits for Shreveport, Jackson and Birmingham passengers, as well as avoid further jet congestion at the Atlanta airport. Finally, Delta alleges that the substitution of Birmingham for Atlanta as a mandatory stop, as proposed, would more than meet the objective of Condition 5, which is to protect the unrestricted Dallas, Fort Worth-Northeast carriers, and would not adversely affect any other carrier.

Answers supporting Delta's exemption application were filed by the Mississippi Aeronautics Commission, the City of Jackson and the Jackson Chamber of Commerce, the City of Shreveport and the Shreveport Chamber of Commerce, and the City of Birmingham and the Birmingham Chamber of Commerce. The arguments advanced by these civic interests are essentially the same as set forth by Delta. In its answer the City of Jackson states that its new jet airport was opened for operations on July 8, 1963, and the City of Shreveport has indicated that its airport improvement program will be completed in the fall of 1963.

Braniff Airways, Inc. (Braniff) and Eastern Air Lines, Inc. (Eastern) filed answers opposing Delta's exemption application.[5] Braniff alleges principally that Delta is seeking to obtain expanded rights in the Dallas, Fort Worth-Northeast markets without having to first meet the test of whether the public convenience and necessity require a third carrier's service; that Order E-19115, effective December 19, 1962, granted Delta's first request for amendment of Condition 5 by permitting it to serve New Orleans as an alternate mandatory stop; and that in its present exemption application in Docket 14618 and its concurrently filed certificate amendment application in Docket 14617 Delta seeks further relief from Condition 5. Braniff also asserts that Delta's allegation that the exemption is necessary to provide jet service to Shreveport and Jackson is without merit; that Delta is authorized to provide other flight patterns and flight substitutions which would offer the traveling public all the benefits of Delta's proposal without increasing the total air traffic at the Atlanta Airport; and finally, that even if this were not true, air traffic congestion at a single intermediate point does not represent an "unusual circumstance" or constitute an "undue burden" within the meaning of section 416 of the Act.

In its reply Delta asserts that the proposed service is designed to bring new and significant service improvements to Delta's exclusive markets between Shreveport, La. and Jackson, Miss., and the Northeast; that the improvements would be largely nullified if the service had to proceed via Atlanta at this time; that if the exemption applied for is not granted it is doubtful if jet service can be instituted at all, at this time, between Jackson and Shreveport and the Northeast; and that if the exemption is granted it plans to institute the service on October 27, 1963.

The Board has concluded that in view of all of the circumstances present Delta's request for an exemption should be granted.

We agree with Delta and the civic interests that Birmingham, Jackson, and Shreveport would receive more overall benefits from the proposed service than from operations which can be conducted under Delta's present authority, and that to preclude Delta from inaugurating the proposed service pending a hearing on its certificate application in Docket 14617 would not be in the public interest. Although, as Braniff points out, Jackson and Shreveport could enjoy first jet service via Birmingham on flights originating at Houston, or via Atlanta on flights originating at Dallas or Fort Worth, the lesser circuity between Dallas or Fort Worth and Birmingham via Shreveport and Jackson, together with the greater opportunity for on-line or interline connections at Dallas and Fort Worth, would provide more useful passenger service and more economical carrier operations. Further, we recognize that most major air terminals, in-

[1] Condition 5 provides that: "All flights serving Dallas or Fort Worth, Texas on the one hand, and Washington, D.C., Baltimore, Maryland, Philadelphia, Pennsylvania, New York, New York, or Newark, New Jersey, on the other hand, shall also serve Atlanta, Georgia, or New Orleans, Louisiana."

[2] New York/Newark, Philadelphia, Baltimore, and Washington.

[3] Delta's presently proposed schedule includes only New York. The carrier indicates in its application, however, that the schedule may include Washington.

[4] Delta's conclusion is based upon its contention that the circuity between Houston and Birmingham via Shreveport and Jackson of 12.4 percent is too great to permit generation of any significant volume of Houston-Birmingham traffic, and that Delta does not now have the on-line or interline connection possibilities at Houston that it has at Dallas or Fort Worth.

[5] On September 11, 1963, Eastern withdrew its answer in opposition to Delta's exemption application.

cluding the one at Atlanta, experience heavy air traffic at certain peak periods during the day, and although such a situation, standing alone, would not warrant the type of relief requested, particularly since the proposed flight would have little or no alleviating effect on Atlanta's airport traffic, we do believe that the alternate stop at Birmingham proposed by Delta would relieve many of the through passengers of unavoidable but extended delays.

We are unable to find any persuasive public interest considerations which militate against grant of the exemption. The only concern is raised by Braniff in connection with its nonstop authority in the Dallas, Fort Worth-Northeast market. In our view, however, this concern is illusory. Braniff's principal argument is its allegation that Delta is attempting to enter Braniff's nonstop market by a process of gradual erosion of Delta's certificate Condition 5. Braniff first cites the Board's Order E–19115, effective December 19, 1962, which modified Condition 5 to permit Delta to use New Orleans as an alternative stop between Dallas or Fort Worth and the Northeast. However, this modification was granted after a full evidentiary hearing in which the Board found that the public convenience and necessity required an alternative stop. In view of this finding, the addition of New Orleans cannot be considered an improper encroachment upon Braniff's nonstop rights.

The net effect of a grant of exemption authority would be a circuity reduction of 8 miles.[6] We do not believe that such a result will seriously impinge upon Braniff's nonstop rights, and Braniff has offered no evidence of possible diversion or adverse financial impact resulting from the proposed service.[7]

The service which Delta proposes between Dallas or Fort Worth and the Northeast is, at a minimum, a three-stop operation. Since our finding that the exemption is in the public interest is based primarily on proposed service improvements in the Jackson and Shreveport markets, we will require Delta to provide service along the lines proposed in its exemption application pending hearing on its certificate application in Docket 14617. We shall, therefore, condition our grant to require that Shreveport and Jackson be served on each of the proposed Dallas, Fort Worth-Northeast flights via Birmingham.

[6] The mileage via the proposed routing is 1,459 miles, compared with 1,467 miles on Delta's present routing via Atlanta.

[7] Braniff's allegation that it is Delta's intention to eventually eliminate Condition 5 in its entirety is specious. In support of the allegation Braniff relies principally on the fact that in its concurrently filed certificate amendment application Delta seeks one-stop authority via Birmingham in lieu of Atlanta. Moreover, we need not decide the question of the need for Birmingham one-stop authority since our grant is predicated solely upon Delta's proposal to serve Jackson and Shreveport via Birmingham between Dallas, Fort Worth and the Northeast.

Based upon the foregoing, the Board concludes that grant of the relief to Delta is warranted by the unusual circumstances affecting its operations described above; that Delta's proposed service would provide significant public benefits; that the competitive effect of such service on Braniff has not been shown to be more than minimal; and that it would not be in the public interest to require Delta to undergo at this time a certificate proceeding in order to obtain the limited authority which we feel is warranted.

The Board also concludes that because of the limited extent of Delta's proposal, a certificate proceeding at this time would impose an undue burden upon the carrier. The proposal calls for a single daily round trip to be routed via Birmingham rather than Atlanta, a reduction in circuity of only 8 air miles. The carrier requires no new route mileage, equipment, personnel, or operating facilities to conduct the proposed operation, and the operation will be temporary pending final action on the carrier's certificate application in Docket 14617.

Upon consideration of the foregoing and acting pursuant to section 416(b) of the Federal Aviation Act, the Board finds that the enforcement of the provisions of section 401(a) of the Act and of the terms, conditions and limitations of Delta's certificate of public convenience and necessity insofar as they would prohibit the services herein authorized would be an undue burden on Delta by reason of the limited extent of, and the unusual circumstances affecting, its operations and would not be in the public interest.

Accordingly, it is ordered:

1. That Delta Air Lines, Inc. be and it hereby is temporarily exempted from the provisions of section 401(a) of the Federal Aviation Act of 1958 and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 24 insofar as they would otherwise prohibit Delta from operating one daily round trip between Dallas or Fort Worth, Texas, on the one hand, and Washington, D.C., Baltimore, Maryland, Philadelphia, Pennsylvania, New York, New York, or Newark, New Jersey, on the other hand, via Shreveport, Louisiana, Jackson, Mississippi, and Birmingham, Alabama;

2. That the exemption granted herein shall cease to be effective 90 days after final action on Delta's certificate application in Docket 14617; and

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

A copy of this order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,[8] *Secretary.*

[F.R. Doc. 63–11185; Filed, Oct. 22, 1963; 8:47 a.m.]

[8] Dissenting opinion of Robert T. Murphy, Vice Chairman, filed as part of the original document.

[Docket No. 14814; Order E–20101]

WESTERN AIR LINES, INC., ET AL.

Coach Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

Increased coach fares proposed by Western Air Lines, Inc., United Air Lines, Inc., Trans World Airlines, Inc.

Western Air Lines, Inc. (Western) has filed tariff revisions,[1] bearing a posting date of September 9, 1963, marked to become effective November 8, 1963, proposing to increase its local jet and propeller coach fares between Denver and Phoenix, and between Las Vegas, on the one hand, and Portland (Oregon), San Francisco, and Seattle, on the other hand; and to increase its local jet coach fare between Salt Lake and San Diego. The jet coach increases range from 20 cents to $2.40, and represent increases from 0.3 to 6.6 percent. The propeller coach increases range from $1.70 to $4.45, and represent increases of 4.7 to 17.3 percent. United Air Lines, Inc. (United) and Trans World Airlines, Inc. (TWA) filed tariff revisions, also effective November 8, 1963, proposing some of the same jet coach increases as Western in the Las Vegas-Portland/San Francisco/and Seattle markets.

No complaints have been received.

In support of its proposal, Western states that the fares that are being increased do not reflect proper fare construction, and that it proposes to correct this situation by increasing the fares to the level determined by the Board's 75-percent coach fare policy. An analysis of the proposed jet coach fares reveals that the jet surcharges included in Western's construction are at times greater for shorter-haul service than those for longer-haul service. Under Western's construction formula, the proposed jet coach fares range from 78.8 to 81.1 percent of the presently effective jet first-class fares, and the proposed propeller coach fares range from 75.9 to 76.9 percent of the present propeller first-class fares.

Aside from the unsubstantiated statement that the fares are being increased to reflect proper fare construction, Western has not submitted any supporting data in justification of the proposed increases. The yields per passenger mile of the fares currently in effect in the markets affected by the Western proposal are presently higher than those for comparable services in other domestic markets. The fare increases proposed by Western, up to 6.6 percent for jet coach services and up to 17.3 percent for propeller coach services, would make the disparity in yields between the Western markets and other domestic markets even greater than they are presently. Furthermore, we note from data reported to the Board that Western's earnings have been increasing steadily in recent

[1] Revisions to Agent Squire's C.A.B. No. 44, filed as part of the original document.

periods, and that it earned in excess of 11 percent on its total investment for the year ended June 30, 1963, the most recent period for which data are now available.

If the primary purpose of the proposal is to reflect proper fare construction, Western could achieve the same end by decreasing some of its fares to bring them into line. In the absence of an adequate economic justification, we must conclude that the proposed fare increases are not justified, and therefore we will suspend their use and institute an investigation of the Western proposed fares as well as the similar fares filed by United and TWA.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A hereto are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions;

2. Pending hearing and decision by the Board the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including February 5, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order will be filed with the aforesaid tariff and be served upon Western Air Lines, Inc., United Air Lines, Inc., and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 63–11186; Filed, Oct. 22, 1963; 8:47 a.m.]

CIVIL SERVICE COMMISSION

CLERK-STENOGRAPHER AND CLERK-TYPIST

Notice of Listing of Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 86–587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series Code and Grade, Position, Location, and Effective Date
GS–312–3 and 4; Clerk-stenographer; Washing. D.C. metropolitan area[1] and Fort Meade, Md.; January 1, 1964.
GS–322–3; Clerk-typist; Washington, D.C. metropolitan area[1] and Fort Meade, Md.; January 1, 1964.

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63–11194; Filed, Oct. 22, 1963; 8:47 a.m.]

[1] The Standard Metropolitan Statistical Area, which includes Washington, D.C.; Montgomery County and Prince Georges County, Maryland; and Alexandria City, Falls Church City, Arlington County, and Fairfax County, Virginia.

FEDERAL AVIATION AGENCY

[OE Docket No. 63–CE–9]

MAY BROADCASTING CO. ET AL.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (3–OE–2305) to determine its effect upon the safe and efficient utilization of navigable airspace.

The May Broadcasting Company, the Herald Broadcasting Company and Meredith WOW, Inc., Omaha, Nebraska, jointly propose to construct a guyed candelabra-type television antenna structure approximately four miles west/northwest of Millard, Nebraska, at latitude 41°14'41" N., longitude 96°11'21" W. The overall height of the structure would be 2,749 feet above mean sea level (1,519 feet above ground).

The proposed structure would be located approximately 7 miles west of Omaha, 0.8 mile southeast of VOR Federal airway No. 138, 2.4 miles north of Victor 6/8 and 16 miles northwest of Offutt Air Force Base.

The aeronautical study disclosed that the structure would exceed the standards for determining hazards to air navigation in § 77.23(a) (4) and (5) of the Federal Aviation Regulations as applied to the aforementioned airways, the site being within 5 miles of the airways and within 25 miles of the Omaha VORTAC and 34.4 miles of the Neola VORTAC.

An increase in instrument flight rules minimum en route altitude would be required for that segment of V138 between the Mead Intersection and the Washington Intersection, the increase being from 2,700 feet to 3,200 feet. An increase in IFR minimum en route altitude would also be required for that segment of V6/8 between the Richfield Intersection and the Mead Intersection, the increase being from 2,700 feet to 3,000 feet. The increase on V138 would result in the loss of the cardinal altitude of 3,000 feet.

An increase in the minimum radar vector altitudes within 3 miles and 5 miles of the structure would be required. The increases would be from 2,600 feet to 3,700 feet for the area within 3 nautical miles and from 2,600 feet to 3,200 feet for the area from 3 to 5 nautical miles. Both of these increases would result in the loss of the 3,000-foot cardinal altitude to flights operating within 5 miles of the proposed structure.

The increase of MEA's and the loss of the cardinal altitude would cause aircraft to operate at higher altitudes than they now use and would lessen the flexibility and capacity of the air traffic control system thereby contributing to delays to aircraft operating in the Omaha area.

The aeronautical study further disclosed that the low altitude peak day traffic count for fiscal year 1962 on the affected segment of Victor 138 was four flights and for the affected segment of Victor 6/8 was 15 flights. During calendar year 1962, there were 342,801 aircraft operations in the Omaha area. This represents a substantial volume of aeronautical activity.

The study also disclosed that the structure would exceed a 40:1 obstruction clearance slope for westbound IFR departures from Eppley Field the site being 15 miles from the airport. The violation of the 40:1 slope would have no adverse effect upon IFR departures from Eppley Field because of other IFR departure procedures which provide adequate obstruction clearance to existing obstructions and which also would provide adequate obstruction clearance to the proposed structure.

The structure would have an adverse effect upon IFR departures from Offutt AFB because of the heavy load conditions under which certain of its aircraft operate when in a northwest departure configuration. The paths of flight of these aircraft place them in proximity to the site of the proposed structure at a time when the aircrew is busily striving to set up and maintain a safe climbing attitude. The erection of the proposed structure would be a menace to such Air Force operations.

Based upon the aeronautical study, it is the finding of the Agency that the increases in minimum flight altitudes that would be necessary to accommodate the proposed structure would result in a substantial adverse effect to aircraft operating in the Omaha area.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the

denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 16, 1963.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-11162; Filed, Oct. 22, 1963; 8:45 a.m.]

[OE Docket No. 63-SO-16]

WAPA-TV BROADCASTING CORP.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-2339) to determine its effect upon the safe and efficient utilization of navigable airspace.

WAPA-TV Broadcasting Corporation, San Juan, Puerto Rico, proposes to construct a guyed television antenna structure near La Plaza, Puerto Rico, at latitude 18°06'42" N., longitude 66°03'-05" W. The overall height of the structure would be 4142 feet above mean sea level (1187 feet above ground).

The proposed structure would be located on Cerro La Santa approximately 23.5 miles south of the San Juan VORTAC, 8.6 miles west of the centerline of Route 7, 3.4 miles north of the centerline of Route 4, 2 miles southwest of the centerline of ICAO Yankee Alfa Route, and 8.5 miles northeast of the centerline of ICAO Oscar Route. The structure at this location and height would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1), (3) and (4) of the Federal Aviation Regulations since it would be more than 500 feet above ground at the site of construction and would vary from two miles to 8.6 miles from the centerline of approved off-airway routes.

The aeronautical study disclosed that the structure would require an increase from 3100 feet to 4300 feet in the minimum en route altitude on Route 7 between Pt. Tuna and San Lorenzo Intersection, from 4200 feet to 5100 feet in the minimum obstruction clearance altitude on Route 4 between Pt. Tuna and Midway Intersection and on Yankee Alfa Route between San Juan radio beacon and Pt. Tuna, and from 4300 feet to 4400 feet in the minimum obstruction clearance altitude on Oscar Route southeast of the San Juan radio beacon. It would also require a minimum radar obstruction clearance altitude of 5100 feet within a three mile radius of the proposed structure and 4600 feet within a three to five mile radius of the proposed structure. In addition, it would require an increase from 4200 feet to 4400 feet in the expected minimum en route altitude on proposed Route 8 between Ponce TVOR and Pt. Tuna.

The aeronautical study disclosed that the above increases in minimum obstruction clearance altitudes would have no substantial adverse effect upon instrument flight rule aeronautical operations since the altitudes normally used on these route segments are above those which would be required by the proposed structure and there are no plans to use the minimum altitudes. However, the aeronautical study further disclosed that the increase of 1200 feet in the minimum en route altitude on Route 7 would result in the loss of the cardinal altitude of 4000 feet, on an important segment of this route. This route serves the area to the south and southeast of San Juan and is used by both arrivals and departures. A recent survey conducted by the San Juan Air Route Traffic Control Center revealed that the altitude of 4000 feet is currently being used on the affected route segment. It also disclosed that the affected segment of Route 7 is used by six aircraft on an average daily basis and by 14 aircraft on a peak day.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have an adverse effect upon existing instrument flight rule aeronautical operations, procedures and minimum flight altitudes in the San Juan, Puerto Rico, area.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 16, 1963.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-11163; Filed, Oct. 22, 1963; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

H. A. GOGARTY, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The following agreements have similar terms:

H. A. Gogarty, Inc., New York, N.Y. and Anderson Shipping Co., Savannah, Ga. ---------- FF-290
Hudson Shipping Co., Inc., New York, N.Y. and A. J. Arango, Inc., Tampa, Fla ---------- FF-788
Hudson Shipping Co., Inc., New York, N.Y. and Port Everglades Terminal Co., Inc., Fort Lauderdale, Fla---- FF-889

Agreement No. FF-1105 between Cosdel International Company, San Francisco, California and B. R. Anderson & Co., Seattle, Washington, is a working arrangement under which forwarding and service fees will be divided as agreed. Ocean freight compensation is to be retained by the originating party.

Agreement No. FF-1108 between J. R. Michels, Inc., Houston, Texas and all branch offices, party (a), and H. Stone & Co., New York, New York, party (b), is a working arrangement under which forwarding and service fees are to be 100 percent for party (a) for work accomplished for party (b). Ocean freight compensation is to be 100 percent for party (b).

Agreement No. FF-1109 between C. S. Greene and Company, Inc., Chicago, Illinois, and James Loudon & Co., Inc., San Francisco, California, is a working arrangement under which forwarding and service fees are $10.00 per shipment. Ocean freight compensation is to be divided equally between the parties.

Agreement No. FF-1110 between C. S. Greene and Company, Inc., Chicago, Illinois, and James Loudon & Co., Inc., Los Angeles, California, is a working arrangement under which forwarding and service fees are $10.00 per shipment. Ocean freight compensation is to be divided equally between the parties.

Agreement No. FF-1112 between Chary Company, Inc., New York, New York, and Del Mar Shipping Corporation, San Francisco, California, is an arrangement under which forwarding and service fees are $5.00 per shipment. Special services remain subject to agreement. Ocean freight compensation will be divided equally.

Agreement No. FF-1122 between Black & Geddes, New York, New York, and Perryman, Mojonier Company, Los Angeles, California, is an arrangement under which forwarding and service fees are $1.50 for an export declaration and $4.50 for documentation for consul purposes. Ocean freight compensation will be retained by the originator.

Agreement No. FF-1123 between Black & Geddes, New York, New York, and Fillette Green & Co., Pensacola, Florida, is an arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation will be divided: ⅔ to the originating party and ⅓ to the other party.

Agreement No. FF-1124 between Black & Geddes, New York, New York, and J. T. Steeb & Co., Inc., Portland, Oregon, is an arrangement under which forwarding and service fees are to be $1.50 for clearing export declarations. Ocean freight compensation is to be retained by the originating party.

Agreement No. FF-1126 between Paul A. Boulo, Mobile, Alabama, and Regal Shipping Corp., New York, New York, is an arrangement under which forwarding and service fees are to be retained by the party performing the service. Ocean freight compensation is to be retained by the originating party in the amount of 50 percent.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building, South, 600 South Street, New Orleans 12, La., Mail Address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 18, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11187; Filed, Oct. 22, 1963; 8:47 a.m.]

IVARAN LINES (A/S IVARANS REDERI) AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9253, between Ivaran Lines (A/S Ivarans Rederi) and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Ivaran Lines in Argentina, Brazil and Uruguay to ports of call of Alcoa Steamship Company, Inc., in the Virgin Islands, with transhipment at New York, New York, Baltimore, Maryland, and Philadelphia, Pennsylvania in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing should such hearing be desired.

Dated: October 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11188; Filed, Oct. 22, 1963; 8:47 a.m.]

IVARAN LINES (A/S IVARANS REDERI) AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9252, between Ivaran Lines (A/S Ivarans Rederi) and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Ivaran Lines in Argentina, Brazil and Uruguay to ports of call of Alcoa Steamship Company, Inc., in Puerto Rico with transhipment at Baltimore, Maryland, and Philadelphia, Pennsylvania, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing should such hearing be desired.

Dated: October 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11190; Filed, Oct. 22, 1963; 8:47 a.m.]

SCINDIA STEAM NAVIGATION CO., LTD., AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9257, between Scindia Steam Navigation Co., Ltd., and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Scindia Steam Navigation Co., Ltd., in India and Pakistan to ports of call of Alcoa Steamship Company, Inc., in Puerto Rico with transhipment at Baltimore, Maryland, and Philadelphia, Pennsylvania, in accordance with the terms and conditions set forth therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11191; Filed, Oct. 22, 1963; 8:47 a.m.]

SCINDIA STEAM NAVIGATION CO., LTD., AND ALCOA STEAMSHIP CO., INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9256, between Scindia Steam Navigation Co., Ltd., and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Scindia Steam Navigation Co., Ltd., in India and Pakistan to ports of call of Alcoa Steamship Company, Inc., in the

DEPARTMENT OF LABOR

Bureau of Employment Security

FLORIDA

Wages for Foreign Agricultural Labor

Under the authority of section 204(c) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1154(c)), the United States Attorney General in passing upon an employer's request to import or retain foreign labor for temporary employment, requires a certification from the United States Employment Service that Employment Service policies have been observed. These policies include the requirement that, "Employment of such labor will not adversely affect the wages or working conditions of domestic workers similarly employed in the area" (20 CFR 602.10(2)).

On July 1, 1963, the Employment Service made a determination that wage offers of at least $.95 per hour for agricultural workers in Florida would be necessary in order to avoid the prescribed "adverse affect" of 20 CFR 602.10(2). Based upon additional information, it has been decided that the July 1, 1963, determination pertaining to Florida should be held in abeyance pending a further opportunity for the presentation of data, views and argument regarding the determination.

All interested parties are invited to present data and argument, orally and in writing, with respect to the July 1 determination, or to suggest any alternative method for determining the wage rate which must be paid to alien agricultural workers in order to avoid adversely affecting the wages of domestic agricultural workers. Such expressions will be received by Clifford P. Grant, a Hearing Examiner appointed under section 11 of the Administrative Procedure Act (5 U.S.C. 211), on November 5, 1963, at 9:00 a.m. in the Gulf Stream Room of the Bay Front Park Auditorium, Biscayne Boulevard, Miami, Florida. The proceedings will be conducted in accordance with the direction of the Hearing Examiner. After consideration of all the available information, the Hearing Examiner will make his recommendations and certify the record of proceedings to the Administrator of the Bureau of Employment Security for his decision.

Signed at Washington, D.C., this 18th day of October 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-11197; Filed, Oct. 22, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-60]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

OCTOBER 16, 1963.

Take notice that on September 13, 1963, Colorado Interstate Gas Company (Applicant) filed in Docket No. CP64-60 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing:

1. An additional meter run on the site of Applicant's Security Sales Meter Station, El Paso County, Colorado.

2. Enlargement of Applicant's Franktown metering facilities, Douglas County, Colorado.

3. Two new meter stations in Baca County, Colorado.

The facilities are to be used in the sale of natural gas to Plateau Natural Gas Company for resale and distribution to the Colorado communities of Widefield, Elizabeth, Kiowa and Pritchett, and to irrigation customers in Baca County, Colorado.

Applicant estimates the cost of the proposed facilities to be $19,520 to be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 12, 1963 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11164; Filed, Oct. 22, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 276]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 18, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests, if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 780 (Deviation No. 24), PACIFIC INTERMOUNTAIN EXPRESS CO., P.I.E. Building, 14th and Clay Streets, Post Office Box 958, Oakland, Calif., filed October 6, 1963. Applicant's attorney: W. S. Piling, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 6 and 40, approximately 7 miles east of Idaho Springs, Colo., over U.S. Highway 6 to junction U.S. Highway 40, 3 miles east of Golden, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route.

No. MC 44447 (Deviation No. 11), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Dayton, Ohio, and Flint, Mich., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton over U.S. Highway 25 to Vandalia, Ohio, thence over U.S. Highway 40 to Springfield, Ohio, thence over U.S. Highway 68 to Findlay, Ohio, thence over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 10 to Flint, and return over the same route.

No. MC 44447 (Deviation No. 12), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 127 and Interstate Highway 96, approximately 1 mile south of Lansing, Mich., over Interstate Highway 96 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 127 and Interstate Highway 96 approximately 1 mile south of Lansing, Mich., over U.S. Highway 127 to Jackson, Mich., thence over Business Interstate Highway 94 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction with unnumbered highway near Lima Center, Mich., thence over said unnumbered highway to Ann Arbor, Mich., thence over Michigan Highway 14 to Detroit, and return over the same route.

No. MC 44447 (Deviation No. 13), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 to Chicago, and return over the same route.

No. MC 44447 (Deviation No. 14), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 69 to junction Interstate Highway 94, near Battle Creek, Mich., thence over Interstate Highway 94 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 40 to Springfield, Ohio, thence over U.S. Highway 68 to Findlay, Ohio, thence over U.S. Highway 25 to Detroit, and return over the same route.

No. MC 44447 (Deviation No. 15), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ghent, Ohio, over U.S. Highway 21 to junction with Ohio Highway 93, near Canal Fulton, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ghent over unnumbered highway (formerly U.S. Highway 21) via Copley, Loyal Oak, and Clinton to Canal Fulton, Ohio, thence over Ohio Highway 93 (formerly U.S. Highway 21) to junction U.S. Highway 21, and return over the same route.

No. MC 44447 (Deviation No. 16), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Napoleon, Ohio, over U.S. Highway 24 to Grand Rapids, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Napoleon over Ohio Highway 110 (formerly U.S. Highway 24) to Grand Rapids, and return over the same route.

No. MC 44447 (Deviation No. 17), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 12, Ohio. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 6 and 41 at Hammond, Ind., over U.S. Highway 6 to junction U.S. Highway 421 at Westville, Ind., thence over U.S. Highway 421 to junction with U.S. Highway 30 at Wanatah, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: From the Junction U.S. Highways 6 and 41 at Hammond over U.S. Highway 41 to junction with U.S. Highway 30, thence over U.S. Highway 30 to junction with U.S. Highway 421 at Wanatah and return over the same route.

No. 44447 (Deviation No. 18), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over U.S. Highway 223 to junction Interstate Highway 23, near Sylvania, Ohio, thence over Interstate Highway 23 to Milan, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over unnumbered highway (formerly U.S. Highway 23) over Temperance and Ida, Mich., to junction Michigan Highway 50, thence over Michigan Highway 50 (formerly U.S. Highway 23) to Dundee, Mich., thence over unnumbered highway (formerly U.S. Highway 23) over Azalia, Mich., to junction U.S. Highway 23 at Milan, and return over the same route.

No. MC 44447 (Deviation No. 19), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction unnumbered highway and Michigan Highway 78 at or near Perry, Mich., approximately 16 miles northeast of Lansing, Mich., over Michigan Highway 78 to junction unnumbered highway at or near Swartz Creek, Mich., approximately 5 miles west of Flint, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction unnumbered highway (formerly Michigan Highway 78) and Michigan Highway 78 at or near Perry over unnumbered highway (formerly Michigan Highway 78) to junction Michigan Highway 78, at or near Swartz Creek, and return over the same route.

No. MC 44447 (Deviation No. 20), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 127 and 12, east of Somerset Center, Mich., over U.S. Highway 127 to Jackson, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highways 127 and 12, east of Somerset Center, over U.S. Highway 12 to junction unnumbered highway (formerly U.S. Highway 127) at or near Somerset Center, thence over said unnumbered highway to Jackson, and return over the same route.

No. MC 44447 (Deviation No. 21), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction unnumbered highway (formerly U.S. Highway 23) over Azalia and Milan, Mich., to junction U.S. Highway 23, thence over U.S. Highway 23 to junction unnumbered highway (formerly U.S. Highway 23) at or near Temperance, Mich., thence over unnumbered highway (formerly U.S. Highway 23) to junction Michigan Highway 50, thence over Michigan Highway 50 (formerly U.S. Highway 23) to Dundee, Mich., thence over unnumbered highway (formerly U.S. Highway 23) over Azalia, Mich., to junction U.S. Highway 23 at Milan, and return over the same route.

transport the same commodities over a pertinent service route as follows: From the junction of unnumbered highway (formerly U.S. Highway 23) and U.S. Highway 23, near Fenton, over said unnumbered highway to Flint, and return over the same route.

No. MC 66562 (Deviation No. 12), RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y., filed October 8, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, moving in express service, over a deviation route as follows: From Koppel, Pa., over Pennsylvania Highway 18 to New Castle, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Koppel over Pennsylvania Highway 351 to Ellwood City, Pa., thence over Pennsylvania Highway 65 to New Castle, and return over the same route.

No. MC 68183 (Deviation No. 6), YANKEE LINES, INC., 1400 East Archwood Avenue, Akron 6, Ohio, filed October 9, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and unnumbered highway, approximately 2 miles east of Downingtown, Pa., over unnumbered highway to junction U.S. Highway 30, approximately 5 miles west of Coatesville, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over Ohio Highway 4 to Springfield, Ohio, thence over U.S. Highway 40 to Columbus, Ohio, thence over Ohio Highway 3 to Wooster, Ohio, thence over Ohio Highway 5 to Akron, Ohio, thence over Ohio Highway 18 to Youngstown, Ohio, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, and return over the same route.

No. MC 77061 (Deviation No. 1), LARMER TRANSFER CO., Post Office Box 507, 889 North Liberty Street, Salem, Oreg. Applicant's attorney: Eugene E. Laird, 502 Pioneer Trust Building, Salem, Oreg., filed October 7, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Salem and Portland, Oreg., over U.S. Highway 99, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Salem over U.S. Highway 99 east to Portland, thence over U.S. 99 to Vancouver, Wash., and return over the same route.

No. MC 108937 (Deviation No. 2), MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul, Minn., 55114, filed October 4, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to junction Interstate Highway 90 near Tomah, Wis., thence over Interstate Highways 90 and 94 to junction Interstate Highways 90 and 94 near Madison, Wis., thence over Interstate Highway 90 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to junction Illinois Highway 64, thence over Illinois Highway 64 via Savanna, Ill., to the Illinois-Iowa State line, thence over Iowa Highway 64 to Cedar Rapids, Iowa, thence over Iowa Highway 150 via Independence, Iowa, to Calmar, Iowa, and thence over U.S. Highway 52 via St. Paul, Minn., to Minneapolis, Minn. (also from Cedar Rapids over Iowa Highway 13 to Manchester, Iowa, thence over U.S. Highway 20 to Independence, and thence over the above-specified route to Minneapolis) (also from Savanna over Illinois Highway 80 to junction U.S. Highway 20, thence over U.S. Highway 20 to Dubuque, Iowa, thence over U.S. Highway 52 to Calmar, and thence over the above-specified route to Minneapolis), and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-11176; Filed, Oct. 22, 1963; 8:46 a.m.]

[Notice 570]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 18, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 57), filed August 26, 1963. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions, and anhydrous ammonia*, in bulk and tank vehicles, from Fremont, Nebr., and points within 10 miles thereof, to points in Iowa, Minnesota, South Dakota, and Kansas.

HEARING: December 13, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 2392 (Sub-No. 27), filed August 26, 1963. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, urea solutions, fertilizer ammoniating solutions, mixed fertilizer solutions,* and *other fertilizer solutions*, in bulk, in tank vehicles, from Fremont, Nebr., and points within ten (10) miles thereof to points in Iowa, Kansas, Minnesota, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *damaged and rejected shipments*, on return.

HEARING: December 13, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 4405 (Sub-No. 404), filed June 5, 1963. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and parts moving in conjunction with such trailers and chassis*, in initial movements in truckaway and driveaway service, from Saginaw, Mich., to points in the United States, including Alaska, but excluding Hawaii, and (b) *tractors*, in secondary driveaway service, only when drawing trailers and trailer chassis moving in initial driveaway service, from Saginaw, Mich., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Common control may be involved.

HEARING: December 5, 1963, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 9148 (Sub-No. 6), filed August 30, 1963. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Rushford, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Pike, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, including *compounded oil and greases and lubricating greases, oil emulsions*, and *advertising; petroleum oil, petroleum tar, petroleum wax, iron and steel rust-preventing or removing compound*, other than petroleum; *metal cutting, drawing and drilling compounds*, other than petroleum; *brake fluid*, other than petroleum; and *cleaning, washing and scouring compound;* as described in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Buffalo, N.Y., Emlenton, Pa., and points in McKean County, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Applicant states the authority sought from Buffalo, N.Y., is to be restricted to shipments originating at Buffalo, N.Y., with stopover to complete loading at the above named Pennsylvania origin points; or, on shipments originating at the above named Pennsylvania origin points, with stopover at Buffalo, N.Y., to complete loading.

HEARING: December 16, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence Masoner.

No. MC 15473 (Sub-No. 13), filed July 18, 1963. Applicant: BEST TRUCK LINES, INC., 321 North Main Street, Ottawa, Kans. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), between Ottawa, Kans., and Lawrence, Kans.; from Ottawa over U.S. Highway 59 to Lawrence, and return over the same route, serving no intermediate points.

HEARING: November 20, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 29654 (Sub-No. 43), filed May 27, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtain wall panels*, uncrated, from Jamestown, N.Y., to points in New York, Pennsylvania, New Jersey, Ohio, Maryland, Illinois, Indiana, Wisconsin, Michigan, Delaware, Massachusetts, Rhode Island, Connecticut, Virginia, West Virginia, Tennessee, New Hampshire, Vermont, South Carolina, North Carolina, Missouri, Kansas, Kentucky, Maine, Iowa, Minnesota, and the District of Columbia, and *returned, damaged, defective and rejected shipments*, of the commodities specified above, on return.

HEARING: December 19, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 29654 (Sub-No. 45), filed June 21, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in McKean County, Pa., to points in Chautauqua County, N.Y., and *returned, damaged, defective and rejected shipments* of the above described commodity, on return.

HEARING: December 17, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 29654 (Sub-No. 46), filed June 26, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y., Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in Middlesex and Worcester Counties, Mass., and points in Oneida County, N.Y., to points in Ohio, West Virginia, Virginia, points in New York located on and west of a line commencing at Lake Ontario at or near Oswego, N.Y., thence continuing south along New York Highway 57 to Syracuse, N.Y., thence continuing south along U.S. Highway 11 to the New York-Pennsylvania State line, and points in Pennsylvania located on and west of U.S. Highway 15, and *returned, damaged, defective or rejected shipments thereof*, on return.

HEARING: December 18, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 29654 (Sub-No. 47), filed July 1, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Davidson County, N.C., to points in Virginia, West Virginia, Pennsylvania, Maryland, Delaware, Ohio, and New Jersey, points in New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Michigan, Illinois, Indiana, and the District of Columbia, *returned, damaged, defective and rejected shipments*, of the commodity specified above, on return.

HEARING: December 20, 1963, at the Hotel Buffalo, Washington and Swans Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 35890 (Sub-No. 27), filed June 19, 1963. Applicant: BLODGETT UNCRATED FURNITURE SERVICE INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in McKean County, Pa., to points in Chautauqua County, N.Y., and *returned, damaged, defective or rejected shipments thereof*, on return.

HEARING: December 17, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 35890 (Sub-No. 28), filed June 19, 1963. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in Middlesex and Worcester Counties, Mass., and points in Oneida County, N.Y., to points in Michigan, Indiana, and Illinois, and *damaged and defective shipments* of commodities specified above, on return.

HEARING: December 18, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 52709 (Sub-No. 223), filed July 15, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hastings, Nebr., to points in Illinois, Indiana, and Ohio.

NOTE: Common control may be involved.

HEARING: December 11, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 52709 (Sub-No. 229), filed October 14, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Sidney, Nebr., to Waterloo, Iowa, and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: November 15, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 58813 (Sub-No. 45), filed July 26, 1963. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, on hangers only, between points in New York, N.Y., commercial zone, on the one hand, and, on the other, points in Florida, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Arkansas, and Kentucky, and (2) *materials and supplies*, used in the manufacture of wearing apparel from points in New York, N.Y., commercial zone to points in Florida, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Arkansas, and Kentucky, and *returned, reused and rejected shipments*, on return.

HEARING: December 2, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 61396 (Sub-No. 98), filed September 20, 1963. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients and solutions, and anhydrous ammonia* from Fremont, Nebr., and points within ten (10) miles thereof to points in South Dakota, Iowa, Kansas, and Minnesota, and *returned or rejected shipments*, on return.

HEARING: December 13, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 69876 (Sub-No. 12), filed July 26, 1963. Applicant: BURKS-PELZ TRANSFER, INC., 801–B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and frozen dessert specialties*, in shipper owned trailers, (1) from the site of the Edgewood Dairy Co. located at Evansville, Ind., to points in Ohio and the site of the Dunkirk Ice Cream Co. located at Dunkirk, N.Y., and (2) from the site of the Dunkirk Ice Cream Co. located at Dunkirk, N.Y., to the site of the Edgewood Dairy Co. located at Evansville, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *empty shipper owned trailers*, on return.

NOTE: Applicant states the proposed transportation service will be rendered under a continuing contract with Edgewood Dairy Co. and Dunkirk Ice Cream Co.

HEARING: December 9, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 94350 (Sub-No. 27), filed September 9, 1963. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Ohio to points in the United States, including Alaska but excluding Hawaii, and *damaged or rejected shipments* on return.

HEARING: December 20, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 95540 (Sub-No. 418), filed April 16, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products, made of natural or synthetic fibres, metallic yarn, or mixtures thereof, metallic yarn, foodstuffs, canned goods, rugs, carpeting, carpeting products and manufactures textile products*, between points in Alabama, Georgia and points in Tennessee within 50 miles of Chattanooga, Tenn., including Chattanooga, on the one hand, and, on the other, points in Arizona and California.

NOTE: Applicant states that it is under common control with Artic Express, through stock ownership.

HEARING: December 16, 1963, at the U.S. Post Office and Courthouse, Chattanooga, Tenn., before Examiner Charles J. Murphy. This assignment is for applicant's presentation only.

No. MC 95540 (Sub-No. 540), filed July 17, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (restricted against the transportation of commodities in bulk, in tank vehicles and against the transportation of hides), from Iowa Falls, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: December 12, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 103378 (Sub-No. 268), filed August 29, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ground limestone*, in bulk, from points in Pickens County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee.

HEARING: December 9, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103378 (Sub-No. 271), filed September 9, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ground limestone*, in bulk, (a) from points in Talladega County, Ala., to points in Georgia, and (b) from points in Bartow County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee.

HEARING: December 9, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103378 (Sub-No. 274), filed September 19, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry talc*, in bulk, from points in Murray County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee.

HEARING: December 11, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103378 (Sub-No. 275), filed September 26, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphates*, in bulk, from points in Bibb County, Ga., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, and Tennessee.

HEARING: December 11, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103993 (Sub-No. 179), filed August 14, 1963. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Ohio (except from Galion, Ohio), to points in the United States including Alaska but excluding Hawaii, and *rejected shipments*, on return.

HEARING: December 20, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 105172 (Sub-No. 6), filed August 30, 1963. Applicant: GORDON DEHMLER, doing business as COVERED WAGON TRAIN, Dansville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including compounded oil and greases and lubricating greases, oil emulsions, and advertising; petroleum oil; petroleum tar; petroleum wax; iron and steel rust-preventing or removing compound*, other than petroleum; *metal cutting, drawing and drilling compounds*, other than petroleum; *brake fluid*, other than petroleum; and *cleaning, washing and scouring compound;* as described in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in McKean County, Pa., and from Emlenton, Pa., and Buffalo, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Applicant states the authority sought from Buffalo is to be restricted to shipments originating at Buffalo with stopover to complete loading at the named Pennsylvania origins; or, on shipments originating at the named Pennsylvania origins, with stopover at Buffalo to complete loading.

HEARING: December 16, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 106997 (Sub-No. 9) (CORRECTION), filed August 18, 1963, published FEDERAL REGISTER, issue of October 2, 1963, republished as amended October 16, 1963, and republished as corrected this issue. Applicant: ARTHUR PIERSON, [illegible] Water Street, Newton, N.J. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by

motor vehicle, over irregular routes, transporting: *Sensitized photographic materials, equipment and supplies*, from Newton, N.J., to Cleveland, Ohio, Detroit, Mich., Washington, D.C., and Atlanta, Ga.

NOTE: Applicant states proposed "service to be rendered under a continuing contract with Anken Chemical & Film Corp., Newton, N.J." The purpose of this republication is to show the correct hearing date inadvertently shown as November 16, 1963, in previous publication.

HEARING: November 26, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 107107 (Sub-No. 289), filed October 7, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Luverne, Minn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE: Applicant states no duplicating authority is sought. It is further stated that the point of origin will be restricted to the plant site of MID Packing Company, located at or near Luverne, Minn.

HEARING: November 7, 1963, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 107403 (Sub-No. 486), filed August 8, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from points in Seneca County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia.

HEARING: December 18, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 110420 (Sub-No. 338), filed October 14, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana, Illinois, Wisconsin, Missouri, Iowa, Michigan, and Minnesota.

NOTE: Common control may be involved.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 110525 (Sub-No. 595), filed August 29, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Protective coatings, intermediates and materials used in the manufacture thereof*, in bulk, between Indianapolis, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 11, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 111812 (Sub-No. 224), filed October 7, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sidney, Nebr., to Waterloo, Iowa, and points in Illinois, Indiana, Ohio, Michigan (lower peninsula), Pennsylvania, Maryland, New Jersey, New York, West Virginia, Virginia, Delaware, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: November 15, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 112020 (Sub-No. 207), filed October 7, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Ft. Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock and vinegar*, in bulk, in tank vehicles, from points in California and Washington, to points in Arkansas, Missouri, and Texas.

HEARING: November 1, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner James Anton.

No. MC 112520 (Sub-No. 92), filed September 6, 1963. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., to points in Missouri.

NOTE: Common control may be involved.

HEARING: December 4, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Joseph A. Reilly.

No. MC 112617 (Sub-No. 156), filed August 26, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Protective coatings, intermediates, and materials used in the manufacture thereof*, in bulk, between Indianapolis, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 11, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 113267 (Sub-No. 106), filed September 16, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, (1) from Haddock, Ga., to points in Arkansas, Iowa, Michigan, Missouri, and Wisconsin, and (2) from Woodruff, S.C., to points in Ohio, Kentucky, and Michigan.

NOTE: Common control may be involved.

HEARING: December 10, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 113267 (Sub-No. 109), filed October 15, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* (restricted against commodities in bulk in tank vehicles), from points in Nebraska to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Dallas B. Russell.

No. MC 115331 (Sub-No. 58) (AMENDMENT), filed August 22, 1963, published in FEDERAL REGISTER September 25, 1963, amended October 14, 1963 and republished as amended this issue. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, from Marseilles, Ill., and points within five (5) miles thereof, to points in Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Kentucky.

NOTE: The purpose of this republication is to show the addition of Kentucky to destination description.

HEARING: Remains as assigned November 8, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 115491 (Sub-No. 38), filed August 21, 1963. Applicant: COMMERCIAL CARRIER CORPORATION, 502

East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Post Office Box 586, Lakeland, Fla., 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic fittings, plastic pellets, plastic scrap, and plastic bonding cement*, from points in Ohio on and east of a line beginning at Cleveland, Ohio, and extending along U.S. Highway 42 to Delaware, Ohio, thence along U.S. Highway 23 to Portsmouth, Ohio, to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and *damaged, defective and returned shipment of the above-specified commodities*, on return. RESTRICTION: Any traffic destined to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee shall be stop-offs for partial unloading with final destination in Florida.

HEARING: December 19, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 115491 (Sub-No. 39), filed August 21, 1963. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, (Post Office Box 586), Lakeland, Fla., 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vitrified clay sewer pipe and related articles such as clay flue linings, clay stove pipe, clay wall coping, and other clay products*, from points in Ohio on and east of a line beginning at Cleveland, Ohio, and extending along U.S. Highway 42 to Delaware, Ohio, thence along U.S. Highway 23 to Portsmouth, Ohio, to points in Alabama, Georgia, Louisiana, and Mississippi, and *damaged, defective, and returned shipments of the above-specified commodities*, on return.

HEARING: December 19, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 115669 (Sub-No. 40), filed May 24, 1963. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Animal and poultry feed, animal and poultry feed ingredients* (except the foregoing commodities in bulk liquid form), and (b) *animal and poultry health products, insecticides, pesticides, empty bags, and other containers, advertising matter and premiums*, all when shipped with any of the various feeds or ingredients in (1) (a), from Danville and Monmouth, Ill., and points in Iowa, to points in Nebraska, Kansas, and South Dakota; (2) *animal and poultry feed ingredients* (except the foregoing commodities in bulk liquid form), (a) from points in South Dakota, to points in Nebraska, Iowa, and Kansas, (b) from points in Nebraska, to points in Iowa, Minnesota, and Kansas, and to Monmouth and Danville, Ill., and (c) from points in Minnesota, to points in Iowa, Nebraska, and Kansas; and (3) *soybean meal*, in bulk, from points in Iowa, to points in Missouri.

HEARING: December 9, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 115669 (Sub-No. 41), filed July 17, 1963. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, mineral mixtures, and pepper when shipped with salt and mineral mixtures*, in straight- or mixed-truckloads, from Hutchinson, Kans., to points in Montana on and east of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 89 through Livingston and White Sulphur Springs, Mont., to Great Falls, Mont., and thence along U.S. Highway 91 through Conrad and Shelby, Mont., to the United States-Canada boundary line.

HEARING: December 11, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 115757 (Sub-No. 40), filed August 29, 1963. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specialized tank or hopper trailers, from Buffalo, N.Y., to Cleveland, Ohio.

HEARING: December 19, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 117119 (Sub-No. 105), filed September 6, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark. and A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from points in Minnesota to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, and Virginia.

HEARING: December 9, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner Joseph A. Reilly.

No. MC 117119 (Sub-No. 119), filed October 10, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John M. Joyce, 24 North College, Fayetteville, Ark. and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, in vehicles, equipped with mechanical refrigeration (except liquid commodities in bulk), from Chattanooga, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

HEARING: November 5, 1963, at the U.S. Post Office and Courthouse, Chattanooga, Tenn., before Examiner Theodore M. Tahan.

No. 117119 (Sub-No. 121), filed October 10, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, requiring refrigeration*, from Saugatuck, Mich., to points in Colorado, Illinois, Idaho, Kansas, Missouri, Minnesota, Oklahoma, Nebraska, South Dakota, and Wyoming.

HEARING: October 30, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 118831 (Sub-No. 27), filed August 26, 1963. Applicant: CENTRAL TRANSPORT, INC., East College Drive, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* in bulk in tank truck vehicles from points in Kanawha County, W. Va., to points in North Carolina and South Carolina.

NOTE: Common control may be involved.

HEARING: December 5, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 118884 (Sub-No. 1), filed August 7, 1963. Applicant: RELIABLE MACHINERY HAULERS, INC., 109 Belden Avenue, Canton, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which by reason of their size, shape, or weight require special equipment, from Canton and Alliance, Ohio, to points in New York, New Jersey, and Pennsylvania.

HEARING: December 17, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. 119441 (Sub-No. 9), filed July 29, 1963. Applicant: BAKER HI-WAY EXPRESS, INC., Stone Creek, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Carroll County, Ohio, and East Palestine, Ohio, and points within five (5) miles thereof, to points in Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting clay products, on return.

HEARING: December 4, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 119507 (Sub-No. 12), filed September 9, 1963. Applicant: CRAUN TRANSPORTATION, INC., Emma Sreet, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from points in Seneca County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia.

HEARING: December 18, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 119547 (Sub-No. 7), filed July 31, 1963. Applicant: EDGAR W. LONG, Route No. 4, Zanesville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware, chinaware, stoneware, and pottery, metal stands, and glass gazing globes*, from points in Ohio and points in Brooke and Hancock Counties, W. Va., to points in the United States (except Alaska and Hawaii), and *materials and supplies* used in the manufacture of earthenware, chinaware, stoneware, and pottery, on return.

NOTE: Applicant states it seeks no duplicating authority.

HEARING: December 2, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 119641 (Sub-No. 43), filed September 20, 1963. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silos*, knocked down, from Kankakee, Ill., to the ports of entry on the international boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich., and (2) *agricultural machinery, and agricultural implements*, from Bloomington, Ill., to the ports of entry on the international boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich.

NOTE: Applicant states the transportation requested in the proposed service above will be restricted to traffic moving to Canadian destinations.

HEARING: December 6, 1963, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 123012 (Sub-No. 2), filed September 9, 1963. Applicant: DEWEY MILICH, Rural Delivery 2, Box 301, Brownsville, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spings, axles, wheels, frames, and other trailer component parts*, from Detroit, Owosso, and Buchanan, Mich., St. Louis, Mo., Momence, Ill., Toledo, Ohio, Clintonville, Wis., and Los Angeles, Calif., to the plant of Stevens Manufacturing Co., located at Ebensburg, Pa., and (2) *finished jet engine military trailers*, in specially constructed flat bed trailers, from Ebensburg, Pa., to Norfolk, Va., Alameda, North Island, and Oakland, Calif., Jacksonville and Pensacola, Fla., Quonset Point, R.I., and Cherry Point, N.C.

NOTE: Applicant states the proposed operations will be under a continuing contract with Stevens Manufacturing Co., of Ebensburg, Pa.

HEARING: November 26, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 124048 (Sub-No. 17), filed September 13, 1963. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, in tank vehicles, from Greencastle, Ind., to points in Illinois, Indiana, Kentucky, Ohio, and Michigan.

NOTE: Applicant states it holds contract carrier authority under Docket MC 113833 and Subs thereto and common carrier authority under Docket MC 124048 and Subs thereto. An application is pending before the Commission to convert all permits to a common carrier certificate. Thus, dual operations may be involved. Also, common control may be involved.

HEARING: December 13, 1963, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 124344 (Sub-No. 2), filed September 29, 1963. Applicant: ROBERT M. COLGAN, doing business as RED SEAL TRUCKING, Post Office Box 753, Huntington, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk products, milk byproducts, and fruit juices, fruit drinks, and fruit segments*, in containers, in vehicles equipped with temperature control devices, from Milwaukee, Wis., to points in Indiana on and north of U.S. Highway 36, including points on and within three (3) miles of said highway; and (2) *ice cream, ice cream mix, ice milk, sherbet, water ices and vegetable-fat frozen desserts*, in containers, in mechanically refrigerated vehicles and *ice cream novelties, including water ice bars, fudge bars, ice cream bars, ice cream cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles of a like nature*, in containers, in mechanically refrigerated vehicles, from Hamilton, Ohio to Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, in (1) and (2) above, on return.

HEARING: December 10, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 124796 (Sub-No. 8), filed August 1, 1963. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 300 Avery Street, Los Angeles 13, Calif. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and toilet articles and germicides, and advertising matter moving with such commodities*, from plant sites or warehouses of the Alberto-Culver Co. located at Melrose Park and Carpentersville, Ill., to points in Florida, Georgia, and points on and east of Tennessee Highway 13, located at points in Tennessee.

NOTE: Applicant states all service to be performed will be limited to a transportation service under a continuing contract with Albert-Culver Co., Melrose Park, Ill.

HEARING: December 2, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Joseph A. Reilly.

No. MC 125303 (REPUBLICATION), filed April 24, 1963, published FEDERAL REGISTER, issue of May 29, 1963, and republished this issue. Applicant: JEWEL J. SMITH, JR., doing business as SMITH'S WRECKER & TOWING, Post Office Box 491, Baker, La. By application filed April 24, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked, disabled, damaged and repossessed motor vehicles by wrecker truckaway method, from Baton Rouge, La., to points in Louisiana, Arkansas, Mississippi, Tennessee, Alabama, Georgia, Florida, and Texas. Hearing was held on July 24, 1963, at Baton Rouge, La. At the hearing the application was amended to read: "between points in Louisiana, on the one hand, and, on the other, points in Arkansas, Mississippi, Tennessee, Alabama, Georgia, Florida, and Texas." A report and order, recommended by Dallas B. Russell, hearing examiner, served August 23, 1963, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of wrecked, disabled, damaged, and repossessed motor vehicles by use of wrecker equipment, between points in Louisiana, on the one hand, and, on the other, points in Arkansas, Mississippi, Tennessee, Alabama, Georgia, Florida, and Texas. In order to protect the public, however, the recommended findings are being published in the FEDERAL REGISTER and a certificate shall not be issued until after the lapse of 30 days from the date of publication.

No. MC 125539, filed July 18, 1963. Applicant: AUTOCAR SHIPPING CO., a corporation, 1840 South Young Circle, Hollywood, Fla. Applicant's attorney: Wm. P. Simmons, Jr., 1010 First National Bank Building, Miami 32, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, in driveaway service, from points in Dade, Broward, and Palm Beach Counties, Fla., to points in the United States east of the Mississippi River.

HEARING: December 11, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner Joseph A. Reilly.

No. MC 125550 (AMENDMENT), filed July 28, 1963, published FEDERAL REGISTER issue of August 28, 1962, amended at the hearing and republished as amended this issue. Applicant: THE HELLER CO., a corporation, 3700 Beale Avenue, Altoona, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Electrical fixtures and component parts thereof* and *metal housewares, metal utility buildings*, and *metal housewares products* (including but not limited to, *storage lockers, storage sheds, canopies, portable rooms, stools, tables*, and *carts*), manufactured by Stanley Electric Manufacturing Co. and sold by Stanley Electric Manufacturing Co., and under the trade names of William Heller Co., Inc., and the Warwick Co., Inc., from Altoona, Pa., to points in Kansas, Iowa, Missouri, Nebraska, Colorado, Texas, Oklahoma, New Mexico, Georgia, Virginia, Michigan, North Carolina, South Carolina, Tennessee, Alabama, and Florida, and (B) *materials* used in the manufacture of the aforesaid commodities, on return.

NOTE: Applicant states the proposed service will be under a continuing contract with Stanley Electric Manufacturing Co., of Altoona, Pa.

CONTINUED HEARING: December 2, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 125609, filed August 16, 1963. Applicant: PIEDMONT MOBILE TRANSPORT, Post Office Box 3194, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *New and used house trailers*, between points in the United States, including Alaska, but excluding Hawaii.

HEARING: December 6, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 125638, filed August 23, 1963. Applicant: HYTE BLEVINS, doing business as BLEVINS TIRE & MOVING CO., West Jefferson, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Ashe County, N.C., on the one hand, and, on the other, points in Virginia, Pennsylvania, Delaware, Maryland, West Virginia, Tennessee, and the District of Columbia.

HEARING: December 5, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 125642, filed September 1, 1963. Applicant: BYRON LUCY, Rural Route No. 5, Monticello, Ind. Applicant's attorney: Walter F. Jones, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, ale*, and *malt beverages*, in bottles, barrels, and cans, from Milwaukee, Wis., St. Louis, Mo., Peoria, Ill., Newport, Ky., and Detroit, Mich., to the warehouse site of the Lake Beverage Co., located at Monticello, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that the proposed service will be under a continuing contract with the Lake Beverage Co. of Monticello, Indiana.

HEARING: December 9, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 125644, filed August 29, 1963. Applicant: UTLEY TRANSPORTATION CO., INC., Steele, Mo. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, in packages, and liquid sugar, in bulk*, from points in Louisiana, Gulfport, and Biloxi, Miss. to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nebraska, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin, and *damaged and rejected shipments* and *exempt commodities* on return.

HEARING: December 12, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 125659, filed September 6, 1963. Applicant: ACE DRIVEAWAY SYSTEM, INC., 1880 NE. 163d Street, North Miami Beach, Fla. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in driveaway method, between points in Florida, on the one hand, and, on the other, points in the United States, and Washington, D.C. (except Hawaii, Alaska, and New York).

NOTE: Common control may be involved.

HEARING: December 12, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner Joseph A. Reilly.

No. MC 125662, filed September 9, 1963. Applicant: BILLY M. BRYANT, North Spring Garden Road, Post Office Box 2624, Deland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bags and in bulk, (1) from Haines City and Orlando, Fla., to points in New York and Pennsylvania, and (2) from points in North Carolina, South Carolina, Georgia, and Maryland, to points in Florida.

NOTE: Applicant proposes to transport exempt commodities, on return.

HEARING: December 4, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Joseph A. Reilly.

No. MC 125663, filed September 12, 1963. Applicant: ARCHIE HOLLE, doing business as HOLLE'S TOWING & WRECKER SERVICE, 503 West Perry Street, Warsaw, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, by wrecker and tow truck service, between points in Kosciusko, Marshall, St. Joseph, Elkhart, La Grange, Steuben, DeKalb, Whitley, Allen, Noble, Wabash, Miami, Fulton, LaPorte, Starke, Pulaski, Cass, Howard, Grant, Blackford, Huntington, and Wells Counties, Ind., and Branch, St. Joseph, Cass, and Berrien Counties, Mich., on the one hand, and, on the other, points in Michigan, Indiana, Ohio, Illinois, Wisconsin, Iowa, Missouri, Kentucky, Pennsylvania, New York, West Virginia, Virginia, Tennessee, and North Carolina.

HEARING: December 13, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 125674, filed September 12, 1963. Applicant: MARTIN ANDERSEN, doing business as SENTINEL-STAR EXPRESS, 633 North Orange Avenue, Orlando, Fla. Applicant's attorney: George T. Eidson, Jr., Suite 506, First National Bank Building, Post Office Box 231, Orlando, Fla., 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Light express, consisting of newspapers and packages*. Regular routes: (1) from Orlando, Fla., over U.S. Highways 17 and 92 to Kissimmee, Fla., thence over U.S. Highways 192 and 441 to St. Cloud, Fla. (returning over the same route to Kissimmee), thence over U.S. Highways 17 and 92 to Intercession City, Davenport, and Haines City, Fla., thence over U.S. Highway 92 to Lake Alfred, Auburndale, and Lakeland, Fla. (returning over the same route to Auburndale), thence over Florida Highways 544 and 557 to Winter Haven, Fla., thence over U.S. Highway 27 and Florida Highway 540 to Lake Wales, Fla., thence over Alternate U.S. Highway 27 to Waverly, Dundee, Lake Hamilton, and Haines City, Fla., thence over U.S. Highways 17 and 92 to Orlando, serving all intermediate points; (2) from Orlando over U.S. Highway 441 to Apopka, Fla., thence over Florida Highway 437 to Ocoee and Winter Garden, Fla., thence over county road and Florida Highway 50 to junction U.S. Highway 27, thence over U.S. Highway 27 to Minneola, Fla., thence over Florida Highway 561 to Clermont, Fla., thence over Florida Highway 50 to Groveland, Fla., returning over Florida Highway 50 to Orlando, serving all intermediate points; (3) from Orlando over U.S. Highways 17 and 92 to Sanford, Fla., thence over Florida Highway 415 to Osteen, Fla., thence over Florida Highways 415 and 40 to New Smyrna, Fla., thence over U.S. Highway 1 to Daytona, Fla., thence over U.S. Highway 92 to Deland, Fla., thence over U.S. Highways 17 and 92 to Orange City and Orlando, serving all intermediate points; (4) from Orlando over U.S. Highway 441 to Plymouth, Zellwood and Mount Dora, Fla., thence over U.S. Highway 441 and Florida Highway 19 to Eustis, Fla., thence over Florida Highways 19 and 19A and U.S. Highway 441 to Tavares and Leesburg, Fla., thence over Florida Highway 44 to Wildwood, Fla., thence over Florida Highway 44 and U.S. Highway 441 to Orlando, serving all intermediate points and using county roads and Florida Highways 44, 19, 19A, and 48 for operating convenience; (5) from Orlando over Florida Highway 50 to Indian River City, Fla., thence over U.S. Highway 1 to Titusville and Mims, Fla., thence over Florida Highways 46 and 426 to Oviedo, Fla., thence over Florida Highway 426 to Winter Park, Fla., thence over U.S. Highways 17 and 92 and Florida Highway 50 to Orlando, serving all intermediate points; (6) from Orlando over Florida Highway 50 to junction Florida Highway 520, thence over Florida Highway 520 to Cocoa, Fla., thence over U.S. Highway 1 to Eau Gallie and Melbourne, Fla., and return over the same route, serving all intermediate points; (7) from Orlando over U.S. Highways 17 and 92 to Sanford, Orange City, and Deland, and return over the same route, serving all intermediate points; (8) from Orlando over Florida Highway 50 to Titusville, thence over U.S. Highway 1 to New Smyrna and Daytona (returning over the same route to New Smyrna), thence over Florida Highways 40 and 415 to Samsula, Fla., thence over Florida Highway 415 to Sanford, thence over U.S. Highways 17 and 92 to Orlando, serving all intermediate points; (9) from Orlando over Florida Highway 50 to junction Florida Highway 520, thence over Florida Highway 520 to Cocoa and Merritt Island, Fla., thence over Florida Highway 520 and Alternate Florida Highway 1A to Cocoa Beach, Fla., thence over Alternate Florida Highway 1A to junction Florida Highway 401, thence over Florida Highway 401 to Port Canaveral and Cape Canaveral, Fla., thence over Florida Highway 401 to junction Alternate Florida Highway 1A, thence over Alternate Florida Highway 1A to Patrick Air Force Base, Fla., thence over Alternate Florida Highway 1A to Canova Beach, Indialantic, and Melbourne Beach, Fla., thence over Alternate Florida Highway 1A to junction Florida Highway 520, thence over Florida Highway 520 to junction Florida Highway 50, thence over Florida Highway 50 to Orlando, serving all intermediate points; and (10) from Orlando over Florida Highway 50 and U.S. Highway 27 to Minneola, thence over U.S. Highway 27 to Leesburg, thence over Florida Highway 44 to Wildwood, thence over U.S. Highway 301 to Belleview, thence over U.S. Highway 27 to Ocala, Fla. (returning over the same route to Belleview), thence over U.S. Highways 27 and 441 to Leesburg, thence over U.S. Highway 441 to Orlando, serving all intermediate points.

NOTE: Applicant states the proposed transportation of light express over the above described regular routes shall be limited to a total weight of five hundred (500) pounds from one consignor to one consignee on any one schedule to be performed by applicant. There will be no restriction as to the number of packages making up said total weight; however, no one package may exceed 125 pounds in weight. (B) *Parcels, packages* and *items*, not in excess of one hundred (100) pounds. Irregular routes: between points in the metropolitan area of Orlando, Fla.

HEARING: December 5, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate before Examiner Joseph A. Reilly.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub-No. 38), filed August 5, 1963. Applicant: AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha, Nebr. Applicant's representative: Warren A. Goff, 315 Continental Avenue, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round-trip charter operations, from points in Nassau and Suffolk Counties, N.Y., to points in the United States.

NOTE: Common control may be involved.

HEARING: December 2, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 34752 (Sub-No. 2), filed August 12, 1963. Applicant: LINCOLN COACH CO., INC., 32 Main Street, Dobbs Ferry, N.Y. Applicant's attorney: Sidney J. Leshin, 55 Liberty Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *Passengers and their baggage*, in the same vehicle, between Yonkers and White Plains, N.Y. and Stamford, Conn.: Commencing at Getty Square, Yonkers, N.Y., thence east on Palisade Avenue to Elm Street, thence east on Elm Street to Nepperham Avenue, thence north on Nepperham Avenue to Yonkers Avenue, thence east on Yonkers Avenue to Central Park Avenue, thence north on Central Park Avenue to Tarrytown Road, thence south on Tarrytown Road to Main Street (White Plains, N.Y.), thence east on Main Street to North Broadway, thence south on Broadway to Armory Place, thence east on Armory Place to Westchester Avenue, thence east on Westchester Avenue to Cross Westchester Expressway, thence south on Westchester Expressway to Connecticut Turnpike, thence east on the Connecticut Turnpike to Interchange No. 7 (Greenwich Street, Stamford, Conn.), north on Greenwich to Main Street, thence east on Main Street to Bank Street, thence south on Bank Street to Atlantic Street, thence north on Atlantic Street to Main Street, thence east on Main Street to Elm Street, thence south on Elm Street to Interchange No. 8 (on the Connecticut Turnpike), thence west on the Connecticut Turnpike to Cross Westchester Expressway, N.Y., and return over the same route, serving no intermediate points.

NOTE: Applicant states on eastbound trips, no passengers to be discharged except in Stamford, Conn., and on westbound trips, no passengers to be picked up except in Stamford, Conn.

HEARING: December 4, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 93443 (Sub-No. 8), filed September 17, 1963. Applicant: SCHENECTADY TRANSPORTATION CORP., 1344 Albany Street, Schenectady, N.Y. Applicant's attorney: Louis H. Shereff, 292 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip special operations, all-expense sightseeing or pleasure tours, from Schenectady, N.Y., and points within 35 miles of Schenectady, to points in the United States including Alaska, and including ports of entry on the international boundary lines between the United States and Canada and the United States and Mexico, and return.

HEARING: December 9, 1963, at the Federal Building, Albany, N.Y., before Examiner Laurence E. Masoner.

No. MC 125531, filed July 29, 1963. Applicant: RALPH E. KLINE, doing business as KLINE LINE, Route 4, Box 471, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in charter operations, beginning and ending at Washington, D.C., and extending to points in the United States.

NOTE: Applicant states the proposed operations will be performed between April 1 and September 1 inclusive of each year.

HEARING: November 29, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12842 (Sub-No. 1), filed September 25, 1963. Applicant: NORMAN HEISCHOBER AND MORTON P. KURZBAN, a partnership, doing business as SOMETHING DIFFERENT, 63–23 Cromwell Crescent, Rego Park 74, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. For a license (BMC 5) to engage in operations as a *broker* at points in Queens, Nassau, and Suffolk Counties, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in round-trip, all-expense tours, beginning and ending at points in Queens, Nassau, and Suffolk Counties, N.Y., and extending to points in the United States, including Hawaii and Alaska.

HEARING: December 6, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 12878, filed August 15, 1963. Applicant: FELIX TAVI, doing business at TAVI SKI TOURS, 115 West 57th Street, New York 19, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle, in groups and as individuals, be-

ginning and ending at New York, N.Y., and extending to points in New Jersey, Pennsylvania, Connecticut, Massachusetts, New Hampshire, Maine, and Vermont.

HEARING: December 5, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 8964 (Sub-No. 21), filed October 7, 1963. Applicant: WITTE TRANSPORTATION CO., a Minnesota corporation, 2481 North Cleveland Avenue, St. Paul 13, Minn. Applicant's representative: S. F. Caruso, 2481 North Cleveland Avenue, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrogen peroxide*, in shipper-owned tank trailers, specially constructed and with auxiliary equipment for loading and unloading, from St. Paul, Minn., to points in Illinois, Michigan, and Wisconsin and (2) *empty shipper-owned tank trailers*, from points in Illinois, Michigan, and Wisconsin to St. Paul, Minn.

No. MC 54837 (Sub-No. 4), filed August 1, 1963. Applicant: DONALD QUINN, doing business as QUINN TRANSFER, Watertown, Minn. Applicant's representative: A. R. Fowler, 2388 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between points in Minnesota as follows: (1) From St. Paul-Minneapolis over U.S. Highway 12 to junction Minnesota Highway 110, east of Maple Plain, thence over Minnesota Highway 110 to junction Hennepin County Road 6, thence over Hennepin County Road 6 to the east boundary line of Carver County, thence over Carver County Road 5 to Watertown, thence over Minnesota Highway 25 to junction Carver County Road 107, thence over Carver County Road 107 to junction Carver County Road 6, thence over Carver County Road 6 to the east boundary line of McLeod County, thence over McLeod County Road 6 to Winsted, and return over the same route, serving all intermediate points, except those between St. Paul-Minneapolis and Watertown; (2) from New Germany over unnumbered highways via Mayer, St. Bonifacius, Mound and Spring Park to St. Paul-Minneapolis, and return over the same route, serving all intermediate points, except those between St. Paul-Minneapolis and St. Bonifacius; (3) serving St. Bonifacius, Lester Prairie and Maple, as intermediate or off-route points in connection with the routes set forth above; (4) from St. Paul-Minneapolis over U.S. Highway 12 to Wayzata, thence over Hennepin County Road 7 to Mound, thence over Minnesota Highway 110 to St. Bonifacius, thence over Minnesota Highway 7 to junction Minnesota Highway 25, thence over Minnesota Highway 25 to Mayer, thence over Minnesota Highway 25 to junction Carver County Road 115, one-half mile south of Mayer, thence over Carver County Road 115 to New Germany, thence over Carver County Road 6 one-half mile to junction Carver County Road 115, thence over Carver County Road 115 to the McLeod County line, thence over McLeod County Road 63 to Lester Prairie, thence over McLeod County Road 1 to Winsted, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only; (5) from St. Paul-Minneapolis over Minnesota Highway 7 to junction McLeod County Road 1, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (6) from Watertown over Minnesota Highway 25 to Mayer, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (7) from Winsted over McLeod County Road 9 to junction McLeod County Road 63, thence over McLeod County Road 63 to Lester Prairie, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (8) from Watertown over Carver County Road 13 to junction Minnesota Highway 7, and return over the same route, serving no intermediate points as an alternate route for operating convenience only.

No. MC 71642 (Sub-No. 7), filed October 2, 1963. Applicant: N. S. DeSHONG, 3201 Mill Creek Road, Wilmington 8, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and fibre sheets*, between Orangeburg, S.C., and Yorklyn, Newark, and Wilmington, Del., and Kennett Square, Pa.

NOTE: Applicant states that the proposed operation will be for the account of National Vulcanized Fibre Co., of Wilmington, Del.

No. MC 112020 (Sub-No. 208), filed October 7, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and animal fats and blends thereof*, in bulk, in tank vehicles, from Waterloo, Iowa, to Worcester, Mass.

No. MC 113642 (Sub-No. 13), filed October 7, 1963. Applicant: JAMES I. WINN, JR., doing business as WINN TRUCKING SERVICE, Horse Cave, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Rion, S.C., to Bowling Green and Elizabethtown, Ky.

No. MC 119086 (Sub-No. 2) (CORRECTION), filed September 27, 1963, published FEDERAL REGISTER, issue October 9, 1963, and republished as corrected this issue. Applicant: WILBUR F. MILLER, JR., 80 York Street, Taneytown, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. The purpose of this correction is to show the correct number assigned, No. MC 119086 (Sub-No. 2), in lieu of No. MC 119086 (Sub-No. 8) as previously published.

No. MC 120345 (Sub-No. 1), filed October 2, 1963. Applicant: SHERMAN W. GINGRICH, Baraga, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Express and mail*, and (2) *passengers and their baggage* in the same vehicle with express and mail, between Baraga and White Pine, Mich., from Baraga over Michigan Highway 35 to Greenland, Mich., thence over Michigan Highway 26 to Mass, Mich., thence over Michigan Highway 26 to junction U.S. Highway 45, thence over U.S. Highway 45 to Rockland, Mich., thence over U.S. Highway 45 to Ontonagon, Mich., thence over Michigan Highway 64 to White Pine, and return over the same route, serving all intermediate points.

No. MC 121368 (Sub-No. 1), filed September 6, 1963. Applicant: RALPH J. OSWALD, DORA E. OSWALD, RAYMOND J. OSWALD AND ROBERT SHERWOOD, a partnership doing business as LOCKPORT DELIVERY, 951 Kensington Avenue, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, between Buffalo, N.Y., and Lockport, N.Y., from Buffalo, N.Y., over New York Highway 263 to Lockport, N.Y., and return over the same route, serving all intermediate points and the off-route point of East Amherst (Erie County), N.Y., and (2) *meats*, fresh, frozen, or canned, from Buffalo, N.Y., over New York Highway 263 to Wrights Corners (Niagara County), N.Y., and return over the same route, serving all intermediate points.

No. MC 124078 (Sub-No. 82), filed October 6, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from Des Moines, Iowa, to points in Missouri north of the Missouri River.

MOTOR CARRIERS OF PASSENGERS

No. MC 125726, filed October 3, 1963. Applicant: NORTHERN TRANSIT COMPANY, a corporation, 216 North 11th Street, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers in the same vehicle with passengers*, between Fargo, and Oakes, N. Dak., from Fargo, over U.S. Highway 81 to junction North Dakota Highway 46, thence over North Dakota Highway 46 to junction North Dakota Highway 32 west of Enderlin, N. Dak., thence over North Dakota Highway 32 to junction North Dakota Highway 11 at Forman, N. Dak., thence over North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8360 (T.I.M.E. FREIGHT, INC.—CONTROL AND MERGER—SUPER SERVICE MOTOR FREIGHT CO., INC.), published in the February 20, 1963, issue of the FEDERAL REGISTER, on page 1615. Application filed October 14, 1963, for temporary authority under section 210a(b).

No. MC-F-8567 (CORRECTION) BELL LINES, INC.—PURCHASE (PORTION)—BISON FAST FREIGHT, INC., published in the October 9, 1963, issue of the FEDERAL REGISTER on page 10848. Operating rights sought to be transferred should include the following: *General commodities*, except those of unusual value, and except dangerous explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between Augusta and Savannah, Ga., points in North Carolina and South Carolina, on the one hand, and, on the other, Charleston and Parkersburg, W. Va.

No. MC-F-8572. Authority sought for purchase by SOUTHERN EXPRESS, INC., Post Office Box 26007, Derita Branch, Charlotte 6, N.C., of the operating rights and property of GASTONIA MOTOR EXPRESS, INCORPORATED, Post Office Box 26476, Derita Branch, Charlotte, N.C., and for acquisition by A. H. ALEXANDER, also of Post Office Box 26007, Derita Branch, Charlotte 6, N.C., of control of such rights and property through the purchase. Applicants' attorneys: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C., Verne E. Shive, Gastonia, N.C., and Francis O. Clarkson, Jr., Suite 914 Cutter Building, Charlotte 2, N.C. Operating rights sought to be transferred: Under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to BOR-99, in No. MC-120361 (Sub-1), in the State of North Carolina, as a *common carrier*, covering the transportation of general commodities, except those requiring special equipment and except leaf tobacco in hogsheads, sheets and baskets, over irregular routes, from and to points on and within the territory bounded as follows: On the east, from the North Carolina-Virginia State line over U.S. Highway 1 to its intersection with U.S. Highway 158, thence over U.S. Highway 158 to Warrenton, thence over North Carolina Highway 58, to Wilson, thence over U.S. Highway 301 to its intersection with U.S. Highway 117, thence over U.S. Highway 117 to Wilmington, thence over U.S. Highway 421 to Fort Fisher, and on the west, from the North Carolina-Tennessee State line over U.S. Highway 25 to the North Carolina-South Carolina State line. Vendee is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, North Carolina, South Carolina, Georgia, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-43608 Sub-12, is a matter directly related.

No. MC-F-8573. Authority sought for control by WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga., of HAVRYLKOFF, INC., 2714 Decatur Street, New Orleans, La., and for acquisition by BILL WATKINS, also of Thomasville, Ga., of control of HAVRYLKOFF, INC., through the acquisition by WATKINS MOTOR LINES, INC. Applicants' attorneys and representatives respectively: Thomas N. Lennox, 301 Security Homestead Building, New Orleans 12, La., Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga., Bill Watkins, Albany Highway, Thomasville, Ga., and Harry Havrylkoff, 2714 Decatur Streeet, New Orleans, La. Operating rights sought to be controlled: *Bananas*, as a *common carrier*, over irregular routes, from New Orleans, La., to points in Iowa, Minnesota, and South Dakota. WATKINS MOTOR LINES, INC., is authorized to operate as a *common carrier* in all States (except Alaska, and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8574. Authority sought for purchase by WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Post Office Box 7346, Fort Worth, Tex., of the operating rights of COMMERCIAL OIL TRANSPORT, INC., COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC., and THOMAS C. PALMER and E. M. SCHENECKER, doing business as GENERAL FUEL OIL COMPANY, all of 1030 Stayton Street, Post Office Box 270, Fort Worth, Tex., and for acquisition by AMON G. CARTER, JR., 400 West Seventh Street, Fort Worth, Tex., BURFORD I. KING, First National Bank Building, Fort Worth, Tex., and S. A. HALBERT, Post Office Box 7346, Fort Worth, Tex., of control of such rights through the purchase. Applicants' attorneys: Reagan Sayers, Century Life Building, Fort Worth 2, Tex., and Milton J. Mehl, 2012 Continental Life Building, Fort Worth 2, Tex. Operating rights sought to be transferred: (COMMERCIAL OIL TRANSPORT, INC.) Numerous specified commodities, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from, to, and between specified points in all states and the District of Columbia, except Montana, Nevada, Alaska, and Hawaii, and in some instances subject to restrictions: The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof; (COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC.) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, in bulk, in tank vehicles, and lubricating oils and greases, in containers, as a *common carrier*, over irregular routes, from Columbus, Nebr., and points within 10 miles thereof, to points in Bon Homme, Brule, Clay, Douglas, Charles Mix, Gregory, Hutchinson, Lincoln, Lyman, Mellette, Todd, Tripp, Turner, Union, and Yankton, Counties, S. Dak.; *petroleum and petroleum products* (except liquid petroleum gases), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Enid, Stroud, Cushing, and Wynnewood, Okla., to points in Iowa, and Nebraska, RESTRICTION: Carrier shall not transport (1) agricultural insecticides, fumigants, and herbicides, in bulk, in tank vehicles, from Enid, Okla., to points in Nebraska, and (2) those petroleum products named in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are also named as acids and chemicals in Appendix XV to said report, from Enid, Stroud, Cushing, and Wynnewood, Okla., to Iowa City, Iowa, and points within 5 miles thereof; *petroleum and petroleum products* (except natural gasoline and liquid petroleum gases), in bulk, in tank vehicles, including but not limited to those described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Cleveland, Okla., to points in Iowa and Nebraska, RESTRICTION: The authority granted herein is restricted against transportation of those petroleum products named in Appendix XIII to the above-cited report which are also named as acids and chemicals in Appendix XV to that report, from Cleveland, Okla., to Iowa City, Iowa, and points within 5 miles thereof, and Crete, Nebr.; *liquid wax*, in bulk, in tank vehicles, from Barnsdall, Okla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, and Wisconsin, from Stroud, Okla., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, and Wisconsin; (THOMAS C. PALMER and E. M. SCHENECKER, doing business as GENERAL FUEL OIL COMPANY) is not a carrier under the Interstate Commerce Act. The application also shows that WESTERN TRUCK LEASING CO., INC., apparently a noncarrier affiliate of WESTERN TRANSPORT CO., INC., would purchase certain physical property of COMMERCIAL OIL TRANSPORT, INC., COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC., and THOMAS C. PALMER and E. M. SCHENECKER, doing business as GENERAL FUEL OIL COMPANY. Vendee is authorized to operate as a *common carrier* in New Mexico, Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Colorado, Alabama, Illinois, Tennessee, Mississippi, Iowa, Michigan, Nebraska, Wisconsin, Arizona, California, Florida, Georgia, Utah, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8575. Authority sought for purchase by CARTWRIGHT'S MOVING & STORAGE, INC., 7207 Prospect Avenue, Kansas City, Mo., of a portion of

the operating rights of DOUGLAS W. LAMBERT, doing business as LAMBERT TRANSFER COMPANY, 1505 Huntsville Road, Florence, Ala., and for acquisition by WILLIAM F. CARTWRIGHT, SR., also of Kansas City, Mo., of control of such rights through the purchase. Applicants' attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Florence, Sheffield and Tuscumbia, Ala., on the one hand, and, on the other, points in Georgia, Mississippi, and Tennessee. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Delaware, Virginia, Maryland, Oklahoma, Arkansas, Texas, Kansas, Colorado, Tennessee, Nebraska, Minnesota, South Dakota, West Virginia, Mississippi, North Carolina, Alabama, Georgia, Florida, South Carolina, Louisiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8576. Authority sought for purchase by WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland 4, Ohio, of the operating rights of BURBANK ENTERPRISES, INC., 817 East Market Street, Warren, Ohio, and for acquisition by FRED L. WENHAM, also of Cleveland, Ohio, of control of such rights through the purchase. Applicants' attorneys: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C., and James M. Burtch, Jr., 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Warren, Ohio, and points within 15 miles of Warren, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 19, including Pittsburgh and Erie, Pa., between points within 5 miles of Warren, Ohio, including Warren, RESTRICTION: No service is authorized for the transportation of *new furniture*, uncrated, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 19, including Pittsburgh, and Erie, Pa.; *new furniture*, uncrated, between points in Portage, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey and the District of Columbia; and *furniture frames*, from Ravenna, Ohio, to Christiansburg and Bedford, Va. Vendee is authorized to operate as a *common carrier* in Ohio, Missouri, Indiana, Michigan, Pennsylvania, New York, Illinois, and West Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11177; Filed, Oct. 22, 1963; 8:46 a.m.]

[Notice 571]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 18, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 20783 (Sub-No. 68), filed October 14, 1963. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company at or near Sterling, Ill., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, Tennessee, and Virginia. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour and Company and further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 111138 (Sub-No. 36) (CORRECTION), filed September 19, 1963, published in FEDERAL REGISTER issue of October 9, 1963, republished as corrected this issue. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 459, Storm Lake, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Interstate Commerce Commission, from Sterling, Ill., to points in Arizona, California, Nevada, Oregon, Washington, Billings, and Butte, Mont., Boise, Idaho, and Salt Lake City, Utah.

NOTE: Applicant states the "authority requested above is restricted to (a) shipments originating at the plant site of Armour & Company at or near Sterling, Ill.; and (b) against commodities in bulk, in tank vehicles." The purpose of this republication is to show that hearing will be before the examiner named below.

HEARING: Remains as assigned, November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 115841 (Sub-No. 156), filed October 11, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk in tank vehicles), from the plant site of Armour and Company, located at or near Sterling, Ill., to points in Kentucky, Tennessee, Alabama, Georgia, Mississippi, Louisiana, Virginia, Ohio, Pennsylvania, Delaware, New Jersey, Massachusetts, and New York. RESTRICTION: Applicant states the proposed service will be restricted to (1) traffic originating at the plant site of Armour and Company, (2) against the joinder or tacking of such authority at origin with other authority for the purpose of performing through service, and (3) against the transportation of such commodities in bulk, in tank vehicles.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117119 (Sub-No. 120), filed October 10, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk and tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Iowa, Missouri, Kansas, Oklahoma, and Nebraska. RESTRICTIONS: Applicant states that (1) above is to be restricted to the transportation of shipments originating in the aforesaid plant site, (2) against the transportation of commodities in bulk and tank vehicles, and (3) against tacking at the aforesaid plant site of the applied for authority with any authority which applicant may possess.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119170 (Sub-No. 3), filed October 11, 1963. Applicant: REEFER TRANSIT LINE, INC., 1413 West Pershing Road, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) between the site of the plant of Armour & Company located at or near Sterling, Ill., on the one hand, and, on the other, St. Louis and Kansas City, Mo., Omaha, Nebr. and points in Iowa, and (b) from the site of the plant of Armour & Company located at or near Sterling, Ill., to points in New York, New Jersey, Pennsylvania, Ohio, and Wheeling, W. Va., and points within 25 miles thereof. RESTRICTION: The authority sought herein is to be restricted to the transportation of shipments originating at or destined to the site of the plant of Armour & Company located at or near Sterling, Ill.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 123069 (Sub-No. 3), filed October 11, 1963. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company, located at or near Sterling, Ill., to points in Ohio and West Virginia.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11178; Filed, Oct. 22, 1963; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 18, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 7062–CCT, filed August 22, 1963. Applicant: ARTHUR N. LLOYD, INC., 34 Oleander Street (Post Office Box 247), Cocoa, Fla. Applicant's attorney: Harry H. Mitchell, 103 North Gadsden Street (Post Office Box 806), Tallahassee, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, to, from and between points within or fifteen (15) miles from the perimeter of that which is now commonly known as the NOVA area in Brevard County, Fla. (said NOVA area being bordered on the east by the Atlantic Ocean, on the south by the junction of the Banana River and Indian River, on the west by the Indian River, and on the north by the Haulover Canal), to and from any point in what is known as the NOVA impact area (said NOVA impact area consisting of Volusia, Seminole, Orange, Osceola, Indian River, and Brevard Counties, Fla.).

NOTE: Applicant states authority sought specifically includes, but is not limited to the transporting of strategic materials, missiles, rockets, related materials and expedited shipments.

HEARING: November 4, 1963, at 2:00 p.m., in the Cocoa City Hall, Cocoa, Fla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Railroad and Public Utilities Commission, Lock Drawer 810, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 20091, filed September 30, 1963. Applicant: ANNA GASPERETTI, doing business as GARDNER-REDWING FREIGHT LINE, 111 West 10th Street, Walsenburg, Colo. Certificate of public convenience and necessity sought to operate a fright service as follows: Transportation of *freight* and *general commodities*, from Walsenburg, Colo., to Gardner and Redwing, Colo., and intermediate points, in Huerfano County, Colo., on a schedule of not less than once a week.

NOTE: Applicant seeks authority to engage in interstate and foreign commerce in the county of Huerfano, Colo., within limits of Certificate No. 5764 (applicant's present authority issued by the Colorado Public Utilities Commission to engage in intrastate commerce).

HEARING: November 26, 1963 at 10:00 a.m., in 532 State Services Building, Denver, Colo.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Colorado Public Utilities Commission, 506 State Services Building, 1525 Sherman Street, Denver 3, Colo., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11179; Filed, Oct. 22, 1963; 8:47 a.m.]

[Notice 884]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 18, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC66235. By order of October 15, 1963, the Transfer Board approved the transfer to Derra's Motor Service, Inc., Chicago, Ill., of the operating rights claimed in No. MC 61340 (Sub-No. 2) under the "grandfather" clause of Sec-

tion 206(a)(7), Interstate Commerce Act, by Stanley Derra, doing business as Derra's Motor Service, Chicago, Ill., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Illinois Commerce Commission in No. 5779MC. Harold E. Marks, 208 South LaSalle Street, Chicago, Ill., attorney for applicants.

No. MC-FC 66273. By order of October 15, 1963, the Transfer Board approved the transfer to Monarch Motor Freight Co., Inc., 60 Broadway, Albany, N.Y., of Certificate in No. MC 477, issued May 14, 1963, to D. E. Long, Inc., Dean Street, Albany, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Albany, N.Y., and Troy, N.Y., serving the intermediate point of Green Island, N.Y., and over irregular routes, from Albany, N.Y. to points in New York, Vermont, Massachusetts, and Connecticut within 75 miles of Albany; and household goods, between Albany, N.Y., and points in New York and Massachusetts within 25 miles of Albany, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, Ohio, Virginia, and the District of Columbia. William D. Traub, 10 East 40th Street, New York 16, N.Y., practitioner for transferor.

No. MC-FC 66274. By order of October 15, 1963, the Transfer Board approved the transfer to Charles McKeen, doing business as Treasure State Express, 4504 Stone Street, Billings, Mont., of the operating rights claimed in No. MC 120478 (Sub-No. 1) under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act by G. G. McKeen, doing business as Treasure State Express, Route No. 3, Billings, Mont., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Montana Board of Railroad Commissioners in No. 2323.

No. MC-FC 66280. By order of October 15, 1963, the Transfer Board approved the transfer to Albert Burdge & Son, Inc., Red Bank, N.J., of the operating rights, issued by the Commission October 17, 1952, under Certificate in No. MC 2191, to William A. Burdge and Dalton Burdge, a partnership, doing business as Albert Burdge & Son, Red Bank, N.J., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between Red Bank, N.J., and points in New Jersey and New York within 25 miles of Red Bank, on the one hand, and, on the other, points in Connecticut, Florida, Georgia, Massachusetts, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Abramoff & Apy, 195 Broad Street, Red Bank, N.J., attorneys for applicants.

No. MC-FC 66284. By order of October 15, 1963, the Transfer Board approved the transfer to John Lestician, doing business as John Lestician Trucking, Trenton, N.J., of Certificate in No. MC 35906, issued March 6, 1941, to Kay Trucking, Inc., Trenton, N.J., authorizing the transportation, over irregular routes, of: Rubber goods, china, earthenware, and bathroom fixtures, between Trenton, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Sido L. Ridolfi, 383 West State Street, Trenton 8, N.J., attorney at law.

No. MC-FC 66287. By order of October 15, 1963, the Transfer Board approved the transfer to Jim Camp, Algona, Iowa, of the operating rights issued by the Commission June 26, 1962, under Certificate No. MC 123289, to P & M Stone Co., Inc., Rutland, Iowa, authorizing the transportation, over irregular routes, of fertilizer, from Humboldt, Iowa, to points in Minnesota with certain exceptions; and fertilizer, other than liquid, from Humboldt, Iowa, to points in Minnesota. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, registered practitioner.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-11180; Filed, Oct. 22, 1963; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 18, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38604: *Joint motor-rail rates—Central and Southern.* Filed by the Central and Southern Motor Freight Tariff Association, Inc., agent (No. 82), for interested carriers. Rates on (a) furniture and furniture parts, also (b) textile products, over joint routes of applicant rail and motor carriers, (a) between points in North Carolina, on the one hand, and points in central territory, on the other, and (b) from points in southern territory to points in central territory.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 4 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-I.C.C. 251 and supplement 37 to their tariff MF-I.C.C. 274.

FSA No. 38605: *Machinery and machines from Salt Lake City, Utah.* Filed by Western Trunk Line Committee, agent (No. A-2329), for interested rail carriers. Rates on machinery and machines, and parts, as described in the application, in carloads, from Salt Lake City, Utah, to points in western trunkline and official (not including Illinois) territories.

Grounds for relief: Motortruck competition.

Tariffs: Supplements 67 and 104 to Western Trunk Line Committee, agent, tariffs I.C.C. A-4411 and A-4396, respectively.

By the Commission.

HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-11175; Filed, Oct. 22, 1963; 8:46 a.m.]

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DEPOSITED ... UNITED STATES OF AMERICA

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SO–30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On August 7, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8045) stating that the Federal Aviation Agency proposed to alter Part 71 [New] of the Federal Aviation Regulations by designating an additional segment to VOR Federal airway No. 71 from Baton Rouge, La., via the new Natchez, Miss., VOR (latitude 31°37'05" N., longitude 91°17'58" W.), to Monroe, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, therefore, for the reasons stated in the notice the following action is taken:

In § 71.123 (27 F.R. 220–6, November 10, 1962), V–71 is amended to read:

V–71 From Baton Rouge, La., via Natchez, Miss.; to Monroe, La. From Flippen, Ark., via Springfield, Mo.; Butler, Mo., including a W alternate via INT Springfield 301° and Butler 178° radials; to Kansas City, Mo.

This amendment shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11206; Filed, Oct. 23, 1963; 8:45 a.m.]

[Airspace Docket No. 62–SW–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways; Designation of Reporting Point

On April 10, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3489) stating that the Federal Aviation Agency proposed to amend Part 71 [New] by altering VOR Federal airways Nos. 15, 16, 17, 66, 76, 94, 102, 163, 1622 and 1630 in the area between Midland, Tex., and Britton, Tex., and to designate Dyess, Tex., VOR as a reporting point.

Only July 23, 1963, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7483) and altered the original notice in that VOR Federal airway No. 62 would be extended from Abilene, Tex., to Britton and only Victors 16, 17, 66, 76, 94, 102 and 163 would be altered. The Dyess VOR would be designated as a reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No adverse comments were received.

A subsequent review of these actions disclosed that V–66 east of the intersection of Hyman 085° and Abilene 251° radials may be expanded to 11 miles in width in lieu of 13 miles stated in the supplementary notice. Therefore, this reduction is included herewith.

In consideration of the foregoing, the following actions are taken:

1. Section 71.123 (27 F.R. 220–6, November 10, 1962, 27 F.R. 12439, 28 F.R. 398, 2229, 3584, 3780, 6873, 7424, 8400, 9200, 9428) is amended as follows:

(a) In V–16 "Abilene, Tex., including an S alternate; Mineral Wells, Tex., including an N alternate and also an S alternate via INT of Abilene 096° and Mineral Wells 247° radials;" is deleted and "Abilene, Tex.; Mineral Wells, Tex., including an N alternate;" is substituted therefor.

(b) In V–17 "INT of Mineral Wells 355° and Bridgeport, Tex., 224° radials; Bridgeport;" is deleted and "Bridgeport, Tex.;" is substituted therefor.

(c) In V–62 "to Abilene." is deleted and "Abilene; INT Abilene 096° and Britton, Tex., 246° radials; to Britton (14 miles wide from 45 nmi from Abilene to 45 nmi from Britton)." is substituted therefor.

(d) In V–66 "INT of Midland 080° and Abilene, Tex., 251° radials; Abilene;" is deleted and "Hyman, Tex.; INT Hyman 085° and Abilene, Tex., 251° radials; Abilene (11 miles wide from the INT of Hyman 085° and Abilene 251° radials to 45 nmi from Abilene);" is substituted therefor.

(e) In V–76 "San Angelo, Tex.;" is deleted and "Hyman, Tex.; San Angelo, Tex.;" is substituted therefor.

(f) In V–94 "Carlsbad, N. Mex.; to Hobbs, N. Mex. From Abilene, Tex., via INT of Abilene 096° and Britton, Tex., 264° radials; Britton;" is deleted and "Wink, Tex.; Midland, Tex.; Hyman, Tex.; Dyess, Tex.; INT Dyess 084° and Britton, Tex., 264° radials; Britton (14 miles wide from 45 nmi from Dyess to 45 nmi from Britton);" is substituted therefor.

(g) In V–102 "From Roswell, N. Mex., via" is deleted and "From Salt Flat, Tex., via Carlsbad, N. Mex.; Hobbs, N. Mex.;" is substituted therefor.

(h) In V–163 "INT of Mineral Wells 355° and Bridgeport, Tex., 224° radials; Bridgeport;" is deleted and "Bridgeport, Tex.;" is substituted therefor.

2. In § 71.203 (27 F.R. 220–157, November 10, 1962) Dyess, Tex. is added.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11207; Filed, Oct. 23, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SO–24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Designation and Alteration of Federal Airways and Transition Area

On August 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7954) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway from Mobile, Ala., via a new VOR at Laurel, Miss., to Jackson, Miss., and to realign several alternate airways in the Jackson area.

Although not mentioned in the Notice, the realignment of VOR Federal airway No. 18 north alternate between Jackson and Meridian, Miss., necessitates a change in the description of the Meridian transition area. Since no additional airspace is involved, action is taken herein to effect this change.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice the following actions are taken:

1. In § 71.123 (27 F.R. 220–6, November 10, 1962) the following changes are made:

(a) In V–9 (27 F.R. 12926, 28 F.R. 4163) "via INT of McComb 021° and Jackson 140° radials and also a W alternate via INT of McComb 348° and Jackson 224° radials; Greenwood, Miss., including an E alternate via INT of Jackson 032° and Greenwood 159° radials and also a W alternate via INT of Jackson 328° and Greenwood 193° radials;" is deleted and "and also a W alternate via INT of McComb 348° and Jackson 224° radials; Greenwood, Miss., including an E alternate and also a W alternate;" is substituted therefor.

(b) In V–11 (28 F.R. 4163) add at the beginning "From Mobile, Ala., via Laurel, Miss., to Jackson, Miss."

(c) In V–18 (28 F.R. 2308) "Jackson, Miss., including an N alternate via INT

of Monroe 072° and Jackson 291° radials

[Airspace Docket No. 63–WA–75]

charts, these amendments will become

of Monroe 072° and Jackson 291° radials and also an S alternate via INT of Monroe 110° and Jackson 248° radials; Meridian, Miss., including an N alternate via INT of Jackson 070° and Meridian 299° radials and also an S alternate via INT of Jackson 140° and Meridian 259° radials;" is deleted and "Jackson, Miss., including an N alternate and also an S alternate via INT of Monroe 110° and Jackson 248° radials; Meridian, Miss., including an N alternate and also an S alternate via INT of Jackson direct radial to Laurel, Miss., and Meridian 262° radial;" is substituted therefor.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962) Meridian, Miss., "via the north boundary of V–18N," is deleted and "via the north boundary of V–18N, to longitude 89°30'00'' W.," is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11208; Filed, Oct. 23, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WA–75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation and Revocation of Reporting Points

The purpose of these amendments to § 71.209 of the Federal Aviation Regulations [New] is to designate the Hawaii, Florida and Alaska intersections and revoke the Iowa intersection as reporting points in the Puerto Rico area.

Air traffic control requirements with regard to specific reporting points, periodically change due to modification to operating procedures and airway configurations. Recent changes of this nature require that the Hawaii, Florida and Alaska intersections be designated as reporting points and obviate the requirement for the Iowa intersection as a reporting point. Therefore, action is taken herein to effect the designations and revocation.

As these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure hereon is unnecessary. However, since it is necessary that sufficient time be allowed to permit necessary changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

Since this action involves navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

For the reasons stated above, the following actions are taken:

In § 71.209 (27 F.R. 220–172, November 10, 1962) "Iowa INT: INT Ramey AFB, P.R., 149°, San Juan, P.R., 226° radials." is deleted and "Alaska INT: INT Ponce, P.R., 181°, St. Croix, P.R., 243° radials.", "Florida INT: INT 149° bearing San Juan, P.R., RBN, St. Croix, P.R., 220° radial.", and "Hawaii INT: INT Ramey AFB, P.R., 195°, Ponce, P.R., 235° radials." are added.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on October 17, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11209; Filed, Oct. 23, 1963; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 1990; Amdt. 344]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 2 NOV. 1963.							
City, Des Moines; State, Iowa; Airport Name, Des Moines Municipal; Elev., 967'; Fac. Class., SBRAZ; Ident., DZ; Procedure No. 1, Amdt. 16; Eff. Date, 15 June 63; Sup. Amdt. No. 15; Dated, 6 Apr. 63							
Homer VOR	Homer LFR	Direct	2700	T–dn C–dn A–dn	400–1 500–1 800–2	400–1 500–1 800–2	400–1 500–1½ 800–2

Procedure turn S side W crs, 241° Outbnd, 061° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility missed approach point, 090°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing HH LFR, turn right, climb to 2500' on W crs (241° Outbnd) within 20 miles.
CAUTION: Terrain within 1 mile N and W rising to 1000' and continuing to rise to 1500' within 4 miles. All maneuvers to be conducted SE of airport. Turn right after takeoff Runway 3, turn left after takeoff Runway 21.
Other change: Deletes transition from Anchor Point Int.

City, Homer; State, Alaska; Airport Name, Homer Municipal; Elev., 80'; Fac. Class., SBRAZ; Ident., HH; Procedure No. 1, Amdt. 14; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 13; Dated, 27 Aug. 60

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 2 NOV. 1963.							
City, Homer; State, Alaska; Airport Name, Homer Municipal; Elev., 80'; Fac. Class., SBRAZ; Ident., HH; Procedure No. 2, Amdt. 2; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 1; Dated, 10 Sept. 55							
				T–dn C–dn S–dn A–dn	300–1 400–1 NA 800–2	300–1 500–1 NA 800–2	200–½ 500–1½ NA 800–2

Procedure turn S side of crs, 096° Outbnd, 276° Inbnd, 2400' within 10 miles (nonstandard).
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 272°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing MC LFR, climb straight ahead to 1300' on NW crs (272° Outbnd), make right climbing turn proceeding direct to MC LFR. Continue climb to 4000' on SE crs (096° Outbnd) within 20 miles.
NOTE: Do not descend below procedure turn altitude until well established on crs Inbnd (see caution note No. 1).
CAUTION: 1. Terrain rising to 927' 8.6 miles E of McGrath LFR and 3.1 miles N of final approach crs. 2. Terrain rising to 1266' 3.1 miles S of airport. 3. Mountainous terrain all quadrants.

City, McGrath; State, Alaska; Airport Name, McGrath; Elev., 347'; Fac. Class., SBRAZ; Ident., MC; Procedure No. 1, Amdt. 9; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 8 Dated, 3 Mar. 62

PROCEDURE CANCELLED, EFFECTIVE 2 Nov. 1963.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593'; Fac. Class., SBMRAZ; Ident., SI; Procedure No. 1, Amdt. 7; Eff. Date, 30 Mar. 63; Sup. Amdt. No. 6; Dated 14 Jan. 56

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Nuthush Int Amelia Int	Blackstone RBn Blackstone RBn	Direct Direct	2200 2200	T–dn C–dn S–dn A–dn	300–1 500–1 NA 800–2	300–1 500–1 NA 800–2	NA NA NA NA

Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2200' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 132°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing BKT RBn, make left climbing turn to 2200' and return to BKT RBn. Hold NW 1-minute right turns.
CAUTION: 461' water tank 1 mile S of airport; 440' tower 2 miles W of airport on U.S. Route 40. 550' water tank 1 mile S of airport. 620' tanks 1 mile S of airport. 490' terrain 1 mile SE of Nuthush Int.
NOTE: Authorized for military use only, except by prior arrangement.

City, Bladkstone; State, Va.; Airport Name, Blackstone AAF; Elev., 436'; Fac. Class., H; Ident., BKT; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63, or upon commissioning of RBn

CDR VOR	CDR RBn	Direct	5900	T–dn C–dn A–dn	300–1 700–1 800–2	300–1 700–1 800–2	200–½ 700–1½ 800–2

Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 5100' within 10 miles.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 5100' on crs 357° within 10 miles. Return to CDR RBn.

City, Chadron; State, Nebr.; Airport Name, Chadron Municipal; Elev., 3296'; Fac. Class., BH (Non-Federal Facility); Ident., CDR; Procedure No. 1, Amdt. 5; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 4; Dated, 21 May 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 2 NOV. 1963.							
City, Homer; State, Alaska; Airport Name, Homer Municipal; Elev., 80'; Fac. Class., SBRAZ; Ident., HH; Procedure No. 1, Amdt. 14; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 13; Dated, 27 Aug. 60							
Homer VOR	Homer LFR	Direct	2700	T–dn C–dn A–dn	400–1 500–1 800–2	400–1 500–1 800–2	400–1 500–1½ 800–2

Procedure turn S side W crs, 241° Outbnd, 061° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility missed approach point, 090°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing HH LFR, turn right, climb to 2500' on W crs (241° Outbnd) within 20 miles.
CAUTION: Terrain within 1 mile N and W rising to 1000' and continuing to rise to 1500' within 4 miles. All maneuvers to be conducted SE of airport. Turn right after takeoff Runway 3, turn left after takeoff Runway 21.
Other change: Deletes transition from Anchor Point Int.

City, Homer; State, Alaska; Airport Name, Homer Municipal; Elev., 80'; Fac. Class., SBRAZ; Ident., HH; Procedure No. 1, Amdt. 14; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 13; Dated, 27 Aug. 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 2 NOV. 1963.							
City, Homer; State, Alaska; Airport Name, Homer Municipal; Elev., 80'; Fac. Class., SBRAZ; Ident., HH; Procedure No. 2, Amdt. 2; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 1; Dated, 10 Sept. 55							
				T–dn C–dn S–dn A–dn	300–1 400–1 NA 800–2	300–1 500–1 NA 800–2	200–½ 500–1½ NA 800–2

Procedure turn S side of crs, 096° Outbnd, 276° Inbnd, 2400' within 10 miles (nonstandard).
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 272°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing MC LFR, climb straight ahead to 1300' on NW crs (272° Outbnd), make right climbing turn proceeding direct to MC LFR. Continue climb to 4000' on SE crs (096° Outbnd) within 20 miles.
NOTE: Do not descend below procedure turn altitude until well established on crs Inbnd (see caution note No. 1).
CAUTION: 1. Terrain rising to 927' 8.6 miles E of McGrath LFR and 3.1 miles N of final approach crs. 2. Terrain rising to 1266' 3.1 miles S of airport. 3. Mountainous terrain all quadrants.

City, McGrath; State, Alaska; Airport Name, McGrath; Elev., 347'; Fac. Class., SBRAZ; Ident., MC; Procedure No. 1, Amdt. 9; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 8 Dated, 3 Mar. 62

PROCEDURE CANCELLED, EFFECTIVE 2 Nov. 1963.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593'; Fac. Class., SBMRAZ; Ident., SI; Procedure No. 1, Amdt. 7; Eff. Date, 30 Mar. 63; Sup. Amdt. No. 6; Dated 14 Jan. 56

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Nuthush Int Amelia Int	Blackstone RBn Blackstone RBn	Direct Direct	2200 2200	T–dn C–dn S–dn A–dn	300–1 500–1 NA 800–2	300–1 500–1 NA 800–2	NA NA NA NA

Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2200' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 132°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing BKT RBn, make left climbing turn to 2200' and return to BKT RBn. Hold NW 1-minute right turns.
CAUTION: 461' water tank 1 mile S of airport; 440' tower 2 miles W of airport on U.S. Route 40. 550' water tank 1 mile S of airport. 620' tanks 1 mile S of airport. 490' terrain 1 mile SE of Nuthush Int.
NOTE: Authorized for military use only, except by prior arrangement.

City, Bladkstone; State, Va.; Airport Name, Blackstone AAF; Elev., 436'; Fac. Class., H; Ident., BKT; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63, or upon commissioning of RBn

CDR VOR	CDR RBn	Direct	5900	T–dn C–dn A–dn	300–1 700–1 800–2	300–1 700–1 800–2	200–½ 700–1½ 800–2

Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 5100' within 10 miles.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 5100' on crs 357° within 10 miles. Return to CDR RBn.

City, Chadron; State, Nebr.; Airport Name, Chadron Municipal; Elev., 3296'; Fac. Class., BH (Non-Federal Facility); Ident., CDR; Procedure No. 1, Amdt. 5; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 4; Dated, 21 May 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CVG VOR	CV-LOM	Direct	2000	T-dn	300–1	300–1	200–½
New Baltimore Int	CV-LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Cincinnati LFR	CV-LOM	Direct	2700	S-dn-36	400–1	400–1	400–1
Dry Ridge Int	Union Int	Direct	2400	A-dn	800–2	800–2	800–2
Union Int	CV-LOM (final)	Direct	1500				
Mt. Healthy Int	CV-LOM	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 360°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2700′ on bearing 360° from LOM to New Baltimore Int. Hold N 1-minute right turns, 186° Inbnd, 006° Outbnd.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 18; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 17; Dated, 20 Apr. 63

Gardner VOR	Fitchburg RBn	Direct	3500′	T-dn	1000–2	1000–2	NA
				C-dn	1200–2	1200–2	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3500′ on 320° bearing from FIT RBn within 10 miles. Return to FIT RBn, hold NW, 140° Inbnd, right turns, 1-minute.
NOTE: Facility must be monitored aurally during this procedure. Facility operated by city.
CAUTION: 1230′ antenna 4.0 miles NW of airport.
Other change: Deletes air carrier note.

City, Fitchburg; State, Mass.; Airport Name, Fitchburg Municipal; Elev., 350′; Fac. Class., MHW; Ident., FIT; Procedure No. 1, Amdt. 2; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 1; Dated, 26 Jan. 63

				T-dn*	1300–2	1300–2	1300–2
				C-dn	1500–2	1500–2	1500–2
				A-d	2500–2	2500–2	2500–2
				A-n	4000–2	4000–2	4000–2

Procedure turn W side of crs, 202° Outbnd, 022° Inbnd, 3500′ within 10 miles (W to avoid terrain to E).
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 022°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing EEN RBn, make a left climbing turn returning to EEN RBn. Continue to climb to 4000′ in standard holding pattern 202° Inbnd, 022° Outbnd, all turns W of holding track. Hold N 202° Inbnd, 1-minute, right turns.
NOTE: IFR climb-out procedure: Climb with visual reference to enter ceiling over airport on direct crs, climbing to EEN RBn, continue to climb in holding pattern. Minimum facility departure altitude 4000′ except 5000′ northeastbound.
NOTE: Facility must be monitored aurally during this procedure. Facility operated by State.
AIR CARRIER NOTE: Visibility below 1 mile day, 2 miles night not authorized by application of sliding scale for local visibility conditions for landing or for reduction to takeoff minimums.
*Night takeoff to SE not authorized.

City, Keene; State, N.H.; Airport Name, Dillant-Hopkins; Elev., 482′; Fac. Class., MHW; Ident., EEN; Procedure No. 1, Amdt. 6; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 5; Dated, 15 Mar. 58

Arcola Int	MTO RBn	Direct	2400	T-dn	300–1	300–1	200–½
Union Center Int	MTO RBn	Direct	2500	C-dn	600–1	600–1	600–1½
				S-dn-6	600–1	600–1	600–1
				A-dn*	NA	NA	NA
				The following minimums apply if Etna Int# received:			
				C-dn	400–1	500–1	500–1½
				S-dn-6	400–1	400–1	400–1

Procedure turn E side of crs, 225° Outbnd, 045° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility on airport.
Crs and distance, Etna Int# to airport, 045°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MTO RBn, climb to 2300′ on crs of 045°, turn right and return to MTO RBn, hold SW, Inbnd crs 045°, right turns.
NOTE: No weather available. Private facility operated by Coles County Airport authority.
*Alternate minimums of 800–2 authorized for air carriers with approved weather service.
#Etna Int: Int MTO RBn 225° bearing and DEC R-124.

City, Mattoon; State, Ill.; Airport Name, Coles County Memorial; Elev. 720′; Fac. Class., MHW (private facility); Ident., MTO; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63

Monroe VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 038°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ML LOM, climb to 1600′ on bearing 038° from the LOM within 10 miles.

City, Monroe; State, La.; Airport Name, Selman; Elev., 79′; Fac. Class., LOM; Ident., ML; Procedure No. 1, Amdt. 3; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 2 (ADF portion combines ILS-ADF); Dated, 7 Dec. 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MGW VOR	MGW RBn	Direct	3500	T-dn	300–1	300–1	NA
Cassville Int#	MGW RBn	Direct	3000	C-d	600–1	600–1	NA
Greensboro Int##	MGW RBn	Direct	3500	C-n	600–2	600–2	NA
				S-d-18	600–1	600–1	NA
				S-n-18	600–2	600–2	NA
				A-dn	800–2	800–2	NA

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 173°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MGW RBn, climb to 4000′ on 216° crs within 10 miles. Reverse crs, proceed to MGW RBn. Hold NW, 1-minute right turns, 173° Inbnd.
CAUTION: 2295′ terrain 4 miles SE of airport.
#Cassville Int: Int MGW VOR R-328 and 038° bearing to MGW RBn.
##Greensboro Int: Int MGW VOR R-354 and 216° bearing to MGW RBn.

City, Morgantown; State, W. Va.; Airport Name, Morgantown Municipal; Elev., 1256′; Fac. Class., SABH; Ident., MGW; Procedure No. 1, Amdt. 4; Eff. Date, 2 Nov. 63 Sup. Amdt. No. 3; Dated, 28 Sept. 63

YNG VOR	LOM	Direct	2800	T-dn	300–1	300–1	200–½
Canfield Int	Hubbard RBn	Direct	3000	C-dn	400–1	500–1	500–1½
Hubbard RBn	LOM (final)	Direct	2700	S-dn-32	400–1	400–1	400–1
Mercer Int	Hubbard RBn	Direct	3000	A-dn	800–2	800–2	800–2
Sharpsville Int	Hubbard RBn	Direct	2800				
Palestine Int	Hubbard RBn	Direct	3000				

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 320°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing YN LOM, climb straight ahead to 2800′, make right turn and proceed to YN LOM. Hold SE, 1-minute right turns, 320° Inbnd.

City, Youngstown; State, Ohio; Airport Name, Youngstown Municipal; Elev., 1196′; Fac. Class., LOM; Ident., YN; Procedure No. 1, Amdt. 9; Eff. Date, 2 Nov. 63; Sup Amdt. No. 8; Dated, 4 May 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Georgetown DME Int	AUS VOR (final)	Direct	1800	T-dn	300–1	300–1	*300–1
				C-dn	400–1	500–1	500–1½
				S-dn-16R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2100′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1800′; over 2.4-mile DME fix on R-175 AUS VOR, 1300′**.
Crs and distance, facility to airport, 175°—4.9 miles; 2.4-mile DME fix to airport, 178°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing VOR, turn right, climb to 3000′ on R-189 within 15 miles or, when directed by ATC, turn left, climb to 2000′ on R-125 within 20 miles.
CAUTION: Tank 855′ 1.2 miles W of final approach crs, 2.3 miles NW of airport.
NOTE: Radar fix may be used in lieu of 2.4 mile DME fix.
*200–½ authorized on Runways 16R, 34L, 12R and 30L only.
**Descent below 1300′ authorized only after passing 2.4-mile DME fix on R-175.

City, Austin; State, Texas; Airport Name, Mueller Municipal; Elev., 631′; Fac. Class., BVORTAC; Ident., AUS; Procedure No. 1, Amdt. 13; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 12; Dated, 12 Jan. 63

				T-dn	300–1	300–1	300–1
				C-dn	2000–3	2000–3	2000–3
				A-dn	2000–3	2000–3	2000–3

Procedure turn E side of crs, 197° Outbnd, 017° Inbnd, 6200′ within 10 miles.
Minimum altitude over facility on final approach crs, 6200′.
Crs and distance, facility to airport, 017°—18.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing CDR-VOR, make left turn, climb to 6300′, return to CDR-VOR.
CAUTION: 4553′ tower located 2.0 miles NE of CDR VOR.

City, Chadron; State, Nebr.; Airport Name, Chadron Municipal; Elev., 3296′; Fac. Class., BVOR; Ident., CDR; Procedure No. 1, Amdt. 4; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 3; Dated, 17 Feb. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn C-d C-n A-dn	300–1 500–1 500–1½ 800–2	NA NA NA NA	NA NA NA NA

Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 055°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing CNU–VOR, make right turn, climbing to 2900′. Return to CNU VOR.
CAUTION: 1450′ tower 5.5 miles W of airport. 1270′ unlighted stack 2.0 miles N of airport. 1172′ tower 1.0 miles E of airport.
Other change: Deletes transition from CNU LFR.

City, Chanute; State, Kans.; Airport Name, Martin Johnson; Elev. 1001′; Fac. Class., BVOR; Ident., CNU; Procedure No. 1, Amdt. 2; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 1; Dated, 30 June 62

				T-dn* C-dn A-d A-n	1300–2 1300–2 2500–2 4000–2	1300–2 1300–2 2500–2 4000–2	1300–2 1300–2 2500–2 4000–2

Procedure turn W side of crs, 204° Outbnd, 024° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 024°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing EEN VOR, make a left climbing turn, returning to Keene VOR, continue climb to 4000′ in standard holding pattern Inbnd on R–024. Hold N of EEN VOR on R–024, 1-minute, right turns, 204° Inbnd.
AIR CARRIER NOTE: Visibility below 1 mile day, 2 miles night, not authorized by application of sliding scale for local visibility conditions for landing or for reduction to takeoff minimums.
NOTE: IFR climb-out procedure: Climb with visual reference to enter ceiling over airport on direct crs climbing to Keene VOR. Continue climb in holding pattern, minimum facility departure altitude 4000′ except 5000′ northeastbound.
*Night takeoffs to SE not authorized.

City, Keene; State, N.H.; Airport Name, Dillant-Hopkins; Elev., 482′; Fac. Class., BVOR; Ident., EEN; Procedure No. 1, Amdt. 1; Eff. Date, 2 Nov. 63; Sup. Amdt. No. Orig.; Dated, 23 May 59

MC LFR	MCG VOR	Direct	2700	T-DN C-DN* A-DN	300–1 500–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs 1200′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 3000′ on R–100 MCG VOR within 20 miles.
CAUTION: Mountainous terrain all quadrants. Terrain 1266′ 3.1 miles S of airport.
*Descend to 847′ after passing MC LFR. If LFR not identified on final approach, descent below 1200′ not authorized. Air carrier sliding scale not authorized.

City, McGrath; State, Alaska; Airport Name, McGrath; Elev., 347′; Fac. Class., HVOR; Ident., MCG; Procedure No. 1, Amdt. 1; Eff. Date, 2 Nov. 63; Sup. Amdt. No. Orig.; Dated, 15 June 63

				T-dn C-dn S-dn–4 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 035°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MLU–VOR, climb to 2000′ on R–065 within 20 miles.
CAUTION: 850′ TV antenna located 3.7 miles WNW of airport.
Other change: Transition from Monroe LFR deleted.

City, Monroe; State, La.; Airport Name, Selman; Elev., 79′; Fac. Class., BVORTAC; Ident., MLU; Procedure No. 1, Amdt. 5; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 4; Dated, 25 Mar. 61

Int Little Rock R–134 and PBF R–359	PBF–VOR (final)	Direct	1200	T-dn C-dn S-dn–17 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 179°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing the PBF–VOR, make immediate right turn, climb to 2000′ on PBF R–208 within 20 miles.
Other change: Deletes transition from Pine Bluff RBn.

City, Pine Bluff; State, Ark.; Airport Name, Grider Field; Elev., 205′; Fac. Class., BVOR; Ident., PBF; Procedure No. 1, Amdt. 5; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 4; Dated 18 Nov. 61

Bay Int	LAX VOR	Direct	3000	T-dn C-dn A-dn	300–1 800–1 1000–2	300–1 800–1 1000–2	200–½ 800–1½ 1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 285° Outbnd, 115° Inbnd, 3800′ within 10 miles.
Minimum altitude over LAX VOR on final approach crs, 3000′; over Redondo Int, 1300′.
Crs and distance, Redondo Int to airport, 135°—2.9 miles; breakoff point to runway, 133°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing Redondo Int, make immediate left climbing turn to heading 090°, climb to 1500′, turn left to intercept LGB R–272, climb to 2000′ at Hermosa Int.

City, Torrance; State, Calif.; Airport Name, Torrance Municipal; Elev., 98′; Fac. Class., H–BVOR; Ident., LAX; Procedure No. 1 Amdt. Orig.; Eff. Date, 2 Nov. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn C-dn A-dn	600–1 400–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 058°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing ARG–VOR, turn left, climb to 2000′ on R–014 ARG–VOR, within 20 miles.

City, Walnut Ridge; State, Ark.; Airport Name, Walnut Ridge Municipal; Elev., 275′; Fac. Class., BVOR; Ident., ARG; Procedure No. 1, Amdt. 3; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 2; Dated, 28 July 56

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Margaret Int	Curlee Int* (final)	Direct	1700	T-dn C-dn A-dn	300–1 600–1 800–2	300–1 600–1 800–2	200–½ 600–1½ 800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Margaret Int.
Minimum altitude over facility on final approach crs, 1400′‡.
Facility on airport.
Crs and distance, Curlee Int* to airport, 095°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make right climbing turn to 3000′ and return to Margaret Int via R–275 FTY–VOR or follow radar vector as directd by ATC.
NOTES: Procedure authorized only for aircraft equipped with dual VOR receivers or one ADF and one VOR receiver. ATL approach control radar must also be in operation for vector to final approach course.
CAUTION: Water tank 1218′ 1.8 miles WNW of airport.
*Curlee Int: Int R–275 FTY–VOR and R–345 ATL VOR or 330° bearing to LSM RBn.
‡Maintain 1600′ until passing Curlee Int*.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., L–BVOR; Ident., FTY; Procedure No. TerVOR (R–275), Amdt. 4; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 3; Dated, 17 Nov. 62

PROCEDURE CANCELLED, EFFECTIVE 2 NOV. 1963.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, L–BVORTAC; Ident., BLT; Procedure No. TerVOR–31, Amdt. 3; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 2; Dated, 12 Nov. 60

Morey Int Marshall Int MS LOM	TAX–VOR TAX–VOR TAX–VOR	Direct Direct Direct	2600 2600 2600	T-dn C-dn S-dn–31 A-dn Following minimum applies if College Int* received: S-dn–31	300–1 600–1 500–1 800–2 400–1	300–1 600–1 500–1 800–2 400–1	200–½ 600–1½ 500–1 800–2 400–1

Procedure turn E side of crs, 131° Outbnd, 311′ Inbnd, 2300′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to approach end of Runway 31, 313°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX–VOR, climb to 2700′ on R–311 within 10 miles.
NOTE: When weather is below 2000–2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between radials 201 and 257, inclusive, of the TAX–VOR due to 2227′ tower 9 miles SW of airport.
*College Int: Int TAX–VOR R–131 and 054° bearing from LOM.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., BVOR; Ident., TAX; Procedure No. TerVOR–31, Amdt. 1; Eff. Date, 2 Nov. 63; Sup. Amdt No. Orig.; Dated, 16 June 62

Morey Int Marshall Int MS LOM	TAX–VOR TAX–VOR TAX–VOR	Direct Direct Direct	2700 2700 2700	T-dn C-dn S-dn–13 A-dn	300–1 700–1 700–1 800–2	300–1 700–1 700–1 800–2	200–½ 700–1½ 700–1 800–2

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2300′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to approach end of Runway 13, 133°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX–VOR, climb to 2600′ on R–137 within 15 miles.
NOTE: When weather is below 2000–2, aircraft departing southwest bound, flight below 2700′ beyond 4 miles from airport is prohibited between radials 201 and 257, inclusive, of the TAX–VOR due to 2227′ tower 9 miles SW of airport.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., BVOR; Ident., TAX; Procedure No. TerVOR–13, Amdt. 1; Eff. Date, 2 Nov. 63; Sup. Amdt. No. Orig.; Dated, 16 June 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lafayette Int	PV LOM Greenwich Int* (final)	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2
				#After passing PV LOM or Greenwich Int,* the following minimums are authorized:			
				C–dn	600–1	600–1	600–1½
				S–dn–5	600–1	600–1	600–1

Radar vectoring by Quonset Point RATCC authorized in accordance with approved patterns.
Procedure turn W side of crs, 226° Outbnd, 046° Inbnd, 1700′ within 10 miles of PV LOM or Greenwich Int*.
Minimum altitude over facility on final approach crs, 4556′.
Crs and distance, PV LOM or Greenwich Int* to airport, 046°—5.4 miles.
VOR on airport. No centerline intercept provided to allow use of dual runways.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing PVD VOR or 5.4 miles after passing the PV LOM or Greenwich Int*, make climbing left turn to 2300′ to Foster Int. Hold SW on R–057 ORW VOR, 1-minute left turns, or when directed by ATC, make a climbing left turn and return to the PV LOM or Greenwich Int* at 1700′. Hold SW, 046° Inbnd, 1-minute left turns.
CAUTION: 849′ tower 4.8 miles N of airport.
NOTE: Procedure turn is conducted W to provide separation from traffic at Quonset Point NAS, R.I.
*Greenwich Int: Int PVD VOR R–226 and NCO VOR R–326.

City, Providence; State, R.I.; Airport Name, Green; Elev., 56′; Fac. Class., BVOR; Ident., PVD; Procedure No. Ter VOR–5, Amdt. 3; Eff. Date, 1 Nov. 63; Sup. Amdt. No. 2; Dated, 6 Oct. 62

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
20-mile DME Fix R–107	10-mile DME Fix R–107	Direct	3600	T–dn*	300–1	300–1	200–½
10-mile DME Fix R–107	6-mile DME Fix R–107 (final)	Direct	2200	C–dn	500–1	600–1	600–1½
6-mile DME Fix R–107	ALB VOR	Direct	800	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Final approach crs, 287° Inbnd.
Minimum altitude over facility on final approach crs, 800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on ALB VOR R–356 within 10 miles. Hold N of ALB VOR R–356, 1-minute, right turns, 176° Inbnd.
*300–1 required for takeoffs on Runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 1, Amdt. 2; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 1; Dated, 25 Aug. 62

20-mile DME Fix R–153	10-mile DME Fix R–153	Direct	3200	T–dn*	300–1	300–1	200–½
10-mile DME Fix R–153	4-mile DME Fix R–153 (final)	Direct	1400	C–dn	500–1	600–1	600–1½
4-mile DME Fix R–153	ALB–VOR	Direct	800	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Final approach crs, 333° Inbnd.
Minimum altitude over facility on final approach crs, 800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on ALB VOR R–356 within 10 miles. Hold N of ALB VOR R–356, 1-minute, right turns, 176° Inbnd.
Other change: Deletes transition from 8-mile Fix R–136 to Albany VOR (final).
*300–1 required for takeoffs on Runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 2, Amdt. 3; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 2; Dated, 15 Sept. 62

20-mile DME Fix R–268	9-mile DME Fix R–268	Direct	3300	T–dn*	300–1	300–1	200–½
9-mile DME Fix R–268	2-mile DME Fix R–268 (final)	Direct	1200	C–dn	600–1	700–1	700–1½
2-mile DME Fix R–268	ALB–VOR	Direct	900	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Final approach crs, 088° Inbnd.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 2000′ on ALB VOR R–356 within 10 miles. Hold N of ALB VOR R–356, 1-minute, right turns, 176° Inbnd.
CAUTION: 700′ antenna 2.5 miles W of ALB VOR.
*300–1 required on Runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 3, Amdt. 2; Eff. Date, 2 Nov. 63; Sup. Amdt No. 1; Dated, 25 Aug. 62

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
20-mile DME Fix R–299	9-mile DME Fix R–299	Direct	3000	T–dn*	300–1	300–1	200–½
9-mile DME Fix R–299	2-mile DME Fix R–299 (final)	Direct	1200	C–dn	600–1	700–1	700–1½
2-mile DME Fix R–299	ALB–VOR	Direct	900	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Final approach crs, 119° Inbnd.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right climbing turn to 2000′ on ALB VOR R–356 within 10 miles. Hold N of ALB VOR R–356, 1-minute, right turns, 176° Inbnd.
CAUTION: 700′ antenna 2.5 miles W of ALB VOR.
*300–1 required for takeoffs on Runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 4, Amdt. 2; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 1; Dated, 25 Aug. 62

0.0-mile DME Fix R–146	14-mile DME Fix R–146	Direct	3100	T–dn	1000–2	1000–2	NA
26-mile DME Fix R–146	14-mile DME Fix R–146	Direct	3100	C–dn	1300–2	1300–2	NA
0.0-mile DME Fix R–164	14-mile DME Fix R–164	Direct	3000	A–dn	NA	NA	NA
24-mile DME Fix R–164	14-mile DME Fix R–164	Direct	3000				

Procedure turn not authorized DME transitions to final approach required.
Minimum altitude on approach radial 14-mile DME Fix R–164 to 14-mile DME Fix R–146, 3000′; 14-mile DME Fix R–146 to 14-mile DME Fix R–120, 2100′; 14-mile DME Fix R–120 to 14-mile DME Fix R–103,* 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a climbing left turn to 3100′ and return to Oakdale Int# on the 14-mile DME arc of GDM VOR, hold SE 326° Inbnd, right turns, 1-minute pattern between the 14- and 17-mile DME fixes.
NOTE: Key position to Runway 32: Int 14-mile DME orbit and R–109 Gardner VOR.
CAUTION: 1230′ antenna 4.0 miles NW of airport.
#Oakdale Int: 14-mile DME Fix GDM–VOR R–146.
*Missed approach fix.

City, Fitchburg; State, Mass.; Airport Name, Fitchburg; Elev., 350′; Fac. Class., BVORTAC; Ident., GDM; Procedure No. VOR/DME No. 1, Amdt. Orig; Eff. Date 2 Nov. 63

				T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				S–dn–7R	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Final approach crs, 071° Inbnd.
Minimum altitude over 4.0-mile DME fix on final approach crs, 1500′.
Crs and distance, 4.0-mile DME fix to airport, 071°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LAX–VOR, climb via R–069 to 2000′ within 15.0 miles.
NOTE: When authorized by ATC, DME may be used between 7.0 and 10.0 miles at 2000′, from R–170 clockwise to R–046, to position aircraft for straight-in approach with elimination of procedure turn.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., H–BVOR/DME; Ident., LAX; Procedure No. VOR/DME No. 1, Amdt. Orig; Eff. Date, 2 Nov. 63

8.0-mile DME Fix R–069	5.0-mile DME Fix R–069	Direct	800	T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				S–dn–25L	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Final approach crs, 249° Inbnd.
Minimum altitude over 8.0-mile DME Fix R–069 on final approach crs, 1800′; over 5.0-mile DME 800′.
Crs and distance, 5.0-mile DME Fix R–069 to airport, 249°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished before reaching 2.6-mile DME Fix R–069, climb direct to LAX VOR, then climb via R–249 to 2000′ within 20 miles of LAX VOR.
NOTE: When authorized by ATC, DME may be used between 9.0 and 16.0 miles, at 3500′ from 323° clockwise to 035°, and at 2000′ from 035° clockwise to 124° to position aircraft for a straight-in approach with the elimination of procedure turn.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., H–BVOR/DME; Ident., LAX; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63

12-mile DME Fix R–047	8-mile DME Fix R–047 (final)	Direct	2000	T–dn	300–1	300–1	200–½
8-mile DME Fix R–047	5-mile DME Fix R–047 (final)	Direct	1200	C–dn	600–1	600–1	600–1½
				S–dn–23L&R	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring by Quonset Point RATCC authorized in accordance with approved patterns.
Procedure turn N side of crs, 047° Outbnd, 227° Inbnd, 2000′ within 12 miles. Beyond 12 miles not authorized.
Inbnd crs from procedure turn must be intercepted prior to 8-mile DME Fix R–047. Descent below 2000′ not authorized before passing 8-mile DME fix on final.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport. No runway centerline provided to allow use of dual runways.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PVD–VOR, make right climbing turn to 2300′, proceeding to Foster Int. Hold SW on ORW–VOR R–057, 1-minute, left turns.
NOTE: When authorized by ATC, DME may be used within 12 miles at 2000′ between R–031 and R–059 to position aircraft for a straight-in approach with the elimination of the procedure turn.
CAUTION: 849′ tower 4.8 miles N of airport.

City, Providence; State, R.I.; Airport Name, Green; Elev., 56′; Fac. Class., BVORTAC; Ident., PVD; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63, or upon commissioning of the Providence VORTAC

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RST VOR	13-mile DME Fix R-024	Direct	2600	T-dn C-dn S-dn A-dn	300–1 500–1 500–1 800–2	300–1 500–1 500–1 800–2	200–½ 500–1¼ 500–1 800–2

Procedure turn W side of crs, 024° Outbnd, 204° Inbnd, 2600′ between 13 and 23 miles.
Minimum altitude over 13-mile DME Fix R-024 on final approach crs, 2100′.
Crs and distance, 13-mile DME fix to airport, 204°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 9-mile DME Fix R-024, climb to 3000′ on R-024 direct to RST VOR.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach course at 2600′ between R-314 clockwise to R-076 via 18-mile DME arc with the elimination of procedure turn.

City, Rochester; State, Minn.; Airport Name, Municipal; Elev., 1310′; Fac. Class., M-BVOR-DME; Ident., RST; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 2 Nov. 63

10-mile DME Fix R-347 STJ VOR	STJ VOR 6-mile Fix R-167	Direct Direct	2700 1800	T-dn* C-dn S-dn-17 A-dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	200–½ 600–1¼ 600–1 800–2

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 167°—10.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 10.7-mile DME Fix R-167, climb to 2700′ on R-167 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 10 miles at 2700′ altitude to position aircraft for final approach with the elimination of procedure turn between radials 270° clockwise to 090°.
CAUTION: 500′ bluffs W, NW and E of airport.
*Takeoff minimums no lower than 300–1 authorized on Runway 31.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822′; Fac. Class., BVORTAC; Ident., STJ; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63

10-mile DME Fix R-013 SGF VOR	SGF VOR 4-mile DME Fix R-193	Direct Direct	2800 1800	T-dn C-dn S-dn-19 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1¼ 400–1 800–2

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 193°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.8-mile DME Fix R-193, climb to 3200′ on R-203 SGF VOR and proceed to Billings Int.
NOTES: When authorized by ATC, DME may be used to position aircraft on final approach course at 2800′ between R-254 clockwise to R-072 via 10-mile DME arc with the elimination of the procedure turn.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., BVORTAC; Ident., SGF; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63

12-mile DME Fix R-276 9-mile DME Fix R-323 8-mile DME Fix R-340	LAX VOR LAX VOR LAX VOR	Direct Direct Direct	3000 3000 3000	T-dn C-dn A-dn	300–1 800–1 1000–2	300–1 800–1 1000–2	200–½ 800–1½ 1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn, teardrop—R-276 Outbnd to 7.0-mile DME fix; orbit clockwise via 7.0 mile DME to R-315. Minimum altitude, 3000′.
Minimum altitude over LAX VOR on final approach crs, 3000′; at 5.7-mile DME fix R-135, 1300′.
Crs and distance, 5.7-mile DME fix R-135 to airport, 135°—2.9 miles; breakoff point to runway, 135°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8-mile DME fix R-135, turn left, climb via 8.0-mile DME orbit to R-111, climb Inbnd to 6-mile DME fix R-111 at 2000′.
NOTES: When authorized by ATC, DME may be used within 7.0 miles at 2000′ from 205° clockwise to 123° to position aircraft for a straight-in approach with elimination of the procedure turn.

City, Torrance; State, Calif.; Airport Name, Torrance Municipal; Elev., 95′; Fac. Class., H-BVOR/DME; Ident., LAX; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cincinnati VOR New Baltimore Int Cincinnati LFR Dry Ridge Int Union Int Mt. Healthy Int	CV-LOM CV-LOM CV-LOM Union Int CV-LOM (Final) CV-LOM	Direct Direct Direct Direct Direct Direct	2000 2300 2700 2400 2000 2400	T-dn C-dn S-dn-36*‡ A-dn	300–1 400–1 200–½ 600–2	300–1 500–1 200–½ 600–2	200–½ 500–1½ 200–½ 600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1960′—3.8 miles; at MM, 1069′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ on crs 360° to the New Baltimore Int. Hold 1-minute right turns, 186° Inbnd, 006° Outbnd.
CAUTION: ‡Glide slope point of touchdown approximately 1750′ in from approach end of runway.
*400–¾ required with glide slope inoperative.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-36, Amdt. 18; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 17; Dated, 20 Apr. 63

Morey Int Brooklyn Int* Marshall Int	LOM LOM (final) LOM	Direct Direct Direct	2700 2100 2600	T-dn C-dn S-dn-36** A-dn	300–1 600–1 200–½ 600–2	300–1 600–1 200–½ 600–2	200–½ 600–1½ 200–½ 600–2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 1918′—3.9 miles; at MM, 1056′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2600′ on 359° bearing from LOM within 10 miles or, when directed by ATC, make right climbing turn to 2600′ and proceed direct to Madison LOM.
CAUTION: 1211′ tower 1.3 miles to left of crs after passing LOM on final and 1023′ pole 0.8 mile to left of crs and 0.8 mile SW of Runway 36.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required. When weather is below 2000–2, aircraft departing southwest bound, flight below 2700′ beyond 4 miles from airport is prohibited between radials 201 and 257, inclusive, of the TAX-VOR due to 2227′ tower 9 miles SW of airport.
*Brooklyn Int: Int IVL VOR R-327 and S crs ILS.
**400–¾ required when glide slope not utilized.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., ILS; Ident., I-MSN; Procedure No. ILS-36, Amdt. 9; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 8; Dated, 20 Oct. 62

Monroe VOR	LOM	Direct	1600	T-dn C-dn S-dn-4 A-dn	300–1 400–1 300–¾ 600–2	300–1 500–1 300–¾ 600–2	200–½ 500–1½ 300–¾ 600–2

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1200′.
Altitude of glide slope and distance to approach end of runway at OM 1187′—4.2 miles; at MM 256′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ML-LOM, climb to 1600 on NE crs ILS (038°) within 10 miles.
Other changes: Deletes transition from Monroe LFR. Deletes CAUTION NOTE and AIR CARRIER NOTE.

City, Monroe; State, La.; Airport Name, Selman; Elev., 79′; Fac. Class., ILS; Ident., I-MLU; Procedure No. ILS-4, Amdt. 3; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 2 (ILS portion Comb. ILS-ADF); Dated, 7 Dec. 57

Harbor View Int	Holland Int (final)	Direct	2000	T-dn C-dn S-dn-25 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 2600′ within 10 miles of Holland Int.
No glide slope or markers. Descend to landing minimums after passing Holland Int. Minimum altitude over Holland Int, 2000′.
Crs and distance, Holland Int to Runway 25, 249°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Holland Int, climb straight ahead to 2000′ on 249° crs to Toledo LOM. Hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd.
CAUTION: Tower 865′ 1¾ miles S of middle marker.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., ILS; Ident., I-TOL; Procedure No. ILS-25, Amdt. 5; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 4; Dated, 11 Nov. 61

Youngstown VOR Hubbard RBn Mercer Int Sharpsville Int Palestine Int Canfield Int	Hubbard RBn LOM (final) Hubbard RBn Hubbard RBn Hubbard RBn Hubbard RBn	Direct Direct Direct Direct Direct Direct	2800 2700 3000 2800 3000 3000	T-dn C-dn S-dn-32 A-dn	300–1 400–1 200–½ 600–2	300–1 500–1 200–½ 600–2	200–½ 500–1½ 200–½ 600–2

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2800′ within 10 miles of Hubbard RBn.*
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM 2630′—4.7 miles; at MM 1385′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2700′ straight ahead, make right turn and proceed to Youngstown VOR. Hold N on R-003 YNG-VOR, 1-minute right turns, 183° Inbnd at 2700′.
*Procedure turn predicated on Hubbard RBn. Maintain 2800′ until intercepting glide slope Inbnd or passing Hubbard RBn.

City, Youngstown; State, Ohio; Airport Name, Youngstown; Elev., 1196′; Fac. Class., ILS; Ident., I-YNG; Procedure No. ILS-32, Amdt. 10; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 9; Dated, 25 May 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions		Within 20 miles	#2500	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1¼
				S-dn-all	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
				Precision approach			
				T-dn**	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1¼
				S-dn-4**	200–½	200–½	200–½
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, all runways: Climb to 3000′ and proceed via R–285 of Shelbyville to Shelbyville VOR or, when directed by ATC, (1) climb to 3000′ on NE ers ILS and proceed to Castleton Int; (2) climb to 3000′ and proceed direct to IND-VOR.

NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.

#2800′ within 3 miles of two 1849′ towers NE of airport; 2900′ within 3 miles of 1852′ tower E and NE of airport.

#Vectoring altitudes 2600′ within 3–5 miles and 3100′ within 3 miles of 2100′ tower 20.5 miles SSE.

** Runway visual range 2600′ also authorized for landing on Runway 4; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 907′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

#Runway visual range 2600′ also authorized for takeoff on Runway 4 in lieu of 200–½ when 200–½ is authorized, provided high intensity runway lights are operational.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., Weir Cook Radar; Procedure No. 1, Amdt. 11; Eff. Date, 2 Nov. 63; Sup. Amdt. No. 10; Dated, 25 Feb. 61

Transition				Ceiling and visibility minimums			
Within 10 miles	Within 15 miles	Within 20 miles	Within 30 miles	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
003°–065°, 5100′		003°–019°, 6400′	007°–019°, 6400′				
065°–160°, 6100′		019°–058°, 5100′	019°–028°, 5100′				
160°–209°, 5500′		058°–085°, 4800′	028°–058°, 6400′	T-dn	300–1	300–1	200–½
209°–260°, 6000′		085°–103°, 5200′	058°–065°, 4900′	C-dn	500–1	500–1	500–1¼
260°–314°, 7800′		103°–160°, 6100′	065°–096°, 6800′	C-dn-1, 7*	600–1	600–1	600–1¼
314°–329°, 4900′		160°–204°, 7000′	096°–115°, 5200′	S-dn-25	400–1	400–1	400–1
329°–003°, 4000′		204°–211°, 8500′	115°–150°, 6100′	S-dn-1, 7*	600–1	600–1	600–1
		211°–249°, 9500′	150°–185°, 8000′	A-dn	800–2	800–2	800–2
		249°–255°, 8500′	185°–204°, 7000′				
	255°–314°, 9200′	255°–314°, 13,000′	204°–211°, 8500′				
		314°–003°, 8100′	211°–249°, 9500′				
			249°–255°, 8500′				
			255°–311°, 13,000′				
			311°–318°, 7000′				
			318°–007°, 10,700′				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 1: Turn right, climb via LAS R–065 to 5000′ at Kids Int. Runways 7, 25: Turn left, climb via LAS R–065 to 5000′ at Kids Int.

*Aircraft Inbnd on final approach to Runway 1 or 7 will descend not lower than 3100′ until pilot is notified by radar approach control that he has passed a point 3 miles before the runway.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class. and Ident., Las Vegas Radar; Procedure No. 1, Amdt Orig.; Eff. Date, 2 Nov. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on September 27, 1963.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 63–10523; Filed, Oct. 23, 1963; 11:33 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 66—RELEASE OF INFORMATION FROM MEDICAL RECORDS

Miscellaneous Amendments

1. Section 66.2 is amended by inserting the following agencies as paragraphs (n) and (o),:

§ 66.2 Individuals and agencies to whom medical records may be released.

* * * * *

(n) Social Security Administration.

(o) National Aeronautics and Space Administration.

* * * * *

2. Reletter the present paragraphs (n) through (u) as (p) through (w) respectively.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 63–11247; Filed, Oct. 23, 1963; 8:47 a.m.]

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

This subchapter is amended in detail as set forth below:

PART 590—GENERAL PROVISIONS

1. F.R. Document 63–9378, appearing at 28 F.R. 9565, August 31, 1963, is corrected by changing the reference to "§ 590.150", at the beginning of paragraph 1, to read "§ 590.150 (a) and (b)".

1a. The introductory portion of § 590.302–51 is revised; and in § 590.350, the introductory portion of paragraph (b) and paragraph (b)(8) are revised, as follows:

§ 590.302–51 Procurement during national emergency.

Department of Defense policies with respect to procurement by formal advertising and by negotiation are set forth in §§ 1.300, 2.102 and 3.102 of this title. All procuring activities and agencies shall give particular attention to the following factors in effecting procurement:

* * * * *

§ 590.350 Advance procurement planning.

* * * * *

(b) Each head of procuring activity is responsible for the accomplishment of advance procurement planning. One of the primary purposes shall be to achieve competition in procurement whenever feasible. Another basic objective of such planning is to develop requests for proposals, invitations for bids, and contracts which are expressed in concise, intelligible, and consistent language. Drawings must be consistent with specifications; standards and specifications incorporated by reference must be kept to a minimum; and references to standard specifications having no significance must be eliminated. When a "brand name or equal" specification is necessary, genuine effort will be made to name in the specification several brand names considered to be equal. Requirements personnel shall be directed to accommodate their efforts to the realities of procurement procedures and policies; e.g., they shall not include in special provisions or specifications subject matter or clauses which cover the same ground as prescribed general provisions or conflict therewith; they shall not, without meticulous justification, use restrictive specifications; they shall make every effort to insure that the requirements as described in the contract are complete and unambiguous. Required planning shall include analysis and thinking through all stages of the procurement up to and including contract completion. One important aspect of the "thinking through" process is a tentative determination of the type of contract (Subpart D, Part 3 of this title) which is considered to be most advantageous to the Government. Development contracts shall be examined by qualified technical personnel for feasibility of obtaining definitive specifications on components as to which design is stable and for which future procurement is contemplated. Incentive contracts shall be analyzed for all possible "break-even" points, for ambiguities in terminology, requirements, or target descriptions, and for combinations of possibilities under any multiple incentives which could result in an undesirable end product or an exorbitant profit. Such planning shall provide for the following as appropriate:

* * * * *

(8) Dissemination of information regarding availability of procurement data adequate for competitive procurement.

2. In § 590.452(c)(1), revise subdivisions (i) and (ii) to read as follows:

§ 590.452 Selection and appointment of ordering officers.

* * * * *

(c) *Authority.* (1) * * *

(i) Commissary ordering officers may make purchases in unlimited dollar amounts against Purchase Notice Agreements published in the SB 10–500-series by signing and using DD Form 1155; they may place oral calls or informal requests against charge accounts established by contracting officers, in amounts of not more than $2,500 for each call or request for brand name resale items, and without dollar limitation for perishable subsistence items; and they may order from those Federal Supply Schedules which are mandatory on commissaries.

(ii) Accountable property officers appointed as ordering officers, may, subject to availability of funds and approval of the contracting officer concerned, sign and place delivery orders (DD Form 1155) without limitation on dollar amounts against General Services Administration (GSA) Stores Depots, Federal Supply Schedules, Federal Stock Pile items maintained by the Defense Materials System of GSA, and indefinite delivery type contracts (see also § 594.204 of this chapter).

* * * * *

3. Section 590.650–4 is revised and § 590.650–5 is revoked as follows:

§ 590.650–4 Submission.

(a) When all of the information required by § 590.650–3 is not immediately available, the report shall be prepared and forwarded with the information at hand; failure to include in the initial report any of the items set forth in § 590.650–3 shall be explained. The additional information, any changes to the information furnished, and information on all developments in the matter shall be promptly forwarded.

(b) Three complete copies of each report prepared pursuant to §§ 590.650–590.650–4 shall be forwarded to the addressee in § 590.150(b)(2); one copy, without inclosures or exhibits, to the addressee in § 590.150(b)(6); and one copy, without inclosures or exhibits, to The Inspector General, Department of the Army, Washington, D.C., 20310. Each successive echelon in the procurement channel shall attach its comments and recommendations, particularly as to § 590.650–3 (g), (h) and (i). (See § 590.150(a).)

§ 590.650–5 Distribution of reports. [Revoked]

4. New Subparts G and H are added, to read as follows:

Subpart G—Small Business Concerns

Sec.
590.701–50 Fair proportion.
590.701–51 Equitable opportunity.
590.702 General policy.
590.704–2 Departmental Small Business advisors.
590.704–3 Small Business specialists.
590.704–50 Functions of the Small Business and Labor Surplus Advisor.
590.704–51 Army Small Business and Labor Surplus Council.
590.705–2 SBA representatives.
590.705–6 Certificates of competency.
590.706–2 Review of SBA set aside proposals.
590.706–3 Withdrawal or modification of set-asides.
590.706–50 Small Business set-asides for construction (new construction and repairs and utilities procurements).
590.706–51 Set-aside policy; procurements between $2,500 and $50,000 other than construction.
590.752 Presolicitation data on proposed procurement action (DA Form 1877).

Subpart H—Labor Surplus Area Concerns

590.801–50 Economic Utilization Program.
590.802–50 General policy.
590.803–50 Identification of Labor Surplus Area Concerns.
590.803–51 Techniques of operation.

AUTHORITY: §§ 590.701–50 to 590.803–51 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart G—Small Business Concerns

§ 590.701–50 Fair proportion.

A "fair proportion of the total purchases and contracts for supplies and services to be placed with small business concerns" is defined as that proportion to which small business concerns are entitled after competition, provided small

business concerns are given an equitable opportunity to compete for the purchases and contracts.

§ 590.701–51 Equitable opportunity.

An "equitable opportunity to compete" is defined as that opportunity which exists when the following conditions are met:

(a) Small business concerns are afforded the opportunity of being placed on all bidders mailing lists for which they are qualified;

(b) Small business concerns who are on bidders mailing lists receive invitations for bids, requests for proposals, or requests for quotations;

(c) An equitable number of small business concerns are included among those firms solicited, when solicitations are rotated among bidders on the list (see §§ 1.702(b)(2) and 1.803(a)(5), of this title);

(d) Either the quantities are appropriate for supply by small business concerns or partial bidding is permitted;

(e) Specifications are adequate and clear;

(f) Drawings are available or, where drawings are not available, the solicitation states where the drawings may be reviewed;

(g) Delivery schedules are realistic and reasonable; and

(h) Sufficient time has been allowed for the preparation of a bid, proposal, or quotation.

§ 590.702 General policy.

(a) The responsibility for conscientiously and effectively carrying out the policies, procedures, and the aims of the Department of the Army Small Business Program will be the responsibility of all personnel engaged in procurement and related activities, including small business and labor surplus advisors, within the Department of the Army. To the extent that labor surplus area programs of the Department of the Army complement the small business program, this subpart is also applicable.

(b) In addition to the policy expressed in § 1.702 of this title every due consideration shall be given at all echelons to include small business concerns in the following:

(1) Current procurement, including research and development;

(2) Mobilization production schedules;

(3) Industrial mobilization aspects of mobilization capacity studies;

(4) Standardization of specifications;

(5) Standardization of equipment;

(6) Production allocation programs (including materials, products and equipment);

(7) Industrial equipment activities;

(8) Production equipment distribution;

(9) Equipment rentals; and

(10) Labor surplus area preference.

(c) Liaison shall be maintained and information exchanged with Federal, State (including Governors' Commissions), local and community agencies and organizations for the purpose of rendering the maximum amount of assistance to small business concerns. Procedures shall be developed, as necessary, to insure full utilization of data and information relating to small business concerns received from such agencies and organizations.

§ 590.704–2 Departmental Small Business Advisors.

The Department of the Army Small Business advisor advises the Secretary of the Army and subordinate staff elements on all matters relating to the establishment and execution of the Department of the Army Small Business Program. He shall be familiar with the policies and procedures implementing the Department of Defense Small Business Program.

§ 590.704–3 Small Business Specialists.

Within the Department of the Army, the Small Business Program and the Labor Surplus Area Program are administered jointly and are a concurrent responsibility of Small Business and Labor Surplus Advisors. Because of the dual responsibility for Small Business and Labor Surplus Area Programs within the Department of the Army, Small Business Specialists (as defined in § 1.704–3 of this title) will be identified as "Small Business and Labor Surplus Advisors" and shall perform the duties and functions required of both programs.

(a) *Selection and appointment of Small Business and Labor Surplus Advisors*—(1) *Appointing authority.* Small Business and Labor Surplus Advisors as defined above, shall be appointed by the heads of procuring activities. Appointments shall be made on a full time or part time basis consistent with the procurement mission of the installation or activity concerned. Authority to appoint Small Business and Labor Surplus Advisors shall not be redelegated below the level of the Deputy or a principal assistant in the headquarters office responsible for procurement.

(2) *Selection and evaluation.* Comparable requirements and qualifications as set forth in § 590.450 for the selection and evaluation of contracting officers shall be used as a guide in establishing qualifications and determining the responsibilities for each appointment. Only those individuals possessing the necessary business acumen, knowledge of Army procurement policies and procedures, training and background to accomplish effectively the objectives of the Small Business and Labor Surplus Area Programs shall be considered for appointment.

(3) *Surveillance.* In view of the public relations implications inherent in the manner in which the the duties are performed, care shall be exercised to insure that only well qualified individuals are appointed and retained in such positions, whether the duty is performed on a full or part time basis. Performance of duties as Small Business and Labor Surplus Advisor shall therefore be kept under close surveillance.

(4) *Appointment.* Designation by name of each Small Business and Labor Surplus Advisor shall be by a document, signed by the appointing authority, which shall include a statement of the specific authorities delegated to such appointee. Such designation shall be rescinded in the same manner upon termination of the individual's assignment as Small Business and Labor Surplus Advisor. In any instance where the duty of a Small Business and Labor Surplus Advisor is on a part-time basis, the appointment shall clearly indicate that assignment of such additional duty in no way relieves the individual from full responsibility for effectively accomplishing the Department of the Army Small Business and Labor Surplus Area Program requirements.

§ 590.704–50 Functions of the Small Business and Labor Surplus Advisor.

To accomplish effectively the objectives of the Small Business and Labor Surplus Area Programs of the Department of the Army, Small Business and Labor Surplus Advisors shall be guided by the functional responsibilities set forth below and the operating techniques outlined in Subpart H of this part, consistent with the mission requirements of the installation or activity at which he serves. These functions and operating techniques are not to be considered limiting or all-encompassing as to the desired end result which is an effective and efficient program within the Department of the Army at all echelons. The Small Business and Labor Surplus Area Advisor:

(a) Serves as a point of reference and coordination to which small business and labor surplus area concerns may make or direct inquiry concerning participation in the military procurement program;

(b) Furnishes counsel and guidance relative to the Department of the Army policies and procedures with which small business and labor surplus area concerns are required to comply in order to become responsible suppliers and be placed on appropriate bidders lists;

(c) Seeks to encourage additional competent small business and labor surplus area sources to participate in procurements to meet current and anticipated requirements;

(d) Discusses with representatives of small business and labor surplus area concerns the relative merits of competing for prime contracts versus seeking to subcontract;

(e) Discusses capacity of equipment, availability of manpower, and management skill with representatives of small business and labor surplus area concerns and appraises their possible use in military procurement programs for the purpose of current procurement or industrial mobilization programs;

(f) When designated, represents his procuring activity or purchasing office at meetings with industry and with other government agencies in matters relating to the Small Business and Labor Surplus Area Program;

(g) Maintains liaison and effects coordination with personnel responsible for procurement policies and procedures and takes necessary action, including making recommendations for policies and procedures, to insure small business is given consideration as an important element in procurement planning and industrial mobilization;

(h) Analyzes and evaluates the effect of procurement policies and procedures

promulgated throughout the Department of Defense to insure such policies and procedures give consideration and opportunity to small business and labor surplus area concerns to participate in Army procurement programs;

(i) Reviews proposed procurements (other than small purchases accomplished under Subpart F, Part 3 of this title and Subpart F, Part 592 of this chapter) to determine suitability for participation by small business and labor surplus area concerns. Additional reviews at levels higher than the purchasing office shall be made when appropriate or as directed by the head of procuring activity concerned. In no event shall the procurement processes be unnecessarily delayed because of review requirements;

(j) If located at a headquarters or supervisory level, visits field purchasing offices and agencies at periodic intervals to assure compliance with the small business program and policies;

(k) Consults with procurement commodity specialists and research and development personnel for the purpose of recommending small business or labor surplus area concerns competent to perform a proposed contract;

(l) Maintains an active monitorship over procurement programs to insure prompt utilization of the breakout and other precedures instituted to increase competitive procurement;

(m) Serves as advisor and consultant to contracting officers and personnel in related activities in connection with specific major procurements to insure that a full awareness of under-utilized economic resources (small business community and labor surplus area) are known and taken into consideration prior to making decisions on such major procurements;

(n) Participates as a voting member in meetings of Boards of Contract Awards and other procurement groups, where such boards or groups are established; and

(o) Prepares plans, policies, and procedures, including manuals, booklets and other aids, to insure maximum use of small business and labor surplus area concerns in procurement programs.

§ 590.704–51 Army Small Business and Labor Surplus Council.

(a) *Establishment.* There is established a Department of the Army Small Business and Labor Surplus Council. Chariman of the Council shall be the Department of the Army Small Business Advisor. Membership in the Council shall be composed of representatives of the U.S. Army Materiel Command, the U.S. Army Continental Army Command, and such other commands or procuring activities as may be designated by the Chariman from time to time.

(b) *Purpose and function.* (1) The purpose of the Council is to assist Army Small Business and Labor Surplus Advisors in developing uniform policies and procedures concerning small business and labor surplus area matters.

(2) The Council shall meet at the call of the Chairman to discuss special problems arising within the Department of the Army which have or may have an impact on small business or labor surplus area programs or policies.

(3) The Council shall consider submissions from field activity Small Business and Labor Surplus Advisors made through the advisors at procuring activity level for the purpose of making these programs more effective.

§ 590.705–2 SBA representatives.

The SBA representatives shall be informed concerning the procurement missions of the purchasing offices under his cognizance. Security clearance for SBA personnel shall be the joint responsibility of SBA and the appropriate Department of the Army element to which SBA personnel are assigned.

§ 590.705–6 Certificates of competency.

(a) In the event that the contracting officer questions the issuance or the proposed issuance of a certificate of competency after complete interchange of information with the SBA, he shall:

(1) Withhold award of the contract, pending a decision by higher authority; and

(2) Promptly forward to the head of procuring activity concerned a written request for withdrawal of the certificate. Such request shall be supported by a complete statement of the facts leading to the contracting officer's determination that the certificate should not be accepted. If the head of procuring activity supports the views of the contracting officer he shall refer the request to the addressee listed in § 590.150(b)(6) for an appeal to the SBA. The head of procuring activity and the contracting officer shall be notified promptly of the result of such appeal.

(b) With respect to default, see § 597.602–3 of this chapter.

§ 590.706–2 Review of SBA set-aside proposals.

(a) Where the SBA representative appeals the contracting officer's disapproval of a recommended set-aside or requests the suspension of a procurement action, the appeal or request shall be made in writing.

(b) Where the contracting officer has been notified that an appeal has been taken by the SBA Administrator under § 1.706–2 of this title, the following procedure shall apply:

(1) The contracting officer shall suspend further action pending a decision by higher authority;

(2) The contracting officer shall promptly forward to the head of procuring activity concerned a complete statement of the facts, including a written justification for the contracting officer's decision; and

(3) The head of procuring activity shall forward the material furnished in accordance with subparagraph (2) of this paragraph, together with pertinent recommendation thereon, to the addressee listed in § 590.150(b)(6).

§ 590.706–3 Withdrawal or modification of set-asides.

The review required by § 1.706–3(a) of this title for each individual procurement governed by a class set-aside shall be effected prior to solicitation.

§ 590.706–50 Small Business set-asides for construction (new construction and repairs and utilities procurements).

(a) Department of the Army agencies shall consider that the SBA has initiated an automatic joint set-aside request for each proposed construction procurement estimated to cost between $2,500 and $500,000, including new construction, repair, maintenance and alterations of structures. This policy is in effect in the United States and Puerto Rico.

(b) All proposed procurements for construction to be accomplished in the United States and Puerto Rico pursuant to paragraph (a) of this section shall be processed in accordance with the policy, criteria and procedures set forth in § 1.706 of this title. All construction procurements over $500,000 shall be handled on a case-by-case basis in accordance with § 1.706 of this title and §§ 590.706–2 to 590.706–51.

(c) Proposed procurements for Capehart housing construction are hot subject to set-asides.

§ 590.706–51 Set-aside policy; procurements between $2,500 and $50,000 other than construction.

(a) Consistent with policies for increasing the number of awards to small business, contracting officers shall take positive action to assure attainment of the Army's objective. The wider use of 100 percent set-asides for small business is one way to accomplish such actions. When consistent with the applicable criteria in § 1.706 of this title, contracting officers shall make 100 percent small business set-asides in all procurements which are over $2,500 but do not exceed $50,000 where there are available a sufficient number of small business concerns to assure competition and fair and reasonable prices. The assistance of the Small Business Administration shall be solicited, if necessary, for compilation of an adequate small business bidders list. Set-asides shall not be dissolved on account of the prices offered by small business concerns unless the chief of the purchasing office determines that the quoted prices are not fair and reasonable.

(b) Before solicitation, the Small Business and Labor Surplus Advisor shall review each proposed procurement estimated to cost over $2,500 to determine that an equitable opportunity has been given to small business concerns and that the labor surplus area and small business policies have been carried out in accordance with Subparts G and H, Part 1 of this title and Subparts G and H of this part, and other Department of the Army policies.

(c) The contracting officer shall process each proposed procurement which is estimated to cost more than $2,500, but not more than $50,000, as though the Small Business and Labor Surplus Advisor had requested first, a labor surplus area set-aside, and second, a small business set-aside. Where neither a labor surplus area set-aside nor a small business set-aside is made, the contract file shall contain clear and concise reasons for not making a set-aside.

(d) The foregoing is not intended to limit the Small Business Administration's right to screen and to initiate joint set-asides as authorized in Subchapter A, Chapter I of this title and this subchapter.

(e) Small Business and Labor Surplus Advisors and contracting officers authorized to perform the functions of Small Business and Labor Surplus Advisors as an additional duty shall be responsible for the functions outlined in this section.

§ 590.752 Presolicitation data on proposed procurement action (DA Form 1877).

(a) *Purpose.* DA Form 1877 is a management tool for summarizing the screening of proposed procurements to determine whether an equitable opportunity has been afforded small business concerns. It is not intended that the preparation of this form, or its review, coordination, and analysis should delay the accomplishment of any procurement. Requirements for preparation of this form shall not supersede requirements for procurement justifications, and determinations and findings as may be required elsewhere in Subchapter A, Chapter I of this title and this subchapter.

(b) *Preparation of DA Form 1877.*

(1) DA Form 1877 shall be prepared for each invitation for bids, request for proposals, or request for quotations issued in the United States, its possessions or Puerto Rico which may result in an award of contract over $50,000.

(2) DA Form 1877 shall be prepared when the requirements of a proposed procurement have been amended so as to increase the estimated amount over $50,000.

(3) DA Form 1877 shall not be prepared when the proposed procurement:

(i) Is to be given preferential treatment as

(*a*) A labor surplus area set-aside;

(*b*) A disaster area set-aside; or

(*c*) A small business set-aside (class, joint or unilateral);

(ii) Will be solicited by procuring activities outside the United States, its possessions and Puerto Rico;

(iii) Covers personal or professional services, including Architect-Engineer Services;

(iv) Covers electric power or energy, gas (natural or manufactured), water or other utility services;

(v) Covers perishable subsistence or "customer demand" items for resale;

(vi) Is to be placed as an order under an existing contract, under a Mandatory Federal Supply Schedule Contract, or under a contract of another military department or government agency which is designated as a mandatory source of supply (e.g., Purchase Notice Agreement, prison-made and blind-made supplies).

NOTE: A procuring activity shall prepare DA Form 1877 for proposed procurements of an estimated amount over $50,000 which will result in issuance of an Indefinite Delivery Type Contract (§ 3.409 of this title) notwithstanding that future orders placed against such contracts will not require DA Form 1877 as stated above.

(vii) Is for services from educational or nonprofit institutions;

(viii) Is a contract modification;

(ix) Is for Capehart housing construction per § 590.706–50(c); or

(x) Is for supplies developed and financed by Canadian sources under U.S./Canadian Development Sharing Program (§ 1.706–1(b) of this title).

(c) *Responsibility for preparation.* Contracting officers are responsible for preparation of DA Form 1877 and coordination of their decisions or recommendations with respect to a particular procurement with the Small Business and Labor Surplus Advisor at the purchasing office.

(d) *Review after preparation.* Surveillance and inspection of DA Form 1877 actions shall be conducted by representatives of the procurement office at a level higher than the contracting officer. Such inspections shall be conducted on a periodic basis to insure full compliance with the objectives of the Department of the Army Small Business and Labor Surplus Area Programs. DA Form 1877 shall be reviewed by an authority at a level higher than the contracting officer within the purchasing office when:

(1) The Small Business and Labor Surplus Advisor disagrees with the decision of the contracting officer and the disagreement cannot be resolved or;

(2) The contracting officer has a dual responsibility for performing the functions of a Small Business and Labor Surplus Advisor.

(e) *Distribution.* (1) DA Form 1877 shall be prepared in duplicate. The original, executed by the contracting officer and the Small Business and Labor Surplus Advisor (if such Advisor is assigned to the purchasing office), shall be placed in the contract file. If the procurement action results in more than one contract, cross references shall be included in appropriate contract files.

(2) The duplicate copy of DA Form 1877 shall be retained for a 90-day period by the Small Business and Labor Surplus Advisor at the purchasing office. Installations at which the Contracting Officer performs the duties of Small Business and Labor Surplus Advisor shall forward the duplicate copy to the Advisor at the office of the head of procuring activity.

(3) Procurement Districts of the U.S. Army Materiel Command shall be exempt from the preparation of this form in connection with formally advertised procurements. The name and address of any source which is not on the master bidders list of the initiating command and which is solicited under a formally advertised procurement shall be furnished by the Procurement District to the initiating command for inclusion on the master bidders list. For all negotiated procurements, except those of a follow-on nature with an existing contractor, Procurement Districts shall complete only items 15, 16, 24, and the purchase office numerical identification on DA Form 1877. On those procurements of a follow-on nature, no action is required by the Districts. Operating elements of the U.S. Army Materiel Command, other than the Procurement Districts, are not exempt under this subparagraph.

(4) The use of additional copies of DA Form 1877 may be utilized by a procuring activity as a management tool in analyzing procurement operations.

(f) *Explanation.* When entries on DA Form 1877 require further explanation, the contracting officer shall cite the circumstances on the reverse of the form or on an attachment. Each explanation shall begin with a reference to the Item No. being explained, i.e., "Item No. ------ * * *". Examples of entries which require explanation are:

(1) Elapse of an unusual period of time between the date of the procurement directive (purchase request, requisition, DA Form 14–115 (Purchase Request and Commitment) procurement order, etc.) and the date of the solicitation;

(2) A proposed procurement negotiated with a single source without competition for which the contracting officer's justification is required;

(3) When the time allowed for submitting offers is less than 30 days, except for purchases of standard commercial articles or services; or

(4) Any other factor involving the unsuitability of the award to Small Business.

(g) *Contracting officers performing the function of Small Business and Labor Surplus Advisors.* Contracting officers in this category shall accomplish DA Form 1877 in its entirety on all proposed procurements over $50,000 which are not exempt under provisions of paragraph (b)(3) of this section. Contracting officers shall sign items 23 and 25, respectively.

(h) *Detailed instructions for preparation.* Detailed instructions for preparation of DA Form 1877 are explained under the numbers below, which correspond to the numbers of the item headings on the face of the form.

(1) *Item 1: IFB or RFP number.* Enter the IFB or RFP number for the proposed procurement.

(2) *Item 2: Estimated dollar value of procurement.* Enter the estimated total dollar amount of the proposed procurement.

(3) *Item 3: Is procurement to be synopsized?* This block is applicable to synopsis of the proposed procurement in accordance with § 1.1003 of this title. Indicate by appropriate check whether or not the procurement is to be synopsized and, if not, indicate the appropriate exception for not synopsizing as set forth in § 1.1003–1 (a) through (i) of this title.

(4) *Item 4: Date procurement directive received.* Enter the date that the procurement directive (purchase request, requisition, DA Form 14–115 (Purchase Request and Commitment) or procurement order), applicable to the proposed procurement on which DA Form 1877 is being prepared, was received by the purchasing office. When more than 90 days has elapsed between the date the procurement directive was received and the date of the solicitation, an explanation of the reasons for the delay in procurement will be stated on the reverse of the DA Form 1877 or attached thereto.

(5) *Item 5: Proposed date of issuance of IFB or RFP.* Enter the date that the IFB or RFP will be released.

(6) *Item 6: IFB opening date or RFP due date.* Enter the date on which bids submitted will be opened or on which proposals are due at the purchasing office. This date will be the effective date used for determining whether the Department of the Army policy of allowing concerns 30 days for preparation and submission of bids is being followed (paragraph (f)(3) of this section). Furnish an explanation only to the extent required by § 2.202 of this title.

(7) *Item 7: Description of item or service.* Enter a description of the commodity or service being procured. Also enter the type or model number, Federal stock or catalog number when such number has been assigned. Description should be in sufficient detail to adequately identify the item or service being procured. Components or spare parts should identify end item for which intended. (Example, "Compressor, Air, Rotary, Diesel Engine Driven, Trailer Mounted, 600 CFM, 100 PSI (FSN 4310–203–0569).")

(8) *Item 8: Proposed method of procurement.* Check the appropriate block to indicate whether the proposed procurement is to be advertised or negotiated. If the procurement is to be negotiated, enter the applicable exception under §§ 3.201 through 3.217 of this title.

(9) *Item 9: Contract modification.* Check the appropriate block to indicate whether or not the proposed procurement will result in the modification of a contract. A proposed contract modification which will not represent a change in the scope of the contract shall not be reported.

(10) *Item 10: Susceptibility of accomplishment by Small Business concerns.* Check the appropriate block to indicate whether or not the item or service was purchased at any time previously from a small business concern. If the block indicates that the item or service was purchased previously from a small business concern, enter in the space provided on the form the numerical identification of the last previous purchase action, if available, or the date of the DA Form 1877 covering the last previous purchase action.

(11) *Item 11: Are quantities appropriate for procurement from Small Business?* Check the appropriate block to indicate whether or not every practical consideration has been given to the combined capacity of qualified small business concerns capable of furnishing the item or service.

(12) *Item 12: Does IFB or RFP permit bidding on partial quantities?* Check the appropriate block to indicate whether or not the IFB or RFP permits bids or quotations on partial quantities.

(13) *Item 13: Preferential treatment.* Check the appropriate block to indicate whether preferential treatment is to be given the Labor Surplus, Disaster Area, or the Small Business Program.

(14) *Item 14: If Small Business set-aside is indicated in Item 13.* Check the appropriate block to indicate whether the small business set-aside is a total set-aside or a partial set-aside. If a partial small business set-aside is made, enter the percentage of partial set-aside. Unilateral set-asides shall not be reported as joint set-asides under any circumstances.

(15) *Item 15: Current number of concerns on bidders list for item or service.* Enter the total number of active bidders on the bidders list for the item or service being procured. Indicate in the appropriate blocks the number of large business concerns and small business concerns of the total number of active bidders shown.

(16) *Item 16: Number of concerns to be initially solicited on this procurement.* Enter the total number of concerns being solicited. Indicate in the appropriate blocks the number of large business concerns and small business concerns to be solicited. When the number of suppliers solicited indicates that solicitation has been limited to a single source, a copy of the contracting officer's justification for single source procurement (§ 3.210–3 of this title) shall be attached to the duplicate copy of the DA Form 1877 covering the proposed procurement.

(17) *Item 17: Check type specification used.* Check the appropriate block to indicate the type of specification used in the proposed procurement for which DA Form 1877 is being prepared. The reasons for repetitive use, in lieu of specifications, of a "purchase description" or a "brand named item or equal description" shall be explained on the reverse of the form.

(18) *Item 18: Are drawings to be furnished with IFB or RFP?* Check the appropriate block to indicate whether all drawings applicable to the proposed procurement are to be furnished with the IFB or RFP. If the answer is "No," explain the reason why the drawings are not to be furnished.

(19) *Item 19: If answer to Item 18 is "No," are prospective contractors to be advised as to where drawings can be inspected?* Check the appropriate block.

(20) *Item 20: Does proposed IFB or RFP contain the clause "Utilization of Small Business Firms in Subcontracting"?* This block shall be executed on proposed procurements which may result in an award of a fixed-price supply contract in an amount of $5,000 or more. If the answer to block 20 is "Yes," check the appropriate block to indicate whether or not the contract clause required by § 7.104–14 of this title is to be used in the proposed procurement.

(21) *Item 21: Does proposed procurement lend itself to subcontracting opportunities?* Check the appropriate block to indicate whether or not, in the opinion of the contracting officer, the proposed procurement lends itself to small business subcontracting opportunities. Indicate whether or not the Small Business Subcontracting Program clause (§ 1.707–3(b) of this title) is to be included in proposed contract.

(22) *Item 22: Does proposed IFB or RFP provide for progress payments?* Check the appropriate block to indicate whether or not provisions are being made for progress payments in the proposed procurement.

NOTE. Before items 23, 24 and 25 are executed by the contracting officer or the small business specialist, the small business specialist shall confer with the contracting officer regarding any points in question or any recommendations he would like to make regarding the proposed procurement.

(23) *Item 23: Authentication of contracting officer or authorized representative.* The signature of the contracting officer (or his authorized representative) shall be affixed in this block, except that whenever entries in blocks 1 through 22, inclusive, require explanation, block 23 shall be signed only by the contracting officer.

(24) *Item 24: Statement of Small Business Specialist or Small Business Advisor after reviewing the proposed procurement.* Check the appropriate block to indicate whether or not in your opinion small business concerns have been given an equitable opportunity to compete for the proposed procurement. This review is to be made not less than 48 hours prior to the finalization and solicitation for mailing. Consideration shall be given to all of the essential elements constituting "an equitable opportunity to compete" as set forth in § 590.701–51. If the small business specialist or the small business advisor indicates that in his opinion an equitable opportunity to compete for the procurement has not been afforded small business concerns, an explanation as to whether or not justifiable reasons exist shall be added on the reverse of the form or attached thereto. These reasons may supplement or support the statement entered by the contracting officer. Such incidents shall be brought to the attention of the commanding officer.

(25) *Item 25: Date and signature line for use of Small Business Specialist.* The signature of the purchasing office's small business specialist shall be affixed in this block.

Subpart H—Labor Surplus Area Concerns

§ 590.801–50 Economic Utilization Program.

This is a program designed to accomplish the objectives of the Labor Surplus Area Program giving full consideration to the activation and development of under-utilized economic resources of the nation in support of defense procurement and logistics programs.

§ 590.802–50 General policy.

Successful execution of the objectives of the Labor Surplus Area Program is specifically the responsibility of the individuals designated as Small Business and Labor Surplus Advisors within the Department of the Army, as set forth in § 590.704–50. However, all Army personnel engaged in procurement and related activities share in the responsibility for conscientiously and effectively carrying out the policies, procedures, and aims of the Program.

§ 590.803–50 Identification of Labor Surplus Area Concerns.

(a) For the purpose of identifying and giving appropriate consideration to labor surplus area concerns, contracting officers will require each prospective contractor to make a written representation in his bid, proposal, or quotation indicating whether he proposes to perform as a labor surplus area concern. This will be accomplished by including substantially the following statement in the schedule accompanying each solicitation issued by Department of the Army purchasing activities in the United States, its possessions and Puerto Rico, except (1) when a set-aside for Labor Surplus Area Concerns is made pursuant to § 1.804 of this title, and (2) construction contracts:

(1) Preference in contract award is given to labor surplus area concerns in the case of labor surplus area set-asides, equal low bids, and the evaluation of bids and proposals in accordance with the Buy American Act:

(2) Bidder, offeror or quoter represents that he ☐ is, ☐ is not a ☐ persistent, ☐ substantial Labor Surplus Area Concern;

(3) Failure to make an affirmative representation and to submit the additional information concerning areas of performance called for elsewhere in your bid, proposal, or quotation will preclude consideration of your company as a labor surplus area concern. In making such representation, bidders, offerors, or quoters will be guided by the following definition:

(a) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent Labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(b) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or to cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, as a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(b) The following provision shall be included in all invitations for bids initiated by purchasing activities in the United States, its possessions and Puerto Rico, except for construction contracts. It shall be appropriately modified for similar mandatory use by such activities in solicitations which will result in negotiated fixed price contracts:

AGREEMENT TO PERFORM AS A LABOR AREA SURPLUS CONCERN (JULY 1962)

A bidder desiring to be considered for award as a labor surplus area concern must (a) make an affirmative representation that he is a labor surplus area concern (as defined in and provided for elsewhere in the schedule) and (b) identify in his bid, prior to the time of opening, the geographical areas in which he proposes to perform or cause to be performed a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposed to perform, provided that he so notifies the contracting officer before contract award. Any preference for award will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

The bidder agrees that if awarded a contract for which he would not have qualified had he not been a persistent labor surplus area concern, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award or at the time of performance of the contract, as persistent labor surplus areas; further, that if awarded a contract as a substantial labor surplus area concern, he will perform or cause to be performed a substantial proportion of the production in areas classified at the time of award or at the time of performance of the contract as substantial or persistent labor surplus areas.

§ 590.803–51 Techniques of operation.

The philosophy and policy objectives of the Economic Utilization Program require that individuals assigned program responsibility shall promote the policy objectives set forth in § 1.802 of this title and with vigor and imagination search out, test and promote Army-wide application of those practices which will assure placing contracts with labor surplus area concerns to the maximum extent feasible. To this end Small Business and Labor Surplus Advisors normally shall:

(a) Maintain and disseminate current information on areas, industries and specific facilities which are or may become economically distressed, and which have a significant potential to participate in Defense procurement and logistics programs;

(b) In connection with specific major procurements or other logistics actions, serve as advisor and consultant to those responsible for final decisions in order to assure that a full awareness of underutilized economic resources is known and taken into consideration in making such decisions;

(c) Cooperate with state, regional, local and industry leaders upon request by advising them on how to prepare and make known to appropriate Defense officials information regarding underutilized plants and other resources which can be employed in support of defense procurement;

(d) Study procurement policies and practices in order to recommend revisions in policies and to identify opportunities for more effective implementation of Subpart H, Part 1 of this title; and

(e) Assist contracting officers in assuring full application of the distressed labor area policy by prime contractors and major subcontractors.

5. Section 590.1005–5 is revised to read as follows:

§ 590.1005–5 Authority and delegation (under 44 U.S.C. 324).

(a) Authority to approve the publication of paid advertisements in newspapers, magazines, and other periodicals in connection with the dissemination of procurement information (invitations for bids and proposed purchases), recruitment of both military and civilian personnel, and other forms of advertising authorized by law has been delegated by the Assistant Secretary of the Army (Installations and Logistics) to:

(1) Commanding generals and their deputies, ZI armies, for recruiting purposes.

(2) Commanding General, U.S. Army, Alaska, for recruiting purposes.

(3) Commanding General, U.S. Army Communications Zone, Europe, for the recruitment of indigenous labor at local wage rates.

(4) Commanding General, U.S. Army Materiel Command, for advertising Army-owned interchange freight and passenger car equipment in official train equipment registers and for recruitment of civilian personnel.

(5) Director of Personnel and Training, U.S. Army Materiel Command, for recruitment of civilian personnel.

(6) Director of Materiel Readiness, U.S. Army Materiel Command, for advertising Army-owned interchange freight and passenger car equipment in official train equipment registers.

(7) Commanders of the following commands, for recruitment of civilian personnel:

(i) U.S. Army Mobility Command.
(ii) U.S. Army Munitions Command.
(iii) U.S. Army Missile Command.
(iv) U.S. Army Weapons Command.
(v) U.S. Army Electronic Command.
(vi) U.S. Army Supply & Maintenance Command.
(vii) U.S. Army Test & Evaluation Command.

(8) Chief, Office of Personnel Operations, for recruiting purposes.

(9) The Adjutant General, Department of the Army, for recruiting purposes only.

(10) Chief of Engineers, for real estate and civil and military construction matters in CONUS and overseas and for recruitment of civilian personnel.

(11) Division Engineers, Corps of Engineers, for real estate, civil and military construction matters.

(12) The Surgeon General, for recruitment of civilian personnel.

(13) Chief, U.S. Army Audit Agency, for recruitment of civilian personnel.

Such delegated authority shall not be redelegated.

(b) No advertisement, notice, or proposal shall be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named above.

6. New Subparts O and P are added as follows:

Subpart O—Options

Sec.
590.1506–50 Option to renew.

Subpart P—Novation Agreements

590.1604 Novation agreements affecting more than one department.
590.1650 Novation agreements affecting only Army contracts.

AUTHORITY: §§ 590.1506–50 to 590.1650 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart O—Options

§ 590.1506–50 Option to renew.

(a) *Conditions for use.* The clause set forth in paragraph (b) of this section is authorized for use in negotiated contracts for services for which all of the following conditions hold:

(1) The initial contract period ends at the end of the fiscal year;

(2) Any renewal will likewise be for a period ending at the end of the fiscal year then current;

(3) There is a continuing need to meet the operational requirements of the installation or activity;

(4) Annual funds are consistently appropriated; and

(5) It will be necessary to initiate negotiations for any extension or renewal of the original contract prior to the availability of funds therefor.

If the original contract is negotiated and signed prior to availability of funds, the provisions of § 1.318 of this title will be followed.

(b) *Clause.*

OPTION TO RENEW CONTRACT FOR ADDITIONAL PERIOD

(a) At the option of the Government, the contractor agrees to negotiate for the continuance of services of the general type hereunder: *Provided that*, The Government notifies the contractor in writing of the intention to negotiate for such continuation at least sixty (60) days prior to the 30th day of June each year, except that in no event will services be continued beyond 30 June 19__. In the event that performance of services is to be continued through the exercise of this option, the Government agrees to notify the contractor of the date on which such performance will begin.

(b) The contractor may refuse annual continuance of the services of the general type hereunder at the end of any fiscal year (30 June) by giving the contracting officer a written notice to the effect that such continuance will not be accepted, and the contractor agrees to give such notice at least one hundred and twenty (120) days prior to the end of the current contract period.

(c) The contractor further agrees to give the Government an option to extend this contract under the terms thereof for one month for final contract administration and simultaneous cooperation with any contractor who may be awarded a contract for any subsequent period.

(c) *Instructions.* (1) Before exercising the right of the Government to call for negotiation of a renewal or extension of the contract pursuant to the clause in paragraph (b) of this section, the contracting officer shall:

(i) Assure himself that funds may reasonably be expected to be available to continue the work for the new period;

(ii) Determine that authority to negotiate the renewal or extension exists; and

(iii) Determine that, price and other factors considered, no useful purpose would be served by competitive negotiation.

(2) Before the negotiated supplemental agreement evidencing renewal or extension of the contract is executed, the contracting officer shall:

(i) Make certain that the contractor understands that any work performed prior to receiving notice of availability of funds is at the contractor's risk; and

(ii) Insure that the supplemental agreement contains language to the following effect:

Funds are not presently available for the procurement represented by this Modification No. ------ to Contract ------. The Government's obligation under this Modification No. ------ is contingent upon the availability of appropriated funds from which payment can be made. No legal liability on the part of the Government for payment of any monies shall arise unless and until funds are made available to the contracting officer for this Modification No. ------ and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the contractor.

(3) Paragraph (c) of the clause in paragraph (b) of this section may be omitted when the contracting officer considers that its use would be inappropriate.

Subpart P—Novation Agreements

§ 590.1604 Novation agreements affecting more than one department.

If authorized by the Director of Procurement, OASA (I&L) upon his referral of a novation agreement matter affecting more than one department to a head of procuring activity, such head of procuring activity may coordinate directly with the other departments concerned and act for the Department of the Army in consummating any such agreement. When a disagreement cannot be resolved, the matter shall be forwarded promptly to the addressee listed in § 590.150(b)(6) together with the pertinent files and a recommended solution. If the head of procuring activity concerned is not authorized to coordinate directly with other departments and to act for the Department of the Army in consummating the novation agreement, the procuring activity to which the matter is referred shall furnish an analysis of required actions and a recommended novation agreement to the addressee listed in § 590.150(b)(6).

§ 590.1650 Novation agreements affecting only Army contracts.

(a) When, pursuant to § 1.1602 or § 1.1603 of this title, it becomes necessary to execute a novation agreement affecting only Army contracts, each contractor concerned shall be advised that three copies of the novation agreement and one copy of each of the documents required by § 1.1602 or § 1.1603 of this title are required to be submitted to the Army procuring activity having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor. The head of procuring activity, or his designee as otherwise provided for in this section, is authorized to execute the agreement on behalf of the Department of the Army.

(b) A head of procuring activity may delegate the authority to execute novation agreements referred to in paragraph (a) of this section:

(1) To a duly authorized representative who is a member of his headquarters staff; or

(2) To a contracting officer, provided such contracting officer has a legal advisor available and is administering all of the contracts which will be affected by the proposed novation agreement.

(c) A contracting officer learning of a proposed change of name, merger, incorporation of a hitherto noncorporate contractor, or any other situation calling for execution of a novation agreement shall:

(1) Refer the contractor to the provisions of Subpart P, Part 1 of this title;

(2) Advise the contractor to notify all Army contracting officers concerned of the proposed change at least 30 days before completion of actions which will accomplish the change; and

(3) Encourage the contractor to confer with the appropriate legal office with respect to questions concerning required documentation and terms and conditions of the novation agreement.

(d) Any necessary coordination shall be effected directly between procuring activities concerned and shall normally be initiated by the procuring activity which has responsibility for executing the novation agreement. If the head of procuring activity responsible for effecting a novation agreement and the contractor concerned cannot resolve their differences with respect to a novation agreement, including the sufficiency of the evidence submitted in support thereof, the file together with a recommendation for disposition shall be submitted promptly to the addressee listed in § 590.150(b)(6).

(e) The following distribution of novation agreements shall be made by the official executing the agreement:

(1) The original signed number shall be sent to the addressee listed in § 590.150(b)(12) for the General Accounting Office.

(2) The duplicate signed number shall be furnished to the contractor.

(3) The triplicate signed number shall be retained by the procuring activity which executes the agreement.

(4) An authenticated copy shall be furnished to each contracting officer who is administering a contract affected by the agreement (through the appropriate head of procuring activity) and to the U.S. Army Audit Agency.

(f) Maximum use shall be made of an administrative notice in lieu of a copy of the agreement to inform those activities which must have knowledge of such an agreement but have no requirement for the full agreement (e.g., cognizant disbursing offices). Such notice shall reflect the effective date of the agreement; a brief statement of the change effected; the name, title, and office of the individual executing the agreement; and the designation of each guarantor of performance under the agreement.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

7. Section 591.451 is revised to read as follows:

§ 591.451 Requests for decision by the Comptroller General.

(a) *Administrative Report (exempt report, par. 39f, AR 335–15).* Each case submitted for a decision by the Comptroller General shall be accompanied by an administrative report signed by the contracting officer. This report shall (1) summarize the matter at issue, (2) state the findings and recommendation of the contracting officer, (3) indicate the actions taken, and (4) provide any additional information or evidence deemed necessary, including any documentation specifically requested by the Comptroller General or required by Subchapter A. After review of the report by the head of procuring activity concerned, his deputy, or principal assistant responsible for procurement, it shall be forwarded as prescribed in paragraph (b) of this section, together with any additional appropriate information and with a statement of the position and recommendation of the reviewer.

(b) *Submission of requests.* Procurement matters shall be submitted to the Comptroller General for decision as follows:

(1) Procuring activities subordinate to Headquarters, U.S. Army Materiel Command, shall forward matters to that Headquarters.

(2) Headquarters, U.S. Army Materiel Command and the Chief of Engineers shall forward cases other than those involving requests for remission of liquidated damages direct to the Comptroller General in accordance with special procedures which have been prescribed. Cases pertaining to remission of liquidated damages (§ 590.310 of this chapter) shall be forwarded to the addressee in § 590.150(b)(1) of this chapter for processing to the Comptroller General.

(3) Procuring activities other than in subparagraphs (1) and (2) of this paragraph shall forward matters by a covering letter inclosing the administrative report to the addressee in § 590.150(b)(6) of this chapter.

PART 592—PROCUREMENT BY NEGOTIATION

8. Subpart A is revised to read as follows:

Subpart A—Use of Negotiation

Sec.
592.101 Negotiation as distinguished from formal advertising.
592.102 General requirements for negotiation.
592.111 Protests against award.
592.112 Disclosure of mistakes after award.

AUTHORITY: §§ 592.101 to 592.112 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 592.101 Negotiation as distinguished from formal advertising.

Unless negotiation is mandatory (e.g., § 3.206 of this title), before resorting to negotiation, as distinguished from formal advertising, careful consideration shall be given not only to the feasibility and practicability of the traditional formal advertising procedures, but also to the two-step formal advertising procedures as set forth in Subpart E, Part 2 of this title. Where it is feasible to enter into a contract on a fixed-price basis after competition, only the most cogent reasons are sufficient to justify the impracticability of formal advertising. The fact that a proposed procurement may fall within one of the negotiating exceptions under 10 U.S.C. 2304 (a) (1) through (17) §§ 3.201 through 3.217 of this title) does not within itself justify negotiating such procurement unless a proper determination is also made that it is infeasible and impracticable to accomplish it by formal advertising.

§ 592.102 General requirements for negotiation.

(a) It is normally not consistent with the nature and requirements of a contract for personal services or for certain types of professional services to secure competition. See, for example, § 606.204–4 of this chapter relating to selection of architect-engineers.

(b) When Standard Form 18 (Request for Quotations) is used to solicit responses from prospective contractors, the responses thereto are not offers; they cannot be "accepted" to form a contract. Accordingly, the terms "bid," "bidder," "offer," "offeror," "proposal," and "proposer" are not appropriate to describe the relationship created by a Request for Quotations and a response thereto. DD Form 746 (Request for Proposals and Proposal), with related forms as set forth in § 16.203 of this title, is also used in negotiated procurement to solicit responses from prospective contractors. DD Form 746 seeks responses which are offers, subject to acceptance, to form the intended contract. Accordingly, a solicitation on DD Form 746 should contain (by reference or otherwise) all of the definitive terms and conditions anticipated to be contained in the resulting contract, including all required clauses. Whether a solicitation is made on Standard Form 18 or DD Form 746, the "Instructions to and Information for Prospective Contractors" (however captioned) should be kept to a separate portion of the solicitation package; its terminology should be consistent with the form of solicitation; it should contain nothing inconsistent with the substantive provisions of the intended contract, and accordingly should not restate in different words provisions of the intended contract which are also a part of the solicitation package; and finally, it should be logically organized with divisions and subdivisions appropriately marked with numbers or letters for identification and cross-reference purposes.

§ 592.111 Protests against award.

The procedure set forth in § 2.407–9 of this title and § 591.407–9 of this chapter, substituting the documents appropriate to negotiation for those of formal advertising, shall be used.

§ 592.112 Disclosure of mistakes after award.

The procedure set forth in § 2.406–4 of this title and § 591.406–4 of this chapter, substituting the documents appropriate to negotiation for those of formal advertising, shall be used.

PART 593—SPECIAL TYPES AND METHODS OF PROCUREMENT

9. Section 593.102 is revoked, and new Subparts B and J are added, as follows:

§ 593.102 Formal advertising. [Revoked]

Subpart B—Procurement of Research and Development

§ 593.205–1 Selection of sources.

(a) *Unsolicited proposals.*

(1) An unsolicited proposal is one submitted without formal or informal request or solicitation from any representative of the Government, and may result from participation in the Department of the Army research and development unfunded study program or from the issuance of "Problem Guides" or similar publications intended to encourage private invention and innovation. The public interest requires a thorough consideration of all possible sources for research and development of improved military materiel and related processes, including unsolicited proposals. Accordingly, reasonable precautions shall be taken to safeguard the ideas and privileged technical information furnished in any proposal from untimely disclosure and unauthorized use. It is the responsibility of the proposer to protect his interest under the patent and copyright laws by a restrictive marking similar to the legend in § 3.109 of this title.

(2) A prospective contractor who submits an unsolicited proposal is not entitled to preferential treatment in the award of any contract. If he has any advantages they come from his knowledge of the inventive proposal, design characteristics, fabrication techniques, and product performance which might make him the most qualified source for further development and refinement of the product, for production engineering services, and for initial production quantities where reduction of lead time is a factor.

(3) Where unsolicited proposals are not related to a project for which proposals have been requested from other sources, the provisions of AR 825–20, which prescribe administrative handling and technical evaluation, will be carefully followed to encourage prospective contractors to disclose ideas having possible military value which they have originated, advanced, or developed. After a proposal has been found to be technically feasible and a military requirement has been established, the proposer's capabilities will be appraised. For research or development work to be obtained from him, the proposer will be notified as to: (i) the purpose of the appraisal; (ii) the Government's policies regarding competition in procurement; and (iii) the authorized and required contract provisions relating to patents, licenses, and data.

(4) When an unsolicited proposal is received relative to a project for which proposals have been requested from other sources known to be qualified, the unsolicited proposal shall be evaluated within the guidelines of the desired work. If the evaluation is favorable, the proposer will be provided with any detailed information furnished to the other sources, and will be given an opportunity to make any changes necessary so that his proposal may conform to the Government's requirements. The selection of the successful offeror will be made in accordance with Subpart B, Part 4 of this title.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart J—Procurement of Expert, Consultant, and Stenographic Reporting Services

Sec.
593.1001 Experts, consultants, and stenographic reporters.
593.1002 Employment by appointment.
593.1003 Employment by contract.
593.1003–1 General.
593.1003–2 Applicability of procedure.
593.1003–3 Award approval requirements.
593.1003–4 Incidents of temporary or intermittent employment by contract.
593.1003–5 Limitations.
593.1004 Contracts with organizations for expert or consultant services.
593.1005 Criteria for submission for secretarial consideration of proposed contracts for nonpersonal expert or consultant services.
593.1006 Contracts for stenographic reporting services.

AUTHORITY: §§ 593.1001 to 593.1006 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 593.1001 Experts, consultants, and stenographic reporters.

(a) Generally, the temporary or intermittent employment by contract (as distinguished from appointment) of experts, consultants or stenographic reporters is authorized by statutory authority contained in two enactments.

(1) One such authority is permanent legislation. Section 15 of the Act of August 2, 1946 (Pub. Law 600, 79th Cong; 60 Stat. 810; 5 U.S.C. 55a) provides:

> The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act [see 5 U.S.C. 661–663, 664–669, 670–672, 673, and 674] at rates not in excess of the per diem equivalent of the highest rate payable under said sections, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this Act [see 41 U.S.C. 5].

(2) The other authority is annual legislation found as a recurring provision in the Department of Defense Appropriation Act. Supplementary authority may also be found in other appropriation acts, such as that for the Civil Functions of the Department of the Army. The annual Department of Defense Appropriation Act language is essentially the same as section 501 of Public Law 87–577 (76 Stat. 318, 327), which provides:

> During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

(b) As used in this subpart, a contract for personal services is one under which the relationship of employer-employee is created between the parties. Ordinarily this relationship exists when the Government has the right, whether or not such right is exercised, to control and direct the individual, not only as to the results to be accomplished by the work, but also as to the details and means by which the results are to be accomplished. If the contractor is subject to the control or direction of the Government only as to the result to be accomplished but not as to the means and methods for accomplishing such result, he is normally an independent contractor and not an employee. When the contract calls for the delivery by the contractor of an end product or end result which is described in the contract in reasonably specific terms, without providing for Government supervision of the methods or means by which such end product is to be produced or end result is to be achieved, the relationship of employer-employee is normally not created by the contract. Notwithstanding the foregoing general criteria, the Comptroller General of the United States has held in effect that when the services to be performed, by their nature, represent the discharge of a governmental function (e.g., performance of services which are regularly performed by Government employees, such as inspection services and functions which call for exercise of personal judgment and discretion on behalf of the Government) such services are personal in character. For procurement purposes, the significance of a thorough understanding of the criteria which distinguish personal services from nonpersonal services lies in the fact that the Comptroller General has held in numerous instances that, as a general rule, purely personal services to be rendered to the Government may not be obtained on a contractual basis, but are required to be performed by regular employees. Exceptions to this general rule are found in a few statutes, such as those cited in paragraph (a) of this section; the Comptroller General has also recognized certain unusual circumstances (see § 593.1005) as justifying an exception. It is not always easy to determine whether a contract is one for personal services, but when the Government is to furnish all of the necessary equipment, supplies, and working space and the services are of a continuing rather than temporary nature, to be paid for on the basis of time worked by the contractor, the contract would, in the absence of unusual circumstances, be considered as one for personal services.

§ 593.1002 Employment by appointment.

The authorities set forth in § 593.1001 (a) permit the temporary or intermittent employment by appointment of individuals as experts and consultants. Such appointments are processed by the Civilian Personnel Office in accordance with the instructions set forth in Civilian Personnel Regulations (CPR) A–9. The temporary or intermittent personal services of an expert or consultant shall be obtained by the appointment method, rather than by contract, except as follows:

(a) Where the services are included in the categories set forth in § 606.204–2(b) (1), (2), (4) and (5) of this chapter;

(b) Where the services will be performed by foreign nationals;

(c) Where the services will be performed outside the United States in fields other than those covered by § 606.204–2(b) (2) and (5) of this chapter;

(d) Where architect-engineer services of a personal services nature will be performed (§ 606.204–4 of this chapter); or

(e) Where special circumstances preclude use of the appointment method, as where services of a particular expert or consultant are necessary and the individual is willing to serve only under a contract.

§ 593.1003 Employment by contract.

§ 593.1003–1 General.

(a) If the funds for a contract of the type described in 5 U.S.C. 55a are not contained in the annual DOD Appropriation Act, a submission for Secretarial action shall identify the appropriation act involved; shall to the extent practicable follow the procedures set forth in this subpart and shall contain informa-

tion necessary to demonstrate compliance with the particular appropriation

be performed by regular Department of the Army personnel;

also be necessary to report or withhold the contractor's income for State income

under which he is entitled to accrue annual leave, his unused annual leave is carried forward to the new contract (or

the appropriate Civilian Personnel Officer as his representative for the purpose of administering provisions relating to

under the supervision of regular Government employees. Moreover, even though

report to the addressee in § 590.150(b)(6) of this chapter.

Prospective Contractors (however captioned) should be kept to a separate

factor.

legislation. Section 15 of the Act of

their nature, represent the discharge of a governmental function (e.g., perform-

this subpart and shall contain informa-

tion necessary to demonstrate compliance with the particular appropriation act provision relied upon as being complementary to 5 U.S.C. 55a.

(b) Before a contract to which the statutory provision contained in the annual DOD Appropriation Act (see § 593.1001(a)(2)) is applicable may be entered into, the Assistant Secretary of the Army (Installations and Logistics) or the Assistant Secretary of the Army (Research and Development), as the case may be, is required personally to determine (1) that to do so is advantageous to the national defense and (2) that the existing facilities of the Department of the Army are inadequate. Except as provided in § 606.204–2(b) of this chapter such determinations are made on a case-by-case basis, after submission of the information called for in § 593.1003–3 to the appropriate Assistant Secretary.

§ 593.1003–2 Applicability of procedure.

The procedures set forth in §§ 593.1003—593.1003–5 apply to any contract for temporary or intermittent personal services if the contract is for (a) stenographic reporting services or (b) services of an expert or consultant. (See § 606.204–4 of this chapter concerning architect-engineer contracts for personal services.) The procedures set forth in §§ 593.1003—593.1003–5 do not apply to contracts for the services of teachers in schools for military dependents (see AR 350–295), the services of contract surgeons (see AR 40–1), the services of technical representatives or for management engineering services where there is no direct Government supervision or control over contractor personnel and such services are obtained on an end product basis (see AR 750–22 and AR 1–110 respectively), or the employment of counsel for Army personnel tried before a foreign tribunal (see AR 633–55).

§ 593.1003–3 Award approval requirements.

(a) Any proposed award as to which the head of procuring activity concerned has not been delegated award approval authority (§ 606.204–2(b) of this chapter) shall be submitted to the Assistant Secretary of the Army (Installations and Logistics) or (Research and Development) as appropriate. The file submitted shall include the following:

(1) A narrative request that the Assistant Secretary make the required determinations and approve the proposed award, explaining in separate paragraphs:

(i) Why the services are needed and for what period.

(ii) The reasons the proposed contract would be advantageous to the national defense,

(iii) An analysis of the proposed compensation in relation to the work to be performed and the Classification Act rate of pay for a regular employee performing similar or comparable services, and

(iv) The basis for certifying that the existing facilities of the Department of the Army are inadequate, to include an explanation of why such services cannot be performed by regular Department of the Army personnel;

(2) Applicable information called for by § 606.203(b) of this chapter to the extent not duplicated by the information called for under subparagraph (1) of this paragraph; and

(3) A certificate, signed by the head of the procuring activity concerned, as follows:

> The employment of _____ will not be in excess of the civilian personnel authorization established by the Department of the Army for the (Army agency in which the individual is to work); the proposed contract is advantageous to and necessary for the national defense; existing facilities of the Department of the Army are inadequate; and the proposed compensation is considered reasonable.

(b) If a proposed contract is in one of the categories described in § 606.204–2(b) of this chapter and the head of the procuring activity concerned has been delegated award approval authority, it shall be submitted to the head of the procuring activity for such award approval. Accompanying the request for award approval, and notwithstanding the annual Secretarial determinations described in § 606.204–2(b) of this chapter, the request for award approval shall be accompanied by (1) an explanation of why the services are needed and for what period, (2) a statement of the reasons the proposed contract would be advantageous to the national defense, (3) a justification of the proposed compensation, and (4) except for "DEFSIP–B" personnel, a statement of the basis for certifying that the facilities of the Department of the Army are inadequate. Additionally, except for contracts covering DEFSIP–B personnel, the certificate set forth in paragraph (a)(3) of this section shall accompany the file and be executed by the head of the requesting procurement office.

(c) Unless the criteria in § 593.1005 apply, Secretarial determinations as required by the statutes described in § 593.1001(a) are not required for nonpersonal service contracts with an individual, except such a contract for stenographic reporting services.

§ 593.1003–4 Incidents of temporary or intermittent employment by contract.

(a) *Federal Social Security taxes.* Individuals (other than aliens performing services outside the United States, the Virgin Islands, and Puerto Rico, and alien specialists retained to meet the requirements of "DEFSIP–B") who perform personal services on a temporary or intermittent basis under contracts are generally eligible for old age and survivors insurance coverage under Social Security statutes. A contracting officer administering a personal services contract under which the individual is eligible for such coverage shall, before performance begins under such contract, takes steps necessary to cause the appropriate Finance and Accounting Office to make deductions as required (see AR 37–105).

(b) *Income tax withholding.* Individuals employed under personal services contracts are generally subject to withholding of Federal Income Tax. It may also be necessary to report or withhold the contractor's income for State income tax purposes (see 5 U.S.C. 84b). Accordingly, the contracting officer administering a contract under which payments to the contractor are subject to income tax withholding shall, before performance begins under such contract, take steps necessary to cause the appropriate Finance and Accounting Office to make the necessary deductions and reports (see AR 37–105).

(c) *Annual and sick leave.* (1) An individual employed under a contract to render personal services, which because of their nature preclude specifying in the contract the hours and days of a week during which the individual will regularly perform services on a repetitive basis, is not entitled to annual or sick leave.

(2) An individual employed under a personal services contract (including any extension thereof) in which there has been established a regular weekly tour of duty is entitled to accrue and use sick leave, and, where the contract (or any extension thereof) also provides for a performance period in excess of 90 days, is also entitled to accrue and use annual leave pursuant to the Annual and Sick Leave Act of 1951, as amended. Administration of leave benefits shall be in accordance with the CPR L1.

(i) In preparing the schedule of the contract it is essential that the contracting officer, in coordination with the civilian personnel officer, determine the amount of sick and annual leave, if any, which a particular contractor may have to his credit and to specify in the contract a correct statement of the contractor's sick and annual leave entitlements. Prior Government service may affect a contractor's sick and annual leave credits as well as the rate at which he will accrue annual leave. Thus, while the contract with any individual who is entitled to accrue and use annual and sick leave will provide that leave entitlements and benefits will be administered pursuant to the pertinent provisions of CPR L1, which will be incorporated into the contract by reference, it should also contain a statement concerning the contractor's leave entitlements (credits as well as rates of accrual) in sufficient detail to permit an audit of the contract by reference only to the contract terms and CPR L1, without necessity of referring to the contractor's personnel folder (see paragraph (d) of this section).

(ii) A contractor who is entitled to leave benefits may not take leave after the end of the contract performance period. While leave credits may be carried over in certain instances as specified in CPR L1, if the contractor has not become entitled to use all or any part of his sick leave at the end of the contract period, he is not entitled to payment therefor. A contractor may be paid under the contract in a lump sum for his unused annual leave at the end of the contract period, provided he is not re-employed in an annual leave earning status within a period equal to that of his unused annual leave. If he is re-employed, after the end of the contract period, in a status

under which he is entitled to accrue annual leave, his unused annual leave is carried forward to the new contract (or appointment). These illustrative situations suggest the difficulties which may be encountered in obligating funds to cover performance under a personal services contract wherein the contractor is entitled to leave, as well as possible difficulties which may be encountered whether or not the contract or employment is continued without a break in service. Since a contractor may be required to take annual leave, it is Army policy to recite this fact in the contract and to so administer performance and leave benefits that, at the end of the contract period, the contractor will have used his accrued annual leave. When, for compelling reasons, it is not possible for the contractor to use his annual leave during the period of performance, and he becomes otherwise entitled to a lump sum payment for unused leave, action must be taken a sufficient period before the end of the contract period to obligate funds necessary to liquidate the lump sum annual leave payment (see AR 37–20). Also, when a lump sum annual leave payment is made, follow up action is required to insure that, if by virtue of unanticipated re-employment the contractor becomes obligated to refund the lump sum payment, prompt collection action is taken and leave credit is carried forward.

(iii) Holidays and nonwork days: (a) As a matter of policy, a contractor employed under a personal services contract will not be paid for holidays on which he does not work or for other nonwork days. This policy must be reflected in the contract terms and shall be taken into account in establishing the contract price as well as the payments made thereunder.

(b) The fact that a contractor otherwise entitled to leave does not render services during his regularly scheduled work week solely due to holidays or nonwork days established by Federal statute or Executive or administrative orders does not deprive him of leave entitlements as set forth above.

(c) An individual employed on a part-time basis under a personal services contract, in which there has been established a regular tour of duty and wherein a performance period in excess of 90 days has been established, shall be entitled to accrue and use annual and sick leave. The amount of such leave shall be on a pro rata basis as provided in CPR L1.

(d) *Coordination with Civilian Personnel Office.* It is necessary that authorized manpower ceilings not be exceeded (except that such ceilings are not applicable to individuals obtained to meet the requirements of the DEFSIP–B program) and that the cognizant Civilian Personnel Office establish certain records and files on individuals employed to render personal services under contracts (see CPR A9.3–5). Accordingly, the contracting officer administering such contract shall effect necessary coordination with the Civilian Personnel Office before award of the contract. The contracting officer may also designate the appropriate Civilian Personnel Officer as his representative for the purpose of administering provisions relating to annual and sick leave, obtaining from the contractor necessary data for FICA and income tax withholdings, administering conflict of interest provisions applicable to the contractor, and within-grade increases in connection with DEFSIP–A contractors (see CPR P8.2).

§ 593.1003–5 Limitations.

(a) The following limitations set forth in paragraphs (b) through (e) of this section are applicable to any contract within the coverage of § 593.1003–2.

(b) Prior to award of a contract for services under the DEFSIP program, appropriate security clearance shall be obtained from the Assistant Chief of Staff for Intelligence except in cases where the individual concerned is brought to the United States under waiver of documentation procedures.

(c) No contract shall provide for the performance of services beyond the close of the fiscal year during which it is executed. However, a contract may provide for renewal at the beginning of the succeeding fiscal year upon written notification to the contractor by the contracting officer. Such notification shall be given only after the required determinations (§ 593.1003–1(b)) have been made by the Secretary and funds have been made available to the contracting officer for continuation of the contract. If the funds used are NO YEAR funds and are available, the renewal may be made contingent only upon the making of the required determinations by the Secretary.

(d) Compensation of the individual shall, to the maximum extent practicable, be substantially equivalent to that for the civil service grade corresponding to the services to be performed by such individual, but in no case shall the compensation exceed the maximum rate set by the Classification Act pay schedules for grade GS–15; provided, however, that the contract may provide for travel expenses, including actual transportation and per diem in lieu of subsistence while the individual is traveling from his home or place of business to official station and return, as may be authorized by law (5 U.S.C. 73b–2 and CPR T3). In accordance with DOD policy, contracts under the DEFSIP–A program will provide for periodic within-grade salary increases in the same amounts and at the same time intervals as applicable to employees in corresponding Classification Act pay grades. See CPR P8.2.

(e) In procuring personal services by contract, the conflict of interest and other applicable provisions of CPR A9, Employment of Experts and Consultants, must be observed. The pertinent provisions of CPR A9 relating to conflicts of interest shall be specifically incorporated into the contract by reference.

§ 593.1004 Contracts with organizations for expert or consultant services.

(a) A contract for personal services to be rendered to the Government should not be made with an organization; e.g., it is improper for a contract with an organization to call for the contractor to supply personnel to work alongside and under the supervision of regular Government employees. Moreover, even though the contract may be prepared on a nonpersonal services basis (e.g., call for an end product), if it is one which calls for the contractor or his employee to exercise for, or on behalf of, the Government that type of discretion or decision which is proper only for exercise by regular personnel of the Government, the contract should not be entered into. Subject to the foregoing, a contract may be entered into with an organization for expert or consultant services if:

(1) The obligation of the contract is that of the organization itself and not of its employee(s) who will actually perform the services and the specific object of the work is set forth clearly in the contract (a contract with a proper scope of work defining the end result, which envisages the issuance of specific task or delivery orders wherein the object of a particular task is more definitively described is not precluded);

(2) Both the terms of the contract and the intended method under which the services will be performed are such that the services are nonpersonal in character (e.g., the relationship resulting is not that of employer-employee; see § 593.1001(b));

(b) Compensation: The limitations on compensation (see § 593.1003–5(d)) do not apply to a proper nonpersonal services contract with an organization, nor are the services to be counted against civilian personnel authorizations.

(c) Leave and taxes: In case of a proper nonpersonal services contract for expert or consultant services with an organization, the matters of leave, employees are the responsibility of the contractor.

(d) Procedures: Unless the criteria set forth in § 593.1005 apply, Secretarial determinations as required by the statutes described in § 593.1001(a) are not required for nonpersonal services contracts with an organization.

§ 593.1005 Criteria for submission for Secretarial consideration of proposed contracts for nonpersonal expert or consultant services.

(a) A proposed contract in which expert or consultant services will be furnished by either an organization or an individual, shall be submitted to the addressee in § 590.150(b)(8) of this chapter for any necessary approval or other action (notwithstanding that the contract describes such services as nonpersonal) if three or more of the following factors exist:

(1) The equipment and supplies necessary to perform the services are to be supplied by the Government;

(2) Office or working space is to be furnished by the Government;

(3) The services will not require the use of special knowledge or equipment possessed by the contractor;

(4) Qualified Government employees are reasonably available to perform the services or can be obtained through normal Civil Service employment procedures, considering availability by transfer, detail, temporary duty, and temporary appointment;

(5) The services are of a continuing rather than a temporary or intermittent

been made the approval requirements of § 593.1003–3(a) (1) and (2) shall apply

contractor, that "the purchase was justified because such supplies or services

if there is no consolidated property offi-

§ 594.1104 Items in short supply.

responsible for procurement, without

explanation of why such services cannot holding of Federal Income Tax. It may the end of the contract period, in a stat

(5) The services are of a continuing rather than a temporary or intermittent character;

(6) The rendition of the services will not result in an end product which is adequately described in the contract;

(7) The fee or price will be based on the time actually worked rather than the results to be accomplished;

(8) The fee or price will not be based on the use of the contractor's facilities, staff or equipment.

(b) When submission to Secretarial level is required pursuant to paragraph (a) of this section, the file submitted shall contain the following:

(1) In the case of an organization, the information required by § 593.1003(a)(1) and (2), except that in lieu of the information under paragraph (a)(1)(iii), the file shall set forth an analysis which the procuring activity considers adequate to demonstrate that it is necessary or substantially more economical or feasible to obtain the services by contract;

(2) In the case of an individual, the information required by § 593.1003–3(a), except that in lieu of the certificate there shall be a statement that if the contract is considered to be for personal services the proposed employment of the contractor will or will not, as the case may be, exceed the civilian personnel authorization established for the Army agency in which the individual is to work. In addition, the file shall describe the unusual circumstances which the procuring activity considers to be adequate to demonstrate either the infeasibility of obtaining the services by means other than contract or the necessity of obtaining the services by contract;

(3) Where the procuring activity considers that the services are nonpersonal, a legal opinion in support thereof which takes into consideration the criteria set forth in § 593.1001(b) and pertinent decisions of the Comptroller General of the United States.

§ 593.1006 Contracts for stenographic reporting services.

Stenographic services are normally provided by regular civilian employees who are appointed under the usual civil service procedures. However, there are circumstances involving variable requirements, unavailability of suitably qualified personnel, or economies to the Government where a contract for stenographic reporting services with an individual or organization may be justified; e.g., for furnishing verbatim transcripts of proceedings at irregular intervals where regular employees are not available to perform the services. Such contract shall normally be written on an end-product basis; payment should be predicated on the results delivered, e.g., number of copies of transcript, words per page, and the like; and the contractor should be required to furnish the necessary typewriter, paper, bindings, and other supplies. Such contracts shall normally be awarded only after formal advertising. Before any such contract is entered into it is necessary that it be authorized under a Secretarial determination. If such determination has not been made the approval requirements of § 593.1003–3(a) (1) and (2) shall apply, except that in lieu of the information called for under paragraph (a)(1)(iii), an analysis shall be set forth which the procuring activity considers adequate to demonstrate that it is either necessary or substantially more economical or feasible to obtain the services by contract.

PART 594—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

10. Part 594 is revised to read as follows:

Subpart A—Procurement Under Federal Supply Schedule Contracts

Sec.
594.101 Federal supply schedule contracts.
594.102–2 Exceptions to mandatory use.
594.106 Federal supply schedules with multiple award provisions.

Subpart B—Procurement of Supplies From General Services Administration Stores Depots and of Services for Repair and Refinishing From General Services Administration Sources

594.204 Order for supplies.

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Procurement of Printing and Related Supplies

594.601 Printing and related supplies.

Subpart G—[Reserved]

Subpart H—[Reserved]

Subpart I—[Reserved]

Subpart J—[Reserved]

Subpart K—Coordinated Procurement

594.1102 Responsibilities under single procurement.
594.1103–4 Emergency.
594.1103–6 Purchase of decentralized items.
594.1104 Items in short supply.

AUTHORITY: §§ 594.101 to 594.1104 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Procurement Under Federal Supply Schedule Contracts

§ 594.101 Federal Supply Schedule contracts.

In the case of service station deliveries of gasoline and lubricating oil under Federal Supply Schedule (classes 7 and 14) where an identification card is used, the delivery ticket prepared by the service station and signed by identification card holder at the time of delivery constitutes a "delivery order" consistent with paragraph 3–5, AR 37–107.

§ 594.102–2 Exceptions to mandatory use.

When a purchase of supplies or services which are listed in a mandatory Federal Supply Schedule is made on the open market, the payment voucher submitted to the Finance and Accounting Officer shall be accompanied by a copy of the findings made by the contracting officer, after the prescribed query of the contractor, that "the purchase was justified because such supplies or services could not be furnished under Federal Supply Schedule contracts within the delivery period required."

§ 594.106 Federal Supply Schedules with multiple award provisions.

(a) User selection of equipment from a Federal Supply Schedule offering multiple award provisions generally shall be governed by price. However, a using activity may request purchase of a particular make, model, or brand name item by providing the contracting officer with a written justification supporting the selection of such item.

(b) When the total purchase price of an order is $2,500 or less, a using activity requesting a brand name item other than the lowest priced item available, shall indicate the justification therefor on Purchase Request and Commitment (DA Form 14–115) or similar form.

(c) When the total purchase price of an order is in excess of $2,500, a using activity requesting a particular make, model, or brand name item other than the lowest priced item, shall furnish to the contracting officer supporting justification for use in documenting the contract file. This justification may include but is not limited to the following:

(1) Required delivery date;

(2) Differences in performance characteristics—including description of desirable features of the brand name item requested (i) which other similar items do not have, (ii) which are considered essential to the operation of the using activity, or (iii) which will increase the operational efficiency of the using activity;

(3) Necessity for compatibility with existing equipment or system;

(4) Lack availability of adequate repair services or repair parts for particular items listed in the schedule; and

(5) Trade-in allowance offered on equipment on hand. For evaluation purposes, when an item is traded in for an item of foreign origin, the percentage factor as required by § 6.104–4 of this title shall be added to the price of the foreign item prior to subtracting the trade-in allowance.

(d) When purchase of an item of foreign origin is desired, the using activity requesting the item shall include justifying information to enable necessary determinations to be made under current statutes and directives pertaining to purchase of supplies for use in the United States.

Subpart B—Procurement of Supplies From General Services Administration Stores Depots and of Services for Repair and Refinishing From General Services Administration Sources

§ 594.204 Order for supplies.

In ordering supplies under MILSTRIP (see AR 725–50) from GSA Stores Depots, the ordering officer shall use the DD Form 1348 Series in lieu of the DD Form 1155 (see § 590.452(c)(1)(ii) of this chapter). This ordering officer shall be the consolidated property officer; or, if there is no consolidated property officer, the accountable property officer authorized to requisition on the DSA and Army supply systems.

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—Procurement of Printing and Related Supplies

§ 594.601 Printing and related supplies.

Departmental procedures applicable to the procurement of printing and related supplies or references thereto are indicated hereafter:

(a) *Printing.* (AR 310–1 and AR 310–5.)

(b) *Envelopes.* (AR 310–5 and Group 75, Federal Supply Schedules.) Procurement procedure pertaining to mailing envelopes and related provisions applying to use of penalty markings are published in AR 341–10.

(c) *Related supplies.* Blank paper, ink, glues, and other related supplies carried in stock by the Government Printing Office shall be purchased from that office if required for use within the District of Columbia.

Subpart G—[Reserved]

Subpart H—[Reserved]

Subpart I—[Reserved]

Subpart J—[Reserved]

Subpart K—Coordinated Procurement

§ 594.1102 Responsibilities under single procurement.

When the Department of the Army has received a procurement assignment under the DOD Commodity Assignment Program, assignment of procurement responsibilities to a particular procuring activity shall be made by the Commanding General, United States Army Materiel Command. The procuring activity assigned procurement responsibility shall be responsible for (a) collecting and coordinating the requirements of the Department of the Army, or the arrangement therefor, and (b) submitting to DOD via the addressees in § 590.150(b)(6) and (17) of this chapter.

§ 594.1103–4 Emergency.

Waivers of single procurement assignment procedures under the emergency provision of § 5.1103–4 of this title shall be limited to circumstances and conditions comparable to those described in § 3.202 of this title and § 592.202 of this chapter.

§ 594.1103–6 Purchase of decentralized items.

The provisions of § 5.1103–6 of this title shall not be invoked to permit local purchase of assigned items until the Procuring Department has been properly advised of the decision to use local purchase as the normal means for obtaining Department of the Army supply requirements.

§ 594.1104 Items in short supply.

Shortages of supplies and services requiring coordination with other Departments shall be reported, with complete information thereon, to the addressee in § 590.150(b)(17) of this chapter for resolution.

PART 595—FOREIGN PURCHASES

11. Part 595 is revised except § 595.503–50 in Subpart E, which remains unchanged:

Subpart A—Buy American Act—Supply and Service Contracts

595.103 Exceptions.
595.103–2 Nonavailability in the United States.
595.103–5 Canadian supplies.
595.104–4 Evaluation of bids and proposals.
595.105 List of excepted articles, materials, and supplies.

Subpart B—Buy American Act—Construction Contracts

595.203–1 Nonavailability in United States.
595.204–3 Evaluation of bids and proposals.
595.205–50 Report of violation.
595.206 List of excepted articles, materials, and supplies.

Subpart C—Appropriation Act Restrictions on Procurement of Foreign Supplies

595.304–1 Procurement of food, clothing, woven silk and woven silk blends, spun silk yarn for cartridge cloth, or items containing mohair or cotton.

Subpart D—Purchase from Soviet-Controlled Areas

595.402 Exceptions.

Subpart E—Canadian Purchases

595.501 Purchases from Canadian suppliers.
595.501–50 Solicitation of Canadian firms.
595.501–51 Submission of bids and proposals.
595.501–52 Preaward survey requirements of Canadian firms.
595.501–53 Solicitation of Canadian sources for research and development procurement.
595.501–54 Security.
595.501–55 Accredited Canadian representatives for procurement purposes.
595.503–50 Letter agreement with the Canadian Army and the Department of Defense Production (Canada) (Development Sharing).
595.504 Mutual Canadian-American interests.

AUTHORITY: §§ 595.103 to 595.504 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Buy American Act—Supply and Service Contracts

§ 595.103 Exceptions.

§ 595.103–2 Nonavailability in the United States.

(a) The authority to make determinations under § 6.103–2 of this title is hereby delegated to each head of procuring activity. The head of procuring activity may delegate this authority only to his deputy or a principal assistant responsible for procurement, without power of redelegation. Additionally, he may delegate this authority to such contracting officers under his command as he may deem appropriate when the aggregate amount of the purchase does not exceed $10,000. Determinations made by a contracting officer shall be reviewed by the head of procuring activity concerned, his deputy or his principal assistant responsible for procurement within 30 days of issuance. Each determination made pursuant to this section shall be in writing.

(b) The request for a determination to be made pursuant to the authority in paragraph (a) of this section, transmitted to the appropriate authority, shall contain the following information:

(1) Description of the item or items, including unit and quantity;

(2) Estimated cost, including transportation costs to destination and any applicable duty;

(3) Country of origin (see Subpart D, Part 6 of this title regarding restrictions on purchases from Soviet-controlled areas);

(4) Name and address of the proposed contractor;

(5) Brief statement of the necessity for the procurement; and

(6) Statement of facts establishing the nonavailability of items of domestic origin which are similar or which can be used as an acceptable substitute.

(c) The required determination shall be prepared in substantially the form set forth hereafter, with a signed copy to accompany the payment voucher.

DETERMINATION

Date: ----------

Pursuant to the authority contained in Section 2, Title III of the Act of 3 March 1933, popularly called the Buy American Act (41 U.S. Code 10 a–d), and authority delegated to me by ----------

----------,

I hereby find:

a. (Description of the item or items to be procured, including unit, quantity and estimated cost inclusive of duty and transportation costs to destination.)

b. (Brief statement of the necessity for the procurement.)

c. (Statement of facts establishing the nonavailability of a similar item or items of domestic origin.)

Based upon the above showing of fact, it is determined that the above-described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Accordingly, the requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to the above-described procurement, since said procurement is within the nonavailability exception stated in the Act. Authority is granted to procure the above-described item(s) of foreign origin (country of origin) at an estimated total cost of $------, including duty and transportation costs to destination.

(Signature)

§ 595.103–5 Canadian supplies.

The Assistant Secretary of the Army (Installations and Logistics) has determined that the following supplies are of a military character or are involved in programs of mutual interest to the United States and Canada:

(a) All items purchased under contracts for experimental, developmental and research work; and

(b) The following listed supplies identified by Federal Classification Groups and Classes:

Group 10—Weapons (all classes).
Class 1135*—Fuzing and firing devices, atomic ordinance.
Class 1190*—Specialized test and handling equipment, atomic ordnance.
Group 12—Fire control equipment (all classes).
Group 13—Ammunition and explosives (all classes).
Class 1410—Guided missiles.
Class 1420—Guided missile components.
Class 1430—Guided missile remote control systems.
Class 1440—Launchers, guided missiles.
Class 1450—Guided missile handling and servicing equipment.
Group 15—Aircraft and airframe structural components (all classes).
Group 16—Aircraft components and accessories (all classes).
Group 17—Aircraft launching, landing and ground handling equipment (all classes).
Class 1930—Barges and lighters, cargo.
Class 1935—Barges and lighters, special purpose.
Class 1940—Small craft.
Class 1945—Pontoons and floating docks.
Group 20—Ship and marine equipment (all classes).
Group 22—Railway equipment (all classes).
Group 23—Motor vehicles, trailers, cycles (all classes).
Group 24—Tractors (all classes).
Group 25—Vehicular equipment components (all classes).
Group 26—Tires and tubes (all classes).
Group 28—Engines, turbines and components (all classes).
Group 29—Engine accessories (all classes).
Group 30—Mechanical power transmission equipment (all classes).
Group 31—Bearings (all classes).
Group 34—Metal working machinery.
Class 3615—Pulp and paper industries machinery.
Class 3625—Textile industries machinery.
Class 3695—Miscellaneous special industry machinery.
Group 38—Construction, Mining, Excavating (all classes).
Group 39—Materials handling equipment (all classes).
Group 41—Refrigeration and air conditioning equipment (all classes).
Class 4210—Fire fighting equipment (all classes).
Class 4240—Safety and rescue equipment.
Group 43—Pumps and compressors (all classes).
Class 4410—Industrial boilers.
Class 4420—Heat exchangers and steam condensers.
Class 4470—Nuclear reactors.
Class 4520—Space heating equipment and domestic water heaters.
Group 46—Water purification and sewage treatment equipment (all classes).
Group 47—Pipe, tubing, hose and fittings (all classes).
Group 48—Valves (all classes).
Group 49—Maintenance and repair shop equipment (all classes).
Class 5220—Inspection gages and precision layout tools.
Group 53—Hardware and abrasives (all classes).
Group 54—Prefabricated structures and scaffolding (all classes).
Group 55—Lumber, millwork, plywood and veneer (all classes).
Group 56—Construction and building materials (all classes).
Group 58—Communication equipment (all classes).
Group 59—Electrical and electronic equipment components (all classes).
Group 61—Electric wire and power distribution equipment (all classes).
Class 6210—Indoor and outdoor electric lighting fixtures.
Glass 6220—Electric vehicular lights and fixtures.
Class 6340—Aircraft alarms and signal systems.
Group 66—Instruments and laboratory equipment (all classes).
Class 6710—Cameras, motion picture.
Class 6720—Cameras, still picture.
Class 6730—Photographic projection equipment.
Class 6770—Film, processed.
Group 68—Chemicals and chemical products (all classes).
Group 69—Training aids and devices (all classes).
Class 7440—Automatic data processing systems: industrial scientific and office types.
Class 7610—Books and pamphlets.
Class 7650—Drawings and specifications.
Class 8010—Paints, dopes, varnishes and related products.
Class 8020—Paint and artists brushes.
Class 8030—Preservatives and sealing compounds.
Class 8115—Boxes, cartons and crates.
Class 8140—Ammunition boxes, packages and special containers.
Class 9320—Rubber fabricated materials.
Class 9330—Plastics fabricated materials.
Class 9350—Refractories and fire surfacing materials.
Group 95—Metal bars, sheets and shapes (all classes).

*Subject to Atomic Energy Act restrictions.

End equipment parts (repair parts) for the above listed supplies are considered to be included in the above list, even though not separately listed, when they are procured under a contract that also calls for listed supplies.

§ 595.104–4 Evaluation of bids and proposals.

Proposed awards submitted for Secretarial decision in accordance with § 6.104–4(c) of this title shall include complete documentation on all factors pertinent to the required Secretarial action and a proposed award recommendation. Provision with respect to extending acceptance dates of bids or proposals shall be made by purchasing offices, as appropriate.

§ 595.105 List of excepted articles, materials, and supplies.

Additional determinations pursuant to § 6.103–2 of this title, covering individual procurements, will be made in accordance with § 595.103–2.

Subpart B—Buy American Act—Construction Contracts

§ 595.203–1 Nonavailability in United States.

Determinations under § 6.203–1 of this title may be made by those individuals having authority to make determinations under § 595.103–2. Such determinations shall be accomplished as prescribed in § 595.103–2.

§ 595.204–3 Evaluation of bids and proposals.

Proposed awards submitted for secretarial decision in accordance with § 6.204–3(c) of this title shall include complete documentation on the conditions set forth in § 6.204–3(c) of this title, a copy of the bid or proposal which is the basis of the proposed award, and a proposed award recommendation. Provision with respect to extending acceptance dates of bids or proposals shall be made by purchasing offices, as appropriate.

§ 595.205–50 Report of violation.

When a contractor has failed to comply with or is suspected of having failed to comply with the terms of the clause required by § 6.204–5 of this title, the contracting officer shall prepare and forward a report thereof in accordance with § 590.650 of this chapter.

§ 595.206 List of excepted articles, materials, and supplies.

Additional determinations pursuant to § 6.203–1 of this title will be made in accordance with § 595.103–2(b).

Subpart C—Appropriation Act Restrictions on Procurement of Foreign Supplies

§ 595.304–1 Procurement of food, clothing, woven silk and woven silk blends, spun silk yarn for cartridge cloth, or items containing mohair or cotton.

If the contracting officer finds that the price for any domestic supply included in § 6.304–1 of this title is unreasonable, he shall forward, through channels, to the addressee in § 590.150(b)(6) of this chapter a request for Secretarial determination with respect to § 6.303(g) of this title. Such request shall be accompanied by:

(a) A proposed Secretarial determination in the format set forth in § 595.103–2(c), with appropriate changes in text to include statutory references and to conform to a determination that a satisfactory quality and sufficient quantity grown or produced in the United States cannot be procured as and when needed at United States market prices; and

(b) Complete documentation to support the requested determination.

Subpart D—Purchases From Soviet-Controlled Areas

§ 595.402 Exceptions.

(a) With respect to an exception pursuant to § 6.402(b)(1) of this title, the procedures set forth herein govern. "United States," as used in this section, is defined in § 6.101(c) of this title.

(1) When the supplies are to be used in the United States, the exception may be granted only after a determination has been made pursuant to § 595.103–2. Such determination shall include a finding that there is no known item from sources other than Soviet-controlled areas which can be used as a reasonable substitute.

(2) When the supplies are to used outside the United States, the contracting officer shall include in the contract file a justification for the exception.

(b) With respect to an exception pursuant to § 6.402(b)(2) of this title, the procedures set forth herein govern.

(1) When the supplies are to be used in the United States, the request shall be accompanied by (i) a proposed Secretarial determination in the format set forth in § 595.103–2(c), modified appropriately to include a finding that there is no known acceptable substitute available from any other source, and (ii) by complete documentation to support each element of the requested determination (§ 595.103–2(b)).

(2) When the supplies are to be used outside the United States, the request shall be accompanied by a complete justification for the exception.

Subpart E—Canadian Purchases

§ 595.501 Purchases from Canadian suppliers.

Any contract for supplies or services from sources in the Dominion of Canada shall be made with, and administered through, the Canadian Commercial Corporation through its Washington Office, except:

(a) Under circumstances of public exigency as described in § 3.202–2 of this title, procuring activities are authorized to negotiate directly with suppliers or contractors domiciled in the Dominion of Canada without reference to the Canadian Commercial Corporation;

(b) Subject to applicable restrictions of §§ 592.205 and 592.211 of this chapter, procuring activities are authorized to negotiate directly for research services with any university, college, or educational institution located in the Dominion of Canada without reference to the Canadian Commercial Corporation; or

(c) When the Canadian Commercial Corporation requests that the procurement be placed directly with Canadian suppliers or contractors.

§ 595.501–50 Solicitation of Canadian firms.

Canadian firms should be included on bidders' mailing lists and comparable source lists only upon request by the Canadian Commercial Corporation. Such requests should be directed to the activity having procurement responsibility for the supplies or services involved. Invitations for bids and requests for proposals shall be sent directly to the Canadian firms appearing on the appropriate bidders' mailing list. A copy of the investigation for bids or request for proposals and a listing of all Canadian firms solicited shall be sent to the Canadian Commercial Corporation, 2450 Massachusetts Avenue NW., Washington, D.C. Invitations for bids and requests for proposals also shall be furnished to the Canadian Commercial Corporation, if requested by the Corporation for its own account, even though not furnished to Canadian firms.

§ 595.501–51 Submission of bids and proposals.

(a) Except as provided in § 595.501 (a), (b) and (c), bids and proposals received directly from Canadian firms shall not be accepted, but shall be referred to the Canadian Commercial Corporation for appropriate action.

(b) Bids of the Canadian Commercial Corporation normally will be subject to the same consideration with respect to determining responsiveness as is applied to domestic bids.

§ 595.501–52 Preaward survey requirements of Canadian firms.

(a) Except as provided in § 595.501, prime contracts for supplies or services procured from sources in the Dominion of Canada shall be awarded to the Canadian Commercial Corporation and further subcontracted to sources selected by the Canadian Commercial Corporation.

(b) In determining the responsibility of the contractor where procurements are placed with Canadian sources, the contracting officer shall document the file as required by § 1.904 of this title with a record of his determinations as to the responsibility of the first tier subcontractor selected by the Canadian Commercial Corporation to perform the contract.

(c) The preaward qualification check or survey information required by the contracting officer as the basis for the determination referred to in (b) above, may be obtained by direct request to the Canadian Commercial Corporation. To the extent deemed necessary, surveys may be performed by the contracting officer or by his representative in lieu of or in addition to preaward qualification survey information furnished by the Canadian Commercial Corporation.

§ 595.501–53 Solicitation of Canadian sources for research and development procurement.

(a) In cases concerning research and development, whether or not requests for proposals have been furnished to known Canadian sources, three copies of the request for proposal or notice of prenegotiation briefing shall be furnished the Washington office of the Canadian Commercial Corporation by cover letter which specifically refers to the inclosure and includes one of the following statements, as appropriate:

(1) "Copies of the inclosure have been addressed to these Canadian sources: [Here Insert List]"

(2) "Copies of the inclosure have not been addressed to any Canadian source. The inclosed copies are furnished to the Canadian Commercial Corporation for distribution to such Canadian sources considered capable of and possibly interested in competing for this research and development work. Reproduction of the inclosure is authorized."

(b) Canadian sources have been authorized to communicate directly with the installation or activity initiating the procurement when unclassified questions arise regarding solicitations. Direct replies shall be made to the requesting source. Two copies of the replies shall be furnished to the Canadian Commercial Corporation.

(c) Classified replies shall be made to the Canadian source through the Canadian Commercial Corporation.

§ 595.501–54 Security.

(a) The furnishing of classified information to the Canadian Commercial Corporation shall be governed by current security regulations, including:

(1) DOD Industrial Security Manual for Safeguarding Classified Information;

(2) Disclosure of Classified Military Information to Foreign Governments;

(3) AR 380–25, Visitors;

(4) AR 380–130, Armed Forces Industrial Security Regulations;

(5) AR 380–131, Industrial Security;

(6) AR 580–10, Policy and Procedure Governing the Disclosure and/or Exchange of Atomic Information under Agreements for Cooperation Regarding Atomic Information for Manual Defense Purposes; and

(7) AR 580–12, Release of Information Concerning Guided Missiles, and Vulnerability of Weapons Systems to Electronic Countermeasures.

(b) Classified military information which may not be released under authority of the references cited in paragraph (a) of this section may be released only upon the prior approval of the Assistant Chief of Staff for Intelligence.

(c) All visits by Canadian nationals to Army installations or activities and to contractors' or subcontractors' plants will be cleared on a government-to-government basis in conformance with the procedures of AR 380–25 and AR 380–130.

§ 595.501–55 Accredited Canadian representatives for procurement purposes.

Accreditation to a procuring activity of Canadian representatives may be established for performance of a procurement function for Canada after appropriate coordination among the head of procuring activity, the Canadian Department of Defence Production, and the Canadian Commercial Corporation. A procuring activity is authorized to release to duly accredited representatives of the Canadian Government classified military information necessary for procurement by prime contract to Canadian contractors or by subcontract to Canadian sources from Canadian contractors, within the terms of their procurement accreditation and provided the classified information is releasable under the criteria set forth in the references contained in § 595.501–54(a).

§ 595.503–50 Letter Agreement with the Canadian Army and the Department of Defence Production (Canada) (Development Sharing).

NOTE: The text of § 595.503–50 remains unchanged.

§ 595.504 Mutual Canadian-American interests.

(a) *General.* In implementing the Department of Defense policy of seeking the best possible coordination of the materiel programs of Canada and the United States, the Assistant Secretary of the Army (Installations and Logis-

tics) has made determinations concerning listed supplies and instructions with respect to bids and proposals offering Canadian end products, as set forth in Subparts A and E of this part.

(b) *Application.* The alleviation of the restrictions of the Buy American Act with respect to Canadian supplies as prescribed in this Section applies to the evaluation of bids or proposals in solicitations involving competitive bidding on (1) supply contracts, (2) research and development contracts, and (3) contracts for services involving articles, materials and supplies.

(c) *Limitations.* The authority contained in this part, with respect to Canadian supplies, shall not be used in instances where a solicitation and award must be limited to, or placed with, a domestic source in accordance with one or more of the following:

(1) Requirement for U.S. Mobilization Base;

(2) Small Business Set-Aside program;

(3) Labor Surplus Area Set-Aside program;

(4) Disaster Area program;

(5) Negotiated procurement in the interests of standardization (§ 3.213 of this title);

(6) Appropriation acts restrictions; or

(7) Other specific requirements in the interests of the U.S. Government in individual cases as approved by the addressee in § 590.150(b)(6) of this chapter.

PART 598—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

12. Section 598.105–67 is revised to read as follows:

§ 598.105–67 Contract distribution.

(a) *General.* The designee shall obtain the original and at least one executed copy of each release, license, and assignment made in accordance with these paragraphs. The original shall be forwarded by the designee (unless the contract does not involve the payment of money to the contractor) to the addressee in § 590.150(b)(12) of this chapter for the General Accounting Office. The executed copy, together with a second copy which may be unexecuted (photostatic preferred), shall be transmitted without delay by the designee to the Chief, Patents Division for recording in the United States Patent Office. The memorandum of transmittal shall include the designee's recommendation whether the instrument should be filed in the public register, departmental register, or the secret register. This memorandum shall also set forth: (1) The name of the claimant; name of the releasor, licensor, or assignor; and name of the patentee or inventor; (2) the patent number or patent application serial number; and (3) a statement that the instrument effects settlement of the claim for which clearance was granted.

(b) *Contracts providing for payment of a running royalty.* A copy of each license which provides for the payment of a running royalty shall be transmitted by the designee to each interested head of procuring activity. Receipt of such copy shall constitute notice that future procurement of the licensed subject matter requires the payment of royalties to the licensor. Where necessary, such interested head of procuring activity shall notify procurement and price analysis offices affected.

PART 599—BONDS AND INSURANCE

13. Part 599 is revised to read as follows:

Subpart A—Bonds

Sec.
599.103–2 Performance bonds in connection with construction contracts.
599.103–50 Additional performance bonds; consent of surety.
599.104 Payment bonds.
599.104–1 Payment bonds in connection with contracts other than construction contracts.
599.104–2 Payment bonds in connection with construction contracts.
599.104–50 Additional payment bonds; consent of surety.
599.105 Advance payment bonds.
599.107 Other types of bonds.
599.108 Execution and administration of bonds.

Subpart B—Sureties on Bonds

599.201 General requirements of sureties.
599.202 Options in lieu of sureties.
599.202–1 United States bonds or notes.
599.203 Consent of surety.

Subpart C—Insurance—General

599.301 General.
599.303 Responsibility for loss of or damage to Government property.
599.350 Overseas.
599.351 Boiler inspection service.
599.352 Coordination.

Subpart D—Insurance Under Fixed-Price Contracts

599.403 Workmen's compensation insurance overseas.
599.450 Work at Government installations.
599.451 Insurance in negotiated fixed-price contracts.
599.452 Accident and disability insurance for extra-hazardous occupations.

Subpart E—Insurance Under Cost-Reimbursement Type Contracts

599.501 Policy.
599.501–1 Workmen's compensation and employers' liability insurance.
599.501–2 General liability insurance.
599.501–3 Automobile liability insurance.
599.501–4 Aircraft public and passenger liability insurance.
599.502 Self-insurance.
599.503 Government property.
599.503–50 Liability for loss.
599.550 Group insurance plans.
599.551 Accident and disability insurance for extra-hazardous occupations.
599.552 Insurance carrier.
599.553 Review and approval of contractors' insurance programs.
599.554 Action on termination or completion of contract.

Subpart F [Reserved]

Subpart G—Special Casualty Insurance Rating Plans

599.750 Application of National Defense Projects Rating Plan.
599.751 Insurance advisors.
599.752 Defense Department group term insurance plan.

AUTHORITY: §§ 599.103–2 to 599.752 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Bonds

§ 599.103–2 Performance bonds in connection with construction contracts.

Where the contracting officer finds that to require a 100 percent performance bond would be disadvantageous to the Government, a penal amount of not less than 50 percent of the contract price will be required. Authority is delegated to the head of procuring activity concerned, and to such other persons as he may designate, to determine whether a performance bond shall be required in connection with cost-reimbursement type construction contracts.

§ 599.103–50 Additional performance bonds; consent of surety.

(a) Additional performance bond protection in support of construction contracts shall be obtained as required in § 10.103–2(b) of this title. If a contract other than a construction contract is increased in price or modified to cover new or additional work, the contracting officer shall decide whether to require additional performance bond protection, following principles set forth in § 10.103–1 of this title. When additional bond protection is required and is obtained from the original surety, the format contained in § 599.203(a) may be used.

(b) When additional performance bond protection is not required under paragraph (a) of this section, consent of surety shall be obtained in accordance with the provisions of § 599.203(b).

§ 599.104 Payment bonds.

§ 599.104–1 Payment bonds in connection with contracts other than construction contracts.

Authority is delegated to contracting officers to decide whether a payment bond will be required to support a contract other than a construction contract. Generally, payment bonds for such contracts should be required only if a performance bond is also required, in which case the penal sum of the payment bond should ordinarily be equal to or less than that of the performance bond. Among the factors to be considered by a contracting officer in deciding whether to require a payment bond are the following: (a) The financial resources of prospective contractors; (b) whether such bond would facilitate the performance of the contract (e.g., by favorably affecting suppliers' willingness to extend credit to prospective contractors); and (c) whether such bond will increase the cost of the procurement. Ordinarily, if a performance bond is required, a payment bond of equal penal amount can be obtained at no additional cost.

§ 599.104–2 Payment bonds in connection with construction contracts.

Pursuant to § 10.104–2(c) of this title, each head of procuring activity, or a designee, is authorized to determine

whether a payment bond will be required in connection with cost-reimbursement type construction contracts.

§ 599.104–50 Additional payment bonds; consent of surety.

(a) Additional payment bond protection in support of construction contracts shall be obtained as required in § 10.104–2(b) of this title. If a contract other than a construction contract is increased in price or modified to cover new or additional work, the contracting officer shall decide whether to require additional payment bond protection, following principles set forth in § 10.104–1 of this title. When additional bond protection is required and is obtained from the original surety, the format contained in § 599.203(a) may be used.

(b) When additional payment bond protection is not required under paragraph (a) of this section, consent of surety shall be obtained in accordance with the provisions of § 599.203(b).

§ 599.105 Advance payment bonds.

Requirement for a bond relating to advance payments shall be established only in the most exceptional circumstances. Where a head of procuring activity considers that an advance payment bond is desirable, recommendation to that effect with justification as to the penal sum thereof shall be forwarded to the Director of Contract Financing, Office of Comptroller of the Army. (§ 163.63 of this title.)

§ 599.107 Other types of bonds.

(a) Fidelity bonds shall be required in connection with cost reimbursement-type contracts for supplies, construction, or operation of Government-owned plants only in those cases where the head of procuring activity concerned, or his designee, considers such bonds are necessary for the protection of the Government. When a fidelity bond is required, a Primary Commercial Blanket Bond or a Blanket Position Bond in the penal sum of $10,000 will be considered sufficient. The bond form as standardized by the Surety Association of America, or its equivalent, is the approved bond form. When a requirement is placed on the contractor to obtain blanket fidelity protection, the contractor shall be cautioned to obtain all appropriate discounts.

(b) Forgery bonds shall be required in connection with cost reimbursement-type contracts for supplies, construction, or operation of Government-owned plants only in those cases where the head of procuring activity concerned, or his designee, considers such bond or policy necessary for the protection of the Government, or if it is considered desirable to obtain the investigative and claims services of a surety company. When such bond or policy is required, a penal sum in the amount of $10,000 will be considered sufficient. The depositors' form of forgery bond or policy as standardized by the Surety Association of America, or its equivalent, is the approved form.

(c) Unless included as a part of the bond form, the provisions set forth in subparagraphs (a) through (d) of this paragraph shall be provided in riders or endorsements to fidelity and forgery bonds to require that—

(1) A pro-rata refund of the premium shall be made in the event of cancellation by the insured due to completion of the work;

(2) The contracting officer shall be given notice prior to the making of any material change in or cancellation of the bond;

(3) After a loss has been sustained and with respect to undiscovered or future losses, restoration shall be made of the full amount of the bond without additional premium charge; and

(4) The surety waives all rights to be subrogated, on payments of losses or otherwise, to any claim against the Government arising out of performance of a cost-reimbursement type contract.

The surety shall agree, either by rider or endorsement attached to the bond, or by written assurance to the contractor, that it will investigate all claims and investigate under the fidelity bond all Class A employees as reported by the contractor.

§ 599.108 Execution and administration of bonds.

(a) *Execution, examination and distribution of bonds and consent of surety.* (1) All bonds shall be executed in duplicate. The original of all surety bonds required by procuring activities (except as hereinafter provided in subparagraph (3) of this paragraph shall be forwarded to The Judge Advocate General, Department of the Army, Washington 25, D.C. If such bond was required in support of a contract or modification thereof, the original signed bond should be attached to the original signed contract or modification thereof, as the case may be, and forwarded to The Judge Advocate General. In the event it is not practicable to forward the original contract or modification, a signed duplicate or an authenticated copy thereof should be attached to the original bond and forwarded to The Judge Advocate General. The Judge Advocate General shall examine bonds as to legal sufficiency, including proper form and execution, the authority of corporate officials who execute bonds on behalf of corporate principals or sureties, and compliance by individual sureties with § 599.201(b). The Judge Advocate General then shall forward the bond, together with any contract or modification thereof which it supports, to the proper office for filing. The duplicate bond shall be retained and filed in the office to which it pertains or which authorized its acceptance.

(2) Consents of surety shall be handled in the same manner as bonds, except that, for more expeditious handling, they may be forwarded without signature by the surety to The Judge Advocate General for execution under the Expediter Plan and approval.

(3) The following bonds shall not be forwarded to The Judge Advocate General:

(i) Blanket fidelity and forgery bonds,

(ii) Bid bonds (except annual bid bonds). The original and duplicate numbers shall be retained in the office to which they pertain or which authorized their acceptance.

(b) *Authority of The Judge Advocate General as to substitute surety bonds.* The Judge Advocate General is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequent to the date of approval of the new bond. The Judge Advocate General is authorized to delegate such function to personnel within his office.

(c) *Bond forms.* Standard bond forms are set forth in § 16.805 of this title and shall be used in accordance with the instructions accompanying each form. In the case of United States bonds or notes deposited by a contractor with a contracting officer in lieu of surety (§ 599.202–1), the contracting officer shall forward to The Judge Advocate General the surety bond with a certified copy of the required power of attorney and agreement, and of the receipt received by the contracting officer for the deposited United States bonds or notes.

Subpart B—Sureties on Bonds

§ 599.201 General requirements of sureties.

(a) *Corporate sureties*—(1) *Acceptability.* The head of procuring activity is responsible for distribution of the Treasury Department List (TD Circular 570). Requisitions for corporate surety lists shall be submitted to The Judge Advocate General annually on or before 1 April.

(2) *Qualifications of agents and corporate sureties.* Corporate sureties should forward to The Judge Advocate General, Department of the Army, Washington 25, D.C., the following documents for filing:

(i) Powers of attorney (on forms which may be obtained from The Judge Advocate General) or certified copies of resolutions of their Boards of Directors or Trustees, which authorize their officers or agents to execute bonds, and

(ii) Certificates evidencing the revocation of authority previously granted to execute bonds.

(3) *Corporate cosureties.* More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond or undertaken in connection with either supply or construction contracts: *Provided*, That in no case shall the liability of any such cosurety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering supply contracts where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. It is not necessary that corporate cosureties obligate themselves for the full

amount of the bond. Each corporate surety may limit its liability in the bond to a specified sum. The sureties must bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them. When the bond is to be executed by two or more corporate sureties, Standard Form 27 shall be used in the case of a performance bond and Standard Form 27A shall be used in the case of a payment bond.

(b) *Individual sureties*—(1) *Acceptability.* Individual sureties are acceptable for all types of bonds other than position schedule bonds (AR 600–13). An individual surety shall be a citizen of the United States, except that sureties on bonds executed in foreign countries, possessions of the United States, or Puerto Rico, to secure the performance of contracts entered into in those places need not be citizens of the United States, but if not citizens of the United States shall be domiciled in the place where the contract is to be performed.

(2) *Number.* If individual sureties are used there shall be at least two responsible individual sureties on each bond.

(3) *Extent of liability.* The liability of each individual surety shall extend to the entire penal amount of the bond.

(4) *Justification.* Individual sureties shall each justify, under oath, in an amount not less than the penal amount of the bond.

(5) *Stockholders as sureties.* On any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as cosurety on the bond: *Provided,* That his net worth exclusive of his stock holdings in the corporation is equal to the amount for which he justified: *And provided further,* That such fact is expressly stated in his affidavit of justification.

(6) *Affidavit of individual surety.* Standard Form 28 shall be used in connection with the justification of an individual surety.

(c) *Partnerships as sureties.* A partnership or other unincorporated association, as such, will not be accepted as surety. The individual members of the partnership or association may if they meet the requirements of paragraph (b) of this section qualify as sureties. Individual members of a partnership or association will not be acceptable as sureties on bonds under which the partnership or association, or any copartner or member thereof, is the principal obligor.

(d) *Substitution or replacement of a surety.* In case of financial embarrassment, failure, or other disqualifying cause on the part of a surety under a bond, the head of procuring activity concerned will require the substitution of a new surety satisfactory to him.

§ 599.202 Options in lieu of sureties.

§ 599.202–1 United States bonds or notes.

Except in the District of Columbia, securities, appropriate powers of attorney and agreements shall be turned over to the local Finance and Accounting Officer for safekeeping. (See § 599.108(c).)

§ 599.203 Consent of surety.

(a) The consent of surety set forth in paragraph (d)(1) of this section is authorized for use in connection with a modification providing for an increase in the penal sum of a bond previously given by the same surety.

(b) The consent of surety set forth in paragraph (d)(2) of this section shall be obtained from the surety or sureties on existing bonds in connection with any amendment, modification, or supplemental agreement if:

(1) Additional bond is obtained from other than the original surety, or

(2) No additional bond is required and (i) the modification is for new or additional work beyond the scope of the contract, or (ii) the modification does not enlarge or diminish the scope of the contract, but changes the contract price (upward or downward) by more than $25,000 or 15 percent of the contract price, whichever is less.

(c) See § 1.1602(b)(10) of this title for cases involving novation or change of name agreements.

(d) Forms: (1) See paragraph (a) of this section.

CONSENT OF SURETY

Date _____ Modification No. _____
Contract No. _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.* The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by _____ dollars, and the penalty of the aforementioned payment bond or bonds is hereby increased by _____ dollars.*

In presence of—

_____
_____
(Address)

[SEAL]

_____
(Individual principal)**
_____
(Business address)
_____
(Corporate principal)**
_____
(Business address)

By _____
[Affix corporate seal]
_____

Attest:

_____

_____
(Surety)
_____
(Business address)

By _____
[Affix corporate seal]
_____

Attest:

_____

(2) See paragraph (b) of this section.

CONSENT OF SURETY

Date _____ Modification No. _____
Contract No. _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

_____
(Surety)
_____
(Business address)

By _____
[Affix corporate seal]
_____

Attest:

_____

*The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

**This consent shall be executed concurrently with the execution of the attached modification by the same person who executes the modification. If the individual who signs the consent on behalf of a corporation does not execute the modification, a Certificate of Corporate Principal shall be submitted with the consent.

Subpart C—Insurance—General

§ 599.301 General.

A head of procuring activity may authorize or require the purchase of insurance where commingling of property or the conditions of the contract make the carrying of insurance reasonably necessary for the protection of the several interests concerned. The term "insurance" includes, but is not limited to, the following forms of coverage, whether provided under an insurance policy issued by privately-operated insurance companies or underwriters, or under a state operated insurance fund, or under an approved self-insurance plan:

(a) Workmen's Compensation and Employers' Liability;
(b) General Liability;
(c) Automobile;
(d) Aircraft;
(e) Physical Damage (property);
(f) Bonds;
(g) Employees Group Insurance (Life, Hospitalization, Accident and Health, Surgical, etc.); and
(h) Extra-Hazardous Accident.

§ 599.303 Responsibility for loss of or damage to Government property.

Except with respect to advertised fixed-price contracts, it is the policy of the Department of the Army not to hold prime contractors responsible for loss of or damage to Government property caused by certain perils. (§§ 13.411, 13.502, and 13.503 of this title and §§ 602.502 and 602.503 of this chapter.) This policy is based upon the principle that insurance costs will not be incurred and consequently will not be reflected in the contract price or contract cost. Where, however, due to the commingling of Government and contractor's property, or for other reasons, relief of the contractor from liability will not result in a reduction of the contract price or contract cost to the Government, this policy may be waived and the contractor held fully responsible in the same manner as in advertised fixed-price contracts. (See § 15.205–16 of this title.) The policy governing the responsibility and liability of subcontractors for Government property is set forth in § 13.104–2 of this title.

§ 599.350 Overseas.

Where insurance coverages are not available outside the United States, its possessions, and Puerto Rico because of the absence of competent or financially responsible insurance carriers, a head of procuring activity is authorized to waive the insurance coverages not mandatory under Subchapter A, Chapter I, of this title.

§ 599.351 Boiler inspection service.

Boiler inspection service will be provided as required by AR 420–49 and AR 850–300. The purchase of boiler insurance to cover Government-owned boilers is not authorized, but inspection services may be procured, as necessary, to meet the requirements of the referenced Army Regulations.

§ 599.352 Coordination.

Where the Department of the Navy or the Department of the Air Force has an interest in the contractor's insurance program, coordination will be effected with the Contract Insurance Branch, Office of Naval Material, Washington 25, D.C., or the Bond and Insurance Section, Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio, as appropriate. Prior approval of a contractor's insurance program by another Military Department shall be considered by a head of procuring activity in determining the adequacy of the contractor's program and shall be accepted subject to whatever modification may be appropriate.

Subpart D—Insurance Under Fixed-Price Contracts

§ 599.403 Workmen's compensation insurance overseas.

Request for waiver of the requirements of the Defense Base Act as amended (42 U.S.C. 1651 et seq.), will be forwarded through channels to the addressee in § 601.050 of this chapter.

§ 599.450 Work at Government installations.

(a) All contractors and subcontractors performing construction or repair or furnishing utilities within a Government installation shall be required to furnish a statement in writing to the contracting officer attesting to the existence, in addition to legally required insurance, of comprehensive general liability and comprehensive automobile insurance, in each instance, for both bodily injury and property damage in such limits as the contracting officer deems reasonable under the circumstances. Prime contractors shall be responsible for insuring compliance with the foregoing by their subcontractors. The invitation for bids or request for proposals shall state the minimum insurance coverage required.

(b) In satisfaction of the foregoing requirements, contracting officers may accept annual statements from contractors and subcontractors.

(c) The foregoing requirements are not applicable to prime contracts of less than $2,500, or for work to be performed outside the United States, its possessions and Puerto Rico.

§ 599.451 Insurance in negotiated fixed-price contracts.

The costs of insurance in negotiated fixed-price contracts are not subject to the same degree of controls and supervision which are exercised under cost-reimbursement type contracts; however, a contractor's insurance program may develop costs which are substantial and which may have a material effect on the contract price. Consistent with the Department of the Army policy of close pricing, evaluation of that portion of the contract price attributable to the contractor's insurance program should be given careful consideration to establish as accurately as possible the insurance costs applicable to the contract.

§ 599.452 Accident and disability insurance for extra-hazardous occupations.

The insurance described in § 599.551 (a) for cost-reimbursement type contracts is available for use in fixed-price type contracts.

Subpart E—Insurance Under Cost-Reimbursement Type Contracts

§ 599.501 Policy.

(a) The limits of liability set forth in the following subparagraphs are those to be ordinarily required. These limits may be modified in specific instances by the head of procuring activity, his deputy, or principal assistant for procurement in his headquarters. The head of procuring activity may require additional types of insurance coverage.

(b) Where the cost of insurance coverage is included in the overhead rate, the contract schedule shall specifically provide that the insurance cost included therein shall not be an item for separate reimbursement under the contract. The contracting officer, in establishing insurance costs for overhead rate negotiations, shall ascertain to the extent possible that such costs are net after anticipated dividends or other credits, or shall provide for proportionate recovery for the benefit of the Government of any dividends or credits not anticipated in the overhead rate calculations.

§ 599.501–1 Workmen's compensation and employers' liability insurance.

(a) Workmen's compensation insurance protects the employer against liability imposed by a workmen's compensation law to pay benefits and furnish medical care to employees injured, and to pay benefits to the dependents of the employees killed, in the course of and arising out of their employment. Employers' liability insurance protects an employer against claims for damages which may arise out of injuries to employees in the course of their work where such work or injury is not covered by the workmen's compensation law. Employers' liability insurance shall be required, and endorsed to provide (1) in jurisdictions where the workmen's compensation law does not cover all occupational diseases, occupational disease coverage in limits of $100,000 for any one policy year; and (2) in those jurisdictions where there is a "per accident" limitation coverage under subparagraph 1(b) of the insurance policy, additional limits up to $100,000 for each accident. In jurisdictions where workmen's compensation coverage is carried in a state fund which does not provide the protection afforded by the requirements of subparagraphs (1) and (2) of this paragraph, and the workmen's compensation act of the jurisdiction is not the exclusive remedy of employees against employers for all injuries or diseases relating to the employment, employers' liability insurance shall be purchased in the following amounts: accidental injury $50,000 per person, $100,000 per accident; and occupational disease $100,000 aggregate per year.

(b) The Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901), as amended by the Defense Base Act (42 U.S.C. 1651 et seq.), provides that certain workmen's compensation benefits must be afforded employees of any contractor with the United States on any military, air, or naval defense base or public work as defined therein outside the United States, other than contractors or subcontractors engaged exclusively in furnishing materials or supplies. Where it is desired that the benefits under this law be waived with respect to employees other than United States citizens and other than employees hired in the United States, a request for waiver shall be submitted by the head of procuring activity to the addressee in § 601.050 of this chapter.

(c) The States of California, New Jersey, New York, and Rhode Island have imposed upon employers the obligation to afford benefits for nonoccupational disability as well as for disability in the course of and arising out of employment. Employers may, under State law, be given the option of insuring with companies or underwriters or of self-insuring this obligation.

§ 599.501–2 General liability insurance.

(a) General liability insurance for bodily injury protects the insured against loss due to claims for bodily injury arising from its business premises or operations (except those arising from motor vehicles away from the premises, those covered by any workmen's compensation law, and other exclusions stated in the policy). The comprehensive policy shall be required with limits of $50,000 per person and $100,000 per accident.

(b) General liability insurance for damage to property of others may be purchased under the general liability policy where, in the opinion of the contracting officer, the exposure under the contract operations is such as to warrant obtaining the claims and investigating services of the insurance carrier. This form of coverage will be necessary only for contractors engaged in the handling of high explosives or in extra-hazardous research and development activities undertaken in populated areas. Prior approval for purchase of this type of insurance shall be obtained from the head of procuring activity, and limits of $50,000 per accident with an aggregate limit of $100,000 for each year of policy coverage shall be considered adequate. However, where a commingling of op-

erations permits property damage coverage at a nominal cost to the Department of the Army under insurance carried by the contractor in the course of his commercial operations, the participation in such insurance shall be deemed in the best interest of the Government.

(c) Products liability insurance protects the insured for damages to third persons arising out of the consumption, handling, or use of a product. This insurance shall be required only where a contractor under the authority of his contract operates a commissary or other similar facility for dispensing food. Such insurance, when necessary, will be added by endorsement to the general liability policy with limits of $50,000 per person and $100,000 aggregate for each year of policy coverage. Aircraft products liability insurance is set forth in § 599.501–4(c).

(d) Contractual liability insurance protects the contractor against loss arising under assumption of liability by agreement. This insurance is provided by the comprehensive general liability policy where a contractor has assumed liability in writing under any of the following:

(1) A lease of premises,

(2) An easement agreement,

(3) An agreement required by municipal ordinance,

(4) A sidetrack agreement, or

(5) An elevator or escalator maintenance agreement.

The purchase of insurance for other assumed liability may be approved where assumption of such liability by the contractor has been authorized and the head of procuring activity determines that the purchase of such insurance is necessary.

(e) Where the insurance required by this section is purchased for contracts to be performed outside the United States, its possessions, and Puerto Rico, the head of procuring activity is authorized to revise downward the monetary limits prescribed herein.

§ 599.501–3 Automobile liability insurance.

Automobile public liability and property damage insurance shall be required with limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, nonowned, hired, and Government-furnished motor vehicles which will be used in the contract operations where such use will not be limited exclusively to the premises on which the work under the contract is to be performed. When such insurance is purchased for contracts to be performed outside the United States, its possessions, and Puerto Rico, the head of procuring activity is authorized to revise downward the monetary limits prescribed herein.

§ 599.501–4 Aircraft public and passenger liability insurance.

(a) Where the contract performance requires the operation, maintenance, or use of aircraft, aircraft liability insurance (including passengers, if the exposure exists) with bodily injury limits of $50,000 per person, $100,000 per accident shall be required. If the operation of an airport is required in connection with the performance of the contract, airport liability insurance with bodily injury limits of $50,000 per person, $100,000 per accident shall be required; property damage coverage shall not be required or approved by the contracting officer without the specific approval of the head of procuring activity concerned. Where the contractor's operations under Department of the Army cost-reimbursement type contracts are commingled with his commercial operations or with his performance under Government fixed-price type contracts, the higher limits normally carried by the contractor may be approved in excess of the limits indicated in this section.

(b) Since the contractor is relieved of liability under the Government property clause in the contract, aircraft hull and aircraft in the open insurance shall not be purchased under cost-reimbursement type contracts for manufacture, modification, or servicing of Government-owned aircraft; however, a contractor may be authorized to purchase this insurance to insure aircraft not owned by the Government but used in connection with performance under the contract.

(c) Aircraft products liability insurance may be authorized in contracts for the manufacture, modification, or repair of aircraft, subject to approval of the terms, limits, and rates by the head of procuring activity concerned. Prior approval of the Assistant Secretary of the Army (Installations and Logistics) is required if reimbursement to, or indemnification of, a contractor on account of liability to third persons for loss or damage to property, death, or bodily injury where the liability arises out of a "products hazard" (as that term is defined in the usual type of aircraft products liability insurance policy) is involved.

§ 599.502 Self-insurance.

When there is mandatory insurance coverage prescribed by § 599.501, self-insurance may be approved by the contracting officer, provided that—

(a) The contractor has maintained the practice of self-insurance in respect to such coverage or risk for a period of not less than three years;

(b) Adequate safety inspection and engineering programs are carried on by the contractor;

(c) The contractor has an effective and established policy for claims investigation;

(d) The contractor has established a plan of funding so that the annual cost of "loss payments" remains reasonably constant;

(e) The charges to be made against the contract for the cost of the self-insurance program may reasonably be expected to be less than the charge for an equivalent program of insurance; and

(f) That the Government contracts will share equitably in any release of reserve funds.

Self-insurance programs which do not in all respects meet the foregoing conditions shall be submitted to the addressee in § 590.150(b)(17) of this chapter prior to acceptance by the contracting officer.

§ 599.503 Government-property.

The Government Property Clause (§ 13.503 of this title) generally relieves the contractor for loss of or damage to Government property in his care, custody, or control and therefore there is no requirement for such coverage except in limited instances (see § 599.303). The loss and salvage organizations referred to in the contract clause (§ 13.503 of this title) will be found listed in the local telephone directory of the larger cities. They are known as "General Adjustment Bureau, Inc.," and "Underwriters Adjusting Company."

§ 599.503–50 Liability for loss.

The contractor's relief from liability for loss of or damage to Government property in his care, custody, or control is intended to place the contractor in the same position he would occupy if commercial insurance policies providing broad protection were procured by him against the named perils.

§ 599.550 Group Insurance Plans.

(a) Use of group life insurance plans and other forms of insurance provided to employees in order to furnish benefits in the event of death, disability, dismemberment, hospitalization, or surgical or medical care shall be subject to approval by the head of procuring activity in order to insure that greater benefits are not being extended under a cost-reimbursement type contract than are otherwise extended to employees under the contractor's regular commercial operations. When an existing benefit schedule is being increased, such schedule shall also be referred to the head of procuring activity for approval. When a contractor's employees under a cost-reimbursement type contract are covered under the contractor's commercial group life or similar-type insurance policies, provision should be made upon contract completion or termination to insure that any experience refund due will be credited proportionately to the contract account and refunded to the Government.

(b) As relates to the Defense Department Group Term Insurance Rating Plan, see § 599.752.

§ 599.551 Accident and disability insurance for extra-hazardous occupations.

Insurance for risks of disability or death due to extra-hazardous occupations of contractor employees is available under Blanket Policy FD–711, Insurance Company of North America. The rate under this blanket policy, effective 1 October 1961, is $1.50 per month per $10,000 per covered employee. Such coverage is available in units of $10,000 per person covered, to a maximum of $50,000 per person. Details of insurance coverage may be obtained from the Insurance Company of North America, 2133 Wisconsin Avenue NW., Washington 7, D.C. Similar coverage may be available from other reputable carriers, but reimbursement to the contractor for the cost of such coverage will not exceed $1.50 per

month per $10,000 unit per covered employee. When the cost of the insurance is an item for reimbursement under a Department of the Army contract, the contractor may procure such insurance at the expense of the Government only with the approval of the contracting officer.

§ 599.552 Insurance carrier.

A contractor performing a cost-reimbursement type contract will select his own insurance carrier. However, such carriers must satisfy the minimum standards set forth below. Deviations from these standards may be made by a head of the procuring activity in the case of a foreign insurance carrier operating outside the United States if the financial responsibility of such carrier has been established.

(a) The carrier must have an unobligated minimum surplus of $350,000.

(b) In the case of a contract for casualty insurance, other than workmen's compensation insurance, the financial responsibility of the insurance carrier must be such that the policy will not expose the carrier in a single accident or occurrence to a loss of more than 10 percent of (1) its total capital stock and surplus, in the case of a fixed-premium carrier, or (2) its net assets in the case of a dividend-paying carrier.

(c) In the case of workmen's compensation insurance, the insurance carrier shall have (1) a total capital and surplus of at least $1,000,000, in the case of a fixed-premium carrier, or (2) at least $1,000,000 of net assets in the case of a dividend-paying carrier.

§ 599.553 Review and approval of contractors' insurance programs.

(a) Affirmative approval of insurance plans, policies, endorsements, rates, and premiums must be given, in accordance with the operating instructions of the procuring activity, when a cost-reimbursement type contract provides for reimbursement of such insurance costs as may be approved or required by the contracting officer. A head of procuring activity may require a change of plan or policy form if the type selected by the contractor is not deemed to be the most advantageous to the Government.

Prior to approval of a contractor's insurance program, the extent of the contractor's cost-reimbursement type contracts with other agencies of the Department of Defense at or adjacent to the proposed location shall be considered. Determination shall be made as to whether insurance pertaining to the contract should be combined with insurance pertaining to the contractor's other Department of Defense contracts to effect savings in reimbursable insurance premium costs. (See § 599.352.) Where the contract operations are at a location at which the work is exclusively or almost exclusively for the Department of Defense, consideration should be given to establishing a special insurance arrangement for all work performed at this location.

(1) The criteria for application of the National Defense Projects Rating Plan is set forth in § 10.703 of this title. Where a location does not qualify for this Plan and the estimated annual premiums are substantial, a commercial retrospective rating plan may be appropriate. If the estimated annual premiums are small, joint insurance with the contractor's commercial operations or special guaranteed cost policies may be advisable.

(2) Where special insurance arrangements are made, the exact coverages and limits required by § 10.501 of this title and § 599.501 shall be provided. The purpose of such an insurance program is not primarily to protect the Government or the contractor against financial loss but is to obtain the experienced services of the insurance industry in such technical areas as claims settlement and safety engineering; therefore, the higher limits of liability insurance normally carried by contractors in their commercial operations are not acceptable. The risk of excessive losses is normally assumed by the Government by the use of the "Insurance Liability to Third Persons" clause (§ 7.203–22 of this title) or a similar clause.

(3) It is the policy of the Department of the Army not to interfere with the contractor's established commercial insurance program. However, where cost-reimbursement type contract operations are commingled with the contractor's commercial operations, all operations should normally be insured together. In such a case, the proportionate share of Department of Defense contracts and the amount of premium involved shall be the governing factors in determining the extent of Government participation in the contractor's program. Unless both of these factors are substantial, review of the contractor's insurance program should be limited to assuring that the contractor complies with the requirements contained in § 10.501 of this title and § 599.501. Higher limits than those prescribed in this subchapter may be approved where joint insurance coverage exists. Particular attention should be given to the time period and any geographical limits of the policies as well as to provisions excluding any phase of contract operations from coverage. Policy endorsements set forth in § 10.302 of this title should be attached to the policies.

(b) The submission by a head of procuring activity to higher authority of a question involving a contractor's insurance program shall include (1) a copy of the related contract, (2) a copy of the contractor's proposed insurance policies, and (3) the recommendations of the procuring activity.

(c) Where contract operations are separately insured under a policy which incorporates a retrospective plan (National Defense Projects Rating Plan, War Department Comprehensive Insurance Rating Plan, or commercial plans, A, B, C, or D), incurred losses and final premium costs will be reviewed at the home office of the insurer prior to payment of the final additional premium or receipt of final return premium. This review will include (1) an examination of closed claims to assure that losses have been properly charged and expenses correctly allocated; (2) an inspection of open claims to negotiate the allowable reserves; and (3) such other matters as the reviewing officer may deem appropriate.

(d) Where more than one Department of the Army procuring activity is involved in approval, negotiation, or review of a contractor's insurance program or policies, to the extent possible coordination shall be effected among the procuring activities involved. When feasible, the procuring activity whose contracts bear the predominant amount of premiums should be responsible for the negotiation or review. However, other arrangements may be made if concurred in by all procuring activities involved.

§ 599.554 Action on termination or completion of contract.

(a) Generally, settlements of cost-reimbursement type contracts will have been completed prior to the required lapse of time for final settlement under any form of retrospective rating plan of insurance. Therefore, where a retrospective plan of insurance is involved, the contracting officer shall take action, at the time of contract settlement, to insure that any appropriate remaining credits due the contractor in connection with the insurance will be paid to the Government and any appropriate outstanding obligations of the contractor with respect to insurance will be assumed by the Government. This action shall be accomplished through execution of one of the two types of assignment form set forth in paragraphs (c) and (d) of this section.

(b) In the event the Government has less than a 100 percent interest in premium refunds or dividends, the assignment will be appropriately modified to reflect the percentage of the Government's interest in premium refunds or dividends and the extent of the Government's assumption of additional premium obligation. Assignments to the Government shall be executed in sufficient copies to serve the purposes of the cognizant procuring activity. After the original and all copies have been executed by the contractor and the Government, the contracting officer shall dispatch them by registered mail, return receipt requested, to the home office of the insurance company involved for signature by an officer of the company. The letter accompanying the forms shall specify that all checks to cover return premiums and dividends are to be made payable to the Treasurer of the United States and forwarded to the contracting officer with advice as to the contract to which it applies.

(c) The form set forth below shall be used in connection with National Defense Projects Rating Plan or War Department Insurance Rating Plan Policies.

ASSIGNMENT TO GOVERNMENT

It is agreed that the return premiums and premium refunds and dividends[1] due or to become due the prime Contractor under the policies to which the ----------[2] Rating Plan Endorsement made a part of Policy ------ applies are hereby assigned to and shall be paid to the United States of America, and the prime Contractor directs the company to make such payments to the

Treasurer of the United States acting for

Subpart F—[Reserved]

for several cost-reimbursement type

Treasurer of the United States acting for and on account of the United States of America.

The United States of America hereby assumes and agrees to fulfill all present and future obligations of the prime Contractor with respect to the payment of the premiums under said policies.

This agreement, upon acceptance by the prime Contractor, the United States of America and the Company shall be effective from _____.

_____
(Name of Insurance Company)
By _____
(Title of official signing)

Accepted
_____
(Date)

UNITED STATES OF AMERICA
By _____
(Authorized Representative)

Accepted
_____
(Date)
By _____
(Prime Contractor)
By _____
(Authorized Representative)

Accepted
_____
(Date)

[1] Omit "and dividends" if non-dividend paying carrier.
[2] Insert title of Rating Plan.

(d) The form set forth below shall be used in connection with insurance policies not issued under the National Defense Projects Rating Plan or War Department Insurance Rating Plan when the Government has assumed the contractor's obligations for further premium payments under the policies.

ASSIGNMENT TO GOVERNMENT

It is agreed that the return premium and dividend [1] due or to become due the insured under Policy No._____ are hereby assigned to and shall be paid to the United States of America, and the Contractor directs the company to make such payments to the Treasurer of the United States acting for and on account of the United States of America.

The United States of America hereby assumes and agrees to fulfill all present and future obligations of the Contractor with respect to the payment of the premiums due under said policy.

This agreement, upon acceptance by the Contractor, the United States of America and the company, shall be effective from _____.

_____
(Name of Insurance Company)
By _____
(Title of official signing)

Accepted
_____
(Date)

UNITED STATES OF AMERICA
By _____
(Authorized Representative)

Accepted
_____
(Date)

_____
(Prime Contractor—Insured)
By _____

Accepted
_____
(Date)

[1] Omit "and dividend," if non-dividend paying company.

Subpart F—[Reserved]

Subpart G—Special Casualty Insurance Rating Plans

§ 599.750 Application of National Defense Projects Rating Plan.

(a) The procedures applicable to the operations of this Plan are set forth in detail in Bulletins issued by the Conference Committee on the National Defense Projects Rating Plan, Tenth Floor, 200 East 42d Street, New York 17, New York. The documents required and procedures normally followed are outlined below.

(b) Insurance policies: Each of the affected Workmen's Compensation, Automobile and General Liability policies must contain the prescribed general endorsement for that particular policy. The Workmen's Compensation policy, in addition, must contain the National Defense Projects Rating Plan Endorsement. Additional endorsements may be required, where appropriate. The forms for the required endorsements and various optional endorsements are set forth in Bulletin Number 8 and supplements thereto.

(c) Preliminary settlement exhibits: The Preliminary Settlement Exhibits are submitted annually from six to eight months after the completion of each policy year and after termination of the policy. Samples of these exhibits and instructions for their preparation may be found in Bulletin Number 11.

(d) Premiums: Fifty percent of the "Standard Premium" is usually paid monthly, where the standard premium is established by published rate manuals within the United States and by negotiation outside the United States. Accompanying each preliminary settlement should be a premium refund or a bill for additional premium, dependent upon the cumulative experience of the claims for the project to the date of settlement. A final premium adjustment is made after the final settlement exhibits have been submitted and reviewed (see paragraph (e) of this section).

(e) Assignment to the Government: At the time of completion of the Department of the Army contract(s), all premium refunds, dividends and return premiums are assigned to the Government. The Government also assumes direct liability for any additional premium which may become due. The form of this assignment is found in § 599.554(c).

(f) Final settlement exhibits: Between eighteen and twenty months after termination of the policies, a computation of premium for final settlement purposes is prepared by the insurance company. No return premium should be accepted or additional premium paid until this settlement offer has been reviewed in accordance with § 599.553(c).

(g) Release: After the final review has been completed and the final premium refund or payment made, the insurer will be required to furnish a National Defense Projects Rating Plan Release, the form of which is found in Bulletin Number 9.

(h) It is often advantageous to the Government to combine the insurance for several cost-reimbursement type contracts under one National Defense Projects Ratings Plan project for premium settlement purposes. The contracts involved may have been negotiated by different procuring activities or by the Departments of the Navy and Air Force, in which case §§ 599.352 and 599.553(d) apply. Situations where combinations of contracts may be advisable are where work under several contracts is performed:

(1) At the same location at the same time by different contractors, such as an architect-engineer and a construction contractor;

(2) At the same location at different times by the same or different contractors, such as construction and operation contracts at a Government Owned Contractor Operated plant or aircraft maintenance contracts which are replaced periodically by new contracts; or

(3) At different locations by the same contractor, such as one division of a contractor performing mostly cost-type contracts.

§ 599.751 Insurance advisors.

(a) When the insurance program is administered under the National Defense Projects Rating Plan for contracts within the United States, the contractor may select a licensed insurance agent or broker as insurance advisor to represent him in connection with the insurance coverages under the Plan. If a contractor selects an insurance advisor, the advisor shall submit a statement of his qualifications through the contractor to the contracting officer for approval. The statement should include a description of the experience of the firm or individual, location of the office from which the risk will be serviced, and a list of other Government contracts which the advisor has serviced or is presently servicing. After the individual or firm has been approved by the contracting officer, the contractor may enter into the service agreement in paragraph (b) of this section with his insurance advisor.

(b) Defense Department Insurance Service Agreement:

DEFENSE DEPARTMENT INSURANCE SERVICE AGREEMENT

1. _____
(Name of Advisor)
an individual, a partnership, a corporation organized and existing under the laws of _____
(Strike out inapplicable designation and/or add appropriate designation)
of _____
(Address of Advisor)
hereinafter called the "Advisor," agree(s), in consideration of a fee to be determined in the manner hereinafter set forth, to render complete insurance advisory service to _____
(Name of Contractor)
of _____
(Address of Contractor)
Contractor with the United States of America under Contract No. _____ hereinafter called the "Contractor," on all insurance procured under the National Defense Projects Rating Plan with respect to the construction or operation (or both, as the case may be) of _____, located at or near _____, from the effective date of this agreement continuously until approval of final premium audit and of all premiums for such insurance has been made.

2. The Advisor agrees that he will:

a. Upon request, assist the Contractor in the selection of an insurance carrier;

b. Procure insurance binders and policies and examine to determine that they are correctly written and that the required coverages are provided;

c. Assist the Contractor in establishing proper procedure and records for determining payroll classifications and for other units of exposure upon which insurance premiums are based;

d. Review and approve all insurance audit statements and premium invoices as to rates and premium extensions;

e. Visit the project or location of operations as required by the Contractor or deemed advisable by the Advisor to determine that insurance matters under the National Defense Projects Rating Plan are properly handled;

f. Render any other assistance relating to insurance written under the National Defense Projects Rating Plan which the Contractor may require;

g. Submit to the Contractor a detailed report of findings and of services performed, during each quarter, and such special reports as may be necessary; and

h. Forward to the Contracting Officer the prescribed insurance assignment agreement or agreements executed by the Contractor.

3. The Contractor agrees to pay the Advisor a fee for his services, the amount of which shall be determined by applying the applicable percentages set forth in Column B below to 90 percent of each respective block of standard premium indicated in Column A accruing during the period of this Agreement on policies issued to the Contractor under the National Defense Projects Rating Plan. "Standard Premium" as used herein shall mean the premium for such policies computed on the basis of the manual rules and rates approved by the Defense Department for use in connection with the policies issued to the Contractor under the National Defense Projects Rating Plan.

FEE SCHEDULE ON INSURANCE SERVICE AGREEMENT

A Standard premium	B Percent	C Fees	D Cumulative standard premium	E Cumulative fees
First 10,000	@7½	675	(10,000)	675
Next 40,000	@4	1,440	(50,000)	2,115
Next 50,000	@2	900	(100,000)	3,015
Next 150,000	@1	1,350	(250,000)	4,365
Next 750,000	@ ½	3,375	(1,000,000)	7,740
Next 1,000,000	@ ½	4,500	(2,000,000)	12,240
Next 1,000,000	@ ¼	2,250	(3,000,000)	14,490
Next 1,000,000	@ ¼	2,250	(4,000,000)	16,740

A—Standard premium blocks.
B—Percent applicable to 90 percent of each respective block of standard premiums.
C—Fees by blocks.
D—Cumulative standard premiums.
E—Cumulative fees on respective cumulative standard premiums.

4. The Advisor shall submit quarterly a statement of the aggregate earned standard premium and the aggregate earned Advisor's fee, less the amount of all fees previously earned. If, however, this agreement supersedes a previous insurance service agreement or agreements, the Advisor shall submit quarterly a statement of (a) the aggregate standard premium earned during the term of all agreements; (b) the aggregate standard premium earned during the term of all previous agreements; and (c) the fee earned during the term of this agreement less all fees previously earned under this agreement. The fee earned under this agreement shall be computed by applying the basis of computation as set forth in this agreement to the aggregate standard premium earned during the term of all agreements, and deducting from the total fee thus computed, the portion thereof applicable to the aggregate standard premium earned during the term of all previous agreements. Upon approval by the Contractor of each such quarterly statement, the Advisor shall be paid the earned fee. A final statement shall be submitted by the Advisor upon receipt of final audit statements from the insurance carrier and final settlement of the Advisor's fee shall be made as soon as practicable thereafter.

5. The Advisor agrees that he will neither accept employment by nor any remuneration directly or indirectly from the insurance carrier for services rendered in connection with the insurance written under the National Defense Projects Rating Plan covering operations under the contract referred to in paragraph 1 hereof.

6. This agreement may be terminated by either of the parties hereto upon notice in writing mailed to the other party stating when, not less than ten days thereafter, such termination shall be effective. Delivery of such notice shall be equivalent to mailing. In the event of termination a copy of such notice shall be immediately mailed to _____,
(Contracting Officer)
_____
(Address)

If this Agreement is terminated as herein provided, the Advisor's fee shall be computed in the manner provided herein on the standard premium accrued to the effective date of termination.

This Agreement, executed this _____ day of _____, 19__, shall be effective and binding on the undersigned from and after _____.

_____
(Insurance Advisor)
By _____
Title _____

Attest:
_____
Title _____
(Affix corporate seal)

Witnesses as to Advisor:
_____
(Name)
_____
(Address)
_____
(Name)
_____
(Address)

_____
(Contractor)
By _____
Title _____

Attest:
_____
Title _____
(Affix corporate seal)

Witnesses as to Contractor:
_____
(Name)
_____
(Address)
_____
(Name)
_____
(Address)

Approved:
_____
_____
(Contracting Officer)

NOTE: If a corporation, signature should be attested by a corporate officer and corporate seal affixed. In all other cases two witnesses are required.

(c) Insurance Advisor's Quarterly Statement of Earned Fee: The insurance advisor shall bill the contractor each quarter for his fee in accordance with the schedule of percentages outlined in the insurance service agreement. The following format shall be used in the preparation of the fee statement:

INSURANCE ADVISOR'S QUARTERLY STATEMENT OF EARNED FEE

Advisor _____
Address _____

Date _____
Contractor _____
Contract No. _____
Project _____
Location _____
Insurance Carrier _____
Policy period: From _____
To _____
Effective date of insurance service agreement _____

Period _____ to _____	*Aggregate earned standard premium*
Workmen's Compensation and O.D. Policy	$_____
Comprehensive Public Liability Policy	$_____
Comprehensive Auto Liability Policy	$_____
Total	$_____

(d) Insurance Advisor's Quarterly Report of Services Rendered: Each quarter the insurance advisor shall submit a written report to the contractor stating services rendered during the period.

The following outline shall be followed in preparing the report:

(The Insurance Advisor's Quarterly Report of Services Rendered should follow the following topical outline and should be complete, clear and concise.)

INSURANCE ADVISOR'S QUARTERLY REPORT OF SERVICES RENDERED

Period _____ to _____

1. Insurance Placed and Policies Procured.
2. Policies, Binders, Endorsements, etc., Examined—Conditions Found and Action Taken.
3. Rating Procedures and Records Established.
4. Audit Statements and Premium Invoices Reviewed—Conditions Found and Action Taken.
5. Other Data Procured From Carriers—Comments.
6. Visits to Projects.
(a) Date.
(b) Report of Safety Engineering Service and Facilities.
(c) Report of Claim Service and Facilities.
(d) Report of Hospital and Medical Service and Facilities.
(e) Other Visits—Date, Purpose and Results.
7. Other Services Rendered.
8. Recommendations: (List and Be Specific).

_____
(Insurance Advisor)
By _____
Title _____

§ 599.752 Defense Department Group Term Insurance Plan.

The Defense Department Group Term Insurance Plan is available for use in connection with the purchase of group insurance coverages for employees of a cost-reimbursement type contractor. The Commanding General, U.S. Army Materiel Command is responsible for the operation of this plan within the Department of the Army. Coordination shall be effected therewith prior to the approval of the use of this plan by any procuring activity. A contractor is

eligible for the Defense Department Group Term Insurance Plan only if the

chased for the exclusive use of the United

his representative, is authorized to com-

(x) Action contemplated by contrac- *installations*. Whenever [illegible]

eligible for the Defense Department Group Term Insurance Plan only if the number of covered employees is 500 or more, and (a) the contractor is wholly engaged in operations under eligible contracts; or (b) ninety percent or more of the payroll of the contractor's operations to be insured under the Plan arise under eligible contracts.

PART 600—TAXES

14. The heading of Part 600 is changed as set forth above, and the remainder of the part is revised to read as follows:

Sec.
600.000 Resolution of the tax problem.
600.050 Implementation of part.
600.502–1 Use of Standard Form 1094.
600.502–2 Persons authorized to furnish evidence of exemption.

AUTHORITY: §§ 600.000 to 600.502–2 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 600.000 Resolution of the tax problem.

Actual or anticipated tax problems which cannot readily be solved by reference to Part 11 of this title shall be forwarded, through channels, to The Judge Advocate General, Department of the Army, Washington, D.C., 20310, Attn: Chief, Procurement Law Division. Direct communication with The Judge Advocate General is authorized if the time by which a solution to a tax problem is required is so short that communication through channels would be clearly inadequate. In this case, copies of the reference and copies of the reply of The Judge Advocate General will be dispatched through normal channels. Tax problems forwarded to The Judge Advocate General shall be accompanied by—

(a) A comprehensive statement of pertinent facts, including documents and correspondence,

(b) A copy of the contract or pertinent portions thereof,

(c) A review of the legal and factual issues involved, and recommendations on action to be taken,

(d) If appropriate, a statement of the effect of the tax problem on procurement polices and procedures, and

(e) The comments and recommendations of each successive echelon of command through which the correspondence passes.

§ 600.050 Implementation of part.

No directives, regulations, instructions, or procedures concerning Federal, State, or local taxes in relation to Army procurement functions shall be published by any agency, command, or office of the Department of the Army without prior approval of the Assistant Secretary of the Army (Installations and Logistics).

§ 600.502–1 Use of Standard Form 1094.

(a) *General.* Unless a different type of evidence of exemption is required by the taxing jurisdiction, SF 1094 shall be used where exemptions, adjustment, or refunds of State and local taxes are allowed on commodities or services purchased for the exclusive use of the United States.

(b) *Tax Inclusive Purchases.*

(1) When a State or local tax attaches at the time of sale to the United States and the legal incidence of the tax appears to be on the United States, if the vendor refuses to sell at a price exclusive of the tax, SF 1094 shall be used to obtain a record of the transaction for use by the United States Government in billing the taxing authority for refund of the tax.

(2) SF 1094 shall be executed and delivered to the disbursing officer to whose accounts the vouchers in the transaction pertain. The certificate of the vendor should be obtained on each SF 1094 or receipt issued for the transaction. The voucher number of the payment voucher shall be noted on the SF 1094 and the serial number of the SF 1094 shall be shown on the payment voucher.

(3) The SF 1094 shall be forwarded through channels to the Finance and Accounts Office, U.S. Army, Washington 25, D.C., ATTN: Accounting Branch, which shall bill the State or local taxing authority for refund of the tax paid. The amount collected shall be credited to the appropriation from which the voucher was paid, or, if the appropriation cannot be readily identified, to "Account 213099—Miscellaneous recoveries and refunds, not otherwise classified."

(4) If the Finance and Accounts Office is unable to obtain a refund of the tax, it shall refer the matter to The Judge Advocate General pursuant to § 600.000, for determination whether it is appropriate to forward the file to the General Accounting Office for collection.

§ 600.502–2 Persons authorized to furnish evidence of exemption.

Each Head of Procuring Activity concerned, and contracting officers and their representatives, are authorized to furnish evidence of exemption from taxes.

PART 601—LABOR

15. Section 601.101 is revised; paragraph (d) of § 601.102–2 is revised; and new subparagraph (5) is added to § 601.102–4(b), as follows:

§ 601.101 Labor relations.

(a) *Assistance.* All problems arising out of the labor relations of Government contractors vitally affect procurement and are an essential part of procurement responsibility. Heads of procuring activities are encouraged to seek the assistance of the Labor Advisor in the disposition of these problems.

(b) *Labor responsibility.* (1) Representatives of heads of procuring activities and subordinate headquarters shall refrain from formal or informal contacts with national offices of labor organizations or Department headquarters of Governmental organizations in connection with labor matters without prior authorization from the Labor Advisor. In case of emergency, such authorization may be obtained by telephone.

(2) Subject to the restrictions in subdivisions (i) and (ii) of this subparagraph, a head of procuring activity, or his representative, is authorized to communicate with local labor organizations and local offices of Federal agencies in connection with labor matters of concern to a particular activity, but no action which is not mutually acceptable to the head of procuring activity and the local organization shall be taken until the matter has been coordinated with the Labor Advisor.

(i) Inquiries to the Federal Mediation and Conciliation Service for information regarding the status of mediation proceedings, the nature of the dispute, and related matters shall be directed only to a regional office of that agency.

(ii) Department of the Army representatives will not volunteer information to or answer requests from representatives of labor, management, or Federal agencies relevant to work stoppages or disputes without prior clearance from the Labor Advisor. When necessary such clearance may be obtained by telephone or other informal means and written confirmation of all informally reported facts shall be made as soon as possible thereafter.

(iii) In order to insure that the Assistant Secretary of the Army (Installations and Logistics) is fully and expeditiously informed of all labor relations matters pertaining to departmental procurement, it is essential that such matters be coordinated at Department of the Army level. Therefore, in the event requests for information relevant to labor matters are submitted by national officers of labor organizations or Government organizations, including other military departments, to representatives of procuring activities, such representatives shall promptly notify the Labor Advisor. Moreover, any reply which may be required will be transmitted through appropriate procurement channels.

(c) *Reports.* (1) Each labor dispute, work stoppage, or threatened work stoppage on any Army contract shall be reported by the contracting officer.

(2) The report, entitled "Labor Disputes or Work Stoppages (Actual or Threatened)" (Reports Control Symbol SAOAS–40), shall include the following information—

(i) Name and location of Army installation, contractor facility, or project involved;

(ii) Names of prime contractor and subcontractors; names, addresses, and telephone numbers of contractor personnel contacted;

(iii) Items being produced or project being constructed;

(iv) Type of contract and contract number;

(v) Effect on production or construction to include quantity of items or progress of construction involved;

(vi) Date and time of work stoppage;

(vii) Classification of labor involved;

(viii) Name, local number, address, and telephone number of local union involved; names, addresses, and telephone numbers of local union officials and results of any contacts with same;

(ix) Cause of dispute and issues involved;

(x) Action contemplated by contractor or recommendations as to action which might be taken;

(xi) Actual or estimated number of workers directly or indirectly involved, classification, and total number of workers employed at location of dispute;

(xii) Whether picket line has been established;

(xiii) Forecast of duration of strike; and

(xiv) Availability of end items, component parts, and/or materials, including—

(*a*) Stocks in hands of procurement activities or receiving agencies;

(*b*) Quantity of affected material on hand at construction or manufacturing site; and

(*c*) The existence or nonexistence of alternate sources of items, parts, or materials, together with factors involved in utilizing these sources, including timing, price, quality, and suitability of the product;

(*d*) A statement of the degree and extent of importance to the Department of the Army of the delay occasioned by the work stoppage, including such factors as the effect upon research and development programs, defense stocks, critical construction, increased costs of procurement, and program delays;

(*e*) Additional pertinent information including, when applicable, the effect on care and maintenance of Government-furnished equipment or materiel.

(3) When all of the information required by subparagraph (2) of this paragraph is not immediately available, the report shall be prepared and forwarded with the information at hand. Failure to include in the initial report any of the required items shall be explained. Additional information, any changes to the information furnished, and information on all developments in the matter shall be promptly forwarded.

(4) Three copies of each report prepared pursuant to this paragraph shall be forwarded to the addressee listed in § 590.150(b)(1) of this chapter; two of the copies shall be marked "ATTN: Labor Advisor" and one shall be marked "ATTN: Chief, Industrial Division, ODC-SLOG." One of the copies marked for the Labor Advisor shall be dispatched immediately by the contracting officer to the ultimate addressee by the most expeditious means. Each successive echelon in the procurement channel shall attach its pertinent comments and recommendations to the other two copies of the report and promptly forward them. (See § 590.150(a) of this chapter.)

(5) In situations of extreme urgency contracting officers shall make initial and supplemental reports by telephone or other informal means to the Labor Advisor. In all such cases the information informally submitted shall be confirmed in writing as soon as possible thereafter. Further, in situations where possible serious impact may ensue, direct communication is authorized between procuring activity representatives and the Labor Advisor.

(d) *Request from union representatives to enter Department of the Army installations.* Whenever labor representatives request permission to enter Department of the Army installations on which private contractor employees are engaged in contract work, to conduct union business during working hours in connection with the contract between the Government and the contractor on which union members are employed, the commanding officer may admit such representatives: *Provided:* (1) The presence and activities of the labor representatives will not interfere with the progress of the contract work involved, and (2) the entry of such representatives to the installation will not violate pertinent safety or security regulations. Labor representatives are not authorized to engage in organizing activities, collective bargaining discussions or other matters not directly connected with the Government contract, on military installations. The determination as to who is an appropriate labor representative should be made by the commanding officer on recommendation of his labor advisor after consultation with local union officials. Business offices or desk space for labor organizations for solicitation of membership, collection of dues, or other business of the labor organization, not directly connected with the contract work, shall not be permitted on the installation, except for the routine functions of the working steward whose union duties are incidental to his assigned job. In the event that a commanding officer of an installation or a contracting officer denies entry to a labor representative for any reason, such officer shall notify the Labor Advisor. Such notification shall include the reasons for denial, including names and addresses of representatives denied entry and union affiliation of such representatives if known (exempt report, par. 39o, AR 335–15).

(e) *Applicability.* Section 12.101 of this title and this section are applicable only within the United States and its possessions.

§ 601.102–2 Policy.

* * * * *

(d) When two or more purchasing offices, representing one or more procuring activities within the Department of the Army, have contracts with a contractor who must perform overtime or shift premium work in order to meet military requirements, one purchasing office will be designated to provide the Department of the Army representative, who will coordinate and administer the approval of the overtime and shift premium work for all such contracts. The purchasing offices concerned should exert every effort locally to reach agreement on a representative. Normally that purchasing office having the preponderance of work with the contractor should provide the representative. The Commanding General, the Deputy Commanding General or the Director of Procurement and Production, U.S. Army Materiel Command, are authorized to designate a representative to act when two or more Army contracting activities, one of which is a U.S. Army Materiel Command activity, cannot agree on overtime and shift premiums. When a U.S. Army Materiel Command activity is not involved, the disagreement shall be referred to the addressee in § 590.150 (b)(6) of this chapter.

§ 601.102–4 Approvals.

* * * * *

(b) In the United States Army Materiel Command:

* * * * *

(5) Director of Research and Development.

* * * * *

PART 602—GOVERNMENT PROPERTY

16. Part 602 is revised to read as follows:

Subpart A—General

Sec.
602.102–3 Facilities.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—Industrial Facilities

602.450 Contractor-operated motor vehicles.

Subpart E—Contract Clauses

602.502 Government-furnished property clause for fixed-price contracts.
602.502–51 Liability for Government property furnished for repair or other services.
602.503 Government property clause for cost-reimbursement type contracts.
602.504 Special tooling clause for fixed-price contracts.
602.550 Government-furnished property (short form).

Subpart F—[Reserved]

Subpart G—Use of Government-Owned Industrial Facilities and Special Tooling on Work for Foreign Governments

Subparts H–N—[Reserved]

602.702 Use without charge.

Subpart O—Sale, Loan, Gift of Property

602.1501 Sale of uniforms, safety items, and unserviceable ammunition components.
602.1502 Sale, loan, or gift of certain property (10 U.S.C. 4506).
602.1503 Loan of equipment—research and development.

Subpart P—Audit of Industrial Property Records

602.1601 Responsibility for audits.
602.1602 Reports of audit.
602.1603 Records in unsatisfactory condition.

Subpart Q—Manuals for Control of Government Property in Possession of Contractors

602.1700 General.
602.1701 Definitions [B–103].
602.1701–1 Special tooling.
602.1701–2 Custodial records.
602.1702 Duties and responsibilities of the contract administrator.
602.1703 Designation of property administrator.
602.1704 Property administration interchange agreements.
602.1705 Duties and responsibilities of the property administrator.

Sec.

Sec.
602.1706 Sources from which Government property may be furnished or acquired [B and C–205].
602.1706–1 Military installations or other contractor's plants.
602.1706–2 Direct purchase by the contractor.
602.1707 Segregation or commingling of Government property and contractor's property.
602.1708 General.
602.1708–1 Accounting for items bearing registration numbers.
602.1708–2 Exceptions.
602.1709 Contractor's property control records.
602.1710 Pricing.
602.1711 Records to be maintained by Government personnel [B–303 and C–313].
602.1711–1 Records of specific contracts where property is involved.
602.1712 Records to be maintained by the contractor [B–304 and C–207].
602.1712–1 Records of material—custodial records.
602.1712–2 Records of plant equipment.
602.1712–3 Records of real property.
602.1712–4 Records of scrap.
602.1712–5 Financial control accounts.
602.1713 Numbering property accounts.
602.1714 Identification of Government property.
602.1714–1 Identification marking of Government property.
602.1715 Contractor's responsibility and liability [B–402, C–303 and C–304].
602.1715–1 Contractor liability.
602.1715–2 Shipment and receipt of Government-furnished property.
602.1716 Selective examinations of contractor records and property.
602.1717 Transfers of property accounts between property administrators.
602.1718 Transfer of property from military to contractor (industrial) property accounts.

AUTHORITY: §§ 602.102–3 to 602.1718 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—General

§ 602.102–3 Facilities.

(a) Requests for secretarial approvals required in relation to providing industrial facilities shall accompany determinations and findings in connection with negotiations contemplating the use of §§ 3.211 through 3.216 of this title, where possible.

(b) Determinations to provide industrial facilities having an acquisition cost of less than $1,000,000 and which are part of the Government inventory may be made by a head of procuring activity or his designee.

(c) Determination to provide industrial facilities involving an expenditure of less than $1,000,000 may be made by a head of procuring activity, his deputy, or principal assistant for procurement.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—Industrial Facilities

§ 602.450 Contractor-operated motor vehicles.

(a) Certain Government installations are operated by private contractors who are given full operating control of the plant facilities, including vehicles, by the terms of their contracts with the Government. Vehicles which are thus operated by private contractors, but are owned by the Government, are classed as "Contractor Vehicles," in order to distinguish them from "Military Vehicles." The operation, maintenance, supply, and control of contractor vehicles are, by provisions of contract, in the hands of the private contractor, and fall within the category of Government-furnished property. The term "contractor vehicle" as used herein is defined as any vehicle supplied under written contract to contractors for use at class II contractor-operated installations and other Government-owned Department of the Army controlled industrial facilities, or contractor-owned facilities under contract with the Department of the Army.

(b) It is the basic policy of the Department of the Army, that contractors shall, to the greatest extent practicable, procure their vehicles, fuels, lubricants, tires, and repair items in the open market. See paragraph 504, AR 58–1. When motor vehicles, except materials handling equipment, are procured by a contractor for the account of the Government, application for proper registration number will be made through the contracting officer to the addressee in paragraph 601*a*, AR 58–1. (For registration of materials handling equipment, see AR 700–3900–5.) When necessary, Department of the Army items may be reclassified and supplied as Government-furnished property. Prior to the negotiation of contracts or amendments thereto, contracting officers shall ascertain through command channels, the probable availability of the necessary vehicles within the Department of the Army. Request for the furnishing of any items listed in this section shall be made by the contracting officer, through channels, to the appropriate supply source. Nothing in this section shall preclude a contractor from being reimbursed for such items which he may procure when properly allocable to the contract.

(c) When a standby-industrial installation is reactivated and operated by a contractor under a contract, the terms of which require and authorize the furnishing of vehicles by the Government, the procuring activity concerned shall transfer such vehicles as are on hand at the installation which are determined as suitable for the functions to be performed by the contractor. Vehicles transferred shall be reclassified as contractor vehicles and transferred to the contract account as Government-furnished property. Vehicles which are not authorized under the terms of the contract or are not suitable for use thereunder shall be declared excess to the needs of the installation and returned to appropriate supply channels.

(d) When an industrial installation is placed in a standby status, the owning procuring activity shall determine which vehicles at the installation are necessary to its operational activities and consequently should not be removed or replaced. The disposition of all other vehicles shall be made in the following order: (1) Those required by the procuring activity concerned for use in the maintenance of the installation, (2) those required by the owning procuring activity for use in the performance of other contracts, (3) those to be returned to appropriate supply channels. Vehicles which have been determined by the procuring activity concerned as suitable for the purpose of maintaining the installation in a standby status shall be reclassified as military vehicles and transferred to the appropriate account. Vehicles which the owning procuring activity requires for use in the performance of other contracts shall be transferred to such contract accounts if authorized by the terms thereof. All remaining vehicles shall be turned in to appropriate supply channels.

(e) Contractor-operated vehicles utilized outside the confines of a contractor-operated installation shall bear United States Government license plates. Requests for United States Government license plates shall be submitted in accordance with AR 746–2300–1 or AR 58–1.

(f) Statutory restrictions limiting the use of Government-owned vehicles to official business are applicable to contractor vehicles. Information governing the use of such vehicles under Department of the Army control is contained in AR 58–1.

Subpart E—Contract Clauses

§ 602.502 Government-furnished property clause for fixed-price contracts.

The clause in § 13.502 of this title shall be used in construction contracts under which the Department of the Army is to furnish material, special tooling, or such industrial facilities as authorized under § 13.402(b) of this title, to the contractor.

§ 602.502–51 Liability for Government property furnished for repair or other services.

Subject to the following instruction, insert the clause set forth below in contracts for repair or other servicing (e.g., laundering, cleaning, dyeing) of Government property when such property is furnished to the contractor for that purpose: *Provided, however,* That this clause shall not be used when the Ground and Flight clause (§ 10.404 of this title) is required. If either a substantial quantity of parts or materials will be furnished to the contractor, or a significant amount of scrap will result from the repair or servicing, the contract shall also contain the appropriate "Government Furnished Property" clause (Part 13 of this title), and the schedule of the contract shall provide that such parts, material and scrap shall be governed by the terms of that clause. When minor repairs are obtained under small purchase procedures (§ 3.600 of this title) the provisions of this section shall not apply (see § 602.1708–2). A contracting officer shall not require additional insurance under the clause unless the circumstances clearly indicate advantages to the Government which justify a departure from the general policy expressed in § 599.303 of this chapter.

LIABILITY FOR GOVERNMENT PROPERTY FURNISHED FOR REPAIR OR OTHER SERVICES (MAY 63)

(a) The provisions of this clause shall govern with respect to any Government property turned over to the contractor to be repaired or to have services performed on it (referred to in this clause as "Government property furnished for servicing," and such property shall not be considered "Government furnished property" within the meaning of any clause of the contract entitled "Government Furnished Property." The contractor shall maintain adequate records and procedures to insure that Government property furnished for servicing may be readily accounted for and identified at all times while in his custody or possession or the custody or possession of any subcontractor.

(b) The Contractor shall be liable for any loss or destruction of or damage to the Government property furnished for servicing caused by the Contractor's failure to exercise such care and diligence as a reasonably prudent owner of similar property would exercise under similar circumstances. The Contractor shall not be liable for loss or destruction of, or damage to, Government property furnished for servicing resulting from any other cause except to the extent that such loss, destruction, or damage is covered by insurance (including self-insurance funds or reserves).

(c) In addition to any insurance (including self-insurance funds or reserves), affording protection in whole or in part against loss or destruction of, or damage to, such Government property carried by the contractor on the date of this contract, the amount and coverage of which the contractor hereby agrees to maintain, the contractor agrees to obtain such additional insurance covering loss or destruction of or damage to Government property furnished to the contractor for servicing as may, from time to time, be required by the Contracting Officer. The requirement for such additional insurance shall be effected under procedures established by the Changes Clause of this contract.

(d) The Contractor shall hold the Government harmless and shall indemnify the Government against claims for injury to persons or damage to property of the Contractor or others arising from the Contractor's possession or use of the Government property furnished for servicing or arising from the presence of said property on the premises or property of the Contractor.

§ 602.503 Government property clause for cost-reimbursement type contracts.

The clause in § 13.503 of this title shall be used in construction contracts under which the Department of the Army is to furnish material, special tooling, or such industrial facilities as is authorized under § 13.402 of this title, to the contractor.

§ 602.504 Special tooling clause for fixed-price contracts.

The clause in § 13.504 of this title shall be used in construction contracts in accordance with § 13.302(b) of this title.

§ 602.550 Government-furnished property (short form).

The following clause shall be used in fixed-price contracts (including construction contracts) where the Department of the Army will furnish the contractor material, special tooling or industrial facilities, the total value of which will not exceed $1,000:

GOVERNMENT-FURNISHED PROPERTY (SHORT FORM)

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or specifications (hereinafter referred to as "Government-furnished property").

(b) Title to the Government-furnished property shall remain in the Government. The Contractor shall maintain adequate property control records of Government-furnished property in accordance with the requirements of the "Manual for the Control of Government Property in the Possession of Contractors" (Appendix B, Armed Services Procurement Regulation) as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract.

(c) Unless otherwise provided in this contract, the Contractor, upon delivery to it of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of this contract.

Subpart F—[Reserved]

Subpart G—Use of Government-Owned Industrial Facilities and Special Tooling on Work for Foreign Governments

§ 602.702 Use without charge.

Each head of procuring activity and his deputy or his principal assistant for procurement are authorized on behalf of the Secretary to approve requests for use of industrial facilities and special tooling without charge under the provisions of § 13.702 of this title.

Subparts H–N [Reserved]

Subpart O—Sale, Loan, Gift of Property

§ 602.1501 Sale of uniforms, safety items, and unserviceable ammunition components.

(a) Each head of procuring activity is authorized to approve, and to redelegate to a principal assistant the authority to approve, contracts for—

(1) The sale of uniforms, safety clothing, safety equipment, and other such special safety and protective articles to contractors under military contracts, to employees of such contractors, and to Government employees, at prices determined in accordance with applicable pricing regulations; and

(2) The sale of Government-owned unserviceable ammunition components, or scrap generated in the production of ammunition components, to selected metal processors at current market prices and on condition that quantities of raw materials equivalent to that processed from the unserviceable components be made available by them to Army contractors participating in approved ammunition programs.

(b) A contract, or amendment or modification thereof, shall be entered into under paragraph (a) (1) of this section only upon a written finding that the sale is made in connection with and will facilitate or expedite performance of a specific contract or work order for military procurement.

(c) The authority set forth in paragraph (a) of this section does not apply to the sale of property subject to priorities or allocation under the Defense Production Act, except where such sale is authorized under that Act or applicable regulations or orders thereunder.

(d) A contract, or amendment or modification thereof, shall be entered into under this section only if (1) the approving authority (i) finds that the action will facilitate the national defense, (ii) deems that other legal authority in the Department to accomplish the sale is lacking or inadequate, and (iii) deems that the use of the authority herein delegated is necessary and appropriate under all the circumstances; and (2) the contract is made under the authority cited in Part 17 of this title and the requirements of Subpart C, Part 17 of this title, are otherwise met.

§ 602.1502 Sale, loan, or gift of certain property (10 U.S.C. 4506).

(a) Each head of procuring activity is authorized to sell, lend, or give such samples, drawings, and manufacturing or other information as he considers best for the national defense to any contractor for Army supplies under approved production plans, and to any person likely to manufacture or supply Army supplies under such plans.

(b) Such samples, drawings and information shall be sold, loaned, or given by appropriate written agreement.

(c) As a general rule classified material will not be sold or given pursuant to this paragraph. In determining whether to sell or give any property the contracting officer should consider (1) the current or probable future need of the Government for the property, (2) the residual value of the property, (3) expenses incident to handling and storage of the property, and (4) the probable cost of reproduction of the property in the event of future procurement.

§ 602.1503 Loan of equipment—research and development.

A head of procuring activity may authorize the loan of Government property acquired for research and development to a private industrial firm or educational institution for use in privately financed research and development programs; provided that (a) such programs are of interest to the Government, (b) the results of the research will be furnished to the Government without additional cost, and (c) the loan shall be reflected in a written agreement which sets forth the terms of the loan and the benefits to be derived by the Government.

Subpart P—Audit of Industrial Property Records

§ 602.1601 Responsibility for audits.

Government and contractor-maintained records pertaining to Government property in possession of contractors are subject to audit by the United States Army Audit Agency in accordance with AR 36–5.

§ 602.1602 Reports of audit.

(a) Audit findings and recommendations pertaining to the administration of Government property in possession of contractors will be reported in the internal audit report covering the audit of the activity administering the contracts involved. A head of procuring activity shall establish such controls and procedures as are necessary to insure that deficiencies recorded in reports of audit are corrected and that due consideration is given to any recommendation contained in the reports.

(b) Informal advisory reports of the results of audit of contractors' property records shall be furnished the activity from time to time. Such reports may be in the form of separate letter reports or by comments contained in advisory audit reports pertaining to system surveys or to individual contracts. Unless specifically requested no reply to such report is required. The action taken on such reports shall be reviewed by the United States Army Audit Agency, and reported in the activity internal audit report.

§ 602.1603 Records in unsatisfactory condition.

(a) If the Government or contractor-maintained records of Government property in possession of contractors are in such condition that the status of Government property cannot be ascertained without undue expenditure of time, a special report shall be submitted by the United States Army Audit Agency through the addressee in § 590.150(b)(6) of this chapter to the head of procuring activity with an information copy to The Inspector General, Department of the Army, Washington, D.C., 20310.

(b) Upon receipt of the report, the head of procuring activity shall direct the activity commander to take the necessary corrective action and shall maintain a close followup to insure that such action is taken promptly. The head of procuring activity is responsible for insuring that the District Manager, United States Army Audit Agency, is notified when corrective action has been taken.

(c) If the circumstances are such as to justify a waiver of accounting requirements, the case shall be prepared and submitted in accordance with AR 735–79.

Subpart Q—Manuals for Control of Government Property in Possession of Contractors

§ 602.1700 General.

(a) This subpart implements §§ 30.2 and 30.3 of this title. It provides a single, detailed, uniform industrial property accounting procedure for use throughout the Department of the Army to enable contracting officers and property administrators to perform effectively the functions assigned to them without undue or inconsistent demands being placed on the accounting and control systems of contractors. Throughout this subpart the letters "B" and "C" followed by a number have been used to refer to specific paragraphs in §§ 30.2 and 30.3 of this title.

(b) It is recognized that local situations may in certain instances demand accounting for Government property by methods which differ from the instructions in this subpart. Where it can clearly be shown that such different accounting methods adequately and fully protect the interest of the Government and do not place undue burden on the contractor, a request for approval to deviate from these instructions should be submitted in accordance with § 590.109 of this chapter and AR 735–79 to the addressee in § 590.150(b)(8) of this chapter.

§ 602.1701 Definitions [B–103].

§ 602.1701–1 Special tooling.

Special tooling may be classified for accounting purposes into three categories:

(a) The Government-furnished category embraces special tooling to which the Government has title. Accounting shall be in accordance with paragraph B–304.2, except where the contract or purchase order does not exceed $5,000 (§ 602.1708–2(c)).

(b) The end-item category includes special tooling produced by the contractor as an end item under the contract. Initial accounting shall be as specified for end items in § 30.2 of this title.

(c) Title to special tooling manufactured or acquired by a contractor under the provision of § 13.504 of this title is vested in the Government only if an option to acquire the special tooling is exercised at the time of contract completion or termination. Accounting and control of use prior to taking title to the property requires assurance that the contractor observes "normal industrial practice" in his use of and accounting for the property (see paragraph (h) of the clause in § 13.504 of this title). After title has been assumed by the Government, accounting shall be in accordance with B–304.2. [B–103.14]

§ 602.1701–2 Custodial records.

These are memoranda of any description or type used for the purpose of accounting for items issued to plant employees from sources such as tool cribs, tool rooms, or stock rooms (e.g. requisitions, issue slips, receipts, tool receipts, tool checks, stock record books). [B–304.1(c)]

§ 602.1702 Duties and responsibilities of the contract administrator.

Where a single property administrator, other than a Department of the Army property administrator, has been designated under B and C–202(b) for all Department of Defense contracts at one contractor location, the contracting officer or his designated representative for property matters is responsible for the additional duties prescribed in § 602.1704. [B and C–201]

§ 602.1703 Designation of Property Administrator.

(a) A property administrator shall be designated for each Department of the Army contract involving Government property. The property administrator shall serve as an authorized representative of the contracting officer and shall be designated as prescribed in § 590.451 of this chapter. Normally, neither the contracting officer nor the contract administrator shall be assigned the additional duty of property administration; in unusual circumstances, however, such assignment may be approved by a head of procuring activity or a member of his immediate staff authorized by him to make such assignments.

(b) In appropriate cases where a post, camp or station supply officer is assigned responsibility for property administration as an additional duty, he shall become familiar with industrial property control policies and procedures contained in subchapter A, chapter I of this title and this subchapter, and as part of the contracting officer's staff shall devote the necessary time to industrial property matters.

(c) The property administrator for a prime contract is responsible for maintaining the control records required in connection with all related subcontracts under which Government property has been provided to the subcontractor, unless separate property administrators have been specifically designated for subcontracts.

(d) The designation of more than one property administrator for a particular contract or for a particular subcontract may be authorized by the chief of the purchasing office if special property accounting problems are involved (e.g., plants located in territories of more than one procurement district).

(e) In order to minimize travel requirements and to utilize to the maximum extent possible other Government personnel (such as inspectors, engineers, etc.) located at a contractor's plant or located in the same geographical area, it may be necessary either to appoint an assistant property administrator or to designate such other Government personnel located at the installation or plant to perform certain functions for the property administrator. Such appointments are subject to the following limitations:

(1) An assistant property administrator acts in his own name and maintains records required by § 30.2 of this title independent of the property administrator, except that he shall be subject to the property administrator's policy and general procedural direction. The assistant is an authorized representative of the contracting officer and must be so designated in writing by the contracting officer (§ 590.451 of this chapter).

(2) Installation personnel may be designated by the property administrator to perform specific duties in his name (e.g., signing vouchers, making and preparing report of selective checks). The signature of such designated personnel must be signed, "For the Property Administrator by—John Doe (Title)". [B and C–202(a)]

§ 602.1704 Property administration interchange agreements.

(a) Department of the Army responsibility for interchange of property administration is assigned to the Chief, Contracts Branch, Office of the Assistant Secretary of the Army (Installations and Logistics). Each head of procuring activity concerned shall assure that property administration interchange agreements are effected in accordance with the policies and procedures set forth in §§ 30.2 and 30.3 of this title.

(b) Under a property administration interchange agreement with single department property administration assigned to a military department other than the Army, contracting officers will look to the assigned property administrator for the discharge of all property administration functions (B and C–203) pertinent to Army contracts; no residual property administrator functions will be retained by an Army property administrator. When the single department property administration function is assigned to an Army property administrator, he shall assume all property administration functions for the participating military departments.

(c) A contracting officer may designate an authorized representative for property matters to advise or represent him in negotiation, execution and discharge of property administration agreements with other military departments. His duties may include—

(1) Negotiation and execution of property administration agreements, and

(2) Maintenance of the property section of the contract file (§ 1.308 of this title).

(d) Where more than one Army purchasing office of one (or more) procuring activity, along with a purchasing office of at least one other military department, has contracts at a single contractor location, a single Army purchasing office will be designated in accordance with the criteria in B and C–202(c), to represent the Department of the Army in negotiating and executing the property administration interchange agreement. Where the Department of the Army has been designated to perform the single department property administration function, the selected purchasing office shall provide the property administrator.

(e) The provisions of B and C–202(c) are equally applicable to contractor locations where Government property is provided by more than one procuring activity under the Department of the Army, but where other military departments are not involved.

(f) Department of the Army personnel will follow the procedures set forth in §§ 30.2 and 30.3 of this title and this subpart in administering property under a property administration interchange agreement. [B and C–202b]

§ 602.1705 Duties and responsibilities of the property administrator.

Department of the Army property administrators under property administration interchange agreements are responsible for providing the Departments concerned with the management data, documentation, and other information required for compliance with both subchapter A, chapter I of this title and Departmental procedures. In order to provide this information with the least impact on the contractor's accounting system, Departmental requirements will be obtained, analyzed, and summarized at the earliest possible date after execution of the interchange agreement and prior to survey of the contractor's accounting system for approval under B and C–203(b). One of the objectives of the interchange program is to relieve contractors of the need to change their accounting systems to accommodate varying requirements of the military departments and procuring activities; this objective will be accomplished by the single department property administrator presenting, to the maximum extent possible, all Departmental requirements at the initial accounting conference with the contractor prior to approval of the contractor's accounting system. Department of the Army property administrators will cooperate fully in meeting the needs of the contracting officers of other military departments. [B and C–203(b)]

§ 602.1706 Sources from which Government property may be furnished or acquired [B and C–205].

§ 602.1706–1 Military installations or other contractor's plants.

(a) Government property in the form of new facility construction may be acquired by a producing contractor directly from the construction contractor.

(b) If property is received at a contractor's plant on any basis except a requisition or other proper approval of the contracting officer or property administrator, the case shall be promptly reported to the head of procuring activity concerned. [B and C–205]

§ 602.1706–2 Direct purchase by the contractor.

Direct purchases by the contractor shall be subject to a determination by the contract administrator that the items and quantities are allocable to the contract involved and are reasonably necessary. For purposes of property control, within the scope of these instructions, it shall be considered that property purchased by a contractor, for which reimbursement is to be requested, becomes Government property upon its receipt by the contractor. Purchases of material by the contractor for rehabilitation of his plant, at cost, and used immediately will not be subject to the provisions of these instructions. Any such materials, for which the contractor is reimbursed for stock purposes and later issue, must be accounted for under the provisions of these instructions. [B and C–205.2]

§ 602.1707 Segregation or commingling of Government property and contractor's property.

Where a production line is solely engaged in Government work, contractor-owned and Government-owned plant equipment, special tooling, and items under tool room control may be commingled upon the approval of the property administrator. Such approval will be based upon assurance that the items are clearly identified as Government property; that the procedures of the contractor and the property administrator provide protection through inspection; and that the items will be used solely for Government work. Approval to place Government-furnished production equipment in a contractor's production line, equipped with both Government-owned and contractor-owned production equipment, is considered an inherent part of the authorization to provide such equipment to the contractor. [B–206 and C–210]

§ 602.1708 General.

(a) In order to perform work satisfactorily under a Government contract, a contractor must maintain some form of control records for all Government property, whether such property is furnished to the contractor or acquired by him for the account of the Government. It is the policy of the Department of the Army to designate and use such records as the official contract records and not to maintain duplicate records other than the property control records specified in B–303.1(c) and B–304. Exceptions to this policy may be necessary (1) on small dollar value contracts of short duration, (2) on contracts where few items of property are furnished to or acquired by the contractor, or (3) where the administrative expense of maintaining Government personnel at the contractor's plant or providing frequent official visits to the plant would exceed the cost of maintaining records at the purchasing office administering the contract. In such cases, and where for other cogent reasons it would not be in the best interest of the Government for the contractor to maintain the official records, a determination shall be made that the official records will be maintained by the Government. This determination shall be made in writing in accordance with paragraph (b) of this section and shall be made a part of the contract file; it shall take into consideration the findings and recommendations of the property administrator; and it may also be considered an adequate basis for determining that there would be no advantage accruing to the Government or to the contractor through execution of a property administration interchange agreement.

(b) Exceptions to the policy of using the contractor's Government property control records as the official contract records may be authorized by a head of procuring activity with respect to a specific contract, invitation for bids, or request for proposals or a class or group of contracts which are short-term or which involve providing only a few items of Government property. This authority may be redelegated to chiefs and acting chiefs of purchasing offices, without authority of further redelegation; when such exceptions are authorized, the contracts involved shall be modified as follows:

(1) Add the following to the "Government-furnished Property/Government Property" clause:

Notwithstanding the provisions of ( )* above, the Government will maintain the official control records for Government Property provided pursuant to this clause and the Contractor is not required to maintain property control records for such property in accordance with the requirements of the "Manual for Control of Government Property in Possession of Contractors."

(2) Add the following to the "Alterations in Contract" clause:

Any residual quantities of Government-

§ 602.1710 Pricing.

(2) Add the following to the "Alterations in Contract" clause:

Sub-clause ( )*, modifying sub-clause ( )* has been added to the Government-furnished Property/Government property clause.

(c) Accounting for identical items of plant equipment valued at $500 or less on individual stock record cards or historical record forms in accordance with B–304.3 is not required. Individual item accounting is not required for identical items of furniture, office, medical, and cafeteria equipment, regardless of price. [B–30.(a) and C–207.1]

§ 602.1708–1 Accounting for items bearing registration numbers.

Individual item accounting is required for those items which are included in a standard departmental registration numbering system as indicated in § 602.1714–1(a)(2), regardless of price.

§ 602.1708–2 Exceptions.

(a) Property turned over to a contractor for repairs or servicing may be accounted for as a suspense item in the military property account from which shipped, provided that (1) no parts or material is furnished and (2) no significant scrap will result from the repair. Accounting for property under § 30.2 of this title is not required of contractors for property turned over for repair or servicing under the provisions of § 602.502–51. This exception is also applicable to repairs and utilities "off-post" work as prescribed in AR 735–28.

(b) (1) Parts or material furnished to a contractor on a contract under § 602.502–51 (other than time-and-materials contracts) shall be considered as expended at the time of shipment from military accounts, provided such shipments are made only on the basis of specific job requirements. Shipping documents shall be used as credit vouchers to the military accounts and shall show the name of the contract administrator and the contract number in the consignee space. Copies of such documents shall be furnished the contract administrator. Determination of the amount of any item to constitute a "specific job requirement" and what quantities should be furnished in any single shipment, shall be the responsibility of the contracting officer.

NOTE: With reference to paragraphs (a) and (b) of this section, small purchase procedures should be used in those cases where minor repairs are necessary, the costs of those repairs are within the monetary limits of small purchase procedure, and no Government liability clause (§ 602.502–51) is considered necessary by the contracting officer. Since the addition of contract clauses to the small purchase forms is not permissible, small purchase procedures shall not be used where the contracting officer considers inclusion of the Government liability clause to be necessary to afford adequate protection to the Government.

(2) The contracting officer shall establish such controls as he determines expedient, considering the value of such expended items, to insure the proper consumption of the articles furnished. Any residual quantities of Government-furnished parts and materials shall be returned to stock. Any consequential scrap shall be handled under appropriate disposal procedures. The contracting officer shall maintain in the contract file such record of actions taken as is considered by him to be necessary to protect the interests of the Government. This exception is also applicable to repair and utilities "on-post" and "off-post" work as prescribed in AR 735–28.

(c) When a purchase order or contract does not exceed $5,000, jigs, patterns, fixtures, gages, and other manufacturing aids which are furnished to a contractor from stocks to aid in the performance of work may, at the option of the contracting officer, be accounted for as a suspense item in the military account from which shipped, provided that the total cost thereof does not exceed $1,000. Accounting for such property under § 30.2 of this title is not required.

§ 602.1709 Contractor's property control records.

(a) Where the contractor's property control records and procedures have been approved by the Department of the Army or by another military department for a particular type or types of contract (e.g. fixed-price, CPFF), a statement from the contractor that he will continue to use the approved procedure will constitute approval of his system on new contracts of the same types. In the event that additional or successor contracts differ in type from those on which the initial approval was issued, a review of the contractor's records and procedures will be required as a basis for approval.

(b) In conducting the review of the contractor's accounting control records and procedures, the property administrator should prepare a program covering substantially the areas and the methods prescribed in § 602.1716. The scope of the review should assure that all receipts of Government property are adequately documented, that they are properly recorded, and that use of the property is confined to the purpose for which it was procured. The program should also provide similar controls over disposition of Government property, but the magnitude, number, and detail of test checks scheduled should be governed by type and size of the contractor's operation. As one of the criteria in his review, the property administrator should require that (1) all documents or types of documents affecting accountability run in one or more unbroken numbered series and (2) all unused numbers are accounted for or that equivalent controls exist which will assure that all documents pertinent to a single contract are included in the property records of that contract.

(c) The official contract records shall be maintained current so that at any state of completion of the work under a contract the status of Government property may be readily ascertained. [B–301(b) and C–207.2]

§ 602.1710 Pricing.

The unit price of Government-furnished property shall be determined by the property administrator and furnished to the contractor. To determine realistic unit prices, the property administrator will utilize Department of the Army pricing guides and bulletins, and whenever necessary, secure the required pricing information from supplying depots or installations. Unit prices of production equipment, as defined in AR 700–34, shall reflect the acquisition cost computed as specified therein. In the event that unit prices are not available or obtainable after contact with all known sources of information, reasonable estimates shall be employed. [B–302 and C–207.10]

§ 602.1711 Records to be maintained by Government personnel [B–303 and C–213].

§ 602.1711–1 Records of specific contracts where property is involved.

(a) The property administrator shall maintain control records separately filed for each contract which provides for the use of Government property. The minimum control records specified in §§ 30.2 and 30.3 of this title shall be maintained by the property administrator regardless of the determination of who shall maintain the official contract property records. Where the determination is made that the Government will maintain the official records, the property administrator shall maintain such records specified in B–304 or C–207, as may be required to maintain effective property control.

(b) Each file shall be identified by the contractor's name and the contract number, and shall contain the following:

(1) *Copy of contract.* Where the property section of the contract file is to be maintained at a separate location, or where access to the contract file is not readily available to the property administrator, the contracting officer shall furnish the property administrator a copy of the contract or an extract of the contract provisions relating to Government property.

(2) *Control sheet.* An informational control sheet containing the information set forth in B–303.1(b) will be maintained.

(3) *Written receipts.* Written receipts for Government property shall be required of the contractor and shall be maintained in the property administrator's file only in the following instances:

(i) Where the official property records of the contract are maintained by the Government as an exception authorized under the provisions of B–301(a), or C–207.1; and

(ii) Where such action is considered essential to the maintenance of minimum acceptable property controls (e.g., where property is being furnished by the Government or is being acquired by the contractor prior to approval of the contractor's property control system; where difficulty is being experienced in locating receipt documents in the contractor's accounting system; where it is apparent that the interest of the Government would be jeopardized through reliance on the contractor's files of receiving documents).

The relaxation in the § 30.2 of this title accounting requirements for acknowledgment-of-receipt documents in the jacket file of the property administrator, shall not be construed as eliminating the necessity for submission by the contractor of documents or data covering plant equipment or other property set forth in Department of the Army directives such as those governing Production Equipment Records at PEQUA (AR 700–34), the Army Stock Fund (AR 37–60), and the Army Industrial Fund (AR 37–71).

(4) *Record of completed items.* The property administrator shall maintain a record of all completed products under the contract, based upon authenticated receiving reports or processed vendor's shipping documents, such as DD Form 250, as follows (this record will not be required where Government-furnished property is not involved):

(i) When there is no lapse of time between Government inspection and acceptance of completed products and shipment from the plant site, the records shall, as a minimum, consist of a ledger sheet or sheets summarizing quantities accepted and shipped.

(ii) When end items are accepted by the Government and stored with the contractor, stock record cards shall be used showing quantities accepted, quantities stored, storage locations, quantities shipped, and balances on hand.

(iii) Where contracts provide that completed products are to be retained by the contractor for further use under the contract, they shall upon acceptance, be considered "Government-furnished Property" and will be recorded as prescribed in these instructions.

(5) *Record of receipt and shipment of Government-furnished or contractor-acquired property.* Where the Government maintains the official records for Government property under the exception authorized in B–301(a) or C–207.1, the contractor shall be required to provide the property administrator with such documentation of receipts and shipments of Government-furnished and contractor-acquired property as necessary to permit full compliance with the procedures prescribed in B–304. A separate register shall be maintained for each file (separate property account) to control and to permit prompt location of all property vouchers. A consecutive series of voucher numbers shall be used from inception of the contract until its completion or termination. Contractor issue slips need not be included in the record. [B–303.1 and C–213.1]

§ 602.1712 Records to be maintained by the contractor [B–304 and C–207].

§ 602.1712–1 Records of material—custodial records.

Custodial records shall normally include as a minimum (a) the totals of each line item for which the toolroom, tool crib or stockroom has custody, and (b) hand receipts, tool checks, tool slips or other evidence of issue to the individuals who use the property. Care shall be exercised to avoid imposition of unreasonable controls (inconsistent with B–304.1(d) and C–207.4) upon contractors for minor items of office supplies such as staplers, rulers and punches. [B–304.1(c)]

§ 602.1712–2 Records of plant equipment.

(a) The form and distribution of property records maintained for plant equipment will be accomplished in accordance with the provisions of B–304.3 and AR 700–34. Where a property administration interchange agreement exists and the property administrator is a member of a Department other than the Department of the Army, copies of the records required by AR 700–34 for other than property administration purposes will be obtained from the single department property administrator.

(b) In addition to the exceptions provided in B–304.3 (a) and (b), exempting the requirement for maintaining individual property records, the following exceptions shall also apply:

(1) Items of plant equipment of identical nomenclature and operating performance for which individual item accounting is not required because of a unit price of $500 or less (§ 602.1708(c)) may be recorded on a single record. This record should reflect quantities received and issued, balance on hand, posting references, and unit price. In the event such items listed on a single record have serial numbers or manufacturer's numbers, these numbers shall be listed on the inventory record or on a single supporting list. Such inventory accounting shall not be construed as permitting such items to be considered as "materials."

(2) The description of accessory and auxiliary equipment to be entered on the plant equipment record of the item on which they are being used should not be construed as requiring records of motor serial numbers to be maintained during the life of a contract, where the motors are changed between machines for maintenance purposes. The procedures of the property administrator and the contractor shall, however, upon receipt and inspection of equipment at contract completion or termination, account for all accessory and auxiliary equipment which is attached to or otherwise a part of an item of plant equipment and which is required for its normal operation.

(3) Master and production gages and minor plant equipment with a unit value of $200 or less may be accounted for on inventory records described in subparagraph (1) of this paragraph.

(c) The duty of maintaining the purchasing office files of production equipment record forms (DA Form 804, Production Equipment Record, or equivalent prior to 1 July 1961, with DD Form 1342 required for transactions after July 1, 1961) in compliance with AR 700–34 may be assigned to the property administrator or to the authorized representative of the contracting officer for property matters by the chief of the purchasing office or by the contracting officer. These files are maintained for management purposes and for industrial mobilization planning, and not as "acknowledgment of receipt" as provided in B–303.1(c).

(d) Information recorded on DA Form 804 prior to 1 July 1961 need not be transferred to DD Form 1342 retroactively. Copies of DD Form 1342 delivered to the property administrator by the contractor will be distributed in accordance with AR 700–34. Copies of the DD Form 1342 will be retained by the property administrator in those cases where distribution of copies to PEQUA is not specified in AR 700–34. [B–304.3 and C–207.5]

§ 602.1712–3 Records of real property.

Records of real property prepared or furnished by Division, District, or Post Engineers, such as DD Form 1354 (Transfer of Construction), may be maintained in cases where they are found by the contractor to be consistent with his accounting system. [B–304.4 and C–306(d)]

§ 602.1712–4 Records of scrap.

Separate records shall be maintained for the different categories of scrap or salvage generated. The records shall be such as to reflect the following minimum information:

(a) Scrap classification;
(b) Quantities on hand;
(c) Unit of measure;
(d) Record of all disposals;
(e) Date and voucher number; and
(f) Contract identification, including name and location of contractor and contract number. [B–304.5 and C–212]

§ 602.1712–5 Financial control accounts.

(a) In order to conform to the Financial Management Plan of the Army (AR 37–5 and AR 37–108), dollar amounts of Government-owned facilities of the classes of property specified in paragraph B–304.7 will be secured by the property administrator from the official property records of Department of Army contractors. Detailed procedures for use of this information by property administrators and finance and accounting officers are contained in AR 735–20, AR 735–72, and AR 37–108. Financial controls are not required for minor plant equipment, special tooling or materials (B–103), except that, financial information required in connection with property which is part of the corpus of the Army Stock Fund or the Army Industrial Fund, or is governed by the Army Command Management System, will be secured from the accounting records of the contractor when required. The criteria set forth in paragraphs (b) and (c) of this section shall be applied when classifying equipment for this purpose.

(b) Production equipment includes equipment and machinery valued at $500 and more per unit as defined in AR 700–34. It includes such property in actual use, stored in place as standby, placed in proximity storage, or maintained in reserve in central storage when such equipment is in possession or control of a contractor under the terms of a contract.

*Insert appropriate sub-clause.

(c) Plant equipment includes property of a capital nature with unit acquisition cost of $200 and more per unit and pro-

bill of lading at destination. (See AR

(c) Plant equipment includes property of a capital nature with unit acquisition cost of $200 and more per unit and production equipment with unit acquisition costs of $200 to $500 (B–304.3) [B–304.7]

§ 602.1713 Numbering property accounts.

Property accounts serial numbers specified in paragraph 12*b*, AR 735–5, need not be obtained from Army commanders for accounts established under contracts to which §§ 30.2 or 30.3 of this title or Part 13 of this title are applicable, but rather the property account shall be identified by the contract number, and the appropriate regional office of the U.S. Army Audit Agency shall be advised. For the purposes of B–401.1, the digits which represent the Army Fiscal Station Number in the property identification number set forth in § 602.1714–1 (a) (3) shall be used. [B–205 and C–214]

§ 602.1714 Identification of Government property.

Identification of Government property shall be accomplished prior to delivery as part of the purchase agreement, by the contractor, or by the procuring service, as applicable. Government property on hand or on order shall be identified as prescribed herein when the equipment is prepared for storage, reactivated, or at any other convenient occasion. [B–401 and C–307]

§ 602.1714–1 Identification marking of Government property.

(a) The identification marking of Government property shall be physically affixed to the item in accordance with B–401. The identification markings shall consist of the following as may be applicable for the particular item being identified:

(1) *Department of the Army control.* The identification symbol "USA" is applicable to all Government property except as may be exempted in accordance with B–401.1. The letters "USA" will be permanently affixed to the item to indicate Government ownership of property under control of the Department of the Army.

(2) *Registration number.* This number is applicable to those items included within a standard military registration numbering system such as motor vehicles (§ 602.450(b)), materials handling equipment (AR 700–3900–5), railroad equipment (AR 55–255), and any other applicable items. Assigned registration numbers shall be physically affixed to the item in accordance with applicable instructions.

(3) *Government tag number.* This number is applicable to those items for which individual item accounting is required as stipulated in § 602.1712–2, except those items having a registration number as prescribed in subparagraph (2) of this paragraph. This number shall be the Government property identification number assigned in accordance with B–401.1, which is as follows for the Department of the Army.

(i) The first part shall be the letters "USA" to indicate Government ownership as prescribed in subparagraph (a) (1) above.

(ii) The second part shall consist of the Army fiscal station number assigned the installation or office administering the contract under which the property is acquired for the first item for the account of the Government. Fiscal station numbers are listed in AR 37–102–1.

(iii) The third part shall consist of a six-digit serial number. The assignment of serial numbers shall be in numerical sequence commencing with "000001" for each installation or office (to which a Fiscal station number is assigned) that administers contracts under which property is acquired for the account of the Government.

(b) Under the provisions of § 30.2 of this title, property acquired by a contractor for the account of the Government becomes Government property for the purpose of property accountability upon receipt thereof by the contractor. For purposes of property accountability and control, the contracting officer and property administrator shall take action to assure that such property is immediately marked as Government property and properly accounted for at the time of receipt. This action will not be delayed pending evidence of inspection and acceptance being reflected on DD Form 250 (Material Inspection and Receiving Report). The contracting officer or property administrator shall instruct the contractor that immediately upon receipt of any item or property procured for the account of the Government the contractor shall—

(1) Advise the contracting officer, by the most expeditious means, of the receipt of such property and request an inspection; and

(2) If the item is not already identified, immediately affix securely to each item of such property or equipment an appropriate temporary tab identifying the property as Government property and indicating the number of the contract for which the property or equipment was procured.

(c) Upon notification by the contractor of receipt of property, the contracting officer shall notify the property administrator and shall arrange for prompt final inspection and acceptance by responsible Government personnel. After completion of the final inspection and acceptance, evidenced by DD Form 250 (Material Inspection and Receiving Report), the property administrator shall insure that the temporary tag is replaced by the contractor with a permanent identification tag containing the required information.

§ 602.1715 Contractor's responsibility and liability [B–402, C–303 and C–304].

§ 602.1715–1 Contractor liability.

(a) No separate file of letters of advice shall be maintained for the property auditors although copies of such letters may be furnished upon request when questions are raised by auditors. Channels through which such letters are reviewed by audit personnel lie within the scope of audit instructions. If such letters, however, are submitted to the Chief, U.S. Army Audit Agency, for review and he concludes that further action is desirable, he will so state in writing to the head of procuring activity concerned. Upon review of the above communication, the head of procuring activity shall initiate such further action as he considers is warranted by the facts. In all cases, he shall advise the District Manager, U.S. Army Audit Agency as to the decision reached.

(b) The written advice of a contracting officer in a contractor property account serves the same purpose as a report of survey in a military property account even though the contractor is the responsible party and his liability is for determination only under the terms of the contract. The report of the facts surrounding the loss or damage must be accurate and complete; the findings of the contracting officer must make reference to specific terms of the contract supporting his determination; and the file, in order to be accepted as valid, must constitute a full report of the case without reference to other documents. It is the personal responsibility of the contracting officer to insure that the interests of the Government are protected at all times; approval of the contractor's case for relief from property accountability based on an inadequately documented case constitutes failure to dispatch that responsibility. [B–402.2 and C–303(e)]

§ 602.1715–2 Shipment and receipt of Government-furnished property.

(a) When Government property is shipped to a Department of the Army contractor for use under a contract, the shipping accountable officer, in addition to furnishing a copy of the shipping document to the property administrator, will forward two copies to the contractor with instructions to acknowledge receipt of the property on one copy and to furnish it to the designed property administrator for the contract. Copies of shipping documents will reflect unit cost and estimated transportation costs. The second copy will be retained by the contractor. When it is the regular practice to obtain the contractor's acknowledgment of receipt on copies of the shipping document and copies of such documents have not been received, the property administrator will request that acknowledgment of receipt of the property be furnished on the contractor's receiving report, tally, or equivalent form.

(b) It shall be considered adequate for property control purposes, and within the scope of § 30.2 of this title, for operating contractors to acknowledge receipt for new facilities constructed under separate construction contracts, direct with construction contractors, on DD Form 1354, if accompanied by supporting documents. These transactions may be considered as shipment and receipt of Government property.

(c) In the absence of a transportation officer or agent, the property administrator must initiate and follow to conclusion necessary action with respect to any discrepancies incident to shipment or receipt of property made on a Government bill of lading or on a commercial bill of lading for conversion to a Government

bill of lading at destination. (See AR 735–11.)

(d) Where the property administrator is a member of a department other than the Department of the Army and is acting under a property administration interchange agreement, Reports of Survey (DD Form 46) covering discrepancies incident to incoming shipments of Department of the Army property will be secured from the single department property administrator with all spaces on the front of the form executed and in the number of copies required for compliance with AR 735–11. Where a Department of the Air Force property administrator, acting as the single department property administrator, considers the services of a surveying officer necessary, Air Force plant representatives and chiefs of air procurement districts are authorized to appoint Department of the Air Force personnel to serve as surveying officers. Under such circumstances, the action required in space 43, 44, or 47 of DD Form 46 is reserved by statute to the Department of the Army installation commander responsible for administering the contract. If the Department of the Army installation commander considers that the report of the surveying officer and appointing authority does not constitute a firm basis for completing his action, he may obtain additional evidence on which to base a decision from the appointing authority or he may investigate directly. Further action will be taken by the chief of the purchasing office and by the Chief of Finance in accordance with AR 735–11. [B–402.3 and C–204]

§ 602.1716 Selective examinations of contractor records and property.

(a) To discharge the duties of the property administrator effectively and satisfactorily as prescribed in B and C–202, the property administrator shall conduct or cause to be conducted periodic inspections of the physical condition of Government property in possession of the contractor to determine the adequacy of maintenance, repair, protection, and preservation. He shall report promptly, in writing, to the contracting officer any failure of the contractor to maintain, repair, protect, or preserve any of the Government property in the contractor's possession.

(b) The property administrator's program must include, on a continuing basis, the following:

(1) Verification of the accuracy of the contractor's property records except where Government records have been designated as the official contract records;

(2) Physical checks of representative portions of all classes of property connected with the contract; and

(3) Review of the contractor's issue and consumption of materials.

(c) It is recognized that the method for physical and accounting control of Government property may vary between contractors as well as between individual contracts; therefore, it is impractical to prescribe a detailed program for selective examinations of Government property to be followed without variation. These instructions are intended to represent the general rule for property administrators in establishing programs to meet the peculiarities of the contract or contracts to which he is assigned, based upon his study and clear understanding of the contract provisions.

(d) The selective checks made by the property administrator shall encompass representative amounts of all classes of Government property, to the extent deemed necessary, to determine the adequacy of the contractor's records and his controls over usage, consumption, and maintenance of production equipment and materials.

(1) The first step in checking the materials will be to determine that all quantities received have been appropriately recorded on the records maintained for such property (e.g., inventory records or receipt-issue documents). A number of debit property documents will be selected from the contractor (or Government) control files and compared with the records to determine that appropriate recording has been effected. Emphasis will be placed on items of relatively high unit cost, large-dollar value of consumption, and sensitive nature. Test inventories and test of credit postings of a sufficient number of items will be made to establish the credibility of the records and encourage accuracy on the part of the record-keeping personnel.

(2) When special tooling is supplied to the contractor as Government-furnished property, the selective check procedures for plant equipment set forth in subparagraph (3) of this paragraph shall be used as a guide. In the case of special tooling manufactured by the contractor as an end item under the contract or manufactured or acquired by the contractor under § 13.504 of this title, the selective check will be only to assure that the contractor is following the provisions of the contract.

(3) The requirements of § 30.2 of this title for accounting for individual items of plant equipment make possible a relatively simple and exact procedure for selective check of this type of property.

(i) The property administrator shall select from his control files a representative number of debit property documents which include items of plant equipment. A comparison of these documents with the records of plant equipment shall then be made to determine whether adequate records have been established for all items of plant equipment included on the documents selected. In this connection, all credit entries on the records shall be examined and the credit documents supporting such entries reviewed to determine their propriety.

(ii) The two methods of physical checks prescribed below shall be used to verify the existence of the property, to check the completeness of the property records, and to test the efficiency of the contractor's marking of Government property.

(*a*) *From records to property.* The property administrator shall select a number of items of plant equipment as recorded on the property records, and by means of property identification numbers and location shown upon such records, inspect the property involved to verify its existence.

(*b*) *From property to records.* A number of items of plant equipment shall be selected by the property administrator by physical inspection in the plant and a notation made of property identification numbers and description of such items. The property records shall then be reviewed to determine whether the property involved is properly recorded.

(iii) The selective checks of real property records shall include verification of the records including assurance that physical changes to buildings, utility plants and systems, roads, fences, etc., observed by the property administrator are properly reflected on maps, drawings, plans, specifications or DD Form 1354 (Transfer and acceptance of military real property). At such intervals as the property administrator deems necessary, he shall select records of a number of units of real property and by physical inspection of such units determine whether the records are complete and properly reflect any additions, extensions, or alterations.

(e) The contractor's documents which support inventory adjustments shall be reviewed with a view to selecting for investigation all adjustments which, after consideration of unit value, volume of transactions, previous adjustments, and sensitive nature of items, appear to be unreasonable. Detailed investigation will be made to determine as far as possible whether such adjustments represent actual losses of Government property or are due to errors in record-keeping. If the number of adjustments is large, consideration will be given to requesting that adjustments to specific line items over a period of time be summarized by the contractor in a manner which will reveal offsetting and net adjustments. If, in the opinion of the property administrator, adjustments represent unreasonable losses of Government property, they will be reported to the contracting officer with a statement describing the circumstances and a request for his written advice.

(f) Normally, the contractor's organization shall include a production planning department responsible for the orderly flow of work through the plant. One of the functions of such a department is to control the flow of productive materials from stores to the plant floor. The material control system employed by the contractor will often provide the property administrator a means for an overall test of the contractor's use of items of productive materials. It is essential that the property administrator have a clear understanding of such system.

(1) Where quantities of certain productive materials are not excessively large or are not readily susceptible to count, a current reconciliation of total quantities furnished with quantities incorporated in delivered products, plus work in process, quantities in stores, and materials scrapped can be accomplished.

(2) Where a reconciliation as outlined above is not feasible, withdrawals of a representative number of productive materials from stores for a given period, as shown on the contractor's stores in-

ventory cards, shall be reviewed to determine whether such withdrawals are

responsible for any corrective action

Subpart A—Inspection

plants or commercial laboratories (e.g.,

Contractor has furnished

ventory cards, shall be reviewed to determine whether such withdrawals are in excess of established requirements for the manufacture of the items produced. In this connection, investigation shall be made to determine the allowances which have been established under the contract for normal losses in the process of manufacture, and the nature of any factors resulting in consumption in excess of such requirements.

(g) The property administrator shall be responsible to the contracting officer for checking the accuracy of documents covering receipts of property by the contractor. The property administrator shall likewise assure himself that all items fabricated by the contractor, or withdrawn from contractor stores for charge to the contract are properly supported by sound documentation.

(h) Working papers outlining the scope of the check and items covered, shall be prepared by the property administrator and maintained by him as a permanent record of his work. Working papers shall be designed to show the steps taken in making the required checks with regard to each class of property, the nature and frequency of errors corrected by the contractor as a result of the checks, and cross-reference to any written advices of contracting officer resulting therefrom. The file of working papers shall be relied upon as one of the most important indications of the condition of the accounting records, the proper usage of property furnished under the contract, and efficient and consistent performance of duty on the part of the property administrator and personnel assigned to duty under him.

(i) There shall be included in the property administrator's control plan for each contract a provision for check of evidence on the following points at contract completion or termination:

(1) Stock record cards have been reduced to zero;

(2) Any required adjustments have been properly processed and recorded;

(3) Any required collections from the contractor on property transactions have been made and properly recorded;

(4) Inventories have been taken in agreement with contract provisions and directions of the contracting officer;

(5) Residual inventories, if any, have been properly disposed of;

(6) Scrap, if any, has been disposed of; and

(7) Disposition of special tooling has been accomplished as required by the contracting officer.

§ 602.1717 Transfers of property accounts between property administrators.

(a) When transfer of contract property accounts occurs within the same installation and a property administrator is relieved from such duty by the appointing authority, the newly designated property administrator shall automatically assume all the control and accounting functions outlined in these instructions, and maintain all the required records which were established by his predecessor. The newly designated property administrator shall be responsible for any corrective action which may be required to insure that the established records conform in every respect to the requirements contained herein. The use of certificates to effect the transfer of industrial contract property accounts is not required.

(b) Where the property administrator is directed to transfer an established contract property account to a property administrator of a different Army installation or purchasing office, the official contract records shall be forwarded with a letter of transmittal showing the date and voucher number, where applicable, at which the transfer is effected and requesting that the receiving property administrator acknowledge receipt of the records by endorsement thereon. A copy of the letter of transmittal shall be furnished the appropriate office of the cognizant audit agency. The copy of the letter of transmittal bearing the receipt of the receiving property administrator shall be retained in the files of the transferring property administrator for informational and control purposes.

(c) Where property administration interchange agreements (B and C–202 (b)) are established during the period of performance on contracts affected by the agreement, the property administration control files and other necessary documents and correspondence will be transferred substantially as prescribed in paragraph (b) of this section, as of the effective date of the interchange agreement. Acknowledgment of receipt of the files will be held in the jacket file of the contract.

§ 602.1718 Transfer of property from military to contractor (industrial) property accounts.

Policies and procedures governing the transfer of military property to contractors and the accounting for such property in instances where §§ 30.2 or 30.3 of this title are not applicable are contained in AR 735–71. These regulations include provisions that, where Government property is lost or damaged and the property administrator is unable to exhibit conclusive proof of receipt of the items by a contractor, the property must be accounted for on a Report of Survey (DD Form 200 or DD Form 46) in accordance with AR 735–11.

PART 603—INSPECTION AND ACCEPTANCE

17. Part 603 is revised to read as follows:

Subpart A—Inspection

603.102 Activities responsible for inspection.
603.105 Places of inspection
603.150 Inspection requirements.
603.151 Marking and shipping.

Subpart B—Acceptance

603.201 General.
603.204 Responsibility for acceptance.
603.205 Acceptance of supplies or services not conforming with contract requirements.

AUTHORITY: §§ 603.102 to 603.205 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Inspection

§ 603.102 Activities responsible for inspection.

(a) *Compliance with requirements of specifications.* An inspector assigned to perform inspection services under a given contract shall be guided by the provisions of the contract, instructions issued by the procuring activity and the following:

(1) The Government inspector shall make optimum use of the records of inspections and tests performed by or for the contractor in accordance with the quality assurance provisions of commodity specifications and other pertinent inspection records, in determining acceptability of supplies.

(2) Government inspections shall be planned and carried out in a manner which will provide adequate assurance of quality and efficient use of the inspection resources of the military departments.

(3) Where the specification or contract requires the contractor to conduct particularly expensive tests involving destruction of supplies, extended periods of time for conducting the tests, or other factors contributing to high testing costs, these tests shall be coordinated for simultaneous contractor and Government accomplishment to the maximum extent practicable to preclude the needs for subsequent independent Government verification testing.

(b) *Inspector functions in Government-owned or operated facilities.* Inspectors in Government-owned or operated manufacturing installations shall not be assigned the dual functions of process inspection for the purpose of controlling production and final inspection for the purposes of accepting the product for military use.

§ 603.105 Places of inspection.

In instances where inspection is to be performed at destination, arrangements shall normally be made to have the receiving activity perform necessary inspection.

§ 603.150 Inspection requirements.

(a) Inspection shall be conducted in accordance with (1) provisions of the contract, (2) Subchapter A, Chapter I of this title, (3) this subchapter, (4) AR 715–20, and (5) instructions issued by the procuring activity. The requirements for inspection (including testing), as provided for in the preceding sentence, may not be waived because an item is included in a Qualified Products List.

(b) The nature and manner of performance of an inspection may vary according to the importance of an item, the importance of individual characteristics, and the known quality of the contractors' performance.

(c) Sampling procedures may be used when such method is adequate to protect the interest of the Government.

(d) A contracting officer shall normally rely only on inspections and tests performed by the Government, in the following situations: (1) Test requirements which necessitate the use of specialized test equipment or facilities not ordinarily available in contractor's

plants or commercial laboratories (e.g., ballistic testing of ammunition, environmental tests, simulated service tests) and (2) preproduction, pilot-lot, or pilot model examination and testing, whether at a Government installation or at the contractor's plant.

§ 603.151 Marking and shipping.

Each procuring activity shall insure that subordinate inspecting organizations thoroughly understand authorized procedures covering (a) proper handling of shipments at Government expense (i.e., Government bill of lading, prepaid commercial bill of lading, shipments through the mail, Government-owned transportation, and emergency shipments), (b) guarding of shipments containing classified supplies and services (AR 380–5), (c) shipments at contractor's expense, and (d) all other necessary instructions (SR 715–55–5). Marking to indicate inspection status shall be accomplished with Department of Defense inspection stamps in accordance with procedures established in AR 715–20.

Subpart B—Acceptance

§ 603.201 General.

Acceptance shall be made as promptly as practicable. Affirmative action in accordance with provisions of the contract and instructions of higher procurement authority shall be taken with respect to acceptance or rejection of all supplies and services procured by the Department of the Army (including those manufactured in the Government-owned and operated plants).

§ 603.204 Responsibility for acceptance.

(a) Consideration shall be given to use of a supplier's certificate of conformance, as provided for in § 14.204(b) of this title, with respect to (1) items or components and constituent materials which are commercially available or are of low functional importance; (2) packing and packaging materials, when not of critical importance, and (3) general housekeeping or service items, books, periodicals, and items of like character. In connection with such items or materials the use of a supplier's certificate substantially as set forth below is authorized:

The undersigned, individually and as the authorized representative of the contractor, warrants and represents that: All of the information supplied above is true and accurate; the material covered by this certificate conforms to all the contract requirements (including but not limited to the drawings and specifications); the analysis appearing herein is a true and accurate analysis; and this certificate is made for the purpose of inducing payment and with knowledge that the information and certification may be used as a basis for such payment.

(b) A contract clause, as set forth below, shall be used in contracts where acceptance precedes inspection (§ 14.204 (c) of this title).

CERTIFICATION ACCEPTANCE

Notwithstanding any other provision of the contract, if the supplies for which the Contractor has furnished a certificate of conformance required by the contract are found not to conform to the contract requirements, the Government may, upon notice furnished within a reasonable time after discovery of such nonconformity, reject the supplies and require replacement thereof. Use by the Government of the Contractor's certificate of conformance does not preclude inspection or test or both by the Government. Where a certificate has been furnished by the Contractor and the Government rejects the supplies, the Contractor shall have the right to request that a reinspection or retest be performed at the Contractor's expense.

(c) Certificates of conformance will normally be accepted only from prime contractors. However, certificates may be accepted from a subcontractor if countersigned by a responsible official of the prime contractor. The certificate may be for full performance or any portion thereof. The following are to be included, as a minimum, in the certificate presented by the contractor:

(1) Complete nomenclature of supplies together with lot numbers or other identification, including quantity in each lot or shipment;

(2) Contract number and purchase order number;

(3) For each lot or shipment, analytical results for each test or inspection prescribed by contract together with required specification limits;

(4) Name of company and date of the test or inspection; and

(5) Signature and title of certifying official.

§ 603.205 Acceptance of supplies or services not conforming with contract requirements.

Each procuring activity shall clearly define the organizational level and the extent to which this level may approve deviations from contract requirements for guidance of contracting officers in the application of the provision in the Inspection clause (§ 7.103–5 of this title) to the effect that the contracting officer may require delivery of uncorrected supplies at reduced price. Such level for approval should be such that the least delay consistent with the best interest of the Government may result. Such deviation may not normally be applied except when cogent reasons of urgency, practicality, or economy dictate, and such action is in the best interest of the Government, taking into account an equitable reduction of price or other benefit to the Government.

PART 604—CONTRACT COST PRINCIPLES AND PROCEDURES

18. New Part 604 is added, as follows:

§ 604.050 Uniform application.

Directives, regulations, instructions, or procedures which interpret, expand, or limit the substantive provisions of Part 15 of this title shall not be published by any agency, command, or office of the Department of the Army without prior approval of the Assistant Secretary of the Army (Installations and Logistics). Procedural guidance considered necessary for the orderly conduct of procurement shall be submitted by the head of procuring activity for review and approval by the addressee in § 590.150(b) (6) of this chapter prior to issuance.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 605—PROCUREMENT FORMS

19. Part 605 is revised, except for § 605.556 in Subpart E which remains unchanged, as follows:

Subpart A—Forms for Advertised Supply Contracts

Sec.
605.101–2 Conditions for use.
605.102–2 Conditions for use.

Subpart B—Forms for Negotiated Procurement

605.203–2 Conditions for use.
605.206 Cost and Price Analysis (DD Forms 633, 633–1, 633–2, 633–3 and 633–4).

Subpart C—Purchase and Delivery Order Forms

605.303 Order for Supplies or Services (DD Forms 1155, 1155r, 1155c, 1155c–1, and 1155s.

Subpart D—Construction Contract Forms

605.401 Standard Forms 19, 19A, 20, 21, 22, 23, 23A, and DD Form 1260.

Subpart E—Special Contract and Order Forms

605.501 Negotiated utility service contract forms.
605.504 Order for Paid Advertisements (Standard Forms 1143 and 1143a).
605.505 Communication Service Authorization (DD Form 428).
605.550 Lease agreement—Government-owned personal property.
605.551 Letter contract.
605.552 Government's Order and Contractor's Acceptance (DA Form 47).
605.553 Academic instruction contracts.
605.553–1 Basic Agreement for Academic Instruction (DA Form 357).
605.553–2 Order Form to Enter Into Contract for Academic Instruction (DA Form 358).
605.553–3 Basic Agreement for Off-Duty Academic Instruction (DA Form 588).
605.553–4 Order Form to Enter into Contract for Off-Duty Academic Instruction (DA Form 589).
605.554 Service Order for Household Goods (DD Form 1164).
605.556 Facilities Contract Form (April 1961).

Subparts F—N [Reserved]

Subpart O—General Policy

605.1501 Deviations from approved forms.
605.1501–1 General.
605.1501–2 Translations.
605.1502 Supply of forms.
605.1502–1 Forms stocked by adjutant general publications centers.
605.1502–2 Cut sheet forms.
605.1502–3 Multiple part manifold forms.
605.1502–4 Forms not stocked by adjutant general publications centers.
605.1502–5 Reproducible masters.
605.1502–6 Preprinted backs.

AUTHORITY: §§ 605.101–2 to 605.1502–6 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Forms for Advertised

Subpart C—Purchase and Delivery

the extent that such approval complies

erty except with the consent of the Contracting Officer.

may in the discretion of the Contracting Officer be reasonably available

20. Except as otherwise specified in this

Subpart A—Forms for Advertised Supply Contracts

§ 605.101–2 Conditions for use.

(a) To facilitate bidding and to eliminate unnecessary distribution of Standard Form 32 and appropriate additional general provisions, their incorporation by reference in a solicitation in accordance with the following procedure is authorized.

(1) Standard Form 32 and additional general provisions shall be combined in a single set of clauses. Such set of clauses shall be identified by title (e.g., "Standard Supply Contract Provisions") and shall show the agency responsible for issuance, its effective date, and the date of latest amendment. The provisions of Standard Form 32 incorporated in the set shall be identified as such. Superseded clauses shall be crossed out in all copies of the set and appropriate reference made to the paragraphs in the set which contain the amended clauses. Language substantially as follows shall be set forth in the Schedule:

Standard Supply Contract Provisions (properly identified by agency title, and date), receipt of a copy of which is acknowleged by the bidder, are incorporated herein and made a part hereof with such deletions, additions, and amendments, if any, as are set forth below.

(2) Before a set of clauses can be incorporated by reference it is essential that the purchasing activity distribute copies to each prospective bidder on the mailing list, requesting that these contract provisions be retained for future reference. Additional copies of the set must be made available promptly to bidders and prospective bidders upon request.

(b) If incorporation of the set by reference has not been accomplished in a solicitation, then the set shall be furnished to each prospective bidder with the solicitation.

§ 605.102–2 Conditions for use.

Standard Form 32 and any additional general provisions may be incorporated by reference under the same procedures as set forth in § 605.101–2.

Subpart B—Forms for Negotiated Procurement

§ 605.203–2 Conditions for use.

Standard Form 32 and any additional general provisions may be incorporated by reference under the same procedures as set forth in § 605.101–2.

§ 605.206 Cost and Price Analysis (DD Forms 633, 633–1, 633–2, 633–3, and 633–4).

Where the contractor's accounting system makes the use of DD Form 633 impracticable and the contractor submits necessary data in a format acceptable to the contracting officer pursuant to § 12.206–2(a) of this title, the information furnished shall include pertinent details as to cost elements, with the specific statements and authentications required by DD Form 633 or by the special cost and price analysis forms listed in § 16.206–3 of this title.

Subpart C—Purchase and Delivery Order Forms

§ 605.303 Order for Supplies or Services (DD Forms 1155, 1155r, 1155c, 1155c–1, and 1155s).

The Department of the Army has been granted authority and shall continue to use DD Form 1155c, Continuation Sheet, in lieu of DD Form 1155c–1, Commissary Continuation Sheet.

Subpart D—Construction Contract Forms

§ 605.401 Standard Forms 19, 19A, 20, 21, 22, 23, 23A, and DD Form 1260.

When using Standard Form 19 in an advertised procurement, the contracting officer shall make the following provisions a part of the invitation for bids:

Unless a different acceptance period is specified in the bid, it is understood that a period of 60 days after bid opening is intended by the bidder.

If the bidder fails to insert the number of calendar days for completion on the face of Standard Form 19, and if the Special Conditions of the Invitation, Bid and Award provide for a definite period of performance, such special condition governs and the omission of this information on the face of Standard Form 19 by the bidder does not make the bid nonresponsive. Prior to the issuance of the invitation for bids and for the purpose of insuring that a bidder does not inadvertently insert a performance period greater than that specified elsewhere in the invitation, the contracting officer may insert such period in the Standard Form 19 space providing for the completion of performance, provided it is consistent with any performance period stated elsewhere in the invitation.

Subpart E—Special Contract and Order Forms

§ 605.501 Negotiated Utility Service Contract Forms.

Additional instructions for the use of DD Form 671 (Negotiated Utility Service Contract) (Short Form) are published in AR 420–62.

§ 605.504 Order for Paid Advertisements (Standard Forms 1143 and 1143a).

DA Form 192 (Request for Authority to Advertise) shall be used in requesting authority to place advertisements in newspapers (see § 590.1005–6 of this chapter).

§ 605.505 Communication Service Authorization (DD Form 428).

DD Form 428 shall be used in accordance with SR 105–20–3.

§ 605.550 Lease Agreement—Government-Owned Personal Property.

The sample form set forth below is prescribed for any lease of Government-owned personal property under the authority of 10 U.S.C. 2667. Variations in the terms and conditions set forth in this lease form may be approved by a head of procuring activity to whom the authority to approve leases of personal property has been delegated, but only to the extent that such approval complies with all the limitations contained in such delegated authority (§ 60€.204–8 of this chapter). Authority is granted in effecting procurement outside the United States, its possessions, and Puerto Rico, to modify the form as indicated:

Paragraph 18—Disputes. To substitute the Disputes clause prescribed in ASPR 7–103.12(b) or in APR 7–103.12, as appropriate.

Contract No. _____

LEASE AGREEMENT—GOVERNMENT-OWNED PERSONAL PROPERTY

DEPARTMENT OF THE ARMY

Lessee and address _____
Property to be used at _____

PAYMENT

To be made to _____ United States Army, at _____.
This lease is authorized by 10 U.S.C. 2667.

PROCUREMENT FORMS

This lease agreement, entered into this _____ day of _____ 19__ by and between the United States of America, hereinafter called the Government, represented by the Contracting Officer executing this agreement, and _____
*a corporation organized and existing under the laws of the State of _____
*joint venture consisting of _____
*a partnership consisting of _____
*an individual trading as _____
of the City of _____ in the State of _____, hereinafter called the Lessee, Witnesseth That,

1. The Government hereby leases to the Lessee and the Lessee hereby hires from the Government, upon the terms and conditions hereinafter set forth, the personal property listed in Schedule A which is attached hereto and made a part hereof.

2. This lease is subject to the approval of _____ and shall not be binding until so approved. The term of this lease shall commence on the _____ day following the mailing of written notice to the Lessee that the lease has been so approved and that the property is ready for delivery, and shall continue for a period _____ [days, months or years]** or until sooner terminated or revoked in accordance with the provisions hereof.

3. At any time during the term, either party may terminate this lease in whole or in part effective not less than 90 days after receipt by the other party of written notice thereof without further liability to either party. However, the Secretary of the Army may revoke this lease in whole or in part at any time.

4. Upon commencement of the term of this lease, the Lessee shall take possession of the leased property at _____ as is, without warranty, express or implied, on the part of the Government as to condition or fitness for any purpose.

5. The Lessee shall pay rent during the term of this lease at the rate prescribed in Schedule A. The rental accrued at the end of any calendar month, or at the expiration, termination or revocation of this lease, shall be paid to the Government on or before the 10th day thereafter.

6. The Lessee at its own expense shall maintain the property in good condition and repair and make all necessary replacements of components and parts during the term of this lease. All fuel and lubricants shall be furnished by the Lessee. The Lessee shall make no changes or alterations in the property except with the consent of the Contracting Officer.

7. The Lessee shall not mortgage, pledge, assign, transfer, sublet, or part with possession of any of the property in any manner to any third party either directly or indirectly, except that this provision shall not preclude the Lessee from permitting the use of the property by a third party with the prior written approval of the Contracting Officer; and the Lessee shall not do or suffer anything whereby any of the property shall or may be encumbered, seized, taken in execution, attached, destroyed, or injured.

8. After taking possession as provided in clause 4, the Lessee shall be solely responsible for the property until it is returned to the Government as provided for in this lease. The property shall be returned in as good condition as when received, reasonable wear and tear excepted. If the Lessee fails to return the property, the Lessee shall pay to the Government the amount specified in Schedule A as the value of the property less the amount determined by the Contracting Officer to represent reasonable wear and tear for the period during which the property was usable. If the Lessee returns the property in other than as good condition as when received, reasonable wear and tear excepted, the Lessee shall pay to the Government the amount necessary to place the property in such condition, or if it is determined by the Contracting Officer that the property cannot be placed in such condition, the Lessee shall pay to the Government the amount specified in Schedule A as the value of the property less both the amount determined by the Contracting Officer to represent reasonable wear and tear for the period during which the property was usable and the scrap value of the property.

9. The Lessee shall take all steps necessary to protect the interest of the Government in the property, and the Contracting Officer may require the Lessee, at its own expense, to take such specific measure, including but not limited to the procurement of insurance, as may be necessary to protect such interest.

10. On or before the last day of the term of this lease the Lessee shall return the property to the Government at _____ or such other place as the Contracting Officer may designate, except that in the event of revocation of this lease the Lessee shall return the property to the Government at the designated place as soon after such revocation as the same can be accomplished. The Lessee shall reimburse the Government immediately, upon presentation of a statement thereof, for all packing and handling costs incurred by the Government in performance of this lease. The Lessee shall also pay all other packing, handling, and transportation charges, including the expenses of reinstalling the property or processing it for extended storage, except that the Lessee's responsibility for return transportation charges shall not exceed the amount required to return the property to the place specifically named above. Further, if the Contracting Officer designates a place to which the property is to be returned other than that specifically named above and if the time required to return the property to such other place exceeds the time required to return the property to the place specifically named above, then the time for which the Lessee must pay rent under clause 5 shall be reduced by the amount of such excess.

11. The property is leased without operators. Any operator deemed incompetent by the Contracting Officer shall be removed from the property.

12. Upon request of the Lessee, the Contracting Officer shall furnish without charge, copies of such drawings, specifications or instructions as the Lessee may require for the operation or repair of the property and as may in the discretion of the Contracting Officer be reasonably available.

13. The Government shall not be responsible for damages to property of the Lessee or property of others, or for personal injuries to the Lessee's officers, agents, servants, or employees, or to other persons, arising from or incident to the use of the property herein leased, and the Lessee shall save the Government harmless from any and all such claims; *provided*, that nothing contained in this Clause 13 shall be deemed to affect any liability of the Government to its own employees.

14. At all times the Contracting Officer shall have access to the job site whereon any of the property is situated, for the purposes of inspecting or inventorying the same, or for the purpose of removing the same in the event of the termination of this lease.

15. Control of Government property: The Manual for Control of Government Property in Possession of Contractors set forth in Appendix B of the Armed Services Procurement Regulation is incorporated by reference and made a part hereof.

16. Officials not to benefit: No member or delegate to Congress, or resident commissioner, shall be admitted to any share or part of the contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract, if made with a corporation for its general benefit.

17. Covenant against contingent fees: The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to require the Lessee to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

18. Disputes: Except as otherwise provided in this lease, any dispute concerning a question of fact arising under this lease which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Lessee. Within 30 days from the date of receipt of such copy, the Lessee may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Secretary, and the decision of the Secretary or his duly authorized representative for the hearings of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive: *Provided*, That, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the Lessee shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Lessee shall proceed diligently with the performance of the lease and in accordance with the Contracting Officer's decision.

19. Adjustment of rentals—State or local taxation: Except as may be otherwise provided, the rental rates established in this lease do not include any State or local tax on the property herein leased. If and to the extent that such property is hereafter made taxable by State and local governments by Act of Congress, then in such event the lease shall be renegotiated.

20. Except as otherwise specified in this lease, all notices to either of the parties to this lease shall be sufficient if mailed in a sealed postpaid envelope addressed as follows:

To the Lessee:

_____
(Name)
_____
(Address)

To the Government:

_____
(Name)
_____
(Title)
_____
(Address)

21. Definitions: As used throughout this lease, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department and the head or any assistant head of the executive agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this lease on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this lease, the authorized representative of a Contracting Officer acting within the limits of his authority.

22. This agreement shall be subject to the written approval of the Secretary of the Army or his duly authorized representative and shall not be binding until so approved.

23. Alterations: The following changes were made in this lease before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this lease as of the day and year first above written.

THE UNITED STATES OF AMERICA
By _____
_____
(Official title)
_____
(Lessee)
By _____
_____
(Business address)

Two witnesses:

_____
_____
(Address)
_____
_____
(Address)

I _____ certify that I am the Secretary of the Corporation named as Lessee herein, that _____ who signed this lease on behalf of the Lessee was then _____ of said corporation; that said lease was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporation powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 196__.

[CORPORATE SEAL] _____
(Secretary)

§ 605.551 Letter contract.

(a) *Cost-reimbursement type.* Set forth below is a sample form of preliminary contract looking to the execution of a cost-reimbursement type formal contract. The appropriate termination clause should be inserted in Exhibit "A" and attached to the form as an inclosure.

*Delete all lines which do not apply.

**Term shall in no event exceed five years unless approved by the Secretary.

(Letterhead)

and any required determination and find- other amount as may be authorized in writ-

(Letterhead)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the intention of the Department to execute a formal cost-reimbursement type contract with you for the delivery of the supplies and the performance of the services as set forth in the attached enclosure, marked Exhibit "A," upon the terms and conditions therein stated. Said formal contract will be in the form used by the Department for procuring supplies and services of the kind indicated in Exhibit "A." This form will include the clauses required by Federal law, Executive Order, and the procurement regulations and directives applicable to such procurements, which clauses are incorporated herein by reference. Exhibit "A," including the termination clause set forth therein is also made a part hereof.

2. You are directed, upon your acceptance of this letter, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies and performance of the services, called for herein, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Exhibit "A," or if no time is so specified, at the earliest practicable date. In this connection, you shall give advance notification to the Contracting Officer of any proposed subcontract or purchase order hereunder which is either (a) on a cost-plus-a-fixed-fee basis or (b) on a fixed price basis exceeding in dollar amount either $25,000 or five per centum of the amount authorized to be expended hereunder. You shall, in addition, obtain such approvals in respect of commitments hereunder as may be specified in Exhibit "A."

3. You shall enter into negotiation for the execution of the formal contract with the Department without delay. In this connection, you shall submit a quotation of the estimated cost to the Government including fixed fee for the articles and services covered by this letter. Such quotation shall be supported by a cost break-down reflecting the factors outlined in the suggested form enclosed herewith.

4. Unless otherwise provided in Exhibit "A" no payments to you shall be made under this letter except as provided in paragraph 5 below.

5. In the event of a termination of performance of the work or any part thereof under this letter by notice given pursuant to the Termination clause incorporated herein by reference, or in the event that the formal contract is not executed within the time specified in Exhibit "A," or any extension of such time as may be authorized in writing by the Contracting Officer, you shall be paid in accordance with the provisions of such Termination clause, except that no profit will be allowed if the Contracting Officer finds that you have delayed the execution of a formal contract for an unreasonable period; provided, however, that in no event shall the liability of the Government to you hereunder exceed the amount specified in Exhibit "A" or such other amount as may be authorized in writing by the Contracting Officer.

6. Please indicate your acceptance of the foregoing by signing this letter and the enclosed copies thereof. Retain one copy for your files and return the remainder to this office.

7. This contract is entered into pursuant to the provisions of 10 U.S.C. 2304(a)( ) and any required determination and findings have been made.

Sincerely yours,

(Contracting officer)

Accepted, as of the date of this letter:

By ---
(Type above, name and position of officer executing this acceptance)

(b) *Fixed-price type.* Set forth below is a sample form of preliminary contract looking to the execution of a fixed-price formal contract. The appropriate termination clause should be inserted in Exhibit "A" and attached to the form as an inclosure.

(Letterhead)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the intention of the Department to execute a formal fixed price contract with you for the delivery of the supplies and the performance of the services as set forth in the attached enclosure, marked Exhibit "A," upon the terms and conditions therein stated. Said formal contract will be in the form used by the Department for procuring supplies and services of the kind indicated in Exhibit "A." This form will include the clauses required by Federal law, Executive Order, and the procurement regulations and directives applicable to such procurements, which clauses are incorporated herein by reference. Exhibit "A," including the termination clause set forth therein, is also made a part hereof.

2. You are directed upon your acceptance of this letter, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies and performance of the services, called for herein, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Exhibit "A," or if no time is so specified, at the earliest practicable date.

3. You shall enter into negotiation for the execution of the formal contract with the Department without delay. In this connection, you shall submit a firm quotation for the articles and services covered by this letter. Such quotation shall be supported by a cost breakdown reflecting the price factors outlined in the suggested form enclosed herewith.

4. Unless otherwise provided in Exhibit "A" no payments to you shall be made under this letter except as provided in paragraph 5 below.

5. In the event of a termination of performance of the work or any part thereof under this letter by notice given pursuant to the termination clause incorporated herein by reference, or in the event that the formal contract is not executed within the time specified in Exhibit "A," or any extension of such time as may be authorized in writing by the Contracting Officer, you shall be paid in accordance with the provisions of such Termination clause, except that no profit will be allowed if the Contracting Officer finds that you have delayed the execution of a formal contract for an unreasonable period; provided, however, that in no event shall the liability of the Government to you hereunder exceed the amount specified in Exhibit "A" or such other amount as may be authorized in writing by the Contracting Officer.

6. Please indicate your acceptance of the foregoing by signing this letter and the enclosed copies thereof. Retain one copy for your files and return the remainder to this office.

7. This contract is entered into pursuant to the provisions of 10 U.S.C. 2304(a)( ) and any required determination and findings have been made.

Sincerely yours,

(Contracting officer)

Accepted, as of the date of this letter:

By ---
(Type above, name and position of officer executing this acceptance)

§ 605.552 Government's order and contractor's acceptance (DA Form 47).

(a) *General.* The following are authorized for use under the conditions set forth in paragraph (b) of this section for negotiated purchases:

(1) Government's Order and Contractor's Acceptance (DA Form 47);

(2) Continuation Sheet (Supply Contract) (Standard Form 36);

(3) General Provisions (Supply Contract) (Standard Form 32), only when procuring supplies, and

(4) Any other form containing contract provisions prescribed by Subchapter A, Chapter I of this title or this subchapter.

(b) *Conditions for use.* (1) DA Form 47 and Standard Form 36 (together with authorized contract provisions) may be used for negotiated purchases of supplies wherein (i) price quotations are subject to daily fluctuation, (ii) the amount of the purchase is less than $100,000, and (iii) no special contract provisions are required which in the particular case would make use of the form inappropriate.

(2) DA Form 47 calls for execution by both the contracting officer and the contractor. When so executed, it should be a complete content in itself; that is, without reference to separate documents such as proposals or quotation forms.

(3) When completed and signed by the contracting officer, and forwarded to the contractor, DA Form 47 constitutes an offer by the Government to contract on the terms set forth therein. All applicable blanks should be completed at the time the form is forwarded to the contractor. Where a particular item is not known at the time the form is forwarded to the contractor (for example, "Ship To" or "Schedule of Deliveries"), the blanks should be filled in with appropriate language indicating how such information will be subsequently furnished.

(4) When signed by the contractor in the space marked "Contractor's Acceptance" and returned to the Government within the time allowed, the form becomes a binding contract if the contractor has made no changes in the form by way of deletion, interlineation, or addition (thus departing from the terms of the offer). Contractors should be instructed to inform the contracting officer of any changes which appear to be required so that amendments may be made and initialed by both parties, or a corrected DA Form 47 issued.

(5) Methods of presenting invoices or vouchers, and of packing, marking, and shipping shall be as specified in any space on the face of the form, or on a continuation sheet.

(6) Standard Form 32 (General Provisions) and additional general provisions shall be incorporated in accordance with the conditions of § 16.101–2 of this title and § 605.101–2 of this chapter.

§ 605.553 Academic Instruction Contracts.

§ 605.553–1 Basic Agreement for Academic Instruction (DA Form 357).

(AR 350–200.)

§ 605.553–2 Order Form To Enter Into Contract for Academic Instruction (DA Form 358).

(AR 350–200.)

§ 605.553–3 Basic Agreement for Off-Duty Academic Instruction (DA Form 588).

(AR 621–5.)

§ 605.553–4 Order Form To Enter Into Contract for Off-Duty Academic Instruction (DA Form 589).

(AR 621–5.)

§ 605.554 Service Order for Household Goods (DD Form 1164).

(See AR 743–455.)

§ 605.556 Facilities Contract Form (April 1961).

NOTE: The text of § 605.556 remains unchanged.

Subparts F—N [Reserved]

Subpart O—General Policy

§ 605.1501 Deviations from approved forms.

§ 605.1501–1 General.

A change in the size of a Standard, DD or DA Form constitutes a deviation.

§ 605.1501–2 Translations.

To facilitate procurement in foreign countries, authority is granted to reproduce a translation of any form. Either a bilingual form may be utilized, or the translation may be printed as a separate form. When the foreign language translation is printed as a separate form it shall be attached to its corresponding approved form. In either instance both the foreign language translation and the approved English text shall contain a statement that in the event of a disagreement in the text of the English and foreign translations, the English text shall govern.

§ 605.1502 Supply of forms.

§ 605.1502–1 Forms stocked by Adjutant General publications centers.

Unless otherwise stated, the procurement forms listed in the APP are procured by The Adjutant General and are stocked in Adjutant General publications centers. Requisitions for forms shall be submitted through normal publications supply channels (AR 310–1). Most procurement forms are printed either as cut sheet forms or as multiple part manifold forms. Department of the Army Pamphlet 310–2 lists by category and number all blank forms prescribed for use throughout the Department of the Army. When both cut sheets and reproducible masters are stocked, to distinguish requisitions for the master from cut sheet forms, the word "Stencil," "Hecto," or other appropriate word shall be used. For example, Standard Form 21 (Stencil).

§ 605.1502–2 Cut sheet forms.

An example of a cut sheet is the Standard Form 30 (Invitation and Bid) which is printed on tissue paper. This weight of paper permits the preparation of an original and nine carbon copies at one time. Another example is the Standard Form 32 (General Provisions), which also is printed as a cut sheet. In this case, however, because no typing is required and because the form is printed on both sides of the paper, a heavier weight paper is used.

§ 605.1502–3 Multiple part manifold forms.

An example of a multiple part form is the DD Form 1155 (Order for Supplies or Services). This form is a 10-part, carbon interleaved, manifold form of snap-out construction.

§ 605.1502–4 Forms not stocked by adjutant general publications centers.

Certain forms of limited application are not printed or stocked by The Adjutant General and local reproduction is authorized in Department of the Army Pamphlet 310–2.

§ 605.1502–5 Reproducible masters.

(a) *General.* The Adjutant General generally does not stock reproducible masters of procurement forms. He may, however, authorize local procurement of reproducible masters where the head of procuring activity has approved use of reproducible masters.

(b) *Excessive duplication and distribution of contractual documents prohibited.* It is the policy of the Department of the Army that the number of copies of contractual documents for any particular procurement be kept to a minimum. Copies shall be limited to those required for essential administration and transmission of contractual information. Excessive duplication and distribution is prohibited. It is the responsibility of all echelons of command to insure that this policy is enforced.

(c) *When required.* Some installations may be unable to utilize the multiple part forms or may require more than 10 copies, including the original, of cut sheet forms. When authorized as prescribed in this section reproducible masters (hectograph, stencil, offset) may be utilized to produce multiple copies.

(d) *Requests and justification.* Requests for the use and local procurement of reproducible masters shall be submitted by letter to the head of procuring activity concerned. Requests shall include the proposed distribution list of the form together with the number of copies required for each addressee. The requesting installation must justify the requirement for each copy. The requesting installation shall state also the number of procurements for which the form is used in a particular period.

(e) *Approval of requests.* Blanket approval for the use of reproducible masters shall not be given. Requests shall be approved on an installation basis. When the head of procuring activity concerned is satisfied that the requirements of this section have been met, he may approve the use of reproducible masters. Such approvals shall be forwarded to The Adjutant General, Department of the Army, Washington D.C., 20310, Attn: Chief, Publication Branch for authority to locally procure reproducible masters in compliance with AR 310–1. Except where the reverse side of a form is stocked (i.e., Standard Forms 30, 33, and DD 1155), approval for local procurement of reproducible masters of a form also includes approval of authority to procure reproducible masters of the reverse of the form. Where General Provisions or other information is preprinted on the back of a form and the back of the form is not stocked by adjutant general publications centers, reproducible masters of the back of the form shall be procured and used as runoff paper for reproducing multiple copies of the face of the form from reproducible masters.

(f) *Use.* The contracting officer at installations authorized to procure and use reproducible masters shall insure that such masters do not deviate from the approved format.

(g) *Quantities procured.* Factors to be considered by contracting officers in determining quantities of reproducible masters to be procured shall include current operational needs and economical procurement. As a guide, installation stocks normally should not exceed a 6-month supply level.

§ 605.1502–6 Preprinted backs.

The terms and conditions of the Invitation for Bids which appear as the back of Standard Forms 30 and 33 are identical and have been printed as one standard back. The standard backs shall be used as runoff paper when reproducing multiple copies of the face of the forms from reproducible masters. Supplies of the backs of Standard Forms 30, and 33 and DD Form 1155 are available from adjutant general publications centers.

PART 606—SUPPLEMENTAL PROVISIONS

20. In § 606.103–3(b), subparagraph (2) is revised; and new Subparts B and H are added, as follows:

§ 606.103–3 Distribution instructions.

* * * * * *

(b) *Other documents for audit agencies.* * * *

(2) Within 5 days after receipt from the contractor, the contracting officer shall forward two copies of all documents enumerated hereafter which are either required by the contract or specifically required by the contracting officer

thereunder; provided, the contract is of the type listed in paragraph (a)(2)(iv) of this section. One copy shall be returned by the audit agency at the time of submission of the audit report, or when it is determined that an audit is not to be initiated; the other copy shall be retained for audit agency files. These documents include—

(i) Statements of costs;

(ii) Settlement proposals relating to prime contract and subcontract terminations as provided in § 8.207 of this title (including inventory and accounting information). Termination settlement proposals in connection with lump sum or unit price architect-engineer contracts which provide for settlement on a percentage-of-completion basis and which are terminated for the convenience of the Government shall not be distributed; and

(iii) Other related information necessary for an understanding of the foregoing.

* * * * *

Subpart B—Contract Award Approvals

Sec.

606.201 Contract review.
606.202 Secretarial preaward review and notation.
606.203 Preaward submissions.
606.204 Approval of awards of contracts.
606.204–1 General.
606.204–2 Personal and professional services.
606.204–3 Construction or rehabilitation of installations, and repairs and utilities.
606.204–4 Architect-engineer contracts.
606.204–5 Utility services contracts.
606.204–6 Government-owned contractor-operator plants (GOCO).
606.204–7 Management engineering contracts.
606.204–8 Leases of Government personal property.

AUTHORITY: §§ 606.201 to 606.204–8 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart B—Contract Award Approvals

§ 606.201 Contract review.

At least one competent person, whether or not assigned to the contracting office, shall be assigned the duty of reviewing in an advisory capacity all proposed contracts except those for purchases of $2,500 or less. This review shall be conducted prior to award of a contract or prior to contract approval above the contracting officer level when such approval is required. The requirement for review shall apply to both advertised and negotiated procurements, regardless of the level of procuring authority, and shall be for the purpose of insuring that (a) the clauses and conditions of the contract comply with the principles of good procurement and (b) the interest of the Government is adequately protected. To the extent that the review required herein is impractical, this provision may be waived by a head of procuring activity upon a determination in writing made to that effect.

§ 606.202 Secretarial preaward review and notation.

Information relative to proposed procurements for certain supplies, equipment, research and development projects, or for certain classes thereof shall be submitted for Secretarial preaward review and notation. Items for which information is to be submitted will normally be listed in the DA Circular 715–2-series; the information to be submitted is prescribed in § 606.203. In addition to the listed items all other proposed awards which may be controversial, have sensitive aspects, or involve major policy decisions shall be submitted; the latter shall be submitted when requested by the Secretariat or determined by the procuring agency that they are within this category.

§ 606.203 Preaward submissions.

(a) Requests for preaward review and notation shall—

(1) Be accompanied by 5 copies of the information required in the following appropriate subparagraphs;

(2) Be submitted so as to normally allow 15 days for review at Secretarial level;

(3) Bear appropriate security classification; submissions (other than for formal advertising) which are not otherwise classified shall be marked "For Official Use Only" (AR 345–15);

(4) Be concise, complete, and specific; and

(5) Be limited to that necessary to present sufficient details on particular items. Ordinarily, bulky contract file documentation such as copies of contracts, requests for proposals, and reports by price analysts and technical personnel or auditors shall not be submitted.

(b) Preaward review information to be submitted for negotiated procurements is outlined below; any item not applicable to a specific procurement shall be omitted in a submission for that procurement. Submissions for formally advertised procurements shall adhere to this outline to the extent feasible.

OUTLINE

(i) Description of supplies, work or services being procured.
a. Material Program Procurement Schedule item number (if PEMA) or Approved Project Title and number (if R&D).
b. Quantity or term of contract.
c. Type and source of funds.
(ii) Name and address of proposed contractor.
a. Large or small business (indicate amount of set aside).
b. Labor surplus area classification (indicate amount of set aside).
c. Location of work performance.
(iii) Negotiations conducted under authority of 10 U.S.C. 2304(a)(__), authorized by D&F dated _____, signed by _____.
(iv) Type of contract; justification if other than firm-fixed-price.
a. Justification for price redetermination type contract.
b. Description and discussion of proposed incentive provisions, if any.
(v) Method of source selection.
a. Number of sources solicited.
b. Number of bids or proposals received.
c. Justification for sole source solicitation.
d. Names of firms submitting bids or proposals.
e. Method of bid or proposal evaluation.
f. Basis for selection of proposed contractor.
g. Statement of contractor responsibility (ASPR 1–903, 1–904).
(vi) Unit price, total price and profit, or total cost and fee (target or fixed).
a. Summary of comparison of prices including Government cost estimates and historical cost and price experience as applicable.
b. Statement of basis for contracting officer's determination of reasonableness of price.
c. Summary analysis of profit or fee considerations.
(vii) Evaluation of proposed contractor's history of, and plan for:
a. Cost management;
b. Quality assurance; and
c. Adherence to performance and delivery schedules.
(viii) Make or buy considerations.
a. Major subcontractors, location, items, value and types of contracts.
b. Percentage of subcontract value to total price.
(ix) Summary of extent of Government-furnished facilities and special tooling.
(x) Discussion of any ASPR or APP deviations approved or requested.
(xi) Outline all sensitive or controversial aspects of award.
(xii) Other comments which support the proposed action.

(c) Where the proposed procurement is to be placed as a letter contract the following information shall be submitted in addition to that in paragraph (b) of this section:

(i) Statement as to the necessity and advantage to the Government of the use of the proposed letter contract;
(ii) Duration of letter contract in number of days from date of execution;
(iii) Amount of letter contract;
(iv) Total estimated definitive contract amount, including estimated cost of (A) facilities, (B) special tooling equipment, etc., (C) activation or reactivation, (D) training of personnel, and (E) subcontracting;
(v) Type of definitive contract proposed (fixed-price, cost-plus-a-fixed-fee, etc.);
(vi) List of all standard optional clauses which will be made a part of the definitive contract, including (A) Patent clauses, (B) Copyright clause, (C) Special Tooling clause, (D) Government Property clause, (E) Facility agreement, (F) Price Redetermination clause (including type of clause and percentage of upward revision, if available); and
(vii) Statement that the minimization of risk, through inclusion of the Price Redetermination clause, will be given due consideration in determining the rate of profit to be allowed, with further attention given to the amount of each of the following as compared to the total estimated contract amount: (A) material, (B) subcontracting, (C) purchased parts, and (D) "off-the-shelf" items.

§ 606.204 Approval of awards of contracts.

§ 606.204–1 General.

Subject to any further instructions which may be issued by the head of procuring activity, awards of contracts (including modifications) may be made by contracting officers without the approval of the award by higher authority, except as set forth in the following sections and in § 606.202.

§ 606.204–2 Personal and professional services.

(a) Because of statutory provisions (see § 593.1001 of this chapter) Secretarial action is required before an award may be made of certain contracts (see §§ 593.1003–2 and 593.1006 of this chapter) for the temporary or intermittent services of experts, consultants, or stenographic reporters. Procedures for submission for Secretarial action are set forth in Subpart J, Part 593 of this chapter. If the Secretary considers the proposed action proper he may either make the necessary determinations and approve the proposed award, or he may make the necessary determinations and authorize the head of procuring activity concerned to approve the award in the submitted case. A submission for Secretarial action, however, shall be made on the basis that the Secretary may desire to take the necessary action and approve the proposed award at the same time.

(b) As to certain categories of services, the Secretary makes the determinations required by statute as of the beginning of each fiscal year and delegates the authority to approve awards of contracts for such services. This delegated authority to approve awards of contracts in the specified categories is given annually to certain heads of procuring activities. See § 593.1003–3(b) of this chapter for procedure for submittal to the head of procuring activity. Thus, when a head of procuring activity has been authorized to approve an award of a contract for one or more of such categories, submission to the Secretary before award, as described in paragraph (a) of this section, is not required. The categories of services for which the Secretary makes annual determinations are set forth below:

(1) Contracts for personal services of alien specialists necessary to meet the requirements of Defense Scientists Immigration Program—A (DEFSIP–A), (formerly "Project Paperclip"), and Defense Scientists Immigration Program—B (DEFSIP–B); (formerly "Project 63");

(2) Contracts for personal services to be performed outside the United States of experts and consultants in the field of radio announcing in Asiatic languages, geodetics, anthropology and chemical analysis;

(3) Contracts for stenographic reporting services, where the services of qualified Government personnel are not available, in connection with hearings before the New York Industrial Personnel Security Hearing Board, the functions of the Inspectors General, and hearings before claims and appeals boards of procuring activities;

(4) Contracts for the personal services of actors, narrators, and other technical and professional personnel (excluding organizations thereof) necessary in connection with motion picture or television production; and

(5) Contracts for personal services outside the United States of experts or consultants in the field of law.

(c) See § 593.1005 of this chapter for procedure for submittal to the addressee in § 590.150(b)(8) of this chapter of certain contracts which may involve personal services aspects.

§ 606.204–3 Construction or rehabilitation of installations, and repairs and utilities.

Awards of contracts and modifications of contracts for construction or rehabilitation of installations, and repairs and utilities do not require approval by higher authority, unless otherwise required by the head of procuring activity.

§ 606.204–4 Architect-engineer contracts.

(a) *General.* An architect-engineer (A–E) contract for the production and delivery of designs, plans, drawings, and specifications is referred to as one for Title I services; an A–E contract for the supervision and inspection of construction is referred to as one for Title II services. Authority to contract for Title I and Title II services in the Department of the Army is limited to such procuring activities as have been specifically delegated authority to do so in an annual delegation from the Assistant Secretary of the Army (Installations and Logistics). Responsibility for implementation of DOD Directives pertaining to uniform standards for the selection of A–E firms for professional services and uniform standards for the employment and payment of A–E services has been assigned to the U.S. Army Corps of Engineers.

(b) *Selection of contractors.* The selection of a prospective A–E contractor is governed by the procedures set forth in OCE letters ENGMC–KC, Subject: Revised Procedures for the Selection of Architect-Engineers, Military Construction Program, September 27, 1962, and February 21, 1963. These letters and any additional implementation of DOD Directive 4105.56 will be distributed by the Chief of Engineers to procuring activities having a need therefor. See the OCE publication entitled "Uniform Standards for the Employment and Payment of Architect-Engineer Services." Submittals to the addressee in § 590.150(b)(1) for approval pursuant to Army implementation of DOD Directive 4105.56 shall be made, through the Office, Chief of Engineers, in the following cases:

(1) Before final action is taken in the selection of a proposed contractor to render either Title I or Title II services, or both, if the estimated contract price exceeds $500,000 (the submittal shall contain a statement of the selection proposed together with information in support thereof and sufficient facts to show compliance with the Army implementation of applicable DOD Directives (paragraph (a) of this section));

(2) In any case in which the price of an existing A–E contract for Title I or Title II services, or both, is increased from an amount of $500,000 or less to more than $500,000 (in such case the submittal shall contain a résumé of actions taken which show compliance with Army implementation of pertinent DOD Directives (paragraph (a) of this section), reasons for the proposed increase, and data showing the total amount of Army A–E contract awards to the contractor during the current calendar year);

(3) In any other case where, pursuant to the DOD Directives mentioned in paragraph (a) of this section (as implemented by the Corps of Engineers) approval above the level of head of procuring activity is required (the submittal in such cases will contain a résumé of the significant facts showing compliance with Army implementation of pertinent DOD Directives (paragraph (a) of this section), reasons for the action proposed to be taken, and data showing the total amount of Army A–E contract awards to the contractor during the current and preceding calendar year).

(c) *Approval of awards.* If the Secretarial delegation imposes a dollar limitation upon award approval authority, the head of procuring activity concerned who is subject to such limitation shall submit any proposed award of A–E contract for either Title I or Title II services, or both, to the addressee in § 590.150(b)(6) of this chapter, through the Office, Chief of Engineers, in the following instances:

(1) When the contract price for either Title I or Title II services, or both, exceeds the dollar limitation; or

(2) Prior to increasing an existing A–E contract price from an amount equal to or less than the dollar limitation to more than such limitation; provided, however, that award approval of a modification at Secretarial level is not required, regardless of amount, if the proposed modification pertains to either (i) a contract previously approved at such level or (ii) a contract having a previous modification which has been so approved and in either case contains no material deviation from provisions previously approved.

(d) *Coordination.* In order to provide for uniform application of criteria for A–E contracts within the Department of the Army, any procuring activity (except the Corps of Engineers) granted authority to contract for A–E services shall coordinate plans for entering into such contracts with the appropriate U.S. Army Engineer Division or District prior to selection of the prospective contractor and to negotiation of the proposed contract.

(e) *Master planning.* Authority to negotiate and award A–E contracts relating to Master Planning is restricted and is subject to the specific limitations and exclusions set forth in the annual delegation of authority referred to in paragraph (a) of this section.

(f) *Pricing of A–E contract for nonpersonal services.* Compensation for A–E services is subject to the following:

(1) The consideration paid to an A–E under any fixed-price type contract for Title I services may not be more than 6 percent of the estimated cost of the public work or utilities project (or portion thereof) for which the A–E undertakes to perform such services. The consideration which may be paid under a cost-reimbursement type contract for Title I services is subject to the limitations set forth in §§ 3.405–4(c) and 3.405–5(c)(2) of this title, whichever is applicable. When an A–E contract calls for both Title I services and Title II

services, the consideration to be paid

§ 606.204–6 Government-owned con-

where the contractor, his agent, or other

to ten times the estimated costs of the

Title 7 AGRICULTURE

shall not be applicable

services, the consideration to be paid the contractor for Title I services shall be separately stated therein.

(2) The A–E contract price shall be negotiated in accordance with the applicable parts and related exhibits of the publication "Uniform Standards for the Employment and Payment of Architect-Services," issued by the U.S. Army Corps of Engineers.

(g) *A–E contract for personal services.* A personal services contract with an individual for A–E services (see § 593.1004(a) of this chapter) is subject to the requirements set forth in §§ 593.1003–4 and 593.1003–5 (c), (d), and (e) of this chapter. Award approval by the head of procuring activity shall be obtained in the same manner as provided in § 593.1003–3(b) of this chapter.

§ 606.204–5 Utility services contracts.

(a) *Procurement of power, gas, water.* The Chief of Engineers, acting for the Secretary of the Army, is the Department of the Army Power Procurement Officer and in this capacity is responsible for the administration of the purchase and sale of utilities services, and for policies, engineering, rates, and legal sufficiency in connection with all utility services transactions and contracts relating thereto in which the Department of the Army has a monetary interest. The purchase of utility services is governed by AR 420–41 and AR 420–62, which define the term "utilities services" and prescribe the required approvals for utilities services contracts and modifications. All contracts and modifications which, under the provisions of the above regulations, are subject to the approval of the Army Power Procurement Officer or his authorized representative, shall be submitted to the Chief of Engineers, ATTN: Army Power Procurement Officer, together with the following information:

(1) Complete load data;

(2) Estimated maximum demand in kilowatts;

(3) Estimated average monthly demand in kilowatts;

(4) Estimated average monthly usage in kilowatt-hours;

(5) Estimated power factor;

(6) Similar applicable information for estimated usage of water, gas, sewage disposal, and steam contracts; and

(7) Any other available pertinent information that will facilitate review, including but not limited to, analysis of available rates and charges, supporting data for estimates of demand and use, and difficulties experienced in negotiation.

(b) *Procurement of Communications services.* The Chief Signal Officer, acting for the Secretary of the Army, is responsible for establishing policy, furnishing technical advice and assistance, and providing overall guidance pertaining to the procurement, use, and control of leased communication circuits, equipment, and services. Other responsibilities for procurement of communication services are as specified in AR 105–21, AR 105–22, and SR 105–20–3.

§ 606.204–6 Government-owned contractor-operator plants (GOCO).

Heads of procuring activities are authorized to approve awards of contracts and modification to contracts for the maintenance or operation of or for manufacture in GOCO plants. This authority may be redelegated to the extent deemed necessary without authority of further redelegation.

§ 606.204–7 Management engineering contracts.

(a) Management engineering services and activities are explained in paragraph 2, AR 1–110. A contracting officer shall not execute a contract (or modification) for management engineering services prior to receipt, through channels, of Secretarial approval of the project. In the event that proposed contracts and modifications to contracts for such services are forwarded to higher authority in connection with obtaining Secretarial approval of the project as required by paragraph 7, AR 1–110, such proposed contracts or modifications to contracts shall be submitted through the Comptroller of the Army to the Secretary concerned.

(b) In the event that proposed contracts and modifications to contracts for management engineering services are forwarded to the Secretary for contract award approval because (1) the services being procured are of a personal services nature (§ 606.204–2), or (2) Secretarial approval of award is required or desired for other reasons, such proposed contracts or modifications to contracts shall be submitted to the addressee in § 590.150(b)(8) of this chapter.

(c) AR 1–110 is not applicable to the employment of experts or consultants on a per diem basis (§ 606.204–2).

§ 606.204–8 Leases of Government personal property.

Proposed leases and modifications to leases of Government personal property, except as otherwise provided by specific delegation of the Secretary, shall be submitted for approval to the addressee listed in § 590.150(b)(8) of this chapter.

Subpart H—Procedure Under the Gratuities Clause

Sec.
606.801 Purpose.
606.802 Reporting requirements.
606.803 Referral for hearing.
606.804 Delegation of authority and hearing procedures.
606.805 Post-hearing actions.

AUTHORITY: §§ 606.801 to 606.805 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart H—Procedures Under the Gratuities Clause

§ 606.801 Purpose.

This subpart establishes procedures under which the Department of the Army will exercise the powers conferred upon the Secretary by 10 U.S.C. 2207 and § 30.4 of this title with respect to hearings, findings, termination of contracts, and imposition of exemplary damages in instances under government contracts where the contractor, his agent, or other representatives may have offered or given any gratuity to an officer, official, or employee of the Department of the Army to obtain a contract or favorable treatment in awarding, amending, or making of determinations concerning the performance of a contract in violation of the Gratuities clause (§ 7.104–16 of this title).

§ 606.802 Reporting requirements.

(a) Any information received by military or civilian personnel of the Department of the Army which indicates that action under the Gratuities clause may be appropriate shall be forwarded for evaluation and appropriate action through channels to the military commander having jurisdiction over the contract (exempt report, par. 39*n*, AR 335–15).

(b) If evaluation indicates that a hearing under the Gratuities clause may be appropriate, the military commander shall forward the facts promptly and directly to the head of procuring activity concerned. Information initially forwarded to the head of procuring activity shall include:

(1) Name and address of the contractor together with full information as to form of organization, including names and addresses of principals;

(2) Complete contract data including number, date, estimated day of completion of performance, general description of supplies or services procured, amount, status of performance and of payment under the contract, urgency of requirements, and availability of the supplies or services from other sources;

(3) Summary of the facts concerning the suspected violation, including names and addresses, dates, and references to documentary evidence available; and

(4) Status of the investigation, if any, with an estimated date on which it will be submitted.

(c) A complete report of investigation, if required, shall be submitted as soon as practicable (exempt report, par. 39*t*, AR 335–15). In connection with the investigation, care must be taken to preserve the admissibility of documentary evidence and exhibits, bearing in mind that action adverse to a contractor under the Gratuities clause is subject to review by a competent court. Copies or descriptions shall be utilized in the report where necessary or desirable to preserve the chain of custody.

(d) The head of procuring activity shall forward such information upon its receipt, together with his recommendations, through channels to the Director of Procurement, Office of the Assistant Secretary of the Army (Installations and Logistics). Pending final action on the matter, the head of procuring activity shall submit to the Director of Procurement for approval any proposed termination, setoff, or withholding action. Pending this determination, and when a hearing before the Board is recommended the contracting officer administering the contract of contracts involved shall withhold from payments otherwise due to the contractor a sum equivalent

to ten times the estimated costs of the gratuities alleged to have been provided by the contractor in violation of the Gratuities clause.

§ 606.803 Referral for hearing.

(a) The Director of Procurement shall determine whether the matter will be referred for a hearing. When it is determined that a matter will be referred for hearing, the Director of Procurement will advise in writing the Chairman of the Armed Services Board of Contract Appeals (Board), requesting that he cause the case to be heard by a division of the Board. The request for hearing shall contain sufficient information concerning the case to permit the Board Recorder to provide due notice to the contractor.

(b) The Director of Procurement shall furnish the files in the matter to The Judge Advocate General, ATTN: Chief, Contract Appeals Division, for use of the Government counsel.

§ 606.804 Delegation of authority and hearing procedures.

(a) The division of the Board designated under § 606.803(a) is delegated the authority to take the actions set out in paragraph 3 of § 30.4 of this title in accordance with the procedures contained in that appendix.

(b) Each party may be represented in the hearing by counsel who shall be the representative of record. Counsel for the Government shall be furnished by The Judge Advocate General from officers of The Judge Advocate General's Corps assigned to the Contract Appeals Division, Office of The Judge Advocate General.

(c) The Board Recorder shall arrange for a verbatim record of the proceedings to be transcribed in the number of required copies. He shall furnish copies of transcripts to contractors concerned upon payment of reasonable costs.

§ 606.805 Post-hearing actions.

(a) Findings and recommendations of the designated division, as required by paragraph 14, § 30.4 of this title, shall be forwarded expeditiously to the Assistant Secretary of the Army (Installations and Logistics) for his action.

(b) The Director of Procurement shall promptly furnish the contractor with a copy of the Secretarial decision. Advice concerning the Secretarial action will be forwarded to the head of the procuring activity concerned who shall furnish notification and instructions, as required to the contracting officer without delay.

(c) At the conclusion of the case, the Board Recorder shall forward all files in the matter to the Office of The Judge Advocate General which shall serve as the office of record for cases brought for hearing under 10 U.S.C. 2207. With the approval of the Director of Procurement, the Office of Record may make available to persons properly and directly concerned matters of official record pertaining to the case.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63–11204; Filed, Oct. 23, 1963; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[958.308 Amdt. 1]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. Section 958.308 (28 F.R. 8192) is hereby amended to read as follows:

§ 958.308 Limitation of shipments.

Beginning on the effective date of this amendment through June 30, 1964, no person shall handle any lot of yellow or white varieties of onions grown in the production area unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b), (c), or (d) of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties.* U.S. No. 1 grade, 2 inches minimum diameter.

(2) *White varieties.* U.S. No. 1 grade, 1½ inches minimum diameter; or U.S. No. 2 grade, 1 inch minimum to 2 inches maximum diameter, if packed separately.

(b) *Special purpose shipments.* The minimum grade and size requirements set forth in paragraph (a) of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;

(2) Livestock feed;

(3) Charity;

(4) Dehydration;

(5) Canning; and

(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First, apply to the committee for, and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill each shipment direct to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the receiver for signing and returning one copy to the committee office. Failure of a handler or receiver to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Grades of Onions (§§ 51.2830–51.2850 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 18, 1963, to become effective October 28, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–11239; Filed, Oct. 23, 1963; 8:47 a.m.]

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1963–64 Fiscal Year

Notice was published in the FEDERAL REGISTER of October 9, 1963 (28 F.R. 10822), that there was under consideration the proposed establishment of a free percentage of 81 percent and restricted percentage of 19 percent for Oregon and Washington filberts during the 1963–64 fiscal year which began on August 1, 1963. The proposed percentages are

based on recommendations of the Filbert

AUTHORITY: §§ 5B–1.315 and 5B–1.315–2 is-

per, Jefferson Davis, Jones, Lamar, Lawrence, Lee, Lincoln, Lowndes, Marion, Pearl River, Perry, Pike, Rankin, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, Amite, Childress, Cochran, Coke, Coleman, areas is hereby amended to read as

based on recommendations of the Filbert Control Board and other available information and would be established pursuant to the provisions of amended Marketing Agreement No. 115 and Order No. 982 (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments concerning the proposal with the Department for consideration prior to establishment of percentages. The prescribed time has elapsed and no such communications have been received.

Pursuant to § 982.41, and after consideration of all relevant matters presented, including those in the notice, it is hereby found that limiting the quantity of merchantable filberts which may be handled during the 1963–64 fiscal year as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, free and restricted percentages for merchantable filberts during the 1963–64 fiscal year are established as follows:

§ 982.213 Free and restricted percentages for merchantable filberts during the 1963–64 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year which began August 1, 1963:

Free percentage ---------- 81 percent
Restricted percentage ---------- 19 percent

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that free and restricted percentages established for a particular fiscal year shall be applicable to all filberts handled during such year; and (2) the current fiscal year began on August 1, 1963, and the percentages herein established will automatically apply to all such filberts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 18, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-11262; Filed, Oct. 23, 1963; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–1—GENERAL

Subpart 5B–1.3—General Policies

New Subpart 5B–1.3 (General Policies) is added as follows:

Sec.
5B–1.315 Use of liquidated damages provisions in procurement contracts.
5B–1.315–2 Policy.

AUTHORITY: §§ 5B–1.315 and 5B–1.315–2 issued under sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 41 CFR 5–1.101(c), 28 F.R. 4559.

§ 5B–1.315 Use of liquidated damages provisions in procurement contracts.

§ 5B–1.315–2 Policy.

(a) The rate of liquidated damages to be stipulated in a construction contract shall bear a realistic relationship to the probable damages the Government may be expected to suffer, and shall take into consideration the added costs of contract administration and supervision, interest on the Government's investment, and the net rental the Government would be obligated to pay as a result of construction not being completed on the scheduled date.

(b) The following Central Office and Regional personnel are designated to approve, where justified, the omission of a liquidated damages provision from a construction contract: Assistant Commissioner, Office of Design and Construction; Regional Administrators.

(c) Omission of a liquidated damages provision from a construction contract may be justified when construction consists of repairs, alterations, or improvements, any delay in the completion of which would still permit the occupying agency to continue its normal function in an uninterrupted manner and which would not result in added expense to the Government.

Effective date. These regulations are effective November 18, 1963.

Dated: October 17, 1963.

R. T. DALY,
Commissioner,
Public Buildings Service.

[F.R. Doc. 63-11246; Filed, Oct. 23, 1963; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburn, Coffee, Colbert, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Franklin, Geneva, Henry, Houston, Jackson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Gallia, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Lamb, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Niobrara, Park, Platte, Sweetwater, Teton, Uinta, Washakie, and Weston Counties; and all of Lincoln County except that portion lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence running easterly along U.S. Highway 30 to its intersection with U.S. Highway 189; thence running in a southerly direction along U.S. Highway 189 to the Uinta County line;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Mobile County in Alabama; Haskell County in Oklahoma; and Brown County in South Dakota.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of October 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division,
Agricultural Research Service.

[F.R. Doc. 63-11263; Filed, Oct. 23, 1963; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8454 o.]

PART 13—PROHIBITED TRADE PRACTICES

Top Form Mills, Inc., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.235 *Source or origin;* § 13.235–25 *Fashion designers;* § 13.235–60 *Place;* § 13.235–60(a) *Domestic products as imported.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Pretricketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin;* § 13.1325–60 *Maker or seller;* § 13.1325–70 *Place;* § 13.1325–70(a) *Domestic product as imported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Top Form Mills, Inc., et al., New York, N.Y., Docket 8454, Sept. 23, 1963]

In the Matter of Top Form Mills, Inc., a Corporation, Also Trading as Lady Russel Lingerie, and Manuel Kitrosser and Eleanor Topping, Individually and as Officers of Said Corporation

Order, with opinion, requiring New York City manufacturers of ladies' lingerie and sleepwear to cease representing falsely—through such practices as use of the words "Paris", "Cannes" and "Biarritz" and the name "Jacques Heim" on labels and in advertisements and advertising mats supplied to retailers, and by instructions for washing in French and English on attached tags—that their said products were made in France and designed by a great Paris Couturier.

The order to cease and desist is as follows:

It is ordered, That respondents Top Form Mills, Inc., a corporation, also trading as Lady Russel Lingerie, and its officers and Manuel Kitrosser, individually and as an officer of such corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of ladies' lingerie, sleepwear or any other clothing, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Paris", "Cannes", "Biarritz" on labels or otherwise, whether singularly or in connection with any other word or words, to describe or refer to products made in the United States, or representing by any other means that any products made in the United States were made in France or in any other foreign country;

2. Misrepresenting in any manner the country of origin of any of their products;

3. Representing, directly or indirectly, that any of their products were manufactured, or designed, styled or created by Jacques Heim, or by any other French couturier or designer, or by any other French person, firm or corporation; and

4. Using the words "designed", "styled", or "created", or any word or words of similar import, together with the name of any person, to describe or refer to any of their products unless such products are identical as to configuration, combination of lines and patterns executed by such person and are so similar in form, size, shape, ornamentation and other detail as to give the total appearance to the purchasing public of being a precise copy thereof.

It is further ordered, That the complaint be; and it hereby is, dismissed as to Elinore Topping.

It is further ordered, That the charge in the complaint relating to use of representations as to mill or factory ownership, operation or control, be, and it hereby is, dismissed.

By "Final Order", order requiring report of compliance is as follows:

It is further ordered, That since the Commission's "Proposed Final Order" was issued under the Commission's rules dated June 1962, which provided for Proposed Final Order respondents herein shall, pursuant to Rule 5.6 of the Commission's rules dated June, 1962, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist. (The topic dealt with in Rule 5.6 is now in Rule 3.26(a) of the Commission's new rules which are now in effect.)

Issued: September 23, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11216; Filed, Oct. 23, 1963; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-227; Order No. 271]

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

PART 35—FILING OF RATE SCHEDULES

PART 131—FORMS

Filing of Rate Schedules by Public Utilities and Licensees

OCTOBER 17, 1963.

Two paragraphs were inadvertently omitted from Order No. 271, Amending Regulations to Govern the Filing of Rate Schedules by Public Utilities and Licensees, issued September 26, 1963 (28 F.R. 10572). They are corrections of cross-references to Part 35 made in other parts of Chapter I of Title 18 of the Code of Federal Regulations. They are made necessary by the changes in the numbering of sections in Part 35.

The Commission, pursuant to the authority contained in Order No. 271, orders:

(A) Order No. 271 is hereby amended to add the following paragraphs:

(D) In § 32.38 of Part 32—Interconnection of facilities; emergencies; transmission to foreign country, Chapter I, Title 18, of the Code of Federal Regulations, change "§§ 35.1–35.12" to "§§ 35.1–35.16." As so amended, the section reads as follows:

§ 32.38 Filing rate schedules and annual reports.

Persons authorized to transmit electric energy from the United States shall file all rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such energy in the form and manner specified in the provisions of §§ 35.1 to 35.16, inclusive, of this chapter.

(E) In §§ 131.51, 131.52 and 131.53 of Part 131—Forms, of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, of the Code of Federal Regulations, change the material in parentheses at the head of the sections from "(See §§ 35.1–35.12 of this chapter.)" to "(See §§ 35.1–35.21 of this chapter.)".

(B) Order No. 271 is further amended to make the following corrections:

In the footnote to § 35.2(b), insert after "Part 154 of" the words "this chapter, i.e.,". As corrected the footnote reads as follows:

[1] The term "tariff" means a compilation, in book form, of rate schedules of a particular public utility, effective under the Federal Power Act, and a copy of each form of service agreement. In connection herewith, attention is invited to Part 154 of this chapter, i.e., the Commission's regulations under the Natural Gas Act, as a guide to the form and composition of a tariff.

In § 35.12(b)(2)(ii), insert the words "filing and each" in the last sentence after "part of the". As corrected, the subdivision reads as follows:

(ii) A summary statement of all cost (whether fully distributed, incremental or other) computations involved in arriving at the derivation of the level of the rate, in sufficient detail to justify the rate, shall be submitted with the filing, except that if the filing includes nothing more than service to one or more added customers under an established rate of the utility for a particular class of service, such summary statement of cost computations is not required. In all cases, the Secretary is authorized to require the submission of the complete cost studies as part of the filing and each filing public utility shall submit the same upon request by the Secretary in such form as he shall direct.

In § 35.13(b)(4)(i), change "N" to "O". As corrected, the subdivision reads as follows:

(4)(i) Except as provided in subdivision (ii) of this subparagraph, if the rate schedule provides for an increased rate,[1] then 60 days prior to the date that such changed rate is proposed to become effective the filing public utility shall submit a statement showing its cost of the service to be supplied under the new rate schedule according to supporting statements A through O as described below. Simultaneously, the public utility shall submit the material on sales and revenues described in paragraph (a) of this section and, unless the rate schedule containing the proposed increased rate is likewise simultaneously filed, a summary statement of such proposed increased rate: *Provided, however,* That the submittal of such summary statement of the rate schedule shall not be in lieu of the rate schedule as required to be filed with the Commission pursuant to the regulations in this part.

In § 35.13(b)(4)(ii), change "increase" to "increases", and insert after "incidental to" ",". As corrected, the subdivision reads as follows:

(ii) No cost of service data shall be required in cases where the application of the proposed change in rate schedule effects rate increases of less than $50,000 annually resulting from, but incidental to, changes such as a rate design, delivery points and delivery voltage. Specifically designed rate increases of less than $50,000 annually (as opposed to incidental increases), increases resulting from changes made in fuel clauses, and increases of rates comprising an integral part of coordination and interchange arrangements in the nature of power pooling transactions, shall be supported by cost data as identified in § 35.12(b)(2).

In § 35.13(b)(4)(iv), change "N" to "O". As corrected, the subdivision reads as follows:

(iv) The statement of cost of service shall include an attestation by the chief accounting officer or other authorized accounting representative of the filing public utility that the cost statements and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact, set forth the results shown by such books. Following is a description of statements A through O required to be filed pursuant to this subparagraph.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63-11213; Filed, Oct. 23, 1963; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6685]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On May 28, 1963, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 615 and 381(c)(10) of the Internal Revenue Code of 1954 to conform the regulations to changes made by the Act of July 6, 1960 (Pub. Law 86-594, 74 Stat. 333) was published in the FEDERAL REGISTER (28 F.R. 5265). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendments of the regulations as proposed are hereby adopted.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: October 18, 1963.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

PARAGRAPH 1. Paragraph (c) of § 1.615 is amended and a historical note is added. These amended provisions read as follows:

§ 1.615 Statutory provisions; exploration expenditures.

SEC. 615. *Exploration expenditures.* • • •

(c) *Limitation*—(1) *In general.* This section shall not apply to any amount paid or incurred to the extent that it would, when added to the amounts which have been deducted under subsection (a) and the amounts which have been treated as deferred expenses under subsection (b), or the corresponding provisions of prior law, exceed $400,000.

(2) *Amounts taken into account.* For purposes of paragraph (1), there shall be taken into account amounts deducted and amounts treated as deferred expenses by—

(A) The taxpayer, and

(B) Any individual or corporation who has transferred to the taxpayer any mineral property.

(3) *Application of paragraph (2)(B).* Paragraph (2)(B) shall apply with respect to all amounts deducted and all amounts treated as deferred expenses which were paid or incurred before the latest such transfer from the individual or corporation to the taxpayer. Paragraph (2)(B) shall apply only if—

(A) The taxpayer acquired any mineral property from the individual or corporation under circumstances which make paragraph (7), (8), (11), (15), (17), (20), or (22) of section 113(a) of the Internal Revenue Code of 1939 apply to such transfer;

(B) The taxpayer would be entitled under section 381(c)(10) to deduct expenses deferred under this section had the distributor or transferor corporation elected to defer such expenses; or

(C) The taxpayer acquired any mineral property from the individual or corporation under circumstances which make section 334(b), 362 (a) and (b), 372(a), 373(b)(1), 1051, or 1082 apply to such transfer.

• • • • •

[Sec. 615 as amended by sec. 1, Act of July 6, 1960 (Pub. Law 86-594, 74 Stat. 333)]

PAR. 2. Paragraph (a) of § 1.615-1 is amended to read as follows:

§ 1.615-1 Exploration expenditures.

(a) *General rule.* Section 615 prescribes rules for the treatment of expenditures for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (other than oil or gas) paid or incurred by the taxpayer before the beginning of the development stage of the mine or other natural deposit. The development stage of the mine or other natural deposit will be deemed to begin at the time when, in consideration of all the facts and circumstances (including the actions of the taxpayer), deposits of ore or other mineral are shown to exist in sufficient quantity and quality to reasonably justify commercial exploitation by the taxpayer. Such expenditures hereinafter in the regulations under section 615 will be referred to as exploration expenditures. Under section 615(a), a taxpayer may, at his option, deduct exploration expenditures paid or incurred in an amount not to exceed $100,000 for any taxable year. Under section 615(b) and § 1.615-2 he may elect to defer any part of such amount and deduct such part on a ratable basis as the units of produced minerals benefited by such expenditures are sold. In any taxable year in which the taxpayer does not treat exploration expenditures under either of these methods, they will be charged to depletable capital account. The option to deduct under section 615(a), and the election to defer under section 615(b), however, are subject to the limitations provided in section 615(c) and § 1.615-4.

PAR. 3. Paragraph (a) of § 1.615-3 is amended to read as follows:

§ 1.615-3 Election to defer exploration expenditures.

(a) *General rule.* A taxpayer may defer any portion of the exploration expenditures made with respect to each mine or other natural deposit, subject to the limitations described in section 615(c) and § 1.615-4. The amounts so deferred shall be deducted ratably as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold.

PAR. 4. Section 1.615-4 is amended to read as follows:

§ 1.615-4 Limitation of amount deductible.

(a) *Taxable years beginning before July 7, 1960.* For any taxable year beginning before July 7, 1960 (including taxable years of less than 12 months), a taxpayer may deduct or defer exploration expenditures paid or incurred in the taxable year in an amount not in excess of $100,000. However, for such taxable years, the taxpayer may not avail himself of the provisions of section 615 for more than four taxable years (including taxable years of less than 12 months and taxable years subject to the Internal Revenue Code of 1939). Such four taxable years need not be consecutive. In determining the number of years in which a taxpayer has availed himself of section 615, a year for which he makes an election to defer exploration expenditures shall count as one year. Any subsequent taxable year in which such deferred expenditures are deducted shall not be taken into account as one of the four years. For purposes of the 4-year limitation, a year in which both a deduction and an election to defer are availed of by the taxpayer shall be taken into account as only one year.

(b) *Taxable years beginning after July 6, 1960.* For any taxable year beginning after July 6, 1960 (including taxable years of less than 12 months), a taxpayer may deduct or defer exploration expenditures, to which section 615 is applicable, in the lesser of the following amounts:

(1) The amount paid or incurred in the taxable year,

(2) $100,000, or

(3) $400,000 minus all amounts deducted or deferred for taxable years ending after December 31, 1950.

For purposes of this paragraph, the number of taxable years for which the taxpayer availed himself of the provisions of section 615 or the corresponding provisions of prior law is immaterial.

(c) *Special rules for previously deferred expenditures.* In determining whether an election to defer was availed of in applying the limitations of paragraphs (a) and (b) of this section, there shall be taken into account any year with respect to which amounts were deferred but not fully deducted because of a sale or other disposition of the mineral property, even though the balance of the deferred amounts was treated as part of the basis of the mineral property in determining gain or loss from the sale.

(d) *Example of application of provisions.* The application of the provisions of subparagraphs (a) and (b) of this section may be illustrated by the following example:

Example. A taxpayer on the calendar year basis, who has never claimed the benefits of section 615, or section 23(ff) of the 1939 Code, expended $200,000 for exploration expenditures during the year 1956. For each of the years 1957, 1958, 1959, and 1960 the taxpayer had exploration costs of $80,000. The taxpayer deducted or deferred the maximum amounts allowed for each of the years 1956, 1957, 1958, and 1959. None of the $80,000 expenditures for 1960 could be deducted or deferred by the taxpayer because he had already deducted or deferred exploration expenditures for 4 prior years. In 1961 the taxpayer expended $200,000 for exploration expenditures. The maximum amount the taxpayer may deduct or defer for the taxable year 1961 is $60,000 computed as follows:

(1) Add all yearly amounts deducted or deferred for exploration expenditures by the taxpayer for prior years.

Year:	Expenditures	Deducted or deferred
1956	$200,000	$100,000
1957	80,000	80,000
1958	80,000	80,000
1959	80,000	80,000
1960	80,000	0
Total		340,000

(2) Subtract the sum of the amounts obtained in (1), $340,000, from $400,000, the maximum amount allowable to the taxpayer for deductions or deferrals of exploration expenditures.

Maximum amount allowable to taxpayer	$400,000
Sum of amounts obtained in (1)	340,000
	60,000

(e) *Transferee of mineral property.* (1) Where an individual or corporation

transfers any property to the taxpayer and the transfer is one to which any of the subdivisions of this subparagraph apply, the taxpayer shall take into account for purposes of the 4-year limitation described in paragraph (a) of this section, all years that the transferor deducted or deferred exploration expenditures, and for purposes of the $400,000 limitation described in paragraph (b) of this section, all amounts that the transferor deducted or deferred.

(i) The taxpayer acquired any mineral property in a transaction described in section 23 (ff) (3) of the Internal Revenue Code of 1939, excluding the reference therein to section 113(a)(13).

(ii) The taxpayer would be entitled under section 381(c)(10) to deduct exploration expenditures if the transferor (or distributor) corporation had elected to defer such expenditures. For example, if the taxpayer acquired any mineral property in a transaction described in section 381(a) (relating to the acquisition of assets through certain corporate liquidations and reorganizations), there shall be taken into account in applying the limitations of paragraph (a) of this section the years in which the transferor exercised the election to defer or deduct exploration expenditures, and there shall be taken into account in applying the limitations of paragraph (b) of this section any amount so deducted or deferred. See also section 381(c)(10) and the regulations thereunder.

(iii) The taxpayer acquired any mineral property under circumstances which make applicable the following sections of the Internal Revenue Code:

(*a*) Section 334(b)(1), relating to the liquidation of a subsidiary where the basis of the property in the hands of the distributee is the same as it would be in the hands of the transferor.

(*b*) Section 362 (a) and (b), relating to property acquired by a corporation as paid-in surplus or as a contribution to capital, or in connection with a transaction to which section 351 applies.

(*c*) Section 372(a), relating to reorganization in certain receiverships and bankruptcy proceedings.

(*d*) Section 373(b)(1), relating to property of a railroad corporation acquired in certain bankruptcy or receivership proceedings.

(*e*) Section 1051, relating to property acquired by a corporation that is a member of an affiliated group.

(*f*) Section 1082, relating to property acquired pursuant to a Securities Exchange Commission order.

(2) For purposes of subparagraph (1) of this paragraph, it is immaterial whether a deduction has been allowed or an election has been made by the transferor with respect to the specific mineral property transferred.

(3) Where a mineral property is acquired under any circumstance except those described in subparagraph (1) of this paragraph, the taxpayer is not required to take into account the election exercised by or deduction allowed to his transferor.

(4) For purposes of applying the limitations imposed by section 615(c): (i) the partner, and not the partnership, shall be considered as the taxpayer (see paragraph (a)(8)(iii) of § 1.702–1), and (ii) an electing small business corporation, as defined in section 1371(b), and not its shareholders, shall be considered as the taxpayer.

(5) For purposes of subparagraph (1)(iii)(*b*) of this paragraph: (i) if mineral property is acquired from a partnership, the transfer shall be considered as having been made by the individual partners, so that the number of years for which section 615 has been availed of by each partner and the amounts which each partner has deducted or deferred under section 615 shall be taken into account, or (ii) if an interest in a partnership having mineral property is transferred, the transfer shall be considered as a transfer of mineral property by the partner or partners relinquishing an interest, so that the number of years for which section 615 has been availed of by each such partner and the amounts which each such partner has deducted or deferred under section 615 shall be taken into account.

(f) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). A calendar year taxpayer who has never claimed the benefits of section 615 received in 1956 a mineral deposit from X Corporation upon a distribution in complete liquidation of the latter under conditions which would make the provisions of section 334(b)(1) applicable in determining the basis of the property in the hands of the taxpayer. During the year 1955 X Corporation expended $60,000 for exploration expenditures which it elected to treat as deferred expenses. Assume further that the taxpayer made similar expenditures of $150,000, $125,000, $100,000, $60,000, and $180,000 for the years 1956, 1957, 1958, 1959, and 1961, respectively, which the taxpayer elected to deduct for each of those years to the extent allowable. No such expenditures were made for 1960. On the basis of these facts, the taxpayer may deduct or defer $100,000 for each of the years 1956, 1957, and 1958. No deduction or deferral is allowable for 1959 since the 4-year limitation of paragraph (a) of this section applies. The taxpayer may deduct or defer a maximum of $40,000 for 1961 since the $400,000 limitation of paragraph (b) of this section applies, but the 4-year limitation of paragraph (a) does not apply.

Example (2). Assume the same facts stated in example (1) except that, prior to acquisition by the taxpayer of the deposit from X Corporation in 1956, X Corporation had acquired the deposit in 1954 in a similar distribution from Y Corporation which, in the years 1952 and 1953, deducted exploration costs paid in respect of an entirely different deposit in the amounts of $30,000 and $50,000, respectively. Under these circumstances, the taxpayer may deduct or defer exploration expenditures paid or incurred in the amount of $100,000 for 1956. No deduction or deferral is allowable to the taxpayer for expenditures made in 1957, 1958, and 1959 since the 4-year limitation of paragraph (a) applies. The taxpayer may deduct or defer a maximum of $100,000 for 1961 since the 4-year limitation of paragraph (a) of this section no longer applies. If the taxpayer deducted or deferred $100,000 for each of the years 1956 and 1961 and also made exploration expenditures in 1962, the taxpayer may deduct or defer a maximum of $60,000 for that year under the $400,000 limitation of paragraph (b) of this section.

Example (3). In 1957, A and B transfer assets to a corporation under circumstances making section 351 applicable to such a transfer. Among the assets transferred by A is a mineral lease with respect to certain coal lands. A has deducted exploration expenditures under section 615 for the years 1954 and 1956 in the amounts of $50,000 and $100,000, respectively, made with respect to other deposits not included in the transfer to the corporation. The corporation shall be required to take into account the deductions previously made by A for purposes of applying the limitations of paragraphs (a) and (b) of this section.

Example (4). In 1956, A, B, and C form a partnership for the purpose of exploring for, developing, and producing uranium. A contributes a uranium lease to the partnership. A had individually made exploration expenses in the amount of $50,000 and $100,000 with respect to other mineral properties not contributed to the partnership and which he has deducted under section 615(a) for the years 1954 and 1955, respectively. B contributes a uranium lease to the partnership on which he made exploration expenditures in the amount of $100,000 in 1955 which he elected to defer under section 615(b). This is the only year in which B has used section 615. C contributes only cash to the partnership and has not previously used section 615. Subject to the limitations of section 615, for taxable years beginning before July 7, 1960, A may deduct or defer exploration expenses for two more taxable years (either as to expenditures incurred by him individually or with respect to his distributive share of partnership exploration expenses). B may deduct or defer exploration expenditures for three more years, and C may deduct or defer exploration expenditures for four years. For taxable years beginning after July 6, 1960, subject in each case to the $100,000 limitation per year, A may deduct or defer exploration expenditures in an amount not in excess of $250,000 ($400,000−$150,000), either as to expenditures incurred by him individually or with respect to his distributive share of partnership exploration expenditures. B may similarly deduct or defer exploration expenditures in an amount not in excess of $300,000 ($400,000−$100,000), and C may deduct or defer exploration expenditures in an amount not in excess of $400,000.

PAR. 5. Section 1.381(c)(10)–1 is amended by revising paragraph (d) and deleting paragraph (e). The revised provisions read as follows:

§ 1.381(c)(10)–1 Deferred exploration and development expenditures.

* * * * * *

(d) *Carryover of limitation requirements.* (1) If a distributor or transferor corporation transfers any mineral property to the acquiring corporation in a transaction described in section 381(a) and the acquiring corporation pays or incurs exploration expenditures in a taxable year ending after the date of the distribution or transfer, then in applying the 4-year or $400,000 limitations described in section 615(c) and paragraphs (a) and (b) of § 1.615–4, whichever is applicable, the acquiring corporation shall be deemed to have been allowed any deduction which, for any taxable year ending on or before the date of distribution or transfer, was allowed to the distributor or transferor corporation under section 615(a), or under section 23(ff)(1) of the Internal Revenue Code of 1939, or to have made any election which, for any such preceding year, was made by the distributor or transferor corporation under section 615(b), or under section 23(ff)(2) of the Internal Revenue Code of 1939. Thus, in such instance, the acquiring corporation shall taken into account the years in which the distributor or transferor corporation exercised the election to deduct or defer exploration expenditures and any amounts so deducted or deferred. For this purpose, it is immaterial whether the deduction has been allowed to, or the election has been made by, the distributor or transferor corporation with respect to the specific mineral property transferred by that corporation to the acquiring corporation.

(2) Generally, for purposes of applying the 4-year limitation described in paragraph (a) of § 1.615–4, if there are two or more distributor or transferor corporations that transfer any mineral property to the acquiring corporation, each taxable year of any such corporation ending on or before the date of distribution or transfer in which exploration expenditures were deducted or deferred shall be treated as a separate taxable year regardless of the fact that the taxable years of two or more such corporations normally end on the same date. However, if the date of distribution or transfer is the same with respect to more than one distributor or transferor corporation, then the taxable years of such corporations ending on the same date of distribution or transfer shall be considered as one taxable year for purposes of applying the 4-year limitation even though more than one such corporation deducted or deferred exploration expenditures for such taxable years.

(3) For purposes of applying the $400,000 limitation described in paragraph (b) of § 1.615–4, if there are two or more distributor or transferor corporations that transfer any mineral property to the acquiring corporation, any exploration expenditures which were deducted or treated as deferred expenses by such corporations for taxable years ending after December 31, 1950, shall be taken into account by the acquiring corporation.

(4) If a distributor or transferor corporation that transfers any mineral property to the acquiring corporation was required to take into account any taxable years or amounts of its transferor, as provided by paragraph (e) of § 1.615–4, for purposes of either the 4-year limitation described in paragraph (a) of § 1.615–4 or the $400,000 limitation described in paragraph (b) of § 1.615–4, then the acquiring corporation shall also take these taxable years and amounts into account in applying the same limitations.

(5) The provisions of this paragraph may be illustrated by the following examples:

Example (1). M and N Corporations were organized on January 1, 1956, and each corporation computes its taxable income on the basis of the calendar year. For each of its taxable years 1956 and 1957, M Corporation expended $60,000 for exploration expenditures and exercised the option to deduct such amounts under section 615(a). N Corporation made no exploration expenditures during its taxable years 1956 and 1957. On December 31, 1957, M Corporation transferred all of its assets to N Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. N Corporation made exploration expenditures of $100,000, $120,000, $110,000, and $100,000 for the years 1958, 1959, 1960, and 1961, respectively, which expenditures it desired to deduct under section 615(a) to the extent allowable. On the basis of these facts, N Corporation may deduct up to $100,000 for each of the years 1958 and 1959. No deduction or deferral is allowable for 1960 since the benefits of section 615(c) were previously availed of for 4 taxable years. However, N Corporation may deduct $80,000 for 1961 (the 4-year limitation not applying to such year) but, if such deduction is made, N Corporation will not be allowed any further deductions or deferrals since the $400,000 limitation of paragraph (b) of § 1.615–4 will have been reached.

Example (2). R and S Corporations were organized on January 1, 1955, and each corporation computes its income on the basis of the calendar year. For the 1955 taxable year neither corporation made any exploration expenditures under section 615(a). On June 30, 1956, R Corporation transferred all its assets to S Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. During its short taxable year ending June 30, 1956, R Corporation made exploration expenditures of $60,000 which it elected to deduct under section 615. For its taxable year ending December 31, 1956, S Corporation may deduct or defer exploration expenditures up to $100,000 since this is a separate election for purposes of utilizing section 615 and is not affected by the $60,000 previously deducted by R Corporation. Assuming S Corporation exercises an election under section 615 for its taxable year ending December 31, 1956, S Corporation may elect to apply the benefits of section 615 to exploration expenditures for two more taxable years. However, for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), S Corporation is entitled under section 615 to deduct or defer exploration expenditures made in such years to the extent that the combined deductions and deferrals by R and S Corporations in prior years did not exceed $400,000.

Example (3). O and P Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years 1955, 1956, and 1957, each corporation deducted exploration expenditures made in such years under section 615(a). On June 30, 1958, O Corporation transferred all its assets to P Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. If, during its short taxable year ending June 30, 1958, O Corporation made additional exploration expenditures, it may deduct or defer such expenditures (up to $100,000) under section 615 since O Corporation has utilized section 615 in only three previous taxable years. For its taxable years ending after June 30, 1958, and beginning before July 7, 1960, P Corporation may not deduct or defer exploration expenditures under section 615, since the benefits of that section were utilized by O and P Corporations for 4 taxable years. However, for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), P is entitled under section 615 to deduct or defer exploration expenditures made in such years to the extent that the combined deductions and deferrals by O and P Corporations in prior years do not exceed $400,000. See paragraph (b) of § 1.615–4.

Example (4). X, Y, and Z Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years ending December 31, 1955, X and Y Corporations each deferred $100,000 for exploration expenditures made in such taxable years under section 615(b). Z Corporation made no exploration expenditures during its taxable year ending December 31, 1955. On March 31, 1956, X and Y Corporations transferred all their assets to Z Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporations on the transfer. X and Y Corporations each made exploration expenditures of $75,000 during their short taxable years ending March 31, 1956, which they deducted under section 615(a). For purposes of taxable years beginning before July 7, 1960, Z Corporation must take into account the taxable years in which X and Y Corporations deducted or deferred exploration expenditures. In so doing, each taxable year in which exploration expenditures were deducted or deferred must be taken into account except that the taxable years of X and Y Corporations ending on March 31, 1956, shall be considered as one taxable year. Therefore, Z Corporation may deduct or defer exploration expenditures in accordance with section 615 for any one taxable year ending after March 31, 1956, and beginning before July 7, 1960. However, for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), Z Corporation must take into account for purposes of the $400,000 limitation all of the $350,000 of exploration expenditures deducted or deferred by X, Y, and Z Corporations during taxable years ending after December 31, 1950. Therefore, Z Corporation, assuming it has not deducted or deferred any exploration expenditures, is entitled under section 615 to deduct or defer in taxable years beginning after July 6, 1960, up to $50,000 for exploration expenditures made in such years.

Example (5). For purposes of this example, assume that each taxpayer computes taxable income on the basis of the calendar year. Taxpayer A, an individual who has deducted exploration expenditures of $75,000 under section 23(ff) of the Internal Revenue Code of 1939 for each of his taxable years 1952 and 1953, transferred a mineral property to K Corporation on January 1, 1954, in a transaction in which the basis of the mineral property in the hands of K Corporation is determined under section 362(a). For its taxable year 1954 and pursuant to section 615(a), K Corporation deducted exploration expenditures of $100,000 which it made in such year. K Corporation had made no exploration expenditures in any preceding taxable year. On December 31, 1954, K Corporation transferred all its assets to L Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. Assuming that L Corporation has not deducted or deferred exploration expenditures in any preceding taxable year, L Corporation may deduct or defer exploration expenditures (up to $100,000) in accordance with section 615 for any one taxable year ending after December 31, 1954, and beginning before July 7, 1960, in view of the 4-year limitation. However, if L Corporation does not deduct or defer exploration expenditures in that period, then for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), L Corporation is entitled to deduct or defer up to $150,000 (but not to exceed $100,000 per year) for exploration expenditures made in such years. See paragraph (b) of § 1.615–4.

[F.R. Doc. 63–11253; Filed, Oct. 23, 1963; 8:48 a.m.]

SUBCHAPTER B—ESTATE TAX

[T.D. 6684]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Miscellaneous Amendments

On June 18, 1963, a notice of proposed rule making was published in the FED-

ERAL REGISTER (28 F.R. 6228), with respect to conforming the Estate Tax Regulations (26 CFR Part 20) to section 18 of the Revenue Act of 1962, relative to the inclusion of foreign real property in the gross estate. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so proposed are hereby adopted. In addition, paragraph (a) of § 20.2105–1 is amended to include certain real property situated outside the United States in the list of types of property regarded as property outside the United States in the case of nonresident aliens. Paragraph (a) of § 20.2105–1 as so amended reads as set forth below.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 17, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Estate Tax Regulations (26 CFR Part 20) to the provisions of section 18 of the Revenue Act of 1962, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (b)(2) of § 20.0–2 is amended to read as follows:

§ 20.0–2 General description of tax.

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(b) *Method of determining tax; estate of citizen or resident.* • • •

(2) *Gross estate.* The first step in determining the tax is to ascertain the total value of the decedent's gross estate. The value of the gross estate includes the value of all property to the extent of the interest therein of the decedent at the time of his death. (For certain exceptions in the case of real property situated outside the United States, see paragraphs (a) and (c) of § 20.2031–1.) In addition, the gross estate may include property in which the decedent did not have an interest at the time of his death. A decedent's gross estate for Federal estate tax purposes may therefore be very different from the same decedent's estate for local probate purposes. Examples of items which may be included in a decedent's gross estate and not in his probate estate are the following: certain property transferred by the decedent during his lifetime without adequate consideration; property held jointly by the decedent and others; property over which the decedent had a general power of appointment; proceeds of certain policies of insurance on the decedent's life; annuities; and dower or curtesy of a surviving spouse or a statutory estate in lieu thereof. For a detailed explanation of the method of ascertaining the value of the gross estate, see sections 2031 through 2044, and the regulations thereunder.

PAR. 2. Paragraph (a) of § 20.2014–2 is amended by revising the example contained therein to read as follows:

§ 20.2014–2 "First limitation".

(a) • • •

Example. At the time of his death, the decedent, a citizen of the United States, owned stock in X Corporation (a corporation organized under the laws of Country Y) valued at $80,000. In addition he owned bonds issued by X Corporation valued at $80,000. The stock and bond certificates were in the United States. Decedent left by will $20,000 of the stock and $50,000 of the bonds in X Corporation to his surviving spouse. He left the rest of the stock and bonds to his son. Under the situs rules referred to in paragraph (a)(3) of § 20.2014–1 the stock is deemed situated in Country Y while the bonds are deemed to have their situs in the United States. There is no death tax convention in existence between the United States and Country Y. The laws of Country Y provide for inheritance taxes computed as follows:

Inheritance tax of surviving spouse:	
Value of stock	$20,000
Value of bonds	50,000
Total value	70,000
Tax (16 percent rate)	11,200
Inheritance tax of son:	
Value of stock	60,000
Value of bonds	30,000
Total value	90,000
Tax (16 percent rate)	14,400

The "first limitation" on the credit for foreign death taxes is:

$$\frac{\$20,000+\$60,000}{\$70,000+\$90,000} \text{ (factor C of the ratio stated at § 20.2014–2(a))} \text{ (factor D of the ratio stated at § 20.2014–2(a))} \times (\$11,200+\$14,400) \text{ (factor B of the ratio stated at § 20.2014–2(a))} = \$12,800.$$

PAR. 3. Section 20.2031 is amended by revising section 2031(a) and by adding a historical note to read as follows:

§ 20.2031 Statutory provisions; definition of gross estate.

SEC. 2031. *Definition of gross estate*—(a) *General.* The value of the gross estate of the decedent shall be determined by including to the extent provided for in this part, the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated.

• • • • • •

[Sec. 2031 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 4. Section 20.2031–1 is amended by revising so much of paragraph (a) as precedes subparagraph (1) and by adding a new paragraph (c) thereto. These revised and added paragraphs read as follows:

§ 20.2031–1 Definition of gross estate; valuation of property.

(a) *Definition of gross estate.* Except as otherwise provided in this paragraph the value of the gross estate of a decedent who was a citizen or resident of the United States at the time of his death is the total value of the interests described in sections 2033 through 2044. The gross estate of a decedent who died before October 17, 1962, does not include real property situated outside the United States (as defined in paragraph (b)(1) of § 20.0–1). Except as provided in paragraph (c) of this section (relating to the estates of decedents dying after October 16, 1962, and before July 1, 1964), in the case of a decedent dying after October 16, 1962, real property situated outside the United States which comes within the scope of sections 2033 through 2044 is included in the gross estate to the same extent as any other property coming within the scope of those sections. In arriving at the value of the gross estate the interests described in sections 2033 through 2044 are valued as described in this section, §§ 20.2031–2 through 20.2031–9 and § 20.2032–1. The contents of sections 2033 through 2044 are, in general, as follows:

• • • • • •

(c) *Real property situated outside the United States; gross estate of decedent dying after October 16, 1962, and before July 1, 1964*—(1) *In general.* In the case of a decedent dying after October 16, 1962, and before July 1, 1964, the value of real property situated outside the United States (as defined in paragraph (b)(1) of § 20.0–1) is not included in the gross estate of the decedent—

(i) Under section 2033, 2034, 2035(a), 2036(a), 2037(a), or 2038(a) to the extent the real property, or the decedent's interest in it, was acquired by the decedent before February 1, 1962;

(ii) Under section 2040 to the extent such property or interest was acquired by the decedent before February 1, 1962, or was held by the decedent and the survivor in a joint tenancy or tenancy by the entirety before February 1, 1962; or

(iii) Under section 2041(a) to the extent that before February 1, 1962, such property or interest was subject to a general power of appointment (as defined in section 2041) possessed by the decedent.

(2) *Certain property treated as acquired before February 1, 1962.* For purposes of this paragraph real property situated outside the United States (including property held by the decedent and the survivor in a joint tenancy or tenancy by the entirety), or an interest in such property or a general power of appointment in respect of such property, which was acquired by the decedent after January 31, 1962, is treated as acquired by the decendent before February 1, 1962, if

(i) Such property, interest, or power was acquired by the decedent by gift within the meaning of section 2511, or from a prior decedent by devise or inheritance, or by reason of death, form of ownership, or other conditions (including the exercise or nonexercise of a power of appointment); and

(ii) Before February 1, 1962, the donor or prior decedent had acquired the property or his interest therein or had possessed a power of appointment in respect thereof.

(3) *Certain property treated as acquired after January 31, 1962.* For purposes of this paragraph that portion of capital additions or improvements made after January 31, 1962, to real property situated outside the United States is, to the extent that it materially increases the value of the property, treated as real property acquired after January 31, 1962. Accordingly, the gross estate may include the value of improvements on unimproved real property, such as office buildings, factories, houses, fences, drainage ditches, and other capital items, and the value of capital additions and improvements to existing improvements, placed on real property after January 31, 1962, whether or not the value of such real property or existing improvements is included in the gross estate.

PAR. 5. Section 20.2033 is amended and a historical note added to read as follows:

§ 20.2033 Statutory provisions; property in which the decedent had an interest.

SEC. 2033. *Property in which the decedent had an interest.* The value of the gross estate shall include the value of all property to the extent of the interest therein of the decedent at the time of his death.

[Sec. 2033 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 6. Paragraph (a) of § 20.2033–1 is amended to read as follows:

§ 20.2033–1 Property in which the decedent had an interest.

(a) *In general.* The gross estate of a decedent who was a citizen or resident of the United States at the time of his death includes under section 2033 the value of all property, whether real or personal, tangible or intangible, and wherever situated, beneficially owned by the decedent at the time of his death. (For certain exceptions in the case of real property situated outside the United States, see paragraphs (a) and (c) of § 20.2031–1.) Real property is included whether it came into the possession and control of the executor or administrator or passed directly to heirs or devisees. Various statutory provisions which exempt bonds, notes, bills, and certificates of indebtedness of the Federal Government or its agencies and the interest thereon from taxation are generally not applicable to the estate tax, since such tax is an excise tax on the transfer of property at death and is not a tax on the property transferred.

PAR. 7. Section 20.2034 is amended and a historical note added to read as follows:

§ 20.2034 Statutory provisions; dower or curtesy interests.

SEC. 2034. *Dower or curtesy interests.* The value of the gross estate shall include the value of all property to the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower or curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy.

[Sec. 2034 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 8. Section 20.2035 is amended by revising section 2035(a) and by adding a historical note to read as follows:

§ 20.2035 Statutory provisions; transactions in contemplation of death.

SEC. 2035. *Transactions in contemplation of death*—(a) *General rule.* The value of the gross estate shall include the value of all property to the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, in contemplation of his death.

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[Sec. 2035 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 9. Section 20.2036 is amended by revising the material preceding paragraph (1) of section 2036(a) and by adding a historical note to read as follows:

§ 20.2036 Statutory provisions; transfers with retained life estate.

SEC. 2036. *Transfers with retained life estate*—(a) *General rule.* The value of the gross estate shall include the value of all property to the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death—

• • • • • •

[Sec. 2036 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 10. Section 20.2037 is amended by revising the material preceding paragraph (1) of section 2037(a) and by adding a historical note to read as follows:

§ 20.2037 Statutory provisions; transfers taking effect at death.

SEC. 2037. *Transfers taking effect at death*—(a) *General rule.* The value of the gross estate shall include the value of all property to the extent of any interest therein of which the decedent has at any time after September 7, 1916, made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, if—

• • • • • •

[Sec. 2037 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 11. Section 20.2038 is amended by revising the material preceding paragraph (1) of section 2038(a) and by adding a historical note to read as follows:

§ 20.2038 Statutory provisions; revocable transfers.

SEC. 2038. *Revocable transfers*—(a) *In general.* The value of the gross estate shall include the value of all property—

• • • • • •

[Sec. 2038 as amended by Act of Aug. 7, 1959 (Public Law 86–141, 73 Stat. 288); sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 12. Section 20.2040 is amended and a historical note added to read as follows:

SEC. 2040. *Joint interests.* The value of the gross estate shall include the value of all property to the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants.

[Sec. 2040 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 13. Section 20.2041 is amended by revising the material preceding paragraph (1) of section 2041(a) and by adding a historical note to read as follows:

§ 20.2041 Statutory provisions; powers of appointment.

SEC. 2041. *Powers of appointment*—(a) *In general.* The value of the gross estate shall include the value of all property—

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[Sec. 2041 as amended by sec. 18, Revenue Act 1962 (76 Stat. 1052)]

PAR. 14. Section 20.2053–7 is amended by revising the last sentence. Section 20.2053–7 as so amended reads as follows:

§ 20.2053–7 Deduction for unpaid mortgages.

A deduction is allowed from a decedent's gross estate of the full unpaid amount of a mortgage upon, or of any other indebtedness in respect of, any property of the gross estate, including interest which had accrued thereon to the date of death, provided the value of the property, undiminished by the amount of the mortgage or indebtedness, is included in the value of the gross estate. If the decedent's estate is liable for the amount of the mortgage or indebtedness, the full value of the property subject to the mortgage or indebtedness must be included as part of the value of the gross estate; the amount of the mortgage or indebtedness being in such case allowed as a deduction. But if the decedent's estate is not so liable, only the value of the equity of redemption (or the value of the property, less the mortgage or indebtedness) need be returned as part of the value of the gross estate. In no case may the deduction on account of the mortgage or indebtedness exceed the liability therefor contracted bona fide and for an adequate and full consideration in money or money's worth. See § 20.2043–1. Only interest accrued to the date of the decedent's death is allowable even though the alternate valuation method under section 2032 is selected. In any case where real property situated outside the United States does not form a part of the gross estate, no deduction may be taken of any mort-

gage thereon or any other indebtedness in respect thereof.

PAR. 15. Section 20.2103–1 is amended to read as follows:

§ 20.2103–1 Estates of nonresidents not citizens; "entire gross estate".

The "entire gross estate" wherever situated of a nonresident who was not a citizen of the United States at the time of his death is made up in the same way as the "gross estate" of a citizen or resident of the United States. See §§ 20.2031–1 through 20.2044–1. See paragraphs (a) and (c) of § 20.2031–1 for the circumstances under which real property situated outside the United States is excluded from the gross estate of a citizen or resident of the United States. However, in the case of a nonresident not a citizen, only that part of the entire gross estate which is situated in the United States is included in his taxable estate. In fact, property situated outside the United States need not be disclosed on the return unless certain deductions are claimed or information is specifically requested. See §§ 20.2106–1 and 20.2106–2. For a description of property considered to be situated in the United States, see § 20.2104–1. For a description of property considered to be situated outside the United States, see § 20.2105–1.

PAR. 16. Paragraph (a) of § 20.2105–1 is amended to include certain real property situated outside the United States in the list of types of property regarded as property outside the United States in the case of nonresident aliens. Paragraph (a) of § 20.2105–1 as so amended reads as follows:

§ 20.2105–1 Estates of nonresidents not citizens; property without the United States.

* * * * *

(a) (1) Real property located outside the United States, except to the extent excludible from the entire gross estate wherever situated under § 20.2103–1.

(2) Tangible personal property located outside the United States.

[F.R. Doc. 63–11252; Filed, Oct. 23, 1963; 8:48 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6686]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Exclusion of Local Advertising Charges From Sale Price

On April 23, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3984) to conform the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4216 (f) of the Internal Revenue Code of 1954 to section 2 of the Act of October 9, 1962 (Public Law 87–770, 76 Stat. 768), which provides for a change in the definition of local advertising to include the media of magazines and outdoor advertising signs or posters. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 18, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4216(f) of the Internal Revenue Code of 1954 to section 2 of the Act of October 9, 1962 (Public Law 87–770, 76 Stat. 768), which provides for a change in the definition of local advertising to include the media of magazines and outdoor advertising signs or posters, such regulations are amended as follows:

PARAGRAPH 1. Section 48.4216(f) is amended by revising paragraph (4) (C) of section 4216(f) and by revising the historical note. These amended provisions read as follows:

§ 48.4216(f) Statutory provisions; definition of price; exclusion of local advertising charge from sale price.

SEC. 4216. *Definition of price.* * * *

(f) *Exclusion of local advertising charge from sale price.* * * *

(4) *Local advertising defined.* * * *

(C) Is broadcast over a radio station or television station, appears in a newspaper or magazine, or is displayed by means of an outdoor advertising sign or poster.

[Sec. 4216(f) as added by sec. 1, Act of Sept. 14, 1960 (Pub. Law 86–781, 74 Stat. 1017) and as amended by sec. 2, Act of Oct. 9, 1962 (Pub. Law 87–770, 76 Stat. 768)]

PAR. 2. Section 48.4216(f)–1 is amended by revising paragraph (a), subparagraphs (1) (iii) and (4) of paragraph (b), and subparagraph (1) of paragraph (c), and by adding subparagraphs (6) and (7) to paragraph (b). These amended and added provisions read as follows:

§ 48.4216(f)–1 Exclusion of local advertising charges from sale price.

(a) *In general.* Section 4216(f) deals with the treatment to be accorded charges made by a manufacturer for, and reimbursements by a manufacturer of expenditures in connection with, the advertising of certain articles subject to excise tax under chapter 32 of the Code. Section 4216(f) provides an exclusion (which is in addition to the exclusions provided by section 4216(a) and the regulations thereunder) in respect of charges for local advertising, as defined in paragraph (b) of this section, for purposes of determining the price for which an article is sold. See paragraph (c) of this section. The exclusion provided by section 4216(f) and paragraph (c) of this section has application only if—

(1) In the case of articles sold during the period January 1, 1961, through December 31, 1962, the advertising is broadcast over a radio or television station, or appears in a newspaper; and

(2) In the case of articles sold on or after January 1, 1963, the advertising is broadcast over a radio or television station, appears in a newspaper or magazine, or is displayed by means of an outdoor advertising sign or poster.

Section 4216(f) also provides an overall limitation in respect of the sum of the amount of the exclusions from price as charges for local advertising and the amount of the readjustments authorized under section 6416(b)(1) (relating to credits or refunds for price readjustments) in respect of reimbursements by a manufacturer of expenditures for local advertising. See § 48.4216(f)–2. For provisions prohibiting exclusion from price or readjustment of price in respect of charges for, and reimbursements of expenditures for, advertising other than local advertising, see § 48.4216(f)–3.

(b) *Definition of local advertising—*(1) *In general.* * * *

(iii) (*a*) In the case of articles sold on or after January 1, 1961, and before January 1, 1963, is broadcast over a radio station or television station or appears in a newspaper, or

(*b*) In the case of articles sold on or after January 1, 1963, is broadcast over a radio station or television station, appears in a newspaper or magazine, or is displayed by means of an outdoor advertising sign or poster.

* * * * *

(4) *Determination of costs of local advertising.* Where an advertisement identifies more than one article, and all such articles are not taxable, or are not taxable at the same rate under the same section of chapter 32 of the Code, a reasonable allocation of the cost of the advertisement must be made among (i) articles taxable at the same rate under the same section of the Code and (ii) articles which are not taxable under chapter 32 of the Code. For example, in the case of a single page newspaper or magazine advertisement, an allocation of costs reflecting the lineage or space devoted to the specified categories will be considered to reflect a reasonable allocation of the cost of advertising the different articles. As a general rule, only the cost of the "spot" portion identifying the retail establishment is considered "local advertising" in the case of national television or radio programs.

* * * * *

(6) *Meaning of "magazine".* The term "magazine", as used in subparagraph (1) of this paragraph, is limited to those publications which are (i) commonly understood to be magazines, (ii) printed and distributed periodically at least twice a year, and (iii) published for the dissemination of information of a general nature or of special interest to particular groups. The term does not include handbills, circulars, flyers or the like, unless printed and distributed as a part of a publication which constitutes a magazine within the meaning of this subparagraph. For purposes of this subparagraph, advertising is not considered to be information of a general nature or information of special interest to particular groups within the contemplation of subdivision (iii) of this subparagraph.

(7) *Meaning of "outdoor advertising sign or poster".* The term "outdoor advertising sign or poster", as used in subparagraph (1) of this paragraph, means a sign or poster displaying advertising matter, which is located outside of a roofed enclosure. This term includes both signs or posters on billboards, whether placed on or affixed to land, buildings, or other structures, and those which are displayed on or attached to moving objects, provided the signs or posters are located outside of a roofed enclosure. The term "roofed enclosure" means a roofed structure which is enclosed on more than one-half of its sides by walls, fences, or other barriers.

(c) *Exclusion—*(1) *Conditions and limitations.* A charge for local advertising which is required by a manufacturer to be paid as a condition to his sale of an article is not a part of the taxable price of the article, to the extent that such charge meets each of the following conditions and limitations:

(i) Such charge does not exceed 5 percent of the difference between (*a*) an amount which would constitute the taxable price of the article (computed at the time of the sale of the article) if no part of any charge for local advertising were excludable in computing taxable price and (*b*) the amount of any separate charge for local advertising, whatever the amount of such charge may be.

(ii) Such charge is specifically shown as a separate charge for local advertising on the invoice or statement covering the sale of the article.

(iii) Such charge is billed by the manufacturer with the intention on his part of repaying the amount of the charge to the person purchasing the article from him, or to any person who subsequently purchases the article for resale, in reimbursement of costs incurred for local advertising of such article or some other article or articles taxable at the same rate under the same section of the Code. In the absence of evidence to the contrary, the fact of such intention will be assumed in all cases where the manufacturer and his vendees are parties to an advertising plan which calls for such repayments, or the manufacturer can otherwise establish that the vendees to whom he bills such charges understand and expect that such repayments will be made.

PAR. 3. Section 48.4216(f)–3 is revised to read as follows:

§ 48.4216(f)–3 No exclusion or readjustment for other advertising charges or reimbursements.

(a) *Exclusions from price.* No exclusion in computing the taxable price of any article sold by the manufacturer may be allowed in respect of any charge for advertising if, and to the extent that, such charge—

(1) Is for advertising which does not qualify as local advertising within the meaning of section 4216(f)(4) and paragraphs (a) and (b) of § 48.4216(f)–1, or

(2) Does not satisfy all of the conditions and limitations stated in section 4216(f)(1) and paragraph (c) of § 48.4216(f)–1.

(b) *Readjustments of price.* No credit or refund under section 6416(b)(1) may be allowed in respect of any amount which was included in the taxable price of an article sold by the manufacturer and which was later paid by him to his vendee in reimbursement of costs incurred for advertising, if, and to the extent that, the amount so paid—

(1) Is for advertising which does not qualify as local advertising within the meaning of section 4216(f)(4) and paragraph (b) of § 48.4216(f)–1, or

(2) Is not within the limitation provided in section 4216(f)(2), as computed in accordance with § 48.4216(f)–2, as of the close of the calendar quarter in which the amount is so paid over or as of the close of any subsequent calendar quarter in the same calendar year. See, however, paragraph (c)(2)(ii) of § 48.6416(b)–1, relating to redetermination of price readjustments in cases where local advertising charges excluded from taxable price in one calendar year become taxable as of May 1 of the following calendar year.

PAR. 4. Section 48.6416(b)–1 is amended by revising paragraph (c) to read as follows:

§ 48.6416(b)–1 Readjustments of price on which manufacturers or retailers excise tax is based.

* * * * *

(c) *Reimbursements in respect of local advertising—*(1) *In general.* In any case in which a manufacturer has paid tax under chapter 32 based on the price of any article sold by him—

(i) During the period January 1, 1961, through December 31, 1962, and the advertising is broadcast over a radio or television station, or appears in a newspaper or magazine, or is displayed by means of an outdoor advertising sign or poster, and a portion of the price is thereafter paid by the manufacturer to his vendee in reimbursement of expenses for local advertising of such article or any other article taxable at the same rate under the same section of chapter 32 which was sold by such manufacturer, such reimbursement will constitute a price readjustment with respect to which the manufacturer may claim credit or refund, if and to the extent that such reimbursement is within the limitation provided in section 4216(f)(2), as computed in accordance with the provisions of § 48.4216(f)–2 as of the close of the calendar quarter in which the reimbursement is made or as of the close of any subsequent calendar quarter of the same calendar year.

(ii) After December 31, 1962, and the advertising is broadcast over a radio or television station, appears in a newspaper or magazine, or is displayed by means of an outdoor advertising sign or poster, and a portion of the price is thereafter paid by the manufacturer to his vendee in reimbursement of expenses for local advertising of such article or any other article taxable at the same rate under the same section of chapter 32 which was sold by such manufacturer, such reimbursement will constitute a price readjustment with respect to which the manufacturer may claim credit or refund, if and to the extent that such reimbursement is within the limitation provided in section 4216(f)(2), as computed in accordance with the provisions of § 48.4216(f)–2 as of the close of the calendar quarter in which the reimbursement is made or as of the close of any subsequent calendar quarter of the same calendar year.

(2) *Local advertising charges excluded from taxable price in one calendar year but repaid on or after May 1 of following calendar year—*(i) *Determination of price readjustments for year in which charge is repaid.* In any case where local advertising charges which were excluded in computing the taxable price of an article sold in any calendar year are not repaid to the manufacturer's vendee or any subsequent vendee before May 1 of the following calendar year and tax is paid with respect to such charges (see section 4216(f)(1) and § 48.4216(f)–1), any subsequent repayment of such charges to the manufacturer's vendee in reimbursement of expenses incurred for local advertising will constitute a price readjustment with respect to which the manufacturer may claim credit or refund, if and to the extent that such reimbursement is within the limitation provided in section 4216(f)(2), as computed in accordance with the provisions of § 48.4216(f)–2 as of the close of the calendar quarter in which the reimbursement is made or as of the close of any subsequent calendar quarter of the same calendar year.

(ii) *Redetermination of price readjustments for year in which charge was made.* In any case where local advertising charges which were excluded in computing the taxable price of an article sold in any calendar year are not repaid to the manufacturer's vendee or any subsequent vendee before May 1 of the following calendar year and tax is paid with respect to such charges (see section 4216(f)(1) and § 48.4216(f)–1), the manufacturer may make a redetermination, in respect of the calendar year in which the charge was made, of the price readjustments with respect to which he may claim credit or refund, excluding from such redetermination the local advertising charges made in such calendar year which became taxable as of May 1 of the following calendar year.

[F.R. Doc. 63–11254; Filed, Oct. 23, 1963; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

New Hogan Reservoir Area, Calaveras River, California

The Secretary of the Army having determined that the use of New Hogan Reservoir Area, Calaveras River, California, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for its public use, pursuant to the provisions of Section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195), adding the reservoir to the list in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

CALIFORNIA

* * * * *

NEW HOGAN RESERVOIR AREA, CALAVERAS RIVER

* * * * *

[Regs., September 1963, ENGCW-OM] (Sec. ously filed at that hour. Rights under Sec. 33, SE¼NE¼;

[Regs., September 1963, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63-11215; Filed, Oct. 23, 1963; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3255]

[Sacramento 076312]

CALIFORNIA

Power Site Cancellation No. 188; Partly Cancelling Power Site Classification No. 30; (Project 284)

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-1036-California, it is ordered as follows:

1. The Departmental Order of April 20, 1922, creating Power Site Classification No. 30, is hereby cancelled so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 5 N., R. 14 E.,
Sec. 1, NW¼SE¼.

Containing approximately 40 acres.

2. In DA-1036-California, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for a preliminary permit for project No. 284, pertaining to the land described in paragraph 1, hereof.

3. Subject to any valid existing rights, the requirements of applicable law, and the provisions of any existing withdrawals, the lands are hereby opened to filing of applications and selections, in accordance with the following:

a. Until 10:00 a.m. on April 17, 1964, the State of California shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of material for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, *supra*.

b. All valid applications and selections under the nonmineral public land laws, other than preference right applications from the State of California, presented at or prior to 10:00 a.m. on November 22, 1963, will be considered as simultaneously filed at that hour. Rights under such application and selections filed after that hour will be governed by the time of filing.

4. The land has been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 17, 1963.

[F.R. Doc. 63-11224; Filed, Oct. 23, 1963; 8:46 a.m.]

[Public Land Order 3256]

[BLM 071431]

MICHIGAN

Adding Lands to the Hiawatha National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Michigan are hereby added to and made a part of the Hiawatha National Forest and hereafter shall be subject to all laws and regulations applicable thereto:

MICHIGAN MERIDIAN

T. 42 N., R. 2 W.,
Sec. 3, SW¼SE¼;
Sec. 6, E½SE¼;
Sec. 12, SE¼NW¼;
Sec. 14, NW¼NE¼;
Sec. 16, NE¼SE¼.
T. 43 N., R. 2 W.,
Sec. 4, NW¼NE¼, NW¼SE¼, NW¼SW¼, S½SW¼;
Sec. 6, NE¼NW¼;
Sec. 8, NE¼NE¼, NW¼SE¼, W½NE¼SE¼;
Sec. 29, SE¼;
Sec. 30, NE¼NE¼.
T. 41 N., R. 3 W.,
Sec. 5, N½NE¼;
Sec. 6, SE¼SE¼.
T. 42 N., R. 3 W.,
Sec. 7, NW¼SW¼, SE½SE¼.
T. 43 N., R. 3 W.,
Sec. 6, NE¼.
T. 41 N., R. 4 W.,
Sec. 2, SW¼SE¼;
Sec. 14, SW¼SE¼;
Sec. 15, E½NW¼;
Sec. 20, NW¼SE¼, S½SE¼;
Sec. 22, W½SE¼;
Sec. 25, NW¼NE¼;
Sec. 30, SW¼.
T. 42 N., R. 4 W.,
Sec. 2, SE¼SE¼;
Sec. 7, S½SW¼, W½SW¼SE¼;
Sec. 8, S½NW¼, N½SW¼;
Sec. 11, E½NE¼, SW¼NE¼;
Sec. 12, E½NW¼, SE¼SW¼;
Sec. 13, NW¼SE¼, SE¼SW¼;
Sec. 18, NW¼, W½SW¼;
Sec. 33, SE¼NE¼;
Sec. 34, SW¼NE¼, NW¼SW¼, NE¼SE¼.
T. 42 N., R. 5 W.,
Sec. 17, N½NE¼;
Sec. 19, SE¼SW¼ (lot 5);
Sec. 20, NW¼SW¼ (lot 2).

The areas described aggregate 2,827.16 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 17, 1963.

[F.R. Doc. 63-11225; Filed, Oct. 23, 1963; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Seney National Wildlife Refuge, Michigan, is permitted only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres or 89 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer and bear during the season specified below. The hunting of big game species, as may be otherwise authorized by Michigan State regulations, is prohibited.

(b) Open season: From 6:00 a.m. to 7:00 p.m. e.s.t. each day from November 9, 1963, through November 24, 1963.

(c) Bag limits: Deer and bear—one per person per season. Deer must be a male with antlers extending at least three (3) inches above the skull, except that hunters possessing a valid 1963 special deer hunting permit may take one deer of any age and of either sex.

(d) Methods of hunting:

(1) Weapons—legal firearms or bow and arrow. No .22 caliber rim fire rifles permitted; no crossbows permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 25, 1963.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 16, 1963.

[F.R. Doc. 63-11217; Filed, Oct. 23, 1963; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Agassiz National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,050 acres or 96 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below.

(b) Open season: From sunrise to sunset November 9, 1963, through November 17, 1963.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Methods of hunting:

(1) Weapons—deer may be taken with legal firearms or bow and arrow. Rifles must be .23 caliber or larger and cartridges must be 1¾ inches in length or longer, unless the gun is of .35 caliber or larger. Cartridges must contain a soft point or expanding bullet. Shotguns may be used with a single slug. Buckshot or fine shot is prohibited. Arrowheads must be of all steel barbless design, blade or blades must be not less than one inch wide for single, two edge blades and not less than three inch circumference for three or more blades, minimum weight of all types 110 grains. Bows must have a pull of not less than 40 pounds at full draw.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 9, 1963.

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,000 acres or 33 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below.

(b) Open season: From sunrise to sunset November 9, 1963, through November 17, 1963.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Methods of hunting:

(1) Weapons—deer may be taken with legal firearms or bow and arrow. Rifles must be .23 caliber or larger and cartridges must be 1¾ inches in length or longer, unless the gun is of .35 caliber or larger. Cartridges must contain a soft point or expanding bullet. Shotguns may be used with a single slug. Buckshot or fine shot is prohibited. Arrowheads must be of all steel barbless design, blade or blades must be not less than one inch wide for single, two edge blades and not less than three inch circumference for three or more blades, minimum weight of all types 110 grains. Bows must have a pull of not less than 40 pounds at full draw.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,800 acres or 93 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only during the season specified below.

(b) Open season: From sunrise to sunset November 9, 1963, through November 13, 1963.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Methods of hunting:

(1) Weapons—deer may be taken with legal firearms or bow and arrow. Rifles must be .23 caliber or larger and cartridges must be 1¾ inches in length or longer, unless the gun is of .35 caliber or larger. Cartridges must contain a soft point or expanding bullet. Shotguns may be used with a single slug. Buckshot or fine shot is prohibited. Arrowheads must be of all steel barbless design, blade or blades must be not less than one inch wide for single, two edge blades and not less than three inch circumference for three or more blades, minimum weight of all types 110 grains. Bows must have a pull of not less than 40 pounds at full draw.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 14, 1963.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 16, 1963.

[F.R. Doc. 63-11218; Filed, Oct. 23, 1963; 8:46 a.m.]

Proposed Rule Making

The proposal is as follows:

FEDERAL AVIATION AGENCY

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

GRAND PORTAGE AND PIGEON RIVER, MINNESOTA

Notice of Proposed Designation and Revocation as Customs Port of Entry

OCTOBER 16, 1963.

A new bridge and border crossing has been constructed at the point where Highway No. 17 crosses the Minnesota-Canada border. The new bridge and border crossing will replace the existing one now known as Pigeon River Bridge and located at the point where Highway No. 61 crosses the Minnesota-Canada border.

In order to provide for the efficient processing of international traffic at the new bridge and border crossing, it is proposed to revoke the designation of Pigeon River Bridge as a port of entry and at the same time to designate an area adjacent to the new bridge in northeastern Minnesota as a port of entry. The new port of entry will be known as Grand Portage.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), it is proposed to revoke the designation of Pigeon River Bridge, Minnesota, as a customs port of entry in Customs Collection District No. 36 (Duluth-Superior).

It is further proposed to designate Section 30, and the northwest and southwest ¼ of Section 29, Township 64 North, Range 7 East, in the State of Minnesota, as a port of entry in Customs Collection District No. 36 (Duluth-Superior). This new port of entry shall be referred to as Grand Portage.

Data, views, or arguments with respect to the proposed revocation and designation of the above-mentioned customs ports of entry may be addressed to the Commissioner of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-11249; Filed, Oct. 23, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

ONION IMPORTS

Notice of Proposed Rule Making

Notice is hereby given of a proposed change in the grade requirements for yellow and white varieties of onions imported into the United States. This import regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C., 20250, not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposal is as follows:

In § 980.102 *Onion import regulation* (28 F.R. 9503), delete the introductory paragraph and paragraphs (a) and (h), and substitute in lieu thereof a new introductory paragraph and new paragraphs (a) and (h) as set forth below. Paragraph (b) is republished for information.

§ 980.102 Onion import regulation.

Except as otherwise provided, during the period from November 18, 1963, through June 30, 1964, no person shall import dry onions of the yellow and white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties.* U.S. No. 1 grade, 2 inches minimum diameter.

(2) *White varieties.* U.S. No. 1 grade, 1½ inches minimum diameter; or U.S. No. 2 grade, 1 inch minimum to 2 inches maximum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as set forth in the United States Standards for Grades of Onions (§§ 51.2830–51.2850 of this title). Tolerances for size are those in the United States Standards. Onions meeting the requirements of Canada No. 1 and No. 2 grades are deemed to comply with the requirements of U.S. No. 1 and No. 2 grades, respectively. "Importation" means release from custody of the United States Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 21, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-11261; Filed, Oct. 23, 1963; 8:48 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Proposed Additional Size Regulations for Deglet Noor Variety Dates

NOTICE OF PROPOSED MODIFICATION

Notice is hereby given of a recommendation by the Date Administrative Committee that § 987.204 be revised so as to relax the size regulation applicable to dates of the Deglet Noor variety, effective pursuant to § 987.40 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The current size regulation applicable to dates of the Deglet Noor variety became effective August 2, 1963 (§ 987.204, 28 F.R. 7890). Thereafter, the California date crop was damaged by rain to such an extent as to cause a greater quantity of Deglet Noor dates to fail to meet the size requirements than anticipated at the time the regulation was established. Thus, the continuation in effect of the current size regulation would unduly reduce the total quantity of marketable dates. In view of these circumstances, the Committee proposed a modification, by way of relaxation, of the size regulation as hereinafter set forth.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Revise the heading Subpart—Additional Grade Regulations to read Subpart—Additional Grade and Size Regulations.

2. Revise § 987.204 (28 F.R. 7890) to read as follows:

§ 987.204 Additional size regulations.

(a) *Whole dates handled as free dates.* Except as otherwise provided in this section, whole dates of the Deglet Noor variety shall not be handled as free dates unless the individual dates in the representative samples of the lot weighs not less than 7.5 grams for dry or natural whole dates or not less than 8.0 grams for hydrated whole dates, except that not more than 10 percent, by weight, of the dates in the samples of the lot may consist of individual dates that weigh less than the applicable specified weight.

(b) *Whole dates withheld to meet restricted obligation.* Except as otherwise provided in this section and exclusive of dates for export to approved countries other than Mexico, whole dates of the Deglet Noor variety eligible to be withheld (as marketable dates) from handling to meet restricted obligation pursuant to § 987.45, shall be such that the individual dates in the representative samples of the lot weigh not less than 6.5 grams for dry or natural whole dates, or not less than 6.9 grams for hydrated whole dates, except that not more than 10 percent, by weight, of the dates in the samples of the lot may consist of individual dates that weigh less than the applicable specified weight. For Deglet Noor dates withheld from handling pursuant to § 987.45 that are to be exported to any approved country other than Mexico, the size requirements specified in paragraph (a) of this section for dates to be handled as free dates shall apply.

(c) *Pitted dates.* The requirements of this section as to the weight of dates shall also apply to pitted dates of the Deglet Noor variety but on the basis of the whole date equivalent (i.e., weight) determined in accordance with § 987.174 as follows: The weight of the pitted dates shall be adjusted to the whole date equivalent by dividing the weight of the pitted dates by 0.875.

(d) *Effect on other provisions.* The requirements of this section are additional to, and do not supersede, the requirements as to uniformity of size specified in the particular grades of the United States Standards for Grades of Dates (§ 52.1001–52.1011 of this title) prescribed in § 987.203 of this subpart.

(e) *Exemption.* Any handler holding graded dates of the Deglet Noor variety on July 31, 1963, shall be exempt from the provisions of this section on a quantity of Deglet Noor dates equal to the quantity of such graded dates so held by him on July 31, 1963.

Dated: October 18, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-11237; Filed, Oct. 23, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-70]

SEGMENT OF FEDERAL AIRWAY

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 248 is designated in part from Avenal, Calif., to Bakersfield, Calif., with a south alternate segment designated from the Avenal VOR via the intersection of the Avenal VOR 145° and the Bakers VOR 243° True radials to the Bakersfield VOR.

The FAA is considering the revocation of V–248 south alternate segment from Avenal to Bakersfield as it appears that it is no longer needed for air traffic control purposes. The latest FAA IFR peak day airway traffic survey shows no aircraft movements on V–248 south alternate. Therefore, it appears that the south alternate segment of V–248 between Avenal and Bakersfield is unjustified as an assignment of airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 17, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11205; Filed, Oct. 23, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. R-248]

RATE SCHEDULE FILINGS BY PUBLIC UTILITIES AND LICENSEES

Notice of Proposed Rulemaking

OCTOBER 17, 1963.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to amend Part 35 of the regulations under the Federal Power Act, as amended by Order No. 271, effective November 1, 1963 (28 F.R. 10572), to prescribe revised regulations governing the filing of certain rate increases by public utilities and licensees and to provide for the submittal of additional copies of rate schedule filings.

2. The proposed revision provides for the filing of testimony and exhibits in support of rate schedule increases exceeding $100,000 in one year. It provides that the testimony and exhibits shall be such that they could serve as the company's case-in-chief in the event the matter is set for hearing. The company may frame its case as it sees fit, but must include, in addition, full cost of service data as set forth in § 35.13(b)(4)(iv) and additional rate of return data necessary to prepare for a hearing.

The purpose of this revision is to further expedite processing of rate schedule filings involving major rate increases. The Commission considers that the public interest will best be served by full hearing of rate increases exceeding $100,000.

One additional copy of all rate schedule submittals is required to be sent to the Federal Power Commission regional office for the region in which the utility is located, pursuant to section 35.7, in order that the regional offices may more effectively assist in the processing of rate schedule filings.

3. Any person may submit to the Federal Power Commission, Washington, D.C., 20426, not later than November 27, 1963, data, views, comments and suggestions in writing concerning the proposed revised regulations. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed revised regulations.

4. The proposed revisions and amendments to the Commission's regulations under the Federal Power Act as herein described and set forth below are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 19, 20, 41 Stat. 1073; sections 205, 206, 208 and 309, 49 Stat. 851, 852, 853, 858; 16 U.S.C. 812, 813, 824d, 824e, 824g, and 824h.

5. For the reasons stated above, it is proposed to amend Part 35, Filing of Rate Schedules, Subchapter B—Regulations under the Federal Power Act, Chapter I, Title 18, of the Code of Federal Regulations, by making the following additions:

A. In § 35.13(b), add subparagraphs (4)(v) and (5) to read as follows:

(v) To the extent that testimony and exhibits required to be filed pursuant to subparagraph (5) of this paragraph duplicate information required to be submitted pursuant to this subparagraph, such information need only be submitted with the testimony and exhibits filed pursuant to subparagraph (5) of this paragraph.

* * * * *

(5) (i) A utility filing for an increase in rates or charges shall be prepared to go forward at a hearing on reasonable notice on the data which have been submitted and sustain the burden of proof, imposed by the Federal Power Act, of establishing that its proposed charges are just and reasonable and not unduly discriminatory or preferential or otherwise unlawful within the meaning of the Act. The Commission is desirous of avoiding delay in processing rate filings. To this end, if the rate schedule provides for an increase in rate which exceeds $100,000 in revenues for the test period, the filing utility shall submit, as a part of the filing, testimony and exhibits of such composition, scope and format that it could serve as the Company's case-in-chief in the event the matter is set for hearing. In addition to whatever material the utility chooses to submit as part of its case, except for increases resulting from changes made in fuel clauses and increases of rates comprising an integral part of coordination and interchange arrangements in the nature of power pooling transactions, the exhibits shall include full cost of service data, as identified in subparagraph (4)(iv) (Statements A through O), of this paragraph, and the accompanying testimony should include an explanation of these exhibits: *Provided, however,* In lieu of the information required in Statement G, the following information shall be supplied:

Rate of return. Show the percentage rate of return claimed, with a brief statement of the basis therefor. Additionally, the following data should be furnished: [1]

(a) *Debt capital.* Show for each class and series of long-term debt outstanding as of the date of the most recently available balance sheet:
(1) Title.
(2) Date of issuance and date of maturity. If callable, call price and date.
(3) Interest rate.
(4) Gross proceeds from issue. Underwriters discount or commission: Amount; percent gross proceeds. Issuance expenses: Amount; percent gross proceeds. Net proceeds. Net proceeds per unit.
(5) Cost of money and yield to maturity based on the interest rate and net proceeds per unit outstanding determined by reference to any generally accepted table of bond yields.
(6) If issue is owned by an affiliate, state name and relationship of owner.
(7) Show weighted average cost of debt capital as determined from the foregoing detail.

(b) *Preferred stock capital.* Show for each class and series of preferred stock outstanding as of the date of the most recently available balance sheet:
(1) Title.
(2) Date of issuance.
(3) If callable, call price and date.
(4) If convertible, terms of conversion.
(5) Dividend rate.
(6) Par or stated value of issue and number of shares.
(7) Gross proceeds from issue. Underwriters discount or commission: Amount; percent gross proceeds. Issuance expenses: Amount; percent gross proceeds. Net proceeds. Net proceeds per unit or share.
(8) Cost of money. Dividend rate divided by net proceeds per unit or share.
(9) Was issue offered to stockholders through subscription rights or to the public?
(10) If issue is owned by an affiliate, state name and relationship of owner.
(11) Show weighted average cost of preferred stock capital as determined from the foregoing detail.

(c) *Common stock capital.* Show for each sale of common stock during the five-year period preceding the date of the most recently available balance sheet:
(1) Date of sale.
(2) Number of shares sold.
(3) Par or stated value of shares sold.
(4) Gross proceeds at offering price. Underwriters' discount or commission: Amount; percent gross proceeds. Issuance expenses: Amount; percent gross proceeds. Net proceeds: Offering price per share; net proceeds per share.
(5) Book value per share at date immediately prior to date of issuance.
(6) Closing market price per share at latest trading date prior to date of issuance.
(7) Latest published earnings per share at date of issuance.
(8) Dividend rate at date of issuance.
(9) Was issue offered to stockholders through subscription rights or to the public? Give information respecting any stock dividends, stock splits, or changes in par or stated value during five-year period preceding date of most recent balance sheet.
(10) If issue is owned by an affiliate, state name and relationship of owner.
(11) The following information on outstanding common stock for each of the five calendar years preceding the date of the most recently available balance sheet:

Years	Average number of shares outstanding	Book value (per share)	Annual earnings (per share)	Annual dividend (rate per share)	Dividends (percent earnings)	Average market price, basis monthly, high-low	Earnings price ratio [1]	Dividend price ratio [2]
1								
2								
3								
4								
5								

[1] Relationship of annual earnings per share to average of the 12 monthly high-low market values of stock. In the case of monthly data, use latest reported earnings in computing ratio of earnings to average high-low market value for month.
[2] Relationship of dividend per share to average high-low market value of stock.

(d) List and describe the issue dates and terms of any stock options or option warrants outstanding; include the price or prices at which they are exercisable, the dates of subscription price changes and the dates of expiration of the subscription privileges.

If issued in connection with any particular security, identify the security, State in which issued, and whether or not detachable.

If the options or option warrants are not available for public subscription or purchase, furnish the names of the parties to whom they were issued and the number of warrants issued to each.

(ii) All data submitted pursuant to this subparagraph shall be based on a recent 12 months test period, as provided in subparagraph (4)(ii) of this paragraph.

(iii) Ten sets of the exhibits and testimony shall be submitted, each set securely bound in a cover.

B. The following sentence is proposed to be added to § 35.7(a): "In addition, one copy shall be mailed directly to the Federal Power Commission Regional Office for the region in which the filing utility is operating."

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11214; Filed, Oct. 23, 1963; 8:46 a.m.]

[1] Where 50 percent or more of the common stock of the public utility is not held by the public but is owned by another corporation, the information here required in respect of debt capital and preferred stock capital shall be submitted to the extent applicable, and in addition the data described shall be submitted with respect to the debt, preferred stock and common stock of the parent company.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78]

[Docket No. 3666: Notice No. 60]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

OCTOBER 8, 1963.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments and the reasons therefor are set forth below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before November 7, 1963. The proposed amendments are

subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5(a) Commodity List (18 F.R. 6776, Oct. 27, 1953) (15 F.R. 8265, 8266, 8267, 8268, Dec. 2, 1950) as follows:

§ 72.5 **List of explosives and other dangerous articles.**

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Corrosive liquid, n.o.s.	Cor. L.	73.244, 73.245	White	5 pints.
Methyl bromide and ethylene dibromide mixture, liquid.	Pois. B	No exemption, 73.353	Poison	55 gallons.
(Add)				
*Cement, adhesive, n.o.s. *See* Cement, liquid, n.o.s.				
Etching acid liquid, n.o.s.	Cor. L.	No exemption, 73.299	White	10 pounds.
Flexible linear shaped charges, metal clad.	Expl. C.	No exemption, 73.104		300 pounds.
Lithium hydride in solid forms	F. S.	No exemption, 73.206	Yellow	100 pounds.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.22 add paragraph (k) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.22 **Specification containers prescribed.**

* * * * *

(k) Where the regulations require spec. 6D or 37M (§ 78.102 or 78.134 of this chapter) cylindrical steel overpacks, spec. 5B, 6J or 37A (single-trip container) (§ 78.82, 78.100 or 78.131 of this chapter) metal drums manufactured prior to (effective date of Order 60), having inside spec. 2S, 2SL, 2T or 2 TL polyethylene container, may be continued in use for the commodities and gross weights for which they were previously authorized until further order of the Commission.

In § 73.28 add paragraph (k) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.28 **Reused containers.**

* * * * *

(k) Containers used for shipments of etching acid liquid, n.o.s. must not be reused for shipment of any commodity.

Subpart B—Explosives; Definitions and Preparation

In § 73.86 amend paragraph (d)(1) (15 F.R. 8293, Dec. 2, 1950) to read as follows:

§ 73.86 **Samples of explosives and explosive articles.**

* * * * *

(d) * * *

(1) Samples of explosives including fireworks and explosive devices for laboratory examination must be packed in well-secured metal cans, glass bottles, conductive rubber, or compatible plastic containers, or in strong waterproof paper or cardboard packages; each sample must consist of not more than one-half pound of explosive, and the interior package must be placed in sawdust or similar cushioning material, at least 2 inches thick, in a wooden box, spec. 14 or 15A (§ 78.165 or 78.168 of this chapter).

In § 73.93 amend paragraph (e)(2), add paragraph (e)(3) (25 F.R. 1391, Oct. 29, 1960) (15 F.R. 8295, Dec. 2, 1950) to read as follows:

§ 73.93 **Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).**

* * * * *

(e) * * *

(2) Spec. 5B, 6A, 6B, 6C, 6D; also 17C or 17H (single-trip containers) (§ 78.82, 78.97, 78.98, 78.99, 78.102, 78.115, or 78.118 of this chapter). Metal barrel, drum, or cylindrical steel overpack, with inside spec. 2S (§ 78.35 of this chapter) polyethylene container, packed inside a strong, tight metal drum securely closed, or with inside glass-lined aluminum carboy not over 12 gallons capacity. Inside steel drum or glass-lined aluminum carboy must be surrounded on all sides with at least 2 inches of incombustible absorbent cushioning material uniformly distributed. Polyethylene containers are authorized only for liquids that will not react dangerously with the plastic or result in container failure.

(3) Outage requirements: Containers must not be entirely filled. Sufficient interior space must be left vacant to prevent leakage or distortion of containers due to the expansion of the contents from increase of temperature during transit.

* * * * *

In § 73.100 amend paragraphs (bb), (cc), (dd) (23 F.R. 7647, Oct. 3, 1958) (24 F.R. 3596, May 5, 1959) (24 F.R. 5639, July 14, 1959) to read as follows:

§ 73.100 **Definition of class C explosives.**

* * * * *

(bb) Detonating fuzes, class C explosives, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedos, grenades, demolition charges, and safety and arming devices. They contain a detonator and a quantity of high explosives. Additionally they may be used by the military or commercial users to transmit a detonation between two or more devices. This type detonating fuze contains either an explosive train consisting of mild detonating fuse, metal clad, igniter fuse-metal clad or similar type fuses, and any combination of one or more boosters, detonators and high explosives in a total quantity not exceeding 25 grams of explosive composition. All detonating fuzes, class C explosives, must be made and packed so that they will not cause functioning of other fuzes, explosives, or other explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

(cc) Mild detonating fuses, metal clad and flexible linear shaped charges, metal clad consists of a core containing not more than 2½ grains of high explosive composition per lineal foot, clad with metal either with or without a covering of tapes, yarns, plastics or waterproofing compounds. Mild detonating fuse, metal clad, and flexible linear shaped charges, metal clad, in lengths not over 26 feet and not exceeding 15 grains per lineal foot having the individual lengths separated from adjacent lengths so that mass propagation will not occur, may be shipped as class C explosives.

(dd) Igniter fuse-metal clad consists of a base metal tube with a core of high explosive composition in quantity not exceeding 20 grains per foot.

* * * * *

Amend entire § 73.104 (15 F.R. 8296, Dec. 2, 1950) (24 F.R. 3596, May 5, 1959) to read as follows:

§ 73.104 **Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad.**

(a) Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad must not be packed in the same package with detonators or with any high explosive.

(b) Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad, must be packed in wooden or fiberboard boxes.

(c) Each outside container must be plainly marked "CORDEAU DETONANT FUSE—HANDLE CAREFULLY," "MILD DETONATING FUSE, METAL CLAD—HANDLE CAREFULLY" or "FLEXIBLE LINEAR SHAPED CHARGES, METAL CLAD—HANDLE CAREFULLY" as the case may be.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 add Note 1 to paragraph (a)(7); amend paragraphs (a)(17), (a)(24), (b)(8), (e)(3); add paragraph (m)(8) (15 F.R. 8298, 8300, Dec. 2, 1950), (23 F.R. 7647, Oct. 3, 1958) (25 F.R. 10392, Oct. 29, 1960) (24 F.R. 3596, May 5, 1959) to read as follows:

§ 73.119 **Flammable liquids not specifically provided for.**

(a) * * *

(7) * * *

NOTE 1: Spec. 12B fiberboard boxes (§ 78.205-26(a) of this chapter), with one inside rectangular metal can, spec. 2F (§ 78.25 of this chapter) not to exceed 5 gallons capacity, are authorized for gasoline only. Gross weight of completed package not over 65 pounds.

* * * * *

(17) Spec. MC 300, MC 301,[1] MC 302, MC 303, MC 304, MC 305, or MC 330 (§ 78.321, 78.323, 78.324, 78.325, 78.326 or 78.336 of this chapter). Tank motor vehicles.

(Note 1 remains the same.)

* * * * *

(24) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

* * * * *

(b) * * *

(8) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

* * * * *

(e) * * *

(3) Spec. MC 300, MC 301,[1] MC 302, MC 303, MC 304, MC 305 or MC 330 (§ 78.321, 78.323, 78.324, 78.325, 78.326 or 78.336 of this chapter). Tank motor vehicles.

* * * * *

(m) * * *

(8) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene.

In § 73.125 amend paragraph (a)(5) (21 F.R. 671, Jan. 31, 1956) to read as follows:

§ 73.125 **Alcohol.**

(a) * * *

(5) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

* * * * *

In § 73.127 amend the introductory text of paragraph (a) (26 F.R. 9400, 9401, Oct. 6, 1961) to read as follows:

§ 73.127 **Nitrocellulose or collodion cotton, fibrous or nitrostarch, wet; nitrocellulose flakes; colloided nitrocellulose, granular, flake, or block, and lacquer base or lacquer chips, wet.**

(a) Nitrocellulose, fibrous, wet with alcohol or solvent, must contain at least 25 percent by weight of alcohol or a solvent with flash point not lower than 30° F.; collodion cotton, fibrous and nitrostarch, wet with alcohol or a solvent, must contain at least 30 percent by weight of alcohol or a solvent with flash point not lower than 30° F.; nitrocellulose flakes; colloided nitrocellulose, granular or flake; lacquer base or lacquer chips, wet with alcohol or a solvent, must contain at least 20 percent by weight of alcohol or a solvent with flash point not lower than 30° F., and nitrocellulose blocks wet with alcohol must contain at least 25 percent by weight of alcohol and must be packed in specification containers as follows:

* * * * *

In § 73.145 amend paragraph (a)(7) (24 F.R. 5639, July 14, 1959) to read as follows:

§ 73.145 **Dimethylhydrazine, unsymmetrical, and methylhydrazine.**

(a) * * *

(7) Spec. MC 300, MC 301,[1] MC 302, MC 303, MC 310 or MC 311 (§ 78.321, 78.323, 78.324, 78.330 or 78.331 of this chapter). Tank motor vehicles equipped with steel safety valves of approved design. Spec. MC 300, MC 301, MC 302, and MC 303 cargo tanks must not be equipped with bottom outlets. Authorized only for dimethylhydrazine, unsymmetrical.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.187 add paragraph (a)(4) (15 F.R. 8308, Dec. 2, 1950) to read as follows:

§ 73.187 **Peroxide of sodium.**

(a) * * *

(4) Spec. 12A or 12B (§ 78.210 or 78.205 of this chapter). Fiberboard boxes with inside air-tight metal cans not over 5 pounds capacity each.

In § 73.188 amend paragraph (a)(6) (27 F.R. 11852, Dec. 1, 1962) to read as follows:

§ 73.188 **Phosphoric anhydride.**

(a) * * *

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles of one-third fluid ounce capacity each. Each bottle shall be packed in a heat-sealed polyethylene or other suitable plastic bag of equal efficiency and not more than 75 such units shall be packed in a heat-sealed polyethylene or other suitable plastic bag of equal efficiency, which shall be placed in a securely closed metal can. Not more than 1 can shall be packed in one outside box.

In § 73.221 amend paragraph (a)(7) (23 F.R. 2325, Apr. 10, 1958) to read as follows:

§ 73.221 **Liquid organic peroxides, n.o.s. and liquid organic peroxide solutions, n.o.s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butyliso-propyl benzene hydroperoxide.**

(a) * * *

(7) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S (§ 78.35 of this chapter) polyethylene container. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

* * * * *

In § 73.222 add paragraph (a)(4) (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.222 **Acetyl peroxide and acetyl benzoyl peroxide, solution.**

(a) * * *

(4) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

In § 73.223 add paragraph (a)(5) (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.223 **Peracetic acid.**

(a) * * *

(5) Spec. 37M (§ 78.134 of this chapter). Cylindrical steel overpack (nonreusable container) with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container not over 30 gallons capacity. Polyethylene container must have a vented closure capable of preventing leakage of liquid contents.

* * * * *

In § 73.238 amend the heading (27 F.R. 11852, Dec. 1, 1962) to read as follows:

§ 73.238 **Aircraft rocket engines (commercial) and/or aircraft rocket engine igniters (commercial).**

* * * * *

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.245 amend paragraph (a)(16); add paragraph (a)(25) (25 F.R. 10393, Oct. 29, 1960) (15 F.R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 **Acids or other corrosive liquids not specifically provided for.**

(a) * * *

(16) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container.

* * * * *

(25) Spec. 12A or 12B (§ 78.210 or 78.205 of this chapter). Fiberboard boxes with inside aluminum containers not over 5 pounds capacity each. Aluminum containers must be approved by the Bureau of Explosives.

In § 73.257 amend paragraph (a)(13) (23 F.R. 4029, June 10, 1958) to read as follows:

§ 73.257 **Electrolyte (acid) or corrosive battery fluid.**

(a) * * *

(13) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

* * * * *

In § 73.262 amend paragraphs (a)(10) and (b)(2) (25 F.R. 10393, Oct. 29, 1960) (26 F.R. 12703, Dec. 29, 1961) to read as follows:

§ 73.262 **Hydrobromic acid.**

(a) * * *

(10) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(b) * * *

(2) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

* * * * *

In § 73.263 amend paragraphs (a)(17) and (20) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

§ 73.263 **Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.**

(a) * * *

(17) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container.

* * * * *

(20) Spec. 37M (§ 78.134 of this chapter). Cylindrical steel overpack (nonreusable container) with inside spec. 2T or 2TL (§ 78.21 or 78.27 of this chapter) polyethylene container.

* * * * *

In § 73.264 amend paragraphs (a) (17) and (18) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.264 **Hydrofluoric acid.**

(a) * * *

(17) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Authorized for acid not over 70 percent strength.

(18) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. T2 (§ 78.21 of this chapter) polyethylene container. Spec. 37M overpack of over 15 gallons capacity must be constructed of at least 20-gauge steel. Authorized for acid not over 70 percent strength.

* * * * *

In § 73.265 amend paragraph (d)(3) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.265 **Hydrofluosilicic acid.**

* * * * *

(d) * * *

(3) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Spec. 37M overpack shall be constructed of at least 20-gauge steel and shall not exceed 16 gallons capacity each.

* * * * *

In § 73.266 amend paragraphs (b)(6), (f)(2) (27 F.R. 3429, Apr. 11, 1962) (24 F.R. 5640, July 14, 1959) to read as follows:

§ 73.266 **Hydrogen peroxide solution in water.**

* * * * *

(b) * * *

(6) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. The closures must be located in one head and must be vented to prevent accumulation of internal pressure and head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE."

* * * * *

(f) * * *

(2) Spec. MC 310–H_2O_2 (§ 78.330 of this chapter). Tank motor vehicles. Tanks shall be welded construction of aluminum meeting the requirements of § 78.330–2(a) of this chapter having a minimum wall thickness of one-half inch, and must be built to a design working pressure of not less than 40 psig and shall be designed so that internal surfaces may be effectively cleaned and passivated; all openings to be located on top of tank; all valves and safety devices shall be provided with overturn protection and dust covers; metal identification plate required by § 78.330–17(a) of this chapter shall be marked "ICC MC 310–H_2O_2" and in addition the vehicle shall be clearly marked in letters not less than one inch high "FOR HYDROGEN PEROXIDE ONLY"; designs for venting and pressure relief devices must be approved by the Bureau of Explosives.

* * * * *

In § 73.272 amend paragraphs (f)(3) and (6) (25 F.R. 10394, Oct. 29, 1960) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

§ 73.272 **Sulfuric acid.**

* * * * *

(f) * * *

(3) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Overpack of 55 gallon capacity when used for sulfuric acid of 93 percent or greater concentration shall be constructed of at least 16-gauge steel throughout.

* * * * *

(6) Spec. 37M (nonreusable container) (§ 78.134 of this chapter). Cylindrical steel overpack with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

* * * * *

In § 73.274 amend paragraph (a)(2) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.274 **Fluosulfonic acid.**

(a) * * *

(2) Spec. 5A or 17F (single-trip) (§ 78.81 or 78.117 of this chapter). Metal barrels or drums not over 55 gallons capacity each.

* * * * *

In § 73.277 amend paragraph (a)(4) (21 F.R. 672, Jan. 31, 1956) to read as follows:

§ 73.277 **Hypochlorite solutions.**

(a) * * *

(4) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Authorized for not over 16 percent sodium hypochlorite solution only.

* * * * *

In § 73.288 add paragraph (c) (15 F.R. 8323, Dec. 2, 1950) to read as follows:

§ 73.288 **Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate.**

* * * * *

(c) Spec. 16D (§ 78.187 of this chapter). Wooden wirebound overwrap having one inside spec. 2SL (§ 78.35a of this chapter) polyethylene container not over 55 gallons capacity. Authorized for ethyl chloroformate or methyl chloroformate only.

In § 73.292 amend paragraph (a)(2) (24 F.R. 3598, May 5, 1959) to read as follows:

§ 73.292 **Hexamethylene diamine solution.**

(a) * * *

(2) Spec. MC 300, MC 301,[1] MC 302, MC 303, MC 304, MC 305, MC 310, or MC 311 (§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, or 78.331 of this chapter). Tank motor vehicles.

Add entire § 73.299 (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.299 **Etching acid liquid, n.o.s.**

(a) Etching acid liquid shall be a mixture of nitric acid, hydrofluoric acid, having nitric acid in concentrations of not more than 60 percent by weight, hydrofluoric acid in concentrations of not less than 4 percent by weight and water not less than 24 percent by weight, and may contain acetic acid. These mixtures must be packed in specification containers as follows:

[1] Use of existing cargo tanks authorized, but new construction not authorized.

(1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles of one-third fluid ounce capacity each. Each bottle shall be packed in a heat-sealed polyethylene or other suitable plastic bag of equal efficiency and not more than 75 such units shall be packed in a heat-sealed polyethylene or other suitable plastic bag of equal efficiency, which shall be placed in a securely closed metal can. Not more than 1 can shall be packed in one outside box.

(b) All outside shipping containers pounds; and not more than 100 pounds

(1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside polyethylene bottles having minimum wall thickness of .050 inch and screw-cap closures. Net weight in inside containers shall not be over 10 pounds each and net weight in outside containers shall not be more than 40 pounds.

(2) Spec. 37M (§ 78.134 of this chapter). Cylindrical steel overpack with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container not over 30 gallons capacity.

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(*Change*)		
Hydrogen sulfide	62.5	ICC-3A480; ICC-3AA480; ICC-3B480 ICC-4A480; ICC-4B480; ICC-4BA480; ICC-26-480; ICC-3E1800.

* * * * *

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraphs (a) (12) and (20) (24 F.R. 3598, May 5, 1959) (24 F.R. 10111, Dec. 15, 1959) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) * * *

(12) Spec. MC 300, MC 301,[2] MC 302, MC 303, MC 304, MC 305, MC 310, or MC 311 (§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330 or 78.331 of this chapter). Tank motor vehicles.

* * * * *

(20) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

* * * * *

In § 73.347 amend paragraph (a) (3) (24 F.R. 3598, May 5, 1959) to read as follows:

§ 73.347 Aniline oil.

(a) * * *

(3) Spec. MC 300, MC 301,[1] MC 302, MC 303, or MC 305 (§ 78.321, 78.323, 78.324 or 78.326 of this chapter). Tank motor vehicles.

* * * * *

In § 73.352 amend paragraph (a) (5) (24 F.R. 3598, May 5, 1959) to read as follows:

§ 73.352 Liquid sodium or potassium cyanide.

(a) * * *

(5) Spec. MC 300, MC 301,[1] MC 302, MC 303 or MC 305 (§ 78.321, 78.323, 78.324, or 78.326 of this chapter). Tank motor vehicles.

In § 73.353 add paragraph (a) (5) Note 1 (15 F.R. 8335, Dec. 2, 1950) to read as follows:

[2] Use of existing cargo tanks authorized, but new construction not authorized.

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) * * *

(5) * * *

NOTE 1: Tanks complying with ICC–106A (§ 78.275 or 78.276 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

* * * * *

In § 73.354 amend paragraph (a) (5) Note 1 (22 F.R. 7838, Oct. 3, 1957) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) * * *

(5) * * *

NOTE 1: Spec. MC 300, MC 301,[1] MC 302 or MC 303 (§ 78.321, 78.323, or 78.324 of this chapter) tank motor vehicles in motor fuel antiknock compound service prior to October 1, 1955 may be continued in service.

* * * * *

In § 73.369 amend paragraph (a) (14) and (b) (1) (24 F.R. 3598, May 5, 1959) (28 F.R. 4498, May 4, 1963) to read as follows:

§ 73.369 Carbolic acid (phenol), not liquid.

(a) * * *

(14) Spec. MC 300, MC 301,[1] MC 302, MC 303, MC 305, MC 310 or MC 311 (§ 78.321, 78.323, 78.324, 78.326, 78.330 or 78.331 of this chapter). Tank motor vehicles.

* * * * *

(b) * * *

(1) In inside glass, earthenware, polyethylene or other nonfragile plastic bottles or jars not over 1 pound capacity each, or metal containers not over 5 pounds capacity each, packed in outside wooden boxes, barrels or kegs, or fiberboard boxes. Net weight of contents in fiberboard boxes shall not exceed 65 pounds; and not more than 100 pounds in wooden boxes, barrels or kegs.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.525 amend paragraphs (c) (3) Certificate, and (4) (21 F.R. 9358, Nov. 30, 1956) to read as follows:

§ 74.525 Loading packages of explosives in cars, selection, preparation, inspection, and certification.

* * * * *

(c) * * *

(3) * * *

---------- Railroad

CAR CERTIFICATE

No. 1 ---------- Station, ----------, 19--

I hereby certify that I have this day personally examined Car Number ------ and that, as applicable to the type of car, there are no holes or other openings in the roof, sides, ends or car lining, through which sparks might enter; that the floor is clean and in good condition and it and the car lining are free of projecting uncovered pieces of metal or nails; that I have examined all the journal boxes and that they are properly covered, packed and oiled and that the air brakes and hand brakes are in condition for service.

---------- (Railway employee inspecting car)

No. 2 ---------- Station, ----------, 19--

I have this day personally examined the above car and hereby certify that the explosives in or on this car; or in or on vehicles or in containers; have been loaded and braced, and that placards have been applied, according to the regulations prescribed by the Interstate Commerce Commission; that the doors of cars so equipped fit or have been stripped so that sparks cannot enter.

---------- (Shipper or his authorized agent)

---------- (Railway employee inspecting bracing)

NOTE 1: A shipper must decline to use a car not in proper condition.

No. 3 ---------- Station, ----------, 19--

I hereby certify that I have this day personally supervised the loading of the vehicles or containers on and their securement to the above car. This has been completed in accordance with recommended methods.

---------- (Shipper or railway employee inspecting loading and securement)

NOTE 1: All certificates, where applicable, must be signed.

(4) Car certificates remaining on hand and which were authorized by regulations in effect prior to (effective date of order), may be used for closed car inspections until stocks are exhausted.

Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 74.538 paragraph (a) Chart, amend item "c", vertical and horizontal

columns (21 F.R. 9359, Nov. 30, 1956) to read as follows:

§ 74.538 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

"c" Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.841 amend paragraph (c) Note 1 (27 F.R. 6740, July 17, 1962) to read as follows:

§ 77.841 Poisons.

* * * * *

(c) * * *

NOTE 1: Tanks complying with ICC–106A (§ 78.275 or 78.276 of this chapter) specification containing nitrogen dioxide, liquid, nitrogen peroxide, liquid, nitrogen tetroxide, liquid, phosgene, nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide, or class B poisonous liquids specified in § 73.353(a) of this chapter may be transported in or on motor vehicles and in the manner authorized in § 77.840(c), provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

* * * * *

Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 77.848 paragraph (a) Chart, amend items "c" and "14", vertical and horizontal columns (21 F.R. 9361, Nov. 30, 1956) to read as follows:

§ 77.848 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

"c" Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitrorescorcinate.

* * * * *

"14" Poisonous gases or liquids in tank car tanks, cylinders, projectiles or bombs, poison gas label.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart B—Specifications for Inside Containers and Linings

In § 78.24–3 amend paragraph (a) (25 F.R. 3105, Apr. 12, 1960) to read as follows:

§ 78.24 Specification 2U; molded or thermoformed polyethylene containers having rated capacity of over one gallon.

§ 78.24–3 Construction and capacity.

(a) Container must be constructed in accordance with the following table:

Rated capacity not over (gallons)	Minimum overall thickness (inch) [1]	Percent outage over marked capacity permitted
5	0.010	15
15	.015	15
55	.015	5

(No change in footnote.)

* * * * *

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.82–7 paragraph (a) Table, cancel Footnotes 4, 5, and 6 and delete reference thereto under table heading; cancel § 78.82–15 (25 F.R. 10402, Oct. 29, 1960) (26 F.R. 4997, June 6, 1961) as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–7 Parts and dimensions.

(a) * * *

[4] Canceled.
[5] Canceled.
[6] Canceled.

§ 78.82–15 Type and leakage tests not required. [Canceled]

In § 78.100–5 paragraph (a) Table, cancel Footnotes 2, 3, 4, and 5 and delete reference thereto in the table heading; in § 78.100–7 amend paragraph (b) and cancel Note 2; cancel § 78.100–12 (25 F.R. 10402, Oct. 29, 1960) (26 F.R. 4998, June 6, 1961) (21 F.R. 675, Jan. 31, 1956) (24 F.R. 3599, May 5, 1959) as follows:

§ 78.100 Specification 6J; steel barrels and drums.

§ 78.100–5 Parts and dimensions.

(a) * * *

[2] Canceled.
[3] Canceled.
[4] Canceled.
[5] Canceled.

§ 78.100–7 Closures.

* * * * *

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used, it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(Note 1 remains unchanged.)

* * * * *

Note 2: Canceled.

§ 78.100–12 Type test not required. [Canceled.]

Add entire § 78.102 (15 F.R. 8446, Dec. 2, 1950) to read as follows:

§ 78.102 Specification 6D; cylindrical steel overpack, straight sided, for inside plastic container.

§ 78.102–1 Material requirements.

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

§ 78.102–2 Construction requirements.

(a) Construction requirements are as follows:

Rated capacity of inside plastic container not over (gallons)	Minimum thickness, uncoated sheets (gauge)		Body seams	Rolling hoops	Top or bottom head	Closures, when full removable head is used (gaskets not required)
	Body sheet	Head sheet				
5	24	24	Welded	None required	Double seamed or welded.	Lug or plain ring seal.
15	20	20	do	Rolled or swedged	do	Do.
30	19	19	do	do	do	Bolted type ring closure, 18 gauge.
55	18	18	do	Rolled or swedged, or 1-Bars, ¾" x 1¼".	do	Bolted type ring closure, 16 gauge.

(b) Steel sheets or parts of specified gauges shall comply with the following:

Gauge No.	Nominal thickness (inch) [1]	Minimum thickness (inch) [1]
16	0.0598	0.0538
18	.0478	.0428
19	.0418	.0378
20	.0359	.0324
24	.0239	.0209

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) Two holes not exceeding ¼ inch each are permitted diametrically opposite each other in the overpack body immediately above the double seam of the bottom chime or three holes not exceeding 3/16 inch in diameter on centers 120 degrees apart in the bottom head.

(1) Overpack interior shall be free of projections, burrs, or any edges that might caues damage to inside plastic container and shall be free of lubricants, oils, or any foreign matter.

(2) Top head may have not more than two holes of suitable size to provide for protruding closures.

(3) Overpack shall be constructed to provide a snug fit for inside plastic container.

§ 78.102–3 Tests.

(a) Steel overpack when assembled as for use, shall withstand the tests prescribed in specifications for inside plastic containers as detailed in Part 78 when

authorized as combination packages in

ings; in the second column change foot-

§ 78.150 Specification 33A; polystyrene

§ 78.214 Specification 23F; fiberboard

authorized as combination packages in Part 73 of this chapter. The completed package must withstand these tests without producing a condition of the overpack that could result in potential damage to the inside container.

§ 78.102–4 Markings.

(a) Marking on each container by embossing on bottom head with raised marks with letters and figures not less than ½ inch high as follows:

(1) ICC–6D. These marks shall be understood to certify the steel container complies with all construction requirements of this specification.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of inside container in gallons, and year of manufacture (for example, 18–55–62). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 18/16–55–62 for body 18 gauge and head 16 gauge).

In § 78.131–6 paragraph (a) Table cancel footnotes 4, 5, 6, and 8, renumber footnote 7 as "4"; delete references to footnotes 4, 5, 6, and 8 in the Table headings; in the second column change footnote 7 to "4"; cancel § 78.131–12 (26 F.R. 1018, Feb. 2, 1961) (26 F.R. 4998, June 6, 1961) (24 F.R. 3600, May 5, 1959) to read as follows:

§ 78.131 Specification 37A; steel drums.

§ 78.131–6 Capacities, weights, type, and gauges.

(a) • • •

[5] Canceled.
[6] Canceled.
[7] Canceled.

• • • • • •

§ 78.131–12 Type test not required. [Canceled]

Add entire § 78.134 (15 F.R. 8454, Dec. 2, 1950) to read as follows:

§ 78.134 Specification 37M; cylindrical steel overpack, straight sided for inside plastic container.

Nonreusable containers.

§ 78.134–1 Material requirements.

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

§ 78.134–2 Construction requirements.

(a) Construction requirements are as follows:

Rated capacity of inside plastic container not over (gallons)	Minimum thickness, uncoated sheets (gauge)		Body seams	Rolling hoops	Top or bottom head	Closures, when full removable head is used (gaskets not required)
	Body sheet	Head sheet				
5	26	26	Welded	None required	Double-seamed	Lug or plain ring seal.
15	24	24	do	Rolled or swedged	do	Do.
30	24	24	do	do	do	Bolted type ring closure, 18 gauge.
55	24	24	do	do	do	Bolted type ring closure, 16 gauge.

(b) Steel sheets or parts of specified gauges shall comply with the following:

Gauge No.	Nominal thickness (inch) [1]	Minimum thickness (inch) [1]
16	0.0598	0.0533
18	.0478	.0428
24	.0239	.0209
26	.0179	.0159

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) Two holes not exceeding ¼ inch each are permitted diametrically opposite each other in the overpack body immediately above the double seam of the bottom chime or three holes not exceeding 3/16 inch in diameter on centers 120 degrees apart in the bottom head.

(1) Overpack interior shall be free of projections, burrs, or any edges that might cause damage to inside plastic container and shall be free of lubricants, oils, or any foreign matter.

(2) Top head may have not more than two holes of suitable size to provide for protruding closures.

(3) Overpack shall be constructed to provide snug fit for inside plastic container.

§ 78.134–3 Tests.

(a) Steel overpack when assembled as for use, shall withstand the tests prescribed in specifications for inside plastic containers as detailed in Part 78 when authorized as combination packages in Part 73 of this chapter. The completed package must withstand these tests without producing a condition of the overpack that could result in potential damage to the inside container.

§ 78.134–4 Marking.

(a) Marking on each container by embossing on bottom head with raised marks with letter and figures not less than ½ inch high as follows:

(1) ICC–37M. The letters NRC located near the ICC mark to indicate "Non-reusable container." These marks shall be understood to certify the steel container complies with all construction requirements of this specification.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of the inside container in gallons, and year of manufacture (for example, 24–55–62). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 24/22–55–62 for a container having 24-gauge body and 22-gauge top head).

In § 78.150–4 amend paragraph (a) (28 F.R. 4504, May 4, 1963) to read as follows:

§ 78.150 Specification 33A; polystyrene cases.

§ 78.150–4 Closing for shipment.

(a) The cases shall be closed for shipment with a pressure sensitive paper tape having not less than 1½ inches width and a tensile strength at least 55 pounds per inch of width, or tape of equivalent strength. The tape shall completely encircle the case, with overlap not less than one inch in length, in one direction so as to transverse the top-bottom section joint in vertical manner. If the design of the case is such that the tape is subject to abrasion in transportation and handling, tape shall also be applied similarly on the same axis but at 90°.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–16 paragraph (a) Table, amend the first column heading now reading "Authorized gross weight (pounds)" to read "Authorized gross weight (pounds)"; add footnote 4 after the last number in the first column to read "65 " (24 F.R. 3600, May 5, 1959).

• • • • •

In § 78.209–3 amend paragraph (a) Table; in § 78.209–15 amend the introductory text of paragraph (b); in § 78.209–16 amend paragraph (a) (3) (20 F.R. 8109, 8110, Oct. 28, 1955) to read as follows:

§ 78.209 Specification 12H; fiberboard boxes.

§ 78.209–3 Classification of board.

(a) • • •

Classified strength [1] of completed board	Facings for corrugated fiberboard	
	Double-faced-minimum combined weight of facings (pounds per 1,000 sq. ft.)	Double-wall-minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.)
275	138	110
325	138	110
350	180	126
375	180	180
400	180	180
450	180	180

[1] Mullen or Cady test (minimum).

§ 78.209–15 Material.

• • • • •

(b) Box material must also have 275 pound test strength and moisture content not over 30 percent as follows:

• • • • •

§ 78.209–16 Completed container.

(a) • • •

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of over ½ inch.

• • • • •

In § 78.214–20 amend paragraph (a) (3) (15 F.R. 8480, Dec. 2, 1950) to read as follows:

§ 78.214 Specification 23F; fiberboard boxes.

§ 78.214–20 Completed containers.

(a) • • •

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of over ½ inch.

• • • • •

In § 78.219–16 amend paragraph (a) (3) (17 F.R. 1565, Feb. 20, 1952) to read as follows:

§ 78.219 Specification 23H; fiberboard boxes.

§ 78.219–16 Completed containers.

(a) • • •

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of over ½ inch.

• • • • •

Subpart H—Specifications for Portable Tanks

In § 78.246 amend the Heading; in § 78.246–2 amend paragraph (a); in § 78.246–7 amend paragraph (a) (2) (25 F.R. 6628, July 14, 1960) to read as follows:

§ 78.246 Specification 52; aluminum or magnesium portable tanks.

§ 78.246–2 Composition and capacity.

(a) Tanks shall be constructed of aluminum base alloy at least 96 percent pure, or other aluminum base alloys of equivalent strength and physical properties, or ZE–10A magnesium alloy suitable for use with the commodity to be transported therein and having a capacity not over 500 gallons.

§ 78.246–7 Marking.

(a) • • •

(2) Name or symbol (letters) of maker or user assuming responsibility for compliance with specification requirements. Symbol letters must be registered with the Bureau of Explosives.

Subpart I—Specifications for Tank Cars

In § 78.277–3 amend the introductory text of paragraph (b); in § 78.277–4 amend paragraph (a), add paragraph (c) (21 F.R. 4583, June 26, 1956) to read as follows:

§ 78.277 Specification ICC–107A****; seamless steel tanks to be mounted on or forming part of a car.

§ 78.277–3 Material.

• • • • •

(b) Steel (see NOTE 1) must conform to the following requirements as to chemical composition:

NOTE 1: Alternate steel containing other alloying elements may be used if approved.

Designation	Class I (percent)	Class II (percent)	Class III (percent)
Carbon, maximum	0.50	0.50	0.53
Manganese, maximum	1.65	1.65	1.85
Phosphorus, maximum	.05	.05	.05
Sulphur, maximum	.06	.05	.05
Silicon, maximum	.35	.30	.37
Molybdenum, maximum	----------	.25	.30
Chromium, maximum	----------	.30	.30
Sum of manganese and carbon not over.	2.10	2.10	----------

(No change in (b) (1)).

• • • • •

§ 78.277–4 Heat treatment.

(a) Each necked-down tank must be uniformly heat treated. Heat treatment must consist of annealing or normalizing and tempering for Class I and Class II steel and oil quenching and tempering for Class III steel. Tempering temperatures shall not be less than 1000°F. Heat treatment of alternate steels must be approved. All scale must be removed from outside of tank to an extent sufficient to allow proper inspection.

• • • • •

(c) A magnetic particle inspection shall be performed after heat treatment on all tanks subjected to a quench and temper treatment to detect the presence of quenching cracks. Cracks shall be removed to sound metal by grinding and the surface exposed shall be blended smoothly into the surrounding area. A wall thickness check shall then be made of the affected area by ultrasonic equipment or other suitable means acceptable to the inspector and if the remaining wall thickness is less than the minimum recorded thickness as determined by § 78.277–2(b) it shall be used for making the calculation prescribed in § 78.277–4(b).

Subpart J—Specifications for Containers for Motor Vehicle Transportation

In § 78.321–5 amend paragraph (b) (1) (26 F.R. 2505, Mar. 24, 1961) to read as follows:

§ 78.321 Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.321–5 Bulkheads, baffles, and ring stiffeners.

• • • • •

(b) • • •

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.

• • • • •

In § 78.323–5 amend paragraph (b) (1) (26 F.R. 2507, Mar. 24, 1961) to read as follows:

§ 78.323 Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209–57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.323–5 Bulkheads, baffles, and ring stiffeners.

• • • • •

(b) • • •

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.

• • • • •

In § 78.324–5 amend paragraph (b) (1) (26 F.R. 2509, Mar. 24, 1961) to read as follows:

§ 78.324 Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.324–5 Bulkheads, baffles, and ring stiffeners.

• • • • •

(b) • • •

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.

• • • • •

In § 78.325–5 amend paragraph (b) (26 F.R. 2512, Mar. 24, 1961) to read as follows:

§ 78.325 Specification MC 304; cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D–323) vapor pressures of 18 psia or more at 100°F., but less than those stated in § 73.300 of this chapter, in defining compressed gases.

§ 78.325–5 Bulkheads, baffles, and ring stiffeners.

• • • • •

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

• • • • •

In § 78.326–5 amend paragraph (b)

73.127; (a); To authorize nitrocellulose. 73.352; (a)(5); Reason for

In § 78.326–5 amend paragraph (b) (26 F.R. 2515, Mar. 24, 1961) to read as follows:

§ 78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.326–5 Bulkheads, baffles, and ring stiffeners.

* * * * *

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

* * * * *

Section, Paragraph, Reason for Amendment

72.5; (a) Commodity List; Provides additions and changes to keep Commodity List on a current basis.

73.22; (k); To authorize the continued use of specs. 5B, 6J and 37A metal drums, having inside polyethylene containers, that have been superseded by specs. 6D and 37M for certain commodities.

73.28; (k); To prohibit the reuse of containers used for shipments of etching acid liquid, n.o.s.

73.86; (d)(1); To authorize other suitable inside containers of conductive rubber or compatible plastic for samples of explosives.

73.93; (e)(2); New spec. 6D steel overpack replaces spec. 6J steel drum having inside polyethylene container for propellant explosives (liquid), class B.

73.93; (e)(3); To prevent overfilling containers by prescribing outage requirements for containers of propellant explosives (liquid), class B.

73.100; (bb); To reclassify certain detonating fuzes, used both by the military and commercially, as class C explosives.

73.100; (cc); To describe flexible linear shaped charges and provide for shipments of these charges and mild detonating fuse, metal clad, class C explosives when explosive content exceeds 2½ grains per foot.

73.100; (dd); To redefine igniter fuse-metal clad as having base tubes of other than lead.

73.104; (a), (b), (c); To provide packaging requirements for flexible linear shaped charges, metal clad.

73.119; (a)(7) Note 1; To authorize spec. 2F metal cans of 5 gallon capacity packaged inside spec. 12B fiberboard boxes for gasoline.

73.119; (a)(17), (e)(3); To authorize spec. MC 330 cargo tanks for flammable liquids, n.o.s.; to indicate that use of existing MC 301 cargo tanks is authorized but new construction is not authorized.

73.119; (a)(24); Reason for § 73.93(e)(2) applies also to shipments of flammable liquids, n.o.s.

73.119; (b)(8); New specs. 6D and 37M steel overpacks replace specs. 6J and 37A steel drums having inside polyethylene container for flammable liquids with flash point above 20° F. to 80° F.

73.119; (m)(8); To authorize spec. 12P fiberboard boxes with inside spec. 2U polyethylene containers for flammable liquids which are also oxidizing materials or corrosive liquids.

73.125; (a)(5); Reason for § 73.93(e)(2) applies also to shipments of alcohol.

73.127; (a); To authorize nitrocellulose, fibrous, wet to be shipped with a lower percentage of alcohol or solvent.

73.145; (a)(7); To indicate that use of existing MC 301 cargo tanks is continued for dimethylhydrazine, unsymmetrical but new construction is not authorized.

73.187; (a)(4); To authorize spec. 12A or 12B fiberboard boxes with inside air-tight metal cans for sodium, peroxide.

73.188; (a)(6); To authorize the use of other suitable plastic inside containers for phosphoric anhydride.

73.221; (a)(7); New specs. 6D and 37M steel overpacks replace specs. 5B, 6J, and 37A steel drums having inside polyethylene container for certain liquid organic peroxides.

73.222; (a)(4); To authorize spec. 12P fiberboard boxes with inside spec. 2U polyethylene containers for acetyl peroxide and acetyl benzoyl peroxide, solution.

73.223; (a)(5); To authorize new spec. 37M steel overpack with inside spec. 2SL polyethylene container for peracetic acid.

73.238; Heading; To make the heading consistent with the application of the packaging requirements of the section.

73.245; (a)(16); Reason for § 73.221(a)(7) applies also to shipments of acids or other corrosive liquids, n.o.s.

73.245; (a)(25); To authorize spec. 12A fiberboard boxes with inside aluminum containers for acids or other corrosive liquids, n.o.s.

73.257; (a)(13); Reason for § 73.221 (a)(7) applies also to shipments of electrolyte (acid) or corrosive battery fluid.

73.262; (a)(10), (b)(2); Reason for § 73.93 (e)(2) applies also to shipments of hydrobromic acid.

73.263; (a)(17), (a)(20); Reason for § 73.221 (a)(7) applies also to shipments of hydrochloric acid.

73.264; (a)(17), (18); Reason for § 73.221 (a)(7) applies also to shipments of hydrofluoric acid.

73.265; (d)(3); Reason for § 73.119 (b)(8) applies also to shipments of hydrofluosilicic acid.

73.266; (b)(6); Reason for § 73.119 (b)(8) applies also to shipments of hydrogen peroxide.

73.266; (f)(2); Editorial correction of the two references to subsections in § 78.330.

73.272; (f)(3), (6); Reason for § 73.221 (a)(7) applies also to shipments of sulfuric acid.

73.274; (a)(2); To authorize spec. 17F metal barrels or drums for fluosulfonic acid.

73.277; (a)(4); Reason for § 73.93 (e)(2) applies also to shipments of hypochlorite solutions.

73.288; (c); To authorize spec. 16D wooden wirebound overwrap with inside spec. 2SL polyethylene container for ethyl chloroformate and methyl chloroformate.

73.292; (a)(2); Reason for § 73.145 (a)(7) applies also to MC 301 cargo tanks in hexamethylamine diamine solution service.

73.299; Entire section; To provide specific packaging requirements for etching acid, liquid, n.o.s.

73.308; (a); To prescribe a reduced filling density for hydrogen sulfide in cylinders, equipped with one safety relief device, having lengths over 30 inches but less than 55 inches, exclusive of neck.

73.346; (a)(12); To authorize MC 304 cargo tanks for poisonous liquids, n.o.s., class B; also reason for § 73.145 (a)(7) applies to MC 301 cargo tanks in this service.

73.346; (a)(20); New spec. 6D steel overpack replaces specs. 6J and 5B steel drums having inside polyethylene container for poisonous liquids, class B, n.o.s.

73.347; (a)(3); Reason for § 73.145 (a)(7) applies also to MC 301 cargo tanks in aniline oil service.

73.352; (a)(5); Reason for § 73.145 (a)(7) applies also to MC 301 cargo tanks in liquid sodium or potassium cyanide service.

73.353; (a)(5) Note 1; To authorize the transportation of certain class B poisonous liquids in spec. ICC–106A containers by highway.

73.354; (a)(5) Note 1; Reason for § 73.145 (a)(7) applies also to MC 301 cargo tanks in motor fuel antiknock compound service.

73.369; (a)(14); Reason for § 73.145 (a)(7) applies also to MC 301 cargo tanks in carbolic acid (phenol) service.

73.369; (b)(1); To authorize additional suitable plastic inside containers for carbolic acid (phenol) shipped in exempt quantities.

74.525; (c)(3); To make more specific the certification requirements applicable to the securement of vehicles or containers loaded on open-top cars.

74.525; (c)(4); To authorize the continued use of existing supplies of car certificates.

74.538; (a) Chart; To include lead mononitroresorcinate in the group of initiating explosives to which the loading requirements are applicable.

77.841; (c) Note 1; To coincide with the addition of Note 1 to § 73.353 (a)(5) authorizing the transportation of certain class B poisonous liquid in spec. ICC–106A containers.

77.848; (a) Chart, item c; Same as § 74.538 (a).

77.848; (a) Chart, item 14; To include shipments of poison gas, class A in portable tank car tanks.

78.24–3; (a); To increase the capacity of inside spec. 2U polyethylene containers to not over 55 gallons.

78.82–7(a), 78.82–15(a); To rescind the exceptions to standard ICC–5B steel drum specification that accommodated an inside polyethylene container which composite package is now replaced by new spec. 6D cylindrical steel overpack.

78.100–5(a), 78.100–7(b) and Note 2, 78.100–12(a); Reason for § 78.82 subsections applies also to ICC–6J steel drum specification.

78.102 Entire section. To provide for construction of new ICC–6D cylindrical steel overpack to be used only with inside polyethylene container.

78.131–6(a), 78.131–12; To rescind the exceptions to standard ICC–37A steel drum specification that accommodated an inside polyethylene container which composite package is now replaced by new spec. 37M cylindrical steel overpack.

78.134 Entire section. To provide for construction of new spec. 37M cylindrical steel overpack to be used only with inside polyethylene container.

78.150–4(a); To make more specific the overlap length of tape encircling spec. 33A polystyrene case.

78.205–16(a); To show that the exception to the authorized gross weight limitation applies only to spec. 12B fiberboard boxes constructed to an authorized gross weight of 65 pounds.

78.209–3(a), 78.209–15(b); To make consistent the fiberboard classification table, and test strength requirement with the minimum strength permitted for spec. 12H boxes in subsection 11 of this section.

78.209–16(a)(3); To clarify that not over ½ inch deflection is permitted in compression test of spec. 12H fiberboard boxes.

78.214–20(a)(3); Reason for § 78.209–16 applies also to spec. 23F fiberboard boxes.

78.219–16; (a)(3); Reason for § 78.209–16 applies also to spec. 23H fiberboard boxes.

78.246, Heading, 78.246–2, (a), 78.246–7, (a)(2); To provide for the construction of spec. 52 portable tanks made of magnesium, and to increase the maximum capacity of tank.

78.277–3; (b); To discontinue the carbon steel composition because of its non-use; to provide for additional steels (class III) for spec. 107A seamless tanks.

78.277–4; (a); To provide methods of stress relieving spec. 107A tanks made of class III steels.

78.277–4; (c); To require a magnetic particle inspection of spec. 107A tanks subjected to a quench and temper treatment.

78.321–5; (b)(1); To increase the capacity of compartments in MC 300 cargo tanks to not over 2,500 gallons each.

78.323–5; (b)(1); Reason for § 78.321–5 applies also to MC 302 cargo tanks.

78.324–5; (b)(1); Reason for § 78.321–5 applies also to MC 303 cargo tanks.

78.325–5; (b); Reason for § 78.321–5 applies also to MC 304 cargo tanks.

78.326–5; (b); Reason for § 78.321–5 applies also to MC 305 cargo tanks.

[F.R. Doc. 63–11181; Filed, Oct. 23, 1963; 8:45 a.m.]

[49 CFR Parts 72, 73, 74, 77]

[Docket No. 3666; Notice No. 61]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

OCTOBER 17, 1963.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties in which substantial agreement has been reached. The proposed changes have been formulated to permit smokeless powder for small arms in limited quantity to be shipped and transported as a flammable solid under certain conditions.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before November 7, 1963. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5(a) Commodity list (15 F.R. 8272, Dec. 2, 1950) (23 F.R. 4028, June 10, 1958) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Smokeless powder for cannon or small arms (more than 100 pounds). See Propellant explosives, class A, or Propellant explosives (solid), class B.				
(Add)				
Smokeless powder for small arms (100 pounds or less).	F, S	No exemption, 73.197a	Yellow	100 pounds.

PART 73—SHIPPERS

Subpart B—Explosives; Definitions and Preparation

In § 73.88 amend paragraph (f) (25 F.R. 10391, Oct. 29, 1960) to read as follows:

§ 73.88 Definition of class B explosives.

* * * * *

(f) *Propellant explosives, class B.* Propellant explosives, class B, are solid or liquid chemicals or chemical mixtures which function by combustion. The combustion is controlled by composition, size, form of grain, or other chemical or mechanical means. Any propellant is class B which fails to detonate in five trials when tested (see Note 2) in the package in which it is offered for shipment. Propellant explosives, class B, include smokeless powder for small arms, smokeless powder for cannon, liquid monopropellant fuel (see Note 3), smokeless powder, or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined specifically in § 73.53. Limited quantities of smokeless powder for small arms may also be classed as flammable solid in accordance with § 73.197a.

(No change in notes.)

* * * * *

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

Add § 73.197a (15 F.R. 8309, Dec. 2, 1950) to read as follows:

§ 73.197a Smokeless powder for small arms.

(a) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car or motor vehicle may be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives. Maximum quantity in any inside container must not exceed eight pounds and inside containers must be arranged and protected so as to prevent simultaneous ignition of the contents. The complete package must be a type approved by the Bureau of Explosives. Each outside shipping container shall be labeled as prescribed in § 73.402 (a)(2).

PART 74—CARRIERS BY RAIL FREIGHT

Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 74.538(a) Loading and Storage Chart, add Note 5 (15 F.R. 8350, Dec. 2, 1950) to read as follows:

§ 74.538 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

* * * * *

NOTE 5: Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car or motor vehicle may be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

In § 77.821 add paragraph (f) (15 F.R. 8363, Dec. 2, 1950) to read as follows:

§ 77.821 Explosives or other dangerous articles forbidden or limited for transportation.

* * * * *

(f) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car or motor vehicle may be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives. Maximum quantity in any inside container must not exceed eight pounds and inside containers must be arranged and protected so as to prevent simultaneous ignition of the contents. The complete package must be a type approved by the Bureau of Explosives. Each outside shipping con-

tainer shall be labeled as prescribed in § 73.402(a)(2) of this chapter.

Subpart B—Loading and Unloading

In § 77.838 add paragraph (g) (15 F.R. 8366, Dec. 2, 1950) to read as follows:

§ 77.838 Flammable solids and oxidizing materials.

* * * * *

(g) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car or motor vehicle may be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives. Maximum quantity in any inside container must not exceed eight pounds and inside containers must be arranged and protected so as to prevent simultaneous ignition of the contents. The complete package must be a type approved by the Bureau of Explosives. Each outside shipping container shall be labeled as prescribed in § 73.402 (a)(2) of this chapter.

Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 77.848(a) Loading and Storage Chart, add Note 5 (15 F.R. 8369, Dec. 2, 1950) to read as follows:

§ 77.848 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

* * * * *

NOTE 5: Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car or motor vehicle may be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives.

[F.R. Doc. 63-11182; Filed, Oct. 23, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

UNITARIAN UNIVERSALIST SERVICE COMMITTEE, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Unitarian Universalist Service Committee, Inc.,
78 Beacon Street,
Boston, Mass., 02108.

Dated: October 11, 1963.

FRANK M. COFFIN,
Administrator.

[F.R. Doc. 63-11235; Filed, Oct. 23, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification No. 51; Amdt. No. 1

OCTOBER 18, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 24, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority, dated January 9, 1963 (28 F.R. 294), and effective immediately, I hereby amend Small Tract Classification Order No. 51, dated January 29, 1952, which classified certain lands for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, as follows:

2. The following parcel is classified for lease, lease and sale or direct sale for community or residential purposes:

GIRDWOOD AREA

U.S. SURVEY 3042, LOT 75

Containing 1.275 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-11242; Filed, Oct. 23, 1963; 8:47 a.m.]

[Riverside 03965]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1963.

The Geological Survey, United States Department of the Interior, has filed an application, Serial Number Riverside 03965 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, subject to existing valid rights, excepting locations of mining claims as provided for in the Act of August 11, 1955 (69 Stat. 681), mineral leasing under the mineral leasing laws, and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended.

The lands have previously been withdrawn for the Sequoia National Forest by Presidential Proclamation of November 5, 1891.

The land is proposed for withdrawals for power site classification purposes including future reservoir developments as proposed by the California Water Plan.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California, 92502.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

POWER SITE CLASSIFICATION NO. 451

UPPER KERN RIVER, CALIFORNIA

Mount Diablo Meridian

T. 19 S., R. 33 E.,
Sec. 9, W½;
Sec. 16, W½NE¼, W½, and SW¼SE¼;
Sec. 21, E½, N½NW¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 28, NE, E½NW¼, and N½SE¼.
T. 20 S., R. 33 E.,
Sec. 1, lots 3, and 4, S½NW¼, and SW¼;
Sec. 11, E½NE¼, SW¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, E½W½;
Sec. 23, NW¼, N½SW¼, and SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, E½NE¼, S½NW¼NE¼, SW¼NE¼, S½NW¼, and N½SW¼;
Sec. 28, SE¼NE¼, and SE¼;
Sec. 29, W½SW¼;
Sec. 30, E½E½;
Sec. 31, E½;
Sec. 32, S½NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 33, NE¼NE¼; W½NE¼, S½NW¼, and N½NE¼SW¼.

The lands described in secs. 1, 11, 12, 14, 23, 26, 27, 28, and 33 are the smallest legal subdivisions, any portion of which lies below the 5300-foot contour along the Kern River in the reach between a point ½ mile downstream from Soda Creek and the north township line, when resurveyed. And every smallest legal subdivision, any portion of which lies below the 5000-foot contour along the Kern River in the reach between a point ½ mile downstream from Soda Creek and the east line of section 32, when resurveyed.

T. 21 S., R. 33 E.,
Sec. 3, lot 2 of NE¼;
Sec. 4, lots 3, and 4, and S½NW¼;
Sec. 5, lots 1, 2, 3, and 4, S½NE¼, and SW¼;
Sec. 6, lots 1, 2, 3, 10, and 11, S½NE¼, and SE¼;
Sec. 8, NW¼.

The areas described aggregate 5,764.07 acres.

JENS C. JENSEN,
Land Office Manager.

[F.R. Doc. 63-11243; Filed, Oct. 23, 1963; 8:47 a.m.]

[Los Angeles 0158928]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 18, 1963.

Notice of an application, filed by the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Serial Number Los Angeles 0158928, for withdrawal and reservation of lands was published as F.R. Doc. 59-11125; Filed, December 29, 1959; 8:45 a.m., on pages 10987 and 10988, of the Wednesday issue, December 30, 1959.

The applicant agency has cancelled its application, Los Angeles 0158928, as to the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on November 5, 1963, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN

T. 7 N., R. 23 E.,
Sec. 1, lot 1, E½ lot 2, and N½SE¼NE¼.
T. 8 N., R. 23 E.,
Sec. 9, lot 1, W½SE¼NE¼, and NW¼NE¼SE¼;
Sec. 10, W½SW¼;
Sec. 15, NW¼;
Sec. 22, W½NE¼, NE¼NW¼, and E½SE¼;
Sec. 23, SW¼SW¼;

Sec. 25, SW¼SW¼;
Sec. 26, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 36, lot 3, SW¼NE¼, NE¼NW¼, and W½SE¼.
T. 7 N., R. 24 E.,
Sec. 6, lot 8, SE¼SW¼, and S½SE¼.

The areas described aggregate 1,302.20 acres.

JENS C. JENSEN,
Land Office Manager, Riverside.

[F.R. Doc. 63-11244; Filed, Oct. 23, 1963; 8:47 a.m.]

[Washington 04938]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Washington 04938, for the withdrawal of the lands described below, from all forms of location, prospecting, or entry under the general mining laws. The applicant desires the land for public outdoor recreation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Table Rock Lookout Tower Site

T. 6 N., R. 39 E.,
Sec. 3, SW¼NE¼NE¼, NW¼SE¼NE¼.

Griffin Peak Lookout Site

T. 7 N., R. 39 E.,
Sec. 10, SW¼SE¼SE¼.

Godman Guard Station

T. 7 N., R. 40 E.,
Sec. 10, SE¼SW¼NE¼, SW¼SE¼NE¼.

Oregon Butte Lookout

T. 7 N., R. 41 E.,
Sec. 4, NW¼SE¼SW¼.

Clearwater Lookout

T. 8 N., R. 42 E.,
Sec. 5, NE¼SE¼NW¼.

Saddle Springs Guard Station

T. 7 N., R. 43 E.,
Sec. 18, SW¼SE¼NE¼.

Saddle Butte Lookout

T. 7 N., R. 43 E.,
Sec. 19, NE¼SE¼NE¼.
Sec. 20, NW¼SW¼NW¼.

Pataha Creek Campground

T. 9 N., R. 42 E.,
Sec. 2, E½, E½W½, lot 3, NE¼SE¼NW¼.

The areas described aggregate approximately 148.24 acres.

JOHN E. BURT, JR.,
Officer in Charge.

[F.R. Doc. 63-11245; Filed, Oct. 23, 1963; 8:47 a.m.]

ALASKA

Small Tract Classification No. 44, as Amended; Cancellation

OCTOBER 15, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Section 3, Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, Small Tract Classification No. 44 of October 10, 1951 (F.R. Doc. 51-12424, issue of October 17, 1951, page 10609), as amended by the General Amendment of February 19, 1957, which classified the following lands for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C., 682a), as amended, is hereby cancelled in its entirety:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E.,
Sec. 5, Lot 4.

2. Lot 4 was subdivided into the following described lands by supplemental plat dated December 21, 1954, which the subject order thereafter embraced:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E.,
Sec. 5, Lots 6 through 13 inclusive.

Containing 24.43 acres, more or less.

3. This Order will take effect immediately upon publication in the FEDERAL REGISTER. Cancellation of this Order does not affect valid existing rights as to the lands embraced thereby.

GERALD G. WRIGHT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-11219; Filed, Oct. 23, 1963; 8:46 a.m.]

ALASKA

Small Tract Classification No. 50, as Amended; Cancellation

OCTOBER 15, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Section 3, Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, Small Tract Classification No. 50 of January 18, 1952, as amended by Amendment No. 1 of March 29, 1955, by the General Amendment of February 19, 1957, and by Amendment No. 2 of June 20, 1962, which classified the following lands for lease and sale for residence sites under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C., 682a), as amended, is hereby cancelled in its entirety, both as to lands and as to amendments:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E.,
Sec. 9, Lots 12-29, inclusive, Lots 33, 34, 39-43, inclusive.

Containing 25 tracts aggregating 106.29 acres, more or less.

2. This order will take effect as soon as published in the FEDERAL REGISTER. Cancellation of this order does not affect valid existing rights as to the lands embraced thereby.

GERALD G. WRIGHT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-11220; Filed, Oct. 23, 1963; 8:46 a.m.]

[Group 376]

ARIZONA

Notice of Filing of Plats of Surveys and Order Providing for Opening of Public Lands

OCTOBER 16, 1963.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m. on November 21, 1963:

GILA AND SALT RIVER MERIDIAN

T. 37 N., R. 4 W.,
Sec. 17, All;
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 23, All;
Sec. 24, All;
T. 37 N., R. 5 W.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 2, Lots 1, 2, 3, and 4, S½N½, S½;
Sec. 11, All;
Sec. 12, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 13, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 24, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 25, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 36, Lots 1, 2, 3, and 4, W½E½, W½.

The areas described aggregate 7,581.34 acres of public lands.

2. Available data indicates the land included in T. 37 N., R. 4 W., with the exception of Sec. 24, is located on rolling Sunshine Point. The central and eastern portion of Sec. 24 is cut by Grama Canyon and is extremely rough and broken. The soil is sandy and rocky, with exposed sandstone outcroppings.

In T. 37 N., R. 5 W., the land varies from steep and broken in Sections 24, 25, and 36, to gentle rolling in the remainder. The soil is of a rocky, sand loam with sandy clay and broken ledges along Hack Canyon.

3. All rights of the State of Arizona on the following lands have been conveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 37 N., R. 5 W.,
Sec. 2, All;
Sec. 36, All.

The areas described aggregate 1,263.16 acres.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such application, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws presented prior to 10 a.m. on November 21, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 63-11221; Filed, Oct. 23, 1963; 8:46 a.m.]

[Classification No. 606]

CALIFORNIA

Small Tract Classification; Partial Revocation

OCTOBER 15, 1963.

1. Effective immediately the following described lands listed under paragraph 1 of Federal Register Document 60-11588, appearing on page 12847 of the issue of December 14, 1960, are hereby revoked from classification order.

MOUNT DIABLO MERIDIAN

T. 45 N., R. 7 W.,
Section 11, Lot 10, formerly described as a portion of Lot 9.

Containing approximately 34.52 acres.

2. The above described land is the subject of an approved Indian Allotment Application which operates as a segregation of the land from subsequent application.

VIRGIL L. BOTTINI,
District Manager.

[F.R. Doc. 63-11222; Filed, Oct. 23, 1963; 8:46 a.m.]

[Classification No. 616]

CALIFORNIA

Small Tract Classification: Revocation and Order Providing for Opening of Public Lands

OCTOBER 15, 1963.

1. Pursuant to the authority delegated to me by the California State Director, Bureau of Land Management, under Part 1, Redelegation of Authority, dated March 27, 1962 (27 F.R. 3297), I hereby revoke, in its entirety, unpublished Classification Order No. 616, dated February 27, 1961. This order of revocation affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 5 W.,
Sec. 14: Lots 4, 5 and W½W½SW¼SW¼ (formerly described as Lot 6).

Containing approximately 17.31 acres.

2. Classification Order No. 616, an accommodation classification not published in the FEDERAL REGISTER, was provided for the benefit of the small tract applicants whose applications were of record as of the date of classification.

3. Subject lands are located approximately four miles southwest of Redding. Subsequent field investigations disclose the fact that no legal means of access can be guaranteed the applicants and the rough topography of the lands serves to preclude either leasing or sale of such tracts under the purview of the Small Tract Act.

4. The public lands affected by this order are hereby restored as of 10:00 a.m. on November 20, 1963 to the operation of the public land laws, including locations under the mining laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

VIRGIL L. BOTTINI,
District Manager.

[F.R. Doc. 63-11223; Filed, Oct. 23, 1963; 8:46 a.m.]

[Small Tract Offer No. W6-1]

WYOMING

Small Tract Opening

OCTOBER 18, 1963.

1. Effective immediately, Classification Order No. 4, Wyoming No. 1, Amended, dated January 29, 1954, and published as F.R. Doc. 54-769, appearing on pages 659 and 660 of the February 4, 1954 issue, is hereby amended to offer the small tracts described below for direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended.

SIXTH PRINCIPAL MERIDIAN

T. 32 N., R. 79 W.	Acreage	Value	Tract reference No.
Section 15:			
S½NW¼SW¼NW¼	5	1600	1
N½SW¼SW¼NW¼	5	1600	2
S½SE¼SW¼NW¼	5	700	3
Section 21:			
NW¼NE¼NE¼SE¼	2½	1200	4
NE¼NE¼NE¼SE¼	2½	1200	5
SW¼SW¼NE¼SE¼	2½	1200	6
SE¼SW¼NE¼SE¼	2½	1200	7
Section 22:			
NW¼NE¼NW¼SW¼	2½	1200	8
NE¼NE¼NW¼SW¼	2½	1200	9
SW¼NE¼NW¼SW¼	2½	1200	10
SE¼NE¼NW¼SW¼	2½	1200	11
NW¼SW¼NE¼SW¼	2½	1200	12
NE¼SW¼NE¼SW¼	2½	1200	13
NW¼SE¼NE¼SW¼	2½	1200	14
NE¼SE¼NE¼SW¼	2½	1200	15
W½SW¼SW¼SW¼	5	700	16
NE¼SW¼SW¼SW¼			
NW¼SE¼SW¼SW¼	5	850	17
N½SE¼SE¼SW¼	5	850	18
SW¼SW¼SE¼SW¼	2½	600	19
SE¼SW¼SE¼SW¼	2½	1200	20
Section 27:			
NE¼NE¼NW¼NW¼	2½	600	21
SE¼NE¼NW¼NW¼	2½	600	22
W½NW¼NE¼NW¼	5	700	23
NE¼NW¼NE¼NW¼	2½	600	24
SE¼NW¼NE¼NW¼	2½	600	25
E½SW¼NW¼NW¼	5	850	26
W½SE¼NW¼NW¼	5	850	27
W½SE¼NE¼NW¼	5	850	28
Section 28:			
NW¼SE¼NE¼NE¼	2½	1200	29
NE¼SE¼NE¼NE¼	2½	1200	30

2. For the purpose of clarity each tract described by legal subdivision has been assigned a reference number shown opposite the legal subdivision and value as set forth in paragraph 1 above.

3. The following described tracts will be sold subject to a 33-foot right-of-way for road purposes along the south boundary of tract: Section 21, tract 5; section 22, tracts 8, 10, 19 and 20; section 27, tract 23.

4. The following described tracts will be sold subject to a 33-foot right-of-way for road purposes along the north boundary of tract: Section 21, tracts 6 and 7; section 22, tract 16; section 27, tract 26.

5. The following described tracts will be sold subject to a 33-foot right-of-way for road purposes along the west boundary of tract: Section 27, tract 23.

6. The following described tracts will be sold subject to a 16½-foot right-of-way for road purposes along the south boundary of tract: Section 28, tracts 29 and 30.

7. These lands are approximately 12 miles south of the city of Casper, Wyoming. The tracts included in this offer are located in the Casper Mountain area. The area is gently rolling to steep slopes predominantly covered with a mixed stand of lodgepole pine trees. Elevation

In T. 37 N., R. 5 W., the land varies from steep and broken in Sections 24, 25, and 36, to gentle rolling in the remainder. The soil is of a rocky, sand loam with sandy clay and broken ledges along Hack Canyon.

3. All rights of the State of Arizona on the following lands have been conveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 37 N., R. 5 W.,
Sec. 2, All;
Sec. 36, All.

The areas described aggregate 1,263.16 acres.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such application, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws presented prior to 10 a.m. on November 21, 1963, will be considered as

[Classification No. 606]

CALIFORNIA

Small Tract Classification; Partial Revocation

OCTOBER 15, 1963.

1. Effective immediately the following described lands listed under paragraph 1 of Federal Register Document 60–11588, appearing on page 12847 of the issue of December 14, 1960, are hereby revoked from classification order.

MOUNT DIABLO MERIDIAN

T. 45 N., R. 7 W.,
Section 11, Lot 10, formerly described as a portion of Lot 9.

Containing approximately 34.52 acres.

2. The above described land is the subject of an approved Indian Allotment Application which operates as a segregation of the land from subsequent application.

VIRGIL L. BOTTINI,
District Manager.

[F.R. Doc. 63–11222; Filed, Oct. 23, 1963; 8:46 a.m.]

[Classification No. 616]

CALIFORNIA

Small Tract Classification: Revocation and Order Providing for Opening of Public Lands

OCTOBER 15, 1963.

1. Pursuant to the authority delegated to me by the California State Director, Bureau of Land Management, under Part 1, Redelegation of Authority, dated March 27, 1962 (27 F.R. 3297), I hereby revoke, in its entirety, unpublished Classification Order No. 616, dated February 27, 1961. This order of revocation affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 5 W.,
Sec. 14: Lots 4, 5 and W½W½SW¼SW¼ (formerly described as Lot 6).

Containing approximately 17.31 acres.

2. Classification Order No. 616, an accommodation classification not published in the FEDERAL REGISTER, was provided for the benefit of the small tract applicants whose applications were of record as of the date of classification.

3. Subject lands are located approxi-

[Small Tract Offer No. W6–1]

WYOMING

Small Tract Opening

OCTOBER 18, 1963.

1. Effective immediately, Classification Order No. 4, Wyoming No. 1, Amended, dated January 29, 1954, and published as F.R. Doc. 54–769, appearing on pages 659 and 660 of the February 4, 1954 issue, is hereby amended to offer the small tracts described below for direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended.

SIXTH PRINCIPAL MERIDIAN

T. 32 N., R. 79 W.	Acreage	Value	Tract reference No.
Section 15:			
S½NW¼SW¼NW¼	5	1600	1
N½SW¼SW¼NW¼	5	1600	2
S½SE¼SW¼NW¼	5	700	3
Section 21:			
NW¼NE¼NE¼SE¼	2½	1200	4
NE¼NE¼NE¼SE¼	2½	1200	5
SW¼SW¼NE¼SE¼	2½	1200	6
SE¼SW¼NE¼SE¼	2½	1200	7
Section 22:			
NW¼NE¼NW¼SW¼	2½	1200	8
NE¼NE¼NW¼SW¼	2½	1200	9
SW¼NE¼NW¼SW¼	2½	1200	10
SE¼NE¼NW¼SW¼	2½	1200	11
NW¼SW¼NE¼SW¼	2½	1200	12
NE¼SW¼NE¼SW¼	2½	1200	13
NW¼SE¼NE¼SW¼	2½	1200	14
NE¼SE¼NE¼SW¼	2½	1200	15
W½SW¼SW¼SW¼	5	700	16
NE¼SW¼SW¼SW¼			
NW¼SE¼SW¼SW¼	5	850	17
N½SE¼SE¼SW¼	5	850	18
SW¼SW¼SE¼SW¼	2½	600	19
SE¼SW¼SE¼SW¼	2½	1200	20
Section 27:			
NE¼NE¼NW¼NW¼	2½	600	21
SE¼NE¼NW¼NW¼	2½	600	22
W½NW¼NE¼NW¼	5	700	23
NE¼NW¼NE¼NW¼	2½	600	24
SE¼NW¼NE¼NW¼	2½	600	25
E½SW¼NW¼NW¼	5	850	26
W½SE¼NW¼NW¼	5	850	27
W½SE¼NE¼NW¼	5	850	28
Section 28:			
NW¼SE¼NE¼NE¼	2½	1200	29
NE¼SE¼NE¼NE¼	2½	1200	30

2. For the purpose of clarity each tract described by legal subdivision has been assigned a reference number shown opposite the legal subdivision and value as set forth in paragraph 1 above.

3. The following described tracts will be sold subject to a 33-foot right-of-way for road purposes along the south boundary of tract: Section 21, tract 5; section 22, tracts 8, 10, 19 and 20; section 27,

is approximately 8,000 feet. The area receives a considerable amount of precipitation as summer rains or as snow in the winter months. There is no domestic water on any of the tracts. Access to the area is precluded by snow during the winter months.

8. Sale of these tracts will be integrated into the weekly small tract auction schedule by the District Manager, Casper, Wyoming. Unsold tracts will be offered by following weekly auctions.

9. The sale of these tracts will be by tract number, and the minimum appraisal of each tract is indicated above. The tracts will be subject to all existing rights-of-way of record, and rights-of-way for roads, streets and public utilities in accordance with 43 CFR 257.17(b), will be reserved as described above.

10. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract opened under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

11. All inquiries concerning these lands should be addressed to the State Director, Bureau of Land Management, Box 929, Cheyenne, Wyoming, with envelopes designated "Casper Mountain Small Tract Offer W6–1."

JOHN R. KILLOUGH,
Acting State Director.

[F.R. Doc. 63–11226; Filed, Oct. 23, 1963; 8:46 a.m.]

[Wyoming 0280388]

WYOMING

Order Providing for Opening of Public Land

OCTOBER 18, 1963.

1. Under the provisions of section 16(b) of the Federal Airport Act, May 13, 1946 (60 Stat. 179), the following described lands were reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T.21 N., R. 87 W.,
Sec. 10, All of the N½NE¼, excepting a triangular tract located in the SW corner of N½NE¼. Said triangular tract being within the existing airport fence and said triangular tract more specifically described as follows: Beginning at a point in the West line of the NE¼ of said Section 10 from which point the North quarter corner bears N. 0°5' W., a distance of 1017.0'. Thence S. 0°5' E. along the West line of said NE¼ a distance of 304.4 feet to the Southwest corner of the NW¼NE¼ of said Section 10. Thence S. 89°44' E. along the South line of said NW¼NE¼ a distance of 822.5 feet. Thence N. 69°28' W., a distance of 915.9' to the point of beginning. The above tract being all that portion of the N½NE¼ outside the existing airport fence.

Said tract contains 77.13 acres.

2. The lands are located about 2 miles northeast of the city limits of Rawlins, Wyoming, directly north of the municipal airport lands. The topography is undulating and the lands are chiefly valuable for livestock grazing. There is no water on the tract and no improvements except the boundary fence on the south edge separating the tract from the municipal airport of the City of Rawlins.

3. The lands have been found suitable for selection by the State of Wyoming in satisfaction for losses sustained in the School Lands Selection Program.

4. Pursuant to the authority delegated to me by section 1.5(b), Part 1, Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216) of the Associate Director, Bureau of Land Management, the lands described in Paragraph 1 hereof will be open upon the publication of this notice to the filing of applications, selections, and locations under the public land laws of the United States, subject to all valid existing rights, equitable claims, the provisions of existing withdrawals and the requirements of applicable laws, rules and regulations.

5. Until 10 a.m., May 27, 1964, the State of Wyoming shall have a preference right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852) and the regulations in 43 CFR.

6. All valid applications and selections under the nonmineral public land laws other than from the State of Wyoming presented prior to 10 a.m., May 27, 1964, will be considered as simultaneously filed at that hour. Rights under applications and selections filed after that hour will be governed by the time of filing.

7. The lands have been open under the general mining laws and the mineral leasing laws, which status is not changed by this order.

8. Inquiries concerning the lands should be addressed to the Assistant State Director, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming.

JOHN R. KILLOUGH,
Acting State Director.

[F.R. Doc. 63–11227; Filed, Oct. 23, 1963; 8:46 a.m.]

Office of the Secretary

JOSEPH F. SINNOTT

Statement of Changes in Financial Interests; Correction

My "Statement of Changes in Financial Interests" of June 23, 1961 (26 F.R. 6457) should have listed in item (1) San Diego Gas & Electric Company as a corporation in which I am an officer or director. The failure to make this change was due to an oversight and inadvertence.

Dated: August 20, 1963.

This statement is made as of June 23, 1961.

JOSEPH F. SINNOTT.

[F.R. Doc. 63–11228; Filed, Oct. 23, 1963; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3–p]

PLASTIC BABY CARRIERS (INFANSEAT) FROM JAPAN

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

OCTOBER 21, 1963.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of plastic baby carriers (Infanseat) imported from Japan, manufactured by Marui Corporation, Tokyo, Japan, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of plastic baby carriers (Infanseat) from Japan, manufactured by Marui Corporation, Tokyo, Japan, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was received on July 18, 1963, and was made by the Infanseat Company, Eldora, Iowa.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 63–11248; Filed, Oct. 23, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order No. 181 [Rev.]]

ASSISTANT SECRETARY OF COMMERCE FOR DOMESTIC AND INTERNATIONAL BUSINESS

Delegation of Authority

The following order was issued by the Secretary of Commerce on October 14, 1963. This material supersedes the material appearing at 28 F.R. 1073 of February 2, 1963.

Section 1. *Purpose.* The purpose of this order is to prescribe the scope of authority and the duties and responsibilities of, and delegate authority to, the Assistant Secretary of Commerce for Domestic and International Business.

SEC. 2. *Administrative Designations.* The position of Assistant Secretary of Commerce established by Public Law 80–191 (61 Stat. 326; 5 U.S.C. 592a) is designated as the Assistant Secretary of Commerce for Domestic and International Business.

SEC. 3. *Scope and delegation of authority.* .01 The Assistant Secretary of Commerce for Domestic and International Business shall formulate policy for and exercise supervision over the Business and Defense Services Administration, the Bureau of International Commerce, the Office of Field Services, the Office of Foreign Commercial Services and the Office of Trade Adjustment. He shall also coordinate the overseas operations of the Department.

.02 Pursuant to the authority vested in the Secretary of Commerce by the Trade Expansion Act of 1962 (Public Law 87–794 of October 11, 1962), Reorganization Plan No. 5 of 1950, Executive Order 11075 of January 15, 1963 and Executive Order 11106 of April 18, 1963, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Assistant Secretary of Commerce for Domestic and International Business is hereby delegated the authority to make certifications pursuant to sections 302(b)(1) and 302(c) of the Act, and to issue rules and regulations under section 401.

SEC. 4. *Duties and responsibilities.* The Assistant Secretary of Commerce for Domestic and International Business shall serve as the principal adviser to the Secretary on all domestic and international aspects of the Department's responsibilities concerning industry, trade, investment, defense production and industrial preparedness of domestic industry, export control, and related economic matters. His particular duties and responsibilities shall include:

1. The policy direction, supervision coordination, and evaluation of existing programs of the Department in the fields of domestic and international business;

2. The expansion and revision of such programs where deemed desirable to meet the national needs;

3. The development and implementation of new programs to accomplish national objectives for improving and expanding the economic strength and security of the United States;

4. Representing the Department on policy-level committees;

5. The coordination of the Department's domestic and international business activities with other agencies of the Government; and

6. Supervision of the Department's overseas activities.

SEC. 5. *Deputy Assistant Secretary of Commerce for Domestic and International Business.* The Deputy Assistant Secretary of Commerce for Domestic and International Business shall assist the Assistant Secretary for Domestic and International Business in the formulation of policy and in supervision over the areas under his control, and shall perform the functions of the Assistant Secretary during the latter's absence.

SEC. 6. *Deputy Assistant Secretary for Trade Policy.* The Deputy Assistant Secretary for Trade Policy shall be the principal assistant and adviser to the Assistant Secretary in the formulation of U.S. trade policy and programs, and shall provide policy guidance and inter-bureau coordination under the Assistant Secretary of all programs in the area related to U.S. trade policy and the implementation of the Department's responsibility under the Trade Expansion Act of 1962 (except Trade Adjustments).

SEC. 7. *Deputy Assistant Secretary for Financial Policy.* The Deputy Assistant Secretary for Financial Policy shall be the principal assistant and adviser to the Assistant Secretary on the formulation, implementation, coordination, and evaluation of domestic and international financial policies and programs, and shall provide policy guidance and inter-bureau coordination under the Assistant Secretary of all programs in the area related to financial aspects of economic growth, export financing, foreign investment and the Department's relations with the Agency for International Development.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 63–11203; Filed, Oct. 23, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY

Proposed Issuance of Construction Permit and Facility License Amendment

Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York ("the licensee") are authorized under License No. R–46, as amended, to possess and operate at steady state power levels up to 5 megawatts (thermal) the IRL pool-type nuclear reactor located in Plainsboro Township, Middlesex County, New Jersey. By application dated July 10, 1963, and supplement thereto dated September 16, 1963 ("the application"), the licensee requested a facility license amendment to authorize construction and operation of a critical experiment described as the Advanced Pressure Tube Reactor (APTR) Critical Experiment in the IRL reactor.

Please take notice that the Atomic Energy Commission proposes to issue to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York a construction permit substantially as set forth in Appendix A which would authorize the licensee to make certain modifications in the IRL reactor necessary for the conduct of the Advanced Pressure Tube Reactor Critical Experiment.

Notice is also hereby given that upon completion of construction and inspection of the activities authorized by the construction permit the Commission may, without further prior public notice, issue an amendment to Facility License No. R–46, substantially as set forth in Appendix B, which would authorize the conduct of the APTR Critical Experiment in the modified reactor.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this construction permit and facility license amendment may file a petition for leave to intervene. Requests for a hearing and petition for leave to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see the application for license amendment and supplement thereto and the related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 22d day of October 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

APPENDIX A

INDUSTRIAL REACTOR LABORATORIES, INC., AND THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK DOCKET NO. 50–17, PROPOSED CONSTRUCTION PERMIT

1. License No. R–46, as amended, issued to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York ("the licensee"), authorizes Industrial Reactor Laboratories, Inc., to possess and the Trustees of Columbia University in the City of New York to operate the IRL nuclear reactor located in Plainsboro Township, New Jersey. By application dated July 10, 1963, and supplement thereto dated September 16, 1963 ("the application"), the licensee requested an amendment to Facility License No. R–46 to authorize construction and operation of a critical experiment described as the Advanced Pressure Tube Reactor (APTR) Critical Experiment in the IRL reactor.

2. The Atomic Energy Commission ("the Commission") hereby finds that:

A. Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York are financially and technically qualified to modify the reactor as described in the application and in accordance with the Commission's regulations;

B. Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York have submitted sufficient information to provide reasonable assurance that the reactor can be modified as proposed without undue risk to the health and safety of the public; and

C. The issuance of this construction permit will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Atomic Energy Act of 1954, as amended ("the Act"), and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York to modify the reactor as described in the application. This permit shall be deemed to contain and be subject to

the conditions specified in Sections 50.54 and

e. Insertion of the startup source shall

and Bro. Company, Inc., licensee of Sta-

Wyoming, directly north of the munic-

8:47 a.m.]

tion, the Bureau of International Com-

the principal assistant and adviser to the

permit and facility license amendment

described in the application. This permit shall be deemed to contain and be subject to

the conditions specified in Sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect and is subject to the additional conditions specified below:

A. The earliest completion date for the modifications to the reactor is November 8, 1963. The latest completion date for the modifications to the reactor is November 30, 1963.

B. The modifications to the reactor shall be accomplished in accordance with the application.

4. Upon completion of the modifications to the reactor in accordance with the terms and conditions of this permit and upon finding that the reactor will operate in conformity with the application for license, as amended, and in conformity with the provisions of the Act and the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license amendment would not be in accordance with the provisions of the Act, the Commission will, pursuant to the Act, issue to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York an amendment to Facility License No. R-46, as amended, authorizing operation of the reactor as modified for the conduct of the APTR Critical Experiment.

Date of issuance:

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

APPENDIX B

INDUSTRIAL REACTOR LABORATORIES, INC., AND THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK DOCKET NO. 50-17, PROPOSED FACILITY LICENSE AMENDMENT

Facility License No. R-46, as amended, issued to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York ("the licensee"), is hereby further amended as follows:

1. In addition to the activities previously authorized under Facility License No. R-46, as amended, the licensee is hereby authorized to operate the modified IRL reactor for the conduct of the Advanced Pressure Tube Reactor (APTR) Critical Experiment in the manner described in the application dated July 10, 1963, and supplement thereto dated September 16, 1963, and in accordance with the procedures and subject to the limitations set forth in License No. R-46, as amended, and subject to the following conditions:

a. The maximum excess reactivity which will be loaded into the APTR Critical Experiment core shall never exceed 0.15 based upon all control rods fully withdrawn and shim drums rotated in their full out positions.

b. The APTR Critical Experiment excess reactivity shall never exceed that excess reactivity which can be controlled and shut down by the four least effective of the five safety rods.

c. The maximum excess reactivity which will be available to the console operator by movement of the five safety rods in gang will never exceed 0.09. This maximum reactivity limitation means that the core shall never be made critical with the five safety rods inserted below 50 percent.

d. With the exception of the startup source and experiments worth less than .001, the maximum subcritical margin that will exist during manipulation of any core components or devices in and about the core will be 0.05. During manipulation of fuel elements or experiments having a net positive reactivity effect greater than 0.007 all safety rods shall be fully inserted.

e. Insertion of the startup source shall be accomplished only when the core K_{eff} is less than 0.98 and removal of the source upon reaching criticality shall be done in a slow manner with close supervision.

f. Experimental equipment having a measured reactivity worth of less than 0.001 may be manipulated with the reactor critical. Such equipment shall consist of small samples used in danger coefficient experiments and the miniature fission chambers.

The miniature fission chambers shall be contained within guide tubes which are plugged into the top of a fuel element pressure tube. The guide tubes are supported at the top by a clamp and frame which is secured to the core support tower. Movement of the miniature fission chambers shall be made in small increments by loosening a set screw and by hand lowering or raising the miniature fission chambers to the desired location after which the set screw is tightened. Samples used for danger coefficient measurements will be manipulated with a wire by an operator standing above the core.

g. The restriction for the maximum worth of experiments in the APTR Critical Experiment core and the maximum individual worth of an experiment shall be the same as presently authorized by the IRL facility license.

h. Rotation of any shim rod shall be accomplished only with core K_{eff} less than 0.97.

i. Removal and reinsertion of the entire loop mock-up will not be permitted unless the core fuel elements are removed and a new approach to critical performed.

j. The maximum power at which the APTR Critical Experiment core will be operated shall not exceed 100 watts.

k. The two high flux level scrams shall be set at a level not greater than 150 watts.

2. The licensee shall file with the Atomic Energy Commission no later than sixty days after completion of the experiment a report describing the measured values obtained.

This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-11289; Filed, Oct. 23, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15196; FCC 63-959]

BIG CHIEF BROADCASTING CO., INC. (KLPR)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Big Chief Broadcasting Company, Inc. (KLPR), Oklahoma City, Oklahoma, Docket No. 15196, File No. BP-13519, has: 1140 kc, 1 kw, Day, Class II, requests: 1140 kc, 500 w, 1 kw-LS, DA-N, U, Class II (including a slight change in the daytime operation); for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) the letter objections dated June 10, 1960, June 29, 1961, April 9, 1962, and September 10, 1963 by Larus and Bro. Company, Inc., licensee of Station WRVA, Richmond, Virginia, directed against the above-captioned application; (c) the motions to strike the aforementioned letter objections filed on July 24, 1961, and April 24, 1962 by Big Chief Broadcasting Company, Inc., licensee of Station KLPR, Oklahoma City, Oklahoma and (d) the "Opposition to Motion to Strike" filed on May 2, 1962 by Larus and Bro. Company, Inc.

2. The application was originally filed on September 15, 1959 and amended on December 31, 1959. On June 10, 1960, WRVA filed a letter objection to a grant of this application requesting that the application be designated for hearing and WRVA be made a party respondent. Attached to the June, 1960 letter objection was an engineering study pointing out certain deficiencies in the technical proposal of Station KLPR. The alleged deficiencies are that the proposed operation would not protect the secondary skywave service of Station WRVA; that the proposal does not meet the FCC Rules concerning minimum ground system and effective field; and that the proposal does not meet the coverage requirements of the Commission's rules as to Oklahoma City. The proposal was again amended on February 9, 1961. On June 29, 1961, WRVA filed another letter objection to a grant of this proposal to which was attached a revised engineering study. WRVA again alleges that there is no assurance that the directional antenna system of KLPR can or will be adjusted and maintained to protect the normally protected WRVA skywave service. It also alleges anew that the proposed operation will not meet the coverage requirements of the Commission's rules, and a new question is raised as to whether the proposal will comply with the provisions of § 3.28(d)(3) of the rules (10 percent Rule) because of increased population shown by the 1960 Census. Against this letter the applicant filed a motion to strike. On April 9, 1962 WRVA filed its third letter objection which was particularly directed to KLPR's violation of the 10 percent Rule. According to WRVA the proposal of KLPR will receive interference that affects 51,076 persons (15.56 percent) within KLPR's normally protected primary service contour. On April 24, 1962, KLPR again filed a motion to strike this last letter objection. On May 2, 1962, WRVA filed an "Opposition to Motion to Strike". The application was again amended on March 14, 1963, and in a final objection filed on September 10, 1963, WRVA claims that the application is still deficient in several respects including the question of adequate protection to the WRVA secondary service area. This summarizes the pleadings before the Commission.

3. The motions to strike filed by KLPR were based on the theory that this application is governed by the former "protest" provisions of section 309 of the Communications Act of 1934, in force prior to September 13, 1960, rather than by the present provisions of section 309 of the Act. However, it is clear that action on this application is governed by the present provisions of section 309. Although this application was

filed prior to the enactment of the 1960 amendment, the Commission specifically provided that this type of application would be governed by section 309 as amended. Accordingly the motions to strike will be dismissed.

4. Upon examination of the application together with amendments thereto, the Commission finds that the applicant is legally, technically, financially and otherwise qualified to operate KLPR as proposed, but because of the problems indicated hereinafter, including a substantial question as to whether the proposed operation of KLPR would afford adequate protection to WRVA, the Commission is unable to find that a grant of the KLPR application without hearing would serve the public interest, convenience and necessity. Therefore, the application will be designated for hearing, Larus and Brother Company, Inc., will be named a party respondent, and the following matters will be considered in connection with the issues specified below:

1. Based on a nighttime limitation of 3.95 mv/m the applicant has indicated that this proposal will lose 12.6 percent of the population within the normally protected nighttime contour (2.5 mv/m). This limitation of 3.95 mv/m is entirely due to the operation of Station WRVA. The proposed operation may suffer a population loss greater than 12.6 percent of population due to interference from the operation of Station XEMR, Monterrey, Nueva Leon, Mexico. Therefore, a question obtains concerning compliance with § 3.28(d)(3) of the Commission's rules.

2. The proposed 25 mv/m nighttime contour fails to cover the business or factory areas of Oklahoma City, Oklahoma as required by § 3.188(b)(1) of the Commission's rules.

3. The proposal will not provide at least a 5 mv/m contour coverage during nighttime hours over the entire residential section of Oklahoma City, Oklahoma as required by § 3.188(b)(2) of the Commission's rules.

4. The presence of power lines and man-made structures in the vicinity of the proposed antenna site and the fact that only minor changes in the specified operating parameters would cause the MEOV's of radiation to be exceeded, raise a question as to whether the proposed directional array can be satisfactorily adjusted and maintained and whether, in fact, adequate nighttime protection would be afforded Station WRVA.

Accordingly it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KLPR and the availability of other primary service to such areas and populations.

2. To determine whether the interference received by this proposal from other existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission's rules and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the proposal of KLPR would provide coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the proposal of KLPR would provide coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the applicant will be able to adjust and maintain the directional antenna system as proposed in the instant application and adequately protect Station WRVA.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Larus and Bro. Company, Inc., licensee of Station WRVA, Richmond, Virginia, is made a party respondent to the proceeding.

It is further ordered, That the motions to strike filed by Big Chief Broadcasting Company, Inc. are dismissed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Adopted: October 16, 1963.

Released: October 21, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11257; Filed, Oct. 23, 1963; 8:48 a.m.]

[Docket Nos. 14693, 14694; FCC 63M-1149]

JOHN A. EGLE AND KLFT RADIO, INC.

Order Scheduling Hearing

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

It is ordered, This 18th day of October 1963, that all parties, or their counsel, in the above-styled proceeding are directed to appear for a hearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 2 p.m., October 24, 1963, for the purpose of expediting the hearing to be held pursuant to the Memorandum Opinion and Order issued by the Commission on October 17, 1963, remanding the above-styled proceeding for further hearing on issues therein specified.

Released: October 21, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11258; Filed, Oct. 23, 1963; 8:48 a.m.]

[Docket No. 15195]

JOHN H. GUIFFRA

Order To Show Cause

In the matter of John H. Guiffra, Millville, New Jersey, Docket No. 15195; order to show cause why there should not be revoked the license for Radio Station WR-8276 aboard the Vessel "Rufus."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Letter dated January 21, 1963, concerning violation of §§ 8.366(e), 8.178, and 8.364(a) of the Commission's rules."

It further appearing that said licensee did not reply to such communication or to a follow-up letter dated Jan. 29, 1963, also mailed to the licensee at his address of record; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 18th day of October 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order;

And it is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested—to the said licensee at his last known

address of 20 Hillside Avenue, Millville, New Jersey.

Released: October 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11259; Filed, Oct. 23, 1963; 8:48 a.m.]

[Docket No. 14611; FCC 63M-1148]

PROGRESS BROADCASTING CORP. (WHOM)

Memorandum Opinion and Order Continuing Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; for construction permit.

1. Progress Broadcasting Corporation (WHOM), on September 25, 1963, filed a petition requesting further continuance relative to the date for exchange of exhibits and commencement of hearing. It requested an indefinite continuance for the hearing date. Objections to the pleading were filed on behalf of K & M Publishing Company, Inc., and the Commission's Broadcast Bureau. Oral argument was heard October 11, 1963 on this pleading.

2. The facts relating to the background of the request for further continuance are set out in Memorandum Opinion and Order of the Hearing Examiner, released January 17, 1963 (FCC 63M-87) and referred to in the Review Board's Memorandum Opinion and Order, released March 14, 1963 (FCC 63R-124). It is not deemed necessary to again reiterate the facts involved in the instant request for continuance, which, however, brought right down to "bare bones" is that the applicant after it filed its application was apprised that its transmitter site might be taken through right of eminent domain by the New Jersey turnpike authorities. While K & M and the Broadcast Bureau argued strenuously against a grant of further continuance, it has not been brought to the attention of the Hearing Examiner where the future public interest can conceivably be affected by a further continuance while a cloud of condemnation hangs over the transmitter site of the applicant.

3. It is here again regarded that good and sufficient cause exists why further relief should be granted to the applicant.

Accordingly, it is ordered, This 17th day of October 1963, that the petition is granted in part and denied in part, and that the exchange of exhibits shall be accomplished on or before April 21, 1964 in lieu of October 7, 1963, and the hearing now scheduled for November 12, 1963, be and the same is hereby rescheduled for May 21, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: October 18, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11260; Filed, Oct. 23, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1017]

ATLANTIC AND GULF-INDONESIA CONFERENCE

Exclusive Patronage (Dual Rate) Contract; Interim Approval of Amendment to Exclusive Patronage (Dual Rate) System

Atlantic and Gulf-Indonesia Conference Agreement No. 8080 has filed a request for permission under section 14b of the Shipping Act, 1916 to increase the scope of its exclusive patronage (dual rate) system.

This conference amended its dual rate contract and filed such amended contract with the Commission pursuant to section 3 of Public Law 87-346. Said section 3 provides that such contract shall remain lawful for a period not beyond April 3, 1964 and that prior to such time the Commission shall approve, disapprove, cancel or modify such dual rate contract.

Notice of the filing of the request for permission to increase the scope of the contract rate system was published in the FEDERAL REGISTER on September 21, 1963 and interested persons were invited to comment thereon. No comments were received by the Commission pursuant to such publication.

Whereas, examination fails to show the modification to be unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act, 1916;

Now therefore, by virtue of the authority vested in the Commission;

It is ordered, That pursuant to section 14b of the Shipping Act, 1916, and without prejudice to the future action of the Commission pursuant to section 3 of Public Law 87-346, as amended, permission is granted to extend the scope of the Conference dual rate system to include ports in Portuguese Timor and West Irian.

By the Commission.

THOMAS LISI,
Secretary.

OCTOBER 16, 1963.

[F.R. Doc. 63-11255; Filed, Oct. 23, 1963; 8:48 a.m.]

DUMONT SHIPPING CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Dumont Shipping Co., Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Seaport Shipping Co., Portland, Oreg	FF-1127
Gulf Forwarding Co., New Orleans, La	FF-1128
J. K. Ebberwein, Savannah, Ga	FF-1129

The following agreements have similar terms:

J. W. Allen & Co., Inc., New Orleans, La., and Tone Forwarding Corp., New York, N.Y.	FF-1102
Vima Shipping Co., New York, N.Y. and Universal Transport Corp., New York, N.Y.	FF-1103
Southern Shipping Co., Inc., Savannah, Ga. and Cavalier Shipping Co., Inc., Norfolk, Va.	FF-1104
John H. Faunce, New York, Inc., New York, N.Y. and Joseph Craig and Co., Savannah, Ga.	FF-1106
Uno Shipping Co., Inc., New York, N.Y. and Stone Forwarding Company, Inc., Houston, Tex.	FF-1107
Lyons Export & Import, Inc., Chicago 3, Ill. and D. D. Klinger & Company, Indianapolis, Ind.	FF-1111
Fillette, Green & Co. of Tampa, Tampa, Fla. and H. A. Gogarty, Inc., New York, N.Y.	FF-1113
H. A. Gogarty, Inc., New York, N.Y. and C. S. Greene & Co., Inc., Chicago, Ill.	FF-1114
Bartz Forwarding Co., Inc., Brownsville, Tex. and Gerard F. Tujague, Inc., New Orleans, La.	FF-1115
Loretz & Company, Los Angeles, Calif. (and branches) and Missionary Expediters, New Orleans, La	FF-1116
John A. Merritt & Company, Pensacola, Fla. and Heide and Co., Inc., Wilmington, N.C.	FF-1117
George M. Leininger Co., Inc., New Orleans, La. and W. O. Smith Co., Inc., New York, N.Y.	FF-1118
Uno Shipping Co., Inc., New York, N.Y. and Coastal Forwarders, Charleston, S.C.	FF-1119
Adolf Blum & Popper, Inc., New York, N.Y. and Charleston Overseas Forwarders, Inc., Charleston, S.C	FF-1120
Heemsoth-Kerner Corp., New York, N.Y. and Herbert B. Moller, Jacksonville, Fla.	FF-1121
United Forwarders Service, Inc., New York, N.Y. and Transoceanic Shipping Co., Inc., Houston, Tex.	FF-1125
Gulf Florida Terminal Company, Tampa, Fla. and J. W. Allen & Company, Inc., New Orleans, La.	FF-1130
American Union Transport, Inc., New York, N.Y. and Charleston Overseas Forwarders, Inc., Charleston, S.C.	FF-1131
Baker, Irons & Dockstader, Inc., New York, N.Y. and Win-Mar, Inc., New Orleans, La.	FF-1132
Block Overseas Shipping Co., New York, N.Y. and Stanley Lindo & Co., Los Angeles, Calif.	FF-1133

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway, New York, N.Y., 180 New Montgomery Street, San Francisco, Calif.

Room 333 Federal Office Building, South, 600 South Street, New Orleans 12, La.
Mail Address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 18, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11256; Filed, Oct. 23, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-191]

ATLANTIC REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

OCTOBER 17, 1963.

On September 20, 1963, The Atlantic Refining Company (Atlantic) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change,[2] dated September 19, 1963.
Purchaser and producing area: El Paso Natural Gas Company (Various Fields, Lea County, New Mexico) (Permian Basin Area).
Rate schedule designation: Supplement No. 15 to Atlantic's FPC Gas Rate Schedule No. 20.
Effective date: October 21, 1963,[3]
Amount of annual increase: $236,935.
Effective rate: 7.5 cents per Mcf.[4]
Proposed rate: 13.8103 cents per Mcf.[5 6 7]
Pressure base: 14.65 psia.

Atlantic requests a retroactive effective date of November 20, 1962, for its proposed renegotiated rate increase. Good cause has not been shown for granting Atlantic's request for the November 20, 1962, effective date and such request is denied.

Atlantic filed a letter agreement dated February 27, 1963, and a supplemental agreement dated November 20, 1962, defining the terms of a sale for spent lift gas processed in Warren Petroleum Corporation's Monument Plant and a notice of change in rate for spent lift gas.[8]

The letter agreement dated February 27, 1963, between Warren Petroleum Corporation (Warren) and El Paso Natural Gas Company (El Paso) cancels an agreement dated March 13, 1963, under which Continental Oil Company, Pan American Petroleum Corporation, Standard Oil Company of Texas and Atlantic agreed to sell to El Paso at a rate of 7.5 cents per Mcf the residue remaining after the gas lift gas was processed in Warren's Monument Plant.

The supplemental agreement dated November 20, 1962, is a contract amendment defining the conditions under which Warren will process the producer's spent lift gas and provides for a rate to El Paso of 14.0 cents per Mcf for the processed gas.

Atlantic's notice of change reflects an increase in rate from 7.5 cents to 14.0 cents per Mcf subject to a 0.5 cent per Mcf reduction for compression. The total rate of 13.8103 cents includes 0.3103 cent for tax reimbursement, of which 0.2582 cent is reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. Gas well gas not used for lift purposes is sold at a 15.5744 cents per Mcf rate, presently effective subject to refund.[9]

El Paso has protested the rate increase filed by Atlantic. El Paso questions the right of Atlantic under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim that there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein shall concern itself with the contractual basis as well as the statutory lawfulness of Atlantic's rate filing.

The proposed increased rate exceeds the applicable 11.0 cents per Mcf area ceiling for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis of the proposed filing, as well as the statutory lawfulness of Atlantic's proposed change, and that Supplement No. 15 to Atlantic's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis of the proposed rate filing which El Paso has protested, and the statutory lawfulness of Atlantic's proposed increased rate and charge contained in Supplement No. 15 to Atlantic's FPC Gas Rate Schedule No. 20.

(B) Pending a hearing and decision thereon, Supplement No. 15 to Atlantic's FPC Gas Rate Schedule No. 20 is hereby suspended and the use thereof deferred until March 21, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 4, 1963.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11210; Filed, Oct. 23, 1963; 8:46 a.m.]

[Docket Nos. CP63-126 etc.]

EL PASO NATURAL GAS CO. ET AL.

Order Allowing Withdrawal of Application and Severing Docket From Consolidated Proceeding

OCTOBER 17, 1963.

El Paso Natural Gas Company, Docket No. CP63-126; Southwest Production Company, Docket No. CI63-618; Pan American Petroleum Corporation, Docket No. CI63-1455; Pan American Petroleum Corporation, Docket Nos. CI64-169; CI64-170; CI64-171; CI64-172; CI64-173; CI64-174; CI64-175; CI64-176; CI64-177; CI64-178; CI64-179; CI64-180.

On September 23, 1963, Southwest Production Company (Southwest) filed in Docket No. CI63-618 a notice of withdrawal of its application for a certificate of public convenience and necessity filed November 9, 1962.

Questions concerning the proposed purchase of leases by Southwest from Pan American Petroleum Corporation (Pan American) and the sale of gas by Southwest to El Paso Natural Gas Company (El Paso) were raised in a prehearing conference. As a result thereof all

[1] Address is: P.O. Box 2819, Dallas 21, Tex.
[2] Applicable only to spent lift gas.
[3] The stated effective date is the first day after expiration of the required thirty days' notice.
[4] Rate in original gas lift agreement.
[5] Includes 0.2581 cent per Mcf tax reimbursement for 75 percent of 2.55 percent N. Mex. Oil and Gas Emergency School Tax.
[6] Includes 0.5 cent per Mcf deduction for compression.
[7] Renegotiated rate increase.
[8] Gas well gas returned at a reduced pressure after injection into the well bore to lift oil.
[9] The last clean rate for high pressure gas well gas under Atlantic's rate schedule is 10.50118 cents per Mcf, including tax reimbursement.

of the applicants listed in the caption of this order decided that the transaction should be simplified and revised in a manner which eliminates Southwest as a participant.

During the course of the hearing in Docket Nos. CP63–126, et al., counsel for both Pan American and El Paso indicated that these two applicants were currently negotiating a new agreement and that they would subsequently file amendments to their original applications.

The Commission finds: It is appropriate in the administration of the Natural Gas Act that Southwest's request to withdraw its application in Docket No. CI63–618 be granted, and that such application be severed from the consolidated proceeding in Docket Nos. CP63–126, CI63–1455 and CI64–169 through CI64–180 inclusively.

The Commission orders:

(A) Southwest's applications in Docket No. CI63–618 is hereby severed from the consolidated proceeding in Docket Nos. CP63–126, CI63–1455, and CI64–169 through CI64–180.

(B) Southwest Production Company's request to withdraw its application filed November 9, 1962, is hereby granted pursuant to § 1.11(d) of the Commission's rules of Practice and Procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–11211; Filed, Oct. 23, 1963; 8:45 a.m.]

[Docket No. RI61–245]

WILLIAM GRAHAM OIL CO. ET AL.

Order Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Successor To File Agreement and Undertaking

OCTOBER 17, 1963.

William Graham Oil Company (Operator), et al., and Cities Service Oil Company, Docket No. RI61–245.

Cities Service Oil Company (Cities Service) has reacquired, by reversion, a 25 percent interest in the property formerly dedicated under William Graham Oil Company (Operator), et al. (Graham) FPC Gas Rate Schedule No. 9, as supplemented, for the jurisdictional sale of natural gas in the Hugoton Field, Haskell County, Kansas, to Colorado Interstate Gas Company (Colorado Interstate). The presently effective rate under Graham's FPC Gas Rate Schedule No. 9 is 12.5 cents per Mcf, at 14.65 psia, which was suspended and placed into effect subject to refund in Docket No. RI61–245.

By letter order issued September 26, 1963, Cities Service was granted temporary authorization, in Docket No. CI63–1307, to sell gas to Colorado Interstate under Cities Service's FPC Gas Rate Schedule No. 165. The temporary authorization provided for a price of 12.5 cents per Mcf at 14.65 psia, subject to refunding to Colorado Interstate, from the date of temporary authorization, any amounts collected plus interest at seven percent per annum in excess of the rate determined to be just and reasonable for the subject sale in Docket No. RI61–245. It was also indicated that Cities Service would be made a corespondent in Docket No. RI61–245 by separate order.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder, that Cities Service be joined as corespondent with Graham in the rate proceeding in Docket No. RI61–245, that such proceeding be redesignated accordingly, and that Cities Service be required to file an agreement and undertaking in Docket No. RI61–245.

The Commission orders:

(A) Cities Service is hereby joined as corespondent with Graham in the proceeding in Docket No. RI61–245, and the proceeding is hereby redesignated as "William Graham Oil Company (Operator), et al. and Cities Service Oil Company".

(B) Within 30 days from the issuance of this order, Cities Service shall execute and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI61–245 to assure refund of any excess charges which the Commission may require in accordance with the provisions of the temporary authorization granted in Docket No. CI63–1307. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(C) Cities Service shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and its agreement and undertaking filed in Docket No. RI61–245 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–11212; Filed, Oct. 23, 1963; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN CATEGORY 63 PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Restriction on Entry or Withdrawal From Warehouse

OCTOBER 21, 1963.

There is published below a letter of October 21, 1963, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of Category 63 cotton textile and cotton textile products, restricted to certain designated Schedule A numbers (or T.S.U.S.A. numbers), produced or manufactured in the Philippines, which may be entered, or withdrawn from warehouse, for consumption in the United States from May 31, 1963, through May 30, 1964, be limited to 455,000 pounds.

This letter represents an amendment to the directive of August 14, 1963, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, published in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), concerning cotton textiles from the Philippines.

G. ERVIN DIXON, *Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

October 21, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements and amends my letter to you of August 14, 1963, published in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), regarding restraints on imports of cotton textiles and cotton textile products in Categories 39, 45, 52, 59, and 63, produced or manufactured in the Philippines. In that letter you were directed to prohibit entry for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the stated categories in excess of designated levels of restraint established for the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

The United States Government has now agreed to allow entry of an additional 200,000 pounds in Category 63, effective May 31, 1963, which would raise to 455,000 pounds the twelve-month level of restraint beginning May 31, 1963. In addition, the directive of August 14, 1963, above referred to, should be amended to restrict the level of restraint in Category 63 to Schedule A Nos. 3114 260 and 3114 960 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63), effective May 31, 1963.

Accordingly, you are directed, under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1963, to prohibit, effective May 31, 1963, and for the period extending through May 30, 1964, entry into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles and cotton textile products in Schedule A Nos. 3114 260 and 3114 960 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63) of Category 63, produced or manufactured in the Philippines, in excess of the corrected level of restraint provided:

Category	T.S.U.S.A. numbers	12-month level of restraint	Corrected level of restraint
63	382.03 77 380.03 63	*Pounds* 255,000	*Pounds* 455,000

Adjustments have not been made to reflect entries made during the period May 31, 1963, to date.

A detailed description of the listed T.S.U.S.A. numbers in Category 63 was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

All other directions given in my letter of August 14, 1963, published in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), remain unchanged.

This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES, *Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 63–11250; Filed, Oct. 23, 1963; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Limitation on the Entry or Withdrawal From Warehouse

OCTOBER 21, 1963.

There is published below a letter of October 21, 1963, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of Category 35 cotton textile products produced or manufactured in Poland which may be entered, or withdrawn from warehouse, for consumption in the United States from August 30, 1963, through August 29, 1964, be limited to 72,000 units.

The above import control represents a continuation on a twelve-month basis of the restraint level set for Category 35 from Poland by letter of September 23, 1963, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, published in the FEDERAL REGISTER on September 26, 1963 (28 F.R. 10443).

G. ERVIN DIXON, *Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

October 21, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements my letter to you of September 23, 1963, appearing in the Federal Register on September 26, 1963 (28 F.R. 10443), regarding restraints on imports of cotton textiles and cotton textile products in Category 35, produced or manufactured in Poland. As you were advised in that letter, the United States Government on August 30, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Poland to restrain the export of cotton textiles and cotton textile products in Category 35 to the United States during the twelve-month period beginning August 30, 1963. The period of discussion with the Government of Poland on the restraint request made by the United States, carried out under the terms of Article 3(3) of the Long Term Arrangement, will expire on October 29, 1963.

Accordingly, under the terms of the Long Term Arrangement, including Article 6 relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective immediately upon the expiration of the directive contained in my letter to you of September 23, 1963, referred to above, and for the period extending through August 29, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 35, produced or manufactured in Poland, in excess of the corrected level of restraint provided:

Category	12-month level of restraint	Corrected level of restraint
35	*Units* 72,000	*Units* 72,000

There have been no entries during the period August 30, 1963, to date.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 35, produced or manufactured in Poland, when such goods have been exported to the United States from Poland prior to August 30, 1963, regardless of whether the restraint levels have been filled, and such goods, exported to the United States from Poland prior to August 30, 1963, are not to be counted against the restraint level even if not filled at the time of entry.

A detailed description of the category listed in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES, *Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 63–11251; Filed, Oct. 23, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1611]

A.V.C. CORP.

Notice of Filing of Application for Order Permitting Issuance of Shares Below Net Asset Value

OCTOBER 17, 1963.

Notice is hereby given that A.V.C. Corporation ("A.V.C."), 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a closed-end investment company which is registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 23(b)(5) of the Act or alternatively pursuant to section 6(c), for an order of the Commission permitting the issuance of stock of A.V.C. at less than net asset value, in accordance with the terms of outstanding options to purchase such stock. All interested persons are referred to the application on file with the Commission for a complete statement of A.V.C.'s representations, which are summarized below.

On January 21, 1963, A.V.C., which was then known as American Viscose Corporation, a leading producer of rayon, acetate and cellophane, entered into an agreement with FMC Corporation ("FMC") whereby it agreed to sell to FMC all of its assets, except certain marketable securities, cash and shares of common stock of Monsanto Chemical Company, for the sum of $116,000,000 (subject to certain adjustments) plus the assumption by FMC of certain liabilities of A.V.C. On April 4, 1963, A.V.C. registered under the Act. The transactions with FMC were consummated on August 5, 1963, and the total assets of A.V.C. as of the following day consisted of cash and cash items amounting to $177,318,124 and stock of Monsanto Chemical Company valued at market in the amount of $189,675,324. There were 4,755,024 shares of A.V.C. common stock outstanding as of the latter date.

A.V.C. had had in effect since November 1950 a stock option plan for its principal officers, executives and key managerial employees. As of the date of the agreement with FMC, A.V.C. had outstanding options to purchase 36,527 shares of A.V.C. common stock. No options have been granted since December 1961. Under the terms of the agreement with FMC, the latter agreed to substitute options to purchase FMC stock for options granted by A.V.C. but only with respect to those options which by their terms could not have been exercised prior to August 5, 1963. As a result of this provision of the agreement between A.V.C. and FMC, options to purchase a total of 4,714 shares of A.V.C. stock were still outstanding on August 6, 1963, of which options to purchase 2,228 shares were held by five officers of A.V.C. and the remaining options were held by employees other than officers. Such options are exercisable at prices ranging from $27 to $54.25 per share. All of the outstanding options qualify as restricted stock options under section 421(d) of the Internal Revenue Code of 1954. Pursuant to the agreement with FMC, all officers and employees of A.V.C. who held the above options became employees of FMC as of August 5, 1963 and their employment by A.V.C. terminated on that date. Under the A.V.C. stock option plan the presently outstanding options will lapse unless exercised within three months after the termination of such employment. Accordingly, the options in question must be exercised by November 5, 1963.

Since the net asset value of A.V.C. stock as of August 6, 1963, was approximately $77 per share, the exercise of the above options would require the company to issue stock at a price below the net asset value, contrary to the provisions of section 23(b) of the Investment Company Act. Section 23(b) provides in pertinent part that no registered closed-end company shall sell any of its common

stock below the current net asset value of such stock, except (1) in connection with an offering to the holders of one or more classes of its capital stock; (2) with the consent of a majority of its common stockholders; (3) upon conversion of a convertible security in accordance with its terms; (4) upon the exercise of any warrant outstanding on the date of enactment of this Act or issued in accordance with the provisions of section 18(d) of the Act, or (5) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors. Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. A.V.C. requests that the Commission issue an order pursuant to section 23(b)(5) or, alternatively, pursuant to section 6(c) permitting the issuance of the 4,714 shares of A.V.C. at less than net asset value, upon the exercise of the presently outstanding options.

In support of the application it is stated that the options to purchase A.V.C. stock presently exercisable were granted at a time when the company was not an investment company and became a valid obligation of the company. In addition, the application points out that, since the option plan was approved by the company's stockholders, they have consented to the issuance of stock at the option prices, recognizing that the options would not be exercised unless the market value of the company's stock were considerably higher than the option price. The shareholders approved the original adoption of the plan in November 1950 and the revisions of the plan in October 1955 and May 1958. The issuance of 4,714 shares of A.V.C. pursuant to the outstanding options would result in a reduction in the net asset value per share of A.V.C., computed as of August 6, 1963, from $77.18 to $77.143, or less than four cents per share.

Notice is further given that any interested person may, not later than October 31, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon A.V.C. at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–11230; Filed, Oct. 23, 1963; 8:47 a.m.]

[File No. 24SF–2981]

BLUE HAVEN POOLS

Notice and Order for Hearing

OCTOBER 18, 1963.

I. Blue Haven Pools (issuer) was incorporated in California in 1955 to engage in the general business of constructing, equipping and maintaining swimming pools, present address 11933 Vose Street, North Hollywood, California.

On November 1, 1961, issuer and Norman Udkoff, Harold Udkoff, Leon Zisfain and Jack A. Berg, as selling stockholders, filed with the San Francisco Regional Office a notification on Form 1–A, form of underwriting agreement, and proposed form of offering circular relating to an offering of 35,000 shares, on behalf of issuer, and 20,000 shares, on behalf of the selling stockholders, of issuer's $1.00 par value common capital stock at $4.00 per share, for an aggregate offering price of $220,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Pacific Coast Securities Company, a corporation of San Francisco, California, was the underwriter.

II. The Commission, on September 18, 1963, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on November 13, 1963, at the San Francisco Regional Office of the Commission, 821 Market Street, San Francisco, California, with respect to the matters set forth in section II of the Commission's order dated September 18, 1963, which temporarily suspended the Regulation A exemption of Blue Haven Pools, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That Sidney Gross, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Blue Haven Pools and that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before November 8, 1963, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Blue Haven Pools, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated September 18, 1963. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Blue Haven Pools does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated September 18, 1963.

Notice is hereby given that if Blue Haven Pools fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Blue Haven Pools by the Commission upon consideration of this notice and order for hearing and said allegations in section II of the Commission's order dated September 18, 1963, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–11231; Filed, Oct. 23, 1963; 8:47 a.m.]

[File No. 812–1619]

GREAT LAKES INDUSTRIES, INC.

Notice of and Order for Hearing on Application for Order That Company Is Not an Investment Company

OCTOBER 17, 1963.

Notice is hereby given that Great Lakes Industries, Inc. ("Applicant"), 521 West 6th Street, Monmouth, Illinois, an Illinois corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses. All interested persons are referred to the application, which is on file with the Commission, for a full statement of applicant's representations, which are summarized below.

Section 3(a)(1) of the Act defines an investment company as an issuer which is or holds itself out as being engaged primarily or proposes to engage primarily in the business of investing, reinvesting, or trading in securities. Section 3(a)(3) of the Act defines an investment company as an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of the issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For the purposes of section 3(a)(3), "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the issuer which are not investment companies.

Applicant states that prior to 1960 it engaged in the business of producing metal platings and that since November 1960, when it merged with Western Stoneware Company, a manufacturer of clay products, it has continued to produce metal platings, but has been primarily engaged in the business of manufacturing commercial stoneware and related clay products. During 1962, Great Lakes' sales of metal platings and of commercial stoneware and clay products amounted to $650,869 and $1,471,113, respectively.

Applicant also states that between November 1961 and November 1962 it acquired 179,423 shares, or approximately 25.1 percent of the outstanding capital stock of Natco Corporation ("Natco"), which is engaged in the business of manufacturing structural clay products, with a view towards participating in the control and management of Natco.

The application indicates that as of June 30, 1962, the assets of Great Lakes, stated at cost, aggregated $3,320,480, including $268,483 of cash, $492,784 of fixed assets, net of depreciation, and $2,149,607 representing the cost of Great Lakes' interest in Natco. The latter amount is equivalent to approximately 70.4 percent of the cost of Great Lakes assets exclusive of cash. Applicant states that the market value of its interest in the stock of Natco at June 30, 1962 was $1,547,523, which is equal to approximately 63 percent of Great Lakes' total assets (less cash), adjusted to reflect the interest in Natco at the market value indicated hereinabove.

The application states that it is the belief of Great Lakes' management that the fair market value of Great Lakes' fixed assets is many times their net book value shown hereinabove. On such basis, Great Lakes would not be an investment company as defined in section 3(a)(3). The application does not assign the reasons for the management's belief as to the fair market value of Great Lakes' fixed assets.

Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses.

The Applicant states that it has approximately 300 employees, all of whom are engaged in its manufacturing operations; that it employs no securities analysts or investment advisers; that its holdings of Natco stock, which are "investment securities' for the purposes of section 3(a)(3), are the only such securities it owns; and that "The activities of Great Lakes in acquiring and holding the stock of Natco have been concentrated upon participation in the control and management of Natco."

In the latter connection, the application states that four directors of Great Lakes are also members of Natco's board of directors consisting of ten members; that one of Great Lakes' directors who is serving as a director of Natco is also a member of the Executive Committee of Natco; that the Great Lakes' representatives on Natco's board of directors, particularly the one also serving on the Executive Committee of Natco, have participated in the management of Natco; and that such activities described in the application demonstrate the ability of Great Lakes to exercise a controlling influence in the management of Natco.

According to the application, the Great Lakes' representatives obtained their positions in the management of Natco under the following circumstances: In April 1962, about four months after Great Lakes started to acquire Natco stock, Great Lakes' holdings of Natco stock and also shares of Natco owned by others not identified in the application were voted to elect one of Great Lakes' directors to the board of directors of Natco. In July 1962 the individual so elected as a director of Natco became a member of Natco's Executive Committee.

Applicant states that in August 1962, eight months after it began to purchase Natco stock, it joined other substantial Natco stockholders who are not identified in requesting majority representation on Natco's board of directors, and when this request was refused, Applicant attempted to have a special meeting of Natco stockholders held in order to attempt the removal of the then incumbent board of directors and the election of a new board of directors. Applicant further states that it initiated the formation of a committee to solicit proxies for the election of its six nominees, five of whom were directors of Great Lakes, to the board of directors of Natco consisting of ten members.

Applicant states that a special meeting of Great Lakes' stockholders was not held as a result of the commencement of legal action by Natco in the United States District Court for the Western District of Pennsylvania and the issuance by the Court of a temporary injunction prohibiting all parties from further solicitation of proxies and postponing the special meeting. Applicant states that it filed an appeal, but since it appeared that a decision on the appeal could not be obtained in time to permit Great Lakes to solicit proxies for the April 1963 meeting, a compromise slate of directors was elected at the annual meeting of Great Lakes' stockholders in 1963 consisting of four individuals who are directors of Great Lakes and six previous directors of Natco who had opposed Great Lakes in the Natco proxy contest.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 3(b)(2) of the Act:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 4th day of November 1963 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the Rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That Sidney Ullman, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Great Lakes Industries, Inc. is an investment company within the meaning of section 3(a)(3) of the Investment Company Act of 1940, and

(2) Whether Great Lakes Industries, Inc. is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses:

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by regis-

tered mail to Great Lakes Industries, Inc. and Natco Corporation, and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-11232; Filed, Oct. 23, 1963; 8:47 a.m.]

[File No. 812-1608]

ROANOKE BUILDING CO., ET AL.

Notice of Filing of Application for Order Exempting Transaction Between Affiliates

OCTOBER 18, 1963.

Notice is hereby given that The Roanoke Building Company ("Roanoke"), a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed borrowing by Roanoke from Investors Syndicate of America, Inc. ("ISA"). All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

ISA is registered under the Act as a face-amount certificate company and is engaged in the issuance of face-amount certificates and investment of substantial amounts of the proceeds therefrom in mortgage loans on real estate. ISA is a wholly-owned subsidiary of Investors Diversified Services, Inc. ("IDS"), also registered under the Act as a face-amount certificate company. IDS owns at the present time approximately 34.38 percent of the outstanding common stock of Roanoke. Accordingly, Roanoke is an affiliated person of IDS.

The principal asset of Roanoke, a real estate holding company, is the leasehold estate and improvements known as the Roanoke Building which is located at the southeast corner of Seventh Street and Marquette Avenue, Minneapolis, Minnesota. Baker Properties, Inc. owns 51 percent of the outstanding capital stock of Roanoke and manages and operates the property of Roanoke. The application relates to a proposed mortgage loan from ISA to Roanoke in the amount of $3,000,000 for the purpose of providing funds to finance the construction of an addition to the Roanoke Building and certain further capital improvements being made therein, and in connection therewith to refinance the unpaid balance of the $550,000 mortgage loan made by ISA to Roanoke on April 28, 1958 which was the subject of an order of the Commission (Investment Company Act Release No. 2697 dated April 17, 1958). The proposed loan will be secured by a first mortgage upon the first leasehold estate owned by Roanoke in the property, will bear interest at the rate of 5½ percent per annum, and is to be fully amortized over a twenty-year period by quarterly payments of $62,065.06 including principal and interest throughout the loan terms, together with quarterly payments of such amounts as are estimated by ISA to be necessary to establish funds sufficient to pay insurance premiums and real estate taxes before the same become delinquent. The application states that the security for the proposed loan and the terms thereof are satisfactory to ISA and that the loan will be an eligible investment under the insurance code of the District of Columbia, which Code determines the eligibility of investments for a registered face-amount certificate company.

The application contains an opinion by mortgage bankers that an interest rate of 5½ percent on the subject mortgage at this time is competitive and proper. In addition, ISA states that the following are some of the factors which were given consideration in establishing the interest rate: the excellent location of the building, the strong financial position of the obligors, the management experience of the borrowers, the conservative loan as compared to the appraised value of the building, and the current leasing program with 72 percent of the space already under lease.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any person controlled by such registered investment company, any security or other property, or borrowing from any such company, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 1, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-11233; Filed, Oct. 23, 1963; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 448]

ALASKA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1963, because of the effects of certain disasters, damage resulted to residences and business property located in the area of Point Barrow, State of Alaska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid area, suffered damage or destruction resulting from storm and accompanying conditions occurring on or about October 4, 1963.

OFFICES

Small Business Administration Regional Office, 506 Second Avenue, Seattle 4, Wash.

Small Business Administration Branch Office, 307 East Penthouse, Anchorage, Alaska

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1964.

Dated: October 10, 1963.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 63-11234; Filed, Oct. 23, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

The Mart, Inc., 180 Main Street, Paterson, N.J.; effective 10-4-63 to 9-2-64 (apparel store; 106 employees).

REGION IV

Sterling's-Pike, Inc., 2627 Pike Avenue, North Little Rock, Ark.; effective 10-3-63 to 9-2-64 (variety store; 15 employees).

REGION VII

Buttreys, Fargo, N. Dak.; effective 9-24-63 to 3-31-64 (apparel store; 12 employees).

Buttreys, Minot, N. Dak.; effective 9-24-63 to 3-31-64 (apparel store; 9 employees).

Buttreys, Sioux Falls, S. Dak.; effective 9-24-63 to 3-31-64 (apparel store; 9 employees).

Carrollton Foods, Inc., IGA Foodliner, No. 15, 905 South Main, Carrollton, Mo.; effective 9-23-63 to 3-31-64 (food store; 23 employees).

Co-op Thriftway Grocery, 423 North Maple, McPherson, Kans.; effective 8-12-63 to 3-31-64 (food store; 12 employees).

P. N. Hirsch Co., Moberly, Mo.; effective 10-4-63 to 9-2-64 (department store; 15 employees).

Riverside Red X Co., P.O. Box 9008, Kansas City, Mo.; effective 6-10-63 to 3-31-64 (food store; 158 employees).

Weldorado Drug Co., 800 Ninth Street, Greeley, Colo.; effective 9-5-63 to 3-31-64 (drug store; 10 employees).

F. W. Woolworth Co., No. 1099, 607-609 Locust Street, Chillicothe, Mo.; effective 6-18-63 to 3-31-64 (variety store; 19 employees).

F. W. Woolworth Co., 1109 Main Street, Kansas City, Mo.; effective 6-18-63 to 3-31-64 (variety store; 90 employees).

REGION VIII

Popular Dry Goods Co., Inc., Texas-Mesa-San Antonio Streets, Box 1890, El Paso, Tex.; effective 9-29-63 to 3-1-64 (department store; 757 employees).

REGION XI

W. T. Grant Co., No. 849, 736 North Edgewood Avenue, Jacksonville, Fla.; effective 10-11-63 to 9-2-64 (variety store; 34 employees).

Harvey Breeding Drug Co., Inc., 1400 South Federal Highway, Hollywood, Fla.; effective 10-4-63 to 8-31-64 (drug store; 65 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

H. E. B. Food Store, No. 18, Kostoryz & Gollihar, Corpus Christi, Tex.; effective 10-3-63 to 9-2-64; package boy, bottle boy, sack boy; 10 percent for each month (food store; 47 employees).

H. E. B. Food Store, No. 83, 3680 Fredericksburg Road, San Antonio, Tex.; effective 10-3-63 to 9-2-64; package boy, bottle boy, sack boy; 10 percent for each month (food store; 38 employees).

S. S. Kresge Co., No. 195, Bangor Shopping Center, 625 Broadway, Bangor, Maine; effective 10-5-63 to 9-2-64; sales clerk; 10 percent for each month (variety store; 29 employees).

S. S. Kresge Co., No. 264, Yorkridge Shopping Center, 50 West Ridgely Road, Lutherville, Md.; effective 10-3-63 to 9-2-64; sales clerk; 10 percent for each month (variety store; 32 employees).

S. S. Kresge Co., No. 720, Parkwood Plaza, 3209 West Colonial Drive, Orlando, Fla.; effective 10-5-63 to 9-2-64; sales clerk; between 5.0 percent and 10 percent (variety store; 18 employees).

S. S. Kresge Co., No. 746, 354 North Star Mall, San Antonio, Tex.; effective 10-3-63 to 9-2-64; sales clerk; between 4.9 percent and 10 percent (variety store; 34 employees).

S. S. Kresge Co., No. 770, Milner Center, 6397 Camp Bowie Boulevard, Fort Worth, Tex.; effective 10-5-63 to 9-2-64; sales clerk; between 4.9 percent and 10 percent (variety store; 18 employees).

G. C. Murphy Co., No. 293, 2300 Northway Mall, McKnight Road at Babcock Boulevard; Pittsburgh, Pa.; effective 10-1-63 to 9-2-64; sales clerk, stock clerk, janitor, office clerk; between 8.6 percent and 10 percent (variety store; 58 employees).

F. W. Woolworth Co., No. 2585, Reisterstown Road Plaza, 6550 Reisterstown Road, Baltimore, Md.; effective 10-3-63 to 9-2-64; sales clerk; between 6.0 percent and 10 percent (variety store; 61 employees).

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR, Part 519. These certificates supplement certificates issued pursuant to other paragraphs of that section, but do not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificates contain limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

G. C. Murphy Co., No. 91, Frederick Avenue Shopping Center, Frederick Avenue, Baltimore, Md.; effective 10-1-63 to 9-2-64; between 2.7 percent and 10.8 percent for the months of October, December, June through September (variety store; 51 employees).

G. C. Murphy Co., No. 134, 1200-02-04 West Baltimore Street, Baltimore, Md.; effective 10-1-63 to 9-2-64; between 1.0 percent and 9.1 percent for the months of October through January, March through September (variety store; 75 employees).

G. C. Murphy Co., No. 152, 6863-65 Loch Raven Boulevard, Baltimore, Md.; effective 10-1-63 to 9-2-64; between 1.0 percent and 16.2 percent for the months of October through September (variety store; 49 employees).

G. C. Murphy Co., No. 228, West Chester Pike and Eagle Road, Havertown, Pa.; effective 10-1-63 to 9-2-64; between 1.0 percent and 12.6 percent for the months of October through September (variety store; 56 employees).

G. C. Murphy Co., No. 232, 1200 Market Street, Box 266, Lemoyne, Pa.; effective 10-1-63 to 9-2-64; between 1.3 percent and 4.8 percent for the months of October, December, May, July through September (variety store; 59 employees).

G. C. Murphy Co., No. 238, 2027 Mondawmin Mall, Baltimore, Md.; effective 10-1-63 to 9-2-64; between 2.3 percent and 12.7 percent for the months of October through September (variety store; 115 employees).

G. C. Murphy Co., No. 246, 62d and Woodland, Philadelphia, Pa.; effective 10-1-63 to 9-2-64; between 1.0 percent and 5.7 percent for the months of October, December, July through September (variety store; 65 employees).

G. C. Murphy Company, No. 271, 1836 Stefko Boulevard, Bethlehem, Pa.; effective 10-1-63 to 9-2-64; between 1.0 percent and 14.3 percent for the months of October through June, August, September (variety store; 39 employees).

G. C. Murphy Co., No. 285, 3901-03 Erdman Avenue, Baltimore, Md.; effective 10-1-63 to 9-2-64; between 2.7 percent and 10.8 percent for the months of October, December, June through September (variety store; 38 employees).

Rose's Stores, Inc., No. 21, 1041 Roanoke Avenue, Roanoke Rapids, N.C.; effective 12-1-63 to 8-31-64; between 1.0 percent and 19.3 percent for the months of December, June through August (variety store; 29 employees).

Rose's Stores, Inc., No. 26, Broad Street, Dunn, N.C.; effective 12-1-63 to 7-31-64; between 2.4 percent and 3.2 percent for the months of December and July (variety store; 23 employees).

Rose's Stores, Inc., No. 31, North Main Street, Farmville, Va.; effective 12-10-63 to 9-2-64; between 1.0 percent and 13.2 percent for the fiscal months beginning in December, May through August (variety store; 16 employees).

Rose's Stores, Inc., No. 42, 1250 Carolina Avenue, Hartsville, S.C.; effective 12-11-63 to 8-20-64; between 1.8 percent and 20.0 percent for the fiscal months ending in December and August (variety store; 16 employees).

Rose's Stores, Inc., No. 43, 102 Main Street, Clinton, N.C.; effective 10–1–63 to 9–2–64; between 2.7 percent and 20.0 percent for the months of October through December, June through September (variety store; 17 employees).

Rose's Stores, Inc., No. 48, Main Street, Newberry, S.C.; effective 10–9–63 to 9–2–64; between 5.1 percent and 19.2 percent for the fiscal months ending in November, December, June through September (variety store; 18 employees).

Rose's Stores, Inc., No. 49, Main Street, Union, S.C.; effective 10–1–63 to 9–2–64; between 4.4 percent and 20.0 percent for the months of October through December, June through September (variety store; 23 employees).

Rose's Stores, Inc., No. 50, 206–208 North Queen Street, Kinston, N.C.; effective 12–1–63 to 8–31–64; between 1.0 percent and 9.4 percent for the months of December, June through August (variety store; 31 employees).

Rose's Stores, Inc., No. 65, Duke of Gloucester Street, Williamsburg, Va.; effective 12–1–63 to 9–2–64; between 1.5 percent and 10.1 percent for the months of December, June through September (variety store; 26 employees).

Rose's Stores, Inc., No. 71, Main Street, Ahoskie, N.C.; effective 12–1–63 to 8–31–64; between 5.7 percent and 9.3 percent for the months of December, July, August (variety store; 17 employees).

Rose's Stores, Inc., No. 76, Broad Street, Camden, S.C.; effective 10–1–63 to 9–2–64; between 5.7 percent and 20.0 percent for the months of October through December, June through September (variety store; 23 employees).

Rose's Stores, Inc., No. 80, 117–119 South Wayne Street, Milledgeville, Ga.; effective 10–15–63 to 9–2–64; between 4.0 percent and 20.0 percent for the fiscal months ending in November through January, June through September (variety store; 15 employees).

Rose's Stores, Inc., No. 99, Evans Street, Greenville, N.C.; effective 7–23–64 to 8–19–64; 5.2 percent for the fiscal month beginning in July (variety store; 27 employees).

Rose's Stores, Inc., No. 102, 1815 Watson Boulevard, Warner Robins, Ga.; effective 12–1–63 to 9–2–64; between 2.3 percent and 12.5 percent for the months of December, July through September (variety store; 34 employees).

Rose's Stores, Inc., No. 107, 1904 Atlantic Avenue, Virginia Beach, Va.; effective 10–2–63 to 9–2–64; between 1.0 percent and 20.0 percent for the fiscal months ending in November through January, July through September (variety store; 13 employees).

Rose's Stores, Inc., No. 129, West 21st Street, Norfolk, Va.; effective 10–1–63 to 9–2–64; between 1.0 percent and 6.8 percent for the months of October, December, June through September (variety store; 36 employees).

Rose's Stores, Inc., No. 137, 31st Street, Virginia Beach, Va.; effective 10–1–63 to 9–2–64; between 4.3 percent and 20.0 percent for the months of December, June through September (variety store; 26 employees).

Sterling's-Airways, Inc., 2240 Lamar Avenue, Memphis, Tenn.; effective 10–1–63 to 9–2–64; between 3.6 percent and 20.0 percent for the months of October through December, March through September (variety store; 22 employees).

Sterling's of Jacksonville, Inc., Jacksonville, Ark.; effective 10–1–63 to 9–2–64; between 1.0 percent and 20.0 percent for the months of October through December, March through September (variety store; 16 employees).

Sterling's-Park, Inc., University Avenue and Markham Street, Little Rock, Ark.; effective 10–1–63 to 9–2–64; between 1.0 percent and 20.0 percent for the months of October through December, March through September (variety store; 22 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 17th day of October 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–11229; Filed, Oct. 23, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 21, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38606: *Billets or blooms iron or steel from Steelton, Ky.* Filed by O. W. South, Jr., agent (No. A4385), for interested rail carriers. Rates on iron or steel billets or blooms, also ingots, in carloads, from Steelton, Ky., to Bessemer, Homestead, Mifflin Junction, and Rankin, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 22 to Southern Freight Association, agent, tariff I.C.C. S–224.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–11240; Filed, Oct. 23, 1963; 8:47 a.m.]

[Notice No. 885]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 21, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66294. By order of October 15, 1963, the Transfer Board approved the transfer to Slaney Transfer, Inc., Dodgeville, Wis., of Certificate in No. MC 124449, issued November 6, 1962, to Pat Hennessey and George Slaney, a partnership, doing business as H & S Transfer, Dodgeville, Wis., authorizing the transportation of: Fertilizer, from Fulton, Ill., to points in Grant, Lafayette, Iowa, and Crawford Counties, Wis. Edward Solis, 1 South Pinckney Street, Madison 3, Wis., attorney for applicants.

No. MC–FC 66297. By order of October 15, 1963, the Transfer Board approved the transfer to Chester Hodgdon, doing business as Marshall Motor Coach, Marshalltown, Iowa of Certificate in No. MC 119824, issued May 21, 1962, to Wendell D. Myers, doing business as Iowa Stockmen's Transportation, State Center, Iowa, authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, in special operations, over irregular routes, between Ames, Iowa and the stockyards of the Union Stock Yard and Transit Company of Chicago, Ill., serving points in Iowa, which are located on U.S. Highway 30 from Ames to the Iowa-Illinois State line. This service is restricted to the transportation of passengers picked up or discharged at the stockyards of the Union Stock Yard and Transit Company at Chicago. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, representative for applicants.

No. MC–FC 66300. By order of October 15, 1963, the Transfer Board approved the transfer and substitution of Giroux Bros. Transportation, Inc., Shrewsbury, Mass., as applicant in the "claimed grandfather rights" proceeding seeking the issuance of a Certificate of Registration, filed February 6, 1963, on Form BOR 99, assigned No. MC 98489 (Sub-No. 1) covering operations in interstate or foreign commerce under the former second proviso of Section 206(a)(1) of the Act, supported by Massachusetts Certificate No. 3511, pursuant to a Form BMC 75 Statement accepted October 27, 1952, in the name of L. T. Giroux, Newtonville, Mass., No. MC 98489, covering the transportation of: Property, between points in Massachusetts. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., attorney for applicants.

No. MC–FC 66303. By order of October 15, 1963, the Transfer Board approved the transfer to Aimee Hensley, doing business as Hensley Freight Lines, Marion, Tex., of the operating rights claimed in No. MC 57969 (Sub-No. 1) under the "grandfather" clause of Section 206(a)(7)(B), Interstate Commerce Act, by L. E. Hensley, Aimee Hensley (Independent Executrix), Marion, Texas, and the substitution of transferee as applicant for a certificate of registration

from this Commission, corresponding to the grant of intrastate authority to L. E. Hensley, doing business as Hensley Freight Lines, issued by the Railroad Commission of Texas in No. 2892. Phillip Robinson, c/o James, Robinson and Starnes, 721 Brown Building, Austin 1, Tex., attorney for applicants.

No. MC–FC 66315. By order of October 15, 1963, the Transfer Board approved the transfer to John W. Cartmill, doing business as Edmond Motor Freight, 309 Brentwood, Edmond, Okla., applicant in No. MC 85997 (Sub-No. 1), BOR–99 filed in the name of D. E. Nay, doing business as Edmond Motor Freight, P.O. Box 63, Edmond, Okla., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of Section 206(a)(1) of the Act, supported by Oklahoma certificate No. A–539, authorizing transportation of property between Edmond, Okla., and Oklahoma City, Okla., by way of Britton, Okla.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–11241; Filed, Oct. 23, 1963; 8:47 a.m.]

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September (variety store; 22 employees).

son may file a petition seeking recon- plicant for a certificate of registration

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[87th Cong., 2d Sess.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 59]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

Correction

In F.R. Doc. 63–6784, on page 6642 of the issue for Thursday, June 27, 1963, the reference "Conservation Reserve Program for 1960, 24 F.R. 6289" should be "Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on October 22, 1963.

H. D. GODFREY,
Administrator, Agricultral Stabilization and Conservation Service.

[F.R. Doc. 63–11303; Filed, Oct. 24, 1963; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Quotas and Quota Deficits for 1963

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (27 F.R. 12340; 28 F.R. 715, 1099, 1981, 2978, 3438, 4696, and 9501) is to determine and to prorate deficits in the quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. Previously, the Secretary determined and prorated deficits in quotas amounting to 573,445 short tons, raw value.

On the basis of recent information on the 1963 production of sugar in Hawaii and marketings of Hawaiian sugar in the continental United States to date in 1963, it is hereby found that Hawaii will fall short of filling its 1963 quota of 1,110,000 short tons, raw value, by 40,000 tons. Accordingly, that quantity is hereby determined to be a deficit in the 1963 quota for Hawaii and is herein prorated to the Republic of the Philippines.

The 40,000-ton deficit herein determined, together with the 573,445 short tons, raw value, deficit previously determined, makes a total deficit available for proration of 613,445 short tons, raw value. Pursuant to section 204(a) of the Act, the Republic of the Philippines is entitled to 275,587 tons and the Western Hemisphere countries named in section 202(c)(3)(A) are entitled to the balance amounting to 337,858 tons.

Recent information was received from government officials of the Republic of the Philippines indicating that of the 275,587 tons, that country would be able to supply this market with approximately 197,618 tons. The ability of Western Hemisphere countries to supply 315,827 short tons of sugar within deficit allocations as determined in the Amendment 5 of Sugar Regulation 811, (28 F.R. 4696) remains unchanged. The deficit quantities which the Republic of the Philippines and the Western Hemisphere countries are unable to supply, totalling 100,000 tons, have been made available for importation from foreign countries as a group.

Effective date. This action establishes deficits of 40,000 short tons, raw value, and adds that quantity to the quota of the Republic of the Philippines. To enable scheduling the shipment of the additional sugar from the Republic of the Philippines for arrival in the continental United States before the end of 1963, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be informed of the marketing opportunities as soon as possible. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.11, 811.12, and 811.13 as follows:

1. Subparagraph (a)(2) of § 811.11 is amended to read as follows:

§ 811.11 Quotas for domestic areas.

(a)(1) • • •

(2) It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1963 the Domestic Beet Sugar Area, Hawaii, and Puerto Rico will be unable to fill the quotas established for such areas in subparagraph (1) of this paragraph by the following quantities in short tons, raw value: Domestic Beet Sugar Area—291,537; Hawaii—40,000; and Puerto Rico—270,000. Pursuant to section 204(b) of the Act the determination of deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

2. Paragraph (a) of § 811.12 is amended to read as follows:

§ 811.12 Proration and allocation of deficits and quotas in effect.

(a) The deficits in quotas determined in paragraph (a)(2) of § 811.11 amounting to a total of 601,537 short tons, raw value, plus 11,908 short tons, raw value, withheld from net-importing countries as provided in section 202(e) of the Act, are hereby prorated pursuant to section 204(a) of the Act as follows: By prorating 197,618 short tons, raw value, to the Republic of the Philippines as set forth in paragraph (b)(2) of § 811.13, which is herein determined to be the extent of its ability to fill its share of the deficit, by prorating 315,827 short tons, raw value, to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which have quota prorations established for them in this part, which is herein determined to be the extent of the ability of such countries to fill their share of the deficit and by adding 100,000 short tons, raw value, to the quantity of sugar which may be purchased pursuant to section 202(c)(4)(A) of the Act and which is made available for purchase and importation under paragraph (e) of § 811.13. The quantity of 315,827 short tons, raw value, prorated to Western Hemisphere countries under this paragraph (a) shall be allocated to individual countries on the basis of applications for set-aside of quota or applications for release in accordance with the order of priority as specified in Part 817 of this chapter: *Provided*, That, whenever the unfilled balance of the quantity that is authorized for allocation to Western Hemisphere countries under this paragraph (a) is less than the total quantity covered by applications that are eligible at any one time for approval under the provisions of § 817.6(b) of this chapter, the procedures provided for in § 817.6(b) of this chapter shall be modified to give priority among such applications to those applications which are accompanied by proposals to purchase United States agricultural commodities.

3. Subparagraphs (b)(2) of § 811.13 is amended to read as follows:

§ 811.13 Quotas for foreign countries.

• • • • • •

(b)(1) • • •

(2) In addition to the quantity of 1,050,000 short tons, raw value, for the Republic of the Philippines in subparagraph (1) of this paragraph, a quantity of 197,618 short tons, raw value, representing a proration of a quota deficit as provided in § 811.12(a), is added to and established as a part of the quota for such country. Such quantity of 197,618

short tons, raw value, of sugar may be imported only as raw sugar and upon the condition that the import fee set forth in paragraph (b) of § 811.14 is paid with respect to such quantity as provided in such section.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies sec. 204, 61 Stat. 925 as amended; 7 U.S.C. 1114)

Issued at Washington, D.C., this 22d day of October 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63–11323; Filed, Oct. 24, 1963; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regulations, Amdt. 2]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1963 and Subsequent Crops

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 2890 and 10636 and containing the General Regulations Governing Price Support for the 1963 and Subsequent Crops of grains and related commodities is hereby amended as follows:

Section 1421.05(b) is being amended to clarify its applicability in the case of farm managers.

§ 1421.05 Miscellaneous requirements.

* * * * *

(b) *Execution of documents—other than producer.* Any legal entity which has an interest in storing, processing or merchandising the commodity for which price support is requested and any representative of such a legal entity shall not be eligible to secure price support on such commodity as an agent for a producer through the use of a power of attorney, except that this provision shall not apply when the representative of such legal entity is serving in the capacity of farm manager for such producer.

(Sec. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; sec. 306, 76 Stat. 615, 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 21, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63–11286; Filed, Oct. 24, 1963; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Designation of Areas and Approval of Stockyards and Slaughtering Establishments; Authority of Director of Division

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), paragraph (b) of § 78.16 of the regulations in Part 78, Title 9, Code of Federal Regulations, containing restrictions in the interstate movement of animals because of brucellosis, is hereby amended to read:

§ 78.16 Director of Division may designate areas and approve stockyards and slaughtering establishments.

* * * * *

(b) The Director of Division is hereby authorized to amend § 78.14 to add the names of additional stockyards at which Federal inspection is maintained for the inspection of livestock for communicable diseases and to delete the name of any stockyard at which such Federal inspection is no longer maintained. He is further authorized to specifically approve stockyards for the purposes of the regulations in this part and to promulgate notices listing such stockyards in accordance with § 78.14(b) when he determines that the inspection and handling of livestock at such stockyards are adequate to effectuate the purposes of the regulations and the Division and the State in which such stockyards are located have entered into a memorandum of understanding setting forth certain standards for such stockyards. The Director may withdraw approval and remove any stockyard from the said list when he finds that the inspection or handling of livestock at such stockyard is no longer adequate to effectuate the purposes of such regulations, or when he determines that there is not full compliance with all provisions of the standards involved, or when such memorandum of understanding between the Division and the State within which such stockyard is located has been terminated. The Director of Division is further authorized to specifically approve slaughtering establishments for the purposes of the regulations in this part and to promulgate notices listing such slaughtering establishments in accordance with § 78.15(b) when he determines that the inspection and handling of livestock or carcasses or products thereof at such slaughtering establishments are adequate to effectuate the purposes of the regulations. The Director may remove any slaughtering establishment from the said list when he finds that the inspection or handling of livestock or carcasses or products thereof at such slaughtering establishment is no longer adequate to effectuate the purposes of such regulations.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment clarifies the authority of the Director of the Animal Disease Eradication Division to specifically approve stockyards under 9 CFR Part 78 when a memorandum of understanding has been executed by the Division and the particular State setting forth standards for such stockyards, and to withdraw such specific approval when such memorandum of understanding is terminated. The amendment makes no substantive change in the regulations and the procedures followed in specifically approving and withdrawing the approval of stockyards. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are unnecessary and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of October 1963

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63–11285; Filed, Oct. 24, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On June 21, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6405) stating that the Federal Aviation Agency proposed

to alter the Dickinson, N. Dak., control zone, revoke the Dickinson control area extension and designate the Dickinson transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the Dickinson, N. Dak., control zone is amended to read:

Dickinson, N. Dak.

Within a 3-mile radius of Dickinson Municipal Airport (latitude 46°47'45'' N. longitude 102°48'00'' W.

2. In § 71.165 (27 F.R. 220–59, November 10, 1962) the Dickinson, N. Dak., control area extension is revoked.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Dickinson, N. Dak.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'45'' N., longitude 102°48'00'' W.), within 3 miles W and 1 mile E of the Dickinson VORTAC 002° radial, extending from the 5-mile radius area to 6 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles W and 5 miles E of the Dickinson VORTAC 002° and 182° radials, extending from 8 miles S to 11 miles N of the VORTAC, and within 8 miles W and 5 miles E of the Dickinson VORTAC 013° and 193° radials, extending from 4 miles S to 13 miles N of the VORTAC.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., January 9, 1964.

Issued in Washington, D.C., on October 21, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11270; Filed, Oct. 24, 1963; 8:45 a.m.]

[Airspace Docket No. 63–PC–8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On August 7, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8045) stating that the Federal Aviation Agency proposed to designate a transition area at Molokai, Hawaii.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments, but no comments were received.

Subsequent to the publication of the notice, the FAA has determined that the transition area extension based on the 356° True bearing from the Molokai radio beacon is required only to a distance of 8 miles from the radio beacon and not to 12 miles as proposed. This change is reflected in the action taken herein.

The substance of the proposed amendment having been published and for the reasons stated herein and in the notice, the following action is taken:

Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Molokai, Hawaii.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Molokai Airport (latitude 21°09'25'' N., longitude 157°05'55'' W.), and within 2 miles each side of the 356° bearing from the Molokai Airport, extending from the 5-mile radius area to 8 miles N of the airport; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V–8, on the SW by V–15 and on the NW by V–4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°-22'00'' N., longitude 156°48'00'' W., thence to latitude 21°14'00'' N., longitude 156°31'-30'' W., thence to latitude 21°29'00'' N., longitude 156°25'00'' W., thence to latitude 21°31'00'' N., longitude 156°34'05'' W., thence to latitude 21°25'00'' N., longitude 156°49'30'' W., thence to point of beginning.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, Executive Order 10854, 24 F.R. 9565)

This amendment shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on October 21, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11271; Filed, Oct. 24, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WA–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Revocation of Restricted Area, Designation of Restricted Areas and Alteration of Controlled Airspace

The purpose of these amendments to §§ 73.53 and 71.165 of the Federal Aviation Regulations is to revoke one restricted area, designate two restricted areas and exclude these restricted areas from controlled airspace.

The Department of Defense has advised that its installation at Harvey Point, N.C., functions as a Special Testing Activity and that demolitions operations conducted therein constitute a hazard to overflying aircraft due to the altitude attained by fragmentation of explosive charges which are detonated frequently during the hours of both day and night. The Department of Defense has stated an urgent request in the interest of national defense for designation of a continuous restricted area three nautical miles in diameter extending upward to an altitude of 5,000 feet MSL.

Since this hazardous area lies partly within and will be used in conjunction with R–5301, action is taken herein to revoke R–5301 and designate two restricted areas as follows:

1. R–5301A to include all of the present R–5301 except the airspace within R–5301B described below.

2. R–5301B to include the airspace within a 1½ nmi radius of latitude 36°05'25'' N., longitude 76°18'30'' W.

For the reasons stated above, the Administrator finds that a requirement exists for expeditious action in the interest of safety, that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective with less than thirty days notice.

In consideration of the foregoing, the following actions are taken:

1. In § 73.53 (28 F.R. 19–35, January 26, 1963), R–5301 is revoked.

2. In § 73.53 (28 F.R. 19–35, January 26, 1963), R–5301A is added as follows:

R–5301A Albemarle Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36°03'30'' N., longitude 76°20'00'' W., excluding the airspace within R–5301B.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

3. In § 73.53 (28 F.R. 19–35, January 26, 1963), R–5301B is added as follows:

R–5301B Albemarle Sound, N.C.

Boundaries. A circular area with a 1½-nmi radius centered at latitude 36°05'25'' N., longitude 76°18'30'' W.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

4. In § 71.165 (27 F.R. 220–59, November 10, 1962), the Edenton, N.C., control area extension, "excluding the portions within R–5301, R–5302, R–5303, R–5304 and R–5305" is deleted and "excluding the portions within R–5301A, R–5301B, R–5302, R–5303, R–5304 and R–5305" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective November 14, 1963.

Issued in Washington, D.C., on October 23, 1963.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 63–11329; Filed, Oct. 24, 1963; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 2028; Amdt. 632]

PART 507—AIRWORTHINESS DIRECTIVES

Grumman Model G–164 Aircraft

There have been instances of damage to the engine fuel and oil lines and engine mount on Grumman Model G–164 aircraft caused by broken spray pump fan blades. To prevent such damage, an airworthiness directive is considered necessary requiring the installation of protective aluminum plates.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and

good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Model G-164 aircraft Serial Numbers 1 through 220.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent damage to fuel and oil lines from spray pump fan blades, rivet two 0.063 inch thick 2024-T3 aluminum alloy sheets approximately 6 inches wide by 18 and 28 inches long each, to the left and right lower accessory cowl panels using at least 10 and 16 AD4 type rivets respectively. Center the plate's long dimension opposite the spray pump fan blade arc.

(Grumman Aircraft Engineering Corporation Model G-164 Service Bulletin No. 23, dated June 17, 1963, pertains to this same subject and also lists the availability of Grumman armor plates P/N's A1624-111 and -113.)

This amendment shall become effective October 25, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 21, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-11269; Filed, Oct. 24, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7643]

PART 13—PROHIBITED TRADE PRACTICES

Libbey-Owens-Ford Glass Co. and General Motors Corp.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.20–20 *Competitors' products;* § 13.25 *Competitors and their products;* § 13.25–20 *Competitors' products;* § 13.175 *Quality of product or service.* Subpart—Disparaging Competitors and their products—Competitors: § 13.1015 *Quality.* Subpart—Using Deceptive Techniques in advertising: § 13.2275 *Using deceptive techniques in advertising;* § 13.2275–70 *Television depictions.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Libbey-Owens-Ford Glass Company (Toledo, Ohio), et al., Docket 7643, Sept. 20, 1963]

In the Matter of Libbey-Owens-Ford Glass Company, a Corporation, and General Motors Corporation, a Corporation

Order requiring a Detroit manufacturer of glass products for the automotive industry and a leading manufacturer of motor vehicles to cease representing falsely that the safety plate glass used in the side windows of its automobiles was of the same grade and quality as that in its windshields, while the safety sheet glass used in competitors' cars was the same as sheet glass in home windows; and falely comparing the grade and quality of their automobile safety plate glass with the safety glass of their competitors by such practices as using deceptive photographic techniques in television depictions which exaggerated the distortion inherent in safety sheet glass used in competitors' automobiles and minimized that in the safety plate glass used in General Motors Cars.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is further ordered, That Libbey-Owens-Ford Glass Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of its automotive glass products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) The automobile safety plate glass used in the side windows of General Motors Corporation automobiles is of the same grade and quality as that used in windshields of such automobiles or otherwise misrepresenting the grade or quality of glass used in any window.

(b) The automobile safety sheet glass used in automobiles other than General Motors Corporation automobiles is of the same grade and quality as the sheet glass used in home windows.

2. Using in advertising any picture, demonstration, experiment or comparison, either alone or accompanied by oral or written statements, to prove the quality or merits of any such products, or the superiority of any such products over competing products, when such picture, demonstration, experiment or comparison is not in fact genuine or accurate and does not constitute actual proof of the claim because of the undisclosed use and substitution of a mock-up or prop instead of the product, article, or substance represented to be used therein.

3. Disparaging the quality or properties of any competing product or products through the use of false or misleading pictures, depictions, demonstrations, or comparisons, either alone or accompanied by oral or written statements.

4. Misrepresenting in any manner the quality or merits of any such products, or the superiority of any such products over competing products.

It is further ordered, That respondents shall, with sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-11276; Filed, Oct. 24, 1963; 8:45 a.m.]

[Docket No. 8514]

PART 13—PROHIBITED TRADE PRACTICES

Tung-Sol Electric, Inc., and Tung-Sol Sales Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.736 *Group buying organizations;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Tung-Sol Electric Inc., et al., Newark, N.J., Docket 8514, Sept. 12, 1963]

In the Matter of Tung-Sol Electric, Inc., a Corporation, and Tung-Sol Sales Corporation, a Corporation

Order requiring a major manufacturer of electronic products, including miniature bulbs, sealed beam lamps and flashers for replacement in automotive vehicles, with main office in Newark, N.J., to cease violating section 2(a) of the Clayton Act by such practices as granting on purchases of automotive flashers to buying group jobbers—whose organizations did not perform the functions of warehouse distributors but were actually devices for facilitating the receipt by the jobber purchasers of the discriminatory prices—the higher price discounts accorded warehouse distributors but not available to non-group buying distributors in competition with the favored jobbers; and by granting "incentive rebates," based on net purchases to warehouse distributors and redistributors in addition to their functional discounts.

The order to cease and desist is as follows:

It is ordered, That Tung-Sol Electric Inc., a corporation, and Tung-Sol Sales Corporation, a corporation, their officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale and distribution for replacement purposes of automotive flashers in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of said products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser who, in fact, competes in the resale and distribution of said products with the purchaser paying the higher price.

It is further ordered, That the complaint be, and it hereby is, dismissed with respect to miniature bulbs and sealed beam lamps without prejudice to the right of the Commission to take such further action against respondents as future facts and circumstances may warrant.

By "Final Order", order requiring report of compliance is as follows:

It is further ordered, That respondents shall file with the Commission, within sixty (60) days after service of this order upon them, a report in writing, signed by them, setting forth in detail the manner and form of their compliance with the order.

Issued: September 12, 1963.

By the Commission, Commissioners Dixon and MacIntyre not concurring.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-11277; Filed Oct. 24, 1963; 8:46 a.m.]

[Docket No. 7468 o.]

PART 13—PROHIBITED TRADE PRACTICES

Western Radio Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.205 *Scientific or other relevant facts;* § 13.247 *Statutes and regulations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719; as amended; 15 U.S.C. 45) [Cease and desist order, Western Radio Corporation, et al., Kearney, Nebr., Docket 7468, Sept. 25, 1963]

In the Matter of Western Radio Corporation, a Corporation, and Paul S. Beshore and W. P. Beshore, Individually and as Officers of Said Corporation

Order requiring manufacturers of a "Walkie Talkie" portable radio transmitter in Kearney, Nebr., to cease representing falsely in newspaper and magazine advertising and otherwise that their said "Walkie Talkie" transmitter had a satisfactory operational range of up to one-half mile for a home receiver and up to ten miles when transmitting from auto to auto; that the device carried a one-year service guarantee; and that operation thereof required a license under the Federal Communications Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Western Radio Corporation, a corporation, and its officers, and Paul S. Beshore and W. P. Beshore, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their portable radio transmitter designated as "New Magic Walkie Talkie", "Radi-Vox" and "Radio Talkie", or any other portable radio transmitter with the same or substantially the same transmitting power, or any other similar product, whether designated under said name or names, or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said portable radio transmitter, without the use of additional equipment, has a satisfactory operational range of up to one-half mile for reception by home radio receivers, or that said device without additional equipment has an operational range of any specified distance in excess of fifty feet in city, town or commercial areas or seventy-five feet in country or rural areas;

2. That said portable radio transmitter, without the use of additional equipment, has a satisfactory operational range of from one to ten miles when transmitting from an automobile or other moving vehicle to a radio receiver in another vehicle, or representing directly or by implication that said device, so used, has a range of any distance in excess of two city blocks;

3. That any product is guaranteed unless the terms and conditions of such guarantee and the manner and form in which the guarantor will perform are clearly and conspicuously set forth, including the amount of any service or other charge which is imposed;

4. That no license or permit is required for any operational use of said device, unless the specific conditions under which such license or permit would be required are clearly and conspicuously set forth in immediate conjunction therewith.

By "Final Order", order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order set forth herein.

Issued: September 25, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-11278; Filed, Oct. 24, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-70]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Orange Juice and Orange Juice Products; Definitions and Standards of Identity; Findings of Fact and Final Order

Correction

In F.R. Doc. 63-10752, published in the FEDERAL REGISTER of October 11, 1963 (28 F.R. 10906, 10907), the following corrections are made:

1. In Finding of Fact 35, last sentence, the phrase "or '---------- orange juice for manufacturing' " is changed to read "or '---------- orange juice concentrate for manufacturing' ".

2. In § 27.107(e)(2), second sentence, the words "or 'sweeteners' " are deleted.

Dated: October 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-11298; filed, Oct. 24, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subchapter D—Food Additives Permitted in Food for Human Consumption

CHEMICALS USED IN WASHING FRUITS AND VEGETABLES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1203) filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, and other relevant material, has concluded that § 121.1091 should be amended to prescribe the conditions of use of polyacrylamide in the washing of fruits and vegetables. Therefore, pursuant to the provisions of the Federal

[1] New

Food, Drug, and Cosmetic Act (sec. 409 other relevant material, has concluded

SUBCHAPTER C—DRUGS

Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1091 *Chemicals used in washing fruits and vegetables* is amended as follows:

1. Paragraph (a) is amended by inserting alphabetically in the list in subparagraph (2), a new item as follows:

Substances	*Limitations*
• • • • •	
Polyacrylamide--	Not to exceed 10 p.p.m. in wash water. Contains not more than 0.2 percent acrylamide monomer.

2. Section 121.1091 is further amended by adding thereto a new paragraph (d):

(d) To assure safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive, or a statement of its composition.

(2) The label or labeling of the additive container shall bear adequate use directions to assure use in compliance with all provisions of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-11294; Filed, Oct. 24, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COBALTOUS SALTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 603) filed by J. E. Siebel Sons' Company, Inc., 4055 West Peterson Avenue, Chicago 46, Illinois, and other relevant material, has concluded that the following regulation should issue to prescribe the conditions under which cobaltous salts may be safely used in fermented malt beverages. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1142 Cobaltous salts.

Cobaltous salts may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive shall consist of one of the following: Cobaltous sulfate, cobaltous chloride, or cobaltous acetate.

(b) The salt is used to provide cobalt in an amount not to exceed 1.2 parts per million (calculated as cobalt) in fermented malt beverages.

(c) The food additive is used or intended for use in fermented malt beverages to improve foam stability and to prevent gushing.

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate mix shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any intermediate mix.

(2) The label or labeling of the additive shall bear adequate directions to provide a final food that complies with the limitations prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-11295; Filed, Oct. 24, 1963; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Phenethicillin Potassium (Potassium α-Phenoxyethyl Penicillin) for Oral Solution; Change of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.18) are amended as follows:

In § 146a.18 Phenethicillin potassium (potassium α-phenoxyethyl penicillin) for oral solution, paragraph (c)(1)(ii) is amended by changing the words "or 30 months" to read "30 months, or 36 months".

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-11297; Filed, Oct. 24, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 8—Veterans Administration

PART 8-1—GENERAL

Subpart 8-1.1—Introduction

PART 8-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 8-4.6—Livestock

MISCELLANEOUS AMENDMENTS

I. In Part 8-1, § 8-1.101 (b) and (c) is amended to read as follows:

§ 8-1.101 Establishment of Veterans Administration Procurement Regulations.

• • • • •

(b) Procurement instructions which implement or supplement 41 CFR Ch. 8, but which do not directly affect the public, will be published by the department head or staff officer responsible for the procurement activity. For this purpose the following assignments are made:

Chapter	*Department or Staff Office*
8A--	Department of Medicine and Surgery.
8B--	Manager, Administrative Services.
8C--	Assistant Administrator for Construction.
8D--	Department of Veterans Benefits.
8E--	Department of Data Management.

Material contained in these chapters will not be published in the FEDERAL REGISTER.

(c) Material contained in 41 CFR Ch. 8 and that contained in Chapters 8A, 8B, 8C, 8D, and 8E constitute the Veterans Administration Procurement Regulations.

2. Section 8-1.108-2(b) is amended to read as follows:

§ 8-1.108-2 Procedure.

• • • • •

(b) Where deviations in individual cases are requested by a procuring activity and authorized by the appropriate department or staff office head, the authorization will be placed in the purchase or contract file. A copy of the authorization will be forwarded to the Director, Supply Management Service, who will review the deviations authorized, and recommend any necessary or desirable changes to the Federal Procurement Regulations or the Veterans Administration Procurement Regulations.

• • • • •

3. Section 8-1.302-2 is revised to read as follows:

§ 8-1.302-2 Production and research and development pools.

Veterans Administration Contracting Officers will be advised of, consider bids from, and make awards to, Small Business and Defense Production Pools. The Chief Medical Director or his designee will notify the appropriate departments and staff offices when such pools are approved.

4. Section 8-1.305-3 is revised to read as follows:

§ 8-1.305-3 Deviations from Federal specifications.

Whenever a Contracting Officer finds it necessary to deviate from a Federal specification to fulfill his needs, he will, prior to taking any procurement action, submit to the Chief Medical Director a fully justified request for such deviation. The Chief Medical Director will review the request and advise the Contracting Officer of his decision. If authority to deviate is granted, the Chief Medical Director will furnish notification to GSA as required by FPR 1-1.305-3(b), forwarding a copy of such notification to the Director, Supply Management Service.

5. Section 8-1.306-1 (a) and (b) is amended to read as follows:

§ 8-1.306-1 Mandatory use and application of Federal standards.

(a) Requests for exceptions to Federal standards not authorized by FPR 1-1.306-1(a) will be submitted with adequate justification to the Chief Medical Director for submission to General Services Administration.

(b) Where conflict exists between a Federal standard and the applicable Federal specification, notice will be furnished to the Chief Medical Director who will take appropriate action to have the conflict reconciled by General Services Administration.

• • • • •

6. A new § 8-1.310-9 is added to read as follows:

§ 8-1.310-9 Pre-award on-site evaluation.

Pre-award on-site evaluation shall be made for contracts covering the products and services of bakeries, dairies, ice-cream plants and laundries. A committee under the direction of the Contracting Officer and composed of representatives of the medical and using service, appointed by the Director or Manager, shall inspect and evaluate the plant, personnel, equipment and processes of the prospective contractor. Prior to any inspection, the Contracting Officer will inquire whether the plant has been recently inspected and approved by another Veterans Administration station or Federal agency. Approved inspection reports of another Veterans Administration station will be accepted by Veterans Administration stations and approved inspection reports of other Federal agencies may be accepted as satisfactory evidence that the facilities of the bidder meet the requirements of the Invitation to Bid, provided, inspection was made not more than six months prior to the proposed contract period.

7. Section 8-1.901 is revised to read as follows:

§ 8-1.901 General.

Instances of possible antitrust violations will be reported by procurement activities in accordance with FPR 1-1.9 to the Chief Medical Director for review and submission to the General Counsel, who will determine whether or not to submit the case to the Attorney General.

8. In § 8-1.1101(a), the introductory portion immediately preceding subparagraph (1) is amended to read as follows:

§ 8-1.1101 Procurement of qualified products.

(a) Federal Qualified Products Lists are lists of products qualified under the applicable Federal or interim Federal specification. Such lists may be used as authorized by the appropriate department or staff office. Requests to receive copies of existing Federal Qualified Products Lists will be submitted to the Chief Medical Director for transmittal to General Services Administration. Requests to establish a Federal Qualified Products List for a commodity will be submitted to the Chief Medical Director, supported by one or more of the following justifications:

• • • • • •

9. In Part 8-4, § 8-4.607 is revised to read as follows:

§ 8-4.607 Reporting violations.

Instances of possible violations of the statement of eligibility given in accordance with FPR 1-4.604 will be reported to the Chief Medical Director for review and submission to the General Counsel. Determination as to whether or not the case should be submitted to the Department of Justice will be made by the General Counsel.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; 38 U.S.C. 210, 40 U.S.C. 486(c))

These regulations are effective immediately.

Approved: October 21, 1963.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 63-11293; Filed, Oct. 24, 1963; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1—GENERAL RULES OF PRACTICE

Procedures for Issuance to Single-State Common Carriers by Motor Vehicles of Certificates of Registration

Correction

In Federal Register Document 63-3796, published at page 3533 in the issue of Thursday, April 11, 1963, Form No. 7 was noted as filed with the original document. Form No. 7 reads as follows:

APPENDIX (APPROVED FORM NO. 7 UNDER § 1.245)

NOTICE OF FILING OF APPLICATION FOR PUBLICATION IN FEDERAL REGISTER UNDER SECTION 206(a)(6) OF THE INTERSTATE COMMERCE ACT, AS AMENDED

(See Instructions)

PART I

(To be completed by applicant)

Notice is hereby given that the below-named applicant has filed with

_____
(Name of State commission)

an application for a certificate to conduct motor common carrier operations in intrastate commerce; that, in connection with such operations, applicant also is seeking authority to engage in transportation in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations which may be authorized to be conducted; and that the intrastate and interstate operations proposed to be conducted are as set forth below.

1. _____
(Name and business address of applicant)

_____
(Street) (City) (State)

2. _____
(Name and address of applicant's representative, if any)

_____
(Street) (City) (State)

3. Describe below in full the operations proposed to be conducted in intrastate commerce, together with the extent to which applicant is seeking authority in connection with such intrastate operations to engage in transportation in interstate and foreign commerce. (If additional space is necessary, use reverse side.)

_____
(Signature)

_____
(Title)

Date _____ 19__

Porcupine Lake		Porcupine Lake	

PART II

(To be completed by State commission)

Date of filing application ----------
Docket number assigned ----------
Date and time and place application has been assigned for hearing, if known --------
---

(Signature)

(Title)

(Name of State commission)

Date this notice forwarded to Interstate Commerce Commission, Washington 25, D.C., ---------- 19--

INSTRUCTIONS

This form is for use in giving notice to interested persons regarding the filing of intrastate motor carrier applications in connection with which the applicant also desires authority to engage in interstate and foreign commerce pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, by Public Law 87-805. It should be filed *in duplicate* (along with the intrastate application) with the State commission, which will forward it to the Interstate Commerce Commission, Washington 25, D.C.

The description in Part I, item 3 should include the commodities (or passengers) sought to be transported, the points to be served, and the routes over which, or territories within which, such transportation is to be performed. Care should be taken to insure that the description, which will be published in the FEDERAL REGISTER, fully informs interested persons of the type and scope of the proposed intrastate operations, and the extent to which applicant desires authority to engage in transportation in interestate and foreign commerce in connection with such intrastate operations.

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3257]

[Anchorage 059534]

ALASKA

Revoking Various Public Land Orders, in Whole or in Part

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Orders No. 390 of August 4, 1947; No. 540 of December 21, 1948; No. 846 of June 26, 1952; No. 1549 of November 7, 1957, No. 1552 of November 7, 1957, No. 1559 of December 6, 1957, and No. 1723 of August 19, 1958, which withdrew lands in Alaska for recreation and other public purposes, are hereby revoked, so far as they affect the following-described lands:

a. Public Land Order No. 390:

SEWARD MERIDIAN

T. 5 N., R. 10 W.,
Sec. 32, lot 2.

b. Public Land Order No. 540:

SEWARD MERIDIAN

T. 5 N., R. 8 W.,
Sec. 7, lots 5 and 10.
T. 1 S., R. 14 W.,
Sec. 34, lot 6, and E½NE¼SW¼.

c. Public Land Order No. 846:

SEWARD MERIDIAN

T. 1 S., R. 14 W.,
Sec. 34, lot 6, and E½NE¼SW¼.

d. Public Land Order No. 1549:

SEWARD MERIDIAN

KENAI PENINSULA

T. 6 N., R. 11 W.,
Sec. 31, lots 11, 12, 35, 51, 73, 74, 91, 92, 113, 114, 132; lots 143 to 164 incl., and lots 175 to 189 incl.
T. 5 N., R. 11 W.,
Sec. 4, lot 6 (except withdrawal made by Public Land Order No. 1035);
Sec. 15, lots 6 and 8;
Sec. 24, lot 1.
T. 5 N., R. 9 W.,
Sec. 22, lot 3.
T. 4 N., R. 12 W.,
Sec. 24, lot 13.
T. 2 N., R. 13 W.,
Sec. 29, lot 1.
T. 1 S., R. 14 W.,
Sec. 34, lots 13, 14, 15, 16, and NW¼NW¼NE¼SW¼.
T. 2 S., R. 14 W.,
Sec. 4, lot 5.

Big Lake Area

T. 17 N., R. 4 W.,
Sec. 27, lot 25;
Sec. 35, lots 16 and 33;
Sec. 25, lot 11.

Pennock Island

U.S. Survey No. 3316, lot 7;
U.S. Survey No. 2990, lot 17A.

Second Beaver Lake

T. 17 N., R. 3 W.,
Sec. 8, lot 12.

e. Public Land Order No. 1552:

SEWARD MERIDIAN

Sucker Lake

T. 7 N., R. 11 W.,
Sec. 17, S½NW¼NW¼, SW¼NE¼NW¼, W½SE¼NW¼, and SW¼NW¼.

Unnamed Lakes

T. 7 N., R. 11 W.,
Sec. 5, lots 11 and 12;
Sec. 8, lot 4.

Unnamed Lakes

T. 7 N., R. 11 W.,
Sec. 2, lots 2 and 3;
Sec. 3, lot 1.
T. 8 N., R. 11 W.,
Sec. 34, lots 21, 27, 28 and 29.

Twin Lakes

T. 8 N., R. 11 W.,
Sec. 36, lots 5 to 8 incl.

Daniels Lake

T. 8 N., R. 11 W.,
Sec. 22, lots 2 and 3;
Sec. 23, lots 4 and 5.

Unnamed Lakes

T. 8 N., R. 11 W.,
Sec. 22, E½NE¼NE¼;
Sec. 23, lots 2 to 4 incl.

Porcupine Lake

T. 2 N., R. 12 W.,
Sec. 9, lots 2 and 5.

Oscar Lake

T. 16 N., R. 4 W.,
Sec. 1, lots 4, 5, and 14.

Willow Creek

T. 19 N., R. 4 W.,
Sec. 1, lot 3 (East 19.95 acres);
Sec. 5, S½ of lot 1, and SE¼ of lot 2.

f. Public Land Order No. 1559:

SEWARD MERIDIAN

Little Susitna River Area

T. 18 N., R. 3 W.,
Sec. 22, SE¼SW¼, and SW¼SE¼.

Anchor River Area

T. 4 S., R. 15 W.,
Sec. 22, lot 3.

g. Public Land Order No. 1723:

SEWARD MERIDIAN

T. 5 N., R. 8 W.,
Sec. 20, lot 1;
Sec. 21, lot 3.
T. 2 N., R. 11 W.,
Sec. 6, lots 9 to 13 incl., lots 21 to 26 incl., lots 30 to 32 incl., lots 35 to 37 incl., lots 38, 39, 42, 43, lots 45 to 57 incl., SE¼NE¼NW¼, and E½SE¼NW¼.
T. 3 N., R. 11 W.,
Sec. 9, lots 1 and 2.
T. 4 N., R. 11 W.,
Sec. 34, W½SW¼.

The areas described, including the public and nonpublic lands, aggregate 1,430.63 acres.

2. Until 10:00 a.m. on January 18, 1964, the State of Alaska shall have a preferred right to select the public lands released from withdrawal by this order as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the public lands until 10:00 a.m. on January 18, 1964. At that time they shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State of Alaska received prior to 10:00 a.m. on January 18, 1964, shall be considered as simultaneously filed at that time.

4. The public lands described in subparagraph 1b of this order have been open to location under the United States mining laws for metalliferous minerals. They will be open to such location for nonmetalliferous minerals at 10:00 a.m. on January 18, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 18, 1963.

[F.R. Doc. 63-11292; Filed, Oct. 24, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

CRANBERRIES

Free and Restricted Percentages for 1963-64 Fiscal Period and Standards for Withheld Cranberries; Termination of Proposed Rule Making Proceedings

Notice was published in the FEDERAL REGISTER on September 13, 1963 (28 F.R. 9946), that there was under consideration a proposal to establish a free percentage of 95 percent and a restricted percentage of 5 percent for all cranberries acquired during the fiscal period August 1, 1963-July 31, 1964, and to establish standards for withheld cranberries. The proposal was recommended by the Cranberry Marketing Committee (established pursuant to the marketing agreement and order as the agency to administer the provisions thereof), pursuant to the provisions of the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to file with the Department written data, views, or arguments pertaining to the proposal. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the data, views, and arguments submitted, and other available information (including the latest recommendation of the committee), it is hereby found that there is no need to limit, pursuant to § 929.52, the total quantity of cranberries that may be handled during the current fiscal period (August 1, 1963-July 31, 1964). The latest committee recommendation was based on an industry estimate that the 1963 cranberry production will be approximately 100,000 barrels less than the estimated production on which it initially recommended for the current fiscal period a free percentage of 95 percent and a restricted percentage of 5 percent. The committee's latest recommendation was unanimous that there was no present need for any free and restricted percentages to limit the total quantity of cranberries that may be handled during the current fiscal period.

Therefore, no free and restricted percentages are fixed for application to cranberries acquired by handlers during the 1963-64 fiscal period; and, since there will be no requirement to withhold cranberries, no standards for withheld cranberries are prescribed.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 21, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11302; Filed Oct. 24, 1963; 8:47 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Expenses of Raisin Administrative Committee and Rate of Assessment for 1963-64 Crop Year

Notice is hereby given of a proposal regarding expenses of the Raisin Administrative Committee for the 1963-64 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Raisin Administrative Committee has unanimously recommended for the crop year beginning September 1, 1963, a budget of expenses in the total amount of $106,400 and an assessment rate of 70 cents per ton of assessable raisins. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 152,000 tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal follows:

§ 989.314 Expenses of the Raisin Administrative Committee and rate of assessment for the 1963-64 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $106,400 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1963, for the maintenance and functioning of the Committee and the Raisin Advisory Board.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is hereby fixed at 70 cents per ton for free tonnage raisins acquired by him during the crop year and for reserve tonnage raisins sold to him by the Committee pursuant to § 989.67 during the crop year.

Dated: October 22, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-11283; Filed, Oct. 24, 1963; 8:46 a.m.]

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Proposed Addition of Ohio and Iowa to List of Designated Eradication Areas

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126) it is proposed to amend § 74.3(a)(1) of Part 74 Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the States of Iowa and Ohio to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such States. The entire States of Iowa and Ohio are presently included in the infected areas as sheep scabies is known to exist in such States.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of October 1963.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 63-11284; Filed, Oct. 24, 1963; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-45]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the

Federal Aviation Regulations, the subface, and for aircraft executing pre-

Federal Aviation Regulations, the sub-

VORTAC 230° True radial. Thereto

Federal Aviation Regulations, the substance of which is stated below.

The Walla Walla, Wash., control zone is designated as that airspace within a 5-mile radius of Walla Walla City-County Airport.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Walla Walla area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Walla Walla control zone by redesignating it as that airpspace within a 5-mile radius of Walla Walla City-County Airport (latitude 46°05′-35″ N., longitude 118°17′20″ W.), and within 2 miles each side of the Walla Walla VOR 215° True radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

2. Designate the Walla Walla transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Walla Walla VOR 355° True radial, extending from the arc of a 5-mile radius circle centered on the Walla Walla City-County Airport (latitude 46°05′35″ N., longitude 118°17′20″ W.) to 8 miles north of the VOR; within 2 miles each side of the 015° True bearing from the Walla Walla radio beacon (radio range to be converted to radio beacon on or about October 17, 1963), extending from the arc of a 5-mile radius circle centered on the Walla Walla Airport to 8 miles north of the radio beacon, and within 2 miles northwest and 5 miles southeast of the Walla Walla VOR 040° True radial, extending from the arc of a 5-mile radius circle centered on the Walla Walla Airport to 12 miles northeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 12 miles northwest of the Walla Walla VOR 023° and 203° True radials, extending from 14 miles southwest to 28 miles northeast of the VOR, and within 6 miles southeast and 9 miles northwest of the Pendleton, Oreg., VOR 025° True radial, extending from 33 miles northeast to 61 miles northeast of the VOR, excluding the portion within the Pendleton transition area.

The actions taken herein would, in part, increase the size of the Walla Walla control zone by the addition of an extension southwest of Walla Walla to provide protection for aircraft executing prescribed instrument approach procedures to the Walla Walla Airport.

The portion of the proposed transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at Walla Walla Airport. The portion with a floor of 1,200 feet above the surface would provide protection for aircraft while holding at the Walla Walla VOR, the Lamar Intersection (intersection of the Pasco, Wash., VOR 092° and the Pendleton, Oreg., VORTAC 025° True radials), for portions of the instrument approach and departure procedures conducted above 1,500 feet above the surface, and for aircraft executing prescribed instrument holding pattern procedures within the Walla Walla terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 21, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11265; Field, Oct. 24, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–84]

FEDERAL AIRWAY AND CONTROLLED AIRSPACE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

A south alternate of VOR Federal airway No. 12 extends from Dayton, Ohio, via the intersection of the Dayton 099° and the Appleton, Ohio, 244° True radials to Appleton. The lastest IFR peak day airway traffic survey for this south alternate of Victor 12 shows no aircraft movements on this alternate airway. Therefore, it appears that this segment of airway is unjustified as an assignment of airspace and the Agency proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on October 17, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11266; Filed, Oct. 24, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–16]

CONTROLLED AIRSPACE

Alteration of Proposed Designation of Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER on July 18, 1963 (28 F.R. 7354) it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Oklahoma City, Okla.

Subsequent to the publication of the notice, the VOR instrument approach procedure at the Wiley Post Airport has been changed to the Oklahoma City VORTAC 230° True radial. Therefore, to provide protection for aircraft executing instrument approach procedures at Wiley Post Airport, it is proposed herein to enlarge the portion of the proposed Oklahoma City transition area with a floor of 700 feet above the surface to include the airspace within 8 miles northwest and 5 miles southeast of the Oklahoma City VORTAC 230° True radial, extending from the VORTAC to 12 miles southwest.

Accordingly, the notice is hereby amended, in part, to propose the portion of the Oklahoma City transition area extending upward from 700 feet above the surface as that airspace bounded by a line beginning at latitude 35°15′30″ N., longitude 97°19′00″ W.; to latitude 35°23′00″ N., longitude 97°14′30″ W.; to latitude 35°40′30″ N., longitude 97°14′-30″ W.; to latitude 35°40′30″ N., longitude 97°28′30″ W.; to latitude 35°39′00″ N., longitude 97°40′00″ W.; to latitude 35°33′00″ N., longitude 97°50′00″ W.; to latitude 35°34′30″ N., longitude 97°58′00″ W.; to latitude 35°22′30″ N., longitude 98°02′00″ W.; to latitude 35°18′00″ N., longitude 97°42′00″ W.; to latitude 35°08′00″ N., longitude 97°42′00″ W.; to latitude 35°08′00″ N., longitude 97°28′00″ W.; to latitude 35°15′30″ N., longitude 97°28′00″ W.; to point of beginning; and within 8 miles northwest and 5 miles southeast of the Oklahoma City VORTAC 230° True radial, extending from the VORTAC to 12 miles southwest.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this supplemental notice.

Communications should be submitted to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 21, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11267; Filed, Oct. 24, 1963; 8:45 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–AL–20]

RESTRICTED AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.22 of the Federal Aviation Regulations, the substance of which is stated below.

The Eagle River, Alaska, Restricted Area R–2203 is an area of 69 square miles assigned to the Commanding General, United States Army Alaska, for artillery and mortar weapons firing. The area is designated for continuous use from the surface to 18,000 feet MSL. The Federal Aviation Agency, Anchorage ARTC Center is the controlling agency.

As a result of numerous aerial and ground observations of this area by representatives of the Federal Aviation Agency and a review of the Army utilization report for the period October 1, 1961, through September 30, 1962, it appears the portion of R–2203 east of the Alaska Railroad is not utilized sufficiently to warrant its continued designation as restricted airspace, and revocation thereof would be in the public interest. Accordingly, the Federal Aviation Agency proposes that the portion of R–2203 east of a line beginning at the intersection of longitude 149°40′ W., with the southern boundary of R–2203 and extending north to the Alaska Railroad, thence northeasterly along the railroad to its intersection with the eastern boundary of R–2203, be revoked. Revocation of this segment of R–2203 would provide a wider, more clearly defined corridor between R–2203 and the Chugach Mountains for use by VFR aircraft.

If this action is taken, R–2203 would be redesignated as follows:

R–2203 Eagle River, Alaska.

Boundaries. Beginning at latitude 61°29′-00″ N., longitude 149°33′48″ W.; to latitude 61°22′00″ N., longitude 149°33′48″ W.; thence southwesterly along the Alaska Railroad to latitude 61°17′20″ N., longitude 149°40′00″ W.; to latitude 61°17′15″ N., longitude 149°40′00″ W.; to latitude 61°17′15″ N., longitude 149°42′25″ W.; to latitude 61°18′00″ N., longitude 149°44′00″ W.; to latitude 61°27′15″ N., longitude 149°44′00″ W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.

Using agency. Commanding General, U.S. Army Alaska, Fort Richardson, Alaska.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 23, 1963.

WILLIAM E. BRENNAN,
Hearing Examiner, Food and Drug Division, Office of the General Counsel.

[F.R. Doc. 63–11338; Filed, Oct. 24, 1963; 8:48 a.m.]

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS

Notice of Petition To Amend Standards of Identity for Certain Cheeses To Permit Addition of Sorbic Acid and Salts of Sorbic Acid To Retard Mold Growth

Correction

In F.R. Doc. 63–11129 appearing in the issue for Tuesday, October 22, 1963, at page 11279, make the following changes:

1. In the 3d paragraph, line 9, the word "were" should read "where".

2. In the 6th paragraph, line 7, the word "preservation" should read "preservative."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

[Docket No. FDC–72]

COLOR ADDITIVES

β-apo-8′-Carotenal; Postponement of Prehearing Conference and Announcement of Public Hearing

In the matter of listing β-apo-8′-carotenal as a safe color additive for use in or on foods and exempting it from certification:

The prehearing conference in the above-identified matter scheduled for October 25, 1963, has been postponed to October 29, 1963.

The hearing announced for October 28, 1963 (28 F.R. 10300), will be held October 30, 1963, at the time and place indicated in the previous notice.

Dated: October 23, 1963.

WILLIAM E. BRENNAN,
Hearing Examiner, Food and Drug Division, Office of the General Counsel.

[F.R. Doc. 63–11338; Filed, Oct. 24, 1963; 8:48 a.m.]

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS

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2. In the 6th paragraph, line 7, the word "preservation" should read "preservative."

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 11]

PLANET INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 22, 1963.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $1,502,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Wisconsin; Planet Insurance Company, Philadelphia, Pennsylvania.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 63–11300; Filed, Oct. 24, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 419]

CALIFORNIA

Notice of Filing of Plat of Survey

OCTOBER 16, 1963.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective 10:00 a.m. on November 25, 1963.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 15 S., R. 23 E.,
Sec. 16, All.
Sec. 21, All.

The area described aggregates 1280.00 acres. Plat of survey accepted September 27, 1963.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of California upon acceptance of the plat of survey.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 15 S., R. 23 E.,
Sec. 16, All.

The area described aggregates 640.00 acres.

3. The following described lands have been withdrawn by Departmental Orders of July 26, 1929 and October 16, 1931, and included in First Form Reclamation Withdrawals, Colorado River Storage Project, under provisions of section 3, of the Act of June 17, 1902 (32 Stat. 388).

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 15 S., R. 23 E.,
Sec. 21, All.

The area described aggregates 640.00 acres.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of the applicable laws, rules, and regulations.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 8th Street, Riverside, California, 92502.

JENS C. JENSEN,
Land Office Manager.

[F.R. Doc. 63–11279; Filed, Oct. 24, 1963; 8:46 a.m.]

[Oregon 013902]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 16, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013902, for the withdrawal of lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the lands withdrawn to protect and develop the areas for public outdoor recreation purposes. The lands are located in the Umatilla National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

UMATILLA NATIONAL FOREST

Happy Home Campground

T. 4 S., R. 29 E.,
Sec. 29.
Total—10 acres.

Coon Campground

T. 4 S., R. 30 E.,
Sec. 31.
Total—15 acres.

Drift Fence Campground

T. 6 S., R. 32 E.,
Sec. 4.
Total—10 acres.

Mote Springs Campground

T. 7 S., R. 32 E.,
Sec. 28.
Total—10 acres.

Cable Creek Campground

T. 6 S., R. 33 E.,
Sec. 11.
Total—15 acres.

Big Creek Campground

T. 6 S., R. 34 E.,
Sec. 33.
Total—10 acres.

Moon Meadows Recreational Area

T. 7 S., R. 35 E.,
Sec. 30.
Total—30 acres.

South Fork Campground

T. 2 N., R. 37 E.,
Sec. 5.
Total—7.50 acres.

Elk Campground

T. 2 N., R. 37 E.,
Sec. 5.
Total—10 acres.

Elbow Campground

T. 3 N., R. 37 E.,
Sec. 28.
Total—10 acres.

Powder Campground

T. 3 N., R. 37 E.,
Sec. 28.
Total—40 acres.

Squaw Springs Campground

T. 2 N., R. 38 E.,
Sec. 5.
Total—20 acres.

Phillips Wayside

T. 2 N., R. 38 E.,
Sec. 11.
Total—10 acres.

Spout Springs Lookout and Ski Area

T. 3 N., R. 38 E.,
Sec. 3 and in sec. 10.
Total—350 acres.

Woodland Park Campground

T. 3 N., R. 38 E.,
Sec. 14.
Total—20 acres.

Deadman Spring Campground

T. 4 N., R. 38 E.,
Sec. 14.
Total—20 acres.

Target Meadow Campground

T. 4 N., R. 38 E.,
Sec. 21;
Sec. 28.
Total—210 acres.

Tollgate Campground

T. 4 N., R. 38 E.,
Sec. 32.
Total—20 acres.

Luger Spring Campground

T. 3 N., R. 39 E.,
Sec. 5.
Total—10 acres.

Dusty Spring Campground

T. 4 N., R. 39 E.,
Sec. 7.
Total—20 acres.

Jubilee Campground

T. 4 N., R. 39 E.,
Sec. 8;
Sec. 17.
Total—160 acres.

Squaw Spring Campground

T. 5 N., R. 39 E.,
Sec. 9.
Total—10 acres.

Bone Springs Campground

T. 5 N., R. 39 E.,
Sec. 28.
Total—20 acres.

Mottet Spring Campground

T. 5 N., R. 39 E.,
Sec. 32.
Total—20 acres.

Timothy Spring Campground

T. 5 N., R. 39 E.,
Sec. 36.
Total—30 acres.

Deduck Campground

T. 6 N., R. 39 E.,
Sec. 29.
Total—20 acres.

Bear Canyon Campground

T. 5 N., R. 40 E.,
Sec. 35;
Sec. 36.
Total—20 acres.

Mosier Spring Campground

T. 5 N., R. 41 E.,
Sec. 4.
Total—20 acres.

The total combined area is approximately 1,150 acres

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63–11280; Filed, Oct. 24, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23–892]

JOHANNES HENDRIKUS VOS ET AL.

Order Extending Temporary Denial of Export Privileges

In the matter of Johannes Hendrikus Vos, d.b.a. Handelsonderneming J. H. Vos, Werkenmondestraat 3, Dordrecht, The Netherlands; Pierre Emile Marie Contresty, 3560 Fullum Street, Montreal, Canada; N. V. Metro (Midden Europese Transport Onderneming) and E. Walda, its Managing Director, Strevelsweg 700, Rotterdam, The Netherlands; respondents.

An order temporarily denying export privileges for a period of sixty days was issued in the above matter on August 21, 1963 (28 F.R. 9445). Said order was issued in connection with an investigation instituted by the Export Control Investigations Division, Bureau of International Commerce, into activities of respondents in obtaining commodities of U.S. origin, including automotive parts and equipment and diesel engines, and diverting and transshipping, and participating in the diversion and transshipment, of such commodities to Cuba in contravention of the United States Export Control Act and regulations thereunder. The investigation is continuing.

The Acting Director of said Investigations Division has applied under § 382.11 of the Export Regulations for an extension of the temporary order for a period of ninety days.

The matter has been considered by the Compliance Commissioner, and he has reported his recommendation to me that the temporary order be extended for a period of ninety days and that such extension will be in the public interest and is necessary for the effective enforcement of the law. I do so find.

Accordingly, it is hereby ordered,

1. The respondents, their successors, agents, and employees are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party, directly or indirectly, in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

2. Such denial of export privileges shall extend not only to the respondents, but also to any successors and to any person, firm, corporation or business organization with which they now or hereafter may be related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

3. This order extends the temporary denial order entered on August 21, 1963 and shall remain in effect for a period of ninety days following the expiration of said temporary denial order unless it is hereafter extended, amended, modified or vacated in accordance with the provisions of the United States Export Regulations.

4. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

5. A copy of this order shall be served upon the respondents.

6. The respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Wash-

ington, D.C. at the earliest convenient date.

Dated: October 17, 1963.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 63-11299; Filed, Oct. 24, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-57]

WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 6, set forth below, to Facility License No. R-77. The license, as previously amended, authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor facility located on the campus of The University of Buffalo at Buffalo, New York.

The amendment, as requested by the licensee in a letter dated June 18, 1963, incorporates into the license authorization to possess and use a 30 curie antimony-beryllium source and also provides that the licensee may possess, but not separate, such byproduct material as may be incidentally produced by operation of the reactor. The amendment also adds a condition requiring the licensee to leak test the antimony-beryllium source at intervals not to exceed 12 months. The materials indicated above were previously licensed by Byproduct Material License No. 31-7528-1, which will be terminated upon issuance of the amendment.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see Docket No. 50-57 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of October 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-11291; Filed, Oct. 24, 1963; 8:47 a.m.]

IRRADIATED FUELS AND BLANKET MATERIALS

Chemical Processing and Conversion of Spent Fuels

1. This notice amends and supplements a similarly entitled notice dated March 12, 1957, 22 F.R. 1591, as previously amended and supplemented by the following notices: March 12, 1958, 23 F.R. 1707; December 16, 1959, 24 F.R. 10165; and May 23, 1961, 26 F.R. 4435. The referenced notices set forth the essential terms of the Atomic Energy Commission's policy with respect to providing for chemical processing and conversion of irradiated fuels and blanket materials from nuclear reactors operated by licensees of the Commission. Under this policy the AEC undertakes, under contracts individually negotiated with persons licensed pursuant to §§ 53.a.(4), 63.a.(4), 103 or 104 of the Atomic Energy Act of 1954, as amended, who possess or will possess irradiated reactor fuels or blanket materials, to receive such fuels and blanket materials and to make a financial settlement therefor. The term of the contracts executed pursuant to this policy is from their respective dates of execution until June 30, 1967. However, each contract reserves the right in the AEC to terminate the contract, without cost, upon a determination by the AEC that the required services will be commercially available at reasonable charges.

2. The AEC hereby announces that it has executed a contract with Nuclear Fuel Services, Inc. (NFS), a Maryland corporation, under which NFS has agreed to provide chemical processing services to the AEC, licensees of the AEC, and foreign reactor operators, for irradiated reactor fuels and blanket materials. NFS is currently engaged in the construction of the chemical processing facility in which these services will be performed.

3. After startup of the NFS plant and in accordance with the policy expressed in the referenced notices, the AEC will no longer execute a chemical processing contract with any licensee unless the AEC shall have determined that chemical processing services are not available to that licensee from the NFS facility, at reasonable terms and charges. After such determination, the AEC will execute a chemical processing contract with the licensee in accordance with the referenced notices.

4. The AEC will terminate chemical processing contracts heretofore or hereafter executed in accordance with the provisions of such contracts as of the startup of the NFS plant, unless the AEC determines that the required chemical processing services are not available from the NFS facility at reasonable terms and charges. AEC's chemical processing contracts provide that the licensee may also terminate the contract.

5. The AEC expects chemical processing contracts to be entered into voluntarily by licensees and NFS, and AEC will take no part in negotiation of such agreements. However, in the event a person licensed pursuant to §§ 53.a.(4), 63.a.(4), 103 or 104 of the Act is unable to reach agreement with NFS, and whether or not such licensee possesses an AEC chemical processing contract, if such licensee considers that the terms and conditions, including charges, for services offered by NFS are unreasonable, the AEC would, upon such licensee's request, review such proposed terms and conditions, including charges, and determine whether the required services are available at reasonable terms and charges. Should the AEC find that such services are available at reasonable terms and charges the AEC would not agree to accept the licensee's irradiated reactor fuel or blanket materials in accordance with the referenced notices. Should the AEC determine that the required services are not available at reasonable terms and charges, the AEC would agree to accept the licensee's irradiated reactor fuels or blanket materials in accordance with the referenced notices.

6. Inquiries concerning this notice should be directed to: Division of Production, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Dated at Germantown, Maryland, this 18th day of October 1963.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 63-11290; Filed, Oct. 24, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 2980]

MARKET AGENCIES AT ST. PAUL UNION STOCKYARDS, SOUTH ST. PAUL, MINN.

Notice of Withdrawal of Effective Date of Modifications of Schedules of Rates and Charges

On August 9, 1963, an order was issued instituting a proceeding (P. & S. Docket No. 2980) under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), concerning modifications by certain market agencies operating at the St. Paul Union Stockyards, South St. Paul, Minnesota, of their current schedules of rates and charges, which modifications were filed on July 29, 1963, to become effective on August 12, 1963; and suspending and

deferring the operation and use of such modifications for a period of 30 days beyond the time they would have otherwise gone into effect. Such order was published in the FEDERAL REGISTER at 28 F.R. 10275.

On September 10, 1963, an order was issued suspending and deferring the operation and use of such modifications of the current schedules for a further period of 30 days beyond the date when such modifications would have otherwise become effective. Notice of such order was published in the FEDERAL REGISTER at 28 F.R. 10340.

Notice is hereby given that the respondents in P. & S. Docket No. 2980, other than Farmers Union Marketing Association, have further postponed the effective date of such modifications "for such time as is necessary to bring the case to its final conclusion," and that Farmers Union Marketing Association has withdrawn the modifications of its tariff which were filed on July 29, 1963.

Done at Washington, D.C., this 22d day of October 1963.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-11301; Filed, Oct. 24, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-63]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

OCTOBER 18, 1963.

Take notice that on September 16, 1963, Texas Eastern Transmission Corporation (Applicant) with its principal place of business in Houston, Texas, filed in Docket No. CP64-63 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1964, and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of the proposed facilities will not exceed $5,000,000 and no single project will exceed a cost of $500,000. The application states that the proposed facilities will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11273; Filed, Oct. 24, 1963; 8:45 a.m.]

[Docket No. CP64-70]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

OCTOBER 18, 1963.

Take notice that on September 19, 1963, Texas Eastern Transmission Corporation (Applicant), Houston, Texas, filed in Docket No. CP64-70 an abbreviated application pursuant to section 7 of the Natural Gas Act, for a Certificate of Public Convenience and Necessity seeking authorization to sell and deliver to Indiana Gas & Water Company 408 Mcf per day of additional gas on a firm basis, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

This sale and delivery will be made by means of presently authorized facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 21, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11274; Filed, Oct. 24, 1963; 8:45 a.m.]

[Project No. 2401]

UTAH POWER & LIGHT CO.

Notice of Application for License

OCTOBER 18, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Utah Power & Light Company (correspondence to: Mr. F. Gerald Irvine, General Counsel, Utah Power & Light Company, P.O. Box 899, Salt Lake City 10, Utah) for license for constructed Project No. 2401, known as the Grace-Cove Project, located on Bear River, Caribou County, near the Town of Grace, Idaho.

The project consists of: Grace Development—a timber crib rock filled dam 180.5 feet long and 51 feet high with 120 feet of spillway controlled by flashboards, and about 200 feet of earth dyke creating a reservoir of 250 acre-feet at maximum elevation of 5,556 feet M.S.L.; two conduits of wood stave and riveted steel pipe conveying water about 4.8 miles to Old Grace and New Grace powerhouses; two powerhouses containing, respectively, two horizontal type generating units rated at 5,500 kilowatts each and three vertical type generating units rated at 11,000 kilowatts each; and other mechanical and electrical appurtenances; and Cove Development—a reinforced concrete dam 140 feet long and 24 feet high and 150 feet of earth dyke creating a small pond with a high water elevation of 5,032 feet M.S.L.; a conduit consisting of a concrete lined canal, open box wood flume, and steel penstocks conveying water about 1.3 miles to the powerhouse; a powerhouse containing a vertical reaction turbine connected to a 7,500 kilowatt generator; and other mechanical and electrical appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which

protests or petitions may be filed is December 9, 1963. The application is on

curity. While applicant is not prohibited from incurring indebtedness in addition

of the close of such fiscal year, a state-

the request. At any time after said date on, or request the Commission in writ-

FSA No. 38610: Refined

propriate order.

referenced notices.

August 12, 1963; and suspending and

No. 209——3

protests or petitions may be filed is December 9, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11275; Filed, Oct. 24, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1631]

ICI FINANCIAL CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

OCTOBER 21, 1963.

Notice is hereby given that ICI Financial Corporation ("applicant"), 488 Madison Avenue, New York 22, New York, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein, which are summarized below.

Applicant has not issued capital stock or other securities. Upon issuance, all its outstanding shares of capital stock will be owned by Imperial Chemical Industries Limited ("ICI") or a wholly-owned subsidiary of ICI. ICI, a company organized under the laws of England, is one of the largest industrial organizations in the United Kingdom, having been incorporated in 1926 for the purpose of acquiring the businesses then conducted by four major English chemical companies. It engages, directly and through subsidiaries, in the manufacture and sale of various chemicals and chemical products. It also has interests in a number of associated companies, including the ownership of about 38.5 percent of the Ordinary Stock of Courtaulds Limited, a leading manufacturer of rayon and other synthetic fibers in the United Kingdom.

Applicant's sole purpose is to serve as a vehicle through which ICI and its subsidiaries and associated companies may obtain capital funds in the United States. It presently intends to borrow $25,000,000 for use by ICI for capital investment in nonsterling areas. To this end, applicant proposes to issue and sell $25,000,000 principal amount of Twenty-Year Promissory Notes ("Notes") to institutional investors, and to transfer the proceeds to ICI in return for a demand note of ICI ("ICI Note") in an equal principal amount. The terms of the latter will enable applicant to service the indebtedness represented by its Notes and payments by ICI to applicant on the ICI Note will be used for that purpose. ICI will guarantee applicant's obligations on its Notes; however, the Note will not be pledged as security nor will there be any stock or other property pledged as security. While applicant is not prohibited from incurring indebtedness in addition to the indebtedness represented by the Notes, no additional issuance of debt securities is presently contemplated.

Six institutional investors have expressed their willingness to purchase the entire $25,000,000 aggregate principal amount of Notes. Four are insurance companies who will purchase Notes for their own account and two are banks who will purchase the Notes as trustees for the accounts of 24 pension or trust funds and other funds or principals. The Notes will be acquired for investment and not with a view to the distribution or sale thereof. Each bank will represent that its decision to acquire or recommend acquisition shall be the result of a single study and conclusion.

Upon consummation of the transaction described above, applicant's only assets will consist of the ICI Note and assets representing its capital amounting to $1,000,000, less expenses incurred in connection with its organization and the borrowing from institutional investors. Since the business of applicant is to be the providing of funds to ICI or its subsidiaries or associated companies, it is contemplated that all or a major portion of applicant's assets in the future will be notes evidencing loans to ICI or its subsidiaries or associated companies. Payments under such notes will be applied to the payment of applicant's obligations. Applicant will not deal with such notes evidencing loans by it in any way, and it will not hold shares of capital stock of any other corporation.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act, because (i) the only significant assets of applicant will be notes of ICI or its subsidiary or associated companies, (ii) it will not trade in securities, (iii) none of its securities (other than debt securities) will be held by anyone other than ICI or a wholly-owned subsidiary of ICI, and (iv) the Notes will be acquired by institutional investors who will be purchasing for investment.

Section 6(c) of the Act provides that the Commission may, conditionally or unconditionally, exempt any persons, securities or transactions from any provisions of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the Commission's order may be issued subject to the conditions that applicant will:

(1) File with the Commission, within 90 days after the close of each fiscal year of applicant the data required by Items 7 (except with respect to information relating to persons under common control with the applicant), 8, 9 and 10 of Form N-30A-1 adopted by the Commission pursuant to section 30(a) of the Investment Company Act of 1940;

(2) File with the Commission, within 120 days after the close of each fiscal year of the applicant, a balance sheet as of the close of such fiscal year, a statement of income and expense for such fiscal year, and a statement of surplus and a schedule of investments as of the close of such fiscal year;

(3) File with the Commission, within 30 days after the happening of any of the following events, information as to (a) any request to exchange any of the Notes for Notes of smaller denominations, and (b) any transfer of Notes and the name and address of each transferee, to the extent that such information shall be available to, or can reasonably be obtained by, the applicant;

(4) Not issue any additional securities (other than shares of its capital stock to ICI or a wholly-owned subsidiary of ICI and other than securities representing current indebtedness, as determined by generally accepted accounting practices), following the issuance of the $25,000,000 aggregate principal amount of Notes, unless the applicant shall have first given written notice to the Commission describing the proposed issuance of such additional securities within 45 days prior to the date of such proposed issuance; subject, however, to the right of the Commission, upon request of the applicant, to decrease such number of days. Applicant further agrees that if the Commission shall, after receipt of said written notice, determine that a substantial question shall exist as to whether or not the exemption granted by the Order hereby requested should continue and shall mail or otherwise give notice to that effect to applicant at its offices at 488 Madison Avenue, New York 22, New York (or at such other address as applicant may have previously specified in writing to the Commission), within 15 days after the receipt by the Commission of said written notice from applicant, the applicant will not issue such additional securities unless after receipt by the applicant of such notice from the Commission and not less than 15 days prior to the issuance of such additional securities, applicant shall mail or otherwise give written notice to the Commission stating its intention to issue such additional securities, and upon the giving of such notice by applicant the Order hereby requested shall be deemed to have been terminated as of the date applicant shall have mailed or otherwise given such notice to the Commission.

Notice is further given that any interested person may, not later than November 4, 1963, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with

the request. At any time after said date as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 63-11281; Filed, Oct. 24, 1963; 8:46 a.m.]

[File No. 2-6757]

P.S.I. INDUSTRIES, INC.

Notice of Application for Exemption

OCTOBER 21, 1963.

Notice is hereby given that P.S.I. Industries, Inc., an Illinois Corporation (the "Applicant"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the requests for exemption, as follows:

1. The Applicant has filed the reports required by the aforesaid section 15(d) pursuant to an undertaking contained in the Registration Statement 2-6757 which became effective October 31, 1946;

2. The outstanding stock of Applicant consists of 400,000 shares of common stock, all of such stock being held of record by 31 persons;

3. As of the date hereof, 398,370 shares, or 99.34 percent of the total shares outstanding, are held by Wallace A. Erickson & Co., which is 100 percent owned by Wallace A. Erickson and his wife;

4. Wallace A. Erickson & Co. expects to acquire the remaining 1,630 shares outstanding which are held by 30 persons.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after November 21, 1963, unless prior thereto a hearing is ordered by the Commission. Any interested persons may not later than November 18, 1963 at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-11282; Filed, Oct. 24, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 22, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38607: *T.O.F.C. service—from and to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2332), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars, between Kingsland and Woodbine, Ga., on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor-truck competition, and grouping.

Tariff: Supplement 50 to Western Trunk Line Committee, agent, tariff I.C.C. A-4379.

FSA No. 38608: *Lime to southern territory.* Filed by Illinois Freight Association, agent (No. 217), for interested rail carriers. Rates on lime, common, hydrated, quick or slaked, in carloads, from Chicago and Thornton, Ill., to points in southern territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 70 to Illinois Freight Association, agent, tariff I.C.C. 979.

FSA No. 38609: *Proportional rates—barley from Montana points.* Filed by Pacific Southcoast Freight Bureau, agent (No. 246), for interested rail carriers. Rates on barley, in bulk, in carloads, from East Portland, and Portland, Oreg., on traffic received by rail from specified Great Northern Railway stations in Montana, to specified stations in California.

Grounds for relief: Truck-barge-truck and rail-barge-truck competition.

Tariff: Supplement 145 to Pacific Southcoast Freight Bureau, agent, tariff I.C.C. 1577.

FSA No. 38610: *Soda ash from Saltville, Va., to Westover, Ga.* Filed by O. W. South, Jr., agent (No. A4386), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Saltville, Va., to Westover, Ga.

Grounds for relief: Private truck competition.

Tariff: Supplement 60 to Southern Freight Association, agent, tariff I.C.C. S-207.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-11287; Filed, Oct. 24, 1963; 8:47 a.m.]

[Notice No. 886]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 22, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65666. By order of October 16, 1963, the Transfer Board approved the transfer to Great Western Packers Express, Inc., Denver, Colo., of a portion of Certificate in No. MC 44605 (Sub-No. 13), issued March 28, 1960, to Milne Truck Lines, Inc., Salt Lake City, Utah, the portion approved for transfer authorizes the transportation of: Packinghouse products and dairy products, from Denver, Colo., to Tucson, Ariz., serving the intermediate points of Colorado Springs and Pueblo, Colo., and Prescott and Phoenix, Ariz., and, fresh, frozen, or dried fruits and vegetables, from Yuma, Ariz., to Denver, Colo., serving the intermediate points of Prescott, Phoenix, and Tucson, Ariz. Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill., attorney for applicants.

No. MC-FC 66126. By order of October 21, 1963, the Transfer Board approved the transfer to Dan Dugan Transport Company, a corporation, Sioux Falls, S. Dak., of Certificates in Nos. MC 22195, MC 22195 (Sub-No. 2), MC 22195 (Sub-No. 16), MC 22195 (Sub-No. 18), MC 22195 (Sub-No. 24), MC 22195 (Sub-No. 31), MC 22195 (Sub-No. 40), MC 22195 (Sub-No. 47), MC 22195 (Sub-No. 48), MC 22195 (Sub-No. 50), MC 22195 (Sub-No. 53), MC 22195 (Sub-No. 61), MC 22195 (Sub-No. 64), MC 22195 (Sub-No. 66), MC 22195 (Sub-No. 71), MC 22195 (Sub-No. 72), MC 22195 (Sub-No. 75), MC 22195 (Sub-No. 78), MC 22195

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No. MC–FC 66189. By order of October 15, 1963, the Transfer Board approved the transfer to McGaugh Motor Carrier, Inc., Springdale, Ark., of the operating rights issued by the Commission November 22, 1961, under Certificate in No. MC 123851, to James Theldred Curtis and Roger E. Curtis, a partnership, doing business as E. M. Curtis Transport Company, Fort Smith, Ark., authorizing the transportation, over irregular routes, of new automobiles and trucks, in truckaway service, from Lansing and Pontiac, Mich., and Evansville, Ind., to Fort Smith, Ark.; new automobiles and new trucks, in initial movements, in truckaway service, from places of manufacture and assembly in Detroit, Mich., to Fort Smith and Rogers, Ark., and to the Oklahoma-Texas State line, immediately north of Paris, Tex., on U.S. Highway 271; new trucks, in initial movements, in truckaway and driveaway service, from the site of the Dodge plant in Warren Township, Macomb County, Mich., to Fort Smith and Rogers, Ark.; new automobiles, in initial movements, in truckaway service, from Evansville, Ind., to Springdale, Ark. John H. Joyce, 26 North College, Fayetteville, Ark., attorney for applicants.

No. MC–FC 66295. By order of October 16, 1963, the Transfer Board approved the transfer to C. Elmer Ross and N. Edith Ross, Smyrna, Del., of Permit in No. MC 38425, issued April 4, 1961, to Irvin W. Zechman, Middleburg, Pa., authorizing the transportation of: Agricultural commodities, fertilizer, chemicals used in the manufacture of fertilizer, feed and seed, from Baltimore, Md., and points in York County, Pa., to Staunton, Winchester, Fredericksburg, Alexandria, and Harrisonburg, Va., Philadelphia, Pa., Burt, Owego, Spencer, and New York, N.Y., Highstown, Centertown, and Vineland, N.J., points in Berkeley and Jefferson Counties, W. Va., points in York, Lancaster, Berks, Potter and Tioga Counties, Pa., and points in Maryland, Delaware, and the District of Columbia; building material and farm supplies, from Baltimore, Md., to points in York County, Pa. Bernard N. Gingerich, Quarryville, Pa., practitioner for applicants.

No. MC–FC 66298. By order of October 16, 1963, the Transfer Board approved the transfer to H. L. Sewell and Lester Foster, a partnership, doing business as Sewell Trucking, Route 1, Harrisonville, Mo., of Certificate in No. MC 118985 (Sub-No. 2), issued July 28, 1960, to Caddells, Inc., 6703 Appleton, Raytown, Mo., authorizing the transportation of: Sand and gravel, in bulk, from Muncie, Kans., and points within five miles thereof, to points in a specified territory in Missouri.

No. MC–FC 66302. By order of October 16, 1963, the Transfer Board approved the transfer to Russell E. Harthcock, doing business as Murray Van Lines, Springfield, Mo., of Certificate in No. MC 80389, issued January 12, 1953, to W. E. Harthcock, doing business as Murray Vans, Springfield, Mo., authorizing the transportation of: household goods, between points in Greene County, Mo., on the one hand, and, on the other, points in Kansas, Oklahoma, Illinois, and Iowa. Buell F. Weathers, 810 Landers Building, Springfield, Mo., attorney for applicants.

No. MC–FC 66306. By order of October 16, 1963, the Transfer Board approved the transfer to John G. McBain, Terryville, Conn., of Permit in No. MC 4140, issued December 6, 1954, to Albert N. Wollenberg, Terryville, Conn., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in Connecticut within a specified territory, and between Winstead, Conn., and points in the specified territory. William L. Mobley, 1694 Main Street, Springfield, Mass., practitioner for applicants.

No. MC–FC 66331. By order of October 16, 1963, the Transfer Board approved the transfer to Capeway Freight Lines, Inc., Whitman, Mass., applicant in No. MC 120818 (Sub-No. 1), BOR–99 filed in the name of Rhue's Express of Brockton, Inc., Whitman, Mass., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Massachusetts certificate No. 3283, authorizing the transportation of general commodities anywhere within the Commonwealth of Massachusetts. George C. O'Brien, The Eighth Floor, 33 Broad Street, Boston 9, Mass., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11288; Filed, Oct. 24, 1963; 8:47 a.m.]

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UNITED STATES STATUTES AT LARGE

Containing

THE CANAL ZONE CODE

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Determination of County Normal Yields for 1963 Crop

Basis and purpose. The regulations contained in § 729.1407, below, are issued pursuant to and in conformity with the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended and the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920).

Subsections 301(b)(13)(B) and (C) of the Act define normal yield for any county as follows:

(B) "Normal yield" for any county, in the case of • • • peanuts, shall be the average yield per acre of • • • peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined.

(C) In applying • • • [(B) supra] • • • if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such paragraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any such year of such • • • five-year period, • • • is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the normal yield per acre.

Producers are now marketing their 1963 crop of peanuts and since county normal yields are used in the determination of the amount of penalty on excess peanuts marketed from a farm, it is essential that county normal yields be determined and announced as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impractical and contrary to the public interest. Therefore, the county normal yields specified below shall become effective upon publication in the FEDERAL REGISTER.

§ 729.1407. Determination of the county normal yields for 1963 crop of peanuts.

County normal yields for 1963 crop of peanuts, determined in accordance with the Act and § 729.1455 (27 F.R. 11920, 11929) are as follows:

ALABAMA

County	Normal yield (pounds)	County	Normal yield (pounds)
Autauga	648	Houston	1,146
Baldwin	630	Jackson	653
Barbour	1,003	Jefferson	650
Bibb	581	Lamar	567
Blount	670	Lauderdale	625
Bullock	704	Lawrence	640
Butler	821	Lee	578
Calhoun	674	Limestone	660
Chambers	596	Lowndes	535
Cherokee	598	Macon	738
Chilton	580	Madison	672
Choctaw	541	Marengo	462
Clarke	542	Marion	618
Clay	556	Marshall	665
Cleburne	575	Mobile	596
Coffee	1,102	Monroe	846
Colbert	584	Montgomery	693
Conecuh	819	Morgan	650
Coosa	643	Perry	842
Covington	1,038	Pickens	458
Crenshaw	987	Pike	882
Cullman	726	Randolph	571
Dale	1,091	Russell	715
Dallas	548	Saint Clair	577
De Kalb	690	Shelby	560
Elmore	869	Sumter	619
Escambia	951	Talladega	569
Etowah	639	Tallapoosa	620
Fayette	581	Tuscaloosa	510
Franklin	560	Walker	552
Geneva	1,208	Washington	520
Greene	380	Wilcox	769
Hale	451	Winston	610
Henry	1,113		

ARIZONA

Pima	2,118	Yuma	1,828

ARKANSAS

Cleburne	488	Johnson	779
Crawford	781	Lincoln	611
Dallas	509	Little River	458
Faulkner	815	Logan	586
Franklin	769	Nevada	403
Hempstead	439	Randolph	748
Howard	422	Yell	460

CALIFORNIA

Fresno	1,662	Madera	600
Imperial	1,034	Riverside	670
Kern	1,767	Tulare	805

FLORIDA

Alachua	1,403	Lafayette	953
Bay	875	Leon	927
Calhoun	1,452	Levy	1,116
Columbia	1,068	Madison	626
Dixie	1,279	Marion	1,158
Escambia	828	Okaloosa	1,143
Gadsden	1,009	Palm Beach	1,640
Gilchrist	880	Santa Rosa	1,301
Hamilton	920	Suwannee	1,353
Holmes	1,065	Wakulla	757
Jackson	1,142	Walton	1,117
Jefferson	873	Washington	1,157

GEORGIA

Appling	993	Bulloch	1,218
Atkinson	1,233	Burke	747
Bacon	845	Calhoun	1,358
Baker	1,223	Candler	899
Baldwin	478	Chattahoochee	421
Ben Hill	1,170	Clay	1,126
Berrien	1,031	Coffee	1,080
Bleckley	1,015	Colquitt	1,165
Brooks	1,174	Cook	1,402
Bryan	1,124	Crawford	419

GEORGIA—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Crisp	1,442	Pierce	702
Decatur	1,248	Pulaski	1,062
Dodge	901	Quitman	992
Dooly	1,192	Randolph	1,172
Dougherty	1,077	Richmond	565
Early	1,203	Schley	1,050
Effingham	1,215	Screven	1,042
Emanuel	932	Seminole	1,226
Evans	1,259	Stewart	906
Glascock	533	Sumter	1,210
Grady	1,229	Talbot	751
Hancock	215	Tattnall	1,230
Harris	253	Taylor	1,115
Houston	1,044	Telfair	943
Irwin	1,326	Terrell	1,189
Jeff Davis	1,015	Thomas	1,051
Jefferson	663	Tift	1,284
Jenkins	853	Toombs	1,009
Johnson	654	Treutlen	631
Lanier	959	Turner	1,190
Laurens	916	Twiggs	849
Lee	1,139	Upson	689
Lowndes	942	Ware	968
McDuffie	386	Warren	478
Macon	1,047	Washington	745
Marion	888	Wayne	888
Miller	1,332	Webster	1,060
Mitchell	1,266	Wheeler	989
Montgomery	813	Wilcox	1,208
Muscogee	281	Wilkinson	838
Newton	408	Worth	1,173
Peach	1,020		

LOUISIANA

Beauregard	634	Lincoln	923
Bienville	570	Morehouse	911
Claiborne	676	Union	475
LaSalle	628		

MISSISSIPPI

Alcorn	300	Lowndes	394
Attala	271	Madison	310
Calhoun	491	Neshoba	810
Chickasaw	198	Noxubee	412
Copiah	370	Perry	440
George	470	Prentiss	552
Greene	1,035	Sunflower	682
Hinds	470	Tishomingo	386
Holmes	480	Union	522
Itawamba	604	Webster	781
Kemper	346	Winston	465
Lamar	472	Yalobusha	408
Lauderdale	467		

MISSOURI

Cole	800

NEW MEXICO

Curry	1,587	Quay	1,037
Lea	1,354	Roosevelt	1,895

NORTH CAROLINA

Beaufort	1,392	Gates	1,895
Bertie	1,729	Greene	1,435
Bladen	1,299	Halifax	1,789
Brunswick	1,069	Hertford	1,905
Camden	1,770	Iredell	383
Catawba	734	Johnston	1,487
Chatham	1,547	Jones	894
Chowan	1,921	Lenoir	1,083
Columbus	1,274	Martin	1,753
Craven	1,098	Moore	1,597
Cumberland	1,360	Nash	1,567
Currituck	1,725	New Hanover	998
Davidson	783	Northampton	1,992
Duplin	1,143	Onslow	1,490
Edgecombe	1,667	Pamlico	957
Franklin	1,026	Pasquotank	2,023

NORTH CAROLINA—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Pender	1,064	Scotland	1,301
Perquimans	1,971	Tyrrell	1,636
Pitt	1,560	Wake	1,174
Richmond	1,422	Warren	994
Robeson	1,199	Washington	1,796
Rowan	1,019	Wayne	1,322
Sampson	1,180	Wilson	1,327

OKLAHOMA

Atoka	859	Le Flore	713
Beckham	2,014	Lincoln	1,063
Blaine	2,865	Logan	1,569
Bryan	774	Love	747
Caddo	2,275	Marshall	915
Canadian	1,401	McClain	1,010
Carter	714	McCurtain	739
Choctaw	750	McIntosh	904
Cleveland	1,453	Murray	804
Coal	701	Muskogee	924
Comanche	1,131	Okfuskee	903
Cotton	744	Oklahoma	806
Creek	702	Okmulgee	921
Custer	1,998	Pawnee	1,184
Dewey	752	Payne	979
Garvin	1,096	Pittsburg	974
Grady	1,016	Pontotoc	795
Greer	1,477	Pottawatomie	1,149
Harmon	895	Pushmataha	667
Haskell	795	Seminole	825
Hughes	1,009	Sequoyah	875
Jackson	889	Stephens	1,047
Jefferson	685	Tulsa	797
Johnston	803	Wagoner	898
Kingfisher	1,234	Washita	2,508

SOUTH CAROLINA

Aiken	439	Hampton	1,327
Allendale	1,099	Horry	1,096
Bamberg	1,120	Kershaw	1,014
Barnwell	717	Lee	1,107
Cherokee	476	Lexington	477
Clarendon	1,085	Marion	981
Colleton	1,137	Marlboro	657
Darlington	1,292	Orangeburg	569
Dillon	1,187	Richland	484
Dorchester	657	Spartanburg	526
Florence	1,125	Sumter	1,352
Georgetown	341	Williamsburg	973
Greenville	680		

TENNESSEE

Benton	994	Hickman	602
Bradley	1,357	Humphreys	651
Carroll	844	Lawrence	615
Decatur	883	Lewis	934
Dickson	568	Loudon	888
Fayette	635	Madison	420
Gibson	896	Obion	700
Hamilton	949	Perry	1,003
Hardeman	677	Polk	759
Hardin	515	Wayne	770
Henderson	810	Weakley	888

TEXAS

Anderson	711	Coryell	649
Atascosa	790	Crosby	1,573
Austin	859	Denton	714
Bailey	2,811	DeWitt	583
Bastrop	709	Dimmit	1,795
Baylor	1,248	Duval	666
Bee	402	Eastland	665
Bexar	651	Erath	697
Bosque	551	Falls	709
Brazos	455	Fannin	847
Briscoe	676	Fayette	638
Brown	598	Floyd	2,004
Burleson	575	Fort Bend	661
Caldwell	756	Franklin	705
Callahan	509	Freestone	588
Camp	667	Frio	1,342
Cass	673	Gaines	1,355
Cherokee	791	Garza	574
		Gillespie	413
Collingsworth	817	Gonzales	638
Colorado	783	Grayson	734
Comanche	770	Grimes	745
Cooke	536	Guadalupe	427

TEXAS—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Hale	1,687	Morris	641
Hall	1,086	Motley	1,168
Hamilton	418	Palo Pinto	672
Harris	897	Parker	798
Henderson	932	Polk	524
Hill	598	Red River	926
Hood	783	Robertson	769
Hopkins	841	Runnels	391
Houston	759	Rusk	611
Jack	564	San Saba	551
Jim Wells	1,091	Smith	828
Johnson	679	Somervell	676
Jones	597	Stephens	625
Karnes	598	Stonewall	702
Kent	672	Tarrant	651
Lamar	824	Terry	2,049
Lampasas	566	Titus	710
LaSalle	1,411	Travis	602
Lavaca	634	Trinity	654
Lee	684	Upshur	573
Leon	887	Van Zandt	846
Limestone	747	Victoria	619
Live Oak	655	Walker	2,882
Llano	479	Waller	956
McCulloch	621	Washington	639
McLennan	651	Webb	845
Madison	736	Williamson	891
Marion	617	Wilson	582
Mason	728	Wise	691
Medina	781	Wood	768
Milam	641	Yoakum	1,144
Mills	535	Young	632
Montague	824	Zavala	1,781
Montgomery	561		

VIRGINIA

Brunswick	1,149	New Kent	2,047
Chesterfield	1,395	Norfolk	1,973
Dinwiddie	1,590	Northampton	1,864
Greensville	1,707	Prince George	1,806
Isle of Wight	2,108	Southampton	2,002
James City	2,039	Surry	2,171
Mecklenburg	830	Sussex	1,914
Nansemond	1,943		

(Secs. 301, 375, 52 Stat. 38, as amended, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 23, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-11335; Filed, Oct. 25, 1963; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 85]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.385 Lemon Regulation 85.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 22, 1963.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 27, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1964, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 24, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11378; Filed, Oct. 25, 1963; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Payment-in-Kind Regulations—Price Support and Diversion

The regulations governing the 1963 Payment-in-Kind Program are herewith amended to delete the year "1963" from the terms "1963 Certificate Pool Sale—Feed Grain Program" or "Wheat Program," in § 1421.3706(b). (28 F.R. 4607 and 28 F.R. 5205.)

Section 1421.3706(b), is amended, to read as follows:

§ 1421.3706 Marketing of certificates.

* * * * * * *

(b) The term "Certificate Pool Sale—Feed Grain Program" or "Wheat Program," as applicable, used in contracts of CCC shall be deemed to refer to a transaction involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC.

(Secs. 4 and 5, 62 Stat. 1070, as amended; sec. 306, 76 Stat. 615; sec. 105(c), 63 Stat. 1051, as amended; sec. 16(g), 49 Stat. 163, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 16 U.S.C. 590(p))

Signed at Washington, D.C., on October 23, 1963.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63-11336; Filed, Oct. 25, 1963; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER subparagraph (14) of paragraph (a) of § 6.305 is amended and subparagraph (18) is added to paragraph (a) as set out below.

§ 6.305 Department of the Army.

(a) *Office of the Secretary.* * * *

(14) One Deputy Under Secretary (Manpower and Reserve Forces).

* * * * * * *

(18) One Deputy Under Secretary (Personnel Management).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 533)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A twenty-third amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (7) of paragraph (a) of § 213.3307 is amended and subparagraph (11) is added to paragraph (a) as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* * * *

(7) One Deputy Under Secretary (Manpower and Reserve Forces).

* * * * * * *

(11) One Deputy Under Secretary (Personnel Management).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 63-11325; Filed, Oct. 25, 1963; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraphs (48) and (49) are added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(48) The Chief Counsel, Community Facilities Administration.

(49) The Chief Counsel, Urban Renewal Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

Reorganization and revision of chapter. In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A twenty-second amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraphs (38) and (39) are added to paragraph (a) of § 213.3344 as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(38) The Chief Counsel, Community Facilities Administration.

(39) The Chief Counsel, Urban Renewal Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 63-11326; Filed, Oct. 25, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SW-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On August 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7853) stating that the Federal Aviation Agency proposed to alter the Fayetteville, Ark., control zone and designate the Fayetteville transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the Notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Fayetteville, Ark., control zone is amended to read:

Fayetteville, Ark.

Within a 5-mile radius of the Fayetteville Municipal Airport-Drake Field (latitude 36°-00'15" N., longitude 94°10'05" W.); within 2 miles each side of the Drake VOR 328° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the Fayetteville RBN 359° bearing, extending from the 5-mile radius zone to 7 miles N of the RBN.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Fayetteville, Ark.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35°-54'30" N., longitude 94°19'00" W.; to latitude 36°14'00" N., longitude 94°15'00" W.; to latitude 36°14'00" N., longitude 94°01'30" W.; to latitude 36°00'00" N., longitude 94°01'30" W.; to latitude 35°53'30" N., longi-

tude 94°04'30" W.; to point of beginning; within a 5-mile radius of Rogers Municipal Airport, Rogers, Ark. (latitude 36°22'10" N., longitude 94°06'25" W.); within 2 miles each side of the Fayetteville VOR 005° and 185° radials, extending from the 5-mile radius area to latitude 36°14'00" N.; and within 2 miles each side of the Rogers RBN 003° bearing, extending from the 5-mile radius area to 8 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 35°43'00" N., longitude 94°20'00" W.; to latitude 36°12'00" N., longitude 94°28'00" W.; to latitude 36°38'00" N., longitude 94°14'00" W.; to latitude 36°37'30" N., longitude 93°57'00" W.; to latitude 35°58'00" N., longitude 93°58'30" W.; to latitude 35°42'00" N., longitude 94°09'00" W.; to point of beginning.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11310; Filed, Oct. 25, 1963; 8:46 a.m.]

[Airspace Docket No. 63-SW-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone and Transition Area

On July 26, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 7607) stating that the Federal Aviation Agency proposed to designate the Harrison, Ark., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the Notice, the following actions are taken:

1. Section 71.171 (27 F.R. 220-91, November 10, 1962) is amended by adding the following:

Harrison, Ark.

Within a 3-mile radius of the Harrison Municipal Airport (latitude 36°15'55" N., longitude 93°09'20" W.) and within 2 miles each side of the Harrison VOR 136° radial, extending from the 3-mile radius zone to the VOR.

2. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Harrison, Ark.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harrison Municipal Airport (latitude 36°15'55" N., longitude 93°09'20" W.); within 2 miles each side of the Harrison VOR 316° radial, extending from the 5-mile radius area to 8 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the Harrison VOR 316° and 136° radials, extending from 13 miles NW to 7 miles SE of the VOR.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 21, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11311; Filed, Oct. 25, 1963; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 2031; Amdt. 633]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Amendment 326, 26 F.R. 7873 (AD 61-18-1), as revised by Amendment 393, 27 F.R. 769, requires inspection of the main landing gear trunnion supports on Boeing Models 707 and 720 Series aircraft, and repair or replacement if cracks are found. An investigation made in response to a request for extension of the repetitive inspection intervals has shown that an increase in certain repetitive inspection intervals based on service experience can be granted. Therefore AD 61-18-1 is being further revised to provide for such increases in inspection intervals.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 326, 26 F.R. 7873, AD 61-18-1, as revised by Amendment 393, 27 F.R. 769, Models 707 and 720 Series aircraft, is further amended by:

1. Changing the inspection interval in paragraph (b) from "every 100 hours" to "every 125 hours."

2. Changing the inspection interval in paragraph (e)(1) from "Every 350 hours" to "Every 420 hours."

3. Changing the inspection interval in paragraph (e)(2) from "Every 700 hours" to "Every 840 hours."

4. Changing the inspection interval in paragraph (e)(3) from "Every 4,000 hours" to "Every 5,000 hours."

This amendment shall become effective October 26, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 21, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-11306; Filed, Oct. 25, 1963; 8:45 a.m.]

[Reg. Docket No. 2032; Amdt. 634]

PART 507—AIRWORTHINESS DIRECTIVES

Grumman Model G-164 Series Aircraft

There have been cases of excessive wear of the throttle control pivot bolt on Grumman Model G-164 Series aircraft, which can result in loss of throttle control. Therefore, to correct this unsafe condition, an airworthiness directive is being issued to require inspection and replacement of worn bolts.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GRUMMAN. Applies only to Model G-164 Series aircraft equipped with Continental W670 Series engines, Serial Numbers 1 through 229 inclusive.

Compliance required as indicated.

As a result of excessive wear of the throttle control pivot bolt, which can cause loss of throttle control, accomplish the following:

(a) (1) Within 25 hours time in service after the effective date of this AD, remove and visually inspect the throttle control pivot bolt (AN 23-13) for wear. If the bolt is worn, measure bolt shank.

(2) If wear in excess of 0.020 inch is detected on any surface of the bolt, rework the carburetor throttle arm for a 0.250 diameter reamed hole, and installation of an A1658-1 bushing, AN 3-10A bolt, AN 960-10 washers and AN 365-1032 self-locking nut per Grumman Service Bulletin No. 25 dated August 29, 1963. (Grumman Engineering Change Order No. S164-1292).

(3) If no wear is found on the AN 23-13 bolt, the pivot bolt may be continued in service provided that the bolt is repetitively inspected at intervals of 50 hours' time in service.

(b) Repetitive inspections required by (a)(3) may be discontinued when the modifications established by (a)(2) are accomplished.

(Grumman Service Bulletin No. 25 dated August 29, 1963, with enclosure (a) Grumman Engineering Change Order No. S164-1292 covers this same subject.)

This amendment shall become effective October 26, 1963.

Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 22, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-11307; Filed, Oct. 25, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-603]

PART 13—PROHIBITED TRADE PRACTICES

Imperial Relampago Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service;* § 13.170-53 *Medicinal, etc.—animal.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Imperial Relampago Corp., et al., New York, N.Y., Docket C-603, Sept. 27, 1963]

In the Matter of Imperial Relampago Corp., a Corporation, and Murray Goldstein and Rose Goldstein, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of drug preparations to cease representing falsely in advertising in newspapers and magazines, by radio and television and otherwise, that the three preparations concerned would, respectively, be of benefit in the treatment of (1) fever, colds, gripp, and aching muscles; (2) bronchial coughs; and (3) nervous disturbances, headache and insomnia; and that drug No. 3 had tonic and sedative effects.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Imperial Relampago Corp., a corporation, and its officers and Murray Goldenstein and Rose Goldenstein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Alcolado Relampago", "Bronkomulsion Relampago", "Serabrina La France", or any other preparations of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act which represents directly or by implication that:

(a) Alcolado Relampago will be of any benefit in the relief or treatment of fever, grippe, colds or chest congestion, or the symptoms or discomforts thereof, or of fever;

(b) Bronkomulsion Relampago:

(1) Will be of any benefit in the relief or treatment of bronchial cough, chest congestion or hoarseness;

(2) Will be of any value in loosening or clearing phlegm from a congested chest, or in loosening mucous due to chest congestion; or

(3) Has any beneficial therapeutic effect in excess of the temporary relief of a cough accompanying a common cold;

(c) Serabrina La France will be of any benefit in the relief or treatment of any functional nervous disturbance, or of nervousness, irritability, restlessness, nervous tension, or any other symptom of any functional nervous disturbance unless clearly and conspicuously limited to the temporary relief of such symptoms following several days of administration;

(d) Serabrina La France will be of any value in the relief or treatment of a headache;

(e) Serabrina La France will be of any benefit in the relief or treatment of insomnia unless clearly and conspicuously limited to the temporary relief thereof following administration for several days, or that sleep then resulting will increase energy or vitality, or improve ability to work;

(f) The iron or calcium glycerophosphates supplied by Serabrina La France will be of any therapeutic value.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 27, 1963.

By the Commission. Commissioner Elman not concurring.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-11313; Filed, Oct. 25, 1963; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 888—STANDARDS OF CONDUCT

Miscellaneous Amendments

§ 888.1 [Amendment]

1. In the last line of § 888.1 the parenthetical phrase is amended to read: "(§§ 888.13 through 888.16)."

2. Revise § 888.3(b) to read as follows:

§ 888.3 Applicability.

* * * * * * *

(b) All Air Force personnel should be familiar with §§ 888.2 to 888.10 and those parts of §§ 888.11 and 888.12 which pertain to them.

3. Revise § 888.8 to read as follows:

§ 888.8 Use of Government facilities, property, and manpower.

Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph services and chauffer services, shall be used only for official Government business. Sections 888.2 to 888.10 are not intended to preclude the use of Government facilities for activities which would further military-community relations provided they do not interfere with the military mission.

4. Revise § 888.10(a)(3) to read as follows:

§ 888.10 Outside employment of Air Force personnel.

(a) * * *

(3) Is inconsistent with § 888.4(a).

5. Revise § 888.15(a)(1) to read as follows:

§ 888.15 Summary of laws applicable to retired regular officers not on active duty.

(a) *Prohibited activities—(1) Matters connected with former duties or official responsibilities.* A retired regular officer not on active duty is considered to be a "former officer" for the purposes of 18 U.S.C. 207 and therefore, the prohibitions discussed in §§ 888.11(c) and 888.14 apply to him.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 30-30, August 26, 1963]

By the order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force,
Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63-11305; Filed, Oct. 25, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEFOAMING AGENTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1088) filed by Silicone Products Department, General Electric Company, Waterford, New York, and other relevant material, has concluded that § 121.1099 of the food additive regulations should be amended to provide for additional components of defoaming agents and for additional uses of such agents. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1099 (28 F.R. 692, 6679) is revised to read as follows:

§ 121.1099 Defoaming agents.

Defoaming agents may be safely used in processing foods, in accordance with the following conditions:

(a) They consist of one or more of the following:

Any person who will be adversely affected by the foregoing order may at any

Merchant Marine Council Public Hearing Agenda dated March 12, 1962 (CG-

to "Table 55.07-5(a)—Multiplier 'M' pairs or other such operations involving

(a) They consist of one or more of the following:

(1) Substances generally recognized by qualified experts as safe in food or covered by prior sanctions for the use prescribed by this section.

(2) Substances listed in this subparagraph, subject to any limitations imposed:

Substances	Limitations
Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups, no more than 18 percent loss in weight after heating 4 hr. at 200° C.; viscosity 300 centistokes, 600 centistokes at 25° C., refractive index 1.400–1.404 at 25° C.).	10 p.p.m. in food; except zero in milk and zero in food for infants and invalids.
Polyoxyethylene (20) sorbitan monostearate.	As defined in § 121.1030.
Polyoxyethylene (20) sorbitan tristearate.	As defined in § 121.1008.
Propylene glycol alginate	As defined in § 121.1015.
Sorbitan monostearate	As defined in § 121.1029.

(3) Substances listed in this subparagraph, provided they are components of defoaming agents limited to use in processing beet sugar and yeast, and subject to any limitations imposed:

Substances	Limitations
Aluminum stearate	As defined in § 121.1071.
Butyl stearate	
BHA	As an antioxidant, not to exceed 0.1 percent by weight of defoamer.
BHT	As an antioxidant, not to exceed 0.1 percent by weight of defoamer.
Fatty acids	As defined in § 121.1070.
Formaldehyde	As a preservative.
Hydroxylated lecithin	As defined in § 121.1027.
Isopropyl alcohol	
Mineral oil: Conforming to specifications included in a regulation issued in Subpart D or in an order extending the effective date of the food additive amendments, for use of mineral oil as a direct additive to food.	
Petroleum waxes: Conforming to specifications included in a regulation issued in Subpart D or in an order extending the effective date of the food additive amendments, for use of petroleum waxes as a direct additive to food.	Not more than 150 p.p.m. in yeast, measured as hydrocarbons.
Petrolatum: Conforming to specifications included in a regulation issued in Subpart D or in an order extending the effective date of the food additive amendments, for use of petrolatum as a direct additive to food.	
Oxystearin	As defined in § 121.1016.
Polyethylene glycol	Molecular weight range, 400–2,000.
Polyethylene (600) dioleate	
Polyethylene (600) monoricinoleate	
Polypropylene glycol	Molecular weight range, 1,200–2,500.
Polysorbate 80	As defined in § 121.1009.
Potassium stearate	As defined in § 121.1071.
Propylene glycol mono- and diesters of fats and fatty acids.	As defined in § 121.1113.
Soybean oil fatty acids, hydroxylated.	
Tallow, hydrogenated, oxidized or sulfated.	
Tallow alcohol, hydrogenated	

(b) They are added in an amount not in excess of that reasonably required to inhibit foaming.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63–11296; Filed, Oct. 25, 1963; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Measles Virus Vaccine, Live, Attenuated Canine Renal Tissue Cultures

Correction

In F.R. Doc. 63–11130 appearing in the issue for Tuesday, October 22, 1963, at page 11268, the word "See" in the last sentence of § 73.140(b) should be changed to "Seed".

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 63–69]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The Merchant Marine Council received comments and views on proposals regarding self-contained types of breathing apparatus to be required for barges carrying bulk liquid chlorine and for barges or cargo vessels carrying bulk anhydrous ammonia at a Merchant Marine Council Public Hearing held March 12, 1962. These proposals were announced in a notice of proposed rulemaking published in the FEDERAL REGISTER of January 23, 1962 (27 F.R. 661). The text of these proposals was set forth in the Merchant Marine Council Public Hearing Agenda dated March 12, 1962 (CG–249), as a part of Item III (pages 149 and 150). The comments received and the views expressed indicated a need to resolve corollary problems concerning alternate places for keeping required breathing apparatus and giving permission regarding use of alternate types of equipment. An announcement concerning this matter and the granting of an extension of time for submitting comments and views was published in the FEDERAL REGISTER of May 2, 1962 (27 F.R. 4171), when a general description of the Merchant Marine Council's actions was released at the same time certain amendments to the regulations were approved. The revised 46 CFR 98.20–70(d) and 98.25–90(f), as set forth in this document, are approved. These amendments are responsive to the questions raised in comments received and are in general agreement with the comments and views submitted by the Chlorine Institute and the Compressed Gas Association.

An announcement was published in the FEDERAL REGISTER of April 4, 1963 (28 F.R. 3263), stating that the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts, has assumed the functions of certificating gas chemists as of March 1, 1963. This function had been previously performed by the American Bureau of Shipping. By April 1, 1963, the American Bureau of Shipping's certificates issued to gas chemists were replaced and superseded by National Fire Protection Association's certificates. The specific regulations 46 CFR 35.01–1(a) (tank vessels), 71.60–1(a) (passenger vessels) and 91.50–1(a) (cargo and miscellaneous vessels) published in the FEDERAL REGISTER of April 4, 1963 (28 F.R. 3263, 3264), stated that the provisions of "Standard for the Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by the National Fire Protection Association, shall be used as a guide in conducting the required inspections and issuance of certificates. In the revised NFPA No. 306 a name was changed from "Certificated Gas Chemist" to "Marine Chemist." In view of this change the name "gas chemist" is changed to "marine chemist" in 46 CFR 35.01–1(c) (1), (2), (d); 71.60–1(c) (1), (2), (d); and 91.50–1(c) (1), (2), (d).

The revised requirements in 46 CFR 78.80–10(d)(1) and 97.70–10(d)(1) governing the use of power-operated industrial trucks in spaces containing hazardous articles of a fibrous nature or bulk sulfur were published in the FEDERAL REGISTER of May 30, 1963 (28 F.R. 5379). In order that the heading for paragraph (d) in these sections will show the change in scope of the requirements, this heading is changed to "Spaces containing hazardous articles."

Miscellaneous amendments to the marine engineering regulations were published in the FEDERAL REGISTER of August 20, 1963 as a part of the Coast Guard document CGFR 63–64 and Federal Register document 63–8847. The instructions for the amendment to 46 CFR 55.07–5, designated as 4B (28 F.R. 9189), gave the wrong number for the Table amended, which should be changed

to "Table 55.07–5(a)—Multiplier 'M' Valves."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 in Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–9 dated August 3, 1954 (19 F.R. 5195), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–20 dated June 18, 1956 (21 F.R. 4894), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), and 167–38 dated October 26, 1959 (24 F.R. 8857), the following actions are ordered:

1. The vessel inspection regulations shall be amended in accordance with the changes in this document.

2. The editorial amendments in this document shall become effective on publication.

3. The amendments to 46 CFR 98.20–70(d) and 98.25–90(f) shall become effective on and after the 90th day following the date of publication of this document in the FEDERAL REGISTER; however, the regulations in this document may be complied with during the interim prior to the effective date in lieu of existing requirements.

SUBCHAPTER D—TANK VESSELS

PART 35—OPERATIONS

Subpart 35.01—Special Operating Requirements

Section 35.05–1 *Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning or like fire-producing actions—TB/ALL* is amended by changing the phrase from "gas chemist" to "marine chemist" twice in the first sentence and once in the second sentence of paragraph (c)(1), once in the first sentence of paragraph (c)(2), and once in the first sentence in paragraph (d). (Amendment published April 4, 1963, 28 F.R. 3263.)

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416)

SUBCHAPTER F—MARINE ENGINEERING

PART 55—PIPING SYSTEMS AND APPURTENANCES

Subpart 55.07—Detail Requirements

Section 55.07–5 *Design pressures and thickness of pipes* was amended by the Federal Register document CGFR 63–34 and Federal Register document 63–8847 and the instruction designated 4B (28 F.R. 9189, first column) is revised and the table redesignated as follows:

B. In paragraph (a) the identification for a table is changed from "Table 55.07–5(a1)—Multiplier 'M' Values" to "Table 55.07–5(a)—Multiplier 'M' Values."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER H—PASSENGER VESSELS

PART 71—INSPECTION AND CERTIFICATION

Subpart 71.60—Special Operating Requirements

Section 71.60–1 *Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning or like fire-producing actions* is amended by changing the phrase from "gas chemist" to "marine chemist" twice in the first sentence and once in the second sentence of paragraph (c)(1), once in the first sentence of paragraph (c)(2), and once in the first sentence in paragraph (d). (Amendment published April 4, 1963, 28 F.R. 3264.)

(R.S. 4405, as amended, 4462, as amended; U.S.C. 375, 416)

PART 97—OPERATIONS

Subpart 97.70—Power-Operated Industrial Trucks

Section 97.70–10 *Use of power-operated industrial trucks in various locations* is amended by changing the heading for paragraph (d) to read *"Spaces containing hazardous articles."*

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

Subpart 98.20—Liquid Chlorine in Bulk

Section 98.20–70(d) is amended to read as follows:

§ 98.20–70 Special operating requirements.

* * * * *

(d)(1) At least one approved self-contained breathing apparatus shall be available in a readily accessible location off the barge at all times during the filling and discharge operations. This equipment shall not be considered to be part of the barge equipment, and the barge shall not be required to carry this equipment en route.

(2) The approved self-contained breathing apparatus shall be of a type suitable for starting and operating at the temperatures encountered, and shall be maintained in good operating condition.

(3) Personnel involved in the filling or discharge operations shall be adequately trained in the use of the equipment.

(4) During filling or discharge operations every person on the barge shall carry on his person a respiratory protective device which will protect the wearer against chlorine vapors and provide respiratory protection for emergency escape from a contaminated area which would result from cargo leakage. This respiratory protective equipment shall be of such size and weight that the person wearing it will not be restricted in movement or in the wearing of a life-saving device.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply R.S. 4488, as amended, 4491, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 481, 489, 50 U.S.C. 196; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952, Supp.)

Subpart 98.25—Anhydrous Ammonia in Bulk

Section 98.25–90(f) is amended to read as follows:

§ 98.25–90 Special operating requirements.

* * * * *

(f)(1) For a manned vessel, at least two units of approved self-contained breathing apparatus, one stowed forward of the cargo tanks and one stowed aft of the cargo tanks, shall be carried on board the vessel at all times.

(2) For an unmanned vessel, at least one approved self-contained breathing apparatus shall be available in a readily accessible location off the vessel at all times during the filling and discharge operations. This equipment shall not be considered to be part of the vessel equipment, and the vessel shall not be required to carry this equipment en route.

(3) All approved self-contained breathing apparatus, masks and respiratory protective devices shall be of types suitable for starting and operating at the temperatures encountered, and shall be maintained in good operating condition.

(4) Personnel involved in the filling or discharge operations shall be adequately trained in the use of the equipment.

(5) For all manned and unmanned vessels, during filling or discharge operations every person on the vessel shall carry on his person or have close at hand at all times a canister mask approved for ammonia; or each person shall carry on his person a respiratory protective device which will protect the wearer against ammonia vapors and provide respiratory protection for emergency escape from a

contaminated area which would result

contaminated area which would result from cargo leakage. This respiratory protective equipment shall be of such size and weight that the person wearing it will not be restricted in movement or in the wearing of a lifesaving device.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply R.S. 4488, as amended, 4491, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 481, 489, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: October 18, 1963.

[SEAL] G. A. KNUDSON,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63-11324; Filed, Oct. 25, 1963; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14503]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

Allocation of Assignable Frequencies in the 25–42 Mc/s Band; Correction

In the matter of amendment of Parts 2, 10, 11, 16, and 19 of the Commission's rules regarding the allocation of assignable frequencies in the 25–42 Mc/s Band; Docket No. 14503, RM–201, RM–306.

The Commission's Report and Order (FCC 63–906) of October 9, 1963 (28 F.R. 11213, October 19, 1963) in this proceeding is corrected as follows:

1. In paragraph 17 of the Report and Order, the penultimate sentence is revised to read as follows: "To encourage and facilitate this development the Commission has altered the frequencies available to this Service to provide for a contiguous block of frequencies from 31.06 to 31.14 Mc/s totaling 100 kilocycles in width."

2. In the Part 11 amendments, the frequency table appearing under instruction 6, and relating to § 11.554(a) is revised to include the following entry between the frequencies 31.04 and 31.20, as follows:

31.16	Mobile----	Low power general use--	13, 14

3. In the Part 16 amendments, instruction 8 relating to § 16.252 is revised to read as follows:

8. Section 16.252(c) is amended by deleting the frequencies 30.70 and 30.78 Mc/s; and by adding the frequencies 31.08 and 31.12 in numerical sequence.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11348; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket No. 14809; RM–361]

PART 3—RADIO BROADCAST SERVICES

Television Broadcast Stations (Moscow, Idaho); Correction

The Report and Order (FCC 63–25) adopted January 3, 1963, and published January 11, 1963, 28 F.R. 316, in the above-docketed proceeding omitted the offset designation for Channel *12 at Moscow, Idaho. The entry for Moscow, Idaho, in § 3.606 of the Commission's Rules should read as follows:

City	*Channel No.*
Moscow, Idaho----------	*12–, 15

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11349; Filed Oct. 25, 1963; 8:48 a.m.]

[FCC 63-940]

PART 10—PUBLIC SAFETY RADIO SERVICES

Order Relating to Permissible Communications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of October 1963;

The Commission, having under consideration its Report and Order in Docket 14503 and § 10.252 of its rules;

It appearing, that the Commission, in its Report and Order in Docket 14503, released on October 14, 1963, made available to the Local Government Radio Service, effective November 25, 1963, the following frequencies, heretofore allocated exclusively to the Police Radio Service: 37.10, 37.18, 37.26, 39.10, 39.18, 39.50, 39.58, 39.82, 39.90 and 39.98 Mc/s; and

It further appearing, that certain existing licensees in the Police Radio Service, operating radio systems on these frequencies, transmit communications pursuant to § 10.252 of the Commission's rules, relating to fire activities as well as communications relating to police activities, but that their authority to transmit fire communications over police radio systems expires on October 31, 1963; and

It further appearing, that these same licensees will have available to them the above-mentioned ten frequencies in the Local Government Radio Service for the transmission of all local government communications, which include fire and police communications, beginning November 25, 1963, but to do so, they would be required to obtain authorizations in that service; and

It further appearing, that it would be unduly cumbersome to these licensees, and to the Commission, to require them at this time to obtain new or modified authorizations and that the same result can be accomplished by waiving the pertinent provisions of § 10.252 of the Commission's rules so that they, as licensees in the Police Radio Service, may transmit local government communications on the above-mentioned ten frequencies until their current authorizations expire or are modified for some other reason; and

It further appearing, that the public interest would be served by waiving the provisions of § 10.252 of the rules to the extent indicated above:

It is ordered, That effective October 31, 1963, § 10.252 of the Commission's rules is waived so that licensees in the Police Radio Service authorized to operate radio stations on 37.10, 37.18, 37.26, 39.10, 39.18, 39.50, 39.58, 39.82, 39.90 and 39.98 Mc/s and who now use their systems to transmit fire as well as police communications, may transmit local government communications on these frequencies until the expiration of their current authorization or until their respective authorizations are modified for some other reason, whichever is sooner.

It is further ordered, That this Order shall not apply to licensees in the Police Radio Service other than those described herein.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11342; Filed, Oct. 25, 1963; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32153]

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 15th day of October A.D. 1963.

The Commission having under consideration a notice of proposed rule making published in the FEDERAL REGISTER on September 11, 1963 (28 F.R. 9882) which proposed amendments of the Uniform System of Accounts for Railroad Companies requiring specified classification in the accounts of organization expenditures of a general nature, and consideration of all aspects of such proposed amendments having been completed;

It is ordered, That the amendments of the Uniform System of Accounts for Railroad Companies (49 CFR Part 10), which amendments are set forth below, shall become effective December 1, 1963; and

It is further ordered, That notice of this order shall be given to railroad companies hereby affected and to the general public by depositing a copy of said order in the Office of the Secretary of the Commission in Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

Item I: 1. In the system of accounts in the section covering the texts of the "Property accounts" under "General expenditures," cancel the numbers, texts, titles, and notes of the following accounts:

72 General Officers and Clerks.
73 Law.
74 Stationery and Printing.
75 Taxes.

(Retain unchanged accounts 71, Organization Expenses, and 76, Interest During Construction.)

2. In the same section covering the texts of accounts, cancel the text of account 77, "Other expenditures; General," (but retain the number and title), and substitute the following text and Note:

77 **Other expenditures; general.**

(a) This account shall include expenditures of a general nature which are attributable to original construction or important expansion of road but which cannot be assigned directly as part of the cost of specific units or segments of property, and are not provided for in other primary accounts of this classification, such as pay and expenses of executive and general officers and their assistants engaged exclusively in connection with such construction, law expenses (other than organization expenses), stationery and printing, and taxes before property is used in transportation operations.

(b) An equitable portion of the amounts in this account applicable to retired property shall be cleared concurrently with the retirement accounting in accordance with Instruction 2–7(c); or the entire amount in this account may be charged off immediately when authorized by the Commission.

NOTE: Expenditures of the character described in account 71, "Organization expenses," which were incurred directly in organizing the corporation and can be identified as such in the corporate records of the company, are includible in that account.

Item II: 1. Consistent with cancellation of the texts of the four accounts referred to under Item I above, in the first pages of the system of accounts under "List of Instructions and Accounts," in the section covering "Property accounts," under the center caption for "General expenditures," cancel the (four) account numbers and titles for accounts 72, 73, 74 and 75. Retain the numbers and titles for accounts 71, "Organization expenses," 76, "Interest during construction," 77, "Other expenditures; General," 80, "Other elements of investment," and (new) account 90, "Construction work in progress" (added by order dated April 17, 1963).

2. Also, consistent with cancellation of the four accounts referred to, in the text of the "Instructions for Property Accounts" in subsection 2–7(c), change this subsection to read as follows:

(c) An equitable proportion of a balance in primary accounts 1, "Engineering," 76, "Interest during construction," 77, "Other expenditures; General," and 80, "Other elements of investment," applicable to retired property, shall be cleared from those accounts concurrently with the retirement accounting.

[F.R. Doc. 63-11380; Filed, Oct. 25, 1963; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1097, 1099, 1102 and 1108]

[Docket Nos. AO 219–A14; AO 183–A10; AO 237–A9; AO 243–A11]

MILK IN MEMPHIS, TENNESSEE; PADUCAH, KENTUCKY; FORT SMITH, ARKANSAS AND CENTRAL ARKANSAS MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Chisca Hotel, 272 South Main Street, Memphis, Tennessee, beginning at 9:00 a.m., on October 31, 1963, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Memphis, Tennessee; Paducah, Kentucky; Fort Smith, Arkansas and Central Arkansas marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-South Milk Producers Association and Central Arkansas Milk Producers Association:

Proposal No. 1. The Class I price differential (over and above basic formula price) in § 1097.51(a), § 1102.51(a) and § 1108.51(a) should be fixed at not less than $1.91 per hundredweight for the months of November, 1963 through March, 1964, and that the supply-demand adjustment for the same period should be computed on the basis of the current utilization ratio (combined data for the three markets) being measured against standard utilization percentages of 117 for November, 116 for December, 114 for January, 113 for February and 113 for March with the percentage units of deviation to be computed at 3 cents or, in lieu thereof, provision should be made for the supply-demand adjustment to be not less than 50 cents per hundredweight for the months of November, 1963 through March, 1964.

Proposed by Paducah Graded Milk Producers Association:

Proposal No. 2. Amend § 1099.51(a) to provide that the Class I price shall be increased by 40 cents for each of the months November, 1963 through February, 1964 over that otherwise provided by such paragraph, and that the Class I differential added to the basic formula price in computing the March, 1964 Class I price be $1.50 instead of $1.20 as now provided.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators, Charles S. McDonald, Post Office Box 12266, Memphis, Tennessee, 38112, and Fred L. Shipley, 2710 Hampton Avenue, St. Louis 39, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 23, 1963.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 63–11350; Filed, Oct. 25, 1963; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

MAINLAND SUGAR QUOTA

Notice of Hearing on Proposed Allotment for Puerto Rico of 1964 Direct-Consumption Portion

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1964 mainland quota for Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Washington, D.C. in Room 6335, South Building, United States Department of Agriculture, on November 5, 1963, at 10:00 a.m.

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1964 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1964 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1964 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares", "past marketings", and "ability to market", as provided in section 205(a) of the said Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

Issued at Washington, D.C., on October 24, 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63–11399; Filed, Oct. 25, 1963; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1, 3, 4a, 4b, 8, 9, 10, 40, 41, 42, 43]

[SR–406C, SR–407, SR–422, SR–422A, SR–422B, SR–423]

[Notice 63–41; Docket No. 2029]

LIMITED WEIGHT CREDIT FOR AIRPLANES EQUIPPED WITH STANDBY POWER

Notice of Proposed Rule Making

Notice is hereby given that the Federal Aviation Agency has under consideration a proposed Special Civil Air Regulation providing for a limited increase in the maximum certificated takeoff and landing weights of airplanes equipped with rocket engines used to provide standby power.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington 25, D.C. All communications received on or before December 27, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Standby power is power and/or thrust obtained from rocket engines and is separate from the power obtained from the airplane's main engines. Such power and/or thrust is available for a relatively short time for use in cases of emergency. Standby power is capable of producing a temporary increase in airplane climb performance and can be useful in the takeoff and landing regimes of flight where its temporary nature is not a deterrent to its use.

The purpose of the proposed rule is to provide for a limited increase in the maximum takeoff and landing weights of type certificated airplanes equipped with standby power without determining the extent to which the takeoff and landing performance is improved by the use of standby power. Operators of "standard" and limited category airplanes may elect to take advantage of the proposed rule, if adopted. Operators of restricted category airplanes are not expected to comply with the proposed rule because their airplanes are not subject to strict weight limitations under the current restricted category type certification requirements and little or no benefit is offered them by the proposed weight increase. An applicant for an increase in the maximum weight under this regulation would be required to present an approved standby power installation and to furnish certain limitations and information in the form of placards or, if applicable, Airplane Flight Manual amendments.

Currently, Special Civil Air Regulation No. SR–426 for transport category airplanes provides that the maximum certificated weights may be increased in proportion to measured increases in performance with standby power. Some operators of transport category airplanes do not desire to undertake the task of extensive flight tests and evaluations which are required by SR–426. These operators together with operators of nontransport category airplanes who have installed standby power in their airplanes must accept, under the current airworthiness regulations, a decrease in useful load at least equal to the weight of the standby power installation.

The proposed rule is intended to provide a means of restoring this loss of useful load in recognition of the potential takeoff and landing climb performance which is afforded by the use of standby power. This is proposed to be accomplished by permitting the airplane to be certificated at a maximum weight exceeding that at which the airplane meets: (1) Certain takeoff and landing climb requirements, and (2) the landing of stalling speed limits. In addition, the proposed rule would permit the airplane to be certificated at a maximum weight exceeding the maximum weight limits specified in the various airworthiness and operating regulations. However, to insure that the increase in weight will not adversely affect the operation of the aircraft when standby power is not in use, this proposal limits the increase in weight to a value related to usable impulse and to a percentage of the original maximum weight. Furthermore, to protect the structural integrity of the airplane and to insure adequate performance for en route operations, it is proposed that the weight increase be limited to that which will permit continued compliance with the applicable structural and the en route or the final takeoff climb performance requirements. To insure compliance with these climb performance requirements, it will be necessary to show by appropriate flight tests unless it can be shown by other means that the established lift and drag coefficients are not adversely affected by the inoperative standby power installation.

Rocket engines have a limited useful life beyond which their operation is not reliable and would no longer justify operation of the airplane at the maximum weight provided by this regulation. Such operation would also be unjustified with expended rocket engines. It is, therefore, proposed to prohibit takeoff at the increased weight provided by this regulation when rockets are installed which exceed the time limits established by the manufacturer (these time limits are usually stenciled on the engine casing); or when the rocket propellent has been used or removed.

Immediately following the firing of a rocket engine the nozzle and the aft portion of the casing may attain a temperature as high as 700°F. This would be a fire hazard during a wheels-up or crash landing which is executed shortly after the standby power is used. For this reason, it is proposed to require that the pilot be warned of this hazard by means of a suitable placard.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698). The final rule, if adopted, may be in recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

This Special Civil Air Regulation is proposed under the authority of sections 313(a), 601, 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, it is proposed to adopt a Special Civil Air Regulation to read as follows:

1. Notwithstanding other provisions of the regulations of this chapter, approval may be obtained from the Administrator to increase the maximum takeoff and landing weights at which an airplane is certificated if type certificated standby power rocket engines are installed on the airplane. Such approval may be obtained for the increased weights as specified in section 3 of this regulation without a further showing of compliance with the airworthiness requirements applicable to the airplane by filing an application therefor with the Chief, Flight Standards Service, Federal Aviation Agency, of the Region in which the applicant is located.

2. To be eligible for approval:

(a) The rocket engine installation must be approved and the applicant must demonstrate by flight test that such rocket engines and their controls can be operated safely and reliably at the increase in maximum weight;

(b) The Airplane Flight Manual, or the placard, markings, or manuals required in lieu of the Airplane Flight Manual, must be amended to set forth in addition to any other operating limitations the Administrator may require, the increased weight approved under this regulation and a prohibition against the operation of the airplane at the approved increased weight when—

(1) The installed standby power rocket engines have been stored or installed in excess of the time limit established by the manufacturer of the rocket engine (usually stenciled on the engine casing), or

(2) The rocket engine fuel has been expended or discharged; and

(c) A placard containing a precaution concerning the potential fire hazard of the hot standby power rocket engine casing during an emergency landing must be installed in the airplane adjacent to the switch which operates such engine.

3. The currently approved maximum takeoff and landing weights at which compliance with the applicable first minute and normal climb performance has been shown without a standby power rocket engine installation may be increased by an amount which does not exceed any of the following:

(a) An amount equal in pounds to 0.014In, where I is the maximum usable impulse in pound-seconds available from each standby power rocket engine and n is the number of rocket engines installed.

(b) An amount equal to five (5) percent of the maximum certificated weight approved in accordance with the applicable airworthiness regulations without standby power rocket engines installed.

(c) An amount equal to the weight of the rocket engine installation.

(d) An amount which together with the currently approved maximum weight would equal the maximum structural weight established for the airplane without standby rocket engines installed.

(e) For multiengine airplanes, an amount which together with the currently approved

(e) For multiengine airplanes, an amount which together with the currently approved maximum weights would equal the weight at which compliance is shown with the applicable one-engine-inoperative final takeoff or en route climb requirements of the applicable airworthiness regulations with the installed standby power rocket engines inoperative.

Issued in Washington, D.C., on October 21, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-11309; Filed, Oct. 25, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

UMATILLA INDIAN RESERVATION

Transfer of Land Records

OCTOBER 10, 1963.

In accordance with 25 CFR 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to the Umatilla Indian Reservation in the State of Oregon, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 Northeast Holliday Street, Portland, Oregon.

Effective October 14, 1963, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

GRAHAM HOLMES,
Acting Commissioner.

OCTOBER 22, 1963.

[F.R. Doc. 63-11314; Filed, Oct. 25, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Brazoria. Matagorda.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-11337; Filed, Oct. 25, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ASSIGNMENT OF C4 TROOPSHIPS

Notice of Letter to Applicants

Notice is hereby given that a letter reading as follows was sent under date of October 23, 1963, by the Chief, Office of Property and Supply, to applicants under Public Law 86-575:

Reference is made to your application(s) for the acquisition of C4 Troopships under the provisions of Public Law 86-575.

Due to the limited number of ships available for transfer in relation to the number of applications on file, special attention will be given to the potential benefit to the American Merchant Marine in determining the assignment of ships to applicants of record. To assist us in arriving at the proper determinations please furnish the following information with respect to your application(s) for C4 Troopship(s).

(1) Number and types of American-flag ships presently owned and operated by the applicant and the trades in which operated.

(2) Name(s) and type(s) of ship(s) to be traded-in and the trades in which the ship(s) are presently operated.

(3) Details of proposed conversion including deadweight tonnage.

(4) Estimated cost of proposed conversion.

(5) Proposed manning scales.

(6) Description of proposed trade of traded-out ship and requirements of trade.

(7) Financial resources available to the applicant and proposed method of financing.

(8) Operating ability and experience of applicant.

(9) Pro forma statement of anticipated operating results.

Contracts for the transfer-out of C4 Troopships will contain a provision that subsequent transfer of title within five years of the contract date is subject to the prior written consent of the Maritime Administration.

The requested information should be submitted at the earliest practicable date, but in no event later than November 6, 1963."

Dated: October 24, 1963.

JOHN W. O'CONNELL,
Asistant Secretary.

[F.R. Doc. 63-11379; Filed, Oct. 25, 1963; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN ENKA CORP.

Notice of Filing of Petition Regarding Food Additive Styrene-Divinylbenzene Cross-Linked Copolymer Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 629) has been filed by American Enka Corporation, Enka, North Carolina, proposing the issuance of a regulation to provide for the safe use of styrene-divinylbenzene cross-linked copolymer resins as articles or components of articles intended for repeated use in contact with food.

Dated: October 18, 1963.

J. K. KIRK,
Assistant Commisioner
of Food and Drugs.

[F.R. Doc. 63-11317; Filed, Oct. 25, 1963; 8:46 a.m.]

COOK PAINT AND VARNISH CO.

Notice of Filing of Petition Regarding Food Additives Coatings

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1109) has been filed by Cook Paint and Varnish Company, P.O. Box 389, Kansas City 41, Missouri, proposing the issuance of a regulation to provide for the safe use of substances identified in § 121.2514(b) in the preparation of coatings for wooden articles intended for repeated use in contact with food.

Dated: October 18, 1963.

J. K. KIRK,
Assistant Commisioner
of Food and Drugs.

[F.R. Doc. 63-11318; Filed, Oct. 25, 1963; 8:46 a.m.]

EASTERN LABORATORIES, INC.

Notice of Filing of Petition Regarding Food Additive Diethylstilbestrol

A petition (FAP 1160) has been received from Eastern Laboratories, Inc., 1229 Washington Avenue, Vineland, New Jersey. The Food and Drug Administration has informed the petitioner that the petition was deficient in certain specified respects and was therefore not acceptable for filing. In accordance with § 121.51(i) of the food additive regulations, the petitioner has requested that the petition be filed as submitted, and it is therefore filed.

The petition proposes a regulation to provide for the safe use of diethylstilbestrol in the drinking water of chickens to provide a more efficient utilization of feed, a better carcass quality, and more docile birds.

Dated: October 18, 1963.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 63-11319; Filed, Oct. 25, 1963; 8:46 a.m.]

NORSK HYDRO-ELEKTRISK KVAEL-

stated, however, that such actions would

mately attainable by "quantity purchas-

NORSK HYDRO-ELEKTRISK KVAELSTOFAKTIESELSKAB

Notice of Filing of Petition Regarding Food Additive Lignin Sulfonate, Aluminum and Magnesium Salts

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1239) has been filed by Norsk Hydro-Elektrisk Kvaelstofaktieselskab, c/o Norsk Hydro Sales Corporation, 290 Madison Ave., New York 17, N.Y., proposing the amendment of § 121.234 *Lignin sulfonates* of the food additive regulations to provide for the safe use of the aluminum and magnesium salts of lignin sulfonate in animal feed as the sole pelleting aid, in an amount not to exceed 4 percent of the finished pellets.

Dated: October 18, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-11320; Filed, Oct. 25, 1963; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14589; Order No. E-20109]

CONSOLIDATED AIRLINE PURCHASING CORP.

Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of October 1963.

An agreement among air carriers relating to the establishment of a corporation to be known as Consolidated Airline Purchasing Corporation, Agreement CAB 16949.

By Order E-19721, dated June 21, 1963, the Board deferred action on an agreement (CAB 16949) between Central Airlines, Inc., and twelve other air carrier members[1] of the Association of Local Transport Airlines (ALTA)[2] relating to the establishment, subject to prior Board approval, of a corporation to be known as Consolidated Airline Purchasing Corporation (CAPCO). By such order, the Board indicated its intention (1) to approve the control relationships discussed therein under section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), without a hearing, (2) to grant the air carrier parties to the agreement an exemption from section 409(a) and Part 251 of the Board's Economic Regulations pursuant to section 416(b) of the Act and approve pursuant to section 409(a) the participation of the individual officers and/or directors in such relationships and (3) to approve the agreement under section 412 of the Act. The Board stated, however, that such actions would be made subject to certain specified conditions. Interested persons were afforded an opportunity to comment on the Board's tentative decision.

A response filed by the carriers on August 5, 1963, indicates that all but three of the parties have accepted the Board's tentative decision. Allegheny Airlines, Inc., states that the order is unduly restrictive in dollar limitation, reporting procedures and keeping of minutes and that it cannot accept the order under these circumstances. Lake Central Airlines, Inc., states that it is unwilling to accept the dollar limitation and the condition on attorney-client privilege. Pacific Air Lines, Inc., objects to the dollar limitation, the requirement that minutes be submitted and waiver of the attorney-client privilege.[3]

The foregoing objections have not been supported by the carriers with facts or other explanation. Hence, the Board is not persuaded that any of the conditions to approval of the agreement, as proposed in Order E-19721, should either be modified or eliminated.

By letter dated July 22, 1963, the Department of Justice (Justice) also responded to the Board's order. Justice states that, upon consideration of the possible competitive impact upon industries other than air transportation, it is possible that the Board's approval of the agreement might be construed to embrace all actions by CAPCO undertaken in connection with its purchasing activities, including actions that ordinarily would be deemed violations of the antitrust laws; that this would give rise to a breach in antitrust coverage unnecessary for the attainment of CAPCO's legitimate purposes; and that while the Board's condition that the value of each individual purchase transaction shall not exceed $100,000 might tend to curb, to some extent, adverse competitive effects of the CAPCO program, it is nevertheless possible that a substantial volume of commerce could be affected if CAPCO were to enter into successive transactions involving the same commodity or commodities. Justice suggests that the following language be added as a further condition to the Board's approval of the agreement:

> That CAPCO, its stockholders, officers, directors, and agents are not relieved by this Order from the operations of the antitrust laws with respect to acts or practices occurring in the purchase of equipment, supplies or services, or in CAPCO's service as a clearing house for the sales of its members' surplus parts and equipment.

Justice states that the addition of this condition would make clear that CAPCO, and its principals, would, as to methods of operation, be placed in the same position vis-a-vis the antitrust laws as other firms seeking to effectuate joint purchasing programs, while allowing the member airlines to realize economies legitimately attainable by "quantity purchasing" techniques and use of a specialized purchasing agent; and that the suggested delineation of CAPCO's status in this respect should prevent any misunderstanding of the scope of the Board's account.

On September 9, 1963, the carriers filed a motion with the Board requesting leave to file an answer to Justice's letter.[4] The motion indicates that the existence of the letter was unknown to the carriers until after they had filed their earlier response, and that acceptance by the Board of further carrier comments should assist final resolution of the matter. Under the circumstances here presented, the Board has decided to grant the motion.

The carriers' answer, submitted concurrently with the aforementioned motion, indicates initially that the condition recommended by Justice is unnecessary because it ignores the "well-balanced equation," reflected in the proposed conditions, which the Board has formulated for continuing control and surveillance of the CAPCO program.[5] As opposed to the condition, the carriers believe that, in the unlikely event that any practice did occur in violation of antitrust policies, a better course of action would be for the complainant or Justice to bring the matter to the attention of the Board which could then impose corrective conditions. The carriers further state: "It is simply asking too much that CAPCO—whose daily activities will by definition be devoted almost exclusively to quantity discount purchasing—thoroughly investigate, analyze and make the correct legal determination with respect to all pertinent facts before every transaction." The carriers also note that the condition is contrary to the intent and purpose of section 414 of the Act which grants antitrust immunity to arrangements approved by the Board under sections 408, 409 or 412 of the Act.

The Board previously recognized the possible antitrust implications of quantity purchases by CAPCO and accordingly tentatively concluded that a limitation of $100,000 should be imposed upon any single purchase. In view of the comments made by Justice, we have decided that a further condition should be imposed to provide that successive quantity purchases of the same item from a single source should not exceed $250,000 in value in any one calendar year. We believe this additional restriction will achieve the same objectives as those contemplated in Justice's proposed condition and at the same time afford CAPCO a reasonable scope and flexibility of operations. We also believe that a condition recognizing the Board's right of inspection of records, similar to that specified in Order E-19260, dated January 31, 1963, in Air Transport Association Inspection and Review Proceedings, will preclude possible confusion in future inquiries into CAPCO's operations.

Upon consideration of the foregoing, the Board has decided to make final the tentative findings and conclusions expressed in Order E-19721, subject to the additional conditions herein discussed.[6]

Accordingly, it is ordered:

1. That the motion of September 9, 1963, for leave to file an unauthorized pleading be and it hereby is granted;

2. That the control relationships created by Agreement CAB 16949 be and they hereby are approved under section 408 of the Act, provided that more or fewer subsidized air carriers may participate in the ownership of the corporation without further review and approval by the Board;

3. That to the extent that officers and/or directors of present or future air carrier parties to Agreement CAB 16949 serve as officers and/or directors of CAPCO such air carriers be and they hereby are exempted from section 409(a) and Part 251 of the Board's Economic Regulations, pursuant to section 416(b) of the Act, and the participation of the individual officers and/or directors in such relationships be and it hereby is approved under section 409;

4. That Agreement CAB 16949 be and it hereby is approved under section 412 of the Act;

5. That the foregoing actions be and they hereby are made subject to the following conditions:

a. That the activities of CAPCO shall be limited to (a) joint purchasing, provided that any individual quantity purchase of a single item shall not exceed $100,000 in value and provided further, that successive quantity purchases of the same item from a single source shall not exceed $250,000 in value in any one calendar year, and (b) the listing of surplus parts and equipment for sale by its stockholders;

b. That all air carriers receiving subsidy may participate in CAPCO on an equal basis with the original parties to the agreement;

c. That the parties to the agreement shall file within fifteen days thereof, copies of the minutes of each meeting of CAPCO's board of directors and any committees established pursuant to CAPCO's bylaws;

d. That so long as the authorizations granted herein are effective, the parties to the agreement shall file, on or before March 31 of each year, a statement giving a general description and the dollar amount thereof of each party's purchases and/or sales made through CAPCO during the preceding calendar year and a statement of the corporation's profit and loss and balance sheet at year end;

e. That each stockholder of CAPCO shall have an equal vote irrespective of the number of shares it holds in the corporation;

f. That CAPCO shall so conduct its affairs as to preclude the corporation, its officers or employees from engaging in the practice of law in such a manner as to create a claim of confidentiality based upon an alleged attorney-client relationship for documents or persons in its possession or control; shall undertake not to maintain in its possession or control documents prepared by members of the bar under cover of an alleged attorney-client privilege; and accordingly shall undertake not to assert any such claim in an inspection by the Board of the records and affairs of the corporation; and[7]

g. That the air carrier members of CAPCO agree that the Board and its authorized agents shall have access to and authority to inspect all accounts, records, and memoranda, including all documents, papers, and correspondence of CAPCO.[7]

5. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F. R. Doc. 63-11327; Filed, Oct. 25, 1963; 8:47 a.m.]

[Docket Nos. 14688, 14786]

SOCIEDAD AERONAUTICA MEDELLIN, S.A., ET AL.

Notice of Hearing

Sociedad Aeronautica Medellin, S.A., and Sociedad Aeronautica de Medellin Consolidada, S.A., SAM, Docket 14688; Sociedad Aeronautica de Medellin Consolidada, S.A., SAM, Docket 14786.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 19, 1963, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., October 22, 1963.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 63-11328; Filed, Oct. 25, 1963; 8:47 a.m.]

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[1] Alaska Airlines, Inc., Allegheny Airlines, Inc., Caribbean-Atlantic Airlines, Inc., Hawaiian Airlines, Inc., Lake Central Airlines, Inc., North Central Airlines, Inc., Northern Consolidated Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Airlines, West Coast Airlines, Inc., and Wien Alaska Airlines, Inc.

[2] Hereinafter referred to as the "carriers."

[3] Central, although accepting the order, has indicated its objection in theory to the conditions regarding the attorney-client privilege, the dollar limitation on transactions which it believes to be unrealistically low, and the reporting requirements which it believes will be burdensome and expensive.

[4] Northern Consolidated Airlines, Inc. and Ozark Air Lines, Inc. did not join in the motion.

[5] Such argument would appear to reflect acceptance of the conditions by the three carriers which, in the earlier carrier response, excepted to certain of the proposed requirements.

[6] Under appropriate circumstances and upon adequate justification by the carriers, the Board would, of course, consider in the future whether the activities of CAPCO as authorized herein should be broadened and/or whether the dollar limitations imposed below should be increased.

[7] The comparable provisions imposed by the Board in Order E-19260, Jan. 31, 1963, are the subject of a petition for reconsideration. Should the Board in its decision in that proceeding take any action which would be less restrictive, we would, of course, consider making such modifications to the above provisions as would be appropriate.

[8] Members Gurney and Gilliland concurring and dissenting.

FEDERAL AVIATION AGENCY

[OE Docket No. 63-EA-12]

JERSEY CENTRAL POWER AND LIGHT CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (1-OE-1186) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Jersey Central Power and Light Co., proposes to construct two double circuit 230,000-volt transmission lines and supporting steel towers near Preston Airport, Matawan, New Jersey, aligned in a northwest/southeast direction near latitude 40°22'00" N., longitude 74°15'00" W. The overall height of the towers would be approximately 260 feet above mean sea level and would vary from 138 feet to 153 feet above ground.

The aeronautical study disclosed that two of the towers would be located off the easterly ends of the east/west (Runway 27) and northeast/southwest (Runway 24) runways at Preston Airport. For purposes of the study they were identified as Towers Nos. 66 and 67.

It was disclosed that Tower No. 66 at the proposed height of 268 feet above mean sea level (148 feet above ground) would be located approximately 1,300 feet east and 71 feet north of the extended centerline of Runway 27. It would exceed the 40:1 noninstrument approach area surface as defined in § 77.27(b)(2) of the Federal Aviation Regulations, as applied to Runway 27 by approximately 125 feet. A 9:1 obstruction clearance slope would result, whereas, Agency standards establish a maximum obstruction clearance slope ratio of 20:1 for airports with runways the length of those at Preston. By applying a 20:1 slope ratio to provide standard obstruction clearance from Tower No. 66, it was found that only 400 feet of Runway 27 would be usable for aircraft landing to the west or taking-off to the east. Therefore, if the proposed structure were to be built it would be a formidable obstruction to such aircraft operations from this runway.

It was further disclosed that Tower No. 67 at the proposed height of 263 feet above mean sea level (153 feet above ground) would be located approximately 750 feet northeast and 36 feet northwest of the extended centerline of Runway 24. It would exceed the non-instrument approach area surface, § 77.27(b)(2) as applied to this runway, by approximately 130 feet. A 6:1 obstruction clearance slope would result. By applying a 20:1 slope ratio to Tower No. 67 it was found that only 230 feet of Runway 24 would be usable for aircraft landing to the southwest or taking-off to the northeast. Therefore, if the proposed structure were to be built, it would be a formidable ob-

struction to such aircraft operations

[Docket Nos. 15167, 15168; FCC 63M-1155]

prehearing conference in the above-cap-

struction to such aircraft operations from this runway.

The estimated number of annual operations, as shown on the airport facilities record, Form FAA 29A dated October 1, 1962, is 7,000, of which 6,000 were local and 1,000 itinerant.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations at the Preston Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed transmission lines would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed construction would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 18, 1963.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-11308; Filed, Oct. 25, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15196; FCC 63M-1156]

BIG CHIEF BROADCASTING CO., INC. (KLPR)

Order Scheduling Hearing

In re application of Big Chief Broadcasting Company, Inc. (KLPR), Oklahoma City, Oklahoma, Docket No. 15196, File No. BP-13519; for construction permit.

It is ordered, This 21st day of October 1963, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., November 18, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11339; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket Nos. 15167, 15168; FCC 63M-1155]

MINNESOTA MICROWAVE, INC.

Order Continuing Hearing

In re applications of Minnesota Microwave, Inc., Willmar, Minnesota, Docket No. 15167, File No. 2868-C1-R-63, for renewal of the license for station KAY61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Willmar, Minnesota; Docket No. 15168, File Nos. 1845/1846/1847/1848/1849/1850/1851-C1-P-63, for construction permits to establish stations in the Point-to-Point Microwave Radio Service in or near Roseville, Rockford, Cold Springs, Little Falls, Willmar, Benson, and Montevideo, Minnesota.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 21st day of October 1963, that the hearing presently scheduled to commence on November 12, 1963, is continued to December 4, 1963, at 10 a.m., in Washington, D.C.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11340; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket No. 15115; FCC 63M-1161]

NORTHLAND RADIO CORP. (KWEB)

Order Continuing Hearing

In re application of Northland Radio Corporation (KWEB), Rochester, Minnesota, Docket No. 15115, File No. BP-14979; for construction permit.

It is ordered, This 22d day of October 1963, that Arthur A. Gladstone, in lieu of Walther W. Guenther, will serve as presiding officer in the above-entitled proceeding, in which the formal hearing is rescheduled to commence November 5, rather than October 29, 1963, at 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11341; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket Nos. 15165, 15166; FCC 63M-1160]

SALEM TELEVISION CO. AND SALEM CHANNEL 3 TELECASTERS, INC.

Order After Prehearing Conference

In re applications of Salem Television Co., Salem, Oregon, Docket No. 15165, File No. BPCT-3080, and Salem Channel 3 Telecasters, Inc., Salem, Oregon, Docket No. 15166, File No. BPCT-3097; for construction permits for New Television Broadcast Stations.

The Hearing Examiner having under consideration the proceedings during prehearing conference in the above-captioned matter held October 21, 1963:

It is ordered, This 21st day of October 1963, that the hearing which is now scheduled to commence November 25, 1963, is hereby rescheduled to commence at 10 a.m., Wednesday, January 8, 1964, at the Commission's offices, Washington, D.C.;

It is ordered further, That the respective direct affirmative cases of the applicants are to be prepared and presented in written form, under oath of the person or persons having direct knowledge of the facts, with exhibits to be exchanged among counsel (3 copies to the applicants' counsel and one each to Bureau counsel and the Examiner) by the close of business December 9, 1963;

It is ordered further, That rebuttal exhibits, if any, are to be prepared and exchanged in the same manner as the direct case exhibits, by the close of business, December 23, 1963; and that counsel are to notify one another informally not later than January 2, 1964 of the names of witnesses they desire to have produced and made available for cross-examination;

And it is ordered further, That the stipulations of fact and procedure entered into by all counsel during the prehearing conference are hereby approved; and that the procedural ground rules agreed upon during such conference are also approved, as set forth in the transcript of the prehearing conference, which is hereby incorporated into, and made part of, the record herein.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11343; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket No. 15184; FCC 63M-1162]

JERRELL A. SHEPHERD AND MOBERLY BROADCASTING CO. (KNCM)

Order Continuing Hearing

In re application of Jerrell A. Shepherd tr/as Moberly Broadcasting Company (KNCM), Moberly, Missouri, Docket No. 15184, File No. BP-15256; for construction permit to make changes in antenna and ground systems.

It is ordered, This 22d day of October 1963, that Elizabeth C. Smith, in lieu of Walther W. Guenther, will serve as presiding officer in the above-entitled proceeding, in which the hearing conference is scheduled for November 6, 1963, at 9:00 a.m., and the formal hearing is rescheduled to commence December 6, rather than December 4, 1963, at 10:00 a.m.: *And, it is further ordered,* That all proceedings will be held in the Offices of the Commission, Washington, D.C.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11344; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket No. 15189]

JOHN H. THORPE AND BUENA PARK ECONOMY T.V. SERVICE

Order To Show Cause

In the matter of John H. Thorpe d/b as Buena Park Economy TV Service, Buena Park, California, Docket No. 15189; order to show cause why there should not be revoked the license for Radio Station 11W3781 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, That, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated June 14, 1963, alleging violation of § 19.61(a) of the Commission's rules."

It further appearing, That said licensee did not reply to such communication or to a follow-up letter dated June 25, 1963, also mailed to the licensee at his address of record; and

It further appearing, That, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 21st day of October 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order;

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 6306 Grand, Buena Park, California.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11345; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket Nos. 15006—15008; FCC 63M-1158]

HARRY WALLERSTEIN ET AL.

Order Continuing Hearing

In re applications of Harry Wallerstein, Receiver, Television Company of America, Inc., Docket No. 15006, File No. BRCT-397, for renewal of license of station KSHO-TV, Las Vegas, Nevada; Harry Wallerstein, Receiver, Television Company of America, Inc. (Assignor), and Television Company of America, Inc. (Assignee), Docket No. 15007, File No. BALCT-181, for assignment of license of Station KSHO-TV, Las Vegas, Nevada; Reed R. Maxfield, Robert W. Hughes, Carl A. Hulbert and Alex Gold (Transferors), and Arthur Powell Williams (Transferee), Docket No. 15008, File No. BTC-3965, for transfer of control of Nevada Broadcasters' Fund, Inc., holding company of Television Company of America, Inc., Licensee of Station KSHO-TV, Las Vegas, Nevada.

The Hearing Examiner having under consideration the "Petition for Continuance" filed on October 9, 1963 by Harry Wallerstein, Receiver, Television Company of America, Inc., and Arthur Powell Williams, requesting that the hearing in the above-entitled matter presently scheduled for October 29, 1963 be continued to Tuesday, January 14, 1964, and oral argument on the aforesaid petition held October 15 and 17, 1963;

It appearing, that the aforesaid applications were designated for hearing by orders released March 15, 1963 and July 5, 1963 on thirteen separate issues covering events concerning the affairs of Station KSHO-TV during the years 1959 through 1962; and

It further appearing, that these issues relate principally to complex transactions and documents involving many stock sales, agreements, assignments, arrangements, and public offering circulars with respect to various transactions involving control of the television station, which number in excess of forty; and

It further appearing, that counsel for the Broadcast Bureau and the other parties, in an effort to shorten the hearing time that would necessarily be consumed in identifying and introducing each of the aforesaid documents at a field hearing, have assured the Examiner that the requested continuance will allow most of the aforesaid documents, and numerous relevant documents in the Commission's files, to be the subject of a detailed stipulation which will materially shorten the hearing time required in this case, and that such stipulation will provide all of the parties, including the Examiner, with a detailed outline of dates, events and facts which will make trial of the case more understandable for all concerned and will aid the Examiner in his rulings during the hearing, particularly as to the relevancy and the materiality of the testimony of the numerous witnesses which will be adduced, and will greatly expedite a final decision by the Commission in this case; and

It further appearing, that the Commission's order of designation on its face shows that the facts upon which testimony will be introduced are unusually numerous and complex, and in the absence of the proposed stipulation might well cause this hearing to run into the Thanksgiving holidays and possibly even into the Christmas holidays with the attendant inconvenience to witnesses; and

It further appearing, that in consideration of the above statements of counsel, and a study of the order of designation, the Examiner has no alternative but to grant the requested continuance, especially in view of the assurance of counsel as to the proposed stipulation which will materially shorten the hearing processes; and

It further appearing, that subpoenas have been issued for some eighteen witnesses in this matter returnable October 29, 1963, which said subpoenas should remain in full force and effect during the continuance that will be ordered hereinafter, and shall have a new return date in accordance with the order herein; and

It further appearing, that because of a conflict in schedule the requested date of January 14, 1964 is unavailable but that the case can and will be set for January 15, 1964:

It is ordered, This 22d day of October 1963 that the "Petition for Continuance" filed by Harry Wallerstein, Receiver, Television Company of America, Inc., and Arthur Powell Williams on October 9, 1963, be, and the same is, hereby granted; that the hearing in the above-entitled matter presently scheduled for October 29, 1963, be, and the same is, hereby continued to January 15, 1964 at 10:00 a.m. in the city of Las Vegas, Nevada; and that the witness subpoenas presently outstanding in this matter shall remain in full force and effect and be returnable on January 15, 1964.

Released: October 22, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11346; Filed, Oct. 25, 1963; 8:48 a.m.]

[Docket Nos. 15136, 15137; FCC 63M-1153]

WEAT-TV, INC. (WEAT-TV) AND SCRIPPS-HOWARD BROADCASTING CO. (WPTV)

Order Continuing Hearing

In re applications of WEAT-TV, Inc. (WEAT-TV), West Palm Beach, Florida, Docket No. 15136, File No. BPCT-2916; and Scripps-Howard Broadcasting Company (WPTV), West Palm Beach, Florida, Docket No. 15137, File No. BPCT-2921; for construction permits to change transmitter location, to increase antenna height, and to make other changes.

Agreements having been reached as reflected upon the record of the further prehearing conference held in these proceedings this 21st day of October: *It is ordered,* That the hearing scheduled to commence on October 22d is hereby rescheduled for December 3, 1963.

Released: October 21, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11347; Filed, Oct. 25, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

BLACK STAR LINE, LTD. AND SOUTH ATLANTIC & CARIBBEAN LINE, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed

with the Commission for approval pur-

By order of the Federal Maritime Commission

offices of the District Managers of the Commission in New York, N.Y., New

tive Order No. 561 (27 F.R. 4001) the firms listed in this notice have been

The following learner certificates were

9-64; 10 learners for normal labor-

with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9261, between Black Star Line, Ltd., and South Atlantic & Caribbean Line, Inc., establishes a through billing arrangement for the transportation of general cargo from ports in West Africa (Port Etienne, French West Africa/Lobito, Angola Range) to Puerto Rico with transhipment at Miami, Florida.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 22, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11330; Filed, Oct. 25, 1963; 8:47 a.m.]

ZIM ISRAEL NAVIGATION CO. LTD. ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9260, between Zim Israel Navigation Company Ltd., d.b.a. Pacific Star Line, and South Atlantic & Caribbean Line, Inc., establishes a through billing arrangement for the transportation of general cargo from Japan, Formosa, Hong Kong and the Philippines to Puerto Rico with transhipment at Miami, Florida.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 22, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11332; Filed, Oct. 25, 1963; 8:48 a.m.]

ZIM ISRAEL NAVIGATION CO. LTD., AND SOUTH ATLANTIC & CARIBBEAN LINE, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9259, between Zim Israel Navigation Company Ltd., and South Atlantic & Caribbean Line, Inc., establishes a through billing arrangement for the transportation of general cargo from Italy, France, Greece, Spain, Portugal and Israel to Puerto Rico with transhipment at Miami, Florida.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval or disapproval thereof, together with a request for a hearing, should such hearing be desired.

Dated: October 22, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11334; Filed, Oct. 25, 1963; 8:48 a.m.]

TRANS PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Filing of Application To Increase Scope of Exclusive Patronage (Dual Rate) System

Notice is hereby given that the Trans Pacific Freight Conference (Hong Kong) (Agreement No. 14) has filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, an application for permission to increase the scope of its exclusive patronage (dual rate) system to include as discharging ports all Pacific Coast ports of the United States of America, including Alaska, as well as British Columbia and Honolulu, Hawaii, so that the trading area encompassed thereby will coincide with that specified in its basic conference agreement.

Interested parties may inspect a copy of the contract and the application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C. within 20 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such application and their position as to approval or disapproval thereof, together with a request for a hearing, should such hearing be desired.

Dated: October 22, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11333; Filed, Oct. 25, 1963; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

American Sportwear Co., 80 North Main, Brigham City, Utah; effective 10–10–63 to 10–9–64 (men's and boys' outerwear jackets).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; effective 10–11–63 to 10–10–64 (children's dresses).

Bishop & Co., 329 Franklin Street, Weissport, Pa., Railroad Street, Lehighton, Pa.; effective 10–10–63 to 10–9–64 (ladies' and children's blouses).

Blue Bell, Inc., Arab, Ala.; effective 10–17–63 to 10–16–64 (men's and boys' cotton denim pants).

Blue Bell, Inc., Oneonta, Ala.; effective 10–17–63 to 10–16–64 (men's and boys' bib overalls, coveralls, and western outerwear jackets).

Blue Bell, Inc., Comer, Ga.; effective 10–18–63 to 10–17–64 (men's and boys' outerwear jackets).

Blue Bell, Inc., Belmont, Miss.; effective 10–13–63 to 10–12–64 (men's and boys' work and sport trousers).

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 10–10–63 to 10–9–64 (women's washable cotton service uniforms).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10–21–63 to 10–20–64 (boys' shirts).

Samuel Meltzer d.b.a. The Liberty Co., Royalty Manufacturing Co., Inc., East Front Street, Dyer, Tenn.; effective 10–10–63 to 10–9–64 (men's and boys' pajamas).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La.; effective 10–11–63 to 10–10–64 (men's and boys' sport pants, uniform pants, and hobby jeans).

Luverne Slacks Co., Luverne, Ala.; effective 10–19–63 to 10–18–64 (men's cotton and synthetic slacks).

McNair Clothing Manufacturing Co., Brownsville, Tex.; effective 10–11–63 to 10–10–64 (men's work pants and shirts).

Mylcraft Manufacturing Co., Inc., Rich Square, N.C.; effective 10–20–63 to 10–19–64 (women's pajamas).

Quality Sewn Products, Inc., Royston, Ga.; effective 10–8–63 to 10–7–64 (men's sport shirts and ladies' blouses).

J. H. Rutter-Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La.; effective 10–11–63 to 10–10–64 (men's cotton work pants and work shirts).

Smith & Company, 102 West Kaskaskia, Paola, Kans.; effective 10–12–63 to 10–11–64 (robes and lounge-wear).

Tom and Huck Togs, Inc., Amory, Miss.; effective 10–15–63 to 10–14–64 (men's and boys' dress and leisure slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Burgaw Manufacturing Co., Burgaw, N.C.; effective 10–7–63 to 10–6–64; 10 learners (women's cotton dresses).

The Dantan Company, Inc., Rankin Street, Dumas, Ark.; effective 10–18–63 to 10–17–64; 10 learners (ladies' pedal pushers, bermudas, and slim jims).

Empire Foundations, Inc., 425 Main Street, South Fork, Pa.; effective 10–10–63 to 10–9–64; 10 learners (women's brassieres, girdles, and garter belts).

Giles Manufacturing Corp., Narrows, Va.; effective 10–10–63 to 10–9–64; 10 learners (children's knit shirts).

Meyers & Son Manufacturing Co., Inc., Corner First and Jefferson Streets, Madison, Ind.; effective 10–9–63 to 10–8–64; 10 learners (men's work suits and work aprons).

Murcel Manufacturing Corp., Glennville, Ga.; effective 10–12–63 to 10–11–64; 10 learners (nurses and maids cotton uniforms).

Rivoli Mills, Inc., 2301 East 28th Street, Chattanooga, Tenn.; effective 10–7–63 to 10–6–64; 10 learners (men's, ladies', and boys' knitted sport shirts).

Rob Roy Co., Inc., Ridgely, Md.; effective 10–14–63 to 10–13–64; 10 learners. Learners may not be employed at special minimum wage rates in the production of swim suits (boys' shirts).

Safford Manufacturing Corp., Safford, Ariz.; effective 10–15–63 to 10–14–64; 10 learners (women's and misses' woven underwear, nightwear and negligees).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; effective 10–14–63 to 10–13–64; 10 learners (men's and boys' dungarees and ladies' and girls' jeans).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Betsy Bra Co., Industrial Park, Route 1, Box 12, Frederick, Okla.; effective 10–7–63 to 4–6–64; 50 learners (brassieres).

Brilliant Garment Co., Inc., Brilliant, Ala.; effective 10–10–63 to 4–9–64; 30 learners (men's work pants).

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 10–10–63 to 4–9–64; 90 learners (women's washable cotton service uniforms).

Spruce Pine Manufacturing Co., Carters Ridge Road, Spruce Pine, N.C.; effective 10–10–63 to 4–9–64; 15 learners (men's dress shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Second and Washington, Steelton, Pa.; effective 10–10–63 to 10–9–64; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

General Cigar Co., Inc., White Owl Avenue and Robert Burns Drive, Mahanoy City, Pa.; effective 10–12–63 to 10–11–64; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., Kirksville, Mo.; effective 10–17–63 to 10–16–64; 10 learners for normal labor turnover purposes (work gloves).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 10–10–63 to 10–9–64; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Eupora, Miss.; effective 10–15–63 to 4–14–64; 15 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alba-Waldensian, Inc., Finishing Plant, Valdese, N.C.; effective 10–12–63 to 10–11–64; 5 percent of the total number of factory production workers for normal labor turnover puposes (seamless).

Alba-Waldensian, Inc., Pauline Plant, Valdese, N.C.; effective 10–12–63 to 10–11–64; 5 percent of the total number of factory production workers for normal labor turnover puposes (seamless).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 10–10–63 to 10–9–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Drexel Knitting Mills Co., Drexel, N.C.; effective 10–5–63 to 10–4–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bellaire Garment Co., Post Office Box 19, Bellaire, Ohio; effective 10–9–63 to 4–8–64; 50 learners for plant expansion purposes (bathing suits).

Conn Knitting Mills, Inc., 110 East Ninth Street, Oswego, N.Y.; effective 10–9–63 to 4–8–64; 20 learners for plant expansion purposes (men's and boys' T-shirts).

Leola Undergarment Co., Inc., 12 West Main Street, Leola, Pa.; effective 10–10–63 to 10–9–64; 5 learners for normal labor turnover purposes (ladies' lingerie).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 10–10–63 to 4–9–64; 25 learners for plant expansion purposes (ladies' cotton and acetate tricot knit panties).

Safford Manufacturing Corp., Safford, Ariz.; effective 10–15–63 to 10–14–64; 5 learners for normal labor turnover purposes in the production of women's knitted garments (women's and misses' nightwear and underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Holland Cotton Products Co., 462 Lincoln Avenue, Holland, Mich.; effective 10–14–63 to 4–13–64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of not less than $1.15 an hour (quilted mattress protectors and patchwork quilts).

The Standard Pennant Co., Big Run, Pa.; effective 10–14–63 to 4–13–64; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of not less than $1.15 an hour (chenille and felt awards).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Aguada Foundations, Inc., Colon Street, Post Office Box 177, Aguada, P.R.; effective 9–22–63 to 3–21–64; 30 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of

480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours;

No. RI64-198; William Herbert Hunt, Gas Production C

480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (girdles).

Aguada Foundations, Inc., Colon Street, Post Office Box 177, Aguada, P.R.; effective 9–22–63 to 9–21–64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (girdles).

Andrea Shoe Corp., Antonio Luchetti Street, Post Office Box 407, Villalba, P.R.; effective 8–26–63 to 2–25–64; 44 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 74 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (tennis shoes).

Andrea Shoe Corp., Antonio Luchetti Street, Post Office Box 407, Villalba, P.R.; effective 8–26–63 to 8–25–64; 15 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 74 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (tennis shoes).

Beatrice Needle Craft Inc., Malecon Road Plant, Post Office Box 88, Mayaguez, P.R.; effective 9–24–63 to 3–23–64; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Bow Bra Co., Inc., 48 Southeast No. 1272, La Riviera, Rio Piedras, P.R.; effective 9–16–63 to 3–15–64; 35 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 85 cents an hour (brassieres).

Consolidated Cigar Corp. of Cayey, Cigar Making Plant No. 21, Bo. Montellano, Post Office Box 937, Cayey, P.R.; effective 8–27–63 to 8–26–64; 60 learners for normal labor turnover purposes, in the occupation of cigar maker; packer, each for a learning period of 320 hours at the rates of 81 cents an hour for the first 160 hours and 91 cents an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp. of Cayey, Plants Nos. 22 and 24, Barrio Montellano, Post Office Box 937, Cayey, P.R.; effective 8–27–63 to 8–26–64; 139 learners for normal labor turnover purposes, in the occupations of: (1) sorter; selector; sizer and tyer, each for a learning period of 240 hours at the rate of 72 cents an hour; and (2) machine stripper; inspector, each for a learning period of 160 hours at the rate of 81 cents an hour (processing of wrapper type tobacco).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 8–15–63 to 8–14–64; 13 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 10–1–63 to 3–31–64; 20 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Isabel Products, Inc., Santa Isabel, P.R.; effective 9–16–63 to 3–3–64; 80 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (girdles); and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 85 cents an hour (girdles and brassieres).

Jaru Inc., A Delaware Corp., Road No. 156, Km. 0.1, Post Office Box 356, Caguas, P.R.; effective 9–23–63 to 1–21–64; 50 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres) (supplemental).

La Torre Co., Inc., Albonito, P.R.; effective 8–19–63 to 8–18–64; 45 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 81 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (ladies' underwear, sleepwear, and shoulder straps).

Mansco International Corp., Guayama, P.R.; effective 9–16–63 to 9–15–64; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 69 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; and (2) machine operations other than sewing machine; gripper setting machine; marking machine; box making machine, each for a learning period of 160 hours at the rate of 69 cents an hour (men's underwear).

Playtex Caribe, Inc., Manati, P.R.; effective 8–31–63 to 8–30–64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Playtex Caribe, Inc., Manati, P.R.; effective 8–31–63 to 2–29–64; 86 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Sally Manufacturing Corp., Juana Diaz, P.R.; effective 10–1–63 to 9–30–64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres).

Savage Arms, Inc., Star Route No. 55, Minillas, Bayamen, P.R.; effective 8–31–63 to 8–30–64; 10 learners for normal labor turnover purposes, in the occupation of machine operator; finisher; assembler, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (firearms).

Transducer Corp., Luquillo, P.R.; effective 9–16–63 to 9–15–64; five learners for normal labor turnover purposes, in the occupation of coil winder; assembler; wiring girl; precision machinist, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (magnetic tape recorder heads for computers).

Tropical Corp., Mayaguez, P.R.; effective 8–22–63 to 8–21–64; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a total learning period of 480 hours, with learner rates for the first and second 240 hours of this period as follows: sachet bags, 78 cents and 91 cents; children's dresses, 71 cents and 82 cents (sachet bags and children's dresses).

Utrilon Industries (USA) Inc., No. 2 Calle 48 S.O., La Riviera, Post Office Box 10038, Caparra Heights, P.R.; effective 9–9–63 to 3–8–64; four learners for plant expansion purposes, in the occupation of injection molding machine operator for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 79 cents an hour for the remaining 160 hours (plastic footwear).

Utrilon Industries (USA) Inc., No. 2 Calle 48 S.O., La Riviera, Post Office Box 10038, Caparra Heights, P.R.; effective 10–7–63 to 3–8–64; four learners for plant expansion purposes, in the occupation of trimmer-buckler-packer, each for a learning period of 160 hours at the rate of 68 cents an hour (plastic footwear) (supplemental).

Willida, Inc., Road No. 11, Km. 67.0, Pueblo Norte, Juana Diaz, P.R.; effective 8–15–63 to 2–14–64; 50 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours (swim suits).

Willida, Inc., Ponce, P.R.; effective 9–4–63 to 2–14–64; 75 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 95 cents an hour for the remaining 160 hours (brassieres) (replacement).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 18th day of October, 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63–11315; Filed, Oct. 25, 1963; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64–193 etc.]

PURE OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 18, 1963.

The Pure Oil Company, Docket No. RI64–193; El Paso Natural Gas Products Company, Docket No. RI64–194; Midwest Oil Corporation, Docket No. RI64–195; Pan American Petroleum Corporation, Docket No. RI64–196; Gulf Oil Corporation, Docket No. RI64–197; Gulf Oil Corporation (Operator), et al., Docket No. RI64–198; William Herbert Hunt Trust Estate, Docket No. RI64–199; Champlin Oil and Refining Company (Operator), et al., Docket No. RI64–200; Bayview Oil Corporation (Operator), et al., Docket No. RI64–201; Placid Oil Company (Operator), et al., Docket No. RI64–202; Wiley Page (Operator), et al., Docket No. RI64–203; General Crude Oil Company, Docket No. RI64–204; Pan American Petroleum Corporation (Operator), Docket No. RI64–205; Hidalgo Gas Production Corporation, Docket No. RI64–206; Pan American Petroleum Corporation (Operator), et al., Docket No. RI64–207; Crown Central Petroleum Corporation, Docket No. RI64–208; Socony Mobil Oil Company, Inc., Docket No. RI64–209; Socony Mobil Oil Company, Inc (Operator), et al., Docket No. RI64–210; Nelson Bunker Hunt Trust Estate, Docket No. RI64–211; Lamar Hunt, Docket No. RI64–212; Hassle Hunt Trust, Docket No. RI64–213; Midwest Oil Corporation (Operator), et al., Docket No. RI64–214; Lamar Hunt Trust Estate, Docket No. RI64–215; William Herbert Hunt Trust Estate, Docket No. RI64–216.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–193	The Pure Oil Co., 200 East Golf Road, Palatine, Ill.	52	2	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$3,385	9–19–63	[3]10–20–63	3–20–64	16.0	[2][4]17.0	
RI64–194	El Paso Natural Gas Products Co., Post Office Box 1161, El Paso, Tex.	11	1	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).	6,631	9–23–63	[3]10–24–63	3–24–64	15.0	[2][4]16.0	
RI64–195	Midwest Oil Corp., 1700 Broadway, Denver 2, Colo.	22	2	Michigan-Wisconsin Pipe Line Co. (Laverne Area, Harper County, Okla.) (Oklahoma-Panhandle Area.	1,020	9–23–63	[3]11–12–63	4–12–64	17.0	[2][4]19.5	
	do	13	9	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.).	4,168	9–23–63	[3]11– 1–63	4– 1–64	[5]15.8007	[2][3][4]16.8263	
	do	20	8	United Fuel Gas Co. (Ellis Field, Acadia Parish, La.).	2,880	9–25–63	[3]11– 1–63	4– 1–64	[7]20.7	[2][4][7]21.1	RI63–116
	do	8	9	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.).	5,148	9–23–63	[3]11– 1–64	4– 1–64	[5]15.8007	[2][3][4]16.8263	
	do	9	13	do	2,806	9–23–63	[3]11– 1–63	4– 1–64	[5]15.8007	[2][3][4]16.8263	
RI64–196	Pan American Petroleum Corp., 611 South Boston Avenue, Tulsa 3, Okla.	208	6	Texas Eastern Transmission Corp. (Ft. Lynn Field, Miller County, Ark.).	152	9–27–63	[3]11– 1–63	4– 1–64	[6][8]14.675	[2][3][4][6][8]14.875	RI63–13
	do	241	4	Texas Eastern Transmission Corp. (West Puerto Bay Field, San Patricia and Aransas Counties, Tex.) (R.R. District No. 4).	307	9–27–63	[3]11– 1–63	4– 1–64	15.4	[2][4]15.6	RI63–138
RI64–197	Gulf Oil Corp., P.O. Drawer 2100, Houston, Tex., 77001.	27	16	Texas Eastern Transmission Corp. (Lemonville and West Glst Fields, Jasper and Newton Counties, Tex.) (R.R. District No. 3).	7,200	9–23–63	[3]11– 1–63	4– 1–64	[11]14.6	[2][4]15.6	
RI64–198	do	67	7	Texas Eastern Transmission Corp. (Buna West Field, Jasper County, Tex.) (R.R. District No. 3).	1,650	9–23–63	[3]11– 1–63	4– 1–64	[11]14.6	[2][4]15.6	
	do	132	8	Texas Eastern Transmission Corp. (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	475	9–23–63	[3]11– 1–63	4– 1–64	[11]14.6	[2][4]15.6	
RI64–199	William Herbert Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas 1, Tex.	1	12	Texas Eastern Transmission Corp. (North Cottonwood Field, Liberty County, Tex.) (R.R. District No. 3).	613	9–24–63	[3]11– 1–63	4– 1–64	15.4	[2][4]15.6	RI63–140
RI64–200	Champlin Oil and Refining Co. (Operator), et al., P.O. Box 9365, Fort Worth, Tex., 76107.	2	7	Texas Eastern Transmission Corp. (Carthage Field, Panola County, Tex.) (R.R. District No. 6).	4,400	9–23–63	[3]11– 1–63	4– 1–64	[12]14.6	[2][4]15.6	
RI64–201	Bayview Oil Corp. (Operator), et al., Republic National Bank Bldg., Dallas 1, Tex.	7	8	Mississippi River Fuel Corp. (Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	1,484	9–23–63	[3]10–26–63	3–26–64	[13]14.8892	[2][4][13]15.3940	RI61–188
RI64–202	Placid Oil Co., (Operator), et al., 600 Beck Bldg., Shreveport, La.	29	3	H. L. Hunt and Estate of Lyda Bunker Hunt (Whelan Field, Harrison County, Tex.) (R.R. District No. 6).	697	9–23–63	[3]11– 1–63	4– 1–64	[4]12.9	[2][4][14]13.1	RI63–132
	Placid Oil Co. (Operator), et al.	30	3	H. L. Hunt and Estate of Lyda Bunker Hunt (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	287	9–23–63	[4]11– 1–63	4– 1–64	[10]14.9	[2][4][10]15.1	RI63–132
RI64–203	Wiley Page (Operator), et al., c/o Jerome M. Alper, 1725 Eye Street NW., Washington 6, D.C.	3	4	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex., and North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	10,456	9–26–63	[4]11– 1–63	4– 1–64	[10]14.6	[2][4]15.6	
RI64–204	General Crude Oil Co., P.O. Box 2252, Houston, Tex. 77001.	2	13	Texas Eastern Transmission Corp. (Silsbee Field, Hardin County, Tex.) (R.R. District No. 3).	636	9–27–63	[4]11– 1–63	4– 1–64	[15]15.2	[17][4][15]15.6	RI62–134
RI64–205	Pan American Petroleum Corp. (Operator), P.O. Box 3092, Houston 1, Tex., Attn: Dean J. Capp, Attorney.	8	23	Texas Eastern Transmission Corp. (Hastings, Turtle Bay, and Chocolate Bayou Fields, Brazoria, Galveston, and Chambers Counties, Tex.) (R.R. District No. 3).	8,006	9–27–63	[4]11– 1–63	4– 1–64	15.4	[2][4]15.6	RI63–139
RI64–206	Hidalgo Gas Production Corp. 700 Mercantile Bank Bldg., Dallas 1, Tex.	1	7	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (R.R. District No. 4).	513	9–27–63	[4]11– 1–63	4– 1–64	15.4	[2][4]15.6	RI63–100
	Hidalgo Gas Production Corp.	2	7	Texas Eastern Transmission Corp. (Agua Dulce Field, Nueces County, Tex.) (R.R. District No. 4).	263	9–27–63	[4]11– 1–63	4– 1–64	15.4	[2][4]15.6	RI63–100

See footnotes at end of table.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

(B) Pending hearings and decisions Docket No. CI60–601; W. K. M

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-207	Pan American Petroleum Corp. (Operator), et al., rt P.O. Box 1410, Fo Worth 1, Tex., Attn: J. K. Smith, Atty.	265	3	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6).	$9,679	9-30-63	[1] 11-1-63	4-1-64	[10] 14.6	[2] [4] 15.6	
RI64-208	Crown Central Petroleum Corp., 414 Bank of Southwest Bldg., Houston 2, Tex. Attn: Mr. Leslie Moses.	3	9	Tennessee Gas Transmission Co. (Placedo Field, Victoria County, Tex.) (R.R. District No. 2).	1,981	9-27-63	[3] 10-28-63	3-28-64	11.02818	[20] [4] 15.33333	
RI64-209	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	1	13	United Fuel Gas Co. (Gum Cove Field, Cameron Parish, La.).	4,745	9-27-63	[3] 11-1-63	4-1-64	[7] 20.3	[2] [4] [7] 21.1	RI62-112
	do	2	12	United Fuel Gas Co. (Chalkley Field, Cameron Parish, La.).	15,064	9-27-63	[3] 11-1-63	4-1-64	[7] 20.3	[2] [4] [7] 21.1	RI62-112
	do	141	7	United Fuel Gas Co. (Thornwell Field, Jefferson Davis Parish, La.).	3,353	9-27-63	[3] 11-1-63	4-1-64	[7] 20.3	[2] [4] [7] 21.1	RI62-11
RI64-210	do	150	12	Hassie Hunt Trust (Lisbon Field, Claiborne Parish, La.).	140	9-27-63	[3] 11-1-63	4-1-64	[21] 16.6661	[2] [22] 17.0763	RI62-113
	do	152	12	do	30	9-27-63	[3] 11-1-63	4-1-64	[21] 16.6661	[4] [21] 17.0763	RI62-113
RI64-211	Nelson Bunker Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas, Tex.	7	11	Texas Eastern Transmission Corp. (Lueky Field, Bienville Parish, La.).	397	9-24-63	[3] 11-1-63	4-1-64	[6] 16.6212	[4] [6] 16.8263	RI63-149
RI64-212	Lamar Hunt, 700 Mercantile Bank Bldg., Dallas, Tex.	9	11	do	15	9-24-63	[3] 11-1-63	4-1-64	[6] 16.6212	[4] [6] 16.8263	RI63-151
RI64-213	Hassie Hunt Trust, 700 Mercantile Bank Bldg., Dallas, Tex.	4	18	Texas Eastern Transmission Corp. (Lisbon Field, Claiborne Parish, La.).	1,764	9-27-63	[3] 11-1-63	4-1-64	[6] 16.6212	[4] [6] 16.8263	RI63-104
RI64-214	Midwest Oil Corp. (Operator), et al., 1700 Broadway, Denver 2, Colo.	14	5	United Fuel Gas Co. (Ellis Field, Acadia Parish, La.).	2,526	9-25-63	[3] 11-1-64	4-1-64	[7] 20.7	[4] [7] 21.10	RI63-116
	do	15	5	United Fuel Gas Co. (Branch Field, Acadia Parish, La.).	3,345	9-25-63	[3] 11-1-63	4-1-64	[7] 20.7	[4] [7] 21.1	RI63-116
	do	11	12	Texas Eastern Transmission Corp. (Bethany-Longstreet Field, De-Soto Parish, La.).	5,489	9-23-63	[3] 11-1-63	4-1-64	[6] 15.8007	[4] [6] 16.8263	
RI64-215	Lamar Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas, Tex.	8	11	Texas Eastern Transmission Corp. (Lueky Field, Bienville Parish, La.).	629	9-24-63	[3] 11-1-63	4-1-64	[6] 16.6212	[4] [6] 16.8263	RI63-15
RI64-216	William Herbert Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas, Tex.	10	11	do	629	9-24-63	[3] 11-1-63	4-1-64	[6] 16.6212	[4] [6] 16.8263	RI63-14

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] The stated effective date is the effective date requested by Respondent.
[4] Pressure base is 14.65 psia.
[5] Pressure base is 15.025 psia.
[6] Includes 1.75 cents per Mcf tax reimbursement.
[7] Includes 1.5 cents per Mcf tax reimbursement.
[8] Subject to downward Btu adjustment.
[9] Includes 0.175 cent per Mcf tax reimbursement (.13125 cent per Mcf Arkansas severance tax and .04375 cent per Mcf conservation assessment).
[10] There is no established ceiling for increased rates in Arkansas.
[11] Rate is the result of a settlement offer approved by Commission order issued June 5, 1961, in Docket Nos. G-11444, et al.
[12] Rate is the result of a settlement offer approved by Commission order issued July 31, 1959, in Docket No. G-18166.
[13] Rate includes 0.25 cent per Mcf reimbursement to seller for dehydration.
[14] Rate does not include two stage compression cost to buyer. Contract provides for a 1.0 cent per Mcf charge for each additional stage of compression above the initial two stages.
[15] Rate includes compression cost of 0.75 cent per Mcf.
[16] Initial rate.
[17] Two-step periodic rate increase.
[18] Rate subject to 1/12th of 6 percent of original cost of buyer's facilities constructed from delivery point to main line until buyer has received amount equal to original cost.
[19] Subject to a 0.5 cent per Mcf amortization charge of facilities.
[20] Redetermined rate increase.
[21] Includes 2.0 cents per Mcf tax reimbursement and 1.25 cents per Mcf handling charge to be deducted by buyer; also subject to 0.25 cent per Mcf processing charge

The Pure Oil Company (Pure) requests an effective date of September 1, 1963, for its proposed periodic rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Pure's proposed rate filing and such request is denied.

The proposed increased rates of Placid Oil Company (Operator), et al. (Placid) relates to the buyer's, H. L. Hunt and Estate of Lyda Bunker Hunt (Hunt), increased resale rate which exceeds the area ceiling and is involved in suspension proceedings.[3] There are no affiliations of record between Placid and Hunt. However, the Examiner's Decision issued January 24, 1958, in Docket No. G-9553, et al., indicated the existence of an interlocking directorship and stated that the common stock of Placid is primarily owned by Hunt.

With the exceptions of the increased rate contained in Supplement No. 3 to Placid's FPC Gas Rate Schedule No. 29, which is below the area ceiling price for increased rates but is suspended because it relates to the buyer's increased resale rate; and the increased rate contained in Supplement No. 6 to Pan American Petroleum Corporation's FPC Gas Rate Schedule No. 208 for sales of natural gas to Texas Eastern Transmission Corporation from the Fort Lynn Field, Miller County, Arkansas,[4] all of the proposed rate increases listed herein exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

[3] H. L. Hunt's FPC Gas Rate Schedule No. 4, which covers sales of subject gas to Texas Eastern Transmission Corporation, is presently involved in suspension proceedings in Docket Nos. G-13505, G-16642, G-19754, RI61-203, RI62-136, RI62-466 and RI63-108.

[4] There is no established ceiling for increased rates for gas sold in Arkansas.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before December 5, 1963.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63-11272; Filed, Oct. 25, 1963; 8:45 a.m.]

[Docket No. G-4720 etc.]

RESERVE OIL AND GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 22, 1963.

Reserve Oil and Gas Company (successor to Producing Properties, Inc.), Docket No. G-4720, et al.; [2] Standard Oil Company of Texas, a division of California Oil Company, Docket No. G-7223; Bowser Gas & Oil Company (successor to Skiles Oil Corporation), Docket No. G-8412; Humble Oil & Refining Company, Docket No. G-8816; Monsanto Chemical Company (successor to Mound Company, et al.), Docket No. G-9349, et al.; [3] Socony Mobil Oil Company, Inc., Docket No. G-10525; Socony Mobil Oil Company, Inc., Docket No. G-12654; Graham-Michaelis Drilling Company (Operator), et al., Docket No. G-13665; Hughes Seewald (Operator), et al., Docket No. G-14953; Skelly Oil Company, Docket No. G-15912; Socony Mobil Oil Company, Inc., Docket No. G-16307; Pan American Petroleum Corporation, Docket No. G-17028; Consolidated Oil & Gas, Inc., Docket No. G-17115; F. William Carr (Operator), et al. (successor to San Patricio Oil Corporation), Docket No. G-17243; Skelly Oil Company (Operator), et al., Docket No. G-17559; Socony Mobil Oil Company, Inc., Docket No. CI60-81; Continental Oil Company, Docket No. CI60-691; W. H. Mosser, Agent for Gumm Oil and Gas Company, Docket No. CI62-158; Skylark Gas Company, Docket No. CI62-673; Tex-Star Oil & Gas Corp., Docket No. CI62-1553; Caulkins Oil Company, Agent (Operator), et al. (successor to Wendell W. Anderson, et al.), Docket No. CI63-24; Pan American Petroleum Corporation, Docket No. CI63-1200; Rock Island Oil & Refining Co., Inc., Docket No. CI63-1203; Socony Mobil Oil Company, Inc., Docket No. CI63-1300; Samedan Oil Corporation (Operator), et al., Docket No. CI64-152; Champlin Oil & Refining Co. (Operator), et al., Docket No. CI64-221; Fain & McGaha (Operator), et al., Docket No. CI64-444; Fain & McGaha, et al., Docket No. CI64-445; Ashland Oil & Refining Company, Docket No. CI64-446; BTA Oil Producers (Operator), et al., Docket No. CI64-447; Daryl Davis, et al., Docket No. CI64-448; Warren L. Taylor, et al., Docket No. CI64-449; Mayhew Oil Company, et al., Docket No. CI64-450; M. J. Moran, et al., Docket No. CI64-451; John W. McKnab, Docket No. CI64-452; The Blackwell Oil & Gas Company, Docket No. CI64-453; J. H. Holt, et al., Docket No. CI64-454; Phillips Petroleum Company, Docket No. CI64-455; Davidor & Davidor, Inc., et al., Docket No. CI64-456; Creek Oil Company, Incorporated, Docket No. CI64-457; San Jacinto Oil and Gas Company (successor to Humble Oil & Refining Company), Docket No. CI64-458; Munoco Company, Docket No. CI64-459; Transcontinental Production Company (Operator), et al., Docket No. CI64-460; South Shore Oil and Development Company, Docket No. CI64-461; Pioneer Production Corporation, Docket No. CI64-462.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-4720, et al. F 10-14-63	Texas Eastern Transmission Corp.	South Karon Field, Bee and Live Oak Counties, Tex.	(1)	
G-7626	do	East Meyersville Field, DeWitt County, Tex.	(1)	
G-8797	do	Barre Field, DeWitt County, Tex.	(1)	
G-9621	Texas Gas Corp.	Marre McLean, Phelan Fields, Jefferson County, Tex.	(1)	
G-9746	Texas Eastern Transmission Corp.	Meyersville Field, DeWitt and Goliad Counties, Tex.	(1)	
G-10051	do	Dochrmann Field, DeWitt County, Tex.	(1)	
G-10196	United Gas Pipe Line Co.	Yanta Field, Goliad County, Tex.	(1)	
G-11897	Transcontinental Gas Pipe Line Corp.	West Mission Valley Field, Goliad County, Tex.	(1)	
G-12668	Texas Eastern Transmission Corp.	Rudman and North Mineral Fields, Bee County, Tex.	(1)	
G-12669	United Gas Pipe Line Co.	North Pettus Field, Bee, Karnes and Goliad County, Tex.	(1)	
G-12670	Texas Eastern Transmission Corp.	Brandt Field, Goliad County, Tex.	(1)	
G-12671	Natural Gas Pipeline Co. of America.	LaGloria Field, Jim Wells and Brooks County, Tex.	(1)	
G-12672	Tennessee Gas Transmission Co.	Calallen Field, Nueces County, Tex	(1)	
G-12673	Texas Eastern Transmission Corp.	Hordes Creek Field, Goliad County, Tex.	(1)	
G-12674	Transcontinental Gas Pipe Line Corp.	Greta Field, Refugio County, Tex.	(1)	
G-12676	Natural Gas Pipeline Co. of America.	Bloomington Field, Victoria County, Tex.	(1)	
G-12677	Tennessee Gas Transmission Co.	Calallen Field, Nueces County, Tex.	(1)	
G-15193	Texas Eastern Transmission Corp.	Brandt Field, Goliad County, Tex.	(1)	
G-15889	Coastal States Gas Producing Co.	Coleto Creek Field, Victoria County, Tex.	(1)	
G-17406	United Gas Pipe Line Co.	East Cabezo Creek Field, Goliad County, Tex.	(2)	
G-20599	Texas Eastern Transmission Corp.	South Karon Field, Bee and Live Oak County, Tex.	(2)	
CI60-520	Cities Service Co.	Hugoton Field, Seward County, Kans.	(2)	
CI61-919	El Paso Natural Gas Co.	Langlie Mattix and Jalmat Fields, Lea County, N. Mex.	(2)	
CI61-1093	do	Langlie Mattix Field, Lea County, N. Mex.	(2)	
G-7223 C 10-7-63	do	Acreage in Lea County, N. Mex.	5.5	14.65
G-8412 E 10-7-63	Cabot Corp.	Sheridan, Sherman and Center Districts, Calhoun County, W. Va.	12.0	15.325
G-8816 D 10-14-63	United Gas Pipe Line Co.	Marie and Pistol Ridge Fields, Forest, Lamar and Pearl River Counties, Miss.	Assigned	
G-9349, et al. E 10-8-63	Texas Gas Pipe Line Corp.	Big Hill Field, Jefferson County Tex.	15.0	14.65
G-9350	Tennessee Gas Transmission Co.	East Bay City Field, Matagorda County, Tex.	(3)	
G-9351	do	East Alice Field, Jim Wells County, Tex.	(3)	
G-9352	Trunkline Gas Co.	Ramsey Field, Colorado County, Tex.	(3)	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[2] "Et al." include Docket Nos. G-7626, G-8797, G-9621, G-9746, G-10051, G-10196, G-11897, G-12668, G-12669, G-12670, G-12671, G-12672, G-12673, G-12674, G-12676, G-12677, G-15193, G-15889, G-17406, G-20599, CI60-520, CI61-919, CI61-1093.

[3] "Et al." include Docket Nos. G-9350, G-9351, G-9352, G-9353, G-9354, G-9355, G-9356, G-9357, G-9358, G-9360, G-9361, G-15114, G-17499, CI60-258.

has filed an application with this Com- addressed: Secretary, Securities and Ex-

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-9353	Tennessee Gas Transmission Co.	Cologne Field, Victoria County, Tex.	(2)	15.325
G-9354	do	Chesterville Field, Colorado County, Tex.	(2)	15.325
A 10-14-63	do	Acreage in Cumberland District, Lewis County, W. Va.	25.0	15.325
G-9355	do	LaGloria Field, Brooks and Jim Wells Counties, Tex.	(2)	15.325
A 10-14-63	do	Glenville District, Gilmer County, W. Va.	25.0	15.325
G-9356	Transcontinental Gas Pipe Line Corp.	Young Field, Morgan County, Colo.	Depleted	------
G-9357	Natural Gas Pipeline Co. of America.	Acreage in Claiborne Parish, La.	(2)	------
G-9358	do		Depleted	------
G-9360	Tennessee Gas Transmission Co.	Old Ocean Field, Brazoria County, Tex.	(2)	15.325
G-9361	United Gas Pipe Line Co.	Greenbrier District, Doddridge County, W. Va.	25.0	15.325
G-15114	Transcontinental Gas Pipe Line Corp.	Orange Grill and Lissie Fields, Colorado County, Tex.	(2)	------
G-17409	Tennessee Gas Transmission Co.	Baxterville Field, Lamar and Marion Counties Miss.	(2)	14.65
C 10-14-63	Southern Natural Gas Co.	Cowpen Creek Field, Beauregard Parish, La.	(2)	15.025
C 10-14-63	El Paso Natural Gas Co.	Decker's Prairie Field, Harris County, Tex.	(2)	14.65
C 10-14-63	United Gas Pipe Line Co.	Franklin Field, St. Mary Parish, La.	(2)	------
D 10-16-63	El Paso Natural Gas Co.	Hogshack and Green River Bend Fields, Lincoln and Sublette Counties, Wyo.	Assigned	------
D 10-16-63	United Gas Pipe Line Co.	Pistol Ridge Field, Forrest and Pearl River Counties, Miss.	Assigned	------
G-13663	Colorado Interstate Gas Co.	Acreage in Beaver County, Okla.	Uneconomical	------
B 9-27-63	do			------
G-14963	do	Keyes Field, Cimarron County, Okla.	16.0	14.65
G-16912	El Paso Natural Gas Co.	Acreage in Rio Arriba County, N. Mex.	11.043375	15.025
C 10-9-63	Trunkline Gas Co.	Cowpen Creek Field, Beauregard Parish, La.	(2)	------
D 10-16-63	United Gas Pipe Line Co.	Ada Field, Bienville Parish, La.	Depleted	------
G-17028				
B 9-27-63				
G-17115	Southern Union Gathering Co.	Blanco-Mesaverde Field, San Juan County, N. Mex.	13.0	15.025
C 3-17-60				
9-19-63 [4]				
G-17858	W. J. Riley d.b.a. Banquete Gas Co.	Acreage in San Patricio County, Tex.	9.0	14.65
E 10-11-63	El Paso Natural Gas Co.	Acreage in San Juan County, N. Mex.	12.0495	15.025
G-17559	Cities Service Gas Co.	Woodward and Northeast Woodward Fields, Woodward County, Okla.	Depleted	------
C 10-11-63				
D 10-11-63				
C160-901 [4]	Panhandle Eastern Pipe Line Co.	Woodville, Alfalfa, Dewey and Major Counties, Okla.	15.0	14.65
10-4-63				
C162-158	Hope Natural Gas Co.	Freemans Creek District, Lewis County, W. Va.	25.0	15.325
C 10-10-63				
C162-673	Equitable Gas Co.	Elk, Hackers Creek, Warren District, Harrison, Lewis and Upshur Counties, W. Va.	25.0	15.325
C 10-14-63				
C162-1553	El Paso Natural Gas Co.	Ignacio Field, La Plata County, Colo.	12.0	15.025
C 10-10-63				
C163-24	Colorado Interstate Gas Co.	Mocane Field, Beaver County, Okla.	15.0	14.65
E 7-6-62				
C163-1200	Northern Natural Gas Co.	North Puckett Field, Pecos County, Tex.	15.0	14.65
C 10-14-63				
C163-1203	El Paso Natural Gas Co.	Acreage in San Juan County, N. Mex.	12.0	15.025
C 10-10-63				
C163-1404	Natural Gas Pipeline Co. of America.	Acreage in Custer County, Okla.	Assigned	------
D 10-11-63				
C164-152	Cities Service Gas Co.	Northwest Quinlan Pool, Woodward County, Okla.	16.0	14.65
9-3-63 [4]				
C164-221	do	Enid Gasoline Plant, Garfield County, Okla.	13.0	14.65
C 10-11-63				
C164-444	Warren Petroleum Corp.	East Panhandle Sweet Gas Field, Wheeler County, Tex.	5.25	14.65
C 10-11-63				
C164-445	Lone Star Gas Co.	East Panhandle Field, Wheeler County, Tex.	Assigned	------
B 10-10-63				
C164-446	Arkansas Louisiana Gas Co.	E. Kremlin Field, Garfield County, Okla.	12.0	14.65
A 10-11-63				
C164-447	El Paso Natural Gas Co.	Spraberry Trend Area, Reagan County, Tex.	16.0	14.65
C 10-11-63				
C164-448	Colorado Interstate Gas Co.	Southeast Thurston Field, Cimarron County, Okla.	17.0	14.65
A 10-14-63				

See footnotes at end of table.

[1] Predecessors authorized rates.
[2] Supra.
[3] Amendment to delete by letter agreement of parties.
[4] Amends filing of 3-17-60.
[5] Amendment to include the interest of co-owners.
[6] Amendment to certificate application to be treated as a petition to amend the certificate. (Amends contract summary in original application to reflect 1 cent/Mcf service charge for dehydration and delivery.)

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 13, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11304; Filed, Oct. 25, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4170]

MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issuance and Sale of $10,000,000 Principal Amount of First Mortgage Bonds at Competitive Bidding

OCTOBER 22, 1963.

Notice is hereby given that Massachusetts Electric Company ("Massachusetts"), 441 Stuart Street, Boston 16, Massachusetts, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rules 42(b)(2) and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Massachusetts proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $10,000,000 principal amount of First Mortgage Bonds, Series H, -- percent due 1993. The interest rate of the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Massachusetts (which will be not less than principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding.

The bonds are to be dated as of December 1, 1963, will mature on December 1, 1993 and will be issued under a First Mortgage Indenture and Deed of Trust dated as of July 1, 1949 between Massachusetts and the Second National Bank of Boston, as Trustee, and indentures supplemental thereto including a Seventh Supplemental Indenture to State Street Bank and Trust Company, as successor Trustee, to be dated as of December 1, 1963.

The net proceeds from the sale of the bonds will be applied to the payment of short-term notes, of which $10,000,000 face amount is expected to be outstanding at the time of the issuance of the bonds. Any balance of proceeds will be used to pay for the cost of construction or to reimburse the treasury therefor.

The estimated fees and expenses to be paid in connection with the proposed transactions are estimated to aggregate $80,000, including $35,000 for legal, accounting and other services to be rendered at cost by the system service company. The fees and expences of independent counsel for the underwriters, which are to be paid by the successful bidder, are to be supplied by amendment.

Massachusetts has applied to the Massachusetts Department of Public Utilities for approval of the proposed issuance and sale of bonds. A copy of the order entered therein is to be supplied by amendment. If the interest rate on the bonds specified by the successful bidder exceeds 5 percent per annum, a further order of that State commission will be necessary. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 15, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-11316; Filed, Oct. 25, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 887]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 23, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66008. By order of October 21, 1963, the Transfer Board, on reconsideration, approved the transfer to Ashland City Lines, Inc., Ashland, Ohio, of the operating rights in Certificate in No. MC 118926, issued May 24, 1960, to Samuel Olson, doing business as Ashland City Lines, Ashland, Ohio, authorizing the transportation, over irregular routes, of passengers, and their baggage, in charter operations, beginning and ending at points in Ashland County, Ohio, and extending to points in Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio, attorney for applicants.

No. MC-FC 66066. By order of October 21, 1963, the Transfer Board approved the transfer to Robert Lee Zimmerman, and Barbara Ann Zimmerman, a partnership, doing business as B and B Bus Line, Linthicum, Md., of Certificates in Nos. MC 123489 (Sub-No. 1) and MC 123489 (Sub-No. 4), issued September 20, 1962 and May 16, 1963, to Lewis F. Schaffer, doing business as Schaffer Bus Service, Baltimore, Md., authorizing the transportation of: Passengers and their baggage, and newspapers and express in the same vehicle, between Baltimore, Md., and Hanover, Pa., serving intermediate points, and between Hanover, Pa., and Gettysburg, Pa., serving intermediate points. S. Harrison Kahn, Suite 733 Investment Building, Washington 5, D.C., attorney for applicants.

No MC-FC 66164. By order of October 21, 1963, the Transfer Board approved the transfer to Barrett Mobile Home Transport, Inc., Moorhead, Minn., of Certificate in No. MC 115774, issued March 26, 1958, to Adams & Gregoire, Inc., and name later changed to J. J. Gregoire, Inc., Great Falls, Mont., authorizing the transportation, over irregular routes, of: Used mobile homes, in secondary movements, in truckaway service, between points in Montana, on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North Dakota, and South Dakota. Lee F. Brooks, First National Bank Building, Fargo, N. Dak., attorney for applicants.

No. MC-FC 66247. By order of October 21, 1963, the Transfer Board approved the transfer to Hartley Moving & Hauling, Inc., Franklin Park, Ill., of the operating rights claimed in No. MC 99933 (Sub-No. 1) under the "grandfather" clause of section 206(a)(7)(B), Interstate Commerce Act by Walter F. Hartley, doing business as Hartley Moving and Hauling Company, Franklin Park, Ill., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Illinois Commerce Commission in No. 5082 MC-C. Harold E. Marks, 208 South LaSalle Street, Chicago, Ill., attorney for applicants.

No. MC-FC 66281. By order of October 21, 1963, the Transfer Board approved the transfer to Elma Alexander, B. F. Alexander, Diane McElroy, Dick Alexander and Donald G. Alexander, a partnership, doing business as Alexander Truck Line, 337 East Main, Lyons, Kans., of Certificate in No. MC 58992 issued October 13, 1958, to Dale E. Alexander, doing business as Alexander Truck Lines, 337 East Main, Lyons, Kans., authorizing the transportation, over specified regular routes, and irregular routes, of: Agricultural implements, and farm machinery, feed, machinery, building materials, various other commodities, and general commodities, with certain exceptions, between specified points in Kansas and Missouri.

No. MC-FC 66288. By order of October 21, 1963, the Transfer Board ap-

proved the transfer to Sleepy Valley Farm Van Service, Inc., Nashville, Tenn., authorizing the transportation of: Household goods, between Detroit, Mich., 15 days from the date of publication of this notice in the FEDERAL REGISTER.

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proved the transfer to Sleepy Valley Farm Van Service, Inc., Nashville, Tenn., of Certificate in No. MC 113290, issued August 2, 1960, to Archie Harvey Haney, doing business as A. H. Haney Stables, Wheeling, W. Va., authorizing the transportation, over irregular routes, of: Livestock, other than ordinary, and in the same vehicle, accoutrements for such animals, between specified points in Pennsylvania, Maryland, West Virginia, New Jersey, Rhode Island, and New York. Richard D. Gleaves, 3415 West End Avenue, Nashville, Tenn., attorney for applicants.

No. MC–FC 66310. By order of October 21, 1963, the Transfer Board approved the transfer to Grosse Pointe Moving & Storage, Inc., Grosse Pointe Woods, Mich., of Certificate in No. MC 111246 (Sub-No. 1), issued September 12, 1961, to Carl E. Wright, doing business as Livonia Moving and Storage Co., 33827 Plymouth Road, Livonia, Mich., authorizing the transportation of: Household goods, between Detroit, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., attorney for transferee.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11321; Filed, Oct. 25, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 23, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38611: *Fire brick and refractory products to southern territory.* Filed by O. W. South, Jr., agent (No. A4387), for interested rail carriers. Rates on fire brick and refractory products, in carloads, from Mexico and St. Louis, Mo., and points taking same rates, to points in southern territory.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 72 to Southern Freight Association, agent, tariff I.C.C. S–144.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11322; Filed, Oct. 25, 1963; 8:47 a.m.]

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Washington, Tuesday, October 29, 1963

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Rules and Regulations

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN–EX–10 (Rev. 1), Amdt. 3]

PART 1482—COTTON

Subpart—Cotton Products Export Program Regulations

EXTENSION OF EXPORT PERIOD

On May 28, 1963, the Cotton Products Export Program Regulations (Announcement CN–EX–10 (Revision 1)) dated May 8, 1962 (27 F.R. 4581), were amended to extend the program on a month-to-month basis pending clarification by the Congress of possible legislation affecting cotton. In order to permit more flexibility for export during the period the program is extended on a month-to-month basis, paragraph (b) of § 1482.359 of the regulations is revised to read as follows:

§ 1482.359 Export conditions.

* * * * *

(b) *Time for export.* To be eligible for payments hereunder, cotton products must be exported on or after August 1, 1963, and not later than the last day of the second month following the month in which the export sale is made, unless the time for export is extended as provided below, but in no event later than July 31, 1964. If, at the end of any month, the time for export under a registered sale will expire and exportation under the sale has not been completed, and if a base equalization rate has been announced by CCC for the following month, the time for export under such sale shall be automatically extended until the last day of such following month. The Director of the New York office may also grant an extension of the time for export, before or after the expiration of the time for export, if he determines that the exporter has been or will be delayed in exporting the cotton products by a cause occurring without the exporter's fault or negligence. The rate to be paid in connection with the export of cotton products during any automatic extension of time or extension of time granted by the Director of the New York office shall be the lower of the rate in effect on the date the sale was made or the rate in effect on the date such cotton products were exported. If cotton products are exported, they shall be deemed to have been "exported" when loaded on board an ocean vessel or, if shipment to destination country is by other than ocean carrier, when the shipment clears U.S. Customs.

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c)

This amendment shall be applicable to all export sales made on or after August 1, 1963.

Signed at Washington, D.C., on October 25, 1963.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation; Administrator, Foreign Agricultural Service.

[F.R. Doc. 63–11434; Filed, Oct. 25, 1963; 2:09 p.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Bonds of State Highway and Bridge Authority of Commonwealth of Pennsylvania

§ 1.129 State Highway and Bridge Authority of the Commonwealth of Pennsylvania Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $35,000,000 Series of 1963, Bonds of the State Highway and Bridge Authority of the Commonwealth of Pennsylvania are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The State Highway and Bridge Authority was created in 1949, by an act of the General Assembly of the Commonwealth of Pennsylvania, as a body corporate and politic, a public corporation and a governmental instrumentality. The purpose of the Authority is the construction, reconstruction and improvement of state highway projects. In order to provide funds for this purpose, the Authority is authorized to issue its bonds and to pledge, for the payment thereof, its revenues, receipts, and its full faith and credit. It is not authorized to pledge the credit or the taxing power of the Commonwealth, but the Act creating the Authority appropriates so much of the money in the Motor License Fund of the Commonwealth as may be necessary to carry out the provisions of the act.

(2) The proceeds from the sale of the bonds of the Authority will be used for highway projects which are to be leased to the Commonwealth. The leases will provide for payment, out of the current revenues of the Commonwealth including the Motor License Fund, of annual rentals sufficient to meet the annual principal and interest requirements of the bonds, and to pay the current expenses of the Authority. The leases will also provide that in the event the current revenues of the Commonwealth for any year are not sufficient to pay the entire rental, the balance of such rental will be paid out of the current revenue of succeeding years. The bonds will be direct and general obligations of the Authority and will be secured equally with all other bonds of the Authority by the full faith and credit of the Authority and by the pledge of all rentals payable by the Commonwealth on projects leased from the Authority.

(3) The bonds of the Authority are the general obligations of a public authority of the Commonwealth of Pennsylvania. The resources of the Authority include the obligation of the Commonwealth to make lease rental payments which will be sufficient to provide for all required payments in connection with the bonds, and an appropriation of money from the Motor License Fund. The lease rental obligation of the Commonwealth, though payable from the current revenues of the successive years, is not limited to any particular source of revenue and is, therefore, supported by the general taxing power and the full faith and credit of the Commonwealth. The Commonwealth has, thus, undertaken to provide for the payment of the obligations of its duly constituted Authority.

(c) *Ruling.* Following the principles and definitions set forth in 12 CFR 1.3 (d) and (e) and applied in the ruling on the General State Authority of the Commonwealth of Pennsylvania, 12 CFR 1.125, it is our conclusion that the Bonds of the State Highway and Bridge Authority of the Commonwealth of Pennsylvania, Series of 1963, are eligible for purchase, dealing in, underwriting and unlimited holding under Paragraph Seventh of 12 U.S.C. 24.

(Source: Comptrollers' letter dated October 19, 1963)

Dated: October 23, 1963.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 63–11398; Filed, Oct. 28, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone

On August 23, 1963, a notice of proposed rule making was published in the

FEDERAL REGISTER (28 F.R. 9322) stating that the Federal Aviation Agency proposed to designate a control zone at Brainerd, Minn.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, § 71.171 (27 F.R. 220–91, November 10, 1962) is amended by adding the following:

Brainerd, Minn.

Within a 5-mile radius of the Brainerd-Crow Wing County Municipal Airport (latitude 46°23'25" N., longitude 94°08'20" W.) and within 2 miles each side of the Brainerd VOR 297° radial, extending from the 5-mile radius zone to the VOR from 0700 to 2000 hours, local time, daily.

This amendment shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11352; Filed, Oct. 28, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Alteration of Federal Airways, Positive Control Route Segment and Reporting Point

On August 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7996) stating that the Federal Aviation Agency was considering amendments to §§ 71.143, 71.191 and 71.205 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.143 the following changes are made:

In V–1522 (27 F.R. 220–38, November 10, 1962, 27 F.R. 12814, 27 F.R. 11531, 28 F.R. 178, 28 F.R. 721) "12 miles wide INT Los Angeles 061°, Daggett, Calif., 234° radials; thence INT Ontario, Calif., 342°, Daggett 234° radials; 14 miles wide INT Ontario 004°, Daggett 234° radials; 12 miles wide Daggett; 10 miles wide Las Vegas, Nev.; INT Las Vegas 045°, Mormon Mesa, Nev., 227° radials; Mormon Mesa;" is deleted and "10 miles wide Ontario, Calif.; Hector, Calif.; 12 miles wide Boulder, Nev.; 10 miles wide Mormon Mesa, Nev.;" is substituted therefor.

In V–1547 (27 F.R. 220–38, November 10, 1962, 28 F.R. 178, 28 F.R. 10418) "10 miles wide Ontario, Calif.; Hector, Calif.; 12 miles wide Boulder, Nev.; 10 miles wide Mormon Mesa, Nev.;" is deleted and "12 miles wide INT Los Angeles 061°, Daggett, Calif., 234° radials; thence INT Ontario, Calif., 342°, Daggett 234° radials; 14 miles wide INT Ontario 004°, Daggett 234° radials; 12 miles wide Daggett; 10 miles wide Las Vegas, Nev.; INT Las Vegas 045°, Mormon Mesa, Nev., 227° radials; Mormon Mesa;" is substituted therefor.

2. In § 71.191 (27 F.R. 220–156, November 10, 1962) "V–1522 From INT Los Angeles, Calif., 061°, Long Beach, Calif., 024° radials to Kremmling, Colo." is deleted and "V–1522 From Hector, Calif., to Kremmling, Colo." is substituted therefor.

3. In § 71.205 (28 F.R. 178, 28 F.R. 1504) "Boulder, Nev.; V–1547." is deleted and "Boulder, Nev.; V–1522." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11353; Filed, Oct. 28, 1963; 8:45 a.m.]

[Airspace Docket No. 63–EA–44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways, Revocation of Transition Area, and Designation and Revocation of Reporting Points

On August 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7996) stating that the Federal Aviation Agency proposed to alter Part 71 [New] of the Federal Aviation Regulations by realigning VOR Federal airways Nos. 53, 115, 140, 830, 887, 1538, 1540 and 1667 via the new Whitesburg, Ky., VOR, revoking the Daley transition area and Paynesville reporting point, designating the Whitesburg VOR as a reporting point and designating the Stacy, Va., Intersection as a reporting point on Victors 35 and 881.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, therefore, and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (27 F.R. 220–6, November 10, 1962, 27 F.R. 12167, 12439, 28 F.R. 2229, 2670, 3444, 3779, 7936, 9200) is amended as follows:

a. In V–53 "Lexington, Ky.;" is deleted and "Whitesburg, Ky.; Lexington, Ky.;" is substituted therefor.

b. In V–115 "Knoxville;" is deleted and "Knoxville; Whitesburg, Ky. (11 miles wide from 45 nmi from Knoxville to 45 nmi from Whitesburg);" is substituted therefor.

c. In V–140 "Bluefield, W. Va.;" is deleted and "Whitesburg, Ky.; Bluefield, W. Va.;" is substituted therefor.

d. In V–830 "Bluefield, W. Va.;" is deleted and "Whitesburg, Ky.; Bluefield, W. Va.;" is substituted therefor.

e. In V–887 "Bluefield, W. Va.;" is deleted and "Bluefield, W. Va.; Whitesburg, Ky.;" is substituted therefor.

f. In V–1538 "thence Charleston, W. Va.;" is deleted and "thence Whitesburg, Ky.; Charleston, W. Va.;" is substituted therefor.

g. In V–1540 "thence London, Ky.;" is deleted and "thence London, Ky.; Whitesburg, Ky.;" is substituted therefor.

h. In V–1667 "Lexington, Ky." is deleted and "Whitesburg, Ky.; Lexington, Ky." is substituted therefor.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended as follows: "Daley, Ky." is deleted.

3. Section 71.203 (27 F.R. 220–157, November 10, 1962) is amended as follows:

a. "Paynesville INT: INT Bluefield, W. Va., 264°, Blackford, Va., 009° radials; V–35, V–881" is deleted.

b. "Whitesburg, Ky." is added.

c. "Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials; V–35, V–881." is added.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11354; Filed, Oct. 28, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SW–85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

The purpose of these amendments to § 71.143 of the Federal Aviation Regulations is to alter intermediate altitude Federal airways V–1610, V–1542 and V–1643.

Airways V–1542 and V–1643 are presently designated in part as 16 mile wide airways from the Junction, Texas, VOR to the San Antonio, Texas, VORTAC. Airway V–1610 is presently designated in part as a 16 mile wide airway from the intersection of the Rocksprings, Texas, VOR 090° and the San Antonio VORTAC 309° True radials (Comfort intersection) to the San Antonio VORTAC. These airways, as designated, are not laterally separated from jet approach procedures at Kelly AFB, Texas. Redesignating these segments as 10 mile wide airways would provide lateral separation from the Kelly AFB jet approach procedures and thereby enhance the movement of IFR air traffic in the San Antonio Metropolitan area. Therefore, action is being taken herein to redesignate the portions of V–1542 and V–1643 between Junction VOR and San Antonio VORTAC and the portion of V–1610 between Comfort intersection and San Antonio VORTAC as 10 mile wide airways.

Since these amendments are minor in nature and impose no additional burden

on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. In § 71.143 in the text of V–1542 (27 F.R. 220–38, November 10, 1962, 27 F.R. 11940) "San Antonio, Tex.; Houston, Tex.;" is deleted and "10 miles wide San Antonio, Tex.; thence Houston, Tex.;" is substituted therefor.

2. In § 71.143 in the text of V–1610 (27 F.R. 220–38, November 10, 1962, 28 F.R. 1035) "San Antonio, INT San Antonio 074°, Houston, Tex., 290° radials;" is deleted and "10 miles wide San Antonio; thence INT San Antonio 074°, Houston, Tex., 290° radials;" is substituted therefor.

3. In § 71.143 in the text of V–1643 (27 F.R. 220–38, November 10, 1962, 28 F.R. 9346) "thence Junction, Tex.; 10 miles wide San Angelo, Tex." is deleted and "Junction, Tex.; San Angelo, Tex." is substituted therefor.

These amendments shall become effective 0001 E.S.T., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11355; Filed, Oct. 28, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway

On August 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7914) stating that the Federal Aviation Agency proposed to alter Part 71 of the Federal Aviation Regulations by revoking intermediate altitude Federal airway V–1692.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for reasons stated in the notice, the following action is taken:

Section 71.143 (27 F.R. 220–38, November 10, 1962) is amended as follows: V–1692 is revoked.

This amendment shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11356; Filed, Oct. 28, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–605]

PART 13—PROHIBITED TRADE PRACTICES

National Home Food Service Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.15–265 *Service;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–10 *Bait;* § 13.180 *Quantity:* § 13.180–35 *Offered;* § 13.225 *Services;* § 13.285 *Value.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Home Food Service Company, Inc., et al., Wilkes-Barre, Pa., Docket C–605, Oct. 10, 1963]

In the Matter of National Home Food Service Company, Inc., a Corporation, and Andrew Carol and Marvin Rayfield, Individually and as Officers of Said Corporation

Consent order requiring Wilkes-Barre, Pa., sellers of freezers and a food and freezer food plan, operating at nine locations in New York and Pennsylvania, to cease making a variety of misrepresentations in advertising in newspapers, by radio and television and otherwise, to induce sales of their products, including false claims as to cost, services, quantities of food supplied service warranty, food quality guarantee, free gifts, bait advertising, etc., as in the order below in detail set forth.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent National Home Food Service Company, Inc., a corporation, and its officers, and Andrew Carol and Marvin Rayfield, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of freezers, food or a freezer food plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

a. Home economists or other formally trained individuals will assist purchasers of the freezer food plan in planning their food orders;

b. Respondent corporation is a member of the Better Business Bureau in all areas where respondents sell their freezer food plan unless respondent corporation is so affiliated in all such areas; or representing, directly or by implication, that respondent corporation holds a membership in the Better Business Bureau in any designated area when corporate respondent is not so affiliated.

c. Purchasers of a freezer food plan receive the same amount of food and a freezer for the same or less money than they previously paid for food alone.

d. Respondents will pay the moving expenses of the freezer or the food if a purchaser of respondents' freezer food plan moves to a different location or area of the country.

e. Freezers or any parts thereof are guaranteed in any manner unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction with any such representation.

f. The flavor or quality of the food sold in connection with a freezer food plan is guaranteed unless in every instance respondents promptly and scrupulously fulfill their obligation under the guarantee.

g. Any article of merchandise or product is being given free as a gift or bonus or without cost with the purchase of a freezer, food or a freezer food plan.

2. Advertising or offering for sale any freezers, food or freezer food plans at specific prices, or otherwise, for the purpose of obtaining leads or prospects for the sale of freezers, food or freezer food plans at higher prices unless respondents maintain an adequate and readily available stock of said freezers, and food.

3. Disparaging in any manner or refusing to sell any advertised freezer, food or freezer food plan.

4. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations which are designed to obtain leads or prospects for the sale of a freezer food plan or merchandise other than that advertised.

5. Representing directly or by implication that any freezer food plan is offered for sale at a specific price when such offer is not a bona fide offer to sell said freezer food plan at the specified price.

6. Representing directly or by implication that respondents supply purchasers of the aforesaid freezer food plan with all their food requirements.

7. Representing directly or by implication that purchasers of respondents' freezer food plan receive food or other items which are not available under said plan.

8. Representing directly or by implication that meat is processed at respondent corporation's processing plant or that respondent corporation processes its own meat products.

9. Misrepresenting in any manner the savings realized by the purchasers of respondents' freezer food plan, freezer or food.

Part II. It is further ordered, That respondent National Home Food Service Company, Inc., a corporation, and its officers and Andrew Carol and Marvin Rayfield, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation or misrepresentation prohibited in Paragraphs 1 through 9 of Part I of this order.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any food, or any purchasing plan involving food, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in Paragraphs 1 through 9 of Part I of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 10, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-11365; Filed, Oct. 28, 1963; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In Part 203 there is added to the Table of Contents a new heading as follows:

Sec.
203.16a Certificate of nondiscrimination by seller.

In Part 203 a new § 203.16a is added as follows:

§ 203.16a Certificate of nondiscrimination by seller.

(a) An application for insurance involving (1) land improved by a dwelling not previously owner-occupied, or (2) construction of a dwelling on land which has been owned by the proposed mortgagor for less than six months, shall be accompanied by a certificate, in a form satisfactory to the Commissioner, signed by the seller of the land upon which the dwelling was or is to be constructed, establishing that such seller does not and will not discriminate in the sale of properties to prospective purchasers because of their race, color, creed or national origin.

(b) The provisions of paragraph (a) of this section shall not apply:

(1) Where the property involved is a part of a subdivision for which a subdivision report has been requested and the statement has been furnished as required by the provisions of § 200.320 of this chapter.

(2) Under such other circumstances as may be approved by the Commissioner.

(c) The provisions of this section shall be applicable to applications filed on or after November 1, 1963.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

In Part 213 there is added to the Table of Contents a new heading as follows:

Sec.
213.506a Certificate of nondiscrimination by seller.

In Part 213 a new § 213.506a is added as follows:

§ 213.506a Certificate of nondiscrimination by seller.

(a) An application for insurance involving (1) land improved by a dwelling not previously owner-occupied, or (2) construction of a dwelling on land which has been owned by the proposed mortgagor for less than six months, shall be accompanied by a certificate, in a form satisfactory to the Commissioner, signed by the seller of the land upon which the dwelling was or is to be constructed, establishing that such seller does not and will not discriminate in the sale of properties to prospective purchasers because of their race, color, creed or national origin.

(b) The provisions of paragraph (a) of this section shall not apply:

(1) Where the property involved is a part of a subdivision for which a subdivision report has been requested and the statement has been furnished as required by the provisions of § 200.320 of this chapter.

(2) Under such other circumstances as may be approved by the Commissioner.

(c) The provisions of this section shall be applicable to applications filed on or after November 1, 1963.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER L—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

In Part 234 there is added to the Table of Contents a new heading as follows:

Sec.
234.16 Certificate of nondiscrimination by seller.

In Part 234 a new § 234.16 is added as follows:

§ 234.16 Certificate of nondiscrimination by seller.

(a) An application for insurance involving (1) land improved by a dwelling not previously owner-occupied, or (2) construction of a dwelling on land which has been owned by the proposed mortgagor for less than six months, shall be accompanied by a certificate, in a form satisfactory to the Commissioner, signed by the seller of the land upon which the dwelling was or is to be constructed, establishing that such seller does not and will not discriminate in the sale of properties to prospective purchasers because of their race, color, creed or national origin.

(b) The provisions of paragraph (a) of this section shall not apply:

(1) Where the property involved is a part of a subdivision for which a subdivision report has been requested and the statement has been furnished as required by the provisions of § 200.320 of this chapter.

(2) Under such other circumstances as may be approved by the Commissioner.

(c) The provisions of this section shall be applicable to applications filed on or after November 1, 1963.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., October 23, 1963.

PHILIP N. BROWNSTEIN, *Federal Housing Commissioner.*

[F.R. Doc. 63-11397; Filed, Oct. 28, 1963; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

[Docket No. FDC—72]

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

β-APO-8'-CAROTENAL; CANCELLATION OF HEARING; REVOCATION OF STAY; SETTING OF EFFECTIVE DATE

In the matter of listing β-apo-8'-carotenal as a safe color additive for use in or on foods and exempting it from certification:

1. Pursuant to a stipulation signed by the objecting parties in the above-identified matter withdrawing their objections, the public hearing announced in the FEDERAL REGISTER of October 25, 1963 (28 F.R. 11459), and scheduled for October 30, 1963, is cancelled.

2. In view of the proceedings outlined above, the stay of effective date of § 8.302 (e) published in the FEDERAL REGISTER of July 31, 1963 (28 F.R. 7775), is revoked. Accordingly, § 8.302(e) is effective on publication of this order in the FEDERAL REGISTER.

(Secs. 701(e), 706 (b)(1), (c)(2), (d); 52 Stat. 1055 as amended; 74 Stat. 399, 402, 403; 21 U.S.C. 371(e), 376 (b)(1), (c)(2), (d))

Dated: October 25, 1963.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 63-11457; Filed, Oct. 28, 1963; 8:49 a.m.]

Title 29—LABOR

Chapter XI—Office of Labor-Management and Welfare-Pension Reports (Welfare-Pension Reports), Department of Labor

SUBCHAPTER A—REGULATIONS

PART 1307—EXEMPTION FROM BONDING REQUIREMENTS

Subpart B—Bonds Placed With Certain Reinsuring Companies

On September 11, 1963, notice was published in the FEDERAL REGISTER (28 F.R. 9881), of a proposed amendment to Subpart B of 29 CFR Part 1307. The purpose of the proposed amendment was to permit administrators, officers and employees of welfare and pension plans subject to section 13(a) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39, 29 U.S.C. 308d) to enter into or continue bonding arrangements (which otherwise satisfy the requirements of the Act) with any of the companies authorized by the Secretary of the Treasury as acceptable reinsuring companies. Interested parties were invited to submit objections with respect to the proposed amendment within 15 days from the date of publication in the FEDERAL REGISTER. No objections were received.

Therefore, pursuant to the authority of section 13(e) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39, 29 U.S.C. 308d), Secretary's Orders Nos. 24-63, 25-63 (28 F.R. 9172-9174), and 29 CFR 1307.1 to 1307.11, Subpart B of 29 CFR Part 1307 is hereby amended by revising Subpart B to read as follows:

Subpart B—Bonds Placed With Certain Reinsuring Companies

Sec.
1307.21 Exemption.
1307.22 Conditions of exemption.

AUTHORITY: §§ 1307.21 and 1307.22 issued under sec. 13(e), 76 Stat. 39; 29 U.S.C. 308d; Secretary's Orders Nos. 24-63, 25-63 (28 F.R. 9172-9174); 29 CFR 1307.1-1307.11.

Subpart B—Bonds Placed With Certain Reinsuring Companies

§ 1307.21 Exemption.

An exemption from the bonding requirements of the Welfare and Pension Plans Disclosure Act is granted by this section whereby bonding arrangements (which otherwise comply with the requirements of section 13 of the Act and the regulations issued thereunder) with companies authorized by the Secretary of the Treasury as acceptable reinsurers on Federal bonds will satisfy the bonding requirements of the Act.

§ 1307.22 Conditions of exemption.

(a) This exemption obtains only with respect to the requirement of section 13(a) of the Act that all bonds required thereunder shall have as surety thereon, a corporate surety company, which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury pursuant to the Act of July 30, 1947 (6 U.S.C. 6-13).

(b) The exemption is granted upon the condition that if for any reason the authority of any such company to act as an acceptable reinsuring company is terminated, the administrator of a plan insured with such company, shall, upon knowledge of such fact, be responsible for securing a new bond with a company acceptable under the Act and the exemptions issued thereunder.

(c) In obtaining or renewing a bond, the plan administrator shall ascertain that the surety is one which satisfies the requirements of the Act and the exemptions thereunder. If the bond is for a term of more than one year, the plan administrator, at the beginning of each reporting year, shall ascertain that the surety continues to do so.

Signed at Washington, D.C., this 23d day of October 1963.

FRANK M. KLEILER, *Director, Office of Labor-Management and Welfare-Pension Reports.*

[F.R. Doc. 63-11370; Filed, Oct. 28, 1963; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. In § 36.4320(h), that portion of subparagraph (5) immediately preceding subdivision (ii)(*a*) is amended to read as follows:

§ 36.4320 Sale of security.

* * * * * *

(h) The conveyance or transfer of any property to the Administrator pursuant to paragraph (a), (b), or (c) of this section shall be subject to the following provisions:

* * * * * *

(5) Each conveyance or transfer of real property to the Administrator pursuant to this section shall be acceptable if the holder thereby covenants or warrants against the acts of himself and those claiming under him (e.g., by special warranty deed) and if it vests in the Administrator or will entitle him to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated: *Provided*, That, as to home loans guaranteed or insured subsequent to February 15, 1950, any title which is subject to restrictions against sale or occupancy on the ground of race, color, or creed, which have been created and filed of record subsequent to that date shall not be acceptable under this section, unless such restrictions are void under applicable State law, or an employee designated in § 36.4342 determines in a specific case or cases that the objectives of Executive Order 11063 (27 F.R. 11527; 3 CFR 1962 Supp.) on Equal Opportunity in Housing will be achieved if such restrictions are disregarded for the purposes of determining acceptability of title and the lender making the loan in the specific case or cases is advised of such determination in writing prior to loan closing. Any title so acceptable will not be unacceptable to the Administrator by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350 (b): *Provided*, That (i) at the time of the conveyance or transfer to the Administrator there has been no breach of any conditions affording a right to the exercise of any reverter, and (ii) with respect to any such limitations which came into existence subsequent to the making of the loan, full compliance was had with the requirements of § 36.4324. The acceptability of a conveyance or transfer pursuant to the requirements of this paragraph will be established by delivery to the Administrator of any of the following evidences of title issued by an institution or person satisfactory to the Administrator, in form satisfactory to him, showing that title to the property of the quality specified in this paragraph is or will be vested in the Administrator:

* * * * * *

2. In § 36.4350(b), the portion following subparagraph (7) is amended to read as follows:

§ 36.4350 Estate of veteran in real property.

* * * * * *

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

* * * * * *

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. ch. 37: *And provided further*, That, as to home loans guaranteed or insured subsequent to February 15, 1950, the title to any such property or estate shall not be acceptable

under § 36.4320(h) if it is subject to restrictions against sale or occupancy on the ground of race, color, or creed, which have been created and filed of record subsequent to that date, unless such restrictions are void under applicable State law, or an employee designated in § 36.4342 determines in a specific case or cases that the objectives of Executive Order 11063 (27 F.R. 11527; 3 CFR 1962 Supp.) on Equal Opportunity in Housing will be achieved if such restrictions are disregarded for the purposes of determining acceptability of title and the lender making the loan in the specific case or cases is advised of such determination in writing prior to loan closing.

3. In § 36.4515, paragraph (c) is amended to read as follows:

§ 36.4515 Estate of veteran in real property.

* * * * *

(c) No loan will be made if the title to the real property or a leasehold interest therein, which is to be security for a loan, is restricted against sale or occupancy on the ground of race, color, or creed, by restrictions created and filed of record subsequent to February 15, 1950, unless such restrictions are void under applicable State law, or an employee designated in § 36.4342 determines in a specific case or cases that the objectives of Executive Order 11063 (27 F.R. 11527; 3 CFR 1962 Supp.) on Equal Opportunity in Housing will be achieved if such restrictions are disregarded for the purposes of determining whether the estate in the realty owned or to be acquired by the veteran meets the requirements for direct loan financing.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective upon publication in the FEDERAL REGISTER.

Approved: October 23, 1963.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 63-11388; Filed, Oct. 28, 1963; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

PART 43—MAIL DEPOSIT AND COLLECTION

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 41.3 [Amendment]

I. In § 41.3 *Post office boxes*, as amended by 28 F.R. 1999 and 28 F.R. 5423, subdivision (i) of paragraph (c)(3) is amended to provide a more effective guideline for box rental rate adjustment. As so amended, subdivision (i) reads as follows:

(c) *Rental rates.* * * *

(3) *When new rates are effective—*

(i) *Adjustment.* Box rental rate adjustments shall be made on July 1, the beginning of each fiscal year, when either of the following actions occur:

Type of action	Date of action	Change box rental rate effective
1. Establishment or discontinuance of city delivery service.	If change occurred on or after July 1, and on or before June 30, of the present fiscal year.	July 1, the beginning of the new fiscal year.
2. Change in salary level of postmaster or of station, branch, annex, or airport mail facility superintendent.	If change occurs and notice is received on or before June 1.	Do.
	If received after June 1.	July 1, the following year (one year later).

NOTE: This is based on adjusted gross receipts.
NOTE: The corresponding Postal Manual section is 151.333a.

§ 43.6 [Amendment]

II. In § 43.6 *Mail chutes and receiving boxes* make the following changes:

A. In paragraph (c) subparagraphs (3) and (4) are respectively amended to require a POD Sign 23, U.S. Mail, at each mail slot opening and to include regulations regarding mail chute keys. As so amended, subparagraphs (3) and (4) read as follows:

(c) *Specifications for construction of chutes.* * * *

(3) *Mail slots.* (i) The chute must be provided with openings (mail slots) on each floor for deposit of mail. Each opening must be 4¾ by ½ inches, with a second inside opening of the same size 2½ inches below the first with serrate edges or other suitable device designed to prevent clogging. The legend "U.S. Mail" must be plainly inscribed upon chutes at every mail opening.

(ii) At each slot opening, there must be attached a suitable dustproof glass covered frame, 4¾ by 9 inches, in which will be placed POD Sign 23, U.S. Mail, giving current information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box, and calling attention to the penalties for tampering with mail equipment.

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked. Postmasters must retain possession of all mail chute keys. When new equipment is installed, prompt action must be taken to obtain such keys before the equipment is placed into use.

NOTE: The corresponding Postal Manual sections are 153.633 and 153.634.

B. In paragraph (e), subparagraph (1) is amended to require inspection of the mail chute on all floors of a building. As so amended, subparagraph (1) reads as follows:

(e) *Maintenance of chutes and receiving boxes* (1) The mailing chute on each floor and receiving box must be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as may be directed by the Postmaster must then be done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated. Form 1506, Mail Chute Inspection, should be completed at the time the chute is inspected and retained in the office of the postmaster.

NOTE: The corresponding Postal Manual section is 153.651.

C. In paragraph (h), subparagraphs (2) and (3) are amended to show the current list of approved mailing chute and receiving box manufacturers. As so amended, subparagraphs (2) and (3) read as follows:

(h) *Mailing chute and receiving box manufacturers.* * * *

* * * * *

(2) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cozine Ave., Brooklyn, N.Y., 11207; Cutler Mail Chute Co., 76 Anderson Avenue, Rochester, N.Y., 14607; Federal Mail Chute Corp., Ltd., 436 Kearny St., San Francisco, California, 94108; Pioneer Mail Chute Corp., 401 Washington Avenue, Carlstadt, N.J., 07072.

(3) Louis Sack Company Inc., 24 Lake Street, Somerville, Mass., 02143 is authorized to manufacture only receiving boxes for mailing chutes.

NOTE: The corresponding Postal Manual sections are 153.681 and 153.682.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 708, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-11385; Filed, Oct. 28, 1963; 8:47 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Air Parcel Post to Cuba

Effective November 1, 1963, the air parcel post rate to Cuba will be increased to $1.51 for the first four ounces and 32 cents for each additional four ounces or fraction. Accordingly, in § 168.5 *Individual country regulations* the country "Cuba", under Parcel Post, is amended by revising the item *Air parcel rates*, effective November 1, 1963, to read as follows:

Air parcel rates. Four ounces or less, $1.51; each additional 4 ounces or fraction, 32 cents.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501.505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-11384; Filed Oct. 28, 1963; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 40, 41, 42]

[Notice 63-42; Docket No. 2033]

REGULATIONS, PROCEDURES, AND EQUIPMENT FOR PASSENGER EMERGENCY EVACUATION; FLIGHT ATTENDANTS; AND ASSIGNMENT OF EMERGENCY EVACUATION FUNCTIONS FOR CREWMEMBERS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Parts 4b, 40, 41, and Revised 42 of the Civil Air Regulations as hereinafter set forth to provide for improvement in emergency evacuation equipment and procedures for passenger-carrying aircraft.

It is proposed to amend Parts 4b, 40, 41, and Revised 42 by prescribing: (1) Revised and new standards for emergency-exit-locating signs, for emergency exit door-opening instructions, for emergency passenger cabin illumination after a crash landing, and for exterior marking of emergency exits; (2) strength requirements for latches designed to keep interior doors in the open position; and (3) the fitting of ropes at Type III and Type IV exits to facilitate emergency egress.

In addition, it is proposed to amend Parts 40, 41, and Revised 42 in such a manner as to: (1) Require air carriers and commercial operators using large airplanes to physically demonstrate the adequacy of the procedures established for passenger emergency evacuation on each type of airplane used in passenger-carrying operations; (2) require one portable battery-powered megaphone as a part of the basic emergency equipment on all passenger-carrying airplanes having a seating capacity of more than 60 passengers when engaged in passenger-carrying operations; (3) require an oral briefing of the passengers on board the airplane relative to the location of all emergency exits; (4) amend the rule pertaining to the number of flight attendants required on large airplanes carrying more than 10 passengers; and (5) require the air carriers to establish emergency duties and functions for each type of airplane they use and for each category of crewmember.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before January 13, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Currently effective § 4b.362 prescribes that the crew and passenger compartments of transport category airplanes be provided with emergency evacuation means, to permit rapid egress in the event of crash landings, taking into account the possibility that the airplane might be on fire. Detailed provisions in this section deal with the number, size, arrangement, and marking of emergency exits and with the access to them.

In the course of its participation in the investigation of a number of crash landings involving transport category airplanes, the Agency has noted that a number of difficulties and delays were encountered in evacuating the airplane, raising the question whether emergency evacuation facilities on modern transport category airplanes, installed in compliance with currently effective regulations, provide an adequate level of safety. To resolve this question, the Agency undertook a broad study of current transport cabin interiors, including detailed inspections of airplanes now in service, and found that significant improvements in the provisions for emergency evacuation were reasonably attainable to provide that level of safety. These findings were discussed with representatives of the airline industry at several conferences convened by the Agency with the result that a number of the attainable improvements are being made voluntarily on many transport category airplanes.

While some airlines have taken voluntary steps to improve emergency evacuation facilities in their airplanes, the Agency considers it necessary to insure, by suitable regulatory action, that all type certificated transport category airplanes are fitted with these, as well as other attainable improvements in emergency evacuation provisions, as discussed in paragraphs (1) through (6) which follow:

(1) *Emergency-exit-locating signs.* Currently effective § 4b.362(f)(1) prescribes that all emergency exits be marked conspicuously, and that their identity and location be recognizable from a distance equal to the width of the cabin. The Agency believes that if emergency exits were recognizable from greater distances, and if class dividers (which separate first class from tourist passenger compartments) or other passenger cabin dividers or bulkheads were marked to call attention to emergency exits located beyond them but not in view, a more efficient use of available emergency exits in crash landings would result. It is proposed, therefore, to amend § 4b.362(f) to require that signs, visible to passengers approaching along the main passenger aisle, be placed: (a) Above the main passenger aisle near each passenger over-wing emergency exit, and adjacent to each passenger floor-level emergency exit, calling attention to each such exit; and (b) on each passenger cabin divider, calling attention to emergency exits that are located beyond the divider but are not in view. To insure that these signs are effective after day or night crash landings, it is proposed to further amend § 4b.362(f) by prescribing minimum standards dealing with their color, letter size, and emergency illumination.

(2) *Door-opening instructions for Type I and Type II emergency exits.* Currently effective § 4b.362(f)(1) requires that the means for opening emergency exits be marked conspicuously and that instructions for opening the emergency exit be readable from a distance of 30 inches. In the course of its inspections of Type I and Type II emergency exits in transport category airplanes, the Agency found that the door-opening instructions, although visible from 30 inches, were not large enough to permit quick reading in an emergency. In other cases, the door-opening instructions were incomplete; the door could not be opened by following the instructions. To insure that adequate door-opening instructions are provided, it is proposed to amend § 4b.362(f) to prescribe specific standards for the design of door-opening instructions for use on Type I and Type II emergency exits.

(3) *Exterior markings for emergency exits.* Currently effective § 4b.362(e)(2) requires that emergency exists (other than sliding window emergency exits in the flight crew area) be openable from the outside; and currently effective § 4b.362(f)(3) requires that such emergency exists be marked on the outside for guidance of rescue personnel. The marking requirement does not specify in what manner the exit is to be marked to attain the stated objective. Agency representatives examined the exterior markings for emergency exits on transport category airplanes now in service and found that, in general, they were not sufficiently conspicuous for quick recognition by rescue personnel. To insure that appropriately conspicuous markings are provided, it is proposed to amend § 4b.362(f) by prescribing that a 2-inch band, in a color contrasting sufficiently with the surrounding fuselage paint, be marked along the periphery of those emergency exits which are openable from the outside.

(4) *Emergency general illumination for the passenger compartment.* Currently effective § 4b.362(f)(2) requires that an emergency source of light be provided to illuminate all passenger emergency exit markings in a crash landing. Emergency general illumination for the passenger compartment is not prescribed. The Agency has noted that emergency lighting designed to illuminate exit markings in most cases does not illuminate the passenger com-

partment area between emergency exits. Lack of such illumination in the crash landing situation tends to slow down passengers on their way to emergency exits, since the aisle may be cluttered with clothes or accessories thrown from the overhead racks, or passage obstructed by broken seats, damaged flooring, or jagged protruding structure. Further, lack of general illumination makes it difficult for passengers to extricate or assist fellow passengers in the emergency. For these reasons, the Agency believes that a reasonable level of general illumination for the passenger compartment would facilitate emergency evacuation and thereby contribute to safety. Accordingly, it is proposed to amend § 4b.362(f) by prescribing standards for emergency general illumination of the passenger compartment.

(5) *Strength of passageway-door latches.* Currently effective § 4b.362(g) states, in part, that if it is necessary to pass through a doorway to reach any required emergency exit from any seat in the passenger cabin, the door shall be provided with a means to latch it in the open position, and a placard shall be installed stating that the door is to be latched in the open position during takeoff and landing. The Agency has received reports that in a number of crash landings, and even in some hard normal landings, the door latch failed and the door did not remain open. To insure that doors in the path to emergency exits remain open for rapid egress in crash landings, it is proposed to amend § 4b.362(g) to require that the latch on such doors withstand the loads imposed when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in currently effective § 4b.260(a). The Agency believes, however, that doors in partitions between individual passenger compartments, even when equipped with latches designed to withstand the ultimate inertia forces prescribed in § 4b.260(a), may be hazardous, since such doors may be closed inadvertently. Accordingly, it is proposed to prohibit doors in the partition between individual compartments in the passenger area, except that curtains may be used if they permit free passage through the partitions.

(6) *Ropes at Type III and Type IV emergency exits.* Currently effective § 4b.362(e)(7) requires, for all emergency exits (other than those over the wing) which are more than 6 feet from the ground when the airplane rests on the ground with the landing gear extended, an approved means to assist the occupants in descending to the ground. Currently effective § 4b.362–4 states, in part, that ropes are acceptable for this purpose in the case of crew emergency exits. Over-wing emergency exits were excepted from the requirement for a means to assist occupants in descending to the ground on the assumption that occupants leaving over-wing emergency exits would step out on the wing and make their way easily to the ground. A number of evacuation tests, witnessed by representatives of the Agency, have indicated that this assumption is not necessarily valid. The descent from the wings of modern transport airplanes is often difficult for the average passenger. The curvature of the wing surface, particularly the wing-fuselage fillets, makes for unsure footing; and even this footing is lost if the wing surface is slippery for any reason. It is proposed therefore, to amend § 4b.362(e)(7) by requiring that a means to assist occupants in descent to the ground be provided at all over-wing emergency exits, and by stating that ropes may be used for this purpose if they comply with specified design standards dealing with strength, attachment location, and rope length. In addition, it is proposed to incorporate the substantive portions of § 4b.362–4 within § 4b.362(e)(7) without change.

In addition to the regulatory action that is proposed for Part 4b, the Agency proposes to include similar requirements in Parts 40, 41, and Revised 42 in order to provide the same safety standards to the public when flying in presently certificated transport category airplanes being operated by air carriers and commercial operators.

The procedures and equipment used for passenger emergency evacuation, assignment of flight attendants and emergency evacuation functions for crewmembers are discussed in paragraphs (7) through (12) which follow:

(7) *Demonstrations of emergency evacuation procedures.* Recently, the Agency observed several simulated passenger emergency evacuation demonstrations which were conducted by various air carriers using different types of airplanes. The time required to accomplish each of these demonstrations varied from 131 seconds to 213 seconds using from 178 to 189 persons. In all instances, it was evident that a more realistic assignment of functions within the cabin would have resulted in a lesser time to evacuate the airplane satisfactorily. From these demonstrations, it has been concluded that a physical demonstration of an air carrier's ability to execute its established emergency evacuation procedures within a specific time period is necessary in the interest of safety and to insure a more realistic assignment of functions which, in turn, will result in satisfactory accomplishment of emergency evacuation procedures.

Studies of airplane accidents resulting in fire also indicate that an airplane can be consumed by fire in a very brief period. In the event of a fire, only the exits on the side of the airplane away from the fire may be available for emergency evacuation. In addition, after a crash landing, with no airplane main system electrical power for illumination and with the resultant dust and debris filling the cabin, visibility is at a minimum. Not all emergency or crash landings result in a fire, but the possibility of a fire always exists thereby making it most important to evacuate the airplane as rapidly as possible.

In determining an equitable time factor applicable to all accidents requiring emergency evacuation of the airplane, the Agency recognizes there are many variables which can have a direct effect on the success of the evacuation. However, in order to assist the air carriers in having a means by which they can establish and subsequently measure their ability to execute the evacuation procedures, the Agency proposes that a time factor of 2 minutes to evacuate the airplane be specified.

Since it is obviously impossible for an air carrier to demonstrate the adequacy of its emergency evacuation procedures and functions under all possible emergency conditions, it is proposed that the carrier simulate a critical condition for a survivable accident which might be encountered in actual operations. This shall be accomplished by demonstrating evacuation of the airplane during hours of darkness, or simulated hours of darkness, within 2 minutes, utilizing 100 percent seating capacity and all the emergency exits on one side of the airplane only. Normally, such timed demonstrations need only be accomplished by the air carrier on a one-time basis on each type of airplane that it now uses, and when any of the following occur: (a) Initial introduction of the airplane into passenger-carrying operations; (b) any proposed increase in passenger seating capacity over that previously approved; or (c) a change affecting cabin interior configuration.

While it is desirable that a representative cross-section of passengers, i.e., men, women, children, babes-in-arms, obese, and aged persons, be used in such demonstrations, the Agency recognizes the difficulty in gathering such a group of persons together and will grant the air carrier the prerogative of selecting the persons who will serve as passengers for the purpose of such demonstration. However, the demonstration must be conducted with a regular line crew.

In cases where the air carrier cannot satisfactorily demonstrate passenger emergency evacuation of a particular type of airplane within the specified 2-minute time limit, the air carrier will be required to accomplish any or all of the following as may be required to demonstrate satisfactory evacuation: (a) It shall modify the airplane cabin interior arrangement; (b) it shall modify the airplane emergency evacuation procedures and crew training procedures; (c) it shall reduce the total passenger seating capacity of the airplane.

(8) *Megaphones.* Recent surveys of both actual and simulated airplane emergency evacuations also indicated that there is a need for an emergency means of communications between the crewmembers and passengers after an accident has occurred. In certain instances, this lack of adequate communications has been contributory to increasing the fatality rate in otherwise survivable accidents. Experience has shown that, immediately after an accident has occurred, there is a considerable amount of confusion resulting from the sudden disorderliness of the cabin, flying debris, lack of adequate lighting, lack of orientation, and fear. Under such conditions, it would be very easy for the passengers to panic unless proper action is taken by trained crewmembers in directing their actions.

At the present time, crewmembers directing passenger emergency evacuation rely on shouting necessary instructions

to the passengers. While this was considered adequate on smaller airplanes with a seating capacity of 60 or less passengers, such communications are inadequate on the modern large airplane unless supplemented by some additional means such as a battery-powered megaphone. This is due to the great length, width, compartmentation, and increased passenger-carrying capacity of such airplanes. A battery-powered megaphone would enable the crewmember directing emergency evacuation to be heard throughout the entire length of the airplane over the various noises associated with a crash landing. Therefore, it is proposed that one portable battery-powered megaphone be made part of the basic emergency equipment required on all passenger-carrying airplanes having a seating capacity of more than 60 but less than 100 passengers, and that two portable battery-powered megaphones, in an approved location, be made a part of the equipment for all passenger-carrying airplanes having a seating capacity of 100 or more passengers. Such equipment, when stowed in the airplane, should be readily accessible to the crewmembers assigned the duty of directing passenger emergency evacuation.

(9) *Flight attendants.* Section 41.265 of Revised Part 41 requires the assignment of flight attendants based upon the seating capacity of the airplane. The Agency now believes that the desired results can be accomplished by deleting the present requirements as established in § 41.265 and substituting in lieu thereof basic requirements similar to those contained in § 40.265 which have been in effect since 1952 and which require at least one flight attendant on all passenger-carrying airplanes of 10-passenger capacity or more. However, the Agency proposes to further amend § 40.265 to require additional flight attendants, as determined necessary to comply with the amended provisions of § 40.267 *Assignment of emergency evacuation functions for each crewmember.*

(10) *Assignment of emergency evacuation functions for each crewmember.* The Agency proposes that § 40.267 be clarified to specifically indicate, by assignment of emergency duties and functions for each crewmember, for each type of airplane used by the air carrier, the additional number of flight attendants which would be required on large airplanes carrying in excess of 10 passengers. In light of the above, the Agency proposes to amend § 40.267 by requiring the establishment and approval of crewmember emergency evacuation duties and functions for each type of airplane used by the air carrier taking into consideration the configuration or compartmentation of the airplane. In addition, it is also proposed to require that the emergency duties and functions for each category of crewmember be established, approved, and incorporated into the Air Carrier Manual.

(11) *Briefing of passengers.* With regard to passenger briefing, the Civil Air Regulations now require in certain instances that passengers be briefed concerning the use of oxygen equipment, and, in the case of extended overwater flights, be also briefed on the location and use of the emergency life-saving equipment. On extended overwater flights, the briefing also includes advising the passengers as to the location of the emergency exits. Although the emergency exits and their attendant operating instructions are placarded, the joint Agency/Industry Committee, which studied this matter, was of the opinion that the placards were in themselves not readily observable or sufficiently conspicuous. While placarding of the emergency exits is very helpful, some passengers still may not note the location of the exits unless they are physically pointed out or otherwise described. Certain air carriers, recognizing this, have developed printed cards which set forth specific information including the location of the emergency exits and emergency evacuation procedures. These printed cards are placed at each passenger seat within the cabin. Experience has shown that, while some of the passengers may never read these cards, the majority do read them at some time during the course of their flight.

While the cards are considered excellent information sources and their further use should be encouraged, some primary method must be devised whereby the passengers are made positively aware of the cards and of the location of the emergency exits. One method by which this can be accomplished is for a qualified attendant to brief the passengers on the location of all the emergency exits in the course of each passenger briefing either through actual demonstration or through actual use of the cards. This would not only serve to make all the passengers aware of the location of the emergency exits but would insure that it was accomplished prior to each takeoff. Therefore, it is proposed herein to require the cabin attendant to brief the passengers on the location of all the emergency exits on the airplane during the course of briefing the passengers prior to the initial takeoff and each subsequent takeoff when additional passengers board the airplane.

In addition to the proposed amendments previously discussed, it is proposed to make various nonsubstantive editorial revisions for clarification.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698). The final rule, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

In consideration of the foregoing, it is proposed to amend Parts 4b, 40, 41, and Revised 42 of the Civil Air Regulations as hereinafter set forth:

1. By amending § 4b.362 (e)(7), (f), and (g) of Part 4b to read as follows:

§ 4b.362 Emergency evacuation.

* * * * *

(e) *Emergency exit arrangement.* * * *

(7) Means shall be provided, at all landplane emergency exits located over the wings and at all other landplane emergency exits if they are more than 6 feet from the ground when the airplane is on the ground with landing gear extended, to assist the occupants in descending to the ground. For crew emergency exits, and for passenger emergency exits located over the wings, the assisting means may be a rope. If the assisting means is a rope, it shall be attached to the fuselage structure at or above the upper limit of the emergency exit opening; both the rope and its attachment shall be capable of withstanding a 400-pound static load; and, in the case of emergency exits located over the wings, the rope shall be long enough to permit descent over both the leading and trailing edge of the wing. For passenger floor-level emergency exits, the assisting means may be a slide or other means or device that meets the provisions of § 4b.362–4.

* * * * *

(f) *Emergency exit marking.* (1) All passenger emergency exits, their means of access, and their means of opening shall be marked conspicuously. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches. In addition, for all Type I and II emergency exits, the action required to release the locking mechanism shall be indicated by a red arrow having a shaft at least ¾ of an inch in width, and a head twice as wide as the shaft. The word "open", in one-inch high red letters, shall be marked horizontally near the head of the arrow. If the locking mechanism is released by the rotary motion of a handle, the arrow shall extend along at least 70 degrees of arc at a radius approximately equal to three quarters of the handle length.

(2) The identity and location of all passenger emergency exits shall be recognizable from a distance equal to the width of the cabin. In addition, emergency-exit-locating signs visible to occupants approaching along the main passenger aisle shall be placed: above the main passenger aisle near over-wing passenger emergency exits, and adjacent to each passenger floor-level emergency exit, calling attention to each such exit; and on each bulkhead or divider which cuts off fore-aft vision along the passenger cabin, to call attention to passenger emergency exits which are located beyond such bulkheads or dividers. These emergency-exit-locating signs shall consist of one-inch high white letters on a two-inch high red background, except that the colors may be reversed if the sign, by reason of internal sources of light, contributes to the general emergency illumination of the passenger compartment. These exit and exit-locating signs (self or electrically illuminated) shall have a minimum luminescence (brightness) of at least 160 microlamberts.

(3) A source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings and emergency-exit-locating signs and to provide enough general lighting in the passenger cabin that the illumination on the surface of any seat arm rest along the main passenger aisle is at least 0.05 foot-candles. The light shall be designed to function auto-

necessarily valid. The descent from the in having a means by which they can rely on shouting necessary instructions

and, in the case of extended overwater flights, be also briefed on the location gear extended, to assist the occupants in descending to the ground. For crew seat arm rest along the main passenger aisle is at least 0.05 foot-candles. The light shall be designed to function auto-

matically in a crash landing and shall also be operable manually.

(4) All emergency exits which are required to be openable from the outside, and their means of opening, shall be marked on the outside of the airplane for guidance of rescue personnel. The outline of each emergency exit shall be marked on the outside of the airplane with a two-inch colored band. The color contrast between the band and the surrounding fuselage surface shall be such that the reflectance of the lighter color exceeds the reflectance of the darker color by a factor of three or more.

NOTE: Reflectance is defined as the ratio of the luminous flux reflected by a body to the luminous flux it receives.

(g) *Emergency exit access.* Passageways between individual compartments of the passenger area and passageways leading to Type I and Type II emergency exits (see paragraph (b) of this section) shall be unobstructed and shall be no less than 20 inches wide. Sufficient additional space shall be provided adjacent to emergency exits for which assisting means are required by paragraph (e) (7) of this section, except those located over the wings, to allow a crewmember to assist in the evacuation of passengers without reduction in the unobstructed width of the passageway to such exit. Access shall be provided from the main aisle to all Type III and Type IV exits and such access shall not be obstructed by seats, berths, or other protrusions to an extent which would reduce the effectiveness of the exit, except that minor obstructions will be permissible if the Administrator finds that compensating factors are present to maintain the effectiveness of the exit. However, obstructions to any doorway between individual passenger compartments will not be permissible if it is necessary to pass through the doorway to reach any required emergency exit from any seat in any other passenger compartment. Doors shall not be installed in any partition separating passenger compartments. Curtains may be used provided they permit free entry through the doorway. If it is necessary to pass through any other doorway separating the passenger compartment from other areas of the airplane to reach any required emergency exit from any seat in the passenger cabin, the door shall be provided with a means to latch it in the open position, and such latching means shall be capable of withstanding the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in § 4b.260(a). A suitable placard stating that the door is to be latched in the open position during takeoff and landing shall be installed.

* * * * *

2. By amending Part 40 by adding a new center heading and a new § 40.40 to read as follows:

SPECIAL REQUIREMENTS

§ 40.40 Air carrier demonstration of emergency evacuation procedures.

(a) Each air carrier shall show by actual demonstration that the emergency evacuation procedures established for each type of airplane used in its passenger-carrying operations will result in evacuating that type of airplane in 2 minutes or less. This demonstration shall be made during or simulate the hours of darkness, utilizing 100 percent seating capacity and only the emergency exits on one side of the airplane.

(b) Normally, such timed demonstrations shall be accomplished by the air carrier on a one-time basis on each type of airplane that it currently uses and whenever one of the following occurs:

(1) Initial introduction of the airplane into passenger-carrying operations;

(2) Any proposed increase in passenger seating capacity over that previously approved; or

(3) A major change affecting the passenger cabin interior configuration.

(c) In lieu of passengers, the air carrier may utilize its company personnel for each such demonstration, but must use a regular line crew. In cases where the air carrier cannot satisfactorily demonstrate passenger emergency evacuation of a particular type of airplane within the specified 2-minute time limit, the air carrier shall do any or all of the following as may be required to demonstrate satisfactory evacuation:

(1) It shall modify the airplane cabin interior arrangement;

(2) It shall modify the airplane emergency evacuation procedures and crew training procedures;

(3) It shall reduce the total passenger seating capacity of the airplane.

3. By amending § 40.173 by revising paragraphs (e) and (f), and by adding new paragraphs (g) and (h) to read as follows:

§ 40.173 Emergency equipment for all operations.

* * * * *

(e) *Means for emergency evacuation.* After July 1, 1964, on all passenger-carrying landplanes, means shall be provided, at all emergency exits located over the wings and at all other emergency exits if they are more than 6 feet from the ground when the airplane is on the ground with landing gear extended, to assist the occupants in descending to the ground. For crew emergency exits, and for passenger emergency exits located over the wings, the assisting means may be a rope. If the assisting means is a rope, it shall be attached to the fuselage structure at or above the upper limit of the emergency exit opening; both the rope and its attachment shall be capable of withstanding a 400-pound static load; and, in the case of emergency exits located over the wings, the rope shall be long enough to permit descent over both the leading and trailing edge of the wing. For passenger floor-level emergency exits, the assisting means may be a slide or other means or device that meets the provisions of § 4b.362-4. During flight time this means shall be in a position ready for use.

(f) *Emergency exit marking.* (1) After July 1, 1964, all passenger emergency exits, their means of access, and their means of opening shall be marked conspicuously. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches. In addition, for all Type I and Type II emergency exits, the action required to release the locking mechanism shall be indicated by a red arrow having a shaft at least ¾ of an inch in width, and a head twice as wide as the shaft. The word "open", in one-inch high red letters, shall be marked horizontally near the head of the arrow. If the locking mechanism is released by the rotary motion of a handle, the arrow shall extend along at least 70 degrees of arc at a radius approximately equal to three quarters of the handle length.

(2) The identity and location of all passenger emergency exits shall be recognizable from a distance equal to the width of the cabin. In addition, emergency-exit-locating signs visible to occupants approaching along the main passenger aisle shall be placed: above the main passenger aisle near over-wing passenger emergency exits, and adjacent to each passenger floor-level emergency exit, calling attention to each such exit; and on each bulkhead or divider which cuts off fore-aft vision along the passenger cabin, to call attention to passenger emergency exits which are located beyond such bulkheads or dividers. These emergency-exit-locating signs shall consist of one-inch high white letters on a two-inch high red background, except that the colors may be reversed if the sign, by reason of internal sources of light, contributes to the general emergency illumination of the passenger compartment. These exit and exit-locating signs (self or electrically illuminated) shall have a minimum luminescence (brightness) of at least 160 microlamberts.

(3) A source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings and emergency-exit-locating signs and to provide enough general lighting in the passenger cabin that the illumination on the surface of any seat arm rest along the main passenger aisle is at least 0.05 foot-candles. The lights shall be designed to function automatically in a crash landing and shall also be operable manually. When the lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing.

(g) *Emergency exit access.* Passageways between individual compartments of the passenger area and passageways leading to Type I and Type II emergency exits shall be unobstructed and shall be no less than 20 inches wide. Sufficient additional space shall be provided adjacent to emergency exits for which assisting means are required by paragraph (e) of this section, except those located over the wings, to allow a crewmember to assist in the evacuation of passengers without reduction in the unobstructed width of the passageway to such exit. Access shall be provided from the main aisle to all Type III and Type IV exits and such access shall not be obstructed by seats, berths, or other protrusions to

an extent which would reduce the effectiveness of the exit, except that minor obstructions will be permissible if the Administrator finds that compensating factors are present to maintain the effectiveness of the exit. However, obstructions to any doorway between individual passenger compartments will not be permissible if it is necessary to pass through the doorway to reach any required emergency exit from any seat in any other passenger compartment. Doors shall not be installed in any partition separating passenger compartments. Curtains may be used provided they permit free entry through the doorway. If it is necessary to pass through any other doorway separating the passenger compartment from other areas of the airplane to reach any required emergency exit from any seat in the passenger cabin, the door shall be provided with a means to latch it in the open position, and such latching means shall be capable of withstanding the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in § 4b.260(a). A suitable placard stating that the door is to be latched in the open position during takeoff and landing shall be installed.

(h) *Megaphones.* On all passenger-carrying airplanes having a seating capacity of more than 60, but less than 100, passengers, there shall be installed one portable battery-powered megaphone as part of the basic emergency equipment, and, on all passenger-carrying airplanes having a seating capacity of 100 or more passengers, there shall be installed two such megaphones as a part of such equipment. Each megaphone shall be installed in an approved location in the cabin in such a manner that it will be readily accessible to the crewmember assigned the duty of directing emergency evacuation of the airplane.

4. By amending § 40.178 to read as follows:

§ 40.178 Exterior exit and evacuation markings for all operations.

All required emergency exits which are openable from the outside, and their means of opening, shall be marked on the outside of the airplane for guidance of rescue personnel. The outline of each such emergency exit shall be marked on the outside of the airplane with a two-inch colored band. The color contrast between the band and the surrounding fuselage surface shall be such that the reflectance of the lighter color exceeds the reflectance of the darker color by a factor of three or more.

NOTE: Reflectance is defined as the ratio of the luminous flux reflected by a body to the luminous flux it receives.

5. By amending § 40.265 to read as follows:

§ 40.265 Flight attendant.

At least one flight attendant shall be provided by the air carrier on all flights carrying passengers in airplanes of 10-passenger capacity or more. Additional flight attendants, as determined necessary by the Administrator to comply with the provisions of § 40.267, shall also be provided.

6. By amending § 40.267 to read as follows:

§ 40.267 Assignment of emergency evacuation functions for crewmembers.

(a) Crewmember emergency evacuation duties and functions shall be established and approved and assigned to the appropriate crewmember, for each type of airplane used by the air carrier taking into consideration the configuration or compartmentation of the airplane. These duties and functions shall be set forth in the Air Carrier Manual.

(b) Emergency evacuation duties and functions for each category of crewmember shall be established, approved, and set forth in the Air Carrier Manual.

(c) The air carrier shall assign to each crewmember duties and functions to be performed in emergencies and circumstances requiring emergency evacuation. Such duties and functions shall be assigned for each type of airplane used by the air carrier. In the assignment of these duties and functions, consideration shall be given to the possibility that the flight crewmembers may not have access to the passenger cabin due to the possible shifting of the cargo in combination cargo-passenger airplanes.

(d) The air carrier shall show that the assigned duties and functions required by this section are realistic and capable of accomplishment, and will satisfactorily cope with any reasonably anticipated emergencies, including the emergency evacuation requirements of § 40.40.

(e) The air carrier shall show that each crewmember is given adequate training in, and executes each of, the assigned emergency duties and functions in the category assigned during the approved training program prescribed in § 40.286.

7. By amending § 40.370 to read as follows:

§ 40.370 Briefing of passengers.

(a) Prior to the initial takeoff and each subsequent takeoff when additional passengers board the airplane, each air carrier engaged in passenger-carrying operations shall insure that all passengers carried on the airplane are orally briefed concerning smoking, use of seat belts, and the location of the emergency exists. The procedure to be followed in briefing the passengers shall be described in the Air Carrier Manual.

(b) Where an air carrier engages in extended overwater operations, it shall also insure that all the passengers are orally briefed concerning the location and method of operation of the life preservers and the liferafts. The procedure to be followed in presenting this briefing shall be described in the Air Carrier Manual. Such briefing shall include a demonstration of the method of donning and inflating the life preserver. Where the airplane proceeds directly over water after takeoff, the briefing on the location and operation of the life preservers and liferafts shall be accomplished prior to takeoff. In any event, the briefing must be accomplished prior to reaching the overwater portion of the flight.

8. By promulgating amendments to Part 41 and Revised Part 42 (28 F.R. 7124, effective November 11, 1963) for the air carriers and commercial operators operating large aircraft under provisions of these parts similar to those proposed in items 3 through 7 above.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on October 23, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-11351; Filed, Oct. 28, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 30]

PRINCIPAL DIPLOMATIC OFFICER OF THE UNITED STATES IN IVORY COAST

Administration of Foreign Assistance Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Ivory Coast, with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid diplomatic officer the authorities delegated to A.I.D. Mission Directors in A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda and other instructions as they may be amended, supplemented, or superseded from time to time.

Actions within the scope of this delegation heretofore taken by the official designated herein or pursuant to his authorization are hereby ratified and confirmed.

This delegation of authority is effective immediately.

Dated: September 13, 1963.

FRANK M. COFFIN,
Acting Administrator.

[F.R. Doc. 63-11375; Filed, Oct. 28, 1963; 8:47 a.m.]

[Delegation of Authority No. 31]

PRINCIPAL DIPLOMATIC OFFICER OF THE UNITED STATES IN CAMEROON

Administration of Foreign Assistance Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Cameroon, with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid diplomatic officer the authorities delegated to A.I.D. Mission Directors in A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda and other instructions as they may be amended, supplemented, or superseded from time to time.

Actions within the scope of this delegation heretofore taken by the official designated herein or pursuant to his authorization are hereby ratified and confirmed.

This delegation of authority is effective immediately.

Dated: September 16, 1963.

FRANK M. COFFIN,
Acting Administrator.

[F.R. Doc. 63-11376; Filed, Oct. 28, 1963; 8:47 a.m.]

Office of the Secretary

[Public Notice 223]

[Delegation of Authority No. 85-11A-1]

PEACE CORPS

Delegation of Authority

By virtue of the authority vested in me by the Executive Order No. 11041 of August 6, 1962 (27 F.R. 7859), the Peace Corps Act (75 Stat. 612), as amended, and section 4 of the Act of May 26, 1949 (63 Stat. 111), it is ordered that Delegation of Authority No. 85-11A of August 29, 1962 (27 F.R. 9074) be, and it is hereby, amended as follows:

(I) By inserting in section 2(a)(3) before the period the phrase:

To the extent they relate to functions under the Act delegated to or vested in the Director.

(II) By deleting paragraph (4) of section 2(a) and substituting the following:

(4) The functions conferred upon the Secretary of State, as the head of an executive agency, by Title IV of the Federal Property and Administrative Services Act of 1949 (63 Stat. 397-398) to the extent they relate to functions under the Act delegated to or vested in the Director.

(III) By adding a new paragraph (5) to section 2(a) as follows:

(5) The functions conferred upon the Secretary of State, as the head of an agency, by Rev. Stat. section 3679 (1875) (31 U.S.C. 665) to the extent they relate to functions under the Act delegated to or vested in the Director.

(IV) By adding a new paragraph (6) to section 2(a) as follows:

(6) The functions conferred upon the Secretary of State, as head of a federal agency, by the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) to the extent that they relate to functions under the Act delegated to or vested in the Director.

(V) By inserting in section 2(b)(1) before "and alien clerks" the phrase:

other United States Government officers and employees apart from Foreign Service Officers.

This amendment shall be deemed to have become effective on the date of signature.

Dated: October 10, 1963.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-11377; Filed, Oct. 28, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 359]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

OCTOBER 18, 1963.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m., November 25, 1963:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 14 W.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 2, Lots 1, 2, 3, and 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, and 4, S½N½, S½;
Sec. 7 Lots 1, 2, 3, and 4, E½W½, E½;
Sec. 10;
Sec. 11;
Sec. 12, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 13, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 14 N½;
Sec. 18, Lots 1, 2, 3, and 4, E½W½, E½;
Sec. 19, Lots 1, 2, 3, and 4, E½W½, E½;
Sec. 20 Lots 1, 2, 3, and 4, S½N½, S½;
Sec. 21, Lots 1, 2, 3, and 4, S½N½, S½;
Sec. 22, Lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 24, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 25, Lots 1, 2, 3, 4, 5, 6, and 7, W½NE¼, NW¼, N½SW¼, NE¼SE¼;
Sec. 26, S½
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, Lots 1, 2, 3, and 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, and 4, E½W½, E½;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35, N½;
Sec. 36, Lots 1, 2, 3, 4, 5, 6, 7, and 8.

The area described aggregates 15,681.38 acres of public lands.

2. Available data indicates the lands are principally rolling and broken desert with some metamorphic extrusions. The soil is principally a light shallow sandy clay with numerous outcroppings of sandstone and ledges covered with a scattered undergrowth of cactus, palo verde and greasewood.

3. All rights of the State of Arizona on the following lands have been conveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 14 W.,
Sec. 2, Lots 1, 2, 3, and 4, S½N½, S½;
Sec. 32;
Sec. 36, Lots 1, 2, 3, 4, 5, 6, 7, and 8.

The area described aggregates 1,596.52 acres.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on November 25, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 63-11367; Filed, Oct. 28, 1963; 8:46 a.m.]

[Group 365]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

OCTOBER 18, 1963.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m., November 25, 1963:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 14 W.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, and 7, SW¼NW¼, SW¼, W½SE¼;
Sec. 2;
Sec. 3, Lots 1 and 2, N½, N½SW¼, SE¼;
Sec. 10, Lots 1, 2, 3, and 4, NE¼, S½;
Sec. 11;
Sec. 12, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 13, Lots 1, 2, 3, 4, 5, 6, 7, and 8, NW¼NE¼, W½;
Sec. 14;
Sec. 15;
Sec. 22;
Sec. 23;
Sec. 24, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 25, Lots 1, 2, 3, and 4, W½E½, W½;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, Lots 1, 2, 3, and 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, 5, 6, and 7, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, Lots 1, 2, 3, 4, and 5, N½, N½S½;
Sec. 33, Lots 1 2, 3, and 4, N½, N½S½;
Sec. 34, Lots 1, 2, 3, and 4, N½, N½S½;
Sec. 35, Lots 1, 2, 3, and 4, N½, N½S½;
Sec. 36, Lots 1, 2, 3, 4, 5, 6, and 7, W½NE¼, NW¼, N½SW¼, NW¼SE¼.

The area described aggregates 15,139.34 acres.

2. Available data indicates the lands are principally rolling mountains and broken mesa with steep lava and sandstone formations. The soil is light shallow sandy clay with numerous sandstone and lava outcroppings with a scattered undergrowth of cacti, palo verde and greasewood.

3. All rights of the State of Arizona on the lands in sections 2 and 32, except as listed in paragraph 4, have been conveyed to the United States.

4. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Arizona upon the acceptance of the above-mentioned plats of survey:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 14 W.,
Sec. 2, S½;
Sec. 32, Lot 5.

The area described aggregates 362.15 acres.

5. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 6 below. No application for these lands will be allowed under the nonmineral public land laws, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on November 25, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

7. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 63-11368; Filed, Oct. 28, 1963; 8:46 a.m.]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 21, 1963.

Notice of an application Serial No. 059980, for withdrawal and reservation of lands was published as Federal Register Document No. 63-1880 on page 1686 of the issue for February 21, 1963. The applicant agency has canceled its application involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on October 31, 1963, relieved of the segregative effort of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 32 N., R. 44 E.,
Sec. 13, W½SE¼NW¼NE¼, and a 33 foot strip along the west boundary of the NE¼NW¼NE¼;
T. 32 N., R. 45 E.,
Sec. 18, N½NW¼SW¼NE¼SW¼, and a 33 foot strip along the west boundary of the S½NW¼SW¼NE¼SW¼, SW¼SW¼NE¼SW¼, and the SE¼SW¼.

The lands described above contain en-

Hay Creek (Revision), November 28, 1962,

authorities delegated to Directors of Mis-

665) to the extent they relate to functions

are principally rolling and broken desert

The lands described above contain approximately 8 acres.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 63-11369; Filed, Oct. 28, 1963; 8:47 a.m.]

Geological Survey

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

California, Colorado, Montana, New Mexico, Utah, Wyoming

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

Name of Field, Effective Date, Acreage

(5) CALIFORNIA

Belgian Anticline (Revision), April 12, 1960, 3,364.
Franco, April 30, 1963, 400.
Johe Ranch-Maddux Ranch (Revision and Consolidation), October 14, 1961, 859.
Northwest Belgian Anticline, September 14, 1962, 2,408.

(6) COLORADO

Buzzard Creek-Sheep Creek, August 23, 1960, 10,811.
Danforth Hills (Revision), July 16, 1961, 1,040.
North Danforth Hills, March 17, 1962, 1,519.
North Sage Creek, May 29, 1963, 1,240.
Rangely (Revision), June 27, 1962, 35,320.
Sulphur Creek (Revision), September 23, 1961, 14,563.

(26) MONTANA

Benrud, December 7, 1961, 80.
Big Coulee, March 15, 1963, 4,370.
Cut Bank (Revision), June 1, 1961, 130,891.
Flat Coulee (Revision), January 10, 1963, 3,360.
Red Creek, November 1, 1962, 2,761.
Tule Creek, March 10, 1962, 1,513.

(31) NEW MEXICO

Brushy Draw, January 1, 1963, 1,960.
Lusk (Revision), December 20, 1962, 4,165.
Milnesand (Revision), December 27, 1962, 3,617.
Round Tank, February 1, 1963, 1,803.
Salado Draw, June 1, 1963, 1,440.

(44) UTAH

Agate, August 12, 1962, 120.
Castle Peak, March 14, 1963, 1,280.
Rock House (Revision), May 7, 1963, 20,667.
Salt Wash, March 11, 1963, 1,320.
San Arroyo (Revision), November 27, 1962, 16,666.
Westwater (Revision), May 28, 1963, 8,485.

(50) WYOMING

Camp Creek, November 28, 1962, 1,268.
Canyon Creek-Trail (Revision), March 5, 1962, 24,642.
Cherokee Ridge, June 13, 1963, 360.
Cow Gulch (Revision), February 12, 1963, 642.
Dead Horse Creek, South, November 15, 1962, 960.
Dinty Moore Reservoir, June 13, 1963, 652.
Frenchie Draw "A", February 26, 1963, 3,406.
Frenchie Draw "B", June 14, 1963, 640.
Greybull, West, May 3, 1963, 400.
Hay Creek (Revision), November 28, 1962, 4,240.
Howard Ranch, December 13, 1962, 640.
Jackknife Spring, December 13, 1962, 1,610.
Lightning Creek (Revision), December 17, 1962, 3,098.
Lonetree Creek (Revision), November 28, 1962, 6,402.
Long Creek, December 13, 1962, 482.
Meeteetsee, February 26, 1963, 1,120.
Mellott Ranch-Flag Butte, February 25, 1963, 1,480.
Mickelson Creek, March 7, 1963, 160.
North Casper Creek, March 12, 1963, 430.
North Sunshine, February 26, 1963, 1,960.
O'Brien Springs, March 13, 1963, 2,626.
Opal, June 11, 1963, 2,680.
Oregon Basin, West, December 17, 1962, 691.
Pine Mountain (Blue Canyon Area), March 18, 1963, 160.
Pioneer, March 18, 1963, 1,713.
Pownall Ranch, June 11, 1963, 353.
Prairie Creek, March 26, 1963, 1,793.
Raderville, March 21, 1963, 295.
Ralston, March 22, 1963, 1,285.
Salt Wells, December 19, 1962, 2,376.
Sand Butte, March 25, 1963, 639.
Savery "A", April 9, 1963, 360.
Savery "B", April 9, 1963, 640.
Skelton Dome, March 27, 1963, 1,239.
Smoky Gap (Revision), March 28, 1963, 1,723.
Southeast Byron "A", April 10, 1963, 67.
Southeast Byron "B", April 10, 1963, 160.
Southeast Oregon Basin, April 3, 1963, 640.
South Manderson, March 28, 1963, 120.
Southwest Table Rock, April 12, 1963, 640.
Squaw Butte "A", April 15, 1963, 640.
Squaw Butte "B", April 15, 1963, 400.
Trail Ridge, April 22, 1963, 360.
Twentymile Creek, April 29, 1963, 560.
Twin Rocks, April 30, 1963, 640.
Waltman, May 3, 1963, 6,511.
Wamsutter, May 3, 1963, 1,447.
West Mush Creek, November 27, 1962, 280.
Willow Creek, May 6, 1963, 1,432.
Worland (Revision), February 28, 1963, 8,806.

R. H. LYDDAN,
Acting Director.

[F.R. Doc. 63-11366; Filed, Oct. 28, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Cullman County, Alabama, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of October, 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-11400; Filed, Oct. 28, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 19]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. Pursuant to the National Security Action Memorandum No. 220, dated February 5, 1963, addressed to The Secretary of State; The Secretary of Defense; The Secretary of Agriculture; The Secretary of Commerce; The Administrator, Agency for International Development; and The Administrator, General Services Administration, concerning United States Government shipments by foreign-flag vessels in the Cuban trade, the Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through October 18, 1963, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2:

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—All flags (187 ships)	1,471,358
British (56 ships)	520,253
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Arlington Court	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athemonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cedar Hill	7,156
Chipbee	7,271
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Ho Fung	7,121
Inchstaffa	5,255
Ivy Fair (now Cosmo Trader)	7,201
Kirriemoor	5,923
Linkmoor	8,236
London Confidence (Tanker)	21,699
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Independence (Tanker)	22,643
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
London Victory (Tanker)	12,132
Lord Gladstone	11,299
Maratha Enterprise	7,166
*Newgate	6,743
*Newlane	7,043
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Shienfoon	7,127
Silverforce	8,058
Silverlake	8,058
Stanwear	8,108
Suva Breeze	4,970
Thames Breeze	7,878
Greek (54 ships)	421,629
Aegalon	7,239
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
Americana	7,104
Anacreon	7,359
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
Despoina	5,006
Elcharis	7,249
Eftychia	7,223
Embassy	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Hydraios III	5,239
Irena	7,232
Istros II	7,275
Katingo	7,349
Kostis	7,264
Kyra Hariklia	6,888
Maria de Lourdes	7,219
Maria Santa	7,217
Maria Theresa	7,245
Maroudio	7,369
Mastro-Stelios II	7,282
Nicolaos Frangistas	7,199
North Empress	10,904
North Queen	9,341
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
Polaris	9,603
Pollux	9,956
Polyxeni	7,143
Presvia	10,820
Propontis	7,128
Redestos	5,911
Seirios	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos	7,244
Timios Stavros	5,269
Tina	7,362
Vassiliki (Tanker)	10,507
Western Trader	9,268
Lebanese (34 ships)	229,266
Aiolos II	7,256
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Areti	7,176
Aristefs	6,995
Astir	5,324
Carnation	4,884
Dimos	7,187
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
*Leftric	7,176

*Added to Report No. 18 appearing in the FEDERAL REGISTER issue of October 12, 1963.

FLAG OF REGISTRY AND NAME OF SHIP—*Con.*	*Gross tonnage*
Lebanese (34 ships)—Continued	
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani	7,253
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Tertric	7,045
Theologos	6,529
Vassiliki	7,192
*Vergolivada	6,399
Italian (10 ships)	76,816
Achille	6,950
Airone	6,969
Annalisa	2,479
Arenella	7,183
Aspromonte	7,154
Cannaregio	7,184
Linda Giovanna (Tanker)	9,985
Nazareno	7,173
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Polish (8 ships)	51,899
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica	7,145
Norwegian (5 ships)	54,502
Kongsgaard (Tanker)	19,999
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
Tine (now Jezreel)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
Guinee (now Comfort)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
*Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Spanish (3 ships)	5,564
Castillo Ampudia	3,566
Sierra Madre	999
Sierra Maria	999
Swedish (2 ships)	14,295
Dagmar	6,490
Atlantic Friend	7,805
Finnish (1 ship):	
Valny (Tanker)	11,691

SEC. 2. In accordance with the provisions of National Security Action Memorandum No. 220 of February 5, 1963, the following vessels which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance that no ships under their control will, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade:

a. Since last report:

Japanese (1 ship):
Meishun Maru 8,647

b. Previous reports:

Flag of registry:	*Number of ships*
British	2
Danish	1
German (West)	1
Greek	1
Norwegian	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba in 1963, based on information received through October 18, 1963:

Flag of registry	Number of trips										
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Total
British	5	8	8	17	13	15	14	11	8	3	102
Greek	4	6	8	8	17	12	17	7	6	----	85
Lebanese	1	----	2	8	8	9	8	3	4	3	46
Norwegian	----	2	4	----	1	2	1	2	1	----	13
Italian	1	1	1	2	3	2	2	2	----	----	14
Yugoslav	----	2	2	1	1	----	1	1	1	----	9
Spanish	----	----	2	----	----	----	1	1	1	----	5
Danish	----	----	1	----	----	----	----	----	----	----	1
Finnish	----	----	----	----	----	1	----	----	----	----	1
French	----	----	----	----	1	----	----	----	5	----	5
German (West)	1	----	----	----	----	----	----	----	----	----	1
Japanese	----	----	1	----	----	1	1	1	1	1	6
Moroccan	----	----	----	1	----	1	----	1	----	----	3
Swedish	----	----	----	----	----	----	----	----	----	----	----
Subtotal	12	19	29	37	44	43	45	29	27	7	292
Polish	2	1	1	2	2	2	1	1	----	1	13
Grand total	14	20	30	39	46	45	46	30	27	8	305

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: October 22, 1963.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 63-11401; Filed, Oct. 28, 1963; 8:48 a.m.]

AMERICAN MAIL LINE, LTD.

Notice of Application

Notice is hereby given that American Mail Line, Ltd., has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB-76, so as to grant it the privilege of lifting cargoes between California ports and ports on the West Coast of India and West Pakistan on a maximum of 12 voyages per annum.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on November 14, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as many be deemed appropriate.

Dated: October 25, 1963.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Acting Secretary.

[F.R. Doc. 63-11432; Filed, Oct. 28, 1963; 8:49 a.m.]

MOORE-McCORMACK LINES, INC.

Notice of Application for Change in Cruise Itinerary

Notice is hereby given that Moore-McCormack Lines, Inc. has requested a change in the itinerary of the following cruise, previously approved by the Maritime Subsidy Board on November 16, 1962 to add the port of Baltimore to the outward itinerary as follows:

Ship	Commences	Terminates	Amended itinerary
Argentina	Dec. 18, 1963	Jan. 2, 1964	Baltimore, Port Everglades, Cristobal, Barbados, Martinique, St. Thomas, San Juan, Port Everglades.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on November 14, 1963. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: October 25, 1963.

JOHN M. O'CONNELL,
Acting Secretary.

[F.R. Doc. 63-11433; Filed, Oct. 28, 1963; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, and application amendment, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR, § 60.7:

Metropolitan Pittsburgh Educational Television, 4337 Fifth Avenue, Pittsburgh 13, Pennsylvania, File No. 34, to improve the operation of the noncommercial educational television broadcasting station WQED operating on channel 13, Pittsburgh, Pennsylvania.

Community Television of Southern California, 2600 Wilshire Boulevard (Suite 513), Los Angeles, California, File No. 35, for the establishment of a new noncommercial educational television broadcasting station operating on channel 28, Los Angeles, California.

Twin City Area Educational Television Corporation, 1640 Como Avenue, St. Paul, Minnesota, File No. 36, for the establishment of a new noncommercial educational television broadcasting station operating on channel 17, Minneapolis-St. Paul, Minnesota.

Kentucky State Board of Education, State Office Building, Frankfort, Kentucky, File No. 37, for the establishment of a new noncommercial educational television broadcasting station on channel 46, Lexington, Kentucky.

Kentucky State Board of Education, State Office Building, Frankfort, Kentucky, File No. 38, for the establishment of a new noncommercial educational television broadcasting station on channel 29, Somerset, Kentucky.

Pennsylvania State University, University Park, Pennsylvania, File No. 2, to amend its application for the establishment of a new noncommercial educational television broadcasting station, from operation on channel 69, State College, Pennsylvania, to operation on channel 3, Clearfield, Pennsylvania.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications (within 10 calendar days from such publication regarding the above application amendment) with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington 25, D.C.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 63-11386; Filed, Oct. 28, 1963; 8:47 a.m.]

BUREAU OF THE BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Establishment and Determination of Certain Rates for Use in Connection With Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (Public Law 87-693; 76 Stat. 593) and delegated to the Director of the Bureau of the Budget by section 1 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), the following rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations), and have been determined to represent the reasonable value of hospital, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, with the exception of Freedmen's Hospital, Washington, D.C., and Canal Zone Government Hospitals—

Hospital care	Effective July 1, 1962 to June 30, 1963	Effective July 1, 1963 to Oct. —, 1963	Effective Oct. —, 1963 to June 30, 1964	Effective July 1, 1964 and thereafter
Per in patient day				
Federal general and tuberculosis hospitals	$36.00	$37.00	$39.00	$40.00
Federal mental hospitals	14.25	14.75	14.75	15.00
Outpatient medical and dental treatment				
Per facility visit	7.00	8.00	8.00	8.00

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment;

(c) For such care and treatment at Freedman's Hospital, Washington, D.C., the rates shall be those charged full-pay private patients by the hospital at the time the care and treatment is furnished by the United States; and

(d) For such care and treatment at Canal Zone Government Hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

The rates prescribed herein supersede those established by the Director of the Bureau of the Budget on December 6, 1962. (27 F.R. 12380)

KERMIT GORDON,
Director, Bureau of the Budget.

OCTOBER 22, 1963.

[F.R. Doc. 63-11387; Filed, Oct. 28, 1963; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

JAVA PACIFIC & HOEGH LINES AND KONINKLIJKE PAKETVAART MAATSCHAPPIJ (FE) LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9262, between Java Pacific & Hoegh Lines, a joint service under approved agreement number 7838, and Koninklijke Paketvaart Maatschappij (FE) Ltd., establishes a through billing arrangement for movement of cargo in the trade from Rangoon, Burma to United States West Coast ports, including Hawaii, with transhipment at Singapore, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 23, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11391; Filed, Oct. 28, 1963; 8:48 a.m.]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE AND FRENCH NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7920-2, between the member lines of the Continental North Atlantic Westbound Freight Conference and the French North Atlantic Westbound Freight Conference modifies the approved joint agreement of these conferences covering the observance of rates on cargo of Belgian, Dutch and French origin to provide that either party, with respect to any action to be taken or procedure to be followed under said agreement, may take action or follow procedures independent of those agreed upon after giving the other party ten days notice in writing.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 23, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11389; Filed, Oct. 28, 1963; 8:47 a.m.]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8020-1, between the member lines of the Continental North Atlantic Westbound Freight Conference, French North Atlantic Westbound Freight Conference, Marseilles/North Atlantic U.S.A. Freight Conference and the West Coast of Italy, Sicilian & Adriatic Ports/North Atlantic Range Conference, modifies the approved joint agreement of these conferences covering the establishment of rates and conditions of carriage for cargo originating in and common to European territory served by two or more of said member conferences, to provide a member conference may take independent action after giving ten days notice in writing instead of the 60 days notice now required.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 23, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11390; Filed, Oct. 28, 1963; 8:48 a.m.]

NEDLLOYD LINE AND KONINKLIJKE PAKETVAART MAATSCHAPPIJ (FE) LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9263, between Nedlloyd Line, a joint service under approved agreement number 7661, and Koninklijke Paketvaart Maatschappij (FE) Ltd., establishes a through billing arrangement for movement of cargo in the trade from Rangoon, Burma to United States Great Lakes ports, with transhipment at Singapore, in accordance with

The project consists of: A powerhouse

time Subsidy Board on November 16, 1962 to add the port of Baltimore to the outward itinerary as follows:

of a new noncommercial educational television broadcasting station on channel 46, Lexington, Kentucky.

hospitals, with the exception of Freedmen's Hospital, Washington, D.C., and Canal Zone Government Hospitals—

the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 23, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11392; Filed, Oct. 28, 1963; 8:48 a.m.]

NEDLLOYD LINE AND KONINKLIJKE PAKETVAART MAATSCHAPPIJ (FE) LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9264, between Nedlloyd Line, a joint service under approved agreement number 7661, and Koninklijke Paketvaart Maatschappij (FE) Ltd., establishes a through billing arrangement for movement of cargo in the trade from Rangoon, Burma to United States Atlantic and Gulf ports, with transhipment at Singapore, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 23, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11393; Filed, Oct. 28, 1963; 8:48 a.m.]

SWISS/NORTH ATLANTIC FREIGHT CONFERENCE AND MARSEILLES/NORTH ATLANTIC U.S.A. CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7960-2, between the member lines of the Swiss/North Atlantic Freight Conference and the Marseilles/North Atlantic U.S.A. Conference modifies the approved joint agreement of these conferences covering the observance of rates on cargo of Swiss origin moving via ports of the Hamburg/Bayonne Range, and Italian, Sicilian and Adriatic Sea ports to U.S. North Atlantic ports to provide that either party, with respect to any action to be taken or procedure to be followed under said agreement, may take action or follow procedures independent of those agreed upon after giving the other party ten days notice in writing.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 23, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11394; Filed, Oct. 28, 1963; 8:48 a.m.]

[Commission Order No. 1 (Amended); Amendment 3]

ORGANIZATION AND FUNCTIONS

Change in Designations

Section 2.037 of Commission Order No. 1 (Amended) is hereby amended to effect a change in organizational designations as follows:

(1) Office of Administrative Management is changed to Office of Administration.

(5) Bureau of Administrative Proceedings is changed to Bureau of Hearing Counsel.

The titles of these organizational units as they appear elsewhere in the Manual of Orders are hereby changed to be consistent with this Order.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired), Chairman.

OCTOBER 21, 1963.

[F.R. Doc. 63-11395; Filed, Oct. 28, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2387]

CITY OF HOLYOKE GAS & ELECTRIC DEPARTMENT

Notice of Application for License

OCTOBER 22, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Holyoke Gas & Electric Department (correspondence to: F. H. King, Manager, 70 Suffolk Street, Holyoke, Massachusetts) for license for constructed Project No. 2387, known as Power Project No. 2, located on the canal system of Holyoke Water Power Company, a tributary of the Connecticut River, County of Hampden, near the Town of South Hadley, Massachusetts.

The project consists of: A powerhouse containing a 1017 horsepower turbine connected to an 800 kilowatt vertical hydro generator; two 9 foot in diameter steel penstocks about 240 feet in length; two 9 foot by 10 foot by 120 foot trifaces; and other electrical and mechanical appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 14, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11357; Filed, Oct. 28, 1963; 8:45 a.m.]

[Project No. 2388]

CITY OF HOLYOKE GAS & ELECTRIC DEPARTMENT

Notice of Application for License

OCTOBER 22, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Holyoke Gas & Electric Department (correspondence to: F. H. King, Manager, 70 Suffolk Street, Holyoke, Massachusetts) for license for constructed Project No. 2388, known as Power Plant No. 3, located on the canal system of Holyoke Water Power Company, a tributary of the Connecticut River, County of Hampden, near the town of South Hadley, Massachusetts.

The project consists of: A powerhouse containing a 746 horsepower turbine connected to a vertical hydro generator rated at 450 kilowatts; two 11-foot by 10-foot penstocks about 80 feet in length; and other appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 14, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11358; Filed, Oct. 28, 1963; 8:45 a.m.]

[Docket Nos. CP63-296, CP64-34]

EL PASO NATURAL GAS CO. AND TRANSWESTERN PIPELINE CO.

Order Consolidating Proceedings and Noticing Applications

OCTOBER 21, 1963.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation with its principal place of business at P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP63-296 on May 6, 1963, as supplemented on May 28, 1963, and October 4, 1963, an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing it to construct and operate pipeline facilities and to sell and deliver natural gas in interstate commerce; and, additionally, Transwestern Pipeline Company (Transwestern), a Delaware corporation with its principal place of business at the 25th Floor, First City National Bank Building, Houston 2, Texas, filed in Docket No. CP64-34 on August 2, 1963, an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing it to sell and deliver additional volumes of natural gas in interstate commerce, all as more fully set forth in the above-mentioned applications which are on file with the Commission and open to public inspection.

El Paso seeks a certificate authorizing it to sell and deliver a daily quantity of up to 100,000 Mcf of natural gas (at 14.9 psia) to Southern California Gas Company and Southern Counties Gas Company of California, subsidiaries of Pacific Lighting Corporation (jointly referred to as Pacific Lighting), at rates contained in El Paso's proposed Rate Schedule G-1 at its existing points of delivery to Pacific Lighting on the Arizona-California boundary near Blythe, California, and Topock, Arizona. The sale and delivery, which would utilize facilities which have been permanently certificated to serve Arizona and New Mexico as of 1966, would be for a limited term until Pacific Lighting commences to receive gas at the California border under a permanent arrangement not under contract on, or prior to, March 26, 1963, but in no event later than December 31, 1966.

Transwestern seeks a certificate authorizing it to sell and deliver an additional 50,000 Mcf of gas per day on a firm contract demand basis and a volume up to 60,000 Mcf per day of "excess gas" on an average annual basis to Pacific Lighting Gas Supply Company, a subsidiary of Pacific Lighting Corporation (referred to as Pacific Lighting) at its existing delivery point with Pacific Lighting near Needles, California. The proposed initial price of the firm contract demand volumes is 39.6 cents per Mcf. The "excess gas" will be sold at 21 cents per Mcf under a rate schedule similar to Transwestern's LX rate schedule currently on file with us.

No additional facilities will be installed in order to render the service for which authorization is requested.

By separate order issued concurrently herewith we are denying three motions to consolidate these applications with other applications which request authorization to undertake major pipeline construction to serve the Southern California Market.[1] Our reason for denying consolidation with those other dockets is that certification of them should have little or no bearing on the feasibility or desirability of applications for major construction because the El Paso proposal is only for a brief interim period and because the Transwestern proposal involves no additional facilities but, rather, is to optimize the use of existing facilities to increase deliveries by a relatively small amount. However, these reasons are not related to the necessity of consolidating Docket Nos. CP63-296 and CP64-34 and we find that they may be mutually exclusive. Whereas the additional deliveries requested by these applications are relatively insubstantial when compared with the applications for major construction, they are substantial when compared with each other. If the natural gas needs of the Southern California market in the near future are not such as to justify both proposals, certification of one proposal would necessarily preclude certification of the other. Accordingly, we find that these applications should be consolidated and heard together.

The Commission orders:

(A) The applications of El Paso in Docket No. CP63-296 and of Transwestern in Docket No. CP64-34 are hereby consolidated.

(B) This order shall constitute public notice of the applications filed in Docket Nos. CP63-296 and CP64-34.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 18, 1963, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, concerning the matters involved in and the issues presented by such applications. Pursuant to the provisions of § 1.8(d) of the Commission's rules of practice and procedure (18 CFR 1.8(d)) all petitions to intervene or notices of intervention must (in the absence of extraordinary circumstances and for good cause shown) be filed by November 8, 1963.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11359; Filed, Oct. 28, 1963; 8:46 a.m.]

[1] Transwestern Pipeline Co., et al., CP63-204, et al., "Order Granting in Part and Denying in Part Motions to Consolidate".

[Docket No. CP64-55]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application and Date of Hearing

OCTOBER 22, 1963.

Take notice that on September 4, 1963, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City 10, Utah, filed in Docket No. CP64-55 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 22 miles of 8⅝ inch O.D. pipeline to connect the Nitchie Gulch Field in Sweetwater County, Wyoming to Applicant's existing facilities in the North Baxter Field, Sweetwater County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The additional supply from the Nitchie Gulch Field will assist in offsetting the normal decline in deliverability from other reserves committed to Applicant's system, and will represent a safety factor in the operation of Applicant's system should a failure of supply from other sources occur.

The estimated cost of the proposed facilities will be about $441,000. Applicant proposes to finance the project out of funds on hand and from short term bank borrowings as may be required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 21, 1963 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before

November 15, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11360; Filed, Oct. 28, 1963; 8:46 a.m.]

[Docket No. G-14872]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application To Amend

OCTOBER 21, 1963.

Take notice that on August 12, 1963, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. G-14872 an application to amend further the Commission's order, issued October 27, 1958, as amended by orders, issued April 27, 1959, April 21, 1960, and December 2, 1960, in Docket No. G-14872 to delete therefrom ordering paragraphs (B)(1) and (B)(2), all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order, issued October 27, 1958, authorized Applicant to construct and operate additional natural gas facilities in the Herscher Storage Field, Kankakee County, Illinois, for the purpose of testing the Mt. Simon formation as a storage reservoir. Paragraph (B)(1) of said order limited the maximum storage inventory in zones 3 and 4 of the Eau Clair-Mt. Simon formations to 5 billion cubic feet of natural gas. Said paragraph was subsequently amended by orders, issued April 27, 1959, April 21, 1960, and December 2, 1960, with the result that the maximum storage inventory volume currently specified is 30 billion cubic feet. Paragraph (B)(2) of the October 27, 1958, order requires Applicant to submit monthly reports of all pertinent data relating to the Eau Clair-Mt. Simon formation.

Applicant requests herein that paragraph (B)(1) be deleted and states that in its opinion the present maximum inventory was, in effect, rescinded by Commission action in Docket No. CP62-256 wherein Applicant was authorized to increase daily withdrawals from the Herscher Field without direct mention of a maximum inventory ceiling. Further, Applicant requests that paragraph (B)(2) be deleted and states that the monthly reports required to be filed by said ordering paragraph impose an onerous burden on Applicant inasmuch as precisely the same information which is required by said reports must also be submitted in semi-annual reports which Applicant files pursuant to the Commission's order, issued November 20, 1958, in Docket No. G-15328.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11361; Filed, Oct. 28, 1963; 8:46 a.m.]

[Docket No. RI64-192]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; and Allowing Rate Changes To Become Effective Subject to Refund

OCTOBER 21, 1963.

On September 29, 1963, Pan American Petroleum Corporation (Pan American)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated August 29, 1963.

Purchaser and Producing Area: El Paso Natural Gas Company (West Kutz Field, San Juan County, New Mexico) (San Juan Basin Area).

Rate Schedule Designation: (1) Supplement No. 11 to Pan American's FPC Gas Rate Schedule No. 377. (2) Supplement No. 11 to Pan American's FPC Gas Rate Schedule No. 378.

Effective Date: October 30, 1963.[2]

Amount of Annual Increase: (1) $3 (2) $3.

Effective Rate: (1) and (2) 11.0 cents per Mcf.

Proposed Rate: (1) and (2) 11.2104 cents per Mcf.[3]

Pressure Base: 15.025 psia.

Pan American requests waiver of notice to make its proposed rate increases effective as of April 1, 1963, the effective date of the increase in the New Mexico Oil and Gas Emergency School Tax. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Pan American's rate filings and such request is denied. Since Pan American's proposed rate increases reflect only tax reimbursement, the suspension period for each may be shortened to one day from the date of expiration of the 30 days' statutory notice.

Pan American's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. El Paso Natural Gas Company (El Paso) has protested the rate increases filed by Pan American. El Paso questions the right of Pan American under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims that there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Pan American's proposed increased rates are below the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), but are suspended because of El Paso's protest. Under the circumstances, we shall provide that the hearing provided for herein shall concern itself with the contractual basis for Pan American's rate filings.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis of Pan American's proposed rate filings which El Paso has protested, and that Supplements No. 11 to Pan American's FPC Gas Rate Schedules Nos. 377 and 378, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis of Pan American's proposed rate filings which El Paso has protested, designated as Supplements No. 11 to Pan American's FPC Gas Rate Schedules Nos. 377 and 378, respectively.

(B) Pending a hearing and decision thereon, Supplements No. 11 to Pan American's FPC Gas Rate Schedules Nos. 377 and 378, respectively, are hereby suspended and the use thereof deferred until October 31, 1963, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Pan American, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Pan American shall execute and file under Docket No. RI64-192 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Pan American is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 5, 1963.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11362; Filed, Oct 28, 1963; 8:46 a.m.]

[Docket No. CP63-204 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Order Granting in Part and Denying in Part Motions To Consolidate

OCTOBER 21, 1963.

Transwestern Pipeline Company, Docket Nos. CP63-204 and CP64-34; Gulf Pacific Pipeline Company, Docket No. CP63-223; El Paso Natural Gas Company, Docket No. CP63-296.

On June 21, 1963, Gulf Pacific Pipeline Company (Gulf Pacific) filed a "Motion * * * for Prompt Consolidated Hearing and Continuance" of Docket Nos. CP63-204, CP63-223, and CP63-296. On August 30, 1963, Humble Oil & Refining Company (Humble) filed a "Petition * * * for Permission to Intervene and to Consolidate Dockets" in Docket Nos. CP63-204, CP63-223, CP63-296, and CP64-34. On October 14, 1963, Southern California Edison Company (Edison) filed a "Petition * * * to Consolidate With Federal Power Commission Docket CP63-223" in Docket No. CP63-296. Answers to the Gulf Pacific Motion were filed by Transwestern Pipeline Company (Transwestern), El Paso Natural Gas Company (El Paso), and Pacific Lighting Gas Supply Company, Southern California Gas Company, and Southern Counties Gas Company of California (Pacific Lighting). Only the El Paso answer objected to consolidation. The same three parties all filed answers to Humble's motion objecting to consolidation, although Transwestern did not object to the consolidation of its application in Docket No. CP63-204 with the Gulf Pacific and El Paso applications.

On July 5, 1963, we issued an "Order Continuing Hearings" in Docket No. CP63-204. In that order we deferred consideration of Gulf Pacific's motion until after Transwestern filed a new application for authorization to deliver substantially greater volumes than were involved in Docket No. CP63-204. That application, Docket No. CP64-91, was filed on October 11, 1963.

All four applications involve natural gas service to Southern California. Gulf Pacific proposes to construct a new 36-inch pipeline system approximately 1,398 miles in length from a point in Waller County, Texas, to the metropolitan area of Los Angeles to transport 865,095 Mcf per day which Southern California Edison Company and the Department of Water and Power of the City of Los Angeles have agreed to purchase from producers in Texas; El Paso proposes to construct additional compressor facilities at a cost of $3,481,000 to sell 100,000 Mcf of natural gas per day to Pacific Lighting for a two year period; and Transwestern, in Docket No. CP64-34, proposes to sell and deliver an additional 50,000 Mcf per day of firm gas and 60,000 Mcf of "excess gas" to Pacific Lighting with no additions of facilities and, in Docket No. CP63-204, proposes to sell and deliver the same additional 50,000 Mcf of firm gas and an additional 110,000 Mcf of "excess gas" to Pacific Lighting with additional compressor facilities estimated to cost $4,992,000.

In our Opinion No. 393, El Paso Natural Gas Company, et al., Docket No. G-16235, et al., issued July 12, 1963, we announced that Gulf Pacific's application would be consolidated with any other applications for major pipeline construction to supply natural gas to the Southern California market which were filed within three months of that opinion and order. We also reserved the right to exclude from the consolidated proceeding proposals for limited expansions by Transwestern and El Paso not involving construction of major facilities.

Since that time applications for major expansions have been filed by El Paso and Transwestern, Docket Nos. CP64-76 and CP64-91, respectively, which by order issued concurrently herewith have been consolidated with Gulf Pacific's application. Transwestern's proposal in Docket No. CP63-204 is inextricably connected with its application in Docket No. CP64-91 because the facilities proposed to be constructed in Docket No. CP63-204 are necessary to the expansion proposed in Docket No. CP64-91. Therefore, by separate notice and order issued concurrently with this order we are consolidating Docket Nos. CP63-204, CP63-223, CP64-76, and CP64-91.

We do not believe that Docket Nos. CP63-296 and CP64-34 should be consolidated with the other applications. In Docket No. CP63-296, El Paso proposes service for only a brief interim period from facilities permanently certificated to serve Arizona and New Mexico as of 1966 and, in Docket No. CP64-34, Transwestern proposes to increase both its firm and "excess gas" deliveries by a small amount (in relation to the other proposals) merely by optimizing the use of its existing facilities. Certification of these applications should have little or no bearing on the feasibility or desirability of the applications for major construction.

The Commission orders: For the reasons set forth above, the motions to consolidate filed by Gulf Pacific and Humble are to be granted by separate order in regard to Gulf Pacific's application in Docket No. CP63-223 and Transwestern's application in Docket No. CP63-204, but are hereby denied in regard to El Paso's application in Docket No. CP63-296 and Transwestern's application in Docket No. CP64-34. Edison's motion to consolidate Docket No. CP63-296 is also hereby denied.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11363; Filed, Oct. 28, 1963; 8:46 a.m.]

[Docket No. CP63-204 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Order Consolidating Proceedings, Fixing Date of Hearing Conference and Denying Motion To Consolidate and for Time To Amend

OCTOBER 21, 1963.

Transwestern Pipeline Company, Docket Nos. CP63-204 and CP64-91; Gulf Pacific Pipeline Company, Docket No. CP63-223; El Paso Natural Gas Company, Docket No. CP64-76; El Paso Natural Gas Company, Docket No. CP61-26.

On July 12, 1963, we issued Opinion No. 393 in El Paso Natural Gas Company, et al., Docket Nos. G-16235, et al., in which we announced that a proceeding would be conducted to determine the most desirable manner, from the standpoint of the public interest, of meeting the long term needs for natural gas deliveries to Southern California. We stated that the application of Gulf Pacific Pipeline Company (Gulf Pacific) in Docket No. CP63-223 would be consolidated with any other applications for major pipeline construction to supply natural gas to the Southern California market which were filed within three months of that opinion and order. Those three months have elapsed and, in addition to Gulf Pacific's application, applications for major pipeline construction have been filed by El Paso Natural Gas Company (El Paso) and Transwestern Pipeline Company. In addition, El Paso filed, on October 14, 1963, a "Motion To Consolidate With Gulf Pacific Pipeline Company Docket No. CP63-223 and for Time To Amend" in its Docket No. CP61-26.

Gulf Pacific Pipeline Company, a Delaware corporation with its principal place of business at P.O. Box 2511, Houston 1, Texas, filed in Docket No. CP63-223 on February 12, 1963, as supplemented on May 15, 1963, an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing it to construct and operate pipeline facilities for the transportation of natural gas in interstate commerce; additionally, El Paso Natural Gas Company, a Delaware corporation with its principal place of business at P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP 64-76 on September 30, 1963, as supplemented on October 11, 1963, an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing it to construct and operate pipeline facilities and to sell and deliver natural gas in interstate commerce; and additionally, Transwestern Pipeline Company (Transwestern), a Delaware corporation with its principal place of busi-

[1] Address is: P.O. Box 1410, Fort Worth 1, Tex. Attn: Mr. J. K. Smith.

[2] The stated effective date is the first day after expiration of the required statutory notice.

[3] Tax reimbursement increases.

ness at the 25th Floor, First City National Bank Building, Houston 2, Texas, filed in Docket No. CP64–91 on October 11, 1963, an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing it to construct and operate pipeline facilities and to sell and deliver natural gas in interstate commerce, all as more fully set forth in the abovementioned applications which are on file with the Commission and open to public inspection.

Gulf Pacific. Gulf Pacific seeks authorization to construct and operate a pipeline system approximately 1,398 miles in length extending in a westerly direction from a point in Waller County, Texas, across the states of New Mexico and Arizona to delivery points located in the metropolitan area of Los Angeles. Gulf Pacific also seeks authorization to transport natural gas which Southern California Edison Company (Edison) and the Department of Water and Power of the City of Los Angeles, California (Department) have agreed to purchase from producers in the State of Texas. Gulf Pacific seeks authorization to transport for Edison and the Department an annual average daily quantity, after the initial build-up period, of 865,095 Mcf.

The proposed Gulf Pacific facilities will consist of approximately 1,398 miles of 36-inch pipeline; 45 miles of 20-inch gathering lines to be located in Texas; 102 miles of lateral lines located in California; and 15 compressor stations with a total estimated compressor horsepower of 188,000 to be constructed at various points in Texas, New Mexico, Arizona and California. In addition, Gulf Pacific proposes to construct the measuring and regulating stations necessary to effectuate the proposed transportation service. The proposed facilities, which are estimated to cost $313,923,000, will be financed through construction loans during the construction periods and permanently financed through the sale of securities such as bonds, debentures and common stock.

El Paso. El Paso seeks a certificate authorizing it to sell and deliver a daily quantity of up to 250,000 Mcf of natural gas (at 14.9 psia) to Southern California Gas Company and Southern Counties Gas Company of California, subsidiaries of Pacific Lighting Corporation (jointly referred to as Pacific Lighting), under El Paso's Rate Schedule G, FPC Gas Tariff, Original Volume No. 1, at its existing delivery point with Pacific Lighting on the Arizona-California boundary near Topock, Arizona, and, under certain conditions, upon request by Pacific Lighting, at the existing delivery point with Pacific Lighting on said boundary near Blythe, California. This quantity will be in addition to the daily quantity of 1,130,000 Mcf of natural gas (at 14.9 psia) which El Paso is presently certificated to sell and deliver to Pacific Lighting under its Rate Schedule G. El Paso proposes commencement of deliveries of the additional quantity as follows—150,000 Mcf commencing November 1, 1965, 50,000 Mcf commencing November 1, 1966, and 50,000 Mcf commencing November 1, 1967.

To implement delivery of the additional quantity, El Paso proposes to add and operate certain additional facilities specifically described in the application. These facilities consist of gas processing equipment and other auxiliary installations, field compressor horsepower and field loop pipeline in the San Juan Basin area (from which the principal gas supply for the project is proposed to be obtained), and loop pipeline, mainline compressor horsepower, and miscellaneous metering equipment and auxiliary installations on primarily El Paso's San Juan Mainline connecting the San Juan Basin area with the Arizona-California boundary. The San Juan Basin facilities include 20,850 compressor horsepower and approximately 0.8 mile of 30-inch loop pipeline. The facilities other than those to be situated in the San Juan Basin include 45,000 compressor horsepower and approximately 20.7 miles of 24-inch line, 163.8 miles of 30-inch loop pipeline, and 6.7 miles of 34-inch loop pipeline.

The estimated total cost of all facilities to be constructed is $49,613,000. The total project cost, including financing expenses and additional working capital, is estimated at $51,000,000 which El Paso proposes to finance through the sale of common stock, first mortgage pipeline bonds, and sinking fund debentures.

El Paso filed a motion for time to amend its application in Docket No. CP61–26 and to consolidate with Docket No. CP63–223. Docket No. CP61–26, in original form, does not entail major construction to deliver gas to Southern California and would not be appropriately consolidated in this proceeding. The amendments which El Paso contemplates would request authorization to construct and operate facilities designated to deliver to the California border near Needles, California, 575,000 Mcf of gas per day under alternate plans. We think El Paso is approaching this matter in an improper manner. It was required to file its basic proposal to serve Southern California by October 12, 1963, and presumably did so in its application in Docket No. CP64–76 filed on September 30, 1963. As permitted by § 1.11(a) of our rules and by our "Order On Motions To Expedite Proceedings" issued on August 22, 1963, in Docket No. CP63–223 (Mimeo p. 4), any applicant may amend an application consolidated herein, up to and including November 14, 1963. In accordance therewith, if it so desires, El Paso may seek to amend its application in Docket No. CP64–76 by incorporating therein, in whole or in part, the proposals to construct facilities and to deliver an additional 575,000 Mcf daily to California, to which it has referred to in its motion. At such time we will consider, in the light of the specific proposals whether it, in fact, constitutes an amendment to the timely filed application or is in reality an attempt to substitute, out of time, an entirely new proposal.

Transwestern. Transwestern, in Docket No. CP64–91, seeks a certificate authorizing it to sell and deliver a daily quantity of 290,000 Mcf of natural gas to Pacific Lighting Gas Supply Company, a subsidiary of Pacific Lighting Corporation (referred to as Pacific Lighting) under Transwestern's Pro Forma Rate Schedule CDQ–1 proposed in the application at its existing delivery point with Pacific Lighting near Needles, California. This quantity will be in addition to the daily contract demand quantity of 300,000 Mcf of natural gas which Transwestern is presently certificated to sell and deliver to Pacific Lighting and also in addition to the daily contract demand quantity of 50,000 Mcf for which Transwestern has applied in Docket Nos. CP63–204 and CP64–34, to sell and deliver to Pacific Lighting. Transwestern proposes to increase its daily deliveries to Pacific Lighting so that its total deliveries will be as follows:

Date	Total authorization requested	Contract demand volume	Proposed initial price for contract demand volumes
	Mcf	*Mcf*	*Cents/Mcf*
Nov. 1, 1964	535,000	450,000	37.5
Nov. 1, 1965	640,000	535,000	36.5
Jan. 1, 1967	640,000	640,000	33.2

During this buildup period, volumes of natural gas sold in excess of Transwestern's annual contract quantity with Pacific Lighting will be sold under a rate schedule similar to Applicant's existing LX rate schedule now on file with this Commission at 21 cents per Mcf.

To implement delivery of the additional quantity, Transwestern proposes to add and operate certain additional facilities, specifically described in the application. These facilities consist of 86,400 compressor horsepower, 53 miles of 24-inch loop pipeline along its West Texas lateral and 42.6 miles of additional 16-inch and 12-inch pipeline facilities together with small diameter lines and related facilities to connect additional natural gas supplies in the Permian Basin and Panhandle areas. The estimated total cost of all facilities to be constructed is $39,490,000 which Transwestern proposes to finance through the sale of first mortgage bonds or other securities.

Also to be consolidated in this proceeding is Transwestern's application in Docket No. CP63–204 which was previously noticed on May 1, 1963. In that application, Transwestern requests authorization to sell and deliver an additional daily contract demand quantity of 50,000 Mcf of natural gas and an additional daily volume of up to 110,000 Mcf of "excess gas" to Pacific Lighting. To implement those deliveries, Transwestern proposes to construct two compressor stations with 13,500 horsepower at a cost of $4,492,000 financed from bank loans. Hearings in Docket No. CP63–204 commenced on June 25, 1963, before the presiding examiner and, after one day of hearing, were continued by him until July 16, 1963. However, on July 5, 1963, we further continued those hearings until Transwestern would file its application for additional service, that application being Docket No. CP64–91.

On August 22, 1963, in response to pleadings by Gulf Pacific, we issued an "Order on Motions to Expedite Hearings" in which we set forth in general terms the hearing schedule and basic procedures we intended to follow in this consolidated proceeding. We provided therein that a hearing conference would be convened before the presiding examiner shortly after the filing of all applications. In accordance therewith, the hearing conference will be held on November 19, 1963, as provided in ordering paragraph (D) *infra*.

The Commission orders:

(A) The applications of Transwestern in Docket Nos. CP63–204 and CP64–91 and of Gulf Pacific in Docket No. CP63–223 and El Paso in Docket No. CP 64–76 are hereby consolidated.

(B) El Paso's motion to consolidate filed in Docket No. CP61–26 is hereby denied.

(C) This order shall constitute public notice of the applications filed in Docket Nos. CP63–223, CP64–76, and CP64–91.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing conference will be held November 19, 1963, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, concerning the matters involved in and the issues presented by such applications looking toward the expedition of further proceedings. The applicants, the Commission staff, and all persons who have filed timely petitions to intervene or notices of intervention (or who have otherwise been authorized to intervene by the Commission, as set forth below) shall be entitled to participate in that conference. Pursuant to the provisions of § 1.8(d) of the Commission's rules of practice and procedure (18 CFR 1.8(d)) all petitions to intervene or notices of intervention must (in the absence of extraordinary circumstances and for good cause shown) be filed by November 5, 1963. All persons filing timely petitions or notices will be permitted to participate in the hearing conference of November 19, 1963, whether or not the Commission as of that date has acted on new petitions. Persons filing late petitions will be permitted to participate only if the Commission has, prior to the date of the hearing conference, acted favorably on new petitions, provided that the examiner is hereby authorized to permit such persons to participate, subject to further determination by the Commission.

(E) Alvin A. Kurtz, a duly qualified and appointed Hearing Examiner, or any officer or officers of the Commission designated by the Chief Hearing Examiner for that purpose (see delegation of authority, 27 F.R. 4276, etc.) is designated to act as the presiding examiner in the proceedings as of the date of issuance of this order, and is authorized and directed, in so doing, to exercise all of the functions and authority prescribed by the Administrative Procedure Act and this Commission's rules of practice and procedure, including the holding of such other conferences as he may deem advisable to expedite the proceedings in accordance with the schedule contained in our "Order on Motions To Expedite Hearings" issued on August 22, 1963, in Docket No. CP63–223 or as may otherwise be useful.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–11364; Filed, Oct. 28, 1963; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II (Philadelphia) are hereby designated to serve as Acting Regional Administrator, Region II, during the absence of the Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Director of Urban Renewal.
3. Regional Counsel.
4. Regional Director of Administration.

This designation supersedes the designation effective July 6, 1962 (27 F.R. 6404, July 6, 1962).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 30th day of September 1963.

[SEAL] WARREN P. PHELAN, *Regional Administrator.*

[F.R. Doc. 63–11396; Filed, Oct. 28, 1963; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

OCTOBER 23, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period October 24, 1963, through November 2, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–11372; Filed, Oct. 28, 1963; 8:47 a.m.]

[File No. 811–1176]

FIRST AMERICAN ISRAEL MUTUAL FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 23, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that The First American Israel Mutual Fund ("applicant"), 141 Milk Street, Boston, Massachusetts, a management open end nondiversified investment company, has ceased to be an investment company.

The application states that no shares of the applicant were ever publicly sold, that applicant is presently in the process of liquidation, and that upon dissolution any remaining assets will be distributed to the members of the Board of Trustees of applicant who purchased all of the presently outstanding shares to provide applicant with its initial capital.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 8, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and

the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–11373; Filed, Oct. 28, 1963; 8:47 a.m.]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

OCTOBER 23, 1963.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period October 24, 1963, through November 2, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–11374; Filed, Oct. 28, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 579]

REGIONAL DIRECTORS ET AL.

Authorization To Grant or Deny Certificates

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor thereunder (41 CFR Parts 50–201 and 202), I hereby:

A. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing employment of full-time students, student-learners, apprentices, handicapped persons, and handicapped clients in sheltered workshops, as provided in 29 CFR Parts 519, 520, 521, 524, and 525 and as provided in 41 CFR Parts 50–201 and 202 and to take such other action as may be necessary or appropriate therewith: (1) The Regional Directors and Deputy Regional Directors within their respective regions, (2) the Field Office Supervisor, Honolulu, Hawaii, and (3) the Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

B. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of full-time students, learners, and student-workers at special minimum wage rates as provided in 29 CFR Parts 519, 522, and 527 and pursuant to 41 CFR Part 50–202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Assistant Administrator for Wage Determinations and Regulations, (2) the Director of the Division of Wage Determinations, (3) and the Chief of the Branch of Special Minimum Wages.

C. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at special minimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: The Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

D. Revoke and withdraw Administrative Order No. 561 (27 F.R. 4001).

All other authority to grant or deny applications for, or to sign or issue certificates pursuant to section 14 of the Fair Labor Standards Act of 1938 is hereby revoked and withdrawn.

Part 528 of Title 29 of the Code of Federal Regulations which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 519, 520, 521, 522, 523, 524, and 527 is unaffected by this administrative order.

Signed at Washington, D.C., this 22d day of October 1963.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 63–11371; Filed, Oct. 28, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 24, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38612: *Liquefied petroleum gas between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 486), for interested rail carriers. Rates on liquefied petroleum gas, in tank car loads, between points in Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 29 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–11381; Filed, Oct. 28, 1963; 8:47 a.m.]

[No. 34254]

JOINT MOTOR-RAIL RATES

Application of Section 4 Requirements; Cancellation of Hearing and Direction for Special Procedure

It appearing, that on September 16, 1963, the Commission entered a notice of the filing of a petition by the New York Central Railroad Company for a declaratory order under section 5(d) of the Administrative Procedure Act, to determine whether certain Plan II and Plan V trailer-on-flatcar rates presently maintained by said railroad contravene the long-and-short-haul provisions of section 4(1) of the Interstate Commerce Act;

It further appearing, that the said notice provided for the petition to be heard at a time to be fixed for the purpose of determining whether to issue an interpretative rule or a declaratory order and that persons desiring to intervene should file a petition to that effect within 30 days of the publication of said notice in the FEDERAL REGISTER;

It further appearing, that on October 8, 1963, the Commission entered an order referring the proceeding to Hearing Examiner Richard S. Ries for oral hearing to be held on November 19, 1963;

And it further appearing, that numerous communications have been received pointing out that the facts as stated in the New York Central Railroad Company petition are not in dispute; that a purely legal question is presented for determination; that an oral hearing would cause unnecessary delay; that the oral hearing scheduled for November 19, 1963, should be cancelled; that all persons manifesting an interest in the proceeding should be permitted to file a brief; and for good cause appearing:

It is ordered, That the Commission's order dated October 8, 1963, insofar as it referred the above entitled prcoeeding to Hearing Examiner Richard S. Ries for oral hearing, be, and it is hereby, vacated and set aside; and that the hearing now assigned on November 19, 1963, be, and it is hereby, cancelled.

It is further ordered, That the proceeding shall be handled by the filing of briefs with initial briefs being filed on or before December 16, 1963, and reply briefs on or before January 20, 1964.

It is further ordered, That the Commission's Bureau of Inquiry and Compliance be a party to this proceeding and be granted the right of full participation.

It is further ordered, That all persons having already manifested an interest in this proceeding or any additional persons who are interested may file their briefs on or before December 16, 1963, and reply briefs on or before January 20, 1964. All persons filing briefs in accordance with the special procedure directed herein shall be considered parties to the proceeding with the right of full participation therein.

It is further ordered, That an original and 6 copies of all briefs shall be filed with the Commission and all persons shall exchange their briefs so that each person filing a brief will receive a copy of all other briefs filed. Those persons manifesting an interest in the proceeding to date are listed in Appendix A below.

And it is further ordered, That a copy of this order be served on all persons that have shown an interest in this proceeding; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all persons.

Dated at Washington, D.C. this 22d day of October, A.D. 1963.

By the Commission, Commissioner Webb.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

A-P-A Transport Corp.,
Mr. Martin Marino,
2110 85th Street,
North Bergen, N.J.
Atlantic Coast Line Railroad Co.,
Mr. Albert B. Russ, Jr.,
500 Water Street,
Jacksonville 2, Fla.
(The) Baltimore and Ohio Railroad Co.,
Mr. C. C. Rettberg, Jr.,
2 North Charles Street,
Baltimore 1, Md.

Boston & Taunton Transportation Co.,
Mr. Albert P. Sagansky,
195 Old Colony Avenue,
South Boston, Mass.
Brooklyn Chamber of Commerce,
Mr. D. J. Speert,
26 Court Street,
Brooklyn 1, N.Y.
Capitol Freight Lines, Inc.,
Mr. J. D. Dillon,
30 South Walnut Street,
South Bend, Ind.
(The) Chesapeake & Ohio Railway Co.,
Mr. Benson T. Buck,
6–114 General Motors Building,
Detroit 2, Mich.
Mr. John M. Cleary,
Munsey Building,
Washington 4, D.C.
Frank J. Cole, Inc.,
Mr. William H. Driscall,
P.O. Box 245,
197 Norfolk Avenue,
Boston 19, Mass.
Cushman Motor Delivery Co.,
Mr. Kermit M. Green,
1480 West Kinzie Street,
Chicago 22, Ill.
Mr. John F. Donelan,
Munsey Building,
Washington 4, D.C.
El Dorado Transportation Co., Inc.,
Mr. Andrew F. Erba,
1718 Boston Post Road,
Milford, Conn.
Mr. John S. Fessenden,
1111 E Street NW.,
Suite 618 Perpetual Building,
Washington 4, D.C.
Gaffney Motor Freight, Inc.,
Mr. Clarence A. Colopy,
724 South Columbus Street,
Lancaster, Ohio.
Mr. James L. Givan,
1025 Connecticut Avenue NW.,
Washington 6, D.C.
Hall Freight Lines, Inc.,
Mr. Ray Ramsey,
12–18 College Street,
Danville, Ill.
Indianapolis & Southern Motor Express, Inc.,
Mr. P. F. O'Bryan,
Vincennes, Ind.
Klug-Direct Transportation Co.,
Mr. E. V. Klug,
Hamilton, Ohio.
LaRoe, Winn & Moerman,
Mr. Jacob P. Billig,
Investment Building,
Washington 5, D.C.
Liberty Trucking Co.,
Mr. Leonard Washington,
1401 West Fulton Street,
Chicago 7, Ill.
Mr. Eugene T. Lilpfert,
801 National Grange Building,
1616 H Street NW.,
Washington 6, D.C.
Mr. William J. Little,
Fidelity Building,
Baltimore 1, Md.
Louisville & Nashville Railroad Co.,
Mr. James W. Hoeland,
908 West Broadway,
Louisville 1, Ky.
D. E. Long & Sons,
Mr. Milton J. Carter,
Dean Street & Maiden Lane,
Albany, N.Y.
Maine Motor Rate Bureau,
Mr. R. E. Halliday,
Room 505, 142 High Street,
Portland, Maine.
Mississippi Valley Barge Line Co.,
Mr. M. C. Pearson,
411 North Seventh Street,
St. Louis 1, Mo.
Missouri Pacific Railroad Co.,
Mr. V. H. Livingston,
210 North 13th Street,
St. Louis 3, Mo.
Monahan Transportation Co., Inc.,
Mr. George E. Rigney,
186 Valley Street,
Providence, R.I.
Monarch Motor Freight Co., Inc.,
Mr. M. J. Carter,
60 Broadway,
Albany 2, N.Y.
Giles Morrow,
1012 Fourteenth Street NW.,
Washington 5, D.C.
National Freight, Inc.,
Mr. Karl E. Mueller,
57 West Park Avenue,
Vineland, N.J.
(The) National Transportation Co.,
Mr. R. B. Dilts,
251 State Street Extended,
Bridgeport 5, Conn.
New Jersey Forwarding Co.,
Mr. Albert Saldutti,
100 Commercial Street,
Newark 5, N.J.
New York Central System,
Mr. John A. Daily,
466 Lexington Avenue,
New York 17, N.Y.
Mr. Thomas J. O'Loughlin, Jr.,
18 Baker Street,
Hudson, N.H.
(The) Pennsylvania Railroad Co.,
Mr. Paul R. Duké,
1138 Transportation Center,
Six Penn Center Plaza,
Philadelphia 4, Pa.
Mr. Leland O. Ritchie,
Transportation Building,
Washington 6, D.C.
Rock Island Lines,
Mr. J. A. Christiansen,
LaSalle Street Station,
Chicago 5, Ill.
Root Transit, Inc.,
Mr. Ralph S. Briggs,
South Hodell Street,
Shelbyville, Ind.
Rudolph Express Co.,
Mr. D. E. Peck,
395 South Forest Avenue,
Bradley, Ill.
Seaboard Air Line Railroad Co.,
Mr. C. B. Corey,
Richmond 13, Va.
Sea-Land Service, Inc.,
Mr. R. L. Dausend,
P.O. Box 1050,
Foot Doremus Avenue,
Newark 1, N.J.
Seatrain Lines, Inc.,
Mr. Harvey M. Flitter,
595 River Road,
Edgewater, N.J.
Short Line Delivery Corp.,
Mr. Israel Novick,
Garnerville, N.Y.
Mr. Robert C. Smith,
512 Illinois Building,
Indianapolis 4, Ind.
Smith & Howell Film Service, Inc.,
Mr. Joseph P. Cassidy,
P.O. Box 6627,
Philadelphia 49, Pa.
Southern Freight Association,
Mr. R. E. Boyle, Jr.,
101 Marietta Street,
Atlanta 3, Ga.
Southwestern Transportation Co.,
Mr. W. R. Staggs,
P.O. Box 6187,
Dallas 22, Tex.
Spector Freight System, Inc.,
Mr. J. S. Ruscetta,
205 West Wacker Drive,
Chicago 6, Ill.
Tucker Freight Lines, Inc.,
Mr. H. M. Sell,
South Bend, Ind.
Van Brunt & Son, Inc.,
Mr. Fred C. Hermann,
Broad and Little Streets,
Matawan, N.J.

Waterways Freight Bureau,
Mr. Wesley A. Rogers,
1319 F Street NW.,
Washington 4, D.C.
Wigle and Larimore,
Mr. William M. Larimore,
260 California Street,
San Francisco 11, Calif.

[F.R. Doc. 63-11382; Filed, Oct. 28, 1963; 8:47 a.m.]

[Notice No. 888]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 24, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66102. By order of October 21, 1963, the Transfer Board approved the transfer to Murray Fuller and Merle Brooks, a partnership, doing business as Horton's Towing Service, Bellingham, Wash., of certificate in No. MC 110131, issued April 24, 1957, to Bruce Horton, doing business as Horton's Towing, Bellingham, Wash., authorizing the transportation of: Disabled automobiles, in truckaway service, between the boundary of the United States and Canada at the ports of entry at or near Blaine, Wash., the Pacific Highway, Lynden, Wash., and Sumas, Wash., on the one hand, and, on the other, points in Whatcom and Skagit Counties, Wash. Burton A. Kingsbury, Bellingham National Bank Building, Bellingham, Wash., attorney for applicants.

No. MC-FC 66313. By order of October 22, 1963, the Transfer Board approved the transfer to Middlesex Motor Lines, Inc., East Brunswick, N.J., of a portion of certificate in No. MC 27362, issued by the Commission, December 30, 1958, in the name of John E. Phillips and acquired by transferor herein pursuant to MC-FC 66051, approved June 26, 1963, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Union and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y. James J. Farrell, 201 Montague Place, South Orange, N.J., representative for applicants.

No. MC-FC 66314. By order of October 21, 1963, the Transfer Board approved the transfer to Carton Moving & Storage Co., a corporation, Summit, N.J., of certificate in No. MC 43840, issued May 31, 1957, to Albert Maund, Inc., Kearny, N.J., authorizing the transportation of: Household goods, between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. James J. Farrell, 201 Montague Place, South Orange, N.J., representative for transferor—Charles J. Williams, 1060 Broad Street, Newark 2, N.J., attorney for transferee.

No. MC-FC 66316. By order of October 21, 1963, the Transfer Board approved the transfer to Jennie Varner Swanson, 101 North Ridge Street, Cambridge, Ill., of certificate in No. MC 17264 issued March 3, 1941, to Clarence R. Swanson, doing business as Swanson Motor Service, 101 North Ridge Street, Cambridge, Ill., authorizing the transportation of agricultural implements and parts, machinery and parts, advertising matter, and implement dealer supplies, over irregular routes, between Rock Falls, East Moline, Rock Island, and Canton, Ill., on the one hand, and on the other, Davenport and Bettendorf, Iowa.

No. MC-FC 66318. By order of October 21, 1963, the Transfer Board approved the transfer to Richard K. Reynolds, doing business as Spirit Lake Bus Lines, Spirit Lake, Idaho, of certificate in No. MC 115617, issued September 28, 1956, to Leslie K. Stewart, doing business as Panhandle Bus Lines, Athol, Idaho, authorizing the transportation, over regular routes, of passengers and their baggage, between Athol, Idaho, and the site of the plant of the Kaiser Aluminum and Chemical Corporation, at or near Trentwood, Wash., serving all intermediate points, with certain restrictions. George W. Shoemaker, 1327 Old National Bank Building, Spokane, Wash., attorney for applicants.

No. MC-FC 66323. By order of October 21, 1963, the Transfer Board approved the transfer to Frederick Transit Company, Inc., Frederick, Md., of a portion of certificate in No. MC 52475, issued September 11, 1952, to Potomac Motor Lines, Inc., Hagerstown, Md., authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, over regular routes, between Charles Town, W. Va., and Frederick, Md., with service authorized to and from all intermediate points and the off-route point of Brunswick, Md. L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-11383; Filed, Oct. 28, 1963; 8:47 a.m.]

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VOLUME 28 NUMBER 212

Washington, Wednesday, October 30, 1963

THE UNIVERSITY OF MICHIGAN
NOV 5 1963
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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Subpart B—Standards

INTERPRETATION WITH RESPECT TO THE TERM "PURPLE MOTTLED OR STAINED"

Statement of considerations. The official grain standards of the United States for soybeans (7 CFR §§ 26.601–26.603) provide that "Soybeans which are purple mottled or stained shall be graded not higher than No. 3." The term "purple mottled or stained" has been interpreted to include soybeans which are discolored by a fungus.

During recent months soybeans which were apparently discolored by legume inoculants and other unknown substances appeared in commercial lots in various midwestern grain markets. The soybeans had a distinctly undesirable appearance. It was believed that the discoloration would have a substantial adverse effect on the oil and related byproducts produced from the soybeans. For these reasons, grain inspectors licensed under the United States Grain Standards Act were instructed to grade such soybeans "Sample Grade, distinctly low quality, because of the presence of an unknown foreign substance."

It was later found that soybeans could become similarly discolored under certain harvest conditions and could not be distinguished by visual examination from soybeans treated with an inoculant. It was also found that the discolorations apparently did not have a substantial adverse effect on the oil and related byproducts produced from the soybeans. For these reasons, it appeared that because of the undesirable appearance, the discolored soybeans should be graded lower than No. 1 or No. 2, but should not be graded "Sample Grade, distinctly low quality."

On October 11, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10924) a proposed interpretation that the discolored soybeans be considered as purple mottled or stained soybeans and graded not higher than No. 3. Interested parties were given 10 days after publication to submit written data, views, and arguments. None of the comments received from the interested parties opposed the proposed interpretation. Accordingly, pursuant to section 8 of the United States Grain Standards Act, as amended (7 U.S.C. 84), the following interpretation of the official grain standards of the United States for soybeans is hereby issued to appear in 7 CFR 26.902:

§ 26.902 Interpretation with respect to the term "purple mottled or stained."

The term "purple mottled or stained" when used in the official grain standards of the United States for soybeans (see § 26.603(a)) shall be construed to include soybeans which are discolored by the growth of a fungus; or by dirt; or by a dirtlike substance including nontoxic inoculants; or by other nontoxic substances.

Effective date. The foregoing interpretation shall be applied in the inspection and grading of soybeans, under the United States Grain Standards Act, upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of October, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-11429; Filed, Oct. 29, 1963; 8:46 a.m.]

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

[Amdt. 1]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Payments to States

Paragraph (a) and (b) of § 210.5 of the regulations for the operation of the National School Lunch Program (28 F.R. 1247) are hereby amended as follows:

§ 210.5 Payments to States.

(a) The general cash-for-food assistance funds apportioned to any State Agency for the fiscal year ending June 30, 1964, shall be made available in not less than nine monthly payments, except that for American Samoa, Guam, Puerto Rico, and the Virgin Islands such funds shall be made available in not less than seven monthly payments. For any fiscal year thereafter the general cash-for-food assistance funds shall be made available in not less than ten monthly payments, except that for American Samoa, Guam, Puerto Rico, and the Virgin Islands such funds shall be made available in not less than eight monthly payments. The amount of each payment shall be in accordance with the monthly pattern of participation in each State, as measured by the number of lunches served, based upon the most recent year for which final participation data are available. The first payment shall be scheduled to arrive in each State on or about August 25 and shall include payments for July and August. Payments for succeeding months shall be scheduled to arrive in the State on or about the 25th day of the month in which obligations are incurred by the States: *Provided, however,* That the payment for May shall cover operations for May and June, except that for American Samoa, Guam, Puerto Rico, and the Virgin Islands the payment for March shall cover operations for March, April, May and June: *And provided further,* That AMS may vary the foregoing schedule during fiscal year 1964 for those States having State-appropriated funds for reimbursement to schools for Program purposes in the event such States' legislative bodies have not had sufficient time to adjust appropriation acts to the above schedule. In the event it is necessary to vary the payment schedule for any such States, payments will be made in accordance with the provisions of § 210.5(a) of the regulations which were effective July 1, 1962. AMS may make such additional payments as are necessary.

(b) If general cash-for-food assistance funds are not made available to AMS by August 25, the first payment shall be made as soon as practicable after such funds are made available.

Effective date: July 1, 1963.

Approved: October 24, 1963.

[SEAL] GEORGE L. MEHREN,
Assistance Secretary.

[F.R. Doc. 63-11428; Filed, Oct. 29, 1963; 8:46 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 97]

PART 1097—MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

Order Amending Order

§ 1097.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to

the order regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, as follows:

(a) By each handler pursuant to § 1097.10(a) with respect to all:

(1) Receipts of milk from producers (including such handler's own production) and from cooperative associations which are handlers pursuant to § 1097.10 (c); and

(2) Other source milk received at a fluid milk plant classified as Class I milk; and

(b) By a cooperative association with respect to all:

(1) Milk for which such cooperative association is a handler pursuant to § 1097.10(b); and

(2) Milk for which such cooperative association is accountable pursuant to § 1097.10(c) in excess of that specified in paragraph (a) of this section.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued September 11, 1963, and the decision of the Acting Secretary containing all amendment provisions of this order was issued October 17, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1963, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Section 1097.6 is revised to read as follows:

§ 1097.6 Memphis, Tennessee, marketing area.

"Memphis, Tennessee, marketing area" means all the territory, including incorporated municipalities and military reservations, within the Tennessee counties of Fayette, Hardeman (except Civil Districts 5 and 6), Haywood, Lauderdale, Madison (except Civil Districts 4 and 9), Shelby and Tipton; the Mississippi counties of DeSoto, Tate, Panola (except the village of Crowder), Tunica, Lafayette and Marshall (exclusive of Beat 5); and the townships of Mississippi and Proctor in Crittenden County, Arkansas.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 1, 1963.

Signed at Washington, D.C., on October 24, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63–11430; Filed, Oct. 29, 1963; 8:46 a.m.]

[Milk Order No. 130]

PART 1130—MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Order Amending Order

§ 1130.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Secretary was issued September 20, 1963, and the decision of the Acting Secretary containing all amendment provisions of this order was issued October 11, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1963, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Section 1130.12 is revised to read as follows:

§ 1130.12 Supply plant.

"Supply plant" means a plant, other than a distributing plant or a market equalization plant, from which fluid milk products meeting the Grade A inspection requirement of a duly constituted health authority are moved to and received at a distributing plant or a market equalization plant during the month.

2. In § 1130.13, paragraph (b) is revised to read as follows:

§ 1130.13 Fluid milk plant.

* * * * *

(b) A supply plant from which milk, skim milk, or cream approved by a duly constituted health authority for disposition under a Grade A label, is transferred to and received at a plant(s) qualified pursuant to paragraph (a) of this section or a market equalization plant, in any amount during any month of February through July, or in an amount in excess of an average of 5,000 pounds per day, computed on a milk equivalent basis of 3.5 percent butterfat content, during any month of August through January.

3. Section 1130.14 is revised to read as follows:

§ 1130.14 Market equalization plant.

"Market equalization plant" means a plant, other than a distributing plant, operated by a cooperative association performing marketing services pursuant to § 1130.84(b) which plant is approved by a duly constituted health authority for the receipt and disposition of Grade A milk and at which all fluid milk products received are as diversions pursuant to § 1130.16 or as transfers from fluid milk plants except that during any month of August through January such plant may also receive other source fluid milk products from any nonfluid milk plant in an amount not in excess of an average of 5,000 pounds per day, computed on a milk equivalent basis of 3.5 percent butterfat content.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 1, 1963.

Signed at Washington, D.C., on October 22, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63–11462; Filed, Oct. 29, 1963; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Section 212.1 is amended in the following respects:

1. Paragraphs (b) and (c) when taken with the introductory material are to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

A valid unexpired visa and an unexpired passport, valid for the period set forth in section 212(a)(26) of the Act, shall be presented by each arriving nonimmigrant alien except that the passport validity period for an applicant for admission who is a member of a class described in section 102 of the Act is not required to extend beyond the date of his application for admission if so admitted, and except as otherwise provided in the Act, this chapter, and for the following classes:

* * * * *

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or of a national of an independent country of the Western Hemisphere not named in section 101(a)(27)(C) of the Act, who has his residence in British, French, or Netherlands territory, or in an independent country not named in section 101(a)(27)(C) of the Act, located in the adjacent islands of the Caribbean area, for admission or stay in Puerto Rico, the Virgin Islands of the United States, or as an agricultural worker in the United States.

(c) *Mexican nationals.* A visa and a passport are not required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or of a member of the family of any such official or employee; or is in possession of a border crossing card on Form I–186 and is applying for admission in accordance with the terms thereon and the provisions of § 212.6; or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the United States side of the border. A visa is not required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States, or is an alien embraced within the provisions of § 214.2(k) of this chapter.

2. Paragraph (d) *Cuban nationals* is revoked.

3. Paragraph (g) *Natives and residents of the Trust Territory of the Pacific Islands* is redesignated as paragraph (d).

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments to § 212.1 (b) and (c) relieve restrictions and are clearly advantageous to persons affected thereby and the revocation of § 212.1(d) deletes an inoperable provision of the regulations.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: October 23, 1963.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 63–11442; Filed, Oct. 29, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SW–30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways, Designation and Revocation of Reporting Points

On August 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7954) stating that the Federal Aviation Agency (FAA) proposed to alter VOR Federal airways V–66, V–198, V–222, V–1542, V–1610 and V–1628. Additionally, the FAA proposed to revoke the Culberson, Texas, VOR reporting point and designate the Pecos, Texas, VOR reporting point in the low altitude and intermediate altitude airway structures.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments but no comments were received.

The substance of the proposed amendments having been published, and for

the reasons stated in the notice, the following actions are taken:

1. In the text of V–66 in § 71.123 (27 F.R. 220–6, November 10, 1962, 28 F.R. 9200) "INT of El Paso 132° and Hudspeth, Tex., 272° radials; Hudspeth; Culberson, Tex.; INT of Culberson 090° and Midland, Tex., 243° radials;" is deleted and "8-mile wide airway INT of El Paso 112° and Hudspeth, Tex., 281° radials; Hudspeth; thence Pecos, Tex.;" is substituted therefor.

2. In the text of V–198 in § 71.123 (27 F.R. 220–6, November 10, 1962) "INT of El Paso 132° and Hudspeth, Tex., 272° radials; Hudspeth; INT of Hudspeth 117° and Fort Stockton, Tex., 274° radials; Fort Stockton;" is deleted and "8-mile wide airway INT of El Paso 112° and Hudspeth, Tex., 281° radials; Hudspeth; thence INT of Hudspeth 109° and Fort Stockton, Tex., 284° radials; Fort Stockton (11-mile wide airway from 45 nmi to 50 nmi SE of Hudspeth; thence 12-mile wide airway to 55 nmi SE of Hudspeth; thence 13-mile wide airway to 60 nmi SE of Hudspeth; thence 14-mile wide airway to 65 nmi SE of Hudspeth; thence 15-mile wide airway to the INT of Hudspeth 109° and Fort Stockton 284° radials; thence 14-mile wide airway to 60 nmi NW of Fort Stockton; thence 13-mile airway to 55 nmi NW of Fort Stockton; thence 12-mile wide airway to 50 nmi NW of Fort Stockton; thence 11-mile wide airway to 45 nmi NW of Fort Stockton);" is substituted therefor.

3. In the text of V–222 in § 71.123 (27 F.R. 220–6, November 10, 1962, 27 F.R. 11940, 27 F.R. 12439, 28 F.R. 907) "Culberson, Tex.; Fort Stockton, Tex.;" is deleted and "Fort Stockton, Tex. (11-mile wide airway from 45 nmi to 50 nmi SE of Salt Flat; thence 12-mile wide airway to 55 nmi SE of Salt Flat; thence 13-mile wide airway to 55 nmi NW of Fort Stockton; thence 12-mile wide airway to 50 nmi NW of Fort Stockton; thence 11-mile wide airway to 45 nmi NW of Fort Stockton);" is substituted therefor.

4. In the text of V–1542 in § 71.143 (27 F.R. 220–38, November 10, 1962, 27 F.R. 11940) "Culberson, Tex.;" is deleted and "to INT Salt Flat 113°, Carlsbad, N. Mex., 204° radials;" is substituted therefor.

5. In the text of V–1610 in § 71.143 (27 F.R. 220–38, November 10, 1962, 28 F.R. 1034) "8 miles wide INT El Paso 132°, Hudspeth, Tex., 272° radials; Hudspeth; thence INT Hudspeth 117°, Fort Stockton, Tex., 274° radials;" is deleted and "8 miles wide INT El Paso 112°, Hudspeth, Tex., 281° radials; Hudspeth; thence INT Hudspeth 109°, Fort Stockton, Tex., 284° radials;" is substituted therefor.

6. In the text of V–1628 in § 71.143 (27 F.R. 220–38, November 10, 1962) "INT El Paso 132°, Hudspeth, Tex., 272° radials; Hudspeth; Culberson, Tex.; thence INT Culberson 090°, Midland, Tex., 243° radials; INT Midland 243°, Wink, Tex., 107° radials; 10 miles wide Midland; INT Midland 080°, Big Spring, Tex., 139° radials;" is deleted and "INT El Paso 112°, Hudspeth, Tex., 281° radials; Hudspeth; INT Hudspeth 093°, Carlsbad, N. Mex., 204° radials; thence Pecos, Tex.; Midland, Tex.; 10 miles wide INT Midland 080°, Big Spring, Tex., 139° radials;" is substituted therefor.

7. In § 71.203 (27 F.R. 220–157, November 10, 1962) "Culberson, Tex.; V–222 SE bound, V–66." is deleted and "Pecos, Tex." is added.

8. In § 71.205 (27 F.R. 220–165, November 10, 1962) "Culberson, Tex." is deleted and "Pecos, Tex." is added.

These amendments shall become effective 0001, e.s.t., February 6, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 23, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11412; Filed, Oct. 29, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1934; Amdt. 636]

PART 507—AIRWORTHINESS DIRECTIVES

Marvel-Schebler MA4–5 Carburetors

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring the incorporation of a one-piece combination primary-main venturi on Marvel-Schebler MA4–5 carburetors was published in 28 F.R. 9827.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

MARVEL-SCHEBLER. Applies to all MA4–5 carburetors not having the one-piece combination primary and main venturi and used on the following: Continental O–470 Series engines installed in Cessna 180 and 182 Series aircraft; Continental GO–300 Series engines installed in Cessna 175 and 172 Series aircraft; Lycoming O–540 Series engines installed in Aero Commander 500 Series aircraft, Piper PA–23–250 Series aircraft and Piper PA–24 Series aircraft; Lycoming O–360 Series engines installed in Piper PA–24 Series aircraft, Beech 95 Series aircraft, and Mooney Mark 20 or 21 Series aircraft; and Franklin 6A4–165 Series engines installed in Stinson 108 Series aircraft.

Compliance required at next carburetor removal or overhaul of either the carburetor or engine, whichever occurs first after the effective date of this AD, on all carburetors not having the one-piece combination primary and main venturi installed. Carburetors having the one-piece combination primary and main venturi installed are identified by the letter "V" stamped on the nameplate.

The primary venturi may become loose resulting in wear of the primary venturi support legs on the ends contacting the carburetor body and at the retaining clip area. As a result, the retaining clips may become dislodged or dislocated and wear may progress to the point the venturi becomes dislodged or dislocated. This can cause erratic engine operation or complete engine stoppage. To preclude this, accomplish the following:

Replace the existing primary and main venturi with a one-piece combination primary and main venturi of the correct part number for the carburetor involved. When accomplished, stamp the letter "V" on the carburetor nameplate below the serial number.

(Marvel-Schebler Service Bulletin No. A4–63, Lycoming Service Bulletin No. 297, and Continental Motors Service Bulletin No. M63–18 cover this same subject.)

This amendment shall become effective December 2, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 23, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63–11411; Filed, Oct. 29, 1963; 8:45 a.m.]

[Reg. Docket No. 1932; Amdt. 635]

PART 507—AIRWORTHINESS DIRECTIVES

Piaggio Model P.166 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the main landing gear shock absorbers on Piaggio Model P.166 aircraft was published in 28 F.R. 9827.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIAGGIO. Applies to all Model P.166 aircraft.

Compliance required within 50 hours' time in service after the effective date of this AD.

As a result of failures of the main landing gear shock absorber the following modifications must be accomplished in the manner specified in Piaggio Service Bulletin 166–25A.

(a) Install Teflon sealing gasket P/N 4/22015.52 on inner ring nut of shock absorber casing.

(b) Replace light alloy piston bottom with steel P/N 4/22015.55.

(c) Replace the present ring nut with P/N 4/22015.56.

(d) Shock absorbers modified as specified herein shall have a letter "D" placed on the nameplate.

(e) Shock absorbers modified as specified herein shall be overhauled every 1,200 hours' time in service or every 2 years, whichever occurs first.

This amendment shall become effective December 2, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington D.C., on October 23, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63–11411; Filed, Oct. 29, 1963; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56031]

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

Shortage of Imported Merchandise

Customs Form 4381, Permit to Release Perishable Merchandise Upon Written Acknowledgment of Full Delivery Thereof, has been abolished. The following amendment is made to delete a reference to the above-mentioned form and to substitute a general reference to forms currently in use.

Section 15.10(b)(2) is amended to read as follows:

(2) Should an application filed in accordance with subparagraph (1) of this paragraph be withdrawn, the merchandise involved shall thereafter be released upon presentation of an appropriate permit.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: October 22, 1963.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63–11466; Filed, Oct. 29, 1963; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Regulation 108.499]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to extend the waiver of visa requirements provided by § 41.6(b) to nationals of certain adjacent islands which are independent countries, who reside in the adjacent islands of the Caribbean area, and who are proceeding to Puerto Rico or the Virgin Islands of the United States, or who are proceeding to the United States as agricultural workers.

1. Paragraph (b) of § 41.6 is amended to read as follows:

§ 41.6 **Nonimmigrants not required to present passports, visas, or border-crossing identification cards.**

* * * * *

(b) *British, French and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa shall not be required of a British, French or Netherlands national, or of a national of an independent country of the Western Hemisphere not named in section 101(a)(27)(C) of the Act, who has his residence in British, French or Netherlands territory, or in an independent country not named in section 101(a)(27)(C), located in the adjacent islands of the Caribbean area, and who is proceeding to Puerto Rico or the Virgin Islands of the United States, or who is proceeding to the United States as an agricultural worker.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: October 14, 1963.

CHARLES H. MACE,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: October 23, 1963.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F.R. Doc. 63–11425; Filed, Oct. 29, 1963; 8:45 a.m.]

[Departmental Regulation 108.500]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended (1) to provide a waiver of visa and passport requirements for Mexican nationals entering solely for the purpose of applying for a Mexican passport or other official Mexican documents at a Mexican consular office on the United States side of the border and (2) to delete a presently inoperative waiver of visa requirements for Cuban nationals employed as crewmen on aircraft belonging to Cuban companies formerly authorized to engage in commercial transportation with the United States.

1. Section 41.6(c) is amended to read as follows:

§ 41.6 **Nonimmigrants not required to present passports, visas, or border-crossing identification cards.**

* * * * *

(c) *Mexican nationals.* A visa and a passport shall not be required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or of a member of the family of any such official or employee; or is in possession of a border-crossing card on Form I–186 and is applying for admission in accordance with the terms thereon and the provisions of 8 CFR 212.6; or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the United States side of the border. A visa shall not be required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States; or is proceeding to the United States as an agricultural worker pursuant to Title V of the Agricultural Act of 1949, as amended.

2. Section 41.6 is also amended by deleting paragraph (d) *Cuban nationals* and by redesignating present paragraph (g) as paragraph (d).

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: October 14, 1963.

CHARLES H. MACE,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: October 23, 1963.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F.R. Doc. 63–11426; Filed, Oct. 29, 1963; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 43—RECOVERY OF COST OF HOSPITAL AND MEDICAL TREATMENT FURNISHED BY THE UNITED STATES

CROSS REFERENCE: For establishment and determination of certain rates for use in connection with recovery from tortiously liable third persons, see F.R. Doc. 63–11387, Bureau of the Budget, 28 F.R. 11517, October 29, 1963.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Minimum Wages in Puerto Rico

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR Chapter V as set forth below to reflect

Carlsbad, N. Mex., 204° radials; thence

lodged or dislocated. This can cause erratic

[F.R. Doc. 63-11411; Filed, Oct. 29, 1963; 8:45 a.m.]

Netherlands national, or of a national of an independent country of the West-

provisions of 8 CFR 212.6; or is entering solely for the purpose of applying for a

Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR Chapter V as set forth below to reflect

the increases in minimum wage rates in Puerto Rico which become effective between November 3, 1963 and March 13, 1964, under Proviso (1) of paragraph 6(c) of the Act.

As these amendments involve no element of discretion, notice and public procedure thereon are found to be unnecessary.

PART 619—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

1. Effective November 3, 1963, 29 CFR 619.2(a)(1) is amended to read as follows:

§ 619.2 Wage rates.

* * * * *

(a)(1) *General classification.* $1.25 an hour.

PART 688—ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY IN PUERTO RICO

2. Effective November 3, 1963, 29 CFR 688.2 is amended to read as follows:

§ 688.2 Wage rates.

The artificial flower, decoration, and party favor industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed in this section shall be paid under subsection 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the artificial flower, decoration, and party favor industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *General classification.* (1) The minimum wage for this classification is 87.5 cents an hour.

(2) This classification applies to all activities of employees in the artificial flower, decoration, and party favor industry in Puerto Rico to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(b) *New coverage classification.* (1) The minimum wage for this classification is 85 cents an hour.

(2) This classification applies to all activities of employees in the artificial flower, decoration, and party favor industry in Puerto Rico to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

PART 661—BANKING, INSURANCE, AND FINANCE INDUSTRY IN PUERTO RICO

3. Effective November 3, 1963, 29 CFR 661.2(a) is amended to read as follows:

§ 661.2 Wage rates.

(a) Wages at a rate of not less than $1.25 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the banking, insurance, and finance industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities included in the definition of the banking, insurance, and finance industry in Puerto Rico, when performed by employees who would have been subject to section 6 of the Act prior to the 1961 Amendments.

PART 616—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO

4. Effective November 3, 1963, 29 CFR 616.2 is amended to read as follows:

§ 616.2 Wage rates.

The button, jewelry, and lapidary work industry in Puerto Rico is divided into nine classifications. Wages at rates not less than those prescribed in this section shall be paid under subsection 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the button, jewelry, and lapidary work industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities of employees in the button, jewelry, and lapidary work industry in Puerto Rico to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Rosary and native jewelry classification.* (i) The minimum wage for this classification is 58.5 cents an hour.

(ii) This classification is defined as the assembling of rosaries and the manufacture of novelty jewelry from materials wholly or in major part of local origin such as seeds, shells, natural fibers, and similar materials.

(2) *Hair ornaments classification.* (i) The minimum wage for this classification is 95 cents an hour.

(ii) This classification is defined as the manufacture of hair ornaments such as combs, clips, or barrettes decorated or ornamented with precious metals or with natural or imitation stones or pearls.

(3) *Hair accessories classification.* (i) The minimum wage for this classification is 90 cents an hour.

(ii) This classification is defined as the manufacture from any material of bobby pins, hair clips, hair curlers, hair wavers, and other hair accessories, and the manufacture of hair ornaments other than those decorated or ornamented with precious metals or with natural or imitation stones or pearls.

(4) *Button and buckle classification.* (i) The minimum wage for this classification is 78.5 cents an hour.

(ii) This classification is defined as the manufacture from any material of buttons and buckles.

(5) *Gem stone, industrial jewel and precious jewelry classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the sawing, cutting, grinding, polishing, and other processing of gem diamonds, other precious and semiprecious stones, synthetic stones used for decorative purposes, and natural or synthetic jewels for industrial use, including but without limitation, jewel bearings, industrial diamonds, and the processing of precious and synthetic stones as components of phonograph needles and the attachment of such jewels to metal photograph needle components, but not including the production of such metal components; and the manufacture of jewelry and other personal ornaments from precious metals with or without precious stones.

(6) *Metal expansion watch band classification.* (i) The minimum wage for this classification is $1.085 an hour.

(ii) This classification is defined as the fabrication or partial fabrication of metal expansion bands or expansion bracelets for watches or other uses.

(7) *Plastic costume jewelry classification.* (i) The minimum wage for this classification is 78.5 cents an hour.

(ii) This classification is defined as the manufacture or assembly of all types of costume jewelry and jewelry findings made wholly or in major part from plastic materials, and including the pearlizing of buttons, beads, and costume jewelry and the stringing of pearlized beads.

(8) *General classification.* (i) The minimum wage for this classification is 83.5 cents an hour.

(ii) This classification is defined as the manufacture of all products not specifically included in any other classification of this industry.

(b) *New coverage classification.* (1) The minimum wage for this classification is 77 cents an hour.

(2) This classification is defined as all activities of employees in the industry to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

PART 670—CHEMICAL, PETROLEUM, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

5. Section 670.2 is revised to read as follows. The provisions of paragraph (e) shall become effective November 3, 1963. The other provisions shall become effective December 5, 1963.

§ 670.2 Wage rates.

The chemical, petroleum, and related products industry in Puerto Rico is divided into seven classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce. Such classifications and minimum rates shall be:

(a)(1) *Drugs, medicines, bay oil, aromatic alcohol, and toilet preparations classification.* 96 cents an hour.

(2) This classification is defined as the manufacture of drugs, medicines, bay oil, aromatic alcohol, perfumes, cosmetics, and other toilet preparations.

(b)(1) *Miscellaneous chemical and petroleum products classification.* $1.185 an hour.

(2) This classification is defined as the mining, other extraction, or manufacture of all chemical and allied products except those included in other classifications of this industry; and the manufacture of all petroleum and coal products.

(c)(1) *Bay oil and aromatic alcohol new coverage classification.* 95 cents an hour.

(2) This classification is defined as the manufacture of bay oil and aromatic alcohol by employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961.

(d)(1) *General new coverage classification.* $1.00 an hour.

(2) This classification is defined as all activities of employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961, except those included in the bay oil and aromatic alcohol new coverage classification.

(e)(1) *Agricultural chemicals, fertilizer mixing, hormones, antibiotics, and adrenalin, petroleum refining, and pipeline coating tapes classification.* $1.25 an hour.

(2) This classification is defined as consisting of the following: The manufacture of fertilizer materials of nitrogen, phosphoric acid, and potash, including the manufacture of sulphuric acid primarily as an integrated part of the production of agricultural chemicals; the manufacture or mixing of commercial fertilizers; the manufacture of hormones, antibiotics, and adrenalin; the refining from petroleum of gasoline, fuel, and lubricating oils, and the making of related petroleum refinery products (but excluding products in paragraphs (a), (b), (c), and (d) of this section); and pipeline coating tapes made of asphalt, coal tar, and wax.

(f)(1) *Oil well drilling classification.* $1.25 an hour.

(2) This classification is defined as consisting of all activities connected with the exploration, drilling, and extraction of crude petroleum and natural gases.

(g)(1) *Industrial inorganic chemicals:* $1.15 an hour.

(2) This classification is defined as consisting of the manufacture of industrial inorganic chemicals, including hydrochloric acid and sulphate of potash, and other industrial chemicals, and the production of sulphuric acid when it is not produced as an integral part of the production of agricultural chemicals.

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

6. Effective November 3, 1963, 29 CFR 610.2(b)(1) is amended to read as follows:

§ 610.2 Wage rates.

* * * * *

(b)(1) *Other operations classification.* 95 cents an hour.

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

7. Effective November 3, 1963, 29 CFR 671.2 is amended to read as follows:

§ 671.2 Wage rates.

The communications, utilities, and transportation industry in Puerto Rico is divided into three classifications. Wages at rates not less than those prescribed in this section shall be paid under subsection 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the communications, utilities, and transportation industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Other workers in motor carrier transport and express classification.* (1) The minimum wage for this classification is $1.125 an hour.

(2) This classification is defined as the work or operations performed by all workers other than drivers, mechanics, and clerical workers (defined as consisting of the work or operations performed by drivers or operators of all motor vehicles, including fork-lift trucks; mechanics, body repairmen, solderers, and tinsmiths; and dispatchers and clerical workers) engaged in the transportation of property for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(b) *General classification.* (1) The minimum wage for this classification is $1.25 an hour.

(2) This classification is defined as all activities included in the communications, utilities, and transportation industry in Puerto Rico, except activities included in the other classifications of this industry.

(c) *New coverage classification.* (1) The minimum wage for this classification is $1.00 an hour.

(2) This classification is defined as all activities and operations of employees covered by section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961 in this industry.

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

8. Effective November 3, 1963, 29 CFR 672.2 is amended to read as follows:

§ 672.2 Wage rates.

The construction, business service, motion picture and miscellaneous industry in Puerto Rico is divided into separate classifications. Wages at rates not less that those prescribed below shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce. Such classifications and minimum rates shall be:

(a)(1) *Janitorial service classification.* $1.185 an hour.

(2) This classification is defined as the activity carried on by any business providing office cleaning, floor waxing, and other janitorial services for industrial or commercial establishments or for the consumer.

(b)(1) *General classification.* $1.25 an hour.

(2) This classification is defined as all activities in the industry except those covered by paragraph (a) of this section or by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(c)(1) *General new-coverage classification.* $1.00 an hour.

(2) This classification is defined as all activities in the industry covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

PART 614—CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

9. Effective November 3, 1963, 29 CFR 614.2(a)(1) is amended to read as follows:

§ 614.2 Wage rates.

* * * * *

(a)(1) *General classification.* $1.075 an hour.

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

10. Effective November 3, 1963, 29 CFR 606.2 (a)(1), and (b)(1) are amended, and effective March 13, 1964, 29 CFR 606.2 (c)(1), (d)(1), and (e)(1) are amended to read as follows:

§ 606.2 Wage rates.

* * * * *

(a)(1) *Classification A.* $1.25 an hour.

* * * * *

6(c) of the Fair Labor Standards Act of cation is 78.5 cents an hour. engaged in commerce or in the produc-

(b) (1) *Classification B.* $1.25 an hour.

(c) (1) *Classification C.* $1.25 an hour.

(d) (1) *Classification D.* $1.125 an hour.

(e) (1) *Classification E.* $1.85 an hour.

PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

11. Effective November 3, 1963, 29 CFR 690.2(a) (1) is amended, and effective March 12, 1964, 29 CFR 690.2 (b) (1), (c) (1), and (d) (1) are amended to read as follows:

§ 690.2 Wage rates.

(a) (1) *Dinnerware, sprayer, and vaporizer classification.* $1.25 an hour.

(b) (1) *Phonograph record classification.* $1.20 an hour.

(c) (1) *Wall tile classification.* $1.00 an hour.

(d) (1) *General classification.* 92.5 cents an hour.

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

12. Effective November 3, 1963, 29 CFR 673.2 (a) (1), (b) (1), (d) (1), and (e) (1) are amended to read as follows:

§ 673.2 Wage rates.

(a) (1) *Yeast and canned tuna fish classification.* $1.25 an hour.

(b) (1) *Biscuit and cracker classification.* $1.185 an hour.

(d) (1) *Citron brining and fruit, vegetable, nut, and green coffee packing classification.* 81 cents an hour.

(e) (1) *General classification.* $1.06 an hour.

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

13. Effective November 3, 1963, 29 CFR 675.2 (a) (1), (b) (1), (c) (1), and (d) (1) are amended to read as follows:

§ 675.2 Wage rates.

(a) (1) *Carpet grippers classification.* $1.25 an hour.

(b) (1) *Furniture and miscellaneous wood products classification.* 87.5 cents an hour.

(c) (1) *Lumber, millwork, and balsa wood toys classification.* $1.00 an hour.

(d) (1) *Swimming pool equipment classification.* $1.125 an hour.

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

14. Effective November 3, 1963, 29 CFR 615.2 (a) (1) and (b) (1) are amended to read as follows:

§ 615.2 Wage rates.

(a) (1) *Work clothing and separate trousers classification.* $1.00 an hour.

(b) (1) *General classification.* 93.5 cents an hour.

PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

15. Effective November 3, 1963, 29 CFR 604.2 (a) (1) and (b) (1) are amended, and effective March 13, 1964, 29 CFR 604.2 (c) (1), (d) (1), and (e) (1) are amended to read as follows:

§ 604.2 Wage rates.

(a) (1) *Fabricated wire products classification.* $1.25 an hour.

(b) (1) *General classification.* $1.25 an hour.

(c) (1) *Wire drawing classification.* $1.25 an hour.

(d) (1) *Metal spring classification.* $1.22 an hour.

(e) (1) *Slide fastener classification.* $1.185 an hour.

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

16. Effective November 3, 1963, 29 CFR 612.2 (a) (1) and (d) (1) are amended to read as follows:

§ 612.2 Wage rates.

(a) (1) *Slacks and related products classification.* $1.025 an hour.

(d) (1) *Other operations on crocheted hats classification.* $1.025 an hour.

PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO

17. Effective November 3, 1963, 29 CFR 677.2 (a) (1), (b) (1), and (c) (1) are amended to read as follows:

§ 677.2 Wage rates.

(a) (1) *Pulp, paper, and paperboard, paper bag, daily newspaper and news syndicate, photoengraving, filing cards and indexes, fototype letters, paper for sanitary use, and commercial printing by the silk screen process classification.* $1.25 an hour.

(b) (1) *Paper box and paper box partition classification.* $1.25 an hour.

(c) (1) *General classification.* $1.125 an hour.

PART 601—THE SHOE AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

18. Effective November 26, 1963, 29 CFR 601.2 is amended to read as follows:

§ 601.2 Wage rates.

Wages at a rate of not less than 82.5 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shoe and related products industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce.

PART 678—STONE, CLAY, GLASS, CEMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

19. Effective November 3, 1963, 29 CFR 678.2 (a) (1), (c) (1), and (g) (1) are amended, and effective December 15, 1963, 29 CFR 678.2 (b) (1) and (d) (1) are amended to read as follows:

§ 678.2 Wage rates.

(a) (1) *Abrasive products, cement, dry cement mixes, glass and glass products, hot asphaltic plant mix, read-mix concrete, concrete block and tile, concrete pipe, precast concrete construction components, structural clay products, and ceramic floor and wall tile classification.* $1.25 an hour.

(b) (1) *Asbestos cement products, high purity silicon, and crushed stone, sand, and gravel classification.* $1.25 an hour.

(c) (1) *Artificial teeth classification.* $1.25 an hour.

(d) (1) *Vitreous and semi-vitreous china food utensils classification.* 97.5 cents an hour.

(g) (1) *General classification.* $1.125 an hour.

PART 613—STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

20. Effective November 3, 1963, 29 CFR 613.2 is amended to read as follows:

§ 613.2 Wage rates.

The straw, hair, and related products industry in Puerto Rico is divided into four classifications. Wages at rates not less than those prescribed in this section shall be paid under subsection 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the straw, hair, and related products industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities of employees in the straw, hair, and related products industry in Puerto Rico to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Hair piece and doll wig classification.* (i) The minimum wage for this classification is 87.5 cents an hour.

(ii) This classification is defined as the manufacture of hair pieces and doll wigs.

(2) *Artists' brush and native handicraft products classification.* (i) The minimum wage for this classification is 65 cents an hour.

(ii) This classification is defined as the manufacture of artists' brushes, hair pencils, and other miscellaneous brushes (excluding housepainting brushes, toothbrushes, shaving brushes, and other toilet, clothes, or household brushes); and the manufacture of handmade or handwoven products (including, but without limitation, handbags, mats, coasters, lamp and window shades, blinds, fans, and brooms) made wholly or chiefly of materials originating in Puerto Rico, including straw, raffia, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials.

(3) *Hair and bristles processing and other straw, hair, and related products classification.* (i) The minimum wage for this classification is 71 cents an hour.

(ii) This classification is defined as the processing of hair and bristles and the manufacture of all products included in the straw, hair, and related products industry in Puerto Rico not included in the hair piece and doll wig classification, the artists' brush and native handicraft products classification or the new coverage classification.

(b) *New coverage classification.* (1) The minimum wage for this classification is 70 cents an hour.

(2) This classification is defined as all activities of employees covered by section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961 in this industry.

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

21. Effective November 3, 1963, 29 CFR 699.2 is amended to read as follows:

§ 699.2 Wage rates.

The textile and textile products industry in Puerto Rico is divided into ten classifications. Wages at rates not less than those prescribed in this section shall be paid under subsection 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the textile and textile products industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities of employees in the textile and textile products industry in Puerto Rico to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Mattress and pillow classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of mattresses and pillows.

(2) *Bag cleaning and repairing classification.* (i) The minimum wage for this classification is 75 cents an hour.

(ii) This classification is defined as the cleaning, mending, and repairing of bags made from burlap, cotton, and other textile materials.

(3) *Multiple-needle power-driven machine operations on hooked rugs classification.* (i) The minimum wage for this classification is 95 cents an hour.

(ii) This classification is defined as the punching or tufting in the manufacture of hooked or punched rugs and carpeting with multiple-needle machines containing five or more needles, including the operation of the machine, the work of the assistant or helper thereon, and the work of the maintenance employees who set up or repair these machines.

(4) *Other operations on hooked rugs classification.* (i) The minimum wage for this classification is 72.5 cents an hour.

(ii) This classification is defined as all operations and processes in the manufacture of hooked or punched rugs and carpeting except those included in the multiple-needle power-driven machine operations on hooked rugs classification as defined in subparagraph (3) of this paragraph.

(5) *Yarn classification.* (i) The minimum wage for this classification is 85 cents an hour.

(ii) This classification is defined as the spinning, throwing, twisting, winding, or spooling of yarn of all fibers in establishments primarily engaged in producing yarn as an end product.

(6) *Broad woven fabrics classification.* (i) The minimum wage for this classification is 85 cents an hour.

(ii) This classification is defined as the weaving of fabrics of all fibers over 12 inches in width.

(7) *General classification.* (i) The minimum wage for this classification is 85 cents an hour.

(ii) This classification is defined as all services and the manufacture of all products included in the textile and textile products industry in Puerto Rico, except those products and activities included in any other classification of this industry.

(b) *New coverage classifications.* The classifications in this paragraph (b) apply to all activities of employees in the textile and textile products industry to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(1) *Mattresses and bedsprings craft masters and supervisors new coverage classification.* (i) The minimum wage for this classification is $1.00 an hour.

(ii) This classification is defined as the operations performed by craft masters and supervisors, as these terms are used in the trade, who are engaged in the manufacture of mattresses, bedsprings and boxsprings and who are covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in this industry.

(2) *Mattresses and bedsprings skilled workers new coverage classification.* (i) The minimum wage for this classification is $1.00 an hour.

(ii) This classification is defined as the operations performed by skilled workers, as this term is used in the trade, who are engaged in the manufacture of mattresses, bedsprings, and boxsprings and who are covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961.

(3) *General textile and textile products new coverage classification.* (i) The minimum wage for this classification is 85 cents an hour.

(ii) This classification is defined as all activities of employees covered by section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961 in the textile and textile products industry in Puerto Rico except those included in the mattresses and bedsprings craft masters and supervisors new coverage classification and the mattresses and bedsprings skilled workers new coverage classification.

PART 683—WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRY IN PUERTO RICO

22. Effective November 3, 1963, 29 CFR 683.2(a) (1) is amended to read as follows:

§ 683.2 Wage rates.

(a) *General classification.* (1) The minimum wage for this classification is $1.25 an hour.

(Sec. 6, 52 Stat. 1062 as amended; 29 U.S.C. 206)

Signed at Washington, D.C., this 23d day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63-11447; Filed, Oct. 29, 1963; 8:47 a.m.]

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Increased Piece Rates

On September 13, 1963, notice proposing amendments to Schedule C of 29 CFR 545.13 and 29 CFR 681.9 (b) and (c), concerning an increase in the piece rates for the button, jewelry, and lapidary work industry, the leather, leather goods, and related products industry, and the fabric and leather glove industry in Puerto Rico, was published in the FEDERAL REGISTER (28 F.R. 9948). Interested persons were invited to submit written statements of data, views, and argument regarding these amendments. None were submitted. Pursuant to paragraph 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby adopt the proposed amendments without change.

As these amendments are for the purpose of increasing the piece rates in Schedule C of 29 CFR 545.13 and 29 CFR 681.9 (b) and (c) to make them commensurate with increases in the minimum hourly wage rates now applicable under wage orders issued for the above named industries, good cause is found for making the amendments effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 22d day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

1. As amended 29 CFR 545.13, Schedule C reads as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

* * * * *

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves (1)	Leather gloves [2] Ladies' (2)	Leather gloves [2] Men's (3)	Unit of payment
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			69.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove.			92.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.365			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.631		Do.
192	Feather stitch, 5 to 6 stitches per inch	.437	.793		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.567	Do.
194	Regular stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.
196	Slip stitch, hem only, 5 to 6 stitches per inch	.185	.407	.407	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.407	.407	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.
198	Whip stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing", see definitions in applicable section of the wage order.
[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

2. As amended 29 CFR 681.9 (c) and (d) read as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator.

* * * * *

(b) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 42 cents a gross shall be paid to homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather, all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

(c) *Piece rates for the hand-lacing of leather wallets, leather wallet covers, and plastic wallets.* A minimum piece rate of 0.90 cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 2.22 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 2.77 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(52 Stat. 1062, as amended; 29 U.S.C. 206)

[F.R. Doc. 63–11424; Filed, Oct. 29, 1963; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Cape Cod National Seashore, Mass.; Special Regulations

On pages 5523 and 5524 of the FEDERAL REGISTER of June 5, 1963, there was published a notice and text of a proposed amendment to Part 7 of Title 36, Code of Federal Regulations. The purpose of the amendment is to add a new section to Part 7 establishing suitable regulations for the use and enjoyment of the Cape Cod National Seashore by the public.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

The following regulations will apply to federally-owned lands within the boundaries of the Cape Cod National Seashore.

A new section is added to Part 7, to read as follows:

§ 7.67 Cape Cod National Seashore.

(a) *Hunting.* (1) The killing, wounding, frightening, capturing or attempting to kill, wound, frighten, or capture of any wild bird or animal is prohibited in any portion of Federally owned lands within the Seashore, except during the open hunting season prescribed by the State for protected species of waterfowl and upland game.

(2) During the open season prescribed by the State, hunting of waterfowl and upland game is permitted on Federally owned lands within the Seashore in accordance with all applicable Federal, State and local laws for the protection of wildlife, except in developed and/or concentrated public use areas and areas of scientific or historic interest designated by the Superintendent which are marked on the ground and are designated on a map of the Seashore which is available for inspection in the office of the Superintendent.

(3) The carrying of loaded firearms or explosives is prohibited in developed and/or concentrated public use areas and areas of scientific or historic interest, as marked on the ground and designated on a map of the Seashore which is available for inspection in the office of the Superintendent. In all other areas firearms or explosives shall not be used in a manner so as to endanger persons or property.

(b) *Fishing.* (1) Fishing, including shellfishing by permit from the appropriate Town, on Federally owned lands and waters within the Seashore is permitted in accordance with all applicable Federal, State and local laws for the protection of fish and other aquatic life, except that fishing is prohibited within 500 feet of any established and designated bathing area during the periods in which such areas are in use for bathing as posted.

(c) *Swimming and water skiing.* (1) Swimming and bathing are permitted in accordance with water safety measures specified by the Superintendent within the Federally owned lands within the National Seashore, except in waters, and at times, designated by the Superintendent by the posting of signs, as waters in which such activities are prohibited in the interest of public health, morals and safety and preservation of the area.

(2) Swimming in waters under Federal jurisdiction from unanchored boats is prohibited. Every boat shall carry at least one U.S. Coast Guard approved life preserver or other U.S. Coast Guard approved life preserving device for each person on board, so placed as to be readily accessible at all times. All children under 12 years of age, when in small boats under way (boats under 18' in length), shall wear U.S. Coast Guard approved life jackets at all times. The use of rafts, rubber tubes and other flotation devices as swimming accessories in the water is prohibited.

(3) Water skiing is permitted in designated bay waters under the jurisdiction of the Seashore in accordance with applicable State and local laws. Water skiers when in tow shall wear a life belt or a life saving device approved by the U.S. Coast Guard. Motorboats towing skiers must carry an observer in addition to the operator of the boat.

(d) *Camping and fires.* (1) Camping is permitted in designated campgrounds only.

(2) Campfires or any other type of open fires are prohibited, except when authorized by special permit issued by the Superintendent or his representative. This paragraph shall not apply to stoves using gas or other manufactured fuels or to charcoal grills when these are used in designated picnic areas or on sandy or rocky beaches bordering on tidewater.

(3) No fires for any purpose are permitted within the designated limits of a protected bathing beach.

(e) *Commercial operations.* (1) A permit or contract issued by the National Park Service is required for the conduct of any commercial operation on Federal lands.

(2) The operation of commercial vehicles for the purpose of transporting people along the beach on Federally owned lands will be in accordance with permits issued by the Superintendent. Access over Federally owned lands to and from the beach and travel through the dunes will be over designated and marked routes only. Driving outside marked routes, or so-called "dune driving", is prohibited. In addition to the vehicle permit specified above, a guide permit issued by the Superintendent shall be required for each driver of a commercial passenger-carrying vehicle, carrying passengers for a fare within the Federal area of the Seashore. Such permit will be issued by the Superintendent upon a showing that the applicant possesses adequate knowledge of the Seashore's road system and points of interest, and has complied with all applicable State and Federal regulations. A fee, as set forth in § 6.3(j) of this chapter, will be charged for the commercial vehicle and guide permits.

(3) Failure to comply with the terms of any permit issued for the operation of commercial vehicles shall result in immediate cancellation of the permit and the Superintendent may deny the permittee a similar permit for a maximum period of one year from date of such cancellation.

(f) *Private motor vehicle operation.* Privately owned motor vehicles, including beach buggies not used for commercial purposes, may be operated in certain designated and marked portions of the Federally owned Seashore after issuance of a permit therefor, which may be obtained at the nearest Ranger Station. The portions of the Seashore open to this use will vary from seasbn to season and current open areas may be seen on a map available for inspection in the nearest Ranger Station. Access to and from the beach will be over designated and marked routes only. Driving off established routes, or so-called "dune-driving", is prohibited.

(g) *Vehicular travel on Federally owned beaches.* (1) Every vehicle driven within the Seashore must carry and display a current registration plate (license plate) of the State in which it has been registered.

(2) Sitting or standing on fenders, tailgates, roofs or any other position outside of vehicles while they are in motion is prohibited.

(3) Vehicles must be operated in established tracks and avoid making new tracks except when necessary.

(4) A vehicle may not be parked within 20 feet of the track normally traveled.

(5) When two vehicles approach from opposite directions in the same track, the operator of the vehicle with the water to his left is required to yield or turn out of the track.

(h) *Sanitation; litter.* (1) Garbage, papers, or refuse of any kind shall not be thrown or left on or along roads; in camping or picnic areas; or on any other Federally owned lands within the Seashore. No waste, garbage or litter is to be burned or buried on the beaches or in the dune area. No glass containers or tin cans will be permitted within the designated limits of a protected bathing beach. All garbage and litter must be taken to the nearest garbage or trash receptacle or taken away.

(2) The pollution of any stream, pond or other waters by the disposal of sewage, kitchen wastes, washing of vehicles or by any other means is prohibited.

(i) *Dogs, cats or other pets.* Dogs, cats and other pets must be kept on a leash not longer than 10 feet or under other restraint when in any camping areas, other developed areas, or areas of visitor concentration. Dogs, cats and other pets are not permitted in public eating places, picnic areas or swimming beaches at any time.

(j) *Aircraft.* (1) The Provincetown Landing Field is the only landing site designated for use of land-based aircraft in the Federally owned areas of the Seashore.

(2) Float-equipped aircraft may land on Federally controlled coastal water areas in accordance with Federal, State and local laws and regulations. The use of inland ponds and lakes for aircraft landing is prohibited in the Federally owned sections of the Seashore within Provincetown and Truro except in an emergency. The use of inland ponds and lakes for aircraft landing, in the remainder of the Federally owned areas of the Seashore will be in accordance with State and local regulations.

(k) *Horseback riding.* Equestrian travel is limited to established bridle paths and unsurfaced roads as posted and as designated on a map which is available for inspection in the office of the Superintendent. Cross-country and "dunes" riding is prohibited.

(l) *Motorboats.* (1) Motorboats or other motor-propelled crafts are prohibited from all ponds and lakes in that portion of the Seashore in Federal ownership.

(2) Motorboat use in the remainder of the Seashore will be in accordance with Federal, State and local regulations.

(m) *Indecent exposure.* (1) Obscene or indecent exposure by any male or female of his or her person or their persons on any Federally owned lands and waters or buildings open to the public within the Seashore is prohibited.

(2) The changing of clothing except in buildings provided for that purpose is prohibited.

(39 Stat. 535; 16 U.S.C. 3)

ROBERT F. GIBBS,
Superintendent,
Cape Cod National Seashore.

[F.R. Doc. 63–11422; Filed, Oct. 29, 1963; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart D—Waiver of Overpayments

STANDARDS FOR WAIVER

In § 3.1904, the introductory portion immediately preceding paragraph (a) is amended to read as follows:

§ 3.1904 Standards for waiver.

Waiver of recovery of an overpayment may not be authorized unless it is established that the overpayment was not due to any fault on the part of the payee and, in addition, that recovery would defeat the purpose of the benefits otherwise payable or that recovery would be contrary to the principles of equity and good conscience. Determinations will be based on the facts in the individual case.

* * * * *

cut in advance to suitable dimensions so that one end may be formed into the

[F.R. Doc. 63-11424; Filed, Oct. 29, 1963; 8:45 a.m.]

(b) *Fishing.* (1) Fishing, including shellfishing by permit from the appropriate Town, on Federally owned lands

carrying passengers for a fare within the Federal area of the Seashore. Such

other pets are not permitted in public eating places, picnic areas or swimming beaches at any time.

be based on the facts in the individual case.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: October 25, 1963.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 63-11446; Filed, Oct. 29, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.51—Washington-Designated Research and Development Contracts With Educational Institutions

Sec.

9-4.5100 Scope of subpart.
9-4.5101 Definitions.
9-4.5102 General.
9-4.5103 Research program objectives.
9-4.5104 Contract objectives.
9-4.5105 Submission of research proposals.
9-4.5106 Selection, preparation, and award of research contracts.
9-4.5106-1 General.
9-4.5106-2 Responsibilities.
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9-4.5106-5 Selection of AEC Field Office.
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9-4.5110 Dissemination of results.
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9-4.5111 Extension of contracts.
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9-4.5112 Administration.
9-4.5112-1 Responsibilities of AEC Headquarters program divisions.
9-4.5112-2 Responsibilities of AEC Field Offices.
9-4.5112-3 Payments under fixed-price contracts.
9-4.5112-4 Payments under cost-type contracts.
9-4.5112-5 Data to be furnished by Contractor and deviation in performance.
9-4.5112-6 Auditing.
9-4.5112-7 Security.
9-4.5112-8 Closeouts.
9-4.5112-9 Patents.

AUTHORITY: §§ 9-4.5100 to 9-4.5112-9 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9-4.5100 Scope of subpart.

This subpart sets forth policies and procedures applicable to the negotiation and administration of fixed-price and cost-type Washington-designated contracts for off-site basic research with educational institutions. However, to the extent that they are appropriate, these procedures may be followed in Washington-designated research and development contracts for off-site applied research, and also for basic or applied research with other "not-for-profit" institutions.

§ 9-4.5101 Definitions.

(a) The term "Washington-designated research and development contract" as used in this subpart means a contract which results from a directive to an AEC Field Office from either the AEC Headquarters Program Division of Research, Biology and Medicine, Reactor Development, or Isotopes Development to enter into or continue such a contract on the basis of an approved research proposal.

(b) The term "research proposal" means a request by an institution for AEC support of a research project together with a detailed description of the project and its relationship to the atomic energy program, and detailed information as to background and experience of principal investigators, facilities, and environment of the institution, and cost and cost sharing arrangements, if any.

§ 9-4.5102 General.

The Atomic Energy Commission by statute is permitted to participate only in programs of research that are related to atomic energy.

§ 9-4.5103 Research program objectives.

(a) Under section 31a of the Atomic Energy Act of 1954 the AEC is directed to exercise its powers in such manner as to insure the continued conduct of research and development and training activities and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in the following fields:

(1) Nuclear processes;

(2) The theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) Utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;

(4) Utilization of special nuclear material, atomic energy, and radioactive material, and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial uses, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes;

(5) The protection of health and the promotion of safety during research and production activities.

§ 9-4.5104 Contract objectives.

(a) Washington-designated research and development contracts are entered into by negotiation (as distinguished from formal advertising) under the authority of section 31c of the Atomic Energy Act of 1954 and section 302(c)(5) of the Federal Property and Administrative Services Act of 1949. In planning, negotiating, and administering such contracts, the objectives of AEC are to:

(1) Assure a continuing flow of new knowledge in fields related to the responsibilities of the AEC;

(2) Respect the traditions of the contracting institution and encourage the quest for new knowledge without restrictions on scientific initiative, to the extent compatible with the laws and the protection of the public interest;

(3) Provide reasonable levels of support which will increase the national capability in nuclear energy fields and enable the contracting institution to strengthen its research programs in areas of interest to AEC;

(4) Maintain effective contact with the scientific community so that:

(i) Scientists and students will be encouraged to expand their interests in fields of importance to the AEC program;

(ii) The scientific strength of the country can be brought to bear more effectively on AEC problems;

(iii) The AEC will be continuously aware of developments of value to its activities in the academic communities; and

(iv) An adequate supply of suitably trained scientists will be available for employment within the atomic energy program.

§ 9-4.5105 Submission of research proposals.

(a) Proposals for AEC assistance are usually initiated by scientists interested in doing the research. In some cases, however, the AEC may request investigators to undertake research of particular interest to the AEC. Prior to submitting a proposal, the interested scientist may discuss the project informally, either by letter or personal visit with a member of the AEC Headquarters Program Division that has the greatest interest in the work. Also, following an informal discussion, a formal proposal may be requested. The proposal should be submitted to AEC Headquarters Program Divisions and should indicate:

(1) Identity and background of the project;

(2) Objective of the investigation;

(3) Approximate types and number of personnel who would be utilized, and an approximation of the time to be devoted to the project work;

(4) Facilities, equipment, and other wherewithal to be used; and

(5) Amount of money sought from AEC which, together with the institution's contributions (if any), would enable the work to be performed.

(b) Each formal proposal shall be prepared in the manner and form outlined in the "Guide for the Submission of Research Proposals," copies of which may be obtained from Atomic Energy Commission, Washington, D.C., 20545,

Preliminary inquiries regarding support should be referred to the appropriate AEC Headquarters Division. (See AECPR 9-4.5101(a).)

§ 9-4.5106 Selection, preparation, and award of research contracts.

§ 9-4.5106-1 General.

In order to maintain a comprehensive and well-integrated research program, AEC evaluation of research proposals and selection of educational institutions to conduct scientific research is centralized in AEC Headquarters. However, AEC Field Offices in close proximity to the contractor, are assigned responsibility for handling the final contract arrangements and nontechnical administration of such contracts.

§ 9-4.5106-2 Responsibilities.

(a) *Headquarters Program Divisions.* The AEC Headquarters Program Divisions interested in the particular research are responsible for evaluating the technical aspects of proposals and the amount of requested support. Such divisions also review the prospective contractor's cost and other estimates to determine the reasonableness, the propriety, and advisability of proceeding with the project, as proposed or as the proposal may in effect be amended. Specifically, Directors of AEC Headquarters Divisions are responsible for:

(1) Selecting and approving research proposals and determining the amount of AEC support;

(2) Reviewing the items in the proposal budget or itemized account of the proposed work, and, if necessary, the assistance of the appropriate AEC Field Office may be requested;

(3) Determining the ownership of property;

(4) Reviewing and following the technical progress of the work;

(5) Providing contractors with technical guidance and direction as may be required to meet broad program objectives; and

(6) Keeping the AEC Field Offices fully informed of technical correspondence and discussions with contractors that may have contractual or non-technical administrative implications.

(b) *Field Offices.* AEC Field Offices are responsible for the consummation of contracts with the specified institution in accordance with directives from AEC Headquarters Program Divisions, and administering and making payments under such contracts. Specifically, Managers of AEC Field Offices are responsible for:

(1) Finalizing and executing the contract (where necessary, obtaining further instructions from the AEC Headquarters Program Division);

(2) Administering the contracts in accordance with their terms and conditions and making payments thereunder;

(3) Providing technical and administrative assistance requested by AEC Headquarters Division Directors.

§ 9-4.5106-3 Review of research proposals.

(a) *Use of consultants.* If in the judgment of the AEC Headquarters Program Division an appraisal from representatives of the scientific community is required, reviewers may be selected on the basis of their familiarity with either the field of research or the competence of the investigator.

(b) *Field participation in proposal evaluation.* Occasionally, the AEC Headquarters Program Division may find it necessary in considering research proposals to obtain additional information from the research institution or to visit the site. In some cases, the comments, assistance, or participation of staff members of the appropriate AEC Field Office will be requested.

(c) *Review of major elements.* At the time it reviews a research proposal, the sponsoring AEC Headquarters Program Division shall review the prospective contractor's budget or itemized account of the proposed work and activities and the materials, equipment, and facilities involved, for the purpose of reaching mutual understanding of the level of effort to be contracted for and the other major aspects of the contract in contemplation. Questions about the cost elements that require further investigation may be referred to the appropriate AEC Field Office when the contract is authorized.

§ 9-4.5106-4 Notice of selection or rejection.

The proposer shall be notified by the AEC Headquarters Program Division of the decision to support or reject the proposal. In the event of approval, this notification shall advise: (a) That the proposal has been selected for support subject to completion of a satisfactory contract, (b) which AEC Field Office will execute the contract, and (c) that the AEC assumes no obligations until a contract has been executed. A copy of the notice of approval shall be sent to the AEC Field Office concerned.

§ 9-4.5106-5 Selection of AEC Field Office.

When the AEC Headquarters Program Division has determined that a proposal will receive AEC support, an appropriate AEC Field Office will be requested to make the final contract arrangements with the institution concerned. Usually, the AEC Field Office geographically nearest to the research institution will be selected, but occasionally other factors such as existing contractual relationships, will make the selection of some other AEC Field Office desirable.

§ 9-4.5106-6 Information to be furnished to Managers of AEC Field Offices.

The sponsoring AEC Headquarters Program Division shall provide the appropriate AEC Field Office with a contract authorization early enough (usually four weeks) to permit timely consumation of the contract before the work is started. The following shall be furnished:

(a) A copy of the detailed proposal and any modifications;

(b) Copies of correspondence with the research institution that are pertinent to the completion of the contract negotiation or that have some specific significance as to the preliminary review or arrangements made with the institution; and

(c) Contract authorization form:

(1) Authorizing the execution of a contract for a specified term, with AEC support limited to a specified amount;

(2) Summarizing the background of the proposal and any pertinent discussions not reflected in the papers attached to the memorandum;

(3) Indicating the extent to which the scope of the work proposed has been approved;

(4) Indicating the principal investigator and other necessary details;

(5) Indicating the level of effort and other major aspects to be contracted for, by reference to the proposal or otherwise;

(6) Indicating whether title to property to be acquired under the contract is to be vested in the AEC or the contractor;

(7) Indicating whether restricted data is likely to be used or developed in the course of the work and such classification and security determination as may be appropriate, including a statement as to whether the work falls in Category I, II, III, or IV under subsection 062 of AEC Manual Chapter 3403 (AEC internal instructions);

(8) Indicating directions for special reports, if any;

(9) Giving such additional information as may assist the Field Office in the finalization of the contract; and

(10) Designating the appropriate organizational unit of AEC Headquarters Program Division and individual that will have technical cognizance over the work under the contract.

§ 9-4.5106-7 Notification of contract execution.

Promptly after execution of a contract, the appropriate AEC Headquarters Program Division should be notified of such action.

§ 9-4.5106-8 Changes in scope and level.

After a contract has been authorized by the AEC Headquarters Program Division, there shall be no significant change in technical scope, funding, specified result, performance, principal investigator, or level of effort or other major aspect of the work without AEC Headquarters Program Division prior approval in writing. (See AECPR 9-4.5112-5(a).)

§ 9-4.5107 Standard contract forms.

§ 9-4.5107-1 General.

Outline of standard contract forms for fixed-price and cost-type research contracts with educational institutions, performed in facilities owned or controlled by the contractor (as distinguished from Government-owned or controlled facilities) are set forth in AECPR 9-16.5002-8 and 9-16.5002-9. It is intended to provide through these documents a vehicle by which research tasks can be be accomplished with a minimum of administrative effort. It is, therefore, important

that such contracts be written in such a manner as to assure the complete understanding of the parties as to the job to be performed and the financial and administrative details connected therewith. Of special consideration is the nature of research contracting in contrast to the procurement of supplies or activities of a production nature. It is recognized that wide research latitude in the conduct of research by the institutions is generally desirable and the standard contract forms were designed to permit such latitude in the overall establishment of the rights and obligations of the parties.

§ 9–4.5107–2 Fixed-price contract.

(a) The standard fixed-price contract, outlined in AECPR 9–16.5002–8 is generally used when the annual AEC contribution does not exceed $250,000. It provides for a lump-sum payment to the contractor in consideration for its commitment to perform research at the approximate stated level of effort—that is, by (1) devoting the approximate time of scientists, technicians, and other personnel of the caliber specified in the contract, (2) furnishing specified facilities and equipment, and (3) submitting required reports. The contractor may not deviate substantially from the indicated level of effort or other described aspects of the undertaking without AEC concurrence.

(b) The contractor is responsible for conducting the research and is expected to carry out the project or projects in a manner consistent with agreed-upon contract objectives and requirements; these include the obligation to comply with applicable laws and regulations, including the Commission's regulatory requirements. The contractor is generally expected to follow its normal business practices and to utilize its existing accounting system.

(c) Contracts may contemplate (but without legally committing the Commission for) the conduct of activities for multiple year periods with the understanding that renewals beyond each individual year or so will be subject to notice to that effect by the Commission. However, firm contracts for extended periods may be entered into if it is determined that in the particular case the statutory and other requirements therefor can be satisfied.

§ 9–4.5107–3 Cost-type contract.

The standard cost-type contract outlined in AECPR 9–16.5002–9 is generally used when the annual AEC contribution exceeds $250,000. It provides for reimbursement to the contractor of his costs within a specified ceiling in accordance with Bureau of the Budget Circular A–21, FPR 1–15.3 and AECPR 9–15.103 for the performance of specified research.

§ 9–4.5108 Ownership of property.

(a) Pursuant to Public Law 85–934, title to equipment purchased or fabricated with funds provided by AEC under contracts for the conduct of basic or applied scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research where it is deemed to be in furtherance of the objectives of AEC, may be vested in the contractor.

(b) In addition to the authority referred to in paragraph (a) of this section, to items of equipment and other personal property acquired by the contractor performing research may also be vested in the contractor as part of the contract arrangement, when considered appropriate from the point of view of legal considerations and the best interest of the Government.

§ 9–4.5109 Reporting requirements.

§ 9–4.5109–1 Purpose of reports.

Research reports from contractors are necessary to provide AEC, and, where appropriate, the public, with a record showing the progress achieved under projects receiving AEC support. In some instances, the research reports may be of value in making information available to scientists working on closely allied problems.

§ 9–4.5109–2 Summary—200 words.

Immediately after a contract is negotiated, a summary of approximately 200 words (SIE form) covering the purpose and scope of the project should be sent by the contractor to the appropriate AEC Field Office. In connection with each renewal proposal, the 200-word summary should be revised to include the significant results and conclusions of the former year's work and a statement of the scope and objectives of the following year.

§ 9–4.5109–3 Progress reports.

Progress reports should briefly describe the scope of the investigations undertaken and the significant results obtained. They should also explain any significant differences between the actual level of activity (expressed in the various categories of man months, facilities procured, travel performed, etc.) and that contemplated in the contract.

§ 9–4.5109–4 Technical reports.

Technical reports and articles prepared for publication during the period covered should be listed with bibliographic references. Reprints or preprints of all such material should be appended and material contained in them need not be duplicated in the report.

§ 9–4.5109–5 Special reports.

Special reports or additional progress, status, or topical reports may be requested when needed by the appropriate AEC Headquarters Program Division or AEC Field Office or may be submitted as deemed necessary by the contractor. For example, brief status reports may be requested when developments are of immediate interest or when a significant point in the investigation has been reached.

§ 9–4.5109–6 Final report.

A final report summarizing the entire investigation shall be required from the contractor upon expiration of each contract. Satisfactory completion of a contract will be contingent upon the receipt of this report. The final report should follow the outline agreed upon for progress reports or, when a project has extended over a long period of time, the final report may refer to previously submitted technical reports for details and may be a synopsis of the entire project. Manuscripts prepared for publication should be appended.

§ 9–4.5109–7 Equipment report.

(a) An equipment report itemizing equipment having an anticipated service life of one year or more and an acquisition cost in excess of $100, either purchased or fabricated when title to such equipment is vested in the contractor pursuant to the Grant Act (P.L. 85–934), shall be furnished by the contractor, immediately following the expiration of the contract year as specified in Appendix A of the fixed-price contract set forth in AECPR 9–16.5002–8 (omit any item appearing in Article V) and in accordance with the requirements of Appendix "A"–III of the cost-type contract set forth in AECPR 9–16.5002–9. This report shall show the actual invoice cost of each item purchased and an engineering estimate of each item fabricated.

(b) In order to satisfy the requirements of the Grant Act (P.L. 85–934), Managers of Field Offices shall forward to the Controller, Headquarters, not later than August 15 of each year, the original and one copy of each equipment report referred to in paragraph (a) of this section identifying each item purchased with AEC funds, submitted by contractors during the preceding fiscal year.

§ 9–4.5109–8 Summary and distribution of reports.

A table summarizing the various types of reports, time for submission, number of copies and distribution is set forth below. Usually an annual progress report and a 200-word summary are sufficient for fundamental research. These reports are prepared by the contractor and submitted to the appropriate AEC Field Office for distribution. The AEC Field Office shall transmit these reports with a covering memorandum indicating: (a) The other AEC offices receiving the documents, (b) the name of the contractor, and (c) the contract number. Each copy of the document should bear the contract number.

DISTRIBUTION AND SCHEDULE OF REPORTS

Type	Date due	Number of copies	Disposition	Remarks
Summary 200 words on scope and purpose.	At start of initial contract and each renewal period.	S.I.E.	Field Office (1) Appropriate HQ Division (2).	
Progress	With the renewal proposal.	Form 3	Field Office (2) Appropriate HQ Division (4).	When renewal is not requested, a final report is to be submitted instead at expiration or termination of contract period (see below).
Other progress reports (brief topical, etc.).	As deemed necessary by investigator or as specifically requested by appropriate HQ Division.	6 or as requested.	do	When significant results develop or when work has direct programmatic impact.
Reprints and preprints.	With progress report	7	Field Office (2) Appropriate HQ Division (4) T.I.S. OR (1).	To be forwarded as available or with progress report.
Manuscripts or abstracts of manuscripts (only if preprints are not available).	do	7	do	Do. If copies or manuscripts are not readily available, abstracts will suffice.
Proposal renewal	Not later than 3 months nor earlier than 6 months before expiration of contract.	6	Field Office (2) Appropriate HQ Division (4).	Progress report to accompany, but will be bound separately from renewal proposal.
Final report	On contract completion.	6	Field Office (2) Appropriate HQ Division (2) T.I.S., OR (1) HQ, Patent Br. (1).	Manuscripts prepared for publication should be appended.

§ 9–4.5110 Dissemination of results.

§ 9–4.5110–1 Prompt dissemination.

Prompt dissemination of research results to the scientific community is encouraged. Publication in open literature is recognized as the normal and most desirable means for reporting the finding of unclassified fundamental research. Although the AEC reserves the right to utilize, and have others utilize, to the extent it deems appropriate, the reports resulting from research contracts, the AEC will attempt, to the maximum extent reasonably practicable and consistent with the Government's best interest, to permit the institutions and the authors to effect their own publication in established technical journals. (See AECPR 9–9 for copyright requirements which must be observed.)

§ 9–4.5110–2 Publication.

(a) Contractors are urged to publish results through normal publication channels. As a further inducement, page charges or other printing assessments for publishing articles in recognized scientific journals or any additional costs incurred in obtaining a limited supply of reprints of articles will be considered an appropriate budget item under contracts receiving AEC support where:

(1) The document reports work supported by the Government;

(2) The charges are levied impartially on all research papers published by the journal, whether by non-Government or by Government authors;

(3) Payment of such charges is in no sense a condition for acceptance of manuscripts by the journal;

(4) The journals involved are not operated for profit;

(5) The author does not receive an emolument for the research paper.

(b) A credit line should be included in any such publication to indicate that the research has been supported, in whole or in part, by the AEC. A patent check shall be made in advance of release to the public of any material prepared for publication. Generally, however, in the case of most basic research projects, the principal investigator may publish without prior AEC approval, unless he determines that the material being released may disclose an invention. (See Note A, Appendix B–III, AECPR 9–16.5002–8 and Appendix B–6, AECPR 9–16.5002–9.)

§ 9–4.5111 Extension of contracts.

§ 9–4.5111–1 Renewal proposals.

(a) Where additional time, beyond the current expiration period, is required to continue or complete the work, the contractor should submit six copies of a renewal proposal to the AEC Field Office that has administrative jurisdiction of the existing contract, not later than three months nor earlier than six months before the date of expiration of the contract.

(b) The renewal proposal should outline and justify a proposed program and budget for the succeeding year, showing in detail the total estimated cost of the project, together with the amount that will be contributed by the contractor and the amount requested of the AEC. It should include the same type of information as that required for initial proposals or reference this information to the extent contained in earlier proposals. Any contemplated change in program or scope for the ensuing period should be justified and explained clearly, and the cost or other estimates or items should be based upon past experiences and take into account any unexpended balances estimated to be remaining at the end of the current year. The renewal proposal should also include a statement of total project costs for the current period to date (including those incurred by the institution) and an estimate of costs to be incurred during the remainder of the current contract period, and a statement of unexpended balance anticipated at the end of the contract period. Any significant deviation from the approved proposal during the current period in terms of scope of the work, the employment schedule, the total level of expenditure, and the breakdown of estimated expenditures should be explained in detail.

§ 9–4.5111–2 Evaluation of requests for renewals.

(a) Requests for renewals are evaluated by the appropriate AEC Headquarters Program Division in the light of:

(1) Progress report submitted by the contractor;

(2) Research results published in scientific media;

(3) Field visits to the research site by technical personnel;

(4) Contractor's performance; and

(5) Availability of funds and relative importance of projects in relation to other proposed research.

(b) Requests for renewals generally follow the same process of review and evaluation of technical aspects and funding, preparation and execution of the contract, and administration as a new project, although less use would normally be made of outside consultants. Contracts authorized by AEC Headquarters Program Divisions shall not be extended for a new term or on an interim basis or modified in scope without specific prior authorization from the appropriate AEC Headquarters Program Division. Where a determination has been made to extend a contract, the sponsoring AEC Headquarters Program Division shall provide the appropriate AEC Field Office with a contract authorization early enough (usually about four weeks) to permit an orderly completion of the extension agreement before the expiration date. The contract authorization should include generally the same information provided in the authorization of a new contract including pertinent information concerning any changes in scope of work, level of funding, scheduled dates for completion of certain phases of work, target dates for submission of reports, etc.

§ 9–4.5112 Administration.

§ 9–4.5112–1 Responsibilities of AEC Headquarters Program Divisions.

(a) Technical representatives of AEC Headquarters Program Divisions will make, to the extent practicable, periodic site visits, at least once each year on larger projects, and no less than once every three years on projects of $50,000 or less. A written summary of the results of all visits will be prepared and filed promptly upon return to AEC Headquarters. Copies of such reports shall be forwarded to the appropriate AEC Field Office whenever they contain information of administrative interest or other information that the AEC Headquarters Program Division determines is pertinent to the assigned responsibilities of the Field Office. These visits are for the purpose of:

(1) Determining that the research is being performed in accordance with the contract.

(2) Ascertaining that schedules are being met to insure timely submission of interim and final reports.

(3) Determining whether necessary equipment is available to properly conduct the research.

(4) Determining that the agreed approximate level of effort is being provided in terms of facilities; equipment; and scientific, technical, and other personnel required for the specified research.

(5) Assisting the principal investigator to clarify specific technical aspects as work progresses.

(6) Exploring future budget requirements, but without making any commitments either personal or on behalf of the AEC as to the future funding level.

(7) Obtaining information regarding the status of work for administrative and technical purposes of the Program Division sponsor.

(b) In addition, AEC Headquarters Program Divisions will provide guidance to the AEC Field Offices in connection with any proposed or actual significant deviations from the scope of work, funding, specified results, performance, or level of effort brought to their attention by AEC Field Offices.

§ 9–4.5112–2 Responsibilities of AEC Field Offices.

AEC Field Offices are responsible for the following:

(a) Assisting AEC Headquarters Program Divisions, as requested, in carrying out the functions set forth in AECPR 9–4.5112–1.

(b) Performing the necessary administrative functions required by the terms of the contract, and making payments in accordance with the contract.

(c) Bringing to the attention of the appropriate AEC Headquarters Program Division, any reported significant deviations in scope, funding, specified results, performance, or level of effort.

§ 9–4.5112–3 Payments under fixed-price contracts.

(a) Payments will be made to the contractor during the term of a fixed-price contract in accordance with the contract provisions and on the basis of the contractor's requests for funds necessary to carry out the contract work. The schedule for such periodic payments will be set forth in the contract and generally will be as follows:

(1) 45 percent following execution of the contract.

(2) 45 percent upon receipt of written requests from the contractor evidencing that the amount requested is required in connection with the work under the contract.

(3) 10 percent following submission by the contractor of the annual Progress Report in form and content satisfactory to the Commission, or in the discretion of the Commission, within a reasonable period of time following the expiration of the annual contract period.

(b) Payment of the second 45 percent shall be made on the basis of the contractor's representation that the funds are required for the contract work, unless the contracting officer is informed that the work is not being prosecuted at the level of effort and otherwise as contemplated by the contract. In the latter event, the contract shall be promptly and appropriately modified or terminated, and the financial obligations of the parties adjusted accordingly.

(c) Payment of the final 10 percent shall be made on the basis of a determination by the contracting officer that (1) the annual progress or final report is satisfactory, and (2) that the research was carried out at the level of effort and otherwise as contemplated by the contract. If necessary in making this determination, the contracting officer should obtain advice from the technical personnel of the AEC Headquarters Program Division based upon their visits to and other contacts with the research project during the contract period as well as their technical review of the report. The contractual requirements for the annual progress report contemplate that this provide an adequate basis for making the determination required by subparagraph (2) of this paragraph. If this determination cannot be made on the basis of a collective consideration of the report, visits to and other contacts with the research project during the contract period, and other information bearing upon the performance of the research work, the contracting officer should invoke the audit provision of the contract. In the event the contracting officer determines that the contractor's performance does not satisfy the contractual undertakings, steps shall be taken to appropriately adjust the financial obligations of the parties.

§ 9–4.5112–4 Payments under cost-type contracts.

Payments under cost-type contracts covered by this subpart shall be made in the same manner as other cost contracts that are on the basis of after the fact reimbursement of contractor's costs.

§ 9–4.5112–5 Data to be furnished by contractor and deviation in performance.

(a) Contractors will be asked to inform the cognizant AEC Field Office as soon and as far in advance as possible of contemplated significant contract deviations. The AEC Field Office will check these out with the cognizant AEC Headquarters Program Division and negotiate such contract authorizations and modifications as are necessary and appropriate, clearing with Headquarters, where necessary, in the light of the foregoing provisions in this Part 9–4.

(b) Contractors will be requested by the AEC Field Office to provide such statements of the project's financial status as are believed necessary.

§ 9–4.5112–6 Auditing.

(a) As a part of the AEC-wide management of the research program accomplished through these contracts, auditing of participating contractors should be carried out by the AEC Field Office administering the contract. The purpose of this program of audit, provision for which is contained in the contracts, is to corroborate that the participating institutions are properly using the funds and equipment provided by the contracts, and to point up any changes needed in the contractual arrangements or in related administrative requirements in order to further the effectiveness of the contracts in accomplishing their intended programmatic research purposes. In addition to the general objectives stated above, the principal specific objective in the audits of fixed-price contracts should be to determine that the contractor has performed the research work called for by the contract at approximately the level of effort set forth in Appendix "A". For cost-type contracts, on the other hand, the audit should include a verification, by acceptable audit techniques, of the allowability, applicability, and reasonableness of the costs charged to the contract work.

(b) The review of fixed-price contracts will be made on a selective basis with the selected sample including all fixed-price contracts where the contracting officer requested that an audit be performed pursuant to the provisions of AECPR 9–4.5112–3(c). The audit of cost-type contracts will be in accordance with criteria set forth in section 2.024 of the AEC Audit Handbook.

(c) In the event of termination prior to the expiration date of a contract, whether cost-type or fixed-price, unless the costs incurred by the contractor are relatively small or can be otherwise adequately corroborated, an audit should be made to determine the nature of the costs and other relevant data for use in arriving at a termination settlement.

(d) While audit is not a prerequisite to AEC's making payments under a contract, audit is necessary prior to making final payment under cost-type contracts and under any fixed-price contract where the contracting officer specifically requests an audit to determine whether the research called for by the contract was performed or where other conditions indicate that such an audit is warranted. The results of such audits should be reported to the cognizant AEC Headquarters Program Division.

§ 9–4.5112–7 Security.

As a general rule, it is not anticipated that investigators will need access to classified security information in the conduct of basic research supported or sponsored by the AEC. When, in the judgment of the principal investigator, information is developed which should be classified, he or the contracting institution will notify the appropriate AEC Field Office immediately. When in the opinion of the cognizant AEC Headquarters Program Division, the work moves into a classified area, prompt steps should be taken to notify the contractor and the appropriate AEC Field Office.

§ 9–4.5112–8 Closeouts.

The sponsoring AEC Headquarters Program Division shall provide the appropriate AEC Field Office with information concerning whether the contract is to be discontinued or extended early enough (at least four weeks before the contract expires) to permit completion of closeout action (where the contract is to be discontinued) promptly after expiration of the contract. If the contract is not to be renewed, instructions regarding disposition of property, records, reports, etc., should be provided as appropriate. Where a contract authorization has not been received within two weeks of the expiration date, the AEC Field Office shall send a teletype to the appropriate AEC Headquarters Program Division Director calling attention to the expiration date and requesting pertinent instructions.

§ 9–4.5112–9 Patents.

Article B–VIII(d) of the standard fixed-price contract set forth in AECPR 9–16.5002–8 and Article B–7(d) of the cost-type contract set forth in AECPR 9–16.5002–9 provide for exceptions to the requirement for inclusion of this article in subcontracts, if authorized by the Commission in writing. A letter of exception may be issued, upon request with respect to purchase orders for standard or normal facilities, equipment, materials and supplies and other purchase orders for products where the consideration does not include compensation or other allowance for research or development.

Effective date: These regulations are effective 45 days after publication in the FEDERAL REGISTER but may be observed earlier.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 21st day of October 1963.

JOHN V. VINCIGUERRA,
Director, Division of Contracts.

[F.R. Doc. 63–11404; Filed, Oct. 29, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

MUSHROOMS FOR PROCESSING [1]

United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Mushrooms for Processing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington, D.C., 20250, not later than December 15, 1963.

Statement of considerations leading to the proposed standards. For several years the Federal-State Inspection Service in Pennsylvania and representatives of the Agricultural Marketing Service have been working closely with members of the mushroom industry to develop grade standards for mushrooms for processing.

NOTE: Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Several mushroom processors have been using specifications developed by AMS in consultation with industry. Both growers and processors are of the opinion that official grade standards would prove both practical and useful.

The standards provide an accurate and tested method of sample selection which is equitable to both grower and processor.

The inspection procedure consists of determining the amount of Cull material, which primarily consists of adhering dirt and the root end of the mushroom, and determining the percentages of U.S. No. 1 and U.S. No. 2 mushrooms and Culls in the lot.

It is believed that these standards will serve as a useful basis for transactions between grower and processor, and that the mushroom industry will benefit from their use.

All growers and processors of mushrooms are urged to give careful consideration to these proposed standards, to test them and determine their applicability under various circumstances, and to make recommendations concerning them within the period provided for the submission of comments.

The proposed standards are as follows:

[1] These standards apply to the cultivated mushroom Agaricus Campestris.

Subpart—United States Standards for Grades of Mushrooms for Processing

GRADES

Sec.
51.3435 U.S. No. 1.
51.3436 U.S. No. 2.

CULLS

51.3437 Culls.

CULL MATERIAL

51.3438 Cull material.

DEFINITIONS

51.3439 Similar varietal characteristics.
51.3440 Fairly well shaped.
51.3441 Tender.
51.3442 Soft.
51.3443 Mushroom cap.
51.3444 Whole mushroom.
51.3445 Usable piece.
51.3446 Usable portion of stem.
51.3447 Damage.
51.3448 Serious damage.
51.3449 Diameter.

AUTHORITY: §§ 51.3435 to 51.3449 issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3435 U.S. No. 1.

"U.S. No. 1" consists of fresh mushroom caps or, when so specified, whole mushrooms of similar varietal characteristics which are not soft, which are at least fairly well shaped, tender, and are free from decay and insects and free from damage caused by bruising, discoloration, insects, scaling, other disease, or other means.

(a) *Size.* Unless otherwise specified, each mushroom cap is not less than one-half inch in diameter.

§ 51.3436 U.S. No. 2.

"U.S. No. 2" consists of fresh mushroom caps, whole mushrooms, usable pieces, and the usable portions of the stems of mushrooms of similar varietal characteristics which are tender, are free from decay and insects and free from damage caused by insects and free from serious damage caused by bruising, discoloration, other disease, scaling or other means.

(a) *Size.* Unless otherwise specified, each mushroom cap is not less than one-half inch in diameter.

CULLS

§ 51.3437 Culls.

"Culls" consist of fresh whole mushrooms, mushroom caps, pieces and stems of mushrooms which fail to meet the requirements of the U.S. No. 2 grade.

CULL MATERIAL

§ 51.3438 Cull material.

"Cull material" means the root end of the stem with adhering caked dirt, loose dirt and other foreign material or extraneous material.

DEFINITIONS

§ 51.3439 Similar varietal characteristics.

"Similar varietal characteristics" means that the mushrooms are of the same general color. Those of white color shall not be mixed in the same container with cream or brown mushrooms.

§ 51.3440 Fairly well shaped.

"Fairly well shaped" means that the mushroom cap is not flattened, scalloped, indented or otherwise deformed to an extent that materially detracts from the appearance or the processing quality.

§ 51.3441 Tender.

"Tender" means the flesh of the cap and stem is not fibrous, rubbery or stringy.

§ 51.3442 Soft.

"Soft" means that the mushroom cap is more than slightly indented or concave; or the veil is stretched or open and has a cottony appearance.

§ 51.3443 Mushroom cap.

"Mushroom cap" means the round crown or top part of the mushroom, which may include a relatively short portion of the stem.

§ 51.3444 Whole mushroom.

"Whole mushroom" means the mushroom cap with the usable portion of the stem attached.

§ 51.3445 Usable piece.

"Usable piece" means a piece of cap or stem which is not seriously damaged.

§ 51.3446 Usable portion of stem.

"Usable portion of stem" consists of that portion of the stem remaining after the cap and root end have been removed.

§ 51.3447 Damage.

"Damage" means any specific defect described in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the edible or processing quality of the mushrooms. The following specific defects shall be considered damage:

(a) Bruising, when more than 5 percent of the surface of the mushroom cap is materially flattened, ragged or skinned;

(b) Discoloration, when more than 5 percent of the aggregate surface of the mushroom cap is affected by discoloration which distinctly contrasts with the normal color of the mushroom;

(c) Mushrooms showing evidence of insect feeding; and

(d) Scaling, when raised, discolored, or more than slightly detracting from the appearance of the mushroom cap and affecting more than 5 percent of the cap surface.

§ 51.3448 Serious damage.

"Serious damage" means any specific defect described in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which renders the mushroom cap, whole mushroom or detached stem unsuitable for processing. The following specific defects shall be considered as serious damage:

(a) Bruising, when more than 20 percent of the surface of the mushroom cap is distinctly flattened, ragged or skinned;

(b) Discoloration, when more than 20 percent of the aggregate surface of the mushroom cap is badly discolored; and,

(c) Scaling, when hard, rough separations of the tissue affect more than 20 percent of the cap surface.

§ 51.3449 Diameter.

"Diameter" means the greatest dimension of the cap measured at right angles to the stem.

Dated: October 25, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Service.

[F.R. Doc. 63-11461; Filed, Oct. 29, 1963; 8:48 a.m.]

[7 CFR Part 1071]

[Docket No. AO-227-A14]

MILK IN NEOSHO VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pittsburg, Kansas, on October 1, 1963, pursuant to notice thereof issued September 19, 1963 (28 F.R. 10383).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Under Secretary on October 14, 1963 (28 F.R. 11196; F.R. Doc. 63-11034) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (28 F.R. 11196; F.R. Doc. 63-11034) are hereby approved and adopted and are set forth in full herein:

The material issue on the record of the hearing relates to discontinuing the base-excess plan in paying producers.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The base and excess plan of distributing returns for milk among producers should be discontinued.

The base and excess plan has been a part of the order since its promulgation on December 1, 1951. Its single purpose was to encourage an even rate of production throughout the year. Under the base and excess plan a producer establishes a base for each of the months of February through July according to his deliveries to approved plants during the preceding months of September through December. In each month of February through July separate uniform prices for base milk and excess milk are computed and Class I utilization during each month is first allotted to base milk. Excess milk, that milk in excess of each producer's established base, is assigned first to Class II use, to the extent that an equivalent quantity of producer milk is so allocated, and any remainder is assigned to Class I. For all other months producers receive the marketwide uniform price for all milk delivered to approved plants.

Three cooperative associations whose members deliver approximately 85 percent of the producer milk under the order proposed the removal of the base and excess plan from the order. There was no opposition to the joint proposal of the three producer associations.

The base rating plan in the order, designed to level the seasonality of milk production so as to provide an adequate supply of pure and wholesome milk to the consuming public on a year-around basis, has served the purpose for which it was established but the need for the provision no longer exists. Until the past few years, milk production for the Neosho Valley marketing area came from relatively small producers who shipped their milk in cans. The market is now supplied by fewer producers who make larger daily deliveries. Approximately 95 percent of the producers now have bulk tanks and they deliver an adequate and a relatively consistent supply of milk to the market each day.

Together the three cooperative associations operating under the Neosho Valley order have milk which is regulated under eight other Federal orders. The base and excess provisions or the Neosho Valley order restrict these cooperatives in the movement of milk between the various Federal orders in which they operate. These provisions prevent the cooperatives from obtaining the highest possible total Class I utilization of their members' milk by requiring them to keep certain milk on the Neosho Valley market during the base-forming months in order to establish bases for individual-member producers. There is some production in the Neosho Valley market beyond the needs of that market's fluid sales even during the base-forming months. Class I outlets are available for such excess production in other markets. However, the base and excess plan is preventing this excess milk from moving into other market Class I outlets.

Further, the base and excess plan is ineffective with respect to payments to producers who are members of the three cooperative associations since the cooperatives reblend the proceeds of their sales of all member milk, including milk regulated under other Federal orders, when paying producers under the Neosho Valley order. Thus, the cooperatives' member producers do not individually receive the order base and excess prices for their milk.

Deleting the base-excess plan for distributing returns from milk among producers will not change the handlers' costs of milk.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties. The evidence in the record was considered in making the findings and conclusions set forth above.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the

thereof:

producers who are members of the three

with those contained in the order as hereby proposed to be amended by the

attached order which will be published with this decision.

Determination of representative period. The month of August 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Neosho Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on October 24, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area

§ 1071.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Under Secretary on October 14, 1963, and published in the FEDERAL REGISTER on October 18, 1963 (28 F.R. 11196; F.R. Doc. 63–11034), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1071.22(j)(2) is revised as follows:

§ 1071.22 Duties.

* * * * * * *

(j) * * *

(2) On or before the 12th day of each delivery period the uniform price computed pursuant to § 1071.71 and the butterfat differential computed pursuant to § 1071.52, both for the previous delivery period; and

2. Section 1071.60 is revised as follows:

§ 1071.60 Producer-handlers.

Sections 1071.40 through 1071.46, 1071.50 through 1071.52, 1071.70, 1071.71 and 1071.90 through 1071.97 shall not apply to a producer-handler.

§ 1071.71 [Amendment]

3. In the introductory text of § 1071.71, the words "of August through January" are revoked.

§ 1071.72 [Revocation]

4. Section 1071.72 is revoked.

§§ 1071.80, 1071.81, 1071.82, 1071.83 [Revocation]

5. Sections 1071.80, 1071.81, 1071.82, 1071.83 and the center head "Base Rating" are revoked in their entirety.

6. In § 1071.90(b), the introductory text preceding subparagraph (1) is revised as follows:

§ 1071.90 Time and method of payment.

* * * * *

(b) On or before the 17th day after the end of each delivery period, for all milk received during such delivery period from such producer at not less than the uniform price for such delivery period computed pursuant to § 1071.71 subject to the following adjustments:

* * * * *

7. Section 1071.93 is revised as follows:

§ 1071.93 Payments to the producer-settlement fund.

On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of the milk received by such handler from producers as determined pursuant to § 1071.70 for such delivery period is greater than an amount computed by multiplying the total hundredweight of milk received from producers during the delivery period by the applicable uniform price adjusted by the producer butterfat and location differentials pursuant to § 1071.91.

8. In § 1071.94, the text preceding the first proviso is revised as follows:

§ 1071.94 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers or a cooperative association, any amount by which the value of the milk received by such handler from producers as determined pursuant to § 1071.70 for the delivery period is less than an amount computed by multiplying the total hundredweight of milk received from producers during the delivery period by the applicable uniform price adjusted by the producer butterfat and location differentials pursuant to § 1071.91:

[F.R. Doc. 63–11427; Filed, Oct. 29, 1963; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO–219–A12, AO–237–A8, AO–243–A10]

MILK IN MEMPHIS, TENNESSEE; FORT SMITH, ARKANSAS; AND CENTRAL ARKANSAS MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Memphis, Tennessee, on May 21 and 22, 1963, and June 26 through June 28, 1963, and at Fort Smith, Arkansas, on May 24, 1963, pursuant to notice thereof issued on May 1, 1963 (28 F.R. 4512) and a supplemental notice issued on May 13, 1963 (28 F.R. 4956).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on September 30, 1963 (28 F.R. 10660; F.R. Doc. 63–10505) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings, and conclusions, rulings, and general findings of the recommended decision (28 F.R. 10660; F.R. Doc. 63–10505) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under 5. *Base and excess price plans* the first, fourth, sixth, eighth and eleventh paragraphs are revised.

2. Under 7. *Central Arkansas marketing area* the fourth paragraph is revised.

3. Under 11. *Location differentials* the following changes are made:

a. The first paragraph is revised.

b. The fifth paragraph is revised and immediately following a new paragraph is added.

c. The sixth and seventh paragraphs are deleted.

The material issues on the record of the hearing relate to:

A. Issues relating to Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas orders:

1. Class I prices.
2. Class II prices.
3. Dates for filing reports and announcing class prices.
4. Classification of milk used for livestock feed or dumped.
5. Base and excess price plans.

B. Issue relating to the Fort Smith, Arkansas, order:

6. Fort Smith marketing area.

C. Issues relating to the Central Arkansas order:

7. Central Arkansas marketing area.
8. Advance payment to cooperative associations.

D. Issues relating to the Memphis, Tennessee, order:

9. Market administrator reports to cooperative associations.
10. Type of pool.

E. Issues relating to the Memphis, Tennessee, and Central Arkansas orders:

11. Location differentials.
12. Class II butterfat differentials.
13. Classification of milk used in specified products.
14. Shrinkage allowances.
15. Allocation of other order Class I milk.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I prices.* The seasonal Class I price differentials in the Memphis and Central Arkansas orders should be changed to $1.50 during the months of March through July and $1.91 in the other seven months. The Class I prices in the Memphis, Fort Smith and Central Arkansas orders should be adjusted by a supply-demand adjustor based upon the relationship of the producer milk receipts of all handlers regulated under such orders to their Class I sales.

Cooperative associations representing producers supplying these markets stated more emphasis on price needs to be placed on the short supply months than the orders presently provide. The present Class I differentials in the Memphis and Central Arkansas orders are $1.60 in each of the months of March through July and $1.84 in all other months. The annual average of these Class I differentials is $1.74. The proposed differentials would not change the annual average but would provide greater pricing seasonality. This will result in little change in the total value of the Class I milk of producers supplying these markets throughout a year. The Class I differentials in the Fort Smith order are $1.45, April through June, and $1.85 in the other months. These differentials are generally comparable to the seasonal differentials recommended herein for Central Arkansas and are about the same as those provided by the Oklahoma Metropolitan order. Handlers in Fort Smith compete with Oklahoma Metropolitan handlers for fluid sales and for a supply of milk.

The Memphis and Central Arkansas markets have had excess production during the summer months and cooperatives have had to import milk to meet the Class I demands of the markets during the fall and winter months. The proposed Class I differentials will encourage more even production throughout the year. The higher differentials in the fall months will also bring the Class I price in those months more in line with the cost of imported milk. The nearby Federal order markets where additional milk might be obtained have seasonal differentials which are about 40 cents higher in the fall and winter months of short supply than in the spring months.

This decision provides for a single supply-demand adjustor for the Memphis, Fort Smith and Central Arkansas orders. Handlers regulated under these orders compete for a supply of milk in Arkansas. Practically all of the Fort Smith and Central Arkansas markets' milk supply is obtained from producers located in Arkansas. The Memphis market is partially supplied by producers located in 45 Arkansas counties. The Central Arkansas Milk Producers Association supplies handlers located in all three markets and it is common practice for some member producers to have their milk shipped to more than one of the three markets during a month. At times, the milk of some producers is shipped to all three markets during the same month.

Handlers regulated by these three orders compete not only for a supply of milk but also for fluid milk sales. Memphis handlers have fluid milk sales in 31 Arkansas counties. Eleven of these counties are in the Central Arkansas marketing area. Fort Smith and Central Arkansas handlers have overlapping route sales.

There have been several recent shifts of sales and supplies among Memphis and Central Arkansas handlers. A handler who has plants regulated under both orders recently commenced supplying his distribution point in Forrest City, Arkansas, from his Memphis order plant. Prior to this date this distribution point was supplied from his Central Arkansas regulated plant. Effective September 1962 the Central Arkansas Milk Producers Association began supplying a Memphis order handler with all his fluid needs. Starting in January 1963 this cooperative began supplying another distributor in the Memphis market with part of his fluid milk needs. These shifts in supply and sales increase the percent of producer milk being utilized for Class I purposes in one market while decreasing such percentage in the other market. By combining the receipts from producers and disposition of fluid milk by handlers in the three markets such shifts will not affect the total supply-sales ratio.

Since handlers regulated under the three orders compete for a supply of milk and for fluid sales, a misalignment of prices among these orders could result in uneconomic movements of milk. Therefore, the supply-demand adjustor herein proposed is identical for the three orders. A proposal was made to omit the supply-demand adjustor provisions from the Fort Smith order on the basis that supply-demand adjustments could result in a Class I price misaligned with the Class I price handlers located in Tulsa and regulated under the Oklahoma Metropolitan order are required to pay. Since the Oklahoma Metropolitan order contains a supply-demand adjustor, there would be no fixed relationship between the Fort Smith and Oklahoma Metropolitan prices even if the adjustor was not used in Fort Smith. Hence, the proposed supply-demand adjustor should apply to the Fort Smith market as well as the Memphis and Central Arkansas markets with which it is so closely related.

Under the requirements of the Agricultural Marketing Agreement Act, authorizing Federal milk orders, prices established by milk marketing orders must reflect supply and demand conditions in the respective market for which an order is issued. As these supply and demand conditions change from time to time, the changes must be reflected appropriately in order prices. Changes in the relationship of receipts of producer milk by regulated handlers and Class I disposition by such handlers are a measurable reflection of changes in market supply-demand conditions.

In 1962 the ratio of producer receipts to gross Class I sales in the Memphis market averaged 107 percent, in the Fort Smith market averaged 113 percent and in the Central Arkansas market averaged 112 percent. During this same period, the monthly average receipts from producers by regulated handlers in these markets were: Memphis, 22.4 million pounds; Fort Smith, 4.2 million pounds; and Central Arkansas, 16.0 million pounds.

The supply-demand adjustor recommended herein contains a utilization range which averages 110–116 percent a year. The recommended adjustor provides for monthly utilization ratios to be obtained by dividing the pounds of producer milk received by the milk plants fully regulated under the three orders for the second and third preceding months by the net pounds of Class I sales by such plants for the same months. The utilization ratios so computed averaged 111 percent for the 1961 pricing year; 110 percent for 1962; and 102 percent for the first six months of 1963.

Representatives of producers testified in favor of a supply-demand adjustor with monthly utilization ranges, based on the three market totals, which averaged 111.7–117.5 annually. They maintained a reserve of this magnitude is needed to provide an adequate supply of milk for handlers' Class I sales.

Handlers opposed supply-demand adjustors for the three orders but proposed

that if the orders were to have a supply-demand adjustor, the midpoint of the utilization range be centered around the 1961 or 1962 utilization percentages of the three market totals with a 10 point range.

Handlers testified that producer milk received at regulated plants was not truly reflective of the supply situation in the three markets because producer cooperatives have been shipping milk from their members' farms directly to manufacturing plants and to other markets without accounting for such milk as producer milk as defined in the orders.

The Mid-South Milk Producers Association, the principal cooperative in the Memphis market, entered exhibits which showed the quantity and disposition of the milk of its members which did not enter into the Memphis market statistics. In 1962 an average of 823,000 pounds of milk per month which was handled by the cooperative was not included as producer milk under the Memphis order. This was equivalent to three percent of the total producer milk in the Memphis market during this period. In the first four months of 1963 the cooperative did not report as producer milk nearly four million pounds of milk of its members. However, some of this milk was not acceptable for fluid use and some of the four million pounds did not enter into the market statistics because of the failure of a supply plant to qualify as a fluid milk plant during one month. Hence, the 1963 supply-sales ratios are not representative of the usual market conditions.

The Central Arkansas Milk Producers Association, the principal cooperative in the Fort Smith and Central Arkansas markets, presented figures which showed the pounds of milk of their members which was associated with the Memphis, Fort Smith and Central Arkansas markets but which was not reported as producer milk. In 1962 this averaged approximately 1.2 million pounds per month, equivalent to 5.5 percent of the combined producer milk receipts in the Fort Smith and Central Arkansas orders during such year. The total pounds of off-the-market milk handled by this cooperative in the first three months of 1963 was less than 200,000 pounds.

Handler representatives asserted that any supply-demand adjustor for the three markets should include all off-the-market milk of cooperative members who had been producers at any time as defined in these orders. The cooperatives whose members' milk is shipped to Memphis, Fort Smith and Central Arkansas order handlers also regularly supply handlers regulated under other orders and unregulated plants. Hence, "off-the-market" sales are not necessarily primarily associated with these three regulated markets. Also, milk which is not accepted by handlers because of their special quality requirements can hardly be construed as available for sale in these markets. Handlers under the three orders obtain practically their entire supply of milk from cooperatives, ordering the milk as needed without regard for the available supply.

The pounds of milk which was marketed outside these three order programs by the two principal cooperatives but which might be identified as a reserve supply for these markets was reported by the cooperatives at the hearing for the period January 1962 through March 1963. When this milk was added to the producer receipts and Class I sales of handlers regulated under the three orders the ratios of receipts to sales in the pricing months July, August and September were increased substantially. The supply-demand ratio for these months reflected the seasonal peak of production relative to sales during the preceding March through June. When the reported market supply was relatively short, however, there was little difference in the ratios which included the "off-the-market" sales. The ratios based on reported producer milk and those including outside sales not reported for the period are shown below.

Pricing period, year and month	Reported ratios of producer milk receipts to Class I sales	Ratios of producer receipts to Class I sales including "off-market-milk"
1962	*Percent*	*Percent*
April	107	109
May	107	108
June	110	114
July	113	124
August	111	125
September	115	121
October	114	117
November	111	113
December	109	109
1963		
January	105	105
February	104	105
March	103	105
April	101	103
May	98	100

It is obvious that in certain months the markets have available more milk than handlers are willing to take. The total producer milk in these markets as reported by regulated handlers is determined largely by the quantity of milk the handlers in such markets accept in their plants.

It has been the practice of the cooperatives to ship excess milk directly from farms to manufacturing plants instead of through a fluid milk plant in order to reduce transportation costs. By not reporting such milk as diverted milk under the order, the cooperatives also save, as handlers of such milk, an administrative assessment of four cents per hundredweight. Even during the months of short production cooperatives have some off-the-market milk. Due to weekly variations in the demand for fluid milk products, the cooperatives have had excess milk in the early part of a week and then have had to import milk in the latter part of the week in order to supply handlers' requirements. Representatives of the principal cooperatives in the three markets testified they intended to continue marketing excess milk as they have but that such off-the-market milk would always be available to handlers should they request it and that only such milk as is accepted by handlers should be taken into account in establishing norms for the supply-demand adjustors. Handlers testified that the cooperatives have never refused to supply them with milk when it was available.

The utilization percentages recommended herein are based on actual receipts of producer milk and reported Class I sales. These receipts and sales are identifiable with these three markets and are measures which can be determined accurately. The inclusion of certain off-market sales would require that the norms selected be established at a somewhat higher level of supply in order to retain the same price level. Since the reported producer milk and Class I sales appear to be reflecting the changes in the relative supply of milk in these markets to their Class I sales, the figures used to calculate the supply-demand adjustor should be these reported and verifiable receipts and sales.

The rate of adjustment for variations from the standard utilization ratios herein proposed would be nominal when such variations first appear, but would be increased progressively as a variation of like direction and amount persisted through two or three consecutive two-month periods. Such a provision will avoid substantial price increases or decreases based on nonrecurring deviations from the established norms. Substantial price adjustment will, however, occur when undersupply or oversupply representing significant deviations from the established norms persist for a period of time.

This type of adjustment is accomplished by providing that for each percentage unit of deviation from the standard range the price shall be adjusted by one cent, plus one cent for each such percentage unit for which there was a deviation of like extent and character in the first two-month period next preceding, plus one additional cent for each such percentage point for which there was a deviation of like extent and character in each of the first and second two-month periods next preceding. The accumulated adjustments would not exceed the 3-cent rate based on one two-month period which was proposed by cooperatives. However, the accumulation of three one-cent adjustments will delay adjustments when the market condition departs from normal until the departure is firmly established. The proposed adjustor would also bring the adjustment back to zero promptly, whenever the ratio again falls within the normal range.

The proposed supply-demand adjustor would have made little or no adjustment to the Class I price during 1961 and 1962. Using the combined data for the three markets, the utilization ranges which would have been used to establish 1961 prices averaged 111 percent and averaged 110 percent for 1962 prices. Little milk was imported in 1961 and in 1962, prior to September. It appears, therefore, that the total available receipts were adequate during that period.

Although the proposed adjustor would have had practically no effect on 1961 and 1962 prices, it would have averaged plus 12 cents for the first six months of 1963. The adjustor in the Memphis order, which also was used in determining the Central Arkansas Class I price during part of this period averaged plus ½ cent in 1961, plus 2½ cents in 1962

and plus 18½ cents during the first half of 1963.

Producer receipts in the three markets as a percentage of Class I sales in the period which would have been used under the proposed adjustor to determine January–June 1963 prices dropped below 100 percent during one month and averaged only 102 percent. In the Memphis market alone, however, in the same period producer receipts as a percentage of Class I sales dropped below 100 percent three times and averaged only 99 percent. Thus the adjustor based on the Memphis receipts and sales reflected a more severe shortage of supply relative to sales than that which existed in the three market areas.

The supply-demand adjustor proposed by the cooperative associations was based on the ratio of producer receipts to utilization, using the three market totals, for the second and third preceding months and provided for an adjustment of three cents for each unit of deviation from a table of standard utilization percentages with adjustments limited to six cents a month. The utilization range proposed by the cooperatives would have resulted in an increase in the Class I price in all but one of the months of 1962, ranging from three to nine cents with an average increase for the year of 4.5 cents. In view of the supply-demand conditions during the year, this additional price increase does not appear warranted.

The proposed six-cent limitation on monthly adjustments is not adopted. Should a substantial price adjustment occur during the short production months, price adjustments can be perpetuated into the flush production months due to the six-cent adjustment limitation. The supply-demand adjustor herein proposed will better provide for prompt price increases under unfavorable production conditions while providing for prompter price decreases when the market becomes adequately supplied.

The handlers' proposal to adopt a supply-demand adjustor with a ten-point range centered around the 1961 or 1962 ratios would result, essentially, in an adjustor which would seldom make any price adjustments. The proposal is denied.

The proposal to base the supply-demand adjustor on a 12-month base period is denied. This proposal was made as an alternative should a supply-demand adjustor as herein proposed not be adopted.

Under this proposal one would obtain the total producer receipts and Class I sales of the Memphis, Fort Smith and Central Arkansas order handlers for the 12-month period of August through July and from these figures compute the ratio of producer receipts to Class I sales. This ratio would then be added or subtracted from a fixed ratio. The fixed ratio, or norm, would be predetermined on the basis of the volume of reserve milk required to adequately meet the Class I demands of the markets on a year round basis. To obtain the adjustment, each point of difference between the 12-month ratio and the established norm would be multiplied by two cents. This figure would then be multiplied by twelve to give the total adjustments to be made for a year. Under the proposal, adjustments would not be made during the four flush months of production so the total adjustment figure for the year would be divided by eight. The resulting figure would then be the monthly Class I adjustment for the eight months of August through March.

The proposed norm for this supply-demand adjustor was 120 percent. The ratios of the combined three market statistics in 1961 was 111 percent and in 1962 was 110 percent. A norm of 120 and the 1962 utilization ratio of 110 would have resulted in a 30-cent increase per month to the Class I price in the three markets for an eight-month period. Such an increase in price would have resulted in a serious misalignment of prices with surrounding markets. Furthermore, proponents of this proposal stated it was not their intent to obtain an increase in the Class I price through a supply-demand adjustor. Also, this proposal should be denied because the proposed base period minimizes the effect of market changes in current months. Current month-to-month changes in receipts and utilization are subdued in a 12-month average to one-twelfth of the change in the latest month. Further, a fixed base period as August through July would determine the supply-demand adjustments for the following August through March. Thus the supply-demand adjustments in the first three months of 1964 would be based on supply-demand conditions existing in the three markets during the last five months of 1962 and the first seven months of 1963. Experience indicates that substantial changes in market supply and sales have occurred over such a time period.

The proposal to include Class I sales in the marketing areas made by handlers other than those regulated under the Memphis, Fort Smith and Central Arkansas orders is denied. Such sales are made by handlers who obtain their milk supply from sources other than the farmers who regularly supply these markets.

2. *Class II prices.* The Memphis, Fort Smith and Central Arkansas orders should be amended to provide that the price for Class II milk shall be the basic formula price which is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The present Class II price under the Memphis order is determined from the average of basic prices reported to have been paid at five local manufacturing plants plus 30 cents for the months of September–November and plus 20 cents for all other months. The present Fort Smith Class II price is computed by using the average of basic prices reported to have been paid at two local manufacturing plants. The Central Arkansas Class II price is the average price paid for manufacturing grade milk in the United States.

For the 12-month period May 1962 through April 1963 the average monthly Class II price for milk of 3.5 percent butterfat content in Memphis was $2.93, in Fort Smith was $2.70 and in Central Arkansas was $3.00. The Minnesota-Wisconsin series for 3.5 percent milk during this period averaged $3.067.

Distributing plants regulated under these orders normally arrange for a supply of milk which includes some reserve over their actual volume of Class I sales. When this reserve is not used for Class I purposes it is used in manufactured dairy products and, accordingly, is classified as Class II. The price for this reserve milk should be established at a level at which such milk can be disposed of for manufacturing use.

Regulated plants use reserve milk regularly each month in Class II products such as cottage cheese and ice cream. Producer milk in excess of that used by regulated plants is moved to manufacturing plants. In order to obtain a supply of quality milk, manufacturing plants in the area pay premiums over their basic price. It is a common practice for such plants to pay dairy farmers a 15-cent premium if they have a cooler and an additional 25-cent premium if they have barns with concrete floors. Producers supplying handlers regulated by these orders qualify for such premiums and producer milk moved to manufacturing plants has been sold at prices higher than the order prices.

Cooperative associations market nearly all of the milk which is in excess of that needed by Memphis handlers. The principal cooperative supplying the Memphis market sold almost fourteen million pounds of milk to manufacturing plants during the 16-month period of January 1962 through April 1963. The manufacturing plants were located mainly in Tennessee and Mississippi. The cooperative's witness reported that on all milk sold to manufacturing plants (from January 1962 through March 1963) the cooperative received a weighted average price of $3.11 per hundredweight of milk (adjusted to 3.5 percent butterfat content).

The Central Arkansas Milk Producers Association markets practically all of the milk supply not needed by handlers regulated under the Fort Smith and Central Arkansas orders. This cooperative has various outlets available, mainly in Arkansas, for such excess milk. Most manufacturing outlets in Arkansas are paying quality premiums of 40 cents over their reported basic price. Including the 40 cent premium, the average prices paid by two Arkansas manufacturing plants during the year 1962, averaged $3.17 per hundredweight for milk testing 3.5 percent butterfat. As of February 18, 1963, the Central Arkansas Milk Producers Association had arrangements with three manufacturing outlets where they receive 12 cents above the Central Arkansas order Class II price.

The Central Arkansas Milk Producers Association proposed that the monthly Class II price in Fort Smith and Central Arkansas be the Minnesota-Wisconsin price and for the months of September through February such price plus 25

The pounds of milk which was marketed outside these three order programs have never refused to supply them with milk when it was available.

during part of this period averaged plus ½ cent in 1961, plus 2½ cents in 1962

two cents. This figure would then be

States.

through February such price plus 25

cents. The Mid-South Producers Association proposed that the Memphis monthly Class II price be the Minnesota-Wisconsin series and for the months of September through February such price plus 10 cents.

Proponents clearly established that the value of producer milk classified as Class II is greater than the basic prices announced by local dairy manufacturing plants or the average price for milk used in manufacturing dairy products in the United States. Inasmuch as cooperative associations are willing to market milk in excess of handlers' needs at the proposed higher Class II prices, it is concluded that the Class II price in the three markets should be the Minnesota-Wisconsin series for manufacturing grade milk. This will lessen the disparity between the actual prices paid locally for premium quality milk used in manufacturing and the Class II order prices.

The Class II prices in these orders should not be increased in certain months above the average prices paid by Minnesota and Wisconsin plants. Although the prices which the Arkansas cooperative obtained for milk sold to manufacturing plants has been somewhat higher than the prices in the Minnesota-Wisconsin series, the prices received by the Memphis cooperative were close to that series on an annual average basis. It is important that the Class II prices in each of these markets be established at the same level. Hence, the average price for manufacturing milk in Minnesota and Wisconsin should be used with no premiums in all months for the three markets.

3. *Dates for filing reports and announcing class prices.* Cooperative associations representing most of the producers on the Memphis, Central Arkansas and Fort Smith markets proposed that the three orders be amended by changing the dates on which handlers are required to file reports of receipts and utilization to earlier dates in the month. Handlers opposed any change which would require reports to be filed on an earlier date. Since no necessity for earlier reporting dates was presented, no change in such filing dates should be made.

The Memphis and Central Arkansas orders should be amended by changing the date on which the market administrator is required to announce the minimum class prices and butterfat differentials from the 6th to the 5th day of the month.

The Class I prices for all three orders are computed from the Minnesota-Wisconsin basic formula price. It is recommended in this decision that the Class II prices for all three orders be computed from the same basic formula price. The average price for manufacturing grade milk at plants in Minnesota and Wisconsin and the Chicago butter price are both available by the fifth day of each month. Hence, all data necessary to compute the minimum class prices and butterfat differentials will be available by the fifth day of each month and should be announced on that date.

4. *Classification of milk used for livestock feed or dumped.* The Central Arkansas order should be amended to provide for Class II classification of both the butterfat and skim milk in fluid milk products disposed of and used for livestock feed. The proposals to amend the Memphis, Tennessee, and Fort Smith, Arkansas, orders to provide for Class II classification of only the skim milk disposed of and used for livestock feed are denied.

The Memphis and Central Arkansas orders should be amended to provide for the Class II classification of skim milk and butterfat in fluid milk products which are dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

The Memphis and Fort Smith orders presently provide for Class II classification of skim milk and butterfat disposed of for livestock feed while the Central Arkansas order provides for Class II classification of only the skim milk disposed of for livestock feed.

Cooperative associations representing producers supplying these markets proposed that the three orders be amended to provide for Class II classification of skim milk disposed of and used for livestock feed subject to inspection, at his discretion, by the market administrator. The cooperative associations further proposed that each handler, with respect to skim milk disposed of and used for livestock feed, be required to report to the market administrator such information at such time as the market administrator may require. The primary purpose for these proposals was to assure conformity among the orders and to clarify the authority of the market administrator.

Handlers regulated under the Memphis and Central Arkansas orders objected to the proposals and requested the Class II classification of both the butterfat and skim milk in fluid milk products disposed of as livestock feed.

Handlers under both orders testified that there were certain amounts of fluid milk products that could not be disposed of in Class I uses, principally returns from routes that have become unsalable as fluid products for human consumption. Other products which occasionally become unsalable for various reasons are vats of buttermilk, chocolate milk and cottage cheese. The unsalable butterfat and the skim milk is either disposed of for livestock feed at small returns to handlers or dumped with no financial return to handlers.

In any case, where a handler disposes of milk as livestock feed it may be presumed he is unable to find any other economic use for the product or its constituents. Ordinarily the disposal of butterfat for livestock feed would not occur in any case where salvage of the butterfat is reasonably possible. Accordingly, the Class II classification should apply to butterfat in the same manner as it applies to skim milk in fluid milk products disposed of and used for livestock feed.

Handlers regulated under the Memphis and Central Arkansas orders proposed that skim milk and butterfat contained in products dumped after prior notification to and opportunity for verification by the market administrator be classified as Class II.

Handlers testified that while some handlers have been able to find outlets as livestock feed for unsalable products, others have not. By providing Class II classification with respect to the skim milk and butterfat in products dumped, the handler who is not able to locate an outlet for unsalable products will be on an equitable basis with the handler who has a livestock feed outlet.

Allowing Class II classification for both the butterfat and skim milk in dumped products will accommodate the disposition of route returns and other items from which the recovery of butterfat and skim milk is not possible or practicable.

The market administrator can require such records at such times as are necessary and can prescribe such methods of accounting which he deems necessary to verify the claimed use of skim milk and butterfat for livestock feed and in dumped products. The market administrator should be notified prior to any dumping and be afforded the opportunity to verify such dumping if he should deem it necessary. To provide otherwise would make it possible for a handler to claim unlimited dumping of products. In the case of products disposed of for livestock feed, physical inspection and adequate records are needed to assure that such disposition was made.

5. *Base and excess price plans.* A base and excess plan of distributing returns for milk among producers should be incorporated into the Memphis, Tennessee, order. To accord producers adequate notice of the provisions of the base-excess plan, the order should not become effective until the beginning of the base-forming period on September 1, 1964. The base plan in the Memphis market and the base plans in the Fort Smith and Central Arkansas markets should be coordinated as to base-forming and base-paying rules and the transfer of bases between markets. The changes in the base plans for the Fort Smith and Central Arkansas markets should be effective this year with the exception that the base-forming months would be revised next year to conform to the base plan in Memphis.

The cooperative association representing the majority of the producers on the Memphis market proposed that a base and excess plan be used in paying producers. The cooperative association representing most of the producers on the Central Arkansas and Fort Smith markets and several producers on the Memphis market supported the proposal.

There is a substantial movement of milk from producers on the nearby Central Arkansas and Fort Smith markets to the Memphis market. The Central Arkansas and Fort Smith orders presently provide for base and excess plans of distributing returns for milk among producers. The proponent of a base plan for Memphis requested a base-excess plan that would conform to modified base-excess plans for the Central Arkansas and Fort Smith orders.

The base-forming period under the Memphis order should be the months of September through January. The months of September through December are the base-forming months under the nearby Central Arkansas and Fort Smith orders. After this year, the base-forming period for the Fort Smith and Central Arkansas orders should be the months of September through January to encourage increased production in January. In view of the overlapping of the Memphis milkshed with the Central Arkansas and Fort Smith milksheds, it is appropriate that the base-forming periods be the same.

Proponents asked that the base-excess plans provide for the calculation of a producer's daily base on the aggregate deliveries by such producer to handlers regulated under any of the three orders and that such producer's daily base should be recognized during the base and excess payment period with respect to that producer's deliveries to handlers under all of the three orders.

Due to the shifting of producer milk between handlers regulated under the three orders, the daily base for each producer should be determined by the market administrator by dividing the total pounds of milk received from such producer during the base-forming period by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Central Arkansas and Fort Smith marketing areas, by the total number of days in the base-forming period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 90 for the September–December base-forming period for Fort Smith and Central Arkansas during 1963 and 120 thereafter. Such daily average base for each producer should be prorated for use during each of the base payment months according to his total deliveries to handlers regulated respectively under the Central Arkansas, Fort Smith and Memphis orders.

If a plant first became a fluid milk plant during or after the preceding base-forming period, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated by according such dairy farmers the same treatment as other producers in establishing bases. Bases would be computed from deliveries to the plant in the base-forming period for dairy farmers who became producers by virtue of the plant to which they delivered milk in the base-forming period having subsequently qualified as a fluid milk plant.

For deliveries during each month of March through July, separate uniform prices for "base milk" and "excess milk" would be computed for Memphis producers. The months of February through July are the base-payment months in the Central Arkansas and Fort Smith orders. However, in 1965 and thereafter, the base-payment period should be limited to March through July under all three orders to encourage more production in February.

Each producer's base milk would be the quantity of such producer's milk received by a handler fully regulated under the respective order which is not in excess of the producer's pro rata base applicable to such handler's plant. His total base for the three markets would be determined by multiplying such producer's daily base by the number of days in the base-payment month. This base would be prorated to receipts from such producer at each plant fully regulated under the Memphis, Fort Smith or Central Arkansas order in the proportion of receipts during the month at each plant to the total receipts from such producer at all plants fully regulated by any of the three orders.

The proposed base-excess payment plan for Memphis is patterned after that used in Fort Smith and Central Arkansas. It provides that Class II disposition in the handler's plant would first be assigned to excess milk and the remaining use value would be assigned to base milk. If the handler's Class I utilization should be more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price would be increased accordingly.

On or before January 25, 1964, for the Fort Smith and Central Arkansas orders and on or before February 25 of each year thereafter for all three orders, the market administrator should notify each producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of computing and announcing bases and will correspond with the announcement dates in the Central Arkansas order.

Proponents requested that the base rules provide for the transfer of established bases between the three orders. The base rules herein recommended are patterned after the base rules in the Central Arkansas order and will coordinate the base and excess plans in the Memphis, Central Arkansas and Fort Smith orders.

A producer may maintain his base when he moves to another farm. Provision should be made that he may transfer his entire base to any other person. The producer making such transfer should notify the market administrator on forms approved by the market administrator and signed by the baseholder or his heirs and by the person to whom such base is to be transferred, on or before the end of the month in which such transfer is to be effective. If a base is held jointly, the entire base could be transferred only if the application is signed by all joint holders or their heirs and by the person to whom such base is to be transferred. Such base transfer rules should be applicable to base transfers between the Memphis, Central Arkansas and Fort Smith orders.

6. *Fort Smith marketing area.* The proposal to add the Arkansas counties of Sebastian, Scott, Logan, Johnson and Franklin to the Fort Smith, Arkansas, marketing area is denied.

The present Fort Smith marketing area includes the territory within the corporate limits of Fort Smith, Arkansas, Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation. Fort Smith is located in Sebastian County, Van Buren in Crawford County and Camp Chaffee is located primarily in Sebastian County. Two handlers, both located in Fort Smith, are fully regulated under the provisions of the Fort Smith order by virtue of fluid milk sales in the marketing area.

The proposal to enlarge the marketing area was made by the Central Arkansas Milk Producers Association. This cooperative, which supplies the two handlers regulated under the Fort Smith order, did not offer any testimony as to the prices being paid producers by three unregulated handlers located in the counties proposed to be added to the marketing area. Also, the cooperative failed to show any loss of sales in the proposed area by handlers purchasing milk from the cooperative.

The expansion of the marketing area as proposed would result in three additional handlers becoming regulated under the order. Two of these handlers are located in Logan County and the other handler is located in Johnson County. These handlers have from 90 to 100 percent of their fluid milk sales in the proposed addition to the marketing area. One of these handlers receives Grade A milk from five dairy farms, including his own. This handler distributes milk in Sebastian, Scott, Logan and Johnson Counties. Another handler purchases milk from eight Grade A producers and distributes milk in Franklin, Logan and Johnson Counties. The third handler, located in Johnson County, purchases milk from 13 Grade A producers and distributes milk in two of the five counties proposed to be added to the marketing area. The three unregulated handlers and some of the dairy farmers supplying these handlers opposed the expansion of the marketing area.

Although the prices paid by the two unregulated handlers who testified at the hearing indicate that they are paying somewhat less for milk than would be required under the classified prices of the Fort Smith order, there was no indication that regulated handlers had suffered loss of sales due to any competitive price advantage on the part of these unregulated handlers. No regulated handler appeared to support any addition to the marketing area or to present evidence that he was at a disadvantage in meeting competition from the three unregulated handlers. One unregulated handler stated he has no store sales because stores can purchase their milk from regulated handlers at a price lower than he is willing to meet.

Handlers regulated by the Fort Smith order make approximately 70 percent of the total fluid milk sales in the proposed five-county area. The three unregulated handlers have approximately 11 percent of the fluid sales in the proposed area. Although regulated handlers have the majority of the sales in these counties they have no apparent competitive disadvantage in the counties and, accordingly, these counties should not be included in the marketing area.

7. *Central Arkansas marketing area.* The Central Arkansas marketing area should be expanded to include the Arkansas counties of Craighead and Poinsett.

The addition of Craighead and Poinsett Counties to the marketing area will regulate a handler located in Paragould, Arkansas. The Paragould handler became regulated under the Memphis order by virtue of having fluid milk sales in excess of 1,000 pounds per day in the Memphis marketing area. In May 1963, approximately 3.4 percent of his total fluid milk sales were in the Memphis marketing area. The Memphis order which operates on the basis of an individual-handler pool requires that any plant from which 1,000 pounds of Class I milk per day, or 5 percent of the Class I milk at the plant during the month, is disposed of on routes in the marketing area shall be regulated as to minimum prices paid producers. The Central Arkansas order requires that 10 percent of a plant's receipts from producers and other pool plants be disposed of on routes in the marketing area as a basis for full regulation.

The Paragould handler has approximately 5 percent of his fluid milk sales in the present Arkansas marketing area, 6 percent of his fluid milk sales in Poinsett County and 11 percent of such sales in Craighead County. Since the handler uses about 90 percent of his receipts in fluid sales, 20 percent of his total receipts are disposed of on routes in the present and proposed marketing area.

This handler stated he preferred to be regulated under the Central Arkansas order. Handlers under the Memphis and Central Arkansas orders, and producers supplying the Memphis market were not opposed to the change in regulation provided that such handler received the same location differential under the Central Arkansas order as he currently does under the Memphis order.

The Paragould handler with a slight withdrawal of fluid milk sales in the Memphis marketing area could obtain an unregulated status. This handler should be continually regulated as he competes extensively with handlers in both the Memphis and Central Arkansas markets for Class I sales and in procurement of supplies. The proposed expansion of the marketing area will insure continued regulated status for this handler under the Central Arkansas order.

The Paragould handler presently has more fluid milk sales in the Central Arkansas marketing area than he does in the Memphis marketing area. He purchases the majority of his milk from Arkansas producers through the Central Arkansas Milk Producers Association. This handler has from 46 to 62 percent (according to different estimates) of the Class I sales in Craighead County and from 43 to 47 percent of the milk sales in Poinsett County. The remaining portion of the sales in these two counties are made by Memphis and Central Arkansas order handlers, except for a small amount of sales in Poinsett County by a St. Louis order handler.

The proposed counties are contiguous with the present marketing area and are an integral part of the sales area of Central Arkansas order regulated handlers. The health regulations applicable to milk sold for fluid consumption are identical throughout such area so that milk can and does move freely within the area.

The Central Arkansas Milk Producers Association proposed the extension of the marketing area to include also the Arkansas counties of Greene, Independence, Jackson, Lawrence and Mississippi.

Independence, Jackson, and Lawrence Counties should not be added to the marketing area because the addition of these counties would bring a handler located in Batesville, Arkansas, under regulation. This handler makes approximately 60 percent of his fluid milk sales in these three counties and 40 percent of his sales in other counties north of Batesville. The Batesville handler is purchasing his milk from the Central Arkansas Milk Producers Association on a classified basis at prices in line with minimum order prices he would be required to pay if regulated under the Central Arkansas order. A representative for the cooperative testified that this was an equitable price and that regulated handlers were not losing Class I sales in the proposed counties. The Batesville handler opposed regulation. There was no need shown for regulating this handler and, therefore, these three counties should not be added to the marketing area.

Greene and Mississippi Counties should not be added to the marketing area. Central Arkansas handlers have approximately two percent of the fluid milk sales in Greene County and not more than seven percent of such sales in Mississippi County. Excluding the sales of the Paragould handler, Memphis handlers have approximately 13 percent of the sales in Greene County and not more than 41 percent of such sales in Mississippi County. These counties are so insignificantly associated with the sales territory of present Central Arkansas handlers that it does not justify their being added to the marketing area. Further, an unregulated handler in Cape Girardeau, Missouri, is currently supplying a military base located in Mississippi County. Should this county be added to the marketing area this handler could become regulated. The record shows no need for regulating this handler under the Central Arkansas order.

8. *Advance payment to cooperative associations.* The Central Arkansas order should be amended to provide specifically for advance payments by handlers to cooperative associations on bulk tank milk for which the cooperative association acts as the handler.

The order presently provides for advance and final payments by a handler to a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and which has so requested any handler in writing, and for final payments by a handler to a cooperative association with respect to receipts of bulk tank milk for which the cooperative association is the handler. The cooperative association representing most of the producers on the market proposed that the order be amended to specifically require a handler to make the advance payment to the cooperative association on bulk tank milk for which the cooperative acts as the handler. There was no opposition to the proposal. The advance payment should be due the second day before payments are due individual producers.

9. *Market administrator reports to cooperative associations.* The Memphis, Tennessee, order should be amended to provide that the market administrator report to each cooperative association, which so requests, the percentage of milk delivered by such association or its members which was used in each class by each handler receiving such milk.

The cooperative association representing the majority of the producers on the market proposed that on or before the 11th day after the end of each month, the market administrator report to each cooperative association which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the fluid milk plants of other handlers and to nonfluid milk plants.

Under the present provisions of the Memphis order, bulk tank milk for which the cooperative association is the handler and which is delivered directly to fluid milk plants of other handlers is prorated with receipts at the fluid milk plant from producers and from other cooperative associations which are handlers for bulk tank milk. Such a cooperative association reports to the market administrator only the receipts from producers and the total pounds of skim milk and butterfat delivered to each fluid milk plant. From the handlers' reports of receipts and utilization and from other reports prescribed by the order and by the market administrator, the market administrator calculates the net obligation of each handler for milk received from producers and notifies each handler of such obligation on or before the 11th day of each month. The notification includes, along with other information, the amount and value of milk in each class.

By requiring the market administrator to report at the same time to the cooperative association the percentage of milk delivered by such association or its members which was classified in each class by each handler receiving such milk, the association will be informed immediately of the proportions of its members' milk used in each class by each handler, and can plan its marketing program according to the relative use of producer milk in Class I at each plant.

The relationship of receipts of producer milk from cooperative associations at each handler's plant to the total pounds of Class I milk available to assign such receipts, exclusive of the Class I milk disposed of by such handler to the fluid milk plants of other handlers and to nonfluid milk plants, involves the disclosure of information with respect to milk other than producer milk in the handler's plant. Therefore, the market administrator should not be required to report this information to cooperative associations.

10. *Type of pool.* The proposal to change the pooling arrangement of the Memphis, Tennessee, order from an individual-handler pool to a marketwide pool was abandoned at the hearing by its proponents. Since no evidence was presented at the hearing regarding the need for a marketwide pool, the order should not be amended in this aspect on the basis of this record.

11. *Location differentials.* The basing points for location price adjustments in the Central Arkansas order should be Arkadelphia, Arkansas, or Little Rock, Arkansas, whichever is nearer. No changes should be made in the location price differentials in the Memphis order.

The present basing points for location differentials in Central Arkansas are Little Rock and Benton. Arkadelphia is located 48 miles south of Benton. Recently a plant at Arkadelphia, which was fully regulated under this order was purchased by a partially regulated handler in Camden, Arkansas. The plant in Arkadelphia is being closed and the sales from that plant will be served by the Camden plant. Since the sales from the Arkadelphia plant were made almost entirely in the marketing area, it is anticipated that the handler in Camden will become a fully regulated handler under the order. Camden is 103 miles south of Benton and under the present provisions of the order would receive a minus 16.5 cents location adjustment. Camden is located 55 miles south of Arkadelphia, and would receive no location adjustment with Arkadelphia as a basing point for location adjustments.

A location adjustment should not be applicable to a plant at Camden. The operator of this plant is presently purchasing milk from the Central Arkansas Milk Producers Association at the same price as Central Arkansas order handlers are paying for milk delivered to plants in Little Rock. Producers supplying the plant have the alternative of obtaining this price if they ship milk to Little Rock plants.

The proposal to provide for a plus location adjustment for Central Arkansas pool plants located 60 miles south of the nearest basing point is denied. Generally, as one moves south, supply-demand conditions for milk require progressively higher prices for milk corresponding to the increased cost of transporting milk from areas of alternative milk supplies. However, the record does not establish the need for this provision since there presently are no pool plants located south of the proposed basing points to which a plus location adjustment would apply. Furthermore, the proposed adoption of a basing point at Arkadelphia to maintain the Little Rock price level at Camden 155 miles south of Little Rock indicates that the proposed pattern of plus adjustments may not fit actual conditions.

In the recommended decision, it was proposed that Memphis, Tennessee, should be included as a basing point for location differentials in the Central Arkansas order. The handler located in Paragould, Arkansas, as a regulated handler under the Memphis order, receives a 13.5-cent location differential. The expansion of the Central Arkansas marketing area as proposed in this decision will regulate the Paragould handler under the Central Arkansas order. Under present provisions, the Paragould handler, as a regulated handler under Central Arkansas, would receive a location adjustment on Class I milk of 22.5 cents and producers supplying this handler would receive the Central Arkansas order blend price minus 22.5 cents.

The cooperative association representing the majority of the producers supplying the Paragould handler excepted to the inclusion of Memphis as a basing point for computing location adjustment credits under the Central Arkansas order. This cooperative contended that the 9-cent higher Class I price at that location might result in a loss of this market for its member producers at this plant.

Pool plants located in Greene County, Arkansas, should not receive a 34-cent location adjustment. The handler in Paragould proposed that plants regulated under the Memphis and Central Arkansas orders and located in Greene County receive a 34-cent location adjustment. Paragould is located about 90 miles north of Memphis and 150 miles northeast of Little Rock. As previously stated the best alternative market for producer milk being supplied this handler is the Memphis price minus 13.5 cents. It is not necessary to price such milk at the Memphis price minus 34 cents since producers can obtain the Memphis price by hauling their milk the additional 90 miles at an approximate cost of 13½ cents per hundredweight.

12. *Class II butterfat differentials.* The Class II price in the Memphis and Central Arkansas orders for milk containing more or less than 3.5 percent butterfat should be increased or decreased, respectively, for each one-tenth percent butterfat at a rate determined by multiplying the Chicago butter price by .115.

The present Memphis Class II butterfat differential is obtained by multiplying the Chicago butter price by .110 during April through June and by .115 for all other months. The Central Arkansas order Class II butterfat differential is obtained by multiplying the Chicago butter price by .110 during April through July and by .115 for all other months. During the 12-month period May 1962 through April 1963, the butterfat differential was 6.7 cents during the months the .115 factor was applicable and 6.4 cents during the months the .110 factor was applicable.

The two principal cooperative associations in the three markets proposed the .115 factor for all months. The Fort Smith order uses such a factor, thus this proposal would make the butterfat differentials uniform in the three orders. These cooperative associations handle the Class II milk handlers do not want to accept.

The testimony with respect to the Class II prices and that concerning butterfat differentials shows that the cooperative associations are able to market their milk at the proposed Class II prices adjusted by the proposed butterfat differentials when handlers will not accept milk in excess of their fluid sales. Since a market is available for excess milk including butterfat at the proposed prices the differentials should be revised as proposed.

Handlers proposed that the butterfat differentials in the Central Arkansas and Memphis orders be reduced to .110 times the Chicago butter price. There was some testimony that handlers occasionally receive less than 67 cents per pound of excess fat disposed of to manufacturing plants. They offered no evidence, however, to show that they could purchase butterfat for use in ice cream or other Class II products for less than 67 cents per pound.

13. *Classification of milk used in specified products.* The classification of certain uses of milk under the Memphis and Central Arkansas orders should be revised. The Memphis order should be amended to provide that fluid milk products fortified by the addition of nonfat milk solids be classified as Class I in an amount equal only to the weight of an equivalent volume of an unfortified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

Fortified fluid milk products generally result from the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of unfortified milk. Reconstituted products, on the other hand, involve a process wherein concentrated milk solids are blended with water to yield a weight of product approximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

Nonfat dry milk and condensed milk can be derived from sources other than producer milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demand of consumers and thereby to maintain or increase Class I sales.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Therefore, the difference between the volume classified in Class I and the total skim milk equivalent of nonfat milk solids in the product should be assigned to Class II.

The Central Arkansas order should be amended to provide Class II classification for cream frozen and stored and for skim milk and butterfat disposed of in bulk to commercial food manufacturing

are identical throughout such area so

association on bulk tank milk for which

formation to cooperative associations.

establishments which do not dispose of fluid milk products.

The Class II classification for these products was requested so that the Central Arkansas order would conform in this respect to the Memphis, Tennessee, order. There was no opposition to this proposal. The proponent of this proposal had no knowledge of any transactions of this nature currently being practiced. However, any milk used by commercial food manufacturing establishments which do not dispose of fluid milk products would not displace producer milk from Class I uses. Frozen cream which is stored is designed primarily for use in Class II products.

There is an extensive overlap of supply and sales by handlers regulated by the Central Arkansas and Memphis orders. In order that Central Arkansas handlers may use these outlets for surplus milk as Memphis handlers are permitted, skim milk and butterfat in such a transaction should be classified as Class II.

The Memphis order should be amended to provide for Class I classification of eggnog which is labelled Grade A. The proposal to amend the Central Arkansas order to provide for Class I classification of eggnog is denied. Cooperative associations representing producers supplying the Memphis and Central Arkansas markets proposed that the two orders be amended to provide for Class I classification of eggnog and/or boiled custard. The proponents of the proposals claimed that eggnog displaces sales of a considerable volume of Class I milk, particularly during holiday seasons, and that other Federal orders in the immediate vicinity provide for Class I classification of eggnog. Handlers regulated under both orders objected to the proposals, indicating that they would be placed at a competitive disadvantage in the marketing of eggnog if the product were classified as Class I.

Class I milk includes products which are required to be made from Grade "A" milk produced in accordance with the requirements of health authorities having jurisdiction in the marketing area. Eggnog sold in the respective marketing areas is not required to be made from Grade "A" milk and is not permitted to be labelled Grade A in the State of Arkansas. Some regulated handlers use Grade "A" producer milk in the production of eggnog since they are not allowed to have ungraded products in the Grade A portions of their plants. However, this product is sold in competition with eggnog produced by unregulated handlers using non-Grade "A" milk.

Since eggnog is not required to be made from Grade "A" milk and due to competition in the marketing of eggnog from plants where eggnog is made from non-Grade A milk, eggnog should not be classified as Class I under the Central Arkansas order and should not be Class I under the Memphis order unless the product is labelled as Grade A. Eggnog labelled Grade A is required to be made from Grade A milk and thus should be classified as Class I.

The Memphis and Central Arkansas orders should be amended to provide for Class II classification of sour cream mixtures to which cheese or any food substance other than a milk product has been added except when such products are labelled Grade A.

Handlers regulated under both orders proposed that the skim milk and butterfat contained in sour cream mixtures to which cheese or another food substance had been added be classified as Class II. Memphis handlers originally proposed a 15 percent butterfat limitation on the finished product to be classified as Class II but did not support this limitation since some Memphis handlers' finished products have less than 15 percent butterfat content while other Memphis handlers' finished products have more than 15 percent butterfat content. As an alternate proposal, Memphis handlers asked for Class II classification of cultured sour cream mixtures to which cheese or another food substance other than a milk product has been added and which contain butterfat equal to not more than 15 percent of the finished product, and cultured sour cream mixtures to which cheese or another food substance other than a fluid milk product has been added which are not labelled Grade A.

A cooperative association with producers on the Memphis market opposed the proposal, stating that Memphis handlers use Grade A milk in the production of sour cream mixtures and that some of the mixtures were sold under a Grade A label.

Handlers regulated under the Memphis and Central Arkansas orders market "dip specialty" products which are cultured sour cream mixtures to which cheese and non-dairy food ingredients have been added. Some of the containers have reference to Grade A while others do not. These dip specialty products are sold in competition with similar products which are not labelled Grade A.

Since Class I milk should include products which are required to be made from Grade A milk, sour cream mixtures which are labelled Grade A should remain in Class I. Sour cream mixtures sold in the marketing area as Grade A products must be made from Grade A milk. However, if they are not labelled as Grade A they may be made from non-Grade A milk. Since such dip specialty products may be, and are, sold in the marketing areas as non-Grade A products, they should not be included in Class I unless labelled Grade A. A 15 percent butterfat content limitation on the finished product is not necessary as a basis for distinguishing these products for the purpose of classification.

14. *Shrinkage allowances.* The shrinkage provision of the Memphis, Tennessee, order should be revised and clarified to provide that handlers would receive shrinkage allowances on skim milk and butterfat in milk received in bulk from other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants only in the net amount remaining after subtracting milk disposed of as bulk milk to other plants. With this amendment, the Memphis order shrinkage provision will conform with the Central Arkansas shrinkage provision in these aspects. The proposal to amend the Central Arkansas order shrinkage provision to conform with the Memphis order shrinkage provision is denied.

The Memphis order shrinkage provision presently provides for shrinkage allowances of two percent of skim milk and butterfat received directly from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream; one-half of one percent of skim milk and butterfat in milk, except diverted milk, received directly from producers and disposed of as whole milk, skim milk or cream in bulk; and one and one-half percent of skim milk and butterfat received in bulk from fluid milk plants of other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants.

The cooperative association representing the majority of the producers on the Memphis market proposed that the Memphis order be amended to provide that handlers would receive no shrinkage allowance on skim milk and butterfat received in bulk from fluid milk plants of other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants if disposed of as bulk tank lots of whole milk, skim milk or cream.

The cooperative association representing most of the producers on the Central Arkansas market and a substantial number of producers on the Memphis market proposed that the Central Arkansas order be amended to provide for a shrinkage provision the same as that provided for under the Memphis order, including the change proposed by the Memphis cooperative association. This proposal would entail the elimination of the option to handlers to receive milk from a cooperative association handler on the basis of farm tank weights determined by farm bulk tank calibrations and the one and one-half or two percent shrinkage allowance, depending on the source, to handlers who ship cream or skim milk in bulk to other plants. This proposal was submitted so that the two orders would have conforming shrinkage provisions. The Memphis cooperative association supported the proposal so that the shrinkage provisions provided in the two orders would be identical since this would promote equity among competing Memphis and Central Arkansas handlers.

Handlers under the Central Arkansas order objected to the elimination of the option to receive milk on the basis of farm tank weights. A handler with plants regulated under both orders objected to the proposed shrinkage allowances of zero or one-half of one percent, depending on the source, of milk disposed of as bulk cream or skim milk to other plants. The handler requested that the present Central Arkansas shrinkage allowances be retained.

This handler, at the Central Arkansas plant, separates milk and uses the skim milk and butterfat for processing various milk products. At times there is a surplus of butterfat and skim milk which must be disposed of to outside sources

The expansion of the Central Arkansas

which handlers will not accept milk in excess of their fluid sales. Since a mar-

bulk to commercial food manufacturing

since the plant has no manufacturing facilities for ice cream or butter. Since there is some loss of fat in the separation process, the plant operation reflects this shrinkage.

The provisions, as herein recommended, revise the division of allowable shrinkage between handlers, depending upon functions performed, and will avoid the duplication of shrinkage on transfers between regulated plants.

The option to handlers in the Central Arkansas order to receive milk from a cooperative association handler on the basis of farm tank weights determined by farm bulk tank calibrations should be retained, and the wording should be clarified to specify that the use of average farm butterfat tests is required under the option.

15. *Allocation of other order Class I milk.* Handlers regulated under the Memphis and Central Arkansas orders proposed that the orders be amended with respect to the allocation of skim milk and butterfat received at handlers' plants in the form of fluid milk products in consumer packages if such fluid milk products were priced as Class I under another order issued pursuant to the Act.

Evidence with respect to these proposals was received also at a previous hearing. The hearing was held at St. Louis, Missouri, on January 8–11, 1963, and evidence was received with respect to the milk marketing orders for the Memphis, Tennessee, marketing area, and the Central Arkansas marketing area, as well as for several other areas including Fort Smith, Arkansas. Consideration of the allocation and charges assessed other order packaged Class I milk received at handlers' plants is a matter to be dealt with on the record of the regional hearing held in St. Louis. Therefore, the proposals to provide for the allocation to Class I of skim milk and butterfat received at handlers' plants in the form of fluid milk products in consumer packages if such fluid milk products were priced as Class I pursuant to another order issued pursuant to the Act are denied on the basis of this record.

16. *Miscellaneous and conforming changes.* The Central Arkansas order presently contains definitions which provide that producer milk delivered directly from the farm to pool plants in tank trucks for the account of a cooperative association as a handler is producer milk received by such cooperative and transferred to pool plants. Since such milk is the producer milk of the cooperative association as a handler, the order should not be amended to provide for the classification and pricing of such milk as producer milk at the pool plants to which transferred.

The Memphis, Tennessee, order presently provides for the Class II classification of aerated and frozen cream by virtue of the "fluid milk product" definition. To conform the provisions of this order, the specific reference to these products as Class II milk under "classes of utilization" should be deleted.

Other conforming changes to the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas orders are necessitated by the recommended new and modified base-excess plans and involve the inclusion or modification of certain reports required of both handlers and the market administrator which are essential to the operation of the base-excess plans.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are six documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area"; "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area"; "Marketing Agreement Regulating the Handling of Milk in the Central Arkansas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Arkansas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of September 1963, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas, is approved or favored by producers, as defined under the terms of the orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on October 25, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

§ 1097.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance tof the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

the order regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on September 30, 1963, and published in the FEDERAL REGISTER on October 3, 1963 (28 F.R. 10660; F.R. Doc. 63-10505), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. Amendment No. 2 is revised.

2. In § 1097.71, a date is changed in the introductory text.

3. In § 1097.72, the introductory text is revised.

4. Section 1097.80 is revised.

5. In § 1097.81, the introductory text is revised.

6. Section 1097.83 is revised.

7. In § 1097.94, paragraph (b) is revised.

1. Section 1097.16 is revised as follows:

§ 1097.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, plain or flavored milk drinks, sweet and sour cream (except aerated and frozen cream); and any mixture in fluid form of milk, skim milk and cream except mixes for frozen dairy products. Eggnog and sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as fluid milk products only if disposed of under a Grade A label.

2. New §§ 1097.17 and 1097.18 are added as follows:

§ 1097.17 Base milk.

"Base milk" means milk received by a handler from a producer during any of the months of March through July, which is not in excess of such producer's base computed pursuant to § 1097.81.

§ 1097.18 Excess milk.

"Excess milk" means milk received by a handler from a producer during any of the months of March through July, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1097.81.

3. In § 1097.22, paragraphs (i) and (k) are revised as follows:

§ 1097.22 Duties.

* * * * * * *

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 1097.51(a) and the Class I butterfat differential computed pursuant to § 1097.52(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1097.51(b) and the Class II butterfat differential computed pursuant to § 1097.52(b), both for the previous month; and

(2) On or before the 13th day of each month, the uniform price(s) for each handler computed pursuant to §§ 1097.71 or 1097.72, as applicable, the location differential for each handler computed pursuant to § 1097.93, and the butterfat differential computed pursuant to § 1097.92, all for the preceding month;

* * * * * * *

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of milk delivered by such association or by its members which was allocated to each class by each handler receiving such milk.

* * * * * * *

4. Section 1097.41 is revised as follows:

§ 1097.41 Classes of utilization.

Subject to the conditions set forth in §§ 1097.43 and 1097.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(3), (4) and (7) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in ending inventory of fluid milk products;

(3) In fluid milk products disposed of and used for livestock feed or in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to subparagraph (a)(1)(ii) of this section;

(5) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1097.42(b)(2) but not in excess of:

(i) Two percent of milk received directly from producers except milk diverted pursuant to § 1097.11(b); plus

(ii) One and one-half percent of milk received in bulk tank lots from fluid milk plants of other handlers and from cooperative associations which are handlers pursuant to § 1097.10(c); less

(iii) One and one-half percent of milk disposed of in bulk tank lots to other plants; less

(iv) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1097.10(c);

(6) In shrinkage allocated to other source milk pursuant to § 1097.42(b)(1); and

(7) The utilization of which is established as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products.

5. In § 1097.42, subparagraph (b)(2) is revised as follows:

§ 1097.42 Shrinkage.

* * * * * * *

(b) * * *

(2) Fifty times the maximum pounds of skim milk and butterfat pursuant to § 1097.41(b)(5).

6. Section 1097.45 is revised as follows:

§ 1097.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler. The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

7. In § 1097.46, subparagraph (a)(1) is revised as follows:

§ 1097.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk computed pursuant to § 1097.41(b)(5);

* * * * * * *

8. In § 1097.51, paragraphs (a) and (b) are revised as follows:

§ 1097.51 Class prices.

* * * * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1102 (Fort Smith marketing area) and 1108 (Central Arkansas marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October–November	108	114
February	November–December	107	113
March	December–January	107	113
April	January–February	107	113
May	February–March	106	112
June	March–April	109	115
July	April–May	112	118
August	May–June	112	118
September	June–July	115	121
October	July–August	114	120
November	August–September	111	117
December	September–October	110	116

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(a) Each percentage unit of deviation, or

(b) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each percentage unit of deviation;

(b) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The Class II milk price shall be the basic formula price computed pursuant to § 1097.50.

9. In § 1097.52, paragraph (b) is revised as follows:

§ 1097.52 Butterfat differential to handlers.

* * * * * * *

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

10. Section 1097.60 is revised as follows:

§ 1097.60 Producer-handler.

Sections 1097.40 through 1097.46, 1097.50 through 1097.53, 1097.70 through 1097.72, 1097.80 through 1097.83, and 1097.90 through 1097.97 shall not apply to a producer-handler.

11. In § 1097.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1097.71 Computation of uniform prices for handlers.

For each of the months through January 1965 and for the months August through February thereafter, the market administrator shall compute for each handler a uniform price with respect to his producer milk as follows:

12. A new § 1097.72 is added as follows:

§ 1097.72 Computation of the uniform prices for base and excess milk for handlers.

Effective on and after March 1965, for each of the months of March through July, the market administrator shall compute for each handler with respect to his producer milk, a uniform price for base milk and for excess milk as follows:

(a) Follow the computations and adjustments provided for in § 1097.71 (a) through (d);

(b) Compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk not in excess of the total quantity of producer milk assigned to Class II milk for such handler by the Class II price; multiply the remaining excess milk by the Class I price and add together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for such handler for all excess milk of 3.5 percent butterfat content;

(d) Subtract, for each handler, the value of such handler's excess milk obtained in paragraph (b) of this section from the value of all milk obtained for such handler pursuant to paragraph (a) of this section; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be the uniform price for such handler for base milk of 3.5 percent butterfat content subject to adjustments pursuant to § 1097.93.

13. Sections 1097.80, 1097.81, 1097.82 and 1097.83 are added as follows under the heading "Determination of Base".

§ 1097.80 Computation of daily average base for each producer.

Effective on and after September 1964, the daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period of September through January, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 120. In the case of producers delivering milk to a plant which first became a fluid milk plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been a fluid milk plant during such period.

§ 1097.81 Determination of monthly base of each producer.

Effective on and after September 1964 and subject to the rules set forth in § 1097.82, the market administrator shall calculate a monthly base for each producer for each of the months of March through July, as follows:

(a) If milk is received by a handler as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1097.80 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by more than one handler and/or by handlers fully regulated under the terms of the Central Arkansas (Part 1108) or Fort Smith, Arkansas (Part 1102), orders during the month, multiply such producer's daily average base computed pursuant to § 1097.80 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1097.80 which

were received by each handler to determine the amount of base milk received from such producer by each handler.

§ 1097.82 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1097.80.

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred; and

(b) If a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1097.83 Announcement of established bases.

On or before February 25 of each year, the market administrator shall notify each producer of the daily average base established by such producer.

14. In § 1097.91 the introductory text of paragraph (b) and all of paragraph (c) is revised as follows:

§ 1097.91 Payments to producers.

* * * * *

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer or cooperative association during the month by each handler from whom the appropriate payments have been received pursuant to § 1097.90(b), such payments by the market administrator to be at not less than the uniform price(s) computed pursuant to §§ 1097.71 or 1097.72, as applicable, subject to the following adjustments:

* * * * *

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall, on or before the second day prior to the date payments are due to individual producers, make payment to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, and to a cooperative association with respect to milk for which it is a handler pursuant to § 1097.10(c), a total amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section.

15. Section 1097.93 is revised as follows:

§ 1097.93 Location differentials to producers.

In making payment pursuant to § 1097.91, the applicable uniform prices for all milk received shall be adjusted according to the location of the fluid milk plant where such milk was received at the rate provided pursuant to § 1097.53.

16. Section 1097.94(b) is revised as follows:

§ 1097.94 Statement to producers.

* * * * *

(b) The total pounds of milk received from the producer, including for the months of March through July, such producer's deliveries of base and excess milk.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area.

§ 1102.0 Findings and determinations.

The findings and determinations, hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on September 30, 1963, and published in the FEDERAL REGISTER on October 3, 1963 (28 F.R. 10660; F.R. Doc. 63-10505), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1102.14 is revised as follows:

§ 1102.14 Base milk.

"Base milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1102.91.

2. Section 1102.15 is revised as follows:

§ 1102.15 Excess milk.

"Excess milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1102.91.

3. Section 1102.22(k) is redesignated as (l) and a new (k) is added as follows:

§ 1102.22 Duties.

* * * * *

(k) Notify each handler in writing on or before the 12th day of each month for each of the preceding months of February through July 1964 and March through July thereafter, the amount of base milk and excess milk received from each producer.

4. Section 1102.30(a) is revised as follows:

§ 1102.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in milk received from producers;

* * * * *

5. Section 1102.31(a) is revised as follows:

§ 1102.31 Reports of payments to producers.

* * * * *

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July 1964 and March through July thereafter, such producer's deliveries of base and excess milk.

* * * * *

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

6. Section 1102.32 is revised by adding a new paragraph (b) as follows:

§ 1102.32 Other reports.

* * * * *

(b) Each handler, except a producer handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator on or before the 7th day of each month of March through August 1964 and April through August thereafter, for each producer for the preceding month:

(1) His name and address or other appropriate identification;

(2) The total pounds of milk and butterfat received from such producer;

(3) The location at which such milk was received; and

(4) The number of days on which milk was received from each producer.

7. Section 1102.41(b)(2) is revised as follows:

§ 1102.41 Classes of utilization.

* * * * *

(b) * * *

(2) Disposed of and used for livestock feed;

* * * * *

8. Section 1102.51 (a) and (b) are revised as follows:

§ 1102.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.45 in each of the months of April through June and $1.85 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1097 (Memphis, Tennessee, marketing area) and 1108 (Central Arkansas marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October–November	108	114
February	November–December	107	113
March	December–January	107	113
April	January–February	107	113
May	February–March	106	112
June	March–April	109	115
July	April–May	112	118
August	May–June	112	118
September	June–July	115	121
October	July–August	114	120
November	August–September	111	117
December	September–October	110	116

(3) For a minus "deviation percentage" the Class I price shall be increased and for a plus "deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(*a*) Each percentage unit of deviation, or

(*b*) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each percentage unit of deviation;

(*b*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The Class II milk price shall be the basic formula price computed pursuant to § 1102.50.

9. Section 1102.60 is revised as follows:

§ 1102.60 Producer-handlers.

Sections 1102.40 through 1102.46, 1102.50 through 1102.53, 1102.70 through 1102.72, 1102.80 through 1102.85, and 1102.90 through 1102.93 shall not apply to a producer-handler.

10. In § 1102.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1102.71 Computation of uniform prices for handlers.

For each of the months through January 1964, and August through February thereafter, the market administrator shall compute for each handler a uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

* * * * *

11. In § 1102.72 the introductory text preceding paragraph (a) is revised as follows:

§ 1102.72 Computation of the uniform prices for base and excess milk for each handler.

For each of the months of February through July 1964, and March through July thereafter, the market administrator shall compute for each handler with respect to milk received from producers, a uniform price for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

* * * * *

12. Section 1102.80(a) is revised as follows:

§ 1102.80 Time and method of payment.

* * * * *

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, at not less than the appropriate uniform price(s) adjusted by the producer butterfat differential for all milk received from such producer during the preceding month less the amount of payment made pursuant to paragraph (b) of this section.

* * * * *

13. Section 1102.90 is revised as follows:

§ 1102.90 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period of September through December 1963, and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 90 for the September–December base-forming period and 120 thereafter. In the case of producers delivering milk to a plant which first became an approved plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been an approved plant during such period.

14. Section 1102.91 is redesignated as § 1102.92 and a new § 1102.91 is added as follows:

§ 1102.91 Determination of monthly base for each producer.

Subject to the rules set forth in § 1102.92, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by a handler as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1102.90 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by more than one handler and/or by handlers fully regu-

milk plant where such milk was received

met.

lated under the terms of the Memphis, Tennessee (Part 1097), or Central Arkansas (Part 1108) orders during the month, multiply such producer's daily average base computed pursuant to § 1102.90 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1102.90 which were received by each handler to determine the amount of base milk received from such producer by each handler.

15. The redesignated § 1102.92 is revised as follows:

§ 1102.92 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1102.90:

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base-holder, or his heirs, and by the person to whom such base is to be transferred;

(b) If a base is held jointly, the entire base shall be transferred only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

16. A new § 1102.93 is added as follows:

§ 1102.93 Announcement of established bases.

On or before Januray 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Arkansas Marketing Area

§ 1108.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreemnt Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds; and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, as follows:

(a) A cooperative association as a handler pursuant to § 1108.12(c), on producer milk except that transferred to another handler operating a pool plant.

(b) A handler operating a pool plant, on producer milk plus milk received from a cooperative association as a handler pursuant to § 1108.12(c) and on other source milk allocated to Class I pursuant to § 1108.46 (a)(2) and (b).

(c) A handler operating a nonpool plant at which milk is not classified and priced under provisions of another Federal milk order, on Class I milk disposed of in the marketing area except milk disposed of to a pool plant.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on September 30, 1963, and published in the FEDERAL REGISTER on October 3, 1963 (28 F.R. 10660; F.R. Doc. 63-10505), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revision:

In §§ 1108.53 and 1108.74, the text preceding the proviso is revised.

1. Section 1108.4 is revised as follows:

§ 1108.4 Central Arkansas marketing area.

"Central Arkansas marketing area", called the "marketing area" in this part means all the territory included within the boundaries of the counties of Clark, Conway, Craighead, Cross, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lonoke, Monroe, Phillips, Poinsett, Pope, Prairie, Pulaski, Saline, St. Francis, White, and Woodruff, all in the State of Arkansas.

2. Section 1108.16 is revised as follows:

§ 1108.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream except frozen cream, aerated cream, ice cream mix, eggnog and sterilized products in hermetically sealed containers. Sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as a fluid milk product only if disposed of under a Grade A label.

3. Section 1108.18 is revised as follows:

§ 1108.18 Base milk.

"Base milk" means milk received by handlers from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1108.91 and which is not in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1108.91.

4. Section 1108.19 is revised as follows:

§ 1108.19 Excess milk.

"Excess milk" means milk received by handlers from a producer during any of the months of February through July 1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1108.91.

5. Section 1108.27(k)(1) is revised as follows:

§ 1108.27 Duties.

* * * * * *

(k) * * *

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price and the Class II butterfat differential, both for the preceding month; and

* * * * * *

6. Section 1108.31 (b)(1) and (b)(2)(ii) are revised as follows:

§ 1108.31 Other reports.

* * * * * *

(b) * * *

(1) On or before the 7th day of each month of March through August 1964 and April through August thereafter, for each producer for the preceding month: (i) His name and address or other appropriate identification; (ii) the total pounds of milk and butterfat received from such producer; (iii) the location at which such milk was received; and (iv) the number of days on which milk was received from such producer.

(2) * * *

(ii) The total pounds of milk received from such producer, including, for the months of February through July 1964 and March through July thereafter, the pounds of base milk;

* * * * * *

7. Section 1108.41 is revised as follows:

§ 1108.41 Classes of utilization.

Subject to the conditions set forth in §§ 1108.42 through 1108.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(3), (4) and (7) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) In fluid milk products disposed of and used for livestock feed or in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1108.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers except milk diverted pursuant to § 1108.6; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 1108.12(c), if the handler operating the pool plant files with the market administrator in writing, prior to the first day of the month, notice that he is purchasing such milk for the month on the basis of average farm tests and farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph;

(6) In shrinkage allocated to other source milk pursuant to § 1108.42(b)(2); and

(7) The utilization of which is established as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products.

8. Section 1108.51 (a) and (b) are revised as follows:

§ 1108.51 Class prices.

* * * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1097 (Memphis, Tennessee, marketing area) and 1102 (Fort Smith, Arkansas, marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October-November	108	114
February	November-December	107	113
March	December-January	107	113
April	January-February	107	113
May	February-March	106	112
June	March-April	109	115
July	April-May	112	118
August	May-June	112	118
September	June-July	115	121
October	July-August	114	120
November	August-September	111	117
December	September-October	110	116

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(*a*) Each percentage unit of deviation, or

(*b*) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceeding; plus

(iii) One cent times the least of:

(*a*) Each percentage unit of deviation;

(*b*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1108.50.

9. Section 1108.52(b) is revised as follows:

§ 1108.52 Butterfat differential to handlers.

* * * * * *

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

10. Section 1108.53 is revised as follows:

§ 1108.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 60 miles or more from the Courthouse at Arkadelphia, Arkansas, or the State Capital at Little Rock, Arkansas, whichever is nearer by shortest highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1108.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is from the respective building designated above: *Provided,* That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculation prescribed in § 1108.46(a)(1) through (4) and the comparable steps in paragraph (b) thereof for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

11. In § 1108.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1108.71 Computation of the uniform price.

For each of the months through January 1964 and August through February

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

erning proceedings to formulate marketing agreements and marketing orders have been met.

tober 3, 1963 (28 F.R. 10660; F.R. Doc. 63–10505), shall be and are the terms and provisions of this order, and are set forth

each producer for the preceding month: (i) His name and address or other appropriate identification; (ii) the total

(v) One and one-half percent of milk disposed of to plants by a cooperative as-

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage"

price.

For each of the months through January 1964 and August through February

thereafter, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

• • • • •

12. In § 1108.72 the introductory text preceding paragraph (a) is revised as follows:

§ 1108.72 Computation of uniform prices for base milk and excess milk.

For each of the months of February through July 1964 and March through July thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

• • • • •

13. Section 1108.74 is revised as follows:

§ 1108.74 Location differential to producers.

The applicable uniform prices to be paid for all producer milk received at a pool plant located 60 miles or more from the Courthouse at Arkadelphia, Arkansas or the State Capitol at Little Rock, Arkansas, whichever is nearer by shortest highway distance, as determined by the market administrator, shall be reduced according to the distance of the plant from the respective building designated above at the rate of 1.5 cents for each 10 miles or residual fraction thereof.

14. Section 1108.75(b) is revised as follows:

§ 1108.75 Notification of handlers.

• • • • •

(b) For the months of February through July 1964 and March through July thereafter, the amount and value of his base and excess milk, respectively, and the amount of base milk and excess milk received from each producer;

• • • • •

15. Section 1108.80 (c) (2) (ii) and (d) are revised as follows:

§ 1108.80 Time and method of payment for producer milk.

• • • • •

(c) • • •

(2) • • •

(ii) For the months of February through July 1964 and March through July thereafter, the pounds of base milk received;

• • • • •

(d) To a cooperative association with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1108.12(c):

(1) On or before the 2d day prior to the last day of the delivery period, an amount equal to the rate specified in paragraph (a)(1) of this section times the volume received during the first 15 days of the delivery period; and

(2) On or before the 13th day after the end of each delivery period, an amount equal to not less than the value of such milk at applicable class price(s) less payment made pursuant to paragraph (d)(1) of this section.

16. Section 1108.90 is revised as follows:

§ 1108.90 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period of September through December 1963, and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 90 for the September-December base-forming period and 120 thereafter. In the case of producers delivering milk to a plant which first became a pool plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been a pool plant during such period.

17. Section 1108.91 is redesignated as § 1108.92 and a new § 1108.91 is added as follows:

§ 1108.91 Determination of monthly base of each producer.

Subject to the rules set forth in § 1108.92, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by handlers as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1108.90 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by handlers regulated under this part and by handlers fully regulated under the terms of the Memphis, Tennessee (Part 1097), or Fort Smith, Arkansas (Part 1102), orders during the month, multiply such producer's daily average base computed pursuant to § 1108.90 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1108.90 which were received by each handler to determine the amount of base milk received from such producer by each handler.

18. Section 1108.92 is redesignated as § 1108.93 and the redesignated § 1108.92 is revised as follows:

§ 1108.92 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1108.90:

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred;

(b) If a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

19. Section 1108.92 is redesignated as § 1108.93 and is revised as follows:

§ 1108.93 Announcement of established bases.

On or before January 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

[F.R. Doc. 63–11459; Filed, Oct. 29, 1963; 8:48 a.m.]

[7 CFR Parts 1104, 1106]

[Docket Nos. AO298–A4, AO210–A16]

MILK IN RED RIVER VALLEY AND OKLAHOMA METROPOLITAN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the 89er Inn, 3300 Lincoln Boulevard, Oklahoma City, Oklahoma, beginning at 9:00 a.m., local time, on November 4, 1963, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Central Oklahoma Milk Producers Association, Pure Milk Producers Association of Eastern Oklahoma and North Texas Producers Association:

Proposal No. 1. Amend each of the Red River Valley and Oklahoma Metropolitan orders to increase the Class I prices 25 cents per hundredweight effective through April 1964.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 4568, Tulsa 14, Oklahoma, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 25, 1963.

C. H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63–11460; Filed, Oct. 29, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–78]

CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

The following controlled airspace is presently designated within the Modesto, Calif., terminal area:

1. The Modesto, Calif., control zone is designated within a 5-mile radius of Modesto City-County Airport, within 2 miles each side of the Modesto VOR 291° True radial, extending from the 5-mile radius zone to 8 miles west of the VOR, and within 2 miles each side of the Modesto VOR 153° True radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the portion within R–2514. This control zone is effective from 0630 to 1900 hours, local time, daily.

2. That portion of the Merced, Calif., control area extension bounded on the east by Victor 23, on the south by Victor 230, on the west by Victor 113, and on the north by the Stockton, Calif., control area extension.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Modesto area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Modesto control zone by redesignating it as that airspace within a 5-mile radius of Modesto City-County Airport (latitude 37°37'35'' N., longitude 120°57'15'' W.); within 2 miles each side of the Modesto VOR 291° True radial, extending from the 5-mile radius zone to 8 miles west of the VOR and within 2 miles each side of the Modesto VOR 119° True radial, extending from the 5-mile radius zone to 8 miles east of the VOR, excluding the portion within R–2514. This control zone would be effective from 0630 to 1900 hours, local time, daily.

2. Designate the Modesto transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Modesto City-County Airport (latitude 37°37'35'' N., longitude 120°57'15'' W.) within 2 miles each side of the Modesto VOR 291° True radial, extending from the 5-mile radius area to 8 miles west of the VOR, and within 2 miles each side of the Modesto VOR 119° True radial, extending from the 5-mile radius area to 8 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 120°30'00'' W., on the south by a line extending from latitude 37°38'45'' N., longitude 120°30'00'' W., to latitude 37°25'00'' N., longitude 120°48'00'' W., to latitude 37°25'00'' N., longitude 120°-56'00'' W., on the west by Victor 109, and on the north by a line extending from latitude 37°38'00'' N., longitude 121°00'-35'' W., to latitude 37°45'45'' N., longitude 120°30'00'' W. The portion within R–2514 would be used only after obtaining prior approval from appropriate authority.

The actions proposed herein would, in part, realign the Modesto control zone east extension on the Modesto VOR 119° True radial to coincide with the final approach course specified by the VOR instrument approach procedure.

The portion of the proposed Modesto transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Modesto Airport during the time the Modesto control zone is not effective. The portion of the proposed transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the higher portions of prescribed instrument approach, departure, holding and radar vectoring procedures within the Modesto terminal area.

The portion of the Merced control area extension and the floors of the airways within the lateral limits of the proposed transition area would automatically assume a floor coincident with that of the transition area. Revocation of the Merced control area extension will be processed at a later date as a part of the terminal area CAR Amendments 60–21/60–29 implementation studies in adjacent terminal areas.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 23, 1963.

W. R. ANDREWS,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63–11407; Filed, Oct. 29, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WA–73]

POSITIVE CONTROL AREA

Notice of Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation regulations to alter a positive control area in portions of the areas of jurisdiction of the Denver and Salt Lake City air route traffic control centers.

Positive control areas are designated within the continental control area for the provision of positive separation to en route and local aircraft operations.

The present Salt Lake City and Denver positive control areas were aligned to be coincident with the planned Northern Tier SAGE sector southern boundary. A change in the planned boundary makes it practical to include an additional area of positive control. Although both the Salt Lake and Denver air route traffic control center areas are involved, the additional area would be added by altering the description of only the Denver, Colo., positive control area.

graph (d) (1) of this section.

from a person holding such base to any

Service:

excluding the portion within R–2514.

written data, views or arguments as they

altering the description of only the Denver, Colo., positive control area.

If this action is taken the Denver, Colo., positive control area would be amended to read as follows:

That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at:

Latitude 36°33'00" N., longitude 101°04'30" W.; thence to latitude 36°46'00" N., longitude 102°28'00" W.; thence to latitude 37°44'00" N., longitude 102°20'00" W.; thence to latitude 36°43'00" N., longitude 106°05'00" W.; thence to latitude 38°08'00" N., longitude 106°38'00" W.; thence to latitude 37°48'00" N., longitude 110°46'00" W.; thence to latitude 38°27'00" N., longitude 110°57'00" W.; thence to latitude 38°59'00" N., longitude 111°07'00" W.; thence to latitude 39°39'00" N., longitude 110°39'00" W.; thence to latitude 40°11'00" N., longitude 110°22'00" W.; thence to latitude 40°45'00" N., longitude 109°35'00" W.; thence to latitude 41°05'00" N., longitude 106°10'00" W.; thence to latitude 42°00'00" N., longitude 106°15'00" W.; thence to latitude 42°40'00" N., longitude 107°05'00" W.; thence to latitude 43°00'00" N., longitude 107°00'00" W.; thence to latitude 43°30'00" N., longitude 106°30'00" W.; thence to latitude 43°47'10" N., longitude 106°31'00" W.; thence to latitude 43°50'00" N., longitude 107°45'00" W.; thence to latitude 45°20'00" N., longitude 107°45'00" W.; thence to latitude 45°07'00" N., longitude 104°15'00" W.; thence to latitude 44°37'00" N., longitude 101°00'00" W.; thence to latitude 44°20'00" N., longitude 101°00'00" W.; thence to latitude 43°30'00" N., longitude 100°26'00" W.; thence to latitude 43°30'00" N., longitude 99°00'00" W.; thence to latitude 39°23'00" N., longitude 99°04'00" W.; thence to latitude 38°36'00" N., longitude 101°28'00" W.; thence to latitude 37°39'00" N., longitude 101°03'00" W.; thence to the point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 23, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11409; Filed, Oct. 29, 1963; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63–WA–70]

JET ROUTE

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 75 of the Federal Aviation regulations, the substance of which is stated below.

The FAA has under consideration the designation of a jet route from the Columbia, S.C., VOR to the Pulaski, Va., VOR. The designation of a jet route as proposed herein would provide a more direct route for civil turbojet aircraft operating between Miami, Fla., and Pittsburgh, Pa.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 23, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11408; Filed, Oct. 29, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 2034]

AIRWORTHINESS DIRECTIVES

Piper Model PA–24 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations or the Administrator to include an airworthiness directive for Piper Model PA–24 Series aircraft. There have been cases of inadvertent tripping of the 25 ampere landing gear retraction circuit breaker, which has resulted in stoppage of the landing gear retraction mechanism prior to the fully extended position. It has been determined that in normal operation the circuit load may momentarily exceed 25 amperes and that a 30 ampere circuit breaker is sufficient to overcome this condition. Therefore, to correct this unsafe condition, this AD requires replacement of the 25 ampere circuit breaker with a 30 ampere circuit breaker or FAA approved equivalent.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before December 2, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PIPER. Applies to all Models PA–24 and PA–24–250 aircraft, which have 25 ampere circuit breakers in the landing gear retraction motor circuit.

Compliance required within the next 100 hours' time in service after the effective date of this AD.

Inadvertent tripping of the 25 ampere landing gear retraction circuit breaker has resulted in stoppage of the landing gear retraction mechanism in other than the fully extended position. Therefore, in order to eliminate this condition, with its associated hazard of partial-gear-down landing accidents, the 25 ampere circuit breaker in the landing gear retraction motor circuit must be replaced with a 30 ampere circuit breaker, Piper P/N 454661, or FAA approved equivalent.

(Piper Service Letter No. 356, dated March 31, 1961, pertains to this same subject.)

Issued in Washington, D.C., on October 23, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63–11406; Filed, Oct. 29, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 201, 204]

[Docket No. R–246]

UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND FOR NATURAL GAS COMPANIES

Disposition of Balance in Accumulated Deferred Tax Accounts Attributable to Property Retired Prior to the Expiration of Its Estimated Useful Life; Notice of Further Extension of Time

OCTOBER 23, 1963.

Upon consideration of the request filed October 17, 1963, by Edison Electric Institute for a further extension of time within which to submit written data, views, comments and suggestions concerning the proposed amendments to the Uniform System of Accounts prescribed for Public Utilities and Licensees and for Natural Gas Companies as set forth in the notice of proposed rulemaking issued August 27, 1963, in the above-designated matter;

Notice is hereby given that the time is extended to and including November 29, 1963, for filing comments concerning the proposed amendments.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–11417; Filed, Oct. 29, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC–C–1]

[49 CFR Part 170]

COMMERCIAL ZONES

St. Louis, Mo.-East St. Louis, Ill.

OCTOBER 25, 1963.

Redefinition of St. Louis, Mo.-East St. Louis, Ill., commercial zone heretofore defined in 76 M.C.C. 418. Petitioners: Midwest Rubber Reclaiming Company, East St. Louis, Ill., Phillips Pipe Line Company, Bartlesville, Okla. Petitioners' representatives: Albert C. Metter, Midwest Rubber Reclaiming Company, East St. Louis, Ill., and Glen T. Patterson and D. E. Hodges, Adams Building, Bartlesville, Okla. By petition filed May 31, 1963, petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, which are prescribed in the second report of the Commission on further consideration, 76 M.C.C. 418 (49 CFR 170.3), and to revise part (3) in the description of such zone limits to read as follows: "(3) all points within the corporate limits of East St. Louis, Belleville, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill., and that part of the Village of Cohokia, Ill., bounded by Illinois Highway 3 on the east, First Avenue and Red House (Cargill) Road on the south and southwest, the east line of the right-of-way of the Alton and Southern Railroad on the west, and the corporate limits of Monsanto on the northwest and north".

This proceeding is assigned for oral hearing on December 5, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Samuel Horwich.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–11441; Filed, Oct. 29, 1963; 8:47 a.m.]

[F.R. Doc. 63-11409; Filed, Oct. 29, 1963; 8:45 a.m.]

amperes and that a 30 ampere circuit breaker is sufficient to overcome this condition. Therefore, to correct this un-

OCTOBER 23, 1963.

Upon consideration of the request filed October 17, 1963, by Edison Electric In-

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56033]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS MANUFACTURED OR PRODUCED IN KOREA

Correction of Levels of Restraint

OCTOBER 24, 1963.

There is published below a letter of October 15, 1963, from the Chairman, President's Cabinet Textile Advisory Committee, which amends the levels of restraint prescribed in that committee's directive of September 17, 1963, on cotton textiles and cotton textile products in Categories 9, 26, 45, and 54, manufactured or produced in Korea, which will be allowed entry in the United States.

Collectors of customs and appraisers of merchandise have been advised of these corrected levels and have been instructed to bring the corrected levels to the attention of all interested parties.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.,
October 15, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter amends my letter to you of September 17, 1963, appearing in the FEDERAL REGISTER on October 3, 1963 (28 F.R. 10683), regarding prohibition of entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 26, 45, and 54, produced or manufactured in Korea, in excess of certain corrected levels of restraint, for the twelve-month period beginning January 1, 1963.

The corrected levels of restraint provided in my letter of September 17, reflecting entries made during the period January 1, 1963, through September 9, 1963, inadvertently omitted entries made during the month of July 1963. Accordingly, you are directed to amend my directive of September 17 to you to show the following corrected levels of restraint:

Categories	12-month levels of restraint	Corrected levels of restraint
9	1,740,000 sq. yds.	751,117 sq. yds.
26	10,000,000 sq. yds.	1,885,720 sq. yds.
45	20,000 doz.	2,000 doz.
54	25,000 doz.	7,696 doz.

You are requested to publish this letter in the FEDERAL REGISTER as an amendment to my letter of September 17, 1963.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 63-11465; Filed, Oct. 29, 1963; 8:48 a.m.]

Comptroller of the Currency

FIDELITY NATIONAL BANK OF TWIN FALLS AND HAZELTON STATE BANK

Notice of Decision Granting Application To Purchase Assets

On August 12, 1963, the $15.8 million Fidelity National Bank, Twin Falls, Idaho, applied to the Comptroller of the Currency for permission to purchase the assets and assume the liabilities of the $2.2 million Hazelton State Bank, Hazelton, Idaho.

On October 18, 1963, the Comptroller of the Currency granted this application effective on or after October 25, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 24, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-11463; Filed, Oct. 29, 1963; 8:48 a.m.]

MONMOUTH COUNTY NATIONAL BANK, RED BANK LONG BRANCH TRUST CO.

Notice of Decision Granting Application To Consolidate

On August 1, 1963, the $108.3 million Monmouth County National Bank, Red Bank, Red Bank, New Jersey, applied to the Comptroller of the Currency for permission to consolidate under the charter and title of the former.

On October 18, 1963, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 24, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-11464; Filed, Oct. 29, 1963; 8:48 a.m.]

Office of the Secretary

[T.D. Order No. 167-56]

[CGFR 63-73]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 1), there are transferred to the Commandant, U.S. Coast Guard the following functions set forth in Public Law 88-130 (approved September 24, 1963), concerning the appointment, promotion, separation, and retirement of Coast Guard officers: Title 14, United States Code, sections 41a (a), (b) and (d), 42(e), 211 (b) and (c), 212 (b) and (c), 213 (b) and (c), 214(f), 258, 271(a), 277, 286(a), 292, 331, 334 and 335.

The Commandant may provide for performance by subordinates in the Coast Guard of the functions delegated herein.

Dated: October 23, 1963.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-11467; Filed, Oct. 29, 1963; 8:48 a.m.]

[T.D. Order No. 190; Rev. 2]

SUPERVISION OF BUREAUS AND PERFORMANCE OF FUNCTIONS IN THE TREASURY DEPARTMENT

Delegation of Authority

1. The following bureaus, offices, and staff assistants shall be under the direct supervision of the Secretary and the Under Secretary:

Internal Revenue Service,
Assistant to the Secretary (Congressional Relations),
Assistant to the Secretary (National Security Affairs),
Assistant to the Secretary (Public Affairs),
Special Assistants to the Secretary,
Director, Executive Secretariat.

2. The following bureaus, offices and other organizational units shall be under the general supervision of the Secretary and the Under Secretary and under the direct supervision of the officials indicated:

A. *Under Secretary for Monetary Affairs:*
Deputy Under Secretary for Monetary Affairs—
Office of Financial Analysis,
Office of Domestic Gold and Silver Operations,
Office of Debt Analysis,
The Assistant Secretary (International Affairs) and the Fiscal Assistant Secretary to the extent of their responsibilities for international and domestic monetary and fiscal policies,
Assistant to the Secretary (Debt Management),
Office of the Comptroller of the Currency,
United States Savings Bonds Division.
B. *General Counsel:*
Legal Division,
Office of Director of Practice.
C. *Assistant Secretary:*
Bureau of Customs,
Bureau of Engraving and Printing,
Bureau of Narcotics,
Office of Law Enforcement Coordination,
United States Coast Guard.
D. *Assistant Secretary (International Affairs):*
Office of International Affairs,
Office of Foreign Assets Control (through Assistant to the Secretary for National Security Affairs).
E. *Assistant Secretary (Tax Policy, including international tax affairs):*
Office of Tax Legislative Counsel,
Office of Tax Analysis.
F. *Assistant Secretary:*
Bureau of the Mint,
United States Secret Service.
G. *Fiscal Assistant Secretary:*
Bureau of Accounts,
Bureau of the Public Debt,
Office of the Treasurer of the United States,
Office of Defense Lending.
H. *Administrative Assistant Secretary:*
Office of Administrative Services,
Office of Budget and Finance,
Office of Management and Organization,
Office of Personnel,
Office of Security.

3. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which action should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

4. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

A. Under Secretary,
B. Under Secretary for Monetary Affairs,
C. General Counsel,
D. Presidentially appointed Assistant Secretaries in the order in which they took the oath of office as Assistant Secretary.

5. Treasury Department Order No. 190 (Revision 1) is rescinded.

Dated: October 23, 1963.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 63-11468; Filed, Oct. 29, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

DEAVER TOWNSITE, SHOSHONE PROJECT, WYOMING

Sale of Tracts, Blocks and Lots; Correction

F.R. Doc. 63-10675 published October 9, 1963, in the FEDERAL REGISTER, Volume 28, Number 197, Page 10827, is hereby corrected as follows:

In Paragraph 3—Public Sale, the date of the sale as published November 24, 1963, should be corrected to read November 14, 1963.

Dated: October 17, 1963.

BRUCE JOHNSON,
Regional Director.

[F.R. Doc. 63-11423; Filed, Oct. 29, 1963; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ARAB STOCK YARD, ARAB, ALABAMA, ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Arab Stock Yard, Arab, May 22, 1959	Arab Stock Yard, Inc., June 7, 1963.
CALIFORNIA	
Willows Livestock Market, Willows, Nov. 13, 1959	Sacramento Valley Stockyard, Sept. 13, 1963.
GEORGIA	
Dawson Livestock Co., Dawson, May 14, 1959	Dawson Livestock Co., June 17, 1963.
INDIANA	
Springville Feeder Auction Association, Springville, Apr. 4, 1963.	The Springville Feeder Auction Association, Sept. 24, 1963.
IOWA	
North East Iowa Sales Commission, Decorah, June 6, 1959.	Northeast Iowa Sales Commission, Mar. 9, 1963.
FS Service, Inc.—Waukon Livestock Marketing Center, Waukon, May 25, 1959.	Northeast Iowa Sales Commission, Mar. 9, 1963.
KANSAS	
Harper Live Stock Sale, Harper, June 8, 1959	Harper Livestock Sales Co., Aug. 7, 1963.
MINNESOTA	
Pipestone Livestock Auction Market, Pipestone, Sept. 23, 1959.	Pipestone Livestock Auction, June 5, 1963.
MISSOURI	
Mountain View Auction, Mountain View, May 29, 1959.	Norman Smith Livestock & Furniture, Auction, July 6, 1963.
NEBRASKA	
Curtis Sale Barn, Curtis, Mar. 10, 1958	Curtis Livestock Commission Co., Aug. 7, 1963.
Nebraska Livestock Commission Co., Hastings, May 22, 1959.	Baxter-Johnson Livestock Auction Co., Sept. 1, 1963.
NEW MEXICO	
Five States Livestock Auction, Clayton, June 4, 1963.	Five States Livestock Auction Co., June 4, 1963.
OKLAHOMA	
Farmers and Ranchers Livestock Commission, Wister, July 11, 1960.	Pioneer Livestock Auction Co., July 11, 1963.
SOUTH DAKOTA	
Stockman's Commission Co., Inc., Rapid City, Jan. 24, 1947.	Rapid City Livestock Exchange, Inc., July 30, 1963.
TEXAS	
Seymour Livestock Commission Co., Seymour, Nov. 14, 1956.	Seymour Stockyards Co., Oct. 1, 1963.
WASHINGTON	
Farmer's Auction House, Everson, Oct. 5, 1959	Farmers Auction, May 2, 1963.

Done at Washington, D.C., this 25th day of October 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-11458; Filed, Oct. 29, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application for Amendment of Operating-Differential Subsidy Agreement

Notice is hereby given that American Export Lines, Inc., has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB-87 so as to permit it to make privilege calls on voyages on Trade Route No. 10 with the passenger ships "SS Constitution" and "SS Independence" at ports on the Atlantic Mediterranean approaches (Lisbon, Portugal to Casablanca, Morocco, inclusive) and in the Western Mediterranean area (Italy and West), and with the passenger ship "SS At-

8:48 a.m.]

Bureau of Accounts,
Bureau of the Public Debt,

[F.R. Doc. 63-11423; Filed, Oct. 29, 1963; 8:45 a.m.]

Notice is hereby given that American Export Lines, Inc., has applied for

lantic" at ports on the Atlantic coast of Morocco. The applicant is also requesting the privilege of calling at ports in the Madeira and Canary Islands, with all three ships with the understanding that no cargo will be carried between those island ports and United States ports. The "SS Constitution" and "SS Independence" may presently call at ports on the Atlantic Mediterranean approaches as described above and in the Western Mediterranean area during the months of August to April inclusive. The "SS Atlantic" may now call at ports in the Madeira and Canary Islands but only for traffic between those islands and foreign ports on the service.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on November 15, 1963 notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 28, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-11542; Filed, Oct. 29, 1963; 8:49 a.m.]

AMERICAN EXPORT LINES, INC.

Notice of Application for Operating-Differential Subsidy

Notice is hereby given that American Export Lines, Inc. has applied for Operating-Differential Subsidy under Title VI, of the Merchant Marine Act, 1936, as amended, in order to inaugurate subsidized freight service on Trade Route No. 12 (U.S. Atlantic/Far East) as hereinafter described:

A minimum of 24 and a maximum of 30 sailings annually on Trade Route No. 12 between United States Atlantic and Far East ports as hereinafter described:

Required. Between the United States Atlantic ports (Maine to Key West, Florida inclusive) via Panama Canal, and ports in the following described area: Philippine Islands, Japan, Korea, Formosa and Hong Kong.

Permissive. A port or ports in China (including Manchuria).

Privilege. A port or ports in Viet Nam, Cambodia, Thailand, Okinawa and other Ryukyu Islands including Asian ports in the U.S.S.R.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on November 15, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 28, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-11543; Filed, Oct. 29, 1963; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Port Isabel, Texas

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Sector No. 20—Port Isabel, Tex., of paragraph (d) Border Patrol Sectors of section 1.51 Field Service is amended to read as follows:

SECTION NO. 20—PORT ISABEL, TEX.

Brownsville, Tex. Harlingen, Tex.
Corpus Christi, Tex. Kingsville, Tex.
Galveston, Tex.

Dated: October 24, 1963.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 63-11431; Filed, Oct. 29, 1963; 8:46 a.m.]

Office of Alien Property

CORNELIS B. BIEZENO

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No.; Property and Location

Professor Cornelis B. Biezeno, Maerten Trompstraat 21b, Delft, The Netherlands; Claim No. 4956, Vesting Order No. 500A-74; $119.14 in the Treasury of the United States.

Executed at Washington, D.C., on October 25, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 63-11443; Filed, Oct. 29, 1963; 8:47 a.m.]

HERBERT FRÖHLICH

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Professor Herbert Fröhlich, Department of Theoretical Physics, University of Liverpool, Liverpool 3, England, Claim No. 5903, Vesting Order No. 500A-63; $101.38 in the Treasury of the United States.

Executed at Washington, D.C., on October 24, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 63-11444; Filed, Oct. 29, 1963; 8:47 a.m.]

[Vesting Order No. 16790; Amdt.]

[File No. D-28-12839]

ESTATE OF ANNA MORITZ

Vesting Order No. 16790, dated December 27, 1950, is hereby amended by substituting the following for paragraph 3 thereof: "That all right, title, interest and claim of any kind whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and of each of them in and to the estate of Anna Moritz, deceased, and of the Estate of Helene Hawranke, deceased, is property payable and deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany);"

All other provisions of said Vesting Order 16790 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on October 24, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 63-11445; Filed, Oct. 29, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-99]

BABCOCK AND WILCOX CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8, set forth below, to Facility License No. R-47. The license authorizes The Babcock and Wilcox Company ("the licensee") to operate the Lynchburg Pool Reactor at its site near Lynchburg, Virginia. The amendment authorizes the licensee to acquire and use in the reactor eighteen additional fuel elements for substitution in place of elements previously authorized and to receive, possess, store and use in connection with operation of the reactor up to 7.3 kilograms of uranium 235, in accordance with the application for license amendment dated August 21, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the license amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and a copy of the application dated August 21, 1963, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 22d day of October 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-47; Amendment No. 8]

License No. R-47, as amended, which authorizes The Babcock and Wilcox Company ("the licensee") to possess and operate a pool-type nuclear reactor, designated by the licensee as the Lynchburg Pool Reactor ("the reactor"), at the licensee's site at Lynchburg, Virginia, is hereby further amended as follows:

1. The Babcock and Wilcox Company is authorized to acquire and use in the reactor eighteen additional fuel elements in accordance with the application for license amendment dated August 21, 1963.

2. Paragraph 3.B. of License No. R-47, as amended, is hereby amended to read as follows:

"3.B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, 'Special Nuclear Material,' to receive, possess, store and use in connection with operation of the reactor up to 7.3 kilograms of contained uranium 235."

This amendment is effective as of the date of issuance.

Date of issuance: October 22, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-11402; Filed, Oct. 29, 1963; 8:45 a.m.]

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Amendment of Byproduct and Source Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to License No. 31-8360-1 which authorizes the licensee to receive, possess and transport packages containing waste byproduct and source material in any form in any state of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150 and extends the license for a two-year period.

The application for license amendment requested authority to receive and transport radioactive wastes in any form. The license previously required that all radioactive wastes be in solid form. The license amendment does not involve significant hazard considerations different from those previously evaluated because all transportation of radioactive wastes must be in accordance with Interstate Commerce Commission regulations or a license condition which contains essentially the same requirements as the Interstate Commerce Commission regulations. On October 15, 1962, the State of New York assumed regulatory authority over activities conducted by the licensee in the State of New York. The storage and disposal of radioactive wastes is accomplished under New York regulatory authority.

The Commission has determined pursuant to the provisions of 10 CFR, Parts 2, 30 and 40 that the issuance of the amendment is consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the amendment is attached to this notice, except for "Appendix A" which is available for public inspection in the Commission's Public Document Room.

Dated at Bethesda, Md., October 21, 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

BYPRODUCT AND SOURCE MATERIAL LICENSE, LONG ISLAND NUCLEAR SERVICE CORPORATION, DOCKET NO. 27-35

LICENSE NO. 31-8360-1

Amendment No. 2

In accordance with application dated May 31, 1963, and amendment thereto dated July 29, 1963, License No. 31-8360-1 is hereby amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, Parts 30 and 40, and subject to the statements and representations contained in the application, a license is hereby issued to Long Island Nuclear Service Corporation, Station Road, Bellport, New York, to receive and possess packages containing waste byproduct and source material at customers' facilities in any state of the United States except in "Agreement States" as defined in § 150.3(b)

10 CFR Part 150, and to transport the packages to its storage facility in the State of New York.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. Byproduct and source material shall be received and transported by, or in the physical presence of, John D. LaGrua, Jr.

2. The licensee shall only receive byproduct and source material which has been previously packaged in containers in compliance with applicable Interstate Commerce Commission regulations or with Condition 3 of this license. The containers shall not be opened by the licensee.

3. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Comsion, United States Coast Guard, and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. Outside shipping containers. (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. Inside containers. (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium or curium or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. Shielding. Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. Labeling. Each outside container label required under Section 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

F. Accidents. In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. Exemptions. Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

4. The licensee shall not store byproduct and source material in any of the states in which the licensee is authorized to receive and possess such material under the terms of this license.

5. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and transport byproduct and source material only as described in the statements, representations, and procedures contained in the application dated August 21, 1961, and amendment thereto dated October 4, 1961, and the application dated May 31, 1963, and amendment thereto dated July 29, 1963.

This license amendment shall be effective on the date issued and shall expire two years from the last day of the month in which this license amendment is issued.

For the Atomic Energy Commission.

Date of issuance: October 21, 1963.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 63–11403; Filed, Oct. 29, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14829; Order No. E–20127]

AIR TRAFFIC CONFERENCE OF AMERICA

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington D.C., on the 25th day of October, 1963.

A resolution of the members of the Air Traffic Conference of America relating to the establishment of a corporation to be known as Airline Tariff Publishers, Inc., Agreement CAB 17316.

On September 6, 1963 the members of the ATC Traffic Conference of America (ATC) filed with the Board pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), a resolution, designated as Agreement CAB 17316, relating to the establishment of Airline Tariff Publishers, Inc. (ATP). Attached to the resolution are Articles of Incorporation of ATP, the initial bylaws of ATP and the Tariff Publishing Agreement, all of which are an integral part of Agreement CAB 17316. The resolution, which is subject to prior Board approval, has been adopted to satisfy a condition in Order E–19260, adopted by the Board on January 31, 1963,[1] which provides that the Air Transport Association (ATA) shall submit a plan for the amendment of the consolidated tariff publishing resolutions of ATC[2] to provide for the independent functioning of the Tariff Publishing Agent and the ATC Tariff committees or divisions.[3]

Pursuant to the resolution, the members of ATC have agreed upon the articles of incorporation of ATP, initial bylaws, and the terms of a Tariff Publishing Agreement to be effective between ATP and each airline eligible to participate in the various tariffs and among all such participants. The corporation contemplates the commencement of operations on January 1, 1964. The resolution also constitutes the initial board of directors[4] as a special committee to work out, during the period prior to activation of the corporation, appropriate measures to assure orderly transition to the new publishing corporation; and provides for the repeal of resolutions relating to the tariff publishing functions presently discharged by the ATC Tariff Division, upon the transfer of such activities to ATP.[5]

ATP is to be incorporated under the District of Columbia Non-profit Corporation Act. The purposes for which the corporation is organized are, inter alia, to provide services and facilities in connection with the compilation, preparation, publication, filing and distribution, for and on behalf of its members and others, of tariffs, prorate and division manuals, and other similar or related publications; and to provide other services and facilities relating or incidental thereto. Any United States or Canadian citizen who holds a certificate of public convenience and necessity or a commercial air service license, issued by an agency of such government, authorizing the transportation by aircraft of persons and/or property on regular schedules between fixed termini within the area consisting of the Continental United States, Alaska, Hawaii, and Canada is eligible to become a member of ATP and shall have the right to vote as provided by the by-laws. The corporation is to have seven directors: Two shall be representatives of members of ATP which are classified by the Board as local service, intra-Alaskan, intra-Hawaiian or helicopter carriers; one shall be a representative of a member classified by the Board as an all-cargo carrier; and four shall be representatives of the remaining members of the corporation; unless all members of any such class waive such requirement.

The by-laws set forth the publishing functions which ATP will perform for its members. Briefly, they provide, inter alia, that any person who is eligible under the Articles of Incorporation to become a member of the corporation may do so by the submission of (1) a written application undertaking to be bound by the articles and by-laws, (2) satisfactory evidence of its eligibility to become a member of the corporation, and (3) a duly executed counterpart of the Tariff Publishing Agreement, and by paying its contribution to the capital of the corporation.[6] The by-laws further provide that one-third of the members, in person or by proxy, shall constitute a quorum for the transaction of any business not requiring the concurrence of a greater proportion of the members; that each member present, in person or by proxy, shall be entitled to one vote on each matter submitted to a vote at any meeting of the members, and, in the election of directors, shall be entitled to one vote for each director to be elected; that any matter which might properly be submitted to the members at a duly constituted meeting may, at the direction of the president or the board of directors, be submitted to the members for mail vote; and for the voluntary termination of membership and involuntary termination for nonpayment of obligations. The by-laws also contain specific provisions relating to powers and duties of the board of directors and officers,[7] maintenance of books and records, indemnification of directors and officers, and amendment or repeal.

The Tariff Publishing Agreement, in general, sets forth the responsibilities of the corporation for the provision of services and facilities relating to the compilation, preparation, publication, and distribution of tariffs and related documents and the filing thereof with government regulatory bodies designated by the respective participants, and for the implementation of instructions from the participants relating to such matters as general and special revisions of local and/or joint tariffs. The agreement specifies that ATP will not act as agent for, or make its services and facilities available to, any carrier which is eligible to become a member, unless such carrier first becomes a member of ATP. It further states: "Any carrier which is not eligible to become a member of the Corporation may participate in the Restricted Articles Tariffs or the Air-motor Tariffs by depositing with the Corporation a duly executed counterpart of this Agreement, furnishing an appropriate authorization for the Corporation to act as its agent for such purpose, and providing assurance, satisfactory to the Corporation, of its financial responsibility." In addition, the agreement specifies that the participants will use their best efforts to establish and maintain rules, regulations, practices and services "which are as nearly uniform as the best interests of each Participant will permit;"[8] and, to the extent feasible, to discuss with one another contemplated changes in rules, regulations, practices and services applicable to the air transportation of persons and/or property, and such other tariff matters as the Board may specifically approve. Also, participants in any joint haul, "shall discuss with one another the rates, fares and charges applicable to such transportation to the extent necessary to enable them to agree on a joint or single-sum rate, fare, or charge, and the division thereof." The agreement elsewhere provides that a participant "may elect" to provide advance notice to other participants of intention to file new and/or revised tariffs, and sets forth mail vote procedures pertaining to any proposal for the publication, revision or cancellation of tariff or other matters published by the corporation.

Upon consideration of the foregoing, the Board has concluded that the agreement, in general, satisfies the condition in Order E–19260 pertaining to the establishment of a tariff publishing agent independent of the ATC tariff committees and divisions.[9] Certain matters, however, require special comment.

As noted above, persons who are not eligible to become members of ATP may, under certain conditions, participate in the Restricted Articles Tariffs or the Air-motor Tariffs. The Board is not aware of whether nonmembers may wish to participate in tariffs other than the two mentioned and hence is not requiring that the services of ATP be made available to such persons on a broader basis. However, bearing in mind the significance of ATP as a service organization, the Board would be willing to consider the matter further should an interest develop for greater participation by nonmembers.

Another matter involves the provisions of the Tariff Publishing Agreement relating to discussions, meetings and mail votes on the establishment of uniform rules, regulations, practices or services. The Board earlier approved ATC agreements containing provisions which permit members to discuss such matters among themselves,[10] and, as indicated, the Tariff Publishing Agreement includes similar provisions.

In this connection, the carriers have achieved a marked uniformity in their rates, fares, and charges through competitive forces without the privilege of discussion. Furthermore, the privilege of discussion may have a coercive effect upon the carrier participants and may lessen competition in air transportation. In addition, while the Board's approval did not extend to discussion of rates, fares and charges, certain rules have a direct effect thereon; e.g., free baggage allowances, declared values and accessorial services. Also, discussion of conditions of carriage may lead to onerous and overly restrictive rules abridging common carrier liability.

In view of these considerations the Board has tentatively decided to limit its approval of Article 5.(b) of the Tariff Publishing Agreement to a period of one year and to require that, thereafter, the carriers shall obtain specific Board approval prior to the discussion of any rules, regulations, practices or services in air transportation. The Board recognizes however that there may be certain matters which properly could be excluded from the prohibition against discussions. Therefore the Board anticipates that any such matters will be identified by the carriers and proposes to give consideration prior to the expiration of the one-year period to any such modification of the condition as the

[1] Air Transport Association Inspection and Review, Docket 10281.

[2] Agreements CAB 187, 11114 and 13147, as amended.

[3] To this end, the Board stated that "the proposal shall provide that the Director or other officers of the Tariff Division of ATC and the Tariff Publishing Agent shall not be an official or regular employee of ATA, but shall be selected, and supervised by the members of ATC under approved procedures therefor. The Tariff Publishing Agent shall perform his function independently of the ATA or ATC, except with respect to his 'housekeeping' functions. The proposal to be submitted shall provide assurance that neither ATA nor any of its Conferences, committees, officers or employees shall influence or attempt to influence directly or indirectly in any manner whatsoever, any air carrier with respect to its rates, fares, charges, classifications, rules, regulations, practices, or services for the transportation of persons or cargo by said carrier, which are published by the designated Tariff division of the Air Traffic Conference unless otherwise specifically authorized by the CAB, and further, the Tariff Agent and his employees shall act with respect to tariff matters only upon instructions received from the air carriers, unless otherwise specifically authorized by the CAB. Provision shall be made for reasonable access to the services of Tariff Agent by nonmembers."

[4] Selected by the ATC Nominating Committee.

[5] So that the Board may be informed as to when these resolutions are, by operation of this agreement, automatically repealed, we have provided for formal notification to the Board when the transfer of functions takes place.

[6] The amount of initial contribution to the capital of ATP for any member who was a party to the ATC tariff publication resolutions is to be its share of the furniture, fixtures, equipment and other assets of the ATC Tariff Division; for all other members the contribution is to be $1,000. Of the 45 carriers eligible for membership in ATP, 36 are now members of ATC. All members of ATC are parties to the instant agreement. The by-laws also provide for members to contribute to working capital, as follows: "In addition to the capital contributed pursuant to section 1 of this Article, the corporation shall have working capital in the amount of seventy-five thousand dollars, or such other amount as may be fixed from time to time by the board of directors. Such amount shall, initially, be assessed against the members described in section 1(a) of this Article, in proportion to their respective shares of the total operating expenses of the Tariff Division of the Air Traffic Conference of America during the calendar year 1962, each member's assessment to be adjusted to the nearest multiple of fifty dollars, but to be not less than fifty dollars; • • • "The Tariff Publishing Agreement, discussed below, establishes the bases for payment by participants to ATP for services and facilities provided by it.

[7] None of the officers shall be, at the same time, an officer or employee of any member of the corporation.

[8] The agreement also states: "• • • but each Participant shall have the right to determine ultimately, in its own discretion, the rules, regulations, practices and services applicable to air transportation provided by it."

[9] See footnote 3, supra.

[10] Air Freight Tariff Agreement Case, 14 CAB 424 (1951), and Order E–5753, adopted October 3, 1951. The provisions for such discussion are presently contained in Agreements CAB 187 and CAB 11114 applicable to passenger and air freight services, respectively.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person may file with the Board a request for a hearing on the matters proposed in this order. Any such request shall set forth specifically the reasons why such person desires a hearing and the issues of fact or law to be raised or controverted. If a hearing is requested, the Board will issue an order specifying the issues to be heard.

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to License No. 31–8360–1 to Sylvania Electric Products Inc., Mountain View, California, authorizing the licensee to receive, possess, and transfer packages containing waste byproduct and source material at customers' facilities in any state of the United States except in "Agreement States" as defined in § 150.3(b) of 10 CFR Part 150, and to transport the packages to its storage facility in the State of New York.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. Byproduct and source material shall be received and transported by, or in the physical presence of, John D. LaGrua, Jr.

2. The licensee shall only receive byproduct and source material which has been previously packaged in containers in compliance with applicable Interstate Commerce Commission regulations or with Condition 3 of this license. The containers shall not be opened by the licensee.

3. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Comsion, United States Coast Guard, and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. Outside shipping containers. (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. Inside containers. (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium or curium or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. Shielding. Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. Labeling. Each outside container label required under Section 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

F. Accidents. In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. Exemptions. Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

4. The licensee shall not store byproduct and source material in any of the states in which the licensee is authorized to receive and possess such material under the terms of this license.

5. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and transport byproduct and source material only as described in the statements, representations, and procedures contained in the application dated August 21, 1961, and amendment thereto dated October 4, 1961, and the application dated May 31, 1963, and amendment thereto dated July 29, 1963.

This license amendment shall be effective on the date issued and shall expire two years from the last day of the month in which this license amendment is issued.

For the Atomic Energy Commission.

Date of issuance: October 21, 1963.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 63–11403; Filed, Oct. 29, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14829; Order No. E–20127]

AIR TRAFFIC CONFERENCE OF AMERICA

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington D.C., on the 25th day of October, 1963.

A resolution of the members of the Air Traffic Conference of America relating to the establishment of a corporation to be known as Airline Tariff Publishers, Inc., Agreement CAB 17316.

On September 6, 1963 the members of the ATC Traffic Conference of America (ATC) filed with the Board pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), a resolution, designated as Agreement CAB 17316, relating to the establishment of Airline Tariff Publishers, Inc. (ATP). Attached to the resolution are Articles of Incorporation of ATP, the initial bylaws of ATP and the Tariff Publishing Agreement, all of which are an integral part of Agreement CAB 17316. The resolution, which is subject to prior Board approval, has been adopted to satisfy a condition in Order E–19260, adopted by the Board on January 31, 1963,[1] which provides that the Air Transport Association (ATA) shall submit a plan for the amendment of the consolidated tariff publishing resolutions of ATC[2] to provide for the independent functioning of the Tariff Publishing Agent and the ATC Tariff committees or divisions.[3]

Pursuant to the resolution, the members of ATC have agreed upon the articles of incorporation of ATP, initial bylaws, and the terms of a Tariff Publishing Agreement to be effective between ATP and each airline eligible to participate in the various tariffs and among all such participants. The corporation contemplates the commencement of operations on January 1, 1964. The resolution also constitutes the initial board of directors[4] as a special committee to work out, during the period prior to activation of the corporation, appropriate measures to assure orderly transition to the new publishing corporation; and provides for the repeal of resolutions relating to the tariff publishing functions presently discharged by the ATC Tariff Division, upon the transfer of such activities to ATP.[5]

ATP is to be incorporated under the District of Columbia Non-profit Corporation Act. The purposes for which the corporation is organized are, inter alia, to provide services and facilities in connection with the compilation, preparation, publication, filing and distribution, for and on behalf of its members and others, of tariffs, prorate and division manuals, and other similar or related publications; and to provide other services and facilities relating or incidental thereto. Any United States or Canadian citizen who holds a certificate of public convenience and necessity or a commercial air service license, issued by an agency of such government, authorizing the transportation by aircraft of persons and/or property on regular schedules between fixed termini within the area consisting of the Continental United States, Alaska, Hawaii, and Canada is eligible to become a member of ATP and shall have the right to vote as provided by the by-laws. The corporation is to have seven directors: Two shall be representatives of members of ATP which are classified by the Board as local service, intra-Alaskan, intra-Hawaiian or helicopter carriers; one shall be a representative of a member classified by the Board as an all-cargo carrier; and four shall be representatives of the remaining members of the corporation; unless all members of any such class waive such requirement.

The by-laws set forth the publishing functions which ATP will perform for its members. Briefly, they provide, inter alia, that any person who is eligible under the Articles of Incorporation to become a member of the corporation may do so by the submission of (1) a written application undertaking to be bound by the articles and by-laws, (2) satisfactory evidence of its eligibility to become a member of the corporation, and (3) a duly executed counterpart of the Tariff Publishing Agreement, and by paying its contribution to the capital of the corporation.[6] The by-laws further provide that one-third of the members, in person or by proxy, shall constitute a quorum for the transaction of any business not requiring the concurrence of a greater proportion of the members; that each member present, in person or by proxy, shall be entitled to one vote on each matter submitted to a vote at any meeting of the members, and, in the election of directors, shall be entitled to one vote for each director to be elected; that any matter which might properly be submitted to the members at a duly constituted meeting may, at the direction of the president or the board of directors, be submitted to the members for mail vote; and for the voluntary termination of membership and involuntary termination for nonpayment of obligations. The by-laws also contain specific provisions relating to powers and duties of the board of directors and officers,[7] maintenance of books and records, indemnification of directors and officers, and amendment or repeal.

The Tariff Publishing Agreement, in general, sets forth the responsibilities of the corporation for the provision of services and facilities relating to the compilation, preparation, publication, and distribution of tariffs and related documents and the filing thereof with government regulatory bodies designated by the respective participants, and for the implementation of instructions from the participants relating to such matters as general and special revisions of local and/or joint tariffs. The agreement specifies that ATP will not act as agent for, or make its services and facilities available to, any carrier which is eligible to become a member, unless such carrier first becomes a member of ATP. It further states: "Any carrier which is not eligible to become a member of the Corporation may participate in the Restricted Articles Tariffs or the Air-motor Tariffs by depositing with the Corporation a duly executed counterpart of this Agreement, furnishing an appropriate authorization for the Corporation to act as its agent for such purpose, and providing assurance, satisfactory to the Corporation, of its financial responsibility." In addition, the agreement specifies that the participants will use their best efforts to establish and maintain rules, regulations, practices and services "which are as nearly uniform as the best interests of each Participant will permit;"[8] and, to the extent feasible, to discuss with one another contemplated changes in rules, regulations, practices and services applicable to the air transportation of persons and/or property, and such other tariff matters as the Board may specifically approve. Also, participants in any joint haul, "shall discuss with one another the rates, fares and charges applicable to such transportation to the extent necessary to enable them to agree on a joint or single-sum rate, fare, or charge, and the division thereof." The agreement elsewhere provides that a participant "may elect" to provide advance notice to other participants of intention to file new and/or revised tariffs, and sets forth mail vote procedures pertaining to any proposal for the publication, revision or cancellation of tariff or other matters published by the corporation.

Upon consideration of the foregoing, the Board has concluded that the agreement, in general, satisfies the condition in Order E–19260 pertaining to the establishment of a tariff publishing agent independent of the ATC tariff committees and divisions.[9] Certain matters, however, require special comment.

As noted above, persons who are not eligible to become members of ATP may, under certain conditions, participate in the Restricted Articles Tariffs or the Air-motor Tariffs. The Board is not aware of whether nonmembers may wish to participate in tariffs other than the two mentioned and hence is not requiring that the services of ATP be made available to such persons on a broader basis. However, bearing in mind the significance of ATP as a service organization, the Board would be willing to consider the matter further should an interest develop for greater participation by nonmembers.

Another matter involves the provisions of the Tariff Publishing Agreement relating to discussions, meetings and mail votes on the establishment of uniform rules, regulations, practices or services. The Board earlier approved ATC agreements containing provisions which permit members to discuss such matters among themselves,[10] and, as indicated, the Tariff Publishing Agreement includes similar provisions.

In this connection, the carriers have achieved a marked uniformity in their rates, fares, and charges through competitive forces without the privilege of discussion. Furthermore, the privilege of discussion may have a coercive effect upon the carrier participants and may lessen competition in air transportation. In addition, while the Board's approval did not extend to discussion of rates, fares and charges, certain rules have a direct effect thereon; e.g., free baggage allowances, declared values and accessorial services. Also, discussion of conditions of carriage may lead to onerous and overly restrictive rules abridging common carrier liability.

In view of these considerations the Board has tentatively decided to limit its approval of Article 5.(b) of the Tariff Publishing Agreement to a period of one year and to require that, thereafter, the carriers shall obtain specific Board approval prior to the discussion of any rules, regulations, practices or services in air transportation. The Board recognizes however that there may be certain matters which properly could be excluded from the prohibition against discussions. Therefore the Board anticipates that any such matters will be identified by the carriers and proposes to give consideration prior to the expiration of the one-year period to any such modification of the condition as the

[1] Air Transport Association Inspection and Review, Docket 10281.

[2] Agreements CAB 187, 11114 and 13147, as amended.

[3] To this end, the Board stated that "the proposal shall provide that the Director or other officers of the Tariff Division of ATC and the Tariff Publishing Agent shall not be an official or regular employee of ATA, but shall be selected, and supervised by the members of ATC under approved procedures therefor. The Tariff Publishing Agent shall perform his function independently of the ATA or ATC, except with respect to his 'housekeeping' functions. The proposal to be submitted shall provide assurance that neither ATA nor any of its Conferences, committees, officers or employees shall influence or attempt to influence directly or indirectly in any manner whatsoever, any air carrier with respect to its rates, fares, charges, classifications, rules, regulations, practices, or services for the transportation of persons or cargo by said carrier, which are published by the designated Tariff division of the Air Traffic Conference unless otherwise specifically authorized by the CAB, and further, the Tariff Agent and his employees shall act with respect to tariff matters only upon instructions received from the air carriers, unless otherwise specifically authorized by the CAB. Provision shall be made for reasonable access to the services of Tariff Agent by nonmembers."

[4] Selected by the ATC Nominating Committee.

[5] So that the Board may be informed as to when these resolutions are, by operation of this agreement, automatically repealed, we have provided for formal notification to the Board when the transfer of functions takes place.

[6] The amount of initial contribution to the capital of ATP for any member who was a party to the ATC tariff publication resolutions is to be its share of the furniture, fixtures, equipment and other assets of the ATC Tariff Division; for all other members the contribution is to be $1,000. Of the 45 carriers eligible for membership in ATP, 36 are now members of ATC. All members of ATC are parties to the instant agreement. The by-laws also provide for members to contribute to working capital, as follows: "In addition to the capital contributed pursuant to section 1 of this Article, the corporation shall have working capital in the amount of seventy-five thousand dollars, or such other amount as may be fixed from time to time by the board of directors. Such amount shall, initially, be assessed against the members described in section 1(a) of this Article, in proportion to their respective shares of the total operating expenses of the Tariff Division of the Air Traffic Conference of America during the calendar year 1962, each member's assessment to be adjusted to the nearest multiple of fifty dollars, but to be not less than fifty dollars; • • • "The Tariff Publishing Agreement, discussed below, establishes the bases for payment by participants to ATP for services and facilities provided by it.

[7] None of the officers shall be, at the same time, an officer or employee of any member of the corporation.

[8] The agreement also states: "• • • but each Participant shall have the right to determine ultimately, in its own discretion, the rules, regulations, practices and services applicable to air transportation provided by it."

[9] See footnote 3, supra.

[10] Air Freight Tariff Agreement Case, 14 CAB 424 (1951), and Order E–5753, adopted October 3, 1951. The provisions for such discussion are presently contained in Agreements CAB 187 and CAB 11114 applicable to passenger and air freight services, respectively.

in Appendix A.

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passenger and air freight services, respectively.

carriers may in the future submit and adequately support.

With respect to the articles of incorporation and by-laws, the Board notes that there is no provision which would preclude officers or employees of ATA or any of its instrumentalities from becoming directors and/or officers of ATP. The Board further notes that the minutes of the special meeting of ATC held to consider adoption of the instant resolution indicate that the proposed contract did not contemplate a situation in which an officer or employee of ATA would be a director of ATP since such a person would not in any event be an officer of an air carrier member of the corporation and that a specific provision in this respect would be superfluous. Such comment, we note, does not go to the specific question of officers of any of ATA's instrumentalities serving as directors of ATP. Accordingly, consistent with the spirit and intent of Order E–19260, the Board does not believe that the imposition of a limiting condition in this respect would be superfluous and has concluded tentatively that such a condition would tend to foster the independence of the proposed corporation from ATA and its instrumentalities.

Consistent with its policy and objectives, the Board also proposes the imposition of a condition pertaining to so-called attorney-client privilege and a related provision dealing with the Board's power to inspect records. In this connection, the Board's experience has been that claims of an alleged attorney-client privilege or dispute of the Board's inspection power may unduly restrict the Board's access to documents in the possession of the organization. The Board does not believe it should approve the establishment of a corporation which conceivably could act in restraint of trade where, as here, it would enjoy a measure of immunity from the antitrust laws by virtue of the Board's action, unless provision is also made for complete surveillance. In brief, it is the Board's intention to require that ATP shall so conduct its affairs as to preclude any claim of confidentiality, based on attorney-client privilege, which would inhibit the Board's inspection of the records of the corporation.

On the basis of the foregoing considerations the Board tentatively finds pursuant to section 412 of the Act that the agreement is not adverse to the public interest or in violation of the Act if made subject to the conditions discussed herein.

It appears to the Board that the proposed arrangement is also subject to section 408 of the Act. Specifically, the Board has concluded that, because of the nature of its contemplated activities, ATP is a person engaged in a phase of aeronautics, and that the establishment of ATP by the carriers constitutes their joint acquisiton of control of such person, within the meaning of such section. However, the Board further concludes tentatively that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in the matter is currently requesting a hearing, and we find that the public interest does not require a hearing. Thus, approval of the relationships under section 408(b) would not appear to be inconsistent with the public interest.

The Board also notes that if additional carriers become members of ATP (or if some of its present members withdraw) new or different control relationships within the scope of section 408 may be created. The Board does not believe, however, that any new issues of substance would arise from these relationships since the participating group of carriers is well-defined. To obviate the need for reviewing such relationships, the Board proposes to approve under section 408(b) the participation of more or fewer air carriers in the membership of ATP.

The Board also concludes that if officers and/or directors of air carriers serve as directors of ATP, interlocking relationships within the ambit of section 409 of the Act will thereby exist. However, in the light of the foregoing it does not appear to the Board that such relationships would pose conflicts of interest. It is evident that requiring the air carriers and individuals proposing to enter into interlocking relationships of this nature to file application under Part 251 and to obtain prior approval of the Board thereof would constitute an undue burden upon them, serve no useful regulatory purpose and impose upon the Board an unnecessary workload in scrutinizing a multiplicity of such interlocking relationships. Therefore, the Board proposes to grant the air carrier parties to the agreement an exemption from section 409(a) and Part 251 pursuant to section 416(b) of the Act. Inasmuch as the Board's exemption authority does not extend to individuals, the Board proposes to grant advance approval of the interlocking relationships insofar as the individual participants are concerned by an exercise of the Board's powers under section 409(a).

In view of the foregoing, the Board intends to approve the control relationships discussed herein under section 408(b) without a hearing. In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER. The Board also proposes to approve the arrangement under section 412 and act under section 409 as indicated above. All such actions would be made subject to the following conditions:

1. That, after a period of one year from the date hereof, uniform rules, regulations, practices and services in air transportation shall not be discussed by the participants without prior Board approval; except to the extent that this condition may be modified by the Board prior to the expiration of the one year period;

2. That no director of ATP shall at the same time be an officer or employee of ATA or any of its instrumentalities;

3. That ATP shall so conduct its affairs as to preclude the corporation, its officers or employees from engaging in the practice of law in such a manner as to create a claim of confidentiality based upon an alleged attorney-client relationship for documents or persons in its possession or control; shall undertake not to maintain in its possession or control documents prepared by members of the bar under cover of an alleged attorney-client privilege; and accordingly shall undertake not to assert any such claim in an inspection by the Board of records and affairs of the corporation; [11]

4. That the approval granted herein shall not be construed as approval of any agreement entered into pursuant to any of the procedures established by Agreement CAB 17316;

5. That the air carrier members of ATC shall file with the Board notice of the transfer to ATP of the tariff publishing functions presently discharged by the ATC Tariff Division, within 15 days of the transfer of such functions; and

6. That the air carrier members of ATP agree that the Board and its authorized agents shall have access and authority to inspect all accounts, records and memoranda, including all documents, papers and correspondence of ATP.[11]

Accordingly, it is ordered:

1. That final action on Agreement CAB 17316 be and it hereby is deferred for a period of fifteen days to permit the filing of comments or requests for a hearing by interested persons relative to the Board's decision herein; [12]

2. That a copy of this order shall be served upon all parties to Agreement CAB 17316; and

3. That the Attorney General shall be furnished a copy of this order within one day of its publication.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[13]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 63–11469; Filed, Oct. 29, 1963; 8:48 a.m.]

[11] The comparable provisions imposed by the Board in Order E–19260, Jan. 31, 1963, are the subject of a petition for reconsideration. Should the Board in its decision in that proceeding take any action which would be less restrictive, we would, of course, consider making such modifications to the above provisions as would be appropriate.

[12] Such comments shall in all respects conform to the requirements of the Board's Rules of Practice for the filing of comments.

[13] Gurney and Gillilland, members, concurring and dissenting.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15197]

JOHN FAVALORA

Order To Show Cause

In the matter of John Favalora, Seaside, California, order to show cause why there should not be revoked the license for Radio Station WB–2374 in the Ship Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of cerain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated July 5, 1963, alleging violation of § 8.366(f) of the Commission's rules.

It further appearing that said licensee did not reply to such communication or to a follow-up letter dated July 25, 1963, also mailed to the licensee at his address of record; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 22d day of October 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 1897 Juarez Street, Seaside, California.

Released: October 23, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63–11452; Filed, Oct. 29, 1963; 8:47 a.m.]

[Docket No. 15180; FCC 63M–1174]

OTTAWA BROADCASTING CORP. (WJBL)

Order Continuing Hearing

In re application of Ottawa Broadcasting Corporation (WJBL), Holland, Michigan, for construction permit, Docket No. 15180; File No. BP–15189.

Pursuant to an Order of the Chief Hearing Examiner, a prehearing conference was held on October 23, 1963. Procedures were discussed and a schedule for the hearing was agreed upon.

The applicant will submit its direct case entirely in writing. Significant dates agreed to are as follows: December 2 for the informal exchange of written case material relating to the question of interference to station WFBM; December 16 for the formal exchange of the applicant's entire direct case; December 27 for the notification of witnesses, if any are to be produced; January 7, 1964, as the date for the commencement of the hearing. Other ground rules established at the conference are set forth in the transcript and are hereby incorporated by reference with the same force and effect as if here set forth at length.

It is ordered, This 23d day of October 1963, that the hearing now scheduled to get under way on November 18, 1963, is hereby rescheduled for January 7, 1964, at 10:00 a.m.

Released: October 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63–11453; Filed, Oct. 29, 1963; 8:48 a.m.]

[Docket No. 15198]

JAMES J. OWENS

Order To Show Cause

In the matter of James J. Owens, Amarillo, Texas, order to show cause why there should not be revoked the license for Radio Station 10Q2041 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated July 9, and October 7, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 of the Commission's rules;

It is ordered, This 23d day of October 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at the address of record at 516 Monroe Street, Amarillo, Texas.

Released: October 23, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63–11454; Filed, Oct. 29, 1963; 8:48 a.m.]

[Docket No. 15199]

RICHARD L. PREFITT

Order To Show Cause

In the matter of Richard L. Prefitt, Pinellas Park, Florida, order to show cause why there should not be revoked the license for Radio Station KDI–1836 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated August 5, 1963, alleging violation of § 19.61(f) of the Commission's rules.

It further appearing that said licensee did not reply to such communication or to a follow-up letter dated August 12, 1963, also mailed to the licensee at his address of record; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 24th day of October 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 6215 65th Street, North, Pinellas Park, Florida.

Released: October 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 63–11455; Filed, Oct. 29, 1963; 8:48 a.m.]

[Docket No. 15135; FCC 63M–1167]

RAUL SANTIAGO ROMAN

Order Continuing Hearing

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, for construction permit, File No. BP–15145.

The Hearing Examiner having under consideration a motion by the applicant in the above-captioned matter, filed October 22, 1963, requesting continuance of the hearing until November 13, 1963 and extension of the deadline for notification of the names of witnesses to be produced and exchange of rebuttal evidence until November 6;

It appearing that all parties have consented to the relief requested and that the two-week delay in proceeding with the hearing is insubstantial and is justified by the alleged imminence of rulings by the Review Board on pending interlocutory matters;

It is ordered, This 24th day of October 1963, that the applicant's motion for a continuance is hereby granted; that the hearing is rescheduled from October 28,

craft in air transportation, do not result in creating a monopoly and do not tend

affairs as to preclude the corporation, its officers or employees from engaging in

Rules of Practice for the filing of comments.

[1] Gurney and Gillilland, members, concurring and dissenting.

No. 212——7

In the matter of Richard L. Prefitt, Pinellas Park, Florida, order to show cause why there should not be revoked

1963, that the applicant's motion for a continuance is hereby granted; that the hearing is rescheduled from October 28,

1963 so as to commence 10 a.m., Wednesday, November 13, 1963, at the Commission's offices, Washington, D.C.; and that the date for notifying witnesses, etc. is changed to November 6.

Released: October 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-11456; Filed, Oct. 29, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

GREEK LINE JOINT SERVICE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8277-1, between General Steam Navigation Co., Ltd., of Greece, Transatlantic Shipping Corp., Neptunia Shipping Co., S.A. and Arcadia Steamship Corporation, the carriers comprising the Greek Line Joint Service, modifies approved Agreement 8277, which covers the trade between ports in the Canadian provinces of Quebec and Nova Scotia and United States Atlantic ports on the one hand, and ports in Europe and the Mediterranean on the other, to provide (1) for the withdrawal therefrom of Neptunia Shipping Co., S.A.; and (2) for the extension of the geographical scope of operations of the joint service to include (a) cruises from said ports in Canada and the United States to the Mediterranean, Bermuda, the West Indies and the Caribbean, and (b) cruises by General Steam Navigation Co., Ltd. of Greece from United Kingdom ports via Le Havre and Lisbon to North African ports and islands northwest of North Africa. The agreement also provides for modification of the operations of the parties within the trade areas covered by the basic agreement due to the elimination of the services of Neptunia Shipping Co., S.A.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 24, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11448; Filed, Oct. 29, 1963; 8:47 a.m.]

[Fact Finding Investigation No. 4]

TERMINAL PRACTICES AT NORTH ATLANTIC PORTS, HAMPTON ROADS, VIRGINIA TO SEARSPORT, MAINE

Notice of Postponement of Hearing

OCTOBER 25, 1963.

The hearing in this proceeding scheduled for November 13, 1963, at 10:00 a.m., at hearing room G8, U.S. Post Office and Custom House Building, 600 Granby Street, Norfolk, Virginia, is hereby postponed to November 18, 1963, at the same time and place.

JAMES A. KEMPKER,
Investigative Officer.

[F.R. Doc. 63-11449; Filed, Oct. 29, 1963; 8:47 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9269, between States Marine Lines, Inc., Global Bulk Transport Incorporated (as one member only), and Alcoa Steamship Company, Inc., provides for a through billing arrangement for general cargo transported from loading ports of States Marine Lines, Inc., Global Bulk Transport Incorporated (as one member only) in Japan, Korea, Hong Kong, Formosa, Philippines, South Viet Nam, Burma, Egypt, Lebanon, Syria, Turkey, and Greece, to ports of call of Alcoa Steamship Company, Inc., in the Virgin Islands, with transhipment at the ports of New York, N.Y., Baltimore, Md., and Philadelphia, Pa., in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11450; Filed, Oct. 29, 1963; 8:47 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9270, between States Marine Lines, Inc., Global Bulk Transport Incorporated (as one member only) and Alcoa Steamship Company, Inc., provides for a through billing arrangement for general cargo transported from loading ports of States Marine Lines, Inc., Global Bulk Transport Incorporated (as one member only) in Japan, Korea, Hong Kong, Formosa, Philippines, South Viet Nam, Cambodia, Thailand, Federation of Malaya, State of Singapore, Indonesia, Burma, Egypt, Lebanon, Syria, Turkey and Greece, to ports of call of Alcoa Steamship Company, Inc., in Puerto Rico, with transhipment at the ports of Baltimore, Md., and Philadelphia, Pa., in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11451; Filed, Oct. 29, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-352]

ARKANSAS LOUISIANA GAS CO.

Notice of Date of Hearing

OCTOBER 23, 1963.

Take notice that, pursuant to notice of filing of application withdrawal, and cancellation of hearing issued July 10, 1963, and published in the FEDERAL REGISTER on July 17, 1963 (28 F.R. 7316), the public hearing heretofore scheduled for July 16, 1963, by notice of application and date of hearing issued June 4, 1963, and published in the FEDERAL REGISTER on June 11, 1963 (28 F.R. 5695), will now be held on November 13, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, concerning the matters involved in and the issues presented by said application in Docket No. CP63-352: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for,

unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11413; Filed, Oct. 29, 1963; 8:45 a.m.]

[Project No. 2386]

CITY OF HOLYOKE GAS & ELECTRIC DEPT.

Notice of Application for License

OCTOBER 23, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Holyoke Gas & Electric Department (correspondence to: F. H. King, Manager, 70 Suffolk Street, Holyoke, Massachusetts) for license for constructed Project No. 2386, known as Power Project No. 1, located on the canal system of Holyoke Water Power Company, a tributary of the Connecticut River, County of Hampden, near the Town of South Hadley, Massachusetts.

The project consists of: a powerhouse containing two 330 horsepower turbines connected to two 240 kilowatt vertical hydro generators—all having a total capacity of 1056 kilowatts; penstocks; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 14, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11414; Filed, Oct. 29, 1963; 8:45 a.m.]

[Docket No. CP64-22]

CITY OF NEW BOSTON, ILLINOIS

Notice of Application and Date of Hearing

OCTOBER 23, 1963.

Take notice that on July 23, 1963, the City of New Boston, Illinois (Applicant), filed an application herein, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to establish physical connecton of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant the volume of natural gas estimated to be required for sale and distribution in the third year of operation in the community of New Boston, as hereinafter described, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant estimates its annual and peak day requirements for the first three years of operation as follows:

Year of operation	(Volumes—Mcf)	
	Peak day	Annual
1st	391	42,620
2nd	426	46,687
3rd	465	50,240

Applicant proposes to construct and operate a municipally owned natural gas distribution system within the borders of the City of New Boston. It is also proposed that on the basis of the 10 cent formula, Michigan Wisconsin construct a 4-inch lateral line from a point on its main transmission line in Illinois to a measuring station to be located approximately 1.5 miles north of its main pipeline.

Applicant estimates the cost of constructing the proposed distribution system and the New Boston portion of lateral line (approximately 1.5 miles) will be approximately $210,000, which will be financed by the sale of gas revenue bonds.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferreed upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 20, 1963, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 13, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11415; Filed, Oct. 29, 1963; 8:45 a.m.]

[Docket No. G-3491 etc.]

PHILLIPS PETROLEUM CO., ET AL.

Notice of Application for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

OCTOBER 16, 1963.

Phillips Petroleum Company, et al., Docket Nos. G-3491, et al.; Tex-Star Oil & Gas Corp., Docket No. CI62-1553; Humble Oil & Refining Company, Docket No. CI63-20.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, issued October 8, 1963 and published in the FEDERAL REGISTER on October 12, 1963 (F.R. Doc. 63-10812; 28 F.R. 10986), the following changes should be made in the chart:

After Docket No. CI62-1553 change location to read "Ignacio Field, La Plata County, Colorado" in lieu of "Iganico Field, La Plata County, Oklahoma".

After Docket No. CI63-20 change price to read "15.0¢" in lieu of "17.0¢".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11416; Filed, Oct. 29, 1963; 8:45 a.m.]

[Docket No. G-4616 etc.]

TEXACO, INC., ET AL.

Notice of Applications, Petitions To Amend and Date of Hearing; Correction

OCTOBER 22, 1963.

Texaco Inc., et al., Docket Nos. G-4616, et al.; Oklahoma Natural Gas Company, Docket No. CI63-956.

In the Notice of Applications, Petitions To Amend and Date of Hearing, issued July 30, 1963 and published in the FEDERAL REGISTER August 6, 1963 (F.R. Doc. 63-8207; 28 F.R. 8003) make the following correction: Column 4 of the chart, after Docket No. CI63-596 change price to read "15.0 cents" in lieu of "19.5 cents".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11418; Filed, Oct. 29, 1963; 8:45 a.m.]

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM, ET AL.

Order Severing Proceedings, etc.; Correction

OCTOBER 7, 1963.

Union Texas Petroleum, et al., Docket Nos. G-13221, et al.; Crown Central Petroleum Corporation, Docket No. G-16907.

In the Order Severing Proceedings, Conditionally Approving Settlement Proposals and Conditionally Issuing Certificates of Public Convenience and Necessity, issued September 13, 1963 and published in the FEDERAL REGISTER September 20, 1963 (F.R. Doc. 63-10043; 28 F.R. 10318) change the price in the first line of the Appendix to read "22.25 cents" in lieu of "21.25".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11419; Filed, Oct. 29, 1963; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

PEOPLES TRUST COMPANY OF BERGEN COUNTY

Order Approving Merger of Banks

In the matter of the application of Peoples Trust Company of Bergen County for approval of merger with Palisades Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Peoples Trust Company of Bergen County, Hackensack, New Jersey, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and

Palisades Trust Company, Englewood, New Jersey, under the charter and title of the former. As an incident to the merger, the three offices of Palisades Trust Company would become branches of Peoples Trust Company of Bergen County. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 23d day of October 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 63-11420; Filed, Oct. 29, 1963; 8:45 a.m.]

WEST BRANCH BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of West Branch Bank and Trust Company for approval of merger with Bank of Newberry.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by West Branch Bank and Trust Company, Williamsport, Pennsylvania, a State member bank of the Federal Reserve System, for the Board's approval of the merger of that bank and Bank of Newberry, Williamsport, Pennsylvania, under the charter of the former and with the title Northern Central Bank and Trust Company. As an incident to the merger, the office of Bank of Newberry would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger, and the information received at and in connection with the public proceeding which was ordered in this matter (28 F.R. 9681) pursuant to the Board's rules of procedure (12 CFR 262.2(f)(3)).

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 23d day of October 1963.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 63-11421; Filed, Oct. 29, 1963; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Philadelphia. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting against this action: Governor Robertson.

INTERSTATE COMMERCE COMMISSION

[Notice No. 572]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 25, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 60), filed July 28, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: M. T. Schumacher, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Rhine, Ga., as an off-route point in connection with applicant's presently authorized regular-route operations between Atlanta and Waycross, Ga.

HEARING: December 9, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 4405 (Sub-No. 410), filed September 6, 1963. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) and *parts moving in conjunction with such trailers and chassis*, in initial movements, in truckaway and driveaway service, from Philadelphia, Pa., to points in the United States, including Alaska but excluding Hawaii, and (2) *tractors*, in secondary driveaway service, only when drawing trailers and trailer chassis moving in initial driveaway service, from Philadelphia, Pa., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Common control may be involved.

HEARING: December 2, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 8148 (Sub-No. 2), (CLARIFICATION) filed July 31, 1963, published in FEDERAL REGISTER issue October 2, 1963, and republished as clarified this issue. Applicant: SANTA CRUZ MOTOR EXPRESS, INC., 210 Encinal Street, Santa Cruz, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, to be specified by applicant at the hearing, transporting: *General commodities*, between San Francisco, Calif., and East Bay points from San Pablo on the north to Hayward on the south including San Pablo and Hayward, on the one hand, and, on the other, Santa Cruz, Calif., and points within a ten (10) mile radius of Santa Cruz.

NOTE: Applicant will not transport any shipments of: (1) Used household goods and personal effects, (2) automobiles, trucks and buses, namely: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis, (3) livestock, namely: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine, (4) commodities requiring the use of special refrigeration or temperature control in specially designated and constructed refrigerated equipment, (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, (6) commodities when transported in bulk in dump trucks or in hopper-type trucks, and (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit.

NOTE: The purpose of this republication is to show applicant seeks to traverse *regular* routes in its proposed operations and to indicate new hearing information as set forth below.

HEARING: December 2, 1963, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 11207 (Sub-No. 218), filed September 11, 1963. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Post Office Box 1217, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards and slabs*, composed of wood fiber and cement combined, *and accessories*, from Arkadelphia, Ark., to points in Mississippi, Alabama, Georgia, Florida, and Tennessee.

HEARING: December 2, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lyle C. Farmer.

No. MC 13367 (Sub-No. 8), filed September 13, 1963. Applicant: ROBERT MERLEY, Post Office Box 1312, New Carlisle, Ind. Applicant's representative: William L. Carney, Middle West Traffic Service, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Calumet City, Ill., to points in Allegan, Eaton, Ottawa, Muskegon, Oceana, and Newaygo Counties, Mich.

HEARING: December 10, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73.

No. MC 17190 (Sub-No. 6), filed July 24, 1963. Applicant: LAURENCE ERICKSON, doing business as ERICKSON MOVING SERVICE, 308 South 11th Street, Escanaba, Mich. Applicant's attorney: Robert W. Hansley, Suite 302, First National Bank Building, Escanaba, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Escanaba and Gladstone, Mich. to points on the Soo Line and Chicago & Northwestern Railroads located in the Upper Peninsula of Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed service will consist of completing delivery of trailers delivered to railheads of the Chicago & Northwestern and Soo Line Railroads by train, more commonly referred to as "piggyback operation."

HEARING: December 18, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 19778 (Sub-No. 55), filed June 2, 1963. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, calcium, carbonate, hydrated lime, limestone dust, and mineral filler*, in bags and in bulk, from Elliston and Warren, Mont., and points within 10 miles thereof, to points in Wyoming and Idaho.

NOTE: Common control may be involved.

HEARING: December 18, 1963, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 269, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 26739 (Sub-No. 36), filed July 26, 1963. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Chicago, Ill., and Maryville, Mo.: from Chicago over U.S. Highway 66 to its junction with U.S. Highway 52, thence over U.S. Highway 52 to its junction with U.S. Highway 51, thence over U.S. Highway 51 to its junction with Illinois Highway 92, thence over Illinois Highway 92 to Rock Island, Ill., thence over city streets through Rock Island and Moline, Ill., and the Davenport, Iowa, commercial zone to junction U.S. Highway 61, thence over U.S. Highway 61 to its junction with Iowa Highway 92, thence over Iowa Highway 92 to Washington, Iowa, thence over Iowa Highway 1 to Fairfield, Iowa, thence over U.S. Highway 34 to Ottumwa, Iowa, thence over U.S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 27 to its junction with U.S. Highway 71, and thence over U.S. Highway 71 to Maryville, and return over the same route, serving no intermediate points, and (2) between Maryville, Mo.; and Omaha, Nebr.: From Maryville over U.S. Highway 71 to its junction with Iowa Highway 2, thence over Iowa Highway 2 to its junction with U.S. Highway 59, thence over U.S. Highway 59 to Emerson, Iowa, thence over U.S. Highway 34 to Glenwood, Iowa, and thence over U.S. Highway 275 to Omaha, and return over the same route, serving the intermediate point of Shenandoah, Iowa, and the off-route point of Red Oak, Iowa.

HEARING: December 11, 1963, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 27817 (Sub-No. 53), filed September 5, 1963. Applicant: H. C. GABLER, INC., Rural Delivery 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk and in bags, in tank and hopper vehicles, (1) from Williamsport and Cumberland, Md., to points in West Virginia, Virginia, and Pennsylvania, and (2) from Riverton, Va., to points in West Virginia, Maryland, and Pennsylvania.

HEARING: December 3, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 41116 (Sub-No. 15), filed October 10, 1963. Applicant: MRS. LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Post Office Box 603, Crowley, La. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags (burlap, hemp, jute, cotton, and woven paper fabric), bagging (burlap, hemp, jute, cotton, and woven paper fabric), steel cotton bale ties, and twines (cotton, rayon, and jute)*, between Crowley, La., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Texas, Florida, and points in Tennessee on or west of U.S. Highway 45 and U.S. Highway 45W.

NOTE: Applicant holds common carrier authority in certificate No. 123993; therefore dual operations may be involved.

HEARING: December 18, 1963, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Lyle C. Farmer.

No. MC 42487 (Sub-No. 590), filed October 14, 1963. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Odenton, Md., as an off-route point in connection with presently authorized regular route operations to or from Baltimore, Md.

NOTE: Common control may be involved.

HEARING: December 3, 1963, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 43654 (Sub-No. 57), filed October 11, 1963. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Post Office Box 750, Akron, Ohio. Applicant's attorney: R. J. Reynolds, Jr., Suite 403-411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and warehouse of E. T. Barwick Carpet Mills, Inc., located approximately 9 miles northwest of LaFayette, Ga., which said plant site and warehouse are located on Georgia Highway 341 between the junction of Georgia Highways 193 and 341 and the junction of Georgia Highways 143 and 341, as an off-route point in connection with applicant's presently authorized regular route operations between Chattanooga, Tenn., and Atlanta, Ga.

HEARING: December 9, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

serve Bank of New York.

Robertson.

F. Roy Linn.

HEARING: December 18, 1963, at the Yellowstone County Court House, Billings, Mont., before Examiner Gordon M. Callow.

Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 50069 (Sub-No. 271), filed August 2, 1963. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Toledo, Ohio, to Detroit and Midland, Mich.

HEARING: December 17, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 50069 (Sub-No. 275), filed September 9, 1963. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar products*, in bulk, in tank vehicles, from Cleveland, Ohio, to Chicago, Ill.

HEARING: December 9, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 58.

No. MC 55236 (Sub-No. 73), filed August 8, 1963. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Lemont, Ill., and points within five (5) miles thereof, to points in Wisconsin.

HEARING: December 11, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13.

No. MC 56637 (Sub-No. 12), filed September 29, 1963. Applicant: R.C.A. TRUCK LINES, INC., South Callahan Street, P.O. Box 989, Rome, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–411 Healey Building, Atlanta 3, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plant site and warehouse of E. T. Barwick Carpet Mills, Inc., located approximately 9 miles northwest of Lafayette, Ga., which said plant site and warehouse are located on Georgia Highway 341 between junction Georgia Highways 193 and 341 and junction Georgia Highways 143 and 341, as an off-route point in connection with applicant's presently authorized regular route operations between Rome, Ga., and Chattanooga, Tenn.

HEARING: December 9, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 61403 (Sub-No. 93), filed August 21, 1963. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and processed oils*, in bulk, in tank vehicles, from Carpentersville, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states it is controlled by the controlling stockholders of the Mason & Dixon Lines, Incorporated.

HEARING: December 2, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 64932 (Sub-No. 327), filed July 29, 1963. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and process oils*, in bulk, in tank vehicles, from Carpentersville, Ill., to points in North Dakota, South Dakota, Nebraska, Kentucky, Ohio, Michigan, Indiana, Missouri, Illinois, Kansas, Iowa, Minnesota, and Wisconsin.

HEARING: December 2, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 66286 (Sub-No. 11), filed September 6, 1963. Applicant: P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass. Applicant's representative: Arthur A. Wentzell, Post Office 720, Worcester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Shirts, synthetic or synthetic and cotton*, in packages, and *damaged and rejected shipments*, between Newburgh, N.Y. and Chester, N.Y.; from Newburgh, N.Y., over U.S. Highway 9W to the junction of U.S. Highway 9W and New York Highway 94, thence New York Highway 94 to Chester, and return over the same route, serving no intermediate points.

HEARING: December 10, 1963, at the Sheraton Atlantic Hotel, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 69365 (Sub-No. 13), filed September 23, 1963. Applicant: CONTRACT CARRIER SERVICE, INC., Post Office Box 544, Cottage Grove, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 SW., Fifth Avenue, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, lumber, timbers, millwork, panels, boards, and sheets*, and, when shipped with the foregoing, *equipment, hardware*, and *accessories* to be used in the erection, construction, or completion of a building, from points within a 3-mile radius of Eugene and Springfield, Oreg., and the plant site of Weyerhaeuser Company near Cottage Grove, Oreg., to points in California, Oregon, Washington, Idaho, Montana, Nevada, and Utah.

NOTE: Applicant states that the proposed operation will be under contract with Weyerhaeuser Company.

HEARING: December 11, 1963, at the Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Oreg., before Examiner Lacy W. Hinely.

No. MC 72729 (Sub-No. 4), filed September 3, 1963. Applicant: PYRAMID VAN LINES WESTERN DIVISION, INC., 184 Harbor Road, South San Francisco, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California on the one hand, and on the other, points in Washington, Oregon, and Idaho.

NOTE: Applicant states no duplicate operating authority is sought by this application. It is further noted common control may be involved.

HEARING: December 17, 1963, at the Federal Office Building, Seattle, Wash., before Examiner Lacy W. Hinley.

No. MC 80498 (Sub-No. 3), filed August 5, 1963. Applicant: EARL C. SMITH, INC., 1424 Fourth Street, Port Huron, Mich. Applicant's attorney: Carl H. Smith, Sr., 210–214 Phoenix Building, Bay City, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), (1) between Detroit, Mich., and Port Huron, Mich.: from Detroit over U.S. Highway 25 and Michigan Highway 29 to Port Huron, and return over the same route, serving all intermediate points, (2) between Detroit, Mich., and Bad Axe, Mich.: from Detroit over Michigan Highway 53 to Bad Axe and return over the same route, serving all intermediate points, (3) between Flint, Mich., and Emmett, Mich.: from Flint over Michigan Highway 21 to Emmett, and return over the same route, serving all intermediate points, (4) between Bad Axe, Mich., and Harbor Beach, Mich.: from Bad Axe over Michigan Highway 142 to Harbor Beach, and return over the same route, serving all intermediate points, (5) between Bad Axe, Mich., and Port Huron, Mich.: from Bad Axe over Michigan Highway 142 to junction Michigan Highway 19, thence over Michigan Highway to its junction with Huron County Road 566, thence over Huron County Road 566 to Ruth, Mich., thence over Michigan Highway 51 to Port Huron, and return over the same route, serving all intermediate points.

(6) Between Detroit, Mich., and Royal Oak, Mich.: from Detroit over U.S. Highway 10 to Royal Oak, and return over the same route, serving all intermediate points, (7) between Ubly, Mich., and Deckerville, Mich.: from Ubly over Michigan Highway 19 to its junction with Sanilac County Road 548, thence over Sanilac County Road to Deckerville, and return over the same route, serving all intermediate points, (8) between Brockway, Mich., and Emmett, Mich.: from Brockway over Michigan Highway 19 to Emmett, and return over the same route, serving all intermediate points, (9) between junction of Michigan Highway 19 and Michigan Highway 46 and Carsonville, Mich.: from junction of Michigan Highway 19 and Michigan Highway 46 over Michigan Highway 46 to Carsonville, and return over the same route, serving all intermediate points, (10) between the junction of Michigan Highway 90 and Michigan Highway 19 and Port Huron, Mich.: from junction of Michigan Highway 90 and Michigan Highway 19 over Michigan Highway 19 to its junction with Michigan Highway 136, thence over Michigan Highway 136 to its junction with Michigan Highway 51, thence over Michigan Highway 51 to Port Huron, and return over the same route, serving all intermediate points, (11) between Port Huron and the junction of Michigan Highway 90 and Michigan Highway 51: from Port Huron over U.S. Highway 25 to Lexington, Mich., thence over Michigan Highway 90 to junction Michigan Highway 90 and Michigan Highway 51, (12) between Flint, Mich., and Royal Oak, Mich.: from Flint over U.S. Highway 10 to Grand Blanc, Mich., thence over Genesee, County Road 462 to its junction with Michigan Highway 15, thence over Michigan Highway 15 to its junction with Oakland County Road 454, thence over Oakland County Road 454 to Oxford, Mich., thence over Michigan Highway 24 to Orion, Mich., thence over Oakland County Road to Rochester, Mich., thence over Michigan Highway 150 to Royal Oak, and return over the same route, serving all intermediate points.

(13) Between junction of Macomb County Road and Michigan Highway 29 and Selfridge Field, over Macomb County Road along Anchor Bay; between Selfridge Field and junction of Joy Road with U.S. Highway 25, over Joy Road; Macomb County Road (continuation of North Avenue, Mt. Clemens) north to junction with Michigan Highway 59; between junction of Michigan Highway 59 and U.S. Highway 25 and Pontiac, Mich., over Michigan Highway 59; between Oxford and Lepeer, Mich., over U.S. Highway 24, serving all intermediate points, (14) between Ruth, Mich. and the junction of Michigan Highway 51 and Michigan Highway 142: from Ruth over Michigan Highway 51 to the junction of Michigan Highway 51 and Michigan Highway 142, and return over the same route, serving all intermediate points, (15) between junction of Sanilac County Road 548 and Michigan Highway 19 and the junction of Michigan Highway 90 and Michigan Highway 19: from Sanilac County Road 548 and junction Michigan Highway 19 over Michigan Highway 19 to the junction of Michigan Highway 90 and Michigan Highway 19, and return over the same route, serving all intermediate points, (16) between Emmett, Mich., and Port Huron, Mich.: from Emmett over Michigan Highway 21 to Port Huron, and return over the same route, serving all intermediate points, (17) between junction of Michigan Highway 51 and Sanilac County Road and Minden City, Mich.: from junction Michigan Highway 51 and Sanilac County Road over Sanilac County Road to Minden City, and return over the same route, serving all intermediate points, (18) between junction of Michigan Highway 102 and U.S. Highway 25 and Ferndale, Mich.: from junction Michigan Highway 102 and U.S. Highway 25 over Michigan Highway 102 to junction with U.S. Highway 10, thence over U.S. Highway 10 to Ferndale, and return over the same route, serving all intermediate points.

(19) Between junction of Mound Road and Michigan Highway 102 and junction of Mound Road and Eleven Mile Road, over Mound Road, serving all intermediate points, (20) between junction of Michigan Highway 53 and Michigan Highway 102 and the junction of Michigan Highway 53 and Eleven Mile Road over Michigan Highway 53, serving all intermediate points, (21) between Detroit, Mich., and Dearborn, Mich., over U.S. Highway 112, serving all intermediate points, (22) between Detroit, Mich., and the junction of Allen Road and West Road: from Detroit over Wayne County Road 379 to junction with West Road, thence over West Road to Allen Road, and return over the same route, serving all intermediate points, (23) between the junction of Michigan Highway 29 and St. Clair County Road 430 and the junction of Michigan Highway 29 and St. Clair County Road 824 over County Roads 430 and 824, serving all intermediate points, (24) between Lexington, Mich., and the junction of Roach Road and Michigan Highway 51: from Lexington over U.S. Highway 25 to junction with Roach Road, thence over Roach Road to junction with Michigan Highway 51, and return over the same route, serving all intermediate points, (25) between Emmett, Mich., and St. Clair, Mich. over Michigan Highway 19 and St. Clair County Road 446, serving all intermediate points, (26) between Marysville, Mich., and Michigan Highway 21 over St. Clair County Road 307, serving all intermediate points, (27) between Port Huron, Mich. and Memphis, Mich., over St. Clair County Roads 400, 851, 460B, 462, and 464, serving all intermediate points, (28) between New Baltimore, Mich., and junction of County Line Road and U.S. Highway 25 over County Line Road, for operating convenience only, serving no intermediate points.

(29) Between junction of Michigan Highway 102 and Michigan Highway 97 and Mount Clemens, Mich., over Michigan Highway 97, for operating convenience only, serving no intermediate points, (30) between Port Huron, Mich., and junction of U.S. Highway 25 and U.S. Highway 25A, over U.S. Highway 25A serving no intermediate points, for operating convenience only, (31) between the junction of Michigan Highway 29 and St. Clair County Road 444 and junction of King Road and County Road 446 over St. Clair County Road 444 and King Road, serving all intermediate points, (32) between Ferndale, Mich., and East Detroit, Mich., over Nine Mile Road, serving any points on the route that need transportation service, (33) serving the plant of Packard Motor Car Company located just north of Utica, Mich., as an off-route point, (34) serving the plant of the Chrysler Corporation located on Michigan Highway 53 between 16 and 17 Mile Roads as an off-route point, (35) between all presently certificated points and routes and Lake Orion, Mich., and the junction of Baldwin Road and Indianwood Road via Indianwood Road and intermediate points, (36) between all presently certificated points and routes and Detroit, Mich., and the site of the Kelsey-Hayes Company plant located at the intersection of North Line Highway and Huron River Drive, near Romulus, Mich., Romulus Township, Wayne County, Mich., as an off-route point, (37) between the junction of Michigan Highway 59 and U.S. Highway 10 and the junction of Michigan Highway 15 and Oakwood Road via U.S. Highway 10 and Michigan Highway 15 as an alternate route, serving no new points, (38) between all presently certificated points and routes and junction Michigan Highway 29 and Marine City Highway and junction U.S. Highway 25 and Marine City Highway via Marine City Highway, from Lake Orion thence over Michigan Highway 24 and U.S. Highway 10 to Royal Oak, for alternate routes only, serving no new intermediate points.

(39) Between all presently certificated points and routes serving the site of the McLouth Steel Corporation plant of Gibraltar as an off-route point, (40) between all presently certificated points and routes on the one hand, and, on the other, points located in Warren Township, Sterling Township, Macomb County, and Troy Township Oakland County, Mich., (41) serving the site of the Lincoln Division, Ford Motor Company plant near Novi and the site of the Ford Motor Company plant near Rawsonville, Mich., as off-route points, (42) between Port Huron and Detroit, Mich., and points in Michigan in the following area; bounded on the west from Detroit to Bad Axe by Michigan Highway 53, on the north from Bad Axe to the junction of County Road 142 and Michigan Highway 51 by County Road 142, on the east by Michigan Highway 51 to Port Huron and from Port Huron to Detroit by Michigan Highway 59, and also the right to serve Cass City, Mich., (43) between Detroit, Mich., and points in Michigan in the following area: bounded on the west from Detroit to Bad Axe by Michigan Highway 53, on the north from Bad Axe to the junction of County Road 142 and U.S. Highway 25 by County Road 142, on the east to Detroit by Michigan Highway 29, with the right to serve Cass City, (44) between Detroit, Mich., and points in Michigan in the following area: bounded on the west from Detroit to Port Huron by U.S. Highway 25 and from Port Huron to Detroit by Michigan Highway 29.

(45) Between Port Huron and various Michigan points in the area bounded as follows: from Port Huron to Mount Clemens over Michigan 29 to junction with Michigan Highway 59, thence over Michigan Highway 59 to junction of U.S. Highway 25, thence over U.S. Highway 25 to Mount Clemens, and on the south from Mount Clemens to Pontiac over Michigan Highway 59, on the west from Pontiac to Lapeer by U.S. Highway 24 on

the north from Lapeer to Imlay City by Michigan Highway 21, thence north from Imlay City to the junction of Michigan Highway 53 and Michigan Highway 46 over Michigan Highway 53, and on the north from the junction of Michigan Highway 53 and Michigan Highway 46 to Port Sanilac by Michigan Highway 46, (46) between Detroit, Mich., and various Michigan points and area bounded as follows: U.S. Highway 25 from Detroit to Muttonville, Michigan Highway 19 to Sandusky, Michigan Highway 46 to Port Sanilac, U.S. Highway 25 to Marysville and Michigan Highway 29 to Detroit, (47) serving points within five (5) miles of Flint, Mich., as off-route points, (48) between Detroit, Mich., and the Willow Run Plant of the Ford Motor Company over U.S. Highway 112 to Willow Run Road, thence over Willow Run Road to the Willow Run Plant of the Ford Motor Company.

(B) *General commodities*, between points on applicant's presently certificated routes and between the points described as follows: (1) Huron County: between Ubly and Ruth via Atwater Road, for operating convenience only, (2) Sanilac County: between Sandusky and Deckerville over Sandusky Road and Deckerville Road, for operating convenience only, (3) Sanilac County: between the junction of Michigan Highway 19 and Michigan Highway 46 and the junction of Michigan Highway 46 and Michigan Highway 53 via Michigan Highway 46, (4) Oakland County: between the junction of Sixteen Mile Road and U.S. Highway 24 and the junction of Square Lake Road and U.S. Highway 24 over U.S. Highway 24, Oakland County: between the junction of Big Beaver Road and Cooks Road and the junction of Lake Orion Road and Adams Road over Cooks Road and Adams Road, (5) Oakland and Genesee Counties: between the junction of Mabee Road and U.S. Highway 10 and the junction of Perry Road and U.S. Highway 10 over U.S. Highway 10, (6) Macomb County: between the junction of U.S. Highway 25 and 23-mile road and the junction of Michigan Highway 59 and Ryan Road over 23-mile road and Ryan Road, (7) Lapeer County: between the junction of Michigan Highway 21 and Graham Road and the junction of Graham Road and Ryder Road over Graham Road, to serve the site of Anderson Peat Company as an off-route point, and (8) Lapeer County: between the junction of Michigan Highway 21 and Code Road and the junction of Grand Trunk tracks and Code Road over Code Road, to serve the site of the Michigan Peat Company as an off-route point.

NOTE: The above routes in (B) are for operating convenience only and no new points will be served with the exception of off-route points described in the last two paragraphs.

(C) *Precast concrete wall sections*, from Marysville, Mich., to points in Michigan.

NOTE: This is the identical authority formerly held by applicant under the second proviso section 206(a)(1) in No. MC 80498 Sub 1.

HEARING: December 20, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 86336 (Sub-No. 4), filed August 13, 1963. Applicant: DABAR HAULAGE COMPANY, INC., 170 Avenue F, Bayonne, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty iron and steel pails and drums*, from the plant site of United States Steel Products Division, United States Steel Corporation at Pennsauken Township, Camden County, N.J., to points in Fairfield, Hartford, New Haven, Middlesex, Windham, and Tolland Counties, Conn., and points in Providence County, R.I., and points in Middlesex, Suffolk, and Hampden Counties, Mass., and *rejected and damaged empty iron and steel pails and drums*, on return. Applicant states that the above service is to be conducted under contract with United States Steel Products Division, United States Steel Corporation.

HEARING: December 11, 1963, at the Sheraton Atlantic Hotel, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 92983 (Sub-No. 424), filed July 22, 1963. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, in tank vehicles, from Atchison, Kans., to points in Louisiana, Maryland, Michigan, Missouri, and Rhode Island.

HEARING: December 10, 1963, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 94635 (Sub-No. 1), filed August 20, 1963. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., Newfield, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Minerals, including, but not limited to sand, gravel, stone, clay, slag, light weight aggregates*, between points in Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Virginia, and the District of Columbia.

NOTE: Applicant states it will serve the ports of entry on the international boundary line between the United States and Canada in foreign commerce originating or destined to the states named above, when originating or destined to points in Canada.

HEARING: December 4, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 100666 (Sub-No. 53), filed July 1, 1963. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. Applicant's attorney: Wilburn L. Williamson, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs, posts, poles, piling, pallets, crossties* and *lumber*, including the same commodities when creosoted or chemically treated, between points in Mississippi and Arkansas, on the one hand, and, on the other, points in Kentucky, Alabama, and Tennessee.

HEARING: December 4, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lyle C. Farmer.

No. MC 102616 (Sub-No. 736), filed October 21, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 102616 (Sub-No. 737), filed October 25, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Melamine*, in bulk, from Carteret, N.J., to points in Ohio.

HEARING: November 7, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 103051 (Sub-No. 150), filed July 26, 1963. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Atlanta, Ga., to points in North Carolina.

NOTE: Common control may be involved.

HEARING: December 10, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 130.

No. MC 103051 (Sub-No. 151), filed August 18, 1963. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils, animal fats, animal greases, and liquid tallow*, in bulk, in tank vehicles, from points in Knox County, Tenn., to points in Franklin and Hart Counties, Ga.

NOTE: Common control may be involved.

HEARING: December 10, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 238.

No. MC 103051 (Sub-No. 153), filed September 23, 1963. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Albany, Ga., and points within 15 miles thereof, to points in Alabama and Florida.

HEARING: December 18, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 99.

No. MC 103993 (Sub-No. 177), filed July 24, 1963. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Arkansas (except from Newport, Ark., and points within 10 miles of Newport, and except from Jacksonville, Ark.), to points in the United States, including Alaska, but excluding Hawaii; and (2) *campers and camper coaches*, in initial movements, in truckaway service, from points in Arkansas, to points in the United States, including Alaska, but excluding Hawaii.

HEARING: December 6, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lyle C. Farmer.

No. MC 104654 (Sub-No. 133), filed September 9, 1963. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 297, Belleville, Ill. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles from Indianapolis, Ind., and points within twenty (20) miles thereof, and Brookston, Ind., and points within twenty-five (25) miles thereof, to points in Illinois.

HEARING: December 9, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 105813 (Sub-No. 105), filed October 24, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23rd Street, Miami 42, Fla. Authority south to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission, in Appendix I, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. RESTRICTION: The service at Sioux City, Iowa, will be restricted to the movement of traffic from the plant site of Sioux City Dressed Pork Company moving in mixed loads with traffic originating at Luverne, Minn.

NOTE: Common control may be involved.

HEARING: November 7, 1963, at the U.S. Courtrooms, Sioux City, Iowa, before Examiner John S. Messer.

No. 106657 (Sub-No. 9), filed August 15, 1963. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Haydite* (ground cinder shale), in bulk, in dump trucks, from Danville, Ill., to points in Wisconsin and Michigan.

HEARING: December 6, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 106657 (Sub-No. 10), filed August 15, 1963. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in dump trucks, from Gary, Ind., to points in Wisconsin, Iowa, Ohio, Pennsylvania, Michigan, Minnesota, Missouri, and Kentucky.

HEARING: December 6, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 107012 (Sub-No. 57), filed September 11, 1963. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. Applicant's attorney: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, uncrated, between Erlanger, Ky., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

NOTE: Applicant states it "has been transporting the commodities of the supporting shipper for several years from Erlanger, Kentucky to all the named states, under existing authority. The purpose of this application is to eliminate circuitous routing through gateways and to allow applicant to transport furniture back to Erlanger." Common control may be involved.

HEARING: December 10, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner William J. Cave.

No. MC 108053 (Sub-No. 54), filed August 8, 1963. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from the sites of the plants of Oscar Mayer & Co. at Madison, Wis., and Davenport, Iowa, to points in Arizona, Colorado, Idaho, Kansas, Montana, Nevada, Utah, and Wyoming.

HEARING: December 5, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 108207 (Sub-No. 118), filed August 14, 1963. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, foodstuffs, confections, and confectionery products*, from Dallas, Tex., commercial zone points to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Memphis, Tenn.

HEARING: December 2, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Samuel Horwich.

No. MC 108207 (Sub-No. 125), filed September 27, 1963. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coconuts and/or pineapples in mixed shipments with bananas*, from points in Louisiana, to points in Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Illinois.

HEARING: December 16, 1963, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Lyle C. Farmer.

No. MC 108207 (Sub-No. 126), filed October 7, 1963. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, from Miami, Okla., and Carthage, Mo., to points in Kansas, Minnesota, Wisconsin, Nebraska, and Iowa.

HEARING: December 9, 1963, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 109302 (Sub-No. 2), filed September 17, 1963. Applicant: FRANKLIN'S TRANSFER AND STORAGE, INC., Post Office Box 1226, Medford, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except class A explosives as defined by the Commission), between points in Josephine and Jackson Counties, Oreg.

NOTE: Applicant states that it already holds certain authority including general commodities and household goods in Jackson County, but does not seek duplicating authority. The purpose of this application is to complement the present authority.

HEARING: December 12, 1963, at the Interstate Commerce Commission Hearing Room, 410 SW., 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 109307 (Sub-No. 14), filed April 18, 1963. Applicant: THE KANSAS-ARIZONA MOTOR EXPRESS, INC., 2630½ West Beverly Blvd., Montebello, Calif. Applicant's attorney: Arthur L. Claussen, 303 New England Building, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Meat, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses,* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from plant sites of John Morrell and Company at Ottumwa, Iowa, and Sioux Falls, S. Dak., to points in Arizona, and *exempt commodities,* on return.

NOTE. Applicant states it presently holds authority to "serve certain destination points in the State of Arizona. The purpose of this application is to seek all points in Arizona in addition to the presently held authority in other States." The service proposed above will be performed under contract with John Morrell and Company.

HEARING: December 17, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 109397 (Sub-No. 75), filed September 9, 1963. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Source, special nuclear and by-product materials, radioactive materials, and associated materials,* between the port of entry on the international boundary between the United States and Canada at or near Sault Sainte Marie, Mich., and the National Reactor Testing Station, Arco, Idaho.

HEARING: December 5, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 109497 (Sub-No. 9), filed September 4, 1963. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Rocky Mount, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, fertilizer materials,* and *anhydrous ammonia,* in bulk, in tank vehicles, from points in North Carolina to points in Virginia.

HEARING: December 5, 1963, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 109533 (Sub-No. 16), filed September 23, 1963. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Ninth Street Road, Richmond, Va. Applicant's attorney: William T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined by the Commission, liquids in bulk, and commodities the transportation of which requires the use of special equipment because of size or weight), (1) between Norlina, N.C., and Virginia Beach, Va., from Norlina, N.C., over U.S. Highway 158 to Murfreesboro, N.C., thence over U.S. Highway 258 to Franklin, Va., thence over U.S. Highway 58 to Virginia Beach, Va., and return over the same route, serving all intermediate points and the off-route points of Newport News and Hampton, Va., and (2) between Durham, N.C., and Roanoke Rapids, N.C., from Durham, N.C., over U.S. Highway 70 to Raleigh, N.C., thence over U.S. Highway 401 to Louisburg, N.C., thence over North Carolina Highway 561 to Brinkleyville, N.C., thence over North Carolina Highway 48 to Roanoke Rapids, N.C., and return over the same route, serving all intermediate points and the off-route points of Newport News and Hampton, Va.

NOTE: Applicant states no duplicate authority is sought in this proceeding and it will have no objection to the imposition of a restriction to the effect that any authority granted in this proceeding and any irregular-route authority presently held between the same points shall be deemed to constitute a single operating right, and that the regular- and irregular-route authority to the extent it authorizes service between the same points shall not be severable by sale or otherwise. Or alternatively, applicant will have no objection to a requirement that it request cancellation of presently held irregular-route authority between any two points both of which may be served under regular-route authority granted herein. It is further noted common control may be involved.

HEARING: December 2, 1963, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 110193 (Sub-No. 50) (AMENDMENT), filed March 24, 1963, published FEDERAL REGISTER issue April 17, 1963, amended October 21, 1963, and republished as amended this issue. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses,* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 766 (except commodities in bulk, in tank vehicles), from Spencer, Iowa, to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to substitute the origin and destination points as above in lieu of those shown in the previous publication.

HEARING: December 2, 1963, at the Old Federal Office Building, in room 401, Des Moines, Iowa, before Examiner Jairs Kaplan.

No. MC 110420 (Sub-No. 332), filed August 6, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals and processed oils,* in bulk, in tank vehicles, from Carpentersville, Ill., to points in Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Montana, Missouri, Ohio, Tennessee, Wisconsin, Colorado, Nebraska, North Dakota, South Dakota, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, and Alabama.

HEARING: December 2, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 110525 (Sub-No. 603), filed September 20, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fly ash,* in bulk, in tank and hopper vehicles, (1) from Williamsport and Cumberland, Md., to points in West Virginia, Virginia, and Pennsylvania, and (2) from Riverton, Va., to points in West Virginia, Maryland and Pennsylvania.

HEARING: December 3, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 110698 (Sub-No. 257), filed September 12, 1963. Applicant: RYDER TANK LINE, INC., Winston Salem Road (Post Office Box 457), Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid petroleum products,* in bulk, in tank vehicles, from Gretna, La., to points in California, and *rejected and returned shipments,* of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: December 18, 1963, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Lyle C. Farmer.

No. MC 110698 (Sub-No. 258), filed September 16, 1963. Applicant: RYDER TANK LINE, INC., Winston-Salem Road (Post Office Box 457), Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Oil well treating compound and petroleum treating compound,* in bulk, in tank vehicles, from Richmond, Rosenberg, and Sugarland, Tex., to points in Texas, New Mexico, Louisiana, Arkansas, Oklahoma, Kansas, Colorado, Wyoming, Montana, North Dakota, South Dakota, Mississippi, Arizona, Utah, Nebraska, Illinois, Kentucky, Indiana, and Michigan, and *rejected and damaged shipments,* on return.

NOTE: Common control may be involved.

HEARING: December 9, 1963, at the Texas State Hotel, Houston, Tex., before Examiner Lyle C. Farmer.

No. MC 110988 (Sub-No. 77), filed August 1, 1963. Applicant: KAMPO TRANSIT, INC., 200 West Cecil St., Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank

vehicles, from Lemont, Ill., to points in Wisconsin.

HEARING: December 11, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13.

No. MC 111812 (Sub-No. 214), filed August 1, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products,* from Saugatuck, Mich., to points in Iowa, South Dakota, North Dakota, Nebraska, Colorado, Idaho, Montana, Wisconsin, Minnesota, Wyoming, and Utah.

HEARING: December 4, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 111812 (Sub-No. 220), filed August 21, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in containers, as described in Appendix XIII to Ex Parte MC–45, from Petrolia, Karns City, Warren, North Warren, and Stoneham, Pa., to (1) points in North Dakota, South Dakota, Nebraska, Kansas, Arkansas, Missouri, Iowa, Minnesota, and Wisconsin, and (2) Chicago, Ill.

NOTE: Applicant states (2) above will be restricted to drop-off of part loads, the remainder of which is destined to points in (1) above. Common control may be involved.

HEARING: December 2, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner William J. Cave.

No. MC 111897 (Sub-No. 6), filed July 16, 1963. Applicant: HIX TRUCKING COMPANY, INC., 633 North Elm Street, Commerce, Ga. Applicant's attorney: James L. Flemister, 1652 Pelham Road NE., Atlanta, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), between points in Florida, Alabama, and Georgia south of U.S. Highway 80.

HEARING: December 17, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 99.

No. MC 112020 (Sub-No. 205), filed August 20, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals and processed oils* in bulk, in tank vehicles from Carpentersville, Ill., to points in Arkansas, Colorado, Indiana, Kansas, Kentucky, Michigan, Missouri, Montana, Iowa, New Mexico, Ohio, Oklahoma, and Texas.

NOTE: Common control may be involved.

HEARING: December 2, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 112497 (Sub-No. 212), filed September 9, 1963. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulfate,* in bulk, in tank vehicles, from Bastrop and Springhill, La., to points in Alabama, Arkansas, Mississippi, Oklahoma, Tennessee, and Texas.

HEARING: December 19, 1963, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Lyle C. Farmer.

No. MC 112617 (Sub-No. 142), filed April 29, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fluorspar,* dry, in bulk, from Cave in Rock, Ill., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: December 6, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Samuel Horwich.

No. MC 113024 (Sub-No. 39), filed September 30, 1963. Applicant: ARLINGTON J. WILLIAMS, INC., 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Clothing, dry goods, drugs, toilet preparations, materials and supplies used in production and distribution of sewn and latex products, including packing and packaging materials therefor,* and *empty trailers,* (1) between La Grange and Manchester, Ga. and Lafayette, Ala., on the one hand, and, on the other, Atlanta, Ga., and (2) between La Grange, Manchester, Newnan, and Atlanta, Ga. and Lafayette, Ala., on the one hand, and on the other, Austell, Ga.

NOTE: Applicant states the proposed operation will be for the account of International Latex Corporation, Sarong, Inc., and Southern Latex Corporation.

HEARING: December 16, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 113362 (Sub-No. 27), filed July 30, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Marshall D. Becker, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* as described in Appendix XIII, Ex Parte MC–45, in *Descriptions in Motor Carrier Certificates* in containers, from Petrolia, Karns City Warren, North Warren, and Stoneham Pa., to (1) points in North Dakota, South Dakota, Nebraska, Kansas, Arkansas, Missouri, Iowa, Minnesota, and Wisconsin, and (2) Chicago, Ill.

NOTE: Applicant states destination in (2) above will be restricted to drop-off of part loads, the remainder of which will be destined to points named in (1) above.

HEARING: December 2, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner William J. Cave.

No. MC 113362 (Sub-No. 28), filed August 16, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: *Corrugated cartons and boxes* from Reno, Pa., to Chicago, Ill. and points in the Chicago, Ill., commercial zone.

HEARING: December 5, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner William J. Cave.

No. MC 113362 (Sub-No. 30), filed September 24, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products* as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, including *cheese food, cheese food products, dry milk, and dry milk products,* from Minneapolis, St. Paul, Clarkfield, Albert Lea, Faribault, and New Richland, Minn., and Plymouth, Kiel, Spencer, Manitowoc, Jim Falls, and Marshfield, Wis. to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, and the District of Columbia. RESTRICTION: Applicant states that the proposed service from Wisconsin points will be restricted to complete loading after prior movement from a Minnesota point above named.

HEARING: December 12, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 113627 (Sub-No. 1) (CORRECTION), filed August 27, 1963, published FEDERAL REGISTER issue of October 16, 1963, and republished, as corrected, this issue. Applicant: BARNETT MOTOR TRANSPORTATION, INC., 85 Kendall Street, New Haven, Conn. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Concrete products* and *materials and supplies used in the manufacture and installation thereof,* between Rochester and Buffalo, N.Y., Newington and New Haven, Conn., Boundbrook, East Brunswick, and Wharton, N.J., Perryman and Branchville, Md., and Worcester, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode

Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Vermont, and the District of Columbia.

NOTE: The purpose of this republication is to designate "East Brunswick, N.J." as an origin point in lieu of "East New Brunswick, N.J." as previously published.

HEARING: Remains as assigned November 18, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 113828 (Sub-No. 49), filed October 15, 1963. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler and dolomitic limestone*, in bulk, in tank and hopper type vehicles, from points in Botetourt County, Va., to points in North Carolina, South Carolina, Georgia, and West Virginia.

HEARING: November 14, 1963, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Examiner Albert E. Luttrell.

No. MC 114098 (Sub-No. 44), filed September 17, 1963. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Post Office Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, on flatbed trailers, from Avis, Pa., to points in Arkansas, Florida, Georgia, North Carolina, South Carolina, and Oklahoma.

HEARING: December 11, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 114211 (Sub-No. 37), filed September 12, 1963. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders, bulk handling equipment and attachments therefor*, from Benson, Minn., to points in the United States (except Hawaii and Alaska), and *rejected shipments*, on return.

HEARING: December 10, 1963, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 115331 (Sub-No. 63), filed October 21, 1963. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities* (except cement), from points in Illinois, on and south of U.S. Highway 36, to points in that part of Missouri located on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return.

HEARING: November 4, 1963, at the U.S. Court and Custom House, 1114 Market Street, St. Loius, Mo., before Joint Board No. 135.

No. MC 115841 (Sub-No. 144), filed July 29, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B and C, Appendix I in *Descriptions in Motor Carrier Certificates*, from Troy, Ohio, to points in Tennessee, Arkansas, and Oklahoma.

HEARING: December 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner William J. Cave.

No. MC 115931 (Sub-No. 6), filed July 15, 1963. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: Clinton J. Hansen, 608–616 Hennessy Building, Butte, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone* and *calcium carbonate*, in bulk and in bags, from Warren, Mont., to points in Idaho.

NOTE: Applicant states it proposes to transport exempt agricultural commodities, on return. Common control may be involved.

HEARING: December 18, 1963, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 269, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116273 (Sub-No. 17), filed September 6, 1963. Applicant: D & L TRANSPORTS, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*, in bulk, in tank vehicles, from Chicago, Ill., to Milwaukee, Wis.

HEARING: December 10, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 116474 (Sub-No. 2), filed October 7, 1963. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wooden timbers, trusses, and beams, and lumber and accessories used in the erection, construction, and completion of the foregoing when shipped therewith*, from Drain, Oreg., to points in California.

HEARING: December 10, 1963, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 116544 (Sub-No. 44), filed September 9, 1963. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products* and *articles distributed by meat packinghouses*, as described in sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Miami, Okla., and Carthage, Mo., to points in Kansas, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: December 9, 1963, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 116702 (Sub-No. 24), filed September 24, 1963. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building boards consisting of boards, ceiling or wall (made of fiberboard or pulpboard), painted, enamelled or lacquered, or not painted, lacquered or enamelled, and boards or sheets, flat, consisting of wood shavings, wood chips, wood particles, with added resin binder not exceeding 10 percent by weight, compressed*, from the ports of entry on the international boundary line between the United States and Canada located at Port Huron, Detroit, and Sault Ste. Marie, Mich., to points in the Lower Peninsula of Michigan, on traffic originating in Canada, and *returned shipments*, of the commodities specified above, on return.

NOTE: Applicant states the proposed service will be for the account of Abitibi Power & Paper Co., Ltd.

HEARING: December 16, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 116817 (Sub-No. 5), filed September 23, 1963. Applicant: GLEN W. COLE, 312 East Fifth Street, New Richmond, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured feed ingredients*, from points in Freeborn and Mower Counties, Minn., to New Richmond, Wis., and (2) *animal and poultry feeds*, from New Richmond, Wis., to points in South Dakota east of the Missouri River, except points in Brookings, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Turner, and Roberts Counties, S. Dak.

HEARING: December 12, 1963, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 303, or if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117119 (Sub-No. 102), filed August 26, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from New Albany, Ind., and Cincinnati, Ohio to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Minnesota, Montana, Nebraska, New York, North Dakota, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: December 11, 1963, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 117344 (Sub-No. 104), filed June 7, 1963. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Lawrenceburg, Ind., and Schenley, Pa., and *only empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: December 13, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner William J. Cave.

No. MC 117644 (Sub-No. 16), filed September 16, 1963. Applicant: D & T TRUCKING CO., INC., Post Office Box 2667, New Brighton 12, Minn. Applicant's representative: Robert E. Swanson, 1821 University Avenue, St. Paul 4, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial cleaning compounds and cleaning compound ingredients* from points in Painesville and Cleveland, Ohio, Charleston, W. Va., and Joliet, Ill., to Bloomington, Minn.

NOTE: Applicant states that the proposed transportation will be under a continuing contract or contracts with Fremont Industries, Inc., Bloomington, Minn.

HEARING: December 12, 1963, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 117832 (Sub-No. 1), filed August 12, 1963. Applicant: ROBERT KIRK, Route 4, Box 187, Little Rock, Ark. Applicant's attorney: Phillip Carroll, 720 West Third Street, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., Mobile, Ala., and Houston and Galveston, Tex., to Little Rock, Ark.

NOTE: Applicant states the proposed operation will be under a continuing contract, or contracts, with Dillaha Fruit Company of Little Rock, Ark.

HEARING: December 5, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lyle C. Farmer.

No. MC 117834 (Sub-No. 1), filed August 12, 1963. Applicant: WILLIAM R. PINKERTON, doing business as BILL PINKERTON, Route 4, Box 192C, Little Rock, Ark. Applicant's attorney: Phillip Carroll, 720 West Third Street, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Bananas*, from Gulfport, Miss., Mobile, Ala., and Houston and Galveston, Tex., to Little Rock, Ark., and *exempt commodities*, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract, or contracts with the Kroger Company of Little Rock, Ark.

HEARING: December 5, 1963, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lyle C. Farmer.

No. MC 119305 (Sub-No. 4), filed September 5, 1963. Applicant: C. ROBERT NATTRESS and DONALD NATTRESS, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood, Pa. Applicant's attorney: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from Wilmington, Del., to Philadelphia, Pa.

HEARING: December 2, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 119934 (Sub-No. 64), filed May 2, 1963. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, from Cave in Rock, Ill., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin, and *damaged and rejected shipments*, on return.

HEARING: December 6, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Samuel Horwich.

No. MC 120434 (Sub-No. 1), filed July 31, 1963. Applicant: WAGNER TRUCKING COMPANY, 10640 Bennington Road, Durand, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and marble monuments*, from Durand and Vernon, Mich., to points in Michigan.

HEARING: December 18, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 120732 (Sub-No. 1), filed August 5, 1963. Applicant: SUNE BUCHT, Drummond Island, Mich. Applicant's attorney: C. W. Coates, 311 Central Savings Bank Building, Sault Ste. Marie, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (a) between Drummond Island, Mich., and Sault Ste. Marie, Mich., from Drummond Island over Michigan Highway 134 to its junction with Michigan Highway 129, thence over Michigan Highway 129 to Sault Ste. Marie, such transportation to be restricted to commodities originating at or destined to Drummond Island, and (b) between Sault Ste. Marie, Mich., and the junction Michigan Highway 129 and County Road; from Sault Ste. Marie over U.S. Highway 2 to its junction with County Road near Dafter, Mich., thence over County Road to junction Michigan Highway 129, and return over the same routes, serving no intermediate points; and over irregular routes, (1) *forest products* (except dimension stock, plywood, and built-up wood), from Drummond Island, Mich., to points in Michigan, and (2) *flat building stone* and *veneer stone*, to be used in the construction of homes, offices, and commercial buildings, from Drummond Island to points in Michigan (except points between Drummond Island and Sault Ste. Marie over Michigan Highways 48 and 129).

HEARING: December 17, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 123135 (Sub-No. 5), filed July 1, 1963. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's attorney: Delmar O. Koebel, 608–11 Spivey Building, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour* in bulk, from Chester, Ill., to Saint Louis, Mo.

HEARING: December 3, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 123135 (Sub-No. 6), filed August 5, 1963. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's attorney: Delmar Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk and packages, having a prior movement by rail or water, from East St. Louis, Ill., to points in Illinois on and south of U.S. Highway 36 and to points in Missouri on and east of U.S. Highway 65.

HEARING: December 4, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 123934 (Sub-No. 4), filed August 23, 1963. Applicant: KREVDA BROS. EXPRESS, INC., Box 68, Gas City, Ind. Applicant's attorney: Donald

W. Smith, Suite 511, Fidelity Building,

Dickinson, Marion, Butler, Cowley, Doni-

South Bend, Ind., and excluded any re-

south of U.S. Highway 36, to points in

in California.

No. MC 117832 (Sub-No. 1), filed August 12, 1963. Applicant: ROBERT

Durand, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

August 23, 1963. Applicant: KREVDA BROS. EXPRESS, INC., Box 68, Gas City, Ind. Applicant's attorney: Donald

W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, one (1) gallon or less in capacity, from Sheffield, Marienville, Parker, Knox, and Kane, Pa., to points in Wisconsin, and *pallets* and *skids*, on return.

HEARING: December 4, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner William J. Cave.

No. MC 123293 (Sub-No. 6), filed September 5, 1963. Applicant: FRY SALES AND EQUIPMENT CO., a corporation, Post Office Box 120, Mercersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, in bulk, (a) from points in Fayette, Somerset, Cambria, Bedford, Fulton, and Huntingdon Counties, Pa., to points in West Virginia and Maryland (except points in Maryland east of a line beginning at the Maryland-Pennsylvania State line and extending south along U.S. Highway 140 to Westminster, Md., thence along Maryland Highway 27 to Germantown, Md., thence along Maryland Highway 118 to Darnestown, Md., and thence in a southwesterly direction along Maryland Highway 112 to the Potomac River), and (b) from points in Allegany County, Md., and points in Grant and Hardy Counties, W. Va., to Riverton, Va.; and (2) *coal*, in bulk, in dump-type vehicles, from the site of the Arkwright Mine located near Maidsville, W. Va., to the plant site of the Pennsylvania Glass Sand Corp. located approximately two (2) miles north of Berkeley Springs, W. Va.

NOTE: Applicant states the proposed operations will be restricted to a transportation service which will be performed under a continuing contract with P B S Coals, Inc. It is further noted that applicant holds identical authority to this application, but subject to a restriction limiting the performance of service to a continuing contract with Martin-Marietta Corporation (Fry Coal and Stone Division). P B S Coals, Inc., has purchased from Martin-Marietta Corp. that portion of the Fry Coal and Stone Division operation relating to the handling of coal, and applicant will be serving the successor under this application, in the event same is granted.

HEARING: December 4, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wiliam J. Cave.

No. MC 123299 (Sub-No. 3), filed September 16, 1963. Applicant: J. H. OLDHAM CONCRETE CO., a corporation, 6215 Caldwell Drive, New Orleans, La. Applicant's attorney: William B. Jensen, 914 Commerce Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt (sodium chloride) and calcium chloride*, in dump trucks and trailers, from points in Jackson County, Mo., to points in Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Sedgwick, Sumner, Republic, Cloud, Wabaunsee, Shawnee, Lyon, Osage, Coffey, Woodson, Wilson, Montgomery, Anderson, Ottawa, Saline, McPherson, Hervey, Washington, Clay, Dickinson, Marion, Butler, Cowley, Donihan, Atchison, Jefferson, Leavenworth, Douglas, Johnson, Franklin, Miami, Marshall, Riley, Geary, Morris, Chase, Greenwood, Elk, Chautauqua, Nemaha, Jackson, Linn, Allen, Bourbon, Neosho, Crawford, Labette, Cherokee, and Brown Counties, Kans., and *damaged and rejected shipments* of the commodities specified above, on return.

HEARING: December 10, 1963, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 124316 (Sub-No. 2), filed September 12, 1963. Applicant: ACTIVE EXPRESS CO., a corporation, 417 Whiton Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Newark, N.J., and New York, N.Y.

NOTE: Applicant states if the proposed authority is granted the authority now held in MC 124316 will be surrendered.

HEARING: December 5, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 124359 (REPUBLICATION), filed April 12, 1962, published FEDERAL REGISTER, issue of May 2, 1962, and republished this issue. Applicant: W. R. STEVENS, doing business as B-LINE, 1409 16th Avenue, Greeley, Colo. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. By application filed April 12, 1962, applicant seeks authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Siding, roofing, insulating and flooring materials and supplies, wall tile, and related items*, (a) from Chicago, Ill., New York, N.Y., South Bend, Ind., Sandusky, Canton, and East Sparta, Ohio, South Plainfield, and Trenton, N.J., and Marcus Hook and Lancaster, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwich, and Weld Counties, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., and Cheyenne, Kimball, Perkins and Scottsbluff Counties, Nebr., and (b) from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins and Scottsbluff Counties, Nebr., and (2) *pitch*, from Casper, Wyo., to Denver, Colo. Hearing was held on June 29, 1962, at Denver, Colo. At the hearing the application was amended to limit the transportation service to be performed under a continuing contract or contracts with Wholesale Flooring, Inc., and Wholesale Ceramic Tile, Inc., The amendment also eliminated service from South Bend, Ind., and excluded any request for authority to transport siding or roofing. The amendment also added two destination points, Rapid City, S. Dak., and Lamar, Colo. A report of the Commission, by the Operating Rights Review Board, decided October 2, 1963, served October 7, 1963, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of floor and wall tile and linoleum and (2) of supplies used in the installation of the commodities described in (1), (a) from Chicago, Ill., New York, N.Y., Sandusky, Canton, and East Sparta, Ohio, South Plainfield and Trenton, N.J., and Marcus Hook and Lancaster, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwich, and Weld Counties, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., and Cheyenne, Kimball, Perkins and Scottsbluff Counties, Nebr., and (b) from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins and Scottsbluff Counties, Nebr., limited to a transportation service to be performed under a continuing contract or contracts with Wholesale Flooring, Inc., and Wholesale Ceramic Tile, Inc., both of Denver, Colo., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a permit authorizing the above described operation should be issued after the lapse of 30 days from the day of publication in the FEDERAL REGISTER of the authority recommended to be granted herein.

No. MC 124472 (Sub-No. 1), filed July 30, 1963. Applicant: HARDING TRANSPORTATION, INC., 406 Jackson Street, Topeka, Kans. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polished plate glass*, (a) from Crystal City, Mo., Toledo, Ohio, and Nashville and Greenland, Tenn., to Fort Smith and Fayetteville, Ark., and St. Louis, Mo., (b) from Greenland, Tenn., to Colorado Springs, Denver, and Pueblo, Colo., Garden City, Manhattan, and Topeka, Kans., Kansas City, Joplin and Springfield, Mo., and Kearney, Lincoln, Norfolk and Omaha, Nebr. (2) *Paint*, from Pueblo, Colo., to Fort Smith and Fayetteville, Ark., Alton, Ill., Garden City, Manhattan, and Topeka, Kans., Kansas City, Springfield, Joplin, and St. Louis, Mo., and Kearney, Lincoln, Norfolk and Omaha, Nebr. (3) *Putties* and *caulking compound*, from Denver, Colo., to Fort Smith and Fayetteville, Ark., Alton, Ill., Garden City, Manhattan, and Topeka, Kans., Kansas City, Springfield, Joplin, and St. Louis, Mo., and Kearney, Lincoln, Norfolk, and Omaha, Nebr. (4) *Empty containers or other such incidental facilities*, used in

transporting the above described commodities in (1), (2) and (3) above, on return.

HEARING: December 16, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 124639 (Sub-No. 5), filed August 9, 1963. Applicant: MISSOURI LUMBER TRANSPORTS, INC., Post Office Box 231, Arcadia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Colorado to points in Indiana.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 123242; therefore, dual operations may be involved.

HEARING: December 4, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Samuel Horwich.

No. MC 125183 (Sub-No. 1), filed August 13, 1963. Applicant: W. R. BURSON, doing business as W. R. BURSON TRANSFER COMPANY, 227 Mandeville, Avenue, Carrollton, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, from Guntersville, Ala., to points in Carroll County, Ga., and (2) *nitrate of soda and ammonium nitrate* (except liquid in bulk, in tank vehicles), from Birmingham and Sheffield, Ala., and Tyner, Tenn., to points in Carroll County, Ga.

HEARING: December 12, 1963, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 239.

No. MC 125194 (Sub-No. 1), filed September 3, 1963. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, Mich. Applicant's attorney: Lee Boothby, 312 North Fourth Street, Niles, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in appendix I, section B, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *diet dairy products, chocolate milk and ice cream*, from Hammond, Ind., to Niles, Mich., and points in Allegan, Berrien, Branch, Cass, Kalamazoo, Kent, St. Joseph, and Van Buren Counties, Mich., and *dairy products, chocolate milk and ice cream*, on return.

HEARING: December 19, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 125217 (Sub-No. 1), filed June 3, 1963. Applicant: Darwin K. Case, McCracken, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm implement carriers*, from McCracken and Rozel, Kans., to points in Colorado, Montana, Nebraska, Oklahoma, and Wyoming, (2) *farm machinery*, from points in Colorado, Montana, Nebraska, Oklahoma, and Wyoming to McCracken, Kans., and (3) *refused or rejected shipments*, of (1) and (2) above, on return.

HEARING: December 17, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 125283 (Sub-No. 2), filed August 7, 1963. Applicant: ARTHUR M. MULFORD, Post Office Box 127, San Jose, Ill. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Mason County, Ill., to points in Auglaize, and Allen Counties, Ohio, and *boxes, cheese cloth, salt, rennet and other materials, used in the manufacture and packaging of cheese*, on return.

NOTE: Applicant states the proposed service will be for the account of Hanson Dairy, Inc.

HEARING: December 6, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 58.

No. MC 125361, filed May 16, 1963. Applicant: AL'S TOWING SERVICE, INC., Box 422, Covington, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged and disabled motor vehicles* and *motor vehicles to be utilized for replacement of such wrecked, damaged and disabled motor vehicles*, using wrecker equipment only, from points in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia, to Cincinnati, Ohio, and points in the Cincinnati, Ohio, commercial zone, and *replacement vehicles for the above-described vehicles*, incidental to the performance of wrecker service, on return.

HEARING: December 11, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner William J. Cave.

No. MC 125394 (Sub-No. 1), filed July 1, 1963. Applicant: ROMAN WEBER, doing business as WEBER TRUCK SERVICE, Bartelso, Ill. Applicant's attorney: Delmar O. Koebel, 608–11 Spivey Building, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and *component parts used in the construction of homes and buildings*, from the yard site of Wicks Corp., located approximately one (1) mile west of Breese, Ill., on U.S. Highway 50, to points in Missouri (except St. Louis and Kansas City, Mo.).

HEARING: December 2, 1963, at the U.S. Courthouse and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 125402 (Sub-No. 1), filed July 2, 1963. Applicant: GLENN L. BARR, doing business as BARR TRUCKING CO., Hobson, Mont. Applicant's attorney: J. F. Meglen, 204–205 Behner Building, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Milwaukee, Wis., and Salt Lake City, Utah, to Lewistown, Mont., and *exempt commodities*, on return.

NOTE: Applicant states the proposed service will be performed for the account of the S&A Distributing Co., of Lewistown, Mont.

HEARING: December 20, 1963, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Richard H. Roberts.

No. MC 125420 (Sub-No. 2), filed July 1, 1963. Applicant: MERCURY TANKLINES LIMITED, Post Office Box 71, Postal Station A, Calgary, Alberta, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* in bulk, in tank trucks, from ports of entry on the international boundary line between the United States and Canada located at points in Montana, North Dakota, and Minnesota to Baltimore, Md., and Detroit, Mich., and *rejected and contaminated shipments* of the commodities specified above, on return.

HEARING: December 20, 1963, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Richard H. Roberts.

No. MC 125426 (Sub-No. 1), filed August 23, 1963. Applicant: FRANK HORWITH, Rural Delivery No. 1, Coplay, Pa. Applicant's representative: A. E. Enoch, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders* from Excelsior, Northumberland County, Pa., and points within five (5) miles thereof to Brooklyn and Jamaica, N.Y.

HEARING: December 3, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 125449, filed June 14, 1963. Applicant: WAYNE WAGGONER, 405 West Lewis, Livingston, Mont. Applicant's attorney: R. A. Smiley, Belle Fourche, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and surfaced planed lumber, including dimension, boards, shingles, laths and sawed lumber of all types*, from points in Meagher, Park, Broadwater, and Gallatin Counties, Mont., to points in Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Kansas, Nebraska, Missouri, Colorado, Utah, Nevada, and Idaho.

HEARING: December 19, 1963, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Richard H. Roberts.

No. MC 125463 (Sub-No. 2), filed August 15, 1963. Applicant: JACQUELINE P. NADBERAZNY, 540½ Ridge Road, Allentown, Pa. Applicant's representative: A. E. Enoch, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste textile scrap materials*, between Allentown, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, those in that part of New York south of the northern boundaries of Jefferson, Lewis, Herkimer, Fulton, Saratoga, and Washington Counties, and those in West Virginia and Virginia, on and north of a line commencing at a point on the Pennsylvania-West Virginia State line and extending along U.S. High-

way 250 to Richmond, Va., thence along U.S. Highway 60 to Newport News, Va.

NOTE: Applicant states that the proposed service will be for the account of S. Levine and Sons.

HEARING: December 3, 1963, at The Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 125499 (Sub-No. 2), filed August 22, 1963. Applicant: LV COMPANY, INC., 611 Main Street, Freemansburg, Pa. Applicant's attorney: Robert B. Einhorn, 1540–47 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia 7, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building block, concrete beams, concrete pipe, concrete lintels*, and *brick*, from the plant of the Lehigh Building Block Co., at Wescosville, Pa., to points in Massachusetts on and west of U.S. Highway 5, Connecticut, New York on and south of Interstate Highway 90, and in Long Island, New Jersey, Delaware, Maryland, District of Columbia, West Virginia on and north of U.S. Highway 50, and in Virginia on, north and east of U.S. Highway 17 between Norfolk and Winchester and on and north of U.S. Highway 50 between Winchester and the West Virginia State line.

NOTE: Common control may be involved.

HEARING: December 4, 1963, at The Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 125527, filed July 12, 1963. Applicant: CHARLES STANLEY, Malden, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton seed*, from Stoneville, Miss., to Malden, Mo., and (2) *fertilizer and ammoniated solutions, cotton* and *grains*, (a) from Memphis, Tenn., to Malden, Mo., and Piggott, Ark., and (b) from Walnut Ridge, Ark., to Malden, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: December 4, 1963, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Samuel Horwich.

No. MC 125532 (Sub-No. 1), filed September 17, 1963. Applicant: JANSEN TRUCKING, INC., 716 Northeast Coast Highway, Newport, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Toledo, Oreg., to Newport, Oreg., and *rejected shipments*, on return.

HEARING: December 13, 1963, at the Interstate Commerce Commission Hearing Room 410, Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 125546, filed July 19, 1963. Applicant: HOLLYWOOD SERVICE AND TOWING (1963) LTD., 7669 Curragh Street, Burnaby 1, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's portable camp buildings, house trailers, equipment and machinery, and motor vehicles*, by the tow-away method, between ports of entry on the international boundary line between the United States and Canada and points in Idaho, Washington, Oregon, and California.

HEARING: December 18, 1963, at the Federal Office Building, Seattle, Wash., before Examiner Lacy W. Hinely.

No. MC 125556, filed July 23, 1963. Applicant: T AND T LIVESTOCK HAULING CO., a corporation, doing business as T AND T, INC., Box 1021, Nampa, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* (1) from points in California, to points in Nevada, Oregon, and Idaho, (2) from points in Los Angeles County, Calif., and from San Francisco and Oakland, Calif. (including the commercial areas of each), to Winnemucca, Nev., Burna, and Baker, Oreg., Payette, Nampa, and Boise, Idaho, and LaGrande, Oreg., and *exempt commodities*, on return.

HEARING: December 2, 1963, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Lacy W. Hinely, on a consolidated record with No. MC–C 4065, M. E. PAINTER, DOING BUSINESS AS GEM STATE TRUCKING CO.; TRUSSDECK CORPORATION, FLEETWOOD TRAILER CO. OF IDAHO, INC.; J. WEIL & CO.; NAGEL'S BEVERAGE COMPANY, A COPARTNERSHIP COMPOSED OF JOHN NAGEL, JR. AND LOUISE A. NAGEL, INVESTIGATION OF OPERATIONS AND PRACTICES, NO. MC–C 4075, DELWIN W. HOBZA, DOING BUSINESS AS HOBZA TRUCK LINES; IDAHO MEAT PACKERS, INC., AND MURIEL T. HELLER, DOING BUSINESS AS HELLER SALES CO., INVESTIGATION OF OPERATIONS AND PRACTICES; NO. MC 124909, DELWIN W. HOBZA, DOING BUSINESS AS HOBZA TRUCK LINES, NAMPA, IDAHO.

No. MC 125561, filed July 29, 1963. Applicant: SUNNYSIDE TRANSFER, INC., Seventh and N.P. Tracks, Sunnyside, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Grandview and Sunnyside, Wash., on the one hand, and, on the other, points within an area bounded by the Columbia River on the east, State road 11A on the north, U.S. Highway 97 and State road 3A on the west and the southern boundary of Yakima County on the south.

NOTE: Applicant states the proposed service will be restricted to traffic moving in pick up and delivery service for the account of an on the billing of line haul carriers only.

HEARING: December 19, 1963, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 125571 (Sub-No. 1), filed September 6, 1963. Applicant: HENRY DALE SANDS, doing business as SANDS ELEVATOR, Swan Creek, Ill. Applicant's attorney: Robert T. Lawley, 306–309 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel bins, disassembled and component parts*, from Kansas City, Mo., to points in Knox, Warren, Fulton, Henderson, and McDonough Counties, Ill.

NOTE: Applicant states the proposed operation will be performed during the period between April 15 and November 1, inclusive of each year, and for the account of Allen Sales & Service.

HEARING: December 5, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 195.

No. MC 125586 (Sub-No. 2), filed September 6, 1963. Applicant: NEW JERSEY ARMORED CAR SERVICE, INC., 7 East Washington Street, Pleasantville, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coins, endorsed checks, government bonds, securities, documents*, and *such commercial papers, documents and written instruments as are used in the operation of banks and financial institutions*, between points in Atlantic, Cape May, and Cumberland Counties, N.J., and points in and south of the Township of Lacey in Ocean County, N.J., on the one hand, and, on the other, Philadelphia, Pa.

HEARING: December 5, 1963, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 125596, filed August 11, 1963. Applicant: DARRELL L. GASTON, doing business as FEED TRANSPORT, 1203 West Fourth Street, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Texas, Oklahoma, Arkansas, Kansas, and St. Joseph, Mo., on the one hand, and, on the other, points in Oklahoma, Nebraska, Texas, Missouri, and that portion of Colorado lying on and east of U.S. Highway 87.

HEARING: December 18, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 125607, filed August 15, 1963. Applicant: WILSON'S TRANSPORT LTD., Henrietta Street, Toronto 9, Ontario, Canada. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, pulpboard* and articles made therefrom, beginning and ending at ports of entry on the international boundary line between the United States and Canada in Michigan, and extending to Kalamazoo, Mich.

NOTE: Applicant states that shipments will be limited to those moving from or to points in Canada under a continuing contract with KVP Sutherland Paper Company, of Kalamazoo, Mich., and its subsidiary, The KVP Company, Limited, of Espanola, Ontario, Canada.

HEARING: December 16, 1963, at the Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 125612, filed August 18, 1963. Applicant: SAFEWAY MOVING & STORAGE COMPANY, INC., 90 South Dearborn Street, Seattle, Wash. Applicant's attorney: Charles P. Moriarty, Jr., 1212 Olympic National Life Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, between points in Seattle, Wash., and between points in Pierce, King, Snohomish, Kittitas, and Yakima Counties, Wash., (2) *household goods* and *building materials* (excluding cement in bulk in tank or bottom dump vehicles or similar specialized equipment), between points in Washington, (3) *new furniture* (not boxed or crated), and *mattresses*, between points in Washington (except between Seattle or Tacoma and Spokane), and (4) *agricultural commodities*, for export only, from points in eastern Washington, to points in the area of Puget Sound, Wash., and Tacoma and Seattle, Wash.

NOTE: Applicant states it proposes to transport *general commodities*, on return in (4).

HEARING: December 16, 1963, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives it right to participate, before Examiner Lacy W. Hinely.

No. MC 125613, filed August 19, 1963. Applicant: JAMES MERRIMAN, doing business as MERRIMAN TRUCK SERVICE, 409 West Marion Street, Monticello, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wire and cable, and empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, between Decatur and Monticello, Ill., (1) from Decatur over Illinois Highway 105 to Monticello, and return over the same route, serving no intermediate points, and (2) from Decatur over Illinois Highways 48 and 47 to Monticello, and return over the same route, serving no intermediate points.

HEARING: December 6, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 125627 (AMENDMENT), filed August 26, 1963, published FEDERAL REGISTER issue of October 16, 1963, amended October 18, 1963, and republished, as amended, this issue. Applicant: I & L TRUCKING, INC., 441 Clarement Avenue, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical, gas and household appliances, sinks and cabinets*, crated and uncrated, between Bi-State Warehouse Co., Inc., Jersey City, N.J., on the one hand, and, on the other, Baltimore, Md., Philadelphia, Pa., Washington, D.C., points in Maryland, points in Connecticut on and south of U.S. Highway 44, points in New York on and south of a line beginning at the Massachusetts-New York State line and extending along U.S. Highway 20 to Cazenovia, N.Y., on and east of a line extending along New York Highway 13 from Cazenovia to the New York-Pennsylvania State line.

NOTE: The purpose of this republication is to substitute Bi-State Warehouse Co., Inc., in lieu of Model Warehouse Corp. as previously published.

HEARING: Remains as assigned, November 25, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 125640, filed August 30, 1963. Applicant: ATLANTIC-PACIFIC DRIVE-AWAYS, INC., 30 East 42nd Street, New York 17, N.Y. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the arrangement for and thereafter the transportation of *used passenger motor vehicles and small trucks not exceeding three-fourths of a ton in accordance with the manufacturer's rated capacity*, in drive-away service, from New York, N.Y., and points in its commercial zone as defined by the Interstate Commerce Commission, and from points in that part of Connecticut on and west of U.S. Highway 5, to points in the United States (excluding Alaska and Hawaii).

HEARING: December 12, 1963, at the Sheraton Atlantic Hotel, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 125641, filed September 1, 1963. Applicant: WILBUR LOWDERMILK, Addison (Somerset County), Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles, between points in Somerset County, Pa., on the one hand, and, on the other, points in Allegany and Garrett Counties, Md.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113035 and subs thereunder; therefore dual operations may be involved.

HEARING: December 6, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner William J. Cave.

No. MC 125643, filed September 3, 1963. Applicant: JAMES B. BARNETT, doing business as BARNETT TRUCK LINES, Richlands Road, Kinston, N.C. Applicant's attorney: Warren S. Perry, 106 West Gordon Street, Kinston, N.C., 28501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, in bags, from points in the area of Norfolk and Portsmouth, Va., to points in Craven, Greene, and Lenoir Counties, N.C., and *exempt commodities*, on return.

HEARING: December 4, 1963, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 125646, filed August 29, 1963. Applicant: SAMUEL R. FOX, 9 Second Street, West Bridgeport, Ohio. Applicant's representative: David L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va., 26002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes in seasonal operations between February 1 and November 1 inclusive of each year, transporting: (1) *Ice cream topping and syrups*, from Buffalo, N.Y., to Martins Ferry, Ohio, (2) *root beer syrup*, from Rochester, N.Y., to Martins Ferry, Ohio, (3) *ice cream cones*, from Pittsburgh, Pa., to Martins Ferry, Ohio, and (4) *ice cream toppings and syrups, plastic spoons, plastic dishes, paper bags, edible nuts*, whole or chopped, for sundaes, *cleaning detergents*, in containers, in boxes, *paper cups and containers, ice cream sticks, cookies*, for ice cream sandwiches, *plastic lids*, for cups and containers, *lubricants, grease*, in cans, and *ice cream cones*, from Martins Ferry, Ohio, to points in West Virginia and points in Allegheny County, Pa., and Aliquippa, Beaver Falls, Butler, Irwin, Kittanning, Johnstown, Latrobe, Mt. Pleasant, Connellsville, Uniontown, Somerset, Brownsville, Charlerol, Washington, and Canonsburg, Pa.

NOTE: Applicant states the proposed service will be performed under a continuing contract with William Horky, doing business as, D. Q. Supply.

HEARING: December 6, 1963, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner William J. Cave.

No. MC 125649, filed September 5, 1963. Applicant: LLOYD K. HOOVER, doing business as HOOVER WRECKER SERVICE, Route 2, Broadway, Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen and repossessed trucks, tractors, trailers, and passenger automobiles and replacements* for such wrecked, disabled, inoperative, stolen and repossessed trucks, tractors, or trailers, in truckaway service, using wrecker equipment, between points in Delaware, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: December 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 125665, filed September 9, 1963. Applicant: FRANK WEIR, doing business as FRANKS TOWING SERVICE, 123 Hiawatha Drive, Clarendon Hills, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, from points in that part of Indiana bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway

41 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction Indiana Highway 26, thence along Indiana Highway 26 to Lafayette, Ind., thence along Indiana Highway 25 to Logansport, Ind., thence along U.S. Highway 24 to Peru, Ind., thence along Indiana Highway 19 to Elkhart, Ind., thence along Indiana Highway 19 to junction Interstate Highways 80 and 90, thence along Interstate Highways 80 and 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Indiana-Illinois State line (including points on the designated highways), to Chicago, Ill.

HEARING: December 10, 1963, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No MC 125666, filed September 12, 1963. Applicant: McEWEN CONTRACT HAULING, INC., Route 3, Box 115, Vick Road, Molalla, Oreg. Applicant's attorney: Robert R. Hollis, 1121 Equitable Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, wood shavings and sawdust*, between points in Clackamas, Multnomah and Washington Counties, Oreg., and points in Clark and Cowlitz Counties, Wash.

HEARING: December 10, 1963, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 125667, filed September 12, 1963. Applicant: WILLIAM H. JONES AND ALICE C. JONES doing business as, BILL'S TOWING, Corner Spring and Elm Streets, Klamath Falls, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles under 10,000 pounds gross weight*, from points in Modoc and Siskiyou Counties, Calif., to Klamath Falls, Oreg.

HEARING: December 9, 1963, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 125673, filed September 13, 1963. Applicant: ERWIN GRAU, 509 South Front Street, New Ulm, Minn. Applicant's attorney: A. R. Mueller, 512 Second Street North, New Ulm, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from St. Louis, Mo., and La Crosse, Wis., to St. Paul and Long Lake, Minn. and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 9, 1963, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 125676, filed September 6, 1963. Applicant: RODDEY TRUCKING, INC., Route 3, Bloomington, Ill. Applicant's attorney: Robert B. Oxtoby, First National Bank Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, grain products, drugs, bags, containers, fungicides, insecticides, condition powders, disinfectants, vermifuges, treatments and sprays* from St. Louis, Mo., to Bloomington, Ill., and Vandalia, Ill., *and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities and manufactured products of Ralston-Purina, on return.

HEARING: December 5, 1963, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 125688, filed September 18, 1963. Applicant: CONSTRUCTION HANDLERS, INC., 189 Bridge Street, New York, N.Y. Applicant's attorney: Abel Just, 135 Broadway, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel door frames*, set up and knocked down, *doors*, iron or steel primed, and *hollow metal building products*, from New York City, N.Y., to points in the United States, including the District of Columbia, but excluding Alaska and Hawaii, and *rejected merchandise and materials, supplies and equipment used in production and installation of such commodities*, on return.

HEARING: December 10, 1963, at the Sheraton Atlantic Hotel, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 125690, filed September 19, 1963. Applicant: TERMINAL DELIVERY SERVICE, INC., Union Station, Washington, D.C. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in seasonal operations during the official American League Baseball Season, transporting: *Baseball teams' personal baggage, equipment and paraphernalia, such as, but not restricted to, personal baggage, baseball uniforms and equipment, such as playing shoes, bats, gloves, parkas and related items used by a baseball team in their professional appearances*, (1) between Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, Washington, D.C., and Baltimore, Md., (2) between Dulles or International Airport, Chantilly, Va., on the one hand, and, on the other, Washington, D.C., and Baltimore, Md.; (3) between Friendship International Airport, Baltimore, Md., and Washington, D.C., and (4) between Washington, D.C. and Baltimore, Md.

NOTE: Applicant states transportation from or to the named airports shall be incidental to the transportation of the baseball teams whose personal baggage, equipment, and paraphernalia shall be transported by the applicant.

HEARING: December 12, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 125693, filed September 23, 1963. Applicant: ANDREW HOVANES, doing business as ANDY'S STANDARD SERVICE, 121 North Broadway, Sauk Rapids, Minn. Applicant's attorney: Gordon Rosenmeier, 72 Broadway, Little Falls, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and damaged motor vehicles*, in truckaway service, from points in North Dakota, South Dakota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Missouri, Arkansas, and Louisiana, to St. Cloud, Minn., and by truckaway, *replacement vehicles*, from St. Cloud, Minn., to points in said states where disablement or damage occurs.

HEARING: December 13, 1963, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. 125695, filed September 23, 1963. Applicant: RUSSELL C. EDSON, doing business as QUEENS RAPID DELIVERY CO., 238 Freeman Street, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ham, bacon, picnics, cheese and luncheon meats*, sliced, in vacuum packages, in vehicles equipped with mechanical refrigeration, from Springfield, N.J., to points in New York, N.Y., commercial zone; and (2) *ham, bacon, picnics, cheese and luncheon meats* in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y., commercial zone to Springfield, N.J.

NOTE: Applicant states the operations will be under contract with Plumrose, Inc., of Springfield, N.J.

HEARING: December 11, 1963, at the Sheraton Atlantic Hotel, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 125723, filed October 2, 1963. Applicant: RIGLEY EXPRESS, INC., 605 South 14th Street, Box 2028, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared hamburger patties, premixed syrups, mustard, pickles, catsup, dehydrated onions, cheese, and such paper and plastic goods as are used by drivein restaurants* from Manhattan, Wichita, Lawrence, Topeka, and Kansas City, Kans., to points in Arkansas, Colorado, Iowa, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, and (2) *frozen french fried potatoes* from points in Idaho to points in destination states in (1) above.

NOTE: Applicant states that all service will be performed under a continuing contract with Rigley Distributing Company, Wichita, Kans.

HEARING: December 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

MOTOR CARRIERS OF PASSENGERS

No. MC 110373 (Sub-No. 7), filed September 6, 1963. Applicant: NORTH-EAST COACH LINES, a corporation, 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between junction of U.S. Highway 46 and New Jersey Highway 3 (formerly New Jersey Highway S-3), in Clifton, N.J., and New York, N.Y., from junction U.S. Highway 46 and New Jersey Highway 3 in Clifton over U.S. Highway 46 to the George Washington Bridge, thence over the George Washington Bridge to New York, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved. Applicant states the proposed route is requested for operating convenience only, restricted to the duration of the World's Fair in New York, N.Y.

HEARING: December 19, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3, or if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 123577 (Sub-No. 8), filed September 6, 1963. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers; (1) between junction New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N.J., and New York, N.Y.: from junction New Jersey Highway 4, and New Jersey Highway 17 in Paramus, N.J., over New Jersey Highway 4 to the George Washington Bridge and thence over the George Washington Bridge to New York, N.Y., and return over the same route, serving no intermediate points; and (2) between junction U.S. Highway 46 and New Jersey Highway 3 in Clifton, N.J., and New York, N.Y.: from junction U.S. Highway 46 and New Jersey Highway 3 in Clifton, N.J., over U.S. Highway 46 to the George Washington Bridge thence over the George Washington Bridge to New York, N.Y., and return over the same route, serving no intermediate points. RESTRICTION: The proposed routes are requested for operating convenience only, restricted to the duration of the World's Fair in New York, N.Y.

NOTE: Applicant states that segmentation for the purposes of joinder only is requested with respect to Route No. 1 above and applicant's existing route at the junction of New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N.J., and with respect to Route No. 2 above and applicant's existing route at the junction of U.S. Highway 46 and New Jersey Highway 3 in Clifton, N.J. It is further noted that common control may be involved.

HEARING: December 20, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

No. MC 125581, filed August 22, 1963. Applicant: CONOVER BROS. BUS SERVICE, INC., Route 206, Chester, N.J. Applicant's attorney: Bernard F. Flynn, York-Flynn Building, East Blackwell Street, Dover, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in charter service only, between the Township of Chester, N.J., and points within 10 miles thereof on the one hand, and, on the other, points in the States of New Jersey, New York, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: December 16, 1963, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Abraham J. Essrick.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

No. MC 11940 (Sub-No. 6), filed October 3, 1963. Applicant: C. VENEZIALE TRUCKING, INC., Route 309, Sellersville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tomato paste, mashed tomatoes, pizza sauce and pizzas and all other related tomato products*, in cans, boxes, and packages from Palm, Pa., to points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Ohio, Maryland, and Delaware, (2) *empty tin cans* from Baltimore, Md. to Palm, Pa.

No. MC 31600 (Sub-No. 554), filed October 18, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic glue, resins and sizings*, in bulk, in tank vehicles, from Chicopee, Mass., to Jamestown and Mechanicville, N.Y.

No. MC 107403 (Sub-No. 504), filed October 16, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in pressure differential equipment, from Ashtabula, Ohio, to Buffalo and Niagara Falls, N.Y.

No. MC 109637 (Sub-No. 246), filed October 10, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime slurry*, in bulk, from Louisville, Ky., to points in Clark, and Floyd Counties, Ind.

No. MC 110686 (Sub-No. 21), filed October 17, 1963. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's attorney: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal angles*, from the plant site of Jersey Shore Steel Company, located at Avis, Pa., to the plant site of Harris-Hub Company, located at Harvey, Ill., and to the plant site of Nachman Company, located at Chicago, Ill.

No. MC 114194 (Sub-No. 55), filed October 14, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends*, in bulk, from Granite City, Ill., to points in Wisconsin, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Michigan, and Louisiana, and *rejected shipments*, on return.

No. MC 117574 (Sub-No. 86), filed October 17, 1963. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. Applicant's attorney: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal angles*, from the plant site of Jersey Shore Steel Company, located at Avis, Pa., to the plant site of Harris-Hub Company, located at Harvey, Ill., and to the plant site of Nachman Company, located at Chicago, Ill.

No. MC 125423 (Sub-No. 1), filed October 14, 1963. Applicant: J. FRED SMITH, doing business as J. FRED SMITH TRUCKING CO., 112 Nichols Street, Danville, Ky. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, (1) from Winchester, Ky., to points in Alabama, Georgia, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; (2) from London, Ohio, to points in Alabama, Georgia, Kentucky (except Jefferson, Oldham, Trimble, Carroll, Gallatin, Boone, Kenton, and Campbell Counties), Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (3) from Columbus, Ohio to Winchester, Ky.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 305), filed October 8, 1963. Applicant: THE GREYHOUND CORPORATION, Western Greyhound Lines, 371 Market Street, San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers. 1. *Revision of Route No. 93 and Establishment of New Route No. 95-A on Certificate Sheet No. 21.* (a) Establish a new regular route of operation over a relocated segment of U.S. Highway 99 between North Lodi Junction and South Lodi Junction, to be included as a segment of regular Route No. 93 to read as follows: "93. Between Sacramento and Manteca: From Sacra-

mento over U.S. Highway 99 to junction unnumbered highway northeast of Stockton (North Stockton Junction), thence over unnumbered highway via Stockton to junction U.S. Highway 99 southeast of Stockton (South Stockton Junction), thence over U.S. Highway 99 to junction unnumbered highway north of Manteca." (b) Reauthorize a segment of present regular Route No. 93 between North Lodi Junction and South Lodi Junction as a separately described regular route to be designated as Route No. 95–A to read as follows: "95–A. Between North Lodi Junction and South Lodi Junction: From junction U.S. Highway 99 and unnumbered highway northeast of Lodi (North Lodi Junction), over unnumbered highway via East Lodi to junction U.S. Highway 99 southeast of Lodi (South Lodi Junction)." 2. *Revision of Route No. 116 and Establishment of New Route No. 128–B on Certificate Sheets Nos. 25 and 27, respectively.* (a) Establish a new regular route of operation over a relocated segment of U.S. Highway 99 between North Merced Junction and South Merced Junction to be included as a segment of regular Route No. 116 to read as follows: "116. Between San Francisco and Los Angeles: From San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U.S. Highway 50 northeast of Hayward (Hayward Junction), thence over U.S. Highway 50 to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U.S. Highway 99 south of Manteca (South Manteca), thence over U.S. Highway 99 to junction Interstate Highway 5 (San Fernando Junction), thence over Interstate Highway 5 to Los Angeles. (b) Reauthorize a segment of present regular Route No. 116 between North Merced Junction and South Merced Junction as a separately described regular route to be designated as Route No. 128–B to read as follows: "128–B. Between North Merced Junction and South Merced Junction: From junction U.S. Highway 99 and unnumbered highway north of Merced (North Merced Junction), over unnumbered highway via Merced to junction U.S. Highway 99 (South Merced Junction)." 3. *Revision of Route No. 151 and Establishment of New Route No. 153–A on Certificate Sheets Nos. 31 and 32, respectively.* (a) Establish a new regular route of operation over a relocated segment of U.S. Highway 101 between North Gonzales Junction and South Gonzales Junction, to be included as a segment of Route No. 151 to read as follows: "151. Between San Francisco and San Luis Obispo: From San Francisco over Bypass U.S. Highway 101 to junction U.S. Highway 101 (Edenvale Junction), thence over U.S. Highway 101 to San Luis Obispo. (b) Reauthorize a segment of present regular Route No. 151 between North Gonzales Junction and South Gonzales Junction as a separate regular Route No. 153–A to read as follows: "153–A. Between North Gonzales Junction and South Gonzales Junction: From junction U.S. Highway 101 and unnumbered highway (North Gonzales Junction), over unnumbered highway to junction U.S. 101 (South Gonzales Junction)," and return over the same routes, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of Certificate No. MC 1501 (Sub-No. 138).

NOTE: The changes in operating authority herein above shown and explained are proposed to be incorporated in the designated revised sheets to said Certificate No. 1501 (Sub-No. 138).

No. MC 29957 (Sub-No. 84), filed October 14, 1963. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Post Office Box 4407, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express, and newspapers*, in the same vehicle with passengers, between West Point and Columbus, Miss., from West Point over Mississippi Highway 50 to Columbus, and return over the same route serving all intermediate points.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 43608 (Sub-No. 12), filed October 14, 1963. Applicant: SOUTHERN EXPRESS, INC., Post Office Box 26007, Derita Branch, Charlotte 6, N.C. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment and except leaf tobacco in hogsheads, sheets, and baskets), between points in North Carolina on the boundaries of and within the territory bounded as follows: On the east, from the North Carolina-Virginia State line over U.S. Highway 1 to its intersection with U.S. Highway 158, thence over U.S. Highway 158 to Warrenton, thence over North Carolina Highway 58 to Wilson, thence over U.S. Highway 301 to its intersection with U.S. Highway 117, thence over U.S. Highway 117, to Wilmington, thence over U.S. Highway 421 to Fort Fisher; and on the west, from the North Carolina-Tennessee State line over U.S. Highway 25 to the North Carolina-South Carolina State line.

NOTE: This application is directly related to MC–F–8572, published this issue FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8396 (FERNSTROM STORAGE AND VAN CO.—PURCHASE—BALLARD STORAGE & TRANSFER CO.), published in the April 3, 1963, issue of the FEDERAL REGISTER, on page 3241. Application filed October 21, 1963, for temporary authority under section 210a(b).

No. MC–F–8494 (EUGENE PIKOVSKY—CONTROL—THRUN TRUCK LINES, INC.), published in the July 17, 1963, issue of the FEDERAL REGISTER, on page 7329. Amendment to the application filed October 17, 1963, to include merger into EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT COMPANY, of the operating rights and property of THRUN TRUCK LINES, INC.

No. MC–F–8577. Authority sought for consolidation into FRANK'S-VAN NAMEE'S EXPRESS CORP., 147 North Genesee Street, Utica, N.Y., of the operating rights and property of VAN NAMEE'S EXPRESS, INC., 147 North Genesee Street, Utica, N.Y., FRANK'S-SOUTHERN EXPRESS, INC., and GREENE'S MOTOR EXPRESS, INC., both of 1620 East End Avenue, Oneonta, N.Y., and for acquisition by EVERETT VAN NAMEE, 2313 Sunset Avenue, Utica, N.Y., LESTER VAN NAMEE, Main Street, Kirkwood, N.Y., JOHN Q. TRINKAUS, R.F.D. No. 3, Cooperstown, N.Y., and FRANK TRINKAUS, Box 62, Fly Creek, N.Y., of control of such rights and property through the transaction. Applicants' representative: Howard J. Blaugrund, 1215–18 First National Bank Building, Utica, N.Y. Operating rights sought to be consolidated: (VAN NAMEE'S EXPRESS, INC.). *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Binghamton, N.Y., and Utica, N.Y., serving all intermediate points, from Utica, N.Y., to Norwich, N.Y., serving the intermediate point of Sherburne, N.Y., restricted to delivery only, between South New Berlin, N.Y., and Utica, N.Y., serving the off-route point of Hubbardsville, N.Y., between South New Berlin, N.Y., and Binghamton, N.Y., serving all intermediate points on New York Highway 12 between Norwich and Binghamton, including Norwich, between South New Berlin, N.Y., and Oneonta, N.Y., serving the intermediate points of Morris and Sidney, N.Y.; and under "grandfather" rights, in the State of New York, under section 206(a)(7), of the Act, pursuant to BOR–99, in No. MC–109308 Sub-3; (FRANK'S-SOUTHERN EXPRESS, INC.) *General commodities*, except classes A and B explosives, acids, articles of great value, or contaminating to other lading, and household goods as defined by the Commission, as a *common carrier* over regular routes, between points in New York, serving all intermediate and certain off-route points; and under "grandfather" rights, in the State of New York, under section 206(a)(7), of the Act, pursuant to BOR–99, in No. MC–117452 Sub-3; (GREENE'S MOTOR EXPRESS, INC.) *Packinghouse products*, as a *common carrier* over irregular routes, from Syracuse to Richfield Springs, N.Y., and points in Onondaga, Madison, Oneida, and Herkimer Counties, N.Y.; and under "grandfather" rights, in the State of New York, under section 206(a)(7), of the Act, pursuant to BOR–99, in No. MC–F–8579. Authority sought for purchase by MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio, of the operating rights of RAY MOLDER CARRIER CORPORATION, 3801 23d Street SW., Canton, Ohio, and for acquisition by H. M. O'NEILL, F. J. O'NEILL and W. J. O'NEILL, all of Cleveland 22, Ohio, of control of such rights through the purchase. Applicants' attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Canton, Findlay, and Toledo, Ohio, to points in the Lower Peninsula of Michigan, from Canton, Ohio, to points in Indiana. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Kentucky, Illinois, Maryland, Pennsylvania, North Carolina, Rhode Island, Connecticut, Massachusetts, Maine, West Virginia, New York, New Hampshire, Vermont, New Jersey, Alabama, Florida, Mississippi, Tennessee, Kansas, Oklahoma, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Georgia, Delaware, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8580. Authority sought for purchase by TAMIAMI FREIGHTWAYS, INC., 1920 Moreland Avenue SE., Atlanta, Ga., of a portion of the operating rights and property of TAMIAMI TRAIL TOURS, INC., 4305 21st Avenue, Tampa, Fla., and for acquisition by BARRON COLLIER, JR., 500 Ocean Drive, Palm Beach, Fla., of control of such rights and property through the purchase. Applicants' attorneys: A. Pickens Coles, 616 First National Bank Building, Tampa 2, Fla., R. J. Reynolds, Jr., Healey Building, Atlanta 3, Ga., and James E. Wilson, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be transferred: *General Commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Tampa and Punta Gorda, Fla., between Tampa and Miami, Fla., between Tampa and Murdock, Fla., between St. Petersburg and Okeechobee, Fla., between Childs, and Everglades, Fla., between Childs and Clewiston, Fla., between Punta Rassa and Clewiston, Fla., between Mulberry and Fort Meade, Fla., between Bradenton and Myakka City, Fla., between Miami and Okeechobee, Fla., between West Palm Beach and Okeechobee, Fla., between Clewiston and Belle Glade, Fla., between Jacksonville and Orlando, Fla., between De Land and New Smyrna, Fla., betwene Tampa and Orlando, Fla., between Lake Alfred and Florence Villa, Fla., between Auburndale and Winter Haven, Fla., between Daytona Beach and Tampa, Fla., between Orlando and Leesburg, Fla., between Leesburg and Ocala, Fla., between De Land Landing and De Land, Fla., serving all intermediate and certain off-route points, between Ocala and Leesburg, Fla., serving to and from intermediate points within 5 miles of Leesburg and Ocala, between Sanford and Mount Dora, Fla., serving all intermediate points, between Tampa and Sarasota, Fla., serving all intermediate and certain off-route points, between Manatee and Sarasota, Fla., serving all intermediate points, between Jacksonville and New Smyrna, Fla., serving all intermediate points and the off-route point of Hastings, Fla., between Tampa, Fla., and a point on U.S. Highway 17 1 mile south of Winter Haven, Fla., serving all intermediate and certain off-route points; between Miami and South Bay, Fla., between Fort Lauderdale and Twenty Mile Bend, Fla., between Okeechobee and Saint Cloud, Fla., serving all intermediate points, RESTRICTION: The above-described routes are not to be used for the transportation of any shipments moving in interstate or foreign commerce between Jacksonville, Fla., on the one hand, and, on the other, West Palm Beach and Fort Lauderdale, Fla.; between Fort Myers, Fla., on the one hand, and, on the other, junction Florida Highways 82 and 29, between Bunnell, Fla., on the one hand, and, on the other, Flagler Beach, Fla., between Tampa and St. Petersburg, Fla., serving no intermediate but certain off-route points, between Ashton, Fla., and junction Florida Highway 436 and U.S. Highway 92, serving all intermediate points, several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points within 10 miles of Palatka, Fla., including Palatka, between points within 5 miles of Jacksonville, Fla., including Jacksonville, and between certain points in Florida with restriction. Vendee is authorized to operate as a *common carrier* in Florida, and Georgia. Application has not been filed for temporary authority under section 210a(b).

NOTE: Vendor is retaining all of its passenger operating authority, and other property related thereto. TAMIAMI FREIGHTWAYS, INC., is a wholly owned subsidiary of TAMIAMI TRAIL TOURS, INC., pursuant to authority granted in Docket No. MC–F–7021, decided July 18, 1962 (TAMIAMI TRAIL TOURS, INC.—CONTROL—TAMIAMI FREIGHTWAYS, INC. (FORMERLY BENTON RAPID EXPRESS)).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–11437; Filed, Oct. 29, 1963; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 25, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38613: *Petroleum products from Montana points.* Filed by Great Northern Railway Company (No. 1086), jointly with Northern Pacific Railway Company (No. 133), for interested rail carriers. Rates on distillate fuel oil, not suitable for illuminating purposes, gas oil, petroleum residual fuel oil, in tankcar loads, from Billings, East Billings, Great Falls and Laurel, Mont., to points in Iowa, Minnesota, North Dakota and South Dakota.

Grounds for relief: Rate relationship.

Tariffs: Supplement 54 to Great Northern Railway Company tariff I.C.C. A–8854, and supplement 26 to Northern Pacific Railway Company tariff I.C.C. 9977.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63–11435; Filed, Oct. 29, 1963; 8:46 a.m.]

[Notice 277]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 25, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the pro-

posed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests, if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 69), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron 9, Ohio, filed October 14, 1963. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction unnumbered highway (formerly U.S. Highway 23) and Michigan Highway 54, north of Clio, Mich., over Michigan Highway 54 to junction unnumbered highway (formerly U.S. Highway 23), near Birch Run, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Flint, Mich., over Michigan Highway 54 to junction unnumbered highway, thence over said unnumbered highway to Saginaw, Mich., and return over the same route.

No. MC 39300 (Deviation No. 1), MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati 32, Ohio, filed October 17, 1963. Applicant's attorney: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati 2, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 74, to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Cincinnati over U.S. Highway 52, to Indianapolis, and return over the same route.

No. MC 42487 (Deviation No. 17), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago, Ill., filed October 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) from South Bend, Ind., over Indiana Highway 2 to junction U.S. Highway 20 and (B) from junction U.S. Highway 42 and unnumbered highway (formerly U.S. Highway 42) north of Ashland, Ohio, over relocated U.S. Highway 42 to junction unnumbered highway (formerly U.S. Highway 42) south of Ashland, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Youngstown, Ohio over U.S. Highway 422 to Cleveland, Ohio, thence over U.S. Highway 20 to Green Creek, Ohio, thence over Ohio Highway 113 (formerly U.S. Highway 20) via Fremont, Ohio, to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockford, Ill., thence over U.S. Highway 51 via Beloit, Wis., to Madison, Wis., thence over U.S. Highway 12 via Tomah, Wis., to St. Paul, Minn. (also from Tomah over U.S. Highway 16 to La Crosse, Wis., thence over U.S. Highway 61 to St. Paul), thence over U.S. Highway 12 to Minneapolis; from Youngstown over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to Chicago; and from Cleveland over U.S. Highway 42 to Medina, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to Lafayette, Ohio (also from Medina over U.S. Highway 42 to junction unnumbered highway (formerly U.S. Highway 42) near Lodi, Ohio), thence over unnumbered highway via Lodi to junction U.S. Highway 42, thence over U.S. Highway 42 to junction unnumbered highway (formerly U.S. Highway 42) thence over unnumbered highway via Ashland to junction U.S. Highway 42, thence over U.S. Highway 42 to Lafayette, thence over U.S. Highway 40 to Springfield, Ohio, thence over Ohio Highway 440 (formerly U.S. Highway 40) via Donnellsville, Phoneton, Vandalia, and Englewood, Ohio to junction U.S. Highway 40, near Clayton, Ohio, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same routes.

NOTE: The proposed alternate routes described above were previously covered by deviation notices which were filed by, and became operative for, Motor Cargo, Inc. The purpose of this deviation notice is to show that operations over the proposed alternate routes will be conducted by Consolidated Freightways Corporation of Delaware, the carrier now holding the operating authority previously held by Motor Carto, Inc.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-11436; Filed, Oct. 29, 1963; 8:46 a.m.]

[Notice 573]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 25, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 111375 (Sub-No. 15), filed October 18, 1963. Applicant: PIRKLE, doing business as PIRKLE REFRIGERATED FREIGHT LINES, 3567 East Barnard Avenue, Cudahy, Wis. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I, in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Company, located at or near Sterling, Ill., to points in Arizona, California, Nevada, Oregon, Washington, Montana, Idaho, and Utah.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117119 (Sub-No. 122), filed October 14, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: Nancy Pyeatt, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *butter, cheese and frozen foods*, from points in Nebraska, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

HEARING: November 18, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Dallas B. Russell.

No. MC 119816 (Sub-No. 2), filed October 21, 1963. Applicant: FLEETLINE, INC., 1984 Oakdale Avenue, West St. Paul, Minn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company at or near Sterling, Ill., on the one hand, and, on the other, points in Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and the Upper Peninsula of Michigan.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 125368 (Sub-No. 2), filed October 14, 1963. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk), in tank vehicles, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company, located at or near Sterling, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, West Virginia, and Delaware.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-11438; Filed, Oct. 29, 1963; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 25, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 44619, filed July 9, 1962. Applicant: EAGLE TRUCK LINE, INC., 1819 South Soto Street, Los Angeles 23, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A of the California Public Utilities Commission; automobiles, trucks and buses, namely: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; livestock, namely: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep camp outfits, sows, steers, stags or swine; liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; commodities when transported in bulk in dump trucks or in hopper-type trucks; commodities when transported in motor vehicles equipped for mechanical mixing in transit; and logs): (1) Between all points and places in the designated Los Angeles Basin Territory, as herein described. Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two (2) miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Cucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one (1) mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning, and (2) between all points and places on and within twenty-five (25) miles of points and places on the following described routes: (a) Between San Ysidro and Los Angeles via U.S. Highways 101 and 101 Alternate, and (b) between San Diego and San Bernardino via U.S. Highway 395.

NOTE: Applicant states authority is sought to make use of any street, road, highway, ferry, or toll bridge necessary or convenient for the purpose of performing the service herein described.

HEARING: November 13, 14, and 15 in Los Angeles.

Requests for procedural information, including the time for filing protests, concerning this application should be addresssed to the California Public Utilities Commission, California State Building, San Francisco 2, Calif., and should *not* be addressed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-11439; Filed, Oct. 29, 1963; 8:47 a.m.]

[Notice 889]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 25, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66149. By order of October 23, 1963, the Transfer Board on reconsideration on an amended basis approved the transfer to C & B Trucking, Inc., Cincinnati, Ohio, of Certificates in Nos. MC 58573 (Sub-No. 1) and MC 58573 (Sub-No. 2), issued December 15, 1949, and October 7, 1954, respectively, to Jerome B. Bargo, doing business as C & B Trucking Company, Cincinnati, Ohio, authorizing the transportation of: Household goods, between Manchester, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, and Kentucky, and general commodities with the usual exceptions including household goods and commodities in bulk, from, to, or between specified points in Ohio and Kentucky. Herbert Baker, 50 West Broad Street, Columbus, Ohio, attorney for applicants.

No. MC–FC 66292. By order of October 23, 1963, the Transfer Board approved the transfer to Richard J. Witsberger, Sr., doing business as Tri-State Transport Co., Triadelphia, W. Va., of Permit in No. MC 117366, issued August 27, 1958, to Culvert Carriers, Inc., St. Clairsville, Ohio, authorizing the transportation, over irregular routes, of steel culvert pipe, from Martins Ferry, Ohio, to points in Virginia, Delaware, and specified portions of Maryland, New York, New Jersey, Pennsylvania, and West Virginia. Paul F. Beery, 44 East Broad Street, Columbus, Ohio, attorney at law.

No. MC–FC 66296. By order of October 23, 1963, the Transfer Board approved the transfer to Gilbert Buchmeier, doing business as Buchmeier & Sons, Valparaiso, Ind., of Permits in Nos. MC 113280 (Sub-No. 1) and MC 113280 (Sub-No. 2), issued March 19, 1953, and September 12, 1960, respectively, to Herbert Kreilkamp, doing business as Kreilkamp's Truck Lines, Hartford, Wis., authorizing the transportation, over irregular routes, of raw deerskins, during a specified season, from points in Michigan, Minnesota, and Wisconsin to Hartford, Wis., and malt beverages, from West Bend, Wis., to Berwyn and River Grove, Ill. Arthur C. Snyder, Box 164, Hartford, Wis., attorney at law.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11440; Filed, Oct. 29, 1963; 8:47 a.m.]

[Notice 574]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 28, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC–F–8584. Authority sought for purchase by GLENDENNING MOTORWAYS, INC., 1665 West County Road C, Roseville, St. Paul 13, Minn., of the operating rights of HERDA ALASKA TRUCK LINES, (JAMES C. NOONAN, RECEIVER), 2280 Hampden Avenue, St. Paul, Minn., and for acquisition by LOUISE M. GLENDENNING, 294 Stonbridge Avenue, St. Paul, Minn., of control of such rights through the purchase. Applicants' attorney and receiver respectively: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn., and James C. Noonan, Receiver, 60 East Fourth Street, St. Paul, Minn. Operating rights sought to be transferred: *Milk and milk products,* in containers, as a *common carrier* over irregular routes, from points in Minnesota, North Dakota, and Wisconsin, to Anchorage, Fairbanks, and Palmer, Alaska; *general commodities,* except, those of unusual value, class A and B explosives, and commodities requiring special equipment, between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, ports of entry on the United States-Canada boundary line at Sweetgrass, Mont., and Blaine, Wash.; authority applied in pendng "grandfather" application in No. MC–113573 (Sub-6), claiming rights under the provisions of the amendment of section 206(a) of the Interstate Commerce Act, (1) between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, points in Alaska, and (2) between points in Alaska. Vendee is authorized to operate as a *common carrier* in Iowa, South Dakota, Minnesota, Illinois, Wisconsin, North Dakota, and Nebraska. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–11527; Filed, Oct. 29, 1963; 8:48 a.m.]

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Washington, Thursday, October 31, 1963

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DEPOSITED BY THE UNITED STATES OF AMERICA

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11124

ENLARGING THE MEMBERSHIP OF THE PRESIDENT'S ADVISORY COUNCIL ON THE ARTS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Executive Order No. 11112 of June 12, 1963, headed "Establishing the President's Advisory Council on the Arts," is hereby amended by substituting for subsection (b) of Section 1 thereof the following:

"(b) The Council shall be composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Postmaster General, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Housing and Home Finance Administrator, the Chairman of the Commission of Fine Arts, the Secretary of the Smithsonian Institution, the Director of the United States Information Agency, the Administrator of General Services, the President of the National Gallery of Art, the Chairman of the Trustees of the National Cultural Center, the President's Special Consultant on the Arts, and no more than forty members appointed by the President from among persons in private life who are widely recognized for their role in the arts, including practicing artists, civic and cultural leaders, and others professionally engaged in the arts. Members from private life shall serve for terms of two years, except that the terms of members initially appointed shall be for one or two years as specified by the President. The Chairman shall also invite the Librarian of Congress to be a member of the Council."

SEC. 2. Section 1 of this order shall not be deemed to terminate or change the tenure, as a member of the President's Advisory Council on the Arts, of any person who on the date next preceding the date of this order is such a member.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 28, 1963.

[F.R. Doc. 63–11560; Filed, Oct. 29, 1963; 12:38 p.m.]

Executive Order 11125

DELEGATING AUTHORITY OF THE PRESIDENT UNDER SECTIONS 205 AND 208 OF TITLE 18 OF THE UNITED STATES CODE, RELATING TO CONFLICTS OF INTEREST

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. As used in this order, "department" means an executive department, "agency" means an independent agency or establishment or a government corporation and "head of an agency" means, in the case of an agency headed by more than one person, the chairman or comparable member of such agency.

SEC. 2. There is delegated, in accordance with and to the extent prescribed in sections 3 and 4 of this order, the authority of the President under sections 205 and 208(b) of title 18, United States Code, to permit certain actions by an officer or employee of the Government, including a special Government employee, for appointment to whose position the President is responsible.

SEC. 3. Insofar as the authority of the President referred to in section 2 extends to any appointee of the President subordinate to or subject to the chairmanship of the head of a department or agency, it is delegated to such department or agency head.

SEC. 4. Insofar as the authority of the President referred to in section 2 extends to an appointee of the President who is within or attached to a department or agency for purposes of administration, it is delegated to the head of such department or agency.

SEC. 5. Notwithstanding any provision of the preceding sections to the contrary, this order shall not be deemed to include a delegation of the authority of the President referred to in section 2 insofar as it extends to (a) the head of a department or agency, including an agency in the Executive Office of the President; (b) presidential appointees in the Executive Office of the President who are not subordinate to the head of an agency in that Office; and (c) presidential appointees to committees, boards, commissions or similar groups established by the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 29, 1963.

[F.R. Doc. 63-11624; Filed, Oct. 30, 1963; 11:11 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Miscellaneous Amendments

On September 13, 1963, notice of proposed rulemaking was published in the FEDERAL REGISTER (28 F.R. 9945) regarding rules and regulations pursuant to the marketing agreement and order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons 10 days to file with the Department written data, views, or arguments pertaining to the proposal. None were filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Cranberry Marketing Committee (established pursuant to the said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the establishment of said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Therefore, establishment of said rules and regulations of the said committee is hereby approved as follows:

Sec.
929.101 Minimum exemptions.
929.102 Procedure to determine quantity of screened cranberries in unscreened lots.
929.103 Inspection procedure.
929.104 Outlets for restricted cranberries.
929.105 Reporting.

AUTHORITY: §§ 929.101 to 929.105 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 929.101 Minimum exemption.

The requirements of § 929.41 *Assessment* and § 929.54 *withholding and inspection* shall not apply to any handler in a fiscal year during which he handles not more than a total of 25 barrels of cranberries.

§ 929.102 Procedure to determine quantity of screened cranberries in unscreened lots.

The determination pursuant to § 929.54 of the quantity of screened cranberries contained in an unscreened lot shall be made in accordance with the following procedure and on the basis of a sample of representative boxes comprising no less than 2 percent of the cranberries in the lot:

(a) The cranberries in the sample are cleaned to remove chaff, and the boxes of cleaned berries are weighed. The weight of the boxes themselves is then deducted to determine the weight of the cleaned berries. The weight of the cleaned berries is divided by the number of boxes in the sample to obtain the net weight of cleaned cranberries per box. The net weight is multiplied by the number of boxes in the lot to obtain the net weight of the berries in the unscreened lot.

(b) The cleaned berries are run through a separator, having a $\frac{9}{32}$ inch screen, and with the bounce boards in the lowest position.

(c) The berries from the lower three bounce boards are rerun through the separator.

(d) The berries from the upper four bounce boards are thoroughly mixed and a random cupful (approximately 1 pint) is used to determine, from a count of the sound and unsound berries, the percentage of sound berries in the lot.

(e) Such percentage is adjusted by increasing it by 5 percentage points but not to exceed a total of 100 percent. (This increase makes the sample comparable to lots of screened cranberries, as such lots generally contain an average of 5 percent unsound berries.)

(f) The net weight, as determined in accordance with paragraph (a) of this section, of the berries in the unscreened lot, is multiplied by the adjusted percentage to obtain the quantity of screened cranberries in the unscreened lot.

§ 929.103 Inspection procedure.

(a) Inspection of withheld cranberries shall be limited to any plant, storage facility, or other location, within the production area where facilities suitable to the inspection service are available for sampling, weighing, and inspection of cranberries.

(b) The handler offering any lot of cranberries for inspection shall furnish the necessary labor and pay the costs of moving, weighing, and otherwise making available the sample the inspector chooses for inspection. The size of the sample shall be determined by the inspector. In the case of inspection of a lot of unscreened cranberries, the sample shall be screened by the handler under the supervision of the inspector and the inspection certificate shall show the quantity of cranberries in such lot which meets the requirements established for withheld cranberries pursuant to § 929.54(c).

§ 929.104 Outlets for restricted cranberries.

(a) After inspection pursuant to § 929.54(c), cranberries withheld from handling may, in accordance with § 929.57, be disposed of only through diversion in the following noncompetitive outlets but only if the requirements in paragraph (b) of this section also are complied with:

(1) Foreign countries, except Canada.
(2) Charitable institutions.
(3) Any nonhuman food use.
(4) Research and development projects dealing with dehydration, radiation, or freeze drying of cranberries, approved by the United States Department of Agriculture, for the development of foreign markets.

(b) The following requirements, as applicable, shall be met by the handler diverting the withheld cranberries in the noncompetitive outlets:

(1) Diversion to foreign countries except Canada: A copy of the on-board bill of lading showing the amount of cranberries loaded for export shall be submitted to the committee.

(2) Diversion to charitable institutions: A statement from the charitable institution showing the quantity of cranberries received and certifying that the cranberries will be consumed by the institution shall be submitted to the committee.

(3) Diversion to a nonhuman food use: Notification shall be given to the committee at least 48 hours prior to the disposition to enable the committee to supervise the disposition. If such disposition immediately follows inspection and is supervised by the inspector, no advance notice is necessary.

(4) Diversion to research and development projects: A report shall be given to the committee showing the project, quantity of cranberries, and date of disposition.

§ 929.105 Reporting.

Each report required to be filed with the committee pursuant to § 929.60 shall be mailed to the committee office at Wareham, Massachusetts, or delivered to that office. If the report is mailed, it shall be deemed filed when postmarked.

Dated, October 25, 1963, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-11510; Filed, Oct. 30, 1963; 8:48 a.m.]

PART 989—RAISINS PRODUCED

processing accomplished, as specified,

Title 9—ANIMALS AND

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Conversion Factors for Raisin Weight

The Raisin Administrative Committee has unanimously recommended that § 989.601 of Subpart—Conversion Factors be revised so as to change the conversion factors for raisin weight set forth therein for natural (sun-dried) Thompson Seedless raisins, the most important varietal type. The Committee is established under, and its recommendation is made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Some reconditioned raisins are acquired by handlers as packed raisins after different degrees of processing have been accomplished during the reconditioning. In order to place these acquisitions on the same weight basis as handlers' acquisitions of standard natural condition raisins (the weight of which setaside and assessment obligations attach), § 989.601 (7 CFR Part 989) prescribes conversion factors for adjusting the weight of reconditioned raisins acquired as packed raisins to natural condition weight.

The Committee recommended, with respect to natural (sun-dried) Thompson Seedless raisins and for the reasons stated, that the current conversion factor of 0.95 for weight of raisins taken after passing through stemmer and blower be changed to 0.94 and that the current conversion factor of 0.93 for weight of raisins taken after completion of processing be changed to 0.92. In arriving at its recommendation, the Committee used its previously adopted formula based on the historical relationship (for certain prior crop years) between the average dry weight of raisins per tray, determined early each crop year in connection with the official estimate of raisin production, and the average processing weight losses experienced by handlers. The formula recognizes that the weight loss in processing increases as the dry weight of raisins per tray decreases. Application of the formula to the dried weight of 4.86 pounds of raisins per tray estimated for the 1963 production results in the changed conversion factors recommended by the Committee and contained in the revision of § 989.601 hereinafter set forth.

Based upon the recommendation of the Raisin Administrative Committee, supported by its formula based on historical relationships, and other available information, it is concluded that § 989.601 *Conversion factors for raisin weight* (7 CFR 989.601) should be changed as hereinafter set forth to avoid, to the extent practicable, inequities under this program.

Therefore, § 989.601 is revised to read as follows:

§ 989.601 Conversion factors for raisin weight.

The following factors for different varietal types of raisins and degrees of processing accomplished, as specified, shall be used to convert the net weight of reconditioned raisins acquired by handlers as packed raisins to natural condition weight:

Varietal type	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) Thompson Seedless	0.94	0.92
Natural (sun-dried) or artificially dehydrated Sultana	.94	.92
Natural (sun-dried) or artificially dehydrated Zante Currant	.93	.91
Natural (sun-dried) Muscat and Valencia:		
Seeded		.80
Unseeded	.94	.92
Soda dipped	.96	.95
Sulfur bleached	.96	.95
Golden seedless	.96	.95

The net weight of the raisins acquired as packed raisins shall be divided by the applicable factor to obtain the natural condition weight.

It is hereby found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making this revision effective at the time hereinafter set forth and for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) Some natural (sun-dried) Thompson Seedless raisins of the 1963 production are now being reconditioned and acquired by handlers and, unless changed, the current conversion factors in § 989.601 are to be used, as required by § 989.158(c)(4)(i), in adjusting the reconditioned weight of the acquired raisins to natural condition weight; (2) the changed conversion factors hereby established are necessary to assure an equitable basis, in the light of the indicated change in processing loss experienced by handlers, for calculating the raisin weight on which program obligations are to apply; (3) information indicating the changed processing loss and thereby the need for changing the current conversion factors to conform thereto, only recently became available; (4) the changes in the factors are according to a formula, based on historical data, previously adopted by the Raisin Administrative Committee and generally known to handlers; (5) the changes in the conversion factors should be made effective as soon as possible to avoid inequities which could result from any postponement in the effective date beyond that of publication in the FEDERAL REGISTER; and (6) handlers do not need any additional time to prepare for use of the revised factors in their operations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, October 28, 1963, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–11511; Filed, Oct. 30, 1963; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free, Infected and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, territories, and district, or parts thereof as specified, are not known to be infected with scabies, and such States, territories, district, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, Wisconsin, and Wyoming;

(2) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Scotts Bluff, and Thomas;

(3) The following counties in Hawaii: Honolulu, Kauai, and Maui;

(4) The following counties in Missouri: Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis, and all Counties in the State of Missouri lying south thereof;

(5) The following counties in Illinois: Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all Counties in the State of Illinois lying south thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky and Tennessee;

(2) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Scotts Bluff, and Thomas;

(3) All counties in Hawaii except Honolulu, Kauai, and Maui;

(4) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(5) All counties in Missouri except Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis; and all counties in the State of Missouri lying south thereof;

(6) All counties in Illinois except Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all counties in the State of Illinois lying south thereof.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments delete the counties of Box Butte, Dawes, and Sioux in Nebraska from the free areas and add such counties to the infected areas and to the eradication areas, as sheep scabies is known to exist in the area consisting of such counties. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to these counties.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of October 1963.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 63–11540; Filed, Oct. 30, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SO–92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the designation of the Crestview, Fla., control zone.

The Crestview control zone is designated, in part, with reference to the Crestview VOR 110° and 290° True radials. Revised instrument approach procedures will utilize the Crestview VOR 109° and 289° True radials. Therefore, action is taken herein to designate the Crestview control zone with reference to the Crestview VOR 109° and 289° True radials.

Since the change effected by this amendment is minor in nature, notice and public procedure hereon are unnecessary and it may be made effective upon the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, the following action is taken:

Section 71.171 (27 F.R. 220–91, November 10, 1962, 27 F.R. 12165) is amended as follows: In the Crestview, Fla., control zone "Crestview VOR 110° and 290° radials" is deleted and "Crestview VOR 109° and 289° radials" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11474; Filed, Oct. 30, 1963; 8:45 a.m.]

[Airspace Docket No. 62–WE–105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On April 10, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3490) stating that the Federal Aviation Agency proposed to alter the control zone at Seattle, Wash. (NAS Seattle).

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

The only objection received to the proposal questioned the need for including the Kenmore Air Harbor within the NAS Seattle control zone and also the reason for the exclusion of a portion of the 5-mile radius zone west of NAS Seattle.

As stated in the notice, the reason for the inclusion of Kenmore Air Harbor in the NAS Seattle control zone was to provide protection for aircraft by the use of uniform rules of flight for aircraft operating at both locations. The instrument approach and departure procedures for NAS Seattle fly over or near Kenmore, while, due to prevailing wind conditions, the majority of the aircraft departing Kenmore penetrate the NAS Seattle control zone. The reason for exclusion of the west portion of the NAS Seattle control zone would allow aircraft operating at Lake Union to remain clear of the control zone. In addition, the operations at NAS Seattle are so designed that this portion of the control zone would not be required. Therefore, action is taken herein to alter the NAS Seattle control zone as proposed.

The substance of the proposed amendment having been published, and for the reasons stated herein and in the notice, the following action is taken:

In § 71.171 (27 F.R. 220–91, November 10, 1962), the Seattle, Wash. (NAS Seattle) control zone is amended to read:

Seattle, Wash. (NAS Seattle).

Within a 5-mile radius of NAS Seattle (latitude 47°40'50" N., longitude 122°15'10" W.), and within a 1-mile radius of Kenmore Air Harbor, Seattle, Wash. (latitude 47°45'25" N., longitude 122°5'25" W.), excluding the portion W. of longitude 122°19'30" W.

This amendment shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11475; Filed, Oct. 30, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SW–15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Control Area; Designation of Transition Areas

On August 9, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8215) stating that the Federal Aviation Agency proposed to alter the NAS New Orleans-Alvin Callender Field, New Orleans, La., control zone; designate transition areas at New Orleans, Houma, La., Grand Isle, La., and Picayune, Miss.; and alter the description of Control 1216.

Subsequent to publication of the notice, Restricted Area R–4403 has been

revoked. Therefore, no reference is made to this restricted area in the action taken herein.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962, 28 F.R. 4611), the NAS New Orleans-Alvin Callender Field, New Orleans, La., control zone is amended to read:

New Orleans, La. (NAS New Orleans-Alvin Callender Field).

Within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude. 90°01'25" W.); within 2 miles each side of the Navy New Orleans RBN 241° bearing, extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Navy New Orleans RBN 131° bearing, extending from the 5-mile radius zone to 8 miles SE of the RBN.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

New Orleans, La.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25" N., longitude 90°16'35" W.; to latitude 30°08'20" N., longitude 90°02'30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.); to latitude 30°02'20" N., longitude 89°54'20" W.; to latitude 29°49'40" N., longitude 89°-54'20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); to latitude 29°44'45" N., longitude 90°05'25" W.; to latitude 29°53'45" N., longitude 90°-20'00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'25" N., longitude 90°15'15" W.); to point of beginning; within 2 miles each side of the Navy New Orleans RBn 241° bearing extending from the RBn to 10 miles SW; and within 2 miles each side of the Navy New Orleans RBn 131° bearing, extending from the 7-mile radius area to 10 miles SE of the RBn; and that airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 29°33'00" N., longitude 89°16'00" W.; to latitude 29°13'30" N., longitude 89°-51'00" W.; to latitude 28°57'00" N., longitude 90°01'00" W.; to latitude 28°59'00" N., longitude 90°15'00" W.; to latitude 29°11'-00" N., longitude 90°25'00" W.; to latitude 29°15'00" N., longitude 90°25'00" W.; to latitude 29°15'00" N., longitude 91°05'00" W.; to latitude 29°31'00" N., longitude 91°-05'00" W.; to latitude 29°31'00" N., longitude 91°11'00" W.; to latitude 29°47'00" N., longitude 91°11'00" W.; to latitude 29°53'00" N., longitude 91°00'00" W.; to latitude 30°-13'00" N., longitude 90°57'00" W.; to latitude 30°17'00" N., longitude 90°45'00" W.; to latitude 30°38'00" N., longitude 90°48'00" W.; to latitude 30°38'00" N., longitude 90°11'00" W.; to latitude 30°54'00" N., longitude 89°-35'00" W.; to latitude 30°41'00" N., longitude 89°18'00" W.; to latitude 29°41'00" N., longitude 89°18'00" W.; thence to point of beginning; and that airspace extending upward from 3,000 feet MSL, bounded by a line beginning at latitude 29°28'35" N., longitude 89°23'50" W.; thence along the outer limits of the territorial waters of the United States to the northern boundary of Control Area 1226; thence NW along the N boundary of Control Area 1226 to latitude 29°13'30" N., longitude 89°51'00" W.; thence NE to point of beginning.

Houma, La.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.), and within 2 miles each side of the Tibby, La., VOR 123° radial, extending from the 5-mile radius area to the VOR.

Grand Isle, La.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29°15'-45" N., longitude 89°57'40" W.), and within 2 miles each side of the Grand Isle RBn 052° bearing, extending from the 5-mile radius area to the RBn.

Picayune, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30°31'20" N., longitude 89°42'25" W.), and within 2 miles each side of the Picayune VOR 332° radial, extending from the 5-mile radius area to 8 miles NW of the VOR.

3. In § 71.163 (27 F.R. 220–55, November 10, 1962), the following changes are made: In Control 1216 "That airspace from the United States coastline" and "and on the NW by the New Orleans control area extension, excluding the portion below 2,000 feet MSL outside the United States." is deleted and "That airspace extending upward from 2,000 feet MSL" and "and on the NW by the New Orleans transition area." is substituted therefor.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a) and 1110, 72 Stat. 749, and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11476; Filed, Oct. 30, 1963; 8:45 a.m.]

[Airspace Docket No. 63–SO–17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area; Revocation of Control Area Extension

On August 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8377) stating that the Federal Aviation Agency proposed to alter the Chattanooga, Tenn., control zone, revoke the Chattanooga control area extension and designate the Chattanooga transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Chattanooga, Tenn., control zone is amended to read:

Chattanooga, Tenn.

Within a 5-mile radius of Lovell Field, Chattanooga, Tenn., (latitude 35°02'05" N., longitude 85°12'10" W.) within 2 miles each side of the Chattanooga VORTAC 333° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Chattanooga ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the airport; and within 2 miles each side of the Chattanooga ILS SW course, extending from the 5-mile radius zone to the INT of the ILS SW course and the 263° radial of the Chattanooga VORTAC.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Chattanooga, Tenn.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Lovell Field, Chattanooga, Tenn. (latitude 35°02'05" N., longitude 85°12'10" W.), extending clockwise from the 020° to the 250° bearings from the airport; within a 20-mile radius of Lovell Field, extending clockwise from the 250° to the 020° bearings from the airport; within 5 miles each side of the Chattanooga VORTAC 263° radial, extending between the arcs of a 14-mile and a 25-mile radius circle each centered at Lovell Field; within 8 miles E and 5 miles W of the North Chattanooga, Tenn., RBN 016° bearing, extending from the RBN to 12 miles N; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Lovell Field; within the area SE of Chattanooga, extending from the 25-mile radius area bounded on the E by the W boundary of V–5, on the S by a line through latitude 34°-26' 58" N., longitude 84°55'58" W., and latitude 34°25'30" N., longitude 84°59'30" W., and on the W by a line 9 miles W of and parallel to the Chattanooga VORTAC 152° radial; within the area N, NE and NW of Chattanooga extending from the 25-mile radius area bounded by a line beginning at the INT of the arc of a 25-mile radius circle centered at Lovell Field and a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial; thence NW along a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial to and clockwise along the arc of a 50-mile radius circle centered on the Chattanooga VORTAC to the W boundary of V–51 W alternate; thence S along the W boundary of V–51 W alternate to latitude 35°-25'45" N., longitude 85°09'15" W.; to latitude 35°22'45" N., longitude 84°45'00" W.; to latitude 35°17'30" N., longitude 84°45'10" W.; to latitude 35°08'20" N., longitude 84°45'35" W.; thence via latitude 35°08'20" N., to the arc of a 25-mile radius circle centered at Lovell Field; and that airspace extending upward from 3,000 feet MSL bounded on the N by V–54, on the NE by the arc of a 25-mile radius circle centered at Lovell Field, on the SE by V–115, and on the W by a line extending through latitude 34°32'00" N., longitude 85°52'15" W., and latitude 34°48'00" N., longitude 85°57'10" W., excluding the portion within the Rome, Ga., transition area.

3. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the Chattanooga, Tenn., control area extension.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11477; Filed, Oct. 30, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area; Revocation of Control Area Extension

On August 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9212) stating that the Federal Aviation Agency proposed to alter the Rawlins, Wyo., control zone, revoke the Sinclair, Wyo., control area extension, and designate the Rawlins transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the Rawlins, Wyo., control zone is amended to read:

Rawlins, Wyo.

Within a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.).

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the following control area extension: "Sinclair, Wyo."

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Rawlins, Wyo.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Sinclair, Wyo., RR E and W courses, extending from the arc of a 5-mile radius circle centered on the Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) to 8 miles E of the RR, and within 2 miles each side of the RR 272° bearing, extending from the arc of a 5-mile radius circle centered on the Rawlins Municipal Airport to the RR; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 9 miles S of the Sinclair RR E and W courses, extending from 12 miles E to 18 miles W of the RR.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11478; Filed, Oct. 30, 1963; 8:45 a.m.]

[Airspace Docket No. 63–WE–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone and Transition Area

On August 19, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8216) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Astoria, Oreg.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.171 (27 F.R. 220–91, November 10, 1962) is amended by adding the following:

Astoria, Oreg.

Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.), and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Astoria, Oreg.

That airspace extending upward from 700 feet above the surface bounded on the SW by the Astoria VOR 326° radial, on the NE by a line 5 miles NE of and parallel to the Astoria VOR 326° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 46°08'00" W., longitude 123°42'00" W., thence to latitude 46°02'00" N., longitude 123°53'00" W., thence to latitude 46°02'00" N., longitude 124°09'00" W., thence to latitude 46°16'00" N., longitude 124°09'00 W., thence to latitude 46°22'00" N., longitude 123°55'00" W., thence to point of beginning.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11479; Filed, Oct. 30, 1963; 8:45 a.m.]

[Airspace Docket No. 63–CE–40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Area Extension; Change of Effective Date

On October 11, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10899) amendments to Part 71 [New] of the Federal Aviation Regulations that altered the Grand Rapids, Mich., control zone, revoked the Muskegon, Mich., control area extension and designated the Grand Rapids transition area. These amendments are to be effective 0001 e.s.t., November 23, 1963.

A subsequent examination of the controlled airspace requirements in the Grand Rapids and Muskegon terminal areas revealed that the retention of the Muskegon control area extension is required until December 12, 1962 to provide controlled airspace to the effective date for the establishment of a transition area at Muskegon as established in Airspace Docket No. 63–CE–12 (28 F.R. 9347).

Since thirty days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedures Act.

In consideration of the foregoing, effective immediately, Federal Register Document No. 63–10771 is hereby modified as follows: "These amendments shall become effective 0001 e.s.t., November 23, 1963." is deleted and "Numbered items 1 and 3 shall become effective 0001 e.s.t., November 23, 1963. Numbered item 2 shall become effective 0001 e.s.t., December 12, 1963." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11480; Filed, Oct. 30, 1963; 8:45 a.m.]

[Airspace Docket No. 62–WE–81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Restricted Area and Alteration of Restricted Area and Controlled Airspace

On July 26, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7607) stating that the Federal Aviation Agency proposed to alter the Fort Ord, California, Restricted Area R–2511 by redesignating it into two restricted areas of lesser dimensions; designate the Federal Aviation Agency, Monterey Approach Control as controlling agency; alter the description of the Monterey, California, control area extension, the Monterey, California, and Fort Ord, California, control zones, VOR Federal Airway No. 230 to permit use of the airspace within the two restricted areas only after obtaining prior approval from appropriate authority; and alter the descriptions of VOR

Federal Airways Nos. 25 and 111 to delete reference to R–2511.

1. Section 75.200 (28 F.R. 19–60, Janu-

Jet Route No. 25 [et advisory

Federal Airways Nos. 25 and 111 to delete reference to R–2511.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

Mr. Fred J. Kane, Manager, Monterey Peninsula Airport, commented that the Board of Directors of the Monterey Peninsula Airport had requested that the Monterey Peninsula control zone be enlarged to a 4-mile radius zone and that the Department of the Army and the Federal Aviation Agency insure that firing within the redescribed control zone will be stopped immediately upon request by the Monterey Tower. Mr. Kane further stated that this request is in the best interest of the flying public "and may avoid future accidents involving aircraft turning slightly wide on the down wind or base leg for Runway 28".

In recognition of the requirement for a larger control zone to encompass Monterey Peninsula Airport operations, the Agency has taken action (Airspace Docket No. 62–WE–78, effective January 10, 1963) to enlarge the Monterey Peninsula control zone to a 5-mile zone. However, this action excluded the portion within R–2511. The proposal to alter R–2511 would remove this exclusion from the control zone description and provide for joint use of the portion within R–2511. The Agency believes that the previous action, in conjunction with the action proposed in the notice, will satisfy the comments concerning the enlargement of the control zone submitted by Mr. Kane.

Further, the establishment of procedures whereby firing in those portions of the restricted area that impinge upon the control zone would cease immediately upon request by the Monterey Tower would seriously derogate the training mission of Fort Ord. In addition, the Federal Aviation Agency believes that the lateral distance of approximately three statute miles that exists from Runway 28 to the closest point of the boundaries of R–2511 and the proposed R–2529, provides adequate airspace to encompass the traffic patterns for the aircraft normally utilizing this runway. Since the amount of airspace available for aircraft maneuvering for a landing will not be decreased and no difficulty in remaining clear of the present restricted area has been noted in the past, the Federal Aviation Agency does not believe the procedure which Mr. Kane suggests would result in any increase in safety.

The substance of the proposed amendment having been published, therefore, for the reasons stated herein and in the notice, the following actions are taken:

1. In § 73.25 California, R–2511 Fort Ord, Calif. (28 F.R. 19–8, January 26, 1963), is amended to read:

R–2511 Fort Ord, California.

Boundaries. Beginning a latitude 36°37'-42" N., longitude 121°48'47" W.; to latitude 36°38'25" N., longitude 121°46'29"W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36°40'55" N., longitude 121°45'41" W.; to latitude 36°-38'43" N., longitude 121°44'00" W.; to latitude 36°38'08" N., longitude 121°43'20" W.; to latitude 36°35'45" N., longitude 121°42'-42" W.; to latitude 36°34'45" N., longitude 121°47'24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36°35'30" N., longitude 121°50'30" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Monterey Approach Control.

Using agency. Commanding General, Fort Ord, California.

2. In § 73.25 California (28 F.R. 19–8, January 26, 1963), the following is added:

R–2529 Fort Ord West, California.

Boundaries. Beginning at latitude 36°-42'00" N., longitude 121°49'45" W.; to latitude 36°40'45" N., longitude 121°48'22" W.; thence south along California State Highway No. 1 to latitude 36°38'05" N., longitude 121°49'55" W.; to latitude 36°38'15" N., longitude 121°51'45" W.; to the point of beginning.

Designated altitudes. Surface to 1,000 feet MSL.

Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.

Controlling agency. Federal Aviation Agency, Monterey Approach Control.

Using agency. Commanding General, Fort Ord, California.

3. Section 71.171 (27 F.R. 220–91, November 10, 1962, 27 F.R. 11532) is amended as follows:

a. In the Monterey, Calif., control zone, "and excluding the portions within R–2511." is deleted and ". The airspace within R–2511 and R–2529 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

b. In the Fort Ord, Calif., control zone, "and excluding the portions within R–2511." is deleted and ". The airspace within R–2511 and R–2529 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

4. Section 71.165 (27 F.R. 220–59, November 10, 1962, 28 F.R. 10332) is amended as follows:

a. In the Monterey, Calif., control area extension, ", excluding the portions within R–2511 and R–2513" is deleted. At the end of the description, the following is added: "The airspace within R–2511, R–2513 and R–2529 shall be used only after obtaining prior approval from appropriate authority."

5. Section 71.123 (27 F.R. 220–6, November 10, 1962), is amended as follows:

a. In V–230 (28 F.R. 4552, 5187, 8282, 9809, 10332), "R–2511 is excluded." is deleted and "R–2511 and R–2529 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

b. In V–25 (28 F.R. 722, 1419), "The airspace within R–2504, R–2511, R–2520, R–6714 and W–289 is excluded." is deleted and "The airspace within R–2504, R–2520, R–6714 and W–289 is excluded." is substituted therefor.

c. In V–111, "The airspace within R–2511 is excluded." is deleted.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 25, 1963.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 63–11483; Filed, Oct. 30, 1963; 8:46 a.m.]

[Airspace Docket No. 63–WE–107]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to § 73.32 of the Federal Aviation Regulations is to alter the Arco, Idaho, Restricted Area R–3201 by lowering the designated ceiling from "Surface to 20,000 feet MSL" to "Surface to 10,000 feet MSL".

The Atomic Energy Commission has advised the Federal Aviation Agency that activities conducted within R–3201 are such that the designated ceiling can be lowered to 10,000 feet MSL without affecting the safety of aircraft. Accordingly, such action is taken herein.

Since this amendment will reduce the burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken: In the text of § 73.32 Idaho, R–3201 Arco, Idaho (28 F.R. 19–19, January 26, 1963), "Designated altitudes. Surface to 20,000 feet MSL." is deleted and "Designated altitudes. Surface to 10,000 feet MSL." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 25, 1963.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 63–11482; Filed, Oct. 30, 1963; 8:46 a.m.]

[Airspace Docket No. 63–WA–78]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Advisory Areas

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to revoke the designation of jet advisory areas on those segments of jet routes which lie within positive control areas.

In Airspace Docket No. 62–WA–129 (28 F.R. 1100) jet advisory areas were excluded from positive control areas. Therefore, §§ 75.200 and 75.300 are hereby amended to delete those en route and terminal jet advisory areas contained within positive control areas.

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective upon publication.

In consideration of the foregoing the following actions are taken:

1. Section 75.200 (28 F.R. 19–60, January 26, 1963, 28 F.R. 1420, 4946) is amended to read:

§ 75.200 En route jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 7 jet advisory area. Radar—From 65 nmi NE of Dillon, Mont., to United States/Canadian Border. Nonradar—From the positive control area boundary NE of Dillon, Mont., to 65 nmi NE of Dillon.

Jet Route No. 13 jet advisory area. Radar—From the positive control area boundary SE of Crazy Woman, Wyo., to the United States/Canadian Border.

Jet Route No. 16 jet advisory area. Radar—From the positive control area boundary W of Whitehall, Mont., to the positive control area boundary W of Sioux Falls, S. Dak., excluding the portion below FL 310 from 75 nmi W of Whitehall, to 97 nmi E of Whitehall. From the positive control area boundary E of Buffalo, N.Y., to Boston, Mass. Nonradar—From 75 nmi W of Whitehall, Mont., to 97 nmi E of Whitehall, FL 270 to FL 300 inclusive.

Jet Route No. 20 jet advisory area. Radar—From the positive control area boundary NW of Orlando, Fla., to Orlando.

Jet Route No. 25 jet advisory area. Radar—From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex.

Jet Route No. 29 jet advisory area. Radar—From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex. From the positive control area boundary SW of Syracuse, N.Y., to Plattsburgh, N.Y.

Jet Route No. 32 jet advisory area. Radar—From the positive control area boundary SW of Crazy Woman, Wyo., to the positive control area boundary NE of Aberdeen, S. Dak. Nonradar—From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian Border only from FL 370 to FL 390, inclusive.

Jet Route No. 37 jet advisory area. Radar—From the positive control area boundary S of Albany, N.Y., to the United States/Canadian Border.

Jet Route No. 38 jet advisory area. Nonradar—From United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and FL 370 only.

Jet Route No. 41 jet advisory area. Radar—Miami, Fla., to the positive control area boundary SE of Tallahassee, Fla.

Jet Route No. 43 jet advisory area. Radar—St. Petersburg, Fla., to the positive control area boundary SE of Tallahassee, Fla.

Jet Route No. 49 jet advisory area. Radar—From the positive control area boundary SW of Albany, N.Y., to the United States/Canadian Border.

Jet Route No. 53 jet advisory area. Radar—Key West, Fla., to the positive control area boundary S of Jacksonville, Fla.

Jet Route No. 55 jet advisory area. Radar—From the positive control area boundary SW of Boston, Mass., to the United States/Canadian Border.

Jet Route No. 59 jet advisory area. Radar—From the positive control area SW of Syracuse, N.Y., to Syracuse.

Jet Route No. 62 jet advisory area. Radar—From the positive control area boundary SW of Nantucket, Mass., to Nantucket.

Jet Route No. 68 jet advisory area. Radar—From the INT of Jet Routes Nos. 68 and 55 to Nantucket, Mass.

Jet Route No. 70 jet advisory area. Radar—From the positive control area boundary E of Mullan Pass, Idaho, to the positive control area boundary E of Aberdeen, S. Dak.

Jet Route No. 75 jet advisory area. Radar—Miami, Fla., to the positive control area boundary S of Gainesville, Fla. From the positive control area boundary SW of Albany, N.Y., to the United States/Canadian Border.

Jet Route No. 77 jet advisory area. Radar—Miami, Fla., to West Palm Beach, Fla. From the positive control area boundary SW of Boston, Mass., to the United States/Canadian Border.

Jet Route No. 79 jet advisory area. Radar—Miami, Fla., to West Palm Beach, Fla.

Jet Route No. 81 jet advisory area. Radar—Miami, Fla., to Barracuda INT.

Jet Route No. 82 jet advisory area. Radar—From the positive control area boundary SW of Albany, N.Y., to Boston, Mass.

Jet Route No. 85 jet advisory area. Radar—Miami, Fla., to the positive control area boundary S of Gainesville, Fla.

Jet Route No. 89 jet advisory area. Radar—Miami, Fla., to the positive control area boundary S of Gainesville, Fla.

Jet Route No. 90 jet advisory area. Radar—From the positive control area boundary E of Mullan Pass, Idaho, to the positive control area boundary NW of Sioux Falls, S. Dak.

Jet Route No. 94 jet advisory area. Radar—From the positive control area boundary E of Buffalo, N.Y., to Boston, Mass.

Jet Route No. 95 jet advisory area. Radar—From the positive control area boundary NW of Huguenot, N.Y., to the positive control area boundary SE of Buffalo, N.Y.

Jet Route No. 97 jet advisory area. Radar—Nantucket, Mass., to Plattsburgh, N.Y.

Jet Route No. 103 jet advisory area. Radar—St. Petersburg, Fla., to Orlando, Fla.

Jet Route No. 107 jet advisory area. Radar—Crazy Woman, Wyo., to the United States/Canadian Boundary.

Jet Route No. 500 jet advisory area. Radar—From the United States/Canadian Border SE of Lakehead, Ont., Canada, to the United States/Canadian Border E of Sault Ste. Marie, Mich.; from the United States/Canadian Border W of Millinocket, Maine, to the United States/Canadian Border NE of Millinocket, excluding the airspace below FL 290 from the United States/Canadian Border SE of Lakehead to Sault Ste. Marie.

Jet Route No. 515 jet advisory area. Radar—Pembina, N. Dak., RR to the United States/Canadian Border.

Jet Route No. 560 Jet advisory area. Radar—Plattsburg, N.Y., to the United States/Canadian Border.

2. Section 75.300 (28 F.R. 19–66, January 26, 1963) is amended to read:

§ 75.300 Terminal jet advisory areas.

(Unless otherwise specified the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Boston, Mass., jet advisory area.

RADAR

a. Nantucket, Mass., CONSOLAN via Control Area 1143 to boundary of the Continental Control Area.

b. Nantucket, Mass., CONSOLAN via Control Area 1144 to boundary of the Continental Control Area.

c. Nantucket, Mass., CONSOLAN via Control Area 1145 to boundary of the Continental Control Area.

d. Direct course between Boston, Mass., and East Boston INT (INT of 098° bearing from the Boston, Mass., RBN and the 041° radial of Whitman, Mass.).

Brownsville, Tex., jet advisory area.

RADAR

a. Brownsville, Tex., via Brownsville 024° radial to boundary of the Continental Control Area.

Los Angeles, Calif., jet advisory area.

RADAR

a. Los Angeles, Calif., via INT of Los Angeles 185° and Long Beach, Calif., 223° radials; thence via Control Area 1177 to boundary of the Continental Control Area.

b. Los Angeles, Calif., via INT of Los Angeles 185° and Santa Catalina, Calif., 355° radials; Santa Catalina; to Oceanside, Calif.

c. Los Angeles, Calif., via INT of Los Angeles 257° and Ventura, Calif., 155° radials; to Ventura.

Miami, Fla., jet advisory area.

RADAR

a. Lakeland, Fla., via Fort Myers, Fla.; INT of Ft. Myers 137° and Biscayne Bay, Fla., 262° radials; to Biscayne Bay.

b. Copeland, Fla., INT (INT of Fort Myers, Fla., 137° and Miami, Fla., 269° radials) to Miami.

c. West Palm Beach, Fla., to Biscayne Bay, Fla.

d. Miami, Fla., via Marathon, Fla., RBN: thence via Marathon RBN 219° bearing to boundary of the Continental Control Area.

e. Miami, Fla., via Miami 119° radial to boundary of Continental Control Area.

f. Biscayne Bay, Fla., via the Biscayne Bay 087° radial to boundary of Continental Control Area.

g. Biscayne Bay, Fla., via the Biscayne Bay 051° radial to boundary of Continental Control Area.

Minneapolis, Minn., jet advisory area.

RADAR

a. Aberdeen, S. Dak., to Watertown, S. Dak.

New Orleans, La., jet advisory area.

RADAR

a. New Orleans, La., via INT of New Orleans 100° and Mobile, Ala., 224° radials to Mobile.

b. New Orleans, La., via INT of New Orleans 100° and Picayune, Miss., 161° radials; to INT of Picayune 161° radial with Control Area 1226.

c. INT of Picayune, Miss., 161° and New Orleans, La., 122° radials to INT of New Orleans 122° radial with Control Area 1226.

New York, N.Y., jet advisory area.

RADAR

a. Poughkeepsie, N.Y., to Albany, N.Y.

San Francisco/Oakland, Calif., jet advisory area.

RADAR

a. Oakland, Calif., via INT of Oakland 221° and Point Reyes, Calif., 161° radials; INT of Point Reyes 161° and Big Sur, Calif., 325° radials; INT of Big Sur, 325° and Salinas, Calif., 281° radials; to Salinas.

b. INT of Point Reyes, Calif., 161° and Big Sur, Calif., 325° radials to Big Sur.

c. San Francisco, Calif., via INT of San Francisco 304° and Sacramento, Calif., 233° radials; to INT of Sacramento 233° and Linden, Calif., 269° radials.

Tampa, Fla., jet advisory area.

RADAR

a. St. Petersburg, Fla., via INT St. Petersburg 040° and Orlando, Fla., 258° radials; to Orlando.

b. St. Petersburg, Fla., via Lakeland, Fla., to Orlando, Fla.

c. St. Petersburg, Fla., to INT of St. Petersburg 275° radial with Control Area 1226.

d. Egmont Key, Fla., RBn direct to INT of Jet Routes Nos. 41 and 85.

e. Fort Meyers, Fla., via St. Petersburg, Fla., to Eddy, Fla., INT (INT of St. Petersburg 350° and Ocala, Fla., 241° radials).

f. Ocala, Fla., to INT of Ocala 241° and

Sec.

f. Ocala, Fla., to INT of Ocala 241° and Cross City, Fla., 185° radials.

g. St. Petersburg, Fla., via INT of St. Petersburg 290° and Cross City, Fla., 185° radials; to the INT of Cross City 185° and Ocala, Fla., 241° radials.

h. St. Petersburg, Fla., to Ocala, Fla.

i. St. Petersburg, Fla., via St. Petersburg 320° radial to the boundary of the Continental Control Area.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-11481; Filed, Oct. 30, 1963; 8:45 a.m.]

Chapter XV—Defense Air Transportation Administration, Department of Commerce

[General Order—War Risk Insurance (Third Rev.)]

PART 1501—WAR RISK INSURANCE

The "General Order—War Risk Insurance (Second Revision)," dated October 31, 1962, is hereby further revised to read as follows:

Title XIII of the Federal Aviation Act of 1958 (72 Stat. 731, 49 U.S.C. 1531), which re-enacted the provisions of Public Law 47, 82d Congress (65 Stat. 65), as amended, authorizes the Secretary of Commerce, with the approval of the President, to provide insurance against loss or damage or legal liability arising out of war risks whenever it appears to the Secretary that such insurance adequate for the needs of the air commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

The Secretary of Commerce made a finding on September 11, 1952, that war risk insurance adequate for the needs of the air commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States, and the President, on September 17, 1952, gave the required approval for providing such insurance.

The Secretary of Commerce, by Department Order No. 128 (Revised), dated May 9, 1963, authorized the Under Secretary of Commerce for Transportation to administer the War Risk Insurance program under Title XIII, Public Law 85-726 (49 U.S.C. 1531-1542).

The President has approved the providing of war risk insurance, without premium, to the Department of Defense for participants in the Civil Reserve Air Fleet (CRAF) Program, and for certain civil air carriers while providing international and overseas transportation regularly required by the Department of Defense, including emergency airlift requirements not sufficient to justify the activation of CRAF, and to the Department of State for American air carriers entering into certain agreements with such Department, in consideration of agreements of the Secretary of Defense and the Secretary of State to indemnify the Secretary of Commerce against all losses covered by such insurance.

The Under Secretary of Commerce for Transportation is prepared to provide war risk hull insurance, war risk liability insurance, exclusive of cargo liability, and war risk carriers liability to cargo insurance, except that no insurance will be issued to cover any war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia. Geographical limits for the coverages may be prescribed by the Under Secretary of Commerce for Transportation.

The following rules and regulations[1] for the providing of such insurance are promulgated:

Subpart A—General

Sec.
1501.1 Eligibility of aircraft for insurance.
1501.2 Change in status of an aircraft after interim binders have been issued.
1501.3 Applications for insurance and payment of binding fees.
1501.4 Time of attachment of insurance.
1501.5 Premiums and payment thereof.
1501.6 War risk insurance underwriting agents.
1501.7 Modifications.

Subpart B—War Risk Hull Insurance

1501.100 Amounts of insurance for which application may be made.
1501.101 Form of application.
1501.102 Issuance of interim binder: its terms and conditions.
1501.103 Sums which will be insured.
1501.104 Calculation of premiums.
1501.105 Additional war risk hull insurance.
1501.106 Standard forms of war risk hull insurance interim binders.
1501.107 Standard forms of war risk hull insurance policies.

Subpart C—War Risk Liability Insurance, Exclusive of Cargo Liability

1501.200 Limits of liability insurance for which application may be made.
1501.201 Form of application.
1501.202 Issuance of interim binder: its terms and conditions.
1501.203 Sums which will be insured.
1501.204 Calculation of premiums.
1501.205 Standard forms of war risk liability insurance, exclusive of cargo liability, interim binders.
1501.206 Standard forms of war risk liability insurance, exclusive of cargo liability, policies.

Subpart D—War Risk Carriers Liability to Cargo Insurance

1501.300 Limits of liability insurance for which application may be made.
1501.301 Form of application.
1501.302 Issuance of interim binder: its terms and conditions.
1501.303 Sums which will be insured.
1501.304 Calculation of premiums.
1501.305 Standard forms of war risk carriers liability to cargo insurance interim binders.
1501.306 Standard forms of war risk carriers liability to cargo insurance policies.
1507.307 Effect on other General Orders—War Risk Insurance.

AUTHORITY: §§ 1501.1 to 1501.307 issued under sec. 1307, Federal Aviation Act, 1958; 72 Stat. 803; 49 U.S.C. 1537.

Subpart A—General

§ 1501.1 Eligibility of aircraft for insurance.

An aircraft is eligible for insurance if it is:

(a) An American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended; or

(b) A foreign-flag aircraft engaged in aircraft operations deemed by the Under Secretary of Commerce for Transportation to be in the interest of the national defense or the national economy of the United States.

§ 1501.2 Change in status of an aircraft after interim binders have been issued.

In the event that an aircraft shall cease to come within either paragraph (a) or (b) of § 1501.1 after any interim binders set forth in §§ 1501.106, 1501.205 and 1501.305 have been issued, interim binders covering such an aircraft shall automatically terminate. In the event of sale, lease, confiscation, requisition, or total loss of an aircraft, or any other change in the status, which by the terms of the binder causes same to terminate, prompt notice shall be given in writing to the Under Secretary of Commerce for Transportation.

§ 1501.3 Applications for insurance and payment of binding fees.

Applications for war risk hull and war risk liability, exclusive of cargo, insurance, shall be filed on the same form, in duplicate, and applications for war risk carriers liability to cargo insurance shall be filed on a separate form, also in duplicate. Applications for insurance on those foreign-flag aircraft referred to in § 1501.1 shall be accompanied by a signed statement in quadruplicate, setting forth the dates of the applications, the forms of insurance applied for, the identification number of the aircraft, its flag, the name of the owner or lessee, the operations in which the aircraft is engaged and the reason such operations should be considered to be in the interest of the national defense or national economy of the United States, which statement shall be deemed to be a part of each application for insurance filed with respect to such aircraft. Applications shall be made to the Under Secretary of Commerce for Transportation, Department of Commerce, Washington 25, D.C. A check payable to the Treasurer of the United States for the total amount of all binding fees payable by each applicant shall accompany the applications. Binding fees are not returnable unless applications are rejected.

[1] UST Form No. WRI-1A (Rev. 10-62) and Schedule of Aircraft (Rev. 10-62) has been deleted from § 1501.101, and UST Form No. WRI-2A (Rev. 10-62) has been deleted from § 1501.106.

§ 1501.4 Time of attachment of insurance.

The war risk insurance to be provided under this part shall attach:

(a) In the case of premium insurance, not earlier than the date and hour commercial war risk insurance terminates by reason of the operation of the "twenty-four hour automatic termination clause," whether or not the aircraft was covered by such commercial insurance; and

(b) In the case of non-premium insurance, as specified in the Binder or Policy.

§ 1501.5 Premiums and payment thereof.

The rates of premium for insurance shall be subject to review and revision by the Under Secretary of Commerce for Transportation each calendar month, and the Under Secretary of Commerce for Transportation may deem it appropriate to fix premium surcharges or rate loadings. Premiums shall accrue upon the fixing of the rates by the Under Secretary of Commerce for Transportation, and shall be payable within ten days after receipt of notice of the amounts thereof by the Insured. Premiums shall be paid to the Under Secretary of Commerce for Transportation by check payable to the order of the Treasurer of the United States.

§ 1501.6 War risk insurance underwriting agents.

Applications from companies or groups of companies authorized to do an aviation insurance business in any State of the United States for appointment as underwriting agents will not be received until the Under Secretary of Commerce for Transportation finds that it is practical to employ such companies as underwriting agents. The Under Secretary of Commerce for Transportation will promulgate, and publish in the FEDERAL REGISTER, the forms and agreements required for the appointment of underwriting agents.

§ 1501.7 Modifications.

The provisions of this part may be amended or modified at any time by the Under Secretary of Commerce for Transportation.

Subpart B—War Risk Hull Insurance

§ 1501.100 Amounts of insurance for which application may be made.

An applicant for war risk hull insurance shall state the amount of insurance desired, but any payment for damage to or total loss of the aircraft will be made as provided in § 1501.103.

§ 1501.101 Form of application.

Applications submitted shall be in strict accordance with one of the following forms:

(a) UST Form No. WRI-1 (Rev. 9-63), war risks only:

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Application for Premium War Risk Hull and Liability, Exclusive of Cargo, Insurance

Application is made for premium War Risk Hull and Liability, exclusive of Cargo, Insurance, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability or make the applicant liable for any premium unless insurance is effected by the Under Secretary of Commerce for Transportation.

Name of applicant _____
Address _____
Applicant's interest in aircraft described is that of _____
_____
Mortgage, or other encumbrance, if any _____
_____
Hull loss, if any, payable to _____
_____

Type of coverage	*Each person amount requested*	*Each occurrence amount requested*	*Insurance (including self-insurance) in effect for risks other than war risks: Each person*	*Each occurrence*
( ) Bodily injury or death (excluding passengers)				
( ) Property damage				
( ) Bodily injury or death (passengers)				
( ) Baggage and personal effects				

General

Insurance to attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect of an insured peril within 24 hours of such outbreak of war, this insurance shall not attach until midnight G.M.T. of the day on which the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

If this application is for insurance with respect to a foreign-flag aircraft, it shall be accompanied by the statement specified in § 1501.3 of Under Secretary of Commerce for Transportation General Order—War Risk Insurance (Third Revision) (Part 1501, Title 14, Code of Federal Regulations) which statement shall be deemed to be part of this application.

Hull

Amounts set forth in the attached "Schedule of Aircraft" as representing the amount of war risk hull insurance desired for each such aircraft shall not exceed the amount in effect on the date of this application, by which the applicant has insured, or self-insured, that aircraft against risks other than war risks.

Liability

The type of coverage required for the aircraft described in the attached "Schedule of Aircraft" shall be indicated and the limits of liability for each such coverage shall be specified in the schedule, but such limits shall not exceed the corresponding amounts in effect on the date of this application by which the applicant has insured, or self-insured, itself against liability arising from risks other than war risks.

Binding fee (not returnable unless application is rejected) is $100 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

Rate of premium shall be fixed by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce.

The war risk insurance applied for hereunder shall not cover war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, will constitute the basis of any contract between him and the United States of America.

Applicant _____
By _____
(Name and Title)
Date _____

Schedule of Aircraft

(To be attached to UST Form No. WRI-1 (Revised 9-63))

Make, model and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Amount of war risk hull insurance desired for each aircraft*	*Amount for which each aircraft is currently insured (including self-insurance) for risks other than war risks*

(b) UST Form No. WRI–1B (Rev. 9–63), war risks only:

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Application for Non-Premium War Risk Hull and Liability, Exclusive of Cargo, Insurance

Application is made for War Risk Hull and Liability, exclusive of Cargo, insurance, without premium, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached "Schedule of Aircraft and Government Contracts," while being operated under the air transportation contract(s) with the Department of Defense, referred to in such schedule, with the understanding that this application does not commit the Government to any liability unless insurance is effected by the Under Secretary of Commerce for Transportation.

Name of applicant _____
Address _____
Applicant's interest in aircraft described is that of _____
_____
Mortgage, or other encumbrance, if any _____
_____
Hull loss, if any, payable to _____
_____

Hull

Amounts set forth in the attached "Schedule of Aircraft and Government Contracts" as representing the amount of war risk hull insurance desired for each such aircraft shall not exceed the amount, in effect on the date of this application, by which the applicant has insured, or self-insured, that aircraft against risks other than war risks.

Liability

The type of coverage required for the aircraft described in the attached "Schedule of Aircraft and Government Contracts" shall be indicated and the limits of liability for each such coverage shall be specified in the schedule, but such limits shall not exceed the corresponding amounts in effect on the date of this application by which the applicant has insured, or self-insured, itself against liability arising from risks other than war risks.

The application shall be accompanied by copies of any commercial war risk insurance policy and any company plan of self-insurance applicable to the aircraft listed in the "Schedule of Aircraft and Government Contracts."

The application shall also be accompanied by a statement signed, in his personal capacity, by the same corporate official who signs the application on behalf of the applicant, which statement shall be considered to be incorporated in the application and to form a part thereof. The statement shall show that the applicant:

(a) Controls and operates the aircraft listed in the attached "Schedule of Aircraft and Government Contracts" and that such aircraft are committed, under the contracts listed in such schedule, to the Department of Defense for use during an air transportation emergency;

(b) Cannot obtain war risk insurance of the type requested on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States, or has partial commercial insurance coverage against war risks, but is unable to obtain the additional needed insurance of the type requested on reasonable terms and conditions from such commercial sources;

(c) Is maintaining and has maintained during the six month period preceding this application (or since the aircraft was acquired if acquired during the six month period) insurance, including demonstrable self-insurance, covering possible injury, loss or damage from risks other than war risks in amounts which equal or exceed the war risk insurance coverages requested in the application; and

(d) Shall name the commercial insurance carriers which have been contacted and the premium rates quoted by such carriers which he considers not reasonable, and any conditions or limitations which those carriers would impose in connection with war risk insurance which would cause their insurance to be inapplicable to some or all of the operations under the Government contracts listed in the "Schedule of Aircraft and Government Contracts."

General

Insurance to attach at the time and date specified in the Policy issued pursuant to this application.

The war risk insurance applied for hereunder shall not cover war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

The "Schedule of Aircraft and Government Contracts" attached hereto may be revised from time to time by agreement of the Under Secretary of Commerce for transportation and the Insured and with the approval of the Military Air Transport Service to add aircraft or to add contracts.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application, including all attachments hereto, all revisions of such schedule hereinafter accepted by the Government and the terms and conditions of the policies issued by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, for war risk hull and liability, exclusive of cargo, insurance, will constiute the basis of any contract between him and the United States of America.

Binding fee (not returnable unless application is rejected) is $100 per aircraft listed on the "Schedule of Aircraft and Government Contracts," or any revision of such schedule adding aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

Applicant _____
By _____
(Name and Title)

Date _____

(Application must be signed by a responsible coroprate official authorized to sign the application and to agree, for the Insured, in changes to the schedule.)

Schedule of Aircraft and Government Contracts

(To be attached to Department of Commerce Forms No. WRI–1B, WRI–3B and WRI–4B (Rev. 9–63))

Aircraft

Make, model and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Amount of war risk hull insurance desired for each aircraft*	*Amount for which each aircraft is currently insured (including self-insurance) for risks other than war risks*

Contracts with the military air transport service in effect for overseas or foreign transportation: _____

Liability

Type of coverage	*Each person amount requested*	*Each occurrence amount requested*	*Insurance (including self-insurance) in effect for risks other than war risks: Each person*	*Each occurrence*
( ) Bodily injury or death (excluding passengers)				
( ) Property damage				
( ) Bodily injury or death (passengers)				
( ) Baggage and personal effects				

(c) UST Form No. WRI–1C (Rev. 9–63), war risks only:

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Application for Non-Premium War Risk Hull and Liability, Exclusive of Cargo, Insurance

Application is made for War Risk Hull and Liability, exclusive of Cargo, Insurance, without premium, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability unless insurance is effected by the Under Secretary for Transportation.

Name of Applicant _____
Address _____
Date and number of Applicant's Department of State contract(s) _____
Applicant's interest in aircraft described is that of _____
Mortgage, or other encumbrance, if any _____
_____
Hull loss, if any, payable to _____
_____

Hull

Amounts set forth in the attached "Schedule of Aircraft" as representing the amount of war risk hull insurance desired for each such aircraft shall not exceed the amount in effect on the date of this application, by which the applicant has insured, or self-insured, that aircraft against risks other than war risks.

Liability

The type of coverage required for the aircraft described in the attached "Schedule of Aircraft" shall be indicated and the limits of liability for each such coverage shall be specified in the schedule, but such limits shall not exceed the corresponding amounts in effect on the date of this application by which the applicant has insured, or self-insured, itself against liability arising from risks other than war risks.

Type of coverage	*Each person amount requested*	*Each occurrence amount requested*	*Insurance (including self-insurance) in effect for risks other than war risks: Each person*	*Each occurrence*
( ) Bodily injury or death (excluding passengers)				
( ) Property damage				
( ) Bodily injury or death (passengers)				
( ) Baggage and personal effects				

General

Insurance to attach while the aircraft described in the attached schedule are being operated under applicant's Department of State contract(s) No. ____, dated _____

Binding fee (not returnable unless application is rejected) is $100 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

The war risk insurance applied for hereunder shall not cover war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, for war risk hull and liability, exclusive of cargo, insurance provided to United States air carriers having agreements with the Department of State will constitute the basis of any contract between him and the United States of America.

Applicant _____
By _____
(Name and title)
Date _____

Schedule of Aircraft

(To be attached to UST Form No. WRI–1C (Revised 9–63))

Make, model and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Amount of war risk hull insurance desired for each aircraft*	*Amount for which each aircraft is currently insured (including self-insurance) for risks other than war risks*

§ 1501.102 Issuance of interim binder; its terms and conditions.

Upon acceptance of an application, an interim binder in the form of one of those set forth in § 1501.106 will be issued and there shall be deemed to be incorporated therein by reference, all of the terms, conditions and warranties contained in the standard war risk hull insurance policy to be prescribed by the Under Secretary of Commerce for Transportation pursuant to the provisions of § 1501.107, to the same extent as if such policy were made a part of the binder. The binding fee shall be $100 per aircraft.

§ 1501.103 Sums which will be insured.

The sum insured, in each instance, may not exceed the amount in effect on the date of application by which the air carrier has insured, or self-insured, the aircraft against risks other than war risks, *Provided*, That such amount is not in excess of the "fair and reasonable value of the aircraft" within the meaning of section 1307(a) of the Federal Aviation Act of 1958, as amended.

§ 1501.104 Calculation of premiums.

Premiums will be calculated on the basis of the applicable premium rate multiplied by the dollar amount of insurance in force during the period under consideration.

§ 1501.105 Additional wark risk hull insurance.

Persons having insurable interests in aircraft may obtain, on an excess basis, additional war risk hull insurance in such amounts as desired, and such insurance shall not inure to the benefit of the Under Secretary of Commerce for Transportation as underwriter.

§ 1501.106 Standard forms of war risk hull insurance interim binders.

The following are the standard forms of war risk hull insurance interim binders for premium and non-premium war risk hull insurance:

(a) UST Form No. WRI–2 (Rev. 9–63), war risks only:

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Interim Binder No. PR–H&LWR

The United States of America, represented by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Hull and Liability, exclusive of Cargo, War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft.

Name of Insured _____
Address _____
Hull loss, if any, payable to _____
_____

Hull

Amounts set forth in the "Schedule of Aircraft" attached to the Insured's application for premium war risk hull and liability, exclusive of cargo, insurance, a copy of which is attached hereto and made a part hereof, as representing the amount of war risk hull insurance desired for each of such aircraft, shall be deemed to be the "sum insured"; *Provided*, That amount, in each instance, may not exceed either (1) the amount determined by the Under Secretary of Commerce for Transportation in accordance with the provisions of section 1307(a), Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)), or (11) the amount in effect on the date of application for this insurance by which the Insured has insured, or self-insured, that aircraft against risks other than war risks covered by this binder.

Liability

Insurance of the type indicated and in the limits shown below is provided in respect to each of the aircraft shown in the attached "Schedule of Aircraft":

Type of coverage	*Each person*	*Each occurrence*
Bodily injury or death (excluding passengers)	$_____	$_____
Property damage		$_____
Bodily injury or death (passengers)	$_____	$_____
Baggage and personal effects		$_____

The above amounts may not exceed the corresponding amounts in effect on the date of application for this insurance by which the Insured has insured, or self-insured, itself against similar liabilities arising from risks other than war risks covered by this binder.

General

Attaching in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect to an insured peril within 24 hours of such outbreak of war, this insurance shall not attach until midnight G.M.T. of the day on which the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Commerce to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Five days after telegraphic notice of cancellation has been dispatched to the Insured by the Under Secretary of Commerce for Transportation, or

(d) Upon the issuance of a policy by the Under Secretary of Commerce for Transportation with respect to any insurance bound herein which is covered by that policy,

whichever shall occur first.

The Insured agrees that if the amounts of insurance, or self-insurance, carried against loss, damage, or liability arising from risks other than war risks are voluntarily reduced to amounts less than the amounts of insurance provided by this binder, the insurance under this binder shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

The insurance provided hereunder does not cover any war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk hull and war risk liability, exclusive of cargo, insurance policies prescribed by the Under Secretary of Commerce for Transportation pursuant to the provisions of §§ 1501.107 and 1501.206, respectively, of Under Secretary of Commerce for Transportation General Order—War Risk Insurance (Third Revision) (Part 1501, Title 14, Code of Federal Regulations).

The premium rate for this insurance shall be subject to review and revision by the Under Secretary of Commerce for Transportation each calendar month. Unless the revised premium rate is accepted in writing

by the Insured within ten days after dispatch of notice of the amount thereof, the insurance provided hereunder shall automatically terminate at the end of such ten day period. Premium at the new revised rate shall be charged for the ten day period during which this insurance remained in force, unless the Under Secretary of Commerce for Transportation receives notice within such period of the refusal of the insured to accept such new revised premium rate, in which event premium at the new revised rate shall be charged for that portion of the ten day period prior to receipt of such notice. Upon receipt of such notice of non-acceptance, the insurance provided hereunder shall terminate, notwithstanding any other provision for cancellation in this binder. In the event this insurance is cancelled, or otherwise terminated, and not replaced by a policy, there shall be a premium charge hereunder for the period during which this insurance has been in force. Premium payments shall be made to the Under Secretary of Commerce for Transportation by check payable to the order of the Treasurer of the United States of America.

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Under Secretary of Commerce for Transportation, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance. The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect of any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is (1) an American aircraft as defined in section 1301 (a), Title XIII of the Federal Aviation Act of 1958, as amended, or (2) a foreign-flag aircraft engaged in aircraft operations deemed by the Under Secretary of Commerce for Transportation to be in the interest of the national defense or the national economy of the United States, and if, at any time during the binder period or after insurance attached hereunder, the aircraft shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft, without return of premium unless the Under Secretary of Commerce for Transportation agrees otherwise.

UNITED STATES OF AMERICA
By UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION, ACTING FOR THE SECRETARY OF COMMERCE.

(Under Secretary of Commerce for Transportation)

Date ----------

(b) UST Form No. WRI-2B [Reserved].

(c) UST Form No. WRI-2C (Rev. 9-63), war risks only.

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Interim Binder No. NON-PR-H&LWR

The United States of America, represented by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, in consideration of the agreement of the Secretary of State to indemnify the Secretary of Commerce against all losses covered by war risk insurance provided, without premium, for United States air carriers having agreements with the Department of State for the continuation of regularly scheduled service or the provision of charter service, and in consideration of the binding fee provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Hull and Liability, exclusive of Cargo, War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft while being operated by the Insured under Department of State contract(s) No. ------, dated ----------.

Name of Insured ----------
Address ----------
Hull loss, if any, payable to ----------

Hull

Amounts set forth in the "Schedule of Aircraft" attached to the Insured's application for war risk hull and liability, exclusive of cargo, insurance, without premium, a copy of which is attached hereto and made a part hereof, as representing the amount of war risk hull insurance desired for each of such aircraft, shall be deemed to be the "sum insured"; *Provided*, This amount, in each instance, may not exceed either (1) the amount determined by the Under Secretary of Commerce for Transportation in accordance with the provisions of section 1307(a), Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)), or (ii) the amount in effect on the date of application for this insurance by which the Insured has insured, or self-insured, that aircraft against risks other than war risks covered by this binder.

Liability

Insurance of the type indicated and in the limits shown below is provided in respect to each of the aircraft shown in the attached "Schedule of Aircraft";

Type of coverage	*Each person*	*Each occurrence*
Bodily injury or death (excluding passengers)	$----------	$----------
Property damage		$----------
Bodily injury or death (passengers)	$----------	$----------
Baggage and personal effects		$----------

The above amounts may not exceed the corresponding amounts in effect on the date of application for this insurance by which the Insured has insured, or self-insured, itself against similar liabilities arising from risks other than war risks covered by this binder.

General

Attaching when the Insured commences performance of services under Department of State contract(s) No. ------, dated ----------

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Commerce to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Upon expiration or cancellation of the Insured's Department of State contract(s) No. ------, dated ----------, or

(d) Five days after telegraphic notice of cancellation has ben dispatchd to the Insured by the Under Secretary of Commerce for Transportation, or

(e) Upon the issuance of a policy by the Under Secretary of Commerce for Transportation with respect to any insurance bound herein which is covered by that policy,

whichever shall occur first.

The Insured agrees that if the amounts of insurance, or self-insurance, carried against loss, damage, or liability arising from risks other than war risks are voluntarily reduced to amounts less than the amounts of insurance provided by this binder, the insurance under this binder shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

The insurance provided hereunder does not cover any war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk hull and war risk liability, exclusive of cargo, insurance policies prescribed by the Under Secretary of Commerce for Transportation pursuant to the provisions of §§ 1501.107 and 1501.206, respectively, of Under Secretary of Commerce for Transportation General Order—War Risk Insurance (Third Revision) (Part 1501, Title 14, Code of Federal Regulations).

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Under Secretary of Commerce for Transportation, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance. The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect to any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is an American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended, and if at any time during the binder period or after insurance attaches hereunder, the aircraft shall cease to be an American aircraft as so defined, or ceases to be under the agreement with the Department of State, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft, without return of binding fee unless the Under Secretary of Commerce for Transportation agrees otherwise.

UNITED STATES OF AMERICA
By UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION, ACTING FOR THE SECRETARY OF COMMERCE.

(Under Secretary of Commerce for Transportation)

Date ----------

§ 1501.107 Standard forms of war risk hull insurance policies.

UST Form No. WRI-3B (Rev. 9-63), war risks only:

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Policy No. NON-PR-HWR ------

The United States of America (hereinafter referred to as the Insurer), represented by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, by this Policy of Insurance, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, and in consideration of the agreement of the Secretary of Defense to indemnify the Secretary of Commerce against all losses covered by War Risk Insurance provided, without premium, for United States air carriers having air transportation contracts with the Department of Defense and the payment of binding fees, does insure, without premium, the aircraft described in the attached "Schedule of Aircraft and Government Contracts" for the account of ---------- (hereinafter referred to as the Insured) while being operated by the Insured under a contract listed in the Schedule.

Loss, if any, payable to ----------

Amounts set forth in the "Schedule of Aircraft and Government Contracts" attached to the Insured's application for war risk hull and liability, exclusive of cargo, insurance, without premium, a copy of which is attached hereto and made a part hereof, as representing the amount of war risk hull insurance desired for each of such aircraft shall be deemed to be the "sum insured"; *Provided*, This amount, in each instance, may not exceed either (1) the amount determined by the Under Secretary of Commerce for Transportation in accordance with the provisions of section 1307(a), Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1537(a)), or (ii) the amount in effect on the date of application for this insurance by which the Insured has insured, or self-insured, that aircraft against risks other than war risks covered by this Policy.

The Insured agrees that if the amount of insurance, or self-insurance, carried against loss or damage from risks other than war risks is voluntarily reduced to an amount less than the amount of insurance provided by this Policy, the insurance under this Policy shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

The "Schedule of Aircraft and Government Contracts" attached hereto may be revised from time to time by agreement of the Under Secretary of Commerce for Transportation and the Insured and with approval of the Military Air Transport Service to add aircraft or to add contracts.

This insurance covers from ------M., e.s.t. of the ------ day of ----------, 19-- until cancelled or terminated in accordance with the terms of this Policy.

This insurance covers all physical loss or damage to the aircraft described and set forth in the "Schedule of Aircraft and Government Contracts" attached hereto, including engines, navigational instruments, parts and equipment usually carried on said aircraft, resulting from the risks which would be excluded from a commercial Aviation Hull Policy by the following clause:

"Loss or damage due to or resulting from: (1) Capture, seizure, arrest, restraint or detention or the consequences thereof or of any attempt thereat, or any taking of the property insured or damage to or destruction thereof by any Government or governmental authority or agent (whether secret or otherwise) or by any military, naval or usurped power, whether any of the foregoing be done by way of requisition or otherwise and whether in time of peace or war and whether lawful or unlawful; (2) war, invasion, civil war, revolution, rebellion, insurrection or warlike operations, whether there be a declaration of war or not."

Notwithstanding anything contained in the foregoing clause, this insurance does not cover any loss or damage caused by or resulting from capture, seizure, arrest, restraint, detainment, pre-emption, confiscation or requisition by the Government of the United States, or from arrest, restraints, or detainments under Customs or quarantine regulations or similar arrests, restraints, or detainments not arising from actual or impending hostilities or sanctions.

The Insurer will pay, subject to the terms and conditions of this Policy: (1) In respect to total loss, the insured value of the aircraft, and (2) in respect to partial loss:

(a) If repairs are made by other than the Insured, the cost to repair the damaged property with material of like kind and quality, plus the reasonable cost of transporting new and/or damaged parts and/or the damaged aircraft to place of repair and the return of the repaired aircraft to place of accident or home airport, whichever be nearer.

(b) If repairs are made by the Insured, the total of the following items:

I. Actual cost of material or parts of like kind and quality.

II. Actual wages paid for direct labor, excluding extra charges for overtime.

III. A reasonable percentage of Item II in lieu of all overhead, including supervisory services, or actual overhead costs as determined by the Under Secretary of Commerce for Transportation.

IV. The reasonable cost of transporting new and/or damaged parts and/or the damaged aircraft to place of repair and return of the repaired aircraft to place of accident or home airport, whichever be nearer.

(c) If repairs are not made and the aircraft is subsequently lost, then the estimated cost of making such repairs to the damaged property with material of like kind and quality.

The amount due under this Policy in respect to a partial loss shall not exceed the amount due were the loss payable as a total loss. Where the amount paid hereunder is equal to the amount payable as a total loss, any salvage value remaining shall inure to the benefit of the Insurer. There shall, however, be no abandonment without the consent of the Insurer.

The sum insured shall be reduced by the amount of any loss or damage, whether or not covered by this Policy, until repairs have been completed.

In the event of any loss covered by this Policy, prompt notice thereof, on being known to the Insured, shall be given by the Insured to the Under Secretary of Commerce for Transportation, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance.

Within sixty (60) days after loss or damage, the Insured shall render to the Under Secretary of Commerce for Transportation a proof of loss signed and sworn to by the Insured, stating the place, time and cause of the loss or damage, the interest of the Insured and of all others in the property, the sound value thereof, the amount and nature of the loss or damage, all encumbrances thereon, all changes in title, and all other insurance covering said property whether valid and collectible or not.

The Insurer shall be subrogated to all the rights which the Insured may have against any other person or entity, in respect of any payment made under this Policy, to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure to the Insurer such rights.

The insurance provided hereunder covers only loss or damage to the aircraft described in the attached "Schedule of Aircraft and Government Contracts" while the aircraft is being operated by the Insured, during the Policy period, under a contract listed in that Schedule when the loss or damage occurs. Such operations under the listed contracts shall be deemed to include ferry flights to position or deposition the aircraft, provided that on such ferry flight the aircraft does not carry any passengers, cargo or mail for remuneration or hire, and provided further that such ferry flight is operated nonstop (i) to the point of origin of the military traffic flight or (ii) from the point of destination of the military traffic flight back to the point of origin, or to a maintenance base normally used by the Insured, or to a point where the Insured intends to place the aircraft in commercial or military service.

The insurance provided hereunder does not cover any war risks on aircraft engaged exclusively in air commerce within the several States of the United States and the District of Columbia.

This Policy shall terminate:

(a) Upon expiration of the authority of the Secretary of Commerce to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Five (5) days after telegraphic notice of cancellation has been dispatched to the Insured by the Under Secretary of Commerce for Transportation requesting such cancellation, or

(c) As to any aircraft or contract upon the date specified in a notice from the Insured to the Under Secretary of Commerce for Transportation requesting such cancellation, or

(d) As to any aircraft or contract five (5) days after telegraphic notice of cancellation has been dispatched to the Insured by the Under Secretary of Commerce for Transportation with the approval of the Military Air Transport Service.

Warranted free from any claim for loss, damage or expense covered under any commercial policy in effect for the benefit of the Insured. This Policy may be cancelled, in whole or in part, by the Under Secretary of Commerce for Transportation if comparable insurance becomes obtainable on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The Insured agreeds that it will promptly notify the Under Secretary of Commerce for Transportation of any significant change in the terms and conditions under which insurance of the type provided by this Policy is obtainable from such sources.

Warranted during the term of this insurance the aircraft insured hereunder are American aircraft as defined in section 1301 (a), Title XIII of the Federal Aviation Act of 1958, as amended, and if at any time during such term an aircraft shall cease to be an American aircraft as so defined, the insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft without the return of binding fee unless the Under Secretary of Commerce for Transportation agrees otherwise.

UNITED STATES OF AMERICA
By UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION, ACTING FOR THE SECRETARY OF COMMERCE.

(Under Secretary of Commerce for Transportation)

Date ----------

(Additional standard forms of war risk hull insurance policies will be prescribed by the Under Secretary of Commerce for Transportation, and published in the FEDERAL REGISTER as an amendment to this section.)

Subpart C—War Risk Liability Insurance, Exclusive of Cargo Liability

§ 1501.200 Limits of liability insurance for which application may be made.

Applicants for war risk liability insurance, exclusive of cargo liability, shall state the limits of liability desired, but such limits shall not exceed the corresponding amounts in effect on the date of application by which the Insured has insured, or self-insured, itself against liability arising from risks other than war risks involving the following coverages:

(a) Bodily Injury or Death (Excluding Passengers)

(b) Property Damage

(c) Bodily Injury or Death (Passengers)

(d) Baggage and Personal Effects

§ 1501.201 Form of application.

Applications submitted shall be in strict accordance with the forms set forth in § 1501.101.

§ 1501.202 Issuance of interim binder; its terms and conditions.

Upon acceptance of an application, there will be issued either an interim binder or a policy in the form of one of those set forth in § 1501.106, § 1501.107 or § 1501.206, and there shall be deemed to be incorporated in the interim binder by reference all of the terms, conditions and warranties contained in the standard war risk liability insurance, exclusive of cargo liability, policy prescribed or to be prescribed by the Under Secretary of Commerce for Transportation, pursuant to the provisions of § 1501.206, to the same extent as if such policy were made a part of the binder. The binding fee of $100 per aircraft set forth in § 1501.102 for war risk hull insurance shall also cover the cost of binding war risk liability insurance, exclusive of cargo liability.

§ 1501.203 Sums which will be insured.

The sums insured shall not exceed the limits prescribed in § 1501.200.

§ 1501.204 Calculation of premiums.

Premiums for Bodily Injury or Death (Excluding Passengers) and Property Damage liability will be calculated by multiplying the applicable premium rate by airplane miles. Premiums for Bodily Injury or Death, Baggage and Personal Effects liability will be calculated by multiplying the applicable premium rate by passenger miles.

§ 1501.205 Standard forms of war risk liability insurance, exclusive of cargo liability, interim binders.

The standard forms of war risk liability insurance, exclusive of cargo liability, interim binders for premium and non-premium insurance shall be those set forth in § 1501.106.

§ 1501.206 Standard forms of war risk liability insurance, exclusive of cargo liability, policies.

UST Form No. WRI–4B (Rev. 9–63), war risks only:

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
Policy No. NON–PR–LWR ------

The United States of America (hereinafter referred to as the Insurer), represented by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, by this Policy of insurance, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, and in consideration of the agreement of the Secretary of Defense, to indemnify the Secretary of Commerce against all losses covered by War Risk Insurance provided, without premium, for United States air carriers having air transportation contracts with the Department of Defense and the payment of binding fees, does insure, without premium, ---------- (hereinafter referred to as the Insured) as specified in this Policy.

Insurance of the type indicated and in the limits shown below is provided in respect to each of the aircraft shown in the "Schedule of Aircraft and Government Contracts," attached hereto and made a part hereof, while being operated by the Insured under a contract listed in such schedule. The "Schedule of Aircraft and Government Contracts" may be revised from time to time by agreement of the Under Secretary of Commerce for Transportation and the Insured and with the approval of the Military Air Transport Service to add aircraft or to add contracts.

Type of coverage	*Each person*	*Each occurrence*
Bodily injury or death (excluding passengers)	$---------	$---------
Property damage		$---------
Bodily injury or death (passengers)	$---------	$---------
Baggage and personal effects		$---------

The above amounts may not exceed the corresponding amounts in effect on the date of application for this insurance by which the Insured has insured, or self-insured, itself against similar liability arising from risks other than the war risks covered by this Policy.

The Insured agrees that if the amounts of insurance, or self-insurance, carried against liabilities arising from such other risks are reduced to amounts less than the amounts of insurance provided by this Policy, the insurance under this Policy shall be considered to have been automatically reduced to the new amounts at the time of such reduction.

This insurance covers from ------ M., e.s.t. of the ------ day of ----------, 19--, until cancelled or terminated in accordance with the terms of this Policy.

Subject to the limits of liability, exclusions, conditions and other terms of this Policy, the Insurer hereby agrees to pay on behalf of the Insured all sums which the Insured shall be legally liable to pay and shall pay or by final judgment be adjudged to pay to any person or persons, including damages for care and loss of services, for personal injuries sustained, including death at any time resulting therefrom, or by reason of loss or damage to or destruction of property, including the loss of use thereof (but excluding property owned, rented, leased, in charge of, or transported by the Insured other than passenger baggage), in respect of the aircraft described and set forth in the attached "Schedule of Aircraft and Government Contracts" (each aircraft separately insured), while such aircraft are being operated by the Insured under the contracts listed in the Schedule, resulting from the risks which would be excluded from a commercial Aviation Liability Policy by the following clause:

"Any liability arising out of occurrence due directly or indirectly to war, invasion, insurrection, military, naval or usurped power, or by order of any civil authority."

Notwithstanding anything contained in the foregoing clause, this insurance does not cover any loss or damage or any legal liability arising out of or caused by or resulting from capture, seizure, arrest, restraint, detainment, preemption, confiscation or requisition by the Government of the United States, or from arrests, restraints, or detainments under Customs or quarantine regulations or similar arrests, restraints or detainments not arising from actual or impending hostilities or sanctions.

The Insured shall, unless directed otherwise by the Insurer: defend in its name and behalf any suit against it alleging such injury or destruction and seeking damages on account thereof, even if such suit is groundless, false or fraudulent; but the Insurer shall at its election have the right to participate in or conduct such defense and to make such investigation, negotiation and settlement of any claim or suit as may be deemed expedient by the Insurer.

The Insurer shall reimburse the Insured, if suit is defended by the Insured, for: All premiums on bonds to release attachments for an amount not in excess of the applicable limits of liability of this Policy, all premiums on appeal bonds required in such suit, all costs taxed against the Insured in such suit, all expenses incurred by the Insured, all interest accruing after entry of judgment until the Insurer has paid, tendered or deposited in court such part of such judgment as does not exceed the limit of the Insurer's liability thereon; *Provided*, That the Insurer shall pay only such expenses incurred as a result of a claim covered by this Policy.

In the event of any happening which may result in loss, damage or expense for which the Insurer may become liable, prompt notice thereof, on being known to the Insured, shall be given by the Insured to the Under Secretary of Commerce for Transportation, but failure to give such prompt notice because of wartime emergency conditions or regulations shall not prejudice this insurance.

If claim is made or suit is brought against the Insured, the Insured shall immediately forward to the Insurer a copy of every demand, notice, summons or other process received by him or his representatives.

The Insured shall not make any admission of liability, either before or after any occurrence which may result in a claim for which the Insurer may be liable. The Insured shall not interfere in any negotiations of the Insurer for settlement of any legal proceedings in respect of any occurrence for which the Insurer is liable under this Policy: *Provided, however*, That in respect of any occurrence likely to give rise to a claim under this Policy, the Insured is obligated to and shall take such steps to protect his and the Insurer's interests as would reasonably be taken in the absence of this or similar insurance.

Whenever required by the Insurer, the Insured shall aid in securing information and evidence and in obtaining witnesses and shall cooperate with the Insurer in the defense of any claim or suit or in the appeal from any judgment, in respect of any occurrence as hereinbefore provided.

No action shall lie against the Insurer unless as a condition precedent thereto, the Insured shall have fully complied with all of the terms of this Policy nor until the amount of the Insured's obligation to pay shall have been finally determined either by judgment against the Insured after actual trial or by written agreement of the Claimant and the Insurer. Any person or organization or the legal representative thereof who has secured such judgment or written agreement shall thereafter be entitled to recover under this Policy to the extent such judgment or written agreement is not in excess of the insurance afforded by this Policy. Nothing contained in this Policy shall give any person or organization any right to join the Insurer as a co-defendant in any action against the Insured to determine the Insured's liability. Bankruptcy or insolvency of the Insured or of the Insured's estate shall not relieve the Insurer of any of its obligations hereunder.

The Insurer shall be subrogated to all the rights which the Insured may have against any other person or entity, in respect of any payment made under this Policy, to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure to the Insurer such rights.

The insurance provided hereunder applies only to the aircraft described in the attached "Schedule of Aircraft and Government Contracts" while the aircraft involved is being operated by the Insured, during the Policy period, under a contract listed in that Schedule when the injury, loss or damage leading to the liability occurs. Such operations under the listed contracts shall be deemed to include ferry flights to position or deposition the aircraft, provided that on such ferry flight the aircraft does not carry any passengers, cargo or mail for remuneration or hire, and provided further that such ferry flight is operated nonstop (i) to the point of origin of the military traffic flight or (ii) from the point of destination of the military traffic flight back to the point of origin, or to a maintenance base normally used by the Insured, or to a point where the Insured intends to place the aircraft in commercial or military service.

The insurance provided hereunder does not cover any liability under the provisions of Public Law 267, 64th Congress, approved September 7, 1916, known as the Federal Employees Compensation Act.

The insurance provided hereunder does not apply to persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

This Policy shall terminate:

(a) Upon expiration of the authority of the Secretary of Commerce to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Five (5) days after telegraphic notice of cancellation has been dispatched to the Insured by the Under Secretary of Commerce for Transportation, or

(c) As to any aircraft or contract upon the date specified in a notice from the Insured to the Under Secretary of Commerce for Transportation requesting such cancellation, or

(d) As to any aircraft or contract five (5) days after telegraphic notice of cancellation has been dispatched to the Insured by the Under Secretary of Commerce for Transportation, with the approval of the Military Air Transport Service.

Warranted free from any claim for loss, damage or expense covered under any commercial policy in effect for the benefit of the Insured. This Policy may be cancelled, in whole or in part, by the Under Secretary of Commerce for Transportation if comparable insurance becomes obtainable on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The Insured agrees that it will promptly notify the Under Secretary of Commerce for Transportation of any significant change in the terms and conditions under which insurance of the type provided by this Policy is obtainable from such commercial sources.

Warranted that during the term of this insurance the aircraft insured hereunder are American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended, and if at any time during such term an aircraft shall cease to be an American aircraft as so defined, the insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft without return of binding fee unless the Under Secretary of Commerce for Transportation agrees otherwise.

UNITED STATES OF AMERICA
By UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION, ACTING FOR THE SECRETARY OF COMMERCE.

(Under Secretary of Commerce for Transportation)

Date ----------

(Additional standard forms of war risk liability insurance, exclusive of cargo liability, policies will be prescribed by the Under Secretary of Commerce for Transportation, and published in the FEDERAL REGISTER as an amendment to this section.)

Subpart D—War Risk Carriers Liability to Cargo Insurance

§ 1501.300 Limits of liability insurance for which application may be made.

Applicants for war risk carriers liability to cargo insurance shall state the limits of liability desired, but the limit for any one accident shall not exceed $1,000,000.00.

§ 1501.301 Form of application.

Applications submitted shall be in strict accordance with one of the following forms:

(a) UST Form No. WRI–6 (Rev. 9–63), war risks only:

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
Application for Premium War Risk Carriers Liability to Cargo Insurance

Application is made for Premium War Risk Carriers Liability to Cargo Insurance, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability or make the applicant liable for any premium unless insurance is effected by the Under Secretary of Commerce for Transportation:

Name of applicant ----------
Address ----------
Loss, if any, payable to ----------

Limits of liability desired for each of the aircraft described in the attached Schedule of Aircraft shall be specified, but the limit for any one accident shall not exceed $1,000,000.00.

Insurance to attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect to an insured peril within 24 hours of such outbreak of war,

this insurance shall not attach until midnight G.M.T. of the day on which the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

If this application is for insurance with respect to a foreign-flag aircraft, it shall be accompanied by the statement specified in § 1501.3 of Under Secretary of Commerce for Transportation General Order—War Risk Insurance (Third Revision) (Part 1501, Title 14, Code of Federal Regulations) which statement shall be deemed to be a part of this application.

Binding fee (not returnable unless application is rejected) is $25 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

Rate of premium shall be fixed by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce.

The war risk insurance applied for hereunder shall not cover war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, will constitute the basis of any contract between him and the United States of America.

Applicant ----------
By ----------
(Name and Title)
Date ----------

Schedule of Aircraft

(To be attached to UST Form No. WRI–6 (Rev. 9–63))

Make, model, and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Limits of liability desired for each aircraft*
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(b) UST Form No. WRI–6A (Rev. 9–63), war risks only:

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
Application for Non-Premium War Risk Carriers Liability to Cargo Insurance

Application is made for War Risk Carriers Liability to Cargo Insurance, without premium, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached Schedule of Aircraft, with the understanding that this application does not commit the Government to any liability unless insurance is effected by the Under Secretary of Commerce for Transportation.

Name of applicant ----------
Address ----------
Date and number of applicant's Department of State contract(s) ----------
----
Loss, if any, payable to ----------

Limits of liability desired for each of the aircraft described in the attached Schedule of Aircraft shall be specified but the limit for any one accident shall not exceed $1,000,000.00.

Insurance to attach while the aircraft described in the attached Schedule are being operated by the applicant under its Department of State contract(s) No. ----------, dated ----------

Binding fee (not returnable unless application is rejected) is $25 per aircraft.

Check payable to the Treasurer of the United States for the total amount of all binding fees enclosed herewith.

The war risk insurance applied for hereunder shall not cover war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Applicant warrants that the particulars herein are true and complete to the best of his knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application and the terms and conditions of the form of policy prescribed by the Under Secretary of Commerce for Transporation, acting for the Secretary of Commerce, for war risk carriers liability to cargo insurance provided to United States air carriers having agreements with the Department of State, will constitute the basis of any contract between him and the United States of America.

Applicant _____
By _____
(Name and Title)

Date _____

Schedule of Aircraft

(To be attached to UST Form No. WRI-6A (Rev. 9-63))

Make, model and configuration (passenger, cargo, or convertible)	*FAA identification No. or equivalent*	*Limits of liability desired for each aircraft*

§ 1501.302 Issuance of interim binder: its terms and conditions.

Upon acceptance of an application, an interim binder in the form of one of those set forth in § 1501.305 will be issued, and there shall be deemed to be incorporated therein by reference all of the terms, conditions and warranties contained in the standard war risk carriers liability to cargo insurance policies to be prescribed by the Under Secretary of Commerce for Transportation, pursuant to the provisions of § 1501.306, to the same extent as if such policies were made a part of the binder. The binding fee shall be $25 per aircraft.

§ 1501.303 Sums which will be insured.

The sums insured shall be those stated in the application, but the liability for any one accident shall not exceed $1,000,000.00.

§ 1501.304 Calculation of premiums.

Premiums will be calculated by multiplying the applicable premium rate by the gross revenue received by the Insured for the transportation of cargo.

§ 1501.305 Standard forms of war risk carriers liability to cargo insurance interim binders.

The following are the standard forms of carriers liability to cargo insurance interim binders for premium and non-premium war risk carriers liability to cargo insurance:

(a) UST Form No. WRI-7 (Rev. 9-63), war risks only:

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Interim Binder No. PR-CLWR

The United States of America, represented by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Carriers Liability to Cargo War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft.

Name of Insured _____
Address _____
Loss, if any, payable to _____
_____

Limits of liability set forth in the Schedule of Aircraft attached to the Insured's application for premium war risk carriers liability to cargo insurance, a copy of which is attached hereto and made a part hereof, as representing the limits of liability insurance desired for each of such aircraft shall be the sums insured, but liability for any one accident shall not exceed $1,000,000.00.

Attaching in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics and the United States of America), at and from 24 hours from midnight G.M.T. of the day on which such outbreak of war occurs. Nevertheless, should the aircraft:

(1) Be in the air when such outbreak of war occurs, or

(2) Being at an airport depart therefrom as a measure of safety in respect to an insured peril within 24 hours of such outbreak of war,

this insurance shall not attach until midnight G.M.T. of the day on which the aircraft lands wherever such landing may be regardless of whether or not accidental damage has been sustained by the aircraft.

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Commerce to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Five days after telegraphic notice of cancellation has been dispatched to the Insured by the Under Secretary of Commerce for Transportation, or

(d) Upon the issuance of a policy by the Under Secretary of Commerce for Transportation with respect to any insurance bound herein which is covered by that policy,

whichever shall occur first.

The insurance provided hereunder does not cover any war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk carriers liability to cargo insurance policies prescribed by the Under Secretary of Commerce for Transportation pursuant to the provisions of § 1501.306 of Under Secretary of Commerce for Transportation General Order—War Risk Insurance (Third Revision) (Part 1501, Title 14, Code of Federal Regulations).

The premium rate for this insurance shall be subject to review and revision by the Under Secretary of Commerce for Transportation each calendar month. Unless the revised premium rate is accepted in writing by the Insured within ten days after dispatch of notice of the amount thereof, the insurance provided hereunder shall automatically terminate at the end of such ten day period. Premium at the new revised rate shall be charged for the ten day period during which this insurance remained in force, unless the Under Secretary of Commerce for Transportation receives notice within such period of the refusal of the Insured to accept such new revised premium rate, in which event premium at the new revised rate shall be charged for that portion of the ten day period prior to receipt of such notice. Upon receipts of such notice of non-acceptance, the insurance provided hereunder shall terminate, notwithstanding any other provision for cancellation in this binder. In the event this insurance is cancelled, or otherwise terminated, and not replaced by a policy, there shall be a premium charge hereunder for the period during which this insurance has been in force. Premium payments shall be made to the Under Secretary of Commerce for Transportation by check payable to the order of the Treasurer of the United States of America.

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Under Secretary of Commerce for Transportation, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance.

The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect of any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is (1) an American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended, or (2) a foreign-flag aircraft engaged in aircraft operations deemed by the Under Secretary of Commerce for Transportation to be in the interest of the national defense or the national economy of the United States, and if, at any time during the binder period or after insurance attaches hereunder, the aircraft shall cease to come within either (1) or (2) above, or ceases to be operated by the Insured, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft, without return of premium unless the Under Secretary of Commerce for Transportation agrees otherwise.

UNITED STATES OF AMERICA
By UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION, ACTING FOR THE SECRETARY OF COMMERCE.

_____
(Under Secretary of Commerce for Transportation)

Date _____

(b) UST Form No. WRI-7A (Rev. 9-63), war risks only:

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

Interim Binder No. NON-PR-CLWR

The United States of America, represented by the Under Secretary of Commerce for Transportation, acting for the Secretary of Commerce, in consideration of the agreement of the Secretary of State to indemnify the Secretary of Commerce against all losses covered by war risk insurance provided, without premium, for United States air carriers having agreements with the Department of State for the continuation of regularly scheduled service or the provision of charter service, and in consideration of the binding fee provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Title XIII of the Federal Aviation Act of 1958, as amended, against Carriers Liability to Cargo War Risks only, subject to the conditions stated herein, on the aircraft described in the attached Schedule of Aircraft to be operated by the Insured under Department of State contract(s) No. ------, dated _____

Name of Insured _____
Address _____
Loss, if any, payable to _____

Limits of liability set forth in the Schedule of Aircraft attached to the Insured's application for war risk carriers liability to cargo insurance, without premium, a copy of which is attached hereto and made a part hereof, as representing the limits of liability insurance desired for each of such aircraft shall be the sums insured, but liability for any one accident shall not exceed $1,000,000.00.

Attaching while the aircraft described in the schedule are being operated by the Insured under its Department of State contract(s) No. ------, dated _____

This binder shall terminate:

(a) Upon expiration of the authority of the Secretary of Commerce to provide War Risk Insurance under Title XIII of the Federal Aviation Act of 1958, as amended, or

(b) Three years from its date, or

(c) Upon expiration or cancellation of the Insured's agreement(s) with the Department of State dated _____, or

(d) Five days after telegraphic notice of cancellation has been dispatched to the Insured by the Under Secretary of Commerce for Transportation, or

(e) Upon the issuance of a policy by the Under Secretary of Commerce for Transportation with respect to any insurance bound herein which is covered by that policy,

whichever shall occur first.

The insurance provided hereunder does not cover any war risks on property (cargo) transported exclusively in air commerce within the several States of the United States and the District of Columbia.

There shall be deemed to be incorporated herein all of the terms, conditions, and warranties contained in the applicable war risk carriers liability to cargo insurance policies prescribed by the Under Secretary of Commerce for Transportation pursuant to the provisions of § 1501.306 of Under Secretary of Commerce for Transportation General Order—War Risk Insurance (Third Revision) (Part 1501, Title 14, Code of Federal Regulations).

In the event of any loss covered by this binder, prompt notice thereof shall be given by the Insured to the Under Secretary of Commerce for Transportation, but failure to give such prompt notice because of wartime conditions or regulations shall not prejudice this insurance. The Insurer shall be subrogated to all rights which the Insured may have against any other person or entity in respect to any payment made under this binder to the extent of such payment, and the Insured shall, upon the request of the Insurer, execute all documents necessary to secure such rights to the Insurer.

Warranted that during the period of this binder and the term of any insurance attaching hereunder the aircraft is an American aircraft as defined in section 1301(a), Title XIII of the Federal Aviation Act of 1958, as amended, and if, at any time during the binder period or after insurance attaches hereunder the aircraft shall cease to be an American aircraft as so defined, or ceases to be under the agreement with the Department of State, this binder and insurance provided hereunder shall automatically terminate at the time of such change with respect to such aircraft, without return of binding fee unless the Under Secretary of Commerce for Transportation agrees otherwise.

UNITED STATES OF AMERICA
By UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION, ACTING FOR THE SECRETARY OF COMMERCE.

_____
(Under Secretary of Commerce for Transportation)

Date _____

§ 1501.306 Standard forms of war risk carriers liability to cargo insurance policies.

Standard forms of war risk carriers liability to cargo insurance policies for premium and non-premium insurance will be prescribed by the Under Secretary of Commerce for Transportation, and published in the FEDERAL REGISTER as an amendment to this section.

§ 1501.307 Effect on other General Orders—War Risk Insurance.

This part supersedes all General Orders—War Risk Insurance previously issued.

Dated: September 30, 1963.

C. D. MARTIN, Jr.,
Under Secretary of Commerce for Transportation.

[F.R. Doc. 63-11405; Filed, Oct. 30, 1963; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 880—CIVILIAN PERSONNEL EMPLOYMENT POLICIES

A new Part 880 is added as follows:

Sec.
880.1 Purpose.
880.2 Employment objective.
880.3 Factors to consider in making employee selections.
880.4 Keeping employees informed on policies.
880.5 Releasing employees for position change or transfer.

AUTHORITY: §§ 880.1 to 880.5 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 40-301, October 7, 1963.

§ 880.1 Purpose.

This part states employment policies for positions in either the competitive or the excepted service when paid from appropriated funds. These policies also apply to non-U.S. citizen personnel in foreign areas and in Guam, provided that they are not in conflict with the local laws, customs, and practices.

§ 880.2 Employment objective.

The principal objective of the Air Force civilian personnel program is to recruit, place, and retain the best available civilian personnel to provide the maximum productivity and economy of operation for the Air Force.

§ 880.3 Factors to consider in making employee selections.

(a) *Order of consideration.* Air Force employees and former employees on the reemployment priority list are given first consideration for positions which provide advancement or opportunity for growth. Present or long-range management needs, however, may require recruiting of new employees who have potential or who possess qualifications not readily available to the same extent in the workforce. In considering applicants outside the Air Force, provision will be made for adequate consideration of qualified employees and comparative evaluation of outside applicants, but formal ranking of these applicants with Air Force employees is not required.

(b) *Unbiased consideration.* In filling positions, recommendations and selections will be based on merit and qualifications. This means that selections must be made without regard to age, race, sex, color, religion, national origin, physical handicap, marital status, or lawful political or group affiliation. For the majority of positions these factors are not related to qualification requirements and to use them as such constitutes discrimination.

(c) *Sex consideration.* Consideration of eligibles for appointment, noncompetitive action, or for purposes of training, will not be restricted by sex, except in unusual circumstances where such action is found justified by the Civil Service Commission.

§ 880.4 Keeping employees informed on policies.

The civilian personnel officer will keep employees informed of Air Force, command, and installation policies for filling positions—both by recruitment and in-service placement. He provides this information through planned staff visits to supervisors, base newspapers, bulletin boards, orientation sessions, or other communications media.

§ 880.5 Releasing employees for position change or transfer.

(a) Attempting to restrict employees from accepting position changes is contrary to the Air Force policy of maintaining a competent career service and of making maximum use of available skills. It is an undesirable practice which results in employee dissatisfaction, lowered efficiency, and the loss of desirable employees through resignation, the consequences of which are more detrimental to the Air Force as a whole than the loss to a particular unit of the services of an employee. Also, employees will not be refused a release for the purpose of accepting a position in another Federal agency.

(b) Employees will be released promptly for position change, whether within an installation or between Air Force installations. Normally, a release will be granted within 20 calendar days following notice to the losing supervisor of the selection. In unusual cases the

release may be extended by mutual agree-

[T.D. 56032]

a petition (FAP 1111) filed by Cavedon

release may be extended by mutual agreement to a maximum of 30 calendar days. A release will not be conditioned upon ability to obtain a replacement.

(c) In negotiating the date an employee will leave to accept appointment with another Federal agency, supervisors may request two weeks' notice; or when a longer period is necessary to permit training of a replacement, they may request up to 30 days. In no case will a period be requested which would jeopardize the employee's transfer.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63-11471; Filed, Oct. 30, 1963; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56035]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Deletion of Crosby, N. Dak., as Customs Port of Entry

OCTOBER 22, 1963.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), the designation of Crosby, North Dakota, as a customs port of entry in Customs Collection District No. 34 (Dakota) is revoked, effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1(c), Customs Regulations, is amended by deleting "Crosby, N. Dak." from the column headed "Ports of Entry" in District No. 34 (Dakota).

Notice of the proposed revocation of Crosby, North Dakota, as a customs port of entry was published in the FEDERAL REGISTER on September 5, 1963 (28 F.R. 9696), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-11532; Filed, Oct. 30, 1963; 8:48 a.m.]

[T.D. 56032]

PART 6—AIR COMMERCE REGULATIONS

Mail Manifest Copy of Transit Air Cargo Manifest

Section 6.23 of the Customs Regulations provides a procedure for the transportation of transit air cargo from the port of arrival to another port for exportation with the use of the required number of transit air cargo manifest sheets. Section 6.23(g) implies that the mail manifest copy, which is forwarded to the port of exportation from the port of arrival, may be closed out at the port of exportation with the use of the carrier manifest copy, which is required to be delivered to Customs upon arrival of the shipment at the port of exportation. There is no requirement that the carrier manifest copy show the exporting aircraft number, flight number and date, which is essential to a certification of exportation. This information is required to be shown on the exportation copy furnished to customs.

Therefore, the second sentence of § 6.23 (g), Customs Regulations, is amended by substituting "an exportation copy" for "a carrier manifest copy." The sentence as amended reads as follows: "When all or part of the cargo covered by a mail manifest copy is not closed out by an exportation copy, or a diversion copy endorsed by Customs at another port, within 40 days from the date of receipt of the mail manifest copy, the collector of customs must, without making inquiry of any carrier, make an appropriate report to the port of arrival and this report must be processed and action taken in accordance with § 6.22 (c), (d), and (e) of these regulations."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 22, 1963.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-11531; Filed, Oct. 30, 1963; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1111) filed by Cavedon Chemical Company, Inc., 26 Avenue C, Woonsocket, Rhode Island, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of alkenyl(C_{16}-C_{18}) - dimethylethylammonium bromide as a slime-control substance in the preparation of slimicides employed in the manufacture of paper and paperboard intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2505 *Slimicides* is amended by inserting alphabetically in paragraph (c) the following new item:

List of substances	Limitations
• • •	• • •
Alkenyl(C_{16}-C_{18})dimethylethylammonium bromide.	.....

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 24, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-11529; Filed, Oct. 30, 1963; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin-Neomycin Undecylenate Otic Drops

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for bacitracin and bacitracin-containing drugs are amended to provide for the certification of and tests and methods of assay for bacitracin-neomycin undecylenate otic drops by adding to Parts 141e and 146e two new sections, as follows:

§ 141e.432 Bacitracin-neomycin undecylenate otic drops.

(a) *Otic drops*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed in § 141e.401(a) except § 141e.401(a)(3), and in lieu of the directions in § 141e.401(a)(1)(ii) prepare the sample as follows: Place an accurately measured representative portion of the sample (usually approximately 1 milliliter) in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 1 percent phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and then make the proper dilutions in 1 percent phosphate buffer, pH 6.0, to one unit per milliliter (estimated). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Neomycin content.* Proceed as directed in § 141e.410(b)(1), except prepare the sample for assay as follows: Place an accurately measured representative portion of the sample (usually approximately 1 milliliter) in a 100-milliliter volumetric flask containing 5.0 milliliters chloroform, and mix well. Fill the flask to volume with 95 percent ethyl alcohol and mix well. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to either reference point, depending on the organism used. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.7(c) of this chapter.

(b) *Neomycin undecylenate used in making the otic drops*—(1) *Neomycin content.* Proceed as directed in § 141e.410(b)(1), except prepare the sample for assay as follows: Accurately weigh approximately 500 milligrams of neomycin undecylenate, transfer to a 250-milliliter volumetric flask, add 50 milliliters of chloroform, and mix well. Adjust to volume with 95 percent ethyl alcohol, and mix well. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to either reference point, depending on the organism used.

(2) *Undecylenic acid content.* (i) Reagents:

95 percent ethyl alcohol (aldehyde-free).

Phenolphthalein indicator: Dissolve 1 gram of phenolphthalein in 100 milliliters of alcohol.

Alcoholic sodium hydroxide (about 0.1 normal): Weigh rapidly about 5 grams of sodium hydroxide pellets, dissolve in 10 milliliters of water, and add sufficient aldehyde-free alcohol to make 1 liter. Allow the solution to stand in a tightly stoppered bottle protected from light for 24 hours, then quickly decant the clear supernatant into a suitable tight container, and store protected from light. Determine the undecylenic acid equivalent of this solution each time an assay is performed.

(ii) Procedure: Weigh accurately two 100-milligram portions of undecylenic acid (N.F. grade), and place each into separate Erlenmeyer flasks. Also, make two accurate weighings of the neomycin undecylenate sample, each consisting of about 120 milligrams, and place each into separate Erlenmeyer flasks. Carefully dissolve each of the undecylenic acid authentics and each of the samples in 10 milliliters of 95 percent ethyl alcohol. Add two drops of phenolphthalein indicator to each of the four flasks. Titrate each sample with 0.1*N* alcoholic sodium hydroxide to a phenolphthalein endpoint. Determine the amount of alcoholic sodium hydroxide equivalent to 10 milliliters of 95 percent ethyl alcohol and make this reagent-blank correction for each titration. From the undecylenic acid equivalent of the alcoholic sodium hydroxide, calculate the undecylenic acid content of neomycin undecylenate.

(3) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter, except use a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol.

(5) *Identity.* Weigh approximately 1 milligram of neomycin undecylenate and mix thoroughly with 200 milligrams of dried infra-red spectrophotometric quality potassium bromide in a small ball mill for about 1 minute. Prepare a potassium bromide disk by transferring the uniform mixture to a dye of suitable size. Evacuate gradually while raising the pressure to 3,000 pounds per square inch. Hold at 3,000 pounds per square inch until evacuation is complete and then raise the pressure to 20,000 pounds per square inch. Hold the pressure for 2 or 3 minutes. Using a suitable infra-red spectrophotometer, run the spectrum from 2 microns to 16 microns. Use an attenuator if necessary. Characteristic undecylenic acid peak absorbancies occur at 7.1 and 11 microns, distinguishing neomycin undecylenate from neomycin sulfate.

§ 146e.432 Bacitracin-neomycin undecylenate otic drops.

(a) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin undecylenate otic drops is bacitracin and neomycin undecylenate in a vegetable oil vehicle, with a suitable and harmless suspending agent. It may contain a suitable local anesthetic and cortisone or a suitable derivative of cortisone. Each milliliter contains not less than 500 units of bacitracin and the equivalent of not less than 3.5 milligrams of neomycin. The moisture content is not more than 1 percent. The bacitracin used conforms to the standards prescribed therefor by § 146e.401(a), except § 146e.401(a)(2), (3), (4), and (8). The neomycin undecylenate used has a potency of not less than 300 micrograms of neomycin base activity per milligram (calculated on the anhydrous basis), an undecylenic acid content of not less than 600 micrograms per milligram, and a moisture content of not more than 5.0 percent. Its pH in a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol is not less than 6.5 and not more than 7.0. It gives a positive infra-red identity test for neomycin undecylenate. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be glass, so closed as to be a tight container as defined by the U.S.P., and of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(ii) If it contains one or more of the active ingredients specified in paragraph (a) of this section, after the name "bacitracin-neomycin undecylenate otic drops," wherever it appears, the words "with _____," in juxtaposition with such name, the blank being filled in with the common or usual name of each such ingredient used.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the bacitracin and neomycin undecylenate used in making such batch were completed, the number of units of bacitracin and the number of milligrams of neomycin in each milliliter, the quantity of each ingredient used in making the batch, the date on which the latest assay of the batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: The number of units of bacitracin and the number of milligrams of neomycin per milliliter, and moisture content.

(ii) The bacitracin used in making the batch: Potency, moisture, pH, and ash content.

(iii) The neomycin undecylenate used in making the batch: Neomycin content,

undecylenic acid content, moisture, pH, and identity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch: Six packages, containing approximately equal portions of not less than 0.5 gram.

(iii) The neomycin undecylenate used in making the batch: 10 Packages, each containing approximately equal portions of not less than 300 milligrams.

(iv) In case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 5 grams.

(4) The results referred to in subparagraph (2) (ii) and (iii) of this paragraph and the samples referred to in subparagraph (3) (ii) and (iii) of this paragraph are not required if such results or samples have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d)(3)(i) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of the order, and I so find, since the drug bacitracin-neomycin undecylenate otic drops has been found to be safe and efficacious for use, conditions precedent to its certification.

Effective date. This order becomes effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 24, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-11528; Filed, Oct. 30, 1963; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

PART 163—ESTABLISHMENT OF ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

Wind River Reservation, Wyoming

On page 7949 of the FEDERAL REGISTER of August 3, 1963, there was published a notice of intention to amend § 163.1 of Title 25 Code of Federal Regulations. The purposes of the amendment are to reduce the size of the roadless area on the Wind River Reservation, Wyoming from 220,000 acres to 180,387 acres and to change the name of the roadless area to the "Wind River Reserve."

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing on the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30 day period, no comments, suggestions or objections were received, and the proposed amendment is hereby adopted without change and is set forth below.

The lands affected by the regulation are the private property of the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyoming, though held in trust by the United States, and the portions to be eliminated from the reserve are needed by the tribes for development as an outdoor recreational site and for gathering of fallen timber by tribal members for firewood. Further, the councils of the two tribes requested the promulgation of the amendment. For these reasons, it has been determined that it is in the best interest of the Indians and the public to make the amendment effective immediately. Therefore, the amendment shall become effective on the date of this publication in the FEDERAL REGISTER.

(R.S. 161, 5 U.S.C. 22)

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 24, 1963.

Section 163.1 is amended to reflect a reduced and renamed roadless area on the Wind River Reservation, Wyoming, and to read as follows:

§ 163.1 **Definition of roadless areas.**

A roadless area has been defined as one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country and at least 500,000 acres in non-forested country. Under this definition the Secretary of the Interior ordered (3 F.R. 609, March 22, 1938) certain roadless areas established on Indian reservations. The following are the presently existing roadless areas:

Name of area	Reservation	State	Approximate acreage
Wind River Reserve.	Wind River...	Wyoming.	180,387
Mesa Verde....	Ute Mountain.	Colorado..	115,000

(a) The boundaries of the Wind River Reserve roadless area are as follows: Wind River Meridian, Wyoming. Starting at the SW corner of sec. 22, T. 2 S., R. 3 W., on the south boundary of the Wind River Indian Reservation, thence north six (6) miles to the NE corner of sec. 28, T. 1 S., R. 3 W., thence west three (3) miles to the SW corner of sec. 19, T. 1 S., R. 3 W., thence north four (4) miles along range line to the Wind River Base Line, thence west one (1) mile along Wind River Base Line to the SW corner of sec. 36, T. 1 N., R. 4 W., thence north six (6) miles to the NW corner of sec. 1, T. 1 N., R. 4 W., thence west five (5) miles along township line to the NE corner of sec. 1, T. 1 N., R. 5 W., thence north four and one-half (4½) miles along Range line to the NE corner of the SE¼ of sec. 12, T. 2 N., R. 5 W., thence west one and one-half (1½) miles to the center of sec. 11, T. 2 N., R. 5 W., thence on a straight line in a northwesterly direction to the top of Bold Mountain, thence on a straight line to the SE corner of sec. 35, T. 4 N., R. 6 W., thence west one (1) mile along township line to the SW corner of sec. 35, T. 4 N., R. 6 W., thence north two (2) miles to the NW corner of sec. 26, T. 4 N., R. 6 W., thence on a straight line in a northwesterly direction to the point where the north line of sec. 15, T. 4 N., R. 6 W. intersects the West boundary of the Reservation, thence south, southeasterly and east along the Reservation boundary to point of beginning.

(b) The boundaries of the Mesa Verde roadless area are as follows: Starting at the point where U.S. Highway No. 666 cuts the northern boundary of the reservation, thence south along said highway to the junction with the road in sec. 31, T. 33 N., R. 17 W., thence along the road running east to Floyd Reservoir, thence along the road running to Kraft Reservoir, thence along the east and north boundary of the reservation to the point of beginning.

[F.R. Doc. 63-11491; Filed, Oct. 30, 1963; 8:47 a.m.]

APPENDIX—EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

Trust Periods Expiring During Calendar Years 1964 Through 1968, Inclusive

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), the Act of June 21, 1906 (34 Stat. 325, 326), and the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended would expire during calendar years 1964 through 1968, inclusive, be, and the same are hereby, extended until January 1, 1969.

This Order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 24, 1963.

[F.R. Doc. 63-11492; Filed, Oct. 30, 1963; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6688]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Definition of Controlled Foreign Corporation

On January 29, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 828) regarding the amendments of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 957(a) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1017). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments set forth below are hereby adopted. The amendments shall apply with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such corporations end. In addition, paragraph 3 hereof contains an amendment which was inadvertently omitted from Treasury Decision 6683.

PARAGRAPH 1. Section 1.957 is amended to read as follows:

§ 1.957 **Statutory provisions; controlled foreign corporations; United States persons.**

SEC. 957. *Controlled foreign corporations; United States persons*—(a) *General rule.* For purposes of this subpart, the term "controlled foreign corporation" means any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned (within the meaning of section 958(a)), or is considered as owned by applying the rules of ownership of section 958(b), by United States shareholders on any day during the taxable year of such foreign corporation.

* * * * *

(c) *Corporations organized in United States possessions.* For purposes of this subpart, the term "controlled foreign corporation" does not include any corporation created or organized in the Commonwealth of Puerto Rico or a possession of the United States or under the laws of the Commonwealth of Puerto Rico or a possession of the United States if—

(1) 80 percent or more of the gross income of such corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within the Commonwealth of Puerto Rico or a possession of the United States; and

(2) 50 percent or more of the gross income of such corporation for such period, or for such part thereof, was derived from the active conduct within the Commonwealth of Puerto Rico or a possession of the United States of any trades or businesses constituting the manufacture or processing of goods, wares, merchandise, or other tangible personal property; the processing of agricultural or horticultural products or commodities (including but not limited to livestock, poultry, or fur-bearing animals); the catching or taking of any kind of fish or the mining or extraction of natural resources, or any manufacturing or processing of any products or commodities obtained from such activities; or the ownership or operation of hotels.

For purposes of paragraphs (1) and (2), the determination as to whether income was derived from sources within the Commonwealth of Puerto Rico or a possession of the United States and was derived from the active conduct of a described trade or business within the Commonwealth of Puerto Rico or a possession of the United States shall be made under regulations prescribed by the Secretary or his delegate.

* * * * *

[Sec. 957 (a) and (c) as added by sec. 12(a), Revenue Act 1962 (76 Stat. 1017)]

PAR. 2. There is inserted immediately after § 1.957 the following new section:

§ 1.957-1 **Definition of controlled foreign corporation.**

(a) *In general.* For purposes of sections 951 through 964, the term "controlled foreign corporation" means any foreign corporation of which more than 50 percent (or more than 25 percent, in a case to which section 957(b) and § 1.957-2 apply) of the total combined voting power of all classes of stock entitled to vote is owned within the meaning of section 958(a), or is considered as owned by applying the rules of ownership of section 958(b), by United States shareholders on any day of the taxable year of such foreign corporation. For definition of the term "United States shareholder," see section 951(b) and the regulations thereunder. For definition of the term "foreign corporation," see § 301.7701-5 of this chapter (Procedure and Administration Regulations). For treatment of associations as corporations, see section 7701(a)(3) and §§ 301.7701-1 and 301.7701-2 of this chapter. For definition of the term "stock," see sections 958(a)(3) and 7701(a)(7). For the classification of a member in an association, joint-stock company, or insurance company as a shareholder, see section 7701(a)(8).

(b) *Percentage of total combined voting power owned by United States shareholders*—(1) *Meaning of combined voting power.* In determining for purposes of paragraph (a) of this section whether United States shareholders own the requisite percentage of total combined voting power of all classes of stock entitled to vote, consideration will be given to all the facts and circumstances of each case. In all cases, however, United States shareholders of a foreign corporation will be deemed to own the requisite percentage of total combined voting power with respect to such corporation—

(i) If they have the power to elect, appoint, or replace a majority of that body of persons exercising, with respect to such corporation, the powers ordinarily exercised by the board of directors of a domestic corporation;

(ii) If any person or persons elected or designated by such shareholders have the power, where such shareholders have the power to elect exactly one-half of the members of such governing body of such foreign corporation, either to cast a vote deciding an evenly divided vote of such body or, for the duration of any deadlock which may arise, to exercise the powers ordinarily exercised by such governing body; or

(iii) If the powers which would ordinarily be exercised by the board of directors of a domestic corporation are exercised with respect to such foreign corporation by a person whom such shareholders have the power to elect, appoint, or replace.

(2) *Shifting of formal voting power.* Any arrangement to shift formal voting power away from United States shareholders of a foreign corporation will not be given effect if in reality voting power is retained. The mere ownership of stock entitled to vote does not by itself mean that the shareholder owning such stock has the voting power of such stock for purposes of section 957. For example, if there is any agreement, whether express or implied, that any shareholder will not vote his stock or will vote it only in a specified manner, or that shareholders owning stock having not more than 50 percent of the total combined voting power will exercise voting power normally possessed by a majority of stockholders, then the nominal ownership of the voting power will be disregarded in determining which shareholders actually hold such voting power, and this determination will be made on the basis of such agreement. Moreover, where United States shareholders own shares of one or more classes of stock of a foreign corporation which has another class of stock outstanding, the voting power ostensibly provided such other class of stock will be deemed owned by any person or persons on whose behalf it is exercised or, if not exercised, will be disregarded if the percentage of voting power of such other class of stock is substantially greater than its proportionate share of the corporate earnings, if the facts indicate that the shareholders of such other class of stock do not exercise their voting rights independently or fail to exercise such voting rights, and if a principal purpose of the arrangement is to avoid the classification of such foreign corporation as a controlled foreign corporation under section 957.

(c) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Foreign corporation R has two classes of capital stock outstanding, 60 shares of class A stock, and 40 shares of class B stock. Each share of each class of stock has one vote for all purposes. E, a United States person, owns 51 shares of class A stock. Corporation R is a controlled foreign corporation.

Example (2). Foreign corporation S has three classes of capital stock outstanding, consisting of 60 shares of class A stock, 40 shares of class B stock, and 200 shares of class C stock. The owners of a majority of class A stock are entitled to elect 6 of the 10 corporate directors, and the owners of a majority of the class B stook are entitled to elect the other 4 of the 10 directors. Class C stock has no voting rights. D, a United States person, owns all of the shares of the class C stock. He also owns 31 shares of class A stock and as such an owner can elect 6 members of the board of directors. None of the remaining shares of class A stock, or the 40 shares of class B stock, is owned, or considered as owned, within the meaning of section 958, by a United States person. Since, as owner of 31 shares of the class A stock, D has sufficient voting power to elect 6 directors, D has more than 50 percent of the total combined voting power of all classes of stock entitled to vote, and S Corporation is a controlled foreign corporation.

Example (3). M, a United States person, owns a 51-percent interest in R Company, a foreign company of which he is a member. The company, if it were domestic, would be taxable as a corporation. The remaining interest of 49 percent in the company is owned by seven other members none of whom is a United States person. The memorandum of association of R Company provides for only one manager, who with respect to the company exercises the powers ordinarily exercised by a board of directors of a domestic corporation. The manager is to be elected by unanimous agreement of all the members. Since M owns 51 percent of the company, he will be deemed to own more than 50 percent of the total combined voting power of all classes of stock of R Company entitled to vote, notwithstanding that he has power to elect a manager only with the agreement of the other members. Company R is a controlled foreign corporation.

Example (4). *Domestic* corporation M owns a 49-percent interest in S Company, a foreign company of which it is a member. The company, if it were domestic, would be taxable as a corporation. Company S is formed under the laws of foreign country Y. The remaining interest of 51 percent in S Company is owned by persons who are not United States persons. The organization contract of S Company provides for one manager, B, a citizen and resident of country Y who is an officer of M Corporation in charge of its foreign operations in such country, or any person M Corporation may at any time appoint to succeed B in such capacity. The manager has the sole authority with respect to S Company to exercise powers ordinarily exercised by a board of directors of a domestic corporation. Since M corporation has the discretionary power to replace B and to appoint his successor as manager of S Company, the company is a controlled foreign corporation.

Example (5). N, a United States person, owns 50 percent of the outstanding shares of the only class of capital stock of foreign corporation R. An additional 48 percent of the outstanding shares is owned by foreign corporation S. The remaining 2 percent of shares is owned by P, a citizen and resident of foreign country T, who regularly acts as attorney for N in the conduct of N's business affairs in country T. All of the shares of the outstanding capital stock of R Corporation are bearer shares. At the time of the issuance of the shares to him, P places the certificates for such shares in a depository to which N has access. On several occasions N, with P's acquiescence, has taken such shares from the depository and, on one such occasion, used the shares as collateral in borrowing funds on a loan. Although dividends, when paid, are paid to P on his shares, his charges to N for legal fees are reduced by the amount of the dividends paid on such shares. Although P votes his shares at meetings of shareholders, the facts set forth above indicate an implied agreement between P and N that N is really to retain dominion over the stock. N is deemed to own the voting rights ostensibly attached to the stock owned by P, and R Corporation is a controlled foreign corporation.

Example (6). M, a domestic corporation which manufactures in the United States and distributes all of its production for foreign consumption through N, a person other than a related person or a United States person, forms foreign corporation S to purchase products from M Corporation and sell them to N. Corporations S and M have common directors. The outstanding capital stock of S Corporation consists of 10,000 shares of $100 par value class A stock, which has no voting rights except to vote for dissolution of the corporation on a share for share basis, and 500 shares of no par class B stock which has full voting rights. Each class of the outstanding stock is to participate on a share for share basis in any dividend. The class A stock has a preference as to assets on dissolution of the corporation to the extent of its par value as well as the right to participate with the class B stock in all other assets on a share for share basis. All of the shares of class A stock are issued to M Corporation in return for property having a value of $1 million. Of the class B stock, 300 of the shares are issued to N in return for $3,000 in cash and 200 shares are issued to M Corporation for $2,000 in cash. At stockholder meetings N never votes in opposition to M Corporation on important issues. Corporation S has average annual earnings of $200,000, all of which will be subpart F income if S Corporation is held to be a controlled foreign corporation. All such earnings are accumulated. Although N ostensibly has 60 percent of the voting power of S Corporation by virtue of his ownership of 300 shares of class B stock, he has the right to only approximately 3 percent of any dividends which may be paid by S Corporation; in addition, upon liquidation of S Corporation, N is entitled to share in the assets only after M Corporation has received the par value of its 10,000 shares of class A stock, or $1 million. Thus, the voting power owned by N is substantially greater than its proportionate share of the earnings of S Corporation. In addition, the facts set forth above indicate that N is not exercising his voting rights independently and that a principal purpose of the capitalization arrangement is to avoid classification of S Corporation as a controlled foreign corporation. For these reasons, the voting power ostensibly provided the class B stock will be deemed owned by M Corporation, and S Corporation is a controlled foreign corporation.

Example (7). Foreign corporation A, authorized to issue 100 shares of one class of capital stock, issues, for $1,000 per share, 45 shares to domestic corporation M, 45 shares to foreign corporation B, and 10 shares to foreign corporation C. Corporation C, a bank, lends $3 million to finance the operations of A Corporation. In the course of negotiating these financial arrangements, D, an officer of C Corporation, and E, an officer of M Corporation, orally agree that C Corporation will vote its stock as M Corporation directs. By virtue of such oral agreement M Corporation possesses the voting power ostensibly owned by C Corporation, and A Corporation is a controlled foreign corporation.

PAR. 3. In Treasury Decision 6683, published in the FEDERAL REGISTER on October 18, 1963 (28 F.R. 11177), subparagraph (2) was inadvertently omitted from paragraph (d) of § 1.955–6. Subparagraph (2) of such paragraph should read as follows:

§ 1.955–6 Gross income from sources within less developed countries.

* * * * * * *

(d) *Sale of tangible personal property.* * * *

(2) *Production defined.* For purposes of this paragraph, the term "produced" means manufactured, grown, extracted, or constructed and includes a substantial transformation of property purchased for resale or the manufacture of a product when purchased components constitute part of the property which is sold. See paragraph (a)(4) (ii) and (iii) of § 1.954–3 for a statement and illustration of the principles set forth in the preceding sentence.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: October 29, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 63–11541; Filed, Oct. 30, 1963; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

Salary Example

Pursuant to section 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), 29 CFR 516 is hereby amended to show a change in the figures in the salary example contained in 29 CFR 516.3.

As this amendment merely reflects a change made necessary by the change in salary test in 29 CFR 541, and concerns interpretative rules, notice and opportunity for public participation regarding it are deemed unnecessary and are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 204). This fact also provides good cause for making the amendment effective immediately. The amendment is hereby made effective immediately.

Section 516.3 of 29 CFR 516 is amended to read as follows:

§ 516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "$435 mo."; "$115 wk."; or "on fee").

Signed at Washington, D.C., this 24th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63–11504; Filed, Oct. 30, 1963; 8:47 a.m.]

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208), the Secretary of Labor by Administrative Order No. 578 (28 F.R. 10270) appointed and convened Review Committee 6–A and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the sweater and knit swimwear industry in Puerto Rico as that industry is defined in 29 CFR 611.1.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR 611.2(a)(1) effective November 3, 1963, to read as follows:

§ 611.2 Wage rates.

* * * * * * *

(a)(1) General classification: $1.17 an hour.

(Sec. 8, 52 Stat. 1064; 29 U.S.C. 208)

Signed at Washington, D.C., this 25th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63–11507; Filed, Oct. 30, 1963; 8:47 a.m.]

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208), the Secretary of Labor by Administrative Order No. 577 (28 F.R. 10270) appointed and convened Review Committee 5–B and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the hosiery industry in Puerto Rico as that industry is defined in 29 CFR 687.1.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR 687.2 effective November 3, 1963, to read as follows:

§ 687.2 Wage rates.

The hosiery industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed in this section shall be paid under subsection 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the hosiery industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *General classification.* (1) The minimum wage for this classification is 82 cents an hour.

(2) This classification applies to all activities of employees in the industry to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(b) *New coverage classification.* (1) The minimum wage for this classification is 78 cents an hour.

(2) This classification applies to all activities of employees in the industry to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064; 29 U.S.C. 208)

Signed at Washington, D.C., this 25th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63–11502; Filed, Oct. 30, 1963; 8:47 a.m.]

PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208), the Secretary of Labor by Administrative Order No. 577 (28 F.R. 10270) appointed and convened Review Committee 5–A and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the sugar manufacturing industry in Puerto Rico as that industry is defined in 29 CFR 689.1.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR 689.2(a)(1) effective November 3, 1963, to read as follows:

§ 689.2 Wage rates.

* * * * * * *

(a)(1) *General sugar classification:* $1.175 an hour.

(Sec. 8, 52 Stat. 1064; 29 U.S.C. 208)

Signed at Washington, D.C., this 24th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63–11506; Filed, Oct. 30, 1963; 8:47 a.m.]

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205 and 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 576 (28 F.R. 8325), the Secretary of Labor appointed and convened Special Industry Committee No. 8 for the Virgin Islands, and referred to it the following: (1) The question of the minimum rate or rates of wages to be fixed for all industry wherein employees are engaged in commerce or in the production of goods for commerce (except those industries or parts thereof formerly described in 29 CFR 694.1 (b), (g), and (h)), and (2) the question of the minimum rate or rates of wages to be fixed for employees covered by the Act for the first time by reason of the 1961 Amendments (i.e., those employed in any enterprise engaged in commerce or in the production of goods for commerce or who are covered by virtue of amendments made to section 13(a) of the Act (29 U.S.C. 213)). Administrative Order No. 576 also gave due notice of the hearing of the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing findings

of fact and recommendations with respect to the matters referred to it.

Accordingly, pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Special Industry Committee No. 8 for the Virgin Islands are hereinafter published in this order revising 29 CFR Part 694.

This revision also sets forth the minimum rates which are to be paid in the Virgin Islands between November 3, 1963, and November 15, 1963, under the provisions of Proviso (1) of paragraph 6 (c) of the Act (29 U.S.C. 206).

Accordingly, 29 CFR Part 694 is hereby revised to read as follows:

Sec.
694.1 Definitions of industries; classifications.
694.2 Minimum wage rates.
694.3 Notices.

AUTHORITY: §§ 694.1 to 694.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 694.1 Definitions of industries; classifications.

(a) *Air transportation industry.* This industry shall include the transportation of passengers and cargo by air, and all activities in connection therewith.

(b) *Alcoholic beverage and industrial alcohol industry.* This industry shall include the manufacture of alcoholic beverages, including, but not by way of limitation, the distilling, rectifying, blending, or bottling of rum, gin, whiskey, brandy, liqueurs, cordials, wine and beer, and the manufacture of industrial and other types of alcohol.

(c) *Banking, real estate, accounting, and insurance industry.* This industry shall include the business carried on by any banking, insurance, financial, real estate, or accounting firm, institution, agency, or enterprise.

(d) *Bay rum and other toilet preparations industry.* This industry shall include the manufacture, including bottling and packaging, of bay oil, bay rum, perfumes, colognes, toilet waters and other toilet preparations.

(e) *Communications and public utilities industry.* This industry shall include the activities carried on by any radio or television system of communication or by any messenger service; and the activities carried on by any public utility enterprise engaged in the furnishing of such services as the transmission of messages, the operation of a telephone system, the generation or distribution of electric power, the manufacture or distribution of gas, the storage or distribution of water, or any similar service.

(f) *Distribution, trucking and construction industry.* This industry shall include: (1) The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the activities of importers, exporters, wholesalers, retailers, public warehouses, and brokers and agents (except realty and financial), including manufacturers' selling agencies; (2) the activities carried on by any common or contract carrier engaged in the transportation of property by motor vehicle; (3) the designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements, and the dismantling, wrecking or other demolition of such improvements and facilities. This industry is divided into two classfications which are designated and defined as follows:

(1) *Retailing classification.* The activities performed by employees of retail enterprises who are subject to section 6 of the Act by reason of the Fair Labor Standards Amendments of 1961.

(2) *General classification.* All activities of employees in the industry except those included in the retailing classification.

(g) *Jewelry, pen, thermometer, industrial belting and miscellaneous metal products industry.* This industry shall include the manufacture of precious and costume jewelry, watchbands, cigarette lighters, scissors, fishing rods and reels, binoculars, ball point pens, thermometers, metal floor dividers, industrial belting and parts therefor, and the assembling and manufacture of clocks and watches. This industry is divided into two classifications which are designated and defined as follows:

(1) *Clock, watch and watchband classification.* The assembling and manufacture of clocks, watches and watchbands.

(2) *General classification.* All activities in the industry except those included in the clock, watch and watchband classification.

(h) *Shipping, marine transportation, and ship and boat building industry* (1) *The industry.* This industry shall include: The transportation of passengers and cargo by water, and all activities in connection therewith, including, but without limitation, the operation of terminals, piers, wharves, and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operations of tourist bureaus, and travel and ticket agencies; and the building, repairing, and maintenance of ships and boats, and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

(2) *Seamen classification in the industry.* This classification of the shipping, marine transportation, and ship and boat building industry in the Virgin Islands shall include the activities of seamen in this industry as defined in subparagraph (1) of this paragraph, and who are no longer exempt from section 6 of the Fair Labor Standards Act of 1938 by reason of the Fair Labor Standards Amendments of 1961.

(i) *Miscellaneous industry.* This industry shall include the manufacture of all products and other activities except those included in the definitions of other industries in the Virgin Islands as defined herein. This industry is divided into four classifications which are designated and defined as follows:

(a) *Textile classification.* The manufacture of all textile and textile products from natural or synthetic fibers, except the spinning of woolen yarn, the making of shoe laces and the manufacture of garments or other articles from purchased fabrics.

(b) *Fruit and vegetable packing, farm products assembling and meat packing classification.* The assembling and preparing for market of fresh fruits, vegetables and other related products; and the slaughtering of meat animals and the dressing and packing of meat, and all operations incidental thereto.

(c) *Stone crushing and quarrying and ready-mixed concrete classification.* All activities of employees engaged in stone crushing, quarrying, sand and gravel operations, the production of ready-mixed concrete, and cement products, and asphalt plant operations.

(d) *General classification.* All services and the manufacture of all products included in the miscellaneous industry, except those products and activities included in any other classification of this industry.

§ 694.2 Minimum wage rates.

(a) *General requirement.* Every employer shall pay to each of his employees in the Virgin Islands, who in any workweek is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce, wages at a rate not less than the minimum rate or rates of wages prescribed in paragraph (b) of this section for the industries and classifications in which such employee is engaged.

(b) *Minimum wage rate table*—(1) *Columns.* The minimum wage rates set forth in column 1 of the following table shall be paid between November 3, 1963, and November 15, 1963, to employees to whom section 6 of the Fair Labor Standards Act of 1938 applies without reference to the Fair Labor Standards Amendments of 1961 and the minimum wages set forth in column 2 shall be paid to them thereafter. The minimum wages set forth in column 3 shall be paid between November 16, 1963, and September 2, 1964, to employees to whom section 6 of the Act applies by reason of the Fair Labor Standards Amendments of 1961, and the minimum rates set forth in column 4 shall be paid to them thereafter.

(2) *Table.*

Industry and classification	Minimum wage rates			
	Column 1	Column 2	Column 3	Column 4
Air transportation	$1.25	$1.25	$1.00	$1.15
Alcoholic beverage	.81	.90	.90	.90
Banking, real estate, accounting and insurance	1.25	1.25	1.00	1.15
Bay rum and other toilet preparations	1.00	1.15	1.00	1.15
Communications and public utilities	(a)	1.25	1.00	1.15
Distribution, trucking and construction:				
Retailing classification			1.00	1.05
General classification	.96	1.15	1.00	1.15
Jewelry, pen, thermometer, industrial belting and miscellaneous metal products:				
Clock, watch and watchband classification	.75	1.15	1.00	1.15
General classification	.81	1.00	1.00	1.00
Shipping, marine transportation and ship and boat building industry:				
Seamen classification			1.00	1.00
General classification	1.25	1.25	1.00	1.15
Miscellaneous industry:				
Textile classification	.75	1.00	1.00	1.00
Fruit and vegetable packing, farm products assembling, and meat packing classification	.75	.75	.75	.75
Stone crushing and quarrying and ready-mixed concrete classification	.75	1.15	1.00	1.15
General classification	.75	.82½	.82½	.82½

[a] The rate applicable to the custodial workers and brush cutters' general classification (29 CFR 694.1(d)(2)) shall be $.96 an hour and the rate applicable to the general classification (29 CFR 694.1(d)(3)) shall be $1.00 an hour. These classifications are deleted as of November 16, 1963.

§ 694.3 Notices.

Every employer subject to the provisions of § 694.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 694.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 24th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63–11503; Filed, Oct. 30, 1963; 8:47 a.m.]

PART 720—RUBBER PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208), the Secretary of Labor by Administrative Order No. 577 (28 F.R. 10270) appointed and convened Review Committee 5–C and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the rubber products industry in Puerto Rico as that industry is defined in 29 CFR 720.1.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR 720.2 (b)(1), (c)(1), and (e)(1) effective November 3, 1963, to read as follows:

§ 720.2 Wage rates.

* * * * * * *

(b)(1) *Rubber bucket classification:* 93.5 cents an hour.

* * * * * * *

(c)(1) *Rubber footwear classification:* $1.00 an hour.

* * * * * * *

(e)(1) *Miscellaneous rubber products classification:* $1.25 an hour.

(Sec. 8, 52 Stat. 1064; 29 U.S.C. 208)

Signed at Washington, D.C., this 25th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63–11505; Filed, Oct. 30, 1963; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER D—CERTIFICATES AND SCRIP

[Circular No. 2125]

PART 131—BOUNTY LAND WARRANTS

Revocation

Public Law 87–558 (76 Stat. 246) repealed the laws relating to military bounty land warrants and provided for cancellation of recorded warrants. The regulations in 43 CFR Part 131 are now obsolete, and pursuant to authority contained in section 2478 of the Revised Statutes, are hereby revoked, effective on the date of publication of this revocation in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 24, 1963.

[F.R. Doc. 63–11498; Filed, Oct. 30, 1963; 8:47 a.m.]

[Circular No. 2126]

PART 133—SCRIP

Supreme Court and Surveyor General Scrip; Revocation

The Act of August 5, 1955 (69 Stat. 534) provides that scrip not recorded pursuant thereto cannot be accepted as a basis for acquisition of lands. No Supreme Court or surveyor general scrip have been recorded and the time for recording has expired. The regulations pertinent thereto, 43 CFR 133.2 and 133.3, are therefore obsolete and, pursuant to the authority contained in section 2478 of the Revised Statutes, are hereby revoked effective on the date of publication of this revocation in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 24, 1963.

[F.R. Doc. 63–11499; Filed, Oct. 30, 1963; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 60—The President's Committee on Equal Employment Opportunity

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Definition of Subcontract; Correction

Correction

In the above captioned document appearing in the issue for Wednesday, October 23, 1963, at page 11305, the Federal Register document number in the file line should read "F.R. Doc. 63–11567" instead of "F.R. Doc. 63–11183".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 63–969]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Operation of Educational Television Broadcast System in American Samoa

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 24th day of October 1963;

The Commission having under consideration a request from the Department of the Interior, with the concurrence of the Office of Emergency Planning, to amend its rules so as to permit the operation of an educational television broadcast system in American Samoa; and

It appearing, that this service would be operated by an agency of the United States Government for educational purposes only, and that the Department of the Interior administers all Government radio operations in American Samoa; and

It further appearing, that there are no specific TV channels allotted for use in American Samoa; and

It further appearing, that Part 2, § 2.106, Footnote US24 prohibits the use of the band 54–60 Mc/s for Government or non-Government broadcasting at certain island locations in the Pacific Ocean, including American Samoa; and

It further appearing, that there is a justifiable need for the use of TV channels for the operation of an educational television network of stations in American Samoa; and

If further appearing, that use of the band 54–60 Mc/s for TV broadcasting in American Samoa would not conflict with any non-Government operations in this area, and would be subject to causing no interference to future non-Government operations; and

It further appearing, that in view of the above, the public interest would be served by the amendment of Footnote US24 to provide for the operation of broadcasting stations in the 54–60 Mc/s band in American Samoa; and

It further appearing, in view of the foregoing, that the amendment herein ordered imposes no disadvantage upon any person or group, that those who might conceivably be adversely affected have joined in advocating the change, that the Commission accordingly has no reason to believe that adverse comments would be filed in public proceedings on the proposal, and hence that notice and public procedure under section 4(a) of the Administrative Procedure Act are unnecessary; and

It further appearing, that the amendment herein relieves an existing restriction, and hence that the amendment may be made effective upon publication; and

It further appearing, that authority for this Order is contained in section 303 (c) and (r) of the Communications Act of 1934, as amended;

It is ordered, Effective November 1, 1963, that Footnote US24 in § 2.106 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 28, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Footnote US24 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US24 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc/s; U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc/s at any island in the Pacific Ocean west of the Island of Oahu, Hawaii, except within American Samoa; non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc/s at any island in the Pacific Ocean west of the Island of Oahu, Hawaii. This note does not apply to Alaska.

[F.R. Doc. 63–11537; Filed, Oct. 30, 1963; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering approval of the expenses and rate of assessment hereinafter set forth which were recommended by the Oregon-California Potato Committee established pursuant to Marketing Agreement No. 114 as amended, and Order No. 947, as amended (7 CFR Part 947) regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any written data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 947.216 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending June 30, 1964, will amount to $21,800.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended, shall be $0.003 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 25, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–11509; Filed, Oct. 30, 1963; 8:48 a.m.]

[7 CFR Part 1032 etc.]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Correction to Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Docket No.	Marketing area
1032	AO–313–A5	Suburban St. Louis.
1061	AO–327–A4	St. Joseph, Mo.
1062	AO–10–A30	St. Louis, Mo.
1064	AO–23–A25	Greater Kansas City.
1067	AO–222–A14	Ozarks.
1071	AO–227–A15	Neosho Valley.

This notice of hearing was issued October 21, 1963, and published in the FEDERAL REGISTER on Wednesday, October 23, 1963 (28 F.R. 11313; F.R. Doc. 63–11238).

The following corrections are made to the notice of hearing on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the above designated marketing areas: Docket No. "AO–313–A4" is changed to "AO–313–A5", and Docket No. "AO–108–30" is changed to "AO–10–A30".

Signed at Washington, D.C., on October 25, 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63–11508; Filed, Oct. 30, 1963; 8:47 a.m.]

Agricultural Research Service

[7 CFR Part 362]

REGULATIONS UNDER FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Notice of Extension of Time for Filing Comments on Proposed Revision

On September 6, 1963, a notice of a proposed revision of the regulations (7 CFR Part 362) for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act was published in the FEDERAL REGISTER (28 F.R. 9783), and interested persons were given 60 days within which to submit written data, views, or arguments concerning the proposed revision. Requests for an extension of this period of time have been received by this Department.

In view of the substantial public interest in this matter, it appears that an extension of time is appropriate. Accordingly, the time within which written data, views, and arguments may be submitted to the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, is extended to include November 30, 1963.

Done at Washington, D.C., this 28th day of October 1963.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 63–11539; Filed, Oct. 30, 1963; 8:48 a.m.]

[9 CFR Part 78]

BRUCELLOSIS IN DOMESTIC ANIMALS

Individual Identification of Female Cattle Three Years of Age or Over; Notice of Extension of Time for Submission of Views Regarding Proposed Amendment to Regulations

On October 1, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10524) a notice with respect to a proposed amendment of § 78.12 of Part 78, Title 9, Code of Federal Regulations, relating to the individual identification of female cattle three years of age and over. It has been determined that interested persons should be allowed additional time to review the proposal. Accordingly, the final date for the filing of written data, views, and arguments concerning the proposal, with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, has been extended from October 31, 1963 to March 1, 1964.

Done at Washington, D.C., this 30th day of October 1963.

B. T. SHAW,
Administrator, Agricultural Research Service.

[F.R. Doc. 63–11623; Filed Oct. 30, 1963; 10:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–75]

CONTROL ZONE

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 71.171 of the Federal Aviation Regulations, the substance of which is stated below.

The San Antonio, Tex. (Stinson Field), control zone is designated as that airspace within a 3-mile radius of Stinson Field, from 0700 to 2300 hours, local time, daily, excluding the portion within the Kelly AFB control zone.

The FAA has under consideration the redesignation of the Stinson Field control zone as that airspace within a 3-mile radius of Stinson Field (latitude 29°20'-15'' N., longitude 98°28'20'' W.) and

within 2 miles each side of the Stinson

1. Notice is hereby given of proposed in 1961. Other airborne facilities were

within 2 miles each side of the Stinson VOR 346° True radial, extending from the 3-mile radius zone to the VOR, effective from 0700 to 2300 hours, local time, daily, excluding the portion within the Kelly AFB control zone.

The proposed alteration would provide additional controlled airspace for the protection of aircraft executing prescribed instrument approach procedures at Stinson Field. Due to the immediate requirement for controlled airspace in this area, the CAR Amendments 60–21/60–29 implementation program is being deferred until a later date.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 24, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–11472; Filed, Oct. 30, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15201; FCC 63–974]

AIRBORNE TELEVISION TRANSMITTERS

Notice of Proposed Rule Making

In the matter of amendment of Part 3 of the Commission's rules governing TV broadcast stations to authorize the use of airborne television transmitters; Docket No. 15201, RM–407.

1. Notice is hereby given of proposed rule making in the above matter.

2. The Commission has before it for consideration the following:

(a) A petition for rule making filed by Midwest Program for Airborne Television Instruction, Inc. (MPATI) on January 15, 1963, looking toward (1) the regularization of the use of UHF channels for airborne educational television in the six-State Midwest area of Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin; (2) the adoption of engineering rules and criteria governing such airborne educational television use; and (3) the allocation of 6 specific UHF television channels for airborne educational television use in the said Midwest area;

(b) Amendment to Petition for Rule Making providing information with regard to the particular allocation assignments proposed and the changes which would be required in the Table of Assignments;

(c) Partial Opposition filed by Association of Maximum Service Telecasters, Inc. (MST); and Reply by MPATI;

(d) Statements of National Association of Educational Broadcasters and National Educational Television and Radio Center;

(e) Opposition of Lloyd P. Morris, Elmwood Park, Illinois.

3. For reasons discussed below (paragraphs 25 to 33), the Commission believes there is a question as to whether permanent reservation of UHF television channels in the Midwest (or elsewhere) for airborne educational use is justified, either to the extent presently used by MPATI or on the more elaborate scale now advocated by that group. However, we believe that issuance of the present Notice is appropriate, to elicit pertinent information concerning whether reservation of channels for this purpose is in the public interest, and if so how it may best be accomplished.

Background. 4. On October 3, 1959, Purdue University (Purdue),[1] Lafayette, Indiana, filed applications for experimental stations to use airborne television to provide educational programming to elementary schools, secondary schools, colleges and universities located within a radius of approximately 200 miles of Montpelier, Indiana.

5. As justification for the experiment, Purdue pointed to the increased enrollment expected in our schools and colleges and the necessity of providing education of the highest quality to a greater number of students at the lowest possible price. Applicant maintained that a system of multi-channel airborne television holds a definite promise of achieving this goal.

6. On December 22, 1959, the Commission granted applications for twelve construction permits (involving use of eight television channels) for experimental television stations as requested. Two stations were located in an aircraft and began operation on Channels 72 and 76 in 1961. Other airborne facilities were authorized for operation on Channels 75 and 78 and four ground-to-air facilities were authorized to use UHF channels. Purdue has also been granted two permits for UHF translators (Channels 79 and 83) to rebroadcast the programs of the airborne experimental television stations to Detroit and Chicago. On July 24, 1963 MPATI, Inc., was granted authority to rebroadcast on Channels 81 and 83 to Cleveland.

7. In its petition for rule making, MPATI reported on the Purdue experiment as follows:

In September 1959 fifteen leading educational and civic leaders formed the Midwest Council on Airborne Television Instruction. The facilities of Purdue University were placed at its disposal and the Purdue Research Foundation served as the fiscal agent for the project, which was designated as the Midwest Program on Airborne Television Instruction. On September 11, 1961 regular telecasts to all equipped schools began.

8. The project was financed by a $7,200,000 grant from the Ford Foundation and $1,000,000 contributed by industries and foundations in the region. The cost of equipping a school to receive the telecasts ranged from $250 to $900 a classroom. It was not contemplated that the participating schools and colleges would have to pay for the telecasts during the experimental year. During the 1962–63 academic year, however, a registration fee for schools based upon total enrollment and an annual membership fee of approximately $1.00 per pupil enrolled was charged the schools and colleges. In April 1962 the Ford Foundation announced its second grant to the project in the amount of $7,500,000. Of this, $5,500,000 is to be used for the operation of the project during the four-year period beginning July 1, 1962 to supplement membership income. It will be allocated in decreasing amounts annually as revenue from the schools increases until the project is self-sufficient.

9. During the period of operation from the fall of 1959 to June 1962, $10,870,000 was spent on the experiment: $4,575,000 went into the capital cost of the aircraft and television transmitting equipment and $6,295,000 was for other expenses.

10. MPATI had stated in its application that it would explore the possibility of transmitting on a 3-megacycle, or "narrow" band, as distinguished from the regular 6-megacycle, or "wide" band. $400,000 was allocated for this purpose, but after this amount was spent, work was suspended on this phase pending availability of additional funds.

11. Westinghouse Electric Corporation designed, installed and operated the two-channel broadcast system. Ampex Corporation assisted in adapting the video tape recorders to airborne use. Purdue Aeronautics Corporation operated and maintained the aircraft and Purdue University operated the facility for receiving, handling, inspecting and duplicating the video-taped lessons.

12. In the present installation the programs are recorded on video tape and two video tape playback machines are carried in the aircraft as well as two complete transmitters and other video

[1] On March 15, 1963, the Commission granted an application for transfer of the licenses for the transmitters from Purdue University to Midwest Program for Airborne Television Instruction, Inc.

and audio input equipment. In order to accommodate six transmitters in one aircraft, however, it will be necessary to remove the video tape recorders and use a ground-to-air relay. MPATI recognizes it would not be appropriate to provide this auxiliary function by the use of UHF broadcast channels on a permanent basis and that some other auxiliary service will be needed. MPATI suggests that six channels in the 2000 Mc band could be used for this purpose.

13. After working with manufacturers of television receiving equipment to determine how such equipment should be built in order to assure good reception, MPATI prepared a set of equipment specifications for the schools to use in letting installation contracts.

14. The airborne transmitters cover approximately a 140,000 square mile area within which lie portions of six States: Indiana, most of Ohio, and parts of Kentucky, Illinois, Michigan and Wisconsin. It is estimated more than 26 million people live within this area, of which about 6.5 million are enrolled in 15,000 elementary and secondary schools and nearly 700,000 in over 300 colleges and universities in the region.

15. The region was subdivided into 20 resource areas. Helping to administer the program in each area was a college or university, a committee consisting of leading educators and representatives of the member schools and an area co-ordinator appointed by the foregoing colleges and universities.

16. A policy was initiated of working closely with school leaders to assure that the courses were responsive to the needs of the participating schools and colleges. For the school year beginning in the fall of 1961, a schedule was developed which utilized both channels 5¼ hours a day, 4 days a week, for 32 weeks. During the 1962–63 academic year, MPATI provided a total of 1,344 hours of telecasting for classroom instruction.

17. MPATI states that a questionnaire circulated in the fall of 1961, and again in May of 1962, indicated that 9 out of 10 teachers rated airborne television instruction as "good" or "excellent" on a given day. Flying and telecasting operations have been carried out with an operational reliability in excess of 98 percent since the beginning of the operation, according to MPATI. There were, however, two technical problems cited in the MPATI filing: the existence of a limited area under the aircraft where reception problems are encountered; and schools in high-rise urban centers situated at considerable distance from the aircraft orbit center have great difficulty in obtaining adequate service and may therefore require land-based translators.

18. MPATI asserts that two major areas of difficulty were indicated in its experiment. The first of these was scheduling. Elementary schools were able to adapt the airborne television programs to their regular schedules, but junior high and high schools had difficulty doing so. The second problem concerned the number of courses it was able to offer. Demands have been made for more courses and for follow-up courses. The decision was therefore reached to apply for more channels.

Petition for rule making. 19. MPATI proposes that Channels 72, 74, 76, 78, 80 and 82 be allocated on a regular basis for airborne educational television use in the Midwest area, for the establishment of a regular airborne television system which would provide six educational services simultaneously, operating with an effective radiated power of 100 kw visual, 10 kw aural, from an aircraft at a height of 23,000 feet above sea level, approximately 22,000 feet above ground from the vicinity of an orbit reference point near Montpelier, Indiana. MPATI's purpose in the proposed rule making is to develop suitable criteria for the integration of an airborne system into an allocation plan based primarily on ground-based facilities.

20. The Commission's rules include no provisions limiting the maximum height of a station, but do provide for reduction in power with heights above 2000 feet. However, in UHF the reduction ceases when the effective radiated power drops to 500 kw which is in excess of that contemplated for the airborne operation. MPATI therefore points out that the rules do not preclude an airborne operation. However, if we were to authorize such an operation on a regular basis it is obvious that changes would have to be made in the allocation criteria to accommodate an airborne system MPATI has concluded from its experiment that service can be provided to substantially all of the locations within a 200-mile radius of the aircraft, and that signal strength of free space level can be obtained throughout the area. Thus these signals are far in excess of those predicted by the usual propagation curves and different concepts of service and signal strength available would be needed and are proposed by MPATI.

21. Where an airborne facility would be surrounded with ground-based facilities, MPATI proposes that the following minimum mileage separation requirements be applied between the orbit reference point of the airborne facility and the transmitter location of the ground-based stations. In its evaluation of interference problems between ground-based signals in the presence of airborne signals and airborne signals in the presence of ground-based signals, consideration was given to the fact that the primary users of the airborne system are intended to be schools in the area and that they employ special receiving techniques which differ from that of the typical receiving installation.

Type of interference	Present minimum mileage separation between ground-based stations	Proposed mileage separation between an airborne station and a ground-based station
Cochannel separation (±0 channel)	155	290
Adjacent channel separation (±1 channel)	55	200
I.F. beat (+7, 8 channels)	20	0
Intermodulation (±2, 3, 4, 5 channels)	20	0
Local oscillator (±7 channels)	60	0
Sound image (±14 channels)	60	0
Picture image (±15 channels)	75	0

Partial opposition of association of Maximum Service Telecasters, Inc. 22. MST took no position on whether airborne television should be regularized as requested by MPATI or whether or not the proposed engineering standards are appropriate. It did oppose institution of rule making at this time because of the present lack of adequate technical data to permit meaningful evaluation of MPATI's proposals. MPATI replied that the accuracy of predictions of free-space fields within the airborne service range is excellent, that its experience has shown that antennae can be located so as to receive such fields and that the position taken by MST would prevent the Commission from instituting proceedings looking toward the implementation of advances and new uses in the television art.

Other comments filed. 23. The National Association of Educational Broadcasters and the National Educational Television and Radio Center are of the view that questions involved in MPATI's Petition raise important issues of policy which should be carefully considered by the Commission in a rule-making proceeding, but take no position on the merits or any of the questions raised in the petition.

24. Mr. Lloyd P. Morris, of Elmwood Park, Illinois, on behalf of himself, and not for the organizations of which he is a member, opposed the Petition. Mr. Morris has been active in educational work for twenty years and is presently president of the Board of Education, Illinois District No. 85. He is a member of the Executive Committee of the Tri-County ETV Council, an organization supported by Boards of Education in six counties in northeast Illinois. Mr. Morris objects to the proposal on the ground that the MPATI operation would usurp large portions of the spectrum which could be used more efficiently by ground-based educational television stations, especially in the area around Chicago which is so near saturation. He also claims there is possible danger of centralization of large area educational programming as opposed to local educational programming designed to meet the changing area needs.

Commission action. 25. The Commission is desirous of eliciting comments on the proposal herein to determine whether or not a substantial portion of the spectrum should be devoted to the proposed operation. MPATI requests the use of six UHF television channels for its airborne operation. It also has authorizations for Channels 79 and 83 to use as translators at Detroit and Chicago and Channels 81 and 83 to use as translators at Cleveland. MPATI states that if six UHF channels are made available for airborne use it would expect to use six translator channels in Detroit, Chicago, and Cleveland. If regular broadcast channels are not available, MPATI states it would hope to use the new Instructional TV service for the purpose of serving the schools in those cities. Similarly, to provide ground-to-air relay equipment MPATI would require six more channels in the 2000 Mc/s TV auxiliary band. In our notice of pro-

posed rule making in Docket No. 14229,[3] that there will be demands for similar

such interference could be a problem, es-

the country where that service is more

pears that the airborne demands for

Docket No. 15201, RM-407.

Instruction, Inc.

complete transmitters and other video

apply for more channels.

Picture image (±10 channels)	75	0

more channels in the 2000 Mc/s TV auxiliary band. In our notice of pro-

posed rule making in Docket No. 14229,[1] our proceeding to foster expanded use of UHF television channels, we emphasized our acceptance of the principle that the UHF television spectrum is indispensable to the achievement of a nationwide fully competitive commercial television service. We also indicated that we would give careful consideration to the probable future spectrum needs for educational television. The States here involved have indicated interest in extensive ground-based educational network systems. On August 2, 1962, the Commission amended the table of assignments to reserve nine additional channels for educational use in the State of Kentucky,[2] and Ohio has filed a Petition for Rule Making, RM-296, requesting the reservation of additional channels for an educational network. It is expected that the other States involved will also require additional channels for educational use. The Survey of the Needs of Education for Television Channel Allocations [3] filed in Docket No. 14229 indicates that the television channel assignment structure presently in existence will not satisfy the growing needs of educational broadcasting; it is claimed that a minimum of 1197 channel assignments will be required in the next ten to fifteen years. The Survey further claims that a reasonable projection is that between 20 and 27 additional educational assignments will be required in Illinois; that Indiana will need at least 10 more; that Ohio will need 58 additional assignments; and that Wisconsin will need 36 additional assignments.

26. In order to assess the impact of the increased demands for educational reservations on the anticipated growth of commercial television, we have recently concluded a series of allocation studies of the 70 UHF channels. Based on these studies, we are issuing a further notice in Docket No. 14229 setting forth a proposed Table of Assignments for UHF channels.[4] In the populous areas of the country, it was impossible to satisfy the projected needs of educators and the anticipated demand for commercial television channels, particularly those which will be needed for local outlets. The proposed plan represents a compromise and interested parties have been invited to comment and suggest possible improvements. The plan is based exclusively on the operation of ground-based television stations and uses the engineering principles set forth in the present rules of the Commission. We can thus examine the effect of the MPATI proposal, first with respect to the proposed operation and then on the assumption that there will be demands for similar operations in other parts of the country.

27. If we accept the MPATI assumption that we need to be concerned only with cochannel and adjacent channel separations, 15 of the assignments proposed in the new UHF table would not meet the proposed 290 mile cochannel separation and 17 would fail to meet the proposed 200 mile adjacent channel separation requirement. We have proposed the reservation of eight of these channels for educational use. In addition, 4 assignments which Canada has recently assigned in the Province of Ontario fall short of the required cochannel separation.[5] Even if such conflicts were absent we could not proceed unilaterally to provide for the use of airborne transmitters on UHF television broadcast channels in the vicinity of the Canadian-USA border. We would have to negotiate an agreement with the Government of Canada. Similarly any such operation in the vicinity of the USA-Mexican border would require mutual agreement.

28. Also to be considered is the possible impact of the proposal on the UHF translator service, wherein stations operate on Channels 70 and above. The Midwest states which MPATI proposes to serve are not the portion of the nation where this service is most used; but within these six states there are at least two translators authorized within 290 miles of Montpelier, Indiana on channels MPATI seeks, and another on an adjacent channel within 200 miles. Two additional translators are authorized in western Pennsylvania on channels MPATI would use, within the 290-mile radius. With respect to these, and other translators which may be authorized within this area, obviously interference considerations might exist. Furthermore, the Commission indicated in the initial notice in Docket No. 14229 that we anticipated that UHF translators would be used to provide more uniform coverage by UHF stations. The efforts which we are making to foster the expanded use of the UHF channels could be hampered if prospective UHF broadcasters in the MPATI area were precluded from using UHF translators.

29. Under our assignment principles for ground-based television stations, we avoid making UHF assignments 7 channels above other assignments, within 60 miles of such other assignments. This is because conventional television receivers designed with local oscillators on the high side (as most receivers are) radiate an unwanted signal which is capable of causing interference, over a distance of 100 to 200 feet, to receivers tuned to a channel 7 channels higher. MPATI states that it can rely on its own receiving installations to minimize any problems it might face in this connection. It also points out that since the in-school receivers would usually be located several hundred feet from the nearest homes, interference due to local oscillator radiation from these receivers would be unlikely. We recognize these considerations. However, with respect to UHF stations on Channels 79, 81 and 83 located fairly close to the 200-mile adjacent channel protected distance proposed, such interference could be a problem, especially if home reception of MPATI were involved.

30. "Image" interference occurs when a receiver is tuned to a desired station in the presence of a relatively strong signal from another television station operating on a channel either 14 or 15 channels above the channel of the desired station. This assumes again that the local oscillator is on the high side of the intermediate frequency. Since the MPATI receivers will be operating in the upper end of the UHF television band, receivers tuned to their signals will not be exposed to potential "image" interference due to the operation of the MPATI transmitters. Such interference is most likely to occur in the weaker signal areas of the ground-based television stations which are located within or near the service area of the airborne stations. If interference is to be avoided, the signal from an airborne station operating on the fifteenth channel above the one to which a television receiver is tuned cannot exceed a level equal to, or in some cases 10 decibels weaker than the desired signal. In order to protect the normal service area of a ground-based television station operating with ½ megawatt of power from an antenna 1,000 feet above average terrain, the airborne station flying at 23,000 feet and radiating 100 kilowatts would have to be about 200 miles away. While somewhat shorter separation could be tolerated with respect to the sound image (fourteenth channel above the desired channel) for monochrome reception, protection for color reception would require about the same separation as the picture image protection.

31. If the above assumptions are correct, ground-based television stations could not be operated within the service area of the airborne stations without having impaired coverage due to "image" interference. This would require deletion of assignments in 30 additional places proposed in the new table, or, if assignments were made in spite of the "image" interference problem, 30 stations would suffer impaired coverage due to interference.[7]

32. We have thus far been concerned only with the proposed MPATI operation of 6 transmitters from an aircraft circling at a little over 20,000 feet above a point in northeastern Indiana. If we consider the airborne television service on a nationwide basis, it becomes obvious that 12 to 18 alternate channels would have to be set apart exclusively for such operation, with from 13 to 19 adjacent channels rendered unusable over most of the United States, making a total of between 25 and 37 UHF channels wholly or largely withdrawn from the 70 channels in the UHF television band (of which only 69 are available at present, following our decision in Docket No. 15022 to withdraw Channel 37 for radio astronomy for a ten-year period (FCC 63-901, adopted October 4, 1963)). This would not only mean a very substantial loss in possible UHF broadcast station assignments, but, in view of the channels involved, would have a substantial impact on the UHF translator service, especially in parts of the country where that service is more used than it is in the Midwest. Moreover, use in other parts of the nation often would involve negotiations with the Mexican Government as well as Canada before it could become effective.

33. It may be questioned whether such an impact can be justified, especially since the transmissions of the airborne stations are intended primarily for reception in specially equipped schools and the material is tailored for instructional purposes rather than for viewing by a home audience.[8] It may be that such an operation is more properly to be provided for as a private service. On July 25, 1963, we amended our rules by establishing a new class of educational television service to accomplish objectives similar to those of the MPATI proposal through use of ground-based stations operating in the 2500–2690 Mc/s band (Docket No. 14744, FCC 63-722). Standard television transmissions would be employed and the signals could be displayed on conventional television receivers. The only difference between the new Instructional Fixed Service and the proposed MPATI operation would be in the transmitting apparatus and the receiver-converters employed at the participating schools. Instead of converting the received signals from a UHF television channel to a VHF channel for distribution to the classrooms and display on a regular television receiver, the signals would be received on a channel in the UHF fixed band at between 2500 and 2690 Mc/s and converted to a VHF television channel for distribution and display. We have been informed that suitable Klystron amplifiers are available to provide ten to twenty kilowatts transmitter power output on 2,500 Mc/s. This is comparable to the transmitter powers proposed for operation on UHF television broadcast channels aboard the aircraft. The propagation characteristics of the upper UHF television band and 2,500 Mc/s are similar enough to provide approximately the same coverage from an aircraft flying at or above 20,000 feet. The highly directive properties which can be built into receiving antennas used at 2,500 Mc/s would simplify the problems of interference. An aircraft flying in a relatively small circle over a fixed geographic point would correspond closely to a "fixed" operation and would not introduce problems normally associated with a true mobile operation. The demands for 2500 Mc/s channels for the airborne service would be substantial: for ground-to air, air-to-ground, and in high-rise urban centers distant from the aircraft. Nevertheless, it appears that the airborne demands for 2500 Mc/s channels might well be met. Furthermore, schools operating their own private instructional television service on the 2500 Mc/s band could more easily participate in the proposed MPATI operation. The use of a nonbroadcast band for the MPATI operation would assure a degree of protection against unauthorized use of the instructional material.

34. As indicated above, there is a question as to whether adoption of the MPATI proposal would be in the public interest, both because of the impact on regular UHF television and because the 2500–2690 Mc/s band is now available for in-school television. However, we believe that the proposal warrants consideration, and therefore we are initiating the present proceeding, inviting interested parties to comment on the MPATI proposal and on the following questions:

(a) Should such rules as may be adopted provide for the airborne operation only in the area proposed by MPATI or should it be considered for other regions or on a nationwide basis?

(b) What are the minimum and maximum numbers of channels required for a successful operation in the area proposed by MPATI? For a nationwide system?

(c) Is it technically feasible to design, install, and operate a six channel television facility in an aircraft? Is there sufficient financial support for such a system on a continuing basis?

(d) How many additional channels will be required for translators or "repeaters" to supplement the airborne operation, and in what band will they operate?

(e) Will additional auxiliary facilities for ground-to-air transmissions be required to supply program material to the airborne transmitters and if so, in what band will they operate and how many channels will be needed?

(f) Are the co-channel and adjacent channel separations proposed by MPATI reasonable and may the "taboo" separations be disregarded as proposed by MPATI?

(g) Is it technically feasible to conduct the air-to-ground operation proposed by MPATI on channels in the 2500–2690 Mc/s band? If so, what are the answers to items (a) to (f) above when applied to this band?

(h) If the proposed operation is conducted in the 2500–2690 Mc/s band, how would the costs, both for transmitting equipment and for receiving installations at the schools participating in the MPATI operation, compare with similar costs for operation on channels in the upper UHF television broadcasting band? For schools with UHF conversion, what additional costs would be incurred in a shift to 2500–2690 Mc/s?

(i) In view of the substantial investment that has been made in present equipment by MPATI for its experimental operation, should it be permitted to continue operation on Channels 72 and 76 for a period of no more than 5 years so that the investments by MPATI and the individual schools presently participating in the operation may be amortized?

(j) Would the proposed airborne operation actually provide satisfactory reception to typical home television installations?

(k) If MPATI programmed for the evening television audience at home, how would this affect the cost of the operation and how would this be financed?

(l) How many schools in the area proposed to be served by MPATI plan to subscribe to the service? What has been the experience of schools that have subscribed to MPATI with respect to the technical and other aspects of the service? For the 1963–64 season, how many schools are subscribing and what are their total expected payments for the service? How many schools which subscribed in 1962–63 are continuing their subscription? How many are not?

(m) What would be the effect of granting MPATI's request on overall educational television development, particularly in light of the needs for land-based educational stations in the States covered, the assignments that would have to be deleted as a result of the MPATI operation, and the possible interference to land-based stations?

(n) To what extent do the service and interference fields resulting from the MPATI operation exceed those which would be predicted by our usual UHF propagation curves, and what standards for evaluating service and interference from such an operation are appropriate? (See paragraph 20.)

34. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

35. Pursuant to applicable procedure set out in § 1.213 of the Commission's rules, interested parties may file comments on or before January 3, 1964 and reply comments on or before February 3, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

36. In accordance with the provisions of § 1.215 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.215 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: October 24, 1963.

Released: October 28, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] In the Matter of Fostering Expanded Use of UHF Television Channels, FCC 61-993.

[2] In the Matter of Amendment of Table of Assignments, Docket No. 14396, FCC 62-873. We have since added one additional reservation in Kentucky and another is the subject of rule making (FCC 63-776 and 63-777, adopted August 1, 1963).

[3] National Association of Educational Broadcasters and the U.S. Dept. of Health, Education and Welfare: United States Government Printing Office, 1962.

[4] See the further notice of proposed rule making issued today in Docket 14229 (FCC 63-975).

[5] See Appendix I set forth below.

[7] See Appendix II set forth below.

[8] MPATI's transmissions may be received by UHF-equipped homes. However, since the aircraft is in constant motion, a fairly strong signal is necessary for satisfactory reception. At large distances from the aircraft the signal would tend to rise and fall in strength due to change in the standing wave pattern, and the receiving antenna and reception would be marred. MPATI's primary objective is in-school instruction; its petition refers to "possible nonclassroom instruction uses", including general education and agriculture. There are apparently no specific plans in this respect.

APPENDIX I

making issued today in Docket 14229 (FCC 63-975).

[*] See Appendix I set forth below.

[†] See Appendix II set forth below.

APPENDIX I

CHANNELS WHICH WOULD NOT MEET CO-CHANNEL SEPARATION REQUIREMENT

City:	Channel
Macomb, Ill.	*72
Benton Harbor, Mich.	*72
Decatur, Ill.	*74
Kalamazoo, Mich.	74
Newport, Ky.	74
Danville, Ill.	76
Springfield, Ohio	76
Pittsburgh, Pa.	76
Muskegon, Mich.	78
Clinton, Iowa	80
Richmond, Ky.	80
Kalamazoo, Mich.	80
Peoria, Ill.	*82
Frankfort, Ky.	82
Charleston, W. Va.	82

CHANNELS WHICH WOULD NOT MEET ADJACENT CHANNEL SEPARATION REQUIREMENT

City:	Channel
Bloomington, Ill.	*71
Muncie, Ind.	71
Akron, Ohio	71
Terre Haute, Ind.	73
Lima, Ohio	73
Kenosha, Wis.	*73
Aurora, Ill.	75
Seymour, Ind.	75
Findlay, Ohio	75
Hillsboro, Ohio	*77
Waukegan, Ill.	*79
Toledo, Ohio	79
Washington, Ind.	81
Tiffin, Ohio	81
Elgin, Ill.	83
Anderson, Ind.	*83
Jackson, Mich.	83

PROPOSED CANADIAN ASSIGNMENTS WHICH WOULD NOT MEET REQUIRED CO-CHANNEL SEPARATIONS

City:	Channel
Sarnia, Ontario	72
Windsor, Ontario	76
Chatham, Ontario	80
Leamington, Ontario	82

APPENDIX II

CHANNELS WHICH WOULD BE AFFECTED BY PICTURE IMAGE INTERFERENCE

City:	Channel
Terre Haute, Ind.	*57
Piqua, Ohio	57
Lafayette, Ind.	59
Ashland, Ky.	59
Elizabethtown, Ky.	59
Fremont, Ohio	59
Anderson, Ind.	61
Akron, Ohio	61
Portsmouth, Ohio	*61
Kenosha, Wis.	61
Terre Haute, Ind.	63
Bellefontaine, Ohio	63
Streator, Ill.	*65
Cleveland, Ohio	65
Hamilton, Ohio	65
Indianapolis, Ind.	67

CHANNELS WHICH WOULD BE AFFECTED BY SOUND IMAGE INTERFERENCE

City:	Channel
Shelbyville, Ind.	58
Battle Creek, Mich.	*58
Mt. Vernon, Ohio	58
Lansing, Mich.	60
Michigan City, Ind.	62
Athens, Ohio	62
Lexington, Ky.	64
Battle Creek, Mich.	64
Gary, Ind.	*66
Madison, Ind.	*66
Ann Arbor, Mich.	66
Newark, Ohio	68
South Bend-Elkhart, Ind.	68
Lancaster, Ohio	68

[F.R. Doc. 63-11535; Filed, Oct. 30, 1963; 8:48 a.m.]

so that the investments by MPATI and

Secretary.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular, Public Debt Series—No. 17-63]

3⅞ PERCENT TREASURY NOTES OF SERIES C-1965

Invitation for Subscriptions

OCTOBER 24, 1963.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for notes of the United States, designated 3⅞ percent Treasury Notes of Series C-1965. The amount of the offering under this circular is $7,600,000,000, or thereabouts. The following securities maturing November 15, 1963, will be accepted at par in payment or exchange, in whole or in part, for the notes subscribed for, to the extent such subscriptions are allotted by the Treasury:

3⅛ percent Treasury Certificates of Indebtedness of Series D-1963; or
4⅞ percent Treasury Notes of Series C-1963.

The books will be open only on October 28, 1963, for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated November 15, 1963, and will bear interest from that date at the rate of 3⅞ percent per annum, payable semi-annually on May 15 and November 15, 1964, and on May 15, 1965. They will mature May 15, 1965, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the two issues enumerated in paragraph 1 of Section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in Section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue, until after midnight October 28, 1963.

4. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

5. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. Subject to these reservations, and the submission of a written certification by the subscriber that the amount of the subscription does not exceed the amount of the two eligible securities (listed in paragraph 1 of Section I) owned or contracted for purchase for value, at 4 p.m., e.d.s.t., October 23, 1963, all subscriptions from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts will be allotted in full. In the absence of such certification the total amount of subscriptions entered by any subscriber will be allotted on the basis of the allotment to be publicly announced. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before November 15, 1963, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of Section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the two issues enumerated in paragraph 1 of Section I hereof, which will be accepted at par. Where payment is made with certificates or notes in bearer form, coupons dated November 15, 1963, should be detached and cashed when due. In the case of registered notes, the final interest due on November 15, 1963, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by

a banking institution with the Federal

following lands for lease and sale under

If circumstances warrant it, a public

[Utah 0124796]

T. 2 S., R. 1 E.,

NORTH FORK RECREATION AREA

a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered notes.* 1. Treasury Notes of Series C–1963 in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 3⅞ percent Treasury Notes of Series C–1965"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 3⅞ percent Treasury Notes of Series C–1965 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 3⅞ percent Treasury Notes of Series C–1965 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 63–11533; Filed, Oct. 30, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Cancellation of Small Tract Classification Order No. 31, as Amended

OCTOBER 21, 1963.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in Section 3, Delegation of Authority (F.R. Doc. 63–219) dated January 9, 1963, Small Tract Classification Order No. 31 of August 23, 1950 (F.R. Doc. 50–7595, published at pages 5917–5918 in the issue of August 31, 1950), as amended by the General Small Tract Amendment of February 19, 1957, which classified the following lands for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. Section 682a), as amended, is hereby cancelled:

Fairbanks Meridian, Alaska

T. 1 S., R. 1 E.,
Sec. 11, Lots 5 and 6.

Containing 51.44 acres, more or less.

2. A dependent resurvey and subdivision plat of Section 11, was accepted on August 19, 1952; thereafter Lots 5 and 6 became Lots 14–31 inclusive, to which Small Tract Classification Order No. 31 then attached.

3. This Order will take effect immediately. Cancellation of this Order does not affect valid existing rights as to the lands embraced thereby.

PEDRO DENTON,
Acting Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63–11493; Filed, Oct. 30, 1963; 8:47 a.m.]

[Oregon 013914]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 21, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013914, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land withdrawn to protect and develop three existing campgrounds and one ski area, and to protect eleven administrative sites, located in the Malheur National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

MALHEUR NATIONAL FOREST

Blue Creek Work Center

T. 20 S., R. 28 E.,
Sec. 9.
Total—20 acres.

Bear Tree Guard Station

T. 19 S., R. 29 E.,
Sec. 7.
Total—10 acres.

Sugarloaf Lookout

T. 19 S., R. 29 E.,
Sec. 21.
Total—10 acres.

West Myrtle Lookout

T. 18 S., R. 30 E.,
Sec. 31.
Total—10 acres.

Burnt Mountain Lookout

T. 19 S., R. 30 E.,
Sec. 36.
Total—10 acres.

Crow Flat Guard Station

T. 20 S., R. 31 E.,
Sec. 13.
Total—40 acres.

Joaquin Miller Campground

T. 20 S., R. 31 E.,
Sec. 23.
Total—40 acres.

Idlewild Campground

T. 20 S., R. 31 E.,
Sec. 27;
Sec. 34.
Total—60 acres.

Hi-Desert Ski Area

T. 20 S., R. 31 E.,
Sec. 34.
Total—20 acres.

Rock Springs Campground

T. 18 S., R. 32 E.,
Sec. 23.
Total—20 acres.

King Mountain Lookout

T. 20 S., R. 32 E.,
Sec. 27.
Total—10 acres.

Wolf Mountain Lookout

T. 17 S., R. 33 E.,
Sec. 33.
Total—10 acres.

Cove Springs Work Center

T. 18 S., R. 33 E.,
Sec. 13.
Total—20 acres.

Calamity Butte Lookout

T. 19 S., R. 33 E.,
Sec. 13.
Total—20 acres.

Call Meadows Guard Station

T. 20 S., R. 33 E.,
Sec. 29.
Total—20 acres.

The total combined area is 320 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63–11494; Filed, Oct. 30, 1963; 8:47 a.m.]

[Utah 0124796]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 22, 1963.

United States Department of Agriculture, Forest Service, has filed an application Utah 0124796 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the mining and mineral leasing laws. The purpose of the withdrawal is to extend the boundaries of the Wasatch and Uinta National Forests to include lands that are suitable for multiple use management by the Forest Service. The primary value would be for watershed management, flood control and fire protection. The lands described include 1,481.40 acres of private lands within the boundaries of the Wasatch National Forest. This withdrawal will in no way adversely affect ownership or use of these private lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 777, Salt Lake City, Utah, 84110.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

UINTA NATIONAL FOREST

Public Lands

T. 4 S., R. 1 E.,
Sec. 1, that portion within Utah County.

WASATCH NATIONAL FOREST

Public Lands

T. 1 N., R. 1 E.,
Sec. 10, Lots 9, 10, 11, and 12;
Sec. 14, S½SW¼;
Sec. 20, S½SE¼;
Sec. 22, N½, N½S½, SE¼SE¼;
Sec. 28, S½NW¼, NE¼NW¼, NW¼NE¼.
T. 2 S., R. 1 E.,
Sec. 36, NE¼, E½SE¼.
T. 3 S., R. 1 E.,
Sec. 12, Lots 1, 2, 3, 4, 5, S½SE¼, SE¼SW¼, N½S½N½SE¼;
Sec. 13, S½NE¼, SE¼;
Sec. 23, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 24, S½NW¼, NE¼, S½;
Sec. 25, NE¼NW¼, NE¼, S½;
Sec. 26, W½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 33, NE¼SE¼;
Sec. 34, Lots 1, 2, 6, 7, 8, 9, 10, S½NE¼, SE¼;
Sec. 35, S½, S½N½.
T. 4 S., R. 1 E.,
Sec. 1, That portion within Salt Lake County;
Sec. 3, Lots 3, 5, 6, 7, 8, S½NE¼.
T. 1 S., R. 2 E.,
Sec. 17, SE¼NW¼.
T. 1 S., R. 6 E.,
Sec. 22, S½NE¼, E½SE¼.
T. 2 S., R. 6 E.,
Sec. 10, NE¼SE¼;
Sec. 25, N½NW¼, W½NE¼.

Private Lands

T. 3 S., R. 1 E.,
Sec. 12, Lots 6 and 7, N½SE¼NE¼, S½S½NE¼, N½N½SE¼;
Sec. 12, Mining claims, metes & bounds survey;
Sec. 13, N½NE¼;
Sec. 23, SW¼SE¼;
Sec. 25, NW¼NW¼, S½NW¼;
Sec. 26, NE¼NE¼, NW¼SE¼, S½SE¼;
Sec. 35, N½N½;
Sec. 36, All.
T. 4 S., R. 1 E.,
Sec. 3, Lot 4.
T. 2 S., R. 6 E.,
Sec. 25, E½NE¼.

	Acres
Total public lands within Uinta National Forest	524.24
Total public lands within Wasatch National Forest	4,920.16
Total private lands within Wasatch National Forest	1,481.40
Total	6,925.80

R. D. NIELSON,
State Director.

[F.R. Doc. 63–11495; Filed, Oct. 30, 1963; 8:47 a.m.]

[Washington 02428]

WASHINGTON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Washington 02428 for withdrawal and reservation of lands was published as Federal Register Document No. 60–7224 on page 7337 of the issue for August 4, 1960, and corrected as Federal Register Document No. 60–8119 on page 8386 of the issue for August 31, 1960. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on November 4, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

TOWER ROCK RECREATION AREA

T. 11 N., R. 7 E.,
Sec. 13, NE¼NE¼ of Lot 1.
Total—10 acres.

NORTH FORK RECREATION AREA

T. 11 N., R. 8 E., Unsurveyed,
Sec. 10, N½NW¼SE¼, SW¼NW¼SE¼, NW¼SW¼SE¼.
Total—40 acres.

CAT CREEK ADMINISTRATIVE SITE

T. 10 N., R. 9 E., Unsurveyed,
Sec. 13, SW¼NE¼NE¼, NW¼SE¼NE¼, NE¼SW¼NE¼, SE¼NW¼NE¼.
Total—40 acres.

The areas described aggregate approximately 90 acres.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 63–11496; Filed, Oct. 30, 1963; 8:47 a.m.]

[Washington 03536]

WASHINGTON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Washington 03536 for withdrawal and reservation of lands was published as Federal Register Document No. 62–10652 on page 10419 of the issue for October 25, 1962. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on November 4, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

T. 23 N., R. 16 E.,
Sec. 8, All;
Sec. 10, All.
T. 23 N., R. 17 E.,
Sec. 8, All;
Sec. 16, NW¼;
Sec. 18, All;
Sec. 20, All.

The areas described aggregate approximately 3,211.11 acres.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 63–11497; Filed, Oct. 30, 1963; 8:47 a.m.]

[Anchorage 060246]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 25, 1963.

The U.S. Army Engineer District, Alaska, has filed an application for the Department of the Army, Serial Number Anchorage 060246, for the withdrawal of the lands described below from all forms of appropriation. The applicant desires the land for the development of a hydroelectric power project and future development for recreational purposes and fish and wildlife potential.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present

their views in writing to the undersigned

[Anchorage 059123]

ment for publication in the FEDERAL

(1) Names of any corporations of amended (7 U.S.C. 181 et seq.), author-

February 19, 1957, which classified the

be sent to each interested party of record.

8:47 a.m.]

Sec. 22, N½, N½S½, SE¼SE¼;
Sec. 28, S½NW¼, NE¼NW¼, NW¼NE¼.

Sec. 13, NE¼NE¼ of Lot 1.
Total—10 acres.

No. 213——6

their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the maximum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested for the Department of the Army.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application consist of the drainage into Bradley Lake, Battle Creek, and the Nuka River, and are more particularly described as:

SEWARD MERIDIAN

PROTRACTED

T. 5 S., R. 8 W.,
Sec. 19, All;
Sec. 20, W½;
Sec. 29, NW¼;
Secs. 30, 31, All.
T. 6 S., R. 8 W.,
Sec. 5, SW¼;
Sec. 6, All;
Sec. 7, E½, NW¼;
Sec. 8, All;
Sec. 9, SW¼;
Sec. 16, W½, SE¼;
Sec. 17, All;
Sec. 18, NE¼;
Sec. 20, N½;
Sec. 21, N½.
T. 4 S., R. 9 W.,
Secs. 29, 30, 31, 32, 33, All.
T. 5 S., R. 9 W.,
All.
T. 4 S., R. 10 W.,
Sec. 25, All;
Sec. 35, All south of Kachemak Bay;
Sec. 36, All.
T. 5 S., R. 10 W.,
Secs. 1, 2, 3, 4: All;
Sec. 9, NE¼;
Secs. 10, 11, 12, 13, 14, 15, All.
Sec. 24, N½.

The areas described aggregate approximately 38,103.0 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-11525; Filed, Oct. 30, 1963; 8:48 a.m.]

[Anchorage 059123]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 22, 1963.

Notice of an application Serial No. Anchorage 059123, for withdrawal and reservation of lands was published as Federal Register Document No. 63-6203 on page 6024 of the issue for June 13, 1963. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on November 12, 1963, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

South Addition, Anchorage Townsite
Block 19, N½ of Lot 2

Containing approximately 20,000 sq. ft.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-11526; Filed, Oct. 30, 1963; 8:48 a.m.]

ALASKA

Small Tract Classification No. 51; Amdt. 1

Correction

In the above captioned document appearing in the issue for Thursday, October 24, 1963, at page 11427, the Federal Register docket number in the file line should read "F.R. Doc. 63-11568" instead of "F.R. Doc. 63-11242".

Office of the Secretary

MARK V. BURLINGAME

Notice of Appointment and Statement of Financial Interests

OCTOBER 25, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Mark V. Burlingame.

Name of employing agency: Office of Oil and Gas, Washington, D.C.

The title of the appointee's position: Consultant.

The name of the appointee's private employer or employers: Natural Gas Pipeline Company of America, Chicago, Illinois.

The statement of "financial interests" for the above appointee is enclosed.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on October 15, 1963, as Consultant (WOC) Office of Oil & Gas, an officer or director:

Executive Vice President and Director, Natural Gas Pipeline Company of America.
Executive Vice President and Director, Texoma Production Company.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

The Peoples Gas Light and Coke Co.
J. C. Penney Co.
Middlestates Telephone Co.
United States Steel Co.
Southern Pacific Railroad Co.
General Electric.
Standard Oil Company of New Jersey.
Northern States Power Co.
Royal Dutch Shell Petroleum Co.
Fairmont Foods Co.
Eaton & Howard Mutual Investment Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

M. V. BURLINGAME.

OCTOBER 15, 1963.

[F.R. Doc. 63-11500; Filed, Oct. 30, 1963; 8:47 a.m.]

LAYTON E. KILCANNON

Notice of Appointment and Statement of Financial Interests

OCTOBER 25, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Layton E. Kincannon.

Name of employing agency: Office of Oil and Gas, Washington, D.C.

The title of the appointee's position: Regional Administrator, Emergency Petroleum and Gas Administration, Region 4, Battle Creek, Michigan.

The name of the appointee's private employer or employers: Rock Island Refining Corporation, Indianapolis, Indiana.

The statement of "financial interests" for the above appointee is enclosed.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on October 9, 1963, as Regional Administrator, Emergency Petroleum & Gas Administration, an officer or director:

American Petroleum Institute.
Indianapolis Chamber of Commerce.
National Petroleum Refiners Assn.
Colonial Oil Co., Inc.
G-R Realty Corp.
Mesa Realty, Inc.
Owens Oil Co. of Ohio, Inc.
Progressive Oil Co., Inc.
Rock Island Refining Corp.
Rock Island Trading Co.
Stop-Ten Realty Corp.
Wake Up Oil Co., Inc.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Cement Corp.
American Hospital Supply Co.
American Rubber and Plastic.
A. J. Armstrong Co.
Banker Mortgage Corp.
Basic Incorporated.
Becton Dickinson Co.
Berkey Photo, Inc.
Business Capital.
Cont. Mtge. Inv. Sh. BI.
Devoe & Raynolds Co.
Dresser Industries.
Electronic Special.
Friden, Inc.
Great American Corp.
Halliburton Co.
Hamilton N/Life Insurance.
Hawley Products Co.
Helene Curtis Industries.
Hulletron, Inc.
Howard Johnson Co.
Marathon Oil Co.
McWood Corp.
Microwave Assoc., Inc.
N.Y., Chicago, St. Louis.
Outboard Jet, Inc.
Perini Corp.
Pneumodynamics Corp.
Printing Corporation of America.
Rock Island Refining Corp.
Ross Gear and Tool.
Standard Oil of Indiana.
Standard Oil of New Jersey.
Welch Scientific Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

L. E. KINCANNON.

OCTOBER 14, 1963.

[F.R. Doc. 63-11501; Filed, Oct. 30, 1963; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ADMINISTRATOR ET AL.

Delegation of Authority

Pursuant to Reorganization Plan No. 2 of 1953, section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), authority is hereby delegated to the Administrator, Agricultural Marketing Service, and upon his designation to the Associate and Deputy Administrators of the Agricultural Marketing Service, to make the determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act and which are considered confidential under such Act or the regulations of the Department.

Done at Washington, D.C., this 28th day of October 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-11538; Filed, Oct. 30, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its usual annual survey of inventories covering 29 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1963 under the provisions of the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." In addition, a number of selected multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks but are not currently reporting in the Canned Food Survey.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C., 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 63-11470; Filed, Oct. 30, 1963; 8:45 a.m.]

National Bureau of Standards

TIME SIGNALS BROADCAST BY NATIONAL BUREAU OF STANDARDS AND U.S. NAVY RADIO STATIONS

Notice of Change

Notice is hereby given that time signals broadcast by National Bureau of Standards radio stations WWV, Beltsville, Maryland; WWVH, Maui, Hawaii; WWVB, Fort Collins, Colorado, and U.S. Navy stations NBA, Canal Zone, NPG, San Francisco, Calif., NPM, Lualualei, Hawaii, NPN, Guam, and NSS, Annapolis, Md. will be retarded 100 milliseconds at 0000 UT, on November 1, 1963.

This change is made in accordance with international coordination of time signals.

R. D. HUNTOON,
Deputy Director,
National Bureau of Standards.

L. W. WOOLLEY,
Acting Superintendent,
U.S. Naval Observatory.

[F.R. Doc. 63-11546; Filed, Oct. 30, 1963; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE AND OFFICE OF EDUCATION

Statement of Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045, as amended by 28 F.R. 10433 and 10688), is hereby amended as follows:

1. Part 4, entitled "Public Health Service", section 4.20(b) thereof, is hereby amended by renumbering subparagraph 12 to become subparagraph 13, and by adding a new subparagraph 12 as follows:

(12) The functions vested in the Secretary by sections 740-745 (Part C of Title VII) of the Public Health Service Act, 42 U.S.C. 294 to 294e, as added by the Health Professions Educational Assistance Act of 1963, Public Law 88-129, 70 Stat. 164.

2. Part 4, entitled "Public Health Service", section 4.30 thereof, under the heading "Limitations on Authority" is hereby amended by adding a new paragraph (e) as follows:

(e) The functions exercised by the Surgeon General under Part C of Title VII of the Public Health Service Act, as added by the Health Professions Educational Assistance Act of 1963, shall be exercised by the Surgeon General after consultation with the Commissioner of Education in order to ensure the maximum possible consistency between the policies and methods of administration of the student loan program of the Health Professions Educational Assistance Act and the student loan program authorized by the National Defense Education Act.

3. Part 6, entitled "Office of Education", section 6.20 thereof, under the heading "Statement of Functions", is hereby amended by adding a new subparagraph (31) to read as follows:

(31) Section 721(b) of the Public Health Service Act as added by the Health Professions Educational Assistance Act, Public Law 88–129, 70 Stat. 164, 42 U.S.C. 293a (to approve bodies for accrediting schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing and public health).

Dated: October 24, 1963.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 63–11530; Filed, Oct. 30, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63–EA–16]

TOWER OF MOTION CORPORATION

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (1–OE–3463) to determine its effect upon the safe and efficient utilization of navigable airspace.

Tower of Motion Corporation, New York, New York, proposes to construct an observation tower in Flushing, New York, at latitude 40°43'41" N., longitude 73°50'11" W. The overall height of the structure would be 655 feet above mean sea level (650 feet above ground). The structure would be located on the World's Fair grounds and is planned as a temporary building to be removed at the close of the fair.

The proposal was originally submitted and circularized as a permanent tower 1,755 feet above mean sea level (1,750 feet above ground) at the same location. Subsequently, the Tower of Motion Corporation revised its proposal changing the overall height to 650 feet above ground and advising that the structure would be removed at the termination of the fair.

The proposed observation tower would be approximately three miles south of the Flushing Airport, 3.5 miles southeasterly of the LaGuardia Airport and five miles northwesterly of the Idlewild International Airport. At the proposed location and height the observation tower would exceed hazard standards in Part 77, Federal Aviation Regulations as follows:

1. Section 77.23(a)(2) by 450 feet since it would be within the La Guardia Airport control zone and within several Federal airways.

2. Section 77.25(b)(1) by 318 feet since it would penetrate the conical surface for La Guardia Airport.

3. Section 77.25(c)(1) by 143 feet since it would penetrate the outer horizontal surface for Idlewild International Airport.

4. Section 77.25(c)(2) by 151 feet since it would penetrate the outer horizontal surface for Flushing Airport.

The aeronautical study disclosed that the observation tower would adversely affect instrument flight rules minimum flight altitudes and procedures as follows:

1. Raise the La Guardia Airport circling minimums from 700 feet to 800 feet.

2. Raise the Floyd Bennet Airport ground controlled approach (GCA) pattern to Runway 19 from 1,500 feet to 1,700 feet.

3. Raise the radar vectoring minimum altitude in the southeast quadrant of La Guardia from 1,600 feet to 1,700 feet.

4. Raise the minimum obstruction clearance altitude on Victor 1 between Idlewild VOR and New Rochelle Intersection from 1,400 feet to 1,700 feet.

None of the affected IFR minimum flight altitudes can be changed to accommodate the observation tower without a substantial adverse effect upon aeronautical operations and the efficient utilization of airspace in the New York terminal area.

The study also disclosed that the observation tower would be, by far, the highest structure within a six-mile radius of its site and, with the exception of the Manhattan skyscrapers, would be the highest structure within a 16-mile radius. There are 18 known landing areas in that area, five of which are major airports.

The observation tower would be on an established helicopter route between La Guardia Airport and Idlewild International Airport and would be in the 500-foot helicopter holding pattern.

The observation tower would be in the flight path of aircraft departing from La Guardia Airport making a right turn out from Runway 13, making a left turn out from Runway 22, and of aircraft operating in a left traffic pattern for landing on Runway 31. These affected aeronautical procedures have been established to provide the most effective patterns and efficient air traffic handling possible. To change them would have a substantial adverse effect upon aeronautical operations in the New York terminal area.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 24, 1963.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63–11473; Filed, Oct. 30, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15200]

ALLAN DAVE DOUGLAS, JR., AND FRANCES MARIE DOUGLAS

Order To Show Cause

In the matter of Allan Dave Douglas, Jr. and Frances Marie Douglas, Gardena, California, Docket No. 15200; order to show cause why there should not be revoked the license for Radio Station WM-3812 aboard the vessel "Black Douglas".

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, That, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Letter dated March 11, 1963, concerning violation of §§ 8.156, 8.111(e), 8.357(b), and 8.367(a) of the Commission's rules."

It further appearing, That said licensee did not reply to such communication or to a follow-up letter dated Aug. 19, 1963, also mailed to the licensee at his address of record; and

It further appearing, That, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 25th day of October 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of P.O. Box 1291, Gardena, California.

Released: October 28, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63–11534; Filed, Oct. 30, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7840–55, between the member lines of the Atlantic Passenger Steamship Conference, modifies the basic agreement, as amended, to provide for the extension of reduced fares for military personnel and their families for a further period from October 1, 1964 through December 31, 1964, on sailings described therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–11512; Filed, Oct. 30, 1963; 8:48 a.m.]

ISTHMIAN LINES, INC., AND ALCOA STEAMSHIP CO., INC.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9266, between Isthmian Lines, Inc., and Alcoa Steamship Company, Inc., provides for a through billing arrangement for general cargo transported from loading ports of Isthmian Lines, Inc., in the Philippines, Federation of Malaya, State of Singapore, Thailand, South Viet Nam, Cambodia, Indonesia, Burma, India, Pakistan, Ceylon, Persian Gulf, Red Sea, and Gulf of Aden ports, and ports in Egypt, Lebanon, Syria, Turkey and Greece, to ports of call of the Alcoa Steamship Company, Inc., in the Virgin Islands, with transhipment at the ports of New York, N.Y., Baltimore, Md., and Philadelphia, Pa., in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–11513; Filed, Oct. 30, 1963; 8:48 a.m.]

ISTHMIAN LINES, INC., AND ALCOA STEAMSHIP CO., INC.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9267, between Isthmian Lines, Inc., and Alcoa Steamship Company, Inc., provides for a through billing arrangement for general cargo transported from loading ports of Isthmian Lines, Inc., in the Philippines, Federation of Malaya, State of Singapore, Thailand, South Viet Nam, Cambodia, Indonesia, Burma, India, Pakistan, Ceylon, Persian Gulf, Red Sea, and Gulf of Aden ports, and ports in Egypt, Lebanon, Syria, Turkey and Greece, to ports of call of the Alcoa Steamship Company, Inc., in Puerto Rico with transhipment at the ports of Mobile, Alabama, and New Orleans, Louisiana, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–11515; Filed, Oct. 30, 1963; 8:48 a.m.]

ISTHMIAN LINES, INC., AND ALCOA STEAMSHIP CO., INC.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9268, between Isthmian Lines, Inc., and Alcoa Steamship Company, Inc., provides for a through billing arrangement for general cargo transported from loading ports of Isthmian Lines, Inc., in the Philippines, Federation of Malaya, State of Singapore, Thailand, South Viet Nam, Cambodia, Indonesia, Burma, India, Pakistan, Ceylon, Persian Gulf, Red Sea, and Gulf of Aden ports, and ports in Egypt, Lebanon, Syria, Turkey and Greece, to ports of call of the Alcoa Steamship Company, Inc., in Puerto Rico, with transhipment at the ports of Baltimore, Md., and Philadelphia, Pa., in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–11516; Filed, Oct. 30, 1963; 8:48 a.m.]

JAVA PACIFIC & HOEGH LINES AND AMERICAN PRESIDENT LINES, LTD.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9271, between Java Pacific & Hoegh Lines a joint service operating under approved agreement 7838 and American President Lines, Ltd., establishes a through billing arrangement which covers and is restricted to the transportation of frozen shrimp from ports in Cochin, India to ports in Hawaii with transhipment at Hong Kong or Manila, P.I.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington

25, D.C., or may inspect a copy at the offices of the District Managers of the

MEISNER SHIPPING SERVICE ET AL.

The Interport Co., Chicago, Ill. and

45 Broadway, New York, N.Y.

time Commission Agreement No. 8005

tower would exceed hazard standards in

become final 30 days after the date of

[F.R. Doc. 63-11534; Filed, Oct. 30, 1963; 8:48 a.m.]

25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York., N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11517; Filed, Oct. 30, 1963; 8:48 a.m.]

MATSON NAVIGATION CO. AND ENCINAL TERMINALS

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-27, between Matson Navigation Company (Matson) and Encinal Terminals (Encinal), provides for the lease of certain property adjacent to Encinal's Berth 5 at Alameda, California, to be used exclusively by Matson as a marshalling yard for the handling of containers, automobiles and trucks. The lease also grants to Matson a non-exclusive right of way between the leased area and Encinal's Berth 5 and the right to install and operate a gantry crane on Berth 5 for its own use. Encinal's Terminal Tariff No. 3 will apply to Matson's operations at Berth 5 except that in lieu of the "service and facilities" charge, Matson will be assessed a miscellaneous charge as contained in Encinal's Terminal Tariff No. 3.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

October 25, 1963.

[F.R. Doc. 63-11518; Filed, Oct. 30, 1963; 8:48 a.m.]

MEISNER SHIPPING SERVICE ET AL.

Freight Forwarder Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Meisner Shipping Service, New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

General Export Forwarding Co., Chicago, Ill.	FF-1143
Win-Mar, Inc., New Orleans, La.	FF-1144
Anderson Shipping Co., Savannah, Ga.	FF-1145

The following agreements have similar terms:

Marine Forwarding Co., Inc., New York, N.Y. and Fillette, Green & Co. of Tampa, Tampa, Fla.	FF-1137
Fillette, Green & Co. of Tampa, Tampa, Fla. and Triangle Forwarding Corp., New York, N.Y.	FF-1136
Gulf Florida Terminal Co., Tampa, Fla. and United Forwarders Service, Miami, Fla.	FF-1142
Gulf Florida Terminal Co., Tampa, Fla. and Universal Transport Corp., New York, N.Y.	FF-1150
JayJay Forwarding Co., Boston, Mass. and Universal Transcontinental Corp., New York, N.Y.	FF-1134
Franoren Shipping Corp., New York, N.Y. and W. R. Zanes & Co. of La., Inc., New Orleans, La.	FF-1147
J. D. Smith Inter-Ocean, Inc., New York, N.Y. and W. N. Proctor Co., Boston, Mass.	FF-1139
J. E. Lowden & Co., San Francisco, Calif. and Castelazo & Associates, Los Angeles, Calif.	FF-1140
Foreign Shipping Service Co., Inc., New York, N.Y. and T. J. Hanson, Inc., Beaumont, Tex.	FF-1146
Universal Transcontinental Corp., New York, N.Y. and Wilmington Shipping Co., Wilmington, N.C.	FF-1152
Republic Interocean Corp., New York, N.Y. and General Shipping Company, Tampa, Fla.	FF-1135
Hugo Zanelli & Company, Houston, Tex. and Buckley & Company, New York, N.Y.	FF-1151
Dumont Shipping Co., Inc., New York, N.Y. and Coastal Forwarders, Charleston, S.C.	FF-1153
International Shipping Services, Inc., Houston, Tex. and Nolan Shipping Co., New Orleans, La.	FF-1155
Marine Forwarding Company, New York, N.Y. and Ellis Forwarding Co., Houston, Tex.	FF-1158
The Hipage Co., Inc., Norfolk, Va. and Footner & Company, Baltimore, Md.	FF-1157
The Interport Co., Chicago, Ill. and Adolf Blum & Popper, Inc., New York, N.Y.	FF-1156
Premier Shipping Co., Inc., New York, N.Y. and Harper, Robinson & Co., San Francisco, Calif. and branch offices	FF-1159
Triangle Forwarding Corp., New York, N.Y. and J. G. R. Williams, Inc., New Orleans, La.	FF-1160
Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex. and Abarim Freight Service, Inc., Brooklyn, N.Y.	FF-1163
Rohner, Gehrig & Co., Inc., New York, N.Y. and Footner & Co., Inc., Baltimore, Md.	FF-1164

Agreement No. FF-1138 between N. D. Cunningham and Company, Inc., Mobile, Alabama, party (a), and Major Forwarding Company, Inc., New York, New York, party (b), is an arrangement under which on shipments of paper, paper products or wood pulp, party (a) receives one-third (no less than $5.00) and party (b) receives two-thirds of ocean freight compensation. For all other shipments party (b) will pay party (a) a minimum of $5.00 forwarding fee, plus $0.50 for passing export declaration, plus one-third of the ocean freight compensation.

Agreement No. FF-1162 between Acco Foreign Shipping, Inc., Miami, Florida, and T. M. A. Shipping Company, New York, New York, is an arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be retained by the initiating forwarder.

Agreement No. FF-1141 between Chary Company, Inc., New York, New York, and Hugo Zanelli & Co., Houston, Texas, is an arrangement under which forwarding and service fees are $5.00 per shipment. Special services remain subject to negotiation. Ocean freight brokerage is to be divided equally.

Agreement No. FF-1148 between C. S. Greene and Company, Inc., Chicago, Illinois, and Anderson Shipping Company, Savannah, Georgia, is an arrangement under which forwarding and service fees are $5.00 per shipment. Special services remain subject to negotiation. Ocean freight brokerage is to be divided equally.

Agreement No. FF-1149 between C. S. Greene and Company, Inc., Chicago, Illinois and Herbert B. Moller, Jacksonville, Florida, is an arrangement under which forwarding and service fees are $5.00 per shipment. Special services remain subject to negotiation. Ocean freight brokerage is divided 40 percent to Herbert B. Moller and 60 percent to C. S. Greene and Company, Inc.

Agreement No. FF-1154 between Lusk Shipping Company, Inc., New Orleans, Louisiana, and J. K. Ebberwein, Savannah, Georgia, is an arrangement under which forwarding and service fees will be retained by the party accomplishing the work. Ocean freight brokerage is to be divided equally.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.

Room 333 Federal Office Building, South, 600 South Street, New Orleans 12, La.
Mail address:
P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 28, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11513; Filed, Oct. 30, 1963; 8:48 a.m.]

NEW YORK FREIGHT BUREAU (HONG KONG)

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 5700-5-C between the member lines of the New York Freight Bureau (Hong Kong) (Agreement No. 5700) further modifies temporary pooling and ceiling Agreement 5700-5, covering the trade from Hong Kong to U.S. Atlantic and Gulf ports, by increasing the ceiling of 1500 tons to 1800 revenue tons for sailings occurring on and after October 8, 1963.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 28, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-11519; Filed, Oct. 30, 1963; 8:48 a.m.]

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

Order of Investigation and Hearing

The New York Terminal Conference operates under approved Federal Maritime Commission Agreement No. 8005, as amended, which authorizes the fixing of charges for services of loading and unloading freight onto or from trucks, lighters and barges at piers operated by the Conference members. The agreement provides in pertinent part as follows:

1. That they shall establish, publish and maintain tariffs containing just and reasonable rates, charges, classifications, rules, regulations and practices with respect to the services of loading and unloading of waterborne freight onto and from trucks, lighters and barges, and the service of storage of waterborne import freight on the pier (including the fixing of free time period), as aforesaid; * * *

On January 20, 1961, the conference issued Lighterage Tariff No. 1, effective February 20, 1961, and on April 26, 1963, issued Lighterage Tariff No. 2, superseding Tariff No. 1, effective May 27, 1963, and increasing the rates by about 14 percent. These tariffs name rates, rules and regulations for the services of loading and unloading lighters and barges alongside vessels moored at piers operated by the conference members. Both of these tariffs were protested on the grounds that (1) the lighterage charges duplicate stevedoring charges assessed against the vessel and result in double payment for the same service; (2) the tariffs do not state all of the terms and conditions applicable to the services covered by the tariff; and (3) the charges assessed are "unduly high."

The conference also has on file Truck Loading and Unloading Tariff No. 6, F.M.C.-T. No. 7 naming rates, rules, and regulations for loading and unloading trucks at piers operated by the members. On July 19, 1963, the conference issued a First Revised Page 3 to Tariff No. 6, effective August 19, 1963, which amended the definition of truck unloading to provide that such service shall cover the "removing of cargo from the body of the truck to the dock, vessel or other terminal facility designated by the Terminal Operator." The previous definition covered the removing of cargo from the truck "to place of rest designated by the Terminal Operator." The purpose of the amendment is to permit the conference members to assess truck unloading charges on direct movements between truck and ship. Protests against the practice of assessing truck unloading charges on direct movement from truck to ship have been received on the ground that such movement is not properly "truck unloading," since "place of rest" cannot be construed as the vessel itself.

Information before the Commission also indicates that certain agreements may exist between the terminal operators and ocean carriers whereby part of the revenues collected from the lighter operators is refunded to the carriers. It appears that such practice may be unjust and unreasonable under section 17 of the Shipping Act, 1916, and may also violate Article 2 of Agreement No. 8005 which prohibits refunds "in any manner or by any device."

In addition, Lighterage Tariff No. 2 contains the following provision:

There shall be no charges for the loading or unloading of single pieces of cargo weighing six tons to 35 tons, inclusive, providing said cargo is received from or destined to a railroad.

It appears that such preference of rail over non-rail traffic may violate section 16 First of the Shipping Act, 1916, by giving "undue or unreasonable preference or advantage" to railroad traffic or may subject traffic not so destined or received to "undue or unreasonable prejudice or disadvantage" within the meaning of that section.

While Agreement No. 8005 permits the conference to fix rates for lighters and trucks at piers, it may not authorize the fixing of rates for lighters alongside vessels at those piers or for truck unloading services when cargo moves directly from truck to vessel. Therefore, the conference may have exceeded its authority, in violation of section 15 of the Act, in fixing and assessing such charges. It further appears that the assessing of such charges, even if within the scope of Agreement No. 8005, may constitute an unreasonable practice under section 17 of the Act, inasmuch as such charges may duplicate stevedoring charges assessed for the same service.

Furthermore, while the conference apparently assesses charges against lighters alongside the piers (as distinguished from alongside vessels), no tariff containing such charges has been filed with the Commission. Failure to file such tariff may constitute a violation of section 15 of the Act, as well as a violation of Article 4 of the conference agreement.

Therefore, it is ordered, That pursuant to sections 15, 16, 17 and 22 of the Shipping Act, 1916, the Commission, upon its own motion, enter into an investigation and hearing to determine:

(1) Whether Agreement No. 8005, as amended, permits the members thereof to consult and agree with respect to the rates, rules and regulations contained in Lighterage Tariffs No. 1 and 2 or whether the rate-fixing authority granted by that agreement is limited to the fixing of rates only with respect to lighters and barges alongside piers; and whether the practice of assessing charges against lighters alongside vessels may be an unjust or unreasonable practice under section 17 of the Act.

(2) Whether Agreement No. 8005, as amended, permits the parties thereto to amend the definition of truck unloading in Truck Loading and Unloading Tariff No. 6, to include the vessel itself as a "place of rest"; whether such definition, if authorized by the conference agreement, may result in an unjust or unreasonable practice in violation of section 17 of the Act; and whether the parties to Agreement No. 8005 engaged in that practice even prior to the amended definition.

(3) Whether the failure of the parties to Agreement No. 8005 to file a Tariff including rates assessed against lighters and barges alongside piers (as distinguished from alongside vessels) is a violation of section 15 of the Act and of Article 4 of Agreement No. 8005, as amended.

(4) Whether the tariffs filed with the Commission by the parties to Agreement No. 8005 state all of the terms and conditions applicable to the services covered

by said tariffs; whether any of the terms and conditions go beyond the routine

Compania Sud-Americana De Vapores (Chilean Line), 29 Broadway, New York 6, N.Y.

Cities Service Gas Company, Docket No.

ice attached to the Settlement Agree-

creased rates and charges in Rate Sched-

by said tariffs; whether any of the terms and conditions go beyond the routine rate-making authority granted by Agreement No. 8005, as amended, and thus require independent section 15 approval; and if so, whether such terms and conditions should be approved, disapproved or modified pursuant to section 15 of the Act.

(5) Whether any of the rates, charges, rules or regulations contained in the tariffs filed with the Commission by the parties to Agreement No. 8005 result in any undue or unreasonable preference or advantage or any undue or unreasonable prejudice or disadvantage in violation of section 16 First of the Act.

(6) Whether any agreements exist between the parties to Agreement No. 8005 and the ocean carriers using their facilities whereby part of the revenues collected from lighter operators is refunded to the carriers; whether such agreements are subject to section 15 of the Act; and whether such agreements violate Article 2 of Agreement No. 8005, which prohibits refunds "in any manner or by any device."

(7) Whether any of the rates, rules, regulations or practices of the respondents are unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United States, or are contrary to the public interest, or in any manner violate the Shipping Act, 1916.

It is further ordered, That the parties named in the Appendix attached hereto are hereby made respondents in this proceeding.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents in this proceeding.

It is further ordered, That any persons, other than respondents, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 20, 1963.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

It is further ordered, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner.

By order of the Commission, October 10, 1963.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX

American Export Lines, Inc., 26 Broadway, New York 4, N.Y.
American Stevedores, Inc., 67 Broad Street, New York 4, N.Y.
Bay Ridge Operating Co., Inc., 34 Whitehall Street, New York, N.Y.
Compania Sud-Americana De Vapores (Chilean Line), 29 Broadway, New York 6, N.Y.
Cunard Steam-Ship Co. Ltd., 25 Broadway, New York 4, N.Y.
Grace Lines, Inc., 3 Hanover Square, New York 4, N.Y.
International Terminal Operating Co., Inc., 2 Broadway, New York 4, N.Y.
Maher Stevedoring Co., Inc., 80 Broad Street, New York 4, N.Y.
Marra Bros., Inc., 725 Court Street, Brooklyn 31, N.Y.
Maude/James Inc., 185 Montague, Brooklyn, N.Y.
John W. McGrath Corp., 39 Broadway, New York 6, N.Y.
Nacirema Operating Co. Inc., 21–24 State Street, New York 4, N.Y.
Nederlandsch-Amerikaansche Stoomvaart Maatshappy "Holland-Amerika Lyn" (Holland America Line), 29 Broadway, New York 6, N.Y.
Northeast Marine Terminal Co., Inc., 17 Battery Place, New York, N.Y.
Norwegian America Line Agency, Inc., 24 State Street, New York 4, N.Y.
Packet Shipping Corp., 39 Broadway, New York 6, N.Y.
Pier 8 Terminals, Inc., Foot of Congress Street, Brooklyn 1, N.Y.
Pioneer Terminal Corp., 17 Battery Place, New York 4, N.Y.
Pittston Stevedoring Corp., 17 Battery Place, New York 4, N.Y.
Reliable Marine Service Co., Inc., 11 Atlantic Basin, Brooklyn, N.Y.
Transoceanic Terminal Corp., 163 Broad Street, New York, N.Y.
Turner & Blanchard, Inc., 21 State Street, New York, N.Y.
United Port Service Co., The, 26 Beaver Street, New York 4, N.Y.
Universal Terminal & Stevedoring Corp., 24 State Street, New York 4, N.Y.

[F.R. Doc. 63–11520; Filed, Oct. 30, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP62–1]

CITIES SERVICE GAS CO.

Order Reconvening Hearing and Prescribing Procedure Therefor

OCTOBER 24, 1963.

This proceeding involves proposed rate increases submitted by Cities Service Gas Company (Cities Service) on June 21, 1961, for its jurisdictional natural gas sales. On July 21, 1961, the Commission suspended the increased rates and charges proposed by Cities Service until December 23, 1961 [1] and ordered a public hearing thereon. Prior to the end of the suspension period, the Commission approved a Settlement Agreement on December 22, 1961, which had been submitted to it by Cities Service and agreed to by all the parties to this proceeding. The Settlement Agreement and the Commission order thereon reserved for future determination the issue relating to the proper allowance for federal income taxes to be reflected in Cities Service's cost of service attached to the Settlement Agreement.

On July 15, 1963, the Commission issued its Opinion No. 396 and order in Cities Service Gas Company, Docket No. G–18799. By its Opinion No. 396, the Commission determined the proper federal income tax allowance for Cities Service in that proceeding and the method by which the tax allowance was computed. Cities Service's petition for rehearing of Opinion No. 396 was denied by the Commission on September 10, 1963.

It is now appropriate to reconvene the hearing in this proceeding to resolve the federal income tax issue reserved by the Settlement Agreement and the Commission's order thereon. In order to expedite this hearing and to avoid possible duplication of evidence, we shall prescribed the procedure and the evidence that should be placed in the record. We shall require Cities Service to present its direct evidence, in advance of hearing as hereinafter ordered, on the proper federal income tax allowance to be included in its cost of service in accordance with our method of computation in Opinion No. 396. This requirement, however, does not preclude Cities Service from presenting additional testimony and exhibits reflecting another method of computing the federal income tax allowance based on changed activities or operations, which substantiate a deviation in the method of computation established under Opinion No. 396. Thereafter the Commission Staff will serve its direct case upon the parties in this proceeding, and, in order to avoid possible duplication of evidence and unnecessary expenditure of time, energy, and money, we will permit the interveners to serve their direct evidence 10 days after the service of the Staff's direct case. After the filing of the direct cases of the parties, we will order the Presiding Examiner to convene a prehearing conference and, thereafter, to control the procedure of the proceedings to an expeditious determination of the issue involved herein.

In addition to the aforementioned direct testimony and exhibits, Cities Service shall serve and place in the record the following information with respect to the consolidated income tax returns filed by its parent, Cities Service Company, with the Internal Revenue Service:

(1) By years and for each year, 1960, 1961, and 1962, the information required to be filed under § 154.63, section H(3)—3, of the Commission's regulations under the Natural Gas Act pertaining to consolidated federal income tax returns.

(2) A statement of the business activities of each company included in the consolidated tax returns and whether that company is regulated, in whole or in part, by any regulatory agency, federal, state, municipal, etc.

It is immaterial to the Commission whether the above information is supplied by Cities Service or its parent, Cities Service Company. If the latter wishes to participate in this proceeding, its petition for intervention will be granted.

The Commission finds: It is necessary and proper in enforcing the provisions of the Natural Gas Act that a public hearing be held on the issue of the proper federal income tax allowance to be reflected in Cities Service's cost of service attached to the Settlement Agreement approved herein and to prescribe the procedure for the expeditious hearing thereon.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held at a time and place hereinafter to be designated by the Presiding Examiner, concerning the proper federal income tax allowance to be reflected in Cities Service's cost of service attached to the Settlement Agreement approved herein on December 22, 1961.

(B) On or before November 12, 1963, Cities Service shall serve upon all parties to this proceeding its direct testimony and exhibits as set out above and the information designated in paragraphs (1) and (2) above.

(C) On or before December 3, 1963, the Commission Staff shall serve upon all parties to this proceeding its direct testimony and exhibits.

(D) Any intervener proposing to submit evidence shall serve its direct testimony and exhibits upon all parties to this proceeding on or before December 13, 1963.

(E) A prehearing conference shall be held on December 17, 1963, at 10:00 a.m., e.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purposes of reaching such agreements as will expedite the determination herein including, but not limited to, stipulation of facts, narrowing and defining issues, establishing dates for service of rebuttal testimony and for cross-examination of all testimony.

(F) The cross examination, when commenced, shall be continuous as to all witnesses to be presented, unless the Presiding Examiner finds that extraordinary circumstances preclude such procedure.

(G) The Presiding Examiner shall control the progress of this proceeding to its prompt conclusion.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–11484; Filed, Oct. 30, 1963; 8:46 a.m.]

[1] The proposed increased rate applicable to the sales of gas for resale for industrial use only was permitted to become effective as of July 23, 1963—the date proposed by Cities Service.

[Docket No. RP64–9]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 25, 1963.

Pursuant to § 2.59(a) of the Commission's rules of practice and procedure (18 CFR 2.59(a)), notice is hereby given that Cities Service Gas Company on October 23, 1963, filed proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, to become effective on November 23, 1963. The newly proposed changes reflect increased rates and charges in Rate Schedules F–1, F–2, C–1, C–2, I–1, I–2, P, and X–5. The total proposed increase in rates and charges amount to $5,296,571, based on actual sales during the twelve-month period ending June 30, 1963.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure on or before November 15, 1963.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–11485; Filed, Oct. 30, 1963; 8:46 a.m.]

[Docket No. E–7132]

HOLYOKE WATER POWER CO.

Notice of Application

OCTOBER 25, 1963.

Take notice that on October 21, 1963, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Holyoke Water Power Company (Applicant), specially chartered and organized under the laws of the Commonwealth of Massachusetts and doing business in that State with its principal place of business in Holyoke, Massachusetts, seeking an order authorizing the issuance of 240,000 shares of Common Stock, par value $5 per share, to be issued pro rata to existing holders of capital stock of the Applicant as of the close of business on December 20, 1963.

According to the application, Applicant proposes to reduce the par value of the 240,000 shares of its capital stock presently issued from $10 per share to $5 per share. The proposed issuance of 240,000 additional shares to its existing stockholders is simply a stock split and will result in no change in their equity or in the capitalization of Applicant, the application states. Applicant represents that the purpose of the proposed issuance of Common Stock is to increase the availability of the stock to potential investors, and thus achieve wider distribution of Applicant's capital stock. Applicant believes this would be beneficial particularly in connection with any future financing through the issuance of securities. Applicant states there is presently a rather thin market for Applicant's stock which is traded over the counter.

Any person desiring to be heard or to make any protest with respect to said application should, on or before the 15th day of November, 1963, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the rules of practice and procedure of the Commission (CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–11486; Filed, Oct. 30, 1963; 8:46 a.m.]

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO.

Order Fixing Hearing and Prescribing Procedure

OCTOBER 24, 1963.

A license issued to Pacific Gas and Electric Company January 24, 1955, authorized construction of a hydroelectric plant on the North Fork of the Feather River to be known as the Belden development. This development is one of a series of plants operated by the licensee on the Feather River, and would consist of a diversion dam just below the Caribou Plants, where water would be diverted through a tunnel and series of conduits to a power house a considerable distance downstream. Article 26 of the license provided for studies between the licensee and "interested Federal and State of California agencies" for the purpose of arriving at an agreement on the quantities of water to be released at the Belden Diversion Dam and from Alamanor Dam for the benefit of fish and recreational purposes.

By letter of June 29, 1961, the Department of Fish and Game of the State of California referred to Article 26, and stated that it considered that the investigations and studies provided for by this Article has been completed. Further, it was stated that although meetings between the licensee and interested agencies had been held, no agreement under Article 26 could be achieved. Provisions for water releases and other measures were then recommended for incorporation in Article 26.

On July 16, 1962, the licensee requested additional time within which to complete construction of the balance of the Belden development (the diversion dam and reservoir were completed on schedule), for the reason that agreements on water releases under Article 26 had not been concluded. Since the design of the remaining facilities would depend on the amount of water available for power, the licensee could not proceed with construction according to schedule. The Commission's Order of May 6, 1963, extended the time for completion of the Belden Project works on December 31, 1966.

By application for amendment filed February 27, 1963, licensee requested modification of Article 26 of the license, stating that it had accepted the license provisions with the expectation that an agreement on water flows could be reached. The licensee stated that in view of the responses it has received from the interested agencies, it felt that further negotiations would be futile. Thus the licensee recommends that its proposed modifications of Article 26 be adopted by the Commission after notice and opportunity for hearing.

Notice of the Application for Amendment of License filed on February 27, 1963, was given by the Commission on April 3, 1963. Pursuant to this notice a Petition for Intervention was filed by the State of California acting by and through its Department of Fish and Game on May 24, 1963, and by the Secre-

tary of the Interior acting by and through the Bureau of Sport Fisheries and Wildlife on May 27, 1963. By letter of June 10, 1963, the Department of Agriculture stated that if a hearing were scheduled on Article 26 the Forestry Service would wish to present testimony. These foregoing agencies are "interested Federal and State of California agencies" within the terms of Article 26 without any further intervention on their part.

The Commission finds: It is appropriate and in the public interest to hold a public hearing affording the Licensee, the Department of Fish and Game of the State of California, the U.S. Bureau of Sport Fisheries, the U.S. Forest Service, and Commission staff, opportunity to present evidence as hereinafter provided on the issues involved.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in San Francisco, California on January 27, 1964, at 10 a.m., P.s.t. in a hearing room to be designated, respecting Article 26 and the application for amendment of license for Project No. 2105.

(B) The following procedure in this proceeding is prescribed:

(1) A prehearing conference will be held on November 5, 1963 at 10 a.m., e.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426 before the Presiding Examiner.

(2) The parties, including Commission staff, shall by December 16, 1963, file their direct testimony and exhibits.

(3) The parties, including Commission staff, shall file their rebuttal testimony and exhibits by January 13, 1964.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes, and all exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(5) Any motions to strike any part of the prepared testimony and exhibits shall be filed by January 20, 1964, and answers thereto shall be filed by January 27, 1964.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63-11487; Filed, Oct. 30, 1963; 8:46 a.m.]

[Docket No. G-20082]

SINCLAIR OIL & GAS CO. ET AL.

Order Redesignating Proceeding

OCTOBER 24, 1963.

Sinclair Oil & Gas Company (Operator), et al. (formerly Sinclair Oil & Gas Company), Docket No. G-20082.[1]

[1] Consolidated with AR61-1.

Sinclair Oil & Gas Company (Sinclair) filed a petition to amend its certificate issued in Docket No. G-14739 to include the interest of 15 signatory co-owners in acreage located in Texas Railroad Commission District No. 7-c. The co-owners have each executed a ratification agreement dedicating their interest to applicant's contract. On August 6, 1963, a letter order was issued by the Commission amending the certificate issued in Docket No. G-14739 to include the term "(Operator), et al.". The rate presently in effect subject to refund in Docket No. G-20082 for the sale of gas certificated by Docket No. G-14739 is 13.68225 cents per Mcf at 14.65 psia. The agreement and undertaking filed by Sinclair to assure refund of any excess charges in Docket No. G-20082 is also to be deemed to cover the 15 signatory co-owners involved here.

The Commission finds: Good cause has been shown for designating the proceeding as hereinabove captioned.

The Commission orders: The proceeding in Docket No. G-20082 is redesignated as indicated in the caption hereof.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63-11488; Filed, Oct. 30, 1963; 8:46 a.m.]

[Docket No. G-20464 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Order Granting Severance, Denying Consolidation and Fixing Date of Hearing

OCTOBER 24, 1963.

Transwestern Pipeline Company, et al., Docket No. G-20464, etc.; Cities Service Production Company, Docket No. CI63-888; Shell Oil Company, Docket No. CI63-892; Gulf Oil Corporation, Docket No. CI63-962; Phillips Petroleum Company, Docket No. CI63-1005; California Oil Company, Western Division, Docket No. CI63-1105; Tidewater Oil Company, Docket No. CI63-1161; Sun Oil Company, Docket No. CI63-1171; Humble Oil & Refining Company, Docket No. CI63-1187; Texas Pacific Coal & Oil Company, Docket No. CI63-1216; Sinclair Oil & Gas Company, Docket No. CI63-1221; The Pure Oil Company, Docket No. CI63-1242; Olen F. Featherstone, et al., Docket No. CI63-1308; The Oil Capitol Corporation, Docket No. CI63-1349; George G. Anderman, et al., Docket No. CI63-1405; Peter Henderson Oil Company, Docket No. CI63-1523; Husky Oil Company, Docket No. CI63-1534; Patrick A. Doheny, et al., Docket No. CI63-1562; Continental Oil Company, Docket No. CI64-39.

The following, of the above listed, independent producers on the dates indicated, filed motions for severance of the proceedings upon their respective applications from the consolidated proceedings in Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al.

Date	Applicant	Docket Nos.
1963		
Aug. 16	Cities Service Production Co. (Cities Service)	CI63-888
	Shell Oil Co. (Shell)	CI63-892
	Phillips Petroleum Co. (Phillips)	CI63-1005
	Tidewater Oil Co. (Tidewater)	CI63-1161
	Humble Oil Co. (Humble)	CI63-1187
	Sinclair Oil & Gas Co. (Sinclair)	CI63-1221
	The Pure Oil Co. (Pure)	CI63-1242
	Patrick A. Doheny, et al. (Doheny)	CI63-1562
	Continental Oil Co. (Continental)	CI64-39
Aug. 20	Texas Pacific Coal & Oil Co. (Texas)	CI63-1216
Aug. 26	Gulf Oil Corp. (Gulf)	CI63-962
	George G. Anderman, et al. (Anderman)	CI63-1405
Aug. 29	Husky Oil Co. (Husky)	CI63-1534

The aforementioned producer applicants seek certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the sale of natural gas from the Wind River Basin, Wyoming to Colorado Interstate Gas Company (CIG). CIG is the applicant in Docket No. CP63-206 for a certificate authorizing, among other things, the construction and operation of facilities necessary to purchase natural gas from the Wind River producers. The proceedings upon the applications of the Wind River producers, CIG's application filed in Docket No. CP63-206 and other applications have heretofore been consolidated for hearing with the proceeding upon CIG's applications in Docket No. CP63-344 (Phase Two).

Since, by Commission order of September 9, 1963, CIG was directed to make a full showing for any need for additional reserves in the proceedings in Western Transmission Corporation (Western), Docket No. CP63-329 and U.S. Natural Gas Corporation (U.S. Natural) Docket No. CI63-1460, there appears to be no reason why CIG should be unable to present the same full showing, i.e., total system-wide reserves and deliverability and a complete market showing to substantiate, in this instance, a need for the Wind River reserves in a separate hearing on the application of all the Wind River producers.

Sinclair, Shell and Continental on October 1, and Pure on October 8, 1963, filed motions for consolidation of their applications with those of Western in Docket No. CP63-329 and U.S. Natural in Docket No. CI63-1460. The applications of Western and U.S. Natural were severed by the Commission's order of September 9, 1963, from the consolidated proceedings in Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al. Western and U.S. Natural by answer of October 3, 1963, opposed the aforementioned motions for consolidation of Sinclair, Shell and Continental. California Oil Company, Western Division (California), on October 1, and Sinclair, Shell and Continental on October 8, 1963, filed petitions for leave to intervene in the aforementioned proceedings of Western and U.S. Natural which petitions were granted by the Commission's order of October 15, 1963. Since the asserted rights and interests of these producers may be protected by their status as intervenors, consolidation would be unnecessary and only needlessly complicate the proceedings in CP63-329 and CI63-1460. Pure's pending motion for consolidation with the aforementioned proceedings should be denied since they, as a Wind River Producer, will be granted severance from Docket Nos. G-20464, et al. and a separate hearing.

The Commission finds:

(1) It is in the public interest to sever all of the Wind River producers from the proceedings in Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al. and fix a date for separate hearing of the severed proceedings.

(2) It is in the public interest to deny the motions for consolidation with the proceedings in Docket Nos. CP63-329 and CI63-1460.

The Commission orders:

(A) Severance of the Wind River producers from the consolidated proceedings in Docket Nos. G-20464, et al.

(B) The motions for consolidation are hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 3, 1963, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in the proceedings of the Wind River producers.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63-11490; Filed, Oct. 30, 1963; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER, HHFA REGIONAL ADMINISTRATORS, AND REGIONAL DIRECTORS OF URBAN RENEWAL

Delegation of Authority To Execute Requisition Agreements Securing Bonds

The Urban Renewal Commissioner, and the HHFA Regional Administrator and the Regional Director of Urban Renewal within his respective Region, each is hereby authorized to execute requisition agreements under section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), securing the payment of the principal of and interest on bonds evidencing a definitive loan under section 102(a) of said Act, and, as an incident to the security and marketability of such bonds, securing the payment of premiums and the cost of the redemption of bonds and the fees and charges of paying agents, each of which bonds provides that it shall not be valid until the paying agent has executed an agreement appearing on the bond to act as paying agent, and under which requisition agreement the United States, among other things:

1. Pledges the full faith and credit of the United States to the payment of the principal of and interest on such bonds, and agrees under section 102(c) of the Act that the payment agreement set forth under subparagraph 2 below shall be construed separate and apart from the pertinent loan contract, including the specific loan payment contract under such requisition agreement, and shall be incontestable in the hands of a bearer; and

2. Agrees, as an incident to the security and marketability of such bonds, to pay or cause to be paid the premiums and cost of the redemption of the bonds and the fees and charges of paying agents, and also agrees to evidence its promise to pay or cause to be paid each such bond, including the interest thereon, by a payment agreement executed on behalf of the United States by the facsimile signature of the Housing and Home Finance Administrator holding office on the date of sale by the local public agency of the particular bonds, in substantially the following form:

PAYMENT AGREEMENT

Pursuant to section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), the United States hereby unconditionally agrees that on the maturity of the within Bond, and on the respective dates established for the payment of the interest thereon, it will pay or cause to be paid to the bearer or registered owner of either or both said Bond or interest thereon, as the case may be, the principal of and interest on such Bond, upon the presentation and surrender of such Bond or the uncanceled interest coupons appertaining thereto, if any, as the case may be, to the Paying Agent or the alternate Paying Agent identified therein; and the full faith and credit of the United States is pledged to such payment. Under section 102(c) of the Act, this Agreement shall be construed separate and apart from the loan contract and the specific loan payment contract evidenced by the Requisition Agreement referred to in the within Bond, and shall be incontestable in the hands of a bearer.

In witness whereof, this Agreement has been executed on behalf of the United States by the duly authorized facsimile signature of the Housing and Home Finance Administrator, as of the date of the within Bond.

UNITED STATES OF AMERICA
By (Facsimile signature)
Housing and Home Finance Administrator.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

This delegation is effective as of the 31st day of October 1963.

[SEAL] ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 63-11521; Filed, Oct. 30, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 28, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38614: *Sulphuric acid to Tennessee points.* Filed by O. W. South, Jr., agent (No. A4388), for interested rail carriers. Rates on sulphuric acid, in tankcar loads, from Baton Rouge and North Baton Rouge, La., to Charleston, Kingsport and Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 67 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 38615: *Sulphuric acid to Mount Pleasant, Tenn.* Filed by O. W. South, Jr., agent (No. A4389), for interested rail carriers. Rates on sulphuric acid, in tankcar loads, from Baton Rouge, La., to Mount Pleasant, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 68 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 38616: *Soybeans to Sherman, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8465), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from points in Kansas, Missouri and Oklahoma, to Sherman, Tex.

Grounds for relief: Carrier competition.

Tariff: Supplement 33 to Southwestern Freight Bureau, agent, tariff I.C.C. 4496.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-11522; Filed, Oct. 30, 1963; 8:48 a.m.]

[Notice 890]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 28, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the

order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66337. By order of October 24, 1963, the Transfer Board approved the transfer to Johnson Motor Freight, Inc., Barberton, Ohio, of Certificates in Nos. MC 48974, and MC 48974 (Sub-No. 3), issued April 4, 1957 and October 19, 1960, respectively, to A. L. Johnson, doing business as Johnson Motor Freight, Barberton, Ohio, authorizing the transportation of: Sodium Hypochlorite solution, in shipper-owned tank trailers, from Barberton, Ohio, to Kittanning and New Castle, Pa.; empty shipper-owner trailers, from the destination points specified above, to Barberton, Ohio; compressed gases (other than petroleum gases), in shipper-owned trailers, from Euclid and Barberton, Ohio, to points in Allegheny, Beaver, Washington, and Westmoreland Counties, Pa.; empty shipper-owned trailers, from destination counties named above, to Euclid and Barberton, Ohio; and household goods, between points in Summit County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, and points in the Southern Peninsula of Michigan. Richard H. Brandon, Hartman Building, Columbus 15, Ohio, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-11523; Filed, Oct. 30, 1963; 8:48 a.m.]

[Sec. 5(a) Application No. 84]

ALASKA STEAMSHIP CO., AND CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE

Modified Procedure Regarding Application for Approval of Agreement

Upon consideration of the petition filed August 15, 1963, by the Alaska Steamship Company and the Consolidated Freightways Corporation of Delaware requesting approval of an agreement implementing the establishment of through routes and joint rates and charges for coordinated motor-steamship-motor service between Seattle, Washington and points and places in Alaska;

It is ordered, That this proceeding be handled under modified procedure; that the parties listed below or their representatives comply with the provisions of rules 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings (see footnotes 1 and 2 below) to be as follows: (a) Opening statement of facts and argument by applicants (and any parties supporting applicants) on or before November 21, 1963; (b) 30 days after that date, statement of facts and argument by protestants (and any supporting parties); and (c) reply by applicants (and any supporting parties) 10 days thereafter. The stated specific time periods apply to all parties.

It is further ordered, That within 25 days from the date hereof protestants shall advise applicants and this Commission of the identity, including addresses, of the individuals composing the protestants' defense committee (should it be protestants' intention in the instant proceeding to have such a committee), together with an indication of the number of copies of applicants' statement which are desired, and to whom the copies are to be sent.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register.

Dated at Washington, D.C., this 22d day of October A.D. 1963.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

NOTE 1. The general rules of practice provide in rule 1.50 that facts asserted in any pleading filed under modified procedure must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Failure to observe the requirement indicated by underscoring will result in rejection of the pleading.

NOTE 2: All communications pertaining to this proceeding shall be addressed to Harold D. McCoy, Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Bogle, Bogle & Gates, Stanley B. Long, 14th Floor Norton Building, Seattle 4, Wash., attorneys for Alaska Steamship Co., Pier 42, Seattle 4, Wash.

Eugene T. Liipfert, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C., attorney for Consolidated Freightways Corporation of Delaware, 175 Linfield Drive, Menlo Park, Calif.

[F.R. Doc. 63-11524; Filed, Oct. 30, 1963; 8:48 a.m.]

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